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PROCEEDINGS AND DEBATES OF THE 93d CONGRESS
FIRST SESSION

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United States
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Congressional Record

PROCEEDINGS AND DEBATES OF THE 93$^{d}$ CONGRESS, FIRST SESSION

# SENATE—*Wednesday, January 3, 1973*

The third of January being the day prescribed by the Constitution of the United States for the annual meeting of the Congress the first session of the 93d Congress, commenced this day.

The Senate assembled in its Chamber at the Capitol.

The Senate was called to order by the Vice President.

## PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers and our God, who has watched over us from generation to generation, in prosperity and adversity, in peace and in war, we thank Thee for this new year with its new horizons, fresh challenges, and high duties.

Into Thy hands we commit the Government of this Nation.

May the solemn induction of some Members of this body become the renewal of vows for all. Join us in heart, mind, and soul to concert our best efforts for the common good. Make us new men for new times.

Keep us, O God, so dedicated to Thee and so completely under Thy rulership that we may do justly, love mercy, and walk humbly with Thee all our days.

Through Jesus Christ, our Lord. Amen.

## CREDENTIALS—RESIGNATIONS AND APPOINTMENTS

The VICE PRESIDENT. The Chair lays before the Senate the letters of resignation of Senator Edwards of Louisiana, together with the certificate of appointment of Mr. J. Bennett Johnston, Jr., of Louisiana, which the clerk will read.

The legislative clerk read as follows:

November 13, 1972.

Hon. Edwin W. Edwards,
*Governor of Louisiana,*
*Baton Rouge, La.*

Dear Governor Edwards: I hereby tender my resignation as a member of the United States Senate from Louisiana, to become effective at the close of business on Monday, November 13, 1972.

Sincerely,

Elaine S. Edwards.

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U.S. Senate,
*Washington, D.C., November 13, 1972.*

Hon. Spiro T. Agnew,
*Vice President of the United States,*
*Washington, D.C.*

My Dear Mr. Vice President: I hereby tender my resignation as a member of the United States Senate from Louisiana, to become effective at the close of business on Monday, November 13, 1972.

Sincerely yours,

Elaine S. Edwards,
*U.S. Senator.*

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State of Louisiana,
Executive Department,
*Baton Rouge, November 14, 1972.*

To the President of the Senate of the United States and the Secretary of the Senate of the United States:

Sirs: Under and by virtue of the authority vested in me by the Constitution of the United States, particularly Amendment XVII thereof, and Section 1414 of Title 18 of the Louisiana Revised Statutes of 1950, I do hereby appoint J. Bennett Johnston, Jr., as Senator from the State of Louisiana to fill the vacancy caused by the resignation of the Honorable Elaine S. Edwards as Senator from the State of Louisiana.

Witness: His Excellency, our Governor, Edwin W. Edwards, and our Seal hereto affixed at Baton Rouge, Louisiana, this 14th day of November, in the year of Our Lord, nineteen hundred and seventy-two.

Edwin Edwards,
*Governor.*

By the Governor:

Wade O. Martin, Jr.,
*Secretary of State.*

The VICE PRESIDENT. The Chair lays before the Senate the credentials of Sam Nunn, duly chosen a Senator by the qualified electors of the State of Georgia on November 7, 1972, caused by the death of Hon. Richard Brevard Russell, which without objection is ordered to be placed on file. The clerk will read the certificate of election.

The legislative clerk read as follows:

Certificate of Election for Unexpired Term

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, Honorable Sam Nunn was duly chosen by the qualified electors of the State of Georgia a Senator for the unexpired term ending at noon on the 3rd day of January, 1973, to fill the vacancy in the representation from said State in the Senate of the United States caused by the death of Honorable Richard Brevard Russell.

Witness: His Excellency our Governor, and our Seal hereto affixed at the State Capitol in Atlanta, Georgia, this 16th day of November, in the year of our Lord 1972.

Ben W. Fortson, Jr.,
*Secretary of State.*

Jimmy Carter,
*Governor.*

The VICE PRESIDENT. The Chair lays before the Senate the credentials of 33 Senators elected for 6-year terms beginning January 3, 1973. All certificates, the Chair is advised, are in the form suggested by the Senate, except the ones from Delaware and Arkansas, which used State forms but contained all the requirements of the form suggested by the Senate.

If there be no objection, the reading of the 33 certificates will be waived and they will be printed in full in the Record.

There being no objection, the reading of the 33 certificates was waived and are printed in the Record as follows:

State of South Dakota,
*Executive Department.*

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, James Abourezk was duly chosen by the qualified electors of the State of South Dakota as Senator from said State to represent South Dakota in the Senate of the United States for a term of six years, beginning on the third day of January, nineteen hundred and seventy-three.

Witness: His excellency our Governor Richard F. Kneip, and our seal hereto affixed at Pierre, the Capital, this 6th day of December, in the year of our Lord nineteen hundred and seventy-two.

By the Governor:

Richard F. Kneip,
*Governor.*

Alma Larson,
*Secretary of State.*

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To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, Honorable Howard H. Baker, Jr., was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the Term of six years, beginning on the 3d day of January, 1973.

Witness His excellency our Governor Winfield Dunn, and our seal hereto affixed at Nashville this 4th day of December, in the year of our Lord 1972.

Winfield Dunn,
*Governor.*

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To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, Dewey F. Bartlett was duly chosen by the qualified electors of the State of Oklahoma a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1973.

Witness: His excellency our Governor David Hall, and our seal hereto affixed at Oklahoma City, Oklahoma this 21 day of December, in the year of our Lord 1972.

By the Governor of the State of Oklahoma:

David Hall.

To the President of the Senate of the United States:

Be it known. An election was held in the State of Delaware, on Tuesday, the 7th day of November, in the year of our Lord one thousand nine hundred and seventy-two that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States.

Whereas, The official certificates or returns of the said election, held in the several counties of the said State, in due manner made out, signed and executed, have been delivered to me according to the laws of the said State, by the Superior Court of the said counties; and having examined said returns, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, I have found Joseph R. Biden to be the person highest in vote, and therefore duly elected Senator of and for the said State in the Senate of the United States for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and seventy-three.

I, Russell W. Peterson, Governor, do, therefore, according to the form of the Act of the General Assembly of the said State and of the Act of Congress of the United States, in such case made and provided, declare the said Joseph R. Biden, Jr., the person highest in vote at the election aforesaid, and therefore duly and legally elected Senator of and for the said State of Delaware in the Senate of the United States, for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and seventy-three.

Given under my hand and the Great Seal of the said State, in obedience to the said Act of the General Assembly and of the said Act of Congress, at Dover, the twenty-first day of November in the year of our Lord one thousand nine hundred and seventy-two and in the year of the Independence of the United States of America the one hundred and ninety-seventh.

Russell W. Peterson,
*Governor.*
Walter H. Simpson,
*Secretary of State.*

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The Commonwealth of Massachusetts.

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, nineteen hundred and seventy-two, Edward W. Brooke was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from Said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and seventy-three.

Witness: His Excellency our Governor, Francis W. Sargent, and our seal hereto affixed at Boston, this sixth day of December, in the year of our Lord nineteen hundred and seventy-two.

By the Governor:

Francis W. Sargent,
*Governor.*

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State of New Jersey.

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, Clifford P. Case, was duly chosen by the Qualified electors of the State of New Jersey a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1973.

Witness: His Excellency our Acting Governor Raymond H. Bateman, and our Seal hereto affixed at Trenton, this 5th day of December, in the year of our Lord 1972.

By the Acting Governor:

Raymond H. Bateman,
*Acting Governor.*

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State of Iowa.
*Executive Department.*

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, Richard Clark was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1973.

Dated at Des Moines, Iowa on the 27th day of December 1972.

In testimony whereof, we have unto set our hands and caused to be affixed the Great Seal of the State of Iowa this 27th day of December, A.D. 1972.

Robert D. Ray,
*Governor.*

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State of Nebraska.

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, Carl T. Curtis was duly chosen by the qualified electors of the State of Nebraska a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 1973.

Witness: His excellency our Governor J. James Exon, and our seal hereto affixed at Lincoln, Nebraska this twelfth day of December, in the year of our Lord, 1972.

J. J. Exon,
*Governor,*

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State of New Mexico,
Executive Office,
*Santa Fe, N. Mex.*

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, 1972 Pete V. Domenici was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1973.

Witness: his excellency our Governor, Bruce King, and our seal hereto affixed at Santa Fe, this fifteenth day of December, in the year of our Lord 1972.

Bruce King,
*Governor.*

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Mississippi Executive Department,
*Jackson.*

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, A.D., 1972, James O. Eastland was duly chosen by the qualified electors of the State of Mississippi a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1973.

Witness: His excellency our Governor William L. Waller, and our seal hereto affixed at Jackson, Mississippi, this 7th day of December, in the year of our Lord, 1972.

William L. Waller,
*Governor.*

By the Governor:

Heber Ladner,
*Secretary of State.*

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State of Michigan,
*Executive Office.*

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, Robert P. Griffin was duly chosen by the qualified electors of the State of Michigan a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1973.

Witness: His excellency our Governor, William G. Milliken, and our seal hereto affixed at Lansing this first day of December, in the Year of Our Lord 1972.

William G. Milliken,
*Governor.*

By the Governor:

Richard H. ———,
*Secretary of State.*

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To the President of the Senate of the United States:

This is to certify that on the seventh day of November, 1972, Clifford P. Hansen was duly chosen by the qualified electors of the State of Wyoming a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1973.

Witness: His excellency our governor Stanley K. Hathaway, and our seal hereto affixed at Cheyenne, Wyoming this twelfth day of December, in the year of our Lord 1972.

By the Governor:

Stanley K. Hathaway,
*Governor.*

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State of Colorado,
*Executive Chambers.*

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, 1972, Floyd K. Haskell was duly chosen by the qualified electors of the State of Colorado a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1973.

Witness: His excellency our Governor, John A. Love, and our seal hereto affixed at Denver, Colorado, this twelfth day of December, in the year of our Lord 1972.

By the Governor:

John A. Love,
*Governor.*

Attest:

Byron A. Anderson,
*Secretary of State.*

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To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, Mark O. Hatfield, was duly chosen by the qualified electors of the State of Oregon a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1973.

Witness: His excellency our Governor, Tom McCall, and our seal hereto affixed at Salem, Oregon, this 8th day of December, in the year of our Lord 1972.

By the Governor:

Tom McCall,
*Governor.*

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State of Maine.

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, 1972, William D. Hathaway of Auburn, Maine was duly chosen by the qualified electors of the State of Maine a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1973.

Witness: His excellency our governor Kenneth M. Curtis, and our seal hereto affixed at Augusta, Maine this thirteenth day of December, in the year of our Lord, 1972.

By the Governor:

Kenneth M. Curtis,
*Governor.*

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, Jesse Helms was duly chosen by the qualified electors of the State of North Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1973.

Witness: His excellency our governor Robert W. Scott, and our seal hereto affixed at Raleigh this 13th day of December, in the year of our Lord 1972.

Robert W. Scott,
*Governor.*

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To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, Walter D. Huddleston, Elizabethtown, Kentucky, was duly chosen by the qualified electors of the State of Kentucky a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1973.

Witness: His Excellency our Governor Wendell H. Ford, and our seal hereto affixed at Frankfort, Kentucky, this 12th day of December, in the year of our Lord 1972.

By the Governor:

Wendell H. Ford,
*Governor.*

---

State of Louisiana,
*Executive Department.*

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, nineteen hundred and seventy-two J. Bennett Johnston was duly chosen by the qualified electors of the State of Louisiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and seventy-three.

Witness: His Excellency, our Governor Edwin W. Edwards, and our seal hereto affixed, at Baton Rouge, this 15th day of December, in the year of our Lord, nineteen hundred and seventy-two.

By the Governor:

Edwin Edwards,
*Governor.*

---

State of Idaho,
Department of State.

To the President of the Senate of the United States:

This is to certify that on the Seventh day November, 1972, James A. McClure was duly chosen by the qualified electors of the State of Idaho to be a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the Third day of January, 1973.

Witness: His excellency our Governor, Cecil D. Andrus, and our seal hereto affixed at Boise City, the Capitol of Idaho, this Eleventh day of December, in the year of our Lord, 1972.

By the Governor:

Cecil D. Andrus,
*Governor.*

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State of Arkansas,
Executive Department.

To the Honorable President of the Senate, Washington, D.C.:

This is to certify that in the General Election on the 7th day of November, 1972: For the United States Senate, Honorable John L. McClellan was duly chosen by the qualified electors of the State of Arkansas to represent the State of Arkansas, the vote being: Honorable John L. McClellan 386,398; Dr. Wayne Babbitt 248,238.

This official was elected for the term of six years beginning January, 1973.

In witness whereof I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 5th day of December, 1972.

Dale Bumpers,
*Governor.*

---

The State of New Hampshire,
Executive Department.

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, nineteen hundred and seventy-two Thomas J. McIntyre was duly chosen by the qualified electors of the State of New Hampshire a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and seventy-three.

Witness: His Excellency, our Governor Walter Peterson, and our seal hereto affixed at Concord this twenty-ninth day of November, in the year of our Lord nineteen hundred and seventy-two.

By the Governor, with advice of the Council:

Walter Peterson,
*Governor.*

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The State of Montana.

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, nineteen hundred seventy two, Lee Metcalf was duly chosen by the qualified electors of the State of Montana a Senator from this state to represent the State of Montana in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred seventy three.

Witness: His excellency our Governor Forrest H. Anderson and our seal hereto affixed at Helena, this twenty ninth day of November in the year of our Lord nineteen hundred seventy two.

Forrest H. Anderson,
*Governor.*
Frank Murray,
*Secretary of State.*

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State of Minnesota.

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, Walter F. Mondale was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1973.

Witness: His excellency our governor Wendell R. Anderson, and our seal hereto affixed at St. Paul, Minnesota this 19th. day of December, in the year of our Lord 1972.

By the Governor:

Wendell R. Anderson,
*Governor.*
Arlen I. Erdahl,
*Secretary of State.*

---

State of Georgia.

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, Honorable Sam Nunn was duly chosen by the qualified electors of the State of Georgia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1973.

Witness: His Excellency our Governor, Jimmy Carter, and our Seal hereto affixed at the State Capitol in Atlanta, Georgia, this 16th day of November, in the year of our Lord 1972.

By the Governor:

Jimmy Carter,
*Governor.*
Ben W. Fortson, Jr.,
*Secretary of State.*

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State of Kansas.

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, nineteen hundred seventy-two James B. Pearson was duly chosen by the qualified electors of the State of Kansas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred seventy-three.

Witness: The Honorable Robert B. Docking, our Governor, and our seal hereto affixed at Tokepa, this fifth day of December, in the year of our Lord nineteen hundred seventy-two.

By the Governor:

Robert B. Docking,
*Governor.*
Elwill M. Shanahan,
*Secretary of State.*

---

State of Rhode Island
and Providence Plantations,
*Executive Chamber.*

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, Claiborne deB. Pell was duly chosen by the qualified electors of the State of Rhode Island a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1973.

Witness: His excellency our Governor Frank Licht, and our seal hereto affixed at Providence this 13th day of December, in the year of our Lord 1972.

By the Governor:

Frank Licht,
*Governor.*

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State of Illinois.

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, nineteen hundred seventy two, Charles H. Percy was duly chosen by the qualified electors of the State of Illinois, a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred seventy three.

Witness: His Excellency our Governor Richard B. Ogilvie, and our seal hereto affixed at Springfield this thirtieth day of November, in the year of our Lord nineteen hundred seventy two.

By the Governor:

Richard B. Ogilvie,
*Governor.*
John W. Lewis,
*Secretary of State.*

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State of West Virginia,
*Executive Department.*

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1972, Jennings Randolph was duly chosen by the qualified electors of the State of West Virginia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1973.

Witness: His excellency our Governor Arch A. Moore, Jr., and our seal hereto affixed at Charleston, West Virginia, this 27th day of December, in the year of our Lord 1972.

By the Governor:

Arch A. Moore, Jr.,
*Governor.*

---

Commonwealth of Virginia.

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, 1972, William Lloyd Scott was duly chosen by the qualified electors of the

Commonwealth of Virginia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1973.

Witness: His excellency our Governor, Linwood Holton, and our seal hereto affixed at Richmond this seventh day of December, in the year of our Lord 1972.

LINWOOD HOLTON,
*Governor.*

STATE OF ALABAMA,
*Montgomery, November 28, 1972.*

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1972, John Sparkman was duly chosen by the qualified electors of the State of Alabama as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 1973.

Witness: His Excellency our Governor, George C. Wallace, and our Seal hereto affixed this 28th day of November, in the year of our Lord 1972.

GEORGE C. WALLACE,
*Governor.*
MABEL G. AMOS,
*Secretary of State.*

STATE OF ALASKA.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This to certify that on the seventh day of November, 1972, Ted Stevens was duly chosen by the qualified electors of the State of Alaska as a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1973.

Witness: His excellency our governor William A. Egan, and our seal hereto affixed at Juneau this 13th day of November, in the year of our Lord 1972.

By the Governor:

WILLIAM A. EGAN,
*Governor.*

Attest:

H. A. BOUCHER,
*Lieutenant Governor.*

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the seventh day of November, 1972 Strom Thurmond was duly chosen by the qualified electors of the State of South Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1973.

Witness: His excellency our Governor John C. West, and our seal hereto affixed at Columbia, South Carolina, this eighteenth day of December, in the year of our Lord 1972.

By the Governor:

JOHN C. WEST,
*Governor.*
O. FRANK THORNTON,
*Secretary of State.*

STATE OF TEXAS.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, nineteen hundred seventy-two, John G. Tower was duly chosen by the qualified electors of the State of Texas a Senator from said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred seventy-three.

Witness: His excellency our Governor of Texas, and our seal hereto affixed at Austin, Texas, this the 24th day of November, in the year of our Lord nineteen hundred seventy-two.

By the Governor:

PRESTON SMITH,
*Governor of Texas.*
BOB BULLOCK,
*Secretary of State.*

## ADMINISTRATION OF OATHS

The VICE PRESIDENT. If Senators to be sworn will now present themselves at the desk in groups of four as their names are called, in alphabetical order, the Chair will administer the oath of office. The clerk will call the names.

The legislative clerk called the names of Mr. ABOUREZK, Mr. BAKER, Mr. BARTLETT, and Mr. BROOKE.

These Senators, escorted by Mr. McGOVERN, Mr. BROCK, Mr. BELLMON, and Mr. KENNEDY, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The legislative clerk called the names of Mr. CASE, Mr. CLARK, Mr. CURTIS, and Mr. DOMENICI.

These Senators, escorted by Mr. WILLIAMS, Mr. HUGHES, Mr. HRUSKA, and Mr. MONTOYA, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The legislative clerk called the names of Mr. EASTLAND, Mr. GRIFFIN, Mr. HANSEN, and Mr. HASKELL.

These Senators, escorted by Mr. STENNIS, Mr. HART, Mr. McGEE, and Mr. DOMINICK, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The legislative clerk called the names of Mr. HATFIELD, Mr. HATHAWAY, Mr. HELMS, and Mr. HUDDLESTON.

These Senators, escorted by Mr. PACKWOOD, Mr. MUSKIE, Mr. ERVIN, and Mr. COOK, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The legislative clerk called the names of Mr. JOHNSTON, Mr. McCLURE, Mr. McCLELLAN, and Mr. McINTYRE.

These Senators, escorted by Mr. LONG, Mr. CHURCH, Mr. FULBRIGHT, and Mr. COTTON, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The legislative clerk called the names of Mr. METCALF, Mr. MONDALE, Mr. NUNN, and Mr. PELL.

These Senators, escorted by Mr. MANSFIELD, Mr. HUMPHREY, Mr. TALMADGE, and Mr. PASTORE, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The legislative clerk called the names of Mr. PERCY, Mr. RANDOLPH, Mr. SCOTT of Virginia, and Mr. SPARKMAN.

These Senators, escorted by Mr. STEVENSON, Mr. ROBERT C. BYRD, Mr. HARRY F. BYRD, JR., and Mr. ALLEN, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

The legislative clerk called the names of Mr. STEVENS, Mr. THURMOND, and Mr. TOWER.

These Senators, escorted by Mr. GRAVEL, Mr. HOLLINGS, and Mr. BENTSEN, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

[Applause, Senators rising.]

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

## APPOINTMENT TO COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

The VICE PRESIDENT. The Chair, pursuant to Public Law 92–352, appoints the Senator from Montana (Mr. MANSFIELD) as a member of the Commission on the Organization of the Government for the Conduct of Foreign Policy, in lieu of the Senator from Virginia (Mr. SPONG).

## APPOINTMENT TO BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The VICE PRESIDENT. The Chair, pursuant to the provisions of title 20, United States Code, section 42 and 43, appoints the Senator from Washington (Mr. JACKSON) as a member of the Board of Regents of the Smithsonian Institution, in lieu of the Senator from New Mexico (Mr. ANDERSON).

## APPOINTMENTS TO JOINT COMMITTEE TO REVIEW OPERATION OF BUDGET CEILING

The VICE PRESIDENT. The Chair, pursuant to Public Law 92–599, appoints the following Senators to the Joint Committee To Review Operation of Budget Ceiling and To Recommend Procedures for Improving Congressional Control Over Budgetary Outlay and Receipt

Totals: the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. TALMADGE), the Senator from Indiana (Mr. HARTKE), the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. FANNIN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Mississippi (Mr. STENNIS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. YOUNG), the Senator from Nebraska (Mr. HRUSKA), the Senator from New Hampshire (Mr. COTTON), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Delaware (Mr. ROTH).

These appointments are made on behalf of the President pro tempore.

## APPOINTMENTS TO COMMISSION ON REVISION OF THE FEDERAL APPELLATE SYSTEM

The VICE PRESIDENT. Also on behalf of the President pro tempore, the Chair, pursuant to Public Law 92–489, appoints the following Senators as members of the Commission on Revision of the Federal Court Appellate System: the Senator from Arkansas (Mr. MCCLELLAN), the Senator from North Dakota (Mr. BURDICK), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Florida (Mr. GURNEY).

## APPOINTMENT TO TECHNOLOGY ASSESSMENT BOARD

The VICE PRESIDENT. The Chair, on behalf of the President pro tempore, pursuant to Public Law 92–484, appoints the Senator from New Jersey (Mr. CASE) as a member the Technology Assessment Board, in lieu of the Senator from Colorado (Mr. Allott).

## MEMORIAL SERVICE IN HONOR OF THE LATE PRESIDENT HARRY S TRUMAN

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Republican leader and myself, I wish to make the following announcement:

The memorial service in honor of the late President Harry S Truman will be held Friday, January 5, 1973, at 11 a.m. in the Washington National Cathedral.

Buses will depart, under escort, from the Senate steps of the Capitol at 10:15 a.m. and return to the Capitol immediately after the services. Those using private transportation are advised to enter the Cathedral grounds from Woodley Road and proceed to the south transept entrance.

Members and their wives are invited. Contact the Office of the Sergeant at Arms for tickets and transportation arrangements.

Members of the Senate delegation are scheduled to be seated in the Cathedral at 10:45 a.m.

## ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 o'clock noon tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

## ORDER OF BUSINESS THIS WEEK

Mr. MANSFIELD. Mr. President, for the further information of the Senate, there will be no meeting on Friday, but on Saturday there will be. It is a mandatory meeting, because the two Houses will meet for the purpose of counting the electoral votes.

Mr. SCOTT of Pennsylvania. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. SCOTT of Pennsylvania. I take it that no bills may be introduced today, but I would assume that tomorrow bills may be introduced and resolutions submitted, and that speeches will be made tomorrow for Senators to enjoy, but none today. Is that correct?

Mr. MANSFIELD. That is correct. The regular workaday day will begin tomorrow. Today is a day of swearing in and the usual resolutions which will be presented shortly; but beginning tomorrow, what the distinguished Republican leader has said is correct.

Mr. SCOTT of Pennsylvania. In other words, swearing in today; swearing at later.

## CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum for the purpose of having the roll called and validating the election of the new Senators and the retention of the old ones.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 1 Leg.]

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Washington (Mr. MAGNUSON) is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The VICE PRESIDENT. A quorum is present.

## LIST OF SENATORS BY STATES

*Alabama.*—John Sparkman and James B. Allen.

*Alaska.*—Ted Stevens and Mike Gravel.

*Arizona.*—Paul J. Fannin and Barry Goldwater.

*Arkansas.*—John L. McClellan and J. W. Fulbright.

*California.*—Alan Cranston and John V. Tunney.

*Colorado.*—Peter H. Dominick and Floyd K. Haskell.

*Connecticut.*—Abraham Ribicoff and Lowell P. Weicker, Jr.

*Delaware.*—William V. Roth, Jr., and Joseph R. Biden, Jr.

*Florida*—Edward J. Gurney and Lawton Chiles.

*Georgia.*—Herman E. Talmadge and Sam Nunn.

*Hawaii.*—Hiram L. Fong and Daniel K. Inouye.

*Idaho.*—Frank Church and James A. McClure.

*Illinois.*—Charles H. Percy and Adlai E. Stevenson III.

*Indiana.*—Vance Hartke and Birch Bayh.

*Iowa.*—Harold E. Hughes and Dick Clark.

*Kansas.*—James B. Pearson and Robert Dole.

*Kentucky.*—Marlow W. Cook and Walter D. Huddleston.

*Louisiana.*—Russell B. Long and J. Bennett Johnston.

*Maine.*—Edmund S. Muskie and William D. Hathaway.

*Maryland.*—Charles McC. Mathias, Jr., and J. Glenn Beall, Jr.

*Massachusetts.*—Edward M. Kennedy and Edward W. Brooke.

*Michigan.*—Philip A. Hart and Robert P. Griffin.

*Minnesota.*—Walter F. Mondale and Hubert H. Humphrey.

*Mississippi.*—James O. Eastland and John C. Stennis.

*Missouri*—Stuart Symington and Thomas F. Eagleton.

*Montana.*—Mike Mansfield and Lee Metcalf.

*Nebraska.*—Roman L. Hruska and Carl T. Curtis.

*Nevada.*—Alan Bible and Howard W. Cannon.

*New Hampshire.*—Norris Cotton and Thomas J. McIntyre.

*New Jersey.*—Clifford P. Case and Harrison A. Williams, Jr.

*New Mexico.*—Joseph M. Montoya and Pete V. Domenici.

*New York.*—Jacob K. Javits and James L. Buckley.

*North Carolina.*—Sam J. Ervin, Jr., and Jesse Helms.

*North Dakota.*—Milton R. Young and Quentin N. Burdick.

*Ohio.*—William B. Saxbe and Robert Taft, Jr.

*Oklahoma.*—Henry Bellmon and Dewey F. Bartlett.

*Oregon.*—Mark O. Hatfield and Robert W. Packwood.

*Pennsylvania.*—Hugh Scott and Richard S. Schweiker.

*Rhode Island.*—John O. Pastore and Claiborne Pell.

*South Carolina.*—Strom Thurmond and Ernest F. Hollings.

*South Dakota.*—George McGovern and James Abourezk.

*Tennessee.*—Howard H. Baker, Jr., and Bill Brock.

*Texas.*—John G. Tower and Lloyd Bentsen.

*Utah.*—Wallace F. Bennett and Frank E. Moss.

*Vermont.*—George D. Aiken and Robert T. Stafford.

*Virginia.*—Harry F. Byrd, Jr., and William Lloyd Scott.

*Washington.*—Warren G. Magnuson and Henry M. Jackson.

*West Virginia.*—Jennings Randolph and Robert C. Byrd.

*Wisconsin.*—William Proxmire and Gaylord Nelson.

*Wyoming.*—Gale W. McGee and Clifford P. Hansen.

## NOTIFICATION TO THE PRESIDENT

Mr. MANSFIELD submitted the following resolution (S. Res. 1), which was read, considered by unanimous consent, and agreed to, as follows:

S. RES. 1

*Resolved,* That a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

THE VICE PRESIDENT. The Chair appoints the Senator from Montana (Mr. MANSFIELD) and the Senator from Pennsylvania (Mr. SCOTT) as members of the committee on the part of the Senate to join the members of the committee on the part of the House to consult with the President and notify him that a quorum of each House is present.

## NOTIFICATION TO THE HOUSE

Mr. SCOTT of Pennsylvania submitted the following resolution (S. Res. 2), which was read, considered by unanimous consent, and agreed to, as follows:

S. RES. 2

*Resolved,* That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

## HOUR OF DAILY MEETING

Mr. ROBERT C. BYRD submitted the following resolution (S. Res. 3), which was read, considered by unanimous consent, and agreed to, as follows:

S. RES. 3

*Resolved,* That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

## COUNT OF ELECTORAL VOTES

Mr. CANNON submitted the following concurrent resolution (S. Con. Res. 1), which was read, considered by unanimous consent, and agreed to, as follows:

S. CON. RES. 1

*Resolved by the Senate (the House of Representatives concurring),* That the two Houses of Congress shall meet in the Hall of the House of Representatives on Saturday, the 6th day of January 1973, at 1 o'clock post meridan, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaraiton of the persons, if any, elected President and Vice President of the United States, and, together with a list of votes, be entered on the Journals of the two Houses.

The VICE PRESIDENT. In accordance with the provisions of Senate Concurrent Resolution No. 1, the Chair appoints the Senator from Kentucky (Mr. COOK) and the Senator from Nevada (Mr. CANNON) as the tellers on the part of the Senate to count the electoral votes for President and Vice President of the United States on January 6, 1973.

## CERTIFICATION OF ELECTORS FOR PRESIDENT AND VICE PRESIDENT

The VICE PRESIDENT. The Chair lays before the Senate a number of communications from the Administrator of General Services Administration, transmitting, pursuant to law, certified copies of the final ascertainment of the electors for President and Vice President from the several States and the District of Columbia, which, with the accompanying papers, are ordered to lie on the table.

## ELECTION OF PRESIDENT PRO TEMPORE

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The clerk will state the resolution.

The legislative clerk read the resolution as follows:

S. RES. 4

*Resolved,* That Honorable JAMES O. EASTLAND, a Senator from the State of Mississippi, be, and he is hereby, elected President of the Senate pro tempore, to hold office during the pleasure of the Senate, in accordance with the resolution of the Senate adopted on the 12th day of March 1890 on the subject.

Without objection, the Senate proceeded to consider the resolution.

Mr. SCOTT of Pennsylvania. Mr. President, in a spirit of unwarranted optimism and conscious euphoria, I submit an amendment and ask for its immediate consideration.

The VICE PRESIDENT. The amendment will be stated.

The legislative clerk read as follows:

In the resolution strike the name of Honorable JAMES O. EASTLAND, a Senator for the State of Mississippi and insert in lieu thereof the name of Honorable GEORGE D. AIKEN, a Senator from the State of Vermont.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Pennsylvania (putting the question).

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 4) was agreed to.

## ADMINISTRATION OF OATH TO PRESIDENT PRO TEMPORE

The VICE PRESIDENT. Pursuant to the provisions of Senate Resolution 4, which has just been agreed to, the Chair appoints Mr. AIKEN as a committee of one to escort the President pro tempore to the rostrum for the purpose of taking the oath of office.

Mr. EASTLAND, escorted by Mr. AIKEN, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

## CONSIDERATION OF RESOLUTIONS

Mr. MANSFIELD. Mr. President, I send to the desk four resolutions and ask unanimous consent that they be considered in sequence immediately.

The VICE PRESIDENT. Without objection, it is so ordered.

## NOTIFICATION TO THE PRESIDENT OF THE ELECTION OF A PRESIDENT PRO TEMPORE

The VICE PRESIDENT. The first resolution will be stated.

The legislative clerk read as follows:

S. RES. 5

*Resolved,* That the President of the United States be notified of the election of Honorable JAMES O. EASTLAND, a Senator from the State of Mississippi, as President of the Senate pro tempore.

The Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 5) was agreed to.

## NOTIFICATION TO THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

The VICE PRESIDENT. The next resolution will be stated.

The legislative clerk read as follows:

S. RES. 6

*Resolved,* That the House of Representatives be notified of the election of Honorable

JAMES O. EASTLAND, a Senator from the State of Mississippi, as President of the Senate pro tempore.

The Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 6) was agreed to.

## AUTHORIZATION FOR SENATOR METCALF TO SERVE AS ACTING PRESIDENT PRO TEMPORE

The VICE PRESIDENT. The third resolution will be stated.

The legislative clerk read as follows:

S. RES. 7

*Resolved*, That, notwithstanding the provisions of paragraph 3 of rule I of the Standing Rules of the Senate, the Senator from Montana (Mr. METCALF) be, and is hereby, authorized to perform the duties of the Chair as Acting President pro tempore until otherwise ordered by the Senate.

The Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 7) was agreed to.

## AUTHORIZATION FOR ADMINISTRATION OF OATH OF OFFICE TO SENATOR-ELECT BIDEN, JR., OF DELAWARE

The VICE PRESIDENT. The next resolution will be stated.

The legislative clerk read the resolution, which the Senate proceeded to consider.

The preamble was agreed to.

The resolution was agreed to.

The resolution (S. Res. 8) with its preamble, reads as follows:

S. RES. 8

Whereas Joseph R. Biden, Jr., a Senator elect from the State of Delaware, is temporarily unable, by reason of tragedy in his family, to appear in person to take the oath required by law as a Member of the Senate; and

Whereas there is no contest or question as to his election: Now therefore be it

*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized to administer the oath of office to the said Joseph R. Biden Jr., and that the said oath, when administered as herein authorized, shall be accepted and received by the Senate as the oath of office of the said Joseph R. Biden Jr.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, to repeat once again, in accordance with the usual practice, the Senate concurring, no morning business will be transacted today. At the next meeting of the Senate, which will be tomorrow, the Senate will proceed to transact its business as usual, since the President will not be sending his state of the Union message to Congress until after the inauguration.

Mr. HART. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, I yield.

Mr. HART. Mr. President, it has been at this point, in, I believe the last eight Congresses, that reservations have been voiced of an effort to be made to reserve the right to modify rule XXII.

For the benefit of the Senate leadership and my colleagues' information, I rise to announce a renewed effort to achieve reform of rule XXII. Once again, I am proud to join the senior Senator from New York (Mr. JAVITS), who has tilled this field with patient persistence for many years.

We both remain convinced that a procedure permitting a majority of Senators to act on a measure after reasonable debate would well serve this body, and the American people. We remain committed to reform of rule XXII.

Nonetheless, we realize that several Senators who had supported changing rule XXII have now expressed second thoughts about the wisdom of that effort. Some Members have pointed out that the classic filibusters often exhausted months of the Senate calendar with extensive repetition and resort to wholly extraneous matters. They ask whether recent events suggest a greater threat from the other end of the legislative spectrum: the danger of momentous legislation being rammed through the Senate without barely adequate debate—in some cases even though there has been scant if any committee review for the benefit of the full Senate.

Others with new reservations about easing the cloture test may feel that its reform is still a desirable goal at some point, but that the accelerating imbalance of powers between the executive and legislative branches of the past decade makes it unwise to change rule XXII until that imbalance is corrected.

We are aware of these concerns and their genesis. We feel it may prove useful to give them a thorough airing in the Committee on Rules and Administration, which at this time will be considering other Senate reforms, before we seek to effect reform in this Congress. This year, the Senator from New York and I will offer a proposal designed to meet these concerns, consistent with the ultimate principle of Senate action by majority rule. Briefly, it would provide a substantial period of debate before cloture could be invoked by less than the presently requested two-thirds margin. At that point, the requirement would be eased to a three-fifths requirement, and after an additional period of debate, cloture could be obtained by majority vote. As my colleagues know this is not a brand-new concept. Similar proposals for a phased reduction in the cloture test have been made in the past by some of this body's most thoughtful Members. We feel the merits of such an approach are particularly apt now in light of the Congress I have mentioned.

We shall introduce our proposal next week, at which time we shall urge the continued desirability of changing rule XXII. But while some previous supporters of this reform wish to review the bidding, so to speak, we are prepared to ask for its orderly referral to the Rules Committee for hearings and a report, rather than presenting it for direct floor action as part of the organizational business for this new session.

In addition, it is our hope that the committee can hold hearings on rule XXII in the context of other proposed Senate reforms, so that all of us will have a clearer idea of their interrelation.

For the present, then, I wish to inform our colleagues of our intentions to offer this proposal, of our decision not to raise it for consideration at this time, and of our continued conviction and determination to attempt reform of rule XXII.

The Senator from New York and I continue to believe that modification of that rule is in the best interests of the Senate and the country.

Mr. JAVITS. Mr. President, I thank my colleague, and pay tribute to his own perseverance in this very critical matter, which substitutes for the Constitution a requirement that two-thirds of the Senate constitutes a majority before legislation can be passed.

Mr. President, I think we owe an explanation to the Senate and the country as to why we take this action. On two separate occasions, this issue has been raised in a very important way, and has had extended debate, including debate before the Vice President now presiding over the Senate. We have maintained the constitutional point that as of right, under the Constitution, we have the right to seek an amendment to the rules at the beginning of the session by a simple majority of the Senate. The Senate has not sustained that view. Indeed, on two occasions the Senate has acted the other way.

Now, succeeding generations to ours have an absolute right to persevere in that constitutional proposition, and they may have a Senate which will sustain them. The Senator from Michigan (Mr. HART) and I feel that that is a barren field right now. Therefore, we are seeking to go the legislative route for the purpose of changing rule XXII within the rules of the Senate by contending for the issue on the basis of its merits, recognizing that we face a reality, not a theory, and that we have a better chance pursuing it in a statutory way.

Mr. President, we believe that we would be helping by thorough and early hearings. It is my understanding that the other Members may feel that the matter should go to the calendar right away. The opportunity will, of course, be afforded for that procedure, and Senator HART and I certainly would not do anything to stop it, even if we could. But we had thought, in our original idea, and we still have that idea, that reference to a committee which could give thorough consideration to the rule in the light of the history and what we face today would be the most conducive to a constructive change, considering the realities which I have described.

So, Mr. President, I shall join with the distinguished Senator from Michigan in submitting such a resolution at the earliest possible time. I might say to the Senate that we are thinking in terms of a three-fifths cloture after 2 weeks of debate and a constitutional majority at any time after 1 month of debate. This is subject to change, but it is some indication to the Senate of our thinking.

Mr. GRIFFIN. Mr. President, with deference to my colleague, I want to indicate that I have been among those who have consistently voted for reform of rule XXII to allow debate to be brought to an end with a three-fifths vote instead of a two-thirds vote. I believe the Senate should consider this question at the outset of the session. Without regard to the constitutional issue, I think the rules of the Senate ought to be changed, and because I believe that, I wonder if my senior colleague from Michigan can indicate, when does he expect the Senator from New York to introduce such a resolution?

I shall be inclined to have that go to the calendar rather than the committee, because I think that the merits and arguments on this subject are well known. It would seem to me that it should go to the calendar or be brought before the Senate as rapidly as possible this session. Perhaps the Senator from Michigan can give me some indication.

Mr. HART. Mr. President, as the Senator from New York indicated, we anticipate producing a resolution within a matter of a very few days, but, having been advised by the Senator from Michigan of his own tentative feelings at least, I am sure the Senator from New York and I will make certain prior to the day of production to advise the Senator of our intention, in order to permit him, if he should feel then as he does now, to direct the resolution accordingly.

Mr. GRIFFIN. I appreciate the statement of the Senator. Of course, no other Senator is precluded from submitting a resolution and asking for its immediate consideration, in which event it could be put on the calendar.

Mr. JAVITS. Nor, if the Senator will yield, is the Senator prohibited or barred from doing the same with our resolution.

As a matter of fact, I hope we can operate with one resolution. If the Senator wishes to refer it to the calendar, he certainly can effectuate that.

### SENATE RESOLUTION 9—SUBMISSION OF A RESOLUTION TO ESTABLISH A SPECIAL COMMITTEE ON THE TERMINATION OF THE NATIONAL EMERGENCY

(Referred to the Committee on Foreign Relations.)

Mr. CHURCH (for himself and Mr. Mathias) submitted the following resolution:

S. Res. 9

Whereas the existence of the state of national emergency proclaimed by the President on December 16, 1950, is directly related to the conduct of United States foreign policy and our national security: Now, therefore, be it

*Resolved,* That (a) there is established a special committee of the Senate to be known as the Special Committee on the Termination of the National Emergency (hereinafter referred to as the "special committee").

(b) The special committee shall be composed of eight Members of the Senate equally divided between the majority and minority parties to be appointed by the President of the Senate, four of whom shall be members of the Committee on Foreign Relations.

(c) The special committee shall select two co-chairmen from among its members, one from the majority party and one from the minority party. A majority of the members of the special committee shall constitute a quorum thereof for the transaction of business, except that the special committee may fix a lesser number as a quorum for the purpose of taking testimony. Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee.

Sec. 2. It shall be the function of the special committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation Numbered 2914, dated the same date. In carrying out such study and investigation the special committee shall:

(1) consult and confer with the President and his advisers;

(2) consider the problems which may arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency, including consideration of the desirability and consequences of terminating special legislative powers that were conferred on the President and other officers, boards, and commissions as the result of the President proclaiming a national emergency.

Sec. 3. (a) For the purposes of this resolution, the special committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The co-chairmen of the special committee shall preside over meetings of the special committee, except that (1) in the absence of one of the co-chairmen, the other co-chairman may preside, and (2) in the absence of both co-chairmen, any other member of the special committee designated by both co-chairmen may preside.

(c) Either co-chairman of the special committee or any member thereof may administer oaths to witnesses.

(d) Subpenas authorized by the special committee may be issued over the signature of either co-chairman, or any other member designated by the co-chairman, and may be served by any person designated by the co-chairman or member signing the subpena.

Sec. 4. For the period from January 3, 1973, through February 28, 1974, the expenses of the special committee under this resolution shall not exceed $175,000, of which amount not to exceed $25,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

Sec. 5. The special committee shall make a final report of its findings, with respect to such period together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than Febuary 28, 1974. The special committee may also submit to the Senate such interim reports as it considers appropriate. Upon submission of its final report, the special committee shall cease to exist.

Sec. 6. Expenses of the special committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the two co-chairmen of the special committee.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of October 18, 1972, the Secretary of the Senate, on October 18, 1972, received the following message from the House of Representatives:

That, pursuant to the provisions of section 1 of Public Law 84–689, the Speaker had appointed Mr. Findley as a member of the U.S. group of the North Atlantic Assembly, vice Mr. Arends, excused.

That the House had passed, without amendment, the bill (S. 3822) authorizing the city of Clinton Bridge Commission to convey its bridge structures and other assets to the State of Iowa and to provide for the completion of a partially constructed bridge across the Mississippi River at or near Clinton, Iowa, by the State Highway Commission of the State of Iowa.

That the House had receded from its disagreement to the amendment of the Senate numbered 1 to the amendment of the House to the bill (S. 2280) to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances, and concurred therein; and that the House disagreed to the amendment to the Senate numbered 2 to the amendment of the House to the bill.

### STANDING ORDER FOR RECOGNITION OF THE MAJORITY AND MINORITY LEADERS EACH DAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, during the remainder of this session, in accordance with the procedures followed in the 92d Congress, on each day, immediately following the prayer, the majority and minority leaders be recognized for not to exceed 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that tomorrow, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 2 hours, with statements therein limited to 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL SATURDAY, JANUARY 6, 1973

Mr. ROBERT C. BYRD. I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock meridian on Saturday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## REPORT OF JOINT COMMITTEE ON NOTIFICATION TO THE PRESIDENT

Mr. MANSFIELD. Mr. President, the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT), and I report, from the committee appointed to join a similar committee from the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and is ready to proceed to business, that the President has notified us that he proposes to report to the Congress on the state of the Union at an appropriate time.

Mr. SCOTT of Pennsylvania. Mr. President, if the distinguished majority leader will yield, I merely join in the report and express the hope that the President's nominations to which reference was made in the telephone conversation can be acted upon as soon as we have a committee structure and, hopefully, before Inauguration Day, in order that these appointees may be prepared and enabled to serve.

## ORDER FOR RECOGNITION OF SENATORS JAVITS AND HARRY F. BYRD, JR., TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes; and that he then be followed by the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) for not to exceed 15 minutes; and that then, at the conclusion of his remarks, the period for the transaction of routine morning business ensue.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to, and, at 1:09 p.m., the Senate adjourned until tomorrow, Thursday, January 4, 1973, at 12 o'clock meridian.

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# HOUSE OF REPRESENTATIVES—*Wednesday, January 3, 1973*

This being the day fixed by the 20th amendment of the Constitution for the annual meeting of the Congress of the United States, the Members-elect of the House of Representatives of the 93d Congress met in their Hall, and at 12 o'clock noon were called to order by the Clerk of the House of Representatives, Hon. W. Pat Jennings.

The Chaplain, Rev. Edward G. Latch, D.D., prefaced his prayer with these words of Scripture:

*Be strong and of good courage; be not afraid, neither be thou dismayed; for the Lord thy God is with thee whithersoever thou goest.*—Joshua 1: 9.

Eternal God and Father of us all, make us aware of Thy presence as we prepare ourselves for a new year together in the service of our beloved country. Bless these Representatives of our people with Thy most gracious favor and so move within their hearts that they may look to Thee for guidance and from Thee receive wisdom to walk in Thy ways, strength to stand steadfastly for the common good, and confidence to labor courageously for peace, justice, and freedom in our world. Support them all the day long as they face the responsibilities entrusted to them.

Before Thee we remember with affection and with sorrow HALE BOGGS, Frank Bow, NICK BEGICH, GEORGE COLLINS, and Harry S Truman. May these beloved colleagues and our former President find favor in Thy sight and receive the reward of work well done for our Republic. Comfort their families with the strength of Thy spirit.

Now let us unite in praying together:

*Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done in earth as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory, forever. Amen.*

The CLERK. Representatives-elect, this is the day fixed by the Constitution for the meeting of the 93d Congress, and as the law directs, the Clerk of the House has prepared the official roll of Representatives-elect. Certificates of election covering the 435 seats in the 93d Congress have been received by the Clerk of the House of Representatives of the 92d Congress, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called. As the roll is called, following the alphabetical order of States, beginning with the State of Alabama, Representatives-elect will please answer to their names to determine whether a quorum is present.

The reading clerk will call the roll.

The Clerk called the roll by States and the following Representatives-elect answered to their names:

[Roll No. 1]

ALABAMA

Edwards, Jack
Dickinson
Nichols
Bevill
Jones, Robert E.
Buchanan
Flowers

ALASKA

(Vacant)

ARIZONA

Rhodes
Udall
Steiger, Sam
Conlan

ARKANSAS

Alexander
Mills, Wilbur D.
Hammerschmidt
Thornton

CALIFORNIA

Clausen, Don H.
Johnson, Harold T.
Moss
Leggett
Burton
Mailliard
Dellums
Stark
Edwards, Don
Gubser
Ryan
Talcott
Teague, Charles M.
Waldie
McFall
Sisk
McCloskey
Mathias
Holifield
Moorhead, Carlos J.
Hawkins
Corman
Clawson, Del
Rousselot
Wiggins
Rees
Goldwater*
Bell
Danielson
Roybal
Wilson, Charles H.
Hosmer
Pettis
Hanna
Anderson, Glenn M.
Ketchum
Burke, Yvonne B.
Brown, George E., Jr.
Hinshaw
Wilson, Bob
Van Deerlin
Burgener
Veysey

COLORADO

Schroeder
Brotzman
Evans, Frank E.
Johnson, James P.
Armstrong

CONNECTICUT

Cotter
Steele
Giaimo
McKinney
Sarasin
Grasso

DELAWARE

du Pont (at large)

FLORIDA

Sikes
Fuqua
Bennett
Chappell
Gunter
Young, C. W.
Gibbons
Haley
Frey
Bafalis
Rogers
Burke, J. Herbert
Lehman
Pepper
Fascell

GEORGIA

Ginn
Mathis
Brinkley
Blackburn
Young, Andrew
Flynt
Davis
Stuckey
Landrum
Stephens

HAWAII

Matsunaga
Mink

IDAHO

Symms
Hansen

ILLINOIS

Metcalfe
Murphy, Morgan F.
Hanrahan
Derwinski
Kluczynski
Collier
Rostenkowski
Yates
Young, Samuel H.
Annunzio
Crane
McClory
Erlenborn
Arends
Anderson
O'Brien
Michel
Railsback
Findlay
Madigan
Shipley
Price
Gray

INDIANA

Madden
Landgrebe
Brademas
Roush
Hillis
Bray
Myers
Zion
Hamilton
Dennis
Hudnut

IOWA

Mezvinsky
Culver
Gross
Smith, Neal
Scherle
Mayne

KANSAS

Sebelius
Roy
Winn
Shriver
Skubitz

KENTUCKY

Stubblefield
Natcher
Mazzoli
Snyder
Carter
Breckinridge
Perkins

LOUISIANA

Hébert
Treen
Waggonner
Passman
Rarick
Breaux
Long, Gillis W.

MAINE

Kyros
Cohen

MARYLAND

Mills, William O.
Long, Clarence D.
Sarbanes
Holt
Hogan
Byron
Mitchell, Parren J.
Gude

MASSACHUSETTS

Conte
Boland
Donohue
Drinan
Cronin
Harrington
Macdonald
O'Neill
Moakley
Heckler
Burke, James A.
Studds

MICHIGAN

Conyers
Esch
Brown, Garry
Hutchinson
Ford, Gerald R.
Chamberlain
Riegle
Harvey
Vander Jagt
Cederberg
O'Hara
Diggs
Nedzi
Ford, William D.
Dingell
Griffiths
Huber
Broomfield

MINNESOTA

Quie
Frenzel
Karth
Fraser
Zwach
Bergland
Blatnik

MISSISSIPPI

Whitten
Bowen
Montgomery
Cochran
Lott

MISSOURI

Clay
Symington
Sullivan
Randall
Bolling
Litton
Taylor, Gene
Ichord
Hungate
Burlison

MONTANA

Shoup
Melcher

NEBRASKA

Thone
McCollister
Martin, Dave

NEVADA

Towell (at large)

NEW HAMPSHIRE

Wyman
Cleveland

NEW JERSEY

Hunt
Sandman
Howard
Thompson
Frelinghuysen
Forsythe
Widnall
Roe
Helstoski
Rodino
Minish
Rinaldo
Maraziti
Daniels
Patten

NEW MEXICO

Lujan
Runnels

NEW YORK

Pike
Grover
Roncallo
Lent
Wydler
Wolff
Addabbo
Rosenthal
Delaney
Biaggi
Brasco
Chisholm
Podell
Rooney, John J.
Carey
Holtzman
Murphy, John M.
Koch
Rangel
Abzug
Bingham
Peyser
Reid
Fish
Gilman
Robison
Stratton
King
McEwen
Mitchell
Hanley
Walsh
Horton
Conable
Dulski
Kemp
Hastings

NORTH CAROLINA

Jones, Walter B.
Fountain
Henderson
Andrews, Ike F.
Mizell
Preyer
Rose
Ruth
Martin, James G.
Broyhill, James T.
Taylor, Roy A.

NORTH DAKOTA

Andrews, Mark (at large)

OHIO

Keating
Clancy
Guyer
Latta
Harsha
Brown, Clarence J.
Powell
Ashley
Miller
Stanton, J. William
Devine
Mosher
Seiberling
Wylie
Regula
Ashbrook
Hays
Carney
Stanton, James V.
Stokes
Vanik
Minshall

OKLAHOMA

Jones, James R.
McSpadden
Albert
Steed
Jarman
Camp

OREGON

Wyatt
Ullman
Dellenback

PENNSYLVANIA

Barrett
Nix
Green, William J.
Eilberg
Ware
Yatron
Williams
Biester
Shuster
McDade
Flood
Saylor
Coughlin
Moorhead, William S.
Rooney, Fred B.
Eshleman
Schneebeli
Heinz
Goodling
Gaydos
Dent
Morgan
Johnson, Albert W.
Vigorito
Clark

RHODE ISLAND

St Germain
Tiernan

SOUTH CAROLINA

Davis, Mendel J.
Spence
Dorn
Mann
Gettys
Young, Edward

SOUTH DAKOTA

Denholm
Abdnor

TENNESSEE

Quillen
Duncan
Baker
Evins, Joe L.
Fulton
Beard
Jones, Ed
Kuykendall

TEXAS

Patman
Wilson, Charles
Collins
Roberts
Steelman
Teague, Olin E.
Archer
Eckhardt
Brooks
Pickle
Poage
Wright
Price
Young, John
de la Garza
White
Burleson
Jordan
Mahon
Gonzalez
Fisher
Casey
Kazen
Milford

UTAH

McKay
Owens

VERMONT

Mallary (at large)

VIRGINIA

Downing
Whitehurst
Satterfield
Daniel, Robert W., Jr.
Daniel, W. C.
Butler
Robinson
Parris
Wampler
Broyhill, Joel T.

WASHINGTON

Pritchard
Meeds
Hansen
McCormack
Foley
Hicks
Adams

WEST VIRGINIA

Mollohan
Staggers
Slack
Hechler

WISCONSIN

Aspin
Kastenmeier
Thomson
Zablocki
Reuss
Steiger, William A.
Obey
Froehlich
Davis, Glenn R.

WYOMING

Roncalio (at large)

The Clerk. The rollcall discloses the presence of 426 Members-elect.

A quorum is present.

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## STATEMENT REGARDING CERTAIN CREDENTIALS

The Clerk. The Clerk will state that credentials regular in form have been received showing the election of the Honorable Walter E. Fauntroy as Delegate from the District of Columbia, the Honorable Antonio Borja Won Pat as Delegate from the territory of Guam, and of the Honorable Ron de Lugo as Delegate from the territory of the Virgin Islands.

The Clerk will also state that credentials regular in form have been received showing the election of the Honorable Jamie Benitez, as Resident Commissioner from the Commonwealth of Puerto Rico, for a term of 4 years, beginning January 3, 1973.

Since the last regular election of Representatives to the 93d Congress one change has occurred as a result of which a vacancy now exists in the State of Illinois, occasioned by the death of the late Honorable George W. Collins, of Illinois.

On December 20, 1972, the Speaker directed a letter to the Clerk of the House which the Clerk will read.

Washington, D.C.,
*December 20, 1972.*

Hon. W. Pat Jennings,
*Clerk, House of Representatives,*
*Washington, D.C.*

Dear Mr. Jennings: When the 93rd Congress convenes on January 3, 1973, the House will be confronted with a situation which is unprecedented in our history. I refer, of course, to the probability that the Representatives-elect from the Second Congressional District of Louisiana and from the at-large seat in Alaska will not appear to take the oath of office at noon on that day.

While it is common knowledge that Representatives-elect Hale Boggs and Nick Begich, together with Russell L. Brown and Don Jonz of the State of Alaska, departed by plane from Anchorage, Alaska, on October 16, 1972 on a flight bound for Juneau, Alaska, and have been missing since that date, any action which the House might take to declare their seats vacant, or otherwise pertaining to their status as Representatives-elect, should, I believe, be based upon the most reliable and official documentary evidence available as of January 3, 1973.

I therefore request that you obtain, for transmittal to the House when it convenes on January 3, 1973, certified copies of any judicial determination and other relevant information then available with respect to the status of the persons in question. Such documentary evidence will then enable the House to more properly discharge its constitutional responsibility in this matter.

Sincerely,

Carl Albert.

The Clerk. Pursuant to the Speaker's instructions the Clerk has forwarded to the Speaker a certified copy of the certificate of presumptive death of the Honorable Nick Begich, of Alaska.

Also contained in the certified information which the Clerk has forwarded to the Speaker is documentary evidence that the Honorable Hale Boggs, a Representative-elect from the State of Louisiana, was a passenger on a plane which disappeared on a flight from Anchorage, Alaska, to Juneau, Alaska, on October 16, 1972.

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## ELECTION OF SPEAKER

The Clerk. The next order of business is the election of a Speaker of the House of Representatives.

Nominations are now in order.

The Clerk recognizes the gentleman from Texas (Mr. Teague).

Mr. TEAGUE of Texas. Mr. Clerk, as chairman of the Democratic caucus, I am directed by the unanimous vote of that caucus to present for election to the office of the Speaker of the House of Representatives of the 93d Congress the name of the Honorable Carl Albert, a Representative-elect from the State of Oklahoma.

The Clerk. The Clerk recognizes the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Clerk, as chairman of the Republican Conference and by authority, by direction, and by unanimous vote of that conference, I nominate for Speaker of the House of Representatives the Honorable Gerald R. Ford, a Representative-elect from the State of Michigan.

The Clerk. The Honorable Carl Albert, a Representative-elect from the

State of Oklahoma, and the Honorable GERALD R. FORD, a Representative-elect from the State of Michigan, have been placed in nomination.

Are there further nominations?

There being no further nominations, the Clerk will appoint the gentleman from Ohio, Mr. HAYS, the gentleman from Ohio, Mr. DEVINE, the gentlewoman from Missouri, Mrs. SULLIVAN, and the gentlewoman from Massachusetts, Mrs. HECKLER, to act as tellers.

The tellers will please take their places at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding will indicate by surname the nominee of their choice.

The reading clerk will call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 2]

ALBERT

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Barrett
Bennett
Bergland
Bevill
Biaggi
Bingham
Blatnik
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney
Casey, Tex.
Chappell
Chisholm
Clark
Clay
Conyers
Corman
Cotter
Culver
Daniel, W. C.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Gunter
Haley
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Ichord
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Litton
Long, La.
Long, Md.
McCormack
McFall
McKay
McSpadden
Macdonald
Madden
Mahon
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Mills, Ark.
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Randall
Rangel
Rarick
Rees
Reid
Reuss
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Satterfield
Schroeder
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
White
Whitten
Wilson, Charles H.
Wilson, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

FORD

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bell
Biester
Blackburn
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Butler
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Robert W.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Gilman
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Guyer
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Heckler, Mass.
Heinz
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Johnson, Colo.
Johnson, Pa.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McKinney
Madigan
Mailliard
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mayne
Michel
Miller
Mills, Md.
Minshall
Mitchell, N.Y.
Mizell
Moorhead, Calif.
Mosher
Myers
Nelsen
O'Brien
Parris
Pettis
Peyser
Powell
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Regula
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Rousselot
Ruth
Sandman
Sarasin
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Skubitz
Snyder
Spence
Stanton, J. William
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Thone
Towell
Treen
Vander Jagt
Veysey
Walsh
Wampler
Ware
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

The CLERK. The tellers agree in their tally. The total number of votes cast is 424, of which the Honorable CARL ALBERT has received 236 and the Honorable GERALD R. FORD, 188. Therefore, the Honorable CARL ALBERT, a Representative-elect from the State of Oklahoma having received a majority of all the votes cast, is duly elected Speaker of the House of Representatives of the 93d Congress.

The gentleman from Michigan, Mr. GERALD R. FORD, the gentleman from Massachusetts, Mr. O'NEILL, the gentleman from Illinois, Mr. ARENDS, the gentleman from Texas, Mr. TEAGUE, the gentleman from Oklahoma, Mr. STEED, will please escort the Speaker-elect to the Chair.

The Doorkeeper announced the Speaker-elect of the House of Representatives of the 93d Congress, who was escorted to the Chair by the committee of escort.

Mr. GERALD R. FORD. Mr. Speaker and colleagues of the 93d Congress, it is a great honor to stand before you as a sort of surrogate for the Speaker of the House.

Of course, I am a little bit disappointed about losing this contest for the speakership, but after five defeats you learn to grit your teeth and smile.

First of all, I want to wish you all a Happy New Year before somebody gets up and tells you something different.

I also want to express my thanks to those who voted for me over on this side of the aisle. I understand it was unanimous and I hope we can have that same kind of minority solidarity for the next 2 years.

Finally, I would like to congratulate our distinguished Speaker and to assure him that I will support him—one thousand percent.

As I look over this historic Chamber I see many old friends and familiar faces—but also many new ones. Fifteen percent of you have just cast your first vote as Members of the House of Representatives of the U.S. Congress.

I wish to that group the fondest welcome and to that group may I say a special word or two.

When I first came to the Congress 24 years ago, I was under the handicap of having defeated in the Republican primary a very, very senior member of the Michigan delegation who naturally had many good friends in the House on both sides of the aisle.

The day I was sworn in I happened to sit down beside one of the most senior Republican Members from Michigan, introduced myself, and started a conversation I thought in a friendly spirit. That senior Member turned to me and asked this question: "Young man, do you know the definition of a Congressman?"

I naturally said, "No." His response was, "A Congressman is the shortest distance between 2 years."

You will find, I hope, that we are a much friendlier group today. For one thing, a bloc of 68 votes, Mr. Speaker, 15 percent of the House, could be decisive if all you new Members would stick together. Of course you will not. You will vote according to your best judgment and the best interests of the country and of your constituents, which is how it ought to be.

May I urge you to counsel with your colleagues in one important respect, and that is the consideration we all owe to the institution of the House itself. The longer you work here the better you will understand what I mean.

I am sure that if my very dear friend, HALE BOGGS, were here, he would say some of the things that I am saying far more eloquently than I. And NICK BEGICH, although he had served only one term, would have agreed as would have GEORGE COLLINS, another able and fine colleague. All of us on both sides of the aisle will miss HALE, NICK and GEORGE very, very much.

This is truly the People's House, as

Thomas Jefferson once said. It comes as close to being a continuous sampling of public opinion as any part of our Government. Its powers are very great. Its traditions are very strong and deeply rooted in the lessons of history. You have been entrusted by the people who elected you—by those who voted for you and by those who voted against you or did not vote at all—to represent them in shaping laws and making decisions that profoundly affect their lives and the future of their children. This is a solemn responsibility and a very, very high privilege.

The institutions of government are all under fire today, and among them the House of Representatives. This is not unique to our times. Congress has always been the target of humorists like Mark Twain and Will Rogers, and presidents from George Washington forward have not been above blaming most of the country's troubles on the legislative branch.

But I think it is fair to say that never before have we been under closer scrutiny by the public than today, with all the advances in communications and instant analysis, and with the liberalization of our own rules and procedures. So I urge you all, and particularly the new Members, to bear in mind that you represent the House itself in all that you do. I for one pray that we shall represent the House in the 93d Congress with honor and with pride.

One Member, above all, represents the House as an institution more than the rest of us. The Speaker has been called the second most powerful official of our Government, and the speakership is an office of great dignity and power demanding great diligence and ability. Only 49 Americans have occupied this Speaker's chair.

We have just elected one of my oldest and dearest friends to this high responsibility for the second time. He has shown himself to be a Speaker of scrupulous honesty and fairness, a stanch champion of the rights and privileges of all Members and of the great traditions of this body. I am deeply honored to present to my colleagues of the 93d Congress a fine friend, a dedicated American, and a distinguished son of Oklahoma, the Speaker of the House of Representatives, the Honorable Carl Albert.

Mr. ALBERT. My dear colleague and dear personal friend, Gerald Ford, and my colleagues of the 93d Congress, I am most grateful for the very generous manner in which the distinguished minority leader has introduced me. This is my 14th term in the Congress. Although it may be a confession of weakness to have a little seniority around here, it is my 14th term, and that is the best introductory speech I have ever had. In the first place Gerry Ford is a great speaker, and in the second place I do not know of any minority leader who has ever had as much practice introducing Democratic Speakers since I have been here.

Once again, my colleagues, I must, of course, thank each and everyone of you from the bottom of my heart for bestowing upon me one of the highest offices in this or any land. I accept this, mindful that the office of Speaker is a House office, not a party office alone. The Speaker is elected by all the Members of this great body, although he does not get all the votes, and I promise you that I will continue to serve all the Members of this House to the best of my ability. I shall undertake to do it with openness and with fairness regardless of party affiliation.

Under our American system the Speaker is more than a presiding officer. He is the elected leader of his party in the House. You expect him therefore when the occasion arises to speak for his party and for his party's programs, but I hope it can be said by all of my colleagues that Carl Albert is an American and is a Member of the House of Representatives and is a Democrat in that order.

If I might interject a very personal note at this point, may I observe that for me this moment of high honor is dimmed by the absence of a friend and colleague who served with me as whip and then as majority leader. We served together, Hale Boggs and I, in the leadership of the House of Representatives for 10 years. To take this office without Hale Boggs is a sad and lonely occasion for me. And, of course, I miss the other departed colleagues who are not with us today. I will miss Hale's counsel, I will miss his support, I will miss his friendship, but at this time of shared loss I draw strength and assurance from my colleagues on both sides who when the occasion demands always lend the Speaker their support.

In particular, I know that my old friend, the distinguished minority leader, Gerald Ford, will stand with me and work with me to help make the House a forum for effective national leadership, as he has indicated in his own remarks, and at the same time a responsible instrument of the people's will.

Mr. Ford and I have differed in the past; no doubt we will differ from time to time in the future. But, we have never differed on the conviction that the House of Representatives must always safeguard its constitutional role as a strong and influential branch of our National Government; in my view, the most vital branch springing from and nourished by our people.

To that end, I give you my pledge that I will work harder for that purpose in this session than I have ever worked in my life.

I am also pleased to note that my Democratic colleagues have selected a successor to Hale Boggs who is destined to become one of the great leaders of the House of Representatives.

Tip O'Neill is a big man with a heart and a mind and a sense of compassion equal to his size. He is a man of immense dedication and intense loyalty.

I am proud to have him serving with me as we begin another Congress, and I am particularly proud that he will serve as my right arm.

We are fortunate to have such men as these, Jerry Ford and Tip O'Neill, as our leaders, for the times demand much of us. Our responsibility grows with each passing year, and the years become shorter in the process. Each session our workload becomes heavier. Each session more and more legislation is brought to the floor.

At the end of the session some say that we have done too much; others say we have done too little. It is very strange that never do we hear anyone say that we have done just enough. Where does the truth lie between these points of view?

The answer to that, of course, depends upon our vision of America. Those who believe that America is as good as can be or needs to be are naturally going to be against an active Congress. Those who believe our society is perfect are bound to oppose any attempt to improve upon it.

Those who believe that the American promise of equality and equal opportunity are realities now for all of our citizens will resist our efforts to put all Americans on an equal footing.

But I personally cannot accept this view of our Nation. This is a Nation based upon equality and freedom, dedicated to human rights and human peace, and these ends we shall endeavor to accomplish in the current session of the Congress.

I do not believe that America is a finished product, a Utopia, a good stopping place, an ideal that has already been perfected.

I do not believe we are as good as we can be, or as free as we can be, or as equal as we can be, or as just as we can be.

I believe that the Bill of Rights is more than just a static set of principles. I believe it is a promise constantly renewed and expanded by each succeeding generation to meet the changing needs of time.

Consider these facts.

When Frederick Muhlenberg became our first Speaker in 1789 the Bill of Rights did not exist. Today it is an absolutely inseparable part of the very fabric of American Government.

When Henry Clay was elected Speaker in 1811 American children did not have the "right" to an education. Today they do.

When William Pennington was elected Speaker in 1859 black Americans did not have the "right" to citizenship. Today they do.

When Champ Clark was elected Speaker in 1911 American women did not have the "right" to vote. Today they do.

When Nicholas Longworth was elected Speaker in 1925 Americans did not have the "right" to Government protection in their efforts to organize and operate as unions. Today they do.

When John Garner was elected Speaker in 1931 older Americans did not have a "right" to a guaranteed income and medical care in their years of retirement. Today they do.

When Sam Rayburn was elected Speaker in 1940 our veterans did not have the "right" to an education. Today they do.

When John McCormack was elected Speaker in 1962 all Americans did not have the "right" to eat where they pleased. Today they do.

When I was elected Speaker just 2 years ago 18-year-old Americans did not have the "right" to vote. Today they do.

My colleagues, the work of America is never finished. Today as I prepare to take the oath of Speaker for the second time, Americans are talking about new "rights" which, if we do our job, will become, as other "rights," permanent parts of the American tradition.

What are some of those "rights"?

The right to breathe air that is clean, to drink water that is pure.

The right to a job for everyone who wants to work.

The right of every consumer to be protected in the marketplace.

The right of every woman to be treated as equally as every man.

The right to adequate health care regardless of age or ability to pay.

The right of every citizen to be treated as an individual no matter how large or complex our society becomes.

This expanding Bill of Rights will demand our attention in the months ahead, for a right, no matter how widely recognized it is, does not automatically become a reality.

That requires action and legislation and commitment, but that is what America and the American Congress are all about. My colleagues, I see America as a nation constantly in motion, striving, growing, building, dreaming, playing, changing, planning, reforming. I see an America that is not an end in itself, but a great and noble experiment for the betterment of all mankind.

I see Congress as a part of that experiment, not the roadblock to change, but an instrument of orderly and thoughtful progress. I see each of us, 435 elected Members of this body, carrying on our tasks and adding to the treasured sweep of American history.

I am now ready to take the oath of office.

I now ask the dean of the House of Representatives, Hon. WRIGHT PATMAN, of Texas, to administer the oath of office.

Mr. PATMAN then administered the oath of office to Mr. ALBERT, of Oklahoma.

## SWEARING IN OF MEMBERS

The **SPEAKER**. According to the precedent, the Chair will swear in all Members of the House at this time.

If the Members will rise, the Chair will now administer the oath of office.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them.

The **SPEAKER**. The gentlemen and gentlewomen are now Members of Congress.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
*January 2, 1973.*

Hon. CARL ALBERT,
*The Speaker, U.S. House of Representatives.*

DEAR MR. SPEAKER: This is in further reply to your letter of December 20, 1972, wherein you requested transmittal to the House of Representatives when it convenes on January 3, 1973, certified copies of any "judicial determinations and any other relevant information available" with respect to the status of Representative-elect Nick Begich from the at-Large seat of Alaska and Representative-elect Hale Boggs from the Second Congressional District of Louisiana.

Attached herewith is a certified copy of the Certificate of Presumptive Death, the Presumptive Death Jury Verdict, and Order signed by Alaska District Court Judge Dorothy D. Tyner on December 29, 1972, for the Honorable Nick Begich, at-Large Representative for Alaska, who was one of three passengers in an airplane that departed from Anchorage on a flight bound for Juneau, Alaska on October 16, 1972, and disappeared, together with Judge Tyner's covering letter of December 29, 1972, that was received this date. I have also received this date from the Alaska District Court a certified copy of the transcript of the Presumptive Death Hearing concerning the airplane's October 16, 1972, disappearance with its pilot and passengers, together with 45 color slides depicting the search areas which were shown to the hearing jury. Your attention is respectfully invited to pages 19, 20, 21, 26, 37, 50, 103 and 106 of the hearing transcript that discuss the presence of the Honorable Hale Boggs as a passenger on the October 16, 1972, Anchorage to Juneau flight that disappeared. Additionally, I received the attached telegram this date from the Honorable William A. Egan, Governor of Alaska, confirming that on December 29, 1972, the day the Order that presumed death of the Honorable Nick Begich was signed by Judge Tyner, Governor Egan declared Alaska's only at-Large House seat vacant. It has been announced that Governor Egan also ordered a special election for March 6, 1973, to fill said vacancy.

Also attached herewith is a Certification executed by the Governor of Louisiana on December 21, 1972, and attested to by the Secretary of the State of Louisiana that contains a certified opinion of the Attorney General of Louisiana that no action has been taken by the Governor and that no action is before the courts of Louisiana that would in any way change the status of the Honorable Hale Boggs or modify the Election Proclamation for the General Election held in Louisiana on November 7, 1972, that was signed and issued by the Governor and countersigned by the Secretary of State under the seal of the State of Louisiana on December 11, 1972, certifying that the Honorable Hale Boggs was elected as Representative for the Second Congressional District of Louisiana and transmitted to the Clerk of the House in the Secretary of State's letter of December 12, 1972. I have this date received the attached telegram from the Secretary of State of Louisiana, advising that the situation in Louisiana has not changed the December 21, 1972, Certification of the Governor of Louisiana. Based on said Louisiana's Congressional Election Proclamation, the Honorable Hale Boggs has been enrolled by the Clerk of the House as the Representative-elect from the Second Congressional District of Louisiana on the roll of Representatives-elect for the Ninety-Third Congress.

In the event the Clerk of the House receives or learns of any additional information prior to the convening of the Ninety-Third Congress, such information will be transmitted to the House of Representatives promptly.

In accordance with your previous oral directions, I have prepared draft resolutions related to this matter and have separately transmitted them to the Parliamentarian of the House of Representatives.

With kindest regards, I am
Sincerely,

W. PAT JENNINGS,
*Clerk, U.S. House of Representatives.*

STATE OF LOUISIANA,
*Baton Rouge.*

*To the U.S. House of Representatives:*

I, Edwin W. Edwards, Governor of Louisiana, do hereby certify to the United States House of Representatives that the Governor of Louisiana has not taken any action nor, according to the certified opinion of William J. Guste, Jr., Attorney General of the State of Louisiana, said certification being attached and made a part hereof, are there any actions before the Courts of Louisiana, nor has any other action been taken that would in any way change the status of the Honorable Hale Boggs or modify the election proclamation for the General Election held in Louisiana on November 7, 1972 that was certified, signed and issued by the Governor and the Secretary of State over the seal of the State of Louisiana on December 11, 1972 for the Second Congressional District of Louisiana, and transmitted to the Clerk of the United States House of Representatives in the Secretary of State's letter of December 12, 1972.

EDWIN EDWARDS,
*Governor of Louisiana.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
*January 2, 1973.*

Hon. CARL ALBERT,
*The Speaker,*
*U.S. House of Representatives.*

DEAR MR. SPEAKER: This is an additional response to your letter of December 20, 1972, wherein you requested transmittal to the House of Representatives when it convenes on January 3, 1973, certified copies of any "judicial determinations and any other relevant information available" with respect to the status of Representative-Elect Nick Begich, from the at-large seat of Alaska and Representative-Elect Hale Boggs from the Second Congressional District of Louisiana.

I have this evening received from the Secretary of Defense the attached letter describing the air and sea rescue search efforts conducted by his department for the "aircraft which carried the Honorable Hale Boggs as a passenger . . . missing on a scheduled flight from Anchorage, Alaska to Juneau, Alaska since the sixteenth day of October 1972." The Secretary of Defense "determined that further search would be of no avail [and] . . . informed the Commander-in-Chief Alaska Command to suspend further active search."

In the event the Clerk of the House receives or learns of any additional information prior to the convening of the Ninety-Third Congress, such information will be transmitted to the House of Representatives promptly.

With kindest regards, I am,
Sincerely,

W. PAT JENNINGS,
*Clerk, House of Representatives.*

## CONCERNING THE HONORABLE HALE BOGGS

Mr. **TEAGUE** of Texas. Mr. Speaker, I offer a resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1

Whereas a certificate of election has been received by the Clerk of this House showing the election of Hale Boggs as a Representative in the Ninety-third Congress from the Second Congressional District in the State of Louisiana; and

Whereas Representative-elect Hale Boggs has not appeared to take the oath of office as a Member of this House; and

Whereas the Clerk of the House of Representatives, acting at the direction of the Speaker of this House for the Ninety-second Congress, has ascertained that Representatives Nick Begich and Hale Boggs, Members of the Ninety-second Congress, together with Russell L. Brown and Don E. Jonz of the State of Alaska, all of whom departed together by plane from Anchorage, Alaska, on October 16, 1972, on a flight bound for Juneau, Alaska, have been missing since that date and despite repeated and thorough searches have not been located; and

Whereas the District Court for the State of Alaska, Third Judicial District, after hearing witnesses and studying all available evidence relative to the disappearance of Representative Begich, Russell L. Brown and Don E. Jonz, has determined that these three men cannot be found alive after such a lapse of time and are presumed dead; and

Whereas as a result of the findings of the jury in the aforementioned judicial proceeding the judge of the said court has signed certificates of presumptive death with respect to Representative Begich, Russell L. Brown and Don E. Jonz; and

Whereas no evidence has been presented to this House or is known to it which distinguishes the missing status of Representative-elect Hale Boggs from that of the three men for whom the aforementioned certificates of presumptive death have been issued; Therefore be it

*Resolved,* That based on information provided by its Clerk, this House of Representatives hereby determines that there is a vacancy in the Ninety-third Congress in the representation from the Second Congressional District in the State of Louisiana because of the absence of Representative-elect Hale Boggs.

*Resolved,* That the Speaker of the House is hereby directed to notify the Governor of the State of Louisiana of the existence of this vacancy so that appropriate measures to fill this vacancy may be undertaken by the Governor pursuant to Article I, Section 2 of the Constitution of the United States.

*Resolved,* That the Speaker be authorized to appoint a delegation of Members of this House, together with such Members of the Senate as may be joined, to attend memorial services to be held for the former Majority Leader in New Orleans, Louisiana, on January 4, 1973.

*Resolved,* That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary to carry out the provisions of these resolutions and that the necessary expenses in connection therewith, as well as any incurred by the Clerk at the Speaker's request, be paid out of the contingent fund of the House.

*Resolved,* That the Clerk communicate these resolutions to the Senate, to the Governor of the State of Louisiana, and transmit a copy to the family of the missing Representative-elect Hale Boggs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## APPOINTMENT OF MEMBERS TO ATTEND MEMORIAL MASS FOR THE HONORABLE HALE BOGGS

The SPEAKER. The Chair appoints the following Members of the House to attend the memorial mass and tribute for the honorable Hale Boggs, the majority leader in the 92d Congress and a Representative-elect from the Second Congressional District of Louisiana to the 93d Congress: The Speaker, Mr. Hébert, the majority leader, the minority leader, the majority whip, the minority whip, Mr. Passman, Mr. Waggonner, Mr. Rarick, Mr. Breaux, Mr. Long of Louisiana, Mr. Treen, Mr. Patman, Mr. Mahon, Mr. Poage, Mr. Mills of Arkansas, Mr. Holifield, Mr. Madden, Mr. Morgan;

Mr. Price of Illinois, Mr. Teague of Texas, Mr. Blatnik, Mr. Burleson of Texas, Mr. Gross, Mr. Hays, Mr. Perkins, Mr. Rodino, Mr. Staggers, Mr. Saylor, Mr. Widnall, Mr. Broyhill of Virginia, Mr. Cederberg, Mr. Haley, Mr. Landrum, Mr. Mailliard, Mr. Rhodes, Mrs. Sullivan, Mr. Diggs, Mrs. Griffiths, Mr. Reuss, Mr. Teague of California, Mr. Vanik, Mr. Chamberlain, Mr. Collier, Mr. Ullman;

Mr. Quie, Mr. Burke of Massachusetts, Mr. Devine, Mr. Dulski, Mr. Karth, Mr. Moorhead of Pennsylvania, Mr. Nelsen, Mr. Rostenkowski, Mr. Schneebeli, Mr. Anderson of Illinois, Mr. Ashbrook, Mr. Carey of New York, Mr. Corman, Mr. Harsha, Mr. Ichord, Mr. Mosher, Mr. Fulton, Mr. Gibbons, Mr. Horton, Mr. Hutchinson, Mr. Quillen, Mr. Green of Pennsylvania, Mr. Conable, Mr. Duncan, Mr. Brown of Ohio, Mr. Matsunaga, and Mr. Brotzman.

The Sergeant at Arms has advised the Chair that it may be possible to arrange transportation for a limited number of Members who desire to attend the memorial mass in New Orleans who have not been appointed on the official list of House Members. Interested Members should contact the Sergeant at Arms.

The Chair would like to announce with regard to the arrangements being made for Members of the House to attend the memorial mass for the late Honorable House Majority Leader Hale Boggs to be held tomorrow in New Orleans that buses will be provided for transportation to Andrews Air Force Base, at the Capitol steps, at the House entrance.

Buses will leave in groups starting at 8:30 a.m. Meals will be served in flight both ways. The group is expected to return to Washington, D.C., at approximately 6:45 p.m. to 7:30 p.m.

The official delegation has been named and several aircraft have been made available to transport the group to New Orleans.

Other Members not named in the delegation have requested to join the group. While every effort has been made to accommodate everyone, seating space is limited. It is, therefore, requested that all Members desiring transportation, who have not already done so, notify the Sergeant at Arms at extension 5-2456 as soon as practicable.

Members will be assigned to specific aircraft and the ground transportation has been so coordinated. In the interest of safety, it is essential that the scheduling of departure of the several aircraft be maintained.

## MAJORITY LEADER

Mr. TEAGUE of Texas. Mr. Speaker, as chairman of the Democratic caucus, I have been directed to report to the House that the Democratic Members have selected as majority leader the gentleman from Massachusetts, the honorable Thomas P. O' Neill.

## MINORITY LEADER

Mr. ANDERSON of Illinois. Mr. Speaker, as chairman of the Republican conference, I am directed by that conference to officially notify the House that the gentleman from Michigan, the Honorable Gerald R. Ford, has been selected as the minority leader of the House.

## ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, DOORKEEPER, POSTMASTER, AND CHAPLAIN

The SPEAKER. The gentleman from Texas (Mr. Teague).

Mr. TEAGUE of Texas. Mr. Speaker, I offer a resolution (H. Res. 2) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. Res. 2

*Resolved,* That W. Pat Jennings, of the Commonwealth of Virginia, be, and he is hereby, chosen Clerk of the House of Representatives;

That Kenneth R. Harding, of the Commonwealth of Virginia, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That William M. Miller, of the State of Mississippi, be, and he is hereby, chosen Doorkeeper of the House of Representatives;

That Robert V. Rota, of the Commonwealth of Pennsylvania, be, and he is hereby, chosen Postmaster of the House of Representatives;

That Reverend Edward G. Latch, D.D., of the District of Columbia, be, and he is hereby, chosen Chaplain of the House of Representatives.

Mr. ANDERSON of Illinois. Mr. Speaker, I shall offer a substitute for the resolution just offered by the gentleman from Texas, but before doing so, request that there be a division of the question on the resolution so that we may have a separate vote on the Office of the Chaplain.

The SPEAKER. The question is on that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

### SUBSTITUTE AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Speaker, I offer a substitute amendment for the remainder of the resolution.

The Clerk read as follows:

Amendment offered by Mr. Anderson of Illinois as a substitute for House Resolution No. 2:

*Resolved,* That Joe Bartlett, of the State of Ohio, be, and he is hereby, chosen Clerk of the House of Representatives;

That Robert T. Hartman, of the State of Maryland, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That William R. Bonsell, of the Commonwealth of Pennsylvania, be, and he is hereby, chosen Doorkeeper of the House of Representatives;

That Tommy Lee Winebrenner, of the State of Indiana, be, and he is hereby, chosen Postmaster of the House of Representatives.

The SPEAKER. The question is on the substitute amendment offered by the gentleman from Illinois (Mr. Anderson).

The substitute amendment was rejected.

The SPEAKER. The question is on the

resolution offered by the gentleman from Texas (Mr. TEAGUE).

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Will the officers elected present themselves in the well of the House?

The officers-elect presented themselves at the bar of the House and took the oath of office.

## NOTIFICATION TO SENATE OF ORGANIZATION OF THE HOUSE

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 3) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

*Resolved*, That a message be sent to the Senate to inform that body that a quorum of the House of Representatives has assembled; that Carl Albert, a Representative from the State of Oklahoma, has been elected Speaker; and W. Pat Jennings, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives of the Ninety-third Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 4) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

*Resolved*, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as members on the committee on the part of the House to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Massachusetts (Mr. O'NEILL) and the gentleman from Michigan (Mr. GERALD R. FORD).

## AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. MAHON. Mr. Speaker, I offer a resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

*Resolved*, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected Carl Albert, a Representative from the State of Oklahoma, Speaker; and W. Pat Jennings, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives of the Ninety-third Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## RULES OF THE HOUSE

Mr. MADDEN. Mr. Speaker, by direction of the caucus, I offer a resolution (H. Res. 6) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 6

*Resolved*, That the Rules of the House of Representatives of the Ninety-second Congress, together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended, and the Legislative Reorganization Act of 1970, as amended, be, and they are hereby adopted as the Rules of the House of Representatives of the Ninety-third Congress, with the following amendments as part thereof, to wit:

In Rule XII, clause 2 is amended to read as follows:

"The Delegate from the District of Columbia shall be elected to serve as a member of the Committee on the District of Columbia and each Delegate to the House shall be elected to serve on standing committees of the House in the same manner as Members of the House and shall possess in all committees on which he serves the same powers and privileges as the other Members."

In Rule XVI, insert at the end of clause 4 the following:

"It shall be in order at any time during a day for the Speaker, in his discretion, to entertain a motion that when the House adjourns it stand adjourned to a day and time certain. Such a motion shall be of equal privilege with the motion to adjourn provided for in this clause and shall be determined without debate."

In Rule XXVII, clause 1 is amended to read as follows:

"No rule shall be suspended except by a vote of two-thirds of the Members voting, a quorum being present; nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, and on the Tuesdays immediately following those days, and during the last six days of a session.

Mr. MADDEN. Mr. Speaker, I was about to move the previous question on this resolution, because the caucus on yesterday unanimously agreed on this with a few minor changes, but I have been requested by the minority to yield some time, so I yield 5 minutes to the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have serious reservations about the third point, the rule which the gentleman has proposed, that is extending to the Tuesday after the first and third Mondays the consideration of bills under suspension. The bills under suspension, of course, are under what we might call closed rules or practically closed rules, because they cannot be amended in the House.

There is a great deal of sentiment and hue and cry about the country to open up to the will of the elected Members of the Congress and the people of the United States these bills to thorough debate and consideration on all legislative measures.

I grant, Mr. Speaker, that there are times when we should have a closed rule, but to increase by 100 percent the amount of time for consideration under suspension of the rules is contrary to the feelings of the people of this country. I am in opposition to this proposed change.

In respect to the legislative situation I would like to make this statement. I understand we cannot offer an amendment to support or oppose any particular change of these three points in the rules.

The important vote will come on the previous question. There will be a request from this side of the aisle for a rollcall vote on the previous question. If the previous question is voted down, then we will have an opportunity to offer amendments.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman from Nebraska for yielding to me.

I can assure the Members of this body that I regret very deeply that, on the first occasion I have to take to the well of this Chamber in this first session of the 93d Congress, it is to object to what I think are highly arbitrary and high-handed procedures that are suggested with respect to the rules of this House; the very body that has just been as correctly described as the People's Chamber, in which the people's voice is to be heard. Yet, by this action that is proposed this afternoon, we are going to limit ourselves to less than 30 minutes of debate on a very fundamental question as to how we dispatch the business of this House.

Now, the distinguished chairman of the Committee on Rules knows that I have already written him this week and asked him to consider seriously the immediate reestablishment of a Subcommittee on Legislative Reorganization of the Committee on Rules, on which I am proud to serve.

That is the proper forum before which to take this matter, and after appropriate hearings to decide the manner in which we shall fundamentally change the rules by which we do business in this House.

I could not agree more with the gentleman from Nebraska that to increase by 100 percent this type of parliamentary procedure where, after 40 minutes of debate with no amendments being tolerated, we try to ram through this Chamber important pieces of legislation is not reform at all; it is a travesty upon the cry that has gone forth through the length and breadth of this land that we reform the procedures of this House.

I stand foursquare for reform of the procedures of this House. I would not have written a letter to the distinguished chairman suggesting the immediate reestablishment of a committee on legislative reorganization if I did not subscribe wholeheartedly to the principle of reform.

But, on the initial day of the first session of this new Congress, to propose in this manner without any prior communication that I am aware of whatever with the minority side of the aisle—to propose this kind of a sweeping, far-reaching change in the rules I think is preposterous.

Let me remind some of my liberal friends with whom I voted during the last session of this Congress when a bill to deny freedom of travel in complete violation of all constitutional rights was on the suspension calendar, that we defeated that bill, as I recall, by only one or two votes. It was a bill that never belonged on the suspension calendar in the first place.

I think we ought to give some very serious consideration to what we are doing here this afternoon. I do not like to vote down the previous question, but it is the only parliamentary procedure available to us to protest this unwise and retrogressive change in the rules.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I ask the gentleman from Nebraska to yield to me for 1 additional minute.

Mr. MADDEN. I yield 1 additional minute to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I repeat, that this is the only possible parliamentary procedure available to us this afternoon who are indignant not only about the fundamental nature of the change which the gentleman seeks to make, but by the arbitrary, high-handed procedure which is sought to be employed in altering the rules of the People's Chamber.

I hope that the Members will join me on the Democratic side of the aisle as well and after some sober reflection reallize that there is time to reform the rules of this House in a proper way and in those areas where change is needed. I understand there is a move afoot in the Democratic caucus to consider over the next 2 weeks what other changes ought to be made in the rules. Let us do that in an orderly way by scheduling hearings before the Committee on Rules.

I am not suggesting that because I want to block change or block reform, but give us a chance after a fair hearing, after mature reflection and consideration, to begin the job, and what a necessary job it is, of reforming this House and its procedures.

Let us not get off on the wrong foot and start this very first day by doing something that in time we will come to repent.

Mr. MADDEN. Mr. Speaker, I yield 10 minutes to the minority leader (Mr. GERALD R. FORD).

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. As I understand one of the proposed changes in the rules, we would have 2 more days in a month under which suspensions could be called up; is that correct?

Mr. GERALD R. FORD. It is my understanding that in one of the three provisions that would deviate from what we have had for a good many years——

Mr. CLEVELAND. There would be 2 more days?

Mr. GERALD R. FORD. There would be 2 more days a month, the Tuesdays following the first and third Mondays, which would then be open for suspensions.

Mr. CLEVELAND. And by inference, then, we could say there would be more bills brought up on the floor of the House under suspension of the rules?

Mr. GERALD R. FORD. I think that is a fair inference.

Mr. CLEVELAND. I think that not enough attention has been paid as to how bills get called up under a suspension of the rules. As I understand it, this is totally within the discretion of two people in the House, the Speaker and the chairman of the committee. I don't believe a member of a committee, has a right to vote on whether a bill would be considered under suspension of the rules, or taken to the Rules Committee. We have seen bills involving millions of dollars, enormously complex, come up under suspension of the rules. This has been done, as I understand it, by a decision of two people, the chairman of the committee and the Speaker of the House. Is that generally correct?

Mr. GERALD R. FORD. I would amend the gentleman's observation to one extent. The principal discretion rests with the Speaker of the House. As to the person he will recognize, that person does not necessarily have to be the chairman of the committee concerned. But somebody from a committee has to seek recognition, and the Speaker of the House has the discretion to recognize him, or whomever the committee chairman may designate.

Mr. CLEVELAND. And the committee has nothing to say. A member of a committe may suddenly and without any notice find an important bill from his committee coming up on the floor of the House under a suspension of the rules under which no amendment can be offered, with only 40 minutes of debate.

Mr. GERALD R. FORD. That is correct.

Mr. CLEVELAND. I think this is a serious step backward for the House. It is a step backward and a blow to those of us who have been interested in meaningful congressional reform.

I thank the gentleman for yielding.

Mr. GERALD R. FORD. Mr. Speaker, some of the details have been spelled out here in our discussion this afternoon, but let me say that we have three proposed changes in the rules of the House that ought to be discussed, and in my opinion in two instances there ought to be changes.

In the first, rule XII, clause 2, the proposal would make the delegate from the District of Columbia a member of the Committee on the District of Columbia and in addition it would provide that each delegate to the House be elected to serve on standing committees in the same manner as Members of the House, and so forth.

I do not believe there is any objection to that proposed rules change. I would not oppose that proposal under any circumstances.

Now we turn to one that I believe is vitally important. The rules of the House heretofore have said that the House shall meet every day, and there should not be more than a 3-day spread, at 12 o'clock at noon. In the past in order to get that time of meeting changed we had to have unanimous consent. This was a protection against an autocratic, dictatorial majority.

Although on some occasions I must admit I objected to the fact that a single Member would not permit us to come in at 11 o'clock or 10 o'clock, in retrospect I believe it was probably a good safeguard to protect the rights of the minority.

Now the proposal that is before us today says that the time of meeting shall be determined by a majority vote of the Members and that the Speaker can entertain a motion that has very high privilege.

Mr. Speaker, the majority will make the decision. The Speaker can recognize the individual, and the net result is that nobody in the minority, I do not think, is adequately protected—a minority on the side of the Democrats or a minority on the side of the Republicans.

Mr. Speaker, what we propose as a change in the rules—and I think it is fair—is that the Speaker be permitted to recognize a person for a change in the hour of meeting, but instead of a majority determining that issue it would require a two-thirds vote. If a two-thirds vote of this body says that we should meet at 11 o'clock or 10 o'clock, I think that is fair. But a simple majority, in my opinion, puts too much power, too much dictatorial authority in the hands of a mere majority of one.

And so, Mr. Speaker, if the previous question is beaten, we would offer an amendment that would simply change the vote from a majority to a two-thirds vote.

Mr. Speaker, the second point: I really do not understand why we have to double, increase by a hundred percent, the number of days of suspension each month.

As I understood the historical justification for suspension, it was for the purpose of considering relatively unimportant legislation or legislation where there was little or no controversy, and the net result was the rules of the House said that on every first and third Monday we should have suspension, and in addition during the last 6 days after the date of an adjournment has been set. I think that is a good rule.

But now, Mr. Speaker, to double, to increase by a hundred percent, the days on which we can have suspensions, in my judgment, is going too far, because suspensions, as all of us who have been here know, mean that you can take a bill involving billions of dollars, involving literally hundreds of thousands of words, and put it on suspension and you could not amend a dollar and you could not amend a word. And I do not believe that is the way to legislate.

Mr. Speaker, the Members talk about reform in the House proposing that we ought to open up committee hearings, and recommending other things that some of these crusaders are demanding.

If we adopt rule XXVII as it is proposed, that is a step backward from reform; it is retrogression from progress. I do not see how anybody who believes in making the House of Representatives more representative could possibly support this rule change.

Mr. Speaker, I urge that we defeat the previous question, and then we would offer an amendment which would simply strike—and I quote—"and on the Tuesday immediately following those days."

Mr. Speaker, I believe that it would be a step backward to make it more than the 2 days each month we now have.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield.

Mr. GERALD R. FORD. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Speaker, I appreciate the gentleman yielding, and I join with him in support of the stand which he has taken. I regret the fact apparently that today on this critically important matter, one of the most significant things this body is going to do, in my opinion, there is going to be inadequate time for debate.

Instead of yielding the customary 30 minutes to the minority side so we could at least rise in support of those points on which our minority leader has so eloquently spoken, we have been informed by the chairman of the committee we are not going to be yielded that time, and for that reason I rise in support of our minority leader in expressing my opinion.

Mr. Speaker, I must stress the fact that in our opinion the step we are about to take is one of the most significant in this body, and what we are going to do on these rules will determine what happens during the rest of this session.

Mr. Speaker, it is not only the points on which Mr. Ford has so eloquently spoken and on which Mr. Martin, the gentleman from Nebraska, has so eloquently spoken, but it is the other factors which are involved in these rules. The gentleman in the well has made mention of the fact that everyone has had editorials written and everyone has spoken on this particular subject, and yet there is no amendment in these rules as proposed today that will bring up committee meetings any more than has been the case in the past. There is no amendment as the rule is before us now that will open up debate on the floor any more than we have it now.

There are other issues; there is the matter of staffing which we devoted some time to in the amendments of 2 years ago. Those are closed issues if we proceed today in this particular manner. There was a material step forward taken on a bipartisan basis 2 years ago. At that time the first congressional reform bill in 25 years was adopted by this House.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. MADDEN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. I thank the gentleman from Indiana for yielding, and I yield further to the gentleman from Oregon (Mr. Dellenback).

Mr. DELLENBACK. I thank the gentleman. I will make it short.

I merely wish to say that I regret what was a forward step 2 years ago and a long step in the right direction but which was only a partial step in the direction of a revision of the rules of this House will apparently not be continued and not be able to be continued under the procedure which is before us today.

There was a fine bipartisan effort made 2 years ago in which the Committee on Rules made material contributions. I am personally deeply regretful that it is apparently the decision of the majority and the Committee on Rules that we are going to be stopped dead in the water.

It should be clearly understood where the blame lies. If we are unable to amend the rules further today, it will not be because the fault is on our side but because we will be stopped by the arbitrary decision of the majority.

Mr. GERALD R. FORD. Mr. Speaker, I yield to the gentleman from New York (Mr. Conable).

Mr. CONABLE. I thank the gentleman for yielding.

I would like to ask, as this particular proposal emerges from the Democratic caucus, if the members of the majority party are to be permitted to vote their conscience on this or if there is a unit rule in effect. Has anything been said on that point?

Mr. GERALD R. FORD. Not having been at that meeting, I am not qualified to answer the question. I just do not know.

Mr. CONABLE. It is obvious that we are just spinning our wheels if there is any implication of the unit rule being in effect here. That is what we were faced with at the beginning of the last Congress. It is apparent unless the previous question is voted down at this point we will be relying on the tender mercies of the Committee on Rules hereafter for any further consideration of ways in which the rules of the House can be improved. Is that correct?

Mr. GERALD R. FORD. That is correct.

Mr. du PONT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Delaware.

Mr. du PONT. I thank the minority leader for yielding to me.

I would simply like to say that the 93d Congress is not yet 3 hours old and we are seeing a gag rule being imposed on even considering this question. Some of us have requested time to speak, but we are not even getting the 30 minutes on this side of the aisle to which we are entitled just to consider the question of amending the rules.

There are many Members on the other side of the aisle who came in, as I did, in the 92d Congress at a time when the whole question of the responsiveness of the Congress was a big issue. Where are those Members today? I do not know.

Mr. MADDEN. Mr. Speaker, may I inquire how much time the minority has used?

The SPEAKER. The minority has used 18 minutes.

Mr. MADDEN. Mr. Speaker, I yield the balance of the time to the gentleman from Nebraska.

The SPEAKER. The gentleman yields 12 minutes?

Mr. MADDEN. Twelve minutes to the gentleman from Nebraska for debate only.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I thank the gentleman from Nebraska for yielding to me.

I am still wondering where this outrageous resolution came from. Did it come from some caucus or from the Committee on Rules?

Mr. MADDEN. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. MADDEN. This came from the caucus that was held yesterday by the Democratic side, and it was passed, I think, practically unanimously.

Mr. GROSS. Mr. Speaker, I was here several years ago when the Committee on Rules was packed by the Democrat majority. It was alleged at that time that the packing was for the purpose of clearing legislation through the Committee on Rules. We were told at that time that everything would be lovely and the goose would hang high if additional Democrat Members were added to the Committee on Rules so that legislation could be expedited to the House floor. This would provide a detour around the Committee on Rules in order to bring legislation to the floor and under the most outrageous procedure.

I regret that there are not more of the new Members of the House on the floor this afternoon, for they must understand that now and in the years to come that adoption of this rule will rise to haunt them, because they will be confronted with legislation, as the distinguished minority leader has said, that may involve hundreds of millions, perhaps billions of dollars. To be confronted with that kind of legislation under a suspension of the rules is intolerable and a travesty on the orderly process of enacting legislation.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 1 minute to the gentleman from Delaware (Mr. du Pont).

Mr. du PONT. Mr. Speaker, I thank the gentleman for yielding. I would simply like to take up where I left off a moment ago, and I appreciate the distinguished chairman of the Committee on Rules granting us this additional time.

I would like to address myself very briefly again to the merits of this matter. I think it is a serious mistake to consider doubling of the time under suspension of the rules. We had a situation in the last session involving the bringing up of many controversial bills under the suspension of the rules procedure. It was not satisfactory. To double the time under the suspension procedure is in my judgment a distinct mistake.

It also would seem to me that if we are going to take a step like this we should have a full opportunity to consider it, and I do not believe that we can do that when we are confronted with this matter under today's procedure. So, as the minority leader said, I too would suggest that we vote down the previous question so that we will have an opportunity to consider the question at some length, and to consider in depth the particular amendment to the rules doubling the days for suspension of the rules.

The SPEAKER. The time of the gentleman has expired.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding. I would like to say that I too share the extreme disappointment of seeing these rules changes being presented to us at this time, and in this fashion.

Members of the minority have only 30 minutes to question and debate these rules and they have no opportunity to amend them under this "closed rule" procedure.

The rules themselves provide for an expansion of time to handle bills under suspension: This means more bills will be worked on under another "closed rule" procedure with no amendments allowed and debate limited. Under this suspension procedure—or "closed rule" or "gag rule"—the Speaker has absolute authority to bring a bill before the House.

I can only ask—and I expect that my constituents would also want to ask—where are the liberals in the House? Where are their marvelous rules that are going to open up and make this great body be more responsive and more visible to the people of this country?

The answer is that they are certainly not on the Democratic side of the aisle, for here we are being asked to approve an extension of the "gag rule," for greater limitations of debate. The opportunity to get a bill from the Committee on Rules will depend on the decision of one man, who will be able to bring bills to the floor of the House in what may, or may not be, the regular order. This rule change would prevent amendments through the use of additional days for the suspension of the rules, which in itself is most assuredly an extension of the "gag rule."

Also, where are the liberal Members of this House with respect to minority staffing? Are we to continue, through these rules, the rape of the Reorganization Act of 1970? Originally we had thought that we would receive sufficient minority staffing, yet under these rules we will not, not even the one-third of the minority staffing which was supposed to be provided under the Reorganization Act.

Where are the liberals when it comes to opening up the visibility of this body with open meetings? They and their promises are not apparent in these rules, Mr. Speaker.

Where are the liberals who want to make this body in its legislative processes more liberal, and visible, and responsive? Certainly not on that side of the aisle, Mr. Speaker.

Mr. Speaker, I certainly will vote against the previous question. The object of these rules is an extension of the gag rule, and it is certainly a discredit to this House.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, the minority leader as well as other Members of the minority have asked some serious questions about the reasons for the proposed changes in the rules.

It seems to me incumbent on the majority to give some serious answers as to why these changes are being proposed.

How do they feel about the advisability of a two-thirds approval for a change in the hour of meeting?

What is the justification for the increased number of days for suspension of the rules?

Are we going to get nothing but silence from the majority? It seems to me, it is high time for the Members of the majority to explain their position, if they have a position that is reasonable. I hope we get some word of wisdom, or otherwise, from the majority before this debate concludes.

Mr. MARTIN of Nebraska. Mr. Speaker, I would like to ask the gentleman from Indiana (Mr. MADDEN) if he would like to take some time now since we still have another speaker.

Mr. MADDEN. Not at this time, no.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. CLEVELAND).

(Mr. CLEVELAND asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, as I previously stated during the dialog with the minority leader, this is clearly a step backward. To increase by 100 percent "suspension" days is not a step forward. It is unfortunate, as some have pointed out, that there are so few Members on the floor of the House while we debate proposed changes in the rules of the House. It is also unfortunate the press gallery is almost empty. There certainly was a good deal of discussion about our rules during the recent campaign.

There is at least one aspect of this suspension matter that I think the people should be aware of.

Late in the last session we received through the whip office a list of bills that were available to come up under suspension of the rules. There were 46 bills. I am going to offer these at this point in the RECORD as it will be interesting for scholars of the legislative process and for the people of the fourth estate who think that our processes need change, to study this list of 46 bills that were dumped on our desks with no advance notice whatsoever. Some of these bills were of significance and importance. H.R. 16832 had a price tag of half a billion dollars.

The list follows:

CONSENT CALENDAR SUSPENSIONS (46 BILLS)

1. H.R. 16742—Restrict Travel to Certain Countries.
2. H.R. 15276—Amend Title 18, U.S. Code.
3. H.R. 16191—Anti-Hijacking Act of 1972.
4. H.R. 15859—Emergency Medical Services.
5. H.R. 16832—Omnibus Rivers and Harbors and Flood Control Bill.
6. H.J. Res. 1301—Extend Certain Housing Programs.
7. H.R. 16732—Small Business Investment Act Amendments.
8. H.R. 12006—Longshoremen's and Harbor Workers Compensation Act.
9. H.R. 16563—Youth Conservation Corps.
10. S.J. Res. 247—Extend Copyright Protection.
11. H.R. 8063—Economic Development of Indian Organizations.
12. H.R. 16444—Golden Gate National Urban Recreation Area.
13. H.R. 6482—Strip Mining Reclamation.
14. S. 3671—Amend Administrative Conference Act.
15. H.R. 8273—Immigration and Nationality Act Amendments (Sec. 301(b)).
16. H.R. 1536—Immigration and Nationality Act Amendments (Sec. 319).
17. S. 1943—Rabbit Meat Inspection.
18. H.R. 7287—Prohibit Futures Trading in Irish Potatoes.
19. H.R. 15352—Apple Marketing Orders.
20. H.R. 16182—Eligibility of ASC County Committee Members.
21. H.R. 15461—U.S.-Mexico Treaty Compliance.
22. H.R. 15462—International Boundary and Water Commission Expenditures.
23. H.R. 15763—To Provide for 2 Additional Members of the National Historical Publications Commission.
24. H.R. 15597—Additional Acquisition, Piscataway Park, Maryland.
25. H.R. 9859—Cumberland Island National Seashore, Georgia.
26. H.R. 8756—Hohokam Pima National Monument, Arizona.
27. H.R. 6067—Mississippi Sioux Indian Judgment.
28. H.R. 11449—Disclaims Interest, Antoine Leroux Grant.
29. H.R. 9294—Convey Title, Devils Lake Sioux Reservation.
30. H.R. 10751—To Establish the Pennsylvania Avenue Bicentennial Development Corporation.
31. H.R. 15716—To Establish Glen Canyon National Recreation Area, Arizona and Utah.
32. H.R. 15735—Ship Transfer to City of New York.
33. H.R. 15280—Increasing Annual Appropriation Authorization for NACOA.
34. H.R. 15627—Oil Pollution Act Amendments of 1972.
35. H.R. 11091—Bows and Arrows.
36. H.R. 16074—Jellyfish Appropriation.
37. H.R. 14384—Commercial Fisheries Research and Development Act.
38. H.R. 14385—Fishermen's Protective Act of 1967.
39. H.R. 15718—Sockeye Salmon Fisheries Act of 1947.
40. H.R. 15379—Canadian Fishing Vessels.
41. S. 1478—Toxic Substances Control Act.
42. H.R. 14740—Aircraft Loan Guarantees.
43. H.R. 15054—Facilitate the Payment of Transportation Charges.
44. H.R. 16675—Comprehensive Alcohol Abuse and Alcoholism Prevention.
45. H.R. 16676—Community Mental Health Centers Act.
46. H.R. 16883—Post-Secondary Education Commission.

I think it is unfortunate, extremely unfortunate, that we are now going to go into a situation where clearly the leadership on the majority side wants to have more suspension days, to give us longer lists of suspension bills that cannot be debated except for 20 minutes on each side of the aisle and that cannot be amended. As I pointed out during my dialogue with the majority leader, there is no control at all by Members of this House as to which bills get on this list and how they get on the list.

So far as my understanding is, a bill will get on the list if the committee chairman convinces the Speaker that

that is where a bill should be. If this is democracy and if this is good legislative process, I would like to have an answer from the other side? In view of all the discussions, about reforming our procedures—this to me is clearly a step backward. To limit debate and prohibit any amendment on important legislation does not meet my standards for congressional reform.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, some people talk about reform, and when the chips are down vote to backslide. Where are the cries of outrage which liberals level against what they generally call an antiquated system, a system that lacks responsiveness and is subject to structural tyranny Here we are increasing the hold of party over the will of the majority, and at the same time doubling the opportunity to bring bills to the floor under what amounts to a closed rule. That is the effect of suspensions of the rule—no amendment, and mighty little debate before the ramrod is administered.

Under the circumstances this is no way to change the rules of the House, and no direction in which to move. There is a constituency for reform in this land of ours, and this type of action, so soon after the rhetoric of the campaign has rung out with clarion promise, arrogantly squelches this constituency here in the House where the people must find their remedy.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, there is great public demand for the reform of Congress. There is substantial merit to move for congressional reform.

It seems to me incumbent upon us to effect as many reforms as possible. But the adoption of this change in the rules would be opposite to the direction in which we should be moving. I say that because one of the reforms that we should adopt is to open up the opportunity for floor debate and make this House a more open forum to the end that the public can see and hear what we are doing here.

To stifle the opportunity for open debate by doubling or tripling the number of bills which will be placed on the suspension calendar—will result in limiting to 40 minutes the House debate on many important bills, and will prevent the House from working its will by way of amendments to all such measures. This, it seems to me is going backward—it is regressing instead of going forward.

It is my hope that we can have progressive reforms in this Congress which can contribute to bringing greater respect and greater honor to this body.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Speaker, all through my congressional campaign the question of reforming House rules in order to make the processes of the House more responsive to the will of the people was a No. 1 issue. For example, the citizenry is most concerned that the House be able to work its will freely without gags which severely restrict debate on vital issues or deny the right to offer amendments to important bills.

Now, with the convening of Congress we find emerging from the Committee on Rules a step backward—a proposal to double the number of days in which legislation can be considered with a severe stricture on debate and no opportunity to offer amendments. Very important conservation and budgetary matters were hurriedly considered in this manner in the last session. Now we are extending an invitation for further use of these means.

It looks like the great wave of reform is dying on the beach with just a whimper. I think this is a sad day. I hope the House will rise above what has been mandated by the Democratic caucus and follow the suggestion of the minority floor leader and vote down the previous question.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I take this time merely to amplify the point made earlier by the gentleman from New Hampshire (Mr. CLEVELAND). On this list of 60 suspensions that were presented to this body for action in the final weeks of this past Congress we did not have just minor bills like those involving appropriations for jellyfish. We had things like the Strip Mining Reclamation Act, one of the most important environmental measures to come before the entire 92d Congress. We had the Community Mental Health Centers Act, the Omnibus Rivers and Harbors and Flood Control Act, the Alcohol Abuse and Alcoholism Prevention program—measures involving more than $1 billion of Federal expenditures, and the gentleman talks about his desire to have the Congress recover and recapture control of Federal expenditures. How are we going to do it when we slip through bills on a Suspension Calendar of over $1 billion under a Suspension procedure where in 40 minutes we debate the entire matter and we cannot even submit an amendment to the bill? I would say that is not reform; that is retrogression of the worst possible sort.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I am surprised that the next chairman of the Rules Committee would be responsible for this kind of resolution.

Mr. MADDEN. Mr. Speaker, one of the Members on the other side asked where the liberals are. I am going to call upon a self-confessed liberal, the majority leader of the House, the gentleman from Massachusetts (Mr. O'NEILL), for 5 minutes.

Mr. O'NEILL. Mr. Speaker, I am truly amazed that there is so much opposition from the other side. I thought if there were really going to be any debate on this floor today, it would probably be on the policy of the war. I did not think we would debate a matter of this type.

We are discussing two bills. One is whether or not we would have 2 extra suspension days in the month. Why did we offer this particular rules change? We offered it because we thought it was good reform. This change is no secret to the Members assembled here today. The newspapers have been writing about it; various organizations who want to reform the Congress have also been discussing the proposal. They have complained because on one day we had 46 suspension bills, which made for a long night session.

Is this a way to legislate? Why should we not have quit at 8 o'clock that night and brought up the remaining suspensions the next day?

That is what we have in mind. That is what we would like to do. We do not want to go until 2 or 3 o'clock in the morning.

How does a bill get on the Suspension Calendar, the gentleman from New Hampshire wants to know. I am sure the minority leader knows. Although the chairman of the committee goes to the Speaker, he always clears the legislation with the minority member of the committee.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. If the chairman of that committee gets permission from the Speaker to be recognized, it does not make any difference whether the ranking minority member or the minority leader is consulted at all.

Mr. O'NEILL. I appreciate that, but I will say to the gentleman, I think we have always been extremely fair along the line. When the majority whip organization calendar is made up, the Speaker inevitably says to the chairman: Is this bill going to be a controversial matter? After all, as the gentleman from Michigan knows, it takes a two-thirds vote of this Congress to pass a bill on the Suspension Calendar.

Why, if the minority member of the committee is opposed to it, rare is the occasion when a suspension goes on the calendar.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. The point is it does not make any difference whether the ranking minority member agrees or disagrees. The discretion is with the Speaker and the person that he recognizes. We do not have any consideration as to whether it goes on suspension or does not.

Mr. O'NEILL. That is true; but we have been exceptionally fair with the gentleman. We are the majority and the majority should always be able to speak up. We are trying to give to the Members the rights that we believe are theirs. Many Members of the gentleman's own party complained last September and October because we had 46 bills on the suspension calendar.

Members asked, "Why do we have to work so late to clean up the suspension calendar?"

I can assure the gentleman from Michigan that we will all have to work late this Congress, if we do not allow time for the calendar to go over to the next day.

Mr. GERALD R. FORD. Will my friend, the gentleman from Massachusetts, yield?

Mr. O'NEILL. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I think one of the objections to working late is the fact that we had 46 bills on this one day and the fact that on too many occasions we had adjourned early and had not worked on Fridays. If the gentleman scheduled the program a little more evenly and if we worked Fridays we would not have to have 46 suspensions on one day.

Mr. O'NEILL. The gentleman has been around here long enough to know that in the closing days of the session things mount up like that. We have a suspension calendar primarily to dispense quickly with noncontroversial legislation, so we can have additional time to take up the more important bills that have to come before this Congress.

Let me talk about the other item for a minute. I can recall not too many years ago when the Speaker would get up and say, 'Is there any objection to the proceedings of the day"? And if one person objected we would have to have read the Record of the previous day before it could be approved. We often wasted days doing that around here. We changed the rules in the reform that came through a couple of years ago and nobody had any objections. It was the correct thing to do. The majority voted for it.

I have sat here Thursday after Thursday and watched the majority leader rise after consultation with the minority whip (Mr. Arends) the gentleman from Illinois, or somebody from the other side to ask unanimous consent that we adjourn at 7 o'clock and come in at 10 o'clock. And an arbitrary Member of the House would get up and say, "I object." We would then say, "Let us see if we can talk to him." So two or three Members on this side would go over to the gentleman and ask, "Can't you yield?" The distinguished minority leader has seen that happen many times.

So what are we proposing? Instead of the rule of unanimous consent, all we are proposing is that the time and date of our next meeting be determined by a democratic method, by the consent of the majority of the House. After the majority leader gets up and says, "I ask unanimous consent that when the House adjourns it adjourns to meet at 10 o'clock tomorrow morning," then if there is objection he moves the proposition. If by the majority process we agree to meet at 10 o'clock in the morning, I do not see how anyone could get upset about that at all.

Mr. Speaker, I yield back the balance of my time.

Mr. MADDEN. Mr. Speaker, the Members on the other side of the aisle wanted to know where the liberals were. Here is another self-confessed liberal. I yield to the gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. Mr. Speaker, upon the general proposition as to whether controversial bills should be on the Consent Calendar I am a conservative, but on the proposition of whether or not there should be a sufficient bracket of time to consider whatever bills are on the suspension calendar I am a liberal.

I had a little difficulty with my friends across the aisle in getting the necessary one-third of the votes to stop a bill in the last 6 days of the last session. It was very controversial. I found the gentleman from Missouri (Mr. Hall) was just about my only friend over there on the proposition that is now being espoused so universally on the Republican side. It takes only just over a third of the Members, and in many instances a good number of that third plus can be gotten from this side. But can we not stand on the principle at the time the particular issue comes up and on both sides of this aisle find at least a third of the Members who will stand on principle no matter whose ox is gored? That is the difficulty. The question we are involved with is substantially procedural but we can stop a controversial bill if there are just over a third of the Members on both sides who will stand for the principles that are being espoused here. I cannot see that a basic principle is involved in merely enlarging the bracket of time in which bills on suspension are allowed to be considered. The real evil should be cured in other ways.

The rules presently provide the method of cure. The rules presently say that if the chairman of the committee and the Speaker wrongfully put a controversial matter on the suspension docket, we can stop it; we can stop it if we want to do so.

MR. GROSS. Mr. Speaker, will the gentleman yield

Mr. ECKHARDT. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman has offered a good many amendments to bills in his time in Congress. Does he wish to foreswear the opportunity to offer amendments to important legislation on the House floor, which he will be doing if he votes for additional days for suspension of rules? It makes no difference what the nature of the bill, the House is limited to 40 minutes of debate, 20 minutes on a side, and not a single amendment can be offered. Does the gentleman really think this is good procedure?

Mr. ECKHARDT. I feel it is good procedure if the Members of the House in that 20 minutes discover that the matter is controversial and are willing to vote their consciences instead of their advantages.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. MADDEN. Mr. Speaker, one Member on the other side of the aisle mentioned a very sorrowful subject. He regretted very much that we are not following congressional reform.

The next Member that I am extending time to is the author of the best-selling book several years ago on congressional reform, the gentleman from Missouri (Mr. Bolling).

I yield the balance of my time to the gentleman from Missouri.

Mr. BOLLING. I thank my chairman. I believe I am a reformer, but I am not a best-selling author.

I am sure that it would be relatively safe to say that if the shoe were on the other foot, that our friends on the other side of the aisle might well be proposing these two controversial items and we on this side might, in the interest of preserving to the minority its greater ability to delay, might be saying essentially what the minority is saying about these two propositions.

I would like to have an opportunity to make my case. These two propositions are both liberalizing and reformist. It clearly is not in the interest of the House of Representatives to leave to one Member the decision as to the hour of meeting from day to day. Anyone who has watched this institution for any length of time knows that, and I have no intention of talking about the history of that particular provision in this rules change from last year or the year before.

At one time it was pretty unanimously agreed upon by a bipartisan group. Now, the question of suspension is relatively as simple. It is not a desire on the part of the majority to impose a majority rule in the handling of bills under suspension. The very processes of suspension say that we must have a 2 to 1 vote. There is no attempt to change that. There is no attempt to provide a procedure which is not impossible to provide whereby bills that would normally go under suspension would go on majority vote, as often is the case when a suspension bill is defeated.

Now, a number of my friends on the other side who have played an honorable, useful and helpful role in bringing about reform of this institution have indicated their concern that this will be the last opportunity. I think, without speaking out of turn, that I can assure them that they are going to have many opportunities to work in behalf of reform of this institution. There is much that needs to be done. It cannot be accomplished, as these two controversial items can, by a purely partisan majority.

I would hope that they would not seriously contend that these two relatively minor procedural amendments constitute a stopping or a forwarding of reform to any great measure.

Mr. Speaker, I should like to finish in two or three more sentences.

Those are that both of these matters have been up repeatedly. They have been discussed frequently. They have been discussed at the leadership level. They have been discussed at the rank-and-file level. They have been discussed in the Rules Committee. There is nothing new about them.

I respect the views of my friends on the other side. I respect their desire to protect as many of their options as they can. But no man can say that this is retrogression. This provides an orderly procedure for the majority to decide when the House will meet. It provides an extension of time so there can be more orderly consideration in the unusual procedure of suspending the rules, which requires a two-thirds vote.

I submit that this is entirely rational, entirely timely, and has very little to do with real reform, much more of which remains needed.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Illinois.

Mr. COLLIER. I have always respected the gentleman from Missouri for being a man who is always candid and fair. Having said that, does not the gentleman agree that the present limit on the time when suspensions may be called up do in fact constitute a limitation on the number of bills that can be brought up under suspension of the rules? Contrarily, would not the adoption of this rule tend to encourage more bills to be brought up under suspension of the rules, which in many cases is a wrong practice?

Mr. BOLLING. I would say to the gentleman, to try to answer him honestly, that I think the increase in the amount of time for suspensions is thoroughly justified simply on the basis of the increase in the overall workload of the Congress on major and minor bills since the original rule on suspensions went in.

Mr. COLLIER. Would this not encourage more bills to be brought up?

Mr. BOLLING. I would hope it would not, because I happen to believe that one of our great dilemmas is our failure to give adequate time to critically important bills, such as, for example, Defense Appropriations, while we spend inordinate amounts of time on very unimportant bills, sometimes for objective reasons dealing with the issue, sometimes for nonobjective reasons dealing with the next issue to come up.

I honestly believe that as this would be used, and as any Speaker would use it, it will be used nearly every time in order to expedite the overall careful consideration of important matters and the disposal of less important matters, by a procedure which enables one-third to block action. It is very easy to get a vote on a bill under suspension, to get one-third plus one, and to knock it out. Not much time has been wasted, and the sense of the House has been tested.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to my colleague on the Rules Committee.

Mr. ANDERSON of Illinois. The gentleman from Missouri knows that I respect him highly. He has impressive credentials indeed in the Congress on this question of congressional reform, but I have been deeply pained and, yes, surprised, this afternoon to hear him become an apologist for the proposed change in the rules which would double the amount of time during which we can consider bills under suspension of the rules, on the ground that this is going to provide a fair and orderly way in which to deal with legislation.

I have in my hand a suspension list for the week of October 9. Would the gentleman feel, for example, that we should give precisely the same amount of time for consideration of a bill involving strip mining reclamation, which is an important measure, as we give to the consideration of a bill for the Hohokan Pima National Monument, Ariz.

It seems to me that to lump together indiscriminately major and minor measures is not to get to the root of the problem. What has happened is that the committees have not been doing their work for the year, and when we come down to the end of the year, we have all these bills up together.

Are we getting to the root of the problem by doubling the number of problems with a procedure of this kind?

Mr. BOLLING. Mr. Speaker, I should like the opportunity to answer that question.

Mr. ANDERSON of Illinois. I would appreciate an answer.

Mr. BOLLING. Mr. Speaker, I think the answer is very obvious and very simple. Except in a rare case—and there have been cases in my experience when both parties have done this—in the rare case when it was important to have a political record on a bill and there was no other way to get it than on suspension; and I have seen it done in a Republican Congress as well as in a Democratic Congress—I believe this procedure will be beneficial because it hews to the fundamental question: The degree of controversialness, the degree of opposition to a piece of legislation should have something to do with how it is considered, and if there is major opposition to any matter, it can be defeated on suspension, just as it can be defeated on the unanimous-consent calendars when it is considered to have very, very little controversy and brought up again under a rule.

So we are not talking about a final limitation on debate; we are talking about a process which may, if used, as I know it will be, intelligently, provide and will provide for the more orderly systematic consideration and allocation of the time of the House to the bill.

Mr. Speaker, I have nothing further to add to this. I think this is a reasonable approach. I could spend the afternoon yielding time on this.

Mr. Speaker, I would like to yield to my friend from Indiana (Mr. DENNIS) who has been seeking recognition for a very long time.

Mr. DENNIS. Mr. Speaker, I thank the gentleman from Missouri (Mr. BOLLING) for his courtesy in yielding.

I simply wanted to observe that it seems to me the saddest part of my good friend's presentation was his initial suggestion that perhaps the argument would be the other way around if the minority and the majority were reversed.

Now, Mr. Speaker, that is an amusing statement, and it is a good cynical, political approach to the subject, if you like, but I suggest to my friend, in all seriousness, that it just cannot be right, regardless of who is in the minority or who is in the majority, in a deliberative body, to increase the time for the consideration of matters, and the number of matters which it will be possible to consider, on suspension of the rules, with only 40 minutes of debate and without the possibility of amendment; and I will say to my friend, as far as I am personally concerned, at any rate, it would not make the slightest difference which way the majority is, and if it were turned around, as it will be some day, the right would still be with those who do not think that that kind of procedure is worthy of a deliberative body in this country.

Mr. BOLLING. Mr. Speaker, I will respond to my friend and say that I have had the good fortune to serve in a Congress controlled by the present minority party, and if they were ever as gentle in their management of the House as the Democrats consistently are, I would be utterly startled.

Mr. Speaker, they believe in majority rule, and they exercise it with great skill, and some ruthlessness.

Mr. Speaker, I was talking from experience, I repeat to my friend from Indiana, and I respect his view in the matter; I just disagree with it wholly and completely.

My view is not cynical; it is realistic, and it is based on the experience of seeing a Republican Congress which was very well managed.

Mr. Speaker, I must yield to my friend from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding. My remarks will be brief.

The gentleman has made the point earlier that one individual should not block the will of the House with respect to the time in which the House will meet.

I wonder how the gentleman would feel about the alternative proposed by the minority leader that one-third should be able to block rather than having this a simple majority decision.

Mr. BOLLING. Mr. Speaker, I would be delighted to answer, and I have a very quick answer.

On scheduling, I think the majority should have the right to call the turn. I would not favor any such process in terms of something besides scheduling.

In other words, I would not believe we ought to have suspensions without a two-thirds vote, but I think in setting a schedule, the majority of the House of Representatives, presumably coming from the majority, if there was a minority opposition to it, should have the right to do so.

Mr. Speaker, I think that is normal in perhaps every other parliamentary body in the developed world except this one.

Mr. GERALD R. FORD. Will the gentleman yield to me?

Mr. BOLLING. I have to yield to my friend from Michigan. I am spending the day yielding, but I am delighted to yield to him.

Mr. GERALD R. FORD. First will the gentleman ask for general leave for all Members to extend their remarks? I have had several requests for that.

### GENERAL LEAVE TO EXTEND

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks on this subject matter at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BOLLING. I now yield further to the gentleman from Michigan.

Mr. GERALD R. FORD. I thank the gentleman for yielding.

What concerns me on the time of the House meeting is that we have established 12 o'clock, and now at the end of a day when a mere handful might be here and many Members have left with the expectation that the next day will have a 12 o'clock meeting time we will have a mere handful stick around and decide that it will be 10 or 11 o'clock. I think some people who may vote for the previous question could very well be disappointed under these circumstances.

Mr. BOLLING. Could I comment to my good friend from Michigan?

Mr. GERALD R. FORD. Surely. It is the gentleman's time, and I know he will be fair.

Mr. BOLLING. The gentleman from Michigan is—and this is not flattery—a very able floor leader. I have had the opportunity to observe the way in which he manages the problems of his party. I notice that he always has some competent Member available right on through special orders. If there is a strong feeling that some motion like that will be put late in the afternoon, the mere threat of forcing a rollcall would prevent it. My friend knows that, and I do not disagree with his point, but the protection is there. There are days in the year when I wish we could do a better job of guarding both sides, but I think that is a part of the responsibility of legislators and legislative leaders, to see to it that adequate protection is given to their side, and I know my friend from Michigan will give it.

Mr. GERALD R. FORD. Will the gentleman yield further?

Mr. BOLLING. I will be glad to yield.

Mr. GERALD R. FORD. The gentleman has made a good point. We are not going to be oblivious to such tactics as the gentleman from Missouri indicates. That will be our only protection—the threat of a rollcall at 6:30 or 7 o'clock in the evening.

Mr. BOLLING. Let me comment on that. My friend knows that is not his only protection.

Mr. GERALD R. FORD. It is a very valid one.

Mr. BOLLING. It is a valid one.

Mr. GERALD R. FORD. And a practical one.

Mr. BOLLING. Right.

Mr. GERALD R. FORD. Which we will have to use to protect the integrity of the membership as a whole.

Mr. BOLLING. Let me comment on that, too. I do not know how much time there is left, and I do not want the time to run out at the wrong time.

Mr. GERALD R. FORD. This is a very good discussion.

Mr. BOLLING. I would like to point out that the gentleman did the Speaker the honor of introducing him and I do not believe he was using empty words when he spoke of his fairness. The gentleman and I have served the same length of time here. We have had the pleasure of serving under fair Speakers—people who were fair. I cannot conceive of the present occupant of the Chair or any other occupant of the Chair not being fair in protecting minority rights. Can the gentleman?

Mr. GERALD R. FORD. I agree wholeheartedly. I said it, and I reiterate it. The gentleman from Missouri knows, as does our Speaker, how on occasions over the past several years we have literally begged to get permission on a unanimous-consent basis to come in at an earlier hour. I am not objecting to changing it from unanimous consent, but I do believe that a two-thirds vote is a more equitable, a fairer way to handle the change in the time of meeting than a majority vote. That is my point.

Mr. BOLLING. I repeat what I said before but very briefly. I think in this day a majority vote is proper so that there could not be obstructionism.

Does my friend from New York desire me to yield to him?

Mr. CONABLE. Yes.

Mr. BOLLING. If you have any time left, I will be glad to yield to you.

Mr. CONABLE. Will the gentleman from Missouri further spell out the implications when he says that we will have further opportunity to participate in a review of the rules of the House?

Does the gentleman mean in the near future? Because this seems to be a matter peculiarly subject to party control at this point, and those of us on this side of the aisle who are interested in this subject would like to know what the gentleman means about that.

Mr. BOLLING. I would say to the gentleman from New York, and, of course, to be perfectly frank, I am not in a position to say all that I know, but I can say this: and that is that as far as the Democrats are concerned we have postponed in our caucus virtually all of the so-called reforms which are, at least in part, party matters, and some of those matters which are not partisan matters, to a meeting next Wednesday.

Of course I cannot tell the gentleman from New York what will emerge from that caucus, but I anticipate a series of caucuses. There are in other places and in the hands of other people possible propositions that will deal with the matters that are considered important both by Members inside the House, and many individuals outside, that deal with secrecy, openness, and whether the Congress really is an equal branch. I think all of those things will be coming to pass. I can guarantee nothing, but I would not stand here for a minute and suggest to the gentleman that we are going to have a lot of reform because, as the gentleman knows, we will all have to work together in order to achieve the kind of reform we all want.

Mr. CONABLE. Might I say that I hope that it will be in a forum, other than in the Democratic caucus, at which we cannot appear, if we earnestly desire to revive and renew the life of this institution.

Mr. BOLLING. I think already in this institution there are two; one is the Committee on Rules from which the reform might come, and the other is the Committee on Organization, and there will be others.

The SPEAKER. The time of the gentleman has expired.

Mr. FINDLEY. Mr. Speaker, I am disappointed that the rules now being considered do not include budgetary reform.

Almost everyone acknowledges that present budgetary practices are unsatisfactory.

Almost all municipalities and business firms—even the smallest ones—are more businesslike.

At no point during the year does the House approve a budget for the Federal Government. It receives the President's budget but never makes a decision on it. Nor does it come up with its own comprehensive budget.

Instead it deals piecemeal through the presently fragmented appropriations committee process with the President's request. This is done with little if any reference to where the money will come from. The President's recommendations are divided up among the 13 appropriations subcommittees, and the spending bills come forward separately and, for all practical purposes, independent of each other and independent also of the effect they will have on the balance—or imbalance—between total receipts and expenditures.

Periodically the House considers bills to increase the ceiling on the public debt. But this occurs after the spending process has been completed, not before.

This process, so correctly described as "hoary" and "haphazard," is one of the main reasons why the House fails so miserably to establish reasonable and proper fiscal priorities for the Nation, and why it also fails so miserably to maintain a balance between receipts and expenditures. As all Members know, the Constitution conveys special responsibilities on this body, as the place where all measures to raise money and to spend money must originate.

Because we have exercised this responsibility so poorly massive Federal deficits pile on massive Federal deficits. It is no wonder the President sought last year authority to suspend and reduce funding in order to keep total expenditures under $250 billion. The Congress refused to convey that authority to the President and he is now engaged in paring away programs within existing legislation.

Frankly, it strikes me as poor policy to grant permanently to the President such broad authority, although in light of the emergency I voted to give him the power for 1 year only.

My fervent hope is that the House will see fit this year to amend its rules to as to correct the procedural situation, to require a businesslike handling of the Federal budget each year.

With that in mind, I am today introducing a House resolution establishing rule XLV.

Here is the text of the resolution:

*Resolved*, That the rules of the House are amended by adding rule XLV as follows:

"HOUSE-AUTHORIZED FEDERAL BUDGET

"1. Not later than sixty days after the President's annual budget message has been received at the beginning of each regular session of the Congress, the Committee on Appropriations is authorized and directed to report to the House a resolution containing a House-authorized Federal budget for the ensuing fiscal year.

"The budget shall include:

"1. The total of estimated Federal receipts from all sources;

"2. The maximum amount to be provided in obligational authority in each appropriation bill or resolution and in such other legislative provisions of obligational authority as may be specified, and the estimated budget outlay related to each, including those outlays from funds provided in prior years.

"3. A table showing the relationship of total estimated receipts as shown in (1) to the aggregate of the maximum amounts to be provided in obligational authority and the aggregate of the estimated budget outlays as shown in (2).

"When the Committee on Appropriations has reported the House resolution adopting such budget, it shall be in order, after the report on the resolution has been available to the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays), for the chairman of the Committee on Appropriations to move to proceed to the consideration of such resolution in the Committee of the Whole House on the State of the Union (even though a previous motion to the same effect has been disagreed to). Such motion shall be highly priviledged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote.

"After general debate on the resolution, which shall not exceed ten hours, such time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee of the Whole shall rise and report the resolution back to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to adoption without intervening motion except one motion to recommit.

"2. No bill or resolution carrying appropriations or otherwise providing obligational authority for the present or ensuing fiscal year shall be in order for consideration by the House until the House-authorized Federal budget for such year has been approved, and the resolution required by Section 4 of this Rule has been approved.

"The report on each such bill or resolution providing obligational authority for the present and ensuing year must include a statement in one of the following forms:

"First form: 'The provisions of this bill (or resolution) conform to the requirements of the House-authorized Federal budget for fiscal year 19—. The bill (or resolution) as reported will provide $— in obligational authority, and when this amount is deducted the remaining balance for this bill (or resolution) under the House-authorized Federal budget is $—; it is estimated that budget outlays related to this bill (or resolution) as reported will be $—, and when this amount is deducted the remaining balance for this bill (or resolution) under the House-authorized Federal budget is $—. 'or

"Second form: 'The provisions of this bill (or resolution) do not conform to the requirements of the House-authorized Federal budget for fiscal 19—. As reported it will provide $— in obligational authority, and when this amount is deducted from the amount available under the House-authorized Federal budget, a deficit results in the amount of $—; (and/or) it is estimated that budget outlays for the bill (or resolution) as reported will be $— and when this amount is deducted from the amount available under the House-authorized Federal budget, a deficit results in the amount of $—.'

"Any bill or resolution carrying appropriations or otherwise providing obligational authority whose report fails to include a statement in the first form, or which, in its amended form, fails to comply with the requirement as stated in the first form, and any amendment which causes the bill or resolution to fail to comply with the requirement as stated in the first form, shall require in the House the approval of two-thirds of those Members present and voting, a quorum being present.

"3. A conference report on a bill or resolution carrying appropriations or otherwise providing obligational authority shall require the approval of two-thirds of those Members present and voting, a quorum being present, if the effect of the adoption of the report would be to provide an amount in excess of that contained in the House-authorized Federal budget for such year. Motion to dispose of amendments remaining in disagreement following adoption of a conference report on a bill or resolution carrying appropriations or otherwise providing obligational authority shall require the approval of two-thirds of those Members present and voting, a quorum being present, if the effect of the adoption of such motion would be to provide an amount in excess of that contained in the House-authorized Federal budget for such year.

"4. Within fifteen calendar days after adoption of the House-authorized Federal budget, the Committee on Ways and Means is authorized and directed to report a resolution containing recommendations as to the levels of public debt and aggregate Federal revenues necessitated by figures on outlays and receipts contained in the House-authorized Federal budget.

"When the Committee on Ways and Means has reported to the House said resolution, it shall be in order, after the report on the resolution has been available to the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays), for the chairman of the Committee on Ways and Means to move to proceed to the consideration of such resolution in the Committee of the Whole House on the State of the Union (even though a previous motion to the same effect has been disagreed to). Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote.

"After general debate on the resolution, which shall be limited to not to exceed six hours, such time to be equally divided and controlled by the chairman and ranking minority member of the Ways and Means Committee, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee of the Whole shall rise and report the resolution back to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to adoption without intervening motion except one motion to recommit.

"The requirements of this rule shall not be waived or suspended."

This bill is the culmination of a long and arduous search to find the best way to handling the House's budgetary responsibilities. In the 92d Congress, with more than 30 Members as cosponsors—Democrats as well as Republicans—similar language was introduced.

Since then a number of experts have examined it and made suggestions. Among them are Kermit Gordon, former Director of the Budget and now president of Brookings Institution, officials of the Office of Management and Budget, the Parliamentarian of the House and his staff, as well as many Members of the House.

I believe it is a practical forward step that deserves early consideration by the House. I hope the Committee on Rules will soon schedule a day of hearings on it.

Under this proposal, the House could not consider any appropriations bill or resolution, or legislation providing obligational authority until these events have occurred:

First, the House must adopt a resolution containing a budget for the ensuing fiscal year. This resolution is to be reported by the Appropriations Committee. It must include the total of estimated Federal receipts from all sources, the maximum to be provided in obligational authority in each appropriation bill or resolution, or other legislative provision of obligational authority, together with the estimated budget outlay related to each, including those outlays from funds provided in prior years.

The resolution must also show the relationship of total receipts to the aggregate of the outlay and obligational authority figures.

Second, the House must adopt a resolution containing recommendations as to the levels of public debt and aggregate Federal revenues necessitated by figures on outlays and receipts contained in the House-authorized Federal budget. This resolution must be reported to the House by the Ways and Means Committee not more than 15 days after the budget resolution is adopted.

Once these two resolutions have been adopted, appropriation bills and other measures conveying obligational authority would be considered in the customary manner but one important exception.

Two-thirds affirmative vote would be required for the House to approve any appropriations bill, or resolution, or other bill providing obligational authority, or amendment or conference report on such bill or resolution which exceeds the provisions of the budget.

Would this requirement be just one more delay in an appropriation process that is already too slow moving?

To the contrary, it would help streamline procedures. Each Subcommittee of Appropriations would know that not later than 60 days after the President's budget has been delivered to Capitol Hill, it will be required to help draft the resolution on the House approved Federal budget. This requirement would be new incentive to press forward and make the hearings as complete as possible by the time the headline arrives. Because of the two-thirds vote requirement on overruns, subcommittee will be unlikely to spend much time dealing with requests for such. Most appropriation bills will be virtually ready for reporting to the House by May. In turn, the deadline will exert pressure on the authorizing committees to complete their work.

Will the rule produce balanced budgets?

It will certainly help. The budget resolution will bring together for approval at one time expenditure totals and revenue forecasts. If the figures are out of balance, Members voting yes will be voting for an unbalanced budget. Because this is an unappealing posture, most will be inclined to vote to keep expenditure in line with revenue—or at least to make the best possible legislative record in that direction. If the figures show a balance of revenue and expenditure, those voting yes will be voting for a balanced budget.

How will the rule affect tax levels?

If the budget shows outlay in excess of

revenue, the second resolution will provide that the difference be made up by more revenue, higher level of public debt, or a combination of the two. If it calls for $3 billion more in revenue, for example, approval of the resolution with this item in it would have the effect of directing Ways and Means Committee to come forth with measures providing the extra revenue.

How will the rule affect the ceiling on public debt?

In line with the answer just above, if the second resolution calls for meeting a budget deficit by a $3 billion increase in public debt, that would effectively settle the question of an increase in the debt ceiling at a later date. The amount of increase, of course, would be determined by how close the subsequent congressional appropriations match the provisions of the budget resolution, and the accuracy of revenue forecasts.

At what point would the proposal involve the Senate?

At no point would the involvement be direct. Indirectly, the effect would be substantial. Once the House approves the resolution on the budget, it could consider appropriations bills. But not until then. Once approved by the House—by majority vote, or two-thirds, as circumstances may require—the bills would go through customary channels. If the Senate should approve a bill providing more money than authorized in the House budget resolution, the conference report could be accepted by the House only if two-thirds of those present and voting approve.

What is the purpose of the proposed rule?

To cause the House to make basic decisions on expenditures and revenues for the ensuing fiscal year, and what to do about the difference between the two items, before it begins to appropriate money. Under present procedures, the House never at any time approves a budget for the Federal Government, even in the most general, tentative terms. It receives the President's budget message; subcommittees of the Appropriations Committee begin to hold hearings; eventually, based on these hearings, the House begins to appropriate money piecemeal. Only once in recent years—1968—did the House establish even an aggregate expenditure ceiling. It deals with the question of public debt at the wrong end of the process—after the money has been appropriated and obligated—not before. It deals with the relationship of revenue to expenditure only on those infrequent occasions when the Ways and Means Committee brings forward a bill dealing with general taxation.

In House rules from 1947 to 1970 was the requirement that the Congress approve a budget for the Federal Government. It did not work. Does this plan have better prospect of success?

Yes, because the differences are substantial. The old rule had a vital shortcoming. It had no teeth. Failure to adopt the legislative budget resolution, as provided in the rule, did not stop the appropriation process. The new proposal provides that appropriation bills are not in order until the budget resolution has been adopted. The old rule on the legislative budget had not such requirement. The old rule produced a legislative budget resolution only once—in 1947, and on two subsequent years became hopelessly mired in Senate-House conference. After 1949 no serious effort to pass a legislative budget was undertaken. The new proposal deals only with House procedures.

Would it not be better to include the Senate in the rule?

The Senate, of course, can adopt exactly the same discipline, a new discipline or no discipline. The House need not wait for Senate concurrence. Both the House and Senate have their separate responsibilities, so either body can justify special measures of self-discipline.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 208, nays 206, not voting 17, as follows:

[Roll No. 3]

YEAS—208

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Barrett
Bennett
Bergland
Bevill
Biaggi
Bingham
Blatnik
Boland
Bolling
Brademas
Brasco
Breaux
Breckinridge
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney
Casey, Tex.
Chappell
Chisholm
Clark
Clay
Corman
Cotter
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Foley
Ford, William D.
Fraser
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Gunter
Haley
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Hicks
Holifield
Holtzman
Howard
Hungate
Ichord
Jarman
Johnson, Calif.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Litton
Long, La.
Long, Md.
McCormack
McFall
McKay
McSpadden
Macdonald
Madden
Mahon
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Mills, Ark.
Minish
Mink
Moakley
Mollohan
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Randall
Rangel
Rees
Reid
Reuss
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Shipley
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
White
Wilson, Charles H.
Wolff
Wright
Yatron
Young, Ga.
Young, Tex.
Zablocki

NAYS—206

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bell
Biester
Bowen
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Butler
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Robert W.
Daniel, W. C.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Gettys
Gilman
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Guyer
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Heckler, Mass.
Heinz
Henderson
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Keating
Kemp
King
Kuykendall
Landgrebe
Latta
Lent
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McKinney
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller
Mills, Md.
Minshall
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Mosher
Myers
Nelsen
Nichols
O'Brien
Parris
Passman
Pettis
Peyser
Powell
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Rousselot
Ruth
Sandman
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Sikes
Skubitz
Snyder
Spence
Stanton, J. William
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Thone
Towell
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOT VOTING—17

Ashbrook
Badillo
Blackburn
Conyers
Green, Oreg.
Griffiths
Jones, Ala.
Ketchum
Madigan
Mitchell, Md.
Owens
Ruppe
Sisk
Smith, N.Y.
Whalen
Wilson, Tex.
Yates

So the previous question was ordered.

Mr. LENT changed his vote from "yea" to "nay."

Messrs. POAGE and BYRON changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The **SPEAKER.** The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER CONCERNING ELECTRONIC VOTING

The **SPEAKER.** The Chair desires to make a statement, and it is a statement that is important to all of the Members of the House.

The Rules of the House provide for the use of an electronic voting system which has recently been installed in the House Chamber. The chairman of the Committee on House Administration addressed a letter to each Member advising the places, dates, and times when staff personnel from the office of the Clerk and the Committee on House Administration would be available for preparation of House of Representatives voter identification cards. The Chair urges Members to have the cards prepared and tested as soon as possible. Of course, it will take a few days to complete this project. Therefore, pursuant to the authority contained in clause 5 of rule XV, the Chair directs that until further notice all rollcall votes and quorum calls shall be taken by the Clerk calling the roll in the same manner as was the practice in the last Congress.

Members will be given sufficient notice as to when the electronic voting system will be activated.

## COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Mr. **ANDERSON** of Illinois. Mr. Speaker, I offer a resolution (H. Res. 7) and ask unanimous consent for its immediate consideration.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows:

H. Res. 7

*Resolved,* That pursuant to the Legislative Pay Act of 1929, as amended, six minority employees authorized therein shall be the following-named persons, effective January 3, 1973, until otherwise ordered by the House, to-wit: Joe Bartlett and Robert T. Hartmann, to receive gross compensation of $36,000.00 per annum, respectively; William R. Bonsell, to receive gross compensation of $35,886.89 per annum; Tommy Lee Winebrenner, to receive gross compensation of $31,013.37 per annum; Walter P. Kennedy (minority pair clerk), to receive gross compensation of $30,820.35 per annum; and John J. Williams (Staff Director to the Minority), to receive gross compensation of $36,000.00 per annum.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## AUTHORIZING EXPENDITURES IN CONNECTION WITH THE OFFICE OF THE LATE HONORABLE HALE BOGGS OF LOUISIANA

Mr. **HÉBERT.** Mr. Speaker, I offer a resolution (H. Res. 8) and ask unanimous consent for its immediate consideration.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the resolution as follows:

H. Res. 8

*Resolved,* That there shall be paid from the contingent fund of the House a sum equal to the annual compensation of the Majority Leader of the House of Representatives in the 92nd Congress as a gratuity to Corinne C. Boggs (Mrs. Hale Boggs) of Louisiana.

*Resolved,* That there shall be paid from the contingent fund of the House, until otherwise provided by law, such sums as may be necessary to compensate the clerical assistants designated by former Representative Hale Boggs in the 92nd Congress and borne upon the clerk hire pay rolls of the House of Representatives at the close of the 92nd Congress at the rates of compensation then payable to said clerical assistants, until a successor is elected to fill the vacancy in the Second Congressional District of the State of Louisiana caused by the absence of Representative-elect Hale Boggs: *Provided,* that the Clerk is authorized to make, from time to time, such salary adjustments as he deems advisable with respect to all of the aforementioned employees.

*Resolved,* That effective January 3, 1973, there shall be paid from the contingent fund of the House, until otherwise provided by law, for personal services in the Office of the Majority Leader of the House, an additional sum not to exceed the minimum monthly rate now or hereafter authorized for Level 5 of the Executive Schedule as set forth in Title 5, United States Code, section 5316.

*Resolved,* That effective January 3, 1973, the Clerk of the House is authorized and directed to appoint James T. Nickens and Harry D. Debuys, two clerks on the pay roll of the Office of the Majority Leader at the close of the 92nd Congress, to the clerk hire pay rolls of the House of Representatives at the rates of compensation then payable to said clerks, until a successor is elected to fill the vacancy caused by the absence of Representative-elect Hale Boggs: *Provided,* that the Clerk is authorized to make, from time to time, such salary adjustments as he deems advisable with respect to the aforementioned two employees.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## AUTHORIZING EXPENDITURES IN CONNECTION WITH THE OFFICE OF THE LATE HONORABLE NICK BEGICH

Mr. **O'NEILL.** Mr. Speaker, I offer a resolution (H. Res. 9) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 9

*Resolved,* That there shall be paid out of the contingent fund of the House a sum equal to the annual compensation of a Representative in Congress as a gratuity to Margaret J. Begich, widow of Nick Begich, late a Representative-elect from the State of Alaska.

*Resolved,* That there shall be paid out of the contingent fund of the House, until otherwise provided by law, such sums as may be necessary to compensate the clerical assistants designated by the late Nick Begich and borne upon the clerk hire payrolls of the House of Representatives at the close of the 92d Congress at the rates of compensation then payable to said clerical assistants, until a successor is elected to fill the vacancy caused by the death of the said Nick Begich; *Provided,* That the Clerk of the House is hereby authorized to employ two additional employees, to fill the vacancy on the staff of the late Nick Begich caused by the death of Russell L. Brown of Alaska and to fill the other vacancy on that staff which has occurred since the death of the late Nick Begich, and there shall be paid from the contingent fund such additional sums as may be required to compensate the employees so designated at a rate to be determined by the Clerk: *Provided further,* that the Clerk is authorized to make, from time to time, such salary adjustments as he deems advisable with respect to all of the aforementioned employees.

*Resolved,* That there shall be paid from the contingent fund of the House, until a successor is elected to fill the vacancy caused by the death of Representative-elect Nick Begich, such sums as may be required for the Clerk of the House to:

(1) pay all necessary expenses required to maintain in operation the three offices in the State of Alaska, and the one office in the District of Columbia, operated by the late Representative Nick Begich at the close of the 92d Congress;

(2) provide such office expenses, including telephone allowance, equipment rental, stationery, and postage, as the Clerk deems essential to the proper operation of these aforementioned offices;

(3) pay the expenses of travel between Washington, D.C., and the State of Alaska, and within the State of Alaska, for such personnel as the Clerk may specifically designate and authorize to travel in connection with their official duties as clerical assistants in the aforementioned offices.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution and sundry resolutions of the following titles:

S. Con. Res. 1. Concurrent resolution to provide for the counting on January 6, 1973, of the electoral votes for President and Vice President of the United States.

S. Res. 1. Resolution that a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

S. Res. 2. Resolution that the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

S. Res. 6. Resolution that the House of Representatives be notified of the election of the Honorable James O. Eastland, a Senator from the State of Mississippi, as President of the Senate pro tempore.

## HOUR OF MEETING OF HOUSE OF REPRESENTATIVES

Mr. MADDEN. Mr. Speaker, I offer a resolution (H. Res. 10) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 10

*Resolved*, That until otherwise ordered, the daily hour of meeting of the House of Representatives shall be at 12 o'clock meridian.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ADMINISTRATION OF THE OATH OF OFFICE TO MRS. GREEN OF OREGON

Mr. ULLMAN. Mr. Speaker, I offer a resolution (H. Res. 11) and ask for its immediate consideration.

The Clerk read as follows:

H. Res. 11

Whereas Edith Green, a Representative-elect from the State of Oregon, from the Third District thereof, has been unable from sickness to appear in person to be sworn as a Member of the House, and there being no contest or question as to her election: Therefore be it

*Resolved*, That the Speaker, or deputy named by him, be, and he is hereby authorized to administer the oath of office to the Honorable Edith Green at Portland, Oregon, and that the said oath be accepted and received by the House as the oath of office of the said Edith Green.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the authority of House Resolution 11, 93d Congress, the Chair appoints the Honorable John Beatty, judge of the circuit court, fourth district, Portland, Oreg., to administer the oath of office to the Honorable Edith Green.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Speaker, pursuant to the provisions of title 2, United States Code, section 124, and the order of the House of October 18, 1972, empowering him to appoint commissions, boards, and committees authorized by law or by the House did on November 14, 1972, appoint the following Members of the House of Representatives as a committee to attend the funeral of the late Frank T. Bow, of Ohio: Mr. McCulloch, Mr. Gerald R. Ford, Mr. O'Neill, Mr. Arends, Mr. Hays, Mr. Betts, Mr. Ashley, Mr. Minshall.

Mr. Vanik, Mr. Devine, Mr. Latta, Mr. Ashbrook, Mr. Clancy, Mr. Harsha, Mr. Mosher, Mr. J. William Stanton, Mr. Brown of Ohio, Mr. Miller of Ohio, Mr. Whalen, Mr. Wylie.

Mr. Stokes, Mr. Carney, Mr. Keating, Mr. Powell, Mr. Seiberling, Mr. James V. Stanton, Mr. Rooney of New York, Mr. Steed.

Mr. Jonas, Mr. Hull, Mr. McFall, Mr. Conte, Mr. Shipley, Mr. Slack, Mr. Davis of Wisconsin, Mr. Robinson of Virginia.

## COMMUNICATION FROM THE PRESIDENT OF THE NATIONAL ASSEMBLY OF TURKEY

The SPEAKER laid before the House the following communication from the President of the National Assembly of Turkey:

Turkish Embassy,
*Washington, D.C., December 28, 1972.*

Hon Carl Albert,
*Speaker of the House of Representatives, Washington, D.C.*

Dear Mr. Speaker: I have the honor to enclose herewith the message of His Excellency Sabit Osman Avci, the President of the National Assembly of Turkey, to Your Excellency, on the occasion of the death of His Excellency Harry S. Truman, former President of the United States.

In sharing the sentiments expressed in the message, please accept, Mr. Speaker, in behalf of my wife and myself, our heartfelt condolences.

Melih Esenbel,
*Ambassador of Turkey.*

The Honorable Carl Albert,
*The Speaker of the House of Representatives, Washington, D.C.*

Dear Mr. Speaker: I am deeply grieved by the passing away of H. E. Harry S. Truman, the former President of the U.S.A.

His efforts directed towards the establishment of a sound universal peace gained him admiration all over the world and his name went in history as one of the unforgettable statesmen of all times. By means of the Truman Doctrine he pioneered a new era of friendship and alliance between Turkey and the U.S.A., and gained a special place in the minds and hearts of the Turkish people.

On this sad occasion I convey, on behalf of the members of the National Assembly of Turkey and on my own behalf, our sincere condolences to you, Mr. Speaker, and to the Members of the U.S. House of Representatives.

Sabit Osman Avci,
*President of the National Assembly of Turkey.*

## COMMUNICATION FROM THE ACTING SECRETARY, DEPARTMENT OF STATE—PROCLAMATION BY PRESIDENT NIXON ANNOUNCING THE DEATH OF FORMER PRESIDENT HARRY S TRUMAN

The SPEAKER laid before the House the following communication from the Acting Secretary of the Department of State:

Department of State,
*Washington, December 27, 1972.*

Hon. Carl Albert,
*Speaker of the House of Representatives.*

Dear Mr. Speaker: I enclose herewith a copy of the Proclamation by President Nixon officially announcing the death of Harry S Truman, former President of the United States, which occurred in Kansas City, Missouri, on Tuesday morning, December 26, 1972, at 7:50 o'clock.

Sincerely,

U. Alexis Johnson,
*Acting Secretary.*

### Announcing the Death of Harry S Truman by the President of the United States of America

### A PROCLAMATION

To the People of the United States:

It is my sad duty to announce officially the death of Harry S Truman, thirty-third President of the United States, on December 26, 1972.

Throughout his long career in public service, Harry S Truman was known as a man of forthrightness and integrity. He served with distinction in the United States Senate; and when the death of President Franklin Delano Roosevelt thrust him suddenly into the Presidency in April of 1945 at one of the most critical moments of our history, he met that moment with courage and vision. His far-sighted leadership in the postwar era has helped ever since to preserve peace and freedom in the world.

Confronted during his Presidency with a momentous series of challenges, his strength and spirit proved equal to them all. His fortitude never wavered, and his faith in America never flagged.

President Truman had a deep respect for the office he held and for the people he served. He gave himself unstintingly to the duties of the Presidency while he held it, and in the years afterward he honorably supported and wisely counseled each of his successors.

The Nation to which he gave so much will honor his memory in admiration and respect, and the other countries for which he helped keep freedom alive will remember his name with gratitude.

Now, therefore, I, Richard Nixon, President of the United States of America, in tribute to the memory of President Truman, and as an expression of public sorrow, do hereby direct that the flag of the United States be displayed at half-staff at the White House and on all buildings, grounds, and Naval vessels of the United States for a period of thirty days from the day of his death. I also direct that for the same length of time the representatives of the United States in foreign countries shall make similar arrangements for the display of the flag at half-staff over their Embassies, Legations, and other facilities abroad, including all military facilities and stations.

I hereby order that suitable honors be rendered by units of the Armed Forces under orders of the Secretary of Defense on the day of the funeral.

I do further appoint December 28, 1972 to be a National Day of Mourning throughout the United States. I recommend that the people assemble on that day in their respective places of worship, there to pay homage to the memory of President Truman and to seek God's continued blessing on our land and on His servant. I invite the people of the world who share our grief to join us in this solemn observance.

In witness whereof, I have hereunto set my hand this 26th day of December, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon.

## COMMUNICATION FROM THE CLERK OF THE HOUSE OF REPRESENTATIVES—COMMON CAUSE, JOHN W. GARDNER AGAINST W. PATRICK JENNINGS, CLERK OF THE U.S. HOUSE OF REPRESENTATIVES, AND FRANCIS VALEO, SECRETARY OF U.S. SENATE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, D.C.,
*December 14, 1972.*

The Honorable Carl Albert,
*The Speaker, House of Representatives.*

Dear Sir: On this date I have been served a Summons and Complaint by the United States Marshal that was issued by the U.S. District Court for the District of Columbia. This summons and complaint is in connection with Common Cause, John W. Gardner v. W. Patrick Jennings, Clerk of the U.S. House of Representatives, and Francis Valeo, Secretary of the U.S. Senate, Civil Action No. 2379-72 (U.S.D.C. D. D.C.).

This action was instituted against the Clerk of the House as Supervisory Officer under the Federal Election Campaign Act of 1971, P.L. 92-225. The Summons requires an answer to the Complaint within sixty days after service.

It is my purpose to inform you that in accordance with House Resolution 9 of January 21, 1971, I intend to make arrangements for my defense as provided for the Officers of the U.S. House of Representatives under 2 U.S.C. 118. In my letter to the Attorney General of the United States making such arrangements I am reserving my right to appoint co-counsel at any time for my defense as Supervisory Officer as prescribed by House Resolution 955 of May 3, 1972.

The Summons and Complaint in question are herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
*Clerk, House of Representatives.*

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DECEMBER 15, 1972.

Honorable RICHARD G. KLEINDIENST
*Attorney General of the United States*
*Department of Justice*
*Washington, D.C. 20530*

DEAR MR. KLEINDIENST: This refers to the letter of the Assistant Attorney General, Civil Division, of December 13, 1972 that enclosed a copy of the summons and complaint served on the Attorney General on December 5, 1972 in Common Cause, John W. Gardner v. W. Patrick Jennings, Clerk of the U.S. House of Representatives and Francis Valeo, Secretary, U.S. Senate, Civil Action No. 2379-72 (U.S.D.C. D. D.C.) that requested information concerning representation in this matter.

Upon receipt of the December 13, 1972 letter the Clerk of the House telephoned Common Cause and advised their counsel that the Clerk asserts that service of a summons and complaint on the Attorney General of the United States does not constitute service upon the Clerk of the U.S. House of Representatives. The Clerk also advised Common Cause that the matter would be considered only after appropriate service was accomplished as provided by law.

The purpose of this letter is to advise you that later that same day a U.S. Marshall served the attached summons and complaint in the forementioned case on the Clerk of the House at 4:30 P.M., December 14, 1972, and the sixty day period for answering the complaint begins to run from the time service was accomplished (as stated in the Summons) upon the Clerk of the House. I am attaching a certified copy of the Summons and Complaint served on me by the U.S. Marshall.

In accordance with 2 U.S.C. 118 I have sent a certified copy of the Summons and Complaint to the U.S. Attorney for the District of Columbia requesting that he take appropriate action for my defense under the supervision and direction of the Attorney General. In addition, I am reserving my right to appoint at any time a co-counsel for my defense as Supervisory Officer under the Federal Election Campaign Act of 1971 under House Resolution 955 of May 3, 1972. I am also sending you a copy of the letter I forwarded this date to the U.S. Attorney.

Your letter graciously advised that the Clerk's "views and other assistance" were welcome on this matter. In conformance therewith the Clerk advises that a preliminary draft regulation on "earmarked funds" has been prepared and coordinated with the other Supervisory Officers that received tentative approval from them. The Clerk is prepared to meet at a mutually agreeable time and place with representatives of the Attorney General.

With kindest regards, I am

Sincerely,

W. PAT JENNINGS,
*Clerk, U.S. House of Representatives.*

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DECEMBER 15, 1972.

Honorable HAROLD H. TITUS, JR.
*United States Attorney for the District of Columbia*
*United States Courthouse*
*3rd and Constitution Avenue*
*Washington, D.C. 20001*

DEAR MR. TITUS: I am sending you a certified copy of a summons and complaint in a Civil Action No. 2379-72 (U.S.D.C. D. D.C.) filed against W. Patrick Jennings, Clerk, U.S. House of Representatives and Francis Valeo, Secretary of the U.S. Senate in the United States District Court for the District of Columbia and served upon me in my official capacity as Clerk of the House of Representatives by a U.S. Marshall on December 14, 1972.

In accordance with Title 2, U.S. Code, Sec. 118, I respectfully request that you take appropriate action, as deemed necessary, under the "supervision and direction of the Attorney General" of the United States in defense of this suit against The Congress of the United States.

Since this action was brought aaginst me as Clerk of the House in my capacity as Supervisory Officer under the Federal Election Campaign Act of 1971, P.L. 92-225, I reserve the right to appoint at any time a co-counsel for my defense under House Resolution 955 of May 2, 1972.

I am also sending you a copy of the letter that I forwarded this date to the Attorney General of the United States.

With kindest regards, I am

Sincerely,

W. PAT JENNINGS,
*Clerk, U.S. House of Representatives.*

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## COMMUNICATION FROM THE CLERK OF THE HOUSE OF REPRESENTATIVES—THE UNITED STATES CONSTITUTION AGAINST SPEAKER CARL ALBERT AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
*December 4, 1972.*

Hon. CARL ALBERT,
*The Speaker, U.S. House of Representatives.*

DEAR SIR: The Clerk of the House of Representatives received on this date from the U.S. Marshall by certified mail (No. 490074) an unattested copy of the Summons in a Civil Action together with a copy of the Complaint filed by the United States Constitution represented by Mr. Victor Sharrow v. Speaker Carl Albert, The Clerk of the United States House of Representatives and others in Civil Action File No. 72 C 4981 in the District Court for the Southern District of New York.

It is my purpose by this letter to inform you that it is my desire to be covered in the arrangements for defense as provided for the Officers of the United States House of Representatives under 2 USC 118.

The Summons does not specify how much time the defendants have to answer the Complaint. Rule 12 a of the Federal Rules of Civil Procedure give "an officer" of the United States 60 days after service to file an answer to the Complaint.

The Summons and Complaint in question are herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
*Clerk, U.S. House of Representatives.*

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THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, D.C., December 17, 1972.*

Hon. WHITNEY NORTH SEYMOUR,
*United States Attorney for the Southern District of New York, United States Court House, Foley Square, New York, N.Y.*

DEAR MR. SEYMOUR: I am sending you a copy of a summons and Complaint in Civil Action No. 72 Civ. 4981 in the United States District Court for the Southern District of New York, against me in my official capacity as Speaker of the House of Representatives, received by certified mail on November 30, 1972.

The Clerk of the House, Honorable W. Pat Jennings, has also received by certified mail a copy of the summons and Complaint.

In accordance with the provisions of 2 U.S.C. 118, I respectfully request that you take appropriate action, as deemed necessary, under the supervision and direction of the Attorney General, in defense of this suit against the Speaker and the Clerk of the House of Representatives. I am also sending you a copy of the letter that I forwarded this date to the Attorney General of the United States.

Sincerely,

CARL ALBERT,
*The Speaker.*

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THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, D.C., December 17, 1972.*

The Honorable RICHARD G. KLEINDIENST,
*Attorney General,*
*Department of Justice,*
*Washington, D.C.*

DEAR MR. ATTORNEY GENERAL: On November 30, 1972, I received by certified mail a summons and Complaint in Civil Action No. 72 Civ. 4981 in the United States District Court for the Southern District of New York, against me in my official capacity as Speaker of the House of Representatives. W. Pat Jennings, Clerk of the House of Representatives, has also received by certified mail a copy of the summons and Complaint.

In accordance with the provisions of 2 U.S.C. 118, I have sent a copy of the summons and Complaint in this action to the U.S. Attorney for the Southern District of New York requesting that he take appropriate action under the supervision and direction of the Attorney General. I am also sending you a copy of the letter I forwarded this date to the U.S. Attorney.

Sincerely,

CARL ALBERT,
*The Speaker.*

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## REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. O'NEILL. Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

The President sends to the Members of Congress his best wishes for a Happy New Year and says from time to time he will send messages to this body.

### PROVIDING FOR A JOINT SESSION TO COUNT ELECTORAL VOTES

Mr. O'NEILL. Mr. Speaker, I call up a Senate concurrent resolution (S. Con. Res. 1) and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

S. Con. Res. 1

*Resolved by the Senate (the House of Representatives concurring)*, That the two Houses of Congress shall meet in the Hall of the House of Representatives on Saturday, the 6th day of January 1973, at 1 o'clock postmeridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 1, the Chair appoints as tellers on the part of the House to count the electoral votes on January 6, 1973, the gentleman from Ohio (Mr. Hays) and the gentleman from Ohio (Mr. Devine).

### AUTHORIZING SPEAKER TO DECLARE A RECESS ON SATURDAY, JANUARY 6, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that on Saturday, January 6, 1973, it may be in order for the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

### PRESIDENTIAL INAUGURATION

Mr. O'NEILL. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 1) and ask for its immediate consideration.

H. Con. Res. 1

*Resolved by the House of Representatives (the Senate concurring)*, That effective from January 3, 1973, the joint committee created by Senate Concurrent Resolution 63, of the Ninety-second Congress, to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the 20th day of January 1973, is hereby continued and for such purpose shall have the same power and authority as that conferred by such Senate Concurrent Resolution 63, of the Ninety-second Congress.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of Concurrent Resolution No. 1, 93d Congress, the Chair appoints as members of the joint committee to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States on the 20th day of January, 1973, the following Members on the part of the House: Mr. Gerald R. Ford of Michigan, Mr. Carl Albert of Oklahoma, and Mr. Thomas P. O'Neill, Jr., of Massachusetts.

### ANNOUNCEMENT BY THE SPEAKER CONCERNING INTRODUCTION OF BILLS

The SPEAKER. The Chair would like to make a statement concerning the introduction and reference of bills today. This is very important.

The Members are aware that they have the privilege today of introducing bills. Heretofore on the opening day of the new Congress, several thousand bills have been introduced.

It will be readily apparent to all Members that it may be a physical impossibility for the Speaker to examine each bill for reference today. The Chair will do its best to refer as many bills as possible, but it will ask the indulgence of the Members if it is unable to refer all the bills that may be introduced.

Those bills which are not referred and do not appear in the Record as of today will be included in the next day's Record and printed with a date as of today.

The Chair has advised all officers and employees of the House who are involved in the processing of bills that every bill, resolution, memorial, petition or other material which is placed in the hopper must bear the signature of a Member. Where a bill or resolution is jointly sponsored, the signature must be that of the Member first named thereon.

Bill clerks are instructed to return to the Member any bill which appears in the hopper without an original signature. This procedure was inaugurated in the last Congress. It worked well. The Chair believes it is essential to continue this practice to insure the integrity of the process on which legislation is introduced in the House.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the order of the House of October 18, 1972, empowering him to appoint commissions, boards, and committees authorized by law or by the House, he did on November 27, 1972, pursuant to the provisions of section 301 (a), title 3, Public Law 92-599, appoint as members of the joint committee to review operation of budget ceiling and to recommend procedures for improving congressional control over budgetary outlay and receipt totals the following members of the Committee on Ways and Means: Mr. Ullman of Oregon; Mr. Burke of Massachusetts; Mrs. Griffiths of Michigan; Mr. Rostenkowski of Illinois; Mr. Schneebeli of Pennsylvania; Mr. Collier of Illinois; and Mr. Broyhill of Virginia.

And the following members of the Committee on Appropriations: Mr. Mahon of Texas; Mr. Whitten of Mississippi; Mr. Rooney of New York; Mr. Sikes of Florida; Mr. Cederberg of Michigan; Mr. Rhodes of Arizona; and Mr. Davis of Wisconsin.

And the gentleman from Wisconsin (Mr. Reuss) and the gentleman from North Carolina (Mr. Broyhill).

And on November 27, 1972, pursuant to the provisions of section 2, Public Law 92-500, appoint as members of the National Study Commission under the Federal Water Pollution Control Act Amendments of 1972 the following members of the Committee on Public Works: Mr. Blatnik of Minnesota; Mr. Jones of Alabama; Mr. Wright of Texas; Mr. Harsha of Ohio; and Mr. Grover of New York.

### THE PRODUCTION OF DOCUMENTS UNDER PRIVILEGES OF THE HOUSE

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 12) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 12

Whereas, by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession except by its permission: Therefore be it

*Resolved*, That when it appears by the order of any court in the United States or a judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

*Resolved*, That during any recess or adjournment of its Ninety-third Congress, when a subpena or other order for the production or disclosure of information is by the due process of any court in the United States served upon any Member, officer, or employee of the House of Representatives, directing appearance as a witness before the said court at any time and the production of certain and sundry papers in the possession and under the control of the House of Representatives, that any such Member, officer, or employee of the House, be authorized to appear before said court at the place and time named in any such subpena or order, but no papers or documents in the possession or under the control of the House of Representatives shall be produced in response thereto; and be it further

*Resolved*, That when any said court determines upon the materiality and the relevancy of the papers or documents called for in the subpena or other order, then said court, through any of its officers or agents, shall have full permission to attend with all proper parties to the proceedings before said court and at a place under the orders and control of the House of Representatives and take copies of the said documents or papers and the Clerk of the House is authorized to supply certified copies of such documents that the court has found to be material and relevant, except that under no circumstances shall any minutes or transcripts of executive sessions, or any evidence of witnesses in respect thereto, be disclosed or copied, nor shall the possession of said documents and papers by any Member, officer, or employee of the House be disturbed or removed from their place of file or custody under said Member, officer, or employee; and be it further

*Resolved*, That a copy of these resolutions be transmitted by the Clerk of the House to any of said courts whenever such writs of subpena or other orders are issued and served as aforesaid.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## DATE FOR SUBMISSION OF BUDGET AND ECONOMIC REPORT BY PRESIDENT OF THE UNITED STATES

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the immediate consideration of a joint resolution (H.J. Res. 1) relating to the transmission to the Congress by the President of the budget for fiscal year 1974 and the Economic Report.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 1

*Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled*, That (a) notwithstanding the provisions of section 201 of the Act of June 10, 1922, as amended (31 USC 11), the President shall transmit to the Congress not later than January 29, 1973, the Budget for the Fiscal Year 1974; (b) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 USC 1022), the President shall transmit to the Congress not later than January 31, 1973, the Economic Report; and (c) notwithstanding the provisions of clause (3) of section 5(b) of the Act of February 20, 1946 (15 USC 1024(b)), the Joint Economic Committee shall file its report on the President's Economic Report with the House of Representatives and the Senate not later than March 10, 1973.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MINORITY WHIP

Mr. GERALD R. FORD. Mr. Speaker, it is with a great deal of pride and it is a great privilege for me to announce that the Republican Conference this morning unanimously elected the Honorable LESLIE ARENDS, of Illinois, as our Republican whip in the 93d Congress.

## ADDITIONAL OFFICIAL REPORTER OF DEBATES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I offer a resolution (H. Res. 13) on the compensation for employment of one additional Reporter of Debates, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 13

*Resolved*, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation for the employment of one additional official reporter of debates, House of Representatives, to be appointed in the same manner, and to receive the same rate of compensation, as the other official reporters of debates.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ADJOURNMENT OVER TO SATURDAY, JANUARY 6, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Saturday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## THE LATE HONORABLE HARRY S TRUMAN, FORMER PRESIDENT OF THE UNITED STATES

Mr. RANDALL. Mr. Speaker, I offer a resolution (H. Res. 14) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 14

*Resolved*, That the House has learned with regret and profound sorrow of the death of Harry S Truman, former President of the United States, who as an illustrious Member of the Senate of the United States, Vice President, and President gave so generously of his energy and wisdom and contributed so greatly to the cause of freedom.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. RANDALL. Mr. Speaker, at an appropriate time in the very near future we will ask for some time here on the floor to pay our respects to our former President. An announcement will be made to all Members at that time.

## THE LATE HONORABLE NICK BEGICH

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 15) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 15

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Nick Begich, a Representative-elect from the State of Alaska.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## THE LATE HONORABLE GEORGE W. COLLINS

Mr. PRICE of Illinois. Mr. Speaker, I offer a resolution (H. Res. 16) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 16

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable George W. Collins, a Representative from the State of Illinois.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, out of respect to the former President of the United States, Harry S Truman, and our deceased colleagues, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Saturday, January 6, 1973, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*(Submitted November 29, 1972)*

Mr. DULSKI: Committee on Post Office and Civil Service. Legislative Review by the Commitee on Post Office and Civil Service (Rept. No. 92-1621). Referred to the Committee of the Whole House on the State of the Union.

*(Submitted December 5, 1972)*

Mr. DULSKI: Committee on Post Office and Civil Service. Report on improved manpower management in the Federal Government (Rept. No. 92-1622). Referred to the Committee of the Whole House on the State of the Union.

*(Submitted December 15, 1972)*

Mr. PATMAN: Committee on Banking and Currency. House Report 92-1623. Report on activities during 92d Congress of the Committee on Banking and Currency (Rept. No. 92-1623). Referred to the Committee of the Whole House on the State of the Union.

*(The following reports submitted pursuant to section 118, Public Law 92-136)*

*(December 20, 1972)*

Mr. BLATNIK: Committee on Public Works. Report on activities during the 92d Congress of the Committee on Public Works (Rept. No. 92-1624). Referred to the Committee of the Whole House on the State of the Union.

*(December 21, 1972)*

Mr. ASPINALL: Committee on Interior and Insular Affairs. Report on activities during 92d Congress of Committee on Interior and Insular Affairs (Rept. No. 92–1625). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on activities during the 92d Congress of the Committee on Public Works (Rept. No. 92–1626). Referred to the Committee of the Whole House on the State of the Union.

*(December 29, 1972)*

Mr. HÉBERT: Committee on Armed Services. House Report 92–1627. Report of the activities during the 92d Congress of the Committee on Armed Services of the U.S. House of Representatives (Rept. No. 92–1627). Referred to the Committee of the Whole House on the State of the Union.

*(January 2, 1973)*

Mr. MORGAN: Committee on Foreign Affairs. Legislative review activities of the Committee on Foreign Affairs during the 92d Congress (Rept. No. 92–1628). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. Report on activities during the 92d Congress of the Committee on Merchant Marine and Fisheries (Rept. No. 92–1629). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. Report on activities during the 92d Congress of the Committee on Education and Labor (Rept. No. 92–1630). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. Report on activities during the 92d Congress of the Committee on Ways and Means (Rept. No. 92–1631). Referred to the Committee of the Whole House on the State of the Union.

*(The following report submitted January 2, 1973, pursuant to House Resolution 170)*

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Report on investigations of the Committee on Interstate and Foreign Commerce (Rept. No. 92–1632). Referred to the Committee of the Whole House on the State of the Union.

*(The following reports submitted pursuant to section 118, Public Law 92–136)*

*(January 2, 1973)*

Mr. HOLIFIELD: Committee on Government Operations. Report on activities during the 92d Congress of the Committee on Government Operations (Rept. No. 92–1633). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Report on activities during the 92d Congress of the Committee on Interstate and Foreign Commerce (Rept. No. 92–1634). Referred to the Committee of the Whole House on the State of the Union.

*(Submitted prior to 12 o'clock January 3, 1973)*

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. Report on activities during the 92d Congress of the Committee on Veterans' Affairs. (Rept. No. 92–1635). Referred to the Committee of the Whole House on the State of the Union.

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## EXECUTIVE COMMUNICATIONS, ETC.

*(Pursuant to House Resolution 1171, 92d Congress, the following executive communications were submitted)*

*(December 26, 1972)*

2434. A letter from the Comptroller General of the United States, transmitting a report on the financial statements of the St. Lawrence Seaway Development Corporation for the year ended December 31, 1971, pursuant to 31 U.S.C. 841 and 74 Stat. 101 (H. Doc. No. 92–378); to the Committee on Government Operations and ordered to be printed.

*(January 2, 1973)*

2435. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Federal Crop Insurance Corporation, Department of Agriculture, for fiscal year 1972, pursuant to 31 U.S.C. 841 and 7 U.S.C. 1513 (H. Doc. No. 92–381); to the Committee on Government Operations and ordered to be printed.

2436. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of the Federal Home Loan Bank Board, the Federal home loan banks, and the Federal Savings and Loan Insurance Corporation for the year ended December 31, 1971, pursuant to 31 U.S.C. 53, 31 U.S.C. 67, 31 U.S.C. 850 and 857, and 12 U.S.C. 1431(j) (H. Doc. No. 92–382); to the Committee on Government Operations and ordered to be printed.

2437. A letter from the Comptroller General of the United States, transmitting a report of the audit of the Commodity Credit Corporation, Department of Agriculture, for fiscal year 1972, pursuant to 31 U.S.C. 841 (H. Doc. No. 92–383); to the Committee on Government Operations and ordered to be printed.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

*(Submitted January 3, 1973)*

1. A communication from the President of the United States, transmitting notice of his determination that it is in the national interest for the Export-Import Bank of the United States to guarantee, insure, extend credit, and participate in the extension of credit in connection with the purchase or lease of any product or service by, for use in, or for sale or lease to the Polish People's Republic, pursuant to 12 U.S.C. 635(b)(2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking and Currency.

2. A communication from the President of the United States, transmitting notice of his intention to exercise his authority under section 614(a) of the Foreign Assistance Act of 1961, as amended, to permit the procurement of rice from outside the United States for Laos and Cambodia without regard to the requirements of section 604(e) of the act, pursuant to section 652 of the act; to the Committee on Foreign Affairs.

3. A communication from the President of the United States, transmitting notice of his intention to exercise his authority under section 614(a) of the Foreign Assistance Act of 1961, as amended, to waive the restriction of section 620(m) of the act as it applies to the U.S. military assistance program for fiscal year 1973 to Spain, pursuant to section 652 of the act; to the Committee on Foreign Affairs.

4. A communication from the President of the United States, transmitting notice of his intention to exercise his authority under section 614(a) of the Foreign Assistance Act of 1961, as amended, to waive the restriction of section 620(m) of the act as it applies to the U.S. military assistance program for fiscal year 1973 to Portugal, pursuant to section 652 of the act; to the Committee on Foreign Affairs.

5. A letter from the Secretary of the Interior, transmitting the report of the Migratory Bird Conservation Commission for fiscal year 1972, pursuant to 16 U.S.C. 715b; to the Committee on Agriculture.

6. A letter from the Secretary of Defense, transmitting three reports of violations of section 3679(a), Revised Statutes, involving expenditures or obligations in excess of appropriations or apportionments, pursuant to section 3679(i)(2), Revised Statutes (31 U.S.C. 665(i)(2)); to the Committee on Appropriations.

7. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of a violation of section 3679, Revised Statutes, involving overobligations of the appropriations for "Departmental management," pursuant to 31 U.S.C. 665(i)(2); to the Committee on Appropriations.

8. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for "Fees and expenses of witnesses" for fiscal year 1973, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

9. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for "Support of U.S. prisoners" for fiscal year 1973, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

10. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Veterans' Administration for "Readjustment benefits" for fiscal year 1973, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

11. A letter from the Assistant Administrator, Agency for International Development, Department of State, transmitting a report of architectural and engineering fees exceeding $25,000, covering the 6 months ended December 31, 1971, pursuant to section 102 of the Foreign Assistance and Related Programs Appropriations Act (82 Stat. 1139); to the Committee on Appropriations.

12. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report covering the period January 1 through June 30, 1972, that no use was made of foreign currencies to make payments under contracts in a foreign country, pursuant to section 737 of Public Law 92–204 and section 109 of Public Law 92–160; to the Committee on Appropriations.

13. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of receipts and disbursements pertaining to the disposal of surplus military supplies and for expenses involving the production of lumber and timber products, for the fourth quarter of fiscal year 1972, pursuant to section 712, Public Law 92–204; to the Committee on Appropriations.

14. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on support furnished to the Vietnamese, other free world forces in Vietnam, and support of local forces in Laos and Thailand, for the fourth quarter of fiscal year 1972, pursuant to section 738(b) of Public Law 92–204; to the Committee on Appropriations.

15. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of support furnished to the Vietnamese and other free world forces in Vietnam, and support of local forces in Laos, for the first quarter of fiscal year 1973, pursuant to section 737(b) of Public Law 92–570; to the Committee on Appropriations.

16. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classification has been made of the lands in the Narrows unit (including the central Colorado Conservancy District), South Platte Division, Pick-Sloan Missouri Basin program, Colorado, pursuant to Public Law 172, 83d Congress; to the Committee on Appropriations.

17. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey has been made of the lands in the Pajoaque unit, San Juan-Chama project, New Mexico, pursuant to Public Law 172, 83d Congress; to the Committee on Appropriations.

18. A letter from the Chairman, Atomic Energy Commission, transmitting a report of an overobligation in an Atomic Energy Commission allotment account (Division of Biomedical and Environmental Research), pursuant to section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

19. A letter from the Chairman, Atomic Energy Commission, transmitting a report of an overobligation in an Atomic Energy Commission allotment account (Nevada Operations Office), pursuant to section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

20. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting the semiannual report on the strategic and critical materials stockpiling program for the period January 1 to June 30, 1972, pursuant to section 4, Public Law 520, 79th Congress; to the Committee on Armed Services.

21. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report showing the Laos assistance-related funds expended during the first quarter of the fiscal year beginning July 1, 1972, pursuant to section 602, Public Law 92–436; to the Committee on Armed Services.

22. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of contract award dates (weapon systems) for the period November 15, 1972, to February 15, 1973, pursuant to section 506, Public Law 92–156; to the Committee on Armed Services.

23. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting reports of military construction projects placed under contract in fiscal year 1972 in which it was necessary to exceed the amount authorized by more than 25 percent or to reduce the project scope in order to award within the authorization amount, pursuant to section 703(d), Public Law 92–145; to the Committee on Armed Services.

24. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of 32 construction projects proposed to be undertaken for the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

25. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of 32 facilities projects proposed to be undertaken for Army Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

26. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of various construction projects proposed to be undertaken for the Army Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

27. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of 17 construction projects proposed to be undertaken for the Air National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

28. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of 17 facilities projects proposed to be undertaken for the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

29. A letter from the Deputy Assistant Secretary of Defense (Manpower and Reserve Affairs), transmitting a report for fiscal year 1972 of certain employees of the Department of Defense presently or formerly employed by certain defense contractors, pursuant to section 410(d) of Public Law 91–121; to the Committee on Armed Services.

30. A letter from the Director, Defense Civil Preparedness Agency, transmitting a report on property acquisitions of emergency supplies and equipment covering the quarter ended September 30, 1972, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(h)); to the Committee on Armed Services.

31. A letter from the Acting Director, Defense Civil Preparedness Agency, transmitting a report covering the quarter ended September 30, 1972, on financial contributions to States for civil defense equipment and facilities, pursuant to section 201(i) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(i)); to the Committee on Armed Services.

32. A letter from the Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on September 30, 1972, pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

33. A letter from the Acting Secretary of the Air Force, transmitting a report of officers on flying status above the grade of major as of October 31, 1972, pursuant to 37 U.S.C. 301(g); to the Committee on Armed Services.

34. A letter from the Acting Chief of Legislative Affairs, Department of the Navy, transmitting notice of the proposed donation of three surplus steam locomotives, pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

35. A letter from the Assistant Secretary of Transportation for Administration, transmitting a list of the purchases and contracts made by the U.S. Coast Guard for research and national defense during the period April 1 through September 30, 1972, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

36. A letter from the Commandant, U.S. Coast Guard, Department of Transportation, transmitting certification of the number of officers above the grade of lieutenant commander, or equivalent, entitled to receive flight pay for the preceding 6-month period, pursuant to 37 U.S.C. 301(g); to the Committee on Armed Services.

37. A letter from the adjutant general, Veterans of Foreign Wars of the United States, transmitting a report of the audit of the financial statements of the organization for fiscal year 1972, pursuant to Public Law 630, 74th Congress; to the Committee on Armed Services.

38. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting notice of a delay in the submission of reports and recommendations of the President concerning disaster relief legislation required by sections 3 and 5 of Public Law 92–385; to the Committee on Banking and Currency.

39. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a report of a comprehensive review of the Federal disaster program, pursuant to section 3 of Public Law 92–385; to the Committee on Banking and Currency.

40. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a report on borrowing authority under the Defense Production Act of 1950, as amended, for the period ended June 30, 1972, pursuant to section 304(b) of the act; to the Committee on Banking and Currency.

41. A letter from the Attorney General, transmitting a report on voluntary agreements and programs, pursuant to section 708(e) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2158, note); to the Committee on Banking and Currency.

42. A letter from the Attorney General, transmitting a report for fiscal year 1972 on the enforcement of title II of the Consumer Credit Protection Act (extortionate credit transactions), pursuant to the act; to the Committee on Banking and Currency.

43. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for the period July-August 1972, pursuant to section 10(d) of the Small Business Act, as amended, (15 U.S.C. 639 (d)); to the Committee on Banking and Currency.

44. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for the period July-September 1972, pursuant to section 10(d) of the Small Business Act, as amended, (15 U.S.C. 639(d)); to the Committee on Banking and Currency.

45. A letter from the Secretary of Commerce, transmitting the 101st quarterly report on export control, covering the third quarter of 1972, pursuant to 50 U.S.C. App. 2409; to the Committee on Banking and Currency.

46. A letter from the Comptroller of the Currency, Treasury Department, transmitting the 1971 Annual Report of the Comptroller of the Currency, pursuant to section 333, Revised Statutes; to the Committee on Banking and Currency.

47. A letter from the Chairman, Cost Accounting Standards Board, transmitting a copy of proposed standards, rules, and regulations promulgated by the Board, pursuant to section 719(h)(3) of the Defense Production Act, as amended by Public Law 91–379; to the Committee on Banking and Currency.

48. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting the Council's annual report, pursuant to section 4(b) of the Bretton Woods Agreements Act; to the Committee on Banking and Currency and ordered to be printed.

49. A letter from the Commissioner of the District of Columbia, transmitting a schedule of reports that will be transmitted in accordance with section 1–238 of the District of Columbia Code; to the Committee on the District of Columbia.

50. A letter from the Chairman, City Council of the District of Columbia, transmitting a report of the activities of the City Council for the period February 1969, through June 1970, pursuant to section 402(10) of Reorganization Plan No. 3 of 1967; to the Committee on the District of Columbia.

51. A letter from the Chairman, City Council of the District of Columbia, transmitting a report of the activities of the City Council for the period July 1, 1970, through June 30, 1971, pursuant to section 402(10) of Reorganization Plan No. 3 of 1967; to the Committee on the District of Columbia.

52. A letter from the Chairman, City Council of the District of Columbia, transmitting a report of the activities of the City Council for the period July 1, 1971, through June 30, 1972, pursuant to section 402(10) of the Reorganization Plan No. 3 of 1967; to the Committee on the District of Columbia.

53. A letter from the Chairman, District of Columbia Redevelopment Land Agency, transmitting the annual report of the District of Columbia Redevelopment Land Agency for the fiscal year ending June 30, 1971, pursuant to section 15, Public Law 592, 79th Congress; to the Committee on the District of Columbia.

54. A letter from the vice president and general manager, C. & P. Telephone Co., transmitting a statement of receipts and expenditures of the company for 1972, pursuant to 33 Stat. 375; to the Committee on the District of Columbia.

55. A letter from the Secretary of Health,

Education, and Welfare, transmitting the annual report of the National Center for Deaf-Blind Youths and Adults for fiscal year 1972, pursuant to section 16(c)(2) of the Vocational Rehabilitation Act; to the Committee on Education and Labor.

56. A letter from the Secretary of Health, Education, and Welfare, transmitting the third annual report of Gallaudet College, concerning the establishment and operation of the Model Secondary School for the Deaf for fiscal year 1972, pursuant to section 4(c) of Public Law 89-694; to the Committee on Education and Labor.

57. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of 27 international agreements, other than treaties, entered into between August 22 and October 25, 1972, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

58. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of 16 international agreements, other than treaties, entered into in September and October of 1972, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

59. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of an international agreement, other than a treaty, with Colombia, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

60. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting copies of six international agreements, other than treaties, entered into during October and November 1972, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

61. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of various international agreements, other than treaties, entered into during October, November, and December 1972, pursuant to Public Law 92-403; to the Committee on Foreign Affairs

62. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of various international agreements other than treaties, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

63. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of the Presidential determination waiving the requirement of section 620(m) of the Foreign Assistance Act of 1971 and authorizing military assistance to Spain in fiscal year 1973; to the Committee on Foreign Affairs.

64. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of the Presidential determination waiving the requirement of section 620(m) of the Foreign Assistance Act of 1971 and assistance to Portugal in fiscal year 1973; to the Committee on Foreign Affairs.

65. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 73-5, furnishing sophisticated weapons systems to various countries in fiscal year 1973, pursuant to section 504(a) of the Foreign Assistance Act of 1961 as amended; to the Committee on Foreign Affairs.

66. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of the determination of the Secretary of State that assistance to Chile under the Foreign Assistance Act of 1961, as amended, is in the national interest of the United States, pursuant to 620(q) of the act; to the Committee on Foreign Affairs.

67. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on exports of significant defense articles on the U.S. munitions list, covering the period January-June 1971, pursuant to Public Law 90-629; to the Committee on Foreign Affairs.

68. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on deliveries of excess defense articles during the fourth quarter of fiscal year 1972, listing the value of the articles at acquisition cost and at the time of delivery, pursuant to section 8(d) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

69. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report showing the Cambodian assistance-related funds obligated during the first quarter of the fiscal year beginning July 1, 1972, pursuant to section 655(f), Public Law 92-226; to the Committee on Foreign Affairs.

70. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on the proposed coassembly/coproduction of military equipment in the Republic of China, pursuant to section 42(b) of the Foreign Military Sales Act, as amended (22 U.S.C. 279(b)); to the Committee on Foreign Affairs.

71. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting copies of determinations of the Secretary of State numbered 72-2 and 72-3, pursuant to section 620(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

72. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting a copy of a Presidential determination for offshore procurement of rice for Laos and Cambodia without regard to the provisions of section 604(e) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

73. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting a report on the programing and obligation of contingency funds, covering the quarter ended June 30, 1972, pursuant to section 451(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

74. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting a report on food supplies and population growth in less-developed countries, pursuant to title XI of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

75. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of Export-Import loans, insurance, and guarantees issued in the period July 1972, through September 1972, in connection with U.S. exports to Yugoslavia and Rumania, pursuant to the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

76. A letter from the Chairman, U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting the ninth annual report of the Commission, pursuant to Public Law 87-256; to the Committee on Foreign Affairs and ordered to be printed.

77. A letter from the Secretary of the Treasury, transmitting the combined statement of receipts, expenditures, and balances of the U.S. Government for fiscal year 1972, pursuant to 31 U.S.C. 66b and 1029; to the Committee on Government Operations.

78. A letter from the Assistant Secretary of Defense (Comptroller), transmitting the annual report of the Department of Defense on the disposal of foreign excess personal property, covering fiscal year 1972, pursuant to section 404(d), Public Law 152, 81st Congress; to the Committee on Government Operations.

79. A letter from the Secretary of Health, Education, and Welfare, transmitting a negative report covering the disposal of excess property in foreign countries for calendar year 1972, pursuant to the Federal Property and Administrative Services Act of 1949; to the Committee on Government Operations.

80. A letter from the Chairman, Commission of Government Procurement, transmitting the report of the Commission, pursuant to Public Laws 91-129 and 92-47; to the Committee on Government Operations.

81. A letter from the Chairman, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, transmitting the annual report of the activities of the committee during fiscal year 1972, pursuant to section 1(i), Public Law 92-28; to the Committee on Government Operations.

82. A letter from the Clerk, U.S. House of Representatives, transmitting a list of reports which it is the duty of any officer or department to make to Congress, pursuant to rule III, clause 2, of the Rules of the House of Representatives; to the Committee on House Administration and ordered to be printed.

83. A letter from the Secretary of the Interior, transmitting the seventh annual report on the minerals exploration assistance program, pursuant to 30 U.S.C. 641-646; to the Committee on Interior and Insular Affairs.

84. A letter from the Secretary of the Interior, transmitting descriptions of eight projects selected for funding through grants, contracts, and matching or other arrangements with education institutions, private foundations or other institutions and with private firms, pursuant to section 200(b) of the Water Resources Research Act of 1964; to the Committee on Interior and Insular Affairs.

85. A letter from the Secretary of the Interior, transmitting a report of the location, size, and values of lands withdrawn in the State of Alaska, covering the period June 18 through December 17, 1972, pursuant to section 17(d)(2)(A) of the Alaska Native Claims Settlement Act of 1971 (85 Stat. 688); to the Committee on Interior and Insular Affairs.

86. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the provision of accommodations, facilities, and services for the public at the Searchlight Ferry Site in Lake Mead National Recreation Area, Nev., for a period of approximately 20 years, through December 31, 1991, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

87. A letter from the Acting Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract to provide an automobile service station and merchandise facilities and services for the public within Natchez Trace Parkway, Miss., through December 31, 1977, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

88. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract to provide food and beverage services for the public at Drakes Bay within Point Reyes National Seashore, Calif., through December 31, 1982, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

89. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed amendment to the concession contract for the operation of golf courses and provision of related facilities and services for the public in areas administered by the National Capital Parks, extending it for a term of 2 years through December 31, 1973, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

90. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in Docket No. 47-B *The Yakima Tribe, Plain-*

*tiff,* v. *The United States of America, Defendant,* pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

91. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in Docket No. 285, *The Native Village of Unalakleet, et al., Plaintiffs,* v. *The United States of America, Defendant,* pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

92. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in Docket No. 286, *the Native Village of Shungnak, et al., Plaintiffs* v. *the United States of America, Defendant,* pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

93. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in Docket No. 287, *the Nisgah Tribe, ex rel., William S. Sutton as representative, Plaintiff* v. *the United States of America, Defendant,* pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

94. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in Docket No. 323, *the Ponca Tribe of Indians of Oklahoma, William Overland, Martha Collins, and John Williams, as representatives of the Ponca Tribe and all of the members thereof, Plaintiff* v. *the United States of America, Defendant,* pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

95. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting the Council's comments on the proposed disposition of parcel 8 of the Newburyport, Mass.. Central Business Urban Renewal Project Area to a private developer, pursuant to 16 U.S.C. 470j(b); to the Committee on Interior and Insular Affairs.

96. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on a systematic analysis of health care in the United States, pursuant to Public Law 91–515; to the Committee on Interstate and Foreign Commerce.

97. A letter from the Secretary of Transportation, transmitting the annual report on the administration of the Alaska Railroad, pursuant to 43 U.S.C. 975g; to the Committee on Interstate and Foreign Commerce.

98. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of September 31, 1972, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

99. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of October 31, 1972, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

100. A letter from the Chairman, Federal Power Commission, transmitting a report showing the permits and licenses for hydroelectric projects issued by the Commission during fiscal year 1972; financial statements of proceeds derived from licenses issued by authority of the Federal Power Act; and the names and compensation of persons employed by the Commission during the period, all pursuant to 16 U.S.C. 797(d) (section 4(d) of the Federal Power Act); to the Committee on Interstate and Foreign Commerce.

101. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication, "Hydroelectric Plant Construction Cost and Annual Production Expenses, 1970"; to the Committee on Interstate and Foreign Commerce.

102. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication "Steam-Electric Plant Construction Cost and Annual Production Expenses, 1970"; to the Committee on Interstate and Foreign Commerce.

103. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication, "Statistics of Interstate Natural Gas Pipeline Companies, 1971"; to the Committee on Interstate and Foreign Commerce.

104. A letter from the Chairman, Federal Power Commission, transmitting a copy of the map, "Major Natural Gas Pipelines, June 30, 1972"; to the Committee on Interstate and Foreign Commerce.

105. A letter from the Vice President for Public Affairs, National Railroad Passenger Corporation, transmitting a financial report of the Corporation covering the month of July 1972, pursuant to section 308(a)(1) of the Railroad Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

106. A letter from the Vice President for Public Affairs, National Railroad Passenger Corporation, transmitting a financial report of the Corporation covering the month of August 1972, pursuant to section 308(a)(1) of the Railroad Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

107. A letter from the Vice President for Public Affairs, National Railroad Passenger Corporation, transmitting a financial report of the Corporation covering the month of September 1972, pursuant to section 308(a)(1) of the Railroad Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

108. A letter from the Vice President for Public Affairs, National Railroad Passenger Corporation, transmitting a report on the average number of passengers and the on-time performance of each train operated by Amtrak, covering the month of October 1972, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970 as amended; to the Committee on Interstate and Foreign Commerce.

109. A letter from the Vice President for Public Affairs, National Railroad Passenger Corporation, transmitting a report on the average number of passengers and the on-time performance of each train operated by Amtrak, covering the month of November 1972, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970 as amended; to the Committee on Interstate and Foreign Commerce.

110. A letter from the President, National Academy of Sciences, transmitting notice of a 30-day delay in submission of the report on motor-vehicle emissions pursuant to 42 U.S.C. 1857 f–1(c)(3); to the Committee on Interstate and Foreign Commerce.

111. A letter from the Chairman, National Commission on Marihuana and Drug Abuse, transmitting an interim report of the Commission, pursuant to Public Law 91–513; to the Committee on Interstate and Foreign Commerce.

112. A letter from the Deputy Assistant Secretary, Management and Budget, Department of Interior, transmitting a report on receipts and expenditures of the Department of the Interior in connection with the administration of the Outer Continental Shelf Lands Act of 1953, pursuant to (43 U.S.C. 1331, et seq.); to the Committee on the Judiciary.

113. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

114. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

115. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

116. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

117. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

118. A letter from the Commissioner, Immigration and Naturalization Service, United States Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

119. A letter from the corporation agent, Legion of Valor of the United States of America, Inc., transmitting the financial statement of the Legion of Valor of the United States of America for the fiscal year ending July 31, 1972, pursuant to section 14 (b) of Public Law 84–224; to the Committee on the Judiciary.

120. A letter from the national adjutant paymaster, Marine Corps League, transmitting the annual report of the League; to the Committee on the Judiciary.

121. A letter from the executive director, Military Chaplains Association of the United States of America, transmitting the audit of the Association for 1971; to the Committee on the Judiciary.

122. A letter from the national quartermaster, Veterans of World War I of the U.S.A., Inc., transmitting the financial report of the organization as of September 30, 1972, and the proceedings of the national convention held in September 1972, pursuant to sections 15 and 16 of Public Law 85–530; to the Committee on the Judiciary and ordered to be printed.

123. A letter from the Assistant Secretary of Agriculture for Administration, transmitting the annual report on scientific and professional positions established in the Department, pursuant to 5 U.S.C. 3104; to the Committee on Post Office and Civil Service.

124. A letter from the Director of Personnel, Department of Commerce, transmitting a report of scientific and professional positions established in the Department, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

125. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting a report for calendar year 1972 on scientific or professional positions authorized for establishment in the Agency, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

126. A letter from the Chairman, U.S. Civil Service Commission, transmitting the 50th annual report of the Board of Actuaries of

the Civil Service Retirement System, covering fiscal year 1970, pursuant to 5 U.S.C. 8347(f); to the Committee on Post Office and Civil Service and ordered to be printed.

127. A letter from the Chairman, Board of Governors, U.S. Postal Service, transmitting the first annual report of the Postal Service, pursuant to the Postal Reorganization Act; to the Committee on Post Office and Civil Service.

128. A letter from the Secretary of the Army, transmitting a report of the District Engineer, New York District, and letters from the Chief of Engineers, Department of the Army, and from the Office of Management and Budget, on the collection and removal of drift in New York Harbor, pursuant to resolutions of the Senate and House of Representatives Public Works Committees; to the Committee on Public Works.

129. A letter from the Acting Administrator of General Services, transmitting prospectuses proposing the alteration of three public buildings in New York, N.Y., and in Washington, D.C., pursuant to section 7a of the Public Buildings Act of 1959, as amended (73 Stat. 480); to the Committee on Public Works.

130. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing the construction of Social Security Administration Payment Centers in the San Francisco Bay Area, Calif.; Chicago, Ill., and Philadelphia, Pa., pursuant to the Public Buildings Amendments of 1972 (86 Stat. 219); to the Committee on Public Works.

131. A letter from the Chairman, Tennessee Valley Authority, transmitting the 39th Annual Report of Tennessee Valley Authority pursuant to 16 U.S.C. 831h; to the Committee on Public Works.

132. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of contracts negotiated by the National Aeronautics and Space Administration under 10 U.S.C. 2304(a) (11) and (16) (research and national defense) for the period January 1, to June 30, 1972, pursuant to 10 U.S.C. 2304(e); to the Committee on Science and Astronautics.

133. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a list of the present and former NASA employees who have filed reports with NASA pertaining to their NASA and aerospace related industry employment for fiscal year ended June 30, 1972, pursuant to section 6 of Public Law 91-119, as amended by section 7 of Public Law 91-303; to the Committee on Science and Astronautics.

134. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the proposed reprograming of $8.8 million within the "Constructed of facilities" funds authorized and appropriated for fiscal years 1972 and 1973 to support the space shuttle program, pursuant to section 3 of the National Aeronautics and Space Administration Authorization Acts, 1972 (85 Stat. 176) and 1973 (86 Stat. 160); to the Committee on Science and Astronautics.

135. A letter from the Secretary of the Treasury transmitting the annual report on the state of the finances of the Federal Government for fiscal year 1972, pursuant to 31 U.S.C. 1027; to the Committee on Ways and Means and ordered to be printed.

136. A letter from the Secretary, Health, Education, and Welfare, transmitting the fifth annual report on medicare, covering the program's operation during fiscal year 1971, pursuant to section 1875(b) of the Social Security Act, as amended; to the Committee on Ways and Means, and ordered to be printed with illustrations.

137. A letter from the Secretary, Health, Education, and Welfare, transmitting a negative report concerning grants approved by the Secretary which are financed wholly with Federal funds, covering the period July 1–September 30, 1972, pursuant to 42 U.S.C. 1320(b); to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

138. A letter from the Comptroller General of the United States, transmitting the sixth report on the audit of payments from the special bank account of the Lockheed Aircraft Corp. for the C-5 aircraft program, covering the quarter ended September 30, 1972, pursuant to Public Laws 91-441 and 92-156; to the Committee on Armed Services.

139. A letter from the Comptroller General of the United States, transmitting a list of reports issued by the General Accounting Office in October 1972, pursuant to section 234, Public Law 91-510; to the Committee on Government Operations.

140. A letter from the Comptroller General of the United States, transmitting a list of reports issued by the General Accounting Office in November 1972, pursuant to section 234, Public Law 91-510; to the Committee on Government Operations.

141. A letter from the Comptroller General of the United States, transmitting a report entitled "Training America's Labor Force; Potential, Progress, and Problems of Vocational Education," Department of Health, Education, and Welfare; to the Committee on Government Operations.

142. A letter from the Comptroller General of the United States, transmitting a report on opportunities to reduce costs in acquiring properties resulting from defaults on home loans insured by the Department of Housing and Urban Development or financed or guaranteed by the Veterans' Administration; to the Committee on Government Operations.

143. A letter from the Comptroller General of the United States, transmitting a report on efforts to prevent heroin from illicitly reaching the United States by the Bureau of Narcotics and Dangerous Drugs, Department of Justice, and by the Department of State; to the Committee on Government Operations.

144. A letter from the Comptroller General of the United States, transmitting a report on the need for substantial improvements in commercial offices abroad to assist U.S. export objectives, Department of State and Commerce; to the Committee on Government Operations.

145. A letter from the Comptroller General of the United States, transmitting a report on the need for Federal agencies to improve solid waste management practices; to the Committee on Government Operations.

146. A letter from the Comptroller General of the United States, transmitting a report on the improvement needed in payroll operations of the District of Columbia government; to the Committee on Government Operations.

147. A letter from the Comptroller General of the United States, transmitting a report on the achievements, cost, and administration of the ocean sediment coring program, National Science Foundation; to the Committee on Government Operations.

148. A letter from the Comptroller General of the United States, transmitting a report on fundamental changes needed for the Federal Communications Commission to achieve effective enforcement of radio communication regulations; to the Committee on Government Operations.

149. A letter from the Comptroller General of the United States, transmitting a report on the budgetary and fiscal information needs of the Congress to incorporate additional needs and clarification of some needs based on comments received from committees and Members of Congress; to the Committee on Government Operations.

150. A letter from the Comptroller General of the United States, transmitting a report on ways to increase Department of Commerce field office contributions to export expansion efforts; to the Committee on Government Operations.

151. A letter from the Comptroller General of the United States, transmitting a report on the need to improve the Environmental Protection Agency's administration of the water pollution research, development, and demonstration program; to the Committee on Government Operations.

152. A letter from the Comptroller General of the United States, transmitting a report on financial progress and problems of the Southwestern Federal Power System, Departments of the Interior and Army; to the Committee on Government Operations.

153. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for reducing interest costs under the sections 235 and 236 housing programs, Department of Housing and Urban Development; to the Committee on Government Operations.

154. A letter from the Comptroller General of the United States, transmitting a report on the unauthorized use of funds for construction and alteration of public buildings by the National Institutes of Health, Department of Health, Education, and Welfare; to the Committee on Government Operations.

155. A letter from the Comptroller General of the United States, transmitting a report of the administration by the Bureau of Reclamation, Department of the Interior, of the provision of reclamation law limiting the use of water from Federal water resources projects to 160 acres of irrigable land of any one landowner; to the Committee on Government Operations.

156. A letter from the Comptroller General of the United States, transmitting the first report on the implementation of the Emergency Loan Guarantee Act administered by the Emergency Loan Guarantee Board; to the Committee on Government Operations.

157. A letter from the Comptroller General of the United States, transmitting a report on efforts of the Bureau of Customs, Department of the Treasury, to intercept heroin entering New York City; to the Committee on Government Operations.

158. A letter from the Comptroller General of the United States, transmitting a report on U.S. programs in the Republic of Zaire (formerly the Democratic Republic of the Congo); to the Committee on Government Operations.

159. A letter from the Comptroller General of the United States, transmitting a report on the management of the Atomic Energy Commission's controlled thermonuclear research program; to the Committee on Government Operations.

160. A letter from the Comptroller General of the United States, transmitting a report on how the administration of contract studies could be improved by the Department of the Army; to the Committee on Government Operations.

161. A letter from the Comptroller General of the United States, transmitting a report on the little progress made by the Department of Defense in acting on opportunities for significant savings by consolidating real property maintenance organizations; to the Committee on Government Operations.

162. A letter from the Comptroller General of the United States, transmitting a report on the availability of estimates of the impact of inflation on the costs of proposed programs to committees of the Congress; to the Committee on Government Operations.

163. A letter from the Comptroller General of the United States, transmitting a report on unclaimed benefits in the civil service retirement fund; to the Committee on Government Operations.

164. A letter from the Comptroller General of the United States, transmitting reports on examinations into the coordination among Federal and State agencies and local health organizations in planning and constructing

acute-care hospitals in six metropolitan areas issued during the period March through November 1971; to the Committee on Government Operations.

165. A letter from the Comptroller General of the United States, transmitting a report on opportunities to improve effectiveness and reduce costs of homeownership assistance programs of the Department of Housing and Urban Development and the Department of Agriculture; to the Committee on Government Operations.

166. A letter from the Comptroller General of the United States, transmitting a report on means for increasing the use of defense technology for urgent public problems; to the Committee on Government Operations.

167. A letter from the Comptroller General of the United States, transmitting a report on a study of health facilities construction costs undertaken pursuant to section 204 of the Comprehensive Health Manpower Training Act of 1971 (85 Stat. 462); to the Committee on Interstate and Foreign Commerce.

168. A letter from the Comptroller General of the United States, transmitting a report and recommendation covering the claim of John H. Hart against the United States, pursuant to 31 U.S.C. 236; to the Committee on the Judiciary.

169. A letter from the Comptroller General of the United States, transmitting a report on the functioning of the Massachusetts system for reviewing the use of medical services financed under medicaid, Social and Rehabilitation Service, Department of Health, Education, and Welfare; to the Committee on Ways and Means.

170. A letter from the Acting Director of Science and Education, Department of Agriculture, transmitting a report for fiscal year 1972 on assistance to States in providing additional facilities for research at the State Agricultural Experiment Stations, pursuant to section 10 of Public Law 88-74; to the Committee on Agriculture.

171. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Internal Revenue Service for "Accounts, collection and taxpayer service," for fiscal year 1973, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statues, as amended (31 U.S.C. 665); to the Committee on Appropriations.

172. A letter from the Secretaryy of the Army, transmitting a draft of proposed legislation to amend section 3031 of title 10, United States Code, to increase the number of authorized Deputy Chiefs of Staff for the Army Staff, and eliminate the provisions of the Assistant Chiefs of Staff for the Army Staff; to the Committee on Armed Services.

173. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, and the Military Selective Service Act to permit the oversea assignment of members of the Armed Forces who have completed basic training and who have been awarded a military specialty; to the Committee on Armed Services.

174. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend titles 10, 32, and 37, United States Code, with respect to accountability and responsibilityy for U.S. property, and for other purposes; to the Committee on Armed Services.

175. A letter from the Chief of Legislative Affairs, Department of Navy, transmitting notice of the proposed donation of certain surplus railway equipment to the State of Texas, pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

176. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice of the proposed donation of a surplus helicopter to the Town of Dewar, Okla., pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

177. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice of the proposed donation of a diesel-electric railway locomotive to the Pacific Southwest Railway Museum Association, pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

178. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice of the proposed donation of a surplus railroad locomotive to the Promontory Chapter of the National Railway Historical Society, Inc., Salt Lake City, Utah, pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

179. A letter from the Acting Administrator of General Services, transmitting notices of proposed dispositions of sisal cordage fiber, abaca cordage fiber, and sperm oil from the national stockpile, pursuant to 50 U.S.C. 98b(e); to the Committee on Armed Services

180. A letter from the Vice Chairman, Board of Governors of the Federal Reserve System, transmitting the Fourth Annual Report of the Board of Governors on truth in lending, covering 1972, pursuant to section 114 of the Truth in Lending Act; to the Committee on Banking and Currency.

181. A letter from the Chairman, National Commission on Consumer Finance, transmitting the report of the Commission, pursuant to Public Law 90-321; to the Committee on Banking and Currency.

182. A letter from the Executive Secretary, Federal Metal and Nonmetallic Mine Safety Board of Review, transmitting the annual report of the activities of the Board for calendar year 1972, pursuant to 30 U.S.C. 729(1); to the Committee on Education and Labor.

183. A letter from the Administrator, Agency for International Development, Department of State, transmitting the annual report for fiscal year 1972 on the implementation of section 620(s) of the Foreign Assistance Act of 1961, as amended, pursuant to the provisions of that section (22 U.S.C. 2370 (s)(2)); to the Committee on Foreign Affairs.

184. A letter from the Acting Administrator of General Services, transmitting copies in full of the certificates of ascertainment of the electors of President and Vice President of the United States chosen in each of the States, pursuant to 3 U.S.C. 6; to the Committee on House Administration.

185. A letter from the Assistant Secretary of the Interior, transmitting the Second Report on the operation of the Colorado River Basin, covering water year 1972, pursuant to Public Law 90-537 (82 Stat. 885); to the Committee on Interior and Insular Affairs.

186. A letter from the Chairman, Aviation Advisory Commission, transmitting the report of the Commission, pursuant to Public Law 91-258; to the Committee on Interstate and Foreign Commerce.

187. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

188. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

189. A letter from the clerk, U.S. Court of Claims, transmitting a statement of all judgments rendered by the Court of Claims for the year ended September 30, 1972, the amount thereof, the parties in whose favor rendered, and a synopsis of the nature of the claims pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

190. A letter from the national adjutant, Disabled American Veterans, transmitting the reports and proceedings of the organization's 1972 national convention, together with a report of its receipts and expenditures as of December 31, 1971, pursuant to Public Laws 249 and 668, 77th Congress, respectively (H. Doc. No. 93-38); to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

191. A letter from the Secretary of the Treasury, transmitting the statement of liabilities and other financial commitments of the U.S. Government as of June 30, 1972, pursuant to section 402 of Public Law 89-809 (80 Stat. 1590); to the Committee on Ways and Means.

### Received From the Comptroller General

192. A letter from the Comptroller General of the United States, transmitting a report of the audit of the U.S. Capitol Historical Society, for the year ended January 31, 1972, pursuant to 40 United States Code 193m-1; to the Committee on Government Operations.

193. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 269(d) of title 10, United States Code, to authorize the voluntary assignment of certain Reserve members who are entitled to retired or retainer pay to the Ready Reserve, and for other purposes; to the Committee on Armed Services.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ULLMAN:

H.R. 1. A bill to establish a new program of health care delivery and comprehensive health care benefits (including catastrophic coverage), to be available to aged persons, and to employed, unemployed, and low-income individuals, at a cost related to their income; to the Committee on Ways and Means.

By Mr. DENT (for himself and Mr. Perkins):

H.R. 2. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. HAYS (for himself, Mr. Melcher, and Mr. Morgan):

H.R. 3. A bill to provide for the regulation of surface coal mining for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FASCELL (for himself, Mr. Hamilton, Mr. Fish, Mr. Waldie, Ms. Abzug, Mr. Gude, Mr. Reuss, Mr. Udall, Mr. Gibbons, Mr. Rosenthal, Mr. Rees, Mr. Ware, Mr. Leggett, Mr. Charles H. Wilson of California, Mr. Zwach, Mr. Drinan, Mr. McCloskey, Mr. Yatron, Mr. Studds, Mr. Andrews of North Dakota, Mr. Helstoski, and Mr. Brasco):

H.R. 4. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

By Mr. BURKE of Massachusetts:

H.R. 5. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. DULSKI (for himself and Mr. Derwinski):

H.R. 6. A bill to amend title 39 of the United States Code to extend certain mail service to the surviving spouse of a former President; to the Committee on Post Office and Civil Service.

By Mr. PATMAN:

H.R. 7. A bill to create the National Credit Union Bank to encourage the flow of credit to urban and rural areas in order to provide greater access to consumer credit at reasonable interest rates, to amend the Federal Credit Union Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. SIKES:

H.R. 8. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest land owners, and for other purposes; to the Committee on Agriculture.

By Mr. DOWNING (for himself, Mr. Mailliard, Mr. Ruppe, Mr. Goodling, Mr. Bray, Mr. Stubblefield, Mr. Jones of North Carolina, and Mr. Anderson of California):

H.R. 9. A bill to provide the Secretary of the Interior with authority to promote the conservation and orderly development of the hard mineral resources of the deep-sea bed, pending adoption of an international regime therefor; to the Committee on Merchant Marine and Fisheries.

By Mr. MOSS (for himself and Mr. Dingell):

H.R. 10. A bill to promote and regulate interstate commerce by requiring no-fault motor vehicle insurance as a condition precedent to using any public roadway in any State or the District of Columbia; to the Commitee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 11. A bill to make the Federal Reserve System responsive to the best interests of the people of the United States, to improve the coordination of monetary, fiscal, and economic policy, and for other purposes; to the Committee on Banking and Currency.

By Mr. RODINO:

H.R. 12. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 13. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROSENTHAL:

H.R. 14. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. JOHNSON of California (for himself and Mr. Towell of Nevada):

H.R. 15. A bill granting the consent and approval of Congress to the California-Nevada interstate compact; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 16. A bill to assist the States and local educational agencies in providing educational programs of high quality in elementary and secondary schools and to assist the States in equalizing educational opportunity, and for other purposes; to the Committee on Education and Labor.

By Mr. PERKINS (for himself and Mr. Brademas, Mr. Quie, Mrs. Mink, and Mr. Hansen of Idaho):

H.R. 17. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. ULLMAN:

H.R. 18. A bill to provide for the selection of candidates for President of the United States in a national presidential primary election, and for the election of a President and a Vice President by direct vote of the people, and for other purposes; to the Commitee on House Administration.

By Mr. PATMAN:

H.R. 19. A bill to amend the Federal Credit Union Act in order that Federal credit unions may operate more efficiently and better serve the financial needs of their members, and for other purposes; to the Committee on Banking and Currency.

By Mr. MOSS (for himself, Mr. Eckhardt, Mr. Carney of Ohio, Mr. Dingell, Mr. Adams, and Mr. Conte):

H.R. 20. A bill to provide minimum disclosure standards for written consumer product warranties against defect or malfunction; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLIFIELD (for himself, Mr. Horton, Mr. Fountain, Mr. Wydler, Mr. Moss, Mr. Wright, Mr. Heinz, Mr. Hicks, and Mr. Alexander):

H.R. 21. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mrs. GRIFFITHS (for herself, Mr. Corman, Mr. Green of Pennsylvania, Mr. Vanik, Mr. Dulski, Mr. Madden, Mr. Pepper, Mr. Anderson of California, Mr. Annunzio, Mr. Ashley, Mr. Blatnik, Mr. Bolling, Mr. Brademas, Mr. Carney of Ohio, Mr. Clay, Mr. Conyers, Mr. Dominick V. Daniels, Mr. Donohue, Mr. Drinan, Mr. Eckhardt Mr. Edwards of California, Mr. William D. Ford, Mr. Fraser, Mrs. Hansen of Washington, and Mr. Harrington):

H.R. 22. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mrs. GRIFFITHS (for herself, Mr. Corman, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Howard, Mr. Koch, Mr. McCormack, Mr. McFall, Mr. Meeds, Mr. Moss, Mr. O'Hara, Mr. Price of Illinois, Mr. Rees, Mr. Rosenthal, Mr. Roybal, Mr. St Germain, Mr. Seiberling, Mr. Studds, Mrs. Sullivan, Mr. Thompson of New Jersey, Mr. Van Deerlin, Ms. Abzug, Mr. Danielson, Mr. Reid, and Mr. Udall):

H.R. 23. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 24 A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

H.R. 25. A bill to amend the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

H.R. 26. A bill to provide free postage for parcels mailed to disaster areas; to the Committee on Post Office and Civil Service.

H.R. 27. A bill to amend title 5, United States Code, to correct unfair labor practices and inequities with respect to the computation of dutytime and overtime, night, holiday, and Sunday pay of certain employees engaged in negotiations of labor-management contracts based on statute or Executive order, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 28. A bill to amend chapter 30 of title 39, United States Code, to permit a person, in complete anonymity, to send substances in the mails which they suspect are drugs to Government officials for analysis, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DULSKI (for himself, Mr. Henderson, and Mr. Gross):

H.R. 29. A bill to provide for payments by the Postal Service to the civil service retirement fund for increases in the unfunded liability of the fund due to increases in benefits for Postal Service employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DULSKI:

H.R. 30. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants; to the Committee on Post Office and Civil Service.

H.R. 31. A bill to amend title 39, United States Code to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BELL:

H.R. 32. A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DINGELL:

H.R. 33. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

H.R. 34. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to assist in providing means for portability of credits under certain private pension plans, and for other purposes; to the Committee on Ways and Means.

H.R. 35. A bill to amend the National Environmental Policy Act of 1969 in order to encourage the establishment of, and to assist, State and regional environmental centers; to the Committee on Merchant Marine and Fisheries.

H.R. 36. A bill to amend the National Environmental Policy Act of 1969, to establish a National Environmental Data System; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Clark, Mr. Mailliard, Mr. Mosher, Mr. Downing, Mr. Ruppe, Mr. Goodling, Mr. Bray, Mr. Stubblefield, Mr. Murphy of New York, Mr. Jones of North Carolina, Mr. Biaggi, Mr. Anderson of California, Mr. Kyros, Mr. McCloskey, Mr. Steele, Mr. du Pont, Mr. Tiernan, Mr. James V. Stanton, Mr. Metcalfe, Mr. Nedzi, Mr. O'Hara, Mr. William D. Ford, Mrs. Griffiths, and Mr. Moss):

H.R. 37. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Mailliard, Mr. Ashley, Mr. Downing, Mr. Stubblefield, Mr. Murphy of New York, Mr. Ruppe, Mr. Jones of North Carolina, Mr. Goodling, Mr. McCloskey, Mr. Biaggi, Mr. Steele, Mr. Anderson of California, Mr. Tiernan, Mr. Nedzi, Mr. O'Hara, Mr. Moss, Mr. William D. Ford, Mrs. Griffiths, Mr. Kyros, Mr. James V. Stanton, and Mr. Metcalfe):

H.R. 38. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL:

H.R. 39. A bill to amend the Social Security Act to increase OASDI benefits by 15 per centum (with a $120 minimum) and raise the earnings base, to provide various improvements in benefit computations, to provide full benefits for men at age 60 and women at age 55, to pay wife's and widow's benefits without regard to age in disability cases, and to liberalize eligibility for disability benefits; to liberalize the medicare coverage of disabled beneficiaries under age 65, to finance the medical insurance program entirely from general revenues, and to cover prescription drugs; to require the furnishing of drugs on a generic basis under the medicare and public assistance programs; and for other purposes; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mrs. Griffiths, Mr. O'Hara, Mr. William D. Ford, and Mr. Nedzi):

H.R. 40. A bill to further the achievement of equal educational opportunities; to the Committee on Education and Labor.

By Mr. BROOMFIELD:

H.R. 41. A bill to postpone the effectiveness of any U.S. district court order requiring the busing of school children until such time as all appeals, including to the Supreme Court if necessary, in connection with such order have been exhausted and for other purposes; to the Committee on the Judiciary.

By Mr. BLACKBURN:

H.R. 42. A bill to amend the Fish and Wildlife Coordination Act, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI:

H.R. 43. A bill to amend title 39, United States Code, to require that the mail label or other cover of any publication having periodical publication mail privileges, when mailed to a subscriber, shall bear readily intelligible information regarding the name and address of the subscriber and the expiration date of the current subscription, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PRICE of Illinois:

H.R. 44. A bill to provide for disclosures designed to inform the Congress with respect to legislative measures, and for other purposes; to the Committee on Standards of Official Conduct.

By Mr. RAILSBACK:

H.R. 45. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. HALEY (for himself, Mr. Sikes, Mr. Burke of Florida, Mr. Frey, Mr. Bennett, Mr. Fuqua, Mr. Rogers, Mr. Pepper, Mr. Fascell, Mr. Chappell, Mr. Gibbons, Mr. Young of Florida, Mr. Bafalis, Mr. Lehman, and Mr. Gunter):

H.R. 46. A bill to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HALEY:

H.R. 47. A bill to amend the Budget and Accounting Act, 1921, to provide for the retirement of the public debt by setting aside the first 5 per centum of the budget receipts of the United States for each fiscal year for the sole purpose of retirement of obligations counted as part of the public debt; to the Committee on Government Operations.

By Mr. BURKE of Massachusetts:

H.R. 48. A bill to amend title II of the Social Security Act to provide a 50-percent, across-the-board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

H.R. 49. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. ROY:

H.R. 50. A bill to improve health care in rural areas through the establishment of the Office of Rural Health Care in the Department of Health, Education, and Welfare and a National Council on Rural Health; to the Committee on Interstate and Foreign Commerce.

By Mr. ROY (for himself, Mr. Rogers, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, and Mr. Hastings):

H.R. 51. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. SULLIVAN (for herself and Mr. Barrett):

H.R. 52. A bill to assist in meeting the housing goals of the American people by creating the Home Owners Mortgage Loan Corporation; to the Committee on Banking and Currency.

By Mrs. SULLIVAN:

H.R. 53. A bill to repeal the act of January 11, 1971, amending the Food Stamp Act of 1964, as amended, and for other purposes; to the Committee on Agriculture.

H.R. 54. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for income tax purposes of certain expenses incurred by the taxpayer for the education of a dependent; to the Committee on Ways and Means.

H.R. 55. A bill to modify the flood protection project at St. Louis, Mo.; to the Committee on Public Works.

H.R. 56. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

H.R. 57. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

H.R. 58. A bill to clarify and expand the authority of the Federal Home Loan Bank to regulate conflicts of interest in the operation of insured savings and loan associations, and for other purposes; to the Committee on Banking and Currency.

H.R. 59. A bill to protect the public health by providing authority to regulate or prohibit the transportation, sale, or other distribution in interstate commerce of live creatures intended to be offered as household pets, if determined to be infected with serious disease injurious to human beings; to the Committee on Interstate and Foreign Commerce.

H.R. 60. A bill authorizing the President to award the Medal of Honor posthumously to Harry S. Truman; to the Committee on Armed Services.

By Mr. KASTENMEIER:

H.R. 61. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. BURKE of Massachusetts:

H.R. 62. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology and production, and for other purposes; to the Committee on Ways and Means.

By Mr. BROOKS:

H.R. 63. A bill to provide for the appointment of several officials of the Congress by the Speaker of the House of Representatives or the President pro tempore of the Senate; to the Committee on House Administration.

By Mr. BENNETT (for himself, Mr. Sikes, Mr. Fuqua, Mr. Chappell, Mr. Frey, Mr. Gibbons, Mr. Haley, Mr. Young of Florida, Mr. Rogers, Mr. Fascell, Mr. Bafalis, Mr. Gunter, and Mr. Lehman):

H.R. 64. A bill to authorize the establishment of the Florida Frontier Historic Riverway, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, and Mr. Hastings):

H.R. 65. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL:

H.R. 66. A bill to provide mail service for Bess Wallace Truman, widow of former President Harry S. Truman; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York (for himself, Mr. Rees, Mr. Tiernan, Mr. Podell, Mr. Bingham, Mr. Clark, Mr. Yatron, Mr. Rhodes, Mr. Rooney of Pennsylvania, Mr. Brasco, Mr. Roybal, Mr. Rosenthal, Mr. Riegle, Mr. Thompson of New Jersey, Mr. Pepper, Mr. Nix, Mr. McCormack, Mr. Helstoski, Mr. Moss, and Mr. Gude):

H.R. 67. A bill to provide financial assistance to States and localities for the construction and modernization of correctional institutions; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 68. A bill to amend the insured student loan provisions of the Higher Education Act of 1965 to provide allowances to institutions for their costs in connection with such program; to the Committee on Education and Labor.

H.R. 69. A bill to extend and amend the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Thompson of New Jersey, Mrs. Mink, Mr. Meeds, Mr. Clay, Mrs. Chisholm, Mrs. Grasso, Mr. Mazzoli, Mr. O'Hara, Mr. Dent, Mr. Koch, Mr. William D. Ford, and Mr. Badillo):

H.R. 70. A bill to provide financial assistance to the States for improved educational services for handicapped children; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself and Mr. Perkins):

H.R. 71. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. DOMINICK V. DANIELS:

H.R. 72. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.R. 73. A bill to provide for meeting the manpower needs of the Armed Forces of the United States through a complete voluntary system of enlistments, and to further improve, upgrade, and strengthen such Armed Forces, and for other purposes; to the Committee on Armed Services:

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Hastings, Mr. Mollohan, Mr. Mazzoli, and Mr. Robison of New York):

H.R. 74. A bill to amend the Public Health Service Act to authorize assistance for planning, development and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES (for himself and Mr. Dingell):

H.R. 75. A bill to extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands; to the Committee on Merchant Marine and Fisheries.

By Mr. HUNGATE:

H.R. 76. A bill to provide for the humane care, treatment, rehabilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admission to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of New Jersey:

H.R. 77. A bill to amend the Labor Management Relations Act, 1947, to permit employee contributions to jointly administered trust funds established by labor organizations to defray costs of legal services; to the Committee on Education and Labor.

By Mr. ARCHER:

H.R. 78. A bill to repeal the Davis-Bacon Act and the Contract Work Hours Standards Act, and related provisions of law; to the Committee on Education and Labor.

H.R. 79. A bill to amend the National Labor Relations Act to require a vote by employees who are on strike, and for other purposes; to the Committee on Education and Labor.

H.R. 80. A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials; to the Committee on Government Operations.

H.R. 81. A bill to amend section 1257 of title 28, United States Code, to provide that the Supreme Court shall not have jurisdiction to review a State court final judgment or decree that an act or publication is obscene; to the Committee on the Judiciary.

H.R. 82. A bill to provide the death penalty for assassinating, or attempting to assassinate, Federal elective officeholders, or persons seeking election to Federal office; to the Committee on the Judiciary.

H.R. 83. A bill to provide a Federal income tax deduction for expenditures for purchase and installation of air pollution control devices on used vehicles, and to provide for certification of such devices by the Administrator of the Environmental Protection Agency; to the Committee on Ways and Means.

H.R. 84. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States; to the Committee on Ways and Means.

H.R. 85. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the U.S. Government by requiring financial disclosure by Members of Congress, candidates for Congress, and certain employees of the legislative branch; to the Committee on Standards of Official Conduct.

By Mr. BENNETT (for himself, Mr. Bob Wilson, Mr. Stratton, Mr. King, Mr. Randall, Mr. Dickinson, Mr. White, Mr. Spence, Mr. Mollohan, and Mr. Harrington):

H.R. 86. A bill to amend title 10, United States Code, to limit the separation of members of the Armed Forces under conditions other than honorable, and for other purposes; to the Committee on Armed Services.

By Mr. BENNETT:

H.R. 87. A bill to provide an incentive plan for participation in the Ready Reserve, and to authorize payment of retired pay at reduced percentages to persons otherwise eligible at age 50 and for other purposes; to the Committee on Armed Services.

H.R. 88. A bill to further amend the Federal Civil Defense Act of 1950, as amended, to provide that Federal Buildings shall be designed and constructed to maximize fallout protection and that non-Federal construction financed in whole or in part with Federal funds may be designed to maximize fallout protection; to the Committee on Armed Services.

H.R. 89. A bill to establish the U.S. Agency for World Peace within the Department of State; to the Committee on Foreign Affairs.

H.R. 90. A bill to coordinate State preferential primary elections for the nomination of candidates for the office of President, and for other purposes; to the Committee on House Administration.

H.R. 91. A bill to establish a national land use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance; and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 92. A bill to require the Council on Environmental Quality to hold public hearings in which all points of view can be expressed prior to any final action or recommendation by such Council to the President; to the Committee on Merchant Marine and Fisheries.

H.R. 93. A bill the Federal Lands Protection Act; to the Committee on Interior and Insular Affairs.

H.R. 94. A bill to prohibit the broadcasting of paid political advertisements for presidential candidates and to require broadcasting stations to provide free broadcasting time for such candidates; to the Committee on Interstate and Foreign Commerce.

H.R. 95. A bill to provide a code of ethics for Federal judges, including Supreme Court Justices, by amending chapter 11 of title 18, United States Code; to the Committee on the Judiciary.

H.R. 96. A bill to amend section 207 of title 18, United States Code, in order to prohibit former Federal employees who participated in a contract formulation from being employed, for a period of 2 years, by anyone who has a direct interest in the contract; to the Committee on the Judiciary.

H.R. 97. A bill to provide for public disclosure by Members of the House of Representatives and by candidates for such office and to give the House Committee on Standards of Official Conduct appropriate jurisdiction; to the Committee on Standards of Official Conduct.

By Mr. ROUSSELOT:

H.R. 98. A bill to provide for a balanced Federal budget, regular reports by a Taxpayers' Advocate to the Congress and American people on the status of the public debt, and the reduction of that debt on an annual basis; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 99. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft; to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft; and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER:

H.R. 100. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. ANDERSON of California:

H.R. 101. A bill to authorize appropriations for construction of certain highway projects in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

H.R. 102. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 103. A bill to amend title 10, United States Code, relating to the grade in which members of the Armed Forces are discharged or retired, health benefits for dependents of certain disabled veterans, benefits for children under legal guardianship of members of the Armed Forces, and eligibility of certain reservists for retired pay; to the Committee on Armed Services.

H.R. 104. A bill to amend the Bank Holding Company Act of 1956 to eliminate the existing exemption for labor, agricultural, and horticultural organizations; to the Committee on Banking and Currency.

H.R. 105. A bill to provide for the establishment, within the Department of Health, Education, and Welfare, of a National Information and Resource Center for the Handicapped; to the Committee on Education and Labor.

H.R. 106. A bill to amend title III of the Federal Election Campaign Act of 1971 to require that political committees and candidates report all political contributions and expenditures regardless of amount; to the Committee on House Administration.

H.R. 107. A bill to subject certain nationals or citizens of the United States to the jurisdiction of the U.S. district courts for their crimes committed outside the United States and to provide for the apprehension, restraint, removal, and delivery of such persons; to the Committee on the Judiciary.

H.R. 108. A bill to amend the Internal Revenue Code of 1954 to provide that no individual shall pay an income tax of less than 10 percent on his income and to provide that industrial development bond income shall not be excluded from gross income; to the Committee on Ways and Means.

By Mr. STEELE:

H.R. 109. A bill to provide for the creation of the National Fire Academy, and for other purposes; to the Committee on Science and Astronautics.

H.R. 110. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

H.R. 111. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

H.R. 112. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Astronautics.

H.R. 113. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and self-contained breathing apparatus; to the Committee on Science and Astronautics.

H.R. 114. A bill to extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs; to the Committee on Science and Astronautics.

H.R. 115. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes; to the Committee on Science and Astronautics.

H.R. 116. A bill to amend the Flammable Fabrics Act to extend the provisions of that act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; to the Committee on Interstate and Foreign Commerce.

H.R. 117. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RARICK:

H.R. 118. A bill to permit citizens of the United States to acquire, hold, and dispose of gold notwithstanding the provisions of any other law; to the Committee on Banking and Currency.

H.R. 119. A bill to vest in the Government of the United States the full, absolute complete, and unconditional ownership of the 12 Federal Reserve banks; to the Committee on Banking and Currency.

By Mr. ALEXANDER:

H.R. 120. A bill to provide for a study of a proposed Huckleberry Finn National Recreation Area on the Lower Mississippi, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 121. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 122. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 123. A bill to authorize the Secretary of the Interior to construct certain pumping facilities for the Mammoth Spring National Fish Hatchery, Arkansas; to the Committee on Merchant Marine and Fisheries.

H.R. 124. A bill to amend section 103 of title 23 of the United States Code relating to additional mileage for the Interstate System and the Highway Revenue Act of 1956 by extending the duration of the Highway Trust Fund for the construction of certain highways, and for other purposes; to the Committee on Public Works.

H.R. 125. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. ASHLEY:

H.R. 126. A bill to provide reimbursement for losses incurred by commercial fisherman, as well as allied sport fishing camps, as a result of restrictions imposed by a State for Federal Government; to the Committee on Merchant Marine and Fisheries.

By Mr. BENNETT:

H.R. 127. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 128. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor.

H.R. 129. A bill to make available to veterans of the Vietnam war all benefits available to World War II and Korean conflict veterans; to the Committee on Veterans' Affairs.

H.R. 130. A bill to provide for a national cemetery in Duval County, Fla.; to the Committee on Veterans' Affairs.

H.R. 131. A bill to provide for a Veterans' Administration general medical and surgical hospital at Jacksonville, Fla., and to achieve cooperation with the University of Florida College of Medicine in its activities in Jacksonville; to the Committee on Veterans' Affairs.

H.R. 132. A bill to provide for cremation sites at national cemeteries; and to assure that adequate grave sites are available for certain veterans in Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mr. CEDERBERG:

H.R. 133. A bill to increase the membership of the Advisory Commission on Intergovernmental Relations by two members who shall be elected town or township officials; to the Committee on Government Operations.

H.R. 134. A bill to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential additions to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

H.R. 135. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 136. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foregn Commerce.

By Mr. CHAPPELL:

H.R. 137. A bill to establish the Canaveral National Seashore in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 138. A bill to amend the Clean Air Act to require that motor vehicles in actual use be equipped with emission control systems at such time as the Administrator of the Environmental Protection Administration determines the effective systems are available, to the Committee on Interstate and Foreign Commerce.

H.R. 139. A bill to authorize the Secretary of the Interior to classify and inventory wetland resources, to measure wetlands degradation, to evaluate the environmental contribution of natural wetlands, and for other purposes, to the Committee on Merchant Marine and Fisheries.

H.R. 140. A bill to provide for continual application of current basic pay scales to Federal Civil Service annuities, to the Committee on Post Office and Civil Service.

H.R. 141. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period which is presently a prerequisite of eligibility for disability insurance benefits or the disability freeze, to the Committee on Ways and Means.

H.R. 142. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has 40 quarters of coverage, regardless of when such quarters were earned, to the Committee on Ways and Means.

H.R. 143. A bill to amend title II of the Social Security Act to increase from $2,100 to $3,600 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. GROSS:

H.R. 144. A bill to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or grave national emergency declared by the Congress, and to provide for systematic reduction of the public debt; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 145. A bill to establish a national research data bank; to the Committee on Government Operations.

H.R. 146. A bill to amend title 5, United States Code, to provide for a job placement index in the Civil Service Commission; to the Committee on Post Office and Civil Service.

By Mr. DOMINICK V. DANIELS:

H.R. 147. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor.

H.R. 148. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

H.R. 149. A bill to provide Federal assistance for special projects to demonstrate the effectiveness of programs to provide emergency care for heart attack victims by trained persons in specially equipped ambulances; to the Committee on Interstate and Foreign Commerce.

H.R. 150. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 151. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia:

H.R. 152. A bill to end discrimination in the availability of Federal crop insurance and to authorize the appropriation of additional funds for the administration of the Federal crop insurance program; to the Committee on Agriculture.

H.R. 153. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a South Atlantic Basin environmental conservation program; to the Committee on Agriculture.

H.R. 154. A bill concerning legal counsel for recipients of loans under programs administered by the Department of Agriculture; to the Committee on Agriculture.

H.R. 155. A bill to authorize the Secretary of the Navy to construct and provide offshore facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service; to the Committee on Armed Services.

H.R. 156. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

H.R. 157. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

H.R. 158. A bill to provide greater assurance of Federal fiscal responsibility; to the Committee on Government Operations.

H.R. 159. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 160. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

H.R. 161. A bill to provide certain amounts of television program time for candidates for Federal offices during general elections; to the Committee on Interstate and Foreign Commerce.

H.R. 162. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 163. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law-enforcement officers' grievances and to establish a law-enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

H.R. 164. A bill to consent to the Interstate Environment Compact; to the Committee on the Judiciary.

H.R. 165. A bill to extend benefits under section 8191 of title 5, United States Code, to law-enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 166. A bill to prohibit assaults on State law-enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

H.R. 167. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide benefits to survivors of police officers, firemen, and correction officers killed in the line of duty, and to police officers, firemen, and correction officers who are disabled in the line of duty; to the Committee on the Judiciary.

H.R. 168. A bill to authorize the Secretary of Agriculture to establish a program to promote the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance, and research, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 169. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 170. A bill to establish a national policy relating to conversion to the metric system in the United States; to the Committee on Science and Astronautics.

H.R. 171. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 172. A bill to amend title II of the Social Security Act to increase from $2,100 to $2,500 (or $3,600 in the case of a widow with minor children) the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 173. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for gifts or contributions made to any institution of higher education, to be cited as "The Higher Education Gift Incentive Act of 1973"; to the Committee on Ways and Means.

H.R. 174. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 175. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 176. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Commission on Ways and Means.

H.R. 177. A bill to amend the Internal Revenue Code of 1954 to provide that employees receiving lump sums from tax-free pension or annuity plans on account of separation from employment shall not be taxed at the time of distribution to the extent that an equivalent amount is reinvested in another such plan; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia (for himself and Mr. BROWN of California):

H.R. 178. A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DELLUMS:

H.R. 179. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. DINGELL (for himself and Mr. MOSS):

H.R. 180. A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mrs. GRIFFITHS, Mr. O'HARA, Mr. NEDZI, and Mr. WILLIAM D. FORD):

H.R. 181. A bill to provide for the restoration of all lands located in the United States upon which strip mining operations are being or have been carried out, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EDWARDS of Alabama:

H.R. 182. A bill to amend title 18, United States Code, to prohibit the sale of mailing lists used to disseminate through the mails materials harmful to persons under the age of 19 years; to the Committee in the Judiciary.

H.R. 183. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

H.R. 184. A bill to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

H.R. 185. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

H.R. 186. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profitsharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 187. A bill to amend title 18 of the United States Code to enable the Federal criminal justice system to deal more effectively with the problem of narcotic addiction, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable the States and municipalities to deal more effectively with that problem, and for other related purposes; to the Committee on the Judiciary.

H.R. 188. A bill to amend title 28 of the United States Code to provide for the dissemination and use of criminal arrest records in a manner that insures their security and privacy; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.R. 189. A bill to prevent construction of a dam on New River; to the Committee on Interstate and Foreign Commerce.

H.R. 190. A bill to prohibit the Tennessee Valley Authority from acquiring or utilizing, in carrying out its operations and functions, any coal mined by surface coal mining methods; to the Committee on Public Works.

H.R. 191. A bill to provide a national program in order to make the international metric system the predominant but not the exclusive system of measurement in the United States and to provide for converting to the general use of such system within 10 years; to the Committee on Science and Astronautics.

H.R. 192. A bill to amend title 38 to provide that service in the Women's Army Auxiliary Corps shall be considered active duty in the Armed Forces of the United States; to the Committee on Veterans' Affairs.

By Mr. HELSTOSKI:

H.R. 193. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 194. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and self-contained breathing apparatus; to the Committee on Science and Astronautics.

H.R. 195. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes; to the Committee on Science and Astronautics.

H.R. 196. A bill to provide for the creation of the National Fire Academy, and for other purposes; to the Committee on Science and Astronautics.

H.R. 197. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

H.R. 198. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Astronautics.

H.R. 199. A bill to provide the Secretary of

Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

By Mr. DON H. CLAUSEN:

H.R. 200. A bill to establish a contiguous fishery zone (200-mile limit) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. KING:

H.R. 201. A bill to amend titles 10 and 14, United States Code, to require a cadet or graduate of a military academy to refund a portion of the cost of his educational training received at the Academy, if he is separated by reason of conscientious objection before completing the course of instruction at the Academy or his active duty obligation; to the Committee on Armed Services.

H.R. 202. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for tuition and certain transportation expenses paid by him in connection with education of himself, his spouse, or any of his dependents at an institution of higher education; to the Committee on Ways and Means.

By Mr. MAILLIARD:

H.R. 203. A bill to amend title III of the National Housing Act to authorize the Government's National Mortgage Association to guarantee obligations issued by State agencies to finance low- and moderate-income housing; to the Committee on Banking and Currency.

By Mr. MELCHER (for himself, Mr. ALEXANDER, Mr. BERGLAND, Mr. BURLISON of Missouri, Mr. DENHOLM, Mr. HUNGATE, and Mr. LITTON):

H.R. 204. A bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director of the Office of Management and Budget; to the Committee on Government Operations.

By Mr. METCALFE:

H.R. 205. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

H.R. 206. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on the Judiciary.

H.R. 207. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strengthen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 208. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities designed to achieve educational equity for all students, men, and women, and for other related educational purposes; to the Committee on Education and Labor.

By Mr. MURPHY of New York:

H.R. 209. A bill to amend the Communications Act of 1934 in order to provide for the regulation of networks; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 210. A bill to insure international cooperation in the prosecution or extradiction to the United States of persons alleged to have committed aircraft piracy against the laws of the United States or international law; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALIO of Wyoming:

H.R. 211. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 212. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years; to provide that such annuity for any month shall be not less than one-half of the individual's average monthly compensation for the 5 years of highest earnings, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 213. A bill to provide for the equalization of the retired pay of members of the uniformed services of equal grade and years of service; to the Committee on Armed Services.

H.R. 214. A bill to amend section 35 of the Mineral Leasing Act of 1920 with respect to the disposition of the proceeds of sales, bonuses, royalties, and rentals under such act; to the Committee on Interior and Insular Affairs.

H.R. 215. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Polecat Bench area of the Shoshone extensions unit, Pick-Sloan Missouri Basin program, Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RUNNELS:

H.R. 216. A bill to repeal the Gun Control Act of 1968, to reenact the Federal Firearms Act, to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mrs. SULLIVAN:

H.R. 217. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. VEYSEY:

H.R. 218. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

H.R. 219. A bill to promote the use of low-pollution motor fuels by equalizing the tax treatment of liquified and compressed natural gas; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 220. A bill to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida:

H.R. 221. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal ranks and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. KASTENMEIER:

H.R. 222. A bill to provide for the appointment of an additional district judge for the western district of Wisconsin; to the Committee on the Judiciary.

By Ms. ABZUG:

H.R. 223. A bill to amend the Food Stamp Act of 1964; to the Committee on Agriculture.

H.R. 224. A bill to amend title 10 of the United States Code to provide that abortions, sterilizations, and family planning services be performed in facilities of the uniformed services, and for other purposes; to the Committee on Armed Services.

H.R. 225. A bill to amend the Economic Stabilization Act of 1970 to exempt from its provisions fringe benefits offered in connection with a contract of employment; to the Committee on Banking and Currency.

H.R. 226. A bill to make needed housing available for the elderly; to the Committee on Banking and Currency.

H.R. 227. A bill to establish a program of direct loans to tenant and other nonprofit organizations to assist in the rehabilitation of substandard multifamily housing for occupancy by low-income and moderate-income persons; to the Committee on Banking and Currency.

H.R. 228. A bill to amend the U.S. Housing Act of 1937 to provide for grants to local public housing agencies to assist in financing security arrangements designed to prevent crimes and otherwise insure the safety and well-being of low-rent housing tenants; to the Committee on Banking and Currency.

H.R. 229. A bill to amend section 236 of the National Housing Act and section 101 of the Housing and Urban Development Act of 1965 to reduce from 25 to 20 percent of the tenant's income the maximum rent which may be charged for a dwelling unit in a section 236 project or a dwelling unit qualifying for assistance under the rent supplement program; to the Committee on Banking and Currency.

H.R. 230. A bill to establish a National Bank for Cooperative Housing to aid in financing the purchase and construction of low- and middle-income cooperative housing; to the Committee on Banking and Currency.

H.R. 231. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons; to the Committee on Banking and Currency.

H.R. 232. A bill to provide a comprehensive program of employment services and opportunities for middle-aged and older Americans; to the Committee on Education and Labor.

H.R. 233. A bill to provide for an immediate end to U.S. involvement in hostilities in and over Indochina, for the signing of a peace agreement with the Democratic Republic of Vietnam, and for the withdrawal of all U.S. Armed Forces and Defense Department personnel from Indochina, and for other purposes; to the Committee on Foreign Affairs.

H.R. 234. A bill to establish a Department of Elder Affairs, and for other purposes; to the Committee on Government Operations.

H.R. 235. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize free or reduced rate transportation for persons who are 62 years of age or older; to the Committee on Interstate and Foreign Commerce.

H.R. 236. A bill to exonerate and to provide for a general and unconditional amnesty for certain persons who have violated or are alleged to have violated laws in the course of protest against the involvement of the United States in Indochina, and for other purposes; to the Committee on the Judiciary.

H.R. 237. A bill to amend the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

H.R. 238. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

H.R. 239. A bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970; to the Committee on Ways and Means.

H.R. 240. A bill to provide relief to certain individuals 62 years of age and over who own or rent their homes, through income tax credits and refunds; to the Committee on Ways and Means.

H.R. 241. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, control multinational corporations, and for other purposes; to the Committee on Ways and Means.

H.R. 242. A bill to make certain that recipients of aid or assistance under the various Federal-State public assistance and other aid programs will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

H.R. 243. A bill to amend title XVIII of the Social Security Act to eliminate all the deductibles, coinsurance, and time limitations presently applicable to benefits thereunder, to eliminate medicare taxes as the method of financing hospital insurance benefits and premium payments as the method of financing supplementary medical insurance benefits (so that all benefits under such title will be financed from general revenues), and to provide payment for eye care, dental care, hearing aids, prescription drugs, prosthetics, and certain other items not now covered; to the Committee on Ways and Means.

H.R. 244. A bill to amend title XIX of the Social Security Act to prohibit the imposition of any deduction, cost sharing, coinsurance, enrollment fee, premium, or similar charge with respect to individuals receiving services under a State plan for medical assistance; to the Committee on Ways and Means.

By Ms. ABZUG (for herself, Mr. Badillo, Mr. Bingham, Mr. Conte, Mr. Conyers, Mr. Corman, Mr. Fish, Mr. Gibbons, Mr. Harrington, Mr. Koch, Mr. McCloskey, Mr. Podell, Mr. Rangel, Mr. Riegel, Mr. Rosenthal, and Mr. Tiernan):

H.R. 245. A bill to exempt child care services from the ceiling on expenditures for social services; to the Committee on Ways and Means.

By Ms. ABZUG (for herself, Mr. Bell, Mr. Bingham, Mr. Conte, Mr. Corman, Mr. Gibbons, Mr. Harrington, Miss Holtzman, Mr. Koch, Mr. Lent, Mr. McCloskey, Mr. Moss, Mr. O'Hara, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Studds, and Mr. Tiernan):

H.R. 246. A bill to prohibit discrimination by any party to a federally related mortgage transaction on the basis of sex or marital status and to require all parties to any such transaction to submit appropriate reports thereon for public inspection; to the Committee on Banking and Currency.

H.R. 247. A bill to amend the Truth in Lending Act, to prohibit discrimination by creditors against individuals on the basis of sex or marital status with respect to the extension of credit; to the Committee on Banking and Currency.

H.R. 248. A bill to prohibit discrimination by any federally insured bank, savings and loan association, or credit union against any individual on the basis of sex or marital status in credit transactions and in connection with applications for credit, and for other purposes; to the Committee on Banking and Currency.

By Ms. ABZUG (for herself, Mr. Bell, Mr. Corman, Mr. Gibbons, Mr. Harrington, Miss Holtzman, Mr. Koch, Mr. Moss, Mr. O'Hara, Mr. Podell, Mr. Rangel, Mr. Riegle, Mr. Rosenthal, and Mr. Tiernan):

H.R. 249. A bill to prohibit discrimination on the basis of sex, and for other purposes; to the Committee on the Judiciary.

By Ms. ABZUG (for herself, Mr. Badillo, Mr. Conyers, Mr. Gibbons, Mr. Harrington, Mr. Koch, Mr. McCloskey, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rosenthal, and Mr. Tiernan):

H.R. 250. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Ms. ABZUG (for herself, Mr. Badillo, Mr. Conte, Mr. Conyers, Mr. Harrington, Mr. Koch, Mr. McCloskey, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rosenthal, and Mr. Tiernan):

H.R. 251. A bill to amend the Internal Revenue Code of 1954 in relation to deduction for business expenses for care of certain dependents; to the Committee on Ways and Means.

By Ms. ABZUG (for herself, Mr. Badillo, Mr. Conyers, Mr. Harrington, Mr. Podell, and Mr. Tiernan):

H.R. 252. A bill to amend title II of the Social Security Act to provide that an individual who resides with and maintains a household for another person or persons (while such person or any of such persons is employed or self-employed) shall be considered as performing covered services in maintaining such household and shall be credited accordingly for benefit purposes; to the Committee on Ways and Means.

By Ms. ABZUG (for herself, Mr. Badillo, Mr. Conyers, Mr. Harrington, Mr. Podell, and Mr. Rosenthal):

H.R. 253. A bill to amend title II of the Social Security Act to reduce from 20 to 5 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

By Ms. ABZUG (for herself, Mr. Badillo, Mr. Conyers, Mr. Gibbons, Mr. Harrington, Mr. McCloskey, Mr. Podell, and Mr. Rangel):

H.R. 254. A bill to enforce the constitutional right of females to terminate pregnancies that they do not wish to continue; to the Committee on the Judiciary.

By Ms. ABZUG (for herself, Mr. Badillo, Mr. Gibbons, Mr. Harrington, Mr. Koch, Mr. Moss, and Mr. Podell):

H.R. 255. A bill to prohibit any instrumentality of the United States from using as a prefix to the name of any person any title which indicates marital status, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H.R. 256. A bill to limit Federal payments to individual farm producers to $10,000 per crop per farm; to the Committee on Agriculture.

H.R. 257. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 258. A bill to provide for public disclosure by Members of the House of Representatives, Members of the U.S. Senate, justices and judges of the U.S. courts, and policymaking officials of the executive branch as designated by the Civil Service Commission, but including the President, Vice President, and Cabinet members; and by candidates for the House of Representatives and the Senate, the Presidency, and the Vice-Presidency; and to give the House Committee on Standards of Official Conduct, the Senate Select Committee on Standards and Conduct, the Director of the Administrative Office of the U.S. Courts, and the Attorney General of the United States appropriate jurisdiction; to the Committee on the Judiciary.

H.R. 259. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

H.R. 260. A bill to provide for the establishment of a national cemetery in Los Angeles County in the State of California; to the Committee on Veterans' Affairs.

By Mr. ANDERSON of California (for himself and Mr. Matsunaga):

H.R. 261. A bill to establish the Cabinet Committee for Asian American Affairs, and for other purposes; to the Committee on Government Operations.

By Mr. ANNUNZIO:

H.R. 262. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 with respect to the terms of office of officers of local labor organizations; to the Committee on Education and Labor.

H.R. 263. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

H.R. 264. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

H.R. 265. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 266. A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties; to the Committee on the Judiciary.

H.R. 267. A bill to amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 268. A bill to amend section 203(a)(2) of the Immigration and Nationality Act to provide that parents of lawful resident aliens shall be eligible for second preference immigrant visas; to the Committee on the Judiciary.

H.R. 269. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

H.R. 270. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal minimum death and dismemberment benefit of public safety officers or their surviving dependents; to the Committee on the Judiciary.

H.R. 271. A bill to amend the River and Harbor Act of 1970 relating to the Chicago River, Ill.; to the Committee on Public Works.

H.R. 272. A bill to amend section 109 of title 38, United States Code, to provide hospital and medical care to certain members of the armed forces of nations allied or associated with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

H.R. 273. A bill to amend the Internal Revenue Code of 1954 to allow a deduction, for income tax purposes, based on expenses incurred by the taxpayer for the higher education of his children; to the Committee on Ways and Means.

H.R. 274. A bill to amend the Internal Revenue Code of 1954 to permit an exemption, in an amount not exceeding the maximum social security benefit payable in the taxable year involved, for retirement income received by a taxpayer under a public retirement system or under any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

H.R. 275. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

H.R. 276. A bill to amend title XVIII of the Social Security Act to require that Public Health Service hospitals, Veterans' Administration hospitals, and hospitals receiving assistance under the Hill-Burton Act make available to persons entitled to benefits under the medicare program, at cost, prescription drugs not covered under that program, eyeglasses, and hearing aids; to the Committee on Ways and Means.

By Mr. ANNUNZIO (for himself, Mr. Carney of Ohio, and Mr. Dent):

H.R. 277. A bill to amend the act of March 2, 1931, to provide that certain proceedings of the Italian American War Veterans of the United States, Inc., shall be printed as a House document, and for other purposes; to the Committee on House Administration.

By Mr. ASHBROOK:

H.R. 278. A bill to amend section 4 of the Internal Security Act of 1950; to the Committee on Internal Security.

H.R. 279. A bill to protect the safety and welfare of American workers by providing for a uniform system of identification for all receptacles containing compressed gas; to the Committee on Interstate and Foreign Commerce.

H.R. 280. A bill to make it a Federal crime to kill or assault a fireman or law-enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purposes; to the Committee on the Judiciary.

H.R. 281. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 282. A bill to extinguish Federal court jurisdiction to require attendance at a particular school of any student, because of race, color, creed, or sex; to the Committee on the Judiciary.

H.R. 283. A bill to guarantee that every employee of the Federal Government shall have the right to refrain from union activity; to the Committee on Post Office and Civil Service.

H.R. 284. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

H.R. 285. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 286. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for tuition expenses of the taxpayer or his spouse or a dependent at an institution of higher education, and an additional credit for gifts or contributions made to any institution of higher education; to the Committee on Ways and Means.

H.R. 287. A bill to amend title II of the Social Security Act to increase to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 288. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. BELL:

H.R. 289. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended; to the Committee on Interior and Insular Affairs.

H.R. 290. A bill to establish in the State of California the Toyon National Urban Park; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

H.R. 291. A bill to protect the constitutional rights of those subject to the military justice system, to revise the Uniform Code of Military Justice, and for other purposes; to the Committee on Armed Services.

H.R. 292. A bill to amend chapter 47 (Uniform Code of Military Justice) of title 10, United States Code, to make certain improvements therein; to the Committee on Armed Services.

H.R. 293. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 294. A bill to require that employee pension plans meet certain minimum vesting and funding requirements; to the Committee on Education and Labor.

H.R. 295. A bill to eliminate hunger in the United States; to the Committee on Education and Labor.

H.R. 296. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

H.R. 297. A bill to amend section 4 of the Internal Security Act of 1950; to the Committee on Internal Security.

H.R. 298. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

H.R. 299. A bill to amend the act of February 24, 1925, incorporating the American War Mothers, to permit certain stepmothers and adoptive mothers to be members of that organization; to the Committee on the Judiciary.

H.R. 300. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of service in the National Guard (including technician service) for purposes of civil service retirement; to the Committee on Post Office and Civil Service.

H.R. 301. A bill to permit a State which has completed its portion of the Interstate System to use funds from the highway trust fund for urban mass transportation projects, and to increase the Federal share of the cost of such projects; to the Committee on Public Works.

H.R. 302. A bill to provide an annual general outline of the current Federal budgetary and fiscal situation, and for other purposes; to the Committee on Rules.

H.R. 303. A bill to provide for disclosure by lobbyists and for other purposes; to the Committee on Standards of Official Conduct.

H.R. 304. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 305. A bill to authorize the Architect of the Capitol to accept gifts of money for the enhancement of the Capitol Building or Grounds; to the Committee on Ways and Means.

H.R. 306. A bill to amend titles II and XVIII of the Social Security Act to remove the earnings limitation, to permit benefit payments to a widow, parent, or child despite his or her marriage if such marriage is annulled, to allow an individual to have military service excluded in the computation of his benefits in order to use such service for a civil service retirement annuity, to provide coverage for certain teachers, to provide for payment of prorated benefits for the month in which a beneficiary (or the insured individual) dies, to permit State agreements for hospital insurance coverage, and to provide supplementary medical insurance coverage for certain services furnished an individual at his home by a medical technician or registered nurse; to the Committee on Ways and Means.

H.R. 307. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups and in part for others through the issuance of redeemable certificates; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

H.R. 308. A bill to encourage employment among the needy; to the Committee on Ways and Means.

By Mr. BENNETT (for himself, Mr. Charles H. Wilson of California, Mr. Stratton, Mr. King, Mr. Randall, Mr. White, Mr. Mollohan, Mr. Spence, and Mr. Harrington):

H.R. 309. A bill to amend section 203 of title 37, United States Code, to provide additional pay for permanent professors at the U.S. Military Academy, U.S. Naval Academy, U.S. Air Force Academy, and U.S. Coast Guard Academy; to the Committee on Armed Services.

By Mr. BENNETT (for himself, Mr. Bob Wilson, Mr. Matsunaga, Mr. Steiger of Wisconsin, Mr. Badillo, Mr. Hastings, Mr. Hosmer, Mr. Ware, Mr. Harrington, Mr. Latta, Mr. Mayne, Mr. Edwards of California, Mr. Whitehurst, Mr. Clark, Mr. Alexander, Mr. O'Hara, Mr. Keating, Mr. Ichord, and Mr. Broyhill of North Carolina):

H.R. 310. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. BEVILL:

H.R. 311. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 312. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI:

H.R. 313. A bill to amend the Economic Stabilization Act of 1970 to provide that rents shall not be exempted from any application of this act solely upon the ground that such rents are subject to local rent control laws; to the Committee on Banking and Currency.

H.R. 314. A bill to amend the student loan provisions of the National Defense Education Act of 1958 to provide for cancellation of student loans for service in mental hospitals and schools for the handicapped; to the Committee on Education and Labor.

H.R. 315. A bill to pay grants to students enrolled in psychology, sociology, or social work in institutions of higher education to encourage their part-time employment and clinical training in certain hospitals for mental rehabilitation; to the Committee on Education and Labor.

By Mr. BINGHAM:

H.R. 316. A bill to protect the constitutional rights of those subject to the military justice system, to revise the Uniform Code of Military Justice, and for other purposes; to the Committee on Armed Services.

H.R. 317. A bill governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

H.R. 318. A bill to provide for reimbursement of U.S. cities for a portion of expenses incurred in connection with the entertainment of foreign officials; to the Committee on Foreign Affairs.

H.R. 319. A bill to encourage and assist the States in registering voters and in achieving efficient and convenient conduct of elections, and to establish within the Bureau of the Census an Election Assistance and Voter Registration Administration to carry out a program of election assistance, and for other purposes; to the Committee on House Administration.

H.R. 320. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes; to the Committee on the Judiciary.

H.R. 321. A bill to amend title 38 of the United States Code to provide for cost-of-living increases in compensation, dependency, and indemnity compensation, and pension payments; to the Committee on Veterans' Affairs.

H.R. 322. A bill to provide credit against individual income tax for tuition paid for elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. BINGHAM (for himself, Ms. Abzug, Mr. Badillo, Mr. Bell, Mr. Brasco, Mr. Burton, Mr. Conte, Mr. Conyers, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mrs. Grasso, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Mollohan, Mr. Moss, Mr. O'Hara, Mr. Podell, Mr. Rangel, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Seiberling, and Mr. Stokes):

H.R. 323. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the licensing of food manufacturers and processors, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOLAND:

H.R. 324. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 325. A bill to provide reimbursement to States and political subdivisions for police and National Guard overtime compensation incurred with respect to national policy; to the Committee on the Judiciary.

H.R. 326. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from the income tax for any amounts received under a State or local retirement system; to the Committee on Ways and Means.

H.R. 327. A bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

H.R. 328. A bill to amend the tariff and trade laws of the United States and for other purposes; to the Committee on Ways and Means.

By Mr. BOLAND (for himself and Mr. Conte):

H.R. 329. A bill to authorize the establishment of the Springfield Armory National Historic Site, Mass., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BOLAND (for himself and Mr. Studds):

H.R. 330. A bill to establish the Nantucket Sound Islands Trust, to preserve and conserve the said islands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRADEMAS:

H.R. 331. A bill to amend the Education of the Handicapped Act to provide for improved opportunities for handicapped persons, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Rostenkowski, and Mr. Patman):

H.R. 332. A bill to provide for the Secretary of the Department of Health, Education, and Welfare to assist in the improvement and operation of museums; to the Committee on Education and Labor.

By Mr. BROYHILL of North Carolina:

H.R. 333. A bill to provide authorizations for appropriations for the regulatory agencies of the Federal Government for fiscal years 1974, 1975, and 1976; to the Committee on Interstate and Foreign Commerce.

H.R. 334. A bill to amend the Communications Act of 1934 to provide authorization for appropriations for the Federal Communications Commission for fiscal years 1974, 1975, and 1976; to the Committee on Interstate and Foreign Commerce.

H.R. 335. A bill to amend the Federal Aviation Act of 1958 to provide authorizations for appropriations for the Civil Aeronautics Board for fiscal years 1974, 1975, and 1976; to the Committee on Interstate and Foreign Commerce.

H.R. 336. A bill to amend the Federal Power Act to provide authorizations for appropriations for the Federal Power Commission for fiscal years 1974, 1975, and 1976; to the Committee on Interstate and Foreign Commerce.

H.R. 337. A bill to amend the Federal Trade Commission Act to provide authorizations for appropriations for Federal Trade Commission for fiscal years 1974, 1975, and 1976; to the Committee on Interstate and Foreign Commerce.

H.R. 338. A bill to provide authorizations for appropriations for the Food and Drug Administration for fiscal years 1974, 1975, and 1976; to the Committee on Interstate and Foreign Commerce.

H.R. 339. A bill to amend the Interstate Commerce Act to provide authorizations for appropriations for the Interstate Commerce Commission for fiscal years 1974, 1975, and 1976; to the Committee on Interstate and Foreign Commerce.

H.R. 340. A bill to amend the Securities Exchange Act of 1934 to provide authorizations for appropriations for the Securities and Exchange Commission for fiscal years 1974, 1975, and 1976; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 341. A bill to prohibit the unlawful use of a rented motor vehicle; to the Committee on the District of Columbia.

H.R. 342. A bill to authorize the District of Columbia to enter into the interstate agreement on qualification of educational personnel; to the Committee on the District of Columbia.

H.R. 343. A bill to authorize the 101st Airborne Division Association to erect a memorial in the District of Columbia or its environs; to the Committee on House Administration.

H.R. 344. A bill to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshal, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 345. A bill to amend title 5, United States Code, to improve the civil service retirement benefits of employees engaged in the enforcement of the criminal laws of the United States, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 346. A bill to amend the Internal Revenue Code of 1954 to encourage the purchase and construction of railroad rolling stock by persons other than common carriers; to the Committee on Ways and Means.

H.R. 347. A bill to amend the Internal Revenue Code of 1954 to provide an election by certain foreign corporations to treat interest income as income connected with U.S. business; to the Committee on Ways and Means.

H.R. 348. A bill to amend the Internal Revenue Code of 1954 to subject Federal land banks, Federal land bank associations, and Federal intermediate credit banks to the taxes imposed by such code; to the Committee on Ways and Means.

H.R. 349. A bill to amend section 584 of the Internal Revenue Code of 1954, relating to common trust funds maintained by banks; to the Committee on Ways and Means.

H.R. 350. A bill to amend the Internal Revenue Code of 1954 to provide for correction of inequities respecting losses of retired pay sustained by certain individuals who retired from the Armed Forces before June 1, 1958; to the Committee on Ways and Means.

H.R. 351. A bill to amend section 1033 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 352. A bill to amend section 5701(a)(2) of the Internal Revenue Code of 1954 so as to change the bracket tax on cigars to an ad valorem tax; to the Committee on Ways and Means.

H.R. 353. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. CAREY of New York:

H.R. 354. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 355. A bill to exempt child care services from the limitation imposed by section 1130 of the Social Security Act upon the amount payable to States as grants for social services under the various Federal-State public assistance programs; to the Committee on Ways and Means.

By Mr. CARNEY of Ohio:

H.R. 356. A bill to amend the Economic Stabilization Act of 1970 to provide that food products shall not be exempt from guidelines issued which limit increases in the levels of prices; to the Committee on Banking and Currency.

H.R. 357. A bill to amend the Fair Labor Standards Act of 1938 to increase the hourly minimum wage rate to $2.25 and to extend the coverage of such act; to the Committee on Education and Labor.

H.R. 358. A bill to require no-fault motor vehicle insurance as a condition precedent to using the public streets, roads, and highways in order to promote and regulate interstate commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 359. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable units of general local government to increase the number of police; to the Committee on the Judiciary.

H.R. 360. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

H.R. 361. A bill to amend title 5 of the United States Code to make election day a national holiday; to the Committee on the Judiciary.

H.R. 362. A bill to amend certain provisions of Federal law relating to the preference to be given to American goods in connection with the purchase of materials required for public use, and for other purposes; to the Committee on Public Works.

H.R. 363. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

H.R. 364. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

H.R. 365. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 366. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, and for other purposes; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 367. A bill to prohibit payments, under programs administered by the Department of Agriculture, in excess of $10,000 to any one producer in any one year; to the Committee on Agriculture.

H.R. 368. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 369. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 370. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 371. A bill to amend the Federal Aviation Act of 1958 to require that any air carrier proposing to discontinue any air transportation to or from any point named in its certificate must give notice thereof at least 60 days in advance of the proposed discontinuance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 372. A bill to amend the Federal Meat Inspection Act to provide that certain meat food products are adulterated; to the Committee on Interstate and Foreign Commerce.

H.R. 373. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. CHAPPELL:

H.R. 374. A bill to amend the Fair Labor Standards Act of 1938 to encourage the employment of full-time students under the age of 21 and of other persons under the age of 18; to the Committee on Education and Labor.

H.R. 375. A bill to amend the Vocational Education Act of 1963 to assure Federal support for vocational education for junior high school students; to the Committee on Educational and Labor.

H.R. 376. A bill to provide for increased international control of the production of, and traffic in, opium, and for other purposes; to the Committee on Foreign Affairs.

H.R. 377. A bill to authorize the Secretary of the Interior to sell certain rights in the State of Florida; to the Committee on Interior and Insular Affairs.

H.R. 378. A bill to authorize the payment of interests on certain claims against the United States by small contractors and the payment of interest and attorneys' fees on judgment obtained against the United States by such contractors; to the Committee on the Judiciary.

H.R. 379. A bill to authorize the Attorney General to exchange criminal record information with certain State and local agencies; to the Committee on the Judiciary.

H.R. 380. A bill to amend title 38 of the United States Code so as to treat certain expeditionary campaigns as periods of war for the purposes of such title; to the Committee on Veterans' Affairs.

H.R. 381. A bill to provide for the establishment of a national cemetery in Florida; to the Committee on Veterans' Affairs.

H.R. 382. A bill to provide for a Veterans' Administration hospital in the Halifax area of Volusia County, Fla.; to the Committee on Veterans' Affairs.

By Mr. CHAPPELL (for himself, Mr. Sikes, Mr. Fuqua, Mr. Bennett, Mr. Haley, Mr. Young of Florida, and Mr. Pepper):

H.R. 383. A bill to provide for the establishment of the Guana River National Park in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CHAPPELL (for himself, Mr. Green of Pennsylvania, Mr. Haley, Mr. Riegle, Mr. Nichols, Mr. Conte, Mr. W. C. (Dan) Daniel, Mr. Burton, Mr. Derwinski, Mr. Pepper, Mr. Breaux, Mr. Podell, Mr. McCormack, Mr. Yatron, Mr. Madden, Mr. Davis of Georgia, and Mr. Eilberg):

H.R. 384. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. CHAPPELL (for himself, Mr. Mitchell of Maryland, and Mr. Davis of Georgia):

H.R. 385. A bill to amend certain provisions of chapter 311 of title 18, United States Code, relating to parole; to the Committee on the Judiciary.

By Mr. CHAPPELL (for himself, Mr. Riegle, Mr. Haley, Mr. Mitchell of Maryland, Mr. Podell, and Mr. Davis of Georgia):

H.R. 386. A bill to assist in combating crime by reducing the incidence of ricidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.R. 387. A bill to authorize the establishment of the Luther Burbank National Historic Site in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COLLIER:

H.R. 388. A bill to amend the equal employment opportunity provisions of the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate in employment because of a person's overqualificatin for the job; to the Committee on Education and Labor.

H.R. 389. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

H.R. 390. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 391. A bill to amend the Railroad Labor Management Relations Act, 1947, to provide more effective means for protecting the public interest in national emergency disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 392. A bill to make it a Federal crime to kill or assault a fireman or law-enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

H.R. 393. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

H.R. 394. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law-enforcement officers' grievances and to establish a law-enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

H.R. 395. A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

H.R. 396. A bill to provide that, after January 1, 1973, Memorial Day be observed on May 30 of each year and Veterans Day be observed on the 11th of November of each year; to the Committee on the Judiciary.

H.R. 397. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 398. A bill to authorize appropriations to be used for the elimination of certain rail-highway grade crossings in the State of Illinois; to the Committee on Public Works.

H.R. 399. A bill to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes; to the Committee on Ways and Means.

H.R. 400. A bill to allow a deduction for income tax purposes of certain expenses incurred by the taxpayer for the education of a dependent; to the Committee on Ways and Means.

H.R. 401. A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 of an individual's civil service retirement annuity (or other Federal retirement annuity) shall be exempt from income tax; to the Committee on Ways and Means.

H.R. 402. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

H.R. 403. A bill to amend title II of the Social Security Act to provide that a woman who is otherwise qualified may become entitled to widow's insurance benefits (subject to the existing actuarial reductions) at age 50 whether or not disabled); to the Committee on Ways and Means.

H.R. 404. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 405. A bill to make election day a legal public holiday; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 406. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

H.R. 407. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

H.R. 408. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 409. A bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes; to the Committee on the Judiciary.

H.R. 410. A bill to establish a National Corrections Academy for the purpose of providing Federal, State, and local corrections personnel with vocational training and continuing education and guidance on methods of treatment and rehabilitation of criminal offenders; to the Committee on the Judiciary.

H.R. 411. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

H.R. 412. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

H.R. 413. A bill to authorize the Council on Environmental Quality to carry out a county government environmental control demonstration project; to the Committee on Merchant Marine and Fisheries.

H.R. 414. A bill to provide a procedure for the exercise of congressional and executive powers over the use of any armed forces of the United States in military hostilities, and for other purposes; to the Committee on Rules.

H.R. 415. A bill to prohibit the President from impounding any funds, or approving the impounding of funds without the consent of the Congress, and to provide a procedure under which the House of Representatives and the Senate may approve the President's proposed impoundment; to the Committee on Rules.

H.R. 416. A bill to amend title 38 of the United States Code in order to establish a national cemetery system within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 417. A bill to provide for the establishment of a national cemetery at Westfield, Mass.; to the Committee on Veterans' Affairs.

H.R. 418. A bill to amend section 167 of the Internal Revenue Code of 1954 to encourage landlords to meet minimal housing standards by disallowing the depreciation deduction to a landlord who has been convicted of violating a housing code; to the Committee on Ways and Means.

H.R. 419. A bill to repeal provisions of the Tax Reform Act of 1969 which place a limitation on the capital gains treatment in the case of total distributions from qualified pension, etc., plans; to the Committee on Ways and Means.

H.R. 420. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 421. A bill to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty; to the Committee on Ways and Means.

By Mr. CONTE (for himself and Mr. Wyman):

H.R. 422. A bill to amend the Defense Production Act of 1950 to establish national defense petroleum reserves; to the Committee on Banking and Currency.

By Mr. CONTE (for himself and Mr. Boland):

H.R. 423. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONTE (for himself, Mr. Alexander, Mr. Andrews of North Dakota, Mr. Boland, Mr. Burke of Massachusetts, Mr. Clark, Mr. Conyers, Mr. Drinan, Mr. Eilberg, Mr. Harrington, Mr. Helstoski, Mr. Howard, Mr. Lehman, Mr. McDade, Mr. Moss, Mr. Nix, Mr. Obey, Mr. Podell, Mr. Preyer, Mr. Riegle, and Mr. Ware):

H.R. 424. A bill to amend the State Technical Services Act of 1965 to make municipal governments eligible for technical services under the act, to extend the act through fiscal year 1976, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Ms. Abzug, Mr. Badillo, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Carey of New York, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Cotter, Mr. Donohue, Mr. Drinan, Mr. Dulski, Mr. Fish, Mr. William D. Ford, Mr. Fraser, and Mr. Gibbons):

H.R. 425. A bill to repeal the Connally Hot Oil Act; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Mrs. Grasso, Mr. Green of Pennsylvania, Mr. Hamilton, Mr. Hanley, Mr. Harrington, Mr. Helstoski, Mr. Hungate, Mr. Kastenmeier, Mr. Koch, Mr. Kyros, Mr. Lent, Mr. McKinney, Mr. Macdonald, Mr. Minish, Mr. Mitchell of Maryland, Mr. Moakley, and Mr. Moorhead of Pennsylvania):

H.R. 426. A bill to repeal the Connally Hot Oil Act; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Mr. Moss, Mr. Nix, Mr. O'Hara, Mr. O'Neill, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Seiberling, Mr. Steele, Mr. Stratton, Mr. Studds, Mr. Tiernan, Mr. Wolff, Mr. Wyman, and Mr. Yates):

H.R. 427. A bill to repeal the Connally Hot Oil Act; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Ms. Abzug, Mr. Badillo, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Carey of New York, Mrs. Chisholm, Mr. Conyers, Mr. Cotter, Mr. Donohue, Mr. Dulski, Mr. Fish, Mr. William D. Ford, Mr. Fraser, Mr. Gibbons, and Mrs. Grasso):

H.R. 428. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. Green of Pennsylvania, Mr. Hamilton, Mr. Hanley, Mr. Harrington, Mr. Helstoski, Mr. Hungate, Mr. Kastenmeier, Mr. Koch, Mr. Kyros, Mr. Lent, Mr. Long of Maryland, Mr. McKinney, Mr. Macdonald, Mr. Minish, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Nix, and Mr. O'Hara):

H.R. 429. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. O'Neill, Mr. Pike, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Seiberling, Mr. Steele, Mr. Studds, Mr. Tiernan, Mr. Whitehurst, Mr. Wolff, Mr. Wyman, and Mr. Yates):

H.R. 430. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 431. A bill to amend the Controlled Substances Act to increase the penalties for persons convicted of illegally distributing narcotic and other dangerous drugs; to the Committee on Interstate and Foreign Commerce.

H.R. 432. A bill to amend title 18 of the United States Code to increase the penalties for persons convicted of committing a felony with or while unlawfully carrying a firearm; to the Committee on the Judiciary.

H.R. 433. A bill to repeal certain provisions of law relating to the private carriage of letters, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 434. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him in connection with his education or training, or the education or training of his spouse or any of his dependents, at an institution of higher education or a trade or vocational school; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. Ashbrook, Mr. Rousselot, Mr. Goodling, Mr. Scherle, Mr. Archer, and Mr. Blackburn):

H.R. 435. A bill to permit American citizens to hold gold; to the Committee on Banking and Currency.

By Mr. DOMINICK V. DANIELS:

H.R. 436. A bill to increase the contribution of the Government to the costs of health benefits for Federal employees and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 437. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DANIELSON:

H.R. 438. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

H.R. 439. A bill to amend title 38 of the United States Code to provide that certain social security benefit increases provided for by Public Law 92-336 and 92-603 be disregarded for the purposes of determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

H.R. 440. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 441. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for certain wages; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia:

H.R. 442. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. E de la GARZA:

H.R. 443. A bill authorizing the Secretary of

Agriculture to carry out a program for flood prevention and other purposes in the Lower Rio Grande Basin, Tex., to enhance and stabilize the agricultural economy of the area; to the Committee on Agriculture.

H.R. 444. A bill to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes; to the Committee on Banking and Currency.

H.R. 445. A bill to amend title I of the Elementary and Secondary Education Act of 1965 to provide for improved health care instruction for migrant children; to the Committee on Education and Labor.

By Mr. DELANEY:

H.R. 446. A bill to authorize a 2-year program of financial assistance for all elementary and secondary schoolchildren in all of the States; to the Committee on Education and Labor.

H.R. 447. A bill to amend section 620 of the Foreign Assistance Act of 1961, to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced in such country from entering the United States unlawfully; to the Committee on Foreign Affairs.

H.R. 448. A bill to ban the usage of diethylstilbestrol (DES) as a growth promotant; to the Committee on Interstate and Foreign Commerce.

H.R. 449. A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

H.R. 450. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for tuition expenses incurred in providing private nonprofit elementary and secondary education; to the Committee on Ways and Means.

H.R. 451. A bill to amend the Internal Revenue Code of 1954 to provide for an increase in the amount of the personal exemptions for taxable years beginning after December 31, 1973; to the Committee on Ways and Means.

H.R. 452. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

H.R. 453. A bill to amend title II of the Social Security Act to increase to $3,000 (subject to further increases under the automatic adjustment provisions) the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. DELLENBACK:

H.R. 454. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

H.R. 455. A bill to amend the Wilderness Act for the purpose of removing wilderness areas from all forms of appropriation and disposition under mining and mineral leasing laws; to the Committee on Interior and Insular Affairs.

H.R. 456. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Olalla division of the Umpqua project, Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 457. A bill for the relief of the city of Oakridge, Oreg.; to the Committee on the Judiciary.

H.R. 458. A bill to provide for a temporary increase in the membership of the House of Representatives to 437 Members; to the Committee on the Judiciary.

H.R. 459. A bill to amend the Gun Control Act of 1968 to provide that certain records of the sale or delivery of firearms and ammunition shall be maintained for a period of only 1 year and shall thereafter be destroyed; to the Committee on the Judiciary.

H.R. 460. A bill to authorize the project for the Days Creek Dam, on the South Umpqua River, Oreg., for flood protection and other purposes; to the Committee on Public Works.

H.R. 461. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. DENT (for himself and Mr. Perkins):

H.R. 462. A bill to revise the Welfare and Pension Plan Disclosure Act; to the Committee on Education and Labor.

By Mr. DERWINSKI:

H.R. 463. A bill to authorize the Secretary of the Interior to establish national parks or national recreation areas in those States which presently do not have a national recreation area; to the Committee on Interior and Insular Affairs.

By Mr. DICKINSON:

H.R. 464. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

H.R. 465. A bill to reestablish November 11 as Veterans Day; to the Committee on the Judiciary.

H.R. 466. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 467. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 468. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 469. A bill to amend title II of the Social Security Act to provide that a woman may become entitled to full old-age insurance benefits at age 60; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Grover, Mr. Leggett, Mr. Forsythe, Mr. Blackburn, Mr. Vigorito, Mr. Bennett, Mr. Waldie, Mr. Udall, Mr. Ware, Mr. Wyman, Mr. Hechler of West Virginia, Mr. Obey, Mr. Yatron, Mr. Long of Maryland, Mr. Annunzio, Mr. Koch, Mr. Edwards of California, Mr. Rooney of Pennsylvania, Mr. Fraser, Mr. Corman, Mr. Carney of Ohio, Mr. Rhodes, Mr. Pettis, and Mr. Rodino):

H.R. 470. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Fish, Mr. Addabbo, Mr. Alexander, Mr. Mollohan, Mr. Mazzoli, Mr. Lent, Mr. Hungate, Mr. Dulski, Mr. Karth, Mr. Conte, Mr. Andrews of North Dakota, Mr. Podell, Mr. Esch, Mr. Helstoski, Mr. Rees, and Mr. Preyer):

H.R. 471. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DORN:

H.R. 472. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 473. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 474. A bill to amend the Internal Revenue Code of 1954 to clarify the provision exempting from income taxes the income of members of the Armed Forces who die while serving in a combat zone; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 475. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 476. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes; to the Committee on the Judiciary.

By Mr. ERLENBORN:

H.R. 477. A bill to amend title 38, United States Code, to provide veterans a 10-year delimiting period of completing educational programs; to the Committee on Veterans' Affairs.

H.R. 478. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. FASCELL (for himself and Mr. Conyers, Mr. O'Hara, Mr. Stokes, Mr. Mayne, Mr. Bell, Mr. W. C. (Dan) Daniel, Mr. Conte, Mr. Owens, Mr. Mazzoli, Mr. Podell, Mr. Rogers, Mr. Haley, Mr. Pritchard, Mr. Harrington, and Mr. Moss):

H.R. 479. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

By Mr. FINDLEY:

H.R. 480. A bill to stimulate production of natural gas; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 481. A bill to repeal section 15 of the Urban Mass Transit Act of 1964, to remove certain limitations on the amount of grant assistance which may be available in any one State; to the Committee on Banking and Currency.

H.R. 482. A bill to require local governmental approval for section 235 or 236 housing; to the Committee on Banking and Currency.

H.R. 483. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers, prison guards, and firemen killed in the line of duty; to the Committee on the Judiciary.

H.R. 484. A bill to amend section 205 of the Flood Control Act; to the Committee on Public Works.

H.R. 485. A bill to establish a national system of solid waste management; to the Committee on Ways and Means.

H.R. 486. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 487. A bill to amend title II of the Social Security Act to increase to $2,400 a year the amount of outside earnings a beneficiary may have without the loss of benefits; to the Committee on Ways and Means.

H.R. 488. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs requiring a physican's prescription or certification and approved by a Formulary Committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

H.R. 489. A bill to make permanent the existing temporary provision for disregarding income of social security and railroad retirement recipients in determining their need for public assistance and to provide that no individual presently eligible for medical assistance under a State plan approved under title XIX of the Social Security Act shall lose such eligibility by reason of the recent 20-percent increase in social security benefits; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 490. A bill to amend the Housing and Urban Development Act of 1968 to require a public notice and public hearing concerning any application, with certain findings, involving interest reduction payments (or mortgage insurance) with respect to such project, as applied to sections 235 and 236, and for other purposes; to the Committee on Banking and Currency.

H.R. 491. A bill to amend the National Labor Relations Act to provide that employers shall not be required to bargain with labor organizations whose representative status has not been established by a secret ballot election; to the Committee on Education and Labor.

H.R. 492. A bill to limit and prevent certain concerted activities by labor organizations which interfere with or obstruct or impede the free production of goods for commerce or the free flow thereof in commerce, and for other purposes; to the Committee on Education and Labor.

H.R. 493. A bill to establish the Amistad National Recreation Area in the State of Texas; to the Committee on Interior and Insular Affairs.

H.R. 494. A bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes; to the Committee on Ways and Means.

H.R. 495. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

H.R. 496. A bill to amend title II of the Social Security Act to increase to $3,000 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 497. A bill to amend title II of the Social Security Act to prevent the issuance of social security numbers to aliens who are illegally in the United States, and to prohibit the payment of aid or assistance under approved State public assistance plans, or the provision of assistance in any form under any other Federal or federally aided program, to such aliens; to the Committee on Ways and Means.

H.R. 498. A bill to amend the tariff and trade laws of the United States to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. FLOOD:

H.R. 499. A bill to amend the Housing and Urban Development Act of 1968 with respect to flood insurance by establishing the National Disaster Insurance Fund, and for other purposes; to the Committee on Banking and Currency.

By Mr. FLOWERS:

H.R. 500. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 501. A bill to amend the black lung benefits provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend those benefits to miners who incur silicosis in iron mines; to the Committee on Education and Labor.

H.R. 502. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. FLYNT:

H.R. 503. A bill to amend title 10 of the United States Code, to provide that personal delivery of notification of death of servicemen to the next-of-kin may be made only by officers; to the Committee on Armed Services.

H.R. 504. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 505. A bill to permit injured Federal employees to receive benefits of the Federal employees compensation program notwithstanding they are in receipt of military retired pay, and for other purposes; to the Committee on Education and Labor.

H.R. 506. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 507. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

H.R. 508. A bill requiring that each Member of Congress be notified of the intended disposition of federally owned real property in the district he represents; to the Committee on Government Operations.

H.R. 509. A bill to amend title 44, United States Code, to provide for 98 copies of the daily edition of the Congressional Record to be furnished to each Representative, Delegate, and Resident Commissioner in Congress; to the Committee on House Administration.

H.R. 510. A bill to authorize and direct the Secretary of Agriculture to convey any interest held by the United States in certain property in Jasper County, Ga., to the Jasper County Board of Education; to the Committee on Interior and Insular Affairs.

H.R. 511. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 512. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 513. A bill to amend the Uniform Time Act; to the Committee on Interstate and Foreign Commerce.

H.R. 514. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purposes; to the Committee on the Judiciary.

H.R. 515. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

H.R. 516. A bill to restrict travel in violation of area restrictions; to the Committee on the Judiciary.

H.R. 517. A bill to amend title 38, United States Code; to the Committee on Veterans' Affairs.

H.R. 518. A bill to amend title 38 of the United States Code with respect to the payment of certain benefits under that title; to the Committee on Veterans' Affairs.

H.R. 519. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

H.R. 520. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 521. A bill to amend title II of the Social Security Act to provide that a beneficiary who dies shall (if otherwise qualified) be entitled to a prorated benefit for the month of his death; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD:

H.R. 522. A bill to assist local educational agencies to provide quality education programs in elementary and secondary schools; to the Committee on Education and Labor.

H.R. 523. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 524. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

By Mr. WILLIAM D. FORD (for himself, Mr. MEEDS, Mr. O'HARA, Mr. BURTON, Mr. MAZZOLI, Mr. HAWKINS, Mr. THOMPSON of New Jersey, Mr. PERKINS, Mr. DINGELL, and Mr. BRADEMAS):

H.R. 525. A bill to amend the Elementary and Secondary Education Act of 1965 to provide financial assistance to the States for improved educational services for handicapped children; to the Committee on Education and Labor.

By Mr. WILLIAM D. FORD (for himself, Mr. MEEDS, Mr. O'HARA, Mr. HAWKINS, Mr. BELL, Mr. THOMPSON of New Jersey, and Mr. PERKINS):

H.R. 526. A bill to amend the Juvenile Delinquency Prevention and Control Act of 1968 to meet the needs of runaway youths and facilitate their return to their families without resort to the law-enforcement structure; to the Committee on Education and Labor.

By Mr. WILLIAM D. FORD (for himself and Mr. BIAGGI):

H.R. 527. A bill to authorize the Attorney General to make grants to certain law-enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties; to the Committee on the Judiciary.

By Mr. WILLIAM D. FORD (for himself, Mr. CHARLES H. WILSON of California, Mr. WALDIE, Mr. THOMPSON of New Jersey, Mr. HAWKINS, and Mr. CLAY):

H.R. 528. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FRASER:

H.R. 529. A bill to provide for the control of noise along existing Federal-aid highways; to the Committee on Public Works.

By Mr. FUQUA:

H.R. 530. A bill to improve the quality of child development programs by attracting and training personnel for those programs; to the Committee on Education and Labor.

H.R. 531. A bill to amend the National Defense Education Act of 1958 to permit a reduction in institution contributions to student loan funds on account of expenditures in administering the program; to the Committee on Education and Labor.

H.R. 532. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 533. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies; to the Committee on Government Operations.

H.R. 534. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus property to volunteer firefighting organizations and volunteer rescue squads, and for other purposes; to the Committee on Government Operations.

H.R. 535. A bill to amend section 552 of title 5, United States Code, known as the Freedom of Information Act; to the Committee on Government Operations.

H.R. 536. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government completion dates; to the Committee on Government Operations.

H.R. 537. A bill to provide for the designation of law schools as depository libraries; to the Committee on House Administration.

H.R. 538. A bill to amend the act of June 27, 1960 (74 Stat. 220) relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

H.R. 539. A bill to create a national commission to study quality controls and manufacturing procedures of medical devices, surgical instruments, artificial organs and limbs, therapeutic instruments and devices, and other medical and hospital equipment; to determine the need for and the extent of Federal regulation of such medical devices; to determine the need for clarification of the definition of medical devices in Federal laws; and to recommend to the President and to the Congress methods for determining constructive minimum performance standards and feasible methods for Federal regulation; to the Committee on Interstate and Foreign Commerce.

H.R. 540. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 541. A bill to repeal the Gun Control Act of 1968, to reenact the Federal Firearms Act, to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

H.R. 542. A bill to amend title 28, United States Code, to provide that Madison County, Fla., shall be included in the northern judicial district of Florida; to the Committee on the Judiciary.

H.R. 543. A bill to require the Council on Environmental Quality to hold public hearings in which all points of view can be expressed prior to any final action or recommendation by such Council to the President; to the Committee on Merchant Marine and Fisheries.

H.R. 544. A bill to amend title 5, United States Code, relating to qualifications for appointment and retention in the civil service; to the Committee on Post Office and Civil Service.

H.R. 545. A bill to amend title 5, United States Code, to include as creditable service for purposes of the civil service retirement system certain periods of service performed in Federal-State cooperative programs, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 546. A bill to amend title 13, United States Code, to provide for a mid-decade census of population in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

H.R. 547. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 548. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 549. A bill to amend the act of August 13, 1946, to increase the Federal contribution to 90 percent of the cost of shore restoration and protection projects; to the Committee on Public Works.

H.R. 550. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to engage in public works for the prevention and control of water pollution; to the Committee on Public Works.

H.R. 551. A bill to amend the River and Harbor Act of 1958 with respect to control and eradication of obnoxious aquatic plants; to the Committee on Public Works.

H.R. 552. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs and for an extension of the effective date of the act; to the Committee on Public Works.

H.R. 553. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

H.R. 554. A bill to amend the National Aeronautics and Space Act of 1958 to provide for certain additional reports to the Congress, and for other purposes; to the Committee on Science and Astronautics.

H.R. 555. A bill to promote the advancement of science and the education of scientists through a national program of institutional grants to the colleges and universities of the United States; to the Committee on Science and Astronautics.

H.R. 556. A bill to provide special advisory and counseling assistance to veterans at institutions of higher education and to authorize, on a trial basis, a special program to aid veterans with academic deficiencies to gain entrance to institutions of higher education; to the Committee on Veterans' Affairs.

H.R. 557. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

H.R. 558. A bill to amend the Internal Revenue Code of 1954 to provide that married individuals who file separate returns shall be taxed at the same income tax rates as unmarried individuals and to provide a special rule in the case of earned income which is community income; to the Committee on Ways and Means.

H.R. 559. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes; to the Committee on Ways and Means.

H.R. 560. A bill to amend section 21 of the Second Liberty Bond Act to provide for the retirement of the public debt; to the Committee on Ways and Means.

H.R. 561. A bill to amend title II of the Social Security Act to increase to $3,600 (or $4,200 in the case of a widow entitled to mother's insurance benefits) the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 562. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

H.R. 563. A bill to amend the Tariff Act of 1930 to eliminate, in the case of shrimp vessels, the duty on repairs made to, and repair parts and equipments purchased for, such vessels in foreign countries, and for other purposes; to the Committee on Ways and Means.

By Mr. FUQUA (for himself and Mr. BROWN of Ohio).

H.R. 564. A bill to establish an independent Consumer Protection Agency, and for other purposes; to the Committee on Government Operations.

By Mr. GIBBONS:

H.R. 565. A bill to amend the Communications Act of 1934 to provide that renewal licenses for the operation of a broadcasting station may be issued for a term of 5 years and to establish certain standards for the consideration of applications for renewal of broadcasting licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODLING:

H.R. 566. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODLING (for himself and Mr. DINGELL):

H.R. 567. A bill to amend the Migratory Bird Treaty Act to prohibit during specified periods the feeding of migratory game birds and to impose penalties for such feeding, to increase the maximum fine for certain other violations of such act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. GRASSO:

H.R. 568. A bill to amend title 38 of the United States Code to promote the care and treatment of veterans in State veterans' homes, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 569. A bill to amend the Tariff Schedules of the United States in order to make specific provisions for ball or roller bearing pillow block, flange, take-up, cartridge, and hanger units; to the Committee on Ways and Means.

H.R. 570. A bill to provide for orderly trade in antifriction ball and roller bearings and parts thereof; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon:

H.R. 571. A bill to provide congressional due process in questions of war powers as required by the Constitution of the United States; to the Committee on Armed Services.

H.R. 572. A bill to provide a remedy for sex discrimination by the insurance business with respect to the availability and scope of insurance coverage for women; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Pennsylvania:

H.R. 573. A bill to assist in community development, with particular reference to small communities; to the Committee on Banking and Currency.

H.R. 574. A bill to amend title VII of the Housing and Urban Development Act of 1965 to authorize financial assistance for the provision of street lighting facilities in aid of the prevention or reduction of crime; to the Committee on Banking and Currency.

H.R. 575. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

H.R. 576. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes; to the Committee on Banking and Currency.

H.R. 577. A bill to amend the Urban Mass Transportation Act of 1964 to provide emergency grants for operating subsidies to urban mass transportation systems on the basis of passengers serviced; to the Committee on Banking and Currency.

H.R. 578. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

H.R. 579. A bill to amend the National Public Employee Relations Act; to the Committee on Education and Labor.

H.R. 580. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail, and for other purposes; to the Committee on House Administration.

H.R. 581. A bill to amend the act of June 28, 1948, to provide for the addition of certain property in Philadelphia, Pa., to Independence National Historical Park; to the Committee on Interior and Insular Affairs.

H.R. 582. A bill to amend title 42, section 246, subsection (b)(2)(A) of the United States Code; to the Committee on Interstate and Foreign Commerce.

H.R. 583. A bill to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 584. A bill to regulate the interstate trafficking and sale of hypodermic needles and syringes; to the Committee on Interstate and Foreign Commerce.

H.R. 585. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 586. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 587. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide increased assistance to correctional programs, to establish more detailed guidelines for such programs, and to create a streamlined administration of such assistance; to the Committee on the Judiciary.

H.R. 588. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

H.R. 589. A bill to amend title 5, United States Code, to facilitate the collection of statistics with respect to the incidence of crime and to provide for the establishment of a National Crime Statistics Center, and for other purposes; to the Committee on the Judiciary.

H.R. 590. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

H.R. 591. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens' suits and class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

H.R. 592. A bill to amend title 13, United States Code, to provide for a mid-decade census of population, unemployment, and housing in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

H.R. 593. A bill to provide reimbursement to State accounts in the Unemployment Trust Fund for extraordinary unemployment compensation outlays resulting from the effects of hurricane and tropical storm Agnes, and for other purposes; to the Committee on Ways and Means.

H.R. 594. A bill to amend the Internal Revenue Code of 1954 to provide a special rule for industrial development bonds issued for reconstruction of certain disaster area losses; to the Committee on Ways and Means.

H.R. 595. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 596. A bill to amend the Internal Revenue Code of 1954 to include certain joint hospital laundry ventures among the cooperative hospital service organizations entitled to tax exemption thereunder; to the Committee on Ways and Means.

H.R. 597. A bill to require the Secretary of the Treasury to provide each taxpayer with an analysis of the proportionate dollar amounts of this taxpayment which were spent by the Federal Government, during the latest fiscal year for which data are available, for certain items; to the Committee on Ways and Means.

H.R. 598. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

H.R. 599. A bill to repeal the meat quota provisions of Public Law 88–482; to the Committee on Ways and Means.

H.R. 600. A bill to provide that office, industrial, or household appliances and equipment be conspicuously marked to show the foreign country of origin, and for other purposes; to the Committee on Ways and Means.

H.R. 601. A bill to amend the Tariff Schedules of the United States to repeal the special tariff treatment accorded to articles assembled abroad with components produced in the United States; to the Committee on Ways and Means.

H.R. 602. A bill to amend the Tariff Schedules of the United States to repeal the special tariff treatment accorded to articles assembled abroad with components produced in the United States; to the Committee on Ways and Means.

By Mr. GROSS:

H.R. 603. A bill to prohibit travel at Government expense outside the United States by defeated or retiring Members of Congress, and for other purposes; to the Committee on Foreign Affairs.

H.R. 604. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 605. A bill to amend the Uniform Time Act of 1966, in order to provide that daylight saving time shall be observed in the United States from the first Sunday following Memorial Day to the first Sunday following Labor Day; to the Committee on Interstate and Foreign Commerce.

H.R. 606. A bill to require judges of courts of the United States to file confidential statements with the Comptroller General of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 607. A bill to provide for a mandatory yea and nay vote on recommendations of the President fixing executive, legislative, and judicial pay; to the Committee on Post Office and Civil Service.

H.R. 608. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries established by section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 609. A bill to require that before import quotas on meats may be suspended or increased under subsection (d) (1) and (2) of the act, the Secretary of Agriculture must estimate that the average price expected to be received by producers for beef cattle will equal or exceed parity during the period of the suspension or increased quotas; to the Committee on Ways and Means.

By Mr. GROVER (for himself and Mr. BIAGGI):

H.R. 610. A bill to authorize the Secretary of the Interior to establish a National Law Enforcement Heroes Memorial within the District of Columbia, and for other purposes; to the Committee on House Administration.

By Mr. GUBSER:

H.R. 611. A bill to amend title 10, United States Code, to limit, and to provide more effective control with respect to the use of Government production equipment by private contractors under contracts entered into by the Department of Defense and certain other Federal agencies, and for other purposes; to the Committee on Armed Services.

H.R. 612. A bill to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

H.R. 613. A bill to establish a permanent Commission on Organization of the Executive Branch of the Government; to the Committee on Government Operations.

H.R. 614. A bill to provide for the erection of a monument on Alcatraz Island to serve as a western counterpart to the Statue of Liberty and commemorate the achievement of American independence; to the Committee on Interior and Insular Affairs.

H.R. 615. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

H.R. 616. A bill authorizing the Secretary of the Army to establish a national cemetery at Camp Parks, Calif., for northern California; to the Committee on Veterans' Affairs.

H.R. 617. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for purposes of the Federal estate tax for certain amounts left by the decedent to certain handicapped individuals; to the Committee on Ways and Means.

H.R. 618. A bill to permit one-half of the budget surplus for any fiscal year to be applied against the public debt and to provide that one-half of such surplus shall be applied as tax credits against individual income taxes; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 619. A bill to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam at any time before September 30, 1978; to the Committee on Interstate and Foreign Commerce.

By Mrs. HANSEN of Washington:

H.R. 620. A bill to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON:

H.R. 621. A bill to authorize the Secretary of Labor to provide financial and other assistance to certain workers and small business firms to assist compliance with State or Federal pollution abatement requirements; to the Committee on Banking and Currency.

By Mr. HARRINGTON (for himself, Mr. Sarbanes, and Mr. William D. Ford):

H.R. 622. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. HASTINGS:

H.R. 623. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS (for himself and Mr. Murphy of New York):

H.R. 624. A bill to provide for the humane care, treatment, habilitation, and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS (for himself and Mr. Frey):

H.R. 625. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.R. 626. A bill to establish a system of wild areas within the lands of the national forest system; to the Committee on Agriculture.

H.R. 627. A bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air transportation; to provide for the establishment of a Federal air transportation security force; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 628. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

Mr. HEINZ:

H.R. 629. A bill to provide financial assistance for the construction and operation of senior citizens' community centers and for other purposes; to the Committee on Education and Labor.

H.R. 630. A bill to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973; to the Committee on Government Operations.

H.R. 631. A bill to improve the financial management of Federal assistance programs, to facilitate the consolidation of such programs, to strengthen further congressional review of Federal grants-in-aid, to provide a catalog of Federal assistance programs, and to extend and amend the law relating to intergovernmental cooperation; to the Committee on Government Operations.

H.R. 632. A bill to protect the individual's right of privacy by prohibiting the sale or distribution of certain information; to the Committee on the Judiciary.

H.R. 633. A bill to amend the Disaster Relief Act of 1970 to provide for the mandatory development and maintenance by States of disaster preparedness plans, to provide for the annual testing of such plans, to increase the amount of Federal assistance in the case of approved plans, and for other purposes; to the Committee on Public Works.

H.R. 634. A bill to create a demonstration project for the maintenance of safe Federal-aid highways, other than interstate, by the most feasible economical methods; to the Committee on Public Works.

H.R. 635. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on the discharge of pollutants; to the Committee on Ways and Means.

H.R. 636. A bill to insure congressional review of tax preference, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

H.R. 637. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 638. A bill to amend title II of the Social Security Act to improve the computation of an individual's old-age, survivors, and disability insurance benefits by providing a formula under which such benefits will reflect both the current wage levels at the time of such individual's entitlement and the length of such individual's coverage; to the Committee on Ways and Means.

By Mr. HOGAN (for himself and Mrs. Holt):

H.R. 639. A bill to delay the effectiveness of court orders with respect to school busing until all appeals from such orders have been taken; to the Committee on the Judiciary.

By Mr. HOSMER:

H.R. 640. A bill to permit retired personnel of the Armed Forces to receive benefits under chapter 81 to title 5, United States Code, relating to compensation of Federal employees for work injuries; to the Committee on Education and Labor.

H.R. 641. A bill to amend and supplement the Federal reclamation laws relating to the furnishing of water service to excess lands; to the Committee on Interior and Insular Affairs.

H.R. 642. A bill to authorize the Secretary of the Interior to construct and to provide for operation and maintenance of the Peripheral Canal unit of the Delta division and to construct, operate, and maintain the Kellogg unit of the Delta division of the Central Valley project, Calif., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 643. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 644. A bill to provide for the U.S. District Court for the Central District of California to hold court at Santa Ana, Calif.; to the Committee on the Judiciary.

H.R. 645. A bill to designate the fourth Friday in September of every year as American Indian Day; to the Committee on the Judiciary.

H.R. 646. A bill to amend title 38 of the United States Code to provide for a pension of $100 per month for widows of veterans of World War I, and to disregard the spouse's income in determining the annual income of veterans for pension purposes under section 521 of such title; to the Committee on Veteran's Affairs.

H.R. 647. A bill to amend title 38 of the United States Code so as to provide that public or private retirement, annuity, or endowment payments (including monthly social security insurance benefits) shall not be included in computing annual income for the purpose of determining eligibility for a pension under chapter 15 of that title; to the Committee on Veterans' Affairs.

H.R. 648. A bill to amend the Internal Revenue Code of 1954 to provide that mutual fund shares and securities trust agreements shall be valued at their bid price, rather than at their asked price, for estate and gift tax purposes; to the Committee on Ways and Means.

By Mr. HUNT:

H.R. 649. A bill to limit the authority of States and their subdivisions to impose taxes with respect to income on residents of other States; to the Committee on the Judiciary.

By Mr. ICHORD:

H.R. 650. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purposes; to the Committee on the Judiciary.

H.R. 651. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 652. A bill to amend section 1331(c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were Reserves before August 16, 1945, and who served on active duty during the so-called Berlin crisis; to the Committee on Armed Services.

H.R. 653. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Cosumnes River division, Central Valley project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 654. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Allen Camp unit, Pit River division, Central Valley project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 655. A bill to provide for the naming of the lake to be created by the Buchanan Dam, Chowchilla River, Calif.; to the Committee on Public Works.

By Mr. JONES of Alabama (for himself, Mr. Bevill, and Mr. Buchanan):

H.R. 656. A bill providing for the establishment of a wild area system; to the Committee on Agriculture.

By Mr. KARTH (for himself and Mr. DINGELL):

H.R. 657. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. KEATING:

H.R. 658. A bill to guarantee the right of criminal defendants to a speedy trial and to reduce crime and injustice by improving the supervision of persons released on bail and probation, and for other purposes; to the Committee on the Judiciary.

H.R. 659. A bill to amend chapter 235 of title 18, United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 660. A bill to amend the Agricultural Act of 1956 to allow for the donation of certain surplus commodities by the Commodity Credit Corporation to State and local penal institutions, and for other purposes; to the Committee on Agriculture.

H.R. 661. A bill to amend the Consumer Credit Protection Act; to the Committee on Banking and Currency.

H.R. 662. A bill to amend the Truth in Lending Act to protect consumers against careless and erroneous billing, and to require that statements under open-end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

H.R. 663. A bill to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes; to the Committee on Banking and Currency.

H.R. 664. A bill to amend the Urban Mass Transportation Act of 1964 to provide emergency grants for operating subsidies to urban mass transportation systems on the basis of passengers serviced; to the Committee on Banking and Currency.

H.R. 665. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing the disclosure of information to Government agencies; to the Committee on Banking and Currency.

H.R. 666. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

H.R. 667. A bill to amend title 5, United States Code, to provide that persons be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

H.R. 668. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

H.R. 669. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana; to the Committee on Interstate and Foreign Commerce.

By Mr. KUYKENDALL:

H.R. 670. A bill to amend the Federal Aviation Act of 1958 to provide for the establishment of an air transportation security program and an air transportation security-law enforcement force adequate to assure the safety and security of passengers in air transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 671. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the advertising and distribution of organically grown and processed foods; to the Committee on Interstate and Foreign Commerce.

H.R. 672. A bill to amend the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to prescribe radiation standards for, and conduct regular inspections of, diagnostic and other X-ray systems; to the Committee on Interstate and Foreign Commerce.

H.R. 673. A bill to amend the Public Health Service Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation; to the Committee on Interstate and Foreign Commerce.

H.R. 674. A bill to approve and authorize amnesty or mitigation of punishment for certain persons who have illegally manifested their disapproval of U.S. participation in the Southeast Asia war; and to provide for restoration of civil and political rights that have been lost or impaired by reason of such illegal acts, and for other purposes; to the Committee on the Judiciary.

H.R. 675. A bill to amend title 18, United States Code, to conditionally suspend the application of certain penal provisions of law; to the Committee on the Judiciary.

H.R. 676. A bill to amend section 201 of title 18, United States Code, to provide that the bribery of State and local officials shall be a Federal crime; to the Committee on the Judiciary.

H.R. 677. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities; to the Committee on the Judiciary.

H.R. 678. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs to the Committee on the Judiciary.

H.R. 679. A bill to require the registration of all firearms, with certain exceptions to the Committee on the Judiciary.

H.R. 680. A bill to grant a child adopted by a single U.S. citizen the same immigrant status as a child adopted by a U.S. citizen and his spouse; to the Committee on the Judiciary.

H.R. 681. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation; to the Committee on the Judiciary.

H.R. 682. A bill to improve law enforcement in cities through a temporary Federal grant program for the purposes of increasing the compensation of policemen and creating additional positions on local police forces; to the Committee on the Judiciary.

H.R. 683. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to cities for improved street lighting; to the Committee on the Judiciary.

H.R. 684. A bill to provide for family visitation furloughs for Federal prisoners; to the Committee on the Judiciary.

H.R. 685. A bill to provide minimum standards in connection with certain Federal financial assistance with respect to correctional institutions and facilities; to the Committee on the Judiciary.

H.R. 686. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

H.R. 687. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strengthen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

H.R. 688. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of the polygraph for certain purposes; to the Committee on the Judiciary.

H.R. 689. A bill to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection; to the Committee on the Judiciary.

H.R. 690. A bill to amend chapter 3 of title 3, United States Code, to provide for the protection of foreign diplomatic missions; to the Commission on Public Works.

H.R. 691. A bill to improve the efficiency of the Nation's highway system, allow States and localities more flexibility in utilizing highway funds, and for other purposes; to the Committee on Public Works.

H.R. 692. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

H.R. 693. A bill to authorize the Administrator of General Services to transfer certain airspace for use for housing purposes; to the Committee on Public Works.

H.R. 694. A bill to amend title 2, United States Code, to provide that individuals be apprised of records concerning them which are maintained by the Committee on Internal Security of the House of Representatives; to the Committee on Rules.

H.R. 695. A bill to amend title 38 of the United States Code in order to permit veterans to transfer all or part of their educational assistance under chapter 34 of such title to their spouses, and to provide educational assistance at the secondary school level to widows, widowers, and spouses eligible for educational assistance under chapter 35 of such title; to the Committee on Veterans' Affairs.

H.R. 696. A bill relating to the tax treatment of transfers of rights to copyrights and literary, musical, and artistic compositions; to the Committee on Ways and Means.

H.R. 697. A bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code in the case of certain contributions of literary, musical, or artistic composition, or similar property; to the Committee on Ways and Means.

H.R. 698. A bill to amend the Internal Revenue Code of 1954 to increase to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 699. A bill to amend the Internal Revenue Code of 1954 to provide that in the case of a dependent 62 or more years of age the support test shall be satisfied if the taxpayer contributes $1,500 or more to the support of such dependent; to the Committee on Ways and Means.

H.R. 700. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

H.R. 701. A bill to amend section 162 of the Internal Revenue Code of 1954 with respect to the deductibility of expenses for the purpose of procuring employment; to the Committee on Ways and Means.

H.R. 702. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

H.R. 703. A bill to amend section 216 of the Internal Revenue Code of 1954 to include corporations and others within the definition of the term "tenant-stockholder" for purposes of the provisions relating to cooperative housing corporations; to the Committee on Ways and Means.

H.R. 704. A bill to amend the Internal Revenue Code of 1954 to provide that the 4-percent excise tax on the net investment income of a private foundation shall not apply to a private foundation organized and operated exclusively as a library or museum; to the Committee on Ways and Means.

H.R. 705. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

H.R. 706. A bill to amend title II of the Social Security Act to reduce from 20 to 10 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

H.R. 707. A bill to amend title II of the Social Security Act to provide that the remarriage of a widow, widower, or parent shall not terminate his or her entitlement to widow's, widower's, or parent's insurance benefits or reduce the amount thereof; to the Committee on Ways and Means.

H.R. 708. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1978) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

H.R. 709. A bill to amend title XVIII of the Social Security Act to require that public health service hospitals, Veterans' Administration hospitals, and hospitals receiving assistance under the Hill-Burton Act make available to persons entitled to benefits under the medicare program, at cost, prescription drugs not covered under that program, eyeglasses, and hearing aids; to the Committee on Ways and Means.

H.R. 710. A bill to amend the Social Security Act to provide that the Secretary of Health, Education, and Welfare (in the case of the old-age, survivors, and disability insurance program or the medicare program) or the appropriate State agency (in the case of any of the public assistance or medicaid programs) shall be liable for attorney's fees incurred by an individual in successfully challenging a decision which denies him the benefits or assistance, or reduces or limits the benefits or assistance, to which he is entitled under such program; to the Committee on Ways and Means.

H.R. 711. A bill to establish a transportation trust fund, to encourage urban mass transportation, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH (for himself and Mr. Brademas):

H.R. 712. A bill to amend the Education of the Handicapped Act to provide for comprehensive education programs for severely and profoundly mentally retarded children; to the Committee on Education and Labor.

By Mr. KOCH (for himself, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Boland, Mr. Burke of Massachusetts, Mr. Drinan, Mr. Edwards of California, Mr. Fuqua, Mr. Gray, Mr. Green of Pennsylvania, Mr. Gude, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hungate, Mr. Karth, Mr. Long of Maryland, Mr. McCloskey, Mr. Mitchell of Maryland, Mr. Murphy of Illinois, Mr. Nix, Mr. Podell, and Mr. Rees):

H.R. 713. A bill to prohibit the use of funds authorized or appropriated for military actions in Indochina except for purposes of withdrawing all U.S. forces from Indochina within a 30-day period if within that period all American prisoners of war are released and American servicemen missing in action are accounted for, and to halt immediately all air bombing in Indochina; to the Committee on Foreign Affairs.

By Mr. KOCH (for himself, Mr. Eckhardt, Mr. Riegle, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Seiberling, Mr. Studds, Mr. Thompson of New Jersey, Mr. Wolff, and Mr. Yatron):

H.R. 714. A bill to prohibit the use of funds authorized or appropriated for military actions in Indochina except for purposes of withdrawing all U.S. forces from Indochina within a 30-day period if within that period all American prisoners of war are released and American servicemen missing in action are accounted for, and to halt immediately all air bombing in Indochina; to the Committee on Foreign Affairs.

By Mr. KOCH (for himself, Ms. Abzug, Mr. Archer, Mr. Bell, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Brown of Michigan, Mr. Buchanan, Mr. Carney of Ohio, Mr. Conte, Mr. Conyers, Mr. Coughlin, Mr. Crane, Mr. Downing, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Esch, Mr. Fascell, Mr. Fish, Mr. Flood, Mrs. Grasso, Mr. Gude, and Mr. Hamilton):

H.R. 715. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Harrington, Mr. Hastings, Mr. Hawkins, Mr. Helstoski, Mr. Horton, Mr. Howard, Mr. Keating, Mr. Kemp, Mr. Lent, Mr. McClory, Mr. McCloskey, Mr. Madden, Mr. Mazzoli, Mr. Minshall of Ohio, Mr. Mollohan, Mr. Nix, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, and Mr. Rodino):

H.R. 716. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. KUYKENDALL:

H.R. 717. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 718. A bill to amend the Defense Appropriations Act of 1973; to the Committee on Appropriations.

By Mr. ANDERSON of California:

H.R. 719. A bill to amend the Fishermen's Protective Act of 1967 to require the return of certain vessels of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. BROYHILL of North Carolina:

H.R. 720. A bill to provide authorizations for appropriations for the Federal Aviation Administration for fiscal year 1974, 1975, and 1976; to the Committee on Interstate and Foreign Commerce.

By Mr. LENT:

H.R. 721. A bill to amend title 10, United States Code, to permit employment of certain military personnel by foreign governments or concerns; to the Committee on Armed Services.

H.R. 722. A bill to establish a contiguous fishery zone (200-mile limit) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. LONG of Maryland:

H.R. 723. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, and for other purposes; to the Committee on Education and Labor.

By Mr. McCLORY (for himself, Mr. Blackburn, Mr. Brasco, Mr. Edwards of California, Mr. Frenzel, Mr. Helstoski, Mr. Ichord, Mr. Meeds, Mr. Michel, Mr. Moss, Mr. Pettis, Mr. Podell, Mr. Railsback, Mr. Waldie, and Mr. Ware):

H.R. 724. A bill to establish a program for the United States to convert to the metric system; to the Committee on Science and Astronautics.

By Mr. McDADE:

H.R. 725. A bill to amend the Housing and Urban Development Act of 1968 with respect to flood insurance by establishing the National Disaster Insurance Fund, and for other purposes; to the Committee on Banking and Currency.

H.R. 726. A bill to provide for the regulation of surface coal mining for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 727. A bill to revise and simplify the Federal disaster relief program, to assure adequate funding for such program, and for other purposes; to the Committee on Public Works.

H.R. 728. A bill to amend the Internal Revenue Code of 1954 to provide that taxpayers shall not be required to reduce the amount of casualty loss deductions by the amount of reimbursement anticipated from the cancellation of certain Federal loans made in the case of certain disasters; to the Committee on Ways and Means.

By Mr. McKINNEY:

H.R. 729. A bill to provide comprehensive vocational and rehabilitative services for individuals with spinal cord injuries through the establishment of national centers for spinal cord injuries; to the Committee on Education and Labor.

By Mr. MAILLIARD:

H.R. 730. A bill to provide protection for the fish resources of the United States including the freshwater and marine fish cultural industries against the introduction and dissemination of diseases of fish and shellfish, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 731. A bill to establish wildlife, fish, and game conservation and rehabilitation programs on certain lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 732. A bill to extend to hawks, owls, and certain other raptors the protection now accorded to bald and golden eagles; to the Committee on Merchant Marine and Fisheries.

H.R. 733. A bill to extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands; to the Committee on Merchant Marine and Fisheries.

H.R. 734. A bill to amend the Merchant Marine Act of 1970; to the Committee on Merchant Marine and Fisheries.

H.R. 735. A bill to revise and improve the laws relating to the documentation of vessels; to the Committee on Merchant Marine and Fisheries.

H.R. 736. A bill to confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce; to the Committee on Merchant Marine and Fisheries.

H.R. 737. A bill to amend the National Environmental Policy Act of 1969, to provide for a national environmental data system; to the Committee on Merchant Marine and Fisheries.

H.R. 738. A bill to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 739. A bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MANN:

H.R. 740. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide increased penalties for distribution of heroin by certain persons; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN (for himself, and Mr. TAYLOR of North Carolina):

H.R. 741. A bill to provide for a study of a proposed Southern Appalachian Slope National Recreation Area on the southern slope of the Appalachian Highlands in areas of the States of South Carolina, North Carolina, and Georgia; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 742. A bill to extend the Consolidated Farmers Home Administration Act of 1961, as amended, to American Samoa; to the Committee on Agriculture.

H.R. 743. A bill to amend the act to establish Federal agricultural services to Guam; to the Committee on Agriculture.

H.R. 744. A bill to provide that poultry and meat products prepared from diseased animals shall be deemed adulterated; to the Committee on Agriculture.

H.R. 745. A bill to amend the Sugar Act of 1948 to prescribe minimum wages and conditions of employment for farmworkers, and for other purposes; to the Committee on Agriculture.

H.R. 746. A bill to authorize the Secretary of the Navy to construct and provide shoreside facilities for the education and convenience of visitors to the U.S. Ship Arizona Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service; to the Committee on Armed Services.

H.R. 747. A bill to protect the political rights and privacy of individuals and organizations and to define the authority of the Armed Forces to collect, distribute, and store information about civilian political activity; to the Committee on Armed Services.

H.R. 748. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes; to the Committee on Armed Services.

H.R. 749. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 750. A bill to amend title 10 of the United States Code in order to authorize assistance in providing facilities and services abroad for the Veterans of Foreign Wars of the United States when the President finds such assistance to be necessary in the national interest; to the Committee on Armed Services.

H.R. 751. A bill to amend section 405 of title 37, United States Code, relating to the payment of a per diem with respect to the dependents of certain members of the uniformed services while on duty outside of the United States; to the Committee on Armed Services.

H.R. 752. A bill to prohibit federally insured financial institutions from engaging in certain promotional practices; to the Committee on Banking and Currency.

H.R. 753. A bill to amend section 5(c) of the Home Owners' Loan Act of 1933; to the Committee on Banking and Currency.

H.R. 754. A bill to amend the Truth-in-Lending Act to require that statements under open end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

H.R. 755. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 to provide for the Office of Poet Laureate of the United States; to the Committee on Education and Labor.

H.R. 756. A bill to amend the National Labor Relations Act to make its provisions applicable to certain additional territories of the United States; to the Committee on Education and Labor.

H.R. 757. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 758. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

H.R. 759. A bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes; to the Committee on Education and Labor.

H.R. 760. A bill to permit greater involvement of American medical organizations and personnel in the furnishing of health services and assistance to the developing nations of the world, and for other purposes; to the Committee on Foreign Affairs.

H.R. 761. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

H.R. 762. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

H.R. 763. A bill to amend title 5, United States Code, with respect to the relocation expenses of employees transferred or reemployed; to the Committee on Government Operations.

H.R. 764. A bill to provide that the President of the United States shall designate as Governor and Lieutenant Governor of American Samoa the individual who is nominated by the electors of American Samoa for each such position, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 765. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Interstate and Foreign Commerce.

H.R. 766. A bill to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to issue regulations providing for a program for the disinsection of aircraft arriving in the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 767. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

H.R. 768. A bill to provide that the Secretary of Transportation and the Interstate Commerce Commission require common carriers under their jurisdiction to prohibit smoking aboard aircraft, railroads, buses, and vessels carrying passengers, except in areas designated for that purpose; to the Committee on Interstate and Foreign Commerce.

H.R. 769. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the advertising and distribution of organically grown and processed foods; to the Committee on Interstate and Foreign Commerce.

H.R. 770. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 771. A bill to provide for a training program for organized crime prosecutors, an annual conference of Federal, State, and local officials in the field of organized crime, an annual report by the Attorney General on organized crime, and for other purposes; to the Committee on the Judiciary.

H.R. 772. A bill to establish an Academy of Criminal Justice and to provide for the establishment of such other Academies of Criminal Justice as the Congress may hereafter authorize: to the Committee on the Judiciary.

H.R. 773. A bill to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes; to the Committee on the Judiciary.

H.R. 774. A bill to provide for the compensation of persons injured by certain criminal acts; to the Committee on the Judiciary.

H.R. 775. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

H.R. 776. A bill to amend section 212(b) of the Immigration and Nationality Act to exempt from the literacy requirement of section 212(a)(25) certain additional relatives of United States citizens and permanent resident aliens; to the Committee on the Judiciary.

H.R. 777. A bill to amend section 312 of the Immigration and Nationality Act with respect to certain tests for naturalization; to the Committee on the Judiciary.

H.R. 778. A bill to repeal the "cooly trade" laws; to the Committee on the Judiciary.

H.R. 779. A bill to amend section 27 of the Merchant Marine Act, 1920, to exempt under certain conditions, from the effect of such section the transportation of merchandise between points in the State of Alaska and points in the State of Hawaii; to the Committee on Merchant Marine and Fisheries.

H.R. 780. A bill to amend the Internal Revenue Code of 1954 to provide that any resident of the Republic of the Philippines may be a dependent for purposes of the income tax deduction for personal exemptions; to the Committee on Ways and Means.

H.R. 781. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. MAYNE:

H.R. 782. A bill to amend the Occupational Safety and Health Act of 1970 to define the term "employee" more precisely; to the Committee on Education and Labor.

H.R. 783. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Algona, Iowa, for airport purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 784. A bill to amend title 5 of the United States Code with respect to the observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

H.R. 785. A bill to amend title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes; to the Committee on the Judiciary.

H.R. 786. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

H.R. 787. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 788. A bill to amend the Self-Employment Contributions Act of 1954 to provide that an election to be exempt from coverage under the old-age, survivors, and disability insurance program, made by a minister, a member of a religious order, or a Christian Science practitioner, may be revoked at any time; to the Committee on Ways and Means.

By Mr. MEEDS:

H.R. 789. A bill to improve educational quality through the effective utilization of educational technology; to the Committee on Education and Labor.

By Mr. MICHEL:

H.R. 790. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

H.R. 791. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 792. A bill to amend title 18 of the United States Code to increase the penalty for committing certain crimes with a firearm or while unlawfully carrying a firearm; to the Committee on the Judiciary.

H.R. 793. A bill to provide that the majority of the membership (including the chairman) of the Committee on Government Operations of the Senate and House of Representatives, respectively, shall be composed of members of a major political party other than the political party of which the President of the United States is a member; to the Committee on Rules.

H.R. 794. A bill to break down hindrances and remove obstacles to the employment of partially disabled persons honorably discharged from our Armed Forces following service in war by making an equitable adjustment of the liability under the workmen's compensation laws which an employer must assume in hiring disabled veterans; to the Committee on Veterans' Affairs.

H.R. 795. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of treatment works to control water pollution by permitting the deduction of expenditures for the construction, erection, installation, or acquisition of such treatment works; to the Committee on Ways and Means.

H.R. 796. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

H.R. 797. A bill to amend the Internal Revenue Code of 1954 to treat adoption fees in the same manner as medical expenses for income tax purposes; to the Committee on Ways and Means.

H.R. 798. A bill to amend title I of the Social Security Act to provide that child's insurance benefits shall in all cases be payable to children upon the death of their mother without regard to the mother's insured status; to the Committee on Ways and Means.

H.R. 799. A bill to amend section 218 of the Social Security Act to provide that a policeman or fireman who has social security coverage pursuant to State agreement as an individual employee and not as a member of a State or local retirement system may elect to terminate such coverage if he is subsequently required to become a member of such a retirement system; to the Committee on Ways and Means.

By Mr. MILLS of Maryland:

H.R. 800. A bill to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Maryland, and for other purposes; to the Committee on Agriculture.

H.R. 801. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 802. A bill to declare the south prong of the Wicomico River, Md., nonnavigable; to the Committee on Interstate and Foreign Commerce.

By Mr. MINSHALL of Ohio:

H.R. 803. A bill to amend the Communications Act of 1934 to provide for more responsible news and public affairs programing; to the Committee on Interstate and Foreign Commerce.

H.R. 804. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

H.R. 805. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

H.R. 806. A bill to extend benefits under section 8191 of title 5, United States Code to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 807. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

H.R. 808. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

H.R. 809. A bill to amend title 18 of the United States Code to prohibit the transportation or use in interstate or foreign commerce, with unlawful or fraudulent intent, of counterfeit, fictitious, altered, lost, stolen, wrongfully appropriated, unauthorized, revoked, or canceled credit cards; to the Committee on the Judiciary.

H.R. 810. A bill to establish a Federal Judiciary Council; to the Committee on the Judiciary.

H.R. 811. A bill to amend title 28, United States Code, to prohibit Federal judges from receiving compensation other than for the performance of their judicial duties, except in certain instances, and to provide for the disclosure of certain financial information; to the Committee on the Judiciary.

H.R. 812. A bill to amend the Internal Revenue Code of 1954 to increase from $750 to $1,500 the personal income tax exemptions of a taxpayer; to the Committee on Ways and Means.

H.R. 813. A bill to amend the Internal Revenue Code of 1954 to increase from 13 to 16 the maximum age of a dependent child with respect to whom the deduction for child-care expenses may be allowed; to the Committee on Ways and Means.

H.R. 814. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him in connection with his education, or the education of any of his dependents at an institution of higher learning; to the Committee on Ways and Means.

H.R. 815. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 816. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

H.R. 817. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for homeowners, apartmentowners, small businessmen, and carowners who purchase and install certified pollution-control devices; to the Committee on Ways and Means.

H.R. 818. A bill to amend the Internal Revenue Code of 1954 to allow an incentive tax credit for a part of the cost of constructing or otherwise providing facilities or equipment for the control of water or air pollution or for processing of solid waste, and to permit the amortization of such cost within a period of from 1 to 5 years; to the Committee on Ways and Means.

H.R. 819. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

H.R. 820. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

H.R. 821. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowances of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

H.R. 822. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. MIZELL:

H.R. 823. A bill to aid the conservation of natural water resources and protect the scenic New River by prohibiting the Federal licensing of the construction of certain types of projects on or directly affecting a certain portion of the New River in North Carolina and Virginia; to the Committee on Interstate and Foreign Commerce.

By Mr. MONTGOMERY:

H.R. 824. A bill to amend title 10 of the United States Code so as to permit members of the Reserves and the National Guard to receive retired pay at age 55 for nonregular service under chapter 67 of that title; to the Committee on Armed Services.

H.R. 825. A bill to amend titles 37 and 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverages under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve up to age 60, and for other purposes; to the Committee on Veterans Affairs.

By Mr. MURPHY of New York:

H.R. 826. A bill to amend title 10 of the United States Code to prohibit contracting for the construction of vessels for U.S. Navy at places outside of the United States; to the Committee on Armed Services.

H.R. 827. A bill to authorize members of the Armed Forces to be discharged from active military service by reason of physical disability when such members are suffering from drug dependency, to authorize the civil commitment of such members after their discharge, to provide for the review of less than honorable discharges granted to certain members and the issuance of new discharges in certain cases, and for other purposes; to the Committee on Armed Services.

H.R. 828. A bill to amend title XII of the National Housing Act to provide, under the urban property protection and reinsurance program, for direct Federal insurance against losses to habitational property for which insurance is not otherwise available or is available only at excessively surcharged rates, to make crime insurance mandatory under such program, to provide assistance to homeowners to aid in reducing the causes of excessive surcharges, and for other purposes; to the Committee on Banking and Currency.

H.R. 829. A bill to amend the Small Business Act to make crime protection insurance available to small business concerns; to the Committee Banking and Currency.

H.R. 830. A bill to amend the Truth in Lending Act to require that statements under open end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

H.R. 831. A bill to amend the Foreign Assistance Act of 1961 so as to provide for reductions in aid to countries in which property of the United States is damaged or destroyed by mob action; to the Committee on Foreign Affairs.

H.R. 832. A bill requiring that each Member of Congress be notified of the intended disposition of federally owned real property in the district he represents; to the Committee on Government Operations.

H.R. 833. A bill to amend the Federal Power Act with respect to the jurisdiction of the Federal Power Commission over streams and other bodies of water the navigable portions of which lie within a single State; to the Committee on Interstate and Foreign Commerce.

H.R. 834. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space available basis; to the Commitee on Interstate and Foreign Commerce.

H.R. 835. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 836. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

H.R. 837. A bill to establish a registration system with respect to donors of blood, and to provide funds for research to detect serum hepatitis prior to transfusion and transmission of the disease; to the Committee on Interstate and Foreign Commerce.

H.R. 838. A bill to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 839. A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act to consumers through civil actions, and to provide for class actions for acts in defraud of consumers; to the Committee on Interstate and Foreign Commerce.

H.R. 840. A bill to establish a grant-in-aid program to encourage the licensing by the States of motor vehicle mechanics; to the Committee on Interstate and Foreign Commerce.

H.R. 841. A bill to provide for a national educational campaign to improve safety on the highways by improving driver skill, driver attitudes, and driver knowledge of highway regulations; to the Committee on Interstate and Foreign Commerce.

H.R. 842. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act to vest primary law-enforcement jurisdiction in the Attorney General; to the Committee on Interstate and Foreign Commerce.

H.R. 843. A bill to provide new procedures for the civil commitment of drug dependent persons and to expand the scope of the provisions of titles 18 and 28 of the United States Code relating to the treatment of drug dependent persons in criminal proceedings, and for other purposes; to the Committee on the Judiciary.

H.R. 844. A bill to authorize the Federal Bureau of Investigation to exchange fingerprint information with registered national security exchanges and related agencies; to the Committee on the Judiciary.

H.R. 845. A bill to amend the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 846. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 847. A bill to provide for the redistribution of unused quota numbers; to the Committee on the Judiciary.

H.R. 848. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 849. A bill to prohibit assaults on State law-enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 850. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Burke of Massachusetts, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. James V. Stanton, Mr. J. William Stanton, Mr. Stokes, Mr. Stratton, Mr. Stuckey, Mr. Studds, Mr. Thone, Mr. Waldie, Mr. Charles H. Wilson of California, Mr. Wolff, Mr. Yates, and Mr. Yatron):

H.R. 851. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 852. A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government; to the Committee on Merchant Marine and Fisheries.

H.R. 853. A bill to amend the National Environmental Policy Act of 1969 to provide for class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

H.R. 854. A bill to provide for advance notice to the U.S. Fish and Wildlife Service and certain State agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 855. A bill to prohibit the furnishing of mailing lists and other lists of names or addresses by Government agencies to the public in connection with the use of the U.S. mails, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 856. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

H.R. 857. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 858. A bill to amend section 8335 of title 5, United States Code, to reduce the mandatory retirement age for non-U.S. citizen employees of the Panama Canal Company or the Canal Zone Government employed on the Isthmus of Panama to 62 years of age; to the Committee on Post Office and Civil Service.

H.R. 859. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title: to the Committee on Veterans' Affairs.

H.R. 860. A bill to provide that veterans be provided employment opportunities after discharge at certain minimum salary rates; to the Committee on Veterans' Affairs.

H.R. 861. A bill to create a rebuttable presumption that a disability of a veteran of any war or certain other military service is service connected under certain circumstances; to the Committee on Veterans' Affairs.

H.R. 862. A bill to amend chapter 34 of title 38 of the United States Code to provide for the payment of tuition costs in the case of certain eligible veterans directly to the educational institutions concerned; to provide for overall increases in education benefits under such chapter; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 863. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for donations of blood to nonprofit blood banks and other nonprofit organizations; to the Committee on Ways and Means.

H.R. 864. A bill to amend the Internal Revenue Code of 1954 to treat a portion of tuition paid to certain educational institutions as a charitable contribution; to the Committee on Ways and Means.

H.R. 865. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for income tax purposes of certain expenses incurred by the taxpayer for the education of a dependent; to the Committee on Ways and Means.

H.R. 866. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

H.R. 867. A bill to provide for the protection of children against physical injury caused or threatened by those who are responsible for their care; to the Committee on Ways and Means.

H.R. 868. A bill to provide for a national educational campaign to combat the lack of consciousness of the public as to the danger of improper uses of motor vehicles on the highways and to impose an additional tax of one-tenth of a cent per gallon on gasoline and other motor fuels to pay for the costs of such campaign; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself and Mr. Hastings):

H.R. 869. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards, and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself and Mr. Pettis, Mr. Waggonner, and Mr. Rooney of Pennsylvania):

H.R. 870. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NICHOLS:

H.R. 871. A bill to amend section 1124(c) of title 10, United States Code, to remove the restriction that a member of the Armed Forces must be on active duty to be eligible for the payment of a cash award for a suggestion, invention, or scientific achievement; to the Committee on Armed Services.

H.R. 872. A bill to amend the National Trails System Act to authorize a feasibility study relating to the Bartram Trail in Alabama; to the Committee Interior and Insular Affairs.

H.R. 873. A bill to provide for the establishment of the Tuskegee Institute National Historical Park, and for other purposes; to the Committee Interior and Insular Affairs.

H.R. 874. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

H.R. 875. A bill to amend title 18 of the United States Code to increase the penalty for destruction of aircraft or aircraft facilities; to the Committee on the Judiciary.

H.R. 876. A bill to provide a pension for veterans of World War I and their widows; to the Committee on Veterans' Affairs.

By Mr. NIX:

H.R. 877. A bill to amend section 117 of the Internal Revenue Code of 1954 to exclude from gross income up to $300 per month of scholarships and fellowship grants for which the performance of services is required; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 878. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 879. A bill to assure an opportunity for employment to every American seeking work; to the Committee on Education and Labor.

H.R. 880. A bill to amend the National Labor Relations Act to secure to physically handicapped workers, employed in sheltered workshops the right to organize and bargain collectively, and for other purposes; to the Committee on Education and Labor.

H.R. 881. A bill to assure equal access for farmworkers to programs and procedures instituted for the protection of American working men and women, and for other purposes; to the Committee on Education and Labor.

H.R. 882. A bill to ban oppressive child labor in agriculture, and for other purposes; to the Committee on Education and Labor.

H.R. 883. A bill to make farmworkers eligible for unemployment compensation; to the Committee on Ways and Means.

By Mr. O'HARA (for himself and Mr. Dingell):

H.R. 884. A bill to amend the National Environmental Policy Act of 1969 to require Federal contractors, and persons contracting for federally supported activities, to observe practices which will preserve and enhance the environment and fisheries and wildlife resources, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PEPPER:

H.R. 885. A bill to provide that meetings of Government agencies shall be open to the public, and for other purposes; to the Committee on Government Operations.

H.R. 886. A bill to require the President to notify Congress whenever he impounds funds and to provide a procedure under which the Congress may disapprove such impoundment; to the Committee on Rules.

By Mr. PEPPER (for himself and Mr. Dingell):

H.R. 887. A bill to protect the Nation's consumers and to assist the commercial fishing industry through the inspection of establishments processing fish and fishery products in commerce; to the Committee on Merchant Marine and Fisheries.

By Mr. PETTIS:

H.R. 888. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

H.R. 889. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

H.R. 890. A bill to provide for the establishment of the National Conservation Area of the California Desert and to provide for the immediate and future protection, development, and administration of such public lands; to the Committee on Interior and Insular Affairs.

H.R. 891. A bill to provide for the exchange of certain public land in Napa and Sonoma Counties, Calif., for certain land within the Point Reyes National Seashore; to the Committee on Interior and Insular Affairs.

H.R. 892. A bill to convey certain federally owned land to the Twentynine Palms Park and Recreation District; to the Committee on Interior and Insular Affairs.

H.R. 893. A bill to provide for the division of assets between the Twentynine Palms Band and the Cabazon Band of Mission Indians, California, including certain funds in the U.S. Treasury, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 894. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 895. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

H.R. 896. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

H.R. 897. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

H.R. 898. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

H.R. 899. A bill to establish a National College of Ecological and Environmental Studies; to the Committee on Science and Astronautics.

H.R. 900. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. PETTIS:

H.R. 901. A bill to provide for the establishment of a national cemetery in San Bernardino County in the State of California; to the Committee on Veterans' Affairs.

H.R. 902. A bill to amend title 38 of the United States Code so as to provide that public or private retirement, annuity, or endowment payments (including monthly social security insurance benefits) shall not be included in computing annual income for the purpose of determining eligibility for a pension under chapter 15 of that title; to the Committee on Veterans' Affairs.

H.R. 903. A bill to provide that income from entertainment activities held in conjunction with a public fair conducted by an organization described in section 501(c) shall not be unrelated trade or business income and shall not affect the tax exemption of the organization; to the Committee on Ways and Means.

H.R. 904. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

H.R. 905. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. PEYSER:

H.R. 906. A bill making appropriations to carry out the lead-based paint poisoning prevention program for the fiscal years 1973 and 1974; to the Committee on Appropriations.

H.R. 907. A bill to establish a National Environment Bank, to authorize the issuance of U.S. Environmental Savings Bonds, and to establish an environmental trust fund; to the Committee on Banking and Currency.

H.R. 908. A bill to repeal section 15 of the Urban Mass Transit Act of 1964, to remove certain limitations on the amount of grant assistance which may be available in any one State; to the Committee on Banking and Currency.

H.R. 909. A bill to establish a consumer education program in the Office of Education; to the Committee on Education and Labor.

H.R. 910. A bill to authorize a national summer youth sports program; to the Committee on Education and Labor.

H.R. 911. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced in such country from entering the United States unlawfully; to the Committee on Foreign Affairs.

H.R. 912. A bill to grant child care centers status as educational institutions, and to assist such centers in raising capital by permitting donation of surplus Federal property for their use; to the Committee on Government Operations.

H.R. 913. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record; to the Committee on House Administration.

H.R. 914. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 915. A bill to amend the Railroad Retirement Act of 1937 to permit an annuitant to receive his annuity even though he renders compensated service for the outside employer by whom he was last employed before his annuity began to accrue; to the Committee on Interstate and Foreign Commerce.

H.R. 916. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

H.R. 917. A bill to provide a program for honoring industry and other private efforts to contribute to the maintenance and enhancement of environmental quality; to the Committee on Merchant Marine and Fisheries.

H.R. 918. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain social security taxes, railroad retirement taxes, and civil service retirement contributions; to the Committee on Ways and Means.

H.R. 919. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. PEYSER (for himself, Mr. Rangel, and Mr. Keating):

H.R. 920. A bill to prevent the use of heroin for any drug maintenance program; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas:

H.R. 921. A bill for the establishment of a Council on Energy Policy; to the Committee on Interstate and Foreign Commerce.

H.R. 922. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise certain requirements for approval of new animal drugs; to the Committee on Interstate and Foreign Commerce.

H.R. 923. A bill to amend the Internal Revenue Code of 1954 to provide that the valuation of a decedent's interest in a ranch, farm, or closely held business may at the election of the executor be determined, for estate purposes, solely by reference to its value for such use; to the Committee on Ways and Means.

H.R. 924. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States; to the Committee on Ways and Means.

H.R. 925. A bill to amend title II of the Social Security Act to prove that no deductions on account of outside earnings will be made from the benefits of an individual who has attained age 65; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 926. A bill to make rules respecting military hostilities in the absence of a declaration of war; to the Committee on Foreign Affairs.

H.R. 927. A bill to amend the Internal Revenue Code of 1954 to allow the deduction of expenditures for food and lodging primarily for medical care; to the Committee on Ways and Means.

By Mr. QUIE (for himself and Mr. Hansen of Idaho):

H.R. 928. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 929. A bill to amend title 10 of the United States Code to permit senior Reserve officers' training programs to be established at public community colleges; to the Committee on Armed Services.

H.R. 930. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN (for himself and Mr. Railsback):

H.R. 931. A bill to amend the Internal Revenue Code of 1954 to increase from $650 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Way and Means.

By Mr. RAILSBACK:

H.R. 932. A bill to amend the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 933. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

H.R. 934. A bill to improve the private retirement system by allowing individuals to establish their own plans; to the Committee on Ways and Means.

H.R. 935. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing retirement plans to establish minimum standards for pension and profit-sharing retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. Alexander, Mr. Archer, Mr. Biester, Mr. Buchanan, Mr. Conte, Mr. Corman, Mr. Dellenback, Mr. Edwards of California, Mr. Erlenborn, Mr. Esch, Mr. Findley, Mr. Fish, Mr. Forsythe, Mr. Hansen of Idaho, Mr. Harrington, Mr. Heinz, Mr. Michel, Mr. Nichols, Mr. Pepper, Mr. Podell, Mr. Riegle, Mr. Shoup, Mr. Steiger of Wisconsin, and Mr. Charles H. Wilson of California):

H.R. 936. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. RAILSBACK (for himself, Mr. Anderson of Illinois, Mr. Biester, Mr. Bingham, Mr. Brasco, Mr. Clay, Mr. Coughlin, Mr. Dominick V. Daniels, Mr. Gude, Mr. Hanley, Mr. Helstoski, Mr. Howard, Mr. McDade, Mr. Matsunaga, Mr. Mosher, Mr. Myers, Mr. Nix, Mr. O'Neill, Mr. Preyer, Mr. Price of Illinois, Mr. Rodino, Mr. Mr. Rosenthal, Mr. Sandman, Mr. Sarbanes, Mr. Smith of New York, and Mr. Symington):

H.R. 937. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. RAILSBACK (for himself, Mr. Biester, Mr. Hechler of West Virginia, Mr. Hillis, Mr. Mann, Mr. Rees, Mr. Ruppe, Mr. Vander Jagt, Mr. Wyatt, and Mr. J. William Stanton).

H.R. 938. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. RANDALL:

H.R. 939. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

H.R. 940. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 941. A bill to amend the Uniform Time Act of 1966 in order to change the period during which daylight saving time shall be in effect in the United States to the period from Memorial Day to Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

H.R. 942. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out; to the Committee on the Judiciary.

H.R. 943. A bill to prevent any court of the United States from ordering a halt on environmental grounds of certain Federal construction projects after a certain amount of work on such project is completed; to the Committee on the Judiciary.

H.R. 944. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to States for the establishment, equipping, and operation of emergency communications centers to make the national emergency telephone number 911 available throughout the United States; to the Committee on the Judiciary.

H.R. 945. A bill to provide that the Secretary of the Treasury shall make a study of the overwithholding from wages of the Federal income tax and report, with legislative recommendtions, to the Congress; to the Committee on Ways and Means.

H.R. 946. A bill to amend the Internal Revenue Code of 1954 to provide interest on certain amounts withheld from wages and certain estimated payments of tax for purposes of the Federal income tax; to the Committee on Ways and Means.

H.R. 947. A bill to protect recipients of public assistance and medicaid benefits against loss of eligibility due to increases in social security benefits; to the Committee on Ways and Means.

H.R. 948. A bill to amend the Social Security Act to prohibit the payment of aid or assistance under approved State public assistance plans to aliens who are illegally within the United States; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 949. A bill to prohibit the redemption in gold of any obligations of the United States for, and to prohibit the sale of any gold of the United States to, any nation which is indebted to the United States; to the Committee on Banking and Currency.

H.R. 950. A bill to retrocede a portion of the District of Columbia to the State of Maryland; to the Committee on the District of Columbia.

H.R. 951. A bill to require the suspension of Federal financial assistance to colleges and universities failing to take appropriate corrective measures forthwith when experiencing campus disorders; and to require the suspension of Federal financial assistance to teachers participating in such disorders; to the Committee on Education and Labor.

H.R. 952. A bill to prohibit the expenditure of Federal funds by the Secretary of Health, Education, and Welfare to promote the fluoridation of public water supplies; to the Committee on Interstate and Foreign Commerce.

H.R. 953. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

H.R. 954. A bill to require judges of courts of the United States to file confidential financial statements with the Comptroller General of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 955. A bill to impose certain restrictions upon the appellate jurisdiction of the Supreme Court; to the Committee on the Judiciary.

H.R. 956. A bill to amend section 242 of ttitle 18, United States Code, to prohibit deprivation of rights under color or any statute, treaty, order, rule, or regulation implementing decisions of the United Nations; to the Committee on the Judiciary.

H.R. 957. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 958. A bill to provide for the increase capcacity and the improvement of operations of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H. R. 959. A bill to provide for the issuance of a commorative postage stamp in honor of the brave men who served on the U.S.S. *Liberty* and the U.S.S. *Pueblo;* to the Committee on Post Office and Civil Service.

H.R. 960. A bill to amend section 138 of the Legislative Reorganization Act of 1946 so as to provide for the reduction of the public debt by at least 10 percent of the estimated overall Federal receipts for each fiscal year; to the Committee on Rules.

H.R. 961. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

H.R. 962. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,800 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 963. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for tuition expenses incurred in providing elementary and secondary education; to the Committee on Ways and Means.

H.R. 964. A bill to amend the Internal Revenue Code of 1954 to require each tax-exempt organization to file an annual information return showing each source (including governmental sources) of its income and other receipts, and to provide for a loss of tax exemption in the case of willful failure to file, or fraudulent statements made in connection with, such return; to the Committee on Ways and Means.

H.R. 965. A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt organizations which engage in activities of carrying on propaganda, or otherwise attempting to influence legislation, shall lose their exemption from tax; to the Committee on Ways and Means.

H.R. 966. A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt organizations which voluntarily engage in litigation for the benefit of third parties, or commit other prohibited acts, shall lose their exemption from tax; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. Aspin, Mr. Badillo, Mr. Bergland, Mr. Bingham, Mr. Brademas, Mr. Carney of Ohio, Mrs. Chisholm, Mr. Conyers, Mr. Diggs, Mr. Dingell, Mr. Drinan, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Fauntroy, Mr. Flood, Mr. William D. Ford, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Hicks, Mr. Kastenmeier, Mr. Koch, and Mr. Kyros):

H.R. 967. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. Lehman, Mr. Long of Maryland, Mr. Madden, Mr. Meeds, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Nedzi, Mr. Nix, Mr. Obey, Mr. Podell, Mr. Price of Illinois, Mr. Rees, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Seiberling, Mr. James V. Stanton, Mr. Stark, Mr. Stokes, and Mr. Studds):

H.R. 968. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. Symington, Mr. Tiernan, Mr. Waldie, Mr. Charles H. Wilson of California, Mr. Yatron, and Mr. Zablocki):

H.R. 969. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. RHODES (for himself, Mr. Collins, Mr. Findley, Mr. Mayne, Mr. Davis of Wisconsin, Mr. Baker, Mr. Conable, Mr. Thomson of Wisconsin, Mr. Butler, Mr. Sebelius, Mr. Shoup, Mr. Wyman, Mr. Archer, Mr. Huber, Mr. Steiger of Wisconsin, Mr. Cleveland, Mr. Talcott, Mr. Ware, Mr. Michel, Mr. Pritchard, Mr. Ketchum, Mr. Scherle, Mr. Steiger of Arizona, Mr. Mizell, and Mr. Conte):

H.R. 970. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RHODES (for himself, Mr. Conlan, Mr. Miller of Ohio, Mr. Broyhill of North Carolina, Mr. Cronin, Mr. Robinson of Virginia, Mr. Anderson of Illinois, Mr. Young of Florida, and Mr. Kemp):

H.R. 971. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RIEGLE:

H.R. 972. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

By Mr. ROBERTS:

H.R. 973. A bill to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans Day; to the Committee on the Judiciary.

H.R. 974. A bill designating the Texarkana Dam and Reservoir on the Sulphur River as the Wright Patman Dam and Lake; to the Committee on Public Works.

By Mr. ROBINSON of Virginia:

H.R. 975. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. RODINO:

H.R. 976. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare plans; to the Committee on Education and Labor.

H.R. 977. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

H.R. 978. A bill to establish an independent and regionalized Federal Board of Parole, to provide for fair and equitable parole procedures, and for other purposes; to the Committee on the Judiciary.

H.R. 979. A bill to amend title 18 of the United States Code to enable the Federal criminal justice system to deal more effectively with the problem of narcotic addiction, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable the States and municipalities to deal more effectively with that problem, and for other related purposes; to the Committee on the Judiciary.

H.R. 980. A bill to amend the Immigration and Nationality Act to provide for the issuance of nonimmigrant visas to certain aliens entering the United States under contracts of employment, and for other purposes; to the Committee on the Judicairy.

H.R. 981. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 982. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 983. A bill to amend section 312 of the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 984. A bill to amend section 319 of the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 985. A bill to amend sections 320 and 321 of the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 986. A bill to insure orderly congressional review of tax preferences and other items which narrow the income tax base; to the Committee on Ways and Means.

H.R. 987. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 988. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

H.R. 989. A bill to provide for the striking of medals in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus (Mikolaj Kopernik), the founder of modern astronomy; to the Committee on Banking and Currency.

H.R. 990. A bill to provide for the awarding of a Medal of Honor for Policemen and a Medal of Honor for Firemen; to the Committee on Banking and Currency.

H.R. 991. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes; to the Committee on Banking and Currency.

H.R. 992. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons; to the Committee on Banking and Currency.

H.R. 993. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

H.R. 994. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the various ethnic groups in the Nation; to the Committee on Education and Labor.

H.R. 995. A bill to provide Federal assistance to States for improving elementary and secondary teachers' salaries for meeting the urgent needs of elementary and secondary education, and for other purposes; to the Committee on Education and Labor.

H.R. 996. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

H.R. 997. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

H.R. 998. A bill to amend and expand the Emergency Employment Act of 1971 to reduce national unemployment and stimulate noninflationary economic growth; to the Committee on Education and Labor.

H.R. 999. A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes; to the Committee on Education and Labor.

By Mr. HECHLER of West Virginia (for himself, Mr. ASHLEY, Mr. ASPIN, Mr. BIESTER, Mr. CONTE, Mr. COTTER, Mr. ECKHARDT, Mr. FASCELL, Mr. FULTON, Mr. MCCLOSKEY, Mr. METCALFE, Mrs. MINK, Mr. MITCHELL of Maryland, Mr. MOSHER, Mr. MOSS, Mr. OBEY, Mr. PEYSER, Mr. REUSS, Mr. RIEGLE, Mr. ROUSH, Mr. SANDMAN, Mr. SEIBERLING, Mr STARK, Mr. VANIK, and Mr. WILLIAMS):

H.R. 1000. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROE:

H.R. 1001. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

H.R. 1002. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

H.R. 1003. A bill to establish in the Department of Health, Education, and Welfare an Office for the Handicapped to coordinate programs for the handicapped, and for other purposes; to the Committee on Education and Labor.

H.R. 1004. A bill to amend the Vocational Rehabilitation Act to provide special services, artificial kidneys, and supplies necessary for the treatment of individuals suffering from end stage renal disease; to the Committee on Education and Labor.

H.R. 1005. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

H.R. 1006. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

H.R. 1007. A bill to promote international cooperation in United Nations efforts to protect the world's oceans and atmosphere; to the Committee on Foreign Affairs.

H.R. 1008. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

H.R. 1009. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit rescue squads to obtain surplus property; to the Committee on Government Operations.

H.R. 1010. A bill to amend section 1905 of title 44 of the United States Code relating to depository libraries; to the Committee on House Administration.

H.R. 1011. A bill to amend the Federal Aviation Act of 1958 to require that any air carrier proposing to discontinue any air transportation to or from any point named in its certificate must give notice thereof at least 60 days in advance of the proposed discontinuance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1012. A bill to require that all school buses be equipped with seat belts for passengers and seat backs of sufficient height to prevent injury to passengers; to the Committee on Interstate and Foreign Commerce.

H.R. 1013. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1014. A bill to provide a system for the regulation of the distribution and use of toxic chemicals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1015. A bill to amend the Public Health Service Act so as to add to such Act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

H.R. 1016. A bill to establish a commission to review United States antitrust law; to the Committee on the Judiciary.

H.R. 1017. A bill to permit collective negotiation by professional retail pharmacists with third-party prepaid prescription program administrators and sponsors; to the Committee on the Judiciary.

H.R. 1018. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes; to the Committee on the Judiciary.

H.R. 1019. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

H.R. 1020. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 1021. A bill to amend title 18 of the United States Code to permit the mailing of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by a State agency; to the Committee on the Judiciary.

H.R. 1022. A bill to establish a Commission on Penal Reforms; to the Committee on the Judiciary.

H.R. 1023. A bill to limit the authority of States and their subdivisions to impose taxes with respect to income on residents of other States; to the Committee on the Judiciary.

H.R. 1024. A bill to amend the National Environmental Policy Act of 1969 to require that environmental impact statements be included in agency reports on bills and resolutions being considered by the Congress; to the Committee on Merchant Marine and Fisheries.

H.R. 1025. A bill to provide for the issuance of a commemorative postage stamp in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus (Mikolaj Kopernik), the founder of modern astronomy; to the Committee on Post Office and Civil Service.

H.R. 1026. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1027. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1028. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

H.R. 1029. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1030. A bill to amend title III of the act of March 3, 1933, commonly referred to as the "Buy American Act," with respect to determining when the cost of certain articles, materials, or supplies is unreasonable; to define when articles, materials, and supplies have been mined, produced, or manufactured in the United States; to make clear the right of any State to give preference to domestically produced goods in purchasing for public use, and for other purposes; to the Committee on Public Works.

H.R. 1031. A bill to amend the Disaster Relief Act of 1970 to provide that community disaster grants be based upon loss of budgeted revenue; to the Committee on Public Works.

H.R. 1032. A bill to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

H.R. 1033. A bill to amend the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

H.R. 1034. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas, and for other purposes; to the Committee on Public Works.

H.R. 1035. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

H.R. 1036. A bill to authorize the National

Science Foundaton to conduct research, education, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

H.R. 1037. A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes; to the Committee on Science and Astronautics.

H.R. 1038. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

H.R. 1039. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Mr. CORMAN (for himself, Mr. Aspin, Mr. Bolling, Mr. Brown of California, Mr. Brademas, Mrs. Chisholm, Mr. Dingell, Mr. Drinan, Mr. Dulski, Mr. Edwards of California, Mr. Fraser, Mr. Harrington, Mr. Hechler of West Virginia, Mr. McFall, Mr. Madden, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Nix, Mr. Obey, Mr. Price of Illinois, Mr. Rees, Mr. Reuss, Mr. Rodino, Mr. Roybal, Mr. Charles H. Wilson of California):

H.R. 1040. A bill to broaden the income tax base, provide equity among taxpayers, and to otherwise reform the income and estate tax provisions; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Conyers, Mr. Danielson, Mr. Dellums, Mr. Eilberg, Mr. William D. Ford, Mr. Hawkins, Mr. Helstoski, Mr. Kyros, Mr. Johnson of California, Mr. Meeds, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Rangel, Mr. Rosenthal, Mr. Stokes, Mr. Studds, Mr. Van Deerlin, and Mr. Waldie):

H.R. 1041. A bill to broaden the income tax base, provide equity among taxpayers, and to otherwise reform the income and estate tax provisions; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 1042. A bill to amend title 38, United States Code to increase the amount of veterans benefits for burial and funeral expense allowances from the present $250 to $750; to the Committee on Veterans' Affairs.

H.R. 1043. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

H.R. 1044. A bill to provide for the expansion of the Beverly National Cemetery in or near Beverly, Burlington County, N.J.; to the Committee on Veterans' Affairs.

H.R. 1045. A bill to provide a program of tax adjustment for small business and for persons engaged in small business; to the Committee on Ways and Means.

H.R. 1046. A bill to amend the Internal Revenue Code of 1954 to provide that employees receiving lump sums from tax-free pension or annuity plans on account of separation from employment shall not be taxed at the time of distribution to the extent that an equivalent amount is reinvested in another such plan; to the Committee on Ways and Means.

H.R. 1047. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

H.R. 1048. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education to the Committee on Ways and Means.

H.R. 1049. A bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65 to the Committee on Ways and Means.

H.R. 1050. A bill to provide that State and local sales taxes paid by individuals shall be allowed as a credit against their liability for Federal income tax instead of being allowed as a deduction from their gross income; to the Committee on Ways and Means.

H.R. 1051. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

H.R. 1052. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 1053. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

H.R. 1054. A bill to amend the Social Security Act to establish a national catastrophic illness and insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at reasonable costs; to the Committee on Ways and Means.

H.R. 1055. A bill to encourage States to establish abandoned automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

H.R. 1056. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology and production, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 1057. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out, or when game times differ; to the Committee on the Judiciary.

By Mr. ROGERS (for himself, Mr. Staggers, Mr. Satterfield, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Hastings, Mr. Moss, Mr. Van Deerlin, Mr. Pickle, Mr. Murphy of New York, Mr. Tiernan, Mr. Podell, Mr. Adams, Mr. Carney of Ohio, Mr. Rooney of Pennsylvania, and Mr. Frey):

H.R. 1058. A bill to establish a Department of Health; to the Committee on Government Operations.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Hastings, and Mr. Robison of New York):

H.R. 1059. A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to assure that the public is provided with safe drinking water, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of New York:

H.R. 1060. A bill to enable the mothers and widows of deceased members of the Armed Forces now interred in cemeteries outside the continental limits of the United States to make a pilgrimage to such cemeteries; to the Committee on Armed Services.

H.R. 1061. A bill to establish a Department of Health; to the Committee on Government Operations.

H.R. 1062. A bill to amend the Civil Service Retirement Act to increase to 2½ percent the multiplication factor for determining annuities for certain Federal employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

H.R. 1063. A bill to include inspectors of the Immigration and Naturalization Service or the Bureau of Customs within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in hazardous occupations; to the Committee on Post Office and Civil Service.

H.R. 1064. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania:

H.R. 1065. A bill to establish and prescribe the duties of a Federal boxing commission for the purpose of insuring that the channels of interstate commerce are free from false or fraudulent descriptions or depictions of professional boxing contests; to the Committee on Interstate and Foreign Commerce.

H.R. 1066. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1067. A bill to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1068. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware; to the Committee on Interstate and Foreign Commerce.

H.R. 1069. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1070. A bill to extend to volunteer fire companies and voluteer ambulance and rescue companies the rates of postage on second class and third class bulk mailings applicable to certain nonprofit organizations; to the Committee on Post Office and Civil Service.

H.R. 1071. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania (for himself and Mr. Schneebeli):

H.R. 1072. A bill to amend chapter 26 of title 49 of the United States Code to provide that compressed gas cylinders shipped in interstate commerce be inspected in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. Abzug, Mr. ANNUNZIO, Mr. BADILLO, Mr. BRASCO, Mr. EILBERG, Mrs. GRASSO, Mr. GUDE, Mr. HECHLER of West Virginia, Mr. McCLORY, Mr. MOORHEAD of Pennsylvania, Mr. PODELL, Mr. RANGEL, Mr. RODINO, Mr. ROYBAL, and Mr. WOLFF):

H.R. 1073. A bill to establish the Airport Noise Curfew Commission and to define its functions and duties; to the Committee on Interstate and Foreign Commerce.

Mr. ROYBAL:

H.R. 1074. A bill to amend the Federal Meat Inspection Act to change the ingredient requirements for meat food products subject to this act, and for other purposes; to the Committee on Agriculture.

H.R. 1075. A bill to provide that the membership of local selective service boards reflect the ethnic and economic nature of the areas served by such boards; to the Committee on Armed Services.

H.R. 1076. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes; to the Committee on Armed Services.

H.R. 1077. A bill to provide for the treatment of members of the Armed Forces who are narcotics addicts; to the Committee on Armed Services.

H.R. 1078. A bill to amend the Military Procurement Act of 1970 to prohibit the future transportation, deployment, storage, or disposal of chemical and biological warfare munitions outside the United States; to the Committee on Armed Services.

H.R. 1079. A bill to require the Department of Defense to determine disposal dates and methods of disposing of certain military material; to the Committee on Armed Services.

H.R. 1080. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes; to the Committee on Armed Services.

H.R. 1081. A bill to amend the Lead-Based Paint Poisoning Prevention Act; to the Committee on Banking and Currency.

H.R. 1082. A bill to amend the National Flood Insurance Act of 1968 to provide protection thereunder against losses resulting from earthquakes and earthslides; to the Committee on Banking and Currency.

H.R. 1083. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Eductaion and Labor.

H.R. 1084. A bill to encourage States to increase the proportion of the expenditures in the State for public education which are derived from State rather than local revenue sources; to the Committee on Education and Labor.

H.R. 1085. A bill to authorize special appropriations for training teachers for bilingual education programs; to the Committee on Education and Labor.

H.R. 1086. A bill to authorize the U.S. Commissioner of Education to make grants to elementary schools and other educational institutions for the conduct of special educational programs and activities concerning the use of for other related educational purposes; to the Committee on Education and Labor.

H.R. 1087. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

H.R. 1088. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

H.R. 1089. A bill to establish and protect the rights of day laborers; to the Committee on Education and Labor.

H.R. 1090. A bill to require contractors of departments and agencies of the United States engaged in the production of motion picture films to pay prevailing wages; to the Committee on Education and Labor.

H.R. 1091. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

H.R. 1092. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

H.R. 1093. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

H.R. 1094. A bill to provide for increases in the readjustment allowances of Peace Corps volunteers and volunteer leaders, and to provide for the depositing of such allowances in savings accounts; to the Committee on Foreign Affairs.

H.R. 1095. A bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service; to the Committee on Foreign Affairs.

H.R. 1096. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Government Operations.

H.R. 1097. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

H.R. 1098. A bill to restore the right to vote in Federal elections to certain disenfranchised citizens; to the Committee on House Administration.

H.R. 1099. A bill to provide for the simultaneous closing of polling places on election day throughout the United States; to the Committee on House Administration.

H.R. 1100. A bill to provide for the creation of an Authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902; to the Committee on Interior and Insular Affairs.

H.R. 1101. A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1102. A bill to amend the Federal Aviation Act of 1958, to authorize free or reduced rate transportation for severely handicapped persons and persons in attendance, when the severely handicapped person is traveling with such an attendant; to the Committee on Interstate and Foreign Commerce.

H.R. 1103. A bill to prevent aircraft piracy by requiring the use of metal detection devices to inspect all passengers and baggage boarding commercial aircraft in the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 1104. A bill to insure international cooperation in the prosecution or extradition to the United States of persons alleged to have committed aircraft piracy against the laws of the United States or international law; to the Committee on Interstate and Foreign Commerce.

H.R. 1105. A bill to provide implementation of the Federal Trade Commission Act to give increased protection to consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1106. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

H.R. 1107. A bill to amend the Federal Food, Drug, and Cosmetic Act in order to provide for the registration of manufacturers of cosmetics, the testing of cosmetics, and the labeling of cosmetics, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1108. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1109. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

H.R. 1110. A bill to establish a national power grid system, for the purpose of assuring an adequate and reliable low-cost electric power supply consistent with the enhancement of environmental values and the preservation of competition in the electric power industry; to the Committee on Interstate and Foreign Commerce.

H.R. 1111. A bill to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology; to the Committee on Interstate and Foreign Commerce.

H.R. 1112. A bill to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social, and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease; to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations or the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1113. A bill to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation; to the Committee on Interstate and Foreign Commerce.

H.R. 1114. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

H.R. 1115. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities; to the Committee on the Judiciary.

H.R. 1116. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide increased assistance to correctional programs, to establish more detailed guidelines for such programs, and to create a streamlined administration of such assistance; to the Committee on the Judiciary.

H.R. 1117. A bill to provide Federal assistance to State and local governments for the purpose of developing and improving communication procedures and facilities with respect to the prompt and efficient dispatch of police, fire, rescue, and other emergency services; to the Committee on the Judiciary.

H.R. 1118. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 1119. A bill to amend section 1114 of title 18 of the United States Code to extend Federal protection to certain officers and employees of the General Services Administration; to the Committee on the Judiciary.

H.R. 1120. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

H.R. 1121. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation; to the Committee on the Judiciary.

H.R. 1122. A bill to amend section 242(b) of the Immigration and Nationality Act to require special deportation proceedings in connection with the voluntary departure from the United States of any alien who is a native of a country contiguous to the United States; to the Committee on Judiciary.

H.R. 1123. A bill to provide reimbursement to certain individuals for medical relief for physical injury suffered by them that is directly attributable to the explosions of the atomic bombs on Hiroshima and Nagasaki, Japan, in August 1945 and the radioactive fallout from those explosions; to the Committee on the Judiciary.

H.R. 1124. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material or other refuse without a certification by the Environmental Protection Agency approving such discharge; to the Committee on Merchant Marine and Fisheries.

H.R. 1125. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

H.R. 1126. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service as an enrollee of the Civilian Conservation Corps, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1127. A bill to amend title 5 of the United States Code to extend to employees retired on account of disability prior to October 1, 1956, the minimum annuity base established for those retired after that date; to the Committee on Post Office and Civil Service.

H.R. 1128. A bill to amend the Disaster Relief Act of 1970 to provide for the mandatory development and maintenance by States of disaster preparedness plans, to provide for the annual testing of such plans, to increase the amount of Federal assistance in the case of approved plans, and for other purposes; to the Committee on Public Works.

H.R. 1129. A bill to provide for contributions by the Federal Government to repair, restore, reconstruct, or replace nonprofit hospitals under the provisions of the Disaster Relief Act of 1970; to the Committee on Public Works.

H.R. 1130. A bill to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster; to the Committee on Public Works.

H.R. 1131. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

H.R. 1132. A bill to provide for the establishment of a national cemetery in Los Angeles County in the State of California; to the Committee on Veterans' Affairs.

H.R. 1133. A bill to amend section 351 of title 38, United States Code, to enlarge the class of persons entitled to benefits thereunder to include veterans suffering injury or death as a result of natural disaster occurring while they undergo treatment in a Veterans' Administration facility, and the dependents of such veterans; to the Committee on Veterans' Affairs.

H.R. 1134. A bill to amend title 38 of the United States Code to provide that any social security benefit increases provided for by Public Law 92–336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

H.R. 1135. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 1136. A bill to amend the Federal Insurance Contributions Act to provide a method for assuring that social security taxes deducted from an employee's wages are actually forwarded to the Treasury and credited to such employee's account; to the Committee on Ways and Means.

H.R. 1137. A bill to amend the Social Security Act to establish a national system of minimum retirement payments for all aged, blind, and disabled individuals; to the Committee on Ways and Means.

H.R. 1138. A bill to amend the Social Security Act to establish a national system of minimum retirement payments for all aged, blind, and disabled individuals; to the Committee on Ways and Means.

H.R. 1139. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

H.R. 1140. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

H.R. 1141. A bill to amend section 592 of the Tariff Act of 1930, and for other purposes; to the Committee on Ways and Means.

H.R. 1142. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

H.R. 1143. A bill to establish a Transportation Trust Fund, to encourage urban mass transportation, and for other purposes; to the Committee on Ways and Means.

H.R. 1144. A bill to authorize grants to the Deganawidah-Quetzalcoatl University; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself, Mr. ANDERSON of California, Mr. BADILLO, Mr. BELL, Mr. BURTON, Mr. CONYERS, Mr. CORMAN, Mr. EDWARDS of California, Mr. HAWKINS, Mr. MCFALL, Mr. MITCHELL of Maryland, Mr. MURPHY of New York, Mr. PODELL, Mr. REES, Mr. RIEGLE, Mr. WALDIE, Mr. HELSTOSKI, and Mr. MOSS):

H.R. 1145. A bill to authorize grants to the Deganawidah-Quetzalcoatl University; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself, Mr. BRASCO, Mr. CONYERS, Mr. DANIELSON, Mr. EDWARDS of California, Mr. FUQUA, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. ROSENTHAL, Mr. CHARLES H. WILSON of California, Mr. WOLFF, and Mr. HARRINGTON):

H.R. 1146. A bill to establish a program to replace, through the cooperative efforts of Federal, State, and local governments, elementary and secondary schools which are in a dangerous location or unsafe condition or are otherwise deficient; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself and Mr. EDWARDS of California):

H.R. 1147. A bill to amend section 312(1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. ROYBAL (for himself, Mr. BENNETT, Mr. BURTON, Mr. DANIELSON, Mr. HARRINGTON, Mr. MCFALL, Mrs. MINK, Mr. MURPHY of New York, Mr. REES, Mr. SISK, Mr. VAN DEERLIN, and Mr. WALDIE):

H.R. 1148. A bill to amend the Internal Revenue Code of 1954 to provide that any resident of the Republic of the Philippines may be a dependent for purposes of the income tax deduction for personal exemptions; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 1149. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in the amount of any old-age insurance benefit to which an individual is entitled if such individual has 120 quarters of coverage, and to provide that an individual with 120 quarters of coverage may become entitled to medicare benefits at age 62; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 1150. A bill to repeal chapter 44 of title 18, United States Code (relating to firearms), and to reenact the Federal Firearms Act; to the Committee on the Judiciary.

H.R. 1151. A bill to amend section 118(c) of title 28, United States Code, to establish a place for the holding of Federal district court in Johnstown, Pa.; to the Committee on the Judiciary.

H.R. 1152. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1153. A bill to amend title 5, United States Code, to provide for the mandatory separation from Government service of all officers and employees thereof at the age of 70 years; to the Committee on Post Office and Civil Service.

H.R. 1154. A bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project"; to the Committee on Public Works.

H.R. 1155. A bill to amend title 38 of the United States Code to provide a special pension for veterans of World War I and their widows; to the Committee on Veterans' Affairs.

H.R. 1156. A bill to provide for the establishment of a national cemetery in the Commonwealth of Pennsylvania, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1157. A bill to amend title 38 of the United States Code to provide that any 5-year level premium term plan policy of national service life insurance shall be deemed paid when premiums paid in, less dividends, equal the amount of the policy; to the Committee on Veterans' Affairs.

H.R. 1158. A bill to amend title 38 of the United States Code to provide that any 5-year level premium term plan policy of U.S. Government life insurance shall be deemed paid when premiums paid in, less dividends, equal the amount of the policy; to the Committee on Veterans' Affairs.

H.R. 1159. A bill to amend the Internal Revenue Code I of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

H.R. 1160. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 1161. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. SCHERLE:

H.R. 1162. A bill to amend the Federal Meat Inspection Act to provide for more effective inspection of imported meat and meat products to prevent the importation of diseased, contaminated, or otherwise unwholesome meat and meat products; to the Committee on Agriculture.

H.R. 1163. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

H.R. 1164. A bill to require the Secretary of Agriculture to carry out a Rural Environmental Assistance Program; to the Committee on Agriculture.

H.R. 1165. A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association; to the Committee on Education and Labor.

H.R. 1166. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and Labor.

H.R. 1167. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 15 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee in Education and Labor.

H.R. 1168. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

H.R. 1169. A bill to amend the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and of classified information released to industry against acts of subversion, and for other purposes; to the Committee in Internal Security.

H.R. 1170. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1171. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise certain requirements for approval of new animal drugs; to the Committee on Interstate and Foreign Commerce.

H.R. 1172. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 1173. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1174. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

H.R. 1175. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHNEEBELI (for himself and Mr. Gerald R. Ford):

H.R. 1176. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. SHIPLEY:

H.R. 1177. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Wabash Valley Basin environmental conservation program; to the Committee on Agriculture.

H.R. 1178. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1179. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 1180. A bill to repeal the Gun Control Act of 1968, to reenact the Federal Firearms Act, to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

H.R. 1181. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for income tax purposes of expenses incurred by an individual for transportation to and from work by automobile; to the Committee on Ways and Means.

H.R. 1182. A bill to amend the Internal Revenue Code of 1954 to provide that amounts not in excess of $500 a year received by volunteer firemen shall not be subject to income tax; to the Committee on Ways and Means.

H.R. 1183. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of the income of a retired teacher shall be exempt from income tax; to the Committee on Ways and Means.

H.R. 1184. A bill to permit public school teachers (and other public school employees) who do not have coverage pursuant to State agreement under the Federal old-age survivors, and disability insurance system to elect coverage under such system as self-employed individuals; to the Committee on Ways and Means.

By Mr. SMITH of Iowa (for himself and Mr. Roe):

H.R. 1185. A bill to amend the Packers and Stockyards Act of 1921, as amended, to prohibit slaughter of livestock under certain conditions which reduce the bargaining power of livestock producers generally and interfere with a free market, and for other purposes; to the Committee on Agriculture.

H.R. 1186. A bill to authorize the establishment and maintenance of reserve supplies of soybeans, corn, grain sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes; to the Committee on Agriculture.

H.R. 1187. A bill to amend title 37 of the United States Code in order to provide certain enlisted members and commissioned officers of the Armed Forces with transportation to and from the homes of their next of kin; to the Committee on Armed Services.

H.R. 1188. A bill to authorize loans for study at nonprofit institutions of higher education; to the Committee on Education and Labor.

H.R. 1189. A bill to amend section 715 of title 32 of the United States Code to provide that claims for damage or injury caused by members of the Army or Air National Guard shall be allowed under such section notwithstanding the availability of remedies against the States for such damage or injury; to the Committee on the Judiciary.

H.R. 1190. A bill to amend the Internal Revenue Code to regulate and prevent multiple taxation of certain kinds of income; to the Committee on the Judiciary.

H.R. 1191. A bill to require the consideration of environmental and other factors, and the stockpiling and replacement of soil on all public works projects and highway and other projects which are federally assisted, on federally held land, and on projects which affect commerce among the States, or the general welfare and quality of life of the Nation; to the Committee on Public Works.

By Mr. SMITH of Iowa (for himself and Mr. Scherle):

H.R. 1192. A bill to provide for the establishment of a veterinary biologics facility by the U.S. Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. STEIGER of Arizona:

H.R. 1193. A bill to authorize the partition of the surface rights in the joint use area of the 1882 Executive Order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1194. A bill to facilitate the incorporation of the reclamation townsite of Page, Ariz., Glen Canyon unit, Colorado River storage project, as a municipality under the laws of the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1195. A bill to amend title 18 of the United States Code to provide penalties for fixing certain horse or dog races, and for other purposes; to the Committee on the Judiciary.

H.R. 1196. A bill to provide for the taxation and registration of persons engaged in the business of conducting certain horse or dog racing meetings, and for other purposes; to the Committee on Ways and Means.

By Mr. STEIGER of Wisconsin (for himself, Mr. Biester, Mr. Railsback, and Mr. Frey):

H.R. 1197. A bill to establish a Youth Council in the Executive Office of the President; to the Committee on Education and Labor.

By Mr. STEPHENS (for himself and Mr. Landrum):

H.R. 1198. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES:

H.R. 1199. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 1200. A bill to amend section 6(o) of the Military Service Act of 1967 to exempt from service an individual where such individual's mother's death was service connected, and for other purposes; to the Committee on Armed Services.

H.R. 1201. A bill to amend section 3287 of title, United States Code, to authorize the crediting of prior active commissioned service in any Armed Force to officers appointed in the Regular Army; to the Committee on Armed Services.

By Mr. STRATTON (for himself, Mr. WALSH):

H.R. 1202. A bill to amend the Bank Holding Company Act Amendments of 1970 to authorize grants to Eisenhower College, Seneca Falls, N.Y.; to the Committee on Banking and Currency.

By Mr. STRATTON:

H.R. 1203. A bill to amend chapter 81 of subpart G of title 5, United States Code, relating to compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 1204. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials and elected town and township officials; to the Committee on Government Operations.

H.R. 1205. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1206. A bill to amend the Flammable Fabrics Act to extend the provisions of that act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; to the Committee on Interstate and Foreign Commerce.

H.R. 1207. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1208. A bill to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1209. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law officers grievances and to establish a law enforcement officers bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

H.R. 1210. A bill to provide death benefits to survivors of certain public safety and law enforcement personnel, and public officials concerned with the administration of criminal justice and corrections, and for other purposes; to the Committee on the Judiciary.

H.R. 1211. A bill to establish a National Police Academy, and for other purposes; to the Committee on the Judiciary.

H.R. 1212. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

H.R. 1213. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

H.R. 1214. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1215. A bill to amend title 5, United States Code, to provide special annuities for certain employees separated from the service as a result of reduction in force actions, closing or transfer of bases and other organizational units, and abolishment of positions, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1216. A bill to abolish the Commission for Extension of the U.S. Capitol, to repeal the authority for the extension of the west-central front of the U.S. Capitol, and for other purposes; to the Committee on Public Works.

H.R. 1217. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

H.R. 1218. A bill to amend title III of the act of March 3, 1933, commonly known as the Buy American Act, with respect to determining when the cost of certain articles, materials, or supplies is unreasonable, and for other purposes; to the Committee on Public Works.

H.R. 1219. A bill to provide for the creation of the National Fire Academy, and for other purposes; to the Committee on Science and Astronautics.

H.R. 1220. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes; to the Committee on Science and Astronautics.

H.R. 1221. A bill to extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs; to the Committee on Science and Astronautics.

H.R. 1222. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

H.R. 1223. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Sciences and Astronautics.

H.R. 1224. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Astronautics.

H.R. 1225. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and self-contained breathing apparatus; to the Committee on Science and Astronautics.

H.R. 1226. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the Armed Forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

H.R. 1227. A bill to amend title 38 of the United States Code in order to establish a program providing 52 weeks of assured employment to Vietnam era veterans unable to find work; to the Committee on Veterans' Affairs.

H.R. 1228. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 1229. A bill to amend the Internal Revenue Code of 1954 to provide a 30-percent credit against the individual income tax for amounts paid as tuition or fees to certain public or private institutions of higher education; to the Committee on Ways and Means.

H.R. 1230. A bill to amend title II of the Social Security Act to reduce from 72 to 70 the age at which deductions on account of an individual's outside earnings will cease to be made from benefits based on such individual's wage record; to the Committee on Ways and Means.

By Mr. STUCKEY:

H.R. 1231. A bill to provide for the establishment of residential treatment centers for emotionally disturbed children in the District of Columbia; to the Committee on District of Columbia.

By Mr. SYMMS:

H.R. 1232. A bill to permit American citizens to own gold; to the Committee on Banking and Currency.

H.R. 1233. A bill to repeal certain provisions of law relating to the private carriage of letters, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE of Texas (for himself, Mr. MOSHER, and Mr. McCORMACK):

H.R. 1234. A bill to provide a national program in order to make the international metric system the predominant but not exclusive system of measurement in the United States and to provide for converting to the general use of such system within 10 years; to the Committee on Science and Astronautics.

By Mrs. SULLIVAN:

H.R. 1235. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to amend certain labeling provisions of the food, drug, and cosmetic chapters to assure adequate information for consumers, including cautionary labeling of articles where needed to prevent accidental injury; expand the coverage of the Delaney clause to apply to mutagenic and teratogenic agents; eliminate the grandfather clause for pre-1958 chemical additives used in food; require nutritional labeling of foods; require labeling of all ingredients in foods, listed in order of predominance; prohibit worthless ingredients in special dietary foods; authorize the establishment of standards for medical devices; require medical devices to be shown safe and efficacious before they are marketed commercially; require all antibiotics to be certified; provide for the certification of certain other drugs; require records and reports bearing on drug safety; limit the distribution of sample drugs; require cosmetics to be shown safe before they are marketed commercially; clarify and strengthen existing inspection authority; make additional provisions of the act applicable to carriers; provide for administrative subpenas; provide for strengthening and facilitating mutual cooperation and assistance, including training of personnel, in the administration of that act and of related State and local laws; prohibit the use of carcinogenic color additives in animal feeds; safeguard the health of children by banning sweetened or flavored aspirin from commerce; authorize a system of coding for prescription drugs; establish a U.S. Drug Compendium; provide additional authority to insure the wholesomeness of fish and fishery products; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of New Jersey (for himself and Mr. ASHBROOK):

H.R. 1236. A bill to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes; to the Committee on Education and Labor.

By Mr. THOMSON of Wisconsin:

H.R. 1237. A bill to amend the Internal Revenue Code of 1954 to provide that in the case of certain corporations net losses from farming shall not be deductible; to the Committee on Ways and Means.

By Mr. THONE:

H.R. 1238. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By Mr. THONE (for himself, Mr. Archer, Mr. Baker, Mr. Blackburn, Mr. Broomfield, Mr. Broyhill of North Carolina, Mr. Camp, Mr. Collins, Mr. Fish, Mr. Ichord, Mr. Jones of North Carolina, Mr. Lott, Mr. Mathis of Georgia, Mr. Mayne, Mr. Michel, Mr. Mizell, Mr. Railsback, Mr. Rarick, Mr. Rhodes, Mr. Scherle, Mr. Sebelius, Mr. Steiger of Arizona, Mr. Ware, and Mr. Winn):

H.R. 1239. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By Mr. THONE:

H.R. 1240. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. THONE (for himself, Mr. Anderson of Illinois, Mr. Archer, Mr. Baker, Mr. Blackburn, Mr. Broomfield, Mr. Broyhill of Virginia, Mr. Buchanan, Mr. Collins, Mr. Edwards of Alabama, Mr. Flowers, Mr. Ichord, Mr. Jones of North Carolina, Mr. Lott, Mr. Mann, Mr. Mathis of Georgia, Mr. Mizell, Mr. McClory, Mr. Railsback, Mr. Rarick, Mr. Rhodes, Mr. Scherle, Mr. Steiger of Arizona, and Mr. Ware):

H.R. 1241. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. THONE (for himself, Mr. Sebelius, and Mr. Bob Wilson):

H.R. 1242. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. TIERNAN:

H.R. 1243. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1244. A bill to suspend for a 3-year period the duty on fair stained and better india ruby mica films first or second quality; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 1245. A bill to regulate State presidential primary elections; to the Committee on House Administration.

H.R. 1246. A bill to designate as wilderness certain lands within the Chiricahua National Monument in the State of Arizona; to the Committee on Interior and Insular Affairs.

H.R. 1247. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens' suits and class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

H.R. 1248. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ULLMAN:

H.R. 1249. A bill to authorize the Secretary of Agriculture to reimburse cooperators for work performed which benefits Forest Service programs; to the Committee on Agriculture.

H.R. 1250. A bill to afford the people of the United States a sufficient time to vote in presidential elections; to the Committee on House Administration.

H.R. 1251. A bill to authorize the enrollment of qualified Klamath minors in Bureau of Indian Affairs residential schools, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1252. A bill to authorize the Secretary of the Interior to establish the John Day Fossil Beds National Monument in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1253. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of standards related to rear-mounted lighting systems; to the Committee on Interstate and Foreign Commerce.

H.R. 1254. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

H.R. 1255. A bill to amend the Internal Revenue Code of 1954 to allow Federal income tax returns to be inspected by a common tax auditing agent utilized by the States; to the Committee on Ways and Means.

H.R. 1256. A bill to amend section 5042 (a) (2) of the Internal Revenue Code of 1954 to permit individuals who are not heads of families to produce wine for personal consumption; to the Committee on Ways and Means.

H.R. 1257. A bill to suspend for a temporary period the import duty on tungsten ore and other materials in chief value of tungsten; to the Committee on Ways and Means.

By Mr. VAN DEERLIN (for himself and Mr. Conte):

H.R. 1258. A bill for the establishment of a Council on Energy Policy; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY:

H.R. 1259. A bill to provide for the issuance of $2 bills bearing the portrait of Susan B. Anthony; to the Committee on Banking and Currency.

H.R. 1260. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise certain requirements for approval of new animal drugs; to the Committee on Interstate and Foreign Commerce.

H.R. 1261. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 1262. A bill to provide increase in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WALDIE (for himself, Mr. Burton, Mr. Edwards of California, Mr. Dellums, Mr. Leggett, Mr. Hawkins, Mr. Corman, Mr. Van Deerlin, Mr. Stark, Mr. Fraser, Mr. Ryan, Mr. Roybal, Mr. Anderson of California, Mr. Koch, Mr. McCloskey, and Mr. Rees):

H.R. 1263. A bill to protect confidential sources of the news media; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.R. 1264. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

H.R. 1265. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 1266. A bill to provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Corporation, and for other purposes; to the Committee on House Administration.

H.R. 1267. A bill to amend the Horse Protection Act of 1970, to provide for criminal sanctions for any person who interferes with any person while engaged in the performance of his official duties under this act, and to change the authorization of appropriations; to the Committee on Interstate and Foreign Commerce.

H.R. 1268. A bill to amend the Public Health Service Act to provide medical care for certain retired merchant seamen, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1269. A bill to amend titles 39 and 18, United States Code, to prevent a seller or publisher from mailing goods, materials, or publications (or a bill therefor) to any individual pursuant to a purchase order or subscription bearing such individual's name without first confirming that such individual in fact sent the order or subscription; to the Committee on the Judiciary.

H.R. 1270. A bill to require the Secretary of the Interior to make a comprehensive study of the dolphin and porpoise for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

H.R. 1271. A bill to require the Secretary of the Interior to make a comprehensive study of the wolf for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

H.R. 1272. A bill to create a fund in the Treasury of the United States to be known as the Fund for Endangered Wildlife, to be administered by the Department of Interior, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1273. A bill to amend the Internal Revenue Code of 1954 to allow deductions for personal savings for retirement; to the Committee on Ways and Means.

H.R. 1274. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 1275. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1276. A bill to provide for determination through judicial proceedings of claims for compensation on account of disability or death resulting from disease or injury incurred or aggravated in line of duty while serving in the active military or naval service, including those who served during peacetime, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1277. A bill to amend the Internal Revenue Code to remove the limitations on the amount of medical and dental expenses which may be deducted, to permit taxpayers to deduct such expenses, to arrive at their adjusted gross income, and for other purposes; to the Committee on Ways and Means.

H.R. 1278. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for tuition and other educational expenses paid by him, whether for his own education or for the education of his spouse or a dependent or any other individual; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON of California:

H.R. 1279. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

H.R. 1280. A bill to amend the Federal Aviation Act of 1958 in order to provide for more effective control of aircraft noise; to the Committee on Interstate and Foreign Commerce.

H.R. 1281. A bill to amend title 5, United States Code, to protect civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights, to prevent unwarranted governmental invasions of their privacy, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1282. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1283. A bill to amend title 39, United States Code, to provide for the mailing of letter mail to Senators and Representatives in Congress at no cost to the sender, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1284. A bill to amend title 5, United States Code, to improve the administration of the leave system for Federal employees; to the Committee on Post Office and Civil Service.

H.R. 1285. A bill to revise the pay structure of the police forces of the Washington National Airport and Dulles International Airport, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1286. A bill to amend title 5, United States Code, to revise the pay structure for nonsupervisory positions of deputy U.S. marshal, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1287. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. WRIGHT (for himself, Mr. Roberts, Mr. Kazen, Mr. Milford, Mr. Brooks, Mr. Eckhardt, Mr. Young of Texas, Mr. Charles Wilson of Texas, Miss Jordan, Mr. Gonzalez, Mr. White, Mr. Fisher, Mr. Patman, Mr. Teague of Texas, Mr. Burleson of Texas, Mr. Poage, Mr. Casey of Texas, Mr. Pickle, Mr. Price of Texas, Mr. Archer, Mr. Mahon, and Mr. Steelman):

H.R. 1288. A bill concerning the allocation of water pollution control funds among the States in fiscal 1973 and fiscal 1974; to the Committee on Public Works.

By Mr. WYDLER:

H.R. 1289. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida:

H.R. 1290. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 1291. A bill to require public disclosure by certain recipients of Federal funds of information required to be kept by such recipients as a condition of receiving such funds; to the Committee on Government Operations.

H.R. 1292. A bill to require candidates for Federal elective office to resign any elective public office the term of which ends after the beginning of the term of such Federal office before filing in the general election for such Federal office; to the Committee on House Administration.

H.R. 1293. A bill to prohibit commercial flights by supersonic aircraft into or over the United States until certain findings are made by the Administrator of the Environmental Protection Agency and by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1294. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1295. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1296. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 1297. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 1298. A bill to amend section 700 of title 18, United States Code, relating to desecration of the flag of the United States; to the Committee on the Judiciary.

H.R. 1299. A bill to make displaying the flag of certain hostile countries treasonable; to the Committee on the Judiciary.

H.R. 1300. A bill to make Flag Day a legal public holiday; to the Committee on the Judiciary.

H.R. 1301. A bill for the relief of certain cities, counties, and government agencies of the State of Florida to compensate them for costs in connection with a "red tide" occurance; to the Committee on the Judiciary.

H.R. 1302. A bill to amend title 39, United States Code, to restrict the mailing of chain letters containing statements implying or predicting harm or misfortune to recipients failing to transmit the letters or copies thereof according to instructions therein, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1303. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

H.R. 1304. A bill to provide for national cemeteries in the central west coast area of the State of Florida; to the Committee on Veterans' Affairs.

H.R. 1305. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1306. A bill to amend title 38 of the United States Code to provide that one-half of any social security benefit increases provided for by Public Law 92-336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

H.R. 1307. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. YOUNG of Florida (for himself, Mr. Baker, Mr. Broomfield, Mr. Chappell, Mr. Frey, Mr. Gibbons, Mr. Kyros, Mr. Mann, Mr. Mitchell of Maryland, Mr. Mizell, Mr. Moorhead of Pennsylvania, Mr. Rangel, Mr. Robinson of Virginia, Mr. Rosenthal, Mr. Sandman, and Mr. Sikes):

H.R. 1308. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to require the establishment nationally of an emergency telephone call referral system using the telephone number 911 for such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida (for himself, Mr. Frenzel, Mr. Edwards of California, Mr. Esch, Mr. Gibbons, Mrs. Grasso, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Hillis, Mr. Hogan, Mr. Keating, Mr. Kemp, Mr. Leggett, and Mr. Mitchell of Maryland):

H.R. 1309. A bill to require the Secretary of Transportation to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH (for himself, Mr. Nelsen, Mr. Frenzel, and Mr. Quie):

H.R. 1310. A bill to further reduce Federal control of assets of rural rehabilitation corporations; to the Committee on Agriculture.

By Mr. ZABLOCKI (for himself, Mr. Hays, Mr. Nix, Mr. Fountain, Mr. Fraser, Mr. Thomson of Wisconsin, Mr. Broomfield, Mr. Findley, Mr. Mr. Fascell, Mr. Gibbons, Mr. Holifield, and Mr. Pepper):

H.J. Res. 2. Joint resolution concerning the war powers of Congress and the President; to the Committee on Foreign Affairs.

By Mr. ULLMAN:

H.J. Res. 3. Joint resolution proposing an amendment to the Constitution of the United States regarding the election of the President and Vice President and the nomination of candidates for the Presidency; to the Committee on the Judiciary.

By Mrs. SULLIVAN:

H.J. Res. 4. Joint resolution to authorize the President to proclaim the fourth Sunday in November in each year as "John Fitzgerald Kennedy Day"; to the Committee on the Judiciary.

By Mr. DULSKI:

H.J. Res. 5. Joint resolution requesting the President to issue a proclamation designating the week of April 23, 1973, as "Nicolaus Copernicus Week" marking the quinquecentennial of his birth; to the Committee on the Judiciary.

By Mr. ARCHER:

H.J. Res. 6. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

H.J. Res. 7. Joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.J. Res. 8. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.J. Res. 9. Joint resolution proposing an amendment to the Constiution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. BENNETT:

H.J. Res. 10. Joint resolution designating the third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

H.J. Res. 11. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations; to the Committee on the Judiciary.

H.J. Res. 12. Joint resolution to establish a Court of Ethics to hear complaints of unethical conduct in Government service; to the Committee on the Judiciary.

H.J. Res. 13. Joint resolution proposing an amendment to the Constitution to provide for the direct election of the President and the Vice President and to authorize Congress to establish procedures relating to the nomination of presidential and vice-presidential candidates; to the Committee on the Judiciary.

H.J. Res. 14. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

H.J. Res. 15. Joint resolution to authorize the establishment of a Joint Committee on Peace; to the Committee on Rules.

By Mr. BEVILL:

H.J. Res. 16. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mr. CEDERBERG:

H.J. Res. 17. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.J. Res. 18. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans Day; to the Committee on the Judiciary.

H.J. Res. 19. Joint resolution proposing an amendment to the Constitution of the United States with respect to compelling acts on the basis of race, creed, color, or national origin; to the Committee on the Judiciary.

By Mr. DOMINICK V. DANIELS:

H.J. Res. 20. Joint resolution to authorize and request the President to issue annually a proclamation designating the second Sunday of October of each year as "National Older Americans' Day"; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.J. Res. 21. Joint resolution relating to the war power of Congress; to the Committee on Foreign Affairs.

By Mr. DERWINSKI:

H.J. Res. 22. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. RARICK (for himself and Mr. Rousselot):

H.J. Res. 23. Joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the U.S. Government from engaging in business in competition with its citizens; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia:

H.J. Res. 24. Joint resolution designation of third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

H.J. Res. 25. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. BROYHILL of Virginia:

H.J. Res. 26. Joint resolution to adopt a specific version of the Star-Spangled Banner as the national anthem of the United States of America; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.J. Res. 27. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. FLYNT:

H.J. Res. 28. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

H.J. Res. 29. Joint resolution proposing an amendment to the Constitution of the United States relating to powers reserved to the several States; to the Committee on the Judiciary.

By Mr. FUQUA:

H.J. Res. 30. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

H.J. Res. 31. Joint resolution proposing an amendment to the Constitution to provide for the direct election of the President and the Vice President; to the Committee on the Judiciary.

H.J. Res. 32. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.J. Res. 33. Joint resolution proposing an amendment to the Constitution of the United States with respect to tenure of office for judges of the Supreme Court and inferior courts of the United States; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.J. Res. 34. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HECHLER of West Virginia:

H.J. Res. 35. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

H.J. Res. 36. Joint resolution to prevent surface mining operations on public lands, and deep mining in National Forests; to the Committee on Interior and Insular Affairs.

By Mr. MAILLIARD:

H.J. Res. 37. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. MILFORD:

H.J. Res. 38. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.J. Res. 39. Joint resolution to direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of the display of violence in television programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.J. Res. 40. Joint resolution to suspend temporarily the authority of the Interstate Commerce Commission to permit the abandonment of a line of railroad or the operation thereof; to the Committee on Interstate and Foreign Commerce.

H.J. Res. 41. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Robert Francis Kennedy; to the Commission on Post Office and Civil Service.

H.J. Res. 42. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Amerigo Vespucci; to the Committee on Post Office and Civil Service.

By Mr. PRICE of Texas:

H.J. Res. 43. Joint resolution proposing an amendment to the Constitution of the United States limiting the power of Congress with respect to deficit spending; to the Committee on the Judiciary.

H.J. Res. 44. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

H.J. Res. 45. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans Day; to the Committee on the Judiciary.

H.J. Res. 46. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. ROE:

H.J. Res. 47. Joint resolution designation of third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

H.J. Res. 48. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. ROYBAL:

H.J. Res. 49. Joint resolution relating to the publication of economic and social statistics for Spanish-speaking Americans; to the Committee on Post Office and Civil Service.

By Mr. ECKHARDT (for himself, Mr. Dent, Mr. Harrington, Mr. Edwards of California, Mr. Kastenmeier, Mr. Helstoski, Mr. Carney of Ohio, Mr. Mitchell of Maryland, Mr. Gonzalez, Mr. Howard, Mr. Dingell, Mr. Rosenthal, Mr. Tiernan, Mr. Van Deerlin, Mr. Bingham, Mr. Eilberg, Mr. Conyers, Mr. Moss, Mr. Kyros, Mr. Podell, Mr. Brown of California, Mr. Corman, Ms. Abzug, Mrs. Mink, and Mr. Hechler of West Virginia):

H.J. Res. 50. Joint resolution to provide for the continued operation of the transportation properties owned or operated by Penn Central Transportation Co., to protect the security interest of the United States in such properties and to provide for the payment of just and reasonable compensation therefor; to the Committee on Interstate and Foreign Commerce.

By Ms. ABZUG:

H.J. Res. 51. Joint resolution repealing the Military Selective Service Act of 1967; to the Committee on Armed Services.

By Ms. ABZUG (for herself, Mr. Badillo, Mr. Bingham, Mr. Conte, Mr. Conyers, Mr. Corman, Mr. Gibbons, Mr. Harrington, Mr. Koch, Mr. Podell, Mr. Riegle, and Mr. Rosenthal):

H.J. Res. 52. Joint resolution designating August 26 of each year as "Women's Equality Day"; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.J. Res. 53. Joint resolution recognizing the State of Illinois and the city of Chicago as hosts in 1992 of the official quincentennial celebration of the discovery of America; to the Committee on the Judiciary.

By Mr. ASHBROOK:

H.J. Res. 54. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.J. Res. 55. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

H.J. Res. 56. Joint resolution proposing an amendment to the Constitution to permit the imposition and carrying out of the death penalty in certain cases; to the Committee on the Judiciary.

By Mr. BAFALIS:

H.J. Res. 57. Joint resolution; Constitutional amendment to preserve the concept of neighborhood schools; to the Committee on the Judiciary.

By Mr. BAKER:

H.J. Res. 58. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.J. Res. 59. Joint resolution providing for the designation of the first week of October of each year as "National Gospel Music Week"; to the Committee on the Judiciary.

By Mr. BENNETT:

H.J. Res. 60. Joint resolution proposing an amendment to the Constitution of the United States to provide that appointments of Supreme Court and other Federal judges be required to be reconfirmed every 6 years, to require 5 years' prior judicial experience as a qualification for appointment to the Supreme Court, and to require retirement of Federal judges at the age of 70 years: to the Committee on the Judiciary.

H.J. Res. 61. Joint resolution proposing an amendment to the Constitution of the United States to prohibit compelling attendance in schools other than the one nearest the residence and to insure equal educational opportunities for all students wherever located; to the Committee on the Judiciary.

H.J. Res. 62. Joint resolution to provide for the designation of June 3 as "National Navy Wives Clubs of America Day"; to the Committee on the Judiciary.

By Mr. CARNEY of Ohio:

H.J. Res. 63. Joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the popular election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 64. Joint resolution providing for the designation of January 1, 1974, as a "Day of Peace"; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.J. Res. 65. Joint resolution designating the American rose as the national floral emblem of the United States; to the Committee on House Administration.

H.J. Res. 66. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

H.J. Res. 67. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.J. Res. 68. Joint resolution to amend the Pledge of Allegiance to the flag of the United States of America; to the Committee on the Judiciary.

H.J. Res. 69. Joint resolution proposing an amendment to the Constitution relating to terms of judges of the Supreme Court of the United States; to the Committee on the Judiciary.

H.J. Res. 70. Joint resolution proposing an amendment to the Constitution of the United States relating to the assignment and transportation of pupils to public schools; to the Committee on the Judiciary.

By Mr. CHAPPELL (for himself, Mr. Burton, Mr. Roybal, Mr. Rarick, Mr. Haley, Mr. Clark, Mr. Flowers, Mr. Denholm, Mr. Henderson, Mr. Sikes, Mr. W. C. (Dan) Daniel, Mr. Brasco, Mr. Stephens, Mr. Edwards of Alabama, Mr. Dulski, Mr. Riegle, Mr. Leggett, Mr. Symington, Mr. Danielson, Mr. Nichols, Mr. Mazzoli, Mrs. Hansen of Washington, Mr. Edwards of California, Mr. Alexander, and Mr. Seiberling):

H.J. Res. 71. Joint resolution relating to the war power of Congress; to the Committee on Foreign Affairs.

By Mr. CHAPPELL (for himself, Mr. Yatron, Mr. Fish, Mr. Fountain, Mr. Rees, Mr. Mann, Mr. Hastings, and Mr. Bevill):

H.J. Res. 72. Joint resolution relating to the war power of Congress; to the Committee on Foreign Affairs.

By Mr. CONTE (for himself, Mr. Badillo, Mr. Brasco, Mr. Harrington, Mr. Hastings, Mr. McDade, Mr. Mazzoli, Mr. Nix, Mr. Rangel, Mr. Rosenthal, Mr. Tiernan, Mr. Ware, and Mr. Wyatt):

H.J. Res. 73. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. CONTE (for himself, Mr. Anderson of Illinois, Mr. Brasco, Mr. Clark, Mr. Conyers, Mr. Danielson, Mr. Dulski, Mr. Eilberg, Mr. Eshleman, Mr. Fish, Mr. Gude, Mr. Hamilton, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hastings, Mr. Hungate, Mr. Jarman, Mr. Leggett, and Mr. McCloskey):

H.J. Res. 74. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. CONTE (for himself, Mr. McDade, Mr. Mazzoli, Mr. Meeds, Mr. Mollohan, Mr. Nix, Mr. Obey, Mr. Podell, Mr. Railsback, Mr. Rees, Mr. Reuss, Mr. Robison of New York, Mr. Stokes, Mr. Studds, Mr. Ware, Mr. Whitehurst, and Mr. Yatron):

H.J. Res. 75. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. de la Garza:

H.J. Res. 76. Joint resolution proposing an amendment to the Constitution of the United States to provide an age limit and a single 6-year term for the President; to the Committee on the Judiciary.

H.J. Res. 77. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations shall not exceed revenues of the United States, except in time of war or national emergency; to the Committee on the Judiciary.

By Mr. DELLENBACK:

H.J. Res. 78. Joint resolution proposing an amendment to the Constitution of the United States with respect to the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 79. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the House of Representatives to which the District would be entitled if it were a State; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.J. Res. 80. Joint resolution proposing an amendment to the Constitution requiring that Federal judges be reconfirmed by the Senate every 6 years; to the Committee on the Judiciary.

By Mr. FISH:

H.J. Res. 81. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans Day; to the Committee on the Judiciary.

H.J. Res. 82. Joint resolution to authorize the interment of an unknown soldier from the Vietnam war in the Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mr. GOODLING:

H.J. Res. 83. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. GUBSER:

H.J. Res. 84. Joint resolution authorizing the President to proclaim September 15 of each year as "Respect for the Aged Day"; to the Committee on the Judiciary.

By Mr. HOGAN (for himself and Mrs. Holt):

H.J. Res. 85. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.J. Res. 86. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. KEATING (for himself, Mr. Erlenborn, Mr. Helstoski, Mr. Powell of Ohio, Mr. Hechler of West Virginia, Mr. Broyhill of North Carolina, Mr. Kemp, and Mr. Harrington):

H.J. Res. 87. Joint resolution designating certain election days as legal public holidays, and for other purposes; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.J. Res. 88. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 89. Joint resolution relating to the war power of Congress; to the Committee on Foreign Affairs.

H.J. Res. 90. Joint resolution to declare a United States policy of achieving population stabilization of by voluntary means; to the Committee on Government Operations.

H.J. Res. 91. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. MICHEL:

H.J. Res. 92. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. MINSHALL of Ohio:

H.J. Res. 93. Joint resolution proposing an amendment to the Constitution of the United States to insure the right of States to establish and prescribe the powers of their local educational agencies; to the Committee on the Judiciary.

H.J. Res. 94. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

By Mr. MIZELL (for himself, Mr. Camp, Mr. Collins of Texas, Mr. W. C. (Dan) Daniel, Mr. Derwinski, Mr. Fisher, Mr. Flowers, Mr. Hosmer, Mr. King, Mr. Minshall of Ohio, Mr. Montgomery, Mr. Nichols, Mr. Rhodes, Mr. Scherle, Mr. Sikes, Mr. Taylor of North Carolina, and Mr. Whitehurst):

H.J. Res. 95. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 96. Joint resolution concerning the war powers of the Congress and the President; to the Committee on Foreign Affairs.

By Mr. PEYSER:

H.J. Res. 97. Joint resolution authorizing the President to proclaim the first Sunday of June of each year as "American Youth Day"; to the Committee on the Judiciary.

By Mr. RANDALL:

H.J. Res. 98. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans Day; to the Committee on the Judiciary.

H.J. Res. 99. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. RODINO:

H.J. Res. 100. Joint resolution to establish a national commission on veterans' benefits; to the Committee on Veterans' Affairs.

By Mr. ROE:

H.J. Res. 101. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

H.J. Res. 102. Joint resolution to provide for a study by the Secretary of Transportation of the feasibility of Government acquisition, operation, and maintenance of railroad tracks, rights-of-way, signal systems, and other fixed facilities (as a separate activity or as a part of a coordinated Federal transportation program); to the Committee on Interstate and Foreign Commerce.

H.J. Res. 103. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

H.J. Res. 104. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

By Mr. ROONEY of New York:

H.J. Res. 105. Joint resolution designating July 25 of each year as "Puerto Rican Day in the United States of America"; to the Committee on the Judiciary.

By Mr. ROUSH:

H.J. Res. 106. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.J. Res. 107. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress; to the Committee on the Judiciary.

H.J. Res. 108. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

H.J. Res. 109. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

H.J. Res. 110. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

H.J. Res. 111. Joint resolution authorizing the President to proclaim September 8 of each year as "National Cancer Day"; to the Committee on the Judiciary.

By Mr. RUNNELS:

H.J. Res. 112. Joint resolution proposing an amendment to the Constitution of the United States limiting expenditures by the Federal Government to revenues except in national emergencies; to the Committee on the Judiciary.

By Mr. SAYLOR:

H.J. Res. 113. Joint resolution proposing an amendment to the Constitution of the United States to authorize Congress, by two-thirds vote of both Houses, to override decisions of the Supreme Court; to the Committee on Judiciary.

By Mr. SCHERLE:

H.J. Res. 114. Joint resolution authorizing the President to proclaim the fourth Monday in March of each year as "Agriculture Day"; to the Committee on the Judiciary.

By Mr. STEELE:

H.J. Res. 115. Joint resolution to insure orderly and responsible congressional review of tax preferences, and other items which narrow the income tax base; to the Committee on Ways and Means.

By Mr. STRATTON:

H.J. Res. 116. Joint resolution to authorize participation by the United States in parliamentary conferences with the Republic of Ireland; to the Committee on Foreign Affairs.

H.J. Res. 117. Joint resolution authorizing the President to designate the 29th day in May of each year as "John Fitzgerald Kennedy Memorial Day"; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.J. Res. 118. Joint resolution calling for an immediate and appropriate moratorium on the killing of polar bears; to the Committee on Foreign Affairs.

H.J. Res. 119. Joint resolution calling for an immediate moratorium on the killing of the eastern timber wolf; to the Committee on Foreign Affairs.

By Mr. WHITTEN:

H.J. Res. 120. Joint resolution proposing an amendment to the Constitution relating to the terms of office of judges of the Supreme Court of the United States and inferior courts; to the Committee on the Judiciary.

H.J. Res. 121. Joint resolution to establish the Commission for Reestablishing Constitutional Principles; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.J. Res. 122. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

H.J. Res. 123. Joint resolution to amend section 123 of the Federal Aid Highway Act of 1970 establishing the Commission on Highway Beautification; to the Committee on Public Works.

By Mr. WYMAN:

H.J. Res. 124. Joint resolution authorizing a study of whether to create a corporation for profit to develop commercial feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida:

H.J. Res. 125. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. YOUNG of Florida (for himself, Mr. Ashbrook, Mr. Burke of Florida, Mr. Davis of South Carolina, Mr. Devine, Mr. Eilberg, Mr. Eshleman, Mr. Fisher, Mr. Flynt, Mr. Frey, Mr. Hillis, Mr. Hunt, Mr. Johnson of Pennsylvania, Mr. McCollister, Mr. Mills of Maryland, Mr. Mizell, Mr. Myers, Mr. Powell of Ohio, Mr. Scherle, Mr. Sebelius, Mr. Shoup, Mr. Thomson of Wisconsin, and Mr. Winn):

H.J. Res. 126. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans Day; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.J. Res. 127. Resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States; to the Committee on the Judiciary

By Mr. BENNETT:

H. Con. Res. 2. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

H. Con. Res. 3. Concurrent resolution to establish a Joint Committee on Impoundment of Funds; to the Committee on Rules.

By Mr. COLLIER:

H. Con. Res. 4. Concurrent resolution expressing the sense of the Congress with respect to the accounting and return of all American prisoners in Southeast Asia; to the Committee on Foreign Affairs.

H. Con. Res. 5. Concurrent resolution expressing the sense of Congress respecting Federal expenditures; to the Committee on Government Operations.

By Mr. DAVIS of Georgia:

H. Con. Res. 6. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. FLYNT:

H. Con. Res. 7. Concurrent resolution expressing the sense of the Congress with respect to sanctions against Rhodesia; to the Committee on Foreign Affairs.

By Mr. GREEN of Pennsylvania:

H. Con. Res. 8. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding a ransom from educated Jews who want to emigrate to Israel; to the Committee on Foreign Affairs.

H. Con. Res. 9. Concurrent resolution expressing the sense of the Congress that all American aid, loans, commerce, and air service to the host countries of guerrilla groups responsible for acts of international terrorism and to the countries offering sanctuary to and refusing to extradite or prosecute such groups should be terminated; to the Committee on Foreign Affairs.

By Mr. HOSMER:

H. Con. Res. 10. Concurrent resolution expressing the sense of the Congress with respect to motor vehicle insurance and an accident compensation system; to the Committee on Interstate and Foreign Commerce.

By Mr. RARICK:

H. Con. Res. 11. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

H. Con. Res. 12. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

H. Con. Res. 13. Concurrent resolution expressing the sense of Congress that officers and employees of the Federal Government residing and working in the District of Columbia should send their children to the public schools of the District of Columbia; to the Committee on the District of Columbia.

H. Con. Res. 14. Concurrent resolution expressing the sense of Congress that no action should be taken on the part of the Federal Government, any State, or political subdivision thereof that would remove the song "Dixie" from its proper place in the history of the United States and that region of the United States known as the South, or prohibit it from being played as a part of any public function or gathering; to the Committee on the Judiciary.

By Mr. VEYSEY:

H. Con. Res. 15. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Ms. ABZUG:

H. Con. Res. 16. Concurrent resolution expressing the Sense of Congress that the President should take the necessary steps to initiate active negotiations seeking agreement with the Soviet Union on a comprehensive ban on all nuclear test explosions, to work toward extension of a prohibition against nuclear testing to the other nuclear powers, including France and China, and to declare and observe an indefinite moratorium on all nuclear test explosions; to the Committee on Foreign Affairs.

By Mr. ANNUNZIO:

H. Con. Res. 17. Concurrent resolution expressing the sense of the Congress with respect to the incorporation of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

H. Con. Res. 18. Concurrent resolution authorizing the placement of a statue of Christopher Columbus in the Capitol; to the Committee on House Administration.

H. Con. Res. 19. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER:

H. Con. Res. 20. Concurrent resolution; announcement of Federal grants and contracts; to the Committee on Government Operations.

By Mr. CONTE:

H. Con. Res. 21. Concurrent resolution creating the Joint Select Committee on Government Program Analysis and Evaluation; to the Committee on Rules.

By Mr. FISH:

H. Con. Res. 22. Concurrent resolution expressing the sense of the Congress with respect to further limitations of nuclear arms and the goal of ultimate nuclear disarmament; to the Committee on Foreign Affairs.

By Mr. FLYNT:

H. Con. Res. 23. Concurrent resolution expressing the sense of Congress with respect to freedom of choice and compulsory transportation in connection with public schools; to the Committee on Education and Labor.

By Mr. FUQUA:

H. Con. Res. 24. Concurrent resolution requesting the President to proclaim the second full week in May of each year as "National Art Week"; to the Committee on the Judiciary.

H. Con. Res. 25. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. GROSS:

H. Con. Res. 26. Concurrent resolution expressing the sense of the Congress respecting Federal expenditures; to the Committee on Government Operations.

By Mr. HOSMER:

H. Con. Res. 27. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. MEEDS:

H. Con. Res. 28. Concurrent resolution relating to a national Indian policy; to the Committee on Interior and Insular Affairs.

By Mr. MINSHALL of Ohio:

H. Con. Res. 29. Concurrent resolution to instruct the United States Ambassador to the United Nations to insist on fulfillment of charter provisions based on self-determination of all peoples, and that the Soviet Union be asked to abide by its United Nations membership obligations concerning colonialism and interference with the sovereignty of other nations; to the Committee on Foreign Affairs.

H. Con. Res. 30. Concurrent resolution expressing the sense of Congress that the Holy Crown of Saint Stephen should remain in the safekeeping of the U.S. Government until Hungary once again functions as a constitutional government established by the Hungarian people through free choice; to the Committee on Foreign Affairs.

H. Con. Res. 31. Concurrent resolution to seek the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine; to the Committee on Foreign Affairs.

By Mr. MURPHY of New York:

H. Con. Res. 32. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL:

H. Con. Res. 33. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. ROE:

H. Con. Res. 34. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

H. Con. Res. 35. Concurrent resolution expressing congressional recognition of a declaration of general and special rights of the mentally retarded; to the Committee on Interstate and Foreign Commerce.

H. Con. Res. 36. Concurrent resolution to establish a Joint Committee on Impoundment of Funds; to the Committee on Rules.

By Mr. ROONEY of New York:

H. Con. Res. 37. Concurrent resolution calling for peace in Northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H. Con. Res. 38. Concurrent resolution designating the first day in October of each year as "National Friendship Day"; to the Committee on the Judiciary.

By Mr. STRATTON:

H. Con. Res. 39. Concurrent resolution that the Congress hereby creates an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. WHITEHURST:

H. Con. Res. 40. Concurrent resolution pertaining to the methods used on animals in research; to the Committee on Science and Astronautics.

By Mr. FINDLEY:

H. Res. 17. Resolution to establish a House-authorized budget; to the Committee on Rules.

By Mr. PATMAN:

H. Res. 18. Resolution authorizing the Committee on Banking and Currency to conduct full and complete investigations and studies of all matters within its jurisdiction under the rules of the House or the laws of the United States; to the Committee on Rules.

By Mr. EVINS of Tennessee:

H. Res. 19. Resolution: Organization, jurisdiction, powers, and duties of the permanent Select Committee on Small Business to conduct studies and investigations of the problems of small business; to the Committee on Rules.

By Mrs. SULLIVAN:

H. Res. 20. Resolution relating to the Panama Canal and Canal Zone jurisdiction; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI:

H. Res. 21. Resolution providing that agreements on strategic arms limitation should be submitted to both Houses of Congress; to the Committee on Foreign Affairs.

By Mr. CONABLE:

H. Res. 22. Resolution to amend the Rules of the House of Representatives to require that meetings of the Committee on House Administration for consideration of the fixing and adjusting of allowances of Members and committees be open to all Members of the House, and for other purposes; to the Committee on Rules.

By Mr. CONABLE (for himself and Mr. Keating):

H. Res. 23. Resolution to provide for equitable and effective minority staffing on House standing committees; to the Committee on Rules.

By Mr. FLYNT:

H. Res. 24. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. HALEY:

H. Res. 25. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Ms. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Boland, Mr. Burke of Massachusetts, Mr. Burton, Mr. Conte, Mr. Eilberg, Mr. Green of Pennsylvania, Mrs. Heckler of Massachusetts, Mr. Koch, Mr. Mazzoli, Mr. Rees, Mr. Riegle, Mr. Mitchell of Maryland, Mr. Rosenthal, Mr. Roybal, Mr. Seiberling, Mr. Studds, and Mr. Wolff):

H. Res. 26. Resolution an inquiry into the extent of the bombing of North Vietnam, December 17, 1972, through January 3, 1973; to the Committee on Armed Services.

By Mr. RARICK:

H. Res. 27. Resolution creating a select committee to conduct an investigation into all crimes against humanity perpetrated by Communists or under Communist direction, and to express the sense of Congress that a monument be erected as a suitable memorial to all victims of Communist actions; to the Committee on Rules.

By Mrs. SULLIVAN:

H. Res. 28. Resolution conferring jurisdiction over the food stamp program upon the Committee on Banking and Currency; to the Committee on Rules.

By Ms. ABZUG:

H. Res. 29. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on the Rules.

By Mr. ANDERSON of California:

H. Res. 30. Resolution directing the chairman of each committee of the House to file a report with the House within 30 days after the completion of any authorized travel outside of the United States made by any member or employee of such committee containing certain information concerning such travel; to the Committee on Rules.

By Mr. ANNUNZIO:

H. Res. 31. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

H. Res. 32. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

H. Res. 33. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. BINGHAM:

H. Res. 34. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

H. Res. 35. Resolution creating a select committee to conduct a full and complete investigation and study of transportation problems in the United States; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Anderson of Illinois, Mr. Harrington, Mr. Boland, Mr. Sarbanes, Mr. Bray, Mr. Riegle, Mr. Bevill, Mr. Yates, Mr. Winn, Mr. Myers, Mr. Dickinson, Mr. Gibbons, Mr. Mayne, Mr. Fish, Mr. Rodino, Mr. Frenzel, Mr. Dennis, Mr. Derwinski, Mr. Dent, Ms. Abzug, Mr. Ichord, Mr. Archer, Mr. W. C. (Dan) Daniel, and Mr. Hogan):

H. Res. 36. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Broyhill of North Carolina, Mr. Burke of Massachusetts, Mr. Miller, Mr. Harvey, Mr. Flowers, Mr. Morgan, Mr. Mann, Mr. Forsythe, Mr. Sandman, Mr. Rees, Mr. McEwen, Mr. Johnson of Pennsylvania, Mr. Coughlin, Mr. Kuykendall, Mr. Roybal, Mr. Arends, Mr. Randall, Mr. Kemp, Mr. Regula, Mr. Martin of North Carolina, Mr. Biester, and Mr. J. William Stanton):

H. Res. 37. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Don H. Clausen, Mr. Widnall, Mr. Dulski, Mr. Buchanan, Mr. Brasco, Mr. Wolff, Mr. Railsback, Mr. Broomfield, Mr. Mallary, Mr. Yatron, Mr. Bell, Mr. Rosenthal, Mr. Rangel, Mr. Lent, Mr. Steiger of Wisconsin, Mr. Van Deerlin, Mr. Talcott, Mr. Goldwater, Mr. Mitchell of Maryland, Mr. Shriver, Mr.

Michel, Mr. McKinney, Mr. Keating, and Mr. du Pont):

H. Res. 38. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Schneebeli, Mr. Drinan, Mr. Mathias of California, Mr. Addabbo, Mr. Stratton, Mr. Tiernan, Mr. Frelinghuysen, Mr. Smith of New York, Mr. Goodling, Mrs. Chisholm, Mr. Hansen of Idaho, Mr. McDade, Mr. Ware, Mr. Badillo, Mr. Sikes, Mr. Dellenback, Mr. Peyser, Mr. Price of Illinois, Mr. Quie, Mr. Green of Pennsylvania, Mr. McCloskey, Mr. Pickle, Mr. Fraser, and Mr. Helstoski):

H. Res. 39. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Wyatt, Mr. Camp, Mr. Alexander, Mr. Teague of California, Mr. Dominick V. Daniels, Mr. Wyman, Mr. Cleveland, Mr. King, Mr. Culver, Mr. Nelsen, Mr. Minshall of Ohio, Mr. Mizell, Mr. Conte, Mr. Esch, Mr. Thomson of Wisconsin, Mr. Zwach, Mr. Hechler of West Virginia, Mr. Robinson of Virginia, Mr. Burke of Florida, Mr. Spence, Mr. Hillis, Mr. Nichols, Mr. Williams, and Mr. Eilberg):

H. Res. 40. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. YOUNG of Florida:

H. Res. 41. A resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. CHAMBERLAIN:

H. Res. 42. Resolution amending the Rules of the House of Representatives to prohibit the election of a Member of the House as chairman of any standing committee if he has attained the age of 65 years; to the Committee on Rules.

By Mr. CHAPPELL:

H. Res. 43. Resolution expressing the sense of the House that the Federal Communications Commission establish advisory guidelines which recommend that certain physical violence not be broadcast over television during certain time periods, because such violence is not suitable to be viewed by children; to the Committee on Interstate and Foreign Commerce.

H. Res. 44. Resolution to authorize a study of national fuels and energy policy; to the Committee on Rules.

By Mr. COLLIER:

H. Res. 45. Resolution amending the Rules of the House of Representatives to expedite the enactment of general appropriation measures, to facilitate the making of appropriations for subsequent fiscal years, and for other purposes; to the Committee on Rules.

H. Res. 46. Resolution to provide for equitable and effective minority staffing on House standing committees; to the Committee on Rules.

By Mr. CONABLE:

H. Res. 47. Resolution authorizing the Speaker, after agreement with the minority leader, to entertain motions to adjourn the House to a day and time certain; to the Committee on Rules.

By Mr. CONTE:

H. Res. 48. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mr. DAVIS of Georgia:

H. Res. 49. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

H. Res. 50. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. du PONT:

H. Res. 51. Resolution to insure that a majority of House conferees have supported the final position of the House; to the Committee on Rules.

H. Res. 52. Resolution to limit the right of Members to revise their remarks for the Congressional Record; to the Committee on Rules.

By Mr. FLYNT:

H. Res. 53. Resolution amending the Rules of the House of Representatives to expedite the enactment of general appropriation measures, to facilitate the making of appropriations for subsequent fiscal years, and for other purposes; to the Committee on Rules.

H. Res. 54. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

By Mr. FUQUA:

H. Res. 55. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

H. Res. 56. Resolution amending the Rules of the House of Representatives to expedite the enactment of general appropriation measures, to facilitate the making of appropriations for subsequent fiscal years, and for other purposes; to the Committee on Rules.

By Mr. GREEN of Pennsylvania:

H. Res. 57. A resolution concerning the continued injustice suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

H. Res. 58. A resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

H. Res. 59. A resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. GROSS:

H. Res. 60. A resolution creating a standing Committee on Small Business in the House of Representatives; to the Committee on Rules.

By Mr. HARRINGTON:

H. Res. 61. A resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. HEINZ:

H. Res. 62. Resolution, a bill to create a Select Committee on Aging; to the Committee on Rules.

By Mr. HOSMER:

H. Res. 63. Resolution maintaining United States sovereignty, Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. MAYNE:

H. Res. 64. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. MINSHALL of Ohio:

H. Res. 65. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

H. Res. 66. Resolution designating May 3 as "Polish Constitution Day"; to the Committee on the Judiciary.

H. Res. 67. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

H. Res. 68. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

H. Res. 69. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

H. Res. 70. Resolution to provide for free Federal telecommunications system service to patients in veterans hospitals; to the Committee on Veterans' Affairs.

By Mr. PEPPER:

H. Res. 71. Resolution to provide that meetings of committees of the House of Representatives shall be open to the public; to the Committee on Rules.

By Mr. POAGE:

H. Res. 72. Resolution to authorize investigations by the Committee on Agriculture; to the Committee on Rules.

By Mr. RANDALL:

H. Res. 73. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. RODINO:

H. Res. 74. A resolution authorizing the Committee on the Judiciary to conduct studies and investigations relating to certain matters within its jurisdiction; to the Committee on Rules.

By Mr. ROE:

H. Res. 75. Resolution designating May 3 as "Polish Constitution Day"; to the Committee on the Judiciary.

H. Res. 76. Resolution expressing the sense of the House on relationship between legislative and executive branches of the Government as it relates to funds authorized under the Federal Water Pollution Control Act Amendments of 1972; to the Committee on Public Works.

H. Res. 77. Resolution to amend the Rules of the House of Representatives to require that the report accompanying each bill or resolution contain an analysis and evaluation of the environmental impact of the bill or resolution; to the Committee on Rules.

H. Res. 78. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

H. Res. 79. Resolution to create a Select Committee on Aging; to the Committee on Rules.

H. Res. 80. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

H. Res. 81. Resolution to provide free Federal telecommunications system service to patients in veterans' hospitals; to the Committee on Veterans' Affairs.

By Mr. ROYBAL:

H. Res. 82. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1861, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

H. Res. 83. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

H. Res. 84. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

H. Res. 85. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. SCHERLE:

H. Res. 86. Resolution maintaining U.S. sovereignty, Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. STRATTON:

H. Res. 87. Resolution expressing the sense of the House of Representatives that the people of all Ireland should have an opportunity to express their will for union by an election under the auspices of a United Nations commission; to the Committee on Foreign Affairs.

H. Res. 88. Resolution designating January 22 of each year as Ukranian Independence Day; to the Committee on the Judiciary.

H. Res. 89. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. WHITTEN:

H. Res. 90. Resolution to amend the Rules of the House of Representatives to create a standing Committee on the Constitution; to the Committee on Rules.

By Mr. YOUNG of Florida:

H. Res. 91. Resolution to retain U.S. sovereignty over the Canal Zone and Panama Canal; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

1. By the SPEAKER: Memorial of the Legislature of the Commonwealth of Pennsylvania, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

2. Also, memorial of the Legislature of the State of California, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

3. Also, memorial of the Legislature of the State of California, relative to the Antioch College; to the Committee on Public Works.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 1311. A bill for the relief of Vincenzo Angelilli; to the Committee on the Judiciary.

H.R. 1312. A bill for the relief of Teresa De Benedetto; to the Committee on the Judiciary.

H.R. 1313. A bill for the relief of Salvatore Gagliardo; to the Committee on the Judiciary.

H.R. 1314. A bill for the relief of Modern Life and Accident Insurance Co. of Chicago; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 1315. A bill for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 1316. A bill for the relief of Claude V. Alcorn and 21 others; to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.R. 1317. A bill for the relief of Maria Luisa Gorostegui deDourron, doctor of medicine; to the Committee on the Judiciary.

H.R. 1318. A bill for the relief of Dr. Remigio G. Lacsamana; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 1319. A bill for the relief of Alan C. Hoffman; to the Committee on the Judiciary.

H.R. 1320. A bill for the relief of Evangelia Maniedake; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 1321. A bill for the relief of Mrs. Doninga Pettit; to the Committee on the Judiciary.

H.R. 1322. A bill for the relief of Jay Alexis Caligdong Siatong; to the Committee on the Judiciary.

H.R. 1323. A bill for the relief of Mrs. Rosanna Thomas; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 1324. A bill for the relief of Paz Hachero Jabonille; to the Committee on the Judiciary.

H.R. 1325. A bill for the relief of Carmen Maria Pena-Garcano; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 1326. A bill for the relief of Roy A. Harrell, Jr.; to the Committee on the Judiciary.

H.R. 1327. A bill for the relief of M. Sgt. Ronald J. Hodgkinson, U.S. Army (retired); to the Committee on the Judiciary.

H.R. 1328. A bill for the relief of M. Sgt. Eugene J. Mikulenka, U.S. Army (retired); to the Committee on the Judiciary.

H.R. 1329. A bill for the relief of Pike Sales Co., and Pike Industries, Inc.; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 1330. A bill for the relief of Jorge Birnios; to the Committee on the Judiciary.

H.R. 1331. A bill for the relief of Aurelio Antonio Piedra and his wife, Maria Concepcion Piedra; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.R. 1332. A bill for the relief of Private First Class James Watson, Jr., U.S. Marine Corps Reserve; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 1333. A bill for the relief of Miss Clarice Shaw; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.R. 1334. A bill for the relief of Mr. Arturo Manabat Amoranto, and his wife, Lourdes; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 1335. A bill for the relief of Pietro Binaggia; to the Committee on the Judiciary.

H.R. 1336. A bill for the relief of Salvatore, Giovanna, and Mary Lou Calendra; to the Committee on the Judiciary.

H.R. 1337. A bill for the relief of John and Libera Chimenti; to the Committee on the Judiciary.

H.R. 1338. A bill for the relief of Anthony John Clark; to the Committee on the Judiciary.

H.R. 1339. A bill for the relief of Anna I. Duisberg, sole heir of Dr. Walter H. Duisberg; to the Committee on the Judiciary.

H.R. 1340. A bill for the relief of Antonio Ferraiuolo; to the Committee on the Judiciary.

H.R. 1341. A bill for the relief of Jack George Makari; to the Committee on the Judiciary.

H.R. 1342. A bill for the relief of Rita Swann; to the Committee on the Judiciary.

H.R. 1343. A bill for the relief of Martin Tarnowsky and John Tarnowsky; to the Committee on the Judiciary.

By Mr. ICHORD:

H.R. 1344. A bill for the relief of John W. Hollis; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 1345. A bill to authorize the Secretary of the Interior to convey certain lands in Madera County, Calif., to Mrs. Lucille Jones, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1346. A bill to authorize the Secretary of the Interior to convey certain lands in Placer County, Calif., to Mrs. Edna C. Marshall, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1347. A bill to authorize the Secretary of the Interior to rectify a public land transaction; to the Committee on the Judiciary.

H.R. 1348. A bill for the relief of Caroleen G. Fernandez; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 1349. A bill for the relief of Helen Rose Botto; to the Committee on the Judiciary.

H.R. 1350. A bill for the relief of Del Monte Fishing Co.; to the Committee on the Judiciary.

H.R. 1351. A bill for the relief of Robert F. Franklin; to the Committee on the Judiciary.

H.R. 1352. A bill for the relief of Robert F. Franklin; to the Committee on the Judiciary.

H.R. 1353. A bill for the relief of Toy Louie Lin Heong; to the Committee on the Judiciary.

H.R. 1354. A bill for the relief of Mr. Kathryn S. Ports; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 1355. A bill to donate certain surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Inc.; to the Committee on Government Operations.

By Mr. MICHEL:

H.R. 1356. A bill for the relief of Ann E. Shepherd; to the Committee on the Judiciary.

By Mr. OBEY:

H.R. 1357. A bill for the relief of James J. Caldwell; to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. 1358. A bill for the relief of Giuseppe Cascone and his wife, Giovanna Cascone; to the Committee on the Judiciary.

H.R. 1359. A bill for the relief of Vincenzo Lombardo and his wife, Gaetana Castrogiovanni Lombardo; to the Committee on the Judiciary.

H.R. 1360. A bill for the relief of Celestina Martorana; to the Committee on the Judiciary.

H.R. 1361. A bill for the relief of Giuseppe Praino, his wife, Vita Oranza Praino and their children Salvatore, Michele, and Marcello; to the Committee on the Judiciary.

H.R. 1362. A bill for the relief of Amy Estelle Sebro; to the Committee on the Judiciary.

H.R. 1363. A bill for the relief of Waimir Turolla; to the Committee on the Judiciary.

By Mr. QUIE:

H.R. 1364. A bill for the relief of Archie N. Stadler; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 1365. A bill for the relief of Carl W. Houston; to the Committee on the Judiciary.

By Mr. ROUSSELOT:

H.R. 1366. A bill for the relief of Juan Marcos Cordova-Campos; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 1367. A bill for the relief of Bertha Alicia Sierra; to the Committee on the Judiciary.

By Mr. SCHERLE:

H.R. 1368. A bill for the relief of Jesse Pursell and Sam Corbino; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.R. 1369. A bill for the relief of Giuseppe Andreano; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 1370. A bill to authorize the President to appoint Vice Adm. Hyman G. Rickover, U.S. Navy, to the grade of admiral; to the Committee on Armed Services.

By Mr. THOMSON of Wisconsin:

H.R. 1371. A bill for the relief of Dr. and Mrs. Donald J. Alm; to the Committee on the Judiciary.

Mr. VEYSEY:

H.R. 1372. A bill to authorize and direct the Secretary of the Interior to quitclaim to Kaiser Steel Corp. the remaining interest of the United States in and to certain public lands in Riverside County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. WIDNALL:

H.R. 1373. A bill for the relief of Ikot Alfred Ekanem; to the Committee on the Judiciary.

H.R. 1374. A bill for the relief of Alfredo Federico Pizzi, Lydia Palmira Pizzi, and Lawrence Pizzi; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 1375. A bill for the relief of Arturo Aguirre-Alvarado, his wife, Soledad Labra de Aguirre, and their children, Graciela Aguirre Labra, Guadalupe Aguirre Labra, Alma Rosa Aguirre Labra, Arturo Aguirre Labra, Jr., Alberto Aguirre Labra, and Beatriz Aguirre Labra; to the Committee on the Judiciary.

H.R. 1376. A bill for the relief of J. B. Riddle; to the Committee on the Judiciary.

By Mr. YATRON:

H.R. 1377. A bill for the relief of Michael Joseph Wendt; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 1378. A bill for the relief of James E. Bashline; to the Committee on the Judiciary.

H.R. 1379. A bill for the relief of Roy E. Lindquist; to the Committee on the Judiciary.

H.R. 1380. A bill for the relief of Felix R. Moss, colonel, U.S. Army; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H. Con. Res. 41. Concurrent resolution expressing the sense of the Congress in the case of Margaret A. Wunderle; to the Committee on the Judiciary.

By Mr. SAYLOR:

H. Con. Res. 42. Concurrent resolution recognizing the golf course of the Foxburg Country Club of Foxburg, Pa., as the oldest golf course in continuous use in the United States; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H. Con. Res. 43. Concurrent resolution in recognition of the 225th anniversary of Washington and Lee University; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1. By the SPEAKER: Petition of Associated Plumbing & Mechanical Contractors of Florida, Inc., relative to local plumbing codes; to the Committee on Banking and Currency.

2. Also, petition of the annual meeting of the National Association of State Park Directors, Honolulu, Hawaii, relative to the Federal Water Project Recreation Act; to the Committee on Interior and Insular Affairs.

3. Also, petition of the International Northwest Aviation Council, Seattle, Wash., relative to aircraft hijacking; to the Committee on Interstate and Foreign Commerce.

4. Also, petition of the Italian Vietnam Committee, Bertinoro, Italy, relative to settlement of the war in Vietnam; to the Committee on Foreign Affairs.

5. Also, petition of Louis Mira, Los Angeles, Calif., relative to diplomatic negotiations; to the Committee on Foreign Affairs.

6. Also, petition of members of the trade union group "Calculation" of the printing shop "New Germany", Berlin, East Germany, relative to settlement of the war in Vietnam; to the Committee on Foreign Affairs.

7. Also, petition of students of the Friedrich Engels Upper School, Karl Marx Stadt, East Germany, relative to settlement of the war in Vietnam; to the Committee on Foreign Affairs.

8. Also, petition of the City Council, Montpelier, Vt., relative to the apportionment of State legislatures; to the Committee on the Judiciary.

9. Also, petition of the delegate assembly of the Vermont State School Directors Association, Montpelier, Vt., relative to the apportionment of State legislatures; to the Committee on the Judiciary.

10. Also, petition of Sam Sotter, Athens, Greece, relative to redress of grievances; to the Committee on the Judiciary.

11. Also, petition of the City Commission, Bay City, Mich., relative to the clean water bill; to the Committee on Public Works.

12. Also, petition of Thomas I. Emerson, New Haven, Conn. et al., relative to the abolition of the Committee on Internal Security; to the Committee on Rules.

13. Also, petition of the City Council, San Fernando, Calif., relative to the establishment of a national cemetery in California; to the Committee on Veterans' Affairs.

14. Also, petition of A. C. Hill, Lilbourn, Mo., relative to pensions for veterans of World War I; to the Committee on Veterans' Affairs.

15. Also, petition of the City Council, Youngstown, Ohio, relative to the use of Federal revenue sharing funds for mass transit; to the Committee on Ways and Means.

16. Also, petition of the City Council, Los Angeles, Calif., relative to regulating imports; to the Committee on Ways and Means.

17. Also, petition of the City Council, Philadelphia, Pa., relative to tariff protection for the domestic garment industry; to the Committee on Ways and Means.

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# SENATE—*Thursday January 4, 1973*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. EASTLAND).

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, as we undertake the tasks of this day, gratefully we remember before Thee Thy servant, Harry S Truman. We thank Thee for his long and distinguished service as a Member of this body, for his high leadership as President of the Republic, for his wisdom and courage in difficult decisions, for his efforts to make and conserve the peace of the world, for his devotion to freedom and justice for all, and for his manly qualities which endeared him to so many. May some portion of the dedication which was his come upon us.

As we offer a memorial for a past President, we pray also for the present President that he may be given grace, wisdom, and strength for the burdens of this age.

We lift up to Thee the Members of this body into whose lives sorrow has so recently come. Grant to them the assurance of our brotherly sympathy and the grace, comfort, and strength of Thy pervading presence.

In the name of Him who is the resurrection and the life. Amen.

## THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, January 3, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## TRIBUTE TO FORMER PRESIDENT HARRY S TRUMAN

Mr. SCOTT of Pennsylvania. Mr. President, as we pay tribute to former President Harry S Truman, with whom many of us served, we recall that this was a very strong man. He made difficult decisions. He served in time of war and in time of peace. As the leader of our Nation, he did not hesitate to be strong when strength was necessary. He did what had to be done in the national interest. He did it strongly. He did it notwithstanding the criticism offered against him. He moved sturdily and steadily ahead with his purposes.

He brought about a situation which enabled the succeeding President to end a difficult war. He used the most powerful weapon available in the history of mankind, with what reluctance no one will ever know. But he did it.

The Nation honors that kind of strength, as in time they will honor the strength of every President who dares to do what he thinks is right against the second guessing of the clamorous critics.

Elizabeth Barrett Browning once wrote:

> Happy are all free peoples,
> Too strong to be dispossessed.
> But blessed are they among nations,
> Who dare to be strong for the rest.

Mr. President, that has been the role of the United States—sometimes, we think, too much. It has been the role of the United States, at times, as in the Marshall plan, to dare to be strong for the rest.

As Truman, in using the Marshall plan, held great sectors of the world free from tyranny and aggression, as Eisenhower, in the landings at Lebanon, effected the same results in maintaining the stability of the Middle East, so must each President in the loneliness of his responsibilities make these strong and difficult decisions.

I believe that Congress, concerned as it is now with its prerogatives, will need to remember that there is something more important than prerogative, something more important than protocol, something more important than headlines—and that is the security of the United States.

We customarily extend broad trust to a President in the course of the protection of the Nation. It tries our souls and stretches our patience at times when we feel that we do not know all we would like to know. It raises the question more than once that the Senate may have obligations as well.

Mr. President, in the long run, the country has found that the actions of strong Presidents, courageously taken, are apt to be ratified not only by the public through the expression of its opinion, but also that such actions may well be writ large on the history books.

So that I hope, as we enter this session and extend our mutual benisons or blessings one to another, we will at least temper our language to the point where reason may prevail and we may be able to reason together as Isaiah commands us, and as would be the course of wisdom.

So, Mr. President, I pay my tribute to Harry S Truman—strong man, brave man, zealous man, earthy man—and a good man.

We will all miss him.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 1) to provide for the counting on January 6, 1973, of the electoral votes for President and Vice President of the United States.

The message also announced that the House had passed a joint resolution (H.J. Res. 1) extending the time within which the President may transmit the budget message and the economic report to the Congress and extending the time within which the Joint Economic Committee shall file its report, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 1) making the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a resolution (H. Res. 1) which determines that there is a vacancy in the 93d Congress in the representation from the Second Congressional District in the State of Louisiana because of the absence of Representative-elect Hale Boggs.

The message further announced that the House had agreed to a resolution (H. Res. 3) informing the Senate that a quorum of the House of Representatives has assembled; that Carl Albert, a Representative from the State of Oklahoma, has been elected Speaker; and W. Pat Jennings, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives of the 93d Congress.

The message also announced that the House had agreed to a resolution (H. Res. 14) relating to the death of Harry S Truman, former President of the United States.

The message further announced that the House had agreed to a resolution (H. Res. 15) communicating to the Senate the intelligence of the death of Hon. Nick Begich, a Representative-elect from the State of Alaska.

The message also announced that the House had agreed to a resolution (H. Res. 16) communicating to the Senate the intelligence of the death of Hon. George W. Collins, late a Representative from the State of Illinois.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, if the distinguished Senator from New York (Mr. Javits) who was to be recognized following recognition of the two leaders under the standing order, will yield to me for a few seconds——

Mr. JAVITS. I am happy to yield to the Senator from West Virginia if the Chair will first recognize me. Then I shall be prepared to yield.

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New York (Mr. Javits) is now recognized for 15 minutes.

Mr. JAVITS. I thank the Chair. I now yield to the Senator from West Virginia.

## ARRANGEMENTS FOR THE INAUGURATION OF THE PRESIDENT

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 1.

The PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 1, which was read as follows:

> H. Con. Res. 1
>
> *Resolved by the House of Representatives (the Senate concurring)*, That effective from January 3, 1973, the joint committee created by Senate Concurrent Resolution 63, of the Ninety-second Congress, to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the 20th day of January 1973, is hereby continued and for such purpose shall have the same power and authority as that conferred by such Senate Concurrent Resolution 63, of the Ninety-second Congress.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous cousent for the immediate consideration of the concurrent resolution.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

There being no objection, the concurrent resolution (H. Con. Res. 1) was considered and agreed to.

## DEATH OF FORMER PRESIDENT TRUMAN

Mr. JAVITS. Mr. President, I knew President Truman very well. I join Senator Scott in his tribute, and I also add the following:

I have rarely seen a President who was better briefed than was President Truman and who had a deeper perception of the ultimate interests of the United States and the world in terms of peace. I saw him with particularity deal with the affairs of Germany at a time when it was possible to take a very limited view, such as the one described as the Morgenthau plan, which would have made Germany pastoral, or a very broad view which simply would have forgotten the past and might again have led Germany into some ultranationalistic fervor.

President Truman did neither, but approached the problems of Germany with the idea of integrating Germany into a new, united Europe, the whole thrust of the Marshall plan, and it turned out to be one of the most statesmanlike acts of the career of any President.

Also, Mr. President, I have had the honor and pleasure of knowing intimately Mrs. Daniel, his daughter, and her husband; and I have reflected with them many times upon the statesmanship, the humanity, the common decency, the sense of justice, and the enormous reservoirs of information of this man, who had a limited formal education, but became one of the truly outstanding Presidents of the United States and one of the outstanding statesmen of the world.

I join my colleagues in expressing my tribute and memorial to this distinguished man and distinguished President.

## DEATH OF LESTER PEARSON, FORMER PRIME MINISTER OF CANADA

Mr. JAVITS. Mr. President, I state with regret to the Senate the passing of Lester Pearson, former Prime Minister of Canada, winner of the Nobel Peace Prize, a world citizen of great dimensions.

He was a member of the Committee of Nine, the so-called Nine Wise Men of NATO, over which I had the honor to preside. His loss there is tremendous in terms of the world.

I have expressed for myself and my wife our condolences and sense of loss to Mrs. Pearson. I ask unanimous consent to have that letter printed in the Record as part of these memorial remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> Mrs. Javits and I send you our deepest condolences on the passing of Lester. He was a very dear and old friend of mine and the first to accept service on the Committee of nine distinguished parliamentarians and ex-parliamentarians established by the North Atlantic Assembly to make recommendations on the future of the North Atlantic Alliance. Even there, after so many years of service, he showed enormous spirit and competence and leadership and no meeting of the Committee without him was or will be the same. The whole cause of peace in the world has

lost a powerful and gifted friend and we shall feel it very keenly and currently in our committee. I know your loss is a grievous one, though he lived such a rich and distinguished life, but it may help to know that his colleagues like myself understood his quality and valued him so highly.

With every good wish to you and your family,

Sincerely,

JACOB K. JAVITS.

## ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized for not to exceed 15 minutes.

(The remarks of Senator HARRY F. BYRD, JR., are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 2 hours, with statements therein limited to 15 minutes.

## CONTEMPTUOUS ATTITUDE OF EXECUTIVE DEPARTMENTS SHOWS NEED FOR CONGRESSIONAL REASSERTION OF POWER

**Mr. PROXMIRE.** Mr. President, over the last few weeks I have had a series of hearings with my Joint Economic Committee. High ranking members of the Nixon administration have refused to appear before the Joint Economic Committee of the Congress. To add insult to injury, on at least two major occasions they would allow no one else to appear in their place.

I find this not only bad manners, insulting, and arrogant, but far more important, a contemptuous attitude of the administration towards Congress.

Furthermore, it shows a distinct absence of understanding of the spirit of the Constitution of the United States, a lack of respect for the division of powers, and a failure to comprehend and carry out the fundamental principle that open debate and inquiry serve, better than any other instrument, the interests of a free people and a free society.

The three most recent instances of contempt of Congress and the Joint Economic Committee involved Secretary Romney and HUD, Secretary Volpe and the Department of Transportation, and, to a lesser degree, the Chairman of the Civil Aeronautics Board.

Mr. President, in each of these cases with respect to the Joint Economic Committee, several significant witnesses were promised to the committee. We were assured they would come, their appearance was arranged and formalized, and then, within 24 hours of the time to appear, their appearances were canceled, and no significant reason was given. It was said that the department was now in a state of transition, in the case of the Department of Transportation, for example and, therefore, they would not appear.

Mr. President, if this were an isolated instance, I would not be on the floor of the Senate raising the point this morning. It is not isolated, however. This has occurred repeatedly in my experience. It has occurred with respect to housing, it has occurred with respect to the Department of Transportation, and, as I say, it has occurred with respect to the CAB, the Civil Aeronautics Board. It has also been a matter which has very much concerned the Appropriations Subcommittee on which I have had the honor to serve as chairman, the Subcommittee on Foreign Operations. There again the administration, after indicating they would appear, refused to send even their liaison man to appear. Nobody from the administration would appear before this subcommittee of the Appropriations Committee.

Let me be specific and cite the three specific instances where a department or agency of the Government has been contemptuous to the Joint Economic Committee. Then I shall cite an additional example involving the Appropriations Committee as well as the most recent rebuff to the Foreign Relations Committee of the Senate.

### SECRETARY ROMNEY AND HUD'S REFUSAL TO APPEAR

Housing is one of the major economic issues before the country. It affects employment, unemployment, and the money markets as do few other economic enterprises.

The Joint Economic Committee is charged by the law of the land; namely, the Employment Act of 1946, "to make a continuing study of matters relating to the (President's) Economic Report" and in addition to the committee's annual report "from time to time to make such other reports and recommendations to the Senate and House of Representatives as it deems advisable."

Because of continued high unemployment, the failure of Congress to pass the Housing Act of 1972, the scandals connected with HUD's administration, and the general question of housing's effect on the recovery of the economy, the Joint Economic Committee's Subcommittee on Priorities and Economy in Government scheduled hearings on Housing for December 4, 5, and 6 of 1972.

Secretary Romney was invited to appear before the committee and agreed to testify on December 6, but later was scheduled for December 7 at his request.

Yet, a few days after he had agreed to appear, Secretary Romney informed the committee that he would not appear at all. Not only that but he also refused to make any other—I repeat—any other HUD representative available to testify.

This was especially ironic because Secretary Romney had been making speeches all over the country to private groups addressing the issues that were before the committee. It was also ironic because Secretary Romney, in a press conference at almost the precise time, complained bitterly that during the recent election political figures had failed to raise, discuss, and address themselves to what he called the "real issues" before the country. Finally, it was ironic because his own legislative liaison scheduled a private meeting on Capitol Hill during the period of the hearings at which representatives from some 40 congressional offices were invited to attend. This meeting was held to discuss HUD policy in one of the critical areas of the JEC hearings; namely, public housing policies.

Secretary Romney's statement that he felt it was not the proper time to appear was a feeble one because first, he is to continue in office until his successor is confirmed, probably until February, and second, he refused to allow anyone else to appear. At best he is telling the Congress that for a period of 3 months we have no right to question him and his policies. To state that fact is to reveal its absurdity and its impropriety.

I say that those actions were contemptuous of the Congress and the rights of Congress and the people of the United States to take testimony from those who hold stewardship over the policies of this Government.

### THE CASE OF THE DEPARTMENT OF TRANSPORTATION

On December 27 and 28 I scheduled hearings before the Joint Economic Committee's Subcommittee on Priorities and Economy in Government on the subject of possible Federal Government support for the development of a new supersonic transport.

There was good reason for this. Various groups have been pressing the Government to renew its subsidies for such a program. Long, special pleading articles have appeared in some of the leading magazines of the country. And the attempts by the aviation industry itself to resurrect this issue, especially with the advent of the Concorde, have been intense. I therefore called hearings on this important subject.

Arrangements were made for the Department of Transportation to send Dr. Robert H. Cannon, Jr., Assistant Secretary for Systems Development and Technology, and for Mr. Frampton E. Ellis, Jr., Director of the FAA's Supersonic Transport Office to appear on December 27. This was the result of my invitation to Secretary Volpe and FAA Administrator John H. Shaffer.

After confirming the arrangement by phone on December 18 and further confirming it by letter on December 21, the Department of Transportation notified me on December 26, the day before the hearings, that Messrs. Cannon and Ellis would not appear. No reason was given and no substitutes were offered or sent. It was an abject refusal of representatives of the Department to appear.

### THE FAILURE OF THE CAB TO APPEAR

In addition, I am sorry to say that my old Friend, Secor D. Browne, Chairman of the Civil Aeronautics Board, also canceled his appearance on December 27. But he did so after telling me that he had a long-standing commitment to his family and after submitting a statement. While the question of his commitment to his family did not come up when he first accepted, at least he had the good grace to phone me, offer some reason, and at least submit a statement.

This, I am unhappy to report, was not

the case with either Secretary Volpe, Mr. Shaffer, or their designated witnesses.

### AFFRONT TO CONGRESS

I consider these instances an affront to Congress by an arrogant administration. In addition, I believe that in both the case of HUD and DOT the orders were really issued from higher sources.

The point should be clear that in each case I made no demand that the Secretary of HUD or the Secretary of Transportation appear. They not only refused to appear but, in one case refused to send a substitute and in the other case, canceled the appearance of a substitute without any reason.

These three instances all happened within the last few days and involved the Joint Economic Committee.

### DEFENSE DEPARTMENT ARROGANCE

Now let me turn to an instance which occurred last year. As chairman of the Subcommittee on Foreign Operations of the Senate Appropriations Committee, I was in charge of what is called the foreign aid appropriations bill. As usual, the funds for fiscal year 1972 were in grave dispute.

Essentially what happened was this. On July 1, 1971, a continuing resolution for foreign aid was passed which allowed spending to be continued "at a rate not in excess of the current rate or the rate provided in the budget estimate, whichever is lower." That is the common language of a continuing resolution.

Subsequently, the Senate passed a military assistance provision for the bill providing $350 million. The House provided $500 million. The figures were in dispute between the two Houses.

But when we went to conference, the Senate learned that with nothing in hand but the general language of the continuing resolution, the Department of Defense went to the Treasury 5 days after it was passed and drew down 71 percent of the annual amount established by the continuing resolution. Instead of getting 10 percent or a monthly or 6 weeks' allowance, the DOD drew down almost 9 months of the yearly amount during the first 5 days of the year.

By the time the Senate went to conference with the House, the DOD had drawn down about $500 million. The issue, then between the Senate provision for $350 million and the House provision for $500 million, was rendered moot by the arbitrary action of the Department of Defense.

That in itself was, in my view, an usurpation of power unwarranted by the language of the continuing resolution and especially unwarranted by its spirit. And it was done at a time when the President and his aides were denouncing Congress as the "big spenders."

Near the end of fiscal year 1972 when a new continuing resolution was before us for fiscal year 1973, I offered an amendment which would have prevented the Department of Defense from pulling the same shenanigans again under the new continuing resolution.

The Appropriations Subcommittee wished to hear testimony from the Defense Department on this issue and the DOD were invited to appear and to explain their action of the previous year.

But they failed to appear. They refused to send a representative.

The staff director of the Appropriations Committee, Mr. Scott, who had been with the committee for 25 years, could recall no other case in which any Department had refused to appear or to send a representative when requested to by the Appropriations Committee.

At that stage our only recourse was to cut off their funds entirely. Perhaps we should have done that but we refused to do it because of our feeling of responsibility to the country and for the orderly arrangement of affairs.

This failure by the Defense Department to appear is the fourth example within a single year in which I was personally involved when a great department of Government acted contemptuously toward the Congress.

### OTHER RECENT EXAMPLES

Mr. President, there have been other recent examples, not affecting me personally or any committee I serve on, but they should alarm and concern Republicans as well as Democrats in the Senate.

The refusal this week of Secretary of State Rogers and and Mr. Henry Kissinger merely to brief the members of the Senate Foreign Relations Committee is another in the series of contemptuous actions by the executive departments towards the Congress of the United States in recent months.

In this instance, due to the delicate nature of the negotiations, they were not asked to testify formally before the committee, but merely to brief members. This they refused to do even though that committee has jurisdiction over matters, to quote from the Senate rules, relating to the "Relations of the United States with foreign nations generally."

### CONSTITUTIONAL CRISIS?

These repeated refusals either to appear or to brief Members of Congress have raised issues which are now properly described as approaching a constitutional crisis.

It has happened both in domestic and foreign affairs.

### TIME TO CALL A HALT

It is time to call a halt to this situation. Ironically it is an administration now asserting vast executive power which represents a party which has decried such usurpation of executive power for almost 40 years since the day when Franklin Roosevelt was sworn into office.

But I believe in a division of power between the branches of our Government as the Constitution authorizes. For one, I intend to assert and reassert the basic rights and responsibilities of Congress in every effective and proper way I can.

The executive branch has thrown down the gauntlet. It has made the challenge. The Congress must not only resist that challenge but must reassert its rights and obligations at every appropriate time in the future and with every proper weapon at its command.

Here is one Senator who serves notice that he intends to follow that policy.

Mr. President, it is unfortunate, and I must say I regret very much, that I feel compelled to make this kind of a speech at the opening of the session of Congress. The President just won an overwhelming mandate from the people, or at least overwhelming personal approval. He carried my State, as he did all except one State of the Union. It is a time when we wish we could work closely with the President, and I hope we can.

I think we can, but I think if the President is going to work closely with Congress, it will be necessary for him to cooperate with us far better than in the last 2 or 3 months since the election. The very least Congress should expect from the President of the United States is that he should give us necessary information.

We do not expect him to concur in all our views, any more than we would expect to concur in all of his. When the President's proper representatives are invited to appear before a committee of the Congress of the United States, it is obvious that they cannot always appear at a time the chairman would like, and it is obvious that they will sometimes have to send substitutes. But when they refuse to send anyone, and when, after having scheduled an appearance, they cancel it at the last minute, without making any kind of reasonable explanation, it seems to me that the Senate and the House of Representatives, when treated this way, simply must protest and plead with the administration to recognize that if our system is to function, it can function only with full cooperation and a willingness on the part of the administration to share their views and their positions on these vital matters with Congress.

Mr. President, I yield the floor.

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## QUORUM CALL

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SAXBE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## VIETNAM

Mr. HARTKE. Mr. President, in the Democratic caucus this morning the Democrats agreed to a resolution sponsored by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Idaho (Mr. CHURCH) to bring an end to the war in Vietnam. At that time I voted present on that resolution. I am in agreement with the intent of the resolution but I am of the opinion more substantive action should be taken at this time.

I have talked to the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Idaho (Mr. CHURCH). They indicated their intention to introduce the resolution today. Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the President has ordered extensive military combat operations without notification of, consultation with, or explanation to the Congress, as evidenced by the recent unprecedented and reprehensible bombing of North Vietnam which resulted in killing of civilians and a substantial increase in the numbers of American POWs and missing; and

Whereas, the U.S. has more than fulfilled any obligation it ever had to South Vietnam and the Thieu regime; and

Whereas, Section 601 of Public Law 92-156 (the Mansfield Amendment) established as U.S. policy the withdrawal of all U.S. military forces from Indochina by a date certain pending only release of American prisoners and an accounting of the missing;

Now therefore be it resolved that the Democratic members of the House of Representatives hereby declare it to be Democratic policy in the 93rd Congress that no further public funds be authorized, appropriated or expended for U.S. military combat operations in or over Indochina and that such operations be terminated immediately, subject only to arrangements necessary to insure safe withdrawal of American troops and the return of American POWs, and accounting for the missing in action.

Mr. HARTKE. Mr. President, presently there is strong public opinion against the war in Vietnam. This was not always the case. Many of us were opposed to the war, when it was not popular to be against the war. Those of us willing to take that unpopular stand at that time were chastised, criticized, and practically everything under the sun was done to make our position as uncomfortable as possible.

The situation at present is that the President has been reelected and Mr. Nixon has indicated he intends to continue his negotiations policy. A policy which is conducted unilaterally without the advice and consent of the Senate. Neither the public nor the Members of the Congress are informed or consulted when the President acts. For example, no one I know has any idea why the President resumed the bombing of North Vietnam; whether he has any hope of negotiating a settlement; and whether he has any concrete plans for a final settlement for the end of the war in Vietnam.

I have said that no President is going to end this war without having egg on his face. I repeat that statement today. This country has egg on its face. That is not a desirable position for our country. Nonetheless the United States is not viewed in its best light by the other countries of the world. The Vietnam war was a mistake in the beginning and it is a mistake now. The sooner we end that war the better.

I introduced a resolution in the last Congress which said, in effect, "out now." Mr. President, if you had heard the Democratic caucus this morning, you too would have said "out now." I do not feel this is the proper time to take action only in the caucus. I offered a motion to table the resolution offered in caucus this morning, because I believe if we are going to end the Vietnam war, the Senate must take affirmative action. The resolution that was offered in the caucus should be brought to the floor of the Senate and considered immediately by this body.

Of course, such action will not occur. The resolution will be introduced and referred to the Committee on Foreign Relations, and we will wait on action by the President. The introduction of a resolution to end the war may ease the consciences of those who feel offended by the President's inaction, but the resolution has no immediate force and effect to end the killing or end this war.

The Senate and the American public should be wary of relying on the President to act. We have waited 4 years and still no end to the war is in sight. To be sure certain activities have been put forward as somehow or another to give the feeling to the American people that the President is acting affirmatively to end the war. I think such action is a subterfuge. It is a subterfuge which the President is intentionally leading us into. For example, the Senate in the belief that an end to the war is at hand is turning to a periphal issue of whether or not we are going to do anything about the prerogatives of the President.

I have listened to people, including our candidate for President, the Senator from South Dakota (Mr. McGOVERN), speak about the constitutional question. Rather than to engage in the discourse of constitutional question we must end the war immediately.

The American people are not adequately apprised of what is happening in Vietnam. For example, there is talk of a cease-fire. A cease-fire is not a political settlement, but such is the implication made to the American people. We need affirmative action now to end the war in Vietnam. An introduction of a resolution without further action does not end the war in Vietnam now.

This resolution without immediate action is meaningless. It is meaningless to promote it in caucus and it is meaningless to introduce it in the Senate because the Committee on Foreign Relations has agreed not to act until the President is inaugurated. In other words, we are going through another useless exercise.

I have spoken about the war in Vietnam for a long time. There is not the fervor among the people that there was a few years ago when I addressed a moratorium where a half million people were present. If that meeting were called today we would be lucky to have an attendance of 5,000 people.

The reasons for the decline in interest are twofold: first, the draft is not an important issue; and second, the casualty list is not as heavy.

I think the Senator from Idaho (Mr. CHURCH) expressed it correctly in the caucus when he said the only real way to stop this military power from being used in Indochina is to cut off funds which have been appropriated and not appropriate any funds in the future. Unfortunately this Congress and this Senate is not going to take that action. Therefore, I think it is wrong to mislead the American people into believing the Congress is so inclined to act. It is high time we recognize that we either stand up and be counted as opposed to this war or say we are going to let the President do as he pleases.

I have spoken out against this war consistently since 1963. I broke with my own President, President Johnson, on February 7 of 1965, over the issue of this war, so I do not have to apologize for my opposition. But I think it is important for those who have been latecomers in their opposition to this war to do something more than make emotional speeches.

## ORDER THAT HOUSE JOINT RESOLUTION 1 REMAIN TEMPORARILY AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message from the House of Representatives on House Joint Resolution 1 remain temporarily at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE DEMOCRATIC CAUCUS ACTION ON VIETNAM

Mr. McGEE. Mr. President, the members of my party in this body have just emerged from an extended caucus which consumed the morning. One of the actions of this caucus was a very strong ratification of a proposal by the senior Senator from Massachusetts renewing several prior actions of this body to cut off funds for the war, provided our prisoners are released. I want to take this opportunity to explain for the record why I felt compelled to vote "No" on that proposal.

Most of us have been torn very badly, shocked very deeply, by the events that have transpired in Southeast Asia, particularly since election day, November last. The resumption of the bombing, the consequences of that bombing, the discouragement and further delay in arriving at a settlement in Southeast Asia—all have combined to have a shattering effect on most of us.

How, then, could one vote "No" on a proposal to cut off funds for the war? The answer is a very direct one, Mr. President. By any stretch of the imagination, no action that could be taken in a Democratic caucus, no action that could be taken on the floor of this body, under its rules, can stop the war right now.

Therefore, I think we ought to be addressing ourselves to the question of, How do we most quickly stop the war? I think there is almost no disagreement left on the importance of bringing those hostilities to an end. Well, in my judgment, the little string of hope that is yet left for stopping the war fairly soon is the recent announcement that negotiations will be resumed in Paris next Monday.

There are some of my colleagues who think this is just another hoax. There are some who believe it to be a deliberate trick to allay the critics. There are some who, like myself, just do not know. We are not that smart. We have not had that much information from the White House, for whatever curious reasons would cause it to withhold consulting with at least the Foreign Relations Committee upon request. I might add, Mr. President, that I think that was a serious misjudgment by somebody downtown. Perhaps the President himself made the decision. But be that as it may, what has been done has been done. We are not going to change a single bombing raid.

We are not going to recover a single lost life by what we do here at this particular moment. The question is how we can stop the war sooner? what is the best chance we have?

I think that we have to face the fact that our prayers will be answered—that somehow the negotiations this time may work. We have no real assurance that they will. But it is about the only hope here for the time being.

So, I raise this question. What does a resolution out of a Democratic caucus, or a Republican caucus, or a resolution out of the Senate itself contribute to stopping the war the soonest? I fail to see that it makes any contribution in any substantive way.

On the other hand, I cannot see but how it might interfere with the chances for a cease-fire. We cannot add it up in any rational way as to where it could speed up such a decision for a cease-fire. However, it may rock the boat in this delicately sensitive movement so that it could defer a settlement, or maybe the negotiations at this time.

I think it behooves a Senator—whether he be a Democrat, a Republican, a liberal, or conservative—if he is genuinely concerned with stopping the war, to be more realistic about what measure can stop the war.

The best chance at this moment is that somehow we luck out in Paris, that somehow enough pieces can be fitted together so that the horrible conflict and the killing in Indochina will come to an end.

In my judgment, this is the moment for silence on the part of Members of the Senate. It is only for that reason that I take this position. It is not a petition to delay or defer action by the Senate as long as we can come to grips with the problem of stopping the war. But we do not stop the war by resolution. We cannot stop the war by cutting off funds now because we cannot cut them off today.

The funds on which they are now operating are already in the till. They have been authorized and ratified by this body in the recent months of the last Congress. They will not run out until the fiscal year ending this next June 30. And any temporary or emergency measures we might seek to institute from here on can have no effect for many weeks.

That is why I call into question the kind of judgment that would rush into the breach here with still another resolution at the very moment when there may be negotiations about to get underway.

That was the sole reason for my voting against the resolution. It was not only poorly timed, as I assessed it, but it also comes with ill grace to offer it in such a precipitous manner.

For better or for worse, the President of the United States under the Constitution is the officer in charge as the war winds down. He is the Commander in Chief.

There is no role for this body to play which can terminate the war on any given day. And for that reason it is my petition that we try to provide an opportunity for what little chance there may be for success in the negotiations to work itself out toward the termination of this conflict.

I am prepared, as many of my colleagues are now, to readdress myself to the new standards and to the larger question of what the Senate ought to do in the days ahead of us in making policy in the future in collaboration with the Chief Executive. But those are questions quite separate from what is proposed at this particular moment. Oh, I am mindful of what the House did. I do not think that it should ever be the role of the Senate to try to run a more exciting public image race than the House of Representatives.

I think our first prerogatives are to be Senators and to be responsible Senators. We have a more particular responsibility under the Constitution as it affects the foreign policy of this country. And I think it would behoove us now at least not to foul up the chances of what may be going on in Paris toward reaching some kind of a successful end to the war. Where we go beyond that point, we will have to arrive at in our collective judgments somewhat down the road ahead. I think it is important right now that we give the President and the peace negotiators a chance and let the hopes of all peoples, whatever their side on this question, come into fruition in a termination of this bitter, costly, bloody, and tragic conflict in Southeastern Asia.

We do that best by being less rambunctious with our resolutions.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. McGEE. I am happy to yield to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, the able Senator from Wyoming has made a powerful presentation of the reasons why many of us voted in opposition to the resolution offered by the distinguished senior Senator from Massachusetts.

The Senator from Wyoming in his remarks made the case far better than could the Senator from Virginia. The Senator from Virginia finds himself in thorough agreement with the reasoning just presented to the Senate today by the Senator from Wyoming.

What deeply concerns me about such a resolution as that presented this morning in a partisan, political caucus is what effect it may have adversely on the very delicate negotiations which our Government is now undertaking or will be undertaking come Monday.

None of us knows just how the peace negotiations might be affected by resolutions adopted by one political caucus or another within the Congress of the United States. For that reason, I took the same view as did the Senator from Wyoming and voted in the same way, in opposition to the resolution presented by the Senator from Massachusetts.

All of us want to get this war over with at the earliest possible time.

I suppose I am one of the few Members of the Senate who never at any single time in my career in the Senate has attempted to justify the putting of ground troops in Southeast Asia. It was a grave error in judgment. I have said that in this Chamber hundreds of times in the last 6 or 7 years. I want to see this war completely ended.

But I question the wisdom here at this late hour, when the negotiations for peace are hanging on such a fragile thread, that we should take action in a partisan caucus which tends to undermine our Government's negotiating efforts—which could give encouragement to our adversaries in Paris to hold out still longer in these peace negotiations.

All of us must pray that the negotiations will succeed. None of us knows just what the situation is at the moment. For that reason, I felt it desirable and appropriate as a U.S. Senator to vote, as did the distinguished and able Senator from Wyoming, in opposition to the resolution this morning.

Mr. McGEE. I thank the Senator from Virginia for his comments.

The PRESIDING OFFICER (Mr. CHILES). The time of the Senator from Wyoming has expired.

Mr. McGEE. I ask unanimous consent that I may have 4 or 5 additional minutes, so that I might yield to my colleague from Wyoming.

The PRESIDING OFFICER. The junior Senator from Wyoming can be recognized in his own right.

Mr. HANSEN. I ask unanimous consent, Mr. President, that the distinguished Senator from Wyoming might respond as he sees fit to observations I am about to make on my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I compliment my distinguished and cherished colleague from Wyoming for having addressed this body as he just has, and wish to compliment also my very good friend from Virginia for his observations. Though, as everyone knows, I am not a member of that caucus, I must say that I share the same sentiments.

I was confronted with a somewhat similar situation in a Republican caucus yesterday as that which confronted my good friends on the other side of the aisle; and it occurs to me that something useful may well be gained by reading Vermont Royster's editorial in the Wall Street Journal. Believing as I do that Mr. Royster makes some very relevant comments to this subject, I have asked that his editorial be printed in the RECORD.

He calls attention to the career of President Truman, a great American, a man whose loss has been mourned by almost every one of his countrymen during the last few days.

He points out that at the time of Mr. Truman's occupancy of the White House, he was not the most popular of men. It was he who made the heavily weighing decision to use the atomic bomb. It was he who introduced the Marshall plan and followed through on NATO. It was he who decided that a line should be drawn in Korea.

It seems to me, as I am certain it did to Mr. Royster, to be awfully tempting, these days, to make a lot of judgments and a lot of decisions based upon the emotions that overwhelm all of us. The headlines and stories in the press and the reports on television certainly would constrain any normal person to say, "If there is some way of stopping this tragic war, let us do it."

But, as was pointed out by Mr. Royster, sometimes, were we to act upon such impulses and respond to such emotions, we might be making some very tragic errors, and I pointed out in the statement that accompanies his editorial that I am somewhat older than the average age of Members of this body, and I happen to remember pretty well the convictions and desires of a lot of people at the time of World War II who said, "If there is some way of finding a better answer than fighting yet another world war, let us do it."

I would ask my distinguished colleague, a very distinguished historian and I think one of the best speakers to have entered this Chamber for some period of time, if he does not agree with me that when you look at the alternatives, tragic though our losses now are, it might not be better to do precisely as my colleague has suggested we do than to take the actions that would follow a course recommended by some at the moment.

Mr. McGEE. I would reply to my colleague that historically, at least as I see history, the situation cries out for a little less promiscuity, or exhibitionism, or sloganizing, at the very moment when what little hope there may be, of some kind of success for the new talks in Paris, if any at all, hangs in the balance.

What similar conduct could have done to the events in World War II to which the Senator has referred, after the Battle of the Bulge had gone badly, had we tried to play general or President, would have been totally disastrous. Admittedly the circumstances are somewhat different now in historical terms, and perhaps there are those of us who are guilty of overreacting to the parallels of our earlier historical experience as they led up to World War II. But we still have to ask ourselves, even so, what are the other options, as the Senator has suggested.

What are the other options? We want to stop the war. But how do you stop it with a resolution, at the very moment when that same resolution may indeed foul up the best intentions of every one in Paris to try to get the thing stopped or at least quieted? We do not yet know what we have a right to expect.

I know what the popular position is. The popular position is to say, "I am going to stop this right now." And, God, I wish we could. I wish we had some power in the palm of our hand to do it right now.

But not one of our colleagues here has discovered what that secret is. The best chance we have is for these negotiations to succeed and get it stopped. Somewhere farther down the road—it takes a long time—we may find some legislative recourse to stop it. But we are not going to do that this week nor next week, nor the week after.

All I am saying is that there is plenty of time for resolutions. This is less a time for being popular, Mr. President, than it is a time for being responsible. Those two do not always go hand in hand. But I think our sense of responsibility should now rise and take precedence over our understandable despair and discouragement and our temptations to try to get a lot of pats on the head for saying things that all of us like to hear at this particular hour in this long conflict.

So my plea is for responsibility ahead of popularity.

Mr. HANSEN. Mr. President, I would like to express once more my appreciation to my colleague, the senior Senator from Wyoming, for articulating so well what he and I believe are the important considerations that must face any person carrying the heavy burden of responsibility.

I think that we are not equipped now, in the light and the emotions of the day and without more precise knowledge of the sensitive negotiating involved fairly to judge the wisdom of those persons making important decisions. I suspect that we are going to have to leave that to history, as we have done for a long, long time, and my guess is that history will be slow in its judgment, but it will be fairly accurate in its judgment.

In the long run, I share the opinions of my two colleagues now present in the Chamber, the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) and my colleague from Wyoming (Mr. McGEE), that what we should try to do is to support those in positions of power and responsibility in making judgments that will best serve the long-range interests of America, and not try to take actions which may please some of us at the moment but may, in light of future experience and access to detailed knowledge of what is at stake, turn out to have been very poor decisions.

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## ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HUDDLESTON). Is there further morning business?

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## AUTHORIZATION FOR INTRODUCTION OF A BILL DURING THE ADJOURNMENT OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Hawaii (Mr. INOUYE) be authorized to introduce a bill during the adjournment of the Senate over until Saturday, that the bill be appropriately referred, and that it be printed in the RECORD of Saturday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, by way of explanation, the bill relates to shipping strikes affecting the State of Hawaii. Senator INOUYE would have introduced the bill today, but the bill had not yet been fully prepared. He will not be able to be present on Saturday, and it is for this reason that I have made the request on his behalf.

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## THE BOMBING OF NORTH VIETNAM

Mr. DOLE. Mr. President, the junior Senator from Kansas was not present earlier today when the senior Senator from South Dakota discussed the war in Indochina and made a reference to the recent bombing as being the "cruelest and most insane act of a long and foolish war."

At first glance, this may appear to be a new line. But if we go back to the Cambodian invasion and the mining of Haiphong Harbor and throughout President Nixon's successful Vietnamization program, we will find much the same language being used every time by those who have changed their minds about Southeast Asia and those who find it convenient to oppose the President's efforts for peace.

Mr. President, the junior Senator from Kansas, as much as anyone wants the war to end in Southeast Asia. He wants the peace to come tonight, or tomorrow, wanted it last week and a year ago. But it is only fair to look at the realities and we should be objective. There are some affirmative points that have not been made. I would assume everyone in this body is hoping that Dr. Kissinger will have good news after the negotiations which start next Monday in Paris. We all must hope that through his efforts, and particularly the efforts of President Nixon, Secretary Rogers, and others, both Republican and Democrat, there will be a negotiated settlement in the very near future.

But it is important to note that negotiations have been resumed. It is important to note that the North Vietnamese insisted only on a halt of the bombing north of the 20th parallel. It is important to note that the Chinese and the Soviets have demonstrated rather remarkable restraint in reaction to the bombing. This should not be interpreted to mean that I know the details about the bombing or that I subscribe to that policy totally.

But I do know the facts and the facts are that there are slightly more than 24,000 Americans in South Vietnam, the lowest number in 8 years. I do know that American casualties have been reduced by 98 percent or 99 percent by President Nixon. I know it is symbolic and probably, or certainly, no surprise to the President or others around the country, that when Congress reconvened there would be a great hue and cry from some and in most cases the same critics who were doing so last year. They say to cut off funds or to assert the authority of Congress. I believe we have the authority and perhaps it should be exercised at some time. But I caution my colleagues in both the Senate and the House that we are in a very delicate stage of negotiations. We are, according to Dr. Kissinger, perhaps 99 percent of the way to reaching our agreement.

Perhaps errors have been made by this administration but critics at least should accept the fact that some of the fault lies with the other side, the North Vietnamese and Vietcong.

I find it difficult to understand why some seem so quick to criticize this country, this Government, and this President, and so hesitant to criticize the Communist Government of North Vietnam, or the Vietcong, or those who supply the North Vietnamese or the Vietcong. I find it hard to believe that the critics are being fair and objective. No one wants the bombing to continue, least of all the President. But the President had to make some decision.

I wish to end on a positive note. Negotiations have been resumed. Technical discussions have been underway for the last 2 days. Next Monday, Dr. Kissinger returns to Paris, hopefully to end the war, without forcing our ally in that country to capitulate to North Vietnam and the Vietcong.

I guess many may have missed the fact that the President served notice on North Vietnam what the consequences might be if they did not pursue serious talks. I guess many may not have noted that the North Vietnamese had changed the conditions of the agreement that Dr. Kissinger spoke of on October 26. One change was to the release of American prisoners and missing in action to the release of political prisoners in South Vietnam. That was certainly a new facet in negotiations and a rather important one. We should keep the record straight.

The North Vietnamese invasion of South Vietnam on March 30 led President Nixon on May 8 to order the bombing and mining of North Vietnam. There was a great hue and cry at that time and most of that hue and cry came from the same persons who today make similar statements with reference to the bombing of North Vietnam.

At the same time the President reiterated our terms for a just and honorable peace: Unconditional release of American prisoners throughout Indochina; immediate cease-fire throughout Indochina; withdrawal of American forces at a time to be agreed upon; and agreement that the political future of South Vietnam would be left to the South Vietnamese people to determine through a peaceful political process.

Five months after the President's decision of May 8, on October 8, 1972, the North Vietnamese in secret negotiations in Paris accepted the basic framework of the President's proposal and agreed to a cease-fire. They did this without having achieved their demands that the United States overthrow its ally and impose a coalition government.

In late October, because both sides were negotiating seriously and we were close to a cease-fire agreement, the United States unilaterally cut back its bombing operations over North Vietnam to below the 20th parallel.

There were some points still unresolved at that time and they concerned the international supervisory machinery, some linguistic ambiguities, and technical details. These questions were nowhere near the difficulty or importance of the issues already settled, through the efforts of Dr. Kissinger, other American negotiators, and the North Vietnamese negotiators.

Then, suddenly, in December, Hanoi shifted gears and began a deliberate series of stalling maneuvers. According to Dr. Kissinger, whenever we were on the verge of settling the remaining issues, Hanoi reneged on points already settled and attempted to introduce unacceptable proposals. If one point were clear they would raise two others and on and on.

It was evident to Dr. Kissinger—and certainly he had more experience negotiating in this area than any man I know of, and probably more than all of us put together, and he knows more about the details—and he said at that time that it was clear that they had made a conscious and deliberate decision to in some way delay. Perhaps the North Vietnamese were waiting for Congress to reconvene; perhaps they felt Congress, the Republicans and Democrats, would join in an effort to cut off funds. Perhaps they felt in a general way that congressional pressure might give them a better settlement than they had in October. Perhaps they were seeking to exploit some new strain and difficulty between Washington and Saigon.

There are signs, I understand, that they were planning a new offensive to grab more territory before any standstill cease-fire became effective.

Let us be candid. We have some disagreement with our allies with respect to the agreement, but that question is now moot because it is Hanoi and not Saigon that has been preventing the conclusion of negotiations.

The President said on November 2—

> We are going to sign the agreement when the agreement is right, not one day before. And when the agreement is right, we are going to sign, without one day's delay.

So I would suggest that it was Hanoi's unwillingness to negotiate seriously which led to the President's suspension of the unilateral limitation on military action above the 20th parallel.

The President could not let them use the peace talks as a weapon of political warfare or as a cover for a buildup for new military offenses. As it had been since May, the bombing was limited to military targets.

At the end of December, Hanoi agreed to resume serious negotiations. As I said, technical talks had already started. Dr. Kissinger, Le Duc Tho, and Xuan Thuy are resuming the negotiations next Monday. The President has reimposed the limitation on bombing above the 20th parallel as long as serious negotiations are underway.

The junior Senator from Kansas happens to believe that only a few steps remain to be taken. Perhaps the most crucial thing required is a political decision in Hanoi to end the stalling and allow the agreement to be concluded. The few points still to be resolved are not conflicts of principle; they are points that Hanoi already agreed to in November, as I understand.

I would hope, in our eagerness as Members of Congress to seek a peace in Southeast Asia and peace elsewhere in the world, that we would understand just how near we are to an agreement. I do not believe anyone seriously disbelieves Dr. Kissinger. I believe most Americans have faith in his judgment and understand that peace was at hand when he made his statement on October 26, and also understand that he cannot control the actions on the other side when they move that peace beyond his grasp.

I would indicate, again that there are some positive signs to peace. Let us not, in our eagerness to bring peace, hopefully on a constructive basis, by legislative action, or perhaps just to be critical of President Nixon, delay that peace. Do not restrict the options our Government has, because, after all, it is our Government that is involved, not a President or a Congress or a Senator or a point of view. But the negotiations have been resumed, and this is a sign that we are again on the threshold of peace.

Everyone in this body joins me in hoping that next Tuesday or Wednesday or soon thereafter a peace announcement will come, and then those who have raised their voices will reassess their criticism of President Nixon as America and all the world realizes a lasting peace because of his efforts.

## EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an extension of the time for the transaction of routine morning business, with statements limited therein to 10 minutes, and that the time run for an additional 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## "MEET THE PRESS" INTERVIEW WITH SENATOR ROBERT C. BYRD

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to insert in the RECORD the transcript of the "Meet the Press" interview on Sunday, December 31, in which I participated. "Meet the Press" is a public service program of NBC News, and it was aired locally at 3 o'clock p.m. on WRC, channel 4, here in Washington. The mediator was Mr. Lawrence Spivak. The interviewers were Mr. Paul Duke of NBC News, Mr. Samuel Shaffer, of Newsweek, Mr. Frank vander Linden of the Nashville Banner, and Mr. Carl Leubsdorf of the Associated Press.

Mr. RANDOLPH. Mr. President, reserving the right to object—and I shall not object—it is my privilege to commend my colleague from West Virginia, Senator ROBERT C. BYRD, on his presentation on the program of last Sunday, "Meet the Press." I feel that the country generally will be informed by the counsel that he gave, not so much in confrontation, but give-and-take with the gentlemen who interviewed him on that occasion. I again express appreciation for his candor and the courage and the purpose with which my colleague addressed himself on that occasion.

Mr. ROBERT C. BYRD. I thank my distinguished senior colleague. My purpose in asking for the transcript to be placed in the RECORD lies in the fact that I have been asked by several of my colleagues for a copy of the transcript, and I shall provide such copy through this medium.

May I add, Mr. President, an explanation of what I meant in responding to a question by Mr. Duke, when I said:

> There may come a time when we would have to withdraw without any agreement.

Perhaps I should clarify and amplify my statement for the RECORD. I had reference to an agreement providing for a negotiated cease-fire in place and for removal of all foreign military forces from Laos and Cambodia so as to promote an end to the killing and fighting in all of Indochina. This is the kind of agreement we are presently seeking in the negotiations which have been resumed. Integral to such an agreement must be the return of our prisoners of war and an accounting for those missing in action. It may be that we will not be successful in getting this comprehensive agreement—though I do not believe we should give up the effort yet—but the return of our prisoners and the best possible accounting of our missing men must remain a precondition to our withdrawal of troops.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

### MEET THE PRESS

(Produced by Lawrence E. Spivak)

Guest: Senator Robert C. Byrd (D.-W. Va.).

Moderator: Lawrence E. Spivak.

Panel: Samuel Shaffer, Newsweek; Carl Leubsdorf, Associated Press; Frank van der Linden, Nashville Banner; and Paul Duke, NBC News.

Mr. SPIVAK. Our guest today on Meet the Press is the Majority Whip of the Senate, Senator Robert C. Byrd, Democrat of West Virginia.

Senator Byrd served as Secretary of the Democratic Conference from 1967 through 1970. He was elected Majority Whip in 1971 in a contest against Senator Edward M. Kennedy. Senator Byrd served on three important Senate committees, Appropriations, Judiciary and Rules.

We will have the first questions now from Paul Duke of NBC News.

Mr. DUKE. Senator Byrd, anti-war legislators are vowing to push ahead for proposal to cut off funds for Vietnam even though President Nixon has now stopped the bombing.

As the Assistant Senate Democratic leader, will you support these efforts?

Senator BYRD. I have supported some of the end-the-war amendments in the past, depending upon how they were drawn. I may do so again in the future. I will not do so within the next 30 days, perhaps not within the next 60 days.

Mr. DUKE. If the negotiations at Paris drag on and no agreement is reached, will Congress finally face up to this war and cut off funds for financing it?

Senator BYRD. I don't think there is any question but that there will be these efforts. However, I think that the real hope for a workable peace and for an end to the killing lies in the negotiations which are about to be resumed.

Mr. DUKE. But if the negotiations don't succeed, will you then support efforts to cut off funds?

Senator BYRD. I may, depending upon the circumstances, the events, the situation at the time. There may come a time when we would have to withdraw, without any agreement.

Mr. DUKE. If the President had not stopped the bombing, would Congress have ordered a halt?

Senator BYRD. Well, I think there would have been that effort. I think we have got to remember that while Congress can legislate to cut off funds and to end the war, it cannot legislate the release of American POWs, and I cannot imagine Congress passing any end-the-war amendment that does not have the condition with it with respect to a release of American POWs.

Mr. DUKE. Mr. Senator, when you consider the heavy air losses, the outrage from around the world, the damage to American prestige from the spectacle of the world's greatest power attacking a small backward country, do you believe this bombing was justified?

Senator BYRD. I do not. I don't think there was any military necessity for it.

Mr. SHAFFER. Senator Byrd, it is my understanding that the Senate Democratic leadership plans to start right in when Congress convenes this coming week with its own legislative program without waiting for the President to make his State of the Union address. I don't think this has ever happened before in American history. Can't this be viewed as an affront, a calculated snub to the office of the President?

Senator BYRD. Not at all. I think the committees ought to meet quickly. The groundwork has been laid for legislation dealing with the important issues that are before the country. I feel that the Congress ought to act quickly, if possible, to reenact the legislation which the President vetoed following the adjournment of the last session, give him the opportunity to veto it again with the opportunity to the Congress to override him.

No, I think an early beginning makes for a good and early ending.

Mr. SHAFFER. How can Congress adequately present its own legislative program when, by the testimony of some of its most respected Members, it badly needs to reorganize its procedures, and some such as a good Senate man like Senator Goldwater, who is also a conservative, believes you ought to do away with the seniority system?

Senator BYRD. I don't agree that the Senate is an old creaking machine that can't act. It has shown time and again it can act quickly. As to the seniority rule, there is no such rule among the standing rules of the Senate. As a matter of fact Rule 24 provides for the balloting on the chairmanships, and any Member at any time can offer the name of any Senator he wishes to offer as the chairman of any committee and get a ballot on it, under Rule 24.

Now, the seniority system has worked in the past. I know it has its faults, but I have seen no other system that would have as great faults, or worse.

Mr. SHAFFER. I don't think anyone here on this panel has seen Rule 22 honored in the observance.

Senator BYRD. Oh, yes, it has. You are talking about Rule 24. Oh, yes.

Mr. SHAFFER. Rule 24.

Senator BYRD. Oh, yes. It has——

Mr. SHAFFER. On seniority it does not apply to the elections of the Majority Leader of the Senate and the Assistant Majority Leader. Now you, Senator Byrd, are number 25 in seniority in the Senate. Senator Mansfield, if I recall correctly, is number 13. Yet your colleagues, voting by secret ballot, chose the two of you because they figured you were the men best calculated to lead the Senate. Why shouldn't that apply to committee chairmen?

Senator BYRD. Because you have got 17 committees in the Senate, standing committees, not counting the special and select committees. You have 110 subcommittees, and if we are going to have a political campaign in each of these 110 subcommittees, in each of the 17 standing committees and each of the five select and special committees, we are going to get nothing done except logrolling and interference by the White House and lobbyists and special interest groups in the interest of their own favorites.

Mr. VAN DER LINDEN. Senator Byrd, let's talk for a moment about your future as a part of the Democrats. As you know, you have two more Senators on your side of the aisle and you have kept control of the House and yet you really got clobbered by President Nixon in November. Tell us why?

Senator BYRD. Well, the people didn't leave the party with respect to the presidential election. The party left the people. I think the people stayed with the Democratic party in that they voted for United States Senators, for members of the House and for other officials all down the line. We picked up two seats in the Senate; we picked up a governorship; we gained in most state legislatures and we held our leadership in the House, but in the presidential race, of course, you know what happened there.

I think that the party was not in the middle of the road, at least with respect to the image that it gave to the American people. Its candidate was not—with all due respect to its candidate—I don't say this in any pejorative sense in respect to Mr. McGovern, but I do say the impression the people had was that it was way off to the left. The American people have twice in recent years rejected what they thought was a candidate far to the right and now one far to the left.

Mr. VAN DER LINDEN. You think then in 1976 the Democrats will have to go back to the middle to have a chance to win?

Senator BYRD. I don't think there is any question about it. That is where the majority of the votes are, and I think we are going to have to go there to get them.

Mr. VAN DER LINDEN. Do you think Ted Kennedy could be a candidate of the middle?

Senator BYRD. I don't think there is anything to be gained by speculating on who might be a candidate in 1976, which is four years away.

Mr. LEUBSDORF. I would like to get back to Vietnam, Senator. Most of the recent decisions have taken place with an extraordinary amount of secrecy and, according to the newspaper reports, lack of consultation.

Were you or Senator Mansfield or any other members of the Senate leadership consulted or informed about any of the moves that have been taken by the President since Congress adjourned?

Senator BYRD. I was not. I know of no such contacts with the majority leader. There could have been.

Mr. LEUBSDORF. Do you think that there should have been?

Senator BYRD. I think there should have been. I was very disappointed that the Administration did not take the American people into its confidence and at least talk with the leadership of Congress with respect to the bombing—which was a major bombing—before action was taken.

Mr. LEUBSDORF. What steps do you think that you and Senator Mansfield, as the leaders of the Senate, can take to try to restore the Senate's place in getting the kind of consultation in the role in foreign policy that the Constitution specifies and that seems to have been overlooked?

Senator BYRD. I think we ought to, and will, pass again the War Powers Bill which was enacted by the Senate in the last Congress.

Mr. SPIVAK. Senator, may I ask you a question. There is a recent report in the press that you are already drawing up a list of legislation to come to the floor early in the new session. What legislation do you expect will get priority in the Senate?

Senator BYRD. I think hijacking legislation, legislation dealing with highways, trade, the extension of price and wage controls, strip mining, the energy crisis; I think the Congress will come to grips with the issue of separation of powers, and I think that it will be more assertive of its rightful place in the constitutional system of checks and balances.

Mr. SPIVAK. Do you believe there is going to be a serious struggle on the question of the separation of power?

Senator BYRD. I think it is developing, has been developing, and I think it must come to a culmination of effort on the part of the Congress.

Mr. Spivak. Based on past history, do you think you are going to be able to win that struggle?

Senator Byrd. I think we can. The struggle will take place in many areas. For example, in the area of war powers, impoundment of funds, executive privilege, and reorganization of the executive branch.

Mr. Duke. You said a moment ago, Senator, that you were concerned that the White House didn't give any explanation to the people about the bombing of Vietnam and a change in our policy which brings up a related issue which some people here in Washington are concerned about, namely the increased isolation of the President. He doesn't appear in public very often. He doesn't hold news conferences. He doesn't consult with leaders of Congress. He doesn't talk to the American people often. Does this concern you?

Senator Byrd. It does. I am not going to damn the President because he doesn't appear in a press conference every day or every ten days, but I do think that he could improve his relations with Congress and with the press and with the American people—even though he can certainly point to a vote that was over sixty per cent of the vote cast in an election in which we saw the smallest turnouts of voters since 1948—but I think he could improve his relations with the Congress by talking with the leadership of the Congress, the chairmen of the committees, getting their advice and counsel, letting them know what he is contemplating, and I think he could improve his relations with the press if he had perhaps more conferences and talked with them more.

Mr. Duke. Many members of Congress feel that the White House people look down on Congress. Do you have this feeling? Do you share this feeling?

Senator Byrd. I don't share this feeling and in talking about his relations with the press, I am not nearly as cognizant of what the true situation is except as I read it and hear it, but I think I can speak with reference to the Congress.

I have felt that not everyone in the Congress in either party is an adversary of Mr. Nixon. He has his enemies up there; he has his critics, but what President hasn't? I think it would go a long way toward insuring for himself better cooperation on the part of the Congress and in turn a better understanding on the part of the American people if he would talk with members of Congress more.

Mr. Duke. Now, one of the things which the President is doing is imposing a ceiling of $250 million on federal spending.

Senator Byrd. Billion.

Mr. Duke. Billion. Even though Congress refused to authorize such a ceiling.

Obviously the White House is doing this by withholding certain funds which Congress has decreed should be spent.

Now, isn't this an infringement on the power of Congress and is Congress going to let the President get away with this?

Senator Byrd. To begin with, the impoundment of funds has been carried on by Mr. Nixon's predecessors going back to Franklin D. Roosevelt, I suppose, during the depression, and during the war. But I think that more of it has occurred under Mr. Nixon.

As I recall in 1971, FY 1971, about twenty per cent of the controllable items, $12 billion, was impounded by the President.

Now, I think that some of these impoundments are legal and some of them are mandated by the Congress, but I think that where they are not legal and where they are made only through the discretion of the President or the executive branch, I think the Congress ought to do something about this. I think it can, and I think it will.

Mr. Shaffer. Senator, I want to ask you, in connection with that, it is all very well to deplore the President's impounding of funds that you and Congress have appropriated, but what specifically can you do about it and what are you going to do about it?

Senator Byrd. Well, we can act from a legislative standpoint and we can bring about and encourage action from a judicial standpoint.

Now, there had been a case only this year settled in the District Court of the Western District of Missouri in which the District Court ruled that the Secretary of Transportation could not impound funds supposed to have been allocated to Missouri under the Federal Aid Highway Act. That case will be appealed. The appeal will be heard on January 8th in the Eighth Circuit and Senator Irvin, who is chairman of the Subcommittee on Separation of Powers in the Senate, is going to file an amicus in support of the decision which will be on behalf of the Majority Leader and on my behalf as Majority Whip and on behalf of several, of the committee chairmen in the Senate.

Now, I think the interpretation of this—let me say this: This is the first case that I know of which deals with impoundment on the merits. I think we have to remember that it is based on an interpretation of the statute which says that such funds may not be impounded.

Mr. Shaffer. But how about acting legislatively? Now, Senator Irvin introduced a bill in 1971 which would compel the President to report to Congress whenever he planned to impound funds and give Congress thirty days in which to veto such action.

Do you expect to try to get a bill like that passed in this Congress and will you support it?

Senator Byrd. Yes, I will support it, and I think we ought to move in this direction.

The President, under the Constitution, has no role in the appropriations process except by the veto and by virtue of his being able to recommend. The Congress has the role of legislating, and I think the Congress ought to write into some of its bills strict language prohibiting the impoundment of funds. I think the intepretation would be then on the statutory intent and I think would also be based on the determination of whether the Congress had the power to prohibit such impoundment of funds. But we could get some court cases in this way.

Mr. Van Der Linden. Senator Byrd, we were saying a minute ago that the Democrats would have to move back to the middle and away from the left. Could you tell us what you specifically suggest for winning back the approximately ten million Americans who once voted for George Wallace and apparently went over to Nixon this last election?

Senator Byrd. Well, there were not only the Americans who voted for Mr. Wallace who went over to Mr. Nixon. I think that what we have got to do is get rid of the pro-welfare—giveaway image, the pro-permissiveness image, the pro-busing image the meat-ax cuts of defense funds and get back into the middle of the stream.

Mr. Van Der Linden. Would you sponsor a bill on any of those yourself?

Senator Byrd. Well, I may or may not, but I would certainly support legislation in this direction.

Mr. Van Der Linden. Would you curb busing, for example?

Senator Byrd. I have in the past.

Mr. Van Der Linden. And on defense you would fight any major cuts——

Senator Byrd. Well, I have supported some defense cuts, but I am against broad meat-ax cuts. I have supported certain selective cuts.

Mr. Leubsdorf. Senator, your statements on some of these issues sound a little bit like some of the views Governor Wallace has presented——

Senator Byrd. Well, they sound like the views that the majority of the people want to hear.

Mr. Leubsdorf. Do you think—the Charleston Gazette once said that your record and views "made you the functional equivalent of George Wallace." Do you think Wallace really represents much more than just a fringe and that he really represents the middle of the road?

Senator Byrd. Of course he represents more than just a fringe. When he said "Send them a message in Washington," this caught on. When he talked about the unfairness in the Internal Revenue taxing program, he talked about middle income Americans. When he said there are some millionaires who can make millions and not pay a penny, and yet there are middle Americans who work every day and who have to pay a high percentage of their income, he struck home.

As to the Charleston Gazette, may I say I would suggest that you ought to try quoting some of the other newspapers in the State of West Virginia once in a while.

Mr. Leubsdorf. Do you think that the Democratic Party which nominated George McGovern in 1972 could nominate a George Wallace in 1976?

Senator Byrd. I think it is too early to speculate as to what might happen in 1976. I think the people have spoken, they have indicated that they are not for any extremist fringes on the left or on the right, and I think that the Democratic Party is going to have to get back in the middle of the stream, regardless of who might be the leader of that party.

Mr. Spivak. Senator, in a television broadcast shortly after you won your election as Majority Whip, you said "I just don't think that there is a feeling of respect for the Senate as an institution."

Why do you think that?

Senator Byrd. Well, I think the Senate, through inattention, through failure to exercise its own powers, has from time to time—and certainly in recent years—created a vacuum into which a strong executive has moved. This, in the main, was what I had in mind.

Mr. Spivak. Well, what do you think the Senate can now do to win back the respect that you think it once had and lost?

Senator Byrd. Well, there are a number of things it can do. It can pass a War Powers Bill which will define the authority of Congress in connection with undeclared wars. We have already talked about the impoundment of funds. I think it can take steps that will be effective in the area of executive privilege, and it certainly ought to take steps with respect to the reorganization of the Executive Branch. It ought to give closer scrutiny to some of the President's nominees. I think our own people ought to work harder. We ought to stop getting around over the country and turn down some of the speaking engagements that we accept and stay in the Senate and work and get down to business and give our full attention and not have too much partisan bickering. Take a partisan stand when it is necessary but try to show statesmanship and get back the powers that we have given away and take our rightful place in the constitutional system.

Mr. Spivak. Gentlemen, we have less than four minutes.

Mr. Duke. Well, those are very high sounding words which you voice here today, Senator Byrd, but do you think there is now a disposition in Congress to save Congress, to prevent Congress from becoming, as one Senator said, a constitutional relic?

Senator Byrd. I don't think there is any question about it.

Mr. DUKE. And you think this session of Congress will then face up to this?

Senator BYRD. I think you will see strong efforts in this session of Congress in that direction.

Mr. SHAFFER. Senator Byrd, the President put Congress on the spot when he asked for a spending ceiling of $250 billion and Congress, specifically the Senate, refused to give it to him. He said if he couldn't limit spending to $250 billion there would have to be a tax increase.

I assume there is no politician in his right mind who is going to advocate a tax increase. So what will you do about controlling spending in the Congress if you won't let the President have that power?

Senator BYRD. Well, Congress has to do this itself. I am not against the spending ceiling, but I think Congress ought to set it. I don't think we ought to let the President set it.

Mr. SHAFFER. Well, how do you do it? It is very easy to say Congress should do it, but you have a mechanism. You have one computer in the Senate used for calculating the Senate payroll.

Senator BYRD. We don't necessarily need more computers; we need more staff people, more brain power.

Mr. VAN DER LINDEN. Senator, suppose some of your friends would start a movement to nominate you for President in 1976. Would you tell them to stop?

Senator BYRD. I would tell them to stop.

Mr. LEUBSDORF. One of the problems in 1972 is that it seems at times half of the Democrats in the Senate were running for President.

Mr. VAN DER LINDEN. Do you think a shorter election campaign might solve this problem?

Senator BYRD. I think it would help.

Mr. VAN DER LINDEN. What changes do you think should be made in the whole process of nominating and electing presidents.

Senator BYRD. Well, I think that some consideration should be given to the suggestion with respect to a national primary, and I think these campaigns ought to be shortened. The people get tired of them and the candidates get worn out, and this may be one reason why so few people turned out to vote.

Mr. SPIVAK. Senator, you made a speech in which you said that the problem is no longer how to achieve integration, but how to prevent resegregation. Is it your belief today that we have achieved integration?

Senator BYRD. I think that we have achieved what the Supreme Court set out to do in 1954. We have not only achieved that, but we have gone back in the opposite direction 180 degrees. The Supreme Court stated or took the position that no child should be denied access to any school purely on the basis of its race or color and today we are doing just that. Children are being chosen precisely on the basis of their color, whether they are white or black, and the decisions are being made for them and for their parents as to where those children would go.

I don't think there is any question but that integration has been achieved. Nobody is advocating going back to forced segregation, but I think this foolishness of running children all over town and over icy roads and using them as guinea pigs to try to prove some unworkable social experiment is an imposition on the children, an imposition on the parents; it is costly; it is foolish and it is unconstitutional.

Mr. SPIVAK. We have less than thirty seconds.

Mr. DUKE. Senator Byrd, very briefly, will Congress tend wage and price control authority?

Senator BYRD. I think it will, with some discussion, but not too much opposition.

Mr. DUKE. And will it approve a national health insurance plan?

Senator BYRD. I think it will.

Mr. DUKE. And tax reform?

Senator BYRD. There will be some tax reform, I am sure.

Mr. DUKE. And what about the President's Welfare Reform Plan?

Senator BYRD. Well, I don't know about that.

Mr. SPIVAK. I am sorry to interrupt but our time is up. Thank you, Senator Byrd, for being with us today on Meet The Press.

## ORDER FOR 15-MINUTE YEA-AND-NAY VOTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—and this has been cleared with both the distinguished majority leader and the distinguished Republican leader—that, in accordance with the procedure followed during the second session of the 92d Congress, the time on any rollcall vote be limited to 15 minutes, with the warning bell to sound midway.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., NEXT WEEK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the first day of a Senate session next week, immediately following the prayer and the recognition of the two leaders or their designees under the standing order, the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO NEW SENATORS

Mr. ROBERT C. BYRD. Mr. President, the people of the Nation, I think, are extremely fortunate in that we have several very enterprising and able young Senators who have been recently elected to membership in this body.

The Senate will also be fortunate in that these very capable, new Senators have come to the Senate, many of them, after having served in the other body or in the State legislatures of their respective States.

I wish to call attention to the fact that today that one such new Senator, the former very able majority leader of the senate of the great State of Kentucky is presently occupying the chair. He presides over this august body with a skill and with a degree of fairness and ability as rare as a day in June.

I also call attention to the fact that the distinguished junior Senator from Georgia (Mr. NUNN) a few moments ago capably substituted for the leadership at a moment when the leadership was otherwise occupied.

I congratulate these two Senators and the other new Senators who will from time to time be called upon to preside over this body and to assist the leadership.

I congratulate the presiding officer, the Senator from Kentucky (Mr. HUDDLESTON). I think it well that his constituents know he is performing his duties in a very admirable and capable manner, just as he did with respect to the important responsibilities which rested upon his shoulders when he served so effectively in the Kentucky Senate.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. I trust that the junior Senator from Georgia (Mr. NUNN) will join with me in offering no objection to the statement just made by the distinguished majority whip.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

## QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUDDLESTON). Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

### REPORTING ON EXTENSION OF CREDIT TO THE POLISH PEOPLE'S REPUBLIC

A communication from the President of the United States, reporting, pursuant to law, that it is in the national interest for the Export-Import Bank of the United States to guarantee, insure, extend credit, and participate in the extension of credit in connection with the purchase or lease of any product or service by, for use in, or for sale or lease to the Polish People's Republic; to the Committee on Banking, Housing and Urban Affairs.

### CONTRACTS NEGOTIATED BY NASA

A letter from the Administrator of the National Aeronautics and Space Administration submitting, pursuant to law, a report listing required information concerning contracts negotiated by the National Aeronautics and Space Administration for the period January 1–June 30, 1972 (with accompanying papers); to the Committee on Aeronautical and Space Sciences.

### Construction of Facilities

A letter from the Administration of the National Aeronautics and Space Administration submitting, pursuant to law, a report on the proposed reprogramming of funds authorized and appropriated for 1972 and 1973 to support the space shuttle program (with accoompanying papers); to the Committee on Aeronautical and Space Sciences.

### NASA and Aerospace Related Industry Employment

A letter from the Administrator of the National Aeronautics and Space Administration submitting, pursuant to law, a list of the present and former NASA employees who have filed reports with NASA pertaining to their NASA and aerospace related industry employment for the fiscal year ending June 30, 1972 (with accompanying papers); to the Committee on Aeronautical and Space Sciences.

### Status of Research Facilities Funds

A letter from the acting director of the cooperative State research service submitting a report on the status of research facilities funds (with accompanying papers); to the Committee on Agriculture and Forestry.

### Report on Overobligation of an Appropriation

A letter from the Chairman, Atomic Energy Commission, reporting, pursuant to law, on the overobligation in the Atomic Energy Commission allotment account; to the Committee on Appropriations.

### Soil Survey of Lands in Pojoaque Unit, San Juan-Chama Project

A letter from the Assistant Secretary of the Interior submitting, pursuant to law, a certification as to the adequacy of soil survey and land classification for the Pojoaque Unit, San Juan-Chama Project, New Mexico (with accompanying papers); to the Committee on Interior and Insular Affairs.

### Approval of Loan By the REA

A letter from the Acting Administrator of the Rural Electrification Administration submitting certain information, pursuant to law, regarding the approval of a loan for construction of certain transmission facilities (with accompanying papers); to the Committee on Appropriations.

### Report on Support Furnished From Military Functions to Certain Forces

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on support furnished from military functions to certain forces, for the fourth quarter of fiscal year 1972 (with an accompanying report); to the Committee on Appropriations.

### Report Concerning the Disposal of Military Supplies

A letter from the Assistant Secretary of Defense submitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and material, and for expenses involving the production of lumber and timber products (with accompanying papers); to the Committee on Appropriations.

### Appropriation for Readjustment Benefits

A letter from the Deputy Director of the Office of Management and Budget reporting that the appropriation to the Veterans Administration for readjustment benefits for 1973 has been apportioned indicating the necessity for a supplemental estimate of the appropriation; to the Committee on Appropriations.

### Use of Excess Foreign Currencies

A letter from the Assistant Secretary of Defense certifying, pursuant to law, that no use was made of certain funds appropriated where the use of excess foreign currencies was feasible; to the Committee on Appropriations.

### Approval of Loans by the REA

Two letters from the Administrator of the Rural Electrification Administration submitting, pursuant to law, information concerning the approval of two loans for the financing of certain generation and transmission facilities (with accompanying papers); to the Committee on Appropriations.

### Report of the Secretary of Defense

A letter from the Secretary of Defense submitting, pursuant to law, three reports of violation of subsection (a), section 3679, Revised Statutes (with accompanying papers); to the Committee on Appropriations.

### Report of the Department of Defense

A letter from the Assistant Secretary of Defense submiting, pursuant to law, a report of the estimated value, by country, of support furnished from military functions appropriations (with accompanying papers); to the Committee on Appropriations.

### Reports of the Indian Claims Commission

Three letters from the Chairman of the Indian Claims Commission submitting, pursuant to law, its reports on the claims of the Native Village of Shungnak, et al; the Yakima Tribe; and the Ponca Tribe of Indians of Oklahoma et al, against the United States (with accompanying papers); to the Committee on Appropriations.

### Fees and Expenses of Witnesses

A letter from the Deputy Director of the Office of Management and Budget submitting, pursuant to law, a report that the appropriation for fees and expenses of witnesses for the fiscal year 1973 indicating the necessity for a supplemental estimate of appropriation (with accompanying papers); to the Committee on Appropriations.

### Support of U.S. Prisoners

A letter from the Deputy Director of the Office of Management and Budget submitting, pursuant to law, a report that the appropriations to the Department of Justice for support of U.S. prisoners for the fiscal year 1973 indicating the necessity for a supplemental estimate of appropriation (with accompanying papers); to the Committee on Appropriations.

### Report of the Department of Health, Education, and Welfare

A letter from the Secretary of Health, Education, and Welfare submitting a report concerning a violation of section 3679 of the revised statutes (with accompanying papers); to the Committee on Appropriations.

### Claim of the Red Lake Bank of Chippewa Indians, et al.

A letter from the Vice Chairman of the Indian Claims Commission submitting, pursuant to law, its report on the claim of the Red Lake Band of Chippewa Indians, et al. against the United States (with accompanying papers); to the Committee on Appropriations.

### Claim of the Nisgah Tribe of Indians

A letter from the Chairman of the Indian Claims Commission submitting, pursuant to law, its report concerning the claim of the United Nisgah Tribe, et al., against the United States (with accompanying papers); to the Committee on Appropriations.

### Report of the Atomic Energy Commission

A letter from the Chairman of the Atomic Energy Commission reporting, pursuant to law, an overobligation of funds in the Atomic Energy Commission allotment account as of June 30, 1972; to the Committee on Appropriations.

### Claim of the Native Village of Unalakleet, et al.

A letter from the Chairman of the Indian Claims Commission submitting, pursuant to law, its report to the Congress on the claim of the Native Village of Unalakleet, et al., against the United States (with accompanying papers); to the Committee on Appropriations.

### Proposed Construction Projects for the Air National Guard

A letter from the Deputy Assistant Secretary of Defense submitting, pursuant to law, proposed construction projects to be undertaken for the Air National Guard; to the Committee on Armed Services.

### Report of the Office of Emergency Preparedness

A letter from the Director of the Office of Emergency Preparedness submitting, pursuant to law, its semiannual report to the Congress on the strategic and critical materials stockpiling program for the period January 1 to June 30, 1972 (with accompanying report); to the Committee on Armed Services.

### Proposed Facilities Projects

A letter from the Deputy Assistant Secretary of Defense submitting, pursuant to law, notification of 17 facilities projects proposed to be undertaken for the Air Force Reserve (with accompanying papers); to the Committee on Armed Services.

### Contract Award Dates

A letter from the Assistant Secretary of Defense submitting, pursuant to law, a listing of contract award dates for the period November 15–February 15, 1973 (with accompanying papers); to the Committee on Armed Services.

### Report of the Department of the Army

A letter from the Secretary of the Army submitting, pursuant to law, reports of the number of officers detailed to the Army General Staff on September 30, 1972 (with accompanying papers); to the Committee on Armed Services.

### Reports of Former Officers or Employees of Department of Defense

A letter from the Deputy Assistant Secretary of Defense submitting, pursuant to law, a listing of names of persons who have filed reports for fiscal year 1972 (with accompanying papers); to the Committee on Armed Services.

### U.S. Air Force Flying Pay Report

A letter from the Acting Secretary of the Air Force submitting, pursuant to law, a report on flying pay (with accompanying report); to the Committee on Armed Services.

### Report on Federal Contributions Program Equipment and Facilities

A letter from the Acting Director, Defense Civil Preparedness Agency, transmitting, pursuant to law, a report on Federal Contributions Program Equipment and Facilities, for the quarter ended September 30, 1972 (with an accompanying report); to the Committee on Armed Services.

### Report on Property Acquisitions

A letter from the Director of the Defense Civil Preparedness Agency submitting, pursuant to law, a report on property acquisitions of emergency supplies and equipment for the quarter ending September 30, 1972 (with accompanying papers); to the Committee on Armed Services.

### Report Concerning Laos Expenditures

A letter from the Assistant Secretary of State submitting, pursuant to law, a report showing the Laos assistance-related funds expended during the first quarter of the fiscal year beginning July 1, 1972 (with accompanying papers); to the Committee on Armed Services.

### Report on Facilities Projects Proposed for Army Reserve

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on facilities projects proposed for the Army Reserve (with accompanying papers); to the Committee on Armed Services.

### Report on Construction Projects Proposed for Army National Guard

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on construction projects proposed for the Army National Guard (with accompanying papers); to the Committee on Armed Services.

### Proposed Construction Projects of the Army Reserve

A letter from the Deputy Assistant Secretary of Defense submitting, pursuant to law, notification of construction projects proposed to be undertaken for the Army Reserve (with accompanying papers); to the Committee on Armed Services.

### Military Construction Projects

A letter from the Deputy Assistant Secretary of Defense submitting, pursuant to law, reports of military construction projects placed under contract in the fiscal year 1972 in which it was necessary to exceed the amount authorized by more than 25 percent (with accompanying papers); to the Committee on Armed Services.

### Proposed Regulation of the Cost Accounting Standards Board

A letter from the Chairman of the Cost Accounting Standards Board submitting, pursuant to law, a copy of a proposal authorized by the Board (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

### Report on Export Control

A letter from the Secretary of Commerce submitting, pursuant to law, a report on export control covering the third quarter of 1972 (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

### Report on Borrowing Authority

A letter from the Director of the Office of Emergency Preparedness submitting, pursuant to law, a report on borrowing authority for the period ending June 30, 1972 (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

### Study Findings Relating to Flood Disaster

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, reporting, pursuant to law, on findings relating to the flood disaster caused by tropical storm Agnes; to the Committee on Banking, Housing and Urban Affairs.

### Report of the Attorney General

A letter from the Attorney General of the United States submitting, pursuant to law, a report on voluntary agreements and programs pursuant to the Defense Production Act of 1950, as amended (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

### Report on Defense Procurement From Small and Other Business Firms

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on defense procurement from small and other business firms, for July–September, 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

### Report of the Comptroller of the Currency

A letter from the Comptroller of the Currency submitting, pursuant to law, his annual report for 1971 (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

### Report of the Department of Justice

A letter from the Attorney General of the United States submitting, pursuant to law, the report on the activities of the Department of Justice in the enforcement of title II of the Consumer Credit Protection Act for the fiscal year 1972 (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

### Report of the Department of Defense

A letter from the Assistant Secretary of Defense submitting, pursuant to law, a report of the Department of Defense Procurement from Small and Other Business Firms for July–August 1972 (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

### Exports to Yugoslavia and Rumania

A letter from the Secretary of the Export-Import Bank of the United States reporting, pursuant to law, on the amount of Export-Import Bank loans issued in connection with United States exports to Yugoslavia and Rumania in the period July 1972 through September 1972; to the Committee on Banking, Housing and Urban Affairs.

### Report on Disaster Program

A letter from the Director of the Office of Emergency Preparedness submitting, pursuant to law, a report on the disaster program (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

### Report of the Migratory Bird Conservation Commission

A letter from the Chairman of the Migratory Bird Conservation Commission submitting, pursuant to law, the Commission's report for the fiscal year ending June 30, 1972 (with accompanying report); to the Committee on Commerce.

### Notice of Finding Concerning Upholstered Furniture

A letter from the Acting Assistant Secretary of Commerce submitting, pursuant to law, a copy of the Notice of Finding that a Flammability Standard or Other Regulation May Be Needed for Upholstered Furniture (with accompanying papers); to the Committee on Commerce.

### Purchases and Contracts Made by the U.S. Coast Guard

A letter from the Assistant Secretary of Transportation submitting, pursuant to law, a list of the purchases and contracts made by the U.S. Coast Guard during the period April 1 through September 30, 1972 (with accompanying papers); to the Committee on Commerce.

### Report of the National Railroad Passenger Corporation

A letter from the Vice President of the National Railroad Passenger Corporation submitting, pursuant to law, a report of Amtrak for the month of November 1972 (with accompanying report); to the Committee on Commerce.

### Report of the National Railroad Passenger Corporation

A letter from the Vice President of the National Railroad Passenger Corporation, transmitting, pursuant to law, a report of Amtrak for the month of July 1972 (with an accompanying report); to the Committee on Commerce.

### Report of the National Railroad Passenger Corporation

A letter from the Vice President of the National Railroad Passenger Corporation submitting, pursuant to law, a report of Amtrak for the month of September 1972 (with accompanying report); to the Committee on Commerce.

### Report of the U.S. Coast Guard

A letter from the Commandant of the U.S. Coast Guard submitting, pursuant to law, a report on the number of officers above the grade of lieutenant commander entitled to receive incentive pay for flight duty (with accompanying papers); to the Committee on Commerce.

### Major Natural Gas Pipeline

A letter from the Chairman of the Federal Power Commission submitting, pursuant to law, a copy of a map entitled "Major Natural Gas Pipelines, June 30, 1972" (with accompanying papers); to the Committee on Commerce.

### Statistics of Interstate Natural Gas Pipeline Companies

A letter from the Chairman of the Federal Power Commission submitting, pursuant to law, a report entitled "Statistics of Interstate Natural Gas Pipeline Companies, 1971" (with accompanying publication); to the Committee on Commerce.

### Report of the National Railroad Passenger Corporation

A letter from the Vice President of the National Railroad Passenger Corporation transmitting, pursuant to law, the annual report of Amtrak for the month of August 1972 (with accompanying report); to the Committee on Commerce.

### Report of the National Railroad Passenger Corporation

A letter from the Vice President of the National Railroad Passenger Corporation transmitting, pursuant to law, its report for the month of October 1972 (with accompanying report); to the Committee on Commerce.

### Publications of the Federal Power Commission

Two letters from the Chairman of the Federal Power Commission submitting a publication entitled "Hydroelectric Plant Construction Cost and Annual Production Expenses, 1970" and "Steam-Electric Plant Construction Cost and Annual Production Expenses, 1970" (with accompanying publications); to the Committee on Commerce.

### Report of the Alaska Railroad

A letter from the Secretary of Transportation submitting, pursuant to law, the annual report on the administration of the Alaska Railroad (with accompanying report); to the Committee on Commerce.

### Report of the District of Columbia Redevelopment Land Agency

A letter from the Chairman of the District of Columbia Redevelopment Land Agency submitting, pursuant to law, its annual report for the fiscal year ending June 30, 1971 (with accompanying report); to the Committee on the District of Columbia.

### Report of the Goverment of the District of Columbia City Council

A letter from the Chairman of the City Council of the District of Columbia submitting, pursuant to law, its report for the period February 1969 through June 1970 (with accompanying report); to the Committee on the District of Columbia.

### Report of the Secretary of the Treasury

A letter from the Secretary of the Treasury submitting, pursuant to law, his annual report on the finances of the Federal Government for the fiscal year 1972 (with accompanying papers); to the Committee on Finance.

### Report of Secretary of the Treasury

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a combined statement of receipts, expenditures and balances of the U.S. Government, for the fiscal year ended June 30, 1972 (with an accompanying report); to the Committee on Finance.

### Report of the Department of Health, Education, and Welfare

A letter from the Secretary of Health, Education, and Welfare submitting, pursuant to law, a report on Medicare for the fiscal year 1971 (with accompanying report); to the Committee on Finance.

### Report on Grants Financed Wholly With Federal Funds

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, that no projects were approved during the period July 1, 1972, to September 30, 1972, for grants financed wholly with Federal funds; to the Committee on Finance.

### International Agreements

A letter from the Assistant Legal Adviser for Treaty Affairs of the Department of State submitting, pursuant to law, a list and the texts of certain international agreements entered into by the United States (with accompanying papers); to the Committee on Foreign Relations.

### Agreement With Columbia

A letter from the Assistant Secretary of State submitting, pursuant to law, a copy of an agreement with Colombia relating to the deposit by Colombia of 10 percent of the value of grant military assistance and excess defense articles provided by the United States (with accompanying papers); to the Committee on Foreign Relations.

### Report of the U.S. Advisory Commission on International Educational and Cultural Affairs

A letter from the Chairman of the U.S. Advisory Commission on International Educational and Cultural Affairs submitting, pursuant to law, its annual report (with accompanying report); to the Committee on Foreign Relations.

### International Agreements

A letter from the Assistant Secretary of State submitting, pursuant to law, a list of 16 international agreements entered into (with accompanying papers); to the Committee on Foreign Relations.

### International Agreements

A letter from the Assistant Secretary of State submitting, pursuant to law, a list and copies of six international agreements that have entered into force within the past 60 days (with accompanying papers); to the Committee on Foreign Relations.

### International Agreements

A letter from the Assistant Secretary of State submitting, pursuant to law, a list of 27 international agreements entered into since August 22, 1972 (with accompanying papers); to the Committee on Foreign Relations.

### Report of the Board of Foreign Scholarships

A letter from the Chairman, the Board of Foreign Scholarships, transmitting, pursuant to law, a report of that Board (with an accompanying report); to the Committee on Foreign Relations.

### Report of the National Advisory Council on International Monetary and Financial Policies

A letter from the Chairman of the National Advisory Council on International Monetary and Financial Policies submitting, pursuant to law, the Council's annual report covering the period July 1, 1971, through June 30, 1972 (with accompanying report); to the Committee on Foreign Relations.

### International Agreements

A letter from the Assistant Legal Adviser for Treaty Affairs of the Department of State submitting, pursuant to law, copies of international agreements other than treaties entered into by the United States with accompanying papers); to the Committee on Foreign Relations.

### Report Concerning Cambodia Obligations

A letter from the Assistant Secretary of State submitting, pursuant to law, a report showing the Cambodian assistance-related funds obligated during the first quarter of the fiscal year beginning July 1, 1972 (with accompanying papers); to the Committee on Foreign Relations.

### Deliveries of Excess Defense Articles

A letter from the Acting Assistant Secretary of State submitting, pursuant to law, a report on deliveries of excess defense articles during the fourth quarter of the fiscal year 1972 (with accompanying report); to the Committee on Foreign Relations

### Report Concerning Disposal of Excess Property

A letter from the Secretary of Health, Education, and Welfare submitting, pursuant to law, a negative report covering the disposal of excess property in foreign countries for the calendar year 1972 (with accompanying report); to the Committee on Government Operations.

### Report of the Department of the Interior

A letter from the Secretary of the Interior submitting, pursuant to law, the annual report on the minerals exploration assistance program (with accompanying report); to the Committee on Interior and Insular Affairs.

### Report of the Department of Defense

A letter from the Assistant Secretary of Defense submitting, pursuant to law, the annual report of the Department of Defense relative to its disposition of foreign excess personal property located in areas outside of the United States (with accompanying papers); to the Committee on Government Operations.

### Report of Commission on Government Procurement

A letter from the Chairman, Commission on Government Procurement, transmitting, pursuant to law, a report of that Commission (with an accompanying report); to the Committee on Government Operations.

### Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Budgetary And Fiscal Information Needs of the Congress," dated November 10, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Ways to Increase Field Office Contributions to Commerce's Export Expansion Efforts," Department of Commerce, dated November 14, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Study of Health Facilities Construction Costs," dated November 20, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Need to Improve Administration of the Water Pollution Research, Development, and Demonstration Program," Environmental Protection Agency, dated November 21, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Opportunity for Reducing Interest Costs Under Sections 235 and 236 Housing Programs," Department of Housing and Urban Development, dated November 22, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Southwestern Federal Power Program—Financial Progress and Problems," Department of the Interior, Department of the Army, dated November 22, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of financial statements of the Federal Home Loan Bank Board, Federal Home Loan Banks, and Federal Savings and Loan Insurance Corporation for the year ended December 31, 1971, dated November 28, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Payments from Special Bank Account to Lockheed Aircraft Corporation for the C-5 Aircraft Program during the quarter ended September 30, 1972", Department of Defense, dated November 29, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Congress Should Reevaluate the 160-acre Limitation on Land Eligible to Receive Water From Federal Water Resources Project," Bureau of Reclamation, Department of the Interior, dated November 30, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Financial Statements of Saint Lawrence Seaway Development Corporation Calendar Year 1971," Department of Transportation, dated December 6, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Opportunities to Reduce Costs in Acquiring Properties Resulting from Defaults on Home Loans," Department of Housing and Urban Development, Veterans Administration, dated October 20, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Commercial Offices Abroad Need Substantial Improvements to Assist U.S. Export Objectives," Department of State, Department of Commerce, dated October 24, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Need for Federal Agencies to Improve Solid Waste Management Practices," dated October 26, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Payroll Operations of the District of Columbia Government Need Improvement," dated October 30, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Achievements, Cost, and Administration of the Ocean Sediment Coring Program," National Science Foundation, dated November 1, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Fundamental Changes Needed to Achieve Effective Enforcement of Radio Communication Regulations," Federal Communications Commission, dated November 3, 1972 (with an accompanying report);

to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Opportunities to Improve Effectiveness and Reduce Costs of Homeownership Assistance Programs," Department of Housing and Urban Development, Department of Agriculture, dated December 29, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Means for Increasing the Use of Defense Technology for Urgent Public Problems," Department of Defense, Office of Management and Budget, and other Civil Agencies, dated December 29, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Implementation of Emergency Loan Guarantee Act," Lockheed Aircraft Corporation, Emergency Loan Guarantee Board, dated December 6, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Administration of Contract Studies Could be Improved," Department of the Army, dated December 11, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Little Progress by the Department of Defense in Acting on Opportunities for Significant Savings by Consolidating Real Property Maintenance Organizations," dated December 12, 1972 (with an accompanying report): to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Estimates of the Impact of Inflation on the Costs of Proposed Programs Should be Available to Committees of the Congress," dated December 14, 1972 (with an acompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Commodity Credit Corporation Fiscal Year 1972," Department of Agriculture, dated December 18, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Unclaimed Benefits in the Civil Service Retirement Fund," Civil Service Commission, dated December 20, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Federal Crop Insurance Corporation Fiscal Year 1972," Department of Agriculture, dated December 22, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States submitting, pursuant to law, a report entitled "Unauthorized Use of Funds for Construction and Alteration of Public Buildings (with accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States submitting, pursuant to law, a report concerning the claim of Mr. John H. Hart (with accompanying papers); to the Committee on the Judiciary.

### Reports of the General Accounting Office

Two letters from the Comptroller General of the United States submitting, pursuant to law, two lists of reports of the General Accounting Office for October and November, 1972 (with accompanying papers); to the Committee on Government Operations.

### Proposed Disposition of Certain Land Within Newburyport, Mass.

A letter from the Chairman of the Advisory Council on Historic Preservation submitting, pursuant to law, the comments of the council on the proposed disposition of certain land within the Newburyport, Mass., Central Business Urban Renewal Project area (with accompanying papers); to the Committee on Interior and Insular Affairs.

### Report on Adequate Soil Survey and Land Classification

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification has been completed of the lands in the Narrows Unit, South Platte Division, Pick-Sloan Missouri Basin program (with an accompanying paper); to the Committee on Interior and Insular Affairs.

### Report on Outer Continental Shelf Lands Act of 1953

A letter from the Deputy Assistant Secretary—Management and Budget, Department of the Interior, reporting, pursuant to law, on receipts and expenditures in connection with the administration of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

### Proposed Concession Contract Within Natchez Trace Parkway, Miss.

A letter from the Acting Assistant Secretary of the Interior submitting, pursuant to law, a proposed concession contract providing for an automobile service station and merchandise facilities and service for the public within Natchez Trace Parkway, Miss. (with accompanying papers); to the Committee on Interior and Insular Affairs.

### Proposed Concession Contract for Services at National Capital Parks Areas

A letter from the Deputy Assistant Secretary of the Interior submitting, pursuant to law, a proposed amendment to the concession contract authorizing the operation of golf courses and provision of related facilities and services in areas administered by National Capital Parks (with accompanying papers); to the Committee on Interior and Insular Affairs.

### Proposed Concession Contract Providing Services at Searchlight Ferry Site, Nev.

A letter from the Assistant Secretary of the Interior submitting, pursuant to law, a copy of a proposed concession contract providing accommodations, facilities, and services for the public at the Searchlight Ferry Site in Lake Mead National Recreation Area, Nev. (with accompanying papers); to the Committee on Interior and Insular Affairs.

### Proposed Concession Contract Providing Services at Drakes Bay, Calif.

A letter from the Deputy Assistant Secretary of the Interior submitting, pursuant to law, a copy of a proposed concession contract providing food and beverage services for the public at Drakes Bay within Point Reyes National Seashore, Calif. (with accompanying papers); to the Committee on Interior and Insular Affairs.

### Adjustment of Reimbursable Charges of the United States

A letter from the Assistant Secretary of the Interior submitting, pursuant to law, copies of two orders covering cancellations and adjustments of reimbursable charges of the Government of the United States (with accompanying papers); to the Committee on Interior and Insular Affairs.

### Report of the Department of the Interior

A letter from the Secretary of the Interior submitting, pursuant to law, a report of withdrawals of unreserved public lands in the State of Alaska and related activities during the period between June 18 and December 17, 1972 (with accompanying papers); to the Committee on Interior and Insular Affairs.

### Projects Selected for Funding Through Grants

A letter from the Secretary of the Interior submitting, pursuant to law, the descriptions of projects selected for funding through grants, contracts, and matching or other arrangements with educational and other institutions (with accompanying papers); to the Committee on Interior and Insular Affairs.

### Report of the Veterans of World War I

A letter from the National Quartermaster of the Veterans of World I submitting, pursuant to law, its annual financial report as of September 30, 1972 (with accompanying papers); to the Committee on the Judiciary.

### Report on Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, orders entered in the case of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

### Orders of the Immigration and Naturalization Service

A letter from the Commissioner of the Immigration and Naturalization Service submitting, pursuant to law, copies of orders entered in behalf of certain aliens (with accompanying papers); to the Committee on the Judiciary.

### Reports Concerning Visa Petitions

A letter from the Commissioner of the Immigration and Naturalization Service submitting, pursuant to law, reports concerning visa petitions which have been approved according the beneficiaries of such petitions third and sixth preference classifications (with accompanying papers); to the Committee on the Judiciary.

### Third Preference and Sixth Preference for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

### Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

### Financial Statement of the Legion of Valor

A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting, pursuant to law, a report of that organization, for the fiscal year ended July 31, 1972 (with an accompanying report); to the Committee on the Judiciary.

### Orders of the Immigration and Naturalization Service Concerning Certain Aliens

A letter from the Commissioner of the Immigration and Naturalization Service entered in the cases of certain aliens who have been found admissible to the United States (with accompanying papers); to the Committee on the Judiciary.

### Report of the Secretary of Health, Education, and Welfare

A letter from the Secretary of Health, Education, and Welfare submitting, pursuant to law, the annual report of the National Center for Deaf-Blind Youths and Adults for the fiscal year 1972 (with accompanying report); to the Committee on Labor and Public Welfare.

### Report Entitled "Towards a Systematic Analysis of Health Care in the United States"

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report entitled "Towards a Systematic Analysis of Health Care in the United States" (with an accompanying report); to the Committee on Labor and Public Welfare.

### Report of Gallaudet College

A letter from the Secretary of Health Education, and Welfare, transmitting, pursuant to law, a report of Gallaudet College concerning the establishment and operation of the Model Secondary School for the Deaf, for the year ended June 30, 1972 (with an accompanying report); to the Committee on Labor and Public Welfare.

### Report of the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped

A letter from the Chairman of the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped submitting, pursuant to law, his report for the fiscal year ending June 30, 1972 (with accompanying report): to the Committee on Labor and Public Welfare.

### Annual Report of the Civil Service Commission

A letter from the Chairman of the Civil Service Commission submitting, pursuant to law, the annual report of the Board of Actuaries of the Civil Service Retirement System for the fiscal year ending June 30, 1972 (with accompanying report); to the Committee on Post Office and Civil Service.

### Report of the U.S. Arms Control and Disarmament Agency

A letter from the Director of the United States Arms Control and Disarmament Agency submitting, pursuant to law, its annual report for the calendar year 1972 on the 14 scientific or professional positions authorized for establishment in the U.S. Arms Control and Disarmament Agency (with accompanying papers); to the Committee on Post Office and Civil Service.

### Report of the U.S. Postal Service

A letter from the Chairman of the Board of Governors of the U.S. Postal Service submitting, pursuant to law, the report of the U.S. Postal Service for the fiscal year ending June 30, 1972 (with accompanying report); to the Committee on Post Office and Civil Service.

### Report of the Department of Commerce

A letter from the Director of Personnel of the Department of Commerce submitting, pursuant to law, the report of the scientific and professional positions which are established in the Department of Commerce (with accompanying papers); to the Committee on Post Office and Civil Service.

### Report of the Tennessee Valley Authority

A letter from the Director of the Tennessee Valley Authority submitting, pursuant to law, its anual report for the fiscal year beginning July 1, 1971 (with accompanying report); to the Committee on Public Works.

### Report of Four Corners Regional Commission

A letter from the Federal Cochairman, Four Corners Regional Commission, transmitting, pursuant to law, a report of that Commission, for the year 1972 (with an accompanying report); to the Committee on Public Works.

### Prospectuses Relating to Proposed Alteration of Certain Public Buildings

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, prospectuses relating to the proposed alteration of certain public buildings (with accompanying papers); to the Committee on Public Works.

### Prospectus on Proposed Construction of Certain Social Security Administration Payment Centers

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus on proposed construction of certain Social Security Administration payment centers (with accompanying papers); to the Committee on Public Works.

### Report of the Committee on Motor Vehicle Emissions

A letter from the President of the National Academy of Sciences transmitting a copy of a letter to the Administrator of the Environmental Protection Agency (with accompanying letter); to the Committee on Public Works.

### Proclamation Relating to Death of Former President Harry S Truman

A letter from the Acting Secretary of State, transmitting, for the information of the Senate, a proclamation by President Nixon officially announcing the death of Harry S Truman, former President of the United States (with an accompanying paper); ordered to lie on the table.

### Condolences on Death of Former President Truman

A letter from the Ambassador of Turkey, transmitting a message by the President of the Senate of the Republic of Turkey, on the occasion of the death of Harry S Truman, former President of the United States (with an accompanying paper); ordered to lie on the table.

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## PETITIONS

Petitions were laid before the Senate and referred as indicated:

A joint resolution of the Legislature of the State of California; to the Committee on the Judiciary:

By the PRESIDENT pro tempore:

"Senate Joint Resolution No. 20

Relative to ratification of an amendment to the Constitution of the United States, proposed by the Congress of the United States, relating to equal rights for men and women

"LEGISLATIVE COUNSEL'S DIGEST

"SJR. 20. Dymally. Equal rights.

"Ratifies proposed amendment to United States, which shall be valid to all intents and rights for men and women.

"Whereas, The 92nd Congress of the United States of America has adopted House Joint Resolution No. 208, two-thirds of each house concurring therein, proposing an amendment to the Constitution of the United States, in the following words, to wit;

"JOINT RESOLUTION

" 'Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

" 'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE—

" ' "Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

" ' "Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

" ' "Sec. 3. This amendment shall take effect two years after the date of ratification." ' "; and

"Whereas, Said proposed amendment will be valid as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several states; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* A majority of all the members elected to each house of said Legislature voting in favor thereof, that the proposed amendment be and the same is hereby ratified by the Legislature of the State of California; and be it further

"*Resolved,* That certified copies of the foregoing preamble and resolution be forwarded by the Governor of the State of California to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Administrator of General Services."

Two joint resolutions from the Legislature of the State of California; to the Committee on Labor and Public Welfare:

Senate Joint Resolution No. 31

"Relative to blind vending stand operators

"LEGISLATIVE COUNSEL'S DIGEST

"Memorializes the President and Congress not to revoke regulations under which the blind and near blind are given preference in operating vending stands in federally owned or leased buildings.

"Whereas, The Legislature of the State of California is concerned about the welfare of the blind residents of the state in striving to render themselves self-supporting and in the economic opportunities that are available to them in achieving and maintaining self-support; and

"Whereas, Pursuant to the Randolph Sheppard Act of 1938 the United States government is preparing to revoke a 44-year-old regulation under which the blind and near blind are given preference in operating vending stands in federally owned or leased buildings; and

"Whereas, The changes in regulations proposed by the General Services Administration would eliminate the preference the blind receive in bidding on the concessions, and also further restrict merchandise that could be sold at the stands; and

"Whereas, Such sweeping changes in philosophy as well as policy may have a profound as well as disastrous effect on thousands of self-supporting blind persons operating vending stands in federal facilities in this state and across the country; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the United States government not to revoke regulations under which the blind and near blind are given preference in operating vending stands in federally owned or leased buildings; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, the Department of Health, Education and Welfare, the General Services Administration and the Commissioner of Public Building Service."

"Senate Joint Resolution No. 30

"Relative to Sickle Cell Anemia Programs

"LEGISLATIVE COUNSEL'S DIGEST

"Memorializes the President and Congress of the United States to take whatever action that is necessary to make federal funds available as rapidly as possible for the continued operation of urgently needed sickle cell anemia programs such as Sickle Cell Anemia Research and Education, Inc.

"Whereas, SCARE (Sickle Cell Anemia Research and Education, Inc.) provides a completely unique service program to victims of sickle cell anemia, as well as the total community of northern California, through its free screening, education and medical care projects; and

"Whereas, The residents of the City and County of San Francisco have benefited from the tireless efforts of SCARE's staff for over a year; and

"Whereas, SCARE is faced with a serious lack of funds, which situation has forced it to cut back services, such as the provision of urgently needed testing to the at-risk population, and may cause a potentially tragic interruption in SCARE's medical and emergency services for the victims of sickle cell anemia; and

"Whereas, SCARE has received the endorsement of the Department of Health, Education and Welfare and intends to apply for federal funds to continue its much needed programs; and

"Whereas, The President of the United States vetoed the appropriations bill which would have provided funds for the operation of the Department of Health, Education and Welfare for the current fiscal year; and

"Whereas, SCARE is unable to apply for funds to the Department of Health, Education and Welfare until guidelines and moneys are made available; now, therefore, be it

*"Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the President, the Congress of the United States, and the Department of Health, Education and Welfare to take whatever action that is necessary to make federal funds available as rapidly as possible for the continued operation of urgently needed sickle cell anemia programs such as SCARE, in order to meet community needs; and be it further

*"Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States and to the Department of Health, Education and Welfare."

A joint resolution from the Legislature of the State of California; to the Committee on Public Works:

"Senate Joint Resolution No. 24

"Relating to the Antioch Bridge

"Legislative Counsel's Digest

"Request the Federal Highway Administration to provide federal assistance in the construction of a new Antioch Bridge under the Federal Aid Highway Act of 1970 Bridge Replacement Program.

"Whereas, The Department of Public Works of the State of California has completed, pursuant to a request of the California Legislature, a study concerning the construction of a new crossing of the San Joaquin River near the site of the present Antioch Bridge, which is located in the Counties of Contra Costa and Sacramento in this state; and

"Whereas, The study indicates that the existing Antioch Bridge, which was constructed in the 1920's, is barely capable of tolerating legal loads, is narrow in width, that the vertical sight distance is restricted on the bridge, and that there is risk that at any time the structure could collapse as the result of a ship collision; and

"Whereas, Ship collisions nearly collapsed the bridge in 1958, 1963, and 1970, there has been flooding from time to time of the approach highway, and whenever the bridge has been closed it has resulted in a serious disruption of highway traffic and severe damage to the livelihood of many citizens and the economy of the area; and

"Whereas, The construction of a new Antioch Bridge is clearly necessary, based on the condition of the existing bridge; and

"Whereas, The bridge is number one on the priority list of bridges recommended for replacement under the Federal Aid Highway Act of 1970 Bridge Replacement Program which the Department of Public Works has submitted to the Federal Highway Administration now, therefore, be it

*"Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully requests the Federal Highway Administration to provide federal assistance in the construction of a new Antioch Bridge under the Federal Aid Highway Act of 1970 Bridge Replacement Program; and be it further

*"Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Federal Highway Administrator, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the Commonwealth of Pennsylvania; to the Committee on the Judiciary:

"Joint Resolution No. 2

"Joint resolution ratifying the proposal amendment to the Constitution of the United States relative to equal rights for men and women

"The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

"Section 1. The proposed amendment to the Constitution of the United States providing as follows:

" 'Article

" 'Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

" 'Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

" 'Section 3. This amendment shall take effect two years after the date of ratification," is hereby ratified by the General Assembly of the Commonwealth of Pennsylvania.'

'Section 2. A certified copy of the foregoing resolution shall be forwarded to the Administrator of General Services in accordance with 1 U.S.C. § 106, to the President of the United States Senate and to the Speaker of the United States House of Representatives."

Three resolutions adopted by the National Guard Association of the United States, relating to the military posture of the United States; to the Committee on Armed Services.

A resolution adopted by the Associated Plumbing and Mechanical Contractors of Florida, Inc., relating to the use of substandard plumbing materials; to the Committee on Banking, Housing and Urban Affairs.

A petition from the Fur Takers of America, Barberton, Ohio, supporting the use of the steel trap; to the Committee on Commerce.

A resolution adopted by the Northwest Aviation Council Seattle, Washington, relating to the protection of persons traveling in interstate commerce; to the Committee on Commerce.

A resolution adopted by the Los Angeles City Council, praying for the establishment of quotas to regulate imports; to the Committee on Finance.

A resolution adopted by the Mahoning County Commissioners, Youngstown, Ohio, relating to food stamps; to the Committee on Finance.

A resolution adopted by the city council of Youngstown, Ohio, relating to revenue-sharing moneys; to the Committee on Finance.

A resolution adopted by the board of supervisors of Jackson County, Miss., commending the Federal Government for the Revenue Sharing Act; to the Committee on Finance.

Two resolutions adopted by the National Guard Association of the United States, relating to the conflict in Southeast Asia; to the Committee on Foreign Relations.

A resolution adopted by the Enlisted Association of the National Guard of the United States, in support of actions taken by the President; to the Committee on Foreign Relations.

A resolution adopted by the National Guard Association of the United States, relating to the American Revolution Bicentennial; to the Committee on the Judiciary.

The petition of P. J. Peterson, New York, N.Y., in support of the death penalty; to the Committee on the Judiciary.

A resolution adopted by the Polish American Congress, Syracuse, N.Y., relating to the forthcoming quincentennial of the birth of Mikolaj Kopernik; to the Committee on the Judiciary.

A resolution adopted by the Greater Johnstown School District, Johnstown, Pa., relating to the celebration of Veterans Day; to the Committee on the Judiciary.

A resolution adopted by the Barre City Council, Barre, Vt., relating to the apportionment of state legislatures; to the Committee on the Judiciary.

A resolution adopted by the Vermont State School Directors Association, Montpelier, Vt., relating to the apportionment of the State legislature; to the Committee on the Judiciary.

A resolution adopted by the city of Montpelier, Vt., relating to the apportionment of the State legislature; to the Committee on the Judiciary.

The petition of Mr. Moscow Minor, praying for a redress of grievances; to the Committee on the Judiciary.

A resolution adopted by the Prince Georges County Municipal Association, Bladensburg, Md., praying for the enactment of legislation relating to better distribution of funds; to the Committee on Labor and Public Welfare.

A resolution adopted by the Idaho Commission on Women's Programs, Boise, Idaho, relating to the distribution formula for Federal funds for higher education; to the Committee on Labor and Public Welfare.

A resolution adopted by the Bay City Commission, Bay City, Mich., relating to water pollution control; to the Committee on Public Works.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McCLELLAN (for himself, Mr. Ervin, and Mr. Hruska):

S. 1. A bill to codify, revise and reform title 18 of the United States Code; to make appropriate amendments to the Federal Rules of Criminal Procedure; to make conforming amendments to criminal provisions of other titles of the United States Code; and for other purposes. Referred to the Committee on the Judiciary.

By Mr. GRAVEL (for himself and Mr. Hart):

S. 2. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos. Referred to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. Case, Mr. Clark, Mr. Cranston, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. McGee, Mr. McGovern, Mr. Metcalf, Mr.

Mondale, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Tunney, and Mr. Hathaway):

S. 3. A bill to create a national system of health security. Referred to the Committee on Finance.

By Mr. WILLIAMS (for himself, Mr. Javits, Mr. Bayh, Mr. Beall, Mr. Bible, Mr. Brooke, Mr. Burdick, Mr. Case, Mr. Cook, Mr. Cranston, Mr. Dominick, Mr. Eagleton, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Sparkman, Mr. Stafford, Mr. Stevenson, Mr. Taft, Mr. Tunney, and Mr. Weicker):

S. 4. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans. Referred to the Committee on Labor and Public Welfare.

By Mr. MONDALE (for himself and Mr. Javits):

S. 5. A bill to promote the public welfare. Referred to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS (for himself, Mr. Magnuson, Mr. Randolph, Mr. Pell, Mr. Stevenson, Mr. Mondale, Mr. Hughes, Mr. Stafford, Mr. Javits, Mr. Brooke, Mr. Schweiker, Mr. Humphrey, Mr. Bentsen, Mr. McGee, Mr. Moss, Mr. Stevens, Mr. Hart, Mr. Chiles, Mr. Bible, Mr. Pastore, Mr. Cannon, Mr. Hollings, Mr. Tunney, and Mr. Kennedy):

S. 6. A bill to provide financial assistance to the States for improved educational services for handicapped children. Referred to the Committee on Labor and Public Welfare.

By Mr. RANDOLPH (for himself, Mr. Cranston, Mr. Stafford, Mr. Williams, Mr. Javits, Mr. Taft, Mr. Kennedy, Mr. Mondale, Mr. Pell, Mr. Stevenson, and Mr. Eagleton):

S. 7. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. NELSON:

S. 8. A bill to end funding for bombing of North and South Vietnam. Referred to the Committee on Foreign Relations.

By Mr. McCLELLAN:

S. 9. A bill to consent to the Interstate Environment Campact. Referred to the Committee on the Judiciary.

S. 10 A bill to establish a national policy relative to the revitalization of rural and other economically distressed areas by providing incentives for a more even and practical geographic distribution of industrial growth and activity and developing manpower training programs to meet the needs of industry, and for other purposes. Referred to the Committee on Government Operations.

S. 11. A bill to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S. 12. A bill to amend title VII of the Housing Act of 1961 to establish an Urban Parkland Heritage Corporation to provide funds for the acquisition and operation of open-space land, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. McCLELLAN (for himself and Mr. Hruska):

S. 13. A bill to amend title 18 of the United States Code to provide civil remedies to victims of racketing activity and theft, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. Williams, Mr. Javits, Mr. Brooke, Mr. Cranston, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Stevenson, and Mr. Tunney):

S. 14. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. McCLELLAN (for himself, Mr. Hruska, and Mr. Thurmond):

S. 15. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal death benefit to the surviving dependents of public safety officers. Referred to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 16. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of application for renewal of broadcast licenses. Referred to the Committee on Commerce.

S. 17. A bill to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus. Referred to the Committee on Labor and Public Welfare.

By Mr. RIBICOFF:

S. 18. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education. Referred to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. Stevens):

S. 19. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion. Referred to the Committee on Public Works.

By Mr. PROXMIRE:

S. 20. A bill to provide that appointments to the Office of Director of the Office of Management and Budget shall be subject to confirmation by the Senate. Referred to the Committee on Government Operations.

By Mr. BEALL:

S. 21. A bill to prevent the forced transportation of elementary and secondary students during the course of the school year, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. AIKEN (for himself, Mr. Allen, Mr. Sparkman, Mr. Talmadge, and Mr. Humphrey):

S. 22. A bill to establish a system of wild areas within the lands of the national forest system. Referred to the Committee on Agriculture and Forestry.

By Mr. HARRY F. BYRD, JR.:

S. 23. A bill to limit the amount of personal funds an individual may contribute to candidates for Federal office in connection with the campaigns of those candidates. Referred to the Committee on Rules and Administration.

By Mr. BIBLE:

S. 24. A bill granting the consent and approval of Congress to the California-Nevada Interstate Compact. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 25. A bill to provide for the establishment of the Great Salt Lake National Monument, in the State of Utah, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 26. A bill to provide for the establishment and administration of the Canyon Country National Parkway in the State of Utah, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 27. A bill to establish a Department of Natural Resources and Environment. Referred to the Committee on Government Operations.

S. 28. A bill to clarify the relationship of interests of the United States and of the States in the use of the waters of certain streams. Referred to the Committee on Interior and Insular Affairs.

S. 29. A bill to establish the Lone Peak Wilderness Area in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

S. 30. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Colorado River in the State of Utah as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

By Mr. HOLLINGS (for himself and Mr. Tower):

S. 31. A bill authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency transportation services to civilians. Referred to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. Bayh, Mr. Bentsen, Mr. Brooke, Mr. Cannon, Mr. Case, Mr. Cranston, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Sparkman, Mr. Stevens, Mr. Stevenson, Mr. Tunney, Mr. Weicker, and Mr. Williams):

S. 32. A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY:

S. 33. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize group life insurance programs for public safety officers and to assist State and local governments to provide such insurance. Referred to the Committee in the Judiciary.

By Mr. HOLLINGS:

S. 34. A bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes. Referred to the Committee on Labor and Public Welfare.

S. 35. A bill to amend the Internal Revenue Code of 1954 to permit the deduction without limitations of medical expenses paid for certain dependents suffering from physical or mental impairment or defect. Referred to the Committee on Finance.

By Mr. SCHWEIKER:

S. 36. A bill to provide certain protection against disclosure of information and the sources of information obtained by newsmen. Referred to the Committee on the Judiciary.

By Mr. METCALF (for himself, Mr. Ervin, Mr. Nelson, and Mr. Hatfield):

S. 37. A bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director and Deputy Director of the Office of Management and Budget. Referred to the Committee on Government Operations.

By Mr. CANNON (for himself and Mr. Magnuson):

S. 38. A bill to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes. Referred to the Committee on Commerce.

By Mr. CANNON (for himself and Mr. Magnuson and Mr. Robert C. Byrd):

S. 39. A bill to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy and for other purposes. Referred to the Committee on Commerce.

By Mr. BAKER (for Mr. Brock):

S. 40. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes. Referred to the Committee on Government Operations.

By Mr. DOLE:

S. 41. A bill to designate November 11 of each year as Veterans Day and to make such day a legal public holiday. Referred to the Committee on the Judiciary.

By Mr. DOLE (for himself and Mr. Pearson):

S. 42. A bill to provide for the disposition of funds appropriated to pay certain judgments in favor of the Iowa Tribes of Oklahoma and of Kansas and Nebraska. Referred to the Committee on Interior and Insular Affairs.

By Mr. DOLE:

S. 43. A bill to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes. Referred to the Committee on Agriculture and Forestry.

S. 44. A bill to amend the Small Business Act to increase the availability of management counseling to small business concerns. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 45. A bill to authorize advance relocation of FAS Route 1343 in connection with the Onaga Lake project in Kansas. Referred to the Committee on Public Works.

By Mr. DOLE (for himself and Mr. Pearson):

S. 46. A bill authorizing the improvement of certain roads in the vicinity of Melvern and Pomona Reservoirs, Osage County, Kans. Referred to the Committee on Public Works.

By Mr. INOUYE:

S. 47. A bill to provide for the advancement in grade of a certain officer in the U.S. Naval Reserve. Referred to the Committee on the Judiciary.

By Mr. BROOKE (for himself, Mr. Cranston, Mr. Case, Mr. Cook, Mr. Hart, Mr. Javits, Mr. Hatfield, Mr. Mathias, Mr. McGovern, Mr. McIntyre, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Proxmire, Mr. Randolph, Mr. Schweiker, Mr. Stevenson, and Mr. Weicker):

S. 48. A bill to amend the Foreign Assistance Act of 1961 with respect to the availability of funds for military assistance and military operations in Indochina. Referred to the Committee on Foreign Relations.

By Mr. HARTKE (for himself, Mr. Talmadge, Mr. Hughes, Mr. Thurmond, Mr. Randolph, Mr. Cranston, Mr. Hansen, and Mr. Saxbe):

S. 49. A bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. EAGLETON (for himself, Mr. Cannon, Mr. Church, Mr. Cranston, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. McGee, Mr. McIntyre, Mr. Mondale, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Schweiker, Mr. Stevenson, Mr. Tunney, Mr. Williams, Mr. Gurney, and Mr. Thurmond):

S. 50. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. GRAVEL:

S. 51. A bill for the relief of Beatriz Vizcarra;

S. 52. A bill for the relief of Sara Oberti Zumaran;

S. 53. A bill for the relief of Wallace O. Craig;

S. 54. A bill for the relief of John Panamarioff and others;

S. 55. A bill for the relief of Allen D. Ray;

S. 56. A bill for the relief of Michael A. Korhonen;

S. 57. A bill for the relief of Clifford and Yvonne Gibbons; and

S. 58. A bill for the relief of Per Einer Jonsson. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. Hartke, Mr. Thurmond, Mr. Randolph, Mr. Talmadge, Mr. Humphrey, Mr. Mondale, and Mr. Pell):

S. 59. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery. Referred to the Committee on Veterans' Affairs.

By Mr. KENNEDY:

S. 60. A bill to authorize the acquisition and maintenance of the Goddard Rocket Launching Site in accordance with the Act of August 25, 1916, as amended and supplemented, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 61. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes. Referred to the Committee on Public Works.

By Mr. CRANSTON:

S. 62. A bill to authorize the establishment of the Desert Pupfish National Monument in the States of California and Nevada, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 63. A bill to establish the California Desert National Conservation Area, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. GURNEY:

S. 64. A bill to authorize the Secretary of the Interior to sell certain rights in the State of Florida. Referred to the Committee on Interior and Insular Affairs.

S. 65. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands located in the State of Florida to the record owner or owners of such lands. Referred to the Committee on Interior and Insular Affairs.

S. 66. A bill to convey reserved phosphate interests of the United States in certain nonphosphate lands in Highlands County, Fla. Referred to the Committee on Interior and Insular Affairs.

S. 67. A bill for the relief of Reynaldo Cannas Baecher. Referred to the Committee on the Judiciary.

S. 68. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in lands located in the State of Florida to the record owners of the surface thereof. Referred to the Committee on Interior and Insular Affairs.

S. 69. A bill for the relief of Alfonso Stefano Fiorilli, his wife, Maria Giordana Fiorilli, and their children, Michele Fiorilli and Donatella Fiorilli. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. Magnuson, Mr. Moss, and Mr. Tunney):

S. 70. A bill to promote commerce and establish a Council on Energy Policy and for other purposes. Referred to the Committee on Commerce.

By Mr. GURNEY:

S. 71. A bill for the relief of Uhel D. Polly. Referred to the Committee on the Judiciary.

By Mr. HRUSKA:

S. 72. A bill for the relief of Ursula Gysel;

S. 73. A bill for the relief of Lorenzo Tobias Pelaez-Ibarra, Francisca Carmona Pelaez, Evencio Alejandro Pelaez-Carmona, Maria Cristina Pelaez-Carmona, Fernando Pelaez-Carmona, and Gerardo Nicolas Pelaez-Carmona; and

S. 74. A bill for the relief of Masumi Danzuka. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 75. A bill to amend the Welfare and Pension Plans Disclosure Act, to establish minimum vesting standards, and to establish a pension insurance program. Referred jointly to the Committee on Finance and the Committee on Labor and Public Welfare by unanimous consent.

By Mr. INOUYE:

S. 76. A bill for the relief of Mrs. Potenciana Rufo Redaja;

S. 77. A bill for the relief of Mr. Zacarias Gonzales Tagamolila;

S. 78. A bill for the relief of Miss Audrey Shikee Tam; and

S. 79. A bill for the relief of Miss Etsuko Yamamoto. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. Magnuson, Mr. Kennedy, Mr. Stevens, and Mr. Roth):

S. 80. A bill to amend the Ports and Waterways Safety Act of 1972 to provide for authority to be placed in the National Oceanic and Atmospheric Administration for the certification of the environmental soundness of the site selection, construction, and operation of offshore artificial structures for port and terminal, powerplant, airport, and other such facilities to be located in the coastal waters. Referred to the Committee on Commerce.

By Mr. INOUYE:

S. 81. A bill for the relief of Chung Pyo Suh;

S. 82. A bill for the relief of Mrs. Flor Sotto Allas;

S. 83. A bill for the relief of Mrs. Flor Sotto Allas;

S. 84. A bill for the relief of Naoyo Campbell;

S. 85. A bill for the relief of Domingo O. Garcia, Romana O. Garcia, Rita T. Garcia, Ruben B. Garcia, Irma B. Garcia, and Merlinda B. Garcia;

S. 86. A bill for the relief of Mrs. Carolina M. Lacsamana;

S. 87. A bill for the relief of Christopher Pin-Wah Lo;

S. 88. A bill for the relief of Doctor Corazon Cadiz;

S. 89. A bill for the relief of Kuay Ten Chang (Kuay Hong Chang);

S. 90. A bill for the relief of Mr. and Mrs. Luis R. de la Torre;

S. 91. A bill for the relief of Rosita Djoanda;

S. 92. A bill for the relief of Sylvia Afante Foster;

S. 93. A bill for the relief of Miss Juana Gamulo;

S. 94. A bill for the relief of Mr. and Mrs. Eduardo Quiroz Luber (Mrs. Engracia L. Luber);

S. 95. A bill for the relief of Patricio P. Pilien;

S. 96. A bill for the relief of Tomas A. Quiocho;

S. 97. A bill for the relief of Jose A. Seradilla;

S. 98. A bill for the relief of Mr. Tevita Talanoa; and

S. 99. A bill for the relief of Soledad Cabagay. Referred to the Committee on the Judiciary.

By Mr. PELL (for himself and Mr. INOUYE):

S. 100. A bill to provide a national program in order to make the international metric system the predominant but not exclusive system of measurement in the United States and to provide for converting to the general use of such system within ten years. Referred to the Committee on Commerce.

By Mr. INOUYE:

S. 101. A bill for the relief of Mrs. Num Son Kim;

S. 102. A bill for the relief of Shui Lun Young (Wah Yuk Lau);

S. 103. A bill for the relief of Armanda Norma Cerro;

S. 104. A bill for the relief of Jose Figueredo;

S. 105. A bill for the relief of Capt. John H. Beaumont, U.S. Air Force Reserve;

S. 106. A bill for the relief of Chief Boatswain's Mate Benjamin Henry Blakeman, U.S. Navy;

S. 107. A bill for the relief of Helen O. McKinney;

S. 108. A bill for the relief of James H. Davidson, Vincent W. S. Hee, and Kay M. Mochizuki; and

S. 109. A bill for the relief of Antone R. Perreira. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 110. A bill to designate certain lands in the Cleveland National Forest, Calif., as the "Agua Tibia Wilderness" for inclusion in the National Wilderness Preservation System;

S. 111. A bill to designate certain lands in the Stanislaus National Forest, Calif., as the "Emigrant Wilderness" for inclusion in the National Wilderness Preservation System;

S. 112. A bill to designate certain lands in the Yosemite National Park in California as wilderness;

S. 113. A bill to designate certain lands in San Luis Obispo County, Calif., as the "Santa Lucia Wilderness" for inclusion in the National Wilderness Preservation System;

S. 114. A bill to designate certain lands in the Mendocino National Forest, Calif., as the "Snow Mountain Wilderness" for inclusion in the National Wilderness Preservation System; and

S. 115. A bill to designate certain lands in the Pinnacles National Monument in California as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 116. A bill to amend the Internal Revenue Code of 1954 to provide credit against income tax for an employer who employs older persons in his trade or business;

S. 117. A bill to amend the Tariff Schedules of the United States to accord to the Trust Territory of the Pacific Islands the same tariff treatment as is provided for insular possessions of the United States; and

S. 118. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpaper. Referred to the Committee on Finance.

S. 119. A bill to amend the War Claims Act of 1948 and the Trading With the Enemy Act to provide for the submission of certain claims and the reinstatement of certain claims; and

S. 120. A bill to provide cost-of-living allowances to judicial employees stationed outside the continental United States or in Alaska and Hawaii. Referred to the Committee on the Judiciary.

S. 121. A bill to provide credit under the Civil Service Retirement Act for periods of separation from the service of certain employees of Japanese ancestry during World War II. Referred to the Committee on Post Office and Civil Service.

S. 122. A bill to provide that the unincorporated territory of Guam shall be represented in Congress by a Territorial Deputy to the House of Representatives. Referred to the Committee on Interior and Insular Affairs.

S. 123. A bill to require the payment of prevailing rates of wages on Federal public works on Guam. Referred to the Committee on Public Works.

S. 124. A bill to include Guam within the purview of the Federal Unemployment Tax Act and related provisions of the Social Security Act. Referred to the Committee on Finance.

S. 125. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the armed forces. Referred to the Committee on Armed Services.

S. 126. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam. Referred to the Committee on Finance.

S. 127. A bill to provide increases in annuities paid under the Civil Service Retirement Act, matching wage and salary increases paid to employees, and for other purposes. Referred to the Committee on Post Office and Civil Service.

S. 128. A bill to extend the benefits of the Veterans' Preference Act of 1944 to persons serving in the Armed Forces of the United States during peacetime. Referred to the Committee on Veterans' Affairs.

S. 129. A bill to establish limits on the assignment of a member of the armed forces to a combat zone, and for other purposes; and

S. 130. A bill to authorize the Secretary of the Army to grant certain rights-of-ways for road improvement and location of public utility lines over a portion of Fort DeRussy, Hawaii. Referred to the Committee on Armed Services.

S. 131. A bill to amend the Airport and Airways Development Act of 1970 in order to make American Samoa and the Trust Territory of the Pacific Islands eligible for certain assistance under such Act. Referred to the Committee on Commerce.

S. 132. A bill to restore the wartime recognition of certain Filipino veterans of World War II and to entitle them to those benefits, rights, and privileges which result from such recognition. Referred to the Committee on Veterans' Affairs.

S. 133. A bill to authorize reduced postage rates for certain mail matter sent to Members of Congress. Referred to the Committee on Post Office and Civil Service.

S. 134. A bill authorizing and requesting the President to proclaim 1971 and the years leading up to and through the bicentennial year 1976 as a period to discover America, and for other purposes. Referred to the Committee on the Judiciary.

S. 135. A bill to amend titles 10 and 32, United States Code, to authorize the establishment of a National Guard for Guam. Referred to the Committee on Armed Services.

By Mr. SCHWEIKER (for himself, Mr. JAVITS, Mr. KENNEDY, and Mr. SCOTT of Pennsylvania):

S. 136. A bill to authorize financial assistance for opportunities industrialization centers. Referred to the Committee on Labor and Public Welfare.

By Mr. INOUYE:

S. 137. A bill to establish a special fund in the Treasury, consisting of excess sugar excise tax collections, to enable the Secretary of Agriculture to conduct research into environmental problems arising in the production, processing, and refining of sugar. Referred to the Committee on Finance.

S. 138. A bill to amend the Intercoastal Shipping Act, 1933, to authorize common carriers by water to provide in their tariffs to or from the State of Hawaii for pickup or delivery of property incidental to ocean carriage, and for other purposes. Referred to the Committee on Commerce.

S. 139. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor; and

S. 140. A bill to amend chapter 19 of title 38, United States Code, to require that members of the uniformed services be covered by servicemen's group life insurance during any period they are assigned to duty in a combat zone. Referred to the Committee on Armed Services.

S. 141. A bill to amend title II of the Social Security Act to permit, in certain cases, a woman who in good faith has gone through a marriage ceremony with an individual, to be considered the widow of such individual even though, because of a legal impediment, such woman is not legally married to such individual. Referred to the Committee on Finance.

S. 142. A bill to increase the penalties with respect to the commission of a crime of violence in the District of Columbia while armed with a firearm. Referred to the Committee on the District of Columbia.

S. 143. A bill to permit a noncontiguous State to elect to use and allocate funds from the highway trust fund to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such a noncontiguous State; and

S. 144. A bill to prohibit the withdrawal of merchandise from a customs bonded warehouse for exportation pursuant to retail sales unless such warehouse is located in close proximity to a port, airport, or border crossing station. Referred to the Committee on Finance.

S. 145. A bill to provide that persons who are nationals and citizens at birth under section 301(a)(7) of the Immigration and Nationality Act shall retain their citizenship without meeting certain physical presence requirements. Referred to the Committee on the Judiciary.

S. 146. A bill to include papayas within the list of imported commodities to which certain restrictions apply if the Secretary of Agriculture issues marketing orders with respect to like commodities domestically produced. Referred to the Committee on Agriculture and Forestry.

S. 147. A bill to amend chapter 34 of title 38, United States Code, to extend the time period within which veterans may be entitled to educational assistance under such chapter after their discharge or release from active duty. Referred to the Committee on Veterans' Affairs.

S. 148. A bill to amend title 5 of the United States Code in order to provide that certain benefits to which employees of the United States stationed in Alaska, Hawaii, Puerto Rico, the Canal Zone, or the territories or possessions of the United States are entitled may be terminated under certain conditions, and for other purposes. Referred to the Committee on Post Office and Civil Service.

S. 149. A bill to amend section 5(c) of the Home Owners Loan Act of 1933 to authorize an increase in the principal amount of mortgages on properties in Alaska, Guam, and Hawaii to compensate for higher prevailing costs. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 150. A bill to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish outpatient dental services and treatment for a non-service-connected disability to any war veteran who has a permanent total disability from a service-connected disability. Referred to the Committee on Veterans' Affairs.

By Mr. HARTKE:

S. 151. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of United States capital, jobs, technology, and production, and for other purposes. Referred to the Committee on Finance.

By Mr. HANSEN:

S. 152. A bill for the relief of Luis Mendoza, Aurelia Mendoza, Elena Mendoza, Secundino Mendoza, and Sijifredo Mendoza. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 153. A bill to amend section 405 of title 37, United States Code, relating to the payment of a per diem with respect to the dependents of certain members of the uniformed services while on duty outside of the United States. Referred to the Committee on Armed Services.

S. 154. A bill to designate the Federal office building to be constructed in Honolulu, Hawaii, as the "Prince Jonah Kuhio Kalanianaole Federal Building." Referred to the Committee on Public Works.

By Mr. WILLIAMS:

S. 155. A bill for the relief of Rosita E. Hodas. Referred to the Committee on the Judiciary.

By Mr. BAKER:

S. 156. A bill to require the termination of all weapons range activities conducted on or near the Culebra complex of the Atlantic Fleet Weapons Range. Referred to the Committee on Armed Services.

By Mr. INOUYE:

S. 157. A bill to remove the prohibition on the concurrent payment of military retired pay and Federal employee compensation for work injuries. Referred to the Committee on Post Office and Civil Service.

By Mr. CRANSTON (by request):

S. 158. A bill to insure the free flow of information to the public. Referred to the Committee on the Judiciary.

By Mr. DOLE:

S. 159. A bill to provide for reimbursement of extraordinary transportation expenses incurred by certain disabled individuals in the production of their income. Referred to the Committee on Labor and Public Welfare.

By Mr. McCLELLAN:

S. 160. A bill to amend title 37, United States Code, in order to provide a special bonus for members of the Armed Forces of the United States who were held as prisoners of war during the Vietnam era. Referred to the Committee on Armed Services.

S. 161. A bill to authorize the modification of the Cache River Basin Feature, Mississippi River and Tributaries project, in the State of Arkansas. Referred to the Committee on Public Works.

S. 162. A bill to authorize the modification of the White River Basin project in the State of Arkansas. Referred to the Committee on Public Works.

S. 163. A bill to direct a study and report by the Secretary of Transportation of a proposed interstate highway from Kansas City to Baton Rouge through the State of Arkansas. Referred to the Committee on Public Works.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 164. A bill to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State-owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 165. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 166. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 167. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 168. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 169. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 170. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 171. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing; and

S. 172. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. SCHWEIKER (for himself and Mr. SCOTT of Pennsylvania):

S. 173. A bill to authorize the reinstatement and extension of the authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pa. Referred to the Committee on Public Works.

By Mr. MONTOYA (for himself, Mr. LONG, and Mr. RIBICOFF):

S. 174. A bill to provide for coverage of certain drugs under medicare. Referred to the Committee on Finance.

By Mr. THURMOND:

S. 175. A bill for the relief of Sukhdev Singh Guram. Referred to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. HARTKE):

S. 176. A bill to amend title 38, United States Code, to provide for a special addition to the pension of veterans of World War I and to the pension of widows and children of veterans of World War I. Referred to the Committee on Veterans' Affairs.

By Mr. THURMOND:

S. 177. A bill to amend section 4 of the Internal Security Act of 1950. Referred to the Committee on the Judiciary.

S. 178. A bill relating to the carrying of concealed weapons in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. GRIFFIN:

S. 179. A bill to limit the jurisdiction of Federal courts to issue busing orders based on race. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself, Mr. HATHAWAY, and Mr. INOUYE):

S. 180. A bill to amend the Federal Water Pollution Control Act to order to require the approval of adjacent coastal States prior to the construction of certain offshore facilities. Referred to the Committee on Public Works.

By Mr. MOSS:

S. 181. A bill to authorize reduced fares on the airlines on a space-available basis for individuals 21 years of age or younger or 65 years of age or older. Referred to the Committee on Commerce.

By Mr. STEVENS:

S. 182. A bill to create a program to facilitate the construction of community marine ways, and for other purposes. Referred to the Committee on Commerce.

S. 183. A bill for the relief of Zacarias Q. Montero. To the Committee on the Judiciary.

S. 184. A bill to authorize and direct the Secretary of the Interior to sell interests of the United States in certain lands located in the State of Alaska to the Gospel Missionary Union. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 185. A bill to amend section 2634 of title 10, United States Code, relating to the shipment at Government expense of motor vehicles owned by members of the armed forces. Referred to the Committee on Armed Services.

By Mr. STEVENS:

S. 186. A bill to provide for the awarding of a Medal of Honor for Firemen. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 187. A bill to establish the President's Award for Distinguished Law Enforcement Service. Referred to the Committee on the Judiciary.

S. 188. A bill to amend section 6303 of title 5, United States Code. Referred to the Committee on Post Office and Civil Service.

S. 189. A bill to amend title 5, United States Code, to restrict contracts for services relating to the positions of guards, elevator operators, messengers, and custodians. Referred to the Committee on Post Office and Civil Service.

S. 190. A bill for the relief of the widow and children of Thomas Pillifant. Referred to the Committee on the Judiciary.

S. 191. A bill to amend title 5, United States Code, to provide additional cost-of-living adjustments in civil service retirement annuities of certain retired employees in Alaska as long as such retired employees continue to reside in Alaska, and for other purposes. Referred to the Committee on Post Office and Civil Service.

S. 192. A bill to convey the interest of the United States in certain property in Fairbanks, Alaska, to Hilcrest, Inc. Referred to the Committee on Interior and Insular Affairs.

S. 193. A bill to provide that time spent by a Federal employee in a travel status shall be considered as hours of employment. Referred to the Committee on Post Office and Civil Service.

By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 194. A bill to authorize the Secretary of the Interior to convey to the city of Anchorage, Alaska, interests of the United States in certain lands. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENS:

S. 195. A bill to exempt certain State-owned passenger vessels from the requirement of paying for overtime services of customs officers and employees. Referred to the Committee on Finance.

By Mr. HANSEN (for himself and Mr. McGEE):

S. 196. A bill relating to the rehabilitation of areas damaged by deleterious mining practices, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 197. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Polecat Bench area of the Shoshone extensions unit, Missouri River Basin project, Wyoming, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HANSEN:

S. 198. A bill to amend the Internal Revenue Code to encourage an increase in production of coal; and

S. 199. A bill to amend the Internal Revenue Code to encourage the development and utilization of methods and devices to convert coal and oil shale to low pollutant synthetic fuels by allowing rapid amortization of expenditures incurred in constructing facilities for such purposes. Referred to the Committee on Finance.

By Mr. McINTYRE:

S. 200. A bill to require that new forms and reports, and revisions of existing forms, resulting from legislation be contained in reports of committees reporting the legislation. Referred to the Committee on Government Operations.

By Mr. TAFT:

S. 201. A bill to amend the Internal Revenue Code of 1954 to relieve employers of 50 or less employees from the requirement of paying or depositing certain employment taxes more often than once each quarter. Referred to the Committee on Finance.

S. 202. A bill for the relief of Dr. Stanlev Gan and his wife, Trees Gan. Referred to the Committee on the Judiciary.

S. 203. A bill to amend the Internal Revenue Code of 1954 to permit the exclusion from gross income of a portion of the compensation received by full-time law enforcement officers and firemen employed by State and local governmental instrumentalities. Referred to the Committee on Finance.

By Mr. BAYH:

S. 204. A bill to amend the Internal Revenue Code to encourage the continuation of small family farms, and for other purposes. Referred to the Committee on Finance.

By Mr. HATFIELD:

S. 205. A bill for the relief of Jorge Mario Bell. Referred to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 206. A bill to establish the birthplace of Susan B. Anthony in Adams Massachusetts, as a national historic site, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 207. A bill to provide for the establishment of the Plymouth Rock National Memorial, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. KENNEDY (for himself and Mr. Brooke):

S. 208. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. KENNEDY:

S. 209. A bill to authorize the Council on Environmental Quality to carry out a county government environmental control demonstration project. Referred to the Committee on Public Works.

S. 210. A bill to authorize the establishment of the Boston National Historical Park in the Commonwealth of Massachusetts. Referred to the Committee on Interior and Insular Affairs.

S. 211. A bill to authorize the Secretary of the Interior to study the feasibility and desirability of a Boston Harbor National Recreation Area in the State of Massachusetts. Referred to the Committee on Interior and Insular Affairs.

By Mr. McGOVERN (for himself, Mr. Hatfield, Mr. Kennedy, Mr. Mansfield, Mr. Hughes, Mr. Inouye, and Mr. Williams):

S. 212. A bill to provide for the termination of all U.S. military involvement in Indochina. Referred to the Committee on Foreign Relations.

By Mr. STEVENS:

S. 213. A bill to amend the Internal Revenue Code of 1954 to permit certain employees to establish qualified pension plans for themselves in the same manner as if they were self-employed. Referred to the Committee on Finance.

S. 214. A bill relating to the appointment of United States marshals. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 215. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education. Referred to the Committee on Finance.

S. 216. A bill to designate certain lands in the Cape Romain National Wildlife Refuge, South Carolina, as a wilderness area under the Wilderness Act. Referred to the Committee on Interior and Insular Affairs.

S. 217. A bill to authorize the imposition of the death penalty for individuals convicted of certain crimes. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 218. A bill to amend the Food Stamp Act of 1964 in order to permit eligible households living in remote areas of Alaska to use food stamp coupons for the purchase of ammunition. Referred to the Committee on Agriculture and Forestry.

By Mr. McGEE:

S. 219. A bill for the relief of Robert L. Miller and Mildred M. Miller. Referred to the Committee on the Judiciary.

S. 220. A bill to authorize certain conveyances of land; and

S. 221. A bill to authorize the Secretary of the Interior to convey certain lands in the State of Wyoming. Referred to the Committee on Interior and Insular Affairs.

By Mr. McGEE (for himself and Mr. Hansen):

S. 222. A bill to establish the Women's Hall of Fame Study Commission. Referred to the Committee on the Judiciary.

S. 223. A bill to amend section 35 of the Mineral Leasing Act of 1920 with respect to the disposition of the proceeds of sales, bonuses, royalties, and rentals under such Act. Referred to the Committee on Interior and Insular Affairs.

S. 224. A bill to provide for the establishment of a national cemetery in the State of Wyoming. Referred to the Committee on Veterans' Affairs.

By Mr. HATFIELD:

S. 225. A bill to authorize the project for the Days Creek Dam, on the South Umpqua River, Oregon, for flood protection and other purposes. Referred to the Committee on Public Works.

S. 226. A bill for the relief of Eldridge H. White. Junior;

S. 227. A bill for the relief of Michael Kwok-choi Kan;

S. 228. A bill for the relief of Alemitu Feleke;

S. 229. A bill for the relief of Moo Soo Hwang; and

S. 230. A bill for the relief of Ruben Jose Naum, his wife, Elena Dalmira Magula de Naum, and their child, Diana Mirta Naum. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself and Mr. Cook):

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States. Referred to the Committee on the Judiciary.

By Mr. NELSON:

S.J. Res. 2. A joint resolution designating April 9th through April 15th as "Earth Week, 1973." Referred to the Committee on the Judiciary.

By Mr. DOLE (for himself and Mr. Pearson):

S.J. Res. 3. A joint resolution to provide for a 1974 centennial celebration observing the introduction into the United States of Hard Red Winter wheat. Referred to the Committee on the Judiciary.

By Mr. DOLE:

S.J. Res. 4. A joint resolution to authorize and request the President to issue a proclamation designating a week as "National Welcome Home Our Prisoners Week" upon the release and return to the United States of American prisoners of war in Southeast Asia. Referred to the Committee on the Judiciary.

By Mr. BAYH:

S.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. Nelson, and Mr. Tunney):

S.J. Res. 6. A joint resolution to establish the Tule Elk National Wildlife Refuge. Referred to the Committee on Commerce.

By Mr. BAKER:

S.J. Res. 7. A joint resolution proposing an agreement to the Constitution of the United States with respect to the offering of prayer in public buildings. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S.J. Res. 8. A joint resolution to protect nondisclosure of information and sources of information coming into the possession of the news media. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN:

S.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States relating to the assignment and transportation of pupils to public schools. Referred to the Committee on the Judiciary.

By Mr. SCHWEIKER (for himself and Mr. Scott of Pennsylvania):

S.J. Res. 10. A joint resolution to amend the Constitution of the United States to provide voluntary nondenominational prayer in public schools and buildings. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS:

S.J. Res. 11. A joint resolution to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973. Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. Case, Mr. Clark, Mr. Cranston, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. McGee, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Tunney and Mr. Hathaway):

S. 3. A bill to create a national system of health security. Referred to the Committee on Finance.

### NATIONAL SYSTEM OF HEALTH SECURITY

Mr. KENNEDY. Mr. President, I introduce for appropriate reference, S. 3, the Health Security Act of 1973.

This historic bill, which reflects a broad public coalition rising out of millions of Americans, the labor movement and the best thinking of some of America's most respected health professionals and economists, has been before two previous Congresses. With each submission, the bill has been improved and perfected. During the 92d Congress, important hearings were held in both the Senate and House on this and other national health insurance bills.

I believe that this 93d Congress will enact national health insurance legislation which will embody the principles of this health security program. I am encouraged in this belief by the growing public and legislative coalition supporting S. 3. I believe this coalition reflects growing public concern over the mounting health care crisis, a concern that will make the 93d Congress the health care Congress. On January 30, I will describe the new coalition behind S. 3 and file additional cosponsors to the bill. I am filing the bill itself today in order that all of my colleagues may have an opportunity to review its provisions in detail and consider cosponsorship.

The bill I am introducing today retains the historical principles of the program while making important improvements. As in the past, the program couples comprehensive health insurance coverage for all Americans with major expansion and reorganization of the health care system. It incorporates incentives for efficiency in providing health care and positive controls on inflation, while offering providers of health care the widest range of choices of how and where they will practice. It removes "ability to pay" as a consideration in whether or not a person receives good health care, and takes every possible step to assure that the same quality care is, in fact, available to everyone who needs it.

As in the past, the program aims at accomplishing these ends by making the Federal Government the health insuring agent for all Americans, with the cost of the insurance paid through payroll taxes and general revenues. This approach gives the Nation an essential lever to constructively move our health care system toward greater efficiency, lower cost, higher quality, and broader availability of services. By responsible public use of this insurance leverage, the program will bring about these changes while preserving our health care providers' and institutions' strong traditions of freedom from Government ownership and control. This Federal insurance system also allows greater equity by requiring families to pay for their insurance proportionate to their ability to pay. In this regard, the bill contains a favorable new provision exempting the first $3,000 of unearned income from tax for Americans over age 60.

There are, in addition, a number of new elements in the bill as introduced in this Congress. Based on extensive study and discussions, the Committee for National Health Insurance has strengthened the quality control and consumer representation provisions of the bill, schedules broadened insurance coverage for drugs and dental care, and establishes pilot projects in personal care services in the home and long-term institutional care. These and other changes are described below.

The health security program, I believe, incorporates basic principles that must be enacted into law if we are to assure that every American has an equal opportunity for good health at a cost he and our Nation can afford. I commend the new bill to the Senate's careful consideration.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in today's RECORD.

There being no objection, the text of the bill was ordered in the RECORD as follows:

### S. 3

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as "The Health Security Act".

### FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the health of the Nation's people is the foundation of their well-being and of our Nation's strength, productivity, and wealth;

(2) adequate health care for all of our people must now be recognized as a right; and

(3) a national system of health security is the means to implement that right.

(b) The purpose of this Act is—

(1) to create a national system of health security benefits which, through national health insurance, will make comprehensive health services available to all residents of the United States, and

(2) through the operation of the system, to effect modifications in the organization and methods of delivery of health services which will increase the availability and continuity of care, will enhance its quality, will emphasize the maintenance of health as well as the treatment of illness and, by improving the efficiency and the utilization of services and by strengthening professional and financial controls, will restrain the mounting cost of care while providing fair and reasonable compensation to those who furnish it.

### INITIATION OF HEALTH SECURITY PROGRAM

SEC. 3. Health security taxes will become effective on January 1, and health services will become available on July 1, of the second calendar year after the year in which this Act is enacted. Except for the benefit and related fiscal provisions, title I of this Act is effective upon enactment. Certain federally financed or supported health programs will be terminated or curtailed when health benefits under this Act become available. Effective dates of the several provisions of this Act are set forth in sections 163, 204, 214, and 401 to 406, inclusive.

### TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Declaration of purpose.
Sec. 3. Initiation of health security program.

TITLE I—HEALTH SECURITY BENEFITS

PART A—ELIGIBILITY FOR BENEFITS

Sec. 11. Basic eligibility.
Sec. 12. Agreements for eligibility of other persons.

PART B—NATURE AND SCOPE OF BENEFITS; COVERED SERVICES

Sec. 21. Entitlement to have payment made for services.
Sec. 22. Physician services.
Sec. 23. Dental services.
Sec. 24. Institutional services.
Sec. 25. Pharmaceutical benefits.
Sec. 26. Devices, appliances, and equipment.
Sec. 27. Other professional and supporting services.
Sec. 28. Exclusions from covered services.

PART C—PARTICIPATING PROVIDERS OF SERVICES

Sec. 41. In general; agreements with the Board.
Sec. 42. Professional practitioners.
Sec. 43. General hospitals.
Sec. 44. Psychiatric hospitals.
Sec. 45. Skilled nursing homes.
Sec. 46. Home health service agencies.
Sec. 47. Health maintenance organizations.
Sec. 48. Professional foundations.
Sec. 49. Other health service organizations.
Sec. 50. Other providers.
Sec. 51. Utilization review.
Sec. 52. Transfer and affiliation agreements.
Sec. 53. Newly constructed facilities.
Sec. 54. Limitation on malpractice judgments.
Sec. 55. Exclusion: Federal providers of services.
Sec. 56. Restrictive State laws inoperative.

PART D—TRUST FUND; ALLOCATION OF FUNDS FOR SERVICES

Sec. 61. Health Security Trust Fund.
Sec. 62. Annual determination of fund availability.
Sec. 63. Health services account, health resources development account, administration account and general account.
Sec. 64. Regional allocations from health services account.
Sec. 65. Division of regional funds by classes of services.
Sec. 66. Funds for health service areas.
Sec. 67. Modification of fund allotments.

PART E—PAYMENT TO PROVIDERS OF SERVICES

Sec. 81. In general.
Sec. 82. Methods and amount of payment to professional practitioners.
Sec. 83. Payment to general hospitals.
Sec. 84. Payment to psychiatric hospitals.
Sec. 85. Payment to skilled nursing homes and to home health service agencies.
Sec. 86. Payment for drugs.
Sec. 87. Payment to health maintenance organizations and professional foundations.
Sec. 88. Payment to other providers.
Sec. 89. Reduction in payments on account of unnecessary capital expenditures.
Sec. 90. Methods and time of payment.

PART F—PLANNING; FUNDS TO IMPROVE SERVICES AND TO ALLEVIATE SHORTAGES OF FACILITIES AND PERSONNEL

Sec. 101. Purpose of part F; availability of funds.
Sec. 102. Planning.
Sec. 103. General policies and priorities.
Sec. 104. Organizations for the care of ambulatory patients.
Sec. 105. Recruitment, education, and training of personnel.
Sec. 106. Special improvement grants.
Sec. 107. Test of personal care services in lieu of institutional care.
Sec. 108. Loans under part F.
Sec. 109. Relation to parts E and F.

PART G—ADMINISTRATION

Sec. 121. Establishment of the Health, Security Board.
Sec. 122. Duties of the Secretary and the Board.
Sec. 123. Executive Director; delegation of authority.
Sec. 124. Regions and health service areas.
Sec. 125. National Health Security Advisory Council.
Sec. 126. Regional and local advisory councils.
Sec. 127. Professional and technical advisory committees.
Sec. 128. Participation by State agencies.
Sec. 129. Technical assistance to skilled nursing homes and home health service agencies.
Sec. 130. Dissemination of information; studies and evaluations; systems development; tests and demonstrations.
Sec. 131. Guidelines for health manpower education and training.
Sec. 132. Determinations; suspension or termination of participation.
Sec. 133. Hearings; judicial review.
Sec. 134. Directions by the Board for the better organization and coordination of services.

PART H—QUALITY OF CARE

Sec. 141. Purpose and general policies.
Sec. 142. Continuing professional education.
Sec. 143. Major surgery and other specialized services.
Sec. 144. Additional requirements for participation.

Sec. 145. Professional standards review and similar organizations.
Sec. 146. Findings of commission on medical malpractice.

PART I—MISCELLANEOUS PROVISIONS

Sec. 161. Definitions.
Sec. 162. Deputy Secretary of Health, Education, and Welfare: Under Secretary for Health and Science.
Sec. 163. Effective dates of Title I; Authorization of appropriations.
Sec. 164. Existing employer-employee health benefit plans.

TITLE II—HEALTH SECURITY TAXES

PART A—PAYROLL TAXES

Sec. 201. Rates and coverage.
Sec. 202. Conforming and technical amendments.
Sec. 203. Exclusion from gross income.
Sec. 204. Effective dates of part A.

PART B—TAXES ON SELF-EMPLOYMENT INCOME AND UNEARNED INCOME

Sec. 211. Tax on self-employment income.
Sec. 212. Tax on health security unearned income.
Sec. 213. Conforming and technical amendments.
Sec. 214. Effective dates of part B.

TITLE III—COMMISSION ON THE QUALITY OF HEALTH CARE

Sec. 301. Statement of purpose.
Sec. 302. Amendment of the Public Health Service Act.
Sec. 303. Technical amendments to the Public Health Service Act.

TITLE IV—REPEAL OR AMENDMENT OF OTHER ACTS

Sec. 401. Repeal of medicare and Federal employee health benefit statutes.
Sec. 402. Medicaid statute.
Sec. 403. Vocational Rehabilitation Act; maternal and child health and crippled children's services.
Sec. 404. Amendment of section 1122 of the Social Security Act.
Sec. 405. Repeal of Title XI, Part B, of the Social Security Act.
Sec. 406. Transfer and amendment of section 1817, and amendment of section 201(g), of the Social Security Act.
Sec. 407. Amendment of section 314 of the Public Health Service Act.
Sec. 408. Salary levels.

TITLE V—STUDIES RELATED TO HEALTH SECURITY

Sec. 501. Study of the provision of health security benefits to United States citizens in other countries.
Sec. 502. Study of coordination with other Federal health benefit programs.
Sec. 503. General Provisions.

## TITLE I—HEALTH SECURITY BENEFITS

### PART A—ELIGIBILITY FOR BENEFITS

### BASIC ELIGIBILITY

SEC. 11. Every resident of the United States and every nonresident citizen thereof is eligible, while within the United States, to receive health services under this Act; except that an alien employee (as defined in regulations) of a foreign government, of an instrumentality of a foreign government exempt from the tax imposed by section 3111 (b) of the Internal Revenue Code of 1954, or of an international organization (as defined in the International Organizations Immunity Act) is eligible only in accordance with an agreement under section 12. An alien admitted as a permanent resident and living within the United States, an alien admitted for employment and employed within the United States, or a refugee lawfully in the United States is for the purposes of this title a resident of the United States.

### AGREEMENTS FOR ELIGIBILITY OF OTHER PERSONS

SEC. 12. The Health Security Board (hereafter referred to as the "Board"), with the approval of the Secretary of Health, Education, and Welfare and the Secretary of State, is authorized to enter into agreements with foreign governments, international organizations, or other entities to extend the benefits of this title to persons within the United States not otherwise eligible therefor, in consideration of payment to the United States of the estimated cost of furnishing the benefits to such persons, or of an undertaking to furnish in a foreign country similar benefits to citizens of the United States, or of a combination of payment and such an undertaking.

### PART B—NATURE AND SCOPE OF BENEFITS: COVERED SERVICES

### ENTITLEMENT TO HAVE PAYMENT MADE FOR SERVICES

SEC. 21. Every eligible person is entitled to have payment made by the Board for any covered service furnished within the United States by a participating provider if the services is necessary or appropriate for the maintenance of health or for the diagnosis or treatment of, or rehabilitation following, injury, disability, or disease. Participating providers are providers, described in part C, who meet the conditions stated in section 41. Covered services are services described in section 22 to 27, inclusive, but are subject to the exclusions stated in section 28 and to limitations prescribed by or pursuant to part H (relating to the quality of care).

### PHYSICIAN SERVICES

SEC. 22. (a) Professional services of physicians, furnished in their offices or elsewhere, are covered services. Covered physician services include services and supplies of kind which are commonly furnished in a physician's office, with or without separate charge, as an incident to his professional services.

(b) Covered physicians' services consist of (1) primary medical services, which are the services (as defined in regulations, but including preventive services) ordinarily furnished by physicians, whether general practitioners or specialists, engaged (as determined in accordance with standards for such practice prescribed in regulations) in general or family practice for adults or for children or for both, and (2) specialized services.

(c) Psychiatric (mental health) service to an outpatient is a covered service (1) only if it constitutes an active preventive, diagnostic, therapeutic, or rehabilitative service with respect to emotional or mental disorders, and (2) only (A) if the service is furnished by a health maintenance organization, by a hospital, or by a community mental health center or other mental health clinic which furnishes comprehensive mental health services, or (B) if the service is furnished to a patient of a day care service with which the Board has an agreement under section 49(a)(3), or (c) to the extent of twenty consultations during a benefit period (as defined in regulations), if the service is furnished otherwise than in accordance with clause (A) or (B). In any community in which the available psychiatric services furnished otherwise than in accordance with clause (A) or (B) are found by the Board to be insufficient to meet the needs of the community, the Board may limit the coverage of such services by prescribing referral or other nonfinancial conditions in order to give priority of access to the services to those persons most in need of them.

### DENTAL SERVICES

SEC. 23. (a) Professional services (described in subsection (c)) of a dentist, furnished in his office or elsewhere, are covered services if they are furnished to a person who, at the time when the services are furnished, is entitled to such services in accordance with subsection (b). Covered services include services, materials, and supplies which are commonly furnished in a dentist's office, without separate charge, as an incident to his professional services.

(b) Persons who, on the effective date of health benefits, are less than fifteen years of age are entitled to covered dental services, and will remain so entitled throughout their lives. On July 1 of each of the five years immediately succeeding the year in which the effective date occurs, the following persons will become (and thereafter remain) entitled to such services: on July 1 of the first succeeding year, persons who, are then less than seventeen years of age; on July 1 of the second succeeding year, persons who are then less than nineteen years of age; on July 1 of the third succeeding year, persons who are then less than twenty-one years of age; on July 1 of the fourth succeeding year, persons who are then less than twenty-three years of age; and on July 1 of the fifth succeeding year, persons who are then less than twenty-five years of age.

(c) Covered dental services are preventive services (including personal dental health education), diagnostic services, therapeutic services (exclusive of orthodontic services other than for handicapping malocclusion), and services required for rehabilitation following injury, disability, or disease.

(d) The Board is authorized, if it finds that the availability of funds and of facilities and personnel makes it possible, to provide by regulation for acceleration of the entitlement (by age groups) to covered dental services as set forth in subsection (b). Not later than seven years after the effective date of health benefits, the Board shall by regulation provide that entitlement to dental service shall be extended, over such period of time and by such age or other groupings as it finds calculated to make the best use of available resources and personnel, to all persons not otherwise entitled to such services; and it may thereafter, from time to time, amend such regulations on the basis of further experience in the furnishing of dental services as covered services. In exercising its authority under this subsection the Board shall seek to encourage the furnishing of dental services as a part of comprehensive health services, or the furnishing of them by organizations furishing comprehensive dental services (which meet requirements set forth in regulations under section 104(a)); and to that end, the Board may limit additional entitlement to dental services, in whole or in part and temporarily or permanently, to services so furnished.

### INSTITUTIONAL SERVICES

SEC. 24. (a) Inpatient and outpatient services of a psychiatric or other hospital, the services of a skilled nursing home, and the services of a home health service agency, which are ordinarily furnished by the institution to patients for the purpose stated in section 21, are covered services, subject to the limitations stated in this section. Covered services include services furnished generally to the patients served by an institution, including pathology and radiology services and all other necessary services, whether they are furnished by the institution or by others under arrangement with the institution. To the extent provided in regulations, inpatient services of a Christian Science sanatorium are covered services.

(b) Covered services do not include personal comfort items or, unless required for medical reasons, the additional cost of accommodations more expensive than semiprivate accommodations; and do not include domiciliary or custodial care, or institutional care of a person while he is not receiving active medical treatment.

(c) Covered services do not include care in a skilled nursing home for more than one hundred and twenty days during a benefit period (as defined in regulations); except that the Board may, on such conditions as it finds appropriate to assure effective control of utilization, extend the duration of covered services, either for a stated number of days in a benefit period or indefinitely—

(1) in all skilled nursing homes for which consolidated budgets with hospitals have been approved under section 83(f), or

(2) in all participating skilled nursing homes having in effect affiliation agreements under section 52(b), if the Board finds that adequate funds and resources are available therefor and that such action will not lead to excessive utilization of nursing home services.

(d) Covered services do not include institutional care of a person as a psychiatric patient while the patient is not receiving active treatment for an emotional or mental disorder; and do not include care of a person as a psychiatric patient for more than forty-five inpatient days in either a psychiatric or another hospital during a benefit period (as defined in regulations).

(e) Covered services do not include institutional care of an inpatient unless a physician has certified to the medical necessity of the patient's admission to the institution, and do not include such care (during a continuous stay in the institution) after such period (if any) as may be specified in regulations unless a physician has certified to the continued medical necessity of such care. Regulations may specify the classes of cases in which certification of continued necessity is required, may specify different periods for different classes of cases, and may permit retroactive certification under such circumstances and to such extent as the Board deems appropriate.

(f) Covered services do not include the services of a psychiatric or other hospital or a skilled nursing home, during a benefit period (as defined in regulations), after the third day following receipt by the institution and the patient of notice of a finding by a utilization review committee pursuant to section 51(e) that further stay in the hospital or further stay in the nursing home, as the case may be, is not medically necessary.

### PHARMACEUTICAL BENEFITS

SEC. 25. (a) The Board, with the approval of the Secretary, shall establish and disseminate (and review at least annually) (1) a list of drugs for use in participating institutions, health maintenance organizations, and professional foundations, and (2) a list (for use outside such institutions, organizations, and foundations) of diseases and conditions for the treatment of which drugs may be furnished as a covered service, and a specification of the drugs that may be so furnished for each disease or condition listed. Subject to the provisions of subsections (b) and (c), the furnishing of a drug to an eligible person is a covered service if it is furnished by or on prescription of a participating physician or dentists, or by or on prescription of a physician or dentist acting on behalf of a participating institutional or other provider.

(b) The list of drugs referred to in subsection (a)(1) shall be designed to provide physicians and dentists with an armamentarium necessary and sufficient for rational drug therapy incident to comprehensive medical services or incident to covered dental services. The furnishing of a drug on this list is a covered service if it is furnished to a person who is enrolled in a participating health maintenance organization or professional foundation, or is administered within a participating hospital to an inpatient or an outpatient, or is administered to an inpatient of a participating skilled nursing home operated by a participating hospital or having in effect an affiliation agreement in accordance with section 52(b).

(c) The list of diseases and conditions referred to in subsection (a) (2) shall include those chronic diseases and conditions for which drug therapy, because of its duration and cost, commonly imposes substantial financial hardship; and may include other diseases and conditions for which the Board finds costly drug therapy to be commonly required and effective. To assure proper utilization of drugs for specific diseases or conditions, the Board may require that the physician or dentist furnishing or prescribing a listed drug be a specialist qualified to diagnose and treat that disease or condition. The furnishing of a drug (although not to a person or under circumstances described in subsection (b) is a covered service if (1) the physician or dentist furnishing or prescribing it identifies the disease or condition for which it is furnshed or prescribed, and the disease or condition is one appearing on the Board's list, (2) the physician or dentist meets specialist qualifications, if any, required by the Board, and (3) the drug is specified on the Board's list as one available for treatment of the disease or condition identified by the physician or dentist.

(d) The Board shall not list a drug under this section unless (1) the Secretary has found that it is safe and efficacious for the purposes for which it is recommended and (on the list established under subsection (c)) for the treatment of each disease or condition for which it is specified on the list, and (2) the Board finds that it is available at a reasonable cost (considering, among other factors, the existence or absence of competition in the production, distribution, and sale of the drug). Drugs shall be listed by their established names (as defined in section 502(e) of the Federal Food, Drug, and Cosmetic Act) and also, to the extent the Board deems appropriate, by trade names.

(e) In reviewing and revising lists established under this section the Board shall take into consideration (1) current information about the safety and efficacy of listed drugs, and about their cost, (2) the results of review of drug utilization under this title, (3) experience bearing on the determination of what diseases and conditions meet the criteria stated in subsection (c), and (4) such other factors as the Board deems pertinent. Drugs shall be added to or eliminated from the lists as the Board finds best calculated to effectuate the purposes of this section.

### DEVICES, APPLIANCES, AND EQUIPMENT

SEC. 26. (a) The Board, with the approval of the Secretary, shall establish and disseminate (and review at least annually) lists of the therapeutic devices, appliances, and equipment (including eyeglasses, hearing aids, and prosthetic appliances), or classes thereof, which it finds are important for the maintenance or restoration of health or of employability or self-management. The Board shall take into consideration the efficacy, reliability, and cost of each item listed, and shall attach to any item such conditions as it deems appropriate with respect to the circumstances under which or the frequency with which the item may be prescribed. In establishing and revising lists under this section the Board shall seek to avoid a rate of expenditure for the furnishing of devices, appliances, and equipment in excess of 2 per centum of the rate of expenditure for all covered services.

(b) The furnishing of a device, appliance, or equipment prescribed by a participating physician or dentist, or by a physician or dentist on behalf of a participating institutional or other provider, is a covered service if the item appears on a current list established under subsection (a) and the prescription falls within any conditions attached, on the list, to the prescribing of that item. The furnishing of any other device, appliance, or equipment so prescribed is also a covered service if, in accordance with regulations, the furnishing of it has been approved in advance by the Board. Regulations under this section may list items or classes of items which, because of lack of efficacy or reliability or because of cost, the Board had determined may not be furnished as covered services.

### OTHER PROFESSIONAL AND SUPPORTING SERVICES

SEC. 27. (a) To the extent provided in regulations, the following are covered services:

(1) the professional services of optometrists;

(2) the professional services of podiatrists;

(3) the diagnostic services of independent pathology laboratories, and diagnostic and therapeutic radiology furnished by independent radiology services;

(4) the care of a patient in a mental health day care service (A) for not more than sixty full days (or its equivalent) during or following a benefit period (as defined in regulations), when furnished by a hospital or a service affiliated with a hospital, or (B) if furnished by a health maintenance organization or by a community mental health center or other mental health center which furnishes comprehensive mental health services; or (C) if furnished by a mental health day care service with which the Board has an agreement under section 49(a)(3); and

(5) ambulance and other emergency transportation services, and such nonemergency transportation services as the Board finds essential to overcome special difficulty of access to covered services.

(b) Supporting services (such as psychological, physiotherapy, nutrition, social work, or health education services) are covered services when they are furnished on behalf of an institutional provider or when, with the approval of the Board, they are furnished on behalf of a participating health maintenance organization or professional foundation, or of an organization, agency, or center with which the Board has an agreement under section 49(a) (1), (2), or (3); but only if the persons furnishing the supporting services are compensated on a salary, stipend, or capitation basis by the provider on whose behalf they are furnished.

### EXCLUSIONS FROM COVERED SERVICES

SEC. 28. (a) Health services furnished or paid for under a workmen's compensation law of the United States or a State, or legally required to be so furnished or paid for, are not covered services. Such services, if furnished by a participating provider to an eligible person, shall nevertheless be treated as covered services in accordance with this part unless and until a determination has been made pursuant to the workmen's compensation law that the services are covered by that law, and any resulting overpayment under this title shall, when payment is made under the workmen's compensation law, be recouped in the same manner as other overpayments.

(b) Health services furnished in a primary or secondary school are covered services only to such extent and on such conditions as may be specified in regulations.

(c) Surgery performed solely for cosmetic purposes (as defined in regulations), and hospital or other services incident thereto, are not covered services.

(d) The furnishing of a drug otherwise than in accordance with section 25 is not a covered service. The furnishing of a device, appliance, or equipment otherwise than in accordance with section 26 is not a covered service unless it is furnished, in accordance with section 22(a) or section 23(a), as an incident to professional services.

(e) The Board may by regulation exclude from covered services medical or surgical procedures (and services incident thereto) which it finds both (1) are essentially experimental in character, and (2) because of cost or because of shortage of qualified personnel or facilities cannot practicably be furnished on a nationwide basis.

(f) Except as provided in regulations, services are not covered services if (1) they are furnished by another provider to a person who has enrolled in a participating health maintenance organization or in a participating professional foundation, and are within the range of services which the organization or foundation has undertaken to furnish, or (2) they are primary physicians' services or covered dental services and are furnished by another provider to a person who has chosen to be on the list of a physician or a dentist electing to be paid by the capitation method. Regulations under this subsection shall permit termination of the enrollment referred to in clause (1), or of the choice referred to in clause (2), after the enrollment or choice has been in effect for twelve months, or at an earlier time for such reasons as may be specified in the regulations.

(g) The services of a professional practitioner are not covered services if they are furnished in a hospital which is not a participating provider, or are furnished to a psychiatric inpatient of an institution at a time when the institutional services to the patient are, by reason of section 24(d), not covered services.

### PART C—PARTICIPATING PROVIDERS OF SERVICES IN GENERAL; AGREEMENTS WITH THE BOARD

SEC. 41. A person, corporation, or other entity furnishing any covered service is a participating provider if he or it (a) is a qualified provider of that service, as determined in accordance with this part, and meets such requirements as are prescribed by or pursuant to part H (relating to the quality of care), (b) furnishes the service as an independent provider and not (as employee or otherwise) on behalf of another provider entitled under part E to payment for the service, and (c) has filed with the Board an agreement (1) that services to eligible persons will be furnished without discrimination on the ground of race, color, or national origin, (2) that no charge will be made for any covered service other than for payment authorized by this title, and (3) that the provider will furnish such information and reports as may be required under this title for the making of payments, or as the Board may reasonably require for utilization review by professional peers or for statistical or other studies of the operation of the title (including information and reports required for the purposes of the Commission on the Quality of Health Care), and will permit such examinations of records as may be necessary for verification of information on which payments are based. Participation of a provider may, however, be suspended or terminated pursuant to section 132 or section 134.

### PROFESSIONAL PRACTITIONERS

SEC. 42. (a) A physician, dentist, optometrist, or podiatrist, legally authorized on the effective date of health security benefits to practice his profession in a State, is a qualified provider of covered services within the State. A practitioner first so authorized by a State after the effective date is a qualified provider in that State if, in addition, he meets national standards established by the Board (taking into consideration the criteria applied by any recognized national testing organization) for the practitioner's profession. A practitioner who is a qualified provider in one State, if he meets the national standards, is also in any other State (in accordance with the provisions of section 56(a)(1)) a qualified provider of services (1) are covered services to persons entitled thereto under this title, and (2) are of a kind which such other State authorizes to be furnished by practitioners of his profession.

(b) For the purposes of this title—

(1) A doctor of osteopathy legally authorized to practice medicine and surgery in a State is a physician.

(2) A dentist qualified in accordance with subsection (a) is a physician when performing oral surgery or other procedures which, in accordance with generally accepted professional standards, may be performed by either a physician or a dentist.

### GENERAL HOSPITALS

SEC. 43. Subject to the provisions of section 53, a hospital (other than a psychiatric hospital) is a qualified provider if it is an institution which—

(a) is primarily engaged in providing to inpatients (other than mentally ill persons) diagnostic, therapeutic, and rehabilitation services, furnished by or under the supervision of physicians, for medical diagnosis, treatment, care, and rehabilitation of injured, disabled, or sick persons;

(b) maintains adequate clinical records on all patients;

(c) has bylaws in effect with respect to its staff of physicians, and has filed with the Board an agreement that in granting or maintaing medical staff privileges it will not discriminate on any ground unrelated to professional qualifications;

(d) has a requirement that every patient must be under the care of a physician;

(e) provides twenty-four-hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times;

(f) has a pharmacy and drug therapeutics committee which establishes policies for the selection, acquisition, and utilization of drugs;

(g) has in effect a hospital utilization plan which meets the requirements of section 51; and

(h) meets all applicable requirements of the law of the State in which it is situated.

### PSYCHIATRIC HOSPITALS

SEC. 44. Subject to the provisions of section 53, a hospital which is primarily engaged in furnishing psychiatric services to inpatients who are mentally ill is a qualified provider if it (or a distinct part of it) is an institution—

(a) in which diagnostic, therapeutic, and rehabilitative services with respect to mental illness are furnished by or under the supervision of physicians;

(b) which satisfies the requirements of subsections (b) through (h) of section 43;

(c) which, on the basis of staffing and other factors it deems pertinent, the Board finds is qualified to furnish active treatment; and

(d) which maintains such records as the Board finds necessary to determine the degree and intensity of the treatment furnished.

### SKILLED NURSING HOMES

SEC. 45. Subject to the provisions of sections 52 and 53, a skilled nursing home is a qualified provider if it (or a distinct part of it) is an institution which—

(a) is primarily engaged in providing to inpatients (other than mentally ill persons) skilled nursing care and related services for patients who require medical and nursing services;

(b) has written policies, which are developed (and reviewed from time to time) with the advice of a group of professional personnel, including one or more physicians and one or more registered professional nurses, to govern the services it provides;

(c) has a medical staff, a physician, or a registered professional nurse responsible for the execution of such policies;

(d) unless it is operated by a participating hospital, operates under the supervision of an administrator licensed by the State in which the institution is situated;

(e) has a requirement that the health care of every patient be under the supervision of a physician, and provides for having a physician available to furnish necessary medical care in case of emergency;

(f) maintains adequate clinical records on all patients;

(g) provides twenty-four-hour nursing service sufficient to meet nursing needs in accordance with the policies developed as provided in subsection (b), and has at least one registered professional nurse employed full time;

(h) provides appropriate methods and procedures for the dispensing and administering of drugs;

(i) has in effect a utilization review plan which meets the requirements of section 51; and

(j) meets all applicable requirements of the law of the State in which it is situated and, unless the Board finds that such law provides equivalent protection, meets the provisions of the Life Safety Code of the National Fire Protection Association (other than any provision of the code authorizing waiver of its requirements) applicable to nursing homes.

### HOME HEALTH SERVICE AGENCIES

SEC. 46. Subject to the provisions of section 52, a home health service agency is a qualified provider if it is a public agency or a nonprofit private organization, or a subdivision of such an agency or organization, which—

(a) is primarily engaged in furnishing, on an intermittent and visiting basis in patients' homes, skilled nursing and other therapeutic services to patients (other than mentally ill persons) who are under the care of physicians;

(b) has written policies developed (and reviewed from time to time) by a group of professional personnel associated with the agency or organization, including one or more physicians and one or more registered professional nurses, to govern the services which it furnishes, and provides for supervision of such services by a physician or registered professional nurse;

(c) maintains adequate clinical records on all patients;

(d) meets all applicable requirements of the law of the State in which it furnishes services; and

(e) has written policies and procedures which provide for a systematic evaluation of its total program at appropirate intervals in order to assure the appropriate utilization of services.

### HEALTH MAINTENANCE ORGANIZATIONS

SEC. 47. (a) A health maintenance organization is a qualified provider if—

(1) it is a public or other nonprofit organization which furnishes health services to persons enrolled in the organization;

(2) it provides at least annually an open enrollment period of not less than thirty days, during which all eligible persons living within a defined service area (or living near enough thereto to have reasonably ready access to the services of the organization), up to the capacity of the organization to furnish services, are accepted for enrollment in the order in which they apply, except that priority may be given to persons living within the service area; and it does not terminate any enrollment because of the enrollee's health status or his need or demand for health services, or for any other reason except repeated and serious violation of reasonable rules of the organization;

(3) it undertakes to provide to its enrollees, at its expense and in accordance with paragraphs (4) and (5), all of the covered services described in part B, including such supporting services as the Board may have approved under section 27(b); except that it may exclude some or all mental health services or dental services if it assures referral of its enrollees to providers of such excluded services when medically appropriate and maintains arrangements with such providers for the availability of the services to its enrollees;

(4) all physician services, and dental services if the organization undertakes to provide them, are (except for infrequently used services) furnished by a medical group which meets the following conditions, or by two or more groups each of which meets such conditions—

(A) the group consists of physicians, or of physicians and dentists, with or without other professional health personnel, sufficient in number and possessing among them the necessary qualifications to furnish all covered physicians services and the dental service (if any) which the health maintenance organization undertakes to provide (except infrequently used services); and

(B) the members of the group (i) as their principal professional activity practice their profession as a group responsibility in furnishing services to enrollees of the health maintenance organization, (ii) pool their income from practice as such members (unless they are compensated by salary or stipend paid by the health maintenance organization) and distribute it among themselves in accordance with a prearranged salary, percentage, or similar plan, and (iii) jointly use medical and other records, a substantial part of their major equipment, and the services of professional, technical, and administrative staff (including personnel furnishing supporting services approved under section 27(b));

(5) all services, other than physician services and dental services, which the organization undertakes to provide (except infrequently used services) are furnished through its own staff and facilities (or are furnished by others under contract, if the organization retains control of, and full responsibility for, the availability and quality of the services); except that institutional services may be provided through arrangements with other participating providers (either nonprofit or for-profit) for the availability of services;

(6) the organization encourages health education of its enrollees (including education in the appropriate use of health services) and the development and use of preventive health services, and furnishes and arranges services and (to the extent practicable) arranges its system of medical records in such manner as to facilitate continuity of care, and to the maximum extent feasible makes all services (including emergency services at all times) readily accessible to enrollees who live in its service area;

(7) it makes available to its enrollees and to the public full information about the services it provides and their availability, and such other information about its operations and the utilization of services as the Board may by regulation require;

(8) it provides an opportunity for representatives of its enrollees to participate effectively in the formulation of policies of the organization and in the evaluation of its operation, and provides fair and effective procedures for resolving disputes between enrollees and the organization or providers with whom it has contracted or has arrangements for the furnishing of service;

(9) it provides that a committee or committees of physicians (with other health professionals where appropriate) associated with the organization promulgate professional standards, oversee the professional aspects of the delivery of care, perform the functions of a pharmacy and drug therapeutics committee, and monitor and review the utilization and quality of all health services (including drugs);

(10) to the extent practicable and consistent with good medical practice, it employs allied health personnel and subprofessional and lay personnel in the furnishing of services;

(11) it assumes the financial responsibility, without benefit of insurance except in accordance with section 87(e), for assuring to its enrollees the services which it has undertaken to provide;

(12) its premiums or other charges for any services not paid for under this title are reasonable; and

(13) it undertakes, to the extent required by regulations with respect to services of the kinds it has undertaken to provide, to arrange for reciprocal out-of-area services by other health maintenance organizations, or to pay for health services furnished to its enrollees by other participating providers, in emergencies, within or outside the service area of the organization.

(b) A health maintenance organization, or with its approval a professional practitioner who furnishes services on its behalf, may furnish services to persons who are not enrolled in the organization. Payment for such services, if they are covered services to eligible persons, shall be made by one of the methods provided in part E for payment to independent practitioners, and shall be made to the organization unless the organization requests that it be made to the practitioner who furnishes the services and he is a participating provider.

### PROFESSIONAL FOUNDATIONS

SEC. 48. (a) A professional foundation is a qualified provider if—

(1) it is an organization sponsored by a county or other local medical society, with a service area coextensive with the area of its sponsoring society, which meets the conditions set forth in section 47(a) (relating to health maintenance organizations) other than paragraph (4) thereof;

(2) all physician services, and dental services if the foundation undertakes to furnish them, are (except for infrequently used services) furnished by professional members of the foundation, who are compensated by whatever method or methods (including fee-for-service) may be agreed upon by the foundation and its professional members; and

(3) the foundation permits any physician (or dentist, if the foundation undertakes to furnish dental services) practicing in its service area, whether or not a member of the sponsoring society, subject only to criteria (approved by the Board) of professional qualifications, to become a professional member of the foundation and to furnish services on its behalf.

(b) A professional member of a foundation, unless he has agreed otherwise with the foundation, may furnish services to persons who are not enrolled in the foundation, and payment for the services, if they are covered services to an eligible person, shall be made by one of the methods provided in part E for payment to independent practitioners. The payment shall be made to the professional member if he is a participating provider, except that if he is compensated by the foundation for services to enrollees on a salary, stipend, or capitation basis the payment shall be made to the foundation.

### OTHER HEALTH SERVICE ORGANIZATIONS

SEC. 49. (a) Pursuant to an agreement with the Board containing such terms and conditions as the Board deems proper, any of the following is a qualified provider of such services as are specified in the agreement—

(1) a public or other nonprofit agency or organization (including a hospital) which furnishes all of the covered services described in part B, including such supporting services as the Board may have approved under section 27(b), except that it may exclude some or all institutional services, mental health services, or dental services if it assures referral of its patients to providers of such services when medically appropriate and maintains arrangements with such providers for the availability of the services to its patients;

(2) a public or other nonprofit center (including a satellite center established by a hospital) which (A) furnishes, as a minimum, the services of two or more physicians engaged in general or family practice, the services of nurses and supporting personnel, and basic laboratory services, which the Board finds sufficient for the primary medical care of a substantial population living in the vicinity of the center, and (B) has arrangements with other providers of services which the Board finds assure to the population served by the center, on a coordinated basis, all components of the covered health services described in part B;

(3) a public or other nonprofit mental health center or mental health day care service;

(4) a State or local public health agency furnishing preventive or diagnostic services, or a public agency furnishing covered health services in a primary or secondary school in accordance with regulations issued under section 28(b); or

(5) a medical or dental group practice or clinic, a dental foundation, a center for the treatment and rehabilitation of alcoholic or drug addicts, or another organization or agency furnishing health services to ambulatory patients.

(b) An agreement under this section shall not, except to the extent that it specifically so provides, preclude a professional practitioner who furnishes services on behalf of the provider from furnishing also, either on behalf of the provider or as a participating independent practitioner, services which are of a kind not within the scope of the agreement or are furnished to persons not within its scope. Unless the agreement provides that payment for covered services furnished to eligible persons shall be made to the provider who has entered into the agreement, payment shall be made to the practitioner by one of the methods provided in part E for payment to independent practitioners.

### OTHER PROVIDERS

SEC. 50. (a) An independent pathology laboratory (as defined in regulations) is a qualified provider of diagnostic pathology services if (whether or not it is engaged in transactions in interstate commerce) it meets the requirements established by or pursuant to section 353 of the Public Health Service Act. An independent radiology service (as defined in regulations) is a qualified provider of diagnostic and therapeutic radiology if it meets all applicable requirements of the law of the State in which the services are furnished.

(b) A provider of drugs, devices, appliances, or equipment is a qualified provider if he meets all applicable requirements established by or pursuant to the Federal Food, Drug, and Cosmetic Act and all requirements of the law of the State in which the provider is situated.

(c) A provider of ambulance or other covered transportation services is a qualified provider if he meets all applicable requirements of the law of the State in which the services are furnished.

(d) A Christian Science sanatorium is a qualified provider of services specified in regulations prescribed under section 24(a) if it is operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts.

### UTILIZATION REVIEW

SEC. 51. A utilization review plan of a psychiatric or other hospital or a skilled nursing home shall be considered sufficient if it provides—

(a) for the periodic review on a sample or other basis (and the maintenance of adequate records of such review) of admissions to the institution, the duration of stays, and the professional services (including drugs) furnished, (1) with respect to the medical necessity of the services, and (2) for the purpose of promoting the most efficient use of available health facilities and services; and provides for periodic reports, to the institution and the medical staff (and, when requested, to the Board), of statistical summaries of the review;

(b) in the case of a psychiatric or other hospital, for such review to be made either (1) by a staff committee of the hospital composed of two or more physicians (consulting, with respect to drug utilization, with the pharmacy and drug therapeutics committee), with or without participation of other professional personnel, or (2) by a group outside the hospital which is similarly composed and which, if practicable, is established by the local medical society and hospitals in the locality, or is established in such other manner as may be approved by the Board; but clause (1) of this subsection shall be inapplicable to any hospital where, because of its small size or for such other reason as may be specified in regulations, it is impracticable for the hospital to have a properly functioning staff committee for the purposes of this section;

(c) in the case of a skilled nursing home, for such review to be made by a committee, composed and established as provided in subsection (b), or by a committee so composed which is established by the State or local public health agency pursuant to a contract with the Board, or by the Board; except that if a consolidated budget has been approved for the nursing home and a hospital, under section 83(f), the review shall be made by the utilization review committee of the hospital;

(d) for such review, in each case of inpatient hospital services or skilled nursing home services furnished to a patient during a continuous period of extended duration, as of such days of such period (which may differ for different classes of cases) as may be specified in regulations, with such review to be made as promptly as possible after each day so specified, and in no event later than one week following such day; and

(e) for prompt notification to the institution, the patient, and his attending physician of any finding (made after opportunity for consultation afforded to such attending physician) by the physician members of such committee or group that any admission, further stay, or furnishing of particular services in the institution is not medically necessary.

### TRANSFER AND AFFILIATION AGREEMENTS

SEC. 52. (a) A skilled nursing home is a qualified provider only if it has in effect (or there is in effect a finding under subsection (c) temporarily dispensing with) a transfer agreement with at least one participating hospital, providing for the transfer of patients and of medical and other information between the institutions as medically appropriate.

(b) After two years following the effective date of health benefits, a skilled nursing home or a home health service agency will be a qualified provider only if it has in effect (or there is in effect a finding under subsection (c) temporarily dispensing with) an affiliation agreement with a participating hospital or a participating health maintenance organization, under which the medical staff of the hospital or organization (or a committee thereof) will furnish, or will assume responsibility for, the professional services in the skilled nursing home, or the professional services furnished by the home health agency, as the case may be.

(c) The requirement of a transfer agreement under subsection (a), or of an affiliation agreement under subsection (b), shall not be applicable in any case if there is in effect a finding by the Board that the lack of a suitable hospital or organization within a reasonable distance makes such an agreement impracticable, and that the services of the skilled nursing home or the home health agency are essential to avoid a critical shortage of services to eligible persons. Such a finding shall be reviewed periodically, and shall be revoked whenever the Board finds it practicable to do so.

### NEWLY CONSTRUCTED FACILITIES

SEC. 53. A psychiatric or other hospital or a skilled nursing home, or a provider operating a facility for ambulatory care, is not a participating provider if construction or substantial enlargement of the facility (whether or not in replacement of another facility) was undertaken (as defined in regulations) after December 31 of the year in which this title is enacted unless (a) the construction or enlargement has been found by a State agency designated by the Governor of the State for this purpose, or has been found by the Board, to be needed for the furnishing of adequate services to persons residing in the area to be served by the institution, or (b) in the case of enlargement of an existing facility, the Board has found (regardless of the need for the enlargement) that the facility is needed for that purpose. (For provision relating to reduction in payments in certain cases referred to in clause (b), see section 89.)

### LIMITATION ON MALPRACTICE JUDGMENTS

SEC. 54. In any litigation in any court of the United States or any State seeking damages for injury caused by negligence or other fault in the furnishing of any service covered by this Act, no damages shall be awarded to the injured party for the cost of remedial services which he was or is entitled to receive under this Act (or which he would have been, or would be, entitled to receive upon seeking them from a participating provider).

### EXCLUSION: FEDERAL PROVIDES OF SERVICES

SEC. 55. No institution of the Department of Defense, no institution of the Veterans' Administration, no institution of the Department of Health, Education, and Welfare engaged in the provision of services to merchant seamen or to Indians or Alaskan natives, and no employee of any of the foregoing acting as employee, is a participating provider. The Board shall, however, reimburse the proper appropriation for any covered services furnished by any such institution or employee to an eligible person who is not, under any Act other than this Act, eligible to receive the service from the institution or employee. The Board shall also reimburse the proper appropriation for any covered services furnished to eligible persons pursuant to section 329 of the Public Health Service Act, such reimbursement to be in lieu of payments required by section 329(b) of that Act.

### RESTRICTIVE STATE LAWS INOPERATIVE

SEC. 56. (a) In the furnishing of covered services to eligible persons (any law of a State or political subdivision to the contrary notwithstanding)—

(1) A physician, dentist, optometrist, or podiatrist who is legally authorized by a State to practice his profession and who meets national standards established by the Board pursuant to section 42(a) is hereby authorized to furnish in any other State, either as an independent participating provider or on behalf of an institutional or other participating provider, the services which such other State authorizes to be furnished by practitioners of his profession.

(2) A professional nurse, or a practitioner of another health profession or occupation designated in regulations, who meets national standards established by the Board for his profession or occupation is hereby authorized to furnish in any State, on behalf of participating providers of services, the services which that State authorizes or permits to be furnished by practitioners of his profession or occupation. National standards applicable to professional nursing, or to any other profession or occupation the practice of which is subject in all States to licensure or similar authorization, shall contain a requirement of licensure or authorization by at least one State.

(3) In a participating public or other nonprofit hospital or a participating health maintenance organization, a practitioner of any health profession other than medicine or dentistry or of any nonprofessional health occupation who meets national standards established by the Board for his profession or occupation, and meets any additional qualifications established by the Board for the performance of particular acts or procedures, is hereby authorized to perform, under the supevision and responsibility of a physician or dentist, such of the acts which might lawfully be performed by the physician or dentist as are specified in regulations.

(4) A participating public or other nonprofit hospital or a participating health maintenace organization is hereby authorized (whether or not the arrangement may be deemed to constitute corporate practice of a profession) to employ physicians, dentists, or other professional practitioners, or to obtain and compensate their services in any other manner, and the practitioners are authorized to serve such a hospital or organization as employees or in any other manner; but only if the employment or other arrangement is not of a kind which the Board finds is likely to cause lay interference with professional acts or professional judgments.

(b) If the Board finds that a proposed corporation will meet the requirements of section 47(a) for participation as a health maintenance organization, but that it cannot be incorporated in the State in which it proposes to furnish services because the State law requires that a medical society approve the incorporation of such an organization, or requires that physicians constitute all or a majority of its governing board, or requires that all physicians in the locality be permitted to participate in the services of the organization, or makes any other requirements which the Board finds incompatible with the purposes of this title, the Board may issue a certificate of incorporation to the organization, and it shall thereupon become a body corporate. The powers of the corporation shall be limited to the furnishing of services under this title, and the doing of things reasonably necessary or incident thereto. So far as the Board finds to be compatible with the purposes of this title, the certificate of incorporation shall accord with, and the corporation shall be subject to, provisions of the State law which are applicable to nonprofit corporations generally. The corporation shall not be deemed to be an instrumentality of the United States for purposes of exemption from any Federal or State law.

## PART D—TRUST FUND; ALLOCATION OF FUNDS FOR SERVICES

### HEALTH SECURITY TRUST FUND

SEC. 61. (For the text of section 61, see section 406, transferring section 1817 of the Social Security Act to this Act, redesignating it as section 61, and amending it.)

### ANNUAL DETERMINATION OF FUND AVAILABILITY

SEC. 62. (a) For each fiscal year the Board shall, not later than March 1 next preceding the beginning of the fiscal year, fix the maximum amount which may (except as provided in subsection (c)) be obligated during the fiscal year for expenditure from the Trust Fund. The amount so fixed—

(1) shall not exceed 200 per centum of the expected net receipts during the fiscal year (as estimated by the Secretary of the Treasury) from the taxes imposed by sections 1401 (b), 1403, 3101(b), and 3111(b) of the Internal Revenue Code of 1954, and

(2) for any fiscal year except the fiscal year beginning on the effective date of health benefits, shall not exceed the aggregate obligations, as estimated by the Board, incurred and to be incurred by the Trust Fund during the fiscal year current at the time when the determination is made, adjusted to re-

flect (A) any estimated change expected in the prices of goods and services which enter into the cost of living, (B) the expected change in the number of eligible persons, (C) any expected change (to the extent that the Board finds it not otherwise adequately reflected) in the number of participating professional providers, or in the number or capacity for the provision of services of institutional or other participating providers, and (D) any change in the cost of administration of this Act indicated in the President's budget estimates pursuant to section 201(g) of the Social Security Act.

(b) In fixing the amount to be available for obligation during a fiscal year, pursuant to subsection (a)—

(1) if and to the extent that (A) the Board estimates that the amount in the Trust Fund at the beginning of the fiscal year will be less than one-quarter of the obligations incurred and to be incurred during the fiscal year current at the time when the determination is made, and (B) the Board finds that restriction of the amount to be available for obligation will not materially impair the adequacy or quality of services to eligible persons, the amount fixed under subsection (a) shall be less than the maximum stated in paragraph (1) of that subsection; and

(2) if and to the extent that the Board finds that improvement in the organization and delivery of services or in the control of their utilization has lessened their aggregate cost (or has lessened an increase in their aggregate cost), the amount fixed under subsection (a) shall be less than the maximum stated in paragraph (2) of that subsection.

(c) The amount to be available for obligation during a fiscal year, fixed pursuant to subsection (a), may be modified before or during the fiscal year if the Secretary of the Treasury finds that the tax receipts referred to in subsection (a)(1) will differ from the estimate by 1 per centum or more, or if the Board finds that any of the factors of expected change referred to in subsection (a)(2), or action on the budget estimate for the cost of administration, will differ from the estimate by 5 per centum or more; or if an epidemic, disaster, or other occurrence increases the need for health services to an extent which the Board finds requires the expenditure of additional funds. If the amount fixed pursuant to subsection (a) is increased, the Board, through the Secretary, shall promptly report its action to the Congress with a statement of the reasons therefor.

### HEALTH SERVICES ACCOUNT, HEALTH RESOURCES DEVELOPMENT ACCOUNT, ADMINISTRATION ACCOUNT, AND GENERAL ACCOUNT

SEC. 63. (a) There shall be established in the Trust Fund a health services account, a health resources development account, an administration account, and a general account (consisting of all moneys in the Trust Fund which have not been transferred to another account).

(b) For each fiscal year there shall from time to time be transferred from the general account to the health resources development account the following percentage of the amount to be available for obligation during that year (as determined pursuant to section 62(a) and (b)): for the fiscal year beginning on the effective date of health benefits, and for the next succeeding fiscal year, 2 per centum; for each of the next two succeeding fiscal years, 3 per centum; for each of the next two succeeding fiscal years, 4 per centum; and for each fiscal year thereafter, 5 per centum. Funds in the health resources development account shall be used exclusively for the purposes of part F, and shall remain available for such uses until expended.

(c) The remainder of the amount to be available for obligation during a fiscal year, after deducting the amount of the President's budget estimates for the cost of administering this Act, shall from time to time be transferred from the general account to the health services account. Funds in the health services account shall be used exclusively for making payments for covered services in accordance with part E, and shall remain available for such payments until expended.

(d) As amounts available for a fiscal year for the administration of this Act are determined by the Congress, the amount available for the administration of the title shall be transferred from the general account to the administration account.

(e) From time to time any necessary adjustments shall be made in the amounts transferred to the several accounts, and in allocations previously made from the health services account.

### REGIONAL ALLOCATIONS FROM HEALTH SERVICES ACCOUNT

SEC. 64. (a) For each fiscal year the Board shall, not later than March 1 next preceding the beginning of the fiscal year, make allocations to the regions of the Department from the funds to be available for the fiscal year in the health services account. The allocation to each region shall be equal to the estimated aggregate expenditures in the region for services, described in part B as covered services, in the most recent twelve-month period for which reliable data are available, adjusted to reflect the factors of change referred to in clauses (A), (B), and (C), of section 62(a)(2), and further adjusted in accordance with subsections (b) and (c) of this section.

(b) It shall be the objective of the Board to reduce gradually, and ultimately to eliminate substantially, existing differences among the regions of the Department in the average per capita cost to health services, except as such differences reflect differences in the prices of goods and services which enter into the cost of living for people in the several regions. To this end the Board shall modify the allocations for each fiscal year determined under subsection (a) in order (1) to reduce, or to lessen any increase in, the cost of covered services in regions in which the average per capita cost is higher (to an extent greater than the difference in the estimated weighted average cost of goods and services) than the national average per capita cost, to such extent as the Board finds practicable without impairing materially the adequacy or quality of services to eligible persons, and (2) to stimulate, to such extent as the Board finds practicable and desirable, increases in the availability and utilization of covered services in regions in which the average per capita cost is lower (to an extent greater than the difference in the estimated weighted average cost of goods and services) than the national average per capita cost. In modifying allocations to the regions, the Board shall take account of regional differences in the composition of pouulations, in the prevalence and incidence of morbidity indicating need for covered services, in the available and needed resources in personnel or facilities for provision of covered services, in the costs of providing covered services, and in such other factors as the Board may deem pertinent, to the extent that such regional differences are not reflected in allocations under subsection (a) and have not already been taken into account, under this subsection, in modifying these allocations.

(c) The Board shall withhold from allocation to the regions a reserve for contingencies, in an amount not more than 5 per centum of the funds to be available for the fiscal year in the health services account. If the remaining amount to be available for the fiscal year in the account is less than the sum of the regional allocations determined pursuant to subsections (a) and (b), the allocations shall be reduced proportionately.

(d) Allocations under this section may be modified before or during a fiscal year if the amount to be available for obligation is modified pursuant to section 62(c). The contingency reserve shall be available to increase one or more regional allocations, as the Board may find necessary. From the contingency reserve, or from additional funds in the general account made available for obligation, one or more allocations may also be increased if an epidemic, disaster, or other occurrence increases the need for health services to an extent which the Board finds requires the expenditure of additional funds.

### DIVISION OF REGIONAL FUNDS BY CLASSES OF SERVICES

SEC. 65. (a) For each fiscal year the Board shall, not later than April 1 next preceding the beginning of the fiscal year, divide the allocation to each region into funds to be available, respectively, to pay the cost within the region of the following classes of services: (1) institutional services, (2) physician services, (3) dental services, (4) the furnishing of drugs, (5) the furnishing of devices, appliances, and equipment, and (6) other professional and miscellaneous services.

(b) The content, for purposes of the division of funds, of each class of services shall be defined in regulations. Within the funds to be available for miscellaneous services, the regulations shall establish subfunds, respectively, for the making of incentive payments not otherwise provided for, for supporting services described in section 27(b), for payments to optometrists, for payments to podiatrists, for payments to independent pathology laboratories, for payments to independent radiology services, and for such other purposes as the Board may determine.

(c) The amounts assigned to the several funds and sub-funds in each region shall be determined in accordance with regulations, which shall take into account, in addition to the factors considered in making the regional allocations, trends in utilization of the several services and, to the extent the Board finds it practicable, the creation of incentives to the improved utilization thereof.

### FUNDS FOR HEALTH SERVICE AREAS

SEC. 66. (a) For each fiscal year the Board shall, not later than April 1 next preceding the beginning of the fiscal year, allot among the health service areas established in each region under section 124(a), each of the funds established for the region pursuant to section 65 for a class of services. If an interstate health service area lies partly in each of two or more regions, appropriate allotments of funds from each region shall be made to it.

(b) The amount allotted to each health service area from each regional fund shall be equal to the aggregate expenditures in the area for services of the class for which the fund is to be available, as determined (or if necessary, estimated) by the Board for such twelve-month period as may be specified in regulations; modified to take account of the factors considered in making regional allocations and in dividing such allocations by classes of services (including modifications designed to further the objective of equalization within each region, in the manner set forth in section 64(b) with respect to interregional equalization).

(c) Payment for services, in accordance with part E, shall be made to participating providers in each health service area by such officer of the Board as it may designate for the purpose. There shall be established for each area such accounts as the Board may find convenient for making payment to providers of more than one class of services (such as an account for payment to hospitals, or an account for payment to health maintenance organizations), in which shall be deposited the appropriate portions of the funds for the several classes of services to be furnished by such providers.

### MODIFICATION OF FUND ALLOTMENTS

SEC. 67. Before or during a fiscal year the division of funds by classes of services pursuant to section 65, or the allotment of funds to health service areas pursuant to section 66, may be modified if the regional allocations are modified, or if the Board finds that modification is required by events occurring or information acquired after the division and allotment were made.

## PART E—PAYMENT TO PROVIDERS OF SERVICES IN GENERAL

SEC. 81. Payment shall be made to participating providers, in accordance with this part, for covered services furnished to eligible persons. Payments shall be made from the amounts allocated from the health services account in the Trust Fund, in accordance with part D, for the respective areas and purposes.

### METHODS AND AMOUNT OF PAYMENT TO PROFESSIONAL PRACTITIONERS

SEC. 82. (a) Every independent professional practitioner shall be entitled, at his election, to be paid by the fee-for-service method, consisting of the payment of a fee for each separate covered service.

(b) Every physician engaged as an independent practitioner in the general or family practice of medicine (as determined in accordance with regulations under section 22(b)), and every dentist engaged as an independent practitioner in the furnishing of covered dental services, shall be entitled, at his election, to be paid by the capitation method if he has filed with the Board an agreement (1) to furnish all necessary and appropriate primary medical services (as defined in such regulations) or covered dental services, as the case may be, to persons on a list of persons who have chosen to receive all such services from the practitioner, (2) to maintain arrangements for referral of patients to specialists, institutions, and other providers of covered services, and (3) to maintain such records and make such reports of services furnished as may be required by regulations for purposes of medical audit. A practitioner electing the capitation method is entitled to be paid by the fee-for-service method for services furnished to eligible persons who are not on his list, but not (except as provided in regulations) for specialized services furnished to persons who are on his list.

(c) When the Board deems it necessary in order to assure the availability of services or for other reasons, the Board (1) may pay an independent practitioner a full-time or part-time stipend in lieu of or as a supplement to the foregoing methods of compensation, and it may reimburse a practitioner for special costs of continuing professional education and of maintaining linkages with other providers of services (such as costs of communication and of attendance at meetings or consultations), and (2) may pay for specialized medical services a stated amount per session or per case or may utilize a combination of the methods authorized by this section.

(d) The capitation method of payment for a specified kind and scope of covered services consists of the payment to a provider of such services, of an annual capitation amount (determined for a health service area) for each person who has chosen to receive all such services from the provider.

(e) The amounts allotted for a fiscal year pursuant to part D for each health service area for physician services, for dental services, for optometrist services, and for podiatrist services, respectively, shall each be used (1) to provide for payments for professional services (made either directly to practitioners or as reimbursement to hospitals or other providers for the compensation of practitioners) to be made by the Board on a budget or stipend basis or any basis other than capitation, fee-for-service, or per case, and (2) from the remainder, to make available (for each kind of professional services) an equal per capita amount for each person resident in the area who is entitled to such services. In any area in which the Board finds that a substantial volume of services is furnished to nonresidents, it may reduce the per capita amount to such extent as it finds necessary to effect an equitable distribution of funds.

(f) The per capita amount shall constitute the annual capitation amount for purposes of payment to any organization, professional foundation, or other provider furnishing all covered services (described in part B) of the kind for which the allotment is available. Lesser capitation amounts shall be fixed, on the basis of the relative cost of the services, for primary medical services, and, as may be required, for any scope of services (less than comprehensive) which is furnished by any institutional or other provider. If the Board finds that the population served by a provider requires on the average, because of age distribution or other factor, a volume of services significantly greater or smaller than the average requirement of the population of the local health service area, the Board may, after consultation with the provider, make an appropriate adjustment in the capitation amount payable to him.

(g) For the compensation of professional practitioners who are to be paid by the Board (directly or through a delegation under this subsection) on a fee-for-service or per case basis, there shall be available—

(1) the per capita amount determined under subsection (e), multiplied by the number of residents of the health service area for whom no capitation payment (for services of the kind for which the allotment is available) is to be made under subsection (f),

(2) increased to reflect any excess resulting from a lowering of the per capita amount under subsection (e) on account of services furnished to nonresidents, or from the fixing of lesser capitation amounts under subsection (f) for services less than comprehensive, and

(3) increased or reduced to reflect adjustments under subsection (f), on the ground of age distribution or other factor, in capitation amounts payable to other providers.

The amount of payments under this subsection shall be determined in accordance with relative value scales prescribed by the Board after consultation with representatives of the respective professions in the region, State, or area, and in accordance with unit values prescribed by the Board from time to time. The Board may, on such terms as it deems appropriate, delegate to a professional society or to an agency designated by representatives of a profession in the region, State, or area the payment of fees and per session amounts under this subsection.

(h) The Board may, on an experimental or demonstration basis, enter into an agreement with a statewide or local professional society or other organization representative of independent professional practitioners to substitute another method of compensation for those set forth in this section (either for all such practitioners, for all who have elected the fee-for-service method of payments, or for all who have elected another method), if the Board is satisfied that the substitute method will not increase the cost of services and will not encourage overutilization or underutilization of covered services. The Board shall review from time to time the operation of such an agreement, and shall, after reasonable notice, terminate it if the Board finds it to have led to increased cost or to overutilization or underutilization of covered services.

### PAYMENT TO GENERAL HOSPITALS

SEC. 83. (a) A participating hospital (other than a psychiatric hospital) shall be paid its approved operating costs, determined in accordance with regulations, in the furnishing of covered services to eligible persons, as such approved costs for a fiscal year are set forth in a prospective budget approved by the Board. Regulations under this section shall specify the method or methods to be used, and the items to be included, in determining costs, and shall prescribe a nationally uniform system of cost accounting.

(b) The costs recognized in each hospital budget shall be those, determined in accordance with subsection (a), to be incurred in furnishing the covered services ordinarily furnised by the hospital to inpatients or outpatients, and in performing any other function ordinarily performed by the hospital and ordinarily financed from payments by or on behalf of patients (including the clinical aspects of education or training of professional or other health personnel), except as the scope of services or of other functions may be modified (1) by agreement of the Board and the hospital, (2) by application of guidelines for the clinical education or training of health personnel established pursuant to section 131 for the region or State in which the hospital is situated, or (3) by direction of the Board pursuant to section 134. The budget shall recognize any increase or decrease of cost resulting from a modification of the scope of services or of other functions, either by agreement or by direction of the Board.

(c) The costs recognized in the budget shall include the cost of reasonable compensation to (and other costs incident to the services of) pathologists, radiologists, and other physicians and other professional or nonprofessional personnel whose services are held out as generally available to patients of the hospital or to classes of its patients, whatever the method of compensation of such physicians and other personnel, and whether or not they are employees of the hospital.

(d) The Board shall review, through such of its officers or employees or through such boards, and in such manner, as may be provided in regulations, proposed budgets prepared and submitted to it by hospitals, and may provide for participation in such review by representatives of the hospitals in the region or health service area in which the hospital is situated. Each officer of the Board charged with final action on hospital budgets shall receive and consider written justifications of budget proposals, and may provide oral hearings thereon.

(e) A hospital budget approved under this section for a fiscal year may, in such manner as is provided in regulations, be amended before, during, or after the fiscal year if there is a substantial change in any of the factors relevant to budget approval.

(f) If a hospital (other than a psychiatric hospital) operates or has an affiliation agreement (described in section 52(b)) with a participating skilled nursing home, and also operates or has an agreement with a participating home health service agency, the Board may, on request of the institution or institutions and in accordance with regulations designed to reflect the cost of a combined operation, approve a consolidated budget and make all payments thereunder to the hospital.

### PAYMENT TO PSYCHIATRIC HOSPITALS

SEC. 84. A participating psychiatric hospital which is primarily engaged in furnishing covered services shall be paid in the same manner as other hospitals. Any other participating psychiatric hospital shall be paid an amount determined in accordance with regulations for each patient day of covered services to an eligible person. Such regulations shall take into account, with respect to any distinct part of the hospital which meets the requirements of section 44, the factors to be considered in the approval of the budgets of hospitals other than psychiatric hospitals, but with such adjustments as are necesary to provide equitable compensation to the psychiatric hospital.

PAYMENT TO SKILLED NURSING HOMES AND TO HOME HEALTH SERVICE AGENCIES

SEC. 85. (a) A participating skilled nursing home or home health service agency shall be paid, in the same manner as a hospital (other than a psychiatric hospital), except as provided in subsection (b) of this section, its approved operating costs in the furnishing to eligible persons of skilled nursing home services or home health services, as the case may be.

(b) Regulations under this section shall, for skilled nursing homes and for home health service agencies, respectively, specify the method or methods to be used, and the items to be included, in determining costs; may, to the extent the Board deems desirable, specify nationally uniform systems of cost accounting; and, taking into account the prevailing practices of such homes or such agencies, may specify services which will be recognized in budgets and services which will not be so recognized.

PAYMENT FOR DRUGS

SEC. 86. (a) For each drug appearing on either of the lists established pursuant to section 25, the Board shall from time to time determine a product price or prices which shall constitute the maximum to be recognized under this title as the cost of the drug to a provider thereof. Product prices shall be so fixed as to encourage the acquisition of drugs in substantial quantities, and differing product prices for a single drug may be established only to reflect regional differences in cost or other factors not related to the quantity purchased.

(b) Payment for a drug furnished by an independent pharmacy shall consist of its cost to the pharmacy (not in excess of the applicable product price) plus a dispensing fee. The Board, after consultation with representatives of the pharmaceutical profession, shall establish (and from time to time review and revise) schedules of dispensing fees, designed to afford reasonable compensation to independent pharmacies after taking into account variations in their cost of operation resulting from regional differences, differences in the volume of drugs dispensed, differences in services provided, and other factors which the Board finds relevant.

PAYMENT TO HEALTH MAINTENANCE ORGANIZATIONS AND PROFESSIONAL FOUNDATIONS

SEC. 87. (a) Payment to a health maintenance organization or to a professional foundation for covered services to its eligible enrollees shall consist of basic capitation payments plus additional payments (if any) determined in accordance with subsection (d).

(b) The basic capitation payment shall consist of a basic capitation amount multiplied by the number of eligible persons enrolled in the organization or foundation. The basic capitation amount shall be the sum of the appropriate capitation amount or amounts for professional services (determined under section 82(f) and a capitation amount fixed by the Board, on the basis of the average reasonable necessary cost per enrollee of the organization or foundation, for each other service or class of services which it has undertaken to furnish.

(c) Capitation amounts for institutional services shall be based on per diem rates derived from the budgets (approved under this part) of participating institutional providers or, if the services are furnished through institutions operated by the health maintenance organization or professional foundation (or are furnished by contract with institutions which are not participating providers), derived from budgets prepared and approved in like manner as for participating institutions. Per diem rates shall be determined for each fiscal year, and for that year shall be modified only if the institutional budgets are amended or if modification is necessary to avoid substantial inequities.

(d) If it appears to the satisfaction of the Board (1) that the average utilization of hospital and skilled nursing home services by eligible persons enrolled in the organization or foundation (in whatever manner such services are provided) has, during a fiscal year, been less than the average utilization of such services under comparable circumstances by comparable population groups not enrolled either in health maintenance organizations or in professional foundations, and (2) that the services provided by the organization or foundation have been of high quality and adequate to the needs of its enrollees, the Board shall make an additional payment to the organization or foundation equal to 75 per centum of the amount which the Board finds has been saved by such lesser utilization of hospital and skilled nursing home services. The amount of any such additional payment may be used by the organization or foundation for any of its purposes, including the application of such amounts to the cost of services not covered by this title.

(e) The Board may by regulation provide to health maintenance organizations and professional foundations, in consideration of premiums to be deducted from amounts otherwise payable to them under this section, insurance (1) against the cost, in excess of an amount fixed by the Board (which shall be not less than $5,000), of services furnished during a calendar year to any one enrollee, or (2) against some or all of the cost, for which the organization or foundation is responsible in accordance with section 47(a)(13), of services furnished by other providers to enrollees of the organization or foundation.

(f) In addition to the payments required by this section, the Board may pay to a health maintenance organization the cost of clinical education or training provided by the organization (otherwise than in a hospital) which the Board finds to be in accordance with guidelines established pursuant to section 131 for the region or State in which the organization is situated.

PAYMENT TO OTHER PROVIDERS

SEC. 88. (a) An agency, organization, or other entity with which the Board has entered into an agreement under section 49(a) shall be paid by such method (other than the fee-for-service method) as, in accordance with regulations, may be set forth in the agreement.

(b) An independent pathology laboratory or an independent radiology service shall be paid on the basis of a budget approved by the Board, or on such other basis as may be specified in regulations.

(c) Payment for devices, appliances, and equipment, payment for ambulance or other covered transportation services, and payment for the services of a Christian Science sanatorium shall be made on such basis as may be specified in regulations.

REDUCTION IN PAYMENTS ON ACCOUNT OF UNNECESSARY CAPITAL EXPENDITURES

SEC. 89. Whenever the Secretary, pursuant to section 1122 of the Social Security Act (relating to reduction in Federal reimbursement in cases of unnecessary capital expenditures) issues a direction to the Board with respect to any health care facility owned or operated by a participating provider, the Board shall reduce accordingly amounts otherwise payable under this part to the provider.

METHODS AND TIME OF PAYMENT

SEC. 90. The Board shall periodically determine the amount which should be paid under this part to each participating provider of services, and the provider shall be paid, from the health services account in the Trust Fund, at such time or times as the Board finds appropriate (but not less often than monthly) and prior to audit or settlement by the General Accounting Office, the amount so determined, with adjustments on account of underpayments or overpayments previously made (including appropriate retrospective adjustments following amendment of approved institutional budgets). Payment may be made in advance in such cases and to such extent as the Board finds necessary to supply providers with working funds, on such terms as it finds sufficient to protect the interests of the United States.

PART F—PLANNING; FUNDS TO IMPROVE SERVICES AND TO ALLEVIATE SHORTAGES OF FACILITIES AND PERSONNEL

PURPOSE OF PART F; AVAILABILITY OF FUNDS

SEC. 101. (a) The purpose of this part is—

(1) prior to the effective date of health security benefits, to inaugurate a program of strengthening the Nation's resources of health personnel and facilities and its system of delivery of health services, in order to enable the providers of health services better to meet the demands on them when benefits under this title become available, and to that end (A) to expand and intensify the health planning process throughout the United States, with primary emphasis on preparation of the health delivery system to meet the demands of the health security program under this title, and (B) to provide financial and other assistance (i) in alleviating shortages and maldistribution of health personnel and facilities in order to increase the supply of services, and (ii) in improving the organization of health services in order to increase their accessibility and effective delivery; and

(2) after the effective date, to reinforce the operation of the health security program under this title as a mechanism for the continuing improvement of the supply and distribution of health personnel and facilities and the organization of health services, and to that end. (A) to coordinate the health planning process throughout the United States with a view to the continuing development of plans for maximizing capabilities for the effective delivery of covered services, and (B) to assist in meeting those costs of improvement of personnel, facilities, and organization that are not met either through the normal operation of the health security program under this title or from other sources of public or private assistance.

(b) For the purposes of subsection (a)(1), there are hereby authorized to be appropriated $200,000,000 for the fiscal year beginning on July 1 of the calendar year in which this title is enacted, and $400,000,000 for the next succeeding fiscal year. Funds appropriated under this subsection shall remain available until expended.

(c) For the purposes of subsection (a)(2), the Board is authorized to make expenditures from the health resources development account in the Trust Fund, established pursuant to section 63.

PLANNING

SEC. 102. (a) In consultation with State comprehensive health planning agencies approved under section 314(a) of the Public Health Service Act, and with regional medical programs and other health planning agencies, the Secretary shall promote and support, and as necessary shall conduct within the Department of Health, Education, and Welfare, a continuous process of health service planning for the purpose of improving the supply and distribution of health personnel and facilities and the organization of health services. Except for planning with respect to the national supply of professional, technical, and skilled administrative health personnel, the planning shall proceed primarily on a State-by-State basis but without excluding more particularized planning for portions of States, for metropolitan or interstate areas, or with respect to health facilities, health manpower development, or other particular aspects of health care. If a State comprehensive health planning agency does not undertake and carry out the responsibility for utilizing and coordinating all health planning activities within the State (including coordination with planning for interstate areas), and for coordinating health planning with planning in related fields, the Secretary shall assume the responsibility for coordinating such planning activities with the States.

(b) Prior to the effective date of health benefits, the planning process shall give first consideration to identification of the most acute shortages and maldistributions of health personnel and facilities and the most serious deficiencies in the organization for delivery of covered services, and to means for the speedy alleviation of these shortcomings. Thereafter, it shall be directed to the continuing development of plans for maximizing capabilities for the effective delivery of covered services.

(For extension and enlargement of authorization of Federal grants for State and local comprehensive health planning, see section 407.)

GENERAL POLICIES AND PRIORITIES

SEC. 103. (a) In providing assistance under this part, the Board shall give priority to improving and expanding the available resources for, and assuring the accessibility of, services to ambulatory patients which are furnished as part of coordinated systems of comprehensive care. To this end the Board shall encourage and assist (1) the development or expansion of health maintenance organizations meeting the requirements of section 47(a), (2) the development or expansion of agencies, organizations and centers described in section 49(a) (1) or (2) to furnish services to persons in urban or rural areas who lack ready access to such services, (3) the recruitment and training of professional personnel to staff such organizations, agencies, and centers, (4) the recruitment and training of subprofessional and nonprofessional personnel (including the development and testing of new kinds of health personnel) to assist in the furnishing of such services, to engage in education for personal health maintenance, and to furnish liaison between such organizations, agencies, or centers and the people they serve, (5) the strengthening of coordination and linkages among institutional services (including linkages with educational institutions), among noninstitutional services, and between services of the two kinds, in order to improve the continuity of care and the assurance that patients will be referred to such services and at such times as may be medically appropriate, (6) the strengthening of coordination and cooperation between hospital medical staffs and hospital administrators, and (7) the inclusion of dental services in systems of comprehensive health care.

(b) In administering financial assistance under this part the Board shall be guided so far as possible by findings and recommendations of appropriate health planning agencies.

(c) Funds available to carry out this part shall not be used to replace other Federal financial assistance, or to supplement the appropriations for such other assistance except to meet specific needs of the health security program under this title (such as the training of physicians or medical students for the general or family practice of medicine). In administering other programs of Federal financial assistance the Secretary and other officers of the executive branch, on recommendation of the Board, shall to the extent possible utilize those programs to further the objectives of this part. To this end the Board, on such terms as it finds appropriate, may lend to an applicant or grantee not more than 90 per centum of the non-Federal funds required as a condition of assistance under any such program, and may pay all or part of the interest in excess of 3 per centum per annum on any loan made, guaranteed, or insured under any such program.

ORGANIZATIONS FOR THE CARE OF AMBULATORY PATIENTS

SEC. 104. (a) The Board is authorized to assist, in accordance with this section, the establishment, expansion, and operation of (1) health maintenance organizations which meet or will meet the requirements of section 47(a), (2) public or other nonprofit agencies, organizations, and centers described in section 49(a) (1) and (2), and (3) nonprofit organizations furnishing comprehensive dental services, which meet requirements set forth in regulations of the Board.

(b) The Board is authorized to make grants (1) to any public or nonprofit agency or organization (whether or not it is a provider of health services), for not more than 90 per centum of the cost (excluding costs of construction) of planning, developing, and establishing an organization or agency described in subsection (a) of this section; or (2) to an existing organization or agency described in subsection (a), for not more than 80 per centum of the cost (excluding costs of construction) of planning and developing an enlargement of the scope of its services or an expansion of its resources to enable it to serve more enrollees or a larger clientele. In addition to grants under this subsection, or in lieu of such grants, the Board is authorized to provide technical assistance for the foregoing purposes.

(c) The Board is authorized to make loans to organizations and agencies described in subsection (a) of this section to assist in meeting the cost of constructing (or otherwise acquiring, or improving or equipping) facilities which the Board finds will be essential to the effective and economical delivery, or to the ready accessibility, of covered services to eligible persons. No loan to a newly established agency or organization shall exceed 90 per centum and no loan to any other agency or organization shall exceed 80 per centum of such cost, or of the non-Federal share if other Federal financial assistance in meeting such cost is available.

(d) The Board is authorized to contract with an organization or agency which is described in subsection (a) of this section and which has been either newly established or substantially enlarged, to pay all or a part of any operating deficits, for not more than five years in the case of an organization described in subsection (a) (1), and until not later than the effective date of health security benefits in the case of an agency or organization described in subsection (a) (2) or (a) (3). Any such contract shall condition payments upon the contractor's making all reasonable effort to avoid or minimize operating deficits and (if such deficits exist) making reasonable progress toward becoming self-supporting.

RECRUITMENT, EDUCATION, AND TRAINING OF PERSONNEL

SEC. 105. (a) In consultation with State comprehensive health planning agencies, and with regional medical programs, the Board shall promptly establish (and from time to time review) schedules of priority for the recruitment, education, and training of personnel to meet the most urgent needs of the health security program. The schedules may differ for different parts of the United States.

(b) The Board is authorized to provide, to physicians and medical students, training for the general or family practice of medicine and training in any other medical specialty in which the Board finds that there is, for the purposes of this title, a critical shortage of qualified practitioners.

(c) The Board shall provide education or training for those classes of health personnel (professional, subprofessional, or nonprofessional) for whom it finds the greatest need, if other Federal financial assistance is not available for such education or training; and if other assistance is available but the Board deems it inadequate to meet the increased need attributable to the health security program, it may, with the approval of the Secretary, provide such education or training pending action by the Congress on a recommendation promptly made by the Secretary to increase the authorization of appropriations (or, if the authorization is deemed adequate, to increase the appropriations) for such other assistance.

(d) The training of personnel authorized by this section includes the development of new kinds of health personnel to assist in the furnishing of comprehensive health services, and also includes the training of persons to provide education for personal health maintenance, to provide liaison between the residents of an area and health organizations and personnel serving them, and to act as consumer representatives and as members of advisory bodies in relation to the operation of this title in the areas in which they reside. The Board may make grants to public or other nonprofit health agencies, institutions, or organizations (1) to pay a part of all of the cost of testing the utility of new kinds of health personnel, and (2) until the effective date of health security benefits, to pay a part of the cost of employing persons trained under this subsection who cannot otherwise readily find employment utilizing the skills imparted by such training.

(e) Education and training under this section shall be provided by the Board through contracts with appropriate educational institutions or such other institutions, agencies, or organizations as it finds qualified for this purpose. The Board may provide directly, or through the contractor, for the payment of stipends to students or trainees in amounts not exceeding the stipends payable under comparable Federal education or training programs.

(f) The Board shall undertake to recruit and train professional practitioners who will agree to practice, in urban or rural areas of acute shortage, in health maintenance organizations or in agencies, organizations, or centers referred to in section 49(a) (1) or (2). A practitioner who agrees to engage in such practice for at least five years and who enters upon practice in the area before the effective date of health benefits may until that date be paid a stipend to supplement his professional earnings, and in an appropriate case the Board may make a commitment to compensate the practitioner after that date in accordance with section 82(c).

(g) The Board shall undertake to recruit physicians to serve hospitals as their medical directors and to train such physicians (among other matters) in advising on and managing the development and implementation of medical policies and procedures and their coordination with planning and operational functions of the hospital, with its financing, and with its program of utilization review.

(h) In administering this section the Board shall seek to encourage the education and training, for the health professions and other health occupations, of persons disadvantaged by poverty, inadequate education, or membership in ethnic minorities. To this end the Board may, through contracts in accordance with subsection (e), provide to such persons remedial or supplementary education preparatory to or concurrent with education or training for the health professions or occupations, and may (directly or through such contracts) provide to such persons stipends adequate to enable them to avail themselves of such education or training.

(i) Training which the Board is authorized by this section to provide shall include retraining, either to refresh and enhance skills of trainees for positions they already hold or to equip them for positions of greater responsibility.

### SPECIAL IMPROVEMENT GRANTS

Sec. 106. (a) The Board is authorized to make grants to public or other nonprofit health agencies, institutions, and organizations to pay part or all of the cost of establishing improved coordination and linkages among institutional services (including linkages with educational institutions), among noninstitutional services, and between services of the two kinds.

(b) The Board is authorized to make grants to organizations, agencies, and centers described in section 104(a) to pay part or all of the cost of installation of improved utilization review, budget, statistical, or records and information retrieval systems, including the acquisition of equipment therefor, or to pay part or all of the cost of acquisition and installation of diagnostic or therapeutic equipment.

### TEST OF PERSONAL CARE SERVICES IN LIEU OF INSTITUTIONAL CARE

Sec. 107. (a) The Board is authorized to make grants to pay part or all of the cost (including start-up costs) of conducting tests and demonstrations of the feasibility of maintaining in their own homes, by means of comprehensive health and personal care services, persons who, by reason of disability or other health-related causes, would in the absence of such assistance require inpatient institutional services or might be expected to require such institutional services in the near future. Grants under this section may be made to participating public or other nonprofit hospitals or health maintenance organizations, or to other public or nonprofit agencies or organizations which the Board finds qualified to conduct such tests and demonstrations. Each project shall be designed to serve a substantial population, defined in the grant, in either an urban or a rural community.

(b) The services to be provided shall include, in addition to all covered health services (other than inpatient institutional services) described in part B (which may be provided by arrangement with participating providers), services which the Board deems necessary or appropriate to enable persons, found eligible for the services in accordance with subsection (c), to continue to live in their own homes or other noninstitutional places of residence. The personal care services may include homemaker services, home maintenance, laundry services, meals-on-wheels and other nutrition services, assistance with transportation and shopping, and such other services as may be appropriate in particular cases. The Board may prescribe different ranges of services in different projects.

(c) For each project the Board shall prescribe criteria (consistent with subsection (a)) for the approval of applications for assistance, and such criteria may be different in different grants. Each grant shall require the grantee to establish, or arrange for the services of, a committee to screen applications for assistance under the project, in accordance with the applicable criteria, and no assistance shall be given until an application has been approved by the committee. The committee shall also maintain a constant review of utilization of the services provided by the project, and assistance to any person shall be terminated whenever the committee finds that he no longer meets the applicable criteria. The composition of the committee shall be subject to approval by the Board, and it shall include at least one physician, one professional nurse, one professional social worker, one representative of the users of the services, and such other qualified persons as the Board may prescribe.

(d) Each grant shall require the grantee to establish procedures for the evaluation of the project, with respect both to the benefits accruing to persons receiving assistance and to the fiscal impact of the project on the health security system. The Board shall also make its own evaluation of each project, and shall include a summary thereof in its annual report to the Congress.

(e) If the Board deems it feasible on the basis of its evaluation of these projects and any other relevant information relating to needs for long term care, recommendations shall be made to Congress for expansion of covered services to include personal care services in lieu of institutional care and shall be accompanied by recommendations with respect to expansion of covered services for long term institutional care.

### LOANS UNDER PART F

Sec. 108. (a) Loans authorized under this part shall be repayable in not more than twenty years, shall bear interest at the rate of 3 per centum per annum, and (subject to the provisions of subsection (b)) shall be made on such other terms and conditions as the Board deems appropriate. Amounts paid as interest on any such loan or as repayment of principal shall, if the loan was made from funds appropriated pursuant to section 101(b), be covered into the Treasury as miscellaneous receipts, and if the loan was made from funds in the health resources development account, be deposited in the Trust Fund to the credit of that account.

(b) No loan for the construction or improvement of a facility shall be made under this part unless the borrower undertakes that all laborers and mechanics employed by contractors or subcontractors in the performance of construction or improvement on the project will be paid wages not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a—276a–5). The Secretary of Labor shall have with respect to the labor standards specified in this subsection the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix 133z–15) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

### RELATIONS OF PARTS E AND F

Sec. 109. Payments by the Board under this part pursuant to any grant or loan to, or any contract with, a participating provider of services shall be made in addition to, and not in substitution for, payments to which the provider is entitled under part E.

## PART G—ADMINISTRATION

### ESTABLISHMENT OF THE HEALTH SECURITY BOARD

Sec. 121. (a) There is hereby established in the Department of Health, Education, and Welfare a Health Security Board to be composed of five members to be appointed by the President, by and with the advice and consent of the Senate. During his term of membership on the Board, no member shall engage in any other business, vocation, or employment. Not more than three members of the Board shall be members of the same political party.

(b) Each member of the Board shall hold office for a term of five years, except that (1) a member appointed to fill a vacancy occurring during the term for which his predecessor was appointed shall be appointed for the remainder of that term, and (2) the terms of office of the members first appointed shall expire, as designated by the President at the time of their appointment, at the end of one, two, three, four, and five years, respectively, after the date of enactment of this Act A member who has served for two consecutive five-year terms shall not be eligible for reappointment until two years after he has ceased to serve.

(c) The President shall designate one of the members of the Board to serve, at the will of the President, as Chairman of the Board.

### DUTIES OF THE SECRETARIES AND THE BOARD

Sec. 122. (a) The Secretary of Health, Education, and Welfare, and the Board under the supervision and direction of the Secretary, shall perform the duties imposed upon them, respectively, by this title. Regulations authorized by this title shall be issued by the Board with the approval of the Secretary, in accordance with the provisions of section 553 of title 5, United States Code (relating to the publication of, and opportunity to comment on, proposed regulations).

(b) The Board shall have the duty of continuous study of the operation of this Act and of the most effective methods of providing comprehensive personal health services to all persons within the United States and to United States citizens elsewhere, and of making, with the approval of the Secretary, recommendations on legislation and matters of administrative policy with respect thereto. The Board shall make, through the Secretary, an annual report to the Congress on the administration of the functions with which it is charged. The report shall include, for periods prior to the effectve date of health benefits, an evaluation by the Board of progress in preparing for the initiation of benefits under this title, and for periods thereafter, an evaluation of the operation of the title, of the adequacy and quality of services furnished under it, of the adequacy of compensation to providers of services, and of the costs of the services and the effectiveness of measures to restrain the costs.

(c) The Board shall from time to time conduct studies of the adequacy and equity of the financing of the national system of health security established by this Act and shall, with the approval of the Secretary, report its findings to the Congress, together with any recommendations for amendment of this Act or of the provisions of the Internal Revenue Code of 1954 pertaining to such financing. The first report under this subsection shall be submitted not later than two years after the effective date of health benefits, and thereafter reports shall be submitted at intervals not greater than four years.

(d) In performing his functions with respect to the Commission on the Quality of Health Care, and his functions with respect to health manpower education and training, health research, environmental health, disability insurance, vocational rehabilitation, the regulation of food and drugs, and all other matters pertaining to health, as well as in supervising and directing the administration of this title by the Board, the Secretary shall direct all activities of the Department toward mutually complementary contributions to the health of the people. He shall include in his annual report to the Congress a report on his discharge of this responsibility.

(e) The Secretary shall make available to the Board all information available to him, from sources within the Department or from other sources, pertaining to the functions of the Board.

(f) The Civil Service Commission, in consultation with the Board, shall to the greatest extent practicable facilitate recruitment, for employment by the Board in the competitive service, of qualified persons experienced in the administration or operation of private health insurance and health prepayment plans, or experienced in other fields pertinent to the administration of this title.

(g) The Secretary is authorized to establish and fix the compensation for, within the Board, not more than fifty positions in the professional, scientific, and executive service, each such position being established to effectuate those research and development activities of the Board which require the services of specially qualified scientific, professional, and administrative personnel. The rates of compensation for positions established pursuant to the provisions of this subsection shall not be less than the minimum rate of grade 16 of the General Schedule of the Classification Act of 1949, as amended, nor more than the highest rate of grade 18 of the General Schedule of such Act, and such rates of compensation for all positions included in this proviso shall be subject to the approval of the Civil Service Commission. Positions created pursuant to this subsection shall be included in the classified civil service of the United States, but appointments to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the Civil Service Commission or such officers or agents as it may designate for this purpose.

### EXECUTIVE DIRECTOR; DELEGATION OF AUTHORITY

SEC. 123. (a) There is hereby established the position of Executive Director of the Health Security Board. The Executive Director shall be appointed by the Board with the approval of the Secretary, and shall serve as secretary to the Board and perform such duties in the administration of this title as the Board may assign to him.

(b) The Board is authorized to delegate to the Executive Director or to any other officer or employee of the Board or, with the approval of the Secretary (and subject to reimbursement of identifiable costs), to any other officer or employee of the Department, any of its functions or duties under this title other than (1) the issuance of regulations, or (2) the determination of the availability of funds and their allocation, under sections 62, 63, and 64.

### REGIONS AND HEALTH SERVICE AREAS

SEC. 124. (a) This title shall be administered by the Board through the regions of the Department (as they may be established from time to time) and, within each region, through such health service areas as the Board may establish. Each health service area shall consist of a State or a part of a State, except as the Board finds that patterns of the organization of health services and of the flow of patients make an interstate area a more practical unit of administration.

(b) The Board shall establish in each local health service area a local health security office and such branch offices as the Board may find necessary. The local offices and branch offices, in addition to such informational and other administrative duties as the Board may assign them, shall have the function of receiving and investigating complaints by eligible persons and by providers of services concerning the administration of this title and of taking or recommending appropriate corrective action.

### NATIONAL HEALTH SECURITY ADVISORY COUNCIL

SEC. 125. (a) There is hereby established a National Health Security Advisory Council, which shall consist of the Chairman of the Board, who shall serve as Chairman of the Council, and twenty members, not otherwise in the employ of the United States, appointed by the Secretary on recommendation of the Board, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The appointed members shall include persons who are representative of providers of health services, and of persons (who shall constitute a majority of the Council) who are representative of consumers of such services. Each appointed member shall hold office for a term of four years, except that (1) any member appointed to fill a vacancy occurring during the term for which his predecessor was appointed shall be appointed for the remainder of that term, and (2) the terms of the members first taking office shall expire, as designated by the Secretary at the time of appointment, five at the end of the first year, five at the end of the second year, five at the end of the third year, and five at the end of the fourth year after the date of enactment of this Act. Members of the Council who are representative of providers of health care shall be persons who are outstanding in fields related to medical, hospital, or other health activities, or who are representative of organizations or associations of professional health personnel; members who are representative of consumers of such care shall be persons, not engaged in and having no financial interest in the furnishing of health services, who are familiar with the needs of various segments of the population for personal health services and are experienced in dealing with problems associated with the furnishing of such services.

(b) The Adivsory Council is authorized to appoint such professional or technical committees, from its own members or from other persons or both, as may be useful in carrying out its functions. The Council, its members, and its committees shall be provided with such secretarial, clerical, or other assistance as may be authorized by the Board for carrying out their respective functions. The Council shall meet as frequently as the Board deems necessary, but not less than four times each year. Upon request by seven or more members it shall be the duty of the Chairman to call a meeting of the Council.

(c) It shall be the function of the Advisory Council (1) to adivse the Board on matters of general policy in the administration of this title, in the formulation of regulations, and in the performance of the Board's functions under part D, and (2) to study the operation of this title and the utilization of health services under it, with a view to recommending any changes in the administration of the title or in its provisions which may appear desirable. The Council shall make an annual report to the Board on the performance of its functions, including any recommendations it may have with respect thereto, and the Board, through the Secretary, shall promptly transmit the report to the Congress, together, with a report by the Board on any recommendations of the Council for administrative action which have not been followed, and a report by the Secretary of his views with respect to any legislative recommendations of the Council.

(d) Appointed members of the Advisory Council and members of technical or professional committees, while serving on business of the Council (inclusive of traveltime), shall receive compensation at rates fixed by the Board, but not in excess of the daily rate paid under GS-18 of the general schedule under section 5332 of title 5, United States Code; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

### REGIONAL AND LOCAL ADVISORY COUNCILS

SEC. 126. (a) The Board shall appoint for each of the regions of the Department and for each health service area a regional or local advisory council, consisting of the regional or local representative of the Board as chairman and (in such numbers as the Board may determine) representatives of providers of health services and representatives (who shall constitute a majority of the members of each council) of consumers of such service. So far a possible, representatives of providers shall be so selected as to represent professional, subprofessional, and nonprofessional personnel, and representatives of consumers shall be so selected as to represent the major segments of the population to be served. Each council shall meet as often as its members may decide, but in no event less than four times each year. It shall be the function of each such council to advise the regional or local representative of the Board, as the case may be, on all matters directly relating to the administration of this title in the region or area, including methods and procedures followed in the handling of complaints.

(b) The provisions of section 125(d) shall be applicable to the members of councils appointed under this section.

### PROFESSIONAL AND TECHNICAL ADVISORY COMMITTEES

SEC. 127. (a) The Board shall appoint such standing professional and technical committees as it deems necessary to advise it on the administration of this title with respect to the several classes of covered services described in part B. Each such committee shall consist of experts (in such number as the Board may determine) drawn from the health professions, from medical schools or other health educational institutions, from providers of services, or from other sources, whom the Board deems best qualified to advise it with respect to the professional and technical aspects of the furnishing and utilization of, the payment for, and the evaluation of, a class of covered services designated by the Board, and with respect to the relationship of that class of services to other covered services.

(b) The Board is authorized to appoint such experts and consultants (employed in accordance with section 3109 of title 5, United States Code), and to appoint such temporary professional and technical committees, as it deems necessary to advise it on special problems not encompassed in the assignments of standing committees appointed under subsection (a), or to supplement the advice of standing committees.

(c) In connection with its duties under section 122(c), the Board is authorized to appoint such standing or temporary committees of fiscal, actuarial, and other experts as it deems necessary.

(d) Committees appointed under this section shall report from time to time to the Board, and copies of their reports shall be transmitted by the Board to the National Advisory Council.

(e) The provisions of section 125(d) shall be applicable to experts and consultants and to the members of committees appointed under this section.

### PARTICIPATION BY STATE AGENCIES

SEC. 128. (a) The Board shall (in addition to the consultation with State planning agencies required by section 102) consult from time to time wtih State health agencies or other appropriate State agencies in preparing for and in administering health security benefits, with a view to coordinating the administration of this title with State and local activities in the fields of environmental health, licensure and inspection, education for the health professions and other health careers, and other fields relating to health. Insofar as practicable, the Board shall conduct such consultation through the regional offices of the Department.

**(b) The Board shall make an agreement with any State which is able and willing to do so under which the State health agency or other appropriate State agency will be utilized by the Board in determining whether providers of services meet or continue to meet the qualifications and requirements established by or pursuant to part C or part H. Such an agreement shall fix the frequency of inspection of the several classes of providers, other than professional practitioners, and shall establish the qualifications required of persons making the inspections.**

Determinations by State agencies based upon inspections made in accordance with such agreements, and determinations with respect to professional practitioners, may be given by the Board the same effect as determinations by the Board.

(c) An agreement under subsection (b) may provide that a State agency, either directly or through local public agencies, will undertake activities, specified in the agreement, directed to the health education of the residents of the State, the maintenance and improvement of the quality of covered services furnished in the State, the maintenance of effective utilization review, or the better coordination of services of different kinds.

(d) The Board shall pay to a State, in advance or otherwise as specified in the agreement, the reasonable cost of services and activities pursuant to an agreement under this section; and may pay a part or all of the cost of training (or may train) State personnel to enable them to meet the qualifications established by the Board for inspectors.

(e) In any State which is unable or unwilling to make inspections in accordance with subsection (b), the Board shall make such inspections either through its own personnel or through contract with an organization or organizations which it finds qualified to perform this function.

(f) Within ninety days after the completion of an inspection of any provider under subsection (b) or subsection (e), the Board shall make public in readily available place and form the findings of such inspection which pertain significantly to compliance with the qualifications and requirements established by or pursuant to part C or part H; except that if the State agency or the Board, on the basis of such inspection, has made a determination respecting compliance by the provider, the publication shall be based on such determination.

### TECHNICAL ASSISTANCE TO SKILLED NURSING HOMES AND HOME HEALTH SERVICE AGENCIES

SEC. 129. The Board is authorized, either directly or through agreements with State agencies under section 128, to provide technical assistance to skilled nursing homes and home health service agencies to supplement, in regard to social services, dietetics, and other matters, the skills of the group refrered to in sections 45(b) and 46(b).

### DISSEMINATION OF INFORMATION; STUDIES AND EVALUATIONS; SYSTEMS DEVELOPMENT; TESTS AND DEMONSTRATIONS

SEC. 130. (a) The Board shall disseminate, to providers of services and to the public, information concerning the provisions of this title, persons eligible to receive the benefits of the title, and the nature, scope, and availability of covered services; and to providers of services, information concerning the conditions of participation, methods and amounts of compensation to providers, and other matters relating to their participation. With the approval of the Secretary, the Board may furnish to all professional practitioners information concerning the safety and efficacy of drugs appearing on either of the lists established under section 25, the indications for their use, and contraindications.

(b) The Board shall make, on a continuing basis after the effective date of health security benefits, a study and evaluation of the operations of this title in all its aspects, including study and evaluation of the adequacy and quality of services furnished under the title, analysis of the cost of each kind of services, and evaluation of the effectiveness of measures to restrain the costs.

(c) The Board is authorized, either directly or by contract—

(1) to make statistical and other studies, on a nationwide, regional, State, or local basis, of any aspect of the operation of this title, including studies of the effect of the title upon the health of the people of the United States and the effect of comprehensive health services upon the health of persons receiving such services;

(2) to develop and test, for use by the Board, records and information retrieval systems and budget systems for health services administration, and develop and test model systems for use by providers of services;

(3) to develop and test, for use by providers of services, records and information of health services, and equipment (such as equipment for the monitoring of patients' functions, or for multiphasic screening) useful in the furnishing of preventive or diagnostic services;

(4) to develop, in collaboration with the pharmaceutical profession, and test, improved administrative practices or improved methods for the reimbursement of independent pharmacies for the cost of furnishing drugs as a covered service; and

(5) to make such other studies as it may consider necessary or promising for the evaluation, or for the improvement, of the operation of this title.

(d) The Board is authorized to develop, and to test and demonstrate through agreements with providers of services or otherwise, methods designed to achieve, through additional incentives or in any other manner, improvement in the coordination of services furnished by providers, improvement in the adequacy, quality, or accessibility of services, or decrease in their cost; methods of peer review and peer control of the utilization of drugs, laboratory services, and other services not subject to utilization review under section 51; and methods of peer review of quality. Agreements with providers for tests or demonstrations may provide for alternative methods of reimbursement in lieu of methods prescribed by part E, but, in the case of independent professional practitioners, only in accordance with section 82(h).

### GUIDELINES FOR HEALTH MANPOWER EDUCATION AND TRAINING

SEC. 131. The Board shall make a continuing evaluation of the adequacy of the various classes of professional and other health personnel to furnish services under this title and, after consultation with national and other organizations concerned with the education and training of such personnel, and with the approval of the Secretary, shall from time to time issue guidelines designed to relate the clinical education and training conducted by providers of services more closely to the relative need for the several classes of such personnel. The guidelines shall seek to further national health manpower objectives, but shall be adapted for each region or State to take account of the capacity of providers to conduct such clinical education or training, and (to the extent the Board deems appropriate) to take account of any special manpower needs within the region or State.

### DETERMINATIONS; SUSPENSIONS OF TERMINATION OF PARTICIPATION

SEC. 132. (a) Determinations of entitlement to benefits under this title, determinations of who are participating providers of services, determinations whether services are covered services, and determinations of amounts to be paid by the Board to participating providers, shall be made by the Board in accordance with regulations. A provider or other person aggrieved by a determination under this subsection shall, in such cases and on such conditions as are specified in regulations, be entitled to an administrative appeal from it.

(b) If the Board finds that a participating provider of services no longer meets the qualifications and requirements established by or pursuant to part C and part H for services of the kinds furnished by him, or for some classes of such services, or that he has intentionally violated the provisions of this title or of regulations, or that he has failed substantially to carry out the agreement filed by him pursuant to section 41 (c), the Board may issue an order suspending or terminating (absolutely or on such conditions as the Board finds appropriate) the participation of the provider, or suspending or terminating it with respect to particular classes of services.

(c) If the Board has reason to believe that a participating professional practitioner, or a professional practitioner furnishing covered services on behalf of an institutional or other participating provider, has in a substantial number of cases—

(1) furnished professional services, or caused the furnishing of institutional or other services, which were not medically necessary but for which payment was claimed under this title,

(2) furnished to eligible persons covered services which were not of a quality meeting professionally recognized standards of care, or

(3) neglected to furnish necessary services to eligible persons who were his patients, under circumstances such that the neglect constituted a breach of his professional obligation,

or has reason to believe that a participating provider other than a professional practitioner has in a substantial number of cases—

(4) furnished services, for which payment was claimed under this title, known to the provider not to be medically necessary, or

(5) furnished to eligible persons covered services which were not of a quality meeting professionally recognized standards of care,

the Board shall submit the evidence in its possession either to an appropriate professional organization or to a committee constituted by the Board after consultation with such an organization (which committee may, when the Board deems it proper, include nonprofessional persons). The Board shall request the organization or committee, with or without further investigation, to recommend what action, if any, should be taken by the Board. Taking into consideration any recommendation so made to it, the Board may issue an order suspending or terminating (absolutely or on such conditions as the Board finds appropriate) the participation of the practitioner or other provider or, in the case of a practitioner furnishing services on behalf of another provider, requiring the other provider, as a condition of continued participation, to suspend or discontinue (absolutely or on conditions) the furnishing of covered services by the practitioner.

(d) The Board shall, either in advance or by way of reimbursement, pay to an organization or committee making a recommendation under subsection (c) its reasonable cost incurred in so doing.

(e) No determination under subsection (a) that a person, previously determined to be eligible for benefits, is not eligible therefor, and (unless the Board finds that eligible persons are endangered) no order under subsection (b) or (c), shall be effective until after the person or provider has been afforded a hearing under section 133 or an opportunity therefor.

### HEARINGS: JUDICIAL REVIEW

SEC. 133. (a) A provider of services or other person who is dissatisfied with a determination made or an order issued under section 132 shall, upon request therefor filed in accordance with regulations, be entitled to a hearing before a hearing officer or a hearing panel of the Board. The hearing shall be held as promptly as possible and at a place convenient to the provider or other person requesting the hearing. For the purpose of reviewing the determinations of hearing officers or panels, the Board shall establish regional or other intermediate appeals tribunals, and shall by regulation prescribe the jurisdiction of such tribunal or tribunals. Decisions of hearing officers or hearing panels shall, subject to appeals under this subsection, constitute final decisions of the Board.

(b) In any case in which the Board finds (on the basis of the request for hearing and the records of the Board) that a substantial issue of professional practice or conduct, in a health profession specified for this purpose in regulations, will be involved in the hearing, the hearing shall be held either before a person who is qualified in an appropriate health profession or before a panel which includes a person or persons so qualified, and an appeal in such a case shall be heard before an appellate tribunal (or a panel thereof) which includes a person or persons so qualified. In any case in which a single person qualified as a health professional, or a panel composed entirely of persons so qualified, conducts a hearing or hears an appeal, the Board shall assign an attorney to assist in the conduct of the hearing or the appeal and to advise upon the decision of issues of law.

(c)(1) Any provider of services or other persons, after any final decision of the Board made after a hearing to which he was a party, irrespective of the amount in controversy, may obtain a review of such decision by a civil action commenced within sixty days after the mailing to him of notice of such decision or within such further time as the Board may allow. Such action shall be brought in the district court of the United States, for the judicial district in which the plaintiff resides or has his principal place of business, or, if he does not reside or have his principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia. As part of its answer the Board shall file a certified copy of the transcript of the record, including the evidence upon which the findings and decisions complained of are based.

(2) The Court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the Board, with or without remanding the cause for a rehearing. The findings of the Board as to any fact, if supported by substantial evidence, shall be conclusive.

(3) Where a claim has been denied by the Board, or a decision is rendered which is adverse to a provider or other person who was a party to the hearing before the Board, because of failure of the claimant or such provider or other person to submit proof in conformity with any regulation prescribed by the Board, the court shall review only the question of conformity with the regulation and the validity of the regulation. The court shall not review a finding by the Board under subsection (b), or a refusal to find, that a substantial issue of professional practice or conduct will be involved in a hearing.

(4) The court shall, on motion of the Board made before it files its answer, remand the case to the Board for further action by the Board, and may, at any time on good cause shown, order additional evidence to be taken before the Board. The Board shall, after the case is remanded, and after hearing such additional evidence if so ordered, modify or affirm its findings of fact or its decision, or both, and shall file with the court any such additional and modified findings of fact and decision and a transcript of the additional record and testimony. Such additional or modified findings of fact and decision shall be reviewable only to the same extent as the original findings of fact and decision.

(5) The judgment of the court shall be final except that it shall be subject to review in the same manner as judgments in other civil actions.

### DIRECTIONS BY THE BOARD FOR THE BETTER ORGANIZATION AND COORDINATION OF SERVICES

SEC. 134. (a) The Board is authorized, in accordance with this section, to issue to any participating provider of services (other than an individual professional provider) a direction that the provider shall—

(1) discontinue (for purposes of payment under part E) one or more services which the provider is currently furnishing;

(2) initiate one or more covered services which the provider is not currently furnishing;

(3) initiate the furnishing of one or more covered services at a place where the provider is not currently furnishing the services; or

(4) enter into arrangements with one or more other providers of services (A) for the transfer of patients and medical records as may be medically appropriate, (B) for making available to one provider the professional and technical skills of another, or (C) for such other coordination or linkage of covered services as the Board finds will best serve the purposes of this title.

A direction under this subsection shall specify a future date on which, if the direction has not been complied with, the provider to whom it is addressed shall cease to be a participating provider.

(b) If the Board finds (1) that the services furnished by a provider of services (other than an individual professional provider) are not necessary to the availability of adequate services under this title and that their continuance as covered services is unreasonably costly, or (2) that the services are furnished inefficiently and at unreasonable cost, that effort at correction has proved unavailing, and that necessary services can be more efficiently furnished by other providers, the Board may issue a direction that on a specified future date the provider shall cease to be a participating provider.

(c) No direction shall be issued under this section except on the recommendation of, or after consultation with the State health planning agency (referred to in section 102 (a)) of the State in which the direction will be operative. No direction shall be issued under subsection (a) unless the Board finds that it can practicably be carried out by the provider to whom it is addressed.

(d)(1) No direction shall be issued under this section until the Board has published notice, in the service area of the provider or providers affected, describing in general terms the proposed action, giving a brief statement of the reasons therefor, and inviting written comment thereon. The notice shall be published in at least one newspaper circulating in the area, and the Board shall use such other means as it finds calculated to inform residents of the area of the proposed action.

(2) If objection to the proposal is made by any interested provider of services (other than an individual professional practitioner) or by an interested health planning agency or by a substantial number of interested professional practitioners or of residents of the area, the Board shall call a public hearing before a hearing officer, or hearing panel meeting the requirements of section 133(b). At the hearing the Board shall present evidence in support of the proposal, and any interested provider of services or health planning agency or any other interested person shall be entitled to participate in the hearing and to present evidence or argument or both. On the basis of evidence presented at the hearing the hearing officer or hearing panel shall make recommended findings of fact and a recommended determination either to issue the proposed direction, to modify and issue it, or to withdraw the proposal. The final determination shall be made by the Board or by a special panel designed by it for the purpose, and shall be subject to judicial review in accordance with section 133(c).

## PART H—QUALITY OF CARE

### PURPOSE AND GENERAL POLICIES

SEC. 141. (a) The Board, with the advise and assistance of the Commission on the Quality of Health Care (established by section 1201 of the Public Health Service Act), shall have the continuing responsibility to maintain and enhance the quality of health care furnished under this Act, and to that end shall—

(1) prior to the effective date of health benefits, issue regulations authorized by this part (A) to supplement the qualifications required by part C of providers of services as a condition of participation, and (B) to strengthen existing mechanisms for the control and enhancement of quality; and

(2) thereafter, continuously review such regulations with a view to (A) upgrading such requirements as rapidly as the Board finds practicable, and (B) developing recommendations to the Congress for amendments of this Act designed further to assure and enhance the quality of care.

(b) In discharging its responsibility under this part, it shall be the objective of the Board to require the highest practicable quality of care that is attainable in substantially all parts of the United States. Exceptions to requirements under this part shall be permitted only when necessary to avoid critical shortages of services, and shall be reviewed from time to time and shall be eliminated whenever, and as soon as, the Board finds it practicable to do so.

(c) The Board shall cooperate to the fullest extent possible for the Commission on the Quality of Health Care in obtaining reports and information required for the purposes of the Commission, in the development and issuance of regulations under this part, and in the development of recommendations to the Congress. If the Board fails to adopt, by regulation issued under this part, a standard which the Commission has recommended be so adopted, the matter shall be reported to the Secretary and, unless he directs the Board to follow the recommendation of the Commission, the Board shall publish a statement of the recommendation and of its reasons for failing to adopt the standard.

### CONTINUING PROFESSIONAL EDUCATION

SEC. 142. (a) Not later than two years after the effective date of health benefits, the Board shall by regulation establish for physicians, dentists, optometrists, and podiatrists such requirements of continuing education (taking into consideration standards approved by appropriate professional organizations) as it finds reasonable to maintain and enhance the quality of professional services furnished under this Act.

(b) Regulations under this section shall require the filing of such periodic reports as the Board finds necessary to assure that participating practitioners, and practitioners furnishing services on behalf of participating institutional and other providers, are in compliance with requirements established under subsection (a). The Board shall give warning to any practitioner whom such reports show to have failed to comply substantially with the requirements, and, before taking action under section 132(b), shall afford him an opportunity to explain or correct the deficiency.

### MAJOR SURGERY AND OTHER SPECIALIZED SERVICES

SEC. 143. (a) Major surgery and other specialized services designated in regulations are not covered services unless they are furnished by specialists and, to the extent specified in regulations, are either emergency services or services furnished on referral by a physician engaged in general or family practice (as determined in accordance with regulations under section 22(b)).

(b) A physician is a specialist, for the purposes of subsection (a), only if he holds a certificate from the appropriate national specialty board; except that (1) a physician who possesses the qualifications requisite to such certification may furnish services as a specialist during a period of five years after attaining such qualifications and (if later) a period of five years after the effective date of health benefits, and (2) a physician may be authorized by the Board to furnish services as a specialist if (A) prior to the effective date he has engaged in furnishing such services as a specialist or as a substantial part of his medical practice, (B) he meets standards established by the Board, and (C) where appropriate, authorization to him to furnish services as a specialist is recommended by a participating hospital in which he has engaged substantially in furnishing such services.

(c) The Board may by regulation exclude from covered services specified surgical procedures, when not required by life threatening or other acute emergencies, which have not been preceded by consultation with, and recommendation of surgery by, such appropriately qualified specialists as may be required by the regulations. Hospital and other services incident to surgery excluded by regulations under this subsection are not covered services.

(d) With respect to the performance of surgical procedures specified in regulations under subsection (c), including emergency procedures, the Board may require as a condition of payment to the provider that there be submitted to the Board a pathology report on tissue removed and a clinical abstract or discharge report of the case.

### ADDITIONAL REQUIREMENTS FOR PARTICIPATION

SEC. 144. (a) No provider on whose behalf one or more physicians, dentists, optometrists, or podiatrists furnish professional services described in section 22 or section 23 or in regulations issued under section 27(a) (1) or (2) shall be a participating provider unless every practitioner furnishing such services is a qualified provider in accordance with section 42 and meets such requirements, applicable to practitioners of his profession, as are prescribed by or pursuant to this part.

(b) The Board may by regulation establish, as conditions of participation by providers other than independent professional practitioners, requirements (additional to those specified in part C and those otherwise prescribed by or pursuant to this part) which the Board finds necessary in the interest of the quality of care and the safety of eligible persons. In establishing requirements under this subsection, the Board shall take into consideration standards or criteria established or recommended by appropriate professional or organization, in advance or otherwise as specified in the contract, the reasonable cost of services and activities of the organization under the contract.

### FINDINGS OF COMMISSION ON MEDICAL MALPRACTICE

SEC. 146. In exercising its authority under this part the Board shall give consideration to the findings, report, and recommendations of the Secretary's Commission on Medical Malpractice, and within the authority conferred by this or any other Act shall put into effect such of the recommendations of that Commission and such other measures as in the judgment of the Board will tend to reduce the incidence of malpractice, to lessen the cost or increase the availability of malpractice insurance, or to facilitate the speedy, equitable, and economical adjudication of malpractice claims.

## PART I—MISCELLANEOUS PROVISIONS

### DEFINITIONS

SEC. 161. When used in this title—

(a) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) The term "United States" when used in a geographical sense means the State, as defined in subsection (a).

(c) The term "Secretary," except when the context otherwise requires, means the Secretary of Health, Education and Welfare.

(d) The term "Department", except when the context otherwise requires, means the Department of Health, Education, and Welfare.

(e) The term "Board" means the Health Security Board established by section 121.

### DEPUTY SECRETARY OF HEALTH, EDUCATION, AND WELFARE; UNDER SECRETARY FOR HEALTH AND SCIENCE

SEC. 162. (a) There shall be in the Department of Health, Education, and Welfare and an Under Secretary Secretaries now provided for by law, a Deputy Secretary of Health, Education, and Welfare and an Under Secretary for Health and Science each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such functions (related to health and science, in the case of such Under Secretary) as the Secretary may prescribe. The provisions of the second sentence of section 2 of Reorganization Plan Numbered 1 of 1953 shall be applicable to such Deputy Secretary to the same extent as they are applicable to the Under Secretary of Health, Education, and Welfare and shall be applicable to the Under Secretary for Health and Science to the same extent as they are applicable to the Assistant Secretaries authorized by that section.

(b)(1) The office of Under Secretary of Health, Education, and Welfare, created by section 2 of Reorganization Plan Numbered 1 of 1953 (67 Stat. 631), is hereby abolished.

(2) The President may authorize the person who immediately prior to the date of enactment of this Act occupies the office of Under Secretary of Health, Education, and Welfare to act as Deputy Secretary of Health, Education, and Welfare until that office is filled by appointment in the manner provided by subsection (a) of this section. While so acting, such person shall receive compensation at the rate now or hereafter provided by law for the Deputy Secretary of Health, Education, and Welfare.

### EFFECTIVE DATES OF TITLE I; AUTHORIZATION OF APPROPRIATIONS

SEC. 163. The effective date of health security benefits under this title shall be July 1 of the second calendar year after the year in which this title is enacted, and no service or item furnished prior to that date shall constitute a covered service. Section 406, transferring and amending section 1817 of the Social Security Act and redesignating it as section 61 of this Act, shall be effective on the effective date of health benefits, and part D (including section 61) shall be effective with respect to fiscal years beginning on or after that date. In all other respects this title shall be effective upon enactment, and appropriations for the purposes of this title (including action pursuant to section 201(g) of the Social Security Act, as amended by section 406 of this Act, to make funds available on and after the effective date of health benefits) are authorized to be made prior to the effective date of health benefits.

### EXISTING EMPLOYER-EMPLOYEE HEALTH BENEFIT PLANS

SEC. 164. (a) No provision of this Act other than this section, and no amendment of the Internal Revenue Code of 1954 made by this Act, shall affect or alter any contractual or other nonstatutory obligation of an employer to pay for or provide health services to his present and former employees and their dependents and survivors, or to any of such persons, or the amount of any obligation for payment (including any amount payable by an employer for insurance premiums or into a fund to provide for any such payment toward all or any part of the costs of such services.

(b) Any contractual or other nonstatutory obligation of the employer to pay all or part of the cost of the health services referred to in subsection (a) shall continue, and shall apply as an obligation to pay the taxes imposed on his employees by section 3101(b) of the Internal Revenue Code of 1954 (as amended by section 201(a) of this Act), but the sum of the per capita monthly amount involved in the payment of such taxes by the employer on behalf of his employees, and the per capita amount of the liability for taxes imposed on an employer by section 3111(b) of such Code (as amended by section 201(b) of this Act) shall not exceed the per capita monthly amount of the cost to the employer of providing or paying for health services (either through insurance premiums or into a fund) on behalf of persons referred to in subsection (a), for the month prior to the effective date of health security taxes (as defined in section 3121(u) of such Code, added by section 201(c) of this Act).

(c) At least for the duration of any contractual or other nonstatutory obligation of an employer referred to in subsection (a) an employer shall arrange to pay to eligible employees, former employees, and survivors subsection (a) such amounts of money by which the per capita monthly costs to the employer of providing or paying for health services referred to in subsection (a) in the month immediately preceding the effective date of health security taxes, exceed the sum of the per capita monthly costs to the employer of the taxes imposed by section 3111 (b) of such Code (as amended by section 201(b) of this Act), the employer's liability referred to in subsection (b) of this section, and any other employer contributions for health insurance premiums or health benefits or services provided by the employer after the effective date of health security benefits. By agreement between the employer and his employees or their representatives, an employer may provide other benefits of an equivalent monetary value in lieu of such payments.

(d) For purposes of subsections (b) and (c), the per capita amounts and per capita costs for an employer shall be determined by dividing the aggregate amounts and the aggregate costs by the number of eligible employees, former employees, and survivors on the date as of which the determination is made.

## TITLE II—HEALTH SECURITY TAXES

## PART A—PAYROLL TAXES

### RATES AND COVERAGE

SEC. 201. (a) Section 3101(b) of the Internal Revenue Code of 1954 (imposing a hospital insurance tax on employees) is amended to read as follows:

"(b) HEALTH SECURITY.—In addition to the tax imposed by the preceding subsection, there is hereby imposed on the income of every individual a tax equal to 1 percent of the wages (as defined in section 3121(r)) received by him on or after the effective date of health security taxes (as defined in section 3121(u)) with respect to employment (as defined in section 3121(s))."

(b) Section 3111(b) of such Code (imposing a hospital insurance tax on employers) is amended to read as follows:

"(b) HEALTH SECURITY.—In addition to the tax imposed by the preceding subsection, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to 3.5 percent of the wages (as defined in section 3121 (r)) paid by him on or after the effective date of health security taxes (as defined in section 3121(u)) with respect to employment (as defined in section 3121(s))."

(c) Section 3121 of such Code (containing definitions applicable to social security payroll taxes) is amended by adding at the end thereof the following subsections:

"(r) WAGES FOR PURPOSES OF HEALTH SECURITY TAXES.—For the purpose of section 3101 (b), and for the purpose of section 1402(b) as applied to section 1401(b), the term 'wages' shall have the meaning set forth in subsection (a) of this section (as that subsection would apply to employment as defined in subsection (s)), except that in applying paragraph (1) of subsection (a) the term 'the health security contribution base (as defined in subsection (t))' shall be substituted for the term 'the contribution and benefit base (as determined under section 230 of the Social Security Act)' each place it appears therein. For the purpose of section 3111(b), the term 'wages' shall have the same meaning, except that paragraph (1) of subsection (a) shall not be applied.

"(s) EMPLOYMENT FOR PURPOSES OF HEALTH SECURITY TAXES.—For the purposes of sections 3101(b) and 3111(b), the term 'employment' shall have the meaning set forth in subsection (b) of this section except that—

"(1) clause (B) preceding paragraph (1) of subsection (b) shall not be applied to an employee whose principal post of duty is outside the United States;

"(2) the exclusions contained in the following paragraphs of subsection (b) shall not be applied: paragraph (1) relating to foreign agricultural workers), paragraphs (5) and (6) (relating to employment by the United States or its instrumentalities) other than paragraph (6)(C)(i) (relating to the President, the Vice President, and Members of Congress) and paragraph (6)(C)(iii) through (v) (relating to certain minor employments), paragraph (8) (relating to employment by charitable and similar organizations), paragraph (9) (relating to employment covered by the railroad retirement system), and paragraph (17) (relating to employment by subversive organizations);

"(3) subsection (m) of this section (including services by members of the uniformed services in the term 'employment') shall not be applied; and

"(4) for the purposes of section 3101(b), the exclusion contained in paragraph (7) of subsection (b) of this section (relating to employment by States and their political subdivisions and instrumentalities) shall not be applied, other than paragraph (7)(C)(i) through (iv) (relating to certain minor employments by the District of Columbia).

"(t) HEALTH SECURITY CONTRIBUTIONS BASE.—The term 'health security contributions base' means, for any calendar year, $15,000 or, if higher, 125 percent of the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year."

"(u) EFFECTIVE DATE OF HEALTH SECURITY TAXES.—The term 'effective date of health security taxes' means January 1 of the second calendar year after the year in which the Health Security Act is enacted."

### CONFORMING AND TECHNICAL AMENDMENTS

SEC. 202. (a) Section 3121(l) of the Internal Revenue Code of 1954 (relating to coverage of services performed in the employ of foreign subsidiaries of domestic corporations) is amended by striking out "sections 3101 and 3111" in paragraph (1)(A) and inserting in lieu thereof "sections 3101(a) and 3111(a)", and by inserting at the end of the subsection the following paragraph:

"(11) Nothwithstanding the provision of any agreement entered into under this subsection, no domestic corporation shall be under any obligation to pay the Secretary, with respect to services covered under the agreement and performed on or after the effective date of health security taxes (as defined in subsection (u) of this section) amounts equivalent to the taxes which would be imposed by sections 3101(b) and 3111(b) if such services constituted employment as defined in subsection (b) or subsection (s )."

(b) Sections 3122 and 3125 of such Code are amended by striking out "section 3111" wherever it appears and inserting in lieu thereof "section 3111(a)."

(c)(1) Section 3201 (relating to tax on railroad employees) and section 3211 (relating to tax employee representatives) of such Code are each amended by striking out "plus the rate imposed by section 3101(b)."

(2) Section 3221(b) of such Code (relating to tax on railroad employers) is amended by striking out "plus the rate imposed by section 3111(b)."

(d)(1) Section 6413(c)(1)(D) of such Code is amended by inserting "(i)" immediately after "(H)", by striking out "section 3101" and inserting "section 3101(a)" in lieu thereof, and by inserting immediately before the period at the end thereof: "; and (ii) during any calendar year beginning on or after the effective date of health security taxes (as defined in section 3121(u)) the wages received by him during such year exceed the health security contribution base (as defined in section 3121(t)) for that year, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101(b) and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to an amount of such wages received in such calendar year equal to the health security contribution base for such year."

(2) Section 6413(c)(2)(A) of such Code is amended by striking out "includes for the purposes of this subsection the amount" and inserting in lieu thereof "includes for the purposes of this subsection (i) with respect to the taxes imposed by section 3101(a), the amount"; and by striking out "determined by each such head" and inserting in lieu thereof "and (ii) with respect to the taxes imposed by section 3101(b), the amount for any calendar year equal to the health security contribution base (as defined in section 3121(t)) for such calendar year; each such amount to be determined by each such head".

(e) Section 218 of the Social Security Act (relating to agreements for the coverage of serivces performed in the employ of States and their political subdivisions and instrumentalities) is amended—

(1) (A) by striking out, in subsection (e)(1)(A), "sections 3101 and 3111" and "section 3121" and inserting in lieu thereof, "sections 3101(a) and 3111(a)" and "section 3121(b)", respectively;

(B) by striking out, in subsection (e)(2)(B), "section 3111" and inserting in lieu thereof, "section 3111(a)"; and

(C) by adding at the end of subsection (e) the following paragraph:

"(3) Notwithstanding the provisions of any agreement entered into under this section, no State shall be under any obligation to pay to the Secretary of the Treasury, with respect to service covered under the agreement and performed on or after the effective date of health security taxes (as defined in section 3121(u) of the Internal Revenue Code of 1954), amounts equivalent to the taxes which would be imposed by sections 3101(b) and 3111(b) of such Code if such service constituted employment as defined in section 3121(b) or section 3121(s) of such Code."; and

(2) by striking out in subsection (h)(1), "and the Federal Hospital Insurance Trust Fund", and striking out in such subsection "subsection (a)(3) of section 201, subsection (b)(1) of such section, and subsection (a)(1) of section 1817, respectively" and inserting in lieu thereof "subsections (a)(3) and (b)(1) of section 201."

### EXCLUSION FROM GROSS INCOME

SEC. 203. (a) Section 106 of the Internal Revenue Code of 1954 (excluding from gross income employer contributions to accident and health plans for their employees) is amended by inserting immediately before the period at the end thereof: ", and payments by the employer (without deduction from the remuneration of the employees) of the tax imposed upon his employees by section 3101(b)".

(b) The heading of section 106, and the line referring to that section in the table of contents in subtitle A, chapter 1, subchapter B, part III of such Code, are each amended by adding at the end: "and employer payment of health security taxes".

### EFFECTIVE DATES OF PART A

SEC. 204. The amendments made by section 201 of this Act, and the amendments made by subsections (b) and (d) of section 202, shall be effective only with respect to remuneration received, and remuneration paid, on or after the effective date of health security taxes (as defined by section 3121(u) of the Internal Revenue Code of 1954, added by section 201(c) of this Act), and section 3121(s) of such Code shall be applicable only with respect to remuneration for services performed on or after that date. The amendments made by subsections (a), (c), and (e) of section 202 shall be effective only with respect to remuneration for services performed on or after such effective date. The amendments made by section 203 shall apply to taxable years beginning on or after such effective date.

### PART B—TAXES ON SELF-EMPLOYMENT INCOME AND UNEARNED INCOME TAX ON SELF-EMPLOYMENT INCOME

SEC. 211. (a) Section 1401(b) of the Internal Revenue Code of 1954 (imposing a hospital insurance tax on self-employed individuals) is amended to read as follows:

"(b) HEALTH SECURITY.—In addition to the tax imposed by the preceding subsection, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax equal to 2.5 percent of the self-employment income for such taxable year."

(b) Section 1402(b) of such Code (defining self-employment income) is amended—

(1) by striking out "except that such term shall not include—" and inserting in lieu thereof "except that—," and by amending so much of clause (1) as precedes subclause (A) to read as follows:

"(1) for the purposes of section 1401(a), such term shall not include that part of the net earnings from self-employment which is in excess of—";

(2) by inserting, immediately after the word "wages" in each of the subclauses of clause (1), "(as defined in section 3121(b))";

(3) by striking out "or" at the end of clause (1) and inserting "and" in lieu thereof, and by striking out clause (2) and inserting in lieu thereof the following:

"(2) for the purposes of section 1401(b), such term shall not include that part of the net earnings from self-employment which is in excess of (A) an amount equal to the health security contribution base (as defined in section 3121(t)) for the calendar year in which the taxable year begins, minus (B) the amount of wages (as defined by section 3121(r) for the purpose of section 3101(b)) paid to such individual during the taxable year; and

"(3) for the purposes of both section 1401(a) and section 1401(b), such term shall not include any net earnings from self-employment if such net earnings for the taxable year are less than $400."; and

(4) by striking out "A" in the sentence following clause (3), and by changing the comma following the term "section 3121(b)" in that sentence to a period and striking out the remainder of the sentence.

(c) Section 1402(d) of the Code is amended by striking out "and the term 'wages'", and striking out "AND WAGES" in the subsection heading.

### TAX ON HEALTH SECURITY UNEARNED INCOME

SEC. 212. Section 1403 of the Internal Revenue Code of 1954 is redesignated as section 1404, and the following new section is inserted immediately after section 1402:

### "SEC. 1403. TAX ON HEALTH SECURITY UNEARNED INCOME

"(a) IMPOSITION OF TAX.—In addition to other taxes, there shall be imposed for each taxable year beginning on or after the effective date of health security taxes (as defined in section 3121(u)), on the income of every individual residing in the United States whose health security unearned income (as defined in subsection (b) of this section) for the taxable year is $400 or more, a tax equal to 1 percent of the amount of such health security unearned income for such taxable year.

"(b) DEFINITION OF HEALTH SECURITY UNEARNED INCOME.—The term 'health security unearned income' means an amount determined by deducting from the adjusted gross income of an individual for the taxable year any part of such income (whether from wages or any other source) in excess of the amount of the health security contribution base (as defined in section 3121(t)) for the calendar year in which such taxable year begins, and deducting from the remainder any part of the adjusted gross income which—

"(1) consists of wages taxable under section 3101(b), or

"(2) consists of self-employment income taxable under section 1401(b), or

"(3) consists of remuneration for services performed in the employ of the United States as President or Vice President of the United States or as a Member, Delegate, or Resident Commissioner of or to the Congress, or as a member of a uniformed service on active duty, or

"(4) consists of remuneration (not taxable under section 3101(b)) for service performed by an alien in the employ of a foreign government, an instrumentality of a foreign government, or an international organization, or

"(5) consists of payments excluded from wages taxable under section 3101(b) by reason of paragraphs (2) through (13) of section 3121(a) as incorporated in section 3121 (r), or

"(6) in the case of a taxpayer who has attained the age of 60 years before or during the taxable year, consists of any other income in an amount not exceeding $3,000."

### CONFORMING AND TECHNICAL AMENDMENTS

SEC. 213. (a) The heading and table of contents of chapter 2 of subtitle A of the Internal Revenue Code of 1954 are amended to read as follows:

"CHAPTER 2—TAXES ON SELF-EMPLOYMENT INCOME AND HEALTH SECURITY UNEARNED INCOME

"Sec. 1401. Rates of tax on self-employment income.

"Sec. 1402. Definitions relating to self-employment income.

"Sec. 1403. Tax on health security unearned income.

"Sec. 1404. Miscellaneous provisions."

(b) Section 1401 of the Code, as amended by section 211(a) of this Act, is further amended by striking out the heading of the section and inserting in lieu thereof.

"SEC. 1401. RATES OF TAX ON SELF-EMPLOYMENT INCOME."

(c) Section 1404 of the Code (as redesignated by section 212 of this Act) is amended by striking out "Self-Employment Contributions Act of 1954" and inserting in lieu thereof, "Self-Employment and Health Security Contributions Act."

(d) Section 6015 of the Code (relating to declarations of estimated income by individuals) is amended by striking out in subsection (c)(2) "the amount of the self-employment tax imposed by chapter 2" and inserting in lieu thereof "the amount of the taxes imposed by chapter 2".

(e) Section 6017 of the Code is amended—

(1) by striking out the heading of the section and inserting in lieu thereof,

"SEC. 6107. SELF-EMPLOYMENT AND HEALTH SECURITY TAX RETURNS.";

(2) by inserting, immediately after the first sentence of the section, the following sentence: "Every individual residing in the United States and having health security unearned income of $400 or more for the taxable year shall make a return with respect to the health security unearned income tax imposed by chapter 2."; and

(3) by striking out "the tax" in the sentence immediately following the insertion made by paragraph (2) and inserting in lieu thereof "the taxes", and by inserting immediately before the period at the end of that sentence, "or on the separate health security unearned income of each spouse, as the case may be".

### EFFECTIVE DATES OF PART B

SEC. 214. The amendments made by sections 211, 212, and section 213(d) and (e) (other than section 213(e)(1)) shall be effective with respect to taxable years beginning on or after the effective date of health security taxes (as defined by section 3121(u) of the Internal Revenue Code of 1954, added by section 201(c) of this Act). The amendments made by section 213 (a), (b), (c), and (e)(1) shall be effective on such effective date.

## TITLE III—COMMISSION ON THE QUALITY OF HEALTH CARE

### STATEMENT OF PURPOSE

SEC. 301. It is the purpose of this title to improve the quality of health care in the United States by establishing a Commission on the Quality of Health Care to develop parameters and standards for care of high quality, and to promote the application of such parameters and standards in assessing and enhancing the quality of care furnished under the Health Security Act.

### AMENDMENT OF THE PUBLIC HEALTH SERVICE ACT

SEC. 302. The Public Health Service Act is amended by inserting after title XI the following new title:

## "TITLE XII—COMMISSION ON THE QUALITY OF HEALTH CARE

### "ESTABLISHMENT OF THE COMMISSION

"SEC. 1201. (a) There is hereby established in the Department of Health, Education, and Welfare a Commission on the Quality of Health Care (hereinafter in this title referred to as the 'Commission'), consisting of eleven members to be appointed by the Secretary after consultation with the Health Security Board, which shall perform the functions set forth in sections 1202 and 1203.

"(b) The Commission shall consist of persons who are especially qualified by education and experience to perform the functions of the Commission, including seven persons who are representatives of providers of health services or representatives of nongovernmental organizations engaged in developing standards pertaining to the quality of health care, and four persons who are representatives of consumers of health care (who shall be persons not engaged in, and having no financial interest in, the furnishing of health services). Each member shall hold office for a term of five years, except that (1) any member appointed to fill a vacancy occurring during the term for which his predecessor was appointed shall be appointed for the remainder of that term, and (2) the terms of the members first taking office shall expire, as designated by the Board at the time of appointment, three at the end of the first year, two at the end of the second year, two at the end of the third year, and two at the end of the fourth year after the appointment and qualification of at least six members of the Commission. A majority of the members who have been appointed and qualified shall constitute a quorum for the transaction of business.

"(c) The Secretary shall designate one of the members of the Commission to serve, at the will of the Secretary, as Chairman of the Commission.

"(d) Subject to general policies established by the Secretary, and to the availability of funds, the Commission is authorized to employ such personnel as it finds necessary, including experts and consultants employed in accordance with section 3109 of title 5, United States Code, and to appoint one or more advisory committees (including a committee on the preparation and analysis of statistics) which may include officers or employees of the United States or of State or local governments. Members of committees who are not otherwise in the full-time employ of the United States, and experts and consultants employed pursuant to this subsection, while serving on business of the Commission (inclusive of travel time), shall receive compensation at rates fixed by the Commission, but not in excess of the daily rate paid under GS–18 of the General Schedule under section 5332 of title 5, United States Code; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

### "FUNCTIONS OF THE COMMISSION

"SEC. 1202. (a) The primary responsibility of the Commission shall be the initiation and continuing development of methods of assessing the quality of health care furnished under the Health Security Act and methods of utilizing such assessments for the maintenance and improvement of quality, and the submission to the Secretary and the Health Security Board of its findings and recommendations. In discharging this responsibility the Commission shall—

"(1) undertake the systemization and nationwide collection of data bearing on (A) the qualifications of health personnel and the adequacy of health facilities to furnish care of high quality, (B) the patterns of medical and other health practice in actual episodes of care, (C) the patterns of utilization of the components of the health care system, and (D) the health of patients during and at the conclusion of episodes of health care, and the relation of the foregoing elements of health care thereto;

"(2) develop from such data (on a national or regional basis, for particular population groups, or otherwise, as the Commission may deem most useful) statistical norms and ranges with respect to aspects of health care which are comprised by each of the four elements listed in paragraph (1);

"(3) develop, on the basis of these norms and ranges, such standards (together with acceptable deviations therefrom) as will afford useful gauges of the quality of care and useful instruments for the control and improvement of quality; and

"(4) make recommendations to the Secretary and the Health Security Board for the use of standards developed under paragraph (3) in the exercise by the Board of its authority under title I, part II, of the Health Security Act, or for their use in the development of recommendations to the Congress for amendment of the Health Security Act.

In carrying out its duties under this subsection the Commission shall emphasize, and give first consideration to, care furnished for those illnesses and conditions which have relatively high incidence in the population and which are relatively amenable to medical or other care.

"(b) The Commission shall, through its staff or by contract (or both), conduct a program of research with the objectives of—

"(1) improving the technology of assessing the quality of health care, with regard for both the service input and the end result of such care;

"(2) comparing the quality of health care furnished under different systems of delivery and methods of payment;

"(3) analyzing the effects of consumer health education, and of utilization of preventive health services;

"(4) continuing the studies made by the Secretary's Commission on Medical Malpractice, and appraising the effect of measures taken by the Health Security Board pursuant to section 146 of the Health Security Act; and

"(5) obtaining other information which the Commission believes will be useful in effectuating the purposes of this title of title I, part H, of the Health Security Act.

"(c) The Commission is authorized to provide technical assistance to participating providers of health services under title I of the Health Security Act (1) in furnishing to the Health Security Board information required for purposes of the Commission, and (2) in developing and carrying out programs of quality control.

### "ADVICE TO HEALTH SECURITY BOARD PENDING DEVELOPMENT OF STANDARDS

"SEC. 1203. Pending the development of standards and recommendations pursuant to section 1202(a), the Commission shall, both before and after the effective date of health benefits under title I of the Health Security Act, on the basis of such knowledge as is available from time to time, furnish advice and recommendations to the Health Security Board on the issuance of regulations part H of such title."

"SEC. 1204. The Secretary is authorized to establish and fix the compensation for, within the Commission, not more than twenty-five positions in the professional, scientific, and executive service, each such position being established to effectuate those research and development activities of the Commission which require the services of specially qualified scientific, professional, and administrative personnel. The rates of compensation for positions established pursuant to the provisions of this subsection shall not be less than the minimum rate of grade 16 of the General Schedule of the Classification Act of 1949, as amended, nor more than the highest rate of grade 18 of the General Schedule of such Act; and such rates of compensation for all positions included in this proviso shall be subject to the approval of the Civil Service Commission. Positions created pursuant to this subsection shall be included in the classified civil service of the United States, but appointments to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the Civil Service Commission or such officers or agents as it may designate for this purpose."

### TECHNICAL AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 303. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to IX" and inserting in lieu thereof "titles I to XII".

(b) The Act of July 1, 1944 (58 Stat. 682), is further amended by renumbering title XII (as in effect prior to the date of enactment of this Act) as title XIII, and by renumbering sections 1201 through 1214 (as in effect prior to such date) and references thereto as sections 1301 through 1314, respectively.

## TITLE IV—REPEAL OF AMENDMENT OF OTHER ACTS

### REPEAL OF MEDICARE AND FEDERAL EMPLOYEE HEALTH BENEFIT STATUTES

SEC. 401. (a) Effective on the effective date of health security benefits (set forth in section 163)—

(1) Title XVIII of the Social Security Act, except section 1817 thereof, is repealed.

(2) The Act of September 28, 1959 (5 U.S.C., chap. 89), and Public Law 86–724 are repealed.

(b) Subsection (a) shall not affect any right or obligation arising out of any matter occurring before the effective date of health security benefits or any administrative or judicial proceeding (whether or not initiated before that date) for the adjudication or enforcement of any such right or obligation.

### MEDICAID STATUTE

SEC. 402. After the effective date of health security benefits no State (as defined in section 1101(a)(1) of the Social Security Act) shall be required, as a condition of approval of its State plan under title XIX of that Act, to furnish any service which constitutes a covered service under title I of this Act, and any amount expended for the furnishing of any such service to a person eligible for services under title I of this Act shall be disregarded in determining the amount of any payment to a State under such title XIX. The Secretary of Health, Education, and Welfare shall by regulation prescribe the minimum scope of services required (in lieu of the requirements of section 1902(a)(13) of the Social Security Act) as a condition of approval, after the effective date of health security benefits, of a State plan under such title XIX. Such minimum scope of services shall, to the extent the Secretary finds practicable, supplement the benefits available under title I of this Act, including supplementation with respect to the duration of skilled nursing home services during the benefit period and with respect to the furnishing of dental services and of drugs (appearing on the list established under section 25(b) of this Act) to persons not entitled to such services, or not entitled to such drugs, under title I of this Act.

### VOCATIONAL REHABILITATION ACT: MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S SERVICES

SEC. 403. Funds made available under the Vocational Rehabilitation Act or under title V of the Social Security Act shall not be used, after the effective date of health security benefits, to pay for personal health services available under title I of this Act; but they may; in accordance with regulations of the Secretary of Health, Education, and Welfare, be used (a) to pay for institutional services which are either more extensive or more intensive than the services recognized in institutional budgets approved under title I of this Act, or (b) to pay for special medical or other procedures peculiar to vocational rehabilitation, or peculiar to the correction or amelioration of defects or chronic conditions of crippled children, as the case may be.

### AMENDMENT OF SECTION 1122 OF THE SOCIAL SECURITY ACT

SEC. 404. (a) Section 1122 of the Social Security Act is amended—

(1) by striking out the word "titles V, XVIII, and XIX" wherever they appear in the section and inserting in lieu thereof "titles V and XIX of this Act and title I of the Health Security Act", and striking out "title V, XVIII, or XIX" in subsection (d)(2) and inserting in lieu thereof "title V or XIX of this Act or title I of the Health Security Act";

(2) by striking out the words "in determining the Federal payments" wherever they appear in subsections (d)(1) and (e) and inserting in lieu thereof "for the purpose of determining the Federal payments";

(3) by striking out in subsection (d)(1) "not include any amount" and "exclude an amount" and inserting in lieu thereof, respectively, "not include, and shall direct the Health Security Board not to include any amount" and "exclude, and shall direct the Health Security Board to exclude, an amount";

(4) by striking out in subsection (e) "deduct the amount" and "deduct any amount" and inserting in lieu thereof, respectively, "deduct, and direct the Health Security Board to deduct, the amount", and "deduct, and direct the Health Security Board to deduct, any amount"; and

(5) by striking out in subsection (i)(2) "the Health Insurance Benefits Council" and insert in lieu thereof "the National Security Advisory Council".

(b) The amendments made by subsection (a) shall be effective upon the effective date of health security benefits except that prior to that date the Secretary of Health, Education, and Welfare may issue to the Health Security Board directions for reductions in payments to be made on and after the effective date.

### REPEAL OF TITLE XI, PART B, OF THE SOCIAL SECURITY ACT

SEC. 405. Part B of title XI of the Social Security Act (relating to Professional Standards Review), and section 249F of the Social Security Amendments of 1972 (which added that part to the Act) are repealed, effective on the effective date of health security benefits.

### TRANSFER AND AMENDMENT OF SECTION 1817, AND AMENDMENT OF SECTION 201(g), OF THE SOCIAL SECURITY ACT

SEC. 406. (a) Section 1817 of the Social Security Act (creating the Federal Hospital Insurance Trust Fund and appropriating to the fund the proceeds of the hospital insurance payroll taxes and the hospital insurance self-employment tax) is redesignated as section 61 and is transferred to this Act, to appear under the heading "HEALTH SECURITY TRUST FUND" as the first section of part D of title I; and is amended—

(1) by striking out the section heading, and by striking out the name of the trust fund appearing in subsection (a) and inserting in lieu thereof, "Health Security Trust Fund";

(2) by striking out paragraph (2) of subsection (a) (appropriating to the Trust Fund the proceeds of the self-employment tax for hospital insurance) and inserting in lieu thereof:

"(2) the taxes imposed by section 1401(b) of the Internal Revenue Code of 1954 with respect to self-employment income, and by section 1403 of the Code with respect to unearned income, reported to the Secretary of the Treasury or his delegate on tax returns under subtitle F of such Code."

(3) by striking out subsections (g) and (h), and inserting in lieu thereof:

"(g) On the effective date of health benefits, there shall be transferred to the Trust Fund all of the assets and liabilities of the Federal Supplementary Medical Insurance Trust Fund. The Health Security Trust Fund shall remain subject to the liabilities of the Federal Hospital Insurance Trust Fund existing immediately prior to such effective date.

"(h) In addition to the sums appropriated by subsection (a), there are authorized to be appropriated to the Trust Fund from time to time, out of any moneys in the Treasury not otherwise appropriated, a Government contribution equal to 100 per centum of the sums appropriated by subsection (a). There shall be deposited in the Trust Fund all recoveries of overpayments, and all receipts under loans or other agreements entered into, under this title.

"(i) The managing trustee shall pay from time to time from the Trust Fund such amounts as the Board certifies are necessary to make payments provided for by this title, and the payments with respect to administrative expenses in accordance with section 201(g) of the Social Security Act."

(b) Section 201(g) of the Social Security Act providing for annual authorization by the Congress of payment, from the respective trust funds, of the cost of administering the several national systam of social insurance) is amended—

(1) by striking out in paragraph (1)(A) "the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical In-

surance Trust Fund" and inserting in lieu thereof: "the Health Security Trust Fund";

(2) by striking out the words "title XVIII" wherever they appear in the subsection and inserting in lieu thereof: "title I of the Health Security Act"; and

(3) by striking out the words "for which the Secretary of Health, Education, and Welfare is responsible" wherever they appear in paragraph (1)(A), and inserting in lieu thereof, "for which the Secretary of Health, Education, and Welfare and the Health Security Board are responsible".

(c) All references to the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund, appearing in any Act other than this Act or the Social Security Act, shall be deemed to refer to the Health Security Trust Fund.

(d) For the effective date of subsections (a) and (b), see section 163 Subsection (c) shall be effective on and after the effective date of health benefits.

### AMENDMENT OF SECTION 314 OF THE PUBLIC HEALTH SERVICE ACT

SEC. 407. (a) Section 314(a) of the Public Health Service Act (authorizing grants for comprehensive State health planning) is amended—

(1) by striking out "June 30, 1973" in the first sentence of paragraph (1) and inserting "June 30, 1978" in lieu thereof, and by striking out "and" after "June 30, 1972," in the second sentence of the paragraph and inserting before the period at the end of the paragraph: "and for each of the five succeeding fiscal years, so much as may be necessary"; and

(2) by redesignating paragraphs (D) through (K) of subsection (a)(2) as paragraphs E) through (L), respectively, and by inserting immediately after paragraph (C) a new paragraph:

"(D) provide that the State agency will place emphasis on the achievement, in consultation with the Secretary, of the purposes set forth in section 102 of the Health Security Act, and will utilize and coordinate all local or particularized health planning activities within the State (including coordination with planning for interstate areas), and coordinate health planning with planning in related fields;".

(b) Paragraph (1)(A) of section 314(b) of the Public Health Service Act (authorizing project grants for areawide health planning) is amended—

(1) by striking out "June 30, 1973" in the first sentence and inserting "June 30, 1978" in lieu thereof;

(2) by inserting immediately before the last sentence, "In approving grants under this subsection the Secretary shall take into consideration the extent to which the agency or organization will supplement or otherwise contribute to the effectiveness of the planning conducted by the State agency pursuant to paragraph (D) of subsection (a)(2)." and

(3) by striking out "and" after "June 30, 1972," in the last sentence, and inserting before the period at the end of the paragraph: "and for each of the succeeding five fiscal years, so much as may be necessary".

### SALARY LEVELS

SEC. 408. (a) Section 5313, title 5, United States Code (relating to executive pay rates for positions at level II) is amended by adding at the end thereof the following new clause:

"(22) Deputy Secretary of Health, Education, and Welfare."

(b) Section 5314, title 5, United States Code (relating to executive pay rates for positions at level III) is amended by striking out clause (7) and inserting in lieu thereof:

"(7) Under Secretary for Health and Science, Department of Health, Education, and Welfare.";

and by adding at the end thereof the following new clause:

"(59) Chairman, Health Security Board, Department of Health, Education, and Welfare."

(c) Section 5315, title 5, United States Code (relating to executive pay rates for positions at level IV), is amended by adding at the end thereof the following new clause:

"(97) Members (other than the Chairman), Health Security Board, Department of Health, Education, and Welfare (4).

"(98) Members, Commission on the Quality of Health Care, Department of Health, Education, and Welfare (11)".

(d) Section 5316, title 5, United States Code (relating to executive pay rates for positions at level V) is amended by adding at the end thereof the following new clause:

"(132) Executive Director, Health Security Board, Department of Health, Education, and Welfare."

## TITLE V—STUDIES RELATED TO HEALTH SECURITY

### STUDY OF THE PROVISION OF HEALTH SECURITY BENEFITS TO U.S. CITIZENS IN OTHER COUNTRIES

SEC. 501. The Secretary of Health, Education, and Welfare, in consultation with the Secretary of State and the Secretary of the Treasury, shall study (a) the practicability and the means of making prepaid health services (or prepaid indemnification for the cost of health services) available, more widely than can be done under section 12 of this Act, to citizens of the United States who are resident in other countries or are temporarily visiting such countries, by supplementing the authority for reciprocal arrangements under section 12 with authority for payments from the Health Security Trust Fund, and (b) means of equitably financing such services (or indemnification) through the extension of health security taxes; and not later than five years after the enactment of this Act shall report to the Congress his findings and recommendations.

### STUDY OF COORDINATION WITH OTHER FEDERAL HEALTH BENEFIT PROGRAMS

SEC. 502. (a) The Secretary of Health, Education, and Welfare shall conduct studies of the most satisfactory means of coordinating the program for the health care of merchant seamen, the program for the health care of Indians and Alaskan Natives, or both, with the system of health security benefits created by this Act; the Administrator of Veterans' Affairs and the Secretary shall conduct a joint study of the most satisfactory means of coordinating with that system some or all of the programs for the health care of veterans; and the Secretary of Defense and the Secretary of Health, Education, and Welfare shall conduct a like joint study with respect to the program of health benefits furnished by civilian facilities and personnel to dependents of members of the Armed Forces. Reports of these studies, and legislative recommendations to achieve improved coordination, shall be submitted to the Congress not later than three years after the enactment of this Act.

(b) In conducting the studies required by this section, the Secretaries and the Administrator, as appropriate, shall consult with representatives of the respective beneficiary groups, and shall include in their reports to the Congress summaries of the views of such representatives.

### GENERAL PROVISIONS

SEC. 503. (a) There are hereby authorized to be appropriated such sums as may be necessary for the conduct of the studies authorized by this title.

(b) In conducting such studies the Secretary of Health, Education, and Welfare, the Secretary of Defense, and the Administrator of Veterans' Affairs are each authorized (1) to appoint such experts and consultants (employed in accordance with section 3109, of title 5, United States Code) and such advisory committees as they may deem necessary; and (2) to enter into contracts with public or private agencies or organizations for the collection of information, the conduct of research, or other purposes related to the respective studies. Experts and consultants and members of advisory committees appointed under this subsection, while serving on business related to the studies (inclusive of traveltime), shall receive compensation at rates not in excess of the daily rate paid under GS–18 of the General Schedule under section 5332 of title 5, United States Code; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

Mr. KENNEDY. Mr. President, on behalf of myself and Mr. ABOUREZK, Mr. CASE, Mr. CLARK, Mr. CRANSTON, Mr. GRAVEL, Mr. HART, Mr. HATHAWAY, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PELL Mr. RANDOLPH, and Mr. TUNNEY, I have introduced in this body, S. 3, the Health Security Act of 1973.

This bill proposes to establish a program that will assure health security to all Americans even as legislation of the 1930's assured them social security. The bill would cover every resident of this Nation with health insurance for the vast majority of essential health services. This insurance coverage would be provided regardless of where a person lives, where he works, his medical history, his income, the size of his family, or any other factor.

Moreover, he would pay for this insurance according to his ability to pay. Contrary to present insurance practice, he would not pay a flat premium regardless of income. He would not pay more if he or his family have a history of medical problems. He would not pay more if he has a dangerous job—or lives in a bad neighborhood.

This proposed legislation is the answer to providing good health insurance to every American on an equitable basis. It is also the answer to controlling the skyrocketing costs of health care to assuring that quality health services are available and nearby when we need them, and to organizing health services in ways that help us to find the right doctor or the right service to fit our particular need.

This legislation, in other words, not only seeks to provide every American with enough insurance to enable him to purchase whatever health care he needs—it seeks also to assure that good health services are actually made available to each of us where and when we need them, and in a form that we can understand and use.

In accomplishing these goals the bill protects the rights of both doctor and patient—both provider and consumer of services. It assures that services are available by offering providers the resources and incentives to make them available. Indeed, the bill would usher in a new era of opportunity for provider and consumer alike.

### THE LESSONS OF MEDICARE AND MEDICAID

This is the only national health insurance legislation before Congress which extends insurance coverage to all Americans on so equitable a basis, and couples this with so serious an effort to reform our health care system to assure that good services are actually available. The history of medicare and medicaid has taught us that attempts to offer health insurance on a piecemeal basis to segments of our population—without major efforts to expand and reform our health care system—result in increased inflation which robs Americans of much of the benefit of the new insurance. Medicare today covers less than half of the health care costs of the elderly, due in part to rising health care costs stimulated by passage of the medicare program. Many elderly Americans today, in fact, pay more for health care under medicare than they paid before the program was passed.

This legislation which I introduce today, the health security program, does not make this same mistake. It couples increased purchasing power through improved insurance with expanded and improved services. Moreover, it establishes budgeting mechanisms designed to bring the cost of health services in America under reasonable control.

This program will ultimately assure every American of the good health care he needs at a cost he can afford—and it will do this for less cost to our Nation than our present system, or any other pending health insurance proposal.

### THE HEALTH CARE CRISIS

We are in the midst of a crisis in health care in America. There are many aspects to this crisis. But the aspect known best by every American is the crisis in costs.

### THE CRISIS IN COSTS

Hospital costs have risen. Doctor bills have risen. And insurance premiums have risen to keep pace. Every American family feels the pressure of this inflation. The average wage earner now works 1 month a year just to pay his health care and health insurance bills.

And there is no limit in sight. There is nothing at present built into our health care system that will assure an end to this inflation. Unless our Nation takes action to slow this progress, health care will cost Americans more and more each year.

The answer to this problem is not to cut back on benefits, to raise insurance premiums even more, or to simply offer more insurance to more Americans. The answer is to reform our health care system and bring these costs under control.

### THE COST OF HEALTH SECURITY

There has been a great deal of debate about the costs of national health insurance. Opponents of the health security program which I introduce today have argued the program will cost too much—as if "cost" means what appears in the Federal budget.

Well, it is true that under the health security program more money will pass through the Federal budget than under other proposals. But, that is because the Federal Government under this proposal becomes the health insurance agent for the Nation. The billions of dollars that are currently paid to insurance companies would be paid to the Federal Government under the program. Likewise, since this program covers all essential health services without deductibles, coinsurance or limitations, billions of dollars that Americans currently pay to doctors, hospitals, laboratories, dentists, drug stores, and other providers would also be paid to the Government.

The Government would collect these funds and serve as Americans' agent in paying these bills. Yes, the funds would flow through the Federal budget in this process. But, cost is not what appears in the Federal budget. Any American family will tell you that cost is what comes out of his paycheck—or out of his pocketbook.

Under the Health Security Act Americans will pay: more health insurance premiums, little or no doctor bills, little or no hospital bills, fewer dental bills, fewer drug bills, and less of many other health care costs.

Instead, Americans will pay taxes geared to their income. The average family, in the early years of the program, will pay the Government roughly the same amount for health care that it is currently paying the insurance companies, the doctors and others. The difference is, the average family will have a far better insurance policy and will get broader services for their money. Moreover, as the cost controls in the health security program take hold, the health security program will cost less than our present system would cost, even with its poorer services.

This cost saving is effected through strong budget controls over the health care system—and through such efficiencies as have been demonstrated in health maintenance organizations. A recent GAO study of health facility construction costs said:

> Various studies have shown that prepaid group practice members compared with traditional insurance plan members (1) have substantially lower hospital use rates, generally at least 20 percent less, (2) have lower surgery rates, and (3) compare favorably on other measures of health care.

The same study indicated these organizations reduce the need for hospital beds by 20 percent.

By offering incentives to providers to form health maintenance organizations, the health security program will save millions of dollars on expensive hospital care. Organizations, through these savings, can offer good care to Americans at far lower cost than under the current system.

The fact is that the health security program will cost far less out of the workingman's paycheck and pocketbook. It will cost far less to our Nation in terms of gross expenditures for health care. These are the real costs that both the average family and this Government need to come to terms with and face up to. These are the costs that will be brought under control by the health security program.

### COMMUNITIES WITHOUT DOCTORS

But the health care crisis in America is not a matter of inflation and rising costs alone. The crisis is also evident to the 5,000 American communities that have no doctor, and to patients who wait in city hospital emergency rooms 6 or 8 hours for help because they have no doctor or because they cannot reach him after hours. This legislation sets aside funds, establishes planning procedures, and creates incentives to attract health professionals and build facilities accessible to every community—and to allow imaginative professionals to offer health care in new ways designed to meet the special needs of these rural and urban communities.

### THE CRISIS OF DISORGANIZATION

The crisis is also evident to patients who spend hours waiting at the doctor's office only to be sent to a laboratory for tests, then waiting at a specialist's office perhaps only to be sent to yet another laboratory for more tests, then perhaps back to the first doctor or to a hospital or a drugstore. Each stop involves waiting, some involve traveling across town and back, and some involve making appointments way in advance. All in all, it can take days or weeks to complete the process; it can cost extra dollars for repeated tests and duplicate records, and worst of all, it can discourage the elderly, the firm, or the poor from completing the course.

And the whole process is geared more to responding to the patient for a specific disease, than to viewing the patient as a whole with the intention of preventing diseases and keeping him well.

The health security legislation encourages health professionals to reorient their efforts toward preventative care, and to offer more tightly organized forms of health care to Americans who choose it. It does this by building in long-term economic incentives to professionals who start health maintenance organizations, foundations, and other new forms of care—as well as offering the resources needed to underwrite the startup and initial operating losses of some organizations.

### THE CRISIS IN QUALITY OF CARE

The crisis is evident, too, to Americans who suffer needlessly because they can not get to the skilled services or facilities they need, or because they receive less than the best quality care. The fact is that the quality of health care varies greatly in America. There is too much unnecessary or ill-advised surgery performed. There are too many missed diagnoses. It is not necessarily due to greed, to incompetence, or to carelessness. It is simply that our Nation is trying to offer sophisticated 20th century medical care through 19th century organizations.

We have created scores of new and interrelated specialties but continue to think the physician can operate on his own with no close formal relations to other physicians of other specialties. Most physicians practice solo or in groups of the same specialty. The patients medical records, like his physicians, are scattered all over town, and sometimes it is the patient who decides what specialist he needs for a given problem. It seems clear that, in this fragmented system, a patient is likely to be treated by the specialist he chooses from the perspective of that specialty. A surgeon, for example, is more likely to pursue a surgical solution to a problem than would an internist, if other approaches are possible—especially if consultation between the specialists is cumbersome and there is no real incentive to explore all possible solutions. The delay and clumsiness of referral and consultation can also lead to missed diagnoses—as can the absence of a complete medical record to the doctor who is making the diagnosis.

Moreover, we have for the most part continued to license health professionals on a once and for all basis, while medical knowledge has literally exploded during recent decades. We have not required continuing education of physicians whose training was completed decades ago—and more importantly, we have made minimal efforts to establish continuing programs to meet these physicians' particular needs and problems.

This health security program establishes national licensure and continuing education requirements—as well as the resources for conducting these programs. It also establishes a National Quality of Care Commission in the Department of Health, Education, and Welfare to gather statistics, establish guidelines, and set standards of quality based on the advice of health professionals and it strengthens local peer review organizations to review services in their area in the light of these standards. The program further establishes referral requirements that assure a variety of treatments are considered before a patient is subjected to lengthy or costly procedures. All of these features are aimed at providing the incentives and resources to health professionals to reorganize health care in a way consistent with the enormous complexity of modern medicine—and assuring every American that he is getting the best health care possible whenever he encounters our health care system.

### THE CRISIS OF INADEQUATE HEALTH INSURANCE

But perhaps the crisis in health care is most obvious to Americans whose health insurance has run out, who cannot get insurance because of their medical history, or who simply cannot afford to buy good insurance. Many Americans of all incomes have been bankrupted by health care costs which continue after their insurance runs out. They then join the ranks of Americans whose medical history makes it impossible to buy good insurance at all, and millions of other Americans of low income who are not eligible for group plans and cannot afford decent insurance.

For these Americans who have no decent insurance every illness can turn into a financial disaster. Since every penny comes out of an already limited income, they weigh every decision as to whether or not to seek a doctor—and sometimes they wait too long and suffer needless pain.

There is no way to tell how many children grow up in America with needlessly twisted limbs, dulled minds, or other handicaps simply because fear of the cost kept his parents away from the doctor for too long. There is no way to tell how many Americans suffer needless pain and even early death simply because good health costs too much. It is clear, however, that these things can and do happen all too often for a country as advanced as America.

The problem is our hopelessly fragmented health insurance system which encourages insurance companies in the name of profit to exclude Americans who need care the most, or to limit their policies to the most profitable benefits that they can market. This crazy-quilt system also frustrates the providers of care. Doctors and hospitals are faced with providing expensive services to millions of Americans whose insurance may or may not pay—knowing frequently that if the insurance does not come through there is little hope of the patient being able to pay the bill.

The provider deserves a fair fee for his services. The answer to our health insurance dilemma is not to require the provider to offer free care—it is to create an insurance system that assures that every American is covered for basic health care. If we insist that health professionals should offer help to everyone who needs it, and Americans do insist on that, then we should make sure that every American is covered by an insurance policy that will pay the provider a fair fee for his service.

Nor should insurance coverage influence the provider's method of treatment. Too often providers are encouraged to hospitalize a patient in order that insurance will cover the cost. Insurance should be comprehensive enough to cover whatever course of treatment the physician considers medically appropriate.

The health security program assures this by covering all Americans with comprehensive health insurance coverage from the Federal Government. When this legislation is passed—

No American family will be bankrupted by the cost of care;

No American will be kept from needed care for fear of the cost;

Doctors and hospitals will not be forced to write off bills or hire bill collectors. They will bill one source on one form and know in advance that they will be paid; and

Providers will be freed to offer care in the most medically acceptable way, without regard to insurance coverage.

This program will free the patient to seek health care, and it will free the provider to be a physician and healer rather than an accountant.

### THE FEDERAL GOVERNMENT AS INSURANCE CARRIER

The health security program makes the Federal Government the insurance agent for all Americans. This is essential to the program. It is essential in order to assure that all Americans have the same comprehensive insurance coverage at a cost they can afford. It is essential also to bringing about reform in our health care system, because this role as the insurance carrier is the lever we need to control costs and improve the way health care is organized and delivered in our Nation. I say "we," because I conceive of this lever as an instrument that providers and customers of health care alike will use to establish the incentives and set aside the resources necessary to bring about change. This national program will be shaped by the best thinking and in the best interests of both providers and consumers.

I believe that the private health insurance industry has failed us. It fails to control costs. It fails to control quality. It provides partial benefits, not comprehensive benefits; acute care, not preventive care. It ignores the poor and the medically indigent.

Despite the fact that private health insurance is a giant $20 billion industry, despite more than three decades of enormous growth, despite massive sales of health insurance by thousands of private companies competing with each other for the health dollar of millions of citizens, health insurance benefits today pay only 40 percent of the total cost of private health care, leaving 60 percent to be paid out of pocket by the patient at the time of illness or as a debt thereafter, at the very time when he can least afford it.

Nearly all private health insurance is partial and limited. For most citizens, their health insurance coverage is more loophole than protection.

Too often, private carriers pay only the cost of hospital care. They force doctors and patients alike to resort to wasteful and inefficient use of hospital facilities, thereby giving further impetus to the already soaring cost of hospital care and unnecessary strains on health manpower.

Valuable hospital beds are used for routine tests and examinations which, under any rational health care system, would be conducted on an outpatient basis.

Unnecessary hospitalization and unnecessarily extended hospital care are encouraged for patients for whom any rational system would provide treatment in other, less elaborate facilities.

There is no way we can use the private health insurance industry to offer all Americans the protection they need. There is no way the Nation can use this industry as a lever to encourage change and reform in the health care system.

It is for these reasons that this legislation proposes to make the Federal Government the health insurance agent in a national program of health security.

### GUARANTEES TO THE NATION'S DOCTORS AND OTHER PROVIDERS

America's health professionals are the backbone of health care in the Nation. Without their strong and creative efforts, we will never solve any of our health care problems in America. I intend to protect the rights of America's providers, and assure them their rightful leadership role in any efforts Congress makes to improve our health care system.

The health care crisis in our Nation is as apparent to providers as to the patient. Providers are concerned with disorganization of services, with quality of care, with inadequate and fragmented insurance coverages, and with the shortage and maldistribution of health professionals and facilities. These problems frustrate providers' attempts to serve the people who need care the most. They involve them in a tangle of cumbersome referrals and cross-referrals. They occasionally have him without proper facilities and associates. And the insurance redtape frequently turns the physician into a bookkeeper.

The health security program does not

aim at taking responsibility for reform away from the providers. Rather, it offers providers the incentives and resources they need to bring about the reform both they and their patients so badly need. Indeed, the program creates a lever which I hope providers will help to use responsibly to bring about change.

The program's intent is to in fact free providers of some of the constraints that limit them. For example,

The Health Security Act allows all varieties of medical practice—whether solo, fee-for-service practice; or prepaid group practice; or anything in between. It is not the program's intent to stifle any form of practice. Instead, we want to encourage all forms of practice that improve efficiency and quality.

Let me offer a series of guarantees to protect the fundamental principles important to American physicians.

The first guarantee is that the Federal Government in this Nation must not own the hospitals or employ the physicians. I do not want to build a British health care system in the United States. I do not want socialized medicine in America.

I believe in maintaining the free enterprise system in this country and in American medicine. In fact, I would like to see even more variety, and more competition in the health care system between different forms of health care. I look forward to a day when physicians can practice in solo practice, in HMO's, in medical foundations, in large groups, or in any other way that is efficient and beneficial to the patients and doctors, too. I believe we can create a uniquely American health care system that will preserve free enterprise for the doctors, and still offer your patients the financial support and adequate care they need.

My second guarantee is that we must not remove the freedom of every physician to choose where and how he provides health care. Just as we must not remove the freedom of the patient to choose how he receives that care. I do not want to "hijack" medical students into particular specialties or locations because that is what an almighty government says they should be trained for or where they should be sent. We will never produce decent health care by methods such as that.

What we must do is create every possible incentive, every possible attraction to young physicians to enter fields of practice and sections of the country where the need for health is not being met today. We must create new patterns of care and take every possible step to assure that where the need is greatest, the opportunity for a rewarding professional career is also greatest.

Nor do I want Americans to be assigned as patients to one physician or another, or to one organization or another for their health care. In sum, I want Americans to have maximum choice in this regard. Only in this way can we produce a system that is fair to doctors and patients alike.

My third guarantee is that the Federal Government must not make medical judgments or interfere in the clinical decisions between a doctor and his patient. What we must do is encourage physicians to take the actions necessary to assure Americans that they are receiving the finest possible care that American medicine can offer.

My fourth guarantee is that we must not create an overarching Federal agency in Washington, telling every area and community in this Nation exactly how they must offer health care. What we must do is to set national guidelines and standards, within which local agencies can develop the best possible health care programs for the doctors and patients in their areas.

I subscribe completely to these guarantees, and I am confident that they will be at the heart of any national health care legislation which Congress may enact.

### COMPARISONS WITH OTHER NATIONS

The know-how exists to create a better organized system of health care in America. Other nations have in fact gone ahead of us in this regard. The United States is the only major industrial nation in the world without a system of national health insurance or a national health service. While none of these systems seem suited to America's values and society, they have, in fact, succeeded in moving their nations ahead of our country in many important areas.

In infant mortality, among the major industrial nations of the world, the United States today trails behind 14 other countries, including all the Scandinavian nations, most of the British Commonwealth, Japan, and East Germany. Half of these nations were behind us in the early 1950's.

We trail six other nations in the percentage of mothers who die in childbirth. In the early 1950's, we had the lowest rate of any industrial nation.

Tragically, the infant mortality rate for nonwhites in the United States is nearly twice the rate for whites. And nearly five times as many nonwhite mothers die in childbirth as whites—shameful evidence of the ineffective prenatal and postnatal care our minority groups receive.

The story told by other health indicators is equally dismal. The United States trails 27 other nations in life expectancy for males at age 45, and 11 other nations in life expectancy for females.

In fact, our Nation has the potential for higher levels of health than any of these nations because of our far vaster health care resources, and the brilliant record of American medical research. I believe the health security program is a uniquely American approach to organizing health care that will capitalize on these strengths and preserve the basic values of doctor and patient alike.

### THE DEVELOPMENT OF THE HEALTH SECURITY PROGRAM

Walter Reuther, the late president of the United Auto Workers, was among the first to see that financing programs like medicare and medicaid or extensions of private health insurance could not resolve the crisis of disorganization and the spiraling cost of health care. Walter Reuther understood that the Nation needed to take a bold step forward. In November 1968, he announced the formation of the Committee of One Hundred for National Health Insurance. As he said, in establishing the mandate of the committee:

> I do not propose that we borrow a national health insurance system from any other nation. No nation has a system that will meet the peculiar needs of America. I am confident that we have in America the ingenuity and the social inventiveness needed to create a system of national health insurance that will be uniquely American—one that will harmonize and make compatible the best features of the present system, with maximum freedom of choice, within the economic framework and social structure of a national health insurance system.

Joining Walter Reuther on that committee were Dr. Michael E. deBakey, president of Baylor College of Medicine; Mrs. Mary Lasker, president of the Albert and Mary Lasker Foundation; Mr. Whitney M. Young, Jr., executive director of the National Urban League; and other outstanding citizens from the fields of medicine, public health, industry, agriculture, labor, education, the social services, youth, civil rights, religious organizations, and consumer groups. I have had the honor of serving on that committee, along with my Senate colleague WILLIAM SAXBE, and my former colleagues, Ralph Yarborough and John Sherman Cooper.

In its efforts over the past 4 years, the committee has worked to develop a sound program for improving the organization, financing and delivery of health services to the American people. The committee's deliberations were based upon the premise that progress toward a more rational health system should be orderly and evolutionary. The members of the committee felt that a better system of health care for America should rest upon the positive motivations and interests of both consumers and providers of health services. They believed that no system could succeed if it were imposed by fiat through rigid legislation and administrative regulations.

Throughout its deliberations, the committee has been guided by the work of its distinguished technical subcommittee, chaired by Dr. I. S. Falk, professor emeritus of public health of Yale University and the most eminent authority in the field of health economics in the Nation. The committee consulted extensively with representatives of professional associations, consumer organizations, labor unions, business groups, and many other interested organizations. The health security program is the result of these efforts, and it gives careful consideration to the recommendations of all of these groups.

In August 1970, Senators COOPER, SAXBE, Yarborough, and I, together with 11 other Senators, introduced the original version of the health security program as S. 4297 in the 91st Congress.

At the time the bill was originally introduced, Congresswoman MARTHA GRIFFITHS of Michigan had already introduced legislation in the House of Representatives to create a national health insurance program similar in overall concept to the health security program, and her bill had received the strong endorsement of the AFL–CIO, under the leadership of President George Meany.

These two bills were combined into a strong new Health Security Act of 1971, which was introduced in the 92d Congress as S. 3 and H.R. 22. Both the Senate Finance and House Ways and Means Committees held hearings on this program, and their chairmen have indicated their intent to take further action on national health insurance in this 93d Congress.

### THE HEALTH SECURITY ACT OF 1973

The revised Health Security Act of 1973 is the product of this long and arduous process of refinement. Improvements have been made in the areas of dental benefits and long-term care in the home—as well as in the program's quality controls. Other refinements lighten the program's tax burden on the elderly.

Essentially, however, this new bill retains the basic principles of the bill introduced in the 92d Congress. I am convinced that this 93d Congress will turn primary attention to the area of health care, and will go down in history as the Health Congress. I commend this health security program to my colleagues' attention.

For my colleagues' benefit, I ask unanimous consent to have printed in the RECORD a description of the major provisions of the bill and a section-by-section analysis.

The PRESIDING OFFICER. Without objection, it is so ordered.

### MAJOR PROVISIONS OF THE HEALTH SECURITY PROGRAM

The Health Security program is intended to be comprehensive and extensive. At the conclusion of my remarks in the Congressional Record, I will include a section-by-section analysis of the bill and the text of the bill itself, so that the details of its provisions may be widely available to all. At this time, however, I would like to call attention to its main provisions:

### BASIC PRINCIPLE

Basic principle—The basic principle of the Health Security program is two-fold: to establish a system of comprehensive national health insurance for the United States, capable of bringing the same high quality health care to every resident; and, to use the program to bring about major improvements in the organization and delivery of health care in the Nation.

The Health Security program does not envisage a national health service, in which Government owns the facilities, employs the personnel, and manages all the finances of the health care system. On the contrary, the program proposes a working partnership between the public and private sectors. There will be Government financing and administrative management, accompanied by private provision of personal health services through private practitioners, institutions, and other providers of health care.

Persons eligible for benefits—Every individual residing in the United States will be eligible to receive benefits. There will be no requirement of past individual contributions, as in Social Security, or a means test, as in Medicaid.

Starting date for benefits—July 1, 1975. The 2-year tooling-up period prior to that date will be used to prepare the health care system for the program.

Covered benefits—With certain modest limitations, the program will provide comprehensive health benefits for every eligible person. The benefits available under the program will cover the entire range of personal health care services, including the prevention and early detection of disease, the care and treatment of illness, and medical rehabilitation. There are no cutoff dates, no coinsurance, no deductibles, and no waiting periods.

For example, the program provides full coverage for physicians' services, inpatient and outpatient hospital services, and home health services. It also provides full coverage for other professional and supporting services, such as optometry services, podiatry services, devices, and appliances, and certain other services under specified conditions.

The four limitations in the otherwise unlimited scope of benefits are dictated by inadequacies in existing health resources or in management potentials. They deal with nursing home care, psychiatric care, dental care, and prescription drugs, as follows:

Skilled nursing home care is limited to 120 days per benefit period. The period may be extended, however, if the nursing home is owned or managed by a hospital, and payment for care is made through the hospital's budget.

Psychiatric hospitalization is limited to 45 consecutive days of active treatment during a benefit period, and psychiatric consultations are limited to 20 visits during a benefit period. These limits do not apply, however, when benefits are provided through health maintenance organizations or comprehensive mental health care organizations.

Dental care is restricted to children through age 15 at the outset, with the covered age group increasing annually until persons through age 25 are covered. Within five years, the Board will establish a schedule for phasing in coverage of the entire adult population.

Prescribed drugs are limited to those provided through hospital in-patient or out-patient departments, or through organized patient care programs, (such as health maintenance organizations or professional foundations). For other patients, coverage extends only to drugs required for the treatment of chronic or long-term illness.

Inevitably, simply stating these four limitations gives them a prominence they do not deserve. In all other respects, covered health services will be available without limit, in accordance with medical need.

Administration—The administration of the Health Security program will be carried out by a five-member full-time Health Security Board, appointed by the President with the advice and consent of the Senate. Members of the Board will serve 5-year terms, and will be under the authority of the Secretary of Health, Education, and Welfare.

A statutory National Advisory Council will assist the Board in the development of general policy, the formulation of regulations, and the allocation of funds. Members of the Council will include representatives of both providers and consumers of health care.

A Commission on the Quality of Care, enjoying equal administrative status with the Board, will develop information regarding norms of care and regulations to safeguard the quality of services paid for by the Board.

Field administration of the program will be carried out through the 10 existing HEW regions, as well as through the approximately 100 health subareas that now exist as natural medical delivery networks in the Nation. Advisory councils on matters of administration will be established at each of these levels. However, the Board will guide the overall performance of the program. It will coordinate its functions with State and regional planning agencies, and it will account for its activities to Congress.

Financing the program—The program will be financed through a Health Security Trust Fund, similar to the Social Security Trust Fund. Income to the Fund will derive from four sources:

Fifty percent from general Federal tax revenues;

Thirty-six percent from a tax of 3.5 percent on employers' payrolls;

Twelve percent from a tax of 1 percent on employees' wages and unearned income up to $15,000 a year;

Two percent from a tax of 2.5 percent on self-employment income up to $15,000 a year.

Persons over age 60 may exempt $3,000 in unearned income from the 1% tax on income.

Employers may pay all or part of their employees' health security taxes, in accord with arrangements established under collective-bargaining agreements.

Payment mechanism—The essence of the payment mechanism and the central cost control feature of the program is that the health care system as a whole will be anchored to a budget established in advance. A given amount of money will be made available for the program each year, based on the available estimates of the needs to be met and the services to be provided, with due regard for the resources of the system. As in every area of our economic life, the health care system will be obliged to live within its budget. In this way we can end the unacceptable escalation of costs within our present system. In this way we can end the long financial binge in which health care has had a signed blank check on the whole economy of the Nation.

Each year, the Health Security Board will make an advance estimate of the total amount needed for expenditure from the Trust Fund to pay for health care services in the program. The Board will allocate funds to the several regions, and these allocations will be subdivided among categories of services in the health subareas. Advance estimates, constituting the program budgets, will be subject to adjustments in accordance with guidelines in the act. The allocations to regions and to subareas will be guided initially by the available data on current levels of expenditure. Thereafter, they will be guided by the program's own experience in making expenditures and in assessing the need for equitable health care throughout the Nation.

Compensation of doctors, hospitals, and other providers—Providers of health services will be compensated directly by the Health Security program. Individuals will not be charged for covered services.

Hospitals and other institutional providers will be paid on the basis of approved prospective budgets. Independent practitioners, including physicians, dentists, podiatrists, and optometrists, may be paid by various methods which they may elect: by fee-for-service, by capitation payments, or in some cases by retainers, stipends, or a combination of such methods. Health maintenance organizations will be paid by capitation. Other independent providers, such as pathology laboratories, radiology services, pharmacies, and providers of applicances, will be paid by methods adapted to their special characteristics.

Drug addiction and alcoholic treatment centers are specifically included as eligible providers of services under the program.

Resources Development Fund—an essential feature of the program is the Resources Development Fund, which will come into operation two years before benefits begin. In the first year of this "tooling up" period, $200 million will be appropriated for the fund; in the second year, $400 million will be made available. Once the program benefits begin, up to 5 percent of the Trust Fund—about $3 billion a year—will be set aside for resources development. These funds will be used to support innovative health programs, particularly in areas like manpower, education, training, medical and dental group practice development, and other means to improve the delivery of health care. The principal attribute of the Fund is that it can be used to channel far more money into areas like education and training than is possible under the existing system of congressional authorization and appropriation for ongoing programs.

Quality Control—The Health Security program includes various provisions designed to safeguard the quality of health care. The program will establish national standards more exacting than medicare for participating individual and institutional providers. Independent practitioners will be eligible to participate if they meet licensure and continuing education requirements. Specialty services will be covered if, upon referral, they are performed by qualified persons. Hospitals and other institutions will be eligible for participation if they meet national standards, and if they establish utilization review and affiliation arrangements.

Compliance with these standards will be monitored by the Quality Control Commission. The Commission will recommend new or revised standards as necessary.

Incentives—Financial, professional and other incentives are built into the program to move the health care delivery system toward organized arrangements for patient care, and to encourage preventive care and the early diagnosis of disease.

In the area of health manpower, the program will supplement existing Federal programs. It will provide incentives for health maintenance organizations and professional foundations, encourage the efficient use of personnel in short supply, and stimulate the progressive broadening of health services. It will provide funds for education and training programs, especially for members of minority groups and those disadvantaged by poverty. Finally, it will provide special support for the location of increased health personnel in urban and rural poverty areas.

Relation to existing programs—various Federal health programs will be superseded, in whole or in part, by the Health Security program. Since persons of age 65 or over will be covered by the program, medicare under the social security system will be terminated. Federal aid to the States for medicaid and other Federal programs will also be terminated, except to the extent that benefits under such programs are broader than under the Health Security program. However, the bill does not affect the current provisions for personal health services under the Veterans Administration, temporary disability, or workmen's compensation programs.

Cost of the program and Federal revenue sharing—on the basis of data available for the fiscal year 1972, a total of $50 billion was expended for health care benefits that would have been covered by the Health Security program had the program been in effect for that year. In other words, if the Health Security program had been in effect in 1972, the cost of the program would have been $50 billion.

The $50 billion figure represents approximately 67 percent of the total actual expenditures for personal health care in the United States for that year. These expenditures consist of $31 billion in private health insurance payments and private out-of-pocket payments, $12 billion in payments by the Federal Government, and $4 billion in payments by State and local governments.

The cost of the health security program has been the source of enormous confusion and misunderstanding since the original version of the Health Security Act was introduced last year in the 91st Congress. The crucial point is that in no sense does the hypothetical $50 billion price tag for the Health Security program in 1972 represent new money. Rather, this is what Americans are already paying for personal health care under the existing system.

Thus, the Health Security program is not a new layer of Federal expenditures on top of existing public and private spending for health care. Instead, the Health Security program simply redistributes the health expenditures that are already being made. Although, of course, Federal expenditures in 1972 would have risen from $12 billion under the existing system to $50 billion if the Health Security program had been in effect, individuals and organizations throughout the Nation would have been relieved of $34 billion of private health insurance expenses and out-of-pocket payments for health care, and State and local governments would have been relieved of $4 billion, representing costs incurred largely in medicaid and other public assistance programs, and in city and county medical programs.

In a very real sense, therefore, the Health Security program is a direct form of Federal revenue sharing. It offers $4 billion in substantial and immediate Federal financial relief to State and local governments, thereby freeing scarce State and local funds for other urgently needed purposes.

Over the long run, by revitalizing the existing health care system and ending the excessive inflation in the cost of health care, the Health Security program will be far less expensive than the amount we will spend if we simply allow the present system to continue.

Even at the beginning, moreover, the Health Security program will provide more and better services without increasing the cost, since the initial savings achieved by the program will be sufficient to offset the cost of the increased services. In other words, from the day the Health Security program begins, we will guarantee our citizens better value for their health dollar, and achieve a substantial moderation of the current exorbitant inflation in health costs. Even in the first year of the Health Security program, the comprehensive health services provided will be available for the same cost we would have paid for the partial and inefficient services of the existing system.

In 1972 for example, spending for health exceeded $83 billion. For the first time in our history, expenditures for health rose above 7.5 percent of our gross national product. If we continue to do nothing, the annual cost will exceed $120 billion in only 3 years.

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## SECTION-BY-SECTION ANALYSIS OF THE HEALTH SECURITY ACT

### TITLE I—HEALTH SECURITY BENEFITS

### *Part A—Eligibility for benefits*

(Sections 11–12.) Every resident of the U.S. (and every non-resident citizen when in the U.S.) will be eligible for covered services. Reciprocal and "buy in" agreements will permit the coverage of groups of non-resident aliens, and in some cases benefits to U.S. residents when visiting in other countries.

### *Part B—Nature and scope of benefits: covered services*

(Section 21.) Every eligible person is entitled to have payments made by the Board for covered services provided within the United States by a participating provider.

(Section 22.) All necessary professional services of physicians (including preventive care) are covered wherever furnished, with one exception. Psychiatric services to an ambulatory patient are covered only for active preventive, diagnostic, therapeutic or rehabilitative service with respect to mental illness. If the patient seeks care in the organized setting of a health maintenance organization, a hospital out-patient clinic, or other comprehensive mental health clinic, there is no limit on the number of consultations. In these kinds of organized settings, peer review and budgetary controls can be expected to curtail unnecessary utilization.

If the patient is consulting a solo practitioner, there is a limit of 20 consultations per benefit period. In communities where psychiatric services are in especially short supply the Board may prescribe referral or other non-financial conditions to give persons most in need of services a priority of access to solo practitioners.

(Section 23.) Comprehensive dental services (exclusive of most orthodontia) are covered for children under age 15, with the covered age group increasing by two years each year until all those under age 25 are covered. (Persons once covered remain covered for the rest of their lives). This benefit is limited initially because, even with full use of dental auxiliaries, there is insufficient manpower to provide dental benefits to the entire population. However, the Board is authorized to expand the benefits more rapidly if availability of resources warrant and the Board is required, within seven years of the effective date of the legislation, to establish a time table for phasing in benefits for the entire population. To encourage the development of groups which provide comprehensive medical and dental services or comprehensive dental services the Board is authorized to phase in full dental benefits more rapidly for the enrollees of those groups than for the general population.

(Section 24.) Inpatient and outpatient hospital services and services of a home health agency are covered on the duration of the services, and skilled nursing home services are covered for limited periods. Pathology and radiology services are specifically included as parts of institutional services, thus reversing the practice of Medicare. Domiciliary or custodial care is specifically excluded in any institution, thus necessitating the two important restrictions on payments for institutional care:

(1) Payment for skilled nursing home care is limited to 120 days per benefit period except this limit may be increased when the nursing home is owned or managed by a hospital and payment for care is made through the hospital's budget. It is not practical to assume that the majority of nursing homes and extended care facilities in the country will be able to implement effective utilization review and control plans in the first years of Health Security. The demand for essentially domiciliary or custodial care in nursing homes is so overwhelming that an initial arbitrary limit on days of coverage is necessary. Extension of the benefit is authorized when this becomes feasible.

(2) Many state hospitals do not provide optimal active treatment to their psychiatric patients but rather maintain them in a custodial setting. If Health Security provided unlimited coverage for patients in these hospitals, it might tend to freeze the level of care instead of stimulating these institutions to upgrade their medical-care performance. Therefore the psychiatric hospital benefit is limited to 45 days of *active treatment* during a benefit period.

(Section 25.) The bill provides coverage for two categories of drug use: prescribed medicines administered to inpatients or outpatients within participating hospitals and skilled nursing homes or enrollees of health maintenance organizations and professional foundations, and drugs necessary for the treatment of specified chronic illnesses or conditions requiring long or expensive drug therapy. This will provide coverage of most drug costs for individuals who require costly drug therapy.

The bill requires the Board and the Secretary of HEW to establish two lists of approved drugs, taking into account the efficacy and cost of each drug. There will be a broad list of approved medicines available for use in institutions and by health maintenance organizations and professional foundations and a more restricted list which is available for use outside such organized settings. The restricted list shall stipulate which drugs on it shall be available for treatment of each of the specified chronic diseases. No such restrictions shall be placed upon drug therapy within an institutional setting.

Use of the restricted list will meet the most costly needs for drug therapy while restraining unnecessary utilization. The benefit is more liberal where adequate control mechanisms exist.

(Section 26.) The appliances benefit is

similar in concept and operation to the drug benefit, subject to a limitation on aggregate cost. The Board shall prepare lists of approved devices, appliances or equipment which it finds are important for the maintenance or restoration of health, employability or self-management (taking into consideration the reliability and cost of each item). The Board will also specify the circumstances or the frequency with which the item may be prescribed at the cost of the Health Security Program.

(Section 27.) The professional services of optometrists and podiatrists are covered, subject to regulations, as are diagnostic or therapeutic laboratory or radiology services. The care of a psychiatric patient in a mental health day care service is covered for up to 60 days (day care benefits are unlimited if furnished by a health maintenance organization, professional foundation or by a community mental health center). Ambulance and other emergency transportation services are covered, as well as non-emergency services where (as in some sparsely settled areas) transportation is essential to overcome special difficulty of access to covered services.

Supporting services such as psychological, physiotherapy, nutrition, social work and health education are covered if they are part of institutional services or are furnished by a health maintenance organization, professional foundation or certain public or non-profit agencies. This establishes the important principle that these and other supporting services should be provided as part of a coordinated programs of health maintenance and care. Psychologists, physical therapists, social workers, etc. will not be permitted to establish independent practices and bill the program on a fee-for-service basis. This is intended to assure that whenever services of this nature are provided they are part of an organized plan of treatment and germane to the over-all care of the patient.

(Section 28.) Health services furnished or paid for under a workmen's compensation law are not covered.

School health services are covered only to the extent provided in regulations.

The Board may exclude from coverage medical or surgical procedures which are essentially experimental in nature. Individuals who enroll in an HMO or enroll themselves with a primary practitioner accepting capitation payments are not entitled to seek covered services from other providers of services (except as specified in regulations). Surgery primarily for cosmetic purposes is excluded from coverage.

The services of a professional practitioner are not covered if they are furnished in a hospital which is not a participating provider. This is intended to discourage physicians from admitting patients to hospitals which cannot or will not meet standards for participation in the program.

### PART C—PARTICIPATING PROVIDERS OF SERVICES

(Section 41.) Participating providers are required to meet standards established in this title, or established by the Board under part H relating to quality of care. In addition, they must agree to provide services without discrimination, to make no charge to the patient for any covered services, and to furnish data necessary for utilization review by professional peers, statistical studies by the Board and by the Commission on the Quality of Health Care, and verification of information for payments.

(Section 42(a).) Professional practitioners licensed when the program begins are eligible to practice in the States where they are licensed. All newly licensed applicants for participation must meet national standards established by the Board in addition to those required by their State. While stopping short of creating a Federal licensure system for health professionals, this will guarantee minimum national standards. A state-licensed practitioner who meets national standards will be qualified to provide Health Security covered services in any other state. (See also Section 56(a)(1)).

(b) for purposes of this title a doctor of osteopathy is a physician, as is a dentist when performing procedures which, in generally accepted medical practice, may be performed by either a physician or a dentist.

(Section 43.) This section establishes conditions of participation for general hospitals similar to those required by Medicare. Two requirements not found in the Medicare program are: (1) that the hospital must not discriminate in granting staff privileges on any grounds unrelated to professional qualifications; (2) that the hospital establish a pharmacy and drug therapeutics committee for supervision of hospital drug therapy. Medicare allows any hospital accredited by the Joint Commission on the Accreditation of Hospitals (if it provides utilization review) to participate in the program, thus in effect delegating to the Commission the determination whether the standards are met. This title requires all participating hospitals to meet standards established by the Board.

(Section 44.) Psychiatric hospitals will be eligible to participate only if the Board finds that the hospital (or a distinct part of the hospital) is engaged in furnishing *active* diagnostic, therapeutic and rehabilitative services to mentally ill patients. Psychiatric hospitals are required to meet the same standards as those prescribed for general hospitals in Section 43, and such other conditions as the Board finds necessary to demonstrate that the institution is providing active treatment to its patients. These standards will include costs incurred by state mental institutions to the extent they serve domiciliary or custodial functions.

(Sections 45 and 46.) Section 45 establishes conditions of participation for skilled nursing homes similar to those established for skilled nursing facilities under Medicare. Important differences, however, are the requirement for affiliation with a participating hospital or health maintenance organization (see Section 52(b)), and changes in the requirements for utilization review (see Section 51). Under section 46 participation by home health agencies will be limited to public agencies and non-profit private organizations—proprietary home health agencies are specifically excluded.

(Section 47.) Subsection (a) describes a health maintenance organization which undertakes to provide an enrolled population either with complete health care or, at the least, with complete Health Security services (other than mental health or dental services) for the maintenance of health and the care of ambulatory and institutionalized patients. The bill, in its aim to improve the methods of delivery of health services, places much emphasis on the development of new organizations of this kind and the enlargement of old ones.

This section is designed to accommodate forms of organization typical of existing prepaid group practice plans. The basic essential is the assumption of responsibility for a comprehensive range of services on a continuing and coordinated basis to a group of persons who have chosen to receive all or nearly all of their health care from the organization.

Other requirements are spelled out in this section: The organization must furnish medical services (and dental services if they are included) through prepaid group practice. Other services must be furnished by staff of the organization or by contractors for whom the organization assumes responsibility, except that institutional services may be provided by arrangements with other participating providers at the expense of the health maintenance organization. The organization must be nonprofit, but it may utilize proprietary providers in fulfilling its responsibilities.

All persons living in or near a specified service area will be eligible to enroll during an annual open enrollment period, subject to the capacity of the organization to furnish care. Services must be reasonably accessible to persons living within the specified service area. Periodic consultation with representatives of enrollees is required, and they must be given opportunity to participate in policy formulation and in evaluation of operation. Professional policies and their effectuation, including monitoring the quality of services and their utilization, are to be the responsibility of a committee or committees of physicians (and other health professionals where appropriate). Health education and the use of preventive services must be stressed, and lay persons are to be employed so far as is consistent with good medical practice. Charges for any services not covered by Health Security must be reasonable. Finally, the organization must agree to pay for services furnished by other providers in emergencies, either within the service area of the organization or elsewhere, but may meet this requirement to the extent feasible through reciprocal service arrangements with other organizations of like kind.

Subsection (b) makes clear that the organization, or professionals furnishing services for it, may also serve non-enrollees, with payment to be made to the organization, or, at its request, to such professionals.

(Section 48.) A professional foundation must be a nonprofit organization, sponsored by a county or other local medical society, which meets all the conditions for participation by a health maintenance organization other than the requirement of group practice. All physicians practicing in the area (and all dentists if dental services are furnished) must be permitted to become professional members, subject only to criteria, approved by the Board, relating to professional qualifications. For professional services to enrollees, professional members may be compensated by the foundation by whatever method, including fee-for-service, may be agreed upon by it and its members.

Subsection (b) provides that a professional member may furnish services to persons not enrolled in the foundation and receive payment from the Board on the same basis as independent practitioners, except that if he is paid by capitation, salary, or stipend by the foundation, the payment for services to nonenrollees is to be made to the foundation.

(Section 49.) This section deals with several classes of health organizations that vary widely, even within a single class, in their structure and in the scope of the services which they offer. Because statutory specifications cannot well be tailored to so many variables, the section sets forth only a general statement of the kinds of organizations to which it relates and leaves participation of each organization to a case-by-case decision of the Board, on such terms as the Board deems proper.

Subsection 49(a)(1) permits the participation of community health centers or the like which, though furnishing a broad range of ambulatory services, do not serve an enrolled or otherwise predetermined population and may not meet some other requirements of section 47(a). Subsection (a)(2) authorizes the Board to deal separately with the primary care portion of a system of comprehensive care where it is necessary to rely on arrangements with other providers, rather than on a unified structure, to round out the other elements of the system. Where organizations meeting the extensive requirements of section 47(a) or 48(a) are not available, these two paragraphs of section 49(a) will give the Board flexibility in furthering one of the bill's prime objectives, the development and broad availability of comprehensive services furnished on a coordinated basis.

Because of the extent to which mental health services are separated from other health care, subsection (a)(3) permits the Board to contract directly with public or other nonprofit mental health centers and mental health day care services.

If a State or local public health agency is providing preventive or diagnostic services, such as immunization or laboratory tests, the Board may under subsection (a)(4) contract with it for the continuance of these services.

In the field of private practice, physicians or dentists or other practitioners may group themselves in a clinic, nonprofit or proprietary, in a dental foundation, or in any number of other ways, and it may be more convenient both to them and to the Board to regard them as an entity than to deal with each practitioner separately. Subsection (a)(5) permits this. The Board will have wide discretion in contracting with such entities subject only to the limitation that, like other organizations described in section 49(a), the entity may not (under section 88(a)) be paid on a fee-for-service basis. Practitioners who elect that method of payment may of course pool their bills for submission to the Board, but there is no reason to contract with a unit for the payment of fees to it.

Subsection (b) makes clear that agreements with the Board under this section shall not (unless expressly so stipulated) preclude practioners furnishing services under the agreements from furnishing other services as independent providers.

(Section 50.) This section specifies the board and general conditions under which independent pathology laboratories, independent radiological services, providers of drugs, devices, appliances, equipment, or ambulance services may qualify as providers under Health Security. As under Medicare, a Christian Science Sanatorium qualifies if operated or listed and certified, by the First Church of Christ, Scientists, Boston.

(Section 51.) The requirements of utilization review in hospitals and skilled nursing homes are in the main similar to those which Medicare has, since 1966, imposed with respect to services to aged patients. In Health Security the requirements will of course apply to the entire population. As in Medicare, the review is designed to serve a dual purpose: identification of certain specific misuses of the institutional services with a view to their termination, and a focusing of continuing attention and concern of the medical staff on the necessity for efficient utilization of institutional resources. Section 51(a) strengthens the educational aspect of the process by requiring specifically that records of reviews be maintained and statistical summaries of them be reported periodically to the institution and its medical staff (and, on request, to the Board). As under Medicare, the review committee will consist of two or more physicians, with or without other professional participation; and in the case of hospitals, will normally be drawn from the medical staff unless for some reason an outside group is required. For skilled nursing homes, on the other hand, section 51(c) departs from Medicare by permitting as an alternative that the Committee be established by the State or local public health agency under contract with the Board, or failing that, by the Board. If the nursing home operates under a consolidated budget with a hospital, the review will be made by the hospital committee. Like Medicare, Section 51 (d) and (e) call for review of specific long-stay cases as required by regulations, and notification to the institution, the attending physician, and the patient when a decision adverse to further institutional services is made.

(Section 52.) Subsection (a) of Section 52 is also like Medicare in requiring a participating skilled nursing home to have in effect an agreement with at least one participating hospital for the transfer of patients and medical and other information as medically appropriate. Subsection (b) introduces a requirement, applicable two years after the effective date of health benefits to both skilled nursing homes and home health service agencies, of affiliation with a participating hospital or comprehensive health service organization. Unless the medical staff of the hospital or organization undertakes to furnish the professional services in the nursing home or the professional services of the home health service agency, that medical staff or a committee of it must assume responsibility for these services. Subsection (c) allows the Board to waive the application of either of these requirements to a skilled nursing home or a home health agency which the Board finds essential to the provision of adequate services, if (but only for as long as) lack of a suitable hospital or organization within a reasonable distance makes a transfer or an affiliation agreement impracticable.

(Section 53.) If the construction or substantial enlargement of a hospital, skilled nursing home, or ambulatory care facility has been undertaken after December 31 of the year of enactment, without prior approval by a planning agency designated by the governor of the State or the Board, section 53 precludes the institution from participating in the Health Security program, except that in the case of enlargement, the Board may permit participation subject to reduction in reimbursement for services. This should greatly strengthen state and local planning authorities.

(Section 54.) This section prohibits double recovery in malpractice litigation by stipulating that no damages will be awarded to the injured party for remedial services which are available without cost under the Health Security program.

(Section 55.) Institutions of the Department of Defense and the Veterans Administration, and institutions of the Department of Health, Education, and Welfare serving merchant seamen or Indians or Alaskan natives, are excluded by section 55 from serving as participating providers, as is also any employee of these institutions when he is acting as an employee. The Board will, however, provide reimbursement for any services furnished (in emergencies, for example) by these institutions or agencies to eligible persons who are not a part of their normal clientele. It will also provide reimbursement for services furnished by the Public Health Service under the Emergency Health Personnel Act of 1970.

(Section 56.) This section overrides, for purposes of the Health Security program, State laws of several kinds which inhibit the utilization or the mobility of health personnel, cloud the legality of so-called "corporate practice" of health professions, or restrict the creation of group practice organizations. The authority of Congress to do this, in conjunction with a program of Federal expenditure to provide for the general welfare, flows from the Supremacy Clause of the Constitution and seems now to be clearly established. (Ivanhoe Irrigation District v. McCracken, 357 U.S. 275 (1958); King v. Smith, 392 U.S. 309 (1968)).

The first three paragraphs of subsection (a), while stopping short of creating a system of Federal licensure for health personnel, will greatly facilitate both the interstate mobility of State licensees and the effective use of ancillary personnel in the furnishing of health care. The dispensations contained in these paragraphs will be available to persons who meet national standards established by the Board.

Paragraph (1) permits a physician, dentist, optometrist, or podiatrist, licensed in one State and meeting the national standards, to furnish Health Security benefits in any other state, the scope of his permissible practice being governed by the law of the State in which he is practicing. This paragraph obviates the difficulty and cost which a practitioner may encounter especially where reciprocity of licensure is not available, in taking up practice in a State in which he has not been licensed.

Paragraph (2) grants a similar authority to other health professional and nonprofessional personnel. For occupations such as pharmacy and professional nursing, which are subject to licensure in all States, a person can avail himself of this paragraph only if he is licensed in one State and meets the national standards; in other cases, where licensure is not universally required, compliance with national standards is sufficient. Here again, impediments to mobility created by existing licensure laws will be removed.

The restrictions which many professional practice acts impose on the use of lay assistants, and the legal uncertainties which often deter such use, discourage practices that can increase greatly, without sacrifice of safety, the volume of services which professionals can render. Accordingly, paragraph (3) of subsection (a) enables the Board to permit physicians and dentists, participating in public or nonpublic hospitals and health maintenance organizations, to use ancillary health personnel, acting under professional supervision and responsibility, to assist in furnishing Health Security benefits. Such assistants may do only things which the Board has specified, and may be used only in the context of an organized medical staff or medical group. Persons employed as assistants must not only meet national standards for their respective occupations, but must also satisfy special qualifications that the Board may set for particular acts or procedures.

In the interest of encouraging salaried practice and the integration of professional practitioners into well-structured organizations for the delivery of health services, paragraph (4) of subsection (a) does away with the "corporate practice" rule insofar as concerns participating public or other nonprofit hospitals and health maintenance organizations. These institutions may employ physicians or make other arrangements for their services, unless in the unlikely event that lay interference with professional acts or judgments should be threatened. No conflict of interest results from such arrangements; in the nonprofit setting loyalty to employer and loyalty to patient run parallel.

Some state laws place restrictions of one kind or another on the incorporation of group practice organizations. When these restrictions prevent the State incorporation of an organization meeting the strict requirements of the Health Security Act, section 56 (b) empowers the Secretary to incorporate it for purposes of the Act. Except for the special restrictions, State law will govern the corporation.

### *Part D—Trust fund; allocation of funds for services*

(Section 61.) By section 406(a) of the present bill, section 1817 of the Social Security Act, creating the Federal Hospital Insurance Trust Fund, is amended and transferred to become section 61 of the Health Security Act. The fund will thus become the Health Security Trust Fund, succeeding to the assets and liabilities of both Medicare trust funds, and receiving the proceeds of the health security taxes imposed by title II of the Health Security Act and the authorized appropriations from general revenues equal to 100 percent of those tax receipts.

The Fund will also receive recoveries of overpayments, and receipts from loans and other agreements. To implement the role of the Trust Fund, the Managing Trustee (the Secretary of the Treasury) will make payments from the Trust Fund provided for under Title I, as the Board certifies, and with respect to administrative expenses as authorized annually by the Congress.

(Section 62.) The Health Security program is intended to operate on a budget basis overall. Accordingly, subsection (a) requires the Board to determine for each fiscal year the maximum amount which may be available for obligation from the Trust Fund. The amount so determined in advance (by March 1 preceding each fiscal year) shall not exceed the smaller of two stated limitations. The first limit is fixed at 200% of the expected net receipts from all the Health Security taxes (i.e., the tax receipts augmented by 100% thereof, to be appropriated into the Fund from general revenues of the Government). The second limit, applicable to each fiscal year after the first year of benefit operation (i.e., after a year's availability of covered services), is an amount equal to the estimated obligations of the current year (within which the estimate is being made), subject to certain adjustments. Such adjustments will reflect changes expected in (A) the price of goods and services; (B) the number of eligible persons; (C) the number of participating professional providers, or the number or capacity of institutional or other participating providers so far as such changes are not already adequately reflected; and (D) the expected cost of program administration.

In the interest of prudent fiscal management, subsection (b) requires the Board to restrict its estimate of the amount available for obligation in the next fiscal year (in accordance with subsection (a)) if the Board estimates that the amount in the Trust Fund at the beginning of the next fiscal year will be less than one-quarter of the total obligations to be incurred for the current year, and that such restriction will not impair the adequacy or quality of the services to be provided. Also, the Board is required to reduce its alternative estimate of the maximum amount to be available if it finds that the aggregate cost to be expected has been reduced (or an expected increase has been lessened) through improvement in organization and delivery of service or through utilization control.

Subsection (c) provides against various other contingencies which may result in increase or decrease in the estimate of the maximum amount to be available for obligation in the next fiscal year. The amount may be modified before or during the fiscal year if the Secretary of the Treasury finds that the expected Health Security tax receipts will differ by 1 percent or more from the estimate used under subsection (a), or if the Board finds that either its factors of expected change or the cost of administration is expected to differ from the estimate by 5 percent or more; or if an epidemic disaster or other occurrence compels higher expenditure than had been expected. If, as a result, the maximum estimate has to be increased (rather than being decreased), the Board (through the Secretary) shall promptly report its action to the Congress with its reasons.

(Section 63.) Subsection (a) provides that three separate accounts shall be established in the Health Security Trust Fund—a Health Services Account, a Health Resources Development Account, and an Administration Account, as well as a residual General Account. Subsection (b) provides that in each of the first two years of program operation, 2 percent of the Trust Fund shall be set aside for the Health Resources Development Fund; and the allocation shall increase by 1 percent at two-year intervals to 5 percent within the next 6 years. The money in this account will be used exclusively for the system improvement purposes described in part F.

(c) (d) After deducting the funds for development, and the amount authorized by the Congress for administration, the remainder of the monies shall be allocated to the Health Services Account, and shall be used exclusively for making payment for services in accordance with part F.

(Section 64.) This section provides for allocation of the Health Services account among the regions of the country. (a) The allocation to each region shall be based on the aggregate sum expended during the most recent 12-month period for covered services (with appropriate modification for estimated changes in the price of goods and services, the expected number of eligible beneficiaries, and the number of participating providers). (b) In allocating funds to the regions the Board shall seek to reduce, and over the years gradually eliminate, existing differences among the regions in the average per capita amount expended upon covered health services (except when these reflect differences in the price of goods and services). To accomplish this, the Board will curtail increases in allocations to high expenditure regions and stimulate an increase in the availability and utilization of services in regions in which the per capita cost is lower than the national average. (c) A contingency reserve of up to 5% may be withheld from allocation. If the remaining funds available are inadequate, allocations will be reduced pro rata. (d) Allocations may be modified before or during a fiscal year if the Board finds this is necessary.

(Section 65.) The Board will divide the allocation to each region into funds available to pay for: institutional services; physician services; dental services; furnishing of drugs; furnishing of devices, appliances and equipment; and other professional and supporting services, including subfunds for optometrists, podiatrists, independent pathology laboratories, independent radiology services, and other items. The percent allocated to each category of service may vary from region to region. In determining the allocation to these funds, it will be guided by the previous year's expenditures for each category of service but also take into account trends in the utilization of services and the desirability of stimulating improved utilization of resources. It will encourage a shift from heavy reliance on institutional care to better utilization of preventive and ambulatory services.

(Section 66.) These regional funds will be subdivided among the health service areas in each region, primarily upon the basis of the previous year's expenditure for each kind of service. Again, the Board will gradually attempt to achieve the equalization of services within each region by restraining the increase of expenditures in high cost areas and channeling funds into health service areas with a low level of expenditures.

(Section 67.) Before or during a fiscal year, the division of regional funds by classes of service or the allotments to health service areas may be modified if necessary or if indicated by newly acquired information.

*Part E—Payment to providers of services*

(Section 81.) Payments for covered services provided to eligible persons by participating providers will be made from the Health Service Account in the Trust Fund.

(Section 82.) This section delineates methods of paying professional practitioners. Every independent practitioner (physician, dentist, podiatrist, or optometrist) shall be entitled to be paid by the fee-for-service method (subsection (a)), the amounts paid being in accordance with relative value scales prescribed after consultation with the professions (subsection (g)). Each physician engaged in general or family practice may elect to be paid by the capitation method if he agrees to furnish individuals enrolled on his list with all necessary and appropriate primary services, make arrangements for referral of patients to specialists or institutions when necessary, and maintain records required for medical audit; and independent dentist practitioners may elect the capitation method of payment similarly (subsection (b)).

These requirements in connection with capitation payments are intended to assure that the physician (or dentist) provides to his patients all professional services within the range of his undertaking and secures other needed services by referral. Through regular medical audits, the Board will monitor the level and quality of care provided.

When necessary to assure the availability of services in a given area, subsection (c) permits paying an independent practitioner a full-time or part-time stipend in lieu of or as a supplement to other methods of compensation. This method of payment will be used selectively by the Board, mainly to encourage the location of practitioners in remote or deprived areas. Practitioners may also be reimbursed for the special costs of continuing education required by the Board and for maintaining linkages with other providers—for example, communication costs. Incentives operative under this provision will encourage physicians to improve the quality and continuity of patient care, even if the physician does not participate in a group practice. The Board may pay for specialized medical services on a per session, or per case basis, or may use a combination of methods authorized by this section.

Subsection (d) defines the capitation method of payment.

Subsections (e) (f) (g). These sections describe the method to be used in applying, as between practitioners electing the various methods of payment, the monies available in each health service area for payment to each category of professional providers. From the amount allocated to each service area, the Board will earmark funds sufficient to pay practitioners receiving stipends and for the professional services component of institutional budgets, such as hospitals. The remainder of the money will be divided to compute the per capita amount available for each category of service (i.e. physicians, dentists, podiatrists, optometrists) to the residents of the area. This per capita amount in each category will fix the capitation payments to organizations that undertake to provide the full range of services in that category to enrolled individuals. Lesser amounts will be fixed for more limited services. For example, if the per capita amounts available for physician and dental services are $65 and $25, respectively, primary physicians accepting capitation payments will receive the percentage of that $65 which is allocated for primary services, a medical society sponsored foundation would receive the entire $65 for physician services, dentist furnishing all covered services would receive the $25 allocated for dental services, and organizations which undertake to provide all physician and dental services to enrolled individuals will receive $90 for each enrolled individual.

The budget per capita amount for each type of covered service (physician, dental etc.) will be divided between the categories of providers of service according to the number of individuals who elect to receive care from those providers. For example, in a city of 100,000 people, 25,000 may enroll in a health maintenance organization. Using the figures cited in the example above, the Board will pay the health maintenance organization $1,625,000 ($65 x 25,000) for physician services. The other 75,000 individuals elect to receive their physician services from solo, fee-for-service practitioners. The Board will create a fund of $4,875,000 ($65 x 75,000) to pay all fee-for-service bills submitted by physicians in that community, in accordance with relative value scales and unit values fixed by the Board. The fund for fee payments will be augmented to the extent that some capitation payments have been lowered because they cover only primary services, and may be augmented further where a substantial volume of services is furnished, on a fee basis, to nonresidents of the area.

Subsection (h) authorizes the Board to experiment with other methods of reimbursement so long as the experimental method does not increase the cost of service or lead to overutilization or underutilization of services.

(Section 83.) Hospitals will be paid on the basis of a predetermined annual budget covering their approved costs. To facilitate review of these budgets, the Board will institute a national uniform accounting system. Subsection (b) stipulates that the costs recognized for purposes of the budget will be those incurred in furnishing the normal services of the institution except as changed by agreement, or by order of the Board under section 134. This will enable the Board, on the basis of State and local planning, to eliminate gradually any wasteful or duplicative services, and also to provide for an orderly expansion of hospital services where needed.

Physicians and other professional practitioners whose services are held out as available to patients generally (such as pathologists and radiologists) will be compensated through the institutional budget, whatever the method of compensation of such practitioners and whether or not they are employees of the hospital. This departs from the practice in Medicare which allowed independent billing by such physicians. The institution's budget may also be increased to reflect the cost of owning or operating an affiliated skilled nursing home, or home health service agency. Hospital budgets will be reviewed by the Board, locally or regionally, which may permit participation by representatives of the hospitals in each region. Budgets may be modified before, during or after the fiscal year if changes occur which make modification necessary.

(Section 84.) If an entire psychiatric hospital is found by the Board to be providing active treatment to its patients, and the institution is therefore primarily engaged in providing covered services to eligible beneficiaries, it will be paid on the same basis as a general hospital (on the basis of an approved annual budget). Otherwise the Board will negotiate a patient-day rate to be paid for each day of covered service provided to an eligible beneficiary.

(Section 85.) This section provides that skilled nursing homes and home health agencies will be paid in the same manner as a general hospital (on an approved annual budget basis). The Board may specify use of nationally uniform systems of accounting and may prescribe by regulation the items to be used in determining approved costs and the services which will be recognized in budgets.

(Section 86.) Reimbursement for drugs will be made to the dispensing agent on the basis of an official "product price" for each drug on the approved list, plus a dispensing fee. The official product price will be set at a level which will encourage the pharmacy to purchase substantial quantities of the drug (this should result in significant reductions in the unit cost of each drug). The official price may be modified regionally to reflect differences in costs of acquiring drugs. The Board will establish dispensing fee schedules for reimbursing independent pharmacies. These schedules will take into account regional differences in costs of operation, differences in volume, level of services provided and other factors.

(Section 87.) Subsections (a) and (b) provide that a health maintenance organization or professional foundation will be paid a basic capitation rate multiplied by the number of eligible enrollees. The amount of the capitation rate will be determined by the per capita amounts available for the several professional services in the area, and a rate fixed by the Board as the average reasonable and necessary cost per enrollee for other covered services.

Subsection (c) taxes capitation amounts for institutional services based on per diem rates derived from the budgets of participating institutional providers or institutions with whom the organization or foundation may have a contractual agreement. The organization or foundation will be entitled to share in up to 75% of any savings which are achieved by lesser utilization of institutional services by its enrollees. Entitlement to such savings is conditional upon a finding by the Board that the services of the organization or foundation have been of high quality and adequate to the needs of its enrollees, and that the average utilization of hospital or skilled nursing services by the enrollees of the health maintenance organization or foundation is less than use of such services by comparable population groups not so enrolled but under otherwise comparable circumstances. This money may be used by the organization or foundation for any of its purposes, including the provision of services which are not covered under the Health Security program.

Subsection (e) authorizes the Board to allow organizations and foundations to reinsure with the Board against catastrophic costs incurred on behalf of any one enrollee.

Subsection (f) permits the Board to make an additional payment to health maintenance organization for the cost of clinical education or training provided by the organization.

(Section 88.) Subsection (a) provided that an organization or agencies with which the Board has entered into an agreement under section 49 (such as a neighborhood health center, a nonprofit mental health center, or local public health agency furnishing preventive or diagnostic services) may be paid by any method agreed upon other than fee-for-service.

Subsection (b) provides that independent pathology or radiology services may be paid on the basis of an approved budget or such other methods as may be specified in regulations.

Subsection (c) leaves the method of payment for other types of supporting services to be specified in regulations.

(Section 89.) This section provides that the Board will reduce payments to institutional providers in accordance with findings by the Secretary that a facility or any part of a facility has not been built in compliance with the area health plan.

(Section 90.) All participating providers will be paid from the Health Services Account in the Trust Fund at such time or times as the Board finds appropriate (but not less often than monthly). The Board may make advance payment to supply providers with working funds when it deems advisable.

### *Part F—Planning; funds to improve services and to alleviate shortages of facilities and personnel*

(Section 101.) This section sets forth the general purposes of Part F and authorizes appropriations, and subsequently expenditure from the Trust Fund, for these purposes. The part envisages a substantial strengthening of the health planning process throughout the country with an eye, first, to the special needs for personnel, facilities, and organization which inauguration of the Health Security program will entail, and thereafter to continuing improvement of the capabilities for effective delivery of health services. Beyond this, the part enables the Board, through selective financial assistance, to stimulate and assist in the development of comprehensive health services, the education and training of health personnel who are in especially short supply, and the betterment of the organization and efficiency of the health delivery system. For the two-year "tooling-up" period, appropriations of $200 and $400 million are authorized for financial assistance. Beginning with the effective date of health benefits, percentages of the Trust Fund expenditures will be earmarked for such assistance (section 63). From that date on, the leverage of these expanding funds will supplement and reinforce the incentives, which are built into the normal operation of the Health Security program, for improvement of the organization and methods of delivery of health services.

(Section 102.) This section directs the Secretary, in collaboration with State comprehensive health planning agencies, regional medical programs, and other planning agencies, to institute a continuous process of health service planning. Prior to the effective date of health benefits, the planning process must give first consideration to the most acute shortages and needs for delivery of covered services under this Act. Thereafter, planning shall be focused on maximizing continuing capability for delivery of these services.

This section places primarily on the State agencies the responsibility for coordinating the work of the many health planning agencies within the States, and for coordination with interstate agencies and with agencies planning in other fields related to health, but charges the Secretary with this function in any State that fails to meet the responsibility. Section 407 of the present bill amends the Public Health Service Act to increase the authorized appropriations for State and for local health planning, to extend them to 1978, and to condition grants upon collaboration for the national purposes embodied in the Health Security Act. Thus the bill, strengthening State planning agencies, focuses in them a responsibility visualized in the "partnership-for-health" legislation but in many States not yet an operating reality, for pulling together all health planning efforts within their territories. The task will not be easy, but it is one that is lent new urgency by the Health Security program. It belongs more properly to the States than to the national Government, but if any State proves unequal to the task it must and will be assumed by the Secretary.

(Section 103.) In administering part F, this section stipulates, the Board will give priority to improving comprehensive health services for ambulatory patients through the development or expansion of organizations furnishing such services, the recruitment and training of personnel, and the strengthening of coordination among providers of services. Financial assistance will be dispensed, so far as possible, in accordance with recommendations of the appropriate health planning agencies. Funds will not be used to replace other Federal financial assistance, and may supplement other assistance only to meet specific needs of the Health Security program. Other Federal assistance programs are to be administered when possible to further the objectives of part F, and the Board may provide loans or interest subsidies to help the beneficiaries of other programs to meet the requirements for non-Federal funds.

(Section 104.) Help of several kinds will be available under this section for the creation or the enlargement of organizations and agencies providing comprehensive care to ambulatory patients—either organizations to serve an enrolled population on a capitation basis, agencies such as neighborhood health centers which need not require enrollment in advance, or organizations furnishing comprehensive dental services. Grants may be made to any public or other nonprofit organization (which need not be a health organization) to help meet the cost, other than construction cost, of establishing such organizations, and to existing organizations to help meet the cost of expansion; the maximum grants being, in the former case 90 percent of the cost, in the latter 80 percent. The Board may also provide technical assistance for these purposes. Loans may be made for the cost of necessary construction, subject to the same 90 and 80 percent limitations on amount. Finally, start-up costs of operation of these organizations may be underwritten, for five years in the case of organizations which must build up an enrollment to assure operating income, and in other cases until the Health Security program begins payment for services in the first year of entitlement to benefits. The effect of these several provisions is to reduce sharply, if not eliminate, the financial obstacles which have heretofore impeded the growth of health maintenance and similar organizations.

(Section 105.) This section contains a series of provisions to assist in the recruitment, education, and training of health personnel. The Board will establish priorities to meet the most urgent needs of the Health Security system, but the priorities will be flexible both as between different regions and from time to time. Professional practitioners will be recruited for service in shortage areas, both urban and rural, and in health maintenance organizations, and such practitioners may be given income guarantees. Other Federal assistance for health education and training will be availed of, but the Board may supplement the other assistance if the Board believes it inadequate to the needs, until Congress has had opportunity to review its adequacy. The training authorized includes retraining. It also includes the development of new kinds of health personnel to assist in furnishing comprehensive services, and the training of area residents to participate in personal health education and to serve liaison functions and serve as representatives of the community in dealing with health organizations. Grants may be made to test the utility of such personnel, and to assist in their employment before the effective date of health benefits. Education and training are to be carried out through contracts with appropriate institutions and agencies, and suitable stipends to students and trainees are authorized. Physicians will be recruited and trained to serve as hospital medical directors. Finally, special assistance may be given, both to institutions and to students, to meet the additional costs of training persons disadvantaged by poverty, membership in minority groups, or other cause.

(Section 106.) This section authorizes special improvement grants: first, to any public or other nonprofit health agency or institution to establish improved coordination and linkages with other providers of services; and, second, to organizations providing comprehensive ambulatory care, to improve their utilization review, budget, statistical, or records and information retrieval systems, to acquire equipment needed for those purposes, or to acquire equipment useful for mass screening or for other diagnostic or therapeutic purposes.

(Section 107.) The Board is authorized to make demonstration grants to test the feasibility of maintaining disabled and chronically ill persons in their homes by providing personal care services such as homemaker care, laundry service, meals-on-wheels, assistance with transportation and shopping, etc. If these tests indicate that personal care services are effective in reducing the need for institutional care and can be provided without jeopardizing the integrity of the health security program, the Board is authorized to recommend to Congress the expansion of coverage for personal care services and long-term institutional care to all eligible persons.

(Section 108.) This section provides that loans under part F are to bear 3 percent interest and to be repayable in not more than 20 years. Other terms and conditions are discretionary with the Board, except for required compliance with the Davis-Bacon Act and related laws. Repayment of loans made from general appropriations will go to the general fund of the Treasury; repayment of later loans will revert to the Health Resources Development Account in the Trust Fund.

(Section 109.) This section specifies that payments under part F shall be in addition to, and not in lieu of, payments to providers under part F.

### *Part G—Administration*

This part of the bill creates an administrative structure within the Department of Health, Education and Welfare with responsibility for administration of the Health Security program. Program policy will be made by a five-member Board, under the supervision of the Secretary of HEW. The Board will be assisted by a National Health Security Advisory Council which will recommend policy and evaluate operation of the program, and an Executive Director who will serve as Secretary to the Board and chief administrative officer for the program. Administration of the program will be greatly decentralized among the HEW Regional Offices. Regional and local health services advisory councils will advise on all aspects of the program in their regions and local areas. The Board may also appoint such professional or technical committees as it may deem necessary.

(Section 121.) This section establishes a five-member full-time Health Security Board serving under the Secretary of Health, Education and Welfare. Board members will be appointed by the President with the advice and consent of the Senate, for five-year overlapping terms. Not more than three of the five appointees may be members of the same political party. A member who has served two consecutive terms will not be eligible for reappointment until two years after the expiration of his second term. One member of the Board shall serve as chairman at the pleasure of the President.

(Section 122.) This section charges the Secretary of HEW and the Board with responsibility for performing the duties imposed by this title. The Board shall issue regulations with the approval of the Secretary. It is required to engage in the continuous study of operation of the Health Security program, and of the adequacy of its financing; and, with the approval of the Secretary, to make recommendations on legislation and matters of administrative policy, and to report to the Congress annually on administration and operation of the program. The report will include an evaluation of adequacy and quality of services, costs of services and the effectiveness of measures to restrain the costs. The Secretary of HEW is instructed to coordinate the administration of other health-related programs under his jurisdiction with the administration of Health Security, and to include in his annual report to the Congress a report on his discharge of this responsibility.

The Civil Service Commission is instructed to make every effort to facilitate recruitment and employment, to work in the Health Security Administration, of persons experienced in private health insurance administration and other pertinent fields.

Subsection (g) authorizes the Board to establish fifty positions, carrying salaries in the GS-16 to GS-18 range, in the professional, scientific, and executive service, to meet the need for highly qualified personnel both in research and development activities and in administration. It is expected that about half of these positions would be used for high-level administrative assignments, and the other half for the most responsible professional and scientific work of the Board.

(Section 123.) This section creates the position of an Executive Director, appointed by the Board with the approval of the Secretary. The Executive Director will serve as Secretary to the Board and shall perform such duties in administration of the program as the Board assigns to him. The Board is authorized to delegate to the Executive Director or other employees of HEW any of its functions or duties except the issuance of regulations and the determination of the availability of funds and their allocations to the regions.

(Section 124.) This section provides that the program will be administered through the regional offices of the Department of HEW. It also requires the establishment of local health service area offices and local offices.

A health service area will in most instances be a State or a part of a State except where patterns in the organization of health services and the flow of patients indicate that an interstate area would provide a more practical administrative unit. One of the responsibilities of local offices will be to investigate complaints about the administration of the program.

(Section 125.) Subsection (a) establishes a National Health Security Advisory Council, with the Chairman of the Board serving as the Council's Chairman and 20 additional members not in the employ of the Federal Government. A majority of the appointed members will be consumers who are not engaged in providing and have no financial interest in the provision of health services. Members of the Council representing providers of care will be persons who are outstanding in fields related to medical, hospital or other health activities or who are representatives of organizations or professional associations. Members will be appointed to four-year over-lapping terms by the Secretary upon recommendation by the Board.

Subsection (b) authorizes the Advisory Council to appoint professional or technical committees to assist in its functions. The Board will make available to the Council all necessary secretarial and clerical assistance. The Council will meet as frequently as the Board deems necessary, or whenever requested by seven or more members, but not less than four times each year.

Subsection (c) provides that the Advisory Council will advise the Board on matters of general policy in the administration of the program, the formulation of regulations and the allocation of funds for services. The Council is charged with responsibility for studying the operation of the program and utilization of services under it, with a view to recommending changes in administration or in statutory provisions. They are to report annually to the Board on the performance of their functions. The Board, through the Secretary, will transmit the Council's report to the Congress together with a report by the Board on any administrative recommendations of the Council which have not been followed, and a report by the Secretary of his views with respect to any legislative recommendations of the Council.

(Section 126.) To further provide for participation of the community, the Board will appoint an advisory council for each region and local area. Each such Council would have a composition parallel to that of the National Council; and each will have the function of advising the regional or local representative of the Board on all matters directly relating to the administration of the program.

(Section 127). The Board is authorized to appoint standing committees to advise on the professional and technical aspects of administration with respect to services, payments, evaluations, etc. These committees will consist of experts drawn from the health professions, medical schools or other health educational instiutions, providers of services, etc. The Board is also authorized to appoint experts and consultants and temporary committees to advise on special problems. The committees will report to the Board, and copies of their reports are to be made available to the National Advisory Council.

(Section 128). Subsection (a) requires the Board to consult with appropriate State health and other agencies to assure the coordination of the Health Security program with State and local activities in the fields of environmental health, licensure and inspection, health education, etc.

Subsection (b) requires the Board, whenever possible, to contract with States to survey and certify providers (other than professional practitioners) for participation in the program. This is similar to Medicare except that the Board is given authority to establish the qualifications required of persons making the inspections.

Subsection (c) authorizes the Board to contract with State agencies to undertake health education activities, supervision of utilization review programs, and programs to improve the quality and coordination of available services in that State.

Subsection (d) requires the Board to reimburse States for the reasonable cost of performing such contract activities and authorizes the Board to pay all or part of the cost of training State inspectors to meet the qualifications established by the Board.

Subsection (e) directs the Board to make inspections if a State is unable or unwilling to do so.

Subsection (f) calls for the publication of the results of inspections.

(Section 129). The Board is authorized to provide technical assistance either directly or through contract with a State to skilled nursing homes and home health agencies in regard to the planning of social services, dietetics, etc.

(Section 130). Subsection (a) charges the Board with responsibility for informing the public and providers about the administration and operation of the Health Security program. This will include informing the public about entitlement to eligibility, nature, scope, and availablity of services. Providers would be informed of the conditions of participation, methods and amounts of compensation, and administrative policies. In support of the program's effort to improve drug therapy, the Board is authorized, with the approval of the Secretary, to furnish all professional practitioners with information concerning the safety and efficacy of drugs appearing on either of the approved lists (Section 25), indications for their use, and contraindications. Information of this nature is not now always available to practioners.

Subsection (b) requires the Board to make a continuing study and evaluation of the program, including adequacy, quality and costs of services. Subsection (c) authorizes the Board directly or by contract to make detailed statistical and other studies on a national, regional, or local basis of any aspect of the operation of the title, to develop and test methods of peer review of drug utilization and of other service performances, systems of information retrieval, budget programs, instrumention for multiphasic screening or patient services, reimbursement systems for drugs, and other studies which it considers would improve the quality of services or adminstration of the program.

Subsection (d) The Board is authorized to enter into agreements with providers to experiment with alternative methods of reimbursement which offer promises of improving the co-ordination of services, their quality or accessibility.

(Section 131.) Severe discrepancies exist today between the national need for various kinds of health manpower and the availability of clinical facilities to train such personnel. Certain specialties (such as surgery) in which there is a surplus of manpower monopolize clinical training facilities to the disadvantage of specialties in short supply (such as primary or family practice), thus perpetuating the imbalance between supply and demand. This section gives the Board authority to bring the availability of clinical training facilities into balance with national or regional manpower needs by issuing training priorities for institutional providers participating in the program.

(Section 132.) This section grants authority to the Board, in accordance with regulations, to make determinations of who are participating providers of service, determinations of eligibility, of whether services are covered, and the amount to be paid to providers. The Board is granted authority to terminate participation of a provider who is not in compliance with qualifying requirements, agreements or regulations. But unless the safety of eligible individuals is endangered, the provider shall be entitled to a hearing before the termination becomes effective.

(Section 133.) This section establishes procedures for hearings, and for judicial review, similar to those under the Social Security Act.

(Section 134.) This section has one of the bill's most important provisions with respect to achieving improvement in coordination, availability, and quality of services. It greatly strengthens state and local planning agencies and gives the Board authority to curtail inefficient administration of participating institutional providers.

The Board is authorized to issue a direction to any participating provider (other than an individual professional practitioner) that, as a condition of participation, the provider add or discontinue one or more covered services. For example, if two community hospitals are operating maternity wards at low occupancy rates, the Board may require that one hospital cease to provide such service. A provider may be required to provide services in a new location, enter into arrangements for the transfer of patients and medical records, or establish such other coordination or linkages of covered services as the Board finds appropriate.

In addition, if the Board finds that services furnished by a provider are not necessary to the availability of adequate services under this title, that their continuance is unreasonably costly, or that the services are furnished inefficiently (and that efforts to correct such inefficiency have proven unavailing) the Board may terminate participation of the provider.

No direction shall be issued under this section except upon the recommendation of, or after consultation with, the appropriate state health planning agency. And no direction shall be issued under this section unless the Board finds that it can be practicably carried out by the provider to whom it is addressed. The Board is required to give due notice and to establish and observe appropriate procedures for hearings and appeals, and judicial review is provided.

(Section 146.) This section instructs the Board to give consideration to the findings and recommendations of the Secretary's Commission on Medical Malpractice.

### *Part H—Quality of care*

This part authorizes the Board, and charges it with the duty, to maintain and enhance the quality of care furnished under the Act. Section 141(a) sets forth this authority and this duty, to be discharged with the advice and assistance of, and in close collaboration with, the Commission on the Quality of Health Care created by an amendment of the Public Health Service Act contained in title III of the present bill. Regulations under the part are to be issued before health security benefits become effective, and thereafter to be upgraded as rapidly as is practicable. Subsection (b) states as the objective the highest quality of care attainable throughout the nation, with exceptions to quality requirements only when, and as long as, they are necessary to avoid acute shortages of services. Subsection (c) calls for collaboration with the Commission, and stipulates that any failure to follow its recommendations shall be submitted to the Secretary and that, unless he directs the Board to adopt the recommended regulations, the reasons for not doing so must be published by the Board.

(Section 142.) The Board is to issue regulations requiring continuing professional education for physicians, dentists, optometrists and podiatrists. Reports of compliance with the regulations will be required and, after warning, practitioners may be disciplined for failure to comply.

(Section 143.) Subsection (a) provides that major surgery, and other procedures specified in regulations, are not covered services unless they are performed by a specialist, and (except in emergencies) are, to the extent prescribed in regulations, performed on referral by a physician engaged in general practice. Specialists, according to subsection (b), are those certified by the appropriate national specialty boards, with a five-year period allowed board-qualified physicians to obtain certification, and with a "grandfather" exception for certain physicians practicing when health security benefits go into effect. Subsection (c) authorizes the Board to require, except in acute emergencies, consultation with an appropriate specialist, as a prerequisite to specified surgical procedures; in such cases subsection (d) enables the Board to require pathology reports and clinical abstracts or discharge reports.

(Section 144.) Subsection (a) requires that practitioners furnishing services on behalf of institutional or other providers meet the same qualifications that are demanded of independent practitioners. Subsection (b) authorizes the Board to make additional requirements, in the interest of the quality of care and of safety of patients, for all providers other than professional practitioners. This is like the authority given the Secretary under the Medicare law, but with the notable difference that standards of the Joint Commission on the Accreditation of Hospitals constitute a minimum for Board requirements, rather than a maximum as under Medicare. Exceptions are permitted only, as stated in section 141, to avoid acute shortages or services.

(Section 145.) Although the provisions relating to professional standards review organizations, recently added to the Social Security Act, are repealed by section 405 of the present bill, the Board is authorized, on recommendation of the Commission on the Quality of Health Care, to use organizations previously designated or conditionally designated by the Secretary for the purpose of monitoring the quality of services, either institutional or noninstitutional. The Board may also use for this purpose similar organizations approved by it in the future.

(Section 146.) In exercising its authority under part H the Board is directed to take into account the findings of the Secretary's Commission on Medical Malpractice, and to seek to reduce the incidence of malpractice and to improve the availability of malpractice insurance.

### *Part I—Miscellaneous provisions*

(Section 161.) This section contains definitions of certain terms used in the title.

(Section 162.) This section creates the offices of Deputy Secretary for Health, Education and Welfare and an Under Secretary for Health and Science in the Department of Health, Education and Welfare, and abolishes the office of Under Secretary of Health, Education and Welfare.

(Section 163.) This section stipulates that the effective date for entitlement for benefits will be July 1, of the second calendar year following enactment.

(Section 164.) Subsection (a) provides that an employer will not be relieved, by the enactment of the Health Security Act, of any existing contractual or other non-statutory obligation to provide or pay for health services to his present or former employees and their families. An employer whose cost under such a contract, immediately before health security taxes go into effect, exceeds the cost to him of paying those taxes is required by subsection (b) to apply the excess, during the remaining life of the contract, first to the payment of health security taxes on behalf of his employees. If an excess still remains after meeting this obligation, and after an allowance for the cost of any continuing obligation to pay for health services not covered by Health Security, subsection (c) requires the employer to pay the amount of this remaining excess to those employees, former employees, and survivors who are beneficiaries of the pre-existing contract; but by agreement with the employees or their representatives, these funds may be applied to other employee benefits. Computations of the amounts involved are to be made on a per capita basis, as defined in subsection (d).

### TITLE II—HEALTH SECURITY TAXES

### *Part A—Payroll taxes*

(Section 201.) Effective on January 1 of the second year after enactment, subsections (a) and (b) covert the existing Medicare hospital insurance payroll taxes into Health Security taxes, and raise the rates to 1 percent on employees and 3.5 percent on employers. Subsection (c) raises the wage base for the employee tax from $12,000 (as present law provides after 1973) to $15,000, with subsequent further increase if wage levels rise, so that the Health Security wage base will always be 125 percent of the Social Security wage base. This subsection also eliminates the wage ceiling from the employer tax, and broadens the definitions of covered employment to include foreign agricultural workers, employees of the United States and its instrumentalities (other than members of the armed forces, and the President, Vice-President, and Members of Congress), employees of charitable and similar organizations railroad employees, and (for the employee tax only) employees of States and their political subdivisions and instrumentalities.

(Section 202.) Section 202 makes a number of conforming and technical amendments. Chief among these are provisions for refund of excess taxes collected from an employee who has held two or more jobs, on wages aggregating in a year more than the amount of the new wage base; exclusion of Health Security contributions from agreements with State governments for the social security coverage of State and municipal employees (since these employees will contribute to Health Security through payroll taxes); and exclusion of Health Security contributions from agreements for the coverage of United States citizens employed by foreign subsidiaries of United States corporations (since these employees will not benefit substantially from Health Security in its present form).

(Section 203.) This section excludes from the gross income of employees, for income tax purposes, payment by their employers of part or all of the Health Security taxes on the employees.

(Section 204.) This section spells out the effective dates of the new payroll tax provisions.

### *Part B—Taxes on self-employment income and unearned income*

(Section 211.) Effective at the beginning of the second calendar year after enactment, this section converts the existing Medicare self-employment tax into a Health Security self-employment tax, raises the rate to 2.5 percent, and raises the maximum taxable self-employment income from $12,000 to $15,000 (with the same upward adjustment as in the employee tax for subsequent rises in average wage levels).

(Section 212.) Effective on the same date this section adds a new 1 percent Health Security tax on unearned income (unless such income is less than $400 a year), subject to the same maximum on taxable income as is applicable to the employee and self-employment taxes. Taxable unearned income is adjusted gross income up to the stated maximum, minus wages and self-employment income already taxed for Health Security purposes (excluding certain items of income specifically excluded from the other taxes and excluding $3,000 in unearned income for persons over age 60.)

(Sections 213, 214.) These sections make technical amendments and specify effective dates for this part.

### TITLE III—COMMISSION ON THE QUALITY OF HEALTH CARE

(Section 301.) The purpose of Title III is to create a Commission on the Quality of Health Care in order to improve health care in the United States. The Commission's function is:

To develop methods of measuring health care,

To develop standards for promoting health care of high quality,

To encourage the use of such measurements and standards under the provisions of the Health Security Act.

(Section 302.) This section adds to the Public Health Service Act a new Title XII, entitled "Commission on the Quality of Health Care."

(Section 1201, Public Health Service Act.) Subsection (a) establishes a Commission on the Quality of Health Care within the Department of Health, Education, and Welfare. The Commission will consist of eleven members who are to be appointed by the Secretary after consultation with the Health Security Board. The Commission is required to carry out the functions set forth under new sections 1202 and 1203.

Subsection (b) describes the requirements for the membership of the Commission. Seven of the members appointed must be representatives of health service providers or representatives of nongovernmental organizations that are engaged in the process of developing standards relating to the quality of health care. Four members must be representatives of consumers who are not related to and have no financial interest in the delivery of health care services. Commission members will be appointed to serve five year overlapping terms. Subsection (c) requires the Secretary to designate the Chairman of the Commission, who serves at the pleasure of the Secretary. Subsection (d) authorizes the Commission to employ needed personnel and appoint advisory committees. It also stipulates the conditions of employment and rates and terms of compensation.

(Section 1202, Public Health Service Act.) Subsection (a) defines the primary responsibilities of the Commission. The Commission is directed to initiate and continuously develop methods to assess the quality of health care delivered under the provisions of the Health Security Act; and to initiate and develop ways to use such assessments in order to maintain and improve the quality of health care delivered under that Act. The Commission is required to submit its findings and recommendations to the Secretary and the Health Security Board.

Specifically, the Commission is required to:

(1) collect data on a systematic and nationwide basis that will provide information on the (A) qualifications of health personnel and the adequacy and ability of health care facilities to provide quality health care; (B) the patterns of health care practices that are delivered in actual episodes of care; (C) the utilization patterns for components of the health care system; and (D) the health of patients during and at the end of actual episodes of care and the relationship of the various factors outlined above to the health of such patients;

(2) use the date it collects to develop statististical norms and ranges to describe the factors outlined in paragraph (1). Such norms and ranges may be developed on a national or regional basis, for particular population groups, or on any other basis deemed most useful by the Commission;

(3) use such statistical norms and ranges as a basis for developing standards (and acceptable deviation from such standards) that will be useful in measuring, controlling, and improving the quality of health care; and

(4) make recommendations to the Secretary and the Health Security Board on the proper use of standards developed under the provisions of paragraph (3) in connection with the Board's continuing resonsibility for the maintenance and improvement of the quality of the health care delivered under the Health Security Act. Such recommendations may also be used by the Secretary or the Board when developing proposals to amend the Health Security Act.

When carrying out its duties under the provisions of this subsection, the Commission is directed to give first priority to the quality of care delivered for those illnesses or conditions which have high incidence of occurrence within the population and which are responsive to medical or other treatment.

Subsection (b) requires the Commission to conduct a broad health care research program. Specifically, the objectives of the program are to:

(1) improve technologies for assessing health care quality;

(2) compare the quality of health care under alternative health delivery systems and methods of payment;

(3) analyze the effects of consumer health education and preventive health services;

(4) continue the studies made by the Secretary's Commission on Medical Malpractice. In this respect, the Commission is also required to evaluate any of the recommendations of the Secretary's Commission which the Health Security Board has put into effect, or any other measures that the Board has established, which pertain to the incidence of malpractice, malpractice insurance, or malpractice claims;

(5) obtain other information that will be useful in order to accomplish the purposes of the new title of the Public Health Service Act and title I, part H, of the Health Security Act (concerning the maintenance and improvement of the quality of health care delivered under the Health Security Act).

Subsection (c) authorizes the Commission to provide technical assistance to enable participating providers to furnish the Board with information required by it for purposes of the Commission. The Commission is also authorized to provide technical assistance to participating providers who are developing and carrying out quality control programs.

(Section 1203, Public Health Service Act.) This section directs the Commission, even before it has developed standards under the preceeding provisions, to give advice and make recommendations to the Health Security Board concerning quality health care regulations.

(Section 1204, Public Health Service Act.) This section authorizes the Commission to establish twenty-five positions, carrying salaries in the GS–16 to GS–18 range, in the professional, scientific, and executive service, to meet the need for highly qualified personnel in the research and development activities of the Commission.

(Section 303.) This section makes conforming technical amendments to the Public Health Services Act.

### TITLE IV—REPEAL OR AMENDMENT OF OTHER ACTS

(Section 401.) Subsection (a) repeals Medicare on the date benefits become effective but stipulates that this shall not affect any right or obligation incurred prior to that date.

(Section 402.) This section requires that after the effective date of benefits, no State shall be required to furnish any service covered under Health Security as a part of its State plan for participation under Medicaid, and that the Federal government will have no responsibility to reimburse any State for the cost of providing a service which is covered under Health Security. After the effective date of benefits, the Secretary of HEW shall prescribe by regulation the new minimum scope of services required as a condition of State participation under Title XIX. To the extent the Secretary finds practicaable, the new minimum benefits will be designed to supplement Health Security—especially with respect to skilled nursing home services, dental services and the furnishing of drugs.

(Section 403.) This section provides that funds available under the Vocational Rehabilitation Act or the Maternal and Child Health title of the Social Security Act shall not be used to pay for personal health services after the effective date of benefits, except (to the extent prescribed in regulations by the Secretary of HEW) to pay for services which are more extensive than those covered under Health Security.

(Section 404.) This section makes applicable to Health Security the provisions recently added to the Social Security Act requiring reduction in reimbursement for care in facilities which have made substantial capital expenditures found by a State planning agency to be inconsistent with standards developed pursuant to the Public Health Service Act. Because the provision will continue to apply to the residual programs under titles V and XIX of the Social Security Act, the reductions will continue to be determined by the Secretary and his determinations are made binding on the Board, as provided in section 89 of the bill.

(Section 405.) This section repeals the provisions recently added to the Social Security Act relating to professional standards review organizations. Section 145 of the bill permits the use of such organizations already designated by the Secretary, and approval by the Board and use of similar organizations in the future.

(Section 406.) Subsection (a) amends section 1817 of the Social Security Act, creating the Federal Hospital Insurance Trust Fund, and transfers it to become section 61 of the Health Security Act under the title "Health Security Trust Fund". The effect of this transfer is summarized in the description of title I, part D, of the present bill. Subsection (b) extends to the Health Security system the provisions of section 201(g) of the Social Security Act, authorizing annual Congressional determination of amounts to be available from the respective trust funds for the administration of the several national systems of social insurance. Subsections (c) and (d) contain conforming and technical provisions.

(Section 407.) This section contains the extension and enlargement, for the purposes of section 102 of the present bill, of sections 314 (a) and (b) of the Public Health Service Act under which support is provided for State and local comprehensive health planning.

(Section 408.) This section establishes the salary levels for the Under Secretary for Health and Science, Department of Health, Education, and Welfare, the Chairman of the Health Security Board, members of the Health Security Boards and members of the Commission on the Quality of Health Care, and the Executive Director of the Health Security Board.

### TITLE V—STUDIES RELATED TO HEALTH SECURITY

(Section 501.) This section directs the Secretary of Health, Education, and Welfare in consultation with the Secretary of State and the Secretary of the Treasury to study the coverage of health services for United States residents in other countries.

(Section 502.) Subsection (a) directs the Secretary of HEW to study means of coordinating the federal health care programs for merchant seamen, and for Indians and Alaskan natives, with the Health Security benefits program. The Secretary and the Administrator of Veterans' Affairs shall conduct a similar joint study of the means of coordinating veterans health care programs with the Health Security benefits program. A similar study is to be conducted, jointly with the Secretary of Defense, relating to the program of care, in civilian facilities, of the dependents of military personnel. Reports to the Congress and any legislative recommendations arising from the studies are required within three years after the enactment of the Health Security Act.

Subsection (b) requires the respective Secretaries and the Administrator to consult with representatives of the affected beneficiary groups, and to include a summary of their views in the reports to Congress.

With respect to the joint study to determine the most effective method of coordinating the Veterans' Administration Health Program with the Health Security program established under this bill, it is important to understand that there is no intention to require either the integration of the VA program into the Health Security program, or even the consideration of such integration. Rather, the section recognizes that any national health security or health insurance program would be so pervasive as to require other federal health programs such as those of the Veterans' Administration to be effectively coordinated with them. Through such coordination, needless duplication and expenditures should be avoided.

(Section 503.) This section authorizes the appropriation of money needed for conducting the studies authorized in this title, and the use of experts and consultants and advisory committees, and of contracts for the collection of information or the conduct of research.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a summary of the bill be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

### NEW FEATURES IN THE HEALTH SECURITY ACT OF 1973, S. 3—AS INTRODUCED IN THE 93D CONGRESS

#### DENTAL BENEFITS

The Health Security Board is authorized to extend the coverage for dental services (limited to children up to age 15 at the start) faster than the timetable specified in the legislation if adequate manpower is available. In addition, the Board is required, within seven years of the effective date of the legislation, to publish a timetable for phasing in the entire adult population. To encourage the development of comprehensive medical/dental or dental group practice programs, the Board is authorized to extend coverage more rapidly to enrollees of such groups than to the population at large. The Resources Development Fund contains a new priority to develop dental group practice.

#### HEALTH MAINTENANCE ORGANIZATIONS

The name "comprehensive health service organization" is changed to "health maintenance organization." HMO's will now be required to furnish or arrange for all covered services except mental and dental services (previously they could also elect not to furnish institutional services—hospital, skilled nursing home care, home health services).

#### PROFESSIONAL FOUNDATIONS

Medical foundations are given the same expanded drug benefit previously available only in health maintenance organizations. That is, a full range of prescription drugs are now covered for all patients served through HMO's or foundations. The foundations are required to provide the same range of services as an HMO.

#### MALPRACTICE

While fully protecting patients' rights, the new Health Security bill prevents double recovery in a malpractice action by stipulating that no damages will be awarded to the injured party for the cost of remedial services which he was (or is) entitled to receive free of charge under Health Security. The recommendations of the Commission Medical Practice will be considered by the Board.

#### MANPOWER TRAINING

There is now authority to use training funds for the retraining of health workers (as well as training). Similarly, support is now available to enhance or refresh skills or for new positions of greater responsibility—"career ladders" are encouraged through grants.

#### MAINTENANCE AND LONG-TERM CARE

A new section gives the Board authority to make grants for pilot projects to test the feasibility of home maintenance care for chronically ill or disabled people. Home maintenance services include homemaker services, home maintenance, laundry services, meals on wheels, assistance with transportation and shopping, and such other services as the Board deems appropriate. If experience under these projects proves that home maintenance services reduce the need for institutional care (hospital, skilled nursing home) and can be administered in such a way as to effectively control inappropriate or unnecessary utilization, the Board is authorized to recommend expansion of these services to the entire population.

#### CONSUMER PARTICIPATION

Requires regional and local advisory councils to select consumers who (to the maximum extent feasible) reflect the composition of the state or community served.

#### PROTECTION OF PREVIOUSLY NEGOTIATED BENEFITS

Strengthens the requirement that Health Security will not alter existing employer obligations with respect to the purchase of health benefits for his employees and requires employers to absorb all or part of the employees tax if his current obligation for health benefits exceeds 3.5% of payroll.

#### INCREASING THE TAX BASE TO REFLECT INCREASES IN THE SOCIAL SECURITY TAX BASE

Provides a mechanism for increasing the Health Security tax base at the rate of 125% of the contribution and benefit base as determined under Section 230 of the Social Security Act.

#### TAX RELIEF FOR SENIOR CITIZENS

Exempts for purposes of the Health Security tax the first $3000 unearned income for persons over age 60.

#### TITLE III COMMISSION ON THE QUALITY OF CARE

This is a new section establishing a Commission on the Quality of Health care to develop parameters and standards for care of high quality. The Commission will be quasi-independent Board reporting to the Health Security Board but with authority to appeal to the Secretary of HEW if it believes the Health Security Board has failed to implement or enforce effective quality standards. Part H (Sections 141–145) brings together quality control provisions previously scattered throughout the bill.

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By Mr. WILLIAMS (for himself and Mr. Javits, Mr. Bayh, Mr. Beall, Mr. Bible, Mr. Brooke, Mr. Burdick, Mr. Case, Mr. Cook, Mr. Cranston, Mr. Dominick, Mr. Eagleton, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Sparkman, Mr. Stafford, Mr. Stevenson, Mr. Taft, Mr. Tunney, and Mr. Weicker):

S. 4. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans. Referred to the Committee on Labor and Public Welfare.

### RETIREMENT INCOME SECURITY FOR EMPLOYEES ACT OF 1973

Mr. WILLIAMS. Mr. President, today, together with Senator Javits and other Senators, I am introducing the Retirement Income Security for Employees Act of 1973. This bill is identical to S. 3598 of the 92d Congress, and is designed to alleviate a major problem facing many older Americans by strengthening our Nation's system of private pension plans.

As chairman of the Senate Subcommittee on Labor, I have, for the past 3 years, directed a detailed study of private pension plans in the United States. That study has dramatically documented the widespread weaknesses which often deny American workers the retirement security they look forward to during a lifetime of work. The subcommittee carefully drafted the bill I am introducing today to correct the deficiencies uncovered by our study, and there is compelling evidence in favor of prompt passage of this measure.

Our study shows that private pension plans repeatedly fail to fulfill their promise of retirement security. The subcommittee provided a public forum, for the first time, for workers who have suffered because of such failures, and we listened to one heartbreaking story after another of dashed hopes, broken promises, and the bleak despair of a poverty-stricken old age. At public hearings in Washington and five other cities, workers eloquently expressed the shock and despair they felt when they learned that their dreams of living out retirement years in economic security were never going to come true.

Coupling this testimony with facts gleaned from a survey of 1,302 representative private plans, the subcommittee developed a solid case for Federal regulation of the system. For example, we documented the fact that there are a vast number of pension forfeitures as a result of weak, or nonexistent, vesting provisions.

In another phase of the study, the subcommittee examined opposition to pension legislation based on anticipated cost burdens to the plans, and to employers. Obviously, vastly increased costs would work against the best interests of all parties to the plans, possibly lowering benefits at a time when they are already very low in many plans. However, this study, conducted by an independent actuary with assistance from the GAO, found that the cost increase would come to only a few tenths of a percentage point if the minimum requirements for vesting in this bill were to be followed.

Additionally, numerous staff studies of individual plans were made, and interviews and conferences conducted, in a search for factual data. Enough evidence was accumulated by the subcommittee during 1971 and 1972 to enable it to conclude that certain aspects of pension plans must meet minimum standards if such plans are to fulfill their intended purpose. Most in need of Federal regulation are the vesting, funding, and fiduciary and disclosure requirements of plans. The subcommittee also saw a need for a Federal program of insurance against plan terminations resulting from the failure, merger, or sale of a business, and for an experimental, voluntary program of portability to which individual employers could subscribe.

Additional support for pension reform came from employer-spokesmen, and other representatives from all segments of this $152 billion industry, who testified last June about the need for some Federal authority to insure that the worthwhile goals of employers and labor organizations in establishing pension plans would be realized.

With this tremendous background of evidence derived from years of painstaking inquiry, the Retirement Income Security for Employees Act of 1972 was introduced by Senator Javits and myself, on May 11, 1972; we were ultimately joined by 46 cosponsors. The Subcommittee on Labor and the Committee on Labor and Public Welfare unanimously approved it, and S. 3598 was reported to the Senate on September 15, 1972. My colleagues will recall that, due to the urgency of other matters pending, and the proximity of national elections, that bill was not brought to the floor for a vote. However, although it was not voted upon, many Senators expressed a desire for the bill to be brought up in the next session of the Congress as soon as possible.

Mr. President, the Retirement Income Security for Employees Act of 1973 is identical to the bill reported by the Committee on Labor and Public Welfare last year. It would establish minimum standards in private pension plans for the protection and preservation of benefits which are due to workers upon retirement. The enactment of this bill will not only eliminate existing inequities, but will also contribute to strengthening our private pension system.

Under the provisions of this bill, 8 years of service will vest a worker with 30 percent of his retirement benefits; that is increased by 10 percent each year until full vesting is achieved at 15 years. Because vesting of rights to a worker without adequate funding is an empty promise, our bill will require funding of all pension benefit liabilities over a 30-year period; it also includes a Federal insurance program to assure against loss of pension benefits prior to full funding of a plan. The bill will establish a voluntary system for portability of vested benefit credits. And, it also calls for improved and more stringent fiduciary standards, and more comprehensive and understandable disclosure to plan participants of their rights and obligations.

Mr. President, this legislation is not intended as an indictment of the private pension system in this country. However, despite the effectiveness of some private pension plans, it is undeniable that substantial numbers of plans, due to nonexistent or inequitable provisions for the protection of workers, are failing to deliver the benefits promised to participants.

The weaknesses, and their tragic consequences, must be recognized and corrected. Opponents of comprehensive pension reform have often attempted, and sometimes succeeded, in clouding the basic issue involved here. That issue is simple—should American working men and women be assured of receiving the retirement benefits they are promised, and that they look forward to during a lifetime of toil? The answer is unquestionably "yes." Furthermore, I believe a majority of my colleagues in this Chamber, and a majority of the Members of the House of Representatives, share that view.

The shortcomings in pension plans documented by our Labor Subcommittee study are neither imaginary, nor exaggerated; they are very real and they continue to bring great hardships to thousands of workers. Our study clearly documented both the shortcomings and the resulting hardships, and pointed the way to meaningful change. It also underscored the fact that real improvement in this unconscionable situation will come only through comprehensive legislative action. The Retirement Income Security for Employees Act of 1973 represents that kind of comprehensive approach, and, in my judgment, would go a long way toward strengthening private pension plans.

For far too many years, American workers have suffered under pension plan vagaries and inequities. For far too many years, workers have seen life-long dreams of retirement security disappear into thin air. The changes envisioned in this bill are long, long overdue. I earnestly hope that they will be enacted by this 93d Congress; it would be an outrage if we failed to act, and asked some 35 million Americans covered by private pension plans to wait even longer for the retirement security that is rightfully theirs.

Mr. President, I ask unanimous consent that the full text of the bill together with an outline of its major provisions and a section-by-section analysis be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 4

A bill to strengthen and improve the protections and interests of participants and beneficiaries of employees pension and welfare benefit plans

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Retirement Income Security for Employees Act".

INDEX

Sec. 2. Findings and declaration of policy.
Sec. 3. Definitions.

TITLE I—ORGANIZATIONS

PART A—ORGANIZATIONAL STRUCTURE

Sec. 101. Powers and duties of the Secretary.
Sec. 102. Appropriations.
Sec. 103. Office of administration.

PART B—COVERAGE, EXEMPTIONS, AND REGISTRATION

Sec. 104. Coverage and exemptions.
Sec. 105. Registration of plans.
Sec. 106. Reports on registered plans.
Sec. 107. Amendments of registered plans.
Sec. 108. Certificate of rights.

TITLE II—VESTING AND FUNDING REQUIREMENTS

PART A—VESTING REQUIREMENTS

Sec. 201. Eligibility.
Sec. 202. Vesting schedule.

PART B—FUNDING

Sec. 210. Funding requirements.
Sec. 211. Discontinuance of plans.

PART C—VARIANCES

Sec. 216. Deferred applicability of vesting standards.
Sec. 217. Variances from funding requirements.

TITLE III—VOLUNTARY PORTABILITY PROGRAM FOR VESTED PENSIONS

Sec. 301. Program established.
Sec. 302. Acceptance of deposits.
Sec. 303. Special fund.
Sec. 304. Individual accounts.
Sec. 305. Payments from individual accounts.
Sec. 306. Technical assistance.

TITLE IV—PLAN TERMINATION INSURANCE

Sec. 401. Establishment and applicability of program.
Sec. 402. Conditions of insurance.
Sec. 403. Assessments and premiums.
Sec. 404. Payment of insurance.
Sec. 405. Recovery.
Sec. 406. Pension Benefit Insurance Fund.

TITLE V—DISCLOSURE AND FIDUCIARY STANDARDS

TITLE VI—ENFORCEMENT

TITLE VII—EFFECTIVE DATES

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that private pension and other employee benefit plans and programs in the United States are intrinsically woven into the working and retirement lives of American men and women; that such plans and programs have become firmly rooted into our economic and social structure; that their operational scope and economic impact is interstate and increasingly affecting more than thirty million worker participants throughout the United States; that the pension assets of approximately $150,000,000,000 accelerating at more than $10,000,000,000 annually, represent the largest fund of virtually unregulated assets in the United States; that the growth in size, scope, and numbers of employee benefit plans is continuing rapidly and substantially; that Federal authority over the establishment, administration, and operations of these plans is fragmented and ineffective to secure adequate protection of retirement and welfare benefits due to the workers covered and affected; that deficient and inadequate provisions contained in a number of such plans are directly responsible for hardships upon working men and women who are not realizing their expectations of pension benefits upon retirement; that there have been found to be serious consequences to such workers covered by these plans directly attributable to inadequate or nonexistent vesting provisions, lack of portability to permit the transfer of earned credits by employees from one employment to another; that terminations of plans beyond the control of employees, without necessary and adequate funding for benefit payments, has deprived employees and their dependents of earned benefits; that employee participants have not had sufficient information concerning their rights and responsibilities under the plans, resulting in loss of benefits, without knowledge of same; that the lack of uniform minimum standards of conduct required of fiduciaries, administrators, and trustees has jeopardized the security of employee benefits; and that it is therefore desirable, in the interests of employees and their beneficiaries, and in the interest of the free flow of commerce, that minimum standards be prescribed to assure that private pension and employee benefit plans be equitable in character and financially sound and properly administered.

(b) It is the declared policy of this Act to protect interstate commerce, and the equitable interests of participants in private pension plans and their beneficiaries, by improving the scope, administration, and operation of such plans, by requiring pension plans to vest benefits in employees after equitable periods of service; to meet adequate minimum standards of funding; to prevent the losses of employees' earned credits resulting from change of or separation from employment; to protect vested benefits of employees against loss due to plan termination; and to require more adequate disclosure and reports to participants and beneficiaries of plan administration and operations, including financial information by the plan to the participant, as may be necessary for the employees to have a comprehensive and better understanding of their rights and obligations to receive benefits from the plans in which they are participants; to establish minimum standards of fiduciary conduct, and to provide for more appropriate and adequate remedies, sanctions, and ready access to the courts.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Secretary" means the Secretary of Labor.

(2) "Office" means the Office of Pension and Welfare Plans Administration.

(3) "Assistant Secretary" means the Assistant Secretary of Labor in charge of the Office of Pension and Welfare Plans Administration.

(4) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343).

(5) "Commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place outside thereof.

(6) "Industry or activity affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry affecting commerce within the meaning of the Labor-Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

(7) "Employer" means any person acting directly as an employer or indirectly in the interest of an employer in relation to a pension or profit-sharing-retirement plan, and includes a group or association of employers acting for an employer in such capacity.

(8) "Employee" means any individual employed by an employer.

(9) "Participant" means any employee or former employee of an employer or any member or former member of an employee organization who is or may become eligible to receive a benefit of any type from a pension or profit-sharing-retirement plan, or whose beneficiaries may be eligible to receive any such benefit.

(10) "Beneficiary" means a person designated by a participant or by the terms of a pension or profit-sharing-retirement plan who is or may become entitled to a benefit thereunder.

(11) "Person" means an individual, partnership, corporation, mutual company, joint-stock company, trust, unincorporated organization, association, or employee organization.

(12) "Employee organization" means any labor union or any organization of any kind, or any agency or employee representation committee, association, group, or program, in which employees participate and which exists for the purpose in whole or in part, of dealing with employers concerning a pension or profit-sharing-retirement plan, or other matters incidental to employment relationships; or any employees' beneficiary association organized for the purpose, in whole or in part, of establishing or maintaining such a plan.

(13) The term "fund" means a fund of money or other assets maintained pursuant to or in connection with a pension or profit-sharing-retirement plan, and includes employee contributions withheld but not yet paid to the plan by the employer, or a contractual agreement with an insurance carrier. The term does not include any assets of an investment company subject to regulation under the Investment Company Act of 1940.

(14) "Pension plan" means any plan, fund, or program, other than a profit-sharing-retirement plan, which is communicated or its benefits described in writing to employees and which is established or maintained for the purpose of providing for its participants, or their beneficiaries, by the purchase of insurance or annuity contracts or otherwise, retirement benefits.

(15) "Profit - sharing - retirement plan" means a plan established or maintained by an employer to provide for the participation by the employees in the current or accumulated profits, or both the current and accumulated profits of the employer in accordance with a definite predetermined formula for allocating the contributions made to the plan among the participants and for distributing the funds accumulated under the plan upon retirement or death. Such plan may include provisions permitting the withdrawal or distribution of the funds accumulated upon contingencies other than, and in addition to, retirement and death.

(16) "Registered plan" means a pension plan or profit-sharing-retirement plan registered and certified by the Secretary as a plan established and operated in accordance with title I of this Act.

(17) "Money purchase plan" refers to a pension plan in which contributions of the employer and employee (if any) are accumulated, with interest, or other income, to provide at retirement whatever pension benefits the resulting sum will buy.

(18) The term "administrator" means—

(A) the person specifically so designated by the terms of the pension or profit-sharing-retirement plan, collective bargaining agreement, trust agreement, contract, or other instrument, under which the plan is established or operated; or

(B) in the absence of such designation, (i) the employer in the case of a pension or profit-sharing-retirement plan established or maintained by a single employer, (ii) the employee organization in the case of such plan established or maintained by an employee organization, or (iii) the association, committee, joint board of trustees, or other similar group of representatives of the parties who have established or maintain such plan, in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations.

(19) "Initial unfunded liability" means the amount (on the effective date of title II, or the effective date of the establishment of a pension plan or any amendment thereto, whichever is later), by which the assets of the plan are required to be augmented to insure that the plan is and will remain fully funded.

(20) "Unfunded liability" means the amount on the date when such liability is actuarially computed, by which the assets of the plan are required to be augmented to insure that the plan is and will remain fully funded.

(21) "Fully funded" with respect to any pension plan means that such plan at any particular time has assets determined, by a person authorized under section 101(b)(1), to be sufficient to provide for the payment of all pension and other benefits to participants then entitled or who may become entitled under the terms of the plan to an immediate or deferred benefit in respect to service rendered by such participants.

(22) "Experience deficiency" with respect to a pension plan means any actuarial deficit, determined at the time of a review of the plan, that is attributable to factors other than the existence of an initial unfunded liability or the failure of any employer to make any contribution required by the terms of the plan or by section 210, except insofar as such failure to make a required contribution is treated as an experience deficiency under 217(a)(1).

(23) "Funding" shall mean payment or transfer of assets into a fund, and shall also include payment to an insurance carrier to secure a contractual right pursuant to an agreement with such carrier.

(24) "Normal service cost" means the annual cost assigned to a pension plan, under the actuarial cost method in use (as of the effective date of title II or the date of establishment of a pension plan after such date), exclusive of any element representing any initial unfunded liability or interest thereon.

(25) "Special payment" means a payment made to a pension plan for the purpose of liquidating an initial unfunded liability or experience deficiency.

(26) "Nonforfeitable right" or "vested right" means a legal claim obtained to that part of an immediate or deferred life annuity which notwithstanding any conditions subsequent which could affect receipt of any benefit flowing from such right, arises from the participant's covered service under the plan, and is no longer contingent on the participant remaining covered by the plan.

(27) "Covered service" means that period of service performed by a participant for an employer or as a member of an employee organization which is recognized under the terms of the plan or the collective bargaining agreement (subject to the requirements of part A of title II) for purposes of determining a participant's eligibility to receive pension benefits or for determining the amount of such benefits.

(28) "Normal retirement benefit" means that benefit payable under a pension or profit-sharing-retirement plan in the event of retirement at the normal retirement age.

(29) "Normal retirement age" means the normal retirement age, specified under the plan but not later than age 65 or, in the absence of plan provisions specifying the normal retirement age, age 65.

(30) "Pension benefit" means the aggregate, annual, monthly, or other amounts to which a participant will become entitled upon retirement or to which any other person is entitled by virtue of such participant's death.

(31) "Accrued portion of normal retirement benefit" means that amount of benefit which, irrespective of whether the right to such benefit is nonforfeitable, is equal to—

(A) in the case of a profit-sharing-retirement plan or money purchase plan, the total amount (including all interest held in the plan) credited to the account of a participant;

(B) in the case of a unit benefit-type pension plan, the benefit units credited to a participant; or

(C) in the case of other types of pension plans, that portion of the prospective normal retirement benefit of a participant, which under rule or regulation of the Secretary is determined to constitute the participant's accrued portion of the normal retirement benefit under the terms of the appropriate plan.

(32) "Multi-employer plan" means a collectively bargained pension plan to which a substantial number of unaffiliated employers are required to contribute and which covers a substantial portion of the industry in terms of employees or a substantial number of employees in the industry in a particular geographic area.

(33) "Unaffiliated employers" means employers other than those under common ownership or control, or having the relationship of parent-subsidiary, or directly or indirectly controlling or controlled by another employer.

(34) "Qualified insurance carrier" means an insurance carrier subject to regulation and examination by the government of any State, which is determined by rule or regulation of the Secretary to be suitable for the purchase of the single premium life annuity or the annuity with survivorship options authorized under section 305(2).

(35) "Vested liabilities" means the present value of the immediate or deferred pension benefits for participants and their beneficiaries which are nonforfeitable and for which all conditions of eligibility have been fulfilled under the provisions of the plan prior to its termination.

(36) "Unfunded vested liabilities" means that amount of vested liabilities that cannot be satisfied by the assets of the plan, at fair market value, as determined by rule or regulation of the Secretary.

## TITLE I—ORGANIZATION

### PART A—ORGANIZATIONAL STRUCTURE

### POWERS AND DUTIES OF THE SECRETARY

SEC. 101. (a) It shall be the duty of the Secretary—

(1) to promote programs and plans for the establishment, administration, and operations of pension, profit-sharing-retirement, and other employee benefit plans in furtherance of the findings and policies set forth in this Act:

(2) to determine, upon application by a pension or profit-sharing-retirement plan, such plan's eligibility for registration with the Secretary under section 105 and, upon qualification, to register such plan and issue appropriate certificates of registration;

(3) to cancel certificates of registration of pension and profit-sharing-retirement plans registered under section 105, upon determination by the Secretary that such plans are not qualified for such registration;

(4)(A) to direct, administer, and enforce the provisions and requirements of this Act and the Welfare and Pension Plans Disclosure Act, except where such provisions are only enforceable by a private party;

(B) to make appropriate and necessary inquiries to determine violations of the provisions of this Act, or the Welfare and Pension Plans Disclosure Act, or any rule or regulation issued thereunder: *Provided, however*, That no periodic examination of the books and records of any plan or fund shall be conducted more than once annually unless the Secretary has reasonable cause to believe there may exist a violation of this Act or the Welfare and Pension Plans Disclosure Act or any rule or regulation thereunder;

(C) for the purpose of any inquiry provided for in subparagraph (B), the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 1, 1914, are hereby made applicable to the jurisdiction, powers, and duties of the Secretary.

(5) to bring civil actions authorized by this Act subject to control and direction of the Attorney General;

(6) to appoint and fix the compensation of such employees as may be necessary for the conduct of his business under this Act in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and to obtain the services of experts and consultants as necessary in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem equivalent for GS–18;

(7) to perform such other functions as may be necessary to carry out the purposes of this Act.

(b) The Secretary is authorized to prescribe rules and regulations—

(1) establishing standards and qualifications for persons responsible for performing services under this Act as actuaries and upon application of any such person, to certify whether such person meets the standards and qualifications prescribed;

(2) establishing reasonable fees for the registration of pension and profit-sharing-retirement plans and other services to be performed by him in implementing the provisions of this Act, and all fees collected by the Secretary shall be paid into the general fund of the Treasury;

(3) establishing reasonable limitations on actuarial assumptions, based upon appropriate experience, including, but not limited to, interest rates, mortality, and turnover rates;

(4) such as may be necessary or appropriate to carry out the purposes of this Act, including but not limited to definitions of actuarial, accounting, technical, and other trade terms in common use in the subject matter of this Act and the Welfare and Pension Plans Disclosure Act; and

(5) governing the form, detail, and inspection of all required records, reports, and documents, the maintenance of books and records, and the inspection of such books and records, as may be required under this Act.

(c)(1) The Secretary is authorized and directed to undertake appropriate studies relating to pension and profit-sharing-retirement plans including but not limited to the effects of this Act upon the provisions and costs of pension and profit-sharing-retirement plans, the role of private pensions in meeting retirement security needs of the Nation, the administration and operation of pension plans, including types and levels of benefits, degree of reciprocity or portability financial characteristics and practices, methods of encouraging the growth of the private pension system, and advisability of additional coverage under this Act.

(2) The Secretary shall submit annually a report to the Congress covering his activities under this Act during the preceding fiscal year, together with the results of such studies as are conducted pursuant to this Act, or, from time to time, pursuant to other Acts of

Congress, and recommendations for such further legislation as may be advisable.

(d) Prior to promulgating rules or regulations, the Secretary shall consult with appropriate departments or agencies of the Federal Government to avoid unnecessary conflicts, duplications, or inconsistency with rules and regulations which may be applicable to such plans under other laws of the United States.

(e) In order to avoid unnecessary expense and duplication of functions among Government agencies, the Secretary may make such arrangements or agreements for cooperation or mutual assistance in the performance of his functions under this Act and the functions of any agency, Federal or State, as he may find to be practicable and consistent with law. The Secretary may utilize on a reimbursable basis the facilities or services of any department, agency, or establishment of the United States, or of any State, including services of any of its employees, with the lawful consent of such department, agency, or establishment; and each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary, and to the extent permitted by law, to provide such information and facilities as the Secretary may request for his assistance in the performance of his functions under this Act.

### APPROPRIATIONS

SEC. 102. There are authorized to be appropriated such sums as may be necessary to enable the Secretary to carry out his functions and duties.

### OFFICE OF ADMINISTRATION

SEC. 103. (a) There is hereby established within the Department of Labor an office to be known as the Office of Pension and Welfare Plan Administration. Such Office shall be headed by an Assistant Secretary of Labor who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) It shall be the duty of the Assistant Secretary of Labor under the supervision of the Secretary to exercise such power and authority as may be delegated to him by the Secretary for the administration and enforcement of this Act.

(c) Paragraph 20, of section 5315, title 5, United States Code, is amended by striking "(5)" and inserting in lieu thereof "(6)".

(d) Such functions, books, records, and personnel of the Labor Management Services Administration as the Secretary determines are related to the administration of the Welfare and Pension Plans Disclosure Act are hereby transferred to the Office of Pension and Welfare Plan Administration.

## PART B—COVERAGE, EXEMPTIONS, AND REGISTRATION

### COVERAGE AND EXEMPTIONS

SEC. 104. (a) Except as provided in subsections (b) and (c), titles II, III, and IV of this Act shall apply to any pension plan and any profit-sharing-retirement plan established or maintained by any employer engaged in interstate commerce or any industry or activity affecting interstate commerce or by any employer together with any employee organization representing employees engaged in commerce or in any industry or activity affecting such commerce or by any employee organization representing employees engaged in commerce or in any industry or activity affecting commerce.

(b) Titles II, III, and IV of this Act shall not apply to any pension plan or any profit-sharing-retirement plan if—

(1) such plan is established or maintained by the Federal Government or by the government of a State or by a political subdivision of the same or by any agency or instrumentality thereof;

(2) such plan is established or maintained by a religious organization described under section 501(c) of the Internal Revenue Code of 1954 which is exempt from taxation under the provisions of section 501(a) of such Code;

(3) such plan is established or maintained by a self-employed individual exclusively for his own benefit or for the benefit of his survivors or established or maintained by one or more owner-employers exclusively for his or their benefit or for the benefit of his or their survivors;

(4) such plan covers not more than twenty-five participants;

(5) such plan is established or maintained outside the United States primarily for the benefit of employees who are not citizens of the United States and the situs of the employee benefit plan fund established or maintained pursuant to such plan is maintained outside the United States;

(6) such plan is unfunded and is established or maintained by an employer primarily for the purpose of providing deferred compensation for a select group of management employees and is declared by the employer as not intended to meet the requirements of section 401(a) of the Internal Revenue Code; or

(7) such plan is established or maintained by an employee organization and is administered and financed solely by contributions from its members.

(c) Title IV and part B of title II shall not apply to profit-sharing-retirement plans or money purchase plans.

(d) Titles V and VI shall apply to any plan covered by the Welfare and Pension Plans Disclosure Act and any pension plan or profit-sharing-retirement plan covered by this Act.

### REGISTRATION OF PLANS

SEC. 105. (a) Every administrator of a pension or profit-sharing-retirement plan to which titles II, III, or IV apply shall file with the Secretary an application for registration of such plan. Such application shall be in such form and shall be accompanied by such documents as shall be prescribed by regulation of the Secretary. After qualification under subsection (c), the administrator of such plan shall comply with such requirements as may be prescribed by the Secretary to maintain the plan's qualification under this title.

(b) In the case of plans established on or after the effective date of this title, the filing required by subsection (a) shall be made within six months after such plan is established. In the case of plans established prior to the effective date of this title, such filing shall be made within six months after the effective date of regulations promulgated by the Secretary to implement this section but in no event later than twelve months after the date of enactment of this Act.

(c) Upon the filing required by subsection (a), the Secretary shall determine whether such plan is qualified for registration under this title, if the Secretary finds it qualified, he shall issue a certificate of registration with respect to such plan.

(d) If at any time the Secretary determines that a plan required to qualify under this title is not qualified or is no longer qualified for registration under this title, he shall notify the administrator, setting forth the deficiency or deficiencies in the plan or in its administration or operations which is the basis for the notification given, and he shall further provide the administrator, the employer of the employees covered by the plan (if not the administrator), and the employee organization representing such employees, if any, a reasonable time within which to remove such deficiency or deficiencies. If the Secretary thereafter determines that the deficiency or deficiencies have been removed, he shall issue or continue in effect the certificate, as the case may be. If he determines that the deficiency or deficiencies have not been removed, he shall enter an order denying or canceling the certificate of registration, and take such further action as may be appropriate under title VI.

(e) A pension or profit-sharing-retirement plan shall be qualified for registration under this section if it conforms to, and is administered in accordance with this Act, the Welfare and Pension Plans Disclosure Act, and in the case of a pension plan subject to title IV of this Act, applies for and maintains plan termination insurance and pays the required assessments and premiums.

### REPORTS ON REGISTERED PLANS

SEC. 106. The Secretary may, by regulations, provide for the filing of a single report satisfying the reporting requirements of this Act, and the Welfare and Pension Plans Disclosure Act.

### AMENDMENTS OF REGISTERED PLANS

SEC. 107. Where a pension or profit-sharing-retirement plan filed for registration under this title is amended subsequent to such filing, the administrator shall (pursuant to regulations promulgated by the Secretary) file with the Secretary a copy of the amendment and such additional information and reports as the Secretary by regulation may require, to determine the amount of any initial unfunded liability created by the amendment, if any, and the special payments required to remove such liability.

### CERTIFICATE OF RIGHTS

SEC. 108. The Secretary shall, by regulation, require each pension and profit-sharing-retirement plan to furnish or make available, whichever is the most practicable, to each participant, upon termination of service with a vested right to an immediate or a deferred pension benefit or other vested interest, with a certificate setting forth the benefits to which he is entitled, including, but not limited to, the name and location of the entity responsible for payment, the amount of benefits, and the date when payment shall begin. A copy of each such certificate shall be filed with the Secretary. Such certificate shall be deemed prima facie evidence of the facts and rights set forth in such certificate.

## TITLE II—VESTING AND FUNDING REQUIREMENTS

## PART A—VESTING REQUIREMENTS

### ELIGIBILITY

SEC. 201. No pension or profit-sharing-retirement plan filed for registration under this Act shall require as a condition for eligibility to participate in such a plan a period of service longer than one year or an age greater than twenty-five, whichever occurs later: *Provided, however*, That in the case of any plan which provides for immediate vesting of 100 per centum of earned benefits of participants, such plan may require as a condition for eligibility to participate in the plan, a period of service no longer than three years or an age greater than thirty, whichever occurs later.

### VESTING SCHEDULE

SEC. 202. (a) All pension or profit-sharing-retirement plans filed for registration under this Act, except as provided for in paragraphs (2) and (3) herein, shall provide under the terms of the plan with respect to covered service both before and after the effective date of the title, that:

(1) a plan participant who has been in covered service under the plan for a period of eight years is entitled upon termination of service prior to attaining normal retirement age—

(A) in the case of a pension plan, to a deferred pension benefit commencing at his normal retirement age; or

(B) in the case of a profit-sharing-retirement plan, to a nonforfeitable right to his interest in such plan

equal to 30 per centum of the accrued portion of the normal retirement benefit as provided by the plan in respect of such service, or of such interest, respectively, and such entitlement shall increase by 10 per centum per year thereafter of covered service until the completion of fifteen years of covered service after which such participant shall be entitled upon termination of service prior to attaining normal retirement age to a deferred pension benefit commencing at his normal retirement age equal to 100 per centum of the accrued portion of the normal retirement benefit as provided by the plan with respect to such service, or to the full amount of such interest in the profit-sharing-retirement plan;

(2) the requirements of paragraph (1) of this subsection need not apply with respect to accrued portions of normal retirement benefits attributable to covered service rendered prior to the effective date of this title by any plan participant who has not attained forty-five years of age on the effective date of this title and, in the event a plan is established or amendment after the effective date of this title, the requirements of paragraph (1) of this subsection need only apply to service rendered after the date of the plan's establishment or the date of such plan amendment with respect to any improvement in benefits made by such amendment.

(3) if the plan is a class year plan, then such plan shall provide that the participant shall acquire a nonforfeitable right to 100 per centum of the employer's contribution on his behalf with respect to any given year, not later than the end of the fifth year following the year for which such contribution was made. For the purposes of this paragraph, the term "class year plan" means a profit-sharing-retirement plan which provides for the separate vesting of each annual contribution made by the employer on behalf of a participant.

(4) the pension benefits provided under the terms of a pension plan, and the interest in a profit-sharing-retirement plan referred to in subparagraph (B) of paragraph (1) shall not be capable of assignment or alienation and shall not confer upon an employee, personal representative, or dependent, or any other person, any right or interest in such pension benefits or profit-sharing-retirement plan, capable of being assigned or otherwise alienated; except that where a plan fails to make appropriate provision therefor, the Secretary shall, by regulation, provide for the final disposition of plan benefits or interests when beneficiaries cannot be located or ascertained within a reasonable time.

(b) Any participant covered under a plan, for the number of years required for a vested right under this section, shall be entitled to such vested right regardless of whether his years of covered service are continuous, except that a plan may provide that—

(1) three of the eight years to qualify for the 30 per centum vested right under subsection (a) shall be continuous under standards prescribed under subsection (c),

(2) service by a participant prior to the age of twenty-five may be ignored in determining eligibility for a vested right under this section, unless such participant or an employer has contributed to the plan with respect to such service, and

(3) in the event a participant has attained a vested right equal to 100 per centum of the accrued portion of the normal retirement benefit as provided by the plan with respect to such service, or to the full amount of such interest in a profit-sharing-retirement plan, and such participant has been separated permanently from coverage under the plan and subsequently returns to coverage under the same plan, such participant may be treated as a new participant for purposes of the vesting requirements set forth in section 202(a)(1) without regard to his prior service.

(c) The Secretary shall prescribe standards, consistent with the purposes of this Act, governing the maximum number of working hours, days, weeks, or months, which shall constitute a year of covered service, or a break in service for purposes of this Act. In no case shall a participant's time worked in any period in which he is credited for a period of service for the purposes of this section, be credited to any other period of time unless the plan so provides.

(d) Notwithstanding any other provision of this Act, a pension or profit-sharing-retirement plan may allow for vesting of pension benefits after a lesser period than is required by this section.

(e) Notwithstanding any other provision of this Act where upon application and notice to affected or interested parties by the plan Administrator, the Secretary determines that the plan contains vesting provisions which are as liberal as the vesting schedule set forth in section 202(a)(1), the Secretary may waive the requirements therein as long as the vesting schedule contained in the plan remains unchanged. For the purposes of this subsection, the term "liberal" refers to a vesting formula which provides vested benefits comparable to or greater than those provided under section 202(a)(1) to the majority of the participants in the plan as indicated by the plan's actuarial experience.

### PART B—FUNDING

#### FUNDING REQUIREMENTS

SEC. 210. (a) Unless a waiver is granted pursuant to part C of this title, every pension plan filed for registration under this Act shall provide for funding, in accordance with the provisions of this part, which is adequate to provide for payment of all pension benefits which may be payable under the terms of the plan.

(b) Provisions in the plan for funding shall set forth the obligation of the employer or employers to contribute both in respect of the normal service cost of the plan and in respect of any initial unfunded liability and experience deficiency. The contribution of the employer, including any contributions made by employees, shall consist of the payment into the plan or fund of—

(1) all normal service costs; and

(2) where the plan has an initial unfunded liability, special payments consisting of no less than equal amounts sufficient to amortize such unfunded liabilities over a term not exceeding:

(A) in the case of an initial unfunded liability existing on the effective date of this title, in any plan established before that date, thirty years from such date;

(B) in the case of an initial unfunded liability resulting from the establishment of a pension plan, or an amendment thereto, on or after the effective date of this title, thirty years from the date of such establishment or amendment, except that in the event that any such amendment after the effective date of this title results in a substantial increase to any unfunded liability of the plan, as determined by the Secretary, such increase shall be regarded as a new plan for purposes of the funding schedule imposed by this subsection and the plan termination insurance requirements imposed by title IV.

(3) special payments, where the plan has an experience deficiency, consisting of no less than equal annual amounts sufficient to remove such experience deficiency over a term not exceeding five years from the date on which the experience deficiency was determined, except where the experience deficiency cannot be removed over a five-year period without the amounts required to remove such deficiency exceeding the allowable limits for a tax deduction under the Internal Revenue Code of 1954 for any particular year during which such payments must be made, the Secretary shall, consistent with the purposes of this subsection, prescribe such additional time as may be necessary to remove such deficiency within allowable tax deduction limitations.

(c) Within six months after the effective date of rules promulgated by the Secretary to implement this title (but in no event more than 12 months after the effective date of this title) or within six months after the date of plan establishment, whichever is later, the plan administrator shall submit a report of an actuary (certified under section 101(b) stating—

(1) the estimated cost of benefits in respect of service for the first plan year for which such plan is required to register and the formula for computing such cost in subsequent years up to the date of the following report;

(2) the initial unfunded liability, if any, for benefits under the pension plan as of the date on which the plan is required to be registered;

(3) the special payments required to remove such unfunded liability and experience deficiencies in accordance with subsection (b);

(4) the actuarial assumptions used and the basis for using such actuarial assumptions; and

(5) such other pertinent actuarial information required by the Secretary.

(d) The administrator of a registered pension plan shall cause the plan to be reviewed not less than once every five years by a certified actuary and shall submit a report of such actuary stating—

(1) the estimated cost of benefits in respect of service in the next succeeding five-year period and the formula for computing such cost for such subsequent five-year period;

(2) the surplus or the experience deficiency in the pension plan after making allowance for the present value of all special payments required to be made in the future by the employer as determined by previous reports;

(3) the special payments which will remove any such experience deficiency over a term not exceeding five years;

(4) the actuarial assumptions used and the basis for using such actuarial assumptions; and

(5) such other pertinent actuarial information required by the Secretary.

If any such report discloses a surplus in a pension plan, the amount of any future payments required to be made to the fund or plan may be reduced or the amount of benefits may be increased by the amount of such surplus, subject to the provisions of the Internal Revenue Code of 1954 and regulations promulgated thereunder. The reports under this subsection shall be filed with the Secretary by the administrator as part of the annual report required by section 7 of the Welfare and Pension Plans Disclosure Act, at such time that the report under such section 7 is due with respect to the last year of such five-year period.

(e) Where an insured pension plan is funded exclusively by the purchase of insurance contracts which—

(1) require level annual premium payments to be paid extending not beyond the retirement age for each individual participant in the plan, and commencing with the participant's entry into the plan (or, in the case of an increase in benefits, commencing at the time such increase becomes effective), and

(2) benefits provided by the plan are equal to the benefits provided under each contract, and are guaranteed by the insurance carrier to the extent premiums have been paid,

such plan shall be exempt from the requirements imposed by subsection (b) (2) and (3), (c), and (d) of this section.

(f) The Secretary may exempt and plan, in whole or in part, from the requirement that such reports be filed where the Secretary finds such filing to be unnecessary.

#### DISCONTINUANCE OF PLANS

SEC. 211. (a) Subject to the authority of the Secretary to provide exemptions or variances where necessary to avoid substantial hardship to participants or beneficiaries, upon complete termination or substantial termination (as determined by the Secretary), of a pension plan, and subject to the provisions of the Internal Revenue Code and regulations promulgated thereunder, relating to limitations applicable to the twenty-five highest paid employees of an employer, all assets of the plan shall be applied under the terms of the plan, as follows—

(1) first, to refund to nonretired participants in the plan the amount of contributions made by them;

(2) second, to participants in the plan who have retired prior to the date of such termination and have been receiving benefits under the plan;

(3) third, to those participants in the plan who, on the date of such termination had the right to retire and receive benefits under the plan;

(4) fourth, to those participants in the plan who had acquired vested rights under the plan prior to termination of the plan but had not reached normal retirement age on the date of such termination; and

(5) fifth, to any other participants in the plan who are entitled to benefits under the plan pursuant to the requirements of section 401(a)(7) of the Internal Revenue Code of 1954.

(b) Upon complete termination, or substantial termination (as determined by the Secretary), any party obligated to contribute to the plan pursuant to section 210(b), or to contribute on behalf of employees pursuant to a withholding or similar arrangement, shall be liable to pay all amounts that would otherwise have been required to be paid to meet the funding requirements prescribed by section 210 up to the date of such termination to the insuror, trustee, or administrator of the plan.

(c) Upon complete termination, or substantial termination (as determined by the Secretary), of a profit-sharing-retirement plan, the interests of all participants in such plan shall fully vest.

(d) In any case, the Secretary may approve payment of survivor benefits with priorities equal to those of the employees or former employees on whose service such benefits are based.

### PART C—VARIANCES

#### DEFERRED APPLICABILITY OF VESTING STANDARDS

SEC. 216. (a) The Secretary may defer, in whole or in part, applicability of the requirements of part A of this title for a period not to exceed five years from the effective date of title II, upon a showing that compliance with the requirements of part A on the part of a plan in existence on the date of enactment of this Act would result in increasing the costs of the employer or employer's contributing to the plan to such an extent that substantial economic injury would be caused to such employer or employers and to the interests of the participants or beneficiaries in the plan.

(b) For purposes of subsection (a), the term "substantial economic injury" includes, but is not limited to, a showing that (1) a substantial risk to the capability of voluntarily continuing the plan exists, (2) the plan will be unable to discharge its existing contractual obligations for benefits (3) a substantial curtailment of pension or other benefit levels or the levels of employees' compensation would result, or (4) there will be an adverse effect on the levels of employment with respect to the work force employed by the employer or employers contributing to the plan.

(c)(1) In the case of any plan established or maintained pursuant to a collective bargaining agreement, no application for the granting of the variance provided for under subsection (a) shall be considered by the Secretary unless it is submitted by the parties to the collective bargaining agreement or their duly authorized representatives.

(2) As to any application for a variance under subsection (a) submitted by the parties to a collective bargaining agreement or their duly authorized representatives, the Secretary shall accord due weight to the experience, technical competence, and specialized knowledge of the parties with respect to the particular circumstances affecting the plan, industry, or other pertinent factors forming the basis for the application.

#### VARIANCES FROM FUNDING REQUIREMENTS

SEC. 217. (a) Where, upon application and notice to affected or interested parties by the plan administrator, the Secretary determines that—

(1) any employer or employers are unable to make annual contributions to the plan in compliance with the funding requirements of section 210(b) (2) or (3), and he has reason to believe that such required payment for that annual period cannot be made by such employer or employers, the Secretary may waive the annual contribution otherwise required to be paid, and prescribe an additional period of not more than five years for the amortization of such annual funding deficiency, during which period the funding deficiency shall be removed by no less than equal annual payments. Any funding deficiency permitted under this section shall be treated for the purposes of any actuarial report required under this Act as an experience deficiency under section 210;

(2) no waiver shall be granted unless the Secretary is satisfied after a review of the financial condition of the plan and other related matters that—

(A) such waiver will not adversely affect the interests of participants or beneficiaries of such plan; or

(B) will not impair the capability of the Pension Benefit Insurance Fund to equitably underwrite vested benefit losses in accordance with title IV,

(3) waivers granted pursuant to this provision shall not exceed five consecutive annual waivers.

(b) Where a plan has been granted five consecutive waivers pursuant to subsection (a), the Secretary may—

(1) order the merger or consolidation of the deficiency funded plan with such other plan or plans or the contributing employer or employers in a manner that will result in future compliance with the funding requirements of part B of title II of this Act without adversely affecting the interests of participants and beneficiaries in all plans which may be involved;

(2) where necessary to protect the interests of participants or beneficiaries, or to safeguard the capability of the Pension Benefit Insurance Fund to equitably underwrite vested benefit losses, under title IV, order plan termination in accordance with such conditions as the Secretary may prescribe; or

(3) take such other action as may be necessary to fulfill the purposes of this Act.

(c) No amendments increasing plan benefits be permitted during any period in which a funding waiver is in effect.

(d) (1) Notwithstanding the requirements of part B of title II of this Act the Secretary shall by rule or regulation prescribe alternative funding requirements for multiemployer plans which will give reasonable assurances that the plan's benefit commitments will be met.

(2) The period of time provided to fund such multiemployer plans shall be a period which will give reasonable assurances that the plan's benefit commitments will be met and which reflects the particular circumstances affecting the plan, industry, or other pertinent factors, except that no period prescribed by the Secretary shall be less than thirty years.

(3) No multiemployer plan shall increase benefits beyond a level for which the contributions made to the plan would be determined to be adequate unless the contribution rate is commensurately increased.

(e) Upon a showing by the plan administrator of a multiemployer plan that the withdrawal from the plan by any employer or employers has or will result in a significant reduction in the rate of aggregate contributions to the plan, the Secretary may take the following steps:

(1) require the plan fund to be equitably allocated between those participants no longer working in covered service under the plan as a result of their employer's withdrawal, and those participants who remain in covered service under the plan;

(2) treat that portion of the plan fund allocable under (1) to participants no longer in covered service, as a terminated plan for the purposes of the plan termination insurance provisions of title IV; and

(3) treat that portion of the plan fund allocable to participants remaining in covered service as a new plan for purposes of the funding standards imposed by part B of title II of this Act, any variance granted by this section, and the plan termination insurance provisions of title IV.

## TITLE III—VOLUNTARY PORTABILITY PROGRAM FOR VESTED PENSIONS

#### PROGRAM ESTABLISHED

SEC. 301. (a) There is hereby established a program to be known as the Voluntary Portability Program for Vested Pensions (hereinafter referred to as the "Portability Program"), which shall be administered by and under the direction of the Secretary. The Portability Program shall facilitate the voluntary transfer of vested credits between registered pension or profit-sharing-retirement plans. Nothing in this title or in the regulations issued by the Secretary hereunder shall be construed to require participation in such Portability Program by a plan as a condition of registration under this Act.

(b) Pursuant to regulations issued by the Secretary, plans registered under this Act may apply for membership in the Portability Program, and, upon approval of such application by the Secretary, shall be issued a certificate of membership in the Portability Program (plans so accepted shall be hereinafter referred to as "member plans").

#### ACCEPTANCE OF DEPOSITS

SEC. 302. A member plan shall, pursuant to regulations prescribed by the Secretary, pay, upon request of the participant, to the fund established by section 303, a sum of money equal to the current discounted value of the participant's vested rights under the plan, which are in settlement of such vested rights, when such participant is separated from employment covered by the plan before the time prescribed for payments to be made to him or to his beneficiaries under the plan. The fund is authorized to receive such payments, on such terms as the Secretary may prescribe.

#### SPECIAL FUND

SEC. 303. (a) There is hereby created a fund to be known as the Voluntary Portability Program Fund (hereinafter referred to as the "Fund"). The Secretary shall be the trustee of the Fund. Payments made into the Fund in accordance with regulations prescribed by the Secretary under section 302 shall be held and administered in accordance with this title.

(b) With respect to such Fund, it shall be the duty of the Secretary to—

(1) administer the Fund;

(2) report to the Congress not later than the first day of April of each year on the operation and the status of the Fund during the preceding fiscal year and on its expected operation and status during the current fiscal year and the next two fiscal years and review the general polices followed in managing the Fund and recommend changes in such policies, including the necessary changes in the provisions of law which govern the way in which the Fund is to be managed; and

(3) after amounts needed to meet current and anticipated withdrawals are set

aside, deposit the surplus in interest-bearing accounts in any bank the deposits of which are insured by the Federal Deposit Insurance Corporation or savings and loan association in which the accounts are insured by the Federal Savings and Loan Insurance Corporation. In no case shall such deposits exceed 10 per centum of the total of such surplus, in any one bank, or savings and loan association.

### INDIVIDUAL ACCOUNTS

SEC. 304. The Secretary shall establish and maintain an account in the Fund for each participant for whom the Secretary receives payment under section 302. The amount credited to each account shall be adjusted periodically, as provided by the Secretary pursuant to regulations to reflect changes in the financial condition of the Fund.

### PAYMENTS FROM INDIVIDUAL ACCOUNTS

SEC. 305. Amounts credited to the account of any participant under this title shall be paid by the Secretary to—

(1) a member plan, for the purchase of credits having at least an equivalent actuarial value under such plan, on the request of such participant when he becomes a participant in such member plans;

(2) a qualified insurance carrier selected by a participant who has attained the age of sixty-five, for the purchase of a single premium life annuity in an amount having a present value equivalent to the amount credited to such participant's account, or in the event the participant selects an annuity with survivorship options, an amount determined by the Secretary to be fair and reasonable based on the amount in such participant's account; or

(3) to the designated beneficiary of a participant in accordance with regulations promulgated by the Secretary.

### TECHNICAL ASSISTANCE

SEC. 306. The Secretary shall provide technical assistance to employers, employee organizations, trustees, and administrators of pension and profit-sharing-retirement plans in their efforts to provide greater retirement protection for individuals who are separated from employment covered under such plans. Such assistance may include, but is not limited to (1) the development of reciprocity arrangements between plans in the same industry or area, and (2) the development of special arrangements for portability of credits within a particular industry or area.

## TITLE IV—PLAN TERMINATION INSURANCE

### ESTABLISHMENT AND APPLICABILITY OF PROGRAM

SEC. 401. (a) There is hereby established a program to be known as the Private Pension Plan Termination Insurance Program hereinafter referred to as the "Insurance Program", which shall be administered by and under the direction of the Secretary.

(b) Every plan subject to this title shall obtain and maintain plan termination insurance to cover unfunded vested liabilities incurred prior to enactment of the Act as well as after enactment of the Act.

### CONDITIONS OF INSURANCE

SEC. 402. (a) The insurance program shall insure participants and beneficiaries of those plans registered under this Act against loss of benefits derived from vested rights which arise from the complete or the substantial termination of such plans, as determined by the Secretary.

(b) The rights of participants and beneficiaries of a registered pension plan shall be insured under the insurance program only to the extent that—

(1) such rights as provided for in the plan do not exceed: (A) in the case of a right to a monthly retirement or disability benefit for the employee himself, the lesser of 50 per centum of the average monthly wage he received from the contributing employer in the five-year period after the registration date of the plan for which his earnings were its greatest, or $500 a month; (B) in the case of a right of one or more dependents or members of the participant's family, or in the case of a right to a lump-sum survivor benefit on account of the death of a participant, an amount no greater than the amount determined under clause (A);

(2) the plan is terminated more than three years after the date of its establishment or its initial registration with the Secretary, except that the Secretary may in his discretion authorize insurance payments in such amounts as may be reasonable to any plan terminated in less than three years after the date of its initial registration with the Secretary where (A) such plan has been established and maintained for more than three years prior to its termination, (B) the Secretary is satisfied that during the period the plan was unregistered, it was in substantial compliance with the provisions of this Act, and (C) such payments will not prevent equitable underwriting of losses of vested benefits arising from plan terminations otherwise covered by this title;

(3) such rights were created by a plan amendment which took effect more than three years immediately preceding termination of such plan; and

(4) such rights do not accrue to the interest of a participant who is the owner of 10 per centum or more of the voting stock of the employer contributing to the plan, or of the same percentage interest in a partnership contributing to the plan.

### ASSESSMENTS AND PREMIUMS

SEC. 403. (a) Upon registration with the Secretary, each plan shall pay a uniform assessment to the insurance program as prescribed by the Secretary to cover the administrative costs of the insurance program.

(b) (1) Each registered pension plan shall pay an annual premium for insurance at uniform rates established by the Secretary based upon the amount of unfunded vested liabilities subject to insurance under section 402.

(2) For the three-year period immediately following the effective date of this title such premium shall—

(A) not exceed 0.2 per centum of a plan's unfunded vested liabilities with respect to such unfunded vested liabilities incurred after the date of enactment of this Act;

(B) not exceed 0.2 per centum of a plan's unfunded vested liabilities incurred prior to the date of enactment of this Act, where such plan's median ratio of plan assets to unfunded vested liabilities was 75 per centum during the five-year period immediately preceding the enactment of this Act, or in the event of a plan established within the five-year period immediately preceding the date of enactment of this Act, where the plan has reduced the amount of such unfunded vested liabilities at the rate of at least 5 per centum each year since the plan's date of establishment;

(C) not exceed 0.4 per centum or be less than 0.2 per centum of a plan's unfunded vested liabilities incurred prior to the date of enactment of this Act where such plan does not meet the standards set forth in subparagraph (B);

(D) not exceed 0.2 per centum of a plan's unfunded vested liabilities regardless of whether such liabilities were incurred prior to or subsequent to the date of enactment of this Act with respect to multiemployer plans.

(3) (A) The Secretary is authorized to prescribe different uniform premium rates after the initial three-year period based upon experience and other relevant factors.

(B) Any new rates proposed by the Secretary shall be effective at the end of the first period of ninety calendar days of continuous session of the Congress after the date on which the proposed rates are published in the Federal Register.

(C) For the purpose of subparagraph (B)—

(i) continuity of a session is broken only by an adjournment sine die; and

(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the ninety day period.

(c) Assessments and premiums referred to in this section shall be prescribed by the Secretary only after consultation with appropriate Government agencies and private persons with expertise on matters relating to assessment and premium structures in insurance and related matters, and after notice to all interested persons and parties.

### PAYMENT OF INSURANCE

SEC. 404. (a) No plan insured under this title shall terminate without approval of the Secretary. The Secretary shall not approve a plan termination unless he is satisfied that the requirements of this Act and those of the Welfare and Pension Plans Disclosure Act have been complied with and that such termination is not designed to avoid or circumvent the purposes of this Act.

(b) As determined by the Secretary, subject to the conditions specified in section 402, the amount of insurance payable under the insurance program shall be the difference between the realized value of the plan's assets and the amount of vested liabilities under the plan.

(c) The Secretary shall, by regulation, prescribe the procedures under which the funds of terminated plans shall be wound-up and liquidated and the proceeds therefrom applied to payment of the vested benefits of participants and beneficiaries. In implementing this paragraph, the Secretary shall have authority to:

(1) transfer the terminated fund to the Pension Benefit Insurance Fund for purposes of liquidation and payment of benefits to participants and beneficiaires.

(2) purchase single-premium life annuities from qualified insurance carriers from the proceeds of the terminated plan on terms determined by the Secretary to be fair and reasonable; or

(3) take such other action as may be appropriate to assure equitable arrangements for the payment of vested benefits to participants and beneficiaries under the plan.

### RECOVERY

SEC. 405. (a) Where the employer or employers contributing to the terminating plan or who terminated the plan are not insolvent (within the meaning of section 1 (19) of the Bankruptcy Act), such employer or employers (or any successor in interest to such employer or employers) shall be liable to reimburse the insurance program for any insurance benefits paid by the program to the beneficiaries of such terminated plan to the extent provided in this section.

(b) An employer, determined by the Secretary to be liable for reimbursement under subsection (a), shall be liable to pay a percentage of the terminated plan's unfunded vested liabilities equal to 100 per centum less the percentage of the ratio of the plan's unfunded vested liabilities to the net worth of the employer: *Provided, however*, That if the ratio of the terminated plan's unfunded vested liabilities is less than 50 per centum of the employer's net worth the employer shall be liable to pay the total amount of insurance benefits paid by the insurance program.

(c) The Secretary is authorized to make arrangements with employers, liable under subsection (a), for reimbursement of insurance paid by the Secretary, including arrangements for deferred payment on such terms and for such periods as are deemed equitable and appropriate.

(d) (1) If any employer or employers liable for any amount due under subsection (a) of this section neglects or refuses to pay the same after demand, the amount (including interest) shall be a lien in favor of the United States upon all property and rights in property, whether real or personal, belonging to such employer or employers.

(2) The lien imposed by paragraph (1) of this subsection shall not be valid as against a lien created under section 6321 of the Internal Revenue Code of 1954.

(3) Notice to the lien imposed by paragraph (1) of this subsection shall be filed in a manner and form prescribed by the Secretary. Such notice shall be valid notwithstanding any other provision of law regarding the form and content of a notice of lien.

(4) The Secretary shall promulgate rules and regulations with regard to the release of any lien imposed by paragraph (1) of this subsection.

### PENSION BENEFIT INSURANCE FUND

SEC. 406. (a) There is hereby created a separate fund for pension benefit insurance to be known as the Pension Benefit Insurance Fund (hereafter in this section called the insurance fund) which shall be available to the Secretary without fiscal year limitation for the purposes of this title. The Secretary shall be the trustee of the insurance fund.

(b) All amounts received as premiums, assessments, or fees, and any other moneys, property, or assets derived from operations in connection with this title shall be deposited in the insurance fund.

(c) All claims, expenses, and payments pursuant to operation of the program under this title shall be paid from the insurance fund.

(d) All moneys of the insurance fund, may be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States.

(e) With respect to such insurance fund, it shall be the duty of the Secretary to—

(1) administer the insurance fund; and

(2) report to the Congress not later than the first day of April of each year on the operation and the status of the insurance fund during the preceding fiscal year and on its expected operation and status during the current fiscal year and the next two fiscal years and review the general policies followed in managing the insurance fund and recommend changes in such policies, including the necessary changes in the provisions of law which govern the way in which the insurance fund is to be managed.

### TITLE V—DISCLOSURE AND FIDUCIARY STANDARDS

SEC. 501. In addition to the filing requirements of the Welfare and Pension Plans Disclosure Act, it shall be a condition of compliance with section 7 of such Act that each annual report hereinafter filed under that section shall be accompanied by a certificate or certificates in the name of and on behalf of the plan, the administrator, and any employer or employee organization participating in the establishment of the plan, designating the Secretary as agent for service of process on the persons and entities executing such certificate or certificates in any action arising under the Welfare and Pension Plans Disclosure Act or this Act.

SEC. 502. (a) Section 3 of the Welfare and Pension Plans Disclosure Act (72 Stat. 997) is amended by adding at the end thereof the following new paragraphs:

"(14) The term 'relative' means a spouse, ancestor, descendant, brother, sister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

"(15) The term 'administrator' means—

"(A) the person specifically so designated by the terms of the plan, collective-bargaining agreement, trust agreement, contract, or other instrument, under which the plan is operated; or

"(B) in the absence of such designation (i) the employer in the case of an employee benefit plan established or maintained by a single employer, (ii) the employee organization in the case of a plan established or maintained by an employee organization, or (iii) the association, committee, joint board of trustees, or other similar group of representatives of the parties who established or maintained the plan, in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations.

"(16) The term 'employee benefit plan' or 'plan' means an employee welfare benefit plan or an employee pension benefit plan or a plan providing both welfare and pension benefits.

"(17) The term 'employee benefit fund' or 'fund' means a fund of money or other assets maintained pursuant to or in connection with an employee benefit plan and includes employee contributions withheld but not yet paid to the plan by the employer. The term does not include: (A) any assets of an investment company subject to regulation under the Investment Company Act of 1940; (B) premium, subscription charges, or deposits received and retained by an insurance carrier or service or other organization, except for any separate account established or maintained by an insurance carrier.

"(18) The term 'separate account' means an account established or maintained by an insurance company under which income, gains, and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company.

"(19) The term 'adequate consideration' when used in section 15 means either (A) at the price of the security prevailing on a national securities exchange which is registered with the Securities and Exchange Commission, or (B) if the security is not traded on such a national securities exchange, at a price not less favorable to the fund than the offering price for the security as established by the current bid and asked prices quoted by persons independent of the issuer or (C) if the price of the security is not quoted by persons independent of the issuer, at a price determined to be the fair value of the security.

"(20) The term 'nonforfeitable pension benefit' means a legal claim obtained by a participant or his beneficiary to that part of an immediate or deferred pension benefit which, notwithstanding any conditions subsequent which would affect receipt of any benefit flowing from such right, arises from the participant's covered service under the plan and is no longer contingent on the participant remaining covered by the plan.

"(21) The term 'covered service' means that period of service performed by a participant for an employer or as a member of an employee organization which is recognized under the terms of the plan or the collective bargaining agreement (subject to the requirements of the Retirement Income Security for Emloyees Act), for purposes of determining a participant's eligibility to receive pension benefits or for determining the amount of such benefits.

"(22) The term 'pension benefit' means the aggregate, annual, monthly, or other amounts to which a participant will become entitled upon retirement or to which any other person is entitled by virtue of such participant's death.

"(23) The term 'accrued portion of normal retirement benefit' means that amount of such benefit which, irrespective of whether the right to such benefit is nonforfeitable, is equal to—

"(A) in the case of a profit-sharing retirement plan or money purchase plan, the total amount credited to the account of a participant;

"(B) in the case of a unit benefit-type pension plan, the benefit units credited to a participant; or

"(C) in the case of other types of pension plans, that portion of the prospective normal retirement benefit of a participant that pursuant to rule or regulation, under the Retirement Income Security for Employees Act, is determined to constitute the participant's accrued portion of the normal retirement benefit under the terms of the appropriate plan.

"(24) The term 'security' means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investement contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in, or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

"(25) The term 'fiduciary' means any person who exercises any power of control, management, or disposition with respect to any moneys or other property of any employee benefit fund, or has authority or responsibility to do so.

"(26) The term 'market value' or 'value' when used in this Act means fair market value where available, and otherwise the fair value as determined pursuant to rule or regulation under this Act."

(b) Paragraph (1) of section 3 of such Act is amended by inserting the words "or maintained" after the word "established".

(c) Paragraph (2) of section 3 of such Act is amended by inserting the words "or maintained" after the word "established".

(d) Paragraph (3) of section 3 of such Act is amended by striking out the word "plan" the first time it appears and inserting in lieu thereof the word "program".

(e) Paragraphs (3), (4), (6), and (7) of section 3 of such Act are amended by striking out the words "welfare or pension" wherever they appear.

(f) Paragraph (13) of section 3 of such Act is amended to read as follows:

"(13) The term 'party in interest' means as to an employee benefit plan or fund, any administrator, officer, fiduciary, trustee, custodian, counsel, or employee of any employee benefit plan, or a person providing benefit plan services to any such plan, or an employer, any of whose employees are covered by such a plan or any person controlling, controlled by, or under common control with, such employer or officer or employee or agent of such employer or such person, or an employee organization having members covered by such plan, or an officer or employee or agent of such an employee organization, or a relative, partner, or joint venturer or any of the above-described persons. Whenever the term 'party in interest' is used in this Act, it shall mean a person known to be a party in interest.

"(14) If any moneys or other property of an employee benefit fund are invested in shares of an investment company registered under the Investment Company Act of 1940, such investment shall not cause such investment company or such investment company's investment adviser or principal underwriter to be deemed to be a 'fiduciary' or a 'party in interest' as those terms are defined in this Act, except insofar as such investment company or its investment adviser or principal underwriter acts in connection with an employee benefit fund established or maintained pursuant to an employee benefit plan covering employees of the investment company, the investment adviser, or its principal underwriter. Nothing contained herein shall limit the duties imposed on such investment company, investment adviser, or principal underwriter by any other provision of law."

SEC. 503. (a) Section 4(a) of the Welfare and Pension Plans Disclosure Act is amended by striking out the words "welfare or pension", "or employers", and "or organizations" wherever they appear.

(b) Paragraph (3) of section 4(b) of such Act is amended to read as follows:

"(3) Such plan is administered by a religious organization described under section 501(c) of the Internal Revenue Code of 1954 which is exempt from taxation under the provisions of section 501(a) of such Code;"

(c) Paragraph (4) of section 4(b) of such Act is amended by inserting before the period the following: ", except that participants and beneficiaries of such plan shall be entitled to maintain an action to recover benefits or to clarify their rights to future benefits as provided in section 604 of the Retirement Income Security for Employees Act".

(b) Section 4(b) of such Act is further amended by adding at the end thereof the following new paragraph:

"(5) such plan is established or maintained outside the United States primarily for the benefit of employees who are not citizens of the United States and the situs of the employee benefit plan fund established or maintained pursuant to such plan is maintained outside the United States."

SEC. 504. (a) Section 5(b) of the Welfare and Pension Plans Disclosure Act is amended to read as follows:

"(b) The Secretary may require the filing of special terminal reports on behalf of an employee benefit plan which is winding up its affairs, so long as moneys or other assets remain in the plan. Such reports may be required to be filed regardless of the number of participants remaining in the plan and shall be in such form and filed in such manner as the Secretary may prescribe."

(b) Section 5 of such Act is further amended by adding at the end thereof the following new subsection:

"(c) The Secretary may by regulation provide for the exemption from all or part of the reporting and disclosure requirements of this Act of any class or type of employee benefit plans if the Secretary finds that the application of such requirements to such plans is not required in order to implement the purposes of this Act."

SEC. 505. Section 6 of the Welfare and Pension Plans Disclosure Act is amended to read as follows:

"SEC. 6. (a) A description of any employee benefit plan shall be published as required herein within ninety days after the establishment of such plan or when such plan becomes subject to this Act.

"(b) The description of the plan shall be comprehensive and shall include the name and type of administration of the plan; the name and address of the administrator; the names and addresses of any person or persons responsible for the management or investment of plan funds; the schedule of benefits; a description of the provisions providing for vested benefits written in a manner calculated to be understood by the average participant; the source of the financing of the plan and identity of any organization through which benefits are provided; whether records of the plan are kept on a calendar year basis, or on a policy or other fiscal year basis, and if on the latter basis, the date of the end of such policy or fiscal year; the procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part. Amendments to the plan reflecting changes in the data and information included in the original plan, other than data and information also required to be included in annual reports under section 7, shall be included in the description on and after the effective date of such amendments. Any change in the information required by this subsection shall be reported in accordance with regulations prescribed by the Secretary."

SEC. 506. (a) Subsection (a) of section 7 of the Welfare and Pension Plans Disclosure Act is amended by adding the number "(1)" after the letter "(a)", and by striking out that part of the first sentence which precedes the word "if" the first time it appears and inserting in lieu thereof the words "An annual report shall be published with respect to any employee benefit plan if the plan provides for an employee benefit fund subject to section 15 of this Act or".

(b) Section 7(a)(1) of such Act is further amended by striking out the word "investigation" and inserting in lieu thereof the words "notice and opportunity to be heard", by striking out the words "year (or if" and inserting in lieu thereof the words policy or fiscal year in which", adding a period after the word "kept", and striking out all the words following the word "kept".

(c) Section 7(a) of such Act is further amended by adding the following paragraphs:

"(2) If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization, such carrier or organization shall certify to the administrator of such plan, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, such information as determined by the Secretary to be necessary to enable such administrator to comply with the requirements of this Act.

"(3) The administrator of an employee benefit plan shall cause an audit to be made annually of the employee benefit fund established in connection with or pursuant to the provisions of the plan. Such audit shall be conducted in accordance with accepted standards of auditing by an independent certified or licensed public accountant, but nothing herein shall be construed to require such an adult of the books or records of any bank, insurance company, or other institution providing insurance, investment, or related function for the plan, if such books or records are subject to periodic examination by any agency of the Federal Government or the government of any State. The auditor's opinion and comments with respect to the financial information required to be furnished in the annual report by the plan administrator shall form a part of such report."

(d) Section 7 (b) and (c) of such Act are amended to read as follows:

"(b) A report under this section shall include—

"(1) the amount contributed by each employer; the amount contributed by the employees; the amount of benefits paid or otherwise furnished; the number of employees covered; a statement of assets, liabilities, receipts, and disbursements of the plan; a detailed statement of the salaries and fees and commissions charged to the plan, to whom paid, in what amount, and for what purposes; the name and address of each fiduciary, his official position with respect to the plan, his relationship to the employer of the employees covered by the plan, or the employee organization, and any other office, position, or employment he holds with any party in interest;

"(2) a schedule of all investments of the fund showing as of the end of the fiscal year;

"(A) the aggregate cost and aggregate value of each security by issuer;

"(B) the aggregate cost and aggregate value, by type or category, of all other investments, and separately identifying (i) each investment, the value of which exceeds 3 per centum of the value of the fund and (ii) each investment in securities or properties of any person known to be a party in interest;

"(3) a schedule showing the aggregate amount, by type or security, of all purchases, sales, redemptions, and exchanges of securities made during the reporting period; a list of the issuers of such securities; and in addition, a schedule showing, as to each separate transaction with or without respect to securities issued by any person known to be a party in interest, the issuer, the type and class of security, the quantity involved in the transaction, the gross purchase price, and in the case of a sale, redemption, or exchange, the gross and net proceeds (including a description and the value of any consideration other than money) and the net gain or loss, except that such schedule shall not include distribution of stock or other distributions in kind from profitsharing or similar plans to participants separated from the plan;

"(4) a schedule of purchases, sales, or exchanges during the year covered by the report of investment assets other than securities—

"(A) by type or category of asset the aggregate amount of purchases, sales, and exchanges; the aggregate expenses incurred in connection therewith; and the aggregate net gain (or loss) on sales, and

"(B) for each transaction involving a person known to be a party in interest and for each transaction involving over 3 per centum of the fund, an indication of each asset purchased, sold, or exchanged (and, in the case of fixed assets such as land, buildings, and leaseholds, the location of the asset); the purchase or selling price; expenses incurred in connection with the purchase, sale, or exchange; the cost of the asset and the net gain (or loss) on each sale; the identity of the seller in the case of a purchase, or the identity of the purchaser in the case of a sale, and his relationship to the plan, the employer, or any employee organization;

"(5) a schedule of all loans made from the fund during the reporting year or outstanding at the end of the year, and a schedule of principal and interest payments received by the fund during the reporting year, aggregated in each case by type of loan, and in addition, a separate schedule showing as to each loan which—

"(A) was made to a party in interest, or

"(B) was in default, or

"(C) was written off during the year as uncollectable, or

"(D) exceeded 3 per centum of the value of the fund,

the original principal amount of the loan, the amount of principal and interest received during the reporting year, the unpaid balance, the identity and address of the loan obligor, a detailed description of the loan (including date of making and maturity, interest rate, the type and value of collateral and other material terms), the amount of principal and interest overdue (if any) and as to loans written off as uncollectable an explanation thereof;

"(6) a list of all leases with—

"(A) persons other than parties in interest who are in default, and

"(B) any party in interest,

including information as to the type of property leased (and, in the case of fixed assets such as land, buildings, leaseholds, and so forth, the location of the property), the identity of the lessor or lessee from or to whom the plan is leasing, the relationship of such lessors and lessees, if any, to the plan, the employer, employee organization, or any other party in interest, the terms of the lease regarding rent, taxes, insurance, repairs, expenses, and renewal options; if property is leased from persons described in (B) the amount of rental and other expenses paid during the reporting year; and if property is leased to persons described in (A) or (B), the date the leased property was purchased and its cost, the date the property was leased and its approximate value at such date, the gross rental receipts during the reporting period, the expenses paid for the leased property during the reporting period, the net receipts from the lease, and with respect to any such leases in default, their identity, the amounts in arrears, and a statement as to what steps have been taken to collect amounts due or otherwise remedy the default;

"(7) a detailed list of purchases, sales, exchanges, or any other transactions with any party in interest made during the year, including information as to the asset involved, the price, any expenses connected with the transaction, the cost of the asset, the proceeds, the net gain or loss, the identity of the other party to the transaction and his relationship to the plan;

"(8) subject to rules of the Secretary designed to preclude the filling of duplicate or unnecessary statements if some or all of the assets of a plan or plans are held in a common or collective trust maintained by a bank or similar institution or in a separate account maintained by an insurance carrier, the report shall include a statement of assets and liabilities and a statement of receipts and disbursements of such common or collective trust or separate account and such of the information required under paragraphs (2), (3), (4), (5), (6), and (7) of section 7(b) with respect to such common or collective trust or separate account as the Secretary may determine appropriate by regulation. In such case the bank or similar institution or insurance carrier shall certify to the administrator of such plan or plans, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, the information determined by the Secretary to be necessary to enable the plan administrator to comply with the requirements of this Act; and

"(9) in addition to reporting the information called for by this subsection, the administrator may elect to furnish other information as to investment or reinvestment of the fund as additional disclosures to the Secretary.

"(c) If the only assets from which claims against an employee benefit plan may be paid are the general assets of the employer or the employee organization, the report shall include (for each of the past five years) the benefits paid and the average number of employees eligible for participation.

(e) Section 7(d) of such Act is amended by striking out the capital "T" in the word "The" the first time it appears in paragraphs (1) and (2) and inserting in lieu thereof a lowercase "t".

(f) Section 7(e) of such Act is amended to read as follows:

"(e) Every employee pension benefit plan shall include with its annual report (to the extent applicable) the following information:

"(1) the type and basis of funding,

"(2) the number of participants, both retired and nonretired, covered by the plan,

"(3) the amount of all reserves or net assets accumulated under the plan,

"(4) the present value of all liabilities for all nonforfeitable pension benefits and the present value of all other accrued liabilities,

"(5) the ratios of the market value of the reserves and asset described in (3) above to the liabilities described in (4) above.

"(6) a copy of the most recent actuarial report, and

"(A) (1) the actuarial assumptions used in computing the contributions to a trust or payments under an insurance contract, (ii) the actuarial assumptions used in determining the level of benefits, and (iii) the actuarial assumptions used in connection with the other information required to be furnished under this subsection, insofar as any such actuarial assumptions are not included in the most recent actuarial report,

"(B) (i) if there is no such report, or (ii) if any of the actuarial assumptions employed in the annual report differ from those in the most recent actuarial report, or (iii) if different actuarial assumptions are used for computing contributions or payments then are used for any other purpose, a statement explaining same; and

"(7) such other reasonable information pertinent to disclosure under this subsection as the Secretary may by regulation prescribe."

(g) Section 7 of such Act is further amended by striking out in their entirety subsections (f), (g), and (h).

SEC. 507. (a) Section 8 of the Welfare and Pension Plans Disclosure Act is amended by striking out subsections (a) and (b) in their entirety and by redesignating subsection (c) as subsection (a). The subsection redesignated as subsection (a) is further amended by striking out the words "of plans" after the word "descriptions", striking out the word "the" before the word "annual", and adding the word "plan" before the word "descriptions".

(b) Such section is further amended by adding subsections (b), (c), and (d), to read as follows:

"(b) The administrator of any employee benefit plan subject to this Act shall file with the Secretary a copy of the plan description and each annual report. The Secretary shall make copies of such descriptions and annual reports available for public inspection.

"(c) Publication of the plan descriptions and annual reports required by this Act shall be made to participants and beneficiaries of the particular plan as follows:

"(1) the administrator shall make copies of the plan description (including all amendments or modifications thereto) and the latest annual report and the bargaining agreement, trust agreement, contract, or other instrument under which the plan was established or is operated available for examination by any plan participant or beneficiary in the principal office of the administrator.

"(2) the administrator shall furnish to any plan participant or beneficiary so requesting in writing a fair summary of the latest annual report;

"(3) the administrator shall furnish or make available, whichever is most practicable: (1) to every participant upon his enrollment in the plan and within one hundred and twenty days after each major amendment to the plan, a summary of the plan's important provisions, including the names and addresses of any person or persons responsible for the management or investment of plan funds, and requirements of the amendment, whichever is applicable, written in a manner calculated to be understood by the average participant; such explanation shall include a description of the benefits available to the participant under the plan and circumstances which may result in disqualification or ineligibility, and the requirements of the Welfare and Pension Plans Disclosure Act with respect to the availability of copies of the plan bargaining agreement, trust agreement, contract or other instrument under which the plan is established or operated; and (ii) to every participant every three years (commencing January 1, 1975), a revised up-to-date summary of the plan's important provisions and major amendments thereto, written in a manner calculated to be understood by the average participant and (iii) to each plan participant or beneficiary so requesting in writing a complete copy of the plan description (including all amendments or modifications thereto) or a complete copy of the latest annual report, or both. He shall in the same way furnish a complete copy of any bargaining agreement, trust agreement, contract, or other instrument under which the plan is established or operated. In accordance with regulations of the Secretary, an administrator may make a reasonable charge to cover the cost of furnishing such complete copies.

"(d) In the event a plan is provided a variance with respect to standards of vesting, funding, or both, pursuant to title II of the Retirement Income Security for Employees Act, the Administrator shall furnish or make available, whichever is most practicable, notice of such action to each participant in a manner calculated to be understood by the average participant, and in such form and detail and for such periods as may be prescribed by the Secretary."

SEC. 508. Section 14 of such Act is amended to eliminate the words "after first requiring certification in accordance with section 7(b)".

SEC. 509. Section 15 of such Act is amended to read as follows:

"SEC. 15. (a) (1) There is hereby established an Advisory Council on Employee Welfare and Pension Benefit Plans (hereinafter referred to as the 'Council') consisting of twenty-one members appointed by the Secretary. Not more than ten members of the Council shall be members of the same political party.

"(2) Members shall be appointed from among persons recommended by groups or organizations which they shall represent and shall be persons qualified to appraise the programs instituted under this Act and the Retirement Income Security for Employees Act.

"(3) Of the members appointed, five shall be representatives of labor organizations; five shall be representatives of management; one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, and the accounting field; and six representatives shall be appointed from the general public.

"(4) Members shall serve for terms of three years, except that of those first appointed, six shall be appointed for terms of one year, seven shall be appointed for terms of two years, and eight shall be appointed for terms of three years. A member may be reappointed, and a member appointed to fill a vacancy shall be appointed only for the remainder of such term. A majority of members shall constitute a quorum and action shall be taken only by a majority vote of those present.

"(5) Members shall be paid compensation at the rate of $150 per day when engaged in the actual performance of their duties except that any such member who holds another office or position under the Federal Government shall serve without additional compensation. Any member shall receive travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

"(b) It shall be the duty of the Council to advise the Secretary with respect to the carrying out of their functions under this Act, and to submit to the Secretary recommendations with respect thereto. The Council shall meet at least four times each year and at such other times as the Secretary requests. At the beginning of each regular session of the Congress, the Secretary shall transmit to the Senate and House of Representatives each recommendation which he has received from the Council during the preceding calendar year and a report covering his activities under the Act for the preceding fiscal year, including full information as to the number of plans and their size, the results of any studies he may have made of such plans and the operation of this Act and such other information and data as he may deem desirable in connection with employee welfare and pension benefit plans.

"(c) The Secretary shall furnish to the

Council on executive secretary and such secretarial, clerical, and other services as are deemed necessary to conduct its business. The Secretary may call upon other agencies of the Government for statistical data, reports, and other information which will assist the Council in the performance of its duties."

SEC. 510. The Welfare and Pension Plans Disclosure Act is further amended by renumbering sections 15, 16, 17, and 18 as sections 16, 17, 18, and 19, respectively, and by inserting the following new section immediately after section 14:

"FIDUCIARY STANDARDS

"SEC. 15. (a) Every employee benefit fund established to provide for the payment of benefits under an employee's benefit plan shall be established or maintained pursuant to a duly executed written document which shall set forth the purpose or purposes for which such fund is established and the detailed basis on which payments are to be made into and out of such fund. Such fund shall be deemed to be a trust and shall be held for the exclusive purpose of (1) providing benefits to participants in the plan and their beneficiaries and (2) defraying reasonable expenses of administering the plan.

"(b)(1) A fiduciary shall discharge his duties with respect to the fund—

"(A) with the care under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and

"(B) subject to the standards in subsection (a) and in accordance with the documents and instruments governing the fund insofar as is consistent with this Act, except that (i) any assets of the fund remaining upon dissolution or termination of the fund shall, after complete satisfaction of the rights of all beneficiaries to benefits accrued to the date of dissolution or termination, be distributed ratably to the beneficiaries thereof or, if the trust agreement so provides, to the contributors thereto; and (ii) that in the case of a registered pension or profit-sharing-retirement plan, such distribution shall be subject to the requirements of the Retirement Income Security for Employees Act.

"(2) Except as permitted hereunder, a fiduciary shall not——

"(A) rent or sell property of the fund to any person known to be a party in interest of the fund;

"(B) rent or purchase on behalf of the fund any property known to be owned by a party in interest of the fund;

"(C) deal with such fund in his own interest or for his own account;

"(D) represent any other party with such fund, or in any way act on behalf of a party adverse to the fund or adverse to the interests of its participants or beneficiaries;

"(E) receive any consideration from any party dealing with such fund in connection with a transaction involving the fund for the fiduciary's personal interest or for the personal interest of any party in interest;

"(F) loan money or other assets of the fund to any party in interest of the fund;

"(G) furnish goods, services, or facilities of the fund to any party in interest of the fund;

"(H) permit the transfer of any assets or property of the fund to, or its use by or for the benefit of, any party in interest of the fund; or

"(I) permit any of the assets of the fund to be held, deposited, or invested outside the United States unless the indicia of ownership remain within the jurisdiction of a United States District Court, except as authorized by the Secretary by rule or regulation. The Secretary, by rules or regulations or upon application of any fiduciary or party in interest, by order, shall provide for the exemption conditionally or unconditionally of any fiduciary or class of fiduciaries or transaction or class of transactions from all or part of the proscriptions contained in this subsection 15(b)(2) when the Secretary finds that to do so is consistent with the purposes of this Act and is in the interest of the fund or class of funds and the participants and beneficiaries: *Provided, however,* That any such exemption shall not relieve a fiduciary from any other applicable provisions of this Act.

"(c) Nothing in this section shall be construed to prohibit the fiduciary from—

"(1) receiving any benefit to which he may be entitled as a participant or beneficiary in the plan under which the fund was established;

"(2) receiving any reasonable compensation for services rendered, or for the reimbursement of expenses properly and actually incurred, in the performance of his duties with the fund, or receiving in a fiduciary capacity proceeds from any transaction involving plan funds, except that no person so serving who already receives full-time pay from an employer or an association of employers whose employees are participants in the plan under which the fund was established, or from an employee organization whose members are participants in such plan shall receive compensation from such fund, except for reimbursement of expenses properly and actually incurred and not otherwise reimbursed;

"(3) serving in such position in addition to being an officer, employee, agent, or other representative of a party in interest;

"(4) *engaging in the following transactions:*

"(A) holding or purchasing on behalf of the fund any security which has been issued by an employer whose employees are participants in the plan, under which the fund was established or a corporation controlling, controlled by, or under common control with such employer, except that (i) the purchase of any security is for no more than adequate consideration in money or money's worth, and (ii) that if an employee benefit fund is one which provides primarily for benefits of a stated amount, or an amount determined by an employee's compensation, an employee's period of service, or a combination of both, or money purchase type benefits based on fixed contributions which are not geared to the employer's profits, no investment shall be held or made by a fiduciary of such a fund in securities of such employer or of a corporation controlling, controlled by, or under common control with such employer, if such investment, when added to such securities already held, exceeds 10 per centum of the fair market value of the assets of the fund. Notwithstanding the foregoing, such 10 per centum limitation shall not apply to profit sharing, stock bonus, thrift and savings or other similar plans which explicitly provide that some or all of the plan funds may be invested in securities of such employer or a corporation controlling, controlled by, or under common control with such employer, nor shall said plans be deemed to be limited by any diversification rule as to the percentage of plan funds which may be invested in such securities. Profit sharing, stock bonus, thrift or other similar plans, which are in existence on the date of enactment and which allow investment in such securities without explicit provision in the plan, shall remain exempt from the 10 per centum limitation until the expiration of one year from the date of enactment of Retirement Income Security for Employees Act. Nothing contained in this subparagraph shall be construed to relieve profit sharing, stock bonus, thrift and savings or other similar plans from any other applicable requirements of this section;

"(B) purchasing on behalf of the fund any security or selling on behalf of the fund any security which is acquired or held by the fund, to or from a party in interest if (i) at the time of such purchase or sale the security is of a class of securities which is listed on a national securities exchange registered under the Securities Exchange Act of 1934 or which has been listed for more than one month (after the date of enactment of this Act) on an electronic quotation system administered by a national securities association registered under the Securities Exchange Act of 1934, (ii) no brokerage commission, fee (except for customary transfer fees), or other remuneration is paid in connection with such transaction, (iii) adequate consideration is paid, and (iv) that in the event the security is one described in subparagraph (A), the transaction has received the prior approval of the Secretary;

"(5) making any loan to participants or beneficiaries of the plan under which the fund was established where such loans are available to all participants or beneficiaries on a nondiscriminatory basis and are made in accordance with specific provisions regarding such loans set forth in the plan;

"(6) contracting or making reasonable arrangements with a party in interest for office space and other services necessary for the operation of the plan and paying reasonable compensation therefor;

"(7) following the specific instructions in the trust instrument or other document governing the fund insofar as consistent with the specific prohibitions listed in subsection (b)(2);

"(8) taking action pursuant to an authorization in the trust instrument or other document governing the fund, provided such action is consistent with the provisions of subsection (b).

"(d) Nothing in this section shall be construed to prohibit a person who is a party in interest by reason of providing benefit plan services to a plan, from providing any other services ordinarily and customarily furnished at arm's length by such person, to any fiduciary or any other party in interest to the plan, and nothing in this section shall be construed to preclude any fiduciary or party in interest in the plan from purchasing such services or contracting or making reasonable arrangements for the receipt of such services on such terms as are fair and reasonable.

"(e) Any fiduciary who breaches any of the responsibilities, obligations, or duties imposed upon fiduciaries by this Act shall be personally liable to such fund for any losses to the fund resulting from such breach, and to pay to such fund any profits which have inured to such fiduciary through use of assets of the fund.

"(f) When two or more fiduciaries undertake jointly the performance of a duty or the exercise of a power, or where two or more fiduciaries are required by an instrument governing the fund to undertake jointly the performance of a duty or the exercise of power, but not otherwise, each of such fiduciaries shall have the duty to prevent any other such cofiduciary from committing a breach of responsibility, obligation, or duty of a fiduciary or to compel such other cofiduciary to redress such a breach, except that no fiduciary shall be liable for any consequence of any act or failure to act of a cofiduciary who is undertaking or is required to undertake jointly any duty or power if he shall object in writing to the specific action and promptly file a copy of his objection with the Secretaryy.

"(g) No fiduciary may be relieved from any responsibility obligation, or duty imposed by law, agreement, or otherwise. Nothing herein shall preclude any agreement allocating specific duties or responsibilities among fiduciaries, or bar any agreement of insurance coverage or indemnification affecting fiduciaries, unless specifically disapproved by the Secretary.

"(h) A fiduciary shall not be liable for a violation of this Act committed before he became a fiduciary or after he ceased to be a fiduciary.

"(i) No individual who has been convicted of, or has been imprisoned as a result of his conviction of: robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics law, murder, rape, kidnaping, perjury, assault with intent to kill, assault which inflicts grievous bodily injury any crime described in section 9(a)(1) of the Investment Company Act of 1940, or a violation of any provision of the Welfare and Pension Plan Disclosure Act, or a violation of section 302 of the Labor-Management Relations Act of 1947 (61 Stat. 157, as amended), or a violation of chapter 63 of title 18, United States Code, or a violation of section 874, 1027, 1503, 1505, 1506, 1510, 1951, or 1954 of title 18, United States Code, or a violation of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519, as amended), or conspiracy to commit any such crimes or attempt to commit any such crimes or a crime in which any of the foregoing crimes is an element, shall serve—

"(1) as an administrator, officer, trustee, custodian, counsel, agent, employee (other than as an employee performing exclusive clerical or janitorial duties) or other fiduciary position of any employee benefit plan; or

"(2) as a consultant to any employee benefit plan, during or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five-year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights having been revoked as a result of such conviction, have been fully restored, or (B) the Secretary determines that such person's service in any capacity referred to in clause (1) or (2) would not be contrary to the purposes of this Act. No person shall knowingly permit any other person to serve in any capacity referred to in clause (1) or (2) in violation of this subsection. Any person who willfully violates this subsection shall be fined not more than $10,000 or imprisoned for not more than one year, or both. For the purposes of this subsection, any person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court or the date of the final sustaining of such judgment on appeal, whichever is the later event, regardless of whether such conviction occurred before or after the date of enactment of this section. For the purposes of this subsection, the term 'consultant' means any person who, for compensation, advises or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan.

"(j) All investments and deposits of the funds of an employee benefit fund and all loans made out of any such fund shall be made in the name of the fund or its nominee, and no employer or officer or employee thereof, and no labor organization, or officer or employee thereof, shall either directly or indirectly accept or be the beneficiary of any fee, brokerage, commission, gift, or other consideration for or on account of any loan, deposit, purchase, sale, payment, or exchange made by or on behalf of the fund.

"(k) In order to provide for an orderly disposition of any investment, the retention of which would be deemed to be prohibited by this Act, and in order to protect the interest of the fund and its participants and its beneficiaries, the fiduciary may in his discretion effect the disposition of such investment within three years after the date of enactment of this Act, or within such additional time as the Secretary may by rule or regulation allow, and such action shall be deemed to be in compliance with this Act."

(l) In accordance with regulations of the Secretary, every employee benefit plan subject to this Act shall—

(1) provide adequate notice in writing to any participant or beneficiary whose claim for benefits from the plan has been denied, setting forth the specific reasons for such denial, written in a manner calculated to be understood by the participant, and

(2) afford a reasonable opportunity to any participant whose claim for benefits has been denied for a full and fair review by the plan administrator of the decision denying the claim.

TITLE VI—ENFORCEMENT

SEC. 601. Whenever the Secretary—

(1) determines, in the case of a pension or profit-sharing-retirement plan required to be registered under this Act, that no application for registration has been filed in accordance with sections 102, or

(2) issues an order under section 107 denying or canceling the certificate of registration of a pension or profit-sharing-retirement plan, or

(3) determines, in the case of a pension plan subject to title II, that there has been a failure to make required contributions to the plan in accordance with the provisions of this Act or to pay required assessments or premiums under title III, or to pay such other fees or moneys as may be required under this Act,

the Secretary may petition any district court of the United States having jurisdiction of the parties, or the United States District Court for the District of Columbia, for an order requiring the employer or other person responsible for the administration of such plan to comply with the requirements of this Act as will qualify such plan for registration or compel or recover the payment of required contributions, assessments, premiums, fees, or other moneys.

SEC. 602. Whenever the Secretary has reasonable cause to believe that an employee's benefit fund is being or has been administered in violation of the requirements of the Welfare and Pension Plans Disclosure Act or the documents governing the establishment or operation of the fund, the Secretary may petition any district court of the United States having jurisdiction of the parties or the United States District Court for the District of Columbia for an order (1) requiring return to such fund of assets transferred from such fund in violation of the requirements of such Act, (2) requiring payment of benefits denied to any participant or beneficiary due to violation of the requirements of such Act, and (3) restraining any conduct in violation of the fiduciary requirements of such Act, and granting such other relief as may be appropriate to effectuate the purposes of this Act, including but not limited to, removal of a fiduciary who has failed to carry out his duties and the removal of any person who is serving in violation of the requirements of section 15(i) of the Welfare and Pension Plans Disclosure Act.

SEC. 603. Civil actions for appropriate relief, legal or equitable, to redress or restrain a breach of any responsibility, obligation or duty of a fiduciary, including but not limited to, the removal of a fiduciary who has failed to carry out his duties and the removal of any person who is serving in violation of the requirements of section 15(i) of the Welfare and Pension Plans Disclosure Act or against any person who has transferred or received any of the assets of a plan or fund in violation of the fiduciary requirements of the Welfare and Pension Plans Disclosure Act or in violation of the document or documents governing the establishment or operation of the fund, may be brought by any participant or beneficiary of any employee benefit plan or fund subject to the Welfare and Pension Plans Disclosure Act in any court of competent jurisdiction, State or Federal, or the United States District Court for the District of Columbia, without respect to the amount in controversy and without regard to the citizenship of the parties. Where such action is brought in a district court of the United States, it may be brought in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found, and process may be served in any other district where a defendant resides or may be found.

SEC. 604. Suits by a participant or beneficiary entitled, or who may become entitled, to benefits from an employee benefit plan or fund, subject to the Welfare and Pension Plans Disclosure Act, as amended by this Act may be brought in any court of competent jurisdiction, State or Federal, or the United States District Court for the District of Columbia, without respect to the amount in controversy and without regard to the citizenship of the parties, against any such plan or fund to recover benefits due him required to be paid from such plan or fund pursuant to the document or documents governing the establishment or operation of the plan or fund, or to clarify his rights to future benefits under the terms of the plan. Where such action is brought in a district court of the United States, it may be brought in the district where the plan is administered, or where a defendant resides or may be found, and process may be served in any other district where a defendant resides or may be found. Such actions may also be brought by a participant or beneficiary as a representative party on behalf of all participants or beneficiaries similarly situated.

SEC. 605. (a) In any action brought under section 603 or 604, the court in its discretion may—

(1) allow a reasonable attorney's fee and costs of the action to any party;

(2) require the plaintiff to post security for payment of costs of the action and reasonable attorney's fees.

(b) A copy of the complaint in any action brought under section 603 or 604 shall be served upon the Secretary by certified mail, who shall have the right, in his discretion, to intervene in the action.

(c) Notwithstanding any other law, the Secretary shall have the right to remove an action brought under section 603 or 604 from a State court to a district court of the United States, if the action is one seeking relief of the kind the Secretary is authorized to sue for under this Act. Any such removal shall be prior to the trial of the action and shall be to a district court where the Secretary could have initiated the action.

SEC. 606. The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932, shall not be applicable with respect to suits brought under this title.

SEC. 607. Suits by an administrator or fiduciary of a pension plan, a profit-sharing-retirement plan, or an employees' benefit fund subject to the Welfare and Pension Plans Disclosure Act, to review final order of the Secretary, to restrain the Secretary from taking any action contrary to the provisions of this Act, or to compel action required under this Act, may be brought in the name of the plan or fund in the district court of the United States for the district where the fund has its principal office, or in the United States District Court for the District of Columbia.

SEC. 608. Any action, suit, or proceeding based upon a violation of this Act or the Welfare and Pension Plans Disclosure Act shall be commenced within five years after the violation occurs. In the case of fraud or concealment, such action, suit or proceeding shall be commenced within five years of the date of discovery of such violation.

SEC. 609. (a) It is hereby declared to be the express intent of Congress that, except for actions authorized by section 604 of this title, the provisions of this Act or the Welfare and Pension Plans Disclosure Act shall supersede any and all laws of the States and of political subdivisions thereof insofar as they may now or hereafter relate to the subject matters regulated by this Act or the Welfare and Pension Plans Disclosure Act, except that nothing herein shall be construed—

(1) to exempt or relieve any employee benefit plan not subject to this Act or the Welfare and Pension Plans Disclosure Act from any law of any State;

(2) to exempt or relieve any person from any law of any State which regulates insurance, banking, or securities or to prohibit a State from requiring that there be filed with a State agency copies of reports required by this Act to be filed with the Secretary; or

(3) to alter, amend, modify, invalidate, impair, or supersede any law of the United States other than the Welfare and Pension Plans Disclosure Act or any rule or regulation issued under any law except as specifically provided in this Act.

(b) Subsection (a) of this section shall not be deemed to prevent any State court from asserting jurisdiction in any action requiring or permitting accounting by a fiduciary during the operation of an employee benefit fund subject to the Welfare and Pension Plans Disclosure Act or upon the termination thereof from asserting jurisdiction in any action by a fiduciary requesting instructions from the court or seeking an interpretation of the trust instrument or other document governing the fund. In any such action—

(1) the provisions of this Act and the Welfare and Pension Plans Disclosure Act shall supersede any and all laws of the State and of political subdivisions thereof, insofar as they may now or hereafter relate to the fiduciary, reporting, and disclosure responsibilities of persons acting for or on behalf of employee benefit plans or on behalf of employee benefit funds subject to the Welfare and Pension Plans Disclosure Act except insofar as they may relate to the amount of benefits due beneficiaries under the terms of the plan;

(2) notwithstanding any other law, the Secretary or, in the absence of action by the Secretary, a participant or beneficiary of the employee benefit plan or fund affected by this subsection, shall have the right to remove such action from a State court to a district court of the United States if the action involves an interpretation of the fiduciary, or reporting, and disclosure responsibilities of persons acting on behalf of employee benefit plans subject to the Welfare and Pension Plans Disclosure Act;

(3) the jurisdiction of the State court shall be conditioned upon—

(A) written notification, sent to the Secretary by registered mail at the time such action is filed, identifying the parties to the action, the nature of the action, and the plan involved; and satisfactory evidence presented to the court that the participants and beneficiaries have been adequately notified with respect to the action; and

(B) the right of the Secretary or of a participant or beneficiary to intervene in the action as an interested party.

### TITLE VII—EFFECTIVE DATES

SEC. 701. (a) Sections 101, 102, 103, and 104, title V, and title VI of this Act shall become effective upon the date of enactment of this Act.

(b) Title II of this Act shall become effective three years after the date of enactment of this Act, and title III and IV of this Act shall become effective one year after the date of enactment of this Act.

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### RETIREMENT INCOME SECURITY FOR EMPLOYEES ACT

(Outline of major provisions of S. 4 (Williams-Javits pension reform bill))

The following are the major provisions of the Williams-Javits Pension Reform Bill:

1. Establishes within the Department of Labor, under the supervision and responsibility of the Secretary of Labor, an Office of Pension and Welfare Plan Administration, to be headed by an Assistant Secretary of Labor appointed by the President, with Senate advice and consent, which will be responsible for promotion, establishment, and administration and operation of employee benefit plans and enforcement of Act.

2. Prescribes minimum vesting requirements whereby an employee, after eight years of service, will acquire a vested nonforfeitable right to 30% of pension benefits, and, thereafter, each year will vest an additional 10% until, at the end of 15 years, he will have vested rights of 100%. As to plan participants who are 45 years of age on the effective date of the vesting provisions, they shall be vested with respect to such service performed before that effective date in the same manner as if the vesting schedules had been in effect during that period of time.

3. Establishes minimum funding standards for pension plans which will assure that all unfunded pension liabilities of the plan will be funded over a 30-year period.

4. Authorizes the Secretary to grant variances from funding requirements for qualifying plans under certain circumstances.

5. Establishes voluntary program for portability through a central fund, whereby employees of participating employees may transfer vested credits from one employer to another.

6. Establishes a plan termination insurance program which will guarantee that the vested pension credits of the employees will be paid when an employer goes out of business and the pension plan does not have sufficient assets to pay the workers' benefits. Insurance will cover benefits earned under the plan before the effective date and all such benefits subsequent thereto.

7. Prescribes new rules of conduct for trustees and fiduciaries controlling employee benefit funds, and prohibits conflict of interest and other unauthorized practices to prevent mishandling or loss of such funds.

8. Requires additional and more comprehensive disclosure in reports to be filed with the Federal Government, and more comprehensible explanations of the plans to workers.

9. Establishes federal jurisdiction and provides adequate remedies to both the Government and the individual worker for judicial and administrative enforcement of the bill's provisions, including recovery of pension benefits due.

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### SUMMARY OF MAJOR PROVISIONS

### TITLE I.—ORGANIZATION, POWERS, AND DUTIES OF THE SECRETARY OF LABOR

*Section 101.*—This section requires the Secretary of Labor to promote programs and plans for the administration and operation of employee benefit plans in furtherance of the findings and policies set forth in the Act. He shall determine the eligibility for registration of such plans upon compliance with the requirements specified in the Act. Where plans are unqualified, he is authorized to cancel the registration. The Secretary is directed to administer and enforce the provisions of this Act and the Welfare and Pension Plans Disclosure Act. The Secretary is empowered to conduct inquiries reasonably necessary to ascertain violations of the Act or its regulations. He may not conduct an examination of books and records more than once annually unless he has reasonable cause to believe there has been a violation. He may use subpoena powers, if necessary, in the enforcement of the Act. The Secretary is authorized through the Attorney General to institute civil actions to enforce the provisions of the Act.

The Secretary is authorized to prescribe rules and regulations to govern standards and qualifications and actuaries performing services under the Act, and to certify actuaries as qualified for purposes of the Act. He is authorized to establish reasonable limitations on actuarial assumptions. The Secretary is directed to conduct studies on the effects of and the subjects covered in the Act and to furnish Congress with annual reports of such studies and his activities and progress under the Act.

Before promulgating regulations, the Secretary is required to consult with appropriate government agencies to avoid duplication or conflicts. He may also make arrangements with federal or state agency facilities for the purposes of enforcing the Act on a reimbursable basis.

#### *Office of Administration*

*Section 103.*—This section establishes within the Department of Labor an Office of Pension and Welfare Plan Administration headed by an Assistant Secretary of Labor appointed by the President with Senate advice and consent. Under supervision of the Secretary of Labor, he shall exercise that power and authority delegated to him by the Secretary for the purpose of administration and enforcement of the Act.

The functions, records and personnel of the Office of Labor Management Services Administration necessary for the administration of Welfare and Pension Plans Disclosure Act, are transferred to the new Office of Pension and Welfare Plan Administration.

#### *Coverage and exemptions*

*Section 104.*—This section requires that, unless exempt, the provisions of the Act apply to any pension or profit-sharing-retirement plan established or maintained by an employer, a union, or both together in any industry or activity affecting interstate commerce. The fiduciary and disclosure provisions of the Act apply to all employee benefit plans unless exempt.

The Act does not apply to plans established by federal or state governments, plans, established by religious organizations, plans for the self-employed, plans covering not more than 25 participants, plans established outside the territorial jurisdiction of the United States for citizens of other countries unless they maintain funds in the United States, certain plans for key executives, and plans for members of labor organizations which are financed exclusively from the members' dues.

The funding and plan termination insurance requirements are not applicable to profit-sharing or money purchase plans, because of the nature of these plans.

#### *Registration of plans*

*Section 105.*—This section requires administrators of pension and profit-sharing plans to file applications with the Secretary of Labor for registration of such plans. The filing by the administrator shall be within six months after a plan has been established, or, if a plan was in effect at the time of enactment of this Act, such filing shall be within six months after the effective date of regulations promulgated by the Secretary of Labor, but in no event later than 12 months.

Upon finding by the Secretary that a plan is qualified, it shall be issued a certificate of registration by the Secretary. The criterion for the grant of such certificate shall be compliance with the requirements of the Act.

Where a plan is deficient, the administrator or other appropriate person shall be given an opportunity to remove the deficiency, and in the event that such deficiency is not removed, the Secretary may order cancellation or denial of such certificate.

#### *Reports on registered plans*

*Section 106.*—This section provides that the Secretary may, by regulation, provide for the filing of one single report which will satisfy the reporting requirements of this Act and the WPPDA.

#### *Amendments of registered plans*

*Section 107.*—This section provides that amendments to pension or profit-sharing-retirement plans shall be registered with the Secretary; that copies of such amendments shall be filed with the Secretary; and that the Secretary may require additional information in order that he may determine the initial unfunded liability which has been created by the amendment and to further determine special payments which may be required to remove such liability.

### *Certificate of Rights*

*Section 108.*—This section requires the Secretary to promulgate regulations requiring each plan to furnish its participants, upon termination of service with vested rights, with a certificate reciting the benefits due to such participants and the location of the entity responsible for the payments and pertinent data relating thereto. A copy of such certificate shall be filed with the Secretary.

## TITLE II.—VESTING AND FUNDING REQUIREMENTS

### *Part A—Vesting*

*Section 201.*—This section requires that no pension or profit-sharing-retirement plan may require as a condition of eligibility to participate in the plan, a period of service longer than one year or an age greater than 25, whichever occurs later, except that any plan which provides 100 percent immediate vesting upon entry into the plan may restrict participation to those who have attained age 30, or three years of service, whichever occurs later.

*Section 202.*—This section provides that all pensions and profit-sharing-retirement plans are required to vest rights in participants with respect to service rendered both before, as well as after, the effective date of the title at the rate of a 30 percent vested interest, commencing with eight years of service, and increasing by 10 percent each year thereafter in order that 100 percent vesting is attained after 15 years of service. However, vesting of accrued benefits as to service rendered prior to the Act is required only with respect to plan participants who have attained age 45 on the effective date of the title. Vested plan benefits acquired under the Act may not be assigned or alienated except that where a plan fails to make such provision, the Secretary shall be required to provide for final disposition of such benefits.

It further provides that no more than three of the eight years required to qualify for a 30 percent vested right need be continuous, but that service prior to age 25 may be ignored in determining eligibility for a vested right unless the participant or his employer has made contributions to the plan with respect to service prior to age 25.

In addition, in the event a participant has achieved 100 percent full vesting when permanently separated from the plan and subsequently returns to coverage under the same plan, he may be treated as a new participant for purposes of vesting schedule.

Any plan may allow more liberal vesting than required by the Act. If, upon application by a plan, the Secretary determines that a plan's vesting provisions are as liberal as those required by this Act, he may waive the requirements and permit the plan's vesting schedule to remain unchanged. Liberal refers to a vesting schedule comparable to, or greater than, the one prescribed by this Act.

### *Part B—Funding*

*Section 210.*—This section requires that plans provide for compulsory funding of its obligations to its employees. Every employer is required to provide contributions for funding of his pension plan in a manner adequate to amortize all pension benefit liabilities which may accrue under the terms of the plan. Employers must fund all normal service costs annually and must fund initial unfunded liabilities existing on the effective date of this title (or in any plan established after the effective date of the title) within 30 years from the applicable date, in no less than equal amounts annually. If any amendment to the plan results in substantial increase to the plan's unfunded liabilities, the increase shall be funded separately as if it were a new plan and shall be regarded as a new plan for purposes of the plan termination insurance program established under this Act.

If a plan has an experience deficiency (resulting from actuarial error) for any particular year, the deficiency must be removed in no more than a five-year period, except that where such deficiency cannot be removed within such period without exceeding allowable limits for tax deductions under the Internal Revenue Code for a given year during such period, the Secretary may prescribe necessary additional time to permit removal of such deficiency within allowable tax deduction limitations.

Within six months after the effective date of rules promulgated by the Secretary to implement this title, but not later than 12 months after the effective date of the title, or within six months after date of plan establishment, whichever is later, the plan is required to submit a report by an actuary who has been certified by the Secretary, stating information necessary to determine the appropriate application of the funding requirements to the plan. Plans are also required to be reviewed every five years by certified actuaries who are to report the funding obligations which must be met and any surplus or experience deficiencies. The Secretary is authorized to exempt certain plans from these filing requirements if consistent with the purpose of the Act.

*Section 211.*—This section provides that subject to the authority of the Secretary to provide exemptions in cases of hardship, and certain provisions of the Internal Revenue Code, all assets of terminated pension plans must be distributed according to the following priorities:

First, to refund to nonretired participants in the plan the amount of contributions made by them; second, to retirees; third, to persons eligible to retire on date of plan termination; fourth, to participants who have vested rights under the plan but who have not reached retirement age; and fifth, to other participants. In addition, employers are held liable for contributions (including amounts withheld from employees) owing to the plan which were required to be made by virtue of the funding requirements of the Act, but which were not made as of the date of plan termination. Upon either complete or substantial termination of a profit-sharing plan, the interests of all participants shall fully vest.

The Secretary may approve payment of benefits due to survivors in accordance with priorities which are equal to those of the employees whose service had acquired such benefits.

### *Part C.—Variances*

*Section 216.*—This section authorizes the Secretary to defer, in whole or in part, applicability of the vesting provisions for a period not to exceed five years from the effective date of such requirements where a plan makes a showing that the vesting requirements would increase the employer's costs or contributions to the plan to an extent that "substantial economic injury" would result to the employer and to the interests of the participants.

The definition of "substantial economic injury" is defined to include, but not to be limited to, a substantial risk to plan continuance, inability to discharge benefit obligations, substantial curtailment of pension or other employee benefits, or the production of an adverse effect upon employment levels of the work force of the employer contributing to the plan!

In collectively-bargained plans, both employer and union are required to submit application for the variance, and where such a submission is made, the Secretary is required to give due weight to the experience, competence, and knowledge of the parties concerning the necessity for the variance.

*Section 217.*—This section provides that where an employer can make a showing to the Secretary of Labor that he cannot make the required annual contribution to the pension plan, the Secretary may waive such contributions and authorize that such deficiency be funded over a period not to exceed five years in not less than equal annual payments. However, to authorize such variance, the Secretary must be satisfied that such waiver will not have an adverse effect upon the interests of employees and will not impair the financial position of the Pension Benefit Insurance Fund. No waiver may be granted for more than five years, and when a plan has been granted five consecutive waivers, the Secretary has the authority to: (1) merge or consolidate a deficiently funded plan with another plan of the employer, if feasible; (2) order termination of a plan if necessary to protect the interests of the participants or the position of the plan termination insurance program; (3) or such other action as may be appropriate to carry out the purposes of the Act.

No amendments increasing plan benefits are permitted during any period that a funding waiver is in effect.

The Secretary is required to promulgate regulations governing funding of multi-employer plans that cover a substantial portion of the industry or employees in a specific geographic area to assure that such plans are provided with sufficient assets to cover benefits under the plan. In promulgating such regulations, the Secretary is required to set a funding period that will reflect an adequate basis for funding the plan's benefit commitments and which takes into account the particular situation pertaining to the plan, industry, and circumstances involved. In no event is the Secretary authorized to prescribe a funding period for such a multiemployer plan which is less than 30 years, and no such plan is permitted to increase benefits beyond a point for which the contribution rate would be inadequate unless such rate is increased commensurately.

The Secretary may determine also that an employer's withdrawal from a multi-employer plan will significantly reduce the rate of aggregate contributions to the plan. He may then require the fund to be allocated between the nonworking and working participants, and treat the nonworkers' share of the fund as terminated for insurance purposes, and the remaining portion of the fund as a new one for funding, variances, and insurance purposes.

## TITLE III.—VOLUNTARY PORTABILITY PROGRAM FOR VESTED PENSIONS

### *Program established*

*Section 301.*—This section establishes a voluntary program for portability of vested pension credits. The program will be administered by and under the Secretary's direction, and will be designed to facilitate the voluntary transfer of vested credits between registered plans. Plans registered under the Act may voluntarily apply for membership in the program and upon approval be issued a certificate of membership by the Secretary.

### *Acceptance of deposits*

*Section 302.*—This section requires that, upon request of a plan participant, plans which are members of this program are required to pay, to a central portability fund administered by the Secretary, monies representing the value of the participant's vested rights when he is separated from the plan prior to retirement. The Secretary will prescribe the terms and circumstances of deposits to be made.

### *Special fund*

*Section 303.*—This section establishes a Voluntary Portability Program Fund under the supervision of the Secretary into which payments will be made in accordance with regulations prescribed by the Secretary under the portability program. The Secretary shall be the trustee of the fund and shall administer the fund and report to the Congress annually of the fund's operations and fiscal status. The Secretary is authorized to deposit the amounts received in financial institutions insured by the FDIC or FSLIC but no more than 10 percent in any one financial institution.

*Individual accounts*

*Section 304.*—This section requires the Fund to establish individual accounts for each participant for whom it has received monies under the portability program.

*Payments from individual accounts*

*Section 305.*—This section provides that, at the request of a participant transferring into a new plan, the Secretary is required to pay out of his account the accumulated amounts to purchase pension credits from the new plan which are actuarially equivalent. Unless the monies in a participant's account have been transferred to another employer's plan at the participant's request, the Secretary is required to use the monies in the participant's account to purchase a single-premium life annuity from a qualified life insurance carrier when the participant reaches age 65, and in the event of the participant's death, to pay out monies in his account to his designated beneficiary.

*Technical assistance*

*Section 306.*—This section authorizes the Secretary to furnish technical assistance to unions, administrators, and all others affected by this Act who wish to develop portability or reciprocity arrangements of their own.

TITLE IV.—PLAN TERMINATION INSURANCE PROGRAM ESTABLISHED

*Section 401.*—This section establishes a Private Pension Plan Termination Insurance Program administered by the Secretary, which requires plans to insure unfunded vested liabilities incurred prior to enactment of the Act, as well as after enactment of the Act.

*Condition of insurance*

*Section 402.*—This section requires the insurance program to insure participants against loss of vested benefits arising from plan termination.

The amount of vested benefit insurance is limited to 50 percent of highest average monthly wage of participants earned over a five-year period, or $500 monthly whichever is the lesser.

No insurance shall be paid if the plan is terminated less than three years from date of establishment or registration unless the Secretary determines that a registered plan was otherwise in substantial compliance with the Act and that the reserve position of the insurance program will not be adversely affected.

Insurance will not cover vested rights created by any plan amendment which took effect less than three years prior to plan termination.

No coverage is extended to participants who own 10 percent or more of employer voting stock.

*Assessment and premiums*

*Section 403.*—This section requires plans to pay an initial uniform assessment to be prescribed by the Secretary to cover administrative costs of the program. The Secretary shall prescribe an annual premiums rate based upon unfunded vested liabilities. For the first three years, the insurance premium shall not exceed 0.2 percent of unfunded vested liabilities incurred after enactment of the Act. With respect to those unfunded vested liabilities incurred prior to enactment, the premium shall be 0.2 percent, provided that the unfunded vested liabilities of the plan were funded at least 75% during the five-year period preceding enactment.

As to plans which on date of enactment were less than five years old, the premium shall be 0.2 percent, provided that the plan had been reducing its unfunded vested liabilities at a rate of no less than 5 percent annually. In the event plans do not meet the above funding standards, they can be charged a premium not to exceed 0.4 percent or less than 0.2 percent of pre-enactment unfunded vested liabilities.

Also, in the case of multi-employer plans (as defined in the Act), the premium rate for the initial three years shall not exceed 0.2 percent of unfunded vested liabilities, regardless of when such liabilities were incurred.

After the initial three-year period, the Secretary may prescribe an annual rate based upon experience, and unless Congress objects within 90 days, the new premium shall become effective.

The Secretary is required to consult with appropriate private and government agencies on matters relating to the assessment and premium rates before prescribing rates.

*Payment of insurance*

*Section 404.*—This section requires that insured plans must receive authority from the Secretary to terminate, and the Secretary must determine that statutory requirements have been complied with and that the prospective termination is not designed to avoid or circumvent the Act.

The insurance to be paid shall be the difference between the plan's assets and unfunded vested benefits owed at the time of plan termination.

In addition, the Secretary is required to prescribe procedures under which funds of terminated plans shall be liquidated and paid out to cover vested benefits of participants. In implementing this authority, the Secretary may transfer terminated funds under his supervision or purchase annuities from qualified insurance carriers for participants or take such other action as may be appropriate.

*Recovery*

*Section 405.*—This section provides that, where employers in terminated plans are not insolvent, they or their successors-in-interest may be liable for reimbursement of a portion of insurance benefits paid. The liability of the employer is to be based on the ratio of the plan's unfunded vested liabilities to the employer's net worth, and the employer is required to reimburse the Secretary for that percentage of the unfunded vested liabilities which is represented by the foregoing ratio. However, if such ratio is less than 50% of the employer's net worth, he is required to pay the full amount.

The Secretary shall make arrangements with employers on equitable terms for the reimbursement of insurance paid.

The amount or amounts of any unpaid liability owed by an employer shall constitute a lien in favor of the government, but junior to any lien for unpaid taxes owed to the government.

*Pension benefit insurance fund*

*Section 406.*—This section establishes within the Labor Department a fund for the deposit of premiums, assessments, etc., made under the Act and for payment of such claims thereunder.

TITLE V.—DISCLOSURE AND FIDUCIARY STANDARDS

The new Disclosure and Fiduciary Requirements of this Act are accomplished by amendments to the Welfare and Pension Plans Disclosure Act. (WPPDA).

*Disclosure*

*Section 501.*—This section requires that annual reports filed are required to be accompanied by a certificate designating the Secretary as agent for service of process in any action arising under this Act.

*Section 502.*—This section amends Section 3 of the Welfare and Pension Plans Disclosure Act by adding new paragraphs containing revised definitions of terms such as "relative," "administrator," "employee benefit plan," "employee benefit fund," "separate account," "adequate consideration," "nonforfeitable pension benefit," "covered service," and various other terms which are intended to reconcile definitions contained in the Act with the new amendments.

*Section 503.*—This section amends Sec. 4 (a) of the Welfare and Pension Plans Disclosure Act by making editorial changes required by the terms of the current Act in order that the definitions of the WPPDA will be reconciled with those of the current amendments.

*Section 504.*—This section amends Sec. 5 (b) of the WPPDA by permitting the Secretary to require the filing of a special terminal report in the event that there are monies or other assets remaining in the plan. Additionally, it is amended to grant the Secretary the right to exempt from the reporting and disclosure requirements of the Act a certain class of employee benefit plan if the same does not serve the purposes of the Act.

*Section 505.*—This section amends Sec. 6 of the WPPDA and requires plan descriptions under this Act to be comprehensive and written in a language and manner calculated to be understood by the average participant. In addition, the prior filing requirements are revised to authorize plan amendments to be filed in accordance with regulations prescribed by the Secretary. Heretofore, plan amendments had to be filed within 60 days after they were effective.

*Section 506.*—This section provides for two significant changes to the WPPDA. The first is a new requirement that the annual financial report must include an opinion of the plan's financial condition by an independent accountant based upon the results of an annual audit. Second, plans must include in their reports more detailed financial information, particularly in connection with party-in-interest transactions, and more detailed actuarial information relating to the plan's funding method and its overall financial soundness.

*Section 507.*—This section broadens the WPPDA requirements by requiring administrators to furnish reports to employees or to make available (whichever is more practicable) to every participant upon his enrollment in the plan a summary of the plan's important provisions written in a manner calculated to be understood by the average participant. (This requirement covers major amendments as well). This summary should include an explanation of a participant's rights and obligations under the plan and the circumstances which may disqualify him from benefits, as well as the requirements of WPPDA. Administrators are also required to furnish or make available to participants every three years a revised, up-to-date summary of the plan's important provisions (including major amendments).

Additionally, the plan administrator must furnish to participants and beneficiaries, upon request, copies of the plan description, annual report, or bargaining agreement, trust agreement, contract, or instrument under which the plan is established and operated. The plan administrator may make a reasonable charge to cover the costs of such copies.

Plan administrators are also required to furnish participants with notices of any vesting or funding variance the plan has received under other provisions of the Act.

*Section 508.*—This section amends Section 9(d) of the WPPDA to eliminate the requirement of certification previously required to examine reports and records of a plan. The annual audit required by the Act dispenses with the need for such certification.

*Section 509.*—This section amends Section 14 of the WPPDA to restructure the Advisory Council on Employee Welfare and Pension Benefit Plans so that it will serve as an advisory council for both the WPPDA and the Retirement Income Security for Employees Act. The Advisory Council is expanded from its present number of 13 members to 21 members. New permanent categories of membership are added to include the fields of actuarial counseling, investment counseling, and accounting. Five representatives of management have also been added. The period of advisory council meetings is changed from its requirement of twice a year to meetings of at least four times a year.

### *Fiduciary standards*

*Section 510.*—This section adds new Section 15 to the WPPDA which establishes fiduciary standards for employee pension and welfare plans.

In general, this section requires plans to be established pursuant to a written document and requires plan funds to be treated as a trust for the exclusive purpose of (1) providing benefits to participants and their beneficiaries and (2) paying reasonable administrative expenses.

This section also requires a fiduciary (i.e., a person who is responsible for handling plan funds) to act as a prudent man in a similar situation and other like conditions would act. The fiduciary must adhere to trust principles established by the Act, and to trust terms which are consistent with the Act and to refrain from transactions where his personal interests would conflict with the interests of the participants and beneficiaries. However, transactions which are otherwise prohibited may be permitted by the Secretary if he finds that the participants' interests would be served by such action. A fiduciary is prohibited from investing, or maintaining investment of more than 10 percent of a pension fund's assets in securities of the employer.

In general, fiduciaries may be reasonably compensated and entitled to receive benefits which belong to them by reason of being participants in the plan and may also make certain loans to participants or beneficiaries or make reasonable arrangements with parties-in-interest for office space or other services, including providing more than one type of service to fiduciaries or other parties-in-interest which are customarily furnished.

Any fiduciary who breaches his trust is personally liable for losses resulting from such breach, and co-fiduciaries are jointly and severally liable except that a co-fiduciary may avoid liability by objecting promptly to any action which may constitute a breach of trust.

Exculpatory clauses in trust agreements are prohibited; however, fiduciaries are permitted to allocate specific responsibilities among themselves, and, thereby, subject to disapproval by the Secretary, limit the responsibility of each fiduciary.

The bill further prohibits any individual who has been convicted of certain specified crimes from serving as an administrator, officer, trustee, employee, or consultant of, or with respect to a plan, for five years following his conviction or release from imprisonment, unless the Secretary determines that a waiver is justified.

The bill also requires all investments and deposits of plan funds to be made in the name of the fund or its nominee and prohibits employees of either the employer or an employee organization from receiving commissions, or brokerage fees with respect to plan investments; and provides for a transitional period as determined by the Secretary for a plan to dispose of conflict-in-interest investments.

Finally, every plan, in accordance with regulations of the Secretary, is required to provide adequate notice in writing to a participant whose benefit claim has been denied, setting forth the specific reason for the denial in understandable language and providing reasonable review procedure with respect to any denial of benefits.

### TITLE VI.—ENFORCEMENT

*Sec. 601.*—This section empowers the Secretary to petition the federal courts to compel a pension or profit-sharing-retirement plan to comply with the Act or effect recoveries of moneys which may be due under the Act.

*Sections 602, 603, 604, and 605.*—These sections provide that when the Secretary has reason to believe that a pension, profit-sharing, or other employee benefit plan is violating the Act or the plan's governing documents, he may seek relief in the federal courts to compel the return of assets to the fund, to require payments to be made, to require the removal of a fiduciary, and to obtain other appropriate relief. Plan participants also may seek relief in federal and state courts against violations committed by a fiduciary, including his removal from office. They may also seek relief to recover benefits required to be paid under the plan in the same courts. The Secretary has the right to remove an action pending in a state court to the federal courts for relief provided under this Act.

*Sections 607 and 608.*—These sections provide that administrators and fiduciaries have the right to obtain judicial review of the actions of the Secretary. The bill provides a statute of limitations of five years for actions for relief provided under this Act.

*Section 609.*—This section provides that this Act supersedes state laws covering the same matters. However, the Act does not exempt or relieve any person from complying with any state law regulating insurance, banking, and related matters, and does not remove state jurisdiction over plans not subject to the Act. State courts are not prevented from asserting jurisdiction in compelling the accounting of a fiduciary or requiring clarification of the plan. The Secretary or a plan participant may remove such a case from the state to the federal court if it involves the applicability of the Act.

### TITLE VII.—EFFECTIVE DATES

*Section 701.*—This section provides that the registration, administration, disclosure, fiduciary, and enforcement provisions of the Act become effective upon enactment.

The vesting and funding provisions of the Act shall become effective three years after enactment of the Act, and portability and insurance provisions one year after enactment.

### PENSION AND WELFARE PLAN REFORM LEGISLATION—1973, A YEAR FOR DECISION

Mr. JAVITS. Mr. President, starting with the 90th Congress in 1967 and in each succeeding Congress thereafter, I have introduced bills to protect the benefit rights of the over 30 million workers covered by private pension and welfare plans—plans with reserve assets of more than $150 billion—growing at the rate of $10 billion annually and predicted to reach over $230 billion by 1980—the largest aggregate of virtually unregulated money in the Nation.

It is, therefore, with pride and anticipation that I speak as principal coauthor of the Williams-Javits pension and welfare plan reform bill, S. 4, introduced by the chairman today and referred to the Committee on Labor and Public Welfare. The Williams-Javits bill is a major bipartisan legislative undertaking—cosponsored by close to 50 percent of the Senate last year—which takes as its basis the bills I have authored since 1967. It is identical to S. 3598, the bill which was unanimously approved by the Senate Committee on Labor and Public Welfare in September of 1972, culminating 3 years of intense study and investigation by the Senate Labor Subcommittee.

The essential provisions of the bill are as follows:

Vesting: The bill assures that after 8 years of employment, a worker would have a nonforfeitable right to 30 percent of accrued pension benefits. This would increase at an annual rate of 10 percent to reach 100 percent after 15 years. Workers age 45 or older on the effective date of the vesting requirements would be vested in service prior to such date in accordance with the foregoing vesting schedule.

Funding: Pension plan managers would have to accumulate contributions at a rate sufficient to assure that unfunded benefit obligations could be paid in 30 years.

Federal Insurance: Every pension plan would be required to purchase Federal insurance to guarantee the payment of vested pension obligations in the event of premature plan termination.

Portability: Provision is made for an employee to take vested pension credits with him from job to job through a voluntary central clearinghouse fund administered by the Labor Department.

Fiduciary Standards and Disclosure: Existing law is strengthened to provide safeguards against corruption and conflicts of interest and more adequate communication to employees concerning their plan.

The design of these provisions was based on the principal findings of the Senate Labor Subcommittee. These principal findings were:

First. Inadequate or nonexistent vesting provisions which result in the denial of retirement benefits to employees upon termination of services, voluntary or otherwise, despite long years of employment.

Second. Inadequate accumulation of assets in funds to meet obligations and payments to workers who are entitled to benefits.

Third. Forfeiture of earned retirement benefits by employees resulting from voluntary or involuntary moves within an industry or geographical area, which restricts the mobility of the labor force.

Fourth. Instances where employers have not achieved full funding status, but through circumstances often beyond their control, must terminate the plan without adequate resources for payment of benefits due.

Fifth. The lack of uniform requirements of conduct by fiduciaries and employers in the administration and operation of their pension funds which results in abuses and unsound practices which jeopardize the security of the assets and threaten the availability of funds for employees.

Sixth. Employee participants not having full comprehension of their rights and obligations under their participating pension plans because of inadequate communication to them in booklets or other format of details of plans.

The distinctive approach of the bill can be most readily grasped by reference to the following key paragraphs from the committee's report.

> [T]he [committee] was of the opinion that, based upon its findings, it would be unwise and impractical to propose either revisions or new provisions of law in patchwork fashion. It was convinced that the nature and extent of the problems determined to exist required one omnibus legislative proposal which would embody essential and indispensable reform. . . .
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> The committee believes that the legislative approach of establishing minimum standards and safeguards for private pensions is not only consistent with retention of the freedom of decision-making vital to pension plans, but in furtherance of the growth and development of the private pension system. At the same time, the committee recognizes the absolute need that safeguards for plan participants be sufficiently adequate and effective to prevent the numerous inequities to workers under plans which have resulted in tragic hardship to so many. The committee has vividly demonstrated this need in public hearings.
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> The bill reported by the committee represents an effort to strike an appropriate balance between the interests of employers and labor organizations in maintaining flexibility in the design and operation of their pension programs and the need of the workers for a level of protection which will adequately protect their rights and just expectations. In adopting this approach, the committee believes it has designed a bill, which, like the National Labor Relations Act, the wage-hour laws and other labor standards laws, brings the workers' interest up to parity with those of employers.

### THE PRIORITY OF PENSION AND WELFARE REFORM LEGISLATION

As we all know, the Williams-Javits bill was referred to the Committee on Finance in the closing days of the last congressional session, where, after a week's deliberation, it was stripped of its key provisions. This was most unfortunate since this action made it virtually impossible to bring the bill to a vote on the floor in the last session. Nevertheless, it was reasuring that the leadership of both parties in the Senate—mindful of the tremendous interest and concern expressed over pension and welfare reform legislation throughout the country—pledged to give it priority status in this session of the Congress. We should now move decisively to fulfill this commitment in 1973 because I do not believe that American workers who are the backbone of our Nation's economic and social system, will continue patiently to tolerate further delays and obstacles to the attainment of their just demands for comprehensive protection of their pension rights.

In order to dispel any lingering doubt about the desirability of swift and effective action, let me briefly review the history of inadequate action by the Congress on pension reforms, despite the overwhelming evidence in support of such legislation.

As mentioned previously, I introduced the first comprehensive pension reform bill in 1967 and this was followed by then Secretary of Labor Wirtz's bill, introduced in 1968. Hearings were held in the Senate for 1 day in 1968 but no action was taken on any of these bills. In 1969 and 1970, there were House hearings on similar bills and again nothing resulted. In 1971, my comprehensive bill was reintroduced as S. 2. This was accompanied by intensive study and investigation by the Senate Labor Subcommittee. Senator WILLIAMS and I then agreed on a joint bill which was introduced in May of 1972. Legislative hearings on the Williams-Javits bill were held in June of 1972 and the bill was ultimately reported by the committee in September.

At the same time there have been numerous hearings and studies from countless perspectives in other committees on both sides of Capitol Hill. In 1966 we held hearings in the Government Operations Committee concerning the unethical diversion of certain union pension funds. In 1966 we also held hearings before the Joint Economic Committee on pension problems. There have been hearings before the Senate Special Committee on Aging and also before the House Ways and Means Committee in May of 1972.

Nor has the executive branch been silent in this area. In 1965, President Kennedy's Cabinet Committee on Corporate Pension Funds issued a report recommending vesting and funding and fiduciary reform along with a recommendation for further investigation and study in connection with problems of plan termination insurance and portability. In 1971, the White House Conference on the Aging issued a report recommending that the Federal Government require early vesting and/or portability, fiduciary responsibility, funding standards and reinsurance protection in private plans. In December of 1971 the administration transmitted to the Congress, after a joint study by the Departments of Labor and Treasury, two bills recommending, among other things, fiduciary and disclosure standards and vesting in private pension plans, and just recently—December 18, 1972, to be precise—a report of a special task force to the Secretary of Health, Education, and Welfare, entitled "Work in America," has recommended liberalization of private pension plans by mechanisms of early vesting and portablity as a means of removing inequities in the private pension system and inducing greater job satisfaction among workers.

Mr. President, if all the volumes of words on the need for pension reform legislation, if all the testimony of witnesses before congressional committees, if all the studies and reports and reams of statistical surveys were laid back to back, they would fill this entire Senate Chamber, and yet there still is no adequate pension reform law on the U.S. statute books.

Pension reform is now an area where the Congress has both the motivation and the competence to act decisively. The legislation has priority status but that is not enough to satisfy millions of dissatisfied and concerned American workers looking forward to a decent standard of living in retirement. The people cannot look with favor on a repeat performance of what transpired in the Senate in the closing days of the last session. If we are to restore confidence in the ability of the private pension plans to deliver on their promises and also maintain confidence in the capability of the Congress as an institution to deal responsibly with the important social needs of our people, then surely we can hesitate no longer on enacting effective pension and welfare reform legislation, and we should do it without any unnecessary legalistic delay. This bill deserves the highest priority as a major incentive to over 30 million American working men and women.

### CONCLUSION

Mr. President, before I close, I would like first to pay a tribute to the chairman of the Labor and Public Welfare Committee, Mr. WILLIAMS, who in an unequaled way and as a great example of public service, has worked with me in the development of this legislation. I am delighted to engage in this partnership which has been one of the most satisfying of my entire career.

Now we have a mature bill which has been termed by the New York Times "the most thoughtful measure ever devised on Capitol Hill for correcting defects in the private pension plans." A great deal of talent and hard work has gone into it. We can still strengthen the bill and improve it and I hope that we will very shortly have hearings so that we can determine what further improvements should be made and then go forward with this legislation. There is a great deal of constructive effort that has been made by a number of parties in both industry and labor and by the administration itself, which has made a valuable contribution with its proposals. We have the question also of the committees with tax jurisdiction and I believe that we can and should work out a constructive approach to resolve these problems. I know that there are many members of both the Senate Finance Committee as well as the House Ways and Means Committee who are most enthusiastic and interested in securing fundamental pension reforms.

There is plenty of room for cooperation and ample opportunity for meaningful contributions to a strong and comprehensive pension law. The public is looking to the Congress to provide the necessary leadership in this field. We will only have ourselves to blame if increasing cynicism and disillusionment with the Congress results from a failure to compose our differences and pass the legislation that over 30 million American workers are counting on for a decent income in their older years.

Mr. RIBICOFF. Mr. President, today I am joining in the introduction of S. 4, legislation to reform America's outmoded private pension system. No legislation coming before the Senate in the 93d Congress will be more important to American workers than safeguarding their retirement income.

The private pension system is a growing one. In 1940, 4 million employees were covered by private pension plans with assets of $2.4 billion. Today, more than one-half of our work force in the United States—40 million workers—are members and participants of private pension plans. Assets in these plans, numbering some 34,000, amounted to almost $130 billion in 1970. By 1980 it is expected that 42.3 million workers will participate in plans with assets skyrocketing to over $250 billion.

Despite the growth and development of these plans in the last few years, regulation of them in the public interest has been minimal. Internal Reveune Code regulations exist principally to produce tax revenue and to prevent evasion of tax obligations. The Labor-Management Relations Act regulates pensions only to prevent union officials and employers from conspiring to divert employee funds to their own use. The act is not intended to establish nor does it provide standards of funding adequacy, security of investment, or fiduciary conduct. The 1958 Welfare and Pension Plans Disclosure Act, while purporting to protect the pension participant, essentially required the administrator of a pension plan to file certain very limited information with the Secretary of Labor and furnish information to employees upon request. The act lacks substantive fiduciary standards and relies on the initiative of the individual employee to police the management of his plan.

All too often working men and women contribute to these pension plans only to find when they retire that the benefits they had been promised are denied them.

In addition, frequently the pension funds themselves are abused by those responsible for their management who manipulate them for their own purposes or make poor investments with them.

It is time controls were imposed to safeguard the workers' valuable funds. Genuine pension reform will be achieved only by Federal regulation.

In the absence of comprehensive pension reform legislation, abuses and phantom retirement security benefits have been frequent. The major problems which give rise to pension horror stories are: First, the failure of pension funds to provide necessary minimum and adequate vesting provisions; second, premature termination of pension plans without adequate insurance coverage to protect the employees; third, the failure of pension plans to have sufficient funding to meet accrued and vested liabilities; and, fourth, ineffective fiduciary requirements which threaten the safety and preservation of fund assets.

The report of the 1971 Senate Welfare and Pension Plan Study elaborated on these problems. It revealed that of all those who have worked at and then left jobs with pension plans over the last 20 years, only about 5 percent will ever receive any benefits.

A succession of witnesses coming before the Pension Study Subcommittee—mostly union workers in their late forties and fifties—told of losing their pension rights, because of plant shutdowns, transfers, store closings, and pension fund terminations. One witness, who had worked for 32 years for one company, was laid off 3 years before he was eligible for his pension. Other workers have lost their pensions when a company has shut down. Perhaps the most famous case involved the Studebaker Division of Studebaker Packard. More than 4,000 Studebaker workers aged 40 to 60 got only 15 percent of what the company owed them. Other workers lost benefits when their companies moved or when they changed jobs.

Even when the company remains solvent and stable and the worker has a vested right to receive his pension, there is a growing concern over the integrity of the pension fund assets. While most corporate pension funds are carefully managed and conservatively invested, misuse, manipulation, and poor management of pension trust funds are all too frequent. One financially ailing company tried to borrow over a million dollars from a subsidiary's pension pool for use as operating capital. Another company has a policy of investing more than half its pension fund's assets in the company's own common stock and in the real estate of a company subsidiary. And yet another firm routinely dips into its pension funds for cash to make acquisitions.

These manipulations point up the lack of real controls over the investment of pension funds. Present laws and common law trust principles have failed to come to grips with the problem.

The pension reform legislation being introduced today attempts to bring orderly regulation to a field now fraught with insecurity for the working man.

First, the legislation establishes within the Department of Labor an office of Pension and Welfare Plan Administration, to be headed by an Assistant Secretary appointed by the President with Senate advice and consent. The office will be responsible for promotion, establishment, administration, and operation of employee benefit plans, and enforcement of the act.

Second, the legislation prescribes minimum vesting requirements. Vesting refers to the nonforfeitable right or interest which an employee participant acquires in the pension fund representing contributions made to such fund. These benefit credits under the present system may vest in the employee immediately although in most cases participants do not become eligible for vesting of benefits until a stipulated age or period of service, or a combination of both, is attained.

The reform legislation we are proposing would stipulate that an employee, after 8 years of service, will acquire a vested nonforfeitable right to 30 percent of pension benefits and, thereafter, each year will vest an additional 10 percent until, at the end of 15 years, he will have vested rights of 100 percent. The past service of workers of 45 or older on the effective date of the vesting requirements would be recognized in computing the individual's vested interest.

Third, the bill establishes minimum funding standards to assure that the pension funds assets are sufficient to meet liabilities. Unfunded pension liabilities must be funded over a 30-year period. The Secretary would be empowered to grant variances for qualifying plans under certain circumstances.

Fourth, the legislation establishes a voluntary program for portability through a central fund, whereby employees of participating employers may transfer vested credits from one employer to another.

Under the present system, pensions are generally lost if an employee changes jobs. Yet in this mobile society a worker rarely stays with one company for his entire career. By making pension rights portable; that is, by allowing an employee to transfer his earned vested pension rights from job to job and at the end of his career to be able to convert all such credits into a final benefit amount reflecting all of his prior service, the private pension system would be far more equitable.

Fifth, the bill establishes a plan termination insurance program which will guarantee that the vested pension credits of the employees will be paid when an employer goes out of business and the pension plan does not have sufficient assets to pay the workers' benefit. Insurance will cover benefits earned under the plan before the effective date and all such benefits subsequently.

Sixth, the bill prescribes new rules of conduct for trustees and fiduciaries controlling employee benefit funds, and prohibits conflicts of interest and other unauthorized practices to prevent mishandling or loss of such funds.

Seventh, the bill requires additional and more comprehensive disclosure in reports to be filed with the Federal Government, and more comprehensive explanations of the plans to workers.

Finally, the legislation establishes Federal jurisdiction and provides adequate remedies to both the Government and the individual worker for judicial and administrative enforcement of the bill's provisions, including recovery of pension benefits due.

Last year, after this legislation was reported unanimously out of the Senate Committee on Labor and Public Welfare, it was referred to the Senate Finance Committee of which I am a member. Over my strong objections, the Finance Committee stripped this bill of its provisions relating to vesting, funding, portability, and plan termination insurance and the bill never passed the Senate. I will again oppose any effort to weaken this legislation when it comes before the Finance Committee.

If this crucial legislation—the Retirement Income Security for Employees Act—is enacted, the 93d Congress will justifiably be remembered as the workingman's Congress.

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By Mr. MONDALE (for himself and Mr. JAVITS):

S. 5. A bill to promote the public welfare. Referred to the Committee on Labor and Public Welfare.

### THE FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

Mr. MONDALE. Mr. President, I introduce for myself and the Senator from New York (Mr. JAVITS) a bill, entitled "The Full Opportunity and National Goals and Priorities Act." This bill has had wide, bipartisan cosponsorship during the last three Congresses. We are asking our colleagues to cosponsor the measure again and I hope that a number of Senators will join us in supporting it.

Title I of the bill stems from S. 843 which I introduced almost 6 years ago and is identical to title I of S. 5, which was passed by the Senate on September 10, 1970 and, again, on July 25, 1972. Title II was first offered as an amendment to the bill by the Senator from New York (Mr. JAVITS) and was included as title II in the bill which the Senate has passed twice.

Title I of the bill establishes full social opportunity as a national goal. The goal is more fully described in the bill as embracing such areas as educational and vocational opportunities, access to housing and health care, and provision of special assistance to the handicapped and other less fortunate members of society. It establishes institutions and procedures for advancing this broad social goal, including a new Council of Social Advisers in the Executive Office of the President, and a requirement for an annual social report to be submitted by the President to the Congress.

The bill is patterned generally after the Employment Act of 1946 which, for the first time, established as a national goal the achievement of maximum employment, production, and purchasing power. To assist in achieving that goal, the Employment Act established the Council of Economic Advisers, provided for the annual Economic Report of the President, and established a Joint Economic Committee in the Congress.

It is my belief that this legislation will accomplish for the broad range of social policies what the Employment Act has done so well in the economic sector. By declaring a new national objective and increasing the quantity, quality, and visibility of information needed to pursue should markedly advance our prospects for effective social action.

Mr. President, by now we have had a series of studies by prestigious commissions which have told us about the gap which remains in our society between the promise of full opportunity and the realities of deprivation, powerlessness, and poor fortune into which millions of our citizens are born.

The increasing affluence of great segments of our society has merely sharpened the division between them and those who have not yet benefited from the phenomenal growth in our economy, in our technological and scientific base, and in our educational systems. As a result, the demands of the deprived for their fair share in the benefits of our society and the responsiveness of our political institutions have both increased dramatically. At the same time, however, we have also become acutely aware of the fundamental inadequacy of the information upon which social policies and programs are based.

Because of our information gaps, national problems go nearly unnoticed until they suddenly are forced upon us by some significant development. Thus, we learn of widespread hunger in America, of the rapid deterioration of our environment, of dangerous tensions and unrest in our great urban centers, of the shocking conditions under which migrant farmworkers live, and of the absence of decent medical care for tens of millions of our citizens. We desperately need ways to monitor our social health and to identify such problems before they destroy our society.

Another tremendously expensive consequence of our lack of adequate information is that we devise and operate programs based on myth and ignorance. The Congress has been groping with the problem of welfare reform, but it is painfully evident that we lack some of the basic information which we need in order to design a system in which we could all have confidence. Similar problems are presented with respect to urban renewal, mass transportation, air and water pollution, and health delivery systems.

Finally, after years of experimenting with such techniques as program planning and evaluation systems, we are still quite ill equipped to measure what our existing programs do accomplish. And we have no adequate means to compare the costs and effectiveness of alternative programs.

A Council of Social Advisers, dedicated to developing indicators of our social problems and progress, could well be a source of enormous savings to the taxpayer as well as of more effective solutions to the problems we face. Such a council, taking full advantage of new developments in planning, programing, and budgeting systems, in computerized data collection and statistical methodology, in systems analysis and social accounting, could unlock the enormous potential of the social sciences to assist the Congress and the executive in developing and administering public policy.

A Council of Social Advisers would not, itself, be a new decisionmaking forum. Rather, as a social monitoring, data gathering, and program evaluation agency, it would provide the Domestic Council with much of the information which that body needs to make its policy and program recommendations to the President. The Domestic Council has available to it the broad range of economic information now furnished by the Council of Economic Advisers. The Council of Social Advisers would fill a significant gap in the information system which is needed to buttress the policymaking apparatus established in 1970 under the President's reorganization authority.

While title I of the bill, with its new Council of Social Advisers and its new social report, should greatly augment the capacity of the Congress to make intelligent policy decisions, title II of the bill is even more significant with respect to strengthening the Congress.

I was delighted to cosponsor the amendment to the bill which was offered by the Senator from New York (Mr. JAVITS) in 1970 to create a new congressional staff office of goals and priorities analysis. By now, the need for some such additional staff arrangements in the Congress has become abundantly clear.

This office would be an arm of the Congress serving it in its examination of budget proposals, program costs and effectiveness, appropriations, and national priorities.

The appropriations process is the mechanism through which the Congress seeks to reflect its views on budgetary priorities. But there remains a great need to equip Congres with the kind of manpower, data, and technology that would furnish it with the information necessary if it is to fully examine and evaluate appropriations measures with regard to the relative needs of the Nation. The office would not supplant the efforts of the Appropriations Committees to determine the Nation's expenditures. Rather, it would further explain, coordinate and compare the various budgetary proposals so as to provide the overview so necessary to responsible fiscal planning. The program information it would collect and interpret would be made available to other committees and individual Members of Congress.

These services should, in concert with the other work of the office, serve to improve the legislative process. Too often, congressional procedures result in each appropriation's being considered in a piecemeal fashion.

In committees, on the floor, and in conference—over a period of months—the Government's spending priorities take shape. Yet this is done in virtual ignorance of total alternative budgets by which other priorities might be expressed. Revisions and other amendments are made, often on the floor of the Senate, each of which affects a vast range of alternatives.

Yet these alternatives are seldom really identified. An appropriation increase, for example, may be offered with excellent justification, but with no clear idea of what other equally worthwhile projects are precluded by this additional expenditure.

Currently, the Congress has only one complete, coherent budget with which to work—that submitted by the President. There is no reason, of course, why the Congress should accept this budget, item by item. The new office would, in providing Congress with hard cost-benefit and sound, need-projection data, improve the chances that the inevitable deletions, additions, and other revisions of the budget would occur as a result of informed and considered analysis of the merits of each budget proposal, and of how all spending decisions influence, and are influenced by, the condition of the total economy.

The Congress needs its own office to provide this kind of ongoing analysis and to generate comprehensive budget alternatives which could be examined in a totality. The executive branch is quite well equipped to function in such matters. With the Domestic Council and the Office of Management and Budget, and with the extensive facilities of the National Security Council, the Council on Environmental Quality, the Council of Economic Advisers—and with a new council of social advisers, the White

House is formidably equipped to present a given budget and make its case.

Meanwhile, the Congress—coequal in policymaking, and supposedly preeminent in the control over spending—has far too little resources, even in its Appropriations Committees, and has no established mechanism to help individual Senate or congressional staffs examine the policy and program evaluations reflected in the budget. The President said, when announcing his proposal to establish the Domestic Council and the Office of Management and Budget:

> A President whose programs are carefully coordinated, whose information system keeps him adequately informed and whose organizational assignments are plainly set out, can delegate authority with security and confidence.

Certainly the Congress, the branch of Government which shares with the Executive the responsibility to determine national priorities and delegate authority, should be so organized and informed. Such an office in the Congress could do much to restore the growing erosion of congressional power and give substance to the admittedly ill-defined contentions about national priorities, peace and growth dividends, and fiscal responsibility.

Last year, the Congress recognized the need to equip itself better to deal with the overall Federal expenditure issue in a coordinated manner. It established a special joint committee to make recommendations for improving congressional control of budgetary outlay and receipt totals, including procedures for establishing and maintaining an overall view of each year's budgetary outlays which is fully coordinated with an overall view of the anticipated revenues for that year.

I hope that the joint committee will consider title II of this measure as one approach to meeting the need for improved congressional control of expenditures.

Mr. President, I have now served in the Senate for over 8 years. Along with many of my colleagues, I spend most of my time dealing with the human problems with which the average American is confronted.

I never cease to be amazed by the abundance of evidence about how little we seem to know at the Federal level about what is really going on.

As one person observed, we have a natural strategy of suboptimization at the Federal level where we do better and better at little things and worse and worse at big things.

Thus, something as elementary as good nutrition, something as essential to a sound body and a sound mind—adequate and decent nutrition—was something about which the Federal Government was almost totally ignorant in 1967. We knew how many soybeans were grown. We knew how much money was being spent on the direct commodity distribution program, the food program, and so on. But no one had the slightest idea whether there was widespread hunger, and if there was, where it was to be found and why, what the cost of feeding the hungry was, what the cost of not feeding them was, or any of the other fundamental questions directly related to the issue of the most basic necessity of American life itself. The same thing was true with decent housing.

In 1967, even though we should have been warned earlier, the major American cities began to explode in our faces. Newark, Detroit, and one community after another literally blew up in an astonishing and cataclysmic explosion causing the widespread loss of human life, and human injury, and millions and millions of dollars in property damage—and an emotional and cultural shock to Americans which we are still in the throes of. None of this was anticipated by the Government.

When hearings were started, this Nation was thrashing around; Congress and the Senate were thrashing around; members of the Cabinet and leading members of the executive branch were thrashing around, all trying to find out what was causing such a fundamental occurrence as this outrageous, heartbreaking phenomenon in American life.

We could go on from this example to other examples. In the federal system we lack an institution which takes not a tactical approach but a strategic approach to human problems which this society faces. We need to chart the social health of this country and seek to go forward; not, as John Gardner said, stumbling into the future, but trying to come up with the analysis, facts, and figures, and, as someone said, the "hot data" to help us understand our society and what we must do to make it more effective than it is in meeting this Nation's human problems.

One of our most impressive witnesses was Mr. Joseph Califano who formerly served as adviser on domestic programs to President Johnson. More than any other man he was in the Nation's "hot seat" trying to develop a program to advise the highest official in the land on domestic programs.

He recounted several instances of the phenomena to which I have made reference. For example, on one occasion, the Secretary of Health, Education, and Welfare was in conference with Mr. Califano. He was asked how many people were on welfare, who they were, and all the rest. Since we are spending several billions of dollars, one would have thought that information would be immediately at hand. The Secretary thought the information would be available to him as soon as he returned to his office and that he would send it right back. As a matter of fact, it took HEW a year and a half to find out who was on welfare. Mr. Califano said this was a common experience with basic and fundamental human problems, to find that not even the President would have available to him the basic data necessary to make the choices upon which our very civilization depends.

He commented in this way about the issue of hunger:

> The even more shocking element to me is that no one in the federal government in 1965 knew how many people were hungry, where they were located geographically, and who they were. No one knew whether they were children, elderly Americans, pregnant mothers, black, white, or Indian.

He continued:

> Moreover, unless something of which I am unaware has been done since January 20, 1969, I believe that we still do not know who and where the hungry in America are with the kind of precision essential for an intelligent, effective program to feed all the hungry among us.

Then Mr. Califano concluded with this statement:

> The disturbing truth is that the basis of recommendations by American Cabinet officer on whether to begin, eliminate, or expand vast social programs more nearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa than the elaborate sophisticated data with which the Secretary of Defense supports a major new weapons system. When one recognizes how many and how costly are the honest mistakes which have been made in the Defense Department, despite its sophisticated information systems, it becomes frightening to think of the mistakes which might be made on the domestic side of our Government because of lack of adequate data.

Since this bill was first proposed, it has attracted strong support from a broad spectrum of leading public figures in the Nation. Among them have been two former Secretaries of Health, Education, and Welfare—John Gardner and Wilbur Cohen. Significantly, two principal officials in the Johnson administration, who had opposed the bill in 1967 as premature, have now joined in its support. These are Charles Zwick, former Budget Director and Joseph A. Califano, Jr., former Special Assistant to President Johnson. Former Secretary of the Treasury, Joseph Barr, has testified in favor of the bill. Former Secretary of Labor Willard Wirtz has also urged enactment of the bill.

Three prominent study groups have also made recommendations along the lines of the bill. In October 1969, the Behavioral and Social Sciences Survey Committee of the National Academy of Sciences and the Social Science Research Council recommended the investment of substantial Federal funds in developing social indicators. It also proposed the preparation of an annual social report, initially outside the Government, and the eventual establishment of a council of social advisers, as a Government agency.

In December 1969, the National Commission on the Causes and Prevention of Violence, headed by Dr. Milton Eisenhower, issued its final report. I was pleased to note that among its recommendations were proposals for the development of social indicators and for the establishment of a counterpart to the Council of Economic Advisers to produce an annual social report.

Last year, the Commission on Population Growth and the American Future recommended approval of this legislation.

For more than 5 years now, I have been assured repeatedly that the executive branch favored the objectives of this legislation. However, the promising efforts of the Department of Health, Education, and Welfare, with the publication of "Toward A Social Report" in January 1969, have not been continued. Almost a year and a half ago, a witness from the Office of Management and Budget referred to a forthcoming social indicators report by that agency. It has still not been received. It now appears clear that the Congress will have to insist on a more sophisticated system for social measurement and evaluation. I hope that the House will join the Senate in this Congress in approving this measure.

Mr. President, I ask unanimous consent that the text of the proposed Full Opportunity and National Goals and Priorities Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 5

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Full Opportunity and National Goals and Priorities Act."

## TITLE I—FULL OPPORTUNITY

### DECLARATION OF POLICY

SEC. 101. In order to promote the general welfare, the Congress declares that it is the continuing policy and responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments and the private sector, to promote and encourage such conditions as will give every American a full opportunity to live in decency and dignity, and to provide a clear and precise picture of whether such conditions are promoted and encouraged in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal, and by measuring progress in meeting such needs.

### SOCIAL REPORT OF THE PRESIDENT

SEC. 102. (a) The President shall transmit to the Congress not later than February 15 of each year a report to be known as the social report, setting forth (1) the overall progress and effectiveness of Federal efforts designed to carry out the policy declared in section 101 with particular emphasis upon the manner in which such efforts serve to meet national social needs in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal; (2) a review of State, local, and private efforts designed to create the conditions specified in section 101; (3) current and foreseeable needs in the areas served by such efforts and the progress of development of plans to meet such needs; and (4) programs and policies for carrying out the policy declared in section 101, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the social report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 101.

(c) The social report, and all supplementary reports transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to the Committee on Labor and Public Welfare of the Senate and the Committees on Education and Labor and Interstate and Foreign Commerce of the House of Representatives. Nothing in this subsection shall be construed to prohibit the consideration of the report by any other committee of the Senate or the House of Representatives with respect to any matter within the jurisdiction of any such committee.

### COUNCIL OF SOCIAL ADVISERS TO THE PRESIDENT

SEC. 103. (a) There is created in the Executive Office of the President a Council of Social Advisers (hereinafter called the Council). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to appraise programs and activities of the Government in the light of the policy declared in section 101, and to formulate and recommend programs to carry out such policy. Each member of the Council, other than the Chairman, shall receive compensation at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5 of the United States Code. The President shall designate one of the members of the Council as Chairman who shall receive compensation at the rate prescribed for level II of such schedule.

(b) The Chairman of the Council is authorized to employ, and fix the compensation of such specialists and other experts as may be necessary for the carrying out of its functions under this Act, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employes as may be necessary for carrying out its functions under this Act, and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the social report;

(2) to gather timely and authoritative information and statistical data concerning developments and programs designed to carry out the policy declared in section 101, both current and prospective, and to develop a series of social indicators to analyze and interpret such information and data in the light of the policy declared in section 101 and to compile and submit to the President studies relating to such developments and programs;

(3) to appraise the various programs and activities of the Federal Government in the light of the policy declared in section 101 of this Act for the purpose of determining the extent to which such programs and activities contribute to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop priorities for programs designed to carry out the policy declared in section 101 and recommend to the President the most efficient way to allocate Federal resources and the level of government—Federal, State, or local—best suited to carry out such programs;

(5) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation to carry out the policy declared in section 101 as the President may request.

(6) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities and legislation as the President may request in appraising long-range aspects of social policy and programing consistent with the policy declared in section 101.

(d) Recognizing the predominance of State and local governments in the social area, the President shall, when appropriate, provide for the dissemination to such States and localities of information or data developed by the Council pursuant to subsection (c) of this section.

(e) The Council shall make an annual report to the President in January of each year.

(f) In exercising its powers, functions, and duties under this Act—

(1) the Council may constitute such advisory committees and may consult with such representatives of industry, agriculture, labor, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the direct participation in the Council's planning of such interested parties;

(2) the Council shall, to the fullest extent possible, use the services, facilities, and information (including statistical information) of Federal, State, and local government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided;

(3) the Council shall, to the fullest extent possible, insure that the individual's right to privacy is not infringed by its activities; and

(4) (A) the Council may enter into essential contractual relationships with educational institutions, private research organizations, and other organizations as needed; and

(B) any reports, studies, or analyses resulting from such contractual relationships shall be made available to any person for purposes of study.

(g) To enable the Council to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated (except for the salaries of the members and officers and employees of the Council) such sums as may be necessary. For the salaries of the members and salaries of officers and employees of the Council, there is authorized to be appropriated not exceeding $900,000 in the aggregate for each fiscal year.

## TITLE II—NATIONAL GOALS AND PRIORITIES

### DECLARATION OF PURPOSES

SEC. 201. The Congress finds and declares that there is a need for a more explicit and rational formulation of national goals and priorities, and that the Congress needs more detailed and current budget data and economic analysis in order to make informed priority decisions among alternative programs and courses of action. In order to meet these needs and establish a framework of national priorities within which individual decisions can be made in a consistent and considered manner, and to stimulate an informed awareness and discussion of national priorities, it is hereby declared to be the intent of Congress to establish an office within the Congress which will conduct a continuing analysis of national goals and priorities and will provide the Congress with the information, data, and analysis necessary for enlightened priority decisions.

### ESTABLISHMENT

SEC. 202. (a) There is established an Office of Goals and Priorities Analysis (hereafter referred to as the "Office") which shall be within the Congress.

(b) There shall be in the Office a Director of Goals and Priorities Analysis (hereafter referred to as the "Director") and an Assistant Director of Goals and Priorities Analysis (hereafter referred to as the "Assistant Director"), each of whom shall be appointed jointly by the majority leader of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House. The Office shall be under the control and supervision of the Director, and shall have a seal adopted by him. The Assistant Director shall perform such duties as may be assigned to him by the Director, and, during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director. The Director shall designate an employee of the Office to act as Director during the absence or incapacity of the Director and the Assistant Director, or during a vacancy in both such offices.

(c) The annual compensation of the Director shall be equal to the anual compensation of the Comptroller General of the United States. The annual compensation of the Assistant Director shall be equal to that of the Assistant Comptroller General of the United States.

(d) The terms of office of the Director and the Assistant Director first appointed shall expire on January 31, 1977. The terms of office of Directors and Assistant Directors appointed shall expire in January 31 every four years thereafter. Except in the case of his removal under the provisions of subsection (e), a Director or Assistant Director may serve until his successor is appointed.

(e) The Director or Assistant Director may be removed at any time by a resolution of the Senate or the House of Representatives. A vacancy occurring during the term of the Director or Assistant Director shall be filled by appointment as provided in this section.

(f) The professional staff members, including the Director and Assistant Director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to analyze and interpret policies and programs.

### FUNCTIONS

SEC. 203. (a) The Office shall make such studies as it deems necessary to carry out the purposes of section 201. Primary emphasis shall be given to supplying such analysis as will be most useful to the Congress in voting on the measures and appropriations which come before it, and on providing the framework and overview of priority considerations within which a meaningful consideration of individual measures can be undertaken.

(b) The Office shall submit to the Congress on March 1 of each year a national goals and priorities report and copies of such report shall be furnished to the Committee on Apropriations of the Senate and of the House of Representatives, the Joint Economic Committee, and other interested committees. The report shall include, but not be limited to—

(1) an analysis, in terms of national goals and priorities, of the programs in the annual budget submitted by the President, the Economic Report of the President, and the Social Report of the President;

(2) an examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs, and the resources and cost implications of alternative sets of national priorities; and

(3) recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

(c) In addition to the national goals and priorities report and other reports and studies which the Office submits to the Congress, the Office shall provide upon request to any Member of the Congress further information, data, or analysis relevant to an informed determination of national goals and priorities.

### POWERS OF THE OFFICE

SEC. 204. (a) In the performance of its functions under this title, the Office is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Office;

(2) to employ and fix the compensation of such employees, and purchase or otherwise acquire such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Office and as may be appropriated for by the Congress;

(3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code; and

(4) to use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(b)(1) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Office, upon request made by the Director, such information as the Director considers necessary to carry out the functions of the Office.

(2) The Comptroller General of the United States shall furnish to the Director copies of analyses of expenditures prepared by the General Accounting Office with respect to any department or agency in the executive branch.

(3) The Office of Management and Budget shall furnish to the Director copies of special analytic studies, program and financial plans, and such other reports of a similar nature as may be required under the planning-programing-budgeting system, or any other law.

(c) Section 2107 of title 5, United States Code, is amended by—

(1) striking out the "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding at the end thereof the following new paragraph:

"(9) the Director, Assistant Director, and employees of the Office of Goals and Priorities Analysis.".

### JOINT ECONOMICS COMMITTEE HEARINGS

SEC. 205. The Joint Economic Committee of the Congress shall hold hearings on the national goals and priorities report and on such other reports and duties of the Office as it deems advisable.

### PAYMENT OF EXPENSES

SEC. 206. All expenses and salaries of the Office shall be paid by the Secretary of the Senate from funds appropriated for the Office upon vouchers signed by the Director or, in the event of a vacancy in that Office, the Acting Director.

Mr. JAVITS. Mr. President, I am pleased to join the Senator from Minnesota (Mr. MONDALE) in reintroduction of S. 5, the "Full Opportunity and National Goals and Priorities Act." This act has been passed by the Senate on two occasions, most recently on July 25, 1972 by a vote of 51 to 40, but unfortunately action has not been taken by the other body.

This bill consists of two principal parts: title I, authored by Senator MONDALE, would establish a Council of Social Advisers in the Executive Office of the President, with a requirement for an annual "Social Report" by the President to the Congress.

In essence, title I would create a procedure to deal with our social problems, parallel to that which exists in the economic field in the form of the Council of Economic Advisers. As the ranking minority member of the Committee on Labor and Public Welfare, I have seen very clearly where the Council of Economic Advisers falls short. The fact is that they are magnificient on the whole. We have had much fine experience with them on the Nation's economy but they tie into the country's social responsibilities only insofar as it bears on the economy.

We need quite clearly to have a similar focus on the crucial matters of our social needs.

Title II, which I authored, would establish within the Congress an Office of Goals and Priorities Analysis. The Director and Assistant Director of the Office are to be appointed jointly by the majority leader in the Senate and the Speaker of the House. Drawing from the social data and program evaluations generated by the Council of Social Advisers and other sources, the Office of Goals and Priorities Analysis would submit an annual report to the Congress setting forth goals and priorities in the general context of needs, costs, available resources, and program effectiveness. It would also provide information to members of the Congress on an ongoing basis.

At a time when the ability of Congress to carry out its responsibilities even in its own domain of power over the purse has been challenged, it is essential that those of us who serve in the public trust have at our disposal more adequate means of making enlightened priority decisions.

Of course, the appropriations process is the vital mechanism through which the Congress seeks to reflect its views on budgetary priorities. But there remains a great need to equip Congress with the kind of manpower, data and technology that would furnish it with the information necessary if it is to fully examine and evaluate each appropriations measure, separately and—perhaps most crucially—in view of all other appropriations measures, with regard to the relative needs of the Nation. The office proposed in title II would not supplant the efforts of the Appropriations Committees to determine the Nation's expenditures. Rather, it would further explain, coordinate and compare the various budgetary proposals so as to provide the overview so necessary to responsible fiscal planning. The program information it would collect and interpret would be made available to other committees and individual Members of Congress.

The Congress needs such an institution in order to attempt to redress the imbalance that exists in the information available to the legislative, as opposed to the executive branch, in the essential matter of expenditures.

Mr. President, since the Senate's adoption of S. 5, Public Law 92–599, the debt ceiling bill, has established a Joint Committee to Review Operation of Budget Ceilings and to Recommend Procedures for Improving Congressional Control over Budgets. Under that authority, the joint committee is required to report the results of its study and review to the Congress no later than February 15, 1973. As we proceed to consider S. 5, we will want to have the benefit of the recommendations of the joint committee in moving toward the establishment of an office along the lines that are provided under title II.

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By Mr. WILLIAMS (for himself, Mr. MAGNUSON, Mr. RANDOLPH, Mr. PELL, Mr. STEVENSON, Mr. MONDALE, Mr. HUGHES, Mr. STAFFORD, Mr. JAVITS, Mr. BROOKE, Mr. SCHWEIKER, Mr. HUMPHREY, Mr. BENTSEN, Mr. MCGEE, Mr. MOSS, Mr. STEVENS, Mr. HART, Mr. CHILES, Mr. BIBLE, Mr. PASTORE, Mr. CANNON, Mr. HOLLINGS, Mr. TUNNEY, and Mr. KENNEDY):

S. 6. A bill to provide financial assistance to the States for improved educational services for handicapped children. Referred to the Committee on Labor and Public Welfare.

### THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

Mr. WILLIAMS. Mr. President, I am introducing a bill entitled "The Education for All Handicapped Children Act" for myself and others. On August 1, 1972, in the District of Columbia U.S. District Court Judge Joseph C. Waddy handed down a landmark decision on the right to education of handicapped children. In that decision Judge Waddy declared that handicapped and emotionally disturbed children have a constitutional right to a public education, and ordered the District of Columbia to make available to all handicapped children within the District appropriate education services. Judge Waddy's opinion encompassed all children within the District of Columbia excluded from public schools, and carried the full weight of a U.S. District Court. His decision is the most sweeping of cases which extend the right to education for handicapped children; an earlier consent decree in the State of Pennsylvania ordered the State to provide education and full due process to all mentally retarded children.

These decisions do not stand alone. In the last year 22 cases in 16 States were filed or completed on the right to education for handicapped children. In at least four more States cases are presently being prepared, and this trend will undoubtedly continue.

One of the most recent cases, Benjamin Harrison against the State of Michigan, the judge dismissed the complaints of the plaintiffs arguing that there was a State law which insures the right of all handicapped children to a free public education by September of 1973, and that ruling on the case would cast too early a judgment on the State's compliance. But the important point in the judge's argument is this: he indicated that he would have no hesitation in ruling on the rights of the plaintiffs if the State law did not exist, that handicapped children have a constitutional right to a free public education and that the State must provide that education.

This case raises a point which is important for us here today. The public education system in this Nation is one of the strongholds of this democracy, and has been in existence for over a century. As a route to knowledge, as the delivery system for the development of skills to be used in jobs and other opportunities later in life, the public education system plays a role unsurpassed by any other institution in our society.

Yet the simple facts are that this system has not provided a free public education to all children, nor has it been subtle in its exclusion. Most statutes which declare that it is the policy to provide a free public education have an exclusionary clause which exempts handicapped children. Whether or not this exemption in the past has been for good reason, its results are patently clear: It implies that handicapped children cannot be educated. Most importantly, it has denied thousands of handicapped children their right to an education, and resulted in a situation of separate but unequal treatment. And the courts have begun to make clear that this is unconstitutional discrimination and its effects must be remedied.

Presently, there are 7 million handicapped children in the United States. Close to 60 percent of these children are denied the educational programs they need to have full equality of opportunity. One million of these children have been excluded entirely from public schools, and will not go through the educational process with their peers. For most of these children educational services are something they will receive only through the perseverance and sacrifice, at prohibitive cost, of their parents. The education that they are likely to receive will in no way prepare them for a life of independence, and in most cases their exposure to learning opportunities will be so irregular that it may have been better not to have made the effort at all.

It is inaccurate to suggest that there has been no action taken by the States to correct this horrifying disparity. In 1971 alone, some 799 bills were introduced in State legislatures which sought to provide educational services for handicapped children, and 237 of these bills were passed. States have increased their commitment to this education and have sought to improve programing for handicapped children. Yet, despite these laudable efforts we continue to operate on an outmoded philosophy of charitable deeds: of doing for handicapped children out of the goodness of our hearts rather than in recognition of their rights as members of this society. As a result of this attitude, only 40 percent of the handicapped children in the United States receive appropriate education suited to their needs, and this education varies greatly within the 50 States, and within particular disability groups.

In the 1971–72 school year, there were seven States where less than 20 percent of the population of handicapped children were provided educational services. In 19 States, 31 percent or less of the population was served. Only 17 States served more than 50 percent of all handicapped children. If we examine this data by disability group, we find the disparities more discouraging. In 1971: 57 percent of all trainable mentally retarded children; 52 percent of all speech impaired children; 14 percent of all hard of hearing children; 13 percent of all seriously emotionally disturbed children; 45 percent of all deaf children; 35 percent of all crippled or orthopedically handicapped children; 2 percent of all children with other health impairments; and 26 percent of all children with multiple handicaps received an education. These figures are national figures; figures are lower by disability for particular States. For example, in 30 States, less than 11 percent of all emotionally disturbed children are provided educational services.

It is impossible to justify these figures. Our charitable attitude toward the education of handicapped children would be rejected flatly if we were talking about any other group of children. The excuses that: "We do not have enough money," "we are extending our program so that we will be able to serve all children by," "we cannot cut into services we are providing to other children," and "there have been improvements in the last few years, and, if you just give us time" are clearly discriminatory.

The blunt truth behind these words is that too many of us are willing to condemn an entire generation of handicapped children to a life with no hope and no help. It is time for us to face up to the truth of this statement, to change our attitudes, to rid ourselves of the old myths and to begin dealing with realities. Handicapped children are children. They have the same rights as any other child to hope, to learn, and to be free. They happen to have disabilities that require certain kinds of treatment in order to be free. But in the final analysis they are children. We should be providing that treatment so that they can overcome their disabilities. And we should be providing them with services that will enable them to deal effectively with their living environment.

Adequate education services for the handicapped are available in certain schools and in certain classrooms throughout the United States. What is perhaps the most depressing, however, is that in the same city, even in the same school, you can observe classrooms in which it is obvious that the children are learning, that their disabilities are being treated, and that they are receiving education and training which will enable them to leave the school and go out into society more independently.

Yet, only a few blocks away, indeed, even a few classrooms away, the situation is the reverse. It would be perhaps a little easier to accept our failure to provide for these children if these contrasts were not so obvious and if so much could not be done. It also makes clear that the age-old arguments that our schools and institutions are not presently equipped to deal appropriately with handicapped children has no basis in fact. The schools and institutions can be changed and they must be changed. The courts are not listening to arguments of "convenience," and it is time that our public laws caught up with the courts.

Mr. President, we have made significant improvements in the education of handicapped children in the past few years, but these improvements are not enough. We have increased Federal assistance to the States for these purposes from $45 million 5 years ago to $215 million in the past fiscal year. But this has been token expenditure. Nowhere in our public law, in our public philosophy or in our budget figures do we find recognition for the right of all handicapped children to a free public education. It has been the courts who have forced us to this realization that we can delay no longer in making such a commitment.

The recent cases in Pennsylvania, Michigan, and the District of Columbia have made it absolutely clear that, if the States have in fact provided for the education of all children, they must provide an education for handicapped children. Those courts have ruled that it is up to the State to find the resources and the way to implement this challenge.

Mr. President, last May Senators MAGNUSON, RANDOLPH, and I introduced a bill which recognized that the Federal Government has a responsibility in this area which is no less than that of the States. This bill, S. 3614, provided a basic Federal commitment to assist the States and localities in providing a free and appropriate education for all handicapped children. By the time the Congress had adjourned, we were joined on this bill by 20 cosponsors, and received strong support from throughout the United States in favor of this bill. We are reintroducing this bill today on behalf of ourselves and other Senators, as a commitment to all handicapped children and their parents in the United States that their rights to a free and appropriate public education is recognized by the Congress.

Through this bill we recognize the responsibility of the States in this area. But in recognizing this responsibility we also are making a commitment to the States to assist them in providing this education. Under the bill, the Federal Government will underwrite 75 percent of the excess cost required in educating a handicapped child. This amount will be determined on the basis of the aggregate current expenditures for the education of handicapped children within the State divided by the number of handicapped children to whom the States are providing a free and appropriate education. The difference between this amount and the amount spent on a nonhandicapped child will be the State's excess cost. Thus, if the State is currently educating a handicapped child at a cost of $1,800, $1,000 of which is excess cost in a fiscal year, this bill would pay to that State $750. If in the following fiscal year, the State provides an education for two handicapped children at an excess cost of $1,000 per child, the bill would pay to the State $1,500. The State would be required to continue its full expenditure on both those children, but the bill would pay to the State $1,500 in order to extend its services to other handicapped children. The State however must guarantee that it will provide a free appropriate public education to all handicapped children by 1976.

In recognizing that the States have a responsibility to provide an education for handicapped children, the bill extends its commitment beyond the provision of financial assistance to the State to protection of the rights of handicapped children and their parents. I look on these provisions as key to providing a mechanism of oversight and accountability of the educational system. Too many cases have been brought to my attention where children have been improperly tested, excluded from schools, and improperly labelled. The result of this conduct has been great emotional hardship for the parents and children and requires the greatest of perseverance on the part of the parents to see that their children receive services appropriate to their special disability.

The costs of these mistakes are imposed fully on the child, and only somewhat less directly on the Public Treasury which has undertaken to provide appropriate services. I believe that we must allow discretion to the States and the localities in providing services in the way they deem fit. But I also believe that we must be sure that the services which we are paying for are appropriate to the needs of each child, and will provide that child with the best services that current knowledge can envision.

This bill therefore contemplates that the school system will set down its evaluation of the child in writing, the goals and objectives of educational services, the services to be provided, and the estimated time frame for reaching these goals and objectives. As a companion provision, the bill as a condition of eligibility for assistance requires the States to establish well-defined due process procedures if the school system contemplates a change in educational placement for the child and if the parents or guardian objects to such a change.

These requirements are nothing more than what is required if we are to implement the guarantees of the 14th amendment. They are nothing more than what our educational system ought to be providing right now, and what many are providing in an informal way. They are nothing more than what the courts have ordered the schools system to provide. And they are nothing less than what we should want for our children.

The education that this bill can make possible is going to cost money. It is hard to argue to the States that the Federal Government is serious about full educational opportunity when we are not willing to invest funds to make this goal a reality. If we are going to make a real commitment to free an appropriate education, and expect the States to carry through on this commitment, we will have to be willing to undertake the necessary expense. One study of education programs in five States in which have exemplary programs has indicated that the education of a handicapped child will cost on an average of 1.87 times as much as the education of a child who is not handicapped. At the very least this means that it will cost from $400 to $800 more for education if the child is handicapped. That study, done by Richard Rossmiller for the Bureau of Education for the Handicapped, estimated that the total cost of this education will be at least an additional $3 billion to State and local governments. That figure is a full 60 percent of all funds provided to the States last year under general revenue sharing.

If you consider the many other pressing fiscal needs within the States, and the constraints placed on the use of the revenue-sharing dollar for the area of education, it is clear that substantial Federal assistance to the States for the education of handicapped children is needed. That assistance is forthcoming in the bill I am introducing. Under this bill, estimated first year assistance will be in the neighborhood of $1.7 billion.

Yet, this expense is minimal compared to what it has cost this society to deny appropriate services and maintain handicapped children at a level which is far less than their potential. We must remember that these are children whose needs can be met, and who can be freed from the nuisances that are their disabilities. They are children who will go through the same pains and sufferings of growing up, as do your children and mine. Yet, the answers they often receive are not answers that we would give to our own children. They are not answers which our own children would accept, nor are they answers of which we can be proud in this Nation today. I believe that this bill provides a long needed answer to those questions. That answer must be that all children have the right to an education which meets their needs.

Mr. President, I ask unanimous consent that the text of the bill and a table explaining what this bill will mean to the States be printed following my remarks.

There being no objection the bill and table were ordered to be printed as follows:

### S. 6

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Education for All Handicapped Children Act."

#### STATEMENT OF PURPOSE

SEC. 2. (a) The Congress finds that

(1) there are more than seven million handicapped children in the United States today;

(2) close to 60 percent of these children do not receive appropriate educational services which would enable them to have full equality of opportunity;

(3) one million of these children are excluded entirely from the public school system and will not go through the educational process with their peers;

(4) the States have a responsibility to provide this education for all handicapped children; but are operating under increasingly constrained fiscal resources; therefore

(b) It is the purpose of this Act to insure that all handicapped children have available to them not later than 1976 a free appropriate public education, to insure that the rights of handicapped children and their parents or guardian are protected, to relieve the fiscal burden placed upon the States and localities when they provide for the education of all handicapped children, and to assess the effectiveness of efforts to educate handicapped children.

#### DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "handicapped children" means mentally retarded, hard-of-hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired children, or children with specific learning disabilities who by reason thereof require special education, training and related services;

(2) the term "Commissioner" means the Commissioner of Education;

(3) the term "per pupil expenditure for handicapped children" means, for any State, the aggregate current expenditure during the fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in that State, plus any direct current expenditure by the State for the operation of any such agency for handicapped children, and the additional cost to the State or local educational agencies within that State for the provision of education to handicapped children in homes, institutions, and other agencies other than public elementary and secondary schools, divided by the aggregate number of handicapped children in attendance daily to whom such agency has provided free appropriate public education, and such expenditure shall not include any financial assistance received under the Education of the Handicapped Act the Elementary and Secondary Education Act of 1965, or any other Federal financial assistance;

(4) the term "per pupil expenditure for all other children" means, for any State, the aggregate current expenditure during the fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in that State, plus any direct current expenditure by the State for operation of any such agency for all other children not included in the determination made under paragraph (6) of this section, divided by the aggregate number of all other chil-

dren in attendance daily to whom such agency has provided free appropriate public education, and such expenditure shall not include any financial assistance received under the Elementary and Secondary Education Act of 1965, or any other Federal financial assistance;

(5) the term "free appropriate public education" means education, training and related services which shall be provided at public expense, under public supervision and direction and without charge, meeting the standards of the State educational agency, which shall provide an appropriate preschool, elementary, or secondary school education in the applicable State and which is provided in conformance with an individualized written program.

(6) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(7) the term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law;

(8) the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, and such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and

(9) The term "individualized written program" means a written educational plan for a child developed and agreed upon jointly by the local educational agency, the parents or guardians of the child and the child when appropriate, which includes (A) a statement of the child's present levels of educational performance, (B) a statement of the long-range goals for the education of the child, and the intermediate objectives related to the attainment of such goals, (C) a statement of the specific educational services to be provided to such child, (D) the projected date for initiation and anticipated duration of such services, and (E) objective criteria and evaluation procedures and schedule for determining whether intermediate objectives are being achieved.

### AUTHORIZATION

SEC. 4. (a) The Commissioner is authorized to make grants pursuant to this Act for the purpose of assisting the States in providing a free appropriate public education for handicapped children at the preschool, elementary and secondary school levels.

(b) There are authorized to be appropriated for the fiscal years beginnng July 1, 1973, and endng June 30, 1977, such sums as may be necessary for carryng out the purposes of this Act.

### BASIC GRANTS AMOUNT AND ENTITLEMENT

SEC. 5. (a) (1) From the sums appropriated pursuant to section 4 of this Act for each fiscal year each State is entitled to an amount which is equal to the amount by which the per pupil expenditure for handicapped children, aged three to twenty-one years, inclusive, exceeds the per pupil expenditure for all other children, aged five to seventeen years, inclusive, in the public elementary and secondary schools in that State, multiplied by the Federal share specified in section 8(a) (2) for each handicapped child for which the State is providing free appropriate public education during the current fiscal year. Funds so allotted shall be used by the State to initiate, expand and improve educational services for handicapped children in conformance with a State plan.

(2) The per pupil expenditure for handicapped children, aged three to twenty-one years, inclusive, and the per pupil expenditure for all other children, aged five to seventeen years, inclusive, in any State shall be determined by the Commissioner on the basis of the most recent data available to him.

(b) The portion of any State's entitlement under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such entitlement is available, for carrying out the purposes of this Act shall be available for reallotment from time to time, on such dates during such period as the Commissioner may fix, to other States in proportion to the original entitlements to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out such portion of its State plan approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its entitlement under subsection (b) for such year.

### ELIGIBILITY

SEC. 6(a). In order to qualify for assistance under this Act in any fiscal year, a State shall demonstrate to the Commissioner that the following conditions are met.

(1) A State has in effect a policy that assures all handicapped children the right to a free appropriate public education.

(2) The State has a plan which details the procedures and implementation strategies for ensuring that a free appropriate public education will be available for all handicapped children within the State not later than 1976, and which includes a detailed timetable for accomplishing such a goal, and the necessary facilities, personnel, and services.

(3) The State has made adequate progress in meeting the timetable of its plan.

(4) Each local educational agency in the State will maintain an individualized written program for each handicapped child and review at least annually and amend when appropriate with the agreement of the parents or guardian of the handicapped child; that in the development of the individualized written program, parents or guardian are afforded due process procedures which shall include (A) prior notice to parents or guardian of the child when the local or State educational agency proposes to change the educational placement of the child, (B) an opportunity for the parents or guardian to obtain an impartial due process hearing, examine all relevant records with respect to the classification or educational placement of the child, and obtain an independent educational evaluation of the child and, (C) procedures to protect the rights of the child when the parents or guardian are not known, unavailable or the child is a ward of the State, including the assignment of an individual, not to be an employee of the State or local educational agency involved in the education or care of children, to act as a surrogate for the parents or guardian; and that when the parents or guardian refuse to agree to the provisions of the individualized written program that the decisions rendered in the impartial due process hearing are binding on all parties pending appropriate administrative or judicial appeal.

(5) Tests and other evaluation procedures utilized for the purpose of classifying children as handicapped are administered so as not to be racially or culturally discriminatory.

(6) To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(7) An advisory panel broadly representative of individuals involved or concerned with the education of handicapped children, including teachers, parents or guardian of handicapped children, administrators of programs for handicapped children, and handicapped individuals, has (A) advises the State educational agency of unmet needs within the State in the education of handicapped children, (B) assists the State educational agency in determining priorities within the State for educational services for handicapped children; (C) reviews the State plan and reports to the State educational agency and the public on the progress made in the implementation of the plan and recommends needed amendments to the plan, (D) comments on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under this Act, and (E) assists the State in developing, conducting and reporting the evaluation procedures required under section 7 of this Act.

(8) To the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provisions is made for the participation of such children in the program assisted or carried out under this Act.

(9) Federal funds made available under this Act will be so used as to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case supplant such State and local funds.

(10) The State educational agency will be the sole agency for administering or supervising the preparation and administration of the State plan, and that all educational programs for handicapped children within the State will be supervised by the persons responsible for educational programs for handicapped children in the State educational agency and shall meet educational standards of the State educational agency.

(11) The State has identified all handicapped children with the State and maintains a list of the local educational agency within the State responsible for the education of each such child (whether the child remains in the area served by the local educational agency or is sent out of the jurisdiction for services), the location of the child, and the services the child receives.

(b) Any State meeting the eligibility requirements set forth in subsection (a) and desiring to participate in the program under this Act shall submit to the Commissioner and at such time, in such manner, and containing or accompanied by such information as he deems necessary. Each such application shall——

(1) set forth programs and procedures for the expenditure of the funds paid to the State under this application, either directly or through individual local educational agencies or combinations of such agencies to initiate, expand, or improve programs and projects, including preschool programs and projects, which are designed to meet the educational needs of handicapped children throughout the State;

(2) provide satisfactory assurance that the control of funds provided under this Act, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this Act, and that a public agency will administer such funds and property;

(3) provide for (A) making such reports in such form and containing such information, as the Commissioner may require to carry out his functions under this Act, including reports of the objective measurements required by paragraph 9 of subsection (A) and (B) keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this Act;

(4) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this Act to the State, including any such funds paid by the State to local educational agencies;

(5) provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children, in accordance with such criteria that the Commissioner shall prescribe pursuant to section 7.

(c) The Commissioner shall approve an application and any modification thereof which—

(1) is submitted by an eligible State in accordance with subsection (a);

(2) complies with the provisions of subsections (b);

(3) provides for the distribution of funds under this Act in such a way which reflects the relative percentage contribution within each State of funds spent within the State on education of handicapped children by State and local educational agencies; and

(4) provides that the distribution of assistance under this Act within each State is made on the basis of consideration of (A) the relative need for special educational services in certain geographical areas within the State as developed under the State plan, and (B) the relative need for special educational services for certain subgroups of the population of handicapped children within the State as developed under the State plan. The Commissioner shall disapprove any application which does not fulfill all such conditions, but shall not finally disapprove a State application except after reasonable notice and opportunity for a hearing to the State.

(d) As soon as practicable after the enactment of this Act, the Commissioner shall prescribe basic criteria to be applied by State agencies in submitting an application for assistance under this Act. In addition to other matters, such basic criteria shall include—

(1) uniform criteria for determining the handicapped children to be served;

(2) uniform criteria to be used by the State in determining categories of expenditures to be utilized in calculating State and local expenditures for the education of handicapped children.

EVALUATION AND REPORTING

SEC. 7. (a) The Commissioner shall measure and evaluate the impact of the program authorized under this Act, and shall submit annually to the Congress a report on progress being made toward the goal of making available to all handicapped children a free appropriate public education by 1976. Such report shall include a detailed evaluation of the education programs provided in accordance with individualized written programs, and shall include an evaluation of the success or failure of the State and local educational agencies to meet the long-range goals and intermediate objectives for education, to deliver specific services detailed in the individualized written program and to comply with the projected timetable for the delivery of such services.

(b) The Commissioner shall also include in the report required by subsection (a)—

(1) an analysis of the procedures undertaken by each State to insure that handicapped children are to the maximum extent appropriately educated with children who are not handicapped, pursuant to paragraph (6) of subsection (a) of section (6) of this Act;

(2) an evaluation of the State's procedures for the institutionalization of handicapped children, including classification and commitment procedures, services provided within institutions, and an evaluation of whether institutionalization best meets the educational needs of such children; and

(3) recommended changes in provisions under this Act, and other Acts which provide support for the education of handicapped children which will encourage education of such children in public preschool, elementary, and secondary schools where appropriate and improve programs of instruction for handicapped children who require institutionalization.

PAYMENTS

SEC. 8. (a) (1) The Commissioner shall pay to each State from its allotment determined pursuant to section 3, an amount equal to its entitlement under that section.

(2) (A) From funds paid to it pursuant to paragraph (1) each State educational agency shall distribute to each local educational agency of the State the amount for which its application has been approved except that the aggregate amount of such payment in any State shall not exceed the amount allotted to that State pursuant to section 5(a).

(B) To the extent that any State in which the State educational agency is wholly or partially providing free appropriate public education for handicapped children, the provisions of subparagraph (A) of this paragraph shall not apply.

(b) For each fiscal year the Federal share shall be 75 per centum.

(c) (1) The Commissioner is authorized to pay to each State amounts equal to the amounts expended for the proper and efficient performance of its duties under this Act, except that the total of such payments in any fiscal year shall not exceed—

(A) 1 per centum of the total of the amounts of the grants paid under this Act for that year to the State educational agency; or

(B) $75,000, or $25,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands, whichever is greater.

(2) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

(d) Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Commissioner may determine necessary.

WITHHOLDING

SEC. 9. Whenever the Commissioner, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there has been a failure to comply substantially with any provision of section 6, the Commissioner shall notify the agency that payments will not be made to the State under this Act (or, in his discretion, that the State educational agency shall not make further payments under this Act to specified local educational agencies whose actions or omissions caused or are involved in such failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no payments shall be made to the State under this Act, or payments by the State educational agency under this Act shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

TABLE I: EXCESS COST ESTIMATES BY STATE AND ESTIMATED GRANTS TO STATES UNDER WILLIAMS BILL, S. 6

| State | Estimated average pupil expense for handicapped children | Excess cost for handicapped children | Handicapped aged 0-21 served | Percent handicapped children served | Total cost excess | 75 percent excess cost Williams bill |
|---|---|---|---|---|---|---|
| Alabama | $948 | $474 | 22, 384 | 20 | $10, 610, 016 | $7, 957, 512 |
| Alaska | 2, 122 | 1, 061 | 1, 975 | 37 | 1, 989, 375 | 1, 592, 032 |
| Arizona | 1, 362 | 681 | 12, 678 | 32 | 8, 633, 718 | 6, 475, 288 |
| Arkansas | 962 | 481 | 12, 492 | 10 | 6, 008, 652 | 4, 506, 489 |
| California | 1, 570 | 785 | 321, 765 | 59 | 252, 585, 525 | 189, 439, 143 |
| Colorado | 1, 412 | 706 | 37, 566 | 50 | 26, 521, 596 | 19, 891, 197 |
| Connecticut | 1, 830 | 915 | 35, 544 | 40 | 32, 522, 760 | 24, 392, 070 |
| Delaware | 1, 688 | 844 | 8, 351 | 53 | 7, 048, 244 | 5, 286, 183 |
| District of Columbia | 1, 822 | 911 | 9, 568 | 44 | 8, 716, 448 | 6, 537, 336 |
| Florida | 1, 402 | 701 | 105, 021 | 75 | 73, 619, 721 | 55, 214, 790 |
| Georgia | 1, 054 | 527 | 65, 061 | 50 | 34, 287, 147 | 25, 715, 360 |
| Hawaii | 1, 632 | 816 | 9, 106 | 46 | 47, 430, 496 | 35, 572, 872 |
| Idaho | 1, 134 | 567 | 8, 395 | 23 | 4, 759, 965 | 3, 569, 973 |
| Illinois | 1, 756 | 878 | 180, 877 | 71 | 158, 810, 006 | 119, 107, 504 |
| Indiana | 1, 392 | 696 | 86, 599 | 60 | 60, 272, 904 | 45, 204, 678 |
| Iowa | 1, 576 | 788 | 36, 521 | 39 | 28, 778, 548 | 21, 583, 11 |
| Kansas | 1, 468 | 734 | 27, 713 | 51 | 20, 341, 342 | 15, 256, 006 |
| Kentucky | 1, 064 | 532 | 24, 336 | 31 | 12, 946, 752 | 9, 710, 064 |
| Louisiana | 1, 166 | 583 | 45, 056 | 37 | 26, 267, 648 | 19, 700, 736 |
| Maine | 1, 310 | 655 | 6, 758 | 22 | 4, 426, 490 | 3, 319, 867 |
| Maryland | 1, 748 | 874 | 66, 259 | 54 | 57, 910, 366 | 43, 432, 774 |
| Massachusetts | 1, 570 | 785 | 63, 460 | 58 | 49, 816, 100 | 37, 362, 075 |
| Michigan | 1, 752 | 876 | 165, 018 | 57 | 144, 555, 768 | 108, 416, 826 |
| Minnesota | 1, 788 | 894 | 70, 423 | 57 | 62, 958, 162 | 47, 218, 621 |
| Mississippi | 862 | 431 | 16, 587 | 14 | 7, 148, 997 | 5, 361, 747 |
| Missouri | 1, 340 | 670 | 65, 110 | 29 | 43, 623, 700 | 32, 717, 775 |
| Moutana | 1, 498 | 749 | 5, 358 | 23 | 4, 013, 142 | 3, 009, 856 |

TABLE I: EXCESS COST ESTIMATES BY STATE AND ESTIMATED GRANTS TO STATES UNDER WILLIAMS BILL, S. 6—Continued

| State | Estimated average pupil expense for handicapped children | Excess cost for handicapped children | Handicapped aged 0–21 served | Percent handicapped children served | Total cost excess | 75 percent excess cost Williams bill |
|---|---|---|---|---|---|---|
| Nebraska | 1, 406 | 703 | 23, 734 | 25 | 16, 685, 002 | 12, 513, 751 |
| Nevada | 1, 482 | 741 | 6, 300 | 46 | 4, 668, 300 | 3, 501, 225 |
| New Hampshire | 1, 388 | 694 | 6, 070 | 31 | 4, 212, 580 | 3, 159, 435 |
| New Jersey | 1, 982 | 991 | 99, 189 | 43 | 98, 296, 299 | 73, 722, 224 |
| New Mexico | 1, 270 | 635 | 8, 655 | 16 | 5, 495, 925 | 4, 121, 943 |
| New York | 2, 530 | 1, 265 | 221, 219 | 59 | 279, 842, 035 | 209, 881, 526 |
| North Carolina | 1, 092 | 546 | 73, 739 | 43 | 40, 261, 494 | 30, 196, 120 |
| North Dakota | 1, 242 | 621 | 8, 947 | 19 | 5, 556, 087 | 4, 167, 065 |
| Ohio | 1, 406 | 703 | 175, 300 | 52 | 123, 235, 900 | 92, 426, 925 |
| Oklahoma | 1, 158 | 579 | 23, 746 | 16 | 13, 748, 934 | 10, 311, 700 |
| Oregon | 1, 746 | 873 | 26, 274 | 55 | 22, 937, 202 | 17, 202, 901 |
| Pennsylvania | 1, 074 | 837 | 156, 830 | 59 | 131, 266, 710 | 98, 450, 032 |
| Rhode Island | 1, 788 | 894 | 13, 475 | 34 | 12, 046, 650 | 9, 034, 987 |
| South Carolina | 1, 032 | 516 | 38, 275 | 36 | 19, 749, 900 | 14, 812, 425 |
| South Dakota | 1, 262 | 631 | 4, 414 | 25 | 2, 785, 234 | 2, 088, 925 |
| Tennessee | 1, 010 | 505 | 49, 173 | 37 | 24, 832, 365 | 17, 124, 273 |
| Texas | 1, 166 | 583 | 175, 662 | 23 | 102, 410, 946 | 76, 808, 209 |
| Utah | 1, 224 | 612 | 27, 079 | 61 | 16, 572, 348 | 12, 429, 261 |
| Vermont | 1, 470 | 735 | 4, 612 | 22 | 3, 389, 820 | 2, 542, 365 |
| Virginia | 1, 316 | 658 | 44, 768 | 31 | 29, 457, 344 | 22, 693, 008 |
| Washington | 1, 654 | 827 | 64, 223 | 81 | 53, 112, 421 | 39, 834, 315 |
| West Virginia | 1, 218 | 609 | 15, 161 | 19 | 9, 233, 049 | 6, 924, 786 |
| Wisconsin | 1, 704 | 852 | 66, 230 | 43 | 56, 427, 960 | 42, 320, 970 |
| Wyoming | 1, 652 | 826 | 5, 665 | 31 | 4, 679, 290 | 3, 509, 467 |
| Not available: | | | | | | |
| American Samoa | | | | | | |
| Bureau of Indian Affairs | | | | | | |
| Guam | | | | | | |
| Puerto Rico | | | | | | |
| Virgin Islands | | | | | | |
| Trust Territory | | | | | | |
| Total | 73, 500 | 67, 961 | 2, 846, 721 | | 2, 277, 507, 383 | 1, 707, 230, 523 |
| Average | 1, 470 | | | | | |

By Mr. RANDOLPH (for himself, Mr. CRANSTON, Mr. STAFFORD, Mr. WILLIAMS, Mr. JAVITS, Mr. TAFT, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, Mr. STEVENSON, and Mr. EAGLETON):

S. 7. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes. Referred to the Committee on Labor and Public Welfare.

### THE REHABILITATION ACT

Mr. RANDOLPH. Mr. President, in October of last year the Congress passed H.R. 8395; the Rehabilitation Act of 1972. The Rehabilitation Act of 1972 received extensive hearings in both the Senate and House of Representatives. Committees of both Houses gave careful and thorough consideration to its provisions in executive sessions. This measure was approved by a vote of 70 to 0 in the Senate and 327 to 0 in the House of Representatives. As I then stated, this bill represents a close cooperative bipartisan effort of many Senators and Representatives from both parties. On the Senate side in particular, the very able Senator from California (Mr. CRANSTON) who chaired the hearings and was floor manager for the bill; the Senator from Vermont (Mr. STAFFORD); ranking minority member of the subcommittee; the Senator from New Jersey (Mr. WILLIAMS) chairman of the Committee on Labor and Public Welfare; the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) all contributed significantly in the development of this important humanitarian legislation.

In spite of the overwhelming bipartisan support for this measure the President refused to sign it into law. He issued a memorandum of disapproval after the Congress had adjourned, thus killing the bill by a pocket veto.

Today, Mr. President, as chairman of the Senate Subcommittee on the Handicapped, I introduce on behalf of myself and Senators CRANSTON, STAFFORD, WILLIAMS, JAVITS, TAFT, KENNEDY, MONDALE, PELL, EAGLETON, and STEVENSON, a bill which is identical to the vetoed act. A bill that was sound in October continues to be sound in January. Based on the President's memorandum of disapproval I can see no justification for changing the measure.

At this point it is my intention to discuss each argument presented in the President's memorandum of disapproval, in the hope that he will be persuaded to join the Congress in support for this important improvement in programs for handicapped people.

First, the memorandum offers the premise that the measure "would seriously jeopardize the goals of the vocational rehabilitation program and is another example of congressional fiscal irresponsibility." No serious student of the Federal-State vocational rehabilitation program would accept the idea that the Rehabilitation Act of 1972 would in any way jeopardize the goals of the program. On the contrary careful effort was expended to assure that the measure would positively improve the program in all respects. Nor is the allegation of "fiscal irresponsibility" supported by the facts. I will discuss this issue a little later in these remarks.

Second, the memorandum states that the bill's provisions "would divert this program from its basic vocational objectives into activities that have no vocational element whatsoever or are essentially medical in character." The primary focus of the existing program is vocational rehabilitation. It is the focus of the Rehabilitation Act of 1973 as well. In fact, it is the intention of the new Act to strengthen the program's ability to meet these vocational objectives. The only non-vocational approach in the bill is title II. Appropriations of $30 million are authorized for this purpose in fiscal year 1973, compared with the vocationally oriented program authorization of $800 million in the same fiscal year. This could hardly be considered a diversion from vocational objectives.

The President's objection relates to a diversion to activities which are "essentially medical in character." I assume this refers to the $25 million per year emergency program for individuals suffering from endstage renal disease. There is currently no Federal program to assist such persons. Because of a lack of funds, some 5,000 to 8,000 people die in this country each year. Their deaths could be prevented by the provision of Federal assistance. No insurmountable technological hurdle stands in the way. It is shocking to me that such a circumstance should exist in America today. In the absence of a viable legislative alternative to this provision, I will fight to retain it in this legislation.

Third, the President believes the bill would "proliferate a host of narrow categorical programs which duplicate and overlap existing authorities and programs." It cannot be denied that the Rehabilitation Act contains a number of categorical programs—services to older blind individuals, rehabilitation centers for the deaf and deaf-blind, and centers for spinal cord injured individuals. These are categories which the Congress after careful study determined are needful of special attention. These provisions are designed to serve special populations of handicapped individuals who have not been adequately served in the past.

There is no duplication or overlap contemplated. Proper administration and coordination can prevent duplication and overlap with respect to programs.

The President's message continues:

> Such provisions serve only to dilute the resources of the vocational rehabilitation program . . .

It is difficult to understand how any of the programs contemplated in the Rehabilitation Act could dilute any of the others. More specifically, the basic programs of vocational rehabilitation services are separately funded—both under the existing Vocational Rehabilitation Act and the new proposal. The categorical programs referred to by the President are related to the basic program only to the extent that they are administered by the same Federal and State agencies. Funding is separately authorized and appropriated.

The President's memorandum states that the Rehabilitation Act "would create organizational rigidities—which could undermine the ability of the Secretary of HEW to manage the program effectively." Since the President does not explain his objection, I must assume that he refers to the statutory authority for, and independence of, the Rehabilitation Services Administration and the creation of an Office for the Handicapped. The Secretary has enjoyed full flexibility in the past to organize the vocational rehabilitation program. In recent years, emphasis on other programs has resulted in the deemphasis of vocational rehabilitation. Under the late Mary Switzer the Rehabilitation Services Administration flourished, with a personnel force of about 400. Today the RSA, as an appendage of the Social and Rehabilitation Service, employs some 160 persons, clearly inadequate to the tasks assigned it. If the potential of the rehabilitation program is to be realized, it must have the attention and the resources to perform its functions. Additionally, RSA currently performs an inadequate effort in research and development programs. This is an aspect of rehabilitation in which the United States has fallen behind other nations. Such inadequacies must not continue. The Rehabilitation Act is a step in the right direction. The Congress in approving this act determined as a matter of policy that more emphasis must be placed on rehabilitation by the Federal Government, and that the only way to assure that emphasis is to give RSA a statutory basis and to outline some of its duties by law.

The new legislation also creates an Office for the Handicapped within the Office of the Secretary of HEW. Congress believes this to be highly desirable so that all 38 programs for the handicapped in HEW may be coordinated and some overall direction in such programs may be developed. The primary function of the new Office would be to provide information to, and receive it from, the handicapped and rehabilitation communities, as well as to other Federal agencies. These functions do not now exist and would be valuable additions to the Federal effort to prevent duplication of program activity and to assist handicapped individuals.

The President's memorandum states that—

> The bill also would establish numerous committees and independent commissions which are unnecessary, would waste the taxpayers' dollars, and would complicate and confuse the direction of this program.

The Rehabilitation Act of 1972, and the measure I introduce today, would establish the following: a Federal Interagency Committee on Handicapped Employees, a National Advisory Council on Rehabilitation of Handicapped Employees, a National Commission on Transportation and Housing, and an Architectural and Transportation Barriers Compliance Board. All these new offices, save one, are designed to fill voids which now exist. Handicapped people encounter difficulties in Federal employment with respect to hiring, placement, advancement, and in having their special requirements recognized by Federal officials. Many of these problems stem from ignorance of the handicapped person's needs as well as of his abilities. The committee's function is to assure that qualified handicapped individuals are hired by the Federal Government, and that they are given the same opportunities in Federal service as those without handicaps.

The National Advisory Council merely replaces a similar existing council and gives it a more meaningful role. The National Policy and Performance Council, no longer considered to be essential, has been eliminated in the new legislation.

The National Commission on Transportation and Housing and the Architectural and Transportation Barriers Compliance Board have interrelating functions. The former is a study commission while the later will utilize information developed by the Commission in recommending new legislation and administrative changes. The Compliance Board will also investigate violations of, and insure compliance with, standards established under the Architectural Barriers Act of 1968. That act has not been enforced to this point, and it must be if handicapped individuals are to have access to the same extent as those who have no handicapping conditions.

Finally, the President states that—

> The bill would authorize funding far in excess of the budget request and far beyond what can be made available and used effectively.

This is perhaps the most serious misstatement contained in the memorandum of disapproval.

It is true that the Rehabilitation Act of 1972 proposed appropriation levels are above the budget request for fiscal year 1973. Yet the total authorization levels for that year are only a little higher than the fiscal year 1972 authorization under the existing Vocational Rehabilitation Act. Under the new act, it is also true that authorizations will increase. Such increases are, however, absolutely essential to the development of the rehabilitation program. Today, only about 1 million of the estimated 7 to 12 million handicapped persons in America who could be rehabilitated have been touched by the existing vocational rehabilitation program. What of the other 6 to 11 million people who desperately need the assistance contemplated by this program?

The unfilled hopes and expectations of handicapped individuals across our land can be translated into loss of tax revenues and drains on State and Federal treasuries for welfare payments. It has been estimated that every dollar expended on vocational rehabilitation results in a benefit equal to $35. Where else in the Federal Government could such a fabulous cost-benefit ratio be demonstrated? Rehabilitation dollars are perhaps the most valuable of all the dollars spent by the Federal Government today. To chop this program down is not only merciless, it is borne of a philosophy that can only be described as pennywise and pound foolish.

It is my hope that there will be early congressional approval of this new Rehabilitation Act. The distinguished Senator from California (Mr. CRANSTON) who worked so diligently and effectively for this measure last year will begin Handicapped Subcommittee hearings on this bill in the very near future.

Mr. President, I ask unanimous consent that the Senate-House conference committee statement of last year, the President's veto message, and the measure I am introducing today be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8395) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment strikes out all of the House bill after the enacting clause and inserts a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the Senate amendment and the substitute agreed to in conference are noted in the following outline, except for incidental changes made necessary by reason of agreements reached by the conferees and minor and clarifying changes.

### DECLARATION OF PURPOSE

A number of purposes in the Senate amendment were not included in the House bill. The conferees added and amended such purposes to the conference bill to conform to the provisions of the Act as agreed to.

### REHABILITATION SERVICES ADMINISTRATION

Both the House bill and the Senate amendment established a Rehabilitation Services Administration in the Department of Health, Education, and Welfare. The House bill provided that the Administration shall be the principal agency in the Department for carrying out and administering programs and performing services related to the rehabilitation of handicapped individuals, as authorized under the Act. The Senate amendment provided that the Commissioner of the Administration shall carry out and administer all programs and direct the performance of all services for which authority is provided to the Secretary of HEW under the Act. The conference agreement adopts the provision of the Senate amendment, except that reference to the Secretary's authority is deleted throughout titles I through IV.

The Senate amendment, but not the House bill, established within the Rehabilitation Services Administration a Division of Research, Training, and Evaluation to administer title IV of the Act. The Senate amendment, but not the House bill, established within the Division of Research, Training, and Evaluation a Center of Technological Assessment and Application which is responsible for developing and supporting innovative methods of applying technology to resolve rehabilitation problems including the administration of Rehabilitation Engineering Research Centers. The conference report adopts the provisions of the Senate amendment on both these matters. The Senate amendment also increased the number of certain personnel positions authorized by the Rehabilitation Services Administration. The conference agreement retained the Senate provisions with an amendment that the Assistant Commissioner be responsible to the Commissioner and that such Assistant Commissioner be of outstanding "scientific and technical" rather than "medical or technical" as in the Senate amendment qualifications.

### *Joint funding*

Both the House bill and the Senate amendment provided for joint funding of rehabilitation projects. The provisions differed in the following ways:

The House bill provided that any one Federal agency providing funds may be designated to act for all participating agencies, whereas the Senate amendment required the administering agency to be the Federal agency principally involved. The House recedes.

The Senate amendment, but not the House bill, authorized joint funding to the extent consistent with other provisions of this Act. The House recedes.

The House bill, but not the Senate amendment, allowed a single non-Federal share requirement for projects being jointly funded. The Senate recedes.

The House bill, but not the Senate amendment, authorized a waiver of inconsistent technical grant or contract requirements where a project is being jointly funded. The conference report adopts a provision somewhat comparable to a House provision under which, when the principal agency involved is the Rehabilitation Services Administration, it may waive any grant or contract requirement, as defined by the presidential regulations, under any law other than this Act if the requirement is inconsistent with similar requirements of the administering agency under this Act.

### DEFINITIONS

The Senate amendment defined the term "criminal act" and the term "public safety officer," which are terms used in the Senate amendment in provisions describing services to be provided under the State plan for vocational rehabilitation. The conference substitute includes these provisions of the Senate amendment.

The House bill contained a definition of "evaluation and work adjustment services." The Senate amendment contained a definition for "evaluation of rehabilitation potential" which was similar, except that a provision was added requiring that once in every 90-day period an assessment be made to determine if the individual undergoing evaluation is eligible to receive rehabilitation services as a handicapped individual.

Both the House bill and the Senate amendment provided the same Federal share for the basic program (80 percent) and for construction of rehabilitation facilities. Federal shares for other programs in the House bill were prescribed in individual sections. The Senate amendment defined the term "Federal share" for the entire act (meaning 85 percent, except where otherwise provided). The conference agreement provides for the 80 percent share for the basic program except that "Federal share" shall mean 90 percent for the purposes of part C (Innovation and Expansion Grants) of title I and for title II.

The term "rehabilitation facility" is similarly defined in both the House bill and the Senate amendment, except that the Senate amendment includes in the list of provisions to be provided in such facilities orientation and mobility services to the blind. The conference substitute retains this provision.

Both the House and the Senate amendment use the term "severely handicapped individual", but defined such term in different ways in the two versions. The conference substitute drops the use of this term entirely and refers instead to handicapped individuals with "the most severe handicaps". The term "severe handicap" is defined in the conference substitute to mean a disability which requires multiple services over an extended period of time resulting from blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, renal failure, and any other disability, specified by the Commissioner in regulations he shall prescribe. Individuals who are not handicapped are not eligible for services. Departmental regulations have allowed individuals without handicaps to receive services under this program by characterizing such individuals as having "behavioral disorders." The Conferees wish to make clear that such individuals in the absence of a physical or mental disability shall not be eligible for services under this Act.

The Senate amendment but not the House bill included Indian tribal organization under the definition of "local agency." The House receded.

The term "handicapped individual" was defined in the Senate amendment to mean an individual with physical or mental disability which *for such individual* constitutes *or results in a substantial* handicap to employment. The House definition did not contain the italicized words. The conference substitute retains the Senate provision with a modification to specify that eligibility for comprehensive rehabilitation services—for a nonvocational goal—is tied to services provided under titles other than title I.

### CONSOLIDATED REHABILITATION PLAN

The House bill provided that a State could submit a consolidated rehabilitation plan for its programs for vocational rehabilitation services, evaluation of rehabilitation potential, the severely handicapped and persons with developmental disabilities. There was no comparable Senate provision. The Senate recedes with amendments in conformance with agreements made in other parts of the Act, and with the following amendments:

(1) The agency administering the Developmental Disabilities Service and Facilities Construction Act must agree to the consolidated plan;

(2) The Secretary of Health, Education, and Welfare may reject any consolidated plan; and

(3) The 10 percent transferability of appropriated funds is deleted.

### AUDIT

Section 8 of the Senate amendment required grant recipients to keep such records as the Secretary may prescribe, including amounts and disposition of funds received, and other records to facilitate an effective audit. The section authorized access by the Secretary and Comptroller General to any books or records pertaining to such grants. The House had no comparable provision. The House recedes.

### NONDUPLICATION

The House bill, with respect to comprehensive services, and the Senate amendment with respect to the basic program, required that in determining the amount of a State's Federal share there shall be disregarded any portion of such expenditures which are financed by Federal funds and the amount of non-Federal funds required as a condition of receipt of such Federal funds. The conference substitute adopts both provisions and adds a third provision taken from several other provisions of both the House bill and Senate amendment which provides that no payment may be made from funds provided under one provision of the Act relating to any cost with respect to which any payment is made under any other provision of the Act.

## VOCATIONAL REHABILITATION SERVICES

### GENERAL PROVISIONS

### *Declaration of purpose; authorization of appropriations*

The House bill states that it is the purpose of the title to authorize grants to meet the needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities. The Senate recedes.

Under the conference substitute, there is authorized to be appropriated $800,000,000 for fiscal year 1973 and $975,000,000 for fiscal year 1974 to assist States in meeting the costs of vocational rehabilitation services and the cost of carrying out the State's plan for vocational rehabilitation services. The comparable authorizations in the House bill were $800,000,000 for fiscal year 1973, $950,000,000 for fiscal year 1974, and $1,100,000,000 for fiscal year 1975. The Senate amendment provided authorizations in one lump sum amount for both handicapped individuals and severely handicapped individuals (those for whom the provision of services is more costly and of longer duration) regardless of whether such individuals can have an employment objective. It provided that 15 percent of the amount appropriated must be used for services to the severely handicapped. The amount authorized to be appropriated by the Senate amendment was $900,000,000 for fiscal year 1973 and $1,150,000 for fiscal year 1974.

### *State plans*

Both the House bill and the Senate amendment required as a condition for the receipt of funds that a State plan be submitted. Under the House bill the plan related to the provision of vocational rehabilitation services while the provision of comprehensive rehabilitation services for the severely handicapped was controlled by a separate State plan. Under the Senate amendment the State plan which was required to be submitted annually, controlled the provision of both vocational rehabilitation services and comprehensive rehabilitation services. The conference substitute adopts the approach of the Senate amendment.

The following are the particular differences between the State plan provisions in the two versions of the bill:

(1) The House bill would permit the required matching funds to be provided only by the State and its political subdivisions while the Senate amendment would permit matching funds to be provided by the State and by "local agencies", as defined in section 7(8).

(2) The Senate amendment required the State plan to show how it proposes to expand and improve services to severely handicapped individuals. It further provided that if voca-

tional and comprehensive rehabilitation services could not be provided to all eligible persons, the plan must show the order to be followed in selecting those to whom such services will be provided and the outcome and service goals, and the time within which they may be achieved, for the rehabilitation of such individuals. The order of selection was required to place special emphasis on severely handicapped individuals, and could not be inconsistent with priorities for these matters established by regulations of the Secretary. The House bill contained no comparable provision. The conference substitute follows the Senate amendment, but with the following modifications: First, here and elsewhere in the report references to "severely handicapped individuals" is changed to "individuals with the most severe handicaps", thus conforming to the change in definition provided for in the definition section. Second, the requirement that an order of selection be shown is made to apply only to the provision of vocational rehabilitation services. Third, the requirement with respect to what must be included in the order of selection is modified to require that the order of selection be determined on the basis of serving first those individuals with the most severe handicaps and that such order must be consistent with priorities in such order of selection (which shall require serving first those with the most severe handicaps) established in regulations of the Commissioner. By providing that those with the most severe handicaps be first served, the conferees do not intend that handicapped individuals whose handicaps are not the most severe be excluded from receiving services.

(3) The Senate amendment required that the State plan provide assurances that no comprehensive rehabilitation services will be paid for unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such services. The House bill contained no comparable provision. The conference substitute retains in a different clause the provision of the Senate amendment.

(4) Both the House bill and the Senate amendment required the State plan to contain provisions relating to the establishment and maintenance of personnel standards. The Senate amendment, but not the House bill, required such standards to be consistent with State licensure laws and regulations. This requirement is retained in the conference substitute.

(5) The House bill required the State plan to provide for evaluation of rehabilitation potential, counseling and guidance, personnel and vocational adjustment, training, maintenance, physical restoration, placement, follow-up and follow-along services. The Senate amendment requirement that the plan provide, at a minimum, for the provision of the type of vocational rehabilitation services referred to in the first three paragraphs of section 103(a) (relating to the scope of vocational rehabilitation services). The conference substitute adopts the provision of the Senate amendment.

(6) The House bill provided that services other than those referred to in the preceding paragraph may be provided only after full consideration of eligibility for any similar benefit by way of pension, compensation, and insurance. The comparable provision of the Senate amendment provided that services other than those referred to in the preceding paragraph may be provided only after full consideration of eligibility for similar benefits under any other program, but provides an exception in the case of services specified in clauses (4) and (5) of section 103(a) where such consideration would delay the provision of such services to any individual. The conference substitute adopts the Senate amendment provision.

(7) The Senate amendment required the inclusion in the State plan provisions relating to administration of a provision for the establishment of a client advocacy system as required by section 112. This provision of the Senate amendment is not included in the conference substitute.

(8) The Senate amendment provided that an individualized written rehabilitation program (required by section 102) must be developed for each handicapped individual and that vocational and comprehensive rehabilitation services be provided under the plan in accordance with such program. There was no comparable House provision. The conference report retains this provision with the addition of a requirement that records of the characteristics of each applicant will be kept specifying, as to those individuals who apply for services under this title or pursuant to title II and are determined not to be eligible therefor, the reasons for such determinations.

(9) Under the House bill State agencies were required to make such reports in such form and containing such information as the Secretary may require. The Senate amendment contained the same provision and also specified that the State agencies' reports must specifically include periodic estimates of the population of handicapped individuals eligible for services under the Act, specifications of the number of such individuals who will be served, and the outcome and service goals to be achieved for such individuals in each priority category established as required in the earlier provisions of this section, and the service costs for each category. The conference substitute adopts the Senate provision, and, in addition, the information required in the new provision referred to in the preceding paragraph must be included in such reports.

(10) Both versions of the bill required the State agency to enter into cooperative arrangements with other governmental agencies. The Senate amendment, unlike the House bill, made specific references to veterans' programs and to the Veterans' Administration. This provision of the Senate amendment is retained in the conference substitute.

(11) The Senate amendment required the plan to give assurances that in the provision of vocational rehabilitation services under the program maximum use will be made of public and other vocational or technical training facilities or other appropriate resources in the community. The House bill contained no comparable provision. The House recedes.

(12) The Senate amendment contained a requirement, which had no counterpart in the House bill, which required that special consideration be given to the rehabilitation of handicapped individuals whose handicapping conditions arose from a disability sustained in the line of duty while such individual was performing as a public safety officer and the proximate cause of such disability was an apparent criminal act or a hazardous condition resulting from the officer's performance of duty in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities. The conference substitute retains this provision.

(13) The Senate amendment required statewide studies of the needs of handicapped individuals and of how these needs may best be met, with a view toward the relative need for services to significant segments of the population of handicapped individuals. There was no House provision. The House recedes.

(14) The Senate amendment required the State plan to provide for periodic review and reevaluation of individuals placed in extended employment to determine the feasibility of their employment, or training for employment in the competitive labor market, and that maximum efforts be made to place such individuals in such employment or training. There was no comparable House provision. The conference report retains this requirement.

(15) The Senate amendment, unlike the House bill, contains in its provisions requiring consultation in the administration of the State plan the requirement that the views of groups, as well as of individuals and of parents and guardians of clients, be taken into account. This requirement is retained in the conference agreement.

(16) The House bill required the plan to provide for subsequent program evaluation, contain a clear statement of the goals of the services to be provided, and that these goals be listed in order of priority, and stated as much as possible in a form amenable to quantification. The comparable Senate provision required satisfactory assurances that such continuing studies, as well as annual evaluations of program effectiveness will form the basis for submission from time to time of appropriate amendments to the plan. The conference report follows the Senate provision.

Both versions require approval of the State plan, but the Senate amendment requires that before disapproving a plan the State shall be given notice and reasonable opportunity for a hearing. This provision is retained in the conference substitute.

The Senate amendment, unlike the House bill, permits the payments under the State plan to be reduced rather than discontinued where the plan is changed without compliance with the Act, or where there is a failure to comply with provisions of the plan. The conference substitute retains this provision.

### *Individualized written rehabilitation program*

The Senate amendment required the Secretary to insure that the individualized written rehabilitation program required under section 101 be developed jointly by the handicapped individual and the vocational rehabilitation counselor or coordinator. This understanding should include a statement of goals and other stated requirements. The individual shall be afforded an opportunity to review his program annually and renegotiate its terms. Subsection (c) of section 102 required the written program to emphasize a vocational goal or objective for the individual, and where it is determined that no such goal can be met, safeguards are required to insure that such a determination is absolutely necessary. Such a determination must be reviewed at least once each year. There were no comparable House provisions. This provision is retained in the conference report.

### *Scope of vocational rehabilitation services*

The House bill dealt with the type of services that can be provided under the title through a definition of "vocational rehabilitation services" which lists the services which may be provided. The Senate amendment in this section provided that vocational rehabilitation services provided under the Act are goods and services necessary to render a handicapped individual employable. It goes on to provide that such goods and services include, but are not limited to, goods and services subsequently described. The provision of the Senate amendment are adopted in the conference report.

The differences between the House description of the services to be provided and the Senate list (and the conferee actions) are the following:

(1) The Senate amendment includes in the description of evaluation services, examination, where appropriate, by a physician skilled in the diagnosis and treatment of emotional disorders, or by a licensed psychologist. The House recedes.

(2) The House bill and the Senate amendment both included counseling, guidance, and placement services. The Senate amendment also included referral and client advocacy services. Referral services are included in the conference substitute but client advocacy services were rejected.

(3) The House bill includes training services for handicapped individuals (including

personal and vocational adjustment, books, and other training materials). The Senate amendment added services to the families of handicapped individuals which are necessary to the adjustment and rehabilitation of such individuals. It also provided that no training services could be provided in institutions of higher education unless maximum efforts have been made to secure grant assistance from other sources to pay for such training. The conference substitute adopts the Senate provisions.

(4) Both bills included restoration services. The House bill refers only to physical restoration services while the Senate amendment refers to both physical and mental restoration services. Further, the Senate amendment includes diagnosis and treatment for mental and emotional disorders by a physician or licensed psychologist. The Senate amendment unlike the House bill includes transportation and dialysis among the special services which are available for renal diseases. In each of these respects the conference substitute includes the Senate provision.

(5) The Senate amendment lists rehabilitation teaching services and orientation and mobility services for the blind, and telecommunications, sensory and other technological aids and devices. These services are not referred to in the House bill. They are included in the conference substitute.

## TITLE I—BASIC VOCATIONAL REHABILITATION SERVICES

### *State allotments*

Both bills contain formula for allotting funds for vocational rehabilitation services among the States. They differ in that the House bill would allot on the amounts authorized to be appropriated whereas the Senate amendment would allot on the amounts appropriated. On this point, the conference substitute adopts the provisions of the House bill.

The House bill provided for a minimum allotment of $2,000,000 whereas the Senate amendment provided a minimum allotment of $2,500,000. The House provision is retained in the conference substitute.

### *Payments to States*

Both the House bill and the Senate amendment provided for reductions in allotments where the State reduces its expenditures from non-Federal sources. The House bill uses FY 1969 as the base year whereas the Senate amendment uses FY 1972 as the base year. The conference substitute adopts the Senate provision.

The Senate amendment provided a 1 percent set aside from its State allotment for establishing and maintaining a State advisory council. It limited the amount which could be expended for such purpose to not more than $150,000 or less than $50,000. The Senate recedes.

## INNOVATION AND EXPANSION GRANTS

### *Allotments to States*

Both the House bill and the Senate amendment provided programs for making innovation and expansion grants to States under a State allotment formula. The Senate amendment, unlike the House bill, provided that for FY 1973 and FY 1974 no State shall receive less under this provision than the amount necessary to cover 90 percent of the cost of continuing projects of this type assisted under section 4(a)(2)(A) of the Vocational Rehabilitation Act. This requirement is qualified in the Senate amendment by a provision that no such program may receive assistance under both this Act and the Vocational Rehabilitation Act for an aggregate period in excess of three years. The conference substitute retains this provision of the Senate amendment in a separate part C.

### *Payments to States*

The Senate amendment, but not the House bill, authorized the Secretary to require that up to 50 percent of each State's allotment be expended only in connection with projects which he has first approved. This provision is retained in the conference substitute.

The Senate amendment, but not the House bill, specified that programs to initiate or expand services to severely handicapped individuals qualify for assistance under this program. The conference substitute adopts this provision except that, as is the case in other instances in this report, the reference to "severely handicapped individuals" is modified to refer to "individuals with the most severe handicaps". Further, the Senate amendment in describing the type of handicapped individuals who may be assisted provides that such services be made available particularly to handicapped individuals who are poor. The House bill did not contain this qualification. It is included in the conference substitute.

The House bill provided that funds appropriated for these grants shall remain available through June 30, 1976. The Senate amendment did not contain this provision. The Senate recedes.

## EVALUATION OF REHABILITATION POTENTIAL

The Senate amendment provided special emphasis through part C of title I on the provision of vocational and comprehensive rehabilitation services to severely handicapped individuals by means of a 15-percent set aside of title I appropriations for supplementary funding for the provision of such services to severely handicapped individuals. The term "severely handicapped individuals" in the Senate amendment referred to those persons for whom services are appreciably more costly, and of appreciably greater duration, than those provided to the average client. Supplementary funds under part C of title I would be "triggered" when the cost of providing services to a handicapped individual exceeded 200 percent of the average cost of services.

Part C of title I in the Senate amendment was dropped in favor of providing in the basic programs State plan that those with the most severe handicaps would be served first under the basic program of vocational rehabilitation services.

The House bill provided a separate title to authorize grants to States to assist them in evaluating the rehabilitation potential of handicapped and disadvantaged individuals, including the vocational evaluation and work adjustment of disadvantaged individuals. The Senate amendment incorporated the concept of evaluating rehabilitation potential into the basic State program for rehabilitation services as a mandatory service under that program, but did not authorize a special program for disadvantaged individuals. The House recedes.

## TITLE II—COMPREHENSIVE REHABILITATION SERVICES

### *Purpose*

The House bill authorized a new title III to provide grants, supplemental to title I grants, to assist States to develop plans for meeting the needs of the severely handicapped (defined as those for whom an employment objective is not feasible), including an assessment of the disability and of rehabilitation potential, training of specialized personnel, and research. There was no comparable Senate provision, although the Senate did provide for the provision of rehabilitation services to those for whom employment is not feasible, limited to no more than 10% of title I appropriations. The Senate recedes to the approach of the House contained in a new title II, as described below and includes the House declaration of purpose.

### *Authorizations*

The House bill authorized the appropriation of $30 million for FY 1973, $50 million for FY 1974, and $80 million for FY 1975 to carry out the purposes listed above. The Senate amendment earmarked 15% of the title I appropriation for services to severely handicapped individuals (defined in the Senate amendment to mean those for whom the cost of providing services is more than double the average) or, if greater, $135 million for FY 1973 and $173 million for FY 1974.

(1) The House bill bases State allotments on population, adjusted to reflect relative per capita income, with a minimum of $50,000 per State. The conference agreement adopts a minimum of $150,000 per State which was the minimum in part C of title I in the Senate amendment.

(2) The Senate amendment provided that not more than 10% of the total funds allotted to a State under title I shall be expended for comprehensive rehabilitation services for non-vocational goals. The House bill did not open the basic title I program to non-employment objectives, but did allow the entire title III allotment to be used for that purpose.

(3) The conference agreement calls for a project grant program instead of a formula grant program in any fiscal year in which the appropriations for the program do not exceed $20,000,000.

### *State plan*

The House bill stated as a condition for receiving grants under title III that the State must submit to the Secretary a State plan.

The conference agreement provides that to receive funds for FY 1973 under this Act, a State must submit within 180 days after the date of enactment an amendment to its plan, submitted to the Secretary under section 101 or section 5 of the Vocational Rehabilitation Act, which includes a provision of comprehensive rehabilitation services, that such a program will be included in the section 101 plan submitted each subsequent year, and that services to homebound and institutional individuals be among the services that State must demonstrate it has considered.

The House recedes.

### *Federal share*

The House bill and the conference report stipulate that the Federal share for this title will be 90%. The House bill included a provision that expenditures by a political subdivision shall, subject to limitations, and conditions as prescribed by regulations, be regarded as State expenditures. The Senate recedes.

### *Definition*

The House bill defines "severely handicapped individuals" to mean any individual who has a disability so serious that it limits substantially his ability to function in his family and community and who can reasonably be expected to improve his ability to live independently if provided with comprehensive rehabilitation services.

The Senate amendment defines severely handicapped in terms of the cost and duration of the services required to enable the individual to engage in gainful employment, or his ability to function normally and independently in his family or community.

The conference report, as stated earlier in this statement, does not use the term "severely handicapped individual". Instead, for purposes of this title only, it defines the term "rehabilitation" to mean the goal of achieving, through the provision of comprehensive rehabilitation services, substantial ability to live independently or function normally with his family or community on the part of a handicapped individual who is not capable of achieving a vocational goal.

### *Special projects*

The House bill but not the Senate amendment authorizes 10%, but not more than $500,000, of sums appropriated under title III to be used by the Secretary for special projects for research, demonstration, and training relating to the rehabilitation of severely handicapped individuals. The conference report adopts the House provision.

### SPECIAL FEDERAL RESPONSIBILITIES

#### *Declaration of purpose*

The House bill but not the Senate amendment contained a declaration of purposes which listed existing Federal responsibilities in research, training, demonstrations, and other projects and cited the new centers, commissions, and services authorized as new responsibilities. This provision is retained in the conference agreement as modified to reflect the contents of the title.

#### *Grants for construction of rehabilitation facilities*

Both the House bill and the Senate amendment contained provision for Federal grants for the construction and initial staffing of rehabilitation facilities. The provisions were substantially the same except that the amounts authorized to be appropriated by the House bill were $35,000,000 for FY 1973, $45,000,000 for FY 1974, and $55,000,000 for FY 1975, while the Senate authorized $35,000,000 for FY 1973, $40,000,000 for FY 1974, and $45,000,000 for FY 1975. The conference report adopts the authorization in the Senate amendment. The Senate amendment grouped in section 313 all grant and contract requirements including those applicable to construction. This pattern is followed in the conference agreement.

#### *Vocational training services for handicapped individuals*

The conference report authorizes appropriations for grants to provide vocational training services to handicapped individuals in the amounts of $30,000,000 for FY 1973; $35,000,000 for FY 1974; and $40,000,000 for FY 1975. This provision differs from the House bill in that the authorization for this purpose in the House bill was combined with the authorization for construction of facilities under rehabilitation facilities improvement; it is the same as the Senate provision.

The conference report authorizes the Commissioner to pay 90 percent of the cost of training services to handicapped, especially those with the most severe handicaps, in rehabilitation facilities, to include occupational skill training, work evaluation and testing, provision of tools and equipment, job tryouts, and payment of weekly allowances. Allowances may not be paid to an individual for more than two years and shall not exceed $30 per week plus $10 for each dependent, or $70, whichever is the lesser. Grants may be made only if the project's purpose is to prepare the handicapped individual for gainful employment; if those to be trained are deemed suitable for such purpose by the State agency; if the full range of training services is available to all; and if the project meets other requirements the Commissioner may prescribe. The provision differs from the Senate amendment in that under the Senate amendment the Federal share would be 85 percent rather than 90 percent. It differs from the House bill in that (1) the projects must be designed to provide vocational training services especially to the severely handicapped, (2) under the House bill the allowance may not exceed $65 a week, and (3) the House phrase "fitness to engage in a remunerative occupation" is replaced by the phrase "capacity to engage in gainful and suitable employment".

The conference report also authorizes the Commissioner to make grants to rehabilitation facilities to improve management effectiveness and other assistance to improve the operation of such facilities, but prohibits grants being used for construction.

#### *Mortgage insurance for rehabilitation facilities*

Both the House bill and the Senate amendment contained provisions for mortgage insurance covering the construction of rehabilitation facilities. The House bill, but not the Senate amendment, stated it would be the purpose of the provision to assist and encourage the provision of urgently needed facilities for programs for the handicapped. The conference substitute contains the House declaration.

The Senate amendment authorized insurance for rehabilitation facilities whereas the House bill authorized insurance for multipurpose rehabilitation facilities. The conference agreement adopts the Senate provision.

The Senate amendments, but not the House bill, requires the Secretary to consult with the Secretary of Housing and Urban Development in carrying out this section. This provision is retained in the conference agreement.

The House bill authorized 100 percent of the mortgage to be insured, but provided that the mortgage may not involve a principal obligation in excess of $250,000 and may not exceed 90 percent of replacement costs. The Senate amendment, in contrast, authorized insurance of 90 percent of the mortgage. The conference agreement adopts the House provision, except that the amount of individual mortgages is limited to 100 percent of the replacement costs.

The conference report includes a provision from the Senate amendment, which had no counterpart in the House bill, allowing the Commissioner to delegate, pursuant to delegation agreement, to the Secretary of Housing and Urban Development authority to administer this mortgage insurance program, and the program of annual interest grants for mortgages for rehabilitation facilities which is provided for later in the report.

Both the House bill and the Senate amendment authorized appropriations for initial capital for the insurance fund, but the Senate amendment also provided that the total amount of outstanding mortgages insured may not exceed $250,000,000. The Senate limitation is retained in the conference agreement.

#### *Annual interest grants for mortgages for rehabilitation facilities*

Both the House bill and the Senate amendment authorized the Secretary to pay annual interest grants to States and public nonprofit agencies to reduce the cost of borrowing for construction of rehabilitation facilities. The conference report includes a provision from the Senate amendment, which had no counterpart in the House bill, which subjects this program to the general grant contract requirements which are described later in this statement. Under the House bill the grant would be not greater than the difference between the interest which would be paid on the loan if it were borrowed from other sources, and 3 percent. Under the Senate amendment the grant would be an amount sufficient to reduce by 3 percent the interest rate otherwise payable on the loan. Under the conference report the grant will be sufficient to reduce by 4 percent the interest rate otherwise payable or be one-half of such rate, whichever is the lesser.

Both versions of the bill authorize necessary appropriations for these grants. They both provide that the amount payable for FY 1973 shall not exceed $1,000,000. The House bill provides that that amount will be increased by $3,000,000 for FY 1974, and by $5,000,000 for FY 1975. In contrast, the Senate amendment would increase such amount by $1,000,000 for FY 1974, and by $2,000,000 for FY 1975. The conference agreement adopts the Senate figures.

The House bill provided that not more than 12½ percent of the funds provided for interest grants may be used in any one State. The Senate amendment sets this figure at 15 percent. The conference agreement adopts the Senate figure.

#### *Special programs and projects*

Both the House bill and the Senate amendment authorize appropriations for special projects. The House bill authorizes $100,000,000 for FY 1973, $125,000,000 for FY 1974, and $150,000,000 for FY 1975. The Senate amendment authorizes $50,000,000 for FY 1973, $100,000,000 for FY 1974, and $150,000,000 for FY 1975. The conference agreement authorizes $50,000,000 for FY 1973, $125,000,000 for FY 1974, and $150,000,000 for FY 1975.

The House bill authorized, in addition, appropriations of $10,000,000 for each year for migrant programs and provided that, if funds were not sufficient to pay at least ⅔ of the total amounts to fund approved grants, the Secretary would allocate for grants under this section the funds appropriated for other activities under the Act. The Senate amendment made available for migrant programs 10% of the appropriations for special projects for each year, but also provided that no more than $10,000,000 shall be used for that purpose and authorized the appropriation of the amount necessary to raise the funds available for migrant programs to $10,000,000 where 10% of the appropriations for special projects is less than that amount. The conference substitute adopts the Senate provision.

The conference report authorizes the Commissioner to make grants to pay 90% of the cost of projects or demonstrations for the provision of vocational and comprehensive rehabilitation services to handicapped individuals who are migratory agricultural workers or seasonal farm workers, and their families. It differs from the Senate amendment in that only 90% of the cost of providing these services will be borne by the United States, instead of the full amount as under the Senate amendment.

The conference report authorizes the Commissioner to make grants for paying part of the cost of special projects and demonstrations for establishing facilities and providing services which hold promise for expanding or otherwise improving rehabilitation services for the handicapped, especially those with the most severe handicaps, and for applying new types or patterns of services or devices (including opportunities for new careers for handicapped individuals and other individuals in programs serving handicapped individuals).

The corresponding provision of the House bill differed from the conference report in that it did not contain specific references to persons who are severely handicapped, it provided for assistance to projects making a substantial contribution to the solution of rehabilitation problems, to all or several States, and problems related to the rehabilitation of individuals with developmental disabilities and other severe handicaps.

#### *National Center for Deaf-Blind Youths and Adults*

Both the House bill and the Senate amendment contained provisions for a National Center for Deaf-Blind Youths and Adults. The House bill had open ended authorizations for FY 1973, FY 1974, and FY 1975, for this provision. The Senate amendment authorized appropriations of $5,000,000 for FY 1973 for construction, and $800,000 for that year for its operation. $1,200,000 was authorized for FY 1974 and $200,000 for FY 1975, for the operation of the center. The conference agreement adopts the Senate authorization figures.

#### *Rehabilitation Centers for Deaf Individuals*

The House bill provided for rehabilitation centers for deaf youths and adults. The Senate amendment provided for such centers for deaf individuals, made certain changes in terminology, and specified, unlike the House bill, that no services under the section may be provided to individuals who have not attained age 16 and the State age for compulsory school attendance. The House recedes. The House bill authorizes unlimited appropriations for FY 1973, FY 1974, and FY 1975, for the centers. The Senate amendment authorizes the appropriation of $5,000,000 for FY 1973, $7,500,000 for FY 1974, and $10,000,000 for FY 1975, for the centers. The conference report would authorize the appropriation of $2,000,000 for FY 1973, $4,000,000 for FY 1974, and $7,000,000 for FY 1975.

### *National Centers for Spinal Cord Injuries*

Both the House bill and the Senate amendment authorized the Secretary to enter into agreements with public and nonprofit agencies to pay part or all of the cost of establishing or operating National Center for Spinal Cord Injuries. The respective versions of the bill differ in the stated purposes of the program. Under the House bill, the purpose is to demonstrate methods of providing services to persons suffering from spinal cord injuries and the training of professional and allied personnel needed to staff these facilities, to conduct research on the problems of rehabilitating persons suffering from spinal cord injuries, and to aid in the conduct of related activities to expand and improve the services for or help improve public understanding of the problems of persons suffering from spinal cord injuries. Under the Senate amendment, the purposes of the provision are to help form a national network of centers with special competencies in providing complete rehabilitation services and acute medical care to individuals with spinal cord injuries, to assist in meeting the costs of such services to the individuals, to encourage and assist in the study and development of methods for the provision of such services, and to develop new means of achieving cooperation among concerned organizations. The conference agreement adopts the Senate provision except that the establishment of "national centers" is called for rather than a "national network of centers", and that where appropriate and desirable research and training related to the study and development of methods for the provision of these services may also be provided.

### *Grants for services for end-stage renal disease*

Both the House bill and the Senate amendment authorized grants for projects for providing special services for individuals suffering from end-stage renal disease. The House bill authorized the appropriation of $25,000,000 for FY 1973 and each of the two succeeding fiscal years for this program. The Senate bill authorized the appropriation of $20,000,000 for FY 1973; $25,000,000 for FY 1974, and $30,000,000 for FY 1975. The conference agreement adopts the level of funding provided by the House, and includes a Senate parenthetical which assures that transplantation and dialysis are included services.

### *Rehabilitation services for older blind individuals*

The Senate amendment, which had no counterpart in the House bill, authorized a program of grants for older blind individuals. It authorized the appropriation of $10,000,000 for FY 1973, $20,000,000 for FY 1974, and $30,000,000 for FY 1975, for this program. Funds were allotted among the States on a formula based on population and relative per capita income. Older blind individuals were defined as those aged 55 and over whose visual impairment makes gainful employment difficult to obtain. Special provisions are required to be included in the State's rehabilitation plan if it is to participate in this program. The conference agreement retains this provision, but modified so that the program will be administered on a project basis. Thus, the provisions for State allotments and State plans are dropped.

### *National Policy and Performance Council*

The House bill but not the Senate amendment established in the Department of HEW a National Policy and Performance Council, consisting of 12 members. The Council advises the Secretary with respect to policies and criteria for making grants for rehabilitation facility improvement; makes recommendations to the Secretary on workshop improvement and the extent of this section in carrying out its purposes, and performs other services as requested by the Secretary. The Senate amendment contained no comparable provision, but established a National Council on Rehabilitation of the Handicapped to replace and expand the authority of the National Advisory Council on Vocational Rehabilitation. The House recedes.

### *National Advisory Council on Rehabilitation of Handicapped Individuals*

Both the House bill and the Senate amendment provided for the establishment in the Department of Health, Education, and Welfare of National Advisory Councils. The Councils created by the two versions of the bill differ in the following respects:

(1) In the Senate amendment, the Council consists of 20 members appointed by the Secretary. In the House bill the Council consists of the Secretary or his designee and 15 members appointed by the Secretary.

(2) The Senate amendment, but not the House bill, required that 10 of the 20 members must be selected from leading medical, educational, or scientific authorities with outstanding qualifications in the field of rehabilitation of handicapped individuals.

(3) The Senate amendment further required that eight of the 20 members of the Council must be persons who are themselves handicapped or have received rehabilitation services. The House bill requires that ⅓ of the members must be recipients of rehabilitation services, including those who are severely handicapped.

(4) The Senate amendment, but not the House bill, required the Council to meet not less than four times a year. The House bill authorized the Council to review applications for special projects and make recommendations with respect thereto. In the Senate amendment, the Council has a much broader mandate, including policy, advice, and consultation on the planning, conduct, and review of programs authorized under the Act reviewing the administration and operation of vocational rehabilitation programs under the Act, and advising the Secretary with respect to the conduct of individual evaluations and providing such other advisory services as may be requested.

(5) The Senate amendment, but not the House bill, authorized the appropriation of $100,000 for FY 1973, and $150,000 in each of FY 1974 and FY 1975 to provide technical assistance and staff support for the Council.

(6) The Senate amendment but not the House bill, required the Council to review the possible duplication among rehabilitation programs and make recommendations.

The conference agreement includes the provisions of the Senate amendment, but with changes to make its services available to the Commissioner as well as to the Secretary.

### *State advisory councils*

The Senate amendment required each State to establish a State advisory council. Such councils were to advise the Governor or State agency on policy matters of administration of the State plan, to advise on long-range planning and studies, to evaluate programs assisted under the Act, and to submit to the Governors and the Council an annual report of its recommendations and comments. Councils must meet at least four times a year and have one public meeting each year. Under the Senate amendment the councils would have been funded from a 1% set-aside from the State's title I allotment. There are no comparable House provisions.

The conference report follows the provisions of the Senate amendment, except that (1) funding is separately authorized at $2 million for each of FY 1973, 1974, and 1975, and (2) the States are not required to establish councils in order to receive funds under the Act.

### *General grant and contract requirements*

The Senate amendment provides in one section the requirements which must be met with respect to all projects assisted under the special Federal responsibilities title, including the following:

(1) Construction projects must be used as public and nonprofit facilities for not less than 20 years;

(2) Sufficient funds must be available to meet the non-Federal share;

(3) Annual reports must be submitted;

(4) Plans and specifications must give due consideration to excellence of architecture and works of art;

(5) Plans must comply with regulations concerning occupational safety and health and comply with the Architectural Barriers Act;

(6) Applications must meet Davis-Bacon requirements;

(7) The Federal Government shall be entitled to reimbursement for facilities used for other than what we intended within 20 years after date of completion;

(8) Completion of grants may be made in advance or by reimbursement;

(9) Authorizes construction of residential accommodations when necessary in connection with workshops;

(10) Prohibits use of funds for facilities which will be used for religious worship;

(11) Requires that funds be utilized consistent with State plans;

(12) Requires the Secretary to afford State agencies reasonable opportunity to comment on applications.

Comparable House provisions are for the most part authorized in individual sections. This section is adopted in the conference substitute.

## TITLE IV—RESEARCH AND TRAINING

Title IV of the Senate bill consolidated all research and training activity in a new title. There is no comparable consolidation in the House bill. Title IV of the Senate amendment provided specific authority as follows:

### *Declaration of purpose*

The Senate amendment authorized assistance to the States to plan and conduct research, demonstration, and related activities in the rehabilitation of handicapped persons and to plan and conduct training courses to increase the number of and skills of rehabilitation personnel.

### *Authorization of appropriations*

The Senate amendment authorized the following appropriations for research:

| Fiscal year: | |
|---|---|
| 1973 | $75,000,000 |
| 1974 | 100,000,000 |
| 1975 | 150,000,000 |

The amount appropriated each fiscal year 15 per centum in FY 1973 and 25 per centum for each of the two subsequent fiscal years shall be for the priority research categories listed below.

Section 301(a)(2) of the Senate amendment authorized the following appropriations for section 303 (training):

| Fiscal year: | |
|---|---|
| 1973 | $50,000,000 |
| 1974 | 75,000,000 |
| 1975 | 100,000,000 |

All funds appropriated pursuant to this section shall remain available until expended.

### *Research*

The Senate amendment authorized grants to and contracts with States and other organizations to pay part of the cost of projects to plan and conduct research, demonstrations, and related activities to develop methods, procedures, and devices to provide vocational and comprehensive rehabilitation services to handicapped and severely handicapped individuals. Such projects may include medical, scientific and other investigations into the nature of disability, methods of analyzing it, and restorative techniques, studies and analyses of factors affecting the rehabilitation of handicapped individuals, and special problems of homebound and institutionalized individuals, and related activities which hold promise of increasing knowledge and improving methods in rehabilitating handicapped individuals.

The Senate amendment established the following priority research categories:

(1) Authorizes grants to pay part or all of the costs of activities to establish and support Rehabilitation Research and Training Centers operated with institutions of higher education to coordinate and advance programs of research and training in rehabilitation.

(2) Authorizes grants for the establishment and support of Rehabilitation Engineering Research Centers to apply advanced technology and other knowledge in solving rehabilitation problems through research, including cooperative research with other organizations designed to produce new knowledge, equipment and devices. Also provides for cooperation with the Office for the Handicapped in developing information exchange systems and coordination to promote utilization of engineering and other research.

(3) Authorizes a program for spinal injury research in support of the National Centers for Spinal Cord Injuries. The purpose of such research is to insure dissemination of research findings among all spinal and injury centers, provide encouragement and support for new approaches, and establish close working relationships with other organizations to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigators.

(4) Authorizes a program for international rehabilitation research, demonstration, and training to develop new knowledge in rehabilitating handicapped individuals. The purpose of such program also would be to cooperate with other nations in sharing and developing information in rehabilitation, and initiating a program to exchange experts and technical assistants with other nations.

The Senate amendment applies the general provisions of section 313, unless the context indicates to be the contrary; particularly noteworthy is the provision that funds used for direct services to handicapped individuals shall not be inconsistent with the State plan approved under section 101.

### *Training*

The Senate amendment authorized the payment of part of the cost of training and related activities to increase the number and skills of trained rehabilitation personnel.

It is provided that funds under this section will be utilized for projects in rehabilitation medicine, rehabilitation counseling, rehabilitation social work, physical therapy, occupational therapy, speech pathology, speech audiology, rehabilitation nursing, workshop and facility administration, prosthetics and orthotics, psychology, specialized personnel for deaf and blind persons, recreation for ill and handicapped individuals and other fields contributing to rehabilitation, including for homebound and institutionalized individuals. Education grants are limited to not more than 4 years.

### *Reports*

The inclusion in the annual report, of a report with respect to research and training activities undertaken pursuant to this title, is required, with emphasis on the contribution of such activities to the improvement of vocational and comprehensive rehabilitation services.

The conference report retains the Senate research and training provisions with conforming amendments.

## ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

### *Administration*

Both the House bill and the Senate amendment authorized the provision of training and instruction in technical matters relating to vocational rehabilitation services. Under the House bill training may not exceed a four-year period, whereas under the Senate bill it may not exceed a two-year period. The Senate recedes.

The House bill authorized the Secretary to make rules and regulations governing the administration of this Act. In the Senate amendment, the Secretary is authorized to make rules and regulations governing the administration of titles IV, V, and VI of the Act, and such rules and regulations and those prescribed by the Commissioner of the Rehabilitation Services Administration under titles I, II, and III are required to be published in the Federal Register on an interim basis within 90 days after enactment of the Act.

The Senate amendment, but not the House bill, required the Secretary to insure maximum coordination and consultation with the Administrator of Veterans' Affairs concerning programs for the rehabilitation of disabled veterans. This requirement is retained in the conference agreement.

### *Program and project evaluation*

Both the House bill and the Senate amendment require the Secretary to evaluate all programs authorized under the Act and to determine their effectiveness. The Senate amendment, but not the House bill, requires that in the case of research and related activities, the Secretary is to reassess priorities for such research and related activities and to review existing research and related activities to determine the basis for their continuation, revision or termination. In this connection, under the Senate amendment, the Secretary is further required to submit an annual report to the appropriate Committees of the Congress on his review of research activities. The House recedes.

Both the House bill and the Senate amendment require that the Secretary consider the extent to which standards for evaluation have been met in deciding whether to renew or supplement financial assistance. Under the Senate amendment, but not the House bill, such decisions must be made in accordance with the procedural protection governing approval and disapproval of State plans under title I. The House recedes.

The House bill requires that the Secretary publish the results of evaluative research and evaluations of program and project impact and effectiveness no later than sixty days after the completion thereof. This is also required in the Senate amendment. However, in the Senate amendment, publication is required no later than 90 days rather than 60 days, and summaries of evaluations rather than evaluations themselves are to be published. In addition, the Senate amendment but not the House bill requires that copies of all such research studies and evaluation summaries be submitted to the appropriate committees of Congress. The House recedes.

The House bill authorizes the appropriation of such sums as the Secretary may require for evaluation, but not to exceed 1 per centum of the funds appropriated under title I or $2,000,000, whichever is greater. The Senate amendment authorizes to be appropriated such sums as the Secretary may require, but not to exceed an amount equal to one-half of 1 per centum of the funds appropriated under titles I, II, and III of the Act or $2,000,000, whichever is greater. The Senate provision is retained in the conference report with conforming modifications.

Both the House bill and the Senate amendment require that the annual report include statistical data reflecting vocational rehabilitation services provided handicapped individuals. The House bill requires statistical data reflecting services provided each handicapped individual, whereas the Senate amendment requires statistical data reflecting "with the maximum feasible detail" services provided handicapped individuals. The House recedes.

The Senate amendment, but not the House bill, specifically requires that the report include a detailed evaluation of services provided to severely handicapped individuals.

The conference report retains this provision with conforming amendments.

### *Sheltered workshop study*

The House bill authorizes the Secretary to conduct a special study of sources of income and other financial support presently being received by handicapped persons employed in workshops. The Senate amendment contains similar provisions, but includes a study of the role of sheltered workshops in rehabilitation and employment of handicapped individuals. The study will incorporate guidelines in accordance with criteria in resolutions adopted by the Committee on Labor and Public Welfare, the Committee on Education and Labor, or both. The Senate amendment further requires site visits and interviews of handicapped trainees and clients and prohibits the awarding of contracts to individuals or groups with financial or direct interest in sheltered workshops. The report and recommendations will be due 24 months after enactment of the Act in the Senate amendment and not later than July 1, 1973, in the House bill. The conference report adopts the provisions of the Senate bill with an amendment that the study be "original".

The conferees generally approve the Senate committee resolution adopted September 22, 1972, which states as follows:

RESOLUTION OF THE U.S. SENATE, COMMITTEE ON LABOR AND PUBLIC WELFARE, ADOPTED SEPTEMBER 22, 1972

Whereas Section 405(a) of the Rehabilitation Act of 1972 directs the Secretary of Health, Education and Welfare to carry out a study of sheltered workshops under criteria set forth in resolutions by the Committee on Labor and Public Welfare:

Whereas the Committee finds that such study must be comprehensive in nature and has formulated a series of questions relating to the role of workshops, the number of individuals employed in workshops, the amount of funding provided to workshops under this Act, and the relationship between workshops and other programs for handicapped individuals, and programs for vocational training;

Whereas the Committee presents the following questions to be answered and by listing these questions does not intend to limit the scope of the study;

Be it resolved that the Committee on Labor and Public Welfare believes the following questions must be covered along with other pertinent information by the study:

1. What should be the role of sheltered workshops or rehabilitation facilities? To what degree does the present system of workshops fulfill this role? How does this role relate to the broader continuum of employment and day care settings?

2. How many sheltered employment settings (workshops, rehabilitation facilities, work activity centers, etc.) are now in existence? How many handicapped individuals do they employ? What is the nature and degree of their responsibilities? How many staff are employed?

What are their job functions and qualifications? Describe the work opportunities provided including a measure of the range of complexity of the jobs available in each workshop. How much money is paid by the State Vocational Rehabilitation agency to "workshops" on an individual basis by state?

3. What are the standards used by vocational rehabilitation agencies to determine that a sheltered workshop or other rehabilitation facility is the most suitable in the community or state for training or employing a handicapped individual? What alternatives are considered and what rights does a handicapped individual have in selecting the site and type of training or employment to be provided?

4. How many handicapped individuals are placed for training in workshops by state vocational rehabilitation agencies? How much money is paid by the state agency for these training services? What is the length of training? What type of training is provided? How many individuals are placed in competitive employment following training? How many handicapped individuals are placed in sheltered workshops for extended evaluation? How much money is paid by the state agency for these services? How many are placed in employment outside of a workshop, or unplaced of those evaluated? To what extent are handicapped individuals, placed in workshops by rehabilitation agencies for training purposes, integrated with extended evaluation clients and terminal employees of the workshop? What is the nature and degree of the handicaps of the individuals placed in workshops for training or extended evaluation purposes?

5. How many handicapped individuals are in extended employment in sheltered workshops? What is the nature and degree of their handicaps? What type of employment activities are provided? How many individuals are ultimately placed in competitive employment?

6. How many individuals in workshops are in terminal employment? What is the nature and degree of their handicaps? What are the standards used by rehabilitation agencies or workshop personnel for determining that these individuals are incapable of competitive employment? How might careers ladder opportunities within workshops be developed to enable handicapped individuals to move into competitive employment?

7. What are methods for the determination of wages for handicapped individuals in workshops? What distinctions are there between piece work and hourly employees? How many persons are receiving wage subsidies? What are the amounts of such subsidies and the sources of funding for such subsidies? What effect do wage payments have on the amount of public assistance received by handicapped individuals in workshops, since assistance payments vary from state to state? What is the relationship of the industrial efficiency of the workshop to the amount of wages paid? What is the relationship of the types of contract work performed by workshops to the amount of wages paid to employees? What is the relationship of the specific abilities of the employees to the contract capability and wage payments? Do workshops for any particular type of handicapped individuals generally pay higher wages than those paid in other workshops? If this is true, is it because of their contract work or because they receive their contracts through a single source? How are contracts procured? Is the type of contract pursued by a workshop related to the needs of present workers, or are workers selected by jobs available? Are there any state, regional or national procurement and coordination processes available for obtaining contracts for sheltered workshops? What should such a process entail? Compare wage payments to handicapped workers in sheltered workshops to payments made for similar employment to workers in competitive employment in comparable labor markets or otherwise.

8. Has the Wage Hour and Public Contracts Division of the Department of Labor issued certifications of exemption from the prevailing minimum wage for individual handicapped workers within workshops or have they been issued on a blanket basis per workshop? How many sheltered workshops have been issued exemptions from the minimum wage under section 6 of the Fair Labor Standards Act as work activity centers? What is the nature and degree of handicaps of handicapped individuals in such centers? To what degree has the number of such exemptions increased annually since 1967? How often do officials of the Wage Hour and Public Contracts Division inspect sheltered workshops and work activity centers to determine compliance with minimum wage requirements? How often do officials of the Department of Health, Education and Welfare inspect sheltered workshops? Officials of State agencies?

9. What fringe benefits are provided to handicapped individuals in extended or terminal employment in sheltered workshops (e.g. coverage under the Old Age, Survivors and Disability Insurance Program and Medicare of Title II and Title XVII of the Social Security Act; unemployment compensation; health care and retirement plans to which other non-handicapped workshop employees are entitled; and collective bargaining)?

10. What is being done to coordinate the wide variety of vocational training programs administered by the Rehabilitation Services Administration, the Office of Educaton and the Department of Labor for severely handicapped individuals who appear to have a high chance of requiring sheltered employment for some period of time?

11. Discuss and analyze the possible forms of wage supplements, their advantages and disadvantages, and their effects where applied.

### OFFICE FOR THE HANDICAPPED

The Senate amendment establishes an Office for the Handicapped within the office of the Secretary to be headed by a Director. This Office is charged with the preparation of a five-year planning document for the provision of services to handicapped individuals, the analysis and review of program operation and budgeting to assure progress toward implementation of such a plan, providing assistance to advisory committees and programs which serve the Secretary, the coordination and encouragement of cooperative planning among programs for handicapped individuals, taking steps to assure the prompt utilization of engineering and other research to assist in solving problems of handicapped individuals, and the evaluation of existing information systems in order to develop a coordinated system of information retrieval and dissemination. For this purpose, there is $1,000,000 authorized for FY 1973, $2,000,000 for FY 1974, and $2,000,000 for FY 1975. There are no comparable House provisions.

The conference report includes these provisions with several amendments to make clear the relationship of this Office to existing operating programs.

The Conference agreement directs the Office to prepare, with the assistance of and in consultation with agencies of the Department of Health, Education, and Welfare and other departments and agencies, handicapped individuals and public and private agencies and organizations, a long-range projection for the provision of comprehensive services to handicapped individuals, with the understanding that such projection shall relate individual agency plans to one another in order to provide maximum effectiveness, sensitivity and continuity in the provision of services to handicapped individuals. It should be clear that this long-range projection for services shall represent the direction toward which the Department intends to proceed in providing services to handicapped individuals and shall include a plan for implementation, including costs of such plans. Under no circumstances do the Conferees intend that this projection be implemented without opportunity for Congressional review and enactment of any necessary authorizing legislation.

The Conference agreement further deletes all reference to budgeting and provides language to make clear that such Office shall be vested only with advisory functions and that no authority has been provided to this Office for budgetary, policy, or program control by the Office over any program, except as such authority relates to a central clearinghouse for information and resource availability. The conferees intend that no operating program shall report to, or through such office to the Secretary.

The House bill established a National Information and Resource Center under title IV of the House bill to collect, review, organize, publish and disseminate information and data related to problems caused by handicapping conditions in title IV.

The Senate bill and the Conference agreement direct the Office for the Handicapped to serve as a clearinghouse for information and resources through the evaluation of existing information and data systems in order to develop within the Department of Health, Education, and Welfare a coordinated system of data and information retrieval and dissemination. It is the intent of the Conference agreement that maximum utilization should be made of existing information and data systems and that, as a priority, this Office will identify data, information and statistical needs. The Conferees emphasize that where data, information and statistics do not exist or are not currently available, the Office will take immediate action to ensure that such data, information and statistics are collected and will be made available for use by the Congress, the Secretary, operating programs, and interested individuals and organizations.

### TITLE VII.—MISCELLANEOUS

#### *Effect on existing laws*

The Senate amendment but not the House bill repealed the Vocational Rehabilitation Act 90 days after the date of enactment of the new Act, and further provided that references to such Act in any other provisions of law shall 90 days after enactment, be deemed to be references to the Rehabilitation Act of 1972. There were no comparable House provisions. The House recedes.

#### *Federal Interagency Committee on Handicapped Employees*

The Senate amendment established the Federal Interagency Committee on Handicapped Employees, comprised of the heads of the Civil Service Commission, the Veterans Administration, and the Departments of Labor and Health, Education, and Welfare. The Chairmen of the President's Committee on Employment of the Handicapped and of the President's Committee on Mental Retardation are ex officio members; the Commissioner of the Rehabilitation Services Administration serves as the Executive Director, and the Secretary of Health, Education, and Welfare as chairman of the Committee. The various departments and agencies in the Executive Branch are required to submit an affirmative action program concerning the hiring, placement and advancement of handicapped individuals; the Committee is to develop and recommend to the Secretary of Health, Education, and Welfare procedures for hiring the handicapped individuals. The Committee shall report to the Congress on June 30, 1973, regarding the status of the handicapped employed by the Federal Government, along with its recommendations. This section also prohibits volunteer work in a government from being considered Federal employment for certain purposes; and authorizes appropriations of $1 million for FY 1973 and $1,250,000 for FY 1974. There were no comparable House provisions. The House recedes.

#### *National Commission on Transportation and Housing for Handicapped Individuals*

The House bill established a National Commission on Transportation and Housing for the Handicapped headed by the Secretary of Health, Education, and Welfare or his designee.

The membership of the Commission is not to exceed 15 members, with the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Secretary of the Treasury (or their designees) serving as ex officio members. The purpose of the Commission shall be to study problems and make recommendations with respect to transportation and housing for the handicapped. There was no comparable Senate provision.

The conference agreement retains the essential elements of the House bill by establishing a National Commission on Transportation and Housing for Handicapped Individuals and requiring the coordination of such Commission with the Architectural and Transportation Compliance Board.

### *Architectural and transportation barriers compliance board*

The Senate amendment established the Architectural and Transportation Barriers Compliance Board composed of the heads of the Departments of Health, Education, and Welfare, Transportation, Housing and Urban Development, General Services Administration, the Department of the Interior, the U.S. Postal Services, the Veterans Administration, and the Department of Labor. The function of the Board is to insure compliance with standards prescribed by GSA. The Department of Defense, and HUD pursuant to the Architectural Barriers Act of 1968, and make appropriate investigations, and issue necessary orders. The Board is authorized to appoint necessary hearing examiners and receive administrative assistance for the Board by involved agencies. An annual report to Congress and an authorization of $1 million for FY 1973, $1,250,000 for FY 1974, and $1,500,000 for FY 1975 are provided for. There were no comparable House provisions. The House recedes with a conforming amendment requiring coordination between the Board and the National Commission on Transportation and Housing of Handicapped Individuals.

### *Employee under Federal contracts*

The Senate amendment required that any Federal procurement contract contain a provision requiring Federal contractors and subcontractors to take affirmative action to employ qualified handicapped individuals. These provisions shall be implemented 90 days after enactment. A complaint may be filed by any aggrieved handicapped individual with the Department of Labor, which shall investigate and take appropriate actions. There was no comparable House provision. The House recedes.

### *Nondiscrimination under Federal grants*

The Senate amendment provided that no otherwise qualified individual shall be discriminated against or excluded from participation in or benefits of any program or activity receiving Federal assistance. There was no comparable House provision. The House recedes.

### RANDOLPH-SHEPPARD ACT FOR THE BLIND AMENDMENTS

The conference report does not include title VII from the Senate amendment, relating to the Randolph-Sheppard Act for the blind. Under the Rules of the House of Representatives, and pursuant to the Legislative Reorganization Act of 1970, such title would not be considered germane and would thus be subject to a point of order in the House.

The conferees stress that exclusion of title VII is not due to any lack of concern for, or disregard of the need for, strong and forward-looking amendments to the Randolph-Sheppard Act. The conferees expect that both committees will consider these matters in depth after the 93d Congress convenes.

The conferees are deeply concerned that the Congress has not been able to obtain any definitive information concerning legitimate uses of vending machine income on federally-controlled property. In view of this concern, the conferees urge that the General Accounting Office conclude, at the earliest possible date, its audit and study of such funds and their legitimate uses made pursuant to resolution of the Subcommittee on the Handicapped of the Senate Committee on Labor and Public Welfare; and that any recommendations of the General Accounting Office include recommendations with respect to procedures to insure full public disclosure and accountability with respect to the use of such funds.

Carl D. Perkins,
John Brademas,
Patsy T. Mink,
Albert H. Quie,
Orval Hansen,
*Managers on the Part of the House.*

Alan Cranston,
Jennings Randolph,
Harrison Williams,
Claiborne Pell,
Edward M. Kennedy,
Walter F. Mondale,
Adlai E. Stevenson,
Robert T. Stafford,
Robert Taft,
J. Javits,
Richard S. Schweiker,
J. Glenn Beall, Jr.,
*Managers on the Part of the Senate.*

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### Rehabilitation Act of 1972—H.R. 8395

This measure would seriously jeopardize the goals of the vocational rehabilitation program and is another example of Congressional fiscal irresponsibility. Its provisions would divert this program from its basic vocational objectives into activities that have no vocational element whatsoever or are essentially medical in character. In addition, it would proliferate a host of narrow categorical programs which duplicate and overlap existing authorities and programs. Such provisions serve only to dilute the resources of the vocational rehabilitation program and impair its continued valuable achievements in restoring deserving American citizens to meaningful employment.

H.R. 8395 also would create organizational rigidities in the vocational rehabilitation program which would undermine the ability of the Secretary of HEW to manage the program effectively. The bill also would establish numerous committees and independent commissions which are unnecessary, would waste the taxpayers' dollars, and would complicate and confuse the direction of this program. Finally, the bill would authorize funding far in excess of the budget request and far beyond what can be made available and used effectively.

Richard Nixon.

The White House, *October 27, 1972.*

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### S. 7

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act, with the following table of contents, may be cited as the "Rehabilitation Act of 1972".

### TABLE OF CONTENTS

Sec. 2. Declaration of purpose.
Sec. 3. Rehabilitation Services Administration.
Sec. 4. Advance funding.
Sec. 5. Joint funding.
Sec. 6. Consolidated rehabilitation plan.
Sec. 7. Definitions.
Sec. 8. Allotment percentage
Sec. 9. Audit.
Sec. 10. Nonduplication.

### TITLE I—VOCATIONAL REHABILITATION SERVICES

#### Part A—General Provisions

Sec. 100. Declaration of purpose: Authorization of appropriations.
Sec. 101. State plans.
Sec. 102. Individual written rehabilitation program.
Sec. 103. Scope of vocational rehabilitation services.
Sec. 104. Non-Federal share for construction.

#### Part B—Basic Vocational Rehabilitation Services

Sec. 110. State allotments.
Sec. 111. Payments to States.
Sec. 112. Client assistance

#### Part C—Innovative and Expansion Grants

Sec. 120. State allotments.
Sec. 121. Payments to States.

### TITLE II—COMPREHENSIVE REHABILITATION SERVICES

Sec. 200. Declaration of purpose: Authorization of appropriations.
Sec. 201. State allotments.
Sec. 202. Payments to States.
Sec. 203. State programs.
Sec. 204. Special projects.
Sec. 205. Definition.

### TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

Sec. 300. Declaration of purpose.
Sec. 301. Grants for construction of rehabilitation facilities.
Sec. 302. Vocational training services for handicapped individuals.
Sec. 303. Mortgage insurance for rehabilitation facilities.
Sec. 304. Annual interest grants for mortgages for rehabilitation facilities.
Sec. 305. Special projects and demonstrations.
Sec. 306. National Center for Deaf-Blind Youths and Adults.
Sec. 307. Rehabilitation Centers for Deaf Individuals.
Sec. 308. Rehabilitation Centers for Spinal Cord Injuries.
Sec. 309. Grants for services for end-stage renal disease.
Sec. 310. Rehabilitation services for older blind individuals.
Sec. 311. National Advisory Council on Rehabilitation of Handicapped Individuals.
Sec. 312. State advisory councils.
Sec. 313. General grant and contract requirements.

### TITLE IV—RESEARCH AND TRAINING

Sec. 400. Declaration of purpose.
Sec. 401. Authorization of appropriations.
Sec. 402. Research.
Sec. 403. Training.
Sec. 404. Reports.

### TITLE V—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

Sec. 500. Administration.
Sec. 501. Program and project evaluation.
Sec. 502. Obtaining information from Federal agencies.
Sec. 503. Authorization of appropriations.
Sec. 504. Reports.
Sec. 505. Sheltered workshop study.

### TITLE VI—OFFICE FOR THE HANDICAPPED

Sec. 600. Establishment of Office.
Sec. 601. Function of Office.
Sec. 602. Authorization of appropriations.

### TITLE VII—MISCELLANEOUS

Sec. 700. Effect on existing laws.
Sec. 701. Federal Interagency Committee on Handicapped Employees.
Sec. 702. National Commission on Transportation and Housing for Handicapped Individuals.
Sec. 703. Architectural and Transportation Barriers Compliance Board.
Sec. 704. Employment under Federal contracts.
Sec. 705. Nondiscrimination under Federal grants.

#### DECLARATION OF PURPOSE

Sec. 2. The purpose of this Act is to provide a statutory basis for the Rehabilitation Services Administration, to establish within the Department of Health, Education, and Welfare an Office for the Handicapped, and to authorize programs to—

(1) develop and implement comprehensive and continuing State plans for meeting the current and future needs for providing vocational rehabilitation services to handicapped individuals and to provide such services for the benefit of such individuals, serving first those with the most severe handicaps, so that they may prepare for and engage in gainful employment;

(2) evaluate the rehabilitation potential of handicapped individuals;

(3) develop, implement, and provide comprehensive rehabilitation services to meet the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible so that they may improve their ability to live with greater independence and self-sufficiency;

(4) assist in the construction and improvement of rehabilitation facilities;

(5) develop new and innovative methods of applying the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems and develop new and innovative methods of providing rehabilitation services to handicapped individuals through research, special projects, and demonstrations;

(6) initiate and expand services to groups of handicapped individuals (including those who are homebound and institutionalized) who have been underserved in the past;

(7) direct the conduct of various studies and experiments to focus on long neglected problem areas;

(8) promote and expand employment opportunities in the public and private sectors such individuals in employment;

(9) establish client assistance pilot projects;

(10) provide assistance for the purpose of increasing the number of rehabilitation personnel and increasing their skills through training; and

(11) evaluate existing approaches to architectural and transportation barriers confronting handicapped individuals, develop new such approaches, enforce statutory and regulatory standards and requirements regarding barrier-free construction of public facilities and study and develop solutions to existing housing and transportation barrier impeding handicapped individuals.

REHABILITATION SERVICES ADMINISTRATION

SEC. 3. (a) There shall be in the Department of Health, Education, and Welfare a Rehabilitation Services Administration which shall be administered by a Commissioner (hereinafter referred to as the "Commissioner"). The Commissioner shall carry out and administer all programs and direct the performance of all services for which authority is provided under titles I through IV of this Act.

(b) There shall be within such Administration a Division of Research, Training, and Evaluation, which shall be responsible for carrying out programs and projects under title IV of this Act. There shall be within such Division a Center for Technology Assessment and Application, which shall be responsible for developing and supporting, and stimulating the development and utilization (including production and distribution of new and existing devices) of, innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems, and for administration of the activities described in section 402(b)(2). Such Division shall be directed by an Assistant Commissioner, who shall be responsible to the Commissioner and shall be a person of outstanding scientific and technological achievement and learning and shall carry out his responsibilities in consultation with the National Science Foundation and the National Academy of Sciences, and shall be assigned at least ten full-time positions, five of which shall be filled by professionals of qualifications similar to the Assistant Commissioner.

(c) The Secretary shall take whatever action is necessary to insure that funds appropriated pursuant to this Act, as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42), are expended only for the programs, personnel, and administration of programs carried out under this Act.

(d) In order to carry out the purposes of this Act—

(1) the number of positions authorized by section 5108(a) of title 5, United States Code, and assigned to the Rehabilitation Services Administration, is increased by ten, and

(2) the authorized level of full-time personnel, or the equivalent, assigned to the Rehabilitation Services Administration to carry out duties related to the administration of this Act, is increased by sixty.

ADVANCE FUNDING

SEC. 4. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year, and one for the succeeding fiscal year.

JOINT FUNDING

SEC. 5. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the Rehabilitation Services Administration, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements of the administering agency under or pursuant to this Act.

CONSOLIDATED REHABILITATION PLAN

SEC. 6. (a) In order to secure increased flexibility to respond to the varying needs and local conditions within the State, and in order to permit more effective and interrelated planning and operation of its rehabilitation programs, the State may submit a consolidated rehabilitation plan which includes the State's plan under section 101(a) of this Act and its program for persons with developmental disabilities under the Developmental Disabilities Services and Facilities Construction Amendments of 1970: *Provided,* That the agency administering such State's program under such Act concurs in the submission of such a consolidated rehabilitation plan.

(b) Such a consolidated rehabilitation plan must comply with, and be administered in accordance with, all the requirements of this Act and the Developmental Disabilities Services and Facilities Construction Amendments of 1970. If the Secretary finds that all such requirements are satisfied, he may approve the plan to serve in all respects as the substitute for the separate plans which would otherwise be required with respect to each of the programs included therein, or he may advise the State to submit separate plans for such programs.

(c) Findings of noncompliance in the administration of an approved consolidated rehabilitation plan, and any reductions, suspensions, or terminations of assistance as a result thereof, shall be carried out in accordance with the procedures set forth in subsections (c) and (d) of section 101 of this Act.

DEFINITIONS

SEC. 7. For the purposes of this Act:

(1) The term "comprehensive rehabilitation services" means vocational rehabilitation services and any other goods (including aids and devices) or services provided with funds under titles II, III, or IV of this Act that will make a substantial contribution in helping a handicapped individual to improve his ability to live independently or function normally with his family and community.

(2) The term "construction" means the construction of new buildings, the acquisition, expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such buildings, and the term "cost of construction" includes architects' fees and acquisition of land in connection with construction but does not include the cost of offsite improvements.

(3) The term "criminal act" means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime.

(4) The term "establishment of a rehabilitation facility" means, the acquisition, expansion, remodeling, or alteration of existing buildings necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Commissioner may determine, in accordance with regulations he shall prescribe, in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of such facilities), and the initial equipment for such buildings, and may include the initial staffing thereof.

(5) The term "evaluation of rehabilitation potential" means, as appropriate in each case:

(A) a preliminary diagnostic study to determine that the individual has a substantial handicap to employment, and that vocational or comprehensive services are needed;

(B) a diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

(C) an appraisal of the individual's patterns of work behavior and ability to acquire occupational skill, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

(D) any other goods or services provided for the purpose of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services or comprehensive rehabilitation services;

(E) referral;

(F) the administration of these evaluation services; and

(G) (i) the provision of vocational rehabilitation services or the provision of comprehensive rehabilitation services to any individual for a total period not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual, a handicapped individual for whom a vocational goal is not possible or feasible (as determined in accordance with section 102(c)), or neither such individual; and (ii) an assessment, at least once in every ninety-day period during which such services are provided, of the results of the provision of such services to an individual to ascertain whether any of the determinations described in subclause (i) may be made.

(6) The term "Federal share" means 80 per centum, except that it shall mean 90 per centum for the purposes of part C of title I and title II of this Act and section 301: *Provided*, That with respect to payments pursuant to part B of title I of this Act to any State which are used to meet the costs of construction of those rehabilitation facilities identified in section 103(b)(2) in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 301(b)(3) applicable with respect to that State and that, for the purpose of determining the non-Federal share with respect to any State, expenditures by a political subdivision thereof or by a local agency shall, subject to such limitations and conditions as the Commissioner shall by regulation prescribe, be regarded as expenditures by such State.

(7) The term "handicapped individual" means any individual who (A) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment and (B) can reasonably be expected to benefit from vocational services, or comprehensive rehabilitation services provided pursuant to title II, III, or IV of this Act.

(8) The term "local agency" means an agency of a unit of general local government or of an Indian tribal organization (or combination of such units or organizations) which has an agreement with the State agency designated pursuant to section 101(a)(1) to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 101. Nothing in the preceding sentence of this paragraph or in section 101 shall be construed to prevent the local agency from utilizing another local public or nonprofit agency to provide vocational or comprehensive rehabilitation services: *Provided*, That such an arrangement is made part of the agreement specified in this paragraph.

(9) The term "nonprofit", when used with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(10) The term "public safety officer" means a person serving the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to—

(A) the enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the National Guard or the Armed Forces.

(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees.

(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

(D) firefighting, fire prevention, or emergency rescue missions.

(11) The term "rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation or comprehensive rehabilitation services to handicapped individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (A) vocational and comprehensive rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (B) testing, fitting, or training in the use of prosthetic and orthotic devices, (C) prevocational conditioning or recreational therapy, (D) physical and occupational therapy, (E) speech and hearing therapy, (F) psychological and social services, (G) evaluation of rehabilitation potential, (H) personal and work adjustment, (I) vocational training with a view toward career advancement (in combination with other rehabilitation services), (J) evaluation or control of specific disabilities, (K) orientation and mobility services to the blind, and (L) extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market, except that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the State.

(12) The term "Secretary", except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

(13) The term "severe handicap" means the disability which requires multiple services over an extended period of time and results from amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, renal failure, and any other disability specified by the Commissioner in regulations he shall prescribe.

(14) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, and for the purposes of American Samoa and the Trust Territory of the Pacific Islands, the appropriate State agency designated as provided in section 101(a)(1) shall be the Governor of American Samoa or the High Commissioner of the Trust Territory of the Pacific Islands, as the case may be.

(15) The term "vocational rehabilitation services" means those services identified in section 103 which are provided to handicapped individuals under this Act.

#### ALLOTMENT PERCENTAGE

SEC. 8. (a)(1) The allotment percentage for any State shall be 100 per centum less than percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be 75 per centum.

(2) The allotment percentages shall be promulgated by the Commissioner between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning on the July 1 next succeeding such promulgation.

(3) The term "United States" means (but only for purposes of this subsection) the fifty States and the District of Columbia.

(b) The population of the several States and of the United States shall be determined on the basis of the most recent data available, to be furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations.

#### AUDIT

SEC. 9. Each recipient of a grant or contract under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost the project or undertaking in connection with which such grant or contract is made or funds thereunder used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant or contract under this Act which are pertinent to such grant or contract.

#### NONDUPLICATION

SEC. 10. In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in accordance with section 101 or for the purposes of providing comprehensive rehabilitation services pursuant to title II of this Act, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any other provision of law, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds. No payment may be made from funds provided under one provision of this Act relating to any cost with respect to which any payment is made under any other provision of this Act.

## TITLE I—VOCATIONAL REHABILITATION SERVICES

### PART A—GENERAL PROVISIONS

#### DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

SEC. 100. (a) The purpose of this title is to authorize grants to assist States to meet the current and future needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities.

(b)(1) For the purpose of making grants to States under part B of this title to assist them in meeting costs of vocational rehabilitation services provided in accordance with State plans under section 101, there is authorized to be appropriated $800,000,000 for the fiscal year ending June 30, 1973, and $975,000,000 for the fiscal year ending June 30, 1974.

(2) For the purpose of making grants under section 120, relating to grants to States and public and nonprofit agencies to assist them in meeting the costs of projects to initiate or expand services to handicapped individuals (especially those with the most severe handicaps) there is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

#### STATE PLANS

SEC. 101. (a) For each fiscal year in which a State desires to participate in programs under this title and pursuant to title II of this Act, a State shall submit to the Commissioner for his approval an annual plan for vocational and comprehensive rehabilitation services which shall—

(1) (A) designate a State agency as the sole State agency to administer the plan, or to supervise its administration by a local agency, except that (i) where under the State's law the State agency for the blind or other agency which provides assistance or services to the adult blind, is authorized to provide vocational and comprehensive rehabilitation services to such individuals, such agency may be designated as the sole State agency to administer the part of the plan under which vocational and comprehensive rehabilitation services are provided for the blind (or to supervise the administration of such part by a local agency) and a separate State agency may be designated as the sole State agency with respect to the rest of the State plan, and (ii) the Secretary, upon the request of a State, may authorize such agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit such agencies to carry out a joint program to provide services to handicapped individuals, and may waive compliance with respect to vocational rehabilitation services furnished under such programs with the requirement of clause (4) of this subsection that the plan be in effect in all political subdivisions of the State;

(B) provide that the State agency so designated to administer or supervise the administration of the State plan, or (if there are two State agencies designated under subclause (A) of this clause) to supervise or administer the part of the State plan that does not relate to services for the blind, shall be (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, (ii) the State agency administering or supervising the administration of education or vocational education in the State, or (iii) a State agency which includes at least two other major organizational units each of which administers one or more of the major public education, public health, public welfare, or labor programs of the State;

(2) provide, except in the case of agencies decribed in clause (1) (B) (i)—

(A) that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit which (i) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation of handicapped individuals, and is responsible for the vocational rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work; and

(B) (i) that such unit shall be located at an organizational level and shall have an organizational status within such State agency comparable to that of other major organizational units of such agency, or (ii) in the case of an agency described in clause (1) (B) (ii), either that such unit shall be so located and have such status, or that the director of such unit shall be the executive officer of such State agency; except that, in the case of a State which has designated only one State agency pursuant to clause (1) of this subsection, such State may, if it so desires, assign responsibility for the part of the plan under which vocational and comprehensive rehabilitation services are provided for the blind to one organizational unit of such agency and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provisions of this clause applying separately to each of such units;

(3) provide for financial participation by the State, or if the State so elects, by the State and local agencies to meet the amount of the non-Federal share;

(4) provide that the plan shall be in effect in all political subdivisions, except that in the case of any activity which, in the judgment of the Commissioner, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of handicapped individuals or groups of handicapped individuals the Commissioner may waive compliance with the requirement herein that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by him, but only if the non-Federal share of the cost of such vocational rehabilitation services is met from funds made available by a local agency (including, to the extent permitted by such regulations, funds contributed to such agency by a private agency, organization, or individual);

(5) (A) contain the plans, policies, and methods to be followed in carrying out the State plan and in its administration and supervision, including a description of the method to be used to expand and improve services to handicapped individuals with the most severe handicaps; and, in the event that vocational rehabilitation services cannot be provided to all eligible handicapped individuals who apply for such services, show (i) the order to be followed in selecting individuals to whom vocational rehabilitation services will be provided, and show the order to be followed in selecting individuals to whom comprehensive rehabilitation services will be provided, and (ii) the outcomes and service goals, and the time within which they may be achieved, for the rehabilitation of such individuals, which order of selection for the provision of vocational rehabilitation services shall be determined on the basis of serving first those individuals with the most severe handicaps and shall be consistent with priorities in such order of selection so determined, and outcome and service goals for serving handicapped individuals, established in regulations prescribed by the Commissioner, and

(B) provide satisfactory assurances to the Commissioner that the State has studied and considered a broad variety of means for providing services to individuals with the most severe handicaps;

(6) (A) contain the plans, policies, and methods to be followed in providing comprehensive rehabilitation services pursuant to title II of this Act, and

(B) provide satisfactory assurances that no such comprehensive rehabilitation services shall be paid for with funds under title II of this Act unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such services;

(7) provide for such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Commissioner to be necessary for the proper and efficient administration of the plan;

(8) contain (A) provisions relating to the establishment and maintenance of personnel standards, which are consistent with any State licensure laws and regulations, including provisions relating to the tenure, selection, appointment, and qualifications of personnel, and (B) provisions relating to the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of vocational and comprehensive rehabilitation services, but the Commissioner shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provisions;

(9) provide, at a minimum, for the provision of the vocational rehabilitation services specified in clauses (1) through (3) of subsection (a) of section 103, and the remainder of such services specified in such section after full consideration of eligibility for similar benefits under any other program, except that, in the case of the vocational rehabilitation services specified in clauses (4) and (5) of subsection (a) of such section, such consideration shall not be required where it would delay the provision of such services to any individual;

(10) provide that (A) an individualized written rehabilitation program meeting the requirements of section 102 will be developed for each handicapped individual eligible for vocational or comprehensive rehabilitation services under this Act, (B) such services will be provided under the plan in accordance with such program, and (C) records of the characteristics of each applicant will be kept specifying, as to those individuals who apply for services under this title or pursuant to title II of this Act and are determined not to be eligible therefor, the reasons for such determinations;

(11) provide that the State agency will make such reports in such form, containing such information (including the data described in subclause (C) of clause (10) of this subsection, periodic estimates of the population of handicapped individuals eligible for services under this Act in such State, specifications of the number of such individuals who will be served with funds provided under this Act and the outcomes and service goals to be achieved for such individuals in each priority category specified in accordance with clause (5) of this subsection, and the service costs for each such category), and at such time as the Commissioner may require to carry out his functions under this title, and comply with such provisions as he may find necessary to assure the correctness and verification of such reports;

(12) provide for entering into cooperative arrangements with, and the utilization of the services and facilities of, the State agencies administering the State's public assistance programs, other programs for handicapped individuals, veterans programs, manpower programs, and public employment offices, and the Social Security Administration of the Department of Health, Education, and Welfare, the Veterans' Administration, and other Federal, State, and local public agencies providing services related to the rehabilitation of handicapped individuals;

(13) provide satisfactory assurances to the Commissioner that in the provision of vocational rehabilitation and comprehensive rehabilitation services, maximum utilization shall be made of public or other vocational or technical training facilities or other appropriate resources in the community;

(14) (A) provide that vocational rehabilitation and comprehensive rehabilitation services provided under the State plan shall be available to any civil employee of the United States disabled while in the performance of his duty on the same terms and conditions as apply to other persons, and

(B) provide that special consideration will be given to the rehabilitation under this Act of a handicapped individual whose handicapping condition arises from a disability sustained in the line of duty while such individual was performing as a public safety officer and the proximate cause of such disability was a criminal act, apparent criminal act, or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities;

(15) provide that no residence require-

ment will be imposed which excludes from services under the plan any individual who is present in the State;

(16) provide for continuing statewide studies of the needs of handicapped individuals and how these needs may be most effectively met (including the State's needs for rehabilitation facilities) with a view toward the relative need for services to significant segments of the population of handicapped individuals and the need for expansion of services to those individuals with the most severe handicaps;

(17) provide for (A) periodic review and reevaluation of the status of handicapped individuals placed in extended employment in rehabilitation facilities (including workshops) to determine the feasibility of their employment, or training for employment, in the competitive labor market, and (B) maximum efforts to place such individuals in such employment or training whenever it is determined to be feasible;

(18) provide that where such State plan includes provisions for the construction of rehabilitation facilities—

(A) the Federal share of the cost of construction thereof for a fiscal year will not exceed an amount equal to 10 per centum of the State's allotment for such year.

(B) the provisions of section 313 shall be applicable to such construction and such provisions shall be deemed to apply to such construction, and

(C) there shall be compliance with regulations the Commissioner shall prescribe designed to assure that no State will reduce its efforts in providing other vocational rehabilitation services (other than for the establishment of rehabilitation facilities) because its plan includes such provisions for construction;

(19) provide satisfactory assurances to the Commissioner that the State agency designated pursuant to clause (1) (or each State agency if two are so designated) and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of individuals and groups thereof who are recipients of vocational or comprehensive rehabilitation services (or, in appropriate cases, their parents or guardians), working in the field of vocational rehabilitation, and providers of vocational and comprehensive rehabilitation services; and

(20) provide satisfactory assurances to the Commissioner that the continuing studies required under clause (16) of this subsection, as well as an annual evaluation of the effectiveness of the program in meeting the goals and priorities set forth in the plan, will form the basis for the submission, from time to time as the Commissioner may require, of appropriate amendments to the plan.

(b) The Commissioner shall approve any plan which he finds fulfills the conditions specified in subsection (a) of this section, and he shall disapprove any plan which does not fulfill such conditions. Prior to such disapproval, the Commissioner shall notify a State of his intention to disapprove its plan, and he shall afford such State reasonable notice and opportunity for hearing.

(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this section, finds that—

(1) the plan has been so changed that it no longer complies with the requirements of subsection (a) of this section; or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that such further payments will be reduced, in accordance with regulations the Commissioner shall prescribe, or that further payments will not be made to the State only for the projects under the parts of the State plan affected by such failure), until he is satisfied there is no longer any such failure. Until he is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall limit payments to projects under those parts of the State plan in which there is no such failure).

(d) If any State is dissatisfied with the Commissioner's action under subsection (b) or (c) of this section, such State may appeal to the United States district court for the district where the capital of such State is located and judicial review of such action shall be on the record in accordance with the provisions of chapter 7 of title 5, United States Code.

### INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM

SEC. 102. (a) The Commissioner shall insure that the individualized written rehabilitation program required by section 101(a) (10) in the case of each handicapped individual is developed jointly by the vocational rehabilitation counselor or coordinator and the handicapped individual (or, in appropriate cases, his parents or guardians), and that such program meets the requirements set forth in subsection (b) of this section. Such written program shall set forth the terms and conditions, as well as the rights and remedies, under which goods and services will be provided to the individual.

(b) Each individualized written rehabilitation program shall be reviewed on an annual basis at which time each such individual (or, in appropriate cases, his parents or guardians) will be afforded an opportunity to review such program and renegotiate its terms. Such program shall include, but not be limited to (1) a statement of long-range rehabilitation goals for the individual and intermediate rehabilitation objectives related to the attainment of such goals, (2) a statement of the specific vocational or comprehensive rehabilitation services to be provided, (3) the projected date for the initiation and the anticipated duration of each such service, (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and, (5) where appropriate, a detailed explanation of the availability of a client assistance project established in such area pursuant to section 112.

(c) The Commissioner shall also insure that (1) in developing and carrying out the individualized written rehabilitation program required by section 101 in the case of each handicapped individual primary emphasis is placed upon the determination and achievement of a vocational goal for such individual, (2) a decision that such an individual is not capable of achieving such a goal, and thus not eligible for vocational rehabilitation services provided with assistance under this part, is made only in full consultation with such individual (or, in appropriate cases, his parents or guardians), and only upon the certification, as an amendment to such written program, that the evaluation of rehabilitation potential has demonstrated beyond any reasonable doubt that such individual is not then capable of achieving such a goal, and

(3) any such decision shall be reviewed at least annually in accordance with the procedure and criteria established in this section.

### SCOPE OF VOCATIONAL REHABILITATION SERVICES

SEC. 103. (a) Vocational rehabilitation services provided under this Act are any goods or services necessary to render a handicapped individual employable, including, but not limited to, the following:

(1) evaluation of rehabilitation potential including diagnostic and related services, incidental to the determination of eligibility for, and the nature and scope of, services to be provided, including, where appropriate, examination by a physician skilled in the diagnosis and treatment of emotional disorders, or by a licensed psychologist in accordance with State laws and regulations, or both;

(2) counseling, guidance, referral, and placement services for handicapped individuals, including follow-up, follow-along, and other postemployment services necessary to assist such individuals to maintain their employment and services designed to help handicapped individuals secure needed services from other agencies, where such services are not available under this Act;

(3) vocational and other training services for handicapped individuals, which shall include personal and vocational adjustment, books, and other training materials, and services to the families of such individuals as are necessary to the adjustment or rehabilitation of such individuals: *Provided*, That no training services in institutions of higher education shall be paid for with funds under this title or title II of this Act unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training;

(4) physical and mental restoration services, including, but not limited to, (A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial handicap to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (B) necessary hospitalization in connection with surgery or treatment, (C) prosthetic or orthotic devices, (D) eyeglasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select, (E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals suffering from end-stage renal disease, and (F) diagnosis and treatment for mental and emotional disorders by a physician or licensed psychologist in accordance with State licensure laws;

(5) maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(6) interpreter services for the deaf, and reader services for those individuals determined to be blind after an examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select;

(7) recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate service employment;

(8) rehabilitation teaching services and orientation and mobility services for the blind;

(9) occupational licenses, tools, equipment, and initial stocks and supplies;

(10) transportation in connection with the rendering of any vocational rehabilitation service; and

(11) telecommunications, sensory, and other technological aids and devices.

(b) Vocational rehabilitation services, when provided for the benefit of groups of individuals, may also include the following:

(1) in the case of any type of small business operated by individuals with the most severe handicaps the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervi-

sion, alone or together with the acquisition by the State agency of vending facilities or other equipment and initial stocks and supplies; and

(2) the construction or establishment of public or nonprofit rehabilitation facilities and the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the individualized rehabilitation written program of any one handicapped individual.

NON-FEDERAL SHARE FOR CONSTRUCTION

SEC. 105. For the purpose of determining the amount of payments to States for carrying out part B of this title, the non-Federal share, subject to such limitations and conditions as may be prescribed in regulations by the Commissioner, shall include contributions of funds made by any private agency, organization, or individual to a State or local agency to assist in meeting the costs of construction or establishment of a public or nonprofit rehabilitation facility, which would be regarded as State or local funds except for the condition, imposed by the contributor, limiting use of such funds to construction or establishment of such facility.

## PART B—BASIC VOCATIONAL REHABILITATION SERVICES

STATE ALLOTMENTS

SEC. 110. (a) For each fiscal year, each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated under subsection (b)(1) of section 100 for allotment under this section as the product of (1) the population of the State and (2) the square of its allotment percentage bears to the sum of the corresponding products for all the States. The allotment to any State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) under the first sentence of this subsection for any fiscal year which is less than one-quarter of 1 per centum of the amount appropriated under section 100(b)(1), or $2,000,000, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining such States under the first sentence of this subsection, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this title, he shall make such amount available for carrying out the purposes of this title to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

PAYMENTS TO STATES

SEC. 111. (a) From each State's allotment under this part for any fiscal year, the Commissioner shall pay to such State an amount equal to the Federal share of the cost of vocational rehabilitation services under the plan for such State approved under section 101, including expenditures for the administration of the State plan, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) of section 110 for such year and such payments shall not be made in an amount which would result in a violation of the provisions of the State plan required by clause (18) of section 101(a), and except that the amount otherwise payable to such State for such year under this section shall be reduced by the amount (if any) by which expenditures from non-Federal sources during such year under this title are less than expenditures under the State plan for the fiscal year ending June 30, 1972, under the Vocational Rehabilitation Act.

(b) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

(1) The Commissioner shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of such subsection for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Commissioner may find necessary.

(2) The Commissioner shall pay, from the allotment available therefor, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid the State for any prior period under such subsection was greater or less than the amount which should have been paid to the State for such prior period under such subsection. Such payment shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Commissioner may determine.

CLIENT ASSISTANCE

SEC. 112. (a) The Commissioner shall set aside out of funds appropriated under section 305 for special projects and demonstrations up to $2,500,000 but not less than $1,000,000 for the fiscal year ending on June 30, 1973, and up to $5,000,000 but no less than $1,000,000 each for the two succeeding fiscal years to establish in no less than 10 nor more than 20 geographically dispersed regions client assistance pilot projects (hereinafter in this section referred to as "projects") to provide counselors to inform and advise all clients and client applicants in the project area of all available benefits under this Act and to assist them in their relationships with projects, programs, and facilities providing services to them under this Act.

(b) The Commisisoner shall prescribe regulations which shall include the following requirements:

(1) All employees of such projects shall not be presently serving as staff consultants or receiving benefits of any kind directly or indirectly from any rehabilitation project, program or facility.

(2) The staff of such projects shall be afforded reasonable access to policy-making and administrative personnel in State and local rehabilitation programs, projects, and facilities.

(3) The project shall submit an annual report, through the State agency designated pursuant to section 101, to the Commissioner on the operation of the project during the previous year, including a summary of the work done and a uniform statistical tabulation of all cases handled by such project. A copy of each such report shall be submitted to the appropriate committees of the Congress by the Commissioner, together with a summary of such reports and his evaluation of such projects, including appropriate recommendations.

(4) Each State agency may enter into cooperative arrangements with institutions of higher education to secure the services in such projects of graduate students who are undergoing clinical training activities in related fields. No compensation with funds appropriated under this Act shall be provided to such students.

(5) Reasonable assurance shall be given by the appropriate State agency that all clients or client applicants within the project area shall have the opportunity to receive adequate service under the project and shall not be pressured against or otherwise discouraged from availing themselves of the services available under such project.

(6) The project shall be funded, administered, and operated directly by the State agency designated pursuant to section 101.

## PART C—INNOVATION AND EXPANSION GRANTS

STATE ALLOTMENTS

SEC. 120. (a)(1) From the sums available pursuant to section 100(b)(2) for any fiscal year for grants to States to assist them in meeting the costs described in section 121, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the population of the State bears to the population of all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $50,000 (or such other amount as may be specified as a minimum allotment in the Act appropriating such sums for such year) shall be increased to that amount, and for the fiscal years ending June 30, 1973 and June 30, 1974, no State shall receive less than the amount necessary to cover up to 90 per centum of the cost of continuing projects assisted under section 4(a)(2)(A) of the Vocational Rehabilitation Act, except that no such project may receive financial assistance under both the Vocational Rehabilitation Act and this Act for a total period of time in excess of three years. The total of the increase required by the preceding sentence shall be derived by proportionately reducing the allotments to each of the remaining States under the first sentence of this section, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from thereby being reduced to less than $50,000.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States which he determines will be able to use additional amounts during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

PAYMENTS TO STATES

SEC. 121. (a) From each State's allotment under this part for any fiscal year, the Commissioner shall pay to such State or, at the option of the State agency designated pursuant to section 101(a)(1), to a public or nonprofit organization or agency, a portion of the cost of planning, preparing for, and initiating special programs under the State plan approved pursuant to section 101 to expand vocational rehabilitation services, including programs to initiate or expand such services to individuals with the most severe handicaps, or of special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual and difficult problems in connection with their rehabilitation, particularly handicapped individuals who are poor and responsibility for whose treatment, education, and rehabilitation is shared by the State agency designated in section 101 with other agencies. The Commissioner may require that any portion of a State's allotment under this section, but not more than 50 per centum of such allotment, may be expended in connection with only such projects as have first been approved by the Commissioner. Any grant of funds under this section which will be used for direct services to handicapped individuals or for establishing or maintaining facilities which will render direct services to such individuals must have the prior approval of the appropriate State agency designated pursuant to section 101.

(b) Payments under this section with respect to any project may be made for a period of not to exceed three years beginning with the commencement of the project as approved, and sums appropriated for grants under this section shall remain available for such grants through the fiscal year ending June 30, 1976. Payments with respect to any project may not exceed 90 per centum of the cost of such project. The non-Federal share of the cost of a project may be in cash or in kind and may include funds spent for project purposes by a cooperating public or nonprofit agency provided that it is not included as a cost in any other federally financed program.

(c) Payments under this section may be made in advance or by way of reimbursements for services performed and purchases made, as may be determined by the Commissioner, and shall be made on such conditions as the Commissioner finds necessary to carry out the purposes of this section.

## TITLE II—COMPREHENSIVE REHABILITATION SERVICES

### DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

SEC. 20. (a) The purpose of this title is to authorize grants (supplementary to grants for vocational rehabilitation services under title I of this Act) to assist the several States in developing and implementing continuing plans for meeting the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible, including the assessment of disability and rehabilitation potential, and for the training of specialized personnel needed for the provision of services to such individuals and research related thereto.

(b) In order to make grants to carry out the purposes of this title, there is authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $80,000,000 for the fiscal year ending June 30, 1975.

### STATE ALLOTMENTS

SEC. 201. (a) From sums appropriated to carry out the provisions of this title for each fiscal year, less the amounts reserved by the Commissioner for projects under section 204, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the product of (1) the population of the State, and (2) its allotment percentage bears to the sum of the corresponding products for all of the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $150,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States to the extent he determines such other State will be able to use additional amounts during such year for carrying out such purpose. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purpose of this title, be regarded as an increase in the State's allotment (as determined under the preceding provisions of this section) for such year.

(c) In any fiscal year for which appropriations pursuant to this section do not exceed $20,000,000, the Commissioner, subsections (a) and (b) of this section and section 202 (a) to the contrary notwithstanding and subject to the provisions of section 313, shall carry out the purposes of this title by making grants to States and public or nonprofit organizations and agencies to pay the Federal share of the expenditures for such projects. Projects receiving such grants shall be carried out under the State plan approved under section 101 (except for the priorities in the order of selection required by section 101 (a)(5)(A)) in a manner consistent with the State program submitted under section 203.

### PAYMENTS TO STATES

SEC. 202. (a) From each State's allotment under this title for any fiscal year, the Commissioner shall pay to such State the Federal share of the expenditures incurred during such year under its State program submitted under section 203 and approved as part of the State plan approved under section 101. Such payments may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

(b) The Federal share with respect to any State shall be 90 per centum of the expenditures incurred by the State during such year under its State program submitted under section 203 and approved as part of the State plan under section 101.

### STATE PROGRAMS

SEC. 203. As a condition for receiving grants under this Act for the fiscal year ending June 30, 1973, a State must submit within one hundred and eighty days after the date of enactment of this Act an amendment to its plan submitted to the Commissioner under section 101 or to the Secretary under section 5 of the Vocational Rehabilitation Act which includes a program for provision of comprehensive rehabilitation services to about the rehabilitation of handicapped individuals under this title. A State shall also include such a program in its plan under section 101 submitted for each subsequent fiscal year. Such program, in addition to those requirements provided in section 101(a)(6), shall (1) designate the State agency or agencies administering the State plan for vocational rehabilitation as the agency or agencies to administer funds provided under this title; (2) provide that comprehensive rehabilitation services will be provided for the rehabilitation of handicapped individuals only in accordance with the individualized written rehabilitation program required by section 102 and only after the requirements of subsection (c) of such section have been met; (3) describe the quality, scope, and extent of the services being provided; (4) demonstrate that the State has studied and considered a broad variety of means for providing comprehensive rehabilitation services under this title, including but not limited to, regional and community centers, halfway houses, services to homebound and institutionalized individuals, and patient-release programs, where such programs are appropriate and beneficial; (5) be approved or disapproved under the criteria and procedures provided with respect to the State plan submitted under section 101; and (6) conform to such other requirements as the Commissioner by regulation may prescribe.

### SPECIAL PROJECTS

SEC. 204. From sums appropriated under section 200(b), the Commissioner may retain not to exceed 10 per centum or $500,000, whichever is smaller, to enable him to make grants to States and public and nonprofit agencies or organizations to pay part of the cost of projects for research and demonstration and training which hold promise of making a substantial contribution to the solution of problems related to the rehabilitation of individuals under this title.

### DEFINITION

SEC. 205. For the purposes of this title, the term "rehabilitation" means the goal of achieving, through the provision of comprehensive rehabilitation services, substantial improvement in the ability to live independently or function normally with his family or community on the part of a handicapped individual, who, according to a certification under section 102(c), is not then capable of achieving a vocational goal.

## TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

### DECLARATION OF PURPOSE

SEC. 300. The purpose of this title is to—

(1) authorize grants and contracts to assist in the construction and initial staffing of rehabilitation facilities;

(2) authorize grants and contracts to assist in the provision of vocational training services to handicapped individuals;

(3) to insure mortgages covering the construction of certain nonprofit rehabilitation facilities and authorize annual interest grants to help meet the costs of making principal payments in connection with such mortgages, whether so insured or not;

(4) authorize grants for special projects and demonstrations which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, which experiment with new types or patterns of services or devices for the rehabilitation of handicapped individuals (including opportunities for new careers for handicapped individuals, and for other individuals in programs serving handicapped individuals) and which provide vocational and comprehensive rehabilitation services to handicapped migratory agricultural workers or seasonal farmworkers;

(5) establish and operate a National Center for Deaf-Blind Youths and Adults;

(6) authorize grants and contracts to establish and operate Rehabilitation Centers for Deaf Individuals;

(7) establish and operate National Centers for Spinal Cord Injuries;

(8) provide services for the treatment of individuals suffering from end-stage renal disease;

(9) authorize grants and contracts to assist in the provision of rehabilitation services to older blind individuals and in the application of new types or patterns of services or devices for the benefit of such individuals;

(10) establish a National Advisory Council on Rehabilitation of Handicapped Individuals to advise the Commissioner and Secretary and conduct reviews with respect to programs carried out under this Act;

(11) establish State Advisory Councils to advise Governors and State agencies in carrying out State plans approved under this Act; and

(12) establish uniform grant and contract requirements for programs assisted under this title and certain other provisions of this Act.

### GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES

SEC. 301. (a) For the purpose of making grants and contracts under this section for construction of rehabilitation facilities, initial staffing, and planning assistance, there is authorized to be appropriated $35,000,000 for the fiscal year ending June 30, 1973; $40,000,000 for the fiscal year ending June 30, 1974; and $45,000,000 for the fiscal year ending June 30, 1975. Amounts so appropriated shall remain available for expenditure with respect to construction projects funded or initial staffing grants made under this section prior to July 1, 1977.

(b)(1) The Commissioner is authorized to make grants to assist in meeting the costs of construction of public or nonprofit rehabilitation facilities. Such grants may be made to States and public or nonprofit organizations and agencies for projects for which applications are approved by the Commissioner under this section.

(2) To be approved, an application for a grant for a construction project under this section must conform to the provisions of section 313.

(3) The amount of a grant under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share which is applicable in the case of rehabilitation facilities (as defined in section 645(g) of the Public Health Service Act (42 U.S.C. 291o(a)), in such State, except that if the Federal share with respect to rehabilitation facilities in such State is determined pursuant to subparagraph (b)(2) of section 645 of such Act (42 U.S.C. 291o(b)(2)), the percentage of the cost for purposes of this section shall be determined in accordance with regulations prescribed by the Commissioner designed to achieve as nearly as practicable results comparable to the results obtained under such subparagraph.

(c) The Commissioner is also authorized to make grants to assist in the initial staffing of any public or nonprofit rehabilitation facility constructed after the date of enactment of this section (whether or not such construction was financed with the aid of a grant under this section) by covering part of the costs (determined in accordance with regulations the Commissioner shall prescribe) of compensation of professional or technical personnel of such facility during the period beginning with the commencement of the operation of such facility and ending with the close of four years and three months after the month in which such operation commenced. Such grants with respect to any facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

(d) The Commissioner is also authorized to make grants upon application approved by the State agency designated under section 101 to administer the State plan, to public or nonprofit agencies, institutions, or organizations to assist them in meeting the cost of planning rehabilitation facilities and the services to be provided by such facilities.

### VOCATIONAL TRAINING SERVICES FOR HANDICAPPED INDIVIDUALS

SEC. 302. (a) For the purpose of making grants and contracts under this section, there is authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973; $35,000,000 for the fiscal year ending June 30, 1974; and $40,000,000 for the fiscal year ending June 30, 1975.

(b)(1) The Commissioner is authorized to make grants to State and public or nonprofit organizations and agencies to pay up to 90 per centum of the cost of projects for providing vocational training services to handicapped individuals, especially those with the most severe handicaps, in public or nonprofit rehabilitation facilities.

(2)(A) Vocational training services for purposes of this subsection shall include training with a view toward career advancement; training in occupational skills; related services, including work evaluation, work testing, provision of occupational tools and equipment required by the individual to engage in such training, and job tryouts; and payment of weekly allowances to individuals receiving such training and related services.

(B) Such allowances may not be paid to any individual for any period in excess of two years, and such allowances for any week shall not exceed $30 plus $10 for each of the individual's dependents, or $70, whichever is less. In determining the amount of such allowances for any individual, consideration shall be given to the individual's need for such an allowance, including any expenses reasonably attributable to receipt of training services, the extent to which such an allowance will help assure entry into and satisfactory completion of training, and such other factors, specified by the Commissioner, as will provide such individual's capacity to engage in gainful and suitable employment.

(3) The Commissioner may make a grant for a project pursuant to this subsection only on his determination that (A) the purpose of such project is to prepare handicapped individuals, especially those with the most severe handicaps, for gainful and suitable employment; (B) the individuals to receive training services under such project will include only those who have been determined to be suitable for and in need of such training services by the State agency or agencies designated as provided in section 101(a)(1) of the State in which the rehabilitation facility is located; (C) the full range of training services will be made available to each such individual, to the extent of his need for such services; and (D) the project, including the participating rehabilitation facility and the training services provided, meet such other requirements as he may prescribe in regulations for carrying out the purposes of this subsection.

(c)(1) The Commissioner is authorized to make grants to public or nonprofit rehabilitation facilities, or to an organization or combination of such facilities, to pay the Federal share of the cost of projects to analyze, improve, and increase their professional services to handicapped individuals, their management effectiveness, or any other part of their operations affecting their capacity to provide employment and services for such individuals.

(2) No part of any grant made pursuant to this subsection may be used to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

### MORTGAGE INSURANCE FOR REHABILITATION FACILITIES

SEC. 303. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for handicapped individuals.

(b) For the purpose of this section the terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Commissioner, in consultation with the Secretary of Housing and Urban Development, and subject to the provisions of section 313, is authorized to insure up to 100 per centum of any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon, except that no mortgage of any public agency shall be insured under this section if the interest from such mortgage is exempt from Federal taxation.

(d) In order to carry out the purpose of this section, the Commissioner is authorized to insure any mortgage which covers construction of a public or nonprofit rehabilitation facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Commissioner, who demonstrates ability successfully to operate one or more programs for handicapped individuals. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Commissioner may make such contracts with and acquire for not to exceed $100 such stock of interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section), and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Commissioner under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the rehabilitation facility, when the proposed improvements are completed and the equipment is installed, but not including any cost covered by grants in aid under this Act or any other Federal Act.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Commissioner shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Commissioner finds necessary to meet the mortgage market.

(e) The Commissioner shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for the Commissioner is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Commissioner may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he shall by regulation prescribe.

(g)(1) The Commissioner shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act. The Commissioner may, pursuant to a formal delegation agreement containing regulations prescribed by him, delegate to the Secretary of Housing and Urban Development authority to administer this section and section 304 of this Act in accordance with such delegation agreement.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the

Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section) and all references in such provisions to "Secretary" shall be deemed to refer to the Commissioner of the Rehabilitation Services Administration within the Department of Health, Education, and Welfare.

(h) (1) There is hereby created a Rehabilitation Facilities Insurance Fund which shall be used by the Commissioner as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Rehabilitation Facilities Insurance Fund.

(2) The general expenses of the operations of the Rehabilitation Services Administration relating to mortgages insured under this section may be charged to the Rehabilitation Facilities Insurance Fund.

(3) Moneys in the Rehabilitation Facilities Insurance Fund not needed for the current operations of the Rehabilitation Services Administration with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Commissioner may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Rehabilitation Facilities Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisals and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Commissioner in connection therewith, and all earnings as the assets of the fund, shall be credited to the Rehabilitation Facilities Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expeneses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Rehabilitation Facilities Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary, except that the total amount of outstanding mortgages insured shall not exceed $250,000,000.

### ANNUAL INTEREST GRANTS FOR MORTGAGES FOR REHABILITATION FACILITIES

SEC. 304. (a) To assist States and public or nonprofit agencies and organizations to reduce the cost of borrowing from other sources for the construction of rehabilitation facilities, the Commissioner, subject to the provisions of section 313, may make annual interest grants to such agencies.

(b) Annual interest grants under this section with respect to any rehabilitation facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount sufficient to reduce by 4 per centum the net effective interest rate otherwise payable on the loan or to equal one-half of such rate, whichever is the lesser amount: *Provided*, That the amount on which such grant is based shall be approved by the Commissioner.

(c) (1) There are authorized to be appropriated to the Commissioner such sums as may be necessary for the payment of annual interest grants in accordance with this section.

(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid pursuant to contracts entered into under this section shall not exceed $1,000,000 with respect to contracts entered into prior to June 30, 1973; $2,000,000 with respect to contracts entered into prior to June 30, 1974; and $4,000,000 with respect to contracts entered into prior to June 30, 1975.

(3) Not more than 15 per centum of the funds expended under this section may be used within any one State in any one fiscal year.

### SPECIAL PROJECTS AND DEMONSTRATIONS

SEC. 305. (a) (1) For the purpose of making grants under this section for special projects and demonstrations (and research and evaluation connected therewith), there is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $125,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975.

(2) Of the amounts appropriated pursuant to paragraph (1) of this subsection, 10 per centum, but in no event more than $10,000,000, in each such fiscal year shall be available only for the purpose of making grants under subsection (c) of this section, and there is authorized to be appropriated in each such fiscal year such additional amount as may be necessary to equal, when added to the amount made available for the purpose of making grants under such subsection, an amount of $10,000,000 to be available for each such fiscal year.

(b) The Commissioner, subject to the provisions of section 313, shall make grants to States and public or nonprofit agencies and organizations for paying part of the cost of special projects and demonstrations (and research and evaluation in connection therewith) (1) for establishing facilities and providing services which, in the judgment of the Commissioner, hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, especially those with the most severe handicaps, and (2) for applying new types or patterns of services or devices (including opportunities for new careers for handicapped individuals and for other individuals in programs servicing handicapped individuals).

(b) The Commissioner, subject to the provisions of section 313, is authorized to make grants to any State agency designated pursuant to a State plan approved under section 101, or to any local agency participating in the administration of such a plan, to pay up to 90 per centum of the cost of projects or demonstrations for the provision of vocational or comprehensive rehabilitation services to handicapped individuals who, as determined in accordance with rules prescribed by the Secretary of Labor, are migratory agricultural workers or seasonal farmworkers, and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of such individuals and members of their families where necessary to the rehabilitation of such individuals. Maintenance payments under this section shall be consistent with any maintenance payments made to other handicapped individuals in the State under this Act. Such grants shall be conditioned upon satisfactory assurance that in the provision of such services there will be appropriate cooperation between the grantee and other public or nonprofit agencies and organizations having special skills and experience in the provision of services to migratory agricultural workers, seasonal farmworkers, or their families. This subsection shall be administered in coordination with other programs serving migrant agricultural workers and seasonal farmworkers, including programs under title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, the Migrant Health Act, and the Farm Labor Contractor Registration Act of 1963.

(d) The Commissioner is authorized to make contracts or jointly financed cooperative arrangements with employers and organizations for the establishment of projects designed to prepare handicapped individuals for gainful and suitable employment in the competitive labor market under which handicapped individuals are provided training and employment in a realistic work setting and such other services (determined in accordance with regulations prescribed by the Commissioner) as may be necessary for such individuals to continue to engage in such employment.

(e) (1) The Commissioner is authorized, directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof, to provide technical assistance (A) to rehabilitation facilities, and (B) for the purpose of removal of architectural and transportation barriers, to any public or nonprofit agency, institution, organization, or facility.

(2) Any such experts or consultants shall, while serving pursuant to such contracts, be entitled to receive compensation at rates fixed by the Commissioner, but not exceeding the pro rata pay rate for a person employed as a GS–18, under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

### NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SEC. 306. (a) For the purpose of establishing and operating a National Center for Deaf-Blind Youths and Adults, there is authorized to be appropriated $5,000,000 for construction, which shall remain available until expended, and $800,000 for operations for the fiscal year ending June 30, 1973; $1,200,000 for operations for the fiscal year ending June 30, 1974; and $2,000,000 for operations for the fiscal year ending June 30, 1975.

(b) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, and other services, needed to rehabilitate handicapped individuals who are both deaf and blind, and (B) training the professional and allied personnel needed adequately to staff facilities specially designed to provide such services and training to such personnel who have been or will be working with deaf-blind individuals;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating, deaf-blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for or help improve public understanding of the problems of deaf-blind individuals;

the Commissioner, subject to the provisions of section 313, is authorized to enter into an agreement with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind, which center shall be known as the National Center for Deaf-Blind Youths and Adults.

(c) Any agency or organization desiring to enter into such agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of such Center, and (2) give promise of offering the most substantial skill, experience, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of deaf-blind individuals.

### REHABILITATION CENTERS FOR DEAF INDIVIDUALS

SEC. 307. (a) For the purpose of making grants and contracts for the expansion and improvement of vocational or comprehensive rehabilitation services for deaf individuals (through the establishment of centers or other means), there is authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1973; $4,000,000 for the fiscal year ending June 30, 1974; and $7,000,000 for the fiscal year ending June 30, 1975. Funds appropriated pursuant to this subsection shall remain available until expended.

(b) In order to—

(1) demonstrate methods of (A) providing the specialized services needed to rehabilitate and make maximum use of the vocational potential of deal individuals, and (B) training the specialized professional and allied personnel required adequately to staff facilities designed to provide such services and training personnel who have been or will be working with such individuals;

(2) conduct research in the nature and prevention of the problems of such deaf individuals and in the rehabilitation of these individuals; and

(3) improve the understanding of the general public, employers in particular, of both the assets and problems of such deaf individuals;

the Commissioner, subject to the provisions of section 313, is authorized to make grants to or contracts with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of one or more centers for the vocational rehabilitation of deaf individuals whose maximum vocational potential has not been achieved, which shall be known as Rehabilitation Centers for Deaf Individuals.

(c) Any agency or organization desiring to receive a grant or enter into a contract under this section shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of a Rehabilitation Center for Deaf Individuals, and (2) give promise of offering the substantial capability in providing a broad program of service and related research, training, and other activities in the field of rehabilitation of deaf individuals whose maximum vocational potential has not been achieved.

(d) For the purposes of this section, the Commissioner shall prescribe regulations to—

(1) provide a means of determining the population of deaf individuals whose maximum vocational potential has not been achieved;

(2) insure that, in carrying out the purposes of this section, provision has been made for coordination between the agency or organization receiving funds under this section on the one hand, and the State and local educational agencies in the area to be served on the other; and

(3) provide that an advisory board, comprised of qualified professional and expert individuals in the fields of rehabilitation and education of deaf individuals, be appointed to assure proper functioning of a Center established under this section in accordance with its stated objectives and to provide assistance in professional, technical, and other related areas; and that at least one-third of the members of such board shall be deaf individuals.

(e) To be eligible to receive vocational or comprehensive rehabilitation services under this section, a deaf individual must be sixteen years of age or older, must have reached the age at which the compulsory school attendance laws of the State in which he resides are no longer applicable to him, and must be an individual whose maximum vocational potential (as defined in regulations which the Commissioner shall prescribe) has not been achieved.

(f) Programs carried out under this section shall be coordinated with programs carried out by the Bureau of Education for the Handicapped within the Office of Education in order to achieve a consistent education and rehabilitation philosophy, to provide for continuity of services and program purpose, and to avoid unnecessary duplication or overlap of programs.

### NATIONAL CENTERS FOR SPINAL CORD INJURIES

SEC. 308. (a) For the purpose of establishing and operating National Centers for Spinal Cord Injuries, there is authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975. Funds appropriated under this section shall remain available until expended.

(b) In order—

(1) to help establish national centers with special competencies in providing prompt, complete vocational and comprehensive rehabilitation services and acute medical care to individuals with spinal cord injuries;

(2) to assist in meeting the costs of such services to such individuals;

(3) to encourage and assist the study and development of methods for the provision of such services and, where appropriate and desirable, to carry out necessary related research and training; and

(4) to develop new methods of achieving cooperation with and among community and other public and nonprofit organizations concerned with the problems of spinal cord injury;

the Commissioner, subject to the provisions of section 313, is authorized to enter into an agreement with any public or nonprofit agency or organization to pay all or part of the costs of the establishment and operation, including construction and equipment, of centers to carry out the purposes of this subsection, which centers shall be known as National Centers for Spinal Cord Injuries.

(c) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefore at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall provide an opportunity for submission of comments by the State agency administering the State plan under section 101, and shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of National Centers for Spinal Cord Injuries, and which include provisions to—

(A) establish, on an appropriate regional basis, a multidisciplinary system of providing vocational and comprehensive rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries including, but not limited to, acute medical care and periodic inpatient or outpatient followup;

(B) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost effectiveness of, such a regional system;

(C) demonstrate and evaluate existing, new, and improved methods and equipment essential to the care, management, and rehabilitation of individuals with spinal cord injuries;

(D) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities;

and (2) give promise of offering substantial skill, experience, and capability in providing a comprehensive program of services and related activities in the field of rehabilitation of individuals with spinal cord injuries.

### GRANTS FOR SERVICES FOR END-STAGE RENAL DISEASE

SEC. 309. (a) For the purpose of providing services under this section for the treatment of individuals suffering from end-stage renal disease there is authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, $25,000,000 or the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975. Funds appropriated under this subsection shall remain available until expended.

(b) From sums available pursuant to subsection (a) of this section for any fiscal year, the Commissioner shall make grants to States and public and nonprofit agencies and organizations and agencies for paying part of the cost of projects for providing special services (including transportation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of individuals suffering from end-stage renal disease.

(e) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Commissioner, and shall be made on such conditions as the Commissioner finds necessary to carry out the purposes of this section.

### REHABILITATION SERVICES FOR OLDER BLIND INDIVIDUALS

SEC. 310. (a) For the purpose of providing rehabilitation services to older blind individuals, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973: $20,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975.

(b) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, as well as other services, needed to rehabilitate older blind individuals, and (B) training the professional and allied personnel needed to provide such services;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating older blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for, and help improve public understanding of, the problems of older blind individuals,

the Commissioner, subject to the provisions of section 313, is authorized to make grants to and contracts with States and public and nonprofit agencies to pay all or part of the costs of projects and demonstrations (1) for providing vocational or comprehensive rehabilitation services to older blind individuals which, in the judgment of the Commissioner, hold promise of expanding or otherwise improving such services, and (2) for applying new types or patterns of such services or devices to, or for the benefit of, older blind individuals.

(c) For the purpose of this section, the term "older blind individuals" means individuals, age fifty-five and older, whose severe visual impairment makes gainful employment less readily attainable in the light of current employment practices.

### NATIONAL ADVISORY COUNCIL ON REHABILITATION OF HANDICAPPED INDIVIDUALS

SEC. 311. (a) There is established in the Department of Health, Education, and Welfare, a National Advisory Council on Rehabilitation of Handicapped Individuals (hereinafter referred to in this section as the "Council") consisting of twenty members appointed by the Commissioners without regard to civil service laws shall be from among persons who are leaders in fields concerned with rehabilitation or in public affairs, and ten of such twenty shall be selected from among leading medical, educational, or scientific authorities with outstanding qualifications in the rehabilitation of handicapped individuals. Eight of such twenty members shall be persons who are themselves handicapped or who have received vocational rehabilitation services. Each such member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term and except that, of the members first appointed, five shall hold office for a term of two years, and five shall hold office for a term of one year, as designated by the Commissioner at the time of appointment. None of such members shall be eligible for reappointment until a year has elapsed after the end of his preceding term. The Council shall meet not less than four times a year at the call of the Chairman, who shall be selected from among its membership by the members.

(b) The Council shall—

(1) provide policy advice and consultation to the Secretary and the Commissioner on the planning (including determination of priorities), conduct, and review of programs (including research and training) authorized under this Act;

(2) review the administration and operation of vocational rehabilitation (including research and training) programs under this Act, including the effectiveness of such programs in meeting the purposes for which they are established and operated and the integration of research and training activities with service program goals and priorities, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this Act) to the Secretary and the Commissioner for annual transmittal to the Congress;

(3) advise the Secretary and the Commissioner with respect to the conduct of independent evaluations of programs (including research and training) carried out under this Act; and

(4) provide such other advisory services as the Secretary and the Commissioner may request.

(c) (1) Adequate technical assistance and support staff for the Council shall be provided from the Office for the Handicapped, the Rehabilitation Services Administration, or from any other Federal agency, as the Council may reasonably request.

(2) There is authorized to be appropriated for the purpose of carrying out this section $100,000 for the fiscal year ending June 30, 1973, and $150,000 for each of the two succeeding fiscal years.

(d) The Council shall review the possible duplication among vocational rehabilitation programs and other programs serving handicapped individuals within the same geographical areas and shall make annual reports of the extent to which unnecessary duplication or overlap exists, together with its findings and recommendations, concurrently to the Commissioner and the Congress. In making these reports, the Council shall seek the opinions of persons familiar with vocational rehabilitation and the employment of persons who have received vocational and comprehensive rehabilitation services in each State as well as persons familiar with labor, business and industry, education and training, health, and manpower programs.

(e) Members of the Council, while attending meetings or conferences thereof, or otherwise serving on business of the Council, or at the request of the Commissioner, shall be entitled to receive compensation at rates fixed by the Commissioner, but not exceeding the daily pay rate for a person employed as a GS-18 under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

### STATE ADVISORY COUNCILS

SEC. 312. (a) For the purpose of establishing State Advisory Councils, there is authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

(b) Any State which receives assistance under this Act may establish and maintain a State Advisory Council, which shall be appointed by the Governor, or, in the case of a State in which members of the State board which governs vocational rehabilitation are elected (including election by the State legislature), by such board.

(c) (1) Such a State Advisory Council shall include as members persons who are familiar with problems of vocational rehabilitation in the State and the administration of vocational rehabilitation programs, and who are experienced in the education and training of handicapped individuals; persons who are representative of labor and management, including persons who have knowledge of the employment of persons who have received vocational rehabilitation services and of the employment of handicapped individuals; and individuals who are handicapped and who are receiving or who have received vocational rehabilitation services and who shall constitute a majority of the total membership of the State Advisory Council.

(2) Such a State Advisory Council, in accordance with regulations prescribed by the Commissioner, shall—

(A) advise the Governor and the State agency on the development of, and policy matters arising in, the administration of the State plan approved pursuant to section 101;

(B) advise with respect to long-range planning and studies to evaluate vocational rehabilitation programs, services, and activities assisted under this Act; and

(C) prepare and submit to the Governor through the State agency having authority over vocational rehabilitation programs, and to the National Advisory Council on Rehabilitation of Handicapped Individuals established pursuant to section 311, an annual report of its recommendations, accompanied by such additional comments of the State agency as that agency deems appropriate.

(d) Upon the appointment of any such Advisory Council the appointing authority under subsection (b) of this section shall inform the Commissioner of the establishment of, and membership of, its State Advisory Council. The Commissioner shall, upon receiving such information, certify that each such council is in compliance with the membership requirements set forth in subsection (b) (1) of this section.

(e) Each such State Advisory Council shall meet within thirty days after certification has been accepted by the Commissioner under subsection (d) of this section and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State Advisory Council, except that such rules must provide that each such council meet at least four times each year, including at least one public meeting at which the public is given the opportunity to express views concerning vocational rehabilitation.

(f) Each such State Advisory Council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section.

### GENERAL GRANT AND CONTRACT REQUIREMENTS

SEC. 313. (a) The provisions of this section shall apply to all projects (including annual interest grants) approved and assisted under this title. The Commissioner shall insure compliance with this section prior to making any grant or entering into any contract or agreement under this title, except projects authorized under sections 302, 309, 311, and 312.

(b) To be approved, an application for assistance for a construction project under this title must—

(1) contain or be supported by reasonable assurances that (A) for a period of not less than twenty years after completion of construction of the project it will be used as a public or nonprofit facility, (B) sufficient funds will be available to meet the non-Federal share of the cost of construction of the project, and (C) sufficient funds will be available, when construction of the project is completed, for its effective use for its intended purpose;

(2) provide that Federal funds provided to any agency or organization under this title will be used only for the purposes for which provided and in accordance with the applicable provisions of this section and the section under which such funds are provided:

(3) provide that the agency or organization receiving Federal funds under this title will make an annual report to the Commissioner, which he shall summarize and comment upon in the annual report to the Congress submitted under section 504;

(4) be accompanied or supplemented by plans and specifications in which due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and which comply with regulations prescribed by the Commissioner related to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90–480)), and with regulations of the Secretary of Labor relating to occupational health and safety standards for rehabilitation facilities; and

(5) contain or be supported by reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(c) Upon approval of any application for a grant or contract for a project under this title, the Commissioner shall reserve, from any appropriation available therefore, the amount of such grant or contract determined under this title. In case an amendment to an approval application is approved, or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the appropriation from which the original reservation was made or the appropriation for the fiscal year in which such amendment or revision is approved.

(d) If, within twenty years after completion of any construction project for which funds have been paid under this title, the facility shall cease to be a public or nonprofit facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

(e) Payment of assistance or reservation of funds made pursuant to this title may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

(f) A project for construction of a rehabilitation facility which is primarily a workshop may, where approved by the Commissioner as necessary to the effective operation of the facility, include such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of handicapped individuals.

(g) No funds provided under this title may be used to assist in the construction of any facility which is or will be used for religious worship or any sectarian activity.

(h) When in any State, funds provided under this title will be used for providing direct services to handicapped individuals or for establishing facilities which will provide such services, such services must be carried out in a manner not inconsistent with the State plan approved pursuant to section 101.

(i) Prior to making any grant or entering into any contract under this title, the Commissioner shall afford reasonable opportunity to the appropriate State agency or agencies designated pursuant to section 101 to comment on such grant or contract.

(j) With respect to any obligation issued by or on behalf of any public agency for which the issuer has elected to receive the benefits of mortgage insurance under section 303 or annual interest grants under section 304, the interest paid on such obligations and received by the purchaser thereof (or his successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

## TITLE IV—RESEARCH AND TRAINING

### DECLARATION OF PURPOSE

SEC. 400. The purpose of this title is to authorize Federal assistance to State and public or nonprofit agencies and organizations to—

(a) plan and conduct research, demonstrations, and related activities in the rehabilitation of handicapped individuals, and

(b) plan and conduct courses of training and related activities designed to provide increased numbers of trained rehabilitation personnel, to increase the levels of skills of such personnel, and to develop improved methods of providing such training.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 401. (a) In order to make grants and contracts to carry out the purposes of this title, there is authorized to be appropriated:

(1) For the purpose of carrying out section 402 of this title, $75,000,000 for the fiscal year ending June 30, 1973, $100,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975, of which 15 per centum, 25 per centum, and 25 per centum of the amounts appropriated in the first, second, and third such fiscal years, respectively, shall be available for the purpose of carrying out activities under section 402(b)(2).

(2) For the purpose of carrying out section 403 of this title, $50,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975.

(b) Funds appropriated under this title shall remain available until expended.

### RESEARCH

SEC. 402. (a) The Commissioner is authorized to make grants to and contracts with State and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for the purpose of planning and conducting research, demonstrations, and related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational and comprehensive rehabilitation services to handicapped individuals, especially those with the most severe handicaps, under this Act. Such projects may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques; studies and analyses of industrial, vocational, social, psychological, economic, and other factors affecting rehabilitation of handicapped individuals; special problems of homebound and institutionalized individuals; studies and analyses of architectural and engineering design adapted to meet the special needs of handicapped individuals; and related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of handicapped individuals and individuals with the most severe handicaps.

(b) In addition to carrying out projects under subsection (a) of this section, the Commissioner is authorized to make grants to pay part or all of the cost of the following specialized research activities:

(1) Establishment and support of Rehabilitation Research and Training Centers to be operated in collaboration with institutions of higher education for the purpose of providing coordinated and advanced programs of research in rehabilitation and training of rehabilitation research personnel, including, but not limited to, graduate training. Grants may include funds for services rendered by such a center to handicapped individuals in connection with such research and training activities.

(2) Establishment and support of Rehabilitation Engineering Research Centers to (A) develop innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, equipment, and devices suitable for solving problems in the rehabilitation of handicapped individuals and for reducing environment barriers, and to (B) cooperate with the Office for the Handicapped and State agencies designated pursuant to section 101 in developing systems of information exchange and coordination to promote the prompt utilization of engineering and other scientific research to assist in solving problems in the rehabilitation of handicapped individuals.

(3) Conduct of a program for spinal cord injury research in support of the National Centers for Spinal Cord Injuries established pursuant to section 308 which will (A) insure dissemination of research findings among all such centers, (B) provide encouragement and support for initiatives and new approaches by individual and institutional investigators, and (C) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts, in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigators.

(4) Conduct of a program for international rehabilitation research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of handicapped individuals in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of handicapped individuals, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of handicapped individuals with other nations as a means of increasing the levels of skill of rehabilitation personnel.

(c) The provisions of section 313 shall apply to assistance provided under this section, unless the context indicates to the contrary.

### TRAINING

SEC. 403. (a) The Commissioner is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for training, traineeships, and related activities designed to assist in increasing the numbers of personnel trained in providing vocational and comprehensive rehabilitation services to handicapped individuals and in performing other functions necessary to the development of such services.

(b) In making such grants or contracts, funds made available for any year will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to include projects in rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, workshop and facility administration, prosthetics and orthotics, specialized personnel in services to the blind and the deaf, recreation for ill and handicapped individuals, and other fields contributing to the rehabilitation of handicapped individuals, including homebound and institutionalized individuals. No grant shall be made under this section for furnishing to an individual any one course of study extending for a period in excess of four years.

### REPORTS

SEC. 404. There shall be included in the annual report to the Congress required by section 504 a full report on the research and training activities carried out under this title and the extent to which such research and training has contributed directly to the development of methods, procedures, devices, and trained personnel to assist in the provision of vocational or comprehensive rehabilitation services to handicapped individuals and those with the most severe handicaps under this Act.

## TITLE V—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

### ADMINISTRATION

SEC. 500. (a) In carrying out his duties under this Act, the Commissioner shall—

(1) cooperate with, and render technical assistance (directly or by grant or contract) to States in matters relating to the rehabilitation of handicapped individuals;

(2) provide short-term training and instruction in technical matters relating to vocational and comprehensive rehabilitation services, including the establishment and maintenance of such research fellowships and traineeships, with such stipends and allowances (including travel and subsistence expenses), as he may deem necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided any individual for any one course of study for a

period in excess of four years, and such training, instruction, fellowships, and traineeships may be in the fields of rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, prosthetics and orthotics, recreation for ill and handicapped individuals, and other specialized fields contributing to the rehabilitation of handicapped individuals; and

(3) disseminate information relating to vocational and comprehensive rehabilitation services, and otherwise promote the cause of the rehabilitation of handicapped individuals and their greater utilization in gainful and suitable employment.

(b) The Secretary is authorized to make rules and regulations governing the administration of this title and titles VI and VI of this Act, and to delegate to any officer or employee of the United States such of his powers and duties under such titles, except the making of rules and regulations, as he finds necessary to carry out the provisions of such titles. Such rules and regulations, as well as those prescribed by the Commissioner of the Rehabilitation Services Administration under titles I, II, III, and IV of this Act shall be published in the Federal Register, on at least an interim basis, no later than ninety days after the date of enactment of this Act.

(c) The Secretary is authorized (directly or by grants or contracts) to conduct studies, investigations, and evaluation of the programs authorized by this Act, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, their utilization in gainful and suitable employment, and with respect to architectural, transportation, and other environmental and attitudinal barriers to their rehabilitation, including the problems of homebound, institutionalized, and older blind individuals.

(d) There is authorized to be included for each fiscal year in the appropriation for the Department of Health, Education, and Welfare such sums as are necessary to administer the provisions of this Act.

(e) In carrying out their duties under this Act, the Secretary and the Commissioner, respectively, shall insure the maximum coordination and consultation, at both national and local levels, with the Administrator of Veterans' Affairs and his designees with respect to programs for and relating to the rehabilitation of disabled veterans carried out under title 38, United States Code.

(f) With respect to the administration of the program authorized by section 309, the Secretary shall insure that the provision of services under such section is coordinated with similar services provided or paid for under health programs pursuant to other Federal laws.

### PROGRAM AND PROJECT EVALUATION

SEC. 501. (a)(1) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, in order to determine their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(2) In carrying out his responsibilities under this subsection, the Secretary, in the case of research, demonstrations, and related activities carried out under section 402, shall, after taking into consideration the views of State agencies designated pursuant to section 101, on an annual basis—

(A) reassess priorities to which such activities should be directed; and

(B) review present research, demonstration, and related activities to determine, in terms of the purpose specified for such activities by subsecton (a) of such section 402, whether and on what basis such activities should be continued, revised or terminated.

(3) The Secretary shall, within 12 months after the date of enactment of this Act, and on each April 1 thereafter, prepare and furnish to the appropriate committees of the Congress a complete report on the determination and review carried out under paragraph (2) of this subsection, together with such recommendations, including any recommendations for additional legislation, as he deems appropriate.

(b) Effective after June 30, 1973, before funds for the programs and projects covered by this Act are released, the Secretary shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding, in accordance with procedures set forth in subsections (b), (c), and (d) of section 101, whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 504 shall describe the actions taken as a result of these evaluations.

(c) In carrying out evaluations under this title, the Secretary shall, whenever possible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this Act about such programs and projects.

(d) The Secretary shall publish the results of evaluative research and summaries of evaluative research and summaries of evaluations of program and project impact and effectiveness no later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this Act shall become the property of the United States.

### OBTAINING INFORMATION FROM FEDERAL AGENCIES

SEC. 502. Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

SEC. 502. Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 503. There is authorized to be appropriated with sums as the Secretary may require, but not to exceed an amount equal to one-half of 1 per centum of the funds appropriated under titles I, II, III, and IV of this Act or $2,000,000, whichever is greater, to be available to conduct program and project evaluations as required by this title.

### REPORTS

SEC. 504. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include (1) statistical data reflecting, with the maximum feasible detail, vocational and comprehensive rehabilitation services provided handicapped individuals during the preceding fiscal year, (2) specifically distinguish among rehabilitation closures attributable to physical restoration, placement in competitive employment, extended or terminal employment in a sheltered workshop or rehabilitation facility, employment as a homemaker or unpaid family worker, and provision of comprehensive rehabilitation services, and (3) include a detailed evaluation of services provided with assistance under title I of this Act to those with the most severe handicaps and of comprehensive rehabilitation services provided pursuant to title II of this Act.

### SHELTERED WORKSHOP STUDY

SEC. 505. (a) The Secretary shall conduct an original study of the role of sheltered workshops in the rehabilitation and employment of handicapped individuals, including a study of wage payments in sheltered workshops. The study shall incorporate guidelines which are consistent with criteria provided in resolutions adopted by the Committee on Labor and Public Welfare of the United States Senate or the Committee on Education and Labor of the United States House of Representatives, or both.

(b) The study shall include site visits to sheltered workshops, interviews with handicapped trainees or clients, and consultations with interested individuals and groups and State agencies designated pursuant to section 101.

(c) Any contracts awarded for the purpose of carrying out all or part of this study shall not be made with individuals or groups with a financial or other direct interest in sheltered workshops.

(d) The Secretary shall report to the Congress his findings and recommendations with respect to such study within twenty-four months after the date of enactment of this Act.

## TITLE VI—OFFICE FOR THE HANDICAPPED

### ESTABLISHMENT OF OFFICE

SEC. 600. There is established within the Office of the Secretary in the Department of Health, Education, and Welfare an Office for the Handicapped (hereinafter in this title referred to as the "Office"). The Office shall be headed by a Director, who shall serve as a Special Assistant to the Secretary and shall report directly to him, and shall be provided such personnel as are necessary to carry out the functions set forth in section 601. In selecting personnel to fill all positions in the Office, the Secretary shall give special emphasis to qualified handicapped individuals.

### FUNCTION OF OFFICE

SEC. 601. It shall be the function of the Office, with the assistance of agencies within the Department, other departments and agencies within the Federal Government, handicapped individuals, and public and private agencies and organizations, to—

(1) prepare and submit to the Secretary, for submission to the Congress within eighteen months after the date of enactment of this Act, a long-range projection for the provision of comprehensive services to handicapped individuals and for programs of research, evaluation, and training related to such services and individuals;

(2) analyze on a continuing basis and submit to the Secretary, for inclusion in his report submitted under section 504, a report on the results of such analysis, program operation to determine consistency with applicable provisions of law, progress toward meeting the goals and priorities set forth in the projection required under clause (1), and the effectiveness of all programs providing services to handicapped individuals, and the elimination of unnecessary duplication and overlap in such programs under the jurisdiction of the Secretary;

(3) encourage coordinated and cooperative planning designed to produce maximum effectiveness, sensitivity, and continuity in the provision of services for handicapped individuals by all programs under the jurisdiction of the Secretary;

(4) provide assistance (including staff assistance) to the National Advisory Council on Rehabilitation of the Handicapped established by section 311 of this Act, the National Advisory Council on the Education of the Handicapped established by section 604 of the Education of the Handicapped Act (title VI, Public Law 91–230), and other committees advising the Secretary on programs for handicapped individuals;

(5) develop means of promoting the prompt utilization of engineering and other scientific research to assist in solving problems in education (including promotion of the development of curriculums stressing barrier free design and the adoption of such curriculums by schools of architecture, design, and engineering), health, employment, rehabilitation, architectural and transportation barriers, and other areas so as to bring about the full integration of handicapped individuals into all aspects of society;

(6) provide a central clearinghouse for information and resource availability for handicapped individuals through (A) the evaluation of systems within the Department of Health, Education, and Welfare, other departments and agencies of the Federal Government, public and private agencies and organizations, and other sources, which provide (i) information and data regarding the location, provision, and availability of services and programs for handicapped individuals, regarding research and recent medical and scientific developments bearing on handicapping conditions (and their prevention, amelioration, cause, and cures), and regarding the current numbers of handicapped individuals and their needs, and (ii) any other such relevant information and data which the Office deems necessary; and (B) utilizing the results of such evaluation and existing information systems, the development within such Department of a coordinated system of information and data retrieval, which will have the capacity and responsibility to provide general and specific information regarding the information and data referred to in subclause (A) of this clause to the Congress, public and private agencies and organizations, handicapped individuals and their families, professionals in fields serving such individuals, and the general public; and

(7) carry out such additional advisory functions and responsibilities, consistent with the provisions of this title, as may be assigned to it by the Secretary or the President, except that such function or any other function carried out under clauses (1) through (5) of this section shall not include budgetary, policy, or program control by the Office over any program.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 602. There is authorized to be appropriated for the purposes of this title $1,000,000 for the fiscal year ending June 30, 1973, $2,000,000 for the fiscal year ending June 30, 1974, and $2,000,000 for the fiscal year ending June 30, 1975.

## TITLE VII—MISCELLANEOUS

### EFFECT ON EXISTING LAWS

SEC. 700. The Vocational Rehabilitation Act (29 U.S.C. 31 et seq.) is repealed ninety days after the date of enactment of this Act and references to such Vocational Rehabilitation Act in any other provision of law shall, ninety days after such date, be deemed to be references to the Rehabilitation Act of 1972. Unexpended appropriations for carrying out the Vocational Rehabilitation Act may be made available to carry out this Act, as directed by the President. Approved State plans for vocational rehabilitation, approved projects, and contractual arrangements authorized under the Vocational Rehabilitation Act will be recognized under comparable provisions of this Act so that there is no disruption of ongoing activities for which there is continuing authority.

### FEDERAL INTERAGENCY COMMITTEE ON HANDICAPPED EMPLOYEES

SEC. 701. (a) There is established within the Federal Government an Interagency Committee on Handicapped Employees (hereafter in this section referred to as the "Committee"), comprised of the following (or their designees whose positions are Executive Level IV or higher); the Chairman of the Civil Service Commission, the Administrator of Veterans' Affairs, and the Secretaries of Labor and Health, Education, and Welfare. The Chairman of the President's Committee on Employment of the Handicapped and the Chairman of the President's Committee on Mental Retardation shall serve as ex officio members of the Interagency Committee, and the Secretary of Health, Education, and Welfare shall serve as Chairman of the Committee. The resources of such President's Committees shall be made fully available to the Committee established pursuant to this section. The Commissioner shall serve as Executive Director of the Committee. It shall be the purpose and function of the Committee to insure, through the establishment of affirmative action programs, the adequacy of hiring, placement, and advancement practices with respect to handicapped individuals, by each department, agency, and instrumentality in the executive branch of Government, and that the special needs of such individuals are being met.

(b) Each department, agency, and instrumentality in the executive branch shall, within one hundred and eighty days after the date of enactment of this Act, submit to the Committee an affirmative action program plan for the hiring, placement, and advancement of handicapped individuals in such department, agency, or instrumentality. Such plan shall include a description of the extent to which and methods whereby the special needs of handicapped employees are being met.

(c) The Committee shall develop and recommend to the Secretary for referral to the appropriate State agencies, policies and procedures which will facilitate the hiring, placement, and advancement in employment of individuals who have received rehabilitation services under State vocational rehabilitation programs, veterans' programs, or any other program for handicapped individuals, including the promotion of job opportunities for such individuals. The Secretary shall encourage such State agencies to adopt and implement such policies and procedures.

(d) The Committee shall, on June 30, 1973, and at the end of each subsequent fiscal year, make a complete report to the appropriate committees of the Congress with respect to the practices of hiring, placement, and advancement of handicapped individuals by each department, agency, and instrumentality and the effectiveness of the affirmative action programs required by subsection (b) of this section, together with recommendations as to legislation or other appropriate action to insure the adequacy of such practices. Such report shall also include a description of the effectiveness of the Committee's activities under subsection (c) of this section.

(e) An individual who, as a part of his individualized written rehabilitation program under a State plan approved under this Act, participates in a program of unpaid work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(f) (1) The Secertary of Labor and the Secretary of Health, Education, and Welfare are authorized and directed to cooperate with the President's Committee on Employment of the Handicapped in carrying out its functions.

(2) There are authorized to be appropriated for salaries and expenses of the President's Committee on Employment of the Handicapped $1,000,000 for the fiscal year ending June 30, 1973, and $1,250,000 for the fiscal year ending June 30, 1974. In selecting personnel to fill all positions on the President's Committee on Employment of the Handicapped, special consideration shall be given to qualified handicapped individuals.

### NATIONAL COMMISSION ON TRANSPORTATION AND HOUSING FOR HANDICAPPED INDIVIDUALS

SEC. 702. (a) There is established in the Department of Health, Education, and Welfare a National Commission on Transportation and Housing for Handicapped Individuals, consisting of the Secretary of Health, Education, and Welfare (or his designee), who shall be Chairman, the Secretary of Housing and Urban Development, the Secretary of Transportation and the Secretary of the Treasury (or their respective designees), and not more than fifteen members appointed by the Secretary of Health, Education, and Welfare without regard to the civil service laws. The fifteen appointed members shall be representative of the general public, of handicapped individuals, and of private and professional groups having an interest in, and able to contribute to the solution of, the transportation and housing problems which impede the rehabilitation of handicapped individuals.

(b) The Commission, in consultation with the Architectural and Transportation Compliance Board established pursuant to section 703, shall (1) (A) determine how and to what extent transportation barriers impede the mobility of handicapped individuals and aged handicapped individuals and consider ways in which travel expenses in connection with transportation to and from work for handicapped individuals can be met or subsidized when such individuals are unable to use mass transit systems or need special equipment in private transportation, and (B) consider the housing needs of handicapped individuals; (2) determine what measures are being taken especially by public and other nonprofit agencies and groups having an interest in and a capacity to deal with such problems, (A) to eliminate barriers from public transportation systems (including vehicles used in such systems), and to prevent their incorporation in new or expanded transportation systems and (B) to make housing available and accessible to handicapped individuals or to meet sheltered housing needs; and (3) prepare plans and proposals for such further action as may be necessary to the goals of adequate transportation and housing for handicapped individuals, including proposals for bringing together in a cooperative effort, agencies, organizations, and groups already working toward such goals or whose cooperation is essential to effective and comprehensive action.

(c) The Commission is authorized to appoint such special advisory and technical experts and consultants, and to establish such committees, as may be useful in carrying out its functions, to make studies, and to contract for studies or demonstrations to assist it in performing its functions. The Secretary shall make available to the Commission such technical, administrative, and other assistance as it may require to carry out its functions.

(d) Appointed members of the Commission and special advisory and technical experts and consultants appointed pursuant to subsection (c) shall, while attending meetings or conference thereof or otherwise serving on business of the Commission, be entitled to receive compensation at rates fixed by the Secretary, but exceeding the not daily pay rate, for a person employed as a GS–18 under section 5332 of title 5, United States Code, including traveltime and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu subsistence as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(e) The Commission shall prepare two final reports of its activities. One such report shall be on its activities in the field of transportation carriers of handicapped individuals, and the other such report shall be on its activities in the field of the housing needs of handicapped individuals. The Commission shall, prior to January 1, 1975, submit each such report, together with its recommendations for further carrying out the purposes of this section, to the Secretary for transmittal by him, together with his recommendations, to the President and the Congress. The Commission shall also prepare for such submission an interim report of its activities in each such field within eighteen months after the date of enactment of this Act and such additional interim reports as the Secretary may request.

(f) The Commission shall on a frequent and continuing basis, provide to the Architectural and Transportation Barriers Compliance Board established pursuant to section 703, such data and information as it has acquired or developed during the course of its investigations and studies and such reports as it has submitted under subsection (e) of this section. Such Board shall also provide to the Commission such data and information acquired by it as the Commission may reasonably request.

### ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SEC. 703. (a) There is established within the Federal Government the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the "Board") which shall be composed of the heads of each of the following departments or agencies (or their designees whose positions are Executive Level IV or higher):

(1) Department of Health, Education, and Welfare;

(2) Department of Transportation;

(3) Department of Housing and Urban Development;

(4) Department of Labor;

(5) Department of the Interior;

(6) General Services Administration;

(7) United States Postal Service; and

(8) Veterans' Administration.

(b) It shall be the function of the Board to: (1) insure compliance with the standards prescribed by the General Services Administration, the Department of Defense, and the Department of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968 (Public Law 90–480), as amended by the Act of March 5, 1970 (Public Law 91–205); (2) investigate and examine alternative approaches to the architectural, transportation, and attitudinal barriers confronting handicapped individuals, particularly with respect to public buildings and monuments, parks and parklands, public transportation (including air, water, and surface transportation whether interstate, foreign, intrastate, or local), and residential and institutional housing; (3) determine what measures are being taken by Federal, State, and local governments and by other public or non-profit agencies to eliminate the barriers described in clause (2) of this subsection; (4) promote the use of the International Accessibility Symbol in all public facilities that are in compliance with the standards prescribed by the Administrator of the General Services Administration, the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968; (5) make reports to the President and to Congress, which shall describe in detail the results of its investigations under clauses (2) and (3) of this subsection; and (6) make to the President and to the Congress such recommendations for legislation and administration as it deems necessary or desirable to eliminate the barriers described in clause (2) of this subsection.

(c) In carrying out its functions under this section, the Board shall conduct investigations, hold public hearings, and issue such orders as it deems necessary to insure compliance with the provisions of the Acts cited in subsection (b). The provisions of subchapter II of chapter 5, and chapter 7 of title 5, United States Code, shall apply to procedures under this section, and an order of compliance issued by the Board shall be a final order for purposes of judicial review.

(d) The Board is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted under this section. The provisions applicable to hearing examiners appointed under section 3105 of title 5, United States Code, shall apply to hearing examiners appointed under this subsection.

(e) The departments or agencies specified in subsection (a) of this section shall make available to the Board such technical, administrative, or other assistance as it may require to carry out its functions under this section, and the Board may appoint, under the terms and conditions specified in subsection (d) of section 702, such other advisers, technical experts, and consultants as it deems necessary to assist it in carrying out its functions under this section.

(f) The Board shall, at the end of each fiscal year, report its activities during the preceding fiscal year to the Congress. Such report shall include an assessment of the extent of compliance with the Acts cited in subsection (b) of this section, along with a description and analysis of investigations made and actions taken by the Board, and the reports and recommendations described in clauses (4) and (5) of subsection (b) of this section.

(g) There is authorized to be appropriated for the purpose of carrying out the duties and functions of the Board under this section $1,000,000 for the fiscal year ending June 30, 1973; $1,250,000 for the fiscal year ending June 30, 1974; and $1,500,000 for the fiscal year ending June 30, 1975.

### EMPLOYMENT UNDER FEDERAL CONTRACTS

SEC. 704. (a) Any contract entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that, in employing persons to carry out such contract the party contracting with the United States shall take affirmative action to employ and advance in employment qualified handicapped individuals as defined in section 7(7). The provisions of this section shall apply to any subcontract entered into by a prime contractor in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States. The President shall implement the provisions of this section by promulgating regulations within ninety days after the date of enactment of this section.

(b) If any handicapped individual believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to employment of handicapped individuals, such individual may file a complaint with the Department of Labor. The Department shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

### NONDISCRIMINATION UNDER FEDERAL GRANTS

SEC. 705. No otherwise qualified handicapped individual in the United States, as defined in section 7(7), shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

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By Mr. WILLIAMS:

S. 12. A bill to amend title VII of the Housing Act of 1961 to establish an Urban Parkland Heritage Corporation to provide funds for the acquisition and operation of open-space land, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

### URBAN PARK LAND HERITAGE BILL

Mr. WILLIAMS. Mr. President, in "National Parks for the Future," a report commissioned by the National Park Centennial Commission and the National Park Service, the Conservation Foundation rather eloquently summarized the state of our land and natural resources:

> The United States in 1972 is, despite its continental vastness, an urban nation becoming ever more urbanized—with all of the confinement, lack of opportunity, and environmental insult that this condition implies in a specialized, technological age. Further, despite its affluence, the United States has become a nation whose land and resources are now understood to be finite; the frontier is at our backs, the Mesabi played out, our oil reserves en route to depletion, and the population is consuming land and resources at an increasing rate, with commensurate despoliation and pollution. Finally, the United States—a nation built on the foundation of individual industry, of sacrifice and long hours—has become a nation . . . in which leisure time has become not so much a brief respite from productive labor, but a vast plain of boredom, of impatience about opportunities out of reach, of endless hours confronting a society unprepared for the constructive use of discretionary time.

Today, seven of every 10 Americans live in a relatively few large metropolitan areas—on 1.5 percent of our Nation's land area, but only 3 percent of our public recreation lands are within 1 hour's driving time from the center of the major metropolitan areas. The resources for outdoor recreation are simply not available to our urban dwellers, but the overwhelming majority of recreation is sought close to home in the after-work, after-school hours or on short 1-day outings.

It is interesting to note that only two of our 50 largest cities are within a 50-mile range of a national park and only five more major cities are within a 100-mile range of a national park. The magnitude of the popular support for the Gateway National Recreation Area in New Jersey and similar projects elsewhere is due in large part to the fact that the parks will be accessible to residents of crowded urban areas.

In recent years pollution, development, and suburbanization have taken a heavy toll on urban outdoor recreational sites. The days are gone when one could go for a swim in the city's river or take the trolley to the amusement park at the end of the line. The inequities that exist in the distribution of outdoor recreation resources are severe, and they are steadily becoming more pressing.

In the face of diminishing opportunities, Department of the Interior studies show that most Americans now participate in some form of outdoor recreation. Furthermore, participation is increasing at the rate of 10 percent per year, and conservative projections indicate that with rising income and more leisure time, participation will increase fourfold by the year 2000.

The inadequacy of urban recreational facilities is felt most keenly by those at the lower end of the income scale. These people are almost entirely dependent upon nearby public facilities. On the other hand, many more opportunities are available to affluent city dwellers because of their ability to take advantage of private recreational facilities and because of their increased mobility. Studies by the Department of Interior, for example, have shown that those using the national parks are most likely to be better educated, white, young, well off economically, and live in suburban areas. In fact, however, our major parks are out of reach for most Americans.

While we have a number of Federal and State programs designed to provide urban parkland, our situation is often similar to that of Alice in Wonderland. We must run as fast as we can to stay in the same place. At the same time we are converting some urban land into parks, we are allowing existing parks to be taken for highways, schools, utilities, and housing. More than 22,000 acres of urban parkland have been gobbled up over the the past 7 years, and in many instances this means that a greater number of people are brought into an area to share a reduced supply of parks and recreational facilities.

In 1969, the Bureau of Outdoor Recreation estimated that it would require at least $25 billion above existing expenditure levels to afford urban dwellers the same amount of nearby recreation opportunity by 1975 that was available on the average in 1965. While conceding that it would not meet total needs the Department of the Interior recommended in its unpublished nationwide outdoor recreation plan for 1969 that an additional $6.3 billion should be requested over the next 5 years to meet the urban recreation problem. At that time it was hoped that the additional dollars would make possible a redress of highest priority imbalances that existed between the largest cities and the rest of the Nation. Unfortunately, President Nixon did not find it expedient to follow the recommendations of his own administration or even to release the results of their study. Nevertheless, the need is manifest.

A task force of the Conservation Foundation recommended a $100 billion bond issue for a "buy back America" program for the purpose of land acquisition, capital development, and improvement of the National, State, city, and county park systems.

Similarly, in a letter which I recently received from the National Recreation and Park Association, Dwight Rettie, the executive director, stated:

> The needs for open spaces and recreation areas are enormous because we must naturally undo deficits that have been accumulating for nearly half a century.

Mr. Rettie further indicated that a program which would fully deal with urban open space needs would involve capital investments over the next 10 years of $15 billion for acquisition and development, and an equal sum for operation and maintenance costs.

Mr. President, I ask unanimous consent that the entire text of the letter from the National Recreation and Park Association be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL RECREATION
AND PARK ASSOCIATION,
*Arlington, Va., October 13, 1972.*

Hon. HARRISON A. WILLIAMS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR WILLIAMS: This is in response to your request for information about studies that have been made relating to the national need for recreation, parks and open spaces.

No comprehensive inventory of national recreation and park needs has ever been made in this country. Surveys made in this area have been extrapolations of very limited data or they have been projections of needs based on relatively narrow definitions of open space, parks or recreation facilities.

Most of the work done to date has been limited to large facilities at the national, state and regional scale. All present figures are not only out of date but fail to represent a comprehensive assessment of open space and recreation needs ranging from mini parks and tot lots at the suburban neighborhood scale to national parks and wildlife refuges of significance to the whole country.

The needs for open spaces and recreation areas are enormous because we must naturally undo deficits that have been accumulating for nearly half a century. Although many recreation areas were developed during the 1930's, very little land acquisition took place to increase the national inventory of parks and recreation assets. Almost nothing was done in the 1940's. The 1950's saw the first initial acquisitions, largely at the Federal level. By the early 1960's the HUD open space land programs, and later the program of grants through the Land and Water Conservation Fund, began to redress the imbalances that had accumulated during the nation's period of growth and development following World War II—a period during which public recreation sources were largely ignored in the process of suburban growth.

The National Recreation and Park Association is now engaged in an assessment of central city open space needs—the results of that study will not be available until January 1973. We will be pleased to furnish you the results of that study just as soon as they are available. An estimate of open space needs should take account of the plans already developed by more than 20,000 separate units of local government—no analysis has yet been made of these plans.

As the United States moves into the 1970's and prepared for the decade of the 80's we are engaged in a transition that invisions large changes in our understandings and attitudes toward the place of recreation and parks in our national life. Large blocks of discretionary time, flowing in part from a reduced work week, in part from increasing affluence, and in part from our growing understanding that we must meet the recreational needs of many of our citizens faced with involuntary leisure (such as the handicapped and the unemployed) and the critical need to deal with the leisure crisis among those in our society who have less time for recreation than they have had in the past.

Nevertheless, and recognizing the hazard of such estimates, the National Recreation and Park Association believes the magnitude of this effort would involve capital investments over the next ten years on the order of 15 billion dollars for land acquisition and development. Operation and maintenance costs would probably approximate an equal sum, although they would lag behind capital costs by approximately one to three years.

The National Recreation and Park Association would be pleased to assist you and the committee in development of firm estimates and we sincerely hope hearings can shed additional light on both the dimension of need and the breadth of public support for action.

Park lands and open spaces can no longer be regarded as amenities to only be expected if all other wants are met. We know today that these assets can prevent the spread of urban blight, can enhance and protect the value of healthy neighborhoods, and can preserve the identity and the mental health of people. The real issue is not how much land we save, but how many people will benefit from saving land and recreational resources that the people can use to enrich their lives every day and to give them a sense of identity and fulfillment.

Sincerely,

DWIGHT F. RETTIE,
*Executive Director.*

Mr. WILLIAMS. The need for open space lands is both basic and critical. The need to preserve natural beauty and to provide a readily available escape from the noise, crowding, odors, and other discomforts of urban living are closely bound up with our mental and emotional well being. Moreover, parks can reduce the noise and dirt of highways, and large areas of open land act as air recharge or mixing areas where the noxious air of the cities can be diluted with fresher air. The lack of open space or green areas can increase the flood potential of a city and even destroy the purity of its fresh water supply.

Mr. President, I was the author of the original open space law which was passed in 1961. The bill stemmed from the realization that green space in our urban areas was rapidly disappearing, and the open space law was designed to provide, preserve, and develop open space land. Over the past 11 years Congress has appropriated $578.5 million for the open space program, and the money has been used primarily for the acquisition and development of parks and recreational facilities. Many complementary State programs, such as New Jersey's green acres program, have been established in response to this Federal effort.

Since the establishment of the open space program, Congress has also enacted the Land and Water Conservation Fund Act for the purpose of providing Federal grants for State and local outdoor recreation planning and land acquisition and development. The Land and Water Conservation Fund Act is administered by the Bureau of Outdoor Recreation within the Department of the Interior, but unlike the open space program it is not geared toward providing money for urban park programs. Indeed, BOR analyses indicate that densely populated counties received the least funds per capita from the LWCF and sparsely populated counties received the most funds. In an evaluation of all Federal outdoor recreation programs the General Accounting Office stated flatly that:

> The LWCF formula for apportioning grant funds to the States does not meet the needs of the people living in urban areas.

Nevertheless, the appropriations for the LWCF have been more than twice as great as the appropriations for the open space program for the past several years.

The GAO study goes on to state that:

> Grant projects financed under HUD and BOR programs have met and will continue to meet some of the outdoor recreation needs of the Nation. Greater benefits could have been achieved had more projects been located in densely populated, low-income areas having few outdoor recreation opportunities and whose residents were limited by low income from traveling to areas having more abundant facilities and opportunities.

I think that the findings of the GAO, the Department of the Interior, the National Recreation and Parks Association, and others lead one to the inevitable conclusion that our efforts—through the open space program and other Federal programs—are no longer sufficient to meet the current critical needs for urban parkland. Consequently, I am today introducing the Urban Parkland Heritage Act of 1973.

This bill will substantially increase the amount of Federal funds available for the acquisition and development of park lands and recreational facilities. It replaces the open space program through which $74,000,000 was appropriated in fiscal year 1971 and $100,000,000 was appropriated in 1972 with a program under which $1 billion per year will be available for a 5-year period.

The Urban Parkland Heritage Act will for the first time make Federal funds available for the operation and maintenance of open space areas. This provision is especially critical if we are to reap the full benefits of a park and recreation program. Too often parks are acquired because the money is available, but, unfortunately, recreation budgets are the first to be cut when municipalities encounter financial difficulties. Thus, when no money is forthcoming for operational expenses, the potential for public enjoyment of the acquired facilities is seriously impaired. Programs such as "Summer in the Parks" in the District of Columbia have generated massive citizen interest and this bill will provide an opportunity for increased enjoyment of our open space land by urban dwellers.

Under the open space program the Federal Government currently provides grants of up to 50 percent of the total cost of acquiring or developing open space land, and, on its face, this would seem to be sufficient. The GAO study of Federal recreation programs, however, indicated that many cities have such serious fiscal problems that they are unable to take advantage of the program, and the problems seem to be greatest in the areas with the greatest density of population and the highest incidence of poverty. Consequently, the Urban Parkland Heritage Act will allow the Federal Government to assume a greater share of the cost of any individual project. Grants will generally be available in amounts of up to 75 percent of the cost of acquiring or developing open space land. Low interest loans in amounts of up to 50 percent of the cost of eligible projects will also be available, and it is hoped that a flexible combination of grants and loans can be used in order to meet the varying needs of the individual applicants. The combination of grants and loans would never be allowed to exceed 90 percent of the eligible project cost.

In situations where the applicant's need is especially great and its resources are especially limited the bill also provides for grants of 90 percent of the cost of acquiring and developing open space land.

The new program is to be administered by an independent governmental corportation with the Secretary of the Department of Housing and Urban Development serving as the Chairman of the Board. The Board will consist of the Secretary of the Department of Interior, the Administrator of the Environmental Protection Agency, and representatives of State and local governments and the public at large.

One of the most serious problems with the current programs dealing with open space land acquisition is the length of time it takes to guide a proposal through the administrative jungle. Land appreciates in value quite rapidly, and time is quite literally money when one is attempting to acquire attractive land. The Urban Parkland Heritage Corporation has few if any of the incumbrances inherent in the various Federal bureaucratic structures. Its only priority is the efficient administration of the urban parkland heritage program. Furthermore, the corporation may obligate the funds authorized under this program by contract authority, and this should further enhance its ability to get funds into the hands of applicants speedily.

While this bill replaces many of the provisions of the current open space law, it should be noted that it leaves the operation of the land and water conservation fund intact. The function of that fund has been, and should continue to be, one of providing money for the acquisition and development of State and Federal parks and recreational facilities.

I am pleased to announce that the distinguished Congressman from Illinois and the recipient of the National Park and Recreation Association 1972 National Congressional Award, DAN ROSTENKOWSKI, is introducing a companion bill to S. 12 in the House of Representatives.

> Mr. President, I believe this is the first time that legislation of this kind has been introduced in Congress. It derives from a growing awareness—if not alarm—over the chaotic and enormously wasteful sprawl of our urban areas, and the consequent disappearance of our lovely old farms and pastures, quiet streams and wooded hills under the onrushing blade of the bulldozer.
>
> It is intended to help preserve some of nature in our metropolis and arrest the cancer or urban sprawl and the blight of deterioration following in its wake.

I made that statement over 11 years ago before this body when I introduced the first open space bill. Despite the enactment and many successes of that bill, we continue to see forests defoliated in the West and land defiled in the East. If anything, the situation today is much worse than it was in 1961. Unless we act swiftly, nothing will remain of our parkland heritage.

Mr. President, I ask unanimous consent that the text of the bill be printed in full following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 12

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) title VII of the Housing Act of 1961 is amended to read as follows:

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress finds that—

"(1) the rapid expansion of the Nation's urban areas and the rapid growth of population within such areas has resulted in severe problems of urban and suburban living for a substantial majority of the Nation's present and future population, including the lack of valuable open-space land for recreational and other purposes;

"(2) there is a need for additional parks and other open space in the build-up portions of urban areas, especially in low-income neighborhoods and communities, and a need for greater and more coordinated State and local efforts to make available and improve open space land throughout entire urban areas;

"(3) there is a need for timely action to preserve and restore areas, sites, and structures of historic or architectural value so that these remaining evidences of our history and heritage are not lost or destroyed through the expansion and development of urban areas; and

"(4) the welfare of the Nation and the well-being of its citizens require substantial expansion of the scope and level of Federal assistance for the development and preservation of open space lands.

"(b) It is the purpose of this title to help control urban sprawl by assisting States and local governments in developing a balanced urban environment, to prevent the spread of urban blight and deterioration, to encourage more economic, environmentally sound urban development, to assist in preserving areas and properties of historic or architectural value, and to help provide necessary recreational, conservation, and scenic areas by assisting State and local public bodies in taking prompt action to—

"(1) provide, preserve, and develop open-space land in a manner consistent with the planned long-range development of the Nation's urban areas;

"(2) acquire, improve, and restore areas, sites, and structures of historic or architectural value;

"(3) develop and improve open-space and other public urban land, in accordance with programs to encourage and coordinate local public and private efforts toward this end; and

"(4) operate and maintain open-space and other public land in a manner which best meets the needs of the residents of that State or locality.

"DEFINITIONS

"SEC. 702. As used in this title—

"(1) The term 'open-space land' means any land located in an urban area which has value for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic, architectural, or scenic purposes.

"(2) The term 'urban area' means any area which is urban in character, including those surrounding areas which, as determined by the Corporation, form an economically and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities.

"(3) The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

"(4) The term 'local public body' means any public body (including a political subdivision) created by or under the laws of a State or two or more States, or a combination of such bodies, and includes Indian tribes, bands, groups, and nations (including Alaska Indians, Aleuts, and Eskimos) of the United States.

"(5) The term 'open-space uses' means any use of open-space land for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic, educational, architectural or scenic purposes.

"(6) The term 'Corporation' means the Urban Parkland Heritage Corporation established by section 703 of this title.

### "URBAN PARKLAND HERITAGE CORPORATION

"SEC. 703. (a) To carry out the provisions of this title, there is established an independent establishment in the executive branch which shall be known as the Urban Parkland Heritage Corporation, and which shall carry out its functions subject to the direction and supervision of a Board of Directors (hereinafter referred to as the 'Board'). The Board shall consist of—

"(1) the Secretary of Housing and Urban Development, who shall serve as Chairman;

"(2) the Secretary of the Interior;

"(3) the Administrator of the Environmental Protection Agency;

"(4) four officials of State government, appointed by the President, by and with the advice and consent of the Senate, two of whom shall be elected officials, and two of whom shall hold positions related to urban development and the management of open-space lands;

"(5) four officials of local government, appointed by the President, by and with the advice and consent of the Senate, two of whom shall be elected officials, and two of whom shall hold positions related to urban development and the management of open-space lands; and

"(6) four members of the general public, appointed by the President, by and with the advice and consent of the Senate, who have substantial experience in urban development, land use planning, and the management of open-space lands.

Not more than two of the members referred to in each of clauses (4), (5), and (6) may be members of the same political party. Not more than one member referred to in clauses (4), (5), and (6) may be a resident of any one State.

"(b) It shall be the duty of the Corporation to furnish assistance in accordance with the provisions of this title. All grants and loans made by the Corporation shall be approved by the Board, and for the purpose of any such approval, a quorum of the Board shall consist of two-thirds of the members who must be actually present and voting. The Board shall meet not less than four times annually.

"(c)(1) A member of the Board who is otherwise an officer or employee of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties of the Corporation.

"(2) A member of the Board who is not otherwise an officer or employee of the United States shall receive compensation for his service as a member the per diem equivalent to the rate for level IV of the Executive Schedule under section 5315 of title 5, United States Code, when engaged in the performance of duties of the Corporation, and shall receive reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

"(d) The Corporation may employ an Executive Director who shall be paid at an annual rate equal to the annual rate of pay for an individual occupying a position under level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(e) Section 5108 (c) of title 5, United States Code, is amended by adding at the end thereof the following:

"'(11) the Urban Parkland Heritage Corporation may place a total of three positions in GS–16, 17, and 18.'

"(f) The Corporation may appoint such other employees as may be necessary to carry out its functions.

"(g) (1) The functions of the Corporation may not be delegated or transferred to any other agency, and no functions other than those conferred by this title may be delegated or transferred to the Corporation.

"(2) Section 902 (1) of title 5, United States Code, is amended by inserting before the semicolon at the end thereof the following: 'or the Urban Parkland Heritage Corporation'.

"(h) There are hereby authorized to be appropriated such sums as may be necessary for the operation of the Corporation.

### "GRANTS AND LOANS FOR ACQUISITION, DEVELOPMENT, AND OPERATION OF OPEN-SPACE LAND

"SEC. 704. (a) (1) The Corporation is authorized to make grants and loans pursuant to section 709 to States and local public bodies to help finance (A) the acquisition of title to, or other interest in, open-space land in urban areas, and (B) the development of open-space or other land in urban areas for open-space uses.

"(2) The amount of any grant under this section shall not exceed 75 per centum of the eligible project cost, as approved by the Corporation, of such acquisition and development. If, however, the project involves the acquisition of interests in undeveloped or predominantly undeveloped land which, if withheld from commercial, industrial, and residential development, would have special significance in helping to shape economic and desirable patterns of urban growth (including growth outside of existing urban areas which is directly related to the development of new communities or the expansion and revitalization of existing communities), or if the State or local public body could not otherwise reasonably meet its need for open-space lands, the Corporation may make grants to State and local public bodies in an amount not to exceed 90 per centum of the eligible project cost of the acquisition and development of such lands. The amount of any such loan shall not exceed 50 per centum of such eligible project cost.

"(3) Any loan under this section shall bear interest at a rate not less than the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of one per centum, and each such loan shall be secured by such real or personal property as the Corporation may require.

"(4) In no case shall the combined amount of grants and loans made by the Corporation pursuant to this title to any State or local public body exceed 90 per centum of the eligible project cost for the acquisition and development of open-space lands.

"(b) The Corporation is authorized to make grants pursuant to section 709 to States and local public bodies to help finance the operation and maintenance of open-space or other land in urban areas for open-space uses for the first four fiscal years of the operation of such lands. The amount of any such grant shall not exceed 75 per centum of the eligible project cost, as approved by the Corporation, of such operation and maintenance for the first fiscal year of operation, 60 per centum of such costs for the second fiscal year of operation, 45 per centum of such costs for the third fiscal year of operation and 30 per centum of such costs for the fourth fiscal year of operation. The eligible project costs for the operation and maintenance of open-space land shall be those costs which are incurred for equipment and supplies used on the site of such open-space land and for the payment of salaries to employees who manage and carry out the programs on the site of such open-space land.

"(c) No grant or loan under this title shall be made to acquire and clear developed land in built-up areas unless the local governing body determines that adequate open-space land cannot be effectively provided through the use of existing undeveloped land.

"(d) The Corporation may prescribe such further terms and conditions for assistance under this title as it determines to be desirable.

"(e) The Corporation shall consult with appropriate agencies and officers of the Federal Government to establish and operate a program to furnish technical assistance, upon request, to States and local public bodies. The Secretary of Housing and Urban Development, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency are authorized to furnish to the Corporation such advice and assistance as may be necessary to carry out the provisions of this subsection.

### "PLANNING AND GRANT REQUIREMENTS

"SEC. 705. (a) The Corporation shall make a grant or loan under section 704 only if it finds that such grant or loan is needed for carrying out a unified or officially coordinated program, which provides for citizen participation, and which meets criteria established by the Corporation for the provision and development of open-space land which is a part of, or is consistent with, the comprehensively planned development of the urban area.

"(b) In carrying out its duties, the Corporation shall also take into account—

"(1) the accessibility of major Federal or State outdoor recreational facilities or parklands to the area surrounding the proposed open-space land;

"(2) the availability or proposed availability of public transportation for the proposed open-space land;

"(3) the extent of urbanization (as determined by the Corporation) in the communities surrounding the proposed open-space land; and

"(4) the ability of the States or local public body applying for a grant or loan to acquire open-space land in a timely and efficient manner.

### "CONVERSION TO OTHER USES

"SEC. 706. No open-space land for the acquisition of which a grant or loan has been made under section 704 shall be converted to uses not originally approved by the Corporation without satisfactory compliance with regulations established by the Corporation. Such regulations shall require findings, after public participation (including public hearings in a location proximate to the open-space land), that—

"(1) there is adequate assurance of the substitution of other open-space land of as nearly as feasible equivalent usefulness, location, and fair market value at the time of the conversion;

"(2) the conversion and substitution are needed for orderly growth and development;

"(3) the proposed uses of the converted and substituted land are for the benefit of the public and in accordance with the applicable comprehensive plan for the urban area; and

"(4) any profits received as a result of such conversion are applied to the Urban Parkland Heritage program.

"LABOR STANDARDS

"SEC. 707. (a) The Corporation shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of grants under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Corporation shall not approve any such grant without first obtaining adequate assurance that these labor standards will be maintained upon the construction work.

"(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

"MAINTENANCE OF EFFORT

"SEC. 708. No grant or loan shall be made to any State or local public body in any fiscal year unless the State or local public body makes assurances to the Corporation that the amount available for expenditure by such State or local public body from non-Federal sources for the purposes described in section 704 (a) (1) (A) and (B) in that fiscal year will not be less than the amount expended for such purposes from non-Federal sources during the preceding fiscal year.

"CONTRACT AUTHORITY

"SEC. 709. (a) To finance grants and loans under this title, the Corporation is authorized to incur obligations on behalf of the United States in amounts aggregating not to exceed $5,000,000,000. This amount shall become available for obligation on July 1, 1973, and shall remain available until obligated. There are authorized to be appropriated for the liquidation of the obligations incurred under this section not to exceed $1,000,000,000 prior to July 1, 1974, not to exceed an aggregate of $2,000,000,000 prior to July 1, 1975, not to exceed an aggregate of $3,000,000,000 prior to July 1, 1976, not to exceed an aggregate of $4,000,000,000 prior to July 1, 1977, and not to exceed an aggregate of $5,000,000,000 prior to July 1, 1978. Sums so appropriated shall remain available until expended."

(b) The amendment made by subsection (a) shall become effective on July 1, 1973. After June 30, 1973, no new grants or loans shall be made pursuant to title VII of the Housing Act of 1961 as such title was in effect on June 30, 1973, except with respect to projects or programs for which funds have been committed on or before that date.

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By Mr. KENNEDY (for himself and Mr. WILLIAMS, Mr. JAVITS, Mr. BROOKE, Mr. CRANSTON, Mr. HART, Mr. HUGHES, Mr. HUMPHREY, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. STEVENSON, and Mr. TUNNEY):

S. 14. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health-care resources, and the establishment of a Quality Health Care Commission, and for other purposes. Referred to the Committee on Labor and Public Welfare.

### HEALTH MAINTENANCE ORGANIZATION AND RESOURCES DEVELOPMENT ACT OF 1973

Mr. KENNEDY. Mr. President, I am proud to be able to introduce the Health Maintenance Organization and Resources Development Act of 1973, which passed the Senate last September by a vote of 60 to 14.

The Subcommittee on Health has held extensive hearings into the general subject of health maintenance organizations. This legislation was originally introduced into the Senate on March 13, 1972. After extensive hearings, it was reported, in amended form, by the Committee on Labor and Public Welfare to the Senate on July 21, 1972.

Unfortunately, the House of Representatives was unable to complete work on HMO legislation during the 92d Congress. For that reason, no further action was taken on the legislation.

Mr. President, I am reintroducing the Health Maintenance Organization and Resources Development Act of 1972. It is, except for technical changes, identical to the bill which passed the Senate last year. A complete record of the transactions which occurred in the Senate, and resulted in the passage of this legislation, can be found in the CONGRESSIONAL RECORD of Wednesday, September 20, 1972.

Mr. President, the fundamental intent of this bill is to make assistance available to groups interested in initiating health maintenance organizations and which comply with the definitions contained herein. It has been drafted in such a way that preference is given those types of health maintenance organizations which have already demonstrated their success in delivering high quality health services. The intent of this legislation is to use Federal funds to facilitate the development of alternative forms of health care delivery—in order to create a truly pluralistic health care system—within the United States.

At the present time, approximately 96 percent of all personal health services are delivered in the solo or small group practice, fee-for-service modality. For that reason, most Americans at the present time have no real options concerning how their health services are to be received. In those parts of the country where HMO's have developed in the past, such as California, Hawaii, Washington, and several other States, they have had a salutary impact on all forms of health delivery in the area. The goal of this legislation is to foster that healthy competitive situation in many parts of the United States.

I think it is important to note that there is nothing coercive about this legislation. It simply makes Federal funds available to applicants who wish to apply for assistance and who are willing to comply with its requirements.

I hope the Senate will act expeditiously on this legislation. Many developing HMO's in the field will shortly be in need of Federal assistance to continue their development. For that reason, I hope this legislation will be passed by both Houses of Congress promptly, and we can look forward to the time in the near future when meaningful HMO legislation is signed into law.

As chairman of the Health Subcommittee, I will do my best to see that this legislation is reported out of committee and brought before the full Senate as soon as possible.

I would like to take this opportunity to offer my assistance and that of my staff to any of our new Senate colleagues or their staffs who wish to have additional information concerning this important legislation.

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By Mr. McCLELLAN (for himself, Mr. HRUSKA, and Mr. THURMOND):

S. 15. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal death benefit to the surviving dependents of public safety officers. Referred to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, today Senator MCCLELLAN, Senator HRUSKA and I are introducing a bill to provide benefits to public safety officers or their surviving dependents if they are killed or dismembered in the line of duty.

This legislation would provide a $50,000 benefit payable in the event of death or multiple dismemberment and a $25,000 benefit in the event of single dismemberment. In the event of death the benefit would be paid to the spouse, dependent children or dependent parents of any person serving in any activity pertaining to the enforcement of the criminal laws, fire fighting, correctional programs or institutions, or a court having criminal jurisdiction where the activity is potentially dangerous because of contact with criminal suspects.

In recent years many of our public safety officers have been killed by felonious assaults, and it is increasingly apparent that violent crime is spreading. Crime knows no jurisdictional boundary, nor respects the color of a law-enforcement officer's uniform. Each officer, whether sheriff, deputy, highway patrolman, or policeman, must be fully cognizant that death may come to him in the performance of his sworn duties.

The administration supports this measure and believes it is warranted because police officers throughout the country are facing a rising tide of violence and need a minimum death benefit that is not tied into State or local compensation programs.

Public safety officers, dedicated to their law-enforcement careers, are not nearly so concerned with their low salaries as they are of maintaining and preserving the security of their families. The law enforcement officer's group life insurance program, passed in the 91st Congress, was but the first step in providing this group of persons some security.

In the case of the average law-enforcement officer, group insurance protection is only nominal because the amount of private insurance he can purchase with his low salary is normally insufficient to provide for the needs of his dependents. The approach of this bill should adequately meet the security needs of these officers.

This bill passed the Senate on September 5, 1972, as S. 2087 and went to conference because of differences between the Senate and House passed bills. On October 17, 1972, the conference filed its reports with the House of Representatives, but because the House failed to act, this important legislation died. Action must be taken on this proposal promptly as the situation continues to worsen. I hope that the Senate and House can put aside minor differences as to approach and enact some legislation to meet this vital need.

The alarming trend of crime can only be reversed by professional police officers, who are assured that they and their families will be compensated in a manner commensurate with the risks inherent in law enforcement. Law-enforcement careers must be made more acceptable and attractive to our qualified citizens. We cannot ask decent, hardworking men to face the constant risk of murder and mayhem time after time and then ignore their rightful request that their families be protected from financial calamity.

Mr. President, I sincerely hope this bill will receive prompt attention.

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By Mr. SCHWEIKER:

S. 16. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of application for renewal of broadcast licenses. Referred to the Committee on Commerce.

### THE BROADCAST LICENSE ACT OF 1973

Mr. SCHWEIKER. Mr. President, today I introduce the "Broadcast License Act of 1973."

This bill would amend the Communications Act of 1934 to, first, extend from 3 to 5 years the licensing period terms for radio and television broadcasting stations, and second, provide that actual good performance by an existing licensee shall entitle that licensee to license renewal, so long as that licensee is otherwise qualified to operate the broadcasting station, and has not "demonstrated a callous disregard for law or regulations of the Federal Communications Commission."

This bill, which is designed to enhance responsiveness by broadcasters to the public interest, is identical to the Broadcast License Act I introduced in the last Congress, S. 3551.

The purpose of the license renewal term is to insure the use of the limited number of broadcasting licenses in the public interest by enabling each station to make longer range commitments, to develop more comprehensive community service plans, and to not spend an inordinate amount of time and energy on bureaucratic paperwork. At the same time, all public service requirements under law and under Federal Communications Commission regulations must still be strictly adhered to, and all challenges for license renewal and applications to take over a license can still be exercised at the end of the 5-year term just as currently can be done at the end of a 3-year term.

The 3-year broadcast license term was devised nearly half a century ago, when the broadcasting industry was totally different from today. With the enormous communications explosion of the last 2 decades, we have all seen the critical importance of communications, and the broadcast media, as vital influences on the capacity of the people of this country to receive necessary information about government, about trends in the country, and about the many needs and demands of society at large. Under broadcast licensing regulatory authority, it is important to insure that all broadcasting stations live up to the serious responsibilities demanded in the public interest demands.

At the same time, those of us responsible for our Nation's laws, must insure that we too remain responsive to modern conditions, and do not remain saddled by archaic regulatory procedures that no longer function as efficiently as before.

The second part of my bill reflects a similar recognition that public service and economic requirements upon a broadcast licensee today are much more stringent than when licensing regulations were initially devised. We must be conscious of the enormous investment that is now required by any broadcasting station in both manpower and sophisticated equipment. I do not feel that we can demand increased responsiveness to the public interest by privately owned broadcasting stations, a policy which I support, without at the same time taking cognizance of the economic investment that is required to support and carry out public interest and community oriented programing. Accordingly, I think it is only reasonable that the actual performance and good faith efforts of a licensee during the license term be a paramount consideration in any license renewal proceedings, and that such demonstrated excellence should receive emphasis over mere promises of performance by a competing applicant. In no way does this insulate a licensee from challenge, or guarantee a license. It only provides a greater incentive for the public service programing that everyone seeks and can help to create a climate for even greater public performance by all existing licensees.

Passage of this bill can be an important contribution to the public interest in today's complex era, and the broadcasting industries obligations to serve the public interest, and I urge speedy consideration by the Congress.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 16

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* that this Act shall be known as the "Broadcast License Act of 1973."

SECTION 2. Section 307(d) shall be amended by striking the first two sentences and inserting the following: "No license granted for the operation of any class of station shall be for a longer term than five years and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefore, a renewal of such license may be granted from time to time for a term of not to exceed five years if the Commission finds that public interest, convenience, and necessity would be served thereby: *Provided however,* That in any hearing for the renewal of a broadcast license an applicant for renewal who is legally, financially, and technically qualified shall be awarded the grant if such applicant shows that its broadcast service during the preceding license period has reflected a good-faith effort to serve the needs and interests of its area as represented in its immediately preceding and pending license renewal applications and if it has not demonstrated a callous disregard for law or the Commission's regulations: *Provided further,* That if the renewal applicant fails to make such a showing or has demonstrated a callous disregard for law or the Commission's regulations, such failure or demonstration shall be weighed against the renewal applicant.

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By Mr. SCHWEIKER:

S. 17. A bill to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus. Referred to the Committee on Labor and Public Welfare.

### NATIONAL DIABETES RESEARCH AND EDUCATION ACT

Mr. SCHWEIKER. Mr. President, although the statistics are uncertain and varied, there are now approximately 6 to 8 million people in the United States with diabetes according to the last survey done in 1968. For each person with the disease, it is estimated that there are three or four who will eventually come down with it and the number of people affected by diabetes becomes a possible future total of 24 million Americans. There are good indications that nearly one person in 20 is either an actual or potential diabetic. It is possible that one-fifth of the population are carriers and have a 50-percent chance of passing the trait of diabetes on to their children although they themselves do not develop the disease. By 1980 it is estimated that one in five people will have diabetes or its trait.

The problem of the incidence of diabetes is one to which we must devote our full attention. Studies show that there is a 9-percent increase each year in the diabetic population which is an accelerating increase because each year the diabetic population becomes 9 percent larger. Studies show that the incidence of diabetes is increasing dramatically as the population becomes older, fatter, more affluent, and more urbanized.

An important factor in the increase are our very own diabetic children. In 1921 diabetic children died. After the discovery of insulin in 1921, children and young adults survived, grown to maturity and have been producing children with diabetes or with a strong inherited factor for diabetes. There are now approximately 6 to 8 million diabetics with a chance of producing diabetic children.

Statistics on diabetes are vague because diabetes is not a reportable disease. Diabetes is the fifth leading cause of death in the United States. It is probably second or third if you consider the fact that diabetes is the major factor contributing to many chronic and disabling illnesses—primarily cardiovascular, renal, hypertensive, and neurological. The man who dies of a heart attack is listed in the death statistics as a victim of heart disease, but many times it is actually diabetes which caused the heart attack and the vascular complications. The same can be said of cases involving kidney disease and stroke. Diabetes has become a major cause of blindness in our country. There are nearly 155,000 people blind from diabetic retinopathy, and estimates are that by the year 2000 there will be 574,000 blind from this disorder because of the accelerated increase in the number of people with diabetes and the fact that 50 percent of people with diabetes for 20 years will develop retinopathy and 95 percent of people who have had diabetes for over 30 years will develop this disease.

Insulin has preserved the life of the diabetic; but because he has lived longer, he has encountered the complications of diabetes over a longer life span. This is a problem we did not have to cope with before. Hence, the rise in diabetic blindness is a function of the very fact that the diabetic lives longer.

The discovery of insulin, if we are to face the facts, was not a cure, as was originally believed, but only one step in the battle against diabetes. It is unfortunate that we as a nation have not come to grips with the problem. It is ironic that diabetes now dominates the medical scene, yet so little is known or being done to solve the mysteries of this illness.

It is necessary, in order to understand fully the problems we are facing, to have proper statistics. Diabetes should be made a reportable disease so that it can be studied according to population and geographical areas, and the impact of instances of heredity can be noted. My only fear is that we will be overwhelmed when and if correct data is made available.

Mr. President, today I introduce the National Diabetes Research and Education Act. It is the purpose of this legislation to establish a national program to: First, expand and coordinate the national effort against diabetes; and second, to advance activities and patient education, professional education, public education which will alert the citizens of the United States to the early indications of diabetes, and to emphasize the significance of early detection, proper control, and complications which may evolve from the disease.

In this legislative proposal, the Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases shall establish a National Task Force on Diabetes to formulate a long-range plan to combat diabetes with specific recommendations concerning the utilization and organization of national resources for that purpose after conducting a comprehensive study and survey, investigating the magnitude of diabetes mellitus, its epidemiology, its economic and social consequences, and an evaluation of available scientific information and the national resources capable of dealing with the problem. The recommendations of the task force will be the basis for the inauguration of a national program on diabetes.

In addition, the Director of the National Institute of Arthritis, Metabolic, and Digestive Diseases will be authorized to conduct and render assistance to appropriate public authorities and scientific institution in the conduct of research, training, and public and professional education programs.

Grants to or contracts with States, political subdivisions, universities, hospitals, or other public and nonprofit private institutions or agencies are authorized for projects and programs for research, demonstration, training, public and professional education for early diagnosis, management, and treatment of diabetes.

The legislation calls for the establishment of a very limited number of model diabetes research, treatment, and education clinics throughout the United States to determine the feasibility of operating such clinics for the development of improved methods of detecting diabetes, the development of improved methods of intervention against high risk factors which cause diabetes, and the development of highly skilled manpower in diabetes diagnosis, prevention, and treatment.

Mr. President, our knowledge of diabetes has been pitiful to date, and the millions of people who suffer from this metabolic disorder feel neglected. In my judgment, they are justified. Up to now we have not had a single Federal research center devoted to diabetes. It is time that we faced up to this problem and I am hopeful that new diabetes-related research efforts can begin as soon as possible. The elimination of diabetes will mean an end to its dread complications.

Mr. President, it is my hope that the Federal Government will give a much greater attention to this disease.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 17

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "National Diabetes Research and Education Act".

#### FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that diabetes mellitus is a major health problem in the United States;

(2) that diabetes mellitus contributes to many other health problems, and may significantly decrease life expectancy;

(3) that the citizens of the United States should have a full understanding of the nature and impact of diabetes mellitus;

(4) that there is striking evidence that the known prevalence of diabetes mellitus has increased dramatically in the past decade;

(5) that the severity of diabetes mellitus in children and most adolescents is greater than in adults, which in most cases involves greater problems in the management of diabetes mellitus;

(6) that the attainment of better methods of early diagnosis and treatment of diabetes mellitus deserves the highest priority;

(7) that the determination of the most effective program for discovering the magnitude of the disease its causes, cures and treatments must be given immediate attention; and

(8) that in order to provide for the most effective program in diabetes mellitus it is important to mobilize the resources of the National Institutes of Health as well as the public and private organizations capable of the necessary research and public education in diabetes mellitus.

(b) It is the purpose of this Act to establish a national program to—

(1) expand and coordinate the national effort against diabetes mellitus;

(2) advance activities of patient education, professional education, and public education which will alert the citizens of the United States to the early indications of diabetes mellitus; and

(3) to emphasize the significance of early detection, proper control, and complications which may evolve from the disease.

#### DIABETES PROGRAM

SEC. 3. Part D of title IV of the Public Health Service Act is amended by adding at the end thereof the following new sections:

"NATIONAL TASK FORCE ON DIABETES

"SEC. 435. (a) The Director of the National Institute of Arthritis, Metabolism, and Digestive Disease shall establish a National Task Force on Diabetes to formulate a long-range plan to combat diabetes with specific recommendations concerning the utilization and organization of national resources for that purpose after conducting a comprehensive study and survey investigating the magnitude of diabetes mellitus, its epidemiology, its economic and social consequences, and an evaluation of available scientific information and the national resources capable of dealing with the problem.

"(b) The program to be recommended by the Task Force shall include but not be limited to:

"(1) a coordinated research program encompassing the programs of the National Institute of Arthritis, Metabolism, and Digestive Diseases, related programs of the other research institutes, and other Federal and non-federal programs;

"(2) the utilization of existing research facilities and personnel of the National Institutes of Health for accelerated exploration of opportunities of special promise in scientific areas related to the known complications of diabetes mellitus;

"(3) a system for the collection, analysis, and dissemination of all data useful in the prevention, diagnosis and treatment of diabetes mellitus, including the establishment of a diabetes research data bank to collect, catalog, store, and disseminate insofar as is practicable the results of diabetes research undertaken for the use of any person involved in diabetes research.

"(4) support of manpower programs of training in fundamental sciences and clinical disciplines to provide an expanded and continuing manpower base from which to select investigators, physicians, and allied health professions personnel, for participation in clinical and basic research and treatment programs relating to diabetes, including where appropriate, the use of training stipends, fellowships, and career awards.

"(5) budget estimates and projections reflecting the funds required to fully implement the recommended plan;

"(6) methods of education for persons having diabetes, the general public and for the professions, designed to increase the national awareness of diabetes and the nutritional, genetic, environmental, and social factors, which bear on it; and

"(7) an emphasis on the counseling to persons, especially children, having diabetes and to their families with regard to adjustments and medical regimen required of such persons.

"(c) The Task Force shall be composed of fifteen members who are eminently qualified to serve on such task force and who have demonstrated an interest in achieving through research and clinical experience, practical means for preventing and treating diabetes, with a knowledge of the requirements for productive research, and education, and with an understanding of the need for and disciplines involved in such research and education, as follows:

"(1) ten members shall be scientists or physicians representing the various specialties and disciplines involving diabetes mellitus and related endocrine and metabolic diseases;

"(2) five members from the general public.

"(d) (1) The Task Force shall publish and transmit to the Congress a final report within 18 months after the enactment of this Act. Such report shall recommend a detailed national program as required in subsection (a).

"(2) The Task Force may hold such hearings, take such testimony, and sit and act at such times and places as the Task Force deems advisable to develop a national program on diabetes.

"(e) The Director shall—

"(1) designate a member of the staff of the Institute to act as Executive Secretary of the Task Force;

"(2) make available to the Task Force such staff, information and other assistance as it may require;

"(3) designate one of the appointed members of the Task Force to serve as chairman.

"(f) Members of the Task Force who are officers or employees of the Federal Government shall serve as members of the Commission without compensation in addition to that received in their regular public employment. Members of the Task Force who are not officers or employees of the Federal Government shall each receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Task Force. All members of the Task Force shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Task Force.

"(g) There are authorized to be appropriated to carry out the purposes of this section $1,000,000.

### "IMPLEMENTATION OF DIABETES PROGRAM

"SEC. 436. (a) As soon as practicable after the Task Force submits its report and recommendations to the Congress, the Director shall submit to the President for transmittal to the Congress a report outlining the actions required as well as the Institute's staff requirements to carry out the program and a request for such additional appropriations (including increased authorizations) as required to pursue immediately the full implementation of the program recommended by the Task Force for which regularly appropriated funds are not available.

### "DIABETES CONTROL PROGRAMS

"SEC. 437. (a) The Director shall establish programs for cooperation with State and other health agencies in the early diagnosis and treatment of diabetes as well as programs of public, professional, and patient education.

"(b) There are authorized to be appropriated to carry out the purpose of this section $5,000,000 for the fiscal year ending June 30, 1973, and a like sum for each of the next two succeeding fiscal years, and such sums as may be necessary thereafter.

### "PROJECTS AND PROGRAMS FOR THE DETECTION AND EDUCATION OF DIABETES MELLITUS

"SEC. 438. (a) (1) The Director is authorized to make grants to, or contract with States, political subdivisions, universities, hospitals, and other public or non-profit private institutions, agencies, institutions, or organizations which are community oriented, for projects and programs for the conduct of any or all of the following: research, demonstration, training, in and utilization of allied health personnel, or public and professional education for the early diagnosis and treatment of diabetes mellitus, or counseling and assistance in self management.

"(2) In making such grants the Director shall give a priority to those applicants which emphasize the use of allied health personnel.

"(b) A grant (not to exceed 75 per centum of the cost) under this section may be made upon application to the Director at such time, in such manner, containing and accompanied by such information as the Director deems necessary. Each applicant shall—

"(1) provide that the programs and activities for which assistance is sought will be administered by or under the supervision of the applicant;

"(2) describe with particularity the programs and activities for which assistance is sought;

"(3) provide for strict confidentiality of test results, medical records, and other information regarding screening, counseling, or treatment of any person treated except for (A) such information as the patient (or his guardian) consents to be released; or (B) statistical data compiled without reference to the identity of any such patient;

"(4) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title;

"(5) provide for such reports in such form and containing such information as the Director may reasonably require.

"(c) There are authorized to be appropriated to carry out the purposes of this section $25,000,000 for the fiscal year ending June 30, 1973, and a like sum for each of the next two succeeding fiscal years, and such sums as may be necessary thereafter.

### "DIABETES RESEARCH, TREATMENT AND EDUCATION CLINICS

"SEC. 439. (a) The Director is authorized to establish not more than six model diabetes research, treatment and education clinics throughout the United States within the framework of existing programs. The purpose of such clinics shall be to test the feasibility of such clinics with regard to—

"(1) the development of improved methods of detecting diabetics;

"(2) the development of improved methods of intervention against high risk factors which cause diabetes; and

"(3) the development of highly skilled manpower in diabetes diagnosis, prevention, and treatment.

"(b) Such clinics shall be served by a central coordinating unit that shall be responsible for the development of standardized procedures for diagnosis, treatment, and data collection in relation to diabetes mellitus. Such clinics are to be located at or in affiliation with a major medical center as determined by the Director.

"(c) (1) There are authorized to be appropriated for the establishment of the clinics authorized under this section $6,000,000 for the fiscal year ending June 30, 1973, and a like sum for each of the next two succeeding fiscal years and such sums as are necessary thereafter.

"(2) In no case shall more than $1,000,000 be expended on any one clinic in a fiscal year.

"(d) The Director, under existing National Institutes of Health policy, may enter into cooperative agreements with public or nonprofit private agencies or institutions to pay all or part of the cost of planning or establishing, and providing basic operating support for these clinics. Federal payments in support of such agreements may be used for—

"(1) construction;

"(2) staffing and other operating costs;

"(3) training with emphasis on allied health personnel;

"(4) demonstration purposes.

"(e) As soon as practicable the Director shall evaluate the performance and effect of such clinics, and determine the necessity and utility of expanding such clinics on a continuing basis and submit a report thereon with recommendations, if any, for legislation required to implement such a program.

### "DEFINITIONS

"SEC. 440. For the purposes of this part the term—

"(1) 'Director' means the Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases; and

"(2) 'Task Force' means the National Task Force on Diabetes."

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By Mr. RIBICOFF:

S. 18. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education. Referred to the Committee on Finance.

### TUITION TAX CREDITS FOR HIGHER EDUCATION

Mr. RIBICOFF. Mr. President, over 9 years ago I introduced legislation to provide tax relief for those families burdened with the rising costs of higher education. Since then the Senate has approved that legislation three times. Unfortunately, the House of Representatives has failed to follow the Senate's leadership in this area.

The basic costs of going to college have risen dramatically over the last 5 years. The median annual cost of attending a large State or land-grant university has risen 26 percent—for a nonresident it rose 37 percent. A nonresident attending a small State college would have seen his tuition go up 48 percent while students at an Ivy League school would have suffered a 40-percent increase.

Because there is no end in sight to this spiral, it will soon cost between $10,000 and $20,000 to earn a bachelor's degree. Not many families can afford such expenses—especially if they have more than one child in college at any one time.

A constituent of mine recently wrote of the plight in which the soaring costs of education has placed his family.

One child has completed a year of college at the cost of several thousand dollars. Next year, twin sons will be of college age. One wants to be a veterinarian.

Both parents work full time. The children work during the summers. Family income cannot be expanded. Available scholarships and loans are exhausted. Educational expenses in tens of thousands of dollars must be paid in the next few years.

My constituent asks only one question,

> How can I send my children to college?

Unless something is done soon, the answer will be:

> You can't—unless you suddenly become wealthy or willing to go deep into debt.

Because it is unrealistic to expect tuitions to decrease, my legislation is designed to help parents better afford them by providing income tax credits of up to $325 for each college student.

The credit would be computed on the basis of 100 percent of the first $200 of qualifying expenditures for tuition fees, and books; 25 percent of the next $300; and 5 percent of the subsequent $1,000. No credit would be allowed for student costs above $1,500.

The resulting credit would be allowed against the Federal income tax of any person who paid the expenses of education for himself or another person at a qualified educational institution. A qualified institution includes recognized colleges, universities, graduate schools, vocational and business schools.

The available credit would begin to be phased out when the taxpayer's adjusted gross income reached $15,000. Two percent of the amount by which a taxpayer's adjusted gross income exceeded $15,000 would be deducted from the credit available to that taxpayer. Thus, no taxpayer with an adjusted gross income above $31,250 would be eligible for a credit.

I ask unanimous consent that a table outlining the available benefits to various income groups be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

AVAILABILITY OF TUITION CREDIT BY AMOUNT OF QUALIFIED EXPENSES AND INCOME LEVEL (PER STUDENT)

| Qualified expense | Adjusted gross income | | | | | |
|---|---|---|---|---|---|---|
| | $10,000 | $15,000 | $20,000 | $25,000 | $30,000 | $35,000 |
| $100 | $100.00 | $100.00 | 0 | 0 | 0 | |
| $200 | 200.00 | 200.00 | $100.00 | 0 | 0 | |
| $300 | 225.00 | 225.00 | 125.00 | $25.00 | 0 | |
| $400 | 250.00 | 250.00 | 150.00 | 50.00 | 0 | |
| $500 | 275.00 | 275.00 | 175.00 | 75.00 | 0 | |
| $750 | 287.50 | 287.50 | 187.50 | 87.50 | 0 | |
| $1,000 | 300.00 | 300.00 | 200.00 | 100.00 | 0 | |
| $1,250 | 312.50 | 312.50 | 212.90 | 112.50 | $12.50 | |
| $1,500 | 325.00 | 325.00 | 225.00 | 125.00 | 25.00 | |

Mr. RIBICOFF. Mr. President, this bill is not the final answer to the rising costs of education. It would, however, strengthen the ability of families to finance their son's or daughter's college education.

The future of America depends on the ability of its young people—no matter what their social or economic background—to obtain the best education available. I am hopeful that the 93d Congress will help guarantee a bright future by finally enacting this important legislation.

I ask unanimous consent that the text of S. 18 be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 18

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That—

Sec. 7. Credit for Expenses of Higher Education.—

(a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41 and by inserting after section 39 the following new section:

"Sec. 40. Expenses of Higher Education.—

"(a) General Rule.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount, determined under subsection (b), of the expenses of higher education paid by him during the taxable year to one or more institutions of higher education in providing an education above the twelfth grade for himself or for any other individual.

"(b) Limitations.—

"(1) Amount per individual.—The credit under subsection (a) for expenses of higher education of any individual paid during the taxable year shall be an amount equal to the sum of—

"(A) 100 percent of so much of such expenses as does not exceed $200,

"(B) 25 percent of so much of such expenses as exceeds $200 but does not exceed $500, and

"(C) 5 percent of so much of such expenses as exceeds $500 but does not exceed $1,500.

"(2) Proration of credit where more than one taxpayer pays expenses.—If expenses of higher education of an individual are paid by more than one taxpayer during the taxable year, the credit allowable to each such taxpayer under subsection (a) shall be the same portion of the credit determined under paragraph (1) which the amount of expenses of higher education of such individual paid by the taxpayer during taxable year is of the total amount of expenses of higher education of such individual paid by all taxpayers during the taxable year.

"(3) Reduction of credit.—The credit under subsection (a) for expenses of higher education of any individual paid during the taxable year, as determined under paragraphs (1) and (2) of this subsection, shall be reduced by an amount equal to 2 percent of the amount by which the adjusted gross income of the taxpayer for the taxable year exceeds $15,000.

"(c) Definitions.—For purposes of this section—

"(1) Expenses of higher education.—The term 'expenses of higher education' means—

"(A) tuition and fees required for the enrollment or attendance of a student at a level above the twelfth grade at an institution of higher education, and

"(B) fees, books, supplies, and equipment required for courses of instruction above the twelfth grade at an institution of higher education.

Such term does not include any amount paid, directly or indirectly for meals, lodging, or similar personal, living, or family expenses. In the event an amount paid for tuition or fees includes an amount for meals, lodging, or similar expenses which is not separately stated, the portion of such amount which is attributable to meals, lodging, or similar expenses shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) Institution of higher education.—The term 'institution of higher education' means—

"(A) an educational institution (as defined in section 151(e) (4))—

"(i) which regularly offers education at a level above the twelfth grade; and

"(ii) contributions to or for the use of which constitute charitable contributions within the meaning of section 170(c); or

"(B) a business or trade school, or technical institution or other technical or vocational school, in any State which (i) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations, (ii) is accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Education, and (iii) has been in existence for 2 years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subparagraph.

"(d) Special Rules.—

"(1) Adjustment for certain scholarships and veterans' benefits.—The amounts otherwise taken into account under subsection (a) as expenses of higher education of any individual during any period shall be reduced (before the application of subsection (b)) by any amounts received by such individual during such period as—

"(A) scholarship or fellowship grant (within the meaning of section 117(a)(1)) which under section 117 is not includible in gross income, and

"(B) educational assistance allowance under chapter 35 of title 38 of the United States Code or education and training allowance under chapter 33 of title 38 of the United States Code.

"(2) Noncredit and recreational, etc., courses.—Amounts paid for expenses of higher education of any individual shall be taken into account under subsection (a)—

"(A) in the case of an individual who is a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective.

"(3) Application with other credits.—The credit allowed by subsection (a) to the taxpayer shall not exceed the amount of the tax imposed on the taxpayer for the taxable year by this chapter, reduced by the sum of the credits allowable under this subpart (other than under this section and section 31).

"(e) Disallowance of Expenses as Deduction.—No deduction shall be allowed under section 162 (relating to trade or business expenses) for any expense of higher education which (after the application of subsection (b)) is taken into account in determining the amount of any credit allowed under subsection (a). The preceding sentence shall not apply to the expenses of higher education of any taxpayer who, under regulations prescribed by the Secretary or his delegate, elects not to apply the provisions of this section with respect to such expenses for the taxable year.

"(f) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Expenses of higher education.
"Sec. 41. Overpayments of tax."

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1972.

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By Mr. HOLLINGS: (for himself and Mr. Stevens):

S. 19. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion. Referred to the Committee on Public Works.

Mr. HOLLINGS. Mr. President, today, I am introducing a bill to authorize $6 million for a 5-year program to develop and demonstrate low-cost means to prevent the eradication of one of our most valuable natural resources—the ocean and the Great Lakes shorelines. This bill directs the Corps of Engineers to administer this program, and directs the Secretary of the Army to establish a 15-member shoreline erosion advisory panel which will recommend criteria for selection of demonstration sites, make periodic reviews of the program, and more importantly, suggest methods to disseminate the information learned about the shoreline erosion control devices that are developed.

The erosion of our shorelines is fast becoming a serious national problem. The U.S. Atlantic, Pacific, and Arctic coastlines total 88,633 miles, and there are 10,980 miles of U.S. coast bordering the Great Lakes. Although there is wide physical diversity of these shorelines, approximately 50 percent of the coastline is susceptible to erosion. The interest in combating this problem is, of course, shared by private landowners, conservation interests, the Federal Government, and the States. Unfortunately, rapidly intensified use of our coastal shoreline has surpassed the capabilities and the technology of private interests and local governments to properly preserve the shoreline and effectively prevent erosion.

As in most coastal and Great Lake States, my State of South Carolina has suffered many costly problems and, in many cases, irreparable harm as a result of shoreline erosion. Marine life has been altered or destroyed, navigable channels have been blocked, and land has literally been lost. Many of these problems, of course, are caused by the natural elements such as waves, tides, currents, land water drainage, and wind. Man has also caused many of these problems through the development of navigational facilities, housing sites, industrial projects, and other programs which have not taken into account the byproduct of shoreline erosion. The fight against this problem is an ancient one, and the list of attempts to combat these forces range from seawalls and dikes to more sophisticated methods of planting artificial seaweed.

While we have the technology to establish elaborate seawalls, jetties, and the like, the high cost of these methods make it impossible to use them as extensively as is necessary. Hence, the real need is for the technical expertise to employ low-cost devices and programs. Too often the technical and financial limitations have resulted in ill-advised and ineffective attempts to control erosion.

As chairman of the Subcommittee on Oceans and Atmosphere, I introduced legislation, which is now Public Law 92-583, calling for the development of management plans and programs for our coastal and estuarine zone areas in the United States. The modest effort contained in this shoreline erosion bill has already met the approval of the House and Senate during the last session of Congress, but was vetoed by the President as a part of the Omnibus Rivers and Harbors Act of 1972. The veto message indicated that the objection was not to the shoreline erosion provisions but rather to the high cost of the remainder of the bill. Also this legislation is complementary to the Coastal Zone Management Act in an overall effort to preserve, restore and develop a natural resource that we cannot afford to be irrevocably lost—the shoreline. Therefore, I ask my colleagues for favorable consideration of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 19

A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Shoreline Erosion Control Demonstration Act of 1973."

#### FINDINGS AND PURPOSE

SEC. 2. The Congress finds that because of the importance and increasing interest in the coastal and estuarine zone of the United States, the deterioration of the shoreline within this zone due to erosion, the harm to water quality and marine life from shoreline erosion, the loss of recreational potential due to such erosion, the financial loss to private and public landowners resulting from shoreline erosion, and the inability of such landowners to obtain satisfactory financial and technical assistance to combat such erosion, it is essential to develop, demonstrate, and disseminate information about low-cost means to prevent and control shoreline erosion. It is therefore the purpose of this Act to authorize a program to develop and demonstrate such means to combat shoreline erosion.

#### SHORELINE EROSION PROGRAM

SEC. 3. (a) The Secretary of the Army shall establish and conduct for a period of five fiscal years a national shoreline erosion control development and demonstration program. The program shall consist of planning, constructing, operating, evaluating, and demonstrating prototype shoreline erosion control devices, both engineered and vegetative.

(b) The program shall be carried out in cooperation with the Secretary of Agriculture particularly with respect to vegetative means of preventing and controlling shoreline erosion, and in cooperation with Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established pursuant to section 4.

(c) Demonstration projects established pursuant to this section shall emphasize the development of low-cost shoreline erosion control devices located on sheltered or inland waters. Such projects shall be undertaken at no less than two sites on the shoreline of the Atlantic, Gulf, and Pacific coasts and at not less than one site on the Great Lakes. Sites selected should, to the extent possible, reflect a variety of geographical and climatic conditions.

(d) Such demonstration projects may be carried out on private or public lands except that no funds appropriated for the purpose of this Act may be expended for the acquisition of privately owned lands. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with a non-Federal sponsor or sponsors who shall pay at least 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

#### SHORELINE EROSION ADVISORY PANEL

SEC. 4. (a) No later than one hundred and twenty days after the date of enactment of this Act the Secretary of the Army shall establish a Shoreline Erosion Advisory Panel. The Secretary shall appoint fifteen members to such Panel from among individuals who are knowledgeable with respect to various aspects of shoreline erosion, with representatives from various geographical areas, institutions of higher education, professional organizations, State and local agencies, and private organizations: *Provided,* That such individuals shall not be regular full-time employees of the United States. The Panel shall meet and organize within ninety days from the date of its establishment, and shall select a Chairman from among its members. The Panel shall then meet at least once each six months thereafter and shall expire ninety days after termination of the five-year program established pursuant to section 3.

(b) The Panel shall—

(1) advise the Secretary of the Army generally in carrying out the provisions of this Act;

(2) recommend criteria for the selection of development and demonstration sites;

(3) recommend alternative institutional, legal, and financial arrangements necessary to effect agreements with non-Federal sponsors of project sites;

(4) make periodic reviews of the progress of the program pursuant to this Act;

(5) recommend means by which the knowledge obtained from the project may be made readily available to the public; and

(6) perform such functions as the Secretary of the Army may designate.

(c) Members of the Panel of the United States shall, while serving on business of the Panel, be entitled to receive compensation at rates fixed by the Secretary of the Army, but not in excess of $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(d) The Panel is authorized, without regard to the civil service laws, to engage such technical and other assistance as may be required to carry out its functions.

#### PROGRAM PROGRESS REPORT

SEC. 5. The Secretary of the Army shall prepare and submit annually a program progress report, including therein contributions of the Shoreline Erosion Advisory Panel, to the chairman of the Senate and House of Representatives Committees on Public Works. The fifth and final report shall be submitted sixty days after the fifth fiscal year of funding and shall include a comprehensive evaluation of the national shoreline erosion control and demonstration program.

#### APPROPRIATIONS

SEC. 6. There is authorized to be appropriated for the fiscal year ending June 30, 1974, and the succeeding four fiscal years, a total of not to exceed $6,000,000 to carry out the provisions of this Act. Sums appropriated pursuant to this section shall remain available until expended.

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By Mr. PROXMIRE:

S. 20. A bill to provide that appointments to the Office of Director of the Office of Management and Budget shall be subject to confirmation by the Senate. Referred to the Committee on Government Operations.

Mr. PROXMIRE. Mr. President, I send to the desk and ask for appropriate reference of a bill to provide that the appointment to the office of Director of the Office of Management and Budget—OMB—shall be subject to confirmation by the Senate.

I have worded my bill in such a way that even it if does not become law until after Mr. Roy Ash takes on the job, Mr. Ash would have to be confirmed by the Senate before he could continue.

### OVERSIGHT THAT DIRECTOR IS NOT CONFIRMED

It is an oversight that the Director of the OMB does not have to be confirmed by the Senate. Originally he was merely a personal adviser to the President with a relatively small staff. Now that Office has grown tremendously. He no longer functions in that merely personal capacity to the President. Over time the Office has grown and grown. He now runs one of the major agencies of the Government.

### LIFE-AND-DEATH POWER OVER APPROPRIATIONS

He has life-and-death power over the appropriatons of virtually every department. In erecting the budget, subject only to the President, he determines our priorities. He has the power not only to spend, but to speed up, withhold, slow down, and impound funds. With the possible exception of the Secretary of Defense, he is the single most powerful man in the Government except the President. The Director of OMB should be confirmed by the Senate.

### IMPORTANT TO REVIEW MR. ASH'S QUALIFICATIONS

But it is even more important that the Senate review the qualifications of Mr. Roy Ash. While he has had considerable business success, great controversy also swirls around his head.

As head of Litton Industries he was in charge of two of the most wasteful and inefficient Navy contracts—the LHA and DD963 contracts—any private company has held with the Government.

His company has made claims of over $160 million against the Navy for which the Navy has allowed only a pittance. But Mr. Ash nonetheless threatened to "go to the President" on behalf of those claims. Now, as the head of OMB he is in a position inside the Government to effect those claims. Congress must inquire about that.

Furthermore, the man who protected the public interest and blew the whistle on Mr. Ash and his claims, Mr. Gordon Rule, has now been demoted and assigned an insignificant job. Meanwhile, Mr. Ash has been given power over the entire spending program of the Federal Government.

### MR. ASH HAS IRONIC ASSIGNMENT

More ironic, not only has Mr. Ash been designated as Director of the OMB but the President has also assigned him the duty to oversee a program to bring efficiency to Government.

For all these reasons I am introducing my bill. It states simply:

> That effective on the day after the date of enactment of this Act, the Director of the Office of Management and Budget (originally established by section 207, of the Budget and Accounting Act, 1921, and redesignated by section 102 of Reorganization Plan No. 2 of 1970) shall be appointed by the President by and with the advice and consent of the Senate.

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By Mr. BEALL:

S. 21. A bill to prevent the forced transportation of elementary and secondary students during the course of the school year, and for other purposes. Referred to the Committee on Labor and Public Welfare.

### CONTINUITY OF EDUCATION ACT

Mr. BEALL. Mr. President, I introduce today the Continuity of Education Act. This measure merely prevents the implementation of busing orders during the school year. It applies to all court or administrative orders not implemented at the beginning of the 1972–73 school year. It is a measure which I believe can and should be supported by all of my colleagues in the Senate.

Mr. President, recently the U.S. district court in Maryland ordered Prince Georges County, the Nation's 10th largest school system, to move approximately one-fifth of its pupil population, effective January 29, in order to achieve racial balance.

In my judgment, this decision is educationally unsound and administratively indefensible. Busing is one of the most controversial issues facing the Nation. The majority of our citizens clearly oppose forced busing to achieve racial balance. Implementation of such orders is difficult at best and becomes even more controversial when commonsense is tossed out the window. The situation in Prince Georges County underscores the need for congressional action on the busing issue during this session of Congress.

Mr. President, personally, I oppose forced busing to achieve racial balance. Children should be allowed to attend their neighborhood school and neighborhoods should be open to all people regardless of race, creed, or color.

I have repeatedly supported efforts to prevent such business. Unfortunately, all such proposals pressed in the Senate in the last Congress were defeated, some by the narrowest of margins. The administration submitted in the previous Congress legislation to establish reform guidelines and to place uniform limits on busing, but no action was taken on the proposal by the Congress. Congress cannot continue to ignore this problem. It will not go away. The judicial and administrative excesses in this area must be restrained.

While the Prince Georges County situation prompted the proposal I advance today, this is not the first occasion that I have encountered and opposed transfers and busing during the school year. I will relate to my colleagues two separate occasions, one of which had nothing to do with racial matters, involving such transfers which I successfully fought.

In the first example, I was contacted by a parochial school in Baltimore County, Md., which employed as a sixth grade teacher, a lady from the Philippines. I was advised that the Labor Department was refusing to extend this foreign teacher's alien employment certification to permit her to complete the school year. In this instance, I agreed with the principle of the Labor Department's ruling namely, that foreign citizens should not be allowed to continue to stay if there exists a surplus of qualified teachers in the United States. But, I was also concerned that the educational process of these elementary students would be harmed and that the special relationship and rapport, which everyone said existed between that teacher and her class, would be sacrificed to the detriment of the elementary children. I pleaded with the Labor Department to extend the foreign teacher's deportation. The Department, however, did not agree and I was forced to introduce legislation allowing the teacher to remain. The teacher thus was able to complete the school year and the education process of the students was uninterrupted. Upon the completion of the school year, the teacher departed for the Philippines.

The second contact I had with the problem of transfers during the school term involved Somerset County, Md. This case was unbelievable and, I think, indicative of the bureaucratic excesses, just as the Prince Georges situation reflects judicial excesses. In the Somerset County case, the school system had achieved the integration of the student body, but that was not enough, according to the Department of Health, Education, and Welfare officials. They demanded that the black-white teacher ratio in each of the county's schools equal the overall black-white teacher ratio that existed in the county, and what is more incredible, to achieve this ratio, HEW was requiring the complete transfer of teachers 9 weeks prior to the close of the school year: I immediately requested a meeting in my office with the HEW and Somerset officials. As a result of this meeting, HEW agreed to postpone the teacher transfers and delayed their implementation order until September.

As I have indicated, I personally do not favor forced busing to achieve racial balance. I have consistently voted against it in the Senate. Many of my colleagues feel otherwise. The Senate was almost evenly divided on the busing question in the last Congress. I am convinced, based on my discussions with some of the proponents of busing, that they would not support or condone decisions and the examples of the type I have cited. I also believe that Members of Congress, even if they believe in busing, want such orders to be educationally and administratively sound, with a minimum of dislocation and disruption to the educational process of the students and the school system. The Supreme Court has declared there are obvious limits to busing. One such example was when busing significantly impinged on the education process of the students. I believe that massive midyear busing is inimical to the educational process of all the students. It causes disruption and harms the continuity of the education process and breaks the special relationship and rapport teachers develop with their pupils. This is true for all students, but particularly for elementary pupils. It causes serious scheduling problems for junior and senior high school students and it increases problems of reorganizing special compensatory education programs for disadvantaged children, as well as other real and practical problems such as a catastrophic effect on extra curricular activities. It should be pointed out that, although academic considerations are primary, extracurricular activities are also very important not only to the development of a cohesive and unified school spirit, but also to the development of the child as an individual and in his relationship to his classmates. Under midyear busing orders, the players of a basketball team would be dispersed among different schools and the spirit that took almost an entire season to develop would be lost. Yearbook and newspaper staffs and other club and class activities will be disrupted.

In addition, midterm busing orders could hamper the growth of the individual student who has established himself in an extracurricular activity and at this point in time has gained confidence as a member of a particular peer group and is suddenly uprooted from his social grouping to be placed in an alien atmosphere.

Not only is this harmful to the student, but it is also inconvenient to parents and pupils alike. Granted, some of these problems are presented when the order takes effect at the commencement of the school year; nevertheless, midterm orders, to borrow an old expression, are like "throwing salt on a wound." I believe that when courts rule they should attempt to minimize the inherent problems, not magnify them, as would be the case with a midyear effective date.

I want to make a special plea to the citizens of Prince Georges County. I know that there is no greater concern for any parent than that his youngster receive the best possible education.

I know that many parents have purchased the home in which they are now living only after surveying the schools nearby. They had every right to believe that their son or daughter would attend this neighborhood school. I, like the majority of the citizens in Prince Georges County, still believe that the neighborhood school concept is a valid one. I do urge the citizens of Prince Georges County to keep their "cool" notwithstanding their strenuous opposition to the court's decision. We are a nation of laws and we must abide by that process and work within the system to correct abuses or excesses.

Finally, as a member of the Education Subcommittee, I want to reiterate a concern that I share with respect to the busing issue. I am deeply bothered that the controversy over busing is preventing us from addressing the great educational deficiencies and needs that exist in many of the schools in this country. I believe that there would be public support for correcting such deficiencies and doing, in general, what is necessary to make certain that all our schools are quality schools. Yet, too much of our energy and effort is being centered and dissipated on the busing issue rather than focusing on quality education.

I strongly urge my colleagues, no matter what their position on the busing issue, to join with me in this small step to eliminate what I regard as a clear excess in this area and to make certain that all of our students might be able to have an education that is not disrupted in the middle of the school year.

Mr. President, it is imperative that Congress move quickly on this proposal. Time is of the essence in order to prevent educationally and administratively unsound midyear busing. Under the court's decision, Prince Georges County is required to implement its plan on January 29. It is my understanding that there are other school districts facing similar midyear busing orders.

Congress, at the very least, should move to prevent the disruption of the education process by requiring that judicial and administrative orders commence at the beginning of a school year.

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By Mr. AIKEN (for himself, Mr. ALLEN, Mr. SPARKMAN, Mr. TALMADGE, and Mr. HUMPHREY):

S. 22. A bill to establish a system of wild areas within the lands of the national forest system. Referred to the Committee on Agriculture and Forestry.

### THE NATIONAL FOREST WILD AREAS ACT OF 1973

Mr. AIKEN. Mr. President, I join today with Senators TALMADGE, ALLEN, SPARKMAN, and HUMPHREY in introducing the National Forest Wild Areas Act of 1973.

The Senate will recall that on September 26, S. 3973, the National Forest Wild Areas Act of 1972, was passed. There was no action in the House, so this measure died with the 92d Congress.

The draft of the bill that we are introducing today reflects discussions over the last several months with the Forest Service, conservation groups, and representatives of the forest products industry. We are introducing it today and expect hearings will soon begin.

As in S. 3973, this new draft of the National Forest Wild Areas Act of 1973 makes it clear that none of the areas designated as a wild area will meet the criteria for "wilderness" as set forth in section 2(c) of the Wilderness Act. In other words, this legislation is not an attempt to turn potential wilderness areas into wild areas, a matter that I know has been of concern to many.

Rather it is an attempt to protect certain areas in the eastern national forest system from commercial exploitation.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis of the bill be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

### S. 22

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, that this Act may be cited as "The National Forest Wild Areas Act of 1973."

### TITLE I

### STATEMENT OF FINDINGS AND ESTABLISHMENT OF A WILD AREA SYSTEM

SEC. 101. (a) Congress hereby finds that:

(1) In the eastern portion of the United States, containing the majority of the nation's population, there is but a small portion of the nation's publicly owned land;

(2) The national forest system represents a major federally owned land area in the Eastern United States;

(3) There is a growing need for the broad range of recreational opportunities which can be provided within the national forest system, within the framework of the purposes and objectives of the Weeks Act of March 1, 1911 (36 Stat. 961), as amended (16 U.S.C.) and the Multiple Use and Sustained Yield Act of June 12, 1960 (74 Stat. 215, 16 U.S.C. 528–31).

(4) Among these opportunities is the opportunity for present and future generations to enjoy primitive recreation in a spacious, natural and wild setting.

(5) The eastern national forests have been acquired largely from private ownership and have been subject for the most part to highly developed works of man; however, there exists within the national forest system areas which have been restored or are in the process of restoration to a near natural condition and which appear predominantly primitive and undisturbed in character.

(6) Statutory designation as wild areas of certain lands within the national forest system affording such opportunities is consistent with the Multiple Use Sustained Yield Act of 1960 and the Wilderness Act of 1964.

(b) In accord with these findings there is hereby created a system of federally owned, national forest wild areas designated by Congress within the national forest system, east of one hundredth meridian to be managed by the Secretary of Agriculture (hereinafter referred to as the "Secretary") as a part of the national forest system. Areas designated under this Act shall be known as wild areas and shall be administered to restore, maintain, and protect the natural, primitive, and wild character of the areas for public recreational use and enjoyment and for scientific, and educational purposes by present and future generations of the American people.

No area shall be designated as a wild area except as provided for in this Act or a subsequent Act.

### DEFINITION

SEC. 102. (a) The term "wild area" as used in this Act is an area primarily primitive and natural in character although man and his works may have been present or are present, and wherein the marks of man's activities are subject to restoration to the appearance of a predominantly primitive and natural condition; is large enough so that the primitive and natural values can be preserved; and the area provides outstanding opportunities for public use and enjoyment in a primitive setting.

### ESTABLISHMENT OF AREAS

SEC. 103. (a) The following areas, as generally depicted on maps appropriately referred and available for public inspection in the office of the Chief, Forest Service, USDA, are hereby designated as components of the National Forest Wild Areas System:

*Area, State and national forest*

1. James River Face, Virginia, Jefferson.
2. Gee Creek, Tennessee, Cherokee.
3. Ramsey's Draft, Virginia, George Washington.
4. Beaver Creek, Kentucky, Daniel Boone.
5. Ellicott's Rock, South Carolina, Sumpter.
6. Lye Brook, Vermont, Green Mountain.
7. Bristol Cliffs, Vermont, Green Mountain.
8. Rainbow Lake, Wisconsin, Chequamegon.
9. Presidential Range, New Hampshire, White Mountain.
10. Rock Pile Mountain, Missouri, Clark.
11. Big Island Lake, Michigan, Hiawatha.
12. Hercules, Missouri, Mark Twain.

(b) The Secretary shall within one year from the date of this Act establish detailed boundaries and plans for each component designated in subsection (a) of this section; said boundaries and plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and Speaker of the House of Representatives.

(c) The following areas are selected as study areas for potential addition to the National Forest Wild Areas System:

### "STUDY" WILD AREAS

*Area, State, and national forest*

1. Alexander Springs, Florida, Ocala.
2. Kisatchie Hills, Louisiana, Kisatchie.
3. Saline Bayou, Louisiana, Kisatchie.
4. Big Slough, Texas, Davy Crockett.
5. Chambers Ferry, Texas, Sabine.
6. Belle Starr Cave, Arkansas, Ouachita.
7. Dry Creek, Arkansas, Ouachita.
8. Mountain Lake, Virginia, Jefferson.
9. Mill Creek, Virginia, Jefferson.

10. Peters Mountain, Virginia, Jefferson.
11. Big Frog, Tennessee, Cherokee.
12. Yellow Cliff, Kentucky, Daniel Boone.
13. Pocosin, North Carolina, Croatan.
14. Craggy Mountain, North Carolina, Pisgah.
15. Wambau, South Carolina, Francis Marion.
16. Sturgeon River, Michigan, Ottawa.
17. Rock River Canyon, Michigan, Hiawatha.
18. Bell Mountain, Missouri, Clark.
19. Whisker Lake, Wisconsin, Nicolet.
20. Round Lake, Wisconsin, Chequamegon.
21. Flynn Lake, Wisconsin, Chequamegon.
22. LaRue-Pine Hills, Illinois, Shawnee.
23. Lusk Creek, Illinois, Shawnee.
24. Hickory Creek, Pennsylvania, Allegheny.
25. Tracy Ridge, Pennsylvania, Allegheny.
26. Clear Fork, Ohio, Wayne.
27. Kilkenny, New Hampshire, White Mountain.

(d) The Secretary shall within five years from the date of this Act, send to the President his recommendations concerning the study areas selected in subsection (c) of this section. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as a "wild area" of each area submitted. Each recommendation of the President for designation of an area as a "wild area" shall become effective only if so provided by an Act of Congress.

(e) To the extent practicable, those study wild areas selected in subsection (c) of this section shall be managed in accordance with section 104 of this Act until the President has either recommended their incorporation into the National Forest Wild Areas System, or has recommended against their inclusion in his annual message to Congress, in accordance with section 110 of this Act.

(f) The Chief of the Forest Service shall review within five years from the date of this Act, in a systematic fashion and with full opportunity for public involvement, and as an integral part of national forest land use planning under the Multiple-Use-Sustained Yield Act of 1950, the opportunities for designation of wild areas in each of the eastern national forests, and shall select as new study areas those lands he believes contain the potential to be added to the National Forest Wild Areas System as new designated wild areas, or as additions to existing designated wild areas or already selected study wild areas.

(g) The Secretary shall, within two years of any selection made in accordance with subsection (f) of this section, send to the President his recommendations concerning such selected areas. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to the designation as a "wild area" of each area submitted. Each recommendation of the President for designation of an area as a "wild area" shall become effective only if so provided by an Act of Congress.

(h) To the extent practicable, these areas selected in subsection (f) of this section shall be managed in accordance with section 104 of this Act until the President has either recommended their incorporation into the National Forest Wild Areas System, or has recommended against their incorporation in his annual message to Congress, in accordance with section 110 of this Act.

(i) Prior to the submission of recommendations in any area provided for in subsections (c) and (f) of this section the Secretary shall make a specific determination that the area recommended for "wild area" classification does not meet the criteria for wilderness as set forth in section 2(c) of the Wilderness Act. Such determination shall be contained in the report accompanying each proposal provided for in subsection (j) of this section.

(j) The Secretary's recommendations for each study area as provided in subsections (d) and (g) of this section shall be accompanied by a report including maps and illustrations showing among other things the boundaries of the study area; the characteristics which make or do not make the area worthy for classification as wild area, including scenic, natural and wild attraction of the area, restorability of the area to near natural conditions, current and expected patterns of landownership, and surface and subsurface rights not held or controlled by the public; foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the wild area system; the environmental, economic and social consequences of designation as a wild area; the interrelationship of the classification of a wild area to the total management of the particular National Forest under the applicable multiple use management plans.

(k)(1) Prior to submitting any recommendations to the President with respect to the suitability of any area for designation as a wild area the Secretary shall:

(A) give such public notice of the proposed action as he deems appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

(B) hold a public hearing or hearings at a location or locations convenient to the area affected and in the nearest large metropolitan area. The hearings shall be announced through such means as the Secretary deems appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: *Provided*, That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

(C) at least thirty days before the date of a hearing advise the Governor of each State, the governing board of each county, parish, town, and municipality in which the lands are located, the governing board of each appropriate substate multijurisdictional general purpose planning and development agency that has been officially designated as a clearinghouse agency under Office of Management and Budget Circular A–95, and the governing board of each appropriate established environmental protection district, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by no later than thirty days following the date of the hearing.

(2) Any views submitted to the Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

(1) Any modification or adjustment of boundaries of any wild area shall be recommended by the Secretary after public notice of such proposal and public hearing or hearings as provided in subsection (k) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the U.S. Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only if so provided by an act of Congress.

### ADMINISTRATION

SEC. 104(a). The Secretary shall administer units of the wild area system in accord with the following provisions:

(1) Primitive, natural, and wild conditions will be restored, maintained, and protected to provide for public use and enjoyment for recreation, scientific, and educational purposes in a natural setting free from the activities and highly developed works of man, wherein natural attractions prevail in an atmosphere of spacious solitude.

(2) Public use shall be permitted consistent with the ability of the area to support such use and retain its primitive, natural and wild characteristics.

(3) Subject to existing private rights there shall be no permanent road within any wild area designated by this Act and, except as necessary to meet the minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

(4) Within wild areas designated by this Act such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(5) No timber stand modification shall be permitted except as provided for in subsection (4).

(6) No grazing of domestic livestock shall be allowed except riding stock where permitted.

(7) No commercial services shall be allowed except those necessary to achieve the purposes of the Act.

(b) The Secretary shall prepare a management plan for each unit of the wild area system in accordance with the Act, utilizing a multidisciplinary approach and providing for appropriate public involvement.

### ACQUISITION

SEC. 105. (a) Within areas of the wild area system, the Secretary may acquire by purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise, such lands, waters, or interests therein as he determines necessary or desirable for the purpose of this Act. All lands acquired under provisions of this section shall become national forest lands.

(b) In exercising the exchange authority granted by subsection (a) of this section, the Secretary may accept title to non-Federal property for federally owned property located in the same State, of substantially equal value, or if not of substantially equal value, the value shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require.

(c) The head of any Federal department or agency having jurisdiction over any lands or interests in lands within the boundaries of any wild area is authorized to transfer to the Secretary jurisdiction over such lands for administration in accordance with provisions of this Act.

### MINERALS

SEC. 106. Subject to existing valid claims, federally owned lands within units of the wild area system are hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing or disposition of mineral materials.

SEC. 107. The Secretary shall permit hunting, fishing, and trapping on the lands and waters under his jurisdiction within wild areas in accordance with applicable Federal and State laws; except that the Secretary may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulations pursuant to this section shall be issued only after consultation with the wildlife agency of the State or States affected.

SEC. 108. The Secretary shall cooperate with the States and political subdivisions thereof in the administration of wild areas and in the administration and protection of lands within or adjacent to the wild area owned or controlled by the State or political subdivision thereof. Nothing in this Act shall deprive any State or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the wild area, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the wild area.

SEC. 109. Citizen's Advisory Committee.

(a) The Secretary shall establish National Forest Wild Areas Citizen's Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the National Forest Wild Areas System. Such Committee shall be composed of nine persons who are not regular employees of the Federal Government.

(b) Members of the Committee shall serve for three years, except that one-third of the initial appointees shall serve for three years, one-third for two years, and one-third for one year. The Committee shall appoint a Chairman and such other officers as it wishes.

(c) The Committee shall meet not less often than two times every year.

(d) Members of the Committee while serving on the business of the Committee, including travel time, may receive compensation at rates not exceeding $100 per diem; and while serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence.

SEC. 110. Annual report.

At the opening of each session of Congress, the Secretary shall report to the President for transmission to Congress on the status of the National Forest Wild Areas System, including:

(1) descriptions of those selected study wild areas that are recommended for designation as components of the System, in accordance with the procedures specified in Section 103(j) of this Act;

(2) descriptions of those portions of selected study wild areas that are recommended not be included within the System, together with the reasons for said recommendation;

(3) the recommendations, if any, made by the National Forest Wild Areas Citizen's Advisory Committee during the preceding year;

(4) a list and description of the Areas in the System, regulations in effect, and such other pertinent information and recommendations as he cares to make.

SEC. 111. The Secretary is authorized to make such rules and regulations as he deems necessary to carry out the purposes of this Act.

## TITLE II

### ESTABLISHMENT OF THE SIPSEY WILD AREA WITHIN THE BANKHEAD NATIONAL FOREST, STATE OF ALABAMA, AND FOR OTHER PURPOSES

SEC. 201. Congress hereby finds that the Sipsey Area of the Bankhead National Forest, as described herein, is an area of national forest land which, although once subject to the works and activities of man, has been restored or is in the process of restoration to a predominantly primitive and natural condition, appears predominantly primitive and undisturbed in character, and is chiefly valuable for the purpose of providing present and future generations primitive recreation opportunities in a spacious, scenic, natural, and wild setting, removed from activities and highly developed works of man. In order to provide permanent protection and enhancement of the resource values which contribute to public enjoyment of said area, and to provide an equal or greater degree of protection than could be afforded if the area were qualified and part of the national wilderness preservation system, there is hereby established the Sipsey Wild Area within the Bankhead National Forest, State of Alabama. The Sipsey Wild Area shall consist of approximately twelve thousand acres as shown on a map entitled "Proposed Sipsey Wild Area" dated September 1972, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture and to which is attached and hereby made a part thereof a description of the exterior boundaries. The Secretary may by publication of a revised map or description in the Federal Register correct clerical or typographical errors in said map or description.

SEC. 202. The administration, protection, and management of the Sipsey Wild Area shall be by the Secretary of Agriculture as a part of the national forest system and the Bankhead National Forest and shall be in accord with the provisions of title I of this Act, except that the management plan for the Sipsey Wild Area shall provide that there shall be no commercial enterprise and no permanent road within such area and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), and that there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

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## SECTION-BY-SECTION ANALYSIS

### TITLE I

Section 101(a) expresses Congressional findings that the eastern United States contains the majority of the nation's population but only a small portion of the publicly owned land; the national forest system represents the major federally owned land in this area; there is a growing need for recreational opportunities within the national forest system within the framework of the purposes and objectives of the laws under which the nation's forests were acquired and are administered, among which is the opportunity for present and future generations to enjoy primitive recreation in a spacious, natural and wild setting; there exist within the eastern national forests areas which have been restored or are in the process of restoration to a near natural condition and which appear predominantly primitive and undisturbed in character; and statutory designation of wild areas within the national forest system will be consistent with the Multiple-Use-Sustained Yield Act of 1960 and the Wilderness Act of 1964.

Section 101(b) creates a system of wild areas designated by Congress within national forests east of the 100th Meridian to be administered by the Secretary of Agriculture as a part of the national forest system.

The areas designated as wild areas would be administered to restore, maintain, and protect the natural, primitive, and wild character of the areas for public recreational use and enjoyment and for scientific and educational purposes by present and future generations of the American people.

Section 102 defines "wild area" as an area of outstanding beauty, primarily primitive and natural in character, wherein any past works of man are subject to restoration, large enough so that primitive values can be preserved, and providing outstanding opportunities for public use and enjoyment in a primitive setting.

This section in effect recognizes and affirms the distinction that wild areas can be subject to restoration to a primitive and natural condition, while wilderness areas which are part of the National Wilderness Preservation System must be basically unspoiled by man.

Section 103(a) specifically designates twelve areas as components of the National Forest Wild Areas System. These areas are generally depicted on maps appropriately referred and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture.

Section 103(b) provides that within one year from the date of this Act the Secretary shall establish detailed boundaries and plans for each wild area designated in subsection (a). These boundaries and plans must be published in the Federal Register and will not become effective until ninety days after being forwarded to the Senate and the House of Representatives.

Section 103(c) designates certain study areas for potential addition to the National Forest Wild Areas System.

Section 103(d) requires the Secretary to send to the President his recommendations concerning the study areas selected in subsection (c) within five years from the date of this Act. The President then advises the Senate and House of Representatives which may designate an area as a wild area.

Section 103(e) provides that, to the extent practicable, the study wild areas selected in subsection (c) shall be managed in accordance with Section 104 until the President either recommends their incorporation into the National Forest Wild Areas System or recommends against their inclusion.

Section 103(f) provides for review within five years from the date of this Act by the Chief of the Forest Service with opportunity for public involvement of the opportunities for designation of wild areas in each of the eastern national forests and selection as new study areas those lands which contain the potential to be added to the National Forest Wild Areas System as new designated wild areas or as additions to existing designated wild areas or already selected study wild areas.

Section 103(g) provides that within two years of any selection made in accordance with subsection (f) the Secretary shall send his recommendations concerning such selected areas to the President. The President then advises the Senate and House of Representatives of his recommendations, and designation of an area as a wild area may be effective only if so provided by an act of Congress.

Section 103(h) provides that, to the extent practicable, the areas selected in subsection (f) shall be managed in accordance with Section 104 until the President either recommends their incorporation into the National Forest Wild Areas System or recommends against their inclusion.

Section 103(i) requires the Secretary, prior to the submission of recommendations under subsections (c) and (f), to make a specific determination that the area recommended for "wild area" classification does not meet the criteria for wilderness as set forth in Section 2(c) of the Wilderness Act.

Section 103(j) requires the Secretary to accompany his recommendations for each study area as provided in subsections (d) and (g) with a report setting forth specific information regarding, among other things, the characteristics of the area which make or do not make it worthy for classification as a wild area; the patterns of landownership and surface and subsurface rights; the environmental, economic and social consequences of designation as a wild area; and the interrelationship of the area to the total management of the particular national forest.

Section 103(k) requires the Secretary, prior to submitting any recommendation to the President regarding the designation of an area as a wild area, to provide an opportunity for public involvement in the review process by giving public notice of the proposed action in the Federal Register and a newspaper having general circulation in the area of the affected land and by holding a public hearing at a location convenient to the area affected.

At least thirty days prior to a hearing the Secretary must advise the Governor of each state and officials of local governmental units in which the lands are located, and interested federal agencies, multijurisdictional planning and development agencies and environmental protection districts, and invite such officials and agencies to submit their views on the proposed action.

Any views submitted pursuant to this subsection shall be included in any recommendation to the President and Congress with respect to such area.

Section 103(1) provides that the Secretary may recommend modification or adjustment of boundaries of any wild area after public notice of such proposal and public hearings as provided in subsection (k). The recommendations, together with a map and description of the modification or adjustment must be transmitted to the President who shall advise the Senate and House of Representatives of his recommendations, and the modification or adjustment shall become effective only if so provided by an act of Congress.

Section 104 prescribes how wild areas will be administered. It authorizes public use consistent with the ability of the area to support such use, prohibits commercial enterprise, permanent roads, timber harvesting, limits temporary roads, motors, and structures or installation to those necessary to meet minimum requirements for the administration of the area (including measures required in emergencies involving the health and safety of persons within the area), and permits necessary measures for the control of fire, insects, and diseases.

This section leaves no doubt that the management objective will be preservation of primitive and natural values rather than development. The management prescribed parallels that of the Wilderness Act and is stronger for protection in some cases.

Section 105 authorizes Federal acquisition of private in-holdings by donation, purchase, gift, exchange, transfer, or condemnation.

This section allows condemnation of private land in some cases in wild areas. This is extremely important to protect the wild areas system from destructive developments on interior private lands. The Eastern National Forests average about 50 percent private land and ownership of minerals under Federal land is about 50 percent private. The Wilderness Act allows condemnation only if specifically authorized by the Congress.

Section 106 withdraws, subject to existing valid claims, all federally owned lands from all forms of appropriation and disposition under the mining and mineral leasing laws.

Section 107 permits hunting, fishing, and trapping in accordance with Federal and State laws.

This section continues the practices now in effect on National Forest System lands. The Secretary of Agriculture may designate zones and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment.

Section 108 affirms the state and political subdivision right to civil and criminal jurisdiction and its right to tax within the wild areas.

This continues standard relations in regard to National Forest System lands.

Section 109 directs the Secretary of Agriculture to establish a National Forest Wild Areas Citizen's Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the wild areas system. The Committee shall be composed of nine persons who are not employees of the Federal Government. Each member shall serve for three years and the Committee will meet not less than two times a year.

Section 110 directs the Secretary to report annually to Congress portions of study areas which are recommended or not recommended for inclusion in the System. Any recommendations made by the Citizen's Advisory Committee must also be included in this report.

Section 111 authorizes the Secretary of Agriculture to make such rules and regulations as necessary to carry out the Act.

### TITLE II

Section 201 establishes the Sipsey Wild Area of approximately 12,000 acres within the Bankhead National Forest in Alabama. This section assures permanent protection and enhancement of the resource values which contribute to the public enjoyment of said area. It also provides an equal or greater degree of protection than could be afforded if the area were qualified as part of the National Wilderness Preservation System.

Section 202 provides that the administration, protection, and management of the Sipsey Wild Area shall be by the Secretary of Agriculture and shall be in accord with the provisions of Title I of this Act, except that the management plan for the Sipsey Wild Area shall provide that there shall be no commercial enterprises and no permanent road within such area and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area) and that there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

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### By Mr. HARRY F. BYRD, JR:

S. 23. A bill to limit the amount of personal funds an individual may contribute to candidates for Federal office in connection with the campaigns of those candidates. Referred to the Committee on Rules and Administration.

Mr. HARRY F. BYRD, JR. Mr. President, I send to the desk a bill and I ask that it be printed and appropriately referred.

Mr. President, this legislation would limit the total contribution that can be made by any individual in a campaign for Federal office. The ceiling I am proposing is $25,000. This legislation is virtually identical to legislation introduced in the last session of Congress by the distinguished former Senator from Kentucky (Mr. Cooper) and me.

Mr. President, it is important that we impose a ceiling on the sums that individual citizens can put into campaigns. This applies to the campaigns conducted by candidates of both political parties. It is not a partisan issue. Campaign spending has gone beyond all reasonable bounds. One way to limit campaign spending is to limit the amount individuals may contribute to a particular candidate.

In some instances wealthy individuals have contributed hundreds of thousands of dollars to political campaigns by dividing their donations among a multiplicity of committees. One man in Texas was reported to have contributed $300,000 to the primary campaign of an aspirant for the Democratic presidential nomination. Later, he gave $275,000 to the campaign of the Republican candidate for President.

I point to this case to emphasize that this is not a party issue.

Other enormous contributions have been reported in connection with the presidential campaign of 1972. Counting the gifts of the gentleman from Texas to whom I just referred, a total of five persons made contributions aggregating more than $3 million.

Contributions of $1 million, $800,000, and $300,000 were reported to have been made to the campaign of President Nixon, and one individual reportedly contributed $375,000 in support of Senator McGOVERN.

I think it is bad for the country when such huge sums are plowed into political campaigns. Enormous sums, spent by individuals in campaigns, in my view constitute a threat to the democratic process.

Let us tighten up our laws dealing with campaign contributions, so that big concentrations of wealth do not become big concentrations of political power.

I think there is a real danger that wealth may become too great a factor in determining the success or failure of political candidates.

I support the position of the distinguished majority leader, Senator MANSFIELD, as set forth in his statement to the Democratic Conference on Wednesday.

Senator MANSFIELD said:

> In my judgment, both Congressional and Presidential campaigns are too repetitive, too dull and too hard on candidates and electorate. Most serious, the factor of finance begins to overshadow all other considerations in determining who runs for public office and who does not, in determining who gets adequate exposure and who does not. It is not healthy for free government when vast wealth becomes the principal arbiter of questions of this kind. It is not healthy for the nation, for politics to become a sporting game of the rich.

A reasonable restriction on individual political contributions, such as I have proposed today, will represent a major step toward restricting the power of wealth in politics.

During the last days of the 92d Congress, former Senator John Sherman Cooper of Kentucky and I cosponsored an amendment to a campaign contributions bill which would have had the effect of limiting individual donations to campaigns. This legislation was not acted upon by the Senate, but with the convening of this new Congress we have a fresh opportunity to impose a reasonable ceiling on big campaign contributions.

I hope we will take that opportunity. I think establishment of a reasonable limit on individual political campaign contributions will help strengthen the confidence of the public in our electoral process and our democratic institutions.

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### By Mr. BIBLE:

S. 24. A bill granting the consent and approval of Congress to the California-Nevada Interstate Compact. Referred to the Committee on the Judiciary.

### CALIFORNIA-NEVADA INTERSTATE COMPACT

Mr. BIBLE. Mr. President, I introduce for appropriate reference a bill to grant the consent and approval of Congress to the California-Nevada Interstate Compact.

I introduced this measure in the 92d Congress at the request of the Nevada members of the California-Nevada Interstate Compact Commission. The bill was not acted on in the last Congress, and pursuant to that request I am reintroducing the legislation in the hope that it can be reached for consideration at an early date.

By Mr. MOSS:

S. 25. A bill to provide for the establishment of the Great Salt Lake National Monument, in the State of Utah, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### GREAT SALT LAKE NATIONAL MONUMENT

Mr. MOSS. Mr. President, I am today introducing a bill which would establish a Great Salt Lake National Monument on Antelope Island in Utah's unique inland sea.

The national monument would occupy all of the island with the exception of the 2,000 acres at the northern end of which the State of Utah has been developing as a State park.

When I first came to Congress in 1959, I set as one of my goals the proper utilization of the Great Salt Lake—preservation of its scenic, scientific, and historic values with accessibility for visitors along with continued commercial development of the brines and minerals of the lake. Beginning with the 86th Congress, and in each succeeding Congress, I introduced either national park or national monument bills, on which extensive hearings have been held in both Utah and Washington. In the 90th Congress, my Great Salt Lake Monument bill passed the Senate, but died in the House.

Along the way, Congress has legislated on the relicted land problem on the shore, to resolve the commercial development objective. It has yet to legislate on the scenic and recreation usage of the lake.

But, the hearings held on my bills reawakened interest in Utah and in development of Great Salt Lake. Residents of the State recognized that the remarkable scientific, historic, and recreational potential of the lake was not being realized, and asked that something be done to make these values available to Utahans and to visitors who come from far and near to view and marvel at the Great Salt Lake.

In 1963, the Utah State Legislature established a Great Salt Lake Authority to recommend usage of the lake and its shores and islands. Later, in the absence of Federal development, the State Park and Recreation Department secured a lease of the northern 2,000 acres of the island and started to develop a State park. Some progress has been made although the State park is still somewhat primitive. A boat ramp has been installed and a marina completed. Six miles of scenic drive have been constructed. Wells have been dug which indicate potable water is available, although the State hauls fresh water from the mainland. Two rangers live on the island with their families and interpret the area for the visitors. The park is open year round, and last year was visited by some 200,000 people.

A 7-mile causeway has been built to a graveled road standard from the eastern shore of the Great Salt Lake. It has not yet been improved to final design standard, and spring rains cause annual washouts.

The Utah Park and Recreation Department will ask the Utah State Legislature, which is now meeting in biennial session for a $20 million revolving fund for State park development, some $5½ million of which will be designated for the development of the State park on Antelope Island. It has always been the objective of the State that any development of road and recreation facilities which is undertaken on the north end of the island be fully compatible, and of equal standard, with the development which the Federal Government would undertake in establishing the national monument. Thus the island would be developed as a unified whole, and its full potential reached at long last.

I hope that as soon as the Utah State Legislature completes its work, and we know what the future plans are for the north end of the island, the Senate Parks and Recreation Subcommittee will schedule hearings on my bill to establish the Great Salt Lake National Monument, so we can move ahead with the task of preserving, and making accessible to all of our people, this most unusual island in Utah's dead sea.

Antelope Island is truly worthy of national monument status. It offers a superb platform from which to see and interpret this unique and scenic lake and its physical history.

The wave-carved terraces from different stages of ancient Lake Bonneville are visible. In addition, there are magnificent views of Great Salt Lake and the other islands and promontories and mountain ranges that stand in and around the basin. The restricted but fascinating lake life, including reeflike algae deposits, and the products of evaporation can readily be interpreted from the island base.

It is also easy to visualize, from the island, the effect of Great Salt Lake, both as a barrier and as a magnet for fur trappers, explorers, Mormon pioneers, and the railroad builders, all major features of the story of America's westward expansion. Promontory Range can be seen. This is the place on which the golden spike was driven in 1869, linking the east and west coasts by transcontinental railroad. Built on the island in 1849 stands the oldest house in Utah, still used for its original purpose as a ranchhouse. It nestles in a grassy grove of trees around the island's largest spring.

Let me quote to you the Department of the Interior's conclusion as to scientific significance:

> Scientific significance is the hallmark of the National Monument caliber for any feature, site or area. On this basis, Antelope Island merits National Monument status in its own right. The Island as a whole comprises a complete topographical unit and it is the record of the drama of earth history which circumscribes the Island from its present shoreline to the crests and promontories standing as much as 2,400 feet above the surface of Great Salt Lake. These are factors which contribute to the scientific significance of Antelope Island. It is doubtful whether any other location surpasses Antelope Island as a scientific exhibit of the story of Great Salt Lake and its ancestral lakes and as a place for its observation, study and enjoyment by visitors.

The State now leases 2,000 acres from the owner of the island which is nearly all in single ownership. The establishment of the monument would require acquisition of the entire island along with relicted land left exposed by the receding waters and extending to a band of water around the island.

Mr. President, the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments recommended in 1963 that Antelope Island, or a portion of it, be authorized for establishment in the national park system.

I introduce for appropriate reference, a bill to provide for the establishment of the Great Salt Lake National Monument in the State of Utah, and for other purposes.

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By Mr. MOSS:

S. 26. A bill to provide for the establishment and administration of the Canyon Country National Parkway in the State of Utah, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### CANYON COUNTRY NATIONAL PARKWAY

Mr. MOSS. Mr. President, I am again introducing my bill to establish a Canyon Country National Parkway through southeastern Utah from Arizona to Colorado. The bill was before the 89th, 90th, 91st, and 92d Congresses, but no action was sought for several reasons.

The first and most important reason was that the Canyon Country Park bill was drafted as part of a recreational development package—as a companion piece to two other measures I had introduced, the first to expand the boundaries of Canyonlands National Park and the other to establish by law the Glen Canyon National Recreation Area. Since the proposed parkway would skirt the boundaries of both the national park and the national recreation area, it did not seem practical to consider the parkway bill until the other two were enacted.

Now, as my colleagues know, the Congress has completed action on the first two bills of the package, and the boundary questions have been settled. This clears the parkway bill for consideration.

The second reason I have not pushed the parkway bill in the past is that the Four Corners Regional Commission, which embraces all of the counties through which the parkway would run, has had under preparation a development plan which includes consideration of both the recreation potential and the communications problems—particularly the road and highway needs—of the area. I felt that the conclusions reached in these studies, and the recommendations made, would be of inestimable value in considering the parkway bill.

The development plan of the Four Corners Regional Commission has now been completed and published, and its conclusions are available for background information and consideration in the hearings. So the second reason for holding up the parkway bill has been removed, and the bill is now ready for action.

The Four Corners studies strengthen my conviction that a desert parkway of the type envisioned in the bill is desirable. The parkway would connect the spectacular Glen Canyon Dam with the Canyonlands National Park and the Colorado National Monument. It would traverse what is perhaps the world's most scenic areas, much of which is now accessible only by packhorse.

Let me read to you a description of the recreation resources of the region as outlined in the Four Corners development plan, since much of it is directly applicable to the area in question:

> The Region benefits from abundant natural beauty and a variety of scenic attractions. Numerous mountain ranges, canyons, national forests, state and national parks and monuments, rivers, reservoirs and dams, natural lakes, Indian areas and other allurements provide the Region with a unique set of recreational resources. These, combined with a generally favorable climate, result in a high potential for further development of recreation activities. * * * There is widespread distribution of mountains, canyonlands, and national parks and monuments in the Region and the four states. There are state parks, water recreation areas, Indian areas and other attractions. * * * There are many bodies of water in the Region and sites suitable for boating, water skiing, fishing and swimming. * * *
>
> Many of these recreational advantages are partially offset by some disadvantages. The most important disadvantages are: (1) remoteness from large national population centers, (2) the distance between major attractions in the Region, (3) inadequate development of a highway system linking recreational activity areas, (4) the limited number and quality of accommodations and related facilities and (5) lack of sufficient recreational investment capital. Currently, a number of potential tourists drive through the Region without overnight stays, or with the minimum of delay enroute to and from more accessible or accommodating vacation areas.

With the construction of roads and highways, and the opening up of more of the area to tourists, the number and quality of accommodations would increase, of course, as would the economic well-being of the region. So the parkway would be compatible with the Four Corners development plans and goals in every way.

The parkway would run in a northeasterly direction paralleling the north shore of Lake Powell through the Glen Canyon recreation area for about 100 miles, with connecting spurs out into the recreation area to special points of interest. It would skirt, or perhaps cut across, the northwest corner of Canyonlands National Park and traverse the recreation area west of the Maze. Along the northern boundary of Canyonlands, the road would swing eastward across the Green River and down to the Colorado River near the town of Moab, Utah. It would then proceed northeastward along the bank of the Colorado River to the vicinity of "Dewey Bridge" where it would cross the Dolores River. The route would continue through Glade Park and reach a terminus on route I-70 at Grand Junction, Colo. The entire parkway would total about 400 miles.

There is no direct connecting link between the Lake Powell area and the Canyonlands area. Nor is there any way to cross the interesting country north of Canyonlands, and to see the scenery along the Colorado River north and east of Moab. A road which would allow tourists to drive along Lake Powell to Canyonlands National Park would allow them to enjoy both attractions in one trip, and then, if they wished, to enjoy the splendors of the upper reaches of the Colorado and the Colorado Monument. As a scenic drive, the Canyon Country Parkway would be unparalleled anywhere.

Mr. President, enactment of my bill would be a long step toward making some of the most spectacular scenery in the country more accessible to the people of Utah and the country as a whole, and I am hopeful that hearings can be held at an early date on the measure to establish and administer the Canyon Country National Parkway.

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By Mr. MOSS:

S. 27. A bill to establish a Department of Natural Resources and Environment. Referred to the Committee on Government Operations.

### DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

Mr. MOSS. Mr. President, the bill I am introducing today to establish a Department of Natural Resources and Environment is not a newly drafted measure, nor does it represent a new concept.

The idea of reorganizing the Federal structure which deals with our national heritage of water, land, minerals, and energy so that today's great tasks in the field can be performed more efficiently has been under consideration for some time.

A task force of the first Hoover Commission urged the creation of a Department of Natural Resources in 1949, but for years the proposal was considered too explosive for action. It roused antagonism both in well-muscled bureaucratic ranks and powerful resource industries.

I first introduced my bill in 1965 when it became apparent to me that, despite the opposition to the proposal, it had to be enacted. The reorganization of the Federal machinery operating our resource development was absolutely crucial if we were to have the comprehensive and innovative resource planning necessary for our survival on this planet.

Hearings have been held on the proposal twice since that time by the Senate Committee on Government Operations. My bill has been refined and adjusted as new problems have surfaced and new agencies have come into being, but a measure has never been reported to the Senate floor for reconsideration.

Today, with the President moving to accomplish as much resource reorganization as possible by Executive fiat, it is even more important, even more timely and necessary, that the Congress take a look at the whole broad field of resource management and conservation, taking into consideration what the President is doing, and what he cannot do because he does not have the authority.

### NEW FACES FOR OLD

It will require more than just a shuffling of old agencies into new patterns and a replacement of old faces with new ones to establish the creative and streamlined ordering of resource activities which the Nation must have.

Also a new dimension has been added to the problem. The policymaking echelons in some of the specialized resource agencies are being swept out as if it were a victor-claiming-the-spoils, instead of the second term of a sitting administration. This disruption is having a devastating effect on the efficiency and morale of professional staffs who see able dedicated administrators, with a lifetime of experience in a field, being replaced by men of little background or expertise. The human problems of bureaucratic change are always enormous—they are being magnified by the ruthless manner in which the power of Executive order is being employed. To what extent such wholesale and sudden firings will affect the direction and policy of ongoing programs remains to be seen. But the effect could be vast.

The President sent to Congress last session a bill which indicated how he feels we should bring together the fragmented and uncoordinated activities now found in the resource area. His measure was based on the Ash Council report of March 25, 1971. To the extent that the President follows this blueprint in any reorganization achieved by executive order, I can for the most part support him. The administration legislative proposal follows my bill generally, except in two major areas which I will discuss later.

### MAJOR COMPONENTS OF NEW DEPARTMENT

My bill would establish a Department of Natural Resources and Environment, with a Secretary, a Deputy Secretary and an Under Secretary of Natural Resources and Environment for Water, an Undersecretary of Natural Resources and Environment for Lands, and an Undersecretary of Natural Resources and Environment for Energy.

Functions would be transferred to it from the Department of the Interior, the Department of Agriculture, the Department of Commerce, the Department of Defense, the Department of Transportation, the Atomic Energy Commission, and a number of independent agencies.

Among land and recreation agencies which would go into the new department are the Bureau of Outdoor Recreation, the Bureau of Sport Fisheries and Wildlife, the National Park Service, the Bureau of Land Management—all from Interior—and the Forest Service, the Natural Resource Economics Division of the Economic Research Service, and the Soil and Water Conservation Research Division of the Agriculture Research Service from the Department of Agriculture.

Among water development agencies would come the following functions: from the Department of the Interior—the Bureau of Reclamation, the Office of Saline Water, the Office of Water Resources Research, and the hydropower marketing agencies; from the Department of Agriculture—the Soil Conservation Service. From the Department of the Army's Corps of Engineers would come the planning, project evaluation, policy formulation and budgeting responsibilities relating to the civil functions of the Corps. The functions of the

Water Resource Council would also be transferred to the new department.

In the energy and mineral resources fields the following functions would come from the Department of the Interior—the Bureau of Mines, the Office of Minerals and Solid Fuels, the Office of Oil and Gas, the Oil Import Administration, the Office of Coal Research, the Defense Electric Power Administration and the Underground Electric Power Transmission Research Project. From the Atomic Energy Commission there would be Raw Materials Management, Uranium Enrichment and planning and budgeting for Civilian Nuclear Power Development and parts of the Plowshare program. The Office of Pipeline Safety would be transferred from the Department of Transportation.

The major scientific and technological components of the new department would be effected by transferring the functions of the Geological Survey of the Department of the Interior and those of the National Oceanic and Atmospheric Administration of the Department of Commerce.

As I have indicated this proposed reorganization of resource functions agrees in the main with the Nixon plan as proposed in S. 1431 in the 92d Congress.

### BOTH RESOURCES AND ENVIRONMENT

The most significant difference between my proposal and the administration proposal is indicated by the difference in name—mine is called the Department of Natural Resources and Environment and it would include the components of the Environmental Protection Agency—the Water Quality Office, Solid Waste Office, Air Pollution Control Office, Pesticides Office, and Radiation Office. The administration proposal retains the EPA as a separate agency.

In other words, the basic thrust of my bill is the placement—within the same Department—of functions governing protection of natural resources as well as those governing development or exploitation of natural resources.

The second major difference is that my proposal places the Bureau of Indian Affairs and the Office of Territories in the Department of Health, Education, and Welfare; the administration proposal places both in Natural Resources.

I realize that there will be differences of opinion about where these functions best belong, and I have an open mind—I am willing to listen to the reasoning of those who object to my allocations.

Some will particularly want to challenge the concept of placing the resource development programs in the same agency with the resource regulation programs—of placing, for example, the programs to develop our land and our water and our energy sources in the same department with the programs directed to the prevention of damage through air and water pollution, solid waste disposal, radiation, or pesticides.

### WHY THIS CONCEPT?

Let me give you an example of why I decided to pursue this concept.

A number of coal-fired electric generating plants are in various stages of development in the Four Corners area of the Southwest. These are designed to utilize the plentiful coal of the region and water from the Colorado River system.

Some plants may be built on Federal lands, and power directed to population centers. The transmission lines must cross large stretches of public land. Therefore, easements for land use and contracts for water use would have to be negotiated with the Department of Natural Resources as they now must be with the Department of the Interior.

Numerous environmental problems are arising and are discussed in the recently released report of the Interior Department. These include: Impact of plant construction on sites; discharge of pollutants into the air; disposal of coal waste; effect of strip mining; location of powerlines because frequently the least expensive route renders a scenic area unsightly; and the return of water to the river system at a temperature higher than that at which it came out.

Would it not be better if these questions could be considered and resolved by the same department that grants permission for use of public property? My answer is "Yes."

Somehow, the technological and political genius of the American people must be harnessed to give us both development and conservation. Otherwise, American society as we have known it must pass into oblivion.

I am concerned about the interaction between protection and development because I recognize that both are essential. In this matter, our Nation is cast on the horns of a dilemma. Like a hero of Greek tragedy, we find only two courses of action open, either of which could be fatal. If we put the brakes on production, we face a sinking standard of living; if we press full steam ahead on production, we may—through pollution—destroy our life-giving environment.

To accomplish this dual task of resource development and environmental protection, I believe we need a Department of Natural Resources and Environment exercising comprehensive authority. It must have the responsibility and the capability of keeping the environment clean while developing sufficient resources to maintain an acceptable standard of living. It must lead the Nation into the new paths that must be found and marked—paths that will permit an advanced industrial society to grow and yet to preserve wholesome living conditions.

That most difficult accommodation must be made in constructive reciprocity; not by check and countercheck which halts development or spews pollution. Stalemate is no solution to the problem. Dynamic accommodation is the answer.

### OVERSIGHT AGENCIES

Moreover, though I propose only one executive department for the natural resources, I do not intend it to be the sole monitor of environmental conditions. I would retain the Council on Environmental Quality, and I have long advocated passage of legislation to create in the Congress a Joint Committee on the Environment. In brief, this would result in the following arrangement:

First, the Department of Natural Resources and Environment would exercise the operating responsibilities of the Federal Government relating to natural resources development and protection.

Second, the Council on Environmental Quality would exercise present responsibilities which include evaluating the state of the environment as well as the operation of the NRE Department. The Council would also continue to prepare annually the official Environmental Quality Report of the President.

Third, the congressional joint committee would have the responsibility of holding public hearings on the report and of recommending to the legislative committees of the Congress such action as it deemed necessary.

In short, we would have a manager—the Department; a watchdog—the Council; and a legislative investigator—the joint committee.

Such an arrangement, I believe, would constitute a rational solution to the problem of organizing the Federal resource management effort to provide most effectively both protection and development.

### SOME FUNCTIONS REMOVED

The second major difference between the Moss proposal and that of the administration, as I have pointed out, is that I would place the Bureau of Indian Affairs and the Office of Territories in the Department of Health, Education, and Welfare; the administration places both in Natural Resources and Environment.

For some years, the argument has been advanced that the Indian people themselves prefer to work with Interior, and would therefore choose to have their governmental relationships center in a Department of Natural Resources and Environment, which is presumably more like home than HEW or a new Department of Human Resources. Recent developments in Washington certainly cast doubt on this assumption.

A second argument for placing the Indian Bureau in DNRE is that Indian lands are important resources, and I cannot gainsay that.

But good arguments must give way to better ones. The soil, water, wildlife, and air of the Indian lands, must, of course, be conserved, as must all of our physical environment. And such conservation will be a responsibility of the Department of Natural Resources and Environment.

The administration's own list of the functions of the Bureau of Indian Affairs and the Office of Territories shows a preponderance of nonresource items. This list includes: economic development, education, public health and safety, job training, job placement, and community services and facilities. Surely these functions are more akin to those delegated to the Department of Health, Education, and Welfare than to any other Federal department. It seems to me that any blueprint for reorganization should logically place them there.

But this is a hard time for decision-making in regard to the future of the American Indian. Our national policy should, of course, be to encourage them to assume a full citizens' role, and to give them all possible assistance in doing so. When the majority of the Nation's Indians decide what help they want from the Federal Government, and in what form and under what aegis, I, for one, will be quick to listen.

So while the exact structure of a new Department of Natural Resources and Environment may be subject to discussion, and some of the constituent elements of such a department may be open to question, there can be no doubt that such reorganization is long past due, and must be undertaken at once. The Congress should move concurrently with the administration in this task. Now is the time for hearings on this legislation. Now is the time to air the problems and the differences, and to harmonize our efforts to establish a single Federal department capable of effective resource management.

Now is the time to designate a single administrator to head one operation in which all agencies would work cooperatively, rather than competitively, toward the preservation of our natural resources and the protection of our environment. We must delay no longer. The job we must do is really impossible with our present administrative machinery.

Mr. President, I introduce for appropriate reference a bill to establish a Department of Natural Resources and Environment, and ask that this bill be printed in full at the close of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 27

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE; FINDINGS

SECTION 1. (a) This Act may be cited as the "Department of Natural Resources and Environment Act".

(b) The Congress hereby finds that—

(1) expanding population and a rising standard of living combine to place unprecedented demands on the natural resources of the United States;

(2) the natural environment is suffering a progressive deterioration which affects the air we breathe, the water we drink, the soil which nourishes our food, the areas in which we take our recreation, and the natural beauty of our homeland;

(3) such deterioration demonstrates a failure in the larger sense of our conservation efforts, even though many successful conservation programs have been undertaken during the past many years by Federal, State, and local governments and by private groups;

(4) safeguarding the environment—air, water, and land—is a necessity to maintain conditions under which man and wildlife may continue to exist, to provide the raw materials essential to an expanding standard of living, and to maintain the beauty and usefulness for all purposes of our land;

(5) the responsibility of the Federal Government includes the exercise of leadership in water resources development, land management, ocean resource development, and air pollution abatement, as well as the operation of many programs and cooperation with State and local government and private groups in the carrying out of their resource management responsibilities; and

(6) the Federal agency structure which deals with natural resources grew up during a less demanding period of our history, and must be coordinated and reorganized if today's tasks are to be performed effectively.

### DEPARTMENT OF NATURAL RESOURCES

SEC. 2. (a) There is hereby established at the seat of government, as an executive department of the United States Government, the Department of Natural Resources and Environment.

(b) The Secretary of Natural Resources and Environment may approve a seal of office for the Department, and judicial notice shall be taken of such seal.

### PERSONNEL OF THE DEPARTMENT

SEC. 3. (a) There shall be at the head of the Department of Natural Resources and Environment a Secretary of Natural Resources and Environment (hereinafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department of Natural Resources and Environment a Deputy Secretary of National Resources and Environment, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary of Natural Resources and Environment (or, during the absence or disability of the Deputy Secretary, or in the event of a vacancy in the office of Deputy Secretary, an Under Secretary or the General Counsel of the Department, determined according to such order as the Secretary shall prescribe) shall act for and exercise the powers of the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Deputy Secretary shall perform such functions as the Secretary shall prescribe from time to time.

(c) There shall be in the Department of National Resources and Environment an Under Secretary of Natural Resources and Environment for Water, an Under Secretary of Natural Resources and Environment for Lands, and an Under Secretary of Natural Resources and Environment for Energy, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) There shall be in the Department of Natural Resources and Environment a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall perform such functions as the Secretary shall prescribe from time to time.

(e) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the purposes and functions of this Act.

(f) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

### TRANSFER OF FUNCTIONS TO DEPARTMENT

SEC. 4. (a) Except to the extent otherwise herein provided, there are hereby transferred to and vested in the Secretary:

(1) All of the functions of the Secretary of the Interior, the Department of the Interior, and all officers and components of that Department.

(2) Such of the functions of the Secretary of Commerce, the Department of Commerce, and officers and components of that Department, as relate to or are utilized by the National Oceanic and Atmospheric Administration.

(3) (A) Such of the functions of the Secretary of Defense, the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the Chief of Engineers and the Corps of Engineers of the Department of the Army, as relates to or are utilized for civil works and civil regulatory functions: *Provided*, That all civil works construction, operation and maintenance, flood and coastal emergencies, and related activities, which shall be funded by the Secretary, shall be accomplished through and under the direction of the Secretary of the Army and the supervision of the Chief of Engineers.

(B) All of the functions of the Board of Engineers for Rivers and Harbors, Coastal Engineering Research Center, Board on Coastal Engineering Research, Mississippi River Commission, and California Debris Commission.

(4) Such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Forest Service.

(5) Such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Soil Conservation Service.

(6) Such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Natural Resource Economics Division of the Economic Research Service.

(7) Such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Soil and Water Conservation division of the Agricultural Research Service.

(8) Such of the functions of the Secretary of Transportation, the Department of Transportation, and officers and components of that Department, as relate to or are utilized for pipeline safety.

(9) All of the functions of the Water Resources Council.

(10) Such of the functions of the Atomic Energy Commission, and officers and components of that Commission, as relate to or are utilized for the following:

(A) the civilian power program: *Provided*, That all research and development programs and related activities, which shall be funded by the Secretary, shall be accomplished through and under the direction of the Commission;

(B) the raw materials program;

(C) the uranium enrichment and related distribution activities constituting part of the Commission's production program; and

(D) the Plowshare program: *Provided*, That all general research and development, device development, explosive effect tests, development of fielding systems, project execution, and related activities, which shall be funded by the Secretary, shall be accomplished through and under the direction of the Commission.

(11) Such functions transferred to the Administrator of the Environmental Protection Agency by paragraphs (1), (2), and (3) of section 2(a), and paragraphs (1) and (2) of section 2(b) of Reorganization Plan Numbered 3 of 1970.

(b) (1) All functions of the Bureau of Indian Affairs in the Department of the Interior, and all functions of the Secretary of the Interior being administered through the Bureau of Indian Affairs, are transferred to the Secretary of Health, Education, and Welfare.

(2) All functions of the Office of Territories in the Department of the Interior, and all functions of the Secretary of the Interior being administered through the Office of Territories, are transferred to the Secretary of Health, Education, and Welfare.

(c) With respect to the programs and activities of the Atomic Energy Commission herein transferred, the functions of the Secretary shall be carried out under the following provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), and the Secretary shall perform the functions of the Commission set forth therein with respect to such transferred programs and activities, except as otherwise specified below:

(1) Chapter 1, "Declaration, Findings, and Purpose".

(2) Chapter 2, "Definitions", except that the functions of the Commission set forth in subsections j (extraordinary nuclear oc-

currence), v (production facility, z (source material), aa (special nuclear material), and ee (utilization facility) of section 11 shall remain with the Commission.

(3) The following provisions of chapter 3, "Organization": sections 26 (General Advisory Committee), and 27 (consultation with the Department of Defense on atomic energy matters; functions of the Department of Defense).

(4) Chapters 4, "Research", and 5, "Production of Special Nuclear Material".

(5) The following provisions of chapter 6, "Special Nuclear Material"; clauses 53a (ii) and (iii) (making available and distributing special nuclear material); subsection 53c (sale or lease, etc., of special nuclear material, enrichment sources, sales prices, agreements with licensees, use charges); subsection 53d (use charge for leased special nuclear material); subsection 53f (distribution of special nuclear material); section 54 (foreign distribution of special nuclear material); section 55 (acquisition of special nuclear material); section 56 (guaranteed purchase prices); subsection 57c (limitations on distributions of special nuclear material); and section 58 (Joint Committee review).

(6) The following provisions of chapter 7, "Source Material"; section 63 (domestic distribution of source material), except the authority with respect to the issuance of licenses and of criteria governing such issuance; section 64 (foreign distribution of source material), except the authority to make the determination that the activity will not be inimical to the interests of the United States; section 65 (reporting); section 66 (acquisition); and section 67 (operations on lands belonging to the United States).

(7) Chapter 8, "Byproduct Material", except the authority of the Commission with respect to issuance of licenses, establishing exemptions from licensing, and determinations under subsection 82b as to whether foreign distributions would be inimical to the common defense and security.

(8) In chapter 9, "Military Applications of Atomic Energy", the authority in clause 91b (1) relating to delivery of enriched uranium to Department of Defense.

(9) In chapter 11, "International Activities", sections 121 (effect of international arrangements) and 122 (policies contained in international arrangements).

(10) In chapter 12, "Control of Information", subsections 144a (international cooperation pursuant to an agreement for cooperation); 145b (restriction on access to Restricted Data), except that the Commission shall make the determinations relative to access to Restricted Data; and 146b (power to control or restrict dissemination of information).

(11) In chapter 14, "General Authority", subsections 161a (advisory boards), c (investigations, subpenas), d (appointment and compensation of employees), e (acquisition and construction of facilities, etc.), f (utilization of services of others), g (acquisition and disposal of property), k (carrying of firearms), m (materials transactions with licensees), o (reports and records) except with respect to licensed activities, p (rules and regulations), q (easements), r (utility and related services), t (contracts implementing agreements for cooperation), a long-term contract authority), and v (contracts for producing or enriching special nuclear material); and sections 162 (contract exemption authority), 163 (service of advisory committee), 164 (electric utility contracts), 165 (proscribed contract practices), 166 (Comptroller General audit), 167 (claims settlements), 168 (payments in lieu of taxes), 169 (no subsidy), and 170 (indemnification and limitation of liability) insofar as it authorizes and applies to agreements of indemnification with contractors.

(12) In chapter 15, "Compensation for Private Property Acquired", sections 171 (just compensation), 172 (condemnation of real property), and 174 (Attorney General approval of title).

(13) In chapter 17, "Joint Committee on Atomic Energy", section 202.

(14) In chapter 18, "Enforcement", section 229 (authority to issue trespass regulations), which shall apply to any facility, installation, or real property subject to the jurisdiction, administration, or in the custody of the Secretary and utilized in carrying out any of the programs and activities of the Atomic Energy Commission herein transferred; section 230 (photographing, et cetera, of Commission installations), in which the words "property subject to the jurisdiction, administration, or in the custody of the Commission," shall be deemed to include property subject to the jurisdiction, administration, or in the custody of the Secretary and utilized in carrying out any of the programs and activities of the Atomic Energy Commission herein transferred; and section 232 (injunction proceedings).

(15) In chapter 19, "Miscellaneous", sections 251 (reports to Congress) and 261 (appropriations).

SEC. 5. (a) No license under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) shall be required for the conduct, by the Secretary or by persons under contract with and for the account of the Secretary, of the programs and activities herein transferred from the Atomic Energy Commission to the Secretary. In the conduct of such programs and activities, the Secretary shall establish standards and procedures for radiological protection of the public health and safety and the safeguarding of the national defense and security that are consistent with those established by the Commission to govern its own activities. Such standards and procedures shall be established with the advice and concurrence of the Atomic Energy Commission.

(b) With respect to the programs and activities of the Atomic Energy Commission herein transferred, the Secretary shall have all the rights, powers, and duties of the Commission under section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), in the case of inventions and discoveries, useful in the production or utilization of special nuclear material or atomic energy, made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Secretary, to the same extent as if entered into with or for the benefit of the Commission.

### SAVINGS PROVISIONS; MATTERS RELATING TO TRANSFER OF AGENCIES AND OFFICES

SEC. 6. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any Federal instrumentality any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the appropriate officer to whom such functions are so transferred, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any Federal instrumentality, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before such instrumentality. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the instrumentality before which they were pending at the time of such transfer. In either case, orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified terminated, superseded, or repealed by the appropriate officer to whom such functions are so transferred, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any Federal instrumentality, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any Federal instrumentality, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of any such instrumentality as may be appropriate; and in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any Federal instrumentality or officer thereof in his official capacity, is a part to a suit, and under this Act—

(A) such instrumentality is transferred, or

(B) any function of such instrumentality or officer is transferred,

then such suit shall be continued by the appropriate instrumentality (except in the case of a suit not involving functions transferred by this Act, in which case the suit shall be continued by the instrumentality or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any Federal instrumentality or officer so transferred or functions of which are so transferred shall be deemed to mean the instrumentality or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of any Federal instrumentality or officer thereof, in the exercise of functions transferred under this Act, shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been issued or taken by the instrumentality or officer, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by any other officer of the United States pursuant to this Act.

(f) In the exercise of the functions transferred under this Act, the appropriate officer of the Federal instrumentality to which such functions are so transferred shall have the same authority as that vested in the officer exercising such functions immediately preceding their transfer, and such officer's actions in exercising such functions shall have the same force and effect as when exercised by such officer having such functions prior to their transfer pursuant to this Act.

### TRANSFER OF AGENCIES AND OFFICES

SEC. 7. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this Act, are transferred to the appropriate Secretary of the executive department to whom such function is transferred by this Act. Except as provided in subsection (b), personnel engaged in functions transferred under this Act shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(b) No transfer of personnel pursuant to this section shall result in any such personnel being separated or reduced in grade or compensation for one year after such transfer.

(c) In any case where all of the functions of any Federal instrumentality are transferred pursuant to this title, such instrumentality shall lapse.

### TECHNICAL AMENDMENTS

SEC. 8. (a) Section 19(d)(1) of title 3, United States Code, is amended by deleting "Secretary of the Interior" and inserting in lieu thereof "Secretary of Natural Resources and Environment".

(b) Section 101 of title 5, United States Code, is amended by deleting "The Department of the Interior" and inserting in lieu thereof "The Department of Natural Resources and Environment".

(c) Subchapter II of chapter 53 of title 5, United States Code (relating to executive schedule pay rates), is amended as follows:

(1) Section 5312 is amended by deleting "(6) Secretary of the Interior" and inserting in lieu thereof "(6) Secretary of Natural Resources and Environment".

(2) Section 5313 is amended by adding at the end thereof the following:

"(2) Deputy Secretary of Natural Resources and Environment."

(3) Section 5314 is amended by deleting "(8) Under Secretary of the Interior." and inserting in lieu thereof the following:

"(8) Under Secretary of Natural Resources and Environment for Water."

"(8A) Under Secretary of Natural Resources. and Environment for Land."

(4) Section 5315 is amended (1) by deleting "(18) Assistant Secretaries of the Interior (5).", and (2) by deleting "(42) Solicitor of the Department of the Interior." and inserting in lieu thereof "(42) General Counsel, Department of Natural Resources and Environment.".

### REPORT

SEC. 9. The Secretary shall, as soon as practicable after the end of each calendar year, make a report to the President for submission to the Congress on the activities of the Department during the preceding calendar year.

### DEFINITION

SEC. 10. As used in this Act, the term—

(1) "function" or "functions" includes powers and duties; and

(2) "Federal instrumentality" means any executive department of the United States or any agency, bureau, office, service, or other entity therein.

### DELEGATION OF FUNCTIONS

SEC. 11. Any officer of the United States to whom functions are transferred pursuant to this Act may delegate such functions, or part thereof, to such of his officers and employees as he may designate, may authorize such successive redelegations of such functions to his officers and employees as he may deem desirable, and may make such rules and regulations as he may determine necessary to carry out such functions.

### EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 12. (a) This Act shall take effect ninety days after the date of its enactment.

(b) Notwithstanding subsection (a) of this section, any of the officers provided for in section 3 of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred pursuant to this Act.

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By Mr. MOSS:

**S. 28. A bill to clarify the relationship of interests of the United States and of the States in the use of the waters of certain streams. Referred to the Committee on Interior and Insular Affairs.**

### WATER RIGHTS

**Mr. MOSS. Mr. President, I once again offer to the Congress for consideration a bill to clarify the relationship of interests of the United States and of the States in the use of the waters of certain streams. As a result of a study initiated in September of 1968, the National Water Commission in November of 1972 issued its proposed report. On page 5 of chapter 13 dealing with Federal-State jurisdiction in the law of waters is a recommendation that Federal use should conform to State procedures. The recommendation is as follows:**

> *Recommendation No. 1:* The proposed "National Water Rights Procedures Act" should adopt a policy of recognizing and utilizing the laws of the respective states relating to the creation, administration, and protection of water rights (1) by establishing, recording, and quantifying Federal water uses in conformity with state laws, (2) by protecting non-Federal vested water rights held under state law through the elimination of the no-compensation features of the reservation doctrine and the navigation servitude, and (3) by providing new Federal procedures for the condemnation of water rights and the settlement of legal disputes.

**The bill which I again offer for your consideration is a beginning point from which I hope we can initiate a proper forum and hear from the people on this issue.**

**There is a serious situation in the Western States with regard to the continuing problems created by the reservation doctrine of water rights. These problems should be considered and settled. I hope the Congress will give early consideration to this measure.**

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By Mr. MOSS:

S. 29. A bill to establish the Lone Peak Wilderness Area in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

### LONE PEAK WILDERNESS

Mr. MOSS. Mr. President, the bill I am introducing today would set aside 32,785 acres in the Wasatch and Uinta National Forests as an addition to the national wilderness system. The bill is similar to the one introduced in the 92d Congress, but its boundaries have been enlarged to include areas south of Dry Creek Canyon, around Twin Forks Peak, and part of White Pine Canyon.

A bill providing for a study of this area was passed by the Senate in the closing days of the 92d Congress, but it died in the House.

The Lone Peak area is one of the few in the country which is close enough to a large city to provide almost suburban wilderness. It is located to the east and south of Salt Lake City, and is only a few minutes drive from its outskirts. The peak is one of the most beautiful in the rugged mountain range which towers over the city, and the area surrounding it is still wild and primitive. Evergreens abound, and the streams are clear and unpolluted. Within an hour or so of leaving the city, one can have hiked or backpacked or ridden by horse into a fresh new world.

Legislation to establish a Lone Peak Wilderness Area has the support of the Sale Lake County Commission, of most of the Utah press, many outdoor and environmental groups in the State, and the public generally.

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By Mr. MOSS:

**S. 30. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Colorado River in the State of Utah as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.**

### AMENDMENT TO THE WILD RIVERS ACT

**Mr. MOSS. Mr. President, I am today introducing a bill to amend the National Wild and Scenic Rivers Act to designate 36 miles of the Colorado River in Grand County, Utah, as a component of the national wild rivers system.**

**The stretch of the river covered by the bill flows from mile point 1063 to mile point 1027. It begins at the Utah-Colorado border, and flows downstream to the junction of the Dolores River with the Colorado River in Utah.**

**The wild rivers designation, as this body well knows, is applied to certain selected rivers of the Nation which have remarkable scenic, recreational, geologic, or other values which should be preserved by keeping the river in its free-flowing condition, and its shore environment in its natural state, so that generations to come may enjoy them unimpaired by man-made incursions.**

**This reach of the Colorado River in Utah superbly qualifies for inclusion in the national wild and scenic rivers system. There is one section of it particularly—a 13½-mile section through Granite Canyon—which I consider the most exciting river in Utah. It has a series of rapids which tumble in quick succession through a very narrow and rugged canyon. The rapids have such colorful names as Sock-It-To-Me, Wildhorse, Marble Canyon, Funnel Falls, Skull, and Last Chance. There are scenic side canyons running into the main canyons, up which boats can travel.**

**Many animals can be seen, particularly in the side canyons, including deer, cougar, snowy egrets, Canadian geese, beaver, blue herons and golden eagles. The massive red sandstone cliffs along most of the canyon rise high in the sky, broken by black granite and red and purple shales. It is magnificent country.**

**The bill I am introducing is similar to one passed by the Senate in the 92d Congress. There is no opposition to it, so far as I know, and I hope it can be passed quickly, and acted upon by the House, so we can move to protect this spectacular stretch of water. The region is remote enough to be somewhat protected**

at the present time, but jeep roads are pushing toward it, and unless action is taken it may not long remain in its present wild state.

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By Mr. HOLLINGS (for himself and Mr. TOWER):

S. 31. A bill authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency transportation services to civilians. Referred to the Committee on Armed Services.

MILITARY ASSISTANCE TO SAFETY AND TRAFFIC

Mr. HOLLINGS. Mr. President, in 1971, more than 115,000 Americans lost their lives in accidents. Four hundred thousand more were permanently disabled and 10 million were temporarily disabled. The loss to the Nation's economy from accidents in 1971 was estimated at over $28 billion. These staggering figures are particularly distressing—especially since this toll could be reduced by the upgrading of medical emergency transportation services. With a view to alleviating such unnecessary loss of life and property, the Department of Defense in 1970 embarked upon a cooperative test program entitled Military Assistance to Safety and Traffic—MAST.

MAST is an interdepartmental effort involving the Department of Defense; Transportation; and Health, Education, and Welfare. The MAST test program has provided to certain selected locations: Military air ambulances, crews, medical personnel, medical equipment, and supplies which while in a continuous state of readiness for military requirements were able to respond to the evacuation of civilian medical emergency cases—motor vehicle accident victims, interhospital transfers and other emergencies where rapid transport of patients to adequate medical care is required and ground transportation is not feasible. MAST operations to date have been confined to three Army and two Air Force sites. Operational experience has proven the value of this concept, and the test phase has generated a good deal of public support for the program. It now appears desirable to expand military participation in the program to the extent it can be accomplished without impairment of the military mission.

Utilizing existing military resources, and without additional cost of the taxpayers, these five pilot programs have proven their worth by rendering valuable emergency service to the metropolitan and surrounding areas of San Antonio, Tex.; Colorado Springs, Colo.; west central Washington State; Phoenix, Ariz.; and Mountain Home, Idaho. There is strong and wide acceptance of this military/civilian endeavor. Based on the success of these pilot programs, other communities with nearby military resources have applied for MAST service, and some, in fact, have worked with the military in preparation for this service. Expansion of this service was, however, withheld for lack of statutory authority, leaving some communities in the lurch. I have in mind the South Carolina and Georgia communities that will be served by the MAST program to be operated at Fort Stewart, Ga. These communities worked closely with the military on the integration of MAST services in their overall emergency medical services plan and expended considerable effort in these preparations including the expenditure of funds for such things as communications equipment. Then, with their goal almost in their grasp and the nearby military units ready, willing, and able, the MAST service was withheld because of lack of statutory authority. This situation remained through the past year despite efforts to provide this authority by amendment to the fiscal year 1973 DOD procurement bill and as part of a House emergency medical services which died in the Senate.

During last year's legislative efforts, both the House and Senate Armed Services Committee chairmen, although not necessarily opposed to recommending this authority, expressed the need for their committees to have the opportunity to properly examine the subject. This bill provides that opportunity, and I know, after careful examination, we will have an opportunity to vote on this MAST authority which will enable expansion of these lifesaving services to those additional communities in which the appropriate DOD resources may now be located and where the community desires this program.

I ask that the text of this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 31

A bill authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency transportation services to civilians.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Defense is authorized to assist the Department of Health, Education, and Welfare and the Department of Transportation in providing medical emergency transportation services to civilians. Any resources provided under this section shall be under such terms and conditions, including reimbursement, as the Secretary of Defense deems appropriate.

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By Mr. KENNEDY (for himself, Mr. BAYH, Mr. BENTSEN, Mr. BROOKE, Mr. CANNON, Mr. CASE, Mr. CRANSTON, Mr. GRAVEL, Mr. HART, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. SPARKMAN, Mr. STEVENS, Mr. STEVENSON, Mr. TUNNEY, Mr. WEICKER, and Mr. WILLIAMS):

S. 32. A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL SCIENCE POLICY AND PRIORITIES ACT

Mr. KENNEDY. Mr. President, I introduce today the National Science Policy and Priorities Act of 1973. This bill is aimed at putting science and technology to work on the problems of our society. It provides a 3-year authorization of $1.8 billion for civilian research and engineering programs directed at these problems.

Last August the Senate decisively voiced its approval of this measure when it voted to pass the bill by a rollcall vote of 70 to 8. Taking account of those Senators who were not present, but who were recorded for or against the bill, the vote would have been 82 to 10. In September the House Committee on Science and Astronautics held hearings on the bill as it passed the Senate. Unfortunately, the House was not able to complete action on the bill before the end of the 92d Congress.

I therefore reintroduce the bill today. I plan to hold early hearings on this bill before the Subcommittee on the National Science Foundation, and pledge to do everything in my power to move this measure on to enactment as promptly as possible. I introduced the original version of this bill in August of 1970; and in the two and a half years which have elapsed since then, the problems of society to which this bill is addressed have seriously worsened.

If there is one overriding lesson I have learned in my 4 years as chairman of the National Science Subcommittee, it is that the potential of science is nowhere being matched by its performance.

Engineers can propel nuclear ships around the globe with the energy from a bucketfull of fuel—yet our cities are increasingly beset with power blackouts and brownouts.

We can cruise on the moon's surface—yet we cannot commute from suburb to city without traffic jams, air pollution, and no parking at our destination. We can build beautiful, enclosed shopping malls in the suburbs—yet we cannot begin to cope with the housing crisis in the cities. We can design high-speed computers to process billions of bits of data instantly—yet we cannot teach all our children to read effectively.

Why is it that cities have to be put on pollution alert, so that mothers have to be concerned about their children playing out of doors? Why is it that household appliances continually break down and that their repair is not only costly but often unreliable?

Why is it that thousands of American children burn to death each year because they wear highly flammable fabrics? Why is it that decent housing is increasingly out of reach of more and more of our citizens? Why is it that millions of Americans are undernourished in an age of affluence? Why is it that there are only kidney dialysis facilities for 2,000 of our citizens when 50,000 need such care?

Why is it that we have not been able to use modern technology to reduce the mounting costs of educating our children?

We know that computer aided diagnosis, computer monitoring of serious hospital cases, and technological aids to emergency medical care can save thousands of lives each year—yet why is it that we do not make wider use of these devices?

The list is endless, but the lesson is clear: we have the scientific knowledge, but we have not made the concerted effort necessary to put it to use for the benefit of all our people.

As Shakespeare so aptly put it: "The fault lies not in our stars, but in ourselves." The Nation's scientists and engineers have the skills, the imagination, and the inventive ability to tackle and solve these problems. But we have let them down. We have not given them the go-ahead; we have not provided them with the support and resources to do the job.

We are all aware that productivity in American industry has been lagging in recent years, especially in comparison to Japan and Western Europe. Yet how many realize that part of the answer for this lies in American underinvestment in civilian research and technology. A Department of Commerce study shows that Western Europe, when its gross national product; is only one-third of the U.S. GNP, has a third more technical personnel employed in civilian research. And Japan, with only half the population of the United States and one-seventh of our GNP, had 70 percent as many scientists and technical personnel employed in civilian research and development.

If we make the necessary national commitment to tackle these problems, if we provide the Nation's scientists and engineers with the wherewithal to do the job, I am confident they can solve many of these problems and make a giant step forward on earth toward making this the kind of society we want for our children, and their children to come.

Yet at this time of maximum need—when the Nation's problems with the environment, with health, with economic productivity, and with the quality of life in our society—when these problems need to be tackled with all the talent we can muster, we find technical unemployment higher than it has ever been in history. Although the Government has not been able to provide precise figures on the extent of technical unemployment, our best estimate—based on membership surveys by the technical societies and what Government figures are available—is that last year several hundred thousand scientists, engineers, and technicians were either unemployed or underemployed—by working at jobs well below their skill levels. Thus, of the Nation's approximately 3 million scientists, engineers, and technicians, from 5 to 10 percent were either unemployed or seriously underemployed.

This situation is intolerable. America's strength springs from the skill of its people. Scientists and engineers have a major share of those skills. The Nation must assure them the opportunity to use their skills for the benefit of all of us.

This is the purpose of S. 32, the National Science Policy and Priorities Act. It establishes a framework of national science policy and focuses the Nation's scientific talent and resources on its priority problems.

The principal provisions of the bill are as follows:

This bill establishes national science policy and programs to focus the Nation's scientific talent and resources on its civilian priority problems. It authorizes $1.8 billion over a 3-year period—$50 million to advance the state of the art in priority research areas; $1.2 billion to design and demonstrate civil science systems which can provide improved public services; and $560 million to aid States, communities, companies, and individual scientists, engineers, and technicians in making the transition to civilian research and engineering programs. In addition, the bill creates a mechanism to establish Federal procurement policies and regulations which would foster portable pensions for scientists and engineers to protect their pension credits as they shift from one job to another.

The bill declares as national policy that: First, Federal funds for science will grow in proportion to the gross national product; second, scientific and technical manpower must have continuing employment opportunities at their professional skill levels; third, Federal funds for civilian research and development must be maintained at parity with military R. & D.; and fourth, Federal programs for civilian R. & D. must be focused on meeting national needs in priority areas.

Recent National Science Foundation figures indicate that in 1967 dollars, discounting inflation, total Federal obligations for research and development are as follows: In fiscal 1967, when Federal R. & D. spending reached its peak, it was approximately $16.5 billion. In 1968, the figure for Federal R. & D. spending dropped to $14.3 billion. In 1970, it dropped to $13.3 billion. In 1971, it dropped to $12.9 billion. In 1972, it was $13.5 billion.

The budget for fiscal 1973 did include a modest increase to $13.9 billion in 1967 dollars. But even at that proposed level, the 1973 proposed budget will be 16 percent below what it was in 1967. So over all these years in which national needs for R. & D. have been skyrocketing, Federal expenditures in these areas have been declining in real dollars. We want to try to avoid that by the policy statement.

### TITLE I—SCIENCE POLICY

This title gives explicit authority to the National Science Foundation to develop national policies for applying science to national problems. The bill also broadens the composition of the National Science Board—the foundation's governing board—to include more technical and industrial representation. The $50 million is authorized to the Foundation in order to advance the state of the art in those areas.

### TITLE II—DESIGN AND DEMONSTRATION OF CIVIL SERVICE SYSTEMS

This title establishes a Civil Science Systems Administration within the National Science Foundation and authorizes $1.2 billion to do research, design, testing and evaluation, and demonstration of civil science systems capable of providing improved public services in areas such as health care, public safety, public sanitation, pollution control, housing transportation, public utilities, communications, and education.

Programs would be carried out through contract with industry, universities, nonprofit organizations, and public agencies, and would include provision for transfer of funds to other Government agencies. Over fiscal years 1974, 1975, and 1976 the Administration would be authorized, $55 billion for planning civil science systems, $140 million for applied social research necessary to designing such systems, $790 million for research and design of civil science systems, $105 million for testing and evaluation of such systems, $30 million for dissemination of technical information on such systems, and $80 million for public demonstration of civil science systems.

### TITLE III—TRANSITION OF TECHNICAL MANPOWER TO CIVILIAN PROGRAMS

This title authorizes the National Science Foundation to plan and assist in the transition of scientific and technical manpower from research and engineering programs which have been terminated or significantly reduced, to other civilian-oriented research and engineering activities. Thus, $560 million over fiscal years 1974, 1975, and 1976 is authorized to aid States, communities, companies, and individual scientists, engineers, and technicians in making the transition. Programs include $15 million for research on economic conversion; $95 million to State, regional, and local governments for training of government officials, operating conversion programs, and for hiring unemployed technical personnel to work in government positions; $90 million for community conversion corporations to channel research and engineering programs in hard-hit communities; $275 million for job transition programs to enable companies to hire technical personnel to work on civilian projects for which they are not yet fully qualified—on-the-job training subsidies; $55 million for career transition fellowships to unemployed or underemployed technical personnel to acquire skills in other fields; $20 million for placement assistance to technical personnel who are unemployed or underemployed; and $10 million for developing university courses and curricula oriented toward civilian engineering projects.

### TITLE IV—PROTECTION OF PENSION RIGHTS OF SCIENTISTS AND ENGINEERS

This title declares as national policy that scientists and engineers be protected, to the extent feasible, against forfeiture of pension rights or benefits as a consequence of job transfers or loss of employment resulting from terminations or modifications of Federal contracts or procurement policies. The bill provides for the development and implementation of Federal procurement regulations designed to achieve that policy.

The policy statement in section 2 is perhaps the most significant section of the bill. This section recognizes that Federal funding for science and technology represents an investment in the future, and declares that that investment must be raised to an expenditure level which is adequate to the needs of the Nation.

Federal funds for research and development as a percentage of the gross national product have been dropping steadily over the past decade. In 1963 Federal funds for research and development were 2.6 percent of the gross national product—GNP. By 1971, they had dropped to 1.6 percent of the gross national product. This decline of 1 percent represents about $10 billion on the base of the present gross national product. This means that if Federal funds for research and development in 1971 had been the same percentage of the GNP as they had been in 1963, they would total about 10 billion more than they do now. When one takes into account the fact that there has been a considerable inflation in R. & D. costs during that period, one realizes that the decline in relative resources allocated to R. & D. has been more substantial during that time.

But just as each major industrial corporation tends to allocate a portion of its funds each year as a long-term investment in the future development of the firm, so must the Nation make an annual investment in its future through research and development. This is especially true because there are certain types of R. & D. of great potential benefit to the Nation, which are too extensive for any individual firm to undertake; and other types of R. & D. which are not likely to prove profitable to a particular firm, but which nevertheless can provide great benefits for the Nation as a whole.

So Federal funds for R. & D. must be seen as a continuing investment in the Nation's future. Their precipitous decline over the past 8 years, as a percentage of the GNP, which parallels a period of low productivity in the economy, indicates that they should be restored to a higher level, and that the Nation would benefit from such a restoration.

Once they have been increased to an appropriate level, they should grow from year to year in proportion to the growth in the GNP. In this way the Nation can assure to the generations to come the benefits which can only flow from research which we are farsighted enough to undertake today.

This section also establishes as national policy that there should be continuing employment opportunities for scientists and engineers in positions commensurate with their capabilities. This emphasizes the recognition that our technical manpower pool is a national resource which must be utilized to the fullest.

This section also stipulates that Federal funds for civilian research and engineering should be maintained at or above a level of parity with Federal funds for military research and engineering, except when inconsistent with overriding considerations of national security.

Finally this section establishes as national policy that Federal funds for civilian research and engineering should be focused on meeting human needs in priority to problem areas such as health care, public safety, pollution, productivity, education, transportation, and energy resources.

### TITLE I—SCIENCE POLICY AND PRIORITIES FOR CIVILIAN RESEARCH AND ENGINEERING

Title I is intended to provide the National Science Foundation with the broad authority needed for it to exercise a leadership role in determining national science priorities and in developing national policies which foster the application of scientific and technical knowledge to the solution of national problems. In addition, this title clarifies the policymaking role of the National Science Board and broadens the composition of the board which has traditionally been oriented toward academic, basic science, to include increased representation of people with an industrial or technical background.

Over a 3-year period, 50 million is authorized for the programs carried out under sections 103 and 104. These would involve approximately 100 research projects at an average cost of about $500,000 each; and would provide jobs in the peak third year directly for about 1,600 scientists, engineers, technicians, and research assistants.

### TITLE II—THE CIVIL SCIENCE SYSTEMS ADMINISTRATION

Title II for which $1.2 billion is authorized over a 3-year period is intended to be a NASA-like organization which would channel technical talent and resources toward the problems of our society in much the same way the National Aeronautics and Space Administration has focused such efforts on the problems of outer space. The Civil Science Systems Administration would function primarily through the award of contracts to industry, universities, and other research organizations. It would also be empowered to transfer some funds to other agencies when it was more appropriate for particular program components to be carried out by some other agency. The contracting approach would be similar to the NASA model in that there would be considerable reliance on systems contracts, with the primary contractors in turn subcontracting specific portions of the task to other contractors. Federal procurement regulations would, of course, prevail for these contracts, so that most contracts would be awarded on a competitive basis.

It is expected that the $55 million authorized over a 3-year period for planning for civil science systems would provide for about 110 planning projects at an average cost of about $500,000 per project. In its peak first year, this program would provide jobs directly for about 2,000 scientists, engineers, technicians, and research assistants.

It is expected that the $140 million authorized for applied social research over a 3-year period would provide for about 233 applied social research projects at an average cost of about $600,000 per project. In its peak third year this program would provide jobs directly for about 2,500 scientists and research assistants.

Over a 3-year period $790 million is authorized for civil science systems research and design which is the major component of the overall civil science systems program. It is expected that this authorization would permit funding for research and design in about 12 major areas, such as: health care services; public safety—crime control; public safety—fire prevention and control; power supply—gas and electric utilities; innovative mass transit, innovative construction technology, education systems; water pollution control; air pollution control; solid waste disposal systems; communication systems; and so forth. It is expected that over the 3-year period, the program could mount in each such area about 40 research projects at about $1 million each and about five major design projects at about $5 million each. Thus, for all areas of activity over the 3-year period, it is roughly estimated that there might be about 480 research projects and about 60 design projects. It is expected that in the peak third year, this program would directly employ about 15,000 scientists, engineers, and technicians.

It is estimated that the $105 million authorized for testing and evaluation over the 3-year period would provide for about 60 testing and evaluation projects at about $1.75 million each. And it is expected that this program would employ about 2,000 scientists, engineers, and technicians in the peak third year.

Over the 3-year period, $110 million is allocated for the information dissemination and systems demonstration programs, which are essential to the overall success of the Civil Science Systems Administration.

For it is essential that the results of the Civil Science Systems programs be widely disseminated and demonstrated so that they can be put into practical use throughout the Nation. Only through a concerted program of information dissemination and demonstration of the systems which have been developed will it be possible to assure maximum benefit to society from these programs. The information dissemination program is similar to the NASA technology utilization program, but is of more critical importance to the civil science systems activity. For technology utilization of the innovations resulting from the space program is a by-product of the main effort to explore outer space; it is an added benefit, not a central output. But in the civil science systems program, the major purpose is to develop technical knowledge which can be of direct benefit to society. Through the information dissemination and systems demonstration programs, the new knowledge developed through this effort will be made widely available throughout the economy and its benefits will accrue to society at large.

It is estimated that the $80 million authorized for the systems demonstration program over the 3-year period would permit the initiation of about 40 systems demonstration projects at about $2 million each. It is expected that the information dissemination program would directly provide about 2,000 jobs for engineers and technicians.

The scientific and technical community has experienced significant dislocations over the past few years as major Government programs have been terminated or significantly reduced, and programs of comparable magnitude have not emerged to absorb the manpower resources which have been released. It is essential that the Government aid in the transportation of technical personnel to civilian research and engineering programs. This is the objective of title III, transition of technical manpower to civilian programs.

It is estimated that the $15 million authorized for research on transition to civilian programs over the 3-year period would provide for about 30 research projects at about $500,000 each; and would directly provide jobs for about 200 scientists and research assistants.

In arranging for the orderly transition of technical manpower into civilian research and engineering programs, it is imperative that State and local governments and regional governmental agencies play a key role in the planning and implementation of programs which will impinge on their jurisdictions. It is for this reason that the Civil Science Systems Advisory Council and the Advisory Panel on Transition of Scientific and Technical Manpower to Civilian Programs include representatives of the National Governors Conference, the National Association of Counties, and the National League of Cities and the United States Conference of Mayors. In addition the bill includes a 3-year authorization of $95 million which would go to State and local governments and regional governmental agencies. These funds would enable such governments to hire unemployed technical personnel on their staff and to conduct programs designed to facilitate the transition of scientific and technical activities to civilian programs within their particular jurisdiction. In addition, these funds would permit government officials at the State, local, and regional level to receive specialized training which would acquaint them with the potential contributions of science and technology to the resolution of public problems in priority areas, and teach them how to utilize scientific and technical talent in an effective and economical manner. For the most part, officials at these levels of government have not had the experience in dealing with research and engineering programs which officials of the Defense Department or Space Agency have had. Since planning, contracting for, and monitoring such programs take specialized understanding and skill, it is desirable that officials at the State, local, and regional levels have the opportunity for such training, in order to maximize the results which society will receive from these programs. It is estimated that the $75 million authorized for section 305 over a 3-year period would provide directly for about 2,000 jobs per year for technical professionals; and that sections 306 and 307 would provide training for about 6,000 State, regional, and local governmental officials throughout the Nation, or about an average of 120 per State.

The purpose of the Community Conversion Corporation program is to provide a mechanism for enabling communities which have been substantially affected by cutbacks in research and engineering programs to help themselves. Under this program—for which $90 million is authorized over a 3-year period—such communities could charter a Community Conversion Corporation, which meets the criteria of subsection (a) of section 308. This Corporation could be an existing nonprofit corporation which meets those criteria; a subsidiary of an existing corporation specially designed to meet those criteria; a nonprofit corporation set up under the auspices of a local or regional governmental agency; or an entirely new nonprofit entity with no ties to any existing organizations.

The Community Conversion Corporation would, if it qualified, be eligible to receive a grant from the National Science Foundation to fund its overall operations, while it sought specific grants and contracts from other Government agencies, private foundations, community organizations, and private business firms. Since "the National Science Foundation will give preference in awarding such community conversion grants or contracts to those corporations which show a likelihood of being able to obtain such additional financial support," existing organizations which qualified as community conversion corporations would have a certain competitive advantage over entirely new organizations established for this purpose. On the other hand, a newly established community conversion corporation of high caliber, with imaginative leadership, would still be able to compete effectively with community conversion corporations which were tied to existing organizations.

The Community Conversion Corporation could "conduct, contract for, or stimulate the conduct of civilian-oriented research and development activities which focus on the particular problems, or draw on the particular resources, of the community within which the corporation is located." Thus it would have a catalyzing effect in generating research and engineering activity throughout the community and stimulating other economic activity as a consequence.

It is estimated that the $90 million authorized for community conversion corporations over the 3-year period would provide for the launching and 3-year funding of about 20 community conversion corporations throughout the country, at about $1.5 million each per year. It is expected that this program would directly provide about 1,000 jobs per year for scientists, engineers, and technicians.

The job transition program—for which $275 million is authorized over a 3-year period—is the major program in title III. The $275 million provided under this section would be awarded as job transition grants to industrial firms and research organizations "to enable them to hire scientists, engineers, and technicians for work on projects for which they are not yet fully qualified." In other words, firms undertaking civilian research and engineering projects could hire unemployed or underemployed technical personnel whose experience had been in defense and aerospace programs and who were not yet fully qualified for the particular project on which they would work. The job transition grants would subsidize all or a portion of their salary within stipulated limits, while they, in effect, received on-the-job training—that is learned by doing.

This program would, of course, be of great benefit to industrial firms seeking to enter new civilian research and engineering markets. But it would also be of considerable benefit to the unemployed scientists and engineers who would be able to find jobs because of it.

It is estimated that the $275 million authorized for this program over the 3-year period would directly involve about one hundred firms and provide partial employment subsidies for about 10,000 scientists and engineers in each of the peak—second and third years.

Although the testimony and views received on the bill indicated that the vast bulk of displaced technical personnel did not need extensive academic retraining, it was the consensus that some smaller segment of that group would require or strongly desire academic retraining, to prepare them for more substantial shifts in their special fields of expertise. The career transition fellowship program has been developed with this group in mind. It is estimated that the $55 million authorized for this program over the 3-year period would provide for about 2,000 fellowships in each of the second and third years.

Because of frequent, rapid changes in Federal contracting for research and development, scientist and engineers suffer an unusually high rate of forfeiture of the pension benefits they have accumulated under private pension plans. It is unfair that these individuals suffer loss of their hard earned pension rights because of government procurement decisions over which they have no influence. Accordingly title IV is aimed at the modification of Federal procurement policies to protect the equities of these individuals, to the extent which is feasible.

These are the programs contained in S. 32.

To summarize my remarks, enactment of S. 32 would directly provide positions for about 41,000 scientists, engineers, and other technical personnel in its peak year. Since each professionally active scientist or engineer creates jobs for six to 10 other workers throughout the economy, enactment of this measure would create a total of about 290,000 to 450,000 jobs throughout the economy.

But creating jobs would only be one aspect of its economic impact. The bill would also create a host of new products, services, industries, and markets; it would help increase productivity; and it would have a strong revitalizing effect on the entire civilian economy. Moreover, it would greatly assist the Nation in strengthening its international economic competitive position; through technical innovations which could be used to advantage in international trade and in U.S. business operations abroad.

In addition to its direct impact on the economy, enactment of S. 32 would have a powerful impact on the shape of our society for years to come. For it could bring to our domestic problems and social issues the same reservoir of talent, the same dedication of purpose, the same dramatic imagination which have characterized our space program over the past decade. And in strengthening our economy and helping to solve our social problems, S. 32 could also serve as a catalyst for recapturing the commitment of the Nation's youth.

In the words of one of the authorities

who submitted a statement on S. 32—John P. Eberhard, dean of the School of Architecture and Environmental Design, State University of New York at Buffalo and former Director of the Institute of Applied Technology in the Department of Commerce:

> I think that your proposed legislation could open the door to a new period of scientific and engineering exploration that was as exciting as any we have engaged in during the past twenty years. It could make it possible for us to do something substantial about the quality of life in our urban centers. It could give many of our young people who are disenchanted with previous value systems . . . a new kind of hope and enthusiasm to do something about our environment. It could give us all an opportunity to make an investment in the future cities which our children and our children's children will inherit from us.

Or in the words of our former colleague, Senator Joseph S. Clark, who is now Chairman of the Coalition on National Priorities:

> S. 32, the National Science Policy and Priorities Act is a noble beginning. It will help get our most able brains about the real needs of the global village. By setting our thinking people on an enlightened course, our civilization will prosper.

I believe the Civil Science Systems program can become the dramatic focus for science in the decade of the seventies, in much the same way as the space program did in the sixties. But the results will be of direct benefit to all our citizens here and now—not at some future date.

In the spring of 1961, President Kennedy challenged the technical community to place a man on the moon within a decade. The Nation's engineers responded magnificently, and the race was won.

But now, 12 years later, the team is marking time while we search for a new target. The target I propose is a community which really serves its citizens. Before this decade is up, let the Nation's architects and engineers design and demonstrate a totally new community—a citizens' community—which shows us what is possible for all Americans in all communities. Clean air and clean water—rapid, reliable and even comfortable mass transit—computerized health services and educational systems available to all hospitals, clinics, and schools—underground utilities which can be repaired and expanded without ripping up the streets—public safety systems which use modern technology to assure safe streets and safe homes.

This is the goal for technology in our time. This is the way to create jobs, revitalize the economy, and help revive the national spirit.

I urge each Member of the Senate to support this measure.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "National Science Policy and Priorities Act of 1973".

### DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that—

(1) Federal funding for science and technology represents an investment in the future, which is indispensable to sustained national progress;

(2) the manpower pool of scientists and engineers constitutes an invaluable national resource which should be utilized to the maximum extent possible at all times;

(3) the Nation's scientific resources can contribute significantly to meeting America's human needs in such priority problem areas as health care, poverty, public safety, pollution, unemployment, productivity, housing, education, transportation, nutrition, communications, and energy resources; and

(4) at this time of maximum need, much of the Nation's technical talent is being wasted or misapplied because of inadequate programs of civilian science and technology.

(b) The Congress declares that it is the continuing policy and responsibility of the Federal Government to take appropriate measures directed toward achieving the following goals—

(1) the total Federal investment in science and technology must be raised to an expenditure level which is adequate to the needs of the Nation, and then continue to increase annually in proportion to the growth in the gross national product, or at a rate which is greater than such growth;

(2) scientists, engineers, and technicians must have continuing opportunities for socially useful employment in positions commensurate with their professional, technical capabilities;

(3) Federal obligations for civilian research and engineering activities must be increased so as to reach a level of parity with Federal obligations for defense research and engineering activities, whereupon the level of parity must be maintained or exceeded, except when inconsistent with overriding considerations of national security; and

(4) Federal programs for civilian research and engineering must be focused on meeting the human needs of the Nation in such priority problem areas as health care, poverty, public safety, pollution, unemployment, productivity, housing, education, transportation, nutrition, communications, and energy resources.

## TITLE I—SCIENCE POLICY AND PRIORITIES FOR CIVILIAN RESEARCH AND ENGINEERING

### SHORT TITLE

SEC. 101. This title may be cited as the "Science Policy Act".

### AUTHORITY OF THE NATIONAL SCIENCE FOUNDATION

SEC. 102. Section 3 of the National Science Foundation Act of 1950 is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) The Foundation shall recommend and encourage the pursuit of national policies designed to foster research and education in science and engineering, and the application of scientific and technical knowledge to the solution of national problems."

### RESEARCH AND ENGINEERING PRIORITIES

SEC. 103. (a) The Foundation shall identify priority areas of civilian research and engineering likely to contribute to the resolution of national problems in areas such as health care, poverty, public safety, pollution, unemployment, housing, education, transportation, nutrition, communications, and energy resources. In making such identifications, the Foundation shall—

(1) take account of the results of its programs conducted or assisted under section 207;

(2) consult with appropriate scientific and technical organizations such as the National Academy of Sciences, the National Academy of Engineering, and the National Institute of Medicine; and

(3) coordinate and correlate its activities with respect to such identification with other agencies of the Federal Government undertaking programs relevant to these problems.

(b) From funds available pursuant to section 107, the Foundation may employ by grant or contract such consulting services as it deems necessary to carry out the functions assigned to the Foundation under this section.

### RESEARCH PROGRAM

SEC. 104. From funds available pursuant to section 107, the Foundation is authorized to make grants to, or enter into contracts with, appropriate organizations for the conduct of basic and applied research and engineering designed to advance the scientific and technical state-of-the-art in such priority areas as are identified under section 103.

### NATIONAL SCIENCE BOARD

SEC. 105. Section 4 of the National Science Foundation Act of 1950 is amended—

(1) by inserting before the period at the end of subsection (a) a comma and the following: "within the framework of applicable national policies as set forth by the President and the Congress" and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The persons nominated for appointment as members of the Board (1) shall be eminent in the fields of science, social science, engineering, agriculture, industry, education, or public affairs; (2) shall be selected solely on the basis of established records of distinguished service, and (3) shall be so selected as to provide representation of the views of leaders from a diversity of fields from all areas of the Nation. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by the National Academy of Sciences, the National Academy of Engineering, the National Association of State Universities and Land-Grant Colleges, the Association of American Universities, the Association of American Colleges, the Association of State Colleges and Universities, or by other scientific, technical, or educational associations."

### POLICY APPRAISAL AND REPORTING

SEC. 106. In order to carry out the purposes of this Act, the National Science Foundation shall—

(1) analyze information regarding Federal expenditures for research and engineering activities, and the employment and availability of scientific, engineering, and technical manpower, which the Foundation has assembled pursuant to paragraphs (1), (5), (6), and (7) of section 3(a) of the National Science Foundation Act of 1950 in order to appraise the implementation of the policies set forth in section 2 of this Act:

(2) develop and recommend to the President and the Congress programs and activities which will contribute to carrying out the policies set forth in section 2 of this Act; and

(3) prepare and submit to the President for transmittal to the Congress not later than January 31 of each calendar year, a report on its activities under this Act and an appraisal of the extent to which the policies set forth in section 2 are being successfully implemented, together with such recommendations, including recommendations for additional legislation, as it deems appropriate.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 107. (a) To carry out the provisions of sections 103 and 104 of this title, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976.

(b) Funds appropriated pursuant to subsection (a) of this section shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

## TITLE II—DESIGN AND DEMONSTRATION OF CIVIL SCIENCE SYSTEMS

### SHORT TITLE

SEC. 201. This title may be cited as the "Civil Science Systems Act".

### AUTHORITY OF THE NATIONAL SCIENCE FOUNDATION

SEC. 202. (a) (1) The Foundation is authorized to initiate and support programs which use science, technology, and advanced analytical techniques, such as systems analysis, to design civil science systems which are capable of providing improved public services in such areas as health care delivery, public safety, public sanitation, pollution control, housing, transportation, public utilities, communications, and education.

(2) The Foundation, insofar as is practicable, is authorized and directed to develop alternative civil science systems in order to promote a wider range of choice for the application of such systems.

(b) The Foundation is authorized to initiate and support the public demonstration of civil science systems which have been designed under this title.

(c) Section 5(e) of the National Science Foundation Act of 1950 is amended by adding at the end thereof the following new sentence: "The provisions of this subsection shall not apply to the authority granted to the Director under title II of the National Science Policy and Priorities Act of 1973."

### PROGRAMS AUTHORIZED

SEC. 203. In order to carry out the purposes of this title, the Foundation is authorized and directed to—

(a) initiate and support programs of applied research and experimentation, in order to design civil science systems capable of providing improved public services;

(b) test and evaluate the alternative civil science systems designed under this title, and appraise the results of such tests in terms of applicable technical, environmental, economic, social, and esthetic factors;

(c) disseminate and demonstrate the results of programs conducted or assisted under this title so that such civil science systems may be effectively utilized in the development of new communities, and in the improvement of living conditions in existing communities; and

(d) assure that the programs conducted or assisted under this title make maximum effective use of the Nation's scientists, engineers, and technicians, including those who are unemployed.

### ESTABLISHMENT OF THE CIVIL SCIENCE SYSTEMS ADMINISTRATION

SEC. 204. There is hereby established within the National Science Foundation, the Civil Science Systems Administration to administer Federal programs carried out under this title.

### ADMINISTRATION OFFICERS

SEC. 205. (a) The Administration shall be headed by an Associate Director for Civil Science Systems who shall be appointed by the President by and with the advice and consent of the Senate.

(b) The functions of the Director under this title and any other functions of the Civil Science Systems Administration shall be carried out through the Administration by the Associate Director, who shall be responsible to and report to the Director.

(c) There shall be a Deputy Associate Director for Civil Science Systems who shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties and exercise such powers as the Associate Director may prescribe. The Deputy Associate Director shall act for, and exercise the powers of, the Associate Director during the absence or disability of the Associate Director or in the event of a vacancy in the office of Associate Director.

(d) There shall be two Assistant Directors for Civil Science Systems who shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties and exercise such powers as the Associate Director shall prescribe, with the stipulation that one Assistant Director shall be responsible for advising and assisting the Associate Director with respect to the engineering and technical aspects of the Administration's programs, and the other Assistant Director shall be responsible for advising and assisting the Associate Director with respect to the behavioral and social science aspects of the Administration's programs.

(e) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) The Associate Director for Civil Science Systems of the National Science Foundation."

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) The Deputy Associate Director for Civil Science Systems of the National Science Foundation."

(3) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Assistant Directors for Civil Science Systems of the National Science Foundation."

(f) Section 14 of the National Science Foundation Act of 1950 is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) Neither the Director, the Deputy Director, the Associate Director, the Deputy Associate Director, nor any Assistant Director shall engage in any other business, vocation, or employment while serving in such position; nor shall the Director, the Deputy Director, the Associate Director, the Deputy Associate Director, or any Assistant Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any grant, contract, or other arrangement under this Act."

### CIVIL SCIENCE SYSTEMS ADVISORY COUNCIL

SEC. 206. (a) There is hereby established a Civil Science Systems Advisory Council to be composed of thirty-one members, of whom eighteen members shall be appointed by the Director for terms of three years, and thirteen shall be ex officio members designated in subsection (c) of this section. Appointed members shall be chosen from among persons who have, by reason of experience or accomplishments, demonstrated their qualifications to serve on the Council, in equal numbers from among the following categories—

1. business;
2. labor;
3. engineers, design professionals, and natural scientists;
4. social and behavioral scientists;
5. environmental and other community groups; and
6. consumers.

(b) (1) Of the members first appointed, six shall be appointed for a term of one year, six shall be appointed for a term of two years, and six shall be appointed for a term of three years, as designated by the Director at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy on the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Each appointed member of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for person in the Government service employed intermittently.

(5) The Council shall annually elect one of its members to serve as Chairman until the next election. The Council shall meet at the call of the Chairman, but not less often than four times a year.

(6) Eleven of the voting members of the Council shall constitute a quorum necessary for the transaction of official business.

(c) The Associate Director for Civil Science Systems; the Assistant Secretary of Commerce for Science and Technology; the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs; the Assistant Secretary of Housing and Urban Development for Research and Technology; the Administrator of the National Aeronautics and Space Administration; the Chairman of the Atomic Energy Commission; the Assistant Secretary of Transportation for Systems Development and Technology; the Administrator of the Environmental Protection Agency; the Director of the Office of Economic Opportunity; and the Chairman of the Council on Environmental Quality shall be nonvoting ex officio members of the Council.

(d) A representative designated by the National Governors Conference; a representative designated by the National Association of Counties; and a representative jointly designated by the National League of Cities and the United States Conference of Mayors shall be voting ex officio members of the Council.

(e) The Council shall—

(1) advise the Director with respect to the discharge of his responsibilities under this title;

(2) review and evaluate the effectiveness of Federal programs under this title;

(3) prepare and submit to the Director and the National Science Board such interim reports as it deems advisable, and an annual report of its findings and recommendations, together with any recommendations for changes in the provisions of this title; and

(4) disseminate its findings and recommendations to such extent and in such manner as it deems effective and advisable.

(f) The Director shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

### PLANNING FOR CIVIL SCIENCE SYSTEMS

SEC. 207. (a) From funds available pursuant to section 214, the Director is authorized to conduct planning studies, to transfer funds to other departments and agencies of the Federal Government, and make grants to, or to enter into contracts with, academic institutions, nonprofit institutes and organizations, State, regional, and local governmental agencies, and private business firms, for the conduct of planning studies for the design and demonstration of civil science systems capable of providing improved public services. Such studies will—

(1) be directed toward the objective of designing, testing, evaluating, and demonstrating civil science systems for subsequent incorporations in new communities, and for subsequent use, with appropriate adaptations, in existing communities;

(2) include long-range planning studies as well as intermediate and short-range studies;

(3) make maximum use of the results of activities undertaken under sections 103 and 104 and the scientific and technical information provided under section 211;

(4) encompass studies of a wide range of public service areas, including but not limited to health care, public safety, public sanitation pollution control, housing, transportation, public utilities, communications, and education;

(5) include specific studies of the economic, sociological, psychological, legal, administrative, and political factors which affect the design, development, and implementation of civil science systems to provide public services;

(6) include total civil systems studies carried out under paragraphs (4) and (5) of this subsection.

(b) In delineating the goals and establishing the priorities for such planning studies as are conducted under subsection (a) of this section, the Director shall consult with the Civil Science Systems Advisory Council.

### APPLIED SOCIAL RESEARCH

SEC. 208. (a) From funds available pursuant to section 214, the Director is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with academic institutions, nonprofit institutes and organizations, public agencies, and private business firms, for the conduct of applied social research into the economic, sociological, political, legal, administrative, and psychological aspects of the design, development, and implementation of civil science systems capable of providing improved public services.

(b) The scientific information which is currently available in these areas and which is generated as a result of the research undertaken under this section shall be fully taken into account by the Foundation in the development of programs and the design and evaluation of civil science systems under this title.

(c) In making grants or entering into contracts under this section, the Director shall take appropriate account of the results of the planning studies conducted or assisted under section 207.

### CIVIL SCIENCE SYSTEM RESEARCH AND DESIGN

SEC. 209. (a) From funds available pursuant to section 214, the Director is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, public agencies, and private business firms, for research with respect to, and design of, civil science systems capable of providing improved public services in areas such as health care, public safety, public sanitation, pollution control, housing, transportation, public utilities, communication, and education.

(b) In making grants or entering into contracts under this section, the Director shall take appropriate account of the results of the planning studies conducted or assisted under section 207, and the applied social research studies conducted or assisted under section 208.

(c) Each contract awarded under this section shall contain provisions which assure that specific performance objectives, and any applicable physical, environmental, economic, social, and esthetic constraints are specified with particularity for each project conducted under said contract.

(d) To assure that civil science systems designed under this section are responsive to public needs and desires, the Director shall obtain community and public views in his determination of the performance objectives and priorities to be met by such systems.

### TESTING AND EVALUATION

SEC. 210. (a) (1) From funds available pursuant to section 214, the Director is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, State, regional, and local governmental agencies, and private business firms for testing and evaluating civil science systems which make use of advanced science and technology.

(2) Such testing and evaluation shall utilize all available, applicable analytical techniques, such as computer simulation, systems analysis, and technology assessment, to test and appraise such systems in terms of their conformance to performance objectives; adherence to stipulated constraints; costs and ancillary consequences; impact on the environment; impact on esthetic values; responsiveness to public needs and desires; and their comparison with alternative civil science systems which may provide similar public services.

(b) From funds available pursuant to section 214, the Director is authorized and directed to carry out final evaluations of civil science systems which make use of advanced science and technology, taking appropriate acount of the results of the tests conducted or assisted under subsection (a) of this section, and the results of the applied social research conducted or assisted under section 208.

(c) In making grants or entering into contracts under this section, the Director shall take account of the results of the planning studies conducted or assisted under section 207.

### INFORMATION DISSEMINATION

SEC. 211. From funds available pursuant to section 214, the Director is authorized to establish a computerized Civil Science Systems Information Service, which shall collect and integrate the scientific, technical, and social information pertaining to civil science systems resulting from programs under this title, and shall provide such information to interested organizations in Federal, State, and local government, industry, academic institutions, and the nonprofit sector, upon request from such organizations, in accordance with such administrative procedures as are established by the Director.

### SYSTEMS DEMONSTRATION

SEC. 212. (a) From funds available pursuant to section 214, the Director is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, State, regional, and local governmental agencies, and private business firms, for the construction and public exhibition of civil science systems demonstration projects, which illustrate the functioning and associated benefits of alternative, effective civil science systems resulting from research and design activities conducted or assisted under this title.

(b) Such grants or contracts shall contain provisions which assure that such demonstration projects include—

(1) accurate and complete representations of the civil science systems involved in the demonstration, indicating the improved public services which they are capable of providing; and

(2) public exhibitions which are announced in advance and are open for inspection by any interested organization or individual in accordance with such administrative procedures as are prescribed by the Foundation.

(c) Prior to entering into any demonstration project grant or contract, the Director will consult with all State and local governments in whose jurisdictions such demonstration may occur, and will take account of the views of such governments in determining to award such a grant or contract.

### COORDINATION WITH OTHER GOVERNMENT AGENCIES

SEC. 213. In planning and conducting or assisting programs under this title, the Director shall maintain continuing consultation and coordination with appropriate Federal, State, regional, and local governmental agencies, including, but not limited to, the Departments of Commerce; Health, Education, and Welfare; Housing and Urban Development; and Transportation; the Council on Environmental Quality; the National Aeronautics and Space Administration; the Atomic Energy Commission; the Office of Economic Opportunity; the Environmental Protection Agency; the National Governors Conference; the National Association of Counties; the United States Conference of Mayors; and the National League of Cities. Such consultation and coordination shall be carried out through the Council established under section 206, and through appropriate staff contacts at other levels of the agencies involved.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 214. (a) To carry out the provisions of this title, there are authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1974, of which $25,000,000 shall be available to carry out the provisions of section 207, $30,000,000 shall be available to carry out the provisions of section 208, $120,000,000 shall be available to carry out the provisions of section 209, $15,000,000 shall be available to carry out the provisions of section 210, $5,000,000 shall be available to carry out the provisions of section 212; $400,000,000 for the fiscal year ending June 30, 1975, of which $20,000,000 shall be available to carry out the provisions of section 207, $50,000,000 shall be available to carry out the provisions of section 208, $270,000,000 shall be available to carry out the provisions of section 209, $30,000,000 shall be available to carry out the provisions of section 210, $10,000,000 shall be available to carry out the provisions of section 211, and $20,000,000 shall be available to carry out the provisions of section 212; and $600,000,000 for the fiscal year ending June 30, 1976, which $10,000,000 shall be available to carry out the provisions of section 207, $60,000,000 shall be available to carry out the provisions of section 208, $400,000,000 shall be available to carry out the provisions of section 209, $60,000,000 shall be available to carry out the provisions of section 210, $15,000,000 shall be available to carry out the provisions of section 211, and $55,000,000 shall be available to carry out the provisions of section 212.

(b) Funds appropriated pursuant to subsection (a) of this section shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

## TITLE III—TRANSITION OF TECHNICAL MANPOWER TO CIVILIAN PROGRAMS

### SHORT TITLE

SEC. 301. This title may be cited as the "Technical Manpower Transition Act".

### AUTHORITY OF THE NATIONAL SCIENCE FOUNDATION

SEC. 302. The Foundation is authorized to plan and assist in the transition of scientific and technical manpower from research and engineering programs which have been terminated or significantly reduced to other civilian-oriented research and engineering activities.

### ADVISORY PANEL ON TRANSITION OF SCIENTIFIC AND TECHNICAL MANPOWER TO CIVILIAN PROGRAMS

SEC. 303. (a) There is hereby established an Advisory Panel on Transition of Scientific and Technical Manpower to Civilian Programs to be composed of thirty-one members, of whom eighteen members shall be appointed by the Director for terms of three years, and of thirteen ex officio members designated in subsection (c) of this section. Appointed members shall be chosen from among persons who have, by reason of experience or accomplishments, demonstrated their qualifications to serve on the Panel, in equal numbers from the following categories:

(1) Engineering and natural sciences, including the environmental sciences;

(2) Economics and social sciences;

(3) Industry;

(4) Labor;

(5) Public affairs, education, and manpower training; and

(6) Unemployed or underemployed scientists, engineers, and technicians.

(b) (1) Of the members first appointed, six shall be appointed for a term of one year, six shall be appointed for a term of two years, and six shall be appointed for a term of three years, as designated by the Director at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy on the Panel shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Each appointed member of the Panel shall, while serving on business of the Panel, be entitled to receive compensation at a rate not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(5) Eleven of the voting members of the Panel shall constitute a quorum necessary for the transaction of official business.

(c) The Panel shall annually elect one of its appointed members to serve as chairman until the next election. The Panel shall meet at the call of the chairman, but not less often than four times a year. The Associate Director for Civil Science Systems; the Chairman of the Council of Economic Advisers; the Assistant Secretary of Commerce for Science and Technology; the Assistant Secretary of Labor for Manpower; the Assistant Director for Economic Affairs of the United States Arms Control and Disarmament Agency; the Administrator of the National Aeronautics and Space Administration; the Director of Defense Research and Engineering; the Chairman of the Atomic Energy Commission; the Commissioner of Education; and the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs shall be ex officio nonvoting members of the Panel.

(d) A representative designated by the National Governors Conference; a representative designated by the National Association of Counties; and a representative jointly designated by the National League of Cities and the United States Conference of Mayors shall be voting ex officio members of the Panel.

(e) The Panel shall—

(1) advise the Director, with respect to the discharge of his responsibilities under this title;

(2) review and evaluate the effectiveness of Federal programs under this title;

(3) prepare and submit such interim reports as it deems advisable, and an annual report of its findings and recommendations, together with any recommendation for changes in the provisions of this title; and

(4) disseminate its findings and recommendations to such extent and in such manner as it deems effective and advisable.

(f) The Director shall make available to the Panel such staff, information, and other assistance as it may require to carry out its activities.

### RESEARCH ON TRANSITION TO CIVILIAN PROGRAMS

SEC. 304. From funds available pursuant to section 313, the Foundation is authorized to—

(1) make grants to, or to enter into contracts with, academic institutions, nonprofit institutes and organizations, public agencies, and private business firms, for the conduct of research designed to study and appraise the social, economic, and managerial aspects of transition from defense research and engineering activities to civilian-oriented research and engineering activities; and

(2) disseminate publicly, or enter into contracts with academic institutions, nonprofit institutes and organizations, public agencies, and private business firms for the public dissemination of, the significant results of such research conducted under subsection (1) of this section, as appear likely to aid in the transition from defense research and engineering activities to civilian-oriented research and engineering activities, particularly those directed toward the resolution of priority national problems, as identified under section 103.

### ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

SEC. 305. (a) From funds available pursuant to section 313, the Foundation is authorized to make grants to State and local governments and regional governmental agencies for—

(1) the conduct of programs at the State, local, or regional level, which are designed to facilitate the transition of scientific and technical activities to civilian programs within the particular State, local, or regional areas; and

(2) the hiring of currently unemployed or underemployed scientists, engineers, and technicians to work within State, local, or regional governmental agencies in positions which utilize their technical skills.

(b) The Director shall prescribe applicable salary rates for different types of technical positions in different areas of the country, none of which shall exceed the rate paid a person occupying grade GS-13, step 1.

(c) No one hired by a State, local, or regional governmental agency under this section may—

(1) receive compensation from Federal funds at a rate which exceeds the applicable rate as set by the Director; or

(2) remain in a position compensated under this section for a period in excess of two years.

### TRAINING GOVERNMENT OFFICIALS

SEC. 306. (a) From funds available pursuant to section 313, the Foundation is authorized to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, and private business firms, for the purpose of their planning, developing, strengthening, or operating training programs for officers and employees of Federal, State, and local government who will be responsible for, or participate in, determining or administering government-assisted or conducted programs for civilian, socially oriented research and engineering activities.

(b) Such training programs will be directed at (1) acquanting the program participants with the potential contributions of science and technology to the resolution of public problems in such priority areas as are identified pursuant to this Act; and (2) teaching such participants how to utilize scientific and technical talent in an effective and economical manner.

(c) Organizations conducting such training programs may not charge any fee to a participant or participant's agency, which is not permitted by such regulations as the Foundation may prescribe.

(d) Participants in such training programs will be selected by the grantee or contractor from nominations made by interested government agencies, in accordance with such criteria and regulations as the Foundation may prescribe.

### GOVERNMENT EMPLOYEE PARTICIPATION

SEC. 307 (a) From funds available pursuant to section 313, the Foundation is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with, State, regional, and local government agencies for the purpose of paying the travel and subsistence expenses of government employees incurred in connection with their participation in training programs carried out under section 306.

(b) Executive agencies of Federal, State, and local government are encouraged, to the extent consistent with efficient administration, to provide opportunities for appropriate officers and employees of such agencies to participate in training programs carried out under section 306.

### COMMUNITY CONVERSION CORPORATION

SEC. 308. (a) From funds available pursuant to section 313, the Foundation is authorized to make grants to, or enter into contracts with, local governments or nonprofit corporations for the establishment and operation of community conversion corporations, which—

(1) function as nonprofit corporations:

(2) operate under the direction of a Board of Directors which is representative of a wide range of community interests, including citizen group and consumer participation, selected in accordance with such criteria as may be prescribed by the Foundation;

(3) conduct, contract for, or stimulate the conduct of civilian-oriented research and development activities which focus on the particular problems, or draw on the particular resources, of the community within which the corporation is located; and

(4) give preference in personnel recruitment to unemployed or underemployed scientists, engineers, and technicians, provided that they meet necessary qualifications for effective job performance.

(b) Existing nonprofit corporations are eligible to apply as community conversion corporations for financial assistance under this section, if such corporations meet the qualifications set forth under subsection (a) of this section.

(c) Each community conversion corporation receiving a grant or contract from the National Science Foundation is encouraged to seek additional financial support and payment for services from other agencies of Federal, State, or local government, private foundations, community organizations, and private business firms; and the National Science Foundation will give preference in awarding such community conversion grants or contracts to those corporations which show a likelihood of being able to obtain such additional financial support.

(d) The receipt by a community conversion corporation of a grant or contract from the National Science Foundation under this section does not make said corporation ineligible to receive other categories of grants and contracts from the Foundation.

(e) In awarding grants or contracts to community conversion corporations for specific research and development projects, the Foundation will give preference to those projects which offer the most promise of aiding in the resolution of national problems in priority areas as identified under section 103.

### JOB TRANSITION PROGRAMS

SEC. 309. (a) From funds available pursuant to section 313, the Foundation is authorized, upon application, to make job transition grants to nonprofit institutes and organizations and to private business firms in order to enable them to hire scientists, engineers, and technicians for work on projects for which they are not yet fully qualified. Each such application shall contain provision to assure that—

(1) such projects shall consist of civilian-oriented research and engineering activities;

(2) the personnel participating in such job transition programs shall be selected from unemployed or underemployed applicants by the grantees, in accordance with such criteria and regulations as shall be prescribed by the Foundation, including the requirement that the participants shall have a reasonable prospect of achieving full job qualification within a stipulated period of time;

(3) the personnel participating in such programs shall be afforded a reasonable opportunity to attend specialized training courses when such courses are deemed by the grantee to be necessary to supplement the on-the-job training of the participant; and

(4) no one may continue, or be selected, to participate in a job transition program under this section after such time that he receives a career transition fellowship under section 310.

(b) All significant scientific and technical information which is generated by the personnel participating in such programs shall be made available for public use, in accordance with such procedures as shall be prescribed by the Foundation.

### CAREER TRANSITION FELLOWSHIPS

SEC. 310. (a) From funds available pursuant to section 313, the Foundation is authorized to award career transition fellowships to unemployed or underemployed scientists, engineers, and technicians to enable them to pursue a course of study through which they can acquire specialized technical knowledge and skills in fields other than the ones in which they are already proficient.

(b) The Foundation shall allocate fellowships under this section in such manner, insofar as practicable, as will—

(1) attract highly qualified applicants; and

(2) provide an equitable distribution of such fellowships throughout those areas of the United States which are experiencing a higher than average level of technical unemployment.

For the purpose of this section, the Foundation shall consult with the Secretary of Labor to establish for each region in the United States the average level of technical unemployment.

(c) The Foundation shall award at least 10 per centum but not to exceed 20 per centum of the fellowships awarded under this section to scientists, engineers, and technicians who have completed their formal academic education within a five-year period prior to award of the fellowship, as certified in accordance with such regulations as the Foundation may prescribe.

(d) The Foundation shall pay to persons awarded fellowships under this section such stipends (including such allowances for subsistence, health insurance, relocation expenses, job placement expenses, and other expenses for such persons and their dependents) as it may prescribe by regulation.

(e) Fellowships shall be awarded under this section upon application made at such times and containing such information as the Foundation shall by regulation require.

### PLACEMENT ASSISTANCE

SEC. 311. (a) From funds available pursuant to section 313, the Foundation is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with scientific, professional, technical, and business associations, and labor unions in order to establish and operate placement programs for unemployed or underemployed scientists, engineers, and technicians.

(b) Such grants and contracts may include provision for relocation expenses of the individual participant and his family when necessary, in accordance with such regulations as the Foundation shall prescribe.

(c) Grantees and contractors shall select applicants for such placement assistance in accordance with such criteria and regulations as the Foundation shall prescribe.

(d) No one shall be eligible for placement assistance under this section when he is—

(1) a participant in a job transition program under section 309; or

(2) a recipient of a career transition fellowship under section 310.

### EDUCATION PROGRAM

SEC. 312. From funds available pursuant to section 313, the Foundation is authorized to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, and private business firms, for the purpose of their planning, developing, strengthening, or carrying out education programs which design courses and curriculums intended to prepare students for careers in civilian, socially oriented research and engineering activities, in areas such as pollution control, mass transit, solid waste disposal systems, public utilities, public safety systems, and health care technology.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 313. (a) There are authorized to be appropriated $152,000,000 for the fiscal year ending June 30, 1974, of which $5,000,000 shall be available to carry out the provisions of section 304, $15,000,000 shall be available to carry out the provisions of section 305, $4,500,000 shall be available to carry out the provisions of section 306, $500,000 shall be available to carry out the provisions of section 307, $30,000,000 shall be available to carry out the provisions of section 308, $75,000,000 shall be available to carry out the provisions of section 309, $15,000,000 shall be available to carry out the provisions of section 310, $5,000,000 shall be available to carry out the provisions of section 311, and $2,000,000 shall be available to carry out the provisions of section 312; $203,000,000 for the fiscal year ending June 30, 1975, of which $5,000,000 shall be available to carry out the provisions of section 304, $25,000,000 shall be available to carry out the provisions of section 305, $9,000,000 shall be available to carry out the provisions of section 306, $1,000,000 shall be available to carry out the provisions of section 307, $30,000,000 shall be available to carry out the provisions of section 308, $100,000,000 shall be available to carry out the provisions of section 309, $20,000,000 shall be available to carry out the provisions of section 310, $10,000,000 shall be available to carry out the provisions of section 311, and $3,000,000 shall be available to carry out the provisions of section 312, $205,000,000 for the fiscal year ending June 30, 1976, of which $5,000,000 shall be available to carry out the provisions of section 304, $35,000,000 shall be available to carry out the provisions of section 305, $4,500,000 shall be available to carry out the provisions of section 306, $500,000 shall be available to carry out the provisions of section 307, $30,000,000 shall be available to carry out the provisions of section 308, $100,000,000 shall be available to carry out the provisions of section 309, $20,000,000 shall be available to carry out the provisions of section 310, $5,000,000 shall be available to carry out the provisions of section 311, and $5,000,000 shall be available to carry out the provisions of section 312.

(b) Funds appropriated pursuant to subsection (a) of this section shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

## TITLE IV—PROTECTION OF PENSION RIGHTS OF SCIENTISTS AND ENGINEERS

SEC. 401. The Congress finds that because of rapid and frequent changes in Federal procurement objectives and policies, engineering and scientific personnel suffer a uniquely high rate of forfeiture of pension benefits under private pension plans, as such employees tend to change employment more frequently than other workers. The Congress declares that it is the policy of the United States to seek to protect scientists and engineers from such forfeitures by making protection against forfeiture of pension credits, otherwise provided, a condition of compliance with Federal procurement regulations.

SEC. 402. The Director shall develop, in consultation with appropriate professional societies and heads of interested Federal departments and procurement agencies, recommendations for modifications of Federal procurement regulations to insure that scientists, engineers, and others working in associated occupations employed under Federal procurement, construction, or research contracts or grants shall, to the extent feasible, be protected against forfeitures of pension or retirement rights or benefits, otherwise provided, as a consequence of job transfers or loss of employment resulting from terminations or modifications of Federal contracts or procurement policies.

SEC. 403. Recommended changes in procurement regulations shall be developed by the Director, as required by section 402, within six months after enactment of this Act, and shall be published in the Federal Register within fifteen days thereafter as proposed regulations subject to comment by interested parties.

SEC. 404. After publication under section 403, receipt of comments, and such modification of the published proposals as the Director deems appropriate, the recommended changes in procurement regulations developed under this title shall be adopted by each Federal department and procurement agency within sixty days thereafter unless the head of such department or agency determines that such changes would not be in the national interest or would not be consistent with the primary objectives of such department or agency.

### ADMINISTRATIVE PROVISIONS

SEC. 502. (a) The Director of the Foundation is authorized, in furtherance of the purposes and provisions of this Act, to—

(1) appoint such additional personnel as he deems necessary to carry out this Act;

(2) appoint such advisory committees as he deems advisable;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code; and

(4) use the services, personnel, facilities, and information of any other Federal department or agency, any agency of a State, or political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor.

(b) Upon request by the Director, each Federal department or agency is authorized to make its services, personnel, facilities, and information, including suggestions, estimates, and statistics, available to the greatest practicable extent to the Director, or his designee, in the performance of his functions under this Act.

(c) The Director shall establish such additional divisions or offices within the Foundation as he deems necessary to carry out his functions under this Act.

### PAYMENTS AND WITHHOLDING

SEC. 503. (a) Payments under this Act may be made in installments, in advance, or by way of reimbursement. with necessary adjustments on account of underpayment or overpayment.

(b) Whenever the Director, after giving reasonable notice and opportunity for hearing to a grantee or contractor under this Act, finds—

(1) that the program or project for which such grant or contract was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that, in the operation of the program or project, there is failure to comply substantially with any such provision—

the Director shall notify such grantee or contractor of his findings and no further payments may be made to such grantee or contractor by him until he is satisfied that such noncompliance has been or will promptly be, corrected. The Director may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such grantee to contractor and which are not involved in the noncompliance.

### RECORDS AND AUDIT

SEC. 504. (a) Each recipient of assistance under this Act pursuant to grants received, agreements entered into, or contracts entered into under other than competitive bidding procedures shall keep such records as the Director shall prescribe, including records which fully disclose the amount and disposition of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Director and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this Act.

### PATENT RIGHTS

SEC. 505. (a) Each grant, contract, or other arrangement executed pursuant to this Act which relates to scientific research or engineering shall contain provisions governing the disposition of inventions produced thereuder in a manner calculated to protect individual or organization with which the public interest and the equities of the grant, contract, or other arrangement is executed. Nothing in this Act shall be construed to authorize the Foundation to enter into any contractual or other arrangement inconsistent with any provision of law affecting the issuance or use of patents.

(b) No officer or employee of the Foundation shall acquire, retain, or transfer any rights, under the patent laws of the United States or otherwise, in any invention which he may make or produce in connection with performing his assigned activities and which is directly related to the subject matter thereof. This subsection shall not be construed to prevent any officer or employee of the Foundation from executing any application for patent on any such invention for the purpose of assigning the same to the Government or its nominee in accordance with such rules and regulations as the Director may establish.

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By Mr. KENNEDY:

S. 33. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize group life insurance programs for public safety officers and to assist State and local governments to provide such insurance. Referred to the Committee on the Judiciary.

### PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE ACT OF 1972

Mr. KENNEDY. Mr. President, I am introducing a bill to establish a federally subsidized group life insurance program for State and local public safety officers.

In each of the last two Congresses, the Senate has adopted this or a similar program by overwhelming votes. The bill I am introducing is identical except for a technical clarification to the bill we debated and passed last September, and I hope we may act quickly this year and obtain favorable House action.

To summarize the bill's provisions, it would establish a nationwide, federally subsidized program of group life, accidental death, and dismemberment insurance for State and local public safety officers, defined to include firefighters, correctional guards, and court officers, in addition to police. The plan is patterned closely after the highly successful Federal employees' and servicemen's group life insurance programs, which are available to all Federal civilian employees and to members of our Armed Forces. The Law Enforcement Assistance Administration would buy a national group policy from a nationwide life insurance carrier so that the underlying coverage would be provided—and much of the administrative work would be handled—by the private sector. The standard reinsurance formula, favoring small companies, would be used to spread the risk and the income beyond the principal carrier.

Any unit of State or general local government could apply to participate in the program. Officers in participating units could elect not to be covered; those remaining in the program would have their share of the premiums deducted from their wages. Coverage would be at a level of the officer's annual salary plus $2,000, starting from a floor of $10,000 coverage and rising to a maximum of $32,000. Accidental death and dismemberment insurance would be included with usual double indemnity feature. LEAA would pay up to one-third of the total cost of the premiums, leaving the remainder to be covered by the insured officer or the employing agency.

Where existing State or local group life insurance plans provide coverage for public safety officers, or where it was desired to establish such a program within a year after the effective date of the bill, eligible officers would choose by ballot between the Federal and the State or local plans. If they chose the State or local program, it would be eligible for the same subsidy which would go to the Federal plan.

Totaling the four categories of public safety officers—police, firefighters, correctional guards, and court officers—the bill would make its benefits available to approximately 700,000 to 900,000 persons depending on the administrative application of its definitions. LEAA's estimate of the total annual cost to the Federal Government, which must be regarded as the highest possible figure since it assumes the full one-third Federal subsidy and 100 percent officer participation, is under $22 million including all Federal administrative costs, which LEAA estimates at just over $1 million. For this sum it is estimated that insurance would be provided to officers at a total rate of less than 70 cents per month per thousand dollars of coverage.

There are many reasons why this program is vitally needed. Most tragically and most prominently of all, the rate of crippling and killing assaults on officers is high and rising alarmingly fast. The number of police killed by criminal acts rose from 86 in 1969 to 100 in 1970 and 126 in 1971. Firefighters, too, are still subject to criminal assaults while on their job; from 1967 through 1969 injuries during civil disorders averaged over 200 per year, and in 1970 the rate remained almost the same at 195.

Because of these hazards, some public safety officers find regular life insurance coverage hard to come by, unusually expensive, or restricted in the benefits offered. Yet if a public safety officer tries, even though he may run into such obstacles, to buy as much insurance as he needs for himself and his family, he is held back by the disgracefully low salaries we so often pay. Further, employer-aided group plans to remedy the insurance problems of public safety officers differ widely in their coverage and are frequently not offered at all. In Massachusetts, we have had to establish an organization called the Hundred Club to help tide over widows of slain officers. But there are not a great many such programs, and a public safety officer should not have to rely on uncertain private charity to assure his family of financial security in the event of his death.

So because of job hazards, low salaries, and employer inaction—all factors which are related to their public service jobs—many officers and their families are inadequately protected against death or disability on or off the job. This is one important problem that is too often overlooked—that public safety officers' work situations make it difficult or impossible for many of them to obtain adequate life insurance to cover them on or off duty. In other words, if we wish to respond adequately to the problems created by the risks of officers' work, we have to enact legislation which will help them whether they are killed or injured on the job or not, whether by a criminal act or by accident or by natural causes. That is precisely what this bill would accomplish, and I am confident that is a major reason why the bill has the enthusiastic support of the leading police and firefighters' organizations in the country, including the International Conference of Police Associations, the Fraternal Order of Police, the International Association of Chiefs of Police, the National Sheriffs' Association, and the International Association of Firefighters.

As many Senators will remember, in addition to pasing this bill separately we adopted it also as part of a victims of crime package which included compensation to civilian victims of crime and gratuities to survivors of officers killed in the line of duty. This package was put together under the leadership of the senior Senator from Arkansas, and in working on that bill with him and his staff we made many improvements in the insurance title which are included in the bill I am introducing today. I supported the victims of crime package last year, and I support it every bit as strongly now. I am introducing the group life insurance title as a separate bill to give the proper committees a full range of options, and I will be happy to see the insurance program adopted separately or as part of a package.

In conclusion, let me say that I regard this bill as one over which there need be no partisan division. In the last Congress I was grateful for the support it attracted from Democrats and Republicans, conservatives and liberals alike. It is also supported by the major public safety officers' organizations and by many insurance companies. It will help with morale and in recruiting and keeping good public safety officers, and we can hope it will thereby improve the protection we all receive. And it will go a long way toward alleviating a serious human problem on which the Federal Government is uniquely qualified to act. We owe these men and women no less, and the time for action is now.

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By Mr. HOLLINGS:

S. 34. A bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes. Referred to the Committee on Labor and Public Welfare.

### CARE AND TREATMENT OF AUTISTIC CHILDREN

Mr. HOLLINGS. Mr. President, during the last Congress, I introduced a bill entitled the Autistic Children Research Act. Since that time, I have had numerous calls in support of this legislation from national foundations who aid autistic children as well as individuals who know an autistic child, and I am reintroducing this bill today.

Autistic children are those with severe disorders of communication and behavior such as infantile absorption in fantasy as an escape from reality, childhood schizophrenia, and other childhood psychoses.

In my own State of South Carolina, there are more than 25,000 emotionally disturbed children. In fact, this is a conservative estimate. Of the total, South Carolina has 1,200 children needing residential spaces and we have 44 beds. Only 10 of these beds are available for the severely disturbed child. There is no long term comprehensive program for the autistic child in my State and many others.

With no treatment these children will end up in the State mental hospital receiving nothing but custodial care, and costing the taxpayer more than $250,000 for each child during their lifetime.

However, it has been shown that with treatment programs, many of these children can recover completely, many can be taught enough self-help skills to allow them to live and work in half-way houses and sheltered workshops. Many can learn to manage their behavior so that they will not be management problems when they do not need residential care. In the last 10 years there has been abundant evidence that these children benefit often dramatically, from special education suited to their needs.

My bill provides for a comprehensive research program. At this point there is no known cause or cure for autism. There has not even been a count of how many autistic children there are in the country. It has been estimated by the National Society for Autistic Children that the number is somewhere between 200,000 and 800,000. It is disturbing to think that we know more about the number of cabbages grown in this country, than the number of autistic children.

My bill also provides for grants and loans to any public or nonprofit entity operating or proposing to operate a residential or nonresidential center with educational programs for autistic children. This will rectify the problem that we have in South Carolina where parents must go outside the State to obtain the needed facilities for their child. This does not happen just in South Carolina, but in many other States as well.

This is vitally needed legislation that has been overlooked for so many years in the finely drawn definitions covering the mentally ill and mentally retarded. These autistic children have been denied services which could have proven so beneficial to their specific needs. It is time they were given the recognition and care they need, and I urge my colleagues to give this bill their prompt attention.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 34

A bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes

### AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT

SEC. 2. Part E of the Public Health Service Act is amended by adding at the end thereof the following:

"RESEARCH PROGRAM ON AUTISM"

"SEC. 446. (a) The Director of the National Institute of Child Health and Human Development shall—

"(1) plan and develop a coordinated autism research program encompassing the programs of the National Institutes of Health and related programs of other research institutes, and other Federal and non-Federal programs;

"(2) collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of autism; and

"(3) establish comprehensive, coordinated diagnostic and evaluation procedures that provide for early detection and effective guidance for autistic children.

"(b) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary.

### LEARNING AND CARE CENTERS

"SEC. 447. (a) The Secretary may make grants, loans, and loan guarantees to any public or private nonprofit entity operating or proposing to operate a residential or nonresidential center with education programs for autistic children.

"(b) A grant, loan, or loan guarantee under this section may be made only after the Secretary approves a plan submitted by such entity submitted in such form and containing such information as the Secretary may require.

"(c) There are authorized to be appropriated to carry out the provisions of this section $500,000 for fiscal year 1974 and $5,000,000 per annum for fiscal years 1975, 1976, 1977, and 1978.

"(d) For the purposes of this section and section 446 the term 'autistic' means severe disorders of communication and behavior such as infantile absorption in fantasy as escape from reality, childhood schizophrenia, and other child psychoses."

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By Mr. HOLLINGS:

S. 35. A bill to amend the Internal Revenue Code of 1954 to permit the deduction without limitations of medical expenses paid for certain dependents suffering from physical or mental impairment or defect. Referred to the Committee on Finance.

Mr. HOLLINGS. Mr. President, I send to the desk a bill, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

One of the most tragic circumstances in our society is the illness that strikes children with lingering, painful, and possibly terminal results. In this age of technological advancement, tremendous strides have been made in combating these conditions; however, the tragic fact remains that millions of children are born each year who must struggle to stay alive. The tragic by product of such circumstances is, of course, the plight of the parent, not only emotionally, but financially. In addition to the heartbreak, many times they face intolerable financial burdens in striving to provide the best medical care possible to combat the illness.

Obviously, such illnesses know no social or economic boundaries and the financial burdens strike both rich and poor. Ironically, those most tragically hit are the middle-income families. Many of our social programs provide financial assistance and treatment to the poor. The rich have the financial resources to meet the problem. Middle-class Americans, however, are faced many times with the thousands of dollars worth of hospital, doctor, and drug bills. Savings accounts are wiped out or prohibited, because of the continuing expense. Borrowing power at high interest rates can only go so far. Homes can be mortgaged and cars can be sold, and extra work by wife and husband can be obtained, but in many cases this is still insufficient.

The bill which I propose would grant an unlimited tax deduction to families faced with the crisis of a child suffering from a lingering illness. Deductions would include money spent for hospital bills, doctors' fees, drugs and other care for a dependent under the age of 19 who suffers from a physical or mental impairment which has been in existence for more than 3 months. The illness would have to result in a substantial loss of mental process, physical ability, vision, hearing, or speech.

Over 26 million children and young people suffer from epilepsy, cerebral palsy, eye conditions, orthopedic deficiences, speech disorders, and emotional disturbances requiring long-term care. The list of such crippling illnesses is long and costs are staggering. Health care costs have risen from $26 billion in 1960 to over $83 billion in fiscal year 1972.

True, this bill would decrease the amount of revenue received by our Federal Government, but I feel it is a modest step, totally consistent with the concern and compassion our Government should exhibit. Hence, I urge the bill's favorable consideration.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 35

A bill to amend the Internal Revenue Code of 1954 to permit the deduction without limitations of medical expenses paid for certain dependents suffering from physical or mental impairment or defect

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 213(a) of the Internal Revenue Code of 1954 (relating to deduction of medical, etc., expenses) is amended—

(1) by inserting ", other than a dependent to whom paragraph (3) applies," after "section 152)" in paragraph (1);

(2) by striking out "and" at the end of paragraph (1);

(3) by striking out "dependents." in paragraph (2) and inserting in lieu thereof "dependents, other than a dependent to whom paragraph (3) applies, and"; and

(4) by adding after paragraph (2) the following new paragraph:

"(3) the expenses paid during the taxable year for medical care of a dependent described in subsection (e)(5)."

(b) Section 213(b) of such Code (relating to limitation with respect to medicine and drugs) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to amounts paid for the care of a dependent to whom subsection (a)(3) applies."

(c) Section 213(e) of such Code (relating to definitions) is amended by adding at the end thereof the following new paragraph:

"(5) Subsection (a)(3) shall apply only to a dependent who—

"(A) has not attained the age of 19 before the close of the taxable year and is suffering from a physical or mental impairment or defect which—

"(i) has been in existence for more than 3 months, and

"(ii) results in a substantial loss, or loss of use in a normal manner, of any substantial portion of the musculoskeletal system, or results in a substantial loss of vision, hearing, or speech; or

"(B) has attained the age of 19 before the close of the taxable year and is suffering from a physical or mental impairment or defect described in subparagraph (A) which commenced prior to attaining such age."

SEC. 2. The amendments made by this Act shall apply to taxable years beginning on or after the date of the enactment of this Act.

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By Mr. SCHWEIKER:

S. 36. A bill to provide certain protection against disclosure of information and the sources of information obtained by newsmen. Referred to the Committee on the Judiciary.

Mr. SCHWEIKER. Mr. President, I introduce today the Protection of News Sources and News Information Act of 1973.

This bill would protect news personnel from having to reveal confidential information and confidential sources of information. It would enact into law the principle that the gathering of news information is included in the freedom of the press guarantees of the first amendment.

My news protection proposal is in two parts:

First. An absolute protection from revelation of news information or sources of information before Federal grand juries, agencies, or departments, and before either House of, or committee of, the Congress, and

Second. A qualified protection from revelation of news information or sources of information before Federal courts. The qualified protection could be divested in criminal court cases by a U.S. district court if three conditions were met. These conditions are: First, that there is "probable cause to believe that the person from whom the information is sought has information which is clearly relevant to a specific probable violation of law," second, that "the information sought cannot be obtained by alternative means less injurious to the gathering and dissemination of information to the public," and third, that there is "a compelling and overriding national interest in the information." The burden would be on the party seeking the news information or source of information to seek the court order divesting the protection, and to prove the existence of the three conditions "by clear and convincing evidence."

I have been concerned in recent months with the growing use of subpenas by prosecutors and courts alike to routinely seek information and sources of information from reporters. Last June, the U.S. Supreme Court ruled in the case of Branzburg against Hayes that there is no constitutional privilege for newsmen to refuse to reveal information or sources of information, and I fear that this decision has been interpreted as an open license season on newsmen across the country. Justice Stewart, in dissenting to the Branzburg decision warned that—

> The Court thus invites state and federal authorities to undermine the historic independence of the press by attempting to annex the journalistic profession as an investigative arm of government.

As we witness newsmen being shackled and led to jail, as we read about increased demands by courts, prosecutors, and grand juries for newsmen to reveal confidential information and sources of information, I fear that Justice Stewart's fears are being fully realized.

Any exemption from the historic duty of all citizens to assist officials in the maintenance of a lawful society must serve the public interest, and involves delicate balancing processes. We accept the attorney-client, husband-wife, and priest-penitent privilege because of the interests to society of encouraging and preserving these types of confidential communications. Similarly, courts do not require the revelation of the police informer, because of the interests to society of encouraging this form of confidential information about crime to help maintain our lawful society.

The freedom of the press, and the freedom of the men and women of the press to develop their stories and their sources of information, must also receive protection. On many occasions, the diligence and hard work by reporters have uncovered criminal activity, resulting in successful prosecution. But we must never allow the reporter to be an agent of the government, and we must never provide the slightest discouragement to the reporter in seeking to provide information to the public.

Accordingly, I am proposing an absolute protection against any investigative and exploratory use of news men and women, news information, and sources of news information by the Government. This absolute protection precludes the revelation of news information or sources of information to any Federal grand jury, and Federal department or agency, or to the Congress. This historic and basic freedom of the press of the first amendment requires strict lines to insure that the news media are not used for "fishing expeditions" by Federal bodies.

Once a criminal case is underway in the courts there may be limited examples where in the interest of the proper administration of justice, some limited use of news information may be required by society.

Justice Stewart, in his dissenting opinion in the Branzburg case, outlined three basic conditions that would justify the required testimony of news personnel. In addition, the Joint Media Committee, made up of the American Society of Newspaper Editors, the Associated Press Managing Editors Association, the National Press Photographers Association, the Radio and Television News Directors Association, and Sigma Delta Chi, the professional journalistic society, have drafted a qualified protection along the same lines of Justice Stewart's conditions.

I have adopted the Joint Media Committee qualified protection conditions in my bill, with the only change being that I would only apply the qualified protection to the Federal district, appellate, and Supreme Court situations. Under my bill, an absolute protection would still be in effect before other Federal bodies.

Without statutory protection for news information and news sources, much important information that the public needs to remain fully informed in our complex modern life may never come to light. It is common knowledge that much news information, and sources of information, would never be revealed except in strict confidence, and it is our duty to insure, as a matter of public policy, that news confidences should be encouraged and protected from disclosure. The number of individual wrongdoers publicized in the media who are not prosecuted because of a news source protection would be infinitesimal, in my view, compared to the widespread disclosure of wrongdoing and corruption that could be eliminated if news sources dried up for fear of being revealed to Federal investigatory bodies.

Justice Stewart eloquently summed up the importance of news confidences in his Branzburg dissent:

> The reporter's constitutional right to a confidential relationship with his source stems from the broad societal interest in a full and free flow of information to the public. It is this basic concern that underlies the Constitution's protection of a free press.

In the majority opinion of the Branzburg case, Justice White said:

Congress has freedom to determine whether a statutory newsman's privilege is necessary and desirable and to fashion standards and rules as narrow or broad as deemed necessary to address the evil discerned, and equally important, to re-fashion those rules as experience from time to time may dictate.

I agree and feel Congress should act immediately to provide such statutory protection now. If experience dictates revision, then we can address ourselves to that situation. But for the moment, we must enact the principle of a Federal newsmen's privilege to insure the maintenance of the first amendment right to gather, publish, and distribute news. I urge swift action by the Congress.

Mr. President, I ask unanimous consent that the full text of the Protection of News Sources and News Information Act of 1973 be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 36

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Protection of News Sources and News Information Act of 1973."

SEC. 2. No person shall be required by any grand jury, agency, department, or commission of the United States or by either House of or any committee of Congress to disclose any information or communication or the source of any information or communication received, obtained or procured by that person in his or her capacity as a reporter, editor, commentator, journalist, writer, correspondent, announcer or other person directly engaged in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service, radio or television station or network or cable television system.

SEC. 3. Except as provided in section 4, no person shall be required by any court of the United States to disclose any information or communication or the source of any information or communication received, obtained, or procured by that person in his or her capacity as a reporter, editor, commentator, journalist, writer, correspondent, announcer, or other person directly engaged in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service, radio or television station or network, or cable television system.

SEC. 4. Any person seeking information or the source thereof protected under section 3 of this Act may apply to the United States District Court for an order divesting such protection. Such application shall be made to the district court in the district wherein the hearing, action, or other proceeding in which the information is sought is pending. The application shall be granted only if the court after hearing the parties determines that the person seeking the information has shown by clear and convincing evidence that (1) there is probable cause to believe that the person from whom the information is sought has information which is clearly relevant to a specific probable violation of law; (2) has demonstrated that the information sought cannot be obtained by alternative means less injurious to the gathering and dissemination of information to the public; and (3) has demonstrated a compelling and overriding national interest in the information.

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By Mr. METCALF (for himself, Mr. ERVIN, Mr. NELSON, and Mr. HATFIELD):

S. 37. A bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director and Deputy Director of the Office of Management and Budget. Referred to the Committee on Government Operations.

Mr. METCALF. Mr. President, on behalf of the distinguished senior Senator from North Carolina (Mr. ERVIN), the junior Senator from Wisconsin (Mr. NELSON), the senior Senator from Oregon (Mr. HATFIELD), and myself, I introduce for appropriate reference a bill which would require that the Director and Deputy Director of the Office of Management and Budget be confirmed by the Senate.

OMB is no longer the small agency of accountants which was transferred to the Executive Office from the Treasury Department some 34 years ago to help the President prepare a budget. Rather, it has become a superdepartment with life or death powers over the expenditure of funds, the development of programs, the management of Government, and the careers of Federal employees.

In the name of the President, it has become the chief administrative office of the Government. It determines line-by-line budget limitations for each agency, including the regulatory arms of Congress, beyond which the agencies are forbidden to tread in the Halls of Congress. After Congress appropriates the money and determines its own priorities, it is the OMB that puts together the program of impounding those funds in accord with the President's priorities. After Congress passes a law, it is the OMB that writes the guidelines and regulations for the agencies to be followed in the enforcement of the congressional mandate. While the Congress is considering legislation, it is the OMB that coordinates the Executive's legislative recommendations and orchestrates the flow of information which is sought by Congress in making its judgment.

When agencies disagree with each other, the OMB resolves the conflicts. When agency heads strike out on their own, it is the OMB that pressures bureaus and divisions of the agency to force the agency heads back into line.

The OMB is empowered to do other things that have a direct impact on Government policy. Under a 1970 Reorganization Plan, it has obtained a major role in developing management systems, improved executive talent, informational systems and program evaluation.

It monitors and coordinates the approval and administration of grants in aid to the States and municipalities, including direct oversight of Federal regional office coordination.

It has the sole power to clear information and investigatory requests to be submitted by all agencies, including the regulatory agencies, under the Federal Reports Act.

It oversees the management and expenditures of national security programs, international programs, natural resource programs and other matters directly affecting the economy and security of the country.

It makes the ultimate recommendations on the settling of claims on defense contracts, and it approves all fiscal methods of "shoring up" large defense contractors.

The point is that the Office of Management and Budget today is an operating, decisionmaking, administrative agency just as surely as are the Department of Defense, the Departments of HEW, HUD, and Transportation and the other operating agencies. It interprets and implements congressional policy, and, on occasion, appropriates the legislative function to itself, or in the alternative emasculates what Congress has done.

Far from being merely a personal adviser to the President, the Director of the OMB is the top administrative officer of the executive branch, and as such should be directly responsive to Congress as well as to the President.

The argument has been made—and no doubt will be made again as we take up this legislation—that the OMB is in the Executive Office of the President, that it advises the President, and that he should be able to choose his own Director without interference from the Senate. This argument carries with it a second point that is sometimes overlooked. It is that if the Director and Deputy Director of OMB are the President's men, they cannot be forced by Congress to respond to questioning. Budget directors do testify, but only at their option.

The argument in favor of special immunity under the cloak of the Presidency wears thin when we look at the extraordinary political and administrative powers which have been delegated to the OMB. The argument pales further when we examine the status of other offices and directors in the Executive Office of the President, most of which do not enjoy such a privileged position.

The Director of the Office of Emergency Preparedness is a key adviser to the President on a variety of civilian defense matters, from mobilization to oil import quotas. Like OMB, it coordinates Federal programs in national emergencies. Its Director, Deputy Director and two assistant directors are all subject to Senate confirmation.

The Office of Science and Technology provides advice and staff assistance to the President in developing and evaluating scientific programs in the interest of national security. It does not have the "power of the purse" that OMB does. But its Director, who is also the President's science adviser, and its Deputy Director comes before the Senate for confirmation and are responsive to Congress.

The Office of Telecommunications Policy was recently created by a reorganization plan to advise the President on national communication policies and to evaluate and coordinate telecommunication activities. Both its director and deputy director are appointed by and with the advice and consent of the Senate.

The Council of Economic Advisers analyzes the national economy and advises the President as to policies for economic growth and stability. The Council on Environmental Quality analyzes environmental conditions and trends; reviews and assesses Federal programs; and recommends policies for improving the quality of our environment. All members of these two important councils in the Executive Office of the President are subject to confirmation by the Senate. And all testify as to how they arrive at their analyses and recommendations.

Finally, the Office of Economic Opportunity has been in the President's office for more than 8 years. Again, like the OMB, it assesses the impact of Federal programs and provides administrative resources and support in the poverty area. From the beginning, its director, deputy director and five assistant directors have been appointed by the President, by and with the advice and consent of the Senate.

Rather than following the rule, OMB stands out as the glaring exception with respect to the selection of its directors and its responsiveness to the Congress.

But let us face the real truth here. This is not any academic exercise in political science as to appointment powers with respect to the President's office. There is a very real issue at stake. It is the exaggerated power of the executive branch, at the expense of the legislative branch. That exaggeration—that arrogation, if you will—is based largely on the expertise and resources of the Office of Management and Budget—expertise in budgeting, information, management policy, and planning—which is not available to the Congress.

Perhaps the Congress should have its own Office of Management and Budget or its own Domestic Council. But until such congressional reform emerges, the very least that it is entitled to is the opportunity to inquire into and pass judgment upon the chief officer of the President's budget and management agency, and to insist on a greater degree of information and advice from that agency.

It is no secret to this Senator that the President and his top aides are holding the Office of Management and Budget with a tight rein—away from the Congress, away from the press and people, and away from even their own department heads.

It is becoming a closed government with new and unique methods of executing policy under the cloak of executive privilege. The OMB is one vehicle in this closed process of government which requires scrutiny as we move ahead in our efforts to restore the balance of powers in American Government.

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By Mr. CANNON (for himself and Mr. Magnuson):

S. 38. A bill to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes. Referred to the Committee on Commerce.

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By Mr. CANNON (for himself, and Mr. Magnuson, and Mr. Robert C. Byrd):

S. 39. A bill to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy and for other purposes. Referred to the Committee on Commerce.

Mr. CANNON. Mr. President, I send to the desk two bills for appropriate reference dealing with pressing civil aviation problems—both bills passed the Senate during the 92d Congress, however, neither was enacted into law. Mr. President, following my introductory remarks I ask unanimous consent that the two bills be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits Nos. 1 and 2.)

### THE ANTIHIJACKING AND THE AIR TRANSPORTATION SECURITY ACTS OF 1973

Mr. CANNON. Mr. President, the bill I am sending to the desk is of vital importance to the American traveling public. It is nearly identical to the tough antihijacking bill that the Senate considered and passed by a vote of 75 to 1 on September 21. As my colleagues know well, despite our efforts here, administration lobbyists were successful in killing our bill in the House. In fact, Members of the House never had an opportunity to vote on it as several senior Members of that body kept the Senate-passed bill from consideration on the floor.

Shortly after Congress adjourned, two desperate and fantastic hijacking incidents occurred and resulted in death and serious injury to innocent bystanders, again spotlighting the momentous danger facing the American traveling public from these desperate and outrageous acts and the failure of the administration and the House of Representatives to take responsible action.

Last month, issuing emergency regulations, the administration proceeded to tighten and then further weaken its previously haphazard program to deal with aircraft piracy. Most important, by regulation, the administration ordered that all passengers and their carry-on possessions be screened or searched prior to the passengers' boarding aircraft. This is a highly laudable step and was the cornerstone of the bill Senator Magnuson and I sponsored last year. Certainly the universal requirement of passenger screening and luggage search will diminish the opportunity the would-be hijacker will have to board an aircraft carrying concealed weapons.

The other part of the administration's emergency order, however, in my opinion, is totally irresponsible and possibly even contrary to law. The Secretary has ordered that all airport operating authorities at 531 air carrier airports throughout the United States hire, train, and equip local policemen to provide a local police presence at each airport gate for each aircraft boarding.

I believe that such an order is a complete and total abdication of the Federal Government's responsibility to protect the American traveling public from criminals who are attempting to violate Federal, not State, laws. Mr. President, the U.S. Government presently has more than 1,700 law enforcement officers stationed at airports across the United States to provide a Federal police presence adequate to search and arrest passengers attempting to commit crimes against U.S. law. The Secretary of Transportation and the President propose to disband this law enforcement force beginning in July and to force local governments to provide local policemen in its place.

I believe that we in the Congress must not stand by while the Federal Government abandons its responsibility in this field because I am convinced that local law-enforcement officials are not the proper authority to adequately protect our air transportation system. Even if they were, I do not believe that such an uncoordinated and ad hoc force would be effective in dealing with the potential threats of skyjacking, extortion, and other crimes against air transportation.

I believe further, that the American public expects the U.S. Government to deal with this problem in a responsible way and that the public opposes the Government's abandonment of its law-enforcement presence at the airports.

Given the current circumstances and situation, it is imperative that the bill I introduce today be quickly enacted into law. My bill will reverse the dangerous path the administration chooses now to follow and will establish a tough and responsible Federal program to protect the air transportation system from violence.

Let me review for a moment the provisions of this bill which nearly all of my colleagues supported last year.

First, my bill is designed to provide the legislation necessary for the United States to implement the Convention for the Suppression of Unlawful Seizure of Aircraft—the Anti-Hijacking Convention or Hague Convention—to which the United States is a party, and which came into effect on October 14, 1971.

In addition, the bill is designed to provide the President authority to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Hague Treaty and to suspend foreign air carrier service between the United States and any nation which continues to provide for or accept air service from any nation which the President has determined is encouraging hijacking.

The bill provides the Secretary of Transportation authority to withhold, revoke or limit the operating authority of any foreign air carrier whose government does not effectively maintain and administer security measures equal to or above the minimum standards.

In addition, the bill will require the FAA Administrator to issue regulations, as soon as practicable, requiring for at least the next 12 months, that all passengers and their carry-on property carried in air transportation involving large aircraft be screened by weapon detecting devices, operated by employees of air carriers, before the passengers and their baggage are boarded. The bill also authorizes the Administrator to acquire and furnish metal detector devices for this purpose with funds from the Airport and Airway Trust Fund. The devices will remain U.S. property.

The Administrator of the FAA will also be required to establish an air transportation security force of sufficient size to provide a law enforcement presence and capability at airports in the United States adequate to insure the safety of passengers from violence and air piracy. The officers of such force will have the authority to:

First, detain and search any person seeking to travel in air transportation to ascertain whether such person is carrying, unlawfully, a dangerous weapon, explosive or other dangerous substance;

Second, search or inspect property destined for or in air transportation to determine whether it unlawfully contains any dangerous weapon, explosive, or other dangerous substance;

Third, arrest any person whom he has reasonable cause to believe has violated or has attempted to violate Federal statutes relating to crimes against aircraft or against air transportation; and

Fourth, to carry firearms.

In addition, the Administrator is empowered to designate and deputize State and local law enforcement officials to exercise the authority described above.

The bill requires that the FAA Administrator prescribe regulations requiring that airlines refuse to transport persons not consenting to a search of their person or property to determine whether dangerous weapons, explosive or other dangerous substances are being carried unlawfully. Further, it provides that an agreement for carriage of persons or property in air transportation shall be deemed to include an implied consent to search persons and search and inspect property to determine if dangerous weapons, and so forth are being carried unlawfully.

The bill also broadens section 902(1) of the Federal Aviation Act relating to "carrying weapons aboard aircraft" by making it a Federal crime to carry aboard or have carried aboard or placed aboard an aircraft in air transportation a concealed explosive or other dangerous substance. Further, the bill provides that if concealed weapons, and so forth, are carried aboard or placed aboard aircraft with reckless disregard for the safety of human life, the penalty for such violation of law is not more than 5 years imprisonment or a fine of not more than $5,000. The prohibition against concealed carriage of weapons, explosives, or dangerous substances does not apply to law enforcement officers acting within their official capacities and the Administrator is authorized, by regulation, to exempt other persons from such prohibition at his discretion.

Mr. President, this is a tough bill. It has the support of the aviation community including the airline pilots, the air carriers, the Civil Aeronautics Board, the U.S. Senate and, I believe, the American public. I feel that this issue is of such concern and threatens such great danger that my Subcommittee on Aviation will begin hearings on it next week. We expect to move quickly and decisively to get this bill to the floor for early consideration here in the Senate. Hopefully, the House this time will accept its responsibility to hold early hearings and report a strong bill for the Members to consider. Further delay and implementation of the administration's antihijacking program will only add to the danger still facing the flying public.

### THE AIRPORT ACCELERATION DEVELOPMENT ACT OF 1973

Mr. President, the second bill I introduce today is titled "The Airport Acceleration Development Act of 1973." This bill was passed by the Senate in August of 1972, a similar version was later passed by the House and Senate-House conferees agreed on a compromise measure in October. After adoption of the conference report, the bill was sent to the White House.

Mr. President, acting after Congress had adjourned, President Nixon vetoed this most important bill without giving Congress the opportunity to override his action—the result was the failure of any legislative action in this vital area. I assure my colleagues that the bill I introduce today—which is nearly identical to the version approved by the Senate on August 10—will be the subject of speedy action by the Senate Commerce Committee and will be before the Senate for consideration in just a few weeks. I have been assured by my colleagues in the House that the other body will also take early action on this matter in hopes of sending it to the White House again early in the session.

This bill provides a great new source of funds for airport development and improvement throughout the United States. The bill will reduce substantially the reliance on locally generated funds for airport development and will place a greater burden and responsibility on the U.S. Government to encourage, promote and finance aviation facilities which are required in the national air transportation system.

The bill provides that the cost of this increased Federal participation will be borne by the users of the system, not the general taxpayer. The airlines, airline passengers and shippers, and aircraft owners and operators all contribute to the development of the system by paying user taxes established in 1970. During the current fiscal year those taxes will filter down to local governments—airport sponsors—to meet local and national needs.

In providing for a greater Federal role and responsibility in airport development the bill also prohibits local head taxation on passengers or on the carriage of passengers. The Commerce Committee, and I believe the Senate, believes such taxation to be inimical to the development of the national system funded in large part by uniform Federal taxes.

My bill amends the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958 so as to increase Federal financial assistance for airport development throughout the United States. It also prohibits the levying, by State and local governments, of passenger "head" taxes or use taxes on the carriage of persons in air transportation.

The legislation to provide increased Federal participation in airport development grants is required because of the serious financial difficulties being experienced by many local government agencies who bear the responsibility to build, operated, and maintain the Nation's system of publicly-owned airports. The funds required to increase the Federal share of airport development grants will come from the airport and airway trust fund established by the Airport and Airway Revenue Act of 1970. No new taxation or no expenditure of general U.S. funds will be required as a result of the legislation.

The bill prohibits any government agency other than the United States from establishing or levying a passenger head tax or use tax on the carriage of persons in air transportation. This prohibition will insure that passengers and air carriers will be taxed at a uniform rate—by the United States—and that local "head" taxes will not be permitted to inhibit the flow of interstate commerce and the growth and development of air transportation.

Mr. President, I will briefly review the provisions of this bill.

Section 2 of the bill amends section 11(2) of the Airport and Airway Development Act of 1970 by amending the definition of "Airport Development" to include:

First. The construction, alteration, repair, or acquisition of airport passenger terminal buildings or facilities directly related to the handling of passengers or their baggage at the airport. Such development is not now eligible for Federal financial aid.

Second. The acquisition, improvement, or repair of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958, and security equipment required of the sponsor by the Secretary for the safety and security of persons and property on the airport. While such development is now eligible for Federal assistance under present law, the definition is amended to eliminate any possible ambiguity or doubt to assure that the definition is all inclusive.

Section 3(a) of the bill increases the minimum annual authorization for airport development grants to air carrier and reliever airports from the present $250 million per year to $375 million per year for fiscal years 1974 and 1975. Similarly, the minimum annual authorization for general aviation airports is increased from the present $30 million per year to $45 million per year for fiscal years 1974 and 1975. This increase in the minimum annual authorization level reflects the increased Federal financial participation in airport development grants.

Section 3(b) of the bill increases the 5-year obligational limit imposed by section 14(b) of the Airport and Airway Development Act from $840 million to $1.68 billion. This increase in the obligational limitation reflects the increase in the minimum authorization level for airport development grants for fiscal year 1974 and 1975 and our committee's intent that total obligations for airport development grants for the 5-year period 1971 through 1975 be $1.68 billion. The amendment to section 14(b) also increases the authority to liquidate obligations so that sufficient funds may be appropriated to pay for increased obligations incurred as a result of the increased obligational authority for fiscal years 1974 and 1975.

Section 4 of the bill amends section 16(c)(1) of the Airport and Airway Development Act by providing the Secretary with authority to approve an airport development project at airports where title to the facility is owned by the United States. This will make it possible to provide airport development grants for civil aviation facilities at military joint-use airports owned by the United

States. Because of a technical oversight, such grant assistance is not now possible under terms of the 1970 act.

Section 5 of the bill provides that the United States share of allowable project costs of airport airfield development projects is increased from an amount not to exceed 50 percent to 75 percent at all airports classified as medium hubs, small hubs, non hubs, and general aviation airports. Airports classified as large hubs—there are 22 throughout the United States—shall continue to be eligible for Federal assistance, for airfield development projects, at a level of 50 percent.

Section 5 further provides that equipment required by regulation of the Federal Aviation Administration of the Secretary of Transportation for airport certification or for airport security shall be eligible for 82-percent Federal participation.

Finally, the section provides that airport development projects involving terminal area development shall be eligible for Federal participation at 50 percent of the allowable project costs.

Section 6 of my bill limits U.S. assistance to projects involving airport terminal area development to only those portions of the terminal directly related to the movement of passengers and their baggage. Such development as airport parking lots, concession areas, and so forth, are excluded from U.S. financial assistance.

Section 7 of the bill adds a new section 1113 to the Federal Aviation Act of 1958 prohibiting any tax, fee, head charge, or other charge directly or indirectly, on persons traveling in air transportation or on the carriage of persons in air transportation or on the gross receipts derived therefrom. The bill allows, however, for the continuation of the levy and collection of other reasonable rental charges, landing fees, and other service charges for the use of airport facilities.

Summing up, quickly:

First. The bill increases Federal grant-in-aid payments from 50 percent to 75 percent on airport airfield development projects at all but the 22 largest airports in the United States.

Second. Terminal area development related to the movement of passengers and their baggage through the airport will be eligible for 50-percent Federal funding. Currently, such development is not eligible for Federal assistance.

Third. Development required as a result of airport certification regulations or airport security regulations will be eligible for grant-in-aid assistance of 82-percent Federal participation. Currently, Federal participation for this type of project is limited to 50 percent.

Fourth. Total amounts available for airport development grants each year is increased from $280 million to $420 million—an increase of $140 million per year to be financed entirely by user taxes.

Fifth. And finally, S. 3755 provides a prohibition against levying or collecting State and local government passenger head taxes or taxes on the sale of air transportation.

Mr. President, the passage of this bill will have a significant impact on the financing of local governmental affairs. At nearly all of the Nation's almost 3,000 publicly owned and operated airports, the U.S. Government will assume 75 percent of the responsibility for development of new and improved airfield facilities. And this increased Federal support will not come from general tax dollars; it will come from taxes on the users of the air transportation system.

The passage of this legislation will enable local government bodies, particularly smaller towns, counties, and communities to more easily fund other vital community programs such as schools, roads, sewers, police protection, and other services with money which might have been required for aviation facilities development. With greater Federal assistance to meet airport needs, scarce local funds will be available for other uses.

Mr. President, the Airport and Airway Development Act of 1970 was landmark legislation; for the first time it provided local governments a vast new source of funds to develop new and improved airports. At the same time it created a well-funded program to upgrade, modernize, and expand our air navigation facilities throughout the United States so as to improve the safety and efficiency of the system. Mr. President, the act today is working well. With the changes proposed in my bill the program will become even more responsive to the needs of the national system and to the needs of local governments who are partners with the Federal Government in developing a truly national and uniform air transportation system.

EXHIBIT 1

S. 38

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Airport Development Acceleration Act of 1973".

SEC. 2. Section 11(2) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711), is amended to read as follows:

"(2) 'Airport Development' means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, repair, or acquisition of airport passenger terminal buildings or facilities directly related to the handling of passengers or their baggage at the airport, and (B) the removal, lowering, relocation, marking, and lighting of airport hazards, and (C) the acquisition, removal, improvement, or repair of navigation facilities used by aircraft landing at, or taking off from, a public airport, and (D) the acquisition, improvement, or repair of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958, and (E) security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport, and (F) any acquisition of land or of any interest therein or of any easement through or other interest in airspace, which is necessary to permit any of the above or to remove, mitigate, prevent, or limit the establishment of, airport hazards affecting a public airport."

SEC. 3. (a) Section 14(a) of the Airport and Airway Development Act of 1970, as amended, (49 U.S.C. 1714(a)), is further amended—

(1) by striking out "1975" in paragraph (1) and inserting in lieu thereof "1973, and $375,000,000 for each of the fiscal years 1974 and 1975";

(2) by striking out "1975" in paragraph (2) and inserting in lieu thereof "1973, and $45,000,000 for each of the fiscal years 1974 and 1975".

(b) Section 14(b) of the Act (49 U.S.C. 1714(b)), is amended—

(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,680,000,000";

(2) by striking out the words "extend beyond" in the second sentence thereof and by inserting in lieu thereof, the words "be incurred after"; and

(3) by striking out "and" in the last sentence thereof and inserting immediately before the period ", an aggregate amount exceeding $1,260,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,680,000,000 prior to June 30, 1975".

SEC. 4. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)), is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

SEC. 5. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717), relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) GENERAL PROVISION.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part shall be—

"(1) 50 per centum for sponsors whose airports enplane not less than 1.00 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board; and

"(2) 75 per centum for sponsors whose airports enplane less than 1.00 per centum of the total annual number of passengers enplaned by air carriers certificated by the Civil Aeronautics Board."

(2) by adding a new subsection as follows:

"(e) SAFETY CERTIFICATION AND SECURITY EQUIPMENT.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States shall shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971."

(3) by adding a new subsection as follows:

"(g) PUBLIC USE FACILITIES IN TERMINAL BUILDINGS.—To the extent that the project cost of an approved project for airport development represents the cost of constructing, altering, repairing, or acquiring buildings or facilities directly related to the handling of passengers or their baggage at the airport, the United States share shall be 50 per centum of the allowable costs thereof."

SEC. 6. Section 20(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720(b)), relating to airport project costs, is amended to read as follows:

"(b) COSTS NOT ALLOWED.—The following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, repair, or acquisition of an hangar or of any part of an airport building or facility except such of those buildings, parts of buildings, facilities, or activities as are directly related to the safety of persons at the airport or directly related to the handling of passengers or their baggage at the airport."

SEC. 7. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

### "State Taxation of Air Commerce

"SEC. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom: *Provided, however,* That any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied and collected a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until July 1, 1973.

"(b) Nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities.

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting, without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans,

the provisions of subsection (a) shall not apply to such authority until July 1, 1973."

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following:

"Sec. 113. State taxation of air commerce.".

SEC. 8. Section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712), is amended by striking out the words "two years" in the first sentence thereof and by inserting in lieu thereof "three years".

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## Exhibit 2

## S. 39

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### Title I—Anti-Hijacking Act of 1973

SEC. 101. This title may be cited as the "Anti-Hijacking Act of 1973".

SEC. 102. Section 101(32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32)), is amended to read as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes—

"(a) civil aircraft of the United States:

"(b) aircraft of the national defense forces of the United States;

"(c) any other aircraft within the United States;

"(d) any other aircraft outside the United States—

"(i) that has its next scheduled destination or last point of departure in the United States, if that aircraft next actually lands in the Unied States; or

"(ii) having 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the United States with the alleged offender still aboard; and

"(e) other aircraft leased without crew to a lessee who has his principal place of business in the United States, or if none, who has his permanent residence in the United States;

while that aircraft is in flight, which is from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property abroad."

SEC. 103. Section 902 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472), is amended as follows:

(a) By striking out the words "violence and" in subsection (i)(2) thereof, and by inserting the words "violence, or by any other form of intimidation, and" in place thereof;

(b) By redesignating subsections (n) and (o) thereof as "(o)" and "(p)", respectively, and by adding the following new subsection:

### "Aircraft Piracy Outside Special Aircraft Jurisdiction of the United States

"(n)(1) Whoever aboard an aircraft in flight outside the special aircraft jurisdiction of the United States commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, and is afterward found in the United States shall be punished—

"(A) by death if the verdict of the jury shall so recommend, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order; or

"(B) by imprisonment for not less than twenty years, if the death penalty is not imposed.

"(2) A person commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft when, while aboard an aircraft in flight, he—

"(A) unlawfully, by force or threat thereof, or by any other form of intimidation seizes, or exercises control of, that aircraft, or attempts to perform any such act; or

"(B) is an accomplice of a person who performs or attempts to perform any such act.

"(3) This subsection shall only be applicable if the place of takeoff or the place of actual landing of the aircraft on board which the offense as defined in paragraph 2 of this subsection is committed is situated outside the territory of the State of registration of that aircraft.

"(4) For purposes of this subsection an aircraft is considered to be in flight from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over responsibility for the aircraft and for the persons and property aboard."

(c) By amending redesignated subsection (o) thereof by striking out the reference "(m)", and by inserting the reference "(n)" in place thereof; and

SEC. 104. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding a new section 1114 as follows:

### "SUSPENSION OF AIR SERVICES

"SEC. 1114. (a) Whenever the President determines that a foreign nation is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft, or if he determines that a foreign nation is used as a base of operations or training or as a sanctuary or which arms, aids, or abets in any way, terrorist organizations which knowingly use the illegal seizure of aircraft or the threat thereof as an instrument of policy, he may, without notice or hearing and for as long as he determines necessary to assure the security of aircraft against unlawful seizure, suspend (1) the right of any air carrier and foreign air carrier to engage in foreign air transportation, and any persons to operate aircraft in foreign air commerce, to and from that foreign nation, and (2) the right of any foreign air carrier to engage in foreign air transportation, and any foreign person to operate aircraft in foreign air commerce, between the United States and any foreign nation which maintains air service between itself and that foreign nation. Notwithstanding section 1102 of this Act, the President's authority to suspend rights in this manner shall be deemed to be a condition to any certificate of public convenience and necessity or foreign air carrier or foreign aircraft permit issued by the Civil Aeronautics Board and any air carrier operating certificate or foreign air carrier operating specification issued by the Secretary of Transportation.

"(b) It shall be unlawful for any air carrier or foreign air carrier to engage in foreign air transportation, or any person to operate aircraft in foreign air commerce, in violation of the suspension of rights by the President under this section.".

(b) Title XI of the Federal Aviation Act of 1958 is amended by adding a new section 1115 as follows:

### "SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"SEC. 1115. (a) Not later than thirty days after the date of enactment of this Act the Secretary of State shall notify each nation with which the United States has a bilateral air transport agreement or, in the absence of such agreement, each nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of the Federal Aviation Act of 1958, of the provisions of subsection (b) of this section.

"(b) In any case where the Secretary of Transportation, after consultation with the competent aeronautical authorities of a foreign nation with which the United States has a bilateral air transport agreement and in accordance with the provisions of that agreement or, in the absence of such agreement, of a nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to such section 402, finds that such nation does not effectively maintain and administer security measures relating to transportation of persons or property or mail in foreign air transportation that are equal to or above the minimum standards which are established pursuant to the Convention on International Civil Aviation or, prior to a date when such standards are adopted and enter into force pursuant to such Convention, the specifications and practices set out in Appendix A to Resolution A17–10 of the 17th Assembly of the International Civil Aviation Organization, he shall notify that nation of such finding and the steps considered necessary to bring the security measures of that nation to standards at least equal to the minimum standards of such Convention or such specifications and practices of such Resolution. In the event of failure of that nation to take such steps, the Secretary of Transportation, with the approval of the Secretary of State, may withhold, revoke, or impose conditions on the operating authority of the airline or airlines of that nation."

SEC. 105. Section 901 (a) of the Federal Aviation Act of 1958 (49 U.S.C. 1471(a)) is amended by inserting the words "or section 1114" before the words "of this Act" when those words first appear in this section.

SEC. 6. Section 1007(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1487(a)) is amended by inserting the words, "or, in the case of a violation of section 1114 of this Act, the Attorney General," after the words "duly authorized agents,".

SEC. 7. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading

"Sec. 902. Criminal penalties.",

is amended by striking out the following items:

"(n) Investigations by Federal Bureau of Investigation.

"(o) Interference with aircraft accident investigation.";

and by inserting the following items in place thereof:

"(n) Aircraft piracy outside special aircraft jurisdiction of the United States.

"(o) Investigations by Federal Bureau of Investigation.

"(p) Interference with aircraft accident investigation.";

and that portion which appears under the heading

"TITLE XI—MISCELLANEOUS"

amended by adding at the end thereof the following:

"Sec. 1114. Suspension of air services.

"Sec. 1115. Security standards in foreign air transportation.".

### TITLE II—AIR TRANSPORTATION SECURITY ACT OF 1973

SEC. 201. This title may be cited as the "Air Transportation Security Act of 1973".

SEC. 202. The Congress hereby finds and declares that—

(1) the United States air transportation system which is vital to the citizens of the United States is threatened by acts of criminal violence and air piracy;

(2) the United States air transportation system continues to be vulnerable to violence and air piracy because of inadequate security and a continuing failure to properly identify and arrest persons attempting to violate Federal law relating to crimes against air transportation;

(3) the United States Government has the primary responsibility to guarantee and insure safety to the millions of passengers who use air transportation and intrastate air transportation and to enforce the laws of the United States relating to air transportation security; and

(4) the United States Government must establish and maintain an air transportation security program and an air transportation security-law enforcement force under the direction of the Administrator of the Federal Aviation Administration in order to adequately assure the safety of passengers in air transportation.

SEC. 203. (a) Title III of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"SCREENING OF PASSENGERS IN AIR TRANSPORTATION

"SEC. 315. (a) The Administrator shall as soon as practicable prescribe regulations requiring that all passengers and all property intended to be carried in the aircraft cabin in air transportation or intrastate air transportation be screened by weapon-detecting devices operated by employees of the air carrier, intrastate air carrier, or foreign air carrier prior to boarding the aircraft for such transportation. One year after the effective date of such regulation the Administrator may alter or amend such regulations, requiring a continuation of such screening by weapon-detecting devices only to the extent deemed necessary to assure security against acts of criminal violence and air piracy in air transportation and intrastate air transportation. The Administrator shall submit semiannual reports to the Congress concerning the effectiveness of this screening program and shall advise the Congress of any regulations or amendments thereto to be prescribed pursuant to this subsection at least thirty days in advance of their effective date.

"(b) The Administrator shall acquire and furnish for the use by air carriers, intrastate air carriers, and foreign air carriers at airports within the United States sufficient devices necessary for the purpose of subsection (a) of this section, which devices shall remain the property of the United States.

"(c) The Administrator may exempt, from provisions of this section, air transportation operations performed by air carriers operating pursuant to part 135, title 14 of the Code of Federal Regulations."

(b) Notwithstanding any other provision of law, there are authorized to be appropriated from the Airport and Airway Trust Fund established by the Airport and Airway Revenue Act of 1970 such amounts, not to exceed $5,500,000 to acquire the devices required by the amendment made by this section.

SEC. 204. Title III of the Federal Aviation Act of 1958 is further amended by adding at the end thereof the following additional new section:

"AIR TRANSPORTATION SECURITY FORCE

"Powers and Responsibilities

"SEC. 316. (a) The Administrator of the Federal Aviation Administration in administering the air transportation security program shall establish and maintain an air transportation security force of sufficient size to provide a law enforcement presence and capability at airports in the United States adequate to insure the safety from criminal violence and air piracy of persons traveling in air transportation or intrastate air transportation. He shall be empowered, and designate each employee of the force who shall be empowered, pursuant to this title, to—

"(1) detain and search any person aboard, or any person attempting to board, any aircraft in, or intended for operation in, air transportation or intrastate air transportation to determine whether such person is unlawfully carrying a dangerous weapon, explosive, or other destructive substance;

"(2) search or inspect any property, at any airport, which is aboard, or which is intended to be placed aboard, any aircraft in, or intended for operation in, air transportation or intrastate air transportation to determine whether such property unlawfully contains any dangerous weapon, explosive, or other destructive substance;

"(3) arrest any person whom he has reasonable cause to believe has (A) violated or has attempted to violate section 902 (i), (j), (k), (l), or (m) of the Federal Aviation Act of 1958, as amended, or (B) violated, or has attempted to violate, section 32, title 18, United States Code, relating to crimes against aircraft or aircraft facilities; and

"(4) carry firearms when deemed by the Administrator to be necessary to carry out the provisions of this section, and, at his discretion, he may designate and deputize State and local law enforcement personnel to exercise the authority conveyed in this subsection.

"Training and Assistance

"(b) In administering the air transportation security program, the Administrator may—

"(1) provide training for State and local law enforcement personnel whose services may be made available by their employers to assist in carrying out the air transportation security program, and

"(2) utilize the air transportation security force to furnish assistance to an airport operator, or any air carrier, intrastate air carrier, or foreign air carrier engaged in air transportation or intrastate air transportation to carry out the purposes of the air transportation security program.

"OVERALL RESPONSIBILITY

"(c) Except as otherwise expressly provided by law, the responsibility for the administration of the air transportation security program, and security force functions specifically set forth in this section, shall be vested exclusively in the Administrator of the Federal Aviation Administration and shall not be assigned or transferred to any other department or agency."

SEC. 205. Section 1111 of the Federal Aviation Act of 1958 is amended to read as follows:

"AUTHORITY TO REFUSE TRANSPORTATION

"(a) The Administrator shall, by regulation, require any air carrier, intrastate air carrier, or foreign air carrier to refuse to transport—

"(1) any person who does not consent to a search of his person to determine whether he is unlawfully carrying a dangerous weapon, explosive, or other destructive substance, or

"(2) any property of any person who does not consent to a search or inspection of such property to determine whether it unlawfully contains a dangerous weapon, explosive, or other destructive substance;

Subject to reasonable rules and regulations prescribed by the Administrator, any such carrier may also refuse transportation of a passenger or property when, in the opinion of the carrier, such transportation would or might be inimical to safety of flight.

"(b) Any agreement for the carriage of persons or property in air transportation or intrastate air transportation by an air carrier, intrastate air carrier, or foreign air carrier for compensation or hire shall be deemed to include an agreement that such carriage shall be refused when consent to search persons or search or inspect such property for the purposes enumerated in subsection (a) of this section is not given."

SEC. 206. Section 902(1) of the Federal Aviation Act of 1958 is amended to read as follows:

"Carrying Weapons Aboard Aircraft

"(1) (1) Whoever, while aboard, or while attempting to board, any aircraft in or intended for operation in air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, explosive, or other destructive substance, or has placed, attempted to place, or attempted to have placed aboard such aircraft any property containing a concealed deadly or dangerous weapon, explosive, or other destructive substance, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(2) Whoever willfully and without regard for the safety of human life or with reckless disregard for the safety of human life, while aboard, or while attempting to board, any aircraft in or intended for operation in air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, explosive, or other destructive substance, or has placed, attempted to place, or attempted to have placed aboard such aircraft any property containing a concealed deadly or dangerous weapon, explosive, or other destructive substance shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(3) This subsection shall not apply to law enforcement officers of any municipal or State government, or the Federal Government, while acting within their official capacities and who are authorized or required within their official capacities, to carry arms, or to persons who may be authorized, under regulations issued by the Administrator, to carry concealed deadly or dangerous weapons in air transportation or intrastate air transportation."

SEC. 207. To establish, administer, and maintain the air transportation security force provided in section 316 of the Federal Aviation Act of 1958, there is hereby authorized to be appropriated for fiscal year 1973 the sum of $35,000,000, and for each succeeding fiscal year such amounts, not to exceed $35,000,000, as are necessary to carry out the purpose of such section.

SEC. 208. Section 101 of the Federal Aviation Act of 1958, as amended, is amended by adding after paragraph (21) the following:

"(22) 'Intrastate air carrier' means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, solely to engage in intrastate air transportation.

"(23) 'Intrastate air transportation' means the carriage of persons or property as a common carrier for compensation or hire, by turbojet-powered aircraft capable of carrying thirty or more persons, wholly within the same State of the United States."

and is further amended by redesignating paragraph (22) as paragraph (24) and redesignating the remaining paragraphs accordingly.

SEC. 209. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading.

"TITLE III—ORGANIZATION OF AGENCY AND POWERS AND DUTIES OF ADMINISTRATOR"

is amended by adding at the end thereof the following:

"Sec. 315. Screening of passengers in air transportation.
"Sec. 316. Air transportation security force.
"(a) Powers and responsibilities.
"(b) Training and assistance.
"(c) Overall responsibility."

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By Mr. BAKER (for Mr. Brock):

S. 40. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes. Referred to the Committee on Government Operations.

Mr. BROCK. Mr. President, the cause of congressional reform is one of those causes which attracts a lot of attention but it never seems to get many results. Yet I wonder how long the American people will tolerate a condition in which the Nation is governed by a legislative branch, the instrument of reform in this society of ours, while it seems that particular branch is incapable of internal reform.

Mr. President, look at the problems this country faces. So many of them are the direct result of the inability of Congress to ascertain or to get a handle, not only on Federal spending but on any ranking national need, on national income, and on national priorities.

How many were helped by specific Government programs with all the millions of dollars being spent? I think the basic symptom of the problem is that there is no evaluation. We have one of the finest agencies of Government, an independent agency, the General Accounting Office, which audits our Federal programs in terms of dollars and cents, perhaps to see if there is any fraud and misdirection; but there is no agency of Congress and there is no agency of the administrative and the executive branch to audit programs in human terms. What are they doing for the people? What is the cost effectiveness in various programs this Congress passes with all its sense of largess, particularly in an election year?

We do not evaluate our welfare programs in terms of success and rehabilitating individuals and reduced welfare rolls. We evaluate it perhaps only to the extent that results are measured by the numbers of persons on welfare. Incredibly, success is measured more by the number of recipients than by the reduction in that number.

As a result, Mr. President, I am introducing today a bill to:

First, designate a Joint Congressional Committee to formulate a legislative budget to evaluate the Federal budget in terms of national priorities;

Second, require the projection of all major expenditures over a 5-year period;

Third, require all major spending programs to be evaluated at least once every 3 years—zero-based budgeting;

Fourth, require consideration of pilot testing of proposed major Federal programs; and

Fifth, require all Federal expenditure programs to be appropriated annually by Congress.

Mr. President, our Nation is faced with a national crisis brought about by uncontrolled and misdirected spending.

First, take a look at Federal expenditures from an historical perspective. Would you believe that the Federal Government will spend more in the first 10 months of this fiscal year than it did between 1789 and 1942, the first 153 years of the Republic since the adoption of the Constitution?

It is estimated that the Federal Government will spend over $250 billion this fiscal year—that's a lot of money.

Now, we think nothing of talking in terms of millions and billions of dollars, but think just what is a billion of anything. If you started your clock way back there in the year 1, it would not even have ticked off a billion minutes if you stopped it today.

Let us face it, the Federal Government has a quarter of a trillion dollars a year spending problem—on the average it spends $28 million every hour of the day and night—or almost one-half million dollars per minute.

The fiscal crisis affects every American.

The cost of running the Federal Government has increased by two-thirds from 1958 to 1971. And it still is increasing.

An average family's annual share of the Federal budget has risen from $2,000 10 years ago to $3,700 today—an increase of over 80 percent.

Excessive spending continues to push the cost of food so high that even meat is almost out of reach of the average family.

And now we are faced with a new kind of inflation. There are pressures to clean up the air and water, foster consumerism and other social goals.

Social programs already account for about half of Federal spending for the 1973 fiscal year which starterd July 1.

At present, however, Congress lacks procedures for determining spending goals and priorities. To remedy this I have introduced S. 40 which will reform congressional procedure to:

First, designate a joint congressional committee to formulate a legislative budget to evaluate the Federal budget in terms of national priorities;

Second, require the projection of all major expenditures over a 5-year period;

Third, require all major spending programs to be evaluated at least once every 3 years—zero-based budgeting;

Fourth, require consideration of pilot testing of proposed major Federal programs; and,

Fifth, require Federal expenditure programs to be appropriated annually by Congress.

### THE FISCAL CRISIS TODAY

Today, the country is in a fiscal crisis because of skyrocketing Federal expenditures. Federal spending is literally out of control.

Expenditures at all levels of Government—Federal, State, and local—in the United States will exceed $370 billion this year. This is an increase from about 18 percent to over 33 percent of the gross national product in the last 25 years. These statistics demonstrate that the governmental sector is growing more than twice as fast as the private sector of the American economy.

All too often Congress only will increase rather than prune the executive budget.

As a consequence, the Federal spending has increased over 100 percent in the past 10 years from $111 billion in fiscal year 1963 to an estimate in excess of $250 billion in fiscal year 1973.

During the same 10-year span, Federal spending for defense, space and foreign activities are up 47 percent from $58.9 billion in fiscal year 1963 to an estimated $86.3 billion for fiscal year 1973.

In comparison, Federal spending for all civilian programs are up 224 percent from $52.4 billion in fiscal year 1963 to an estimated $169.7 billion for fiscal year 1973.

This past January 1, 1973, Federal employees received a three and one-half billion dollar pay boost as required by law.

The number of employees in all levels of Government becomes meaningful if you realize that in 1900, Government employed less than 1 million people. Today, almost 13 million persons are Government employees. One out of every five workers is a Government employee.

To date, huge deficits are funding the new Federal programs—but the day of reckoning is near.

The country can no longer afford to engage in the "buy now—pay later" syndrome for Federal spending—because the bills are coming due now.

Federal deficits from fiscal 1970 through 1973 are estimated to be over $104 billion. This is almost one-fifth of our entire national debt.

It is hard to imagine that behind HEW and defense appropriations, the Federal Government's third largest expenditure is the $21 billion interest price tag on the national debt—which is approaching one-half trillion dollars.

It is quite apparent that the growth

of Federal expenditures in the past 10 years has brought us to a crisis stage.

This fantastic growth of Government also has resulted in skyrocketing inflation.

This inflation has caused the cost of housing to escalate to the point that the average family finds it almost impossible to own its own home without a public subsidy.

There is one solution to this fiscal crisis—bring Federal spending under control. Only if this is done will we be able to provide essential services without an increase in taxes or inflation.

### WHY IS FEDERAL SPENDING OUT OF CONTROL?—PRESENT CONGRESSIONAL BUDGETARY PROCESS

The first reason why spending is out of control is because the present congressional budgetary process is uncontrollable.

It is amazing that the Federal Government's legislative branch, the largest single spender in the world, never adopts a budget of its own.

Almost every business, city, or municipality adopts some sort of budget before it starts making expenditures for that year.

Of course, the President, with the help of the Executive's Office of Management and Budget, proposes a budget. Congress takes a good look at it—but never completely accepts it or proposes an alternative budget of its own.

Congress uses one resemblance to fiscal responsibility. It at least keeps track of the money it spends—but hopes the deficit will not get too much publicity at the end of the year.

Under present budgetary procedure, the administration submits a detailed budget in January, but no single committee chairman or congressional committee ever looks at receipts and expenditures at one time.

At no point will any congressional committee say: "Here is how much we want to spend. Here is what it is for. Here is how we will get the money to pay for it."

Or, better still: "Here is all that we have to spend. And here is how we will stretch it to cover our priority needs."

Instead, Congress will vote on expenditures for everything from pensions for retired military personnel to aid to local school districts in more than a dozen separate appropriation bills.

At no point will the Appropriations Committees of either House coordinate its actions with the tax-writing committees who are responsible for raising the revenue to pay the bills.

Added to this, over 70 percent or $180 billion of the budget for this fiscal year consists of relatively uncontrollable expenditures. There is no real congressional control over these expenditures.

Over $46 billion of this amount will go for contracts and obligations made in prior years. These were voted on by some Congressmen no longer in Congress. Some of these obligations won't be paid off until the year 2010.

Over $128 billion of this "relatively uncontrollable" spending will go for open-ended programs and those with fixed costs.

Let us take a closer look at this procedure of open-ended programs.

For example, take the Federal matching programs for social services. One dollar of State money can get $3 of Federal money.

Without any congressional scrutiny, the $73 million expanded in fiscal year 1962 jumped from $1.5 billion expended last year to applications for over $4.7 billion in the current fiscal year, and with estimates of $6 to $10 billion for the 1974 fiscal year.

Funding was automatic—whether or not the program was getting any results. This practice will not last forever because an amendment to the Revenue Sharing Act placed a $2.5 billion limitation on its funding.

Congress should avoid setting up such permanent and uncontrollable mechanisms. All expenditures should come under the normal appropriation process.

Congress refuses to consider Federal expenditures as an important instrument of economic policy. It merely sets up programs without any meaningful legislative review. We need a systematic budgeting process to coordinate Federal expenditures.

### DOMESTIC ASSISTANCE PROGRAMS

The Federal Government has lost its sense of direction and purpose in developing governmental programs. New programs are set up with little or no regard to programs already in existence.

Congress has become a prisoner of its past programs.

Today there are over 168 programs to help eliminate poverty. This is at a total cost of nearly $31 billion—but we have more poverty this year than we did last year.

The irony—or the catastrophe—of this method of going about eliminating poverty is that it could be more effective to just distribute the money to these people.

A far more impressive fact is that from 1960 to 1971 almost 15 million persons were helped out of poverty as a result of the growth of the economy.

We also are witnessing the skyrocketing costs of categorical grants-in-aid funded for specific programs under Federal guidelines.

These programs have exploded by a 500-percent increase from $7 billion in 1959 to a $37 billion price tag in 1972. Since 1965, these grants-in-aid have increased more than 2½ times.

Duplication of domestic assistance programs is a major problem. With over 1,050 such programs, it is possible for some families to be eligible to receive assistance under as many as 16 different categories.

This type of duplication makes it impossible to ascertain the number of persons receiving aid or the actual amount of aid received by each.

It is no surprise to find out that this duplication leads to a great deal of waste and inefficiency in administration at all levels of government. Worse, some who do not deserve aid obtain it while others who do deserve it do not—increasing alienation and frustration.

Another major problem with domestic assistance programs is that the results generally are not evaluated in any meaningful way. For example, a welfare program is not evaluated in terms of its success in rehabilitating individuals and reducing welfare roles. Instead, results are measured by the number of persons on welfare. Incredibly, success is associated with more recipients, rather than less.

We must understand that not all problems can or will be solved by either public or private activities. But it is equally important to insist that whenever government at any level gets involved in handling a problem, it should be solution-oriented in its approach, and people-oriented in its implementation. This simply is not the case today in program after program.

Federal agencies should be required to present reports demonstrating whatever substantive progress they have made in solving problems before they are granted further public support. Billions of dollars spent with no results are evidence of either ineptitude on the part of administrators or programs that miss the target. In either case, the Congress has failed in its oversight responsibility.

It is evident that some changes must be made. Programs should be solution-oriented and self-liquidating.

Congress must enact a mechanism to streamline and reduce the size, number, or scope of public programs of questionable or marginal value.

### SETTING NATIONAL PRIORITIES

Setting national priorities no longer involves simply a determination of how much money should be devoted to a particular purpose. It now requires that the priority expenditure must be balanced with its longrun costs.

It boggles the mind to think there are 14 million people on welfare. Some new welfare proposals would add another 11 million people without ever conducting any tests to see if it would work before billions of dollars are spent.

Who would think of spending a lot of money for a new car without first testing many models before the final purchase. Why cannot Congress use the same commonsense about spending that the ordinary individual does when he makes a large purchase?

New major programs should be considered in relation with similar programs already in existence and pilot tested before national implementation.

We, the Congress, and the voters must realize that the Federal Government just cannot throw more money at a problem to make it go away. It is essential that the old ideas hidden in wornout programs give way to a new process.

The question today should be not how to spend more—but why cannot we get better results with the funds being spent?

Domestic assistance spending is not at a starvation level.

In the last decade, Federal spending for social problems has risen from an annual rate of $30 billion to over $100 billion.

The issue facing this Congress is how to effectively appropriate this money. Taxpayers want quality not just quantity. I only hope Congress gets the message before it is too late.

Some of the framers of the so-called Great Society, in a report issued last year by the Brookings Institution, disavowed that social experiment. They called for the Federal Government to change its emphasis from providing goods and services and other complex schemes for aiding the poor to "increasing equality of opportunity, improving the quality of public services, and rescuing the environment."

If the framers of the Great Society are able to acknowledge the failure of its methodology, perhaps it is time that we, the Members of Congress who appropriate the funds for these programs, also take another look at them.

Today, Congress lacks the necessary procedures for determining spending goals and national priorities. It is time to try a new approach.

### A BILL TO CONTROL THE FEDERAL BUDGET

During the summer of 1972, it became apparent that unless excessive spending was curtailed, there inevitably would be the need for a tax increase to avoid spiraling inflation. The problem was to regain control over Federal spending.

It was at this time that I foresaw that the real issue for the next Congress would be the procedure by which Congress could determine national priorities within realistic spending limitations.

I recognized that Congress needed to try a fresh approach. We just cannot provide essential social services without a sound budgetary process.

In September of 1972, I introduced this legislation that would enable Congress to determine national priorities and at the same time curtail excessive Federal spending.

The bill was introduced late in the second session, not with the intention of trying to get it passed, but to have it studied and publicized, and thereby improve its chance of being passed in this session of Congress.

I have received many letters supporting this five-point program to bring the Federal budget under control. It greatly encourages me to see personal letters from constituents who want this type of legislation.

I can report that I have had no adverse reactions. In fact, the bill has received national publicity. A number of organizations, including the Chamber of Commerce of the United States, have wholeheartedly endorsed the legislation.

I firmly believe that Federal expenditure control is an essential prerequisite to providing social needs within an ever expanding economy. I, therefore, have reintroduced the "Federal Act To Control Expenditures and Upgrade Priorities."

The provisions of this bill to restrain Federal spending include adoption of a congressional budgeting system which facilitates establishment of national goals and priorities. It also provides for the development of a method of reviewing existing programs to insure their effectiveness for achieving the objectives for which they were created.

### JOINT COMMITTEE AND A LEGISLATIVE REPORT

Titles I and VI of this bill amend the House and Senate rules to create a Joint Committee on the Budget. This joint committee would develop a legislative budget of a guideline nature to discourage uncontrolled Federal spending and foster proper implementation of national goals and priorities.

Such a joint committee is essential because no congressional committee today considers the relationship of Federal receipts and expenditures in the budgetary process.

A joint congressional committee and a legislative budget is not a new idea. The Legislative Reorganization Act of 1946 enacted both concepts. But the joint committee under the 1946 act proved unworkable. The 102-member committee was too large and understaffed, and its legislative budget proved unworkable because of inadequate time for its formulation. One of the lessons from this experiment was that Congress simply did not have the professional staff to do the job required in budget analysis.

The joint committee and the legislative budget provided in this legislation remedy earlier defects in attempts to reform the congressional budgetary system. A standing joint committee with adequate time to formulate a legislative budget is provided. This joint committee is streamlined to be composed of 18 members represented by three members from the Senate Appropriations and Finance Committees, three members from the House Appropriations and Ways and Means Committees, and three members at large from the House and Senate. To function, this joint committee must be adequately staffed.

Furthermore, the joint committee will be a permanent part of the budgetary process and adequately staffed.

The legislative budget provided in this bill is a viable mechanism, since it establishes budgetary guidelines without formal enactment. The legislative budget is to be submitted to Congress not later than May 31 of each year. Legislative and appropriations committee work will not be hindered, but a systematic analysis of the Federal budget will be made before any expenditure is authorized or appropriated.

The legislative budget is to include, but is not limited to: Estimated receipts and proposed expenditures for the forthcoming fiscal year; the maximum amount of proposed expenditures for each major category of expenditures; 5-year projections of estimated receipts and expenditures in the aggregate and in program detail for each major category of expenditures; and, a recommendation for a reduction in taxes or in the public debt if estimated receipts exceed expenditures in any fiscal year.

Neither the House nor the Senate is to consider any bill reported out by a committee of Congress, unless a statement from that committee accompanies the bill as to whether an authorization or appropriation is within the legislative budget limits.

### FIVE-YEAR BUDGET PROJECTIONS

Title II requires 5-year budget projections in program detail for every major functional category of Federal spending. Full recognition of the long-range costs of expenditure programs will provide a better basis for decisionmaking on the part of the administration and Congress.

Because of the ballooning costs of Federal programs in years following their enactment, it is no longer acceptable to valuate and plan expenditures on a 1-year horizon.

This title repeals an existing section of the Legislative Reorganization Act of 1970 which only superficially attempts to overcome this problem. In its place, title II provides that the executive budget and bills involving spending reported out by committees of Congress—except the Committees on Appropriations of each House—must contain a statement of the 5-year projected costs, a comparison of projected costs with estimates by any Federal agency, and a list of existing or proposed programs with similar objectives.

The idea of comprehensive 5-year budget projections has broad support. The House Ways and Means Committee Report No. 92–1128, which accompanied H.R. 14390, expressed a deep concern for increasing expenditure levels and recommended that budget and program expenditures should be projected on a 5-year basis. The Brookings Institution study of the 1973 budget also endorses this idea of detailed 5-year budget projections. The Senator from Wisconsin, Mr. NELSON, has been a longtime advocate of 5-year projections in defense spending.

### THREE-YEAR LIMITATION ON AUTHORIZATIONS FOR APPROPRIATIONS AND CONGRESSIONAL REVIEW OF MAJOR FEDERAL PROGRAMS

Title III requires that all authorizations for any major Federal expenditure programs—except those funded by user taxes—must expire no less than once every 3 years—this is a zero-based budgeting. The trend today is to add on to old existing programs without the objective of terminating outmoded and useless programs. We must force program administrators to justify their existence.

This title requires a detailed evaluation of each program before further authorizations can be made. In the last fiscal year of a program, the committee with jurisdiction in the Senate and House is to hold public hearings to conduct a review of that program.

The committee report is to contain an evaluation of the overall success or failure of the program. This report is to include, but is not limited to: A cost-benefit analysis of the program; a determination of whether the program objectives are still relevant and whether the program has adhered to its intended purpose and achieved its objectives in solving the problem; whether the program has impinged on the functions and freedoms of the private sector of the economy; the feasibility of alternative ways of dealing with the problem; the program's relationship with similar programs and an examination of related pending and proposed legislation and private efforts; and whether the program will help or hinder any private efforts to solve the problem.

### PILOT TESTING

Title IV requires consideration of at least 2-year pilot testing of every proposed major program. This will provide a better estimate of costs and would permit a complete evaluation before national implementation.

Today, many Federal programs are no longer forecast in thousands, but rather in billions of dollars. Authorizations and appropriations run for many years.

Congress must introduce objectivity in determining which projects are best served through Federal tax money.

Pilot testing is to be conducted under conditions similar to those if the program were enacted. Multiple pilot testing is encouraged and the testing is to be monitored by the Comptroller General of the United States.

Each committee in both Houses, after holding public hearings with a thorough evaluation, is to submit a report on the results of the pilot test. The report shall include, but is not limited to: The suitability of implementing the program on a national scale; a cost-benefit analysis; and in the event the program would change a current method of dealing with a specific problem, a comparison of the current method and the method used in the test to carry out the program.

### REQUIREMENT OF ANNUAL APPROPRIATIONS

Title V provides that all Federal expenditures—including those made by the trust funds—must be appropriated annually by Congress. Currently there are over 800 Federal trust funds with a permanent budgeting authority that do not come under a thorough annual appropriations review.

Payment of interest on the national debt and refund overpayments of taxes are exempted. Appropriation acts may stipulate that funds made available for a fiscal year can remain available until expended.

Mr. President, the five points contained in this bill that I am introducing today will bring about long needed reform in the budgetary process. This bill permits congressional control over Federal expenditures and at the same time permits a reordering of national priorities.

Mr. President, I ask unanimous consent that the text of S. 40 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 40

A bill to improve and implement procedures for fiscal control in the United States Government, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) this Act may be cited as the "Federal Act To Control Expenditures and Upgrade Priorities".

(b) The Congress declares that because it is imperative to establish national goals and priorities for the maximum allocation of Federal expenditures, and because it is imperative to regain effective control over the budgetary process so Congress may determine those priorities, therefore it is deemed necessary—

(1) to establish a congressional budgeting system which facilitates establishment of national goals and priorities to meet the needs of a modern society and economy,

(2) to create a joint committee with responsibility to oversee and establish fiscal guidelines for the proper implementation of national goals and priorities, and

(3) to develop a means for a constant and systematic review of existing programs to be certain that they are achieving the national objectives for which they were created.

### TITLE I—LEGISLATIVE BUDGET

SEC. 101. (a) There is established a joint committee of the Congress which shall be known as the Joint Committee on the Budget (hereinafter referred to as the "joint committee"). The joint committee shall be composed of eighteen members as follows:

(1) nine Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, three of whom shall be members of the Committee on Ways and Means and three of whom shall be members of the Committee on Appropriations; and

(2) nine Members of the Senate, to be appointed by the President of the Senate, three of whom shall be members of the Committee on Finance and three of whom shall be members of the Committee on Appropriations.

Of the members appointed from each House, five shall be from the majority party and four from the minority party.

(b) The joint committee shall select a chairman and vice chairman each Congress from among its members. In each odd-numbered Congress the chairman shall be a Member of the House of Representatives and the vice chairman shall be a Member of the Senate. In each even-numbered Congress the chairman shall be a Member of the Senate and the vice chairman shall be a Member of the House of Representatives.

(c) A quorum of the joint committee shall consist of five Members of the Senate and five Members of the House of Representatives.

(d) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original appointment.

(e) The joint committee, or any subcommittee thereof, is authorized, in its discretion (1) to make expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpena witnesses and documents, (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel and facilities of any such agency, (8) to procure printing and binding, (9) to procure the temporary services (for periods not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under subsections (i) and (j), respectively, of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other testimony. No rule shall be adopted by the joint committee under clause (3) providing that a finding, statement, recommendation, or report may be made by other than a majority of the members of the joint committee then holding office.

(f) Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or the joint committee, and may be served by such person as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of sections 102–104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

(g) With the consent of any standing, select, or special committee of the House or Senate, or any subcommittee thereof, the joint committee may utilize the services of any staff member of such House or Senate committee or subcommittee whenever the chairman of the joint committee determines that such services are necessary and appropriate.

(h) The head of each department and agency of the executive branch (including the Office of Management and Budget) shall furnish to the joint committee such information and data as the joint committee may request.

(i) The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee authorized by the chairman.

(j) Members of the joint committee, and its personnel, experts, and consultants, while traveling on official business for the joint committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses if an itemized statement of such expenses is attached to the voucher.

SEC. 102 (a) Upon the submission of the Budget of the United States Government by the President for each fiscal year (beginning with the fiscal year ending June 30, 1975), the joint committee shall promptly review the budget for the purpose of formulating and submitting to the Senate and the House of Representatives a legislative budget for that fiscal year. The legislative budget for each fiscal year shall be in such detail as the joint committee may prescribe, but shall include—

(1) the total estimated receipts of the Government during the fiscal year, the total proposed expenditures by the Government during the fiscal year, and the total proposed appropriations for the fiscal year,

(2) the maximum amount of proposed expenditures in each major category during the fiscal year and the maximum amount of proposed appropriations for each major category for the fiscal year,

(3) estimated receipts of the Government and proposed expenditures and appropriations, in the aggregate and in program detail for each major category, for the fiscal year and the four fiscal years immediately following the fiscal year, and

(4) if total estimated receipts in the general fund of the Treasury exceed the proposed expenditures out of the general fund during the fiscal year, recommendations for reductions in taxes or in the public debt (including a reduction in the public debt limit), or a combination thereof.

(b) The joint committee shall, as soon as practicable each year but not later than May 31, submit to the Senate and the House of Representatives the legislative budget for the ensuing fiscal year together with a report thereon.

SEC. 103. (a) It shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution making appropriations for any fiscal year (beginning with the fiscal year ending June 30, 1975) or any bill or joint resolution authorizing appropriations for any such fiscal year, until the joint committee has submitted the legislative budget for that fiscal year.

(b) The committee report accompanying any bill or joint resolution making appropriations or authorizing appropriations for any fiscal year (beginning with the fiscal year ending June 30, 1975) shall contain a comparison of the amounts appropriated or authorized therein, in the agrgerate and in each major category, with the amounts set forth in the legislative budget for that fiscal year. If any such amount appropriated or authorized exceeds the amount set forth in the legislative budget, such report shall contain an explanation of the excess. It shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution unless the committee report accompanying it complies with the requirements of this subsection.

SEC. 104. For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the joint committee, or as chairman of the joint committee, shall not be taken into account.

### TITLE II—FIVE-YEAR BUDGET PROJECTIONS

SEC. 201. (a) Section 102(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended—

(1) by inserting after "ensuing fiscal year" in paragraph (5) "and the four fiscal years immediately following the ensuing fiscal year";

(2) by striking out "such year" in paragraph (5) and inserting in lieu thereof "such years";

(3) by inserting after "ensuing fiscal year" in paragraph (6) "and the four fiscal years immediately following the ensuing fiscal year".

(b) Section 201 of such Act is amended by adding at the end thereof the following new subsections:

"(d) The budget shall include (1) an examination of proposed expenditures and appropriations and estimated receipts within a comprehensive framework of existing and proposed programs and (2) the bases used for the proposed expenditures and appropriations and estimated receipts.

"(e) The President shall transmit to Congress during the first fifteen days of each regular session, in addition to the budget required under subsection (a), alternative budgets taking into account contingency plans in the event of either major national disasters or economic or strategic dislocations."

(c) The amendments made by this section shall apply with respect to the fiscal year ending June 30, 1975, and each fiscal year thereafter.

SEC. 202. (a) The committee report accompanying each bill or joint resolution of a public character reported by any committee of the Senate or the House of Representatives (except the Committee on Appropriations of each House) shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is to become effective and in each of the four fiscal years following such fiscal year, together with the basis for each such estimate;

(2) a comparison of the estimate of costs described in paragraph (1) made by such committee with any estimate of costs made by any Federal agency; and

(3) a list of existing and proposed Federal programs which provide or would provide financial assistance for the objectives of the program or programs authorized by the bill or joint resolution.

(b) It shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution if such bill or joint resolution was reported in the Senate or House, as the case may be, after the date of the enactment of this Act and the committee report accompanying such bill or joint resolution does not comply with the provisions of subsection (a) of this section.

(c) Section 252 of the Legislative Reorganization Act of 1970 is repealed.

### TITLE III—THREE-YEAR LIMITATION ON AUTHORIZATIONS FOR APPROPRIATIONS; CONGRESSIONAL REVIEW OF MAJOR EXPENDITURE PROGRAMS

SEC. 301. (a) All provisions of law in effect on the date of the enactment of this Act which authorize appropriations for any major expenditure program for a period of more than three fiscal years, beginning with the first fiscal year which commences after such date, shall cease to be effective at the end of the third fiscal year commencing after such date.

(b) Subsection (a) shall not apply to any major expenditure program funded in whole or major part by user taxes.

SEC. 302. (a) (1) During the period prescribed in subsection (b), each committee of the Senate and the House of Representatives which has jurisdiction to report legislation authorizing appropriations for a major expenditure program shall conduct a comprehensive review and study of such program and shall submit a report thereon to the Senate or the House, as the case may be. In conducting such review and study, the committee shall receive testimony and evidence in hearings open to the public.

(2) Prior to the beginning of the period during which any committee of the Senate or the House of Representatives is to conduct a comprehensive review and study of a major expenditure program, the head of the department or agency of the Government which administers the program (or any part thereof) shall submit to the committee a cost-benefit analysis of the program.

(b) The period referred to in subsection (a) for the review and study of a major expenditure program is the last fiscal year for which appropriations are authorized for such program.

(c) Insofar as possible, the committees of the Senate and the House of Representatives which have jurisdiction over a major expenditure program shall conduct the review and study required by subsection (a) at the same time. Such committees may conduct the open hearings required by such subsection jointly.

(d) The report of a committee on a review and study of a major expenditure program shall contain a cost-benefit analysis of the program and the committee's evaluation of the overall success or failure of the program, and shall include (but not be limited to) the following matters—

(1) Whether the program objectives are still relevant.

(2) Whether the program has adhered to the original and intended purpose.

(3) Whether the program has had any substantial impact on solving the problems and objectives dealt with in the program.

(4) The impact of the program on the functions and freedom of the private sector of the economy.

(5) The feasibility of alternative programs and methods for dealing with the problems dealt with in the program and their cost effectiveness.

(6) The relation of all government and private programs dealing with the problems dealt with in the program.

(7) An examination of proposed legislation pending in either House dealing with the problems being dealt with in the program, including an examination of each proposed legislation in the context of—

(A) existing laws,

(B) other proposed legislation,

(C) private efforts, and

(D) whether public efforts will hinder or help private efforts.

SEC. 303. It shall not be in order in either the Senate or the House of Representatives to consider—

(1) any bill or joint resolution which authorizes appropriations for any major expenditure program for any fiscal year beginning after the period within which the committee of that House which has jurisdiction over the program is required to submit a report with respect to the program under section 302 until that committee has submitted such report, or

(2) any bill or joint resolution which authorizes appropriations for any major expenditure program for more than three fiscal years.

### TITLE IV—PILOT TESTING OF NEW MAJOR EXPENDITURE PROGRAMS

SEC. 401. (a) Except as provided in subsection (b), it shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution—

(1) which establishes a new major expenditure program unless such bill or joint resolution provides (or a prior law has provided) for a pilot test of such program which meets the requirements of this title, or

(2) which authorizes appropriations to implement any major expenditure program established by law passed by the Congress after the date of the enactment of this Act (other than appropriations to carry out a pilot test of such program which meets the requirements of this title) until the appropriate committee of the Senate or the House, as the case may be, has submitted to that House a report on the pilot test of the program pursuant to section 403(a) and a report to the Joint Committee on the Budget pursuant to section 403(c). (b) Subsection (a) shall not apply to a bill or joint resolution if the committee report accompanying it contains a statement, together with an explanation, that the committee has given full consideration to pilot testing and, in its judgment, pilot testing would not be feasible or desirable for the program established, or for which appropriations are authorized, by the bill or joint resolution.

SEC. 402. (a) In order to meet the requirements of this title, a pilot test of a major expenditure program must—

(1) entail a test of the program which consists of a replica, as nearly as possible, of the conditions that would exist if the program were implemented on a permanent basis.

(2) be conducted for at least two complete fiscal or calendar years (excluding any period for planning and preparation),

(3) be conducted by a department or agency of the Government or a public or private organization specified in the law providing for the pilot test, and

(4) require the department, agency, or organization which conducts the test, and the Comptroller General of the United States, to report the results of the test, as soon as practicable after its conclusion, to the committees of the Senate and the House of Representatives which have jurisdiction to report legislation authorizing appropriations to implement the program.

(b) Nothing contained in this title shall preclude simultanous multiple pilot tests of a major expenditure program to determine the most feasible alternative before national implementation.

(c) The Comptroller General of the United States shall have full authority to monitor any pilot test conducted pursuant to the requirements of this title.

SEC. 403. (a) Upon receipt of the reports of a pilot test of a major expenditure program, each committee to which the reports are submitted shall conduct a comprehensive study to evaluate the results of the pilot test and shall, as soon as practicable, submit a report thereon to the Senate or the House of Representatives, as the case may be. In conducting such study, the committee shall receive testimony and evidence in hearings open to the public. The committees of the two Houses may conduct such hearings jointly.

(b) The report of a committee on the evaluation of a pilot test of a major expenditure program shall include (but not be limited to) the following matters:

(1) Suitability of the Federal Government to implement such a program on a national scale.

(2) A cost-benefit analysis of the program in relation to other alternative measures.

(3) In the event the program would change a current method of dealing with a specific problem, a comparison of the current method used and the method used in the test, and an analysis in terms of relative effectiveness.

(c) In addition to the report required by subsection (a), the committee shall submit to the Joint Committee on the Budget a separate report containing a detailed cost-benefit analysis.

### TITLE V—REQUIREMENT OF ANNUAL APPROPRIATIONS

SEC. 501. (a) Except as provided in subsection (b), effective July 1, 1974—

(1) all provision of law permanently apappropriating moneys out of the Treasury (including trust funds) shall have no force nor effect, and

(2) moneys may be paid out of the Treasury (including trust funds) to defray expenditures incurred in any fiscal year only pursuant to appropriation Acts enacted for that fiscal year.

(b) Subsection (a) shall not apply to provisions of law which permanently appropriate moneys—

(1) to pay interest on obligations constituting a part of the public debt of the United States, or

(2) to refund overpayments of taxes made to the United States.

Subsection (a) shall not preclude the appropriation of funds for a fiscal year with the stipulation that such funds remain available until expended.

SEC. 502. It shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution, or any amendment thereto, which appropriates moneys out of the Treasury (including trust funds) for a period of more than one fiscal year, except that funds may be appropriated for a fiscal year with the stipulation that they remain available until expended.

### TITLE VI—EXERCISE OF RULEMAKING POWER

SEC. 601. (a) Section 103, 104, 202, 302 (except subsection (a)(2)), 303, 401, 402 (except subsection (c)), 403, and 502 of this Act are enacted by the Congress—

(1) as an exercise of the rulemaking powers of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(b) For purposes of such sections, the members of the Joint Committee on Atomic Energy who are Members of the House of Representatives shall be deemed to be a committee of the House, and the members of such Joint Committee who are Members of the Senate shall be deemed to be a committee of the Senate.

Mr. PROXMIRE. Mr. President, I simply want to commend the Senator from Tennessee for introducing the bill. I have studied it. It has great merit. I do hope the Senate will act promptly. One of its great advantages is that it will give Congress more control over fiscal policies than we now have.

Mr. BROCK. I thank the Senator for his gracious comments and his support.

Finally, Mr. President, let me say that if we in Congress wish to serve in cleaning up the house of the American people, in cleaning up the problems of the American people, I think it is time we clean up our own House first.

Mr. FANNIN. Mr. President, I wish to commend the distinguished Senator from Tennessee. I join in what the distinguished Senator from Wisconsin has stated. I fully support his objectives and the way he has approached this subject.

Mr. PROXMIRE. Mr. President, I was delighted to have an opportunity to be on the floor this afternoon when the Senator from Tennessee (Mr. BROCK) explained his excellent bill. I commend him for it.

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By Mr. DOLE:

S. 41. A bill to designate November 11 of each year as Veterans Day and to make such day a legal public holiday. Referred to the Committee on the Judiciary.

### VETERANS DAY REINSTATEMENT

Mr. DOLE. Mr. President, on November 11, 1971, I introduced legislation to reinstate November 11 as the date for the officially sanctioned celebration of Veterans Day. In previous years, November 11 had been set aside to honor the Americans who have served in our armed services in defense of freedom around the globe. November 11 was originally selected as Veterans Day because that date has special significance, not only for Americans but also for all citizens of the world, for it was on this day in 1918 that the Armistice was signed which ended World War I.

In 1971, the designation of Veterans Day was changed so that the legal holiday would fall on the fourth Monday of October. The date of November 11 was thus stripped of its officially sanctioned recognition and the celebration of Veterans Day lost significance in the eyes of many Americans.

Veterans Day deserves the highest recognition possible. Millions of Americans have sacrificed their time, their talents and even their lives to secure and strengthen the ideals of liberty, freedom, and democracy which gave birth to our Nation. These Americans—our veterans—have earned the respect, gratitude, and recognition of their fellow countrymen. Their contribution to America is unique and America's tribute to them should be equally unique.

For many years, this tribute was paid on November 11, a day which is both unique in history and appropriate for recognizing the contributions of Americans to world freedom. November 11 is Veterans Day and always will be in the hearts and minds of millions of Americans. The change in the legal designation cannot erase the significance of this date, nor can an extra 3-day weekend justify a reduction in this Naton's tribute and homage to the men and women who have given so much in their quest for world peace and freedom. With these thoughts in mind, I am today introducing legislation to reinstate the date of November 11 as Veterans Day. Passage of this legislation will again establish a legal holiday which represents American tradition and provides a unique and fitting day of recognition for American veterans. I would ask that my colleagues join me in sponsoring this legislation and hope Congress will act quickly to restore November 11 as our official national day of salute and tribute to the men and women who have so proudly worn the uniform of the United States.

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By Mr. DOLE (for himself and Mr. PEARSON):

S. 42. A bill to provide for the disposition of funds appropriated to pay certain judgments in favor of the Iowa Tribes of Oklahoma and of Kansas and Nebraska. Referred to the Committee on Interior and Insular Affairs.

### AUTHORIZATION OF JUDGMENT FUNDS TO THE IOWA TRIBES OF OKLAHOMA AND OF KANSAS AND NEBRASKA

Mr. DOLE. Mr. President, on May 7, 1965, the Indian Claims Commission made an award to the Iowa Indian Tribe of Kansas and Nebraska and the Iowa Tribe of Oklahoma. The award was made as payment for certain land which was excluded from the Iowa Reservation established in southeast Nebraska and northeast Kansas by an 1854 treaty and as additional payment for other land sold under the same treaty.

Funds to pay this award were appropriated by Congress on March 21, 1972, and the tribes have since agreed on the division of the funds. Whereas authorization legislation was not acted upon by the Committee on Interior and Insular Affairs due to time limitations in the second session of the 92d Congress, I, therefore, reintroduce this legislation authorizing payment of the appropriated sum to the Iowa Tribes in the hope that it will receive prompt attention.

Mr. President, it is unreasonable that a just claim arising from a formal U.S. treaty adopted nearly 120 years ago should still remain unsatisfied. It would be even more unjust for the Senate to delay any longer the satisfaction of this claim. The Claims Commission has awarded the claim, Congress has appropriated the money, a tribal agreement on distribution of the funds has been reached, and Congress must now pass the authorizing legislation to enable settlement of this claim. I, therefore, encourage my colleagues to act promptly in their consideration of this bill, and bring about prompt payment of this 120-year-old obligation.

The Iowa Tribe of Oklahoma and of Kansas and Nebraska have a membership of approximately 1,740 individuals. The Iowa Reservation of the Kansas and Nebraska Tribe is located in Brown County, Kans., and in Richardson County, Nebr. It covers approximately 1,378 acres, most of which is farmland. Approximately 83 percent of the land is used by Indians and the remainder by non-Indians under lease arrangements.

The tribe is governed by a general council composed of all enrolled members of legal age, and by an executive committee which has broad delegated powers for carrying on the daily business of the tribe.

The primary functions of the tribal government are in matters pertaining to the preparation of claims, prosecution and distribution of claims preparation of membership rolls, and supervision of the tribal lands.

The tribal government has proposed distribution of the judgment funds now in question on a per capita basis to currently enrolled members, in accordance with the tribal constitution. They have voted to hold payments distributed to minors in trust for them, and are in the process of establishing a trust fund in a local bank for this purpose. Once completed, the trust proposal will be submitted to the Secretary of the Interior for final approval. I urge the Senate to respect the wishes of the tribe and permit retention of the trust funds in the local Indian community.

There is no controversy surrounding this award. The claims commission has adjudged it, the Iowa tribal government has agreed on the distribution scheme, and Congress has appropriated $633,193.77 to satisfy claim docket No. 135. I am hopeful that this authorization bill can be acted upon promptly so that this obligation owed by the United States to the people of the Iowa Tribes may be met.

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By Mr. DOLE:

S. 43. A bill to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes. Referred to the Committee on Agriculture and Forestry.

### INTRODUCTION OF RABBIT PROCESSING BILL

Mr. DOLE. Mr. President, during the 92d Congress the Senate passed a bill providing for the mandatory inspection of rabbits slaughtered for human food. Due to the rush of the closing days of the Congress, the House was unable to act on this legislation although it had received committee approval and we felt it was assured passage.

Today I would like to introduce this legislation once again and urge prompt action to enable the same privilege to rabbit producers and processors that other meat and poultry producers and processers enjoy.

Mr. President, rural America is facing economic crisis. Even with our Government farm programs farm population continues to decline. These people are leaving the farm for one reason—they cannot make a living wage with the increasing cost of farming and the declining prices they receive for their production.

### PREFER RURAL LIFE

My State of Kansas is no exception. Kansas economy is based on agriculture. Grain production and livestock are the two biggest industries in the State. Several generations have succeeded in farming the same lands. These people do not want to leave the farm community and migrate to the urban centers and their concentration of problems.

This economic concern is exhibited in the efforts of a northwest Kansas community in and around Hill City, Graham County, Kans.

Several years ago, citizens of that community banded together with citizens of several counties in that area. There were community leaders, farmers, bankers, and low-income laborers—all joined together to create an economic development group to try to improve their future.

### ADDITIONAL INCOME

The result of this alliance was the formation and inauguration of Kansas Food Products, Inc., a plant to slaughter and process rabbits. The farmers of the surrounding area produce the domestic rabbits—sell them to the plant—which slaughters and processes them. Under contract, the plant produces rabbits for domestic use, and contracts to sell other portions of the rabbit carcass to research facilities. This plant has been operating for several years and is expanding rapidly. It has greatly enhanced the community it serves, provides employment for some citizens, and a supplemental crop for farmers to improve their income.

### INSPECTION COSTLY

The management chose wisely to build the plant to comply with USDA meat and poultry inspection specifications, so the consumer would be assured of wholesome meat. Their USDA inspection is strictly a voluntary action, in order to protect the consumer, and this plant is forced to pay over $15,000 per year for this inspection service. Plants slaughtering other meat animals or poultry receive this inspection service at no charge as a means to fulfill the Wholesome Meat and Poultry Acts.

Today, I introduce a bill that would provide for the same USDA inspection service to slaughtering and processing plants for rabbits that is provided processors of other animals prepared for consumer food. As a cosponsor of the Wholesome Meat and Poultry Acts, I feel it was the intention of these acts to provide such service, and it is with this purpose that I introduce this bill again in this Congress and urge prompt action.

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By Mr. DOLE:

S. 44. A bill to amend the Small Business Act to increase the availability of management counseling to small business concerns. Referred to the Committee on Banking, Housing and Urban Affairs.

### INTRODUCTION OF A BILL TO STRENGTHEN SCORE AND ACE PROGRAMS OF ASSISTANCE TO SMALL BUSINESS

Mr. DOLE. Mr. President, the Small Business Administration has for many years counseled and assisted small businessmen in accordance with the mandate of the Small Business Act. One of the agency's most valuable services is provided through the Service Corps of Retired Executives—SCORE. Established in 1964, this organization of successful, retired businessmen volunteers time and know-how to aid those who are struggling to succeed in businesses. It has produced an outstanding record of success.

In an effort to increase the availability of management counseling to small businessmen, SBA has recently established the Active Corps of Executives—ACE—whose members perform similar advisory services while engaged in the operations in their own businesses.

### SECTION 1

Today I am introducing a bill which seeks to strengthen the SCORE and ACE programs by facilitating expansion and flexibility in their operations. Section 1 would further this goal by exempting SBA from the present prohibition against acceptance of voluntary services in the case of the SCORE and ACE programs. Presently SCORE and ACE volunteers render their services directly to the small business community. In expanding this assistance, it is contemplated that volunteers could be used profitably in other roles, such as manning interview desks and conducting management ability evaluations. Assumption of such functions, however, might blur the distinction between rendering their volunteer services to the small businessman rather than to SBA. Any questions that might arise through such expanded operations would be avoided by amending section 5(b)(9) of the Small Business Act to remove the general prohibition against acceptance of voluntary services by Federal agencies in the case of SCORE and ACE volunteers.

### SECTION 2

Section 2 of the bill is directed largely toward improving the conditions under which SCORE and ACE volunteers work and establishing more equitable reimbursement arrangements for out-of-pocket expenses. My proposal would allow SBA to furnish the volunteers once facilities, parking space, and other support were not otherwise available. Under the small business act, as amended, SBA is permitted to reimburse these volunteers for travel and out-of-pocket expenses only when incurred in connection with travel to points more than 50 miles from their homes. In urban areas the distances between the volunteer and the small businessman being assisted is usually less than 50 miles, but the out-of-pocket expenses imposed on the volunteer are significant, due to such factors as parking, public transportation, tolls, or cabfare. SBA cannot at present reimburse volunteers for these legitimate expenses, and it is unfair to expect them to assume such financial burdens. Another provision would authorize expenditures for advertising and other publicity to alert small businessmen to the availability of SCORE and ACE services in their communities.

This legislation has previously received the support of both the Senate Small Business Subcommittee and the Senate Banking, Housing and Urban Affairs Committee, and was previously passed by the Senate as an amendment to small business legislation considered in the 91st Congress. Given this history of support, I am hopeful that during the 93d Congress the bill may receive early consideration and approval of both the House and Senate. I encourage my colleagues to join in support of this effort to expand and strengthen the SCORE and ACE programs which have proven so valuable to small business, and ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 44

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5(b)(9) of the Small Business Act (15 U.S.C. 634(b)(9)) is amended to read as follows:

"(9) accept and utilize the services and facilities of Federal, State, and local agencies and groups, both public and private, and accept gratuitous, voluntary, and uncompensated services and facilities without regard to the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b)):"

SEC. 2. Subparagraph (B) of section 8(b)(1) of the Small Business Act (15 U.S.C. 637 (b)(1)(B)) is amended to read as follows:

"(B) in the case of any individual or group of persons cooperating with it in furtherance of the purposes of subparagraph (A), (i) to allow such an individual or group such use of the Administration's available office facilities, parking space, and related materials and services as the Administration deems appropriate; (ii) to rent for the use of such an individual or group such office facilities, parking space, and related materials and services as would not otherwise be available for the purpose and as the Administration deems appropriate; (iii) to pay, as the Administration deems appropriate, the expenses of disseminating through advertising media information to small business concerns respecting the availability of such individuals or groups; (iv) to pay, as the Administration deems appropriate, the expense of placing in telephone directories and independent listing of the telephone numbers of such individuals or groups; (v) to reimburse any such individual for the cost incurred in making any telephone call from his home in furtherance of the purposes of subparagraph (A); and (vi) to pay the transportation expenses and a per diem allowance in accordance with section 5703 of title 5, United States Code, to any such individual or group for travel and subsistence expenses incurred at the request af the Administration in providing gratuitous services to small businessmen in furtherance of the purposes of subparagraph (A) or in connection with attendance at meetings sponsored by the Administration;".

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By Mr. DOLE:

S. 45. A bill to authorize advance relocation of FAS Route 1343 in connection with the Onaga Lake project in Kansas. Referred to the Committee on Public Works.

### BRIDGE CONSTRUCTION IN POTTAWATOMIE COUNTY, KANS.

Mr. DOLE. Mr. President, a situation has arisen in Pottawatomie County, Kans., as the intersection of two Federal programs has put local citizens and local government in a difficult position.

The Federal Aid Highway Act of 1968 contained a provision—section 26—calling for inspections and engineering studies to be made on all bridges in the Federal aid secondary system of roads and highways in the United States. This legislation was wise and responsive to a real need to assess the safety of these bridges many of which are quite old and have come to carry traffic loads far in excess of their original design specifications. Throughout the country, these studies have been undertaken, and in many cases it has been shown that bridges are unsafe and should be repaired, replaced, or closed. Of course, the closing and repair of some bridges has imposed some hardships on the county governments responsible for maintenance on the FAS system. But it is generally recognized that safety should be a prime consideration for any transportation system.

Pottawatomie County in northeastern Kansas has complied with the bridge inspection law by contracting for a 3 year, $10,000 study of its bridges, giving first consideration to those structures lying within the general area of the Onaga project of the Corps of Engineers authorized by Congress in 1962. It was felt that these structures should be studied first, because of the expected requirements for quality bridges to serve the large numbers of tourists who will be drawn to the area and because it would not be wise to expend funds for the improvement of some bridges if they are soon to be closed and flooded when impoundment begins in the lake. As it has turned out five of these bridges are unsatisfactory and should be closed. The findings of this study are not disputed, and county officials readily accept the need for this action to be taken in the interests of public safety.

But a major problem presents itself in that if all five of these bridges—which extend along 16 miles of the Vermillion Creek—are closed, a major disruption in local traffic will occur and serious inconvenience for farmers and other local residents will result.

A tantalizing element is introduced into this matter by virtue of the fact that one bridge on FAS route 1343 approximately midway along this 16-mile distance is near a site considered by the Corps of Engineers in its preliminary planning for the Onaga Lake to be desirable for a lake crossing. Construction of such a crossing would, therefore, provide an ideal solution for the traffic problems of Pottawatomie County. The problem, however, is that, although the lake project is well into development with $250,000 appropriated in fiscal year 1973 for advanced engineering and design work, actual construction probably will not begin for 2 years.

So the county is faced with a serious need to provide a bridge to allow traffic movement across this 16-mile length of Vermillion Creek, and at the same time it sees that any money spent on improvement of one of these bridges will be wasted when the Onaga Lake is completed, both because the bridge will be inundated and because the Corps of Engineers will proceed with its road relocation plans in any event. The Corps of Engineers, as it has indicated in extensive correspondence with my office, appreciates the county's problem, but it cannot proceed with advance relocation of this FAS route on the basis of its current authority.

In view of these facts and the obvious good sense, economically and practically, of helping both in the county and corps to do their jobs in the best interests of the taxpayers, I am introducing legislation to authorize the Corps of Engineers to proceed with advance relocation of FAS 1343 over the Vermillion Creek in accordance with the requirements of the Onaga Lake project.

I believe this legislation will provide the best possible solution for the problems which have been encountered. The citizens of Pottawatomie County will be able to travel through the area without unreasonable inconvenience; the county government and its taxpayers will be spared the unnecessary expense of repairing or replacing a bridge that will be of no use in 2 or 3 years; and the Corps of Engineers will be able to complete a necessary and important segment of its project in a manner which will be entirely consistent with the project's overall goals and requirements.

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By Mr. DOLE (for himself and Mr. PEARSON):

S. 46. A bill authorizing the improvement of certain roads in the vicinity of Melvern and Pomona Reservoirs, Osage County, Kans. Referred to the Committee on Public Works.

### ROAD AND BRIDGE CONSTRUCTION ASSISTANCE FOR OSAGE COUNTY, KANS.

Mr. DOLE. Mr. President, construction of a Federal multipurpose dam and reservoir is a highly valuable addition to any county or region. The construction process initially has a favorable economic impact in the area. And completion of the facility often means assurance of nearby communities' water supplies; valuable flood protection for homes, businesses and farms; and the establishment of a new leisure-and-recreation economic base for the area.

A new reservoir, however, does not bestow its benefits without cost to its locality, for it necessarily removes substantial acreage from the tax rolls. A dilemma is posed in that reduction of the tax base is accompanied by an increased need for outlays to finance construction of improvements—particularly roads and bridges—which will enable the tax base to be built up through business, recreational, and residential developments.

In most cases, the problems of financing the expenditures required to stimulate this compensating growth of the tax base are within the capabilities of the affected local and State governments. Most citizens recognize the need and respond by supporting tax levies and bond issues to underwrite these costs. Frequently, such efforts require significant sacrifices, but they are made in the realization that such investments in future growth will pay handsome dividends.

Ten years ago, the Pomona Reservoir was constructed in Osage County, Kans., and it has proven to be a highly successful project, providing substantial flood protection for a wide area of eastern Kansas and proving to be an outstandingly attractive recreation area with its 246,000 acre-feet impoundment in a beautiful natural setting.

But Osage County has been doubly blessed; for, now nearing completion is the 360,000 acre-feet Melvern Reservoir. Completion of Melvern will make Osage County one of the prime tourist attractions in the eastern Kansas-western Missouri area and will give the county a unique status in having two Federal reservoirs within its borders. But while this county has benefited substantially from the development of its water resources, it must contend with an unusual set of problems raised by this double helping of attractive features.

Only 13,000 people live in this county, and some 12,000 acres of its most valuable agricultural land have been removed from the tax base. Thus diminished, the tax rolls have been squeezed, and the burdens of the taxpayers have, for the time being, been increased. Even so, the citizens of the county have welcomed and supported these additions to their area. In recognition of the need to stimulate the lakes' business recreational and residential development by making them more accessible, a countywide $1.5 million bond issue has been passed to support a replacement program for the oldest and most unsafe bridges. But the capacity of local citizens to do more is seriously limited. The State of Kansas has also made an effort to help by improving the highway which runs near both reservoirs, but much more must be done.

I would point out that the improvement of these roads and highways is not simply a matter of local economic interest. It also reflects a broader public interest in seeing that these federally funded projects return the maximum possible benefits for the American taxpayer's dollar, and those returns can be measurably enhanced by making access to those reservoirs easier and safer for visitors. Nearly 1 million people visited the Pomona Reservoir last year, and more than 7 million have come since it opened. When Melvern also becomes operational, the volume of visitors can be expected to increase substantially and thereby overtax the local bridges and roads which were originally designed and constructed with no idea of carrying the volume of traffic which they are now facing. A first-rate crisis in terms of capacity, accessibility and safety will occur unless major steps are taken to expand and improve the local road and highway system.

Therefore, I am introducing legislation to provide authority for the Army Corps of Engineers to undertake a substantial road improvement program for Osage County in the vicinity of the Melvern and Pomona Reservoirs.

I have been in contact with the Osage County Commissioners and am aware of the major efforts the county has undertaken to solve the problem on its own. Yet, there is only so much that can be done locally and additional assistance should be made available.

Therefore, I would hope this proposal can receive favorable and speedy consideration so that the improvements may be completed at the earliest possible date and the visitors and residents in Osage County can be provided safe and adequate roads in the Pamona and Melvern Reservoir areas.

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By Mr. BROOKE (for himself, Mr. Cranston, Mr. Case, Mr. Cook, Mr. Hart, Mr. Javits, Mr. Hatfield, Mr. Mathias, Mr. McGovern, Mr. McIntyre, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Proxmire, Mr. Randolph, Mr. Schweiker, Mr. Stevenson, and Mr. Weicker):

S. 48. A bill to amend the Foreign Assistance Act of 1961 with respect to the availability of funds for military assistance and military operations in Indochina. Referred to the Committee on Foreign Relations.

### THE VIETNAM DISENGAGEMENT ACT OF 1973

Mr. BROOKE. Mr. President, on behalf of Senators Cranston, Case, Cook, Javits, Hart, Mathias, McGovern, McIntyre, Pastore, Pell, Proxmire, Randolph, Schweiker, Stevenson, Weicker, and myself, I introduce, for appropriate reference, the Vietnam Disengagement Act of 1973.

Senators will recognize the basic provisions of this measure, for they are virtually identical to those contained in the so-called Brooke amendment adopted by the Senate on July 24, 1972, and August 2, 1972.

This bill provides that no money shall be spent for any U.S. military action in Indochina, except for the withdrawal of our forces and their protection during the withdrawal. This measure requires that the total withdrawal of all American forces from Vietnam, Laos, and Cambodia be completed within 2 months of its enactment.

The restriction on funding and the disengagement deadline is conditioned solely on the release of our prisoners of war and an accounting of our missing in action by the North Vietnamese and their allies.

The Vietnam Disengagement Act of 1973 differs from the amendments adopted last summer in only one respect: the length of time afforded for the total withdrawal of U.S. forces from Indochina. While last year the Senate approved a 4-month timetable, I propose we now enact a 2-month deadline for an end to our participation in the war in Indochina.

This 2-month timetable coincides with that revealed in Presidential Adviser Henry Kissinger's October 26 statement. He said:

> U.S. forces would be withdrawn within sixty days of the signing of the agreement; . . . and all captured military personnel and foreign civilians (would) be repatriated within the same time period as the withdrawal—that is to say, there will be a return of all American prisoners—military or civilian—within sixty days after the agreement comes into force.

From Dr. Kissinger's statement, it appears the formula contained in this bill is diplomatically feasible. Logistically, too, I would argue that this timetable is possible because there are at the present time only 24,000 U.S. troops in Indochina. And we have in the past withdrawn this many and more within a 2-month period.

Mr. President, we were told in October that peace was at hand. But for reasons not adequately explained, the agreement was not reached. Peace slipped from our grasp. The talks stalled and the war accelerated with devastating fury.

Within the past 3 weeks, the U.S. Command in Saigon has reported the highest American casualty rate in over 2 years; 109 Americans have been reported killed, missing, or captured. Seventeen B-52 bombers at a cost of $10.9 million apiece, have officially been listed as shot down by the enemy: many other planes have been lost as well.

Despite official claims that we have aimed only at military targets, American bombing raids have resulted in the destruction of schools and hospitals in Hanoi. Our bombing has been the most intensive in the history of warfare, and has been called a "campaign of terror" against the North Vietnamese. According to the Hanoi government, 1,316 North Vietnamese have been killed and another 1,256 wounded in recent attacks. Amid the rubble that was Hanoi lay the world's hopes for peace by year's end.

Now the intensified hostilities have subsided and the talks are scheduled to resume January 8. We pray for success in the talks in Paris and for peace in Southeast Asia. And we are also hopeful that we have seen an end to escalation as a military or diplomatic tactic.

There are our hopes. But our hopes have been raised before. And past experience has proved hope to be an insufficient foundation for public policy.

For too long the President has assumed the full burden of authority in the conduct of this tragic war. It is time that we in Congress assume our responsibility and share the burden of bringing an end to the war. Our constitutional and moral responsibility is clear. Congress has no more compelling obligation than to bring and maintain peace. In the days ahead, we must do all within our power to fulfill this obligation. And I ask that all of my colleagues consider Vietnam Disengagement Act of 1973 as an appropriate means toward that fulfillment.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Saxbe). The bill will be received and appropriately referred; and, without objection, the bill, as requested by the Senator from Massachusetts, will be printed in the Record.

S. 48

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That this Act may be cited as the "Vietnam Disengagement Act of 1973".

Sec. 2. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 659. Limitation Upon Use of Funds in Indochina.—Funds authorized or appropriated under this Act or any other law for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces and protecting such forces as they are withdrawn; and the withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within two months after the date of enactment of this Act: *Provided*, That there is a release within the two-month period of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, and an accounting of all Americans missing in action who have been held by or known to such Government or such forces."

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. BROOKE. I am pleased to yield to my distinguished partner who worked very closely with me in the Brooke-Cranston amendment in 1972.

Mr. CRANSTON. Mr. President, I thank my friend, the Senator from Massachusetts, for yielding. I thank him also for once again reminding the leaders on this side of this matter, and I am delighted to join with him in seeking to take the necessary steps to end the American involvement in this war in view of the failure of two Presidents in a row to end our involvement in this tragic conflict.

I announced while I was in California on December 21 that I would seek the first legislative opportunity to cut off funds for American military operations in Vietnam if U.S. forces are still engaged in the fighting when Congress reconvened.

American forces are still engaged in the fighting. This is the first legislative opportunity for me to do what I can to try to help stop this madness. I am taking advantage of that opportunity.

It seems clearer now than ever before

that Congress must refuse to continue to provide funds for the Vietnam war no matter what happens at those off-again, on-again, peace-at-hand negotiations in Paris.

Whether we expect those negotiations finally to succeed or once again to break down should in no way affect our actions.

If the negotiations should break down, we in Congress must not finance any renewal of the bombing. If on the other hand the negotiations at long, long, long last succeed—and we all hope and pray that they will—then additional bombing money will obviously no longer be needed.

In either case—in any case—America cannot, America must not continue to support the Thieu government through hell, high water, endless bombing, endless killing, and endless spending.

If the President and his advisers cannot end our military involvement in this war, the Congress must.

I say enough of this war. Enough of this madness. Enough, enough.

Mr. President, I would like to ask our distinguished colleague, the Senator from Massachusetts, if it is not his hope that we can get this proposal before the Senate in a way that can be truly meaningful by seeking to attach it as an amendment to the foreign aid bill which is now pending before the Foreign Relations Committee and which must come before the Senate rather soon.

Mr. BROOKE. Mr. President, in response to the question of my distinguished colleague, I have already talked with the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas (Mr. FULBRIGHT), and consideration will be given by the committee to the bill. This bill could be attached as an amendment to the foreign aid bill which is, of course, permanent legislation.

I think that in this matter we might get the bill before the Senate as an amendment within a short period of time. I think that time is of the essence, as I said in my prepared text.

I am very hopeful that there will be success in the negotiations at Paris. Nevertheless, we have the constitutional responsibility to act.

I am hopeful that this bill will come before this body, that it will be passed by this body, and that this time the House of Representatives will join also in passing this legislation, which too long we have delayed.

Mr. CRANSTON. I thank the Senator from Massachusetts. I shall join with him in seeking to persuade the Foreign Relations Committee to adopt this measure as an amendment to the foreign aid bill. It will then be of greater strength, attached to a measure of which a veto is less likely to occur, than simply as a bill standing on its own, and in any case we will then be in a far stronger parliamentary position to exercise our strength, our will, and the right of Congress to end this war. I look foward to working with my colleague night and day to achieve that end.

Mr. BROOKE. I certainly agree with the Senator from California that this is perhaps the best parliamentary procedure we can take, and I am very gratified to have his continued support, because his support has been invaluable in having the Senate pass this amendment twice in 1972.

Mr. CRANSTON. I thank the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I ask unanimous consent that my staff assistant, Miss Marilyn Dexheimer, be permitted to remain on the floor for the purpose of this discussion.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, with the election behind us, it is the responsibility of every Member of Congress to examine once again his stance and his conscience in regard to the Indochina conflict. I, for one, agree with Senator MANSFIELD's recent remarks to the Democratic conference that—

> It remains for the Congress to seek to bring about complete disinvolvement. We have no choice but to pursue this course.

Accordingly, this morning I agreed to join Senator BROOKE as cosponsor of a bill designed to "restrict the use of funds for U.S. military operations in Indochina solely to the withdrawal of all our forces from Vietnam, Laos, and Cambodia," with the spending restriction and withdrawal deadline conditional only on a full accounting of all Americans missing in action.

Accordingly, I also supported Senator KENNEDY's resolution at the Democratic conference to make it Democratic policy in the 93d Congress that—

> No further public funds be authorized, appropriated or expended for U.S. military combat operations in or over Indochina and that such operations be terminated immediately, subject only to arrangements necessary to insure the safe withdrawal of American troops and return of American prisoners of war.

Thus far, the President has rejected all efforts by the Senate, and especially the Foreign Relations Committee, to become informed with respect to the Paris negotiations, with respect to the breakdown in negotiations, with respect to the reasons for the unprecedented and shocking bombing in North Vietnam which has taken place in recent weeks. Without such information, it is impossible for the Congress and for this Senator to comprehend the rationale for the President's policy in Vietnam.

Nevertheless, the American people have the right to expect the Members of Congress to take a stance on our continuing involvement in the Indochina conflict. My position remains clear. I believe our involvement must be ended. I reject the President's policy of bombing the North. I do not believe it is required by any rational assessment of America's security interests. I believe the time for debate on our involvement in Indochina has passed.

It is for these reasons I support Senator MANSFIELD's statement about the need for the Congress to bring about complete disinvolvement. It is for these reasons I supported Senator KENNEDY's resolution at the Democratic conference. And it is for these reasons I am cosponsoring Senator BROOKE's bill on the total withdrawal of our forces from Indochina.

By Mr. HARTKE (for himself, Mr. THURMOND, Mr. TALMADGE, Mr. RANDOLPH, Mr. HUGHES, Mr. CRANSTON, Mr. HANSEN, Mr. STAFFORD, and Mr. SAXBE):

S. 49. A bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes. Referred to the Committee on Veterans' Affairs.

### NATIONAL CEMETERIES ACT OF 1973

Mr. HARTKE. Mr. President, today I introduce, as chairman of the Committee on Veterans' Affairs, a bill to establish a National Cemeteries System within the Veterans' Administration. This bill, which is entitled the National Cemeteries Act of 1973 is identical to the bill which unanimously passed the Senate on October 9, 1972, and unanimously passed the House of Representatives on October 11, 1972, only to be pocket vetoed by the President in a memorandum of disapproval on October 27, 1972.

The bill which passed the House and the Senate last fall and which is reintroduced today is the product of numerous hearings and intensive consideration by Congress. In 1966, 5 days of hearings were devoted to the subject of a National Cemeteries System. In March of 1968 the U.S. Veterans' Advisory Commission formally recommended the establishment of a National Cemeteries System and an increase in veterans' burial allowances. Subsequently in 1968, the House Committee on Veterans' Affairs held 3 days of hearings on the subject and reported a national cemetery bill which was not acted upon. In the 91st Congress 3 additional days of hearings were held in 1970 covering the National Cemeteries System. Finally, in the past Congress both the House and the Senate Committees on Veterans' Affairs each held 2 days of hearings on the National Cemeteries Act of 1972 which was subsequently passed by both Houses.

Given this background, I believe the Senate can and should proceed to very early consideration of this measure. We are rapidly running out of available gravesites in our national cemeteries. The recent closing of Culpeper National Cemetery in Culpeper, Va., now means for example, that apart from Arlington National Cemetery which has highly restrictive eligibility requirements, there are no regular gravesites available in any national cemetery from Long Island to North Carolina.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill together with the text of the bill as introduced be inserted in the RECORD, at this point.

There being no objection the text of the bill and the section-by-section analysis were ordered printed as follows:

S. 49

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "National Cemeteries Act of 1973".

SEC. 2. (a) Part II of title 38, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 24—NATIONAL CEMETERIES AND MEMORIALS

"Sec.

"1000. Establishment of National Cemetery System; composition of such system; appointment of director.

"1001. Advisory committee on cemeteries and memorials.

"1002. Persons eligible for interment in national cemeteries.

"1003. Memorial areas.

"1004. Administration.

"1005. Disposition of inactive cemeteries.

"1006. Acquisition of lands.

"1007. Authority to accept and maintain suitable memorials.

"§ 1000. Establishment of National Cemetery System; composition of such system; appointment of director

"(a) There shall be within the Veterans' Administration a National Cemetery System for the interment of deceased servicemen and veterans. To assist him in carrying out his responsibilities in administering the cemeteries within the System, the Administrator may appoint a Director, National Cemetery System, who shall perform such functions as may be assigned by the Administrator.

"(b) The National Cemetery System shall consist of—

"(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973;

"(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

"(3) any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, or later acquired or developed by the Administrator.

"§ 1001. Advisory Committee on Cemeteries and Memorials

"There shall be appointed by the Administrator an Advisory Committee on Cemeteries and Memorials. The Administrator shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible, and with respect to the selection of cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits. The Committee shall make periodic reports and recommendations to the Administrator and to Congress.

"§ 1002. Persons eligible for interment in national cemeteries

"Under such regulations as the Administrator may prescribe and subject to the provisions of section 3505 of this title, the remains of the following persons may be buried in any open national cemetery in the National Cemetery System:

"(1) Any veteran (which for the purposes of this chapter includes a person who died in the active military, naval, or air service).

"(2) Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

"(3) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is—

"(A) attending an authorized training camp or on an authorized practice cruise;

"(B) performing authorized travel to or from that camp or cruise; or

"(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is—

"(i) attending that camp or on that cruise;

"(ii) performing that travel; or

"(iii) undergoing that hospitalization or treatment at the expense of the United States.

"(4) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

"(5) The wife, husband, surviving spouse, minor child, and, in the discretion of the Administrator, unmarried adult child of any of the persons listed in paragraphs (1) through (4).

"(6) Such other persons or classes of persons as may be designated by the Administrator.

"§ 1003. Memorial areas

"(a) The Administrator shall set aside, when available, suitable areas in national cemeteries to honor the memory of members of the Armed Forces missing in action, or who died or were killed while serving in such forces and whose remains have not been identified, have been buried at sea or have been determined to be nonrecoverable.

"(b) Under regulations prescribed by the Administrator, appropriate memorials or markers shall be erected to honor the memory of those individuals, or group of individuals, referred to in subsection (a) of this section.

"§ 1004. Administration

"(a) The Administrator is authorized to make all rules and regulations which are necessary or appropriate to carry out the provisions of this chapter, and may designate those cemeteries which are considered to be national cemeteries.

"(b) In conjunction with the development and administration of cemeteries for which he is responsible, the Administrator shall provide all necessary facilities including, as necessary, superintendents' lodges, chapels, crypts, mausoleums, and columbaria.

"(c) Each grave in a national cemetery shall be marked with an appropriate marker. Such marker shall bear the name of the person buried, the number of the grave, and such other information as the Administrator shall by regulation prescribe.

"(d) There shall be kept in each national cemetery, and at the main office of the Veterans' Administration, a register of burials in each cemetery setting forth the name of each person buried in the cemetery, the number of the grave in which he is buried, and such other information as the Administrator by regulation may prescribe.

"(e) In carrying out his responsibilities under this chapter, the Administrator may contract with responsible persons, firms, or corporations for the care and maintenance of such cemeteries under his jurisdiction as he shall choose, under such terms and conditions as he may prescribe.

"(f) The Administrator is authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States in and to any Government owned or controlled approach road to such cemetery if, prior to the delivery of any instrument of conveyance, the State or political subdivision to which such conveyance is to be made notifies the Administrator in writing of its willingness to accept and maintain the road included in such conveyance. Upon the execution and delivery of such a conveyance, the jurisdiction of the United States over the road conveyed shall cease and thereafter vest in the State or political subdivision concerned.

"(g) Notwithstanding any other provision of law, the Administrator may at such time as he deems desirable, relinquish to the State in which any cemetery, monument, or memorial under his jurisdiction is located, such portion of legislative jurisdiction over the lands involved as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of jurisdiction under the authority of this subsection may be made by filing with the Governor of the State involved a notice of such relinquishment and shall take effect upon acceptance thereof by the State in such manner as its laws may prescribe.

"§ 1005. Disposition of inactive cemeteries

"(a) The Administrator may transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial, or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government. Any cemetery transferred to the Department of the Interior shall be administered by the Secretary of the Interior as a part of the National Park System, and funds appropriated to the Secretary for such system shall be available for the management and operation of such cemetery.

"(b) The Administrator may also transfer and convey all right, title, and interest of the United States in or to any inactive cemetery or burial plot, or portion thereof, to any State, county, municipality, or proper agency thereof, in which or in the vicinity of which such cemetery or burial plot is located, but in the event the guarantee shall cease or fail to care for and maintain the cemetery or burial plot or the graves and monuments contained therein in a manner satisfactory to the Administrator, all such right, title, and interest transferred or conveyed by the United States, shall revert to the United States.

"(c) If a cemetery not within the National Cemetery System has been or is to be discontinued, the Administrator may provide for the removal of remains from that cemetery to any cemetery within such System. He may also provide for the removal of the remains of any veteran from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

"§ 1006. Acquisition of lands

"As additional lands are needed for national cemeteries, they may be acquired by the Administrator by purchase, gift (including donations from States or political subdivisions thereof), condemnation transfer from other Federal agencies, or otherwise, as he determines to be in the best interest of the United States.

"§ 1007. Authority to accept and maintain suitable memorials

"Subject to such restrictions as he may prescribe, the Administrator may accept gifts, devises, or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery. He may make land available for this purpose, and may furnish such care and maintenance as he deems necessary."

(b) The table of chapters of part II and the table of parts and chapters of title 38, United States Code, are each amended by inserting immediately below

"23. Burial benefits.................. 901"

the following:

"24. National cemeteries and memorials .......................... 1000".

(c) Section 5316 of title 5, United States Code, is amended by striking out:

"(131) General Counsel of the Equal Employment Opportunity Commission."

and inserting in lieu thereof the following:

"(132) General Counsel of the Equal Employment Opportunity Commission.

"(133) Director, National Cemetery System, Veterans' Administration."

SEC. 3. (a) The Administrator shall conduct a comprehensive study and submit his recommendations to Congress within six months after the convening of the first session of the Ninety-third Congress concerning:

(1) criteria which govern the development and operation of the National Cemetery System, including the concept of regional cemeteries;

(2) the relationship of the National Cemetery System to other burial benefits provided by Federal and State governments to servicemen and veterans;

(3) steps to be taken to conform the existing System to the recommended criteria;

(4) the private burial and funeral costs in the United States;

(5) current headstone and marker programs; and

(6) the marketing and sales practices of non-Federal cemeteries and interment facilities, or any person either acting on their behalf or selling or attempting to sell any rights, interest, or service therein, which is directed specifically toward veterans and their dependents.

(b) The Administrator shall also, in conjunction with the Secretary of Defense, conduct a comprehensive study of and submit their joint recommendations to Congress within six months after the convening of the first session of the Ninety-third Congress concerning:

(1) whether it would be advisable in carrying out the purposes of this Act to include the Arlington National Cemetery within the National Cemetery System established by this Act;

(2) the appropriateness of maintaining the present eligibility requirements for burial at Arlington National Cemetery; and

(3) the advisability of establishing another national cemetery in or near the District of Columbia.

SEC. 4. (a) Subchapter II of chapter 3 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations

"(a) For the purpose of maintaining law and order and of protecting persons and property on lands (including cemeteries) and in buildings under the jurisdiction of the Veterans' Administration (and not under the control of the Administrator of General Services), the Administrator or any officer or employee of the Veterans' Administration duly authorized by him may—

"(1) make all needful rules and regulations for the governing of the property under his charge and control, and annex to such rules and regulations such reasonable penalties within the limits prescribed in subsection (b) of this section as will insure their enforcement. Such rules and regulations shall be posted in a conspicuous place on such property;

"(2) designate officers and employees of the Veterans' Administration to act as special policemen on such property and, if the Administrator deems it economical and in the public interest, with the concurrence of the head of the agency concerned, utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, utilize the facilities and services of such State or local law-enforcement agencies; and

"(3) empower officers or employees of the Veterans' Administration who have been duly authorized to perform investigative functions to act as special investigators and to carry firearms, whether on Federal property or in travel status. Such special investigators shall have, while on real property under the charge and control of the Veterans' Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations issued under subsection (a)(1) of this section. Any such special investigator may make an arrest without a warrant for any offense committed upon such property if he has reasonable ground to believe (A) the offense constitutes a felony under the laws of the United States, and (B) that the person to be arrested is guilty of that offense.

"(b) Whoever shall violate any rule or regulation issued pursuant to subsection (a) (1) of this section shall be fined not more than $50 or imprisoned not more than thirty days, or both."

(b) Section 625 of title 38, United States Code, is hereby repealed.

(c) (1) The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by inserting immediately after—

"217. Studies of rehabilitation of disabled persons."

the following:

"218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations.".

(2) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by striking out—

"625. Arrests for crimes in hospital and domiciliary reservations.".

SEC. 5. (a) Chapter 23 of title 38, United States Code, is amended by—

(1) amending section 903 to read as follows:

"§ 903. Death in Veterans' Administration facility; plot allowance

"(a) Where death occurs in a Veterans' Administration facility to which the deceased was properly admitted for hospital or domiciliary care under section 610 or 611 of this title, the Administrator—

"(1) shall pay the actual cost (not to exceed $250) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans' Administration; and

"(2) shall, when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

"(b) In addition to the foregoing, if such a veteran, or a veteran eligible for a burial allowance under section 902 of this title, is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, in his discretion, having due regard for the circumstances in each case, may pay a sum not exceeding $150, as a plot or interment allowance to such person as he prescribes. In any case where any part of the plot or interment expenses have been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid or assumed by any or all of the foregoing entities."; and

(2) adding at the end of such chapter the following new sections:

"§ 906. Headstones and markers

"(a) The Administrator shall furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

"(1) Any individual buried in a national cemetery or in a post cemetery.

"(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 1002(a) (4), (5), and (6) of this title.

"(3) Soldiers of the Union and Confederate Armies of the Civil War.

"(b) The Administrator shall furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service, and whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery area reserved for such purposes under the provisions of section 1003 of this title, or in any private or local cemetery.

"§ 907. Death from service-connected disability

"In any case in which a veteran dies as the result of a service-connected disability or disabilities, the Administrator, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty. Funeral and burial benefits provided under this section shall be in lieu of any benefits authorized under sections 902 and 903(a) (1) and (b) of this title."

(b) The table of sections at the beginning of chapter 23 of title 38, United States Code, is amended—

(1) by striking out

"903. Death in Veterans' Administration facility."

and inserting in lieu thereof

"903. Death in Veterans' Administration facility; plot allowance.";

and

(2) by adding at the end thereof the following items:

"906. Headstones and markers.

"907. Death from service-connected disability.".

SEC. 6. (a) (1) There are hereby transferred from the Secretary of the Army to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for (A) all national cemeteries (except the cemetery at the United States Soldiers' Home and Arlington National Cemetery), and (B) any other cemetery (including burial plots), memorial, or monument under the jurisdiction of the Secretary of the Army immediately preceding the effective date of this section (except the cemetery located at the United States Military Academy at West Point) which the President determines would be appropriate in carrying out the purposes of this Act.

(2) There are hereby transferred from the Secretary of the Navy and the Secretary of the Air Force to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, any cemetery (including burial plots), memorial, or monument under the jurisdiction of either Secretary immediately preceding the effective date of this section (except those cemeteries located at the United States Naval Academy at Annapolis, the United States Naval Home Cemetery at Philadelphia, and the United States Air Force Academy at Colorado Springs) which the President determines would be appropriate in carrying out the purposes of this Act.

(b) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to, or under the jurisdiction of, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in connection with functions transferred by this Act, as determined by the Director of the Office of Management and Budget, are transferred to the Administrator of Veterans' Affairs.

(c) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if such amendments or repeals had not been made.

(d) All rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to the cemeteries, memorials, and monuments transferred to the Veterans' Administration by this Act, unless contrary to the provisions of such Act, shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator of Veterans' Affairs, by any court of competent jurisdiction, or by operation of law.

(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Department of the Army, the Department of the Navy, or the Department of the Air Force with respect to functions transferred under subsection (a) or (c) of this section shall abate by reason of the enactment of this section. No cause of action by or against any such department with respect to functions transferred under such subsection (a) or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this section. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such officer of the Veterans' Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, upon its own motion or that of any party, enter an order which will give effect to the provisions of this subsection. If before the date this section takes effect, any such department, or officer thereof in his official capacity, is a party to a suit with respect to any function so transferred, such suit shall be continued by the Administrator of Veterans' Affairs.

SEC. 7. (a) The following provisions of law are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun, before the effective date of this section:

(1) Sections 4870, 4871, 4872, 4873, 4875, 4877, 4881, and 4882 of the Revised Statutes (24 U.S.C. 271, 272, 273, 274, 276, 279, 286, and 287).

(2) The Act entitled "An Act to provide for a national cemetery in every State", approved June 29, 1938 (24 U.S.C. 271a).

(3) The Act entitled "An Act to provide for selection of superintendents of national cemeteries from meritorious and trustworthy members of the Armed Forces who have been disabled in line of duty for active field service", approved March 24, 1948, as amended (24 U.S.C. 275).

(4) The proviso to the second paragraph preceding the center heading "MEDICAL DEPARTMENT" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes", approved July 24, 1876, as amended (24 U.S.C. 278).

(5) The Act entitled "An Act to provide for the procurement and supply of Government headstones or markers for unmarked graves of members of the Armed Forces dying in the service on or after honorable discharge therefrom, and other persons, and for other purposes", approved July 1, 1948, as amended (24 U.S.C. 279a–279c).

(6) The Act entitled "An Act to establish eligibility for burial in national cemeteries, and for other purposes", approved May 14, 1948, as amended (24 U.S.C. 281).

(7) The Act entitled "An Act to provide for the erection of appropriate markers in national cemeteries to honor the memory of members of the Armed Forces missing in action", approved August 27, 1954, as amended (24 U.S.C. 279d).

(8) The Act entitled "An Act to provide for the utilization of surplus War Department owned military real property as national cemeteries, when feasible", approved August 4, 1947 (24 U.S.C. 281a–281c).

(9) The Act entitled "An Act to preserve historic graveyards in abandoned military posts", approved July 1, 1947 (24 U.S.C. 296).

(10) The Act entitled "An Act to provide for the utilization as a national cemetery of surplus Army Department owned military real property at Fort Logan, Colorado", approved March 10, 1950 (24 U.S.C. 281d–f).

(11) The Act entitled "An Act to provide for the expansion and disposition of certain national cemeteries", approved August 10, 1950 (24 U.S.C. 281g).

(12) The ninth paragraph following the side heading "National Cemeteries" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes", approved August 24, 1912 (24 U.S.C. 282).

(13) The fourth paragraph after the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (24 U.S.C. 288).

(14) The second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (24 U.S.C. 289).

(15) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes", approved April 15, 1926 (44 Stat. 287).

(16) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1928, and for other purposes", approved February 23, 1927 (44 Stat. 1138).

(17) The first proviso of the fourth paragraph and all of the fifth paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes", approved March 23, 1928 (45 Stat. 354).

(18) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes", approved February 28, 1929 (45 Stat. 1375).

(19) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes", approved May 28, 1930 (46 Stat. 458).

(20) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes", approved February 23, 1931 (46 Stat. 1302).

(21) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1933, and for other purposes", approved July 14, 1932 (47 Stat. 689).

(22) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1934, and for other purposes", approved March 4, 1933 (47 Stat. 1595).

(23) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes", approved April 26, 1934 (48 Stat. 639).

(24) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1936, and for other purposes", approved April 9, 1935 (49 Stat. 145).

(25) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes", approved May 15, 1936 (49 Stat. 1305).

(26) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes", approved July 19, 1937 (50 Stat. 515).

(27) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1939 for civil functions administered by the War Department and for other purposes", approved June 11, 1938 (52 Stat. 668).

(28) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1940, for civil functions administered by the War Department, and for other purposes", approved June 28, 1939 (53 Stat. 857).

(29) The first proviso to the first paragraph and all of the second paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes", approved June 24, 1940 (54 Stat. 505).

(30) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (55 Stat. 191).

(31) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes", approved April 28, 1942 (56 Stat. 220).

(32) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1944, for civil functions administered by the War Department, and for other purposes", approved June 2, 1943 (57 Stat. 94).

(33) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1945, for civil functions administered by the War Department, and for other purposes" approved June 26, 1944 (58 Stat. 327–328).

(34) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1946, for civil functions administered by the War Department, and for other purposes", approved March 31, 1945 (59 Stat. 39).

(35) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1947, for civil functions administered by the War Department, and for other purposes", approved May 2, 1946 (60 Stat. 161).

(36) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the War Department for the fiscal year ending June 30, 1948, and for other purposes", approved July 31, 1947 (61 Stat. 687).

(37) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes", approved June 25, 1948 (62 Stat. 1019).

(38) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1950, and for other purposes", approved October 13, 1949 (63 Stat. 846).

(39) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in chapter IX of the Act entitled "An Act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes", approved September 6, 1950 (64 Stat. 725).

(40) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1952, and for other purposes", approved October 24, 1951 (65 Stat. 617).

(41) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1953, and for other purposes", approved July 11, 1952 (66 Stat. 579).

(42) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1954, and for other purposes", approved July 27, 1953 (24 U.S.C. 290).

(43) The first proviso to the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (43 Stat. 926).

(44) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1955, and for other purposes", approved June 30, 1954 (68 Stat. 331).

(45) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Atomic Energy Commission, the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1956, and for other purposes", approved July 15, 1955 (69 Stat. 360).

(46) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1957, and for other purposes", approved July 2, 1956 (70 Stat. 474).

(47) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes", approved August 26, 1957 (71 Stat. 416).

(48) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes", approved September 2, 1958 (72 Stat. 1572).

(49) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1960, and for other purposes", approved September 10, 1959 (73 Stat. 492).

(50) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1963, and for other purposes", approved October 24, 1962 (76 Stat. 1216).

(51) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1964, and for other purposes", approved December 31, 1963 (77 Stat. 844).

(52) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions, administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes", approved August 30, 1964 (78 Stat. 682).

(53) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, and the Interoceanic Canal Commission, for the fiscal year ending June 30, 1966, and for other purposes", approved October 28, 1965 (79 Stat. 1096).

(54) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes", approved October 15, 1966 (80 Stat. 1002).

(55) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1968, and for other purposes", approved November 20, 1967 (81 Stat. 471).

(56) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of Interior, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, the Water Resources Council, and the Atomic Energy Commission, for the fiscal year ending June 30, 1969, and for other purposes", approved August 12, 1968 (82 Stat. 705).

(57) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes", approved December 11, 1969 (83 Stat 327).

(58) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related

independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes", approved October 7, 1970 (84 Stat. 893).

(59 The first proviso to the paragraph folfollowing the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes", approved October 5, 1971 (85 Stat. 368).

(60) The Act entitled "An Act to revise eligibility requirements for burial in national cemeteries, and for other purposes", approved September 14, 1959 (73 Stat. 547).

(61) The Act entitled "An Act to amend the Act of March 24, 1948, which establishes special requirements governing the selection of superintendents of national cemeteries", approved August 30, 1961 (75 Stat. 411).

(b) Nothing in this section shall be deemed to affect in any manner the functions, powers, and duties of—

(1) the Secretary of the Interior with respect to those cemeteries, memorials, or monuments under his jurisdiction on the effective date of this section, or

(2) the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to those cemeteries, memorials, or monuments under his jurisdiction to which the transfer provisions of section 6(a) of this Act do not apply.

SEC. 8. The first sentence of section 3505(a) of title 38, United States Code, is amended by inserting immediately after the words "gratuitous benefits" where first appearing therein, the following: "(including the right to burial in a national cemetery)".

SEC. 9. (a) The Secretary of Defense is authorized and directed to cause to be brought to the United States the remains of an American, who was a member of the Armed Forces of the United States, who served in Southeast Asia, who lost his life during the Vietnam era, and whose identity has not been established, for burial in the Memorial Amphitheater of the National Cemetery at Arlington, Virginia.

(b) The implementation of this section shall take place after the United States has concluded its participation in hostilities in Southeast Asia, as determined by the President or the Congress of the United States.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 10. (a) Notwithstanding any other provision of law, no real property under the jurisdiction or control of the Veterans' Administration may be transferred (by sale, lease, or otherwise) to any other department or agency of the Federal Government, to any State or subdivision thereof, to any territory or possession of the United States, or to any public or private person or other entity—

(1) in any case in which the fair market value of such property (including all improvements to such property) exceeds $100,000 or the area thereof exceeds one hundred acres, unless the transfer of such property is specifically authorized by a law enacted after October 1, 1972, or unless such property is transferred pursuant to authority contained in title 38, United States Code; or

(2) in any case in which the fair market value of such property (including all improvements to such property) is $100,000 or less and the area thereof is one hundred acres or less, unless written notice of the proposed transfer of such property is given to the Committees on Veterans' Affairs of the Senate and the House of Representatives at least thirty days prior to the transfer of such property.

SEC. 11. (a) The first section and sections 2, 3, 4, 8, and 10 of this Act shall take effect on the date of enactment of this Act.

(b) Clause (1) of section 5(a) shall take effect on the first day of the second calendar month following the date of enactment of this Act.

(c) Clause (2) of section 5(a) and sections 6 and 7 of this Act shall take effect July 1, 1973, or on such earlier date as the President may prescribe and publish in the Federal Register.

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## SECTION-BY-SECTION ANALYSIS OF NATIONAL CEMETERIES ACT OF 1973

### SECTION 1

This section provides the Act may be cited as the National Cemeteries Act of 1973.

### SECTION 2

*Subsection (a)* adds a new chapter 24 to part II of title 38, United States Code. This chapter creates a National Cemetery System within the jurisdiction of the Veterans' Administration and is in large part patterned after chapter 7 of title 24, United States Code which contains current authority for the Secretary of Army to operate and maintain such a System. A detailed analysis of the new chapter, the provisions of which have been modernized and simplified somewhat, follows:

### SEC. 1000. ESTABLISHMENT OF A NATIONAL CEMETERY SYSTEM: COMPOSITION OF SUCH SYSTEM; APPOINTMENT OF DIRECTOR

A National Cemetery System would be established within the Veterans' Administration for interment of deceased servicemen and veterans. The new System would be headed by a director who would be responsible to the Administrator for the operation of the National Cemetery System. This System would consist of national cemeteries transferred from the Department of Army to the Veterans' Administration: cemeteries under the jurisdiction of the Veterans' Administration at the time the bill is enacted; and any other cemetery, memorial, or monument transferred to the Veterans' Administration by this bill or later acquired or developed.

### SEC. 1001. ADVISORY COMMITTEE ON CEMETERIES AND MEMORIALS

This section directs the establishment of an Advisory Committee on Cemeteries and Memorials, whose members would be appointed by the Administrator. The Administrator shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible and with respect to selection of cemetery sites, the erection of appropriate memorials and adequacy of Federal burial benefits. The Advisory Committee shall make periodic reports and recommendations to the Administrator and the Congress.

### SEC. 1002. PERSONS ELIGIBLE FOR INTERMENT IN NATIONAL CEMETERIES

This section designates those persons who, subject to regulations the Administrator shall prescribe and further subject to the forfeiture provisions of section 3505 of title 38, shall be eligible for interment in any open national cemetery in the National Cemetery System. Eligibility provisions of this section are identical to those currently in force in section 281 of title 24, United States Code. These include servicemen who die on active duty, veterans, reservists, National Guardsmen, Reserve Officers, Training Corps members, United States citizens who served honorably with the armed forces allied with the United States in wars engaged in by this country and certain dependents of eligible persons in the foregoing categories.

Subsection (a)(6) of this section also provides the Administrator with the authority to include "such other persons or classes of persons" as he may designate. This additional category is consistent with authority currently based on VA Regulation 6200(C), as revised June 2, 1966. Similar authority apparently resides in the Secretary of Army pursuant to 32 C.F.R. 553.18(b)(1) which authorizes "burial in national cemeteries under such regulations as the Secretary may, with the approval of the Secretary of Defense, prescribe."

### SEC. 1003. MEMORIAL AREAS

This section authorizes the Administrator to set aside, where available, suitable memorial areas in national cemeteries to have those men missing in action or whose remains have not been identified or received. He is authorized to erect appropriate memorials or markers to honor their memory.

### SECTION 1004. ADMINISTRATION

This section authorizes the Administrator to make all necessary and appropriate rules and regulations to carry out the provisions of chapter 24 including the power to designate cemeteries under his jurisdiction as national cemeteries. In discharging his responsibilities under this chapter the Administrator shall provide all necessary facilities for cemeteries including superintendents' lodges, chapels, crypts, mausoleums and columbaria. Graves in national cemeteries would be required to be marked by appropriate markers with specified information placed thereon. Registers of burials will be kept in each cemetery and also at the main office of the Veterans' Administration. These provisions are similar to authority presently vested in the Secretary of the Army under sections 278 and 279 of title 24, United States Code. In fulfilling his responsibilities under this chapter the Administrator is also authorized to contract with responsible persons, firms, and corporations for the care and maintenance of such cemeteries under his jurisdiction.

The Administrator would be authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States to any Government owned or controlled approach road providing the State or political subdivision states in writing prior to such conveyance, its willingness to accept and maintain such road. Upon conveyance the jurisdiction of the United States over such road would cease and would vest in the State or political subdivision. This is similar to authority presently contained in section 289 of title 24. When the Administrator deems it to be desirable he is authorized to cede concurrent jurisdiction to a State in which any cemetery monument or memorial under his jurisdiction is located. This partial relinquishment of legislative jurisdiction shall be initiated by filing a notice with the Governor of the State concerned and shall take effect upon acceptance by the State in such manner as its laws prescribe.

### SECTION 1005. DISPOSITION OF INACTIVE CEMETERIES

The Administrator would be authorized to transfer with the consent of the agency concerned, any inactive cemetery, burial plot, memorial or monument in his control to the Department of the Interior or to any other agency of the Government for maintenance as a national monument or park. Funds appropriated to the Secretary for the National Park System shall be available for the management and operation of any cemetery transferred to the Department of the Interior. The Administrator is also permitted to transfer any inactive cemetery or burial plot to a State or political subdivision thereof provided the State or subdivision agrees to maintain such cemetery in an appropriate manner. Any transfer would be subject to reversion to the Veterans' Administration should the grantee fail to care for and maintain such property in a manner satisfactory to the Administrator.

Where a cemetery not within the National Cemetery System has been or is to be discontinued, the Administrator could provide for the removal of remains from that cemetery to any cemetery within the National Cemetery System. The Administrator is also authorized to remove any veteran's remains from a place of temporary interment, or from an abandoned grave or cemetery to a national cemetery.

### SECTION 1006. ACQUISITION OF LANDS

The Administrator would be authorized to acquire additional lands for national cemeteries as needed. This could be accomplished by purchase, gift (including donations from State or political subdivisions), condemnation, transfer from other Federal agencies, or otherwise as is deemed in the best interest of the United States. Such authority is similar to that presently vested in the Secretary of the Army pursuant to sections 271 and 271a of title 24, United States Code.

### SECTION 1107. AUTHORITY TO ACCEPT AND MAINTAIN SUITABLE MEMORIALS

The Administrator, subject to such restrictions as he may prescribe, would be authorized to accept gifts, devises, or bequests from legitimate societies and organizations or from reputable individuals for the purpose of beautifying or benefiting national cemeteries. He would also be authorized to make land available for this purpose and to furnish such care and maintenance as he deems necessary.

*Subsection* (*b*) of section 2 of the bill amends the table of chapters at the beginning of part II of title 38, United States Code to reflect the addition of a new chapter 24 establishing national cemeteries and memorials.

*Subsection* (*c*) of section 2 of the bill amends section 5316 of title 5, United States Code by making certain technical corrections and including the Director, National Cemetery System Veterans' Administration as paragraph 133 of level V of the Executive Schedule Pay Rate.

### SECTION 3

*Subsection* (*a*) directs the Administrator to conduct a comprehensive study of and submit his recommendations to Congress on or before July 1, 1973 concerning (1) the criteria which governs the development and operation of the National Cemetery System including the concept of regional cemeteries; (2) the relationship of the National Cemetery System to other burial benefits provided by Federal and State governments to servicemen and veterans; (3) steps to be taken to conform the existing system to the recommended criteria; (4) private burial and funeral costs in the United States; (5) current headstone and marker programs; and (6) the marketing and sales practices of non-Federal cemeteries and interment facilities for any persons either acting on their behalf or selling or attempting to sell any rights, interest, or service therein which is directed specifically toward the veterans and their dependents.

*Subsection* (*b*) provides that the Administrator shall in conjunction with the Secretary of Defense conduct a similar study and submit recommendations on or before July 1, 1973, concerning whether Arlington National Cemetery should be included within the National Cemetery System, the appropriateness of maintaining the present eligibility requirements for burial at that cemetery; and finally, the advisability of establishing another national cemetery in the District of Columbia or vicinity.

### SECTION 4

*Subsection* (*a*) amends subchapter II of chapter 3 of title 38 by adding new section 218 more fully described as follows:

### SECTION 218. STANDARDS OF CONDUCT AND ARRESTS FOR CRIMES AT HOSPITALS, DOMICILIARIES, CEMETERIES, AND OTHER VETERANS' ADMINISTRATION RESERVATIONS

This section is closely patterned after existing authority granted to the Administrator of General Services in sections 318–318 (d) of title 4, United States Code. It would authorize the Administrator with respect to all lands and buildings under his jurisdiction to make all needful rules and regulations to maintain law and order to protect persons and properties on VA lands. Violation of such rules and regulations may result in a fine not to exceed $50 or thirty days imprisonment. The Administrator would be empowered to designate officers and employees of the Veterans' Administration to act as special policemen on VA property. He would also be authorized to utilize the facilities and services of existing Federal law enforcement agencies and State or local law enforcement agencies. The Administrator is authorized to empower officers or employees of the Veterans' Administration to act as special investigators with the power to enforce the rules and regulations made under this section and to make arrests without warrant for any offenses committed upon such property if the investigator has reasonable ground to believe: (1) the offense commits a felony under the laws of the United States; and (2) that the person to be arrested is guilty of that offense.

*Subsection* (*b*) of section 625 of title 38 dealing with arrests for crimes in hospitals and domiciliary reservations is repealed in light of the new and broader section 218 which applies to all lands and buildings under the jurisdiction of the Veterans' Administration.

*Subsection* (*a*) amends present section 903 and adds new sections 906 and 907 more fully described as follows:

### SECTION 903. DEATH IN VETERANS' ADMINISTRATION FACILITY; PLOT ALLOWANCE

Subsection (a) of 903 restates existing law authorizing a $250 burial allowance for those veterans whose death occurs within a Veterans' Administration facility. New subsection (b) provides that in addition to the amounts payable for the burial or funeral expenses of an eligible veteran under section 902 or 903, if the veteran is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, at his discretion, having due regard to the circumstances in each case, may pay a sum not exceeding $150 plot or interment allowance to such person as he prescribes. If any part of the plot or interment expense has been paid or assumed by a State or subdivision, or the employer of the deceased veteran, a claim for only the difference between the entire amount of the expenses and the amount paid could be allowed.

### SECTION 906. HEADSTONES AND MARKERS

This new section would transfer the authority for the present headstone and marker program to the Administrator. This authority is identical to existing authority presently residing with the Secretary of Army under section 279a, title 24, United States Code. The language has been modernized and simplified to make it conform with the present language of title 38. The new section directs the Administrator to furnish appropriate headstones or markers at Government expense where requested, for the unmarked grave of (1) any individual buried in the national cemetery or post cemetery; (2) an individual eligible for burial in a national cemetery, but not buried there (except for graves of the United States citizens who served honorably with the armed forces of foreign countries allied with the United States, dependents of certain servicemen and veterans and those other persons or classes of persons designated by the Administrator as eligible for burial in such cemeteries); and (3) soldiers of the Union and Confederate Armies of the Civil War.

*Subsection* (*b*) of new section 906 would authorize the Administrator to furnish when requested an appropriate memorial headstone or marker to commemorate any veteran dying in the service and whose remains have not been recovered or identified or were buried at sea, for placement in a national cemetery area reserved for such purposes or in a private or local cemetery.

### SECTION 907. DEATH FROM SERVICE-CONNECTED DISABILITY

This new section provides that in any case in which a veteran dies as the result of a service-connected disability the survivors are entitled to receive payment for burial and funeral expenses incurred in connection with the veteran's death in an amount not exceeding that currently authorized under section 8134(a) of title 5 to Federal employees whose death occurs as a result of injury sustained in the performance of duty. These benefits would be in lieu of benefits authorized under section 902 and 903(a) (1) and (b) of title 38. Should death occur in a VA facility, transportation benefits provided in section 903(a) (2) as amended by this Act would continue to be available.

*Subsection* (*b*) of section 5 of the bill amends the table of sections at the beginning of chapter 23 of title 38 to include a reference to new sections 906 and 907.

### SECTION 6

*Subsection* (*a*) provides for the transfer from the Secretary of Army to the Administrator of Veterans' Affairs jurisdiction over and responsibility for all national cemeteries with the exception of the cemetery at the United States Soldiers' Home and Arlington National Cemetery. This subsection also provides for the transfer from the Secretaries of Army, Navy, and Air Force to the Administrator of Veterans' Affairs, jurisdiction over and responsibility for any cemetery, memorial, or monument coming within their respective jurisdiction which the President determines would be appropriate. Excepted from this transfer are the cemeteries located at the U.S. Military Academy at West Point, the U.S. Naval Academy at Annapolis, and the U.S. Air Force Academy at Colorado Springs.

*Subsection* (*b*) directs the transfer of so much of the personnel, property and unexpended balances of appropriations, allocations, and other funds available to the Secretaries of Army, Navy, and Air Force in connection with the functions transferred by this bill, as determined by the Director of the Office of Management and Budget, to the Administrator of Veterans' Affairs.

*Subsection* (*c*) is a savings provision whereby all offenses committed and all penalties and forfeitures incurred under any law amended or repealed by this measure may be prosecuted and punished in the same manner as if these amendments or repeals have not been made.

*Subsection* (*d*) provides that all rules, regulations, orders, permits, and other privileges issued or granted by the Secretaries of the Army, Navy, and Air Force will remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator, by any court of competent jurisdiction, or by operation of law.

*Subsection* (*e*) is a further savings provision under which (1) no suit, action or other proceeding commenced by or against any officer in his official capacity as an officer of the Department of Army, Navy, or Air Force, with the respect of functions transferred by this bill, shall abate because of the enactment of this bill; (2) no cause of action by or against any Department or Commission concerning the functions transferred or by or against any officer thereof in his official capacity shall abate because of the enactment of this bill; (3) causes of actions, suits, or other proceedings may be asserted by or against the United States or appropriate officer of the Veterans' Administration in any litigation pending at the time this Act takes effect with the court, on its own motion or the motion of any party, being authorized to enter an order giving such effect; and (4) suits commenced prior to the date of enactment of this bill with respect to any function transferred shall be continued by the Administrator.

### SECTION 7

*Subsection (a)* of this section provides for the repeal of statutes giving the Secretary of Army jurisdiction over and responsibility for national cemeteries. Accordingly, most codified provisions contained in chapter 7 of title 24 are repealed. It should also be noted that beginning with a provision of the Appropriations Act of 1925 for the military and nonmilitary activities of the War Department and codified in 1953 in 24 U.S.C. 290 railroads have not been permitted "upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States." Subsection (a) also provides for the repeal of each of these provisions consistent with the intent of the bill to simplify and recodify the cemetery legislation in title 38. The Committee wishes to note, however, the power to prohibit railroads from encroaching on the rights of way to national cemeteries must be maintained and it intends that the Administrator accomplish this through exercising the power granted in this Act to promulgate regulations to that effect. Although subsection (a) repeals existing authority all rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before the effective date of the transfer of these cemeteries to the new National Cemetery System are preserved under the language of this subsection.

*Subsection (b)* provides that nothing in the repealed section shall be deemed to affect in any manner the functions, powers, and duties of the Secretary of Interior with respect to those cemeteries and memorials or monuments coming within his jurisdiction on the date the new National Cemetery System is created or those of the Secretary of the Army, Navy, or Air Force with respect to those cemeteries or memorials or monuments under their respective jurisdiction to which the transfer provisions of this bill do not apply.

### SECTION 8

Section 3505 of title 38 provides for the forfeiture of gratuitous benefits under laws administered by the Veterans' Administration by any individual convicted of certain crimes. This would amend subsection (a) of section 3505 to make explicit that forfeiture benefits also include the right to burial in a national cemetery.

### SECTION 9

This section would authorize and direct the Secretary of Defense to cause to be brought to the United States the remains of an unidentified American who was a member of the Armed Forces of the United States who served in Southeast Asia and lost his life during the Vietnam era for burial in Arlington National Cemetery Memorial Amphitheater. Implementation of this section shall take place after the United States has concluded its participation in hostilities in Southeast Asia. Such sums as may be necessary to carry out the provisions of this section are authorized to be appropriated.

### SECTION 10

This section provides that no real property under the jurisdiction or control of the Veterans' Administration may be transferred by sale, lease or otherwise to any other party except pursuant to public law enacted after Oct. 1, 1972 or pursuant to express authority contained in title 38, United States Code, in any case where the fair market value of such property including all improvements to such property exceeds $100,000 or the area thereof exceeds 100 acres. In those cases where the fair market value of the property of $100,000 or less and the area thereof is 100 acres or less, written notice shall be given to the Committees on Veterans' Affairs of the Senate and the House of Representatives at least 30 days prior to the transfer of such property.

### SECTION 11

The new burial plot allowance becomes effective on the first day after the second month following enactment. The transfer of cemeteries and the Government marker program to the Veterans' Administration and the repeal of resulting inconsistent statutes shall take place no later than July 1, 1973 or such earlier date as the President may prescribe. All remaining provisions of the bill become effective upon enactment.

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By Mr. EAGLETON (for himself, Mr. Cannon, Mr. Church, Mr. Cranston, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. McGee, Mr. McIntyre, Mr. Mondale, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Schweiker, Mr. Stevenson, Mr. Tunney, Mr. Williams, Mr. Gurney, and Mr. Thurmond):

S. 50. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

### OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS

Mr. EAGLETON. Mr. President, I am pleased to introduce today the Older Americans Comprehensive Services Amendments, a bill to revise and extend authorizations under the Older Americans Act of 1965—which expired on June 30, 1972—and to expand the act to include a number of new programs to benefit the Nation's older citizens.

This bill is identical to H.R. 15657, which passed the Senate on October 12, 1972, and passed the House on October 14, 1972, but which the President declined to sign following the adjournment of the 92d Congress. Because of the President's pocket veto of this bill there was no possibility for Congress to seek to override the veto.

I deeply regret the President's veto of H.R. 15657. Had Congress been afforded the opportunity, I believe we would have overridden that veto, particularly in view of the fact that the original Senate and House versions of the bill were passed by votes of 89–0 in the Senate and 351–3 in the House. This was a bipartisan bill. It was developed as a cooperative venture by both Democratic and Republican Members of the Senate and the House, working closely in conjunction with administration representatives.

In brief, the vetoed bill, which is being reintroduced today would:

Authorize the establishment of comprehensive and coordinated systems for the delivery of social services to the aging at the local level.

Provide improved recreational, educational, and voluntary service opportunities for the elderly.

Expand research in aging and the training of needed personnel.

Establish a community service employment program and special training and counseling programs in the Department of Labor for middle-aged and older persons.

Upgrade the administration on aging in the Department of Health, Education, and Welfare by transferring it from the welfare-oriented Social and Rehabilitation Service to the Office of the HEW Secretary.

This bill is firmly grounded on the findings of the extensive hearings conducted by the Subcommittee on Aging of the Senate Committee on Labor and Public Welfare, of which I am chairman, the Senate Special Committee on Aging, and the Select Subcommittee on Education and Labor.

I do not intend my comments on the President's veto of this legislation to be a partisan diatribe. I respect his constitutional authority to exercise his veto power. I sympathize with the difficult, often painful decisions that any President must make. But in view of his announced support, repeatedly stated, for improved and expanded programs for older Americans, I have difficulty in reconciling his action in vetoing this legislation with the administration policy he has enunciated in this area.

In 1971, the President addressed the White House Conference on Aging and spoke eloquently of the needs and problems of our older citizens. He said of the goals of the conference:

> Many of you have made a very important pledge this morning, a very specific commitment to action in the post-conference year. I have come here this morning to join you in that pledge.

Last year, in the President's message to Congress on aging, he said:

> We often hear these days about the "impatience of youth." But if we stop to think about the matter, it is the elderly who have the best reason to be impatient. As so many older Americans have candidly told me, "We simply do not have time to wait while the government procrastinates. For us, the future is now." I believe this same sense of urgency should characterize the government's response to the concerns of the elderly. I hope and trust that the Congress will join me in moving forward in that spirit.

That we have done. In the same message, the President proposed a comprehensive strategy for meeting complex problems. The Older Americans Act formed an important part in the strategy announced by the President. He stated:

> Since its passage in 1965, the Older Americans Act has served as an important charter for federal service programs for the elderly. Unless the act is promptly extended, however, the grant programs it authorizes will expire on June 30th. This must not happen. I therefore urge that this landmark legislation be extended—and that the extension be indefinite, rather than limited to a specific period of time.
>
> In addition, I am asking that the Older Americans Act be amended to strengthen our planning and delivery systems for services to the elderly. Too often in the past, these "systems" have really been "nonsystems," badly fragmented, poorly planned and insufficiently coordinated. My proposed amend-

ments are designed to remedy these deficiencies.

The administration amendments dealt primarily with title III of the act, which authorizes grants for State and community programs on aging. This is the heart of the act, for it provides the mechanisms by which Federal funds are used to provide particular services to older citizens.

Our Subcommittee on Aging took the President at his word. The administration amendments to create comprehensive and coordinated systems on the local level for the delivery of such services were, for the most part, incorporated in H.R. 15657 as it was finally passed by the Congress.

There were, of course, other provisions in the bill which were not sought by the administration and some which it opposed. However, I do not believe that the framers of the Constitution contemplated an abrogation of congressional power which the administration apparently sees as a proper realinement of executive and legislative functions. It is incumbent upon us to act as more than a rubber stamp for administration proposals; rather, we should adopt those proposals which we deem to be wisely conceived, amend or expand upon those which we consider to be in need of improvement, and reject those that are ill advised.

In short, through the enactment of H.R. 15657, we gave the President most of what he wanted and added some additional provisions which we wanted as well. His response to the congressionally inspired provisions was a veto. I suggest that the appropriate congressional response be a reenactment of the bill which represents our best judgment as to the most desirable programs designed to meet the demonstrated needs of the elderly.

My judgment that this is an excellent bill reflects considerably more than pride of authorship, for the bill embodies the contributions of a great many Members of the Senate and the House of both parties. It has also received near-unanimous support from a wide range of national and local organizations concerned with the welfare of older Americans.

Mr. President, as chairman of the Subcommittee on Aging of the Committee on Labor and Public Welfare, it is my intention to expedite consideration of this bill in every possible way. The distinguished chairman of the full committee, the very able junior Senator from New Jersey (Mr. WILLIAMS) informs me that rapid action is in accord with his wishes, and it is my understanding that the majority leadership concurs in this decision. I am grateful for this cooperation on the part of my colleagues and I pledge my best efforts toward the reenactment of this vitally needed legislation.

### OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS

Mr. WILLIAMS. Mr. President, I strongly support the passage of the Older Americans Comprehensive Services Amendments of 1973.

As chairman of the Senate Labor and Public Welfare Committee and the ranking member of the Committee on Aging, I again pledge to give my full support for prompt action on this vital measure. And I wish to commend Senator EAGLETON for introducing the measure at this early date.

No legislation is now more deserving of the attention of the Senate nor is more important for the elderly than the Older Americans Comprehensive Services Amendments.

An identical version of this proposal was vetoed last October by President Nixon, despite solid bipartisan support for its enactment. Because this measure was disapproved after the Congress adjourned, it was impossible to pass the bill without the signature of the President. And the net impact is that the field of aging suffered greatly and needlessly because of this action.

In his veto message, President Nixon gave three major reasons to justify his opposition. Since this rationale is likely to be raised again by the administration, I wish to respond here and now to these arguments.

### EXCESSIVE FUNDING AUTHORIZATION

First, President Nixon said:

> This bill would authorize new funding—far beyond what can be used effectively and responsibility.

However, representatives from State and local offices on aging throughout the Nation have vigorously challenged these remarks.

And, they should because the entire first-year authorized funding level under this legislation would amount to about $19 for each person 60 and over in the United States.

To my way of thinking, this is a modest cost for the delivery of essential social services to enable the elderly to live in their own homes. Yet, if these services could help to reduce the medicare national hospital average by just 1 day, this could produce a savings approaching $300 million.

Finally, the first-year authorization for the Older Americans Comprehensive Services Amendments would be equivalent to about three-fifths the cost of one of our new aircraft carriers. Using this expenditure for older Americans, however, our Nation could:

Help lift nearly 56,000 older Americans out of poverty through new careers in community service employment and an expanded foster grandparent program;

Provide nutritious meals for nearly 250,000 persons 60 and over;

Make vital social services available for millions of elderly; and

Fund multipurpose senior centers.

### FRAGMENT EXISTING EFFORTS

Second, President Nixon charged that this legislation:

> Would also require duplication or fragmentation of effort which would actually impair our efforts to serve older Americans more effectively.

But, in fact, the new model projects provision would authorize a number of innovative approaches to help combat several major problems for the elderly—such as housing, transportation, preretirement counseling, continuing education, and others.

Similar efforts in the past have proved to be strikingly successful. For example, the nutrition pilot projects in 1968 eventually led to the enactment of the nutrition program for the Elderly Act.

And, I am hopeful that the new area models provision can lead to similar concrete achievements.

### OPPOSITION TO SPECIAL EMPHASIS MANPOWER PROGRAMS

Third, President Nixon expressed strong opposition to employment measures—the Older American Community Service Employment Act and the Middle-Aged and Older Workers Training Act—to maximize job opportunities for mature workers.

However, the harsh reality is that middle-aged and older persons have been grossly underrepresented in our Nation's work and training programs. Persons 45 or older account for about 21 percent of the total unemployment in the United States and 40 percent of all joblessness for 27 weeks or longer. Yet, they represent only 4 percent of all first-time enrollees in Federal manpower programs. This is precisely why both the Older American Community Service Employment Act and the Middle-Aged and Older Workers Training Act are urgently needed now.

Without specific statutory authorization, this neglect is likely to continue.

Even the President's own Special Consultant on Aging—Dr. Arthur Flemming—recognizes the need for special emphasis programs for the elderly, at least on a limited basis. At the 25th Annual Aging Conference at the University of Michigan, he gave this response when an earlier speaker urged older Americans to form coalitions with other groups seeking social justice:

> I feel we are still at the point in aging where we have to put the emphasis on the categorical approach, or the elderly will get the short end of the stick.

Moreover, in response to the administration's objections to categorical manpower programs, the Labor and Public Welfare Committee included an amendment to authorize the Secretary of Labor to integrate programs under the Older American Community Service Employment Act and the Middle-Aged and Older Workers Training Act with any comprehensive manpower legislation that may be subsequently enacted.

Mr. President, for these reasons I reaffirm my firm support for prompt enactment of the Older Americans Comprehensive Services Amendments.

### OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS

Mr. CHURCH. Mr. President, one of the first orders of business for the 93d Congress is to reenact the Older Americans Comprehensive Services Amendments.

This vital legislation, which would finally bring the Nation closer to the goals sought by Congress when it passed the Older Americans Act in 1965, was approved overwhelmingly last year in both Houses.

Months of discussion had preceded pasasge, including extensive consultation with the administration.

But when the amendments reached the

White House, they stayed on the President's desk, unsigned. Finally, on October 30, the President announced he would withhold approval, or resort to a pocket veto.

Congress could not then override this negative act. We were not in session.

Now, in the early days of the 93d Congress, we have a duty to act quickly on this unfinished business from 1972.

For these reasons, I congratulate the Senator from Missouri (Mr. Eagleton) for reintroducing the amendments today, as passed last year; and I join with him in sponsoring the measure.

Senator Eagleton's sense of urgency is understandable. An arbitrary pocket veto has left older Americans adrift. The Administration on Aging is operating on a day-to-day basis under a continuing resolution. As a result, our Nation's commitment to the elderly has been seriously undermined.

Surely, the current crisis could have been avoided if the President had looked more carefully at the amendments.

Senator Eagleton, as chairman of the Subcommittee on Aging in the Committee on Labor and Public Welfare, had conducted lengthy hearings and had met often with officials from the Department of Health, Education, and Welfare. I think it is absolutely fair to say that the subcommittee and the parent committee made every effort to adopt constructive administration recommendations, while incorporating important provisions sought by Congress.

The same was true in the House of Representatives, where Representative Brademas worked diligently with his counterpart subcommittee.

Furthermore, the bill had widespread bipartisan support in both Houses, the enthusiastic endorsement of every leading organization with an interest in aging, and the wholehearted commitment of the Nation's elderly.

In addition, the Senate Committee on Aging—on which I serve as chairman—had attempted to lead the way to positive action by appointing an Advisory Council and issuing its recommendations in advance of the 1971 White House Conference on Aging. Earlier, during joint hearings with Senator Eagleton's subcommittee, the committee had heard authoritative testimony on the need for major change in the functions of the Administration on Aging.

As H.R. 15657, the Older Americans Comprehensive Services Amendments of 1972 was passed in the House last July by 351 to 3. In October the Senate approved the bill, 89–0. With such clearcut and unmistakably bipartisan support, this bill then ran head-on into a pocket veto.

Mr. President, the legislative history of the Older Americans Act amendments of 1972 is one that should have culminated not only in presidential acceptance, but presidential blessing.

Instead, congressional initiatives and the administration's own recommendations were rejected, with only a curt statement of scanty rationale for the negative action.

Congress cannot—for the sake of the people of this Nation and for the sake of Congress itself—let the veto stand. Not only has the President given insufficient attention to the will of Congress; it appears that he is not familiar with the importance of the amendments.

In many respects, this measure represents landmark legislation for aged and aging Americans.

It would for the first time provide the essential wherewithal to launch vital social services on a much more realistic scale. For many elderly persons, such services can mean the difference between living independently in their homes or being—all too often—unnecessarily and prematurely institutionalized at a much higher public cost. Several of these services, such as homemaker, home health, and meals-on-wheels, have already proved to be enormously successful for aged and aging Americans. Enactment of this legislation will help to make these crucial services more readily available.

Second, this bill would at long last rescue the Administration on Aging from the lower rungs of the HEW bureaucracy. This would be achieved by moving AoA out of the welfare-oriented Social and Rehabilitation Service into the office of the Secretary of HEW. This action is long overdue. But more importantly, the amendments would provide the elderly with a high level spokesman with greater power and prestige to formulate coherent policies and programs of direct usefulness to older Americans.

Third, the new model programs—in housing, transportation, and social services for the elderly handicapped—would offer fresh new perspectives for some of the aged's most pressing problems.

Finally, this bill would make other important innovations and improvements to meet the problems as well as the challenges of older Americans, including: expanding the foster grandparent and the retired senior volunteers programs; authorizing the establishment of multipurpose senior citizen centers to provide focal points in localities throughout our Nation for the systematic development and delivery of social and nutritional services; creating a new National Senior Service Corps to take advantage of the wealth of talent and expertise with which older Americans are so richly endowed; and establishing a midcareer development services program to provide training, counseling, recruitment, placement, and other supportive services for unemployed or underemployed persons 45 or older.

All in all, the 1973 amendments represent the most important changes in the entire history of the Older Americans Act. These changes are desperately needed. And, I urge early and favorable approval of this legislation.

Mr. President, I ask unanimous consent that a listing of organizations supporting the enactment of the older Americans comprehensive services amendments be printed at this point in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

### National Organizations Supporting the Enactment of the Older Americans Comprehensive Services Amendments

AFL–CIO
National Association of Retired Federal Employees
National Conference of Catholic Charities
National Council on the Aging
National Council of Senior Citizens
National Farmers Union
National Jewish Welfare Board
National Retired Teachers Association-American Association of Retired Persons
United Auto Workers
Urban Elderly Coalition

### SENATOR RANDOLPH COSPONSORS NEEDED BILL TO AID AMERICA'S OLDER CITIZENS

Mr. RANDOLPH. Mr. President, it is a privilege to cosponsor the Older Americans Comprehensive Service Amendments. I strongly support the enactment of this measure.

As Senators know, the President pocket vetoed this legislation last year. Had the Congress had the opportunity to consider his action, I feel that the veto would have been overridden.

This bill fills a vital need in our society to recognize the worth and productivity of nearly 21 million older Americans. As a sponsor of one of its major titles; as one who was privileged to act as chairman of the Senate conferees in the necessary absence of Senator Eagleton during the 92d Congress when the conference report on similar legislation was agreed to; and as one who has fought for the concerns of the aging for many years, I have observed this legislation being molded over many months into an instrument of good for America.

The measure introduced today includes as title X a measure which I have sponsored for several years—the Middle-Aged and Older Workers Training Act. I feel these provisions are an absolute necessity if we are ever to begin to lift middle-aged and older workers out of the quagmire of dependence, of joblessness, and hopelessness.

More than 1 million persons age 45 and older are now unemployed. Statistics show that this job-age category increased a shocking 73-percent between 1969 and 1972. Long-term unemployment figures are even more alarming. The number of middle-aged and older workers out of work for 27 weeks or longer increased 352 percent since 1969.

The tide that has resulted in such human misery and poverty must be stopped. The 92d Congress moved decisively to stem this tide of despair, but the administration turned its back on those millions of older citizens who have contributed so much to this Nation, and seek only the opportunity to do more.

The many important aspects of this comprehensive legislation will be discussed in detail by the able floor manager of this legislation in the Senate. I shall, therefore, direct my remarks to the provisions of title X—the Middle-Aged and Older Workers Training Act.

A major purpose of this title is to develop a clear-cut and effective policy to maximize employment opportunities for persons 45 and older. To achieve this goal, title X would establish a comprehensive midcareer development services program in the Department of Labor to assist middle-aged and older workers to find employment by providing training, counseling, and special supportive services.

This proposal would also authorize the Secretary of Labor to recruit personnel for the purpose of training and retraining persons 45 and older to develop skills which are needed in their communities. This is essential to provide full-time older worker specialists to focus, in fact and not in theory, on the unique and growing unemployment problems of the mature individual.

Particularly significant, in my judgment, is a provision for the placement, recruitment, and counseling services available in communities where there is substantial unemployment because of a plant shutdown or other permanent reduction in the work force. When such a mass reduction occurs, a community dies without outside help, and the resultant economic chaos and personal misery must be counted as a manmade disaster.

This proposal also would authorize a number of special studies, including:

Means to eliminate the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they adversely affect middle-aged and older workers; and

The feasibility of establishing a program of extended unemployment compensation for workers 55 and older who have exhausted their benefits.

To carry out these purposes, this measure would authorize $100 million for fiscal 1973 and $150 million for 1974. With this level of funding, it would be possible to assist 100,000 persons 45 and older to locate new and more productive employment. During fiscal 1972, by way of contrast, there were less than 50,000 persons in this age bracket participating in our Nation's manpower and training programs.

Mr. President, stark statistics cannot begin to tell the real story of how our older Americans have endured through a period of economic change and social upheaval. Without specific statutory authorization, the outlook for improvement for older persons is certainly not encouraging. My amendment can provide the legislative framework to establish a foundation for a new national policy to promote employment opportunities for older persons.

This measure introduced by the knowledgeable chairman of the Aging Subcommittee, Senator Eagleton, represents a sound and sensible effort to help assure our older citizens that they are and must remain a vital, productive segment of our society. I again urge the adoption of this measure.

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By Mr. KENNEDY:

S. 60. A bill to authorize the acquisition and maintenance of the Goddard Rocket Launching Site in accordance with the act of August 25, 1916, as amended and supplemented, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### ACQUISITION AND MAINTENANCE OF THE GODDARD ROCKET LAUNCHING SITE

Mr. KENNEDY. Mr. President, Dr. Goddard was the father of rocketry. His pioneering work led to his launching of the first liquid-propelled rocket on March 15, 1926. Born in Worcester, Mass., in 1882, he became a professor at Clark University. His scientific accomplishments have significance for the entire world, and enactment of this legislation will be a fitting tribute to his memory.

I ask that the full text of the bill be printed at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 60

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in order to preserve for the inspiration of present and future generations the site in the town of Auburn, Massachusetts, on which Doctor Robert H. Goddard launched the first liquid-propelled rocket on March 16, 1926, the Secretary of the Interior is authorized to acquire and maintain such site in accordance with the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

Sec. 2. There are hereby appropriated such sums as are necessary to carry out the purposes of this Act.

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By Mr. CRANSTON (for himself and Mr. Tunney):

S. 61. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes. Referred to the Committee on Public Works.

### THE BICYCLE TRANSPORTATION ACT

Mr. CRANSTON. Mr. President, I rise to introduce, for appropriate reference, a bill called the Bicycle Transportation Act. This proposal, which is identical to S. 2440 which I introduced in the 92d Congress, would provide that sums apportioned for the Federal-aid highway systems would be made available for the development and improvement of bicycle transportation. I am pleased to be joined once again in sponsoring this legislation by my California colleague, Senator John V. Tunney.

Under the provisions of the proposal I am reintroducing today, funds could be used to finance the Federal share of the cost of constructing separate or preferential bicycle lanes or paths, bicycle traffic control devices, bicycle shelters, and parking facilities, and other projects designed to enhance, improve, and develop the bicycle as a viable form of transportation.

The bicycle—one of the first products produced by the machine age—is today enjoying a spirited revival. During the 1890's, the bicycle was so popular that the words to a song inspired by the "bicycle built for two" survive today. But the bicycle's popularity declined markedly during the early decades of this century as the automobile captured the fancy and the pocketbook of America.

The bicycle has a fascinating history. It has clear ties with the development of new technologies and innovations associated with the advancement of the industrial revolution. Henry Ford has his origins in the bicycle repair business, and Wilbur and Orville Wright conducted their first experiments in aerodynamics from their bicycle repair shop. Many of the improvements in bicycle design such as the differential axle are still in use in today's automobile.

The bicycle also had an impact on American social customs. The use of the bicycle by women in the last century called for more functional feminine apparel. It also greatly increased women's freedom and mobility, although women bicycle riders seen attired in bloomers during the 1890's were referred to as scorchers. In addition, the development of the bicycle built for two enabled couples to court unchaperoned, for perhaps the first time. It is fair to conclude, then, that the bicycle played an important role in the liberalization of social customs and was an early catalyst for the emancipation of women.

Today, after several decades of declining popularity, the bicycle is the subject of renewed interest and enthusiasm. Young and old alike are pedaling for pleasure, entering bicycle races, making cross-country bicycle tours, joining bike clubs, and biking to and from work, school, and shopping centers. Bicycle manufacturers report dramatic increases in sales, and Government officials have discovered a new citizens' lobby—the bicycle enthusiasts who are demanding bicycle facilities for safe and pleasant recreation and transportation.

Shortly after introducing S. 2440 in the 92d Congress, I conducted an informal "bicycle survey" of every county and every incorporated city in California. In a letter to mayors, chairmen of county boards of supervisors, and city managers, I asked a series of six questions to determine the extent of already-existing bicycle transportation and recreation facilities at the local level, the extent of expressed local public interest in the development of such facilities, estimates of cost, and whether local government officials felt that Federal financial assistance was either necessary or desirable in order to meet the public demand for the development of a safe and contiguous network of bicycle paths, lanes, and trails.

The response to this inquiry was quite positive, documenting what I had guessed to be a rapidly growing enthusiasm for bicycles in California. Out of 209 responses, for example, 174 indicated that there had been an expression of considerable local public interest in the development of bicycle facilities, 135 indicated that the major hindrance to the development of such facilities was lack of money, and 142 said they thought Federal financial assistance was both necessary and desirable.

The Bicycle Institute of America, which represents the interests of the bicycle industry, has estimated that some 50 million bicycles are now in use on the streets and highways of America. They also estimate that there are some 70 million bicycle riders. In addition, the Bicycle Institute reports that for the first time since the 1890's, nearly half of all bicycles produced are being sold to adults. Much of the demand for bicycle facilities is the result of this "adult bike boom." What has long been considered a child's toy is now seen as a viable form of adult transportation.

It is the purpose of my bill to enhance opportunities for the use of the bicycle as transportation. At a time when considerable concern is being expressed about the quality of our urban environment and, particularly, whether we have already passed the point at which environmental degradation is reversible, at such a time the need for development of safe, nonpolluting means of transportation is especially acute. Furthermore, at a time when the No. 1 killer in America is heart disease, the bicycle has been pinpointed as a form of individual exercise that is of great benefit to the health of the human heart. Many of us well remember the words of Dr. Paul Dudley White, President Eisenhower's personal physician, who advised the late President to ride a bicycle as therapy for his ailing heart. The bicycle is, in short, a safe, healthy, quiet form of transportation, and I am hopeful that 1973 will be the year in which my proposal for bicycle resources is realized.

I was pleasantly surprised by the immediate and enthusiastic support that has rallied around my bill since I first introduced it in August 1971. Bicycle clubs, conservation organizations, and numerous individuals joined in support of the bill with the Secretary of Transportation John Volpe, 14 Senate cosponsors and 51 House cosponsors. As a result, a modified S. 2440 was incorporated into the Federal Aid-Highway Act of 1972, S. 3939 of the 92d Congress. It passed the Senate in September and was amended and passed by the House in October. The House-Senate conferees approved provisions authorizing limited support for bicycle facilities, which although less than I would have liked to have seen was nonetheless a good beginning. Unfortunately, the entire Federal Aid-Highway Act met its Waterloo when the House could not muster a quorum in the final hours of the 92d Congress and had to adjourn before approving the conference report.

And so it is that I am reintroducing the Bicycle Transportation Act. Public support for bicycle facilities legislation is growing stronger with each passing day, and I am anticipating that the Congress will respond to this public support by enacting my proposal.

With bicycle traffic deaths and injuries on the increase, with public interest in bicycles growing rapidly, and with the urgency of our need to find nonpolluting modes of transportation to compete with the omnipresent automobile getting more acute, we simply cannot pass up this opportunity to enhance opportunities for the use of the bicycle. I am convinced that the development of an urban and national network of safe, separate bikeways will swell the ranks of bicyclists, to the ultimate benefit of us all.

I welcome the support and cosponsorship of my colleagues and look forward to early, favorable action by the Senate on this proposal.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 61

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Bicycle Transportation Act."

SEC. 2. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section: "Section 145. Bicycle Transportation.

"(a) To encourage the development, improvement and use of bicycle transportation on highways for the transportation of persons so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with subsection (b) of section 104 of this title shall be available to finance the Federal share of the cost of projects for the construction of exclusive or preferential bicycle lanes, or paths, bicycle traffic control devices, and shelters and parking facilities to serve bicycles and persons using bicycles.

"(b) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the federal share payable on account of such project shall be that provided in section 120 of this title."

(b) The analysis of chapter 1 of title 23, United States Code is amended by adding at the end thereof the following:
"145. Bicycle transportation."

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By Mr. CRANSTON:

S. 62. A bill to authorize the establishment of the Desert Pupfish National Monument in the States of California and Nevada, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### DESERT PUPFISH NATIONAL MONUMENT

Mr. CRANSTON. Mr. President, I rise to introduce, for appropriate reference, a bill to authorize the establishment of the Desert Pupfish National Monument in the States of California and Nevada. This bill is identical to the one I introduced in the 92d Congress (S. 2141) to set aside a 35,000-acre area to protect the few remaining desert pupfish.

The Ash Meadows area has been the home of the several species of pupfish for 20,000 years. During this time, the pupfish have adapted from the cold-water, postglacial lakes which covered the Western United States following the last Ice Age to a totally different and inhospitable environment, which is typified by Devils Hole—where the water is high in mineral content, low in oxygen, and 92° in temperature.

Yet the pumping of water by a local ranching operation has caused the water level in Devils Hole to drop to a dangerously low level. The desert pupfish may not survive another year unless steps are taken to preserve their unique habitat.

Saving the remaining species and subspecies of this endangered fish, along with the protection of their habitat, is of importance not only for the maintenance of nature's diversity, but because of their tremendous value for studies of genetic evolution. Already man's needless indifference has permitted the extinction of several subspecies, and two which live in the Ash Meadows area are on the brink of extinction.

In addition to the unique desert pupfish found in the Ash Meadows area, botanical research conducted by Dr. Janice C. Beatley of the laboratory of nuclear medicine and radiation biology of the University of California at Los Angeles, Assistant Professor of Botany James L. Reveal, of the University of Maryland, and others, has revealed unique species of plants growing in the Ash Meadows area—plants that are found in no other place in the world.

Some of these plants were restricted by evolution to this single area; most of them are entirely different from plants in surrounding areas of Nevada and California. If a Desert Pupfish National Monument were established, not only would the desert pupfish be rescued from extinction but these unique species of plants would be preserved. As Professor Reveal states—

> We are fighting time. No advanced technology will ever replace an extinct species.

The desert region which I propose as the site of the Desert Pupfish National Monument, is a 40-acre parcel of hillside which is part of Death Valley National Monument, but separated by almost 20 miles of desert from the main body of the monument. The 40 acres was included in the national monument in 1952, because of a deep limestone chasm in the side of the hill at the bottom of which is a small warm water spring. It is called Devils Hole, and is surrounded by two chain link fences.

Outside of the fences the Park Service has erected a sign which reads as follows:

> DEVILS HOLE
>
> In the small pool at the bottom of this limestone cavern lives the entire population of *Cyprinodon diabolis*, one type of desert pupfish. These fish live in what is probably the most restricted environment of any animal in the world.

If the pupfish becomes extinct, it will be because of man's activities. On the southern slope below Devils Hole a ranching operation has been pumping to irrigate about 3,000 acres of land to grow fodder for 2,500 head of cattle. The land is not very productive—the fields are pockmarked with alkaline sections where nothing grows—and the cattle must rely on imported feed to supplement the Ash Meadows crop. Yet it is to provide some feed for these few head of cattle that we are on the brink of destroying the Devils Hole pupfish.

Mr. President, the little pupfish stands as both a concrete example of a living species about to become extinct as a result of man's reckless activities and as a symbol of what the environmental fight is all about. Few of us have ever seen a pupfish; unlike other fish, pupfish cannot be eaten; and most would, in considering my proposal, find a question on the tip of their tongues: "What good are they? Why should we worry?"

The answer to that question is that we cannot afford not to worry about the unforeseen future consequences of allowing the desert pupfish to die out as a living species on the Planet Earth. Much of the environmental crisis today is the result of man's failure to see far enough ahead of his own nose to avoid some of the frightening consequences with which all of us are now faced. Not only are we faced with a tremendously costly cleanup job, but we are faced with a struggle over our own future survival.

I sincerely hope that my colleagues will join with me in this effort to save the tiny desert pupfish from total extinction.

Mr. President, I ask unanimous consent that the full text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

### S. 62

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to preserve and protect several species of desert pupfish, and to interpret their evolution in areas of their natural environment, for the benefit and education of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Desert Pupfish National Monument (hereinafter referred to as the "national monument") in the States of California and Nevada. The boundary of the national monument shall be as generally depicted on the drawing entitled "Desert Pupfish National Monument," numbered NM–DP–91,000, and dated January 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. Within the boundary of the national monument, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange. Lands, waters, and interests therein owned by the States of California or Nevada, or any political subdivision thereof, may be acquired only with the consent of such owner. When the Secretary determines that lands, waters, and interests therein have been acquired sufficient to constitute an efficiently administrable unit for the purposes of this Act, he shall establish the national monument by publication of notice to that effect in the Federal Register. Pending such establishment and thereafter, the Secretary shall administer the lands, waters, and interests therein within the boundary of the national monument in accordance with the provisions of this Act and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.).

SEC. 3. Effective upon establishment of the national monument pursuant to section 2, the Devil's Hole portion of Death Valley National Monument, which was added to the Death Valley National Monument by Proclamation numbered 2961 of January 17, 1952 (66 Stat. c 18), is abolished, as such, and the lands, waters, and interests therein are made a part of the national monument established pursuant to this Act, Any funds available for the Devil's Hole portion of Death Valley National Monument on the date of such establishment shall be available for the purposes of the national monument established pursuant to this Act.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 63. A bill to establish the California Desert National Conservation Area, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### THE CALIFORNIA DESERT NATIONAL CONSERVATION AREA

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to establish the California Desert National Conservation Area. The bill is identical to one I introduced in the 92d Congress with the cosponsorship of my colleague from California (Mr. TUNNEY). I am delighted that he again joins me as cosponsor of this bill.

Spreading from the Sierra Nevada and Death Valley south 240 miles to the Mexican border and from the San Bernardino and San Jacinto Mountain Ranges east to the Colorado desert is one of America's most scenic, yet fragile natural resources.

This vast desert is an area of tremendous ecological diversity and rich in historical, scenic, archeological, environmental, biological, cultural, scientific, and educational resources. Physically, the California desert ranges from snow capped mountains to plateaus, basins, dry lake beds, rivers and washes. The desert has more than 700 species of flowering plants, of which 217 are found nowhere else in the world.

It contains rare and endangered species of wildlife and fishes such as the bighorn sheep and the desert pupfish that are unique to the California-Nevada desert. The California desert is a total, complex ecosystem.

The fact that the California desert lies so near the rapidly growing major population centers of southern California makes it an important recreational and educational resource. The California desert is literally within minutes of 10 million people. Yet it is precisely this unique proximity to 10 million people which calls for the special protections which my bill would provide. Without protections, the recreational and educational resources will be short lived.

From 1968 to 1972, the use of the California desert by the American public doubled. The Bureau of Land Management anticipates that the California desert will receive close to 10 million visitor-days this year. This figure is expected to reach 50 million by the year 2000.

The California desert is so big, so vast, that it seems that there would be space for everyone and every activity. In fact, its resources are limited. Moreover, the desert's total ecosystem is extremely fragile, easily scarred and slowly healed. Today excessive and uncontrolled off-road vehicle use, improper grazing practices, careless mining operations, unplanned construction and roadbuilding, and the pressures of growing recreational use are altering and destroying the fragile ecology of the California desert.

If we are to preserve the unique and irreplaceable resources of the California desert, man's activities will have to be limited to those which do not disturb the natural setting, destroy the scenic beauty, or upset the fragile ecology of the California desert. It is not too late to save this beautiful area. But we must make decisions now to determine how we will use these lands and resources so that they will remain intact, not only for us, but also for future generations. If we fail to seize this opportunity and let present patterns of haphazard development and unwise recreational use continue, we may desecrate and irreversibly destroy the open space values of the California desert.

The bill I am introducing today will establish the California Desert National Conservation Area and will require the Department of the Interior to develop a plan for the immediate and future preservation and administration of the California desert. It will provide $28.6 million for the next 6 years to complete this task.

In addition, my bill will grant the BLM some new authorities for the enhancement and protection of the California desert. The bill gives the Secretary the authority to acquire, through purchases or exchange, additional lands for the more economic and efficient management of the California desert. The bill also provides for greater BLM control over surface mining activities on the California desert. Finally, the bill authorizes the Secretary to contract with local law enforcement agencies to develop a program for the expeditious enforcement of rules and regulations necessary for the protection and management of the California desert.

Another important aspect of my bill is that it provides for public input into the process of developing the California desert plan. The bill requires the Secretary to establish and take into consideration the recommendations of an advisory commission on the desert. This commission is to be comprised of representatives of not only the Federal agencies owning or administering lands in the desert, but also State and local governmental units, residents of the desert, environmentalists, and those who use the desert for study and recreation. In addition, when the Secretary proposes a change in a rule or regulation regarding the California desert, my bill requires that public hearings be held.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 63

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Congress finds that—

(1) the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, and educational resources that are unique and irreplaceable. able.

(2) many of these resources are immediately threatened, including certain rare and endangered species of wildlife, plants, and fishes that are unique to the California desert, whose habitats are being altered or destroyed by man's growing influence in the desert;

(3) the desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed;

(4) the desert environment is seriously threatened by air pollution, indiscriminate off-road vehicle use, improper grazing, careless mining operations, unplanned development and construction, poor land use, and the pressures of growing recreational use;

(5) the interrelationship of man and his desert environment is poorly understood;

(6) The proximity of the lands of the California desert to the rapidly growing population centers of southern California makes the California desert at once a unique recreational and educational resource and a resource in need of special protections;

(7) in order to study the interrelationship of man and his desert environment and to preserve the unique and irreplaceable re-

sources of the California desert, man's activities must be limited to those which do not disturb the natural setting, destroy the scenic beauty, or upset the fragile ecology of the California desert; and

(8) in order to maintain environmental quality and ecological diversity and to control resource use, immediate steps must be taken to develop a comprehensive plan for the preservation of the desert environment and for the utilization of the desert's renewable resources within a framework of management which relies on the principles of multiple use and the maintenance of environmental quality.

(b) It is the purpose of this Act to provide for the immediate and future protection and administration of such public lands in the California desert within the framework of a program of multiple use and the maintenance of environmental quality.

SEC. 2. For the purposes of this Act—

(1) the term "Secretary" means the Secretary of the Interior;

(2) the term "multiple use" means—

(A) the management of all of the resources of the desert so that they are utilized by the public in the balanced combination that best meets the needs of the American people now and in future generations;

(B) the most judicious use of the land, within areas large enough to provide sufficient latitude for periodic adjustment in use, for the purpose of protecting and developing some or all of the resources;

(C) the use of some land and resources for recreational purposes;

(D) the harmonious and coordinated management of such resources and uses without impairing the productivity or environment of the land; and

(E) the consideration of the relative value and ecological relationships of such resources and uses, but not necessarily the consideration of the greatest relative economic value of such resources and use;

(3) the term "resources" means all of the various historical, scenic, archeological, environmental, biological, cultural, scientific, and educational resources of the desert;

(4) the term "public lands" means any and all land owned by the United States (other than Indian lands and lands comprising a national park) without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility management thereof;

(5) the term "California desert" means all lands and waters generally located within the State of California east of the Sierra Nevadas, east of the San Bernardino Mountains, and east of the San Jacinto Mountains south to the Mexican border, and including adjacent watersheds without regard to the State or States in which such watersheds are located;

SEC. 3. (a) There is hereby established the California Desert Advisory Commission. The Commission shall consist of a representative from each Federal agency having jurisdiction or control over lands within the California desert, representatives of State and local governmental units (including law enforcement agencies), representatives of the academic community having expertise in this field, representatives of residents of the California desert (including American Indians), environmentalists, and representatives of groups which make use of the California desert and its resources for purposes of recreation, study, or business.

(b) Appointments to the Commission shall be made by the Secretary. Such appointments shall be made in accordance with the provisions of subsection (a) of this section and shall be made within the sixty-day period following the date of the enactment of this Act. In making such appointments, the Secretary shall assure that the members of the Commission will reflect the points of view of the different races, ethnic groups, sexes, and ages of persons.

(c) The Secretary, within ninety days following the date of the enactment of this Act, shall call the first meeting of the Advisory Commission. The Chairman of the Commission shall be elected by the members thereof. The Chairman is authorized to employ and fix the compensation of such employees as he determines necessary to enable the Commission to carry out its functions under this Act, and to reimburse the members for expenses incurred by them in carrying out their duties under this Act.

(d) It shall be the function of the Advisory Commission to advise the Secretary with respect to the preparation of the long-range program and plan for the management, use, and protection of the California desert.

(e) The Commission shall terminate upon the expiration of sixty days following the date of the submission to the Congress of the plan required under section 5 of this Act.

SEC. 4. In order to carry out the purposes of this Act, there is established the California Desert National Conservation Area (hereinafter referred to as the "conservation area"). The Secretary shall publish a map of this area in the Federal Register. Such map shall be on file and available for public inspection in the Office of Information, Bureau of Land Management, Department of the Interior. The Secretary may revise the boundaries of the conservation area from time to time by publication in the Federal Register of the revised drawing or other boundary description.

SEC. 5. (a) The Secretary shall be responsible for the preparation of a long-range program for the management, use, and protection of the conservation area.

(b) Such program shall include a plan, to be completed and reported to Congress, by June 30, 1979, for the future management, use, and protection of the conservation area. Such plan shall take into account the principles of multiple use, the maintenance of environmental quality of the area, and the possibility of selective acquisition and disposal of public lands in order to better carry out the purposes of this Act. In the preparation of such plan, the Secretary shall take into consideration the proposals of the Advisory Commission established by section 3 of this Act, and proposals of other Federal agencies and the State of California (or any political subdivision thereof) including recommendations from studies that have already been completed or are currently being prepared. In no event shall any such plan become effective until after the expiration of the sixty-day period following the date of its submission to the Congress.

(c) During the period beginning on the date of enactment of this Act, and ending at the time of implementation of the long-range plan the Secretary shall execute an interim program to manage and protect the conservation area resources now in danger of destruction, to provide for the public use of the area in an orderly and reasonable manner such as through the development of campgrounds and visitor centers, and to provide for a uniformed ranger protection and maintenance operation.

(d) During the interim period beginning on the enactment of this Act, and continuing after the final program has been completed, the Secretary shall be authorized to contract with State and local government units in developing advanced programs for law enforcement. The Secretary is instructed to use his existing authorities to contract for research work in connection with the development of the plan, as he deems desirable.

(e) Annually the Secretary shall report to Congress on the progress of the planning, implementation of, and progress on recommendations previously made, and on all activities under subsections (a) through (d) of this section.

SEC. 6. (a) The Secretary may acquire by purchase, exchange, or otherwise, such lands or interests therein as he deems necessary to provide access to the facilities of the conservation area, or to facilitate efficient and beneficial management of such area. Any lands or interests in lands within the conservation area acquired pursuant to this section, shall, upon acceptance of title, become public lands, and shall become a part of such area, subject to all the laws and regulations applicable thereto. In carrying out his authority to enter into exchanges as provided in this Act, in no case shall the Secretary utilize lands with respect to which there was an outstanding withdrawal order in effect on August 2, 1972.

(b)(1) Notwithstanding any other provision of law, in exercising the exchange authority granted by subsection (a) of this section, the Secretary may accept title to any non-Federal property or interests therein, and in exchange therefor he may convey to the grantor of such property or interest any public lands or interests therein under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the lands so exchanged shall be approximately equal, but if they are not approximately equal the difference in value shall be equalized by the payment of money to the grantor or to the Secretary, as the case may be.

(2) Either party to an exchange under this Act may reserve minerals, easements, or rights of use, either for its own benefit, for the benefit of third parties, or the benefit of the general public. Any such reservation, whether in lands conveyed to or by the United States, shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary. When minerals are reserved in a conveyance by the United States, any person who prospects for or acquires the right to mine and remove the reserved mineral deposits shall be liable to the surface owners according to their respective interests for any actual damage to the surface or to the improvements thereon resulting from prospecting, entering, or mining operations; and such person shall, prior to entering, either obtain the surface owner's written consent, or file with the Secretary a good and sufficient bond or undertaking to the United States in an amount acceptable to the Secretary for the use and benefit of the surface owner to secure payment of such damages as may be determined in an action brought on the bond or undertaking in a court of competent jurisdiction.

SEC. 7. The Secretary shall administer the conservation area pursuant to the provisions of this Act, and any other authority available to him for management of the public lands.

SEC. 8. The Secretary shall issue such regulations as he deems necessary to carry out the provisions of this Act. Notice of proposed rulemaking shall be furnished to the President of the Senate and the Speaker of the House of Representatives and published in the Federal Register and in at least one newspaper of general circulation in the area affected by the proposed rule. The notice shall include as a minimum: (1) a statement of the time, place, and nature of public rulemaking proceedings; (2) reference to the authority under which the rule is proposed; (3) either the terms or substance of the proposed rule or description of the subjects and issues involved including in either event the projected impact of the proposed rule on users, potential users, and the general public; and (4) the time, date, and place of public hearings to be held. The notice required by this section shall include provision by the agency for anyone interested to participate in the rulemaking, within not less than thirty days or more than ninety days thereafter, through submission of written data, views, or arguments with or without opportunity to present the same orally in any manner; and after consideration of all relevant matter presented, the agency shall incorporate in any rules adopted a concise general statement of their basis and purpose. Public hearings shall be held on any proposed rule that will have a significant impact on the administration and use of the conservation area.

Sec. 9. Subject to valid existing rights, nothing in this Act shall affect the applicability of the United States mining laws on the public lands within the conservation area, except that all mining carried out within such area after the effective date of this Act shall be subject to such reasonable regulations as the Secretary may prescribe to effectuate the purposes of this Act. Such regulations shall provide for such measures as may be reasonable to protect the scenic, scientific, and environmental values of the conservation area against undue impairment, and to assure against pollution of the air, soil, and water within the conservation area.

Sec. 10. There is authorized to be appropriated not to exceed $28,600,000 for the purposes of this Act, such amount to remain available until expended.

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By Mr. HOLLINGS (for himself, Mr. Magnuson, Mr. Moss, and Mr. Tunney):

S. 70. A bill to promote commerce and establish a Council on Energy Policy and for other purposes. Referred to the Committee on Commerce.

### ENERGY POLICY ACT OF 1973

Mr. HOLLINGS. Mr. President, I introduce for appropriate reference on behalf of myself and the distinguished Senators from Washington (Mr. Magnuson), Utah (Mr. Moss), and California (Mr. Tunney) the Energy Policy Act of 1973, a bill designed to supply bold Federal leadership in establishing a coherent national energy policy.

The Nation's supply of energy has historically been abundant and inexpensive. Ample natural resources, private initiative and government incentives combined to provide the energy needed to conquer the frontier and fuel the development of the largest industrial output in the world.

But the production and consumption of energy produces most of the Nation's environmental problems. An ad hoc structure has developed that encourages wasteful and inefficient energy consumption. The Nation finds itself in a period of transition where emerging social and environmental goals are in conflict with traditional policies of growth and development.

Shortages of energy are becoming increasingly common. Several regions of the country face the prospect of power brownouts and blackouts during peak loads in summer or winter. Natural gas, the cleanest of the fossil fuels, was aggressively marketed by pipeline companies in the last two decades but today they cannot meet needs of customers in many regions of the Nation. Coal and oil prices have soared and low sulfur fuels are in very tight supply. Independent oil and gasoline suppliers cannot obtain sufficient fuels for their customers needs. The Nation is becoming ever more dependent upon foreign petroleum supplies.

While the Nation is facing shortages of energy, there is an abundance of pollution. Air pollution from electric powerplants caused over $8 billion in health and property damage last year—over $40 for every man, woman, and child in the United States. Nuclear powerplants, while not a source of air pollution, present problems of their own. Many scientists have warned of the inadequacies of procedures for dealing with nuclear plant emergencies and for perpetually managing radioactive waste products which must be isolated from the environment for thousands of years. Strip mining for coal is devastating large areas of the Nation while underground mining causes a high toll in death and human suffering. Oil shipments over water last year resulted in more than 10,000 oil spills and the situation promises to become worse as we import more oil and commence shipments from Alaska.

The existing institutional structure, particularly in regulated industries, operates to discourage efficiency and innovation and instead encourages political manipulation, economic concentration, secrecy and heavy investment in the status quo.

The Nation is totally unprepared to systematically deal with these urgent problems. There is no comprehensive energy policy. Instead numerous State, Federal, and even some local agencies are directly involved in formulating energy policy. On the Federal level alone, several agencies regulate oil leasing, petroleum production, petroleum imports, coal production, mine safety and uranium milling and processing. Other agencies establish pollution emission standards. At least 19 agencies are involved in regulating the electric utility industry. Nearly all producing States have conservation laws that limit the spacing and rate of production of oil and gas wells. Some States generate hydroelectric power and they enforce environmental and land use laws. All of these agencies were established at different times and for different purposes to handle specialized problems. There is little coordination. Each entity has a narrow focus. No one examines the overall picture. Consequently, today the Nation faces mismanagement of energy resources, unacceptable environmental impacts, inadequate incentives for efficient utilization and conservation, shortages of supply and soaring energy prices.

If the Congress and the President are to rationally and effectively solve these problems, while at the same time protecting the consumer and the environment, a high-level advisory body with the capacity to collect and analyze all energy statistics, coordinate the energy activities of the Federal Government, and prepare long-range comprehensive plans for energy utilization is needed. It is only by establishing such an organization that Congress and the President can have a clear picture in the Nation's overall energy policy and can coordinate the more than 60 Federal agencies now formulating energy policy in conflicting and sometimes senseless ways. It is time that tax policy, import controls, competitive incentives, regulatory activities, and new policy initiatives are coordinated to serve the public interest.

To achieve these goals will require a restructuring of energy regulation and policies. On this proposition, there is universal agreement. Administration officials have called for sweeping changes. Many committees of the Senate and the House have held hearings on various aspects of the energy problem. Countless studies are underway to examine the problem. But we have studied and we have talked enough; it is now time for action.

A Council on Energy Policy, as an independent, prestigious agency, can provide sophisticated analysis of policy alternatives so that the Nation can maximize the achievement of new goals. I propose a three man council which would formulate recommendations for national energy policy. It would be responsive to both the President and the Congress. Its members would be appointed by the President with the advice and consent of the Senate to serve for 5-year terms. The Council would supervise the collection and analysis of energy data, coordinate the energy activities of the Federal agencies and monitor the energy resource statements that would be required under this act. The Council would not assume the duties of existing agencies but would be a policy adviser such as the Council of Economic Advisers or the Council on Environmental Quality. But once the policy choices have been made by the President or the Congress, the Council would formulate guidelines under which existing agencies would be better able to carry out their assigned tasks.

The Council would also publish an annual energy report. This report would include statistical data, energy supply and demand trends, recommended legislation and a long-range comprehensive plan, annually updated designed to foster mechanisms for improvement in the efficiency of energy production and utilization, reduction of its adverse environmental impact, conservation of energy resources and development of technological capabilities to produce alternative clean energy sources.

This bill is a refinement of legislation I introduced last year, and it incorporates many ideas on energy policy suggested by witnesses at initial hearings, which I chaired and which were held jointly by the Commerce and Interior and Insular Affairs Committees. The proposal that I introduce today is the first of a comprehensive series of legislative programs on energy. It is now time for action in this area, before the Nation finds itself in a deepening crisis. I urge both Houses of Congress to act promptly to create a Council on Energy Policy.

Mr. President, I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

### S. 70

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Energy Policy Act of 1973".

### STATEMENT OF FINDINGS

Section 1. The Congress hereby finds that—

(a) there are many Federal agencies, created at different times and for different purposes to handle specialized problems, all directly or indirectly involved in the establishment of energy policy;

(b) there is no comprehensive national energy policy but instead it consists of a myriad of laws, regulations, and inactions resulting in narrow, short range and often conflicting decisionmaking by individual agencies without adequate consideration of its impact on the overall energy policy, nor future national energy needs;

(c) consequently the Nation faces mismanagement of energy resources, unacceptably high adverse environmental impacts, inadequate incentives for efficient utilization and conservation of energy resources, shortages of supply and soaring energy prices.

### DECLARATION OF PURPOSE

SEC. 2. Congress declares that—

(a) It is the purpose of this Act to protect and promote the interest of the people of the United States as energy users by establishing a Council on Energy Policy.

(b) It is the purpose of the Council on Energy Policy to—

(1) establish a central point for the collection, analysis and interpretation of energy statistics and data necessary to formulate policies for wise energy management and conservation and anticipate social, environmental, and economic problems associated with existing and emerging energy technologies;

(2) coordinate all energy activities of the Federal Government, and provide leadership to State and local governments and other persons in energy activities; and

(3) prepare, in consultation with other interested organization and bodies, a long-range comprehensive plan for energy utilization to foster improvement in the efficiency of energy production and utilization, reduction of its adverse environmental impacts, conservation of energy resources for future generations, reduction of excessive energy demands, and development of technological capabilities to produce alternative clean energy.

(c) Congress authorizes and directs that, to the fullest extent possible—

(1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act; and

(2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of both physical and social sciences in producing, conserving, and utilizing the Nation's energy resources;

(B) submit to the Council on Energy Policy established by this Act for comment all legislative recommendations and reports, to the extent that such recommendations and reports deal with or have a bearing on energy matters;

(C) gather data and information; develop analytical techniques for use in the management, conservation, use and development of energy resources and makes such data available to the Council on Energy Policy for inclusion in the annual energy report required by this Act;

(D) recognize the worldwide and long-range character of energy concerns and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to foster international cooperation in anticipating and solving energy-related problems;

(E) include in every recommendation or report to Congress on proposals for legislation and other major Federal actions having a significant affect on energy availability or use a detailed statement by the responsible official on whether such a proposal or action is consistent with the long-range plan formulated by the Council on Energy Policy pursuant to this Act. If such proposal or action is not consistent with such plan, the statement shall also contain a detailed justification for the proposal or action;

(F) include, at the direction and pursuant to guidelines promulgated by the Council on Energy Policy, an energy resource statement by the responsible official, as well as any other Federal agency designated by the Council, on the affect of the proposed activity on the Nation's overall energy posture.

### ESTABLISHMENT OF A COUNCIL

SEC. 3.(a) There shall be created in the Executive Office of the President a Council on Energy Policy (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President by and with the advice and consent of the Senate. The members of the Council shall serve for five-year terms except that of the three such members first appointed one shall be appointed for a two-year term and one for a four-year term, as designated by the President at the time of appointment. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who as a result of this training, experience, and attainment, is well qualified to analyze and interpret energy trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of energy needs of the Nation; to be conscious of and responsive to the environmental, social, cultural, economic, scientific, and esthetic needs and interests of the Nation; and to formulate a national energy plan and recommend national policies with respect to wise energy management. No more than two members of the Council shall be appointed from the same political party.

### DUTIES

SEC. 4. (a) To carry out the purposes stated in section 2 of this Act the Council shall serve as the principal adviser to the President and the Congress on energy policy exercising leadership in formulating Government policy concerning domestic and international energy issues.

(b) The Council shall make recommendations to the President and the Congress for resolving conflicting energy policies of Federal agencies.

(c) The Council shall develop within eighteen months from the date of enactment of this Act and annually update a long-range comprehensive plan for energy utilization in the United States to carry out the purposes as stated in section 2 of this Act which shall provide guidance to Federal, State, and local agencies and nongovernmental entities concerned with energy in the United States.

(d) The Council shall promptly review all legislative recommendations and reports to Congress and their accompanying energy resource statements of Federal agencies, to the extent that such recommendations and reports have a bearing on energy matters. The Council, if it disapproves such an agency report or recommendation shall state in writing to Congress and the involved Federal agency its reasons therefor.

(e) The Council shall keep Congress fully and currently informed of all of its activities and neither the Council nor its employees may refuse to testify before or submit information to either House of Congress or any duly authorized committee thereof.

(f) The Council may hold public hearings when there is substantial public interest in matters before it.

(g) The Council, within six months after enactment of this Act after public notice and opportunity for comment, shall promulgate guidelines for the preparation of energy resource statements by other Federal agencies. Such guidelines shall be implemented by all Federal agencies within six months after promulgation by the Council. Such guidelines are to be designed to avoid duplication and nonregulatory activities, contain criteria for determining when an activity is a major Federal activity, and specify the content and nature of the analysis to be required in the energy resource statements.

(h) In carrying out its collection, analysis, and interpretation of energy statistics function, the Council shall as quickly as possible, after appropriate study, promulgate guidelines after notice and opportunity for comment for the collection and initial analysis of energy data by other Federal agencies to make such data compatible, useful, and comprehensive. Where relevant data is not now available or reliable and beyond the authority of other agencies to collect, then the Council shall recommend to the Congress the enactment of appropriate legislation. Pending congressional consideration the Council may gather such data directly. The Council shall have the power to require by special or general orders any person to submit in writing such energy data as the Council may prescribe; and such submission shall be made within such reasonable period and under oath or otherwise as the Council may determine.

### ADMINISTRATIVE PROVISIONS

SEC. 5. (a) In exercising its powers, functions, and duties under this Act the Council shall—

(1) consult with representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) employ a competent, independent staff which shall utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, to avoid duplication of effort and expense thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by other agencies. (b) Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

(c) The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts, consultants or contractors to conduct detailed studies as may be necessary for the carrying out of its functions under this Act in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

### ENERGY REPORT

SEC. 6. The President shall cause to be prepared and submitted to the Congress on or before July 1, 1973, and annually thereafter, an energy report. This report shall include—

(a) an estimate of national energy needs for the ensuing ten-year period to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation;

(b) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economical manner with due regard for the protection of the environment, the conservation of natural resources and implementation of foreign policy objectives;

(c) current and foreseeable trends in the price, quality, management and utilization of energy resources and the affects of those trends on the social, environmental, economic, and other requirements of the Nation;

(d) a catalog of research and development efforts funded by the Federal Government to develop new technologies, to forestall energy shortages, to reduce waste, to foster recycling and to encourage conservation practices; and recommendations for developing technology capable of improving the quality of the environment, increasing efficiency and protecting employee health and safety in energy industries;

(e) recommendations for improving the energy data and information available to the Federal agencies by improving monitoring systems, standardizing data, and securing additional needed information;

(f) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices), employed by Federal, State, and local governments and nongovernmental entities to achieve the foregoing objectives; and

(g) recommendations for the level of funding for the development and application of new technologies, as well as procedures, and practices which he may determine to be required to achieve such objectives and improve energy management and conservation together with recommendations for legislation.

### PUBLIC ACCESS TO INFORMATION

SEC. 7. (a) Copies of any communications, documents, reports or information received or sent by any member of the Council shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released under the terms of subsection (b) of this section.

(b) The Council or any officer or employee of the Council shall not disclose information obtained by him under this Act which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

(1) to other Federal Government departments, agencies, and officials for official use upon request;

(2) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(3) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(4) to the public in order to protect their health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to which the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public, health and safety).

In no event shall the names or other means of identification of injured persons be made public without their expressed written consent. Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

### AUTHORIZATION

SEC. 8. (a) There are authorized to be appropriated to carry out the provisions of this Act not to exceed $1,000,000 for fiscal year 1973, $2,000,000 for fiscal year 1974, and $4,000,000 for each fiscal year thereafter.

(b) All sums appropriated under this Act shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.

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By Mr. GRIFFIN:

S. 75. A bill to amend the Welfare and Pension Plans Disclosure Act, to establish minimum vesting standards, and to establish a pension insurance program. Referred jointly to the Committee on Finance and the Committee on Labor and Public Welfare by unanimous consent.

### INTRODUCTION AND ORDER FOR JOINT REFERRAL OF A BILL TO AMEND THE WELFARE PENSION PLAN DISCLOSURE ACT

Mr. GRIFFIN. Mr. President, I send to the desk a bill to amend the Welfare-Pension Plan Disclosure Act to establish minimum vesting standards and to establish a pension insurance program, and ask that the bill be jointly referred to the Committee on Finance and to the Committee on Labor and Public Welfare.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I see no reason why either of the chairmen of the two committees named would have any objection, but may I ask the distinguished assistant Republican leader whether or not he would be willing to condition his request on the later retraction of it, in the event either of those distinguished chairmen objected?

Mr. GRIFFIN. Let me say that I shall be very glad to. This legislation is so drawn that it does affect the Treasury Department, and so the Committee on Finance has an interest in it, but generally the matter of pension reform is being considered by the Committee on Labor and Public Welfare. Both committees would be interested, and I am confident that neither chairman would object, but in the event either does, I would be very glad to make such an agreement.

Mr. ROBERT C. BYRD. Mr. President, I do not think either the Senator from Louisiana (Mr. LONG) or the Senator from New Jersey (Mr. WILLIAMS) would object, but with that understanding, I have no objection.

### PENSION REFORM LEGISLATION

Mr. GRIFFIN. Mr. President, today I am introducing a comprehensive pension reform bill. This bill is similar to legislation which I introduced in the last Congress.

One of the great disappointments of the 92d Congress was the failure to pass legislation protecting the pensions of American workers. However, the distinguished majority leader, Mr. MANSFIELD, sounded an encouraging note toward the close of the last session by indicating that pension legislation would receive high priority in this Congress.

At stake are the pensions of some 30 million working men and women. While pension assets total over $150 billion nationwide and are increasing at the rate of over $10 billion annually, too many employees do not actually reap the benefits set forth in the plans under which they are covered. For instance, it is estimated that over 20 percent of all pension plan members have no opportunity to obtain vested pension right prior to retirement.

On the other hand, the Treasury Department has estimated that an additional 3½ million American workers, including nearly a million over age 50, would have immediate vested pension rights if a 10-year vesting standard were in effect today. However, such a 10-year standard applies now to only 20 to 30 percent of all workers covered by pension plans. Even this standard, which is considered quite liberal as far as private industry is concerned, is twice as restrictive as the Federal civil service retirement program.

Another major problem is whether the pension promise will in fact be fulfilled. Having a vested right is of little value if there is no money to back it up. A 1965 Labor Department study found that about 500 pension plans affecting more than 25,000 workers terminate each year.

Although not all these workers lose their pension benefits, many thousands have been injured in instances such as the closing of the Packard automobile plant in Detroit in 1956 and the Studebaker shutdown in 1964. In a recent article in Trial magazine the director of the Social Security Department for the United Automobile Workers, Mr. Melvin Glasser, noted that the number of UAW pension plans which were terminated was twice as high as the average number of terminations during the preceding 10-year period. This number doubled again in 1971.

It has been pointed out that the plant termination study conducted by the Labor Department in its 1965 study affected only about one-tenth of 1 percent of all the workers covered by pension plans. But which is more important, statistics or human lives? Moreover, the cost of protecting these workers is minimal in terms of the total pension costs incurred by industry every year. Under my bill and most other pension proposals the annual premium cost would be only about one-tenth of 1 percent of annual pension contributions by employers. That is hardly an excessive cost to insure that workers get what they bargained for.

Mr. President, the bill that I am introducing includes vesting and insurance safeguards as well as better disclosure requirements for protection against mismanagement of pension funds.

The significant features that distinguish this bill from other similar proposals include—

First, 100 percent vesting after 10 years of service including vesting of benefits before and after enactment of the bill;

Second, insurance protection for loss of benefits earned before or after enactment;

Third, creation of a Federal Pension Insurance Corporation;

Fourth, coverage of all plans with 15 or more employees; and

Fifth, a 1-year effective date for the vesting and insurance provisions.

An important new provision in this bill is the amendment to the bankruptcy laws giving pension benefits that are immediately payable to beneficiaries priority treatment along with wages in the event of bankruptcy. This proposal is a recognition of the fact that pension benefits are in fact deferred wages and should be treated as such. In addition, a change in bankruptcy laws would provide additional security to the Federal Insurance Fund by discouraging underfunding of pension liabilities. The bill also contains another sound funding incentive by making an employer liable to reimburse the Federal Insurance Corporation for any pension losses resulting from voluntary plan terminations such as a merger or acquisition.

Finally, my bill would require workers

to be notified of their pension rights in clear and understandable terms. Members of pension plans would have the right to sue in Federal court to enforce these rights and to collect any pension benefits due them. Additional protection would also be provided by requiring pension plan administrators to adhere to certain standards in managing pension funds.

Mr. President, the need for pension reform has been discussed for years. Judging solely by the number of individual complaints that have come to my attention, the time for discussion is over and the time for action is now.

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By Mr. HOLLINGS (for himself, Mr. Magnuson, Mr. Kennedy, Mr. Stevens, and Mr. Roth):

S. 80. A bill to amend the Ports and Waterways Safety Act of 1972 to provide for authority to be placed in the National Oceanic and Atmospheric Administration for the certification of the environmental soundness of the site selection, construction, and operation of offshore artificial structures for port and terminal, powerplant, airport, and other such facilities to be located in the coastal waters. Referred to the Committee on Commerce.

### PORTS AND WATERWAYS SAFETY ACT OF 1972

Mr. HOLLINGS. Mr. President, in the last Congress we ended a half-decade battle to provide this Nation with rational and coordinated planning along our populated and growth pressured coastal margins. The National Coastal Zone Management Act is now law. It will provide a much-needed tool for States to cope with the pressures of population growth and industrial expansion. These same pressures have now resulted in equally significant and important national problems in our coastal areas. I am referring to numerous plans to develop untouched portions of the offshore marine environment to accommodate such projects as nuclear powerplants, deep water ports and terminals, airports, and research facilities, among others.

We are told that the most urgently needed projects are those which are tied to this Nation's burgeoning energy requirements: Deep water port facilities for the offloading of crude oil from huge supertankers and manmade islands to house vast nuclear electric generating facilities.

During 1972, the results were unveiled on two major agency studies about deepwater ports, one by the Army Corps of Engineers and the other by the Department of Commerce's Maritime Administration. Both strongly support the view that such facilities must be constructed sometime within the near future if we are to satisfy our Nation's ravenous appetite for energy. The present levels of U.S. crude oil imports of about 42 million tons per year are expected to increase to 300 million tons by 1980, a sevenfold increase in less than 10 years. It is cheaper to transport oil in great volume. So the shipping industry will utilize the 250,000 to 350,000 and larger, deadweight ton class of tanker as the workhorse of its fleets to carry these increased volumes of oil. A review of U.S. port capability indicates that with few exceptions, the maximum size ship that can enter most U.S. ports fully loaded is 65,000 deadweight tons. So goes the argument used to justify the need for deepwater ports. Some sources have even predicted construction of a terminal offshore by as early as 1975.

Additionally, there are similar predictions of ever-increasing growth in the oceanborne transportation of refined petroleum products, liquid natural gas, coal, and iron ore.

This attempt to find less-crowded locations in deep water offshore is being followed by the nuclear power industry. Recently, Public Service Electric & Gas Co. of New Jersey signed a contract with Offshore Power Systems to purchase twin, barge-mounted 1.15 million killowatt nuclear powerplants. These two plants are to be floated within an artificial breakwater, 3 miles off the New Jersey coast near Atlantic City. I understand that several other utilities in populous regions are also seriously considering the offshore alternative.

Airport siting is still another sphere of activity which has its eyes seaward. And, I am told, the State of Hawaii has visions of a floating city nestled among its islands to house its inhabitants and visitors. The list of other possible enterprises in the coastal waters is conceivably as long as the imagination.

Mr. President, I am deeply concerned about the rather superficial treatment given to environmental consideration in the several studies I have seen on this subject. In some reports I have even encountered suggestions to roll back legitimate environment-protecting measures so as to speed up solutions to the so-called energy crisis. Because of my deep personal concern about these events, I am introducing legislation today to make environmental considerations coequal with economic and technical factors in the planning, construction, and operation of these offshore structures. If there is anything to be learned from the past, it is that an early, indepth consideration of environmental matters saves time and money and serves to protect the ecology affected by a given project before serious damage is done. The bill I am submitting will require an environmental certification from the National Oceanic and Atmospheric Administration—NOAA—prior to the construction or operation of large-scale offshore facilities. NOAA, as the Federal Government's leading marine environment agency, will be empowered to evaluate fully the ecological implications of a deepwater port facility or a powerplant. Whether the facility will cause erosion of shorelines or displace or possibly encourage fisheries activities are two types of questions which NOAA will have to examine. I believe this mechanism is desperately needed to handle the multitude of environmental questions which will be raised by these unprecedented uses of the marine environment.

I do not suggest that this bill contains the ultimate solution, either to the problems of offshore facilities, or to the much larger energy predicament. However, I do believe that this bill will constitute an integral part of the solution, at least as to preserving the vital marine environment in the attempts to meet our energy needs. We are now being confronted with a series of difficult choices in land use and energy policy. Let us not ignore the lessons of the past in making those choices.

Mr. President, I ask unanimous consent that this bill be printed in its entirety in the Record immediately following the remarks of Senator Magnuson and myself.

Mr. MAGNUSON. Mr. President, in the recent sessions of Congress, the development of a legislative scheme to prevent and mitigate the effects of vessel-caused oil polluting incidents has been a priority issue. We in the 93d Congress are again committed to making further inroads on this complex and often difficult aspect of our maritime commerce. Now a new dimension is being added to the picture, a dimension attributable to our rapidly escalating need for energy imports: Deep water transfer terminals for handling of crude oil from tankers of a "super" size. In the past, I have voiced my concern about the utilization of deep water port facilities in light of the need to meet this Nation's energy requirements. Now they appear to be but a few years from reality.

At the same time, I have been deeply concerned about the use of tankers and supertankers, recognizing the potential threat that can result from either a tanker collision or grounding, or from normal transfer operations. An oil spill resulting from either type of accident, especially when you consider the size of the proposed supertankers, might well be disasterous in the coastal zone.

Puget Sound in my own State is one of the locations being considered for a superport site due to its unusually deep waters which can easily accommodate deep draft supertankers close to shore. The present rate of oil movement on the sound is approximately 12 million gallons a day. With the advent of Alaska oil the total would jump to about 120 million gallons per day. The oil will probably be carried in vessels of about 120,000 dead-weight tons, the same size as the now infamous *Torrey Canyon*. A University of Washington study has estimated that there will be three collisions in Puget Sound in the next 10 years involving these new supertankers. This prediction does not include groundings which are a more serious source of oil pollution. So the dangers are quite real.

Because of my deep concern about this problem, today, I am cosponsoring with Senator Hollings a bill to insure complete consideration of environment factors associated with these terminals and other offshore facilities. The incalculable value of our coastal resources necessitates careful planning for such mammoth undertakings and I believe this legislation will assist the final resolution of the issue.

There being no objection, the bill was ordered to be printed in the Record, as follows:

### S. 80

*Be it enacted by the Senate and House of Representatives of the United States of*

*America in Congress assembled,* That the Ports and Waterways Safety Act of 1972 (86 Stat. 424) is amended by adding at the end thereof the following new title:

"TITLE III—SITING, CONSTRUCTION, AND OPERATION OF ARTIFICIAL STRUCTURES IN THE OFFSHORE MARINE ENVIRONMENT

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Offshore Marine Environment Protection Act of 1973'.

"FINDINGS AND PURPOSES

"SEC. 302. (a) The Congress finds—

"(1) that the construction and operation of largescale offshore artificial structures, both fixed and floating, designed to be used as ports and terminals, powerplants, airports, research platforms, and other uses, are presently planned;

"(2) that there is a nationwide need to oversee the planning, construction, and operation of such facilities to prevent damage to coastal navigable waters, the coastal zone and the resources therein, including, but not limited to, fish, shellfish, and wildlife, marine and coastal resources and recreational and scenic values, which waters and resources are hereafter in this Act referred to as the 'marine environment'; and

"(3) that the planned development of such facilities involves and affects interstate and foreign commerce, fisheries and wildlife, and navigation and will affect United States citizens and the marine environment over a broad geographical area.

"(b) The purpose of this Act is to provide for the fullest protection of the marine environment possible to prevent adverse impact which may result from the construction and operation of such facilities by authorizing and directing the Secretary of the Department in which the National Oceanic and Atmospheric Administration is operating to issue a certification that in respect of any artificial structure all possible precautions have been taken to protect the marine environment, or to deny such certification if the facility is adjudged by the Secretary to pose an unreasonable threat to the integrity of the marine environment.

"DEFINITIONS

"SEC. 303. For the purposes of the Act the term—

"(a) 'Secretary' means the Secretary of the Department in which the National Oceanic and Atmospheric Administration is operating.

"(b) 'Artificial structure' means any manmade structure, either fixed or floating, located in navigable waters of the United States more than five hundred feet to the seaward of the mean low water mark or located beyond the territorial sea of the United States but still adjudged to be within the jurisdiction of the United States, and which is intended for use as port and terminal, powerplant, airport, research, or any other facility or facilities: *Provided,* That it does not mean structures constructed and used solely for the purpose of exploring for, developing, or removing the resources of the submerged lands beneath the navigable waters of the United States or of the Outer Continental Shelf.

"(c) 'Person' means any private persons, individual, association, corporation, or entity, or any officer, employee, agent, department, agency, or instrumentality of the Federal Government, of any State or local unit of government.

"(d) 'Applicant' means any person applying for a certification under the terms of this Act.

"CERTIFICATION

"SEC. 304. (a) No person shall construct or operate an artificial structure as defined in this Act until the Secretary shall have certified that the artificial structure does not pose an unreasonable threat to the integrity of the marine environment in which it is to be located, and that all possible precautions have been taken to minimize adverse impact on the marine environment. Certification shall relate to site selection, method, and type of construction, and operation of such artificial structure.

"(b) The Secretary may give certification after notice and public hearing in accordance with the Administrative Procedure Act, title 5, United States Code, relating to adjudicatory proceedings, to any such artificial structure upon a showing by the applicant that the location, construction, and operation of the proposed artificial structure does not pose an unreasonable threat to the integrity of the marine environment, and that all possible precautions have been taken to minimize anticipated adverse impact on the marine environment. Such hearing may be combined with any other required hearing and the Secretary shall coordinate with the appropriate agencies. The applicant shall submit reasonably detailed plans of the artificial structure at least two years prior to the expected date of the beginning of construction: *Provided,* That as to those artificial structures which are not in the construction phase on the effective date of this Act but nonetheless will reach the construction phase at any time within two years of the effective date, the applicant shall submit plans to the Secretary as soon as possible after this Act goes into effect. The Secretary shall establish a reasonable fee to be paid by the applicant sufficient to cover the administrative costs incurred in evaluating an application for certification.

"(c) The Secretary shall establish and apply criteria for reviewing and evaluating such artificial structures, and in establishing or revising such criteria, shall consider, but is not limited in his consideration to, the following:

"(1) The need for siting such artificial structure on human health and welfare, including esthetic and recreational values.

"(3) The effect of such artificial structure on fish, plankton, shellfish, and wildlife resources.

"(4) The effect of such artificial structure on the oceanographic currents or wave patterns and upon nearby shorelines and beaches.

"(5) The effect on alternate uses of the oceans and navigable waters, such as scientific study, fishing, and other living and nonliving resources exploitation.

"(6) The dangers to such artificial structure occasioned by waves, winds, and weather and the steps which can be taken to protect against such dangers.

"(7) The effect of such artificial structure on navigation.

"(8) Such other consideration which the Secretary deems appropriate or necessary to fully evaluate any artificial structure.

In establishing criteria, the Secretary shall consult with Federal, State, and local officials and interested members of the general public, as may appear appropriate to the Secretary.

"(d) In reviewing applications for certification, the Secretary shall make provision for consultation with any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Comments of a substantive nature shall be incorporated as part of the certification.

"PUBLIC ACCESS TO INFORMATION

"SEC. 305. (a) Copies of any communications, documents, reports, or information received or sent by any applicant shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released under the terms of subsection (b) of this section.

"(b) The Secretary shall not disclose information obtained by him under this Act which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

"(1) to other Federal Government departments, agencies, and officials for official use upon request;

"(2) to committees of Congress having jurisdiction over the subject matter to which the information relates;

"(3) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings;

"(4) to the public in order to protect their health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to which the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

"NAVIGATIONAL EFFECTS

"SEC. 306. (a) In evaluating the effect of any proposed artificial structure on navigation, the Secretary shall consult with and obtain the views of the Secretary of the Department in which the Coast Guard is operating.

"(b) The Secretary of the Department in which the Coast Guard is operating shall have authority to promulgate and enforce such reasonable regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on artificial structures referred to in section 303(b) or on the waters adjacent thereto, as he may deem necessary.

"(c) The Secretary of the Department in which the Coast Guard is operating may mark for the protection of navigation any such artificial structure whenever the owner has failed suitably to mark the same in accordance with regulations issued hereunder, and the owner shall pay the cost thereof. Any person who shall fail or refuse to obey any of the lawful rules and regulations issued hereunder shall be guilty of a misdemeanor and shall be fined not more than $500 for each offense. Each day during which such violation shall continue shall be considered a new offense.

"RELATIONSHIP TO OTHER LAWS

"SEC. 307. (a) No action taken pursuant to this Act shall relieve, exempt, or immunize any person from any other requirements imposed by Federal, State, or local laws, regulations, or ordinances, including, but not limited to, the National Environmental Policy Act.

"(b) Nothing contained in this Act supplants or modifies any treaty or Federal statute or authority granted thereunder, nor does it prevent a State or political subdivision thereof from prescribing for artificial structures within its jurisdiction higher safety or environmental standards.

"PENALTY

"Sec. 308. Whoever begins to construct, constructs, or operates an artificial structure after the effective date of this Act with out a prior certification by the Secretary shall be fined not less than $50,000 or more than $200,000.

"INJUNCTIVE RELIEF

"SEC. 309. (a) The Secretary shall initiate injunctive proceedings to halt the construction or operation of any artificial structure begun after the effective date of this Act without prior certification.

"(b) The injunctive relief provided by this section shall not restrict any right which any persons (or class of persons) may have under any statute or common law to seek enforcement of or compliance with any standard or limitation or to seek any other relief (including relief against the Secretary).

"APPROPRIATION

"SEC. 310. There is authorized to be appriated $1,000,000 for the fiscal year 1974 and each fiscal year 1975 and 1976, for administration of this Act."

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By Mr. PELL (for himself and Mr. INOUYE):

S. 100. A bill to provide a national program in order to make the international metric system the predominent, but not exclusive system of measurement in the United States and to provide for converting to the general use of such system within 10 years. Referred to the Committee on Commerce.

### METRIC CONVERSION ACT

Mr. PELL. Mr. President, I am introducing today a bill to make the metric system of weights and measures the predominant system of measurement within the United States.

Metric conversion is one of the more important items of unfinished business before the Congress this session. Given the express power by the Constitution to establish a system of weights and measures, the Congress has been deliberating on the question of metric conversion for more than 150 years.

In his state of the Union message last year, the President asked the Congress to establish a policy making the metric system the predominant system of measurement in the United States; the Senate responded to his request by passing on September 5, 1972, my own bill with amendments supported by the administration. The House of Representatives unfortunately did not act upon our bill.

When Thomas Jefferson first suggested to the Congress that it might fulfill its constitutional responsibilities for setting standards of weights and measures by giving consideration to the French metric system, metric conversion had a somewhat revolutionary sound to it.

After all, the metric system was the result of an effort by the French revolutionaries to purge the country of any remaining feudal vestiges.

How strange it might seem now to Thomas Jefferson and to John Quincy Adams, who also brought the matter before Congress, that the Congress is still inching along with the customary system—the so-called imperial system—even after Great Britain, the country that gave the imperial system its name, has gone metric.

There is little if any further debate on the question of whether the United States should go metric or not. The question is when shall we go metric and how shall we go metric.

I do not believe this Nation should wait any longer before implementing a planned conversion to the metric system of weights and measures. We have waited long enough, and the longer we wait the more costly and difficult will be the task.

In 1967, the Congress enacted a bill sponsored by former Representative George Miller of California and myself requiring the Department of Commerce to undertake a broad study of advantages and disadvantages of the United States converting to a predominantly metric system.

This law requires the Secretary of Commerce to do four things:

First. To determine the impact of the increasing worldwide use of metric on the United States;

Second. To appraise the desirability and practicality of widening the use of metric weights and measures in the United States;

Third. To study the feasibility of maintaining customary engineering standards; and

Fourth. To evaluate the costs and benefits of alternative courses of action which may be feasible to our Nation.

At the conclusion of a long and careful study involving all sectors of society and business, the Secretary of Commerce in August of 1971 transmitted to the Congress a report entitled: "Metric America: A Decision Whose Time Has Come."

This study concluded that, first, an increased use of the metric system in the United States is inevitable; second, that a carefully planned transition on a national basis would achieve maximum efficiency while minimizing economic dislocation; third, that a changeover period of 10 years to a predominantly metric system was the most desirable; fourth, and that a broadly representative body should be established to plan and coordinate the changeover.

Mr. President, the bill I introduced last year and the bill that I am introducing today is designed to fulfill those recommendations of the U.S. Metric Study.

After I had introduced my own bill in the last session and after the Senate Committee on Commerce had begun its hearing in February of 1972 on metric conversion, the administration sent to the Congress its own recommendations for metric conversion legislation.

Although this bill had many excellent provisions, the thrust of the bill was to maintain the status quo. The administration's bill was essentially precatory and would have allowed for the continued existence of our present dual system of weights and measures.

Although it fulfilled the basic recommendations of the U.S. metric study, the administration's bill left metric conversion as a matter of persuasion for a metric board with American industry. There was no regulatory authority provided and there were no provisions for assisting small businessmen and individuals, such as machinists and garage mechanics, who might suffer a shortrun economic loss through metric conversion.

Mr. President, the bill I am introducing today seeks to blend the best provisions of the administration bill with the best provisions of my original bill.

The bill I am introducing today includes the administration's provisions for the establishment of a metric conversion board, for the development of a metric conversion plan, and for the identification of the terms of metric conversion.

This bill, however, would leave the burden of persuasion on the private sector for maintaining the use of the customary system of weights and measures.

Instead of maintaining a dual system of weights and measures as provided in the administration's bill, my bill would make metric units the only legal system of measurement unless an exemption is provided in either the metric conversion plan to be presented to the Congress by the Metric Conversion Board or by the Appeals Commission established by this act.

The predominance of the metric system established by this bill would only apply to metric units, and not to metric standards.

In regard to the treatment of metric standards, my bill is essentially the same as the administration's initial bill. That is to say, while my bill would mandate, with certain exceptions, that the United States use the international system of units which utilizes the six base units of meters for length, kilograms for mass, seconds for time, amperes for electric current, kelvins for thermodynamic temperatures, and candela for luminous intensity, my bill would not mandate the exclusive use of international metric standards used in engineering and trade. For example, the question of standards for such diverse items as the size of screw threads, the diameter of wire, or the strength of metals, would be left as the subject of international negotiation by the United States and for careful review by the experts of the Metric Conversion Board established by my bill.

The bill I am proposing is essentially like the proposal of the administration in one other aspect I have included for the first 2 fiscal years of the bill's operation, the same authorizations for the operation of the Metric Conversion Board. For the last 3 fiscal years I have increased the authorizations by an additional $2 million a year to provide for the operation of an Appeals Board.

My bill has five basic purposes: First, the conversion to the metric system within a period of 10 years; second, the creation of a national Metric Conversion Board to plan and implement metric conversion; third, the requirement that the conversion plan include provisions for an appropriate appeals process to grant exemptions from the use of metric units and standards in cases of unforeseen hardship; fourth, the provision of financial assistance to small businesses and individuals severely effected by metric conversion; and fifth, the establishment of a national information program about metric conversion.

The National Metric Conversion Board would consist of nine members appointed by the President and in addition one member each from the House of Representatives and the Senate. The Board woud have the responsibility initially to submit within 18 months for the approval of Congress a comprhensive plan for moving the United States to a predominantly metric system of weights and measures.

In the development of the plan the Board would be required to consult with all sectors of the American economy including small business, science, engineering, labor, education, consumer organizations, Government agencies at all levels, as well as recognized standards developing and coordinating organizations and individuals or groups as are considered appropriate by the Board.

There are many measurements, such as the length of a football field, which I would expect to be specified in the initial metric conversion plan as exemptions required by custom. However, in case there are special hardships where metric conversion would provide no economic benefits in the long run or where needed exemptions were overlooked by the Metric Conversion Board, my bill requires the establishment of an appeals process to grant individual exceptions either on a permanent basis, or on a temporary basis, depending upon the circumstances.

This is a new provision which was not contained in either of the two bills considered in the last Congress.

My new bill differs in one other respect from the administration's approach. I do not agree that the costs of metric conversion should be allowed to fall where they may.

I believe some incentives for industry are required and some direct financial assistance should be provided to small businessmen and individuals whose economic livelihood is threatened by metric conversion.

To stimulate industry to metric conversion and to encourage the purchase of new American-made machinery, my bill provides for businesses which purchase new equipment for purposes of metric conversion to be allowed a double rate of depreciation for tax purposes on that machinery.

Depending on the pace of metric conversion, machinists and automobile repairmen may have to purchase new sets of tools. The costs of tools to these tradesmen sometime reach nearly $2,000 a person. My bill would allow the Small Business Administration to provide grants up to that amount to any individual whose trade would be severely affected by metric conversion. The bill also provides for loans to be made to small businesses similarly hurt by metric conversion.

To better prepare the Nation's educational system for metric conversion, my bill also provides the Office of Education with authority to make grants to establish a national information program on metric conversion.

Mr. President, the United States has been inching toward metric conversion long enough. It is time we took a giant step forward that is one long meter ahead. If we move now in a planned program, I think we will find that that "extra silly little millimeter," to paraphrase a popular advertisement, will mean significant international trade advantages, a more simplified commercial system, a stimulated industry, and a large savings for the American consumer.

I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 100

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

SECTION 1. This Act may be cited as the "Metric Conversion Act of 1973".

### FINDINGS

SEC. 2. The Congress finds that—

(1) the United States is the only industrially developed nation which has not established a national policy committing itself to and facilitating conversion to the metric system; and

(2) as a result of the study to determine the advantages and disadvantages of increased use of the metric system in the United States authorized by Public Law 90–472 (82 Stat. 693), the Secretary of Commerce has found that increased use of the metric system in the United States is inevitable, and has concluded that a national program to achieve a metric changeover is desirable; that maximum efficiency will result and minimum costs to effect the conversion will be incurred if the conversion is carried out pursuant to a national plan; that the changeover period be ten years, at the end of which the Nation would be predominantly, although not exclusively, metric; that a central planning and coordinating body be established and assigned to plan and coordinate the changeover in cooperation with all sectors of our society; and that immediate attention be given to education of the public and to effective United States participation in international standards making;

(3) the adoption of the metric system would result in new jobs in the United States;

(4) the adoption of such system would enhance our position in world trade markets;

(5) the benefits of conversion would offset the costs of conversion;

(6) conversion to such system would be a stimulus to the economy and to new investment in plant equipment;

(7) the language and tools of our scientific community are already using such system;

(8) a common system of measurement would improve international communication;

(9) the Nation is already heading toward such system slowly and haphazardly;

(10) such system is based on fundamental relationships and is easily understood and would be an aid to our educational system;

(11) small businesses and self-employed craftsmen would benefit from a coordinated conversion program;

(12) new international standards are currently being developed into such system and the United States is not fully participating in such development;

(13) the use of the metric system of weights and measures in the United States was authorized by the Act of July 28, 1866 (14 Stat. 339);

(14) the United States was one of the original signatories to the Convention of the Meter (20 Stat. 709), which established the General Conference of Weights and Measures, the International Committee of Weights and Measures, and the International Bureau of Weights and Measures; and

(15) the metric measurement standards recognized and developed by the International Bureau of Weights and Measures have been adopted as the fundamental measurement standards of the United States and the customary units of weights and measures used in the United States have been since 1893 based upon such metric measurement standards.

SEC. 3(a) It is therefore declared that the policy of the United States shall be:

(1) to establish the metric system of measurement as the sole language of measurement in the United States within ten years from the date of the enactment of this Act except for exemptions granted pursuant to the provisions of this Act;

(2) as part of the plan establishing such system, to provide a method of appeal under which exemptions may be granted to persons and businesses upon proof of excessive costs substantially outweighing benefits to the Nation, custom and tradition as a member of a class outweighing such benefits, or other factors determined as part of such plan;

(3) to facilitate and encourage the substitution of metric measurement units for customary measurement units in education, trade, commerce, and all other sectors of the economy of the United States with a view to making metric units the predominant, although not exclusive, language of measurement with respect to transactions occurring after ten years from the date of the enactment of this Act;

(4) to facilitate and encourage the development as rapidly as practicable of new or revised engineering standards based on metric measurement units in those specific fields or areas in the United States where such standards will result in rationalization or simplification of relationships, improvements of design or increases in economy;

(5) to facilitate and encourage the retention in new metric language standards of those United States engineering designs, practices, and conventions that are internationally accepted or embody superior technology;

(6) to cooperate with foreign governments and public and private international organizations which are or become concerned with the encouragement and coordination of increased use of metric measurement units or engineering standards based on such unts, or both, with a view to gaining international recognition for metric standards proposed by the United States;

(7) to assist the public through information and educational programs to become familiar with the meaning and applicability of metric terms and measures in daily life, including—

(A) public information programs conducted by the Board through the use of newspapers, magazines, radio, television, other media, and through talks before appropriate citizens groups and public organizations;

(B) counseling and consultation by the Secretary of Health, Education, and Welfare and the Director, National Science Foundation with educational associations and groups so as to assure that the metric system of measurement is made a part of the curriculums of the Nation's educational institutions and that teachers and other appropriate personnel are properly trained to teach the metric system of measurement;

(C) consultation by the Secretary of Commerce with the National Conference of Weights and Measures so as to assure that State and local weights and measures officials are appropriately informed of the intended metric changeover and are thus assisted in their efforts to bring about timely amendments to weights and measures laws; and

(D) such other public information programs by any Federal agency in support of this Act which relate to the mission of the agency;

(8) to accomplish a changeover to the greatest practical extent within ten years by Federal agencies to the metric system of measurement pursuant to the comprehensive plan developed by the Board; and

(9) to utilize Federal procurement activities to encourage the general use of the metric system of measurement.

(b) It is the purpose of this Act:

(1) to provide for the formulation and initial effectuation of a plan for conversion to the metric system;

(2) to establish a National Metric Conversion Board to develop and implement a metric conversion plan for the United States;

(3) to provide limited assistance to businesses and individuals, substantially effected by metric conversion, in bearing the cost of such conversion; and

(4) To provide for the establishment of a

national information program about metric conversion.

### DEFINITIONS

SEC. 4. For the purpose of this Act—

(a) The term "metric system of measurement" means the International System of Units as established by the General Conference of Weights and Measures in 1960 and interpreted or modified for the United States by the Secretary of Commerce.

(b) The term "engineering standard" means a standard which prescribes a concise set of conditions and requirements to be satisfied by a material, product, process, procedure, convention, test method, and the physical, functional, performance and/or conformance characteristics thereof.

(c) The term "changeover period" means the length of time for the United States to become predominantly, although not exclusively, metric.

### ESTABLISHMENT OF NATIONAL METRIC CONVERSION BOARD

SEC. 5. There is hereby established a National Metric Conversion Board (herein referred to as the "Board") to implement the policy set out in this Act.

### COMPOSITION OF BOARD

SEC. 6. The composition of the Board shall be as follows:

(a) Nine members shall be appointed by the President, with the advice and consent of the Senate, from among those persons with experience and competence in the following areas: business, labor, education, consumer protection, science, and technology. The President shall designate one member appointed by him to serve as Chairman. The members first appointed under this section shall continue in office for terms of one, two, three, four, or five years, from the date this section takes effect, the term of each to be designated by the President at the time of nomination. Their successors shall be appointed each for a term of five years from the date of the expiration of the term which his predecessor was appointed. No more than five of the members shall be appointed from the same political party;

(b) One Member of the Senate shall be appointed by the President of the Senate; and

(c) One Member of the House of Representatives, who shall not be a member of the same political party as the Member of the Senate, shall be appointed by the Speaker of the House of Representatives.

### VACANCIES AND VICE CHAIRMAN

SEC. 7. No vacancy on the Board shall impair the right of the remaining members to exercise all the powers of the Board. Six members of the Board shall constitute a quorum for the transaction of business. The Board shall annually elect a Vice Chairman to act in case of the absence or disability of the Chairman or in case of the vacancy in the office of the Chairman.

### PLAN

SEC. 8. (a) Within eighteen months after funds have been appropriated to carry out the provisions of this Act the Board shall, in furtherance and in support of the policy expressed in section 3 of this Act, develop and submit to the President and the Congress a comprehensive plan to accomplish a changeover to the metric system of measurement in the United States. Such a plan may include recommendations for legislation deemed necessary and appropriate. Such a plan shall include proposed Executive orders or other directives, which the President is authorized to promulgate and make effective, requiring such conversion activities of the Federal Government, including procurement, in accordance with an appropriate time schedule and pursuant to the comprehensive plan. In developing this plan the Board shall—

(1) consult with and take into account the interests and views of the United States commerce and industry, including small business; science; engineering; labor; education; consumers; government agencies at the Federal, State, and local level; nationally recognized standards developing and coordinating organizations; and such other individuals or groups as are considered appropriate by the Board to carry out the purposes of this section;

(2) consult, to the extent deemed appropriate, with foreign governments, public international organizations and, through appropriate member organizations, private international standards organizations. Contact with foreign governments and intergovernmental organizations shall be accomplished in consultation with the Department of State.

(b) Any amendment to the plan shall be submitted by the Board to the President and the Congress under the provisions set out in subsection (a) of this section and section 9 of this Act.

### IMPLEMENTATION

SEC. 9. (a) The Board shall begin implementation of the plan at the end of the first period of sixty calendar days that Congress is in continuous session after the date on which the plan is transmitted to it and to the President unless between the date of transmittal and the end of the sixty-day period, either House passes a resolution stating in substance that it does not favor the plan or the President disapproves the plan and gives his reasons therefor.

(b) For the purpose of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

### POWERS

SEC. 10. In carrying out its duties, the Board is authorized to:

(a) enter into contracts in accordance with the Federal Property and Administrative Services Act of 1949, as amended, with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports and other activities necessary to the discharge of its duties;

(b) conduct hearings at such times and places as it deems appropriate;

(c) establish such committees and advisory panels as it deems necessary to work with the various sectors of the American economy and governmental agencies in the development and implementation of detailed changeover plans for those sectors; and

(d) perform such other acts as may be necessary to carry out the duties prescribed by this Act.

### COMPENSATION OF BOARD

SEC. 11. Members of the Board who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be entitled to receive compensation at a rate of $100 per day, including traveltime, and, while so serving on the business of the Board away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service. Payments under this section shall not render members of the Board employees or officials of the United States for any purpose.

### DIRECTOR AND CONSULTANTS

SEC. 12. (a) The Board is authorized to appoint an Executive Director who shall serve full time and receive basic pay at a rate not to exceed the rate provided for GS–18 in section 5332 of title 5, United States Code, and to appoint and fix the compensation of such staff personnel as may be necessary to carry out the provisions of this Act.

(b) The Board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, compensate individuals so employed at rates not in excess of the rate prescribed for grade 18 of the General Schedule under section 5332 of such title, including traveltime, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of said title 5 for persons in the Government service employed: *Provided however,* That contracts for such employment may be renewed annually.

### STAFF SERVICES

SEC. 13. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other staff services as may be requested by the Board shall be provided the Board by the Secretary of Commerce, for which payment shall be made in advance, or by reimbursement, from funds of the Board in such amounts as may be agreed upon by the Chairman of the Board and the Secretary of Commerce. In performing these functions for the Board, the Secretary is authorized to obtain such information and assistance from other Federal agencies as may be necessary.

### GIFTS

SEC. 14. (a) The Board is hereby authorized to accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, and personal services, for the purpose of aiding or facilitating the work of the Board. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Board.

(b) For the purpose of Federal income, estate, and gift taxes, property accepted under subsection (a) of this section shall be considered as a gift or bequest to or for the use of the United States.

(c) Upon the request of the Board, the Secretary of the Treasury may invest and reinvest in securities of the United States any moneys contained in the fund herein authorized. Income accruing from such securities, and from any other property accepted to the credit of the fund authorized herein, shall be disbursed upon the order of the Board.

### ANNUAL REPORT

SEC. 15. The Board shall submit annual reports of its activities to the President and the Congress with respect to (1) progress being made under such plans; (2) tangible costs and benefits being incurred thereunder; and (3) any additional legislation needed to carry out the policy stated in this Act.

### AUTHORIZATION

SEC. 16. There are hereby authorized to be appropriated, for the preceding sections, not to exceed $3,000,000 for the fiscal year beginning July 1, 1973, not to exceed $4,000,000 for the fiscal year beginning July 1, 1974, and for each of the following three fiscal years not to exceed $4,500,000. Appropriations to carry out those provisions may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

### TAX ASSISTANCE

SEC. 17. (a) Section 167 of the Internal Revenue Code of 1954 (relating to depreciation) is amended by redesignating subsection (m) as (n) and by inserting after subsection (l) the following new subsection:

"(N) PROPERTY NECESSARY FOR METRIC CONVERSION

"(1) USEFUL LIFE.—At the election of the taxpayer, the useful life of property described in paragraph (2) shall, for purposes of this section other than for purposes of subsection (c), be one-half of the useful life determined without regard to this subsection.

"(2) PROPERTY TO WHICH APPLICABLE.—Paragraph (1) shall apply only to personal property which is—

"(A) manufactured in the United States and substantially all of the component parts of which are manufactured in the United States, and

"(B) placed in service in replacement of other property in order to carry out the requirements of the national plan for metric conversion submitted under the Metric Conversion Act of 1971.

"(3) ELECTION.—An election under paragraph (1) with respect to any property shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations.

"(4) REGULATIONS.—The Secretary or his delegate shall, after consultation with the Secretary of Commerce, prescribe regulations to carry out the purposes of this subsection."

(b) As soon as practicable after the submission of the national plan for metric conversion under this Act the Secretary of the Treasury shall submit to the Congress recommendations for additional changes in the Federal income tax laws which he considers necessary to assist in carrying out the national plan. Before submitting recommendations under this subsection the Secretary of the Treasury shall consult with the Secretary of Commerce and the Secretary of Labor, and with such other officers of the United States and such private individuals and organizations as he deems desirable.

CONVERSION ASSISTANCE TO BUSINESSES AND INDIVIDUALS

SEC. 18. (a) Section 7 (b) of the Small Business Act is amended by adding after paragraph (7) a new paragraph as follows:

"(8) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration, in consultation with the Secretary of Commerce, determines to be necessary or appropriate to assist any business concern to make changes in its equipment, facilities, or methods of operation to conform to the national plan of metric conversion submitted under the Metric Conversion Act of 1973, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) (1) The Administrator of the Small Business Administration is authorized, under terms and conditions prescribed by him, to make grants to individuals to defray nonreimbursable expenses which must be incurred by them for the purpose of acquiring tools or instruments which are necessary to their continued employment in a trade or business and are required as the result of the implementation of the national plan of metric conversion submitted under the Metric Conversion Act of 1973. The amount of any such grant to any individual shall not exceed $2,000.

(2) There are authorized to be appropriated to the Small Business Administration such sums as may be necessary to carry out this subsection.

PUBLIC INFORMATION PROGRAMS

SEC. 19. (a) The Commissioner of Education, in consultation with the Secretary of Commerce, shall make grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private non-profit agencies, organizations, and institutions to develop and carry out programs of public education necessary to carry out the policy stated in section 3(a) of this Act.

(b) Financial assistance under this section may be made available only upon application to the Commissioner. Any such application shall be submitted at such time, in such form, and containing such information as the Commission shall prescribe by regulation and shall be approved only if it—

(1) provides that the activities and services for which assistance is sought will be administered by, or under supervision of, the applicant;

(2) describes a program which holds promise of making a substantial contribution toward attaining the purposes of this section;

(3) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application;

(4) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in this section, and in no case supplant such funds;

(5) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(6) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(c) Applications from local education agencies for financial assistance under this section may be approved by the Commissioner only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(d) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

(e) Federal assistance to any program or project under this section shall not exceed 60 per centum of the cost of such program or project, including costs of administration, unless the Commissioner determines, pursuant to regulations establishing objective criteria for such determinations, that assistance in excess of such percentage is required in furtherance of the purposes of this section.

(f) There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this section.

(g) Any agency or organization which receives assistance under this section shall make available to the Commissioner of Education and the Comptroller General of the United States, or any of their duly authorized representatives, for purposes of audit and examination, any books, documents, papers and records that are pertinent to the assistance received by such agency or organization under this section.

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By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 110. A bill to designate certain lands in the Cleveland National Forest, Calif., as the "Agua Tibia Wilderness" for inclusion in the National Wilderness Preservation System;

S. 111. A bill to designate certain lands in the Stanislaus National Forest, Calif., as the "Emigrant Wilderness" for inclusion in the National Wilderness Preservation System;

S. 112. A bill to designate certain lands in the Yosemite National Park in California as wilderness;

S. 113. A bill to designate certain lands in San Luis Obispo County, Calif., as the "Santa Lucia Wilderness" for inclusion in the National Wilderness Preservation System;

S. 114. A bill to designate certain lands in the Mendocino National Forest, Calif., as the "Snow Mountain Wilderness" for inclusion in the National Wilderness Preservation System; and

S. 115. A bill to designate certain lands in the Pinnacles National Monument in California as wilderness. Referred to the Committee on Interior and Insular Affairs.

SIX CALIFORNIA WILDERNESS AREAS

Mr. CRANSTON. Mr. President, I have the privilege to introduce today six bills to add six new California wilderness areas to our national wilderness preservation system. I am delighted that my distinguished colleague from California, Senator JOHN TUNNEY, is joining me as cosponsor of all six bills. All six areas lie within the State of California. Two are part of our national park system; four belong to our national forest. There are other areas in California worthy of wilderness designation for which Senator TUNNEY and I are considering additional legislation.

Our wilderness areas are unique resources which Americans have long desired to protect. As early as the 19th century Americans recognized the need to set aside certain lands for public use and enjoyment when Yellowstone was made our first national park in 1872. More recently, a few farsighted men in the Forest Service, notably Aldo Leopold, conceived and implemented the idea of preserving our wilderness resources for future generations, and stimulated the public debate that resulted in the enactment of the 1964 Wilderness Act.

The overriding purpose of the Wilderness Act is to insure an enduring resource of wilderness for the Nation, not only for this, but also for future generations, so that they too may know what our land was like before man began to modify and alter his environment. As we continue to build roads and dams, cut trees, and pollute our air and streams, there is an increasing urgency to preserve what little wilderness remains, before their unique and unspoiled qualities are lost forever. Congress already has designated 19 wilderness areas in California, totaling 1,700,000 acres. I am proposing an additional 1,094,160 acres be designated as wilderness.

The wilderness areas I am proposing today are Pinnacles Wilderness in Pinnacles National Monument, San Benito County; Santa Lucia Wilderness in Los Padres National Forest, San Luis Obispo County; Snow Mountain Wilderness in Mendocino National Forest, Lake, Glenn, and Colusa Counties; Agua Tibia Wilderness in Cleveland National Forest, Riverside and San Diego Counties; Emigrant Wilderness in Stanislaus National Forest, Tuolumne County; and Yosemite Wildernesses in Yosemite National Park, Tuolumne, Mariposa, and Madera Counties.

Mr. President, I introduce for appropriate reference a bill to designate certain lands within Pinnacles National Monument as wilderness. This bill was originally introduced in the 90th Congress by my distinguished predecessor, Senator Thomas H. Kuchel. He proposed five wilderness areas for California, four of which have been established. The approval of the Pinnacles wilderness bill will complete congressional action on all of Senator Kuchel's wilderness proposals. I hope this session of Congress can act quickly on the bill not only because it will preserve a unique and beautiful area in California, but also as a tribute to an outstanding Californian who served his State and the Nation with distinction in the U.S. Senate.

In the 91st Congress, the bill was introduced by the distinguished chairman of the Interior Committee, Senator Henry Jackson. Senator George Murphy and I were cosponsors. In the 92d Congress, I introduced legislation to add Pinnacles to the national wilderness system.

Pinnacles National Monument lies 125 miles south of the San Francisco Bay area in one of the coastal mountain ranges, the Gabilan Mountains. Noted for its tall pinnacle rock structures, the monument was once the site of an ancient volcano which rose to the height of 8,000 feet. Wind and water erosion, combined with the movements of two large faults, carved the unique spires and created the narrow canyons which contain two talus caves. The semi-arid land is covered primarily by the dry, leathery chaparral which has been relatively untouched. Within the monument exist the habitats of many species of wildlife, including the endangered peregrine falcon and the golden eagle.

Mr. President, I introduce for appropriate reference a bill to designate certain lands in San Luis Obispo County as the Santa Lucia Wilderness. This is the same as a bill I introduced in the 92d Congress to establish a wilderness in this area. I have changed the name of the proposed wilderness from Lopez Canyon to Santa Lucia so as to avoid past confusion of the proposed wilderness with Lopez Dam and Recreation Area. I am pleased that Senator Tunney is again joining me as cosponsor of this bill.

Lopez Canyon is located within the Los Padres National Forest in San Luis Obispo County, along the central coast of California. The area of 22,250 acres is basically a wild, rough highland with numerous outcroppings of rock. Except for three flat, fern-covered valleys, the area is mostly covered with pine and oak and chaparral.

The late Dr. Robert F. Hoover, a former professor of botany at California State Polytechnic College, noted that the Lopez Canyon area contains the only stand of knobcone pine between Monterey and the San Bernardino Mountains, one of the most extensive stands of bigcone pine in existence, extensive stands of two species of manzanita, especially fine groves of canyon oak, tan oak, maple, and sycamore, and at least 12 species of ferns—more than half the entire number known to exist in the country.

Dr. Hoover once described the delicate character of the canyon:

> In the upper end of the canyon, and probably in some of the tributaries, magnificent natural gardens including Woodwardia ferns, Aralia, maidenhair ferns, leopard lilies and wild orchids can be found. Accessibility of the area to large numbers of people could only lead to the destruction of this priceless and irreplaceable heritage.

A former regional forester of the Department of Agriculture has stated that Lopez Canyon "is by far the most attractive area between two existing wildernesses, the San Rafael and Ventana."

In the Senate Interior Committee hearings on the Lopez Canyon wilderness held in the 92d Congress, there were some criticisms voiced about manmade imperfections, in particular a 70-kilovolt power transmission line within the boundaries I then proposed. I have revised my bill to exclude the power line at the present time, but to provide that the area automatically receive wilderness designation when the transmission line is removed. The power line is a temporary easement granted for 50 years, ending in 1991. I also have revised the boundaries to exclude all roads which are now open to public vehicles. I am hopeful that with these changes we can move ahead and designate this unique and beautiful wilderness which is only 12 miles from the growing urban center of the city of San Luis Obispo.

Mr. President, I introduce for appropriate reference a bill to designate certain lands within the Mendocino National Forest as the Snow Mountain wilderness. I introduced this bill in the 92d Congress with Senator Tunney and am pleased that he is again cosponsoring my bill.

Located in the coastal mountain ranges of Lake, Colusa, and Glenn Counties about 80 miles north of San Francisco, the Snow Mountain area is the closest available wilderness north of the Bay Area. Snow Mountain itself is a peak of 7,056 feet, affording a unique opportunity for solitude and a spectacular view of the upper Sacramento Valley. It is the last remnant of the Mendocino National Forest that is still roadless and undeveloped.

The area of 37,000 acres contains a wide variety of vegetation types, ranging from chaparral and brush to mixed conifers, red fir, white fir, ponderosa pine. These provide a natural refuge for deer, squirrel, bob cat, golden eagles, and quail. Bear and mountain lions also have been sighted there. The rough country of Snow Mountain is an outstanding example of the primitive character of the Coast Ranges.

The Mendocino National Forest in recent years has been the scene of a great deal of logging and road-building. Incursions by motorized vehicles into the Snow Mountain area have increased and have been acknowledged as a serious hazard to the sensitive ecology by the Forest Service. A wilderness designation is the only way of preserving and protecting as an enduring resource this last untouched portion of the Mendocino National Forest.

Mr. President, I introduce for appropriate reference a bill to designate certain lands in the Cleveland National Forest as the Agua Tibia Wilderness.

The Agua Tibia area of Cleveland National Forest is located in the west half of the Mount Palomar Range, approximately 40 miles north of San Diego and 75 miles southeast of Los Angeles. Agua Tibia Mountain, "warm water" in Spanish, rises 5,400 feet, with brush-covered slopes that have been eroded and cut by intermittent streams to form deep canyons.

Elevations vary from 1,400 feet in the canyon bottoms to the 5,400-foot peak which is covered with a conifer forest. Broad, sweeping panoramas can be seen from the upper ridges, not only of the immediate area but of distant mountains and valleys and, on clear days, the Pacific Ocean, 40 miles west. The wildlife habitat in the Agua Tibia area is plentiful, with southern mule deer, mountain lions, golden eagle, quail, band-tailed pigeon, dove, and hawk among others. This rugged land, nearly 5 miles long and 3 miles wide, offers solitude to those seeking a wilderness experience.

Mr. President, I introduce for appropriate reference a bill to designate certain lands within the Stanislaus National Forest as the Emigrant wilderness.

Emigrant Basin in Stanislaus National Forest is located along the west slope of the Sierra Nevada Mountains approximately 185 miles east of San Francisco, and 130 miles south of Reno, Nev. The 113,000 acre area is entirely within Tuolumne County, with Yosemite National Park forming 15 miles of the southern boundary.

Emigrant Basin has superb scenery with rugged mountains, glaciated ridges and valleys, more than 100 lakes and streams bordered by meadows and alpine vegetation. Elevations range from 5,200 feet on the west to 11,500 Leavitt Peak on the Sierra Crest, with eight peaks over 10,000 feet in height. The area abounds with California black-tailed deer and mule deer, mountain lion and black bear in the summer, and numerous small mammals year-round.

There are several existing grazing permits and 40 mining permits in the area as well as a number of man-made improvements—two well-hidden snow cabins, seven well-distributed snow measuring courses, and several cabins and barns for managing livestock. Except for the snow cabins and snow courses, the other structures will be removed within 10 years after the area is classified as wilderness. In addition, there are some small inconspicuous flow maintenance dams made of natural rock and covered with moss and lichens. These are substantially unnoticeable and do not detract from the wilderness quality of the area. There is also a 21-mile unpaved access road to the mining sites in the heart of the Emigrant Basin. If this road were closed to vehicular traffic, it would quickly revert to nature and regain its wilderness character.

Mr. President, I introduce for appropriate reference a bill to designate certain lands within Yosemite National Park as wilderness.

Known as one of the most beautiful and scenic units of our national park system, Yosemite National Park in recent years has experienced tremendous increases in visitor usage resulting in congestion, intolerable crowding, and confusion around the campsites on the valley floor. Although Yosemite National Park is located in the central portion of the Sierra Nevada Mountains, in portions of Tuolumne, Mariposa, and Madera Counties, it draws visitors from Los Angeles and San Francisco, as well as from the rest of the State and the Nation.

Yet in areas away from the campsites, solitude and natural serenity is still possible in the valley. There are outstanding geological, biological, and scenic resources—exceptional glaciated topography, sheer massive granite walls, magnificent waterfalls, virgin conifer forests, mountain lakes, streams, and meadows. The park provides a home for mule deer, black bear, wildcat, and the rare mountain lion.

To insure that this rich resource is not endangered further, I am proposing the designation of two wilderness areas, to be known as Yosemite South and Yosemite North, totaling 692,500 acres.

Mr. President, I ask unanimous consent that the bills be printed at this point in the RECORD.

There being no objections, the bills were ordered to be printed in the RECORD, as follows:

### S. 110

A bill to designate certain lands in the Cleveland National Forest, California, as the "Agua Tibia Wilderness" for inclusion in the National Wilderness Preservation System

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with section 3(b) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132(b)), certain lands in the Cleveland National Forest, California, which comprise approximately sixteen thousand four hundred and ten acres and which are generally depicted on a map entitled "Agua Tibia Wilderness—Proposed" and dated March 1972, are hereby designated as wilderness.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the wilderness area with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The wilderness area designated by this Act shall be known as the "Agua Tibia Wilderness" and shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas.

### S. 111

A bill to designate certain lands in the Stanislaus National Forest, California, as the "Emigrant Wilderness" for inclusion in the National Wilderness Preservation System

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with section 3(b) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132(b)), certain lands in Stanislaus National Forest, California, which comprise approximately one hundred and thirteen thousand acres and which are generally depicted on a map entitled "Emigrant Wilderness—Proposed" and dated March 1972, are hereby designated as wilderness.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the wilderness area with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The wilderness area designated by this Act shall be known as the "Emigrant Wilderness" and shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas.

### S. 112

A bill to designate certain lands in the Yosemite National Park in California as wilderness

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with subsection 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), certain lands in the Yosemite National Park, California, which comprise about six hundred and ninety-two thousand five hundred acres and which are depicted on a map entitled "Yosemite North Wilderness and Yosemite South Wilderness—Proposed" and dated October 1972, are hereby designated as wilderness: *Provided, however,* that each tract identified on said map as "Wilderness Reserve" is designated as wilderness, subject only to the removal from each such tract of the existing nonconforming improvements, at which times the Secretary of the Interior is directed to publish notice thereof in the Federal Register. Pending such notice, and subject only to the existing nonconforming improvements, each such tract shall be managed as wilderness in accordance with section 3 of this Act.

SEC. 2. As soon as practicable after this Act takes effect, a map and a legal description of the wilderness areas designated by and pursuant to this Act shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The wilderness areas designated by and pursuant to this Act shall be known as the "Yosemite North Wilderness" and the "Yosemite South Wilderness" and shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

### S. 113

A bill to designate certain lands in San Luis Obispo County, California, as the "Santa Lucia Wilderness" for inclusion in the National Wilderness Preservation System

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in furtherance of the purposes of the Wilderness Act (78 Stat. 890), certain lands in and adjacent to the Los Padres National Forest, San Luis Obispo County, California, which comprise about twenty-one thousand two hundred and fifty acres and which are generally depicted on a map entitled "Santa Lucia Wilderness—Proposed" and dated January 1973, are hereby designated as wilderness: *Provided, however,* That the tract identified on said map as "Wilderness Reserve: is designated as wilderness, subject only to the removal of the existing and temporary nonconforming improvement, at which time the Secretary of Agriculture is directed to publish notice thereof in the Federal Register. Pending such notice, and subject only to the maintenance of the existing nonconforming improvement, said tract shall be managed as wilderness in accordance with section 3 of the Act.

SEC. 2. As soon as practicable after this Act takes effect, a map and a legal description of the wilderness area designated by and pursuant to this Act shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. (a) The wilderness area designated by and pursuant to this Act shall be known as the "Santa Lucia Wilderness" and shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that portion outside the boundary of the Los Padres National Forest shall be so administered by the Secretary of the Interior.

(b) Notwithstanding the provisions of section 5 of the Wilderness Act, the Secretary of Agriculture, and, within the portion of such area outside the boundary of the Los Padres National Forest, the Secretary of Interior, are authorized to acquire by donation, purchase with donated or appropriated funds, exchange or otherwise any non-Federal lands located within the area designated as wilderness by this Act as the appropriate Secretary may determine necessary or desirable for the purposes of this Act and the Wilderness Act.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

### S. 114

A bill to designate certain lands in the Mendocino National Forest, California, as the "Snow Mountain Wilderness" for inclusion in the National Wilderness Preservation System

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in furtherance of the purposes of the Wilderness Act (78 Stat. 890), certain lands in the Mendocino National Forest, California, which comprise approximately thirty seven thousand acres, and which are generally depicted on a map entitled "Snow Mountain DeFacto Wilderness Area" and dated June 1971, are hereby designated as wilderness.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The wilderness area designated by this Act shall be known as the "Snow Mountain Wilderness" and shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas.

### S. 115

A bill to designate certain lands in the Pinnacles National Monument in California as wilderness

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with section 3(c) of the Wilderness Act (78 Stat. 890), certain lands in the Pinnacles National Monument, California, which comprise about thirteen thousand acres and which are generally depicted on a map entitled "Pinnacles Wilderness—Proposed" and dated April 1968, are hereby designated as wilderness.

SEC. 2. As soon as practicable after this Act takes effect, a map and legal description of the wilderness area designated by and pursuant to this Act shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The wilderness area designated by this Act shall be known as the "Pinnacles Wilderness" and shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

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By Mr. SCHWEIKER (for himself, Mr. JAVITS, Mr. KENNEDY, and Mr. SCOTT of Pennsylvania):

S. 136. A bill to authorize financial assistance for opportunities industrialization centers. Referred to the Committee on Labor and Public Welfare.

### OPPORTUNITIES INDUSTRIALIZATION ASSISTANCE ACT

Mr. SCHWEIKER. Mr. President, one of the key tasks before this new Congress is to take action to reform the existing structure of Federal manpower training programs.

This action, Mr. President, is long overdue. In 1970, a major manpower reform bill, the Employment and Manpower Act, did pass the Congress but was vetoed by the President. In the 92d Congress just past, we did enact the Emergency Employment Act of 1971. But while this added an important new program providing public service jobs, it did not overhaul the existing job training programs of the Federal Government.

Now, Mr. President, 2 years after the last major attempt at Federal manpower reform, we continue to face an unemployment crisis. Our national unemployment rate is 5.2 percent, and I feel that is too high. But among certain parts of the work force, the rate of joblessness is even higher. For example, 7.4 percent of blue collar workers are unemployed.

Among Vietnam veterans, 8 percent are unemployed.

Among blacks and other minorities, 10.3 percent are unemployed, and for minority teenagers, the rate is a staggering 35–40 percent.

Among construction workers, 10.4 percent are unemployed.

And among teenagers generally, 17 percent are unemployed.

Our Federal job training efforts, it seems, have been a mixed bag, shared by many different categorical programs in several different agencies. Some of these programs have worked, but some have not. It is urgent that we take a hard look at manpower training this year, and I know that the Subcommittee on Employment, Manpower and Poverty, on which I serve, will be doing just this in early hearings. For with high unemployment hitting so many groups in society, we can ill-afford manpower training programs that are not doing their full job.

And as we examine the progress and the pitfalls of manpower training programs, it is time to recognize in Federal legislation one of the most successful manpower training movements in our history—the opportunities industrialization centers, or OIC's.

Founded by a group of Philadelphia ministers, led by the dynamic Rev. Dr. Leon H. Sullivan, just 9 years ago in an abandoned Philadelphia police station, the OIC's now operate in more than 100 American cities. They have given comprehensive prevocational and vocational counseling and training to over 100,000 persons, and two-thirds are still on the jobs where they were placed by OIC.

By training these people at a cost of $1,200 to $1,800 each for meaningful employment, Dr. Sullivan estimates that the OIC organization has already saved our Nation $100 million in welfare payments—because the income of OIC trainees has doubled. Truly they are off the welfare rolls, and onto payrolls, thanks in large part to OIC's work.

Rev. Dr. Sullivan's forceful leadership has been one of the principal assets of the OIC movement over the past 9 years. But mainly, OIC has succeeded so well because it has been based on self-help, the idea that such an organization can be founded, led and operated from within the minority community itself.

This has brought badly needed job training to the men and women of inner city minority communities, but just as important is the heightened self-esteem that these men and women have gained through their identifying with an organization developed in their community, rather than by outsiders.

The Federal Government, Mr. President, has already recognized the value of OIC as a part of the overall Federal manpower training effort. Currently the Federal Government provides more than $30 million annually in assistance to the OIC's nationally.

But OIC's are ready to enter a new phase. Now located in 100 communities, the OIC's can be utilized to train no less than 100,000 men and women each year, if the Federal resources are made available. With the OIC facilities and the OIC organization and philosophy already in place, we have a rare opportunity to put this machinery into high gear and really do something substantial about our job-training crisis.

My bill would authorize $100 million in funds to OIC for the coming fiscal year 1974. In the next fiscal year, the authorization would rise to $150 million, and in the year after that, $200 million.

Mr. President, this legislation is similar to that which was first introduced in the 91st Congress as S. 1362 by the distinguished Senator from Delaware (Mr. BOGGS). I joined as a cosponsor of that bill, and as a member of the Subcommittee on Employment, Manpower and Poverty, I offered the amendment in the committee to include this OIC provision as a part of the 1970 manpower bill. The OIC provision was retained in the conference version of the manpower bill, which was vetoed by the President, although certainly not because of the OIC provision in the bill. In the 92d Congress, the Senator from Delaware reintroduced his measure as S. 687, but as you know, in the last Congress there was no action taken on major manpower legislation.

In considering the OIC program for inclusion in the 1970 manpower bill, the report of the Committee on Labor and Public Welfare said this about OIC:

> The facts clearly seem to justify the conclusion that this is an unusually successful and surprisingly low-cost manpower program, solidly accepted by both the poverty community and the private sector.

Mr. President, this same statement could be made today. And this is why I am introducing this bill today, and will be working to have OIC included in the new manpower legislation in this Congress.

Mr. President, I am pleased that three distinguished Senators who have all been strong supporters of OIC are joining me in cosponsoring this bill today. They are the ranking minority members of the Committee on Labor and Public Welfare, the Senator from New York (Mr. JAVITS), my colleague from Pennsylvania, the Republican Leader (Mr. SCOTT), and the senior Senator from Massachusetts (Mr. KENNEDY).

Mr. President, I send this bill to the desk for appropriate reference and ask that the text be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 136

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Opportunities Industrialization Assistance Act".

#### DEFINITIONS

SEC. 2. For the purposes of this Act, the term—

(1) "Secretary" means the Secretary of Labor; and

(2) "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

#### APPROPRIATION AUTHORIZED

SEC. 3. For the purposes of carrying out this Act, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1974, $150,000,000 for the fiscal year ending June 30, 1975, and $200,000,000 for the fiscal year ending June 30, 1976.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

#### PROGRAM AUTHORIZED

SEC. 4. The Secretary shall make financial assistance available under this Act for the establishment and operation in any State of opportunities industrialization centers designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, family planning, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made to assure that (1) residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 5. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States under this title. In developing such criteria as are appropriate for each part, he shall consider, among other relevant factors, the ratios of population, unemployment, and income levels.

LIMITATION ON FEDERAL ASSISTANCE

SEC. 6. Federal financial assistance to any program carried out pursuant to this Act shall not exceed 90 per centum of the cost of such program, including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the objectives of this Act. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

ADMINISTRATION

SEC. 7. (a) The Secretary shall prescribe regulations to assure that programs assisted under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of inservice training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds received under this Act.

(b) The Secretary may prescribe such additional rules and regulations as he deems necessary to carry out the provisions of this Act.

(c) In carrying out his functions under this Act, the Secretary is authorized to utilize with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

REPORT

SEC. 8. The Secretary shall transmit, as a part of the annual report required of the Department of Labor, a detailed report setting forth the activities conducted under this Act, including information on the extent to which participants in such activities subsequently secure and retain employment.

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By Mr. HARTKE:

S. 151. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes. Referred to the Committee on Finance.

THE FOREIGN TRADE AND INVESTMENT ACT OF 1973

Mr. HARTKE. Mr. President, America is in the throes of a foreign trade and investment crisis. The whole fabric of a world economy built on free and fair trade has been weakened by America's failure to set a course that would restore order to world markets.

There was a time, Mr. President, when individual countries were content to ride out domestic economic cycles, accepting the bust as the unfortunate but necessary cost of a preceding boom. That era drew to a close in the 1930's when governments around the world accepted responsibility for achieving stability in their individual economies.

Despite efforts to stabilize the world economy following World War II, international trade cycles were never brought under effective control. Neither the world nor America can leave the world marketplace to a hodgepodge of national policies and a few beleaguered international agreements.

The Foreign Trade and Investment Act of 1973 which I am introducing today, provides a new basis for orderly world trade, controls the worst practices of the transnational firms, and allows American firms to compete with imports on an equitable basis.

The domestic impact of existing trade policies has been devastating. In 1971, America suffered her first deficit in foreign trade—$2.2 billion of red ink. Despite administration action to devalue the dollar, the deficit tripled in 1972 to more than $6 billion.

Many firms and whole industries have been lost to the sudden tide of imports that started in the late 1960's. The personal impact of recent trade figures can be found in high unemployment, lost pensions, and weakened communities.

Blinded by healthy trade surpluses in the early postwar years, America has been slow to adapt to a rapidly changing world economy.

While America adhered to the old doctrine of free trade, a powerful trading bloc has arisen in Europe, and Japan has grown into an industrial giant. Using a system of close government-industry cooperation, import quotas and other trade barriers, and capital controls, the Japanese have achieved the highest rate of growth of any industrialized nation. Sheltered by the common barriers against foreign goods, the European economic community has shown a similar, though not quite as spectacular, record.

The postwar era has also witnessed the rapid growth of the transnational firm. The book value of direct investments by the U.S.-based transnationals grew from $32 billion in 1960 to $78 billion in 1970. Over the same period, plant and equipment expenditures by U.S. corporations rose 60 percent faster abroad than they did in the United States. In part, responding to favorable tax treatment and America's old line free trade policies, more than 8,000 subsidiaries of American firms have been established overseas. Following this flow of capital and firms is American technology and know-how. Frequently developed at the great expense of American tax dollars, this technology fuels economies of foreign lands at our expense.

Our international trade policies have collapsed, American industries are injured and several million Americans are unemployed. Yet this administration has no policy to meet this crisis. Instead, there is a surcharge here, an anti-dumping hearing there. We hear much talk of new studies, long-term ongoing negotiations and the long-term effects of currency realinement, but there is still no administration trade policy.

To deal with this state of anarchy and disarray, I am reintroducing the first really comprehensive trade bill in this decade. The Foreign Trade and Investment Act of 1973 is designed to put our industry on an even footing with foreign competition and to make domestic investment just as attractive as investment abroad.

To meet the huge deficits in the balance of payments and the balance of trade, I propose a system of import quotas. Based on the relationship between imports and domestic production in the 1965–69 period, this measure would stabilize imports, preserve domestic industry and keep hundreds of thousands of jobs in America. Under my plan, imports would continue to grow in concert with domestic production, preserving the 1965–69 relationship. Our trading partners would be assured of a steadily expanding market while our domestic interests would be fully protected.

The Foreign Trade and Investment Act moves to bring back tax equity in the treatment of the purely American and the transnational firm.

At present, our tax laws make an overseas investment more attractive than one in Indiana or New York. For example, profits earned by a foreign subsidiary of an American firm are not taxed until they are repatriated. To the extent that the firm does pay taxes to a foreign government, these taxes count as a dollar-for-dollar credit against any Federal tax liability.

Profits made in Indiana are taxed when earned. And taxes paid to the State of Indiana can only be taken as deductions against gross income rather than as a Federal tax credit. My bill will plug both of these gaping loopholes through which American capital, technology, and jobs have poured.

Although most countries regulate their technology and carefully control outflows of capital, America has largely left these matters in private hands. In the past, American transnational firms contributed to the fall of the dollar by pursuing their own corporate ends in international currency speculation. Plants are closed, new inventions are immediately licensed overseas, workers are thrown out of work, and all because of some private calculation of short-term profit. There is no reason why the world's greatest democracy should leave her trade and investment policy in the hands of a few. The Foreign Trade and Investment Act will bring these practices under national control for the first time by empowering the President to limit capital and technology flows where they would have an adverse effect on domestic employment.

The world of the 1970's is vastly different from preceding eras. Transportation costs have plummeted downward, communications are vastly improved, multinational organizations and corporations abound, and most countries are pursuing nationalistic trade policies or seeking to industrialize behind carefully designed tariff walls.

By restoring the attractiveness of domestic investment, controlling predatory trade practices and regulating the American based transnational firm, the Hartke approach to trade policy will put America back on the path to a world of free and fair trade.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with my introductory statement.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

### S. 151

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Foreign Trade and Investment Act of 1973".

### PREAMBLE

In order to accomplish the domestic and foreign policy goals of the United States, it is necessary to promote and maintain a fully employed, innovative, and diversified production base in the United States. In recent years rapidly increasing imports, sometimes promoted by foreign government assistance or unregulated unfair trade practices, have all but eliminated certain domestic industries, and are threatening to destroy critical portions of the United States production base. It is the intent of Congress, in enacting this statute, to insure that this destruction does not occur.

To this end, this statute should be interpreted to insure that the production of goods which have historically been produced in the United States is continued and maintained. To the extent that production of such goods has been transferred abroad, it is the intent of Congress that this production be encouraged to return to the United States. Moreover, as new products are developed and marketed in the United States this legislation should be administered such that a fair proportion of such production is maintained in the United States.

### TITLE I

SEC. 101. AMENDMENT OF EXISTING LAW.

Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 102. TAXATION OF EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Part III of subchapter N of chapter 1 (relating to income from sources without the United States) is amended by inserting after subpart H thereof the following:

"Subpart I—Controlled Foreign Corporations

"SEC. 983. Amounts included in gross income of United States shareholders.
"Sec. 984. Definitions.
"Sec. 985. Rules for determining stock ownership.
"Sec. 986. Exclusion from gross income of previously taxed earnings and profits.
"Sec. 987. Adjustments to basis of stock in controlled foreign corporations and of other property.
"Sec. 988. Records and accounts of United States shareholders.

"SEC. 983. AMOUNTS INCLUDED IN GROSS INCOME OF UNITED STATES SHAREHOLDERS.

"(a) AMOUNTS INCLUDED.—

"(1) IN GENERAL.—If a foreign corporation is a controlled foreign corporation for an uninterrupted period of 30 days or more during any taxable year, every United States shareholder of such corporation who owns (within the meaning of section 985(a)) stock in such corporation on the last day in such year on which such corporation is a controlled foreign corporation shall include in its gross income, for its taxable year in which or with which such taxable year of the corporation ends, its pro rata share of the corporation's earnings and profits for such year.

"(2) PRO RATA SHARE OF EARNINGS AND PROFITS.—A United States shareholder's prorata share referred to in paragraph (1) is the amount—

"(A) which would have been distributed with respect to the stock which such shareholder owns (within the meaning of section 985(a)) in such corporation if on the last day, in its taxable year, on which the corporation is a controlled foreign corporation it had distributed pro rata to its shareholders an amount (i) which bears the same ratio to its earnings and profits for the taxable year, as (ii) the part of such year during which the corporation is a controlled foreign corporation bears to the entire year, reduced by

"(B) an amount (i) which bears the same ratio to the earnings and profits of such corporation for the taxable year as (ii) the part of such year described in subparagraph (A)(ii) during which such shareholder did not own (within the meaning of section 985 (a)) such stock bears to the entire year.

"(b) EARNINGS AND PROFITS.—For purposes of this subpart, under regulations prescribed by the Secretary or his delegate, the earnings and profits of any foreign corporation, and the deficit in earnings and profits of any foreign corporation, for any taxable year—

"(1) except as provided in section 312(m) (3), shall be determined according to rules substantially similar to those applicable to domestic corporations,

"(2) shall be appropriately adjusted for deficits in earnings and profits of such corporation for any prior taxable year beginning after December 31, 1973,

"(3) shall not include any item of income which is effectively connected with the conduct by such corporation of a trade or business within the United States unless such item is exempt from taxation (or is subject to a reduced rate of tax) pursuant to a treaty obligation of the United States, and

"(4) shall not include any amount of earnings and profits which could not have been distributed by such corporation because of currency or other restrictions or limitations imposed under the laws of any foreign country.

"(c) COORDINATION WITH ELECTION OF A FOREIGN INVESTMENT COMPANY TO DISTRIBUTE INCOME.—A United States shareholder who, for his taxable year, is a qualified shareholder (within the meaning of section 1247 (c)) of a foreign investment company with respect to which an election under section 1247 is in effect shall not be required to include in gross income, for such taxable year, any amount under subsection (a) with respect to such company.

"(d) COORDINATION WITH FOREIGN PERSONAL HOLDING COMPANY PROVISIONS.—In the case of a United States shareholder who, for his taxable year, is subject to tax under section 55(b) (relating to foreign personal holding company income included in gross income of United States shareholders) on income of a controlled foreign corporation, the amount required to be included in gross income by such shareholder under subsection (a) with respect to such company shall be reduced by the amount included in gross income by such shareholder under section 551(b).

"SEC. 984. DEFINITIONS.

"(a) UNITED STATES SHAREHOLDER DEFINED.—For purposes of this subpart, the term 'United States shareholder' means, with respect to any foreign corporation, a domestic corporation which owns (within the meaning of section 985(a)), or is considered as owning by applying the rules of ownership of section 985(b), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such foreign corporation.

"(b) CONTROLLED FOREIGN CORPORATION DEFINED.—

For purposes of this subpart, the term "controlled foreign corporation" means any foreign corporation of which more than 50 percent of the total combined voting power of all classes of stock entitled to vote is owned (within the meaning of section 985 (a)), or is considered as owned by applying the rules of ownership of section 985(b), by United States shareholders on any day during the taxable year of such foreign corporation.

"SEC. 985. RULES FOR DETERMINING STOCK OWNERSHIP.

"(a) DIRECT AND INDIRECT OWNERSHIP.—

"(1) GENERAL RULE.—For purposes of this subpart, stock owned means—

"(A) stock owned directly, and

"(B) stock owned with the application of paragraph (2).

"(2) STOCK OWNERSHIP THROUGH FOREIGN ENTITIES.—For purposes of subparagraph (B) of paragraph (1), stock owned, directly or indirectly, by or for a foreign corporation or foreign estate (within the meaning of section 7701(a)(31) or by or for a partnership or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries. Stock considered to be owned by a person by reason of the application of the preceding sentence shall, for purposes of applying such sentence, be treated as actually owned by such person.

"(b) CONSTRUCTIVE OWNERSHIP.—For purposes of section 984, section 318 (a) (relating to constructive ownership of stock) shall apply to the extent that the effect is to treat any domestic corporation as a United States shareholder within the meaning of section 984(a), or to treat a foreign corporation as a controlled foreign corporation under section 984(b), except that—

"(1) In applying subparagraphs (A), (B), and (C) of section 318(a)(2), if a partnership, estate, trust, or corporation owns, directly or indirectly, more than 50 percent of the total combined voting power of all classes of stock entitled to vote of a corporation, it shall be considered as owning all of the stock entitled to vote.

"(2) In applying subparagraph (C) of section 318(a)(2), the phrase '10 percent' shall be substituted for the phrase '50 percent' used in subparagraph (C).

"SEC. 986. EXCLUSION FROM GROSS INCOME OF PREVIOUSLY TAXED EARNINGS AND PROFITS.

"(a) EXCLUSION FROM GROSS INCOME.—For purposes of this chapter, the earnings and profits for a taxable year of a foreign corporation attributable to amounts which are, or have been, included in the gross income of a United States shareholder under section 983(a) shall not, when such amounts are distributed directly, or indirectly through a chain of ownership described under section 985(a), to—

"(1) such shareholder (or any domestic corporation which acquires from any person any portion of the interest of such United States shareholder in such foreign corporation, but only to the extent of such portion, and subject to such proof of the identity of such interest as the Secretary or his delegate may by regulations prescribe), or

"(2) a trust (other than a foreign trust) of which such shareholder is a beneficiary, be again included in the gross income of such United States shareholder (or of such domestic corporation or of such trust).

"(b) Exclusion From Gross Income of Certain Foreign Subsidiaries.—For purposes of section 983(a), the earnings and profits for a taxable year of a controlled foreign corporation attributable to amounts which are, or have been, included in the gross income of a United States shareholder under section 983(a), shall not, when distributed through a chain of ownership described under section 985(a), be also included in the gross income of another controlled foreign corporation in such chain for purposes of the application of section 983(a) to such other controlled foreign corporation with respect to such United States shareholder (or to any other United States shareholder who acquires from any person any portion of the interest of such United States shareholder in the controlled foreign corporation, but only to the extent of such portion, and subject to such proof of identity of such intertest as the Secretary or his delegate may prescribe by regulations).

"(c) Allocations of Distributions.—For purposes of subsections (a) and (b), section 316(a) shall be applied by applying paragraph (2) thereof, and then paragraph (1) thereof—

"(1) first, to earnings and profits attributable to amounts included in gross income under section 983(a), and

"(2) then to another earnings and profits.

"(d) Distributions Excluded From Gross Income Not To Be Treated as Dividends.—Any distribution excluded from gross income under subsection (a) shall be treated, for purposes of this chapter, as a distribution which is not a dividend.

"Sec. 987. Adjustments to Basis of Stock in Controlled Foreign Corporations and of Other Property.

"(a) Increase in Basis.—Under regulations prescribed by the Secretary or his delegate, the basis of a United States shareholder's stock in a controlled foreign corporation, and the basis of property of a United States shareholder by reason of which it is considered under section 985(a)(2) as owning stock of a controlled foreign corporation, shall be increased by the amount required to be included in its gross income under section 983(a) with respect to such stock or with respect to such property, as the case may be, but only to the extent to which such amount was included in the gross income of such United States shareholder.

"(b) Reduction in Basis.—

"(1) In general.—Under regulations prescribed by the Secretary or his delegate, the adjusted basis of stock or other property with respect to which a United States shareholder or a United States person receives an amount which is excluded from gross income under section 986(a) shall be reduced by the amount so excluded.

"(2) Amount in excess of basis.—To the extent that an amount excluded from gross income under section 986 (a) exceeds the adjusted basis of the stock or other property with respect to which it is received, the amount shall be treated as gain from the sale or exchange of property.

"Sec. 988. Records and Accounts of United States Shareholders.

"(a) Records and Accounts To Be Maintained.—The Secretary or his delegate may by regulations require each person who is, or has been, a United States shareholder of a controlled foreign corporation to maintain such records and accounts as may be prescribed by such regulations as necessary to carry out the provisions of this subpart.

"(b) Two or More Persons Required To Maintain or Furnish the Same Records and Accounts With Respect to the Same Foreign Corporation.—Where, but for this subsection, two or more persons would be required to maintain or furnish the same records and accounts as may by regulations be required under subsection (a) with respect to the same controlled foreign corporation for the same period, the Secretary or his delegate may by regulations provide that the maintenance or furnishing of such records and accounts by only one such person shall satisfy the requirements of subsection (a) for such other persons."

(b) Technical and Conforming Amendments.—

(1) Section 864(c)(4)(D) is amended to read as follows:

"(D) No income from sources without the United States shall be treated as effectively connected with the conduct of a trade or business within the United States if it consists of dividends, interest, or royalties paid by a foreign corporation in which the taxpayer owns (within the meaning of section 958(a)), or is considered as owning (by applying the ownership rules of section 958 (b)), more than 50 percent of the total combined voting power of all classes of stock entitled to vote."

(2) Section 951 is amended by adding at the end thereof the following:

"(e) Taxable Years Ending After December 31, 1973.—No amount shall be required to be included in the gross income of a United States shareholder under subsection (a) (other than paragraph (1)(A)(ii) of such subsection) with respect to a taxable year of a controlled foreign corporation ending after December 31, 1973."

(3) Section 1016(a)(20) is amended by striking out "section 961" and inserting in lieu thereof "section 961 and 987".

(4) Section 1246(a)(2)(B) is amended by inserting "or 983" after "section 951" and by inserting "or 986" after "section 959".

(5) Section 1248 is amended—

(A) by striking out subsection (b);

(B) by revising subsection (d)(1) to read as follows:

"(1) Amounts included in gross income under section 951 or 983.—Earnings and profits of the foreign corporation attributable to any amount previously included in the gross income of such person under section 951 or 983, with respect to the stock sold or exchanged, but only to the extent the inclusion of such amount did not result in an exclusion of an amount from gross income under section 959 or 986.";

(C) by striking out in subsection (d)(3) "section 902(d)" and inserting in lieu thereof "subsection (h)", and by adding at the end of such subsection "No amount shall be excluded from the earnings and profits of a foreign corporation under this paragraph with respect to any United States person which is a domestic corporation for any taxable year of such foreign corporation ending after December 31, 1973."; and

(D) by adding at the end thereof the following:

"(h) Less Developed Country Corporation Defined.—For purposes of this section, the term 'less developed country corporation' means—

"(1) a foreign corporation which, for its taxable year, is a less developed country corporation within the meaning of section 955(c) (1) or (2), and

"(2) a foreign corporation which owns 10 percent or more of the total combined voting power of all classes of stock entitled to vote of a foreign corporation which is a less developed country corporation within the meaning of section 955(c)(1), and—

"(A) 80 percent or more of the gross income of which for its taxable year meets the requirement of section 995(c)(1)(A); and

"(B) 80 percent or more in value of the assets of which on each day of such year consists of property described in section 995 (c)(1)(B)."

(c) Effective Dates.—

(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to taxable years of foreign corporations ending after December 31, 1973, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

(2) The amendments made by subsection (b)(4) shall apply with respect to sales or exchanges occurring in taxable years beginning after December 31, 1973.

Sec. 103. Repeal of Foreign Tax Credit Allowed Corporations

(a) In General.—Section 901 (relating to taxes of foreign countries and of possessions of the United States) is amended—

(1) by revising subsection (a) to read as follows:

"(a) Allowance of Credit.—In the case of a taxpayer other than a corporation, who chooses to have the benefits of this subpart, the tax imposed by this chapter shall, subject to the applicable limitation of section 904, be credited with the amounts provided in the applicable paragraph of subsection (b). Such choice for any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year. The credit shall not be allowed against the tax imposed by section 56 (relating to minimum tax for preferences).";

(2) by revising subsection (b)(1) to read as follows:

"(1) Citizens.—In the case of a citizen of the United States, the amount of any income war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and";

(3) by revising subsection (b)(4) to read as follows:

"(4) Nonresident alien individuals.—In the case of any nonresident alien individual not described in section 876, the amount determined pursuant to section 906; and"; and

(4) by striking out subsections (d) and (e).

(b) Technical and Conforming Amendments.—

(1) Section 78 is repealed.

(2) Section 535(b)(1) is amended by striking out "and income, war profits, and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a)(4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902(a)(1) or 960(a) (1)(C) for the taxable year," and by inserting in lieu thereof "accrued during the taxable year,".

(3) Section 545(b)(1) is amended by striking out "and income, war profits, and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275 (a)(4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902(a)(1) or 960(a)(1)(C) for the taxable year," and by inserting in lieu thereof "accrued during the taxable year,".

(4) Section 841 is repealed.

(5) Section 882(c) is amended by striking out paragraph (3).

(6) Section 884 is amended by striking out paragraph (4).

(7) Section 902 is repealed.

(8) Section 906 is amended—

(A) by striking out "and foreign corporations" in the heading thereof;

(B) by striking out in subsection (a) "or a foreign corporation" and "(or deemed, under section 902, paid or accrued during the taxable year)";

(C) by striking out in subsection (b)(3) "or 881 (relating to income of foreign corporations not connected with United States business)"; and

(D) by striking out subsection (b)(4).

(9) Section 904(g) is repealed.

(10) Section 960 is repealed.

(11) Section 1503 is amended to read as follows:

"SEC. 1503. COMPUTATION AND PAYMENT OF TAX.

"In any case in which a consolidated return is made or is required to be made, the tax shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under section 1502 prescribed before the last day prescribed by law for the filing of such return."

(c) EFFECTIVE DATE.—The amendments made of this section shall apply with respect to taxable years beginning after December 31, 1973.

### SEC. 104. DEPRECIATION OF FOREIGN ASSETS.

(a) EARNINGS AND PROFITS OF FOREIGN CORPORATIONS.—Section 312(m) (relating to effect of depreciation on earnings and profits) is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) FOREIGN CORPORATIONS.—In applying paragraph (1) or (2) for purposes of computing the earnings and profits of a foreign corporation, the amount of depreciation which would be allowable for the taxable year with respect to any property shall be determined on the basis of the useful life of such property in the hands of such foreign corporation."

(b) DEPRECIATION ON PROPERTY LOCATED OUTSIDE THE UNITED STATES.—Section 167 (relating to depreciation) is amended by redesignating subsection (n) as subsection (o) and by inserting immediately after subsection (m) the following:

"(n) DEPRECIATION ON PROPERTY LOCATED OUTSIDE THE UNITED STATES.—In the case of any property which either is located outside the United States or is used predominantly outside the United States (other than property described in section 48(a)(2)(B) (i), (ii), (iii), (iv), (v), or (vi)), subsection (b) shall not apply and the term "reasonable allowance" as used in subsection (a) shall be an allowance computed under the straight line method on the basis of the useful life of the property in the hands of the taxpayer."

(c) EFFECTIVE DATES.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1973.

### SEC. 105. TRANSFERS OF PATENTS, ETC., TO FOREIGN CORPORATIONS.

(a) RECOGNITION OF GAIN.—Section 367 (relating to foreign corporations) is amended by adding at the end thereof the following:

"(e) TRANSFERS OF PATENTS, ETC., TO FOREIGN CORPORATIONS.—Notwithstanding any other provision of this subtitle, any gain realized on a transfer of a patent, an invention, model, or design (whether or not patented), a copyright, a secret formula or process, or any other similar property right to any foreign corporation in an exchange to which this section is applicable shall be recognized."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transfers of property made after the date of enactment of this Act.

### SEC. 106. EXCLUSION FOR EARNED INCOME FROM SOURCES WITHOUT THE UNITED STATES.

(a) LIMITATION OF EXCLUSION.—Section 911(c) (relating to special rules) is amended by adding at the end thereof the following:

"(8) CERTAIN COMPENSATION NOT EXCLUDABLE.—No amount received for services performed—

"(A) for a domestic corporation or a domestic partnership, or

"(B) for a controlled foreign corporation (within the meaning of section 984(b)), may be excluded under subsection (a)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to amounts received for services performed after the date of enactment of this Act.

### SEC. 107. SUBMISSION OF REPORT ON INTERNATIONAL TAX COMPLIANCE.

Not later than December 31, 1974, the Treasury Department shall submit to the Congress a report on the administration of the income tax imposed by the Internal Revenue Code of 1954 as it applies to business activities carried on outside the United States by United States corporations, whether directly or through foreign entities. Such report shall include, but not be limited to, a discussion and analysis of the enforcement and compliance problems encountered by the Treasury Department in such administration.

## TITLE II—UNITED STATES FOREIGN TRADE AND INVESTMENT COMMISSION

### SEC. 201. ORGANIZATION OF THE COMMISSION—MEMBERSHIP

(a) The United States Foreign Trade and Investment Commission (referred to in this title and title III as the "Commission") shall be composed of five commissioners to be hereafter appointed by the President by and with the advice and consent of the Senate. No person shall be eligible for appointment as a commissioner unless he is a citizen of the United States, and, in the judgment of the President, is possessed of qualifications requisite for developing expert knowledge of foreign trade and investment problems and efficiency in administering the functions and duties of the Commission. Not more than three of the Commissioners shall be members of the same political party. One member of the Commission shall be a representative of public interests, one shall be a representative of labor interests, one shall be a representative of industrial interests, one shall be a representative of consumer interests, and one shall be a representative of agricultural interests.

(b) Terms of office of the Commissioners first taking office shall expire, as designated by the President at the time of nomination, one at the end of every second year following July 1, 1973. The term of office of a successor to any such Commissioner shall expire six years from the date of the expiration of the term for which his predecessor was appointed, except that any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.

(c) The President shall annually designate one of the Commissioners as Chairman and one as Vice Chairman of the Commission. The Vice Chairman shall act as Chairman in case of the absence or disability of the Chairman. A majority of the Commissioners in office shall constitute a quorum, but the Commission may function notwithstanding vacancies. No Commissioner shall actively engage in any other business, vocation, or employment than that of serving as a Commissioner.

(d) (1) Whenever, in any case calling for findings of the Commission in connection with any authority conferred upon the President by law to make changes in import restrictions, a majority of the Commissioners voting are unable to agree upon findings or recommendations, the findings (and recommendations, if any) of any one of the Commissioners may be considered by the President as the findings and recommendations of the Commission.

(2) Whenever, in any case in which the Commission is authorized to make an investigation upon its own motion, upon complaint, or upon application of any interested party, one-half of the number of commissioners voting agree that the investigation should be made, such investigation shall thereupon be carried out in accordance with the statutory authority covering the matter in question. Whenever the Commission is authorized to hold hearings in the course of any investigation and one-half of the number of commissioners voting agree that hearings should be held, such hearings shall thereupon be held in accordance with the statutory authority covering the matter in question.

## TITLE III—QUANTITATIVE RESTRAINTS ON IMPORTS

### SEC. 301. QUANTITATIVE RESTRAINTS FOR 1972 AND SUCCEEDING YEARS.

(a) The total quantity of each category of goods (as defined in section 303(f)), produced in any foreign country which may be entered during the calendar year 1974 shall not exceed the average annual quantity as determined by the Commission of such category produced in such country and entered during the calendar years 1965 to 1969.

(b) (1) The total quantity of each category of goods produced in any foreign country which may be entered during any calendar year after 1974 shall not exceed the sum of—

(A) the total quantity determined for such category for such country under subsection (a) or this subsection for the immediately preceding calendar year, and

(B) the increase (or decrease) applicable under paragraph (2).

(2) (A) The Commission shall increase (or decrease) the total quantity of each category of goods produced in any foreign country which may be entered during any calendar year after 1974 by an amount which the Commission estimates is necessary in order to make the total quantity of imports in each category bear the same relationship to United States production of the goods in such category as existed during the period 1965 to 1969.

(B) The Commission may make additional decreases in quotas where it determines that the level of imports provided for under this section is inhibiting the production of any manufactured product.

(C) Any increase (or decrease) under this paragraph for any category for any calendar year shall be the same percentage for all foreign countries.

(D) A determination shall be made under this paragraph for each category for each foreign country for each calendar year after 1974 without regard to the nonapplication (or partial nonapplication) of this subsection to such category for such country for such year by reason of subsection (d) of this section or section 302.

(c) (1) Any annual quantitative limitation under subsection (a) or (b) shall be applied on a calendar quarter or other intra-annual basis if the Commission determines that such application is necessary or appropriate to carry out the purposes of this section.

(2) If the application of subsection (a) or (b) to any category for any foreign country begins or resumes after the first day of any calendar year, the amount of the quantitative limitation for such category for such country for the remainder of such calendar year shall be the annual amount determined under subsection (a) or (b), adjusted pro rata according to the number of full months remaining in the calendar year after the date of such beginning or such resumption.

(d) The quantitative restraints provided for in this section shall not be applied to any category of goods for which the Commission has determined that—

(1) a voluntary bilateral or multilateral government-to-government agreement has been entered into pursuant to section 302

which effectively limits imports of such category, or

(2) quantitative controls have been imposed pursuant to some other law, existing government-to-government international agreement, or

(3) failure to import the goods would cause long-term disruption of United States markets, or

(4) the domestic industry producing competing goods has consistently failed to make technological innovations required to remain competitive with foreign producers.

(e) Any quota established under this section for an item which is used in the production of goods in the United States may be increased by the Commission to a level which will not inhibit the production of such goods.

(f) If, at any time, the Commission determines that any country quota established under this section will not be filled, it shall so inform the President, and shall distribute the quota among new or existing suppliers as the President may direct.

(g) Any action taken under subsection (d), (e), or (f) of this section shall not take effect before the thirtieth day after the day on which notice of such action is published in the Federal Register.

### SEC. 302. ARRANGEMENTS OR AGREEMENTS REGULATING IMPORTS

(a) The President is authorized to conclude bilateral or multilateral arrangements or agreements with the governments of foreign countries regulating, by category, the quantities of articles produced in such foreign countries which may be exported to the United States or entered and to issue regulations necessary to carry out the terms of such arrangements. In concluding any arrangement or agreement under this subsection, the President shall take into account conditions in the United States market, the need to avoid disruption of that market, and such other factors as he deems appropriate in the national interest.

(b) Whenever a multilateral arrangement or agreement concluded under subsection (a) is in effect among the countries, including the United States, which account for a significant part of world trade in the article concerned and such arrangement or agreement contemplates the establishment of limitations on the trade in the article produced in countries not parties to such arrangement or agreement, the Commission may by regulation prescribe the total quantity of the article produced in each country not a party to such arrangement or agreement which may be entered.

### SEC. 303. ADMINISTRATION

(a) The rulemaking provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply with respect to proceedings under this chapter.

(b) All quantitative limitations established under this title or pursuant to any arrangement or agreement entered into under this title, all exemptions established under this title and all extensions or terminations thereof, and all regulations promulgated to carry out this title shall be published in the Federal Register. The Commission shall certify to the Secretary of the Treasury for each period the total quantity of each category of goods produced in each foreign country the entry of which is affected by such a quantitative limitation on importation; and the Secretary of the Treasury shall take such action as may be necessary to insure that the total quantity so entered during such period shall not exceed the total quantity so certified.

(c) There shall be promulgated as a part of the appendix to the Tariff Schedules of the United States, Annotated, all quantitative limitations and exemptions established under this title or pursuant to any arrangement or agreement entered into under this title and all quantitative limitations otherwise established pursuant to law, or to an agreement entered into pursuant to section 302.

(d) One year after the enactment of this Act, and by July 1 of each succeeding year, the Commission shall publish a report to the Congress reviewing actions taken by it under this title during that year.

(e) The term "category" means a grouping of goods as determined by the Commission, for the purposes of this title, using the five-digit and seven-digit item numbers applied to such articles in the Tariff Schedules of the United States, Annotated, as published by the United States Tariff Commission. Groupings shall not be made that will adversely affect the assembly or production of any item or component in the United States.

(f) In order to make the estimate required by section 301(b)(2)(A) the Commission shall each year make an estimate of the United States production during the preceding United States fiscal year of the goods, commercially the same as those contained in each category of goods. Such estimate shall be based on the best information available at the time when the estimate is made, and shall be reviewed and updated annually. Such estimates of the United States production together with the resulting import quotas for the succeeding year shall be published by the Commission on or before October 1 of each year. The Commission shall change its estimates when it determines that existing estimates for that year are substantially in error.

(g) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

(h) The term "produced" means manufactured or produced.

(i) The term "foreign country" includes a foreign instrumentality.

## TITLE IV—AMENDMENTS TO THE ANTIDUMPING AND COUNTERVAILING DUTY ACTS

### SEC. 401. AMENDMENTS TO THE ANTIDUMPING ACT

The Antidumping Act of 1921 is hereby amended to read as follows:

"SEC. 201. (a) Whenever a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value and an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, there shall be levied, collected, and paid on such merchandise, in addition to any other duties imposed thereon by law, a special dumping duty in an amount equal to the difference between the purchase price or the exporter's sales price and the foreign market value (or, in the absence of such value, the constructed value).

"(b) The United States Foreign Trade and Investment Commission (hereinafter called the "Commission") is hereby authorized to investigate complaint(s) filed with it on behalf of any industry by a firm or group of workers, to make such investigation as it deems necessary, and to issue orders to effectuate the provisions of this Act. Commission proceedings and actions under this Act shall be completed within four months of the filing of a complaint, and shall be in accordance with the provisions of subchapter II of chapter 5 of title 5 of the United States Code. Any final order entered in any such proceeding shall be made on the record after opportunity for a Commission hearing and shall be subject to judicial review in the manner prescribed in chapter 158 of title 28 of the United States Code and to the provisions of chapter 7 of title 5 of the United States Code.

"(c) Whenever the Commission has reason to believe or suspect from information presented to it that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value or, in the absence of such value, than the constructed value, it shall forthwith publish notice of that fact in the Federal Register and shall direct the withholding of appraisement reports as to such merchandise entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping has been raised by or presented to it, until the further order of the Commission, or until the Commission has completed its investigation in regard to such merchandise.

"SEC. 202. (a) Upon information of the issuance of an order by the Commission providing for the imposition of a special dumping duty, the Secretary of the Treasury (hereinafter referred to as the 'Secretary') shall, through the proper officers, impose the special dumping duty on all imported merchandise, whether dutiable or free of duty, of a class or kind prescribed in the Commission's order, entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping was raised by or presented to the Commission, and as to which no appraisement report has been made before such order has been made. (Plus conforming changes in subsequent sections.)

### SEC. 402. AMENDMENTS TO THE COUNTERVAILING DUTY LAW

The Countervailing Duty Law (section 303 of the Tariff Act of 1930; 19 U.S.C. 1303) is amended to read as follows:

"SEC. 303. COUNTERVAILING DUTIES

"Whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation shall pay or bestow, directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this Act, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to the duties otherwise imposed by this Act, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The United States Foreign Trade and Investment Commission is hereby authorized to investigate complaint(s) filed under this section or upon its initiative and to issue orders to effectuate the provisions of this section. Such orders shall be made on the record after opportunity for a hearing. Upon information of the issuance of an order by the Foreign Trade and Investment Commission, the Secretary of the Treasury shall, through the proper officers, impose the additional duty prescribed therein. Foreign Trade and Investment Commission proceedings and actions under this section shall be completed within four months of the filing of a complaint, and shall be in accordance with the provisions of subchapter II of chapter 5 of title 5 of the United States Code, and any final order entered in any such proceeding shall be subject to judicial review in the manner prescribed in chapter 158 of title 28 of the United States Code."

## TITLE V—AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962—ADJUSTMENT ASSISTANCE

### SEC. 501. PETITIONS AND DETERMINATIONS

Section 301 of the Trade Expansion Act of 1962 is hereby amended to read as follows:

### SEC. 501. PETITIONS AND DETERMINATIONS

"(a) (1) A petition for tariff adjustment under section 351 may be filed with the Foreign Trade and Investment Commission by a trade association, firm, certified or recognized union, or other representative of an industry.

"(2) A petition for a determination of eligibility to apply for adjustment assistance under chapter 2 may be filed with the Foreign Trade and Investment Commission by a firm or its representative, and a petition for a determination of eligibility to apply for adjustment assistance under chapter 3 may be filed with the Foreign Trade and Investment Commission by a group of workers or by their certified or recognized union or other duly authorized representative.

"(3) Whenever a petition is filed under this subsection, the Foreign Trade and Investment Commission shall transmit a copy thereof to the Secretary of Commerce.

"(b) (1) Upon a request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon the filing of a petition by the petitioner under subsection (a) (1) of this section the Foreign Trade and Investment Commission shall promptly make an investigation to determine whether, an article is being imported into the United States in such increased quantities, either actual or relative as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause serious injury to the domestic industry producing an article which is like or directly competitive with the imported article. For purposes of this paragraph, the term 'industry' means the aggregate of those firms or appropriate subdivisions thereof which produce a product or component threatened by imports. Where the product or component is produced in a distinct part or section of an establishment, whether or not the firm has one or more establishments, such part or section shall be considered an appropriate subdivision.

"(2) In making its determination under paragraph (1), the Foreign Trade and Investment Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, unemployment or underemployment, loss of fringe benefits, and decreased or stagnant wages.

"(3) No investigation for the purpose of paragraph (1) shall be made, upon petition filed under subsection (a) (1) of this section, with respect to the same subject matter as a previous investigation under paragraph (1), unless one year has elapsed since the Foreign Trade and Investment Commission made its report to the President of the results of such previous investigation.

"(c) (1) In the case of a petition by a firm for a determination of eligibility to apply for adjustment assistance under chapter 2, the Foreign Trade and Investment Commission shall promptly make an investigation to determine whether, an article like or directly competitive with an article produced by the firm is being imported into the United States in such increased quantities either actual or relative as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause, serious injury to such firm. In making its determination under this paragraph, the Foreign Trade and Investment Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities of the firm, inability of the firm to operate at a level of reasonable profit, unemployment or underemployment in the firm, loss of fringe benefits, and decreased or stagnant wages.

"(2) In the case of a petition by a group of workers for a determination of eligibility to apply for adjustment assistance under chapter 3, the Foreign Trade and Investment Commission shall promptly make an investigation to determine whether an article like or directly competitive with an article produced by such workers' firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities (either actual or relative) as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing, or threatening to cause, unemployment or underemployment of a significant number of proportion of the workers of such firm or subdivision.

"(d) (1) In the course of any investigation under subsection (b) (1) of this section, the Foreign Trade and Investment Commission shall, after reasonable notice, hold public hearings and shall afford interested parties opportunity to be present, to produce evidence and to be heard at such hearings.

"(2) In the course of any investigation under subsection (c) (1) or (c) (2) of this section, the Foreign Trade and Investment Commission shall, after reasonable notice hold public hearings if requested by the petitioner, or if, within ten days after notice of the filing of the petition, a hearing is requested by any other party showing a proper interest in the subject matter of the investigation, and shall afford interested parties an opportunity to be present, to produce evidence and to be heard at such hearings.

"(e) Should the Foreign Trade and Investment Commission find with respect to any article, as the result of its investigation, the serious injury or threat thereof described in subsection (b) of this section, it shall find the quantitative restriction on such article which is necessary to prevent or remedy such injury and shall make such modification of the quantitative restraints determined under title II of this Act as is necessary to put into effect the determination made under this section.

"(f) (1) The Foreign Trade and Investment Commission shall report to the President the results of each investigation under this section and include in each report any dissenting or separate views. The Foreign Trade and Investment Commission shall furnish to the President a transcript of the hearings and any briefs which may have been submitted in connection with each investigation.

"(2) The report of the Foreign Trade and Investment Commission of its determination under subsection (b) of this section shall be made at the earliest practicable time, but not later than six months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Foreign Trade and Investment Commission shall promptly make public such report, and shall cause a summary thereof to be published in the Federal Register.

"(3) The report of the Foreign Trade and Investment Commission of its determination under subsection (c) (1) or (c) (2) of this section with respect to any firm or group of workers shall be made at the earliest practicable time, but not later than sixty days after the date on which the petition is filed.

"(g) Foreign Trade and Investment Commission proceedings under this title shall be in accordance with the provisions of subchapter II of chapter 5 of title 5 of the United States Code. Any final order entered in such proceeding shall be made on the record after opportunity for a Commission hearing and shall be subject to judicial review in the manner prescribed in chapter 158 of title 28 of the United States Code and to the provisions of chapter 7 of title 5 of the United States Code."

### SEC. 502. PRESIDENTIAL ACTION AFTER FOREIGN TRADE AND INVESTMENT COMMISSION DETERMINATION

Section 302 of the Trade Expansion Act of 1962 is hereby amended to read as follows:

### "SEC. 302. PRESIDENTIAL ACTION AFTER FOREIGN TRADE AND INVESTMENT COMMISSION DETERMINATION — GENERAL AUTHORITY

"(a) After receiving a report from the Foreign Trade and Investment Commission containing an affirmative finding under section 301(b) of this title with respect to any industry, the President may—

"(1) provide, with respect to such industry, that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under chapter 2,

"(2) provide, with respect to such industry, that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, or

"(3) take any combination of such actions."

## TITLE VI—FOREIGN INVESTMENT AND TECHNOLOGY EXPORT CONTROLS

SEC. 601 (a) The President is hereby authorized to prohibit any person within the jurisdiction of the United States from engaging in any transaction involving a direct or indirect transfer of capital to or within any foreign country or to any national thereof when in the judgment of the President the transfer would result in a net decrease in employment in the United States. The President is hereby authorized to issue regulations to effectuate this section.

(b) Any person who violates a valid regulation issued under authority of subsection (a) shall be liable to a fine of not more than $100,000 and imprisonment for not more than one year for each violation.

SEC. 602. (a) The President is hereby authorized to prohibit any holder of a United States patent from manufacturing the patented product or using the patented process, or from licensing others to manufacture the patented product or using the patented process, outside the territory of the United States when in the judgment of the President such prohibition will contribute to increased employment in the United States. The President is hereby authorized to issue regulations to effectuate this section.

(b) The patent of any patentee who violates any regulation validly issued hereunder shall be unenforceable in the Courts of the United States.

## TITLE VII—OTHER FOREIGN TRADE PROVISIONS

SEC. 701. Reports by the Export-Import Bank of Washington and other agencies.

(a) Section 635g of title 12 of the United States Code is hereby amended to read as follows:

"The Export-Import Bank of Washington shall transmit to the Congress semi-annually a complete and detailed report of its operation. The report shall be as of the close of business on June 30 and December 31 of each year. The report shall include detailed information from which a judgment can be made of the effects bank operations are having on United States exports, imports and employment."

(b) Section 2394(a) of title 22 of the United States Code is hereby amended to read as follows:

"(a) The President shall, while funds made available for the purposes of this chapter remain available for obligation, transmit to the Congress after the close of each fiscal year a report concerning operations in that fiscal year under this chapter. Each such report shall include information on the operation of the investment guaranty program and on progress under the freedom of navigation and nondiscrimination declaration contained in section 2151 of this title.

"Each such report shall also contain a detailed review of the extent to which projects financed under any foreign assistance program are exporting their output to the United States, and the extent to which section 2370(d) of title 22 has been complied with."

(c) A new subsection C is added to section 2 of title 29 of the United States Code as follows:

"2c. The Bureau of Labor Statistics shall collect, collate and report at least once each year, or, more often if necessary, full and complete statistics on the conditions of workers employed by the United States Government and United States corporations outside the territorial limits of the United States and the products and distribution of the products of the same. For purposes of this subsection a worker shall be deemed to be employed by a United States corporation if the business organization employing him is more than 10 per centum beneficially owned or controlled by United States corporations."

SEC. 702. (a) No producer, manufacturer or dealer shall ship or deliver for shipment in commerce any goods containing foreign made components unless such goods are clearly marked in a conspicuous place as legibily, indelibly and permanently as the nature of the article or container will permit in such manner as to indicate to an ultimate purchaser in the United States the English name of the country or countries of origin of the foreign made components.

(b) No producer, manufacturer or dealer shall advertise for sale in commerce any goods containing foreign made components unless such advertising clearly indicates to an ultimate purchaser in the United States the English name of the country or countries of origin of the foreign made components.

(c) The Secretary of Labor is hereby authorized to issue such regulations as he deems necessary to effectuate this section.

(d) Whoever willfully violates this section shall be fined not more than $10,000 for each violation.

SEC. 703. (a) Schedule 8, part 1, subpart B of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out item 807.00;

(2) by striking out item 806.30;

(3) by striking out headnote 3; and

(4) by redesignating headnote 4 as headnote 3.

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the ninetieth day after the date of the enactment of this Act.

SEC. 704. Section 481(a) of the Tariff Act of 1930 (19 U.S.C. 1481(a)) is amended—

(1) by redesignating paragraph (10) thereof as paragraph (11);

(2) by striking out "and" at the end of paragraph (9); and

(3) by inserting immediately after such paragraph (9) the following new paragraph:

"(10) Such informatian as to product description as is required to be made a part of the entry by provisions of the Tariff Schedules of the United States Annotated issued pursuant to section 484(e) of this Act; and."

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### THE FOREIGN TRADE AND INVESTMENT ACT OF 1973

(Statement of Senator HARTKE)

Mr. President, America is in the throes of a foreign trade and investment crisis. The whole fabric of a world economy built on free and fair trade has been weakened by America's failure to set a course that would restore order to world markets.

There was a time, Mr. President, when individual countries were content to ride out domestic economic cycles, accepting the bust as the unfortunate but necessary cost of a preceding boom. That era drew to a close in the 1930's when governments around the world accepted responsibility for achieving stability in their individual economies.

Despite efforts to stabilize the world economy following World War II, international trade cycles were never brought under effective control. Neither the world nor America can leave the world market place to a hodgepodge of national policies and a few beleaguered international agreements.

The Foreign Trade and Investment Act of 1973 which I am introducing today, provides a new basis for orderly world trade, controls the worst practices of the transnational firms, and allows American firms to compete with imports on an equitable basis.

The domestic impact of existing trade policies has been devastating. In 1971, America suffered her first deficit in foreign trade—$2.2 billion of red ink. Despite administration action to devalue the dollar, the deficit tripled in 1972 to more than $6 billion.

Many firms and whole industries have been lost to the sudden tide of imports that started in the late 1960's. The personal impact of recent trade figures can be found in high unemployment, lost pensions and weakened communities.

Blinded by healthy trade surpluses in the early post war years, America has been slow to adapt to a rapidly changing world economy.

While America adhered to the old doctrine of free trade, a powerful trading block has arisen in Europe, and Japan has grown into an industrial giant. Using a system of close government-industry cooperation, import quotas and other trade barriers, and capital controls, the Japanese have achieved the highest rate of growth of any industrialized nation. Sheltered by the common barriers against foreign goods, the European economic community has shown a similar, though not quite as spectacular, record.

The post-war era has also witnessed the rapid growth of the transnational firm. The book value of direct investments by the U.S.-based transnationals grew from $32 billion in 1960 to $78 billion in 1970. Over the same period, plant and equipment expenditures by U.S. corporations rose 60 percent faster abroad than they did in the United States. In part, responding to favorable tax treatment and America's old line free trade policies, more than 8,000 subsidiaries of American firms have been established overseas. Following this flow of capital and firms is American technology and know-how. Frequently developed at the great expense of American tax dollars, this technology fuels economies of foreign lands at our expense.

Our international trade policies have collapsed, American industries are injured and several million Americans are unemployed. Yet this administration has no policy to meet this crisis. Instead, there is a surcharge here, an anti-dumping hearing there. We hear much talk of new studies, long-term on-going negotiations and the long-term effects of currency realignment, but there is still no administration trade policy.

To deal with this state of anarchy and disarray, I am reintroducing the first really comprehensive trade bill in this decade. The Foreign Trade and Investment Act of 1973 is designed to put our industry on an even footing with foreign competition and to make domestic investment just as attractive as investment abroad.

To meet the huge deficits in the balance of payments and the balance of trade, I propose a system of import quotas. Based on the relationship between imports and domestic production in the 1965–1969 period, this measure would stabilize imports, preserve domestic industry and keep hundreds of thousands of jobs in America. Under my plan, imports would continue to grow in concert with domestic production, preserving the 1965–1969 relationship. Our trading partners would be assured of a steadily expanding market while our domestic interests would be fully protected.

The Foreign Trade and Investment Act moves to bring back tax equity in the treatment of the purely American and the transnational firm.

At present, our tax laws make an overseas investment more attractive than one in Indiana or New York. For example, profits earned by a foreign subsidiary of an American firm are not taxed until they are repatriated. To the extent that the firm does pay taxes to a foreign government, these taxes count as a dollar for dollar credit against any Federal tax liability.

Profits made in Indiana are taxed when earned. And taxes paid to the State of Indiana can only be taken as deductions against gross income rather than as a Federal tax credit. My bill will plug both of these gaping loopholes through which American capital, technology and jobs have poured.

Although most countries regulate their technology and carefully control outflows of capital, America has largely left these matters in private hands. In the past, American transnational firms contributed to the fall of the dollar by pursuing their own corporate ends in international currency speculation. Plants are closed, new inventions are immediately licensed overseas, workers are thrown out of work, and all because of some private calculation of short term profit. There is no reason why the world's greatest democracy should leave her trade and investment policy in the hands of a few. The Foreign Trade and Investment Act will bring these practices under national control for the first time by empowering the President to limit capital and technology flows where they would have an adverse effect on domestic employment.

The world of the nineteen-seventies is vastly different from preceding eras. Transportation costs have plummeted downward, communications are vastly improved, multinational organizations and corporations abound, and most countries are pursuing nationalistic trade policies or seeking to industrialize behind carefully designed tariff walls.

By restoring the attractiveness of domestic investment, controlling predatory trade practices and regulating the American based transnational firm, the Hartke approach to trade policy will put America back on the path to a world of free and fair trade.

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By Mr. CRANSTON (by request):

S. 158. A bill to insure the free flow of information to the public. Referred to the Committee on the Judiciary.

### FREE FLOW OF INFORMATION ACT

Mr. CRANSTON. Mr. President, as a former news service correspondent, I feel strongly that the news media and the press must have maximum legal protection to meet their responsibilities in a free and open society.

The first amendment which guarantees freedom of the press is not a piece of special interest legislation for the news and publishing industries. It is a governmental guarantee to a free people without which they could not remain free for long.

For a society to be truly free, it must have a press that is truly free. One of the fundamental services that a free press renders to a free people is to watchdog the various levels of government, the officialdom and the bureaucracy who handle the people's money and who wield awesome powers over people's lives and freedoms.

The press must be kept free to continue to expose corruption and lawlessness in high places, in and out of government. The basic purpose is to protect not the press, but to protect the people.

Last June 29 the U.S. Supreme Court, in its landmark 5 to 4 Caldwell decision, ruled in effect that the press does not possess an absolute right to protect its news sources against compulsory disclosure. The following day I introduced a bill that would provide that protection, but it was limited only to Federal courts and other Federal bodies.

Unfortunately, most of the current controversy over press freedoms have arisen at the State and local levels not covered by my original bill.

News sources seem to be losing at the State level the very protection many of us in Congress are trying to give them at the Federal level. We must act to protect press freedoms at both levels.

Recent lower court rulings, under which newsmen have been jailed and which the Supreme Court declined to review, threaten to undermine various press shield laws enacted by State legislatures. These rulings illustrate that a number of the 18 so-called State shield laws now in existence do not provide all the necessary protection for newsmen and their sources.

The situation potentially is far worse in the 32 States that have no shield laws whatever. Despite the increased jeopardy to newsmen and news sources since the Supreme Court's June decision, none of those States has passed protective legislation.

Mr. President, I introduce at the request of the American Newspaper Publishers Association, a bill titled the Free Flow of Information Act which prohibits any Federal or State proceeding from compelling newsmen to disclose their sources or any information they obtain while gathering news but do not use. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 158

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Free Flow of Information Act."

SEC. 2. The Congress finds and declares that—

(1) the purpose of this Act is to insure the free flow of news and other information to the public; those who gather, write or edit information for the public or disseminate information to the public can perform these vital functions only in a free and unfettered atmosphere;

(2) such persons must not be inhibited, directly or indirectly, by governmental restraint or sanction imposed by governmental process; rather they must be encouraged to gather, write, edit or disseminate news or other information vigorously so that the public can be fully informed;

(3) compelling such persons to disclose a source of information or disclose unpublished information is contrary to the public interest and inhibits the free flow of information to the public;

(4) there is an urgent need to provide effective measures to halt and prevent this inhibition;

(5) the obstruction of the free flow of information through any medium of communication to the public affects interstate commerce;

(6) this Act is necessary to insure the free flow of information and to implement the First and Fourteenth Amendments and Article I, Section 8 of the Constitution.

SEC. 3. No person shall be required to disclose in any federal or state proceeding—

(1) the source of any published or unpublished information obtained in the gathering, receiving or processing of information for any medium of communication to the public, or

(2) any unpublished information obtained or prepared in gathering, receiving or processing of information for any medium of communication to the public.

SEC. 4. For the purpose of this Act, the term—

(1) "Federal or state proceeding" includes any proceeding or investigation before or by any federal or state judicial, legislative, executive or administrative body;

(2) "Medium of communication" includes, but is not limited to, any newspaper, magazine, other periodical, book, pamphlet, news service, wire service, news or feature syndicate, broadcast station or network, or cable television system;

(3) "Information" includes any written, oral or pictorial news or other material;

(4) "Published information" means any information disseminated to the public by the person from whom disclosure is sought;

(5) "Unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated;

(6) "Processing" includes compiling, storing and editing of information;

(7) "Person" means any individual, and any partnership, corporation, association, or other legal entity existing under or authorized by the law of the United States, any State or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country.

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By Mr. DOLE:

S. 159. A bill to provide for reimbursement of extraordinary transportation expenses incurred by certain disabled individuals in the production of their income. Referred to the Committee on Labor and Public Welfare.

### THE DISABLED WORKERS TRANSPORTATION ASSISTANCE ACT

Mr. DOLE. Mr. President, I introduce today legislation to help solve one of the most difficult problems faced by many disabled Americans. The problem to which I refer is the excessive, indeed monumental, transportation expenses incurred by certain handicapped individuals as they attempt to pursue gainful employment to support themselves and their families.

Transportation has always been a very critical area for the handicapped. Many efforts have been made to improve the routing, accessibility and availability of transportation for them. These efforts have been conducted on private and public levels. And many who otherwise would be deprived of vital mobility have been served and are now able to move about their cities and towns and enjoy a more normal existence at work or at leisure.

These programs have been invaluable to many, but they have not been able to serve the group of employed or employable handicapped whose disabilities prevent them from using public transportation. Their needs are so great that no present system can provide for them, for each individual requires a personalized service that is too costly for the individual to afford or for the public or private agencies to supply.

I would point out that people fortunate enough to make private transportation arrangements to and from work, pay anywhere from $50 to $75 a week. But the statistics for those who are unable to make any transportation arrangements tell an even more serious story. The urban employment survey indicated that in 1966 the median earnings of the 1.15 million full-time and part-time workers who were unable to use public transportation because of disability was $2,350. Half of these were part-time workers, 31,000 of whom made less than $20 per week. The median earnings of full-time handicapped workers unable to use public transportation was $2,520, or three-fourths the poverty level for a family of four at that time. Only 10 percent of handicapped workers unable to use public transportation made over $7,200 a year.

Clearly, this is a deplorable situation. Here are men and women who want to work, who are in fact able to work, but their ability to earn and to contribute to their support and to the self-esteem which comes from being a contributing member of society, is stifled by their inability to get to and from jobs. This situation is one of the most disturbing wastes of human resources of which I am aware, and it demands prompt and strong action to provide a remedy. This bill is a step toward removing one barrier. I ask unanimous consent that the text of this bill be printed at the conclusion of my remarks and invite my colleagues to join in support of this important measure.

#### TRANSPORTATION REIMBURSEMENTS

Cash reimbursements would be provided to certain disabled persons who incur extraordinary transportation expenses in the production of their income solely because of the limitations imposed by their disability. Reimbursements would not exceed 50 percent of the handicapped person's gross income or $20 per week, or $1,000 per year, whichever is less. Payments would be made either quarterly or in advance, if proper application based on estimated expenses is submitted.

The measure directs the Secretary of Health, Education, and Welfare to prescribe standards for the submission of applications and to set up provisions for the renewal of applications. The Secretary would utilize the facilities and services of State vocational rehabilitation agencies to process and verify statements made by applicants.

I believe this legislation will pay priceless dividends. It will enable individuals who want to work to travel to and from their jobs. It will enhance the incomes of persons whose unique needs demand special expenditures over and above those incurred by most individuals—even those with handicaps. It will supply a significant measure of self-respect and self-confidence to the lives of the people it will benefit. And it will end the continuing waste of these precious human resources and potentials.

### MAKING WAY FOR FULL POTENTIAL

It would seem to me that there is no more valuable action that Congress can take than to remove impediments to the realization of our citizens' potentials and inner worth—whether in the field of civil rights, equality of the sexes, or, as here, the handicapped. This is what America is all about—the freedom for everyone to live up to his God-given abilities. Neither race nor sex nor frailty of body or mind should be allowed to stand as an impediment to that fundamental fulfillment. This bill is a step toward removing one barrier. I ask unanimous consent that the text of this bill be printed at the conclusion of my remarks and invite my colleagues to join in support of this important measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 159

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Disabled Workers Transportation Assistance Act".

### PURPOSE

SEC. 2. It is the purpose of this Act to provide for cash reimbursement to certain disabled workers who incur extraordinary transportation expenses in the production of their income solely because of the limitations imposed on them by their disability.

### DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "transportation-handicapped worker" means an individual with a physical or mental disability, as defined by the Secretary, who—

(A) is employed part or full time in a gainful occupation;

(B) because of his disability, has only limited ability to use available mass public transportation facilities with reasonable ease or safety for the journey-to-work;

(C) because of his disability, is expected to be static or to be only slowly progressive in acquiring the ability to use available mass public transportation facilities with reasonable ease or safety; and

(D) because of his disability, training or practice is not expected to improve significantly his ability to use available mass public transportation facilities.

(2) The term "employed" means being engaged in a gainful occupation which is remunerated in cash or in kind for services rendered.

(3) The term "journey-to-work" means the total amount of travel from the place of residence to the place of employment and return therefrom.

(4) The term "mass public transportation facility" means regularly scheduled services provided by bus or rail, or similar vehicle, which are available to the public at large under an established schedule of fares.

(5) The term "extraordinary transportation expenses" means the total expense (including expenses for personal assistance when required) incurred by an individual in his journey-to-work that is in excess of 3 percent of such individual's adjusted gross income (as defined in the Internal Revenue Code of 1954), reduced by—

(A) the amount of any deductions claimed under section 212 or 214 of the Internal Revenue Code of 1954; and

(B) any amount received as reimbursement for or subsidy of such transportation expenses.

Reimbursement shall not be made for extraordinary transportation expenses which exceed actual expenses incurred, or an amount that is in excess of 50 percent of such individual's gross income (as defined in the Internal Revenue Code of 1954), or $20 per week, or $1,000 per year, whichever is less.

(6) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(7) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

### REIMBURSEMENT

SEC. 4. (a) The Secretary shall reimburse each transportation-handicapped worker for extraordinary transportation expenses incurred by him upon a declaration by such worker that he is entitled to such reimbursement under the provisions of this Act.

(b) Reimbursement payments under this Act shall be made quarterly and may be made in advance upon application therefor, except that—

(1) in the case of any transportation related expenses which cannot be attributed entirely to the journey-to-work, reimbursement shall be made only to the extent that such expenses are directly attributable to the journey-to-work; and

(2) any transportation expenses incurred by an individual who uses, unassisted, available mass transportation facilities as his sole mode of transportation in his journey-to-work shall not be reimbursable under this Act.

(c) Application for reimbursement under this section shall be made in such manner and contain such information as the Secretary shall by regulation require, including in the case of advance payments, an estimate of expenses to be incurred during the period for which such advance payments are requested. The Secretary shall prescribe standards for the submission of applications and periods for renewal of such applications.

(d) The Secretary is authorized to cooperate with and utilize the facilities and services of appropriate State vocational rehabilitation agencies to process applications and verify, on a continuing basis, the statements made by any applicant for reimbursement payments under this Act.

### INCOME DISREGARD

SEC. 5. (a) In order for any State to receive any payment or other benefit under any title of the Social Security Act, with respect to expenditures for any quarter beginning on or after the date on which this Act becomes effective, such State must have in effect an agreement with the Secretary under which it will (1) disregard any amount received by an individual under this Act in determining eligibility for or the amount of any benefit paid under any public assistance program, and (2) disregard any amount received by an individual under this Act in determining the amount of such individual's income for the purpose of computing State income tax liability if such State imposes a tax on personal income.

(b) Any amount received by an individual under this Act shall be disregarded in determining eligibility for or the amount of any benefit paid under any Federal assistance or aid program and in determining the amount of such individual's income for the purpose of computing his liability for personal income tax under the Internal Revenue Code for 1954.

### EVALUATION AND REPORT

SEC. 6. The Secretary, or his delegate, shall conduct a thorough and complete study of the impact of the cash reimbursement program provided for under this Act on the rehabilitation of disabled individuals to determine the program's merits and cost-effectiveness as compared to other possible approaches to the problem of the transportation-handicapped worker and shall report his findings and recommendations to the Congress not later than January 1, 1975.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1972, and for each of the next succeeding four fiscal years such sums as may be necessary to carry out the purposes of this Act.

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By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 164. A bill to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State-owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 165. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State-owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 166. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State-owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 167. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State-owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 168. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State-owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 169. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State-owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 170. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State-owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 171. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State-owned submerged lands in which such State has suspended leasing; and

S. 172. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State-owned submerged lands in which such State has suspended leasing for mineral purposes. Referred to the Committee on Interior and Insular Affairs.

### CALIFORNIA MARINE SANCTUARY BILLS

Mr. CRANSTON. Mr. President, I introduce for appropriate reference nine bills to designate in Federal waters marine sanctuaries seaward of those designated in State waters by the State of California.

Since 1955, the State of California has

passed legislation prohibiting oil, gas, and other mineral development activities on 10 stretches of California's coastal tidelands. One of the largest sections stretches from Newport Beach down the historic coast of Orange and San Diego Counties to the Mexican border. The offshore islands of San Clemente and Santa Catalina were set aside as were the heavily used metropolitan beaches of Los Angeles and the magnificent 16-mile stretch of Santa Barbara beach—where the January 1969 blowout beneath platform A occurred in Federal waters just outside the State sanctuary, resulting in terrible pollution of the "protected" Santa Barbara beaches. The rugged and unspoiled coast of San Luis Obispo County completed the 1955 actions.

In 1963, two additional northern California coastal sites were designated as State sanctuaries: Monterey Bay, which played a major role in California's early history, as well as the desolate grandeur of the Big Sur shoreline and the wild, redwood lands of Humboldt and Mendocino Counties.

In 1969, after the Santa Barbara blowout and spill, the sanctuary in Monterey Bay was extended northward to the border of Santa Cruz County. These areas constituted approximately one-fourth of the California coastline and were the areas to which I referred when introducing seven similar bills in the 92d Congress. Since then, the California Legislature has designated additional sanctuaries. Presently, the entire State-owned tidelands of Del Norte County, up to the Oregon border are protected, and additional areas in the central coastal area now protect as oil-free sanctuaries the entire tidelands stretching from the southern boundary of San Luis Obispo County to the northern boundary of Sonoma County. Consequently, in addition to the bills I introduced in the 92d Congress, I have added new language to establish marine sanctuaries in the Federal water seaward of the new State sanctuaries.

I wish to note that I have purposely left out the State sanctuaries in Santa Barbara County and surrounding the Channel Islands. The reason for this omission is that I do not want to confuse the issues raised by the present oil drilling activities in the Santa Barbara Channel with the more general issue of directing the Federal Government to acknowledge the wishes of the people of California by protecting the Federal waters seaward of the State sanctuaries.

Mr. President, I doubt that many of my colleagues come from States which have prohibited the production of oil on vast stretches of State-controlled tidelands. The only State I know of which is developing a comparable prohibition on drilling in the tidelands is Florida.

By voting to prohibit oil development on portions of its tidelands, California has voted to deny itself the substantial bonuses, rents, and royalties which would flow into the State treasury from such leases.

California has voted to deny itself the State income and property taxes which this oil development would produce.

California has voted to deny itself the jobs which this potentially major industrial development would provide, as there are an estimated 5.7 billion barrels of oil locked up in the protected State sanctuaries.

Mr. President, I firmly believe that it is the duty of the Federal Government to be responsive to these local efforts. Allowing oil and gas development activities to go on in the Federal waters just outside the State sanctuaries makes a mockery of these sincere local efforts to protect California's unique scenic coastline.

I do not believe that such action is in the best interests of the Federal Government, and it is, therefore, the purpose of this new series of bills to recognize the validity of the State's wishes that there be no oil and gas development along certain segments of its coast by designating marine sanctuaries seaward of the State sanctuaries.

Mr. President, I ask unanimous consent that the full text of each of the nine bills be printed in the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

### S. 164

A bill to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State-owned submerged lands in which such State has suspended leasing for mineral purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "California Marine Sanctuary Act".

SEC. 2. The Congress finds and declares that the shoreline of the State of California, and the lands beneath navigable waters and the Outer Continental Shelf off such shoreline, are rich in a variety of natural, commercial, recreational, and esthetic resources of immediate and potential value to the present and future generations of Americans; that many of these areas are in danger of damage or destruction by commercial and industrial development; and that it is the policy of Congress to preserve, protect, restore, make accessible for the benefit of all the people, and encourage balanced use of selected portions of such areas.

SEC. 3. (a) The Secretary of the Interior shall, effective as of the date of enactment of this Act, suspend all further leasing pursuant to the Outer Continental Shelf Lands Act for the exploration for or extraction of oil, gas, or any other mineral in any portion of the Outer Continental Shelf seaward of each of the areas described in subsection (b) in all of which such State has provided by law that leases will not be issued by such State for the exploration for, or extract the production of any oil, gas, or other mineral. The Secretary shall determine such seaward portion by extending seaward the boundaries of each such State area in a parallel manner adjusted as determined by the Secretary to conform to lease tract boundaries.

(b) Such areas are as follows:

Area Numbered 1. The San Diego and Orange County Sanctuary.

Beginning at the point of the intersection of the ordinary high-water mark of the Pacific Ocean with the southern boundary of San Diego County; thence in a generally northerly direction along said ordinary high-water mark to the northerly city limits of the city of Newport Beach, Orange County; thence southerly and westerly three nautical miles to a point in the Pacific Ocean; thence in a generally southerly direction parallel to said ordinary high-water mark to a point in the Pacific three nautical miles west from the point of beginning.

Area Numbered 2. The Santa Catalina and San Clemente Islands Sanctuary.

The tide and submerged lands surrounding the Islands of San Clemente and Santa Catalina waterward of the ordinary high-water mark of the Pacific Ocean on such islands to a distance three nautical miles therefrom.

Area Numbered 3. The Los Angeles County Sanctuary.

Beginning at the point of intersection of the ordinary highwater mark of the Pacific Ocean with the southerly point of Point Fermin; thence in a generally northerly and westerly direction along said ordinary high-water mark to the Ventura County line; thence due south three nautical miles to a point in the Pacific Ocean; thence in a generally easterly and southerly direction parallel to said ordinary high-water mark to a point in the Pacific Ocean three nautical miles due south from the point of beginning; thence due north to the point of beginning.

Area Numbered 4. The San Luis Obispo County Sanctuary.

All those tide and submerged lands being in the County of San Luis Obispo and lying within an area beginning at a point on the ordinary high-water mark of the Pacific Ocean at the northern boundary of San Luis Obispo County, thence southerly along the ordinary high-water mark of the Pacific Ocean to the southern boundary of San Luis Obispo County; thence on a line due west a distance of three nautical miles to a point; thence northerly on a line parallel to the ordinary high-water mark of the Pacific Ocean to a point which lies due west a distance of three nautical miles from the point of beginning; thence due east to the point of beginning.

Area Numbered 5. The Monterey and Santa Cruz Counties Sanctuary.

All those tide and submerged lands being in the Counties of Monterey and Santa Cruz and lying within an area beginning at the intersection of the ordinary high water mark of the Pacific Ocean and the northern boundary of Santa Cruz County; thence southerly along the ordinary high-water mark of the Pacific Ocean to the southern boundary of Monterey County; thence on a line due west into the Pacific Ocean a distance of three nautical miles to a point; thence northerly on a line parallel to the ordinary high-water mark of the Pacific Ocean to a point which lies due west of the point of beginning; thence due east to the point of beginning.

Area Numbered 6. The Golden Gate Sanctuary.

All those tide and submerged lands being in the Counties of Sonoma, Marin, San Francisco and San Mateo and lying within an area beginning at the intersection of the ordinary high-water mark of the Pacific Ocean and the northern boundary of Sonoma County; thence southerly along the ordinary high-water mark of the Pacific Ocean to the southern boundary of San Mateo County; thence on a line due west into the Pacific Ocean a distance of three nautical miles to a point; thence northerly on a line parallel to the ordinary high-water mark of the Pacific Ocean to a point which lies due west a distance of three nautical miles from the point of beginning; thence due east to the point of beginning.

Area Numbered 7. The Humboldt and Mendocino Counties Sanctuary.

All those tide and submerged lands being in the Counties of Humboldt and Mendocino and lying within an area beginning at the intersection of the ordinary high-water mark of the Pacific Ocean and the south line of township 5 south, Humboldt base line; thence northerly and westerly along the ordinary high-water mark of the Pacific Ocean to the intersection of said high-water mark and the north line of township 1 north, Humboldt base line; thence due west to a point in the Pacific Ocean, said point being three nautical miles from the ordinary high-water mark; thence in a southerly and easterly direction, parallel to and three nautical miles distant from said high-water mark to a point due west from the point of beginning; thence due east to the point of beginning.

Area Numbered 8. The Del Norte County Sanctuary.

All the tide and submerged lands being in the County of Del Norte and lying within an area beginning at the intersection of the ordinary high-water mark of the Pacific Ocean and the northern boundary of Del Norte County; thence southerly along the ordinary high-water mark of the Pacific Ocean to the southern boundary of Del Norte County; thence on a line, due west into the Pacific Ocean a distance of three nautical miles to a point; thence northerly on a line parallel to the ordinary high-water mark of the Pacific Ocean to a point which lies due west of the point of beginning; thence due east to the point of beginning.

Sec. 4. Any suspension of leasing in an area of the Continental Shelf pursuant to section 3 shall be terminated by the Secretary of the Interior if the State of California revokes the law enacted by such State prohibiting exploration for extraction of oil, gas, or other minerals in the entire area of such State described in section 3(b) which is adjacent to such area of the Continental Shelf.

Sec. 5. Nothing in this Act shall be deemed—

(1) to authorize the Secretary of the Interior to terminate any lease or to refuse to renew any lease with a right of renewal; or

(2) to prohibit or limit any presently existing powers of the Secretary of the Interior to grant rights of way; or

(3) to prohibit any exploration of the Outer Continental Shelf; or

(4) to grant to the State of California any title or jurisdiction over any portion of the Outer Continental Shelf.

Sec. 6. In any case in which the State of California at any time after the date of enactment of this Act suspends or terminates all mineral leasing in any area of lands beneath navigable waters in such State in which no previous production of minerals was allowed, the Secretary of the Interior shall report to the President and the Congress his recommendations with respect to any suspension of mineral leasing in the area of the Outer Continental Shelf seaward of such State area.

Sec. 7. The President is authorized to terminate any suspension pursuant to section 3 during any national emergency declared after the date of enactment of this Act.

Sec. 8. For the purpose of this Act—

(1) the term "lands beneath navigable waters" has the meaning prescribed in the Submerged Lands Act;

(2) the term "Outer Continental Shelf" has the meaning prescribed in the Outer Continental Shelf Lands Act;

(3) the term "coastline" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

(4) the term "lease" means any permit, contract or any other form of authorization.

Sec. 9. If any provision of this Act, or any section, subsection, sentence, clause, or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances is not affected thereby.

### S. 165

A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "San Diego and Orange County Marine Sanctuary Act".

Sec. 2. The Congress finds and declares that the shoreline of the State of California, and the lands beneath navigable waters and the Outer Continental Shelf off such shoreline, are rich in a variety of natural, commercial, recreational, and esthetic resources of immediate and potential value to the present and future generations of Americans; that many of these areas are in danger of damage or destruction by commercial and industrial development; and that it is the policy of Congress to preserve, protect, restore, make accessible for the benefit of all the people, and encourage balanced use of selected portions of such areas.

Sec. 3. (a) The Secretary of the Interior shall, effective as of the date of enactment of this Act, suspend all further leasing pursuant to the Outer Continental Shelf Lands Act for the exploration for or extraction of oil, gas, or any other mineral in the portion of the Outer Continental Shelf seaward of the area described in subsection (b) in which such State has provided by law that leases will not be issued by such State for the exploration for or extraction of oil, gas, or any other mineral; and has not previously allowed the production of any oil, gas or other mineral. The Secretary shall determine such seaward portion by extending seaward the boundaries of such State area in a parallel manner adjusted as determined by the Secretary to conform to lease tract boundaries.

(b) Such area is as follows:

The San Diego and Orange County Sanctuary.

Beginning at the point of the intersection of the ordinary high-water mark of the Pacific Ocean with the southern boundary of San Diego County; thence in a generally northerly direction along said ordinary high-water mark to the northerly city limits of the city of Newport Beach, Orange County; thence southerly and westerly three nautical miles to a point in the Pacific Ocean; thence in a generally southerly direction parallel to said ordinary high-water mark to a point in the Pacific three nautical miles west from the point of beginning.

Sec. 4. Any suspension of leasing in the area of the continental shelf pursuant to section 3 shall be terminated by the Secretary of the Interior if the State of California revokes the law enacted by such State prohibiting exploration for extraction of oil, gas, or other minerals in the entire area of such State described in section 3(b) which is adjacent to such area of the Continental Shelf.

Sec. 5. Nothing in this Act shall be deemed—

(1) to authorize the Secretary of the Interior to terminate any lease or to refuse to renew any lease with a right of renewal; or

(2) to prohibit or limit any presently existing power of the Secretary of the Interior to grant rights of way; or

(3) to prohibit any exploration of the Outer Continental Shelf; or

(4) to grant to the State of California any title or jurisdiction over any portion of the Outer Continental Shelf.

Sec. 6. In any case in which the State of California at any time after the date of enactment of this Act suspends or terminates all mineral leasing in any area of lands beneath navigable waters in such State in which no previous production of minerals was allowed, the Secretary of the Interior shall report to the President and the Congress his recommendations with respect to any suspension of mineral leasing in the area of the Outer Continental Shelf seaward of such State area.

Sec. 7. The President is authorized to terminate any suspension pursuant to section 3 during any national emergency declared after the date of enactment of this Act.

Sec. 8. For the purposes of this Act—

(1) the term "lands beneath navigable waters" has the meaning prescribed in the Submerged Lands Act;

(2) the term "Outer Continental Shelf" has the meaning prescribed in the Outer Continental Shelf Lands Act;

(3) the term "coastline" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

(4) the term "lease" means any permit, contract, or any other form of authorization.

Sec. 9. If any provision of this Act, or any section, subsection, sentence, clause, or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances is not affected thereby.

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### S. 166

A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Santa Catalina and San Clemente Islands Marine Sanctuary Act".

Sec. 2. The Congress finds and declares that the shoreline of the State of California, and the lands beneath navigable waters and the Outer Continental Shelf off such shoreline, are rich in a variety of natural, commercial, recreational, and esthetic resources of immediate and potential value to the present and future generations of Americans; that many of these areas are in danger of damage or destruction by commercial and industrial development; and that it is the policy of Congress to preserve, protect, restore, make accessible for the benefit of all the people, and encourage balanced use of selected portions of such areas.

Sec. 3. (a) The Secretary of the Interior shall, effective as of the date of enactment of this Act, suspend all further leasing pursuant to the Outer Continental Shelf Lands Act for the exploration for or extraction of oil, gas, or any other mineral in the portion of subsection (b) in which such State has provided by law that leases will not be issued by such State for the exploration for or extraction of oil, gas, or any other mineral; and has not previously allowed the production of any oil, gas or other mineral. The Secretary shall determine such seaward portion by extending seaward the boundaries of such State area in a parallel manner adjusted as determined by the Secretary to conform to lease tract boundaries.

(b) Such area is as follows:

The Santa Catalina and San Clemente Islands Sanctuary.

The tide and submerged lands surrounding the Islands of San Clemente and Santa Catalina waterward of the ordinary high-water mark of the Pacific Ocean on such islands to a distance three nautical miles therefrom.

Sec. 4. Any suspension of leasing in the area of the continental shelf pursuant to section 3 shall be terminated by the Secretary of the Interior if the State of California revokes the law enacted by such State prohibiting exploration for extraction of oil, gas, or other minerals in the entire area of such State described in section 3(b) which is adjacent to such area of the continental shelf.

SEC. 5. Nothing in this Act shall be deemed—

(1) to authorize the Secretary of the Interior to terminate any lease or to refuse to renew any lease with a right of renewal; or

(2) to prohibit or limit any presently existing power of the Secretary of the Interior to grant rights of way; or

(3) to prohibit any exploration of the Outer Continental Shelf; or

(4) to grant to the State of California any title or jurisdiction over any portion of the Outer Continental Shelf.

SEC. 6. In any case in which the State of California at any time after the date of enactment of this Act suspends or terminates all mineral leasing in any area of lands beneath navigable waters in such State in which no previous production of minerals was allowed, the Secretary of the Interior shall report to the President and the Congress his recommendations with respect to any suspension of mineral leasing in the area of the Outer Continental Shelf seaward of such State area.

SEC. 7. The President is authorized to terminate any suspension pursuant to section 3 during any national emergency declared after the date of enactment of this Act.

SEC. 8. For the purposes of this Act—

(1) the term "lands beneath navigable waters" has the meaning prescribed in the Submerged Lands Act.

(2) the term "Outer Continental Shelf" has the meaning prescribed in the Outer Continental Shelf Lands Act;

(3) the term "coastline" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

(4) the term "lease" means any permit, contract or any other form of authorization.

SEC. 9. If any provision of this Act, or any section, subsection, sentence, clause, or circumstances is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances is not affected thereby.

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## S. 167

A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Los Angeles County Marine Sanctuary Act".

SEC. 2. The Congress finds and declares that the shoreline of the State of California, and the lands beneath navigable waters and the Outer Continental Shelf off such shoreline, are rich in a variety of natural, commercial, recreational, and esthetic resources of immediate and potential value to the present and future generations of Americans; that many of these areas are in danger of damage or destruction by commercial and industrial development; and that it is the policy of Congress to preserve, protect, restore, make accessible for the benefit of all the people, and encourage balanced use of selected portions of such areas.

SEC. 3. (a) The Secretary of the Interior shall, effective as of the date of enactment of this Act, suspend all further leasing pursuant to the Outer Continental Shelf Lands Act for the exploration for or extraction of oil, gas, or any other mineral in the portion of the Outer Continental Shelf seaward of the area described in subsection (b) in which such State has provided by law that leases will not be issued by such State for the exploration for or extraction of oil, gas, or any other mineral; and has not previously allowed the production of any oil, gas, or other mineral. The Secretary shall determine such seaward portion by extending seaward the boundaries of such State area in a parallel manner adjusted as determined by the Secretary to conform to lease tract boundaries.

(b) Such area is as follows:

The Los Angeles County Sanctuary.

Beginning at the point of intersection of the ordinary high-water mark of the Pacific Ocean with the southerly point of Point Fermin; thence in a generally northerly and westerly direction along said ordinary high-water mark to the Ventura County line; thence due south three nautical miles to a point in the Pacific Ocean; thence in a generally easterly and southerly direction parallel to said ordinary high-water mark to a point in the Pacific Ocean three nautical miles due south from the point of beginning; thence due north to the point of beginning.

SEC. 4. Any suspension of leasing in the area of the Continental Shelf pursuant to section 3 shall be terminated by the Secretary of the Interior if the State of California revokes the law enacted by such State prohibiting exploration for extraction of oil, gas, or other minerals in the entire area of such State described in section 3(b) which is adjacent to such area of the Continental Shelf.

SEC. 5. Nothing in this Act shall be deemed—

(1) to authorize the Secretary of the Interior to terminate any lease or to refuse to renew any lease with a right of renewal; or

(2) to prohibit or limit any presently existing power of the Secretary of the Interior to grant rights of way; or

(3) to prohibit any exploration of the Outer Continental Shelf; or

(4) to grant to the State of California any title or jurisdiction over any portion of the Outer Continental Shelf.

SEC. 6. In any case in which the State of California at any time after the date of enactment of this Act suspends or terminates all mineral leasing in any area of lands beneath navigable waters in such State in which no previous production of minerals was allowed, the Secretary of the Interior shall report to the President and the Congress his recommendations with respect to any suspension of mineral leasing in the area of the Outer Continental Shelf seaward of such State area.

SEC. 7. The President is authorized to terminate any suspension pursuant to section 3 during any national emergency declared after the date of enactment of this Act.

SEC. 8. For the purposes of this Act—

(1) the term "lands beneath navigable waters" has the meaning prescribed in the Submerged Lands Act;

(2) the term "Outer Continental Shelf" has the meaning prescribed in the Outer Continental Shelf Lands Act;

(3) the term "coastline" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

(4) the term "lease" means any permit, contract or any other form of authorization.

SEC. 9. If any provision of this Act, or any section, subsection, sentence, clause, or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances is not affected thereby.

## S. 168

A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State-owned submerged lands in which such State has suspended leasing for mineral purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "San Luis Obispo County Marine Sanctuary Act".

SEC. 2. The Congress finds and declares that the shoreline of the State of California, and the lands beneath navigable waters and the Outer Continental Shelf off such shoreline, are rich in a variety of natural, commercial, recreational, and esthetic resources of immediate and potential value to the present and future generations of Americans; that many of these areas are in danger of damage or destruction by commercial and industrial development; and that it is the policy of Congress to preserve, protect, restore, make accessible for the benefit of all the people, and encourage balanced use of selected portions of such areas.

SEC. 3. (a) The Secretary of the Interior shall, effective as of the date of enactment of this Act, suspend all further leasing pursuant to the Outer Continental Shelf Lands Act for the exploration for or extraction of oil, gas, or any other mineral in the portion of the Outer Continental Shelf seaward of the area described in subsection (b) in which such State has provided by law that leases will not be issued by such State for the exploration for or extraction of oil, gas, or any other mineral; and has not previously allowed the production of any oil, gas, or other mineral. The Secretary shall determine such seaward portion by extending seaward the boundaries of such State area in a parallel manner adjusted as determined by the Secretary to conform to lease tract boundaries.

(b) Such area is as follows:

The San Luis Obispo County Sanctuary. All those tide and submerged lands being in the County of San Luis Obispo and lying within an area beginning at a point on the ordinary high-water mark of the Pacific Ocean at the northern boundary of San Luis Obispo County, thence southerly along the ordinary high-water mark of the Pacific Ocean to the Southern boundary of San Luis Obispo County; thence on a line due west into the Pacific Ocean a distance of three nautical miles to a point; thence northerly on a line parallel to the ordinary high-water mark of the Pacific Ocean to a point which lies due west a distance of three nautical miles from the point of beginning; thence due east to the point of beginning.

SEC. 4. Any suspension of leasing in the area of the continental shelf pursuant to section 3 shall be terminated by the Secretary of the Interior if the State of California revokes the law enacted by such State prohibiting exploration for extraction of oil, gas, or other minerals in the entire area of such State described in section 3(b) which is adjacent to such area of the continental shelf.

SEC. 5. Nothing in this Act shall be deemed—

(1) to authorize the Secretary of the Interior to terminate any lease or to refuse to renew any lease with a right of renewal; or

(2) to prohibit or limit any presently existing power of the Secretary of the Interior to grant rights of way; or

(3) to prohibit any exploration of the Outer Continental Shelf; or

(4) to grant to the State of California any title or jurisdiction over any portion of the Outer Continental Shelf.

SEC. 6. In any case in which the State of California at any time after the date of enactment of this Act suspends or terminates all mineral leasing in any area of lands beneath navigable waters in such State in which no previous production of minerals was allowed, the Secretary of the Interior shall report to the President and the Congress his recommendations with respect to any suspension of mineral leasing in the area of the Outer Continental Shelf seaward of such State area.

Sec. 7. The President is authorized to terminate any suspension pursuant to section 3 during any national emergency declared after the date of enactment of this Act.

Sec. 8. For the purposes of this Act—

(1) the term "lands beneath navigable waters" has the meaning prescribed in the Submerged Lands Act;

(2) the term "Outer Continental Shelf" has the meaning prescribed in the Outer Continental Shelf Lands Act;

(3) the term "coastline" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

(4) the term "lease" means any permit, contract or any other form of authorization.

Sec. 9. If any provision of this Act, or any section, subsection, sentence, clause, or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances is not affected thereby.

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### S. 169

A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State-owned submerged lands in which such State has suspended leasing for mineral purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Monterey and Santa Cruz Sanctuary Act."

Sec. 2. The Congress finds and declares that the shoreline of the State of California, and the lands beneath navigable waters and the Outer Continental Shelf off such shoreline, are rich in a variety of natural, commercial, recreational, and esthetic resources of immediate and potential value to the present and future generations of Americans; that many of these areas are in danger of damage or destruction by commercial and industrial development; and that it is the policy of Congress to preserve, protect, restore, make accessible for the benefit of all the people, and encourage balanced use of selected portions of such areas.

Sec. 3. (a) The Secretary of the Interior shall, effective as of the date of enactment of this Act, suspend all further leasing pursuant to the Outer Continental Shelf Lands Act for the exploration for or extraction of oil, gas, or any other mineral in the portion of the Outer Continental Shelf seaward of the area described in subsection (b) in which such State has provided by law that leases will not be issued by such State for the exploration for or extraction of oil, gas, or any other mineral; and has not previously allowed the production of any oil, gas or other mineral. The Secretary shall determine such seaward portion by extending seaward the boundaries of such State area in a parallel manner adjusted as determined by the Secretary to conform to lease tract boundaries.

(b) Such area is as follows:

The Monterey and Santa Cruz Marine Sanctuary.

All those tide and submerged lands being in the Counties of Monterey and Santa Cruz and lying within an area beginning at the intersection of the ordinary high water mark of the Pacific Ocean and the northern boundary of Santa Cruz County; thence southerly along the ordinary high-water mark of the Pacific Ocean to the southern boundary of Monterey County; thence on a line due west into the Pacific Ocean a distance of three nautical miles to a point; thence northerly on a line parallel to the ordinary high-water mark of the Pacific Ocean to a point which lies due west of the point of beginning; thence due east to the point of beginning.

Sec. 4. Any suspension of leasing in the area of the continental shelf pursuant to section 3 shall be terminated by the Secretary of the Interior if the State of California revokes the law enacted by such State prohibiting exploration for extraction of oil, gas, or other minerals in the entire area of such State described in section 3(b) which is adjacent to such area of the continental shelf.

Sec. 5. Nothing in this Act shall be deemed—

(1) to authorize the Secretary of the Interior to terminate any lease or to refuse to renew any lease with a right of renewal; or

(2) to prohibit or limit any presently existing power of the Secretary of the Interior to grant rights of way; or

(3) to prohibit any exploration of the Outer Continental Shelf; or

(4) to grant to the State of California any title or jurisdiction over any portion of the Outer Continental Shelf.

Sec. 6. In any case in which the State of California at any time after the date of enactment of this Act suspends or terminates all mineral leasing in any area of lands beneath navigable waters in such State in which no previous production of minerals was allowed, the Secretary of the Interior shall report to the President and the Congress his recommendations with respect to any suspension of mineral leasing in the area of the Outer Continental Shelf seaward of such State area.

Sec. 7. The President is authorized to terminate any suspension pursuant to section 3 during any national emergency declared after the date of enactment of this Act.

Sec. 8. For the purpose of this Act—

(1) the term "lands beneath navigable waters" has the meaning prescribed in the Submerged Lands Act.

(2) the term "Outer Continental Shelf" has the meaning prescribed in the Outer Continental Shelf Lands Act;

(3) the term "coastline" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

(4) the term "lease" means any permit, contract or other form of authorization.

Sec. 9. If any provision of this Act, or any section, subsection, sentence, clause, or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances is not affected thereby.

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### S. 170

A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the Golden Gate Marine Sanctuary Act.

Sec. 2. The Congress finds and declares that the shoreline of the State of California, and the lands beneath navigable waters and the Outer Continental Shelf off such shoreline, are rich in a variety of natural, commercial, recreational, and esthetic resources of immediate and potential value to the present and future generations of Americans; that many of these areas are in danger of damage or destruction by commercial and industrial development; and that it is the policy of Congress to preserve, protect, restore, make accessible for the benefit of all the people, and encourage balanced use of selected portions of such areas.

Sec. 3. (a) The Secretary of the Interior shall, effective as of the date of enactment of this Act, suspend all further leasing pursuant to the Outer Continental Shelf Lands Act for the exploration for or extraction of oil, gas, or any other mineral in the portion of the Outer Continental Shelf seaward of the area described in subsection (b) in which such State has provided by law that leases will not be issued by such State for the exploration for or extraction of oil, gas, or any other mineral; and has not previously allowed the production of any oil, gas or other mineral. The Secretary shall determine such seaward portion by extending seaward boundaries of such State area in a parallel manner adjusted as determined by the Secretary to conform to lease tract boundaries.

(b) Such area is as follows:

The Golden Gate Marine Sanctuary.

All those tide and submerged lands being in the Counties of Sonoma, Marin, San Francisco and San Mateo and lying within an area beginning at the intersection of the ordinary high-water mark of the Pacific Ocean and the northern boundary of Sonoma County; thence southerly along the ordinary high-water mark of the Pacific Ocean to the southern boundary of San Mateo County; thence on a line due west into the Pacific Ocean a distance of three nautical miles to a point; thence northerly on a line parallel to the ordinary high-water mark of the Pacific Ocean to a point which lies due west a distance of three nautical miles from the point of beginning; thence due east to the point of beginning.

Sec. 4. Any suspension of leasing in the area of the continental shelf pursuant to section 3 shall be terminated by the Secretary of the Interior if the State of California revokes the law enacted by such State prohibiting exploration for extraction of oil, gas, or other minerals in the entire area of such State described in section 3(b) which is adjacent to such area to the continental shelf.

Sec. 5. Nothing in this Act shall be deemed—

(1) to authorize the Secretary of the Interior to terminate any lease or to refuse to renew any lease with a right of renewal, or

(2) to prohibit or limit any presently existing power of the Secretary of the Interior to grant rights of way; or

(3) to prohibit any exploration of the Outer Continental Shelf; or

(4) to grant to the State of California any title or jurisdiction over any portion of the Outer Continental Shelf.

Sec. 6. In any case in which the State of California at any time after the date of enactment of this Act suspends or terminates all mineral leasing in any area of lands beneath navigable waters in such State in which no previous production of minerals was allowed, the Secretary of the Interior shall report to the President and the Congress his recommendations with respect to any suspension of mineral leasing in the area of the Outer Continental Shelf seaward of such State area.

Sec. 7. The President is authorized to terminate any suspension pursuant to section 3 during any national emergency declared after the date of enactment of this Act.

Sec. 8. For the purposes of this Act—

(1) the term "lands beneath navigable waters" has the meaning prescribed in the Submerged Lands Act;

(2) the term "Outer Continental Shelf"

has the meaning prescribed in the Outer Continental Shelf Lands Act;

(3) the term "coastline" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

(4) the term "lease" means any permit, contract or any other form of authorization.

SEC. 9. If any provision of this Act, or any section, subsection, sentence, clause, or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances is not affected thereby.

### S. 171

A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That this Act may be cited as the "Humboldt and Mendocino Counties Marine Sanctuary Act".

SEC. 2. The Congress finds and declares that the shoreline of the State of California, and the lands beneath navigable waters and the Outer Continental Shelf off such shoreline, are rich in a variety of natural, commercial, recreational, and esthetic resources of immediate and potential value to the present and future generations of Americans; that many of these areas are in danger of damage or destruction by commercial and industrial development; and that it is the policy of Congress to preserve, protect, restore, make accessible for the benefit of all the people, and encourage balanced use of selected portions of such areas.

SEC. 3. (a) The Secretary of the Interior shall, effective as of the date of enactment of this Act, suspend all further leasing pursuant to the Outer Continental Shelf Lands Act for the exploration for an extraction of oil, gas, or any other mineral in the portion of the Outer Continental Shelf seaward of the area described in subsection (b) in which such State has provided by law that leases will not be issued by such State for the exploration for or extraction of oil, gas, or any other mineral; and has not previously allowed the production of any oil, gas, or any other mineral. The Secretary shall determine such seaward portion by extending seaward the boundaries of such State area in a parallel manner adjusted as determined by the Secretary to conform to lease tract boundaries.

(b) Such area is as follows:

The Humboldt and Mendocino Counties Sanctuary.

All those tide and submerged lands being in the Counties of Humboldt and Mendocino and lying within an area beginning at the intersection of the ordinary high-water mark of the Pacific Ocean and the south line of township 5 south, Humboldt base line; thence northerly and westerly along the ordinary high-water mark of the Pacific Ocean to the intersection of said high-water mark and the north line of township 1 north, Humboldt base line; thence due west to a point in the Pacific Ocean, said point being three nautical miles from the ordinary high-water mark; thence in a southerly and easterly direction, parallel to and three nautical miles distant from said high-water mark to a point due west from the point of beginning; thence due east to the point of beginning.

SEC. 4. Any suspension of leasing in the area of the Continental Shelf pursuant to section 3 shall be terminated by the Secretary of the Interior if the State of California revokes the law enacted by such State prohibiting exploration for extraction of oil, gas, or other minerals in the entire area of such State described in section 3(b) which is adjacent to such area of the Continental Shelf.

SEC. 5. Nothing in this Act shall be deemed—

(1) to authorize the Secretary of the Interior to terminate any lease or to refuse to renew any lease with a right of renewal; or

(2) to prohibit or limit any presently existing power of the Secretary of the Interior to grant rights-of-way; or

(3) to prohibit any exploration of the Outer Continental Shelf; or

(4) to grant to the State of California any title or jurisdiction over any portion of the Outer Continental Shelf.

SEC. 6. In any case in which the State of California at any time after the date of enactment of this Act suspends or terminates all mineral leasing in any area of lands beneath navigable waters in such State in which no previous production of minerals was allowed, the Secretary of the Interior shall report to the President and the Congress his recommendation with respect to any suspension of mineral leasing in the area of the Outer Continental Shelf seaward of such State area.

SEC. 7. The President is authorized to terminate any suspension pursuant to section 3 during any national emergency declared after the date of enactment of this Act.

SEC. 8. For the purposes of this Act—

(1) the term "lands beneath navigable waters" has the meaning prescribed in the Submerged Lands Act;

(2) the term "Outer Continental Shelf" has the meaning prescribed in the Outer Continental Shelf Lands Act;

(3) The term "coastline" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

(4) the term "lease" means any permit, contract or any other form of authorization.

SEC. 9. If any provision of this Act, or any section, subsection, sentence, clause, or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances is not affected thereby.

### S. 172

A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Del Norte County Marine Sanctuary Act."

SEC. 2. The Congress finds and declares that the shoreline of the State of California, and the lands beneath navigable waters and the Outer Continental Shelf off such shoreline, are rich in a variety of natural, commercial, recreational, and esthetic resources of immediate and potential value to the present and future generations of Americans; that many of these areas are in danger of damage or destruction by commercial and industrial development; and that it is the policy of Congress to preserve, protect, restore, make accessible for the benefit of all the people, and encourage balanced use of selected portions of such areas.

SEC. 3. (a) The Secretary of the Interior shall, effective as of the date of enactment of this Act, suspend all further leasing pursuant to the Outer Continental Shelf Lands Act for the exploration for or extraction of oil, gas, or any other mineral in the portion of the Outer Continental Shelf seaward of the area described in subsection (b) in which such State has provided by law that leases will not be issued by such State for the exploration for or extraction of oil, gas, or any other mineral; and has not previously allowed the production of any oil, gas or other mineral. The Secretary shall determine such seaward portion by extending seaward the boundaries of such State area in a parallel manner adjusted as determined by the Secretary to conform to lease tract boundaries.

(b) Such area is as follows:

The Del Norte County Marine Sanctuary.

All those tide and submerged lands being in the County of Del Norte and lying within an area beginning at the intersection of the ordinary high-water mark of the Pacific Ocean and the northern boundary of Del Norte Country; thence southerly along the ordinary high-water mark of the Pacific Ocean to the southern boundary of Del Norte County; thence on a line due west into the Pacific Ocean a distance of three nautical miles to a point; thence northerly on a line parallel to the ordinary high-water mark of the Pacific Ocean to a point which lies due west of the point of beginning; thence due east to the point of beginning.

SEC. 4. Any suspension of leasing in the area of the continental shelf pursuant to section 3 shall be terminated by the Secretary of the Interior if the State of California revokes the law enacted by such State prohibiting exploration for extraction of oil, gas, or other minerals in the entire area of such State described in section 3(b) which is adjacent to such area of the Continental Shelf.

SEC. 5. Nothing in this Act shall be deemed—

(1) to authorize the Secretary of the Interior to terminate any lease or to refuse to renew any lease with a right of renewal; or

(2) to prohibit or limit any presently existing power of the Secretary of the Interior to grant rights-of-way; or

(3) to prohibit any exploration of the Outer Continental Shelf; or

(4) to grant to the State of California any title or jurisdiction over any portion of the Outer Continental Shelf.

SEC. 6. In any case in which the State of California at any time after the date of enactment of this Act suspends or terminates all mineral leasing in any area of lands beneath navigable waters in such State in which no previous production of minerals was allowed, the Secretary of the Interior shall report to the President and the Congress his recommendations with respect to any suspension of mineral leasing in the area of the Outer Continental Shelf seaward of such State area.

SEC. 7. The President is authorized to terminate any suspension pursuant to section 3 during any national emergency declared after the date of enactment of this Act.

SEC. 8. For the purposes of this Act—

(1) the term "lands beneath navigable waters" has the meaning prescribed in the Submerged Lands Act;

(2) the term "Outer Continental Shelf" has the meaning prescribed in the Outer Continental Shelf Lands Act;

(3) the term "coastline" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

(4) the term "lease" means any permit, contract or any other form of authorization.

SEC. 9. If any provision of this Act, or any section, subsection, sentence, clause, or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances is not affected thereby.

By Mr. SCHWEIKER (for himself and Mr. SCOTT of Pennsylvania):

S. 173. A bill to authorize the reinstatement and extension of the authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pa. Referred to the Committee on Public Works.

### PRESQUE ISLE PENINSULA

Mr. SCHWEIKER. Mr. President, I introduce for myself and the distinguished Senior Senator of Pennsylvania (Mr. SCOTT), a bill to authorize the reinstatement and extension of the authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pa.

The purpose of this legislation is to extend the authority for Federal participation in the Presque Isle cooperative beach erosion control project for a period of 5 years. The legislation also authorizes $3,500,000 to support the work necessary on this important project.

Federal participation in the Presque Isle beach erosion control project was originally authorized by the 1960 River and Harbor Act, Public Law 86–645, for a period of 10 years. That authority existed from 1961 to May 1971, when it expired.

On September 27, 1972, the Senate adopted an amendment identical to the bill I am introducing today as part of the Omnibus Rivers and Harbors Act. I was delighted when the Senate adopted my amendment, which was also retained by the conferees in the final version of this legislation. Regrettably, however, the Schweiker amendment was included in the October 27 veto of the Omnibus Rivers and Harbors Act. Thus, I am reintroducing this legislation, which was originally introduced on May 10, 1972 as S. 3595.

Presque Isle State Park and its beaches are considered a statewide resource in Pennsylvania, and truly are a national resource as well. About 4 million people enjoy the area annually. For many years, attempts have been made to control erosion at these beaches. Such attempts, however, have been ineffective and temporary in nature. Winter storms, particularly during the winter of 1971–1972, and this year, have taken a heavy toll. It is essential that attempts be taken now to provide protection for the peninsula.

In April 1972, I wrote the District Engineer of the Army Corps of Engineers, Buffalo district, which has jurisdiction over Presque Isle, urging that public hearings be held in Erie on the Presque Isle erosion problem. Those hearings were held on June 2, 1972, and I was pleased to have had an opportunity to testify at the hearings, along with many members of the Erie community. The Corps of Engineers has held additional public hearings, the most recent being held on December 18th for the purpose of summarizing the findings of the review study on the alternative measures available to provide for the protection and improvement of the peninsula. Thus, a great deal of preliminary work has been done.

However, in order for the Corps of Engineers to actively work on the area, it will be necessary to obtain an extension of Federal participation in the project beyond the expiration date which occurred in May 1971. The extension would permit Federal participation in emergency restoration of beach areas that may be required to protect park facilities from severe damage and provide useful and attractive bathing areas until more permanent modifications can be authorized and constructed. This is exactly what my legislation would do. This legislation would authorize Federal participation to a maximum of 70 percent of the cost of improving public park areas. Presque Isle State Park meets all the criteria for 70 percent participation and the cost of work done on the cooperative project for the 10 years prior to 1971 has been shared on that basis, with 30 percent State participation.

The residents of the Erie area have shown their sincere concern to State and Federal representatives about the need to undertake the emergency restoration of the beach areas.

Mr. President, as I have said in the past, Presque Isle State Park is simply too valuable to Pennsylvania and to the Nation to permit continued erosion to take place. Last year, during consideration of the Omnibus Rivers and Harbors Act, my colleagues in Congress agreed with me that this is an area which must be preserved and protected. I am sincerely hopeful that the Senate will act quickly on this legislation, so that additional delays in protecting this beautiful area can be avoided.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 173

*Be it enacted by the Senate and House of Representatives of the United State of America in Congress assembled,* That the authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pennsylvania, as provided in section 101 of the River and Harbor Act of 1960 (74 Stat. 480) is reinstated and extended, under the terms existing immediately prior to the termination of such authorization, for a period of five years from the date of enactment of this Act, or if the review study of such project being carried out by the Secretary of the Army is not completed prior to the end of such period until such study is completed and a report thereon submitted to the Congress.

SEC. 2. There is authorized to be appropriated not to exceed $3,500,000 to carry out the provisions of this Act.

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By Mr. MONTOYA (for himself, Mr. LONG and Mr. RIBICOFF):

S. 174. A bill to provide for coverage of certain drugs under Medicare. Referred to the Committee on Finance.

### COVERAGE OF CERTAIN DRUGS UNDER MEDICARE

Mr. MONTOYA. Mr. President, in past years I have introduced legislation to afford some degree of protection to older Americans confronted with the need to purchase costly prescription drugs. At the very least, these drugs become a burden on the already tightly stretched budgets of the elderly. For some, the cost of medication is a financial catastrophe that has far-reaching effects both on the elderly person himself and on his family and friends.

Today I am again introducing a proposal to provide what I believe to be a workable insurance program that would provide much needed assistance to millions of our most hard pressed elderly citizens, those with chronic illnesses. I am offering this measure on behalf of myself and Senators LONG and RIBICOFF.

When I first introduced legislation to provide assistance for elderly persons confronted with costs of prescription drugs, I sought to have the costs of all drugs covered. However, during committee hearings it became clear that the measure originally would have been prohibitively expensive. Costs were estimated at $2.6 billion. The committee did, however, concur that drug costs, especially continuing costs for chronic illnesses, presented a prohibitive cost for the elderly also.

As a result, modifications were made which reduced the expected cost of the legislation to $700 million yearly, while still providing protection for those most in need of it.

There is no question, I am certain, in the mind of any Senator how difficult it is to live on the very modest fixed incomes that most elderly persons have. While incomes for those receiving pensions and social security benefits remain relatively static, the cost of living has soared. And while a sudden illness may force an elderly person to spend a significant portion of his income on drugs, that is a one-time only expense.

But a chronic lingering malady such as heart disease can require such large and continuing expenses for medication that all hope can be drained from the prospect of life ahead. Instead of seeing these medications as preserving their lives, many chronically ill, elderly persons see their lives as dreary and painful treadmills, their only future being in more costly medication which maintains life, but whose cost saps the spirit.

For these older Americans, I believe it is imperative that we provide the assistance that they need.

This legislation is familiar to all but the newest Members of the Senate, and in the past the Senate has agreed that this assistance is necessary and important. During the 92d Congress, the Senate passed this proposal by a vote of 52 to 0 when it was included as an amendment to H.R. 1. Unfortunately, the amendment was deleted by the House-Senate conference. Nonetheless, I think that the excellent work done in this measure by the Finance Committee was in large part responsible for its favorable reception by the Senate.

Because the report of that committee on this measure is such a clear exposition of the main provisions of the bill and the problems that it will solve. I ask unanimous consent to have pages 269 through 279 of the Senate Finance Committee report on H.R. 1 of the 92d Congress included as part of my remarks at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

## Coverage of Certain Maintenance Drugs Under Medicare

(Sec. 215 of the bill)

### BACKGROUND

The committee added an amendment to the House bill which would provide coverage of certain maintenance drugs under part A of medicare. Medicare presently covers the cost of drugs given to an inpatient in a hospital or extended care facility, but does not, however, pay for prescription drugs on an outpatient basis.

Beneficiaries and others have frequently indicated the lack of coverage for outpatient drugs as the most significant gap in the medicare benefit structure. Prescription of drug expenses account for a large part of the health expenses of older people. More important, perhaps, than the fact that drugs represent a large out-of-pocket expense for the elderly is that this expense is distributed unevenly among the elderly. Those with chronic illnesses such as heart or respiratory diseases are often faced with recurring drug expenses and many of these drugs are critical to the survival of these chronically ill patients. As a result, the elderly with chronic illnesses have, on the average, prescription drug expenditures nearly three times as high as those without chronic illnesses.

The committee believes that an outpatient prescription drug benefit is the most important and logical benefit addition to the Medicare program. However, the committee was quite concerned with the cost and administrative problems associated with proposals to cover all outpaitent prescription drugs under medicare. Covering all drugs for the aged and disabled, with a $1 copayment, was estimated by the Social Security Administration to cost about $2.6 billion. In addition, the administrative burden of covering all drugs would be enormous since the program would have to deal with millions of small prescriptions, and the utilization controls to assure that prescriptions reimbursed under medicare were reasonable and necessary and used only by beneficiaries, would be quite cumbersome.

In studying the problems posed with respect to establishing an outpatient drugs benefit, the committee concluded that the problems could in large part be surmounted by an approach which focused on providing specified drugs which are necessary for the treatment of the most common crippling or life-threatening chronic diseases of the elderly. This approach would have four advantages: (1) It would result in the medicare dollar being targeted toward patients with chronic diseases who need drugs on a continuing basis for a lengthy period of time; (2) it would substantially simplify administration of a drugs benefit; (3) it would incorporate almost self-policing utilization controls at a relatively low administrative cost, since the program would involve only a relatively small number of drug entities and the necessity for these drugs would be comparatively easy to establish; and (4) this approach would substantially lower the cost of providing a drugs benefit. The cost of the amendment is estimated at $740 million for the first full year beginning July 1, 1973.

The committee approach is consistent with the recommendation of the Task Force on Drugs of the Department of Health, Education, and Welfare. The Task Force, in accordance with the Social Security Amendments of 1967, undertook many months of study concerning the appropriateness and possible methods of covering drugs under medicare. In their final report, issued in February 1969, the Task Force stated:

"Available data on drug use by the elderly support the hypothesis that coverage of only those drugs which are important for the treatment of chronic illness among the elderly, and which usually are required on a continuing or recurring basis, would concentrate the protection provided by a drug program where it is most clearly needed."

After reviewing the relative advantages of this approach, the Task Force recommended:

"In order to achieve maximum benefits with whatever funds may be available, and to give maximum help to those of the elderly whose drug needs are the most burdensome, the Task Force finds that particular consideration should be given to providing coverage at the outset mainly for those prescription drugs which are most likely to be essential in the treatment of serious long term illness."

The committee commends the Task Force for its exhaustive and definitive efforts and agrees with its recommendation.

### SUMMARY OF COMMITTEE AMENDMENT

Basically, the committee amendment would cover specific drugs necessary for the treatment of the many crippling or life-threatening diseases of the elderly with the beneficiary subject to a copayment of $1 per prescription.

The chronic illnesses covered under the amendment were carefully chosen. The Task Force on Prescription Drugs issued a voluminous study containing extensive data with respect to drug utilization among the elderly. The table below, taken from the Task Force report, lists the more common chronic illnesses of the elderly, in order of the number of prescriptions related to each condition.

*Descending order for number of prescriptions used in treatment of illnesses among the aged*

[Excluding mental conditions, gastrointestinal disorders, chronic skin diseases and anemia]

| Diagnosed conditions: | *Number of Rx's in thousands* |
|---|---|
| Heart | 46,512 |
| High blood pressure | 19,681 |
| Arthritis and rheumatism | 17,343 |
| Genito-urinary conditions | 9,127 |
| Diabetes | 8,085 |
| Colds, coughs, throat conditions and influenza [1] | 7,504 |
| Other disorders of circulatory system | 4,776 |
| Injuries and adverse reactions [1] | 4,000 |
| Neoplasm | 3,701 |
| Eye | 3,683 |
| Emphysema | 2,766 |
| Asthma and hay fever | 2,547 |
| Other respiratory conditions | 2,415 |
| Sinus and bronchial conditions | 2,138 |
| Ear | 2,113 |
| Pneumonia | 1,531 |
| Thyroid | 1,491 |

[1] Not included in amendment because of generally short-term nature of condition and need for prescriptions.

The amendment would cover serious chronic conditions necessitating long-term drug treatment with the exception of mental and nervous conditions, chronic skin disease, anemia, and gastrointestinal disorders. These diagnoses are excepted because many of the drugs used in their treatment (for example, tranquilizers, antacids, antispasmodics, antidiarrheals, vitamins, iron, and skin ointments) are drugs which are also used by many people for general reasons and are, therefore, difficult to confine to appropriate usage by beneficiaries only (for example, they could be acquired for use by nonbeneficiaries) as opposed to drugs such as insulin or digitalis which are almost invariably used only by those who have a specific need for them. In addition, concern has been expressed that coverage of the "major" tranquilizers used in the treatment of mental illnesses might encourage over-prescribing of potent tranquilizers for older people.

The amendment would further limit coverage to only certain drugs used in the treatment of covered conditions. In other words, people with chronic heart disease often use digitalis drugs to strengthen their heartbeat, anticoagulant drugs to reduce the danger of blood clots and other drugs to lower their blood pressure. These types of drugs would be covered under the amendment as they are necessary in the treatment of the heart condition and they are not types of drugs generally used by people without heart conditions. However, other drugs which might be used by those with chronic heart conditions (such as sedatives, tranquilizers and vitamins) would not be covered as they are drugs which are generally less expensive, less critical in treatment and much more difficult to handle administratively, as many patients without chronic heart disease may also utilize these types of medications.

The provision is designed to establish a basis for coverage of drugs capable of administration at reasonable cost. In this form and scope it is an approach capable of providing significant help and of allowing for orderly future expansion if that were later decided.

It is expected that the Formulary Committee will study the problems related to the questions of possible medicare coverage of drugs used in the treatment of mental illness with particular attention to development of means of assuring appropriate usage of such drugs. The Formulary Committee would submit to the Congress through the Secretary, a report concerning its findings, conclusions and recommendations with respect to this matter.

### ELIGIBILITY

All persons covered under part A of medicare would be eligible for the new outpatient drugs benefit. Under the provision, the drugs covered are necessary in the treatment of the following conditions:

Diabetes
High blood pressure
Chronic cardiovascular disease
Chronic respiratory disease
Chronic kidney disease
Arthritis and Rheumatism
Gout
Glaucoma
Thyroid disease
Cancer
Epilepsy
Parkinsonism
Myasthenia gravis

The fact that the patient needs the drug would indicate that he suffers from one of the above illnesses. Thus generally the existence of a specific chronic illness would not have to be established in connection with the application for payment for the prescription.

### BENEFITS

The covered drug therapeutic categories are as follows:

Adrenocorticoids
Anti-anginals
Anti-arrhythmics
Anti-coagulants
Anti-convulsants (excluding phenobarbital)
Anti-hypertensives
Anti-neoplastics
Anti-Parkinsonism agents
Anti-rheumatics
Bronchodilators
Cardiotonics
Cholinesterase inhibitors
Diuretics
Gout suppressants
Hypoglycemics
Miotics
Thyroid hormones
Tuberculostatics

Within these categories, eligible drugs would be those prescription drug entities which are included by dosage form and strength in the Medicare Formulary described below. The amendment would exclude drugs not requiring a physician's prescription (except for insulin), drugs such as antibiotics which are generally used for a short period of time and drugs such as tranquilizers and sedatives which may be used not only by beneficiaries suffering from serious chronic illnesses, but also by many other persons as well. Beneficiaries would incur a $1 payment obligation for each prescription. They would also be obliged to pay any charges in excess of the product price component of the reasonable allowances where a higher-priced product of a drug included in the Formulary was prescribed and where the allowances were based upon generally available lower cost products (see "reasonable allowance" below). Payment under this program would not be made for drugs supplied to beneficiaries who are inpatients in a hospital or skilled nursing facility because their drugs are already covered under medicare.

### FORMULARY COMMITTEE

To assure rational and professional control over the drugs covered and the cost of the drugs benefit, and to assure that funds are being targeted toward the most necessary drug entities within each covered therapeutic category, a Medicare Formulary would be established.

The Formulary would be compiled by a committee consisting of five members, a majority of whom would be physicians. The members would include the Commissioner of Food and Drugs and four individuals of recognized professional standing and distinction in the fields of medicine, pharmacology or pharmacy who are not otherwise employed by the Federal Government and who do not have a direct or indirect financial interest in the economic aspects of the committee's decisions. Members would be appointed by the Secretary for 5-year staggered terms and would not be eligible to serve continuously for more than two terms. The Chairman would be elected by and from the public members for renewable one-year terms.

It is expected that appointees to the Formulary Committee will have the stature and expertise to assure objective effort and informed decision-making of a level engendering public and professional confidence in their integrity and judgment.

The Formulary Committee would be authorized, with the approval of the Secretary, to engage or contract for such reasonable technical assistance as it determined it might need from time to time to enhance its capacity for judgment concerning inclusion of drugs in the Formulary. This could include utilizing the services of the committees and technical staff of the official compendia (the United States Pharmacopeia and the National Formulary). The committee expects that such contracting would be undertaken on a limited ad hoc basis, and will be used to supplement, as necessary, the services available within the Department.

The Formulary Committee's primary responsibility would be to compile, publish, and revise periodically a Medicare Formulary which would contain a listing of the drug entities (and dosage forms and strengths) within the therapeutic categories covered by the program which, based upon its professional judgment, the committee finds necessary for proper patient care, taking into account other drug entities included in the Formulary. To aid fully its consideration as to whether a drug entity should be included in the Formulary, the Formulary Committee would be authorized to obtain any records pertaining to a drug which were available to any other department or agency of the Federal Government and to request of suppliers of drugs and other knowledgeable persons or organizations pertinent information concerning the drug. The committee would be authorized to establish procedures which it might require to determine the appropriateness of including or excluding a given drug from the Formulary.

The Formulary Committee would exercise utmost care in maintaining the confidentiality of any material of a confidential nature made available to it.

For purposes of inclusion in or exclusion from the Formulary of any drug entity (in a given dosage form and strength), the principal factors to be taken into account by the committee would be: (1) Clinical equivalence, in the case of the same dosage forms in the same strength of the same drug entity; and (2) relative therapeutic value in the case of similar or dissimilar drug entities in the same therapeutic category. The price of a drug entity would not be a consideration in the judgment of the Formulary Committee.

In considering which drug entities and strengths, and dosage forms, to include in the Medicare Formulary, the Formulary Committee is expected, on the basis of its professional and scientific analysis of available information, to exclude such drugs as it determines are not necessary for proper patient care taking into account those drugs (or strengths and dosage forms) which are included in the Formulary.

For example, in their consideration of drug entities in the therapeutic category known as anti-anginals, a therapeutic category included in the covered categories, the Formulary Committee would be expected to take into account professional appraisals such as the following which appears in "Drug Evaluations—1971," an authoritative publication of the American Medical Association:

"The effectiveness of the short-acting agents, such as nitroglycerin and amyl nitrite, has been established through many years of use. * * * The oral administration of the so-called 'long-acting nitrates e.g., pentaerythritol tetranitrate, . . . erythrityl tetranitrate, . . . isosorbide-dinitrate, as well as some preparations of nitroglycerin are alleged to reduce the number of episodes and the severity of the pain of angina pectoris. The effectiveness of these agents is even more difficult to determine than that of the short-acting nitrates, and thus the beneficial value of their long-term use is controversial. * * * Thus, it cannot be concluded that the long acting nitrates are of definite therapeutic value for prolonged use.

"Many products are available that contain a mixture of antianginal agents or an antianginal agent with a sedative or other drug(s); however, none of these fixed-dose combinations is rational. There is no evidence that a combination of antianginal agents has any advantage over the individual agents and, if more than one type of drug is needed, they should be prescribed separately."

The above quotation is illustrative of the type of source and information to which the Formulary Committee is anticipated to give serious consideration and weight in determining those drug entities (and dosage forms and strengths) which are reasonably appropriate as eligible drugs for purposes of medicare reimbursement.

Prior to removing any drug entity (or a particular dosage form or strength) from the Formulary, the committee would afford reasonable opportunity for a hearing on the matter to persons engaged in manufacturing or supplying the drug involved. Similarly, any person manufacturing or supplying a drug entity not included in the Formulary, but which he believed to possess the requisite qualities for inclusion, could petition the committee for consideration of the inclusion of his drug and, if the petition was denied, might, at the discretion of the committee, upon reasonable showing to the Formulary Committee of ground for a hearing, be afforded a hearing on the matter.

In addition to the list of drug entities included in the Formulary, the Formulary would also include a listing of the prices (generally the average wholesale prices) at which the various products of the drug entities are usually sold by suppliers to establishments dispensing drugs.

The Formulary Committee would be solely responsible for professional judgment as to which drug entities (and dosage forms or strengths) are included in the Formulary. The Secretary would not be involved in the making of those professional determinations.

### REIMBURSEMENT

Reimbursement would be based, generally, on the average wholesale price at which the prescribed product of the drug entity included in the Formulary is sold to pharmacies plus a professional fee or other dispensing charges, except that reimbursement could not exceed an amount which, when added to the copayment required of the beneficiary, exceeded the actual customary charge at which the dispenser sells the prescription to the general public.

Both components of the reimbursement would be subject to overall limitations just as medicare's reimbursements to physicians, hospitals and other suppliers is subject to overall limitations. The professional fee or other dispensing charge would not be recognized for medicare reimbursement purposes to the extent that it was in excess of the 75th percentile of fees or charges for other pharmacies in the same census region. In establishing the 75th percentile limit in an area where some pharmacies use one system of calculation and others use a different system, it is the intent that the 75th percentile of charges be calculated independently for the two systems only where a substantial number of pharmacists in an area used each of the methods of charging for dispensing costs. Otherwise, use of the percentile would have the result that a scattering of pharmacists using a given form could set their own limit which might not be reasonable in relation to the usual practices in a community. In order to avoid this undesirable effect, where only a few pharmacists in an area used a given form of dispensing charge, the limit on this charge would normally be set at a level essentially equivalent to the 75th percentile for the form of dispensing charge most frequently used by pharmacists in an area. In determining the 75th percentile, pharmacies with a lesser volume of prescription business would be compared with each other and all larger volume pharmacies would be similarly compared with each.

Increases in the prevailing professional fees or other dispensing charges would be recognized in a manner similar to recognition of increases in prevailing physicians' fees. That is to say, increases in prevailing fees or dispensing charges could be recognized (not more than annually) up to limits established for program purposes by factors based upon changes in costs of doing business and average earnings levels in an area during a given period of time. A given pharmacy could change from a professional fee to another dispensing charge basis or vice versa, but for program reimbursement purposes the net effect of such change should be neutral.

Program payment for the drug entity (in given dosage forms and strengths) would be limited to reasonable allowances determined by the Secretary on the basis of the average wholesale prices at which the various products of the drug entity (in a given dosage form and strength) are commonly sold to pharmacies in a region plus the professional fee or dispensing charge. The beneficiary would be obligated to pay $1 of the reasonable allowance. If there was only one supplier of a drug entity, the price at which it was generally sold (plus the fee or dispensing charge) would represent the reasonable allowance. If, however, several products of the drug (in the same strength and dosage form) were generally available, reasonable allowances would be established which would encompass the lower priced products which were generally available and sold to pharmacies in a region. The number of lower priced products selected would stop at the point where reasonable availability of the drug entity is assured. In the latter case, other products of the drug entity (in the covered dosage form and strength) could also be reimbursable—even though not specifically included in the range of lower-priced products—where the average wholesale price of any such product was at or below the point used by the Secretary in establishing a reasonable allowance. This procedure avoids the problem of having to list every eligible drug product falling within the range of acceptable supplier prices in order for it to be reimbursable.

Products of a drug entity included in the Formulary which are priced above the highest reasonable allowance would be reimbursable but only to the extent of the highest reasonable allowance. The beneficiary would be obligated to pay the excess cost.

There would be three circumstances under which the program payment for a prescription could exceed reasonable allowances. First, if the supplier of a given drug product (of a drug entity in a strength and dosage form included in the Formulary) can demonstrate to the Formulary Committee that his product possesses distinct therapeutic advantages over other products (of the same dosage form and strength) of that drug entity, then the reasonable allowance for that drug product would be based upon the price at which it was generally sold to pharmacies. Second, where the Formulary Committee believed there was legitimate question concerning the clinical equivalency of the various products of different suppliers of a covered drug entity (or of given dosage forms and strengthens) the Formulary Committee would be expected to list all of the products of the covered drug entity (in the dosage forms and strengths in question) so as to provide the prescriber with complete discretion until such time as the matter was resolved. Thus, the reasonable allowance would be based upon the reasonable customary price to the pharmacy for the product prescribed by the physician in such cases. Third, if the physician felt in a specific instance that a particular manufacturer's product of a drug entity included in the Formulary, but which was priced above the highest product price component of the reasonable allowance, provides superior therapy to his patient and if he prescribes that product in his own handwriting by its established name and the name of its supplier, the reasonable allowance for the product would be based upon the price at which it was generally sold to pharmacies. Thus, a physician's reasonable discretion to prescribe a particular product of drug entity included in the Formulary would be accommodated. In such cases, however, the reasonable allowance would not be greater than the actual usual or customary charge at which the pharmacy sells that particular drug product to the general public. The committee expects that these unusual prescribing situations will occur in only a small percent of cases, and this procedure would not negate the overall medicare requirement that services be reasonable and necessary. The Professional Standards Review Organizations (or, in the absence of a PSRO, other appropriate professional review), would be available to routinely review prescribing practices.

In circumstances other than those described above, where the cost of the drug product prescribed by the physician exceeds the highest product price component of the reasonable allowance, the beneficiary would be liable for charges to the extent of this excess including any related dispensing fee or charge.

Ordinarily, however, the beneficiary's obligation would be $1 per prescription, with the program paying the balance to the pharmacy.

Reimbursement to providers participating under medicare for other than the drugs program (such as hospitals) would be made on the regular reasonable costs basis.

In the case of insulin, reimbursement would be made to a pharmacy for its reasonable, usual and customary charge to the general public, plus a reasonable billing allowance less the $1 copayment.

Reimbursement would generally be made only to participating pharmacies. The exception would be that payment may be made for covered drugs dispensed by a physician where the Secretary determines that the drug was required in an emergency or that no pharmacy was reasonably available in the area.

### PARTICIPATING PHARMACIES

As mentioned above, reimbursement under this program would be limited to participating pharmacies. No program reimbursement would be made either to the beneficiary or to a pharmacy where the prescription was dispensed by a non-participating pharmacy. The use of participating pharmacies would substantially decrease the administrative costs of the program, as participating pharmacies would generally submit batches of prescriptions and the program would not need to reimburse individual beneficiaries on a prohibitively costly prescription-by-prescription basis.

Such pharmacies would have to be licensed (where required) in the State in which they operate and would have to meet conditions of participation established by the Secretary of Health, Education, and Welfare. Participating pharmacies would file with the Secretary a statement of their professional fee or dispensing charges (including minimum charges) as of June 1, 1972, so that the Secretary could determine the initial prevailing fee or charges in the census region for purposes of calculating reasonable allowances.

Participating pharmacies would agree to accept medicare reimbursement as payment in full and would further agree not to charge the beneficiary more than $1 copayment (except to the extent that a product prescribed by a physician was one whose cost exceeded the reasonable allowance).

The participating pharmacy would be paid directly by medicare on a prompt and timely basis with respect to eligible prescriptions submitted. The prescriptions from each pharmacy would be audited from time to time, on a sample basis to assure compliance with program requirements.

### ADMINISTRATION

The committee amendment has been structured in such a way as to simplify and facilitate provision of and payment for benefits.

However, the committee has chosen not to specify a particular method or mold of administration. Because this is a new benefit, it is difficult to forecast which methods or organizational structures might most suitably implement the committee's intent that the drugs benefit be administered in the most efficient, expeditious and economical fashion. Fulfillment of the committee's intent would not necessarily entail uniform organization and procedures in each region. The Secretary could find that different means of administration in different regions or areas were appropriate in achieving the administrative objectives of the committee.

Mr. RIBICOFF. Mr. President, today Senator Montoya and I are introducing legislation to provide medicare coverage for certain prescription drugs purchased outside the hospital. This legislation—similar to that which Senator Montoya and I introduced in the last Congress—was reported out of the Senate Finance Committee last year and approved by the Senate. Unfortunately, the provision was dropped in conference.

Millions of medicare patients every year contract illnesses of varying severity that require treatment with prescription drugs. The costs of these medicines make up a large part of the expenses associated with an illness and can run into hundreds or even thousands of dollars.

While drug costs consume a large portion of the average senior citizen's medical bill, the problem is especially critical for those suffering from chronic illnesses. Patients who suffer such afflictions as heart and respiratory disease often are torn between bankruptcy and survival. The chronic-illness patient has average prescription drug expenditures nearly three times as high as those without such illnesses.

Under the provisions of our proposal all persons covered under part A of medicare would be eligible for benefits. The benefits would be available for drugs necessary in the treatment of the following chronic diseases:

> Diabetes, high blood pressure, chronic cardiovascular disease, chronic respiratory disease, chronic kidney disease, arthritis and rheumatism, gout, thyroid disease, cancer, epilepsy, Parkinson's disease, myasthenia gravis, tuberculosis, and glaucoma.

A patient needing prescription drugs to treat such diseases would be able to purchase them through a participating pharmacy for $1. Medicare would cover additional costs.

The proposal would exclude drugs not requiring a physician's prescription—except for insulin—drugs such as antibiotics which are generally used for a short period of time and drugs such as tranquilizers and sedatives which may be used not only by beneficiaries suffering from serious chronic illnesses, but also by many other persons as well.

The cost of this proposal will be $700 million.

Ever since the inception of the medicare program it has been recognized that providing coverage for drugs is of the utmost importance if we want to help America's senior citizens hold down their medical costs. I hope that Congress will take rapid action to bring relief to the millions of medicare participants who up to now have had to singlehandedly bear the burden of purchasing drugs.

I ask unanimous consent that the Senate Finance Committee excerpt from the report on the same provision in H.R. 1 concerning drugs be inserted at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

### Coverage of Certain Maintenance Drugs Under Medicare

(Sec. 215 of the bill)

### Background

The committee added an amendment to the House bill which would provide coverage of certain maintenance drugs under part A of medicare. Medicare presently covers the cost of drugs given to an inpatient in a hospital or extended care facility, but does not, however, pay for prescription drugs on an outpatient basis.

Beneficiaries and others have frequently indicated the lack of coverage for outpatient drugs as the most significant gap in the medicare benefit structure. Prescription drug expenses account for a large part of the health expenses of older people. More important, perhaps, than the fact that drugs represent a large out-of-pocket expense for the elderly is that this expense is distributed unevenly among the elderly. Those with chronic illnesses such as heart or respiratory diseases are often faced with recurring drug expenses and many of these drugs are critical to the survival of these chronically ill patients. As a result, the elderly with chronic illnesses have, on the average, prescription drug expenditures nearly three times as high as those without chronic illnesses.

The committee believes that an outpatient prescription drug benefit is the most important and logical benefit addition to the medicare program. However, the committee was quite concerned with the cost and administrative problems associated with proposals to cover all outpatient prescription drugs under medicare. Covering all drugs for the aged and disabled, with a $1 copayment, was estimated by the Social Security Administration to cost about $2.6 billion. In addition, the administrative burden of covering all drugs would be enormous since the program would have to deal with millions of small prescriptions, and the utilization controls to assure that prescriptions reimbursed under medicare were reasonable and necessary and used only by beneficiaries, would be quite cumbersome.

In studying the problems posed with respect to establishing an outpatient drugs benefit, the committee concluded that the problems could in large part be surmounted by an approach which focused on providing specified drugs which are necessary for the treatment of the most common crippling or life-threatening chronic diseases of the elderly. This approach would have four advantages: (1) It would result in the medicare dollar being targeted toward patients with chronic diseases who need drugs on a continuing basis for a lengthy period of time; (2) it would substantially simplify administration of a drugs benefit; (3) it would incorporate almost self-policing utilization controls at a relatively low administrative cost, since the program would involve only a relatively small number of drug entities and the necessity for these drugs would be comparatively easy to establish; and (4) this approach would substantially lower the cost of providing a drugs benefit. The cost of the amendment is estimated at $740 million for the first full year beginning July 1, 1973.

The committee approach is consistent with the recommendation of the Task Force on Drugs of the Department of Health, Education, and Welfare. The Task Force, in accordance with the Social Security Amendments of 1967, undertook many months of study concerning the appropriateness and possible methods of covering drugs under medicare. In their final report, issued in February 1969, the Task Force stated:

"Available data on drug use by the elderly support the hypothesis that coverage of only those drugs which are important for the treatment of chronic illness among the elderly, and which usually are required on a continuing or recurring basis, would concentrate the protection provided by a drug program where it is most clearly needed."

After reviewing the relative advantages of this approach, the Task Force recommended:

"In order to achieve maximum benefits with whatever funds may be available, and to give maximum help to those of the elderly whose drug needs are the most burdensome, the Task Force finds that particular consideration should be given to providing coverage at the outset mainly for those prescription drugs which are most likely to be essential in the treatment of serious long-term illness."

The committee commends the Task Force for its exhaustive and definitive efforts and agrees with its recommendation.

### SUMMARY OF COMMITTEE AMENDMENT

Basically, the committee amendment would cover specific drugs necessary for the treatment of the many crippling or life-threatening diseases of the elderly with the beneficiary subject to a copayment of $1 per prescription.

The chronic illnesses covered under the amendment were carefully chosen. The Task Force on Prescription Drugs issued a voluminous study containing extensive data with respect to drug utilization among the elderly. The table below, taken from the Task Force report, lists the more common chronic illnesses of the elderly, in order of the number of prescriptions related to each condition.

*Descending order for number of prescriptions used in treatment of illnesses among the aged*

[Excluding mental conditions, gastrointestinal disorders, chronic skin diseases and anemia]

| Diagnosed conditions: | *Number of Rx's in thousands* |
|---|---|
| Heart | 46, 512 |
| High blood pressure | 19, 681 |
| Arthritis and rheumatism | 17, 343 |
| Genito-urinary conditions | 9, 127 |
| Diabetes | 8, 085 |
| Colds, coughs, throat conditions and influenza [1] | 7, 504 |
| Other disorders of circulatory system | 4, 776 |
| Injuries and adverse reactions [1] | 4, 000 |
| Neoplasm | 3, 701 |
| Eye | 3, 683 |
| Emphysema | 2, 766 |
| Asthma and hay fever | 2, 547 |
| Other respiratory conditions | 2, 415 |
| Sinus and bronchial conditions | 2, 138 |
| Ear | 2, 113 |
| Pneumonia | 1, 531 |
| Thyroid | 1, 491 |

[1] Not included in amendment because of generally short-term nature of condition and need for prescriptions.

The amendment would cover serious chronic conditions necessitating long-term drug treatment with the exception of mental and nervous conditions, chronic skin disease, anemia, and gastrointestinal disorders. These diagnoses are excepted because many of the drugs used in their treatment (for example, tranquilizers, antacids, antispasmodics, antidiarrheals, vitamins, iron, and skin ointments) are drugs which are also used by many people for general reasons and are, therefore, difficult to confine to appropriate usage by beneficiaries only (for example, they could be acquired for use by nonbeneficiaries) as opposed to drugs such as insulin or digitalis which are almost invariably used only by those who have a specific need for them. In addition, concern has been expressed that coverage of the "major" tranquilizers used in the treatment of mental illnesses might encourage over-prescribing of potent tranquilizers for older people.

The amendment would further limit coverage to only certain drugs used in the treatment of covered conditions. In other words, people with chronic heart disease often use digitalis drugs to strengthen their heartbeat, anticoagulant drugs to reduce the danger of blood clots and other drugs to lower their blood pressure. These types of drugs would be covered under the amendment as they are necessarily in the treatment of the heart condition and they are not types of drugs generally used by people without heart conditions. However, other drugs which might be used by those with chronic heart conditions (such as sedatives, tranquilizers and vitamins) would not be covered as they are drugs which are generally less expensive, less critical in treatment and much more difficult to handle administratively, as many patients without chronic heart disease may also utilize these types of medications.

The provision is designed to establish a basis for coverage of drugs capable of administration at reasonable cost. In this form and scope it is an approach capable of providing significant help and of allowing for orderly future expansion if that were later decided.

It is expected that the Formulary Committee will study the problems related to the question of possible medicare coverage of drugs used in the treatment of mental illness with particular attention to development of means of assuring appropriate usage of such drugs. The Formulary Committee would submit to the Congress, through the Secretary, a report concerning its findings, conclusions and recommendations with respect to this matter.

### ELIGIBILITY

All persons covered under part A of medicare would be eligible for the new outpatient drugs benefit. Under the provision, the drugs covered are necessary in the treatment of the following conditions:

Diabetes, high blood pressure, chronic cardiovascular disease, chronic respiratory disease, chronic kidney disease, arthritis and rheumatism, gout, tuberculosis, glaucoma, thyroid disease, cancer, epilepsy, Parkinsonism, and myasthenia gracis.

The fact that the patient needs the drug would indicate that he suffers from one of the above illnesses. Thus generally the existence of a specific chronic illness would not have to be established in connection with the application for payment for the prescription.

### BENEFITS

The covered drug therapeutic categories are as follows:

Andrenocorticoids, Anti-anginals, Anti-arrhythmics, Anti-coagulants, Anti-convulsants (excluding phenobarbital), Anti-hypertensives, Anti-neoplastics, Anti-Parkinsonism agents, Anti-rheumatics, Broncho-dilators, Cardiotonics, Cholinesterase inhibitors, Diuretics, Gout suppressants, Hypoglycemics, Miotics, Thyroid hormones and Tuberculostatics.

Within these categories, eligible drugs would be those prescription drug entities which are included by dosage form and strength in the Medicare Formulary described below. The amendment would exclude drugs not requiring a physician's prescription (except for insulin), drugs such as antibiotics which are generally used for a short period of time and drugs such as tranquilizers and sedatives which may be used not only by beneficiaries suffering from serious chronic illnesses, but also by many other persons as well. Beneficiaries would incur a $1 copayment obligation for each prescription. They would also be obliged to pay any charges in excess of the product price component of the reasonable allowances where a higher-priced product of a drug included in the Formulary was prescribed and where the allowances were based upon generally available lower cost products (see "reasonable allowance" below). Payment under this program would not be made for drugs supplied to beneficiaries who are inpatients in a hospital or skilled nursing facility because their drugs are already covered under medicare.

### FORMULARY COMMITTEE

To assure rational and professional control over the drugs covered and the cost of the drugs benefit, and to assure that funds are being targeted toward the most necessary drug entities within each covered therapeutic category, a Medicare Formulary would be established.

The Formulary would be compiled by a committee consisting of five members, a majority of whom would be physicians. The members would include the Commissioner of Food and Drugs and four individuals of recognized professional standing and distinction in the fields of medicine, pharmacology or pharmacy who are not otherwise employed by the Federal Government and who do not have a direct or indirect financial interest in the economic aspects of the committee's decisions. Members would be appointed by the Secretary for 5-year staggered terms and would not be eligible to serve continuously for more than two terms. The Chairman would be elected by and from the public members for renewable one-year terms.

It is expected that appointees to the Formulary Committee will have the stature and expertise to assure objective effort and informed decision-making of a level engendering public and professional confidence in their integrity and judgment.

The Formulary Committee would be authorized, with the approval of the Secretary, to engage or contract for such reasonable technical assistance as it determined it might need from time to time to enhance its capacity for judgment concerning inclusion of drugs in the Formulary. This could include utilizing the services of the committees and technical staff of the official compendia (the United States Pharmacopeia and the National Formulary). The committee expects that such contracting would be undertaken on a limited ad hoc basis, and will be used to supplement, as necessary, the services available within the Department.

The Formulary Committee's primary responsibility would be to compile, publish, and revise periodically a Medicare Formulary which would contain a listing of the drug entities (and dosage forms and strengths) within the therapeutic categories covered by the program which, based upon its professional judgment, the committee finds necessary for proper patient care, taking into account other drug entities included in the Formulary. To aid fully its consideration as to whether a drug entity should be included in the Formulary, the Formulary Committee would be authorized to obtain any records pertaining to a drug which were available to any other department or agency of the Federal Government and to request of suppliers of drugs and other knowledgeable persons or organizations pertinent information concerning the drug. The committee would be authorized to establish procedures which it might require to determine the appropriateness of including or excluding a given drug from the Formulary.

The Formulary Committee would exercise utmost care in maintaining the confidentiality of any material of a confidential nature made available to it.

For purposes of inclusion in or exclusion from the Formulary of any drug entity (in a given dosage form and strength), the principal factors to be taken into account by the committee would be: (1) Clinical equivalence, in the case of the same dosage forms in the same strength of the same drug entity; and (2) relative therapeutic value in the case of similar or dissimilar drug entities in the same therapeutic category. The price of a drug entity would not be a consideration in the judgment of the Formulary Committee.

In considering which drug entities and strengths, and dosage forms, to include in the Medicare Formulary, the Formulary Committee is expected, on the basis of its professional and scientifiic analysis of available information, to exclude such drugs as it determines are not necessary for proper patient care taking into account those drugs (or strengths and dosage forms) which are included in the Formulary.

For example, in their consideration of drug entities in the therapeutic category known as anti-anginals, a therapeutic category included in the covered categories, the Formulary Committee would be expected to take into account professional appraisals such as the following which appears in "Drug Evaluations—1971," an authoritative publication of the American Medical Association:

"The effectiveness of the short-acting agents, such as nitroglycerin and amyl nitrite, has been established through many years of use. * * * The oral administration of the so-called 'long-acting nitrates e.g., pentaerythritol tetranitrate, . . . erythrityl tetranitrate, . . . isosorbide-dinitrate, as well as some preparations of nitroglycerin are alleged to reduce the number of episodes and the severity of the pain of angina pectoris. The effectiveness of these agents is even more difficult to determine than that of the short-acting nitrates, and thus the beneficial value of their long-term use is controversial. * * * Thus, it cannot be concluded that the long acting nitrates are of definite therapeutic value for prolonged use.

"Many products are available that contain a mixture of antianginal agents or an antianginal agent with a sedative or other drug(s); however, none of these fixed-dose combinations is rational. There is no evidence that a combination of antianginal agents has any advantage over the individual agents and, if more than one type of drug is needed, they should be prescribed separately."

The above quotation is illustrative of the type of source and information to which the Formulary Committee is anticipated to give serious consideration and weight in determining those drug entities (and dosage forms and strengths) which are reasonably appropriate as eligible drugs for purposes of medicare reimbursement.

Prior to removing any drug entity (or a particular dosage form or strength) from the Formulary, the committee would afford reasonable opportunity for a hearing on the matter to persons engaged in manufacturing or supplying the drug involved. Similarly, any person manufacturing or supplying a drug entity not included in the Formulary, but which he believed to possess the requisite qualities for inclusion, could petition the committee for consideration of the inclusion of his drug and, if the petition was denied, might, at the discretion of the committee, upon reasonable showing to the Formulary Committee of ground for a hearing, be afforded a hearing on the matter.

In addition to the list of drug entities included in the Formulary, the Formulary would also include a listing of the prices (generally the average wholesale prices) at which the various products of the drug entities are usually sold by suppliers to establishments dispensing drugs.

The Formulary Committee would be solely responsible for professional judgment as to which drug entities (and dosage forms or strengths) are included in the Formulary. The Secretary would not be involved in the making of those professional determinations.

### REIMBURSEMENT

Reimbursement would be based, generally, on the average wholesale price at which the prescribed product of the drug entity included in the Formulary is sold to pharmacies plus a professional fee or other dispensing charges, except that reimbursement could not exceed an amount which, when added to the copayment required of the beneficiary, exceeded the actual customary charge at which the dispenser sells the prescription to the general public.

Both components of the reimbursement would be subject to overall limitations just as medicare's reimbursement to physicians, hospitals and other suppliers is subject to overall limitations. The professional fee or other dispensing charge would not be recognized for medicare reimbursement purposes to the extent that it was in excess of the 75th percentile of fees or charges for other pharmacies in the same census region. In establishing the 75th percentile limit in an area where some pharmacies use one system of calculation and others use a different system, it is the intent that the 75th percentile of charges be calculated independently for the two systems only where a substantial number of pharmacists in an area used each of the methods of charging for dispensing costs. Otherwise, use of the percentile would have the result that a scattering of pharmacists using a given form could set their own limit which might not be reasonable in relation to the usual practices in a community. In order to avoid this undesirable effect, where only a few pharmacists in an area used a given form of dispensing charge, the limit on this charge would normally be set at a level essentially equivalent to the 75th percentile for the form of dispensing charge most frequently used by pharmacists in an area. In determining the 75th percentile, pharmacies with a lesser volume of prescription business would be compared with each other and all larger volume pharmacies would be similarly compared with each other.

Increases in the prevailing professional fees or other dispensing charges would be recognized in a manner similar to recognition of increases in prevailing physicians' fees. That is to say, increases in prevailing fees or dispensing charges could be recognized (not more than annually) up to limits established for program purposes by factors based upon changes in costs of doing business and average earnings levels in an area during a given period of time. A given pharmacy could change from a professional fee to another dispensing charge basis or vice versa, but for program reimbursement purposes the net effect of such change should be neutral.

Program payment for the drug entity (in given dosage forms and strengths) would be limited to reasonable allowances determined by the Secretary on the basis of the average wholesale prices at which the various products of the drug entity (in a given dosage form and strength) are commonly sold to pharmacies in a region plus the professional fee or dispensing charge. The beneficiary would be obligated to pay $1 of the reasonable allowance. If there was only one supplier of a drug entity, the price at which it was generally sold (plus the fee or dispensing charge) would represent the reasonable allowance. If, however, several products of the drug (in the same strength and dosage form) were generally available, reasonable allowances would be established which would encompass the lower priced products which were generally available and sold to pharmacies in a region. The number of lower priced products selected would stop at the point where reasonable availability of the drug entity is assured. In the latter case, other products of the drug entity (in the covered dosage form and strength) could also be reimbursable—even though not specifically included in the range of lower priced products—where the average wholesale price of any such product was at or below the point used by the Secretary in establishing a reasonable allowance. This procedure avoids the problem of having to list every eligible drug product falling within the range of acceptable supplier prices in order for it to be reimbursable.

Products of a drug entity included in the Formulary which are priced above the highest reasonable allowance would be reimbursable but only to the extent of the highest reasonable allowance. The beneficiary would be obligated to pay the excess cost.

There would be three circumstances under which the program payment for a prescription could exceed reasonable allowances. First, if the supplier of a given drug product (of a drug entity in a strength and dosage form included in the Formulary) can demonstrate to the Formulary Committee that his product possesses distinct therapeutic advantages over other products (of the same dosage form and strength) of that drug entity, then the reasonable allowance for that drug product would be based upon the price at which it was generally sold to pharmacies. Second, where the Formulary Committee believed there was legitimate question concerning the clinical equivalency of the various products of different suppliers of a covered drug entity (or of given dosage forms and strengths) the Formulary Committee would be expected to list all of the products of the covered drug entity (in the dosage forms and strengths in question) so as to provide the prescriber with complete discretion until such time as the matter was resolved. Thus, the reasonable allowance would be based upon the reasonable customary price to the pharmacy for the product prescribed by the physician in such cases. Third, if the physician felt in a specific instance that a particular manufacturer's product of a drug entity included in the Formulary, but which was priced above the highest product price component of the reasonable allowance, provides superior therapy to his patient and if he prescribes that the product in his own handwriting by its established name and the name of its supplier, the reasonable allowance for the product would be based upon the price at which it was generally sold to pharmacies. Thus, a physician's reasonable discretion to prescribe a particular product of a drug entity included in the Formulary would be accommodated. In such cases, however, the reasonable allowance would not be greater than the actual usual or customary charge at which the pharmacy sells that particular drug product to the general public. The committee expects that these unusual prescribing situations will occur in only a small percent of cases, and this procedure would not negate the overall medicare requirement that services be reasonable and necessary. The Professional Standards Review Organizations (or, in the absence of a PSRO, other appropriate professional review), would be available to routinely review prescribing practices.

In circumstances other than those described above, where the cost of the drug product prescribed by the physician exceeds the highest product price component of the reasonable allowance, the beneficiary would be liable for charges to the extent of this excess including any related dispensing fee or charge.

Ordinarily, however, the beneficiary's obligation would be $1 per prescription, with the program paying the balance to the pharmacy.

Reimbursement to providers participating under medicare for other than the drugs program (such as hospitals) would be made on the regular reasonable costs basis.

In the case of insulin, reimbursement would be made to a pharmacy for its reasonable, usual and customary charge to the general public, plus a reasonable billing allowance less the $1 copayment.

Reimbursement would generally be made only to participating pharmacies. The exception would be that payment may be made for covered drugs dispensed by a physician where the Secretary determines that the drug was required in an emergency or that no pharmacy was reasonably available in the area.

### PARTICIPATING PHARMACIES

As mentioned above, reimbursement under this program would be limited to participating pharmacies. No program reimbursement would be made either to the beneficiary or to a pharmacy where the prescription was dispensed by a non-participating pharmacy. The use of participating pharmacies would substantially decrease the administrative costs of the program, as participating pharmacies would generally submit batches of prescriptions and the program would not need to reimburse individual beneficiaries on a prohibitively costly prescription-by-prescription basis.

Such pharmacies would have to be licensed (where required) in the State in which they operate and would have to meet conditions of participation established by the Secretary of Health, Education, and Welfare. Participating pharmacies would file with the Secretary a statement of their professional fee for dispensing charges (including minimum charges) as of June 1, 1972, so that the Secretary could determine the initial prevailing fee or charges in the census region for purposes of calculating reasonable allowances.

Participating pharmacies would agree to accept medicare reimbursement as payment in full and would further agree not to charge the beneficiary more than $1 copayment (except to the extent that a product prescribed by a physician was one whose cost exceeded the reasonable allowance).

The participating pharmacy would be paid directly by medicare on a prompt and timely basis with respect to eligible prescriptions submitted. The prescriptions from each pharmacy would be audited from time to time, on a sample basis to assure compliance with program requirements.

### ADMINISTRATION

The committee amendment has been structured in such a way as to simplify and facilitate provision of and payment for benefits.

However, the committee has chosen not to specify a particular method or mold of administration. Because this is a new benefit, it is difficult to forecast which methods or organizational structures might most suitably implement the committee's intent that the drugs benefit be administered in the most efficient, expeditious and economical fashion. Fulfillment of the committee's intent would not necessarily entail uniform organization and procedures in each region. The Secretary could find that different means of administration in different regions or areas were appropriate in achieving the administrative objectives of the committee.

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By Mr. THURMOND (for himself and Mr. HARTKE):

S. 176. A bill to amend title 38, United States Code, to provide for a special addition to the pension of veterans of World War I and to the pension of widows and children of veterans of World War I. Referred to the Committee on Veterans' Affairs.

### WORLD WAR I PENSION ACT OF 1973

Mr. THURMOND. Mr. President, on October 12, 1972, the Senate unanimously passed the World War I Pension Act of 1972.

Unfortunately, passage came late in the session, and the House did not act on this important piece of legislation before adjournment. I am pleased that Senator HARTKE, chairman of the Veterans' Affairs Committee, joins as a cosponsor.

Mr. President, I am now reintroducing this bill as the World War I Pension Act of 1973 with the hopes that it will receive prompt attention.

The World War I Pension Act of 1973 will amend chapter 15 of title 38, United States Code, to provide a 10-percent increase in monthly pensions to World War I veterans, their widows and dependents, and will accomplish the same purposes of the 1972 act which passed the Senate last year.

We owe a great debt to our World War I veterans. In many instances it has been said that the veterans of World War I were never afforded the benefits comparable to those provided to veterans since that time.

Mr. President, our World War I veterans deserve these benefits to meet the rising cost of living and the increased need for medication in the older years. Our World War I veterans are now few in number and up in age, and most of them are living on a fixed income.

Accordingly, Mr. President, I am proud to sponsor this bill, and hope it receives favorable consideration. I ask unanimous consent that this bill be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 176

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "World War I Pension Act of 1973".

SEC. 2. That (a) chapter 15 of title 38, United States Code, is amended by adding after section 507 a new section as follows:

"§ 508. Special provisions relating to veterans of World War I and to widows and children of veterans of World War I

"(a) The amount of pension to which any veteran of World War I is entitled under section 521(b) or (c) of this title and the amount of pension to which any widow of a veteran of World War I is entitled under section 541 of this title shall be increased by 10 per centum.

"(b) The monthly rate payable to any veteran of World War I under section 521(d) for regular aid and attendance shall be increased by $15.

"(c) The monthly rate payable to any veteran of World War I under section 521(e) shall be increased by $6.

"(d) The monthly rate to which any child or children of a veteran of World War I is entitled under section 542 of this title shall be increased by $8 in the case of one child and by $1 for each additional child."

(b) The table of sections at the beginning of chapter 15 of title 38, United States Code, is amended by adding immediately below

"507. Disappearance."

the following:

"508. Special provisions relating to veterans of World War I and to widows and children of veterans of World War I.".

SEC. 3. This Act shall take effect on the first day of the second calendar month after passage of this Act.

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By Mr. THURMOND:

S. 177. A bill to amend section 4 of the Internal Security Act of 1950. Referred to the Committee on the Judiciary.

### A BILL TO RESTRICT TRAVEL OF U.S. CITIZENS TO ANY COUNTRY ENGAGED IN ARMED CONFLICT WITH THE UNITED STATES

Mr. THURMOND. Mr. President, today I am offering a bill in response to a situation that has become intolerable with the Vietnam conflict, particularly in our effort to obtain release of American POW's held by North Vietnam.

This legislation would allow the President to restrict travel by U.S. citizens or nationals to any country whose military forces are engaged in armed conflict with the military forces of the United States. This restriction would close a loophole in our present law which the trips of Jane Fonda and Ramsey Clark have demonstrated.

The actions of these individuals caused irreparable harm by not only casting doubt and unrest in the minds of our young soldiers but also in the minds of American prisoners of war. Mr. President, can you imagine how these prisoners feel when they hear such adverse statements by U.S. citizens about their own Government. Such statements are broadcast throughout the POW compounds and certainly heighten the abject despair these men must feel.

Mr. President, a terrible problem exists when such misguided activities become ready tools for Communist propaganda. While we are winding down the war in Vietnam, it becomes more and more important that we do not forget the plight of our POW's. These men must not think that the United States has forgotten them as such irresponsible broadcasts probably lead them to believe. I urge my colleagues to support this bill and halt the damage which is being caused by U.S. citizens who are allowed to travel to an enemy country without official authorization. Never before in the history of our Nation has such a situation existed. I feel that we owe these prisoners more than this and I am sure that every concerned American will agree.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 177

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 4 of the Internal Security Act of 1950 (50 U.S.C. 783) is amended by adding immediately following subsection (c) of such section the following new subsection:

"(d) The President may restrict travel by citizens and nationals of the United States to, in, or through any country or area whose military forces are engaged in armed conflict with the military forces of the United States. Such restriction shall be announced by public notice which shall be published in the Federal Register. Travel to such restricted country or area by any person may be authorized by the President when he deems such travel to be in the national interest. It shall be unlawful for any citizen or national of the United States willfully and without such authorization to travel to, in, or through any country or area in violation of a restriction on such travel pursuant to this subsection.

(b) Section 4 of such Act is further amended by redesignating existing subsections (d) through (f), as (e) through (g).

By Mr. THURMOND:

S. 178. A bill relating to the carrying of concealed weapons in the District of Columbia. Referred to the Committee on the District of Columbia.

### A BILL TO RESTRICT THE CARRYING OF CONCEALED WEAPONS IN THE DISTRICT OF COLUMBIA

Mr. THURMOND. Mr. President, today I am introducing a bill to restrict the carrying of concealed weapons in the District of Columbia.

In a recent study by the Washington Police Department, it was found that the carrier of a pistol has not only a five out of six chance of escaping imprisonment upon his arrest, but also a two out of three chance of total freedom even if he is convicted of carrying an unlicensed pistol in the District.

As our Nation's Capital, Washington should exemplify law and order. At the present time, the average citizen is afraid to go downtown at night and unless strong action is taken, this problem will increase.

The Washington Chief of Police, Jerry V. Wilson, stated:

> In our view the Congress did not intend in 1932, nor does it intend now in light of the dramatic increase nationally in the gun problem, that those who carry pistols on the streets of this city in violation of the statute be treated in such a lenient fashion.

Mr. President, I believe that a stronger penalty for carrying a concealed weapon in the District of Columbia has long been needed. I request that this bill be appropriately referred and ask unanimous consent that it be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

### S. 178

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second sentence of section 4 of the Act of July 8, 1932, as amended (D.C. Code, sec. 22-3204), is amended to read as follows: "Whoever violates this section shall be fined not more than $1,000 and imprisoned for a term which shall not be less than six months or more than one year; except that, if any person commits a violation of this section after one or more prior convictions of him for a violation of this section, or for a felony in the District of Columbia or any other jurisdiction, such person shall be fined not more than $2,000 and imprisoned for a term which shall not be less than one year or more than ten years."

SEC. 2. Any person convicted of a violation of section 4 of the Act of July 8, 1932, as amended (D.C. Code, sec. 22-3204), and with respect to such conviction is sentenced on or after the date of the enactment of this Act, shall, if such violation occurred prior to the date of the enactment of this Act, be sentenced in accordance with the provisions of such section 4 as such provisions existed on the date immediately preceding the date of the enactment of this Act.

By Mr. GRIFFIN:

S. 179. A bill to limit the jurisdiction of Federal courts to issue busing orders based on race. Referred to the Committee on the Judiciary.

S.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States relating to the assignment and transportation of pupils to public schools. Referred to the Committee on the Judiciary.

### FORCED SCHOOL BUSING

Mr. GRIFFIN. Mr. President, I introduce for appropriate reference a proposed amendment to the Constitution to prohibit forced busing of school children on the basis of race, and I introduce for appropriate reference a bill to limit the jurisdiction of Federal courts to issue busing orders based on race.

These proposals are similar to proposals that I offered and advocated in the last session of Congress.

Mr. President, over a year ago I made the following statement:

> As one who wants to make more and more progress toward racial equality and an integrated society, I am deeply concerned that forced busing solely for the purpose of achieving racial balance is counter-productive. Instead of helping in the effort to promote better race relations, it is resulting in more bitterness and more polarization.

Unfortunately, Mr. President, this assessment of forced busing is even more true today.

In that 1971 statement I also took note of Chief Justice Burger's expression that some district courts were going beyond constitutional requirements in ordering forced busing. Since then, confusion at the district court level has been compounded by decisions handed down by the Fourth and Sixth Circuit Courts of Appeals in the Richmond and Detroit cases.

As yet, the Supreme Court has not resolved the problem. Because of failure on the part of the judiciary, I have strongly advocated enactment by Congress of legislation in the hope that Congress would be more responsive to the will of the great majority of Americans.

So far, the response of Congress has been less than satisfactory. Antibusing provisions attached to the 1972 higher education bill proved to be weak and ineffective. And despite the fact that a majority in both the House and Senate stood ready to vote for stronger legislation in the last session, procedural delays in the Senate prevented it from becoming law.

Following through on a pledge made to the people of Michigan during the campaign, I am today introducing two measures—a proposed constitutional amendment to prohibit busing based on race, and a bill to withdraw the jurisdiction of Federal courts to issue busing orders based on race.

I urge the Senate to consider these measures at an early date.

By Mr. WILLIAMS (for himself, Mr. HATHAWAY, and Mr. INOUYE):

S. 180. A bill to amend the Federal Water Pollution Control Act in order to require the approval of adjacent coastal States prior to the construction of certain offshore facilities. Referred to the Committee on Public Works.

### THE COASTAL ENVIRONMENT PROTECTION ACT

Mr. WILLIAMS. Mr. President, I am introducing today legislation to assure that coastal States have clear authority to approve or disapprove the construction of facilities such as oil transfer stations or nuclear power generators which are to be built off their coast in the ocean.

This legislation is essentially the same as S. 3844, which our former distinguished colleague from Delaware, Mr. Boggs, introduced last year. I joined in sponsoring the legislation then because it was apparent that we have reached the point where various offshore facilities are being actively promoted.

And now, Mr. President, we appear to be progressing even more rapidly toward the construction of deepwater supertanker ports or nuclear power generator's which pose severe environmental threats to our coastal States.

Last September, under contract with the Maritime Administration, Soros Associates, Inc., submitted a major study that was prepared "in an effort to stimulate the development of deep-draft marine terminals in the United States." This study primarily focused on problems associated with the location and construction of deepwater ports capable of offloading and storing cargoes of enormous supertankers which generally carry fuel oil.

As the demand for imported oil increases around the world, these supertankers with capacities over 200,000 dead weight tons are being used to a greater extent because of the substantial economies of scale they provide in transportation costs. Unfortunately, almost all the harbors in this country are too shallow to accommodate the deep draft of these ships. Accordingly, the concept of deepwater ports located in the ocean is being promoted so that these mammoth ships can offload and store their cargo before it is transshipped or piped ashore.

The Soros study recommended construction of a major fuel import facility off Cape May, N.J. However, before this final recommendation was made a total of 32 different sites were investigated in our coastal waters and nearly every coastal State was adjacent to one or more of these potential sites.

In addition to this study, the Corps of Engineers, pursuant to a Senate resolution, is conducting a similar survey covering the coast from Virginia to Maine. The corps has been holding hearings to gage the public reaction to the two alternatives it is seriously considering: a regional facility located about 13 miles off Long Branch, N.J., or two local facilities—one off Long Branch and one off Cape May, N.J. I might add that in hearings held last December, substantial and concerted public opposition to both of these alternatives was mounted by New Jersey residents.

In reviewing these two proposals, I am indeed disturbed by the wholly inadequate attention given to the environmental threat these ports pose and the economic and cultural impact they would have on neighboring communities.

In September 1971, Arthur B. Little, Inc. published a report which indicated that substantial industrial development has necessarily accompanied the construction of the various deepwater ports used for imports around the world. These ports require huge tank farms, pumping stations, and substantial increases in refining capacity located nearby on the mainland.

The problem most coastal States face is that this sort of development and construction plus the potential environmental threats of highly toxic oil spills, acid runoffs, and increased sewage would effectively terminate or severely impede the resort business. In New Jersey, tourism is the largest industry. For example, Cape May County, which would be directly affected by the construction of a port, relies on tourism for 90 percent of its economic base.

It is important to note that there are several other proposals for siting facilities off our Nation's coasts. Among the most controversial is the proposed construction of several floating nuclear power plants. This is also designed to meet our projected energy needs.

The floating powerplant concept is certainly novel, and I am aware of the many advantages claimed for it, especially as a solution to the problems associated with locating these plants. However, it will present serious environmental questions and I am deeply concerned about how many different offshore facilities will be strung along the coasts, each presenting its own environmental threat to the same population concentrations. Again, I believe that those likely to be affected must have the maximum opportunity to be heard before they bear the impact of a catastrophic miscalculation.

Mr. President, I would like to emphasize that because of the spiraling energy demand of the Northeast, Federal, State and industrial interests are concentrating on sites off the east coast for deepwater ports or powerplants. Nonetheless, as I have already pointed out, sites off nearly every coastal State have been studied and any of these States might eventually be confronted with this construction and its associated environmental threats.

I believe that this bill is essential because the people who will be affected by an environmental catastrophe or massive change in their community must play a key role in the development and control of that community.

My bill provides that a Federal department or agency which is considering the construction, licensing or approval of any facility beyond the territorial sea off the coast of the United States must submit a complete report on the facility to the Administrator of the Environmental Protection Agency who will forward the report to the Governor of each adjacent coastal State which might be adversely affected by pollution from such a facility. Then, those Governors have 90 days to evaluate the report and disapprove it if they choose to. If a Governor does disapprove it, the facility cannot be licensed or constructed. Clearly, this legislation would provide the coastal States with meaningful control over environmental threats which originate in the ocean.

In testimony at the Corps of Engineers hearings on the proposed ports off Long Branch or Cape May, I stated that the final decisions on these matters must be made by the people most directly affected. Since there appears to be considerable pressure for these ports, I urge that this legislation receive prompt and favorable consideration in the 93d Congress so that the affected, potentially threatened States will have a direct, constructive role in the planning of such facilities.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 180

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Title IV of the Federal Water Pollution Control Act is amended by inserting at the end thereof a new section as follows:

### "STATE APPROVAL OF CERTAIN OCEAN FACILITIES

"SEC. 406. (a) The Congress finds that consideration is being given to the construction beyond the territorial sea off the coast of the United States of ship docking, electric generating, and other facilities. Since adjacent coastal States might be adversely affected by pollution from such facilities it is hereby established as Federal policy to require approval of any States which may be so affected before any such facilities are constructed.

"(b) No Federal department or agency shall construct, or license or approve in any way the construction of, any facility of any kind beyond the territorial sea off the coast of the United States until (1) such department or agency has filed with the Administrator of the Environmental Protection Agency a complete report with respect to the proposed facility; (2) the Administrator has forwarded such report to the Governor of each adjacent coastal State which might be adversely affected by pollution or related consequences from such facility; and (3) each such Governor has filed an approval of such proposal with the Administrator. Any Governor who does not, within ninety days after receiving a report pursuant to this section, file an approval or disapproval of the proposal in such report shall be considered for the purpose of this section to have approved such proposal.

"(c) The provisions of this section shall not apply to facilities constructed under leases pursuant to the Outer Continental Shelf Lands Act."

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By Mr. MOSS:

S. 181. A bill to authorize reduced fares on the airlines on a space available basis for individuals 21 years of age or younger or 65 years of age or older. Referred to the Committee on Commerce.

### REDUCED AIRLINE FARES FOR YOUTHS AND SENIOR CITIZENS

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to amend section 403 of the Federal Aviation Act of 1958 to authorize reduced fares on the airlines for individuals 21 years of age or younger or 65 years of age or older.

In the last two sessions of the Congress I have introduced legislation authorizing those airlines which so desired to promulgate senior citizens' fares. In September of last year I introduced this proposal in the form of an amendment to S. 2280, the antihijacking bill, and for the first time included language with the purpose of providing statutory authority for youth fares.

My amendment to the antihijacking bill was introduced in the wake of firm rumors from airline representatives that the Civil Aeronautic Board would soon hand down a decision striking down youth fares. I sought to head off such a decision by offering a statutory instead of an administrative basis for youth fares. My amendment passed the Senate on September 21 and would have authorized—I emphasize—authorized, not required airlines to offer reduced fares for youth and for senior citizens on a standby basis.

Unfortunately, the House and Senate were not able to agree on other provisions of the antihijacking bill and my amendment was lost.

Since that time the CAB has in fact forbidden youth fare with the rationale that such fares are discriminatory and that promotional fares in general have failed to increase ridership to make up for the revenues lost by the fare reductions. The argument was made that the airlines were using promotional fares, that is so-called excursion rates and others, to take passengers away from each other rather than to attract new riders into the market.

From what I have been able to learn youth fare has been a singularly successful venture when offered on a standby basis. Senator MONTOYA in his statement to the Aviation Subcommittee last year pointed out that in 1968 some 5 million young people took advantage of youth fare, saving themselves $112 million, but at the same time the airlines made a $21 million profit on youth fare this same year. In allowing a guaranteed seat for 66 percent of full fare, instead of a 50-percent reduction on a space available basis, the inherent advantages of the standby fares were lost and new questions of possible discrimination were raised.

Certainly it can be argued that reduced fares for any age group are on their face discriminatory against nonfavored age groups. But existing law bars only unjust discrimination. Moreover, the Congress can provide for preferential treatment of one category of persons if it provides a rational basis for treating this group differently from the rest of society. Finally, most people would agree that any claim of discrimination is substantially vitiated when the proposed beneficiary is forced to undergo the uncertainty and discomfort of standing by to see if there are unused seats available.

I feel that youth fares should be continued—at least those airlines which wanted to should be able to offer such fares but on a space available basis only.

My bill to this effect is in recognition of the modest incomes of younger Americans; it recognizes the desirability in fostering the flying habit among America's young people. In short, I believe this proposal makes good sense from both an economic and a social policy viewpoint.

I believe that the case in favor of reduced fares for senior citizens on the airlines is just as compelling. Several airlines have attempted to offer reduced fares for senior citizens, but have been blocked by the CAB on the basis of the possible discriminatory effect of these fares. Like the youth fare provisions noted earlier, my bill would authorize those airlines which so desire to offer reduced fares for senior citizens on a space-available basis. My reasons for suggesting this proposal are:

First, the average load factor on the airlines is less than 50 percent; for the fourth year in a row—airlines are flying less than half full;

Second, senior citizens are precisely the group that could make use of the airlines during "offpeak" hours when travel is the lightest.

Third, senior citizens make up only 5 percent of all airline passengers but 10 percent of our population;

Fourth, senior citizens do not fly because they cannot afford to do so; and

Fifth, when fares are reduced the senior citizens will take advantage of the reductions.

I offer two examples: the Chicago and New York experiments with mass transit have been most successful. In the first year after fare reductions, the Mayor's Office on Aging in New York announced a 27-percent increase in ridership and the success of Hawaiian and Aloha Airlines. The only airlines the CAB has offered to allow reduced fares for senior citizens since 1965 are Aloha and Hawaiian Airlines. Since instituting the fares in 1968 Hawaiian has experienced a 38-percent increase in overall passengers but a 400-percent increase in senior citizen passengers. I want to emphasize that these fare reductions are offered on a standby only basis, like my current proposal. At the same time Hawaiian has seen senior citizen standby revenues increase by more than 400 percent since 1968.

Let me now address the question of the suitability of standby fares for senior citizens directly.

First, I offer the success of Hawaiian Airlines—the only ongoing experiment on reduced fares as an example of "senior citizens standby" fares at work;

Second, I would point out that the White House Conference on Aging considered the question and delegates from each of our States and asked the Congress to institute reduced fares on a space available basis;

Third, the inconvenience of waiting in an airline terminal is offset by the inconvenience of traveling long hours in a bus; and

Fourth, if senior citizen fares are to be successful, fares must be reduced as much as possible. Deep reductions in fares are not possible or economically feasible on a positive space basis.

I believe that this proposal is an important step in correcting the way that this society treats its elderly. We sometimes forget that almost 1 out of 4 seniors lives in poverty, that medicare still only covers 42 percent of their health needs and that 6 million seniors live in substandard housing. My bill represents a test of the way our society will treat its older citizens in the future.

I hope the bill can be for the benefit of both our young people and their elders who have contributed so much to society for so long.

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By Mr. STEVENS:

S. 182. A bill to create a program to facilitate the construction of community marine ways, and for other purposes. Referred to the Committee on Commerce.

### FEDERAL MARINE WAYS GRANT AND LOAN PROGRAM

Mr. STEVENS. Mr. President, the fishing industry in Alaska is the largest private employer in my State. More Alaskans are directly or indirectly dependent on fishing than on any other industry. It is second only to oil in the amount of revenue it brings into the State.

Fishing in Alaska involves thousands of independent fishermen living in dozens of small towns scattered over thousands of miles of Alaskan coastline. Should one of these fishermen have serious mechanical trouble with his boat, he is immediately faced with substantial financial loss because his boat is likely to be out for the entire fishing season.

The reason for the problem is that there are few places where the repairs can be effected in Alaska. The owner will often have to take his boat to the "Lower 48" to have it repaired. The round trip to the nearest marine ways consumes almost the entire fishing season.

The solution to this problem is simple. Facilities for the repair and maintenance of vessels should be built right at the fishing communities. But there is not enough capital available in these small communities to finance the large investment required to provide adequate marine ways facilities.

I am, therefore, introducing a bill today which I originally introduced in the 91st Congress as S. 4449 and again last Congress as S. 44. This will provide for Federal grants covering up to 50 percent of the cost of such facilities and provide Federal loans for the remainder. The Department of Commerce already provides loans for fishing vessels and for many other projects. But this bill will put special emphasis on this problem which is particularly acute in Alaska. The loan portion of the marine ways facilities would be made from the fisheries loan fund. Additional capital would be added to the fund to compensate for the additional demand the marine ways program would generate.

The grant portion of the program would be financed by a $5 million appropriation and would be operated by the National Oceanic and Atmospheric Administration. Grants would be made only to communities which are located at least 100 statute miles by sea from the nearest existing marine ways facilities adequate to their needs. This requirement would limit the program to those areas which have great need, but have thus far been unable to find the required capital.

Mr. President, the present lack of marine ways facilities in my State makes a malfunction in a vessel that would normally be an annoyance a financial disaster. The program I am proposing will generate the capital necessary to allow these fishermen to help themselves by collective action in their local communities.

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By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 185. A bill to amend section 2634 of title 10, United States Code, relating to the shipment at Government expense of motor vehicles owned by members of the armed forces. Referred to the Committee on Armed Services.

### SHIPMENT AT GOVERNMENT EXPENSE OF CERTAIN MOTOR VEHICLES

Mr. STEVENS. Mr. President, I would like to reintroduce a bill for myself and my colleague, Mr. GRAVEL, to amend section 2634(a) of title 10, United States Code. This will authorize the shipment of privately owned vehicles to and from Alaska by commercial carrier by the Alaska ferry system and other surface transportation. This bill was introduced by us in the 92d Congress and was also introduced by our colleague, Mr. Begich, in the House. The bill, H.R. 15621, passed the House of Representatives late in the session. However, because of the press of time, it could not be taken up on this side.

We are reintroducing it with the hope

that hearings will be possible early in the 93d Congress.

Mr. President, this bill would give the military departments more flexibility in moving privately owned automobiles of military personnel stationed in Alaska to and from Alaska in that it would allow shipment by water transportation, railroad transportation, or a combination thereof.

At the present time, there is only one carrier serving Anchorage directly by water. The language of the existing law prohibits use of any mode of transportation except water carrier. This means that under existing law the carriers serving Anchorage by water have all the military privately owned vehicle business. There are other land carriers interested in the business, who would be able to compete if this bill were law.

In addition, the military departments have indicated in the past, and I am certain that feeling has not changed now, that they would like to have several modes to choose from. As a rule, competition for Government business keeps Government costs down. Therefore, Mr. President, if this bill is enacted, benefits will be fourfold:

First, it will allow several carriers to bid on the military business to and from Alaska.

Second, it will give the military departments greater flexibility in their contracting authority.

Third, it will assure the taxpayers that transportation of the vehicles is being provided the Government at the lowest possible cost.

Fourth, it will insure Alaska-based servicemen the most expeditious shipment of their privately owned vehicles.

Mr. President, I ask unanimous consent that the test of the bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 185

A bill to amend section 2634 of title 10, United States Code, relating to the shipment at Government expense of motor vehicles owned by members of the Armed Forces

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2634(a) of title 10, United States Code, is amended by—

(1) striking out the word "or" at the end of clause (2);

(2) striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "or"; and

(3) adding at the end thereof a new clause as follows:

"(4) in the case of movement to or from Alaska, by commercial motor carrier via highways and the Alaska ferry system or other surface transportation between customary ports of embarkation and debarkation, if such means of transport does not exceed the cost to the United States of other authorized means."

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By Mr. STEVENS:

S. 186. A bill to provide for the awarding of a Medal of Honor for Firemen. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 187. A bill to establish the President's Award for Distinguished Law Enforcement Service. Referred to the Committee on the Judiciary.

### AWARDS FOR POLICEMEN AND FIREMEN

Mr. STEVENS. Mr. President, the phenomenon of dedicated and hardworking law-enforcement officials being the object of ridicule and venom appears to be passing. Daily, these dedicated men and women risk their lives to make us all a little safer and a little more secure.

During the last Congress I introduced this legislation which would establish the President's Award for Distinguished Law Enforcement Service. This legislation passed the Senate but failed to survive conference. In addition, the Department of Justice has urged prompt and favorable consideration of this legislation. I also introduced legislation creating a medal of honor for firemen.

I am confident that these bills reflect the feeling of the majority in this body and, accordingly, have reintroduced both of them today.

I ask unanimous consent that they be printed in the RECORD in their entirety immediately following my remarks.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

### S. 186

A bill to provide for the awarding of a Medal of Honor for Firemen

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) a medal to be known as the Medal of Honor for Firemen is hereby created. The President is authorized to award such a medal each year to one fireman from each State. Each recipient of a medal shall be selected by the Governor of the State in which the recipient serves.

(b) The medal shall bear the inscription "Salvere Servi" and such devices and emblems, and be of such material, as may be determined by the Secretary of the Treasury, who shall cause the medal to be struck and furnished to the President.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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### S. 187

A bill to establish the President's Award for Distinguished Law Enforcement Service

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Distinguished Law Enforcement Service Act".

SEC. 2. There is hereby established an honorary award for the recognition of outstanding service by law enforcement officers of State, county, or local governments. The award shall be known as the President's Award for Distinguished Law Enforcement Service. Each award shall be suitably inscribed and an appropriate citation shall accompany each award.

SEC. 3. The President's Award for Distinguished Law Enforcement Service shall be presented by the President, in the name of the President and the Congress of the United States, to law enforcement officers, including corrections officers, for extraordinary valor in the line of duty or for exceptional contribution in the field of law enforcement.

SEC. 4. The Attorney General shall advise and assist the President in the selection of persons to whom the award shall be tendered. In performing this function, the Attorney General shall review recommendations submitted to him by State, county or local government officials, and shall decide which of them, if any, warrant presentation to the President. The Attorney General shall transmit to the President the names of those persons determined by the Attorney General to merit the award, together with the reasons therefor. Recipients of the award shall be selected by the President.

SEC. 5. There shall not be awarded in any one calendar year in excess of twelve such awards.

SEC. 6. The Department of Justice shall list in its annual budget request a sum of money equal to that necessary to carry out the provisions of this Act.

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By Mr. STEVENS:

S. 188. A bill to amend section 6303 of title 5, United States Code. Referred to the Committee on Post Office and Civil Service.

### TRAVELTIME FOR FEDERAL EMPLOYEES IN REMOTE AREAS

Mr. STEVENS. Mr. President, across the vast land area of my State are scattered a number of Federal installations. These include naval airbases and radar defense sites, civilian weather stations, flight service stations, and navigation aids. Employees on these sites share an isolation from normal transportation. There are no roads, no railways, and airlines are infrequently scheduled to allow these Federal employees access to the rest of the United States.

Along the outer edges of this country, these employees and their families may have to wait days until a plane arrives to take them to a city with regularly scheduled service to the "outside." As an example, Adak Naval Station on the Aleutian Islands employs 162 civilians. With their dependents, this group comprises 400 civilians who are isolated from regular travel connections.

Leave time is a treasure for these people. Under the current regulations, leave time of Federal employees is consumed even while they are awaiting a flight from their post.

Their return to the base is much more unpredictable. Precious amounts of time must be taken from their vacations to find a flight back to Adak.

This bill will ensure that Federal employees in all remote areas of the country will enjoy the full amount of their leave time away from their isolated outposts. Under this bill, leave will not include time lost in travel from posts more than 200-miles distant from a city or town with regular transportation access to the "outside."

I call my colleagues' attention particularly to the language in the new subsection (e)(2). This differs from the language of S. 410 which I introduced last Congress in order to meet a technical suggestion of the General Accounting Office. This amended language clarifies my legislative intent that the post of duty must be at least 200-miles distant from a place where daily airplane or rail services is available. The place to which the employee is eventually traveling however, need not be at least 200-mile distant from the duty post. I am appreciative of the General Accounting Office for suggesting this clarifying amendment.

Mr. President, I request unanimous

consent that the bill be printed in the CONGRESSIONAL RECORD at the close of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 188

A bill to provide that certain traveltime of a Federal employee on annual leave, having a post of duty in a remote area, be excluded from the period of annual leave granted the employee

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 6303 of title 5, United States Code, is amended by inserting at the end thereof the following new subsection:

"(e) If—

"(1) the post of duty of an employee is located within the United States in a remote area, as determined by the Secretary of Commerce after consultation with the employing agency concerned; and

"(2) the employee must travel a distance of at least two hundred miles from his post of duty to a place where daily airplane or rail service is available; leave granted under this subchapter to the employee is exclusive of time actually and necessarily occupied in going between his post of duty and a place where daily airplane or rail service is available and time necessarily occupied awaiting transportation to travel between such post and place. The Secretary shall determine that an area is remote if the area is not accessible to daily airplane or railroad service by air, rail, or highway, and if there is no regular alternative means to such service available at reasonable cost."

(b) The amendment made by this section shall apply to any employee (as such term is defined under section 6301 (2) of title 5, United States Code) who is granted annual leave or who commences a period of annual leave on or after the debate of enactment of this Act.

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By Mr. STEVENS:

S. 189. A bill to amend title 5, United States Code, to restrict contracts for services relating to the position of guards, elevator operators, messengers, and custodians. Referred to the Committee on Post Office and Civil Service.

Mr. STEVENS. Mr. President, as the troop withdrawals from Vietnam have continued, we have seen an increasing number of veterans looking for civilian jobs. Veterans are entitled to certain preferences for civil service jobs. Today, I am introducing a bill that will give our Armed Forces veterans an increased opportunity for and a wider choice of employment within the Federal Government by requiring executive agencies to hire first from the Civil Service registers before contracting for guard, elevator operator, messenger, and custodial services.

In many instances the Federal Government contracts with an outside agency to perform guard, elevator operator, messenger, or custodial services. This bill would require that the Federal Government hire from the Civil Service registers unless the Civil Service Commission certifies that there are no qualified applicants available for the position in question. The Government is presently paying the high cost of negotiating contracts for the services of employees who are in turn paid the Federal minimum wage by the contractor. The higher wages that would be paid to Civil Service employees for these services would be offset by the savings of the contracting expense and the additional tax revenues realized from higher paid employees. In addition, by having control and command of its employees exercised directly by the agency for which the services are to be performed, the quality of work done on its behalf can be expected to improve. Employees owe job loyalty, first, to their employer. When employed directly by the Government rather than through an agent, an employee has a vested interest in the goal for which he is employed.

Under the legislation I propose, more jobs will be available for which veterans may receive a preference. Not only will veterans benefit from this bill, but also all civil service applicants will have an increased opportunity for employment. As our boys return from overseas, this is one small thing we can do at little cost to help them readjust to civilian life.

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By Mr. STEVENS:

S. 191. A bill to amend title 5, United States Code, to provide additional cost-of-living adjustments in civil service retirement annuities of certain retired employees in Alaska as long as such retired employees continue to reside in Alaska, and for other purposes. Referred to the Committee on Post Office and Civil Service.

### COST-OF-LIVING ADJUSTMENTS TO CERTAIN ALASKAN CIVIL SERVICE RETIREES

Mr. STEVENS. Mr. President, I am today introducing a bill to extend cost-of-living adjustments in civil service retirement annuities to certain retired employees residing in Alaska.

Under this bill the annuity of each retired employee, who has already performed 10 years of service in Alaska prior to separation, and, after commencing his annuity continues to reside in Alaska, shall be increased by 25 percent so long as he continues to reside in Alaska. Survivors are similarly covered. Persons previously retired are covered but annuities are not retroactive.

Civil Service Commission records show that on December 31, 1969, there were about 2,705,800 Federal employees in the United States, of which about 14,400 were stationed in Alaska. Additionally, on July 1, 1969, there were 1,265 employee annuitants and survivors who resided in Alaska and received monthly annuities totaling $287,198. The additional 25 percent cost-of-living allowance would thus total approximately $72,000 monthly.

Mr. President, I request unanimous consent that the bill be printed in its entirety in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 191

A bill to amend title 5, United States Code, to provide additional cost-of-living adjustments in civil service retirement annuities of certain retired employees in Alaska as long as such retired employees continue to reside in Alaska, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 8339 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(n) Notwithstanding any other provision of this subchapter and in addition to the amount of annuity to which he otherwise is entitled under this subchapter, the annuity of each retired employee who has performed ten years of service in Alaska prior to separation and who, after the commencing date of his annuity, continues to reside in Alaska, without break in time after his separation, shall be increasd by 25 per centum so long as he continues to reside in Alaska. This annuity differential is applicable to the annuity of any survivor of such retired employee."

SEC. 2. The amendment made by this Act shall apply to persons retiring or retired prior to, on, or after the date of enactment of this Act, and their survivors; but no annuity differential shall be payable by reason of such amendment for any period prior to the first day of the first month which begins after the date of the enactment of this Act.

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By Mr. STEVENS:

S. 192. A bill to convey the interest of the United States in certain property in Fairbanks, Alaska, to Hillcrest, Inc. Referred to the Committee on Interior and Insular Affairs.

### HILLCREST HOME FOR BOYS

Mr. STEVENS. Mr. President, for myself and my colleague, Mr. GRAVEL, I introduce, for appropriate reference, a bill which would authorize conveyance of all right, title, and interest of the United States reserved or retained in certain lands, in Fairbanks, Alaska, which were conveyed to the Hillcrest Home for Boys under the Recreation and Public Purposes Act of January 24, 1961.

Hillcrest Home for Boys was first organized at a meeting at the Eagle's Hall on September 11, 1958. Hillcrest, a home for boys without a home, is a community project and will accept all boys without regard to race, creed, or color. It is not a detention home nor a correctional institution. Rather, it is a home to live in during their 4 years of high school. Hillcrest will provide housing, school guidance, counseling, part-time opportunities for work, and the interest and care of a director who presides at Hillcrest.

Surveys have made apparent the need for Hillcrest, and Hillcrest has the support of both public and private agencies and service groups. Hillcrest plans to cooperate to the fullest degree possible with others in the field including Federal, State, and private organizations.

Hillcrest currently accommodates nine boys, and all available funds are needed to maintain the operation as is. Hillcrest wants to expand their facilities to accommodate up to 20 boys, a situation which is financially impossible now. If title were granted to Hillcrest for the land, a portion of the land could be sold to finance the desired expansion of their facilities. Currently, boys waiting to get into Hillcrest are housed in the State jail—a situation which is certainly not desirable. The entire concept of Hillcrest rests on taking disadvantaged youngsters and giving them the best possible environment and hope for the future.

Hillcrest is the only private institution in the State of Alaska which handles boys of this age group. These young men represent an important resource for Alaska and the Nation, and we should do our best to see that they are properly taken care of through the high school years.

The land in question, acquired under the Recreation and Public Purposes Act, can be used as income property if the bill I introduced today is favorably considered.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 192

A bill to convey the interest of the United States in certain property in Fairbanks, Alaska, to Hillcrest, Inc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed to convey to Hillcrest, Incorporated, without consideration, all of the right, title, and interest of the United States in and to the tract of land (together with any buildings or other improvements thereon) described as the southeast quarter, section 26, township 1 north, range 2 west, Fairbanks meridian, such tract being the tract conditionally patented to Hillcrest, Incorporated, by patent numbered 1216565 under the Recreation and Public Purposes Act of June 14, 1926 (43 U.S.C. 869), for use as a home for juvenile boys.

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By Mr. STEVENS:

S. 193. A bill to provide that time spent by a Federal employee in a travel status shall be considered as hours of employment. Referred to the Committee on Post Office and Civil Service.

### PROVIDING TIME SPENT IN TRAVEL STATUS AS HOURS OF EMPLOYMENT

Mr. STEVENS. Mr. President, today I am reintroducing a bill that will treat that time spent in travel status by a Federal employee as hours of employment.

Too often in the past a Federal employee has been required to travel, while on Government business, on his own time. Many instances are documented in which an employee is required to be in a distant city on a Monday morning, necessitating his traveling on Sunday and many times on Saturdays in order to make his business appointments.

In many areas, such as my home State of Alaska, it is difficult to arrange convenient travel schedules to allow travel during normal working hours. In these cases, in order to carry out his job responsibilities, the employee must travel on a week-end or after regularly designated working hours.

Mr. President, it seems to me to be inconsistent to require an employee to sacrifice his personal time, time that could be spent with his family and friends, in order to meet Federal employment commitments.

My bill will correct this deficiency by counting that time spent in travel status, outside of normal working hours, as hours of employment.

Mr. President, I would like to request that the text of my bill be printed in the RECORD following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 193

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 5542(b)(2) of title 5, United States Code, is amended to read as follows:

"(2) time spent in a travel status away from the official duty station of an employee is hours of employment only if an employee is directed to undertake such travel as part of his employment responsibilities."

(b) The last sentence of section 5544(a) of such title is amended to read as follows: "Time spent in a travel status away from the official duty station of an employee subject to this subsection is hours of work only if an employee is directed to undertake such travel as part of his employment responsibilities."

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By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 194. A bill to authorize the Secretary of the Interior to convey to the city of Anchorage, Alaska, interests of the United States in certain lands. Referred to the Committee on Interior and Insular Affairs.

### ANCHORAGE CITY HALL PROPERTY

Mr. STEVENS. Mr. President, I am today introducing on behalf of myself and my colleague (Mr. GRAVEL) a bill to give the city of Anchorage greater freedom of action in administering city hall property. This bill would grant title and fee to the Anchorage City Hall property and remove the restriction that this property must be used for municipal purposes.

At the request of the city of Anchorage, this bill has been amended to include lots 2, 3, and 4 of block 81 of Anchorage townsite as conveyed by the indicated patent. These additional lots the city also desires to develop as indicated in a letter I have recently received from the city manager. I would request unanimous consent that the bill be printed in its entirety in the CONGRESSIONAL RECORD at the close of my remarks and followed by the letter.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 194

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed to transfer by quit-claim deed or other appropriate means, without consideration, to the city of Anchorage, Alaska, all right, title, and interest remaining in the United States in and to block 42 of Anchorage townsite (proper) which was conveyed to the city of Anchorage by patent numbered 873718 (dated July 27, 1922), and patent numbered 1117601 (dated December 8, 1943), block 52 of Anchorage townsite (proper) which was so conveyed by patent numbered 873718 (dated July 27, 1922), and lots 2, 3, and 4 of block 81 of Anchorage townsite (proper) which were conveyed by patent numbered 873718 (dated July 27, 1922).

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ANCHORAGE, ALASKA,
*September 22, 1972.*

Re SB-236 concerning Blocks 42 & 52, Original Townsite, Anchorage

Hon. TED F. STEVENS,
*U.S. Senate,*
*Washington, D.C.*

DEAR TED: We certainly appreciate your efforts on behalf of the City of Anchorage in regards to SB-236. However, we now have an additional favor to request.

Lots 2, 3 & 4 of Block 81, Original Anchorage Townsite were granted to the City under the same patent (No. 873718), dated July 27, 1922, as were Blocks 42 & 52 included in SB-236. Reservations pertaining to these particular three lots was for "sanitary purposes."

Subsequently, on March 22, 1962, the use was changed to General Municipal Purposes by the Anchorage Land Office under Serial No. 054384.

The lots were originally composed of a deep (20-30′) "pot-hole" which was utilized as a City "dump." Subsequently the "hole" was filled, compacted and leveled.

Subject to the change of use granted in 1962, the City constructed an electrical substation on the south 60 feet of Lot 4. The remainder of Lot 4 & Lots 2 & 3 were subsequently graded and paved for use as off-street parking (existing use.)

The City is planning to remove the substation in the near future. This will clear the three lots for some type of development.

These lots are in the heart of the office building complex of the City. Lot 1 to the east is occupied by the two-story Matanuska Valley Bank Bldg. The Atlantic Richfield Building is on the south and a new six-story office building is being constructed on the two lots (5 & 6) to the west.

To fully utilize the three high value lots, they should be developed with a multi-story building.

Three lots (21,000 sq. ft.) is too small an area to develop into a parking structure to augment present City use.

We therefore request that SB-236 be amended, if possible, and/or feasible, to include Lots 2, 3 & 4, Block 81, Original Townsite, Anchorage, Alaska, and therein obtain release of the patent and amended use restrictions.

The City again would be receptive to a provision that any funds received from possible sale or lease would be earmarked or dedicated to any new municipal complex.

Very truly yours,

ROBERT E. SHARP,
*City Manager.*

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By Mr. STEVENS:

S. 195. A bill to exempt certain State-owned passenger vessels from the requirement of paying for overtime services of customs officers and employees. Referred to the Committee on Finance.

Mr. STEVENS. Mr. President, today I am introducing a bill to amend the Tariff Act of 1930.

The act provides that the operators of ferries shall be exempt from compensating the customs service for overtime pay to customs employees necessitated by service to ferries that operate on regular schedules at intervals of at least 1 hour. This provision is made in conjunction with the exemptions for service to the operators of tunnels, bridges, and highway vehicles. It seems clear that this provision is designed to aid in the operation of State-owned highway facilities for public service at points of entry into the United States.

The Tariff Act does not take into account the special circumstances of a noncontiguous State, such as Alaska. The ferries operated by the State of Alaska in its marine highway system are operated as a public service in much the same manner as bridges, tunnels, highway vehicles, and ferries are operated at other points of entry into the United States. Unlike other border service areas, the distance between points is great and yet the volume is not large enough to permit or require hourly service.

Nonetheless the service provided by the Alaska marine highway is done on a regular schedule. The wording of the present law discriminates against operations between noncontiguous States and foreign nations merely because the existing law did not envision the admission of Alaska and Hawaii to the Union. The bill I am introducing today will correct this inequity and extend the level of Federal-State cooperation to the noncontiguous States.

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By Mr. HANSEN (for himself and Mr. McGEE):

S. 196. A bill relating to the rehabilitation of areas damaged by deleterious mining practices, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### REHABILITATION OF CERTAIN MINING LANDS

**Mr. HANSEN.** Mr. President, today I am introducing a bill to provide for a Federal contribution through the Bureau of Mines for projects to fill and seal underground voids from abandoned coal mines and abandoned oil and gas wells and to reclaim and rehabilitate lands affected by the strip and surface mining and processing of coal and other minerals.

Similar legislation to aid in the rehabilitation of areas damaged by deleterious mining practices was enacted some time ago with regard to the Appalachian area of our Nation. The Appalachian area has suffered particularly from subsidence problems resulting from the collapse of the ceilings of abandoned underground coal mines, and the Congress recognized the disastrous effect this problem has on the quality of human life and the economic prosperity of a particular area. However, Appalachia is not the only section of the country which experiences these problems. An area of my own State of Wyoming has experienced subsidence problems, and other States such as Washington, Michigan, Oklahoma, and others have faced the same situation. Despite this, Federal assistance has been limited by law to the Appalachian area.

Mr. President, I was pleased to introduce this same legislation in the 92d Congress. The measure was considered at Senate Interior Committee hearings last year, and incorporated as an amendment to the proposed Surface Mining Reclamation Act of 1972 which was cleared by the committee, but not considered by the Senate.

With reference to the problem of mine subsidence, the Dowell Division of Dow Chemical Co. has developed a new technique for backfilling mine voids which is effective and efficient. This procedure was tested under terms of a HUD demonstration grant program at Rock Springs, Wyo.—the site of the subsidence area in my State, and I understand the Dowell technique will be employed at subsidence sites in Pennsylvania in the near future.

The Dowell technique offers hope of a cheaper and more effective means than was previously known to correct subsidence problems. It is important that all areas of our country which face subsidence problems be given an opportunity to solve this problem. Justice and equity require that Federal assistance which was given to the Appalachian area to solve subsidence problems be extended to the entire Nation.

Mr. President, I respectfully request that this legislation be referred to the appropriate committee for consideration.

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By Mr. HANSEN:

S. 198. A bill to amend the Internal Revenue Code to encourage an increase in production of coal; and

S. 199. A bill to amend the Internal Revenue Code to encourage the development and utilization of methods and devices to convert coal and oil shale to low pollutant synthetic fuels by allowing rapid amortization of expenditures incurred in constructing facilities for such purposes. Referred to the Committee on Finance.

### CLEAN ENERGY IN THE FUTURE

**Mr. HANSEN.** Mr. President, meeting the vast energy needs of the future is one of the most difficult problems facing this Nation. The energy crisis has become more acute within the last year; and for that reason I am today reintroducing two bills which will be helpful in meeting the Nation's needs for clean energy in the future.

Energy consumption is rising not only in the United States, but also throughout the world. There was a time when some people thought we could afford to rely, for our future energy needs, on foreign sources of relatively cheap oil. Recent events should have convinced even the hard-core "free traders" that we must not let our great Nation lose its independence of action through excessive reliance on foreign energy sources. Even when domestic fuels are more expensive than foreign oil, we must pay the cost of maintaining our ability to provide most of our own energy. Moreover, foreign oil will not be cheaper than domestic energy fuels for very many years, because the worldwide demand for oil is increasing at a rapid rate.

The reason the worldwide demand is increasing is that energy is absolutely essential for a decent standard of living. In the United States we use about six times as much energy per capita as the rest of the world does, and as a result we have the highest standard of living in the world. But other countries are insisting on improving their standard of living—and as a necessary step to that end, they are increasing their energy consumption. The natural result is that energy throughout the entire world is moving from a buyer's market to a seller's market, because the surplus reserves are no longer surplus. All indications are that within a relatively short period of time energy will be in very tight supply throughout the world.

Even with the huge energy requirements facing us, and even with the increasing difficulty of finding new reserves of oil and gas, we as a nation do have the natural resources necessary to meet demands and still maintain primary reliance on domestic sources. And we can do it with minimal damage to the environment. But to accomplish this, we must be realistic enough to start right now on the difficult job ahead. Let me explain how we can accomplish these things.

While our known reserves of uranium are limited, if used in the type of reactor currently being built, the Atomic Energy Commission is vigorously pursuing research in the expectation of developing, over a period of many years, a "breeder" reactor which will greatly expand the amount of power which can be obtained from a given amount of uranium. Hopefully in the decades ahead the breeder reactor will become a reality and atomic power will be able to assume the burden of supplying the major share of our country's electricity requirements—requirements which are increasing at the fantastic rate of doubling every 10 years. Even with these hoped-for developments, however, the consumption of fossil fuels for the production of electricity will have to increase very substantially for at least the rest of this century, and we must do what we can to produce that electricity with the least possible pollution.

Atomic power will not be able, even over the very long run, to substitute for oil and gas used for transportation. But we are fortunate here, too, because this country is blessed with tremendous reserves of coal and oil shale, which can be converted to synthetic liquid and gaseous fuels and used in that form with very little pollution of the environment.

Some of my colleagues may wonder why, in the face of these facts, industry does not get on with the job and go forward. The answer, unfortunately, is that with current technology oil and gas made from coal and from oil shale will be expensive—substantially more expensive than the current cost of domestic or imported oil, and substantially more expensive than the current cost of domestic gas. This situation will change, of course, as increasing demand, coupled with decreasing supply, forces the cost of natural gas and oil ever upward. Without action on our part to stimulate conversion of coal and oil shale to gas and oil, such conversion eventually will take place anyway—but it will begin only after energy shortages have imperiled the country's prosperity and security, and even when it does begin it will take from 5 to 10 years to become reality. We cannot afford any such timelag between energy demand and supply. We must do whatever we can to stimulate the beginning of the conversion processes at the earliest possible moment. I believe it is far better to do what we can to provide the necessary incentive to get these processes started as soon as possible, than to wait until the incentive is furnished by the high prices which inevitably must follow protracted and serious energy shortages.

Mr. President, I am today introducing two bills which I believe will be very helpful in meeting the Nation's needs for clean energy in the future. Those bills, I believe, will help furnish the incentive for investment of the large sums of capital required to accomplish the task before us, and yet will result in very, very little revenue loss over the near-term future. For the long-term, I believe my bills would result in substantially increased revenue, because they would help furnish the clean energy we are going to need if our economy is to remain strong enough to pay for the high cost of government facing us now and for the future.

The first bill which I am introducing, Mr. President, would increase the percentage depletion allowance for domestic coal mines to 15 percent of the gross income from the property, still limited—as in the case of all other minerals—to 50 percent of the taxable income from the property.

Under existing law, coal's depletion rate is 10 percent, compared to 22 percent for the other energy sources—oil, gas, and uranium. Under present law, domestic gold, silver, copper, iron ore, and oil shale receive 15 percent, and my bill would put coal in that category.

Coal represents by a large margin the greatest energy reserve available to our country. Known coal reserves represent approximately three-fourths of the Nation's total fossil fuels reserve, but supply only 21 percent of fossil fuel consumption. Like other energy sources, coal cannot be produced without large investments over a period of years, because coal mining has become quite capital intensive. There are many risks to investment in coal mining—including particularly the risk of loss of market—due to pollution abatement requirements—prior to recovery of capital. A coal mine, like other mineral mines, differs greatly from an ordinary manufacturing plant in respect to capital investment—invested capital cannot be salvaged, in the event of failure, as it can be in other industries. You can sell an unsuccessful factory, but you cannot sell an unsuccessful hole in the ground.

Investment in new mines faces other risks, rising out of the demand for a better world and a better environment. The industry is finding it expensive to meet new safety requirements, and to meet new requirements for land reclamation. Mr. President, I want to make it perfectly clear that I support the highest possible safety standards, and I support the highest practical requirements for land reclamation—and I will continue to support them. At the same time, we should understand that these desirable—these necessary—improvements will increase the cost of coal and thereby add risk to the investment of capital in new mines. That added risk needs to be overcome by added incentives. The final incentive must be, and will be, the prospect of a return after taxes commensurate with the risks involved. An increase in the rate of depletion for coal will help to accomplish this purpose. And it will do so at little cost to the Treasury, because of the operation of that provision of the law which limits depletion to 50 percent of the taxable income from the property.

Because of the 50-percent limitation, and the historically low rate of profit in the coal industry only a small number of existing coal mines would actually have their taxes reduced by an increase in the gross depletion rate of 15 percent. Hence there would be little revenue loss to the Treasury.

Some of my colleagues might well ask, "If it will not help them much, why bother to enact it." The answer lies in the effect of such a change on investment in the new coal mines which we are going to need so badly. A coal mine is designed to last, on the average, about 20 years, so each year the maintenance of existing demand would require new coal mines equal to about 5 percent of total capacity. When add to that the greatly increased demands for coal in the years ahead, you can understand that a very large number of mines must be opened. Opening new underground coal mines takes from 2 to 3 years, and takes a great deal of capital. My bill will give some incentive to the investment of that capital by holding forth the possibility of a better after-tax return if the venture is successful.

The second bill which I am introducing would permit 5-year amortization, for tax purpose, of the cost of plants to convert oil shale or coal to low-pollutant synthetic fuels—oil, gas, or solid fuels.

Present tax law does not precisely define the depreciation of the cost of plants to convert oil shale and coal to low-pollutant synthetic fuels. Present law says only that the owner of a plant will be allowed to recover the cost, for tax purposes, over the estimated "useful life" of the plant.

While the tax guidelines do not contain a specific amortization period for such plants because no such plants are as yet in existence, it is likely that the "useful life" will be defined as considerably in excess of the 5 years provided in my bill.

Practically, my bill gives any company which will undertake the construction of a coal gasification facility the tax incentive of knowing that they will be able to rapidly amortize the cost of such a plant, and in this way hopefully we can induce the construction of this type of facility.

Mr. President, this amortization bill would continue in effect for a period of 10 years. At the end of this period of time, it is my information that economic coal gasification plants as well as oil shale conversion plants will likely be constructed.

I do not know how reasonable it is to believe that such structures can be built in this period of time. Perhaps, construction may come at an earlier date. Be this as it may, this is a matter which hopefully can be considered during hearings on this bill.

We can take a look at the testimony presented at the hearings on the bill and adjust the period of time the bill would be in effect to reflect the timespan it will take to induce the industry to develop and construct coal gasification and oil shale plants.

Mr. President, there are processes now which can be used to produce synthetic fuels, in a form almost free of pollution, from coal. The same can be done with oil shale. Unfortunately, the cost of the product is, as I have already stated, high when compared with the current cost of competitive fuels. The product will become competitive when scarcity forces upward the cost of natural gas and oil or, hopefully, when scientific developments reduce the cost of conversion processes. But in the meantime, the plants to accomplish conversion will cost a great deal of money—I have heard estimates of more than $100 million as the total cost of a complete mining-conversion complex—and such large sums of money simply will not be invested if their recovery for tax purposes has to be spread over a period of 20 years or more.

The current administration is greatly concerned over the emission of sulfur oxides from plants burning coal and oil—so much so that a penalty tax on such emissions has been proposed. Mr. President, it is my feeling that a better approach would be to take steps to give the energy user an option between high-pollutant and low-pollutant fuels. I believe the bill I have introduced would help furnish the fuel user with an option, because it would provide incentive for the investment necessary to produce an alternative low-pollutant fuel.

By proper Government action we may permit the investments necessary to find substantial additional natural gas in this country, but at best we can forestall the shortage crisis for only a few decades. Liquefied natural gas from abroad cannot be a realistic alternative, because we must not become dependent on the Eastern Hemisphere for any large quantity of gas—we must not expose the Nation's energy throat to the sharp knives of nations which may be or may become unfriendly to us.

The rapid amortization technique which my bill would offer would not result in a revenue loss, because without this treatment it is highly unlikely that these conversion plants will be built. In the long run, by protecting our economy and our environment against a shortage of clean fuels, this treatment will improve the ability of our industries to pay the taxes we need to run our Government.

Mr. President, in the Revenue Act of 1969 we included the so-called minimum tax which had the effect of reducing by about 10 percent the benefits of the percentage depletion allowance for all minerals. In addition, we reduced the allowance for oil, gas, and uranium to 22 percent. With the benefit of hindsight, it is easy now to say that we made a mistake in reducing the incentives for investment in finding and producing new sources of energy. From a practical standpoint, it may be that a majority of my colleagues feel it is too soon to acknowledge and reverse that mistake—and I am not now asking them to do so. But I do believe the time has come for us to acknowledge that we should do what we can to furnish incentives necessary to meet the vital and fantastically increasing need for clean energy sources. My bills will assist in that objective, at little cost to the revenue, and I seek the cooperation of all my colleagues in pushing for their adoption.

Mr. President, I ask unanimous consent that my bills to raise the depletion allowance percentage for coal and also my bill to codify the rapid amortization of coal gasification facilities be printed at this point in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

### S. 198

A bill to amend the Internal Revenue Code to encourage an increase in production of coal

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 613(b)(2)(A) of the Internal Revenue Code is amended by inserting after the word "copper," the words "coal, lignite,".

SEC. 2. Section 613(b)(4) is amended by striking the words "coal, lignite,".

SEC. 3. The amendments made by sections 1 and 2 shall apply with respect to taxable years beginning after December 31, 1971.

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### S. 199

A bill to amend the Internal Revenue Code to encourage the development and utilization of methods and devices to convert coal and oil shale to low pollutant synthetic fuels by allowing rapid amortization of expenditures incurred in constructing facilities for such purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Internal Revenue Code (relating to itemized deductions for individuals and corporations) is amended by adding after section 187 thereof the following new section:

"SEC. 188. AMORTIZATION OF FACILITIES TO CONVERT COAL AND OIL SHALE TO SYNTHETIC FUELS.

"(a) ALLOWANCE OF DEDUCTION.—Every person, at his election, shall be entitled to a deductions for individuals and corporations) of the adjusted basis (for determining gain) of any conversion facility (as defined in subsection (d)) Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

"(c) TERMINATION OF AMORTIZATION DEDUCTION.—A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such conversion facility.

"(d) DEFINITIONS.—For purposes of this section, the term 'conversion facility' means any property of a character subject to the allowance for depreciation provided in section 167 which is used in the process of converting coal or oil shale to low-pollutant synthetic fuels. For purposes of this section, the term 'conversion facility' includes any tangible property, including a building and its structural components, if the primary purpose of such building is to house machinery or equipment used in the conversion of coal or oil shale to low-pollutant synthetic fuels.

"(e) ALLOCATION OF BASIS.—In the case of property a portion of which qualifies as a conversion facility and for which an election has been made under subsection (a), the adjusted basis of such property shall, under regulations prescribed by the Secretary or his delegate, be properly allocated between the portion which is a conversion device or facility and the portion which is not such a device or facility."

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By Mr. McINTYRE:

S. 200. A bill to require that new forms and reports, and revisions of existing forms, resulting from legislation be contained in reports of committees reporting the legislation. Referred to the Committee on Government Operations.

### IMPACT OF FEDERAL REPORTING REQUIREMENTS ON SMALL BUSINESS

Mr. McINTYRE. Mr. President, I introduce for appropriate reference a bill which will amend the Legislative Reorganization Act of 1970 to consider the impact of Federal reporting requirements on small business by providing affirmative disclosure in committee reports of paperwork requirements relative to legislation reported for action by a committee of the Senate.

During the second session of the 92d Congress, the Subcommittee on Government Regulation of the Senate Select Committee on Small Business, which I have the honor to chair, conducted an extensive investigation into the impact of the Federal paperwork burden on small business. The paperwork-redtape burden, which I euphemistically refer to as "Federal form pollution," is one of the most significant factors affecting the competitive viability of small business. It has been referred to by witnesses at our subcommittee hearings as the single most important element in the success or failure rate of a small business.

In order to combat this growing problem I am today, at the beginning of this first session of the 93d Congress, introducing a bill which will be of material benefit in reducing proliferating Federal redtape. This bill would amend the Legislative Reorganization Act of 1970 to require all standing legislative committees of the Senate to identify in the committee report on a bill being sent to the Senate for action, all new reporting systems to be required of the private sector by the legislation. This provision is identical to the Cordon rule in the Senate which now requires committees to identify in a committee report all changes in existing law which a proposed bill would accomplish.

For the benefit of my colleague I would like to provide background information which led to my drafting and introduction of this bill.

The subcommittee began public hearings into this problem on May 2, 1972. At that time we took the Subcommittee to Chicago, the heartland of our Nation, to hear firsthand the problems experienced by small businessmen in complying with mandatory Federal reporting requirements. We then took our hearings to New England where in Boston on May 4 and in Concord, N.H., on May 5, we heard numerous small business men and women describe their serious plight in complying with ever-increasing demands for information imposed by the Federal Government.

Typical of the comments I heard from witnesses at our field hearings can best be summed up in the remarks of Mr. Edwin Chertok, president of Chertok-Lougee Robinson Co. of Laconia, N.H., who stated:

> Businessmen, particularly small businessmen who don't have the money or manpower to handle it are being buried in a landslide of paperwork. For many of them the paper pollution will spell disaster and force them to close their businesses.

Mr. President, there are those who will say that this is a dramatic emotional statement without factual foundation. Based on the testimony and letters which I have received, this seems to be the universal conclusion of the small business community. Even more significant is the fact that the overwhelming paperwork burden imposed by the Federal Government is causing many businessmen to become lawbreakers. An example of this is the statement by Mr. William Mashaw, managing director, National Retail Hardware Association, who stated:

> We have reached the saturation level and each new law and each new agency at every level of government providing forms is forcing decent citizens into involuntary noncompliance with the law. Now this is tragic when upstanding, honest citizens just can't comply with the laws, and the result is obviously intolerable.

Again, this statement was echoed by numerous of the small business witnesses who appeared before our subcommittee. I agree with Mr. Mashaw it is indeed tragic when we in the Federal Government undermine our basic system of government by impartial law, when we impose an unrealistic burden on the American small businessman.

Mr. President, Federal redtape and paperwork has a far-reaching impact on the whole American economy according to Mr. Raymond Hollis, another witness before our subcommittee—

> Paperwork diverts [small business] from [its] primary function of making a good product, selling it, keeping it solvent, providing jobs, making profits and paying taxes.

He went on to say:

> If we expend too much money and too much effort on non-productive paperwork, we just can't compete and stay in business.

Are we thus deliberately forcing small business to either go out of business or merge into very large concerns which have the manpower capacity to comply with mandatory reporting requirements? If so, we are therefore creating an economy composed of larger and larger firms which will inevitably destroy the American system of numerous competitive firms competing in an open and free marketplace. This situation in turn removes a great number of jobs, it destroys the American entrepreneurial spirit, it creates large anonymous companies who have little or no concern for the consumer, since he is to them merely one in millions who have little alternative but to accept whatever quality of product or service that is offered.

All too often we in Congress become incensed at the growing Federal presence typified by the redtape-paperwork burden. We rise up in righteous indignation at the lack of concern and sensitivity of the Federal bureaucrat in the executive agencies. We exclaim—"Why are you working hardship on small businessmen? Why are you causing my constituents to complain?" We are very quick to condemn the massive Federal machine which grinds out the multitude of forms and reports which are sent to the small businessman, threatening either unrealistic costly compliance or destruction of his business.

As many witnesses told us: "The problem originates with the organic legislation. Congress should see to it that no bill is reported to the floor for action unless there has been full consideration in committee of the paperwork burden."

Congress all too often passes a bill with worthwhile purposes; purposes with which most citizens can find little fault. In order to guarantee that our legislative intent is being followed by the executive branch, we attach a reporting requirement. We do not consider as to whether or not this reporting requirement can be satisfied in another less complex manner than additional direct reporting by business. Our committees rarely examine into whether or not some of the present reports and forms required by statute are outmoded and could be eliminated with little or no detrimental effect to the administration of the Federal Government. We hardly ever consider how we might go about consolidating and simplifying some of the mandatory reports to ease the burden on our citizens.

It is because of this, that today I introduce a bill which will redress this serious oversight on our part. This piece of legislation is a housekeeping measure for the Congress. It would amend the Legislative Reorganization Act of 1970 to require all committees to place in their legislative report on a specific bill a statement setting forth whether the proposed legislation will require additional mandatory reporting from the private sector. This will hopefully create a continued awareness on the part of the Members of Congress and our staffs of the reporting burden on small business and should result in a lessening of this burden as we will be compelled to seek new ways of getting information. This will most assuredly result in consolidation and elimination of many of the Federal reporting requirements now in existence.

I am hopeful that other Members of the Senate will join me in the sponsorship of this legislation, and I hope that before this session is concluded we will be able to return to our States and report that we have taken a great first step to reduce the burden of Federal paperwork. At least we will be able to say that Congress affirmatively intends to be on the continuous alert to protect and preserve small business.

Mr. President, I ask unanimous consent that the text of this bill be printed in full at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 200

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) part 5 of title II of the Legislative Reorganization Act of 1970 is amended by adding at the end thereof the following new section:

"NEW PUBLIC FORMS AND REPORTS REQUIRED BY CERTAIN LEGISLATIVE PROPOSALS

"SEC. 254. (a) Any bill or joint resolution of a public character reported by a committee of the Senate or the House of Representatives (other than the Committee on Appropriations of either House of Congress) shall contain—

"(1) a copy of the probable matter and format of each new form or report (or the revision of any such existing form or report), required by, or is a likely result of, the enactment of such bill or joint resolution, which is to be provided by the United States Government for completion by any person other than an officer or employee of that Government or of a State government, or any political subdivision of that State;

"(2) in lieu of any such copy, a statement listing each such form or report for which that copy is not contained in the report, with a statement of the reasons why the copy of each is not so included; or

"(3) a statement, accompanied by reasons, that such bill or joint resolution does not require, or its enactment is not likely to have as a result, any such new form or report or any revision of an existing form or report.

"(b) It shall not be in order in either House of Congress to consider any such bill or joint resolution if such bill or joint resolution was reported in that House after the effective date of this section and the report of that committee of that House which reported such bill or joint resolution does not comply with the provisions of subsection (a) of this section.

"(c) For the purposes of this section, the members of the Joint Committee on Atomic Energy who are Members of the Senate shall be deemed to be a committee of the Senate; and the members of such committee who are Members of the House of Representatives shall be deemed to be a committee of the House."

(b) Part 5 of title II of the table of contents of the Legislative Reorganization Act of 1970 is amended by adding at the end thereof the following new item:

"SEC. 254. New public forms and reports required by certain legislative proposals."

SEC. 2. The amendments made by the first section of this Act are effective upon enactment.

SEC. 3. The first section of this Act is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of each House, respectively; and such rule shall supersede other rules only to the extent inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

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By Mr. TAFT:

S. 201. A bill to amend the Internal Revenue Code of 1954 to relieve employers of 50 or less employees from the requirement of paying or depositing certain employment taxes more often than once each quarter. Referred to the Committee on Finance.

### TO AMEND THE INTERNAL REVENUE CODE

Mr. TAFT. Mr. President, in the spring of 1971 I received a letter from a constituent who is a small businessman. He complained about the fact that frequent deposits of social security taxes and income taxes withheld from employees presented a great burden in paperwork for the small businessman. He indicated that these reports necessitated a disproportionately large expense for auditors and accountants. He inquired as to why small businessmen could not make their deposits on a quarterly basis.

I wrote to the Secretary of the Treasury and asked if this change could be made by administrative regulation. I was informed that it could, but that the Treasury's policy was against making a change.

Thereafter on May 18, 1971, I introduced S. 1890 which provides that employers having 50 or less employees shall not be required to make their deposits more often than once a quarter.

On November 22, 1971, when offered as an amendment on the floor of the Senate, this measure was adopted. However, it was dropped in conference.

Today the small businessman is pressured on many sides. The rate of business failures shows that the road of the small businessman is not an easy one.

In the Senate we have a Select Committee on Small Business and it generally expresses great concern for the problems which the small businessman must face. How ironic it is, therefore, that we have compounded his burdens with unnecessary paper work and redtape. I refer specifically to the deposits which are required to be made by our small businessmen for FICA taxes and income tax withholdings. At the present time returns are to be filed quarterly on form 941. Deposits, however, must be made in accordance with the following rules published by the Internal Revenue Service:

DEPOSITS OF TAXES

Each month you must add together the employer and employee taxes under the Federal Insurance Contributions Act (Social Security tax) and the income tax withheld for that month. Your total liability arrived at will determine whether deposits are necessary and, if so, how often they must be made.

Less than $200 liability per quarter. No deposit will be required if your liability for the quarter is less than $200. The total liability for the quarter will be remitted with the quarterly return on or before the last day of the month following the close of the quarter. Thus, payment and the return for the first calendar quarter will be due on or before April 30, 1971; for the second calendar quarter on or before August 2, 1971, etc.

Employers with $200 or more liability per quarter but less than $200 liability in any month. If at the end of the first month in the quarter the cumulative liability is less than $200, but by the end of the second month it is $200 or more, the employer must deposit such cumulative amount by the 15th day of the third month in the quarter. The liability for the third month of the quarter may be remitted with the return which will be due on or before the last day of the month following the close of the quarter.

If the cumulative liability does not reach $200 until the third month of the quarter, the total liability must be deposited by the last day of the month following the close of the quarter.

Employers with $200 but under $2,000 liability per month. For each of the first two calendar months in the quarter deposits will be required on or before the 15th day of the next month. For the last month in a quarter, employers will not have to deposit until the last day of the month following the close of the quarter.

Employers with $2,000 or over liability per month. If so the 7th, 15th, 22nd, or last day of the month, cumulative liability is $2,000 or more, a deposit will be required within the next three banking days.

It is the frequency of these deposits which creates an enormous bookkeeping problem and a great deal of overhead and paperwork for the small businessman. For large firms which have computerized data processing, frequent deposits are no problem. But for the small businessman of America the frequency of these deposits results in a great deal of administrative expense.

It is estimated by the Small Business Administration that 94 percent of all businesses in America have 50 or fewer employees. My bill would simply provide that businesses having 50 or fewer employees could not be required to make their FICA and income tax withholding deposits more than once a quarter.

Let me emphasize that this bill would in no way affect their financial obligations and would not reduce the amount which they must remit to the Federal Government. The bill would simply reduce the amount of redtape, bookkeeping, and clerical expense with which they are now confronted. This bill would also reduce administrative expenses on the part of the Federal Government.

In mid-1971 the National Federation of Independent Businesses conducted a nationwide survey of independent businessmen as to whether or not they favored the approach taken in this legislation. That survey indicated that 74 percent of the Nation's independent businesses favored this measure. I ask unanimous consent to have printed at this point in the RECORD the figures indicating the support of this bill on a State-by-State basis.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

STATE BREAKDOWN FIGURES—RELIEVE EMPLOYERS OF UP TO 50 PERSONS OF HAVING TO DEPOSIT TAXES MORE THAN ONCE A QUARTER

| State | Percent in favor | Percent against | Percent undecided |
|---|---|---|---|
| Alabama | 80 | 15 | 5 |
| Alaska | 71 | 25 | 4 |
| Arizona | 69 | 26 | 5 |
| Arkansas | 72 | 23 | 5 |
| California | 71 | 24 | 5 |
| Colorado | 71 | 24 | 5 |
| Connecticut | 69 | 26 | 5 |
| Delaware | 80 | 18 | 2 |
| Florida | 69 | 25 | 6 |
| Georgia | 80 | 18 | 2 |
| Hawaii | 71 | 25 | 4 |
| Idaho | 83 | 14 | 3 |
| Illinois | 72 | 24 | 4 |
| Indiana | 75 | 20 | 5 |
| Iowa | 70 | 25 | 5 |
| Kansas | 73 | 22 | 5 |
| Kentucky | 75 | 18 | 7 |
| Louisiana | 80 | 16 | 4 |
| Maine | 68 | 25 | 7 |
| Maryland | 75 | 19 | 6 |
| Massachusetts | 74 | 23 | 3 |
| Michigan | 73 | 22 | 5 |
| Minnesota | 74 | 21 | 5 |
| Mississippi | 79 | 16 | 5 |
| Missouri | 74 | 19 | 7 |
| Montana | 75 | 19 | 6 |
| Nebraska | 79 | 16 | 5 |
| Nevada | 73 | 24 | 3 |
| New Hampshire | 74 | 22 | 4 |
| New Jersey | 71 | 24 | 5 |
| New Mexico | 70 | 25 | 5 |
| New York | 73 | 22 | 5 |
| North Carolina | 77 | 20 | 3 |
| North Dakota | 79 | 17 | 4 |
| Ohio | 74 | 20 | 6 |
| Oklahoma | 76 | 19 | 5 |
| Oregon | 72 | 25 | 3 |
| Pennsylvania | 75 | 22 | 3 |
| Rhode Island | 67 | 33 | --------- |
| South Carolina | 79 | 16 | 5 |
| South Dakota | 72 | 22 | 6 |
| Tennessee | 77 | 19 | 4 |
| Texas | 75 | 21 | 4 |
| Utah | 78 | 17 | 5 |
| Vermont | 72 | 24 | 4 |
| Virginia | 75 | 22 | 3 |
| Washington | 75 | 21 | 4 |
| Washington, D.C | 71 | 29 | --------- |
| West Virginia | 82 | 16 | 2 |
| Wisconsin | 73 | 22 | 5 |
| Wyoming | 71 | 24 | 5 |

Mr. TAFT. Mr. President, I ask unanimous consent to have this bill printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 201

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 6302 of the International Revenue Code of 1954 (relating to mode or time of collection) is amended by adding at the end thereof the following new subsection:

"(d) COLLECTION OF CERTAIN EMPLOYMENT TAXES FROM EMPLOYERS OF 50 OR LESS EMPLOYEES.—Payment or deposit of—

"(1) taxes deducted under section 3112 from wages paid by an employer during a calendar quarter,

"(2) taxes imposed under section 3111 on wages paid by such employer during such calendar quarter, and

"(3) taxes deducted and withheld under section 3402 upon wages paid by such employer during such calendar quarter,

shall not be required more than one time, if at all times during the preceding calendar quarter such employer had 50 or less individuals in his employ."

(b) The amendment made by subsection (a) shall take effect on the first day of the first calendar quarter beginning more than 30 days after the date of the enactment of this Act.

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By Mr. TAFT:

S. 203. A bill to amend the Internal Revenue Code of 1954 to permit the exclusion from gross income of a portion of the compensation received by full-time law enforcement officers and firemen employed by State and local governmental instrumentalities. Referred to the Committee on Finance.

TAX DEDUCTIONS FOR POLICEMEN AND FIREMEN

Mr. TAFT. Mr. President, on January 25, 1971, I introduced S. 62, a bill that would permit policemen and firemen to exclude from their federally taxable income the first $200 earned each month in police or fire pay. On November 22, 1971, I offered this measure on the floor of the Senate and it was defeated in a rollcall vote, 46 to 50.

Because I believe that it was not widely understood I am reoffering this legislation today for consideration by the 93d Congress.

The effect of this bill would be to give to those public servants an immediate pay raise of approximately $35 a month, on the average—the resulting reduction in Federal income taxes which they would owe.

I am told the total would be rather hard to estimate, but the estimates that we have been able to get are that it would cost approximately $180 million.

During the 1960's our population increased 13 percent, but serious reported crime increased 148 percent. We are all familiar with the alarming statistics on the rise in criminal activity, unfortunately still unchecked throughout the country. We are all for law, order, and justice. What we must do is recognize that it is not enough for us merely to advocate good law enforcement. If we are going to have good law enforcement, we must act now to increase the pay of our law enforcement officers.

This is not a new idea. I took a look at the situation in 1967, when I was running for Congress, and became convinced that if indeed we were to do something about rising crime rates in this country, we needed some real recognition of the importance and the priority of these professions. At that time in the Congress, and every year since, I have had pending a bill of the very form of this particular bill.

If a law officer is to function properly, he must act in part as a detective, a criminal lawyer, a counselor, an athlete, and sometimes a midwife.

The lot of the fireman is no more enviable. They are often required to enter into burning buildings. In civil disturbances they have sometimes been bombarded with rocks and fired upon by snipers.

If we are to undertake a high level of professional competence in law enforcement and firefighting, we must do more than pat these men on the back. We must give them much needed recognition, and I suggest that this bill is a very appropriate way in which to do it.

It is not a matter of the money involved; it is a recognition of these important tasks.

America's combat soldiers have for many years received similar tax benefits. Enlisted men can exclude all of their combat pay and officers can exclude their first $500 per month in combat pay. Why are they so different from those who serve in our armed services, when they are on duty equally important, if not even more important, to the public? In a very real sense our policemen and firemen are defending the public in our cities.

I recognize that policemen and firemen are basically local officials, and we want to keep the responsibility at that level, but I think we ought to grant some national recognition of the tremendously important service they perform, and they should receive tax consideration similar to that earned by those who defend us on the battlefields.

At the present time America has 267,000 full-time policemen and 160,000 full-time firemen.

In my bill we have an opportunity to turn our words into action. I urge that the Senate adopt this bill.

I ask unanimous consent that the full text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 203

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 124 as section 125 and by inserting after section 123 the following new section:

"SEC. 124. CERTAIN PAY OF STATE, TERRITORIAL, AND LOCAL POLICE AND LAW ENFORCEMENT OFFICERS AND FIREMEN

"Gross income does not include so much of the compensation (exclusive of pensions and retirement pay) as does not exceed $200 received by an individual for any full month of regular active service as a member of a police force or other law enforcement officers, or as a fireman, in the employ of a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States or in the employ of a political subdivision of any of the foregoing."

(b) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out

"Sec. 124. Cross references to other Acts."

and inserting in lieu thereof

"Sec. 124. Certain pay of State, territorial, and local police and law enforcement officers and firemen.

"Sec. 125. Cross references to other Acts."

SEC. 2. The amendments made by this Act shall apply only with respect to compensation received for months commencing after the date of the enactment of this Act.

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By Mr. BAYH:

S. 204. A bill to amend the Internal Revenue Code to encourage the continuation of small family farms, and for other purposes. Referred to the Committee on Finance.

### FAMILY FARM INHERITANCE ACT

Mr. BAYH. Mr. President, I am pleased to introduce today for appropriate reference, the Family Farm Inheritance Act.

Agriculture is a vital segment of our economy, as every American realizes. It is still the No. 1 industry in this country, employing more Americans than any other field. Indeed, more people are employed in agriculture than in the transportation, steel, and automobile industries combined. One out of every $10 of our gross national product is directly attributable to the food industry. And the American people buy their food for a far smaller portion of their income than any other people in the world.

But while the American people have benefited from the size and efficiency of our farm industry, the individual farmer has been having a progressively harder time making ends meet. Fifty years ago there were about 32 million Americans—more than 30 percent of the entire population—living on the farm; today there are only about 9 million Americans—slightly more than 4 percent of our population—still on the farm. This number is decreasing steadily. Moreover, it is the small farmer, the family farmer, who is being forced off the farm into our already overcrowded cities. In fact, every day about 300 family farms in this country have to be abandoned by their owners because they are no longer viable. Cumulatively, a million family-sized farms were consolidated out of existence in the 1950's and another million in the 1960's.

The reasons for the demise of the family farmer are evident. While food prices in this country have gone up along with everything else, the farmer often has not shared in this increase. Food price increases have gone to retailers and middlemen, but too many farmers have seen their share of the retail food dollar remain constant, and at times, decline. At the same time, while the average American nonfarmworker labors an average of only 37 hours a week, the average farmer works 50 hours a week and earns less for his time. Farmers receive an average of only 5.4 percent return on their investment whereas there is a 10- to 12-percent return on investment in industry.

Perhaps one of the greatest problems faced by farm families is the estate tax—a tax which is uniquely burdensome for farmers because it is usually based on the exorbitant real estate value of the land, rather than on its far lower farming value of profitability. Children who have spent years working the farm with their parents are suddenly confronted with a large tax when the owner of their operation dies. For a small farmer, estate taxes are particularly severe because most of his assets are generally nonliquid: His farm, his farmhouse, his livestock, his crops, and equipment comprise the bulk of his assets and they are all essential to the profitable operation of the farm. Nonfarmers, if only because their return on investment is usually greater, normally have a greater percentage of liquid assets with which they can meet estate taxes.

To illustrate the problem faced by family farmers, let us take the hypothetical case of a Mr. Jones, Jr., who is left a 300-acre farm valued at $700 an acre, plus farm equipment, crops, and farmhouse, for a total valuation of $280,000. At the prevailing tax rate, he would have to pay $56,700 in Federal estate taxes. An average small farmer, Mr. Jones makes only about $10,000 a year from his farm; the income is already stretched thin to cover new farm equipment and family expenses. Assuming that Mr. Jones does not have large savings, he would be forced to either take out a mortgage on the farm—if it is not already mortgaged—or sell part of his land in order to pay the estate tax on his father's farm. Either way, he would decrease by a considerable margin the already small profit he is able to make from the farm. Furthermore, the burden of estate taxes could very possibly be so great that Mr. Jones, Jr., might find out that he can no longer make enough money on the farm to support his family. Thus he would be forced to sell the farm and look for work elsewhere.

Unless we want to see a continuing decline in the number of family farmers, and an eventual domination of the farm industry by large corporate farms, it is essential to help small farmers meet what are now unbearably high estate taxes.

The bill I am introducing today excludes the first $200,000 in value of the family farm from the taxable estate of those farmers who have managed their own farms during their lives and have willed it to relatives who plan to carry on this tradition. All such family farms must be actively used to raise agricultural crops of livestock for profit rather than as a hobby. To be specific, in order to qualify for the exemption, the decedent must have owned the farm for at least 5 years and must have exercised substantial management and control over the farm before he died. Those who inherit must not only continue to exercise substantial management and control over the farm, but also must maintain ownership and live on the farm for at least 5 years. In the event that a farm is willed to several children, all inheritors are covered by the bill if one of them meets the residency and management qualifications set forth in the bill.

As to the problem of Mr. Jones, Jr., under this bill he would qualify for the $200,000 farm exemption in addition to the standard $60,000 exemption granted to all citizens. Thus, Mr. Jones, Jr., would pay a total of $1,300 of estate taxes on $20,000 worth of his father's $280,000 farming estate. In the event that a family farm is willed as part of a larger estate, taxes would still be paid at the regular rate on all nonfarming portions of the estate.

Mr. President, the subjects of tax reform and agriculture will both receive priority attention during this session of Congress. Therefore, I believe the Family Farm Inheritance Act deserves serious and immediate attention by all Senators who are concerned about the declining interest in farming and the resulting concentration of agriculture. Unless rural living is presented as an equally sustaining and appealing career possibility for young people, this Nation will soon be a homogeneous collection of crowded city dwellers.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 204

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Family Farm Inheritance Act."

SEC. 2. Part IV of Chapter II B of the Internal Revenue Code of 1954 (relating to deductions from the gross estate) is amended by adding at the end thereof the following new section:

"§ 2057. Interests in Family Farming Operations.

"(a) GENERAL RULE.—For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate the lesser of (1) $200,000, and (2) the value of the decedent's interest in a family farming operation continually owned by him or his spouse during the five years prior to the date of his death and which passes or has passed to an individual or individuals related to him or his spouse.

"(b) SUBSEQUENT DISQUALIFICATION RESULTS IN DEFICIENCY.—The difference between the tax actually paid under this chapter on the transfer of the estate and the tax which would have been paid on that transfer had the interest in a family farming operation not given rise to the deduction allowed by paragraph (a) shall be a deficiency in the payment of the tax assessed under this chapter on that estate unless, for at least five years after the decendent's death—

"(1) the interest which gave rise to the deduction is retained by the individual or individuals to whom such interest passed, and

"(2) the individual or any of the individuals to whom the interest passed resides on such farm, and

"(3) such farm continues to qualify as a family farming operation.

"(c) DEATH OF SUBSEQUENT HOLDER.—In the case of the subsequent death of an individual to whom the interest in a family farming operation has passed, his successor shall be considered in his place for purposes of paragraph (b).

"(d) DEFINITIONS.—

"(1) FAMILY FARMING OPERATION.—A "family farming operation" is a farm:

"(A) actively engaged in raising agricultural crops or livestock 'for profit', within the meaning of section 183, and

"(B) over which the owner or one of the owners exercises substantial personal control and supervision.

"(2) RELATIONS.—An individual is 'related' to the decedent or his spouse if he is that person's father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister."

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By Mr. KENNEDY:

S. 206. A bill to establish the birthplace of Susan B. Anthony in Adams, Mass., as a national historic site, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### BIRTHPLACE OF SUSAN B. ANTHONY AS A NATIONAL SHRINE

Mr. KENNEDY. Mr. President, as a woman aspiring to teach in the 19th century, Susan B. Anthony experienced bitter discrimination. As a result, she became a tireless worker for 50 years for equal rights for women, especially for the right to vote. Through her efforts, the National Woman Suffrage Association was organized in 1869. In 1892, she was elected president of the National American Woman Suffrage Association.

In 1872, her persistent efforts to gain the right to vote led to her arrest in Rochester, N.Y. Later, when the Supreme Court ruled that the 14th amendment did not give women the right to vote, Miss Anthony and her followers proposed an amendment to the Constitution giving women the franchise. Fourteen years after her death, the amendment was finally adopted as part of the Constitution.

Susan B. Anthony began a crusade which is unfinished even today. Her work and her leadership led to the accomplishment of great progress toward her goals. I hope that my colleagues will agree that her birthplace should be preserved as a part of the national park system and I am pleased to introduce this bill to accomplish that goal.

I ask that the full text of the bill be printed at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 206

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior shall acquire on behalf of the United States the house and lot in Adams, Massachusetts, where Susan B. Anthony was born. The legal description of such lot shall be determined by the Secretary of the Interior.

SEC. 2. The Secretary of the Interior, acting through the National Park Service, shall administer, protect, develop, and maintain the house and lot acquired pursuant to the first section as a historic site in accordance with the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4).

SEC. 3. There are hereby appropriated such sums as are necessary to carry out the purpose of this Act.

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By Mr. KENNEDY:

S. 207. A bill to provide for the establishment of the Plymouth Rock National Memorial, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### THE PLYMOUTH ROCK NATIONAL MEMORIAL

Mr. KENNEDY. Mr. President, each of us as Americans cherish the unique manning of the Pilgrim landing at Plymouth Rock. And the bravery which characterized their survival in this new world.

Plymouth Rock is a sign of hope and promise for all Americans. The bill which I am introducing again today is a recognition of that heritage. I urge the Congress to act on this memorial quickly.

I ask consent that the full text of the bill be printed at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 207

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purpose of commemorating the landing of the Pilgrims in the New World at Plymouth Bay, Massachusetts, in 1620, the Secretary of the Interior may acquire by gift, purchase with donated or appropriated funds, exchange, or otherwise, not to exceed fifteen acres of land (together with any buildings or other improvements thereon), and interests in land at Plymouth Harbor in the town of Plymouth, Massachusetts, for the purpose of establishing thereon a national memorial: *Provided,* That property owned by the Commonwealth of Massachusetts may be acquired only with the consent of the owner.

SEC. 2. The property acquired pursuant to the first section of this Act shall be established as the Plymouth Rock National Memorial, and shall be administered by the Secretary of the Interior subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535) as amended and supplemented, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666).

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

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By Mr. KENNEDY (for himself and Mr. BROOKE):

S. 208. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### THE MOUNT HOLYOKE UNIT OF THE CONNECTICUT HISTORIC RIVERWAY

Mr. KENNEDY. Mr. President, I am introducing today the amended version of the legislation to establish the Mount Holyoke Unit of the Connecticut Historic Riverway for myself and Mr. BROOKE. Identical legislation will be introduced in the House by Congressmen CONTE and BOLAND.

The Mount Holyoke Unit comprises approximately 12,000 acres on the east side of the Connecticut River, north of Springfield. The river flows between the Mount Holyoke Range and the Mount Tom Range. This unit of the historic riverway embraces the bulk of the Mount Holyoke Range. For 2 years field teams, planning agencies, local officials, and private citizens collected data and worked together on the New England Heritage Report. Since publication of that report, another 2 years have gone into study and refining the specific proposals put before the local communities.

The Mount Holyoke Unit would include three classifications of land areas:

First. Public use and development zone: land may be acquired by donation, purchase, transfer, or condemnation, but in no event can more than 1,500 acres be acquired by condemnation;

Second. Preservation and conservation zone: which will be maintained in its natural state with only the development of trails; and

Third. Private use and development zone: land within this zone shall be limited to noncommercial, residential development except for business already in existence.

I ask unanimous consent that the full text of the bill be printed at the conclusion of these remarks. I am hopeful that the Congress will act quickly to assure that the preservation efforts which have gone on over the years at the local level will be assisted by the Department of the Interior in order to protect this unique resource area.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 208

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### STATEMENT OF POLICY

SECTION 1. The Congress finds that the Connecticut River and the adjacent municipalities in the Commonwealth of Massachusetts, as generally depicted on the map entitled "Connecticut River Valley Corridor", numbered NSR–CON–91,000 and dated August 1970, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior, possess unusual scenic, ecological, scientific, historic, recreational, and other values contributing to public enjoyment, inspiration, and scientific study. The Congress further finds that it is in the best interests of the citizens of the United States for the United States to take action to preserve and promote such values for the enjoyment of present and future generations to preserve the natural ecological environment and develop the recreational potential of the area, and to encourage maximum complementary action by the Commonwealth of Massachusetts and local governments and private individuals, groups, and associations.

### CONNECTICUT HISTORIC RIVERWAY

SEC. 2. In order to provide for conservation of the scenic, scientific, historic, ecological, and other values contributing to public enjoyment, as well as the public outdoor recreation use and enjoyment of the Connecticut River Valley corridor, consistent with the well-being of present and future residents of the area, there is hereby established the Connecticut Historic Riverway (hereinafter referred to as the "riverway"). The riverway shall be composed of the Mount Holyoke unit, the boundary of which shall be as generally delineated on the map entitled "Connecticut Historic Riverway-Mount Holyoke Unit, Hampshire County, Massachusetts", numbered NRA–CON–40002, and dated February 1971, together with such other areas as may, from time to time, be authorized by Federal law. The boundaries of the Mount Holyoke unit shall be as generally delineated on the map referred to in this section. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the Mount Holyoke unit from time to time with a view to carrying out the purposes of this Act, with the approval of a majority of the advisory committee for such unit, as established and described in section 6 of this Act, but the total acreage of land and water within the revised boundaries of the unit shall not exceed thirteen thousand one hundred and fifty acres in the Mount Holyoke unit.

### ACQUISITION OF PROPERTY FOR THE CONNECTICUT HISTORIC RIVERWAY

SEC. 3. (a) (1) In order to preserve the existing blend of natural, cultural, and historic values of the area comprising the Mount Holyoke unit of the riverway, and to conserve such area in its natural state for the benefit of present and future generations of people to enjoy in a quiet way, the Secretary is authorized, subject to the provisions of the Acquisition Zoning Plan, Connecticut Historic Riverway-Mount Holyoke unit, numbered NRA-CON-4003, and dated March 1971, and the provisions of paragraph (2) of this subsection, to acquire, within the area comprising the Mount Holyoke unit of the riverway as set forth in the map referred to in section 2 of this Act and numbered NRA-CON-40002, lands, waters, and interests therein (including scenic easements), by donation, negotiated purchase with donated or appropriated funds, transfer, exchange, or condemnation (except that such authority to acquire by condemnation shall be exercised only in the manner and to the extent specifically provided for in this subsection).

(2) (A) The Secretary shall develop and administer the area comprising the Mount Holyoke unit of the riverway in accordance with the zoning plan referred to in paragraph (1) of this subsection, and in accordance with the provisions of this subsection.

(B) Within the area comprising the zone designated by such zoning plan as the "Public Use and Development Zone", the Secretary is authorized to acquire lands, waters, and interests therein (including scenic easements) by donation, negotiated purchase with donated or appropriated funds, transfer, exchanges, or condemnation, but in no event shall the Secretary acquire by condemnation, within such zone, the fee title to more than eleven hundred acres.

(C) (i) The area comprising the zone designated by said zoning plan as the "Preservation and Conservation Zone" shall be maintained and administered by the Secretary in as nearly its natural state and condition as possible without further development, except that the Secretary may develop trails in said area to the extent necessary for the benefit of the public. Improvements on presently existing single-family homesteads including one or more such things as renovation, an addition, a garage, a swimming pool, tennis court, or the like, shall be allowed. Further, a landowner shall be authorized to tear down an existing homestead and rebuild a new one on the same site. Within this zone, the Secretary shall take no action which would result in reduction of either the quality or quantity of water available to existing public and private water supply systems.

(ii) In this zone, the Secretary shall have no power of condemnation of other than scenic and trail easements, but may acquire fee or lesser interests by purchase or gift; except that if, in the judgment of the Secretary, fee condemnation is necessary to clear title, he may acquire such interests.

(D) Within the area comprising a maximum of four hundred acres and designated by such zoning plan as the "Private Use and Development Zone", the Secretary shall have no authority to acquire any interests in or to any lands or waters within such zone by condemnation for two years following the date of the enactment of this Act, or thereafter so long as an appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid municipal zoning ordinance approved by the Secretary.

(3) (A) The area comprising that portion of the Mount Holyoke unit of the riverway designated by the zoning plan referred to in paragraph (1) of this subsection as the "Public Use and Development Zone" shall be utilized by the Secretary for the development of recreational areas, and for the development of necessary public use facilities in connection therewith according to a master plan approved by the Secretary and the committee.

(B) The area comprising that portion of the Mount Holyoke unit of the riverway designated by such zoning plan as the "Private Use and Development Zone" shall be limited to noncommercial residential development except such area as was designated for business as of January 1, 1971, by municipal zoning, and which shall be limited to such uses as are consistent with this Act. Within such zone, the Secretary is authorized to acquire the fee title to lands, waters, and water rights, by donation or negotiated purchase, and to designate such lands and waters so acquired as a part of the area comprising that portion of the Mount Holyoke unit designated as the "Preservation and Conservation Zone".

(b) In order to carry out the provisions of this section, and following public hearings, the Secretary shall issue regulations specifying standards for the approval of zoning ordinances for the "Private Use and Development Zone" that are consistent with the provisions of this Act. Such regulations and amendments thereto must receive the approval of a majority of the committee under section 6 before issuance.

(c) The standards specified in such regulations pertaining to the private use and development zone shall have the object of preserving the scenic quality of said zone while allowing compatible private development of such property by means of acreage, frontage, setback design, and subdivision controls and by prohibiting the cutting of timber, burning of undergrowth, removing soil or other landfill, and dumping or storing refuse in such a manner that would detract from the natural or traditional riverway scene.

(d) Following the issuance of such regulations the Secretary shall approve any zoning ordinance or any amendment to any approved zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(e) No zoning ordinance or amendment thereof shall be approved by the Secretary which (1) contains any provisions that he considers adverse to the protection and development of such property in accordance with the provisions of this Act, and (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such ordinance or amendment.

(f) If any property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of subsection (a) (2) (D) of this section, is made the subject of a variance under, or becomes for any reason an exception to, such zoning ordinance, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such ordinance, the Secretary may terminate the suspension of his authority to acquire such property by condemnation; except that the owner of any such property shall have ninety days after written notification from the Secretary to discontinue the variance, exception, or use referred to in such notification.

(g) The Secretary shall furnish to any party in interest, upon request, a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

### ADDITIONAL PROPERTY ACQUISITION PROVISIONS

SEC. 4. (a) With the exception of any lands, acquired in accordance with this Act, which the Secretary determines are presently needed for public use facilities to carry out the purposes of this Act, any owner of improved property within the riverway may elect to retain a right of use and occupancy of the improved property for noncommercial residential and agricultural purposes for a period ending at the death of the owner or his spouse, whichever occurs later, or for a fixed term not to exceed twenty-five years. The Secretary shall pay to the owner the fair market value of the property on the date of its acquisition less the fair market value on such date of any right retained by the owner. Any retained right of use and occupancy may be transferred or assigned. Whenever the Secretary finds that the property or any portion thereof has ceased to be used for noncommercial residential purposes, he may terminate the right of use and occupancy upon tendering to the holder thereof an amount equal to the fair market value of the portion of said right which remains unexpired on the date of termination.

(b) As used in this section, the term "improved property" shall mean a one-family dwelling the construction of which was begun before April 1, 1971, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling and land for noncommercial residential or agricultural purposes, together with any structures accessory to the dwelling which are situated on the land so designated; except that the Secretary may exclude from the land so designated any water bodies together with so much of the adjacent land as he deems necessary for public access thereto.

(c) Any property or interests therein within the riverway which are owned by the Commonwealth of Massachusetts or by any political subdivision thereof or permanently preserved for conservation purposes under the ownership of a nonprofit, nonstock organization may be acquired only by donation or by a negotiated purchase; except that in no case shall the Secretary pay as consideration for any such property an amount in excess of the actual cost incurred by the owner in acquiring such property plus the fair market value of the actual costs of improvements added by the owner, whichever is the lesser.

(d) When a tract of land lies partly within and partly without the boundary of the Mount Holyoke unit of the riverway, the Secretary may acquire by condemnation only the tract within the boundary unless otherwise agreed upon by the landowner.

(e) No person retaining title to or interest in lands within the Mount Holyoke unit which abut a navigable water will be deprived of access across such lands to said water without just compensation therefor.

### ADMINISTRATIVE PROVISIONS

SEC. 5 (a) The Secretary shall administer and protect the riverway, subject to the provisions of this Act, with the primary aim of conserving the natural resources located within it and preserving the area in as nearly its natural state and condition as possible. No development or plan for the convenience of visitors shall be undertaken in the riverway which would be compatible with the overall life style of residents of the area, accepted ecological principles, the preservation of the physiographic conditions now prevailing, or with the preservation of such historic sites and structures as the Secretary may designate.

(b) The riverway shall be administered, protected, and developed by the Secretary in accordance with the provisions of this Act and, to the extent not inconsistent with this Act, the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), and any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act.

(c) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the riverway in accordance with the applicable laws and regulations of the Commonwealth of Massachusetts and of the United States, except that the Secretary may designate zones where, and establish periods when, no hunting, no fishing, or trapping shall be permitted for reasons of public safety fish or wildlife management, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary prescribing any such restrictions shall be issued only after consultation with the appropriate agency of the Commonwealth of Massachusetts and only after a public hearing at a location convenient to the area affected. The hearing to be announced through such means as the Secretary deems appropriate, including notices in the Federal Register and newspapers of general circulation in the area.

(d) The Federal Power Commission shall not authorize the construction, operation, or maintenance within the riverway of any dam, water conduit, reservoir, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.): *Provided*, That the provisions of that Act shall continue to apply to any project, as defined in that Act, already licensed.

### MOUNT HOLYOKE RIVERWAY COMMITTEE

SEC. 6. (a) There is hereby established the Mount Holyoke Riverway Committee.

(b) Such committee shall be composed of members appointed for a term of two years by the Secretary as follows:

(1) a member appointed to represent the Commonwealth of Massachusetts, such appointment to be made from recommendations of the Governor of such Commonwealth;

(2) a member appointed to represent the appropriate regional planning commissions agencies of the Commonwealth of Massachusetts. Such appointment shall be made from recommendations of the governing such commission or agencies;

(3) a member appointed to represent each town and municipality referred to in section 1 of this Act that is directly affected by the establishment of the Mount Holyoke unit of the riverway, and such appointments shall be made from recommendations of the governing body of such town or municipality, as the case may be;

(4) a member to be designated by the Secretary;

(5) a member to be designated by the Administrator of the Environmental Protection Agency (or other such Federal agency which assumes the responsibility for the protection of the environment by change of law or by executive order) unless that agency is under the administrative jurisdiction of the Secretary; and

(6) a member to be designated by the Commonwealth's division of fisheries and game.

(c) the chairman of such committee shall be elected by the membership thereof for a term of not to exceed two years. Any vacancy therein shall be filled in the same manner in which the original appointment was made.

(d) All members of such committee shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by such committee in carrying out its responsibilities under this Act on the presentation of vouchers signed by the chairman.

(e) The Secretary or his delegate shall consult regularly with such committee with respect to all matters relating to the development and administration of such unit and with respect to carrying out the provisions of this Act, including but not limited to matters relating to the acquisition of lands, the issuance of regulations specifying standards for zoning ordinances, and the administration of such unit.

(f) Such committee shall make available to the Secretary an annual report reviewing matters relating to the development of such unit, including land acquisition and the zoning standards policies, and shall make recommendations thereto.

### CONNECTICUT RIVER VALLEY CORRIDOR

SEC. 7. (a) The Secretary, in accordance with authority contained in the Act of May 28, 1963 (77 Stat. 49), and in consultation with the New England River Basin Commission and the committee established by section 6 of this Act, shall encourage coordinated planning for the conservation and development of the scenic, ecological, scientific, historic, and recreational resources of the Connecticut River Valley corridor which is defined for the purpose of this section as that part of the Connecticut River Valley corridor depicted on the map referred to in section 1 of this Act. The Secretary shall give particular attention to encouraging and coordinating the conservation and development of the outdoor recreation resources of the corridor that are outside the boundaries of the riverway, and he is authorized to provide technical assistance to State and local governments and private individuals, groups, and associations with respect to the conservation and development of such resources.

(b) The Secretary shall encourage State, regional, county, and municipal bodies to adopt and enforce adequate master plans and zoning ordinances which will promote the use and development of privately owned lands within the corridor in a manner consistent with the purposes of this section, and he is authorized to provide technical assistance to such bodies in the development of such plans and ordinances.

(c) The Secretary shall cooperate with the appropriate State and local agencies to provide safeguards against pollution of the Connecticut River and unnecessary impairment to the scenery thereof.

(d) In order to avoid, insofar as possible, decisions or actions by any department, agency, or instrumentality of the United States which could have a direct or adverse effect on the outdoor recreation resources of the corridor, all departments, agencies, and instrumentalities of the United States shall consult with the Secretary concerning any plans, programs, projects, and grants under their jurisdiction within the corridor. Any Federal department, agency, or instrumentality before which there is pending an application for a license for any activity which could have such effect on the outdoor recreation resources of the corridor shall notify the Secretary and, before taking final action on such application, shall allow the Secretary ninety days to present his views on the matter.

(e) The Secretary of Agriculture shall, in cooperation with the appropriate State agencies, study means of preserving the agricultural, forest, and rural open space character of the corridor, and shall submit a report of his findings and recommendation to the President and Congress within two years after the date of this Act.

### SHORELINE EROSION CONTROL

SEC. 8. The Secretary of the Interior and the Secretary of the Army shall cooperate in the study and formulation of plans for shoreline erosion control of the Connecticut River; and any protective works for such control undertaken by the Chief of Engineers, Department of the Army, shall be carried out in accordance with a plan that is acceptable to the Secretary of the Interior and is consistent with the purposes of this Act.

### APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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By Mr. KENNEDY:

S. 209. A bill to authorize the Council on Environmental Quality to carry out a county government environmental control demonstration project. Referred to the Committee on Public Works.

### BERKSHIRE COUNTY DEMONSTRATION PROJECT

Mr. KENNEDY. Mr. President, I am introducing today a bill to establish a county government environmental control demonstration project. I ask consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, the bill I introduce today authorizes the Council on Environmental Quality to fund $1 million annually over a 3-year period to Berkshire County in the Commonwealth of Massachusetts to carry out a demonstration project. Berkshire is a uniquely beautiful area and one most suitably qualified for this project.

The bill I introduce today will provide a model for:

First, rejuvenating and strengthening county governments throughout the Nation in their ability to deal with environmental problems;

Second, dealing with such environmental problems as waste of land, forest and wildlife resources, soil erosion, and flood hazards;

Third, solving such problems in cooperation with and with the assistance of the Federal, State, and local governments; and

Fourth, establishing priorities in solving countywide environmental problems.

I will be visiting residents of Berkshire County next week to get their suggestions for refinements to this legislation. And I am hopeful that the Congress will act on this measure during this session.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 209

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "County Government Environmental Control Demonstration Project Act".

SEC. 2. The purpose of this Act is to authorize a demonstration program which will provide a model for—

(1) rejuvenating and strengthening county governments throughout the Nation in their ability to deal with environmental problems;

(2) dealing with such environmental problems as waste of land, forest, and wildlife resources, soil erosion and flood hazards;

(3) solving such problems in cooperation with, and with the assistance of, the Federal and State and local governments; and

(4) establishing priorities in solving county environmental problems.

### AUTHORIZATION FOR DEMONSTRATION PROJECT

SEC. 3. (a) The Council on Environmental Quality is authorized to enter into such arrangements as it may determine with the county commissioners of Berkshire County, Massachusetts, for a three-year demonstration project to carry out the purpose of this Act.

(b) Except as provided in subsection (c), no funds shall be paid to such county pursuant to this Act until such county commissioners submit to the Council a plan for carrying out such project which the Council determines to be satisfactory for the purpose of this Act and which—

(1) provides for a project commission, meeting the requirements of section 4, which will carry out such plan subject to the supervision of the county commissioners;

(2) establishes priorities for the solving of the county's environmental problems and establishes a schedule for completing at least the highest priority projects in the plan during the three-year period of Federal assistance pursuant to this Act and provides assurances satisfactory to the Council that such schedule will be followed and that such county will continue to carry out the plan after such three-year period;

(3) provides adequate assurances of necessary cooperation by the Commonwealth of Massachusetts and any local government entities within the county, including the enactment of any necessary legislation;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds supplied pursuant to this Act; and

(5) provides for making an annual report and such other reports, in such form and containing such information as the Council may require and for keeping such records and for affording such access thereto as the Council may find necessary to assure the correctness and verification of such reports.

(c) Not to exceed 15 per centum of the funds authorized in section 5 may be paid to the county to cover costs of preparing the plan required by this section.

(d) The three-year period provided in this section shall begin on the date the plan required by this section is approved by the Council.

### PROJECT COMMISSION

SEC. 4. (a) The project commission required pursuant to section 3(b)(1) shall include—

(1) the county commissioners of Berkshire County;

(2) at least ten experts in county government or the environment selected from institutions of higher education or from business;

(3) one representative from each town or municipality in the county; and

(4) one representative each from the Berkshire Natural Resources Council, the Berkshire County Industrial Development Commission, and the Berkshire County Regional Planning Commission.

(b) The members of the project commission shall select one member to be project commissioner and may select such other officers and provide for such subcommittees of the commission as they determine to be necessary.

### AUTHORIZATION

SEC. 5. There is authorized to be appropriated the sum of $3,000,000 for payments to Berkshire County pursuant to this Act, and such sums as may be necessary for the administration of this Act by the Council on Environmental Quality.

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By Mr. KENNEDY:

S. 210. A bill to authorize the establishment of the Boston National Historical Park in the Commonwealth of Massachusetts. Referred to the Committee on Interior and Insular Affairs.

### THE BOSTON NATIONAL HISTORICAL PARK

Mr. KENNEDY. Mr. President, I am introducing a bill today to establish the Boston National Historical Park in the Commonwealth of Massachusetts. I ask unanimous consent that the full text of the bill be printed at the conclusion of my remarks.

The legislation I introduce provides for a historical park to be established in the city of Boston to include Faneuil Hall, the Paul Revere House, the Old State House, the Old North Church, Bunker Hill, and the Old South Meeting House if the present owners of these sites choose to either enter into cooperative agreements with the Secretary of Interior or sell or donate the sites to the Secretary. This legislation not only authorizes the Secretary of Interior to acquire by donation or purchase with the consent of the owner but provides authority for him to enter into cooperative agreements with the city of Boston, the Commonwealth of Massachusetts, or private organizations currently maintaining these sites. These agreements provide that preservation of historic sites may be assisted by the Secretary of Interior while the site is retained in municipal, State, or private ownership. Any such agreement would assure that maintenance under existing ownership is satisfactory to both the owner and the Secretary and that any improvements or changes be made by mutual agreement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 210

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Boston National Historic Sites Act of 1972".

### BOSTON NATIONAL HISTORICAL PARK

SEC. 2. (a) In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain historical structures and properties of outstanding national significance located in Boston, Massachusetts, and associated with the American Revolution and the founding and growth of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized, in accordance with the provisions of this Act, to acquire only with the consent of the current owner by donation or by purchase with donated or appropriated funds, and all lands and improvements thereon or interests therein comprising the following described areas:

(1) Faneuil Hall, located at Dock Square, Boston;

(2) Paul Revere House, 19 North Square, Boston;

(3) The area identified as the Old North Church area, 193 Salem Street, Boston;

(4) The Old State House, Washington and State Street, Boston;

(5) Bunker Hill, Breeds Hill, Boston; and

(6) Old South Meeting House, Milk and Washington Streets, Boston.

(b) At any such time as the Secretary determines that he has acquired sufficient lands, improvements, and interests therein or entered into cooperative agreements with sufficient numbers of private, municipal, or State owners as provided in section 3 of this Act, to provide an efficient administrative unit, he is authorized to establish such lands, improvements, and interests as the Boston National Historical Park by the publication of that fact in the Federal Register, together with a detailed map setting forth the boundaries thereof.

(c) In addition to the above described areas, the Secretary is authorized to study the following locations, and any others he deems appropriate for inclusion in the park, either by donation or by purchase with the consent of the owner with donated or appropriated funds, or by entering into cooperative agreements:

(1) Boston Common;

(2) Charlestown Navy Yard;

(3) Thomas Crease House (old Corner Book Store);

(4) Dorchester Heights;

(5) following burying grounds: King's Chapel, Granary, and Copp's Hill.

(d) No site will be included in the park which has not been either acquired with the consent of the owner or the subject of a cooperative agreement as outlined in section 3.

### COOPERATIVE AGREEMENTS

SEC. 3. In furtherance of the general purposes of this Act as prescribed in section 2 thereof, the Secretary is authorized to enter into cooperative agreements with the city of Boston, the Commonwealth of Massachusetts, and private organizations to assist in the preservation and interpretation of such of the properties listed in section 2, or portions thereof, which, in his opinion, would best be preserved in private, municipal, or State ownership, in connection with the Boston National Historical Park. Such agreements shall contain, but shall not be limited to, provisions that the Secretary, through the National Park Service, shall have right of access at all reasonable times to all public portions of the property covered by such agreement for the purpose of conducting visitors through such properties and interpreting them to the public, that no changes or alterations shall be made in such properties except by mutual agreement between the Secretary and the other parties to such agreements, except that no limitation or control of any kind over the use of any such properties customarily used for church purposes shall be imposed by any agreement. The agreements may contain specific provisions which outline in detail the extent of the participation by the Secretary in the restoration, preservation, and maintenance of the historic site. Any historical properties not acquired by negotiated purchase, donation, or not the subject of a cooperative agreement may be excluded from the Boston National Historical Park.

### ADDITIONAL AREAS

SEC. 4. The Secretary is authorized to accept donations of property of national historical interest and significance located in the city of Boston which he may deem proper for administration as part of the Boston National Historical Park. Upon such acceptance, such property shall be deemed part of such park. The Secretary may purchase with the consent of the owner or enter into a cooperative agreement with the owner of any additional historic sites which he deems appropriate for inclusion in the Boston National Historical Park.

### ADVISORY COMMISSION

SEC. 5. The Secretary is authorized to establish a suitable advisory commission. The members of the advisory commission shall be appointed by the Secretary, with three members to be recommended by the Governor of Massachusetts, three by the mayor of the city of Boston, Massachusetts, and one each by the organizations with which the Secretary has concluded cooperative agreements pursuant to section 3 of this Act. The advisory commission shall render advice to the Secretary, from time to time, upon matters which he may refer to them for consideration.

### HISTORICAL MARKERS

SEC. 6. The Secretary is hereby authorized to carry out a program of historical marking in the city of Boston, Massachusetts, and other municipalities within the Commonwealth of Massachusetts, to cover nationally significant sites of the colonial and Revolutionary periods of American history, and such rites as are related to any unit of the national park system within the Commonwealth of Massachusetts, through agreements with the owners of such sites.

VISITOR CENTER

SEC. 7. The Secretary with the consent of the advisory commission is authorized to construct on lands acquired by him in accordance with this Act or upon other lands that may be donated to him for such purpose, or make use of existing facilities with proper restoration, a suitable visitor center for the interpretation of the historical features of the Boston National Historical Park.

ADMINISTRATION

SEC. 8. The Boston National Historical Park shall be administered by the Secretary in accordance with the provisions of this Act, the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

AUTHORIZATION

SEC. 9. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act; except that no such sums shall be used for the purchase of property owned by the Commonwealth of Massachusetts, or the city of Boston, Massachusetts.

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By Mr. KENNEDY:

S. 211. A bill to authorize the Secretary of the Interior to study the feasibility and desirability of a Boston Harbor National Recreation Area in the State of Massachusetts. Referred to the Committee on Interior and Insular Affairs.

BOSTON HARBOR NATIONAL RECREATION AREA

Mr. KENNEDY. Mr. President, I am introducing today a bill to establish a Boston Harbor National Recreation Area. I ask unanimous consent that the full text of the bill be printed at the conclusion of my remarks.

Boston Harbor and its islands present unique problems in protection and preservation of our natural resources. At least 17 agencies have responsibilities connected with the harbor and islands and the coordination of information and programs has over the years been one of the largest tasks in developing a comprehensive plan for the Boston Harbor area. Recently a detailed study was completed outlining the resources and potential of the harbor islands. I introduce this legislation today in the hope that we can find a way over the coming months to create a partnership between Federal and State agencies to assist in the preservation of the harbor islands.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 211

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in order to consider preserving the Boston Harbor area and appropriate segments of adjoining land in their natural condition for public outdoor recreation, and preserving the priceless natural beauty and historic heritage of such area, the Secretary of the Interior shall study, investigate, and formulate recommendations on the feasibility and desirability of establishing Boston Harbor, from Winthrop to Hull, Massachusetts, its shores and its islands, as the Boston Harbor National Recreation Area. The Secretary shall consult with other interested Federal agencies, and the State of Massachusetts (including appropriate local bodies and officials thereof), and shall coordinate his study with applicable highway plans and other planning activities relating to the Boston Harbor area. In conducting such study and investigation pursuant to this Act, the Secretary of the Interior shall hold public hearings within the State of Massachusetts, upon the request of the Governor thereof, for the purpose of receiving views and recommendations on the establishment of such a national recreation area.

SEC. 2. Within two years from the date of the enactment of this Act, the Secretary of the Interior shall submit to the President of the United States a written report containing the findings and recommendations of the Secretary arising out of any study and investigation conducted pursuant to this Act. Such report shall contain, but not be limited to, findings with respect to—

(1) the scenic, scientific, historic, outdoor recreation, and the natural values of the water and related land resources involved, including driving for pleasure, walking, hiking, riding, boating, bicycling, swimming, picnicking, camping, forest management, fish and wildlife management, scenic and historic site preservation, hunting, fishing, and winter sports;

(2) the potential alternative beneficial uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and

(3) the type of Federal program that is feasible and desirable in the public interest to preserve, develop, and make accessible the values set forth in paragraph (1), including the consideration of scenic roads or parkways, and that also will have a minimum impact on other essential operations and activities in the area, and on private property owners.

SEC. 3. The President of the United States, following the receipt by him of such report, shall submit to the Congress such recommendations with respect thereto, including his recommendations for legislation, as he deems appropriate.

SEC. 4. There is authorized to be appropriated such sum, not to exceed $300,000, as may be necessary to carry out the provisions of this Act.

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By Mr. McGOVERN (for himself, Mr. HATFIELD, Mr. KENNEDY, Mr. MANSFIELD, Mr. HUGHES, Mr. INOUYE, and Mr. WILLIAMS):

S. 212. A bill to provide for the termination of all U.S. military involvement in Indochina. Referred to the Committee on Foreign Relations.

THE VIETNAM WITHDRAWAL ACT

Mr. McGOVERN. Mr. President, along with the distinguished Senator from Oregon (Mr. HATFIELD) and the distinguished Senator from Massachusetts (Mr. KENNEDY), I introduce for appropriate reference a bill entitled "The Vietnam Withdrawal Act of 1973." I ask that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, I am again offering such legislation similar to proposals I have offered over the past 3 years, in the hope that Mr. Nixon has finally gone too far even for those Members of Congress who are most desirous of protecting executive power. If Congress refuses now to assert its constitutional powers over this national tragedy in Indochina, then we might as well surrender the notion that we can preserve even a semblance of the checks and balances which the Founding Fathers believed were important in our constitutional system.

In the 12 days from December 18 to December 30, 1972, Mr. Nixon undertook the cruelest and most insane act of a long and foolish war. He carried it out without a trace of constitutional authority, or consultation with Congress, and without so much as a glance toward Capitol Hill.

It is alarming to note that in the 12-day period, we dropped more explosive bombardment on the people of North Vietnam than were dropped in all of the years of World War II by the German air force on the people of Britain.

For the first time, American B–52's were used to strike targets deep inside North Vietnam, in the densely populated civilian areas around Hanoi and Haiphong.

For the first time, the intense carpet bombing was employed directly against cities.

For 12 days, some 100 B–52's pounded those populated targets. On each mission, every group of three B–52's dropped patterns of bombs capable of blanketing areas of six-tenths of a mile wide and 1½ miles long, literally grinding up everything within those perimeters.

Administration spokesmen have expressed "regrets" about the nonmilitary targets—the hospitals, the airfields, the houses, the embassies, the civilians, even the main camp holding American prisoners of war—which they say were "accidentally" hit or damaged during the raids. Those apologies are both hypocritical and dishonest. An accident is something that cannot be foreseen. This administration knows the limits on the accuracy of B–52 bombing. Any time weapons of that kind are sent against densely populated areas, the author of that strategy knows for a certainty that nonmilitary targets will be destroyed and that thousands of innocent men, women, and children will be slaughtered. This was a deliberate attack against innocent people, designed not to remove military objectives but to terrorize and destroy human beings who pose no threat whatsoever to the people of the United States. It is precisely the same as the individual acts of terrorism which have been repeatedly cited by apologists for this war to demonstrate the barbarous nature of the enemy.

Furthermore, these attacks exhibited toward our own men the same inhumanity they showed to the people of Vietnam. For if the President knew for a certainty that civilians would be destroyed, he also knew that the B–52's could not survive in the heavily defended areas of North Vietnam. We have always known that the big, cumbersome strategic bombers were no match for the advanced Soviet SAM missiles which defend North Vietnamese cities. In fact, that is exactly the argument the Air Force has made in arguing that the B–52 must be replaced with a newer and far more maneuverable bomber in the context of nuclear deterrence against the Soviet Union. No previous administration has been irresponsible enough to send B–52's with conventional bombs far over North

Vietnam, on what can only be described as a suicide mission. Yet Mr. Nixon did this, and we lost at least 15 B–52's in 2 week's time and 93 more American airmen are killed, captured, or missing as a result of those reckless raids—more than were captured during all of the other 50 weeks in 1972, and more than were captured during 1969, 1970, and 1971 combined.

In other words, Mr. President, we lost in American airmen in 2 weeks more than we lost in 3 years combined, from 1969 through 1971.

There are no targets in all of Indochina that have the strategic importance to justify such costly military operations.

What then, is the purpose of these massive bombardments?

From what we have been permitted to see of Dr. Kissinger's secret negotiations, the technical matters which he said remained to be resolved on October 26 have emerged instead as the fundamental issues of the war. They are the same central issues which have moved the North Vietnamese to struggle for more than 18 years, ever since the colonial French withdrew in 1954.

The North Vietnamese have had one overriding goal, and that is to expel the foreigners and achieve the reunification and independence of their country. They do not insist that it happen now, or even in the immediate future. But we can certainly predict that they will insist on a fair chance to eventually achieve that result. And while other terms are in dispute, we can be certain that the North Vietnamese will weigh every issue according to its influence on that central objective.

Yet, if we can believe what has been leaked from official sources, Dr. Kissinger is now instructed to insist upon terms which would have the effect of formalizing, in international law, the temporary military demarcation line between North and South Vietnam which was provided in the 1954 Geneva Agreement. The language he now seeks attempts not only to rule out an eventual reunification of the country, but also to lay the groundwork for an indefinite American involvement on behalf of the Thieu regime.

Mr. President, this war has been debated so long that many Americans have forgotten that the original 1954 agreement setting forth the demarcation line at the 17th parallel was never intended to create two separate countries, North and South Vietnam. Quite to the contrary, the language of the 1954 Geneva agreement spelled out a warning that the line was not intended to create an international boundary but was merely a military armistice beyond which the forces on the two sides would withdraw until an election could be held.

Some years ago the senior Senator from Idaho (Mr. CHURCH) made one of the most thoughtful speeches this body has ever heard on the subject of Vietnam. He examined the war in the context of our broad foreign policy goals, and he drew the critically important distinction between American "preferences" and American "interests" in the world. He made the point that while we may have a "preference" with respect to the outcome of the Vietnamese civil war, there are no compelling conditions which make the future of Vietnam an overriding foreign policy or security "interest" of the United States.

Today the issue has been even further refined. The perception which caused our policymakers to view the prospect of a single Vietnam with such horror a decade ago—the image of a unified worldwide, imperialistic Communist bloc—has long since given way to a more realistic view. And we are down to a more precise definition of the issue—whether or not the terms of a peace agreement will formalize the separation of the two zones of Vietnam.

Surely, we should be able to see that such a question is not a security interest of the United States, requiring still more pain and bloodshed and imprisonment and cost than we have already suffered. I challenge any Member of Congress to go out and explain to his constituents that the war goes on not to protect our troops, not to free our prisoners, not to preserve freedom in South Vietnam, not to prevent a bloodbath, but to solidify an artificial division between North and South Vietnam—a division which was supposed to be eliminated 16 years ago, under an agreement we pledged to uphold. That is one way to fully plumb the depths of public indignation and disgust in this country.

The truth is that the negotiations have foundered on an issue which is at most a remote and peripheral preference of the United States, but the central concern and interest of the adversary. And under those conditions the war could go on forever.

But the Nixon administration has failed to recognize something else, and that is that we must make the choice between influencing the political future of Vietnam or ending our involvement in this war. We cannot have it both ways. We cannot determine the political future of South Vietnam and at the same time end our involvement in this military tragedy.

Bombing will not resolve that question. In fact the futility of this murderous bombing makes it all the more contemptible. If it would accomplish even some military or political purpose, one might at least argue that that is a reason for it. But it does not do that.

America's military and foreign policy experts began debating the potential effects of bombing North Vietnam in earnest as long ago as 1963, some 10 years ago. It was claimed that bombing could stop the flow of men and supplies into the South. It was claimed that bombing would undermine the morale of the North Vietnamese people. It was claimed that bombing would break the determination of the North Vietnamese to support the fighting in the South. And the bombing advocates claimed that if some bombing was good strategy, then more bombing was even better—that heavy bombardment would bring North Vietnam to its knees in a few week's time.

Every one of those claims was as wrong as some of us had predicted years ago. The infiltration did not decline; it vastly increased in the face of heavy bombardment. The North Vietnamese did not shrink in fear from the bombs. They suffered pain and tragedy, and that pain and tragedy is going to haunt this country and the conscience of the people of this country not only for our generation but also for generations to come. Someday we are going to go through the tragic experience that the German people have been going through for the last three decades of trying to understand how it was that such a horrible tragedy was perpetrated in their names.

But the North Vietnamese did not shrink in fear from the bombs. If anything, they became stronger and more unified as the bombs fell—just as the British did under the bombardment from Germany in World War II, just as our own strategic bombing surveys told us the Germans did during our own bombing in that war.

Yet, Mr. Nixon still serves up the same decaying and discredited strategy that has failed since 1965.

Mr. President, this is not a partisan issue. I was making these statements when a President who was a member of my party occupied the White House years ago.

President Nixon bombs not because he has the slightest reason to believe it will work militarily, but because he cannot think of anything else to do in pursuit of the terms he wants, and he refuses to end the war on terms we can get. It is even suggested that he bombs with such devastating force because he wants to convince the North Vietnamese that there is no telling what he might do if provoked; to convince them that he has no reservations at all. What a strange twist it is to actually seek such a public impression—to convince the North Vietnamese, and the rest of the world in the process, that the President of the United States is dangerous and reckless and devoid of human concerns. Who can dispute the conclusion of the Senator from Ohio (Mr. SAXBE) that Mr. Nixon seems to have "taken leave of his senses"?

At the end of it all, the result is the same. We can bomb and kill and die and pour in arms and money, but the historical forces at work there are more durable and lasting than any explosion of fire and steel unless we want to obliterate Vietnam and everyone in it. If we truly seek to end this tragic chapter in our national history, we must understand that once we leave—no matter whether it is next year or 5 years or 10 years from now—the Vietnamese people will inevitably work out their political future on their own.

Now it clearly falls to the Congress to choose the responsible course—to concentrate on goals we can achieve, instead of striking out in mad frustration over goals we cannot and should not achieve.

Indeed, we must do that not only to end the war but to salvage our constitutional system.

Many of us have been concerned about the constitutional questions posed by the war. We have talked for years about steps to restore the war powers which the Founding Fathers so clearly intended should reside in the Congress. And we have questioned the constitutional rationale for earlier escalations.

But this time the administration has not even bothered to come up with a constitutional theory upon which the

B-52 attacks on North Vietnam might be sustained.

Once it was argued that the Gulf of Tonkin Resolution was equivalent to a declaration of war, giving the President all the power he needed to follow whatever military strategy he chose in Southeast Asia.

But the Gulf of Tonkin Resolution has been repealed.

Once it was argued that the Commander in Chief has the inherent power to protect our forces.

But that thesis has been stretched beyond all recognition. It makes a farce of congressional war powers if the Commander in Chief can—without a congressional declaration of any kind—send American forces wherever he likes, and then wage war against any country on the theory that he is doing no more than protecting the troops.

Yet even that argument is irrelevant now. The attacks were not on supply routes. And if military facilities were the targets, there was no need to send B-52's thundering over North Vietnam. Any competent military commander knows that smaller, more maneuverable aircraft would do the job better and at far less cost. Further, there is no grounds at all for the pretense that the targets which were struck posed an immediate and deadly threat to American forces remaining in South Vietnam. Certainly they are not threatened by North Vietnamese hospitals, by civilian airports, or by the Indian Embassy. And certainly the administration could not claim that they are protecting our forces by bombing so recklessly that they damage the very camps in which our own prisoners of war are held.

The administration has at least not insulted the intelligence of the Congress by posing the phony claim that these raids were conducted under the Commander in Chief's power to protect American forces.

But instead of that insult the President has delivered another. He supplies no explanation at all. He assumes congressional timidity—that this body, elected with clearly defined constitutional responsibilities to advance its own judgments and the public will, will feebly accept any Presidential action in that war. He assumes that we will weakly surrender any remaining traces of power over war and peace, and that no explanation is required.

Never has the Congress been so rudely ignored. And if we do not act now, when the President claims the authority to conduct bombing raids of this kind without the slightest shred of authority from the Congress, then we may as well formally abandon all the constitutional safeguards against unbridled executive rule. We might as well fill our wastebaskets with all the studies and hearings and resolutions prescribing the steps which should be followed if this Nation goes to war again. For what President will ever see those safeguards as an impediment, if he looks back and sees this Congress treating the Constitution itself as no more than the empty writings of an earlier generation. What President will ever feel restraint if we stand in our self-imposed impotence and watch a war that is despised by the American people, fought with reckless strategies that we know cannot work, in pursuit of goals that will never be achieved, and all in clear defiance of the Constitution of the United States?

I suggest that we must never again place our faith, and the hopes of the American people, in empty assurances that "peace is at hand." I did not believe these claims when they were advanced in the closing days of the recent presidential campaign. I do not believe now the hollow claim of the administration that they are men of peace and will end the war if only the Congress is silent and inert.

I suggest that we have seen enough in the last several weeks to know that the President's hands must be tied if we are to forestall even greater recklessness and desperation from the White House in the future.

I suggest that we must move now to terminate funds for this senseless war, and to bring our troops and prisoners home without delay.

I introduce the following legislation to accomplish that purpose. The text of the bill follows together with the texts of three major addresses on the Vietnam war which I delivered on nationwide television networks during the recent presidential campaign.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of three television addresses I delivered to the Nation on this subject in the period of September, October, and early November.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit No. 2.)

EXHIBIT 1

S. 212

A bill to provide for the termination of all United States military involvement in Indochina

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Vietnam Withdrawal Act of 1973."

SEC. 2. (a) No funds authorized or appropriated under this or any other law may be expended after the date of enactment of this Act to finance military or paramilitary operations by the Armed Forces of the United States or any other country in or over Vietnam, Laos, or Cambodia.

(b) No funds authorized or appropriated under this or any other law may be expended after sixty days after the date of enactment of this Act to support the deployment of United States Armed Forces in Vietnam, Laos, or Cambodia.

(c) Nothing in this Act shall be construed to affect the authority of the President to:

(1) Provide for the protection of American Armed Forces from immediate attack during the period of their withdrawal, or

(2) Provide economic assistance to Vietnam, Laos, or Cambodia in amount authorized and appropriated by the Congress.

SEC. 3. This Act shall have no force or effect if North Vietnam and other adversary forces in Indochina holding American prisoners of war or Americans designated as missing in action but held as prisoners of war have not arranged for the release and repatriation of all such prisoners and missing in action by a date 60 days after the date of enactment of this Act.

EXHIBIT 2

TEXT OF SENATOR GEORGE MCGOVERN, OCTOBER 10, 1972

Tonight, I ask you to think carefully about an issue that has troubled me more than any other for the last nine years—the War in Vietnam.

On September 23, 1963, I warned that our deepening involvement in the affairs of the Vietnamese people was "a policy of moral debacle and political defeat."

Under three separate presidents—two of them Democrats and one of them a Republican—I have opposed this War. During these same long years, Mr. Nixon has supported the War. This, I think, is the sharpest and most important difference between Mr. Nixon and me in the 1972 presidential campaign.

Mr. Nixon has described the Vietnam War as our finest hour. I regard it as the saddest chapter in our national history. Our problem with this terrible war does not stem from the lack of bravery or skill on the part of our fighting men. Indeed, no better American army has ever been sent abroad. Our problem is that we have asked our armed forces to do the impossible—to save a political regime in Saigon that doesn't even have the respect of its own people. I've been to Vietnam more than once talking to our GI's. They've told me in countless conversations of the frustrating and impossible nature of this assignment.

Before the 1968 election, the Republican candidate, Mr. Nixon, told you that he had a secret plan to end the War. He refused to discuss the details, but he asked your support in the election, and he offered peace in return.

That promise has been broken, and the destruction in Southeast Asia has increased.

The War goes on for our sons who are still ordered into battle. It's true that men have been withdrawn from Vietnam, but half a million American fighting men ranged in the Pacific, Thailand and Guam are still carrying this war to Vietnam.

Tonight, as I speak to you, some of these men may die. Forty percent of all the Americans lost in Vietnam have died in the last four years; died under the present Administration. Since January of 1969, 20,000 young Americans have come home—not in glory, to the cheers of a grateful country—but in death, to the bitter tears of their families. The secret plan, the secret plan for peace will forever remain a secret to them.

The War goes on also for our prisoners in North Vietnam. Tonight, on the other side of the world, they sit and think of us—of their homes, their families, of children who are growing up without fathers, of a country they may never see again. And in the last four years, 550 more Americans have been taken captive or listed as missing in action. More than 100 of them in the last six months. And if anyone says that the promise to end the War has been kept, let him tell that to the families of the brave men who waste away in the cells of Hanoi. Now, Mr. Nixon says we must bomb and fight to free our prisoners. But just the reverse is true. We must end the bombing—end the fighting—if we're ever to see these prisoners again. Prisoners of war come home when the war ends—not while the war continues.

The war also goes on for the millions of Americans like you who bear its cost. Every single week this war claims $250 million of your taxes. Every week it inflates the cost of everything you buy. Each week it costs $250 million that we need to employ men to rebuild our cities, to fight crime and drugs, to strengthen our schools, and to assist our sick and elderly.

Since he came to the presidency, Mr. Nixon has spent $60 billion of your money on this war. $60 billion of your taxes to kill human beings in Asia instead of protecting and improving human life in America. $60 billion in the last four years—not for a cause, but for a mistake—not to serve our ideals, but to save the face of our policymakers.

And the War goes on also for the people of Indochina. Indeed, they are literally being crushed under the weight of the heaviest aerial bombardment the world has ever known. The bombing of Indochina has doubled under the present Administration, and while General Thieu is secure in his palace, 6 million of his fellow Vietnamese are victims—people dead, maimed or driven from their homes. Most of these people are not enemies but innocents. Our bombs bring them not freedom, but terror. Bombing does not save their land. It destroys it.

The reality of this war is seen in the news photo of the little South Vietnamese girl, Kim, fleeing in terror from her bombed-out school. She has torn off her flaming clothes and she is running naked into the lens of that camera. That picture ought to break the heart of every American. How can we rest with the grim knowledge that the burning napalm that splashed over little Kim and countless thousands of other children was dropped in the name of America?

Now, there are those who say that you will accept this because the toll of suffering now includes more Asians and fewer Americans. But, surely, conscience says to each of us that a wrong war is not made right because the color of the bodies has changed. We are all created in the image of God.

As a bomber pilot in World War II, like millions of you, I did what had to be done. Our nation took up arms and laid down lives because tyranny threatened all that we held precious. I loved America because enough to offer my life in war thirty years ago. And for nine years I have loved this country enough to risk my political life to call us home from a war in Asia that does not serve the interests and the ideals of the American nation.

What, after all, is our purpose in Southeast Asia?

Now, we used to say that we fought in Vietnam to stop Communist China or to stop Communist Russia. But these nations are now quarreling among themselves, and Mr. Nixon's public opinion ratings have gone up after he was wined and dined in the communist capitals of Peking and Moscow. How can we really argue that it is good to accommodate ourselves to a billion Russian and Chinese Communists—but that we must somehow fight to the bitter end against a tiny band of peasant guerrillas in the jungles of little Vietnam?

Incredible as it seems, when all is said and done, our purpose in Vietnam now comes down to this—Our policy-makers want to save face and they want to save the Saigon regime of General Thieu. Now, that is a fundamental difference between President Nixon and me on the issue in Vietnam. It is a choice, after all, between saving face or saving lives. It is a choice between four more years of war, or four years of peace.

The Nixon position is that the Thieu regime represents self-determination for the people of South Vietnam. Let me tell you what I think his regime represents.

I think our support for General Thieu actually denies the people of South Vietnam the right to choose their own government. The Saigon lawyer, a former President of Rotary International, who had the courage to run against General Thieu four years ago, was sent to jail for five years. Last year, General Thieu issued a decree to force all the other candidates out of the race. This year, he abolished all the local elections, so he could extend his dictatorship to every village in South Vietnam. General Thieu has closed newspapers, simply for printing the truth. He has presided over the execution of 40,000 people without trial on the mere suspicion that they did not support his policies.

The Thieu regime stands for the theft of billions of dollars of our aid, stolen by powerful officials to enrich themselves while their countrymen are in the grip of starvation and disease. And every GI who has served in Vietnam knows that that's the truth.

Corrupt Vietnamese officials have enriched themselves putting heroin into the veins of a hundred thousand of our GI's. The same poisonous heroin from Southeast Asia is now being shipped into our cities, our suburbs, our streets and even into the schools of America. And every Vietnam GI knows that is true.

This corrupt dictatorship that our precious young men and our tax dollars are supporting cannot be talked clean by official lies. And it can't be washed clean by American blood. Instead, our own most precious values are corrupted by the very government we fight to defend.

Now, Mr. Nixon would continue the war to preserve General Thieu's power. On that, he and I disagree. I say—General Thieu is not worth one more American dollar, one more American prisoner, one more drop of American blood. Mr. Nixon and I also disagree on how to find peace—and this is the second fundamental difference between us.

He has chosen what he calls "decisive military action" to end the fighting. Despite all the highly publicized "secret" meetings with the other side, he has persisted in the belief that we can find peace only in a wider war. But the escalations of 1965 and 1967 were also "decisive military actions" and they did not end the war. They only increased the killing and increased the costs.

Mr. Nixon's invasion of Cambodia, made without the approval of Congress as required by our Constitution, that was a "decisive military action," but it did not end the war. It only brought the war to more people who had been living in peace and it brought communist rule to two-thirds of that previously neutral country. The mining of North Vietnamese harbors was a decisive military action, but it did not end the war. The supplies still flow into the South, and our adversary is reported by our own observers to be as strong as ever.

For nearly thirty years, the people of Vietnam have been at war. For nearly thirty years, the Japanese, the French, the Americans have tried "decisive military action" to win a satisfactory peace. And for thirty years, each, in turn, has failed.

Now, the answer to failure is not more of the same. And yet I fear continued war is what the Nixon Administration has in store if they stay in power.

Secretary of Defense Laird recently admitted to a Congressional Committee that the fighting could continue far into the future under present policy.

Four years ago last night, on October 9, 1968, Mr. Nixon, as a candidate for President, said to a crowd in California, and I quote: "Those who have had a chance for four years and could not produce peace should not be given another chance." Now, Mr. Nixon has had his chance. He could not produce peace in four years. And we have every indication that he cannot produce peace in eight years.

So, I ask the American people—Shall we break free at last from General Thieu? Shall we forget about saving face and begin saving the soul of our nation? Shall we demonstrate that we are determined to stop the killing and to stand for peace? My answer is—Yes.

Let me now set forth the specific steps that I would take as President to carry out that determination.

Immediately after taking my oath as President, if the war has not ended by then, I would issue a National Security Directive to the Secretary of Defense, to the Joint Chiefs of Staff, and to our commands in the field, with the following orders:

Immediately stop all bombing and acts of force in all parts of Indochina;

Immediately terminate any shipments of military supplies that continue the war;

Immediately begin the orderly withdrawal of all American forces from Vietnam, from Laos and Cambodia, along with all salvageable American military equipment. And we will assign whatever transportation is required to complete that process and to complete it within 90 days—a time period that I've been told by competent military authority is well within our capability.

Secondly, I would issue the following instructions to our negotiators in Paris:

Notify the representatives of the other side that we have taken these steps to end the hostilities, and that we now expect that they will accept their obligation under their own Seven Point Proposal of 1971—to return all prisoners of war and to account for all missing in action. We will expect that process to be completed within 90 days to coincide with our complete withdrawal from the war.

We would further notify all parties that the United States will no longer interfere in the internal politics of Vietnam, and that we will allow the Vietnamese people to work out their own settlement. The United States is prepared to cooperate to see that any settlement, including a coalition government, gains international recognition.

Thirdly, I would send the Vice President to Hanoi to speed the arrangements for the return of our prisoners and an accounting of the missing. I would also instruct our diplomats to contact the opposing parties in Laos and Cambodia in order to secure release of prisoners held in those countries, and an accounting of missing in action, including American civilian newsmen now missing in Cambodia. There are six known prisoners in Laos, and nearly 300 missing. No effort has been made to secure their release.

Fourth, after all of our prisoners have been returned, and we have received a satisfactory accounting for any missing men, I would order the Secretary of Defense and the Joint Chiefs to close our bases in Thailand, to bring home any troops and equipment still there, and to reassign elsewhere any ships still stationed in the waters adjoining Indochina.

Fifth, as the political solution in Vietnam is worked out by the Vietnamese themselves, we should join with other countries in repairing the wreckage left by this war.

Sixth, I would ask the Congress to take immediate action on an expanded program for our veterans. I think it's simply a disgrace that our government is able to find these young men to send them off to war, but somehow, we look the other way when they come back in need of an education or decent medical treatment, or a decent job.

Now, like many other veterans of World War II, I received a four year education under a generous GI Bill of Rights. I think Vietnam veterans need that help more than those of us who fought a generation ago because we came back with the welcome of a nation that knew we had fought and won a necessary war. The Vietnam veterans come back to a country that largely believes this war was a mistake. So, we ought to literally put the arms of this nation around these young men and guarantee them either a good job or a fully funded higher education. Months ago, I sponsored in the Senate a Vietnam Veterans Bill of Rights that would do precisely that.

Finally, when the war has ended, when our troops and prisoners are home, and when we have provided for the veterans of Vietnam, we must then consider the young men who chose jail or exile because they could not in conscience fight in this war. So, following the example of earlier presidents, I would give these young men the opportunity to come home. Personally, if I were in their position, I would volunteer for two years of public service on subsistence pay simply to demonstrate that my objection was not to serving the nation, but to participating in a war I thought was morally wrong.

We are not a vindictive or mean-spirited people. And we must act as Lincoln told us—"with malice toward none and charity for all." We must bind up the wounds of this nation, and we must bring all of our sons back. In that same spirit, we must oppose any so-called war crimes trials to fix the blame for the past on any citizen or any group of citizens. Vietnam has been a terrible experience for all of us, on every side of this issue. And this is not the time for recrimination. It is the time for reconciliation.

So, this is what I would do to bring America home from a hated war, and it is a program that will work. The people of France were once trapped in Vietnam, even as we are. But in 1954, they chose a new president, Pierre Mendes-France, whose highest commitment was to achieve peace in Indochina. His program was very similar to mine. And within just five weeks, the war was over. Within three months, every last French prisoner had been returned.

Now, I ask you to remember that I speak to you as one who has publicly opposed this war for nine years. I ask you to remember that my opponent has supported American military intervention in Vietnam ever since 1954. I ask you to recognize that every detail of my position is fully out in the open. It is a public plan—not a secret plan.

Often during this last tortured decade, I've reflected on a question from the Scriptures: "Which of us, if his son asked him for bread, would give him a stone?" Our sons have asked for jobs—and we've sent them to an Asian jungle. Our sons have asked for an education—and we've taught them how to kill. Our sons have asked for a full measure of time—and 50,000 of them have been lost before their time.

So, let us seize the chance to lift from ourselves the terror of this war, and bestow the blessings of peace. And then we can restore our sense of purpose and our character as a great nation.

This is not just a question of material wealth—although the billions which would otherwise be lost in Southeast Asia could then be used to secure a better life for our own people. But more important for America, there will be a special healing in the wings of peace. It will be a healing of our doubts and a rekindling of our faith in this great and good land, and in our own capacity to make it so.

On the night when the last American soldier from Vietnam has landed in San Francisco, there will be a new birth of confidence and hope for all of us. On that night, we will know that, once free of the waste of this war, we can begin the rebuilding of our own land—a task that can provide a fulfilling job for every man and woman in America, who is able to work. On that night, America can begin to be America again. It can be the America that we learned to love in the days of our youth—a country that once stands as a witness to the world for what is noble and just in human affairs.

This is the choice of a century. But it is also the same choice that human beings have faced from the very beginning. So, let us heed the ancient words: "I have set before you life and death, blessing and cursing. Therefore, choose life, that thou and thy seed may live."

Thank you. God bless you.

### Transcript of Television Address of Senator George McGovern, November 3, 1972

I want to talk with you tonight about two events that occurred last night. The first was President Nixon's paid political broadcast, in which he discussed the Vietnam negotiations. He admitted that he has rejected the settlement his own negotiator accepted nearly a month ago. He did not say when there would be an agreement. And he withdrew the latest promise of peace.

So this past week has become another week when the war was not ended. We were told that peace was at hand. But then the hand that could have signed that peace pushed it aside.

The second event last night occurred in Michigan. I was on television answering questions from people who called on the phone. After the program, we received a call from Mr. Charles Stewart of Gladstone, Michigan.

His son, an Army enlisted man, was killed in Vietnam two days ago. He died on the day the peace was supposed to be signed. He was ninteen. He died on the day Mr. Nixon decided to continue fighting the war, while fighting over what he calls the "details" of peace.

Charles Stewart, Jr., died for those "details." And he was not alone. This week twenty-two other Americans died for the same "details."

For the sake of those "details," the bombs still fall, the guns still fire, and the terrible pain goes on.

Even as I speak to you, human lives are being lost in a war that is wrong. More parents learn each week the terrible sorrow of burying their own sons.

But now we have learned something else.

Charles Stewart, Jr., and all the others are not really dying for details but for a deception.

The President may say peace, peace—but there is no peace and there never was.

For it is not the details, but the central issues, that are still in dispute.

I know that many Americans were struck by the coincidence that after four years of fighting and dying, the Administration announced just 12 days before the election that peace was in reach. We wondered why a settlement that was unsatisfactory until now was embraced at the end of this campaign.

But like you, I wanted deeply to believe what we were told. If you know my record of opposition to this war for more than nine years, through both Democratic and Republican Administrations, then you also know that I would rather have peace than a campaign issue.

So I welcomed Dr. Kissinger's announcement last Thursday. I welcomed the news than an agreement was just a few minor matters away.

But now this hope is betrayed. We see now that when the President's most important adviser announced that peace had come, it was actually a deception designed to raise our hopes, before we went to vote on Tuesday.

This is blunt language and a strong accusation. I am sorry to say it, but I believe it to be true.

I ask you to judge for yourselves. I ask you to hear Mr. Nixon's own words, to heed his record and then to decide if he has been fair and open with the people.

In 1968 the American people voted to end the war. Mr. Nixon was elected on a promise of peace. And since then, every measure of public opinion has carried a rising cry for peace.

In 1969, the central issue was whether to seek a military victory for General Thieu or peace for the American people.

The basis for successful negotiations was already there.

The other side wanted elections, conducted not by General Thieu, but by an independent coalition group.

General Thieu wanted continued war, to preserve his power unchallenged. He said he would never accept a deadline, that he would never allow a coalition, and that he would never permit peace until he had won.

Mr. Nixon chose General Thieu. And he began his term with the same discredited policy that had failed before—that had failed for the French and failed for us. He thought peace could be won through more war; through invasions and incursions; through bombs and bullets and blood.

With Senator Hatfield and other members of the Congress, Republicans and Democrats alike, I sponsored legislation to bring the peace that was promised. We proposed a deadline to end the bombing and to bring our troops and prisoners home, to leave Vietnam, and to leave it to the Vietnamese to work out their own peace.

This proposal had the support of three-quarters of the American people. But when it appeared that it might pass, Mr. Nixon disclosed that he was engaged in secret discussions with the North Vienamese. He told us he was searching for peace in the conference room, and that the Congress should not interfere.

That disclosure did not hasten an agreement in Paris. All it did was to stifle the demand for peace here at home. And that is why it was made.

Mr. Nixon's policy did not change. He invaded Cambodia to capture a central Viet Cong command center that did not exist. He sent armies into Laos that were hurled back in defeat and despair. He bombed more relentlessly than ever. He mined North Vietnamese harbors, seeking an impossible victory through reckless acts of war.

But to placate the American people, he pretended he was making peace. As the bombs kept falling, Dr. Kissinger kept traveling. The secret meetings suddenly became highly publicized meetings, to make sure you knew they were taking place as the election approached.

We have challenged that charade in this campaign. We have reminded candidate Nixon of his own words in 1968—that "those who have had a chance for four years, and could not produce peace, should not be given another chance." And I have set before the American people not a secret plan, but an open plan to end the war.

Mr. Nixon apparently feared that challenge. So on October 8th Dr. Kissinger agreed in a closed meeting to accept the settlement the other side wanted—on almost the same terms they offered four years ago.

North Vietnamese forces would stay in the South.

Elections would be arranged by a coalition—by Communists, by neutralists, and by representatives of the Saigon regime—to assure that General Thieu could not dictate the results.

American bombing would stop, American forces would leave and American prisoners would be freed—all within a period of sixty days.

Mr. Nixon's representative agreed to all of this on October 8th. And he agreed, too, on when the settlement would be signed—October 31st, one week before the election.

That was no arbitrary deadline, as Mr. Nixon pretended last night.

It was an agreed-upon deadline, set by both sides together. And now it has passed.

And there has been no "major breakthrough for peace," as Mr. Nixon also pretended last night.

Instead, there has been a fatal breakdown on the central issues. And now this chance for an agreement is gone.

Dr. Kissinger took the agreement to General Thieu. And General Thieu said "no."

Dr. Kissinger took the agreement to President Nixon. And President Nixon said, "no."

What Dr. Kissinger accepted and what Mr. Nixon and General Thieu rejected was a Nixon and General Thieu rejected was a coalition to set up the elections, and American withdrawals without a mutual withdrawal by North Vietnam.

Those are the conditions General Thieu has always rejected. And because they are not resolved, as Mr. Nixon admits, we have changed nothing in the last four years.

Now someone must answer for 20,000 more American dead, for 110,000 more wounded, for 550 more captured or missing, for $60 billion more wasted in the last 4 years.

And now someone must answer for the cruel political deception of these past several weeks.

On October eleventh, when the agreement was still secret, I addressed the nation on Vietnam.

I spelled out what I saw as the greatest single roadblock to peace—Mr. Nixon's unfailing acceptance of General Thieu's orders; his willingness to place the power of this corrupt dictator ahead of freedom for our prisoners, life for our soldiers, and an end to the war.

I also outlined my program for peace. It called for an end to the bombing, an end to the shelling, and withdrawal in ninety days time. It accepted the North Vietnamese offer to free our prisoners as we withdraw.

Republican politicians ridiculed that proposal. They said it was "unrealistic," and they called it "surrender."

But that was not true, and they knew it.

Three days before I spoke, Dr. Kissinger had already embraced the same principles in private, in discussions with North Vietnam. But they called that "peace with honor"—the same results they called "surrender," just a few days before.

So what can we conclude today?

After four years of war, Mr. Nixon has closed the door to peace once again. If he escapes his responsibility now, do you think he will end the war after the election, once he is free from the will of the American people?

We know, too, that the war can be ended in a matter of hours, on the terms I have already proposed. If General Thieu says we cannot dictate peace to him, we need a President who will reply, "General Thieu, you are not going to dictate any more war for us."

Mr. Nixon will never say that. I will.

Mr. Nixon will never sign the agreement. I will.

Mr. Nixon will not end the war. It will be my very first act.

Now we must draw the painful conclusion that the events of recent weeks were not a path to peace, but a detour around election day. The officials who are sworn to serve you instead have sought to mislead you for their own political gain. Their strategy was designed to create the illusion of peace from Thursday, October 26th—when Dr. Kissinger made his announcement—until Tuesday, November 7th—when you will make your decision about the next President of the United States.

In a campaign marked by falsehood, sabotage, secret funds, special interest deals, and criminal activity, this is the worst deceit of all. They have played politics with the Justice Department, the FBI, the Supreme Court, and even the Constitution. Now they play politics with our prisoners and our soldiers and life itself. It is they who treat our men like toy soldiers, to be knocked over by the hand that should protect them.

What we are seeing in this campaign is the manipulation of our hopes by men who know how to get power and want to keep it, but do not know what it is for. In politics, there are some things more precious than victory. One of them is truth.

But these men will say anything to win. They will say that there is peace even in the midst of war. They will say that inflation is cut in half when in fact it is as high as it was before. They will say that the tide has been turned against crime when crime is at the highest tide in history.

But the truth is all around us. Ask the families of our prisoners if the fighting has ended. Ask a housewife if the cost of living is under control. Ask yourselves if you feel safe on a city street at night.

And ask yourself if you really believe the incredible attacks on the Democratic Party in 1972. They are part of the same technique of fear and innuendo Mr. Nixon has used so often before—against Harry Truman, Congressman Voorhees, and Helen Gahagan Douglas, and Adlai Stevenson, against Lyndon Johnson and Hubert Humphrey and against John and Robert Kennedy. This year, for example, Mr. Nixon tells you that the program I have proposed would mean a 50% increase in federal taxes. That is a lie—and the President knows it.

He made the same charge at the Republican Convention—and when the press asked Administration officials to prove it, they could not even explain it.

I am tired of answering the same old lines.

I am tired of the lie that my economic proposals will put half the country on welfare; the truth is that they will reduce welfare by 30% and put the nation back to work.

I am tired of answering the lie that my tax reform will increase the taxes of working people and ordinary citizens, when the truth is that it will not take a single penny more from Americans who live on wages or salaries. Indeed, it will cut your property taxes at least by a third.

Mr. Nixon knows what my positions really are. But he does not want you to know. Why do you think he is so afraid to come out of the White House and meet me like a man, in face-to-face debate? Why is he so anxious to falsify my views? Why is he so unwilling to make his charges in front is me, where no distortion will go unchallenged?

The answer is clear. Mr. Nixon and his campaigners are trying to trick you into voting against yourself. They understand how you will vote when you learn what I want to do, and what they have done.

And what they have done with the war in Vietnam is the worst of their deeds.

That is why peace remains the overriding issue. For without peace, there will be no reduction in the cost of living. There will be no full employment; there will be no renewal of our purpose as a nation, and there will be no life at all for so many among us.

If Mr. Nixon disagrees with the main thrust of my remarks here this evening, I urge we together go before the American people and clarify our differences on the issues tomorrow or Sunday, or even Monday evening.

At this late stage of the campaign, it is past time he quit hiding behind his so-called surrogates or aides like Mr. Kissinger. Mr. Nixon is responsible for his own policies. He is the one who should reply on these crucial issues—not Mr. Kissinger. He is the one who should defend and clarify the issues in public debate with me—not Mr. Kissinger or some other aide.

I do not honestly know whether the war weighs as deeply on the minds of the American people as it does on mine. I do not honestly know whether the blunt words I have said tonight will help me or hurt me in this election. I do not really care.

For almost a decade, my heart has ached over the fighting and the dying in Vietnam. I cannot remember a day when I did not think of this tragedy. I can remember every picture of a bombed out school or a napalmed child, and every letter from a family in South Dakota who lost their son. I remember the campaign of 1963, when we heard of a promise of peace, and I worry that unless this country votes for peace now, in the next campaign, in 1976, we will still be working out the "details" of a war that has gone on four more years.

I think of the words of Valerie Kuschner, whose husband has been a prisoner since 1967: "My husband," she said, "has already had his four more years."

Yet many of you wonder whether there really is another choice. Millions are confused and doubtful and suspicious of any candidate who pledges peace.

What can I tell you?

I can only say that there is no way I could continue a war I have hated from the beginning.

And this is the sharpest difference between Mr. Nixon and me.

He has always supported that war. I have opposed it.

He has called Vietnam our finest hour. I have called it the saddest chapter in our national history.

He will not set a date for peace. As President, I will bring all of our troops and all of our prisoners home within 90 days of my inauguration.

This Tuesday will be a day of reckoning for America.

It will be the day when we decide between war and peace.

The Scripture says: "I have set before you life and death, blessing and cursing; now choose life so that thou and thy seed may live."

Thank you and God bless you.

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STATEMENT OF SENATOR GEORGE MCGOVERN, NOVEMBER 5, 1972

Last week, Mr. Nixon's personal representative, Henry Kissinger, told us that peace was at hand.

Since then, two anguished American fathers have called me on the telephone—Preston Thomas of Lafayette, California, and Charles Stewart, of Gladstone, Michigan.

Both of these men have lost sons in Vietnam in the last few days. Both of those sons—Charles Stewart, Jr., who was nineteen, and Timothy Thomas, who was twenty-one, have been killed since Dr. Kissinger and Mr. Nixon told us peace was at hand.

Both fathers asked me what they could do to make the American people understand the urgency of a new course that will really end the war in Vietnam.

And then yesterday, one of the newspapers that has been supporting Mr. Nixon's Indochina policy had this to say:

"No one," it said, "stands to win or lose anything of substance by a few days, or even a few weeks further delay."

Let Mr. Nixon and his editorial friends tell Preston Thomas and Charles Stewart that their sons amounted to nothing of substance.

But there is something still more cruel. For when Dr. Kissinger announced on October 26th that peace was at hand, he was misleading the American people.

When Mr. Nixon said in Kentucky that same evening that we had achieved peace with honor instead of **peace with surrender,** he knew this to be false.

Mr. Nixon knew it was a deliberate deception, designed to fool the American people in the closing hours of this election campaign.

Peace is *not* at hand. It is *not* even in sight.

When they raised that hope, both Mr. Nixon and Dr. Kissinger knew that *no* agreement had been reached with *either* Hanoi *or* Saigon.

On October 26th, Dr. Kissinger claimed that a few minor "details" were all that remained to be settled. He casually mentioned "problems in translation."

Mr. Nixon repeated on last Thursday that only a few details remain to be worked out, but that this will be done after the election.

The truth is that the remaining issues are the central issues of the war. And Mr. Nixon knows it.

Those issues are:

The presence of North Vietnamese troops in South Vietnam; the function and powers of the coalition in Saigon and whether North and South Vietnam will be reunited.

The shocking fact is that these issues are the very ones we have been fighting over for ten years.

And the tragedy is that in all the talks in Paris and Saigon no real movement toward peace has been made at all.

To bring this home to you, let me use the following illustration. A man puts his auto up for sale and tells his friends that he has made a fine deal except for "a few minor details." When the buyer wants to see the car, the man informs him that one of the minor details is—the car has no engine. Another detail is—it has no wheels. And the third detail—it has no body.

This comparison is not exaggerated because the issues unresolved in Vietnam are as important to that war as are the engine, the wheels and the body to the car.

One of the fundamental errors in the Nixon approach is that it gives the Saigon government a veto over the peace plan. Under the Nixon plan, a ceasefire or an exchange of prisoners or a coalition cannot go into effect without General Thieu's consent.

But General Thieu has stated every day since October 26th that he will not agree to such a plan. And both Mr. Nixon and Dr. Kissinger know this.

One thing we have learned these last few weeks is that the plan that I have recommended could be carried out. It does not require the approval of General Thieu. It involves merely our withdrawal from Vietnam, a cessation of our military activities, and the return of our prisoners. Mr. Nixon has always refused to advance this plan because he will not give up his obsession with keeping the dictatorship of General Thieu in power in Saigon.

When Dr. Kissinger held his press conference on October 26, he said that one more meeting would be held promptly with Hanoi to iron out the details.

Are you wondering why no such meeting has been held? Are you wondering why not even a date for such a meeting has been set?

It is clear that Mr. Nixon will not permit Dr. Kissinger to meet with Hanoi prior to November 7th, because it would become dramatically apparent at once that no agreement of any kind exists, and that the parties are locked in an irreconcilable conflict. The political ploy has been to create the impression of a peace settlement. After November 7th, the American people would learn that they had been duped, but by then it would be too late.

Why would an American President be guilty of such a deception?

It is obvious that Mr. Nixon is deeply concerned over the statement he made as a presidential candidate four years ago, and I quote: "Those who have had a chance for four years and could not produce peace do not deserve another chance."

The plan Mr. Nixon and Dr. Kissinger devised to announce on October 26th—twelve days before the election—was an effort to demonstrate that Mr. Nixon has brought peace with honor within his four-year term.

However, they underestimated the intelligence of the American people who now see that this was a trick and not the agreement it was claimed to be.

The terms of settlement which the Administration announced a few days ago, are no better than those we could have had at any time since 1969.

An effort has been made to persuade the American people that the war in Vietnam is virtually over. This is untrue. The fact is that the war is now intensifying.

Yesterday, American planes dropped four million pounds of bombs on Vietnam.

We are rushing more planes to South Vietnam and obtaining them wherever we can from other areas in the Pacific.

The Pentagon reports that there have been some withdrawals of North Vietnamese troops from South Vietnam is completely false. The opposite is true. We now know that more troops and supplies are moving into South Vietnam, both over the DMZ and from Cambodia.

This campaign has sunk to a new low in the number of falsehoods that have been uttered by an Administration in power. But this deception is the worst of all. This is the ultimate utilization of the technique that has become known as "the Big Lie."

It is not only the worst falsehood of the campaign, but the cruelest. The American people and particularly the families of our prisoners and soldiers felt a surge of hope at the time of Dr. Kissinger's announcement. Since then, they have begun to realize that they have been the victims of one of the cruelest frauds ever perpetrated on the American people.

In four years in office, Mr. Nixon has not brought peace in Vietnam. And now the final tragedy is that the announcement of peace proves to be a fabric of deceit and deception. Now, in the closing hours of this campaign, Mr. Nixon is telling us once again as he did four years ago, that he has a plan to end the war, if we will just re-elect him for another four years.

Many of you wonder whether there really is another choice. Millions are suspicious of any candidate who pledges peace.

What can I tell you?

I can only say that there is no way I could continue a war I have hated from the beginning.

This Tuesday will be a day of reckoning for America.

It is too late for Charles Stewart, Jr. It is too late for Timothy Thomas. They will never come home.

But it is not too late for all the others who will live, if peace is made. It is not too late for our prisoners.

So tonight I say what I have said so many times across this great but deeply troubled land, the time has come to bring America home.

Mr. HATFIELD. Mr. President, more rhetoric from Congress about the continuing tragedy in Indochina seems futile and unnecessary.

Congress must exercise its power, not to speak, but to act.

It is hypocritical for Members of Congress to merely express their distress about the continuing war. As I have stated before, this is not the President's war; it is the Congress' war. Our Constitution gives to the Congress the powers to raise the men to fight, and the money to pay for war. If Congress believes that we should take no further part in the war, then it must stop the funds and bring the men home. That is what the Constitution requires of us.

Americans have become painfully aware of this war's human costs. Hospitals are bombed. Civilians throughout Indochina suffer and die from our bombing; it makes little difference to them whether the bombs have fallen on them accidentally or on purpose. It is estimated that four B-52 missions, which each usually consist of three planes, drop the explosive equivalent of the atomic bomb used on Hiroshima. Ninety-five more Americans are missing or in prison in North Vietnam. People are arrested and thrown into jail—as many as 100,000 or more—without any trial, by the South Vietnamese regime that deplores the injustices of their Communist enemies.

Mr. President, Thomas Jefferson said:

> Let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Once again, I implore my colleagues to follow this wise advice, to restore constitutional integrity to this Government, and to end this tragic war.

For this reason, I have joined today with the Senator from South Dakota (Mr. McGovern) in sponsoring a bill to provide for an immediate cessation of all military and paramilitary operations in Indochina, and withdrawal of all forces from Indochina within 60 days, and I have joined with the Senator from Massachusetts (Mr. Brooke) in cosponsoring a bill to cut off all funds for our involvement in Indochina within the same period of time.

It is my most fervent hope that in the next few days, Congress will adopt such a measure.

Mr. President, I ask unanimous consent that four of the many hundreds of letters I have received be inserted in the Record at this point. The people in my State of Oregon and throughout the Nation speak eloquently and for themselves on this matter.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Salem, Oreg.,
*December 27, 1972.*

Senator Mark O. Hatfield,
*Senate Office Building,*
*Washington, D.C.*

Dear Senator Hatfield: I am writing to support your stand against the United States involvement in southeast Asia, and specifically the current barbaric bombing we are inflicting on far away North Vietnam.

During this holiday season I am personally haunted by two time-worn phrases: "Peace on Earth . . ." and "When shall all men's good be each man's rule . . ."

Peace,

Shannon L. Oldham.

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Portland, Oreg.,
*December 27, 1972.*

Senator Mark Hatfield,
*Washington, D.C.*

Dear Senator Hatfield; I'm not a young militant, I'm 64 years old. And I protest.

I protest the bombing in Vietnam. I protest the reasoning of the military. I protest Mister Nixon and his reasoning.

The earthquake in Nicaragua is a terrible tragedy, yet it seems small, compared to what we are doing in Vietnam. Every day.

Nixon speaks of "Peace with honor". This is honor?

Sincerely,

Wayne Bagley.

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Senator Mark O. Hatfield,
*U.S. Senate Office Building,*
*Washington, D.C.*

Dear Senator Hatfield: When I opened the newspaper this morning, I noted with interest that we have wiped out a major portion of Hanoi. And all this time I thought the war was, for all intents and purposes, over.

As a member of the U.S. Air Force, I do not oppose war on principle. I do not oppose this war on principle. But the catastrophic damage which this latest series of attacks will do, or has already done, to the American diplomatic position, forces me to the inevitable conclusion that it was not worth the candle. We have probably set ourselves back at least ten years, if we ever, in fact, recover from the blow. Without getting into an extended discussion of the specific damage done to our country (far greater, as it is, than that done to North Viet Nam), I must be convinced that President Nixon has either lost his mind, or is the victim of the worst advice ever given to a national leader.

All this must be quite as obvious to you as it is to me. Yet there is another side to the problem, which the military man tries to ignore—that of basic humanity. I have always said that if Hanoi does not want to have its people killed, then that government should get out of South Viet Nam. But the unbelievable destruction and loss of life which this series of attacks has caused has shattered my assumptions. I could not help thinking this morning that we, as a nation, had lost our souls during this holiday season.

As a diligent toiler in the depths of our bureaucracy, I have no opportunity to influence policy, and little enough to even express my own opinion. I suppose I could resign my commission; that is not too remote a possibility at this point. But the fact is that I like my job, and I believe that intelligence work is a vital function of any nation determined to maintain itself.

Given this dilemma, then, my only recourse at this time is to appeal to my elected representatives to speak out. (As a legal resident of Oregon, I regard you as my elected representative.) And if speaking out proves to be not enough, I would certainly hope that Congress will vote an immediate cutoff of funds for the Viet Nam conflict, and a resolution of condemnation and disassociation from the bombing campaign. This resolution should be passed at the earliest possible time, and be phrased in the strongest language. If Congress does not condemn this irresponsible executive action, it will only be left to the rest of the world to condemn it, and by implication, then, the entire nation.

The Air Force uniform should not be a source of continual embarrassment to the men who wear it. It *is* now, and the situation is a shame and a disgrace. No strong advocate of Congressional initiative in executive affairs, still I can see no alternative to rapid and unequivocal legislative action to restore dignity to the country, and to the uniform.

Sincerely Yours,

——— ———.

Mr. HATFIELD. Mr. President, I ask unanimous consent that an article appearing in Newsweek magazine, December 18, 1972, on political repression in South Vietnam appear in the RECORD, and that material prepared by Mr. Don Luce on this same subject also be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, Dec. 18, 1972]

### THIEU'S POLITICAL PRISONERS

They are "the other POW's"—men and women who languish in South Vietnam's jails because their politics do not please President Nguyen Van Thieu. Unlike the 9,000 North Vietnamese and 30,000 Viet Cong troops being held by Saigon, the numbers and living conditions of the political prisoners have long been shrouded in obscurity. Last week, as the fate of these "detainees" once again became an important issue at the peace negotiations in Paris, NEWSWEEK's bureau chief Nicholas Proffitt probed into this dark corner of the Thieu regime and filed this report:

Nearly 45,000 South Vietnamese have been tried, convicted and sent to prison for political crimes. Perhaps as many as 100,000 others have been arrested and sent without trial to detention camps scattered throughout the country—including the infamous Con Son Island prison off the coast of South Vietnam. Their world is a Kafkaesque mixture of chilling prison brutality and expensively purchased minor comforts. Their fate is one of the knottiest problems yet to be untangled by the negotiators in Paris.

Since North Vietnam's Easter offensive, police acting on instructions from President Thieu have briskly swept up at least 10,000 Communist officials and fellow travelers, non-Communist opponents of the Thieu regime and thousands of people whose only crime is to have a relative in one of these categories. Any suspect can be detained for as long as two years without facing formal charges or getting a real chance to defend himself in court.

Ordeal: Many of those arrested are tortured during their interrogation. The catalogue of their agonies reads like the stuff of lurid pulp fiction: electric prods jabbed into the genitals, pins stuck through hands, fingernails ripped out and a unique mind-bending ordeal where the victim sits in an oil drum filled with water while interrogators beat on the sides of the drum with clubs.

Radio Hanoi regularly exploits alleged torture incidents in propaganda broadcasts, and many released prisoners undoubtedly exaggerate the grimness of their prison experiences. Still, I have talked to young South Vietnamese with the scars to back up their own horror stories. One 19-year-old student who was interrogated for twelve hours at the national police headquarters in Saigon told me she had been stripped by five policemen, sexually abused and beaten on the arms, thighs and around the kidneys in an attempt to force a confession naming her friends as members of a Communist student group. "They also placed lighted cigarettes on my breasts," she said. When I seemed skeptical, she calmly lifted her blouse and revealed her scarred breasts.

Such abuse usually takes place at police headquarters. It is not so common, however, once a person has been through the courts and imprisoned. For example, there are reports of improvements at Con Son prison, which gained international notoriety two years ago as the home of the barbaric tiger cages—concrete boxes in which prisoners were doused with lime whenever they raised a protest. At Con Son today, many prisoners are allowed to make rattan furniture and carve souvenirs for sale to the occasional visitor and to supplement their meager food allowance by fishing.

At Chi Hoa prison, where the prisoners are divided into three categories—Communists, non-Communists and common criminals—only real trouble-makers are punished by solitary confinement or beaten up. Indeed, in Chi Hoa, everything from knives to narcotics can be purchased from the eminently bribable guards. Many of the non-Communist prisoners are wealthy intellectuals who have common criminal prisoners as servants. They are also provided with private rooms, beds, television sets, radios and current newspapers. Three of Chi Hoa's most prominent inmates—lawyer Truong Dinh Dzu, the peace candidate who opposed Thieu in the 1967 election; Tran Ngoc Chau, former Secretary General of the Lower House of Parliament who was jailed for associating with his Viet Cong brother, and peace activist Madame Ngo Ba Thanh—have set up this kind of housekeeping. A few ingenious inmates even manage to make frequent trips home. The standard stratagem is to check out of the prison for a hospital visit, bribe the guard to look the other way for a couple of hours, and slip off for a homey dinner or a rendezvous with wife or mistress.

Few enjoy the same run of the prison accorded wealthy and influential anti-Thieu prisoners. The less fortunate sleep on mats thrown on the concrete floors of cells 65 feet long, 100 prisoners to a cell. They are fed a meager portion of porridge for breakfast and get rice with a few vegetables and slivers of very old, very smelly fish at the other meals.

They would suffer severe malnutrition if it weren't for the supplementary food brought in by relatives at the weekly visiting hours. The buyable good life doesn't apply to those prisoners convicted as Communists. Except for a carefully supervised hour or two each day in the yard, and one visit each week, they are kept in their cells. "But do not feel sorry for them," says one former inmate. "They wouldn't have it any other way. They take great pride in how well they survive the hard life. They sing songs and taunt the non-Communists. Only two of every ten prisoners in the Communist cell bloc were real Communists when they came to Chi Hoa. But you can be sure that ten out of ten will leave as Communists."

It is certain that many people now in jail are in line for Communist or neutralist posts in any postwar government. But President Thieu, understandably, is reluctant to free thousands of hostile opponents. Hanoi still insists that Thieu bite this particular bullet, and the Communists have hinted that American POW's may find themselves in North Vietnam jails until he does. The way in which the issue is resolved will go a long way toward determining the course of events in South Vietnam.

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### POLITICAL REPRESSION IN SOUTH VIETNAM

(By Don Luce)

The exact number of political prisoners in the Saigon government's jails is not know. It appears, however, to be well over 200,000. On July 8, 1972, the *Far Eastern Economic Review* reported that "reliable Opposition sources estimate that 50,000 people have been arrested throughout the country in the past two months." *Time* magazine, on July 10, reported that "arrests are continuing at the rate of 14,000 per month." On November 9, President Thieu's closest advisor, Hoang Duc Nha, reportedly told a group of Vietnamese publishers that 40,000 "communist agents" had been arrested "in the past few weeks." (*Washington Post*, November 10, 1972)

The treatment of Vietnamese political prisoners has not improved since the Tiger Cage disclosures by two United States Congressmen in 1970. A letter recently smuggled out of Chi Hoa prison in Saigon reports the continuation of beatings, inserting pins under fingernails, the water treatment, and extinguishing cigarettes in sensitive parts of the body. (see Appendix B) Vietnamese sources also report that many others such as Huynh Tam Mam, former president of the National Student Union, and Le Van Nuoi, former chairman of the Saigon High School Movement, are in critical condition.

While the talks go on, more people are arrested—the torture continues. The NLF and north Vietnamese have been insistent that item three of the peace treaty be respected: "Release of all captured *and detained* people of the parties simultaneously with the withdrawal of United States troops." (emphasis added)

The United States has not accepted the fact that release of United States prisoners of war depends, among other things, upon United States insistence that the Siagon government also release all of their political and military prisoners. Almost every high level north Vietnamese and NLF official has been a political prisoner and their mistreatment by French and Saigon jailers is still remembered vividly. In addition, they feel that the imprisoned people will make up an important anti-Saigon government force (though not always pro-NLF) in the political struggle that will follow the signing of a peace treaty.

Few Americans would accept a settlement which did not include the release of all captured United States personnel. We must recognize that there are also Vietnamese families who do not know the whereabouts of their loved ones, and we should demand for their sake, as well as for ourselves, that all prisoners be released. And we should not be surprised if the Vietnamese refuse to release our men until there is a clear agreement that will bring about the release of the Vietnamese prisoners also.

President Thieu has taken a hard line on the negotiations: "Let those who continue to advocate a coalition government of three parts stand up and be counted. I am certain that the people and the army will not let them live for more than five minutes." (October 12, 1972 at a youth rally in Cholon).

The 120,000 man Saigon government police force (up from 16,000 in 1963) is paid for by the United States. Most of the interrogation centers, where much of the torture is carried out, were built by the United States.

(384 new Tiger Cages have been built on Con Son Island with United States tax money by the American construction firm of Raymond, Morrison Knudson—Brown, Root

and Jones.) The United States Public Safety office in Saigon, which deals with police programs, is aware of and approves the use of American tax money in Viet Nam to imprison the religious leaders, students, war-wounded and political opposition. Their 1970 annual report states:

During 1970 the police continued to improve their capability in traditional police functions. Their timely and positive action effectively contained civil disturbances involving (Saigon) war veterans, students and religious groups, thereby preventing the spread of violence.

According to the same United States government report, United States aid to the Vietnamese police and prisons increased from $20.9 million in 1970, to $30 million in 1971. (During the same period, aid to education decreased from $6.1 million to $4.5 million.)

The United States Public Safety officials in Saigon have known about the brutality in Vietnamese prisons for many years. In a report dated October 1, 1963 and signed by Frank E. Walton, Chief of the Public Safety Division in Saigon, confinement in the discipline cells of Con Son prison was described this way:

In Con Son II, some of the hardcore communists keep preaching the 'party' line, so these 'Reds' are sent to the Tiger Cages in Con Son I where they are isolated from all others for months at a time. This confinement may also include rice without salt and water—the United States prisons' equivalent of bread and water. It may include immobilization—the prisoner is bolted to the floor, handcuffed to a bar or rod, or legirons with the chain through an eyebolt, or around a bar or rod.

Seven years later, Walton told a Congressional investigating team that Con Son was "like a Boy Scout Recreational Camp." After the Congressmen had found the tiger cages, Walton claimed that he had no knowledge of them.

Throughout the war, the United States has been aware of the mistreatment of Vietnamese prisoners. Yet, we have funded an increasingly large police force. The CIA thought up and financed the Phoenix program to assassinate or arrest the political opposition of the Thieu government.

Now the time has come when United States failure to insist on the release of these prisoners is holding up a cease-fire; is prolonging the release of American prisoners; and smearing the image of our nation.

Can the United States, in good conscience, demand the release of United States prisoners without insisting that all detained Vietnamese in Saigon government prisons be released? Can the United States continue to finance and supply the Saigon government knowing that this money is being used in part to arrest and torture its political opposition?

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### APPENDIX A: SPECIFIC LAWS USED AGAINST POLITICAL OPPOSITION

Decree Law Number 93/SL/CT of February 1, 1964, signed by Nguyen Khanh:

Article 2: Shall be considered as a pro-Communist Neutralist a person who commits acts of propaganda for and incitement of Neutralism; those acts are assimilated to the acts of jeopardizing public security. (Note of the translator: The act of jeopardizing public security is punished by article 91, paragraph 3 of the South Viet Nam Revised Code of Criminal Laws with a maximum penalty of five years imprisonment.)

Decree Law Number 004/65 of July 19, 1965, signed by Nguyen Van Thieu:

Article 16: Is sentenced to solitary confinement with hard labor for life any person who excites the mob of organizing meetings or demonstrations with the purpose to disturb the security of the state.

Article 17: Is sentenced to hard labor for a term of years any person:—who directly or indirectly disseminates any policy, slogan or directive of the communists, or of any individual or league influenced or controlled by the communists.

Who commits any act in order to undermine the anti-communist spirit of the country, or to cause harmful effect to the struggle of the people and the Armed Forces.

Who plots to act under disguised signification of peace or neutralism in accordance with communist doctrine.

Who popularizes, circulates, distributes, brings to public attention, sells, exhibits at public places, or conceals with those purposes, any printed materials, pictures or other media, so as to attain the purposes mentioned in the above three paragraphs.

Decree Law Number 044/66 of February 15, 1966, signed by Nguyen Van Thieu:

Article 19: Those persons considered dangerous to the national defense and public security may be interned in a prison or designated area, or banished from designated areas for a maximum period of two years, which is renewable; the internment and banishment shall be ordered by Arrete of the Prime Minister issued upon the recommendation of the Minister of Interior. (On September 24, 1966 this was amended so that administrative internment was delegated to the Minister of National Security.)

Article 22: Those persons who gather in assemblage of two or more and attack, resist or obstruct the public force personnel in their duties shall be punished with death. The killing of offenders in self-defense shall be excused.

Decree Law Number 004/TT/SLU of July 15, 1972, signed by Nguyen Van Thieu:

Article 1: (in part) those caught wandering during the hours of curfew without a written authorization, or a valid excuse such as birth-giving, an unexpected illness requiring emergency treatment, etc. will be subject to a prison sentence ranging from 6 days to 2 months, or fined from 1,000 to 10,000 piasters.

Article 3: (in part) all forms of labor strikes and disputes, even those that have gone through a process of mediation, and even if their only purpose is to provide mutual support to resolve a labor conflict, will be strictly forbidden.

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### APPENDIX B: LETTER SMUGGLED OUT OF CHI HOA PRISON TO A GROUP OF SOUTH VIETNAMESE PRIESTS

CHI HOA PRISON, SAIGON,
*October 11, 1972.*

DEAR FATHERS: We are sending you this document concerning the fate of Le Cong Giau, a student at present detained by the special section of the municipal police. According to the testimony of our fellow students who have been transferred here from the municipal police department, all Giau's fingernails and toenails have been torn out, his fingers and toes burned by a high voltage electric current. His body and even the end of his penis are marked with cigarette burns.

Giau, whose body is extremely swollen as a result of the beating, suffers terribly from the slightest touch.

We beg you to do everything possible (alert public opinion, take all necessary steps) to bring help to our friend whose state is so critical. Otherwise, Giau may not survive.

We thank you in advance for your help.

The students imprisoned at Chi Hoa Prison, Saigon

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### A CRY OF ALARM ABOUT THE METHODS OF TORTURE USED ON THE STUDENT LE CONG GIAU

Le Cong Giau is a science student and former vice secretary general of the executive committee of the Union of Saigon Students (1965–1966). Giau was arrested on August 5, 1972 by the Saigon municipal police when leaving a class to return home. The same night, August 5, Giau was taken handcuffed and blindfolded to the office of the director of the interrogation center (Mr. Duong Van Chau); also present were lieutenant colonel Nghia, assistant director in charge of the special police, and captain Mai, head of the interrogation, as well as ten interrogation officers. He was immediately subjected to torture and interrogation and forced to admit to having participated in NLF organizations. Giau protested vigorously against the accusations. Nevertheless, he has continually suffered all manner of tortures: persistent beating with a club on the head, chest, shoulders, hands, thigh, knees, legs, and feet. Burning cigarettes were placed on his nipples, navel, and penis; pins were driven into the ends of his fingers. His fingernails and toenails were torn out (this torture was carried out by second lieutenant Duong).

A large quantity of soapy water was forced through his nostrils and mouth until he fainted; then he was kicked in the stomach to force water out (this torture was carried out, once again, by second lieutenant Duong). His hands were tied behind his back, and he was suspended by his feet and beaten savagely with clubs (this torture carried out by Cu Lu Nhi, a torturer well known in the prison since 1970). Chopsticks were forced up his rectum (torture carried out by Ngoc). The torture was applied from 10 p.m. to 4 a.m. After each session Giau was carried on a board to cell number 2. This particular treatment was imposed every day from the first week of his detention. He is now so weak that he cannot move any of his limbs, and he can only eat by being fed spoonsful of soup by another prisoner. With only a few days break, this interrogation and torture has been systematically carried out for two months. During the week of August 19 to 26, Giau was taken away and hidden in a closed truck so that he would not be seen by an International Red Cross inspection team.

On September 30, one of Giau's fellow prisoners happened to overhear the torturers talking among themselves: "We have never seen anybody as hard to break as this kid (speaking about Giau). We nevertheless use every possible and imaginable technique, but to no avail. He will not talk. There is nothing more we can do but liquidate him." Giau is now unable to speak. He vomits blood continually; his clothing is so saturated with blood that the cell is filled with an intolerable stench which suffocates even the guards. He is now in a cell covered only by a straw mat. He is lying there like a corpse. On October 1, he was taken to a hospital reserved for combat police to undergo treatment for five days. But, in view of his condition, the chief physician suggested sending him to the civilian hospital, Hong Bang. The director of the interrogation center, Mr. Duong Van Chau, refused to allow this in order to keep the affair secret. Giau was then sent back to the municipal police department to undergo further interrogation. Even in this condition, he has been placed in solitary confinement without being allowed to receive the supplies and medicines brought by his family and friends.

We wish to alert public opinion to the imminent death of *Le Cong Giau*.

Prisoners of Chi Hoa, October 11, 1972.

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### DON LUCE

Don Luce is a thirty-eight year old agriculturalist who has spent most of the last fourteen years of his life in Viet Nam. Mr. Luce first went to Viet Nam in 1958 as a volunteer in agriculture with International Voluntary Services (IVS). In 1961 he became director of IVS in south Viet Nam, a position which he held until his resignation in 1967. He returned to Viet Nam again in 1968 under sponsorship of the World Council of Churches and coauthored a report on post-war development.

Mr. Luce made world headlines in 1970 when he, along with two American Congressmen, discovered the notorious tiger cages in one of South Viet Nam's largest prisons. Because of this, his visa was withdrawn by the South Vietnamese government in May, 1971, for "special reasons." "The 'special reasons' seem to be one," wrote Mary McGory in the *Washington Evening Star*. "He knows too much."

On his return to the United States, Mr. Luce testified before Senate and House committees of the United States government on prison conditions and civilian casualties and refugees in South Viet Nam. Since 1971, he has been the Director of the Indochina Mobile Education Project.

Mr. Luce returned to Viet Nam in the fall of 1972 as a special correspondent for ABC news. He spoke to American prisoners in Hanoi and studied conditions in the north. He speaks fluent Vietnamese and has closely identified himself with the Vietnamese people. Mr. Luce has written widely on Viet Nam in various national publications and is co-author of a book, *Viet Nam: The Unheard Voices*, and coeditor of *We Promise One Another, Poems from an Asian War*.

*Time* magazine has commented that "Don Luce is to the South Vietnamese government what Ralph Nader is to General Motors. He knows the culture and people better than virtually any correspondent or U.S. government employee."

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By Mr. STEVENS:

S. 213. A bill to amend the Internal Revenue Code of 1954 to permit certain employees to establish qualified pension plans for themselves in the same manner as if they were self-employed. Referred to the Committee on Finance.

### A BILL TO EXTEND THE KEOGH PLAN TO ALL EMPLOYEES IN AMERICA

Mr. STEVENS. Mr. President, today I am introducing a bill to amend the Internal Revenue Code to provide incentives for private individuals who are neither self-employed nor employed by an employer, either corporate or noncorporate, who provides his employees with a retirement plan. The incentive this bill would provide would be in the form of a tax incentive. The tax incentive in the plan I am proposing actually brings about an equity in the present law for persons who neither have tax-free moneys placed into a retirement fund by their employers for them nor have the option of placing a certain portion of their earnings into a pension plan without paying taxes on those moneys. This bill is a logical extension of the Keogh plan sponsored by former Congressman Keogh, of New York, and will equalize the tax treatment of income set aside for retirement by persons not now qualified for such tax treatment and income set aside for retirement by those who participate in either corporate or self-employed plans.

According to an article in the April 1968 issue of the Social Security Bulletin, private pension and deferred profit-sharing plans covered 27.6 million workers as of the end of 1967. Using the average number of workers in private employment during 1967 as a standard—54.4 million—this means some 30.8 million employees do not have any private pension coverage. It should be pointed out that 80 percent of those covered were in manufacturing, transportation, public utilities, and mining, and coverage is generally found in the case of employees of the larger employers. By contrast, a relatively small proportion of employees were protected by pension plans in the trade and service industries at least partly because of such factors as the smaller size of the business involved and the higher rate of turnover.

This bill would particularly benefit certain employees of small businesses. In States such as Alaska, most employees are hired by relatively small concerns. Employment may be seasonal and in many cases only marginally profitable. Such employers cannot afford to provide pension plans. It is unfair to employees who must be employed in such businesses not to have the benefits of tax treatments enjoyed by employees of larger employers. My bill would allow lower income employees who, probably more than employees in any other income stratum, fall into this inequitably treated class, to enjoy the same tax treatment granted to other citizens.

It is perhaps a cruel anomaly that pension coverage with its attendant tax benefits is more available as the individual rises socioeconomically. Pension coverage is almost nonexistent for those for whom a pension plan would do the most good—the poor, the nonunionized, the employees who are out of work part of the time and must work if at all only in odd jobs.

I am introducing this bill in the hope that its passage will extend the benefits of tax sheltered retirement plans to those who can least afford to pay taxes on the money they must set aside for their senior years if they wish to avoid becoming public burdens.

This bill is designated to assist the individual who must work long hours at low pay and who has the most difficult time putting any money aside for the future, because he must use his entire earnings to feed himself and his family. It is this group who must go without access to the advantages readily available to individuals even moderately well-off. One such advantage is forced retirement savings.

This bill will permit any individual wishing to participate to set up a retirement savings plan with any financial institution subject to the approval of the Secretary of the Treasury or in the alternative to purchase retirement plan bonds from the Treasury Department as individuals qualified under present law may now do.

Mr. President, in this day and age when Americans everywhere are seeking a higher quality of life for themselves and their children, it is time for us to look ahead at the need to protect our poorer citizens in their old age. There are many bills designed to assist our senior citizens, yet none have taken the approach I am now seeking. I urge Congress to give this bill the careful attention it deserves and to extend to these worthy members of our society some measure of security for their old age.

I request unanimous consent that the bill be printed in its entirety in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 213

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 401 of the Internal Revenue Code of 1954 (relating to qualified pension, profit sharing, and stock bonus plans) is amended by redesignating subsection (j) as (k), and by inserting after subsection (i) the following new subsection:

"(j) CERTAIN EMPLOYEES.—

"(1) GENERAL RULE.—An individual who is not covered under a plan of any employer which meets the requirements of subsection (a) and, if applicable, subsection (d), may elect (at such time, in such manner, and subject to such conditions as the Secretary or his delegate shall prescribe by regulations) to become entitled to the benefits provided by this part to the same extent as if he were a self-employed individual.

"(2) EFFECT OF ELECTION.—For purposes of applying the provisions of this part to an individual who makes an election under paragraph (1), such individual shall be treated—

"(A) as an employee within the meaning of subsection (c) (1), as owning the entire interest in an unincorporated trade or business, and as his own employer, and

"(B) as receiving earned income in an amount equal to the compensation paid to him by the employer described in paragraph (1)(A).

"(3) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this subsection."

(b) The amendments made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

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By Mr. STEVENS:

S. 214. A bill relating to the appointment of U.S. marshals. Referred to the Committee on the Judiciary.

### APPOINTMENT OF U.S. MARSHALS

Mr. STEVENS. Mr. President, I am introducing a bill to provide that U.S. marshals shall be appointed by the Attorney General of the United States. This bill also incorporates an amendment which directs the Director of the U.S. marshal's service to fill a marshal's vacancy from those qualified individuals residing within the district. Only if there are no such qualified individuals within the district, may he fill the position from outside the district.

It is my strong feeling that this bill is necessary to continue to attract the quality of men who should be in the service of our country as marshals and to further provide that there is a contiguity of service in these very important positions. The bill as amended is of increased benefit to the country because it requires that marshals be appointed from among those most qualified applicants—people intimately familiar with their judicial district and the people living in it. The bill was amended at the suggestion of several U.S. marshals who urged that applicants residing within the district be given first preference.

Mr. President, I request that the bill be printed in its entirety in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 214

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 561(a) of title 28, United States Code, is amended to read as follows:

"(a) The Attorney General shall appoint a United States marshal for each judicial district."

On page 1, line 6, strike quotation mark and insert the following: 'The Attorney General shall make the appointment from among the qualified applicants residing within the judicial district, unless there are no such qualified applicants therein, in which case he may make the appointment from anywhere in the United States.' "

(b) Section 561(b) of such title is repealed.

(c) Section 565 of such title is repealed.

(d) The sectional analysis at the beginning of chapter 37 of such title is amended by striking out item 565.

Sec. 2. (a) Section (b) of the Organic Act of Guam, as amended (64 Stat. 390; 48 U.S.C. 1424b(b)), is amended to read as follows:

"(b) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for Guam to whose office the provisions of chapter 35 of title 28, United States Code, shall apply."

(b) Section 24 of such Act is further amended by adding at the end thereof a new subsection (d) as follows:

"(d) The Attorney General shall appoint a United States marshal for Guam to whose office the provisions of chapter 37 of title 28, United States Code, shall apply."

Sec. 3. (a) Section 45(a) of title 3 of the Canal Zone Code is amended to read as follows:

"(a) The Attorney General shall appoint a United States marshal for the district of the Canal Zone to whose office the provisions of chapter 37 of title 28, United States Code, shall apply, except as otherwise provided in this Code."

(b) Section 45(b) of such title is repealed.

(c) Section 45(e) of such title is amended to read as follows:

"(e) The appointment and tenure of deputies and clerical assistants of the United States marshal are subject to section 562 of title 28, United States Code."

(d) The caption of section 45 of such title is amended to read as follows:

"§ 45. Appointment, leave, and residence of United States marshal; deputies and assistants".

(e) Item 45 in the sectional analysis preceding section 1 of such title is amended to read as follows:

"45. Appointment, leave, and residence of United States marshal; deputies and assistants."

Sec. 4. A United States marshal serving under a Presidential appointment on the date of enactment of this Act shall be covered into the competitive service under title 5, United States Code, upon passing such suitable noncompetitive examination as the Civil Service Commission may prescribe.

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### By Mr. HOLLINGS:

S. 215. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education. Referred to the Committee on Finance.

### TAX CREDIT FOR TRADE SCHOOL OR COLLEGE EDUCATION

Mr. HOLLINGS. Mr. President, I introduce a bill and ask unanimous consent that it be printed in the Record at the conclusion of my remarks. This bill would provide relief to American families in the form of a tax credit to partially reimburse them for the cost of providing their children with a trade school or college education.

Congress has had several opportunities to consider this tax credit as a means to aid in the financing of higher education. On three separate occasions the Senate passed such a measure, most recently as an amendment to the Revenue Act of 1971, but regrettably it has never survived the conference.

The time is long overdue for us to establish in principle what we know in fact. Tuition costs are soaring, and other related costs, such as books and fees, are keeping pace. The higher education amendments of 1972 represent a milestone in Federal commitment to the financing of higher education. If adequately funded these programs will make a major contribution toward providing needed relief to the schools and aid to the students. However, it cannot do the job alone and the middle income taxpayer is one group that is still in need of relief. The average American family cannot bear the financial burden that still exists in providing essential post-secondary education for its children. Crippling inflation has in many cases wiped out or prevented long-term savings plans of parents for their childrens' education.

The need for relief becomes greater every day. In 1955, there were 2.5 million students enrolled in college. By 1970 the figure had jumped to 7.9 million and in 1972 it is estimated that an additional 1 million students were enrolled. The pressures of this influx of students, combined with increased salary and operating expenses, has terrifically inflated educational costs. A quality education is rapidly becoming prohibitively expensive. Tuition costs at public institutions have more than doubled in the past 8 years, and at private institutions they have increased by over 70 percent.

In a country that places a premium on education, we are rapidly pricing the average family out of the market. The bill which I propose would permit a tax credit for part of the expenses paid by a taxpayer to provide for his own, or another person's tuition, books, and equipment. Room and board expenses are excluded, and scholarship assistance would be deducted.

The credit would be calculated on a sliding scale which favors those who are attending low-tuition schools. The credit is given against allowable expenses of up to $1,500 as follows:

(a) 75% of the first $200 of allowable expenses.

(b) 25% of the next $300 of allowable expenses.

(c) 10% of the remaining $1000 of allowable expenses.

These expenses must be incurred at a qualified educational institution which includes recognized colleges, universities, vocational, business, and trade schools. The maximum credit would be $325, and the allowable credit would be reduced by $1 for each $100 in income over $25,000.

To illustrate, a family earning $4,000 and spending $300 to put a child through a trade school or collegiate institution, would receive a $175 credit. A family which earns $15,000 and pays $1,200 toward a child's higher education would receive a credit of $295.

This proposal will contribute far more to the enhancement of our society than it will lose in tax revenues, and I urge its favorable consideration.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 215

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 39 as 40, and by inserting after section 38 the following new section:

"Sec. 39. Expenses of Higher Education.

"(a) General Rule.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount, determined under subsection (b), of the expenses of higher education paid by him during the taxable year to one or more institutions of higher education in providing an education above the twelfth grade for himself or for any other individual.

"(b) Limitations.—

"(1) Amount per individual.—The credit under subsection (a) for expenses of higher education of any individual paid during the taxable year shall be an amount equal to the sum of—

"(A) 75 percent of so much of such expenses as does not exceed $200,

"(B) 25 percent of so much of such expenses as exceeds $200 but does not exceed $500, and

"(C) 10 percent of so much of such expenses as exceeds $500 but does not exceed $1,500.

"(2) Proration of credit where more than one taxpayer pays expenses.—If expenses of higher education of an individual are paid by more than one taxpayer during the taxable year, the credit allowable to each such taxpayer under subsection (a) shall be the same portion of the credit determined under paragraph (1) which the amount of expenses of higher education of such individual paid by the taxpayer during the taxable year is of the total amount of expenses of higher education of such individual paid by all taxpayers during the taxable year.

"(3) Reduction of credit.—The credit under subsection (a) for expenses of higher education of any individual paid during the taxable year, as determined under paragraphs (1) and (2) of this subsection, shall be reduced by an amount equal to 1 percent of the amount by which the adjusted gross income of the taxpayer for the taxable year exceeds $25,000.

"(c) Definitions.—For the purposes of this section—

"(1) Expenses of higher education.—The term 'expenses of higher education' means—

"(A) tuition and fees required for the enrollment or attendance of a student at a level above the twelfth grade at an institution of higher education and

"(B) fees, books, supplies, and equipment required for courses of instruction above the twelfth grade at an institution of higher education.

Such term does not include any amount paid, directly or indirectly, for meals, lodging, or similar personal, living, or family expenses. In the event an amount paid for tuition or fees includes an amount for meals, lodging, or similar expenses which is not separately stated, the portion of such amount which is attributable to meals, lodging, or similar expenses shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) Institution of higher education.—The term 'institution of higher education' means—

"(A) an educational institution (as defined in section 151(3)(4))—

"(i) which regularly offers education at a level above the twelfth grade; and

"(ii) contributions to or for the use of which constitute charitable contributions within the meaning of section 170(c); or

"(B) a business or trade school, or technical institution or other technical or vocational school in any State, which (i) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; and (ii) is accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Education; and (iii) has been in existence for 2 years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subparagraph.

"(3) State.—The term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(d) Special Rules.—

"(1) Adjustment for certain scholarships and veterans' benefits.—The amounts otherwise taken into account under subsection (a) as expenses of higher education of any individual during any period shall be reduced (before the application of subsection (b)) by any amounts received by such individual during such period as—

"(A) a scholarship or fellowship grant (within the meaning of section 117(a)(1)) which under section 117 is not includible in gross income, and

"(B) education and training allowance under chapter 33 of title 38 of the United States Code or educational assistance allowance under chapter 35 of such title.

"(2) Noncredit and recreational, etc., courses.—Amounts paid for expenses of higher education of any individual shall be taken into account under subsection (a)—

"(A) in the case of an individual who is a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction for which credit is allowed toward a baccalaureate or higher degree, and

"(B) in the case of an individual who is not a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective.

"(3) Application with other credits.—The credit allowed by subsection (a) to the taxpayer shall not exceed the amount of the tax imposed on the taxpayer for the taxable year by this chapter, reduced by the sum of the credits allowable under this subpart (other than under this section and section 31).

"(e) Disallowance of Expenses as Deduction.—No deduction shall be allowed under section 162 (relating to trade or business expenses) for any expense of higher education which (after the application of subsection (b)) is taken into account in determining the amount of any credit allowed under subsection (a). The preceding sentence shall not apply to the expenses of higher education of any taxpayer who, under regulations prescribed by the Secretary or his delegate, elects not to apply the provisions of this section with respect to such expenses for the taxable year.

"(f) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 39. Expenses of higher education.
"Sec. 40. Overpayments of tax."

Sec. 2. The amendments made by this Act shall apply to taxable years beginning on or after the date of enactment of this Act.

By Mr. STEVENS:

S. 218. A bill to amend the Food Stamp Act of 1964 in order to permit eligible households living in remote areas of Alaska to use food stamp coupons for the purchase of ammunition. Referred to the Committee on Agriculture and Forestry.

Mr. STEVENS. Mr. President, today I am introducing a bill to amend the Food Stamp Act of 1964 to allow certain eligible households in the State of Alaska to use food stamp coupons for the purchase of ammunition.

The purpose of the bill is to allow those Alaskans in the remote parts of the State who must hunt for subsistence to purchase rifle and shotgun ammunition with food stamps. Many of these people have very little cash. Food stamps form an important means of purchasing necessary commodities.

In the Alaska bush the cost of living can be from 50 to 100 percent higher than Anchorage. Anchorage itself has a cost of living 25 to 50 percent higher than Washington, D.C. These people must pay 30 cents for a small can of milk; 50 cents for a box of salt, $11 for 50 pounds of flour from a village store.

But even more important, it may not be possible to obtain the most basic commodities from the village stores at all times of the year. The weather is often inclement. Ice flows may prevent the single yearly visit of the supply vessel. Because of the harshness of the climate, the mail is often unreliable. Individual Native settlements may be far from the nearest village store and villagers may be forced to go weeks or even months without being able to purchase food. Moreover, as the Senate Commerce Committee found in our hearings in Nome and Bethel, Alaska, on the Marine Mammal Protection Act last year, Natives have a psychological and biological dependence on marine mammals—meats often unavailable commercially. For example, seal oil, a high source of vitamin C, is a staple in many of the coastal areas. Thus, local mammals often must, of necessity, provide the bulk of the Native diet. These are, of course, not available commercially and must be shot.

Because of the Natives' lack of cash, eligibility for food stamps, need to shoot wild game, and inability to domestically produce ammunition, this bill is necessary.

In a recent administrative order, the Internal Revenue Service recognized the unique Alaskan problem by allowing Alaskans in remote areas to purchase rifle and shotgun ammunition through the mail. For this reason, as a practical matter, food stamps may be of little value to Natives who cannot reach the closest store and must pay high shipping costs unless this bill is passed to permit the purchase of ammunition which is small and relatively light and easily shippable. This bill will help relieve the tremendous economic burden of these people of Alaska.

Mr. President, I request unanimous consent that the bill be printed in its entirety in the Congressional Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 218

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Food Stamp Act of 1964 is amended by adding at the end thereof a new section as follows:

"AUTHORITY OF CERTAIN ELIGIBLE HOUSEHOLDS IN ALASKA TO USE COUPONS FOR THE PURCHASE OF AMMUNITION

"Sec. 17. Notwithstanding any other provision of this Act, members of eligible households living in the State of Alaska shall be permitted, in accordance with such rules and regulations as the Secretary may prescribe, to purchase ammunition with coupons issued under this Act if the Secretary determines that (1) such households are located in an area of the State which makes it extremely difficult for members of such households to reach retail food stores, and (2) such households depend to a substantial extent on the use of firearms to kill game for food. As used in this section, the term 'ammunition' means ammunition for rifles and shotguns."

By Mr. HATFIELD:

S. 225. A bill to authorize the project for the Days Creek Dam, on the South Umpqua River, Oreg., for flood protection and other purposes. Referred to the Committee on Public Works.

Mr. HATFIELD. Mr. President, on this first day of the 93d Congress, I wish to introduce legislation to authorize the construction of a flood control and water quality enhancement project on the South Umpqua River in Oregon. The people of this river basin are plagued with extremes of streamflows. Devastating floods occur with oppressive frequency—there have been five in the past 12 years. Each summer, on the other hand, streamflows become lower than in almost any other major stream in western Oregon. The proposed Days Creek Dam and Reservoir would meet the problems associated with these extremes, to the great benefit of the people of Douglas County.

Floodflows of the South Umpqua River and its tributaries cause damages throughout almost the entire drainage area. They also contribute to the damages caused by the Umpqua River, into which the South Umpqua flows. The problem along the South Umpqua is especially severe because most of the available level land in the basin lies adjacent to the streams of this drainage area. Most developments and transportation routes have been located in the flood plain. During major floods, water covers entire flatland expanses, inundating towns and interrupting transportation. Often the South Umpqua rises to flood stage before emergency action can be taken due to the impervious soils of the drainage area which do not readily absorb storm runoff. Floods on the South Umpqua are thus more severe and rise faster than on most other streams of western Oregon. Damages from the 1964 and 1971 floods downstream from the Days Creek site have totaled $20 million; but at the projected 1985 development of the region floods of the 1964 and 1971 varieties would cause more than $43 million total damages—at 1971 prices.

This region of Oregon has hot, dry summers—very little rain falls and extended droughts occur. Less than 5 percent of the annual precipitation occurs from July through September, during the last part of the growing season. The area needs a reliable source of irrigation water, but under present conditions the natural flows in the South Umpqua are insufficient, in most water-short years, to satisfy existing water rights. Holders of these rights have been forced to abstain from exercising them when stream depletion has been threatened in recent summers.

Most of the municipal and industrial water supply in the basin is obtained from surface water sources, and future development must expand these sources since there is a general lack of underground water. In addition to this problem of water supply, the South Umpqua River receives the major portion of the basin's waterborne waste load. During low summer flows, the river has not been able to assimilate that load, causing a serious water quality problem. In several areas the stream becomes unsafe for water-contact usage because of profuse algal growth, bacterial contamination, and floating solids. These same areas are the vicinity of major municipal and industrial water supply systems.

The depleted summer flows, the poor water quality, and high water temperature have wreaked havoc with the fishery resource of the South Umpqua River. At present there remains only a small fraction of the fish population that local residents state to have existed in earlier days. Augmentation of summer flow, as would be provided by a storage reservoir at Days Creek, would alleviate the three conditions I have just outlined. Present-day summer flows of the South Umpqua at Brockway have been observed to drop as low at 36 cubic feet per second—bankful is 45,000 cubic feet per second—with a water temperature of 87°. Consider what Days Creek will do in this regard: It will decrease the average August temperature of the river below the dam by 15°—from 70° to 55°—by increasing the average flow from 70 to 950 cubic feet per second.

The movement to save the South Umpqua River from collapse of its resource capabilities and to spare the people of this basin from the frequent destructive floods began with a public meeting in Roseburg, Oreg., in 1956. Since that time, the development of this proposal has been a model of cooperation between the Federal Government and the local people. Local desire has never been in doubt, from 1956 when 100 people showed up at the Roseburg meeting to state the need for control of this resource, to last year when 1,200 people demanded an immediate solution to the problems of the South Umpqua River at the final public meetings on the project.

I have been impressed with the depth and breadth of the Corps of Engineers' consideration of the problems and possible solutions related to the water resource of the South Umpqua. Their treatment of the environmental aspects of Days Creek and its alternatives has likewise been admirably complete. The result of 15 years of diligent effort is this excellent proposal for a project that is badly needed.

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By Mr. BAYH (for himself and Mr. Cook):

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States. Referred to the Committee on the Judiciary.

### A PROPOSAL FOR DIRECT POPULAR ELECTION OF THE PRESIDENT

Mr. BAYH. Mr. President, nothing is more important to the confidence of the American people and to the permanence and stability of our Government than the just and equitable selection of the President and Vice President. For more than 7 years I have fought for enactment of a constitutional amendment allowing direct popular election of the President and Vice President. And in the 93d Congress I am introducing my proposal for electoral reform once again.

Last Congress we did not take action because many of my colleagues thought it improper to act immediately before a presidential election. But now the election is over and it is high time we acted. We have been delaying far too long.

As in previous years, the proposal is based on the fundamental principle of election directly by the people, the only system that is truly democratic, truly equitable, and truly reflective of the will of the majority.

But this proposal again eliminates the feature of direct election which provoked the most vocal and repeated criticism, the runoff election. Instead, in the unlikely event that no candidate receives 40 percent of the popular vote, the President and Vice President would be selected in the alternative manner originally suggested by Senators Griffin and Tydings.

Arthur Krock wryly commented more than 20 years ago:

> The road to reform in the method of choosing the President and Vice Presidents of the United States is littered with the wrecks of previous attempts.

For more than a century and a half, Mr. President, we have recognized the perils of a system that leaves the choice of President to a group of independent electors—electors whose freedom to disregard the will of the people is presently guaranteed by the Constitution. We have recognized the inequities in a scheme that allocates all of a State's electoral votes to the candidate who wins a popular vote plurality in that State, regardless of whether that plurality is one vote or 1 million votes—a scheme I should add, that is nowhere to be found in the Constitution itself. We have recognized the grave risks that the popular will of the people can easily be thwarted, either by the strange arithmetic of the electoral system or by the mischievous deeds of a handful of power brokers.

Having long recognized these obvious inadequacies, we have yet to correct them. Why? Because repeatedly in the past we have failed to achieve agreement as to the most desirable route to reform.

For that matter, there has always been near unanimous agreement as to the need for reform, but never before has there been a national consensus as to what specific type of reform was needed.

Today we have that elusive national consensus. That is why now is the best time to reform.

In February 1966, Mr. President, the American Bar Association established a special commission on electoral reform. As some Members of this body will recall, the American Bar Association, with a similar commission, was very helpful to us in preparing the groundwork for the consideration of the 25th amendment, and I thought it would be helpful, and indeed it has proved to be very helpful, for the bar association to appoint another such commission to help us with this different constitutional problem.

The commission was composed of distinguished political scientists, lawyers, legal scholars, public officials, and other leaders from every section of the country and reflecting various political views. It studied the present electoral system and considered all of the various proposals for reform. After an extensive 10-month study, the commission concluded that:

> The existing electoral system is archaic, undemocratic, complex, ambiguous, indirect, and dangerous.

The bar association's blue-ribbon commission further concluded that:

> While there may be no perfect method of electing a President, we believe that direct, nationwide popular vote is the best of all possible methods. It offers the most direct and democratic way of electing a President and would more accurately reflect the will of the people than any other system.

In urging the abolition of the present electoral system and replacing it with direct popular election, the commission foreshadowed an emerging national consensus on the question of electoral reform.

The Harris and Gallup polls have shown, for example, that 78 percent and 81 percent of the American people, respectively, favor direct popular election. The extent of this feeling, it is important to note—is nationwide—and fairly evenly distributed throughout the country. To quote excerpts from one of Mr. Gallup's polls, the figures reveal that 82 percent of the people in the East, 81 percent in the Midwest, 76 percent in the South, and 81 percent in the West think direct popular election is both desirable and necessary.

In addition, direct popular election has been publicly endorsed by a unique and formidable array of national organizations, among them the American Bar Association, the Chamber of Commerce, the AFL–CIO, the United Auto Workers, the National Federation of Independent Business, the National Small Business Association, and the League of Women Voters—indeed a rather prestigious group of organizations representing broad philosophical and nationwide support.

For years, one of the arguments often raised against direct popular election was that it could not be ratified by the legislatures of three-fourths of the States. In fact, even a few direct popular election supporters, including the late Senator Estes Kefauver and Senator Henry Cabot Lodge, were deterred from pushing it because of their doubts as to whether direct election could be ratified.

Several years ago, the distinguished Senator from North Dakota (Mr. Burdick) dramatically refuted this argument by polling 8,000 State legislators and finding that of the 2,500 who responded, nearly 60 percent favored direct election. The results, once again, revealed very little variation from State to State. More recently, Senator Griffin polled 4,000 legislators from the 27 States thought most likely to oppose direct election—and 64 percent of those responding endorsed direct election.

In September 1969 the House of Representatives reflected this national consensus by approving a constitutional amendment for direct election by an overwhelming 339 to 70 vote. And during Senate debate on Senate Joint Resolution 1—which was cosponsored by 43 Members of the Senate—we came within a handful of votes of breaking the filibuster which denied the American people even a vote on this crucial issue. I believe that only the extreme time pressures at the end of the session kept us from coming to a vote. I believe that in this Congress, now that we have the pressure of the presidential campaign behind us, we can break the filibuster and gain the support to get final passage of this important reform. The people of the United States will not put up with the electoral roulette of the present system. They want reform. They want direct popular election of the President. Now is the time for reform. Now is the time for direct popular election.

There is another equally compelling reason for acting now, Mr. President—before it is too late. Why not eliminate, once and for all, the ominous prospect of elevating to the Presidency a man who is not the choice of the American voters? Why not take an ounce of prevention now, before the antiquated electoral college backfires, and it is too late for the proverbial pound of cure.

I am sure that some of our colleagues not only will express reservations with respect to certain sections dealing with technicalities and how the mechanics of this proposal is to operate, but also will express broad philosophical disagreement with the right of the people to vote directly on a one-man, one-vote basis for the President.

I think there is room for difference of opinion in this body. But today, perhaps more than ever before in the history of our country—at least, since the great War Between the States—the ability of our system to respond and to be a viable system of governing 200 million people is being tested. Some very critical questions are being asked now that were not asked 20 years ago. Hopefully, they will not be asked 20 years from now. But they are being asked today.

Mr. President, what I should like to do now, if I may, is to touch on and briefly review some of the obvious defects and deficiencies of the electoral college that make it such a clear and ever-present danger.

### DEFICITS AND DEFICIENCIES IN THE ELECTORAL COLLEGE

There is no need for me to dwell on the historical accidents that led the framers to compromise on the hybrid electoral college system, but it is interesting to note what a makeshift arrangement the framers were forced to devise.

The appearance of political party candidates as early as 1800, for example, meant Alexander Hamilton's original design of a select assembly of independent electors already had lost its purpose only a decade after its embodiment in the Constitution. Alexander Hamilton was one of the original Founding Fathers and he wanted to create electors to be an elite group that had complete freedom of choice. He made no apologies for this. But 10 years after the measure was put on the books, parties developed that had not been anticipated by the Founding Fathers. When the party system did develop, Alexander Hamilton's idea of a select assembly went out the window. A Senate report published in 1826 caustically noted that:

> The free and independent electors had degenerated into mere agents in a case which requires no agency and where the agent must be useless if he is faithful and dangerous if he is not.

But today, more than 125 years later, the elector still retains his constitutionally guaranteed independence.

The elector is to the body politic what the appendix is to the human body. As Henry Cabot Lodge said:

> While it does no good and ordinarily causes no trouble, it continually exposes the body to the danger of political peritonitis.

The prospect of unknown electors auctioning off the Presidency to the highest bidder remain all too real. That is the lesson of 1968, when the present electoral system brought us to the brink of constitutional crisis. With a shift of only 42,000 popular votes in three States no one would have had an electoral majority on election day. It would have given Wallace, with his 46 electoral votes, the balance of power.

Let me add there that a recent study showed that a change of less than 1½ percent of the vote in one State alone—in California—would have produced the same outcome.

Of course, we could avoid this danger simply by eliminating the independence of the elector. But eliminating the independent role of the elector is not a cure-all for what ails our present electoral machinery. The elector, in fact, is merely a symptom of more fundamental flaws in our system of electing the President. We desperately need basic and complete reform of this system.

Among other things, the present system can elect a President who has fewer votes than his opponent and thus is not the first choice of the voters. The present system awards all of a State's electoral votes to the winner of the State popular vote, whether his margin is one vote or 1 million votes. It cancels out all of the popular votes cast for the losing candidates in a State and casts these votes for the winner; it assigns to each State a minimum of three electoral votes regardless of population and voter turnout; and provides for a patently undemocratic method for choosing a President in the event no candidate receives an electoral majority. How can we possibly justify the continued use of such a patchwork of inequity and chance?

One of the major difficulties of the present electoral system is the unit rule, which is not even a constitutional provision. I wonder whether all our colleagues realize that this is the way we operate and have been operating for some time. The State of Maine made a change quite recently. How permanent that will be, we do not know, but prior to that time all of the States operated on the winner-take-all unit system, although it is not provided for in the Constitution.

In effect, millions of voters are disenfranchised if they vote for the losing candidate in their State because the full voting power of the State—its electoral vote—is awarded to the candidate they opposed. The obvious injustice of this was pointed out by Thomas Hart Benton—a former U.S. Senator—over a century ago. He said:

> To lose their votes is the fate of all minorities, and it is their duty to submit; but this is not a case of votes lost, but of votes taken away, added to those of the majority and given to a person to whom the minority is opposed.

One practical consequence of this disenfranchisement is that it discourages the minority party in traditionally one-party States. Simply stated, where there is no hope of carrying the statewide popular vote, the size of the voter turnout for the likely loser is meaningless. This necessarily leads to the atrophying of the party structure in many States. By the same token, the prospective winner has little incentive to turn out his vote because the margin of victory likewise is meaningless. In sum, the unit rule has the unhealthy political effect of both maintaining weak second parties and discouraging voting. This is reflected most clearly in the poor vote turnout in U.S. presidential elections in comparison to most other democratic nations.

Another byproduct of the unit rule is the distortions it produces in the value of individual popular votes. The unit tends to inflate the voting power of a small number of well-organized voters in the handfull of large, closely contested States where blocs of electoral votes can be won on the basis of narrow popular vote margins. A candidate, for example, could win an electoral majority by capturing slim statewide pluralities in the 11 largest States—even if he did not receive a single popular vote in all of the other States. This means, in effect, that under the present system in 1968, 25 percent of the popular vote could have elected a President. For these reasons, some of those opposed to direct election urge that the present system be retained because it represents the only effective hold on power that the urban population centers have in the Federal Government today.

On the other hand, some spokesmen for rural America have suggested that the present electoral vote formula should be preserved because it enhances the voting power of citizens of the less populous States. This argument has, I admit, a certain theoretical appeal. The ratio of electoral votes to population indicates that the smaller States would have a voting advantage, because each State is entitled to at least three electoral votes regardless of its size. On this basis, it would appear that a voter in Alaska has five times the power of a voter in California. This argument, however, completely ignores the practical advantage of the unit rule. A careful analysis will show that because of the unit rule an individual voter in a more populous State has greater voting power than his small State neighbor, since his vote could swing a much larger number of electoral votes.

But even if one could conclude—as some apparently have—that the present system favors one citizen over another, one region over another, or one group over another, that would not be the end of the question. There is something more important at stake in the debate over electoral reform—a fundamental question of national fairness. The President represents every American, regardless of region or State, and he should be elected by all Americans, fairly and equitably. Every vote should count the same, urban or rural, black or white, rich or poor, north, south, east or west. Any system which favors one citizen over another or one State over another is inherently inconsistent with the most fundamental concept of a democratic society.

But despite the seriousness of these defects in the electoral college system, they are not so dangerous as the most fundamental flaw: the fact that the present system cannot guarantee that the candidate with the most popular votes will be elected. This dangerous prospect, more than anything else, condemns the present system as a faulty device for recording the sentiment of American voters. In 1824, 1876, and again in 1888, this system produced Presidents who were not the popular choices of the voters. On seven other occasions in this century, a shift of less than 1 percent of the popular vote would have produced an electoral majority for the candidate who received fewer popular votes.

To give an example of how extreme this can be, in 1948, a shift of less than 30,000 popular votes in three States would have given Governor Dewey an electoral vote majority—despite President Truman's 2 million-plus popular vote margin. I suggest to my colleagues that is the type of malfunctioning which would bring our Nation to its knees.

Good fortune, not design, has produced Presidents who were the popular choices of the people. A glance at past elections reveals that there have been very few elections where the candidates' percentage of the electoral vote reasonably resembled their percentage of the popular vote.

In runaway elections, of course, any system will produce an electoral victory for the popular vote winner. It is the accuracy of the results produced in closely contested elections, however, that determines the true soundness of an electoral system. Based on this criterion, the present system is clearly defective. A recent computer study of presidential elections over the last 50 years revealed, for example, that in elections as close as 1960 the present system offered only a 50-to-50 chance that the electoral result would agree with the popular vote. For an election as close as 1968, where some 500,000 popular votes separated the candidates, there was one chance in three that the electoral vote winner would not be the popular vote winner as well. According to the evidence, the danger of an electoral backfire is clear and present. And as President Nixon said during the 1968 campaign:

> If the man who wins the popular vote is denied the Presidency, the man who gets the Presidency would have very great difficulty in governing.

The tests of an equitable modern electoral system are threefold. First, it must insure that the man who receives the most votes is elected President. Second, it must count every vote equally. Third, it must provide the people themselves with the right to make the choice directly. Only direct popular election meets all three tests.

### DESCRIPTION OF SENATE JOINT RESOLUTION 1

Senate Joint Resolution 1 proposes an amendment to the Constitution of the United States to abolish the antiquated electoral college system and undemocratic unit vote system and substitute direct popular election of the President and Vice President. The proposed amendment contains several major features worthy of discussion at this time.

First, the amendment requires the winning candidate to obtain at least 40 percent of the total popular vote. During the last few years, questions have been raised as to what percentage of the popular vote, if any, should be required for election. On the one hand it is necessary to establish a reasonable plurality requirement indicating a legitimate mandate to govern. On the other hand, such a requirement should not be set so high that it would disrupt the stability of our political system.

Requiring a majority of the popular vote for election might too easily proliferate the party system and needlessly trigger the runoff. Historically, 15 Presidents have been elected with less than 50 percent of the popular vote. But only once in our history has no candidate for President received 40 percent of the popular vote: In 1860, Lincoln received 39.79 percent of the vote, although his name did not appear on the ballot in 10 States.

Mr. President, I believe that a 40 percent plurality requirement would assure a reasonable mandate to govern, while not unnecessarily triggering the alternative election procedures. It is extremely unlikely that neither major party candidate would receive a 40 percent plurality—even with a third-party candidate in the race. In 1968, for example, the most significant third-party bid since 1924 could only produce 13.5 percent of the popular vote for George Wallace.

Even more to the point, in 1912, in the face of challenges by an incumbent President and a popular former President, Woodrow Wilson still received more than 40 percent of the popular vote. It should be pointed out that in 1912, 1 million votes went to the Socialist candidate, Eugene V. Debs. Yet the winner, Woodrow Wilson, had more than the 40-percent mark provided in Senate Joint Resolution 1. The four-way race in 1948, involving Truman, Dewey, Thurmond, and former Vice President Wallace, likewise produced a candidate with well over 40 percent of the popular vote. The likelihood of a major party candidate receiving the required plurality, therefore, is not confined merely to three-party races but to multiparty contests as well.

The 40-percent requirement, in short, is a prudent cutoff point because it avoids the likelihood of frequent standoffs, places reasonable limits on the growth of third parties, and provides a sufficient mandate to govern.

Since a 40-percent plurality requirement was established, a contingent election procedure was necessary in the unlikely event that no candidate received the requisite 40 percent. During the debate in 1970 it became clear that there was considerable opposition to the runoff originally provided for in Senate Joint Resolution 1. Some people talked of the mechanical problems of staging a second national election on very short notice, although I am convinced that the experience of many individual States—and several foreign countries—demonstrates that this would not be a problem. Other opponents made the claim that the possibility of a runoff election would convince more candidates to join the race on the assumption that they could keep any candidate from gaining 40 percent of the vote. These opponents argued that the runoff would lead to the growth of third parties and the destruction of our two-party system. I believe that this theory has no merit. The overwhelming weight of the evidence we obtained from political scientists and others about the experiences of individual States and foreign countries leads me to conclude that the runoff would not in any way have weakened—but would in the long run have served to strengthen—the growth of a responsive two-party system.

However, I realize that in trying to get final passage of any important piece of legislation—and most especially when dealing with a constitutional amendment—those of us in the Congress have a duty not to let our personal views predominate. Instead we must seek out and develop a broad national consensus of support for the best plan which both achieves the necessary reform and which can be adopted.

I for one do not plan to allow the cause of electoral reform to flounder because of disagreement over relatively minor details.

Therefore, the runoff provision has been eliminated, and the alternative plan introduced by Senators GRIFFIN and Tydings which gathered wide bipartisan support during the Senate debate, has been substituted in its place. Under this plan, if a pair of candidates joined together and running for President and Vice President obtains at least 40 percent of the votes cast, they will be elected President and Vice President. If no pair of candidates received 40 percent of the vote, but if the pair of candidates with the largest popular vote won an electoral college majority—with the votes cast automatically under the unit rule on the basis of the popular outcome in each State—that pair of candidates would be elected President and Vice President. This computation would be purely mechanical, and the Office of Presidential Elector would be abolished once direct popular election took effect.

Finally, if no pair of candidates is selected under either of these alternatives, the final selection would be made by the new Congress, meeting in special session for this and only this purpose. Each Member of both Houses would choose between the two pairs of candidates with the largest numbers of popular votes. Allowing the selection to be made in this way by the newly elected Congress would both insure that the popular will of the majority of the voters would be taken into account and also make sure that the President who was elected would be one who was able to work with the new Congress.

Some opponents of direct election have

been concerned that the amendment would have diminished the role of the States. While I do not believe that such a result would have arisen, the State electoral vote will continue to play a part in the revised proposal we will be considering in the 93d Congress. Moreover, by employing the electoral vote and the final resolution by Congress in case of a standoff, the Griffin amendment should offer a clear indication that those of us who support direct election do not intend to break unnecessarily with our historic traditions.

The proposed amendment strikes a necessary balance between traditional State authority and compelling Federal interests in the conduct of presidential elections. I believe such a balance is workable and sound. The proposed amendment empowers the States to establish voter qualifications and election machinery similar to the responsibilities the States now exercise for the election of Senators, Representatives, and for electors of the President and Vice President. Senate Joint Resolution 4 provides that the qualifications for voting in presidential elections are to be prescribed by State law and shall be the same as those voting for members of the most numerous branch of the State legislature. These provisions are identical to the present constitutional requirements spelled out in article I, section 2, relating to the qualifications for voting for Members of Congress.

The States are further authorized to prescribe less restrictive residence requirements. This authorization is necessary in order to prevent invalidation of relaxed residence requirements already or hereafter adopted by the States for voting in presidential elections. The Congress is also empowered to establish uniform residence qualifications. This provision does not modify or limit in any way existing constitutional powers of the Congress to legislate on the subject of voting qualifications. This authority would in no way alter the provisions dealing with residence requirements in presidential elections adopted as part of the Voting Rights Act of 1970. The Voting Rights Act abolished residence requirements for voting in presidential elections and established nationwide, uniform standards relating to registration, absentee registration, and absentee voting in presidential elections. See *Oregon* v. *Mitchell* (Dec. 21, 1970, U.S. Sup. Ct.).

The mechanical details of providing for a direct popular election are left to Congress to legislate.

Prescribing the times, places and manner of holding such elections and provision for inclusion on the ballot remain the primary responsibility of the States. The Congress, however, is given a reserve power to make or alter such regulations. In the event a State attempts to exclude the name of a major party candidate from the ballot, for example, the Congress would have the authority to prevent such arbitrary action. Furthermore, such action appears unlikely in view of the Supreme Court's recent decision in *Williams* v. *Rhodes*, 393 U.S. 23 (1968), holding that the equal protection clause of the 14th amendment and the right of assembly guaranteed by the first amendment impose limitations upon a State's freedom to restrict parties in their access to the ballot.

Mr. President, we must face up to the fact that the State legislatures and the Congress should be given a 2-year period after ratification to pass the legislation necessary to implement direct popular election. Thus we cannot realistically proceed on the assumption that direct election will govern immediately upon ratification. It is for this reason that I am proposing a 2-year period for the passage of implementing legislation.

Mr. President, as the chairman of the Senate Subcommittee on Constitutional Amendments, I have been engaged in a thorough study of our electoral system for more than 7 years. As a result of that study, I have concluded that direct popular election is the only authentic reform proposal, the only proposal that guarantees the election of the popular choice, counts every vote equally, and works in the manner in which most Americans expect the electoral process to work—directly and democratically.

### ALTERNATIVE PLANS

There can be no disagreement that direct popular election would produce these results though some may disagree as to the desirability of such a basic reform. Over the years, several other major plans have been offered. I would like to discuss the drawbacks in these other proposals.

### THE DISTRICT PLAN

The district plan would retain the electoral vote, with electors chosen from single-member districts within each State and two electors running at large statewide.

The district plan, like the present electoral system is based on the winner-take-all principle—merely shifting its application from the State level to the district level. As a result, the district plan would continue to produce significant disparities between the popular vote and the electoral vote. A number of comments have been expressed suggesting that the district plan might even produce a popular vote loser or a minority vote winner. We can play all sorts of games with figures. The best example I found of the disparity which can be produced in any one election was brought to our attention in the 1964 election. To cite just one example of the consequences of the district plan, compare the returns for the First and 15th Illinois Congressional Districts in 1964. These were adjoining congressional districts. President Johnson carried the first district by 167,458 votes. Senator GOLDWATER, in contrast won the 15th district by only 71 votes. Under the district plan, each candidate would have received one electoral vote. The unit rule operating at the district level would have wasted a net popular vote margin of 167,387 votes for President Johnson. By wasting large numbers of popular votes, the district system can easily elect a President who is not the popular choice of the voters.

As in the case of the present system, the district plan would discourage the minority party's voters within each electoral district, thus reducing the incentive to work. The district plan, in fact, would operate even more effectively to discourage voters because a larger proportion of congressional districts are safely controlled by one party than are States Defining a "safe" State or district as one carried by 60 percent of the vote or more, for example, 32 percent of the districts were safe in 1960 and only 10 percent of the States.

Furthermore, despite the specific requirement of the district plan that electoral districts be compact, contiguous, and nearly equal in population it still would be possible for partisan State legislatures to gerrymander electoral units. The impracticality of enforcing this vague constitutional standard is another major obstacle to the district plan.

### THE PROPORTIONAL PLAN

The proportional plan would retain the electoral vote, but replace the unit rule with a proportional division of a State's electoral vote on the basis of the popular vote in that State.

Had the proportional system been in effect in 1968, it would have produced the following distortions in two States having the identical number of electoral votes:

First, President Nixon captured 43 percent of the popular vote in Virginia and under the proportional plan this would have produced 5.2 electoral votes. Vice President Humphrey's 43 percent of the popular vote in Missouri likewise would have produced 5.2 electoral votes. President Nixon, however, only required 590,315 popular votes, whereas Humphrey had to poll 791,444 votes in order to produce 5.2 electoral votes—a startling difference of 201,129 popular votes.

A similar distortion can be found in both Idaho and Utah, which have four electoral votes. In both States, Nixon captured 56 percent of the statewide popular vote, and this would have entitled him to 2.2 electoral votes under the proportional plan. The interesting point is that it required 238,728 popular votes in Utah to produce the same number of electoral votes as 165,369 popular votes in Idaho.

The practical political consequence of the proportional plan is that it enhances the political influence of the safe States, which traditionally have had poor voter turnouts. Simply, a popular vote in a State where the voter turnout is poor is worth more than a vote in a State of equal size with a heavy voter turnout.

States sharing marked sectional interests, moreover, would have a great incentive to maximize their electoral influence by encouraging one-partyism. As a result, regional third party challenges are likely to be encouraged. In 1948, for example, the States Rights Party polled only 2.4 percent of the total popular vote, but under a proportional plan, it would have received more than three times that percentage of the electoral vote.

Under certain political conditions, the proportional plan would produce a President who was not the popular choice of the voters. If one candidate won handily in most of the States where the turnout was poor and the results in the remaining States were almost evenly divided, it is likely that the electoral winner would have been the popular vote loser. A perfect example of this division occurred in the election of 1896. Bryan captured 46.7 percent of the popular vote and McKinley won 51.1 percent. McKinley's majority of the popular vote under the present system produced 61 percent of the electoral vote. Under a proportional plan, however, Bryan would have won a six-vote victory—despite being a popular vote loser.

A recent computer study presented to the committee examined the electoral results produced under a proportional system in close popular election. The random survey, based on several thousand two-candidate races with a popular vote distribution varying from a wide 60-to-40 split to a 50-to-50 division, revealed that with a plurality of less than 1 million votes, there was a 14 percent chance of an electoral mishap. In an election as close as 1968, moreover, there was a 25 percent chance—1 in 4 of electing the popular vote loser.

### AUTOMATIC PLAN

The automatic plan would write into the Constitution for the first time the major defect of the present system—the unit rule. It would leave the election of the President to the strange arithmetic of the unit rule and perpetuate the other inequities in the present system—including the distortions in voting power, the built-in advantage for low voter turnout, and above all, the great risk of electing a candidate who is not the first choice of the voters. The adoption of the automatic plan would not only write into the Constitution the evils of the winner-take-all rule, but also would be likely to preclude meaningful reform indefinitely.

### THE FEDERAL SYSTEM PLAN

The federal system plan would provide that in order for a candidate to be elected he would have to receive at least 40 percent of the popular vote and have confirmed his mandate by achieving a plurality of the votes in more than one-half of the States or in States having at least one-half the total number of voters. If no candidate received such a plurality, the decision would be made on the basis of the distribution of the popular vote in accordance with the present electoral college system. If none of the candidates received a majority of the electoral vote under this proposal, the electoral votes received by candidates other than the two receiving the greatest number of popular votes would be divided among the first two candidates in accordance with the proportion of the popular vote these two candidates received in the State.

This would be an extremely complicated and confusing method of electing the President and Vice President. Moreover, the plan might tend to fragment the presidential election process, with one candidate hoping to confirm his victory by concentrating on the most populous States and the other by concentrating on the smaller States. Such divisiveness should be minimized, not magnified, by the system of selecting our President. Finally, and above all, the plan does not correct the fundamental flaw in the electoral system. It would not prevent the possibility of electing a President and Vice President who had not received the most popular votes.

### CONCLUSION

Mr. President, these are the alternative plans. None of them has the support of a significant segment of the American public. None of them has the slightest possibility of securing passage by a vote of two-thirds of the Members of the Senate and the House. None of them would be ratified by three-fourths of the States.

Indeed, Mr. President, if one of these plans were somehow to be adopted, it would in my opinion foreclose all possibility of reform in this Congress—perhaps in this generation.

The election is now over and we are free to get back to the fundamental issue of electoral reform having the benefit of the lessons we learned in the last election.

In any case, these are reforms that the Nation desperately needs. We have stalled too long, we have talked too long, we have fought too long. Now is the time to revise our electoral system for 1976, and for generations of Americans to come.

Mr. President, I ask unanimous consent to print in the RECORD the complete text of the proposed amendment and a section-by-section analysis.

There being no objection, the joint resolution and analysis were ordered to be printed in the RECORD, as follows:

### S.J. RES. 1

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* (two-thirds *of each House concurring therein*), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The people of the several States and the District constituting the seat of government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President. No candidate shall consent to the joinder of his name with that of more than one other person.

"SEC. 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for electors of President and Vice President, the legislature of any State may prescribe less restrictive residence qualifications and for electors of President and Vice President the Congress may establish uniform residence qualifications.

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be elected President and Vice President, if such number be at least 40 per centum of the total number of votes cast. If none of the persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes, but the persons joined as candidates for President and Vice President having the greatest number of votes cast in the election received the greatest number of votes cast in each of several States which in combination are entitled to a number of Senators and Representatives in the Congress constituting a majority of the whole number of Members of both Houses of the Congress, such persons shall be elected President and Vice President. For the purposes of the preceding sentence, the District of Columbia shall be considered to be a State, and to be entitled to a number to which it would be entitled if it were a State, but in no event more than the number to which the least populous State is entitled.

"If, after any such election, none of the persons joined as candidates for President and Vice President is elected pursuant to the preceding paragraph, the Congress shall assemble in special session, in such manner as the Congress shall prescribe by law, on the thirty-fourth day after the date on which the election occurred. The Congress so assembled in special session shall be composed of those persons who are qualified to serve as Members of the Senate and the House of Representatives for the regular session beginning in the year next following the year in which the election occurred. In that special session the Senate and the House of Representatives so constituted sitting in joint session, each Member having one vote, shall choose immediately, from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election, one such pair by ballot. For that purpose a quorum shall consist of three-fourths of the whole number of Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded. The pair of persons joined as candidates for President and Vice President receiving the greater number of votes shall be elected President and Vice President. Immediately after such choosing, the special session shall be adjourned sine die.

"No business other than the choosing of a President and Vice President shall be transacted in any special session in which the Congress is assembled under this section. A regular session of the Congress shall be adjourned during the period of any such special session, but may be continued after the adjournment of such special session. The assembly of the Congress in special session under this section shall not affect the term of office for which a Member of the Congress theretofore has been elected or appointed, and this section shall not impair the powers of any Member of the Congress with respect to any matter other than proceedings conducted in special session under this section.

"SEC. 4. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the times, places, and manner in which the results of such elections shall be ascertained and declared. No such election shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than the thirtieth day after the date on which the election occurs.

"SEC. 5. The Congress may by law provide for the case of the death, inability, or withdrawal of any candidate for President or Vice President before a President and Vice President have been elected, and for the case of the death of both the President-elect and Vice President-elect.

"SEC. 6. Sections 1 through 4 of this article shall take effect two years after the ratification of this article.

"SEC. 7. The Congress shall have power to enforce this article by appropriate legislation."

### DIRECT POPULAR ELECTION OF THE PRESIDENT

(Section-by-section analysis of Senate joint resolution, 93d Congress)

The resolution contains the customary provisions that the proposed new article to the

Constitution shall be valid as part of the Constitution only if ratified by the legislatures of three-fourths of the States within 7 years after it has been submitted to them by the Congress.

Section 1 of the proposed article would abolish the electoral college system of electing the President and Vice President of the United States and provide for their election by direct popular vote. The people of every State and the District of Columbia would vote directly for President and Vice President. This section prevents a candidate for either office from being paired with more than one other person. Candidates must consent to run jointly.

Section 2 provides that voters for President and Vice President in each State must meet the qualifications for voting for the most numerous branch of the State legislature in that State. The term "electors" is retained, but instead of referring to the electoral college, the term means qualified voters, as it does in existing provisions dealing with popular election of Members of Congress.

This clause also permits the legislature of any State to prescribe less restrictive residence requirements and is necessary in order to prevent invalidation of relaxed residence requirements already or hereafter adopted by the States for voting in presidential elections. The Congress is also empowered to establish uniform residence qualifications. This provision does not modify or limit in any way exsiting constitutional powers of the Congress to legislate on the subject of voting qualifications. This authority would in no way alter the provisions dealing with residence requirements in presidential elections adopted as part of the Voting Rights Act of 1970. The Voting Rights Act abolished residence requirements for voting in presidential elections and established nationwide, uniform standards relating to registration, absentee registration, and absentee voting in presidential elections. See *Oregon v. Mitchell*, (Dec. 21, 1970, U.S. Sup. Ct.)

Section 2 is modeled after the provisions of Article I, section 2, and the 17th Amendment of the Constitution regarding the qualifications of those voting for Members of Congress. As a result, general uniformity within each State regarding the qualifications for voting for all elected Federal officials is retained. The District of Columbia is not referred to in section 2 because Congress now possesses the legislative power to establish voting qualifications for the District under Article I, section 8, clauses 17 and 18.

Use of the expression "electors of the most numerous branch of the State legislature" does not nullify by implication or intent the provisions of the 24th Amendment that bar payment of a poll tax or any other tax as a requisite for voting in Federal elections. The Supreme Court, moreover, has held that a poll tax may not be enacted as a requisite for voting in State elections as well, *Harper v. Board of Supervisors*, 383, U.S. 663 (1966).

Section 3 deals with the procedure for determining the outcome of the election. If a pair of candidates obtains at least 40 percent of the whole number of votes cast, they will be elected President and Vice President, as a result of the popular vote alone. The expression "whole number of votes cast" refers to all valid votes counted in the final tally. And the term "whole number" is consistent with prior expressions in the Constitution. The 40 percent minimum was established because it is necessary to establish a reasonable plurality requirement indicating a legitimate mandate to govern and consistent with historical experience, although such a requirement should not be set so high that it would disrupt the stability of our political system. The 40 percent figure was incorporated into the runoff requirement in both primary and general elections for the District of Columbia's recently authorized nonvoting delegate to Congress. See D.C. Code, sec. 1–1110(a)(4), added by Pub. L. 91–405 sec. 203(c).

Section 3 also establishes the procedures to be used if no pair of persons received at least 40 percent of the whole number of votes cast. Under this section, even if the pair of candidates with the largest popular vote total did not receive 40 percent of the votes cast, the pair would still be elected if the pair had an electoral vote majority, with the electoral votes cast automatically on the basis of the popular vote outcome in each state. The office of Presidential Elector would not be retained.

Section 3 further provides that if no pair of candidates receives 40 percent of the total vote, and if the popular vote winners do not have an electoral majority, then the incoming Congress is to meet in special session in the fifth week after the election and choose between the two pairs of candidates who received the largest number of popular votes in the election. Each Member of each House is to vote individually, and all votes are to be publicly announced and recorded. The pair of candidates receiving the greater number of votes shall be elected.

Section 4 embodies provisions imposing duties upon the Congress and the States in regard to the conduct of elections. The first part of the section requires the State legislatures to prescribe the times, places and manner of holding presidential elections and entitlement to inclusion on the ballot—subject to a reserve power in Congress to make or alter such regulations. This provision is modeled after similar provisions in Article I and the 17th Amendment dealing with elections of members of Congress. States will continue to have the primary responsibility for regulating the ballot. However, if a State sought, for example, to exclude a major party candidate from appearing on the ballot—as happened in 1948 and 1964—the Congress would be empowered to deal with such a situation.

Section 4 also requires Congress to establish by statute the date of the regular election, which must be uniform throughout the United States, and which may not be later than the first Tuesday after the first Monday in November. This conforms to the present constitutional requirement for electoral voting (Article II, section 1), to which Congress has responded by establishing a uniform day for the election of electors (3 U.S.C. 1.) Congress is also required to prescribe the time, place, and manner in which the results of such election shall be ascertained and declared within 30 days after election day. In implementing this section, Congress may choose to accept certain final State certifications of the popular vote as it now accepts electoral vote certifications under the provisions of 3 U.S.C. 15.

Section 5 empowers Congress to provide by legislation for the death inability, or withdrawal of any candidate for President or Vice President before a President or Vice President has been elected. Once a President and Vice President have been elected, existing constitutional provisions would apply. The death of the President-elect would be governed by the 20th Amendment and the death of the Vice President-elect would be governed by the procedure for filling a Vice Presidential vacancy contained in the 25th Amendment. Section 5 also empowers the Congress to provide by legislation for the case of the death of both the President-elect and Vice-President-elect.

Section 6 provides that the direct election plan shall take effect two years after being ratified by the States. Since State and Federal legislation will be necessary to fully implement and effectuate the purposes of the proposed amendment, a reasonable period of time should be provided between the date of ratification and the date on which the Amendment is to take effect. Section 7 of the amendment, which grants Congress the power to set up the machinery to implement the Amendment, takes effect immediately upon ratification. This would make it completely clear that Congress would have the power to create the implementing machinery for the direct popular vote plan in advance of the effective date of that part of the amendment.

Section 7 confers on Congress the power to enforce this article by appropriate legislation. The power conferred upon Congress by this section parallels the reserve power granted to the Congress by numerous amendments to the Constitution. Any exercise of power under this section must not only be "appropriate" to the effectuation of the article but must also be consistent with the Constitution.

By Mr. NELSON:

S.J. Res. 2. A joint resolution designating April 9 through April 15 as "Earth Week 1973." Referred to the Committee on the Judiciary.

### EARTH WEEK

Mr. NELSON. Mr. President, the beginning of a new Congress is an event which has a particular significance in our history: It symbolizes both the continuance of our democratic process and its renewal, both the chance to preserve what is good in our past and the opportunity to make new beginnings.

On this occasion, it seems particularly appropriate to discuss Earth Week, an annual event which represents the continuance and the renewal of the national commitment to the environment.

I am introducing today a resolution—Senate Joint Resolution 2—which calls for the designation of the second week in April 9 through 15, as Earth Week 1973.

In 1971 and 1972, the Earth Week resolution received wide bipartisan support in both Houses of Congress. Last year, it was cosponsored by 70 Senators and more than 100 Representatives. Earth Week 1972 was proclaimed by the President of the United States, the Governors of 45 States and the mayors of more than 100 cities. It was also supported by the Secretary General of the United Nations and by a wide variety of educational and environmental organizations.

This year, Earth Week is expected to be observed even more widely, because the environmental issue is one which ranks very high on the scale of public interest and concern.

The 91st and 92d Congresses made more progress on environmental issues in 4 years than had been made in any comparable period in congressional history. That was a substantial achievement, but it was really only a beginning, and a great many complex environmental problems remain to be solved. To cite one ironic example, the very city from which we legislate is the sixth most polluted city in the Nation.

A sustained national effort is needed to solve our many problems, and Earth Week plays a vital role in that effort.

Earth Week accomplishes three important goals: It provides continuing education on all aspects of the environmental issue and in particular emphasizes environmental education in the schools. It gives Americans all across the country the chance to review and assess what environmental progress has been made, and to plan for the future. And it encourages each citizen to renew his dedication to the restoration and protection of the environment, and to persist in the search for solutions.

As lawmakers, we have been given a special charge in the environmental area. We are the caretakers of the very precious resources of the earth, resources which are limited and which have a limited capacity to support life. If we permit those resources to be destroyed through neglect or reluctance to act, we will never have the opportunity to undo the damage. We must be willing to set the right priorities and to pay the necessary price if we want to leave a clean and healthy environment to our children and our grandchildren.

We are not the first public leaders in history to acknowledge that we have a responsibility for the quality of life and for the general well-being of the citizenry. As William Shakespeare notes, Julius Caesar, the leader of ancient Rome, left an environmental legacy as long ago as 44 B.C. In his will, he gave to all Roman citizens and to their heirs—

> All his walks, his private arbors and new planted orchards on this side Tiber . . . common pleasures, to walk abroad and recreate themselves.

We cannot solve today's complex environmental problems quite as easily as Caesar solved his, but there still is time to act and to preserve an environmental legacy for the next generation. But we must act now, before our cities have decayed beyond the point of repair and before we have allowed what remains of our natural heritage to be squandered.

As the 93d Congress opens, we have the chance, once again, to continue the work we have so recently started, and to renew our commitment to the environment.

Earth Week has earned an important place in the history of the environmental movement in this country, and it is worthwhile to describe its evolution briefly.

On April 22, 1970, an event occurred which proved to be a watershed in the national struggle to preserve the environment. That event was Earth Day. On that spring day, millions of Americans, deeply worried about the threat to their environment from pollution, participated in massive, peaceful demonstrations to show their concern. In thousands of schools, colleges, cities and towns, Americans of all ages, all interests, and all political persuasions took part in Earth Day.

Spontaneous, unplanned, Earth Day was a true grassroots movement. It irrevocably established the environmental issue as a public concern with a broad constituency. No longer could the issue be ignored by the press or the politicians. Earth Day made the environmental issue a part of the daily national political dialogue—a prerequisite for achieving meaningful action on a broad scale.

Earth Day dramatized the widespread public concern for the environment, but it was clear that a sustained, long-term citizen effort to improve environmental quality was necessary.

In 1971, I introduced a resolution in the Senate calling for an annual Earth Week each April. By providing continuing education on all aspects of environmental problems, Earth Week was to be the foundation for a long-range citizen commitment to the environment.

Earth Week began to flower in April 1971, and its activities have remained centered at the grassroots level, as it should be. Community groups, institutions, and individuals use the week to take a hard look at the past year's environmental accomplishments, to reassess their needs and priorities, and to continue to search for solutions to our many complex problems.

One of the most important aspects of Earth Week is the participation of grade schools, high schools, and colleges around the Nation. Environmental education programs, aimed at teaching young people to preserve and protect the environment, are rapidly being developed. Earth Week serves as a time to highlight these educational programs, and many thousands of students have participated in Earth Week activities with films, lectures, and special projects.

With each passing year, the environmental issue has gained support within all segments of American life, from the local to the national level. By thrusting the environmental issue into the press, the national political dialog, and the daily conversations of millions of Americans, Earth Day and Earth Week set the stage for broader political action than would have been possible before April 22, 1970.

As we review some of the achievements, and plan for Earth Week 1973, we have some cause for optimism.

We now have tougher laws on hard pesticides and on a wide range of other problems. We have bigger budgets for environmental concerns, stronger agencies and a greater consideration of the environment in our decisionmaking.

We have also had some success in shattering a very pervasive myth which has held back a good deal of environmental progress. That myth said environmental protection is too expensive, too costly in the traditional dollars and cents measure. But studies have produced compelling evidence that environmental protection will be cheaper than continued pollution. For example, the annual economic damage from dirty air alone will soar to $25 billion by 1977, exacting its price in illness, shortened lives, damaged property, and ruined crops. But if we were to make an adequate investment in air cleanup, the country would net almost $2 billion in annual savings in 5 years.

At last, arguments for pollution control and environmental protection are beginning to be heeded, and this country is seriously addressing the environmental crisis.

But perhaps the chief step forward during the last 4 years has not been political, but philosophical: A new understanding of the environment and of our place in it.

Finally, we are evolving an environmental ethic in this country. We are beginning to realize that we are a part of the whole interdependent fabric of life and that whatever affects the environment sooner or later affects man. That ethic will give us an increased regard, a heightened concern, a new respect for our environment.

In the long run, it will be the public attitude of concern for the environment that will bring about lasting progress in solving our problems. Earth Week, by encouraging, sustaining, and renewing that attitude of concern, plays an important role in preserving and protecting the quality of life in America.

All Senators are welcome to cosponsor Senate Joint Resolution 2. If you are interested, please contact me or my staff.

I ask unanimous consent that the text of the joint resolution be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 2

Whereas the environmental issue ranks very high on the scale of general public concern, and is of importance to a broad spectrum of Americans of all ages, interests and political persuasions, and

Whereas there is a need and desire for continuing environmental education, and for a continuing nationwide review and assessment of environmental progress and of further steps to be taken, and

Whereas Earth Week, 1971 and 1972, and Earth Day, 1970, have been nationwide educational events promoting a greater understanding of the serious environmental problems facing our Nation, and encouraging a persistent search for solutions, and

Whereas Earth Week last year was proclaimed by the President of the United States, the Governors of 45 states and the Mayors of more than 100 cities, and was supported by many members of both parties in both Houses of Congress, and

Whereas Earth Week has been the focus of special environmental education projects of hundreds of thousands of grade school, high school and college students, and

Whereas Earth Week has provided a base for the continuing commitment by all interests, including education, agriculture, business, labor, government, civic and private organizations and individuals, in a cooperative effort to preserve the integrity and livability of our environment: Now, therefore, be it

*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,* That April 9th through April 15th be designated as Earth Week, 1973, a time to continue the nationwide effort of education on environmental problems, to review and assess environmental progress and to determine what further steps must be taken, and to renew the commitment and dedication of each American to restore and protect the quality of the environment.

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By Mr. DOLE (for himself and Mr. Pearson):

S.J. Res. 3. A joint resolution to provide for a 1974 centennial celebration observing the introduction into the United States of Hard Red Winter wheat. Referred to the Committee on the Judiciary.

### CENTENNIAL OF HARD RED WINTER WHEAT

Mr. DOLE. Mr. President, 100 years ago a group of Russian Mennonite families settled in the central area of Kansas in an area which now includes the town of Hillsboro. From their native land, they brought a quantity of wheat seed which is planted in the fall and harvested late the following spring. This winter wheat has proved to be one of the most important crops of this Nation and certainly to the State of Kansas.

Its distinct milling and baking qualities have put it in demand throughout the world. The crop has prospered far better in this Nation than it did in its native land.

Today, my distinguished colleague from Kansas (Mr. Pearson) is joining me in the introduction of a joint resolution to provide for a centennial celebration observing the introduction of Hard Red Winter Wheat in the United States. Another Kansan, Congressman Keith Sebelius, is introducing a comparable resolution in the House of Representatives.

Mr. President, in the past year we saw a new record in export sales—with 1.2 billion bushels of wheat being shipped throughout the world, and a major portion of that quantity was winter wheat. With this added contribution to the general economic welfare of the Nation, it is most appropriate that this resolution for Congress to request a presidential proclamation calling on the people of the United States to recognize this centennial.

The resolution is appropriately drafted to recognize the State of Kansas and its wheat farmers in the State where the first winter wheat was grown. The resolution also will provide the means to recognize this commodity which enables baking of bread—the "staff of life" which through the years is one of the most important sources of human nutrition that sustained the individuals who developed this great Nation.

Mr. President, I would ask that the text of this resolution be printed in the Record and urge my colleagues to give this matter prompt attention that plans for appropriate recognition can be implemented.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S. J. Res. 3

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in recognition of the national and international significance of the introduction of Hard Red Winter wheat into the United States in 1874 and the advantages it has brought to our way of life by increasing the supply of grain essential to the Nation's diet, permitting the cultivation of the High Plains area, giving impetus to the development of the farm implement industry, and providing a nutritious staple for our food-for-peace program and for combating malnutrition and hunger throughout the world, the year 1974 be designated as a "Centennial for Celebrating the Introduction Into the United States of Hard Red Winter Wheat", and the President is requested to issue a proclamation calling on the people of the United States to observe such centennial, with appropriate ceremonies and activities to be focused in the State of Kansas where such wheat was first grown in the United States.

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By Mr. DOLE:

S.J. Res. 4. A joint resolution to authorize and request the President to issue a proclamation designating a week as "National Welcome Home Our Prisoners Week" upon the release and return to the United States of American prisoners of war in Southeast Asia. Referred to the Committee on the Judiciary.

### NATIONAL WELCOME HOME OUR PRISONERS WEEK

Mr. DOLE. Mr. President, all Americans are anxiously awaiting the day when American prisoners of war in Southeast Asia will be returned to the United States. In anticipation of that day which is hopefully drawing nearer, I have become an advisory board member of a group that is preparing a heartwarming welcome for the returning prisoners in which all Americans can participate. I am today introducing legislation authorizing and requesting the President to issue a proclamation designating a week as "National Welcome Home Our Prisoners Week" upon the release and return to the United States of American prisoners of war now being held in Vietnam.

Mr. President, I have visited personally with families of POW's and MIA's, as well as some ex-POW's themselves, who have expressed concern over the problems which these prisoners will face once they return home. These informed individuals express a belief that the returned prisoners will feel they are returning to a hostile environment and may, in fact, wonder if the American people are genuinely glad to have them home and appreciate their sacrifices. This feeling results from the prisoners' past exposure to very sophisticated Communist propaganda. It is therefore vital that when the men do return home, they be made aware of the fact that all Americans stand united in welcoming them home.

It is incumbent upon us as a Nation to show our appreciation for the sacrifices of these prisoners and their families. Our gratitude should be expressed not only in word but in deeds and ceremonies commemorating their return. Unfortunately, we cannot adequately repay these men for their contribution to the effort in Vietnam. The years of separation from their families and loved ones cannot be recaptured nor can the physical and mental effects of the years of grief and suffering endured by the wives and families of the over 1,800 POW's and MIA's be erased. But we can and must show our appreciation to these men for their service above and beyond the call of duty. We can and must express our awareness of and sympathy for hardships endured by these men and their families.

The Department of Defense has made elaborate plans to deal with the reception, processing, rehabilitation, and readjustment of the returned prisoners of war. A special task force is in existence to deal with special problems which might arise for these men and their families. Private organizations have also taken steps to insure that this country gives proper recognition to the return of the prisoners. I would now ask that my colleagues join in support of this resolution which declares that it is the desire of Congress that the prisoners and their families receive national recognition and due acclaim for their sacrifice in the service of our country.

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By Mr. BAYH:

S.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress. Referred to the Committee on the Judiciary.

### CONSTITUTIONAL AMENDMENT LOWERING THE AGE ELIGIBILITY FOR SERVICE IN THE HOUSE AND SENATE BY 3 YEARS

Mr. BAYH. Mr. President, today I am reintroducing a proposed constitutional amendment to lower the age of eligibility for the Senate and House by 3 years, the same reduction as the lowering of the voting age ratified in the last Congress as the 26th amendment. In the 9 years I have served as chairman of the Senate Subcommittee on Constitutional Amendments, I have seen few proposals supported by such compelling logic and reason as this one.

These young people are mature enough and well-educated enough to serve in the Congress. They have earned the right to serve by their participation in all aspects of today's society—from paying taxes and the draft to responsible political and community activity. And perhaps most important, they have something constructive to offer by serving in the Congress—courage and energy, creativeness, and idealism—attributes always in short supply anywhere in our society.

Despite the fundamental recognition in our Declaration of Independence that all men are created equal, we know that our Constitution was not so egalitarian. Many others were not deemed to be citizens. Many others were barred from voting—or from holding office—for reasons totally unrelated to their talents and abilities. We have done much already to remedy this problem. Indeed, the most common subject of constitutional amendments since the Bill of Rights is expansion of the democratic process. The 14th amendment made all native born persons citizens. The 15th amendment outlawed racial discrimination in voting. The 19th amendment granted the franchise to women. The 24th amendment struck down the poll tax. And just last year, the 26th amendment reduced the voting age in all elections to 18.

Now is the appropriate time to look to the question of eligibility for service in the Congress. By enfranchising 11 million younger voters, we have shown them that we have confidence in them. We have said that they deserve to participate fully in the political process. But one vitally important part of that process remains constitutionally out of their grasp; none of them can become a Congressman until age 25 nor a Senator until age 30. We tapped a vast reservoir of talent and initiative, industry and imagination, by lowering the voting age. But unless Federal elective offices themselves are opened up to younger people, I feel we will not gain the full benefit we can realize from their talents.

Of course, relatively few people actually have the honor of serving in the Congress. And I suspect that relatively few younger people would be elected because of this amendment. But that is beside the point. Younger citizens ought to have the constitutional right to try for Federal office.

This proposal lowers but does not totally eliminate the constitutional age barrier. A cogent argument can be made for the proposition that we should eliminate all such barriers; if the voters feel that a 15-year-old is the candidate best qualified to represent them, they should be allowed to select him to serve. But I am not now prepared to say that the Founding Fathers were wrong when they established a minimum age for Members of Congress higher than the minimum age of those entitled to vote for those same Members. All age limits—be they for voting or for holding office—are arbitrary. But there is logic and reason in requiring some additional maturity of those we elect to the Congress.

For these reasons my proposal lowers the existing age limitations—30 for the Senate and 25 for the House of Representatives—by 3 years, just as we lowered the generally prevailing voting age by 3 years in ratifying the 26th amendment.

This proposal—like the 26th amendment—is fully justified by physical and intellectual changes since the Constitution was first written. For example, physical maturity now comes much earlier. Less than a century ago, men tended to reach their full height at age 26; now most American males are fully grown at 18 or 19. The distinguished anthropologist Margaret Mead testified before my subcommittee that the age of maturity has declined by 3 years over the past century. Young people are much better educated today: in 1920 less than 20 percent graduated from high school; now almost 80 percent graduate—and more than half of these go on to at least a year of college. The simple fact is that our younger citizens are mentally and emotionally capable of full participation in all aspects of our democratic form of government.

We cannot afford the luxury of barring highly qualified people from serving in Congress. The interesting fact is that despite the bar, at least five men have been elected to the Senate before their 30th birthday. Just last November one of our distinguished colleagues, Senator BIDEN, was elected even though he had yet to attain the minimum age of 30. Henry Clay was actually 5 months short of age 30 when he took his seat in the Senate—apparently in violation of the constitutional limitation. It is likely that even more Members of the House were elected at age 25 or below. The youngest ever to serve in the House was elected at the age of 22. Surely these figures indicate that the existing age limits are too high.

Moreover, the great majority of our States and a number of the major countries of the world have taken steps to lower the age of eligibility for legislative service, and this trend has greatly accelerated in the 20th century. If the membership age for the House were decreased by 3 years, as we are today proposing, there would still be 18 States in which even younger citizens could serve in either House of the legislature, and 42 States in which younger citizens would be eligible to serve in the lower House. Individuals below the age of 22 may serve in the legislatures of many of the leading nations of the world, including, for example, Australia, Canada, the People's Republic of China, Great Britain, Indonesia, New Zealand, Switzerland, Costa Rica, Finland, Sweden, and Denmark.

We set a new record in ratifying an amendment to the Federal Constitution. The 26th amendment became effective just 100 days after it was sent to the States by the Congress. I believe that the incredible speed of this ratification and the enthusiasm with which the proposed amendment was met in Congress and in the States demonstrates the trust and confidence Americans across the land have in our younger citizens. I plan to do all that I am able, as the chairman of the Subcommittee on Constitutional Amendments and as one Member of the Senate, to make sure that this proposal gets a fair hearing and prompt action.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the text of the joint resolution I am proposing today together with some analytical material on the minimum age for service in State legislatures and in legislatures of foreign countries.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 5

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. No person who shall have attained to the age of twenty-two years shall be disqualified to be a Representative on account of age.

"SEC. 2. No person who shall have attained to the age of twenty-seven years shall be disqualified to be a Senator on account of age."

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FACT SHEET ON PROPOSED AMENDMENT TO LOWER THE AGE OF ELIGIBILITY FOR SERVICE IN CONGRESS

Younger citizens are better educated today than ever before:

High School graduates: 1910, 13.5%; 1970, 75.4%.

One or more years of College: 1970 39.5%.

College graduates: 1910, 2.7%; 1970, 16.4%.

These youths are receiving more education than their parents; of those enrolled in college 61% of the whites and 71% of the blacks came from families whose head had never been to college.

Most younger citizens are holding down jobs and contributing to our society. In 1969, 65% of the men between the ages of 20 and 24 were working in the civilian labor force; 22% were serving their country in the armed services; of the young women in this age category, 57% were in the civilian labor forces; 34% were keeping house as a prime activity. Most of these young people, 95% of the men and 77 percent of the women, were earning an income.

The median age of Members of Congress has tended to increase over the years—

Median Age

| | |
|---|---|
| Year 1790: 46.7 | -- |
| Year 1850: 50.5 | -- |
| Year 1900: 57.7 | -- |
| Year 1950: 58.5 | 51 |
| Year 1970: 56.4 | 52 |

Number of younger citizens who would be made eligible to serve in Congress by this amendment: House, 9,400,000; Senate, 7,900,000.

This proposed amendment is consistent with practices in the State legislatures, and in other countries. Eighteen States allow those under 22 to serve in both Houses of their legislatures; 42 allow these younger citizens to serve in the lower house. Many foreign countries have minimum age requirements lower than those proposed by this amendment. (See the attached list of minimum age requirements in the States and in selected foreign countries).

MINIMUM AGE REQUIREMENTS FOR SERVICE IN STATE LEGISLATURES

| State | Age | |
|---|---|---|
| | House | Senate |
| Alabama | 21 | 25 |
| Alaska | 21 | 25 |
| Arizona | 25 | 25 |
| Arkansas | 21 | 25 |
| California | 21 | 21 |
| Colorado | 25 | 25 |
| Connecticut | 21 | 21 |
| Delaware | 24 | 27 |
| Florida | 18 | 18 |
| Georgia | 21 | 25 |
| Hawaii | 25 | 30 |
| Idaho | 18 | 18 |
| Illinois | 21 | 21 |
| Indiana | 21 | 25 |
| Iowa | 21 | 25 |
| Kansas | 18 | 18 |
| Kentucky | 24 | 30 |
| Louisiana | 18 | 25 |
| Maine | 21 | 25 |
| Maryland | 21 | 25 |
| Massachusetts | (1) | (1) |
| Michigan | 21 | 21 |
| Minnesota | 21 | 21 |
| Mississippi | 21 | 25 |
| Missouri | 24 | 30 |
| Montana | 21 | 24 |
| Nebraska | 18 | (2) |
| Nevada | 18 | 18 |
| New Hampshire | 21 | 30 |
| New Jersey | 21 | 30 |
| New Mexico | 21 | 25 |
| New York | (1) | (1) |
| North Carolina | 18 | 25 |
| North Dakota | 21 | 25 |
| Ohio | 21 | 21 |
| Oklahoma | 21 | 25 |
| Oregon | 21 | 21 |
| Pennsylvania | 21 | 25 |
| Rhode Island | 21 | 21 |
| South Carolina | 21 | 25 |
| South Dakota | 25 | 25 |
| Tennessee | 21 | 30 |
| Texas | 21 | 26 |
| Utah | 25 | 25 |
| Vermont | 21 | 30 |
| Virginia | 18 | 18 |
| Washington | 18 | 18 |
| West Virginia | 21 | 25 |
| Wisconsin | 18 | 18 |
| Wyoming | 21 | 25 |

[1] Constitution gives no age requirement.

[2] Unicameral legislature.

Source: Citizens Conference on State Legislatures, State Constitutional Provisions Affecting Legislatures; updated by information from the Library of Congress.

MINIMUM AGE REQUIREMENTS FOR SERVICE IN LEGISLATURES OF SELECTED COUNTRIES

| | Lower house | Upper house |
|---|---|---|
| Australia | 21 | 21 |
| Austria | 25 | |
| Belgium | 25 | 40 |
| Burma | 21 | 21 |
| Cambodia | 25 | 40 |
| Canada | 18 | 30 |
| China (mainland) | 18 | 18 |
| China (Formosa) | 23 | |
| Costa Rica | 21 | |
| Denmark | 21 | |
| Ecuador | 25 | 35 |
| Finland | 20 | |
| France | 23 | 35 |
| West Germany | 25 | |
| Great Britain | 21 | 21 |
| Honduras | 18 | |
| Iceland | 21 | |
| India | 25 | 30 |
| Indonesia | 21 | 21 |
| Italy | 25 | 40 |
| Japan | 25 | 30 |
| Korea | 25 | |
| Laos | 30 | |
| Luxembourg | 25 | |
| Malaysia | 21 | 30 |
| New Zealand | 20 | |
| Netherlands | 25 | 25 |
| Norway | 20 | |
| Philippines | 25 | 35 |
| Singapore | 21 | |
| Sweden | 20 | |
| Switzerland | 20 | |
| Thailand | 30 | 40 |
| North Vietnam | 21 | |
| South Vietnam | 25 | 30 |

LEVEL OF SCHOOL COMPLETED BY PERSONS 25 YEARS OLD AND OVER AND 25 TO 29 YEARS OLD, BY COLOR—UNITED STATES, 1910 TO 1969

| | Percent, by level of school completed | | | |
|---|---|---|---|---|
| Color, age, and date | Less than 5 years of elementary school | 4 years of high school or more | 4 or more years of college | Median school years completed |
| 1 | 2 | 3 | 4 | 5 |
| WHITE AND NONWHITE | | | | |
| 25 years old and over: | | | | |
| 1910[1] | 23.8 | 13.5 | 2.7 | 8.1 |
| 1920[1] | 22.0 | 16.4 | 3.3 | 8.2 |
| 1930[1] | 17.5 | 19.1 | 3.9 | 8.4 |
| April 1940 | 13.5 | 24.1 | 4.6 | 8.6 |
| April 1950 | 10.8 | 33.4 | 6.0 | 9.3 |
| April 1960 | 8.3 | 14.1 | 7.7 | 10.5 |
| March 1964 | 7.1 | 48.0 | 9.1 | 11.7 |
| March 1966 | 6.5 | 49.9 | 9.8 | 12.0 |
| March 1969 | 5.6 | 54.0 | 10.7 | 12.1 |
| 25 to 29 years old: | | | | |
| April 1940 | 5.9 | 37.8 | 5.8 | 10.4 |
| April 1950 | 4.6 | 51.7 | 7.7 | 12.1 |
| April 1960 | 2.8 | 60.7 | 11.1 | 12.3 |
| March 1964 | 2.1 | 69.2 | 12.8 | 12.4 |
| March 1966 | 1.6 | 71.0 | 14.0 | 12.5 |
| March 1969 | 1.3 | 74.7 | 16.0 | 12.6 |
| WHITE | | | | |
| 25 years old and over: | | | | |
| April 1940 | 10.9 | 26.1 | 4.9 | 8.7 |
| April 1950 | 8.7 | 35.5 | 6.4 | 9.7 |
| April 1960 | 6.7 | 43.2 | 8.1 | 10.8 |
| March 1964 | 5.8 | 50.3 | 9.6 | 12.0 |
| March 1966 | 5.2 | 52.2 | 10.4 | 12.1 |
| March 1969 | 4.5 | 56.3 | 11.2 | 12.2 |
| 25 to 29 years old: | | | | |
| 1920[1] | 12.9 | 22.0 | 4.5 | 8.5 |
| April 1940 | 3.4 | 41.2 | 6.4 | 10.7 |
| April 1950 | 3.2 | 55.2 | 8.1 | 12.2 |
| April 1960 | 2.2 | 63.7 | 11.8 | 12.3 |
| March 1964 | 1.6 | 72.1 | 13.6 | 12.5 |
| March 1966 | 1.4 | 73.8 | 14.7 | 12.5 |
| March 1969 | 1.2 | 77.0 | 17.0 | 12.6 |
| NONWHITE | | | | |
| 25 years old and over: | | | | |
| April 1940 | 41.8 | 7.7 | 1.3 | 5.7 |
| April 1950 | 31.4 | 13.4 | 2.2 | 6.9 |
| April 1960 | 23.5 | 21.7 | 3.5 | 8.2 |
| March 1964 | 18.6 | 27.5 | 4.7 | 8.9 |
| March 1966 | 18.0 | 29.5 | 4.7 | 9.2 |
| March 1969 | 15.2 | 34.5 | 6.0 | 9.8 |
| 25 to 29 years old: | | | | |
| 1920[1] | 44.6 | 6.3 | 1.2 | 5.4 |
| April 1940 | 26.7 | 12.1 | 1.6 | 7.1 |
| April 1950 | 15.4 | 23.4 | 2.8 | 8.7 |
| April 1960 | 7.2 | 38.6 | 5.4 | 10.8 |
| March 1964 | 5.3 | 48.0 | 7.0 | 11.8 |
| March 1966 | 3.3 | 50.4 | 8.3 | 12.0 |
| March 1969 | 2.4 | 57.5 | 9.1 | 12.1 |

[1] Estimates based on retrojection of 1940 census data on education by age.

Note: Prior to 1950, date excludes Alaska and Hawaii.

Source: U.S. Department of Commerce, Bureau of the Census, 1960 Census of Population, vol. 1, pt. 1, Current Population Reports, Series P-20, Nos. 139, 168, and 194; Series P-19, No. 4; and 1960 Census Monograph, Education of the American Population, by John K. Folger and Charles B. Nam.

**ANALYSIS OF MINIMUM AGE REQUIREMENTS FOR SERVICE IN FOREIGN LEGISLATURES, PREPARED BY THE FOREIGN LAW DIVISION OF THE LIBRARY OF CONGRESS**

(Footnotes at end of each country.)

### AUSTRALIA

(Prepared by Mrs. Marion G. Herring, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October, 1971.)

Members of Parliament must be 21 years of age.

Section 34 of the Commonwealth of Australia Constitution Act, 1900[1] states the qualifications required for a member of the House of Representatives as being 21 years of age and an elector entitled to vote at the election of the House of Representatives and with three years minimum residence within the Commonwealth at the time he is chosen. There are other requirements.

Section 16 of the same Act provides that the qualifications for a senator are the same as those for a member of the House of Representatives.

No acts can be found which change the age of majority from 21 to 18 years.[2]

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[1] 63 & 64 Vict., c. 12, as amended to Dec. 31, 1967, Acts Com. Austl., 1901–1966, 1st Perm. Supp. 1 (1967).

[2] Year Book of the Commonwealth, 1971, at p. 58, states the qualifications for both Houses of Parliament identically as provided above.

### AUSTRIA

(Prepared by George Jovanovich, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October 1971.)

There are two distinctive periods in the constitutional development in Austria. The first is up to the end of World War I when Austria was a monarchy and the second, the post World War I period, when Austria was a parliamentary republic, with the exception of the time of the German occupation[1] when the Constitution was suspended in 1938 and reintroduced by the Law of May 1, 1945.[2]

During the first period there were several constitutions and constitutional amendments. The first direct right to vote was introduced by the Law of January 26, 1907, as an amendment to the Constitution of 1867, as amended in 1896.[3] The amendment provided for the voting right at the age 24 for Austrian citizens with residence of at least one year in the electoral district, as well as the age requirement of 30 years for election to office (Sec. 7). The passage of this Law was due to workers' demonstrations and the fear of a revolution inspired by that in Russia in 1905.[4]

The Republic came into being with the enactment of the Constitution of October 1, 1920, several times amended,[5] which is now known as the Austrian Constitution of 1929, as amended.

Article 26 of the Constitution provides for the equal, direct, secret, and personal right to vote of all male and female citizens over 21 years of age, the right to be elected at the age of 29,[6] as well as certain restrictions on the right to vote.

The Law Concerning Election to the *National Assembly* of May 18, 1949, contains a constitutional amendment reducing the voting age to 20 (Sec. 22) and the right to be elected to *26* (Sec. 46).[7] The amendment of 1957 did not affect the voting age or the age for being elected.[8]

The last *amendment* of the Law, known as the Law Concerning Election to the National Assembly of *1968*,[9] incorporated in the revised text of 1970,[10] reduced the voting age to 19 (Sec. 24) and the right to be elected to *25* (Sec. 47).

The Library of Congress collection has no stenographic record of the sessions at which the above amendments were passed, and therefore no justification for such amendments can be cited.

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[1] Karl Braunias. *Das Parliamentarische Wahlrecht* (Parliamentary Electoral Right). Berlin, 1932. p. 406–434.

[2] *Das Osterreichische Bundesverfassungsrecht.* v. 1. Mans ed. Wien, 1961, p. 20.

[3] *Das Reichsgesetzblatt,* No. 15/1907. Law of January 26, 1907.

[4] Braunias, *op. cit.,* p. 410.

[5] *Das Osterrechsche Bundesverfassungsrecht, op. ct.,* p. 60.

[6] Amas J. Peaslee, *editor, Constitutions of Nations,* v. 3. Europe. The Hague, 1966.

[7] K. Fritzer. *Das Bundesgesetz über die Wabi des Nationalrates.* Wien, 1949.

[8] W. Fritzer. *Das Wahlgesetz.* Wien, 1957.

[9] *Bundesgesetzblatt* No. 413/1968, Law of November 13, 1968.

[10] *Amtliche Sammlung* 6, Nationalrats-Wahlordnung 1970, *Wiederverlaubarter Usterreichischer Rechtsvorschriften.*

### BELGIUM

(Prepared by Dr. Virgiliu Stoicoiu, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

Among the conditions of eligibility to be elected for the Belgian Parliament, the Constitutions of 1831 states that candidates for the Chamber of Deputies be at least 25 years of age (Art. 50, par. 3), and for the Senate, at least 40 years of age (Art. 56, par. 4).

These age requirements are still in force (Les Codes Belges, *Constitution de la Belgique.* Bruxelles, 1969). Research of the history of the above constitutional provisions revealed no extensive comments on the required age or the legislative attempt to establish an age limit for candidates for the two chambers in Belgium.

### BURMA

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, Washington, D.C. October, 1971.)

The Constitution of Burma was enacted in 1947 on attaining independence from Great Britain. By the terms of the Constitution, the legislature consists of a Parliament formed of two chambers, the Chamber of Deputies and the Chamber of Nationalities. Members of both chambers are elected.

Article 76(1) of the Constitution states as follows:

> Every citizen who has completed the age of twenty-one years and who is not placed under any disability or incapacity by this Constitution or by law, shall be eligible for membership of the Parliament.

In 1962, there was a military coup d'etat, Parliament was dissolved, and no elections have been held since.

### CAMBODIA

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

Although Cambodia made a declaration of independence in 1945 while still under Japanese occupation, in actual fact it was not until 1946 that the country achieved autonomous status within the French Union, while complete independence was not won until 1953. The present Constitution was enacted in 1947.

According to the Constitution, the national legislature consists of two chambers; the Council of the Kingdom, and the National Assembly. Part of the Council of the Kingdom is formed of appointed members, and the rest are elected. All the members of the National Assembly are elected members.

By the provisions of Article 74, members of the Council of the Kingdom cannot be less than forty years of age. According to Article 50, only persons not less than twenty-five years of age are eligible for election to the National Assembly.

Although the Constitution has been amended from time to time, these age limitations have remained unchanged since 1947.

### CANADA

(Prepared by Mrs. Jean V. Swartz, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October, 1971.)

1. A member of the House of Commons must be eighteen years of age.

Canada passed a new elections law known as the Canada Elections Act[1] in 1970. Section 20 provides the qualifications of a candidate for election and states they are the same as those specified for an elector or one deemed to be qualified as an elector by subsection 14(3). Section 14(1) provides that every man and woman who is eighteen and is a Canadian citizen is qualified as an elector. Section 14(2) permits any person who will be eighteen by the time of the election to register. Section 14(3) permits a British subject other than a Canadian citizen who was qualified as an elector on the 25th of June 1968, and who has continuously resided in Canada from July 26, 1970 until June 16, 1975, to qualify as an elector.

2. A member of the Senate must be at least 30 years old, possess property worth $4,000, and be a resident of the province for which he is appointed by the Governor.[2] He must retire at seventy-five years of age.

3. At the turn of the century a member of the House must have been twenty-one years old.

The British North America Act, 1867,[3] provided in section 41 that any member of the House of Commons should be a male British subject, aged twenty-one years and a householder until such time as the Parliament of Canada provides otherwise. Section 69 of the Dominion Elections Act[4] removed the property qualification and provided that any British subject may be a candidate for a seat in the House of Commons. It should be noted that section 10 stated that the qualification for any person to vote at a Dominion election should be those established by the laws of that province as essential to enable such a person to vote in the same part of the province at a provincial election. In the same act, section 32 establishes the qualifications for voting in several provinces as these: male British subject; twenty-one years old; a resident of the province for the last twelve months; and a resident of the electoral district where he wishes to vote for three months immediately preceding the issue of the writ of election; and is not an Indian.

4. Senators were appointed for life before the passage of the British North America Act, 1965.[5]

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[1] Can. Rev. Stat. c. 14 (1st Supp.) (1970).

[2] British North America Acts, 1867–1865, § 24 (1967).

[3] 30 & 31 Vict. c. 3 (1967).

[4] Can. Rev. Stat. c. 6 (1906).

[5] Can. Stat. 1965, c. 4, § 1.

### CHINA

(Prepared by Tao-tai Hsia, Chief and Kathryn Haun, Research Assistant, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

The most marked difference in the age of enfranchisement in twentieth-century China is that between the required age under the Republic of China and the required age under the People's Republic of China. Article 130 of the Constitution of the Republic of China, effective from December 25, 1947, provides as follows:

Article 130: Any citizen of the Republic of China who has attained the age of twenty years shall have the right of election in accordance with law. Except as otherwise provided by this Constitution or by law, any citizen who has attained the age of twenty-three years shall have the right of being elected in accordance with law.[1]

Article 4 of the Electoral Law of the People's Republic of China for the National People's Congress and Local People's Congresses of All Levels, promulgated by the Central People's Government on March 1, 1953, specifies that "all citizens of the People's Republic of China who have reached the age of eighteen shall have the right to elect and to be elected. . . ."[2]

The lowering of the age of enfranchisement which occurred after the Communists established the People's Republic of China on mainland China on October 1, 1949, accords with the Communist Chinese policy of attempting to give the government the broadest possible base among the national citizenry. Two groups which have been singled out for special attention in the pursuit of this policy are women and youth. The Peking regime places a high value upon the support of Chinese youth, whose typical enthusiasm, vigor, and activism are much in the image of the ideal Communist Chinese citizen which the regime portrays in its propaganda and upon whose actual existence hinges the success or failure of the regime's activist domestic policies. The regime also doubtless has a profound appreciation of the stumbling block to the realization of its policies which disaffected youth would constitute.

Youth is given a special place in the Draft of the Revised Constitution of the People's Republic of China, which is being circulated in the West and which is widely believed to be authentic. Article 11 of this draft, which is not now in effect on mainland China, provides that "all state organs must practice the principle of simplified administration; their leadership organs must practice the revolutionary three-in-one combination of army personnel, cadres and masses, and of the old, the middle aged and the young."[3]

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[1] *A Compilation of the Laws of the Republic of China*, Volume 1, Taipei, 1967, pp. 31–32. The main exception provided for in the Constitution is the requirement of Article 12 that the President and Vice President of the Republic must have attained forty years of age, *Ibid.*, p. 12.

[2] *Fundamental Legal Documents of Communist China*, edited by Albert P. Blaustein, South Hackensack, New Jersey: Fred B. Rothman & Co., 1962, p. 194.

[3] For the text of an English translation of the Draft of the Revised Constitution of the People's Republic of China, see Background on China, B. 70–81, November 4, 1970. The Chinese text of the draft constitution appears in *Chung yang jih pao* [Central Daily News], November 5, 1970.

### FRANCE

(Prepared by Dr. Domas Krivickas, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

Jean-Paul Charnay in his capital work on French elections observed that "the age of eligibility, under democratic pressure, has undergone a constant decrease."[1]

This decrease was the following:

(a) for the lower house: under the Charter of 1814—40 years of age, under the Charter of 1830—30 years, from 1848 to 1940—25 years, and under the IVth Republic—23 years.

(b) for the Senate: under the IIIrd Republic—40 years, and under the IVth Republic (The Council of the Republic)—35 years of age.

At the present time, the age requirements for candidates are the following: to the National Assembly—23 years of age (Art. L. 45), for the Senate—35 years of age (Art. L.O. 296),[2] and for a departmental and municipal councillor—21 years of age.[3]

No upper age limit has been found which would bar candidates or incumbents to be elected or hold office because of advanced years.

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[1] Jean-Paul Charnay. *Le suffrage politique en France*. Paris, Mouton & Co., 1965 p. 338.

[2] *Code electoral*. Paris, Journal offciel, 1969. p. 11 and 73.

[3] Law of December 23, 1970. *Journal officiel*, Dec. 25, 1970. p. 11956.

### GREAT BRITAIN AND NORTHERN IRELAND

(Prepared by Mrs. Marion G. Herring, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October, 1971.)

Members of Parliament must be at least 21 years of age.

The Parliamentary Elections Act, 1965, 7 & 8 Will. 3, c. 25, § 7,[1] limits persons under the age of 21 years (minors) from serving in any future Parliament.

The Parliamentary Elections (Ireland) Act, 1823, § 74, places similar limitations on minors' rights to serve in Parliament.

Although in general a person now attains the age of majority in England at eighteen under the Family Reform Act, 1969,[2] this does not permit anyone under twenty-one to sit as a member of Parliament.

Section 13 empowers Northern Ireland to make laws similar to its provisions in Part I of the Family Law Reform Act, 1969 (to reduce its age of majority).

The Age of Majority Act (Northern Ireland), 1969, c. 28, amends the law relating to the age of majority, and reduces the age of majority from 21 to 18. Schedule 2 thereof lists the statutory provisions unaffected by the Section providing for such reductions in the age of majority. Section 7 of the Parliamentary Elections Act, 1695 remains in effect which requires members of Parliament to be at least 21 years of age.

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[1] The whole Act, except § 7 was repealed by the Representation of the People Act, 1948, 11 & 12 Geo. 6, c. 25, § 80 and Sch. 13, and the Electoral Law Act (Northern Ireland) 1962, c. 14, § 131 and Sch. II.

[2] The Family Law Reform Act, 1969, c. 46, § 1(4) refers to Schedule 2 which lists the statutes which are unaffected by Section 1 which reduces the age of majority from 21 to 18. Schedule 2, para. 2, states: "The Representation of the People Acts (and any regulations, etc.), section 7 of the Parliamentary Elections Act, 1965, section 57 of the Local Government Act, 1933 and any statutory provision relating to municipal elections in the City of London within the meaning of section 167(1)(a) of the Representation of the People Act, 1949."

### INDIA

(Prepared by Mrs. Marion G. Herring, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October 1971.)

Members of Parliament must be 30 years of age to sit in the Council of States and not less than 25 years of age to sit in the House of the People.

The Constitution of India, art. 84,[1] states the qualifications for a person to fill a seat in Parliament. They must be citizens of India and thirty years of age to hold a seat in the Council of States and twenty-five years of age to sit in the House of the People.

Other qualifications must be met.

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[1] India (1970) (as printed in II A.I.R. Commentaries (2d ed. 1970).

### ITALY

(Prepared by Kemal Vokopola, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October 1971.)

#### *I. Historical background*

Italy has enjoyed a parliamentary system similar to those of other Western European countries, and especially that of England, since its unification in 1870.[1]

The legislative branch of the government was based on the Constitution of King Carl Albert (1848) (Statuto Albertino), first adopted for the Kingdom of Piedmont and Sardinia and, after the unification, extended to the entire Italian peninsula and islands.

Under the provisions of this Constitution and the laws enacted for elections (of both the active and passive electorate) in 1848, 1860, 1870, 1882, 1912–1913, and 1919 (as well as those of 1923 and 1926 enacted by the Fascist Regime) to the House of Representatives, or Lower House, and the Law of 1848, to the Senate, there was some continuity in the parliamentary system for over three quarters of a century.

Under the above-mentioned laws, the House was a popularly elected political representative body. Elections were held every five years. The members of the Senate, or the Upper Chamber, were appointed by the King.

Members of the House had to have reached the age of 30. In order to vote, illiterates were required to have reached the age of 30, and men who had attended grammar school or had served in the armed forces, 21 years. The Law of 1882 reduced the entire voting age to 21.

For appointment to the Senate a person had to have reached the age of 40 and belong to one of the 21 categories of citizenry such as nobles, high Church dignitaries, important political figures, men of science and education, and captains of industry. In other words, he had to have distinguished himself in some way and rendered great service to the nation. Appointment was for life.

There were also *de jure* members of the Senate. This category included all the princes of the Italian royal family.

With the advent of Fascism in 1922, the Italian parliamentary system was replaced by the Camera delle Corporazioni (Corporative Chamber) which was not an elected body but was selected by the Grande Consiglio del Fascismo (Great Council of Fascism).[2]

### II. *The Italian Republic*

The end of World War II marked not only the defeat of the Fascist Dictatorship, but brought about basic structural changes in the State. Italy was proclaimed a republic and reacquired a parliamentary system where both houses of Parliament were elected by the people. Moreover, the Constitution of 1947 granted the right to vote (active and passive) to women. It established the voting limit at 21 years of age to elect a member of the Lower House and 25 years to vote for a member of the Upper House (a senator).

To run for elective offices, the Republican Constitution fixed the age for the lower House at 25 and that for the Senate at 40, with the election being held for both of these bodies every five years. The Constitution, however, granted the right to the President of the Republic to appoint 5 senators out of a body of 315 for life. No upper age limit was found for tenure in or appointment to an elective office.

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[1] Emilio Crosa. *Diritto costituzionale*. 3rd ed. Torino, 1951. p. 292 ff; Carlo Cereti. *Diritto costituzionale*. 6th ed. Torino, 1963. p. 392 ff; Ciro Conte. *L'Ordinamento elettorale italiano*. 3rd ed. Torino, 1959. p. 292 ff; *Novissimo digesto italiano*. Torino, 1958. v. 2, p. 787 ff and v. 12, p. 400 ff; *Enciclopedia del diritto*. v. 5. Varese, 1959. p. 1011 ff; *Grande dizionario enciclopedico*. v. 7. Milano, 1964. p. 210 ff; *Leggi e decreti:* years 1958 to 1926.

[2] Cereti, *op. cit.*, p. 395.

## JAPAN

(Prepared by Sung Yoon Cho, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

Article 10 of the Public Office Election Law[1] established the age limit for members of the House of Representatives and the House of Councillors as follows:

*Article 10:* Japanese nationals shall possess the right to be elected members of the Diet . . . according to the distinction prescribed under each of the following items:

(1) With respect to members of the *House of Representatives,* persons who are full *25* years or more of age;

(2) With respect to members of the *House of Councillors,* persons who are full *30* years or more of age.

(3)–(6) [Omitted].

### *The Lower House*

The *original House* of Representatives Election Law of 1889 set the age limit for members of the lower house at *30* years old. In spite of major revisions of this Law which took place in 1900, 1919, 1928, and 1934, [the age qualification remained the same until December, 1945 when it was finally lowered by five years to 25.] During this long period, however, numerous legislative proposals were made to reduce the age limit to 25 for various reasons. For example, the bill introduced in 1919 stated, *inter alia,* one reason as follows: "as it is reasonably expected that man is likely to attain his maximum growth potential . . . in the age between 25 and 50 years of age it is deemed necessary to elect representatives from much wider age groups by reducing the present age limit to 25 years old."[2] Other reasons stated for reducing the age qualification were: (1) the same age limit as certain classes of the upper house members (counts, viscounts and barons) who are qualified to be members at the age of 25 should be maintained; (2) the present age should be lowered so as to conform to the voting age of 25 and (3) more countries limited the age of qualification to 25.[3]

Several bills were also introduced in 1919 and thereafter in an effort to reduce the age limit to 20 years old without much success. The major reasons for these attempts appeared to have been based on the considerations that younger representatives by adapting themselves to rapidly changing social needs would be of better service to the country, and that the majority and conscription ages were 20 years old.[4]

In December, 1945, the House of Representatives Election Law was amended for the first time to reduce the age for eligibility for membership to 25 years old. At the same time, the voting age was lowered to 20 from the previous 25 years old. The Japanese Government spokesman explained the reason for the amendment in part before the Diet: "In light of the improved social and political status of women and male youth, it is appropriate to lower the voting age as well as the candidate's age, while granting equal rights to both sexes."[5]

The new Constitution of 1946 declares that "universal adult suffrage is guaranteed with respect to the election of public officials" (Article 15). Finally, in 1950, the House of Representatives Election Law was without any change, incorporated into the aforesaid Public Office Election Law, which is in force today. Since then no further efforts were made to lower the age qualification.

### *The Upper House*

The origin of the House of Peers, predecessor to the House of Councillors, was peculiar. No provision was made for such a body by the Meiji Constitution or by statutory law. It owed its existence solely to an Imperial Ordinance promulgated on the same day as the Meiji Constitution, February 11, 1889.[6]

The membership of the House of Peers consisted of six classes usually appointed by the Emperor; (1) princes of the blood; (2) princes and marquises; (3) representatives of the three lower orders of the nobility such as counts, viscounts and barons; (4) imperial nominees selected for service to the state; (5) and representatives of the Imperial Academy.

The lower age limit for members was, in general, 30 years, with the following exceptions: princes of the blood may enter the house upon attainment of majority (20 years old); counts, viscounts and barons at 25; while the high taxpayers' representatives must have attained the age of 40.[7]

The House of Councillors Election Law of 1947, which came into force in August 1948, stipulated the same voting qualifications as the statute governing the House of Representatives, but the age of the candidacies was set at 30. In 1950 the basic principles of the above law were codified into the present Public Officials Election Law mentioned above.

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[1] Law No. 100, April 15, 1950, as amended by Law No. 127, 1970.

[2] *Shugi-in giin senkyoho ni kansuru chosu shiryo* [Research Materials Relating to Amendments to the House of Representatives Election Law], vol. 1, p. 3. (Author, publisher and date unknown).

[3] Shotaro Miake and others, *Futsu senkyoho shakygi* [Comentaries on the Popular Election law], Tokyo, Shokado, 1927, p. 63.

[4] *Ibid.*

[5] Japan, House of Representatives, *Dai hacniju kyu kai Teikoku Gikai tsuka horitsu shingi yoroku* [Excerpts of Deliberations of Laws Passed in the 89th Session of the Diet], 1945, p. 2.

[6] *Political Reorientation of Japan, September, 1945, to September, 1948,* Report of Supreme Commander for the Allied Powers, Washington, D.C.: U.S. Government Printing Office, p. 181.

[7] Harold S. Quigley, *Japanese Government and Politics,* New York, The Century Co., 1932, pp. 166–167.

## THE REPUBLIC OF KOREA

(Prepared by Sung Yoon Cho, Senior Legal Specialist Far Eastern Law Division Law Library, Library of Congress, October 1971.)

During the Japanese Occupation of Korea from 1910 to 1945, the Korean peoples were denied political rights. The new democratic Constitution that adopted a unicameral assembly was promulgated in 1948. The National Assembly Election Law of 1950, enacted pursuant to the constitutional provisions, set age limits for candidates at 25 years. The constitutional amendment of 1954, however, provided for the creation of a bicameral assembly. Therefore, the Election Law was revised in June, 1960, so as to incorporate a new provision requiring the age qualification for members of the upper house to be set at 30 years old. The general elections of July 29, 1960, were the first in which members of both lower and upper houses were elected.

Immediately after the Military Revolution of May 16, 1961, the Election Law of 1960 was repealed and the upper house was suspended indefinitely after a nine-month existence. Under the new National Assembly Election Law of 1963,[1] which is in force today, the country again returned to the unicameral system of the assembly. The age qualification for the National Assemblymen under the present law is 25 years old (Article 9).

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[1] Law No. 1256, January, 1963, as amended by Law No. 2088, January 23, 1969.

## LAOS

(Prepared by Mya Saw Shin, Senior Legal Specialist Far Eastern Law Division Law Library, Library of Congress, October 1971.)

By the terms of its Constitution, promulgated in 1947, the legislature of Laos consists of the National Assembly, whose members are elected.

According to the Ordinance-Law No. 14 of February 5, 1960, relative to the election of Deputies to the National Assembly, candidates must be at least thirty years old as of January 1 of the election year. This age must be verified, according to Article 13, by the presentation of a judgment, a birth certificate, or an "acte de notoriété" (certificate of identity), these documents to date at least one year before the closing date for candidacies.

## LUXEMBOURG

(Prepared by Dr. Virgiliu Stoicolu, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

In Luxembourg, the Constitution of 1868, as amended, requires that candidates for the Chamber of Deputies be at least 25 years of age ((Art. 52) Grand-Duché de Luxemburg, *Constitution du 17 Octobre 1868 Revisée.* Luxemburg, 1968).

Research of the history of the above constitutional provision revealed no extensive comments on the required age or the legislative attempt to establish an age limit for candidates for the Chamber (there is no Senate) in Luxemburg.

## MALAYSIA

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress October, 1971.)

The present Constitution is the federal Constitution of 1957, as amended from time to time up to 1970. The legislature of Malaysia is a Parliament, consisting of the Yang di-Pertuan Agong (Head of State) and two Majlis (Houses of Parliament), known as the Dewan Negara (Senate) and the Dewan Ra'ayat (House of Representatives).

Article 47 of the Constitution states as below:

Every citizen resident in the Federation is qualified to be a member—

(a) of the Senate, if he is not less than thirty years old;

(b) of the House of Representatives, if he is not less than twenty-one years old.

unless he is disqualified for being a member by this Constitution or by any law made in pursuance of Article 48.[1]

This article has remained unchanged since its inclusion in the Constitution of 1957.

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[1] *Malaysia, Federal Constitution, Incorporating all amendments up to 1st June, 1970,* Kuala Lumpur; 1970, p. 56.

### NEW ZEALAND

(Prepared by Mrs. Jean V. Swartz, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October, 1971.)

1. A member of the House of Representatives must be twenty years old. New Zealand only has one house in its legislature since the passage of the Legislative Council Abolition Act[1] in 1950.

Until the passage of the Electoral Amendment Act, 1969[2] twenty-one was the age used in the New Zealand definition of "adult" in section 2(1) of the Electoral Act, 1956.[3] Now twenty is the age of majority for an adult. Sections 25 and 30 of the principal act, as amended, state the qualifications for a member of Parliament and for an elector, respectively. The word "adult" is used to describe the required age instead of a statement of the age requirement in numbers.

2. At the turn of the century, a member of the House of Representatives had to be twenty-one years old.

The Electoral Act, 1893[4] which permitted women to vote for the first time, if twenty-one and possessed of a freehold estate of twenty-five pounds, specifically stated in section 9 that no woman could be a member of the House of Representatives. Section 75 stated that any man who qualified as an elector who was twenty-one or over could be nominated with his consent for election to the House of Representatives.

3. In 1900, a member of the Legislative Council had to be twenty-one years old to be appointed a councillor.

The Legislative Council Act, 1891[5] provided in section 2 that the Governor could appoint as councillors persons over twenty-one years. As indicated earlier, this Council was abolished in 1950 by the Legislative Council Abolition Act.[6]

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[1] N.Z. Stat. 1950, No. 3.

[2] N.Z. Stat. 1969, c. 19.

[3] N.Z. Stat. Reprint 1908–57, No. 107.

[4] N.Z Stat. 1893, No. 18.

[5] N.Z. Stat. 1891, No. 25.

[6] N.Z. Stat. 1950, No. 3.

### THE NETHERLANDS

(Prepared by Dr. Armins Rusis, Senior Legal Specialist, European, Law Division, Law Library, Library of Congress, October, 1971.)

The Parliament or States-General of the Netherlands is divided into a First Chamber and a Second Chamber (Art. 89 of the Netherlands Constitution of August 24, 1815, as amended). To be eligible as a member of the Second Chamber, a Netherlander must have reached the age of twenty-five years (Art. 94 of the Constitution). To be eligible as a member of the First Chamber, the same requirements must be fulfilled as for membership of the Second Chamber (Art. 100 of the Netherlands Constitution).

There exist no maximum age limitations for election or appointment to legislative bodies in the Netherlands.

### SINGAPORE

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

Singapore's legislature consists of a unicameral Legislative Assembly, whose members are elected. Age limitations for candidates standing for election thereto were introduced by the Singapore Legislative Assembly Elections (Amendment) Ordinance. No. 26 of 1959, which inserted a new Section 5A into the main Ordinance. According to this section, no person will be qualified to be elected as a member of the Legislative Assembly unless he is of the age twenty-one years or upwards on the day of nomination.

### SWITZERLAND

(Prepared by Dr. Alois Bohmer, Senior Legal Specialist European Law Division Law Library, Library of Congress, October, 1971.)

The age limit for exercising the right to vote and the right to be elected to the legislative bodies of the Swiss Confederation (*Bundesversammlung*) was first mentioned in the first proposal of the Constitution, the text of which was adopted on March 19, 1948, by the majority of the Commission of the representatives of the cantons.[1] Its Article 5 gave the right to vote to the citizens 21 years of age and Article 6 gave the right to be elected to citizens of 25 years of age. An upper age limit was not stipulated.

Shortly after, on April 8, 1948, in the "second reading" (*zweite Lesung*), the Commission adopted the text of Articles 58 and 59 of the Constitution which spelled out the age limits for voting. These provisions are almost identical with Articles 74 and 75 of the Federal Consitution of May 29, 1874, now in force.[2] They read as follows: [3]

*Art. 74.* Every Swiss aged 20 or more, and not otherwise disqualified for active citizenship by the legislation of the canton where he has his place of residence, has the right to vote at such elections.

Federal legislation may regulate in a uniform manner the exercise of this right.

*Art. 74.* (1) In elections, all Swiss citizens, male and female, have equal political rights and duties.

(2) Every Swiss, male and female, aged twenty or more, and otherwise not disqualified for active citizenship by the law of the canton where he has his place of residence, has the right to vote at such elections.

(3) The Confederation may lay down uniform regulations in the way of legislation on the election and voting rights in confederate matters.

(4) The cantonal right concerning elections and voting of canons and communities shall be reserved.

*Art. 75.* Every lay Swiss citizen possessing the right to vote is qualified to be elected as a member of the National Council.

These regulations apply only to federal elections. The cantonal election laws may have different provisions as, for instance, the Canton Zug Constitution which gives the franchise to 19-year-old citizens.

The present Swiss Constitution or other legislation does not have any upper age limit as far as the right to vote or to be elected is concerned. Nor is there a limitation of the right to be reelected to the National Council. In 1942, on the basis of a national initiative (*Volksinitiative*), a proposal was introduced to make legislators ineligible for legislative bodies after 12 years of service. This proposal was, however, defeated on May 3, 1942, as the electors did not want their choice to be limited. It was suggested that the ability of a candidate should be judged in each case according to circumstances and that an experienced representative is often better than a novice full of new ideas.[4]

The above-mentioned rights of the Constitution of 1874 are granted to men only and women were excluded from the federal political rights. This was changed by the referendum of February 7, 1971, which gave the right to vote at elections to women as well. Article 74 in its present form reads as follows:[5]

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[1] William Emmanuel Rappard. *Die Bundesverfassung der Schweizerischen Eidgenossenschaft 1848–1948*. Zurich, Polygraphischer Verag A.G., 1948. p. 158.

[2] *Id.*, p. 166

[3] *The Federal Constitution of Switzerland.* Translation and Commentary by Christopher Hughes. Oxford, Clarendon Press, 1954.

[4] Jean Francois Aubert. 2 *Traité de droit constitutionnel Suisse*. Neuchatel, Editions Ides et Calendes, 1967. p. 463.

[5] *Amtliche Sammlung der eidgenössichen Gesetze und Verordnungen*, 1971. p. 325.

### THAILAND

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

Thailand's first Constitution was passed in June, 1932, and since then there have been seven more Constitutions, the last of which was promulgated in 1968. At the present time, the legislature of Thailand consists of a National Assembly, made up of the Senate, whose members are appointed by the King, and the House of Representatives, whose members are elected.

According to the 1968 Constitution, the age limit for candidates for election to the Senate is a minimum of forty years, while that for candidates to the House of Representatives is thirty years. These age limits have been in force since they were stipulated in the Constitution of 1949. Previously, the Constitution of 1947 had set the age limit of thirty-five years for members of the House of Representatives, who were elected, but none for members of the Senate, who were appointed. No reason for the lowering of the age limit for candidates to the House of Representatives has been found in the sources available.

### DEMOCRATIC REPUBLIC OF VIETNAM

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

The Constitution of the Democratic Republic of Vietnam (North Vietnam) was adopted in 1959. Article 23 of the Constitution states that citizens who have reached the age of twenty-one have the right to stand for election, whatever their nationality, race, sex, social origin, etc., to the National Assembly which is the only legislative authority of the country.

### REPUBLIC OF VIETNAM

(Prepared by Mya Saw Shina, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October 1971.)

The 1956 Constitution of the Republic of Vietnam (South Vietnam) provided for the legislative functions of the government to be exercised by a National Assembly, whose members were to be elected by the people. Article 50 of this Constitution stipulated that candidates for election to the Assembly had to be fully twenty-five years of age before election day.

After the coup d'état of of 1963, no elections were held until 1966. In September of that year a Constituent Assembly was elected and charged with the task of drawing up a new Constitution. The new Constitution was promulgated on April 1, 1967. It calls for legislative power to be vested in the National Assembly, consisting of an Upper House or Senate and a Lower House or House of Representatives.

According to Article 32 of the "Constitution" of 1967, to run for the House of Representatives citizens must be at least twenty-five years of age on the day of the election, in addition to possessing the other qualifications called for. Similarly, Article 34 states that candidates for the Senate must be thirty years of age by election day and must meet all other prescribed conditions.

### SCANDINAVIAN COUNTRIES

(Prepared by Finn Henriksen, Senior Legal Specialist European Law Division, Law Library, Library of Congress, October, 1971.)

#### *I. General remarks*

It may be stated, in general terms, that the Scandinavian trend in this country has been to lower the age limit for eligibility to be elected to legislative bodies to the age when a person reaches full majority and obtains the right to vote, i.e., twenty years of age. The decision to lower this age from 21 to 20 years originated in an agreement of December 18, 1967, between the Ministers (or Secretaries) of Justices from each of the Nordic countries, Denmark, Finland, Iceland, Norway, and Sweden.[1]

Sweden has gone one step further and has lowered its voting age to 19 years, but it does not seem likely that this will set a new Scandinavian trend. The Nordic Council, at its 1970 meeting in Reykjavik, rejected rather summarily a proposal from one member, probably Sweden, to lower the voting age to 18 years.[2]

The very low legal age requirements for eligibility to be elected to Scandinavian legislative bodies does not mean that these bodies, as a practical matter, have many young members. The Scandinavian political parties have considerably more influence than have political parties in the United States. A leading Swedish writer claims that it is virtually impossible for a Swedish politician to be elected without being supported by a political party,[3] and this statement can very well be extended to all of the Nordic countries. This attitude of the Scandinavian political parties does not represent any distrust of the young. However, any Scandinavian political party would probably require either substantial experience in lower political offices, or very substantial personal achievements, before it would endorse a candidate for an important legislative body. Very young legislators are consequently uncommon, but they are not excluded per se. For instance, the youth of the brilliant lawyer, Orla Lehmann, who practically drafted the Danish Constitution of 1849 singlehanded,[4] is supposed to be one of the reasons why Denmark for many years had an age limit for eligibility for election to the Lower Chamber of its Parliament which was lower than the voting age.

In none of the countries is there a legal upper age limit to being elected to or holding an elective office, but retirement around the age of 70 is very common.

### *II. Denmark*

The Danish Constitution of 1849 established a bicameral legislature with an Upper and a Lower Chamber.[5] The age limit for election or appointment to the Upper Chamber was 40 years, while the corresponding age limit for the Lower Chamber was only 25 years. The voting age for both Chambers was 30 years, but the right to vote in elections for the Upper Chamber was somewhat restricted in favor of the propertied classes. The Constitution of 1866 lowered the age limit on eligibility to both Chambers to 25 years, while the voting age for both Chambers remained 30 years. However, the 1866 Constitution was also more specific about the restrictions in favor of the propertied classes in elections for the Upper Chamber.[6] It was not until the Constitution of 1915 became effective that the right to vote in elections to the Upper Chamber was extended to most voters. However, the age limit for election or appointment to the Upper Chamber was raised to 35 years at the same time, as was the voting age. The age limit on eligibility to the Lower Chamber, and the voting age in 1915 was established as 25 years.[7] The purpose of these Constitutional limits was undoubtedly to secure an Upper Chamber which was more conservative, or mature than the Lower Chamber.

The Danish system of a bicameral legislature never worked very well, and it was abolished by the present Constitution of 1953,[8] which established a unicameral legislature. The voting age, and the age limit for eligibility to this new legislative body were lowered at the same time to 23 years, and both age limits were, in 1966, reduced to 21 years.[9] In 1970, Denmark lowered the age when a person reached full majority from 21 to 20 years.[10] This strongly indicates that the age limit for eligibility for election to the legislature, and the voting age, will be brought down to 20 years in the foreseeable future. These age limits are, to the Danish way of thinking, an integrated part of the concept of granting a person full majority.

### *III. Finland*

The present Finnish State dates back to 1919 when it declared its independence from Russia. The age limit for election to the Parliament, and the voting age, was originally 24 years.[11] This was lowered in 1944 to 21 years,[12] and, in 1969, to 20 years.[13] The age at which a person reached full majority was, at the same time, lowered from 21 to 20 years.[14]

### *IV. Iceland*

Iceland gained considerable independence when it became united with Denmark in 1904, and became an independent country in 1944.[15] The voting age, and the age limits for eligibility to be elected to the Icelandic Parliament were similar to the Danish age limits of 25 and 35 respectively until 1934. However, a constitutional amendment of March 24, 1934, lowered the voting age, and the age limit for eligibility to the Parliament, to 21 years.[16] This age limit was incorporated in the Icelandic Constitution of 1944.[17] It is likely that it has been, or will be, lowered to 20 years.

### *V. Norway*

The Norwegian Constitution of 1814 established a voting age of 25 years and an age limit of 30 years for election or appointment to the Parliament.[18] The voting age was reduced in 1920 to 23 years and in 1946 to 21 years, while the age limit for eligibilty for election to the Parliament was reduced to 21 years in 1948,[19] and finally, in 1967, to 20 years.[20] The age for general majority was lowered from 21 to 20 years in 1969.[21]

### *VI. Sweden*

Substantial parts of the present Swedish Constitution date back to 1809, and the recently abolished bicameral legislature established in 1866. The age limit for election or appointment to the indirectly elected Upper Chamber was, at the beginning of this century, 35 years, while the age limit for eligibility to the directly elected Lower Chamber was 23 years.[22] The voting age was lowered, in 1945, from 23 to 21 years, and the age limit for election or appointment to both chambers was reduced to 23 years in 1949.[23] Sweden passed, on June 17, 1971, a constitutional amendment which abolished the Upper Chamber of its legislature.[24] The age limit for election to the new unicameral legislature is 20 years,[25] while the voting age has been lowered to 19 years.[26] The age for a person to reach full majority was lowered from 21 to 20 years in 1969.[27]

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[1] *Tillaeg 1969 til Karnovs Lovsamling*. 7th ed. Copenhagen, Karnov, 1970, p. 7469, *see also* note 2.

[2] 55 *Svensk Juristtidning* (October, 1970). p. 691.

[3] Nils Bertel Einar Andren, *Modern Swedish Government*. Stockholm, Almquist & Wiksell, 1961. p. 23.

[4] *Danske Forfatningslove 1665–1953*. Copenhagen, J. H. Schultz, 1958. p. 58–59.

[5] *Id.*, Junigrundloven af 5. juni 1849, Sections 34–44. p. 65–66.

[6] *Id.*, Den Gennemsete Grundlov af 28. juli 1866, Sections 29–40. p. 117–119.

[7] *Id.*, Grundloven af 5. juni 1915, Sections 29–39. p. 137–139.

[8] *The Constitution of the Kingdom of Denmark Act, 5th June 1953*. Copenhagen, J. H. Schultz, 1958. Sections 28–34. p. 4–5.

[9] Bekendtgórelse Nr. 366 af 10. august 1970 af Lov om valg til folketinget, *in* 1970 *Lovtidende A p.* 1035–1068. (Sections 1–2, p. 1035).

[10] Bekendtgórelse Nr. 141 af 24 marts 1970 af Myndighedslov, *in* 1970 *Lovtidende A* p. 397–404. (Section 1, p. 397).

[11] *Suomen Tasavallan Perustulait*. Helsinki, Werner Söderström, 1938. p. 378–399.

[12] Parliament Act of January 13, 1928, Articles 6–7, as amended, *in: Constitution Act and Parliament of Finland*. Helsinki, Ministry of Foreign Affairs, 1959. p. 30–31.

[13] Lag Nr. 341 av 30. maj 1969 om ändring av riksdagsordningen och Lag Nr. 342 av samme dag angaende ändring av lagen om Riksdagsmannaval, *in* 1969 *Finlands Författningsamling* p. 629–630.

[14] Lag Nr. 343 av 30, maj 1969 on ändring av lagen angaende förmynderskap, *in* 1969 *Finlands Författningssamling* p. 631.

[15] Lester Bernhard Orfield. *The Growth of Scandinavian Law*. Philadelphia, University of Pennsylvania Press, 1953. p. 110.

[16] Jens Peter Jensen-Stevns. *Grundlovaendring*. Slagelse, *Denmark*, ASAs Forlag, 1939. Appendix p. 2 ["p. 30"].

[17] *The Constitution of the Republic of Iceland*. Reykjavik, Ministry of Foreign Affairs, 1943. Sections 33–34, p. 10.

[18] The Fundamental Act of the 17th of May 1814 Sections 50 and 61, *in The Constitution of Norway and Other Documents of National Importance*. Oslo, Norwegian Academic Press, 1951. p. 54–56.

[19] *The growth of Scandinavian Law*, p. 177. *supra* note 15.

[20] Kongerigets Norges Grundlov av 17de Mai 1814, as amended, *in Norges Lover 1682–1969*. Oslo, Grondahl, 1970. Sections 50 and 61, p. 54–56.

[21] Lov Nr. 3 av 22, April 1927 on vergemal for umyndige, as amended, *in id.*, p. 1025 (Sections 1 and 2).

[22] *The Growth of Scandinavian Law*, p. 262. *Supra* note 15.

[23] *Sveriges Grundlager och tillhörende Färfattninger* Stockholm, Norstedt, 1957. p. 140.

[24] *Riksdagsordning*, dat. Stockholm den 22 juni 1866, med de därefter, och sist vid riksdagen i Stockholm ar 1971, av Konungen och riksdagen antagna förändringar, *in* 1971 *Svensv Författningssaming* Nr. 272 (SFS 1971: 272, June 17, 1971).

[25] *Id.*, Section 26.

[26] *Id.*, Section 14.

[27] *Föräldrebalk*, Chapter 9, Section 1, as amended by Lag av 23. maj. 1969, *in Sveriges Rikes Lag*. 91st ed., Stockholm, Norstedt. 1970. p. 77.

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## AGE LIMITATION FOR ELECTION TO LEGISLATIVE BODIES—HISPANIC NATIONS

(Prepared by Dr. Rubens Medina, Chief, and Armando E. Gonzalez and David M. Valderrama, Senior Legal Specialist, Hispanic Law Division, Law Library, Library of Congress, October 1971.)

Before considering the specific provisions concerning age limitation for election of citizens to the legislative bodies, this office considers it necessary to indicate that in a number of instances, constitutional changes have occurred under extra-legal circumstances not always very well documented. The study of those jurisdictions where more constitutional changes have taken place, seems to suggest that even though the adoption of the new charters may have been promulgated with all due legal formalities, the processes through which the changes occurred may not be found completely recorded; and only very brief and general remarks were offered as introductory statements, usually in the form of "proclamas" or "preámbulos." The demand of present needs, more just organization and adjudication, response to the nation's reality, and a better preservation of the country's traditions and common objectives are among the reasons most frequently offered as justification for the changes introduced.

A deeper search for supporting arguments would require an exploration of nonlegal sources which this office can undertake if more time is made available.

The age limitation predominant among the Hispanic nations is 25 years of age for the members of the House of Representatives (Chamber of Deputies) and 35 years for members of the Senate. Changes concerning the above limitation have been introduced in the following countries:

### *1. Costa Rica*

The Constitution of June 8, 1917, established the age limit of 40 years for election as a Senator, and 25 years for the members of the Chamber of Deputies. These provisions were changed by the Constitution of November 7, 1949, which established the age of 21 years or more as a requisite for eligibility to the Legislative Assembly (Article 108).

### *2. Cuba*

The Constitutional Law of the Republic adopted on June 11, 1935, established 30 years of age as a minimum for election of members of the House of Representatives, thus lowering the previous age requirement for the corresponding legislative bodies set forth by the Constitution of 1901, of 35 and 25 years of age for the respective chambers. This change was allegedly introduced, "complying with the will of the people, with the spirit of the Fundamental Charter of 1901, and with the conquests of the revolution."[1]

The Fundamental Law of Cuba enacted in 1959 by the Castro regime simply suppressed Congress. This office has been unable to locate any useful material in this regard.

### *3. Ecuador*

The Constitutions of 1906 and 1929 maintained the same age limitations for both Chambers: 30 and 21 years of age for Senators and members of the House, respectively (Article 44, Section 2, and Article 51; Article 36, Section b) and Article 43, respectively).

The Country adopted the unicameral system by virtue of a new Constitution adopted in 1945, which established the age limit of 25 years for members of the then-called National Assembly. The new charter was in force slightly over one year.

Another Constitution adopted in December 1946, reestablished the two chambers setting the age limits at a minimum of 25 years for the members of the House, and 35 years for the Senators. These provisions have remained unchanged in spite of the adoption of two more Constitutions (1960 and 1967).

### *4. Guatemala*

The age limit of 21 years was maintained from the Constitution of 1879 as a requisite for those elected as Deputies to the General Assembly, to the Constitution enacted on September 15, 1965, whereby the minimum age was established at 30 years for Deputies to the Congress (Article 163).

### *5. Honduras*

This country, which has a unicameral system, established the minimum age of 25 years for members of Congress. This limit was apparently lowered by the Constitution of 1965 which contains no provisions concerning age, but grant political rights only to citizens who are 18 years of age and over (Article 34). Again, no specific arguments were offered in any legal document or related literature to support such change.

### *6. Nicaragua*

The age limits of 40 and 25 years were maintained for the House and Senate, respectively, up to the Constitution of November 1, 1950, by which the age limit for senators was changed to 35 years (Article 154). No supporting arguments are available at this time.

### *7. Venezuela*

The first change was introduced by the Constitution of 1904 which established the age limits of 21 and 30 years for members of the House and for the Senate, respectively, from 25 and 30 years of age previously required by the Constitution of 1901. This limit was maintained until the Constitution of 1936 which reestablished the limit set forth by the Constitution of 1901 (25 and 30 years of age).

The Constitution of April 11, 1953, again changed the limit to 21 and 30 years of age, respectively. No special reasons appear to be available.

### *8. Philippines*

There are constitutional age limitations for election to the legislature of the Philippines. Under the Constitution of 1935, as originally adopted, the legislature consisted of a unicameral body called the National Assembly, the age qualification for which was 30 years.[2]

Professor Aruego, a leading Filipino constitutionalist states that the age for membership in the National Assembly was fixed at 30, . . . to insure the presence in that body of men of experience and maturity of judgment for legislative work.[3]

In 1940, the National Assembly was replaced by a bicameral Congress of the Philippines consisting of a Senate and a House of Representatives. The qualifying age for members was fixed at 25 and 35, respectively.[4] No treatise or record of any debate in the former National Assembly has been located explaining the change.

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[1] Introductory statement. Carlos Mendieta, provisional President and his Cabinet.

[2] Constitution of the Philippines adopted by the Philippine Constitutional Convention at the City of Manila . . . on the 8th day of February 1935. Washington, 1935. p. 17 p.

[3] Aruego, Jose M. *The Framing of the Philippine Constitution, Manila,* University Publishing Co., Inc., 1949. pp. 250–251.

[4] Constitution of the Philippines, as amended . . . Manila, Bureau of Printing, 1949, 39 p.

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By Mr. CRANSTON (for himself, Mr. NELSON, and Mr. TUNNEY):

S.J. Res. 6. A joint resolution to establish the Tule Elk National Wildlife Refuge. Referred to the Committee on Commerce.

### TULE ELK NATIONAL WILDLIFE REFUGE

Mr. CRANSTON. Mr. President, I rise to introduce for appropriate reference a Senate joint resolution to create the Tule Elk National Wildlife Refuge. I am pleased to be joined by Senator GAYLORD NELSON and Senator JOHN TUNNEY in the sponsorship of this resolution.

On October 14, 1969, I introduced S. 3028, a bill to authorize a feasibility study of the desirability of establishing a national wildlife refuge for California is meagre population of tule elk. A number of companion bills were introduced in the House, and hearings were held in both the House and the Senate in March 1970. No further legislative action occurred on these measures in the 91st Congress.

Early in the 92d Congress, on April 5, 1971, with the support of Senators TUNNEY, and NELSON, I introduced Senate Joint Resolution 84, a joint resolution to establish the Tule Elk National Wildlife Refuge. This resolution was basically the same as the one I am offering today. The ony change is that the resolution recognizes the State of California's statute, approved October 27, 1971, which provides for the restoration of the tule elk to a statewide species level of at least 2,000. My resolution declares that it is Federal policy to cooperate with the statewide goal of restoring the tule elk herd to at least 2,000 members. To carry out this policy, the Secretary of the Interior is authorized to acquire such lands in the Owens Valley as may be necessary to effect the increase. Such acquired lands and all other lands in the Owens Valley watershed under Interior Department jurisdiction shall constitute the Tule Elk National Wildlife Refuge.

In addition, the Secretary is authorized to relocate some of the tule elk in various other areas of California under Federal or State jurisdiction where the elk may be ecologically compatible and where there is mutual agreement among the parties involved.

The Secretary is also authorized by the resolution to enter into a cooperative wildlife management agreement with the State of California so long as such agreement is compatible with the purposes of the resolution.

Finally, the Secretary of Agriculture is required to manage the Inyo National Forest in compliance with the purposes of this resolution, which may specifically involve decreasing the number of grazing permits issued by the U.S. Forest Service.

Mr. President, when I introduced Senate Joint Resolution 84 in 1971, the official count of tule elk in the Owens Valley was 291. Unfortunately, the official count made by the Department of Fish and Game for 1972 is down 11 from the 1971 level with only 280 tule elk. These 280 tule elk in the Owens Valley are the only free-roaming, unfenced survivors—unhybridized—of a species which formerly was common to the Sacramento and San Joaquin Valleys of California. The tule elk has waged a persistent and remarkable struggle for survival during the past century, having, in 1885, been reduced to a minimum of 28 animals. In fact the harassment of the tule elk was so intense that it survives today in an area where it is not indigenous. It was introduced into the Owens Valley, which is east of the Sierra Nevada Mountains, only 40 years ago. The elk has not survived unfenced and free-roaming in California's central valleys where it is endemic.

The reasons for saving the tule elk range from scientific to ethical to pragmatic. Perhaps the best way I can summarize my feeling about the urgency of insuring a future for this little elk is that in an age where man's defilement of the biosphere has reached a state where there is serious question about whether environmental degradation is still reversible, at such a time every variety of life form must be considered a precious resource to be protected and nurtured. We can view them as genetic reservoirs, so to speak, which at some time in the future we may discover to be essential to the continuation of life on earth. This is especially true since ecologists are only beginning to understand the function and importance of diversity among life forms in the defenses and survival of the ecosystems which perpetuate the biosphere. In a manner not yet understood, the preservation of large native mammals may prove to be an essential key to man's environmental struggle for survival.

I am pleased that Congressman JOHN DINGELL of Michigan, chairman of the House Subcommittee on Fisheries and Wildlife Conservation, and a distinguished and able friend of the tule elk, will be sponsoring a similar resolution in the House of Representatives. I believe that the tule elk deserves the protected status that would result from the enactment of my resolution and that Federal policy should restore this little elk to a species level of at least 2,000.

Mr. President, I ask unanimous consent that the text of the joint resolution to establish the Tule Elk National Wildlife Refuge be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 6

Whereas the tule elk once roamed the grasslands of central California in large numbers but has had to wage a persistent struggle for survival during the past century, as evidenced by the fact that the population was reduced to twenty-eight animals at one time; and

Whereas the tule elk, which is considered to be a rare, but not an endangered, species by the Department of the Interior, presently exists in a herd of approximately two hundred and eighty head in the Owens Valley area of California where such animals were introduced four decades ago, but large-scale grazing of cattle in that area has resulted in a reduced amount of forage available for the tule elk; and

Whereas the State of California has recognized the principle of conservation that any species of less than two thousand in number is a vanishing one that is highly subject to extinction, and has, therefore, established, by statute, a policy to restore the tule elk to the species level of at least two thousand statewide; and

Whereas the protection and maintenance of tule elk in a free and wild state is of educational, scientific and esthetic value to the people of the United States and its struggle to survive epitomizes the worldwide threat to the large browse and graze mammals whose environments are shrinking and are being depleted as a result of civilization's incursions: Now, therefore, be it.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That as used in this joint resolution, the term "Owen River watershed area" means that area of land in Inyo County, California, which is south of Laws but not south of the northern most point of Owens Lake and which is bounded on both the east and west by the Inyo National Forest.

Sec. 2. (a) The Secretary of the Interior (hereafter referred to in this joint resolution as the "Secretary") is authorized to acquire any land and any easements, grazing rights, or other interests in land within the Owen River watershed area which he determines to be suitable for carrying out the purposes of this joint resolution; except that nothing in this Act shall be construed as authorizing the Secretary to acquire any rights to water which are held on the date of the enactment of this Act or may be acquired after such date by any State or local agency. All lands and interests in lands acquired pursuant to the preceding sentences and all lands (including withdrawn lands) within the Owens River watershed area which on January 1, 1971, were under the jurisdiction of the Secretary shall be known as the Tule Elk National Wildlife Refuge (hereafter referred to in this joint resolution as the "refuge") which shall be established and maintained in an ecologically and environmentally sound manner in accordance with the laws and regulations relating to the national wildlife refuge system subject to the following conditions:

(1) The refuge shall be managed so as to build and sustain a herd of tule elk which at no time numbers less than two thousand and, in order to achieve this purpose, the Secretary shall to the extent necessary limit the issuance of grazing and other land-use rights within the refuge; except that if the Secretary at any time finds that the herd within the refuge cannot be maintained at a minimum of two thousand head, he shall take such action as may be necessary to insure that the total number of tule elk at least equals such number, and such action may include the relocation of an appropriate number of tule elk to—

(A) other land within California under the jurisdiction of the Department of the Interior, including but not limited to Point Reyes National Seashore and San Luis National Wildlife Refuge.

(B) land within California under the jurisdiction of any other Federal agency, but the relocation and management of such elk shall be subject to such arrangement as may be mutually agreeable to the Secretary and the chief executive officer of such agency;

(C) land under the jurisdiction of the State of California, but the relocation and management of such elk shall be subject to such cooperative agreement as may be mutually agreeable to the Secretary and the appropriate official of the State; or

(D) any combination of (A), (B), and (C),

(2) The Secretary and the appropriate official of the State of California may enter into, and from time to time modify, a cooperative agreement consistent with the purposes of this joint resolution with respect to the management of fish and wildlife within the refuge and such agreement may provide that—

(A) all or part of the laws and regulations of the State of California relating to the taking of fish and wildlife shall apply within the refuge; and

(B) no person may take any fiish or wildlife within the refuge unless he holds a valid fishing or hunting license, as the case may be, issued by the State of California.

(b) The Secretary of Agriculture, in cooperation with the Secretary, shall, to the extent practicable, limit grazing and other public uses in the areas of the Inyo National Forest which adjoin the refuge in a manner appropriate to achieve the purposes of this joint resolution.

Sec. 3. (a) There are hereby authorized to be appropriated, to remain available until expended, such sums as may be necessary for the acquisition of lands and interests in lands the acquisition of which is authorized by this joint resolution.

(b) For the purposes of section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the tule elk shall be deemed to be a species of wildlife that is threatened with extinction and the Tule Elk National Wildlife Refuge a national area authorized for the preservation of such species.

By Mr. HARTKE:

S.J. Res. 8. A joint resolution to protect nondisclosure of information and sources of information coming into the possession of the news media. Referred to the Committee on the Judiciary.

### FREEDOM OF THE PRESS

Mr. HARTKE. Mr. President, in recent months we have seen a substantial erosion of one of the basic foundations of our society. The concept of "freedom of the press" has been subjected to a substantially different interpretation by the courts and by the administration than our constitutional fathers intended. In giving substance to the constitutional mandate of freedom of the press, our constitutional fathers recognized as essential to a free press and democratic society the unconstrained flow of information to the public.

The right to gather news is basic to a free press because, without freedom to gather information, "freedom of the press" would be deprived of much of its value. The general principle that news must not be unnecessarily cut off at its source is fundamental to the concept of a free flow of information to the public. The framers of the Bill of Rights recognized that the right to gather news was an implicit guarantee of the first amendment. As James Madison once wrote:

> A popular government without popular information or the means of acquiring it is but a prologue to a farce or tragedy or perhaps both.

Similarly, modern commentators have also receognized the crucial importance of the news gathering function of the press:

> If the public opinion which directs the conduct of governmental affairs is to have any validity and if the people are to be capable of real self rule, access to all relevant facts upon which rational judgments may be made must be provided.

The late Alexander Meiklejohn stated the same view thusly:

> Self government can exist only insofar as the voters acquire the intelligence, integrity, sensitivity, and generous devotion to the general welfare that, in theory, casting a ballot is assumed to express . . .

As such:

> Public discussions of public issues, together with the spreading of information and opinion bearing on those issues, must have a freedom unabridged by (government control).

In its earlier decisions, the Supreme Court implicitly recognized a constitutionally protected right to gather news for publication. In Zemel against Rusk, the Court held that the Secretary of State's denial of a passport for travel to Cuba did not violate a citizen's first amendment right to gather information about that country. Suggesting that a right to gather information does exist, however, the Court concluded that the "right to speak and publish does not carry with it the unrestrained right to gather information," and that "the weightiest considerations of national security" necessitated this particular restraint. In Associated Press against United States, certain bylaws of the Associated Press were held to be in violation of the Sherman Act, because they prevented nonmember newspapers from purchasing news from the Associated Press or its publisher members and thus curtailed publication of competitive newspapers. The Court, however, noted that the first amendment provided at substantial argument in support of the application of the antitrust laws, because the bylaws denied nonmember newspapers access to sources of information:

> That amendment rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public and that a free press is a condition of a free society. Surely a command that the government itself shall not impede the flow of ideas does not afford nongovernment combinations a refuge if they impose restraints upon that constitutionally guaranteed freedom.

Finally, and most recently, Justice White, speaking for the majority in Branzburg against Hayes, said:

> Nor is it suggested that newsgathering does not qualify for First Amendment protection; without some protection for seeking out the news, freedom of press could be eviscerated.

The existence of a right to gather news is thus derived both from the central position a free press occupies in a democratic system of government and from its relation to other rights established by existing cases interpreting the freedom of press clause.

Therefore, having established that freedom of the press carries with it a corollary right to gather the news, it follows that a testimonial newsman's privilege or immunity is likewise constitutionally mandated because of the adverse effects of compelled disclosure upon this newsgathering function. Surveys of the press indicate that a substantial number of newspaper stories are based on information gained through a confidential relationship. Furthermore, such stories may be of particular value to the public. Crime, political corruption, and unpopular views and ideas are subjects which might only be discussed through confidential informer-reporter relationships, and the public may lack other sources to the information. Compelling a reporter to disclose his sources in open court or before a grand jury would have the effect of deterring potential sources from communicating to the public through confidential relationships with reporters, thereby restricting the free flow of public information in these sensitive areas. Second, the flow of news would be restrained because newsmen would probably temper their reporting so as to reduce the possibility that they would be called upon to testify. A reporter might also suppress certain information if he felt that to do so might encourage his sources to give him more information in the long run. Or, out of sympathy with the goal of his sources, a reporter might be more likely to suppress damaging information.

The question then becomes whether the constitutional right to protect confidential informant-reporter relationships constitutes an absolute immunity from being made to appear and testify in civil and criminal trials and legislative hearings or is rather in the nature of a qualified privilege to withhold only certain types of information after the reporter has appeared for interrogation. There is constitutional authority to support the argument that because of the uniquely sensitive relationship involved and the paramount importance of a free press to our society, only an absolute immunity will adequately secure the rights involved.

The Supreme Court has traditionally accorded all first amendment freedoms a special deference because of their peculiar susceptibility to government inhibition and has repeatedly emphasized the need for certainty and predictability in any government regulation of their exercise. As such, the Court has frequently struck down State statutes and regulations which because of vagueness and overbreadth threaten to "chill" or deter individuals in exercising these rights. Furthermore, such certainty is especially necessary to a free press because otherwise parties responsible for dissemination of information to the public will be unable to predict when the State can suppress their activities. Thus, there is a substantial possibility that they will unduly censor their publications to avoid government interference.

The deterrent effect of even a limited subpena power may be analogized to the inhibiting effect of vague or overbroad statutes affecting speech or the press. In most cases, confidential disclosures to a reporter would probably be substantially diminished by the mere threat that he may be subsequently subpenaed regardless of whether disclosure may actually be compelled. If any possibility exists that at some future time a judge may determine that a reporters attendance or testimony is justified by the circumstances, sources will no longer be willing to disclose information in confidence because of the uncertainty whether they may later be exposed. Furthermore, because of the specter of closed door secrecy surrounding grand jury hearings and investigations, sources could never be certain that a reporter's qualified privilege to withhold confidential information detrimental to their interests is being properly respected. Therefore, the sum effect of a qualified testimonial privilege for reporters and newsmen would be about the same as no privilege at all in terms of the chilling effect upon confidential informant-reporter communications and consequent obstruction of public information.

Consequently, the legislation that I introduce today provides the protection that appears to be necessary if we are to maintain the public's right to a free flow of information.

During the last session of Congress, the Subcommittee on Constitutional Rights of the Committee on the Judiciary conducted hearings on the "Freedom of the Press." Since much of the recent action to curb that basic freedom has affected the broadcast media, it is my hope that the Communications Subcommittee of the Commerce Committee will also delve into this area. In fact, joint hearings might be the best course to pursue to develop the appropriate legislative response to the attack on the first amendment.

Mr. President, I ask unanimous consent that the text of the joint resolution which I introduce at this time, which would guarantee freedom of the press, be printed in the RECORD as a part of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 8

Joint resolution to protection nondisclosure of information and sources of information coming into the possession of the news media

Whereas it is vital to the health of a democratic society that the press remain free of governmental restraints; and

Whereas recent court decisions have jeopardized the ability of the press to collect information from confidential sources; and

Whereas the inability of the press to hold confidential information or sources of information is a single threat to the continued functioning of a free and great Republic: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person employed by or otherwise associated with any newspaper, periodical, press association, newspaper syndicate, wire service, or radio or television station, or who is independently engaged in gathering information intended for publication or broadcast cannot be required by a court, the legislature, or any administrative body, to disclose before the Congress or any other Federal court or agency, any information or the source of any information procured for publication or broadcast.

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By Mr. SCHWEIKER (for himself and Mr. SCOTT of Pennsylvania):

S.J. Res. 10. A joint resolution to amend the Constitution of the United States to provide voluntary nondenominational prayer in public schools and buildings. Referred to the Committee on the Judiciary.

THE SCHOOL PRAYER AMENDMENT

Mr. SCHWEIKER. Mr. President, I introduce today on behalf of myself and Senator SCOTT a joint resolution proposing a constitutional amendment to permit voluntary, nondenominational prayer or meditation in public schools and buildings. I introduce the school prayer amendment because of my disagreement with U.S. Supreme Court decisions of the 1960's which held school prayer unconstitutional. I believe prayer has a rightful place in our public schools and I believe the great majority of Americans share my belief.

My joint resolution contains two important clarifying points which many proponents of prayer feel makes it the most comprehensive proposal of its kind. First, it affords maximum flexibility by permitting either prayer or meditation, insuring that individual religious expression will be truly voluntary and nondenominational. Second, the wording of my joint resolution specifies "schools." Our public schools have been the center of the controversy over prayer, and I want to emphasize my intention to return prayer to the classroom.

Mr. President, as originally drafted and interpreted, the first amendment to the Constitution did not deny the right to voluntary, nondenominational prayer in schools. In fact, public prayer in this country is a well-established tradition. Congress opens each daily session with a prayer.

Many Government meetings and functions are begun with prayer. Chaplains and representatives of organized religions participate in many Government activities. And in none of these instances is the first amendment violated.

However, the Supreme Court's interpretation of the first amendment banning school prayer makes it necessary for Congress to specifically mandate by constitutional amendment the right of the people "lawfully assembled to participate voluntarily in nondenominational prayer or meditation." As Citizens for Public Prayer, a national prayer organization, explains—

> This process of restoration is not an attack on the First Amendment but rather a defense and reaffirmation of it. It is by no means a matter of repealing or even tampering with the First Amendment. It is a question of clarifying the Amendment so that it is in accord with the clear will of the nation.

There is no doubt in my mind that public support of the school prayer amendment is at an all-time high. My mail and travels throughout Pennsylvania convince me that the majority of my constituents approve of voluntary prayer in public schools. Public opinion polls taken since the Supreme Court prayer ban indicate that as many as eight of 10 Americans favor restoration of prayer.

And as many of my colleagues are aware, the 1972 Republican Party platform contained a strongly worded plank in favor of school prayer.

The plank read:

> We affirm our view that voluntary prayer should be freely permitted in public places—particularly by schoolchildren while attending public schools—provided that such prayers are not prepared or prescribed by the state or any of its political subdivisions and that no person's participation is coerced, thus preserving the traditional separation of church and state.

Mr. President, I believe the time is right to amend the Constitution to restore the right of prayer to the people, and I urge swift and affirmative action by the Senate on this proposed constitutional amendment. I ask unanimous consent that the full text of the joint resolution be printed in the Record at this time.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 10

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein)*, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Article —

"Section 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public school or other public building which is supported in whole or in part through the expenditure of public funds, to participate voluntarily in nondenominational prayer or meditation.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

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By Mr. HOLLINGS:

S.J. Res. 11. A joint resolution to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973. Referred to the Committee on the Judiciary.

### LAW DAY

Mr. HOLLINGS. Mr. President, I send to the desk a joint resolution and ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

On May 1, America observes Law Day, an annual observance of respect for the judicial system. I was proud that last year, through congressional approval of a resolution I sponsored, the scope of the celebration was widened to include special recognition for the country's law enforcement personnel.

For many years, Law Day has been a tradition observed in courtrooms and classrooms. It has been by and for judges, lawyers and law students. In essence, it has always been a day reserved for the theorists of the law.

But law does not begin or end in the courtrooms or the law schools. It operates on the beat, in precinct stations and in prisons. Public Law 92–282 which was signed into law on April 26, 1972, for the first time allocated a portion of Law Day to the enforcers of the law. Sheriff's deputies, highway patrolmen, police, and other law enforcement men and women—are a vital part of the legal profession. In fact, they are its very foundation.

Our law enforcement personnel face formidable challenges today in protecting our rights and our properties. Nineteen policemen were killed in ambush in 1970. Activism fills the streets, and our law officers must be both safety personnel and diplomats, trying to maintain a balanced perspective. They meet the difficult obligation of upholding and enforcing our laws. They have earned our praise and our appreciation.

Congress in 1971 dedicated May 1 as Law Day, focusing on national rights and liberties under law. I hope that Congress through appropriated legislative action, will continue what we began in 1972, by seeing that a part of each Law Day belongs to the law officer. I am reintroducing my resolution to accomplish this on May 1, 1973 and I urge its favorable consideration. We owe our law enforcement personnel no less.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 11

Whereas the first day of May of each year was designated as Law Day, U.S.A. and was set aside as a special day of celebration by the American people in appreciation of their liberties and in reaffirmation of their loyalty to the United States of America; and of their rededication to the ideals of equality and justice under law in their relations with each other as well as with other nations; and for the cultivation of that respect for law that is so vital to the democratic way of life: Be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the celebration of Law Day, May 1, 1973, special emphasis be given by a grateful people to the law enforcement officers of the United States of America for their unflinching and devoted service in helping to preserve the domestic tranquillity and guaranteeing to the individual his rights under the law.

## SENATE RESOLUTION 10—MODIFICATION OF RULE XXV OF STANDING RULES OF SENATE

Mr. MANSFIELD. Mr. President, I send to the desk a resolution which has been cleared with the distinguished Republican leader, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

Senate Resolution 10

*Resolved,* That paragraph 2 of Rule XXV of the Standing Rules of the Senate is modified to read as follows:

"2. Except as otherwise provided by paragraph 6 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

| "Committee: | *Members* |
|---|---|
| "Aeronautical and Space Sciences | 13 |
| "Agriculture and Forestry | 14 |
| "Appropriations | 26 |
| "Armed Services | 15 |
| "Banking, Housing, and Urban Affairs | 16 |
| "Commerce | 17 |
| "Finance | 17 |
| "Foreign Relations | 17 |
| "Government Operations | 16 |
| "Interior and Insular Affairs | 13 |
| "Judiciary | 16 |
| "Labor and Public Welfare | 16 |
| "Public Works | 14." |

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

## SENATE RESOLUTION 12—MAJORITY PARTY'S MEMBERSHIP ON STANDING COMMITTEES AND SELECT COMMITTEE ON SMALL BUSINESS

Mr. MANSFIELD. Mr. President, before I send the next resolution to the desk, I want to say for the record that it represents the selection of Democratic members of the several committees of the Senate, that the selections were made initially by the Democratic Steering Committee, which consists of 19 members this year, that the members of that committee were free to vote for any member of the committee whom they desired and any chairman whom they desired. It was not a question of seniority. It was a question of geography in some instances, philosophy in other instances, with seniority playing a part but with the members, by secret ballot, determining the choices which were made.

These selections were then presented to the Democratic conference this morning. The committees were voted on en bloc. The chairmen were voted on singly, and the results were that the committees and the chairmen, on the basis of the procedure outlined, received unanimous votes.

It is the intention of the majority leader to ask for a vote en bloc on each committee, but before that vote occurs, for a vote singly on each chairman.

I send the resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. Res. 12

*Resolved,* That the following shall constitute the majority party's membership on the standing committees and the Select Committee on Small Business of the Senate for the Ninety-third Congress:

Committee on Aeronautical and Space Sciences: Mr. Moss (Chairman), Mr. Magnuson, Mr. Symington, Mr. Stennis, Mr. Cannon, Mr. Abourezk, Mr. Haskell.

Committee on Agriculture and Forestry: Mr. Talmadge (Chairman), Mr. Eastland, Mr. McGovern, Mr. Allen, Mr. Humphrey, Mr. Hathaway, Mr. Huddleston, Mr. Clark.

Committee on Appropriations: Mr. McClellan (Chairman), Mr. Magnuson, Mr. Stennis, Mr. Pastore, Mr. Bible, Mr. Byrd of West Virginia, Mr. McGee, Mr. Mansfield, Mr. Proxmire, Mr. Montoya, Mr. Inouye, Mr. Hollings, Mr. Bayh, Mr. Eagleton, Mr. Chiles.

Committee on Armed Services: Mr. Stennis (Chairman), Mr. Symington, Mr. Jackson, Mr. Ervin, Mr. Cannon, Mr. McIntyre, Mr. Byrd of Virginia, Mr. Hughes, Mr. Nunn.

Committee on Banking, Housing, and Urban Affairs: Mr. Sparkman (Chairman), Mr. Proxmire, Mr. Williams, Mr. McIntyre, Mr.

Cranston, Mr. Stevenson, Mr. Johnston, Mr. Hathaway, Mr. Biden.

Committee on Commerce: Mr. Magnuson (Chairman), Mr. Pastore, Mr. Hartke, Mr. Hart, Mr. Cannon, Mr. Long, Mr. Moss, Mr. Hollings, Mr. Inouye, Mr. Tunney.

Committee on Finance: Mr. Long (Chairman), Mr. Talmadge, Mr. Hartke, Mr. Fulbright, Mr. Ribicoff, Mr. Byrd of Virginia, Mr. Nelson, Mr. Mondale, Mr. Gravel, Mr. Bentsen.

Committee on Foreign Relations: Mr. Fulbright (Chairman), Mr. Sparkman, Mr. Mansfield, Mr. Church, Mr. Symington, Mr. Pell, Mr. McGee, Mr. Muskie, Mr. Humphrey, Mr. McGovern.

Committee on Government Operations: Mr. Ervin (Chairman), Mr. McClellan, Mr. Jackson, Mr. Muskie, Mr. Ribicoff, Mr. Metcalf, Mr. Allen, Mr. Chiles, Mr. Huddleston, Mr. Nunn.

Committee on Interior and Insular Affairs: Mr. Jackson (Chairman), Mr. Bible, Mr. Church, Mr. Metcalf, Mr. Johnston, Mr. Abourezk, Mr. Haskell.

Committee on the Judiciary: Mr. Eastland (Chairman), Mr. McClellan, Mr. Ervin, Mr. Hart, Mr. Kennedy, Mr. Bayh, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Tunney.

Committee on Labor and Public Welfare: Mr. Williams (Chairman), Mr. Randolph, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Stevenson.

Committee on Public Works: Mr. Randolph (Chairman), Mr. Muskie, Mr. Montoya, Mr. Gravel, Mr. Bentsen, Mr. Burdick, Mr. Clark, Mr. Biden.

Committee on Rules and Administration: Mr. Cannon (Chairman), Mr. Pell, Mr. Byrd of West Virginia, Mr. Allen, Mr. Williams.

*Resolved,*

Committee on Post Office and Civil Service: Mr. McGee (Chairman), Mr. Randolph, Mr. Burdick, Mr. Hollings, Mr. Moss.

Committee on the District of Columbia: Mr. Eagleton (Chairman), Mr. Inouye, Mr. Stevenson, Mr. Tunney.

Committee on Veterans Affairs: Mr. Hartke (Chairman), Mr. Talmadge, Mr. Randolph, Mr. Hughes, Mr. Cranston.

Select Committee on Small Business: Mr. Bible (Chairman), Mr. Sparkman, Mr. Nelson, Mr. McIntyre, Mr. Pell, Mr. Nunn, Mr. Johnston, Mr. Hathaway, Mr. Abourezk, Mr. Haskell.

Mr. METCALF. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. METCALF. Are these selections of committees open to amendment under the rules of the Senate?

The PRESIDING OFFICER. Yes; they would be open to amendment.

Mr. METCALF. As I understand it, then, any Member could amend or suggest another Member as chairman of this committee?

The PRESIDING OFFICER. That is correct.

Mr. METCALF. If we have a call of the roll on the other committees, we could suggest an amendment to the membership on those committees?

The PRESIDING OFFICER. That is correct.

Mr. METCALF. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? Without objection, the Senate will now proceed to consider the resolution.

Mr. MANSFIELD. Mr. President, I ask for a voice vote on each chairman and on the membership of each committee en bloc. If any Senator wants a record vote, it will be accorded him.

The PRESIDING OFFICER. The question is on agreeing to the chairman of the Committee on Aeronautics and Space Sciences, the Senator from Utah (Mr. Moss. (Putting the question.) The chairman is agreed to.

The PRESIDING OFFICER. The clerk will report the Democratic committee members.

The LEGISLATIVE CLERK. Senators MAGNUSON, SYMINGTON, STENNIS, CANNON, ABOUREZK, and HASKELL.

The PRESIDING OFFICER. The question is on agreeing en bloc to the Democratic committee members. [Putting the question.] The Democratic committee members are agreed to.

The clerk will report the next committee chairman.

The LEGISLATIVE CLERK. The Committee on Agriculture and Forestry, Mr. TALMADGE, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman. [Putting the question.] The committee chairman is agreed to.

The clerk will report the Democratic committee members.

The LEGISLATIVE CLERK. Senators EASTLAND, MCGOVERN, ALLEN, HUMPHREY, HATHAWAY, HUDDLESTON, and CLARK.

The PRESIDING OFFICER. The question is on agreeing to the Democratic committee members. [Putting the question.] The Democratic committee members are agreed to.

The clerk will report the next chairman.

The LEGISLATIVE CLERK. The Committee on Appropriations, Mr. MCCLELLAN, chairman.

The PRESIDING OFFICER. The question is on agreeing to the selection of the chairman. [Putting the question.] The chairman is agreed to.

The clerk will report the Democratic committee members.

The LEGISLATIVE CLERK. Senators MAGNUSON, STENNIS, PASTORE, BIBLE, ROBERT C. BYRD, MCGEE, MANSFIELD, PROXMIRE, MONTOYA, INOUYE, HOLLINGS, BAYH, EAGLETON, and CHILES.

The PRESIDING OFFICER. The question is on agreeing to the Democratic committee members. [Putting the question.] The Democratic committee members are agreed to.

The clerk will report the next chairman.

The LEGISLATIVE CLERK. The Committee on Armed Services, Mr. STENNIS, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman. [Putting the question.] The chairman is agreed to.

The clerk will report the Democratic committee members.

The LEGISLATIVE CLERK. Senators SYMINGTON, JACKSON, ERVIN, CANNON, MCINTYRE, HARRY F. BYRD, HUGHES, and NUNN.

The PRESIDING OFFICER. The question is on agreeing to the Democratic committee members. [Putting the question.]

The Democratic committee members are agreed to.

The clerk will report the next chairman.

The LEGISLATIVE CLERK. The Committee on Banking, Housing and Urban Affairs, Mr. SPARKMAN, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman. [Putting the question.] The chairman is agreed to.

The clerk will report the selection of the Democratic members of the committee.

The LEGISLATIVE CLERK. Senators PROXMIRE, WILLIAMS, MCINTYRE, CRANSTON, STEVENSON, JOHNSTON, HATHAWAY, and BIDEN.

The PRESIDING OFFICER. The question is on agreeing to the Democratic members of the committee. [Putting the question.] The Democratic committee members are agreed to.

The clerk will report the next chairman.

The LEGISLATIVE CLERK. The Committee on Commerce, Mr. MAGNUSON, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman. [Putting the question.] The chairman is agreed to.

The clerk will report the Democratic members of the committee.

The LEGISLATIVE CLERK. Senators PASTORE, HARTKE, HART, CANNON, LONG, MOSS, HOLLINGS, INOUYE, and TUNNEY.

The PRESIDING OFFICER. The question is on agreeing to the Democratic members of the committee. [Putting the question.]

The Democratic members of the committee are agreed to.

The clerk will report the next chairman.

The LEGISLATIVE CLERK. The Committee on Finance, Mr. LONG, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman. [Putting the question.] The chairman is agreed to.

The clerk will report the Democratic members of the committee.

The LEGISLATIVE CLERK. Senators TALMADGE, HARTKE, FULBRIGHT, RIBICOFF, HARRY F. BYRD, NELSON, MONDALE, GRAVEL, and BENTSEN.

The PRESIDING OFFICER. The question is on agreeing to the Democratic members of the committee. [Putting the question.]

Democratic members of the committee are agreed to.

The clerk will report the next chairman.

The LEGISLATIVE CLERK. The Committee on Foreign Relations, Mr. FULBRIGHT, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman. [Putting the question.] The chairman is agreed to.

The clerk will report the Democratic members of the committee.

The LEGISLATIVE CLERK. Senators SPARKMAN, MANSFIELD, CHURCH, SYMINGTON, PELL, MCGEE, MUSKIE, MCGOVERN, and HUMPHREY.

The PRESIDING OFFICER. The question is on agreeing to the Democratic members of the committee. [Putting the question.] The Democratic members of the committee are agreed to.

The clerk will report the next chairman.

The LEGISLATIVE CLERK. The Committee on Government Operations, Mr. ERVIN, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman [putting the question]. The chairman is agreed to.

The clerk will report the Democratic members of the committee.

The Legislative Clerk. Senators McClellan, Jackson, Muskie, Ribicoff, Metcalf, Allen, Chiles, Huddleston, and Nunn.

The PRESIDING OFFICER. The question is on agreeing to the Democratic members of the committee [putting the question]. The Democratic members of the committee are agreed to.

The clerk will report the selection of the next chairman.

The Legislative Clerk. The Committee on Interior and Insular Affairs, Mr. Jackson, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman [putting the question]. The chairman is agreed to.

The clerk will report the Democratic members of the committee.

The Legislative Clerk. Senators Bible, Church, Metcalf, Johnston, Abourezk, and Haskell.

The PRESIDING OFFICER. The question is on agreeing to the Democratic members of the committee [putting the question]. The Democratic members of the committee are agreed to.

The clerk will report the next chairman.

The Legislative Clerk. The Committee on the Judiciary, Mr. Eastland, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman [putting the question].

The chairman is agreed to.

The clerk will report the Democratic members of the committee.

The Legislative Clerk. Senators McClellan, Ervin, Hart, Kennedy, Bayh, Burdick, Robert C. Byrd, and Tunney.

The PRESIDING OFFICER. The question is on agreeing to the Democratic members of the committee [putting the question]. The Democratic members of the committee are agreed to.

The clerk will report the selection of the next chairman.

The Legislative Clerk. The Committee on Labor and Public Welfare, Mr. Williams, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman [putting the question]. The chairman is agreed to.

The clerk will report the selection of the Democratic members of the committee.

The Legislative Clerk. Senators Randolph, Pell, Kennedy, Nelson, Mondale, Eagleton, Cranston, Hughes, and Stevenson.

The PRESIDING OFFICER. The question is on agreeing to the Democratic members of the committee [putting the question]. The Democratic members of the committee are agreed to.

The clerk will report the selection of the next chairman.

The Legislative Clerk. The Committee on Public Works, Mr. Randolph, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman [putting the question]. The chairman is agreed to.

The clerk will report the Democratic members of the committee.

The Legislative Clerk. Senators Muskie, Montoya, Gravel, Bentsen, Burdick, Clark, and Biden.

The PRESIDING OFFICER. The question is on agreeing to the Democratic members of the committee [putting the question]. The Democratic members of the committee are agreed to.

The clerk will report the next chairman.

The Legislative Clerk. The Committee on Rules and Administration, Mr. Cannon, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman [putting the question]. The selection of the chairman is agreed to.

The clerk will report the selection of the Democratic members of the committee.

The Legislative Clerk. Senators Pell, Robert C. Byrd, Allen, and Williams.

The PRESIDING OFFICER. The question is on agreeing to the Democratic members of the committee [putting the question]. The Democratic members of the committee are agreed to.

The clerk will report the next chairman.

The Legislative Clerk. The Committee on Post Office and Civil Service, Mr. McGee, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman [putting the question]. The chairman is agreed to.

The clerk will report the Democratic members of the committee.

The Legislative Clerk. Senators Randolph, Burdick, Hollings, and Moss.

The PRESIDING OFFICER. The question is on agreeing to the Democratic members of the committee [putting the question]. The Democratic members of the committee are agreed to.

The clerk will report the next chairman.

The Legislative Clerk. The Committee on the District of Columbia, Mr. Eagleton, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman [putting the question]. The chairman is agreed to.

The clerk will report the Democratic members of the committee.

The Legislative Clerk. Senators Inouye, Stevenson, and Tunney.

The PRESIDING OFFICER. The question is on agreeing to the Democratic members of the committee [putting the question]. The Democratic members of the committee are agreed to.

The clerk will report the next chairman.

The Legislative Clerk. The Committee on Veterans' Affairs, Mr. Hartke, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman [putting the question].

The chairman is agreed to.

The clerk will report the Democratic members of the committee.

The Legislative Clerk. Senators Talmadge, Randolph, Hughes, and Cranston.

The PRESIDING OFFICER. The question is on agreeing to Democratic members of the committee [putting the question]. The Democratic members of the committee are agreed to.

The clerk will report the next chairman.

The Legislative Clerk. The Select Committee on Small Business, Mr. Bible, chairman.

The PRESIDING OFFICER. The question is on agreeing to the chairman [putting the question]. The chairman is agreed to.

The clerk will report the Democratic members of the committee.

The Legislative Clerk. Senators Sparkman, Nelson, McIntyre, Pell, Nunn, Johnston, Hathaway, Abourezk, and Haskell.

The PRESIDING OFFICER. The question is on agreeing to the Democratic members of the committee [putting the question]. The Democratic members of the committee are agreed to.

## RESOLUTION TO INCREASE THE MEMBERSHIP OF THE SPECIAL COMMITTEE ON AGING

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER (Mr. Huddleston). Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 11) was considered and agreed to, as follows:

> *Resolved*, That the Special Committee on Aging, established by S. Res. 33, 87th Congress, agreed to on February 13, 1961, as amended and supplemented, shall hereafter consist of twenty-one members, twelve of whom shall be appointed from the majority party and nine of whom shall be appointed from the minority party.

## JOINT COMMITTEE ON ATOMIC ENERGY—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Stevens). The Chair, on behalf of the Vice President, under the provisions of section 2251 of title 42, United States Code, appoints the following Senator to fill a vacancy of the majority party membership to the Joint Committee on Atomic Energy: Mr. Montoya.

## SPECIAL COMMITTEE ON AGING—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, under the provisions of S. Res. 33, 87th Congress, agreed to on February 13, 1961, as amended and supplemented, appoints the following Senators to fill vacancies on the majority party membership on the Special Committee on Aging: Mr. Tunney, Mr. Chiles.

### JOINT COMMITTEE ON REDUCTION OF FEDERAL EXPENDITURES—APPOINTMENT BY VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with Public Law 77-250, and acting on the recommendation of the chairman of the Committee on Finance appoints the Senator from Indiana (Mr. HARTKE) to fill a vacancy of the majority party membership on the Joint Committee on Reduction of Federal Expenditures.

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### WE ARE ALL ACCOUNTABLE AND WE MUST ACT

Mr. McINTYRE. Mr. President, I find it outrageous that as we open this new Congress, we still find our prime task to be ending the war in Vietnam.

Most of us here, like most Americans, wish that somehow this painful tragic war would simply go away. We really do not want to think about it. In particular, we do not want to think about it in the last couple of months, because, just as a sense of relief at an imminent peace came over us, that peace eluded our grasp. Then, in a holiday season, came the awful bombing and our fatigued, numbed Nation could hardly accept the fact that not only had we missed the peace, but we had added still another new dimension of national wrongdoing to this war.

But we must confront the issue.

It is our duty. And especially it is our duty now, because the President's record in the last 2 months, whether or not before that, has demonstrated the desperate need for the reassertion of the constitutional system of checks and balances.

As Senator Styles Bridges, who understood Congress' constitutional responsibilities well, said over a generation ago, the responsibility for peace or war is too great for any one man and the last 2 months' experience has underlined once again the need for the Congress to act—for three reasons in particular.

First, it is now even clearer that many of us in this body, and I believe a majority of the American people, have a substantially different view of how to achieve peace in Vietnam than the administration. For years now this administration has sought peace by negotiation if possible—by military force if necessary. I believe that our Nation has wanted peace by negotiation if possible, but if not, simply to withdraw—the only condition being the return of our prisoners of war, safety for our withdrawing troops, and a full accounting of those missing in action. I will not recite here the treasures of life, money, nationhood and conscience that our Nation has spent in behalf of South Vietnam, but whatever our obligations may be we discharged them long ago and it is now time that South Vietnam must stand on its own.

But the President does not agree that we should withdraw from Vietnam in return for our prisoners of war if negotiations fail. Indeed, the speculation about the sincerity of Mr. Kissinger and the President in their pronouncements about the expectations for an early end to the war, timed as these announcements were immediately before the last election, misses this important point.

This Senator, who did indeed support these negotiations with his vote at a key point last fall, this Senator who has shared the Nation's hopes that negotiation would succeed, nevertheless has believed for years that if the differences could not be resolved through negotiation that we should simply withdraw in return only for our prisoners of war. The outstanding differences between the negotiators, described in the press reports, suggests that there are no remaining issues which in my view justify the continuation of this war.

And since the President and Mr. Kissinger do not agree with us on this, let us each meet our responsibility to the Constitution and let the Congress assert its view to the contrary.

The last 2 months' experience has underlined the need for the Senate to act for a second reason. I speak of the bombing itself, the character of the bombing. How hard it has been for us all, especially for this Senator, a combat veteran like many of his colleagues, to accept the undeniable facts about what we have done in this war. I am not speaking in this case of whether our goals in Vietnam were ever valid or what conditions would be necessary for us to withdraw. I am speaking about how we have waged this war and how so many times the means with which we sought our ends have contradicted our sense of what we wanted our Nation to stand for.

And I must say to my colleagues today and to my friends and neighbors in New Hampshire, that there has been no act in Vietnam, or for that matter in the history of American warfare to my knowledge, which so directly and deeply contradicts my conception of what America should stand for than the bombing which we unleashed in December.

This was terror bombing. We bombed targets of dubious military value in obvious civilian areas. We bombed them so savagely and ruthlessly that we must have known we were inevitably bombing civilians. So we did not bomb to destroy military forces—but to intimidate a people. Even if the bombing had achieved this goal it was wrong to do, wrong in and of itself; it was wrong.

And since the President evidently does not feel that way, it is our constitutional responsibility to act on our convictions and to insist that our Nation not again violate our basic sense of national decency.

Thirdly, the Congress must act because it is clear that the administration has—especially in the last 2 months—shown a flagrant disregard for orderly government. Indeed, they have flaunted their responsibilities to an open society by refusing to discuss, explain, or justify the bombing. Their mish-mash of half-truths, their backing and filling, their hemming and hawing is an insult to the intelligence of the American people and the integrity of the American Government.

First they deny that we could have bombed a hospital, and then admit that we may have bombed a hospital, stating, of course, that it might have been a misfired Vietnam weapon that caused the damage. They do this in spite of the fact that we have the most complete, costly, and sophisticated intelligence system in the world. Are they saying to us that they do not know where our bombs went? If so, it is a confession of an abysmal failure of our military intelligence. Or is it that they do not want to say where the bombs went? In this case it is an offense to the American people and to humanity.

The administration has acted as if we should accept the myth that indeed the emperor does have new clothes this last holiday season. Bunk.

So now, even though we would all like to have this war pass from our mind and had hoped that it had; even though we would now like to address ourselves to the human problems of our own Nation, instead, I say that we must act as a Congress and a nation to end this war now.

I therefore state to my colleagues in the Senate and to my fellow citizens in New Hampshire that is my unflinching intention to continue to add my voice and vote to end-the-war legislation. This is why I voted in the Democratic conference today in support of an immediate end to the use of public funds for U.S. military combat operations in or over Indochina subject only to safe withdrawal of our troops, accounting of our missing in action, and the return of American prisoners of war; this is why I joined in sponsoring Senator BROOKE's Vietnam Disengagement Act; and this is why I ask for all reflective citizens in New Hampshire of whatever party of persuasion to join with me in adding their voices and influence on behalf of an immediate end to this war.

This is our duty whether we are in office or not because as citizens we are all accountable for the actions of our Nation.

[Applause in the galleries.]

The PRESIDING OFFICER (Mr. STEVENS). Visitors in the galleries are guests of the Senate and may not demonstrate in any way.

Mr. McINTYRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HASKELL). Without objection it is so ordered.

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### ORDER TO SUBMIT A SENATE RESOLUTION NUMBERED RESOLUTION 38

Mr. STEVENS. Mr. President, I ask unanimous consent that I be permitted to submit a resolution, to be held at the desk until the time when the number 38 for Senate resolutions is reached, and that the resolution be submitted on that date despite my absence from this body.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

What is the will of the Senate?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REPORTED NAVY LOAN TO GRUMMAN CORP.

Mr. HARRY F. BYRD, JR. Mr. President, I was concerned and puzzled to read a news dispatch this morning which states that the Grumman Corp. has received an additional $18 million loan from the Navy.

I am puzzled and concerned not so much by the loan as I am by the assumption that the news accounts are accurate, and that this means that the company's total indebtedness to the Department of Defense at the present time stands at $54 million.

The same news dispatch in the New York Times stated that the Assistant Secretary of Defense, Mr. Shillitoe, testified last summer that the Navy had approved two other loans totaling $86 million, and, as I mentioned earlier, the total indebtedness of the company now is $54 million.

These figures just came to my attention. But I recall that in 1970—I could not remember the exact date, but I now have the CONGRESSIONAL RECORD of July 9, 1970, which shows that on that date I submitted an amendment to the Defense Production Act, then under consideration by the Senate, to limit all loans to defense contractors to $20 million.

A little history, I think, is necessary to get the full background. The Defense Production Act of 1950 permits the Defense Department to guarantee loans. It was enacted during the Korean war, and its purpose was to make it possible for small businesses to help supply the defense needs of the Nation.

In analyzing the Defense Production Act of 1950, I found that there was no limitation on the amount of loans that the Defense Department could make to a particular contractor. With that in mind, I felt that there should be some limit. I submitted an amendment on the floor of the Senate to make that limit $20 million.

The senior Senator from Arkansas, the chairman of the Committee on Foreign Relations (Mr. FULBRIGHT), submitted an amendment to my amendment to place the limit at $15 million. A vote was taken on that, and the rollcall is printed on page 23474 of the CONGRESSIONAL RECORD of July 9, 1970. Mr. FULBRIGHT'S amendment was rejected by a vote of 23 yeas to 52 nays. Then the vote recurred on the Byrd amendment, which provided a limit of $20 million, and that amendment was agreed to by a vote of 75 yeas and 0 nays. It was approved unanimously by the Senate of the United States, and then it went to the House of Representatives and then to conference, where it was likewise approved, and it became law on August 13, 1970.

That placed a limit of $20 million on any loans by the Defense Department to defense contractors. So that is why I say I am concerned and puzzled today that the New York Times reports that the Grumman Corp.'s total indebtedness to the Department of Defense now stands at $54 million. I am puzzled as to how it could be $54 million, how the Government could lend $54 million to this one company, when the law specifically states that $20 million shall be the maximum.

At this point, Mr. President, I submit for the RECORD the amendment which I submitted on July 9, 1970, captioned "Loan Guarantees." It reads as follows:

> SEC. 4. Section 301 of the Defense Production Act of 1950 (50 U.S.C. App. 2091) is amended by adding at the end thereof a new subsection as follows:
>
> "(e) The maximum obligation of any guaranteeing agency to any contractor, subcontractor, or any other recipient under this section for any loan, discount, advance, or commitment in connection therewith, entered into under this section shall not exceed $20-000,000 except with the approval of the Congress."

Has Congress approved such a loan? Congress did not even know anything about the loan. I want to emphasize that I am not speaking now in opposition to the Grumman Corp. I am not speaking in opposition to any corporation. I am not speaking in opposition to the Navy. I am not speaking in opposition to the Defense Department, and I am not speaking in opposition to any private company. But I am speaking in opposition to what appears to me to be a violation of the laws of the United States in regard to the handling of public funds in the way of loans by the Defense Department to private contractors.

It may be that the figures in the New York Times today are in error. I doubt it. The Times has a record of accuracy in dealing with figures. I am not certain about its accuracy in the interpretation of events, but I am speaking of its accuracy in regard to figures. It reports that Grumman's total indebtedness to the Defense Department now stands at $54 million. It reports further that Assistant Secretary of Defense Shillito approved two other loans totaling $86 million.

I wish I had time to communicate with the Defense Department and find out more about these figures, but the Senate will not be in session again until sometime next week. Being greatly concerned that there appears to be a violation of the act of 1970, I wanted to take this means today to draw the attention of the Senate to that 1970 law limiting loans to defense contractors.

Mr. President, there was a great deal of debate in the Senate in 1970 on this subject. Some of the Senators who participated then were Senators FULBRIGHT, PROXMIRE, COTTON, BENNETT, STENNIS, HOLLAND, and myself.

Now there is one other point that I want to make. I put these figures in the RECORD in July of 1970. At the end of May 1970, loan guarantees outstanding totaled $14,305,549.92. This total, represented by guarantees of loans to seven different companies, is an average of $2 million per company. The largest guarantee outstanding is for $8,750,000.

Using that as a basis, I felt the figure of $20 million to be an appropriate limitation to put on a loan to any particular contractor.

So again I say, Mr. President, that it is disturbing to me to read that the Grumman Corp.'s total indebtedness to the Department of Defense now stands at $54 million.

I ask again: How that can appropriately be, when the law clearly specifies that loans shall be limited to $20 million?

This $20 million limitation was written into law in 1970. It resulted from the fact that the Defense Production Act of 1950 was open-ended. There was no limitation. When this came to my attention, I invited the attention of the Senate to that fact and presented an amendment with a limitation of $20 million. The Senate unanimously approved that limitation and the House of Representatives concurred. It became law as a result of the signature of the President of the United States.

I hope that there is some explanation by the Department that is not apparent to me today. I must say that only just this afternoon, I became aware of the figures that were published this morning which state that the loans to the Grumman Corp. now total $54 million. I will seek a full explanation from the Department of Defense. I am wondering whether someone in the Department may feel that they are still operating under the act of 1950 without being aware of the limitation imposed in 1970.

## ADDITIONAL STATEMENTS

### REMARKS OF SENATOR MANSFIELD AT THE DEMOCRATIC CONFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the statement I made today at the Democratic conference.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMARKS OF SENATOR MIKE MANSFIELD AT THE DEMOCRATIC CONFERENCE

We meet, today, with a new majority. We meet with new responsibilities and a new mandate.

The same electorate that endorsed the President increased the Democratic majority in the Senate by two votes. If the reelected Members (Senators Sparkman, McClellan, Mondale, Eastland, Metcalf, McIntyre and Randolph), and Senators-elect (Senators Abourezk of South Dakota, Biden of Delaware, Clark of Iowa, Haskell of Colorado, Hathaway of Maine, Huddleston of Kentucky, Johnston of Louisiana, and Nunn of Georgia) will stand, the Conference would appreciate the opportunity and the privilege of congratulating them en bloc.

In my judgment, the vote for each of these Senators in November was cast for them as individuals. Each speaks with unique ideological and regional accents. Each has a sensitivity to a particular constituency. Nothing, I may say today, is intended to detract from that basic fact of victory in this or any other free election. Collectively, however, these Senators are representative of the Democratic Party. They reflect the strength of a unified political identity in the midst of ideological diversity, of a party that excludes no sector of the nation, nor any group of Americans.

What I have to say now, I say with all due respect and affection for our distinguished colleague from South Dakota. (And if I may digress for a moment, I would note that not a single Member of the Democratic Majority in the Senate of the 92nd Congress—south, north, east, or west—defected to the Republican Presidential candidate in November.) Notwithstanding the outcome of the November election, it should be emphasized that, as a Senator from South Dakota, George McGovern shares the mandate which the electorate has given to the Senate Majority. I have every confidence that we can expect of him a vigorous contribution in its pursuit.

The recent election tells us something of what the people of the nation expect of the Senate. If there is one mandate to us above all others, it is to exercise our separate and distinct constitutional role in the operation of the Federal government. The people have not chosen to be governed by one branch of government alone. They have not asked for government by a single party. Rather, they have called for a reinforcement of the Constitution's checks and balances. This Democratic Conference must strive to provide that reinforcement. The people have asked of us an independent contribution to the nation's policies. To make that contribution is more than our prerogative, it is our obligation.

An independent Senate does not equate with an obstructionist Senate. Insofar as the Leadership is concerned, the Senate will not be at loggerheads with the President, personally, with his party or his Administration. The Senate will give most respectful attention to the President's words, his program and his appointments. Every President deserves that courtesy. During the period in which you have entrusted me with the leadership, every President has had that courtesy.

In a similar vein, the rights of the Republican Minority in the Senate will be fully sustained by the Majority Leadership and I anticipate the cooperation of the minority leadership in the operation of the Senate. I would say to the Minority, however, no less than to the Majority, that the Senate must be prepared to proceed in its own way. When conscience so dictates, we must seek to initiate and advance public programs from the Senate and, as indicated, to revise proposals of the Executive Branch.

It is my expectation that the House of Representatives will join in this approach. To that end, the Senate Leadership will seek to establish close and continuing liaison with that of the House. Looking to the needs of the entire nation, moreover, the Leadership will put out new lines of communication to the Governors Conference, notably to its Democratic Members, as well as to the National Democratic Party. We have much to learn from these sources about conditions in the nation. Their contribution can help to improve the design of federal activity to meet more effectively the needs of all states.

There is no greater national need than the termination, forthwith, of our involvement in the war in Viet Nam. This Conference has been in the vanguard in seeking a legislative contribution to rapid withdrawal from that ill-starred, misbegotten conflict. The Majority Conference has resolved overwhelmingly to that effect. Members have voted on the Senate floor, preponderantly, to that effect.

Nevertheless, the war is still with us. Notwithstanding intermittant lulls and negotiations, the prisoners of war remain prisoners and their numbers grow with each renewal of the bombing. The fact is that not a single prisoner has been released to date by our policies; the handful who have come home have done so in consequence of gestures from Hanoi.

The recoverable missing in action have yet to be recovered and their numbers grow. Americans still die in twos and threes and plane-loads. Asians die by the hundreds and thousands. The fires of an enduring hostility are fed by unending conflict. We are in the process of leaving a heritage of hate in Southeast Asia to our children and our children's children. And for what?

With the election behind us, I most respectfully request every Member of the Conference to examine his position and his conscience once again on the question of Viet Nam. I do not know whether there is a legislative route to the end of this blood travesty. I do know that the time is long since past when we can take shelter in a claim of legislative impotence. We cannot dismiss our own responsibility by deference to the President's. It is true that the President can still the guns of the nation in Viet Nam and bring about the complete withdrawal of our forces by a stroke of the pen. It is equally true that the Congress cannot do so. Nevertheless, Congress does have a responsibility. We are supplying the funds. We are supplying the men. So until the war ends, the effort must be made and made again and again. The Executive Branch has failed to make peace by negotiation. It has failed to make peace by elaborating the war first into Cambodia, then into Laos and, this year, with blockade and renewed bombing, into North Viet Nam. The effort to salvage a shred of face from a senseless war has succeeded only in spreading further devastation and clouding this nation's reputation.

It remains for the Congress to seek to bring about complete disinvolvement. We have no choice but to pursue this course. I urge every Member of this caucus to act in concert with Republican Senators, by resolution or any other legislative means to close out the military involvement in Viet Nam. If there is one area where Senate responsibility profoundly supersedes party responsibility, it is in ending the involvement in Viet Nam.

In view of the tendency of this war to flare unexpectedly, the Leadership now questions the desirability of the Congress ever again to be in *sine die* adjournment as we have been since October 18, 1972. In that Constitutional state the Congress is unable to be reassembled on an urgent basis except by call of the President. It is the Leadership's intention, therefore, to discuss this gap in Congressional continuity with the House leaders. It may well be desirable to provide, at all times, for recall of the Congress by Congress itself. There is ample precedent for providing standby authority of this kind to the combined Leaderships.

If Indochina continues to preoccupy us abroad, the Senate is confronted, similarly, with an overriding domestic issue. The issue is control of the expenditures of the Federal government. We must try to move to meet it, squarely, at the outset of the 93rd Congress.

In the closing days of the last session, the President asked of Congress unilateral authority to readjust downward expenditures approved by the Congress within an overall limit of $250 billion. The President's objectives were meritorious but his concern at the imbalance in expenditures and revenues might better have been directed to the federal budget which is now a tool—not of Congress, but of the Executive Branch. It is there that the origins of the great federal deficits of the past few years are to be found. The fact is that Congress has not increased but reduced the Administration's budget requests, overall, by $20.2 billion in the last four years.

As the Conference knows, the House did yield to the President's request for temporary authority to readjust downward, arbitrarily, Congressional appropriations. The Senate did not do so. The Senate did not do so for good and proper reasons. The power of the purse rests with Congress under the Constitution and the usurpation or transfer of this fundamental power to the Executive Branch will take the nation a good part of the last mile down the road to government by Executive fiat. That is not what the last election tells us to do. That is not what the Constitution requires us to do.

I say that not in criticism of the President. The fault lies not in the Executive Branch but in ourselves, in the Congress. We cannot insist upon the power to control expenditures and then fail to do so. If we do not do the job, if we continue to abdicate our Constitutional responsibility the powers of the federal government will have to be recast so that it can be done elsewhere.

We must face the fact that as an institution, Congress is not readily equipped to carry out this complex responsibility. By tradition and practice, for example, each Senate committee proceeds largely in its own way in the matter of authorizing expenditures. There is no standing Senate mechanism for reviewing expenditures to determine where they may fit into an overall program of government. A similar situation exists in our dealings with the House. So, if we mean to face this problem squarely, it is essential for us to recognize that the problem is two-fold. It involves: (1) coordination of expenditures within the Senate and; (2) coordination with the House.

In the closing hours of the 92d Congress, Congress created a Joint Committee to recommend procedures for improving Congressional control over the budget. While this committee cannot be expected to conclude its work by February 15, as the statute directs, it would be my expectation that by that date an interim report will have been submitted to the Congress. Thereafter, it is the Leadership's intention to seek the extension of the Joint Committee in the hope that a definitive answer can be found to the problem.

In the meantime, what of the coming session? Unless the Congress acts now to strengthen coordinated control of expenditures, it is predictable that the Executive Branch will press again for temporary authority to do so. It is predictable, too, that sooner or later a Congressional inertia will underwrite the transfer of this authority on a permanent basis.

That is the reality and it ought to be faced squarely here in this caucus and on the floor of the Senate. Unless and until specific means are recommended by the Joint Committee, I would hope that the Conference will give the Leadership some guidance on how an over-all expenditures ceiling may be set as a goal for the first session of the 93d Congress. Shall we attempt to do it here in the Caucus? Shall we take a figure by suggestion from the President? Thereafter, how will we divide an over-all figure among the various major priorities and programs? How much for defense? For welfare? For labor and so forth?

Who will exercise a degree of control over expenditures proposed in legislation? Can it be done by a committee of committee chairmen? The Appropriations Committee? Should the Majority Policy Committee monitor expenditure legislation before it reaches the Senate floor to determine compatibility with an overall limitation? In any case, where will the necessary budgeting technicians and skilled fiscal officers be obtained? From the General Accounting Office? The Congressional Research Service? By an expanded Senate staff?

I would note in this connection the provisions of the Reorganization Act of 1970 which called for a unified computerized system for the federal government. The system was to permit classifying various programs and expenditures of the government so that we might know, among other things, how much was being spent for each particular purpose. This knowledge is essential for effective control of expenditures on the basis of a program of priorities.

The computer project is being undertaken jointly by the Treasury and the Office of Management and Budget, in cooperation with the General Accounting Office. It is my understanding that the project has concentrated, to date, on the needs of the Executive Branch while those of the Congress are being overlooked. If that is so, this project had better be put back on the right track. If it is necessary, the Congress should alter the enabling legislation to make certain that we get the information that is needed to control expenditures. It would be my hope that the appropriate committees would move without delay to look into this situation.

If the President seeks the cooperation of the Senate in negotiating an immediate end to the involvement in the Vietnamese war, in the control of expenditures or, in any other matter of national interest, he will have that cooperation. Cooperation depends, however, on a realistic give and take at both ends of Pennsylvania Avenue. In the name of cooperation, we cannot merely acquiesce in unilateral actions of the Executive where the Constitutional powers of Congress are involved as they are in Vietnam and in the control of expenditures. I would also note in this connection the proclivity of the Executive Branch to impound funds from time to time for activities approved by the Congress. This dubious Constitutional practice denies and frustrates the explicit intention of the Legislative Branch.

There are some areas in which, clearly, we can work cooperatively with the President. Defense expenditures, for example, can continue to be reduced to a more realistic level. I am glad to note that the Armed Services Committee and the Appropriations Committee both have been moving to bring about a general reduction of requests of the Executive Branch for these purposes. As a matter of fact, the reduction in defense appropriations amounted to $5.3 billion for FY '73 and I would hope that we will do even better this year.

We should also consider closely the Administration's announced plans to close some domestic military bases during the coming year. The Executive Branch should not overlook the approximately 2,000 installations and bases which we have set up in all parts of the world at a continuing cost of billions of dollars annually. Here, too, there is an area for cooperation with the President. I would suggest most respectfully that the Senate and the President consider jointly both in terms of obsolescence and economy the closing of a good many of these overseas establishments

In the civilian sector, the President has indicated that the Federal bureaucracy is too large. There would certainly be grounds for close cooperation with the Senate in this sphere. The misuse and underuse of civil servants is a scandalous waste of public funds which is felt especially at a time of rising federal salary scales. To overload the agencies and departments with personnel is also demeaning and deadening to the dedicated men and women in the federal service.

If the President will work with the Congress on this matter, I am persuaded that the Civil Service can be reduced substantially from its present 2.8 million employees. The reduction can be without personal hardships, by a carefully developed program which would permit greater flexibility in transfers among agencies and incentive retirements. Such a program coupled with the natural attrition of death and resignation and with accompanying limits on new hirings could do much to improve the tone of government service and curb the payroll costs which now stand at $32 billion a year.

The President has expressed an interest in proceeding with his earlier proposed plans for reorganizing the Federal government. Clearly, there is a need for reorganization of sprawling, over-extended, over-lapping Executive departments, agencies and commissions. It must be faced as a realistic matter, however, that any basic reorganization in government is a difficult undertaking at best. In my judgment, a wholesale approach is not likely to achieve anything more concrete now than when it was first advanced two years ago. It would be only a charade. It is my hope, therefore, that the President would concentrate on areas of maximum need. It seems to me that Members of the Senate who have shown a deep interest in this problem can be very helpful in working with the Administration to define those areas.

Turning to our potential contribution to a legislative program for this session, I would emphasize that the Senate has a distinct mandate to assert its own concepts of priorities. The Constitution does not require us to await proposals from the Executive Branch. In this connection, two categories of "carry-over" legislation from the 92d Congress warrant immediate attention. The first consists of those measures passed by Congress in the last session but vetoed by the President. In many cases, the same measures can be reported promptly by the appropriate committees largely on the basis of comprehensive hearings held in the past. Within this group, of even more urgent concern are the following bills which were vetoed after Congress adjourned without opportunity to override:

1. An Act to Establish Mining, Mineral, and Related Environmental Research Centers in Each State.
2. The Airport Development Acceleration Act.
3. The Public Works Navigation and Flood Control Construction Bill.
4. The National Environmental Data System Act.
5. Extension of Grants to States for Vocational Rehabilitation of Handicapped Individuals.
6. The Veterans' Health Care Reform Act of 1972.
7. The National Veterans' Cemetery System Act.
8. Reclassification of Positions of Deputy U.S. Marshals.
9. National Institute of Gerontology Bill.
10. Revision of the Older Americans Act of 1965.
11. Public Works and Economic Development Act Amendments of 1972.
12. Appropriations for the Departments of Labor and Health, Education, and Welfare for Fiscal Year 1973.

A second category of priority bills includes those which were reported out and considered in either the House or the Senate during the 92d Congress but not enacted. They include pioneering measures of great relevance to the quality of the nation's life and the welfare of its citizens. These measures should be reported by the Committees early in the current session so that the Congress may consider them carefully. The list includes:

1. Comprehensive Housing.
2. Consumer Protection Agency.
3. No-fault Insurance.
4. Minimum Wage.
5. Pension Reform.
6. Comprehensive Health Insurance.
7. Health Maintenance Organizations.
8. Strict Strip Mining Controls.
9. Omnibus Crime Victims Bill.

I would note, in particular, legislation involving health insurance. Senators have introduced various measures dealing with this subject. The Administration has advanced other proposals. The Congressional approach tends to offer more comprehensive health coverage to the people of the nation. The Administration is more concerned with costs. It would be my hope that a compromise can be brought about between what Senators have suggested and what the Administration has recommended. In that fashion, we might at least begin to move in the direction of meeting the medical and hospital needs of all of our citizens.

In a closely related area, we will have to come to grips with the question of welfare reform. Over the past ten years, the costs of welfare have increased from $5 billion to approximately $15 billion. The trend continues upward. The states and localities are overwhelmed by a growing demand for assistance. They plead for greater federal assistance in shouldering this load.

It is inconceivable to me that this nation will ever turn its back on those among us whose lives have been crippled by physical or mental handicaps, by unemployment, by poverty and disease. For years, we have assisted such people, by the millions, abroad as well as at home.

Nevertheless, we must find a better way of dealing with this problem. We must find a more effective system not only of training but of placement to put the able-bodied to work. It is more than a matter of getting people off welfare rolls. It is a matter of the right to personal dignity for every American who is prepared to assert it. It is a right which is interwoven with supporting oneself and family with making a constructive contribution to the nation.

To date, the Administration has failed to meet this situation. So, too, has the Congress. Hopefully, together, in the 93d Congress we can make a new beginning.

Once, again, in the last election the flaws in the electoral system were paraded before the nation. In my judgment, both Congressional and Presidential campaigns are too repetitive, too dull and too hard on candidates and electorate. Most serious, the factor of finance begins to overshadow all other considerations in determining who runs for public office and who does not, in determining who gets adequate exposure and who does not. It is not healthy for free government when vast wealth becomes the principal arbiter of questions of this kind. It is not healthy for the nation, for politics to become a sporting game of the rich.

This Congress must look and look deeply at where the nation's politics are headed. In my judgment, ways must be found to hold campaign expenditures within reasonable limits. Moreover, to insure open access to politics, I can think of no better application of public funds than, as necessary, to use them for the financing of elections so that public office will remain open to all, on an unfettered and impartial basis, for the better service of the nation. With this principle forming the objective, it would be desirable to consider limiting campaigns to three weeks or four weeks, later scheduling of conventions and possibly, replacing the present haphazard, expensive, time-consuming state primaries with national primaries. Once again, too, consideration might be given to abolishing the electoral college and to adjustments in the Constitutional provision involving the Presidential term of office and, perhaps, that of the Members of the House.

The Federal Election Campaign Contributions Act, which we enacted in the 92d Congress and which was put into effect this past year, may also need refinement and modification to reduce undue paper-shuffling and other burdens without compromising the principle of full disclosure. There are also some specific matters relating to the past elections which warrant investigatory attention. One is the so-called Watergate Affair which appears to have been nothing less than a callous attempt to subvert the political processes of the nation, in blatant disregard of the law. Another is the circulation by mail of false allegations against our colleagues, Senator Muskie, Senator Jackson and Senator Humphrey, during the Florida primary campaign, with the clear intent, to say the least of sowing political confusion.

Still another is the disconcerting news that dossiers on Congressional candidates have been kept by the FBI for the last 22 years. This practice has reportedly been stopped. It would be well for the appropriate committees to see to it that appointed employees in the agencies of this government are not placed again in the position of surreptitious meddling in the free operation of the electoral process. The FBI has, properly, sought to avoid that role in other situations. We must do whatever is necessary to see to it that neither the FBI, the military intelligence agencies or any other appointive office of the government is turned by its temporary occupants into a secret intruder into the free operation of the system of representative government in the United States.

On November 17, 1972, I addressed letters to Chairman Eastland of the Judiciary Committee and Chairman Ervin of the Government Operations Committee. I requested that these two Chairmen get together and make a recommendation to the Leadership on how to proceed to investigate these and related matters, to the end that the Senate's effort may be concentrated. I renew that request, today.

While I am on this subject, I would like to suggest, too, that attention be given to the appearance in the Courts and Executive Agencies of what may be a tendency to cloud by disconcerting interpretations the safeguards of the First Amendment as they apply to practitioners in the press and other media of communications. If this tendency does exist, the Congress has a responsibility to try to check it. The press, radio and TV are prime sources of light in the otherwise hidden recesses of our government and society. They are as essential to the fulfillment of our legislative responsibilities as they are to the general enlightenment of the public. At the very least, therefore, it seems, too, that a Senate inquiry is called for into the implications of recent court decisions and such official pronouncements as that of the Director of the Office of Telecommunications Policy regarding the "Fairness Doctrine." We share with the President and the Courts a Constitutional responsibility to protect the freedom of the press to operate as a free press.

I would like next to present a few thoughts about the internal procedures of the Senate. In recent weeks, much has been said about the evils of the seniority system. I can understand the intent of those who make these assertions. Yet, I would observe that, in general, the Senate has been well served in the years of my personal recollection, by the Chairmen of its various committees.

For the benefit of the new Members, however, I would point out that the system which is followed in the Senate by the Democratic Conference in nominating Members to Senate committees is not one of automatic deference to seniority. In the first place, nominees for each standing committee and its chairmen are designated by the Conference's Steering Committee and by secret ballot. During the 92d Congress, for the first time, the Leadership submitted en bloc to the Democratic Conference for concurrence the names of any new members of the several committees. The Steering Committee's selections were endorsed unanimously by the Conference.

Beginning in the 92d Congress, moreover, the Conference adopted a ratification procedure calling for separate Conference concurrence in the case of each of the Steering Committee's designees for Committee Chairman. That process will be followed this year and a Democratic Conference will be called for that purpose when the Steering Committee completes its work. Finally, I should note that what I have just discussed is the procedure only for designation of Democratic Members to Senate committees. The actual election of committees and chairmen occurs on the floor of the Senate where, once again, they are subject to challenge. The safeguards seem to me to be substantial. Nevertheless, the Chair will entertain any request for further discussion of this matter.

On another question, I have received from Senator Moss, a letter which states, in part,

"It is my hope that the Democratic Conference will adopt a resolution directing the Policy Committee to set forth the legislative objectives of the Democratic Party. It follows, of course, that all Democrats would be expected to support to the maximum degree possible these objectives."

Let me note, in this connection, that in early 1969, the Leadership did raise with the Policy Committee the question of who was to speak for the Democratic Party in the Federal government in view of the election of a Republican President. The Committee agreed unanimously that a need existed for such a spokesman. Thereupon, it adopted unanimously certain new rules of procedure which were proposed by the Leadership to deal with this need. In general, these rules provided for regular meetings of the Policy Committee to consider issues which might be identified as suitable for the assumption of a party position. Those issues were to be considered which came to the Policy Committee—quoting from the Committee's rules—"by reference . . . from any Member of the Policy Committee, by staff study of legislative proposals, statements or other actions of the Administration and by reference to the (Policy) Committee from any legislative Committee."

The Committee further agreed to consider "the issues which are thus brought to its attention for the purpose of determining whether they are of a significance *and* are likely to evoke sufficient agreement as to warrant adoption by the Majority Party of a Policy position."

Finally, the Committee agreed to seek "to secure the widest degree of party acceptance of a position on any significant issue (and) . . . to be guided by a minimum of a two-thirds vote in determining the issues on which a party position should be taken."

In short, basic machinery in line with Senator Moss' suggestion has been available and in operation in the Policy Committee for four years. The rules of procedure which govern in this connection were approved in full and unanimously by the Democratic Conference on May 20, 1969, as well as by the Legislative Committee Chairmen. They have been used to identify and to disseminate more than a dozen party positions in the Senate and, in general, these positions have had substantial Democratic support.

It is conceivable that the Conference would wish to make changes in the functions of the Majority Policy Committee with a view to strengthening its role along the lines of Senator Moss' letter. It would be helpful, however, if the Policy Committee itself might consider this matter before it is discussed in the Conference. If there are to be modifications in the present procedures of the Committee, as approved unanimously by the Conference in the past, we ought to be as specific as possible in presenting them. The Policy Committee will be meeting soon and the Leadership will undertake to raise the matter at that time. The results of the discussion will be brought back to the Conference thereafter if changes are to be proposed.

I will now close these remarks with a final reference to the last election. I suppose each of us interprets the national sentiment which is reflected in the outcome in terms of his own predilections. Certainly, I have done so. Therefore, "the state of the Senate," as seen from the viewpoint of the Democratic Majority might not necessarily dovetail with the mandate which the Administration delineates from President Nixon's reelection or that which is seen by the Republican Minority in the Congress.

Nevertheless, it does seem that the election tells all of us—President, Democratic Majority and Republican Minority—what the people of the nation do not want.

(1) They do not want one party or one branch government during the next two years.

(2) They do not want to turn back the clock on the national effort to improve the human climate and the physical environment in which the people of this nation must live.

(3) They do not want a rate of change which whether too slow or too rapid produces major internal chaos and disruption.

(4) Most of all, they do not want the President to persist nor the Congress to acquiesce in the indefinite continuance of the senseless bloodshed in Viet Nam and, with it, accept the indefinite postponement of the return of the POW's and the recoverable MIA's.

These negatives point the way to the positive path which the Senate Majority Leadership intends to pursue during the next two years. We will not abandon the effort to end the U.S. involvement in Viet Nam and to bring back the POW's and the recoverable MIA's, period. We will work to preserve and to enhance the faithfulness of this nation to its Constitutional principles and its highest ideals and, in so doing, we will not shut the door on essential changes.

The Leadership needs your cooperation; your understanding and your support. Ideas are welcomed, equally, from every Member of this Conference, the oldest no less than the youngest, the most junior no less than the most senior. Together, we are here, in the last analysis, with only one mandate—to serve the people of the several states and the nation. With your help, the Leadership will strive to carry out that mandate in full.

## TRIBUTE TO DR. R. J. PEARSON

**Mr. SCOTT** of Pennsylvania. Mr. President, it is with both regret and gratitude that I observe the resignation of Dr. Pearson as attending physician to the Congress. For the last 6½ years he has been a good friend and comforter to the Members of the Senate and House of Representatives, their families, and staffs.

Last spring, Dr. Pearson joined the distinguished majority leader and myself on our visit to the People's Republic of China. During this time I had the opportunity and pleasure of watching him add to his knowledge of healing. He is a compassionate and excellent physician—scholarly as well as skilled in his profession. As Thomas Carlyle so aptly wrote:

> Blessed is he who has found his work; let him ask no other blessedness.

Dr. Pearson is surely one so blessed.

I wish him well in what I am sure will be an active retirement, and urge him to return whenever possible to visit his friends and admirers on Capitol Hill.

## SOLAR ENERGY

**Mr. MOSS.** Mr. President, we are in great need in this country to utilize the brainpower with which this country is so well endowed. In order to solve the energy crisis we must change the current status quo thinking and explore new possibilities. One of those areas of new possibilities lies in the future use of solar energy.

I ask unanimous consent that an article from the Washington Post of Oliver Bell entitled "Bringing the Sun Down to Earth" be included in the RECORD for the information of the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### BRINGING THE SUN DOWN TO EARTH

(By Oliver Bell)

(EDITOR'S NOTE.—The writer is a freelancer who formerly was with the Educational Research Council of America.)

Will we soon have power stations in the sky? Or arrays of solar cells on earth turning sunlight into electricity? Or massive boilers, fueled by the sun's heat, generating power?

While none of these is likely to happen tomorrow, they are more than mere speculations; they are plans which are seriously being considered, chiefly because of the energy crisis we are facing.

A few years ago, practically no one thought the sun's energy might be a source of power in quantity. Though solar energy has been successfully used to supply electric power to spacecraft, to run water heaters in more than a dozen countries—including Japan, Australia, Israel, the United States and the Soviet Union—and even to take over a large part of the heating needs in experimental houses, there seemed no way it could be economically employed to produce electric power for use on earth.

Now the climate of expectation has changed. A solar energy panel has been set up as part of the Energy Research and Development Goals Study of the White House Office of Science and Technology. And the National Aeronautics and Space Administration is actively researching whether it can become involved in the solar energy picture.

NASA got into the act through solar energy cells on to its spacecraft. These are wafers two centimeters square (about four-fifths of an inch on each side), made of silicone, with a small amount of arsenic atoms added to one layer and a small amount of boron atoms to the other. When the photons of sunlight bombard a solar cell, an electric current is generated between the two layers of the cell. It has been calculated that it would take about 27 square miles of collecting surfaces in the desert areas of the Southwest, which get from 3,000 to 4,000 hours of sunshine a year, to produce 1,000 megawatts. (A megawatt is one million watts, and a 10,000 megawatt station would be big enough to meet New York City's power needs in the year 2000.)

Solar cells are not particularly efficient. They convert only 10 to 13 per cent of the energy striking them into electricity. However, a 1972 National Academy of Sciences study reported that, with sufficient effort, an efficiency of up to 20 per cent is feasible and that one up to 16 per cent is probable. There is also a possibility that far more efficient solar cells, utilizing a new approach, may be developed.

### THE SOLAR SATELLITE

One orthodox proposal that is being given serious consideration is a solar satellite power station, a concept developed by Peter E. Glaser of Arthur D. Little Inc. Under this proposal, a satellite would circle the earth at a height of 22,300 miles a distance dictated by the requirement that it be in a synchronous orbit—that it always stay in the same place relative to the earth. There it would be exposed to sunlight almost 24 hours a day. A solar collector—a lightweight panel of solar cells—would convert sunlight into electricity, which would then be changed to microwave energy and beamed to the earth. There it would be collected on an antenna and converted back into electricity. Glaser calculated that a solar collector five miles by five miles and an antenna six miles by six miles would be needed for a 10,000-megawatt power station.

To find out in detail what would be involved in such a system, NASA has contracted with Arthur D. Little for a feasibility study that is to be completed in a few months. NASA stresses that for success, many technological breakthroughs would be needed, and these, as Bell Woodward, director of space propulsion and power, puts it, cannot be programmed. For example, the solar cells would have to be 2/1,000 of an inch thick to save weight, and there is no way of knowing how long it would take to develop them to the point that they would be mass produced.

NASA is trying to reach a decision on whether to sink large sums into the research and development needed to make such a solar satellite power station. Even in its present, partially developed stage, the plan had found a measure of acceptance. For instance, Claude M. Summers, consulting professor of electric-power engineering at Rensselaer Polytechnic Institute, writing in Scientific American about new methods of producing power, speculates that 125 such stations might be in the sky by the year 2000, and congressmen studying energy needs recently received a presentation of the advantages and problems associated with such stations.

### A TOWER-TOP BOILER

Another solar-energy proposal has been put forth by Alvin F. Hildebrandt and Gregory M. Haas of the University of Houston. Their system would reflect the radiation reaching an area of one square mile onto a solar furnace and boiler placed at the top of a 1,500-foot tower. The water in the boiler would be heated to about 1,700 degrees centigrade, and electricity would be generated by a magneto-hydrodynamic (MHD) conversion. An MHD system sends hot, electrically conducting gases across an electrical field; this generates an electric current that is collected by electrodes at the sides of the chamber in which the current is produced. With this system, a 1,000-megawatt station would need an area of 9 square miles.

Since electricity is needed during the night and provision must be made for cloudy periods, solar energy installations on earth must have some way of storing power. In the Hildebrandt-Haas proposal, this would be done by the hydrolysis or water, splitting it into oxygen and hydrogen by the use of electricity. These elements could then be stored and recombined in a fuel cell to generate electricity, or the hydrogen could be burned as fuel to power a gas turbine that would drive a generator.

A fourth proposal has been made by Aden B. Meinel, director of the Optical Sciences Center of the University of Arizona at Tucson, and his wife, Marjorie. Their system would employ steel collecting surfaces that use the "greenhouse" effect to produce temperatures as high as 50 degrees C. The heat would be transferred to pressurized gas and pumped through channels in the steel to a tank, where it would be stored in molten salts. A conventional steam boiler, turbines and an electrical generating system would be attached to this thermal reservoir, an arrangement that makes possible the continuous generation of electricity.

Such a system, the Meinels estimate, could produce power at a cost of about 5 to 10 mils per kilowatt hour (a mil is a tenth of a cent). Generation of electricity with fossil fuels—oil, natural gas or coal—costs 1.5 to 5 mils per kilowatt hour. Both figures do not include the cost of distribution.

The inventors envisage this system first operating in the deserts of the Southwest. They hope to see many 500- to 1,000-megawatt plants built in the Southern and Western states. The power thus generated could be transmitted over a large part of the country, and it can be confidently forecast that there would be improvements in power transmission that would reduce the amount of power leaking away between the point of generation and the point of use.

### MODEL TO BE BUILT

A plant of the Meinel type would cost more to build than a conventional or nuclear power station. Though the cost of making the collecting surfaces has been prohibitive in the past, recent technical advances in manufacturing have made it possible to reduce the expense greatly if the units were mass produced. Should a large market for the collecting surfaces develop, it would be worthwhile to build a plan to produce them.

Four Western utilities—Tuscon Gas & Electric Co., Arizona Public Service Co., Southern California Edison and Salt River Project—were sufficiently impressed by the Meinels' proposal to give them $21,000 to build a "credibility model"—a full-scale demonstration to show whether the system will work. If it performs as forecast, the collecting area needed for a 1,000-megawatt station is 13.5 square miles.

One advantage that all the proposed earth-based solar energy systems have over the solar satellite power station is that they do not introduce extra heat into the environment. Though the Meinels' system, for example, would need a supply of water for cooling the steam turbines, this would not increase the amount of heat on earth, for the heat given off by the system would represent heat from the sun that would, in the absence of a solar power plant, have reached the ground. The satellite station, on the other hand, could trap great quantities of radiant energy that would otherwise miss the earth.

If solar satellite stations were built in quantity, this problem could become serious, for it would considerably increase the earth's heat load, as the electricity, when consumed, would end up as heat. Rensselaer's Claude Summers has pointed out the effect of the production of too much electrical power in this way. If present trends continue, in a century the United States will be receiving about as much heat generated by the use of electricity as it gets from the sun. If this happened on a worldwide basis, it could render some or much of the earth uninhabitable and also might cause the flooding of all coastal areas by melting the ice making up the polar icecaps.

Thus a dangerous increase in the earth's heat load would occur if the generation of electricity and other forms of power by using fossil fuels, nuclear reactors or solar satellite stations was done on a great enough scale. Only invariant systems, those that do not increase the amount of heat on earth, are free of this tendency.

### COST AND THE ENVIRONMENT

Are any of these solar energy systems likely to be built? At the moment, this is largely an economic question. The increasing demand for electricity, coupled with spreading requirements that power stations use low-sulfur fuels to cut air pollution, are driving up electrical generating costs. As this trend is likely to continue, it has become economic to build nuclear power stations, for over their lifetimes, seen as a whole, they appear to be cheaper than conventional ones. In October, 1972, 27 of them were licensed for operation, 48 were under construction and 38 were planned.

There has been some opposition to this growth; conservationists insist that today's nuclear power stations release dangerous amounts of radiation and do not have adequate safeguards against accidents. Though the Atomic Energy Commission insists that plants, as now designed, are safe, it is quite possible that the conservationists will win their point and additional safety features will be built into new plants. This would raise their cost, making it more likely that other forms of power would be competitive.

Two chief factors will decide how future energy needs will be met: cost and maintaining the quality of the environment. Over the next few years various systems are likely to be explored to see if they promise to produce power economically. At present, power costs vary greatly from area to area, depending partly on the distance from the sources of fuel. Thus an unconventional system may be economic in an area where oil is high in price and uneconomic where it is low.

It can be assumed that fossil fuels—organic materials preserved during the last 600 million years in the earth's top layers—will for some time take a large part of the energy load. But these are limited resources and will be used up in time. According to M. King Hubbert, a research geophysicist with the U.S. Geological Survey, the United States' oil will be close to exhaustion by the year 2000 or a few years later. He forecasts that the world's oil resources will be in the same position by 2030.

Hubbert sees natural gas reaching peak production for the 48 contiguous states between 1975 and 1980. Coal will last longer, according to Hubbert; most of the world's minable coal will probably have been extracted by 2300. In all, Hubbert concludes that all fossil fuels will probably be exhausted in a few centuries. Even if his estimates are wildly inaccurate, the fact remains that fossil fuels will, at some point, be used up and mankind will be forced to turn to some other source of power.

### THE CHOICES AHEAD

Apart from fossil fuels, five sorts of energy are available: nuclear energy, solar energy used directly, solar energy used indirectly, tidal energy and geothermal energy.

Nuclear power can be divided into two kinds, fission and fusion. In the case of fission, the nuclei of heavy elements, such as uranium, are split, releasing energy; with fusion, light elements, such as deuterium, are combined, also releasing energy.

Uranium 235, the isotope of uranium that fissions easily, is rare. If we depend on it for additional power, we will find ourselves with an acute shortage of low-cost uranium ores by the end of the century. This situation can be avoided if large so-called breeder reactors can be built, and there seems to be no reason why they should not, as small breeder reactors are successful. In them, uranium 238, the common form of uranium is converted into fissionable plutonium 239, or thorium 232 changes into fissionable uranium 233, and thereby the reactor creates more nuclear fuel than it consumes This means that when large breeder reactors are built, we will have a supply of fuel for them for several thousand years.

As for power from fusion, the difficulties of harnessing the fusion reaction successfully are formidable because of the extremely high temperatures involved in its production, enough to melt any container. It appears at present that the only way of getting usable power from fusion is to confine the reaction by a strong magnetic field. There has been little progress in achieving this, and no one who is not an extreme optimist is prepared to forecast when, or even if, this could be successfully done, still less whether fusion would be an economic source of power. If the fusion reaction could be used, a virtually limitless supply of fuel could be extracted from the oceans.

### WIND, WATER AND WASTES

Solar energy used directly has already been considered. One should add that much of the space heating needs of the country could be taken care of by sunlight; one estimate is that half the heating load could be met by solar energy. If this happened, it would be an important development, since heating residential housing currently accounts for nearly 30 per cent of total energy consumption.

As for solar energy used indirectly, it could take the form of using the power of the winds, or of falling water, or making fuel from organic sources, or of employing the heat of the oceans for all these are produced by solar energy.

Wind power is erratic, and to use it would involve the storage of energy. Those who have investigated its possibilities believe it would not be practical to employ it on a large scale. The flow of rivers seems more promising, especially as only 8.5 per cent of an estimated 3 million megawatts, about the amount used in industry, is developed. However, much of the undeveloped power is in Africa, Southeast Asia and South America, underdeveloped areas where its use would meet grave economic obstacles.

Making fuels such as alcohol, hydrogen or methane from plants and organic wastes does not appear, at the moment, to be practical on a large scale, but further research may change this. Producing power from sewage is particularly attractive because two problems would be solved simultaneously.

The idea of using the differences in temperature between the sun-heated upper layers of the oceans and the cold lower layers as a source of power was first advanced in 1882, and experimental plants have been built. It has been suggested that a number of plants, each producing 500 megawatts, could be placed in ships that would be anchored in favorable locations; the power produced would be transmitted to shore by underseas cables. The Gulf Stream can be regarded as an enormous reservoir of heat, and it would be possible to supply a significant proportion of the country's power from it and other oceanic sites.

Tidal energy has already been harnessed in the Rance estuary on the Channel Islands coast of France; the plant there will ultimately have a capacity of 320 megawatts. A site in North America that could provide 300 megawatts is the Bay of Fundy, between Maine and Canada; the Passamaquoddy project there, first debated in the 1930s, is again being discussed. Though it may be economic in these and other areas, the total potential of tidal power is not too great, being about 64,000 megawatts—equal to about 2 per cent of the world's total water power.

Finally, geothermal power could be employed. This is extracted from heat stored in the earth by such sources as volcanoes and hot springs. It has been used in the Larderello area of Italy since 1904; other important sites are the geysers in northern California and Wairakei in New Zealand. It has been calculated that, over a 50-year period, geothermal sources could supply an annual average production of 60,000 megawatts, an amount comparable to the total tidal power.

In the next few decades more and more power will certainly come from sources other than fossil fuels. What is not clear is how much from each of the several sources. The uncertainties include the total production of power, for pressure from environmentalists may slow the rate of increase in energy production.

Congress will decide, perhaps in 1973, whether the government will pay for research into unconventional sources of power, just as it paid for research into nuclear power. Private industry is not doing much in this field, and government agencies, such as NASA, are the only other organizations that can investigate the problems and opportunities.

At present solar energy looks attractive. It is clean and produces no radioactive wastes or radiation. It need not increase the earth's heat load. It is abundant. It can be "mined" within the country and does not need to be imported. While solar energy may well be uneconomic to use in every part of the United States, it might be wise to use tax incentives to direct population growth to areas where solar energy would be a cheap source of power or to subsidize it in some areas if nuclear power proves too dangerous to rely on.

What is likely to happen is the development of a mixture of power sources. In addition to nuclear power, we may well see some tidal power, some power from the heat of the oceans along the coast, some solar energy. What is clear is that we should plan for a gradual phasing out of fossil fuels. Viewed over the centuries, these fuels made possible both industrialization and the development of a technology that could support a high-energy culture dependent on other sources of power.

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## PROBLEMS FACING MILITARY LOGISTICIANS IN THE 1970'S

Mr. GOLDWATER. Mr. President, I am sure that all Senators are acquainted, at least in a general way, with the problems involved in holding together a great military alliance such as the North Atlantic Treaty Organization. The mere fact that many nations are involved presents obvious problems, even though their collective concern for shielding the West against possible Communist aggression is well recognized.

It has been said that the wonder of NATO is not that it works as well as it does, but that it works at all. National attitudes and procurement practices vary widely from one nation to another and below the strategic nuclear level, no one nation has all the strength, all of the power or all the resources to assure a viable defense of the North Atlantic area.

Mr. President, the problems confronting NATO are perhaps most pronounced in the field of military logistics. In the face of rising costs and technical sophistication, the problem of financing future defense needs is surfacing at every turn.

This whole question was discussed at length and in detail at a recent logistics conference in Liege, Belgium, by Mr. A. Tyler Port, Assistant Secretary General of NATO. Because his remarks will have special interest to those of us who concern ourselves about the future of the Atlantic Alliance, I ask unanimous consent that Mr. Port's address, entitled "Problems Facing Military Logisticians in the 1970's," be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

### Problems Facing Military Logisticians in the 1970's

Thank you, Mr. Chairman.

This is the first time in my five years in Brussels that I have had occasion to speak to a group of NATO military logisticians about NATO logistics. Only a logistician would understand why I consider this a tough assignment. I know from experience that logisticians are in the habit of expecting precise answers to their questions.

When one lives and works at the hub of a wheel like that which supports our great Alliance, it is impossible not to know as many reasons why certain things do not come to pass as to know why they do. One is often torn between loyalty to the image of a loveable and discursive Alliance of enlightenned nations and despair over certain material failings it has displayed throughout its existance. In this latter respect, I am sometimes reminded of the observation once made, about the Pentagon in Washington—a place that was my home for many years—that the wonder of it is not that it works as well as it does, but that it works at all.

So, on an occasion such as this there is natural temptation to take the easy way out. I could have come to you today with a catalogue of things that are wrong with your logistic situation that would have impressed you with my research and perhaps have won your applause for my daring treatment of our masters. But such an approach would not do much to advance the cause of understanding. Moreover, if we succumb to the temptation to commiserate with ourselves we will have lost sight of the opportunity this occasion affords to review some of the constructive and potentially useful developments which have recently occurred. In short, the position I find myself in today is that of needing to be both an interpreter of our times and a spokesman for the oppressed.

As you can see from your programme, I am scheduled to speak about the "Problems Facing Military Logisticians in the 1970s". While I intend to mention military problems, I shall not spend any time discussing the logistics situation in the Central Region. As I understand it, that is what this Conference is primarily about and I do not believe you need any particular help from me on that score. What you really want to hear is what is going to be done about it. As a member of the International Staff, that is very difficult for me to do. What is perhaps more relevant, however, is to explore where we stand in respect to the time honoured subject of co-operation in research, development and production of the hardware that you, the logisticians, need in order to do your jobs. After all logistics really starts with design and production. I intend to be as constructive as possible and even offer a suggestion or two, but above all I want you to appreciate the situation.

As Military Commanders and workers in the minefields you know that gaining a better understanding sometimes helps to keep the faith, especially when the going is rough, and that is the message I want to bring to you: "keep the faith".

In 1967, when I came to NATO to take on the job of running the Defence Support Division, and acting as Chairman of the Conference of National Armaments Directors and supervising its galaxy of committees, I learned for the first time what logistics is not. Logistics is not a NATO responsibility. The reason is quite simple: logistics is a national responsibility.

This is no mere pat phrase. It is the gospel truth and we are reminded of it every day.

When the policy paper which contains the Charter of the Conference of National Armaments Directors was being worked on 1965 and 1966, an effort was made to broaden its Terms of Reference to provide for a system of logistics information exchange at the level of NATO Headquarters, but the effort failed. It was one of those problems which arrived on the scene ahead of its time. I do not mean that logistics was not sufficiently important or vital or that there were no problems. It is just that those problems were considered national problems. That attitude has not altered materially since then, but today there are some signs that the nations are more willing to let problems be discussed in NATO, and more importantly, at the Headquarters level.

"The obstacles to co-operation which NATO has experienced throughout its history are various and have lain equally in the military, economic and political spheres. Countries have their own industrial and financial interests; they wish to support their native industries and to expend the funds raised from their own taxes in such a manner that as much as possible finds its way back into the pockets of its own citizens. They wish to introduce new pieces of equipment on a time-scale that is convenient to themselves, from both a financial and military point of view. They prefer to use equipment which, for reasons of climate, terrain and even national customs and usage, may differ from one country to another. Furthermore, some of the less industrialized countries fear that their industries may be overwhelmed by those of the more advanced countries whose projects would tend to become the favoured candidates of standardization."

What I have just finished reading is a quotation from a memorandum which the Secretary General circulated to the Permanent Representatives of the North Atlantic Council in June this year. That is, in fact, the opening paragraph of an historical summary of NATO's efforts to achieve co-operation in Research, Development and Production of Military Equipment from 1949 to the present. The memorandum was written by the Assistant Secretary General for Defence Support.

The concluding paragraph of the same paper reads as follows:

"In summary, NATO's efforts to achieve larger numbers of co-operatively produced projects have been studied, laboured over and written about for many years. The only arrangements for encouraging co-operation thus far effected have been those the nations were willing to adopt. But arrangements, as this summary has attempted to show, can only be as effective as the individual sovereign wills which authorized them are prepared to accept as a price of their collective survival."

Something obviously happened to inspire such rhetoric in an official document. That "something" happened in February of this year when the Secretary General, in opening the Ninth Conference of National Armaments Directors, challenged the nations represented to rethink the problem of how to go about encouraging co-operation in research, development and production of military equipment. Four months later, following a Council discussion of CNAD activities, the Secretary General circulated the paper from which I have just quoted.

In their turn, the National Armaments Directors reacted last month by offering a number of proposals designed to develop the means of opening fuller communications between the CNAD and the Ministerial levels of governments and thereby seeking to identify, on a continuing basis, those areas of major concern to the Ministers in which the CNAD can be of help.

The problem will of course, not be solved that easily. The problem we have always faced is the fact that organizational arrangements alone cannot guarantee success of anything. National attitudes toward co-operation, and defence procurement practices, must be in tune if the situation in respect to international co-operation is going to improve. How to cope with this problem poses questions which defy routine analysis and raises issues which go to the very heart of the Alliance. Between the first and the last paragraphs of the memorandum I began by quoting from, the author sought to show that the various efforts at devising a mechanism for effecting co-operation have never really come to grips with the basic problem. Exchanges of information such as we now conduct in 144 groups, sub-groups and sub-sub-groups of the CNAD committee structure—however systematically conducted and however well motivated, will only have a random chance of resulting in a joint venture of some kind if national policies are not themselves orientated more toward, rather than away from, collaboration.

National attitudes and procurement practices are not likely to change without a conscious effort being made by the national decision makers. Even then, it is a question of how the national interest is seen by each country. In one respect, however, there should be common ground for agreement. Below the strategic-nuclear level, no *one* nation has *all* the strength, *all* the power, or *all* the resources necessary to assure a viable defence of the North Atlantic area. If massive Soviet predominance in land power is to be balanced on a global basis by countervailing American power, primarily in the air and on the seas, it must be augmented by rising strength and self-sufficiency of countries and regions allied with it. The question mark which hangs over Western Europe is whether it will find the harmonization of political will and cohesion of institutions and material resources needed to register an effective response.

As if that problem were not difficult enough, we are faced with still another. The question of how the burden of defence should be shared is being joined by a newer and more challenging one: how the burden can be borne.

In the face of rising costs and technical sophistication the problem of financing future defence needs is surfacing at every turn. Because the Alliance is composed of independent States, each supported by separately programmed budgets, it is endemic to the system that one weapon is seldom, if ever selected as a "standard" item in NATO's inventory. Whatever is designed and produced to satisfy the needs of one nation's planners inevitably joins, or is joined by, a host of items of a similar nature that are developed by other members in the course of pursuing their respective research and development programmes.

This is one of the natural but nevertheless unfortunate results of the post-war economic recovery in Europe. While our military muscles have greatly developed over the past twenty years, and our industries have been rebuilt; while we speak knowingly about co-operation and we exchange technical information freely and extensively under the aegis of the CNAD, the fact remains that we have spawned literally thousands of military devices that duplicate or overlap each other in form and function—but not in fit. The continued development of dozens of competing types of aircraft, tanks, artillery pieces, missiles and the like, all designed to perform essentially similar missions, are symbols of national ways of doing things in the post-war era that have become a luxury we can no longer afford. They have been allowed to become symbols of national prestige and the hallmarks of a burgeoning international arms industry.

One of the twin pillars of Alliance policy has been to remain ahead of our foes by maintaining our strength. During the past decade that objective has been paralleled by a growing tendency on the part of each of us to try to get ahead of our friends. That is perhaps a natural characteristic of the system we live by but there should be a point at which we draw a line. If we believe in co-operation—and want to make it work—we should do something more positive and constructive to avoid the consequences that result from the indiscriminate proliferation of makes and models of equipment.

It goes without saying, that in the process, we must not destroy the technological superiority we achieve as a result of competition. One of the miracles of today's modern world is that the same problem can be attacked at the same time by five or six different countries in five or six different ways. But the result is five or six different systems doing roughly the same thing and costing five or six times what it would have cost to develop one. The problem that haunts us in this respect is that once capital funds are committed and design concepts are sufficiently developed to provide a basis for objective comparison between alternative solutions, no one seems willing to stop, to test and to compare. Secretary General Luns summed up the difficulty at a meeting of AGARD in September when he said:

"National pride and local pressures usually prevail with the result that treasure continues to pour into the competing items until they *all* eventually emerge with their respective refinements, modifications and improvements onto the sales counter of the free-world arms market".

Is there not some way we could reach wider agreement on designs for future types of major equipments *before* individual nations embark upon costly unilateral developments of their own? In terms of overall costs, our failure to solve the problems will continue to result in a gross waste of our resources.

How effectively will Europe defend itself in the future is in my opinion inextricably bound up with the issue of whether a true sense of inter-dependency in arms production can be developed between the members of the Alliance. For the past decade the politico-economic arguments in favour of European unity have been increasingly hostage to the centrifugal forces of domestic politics and soaring commercial growth. The interests of the nations in the problems of coordinated defence have largely gone unattended, victims of the euphoria generated by growing prosperity, rising standards of living and hopes for détente. In the meantime, however, defence costs have reached such proportions that even if a more concerned attitude were to prevail it is difficult if not impossible to foresee how old deficiencies can be cured or new requirements met if we continue along the line of producing as many different makes and models of equipments as there are budgets to match.

To cap the point, let me recall a bit of history. On the 14th of December, 1956—now almost 16 years ago—the American Secretary of Defence, Mr. Charles E. Wilson, announced to his Ministerial colleagues at the NATO Council meeting in Paris that the United States planned to make available production information which would enable a number of modern weapons to be developed and produced in Europe. As you know, this decision led to such programmes as NATO Hawk, Sidewinder, F-104G, Bullpup, Mark 44 Torpedo, etc. I would like to read a paragraph from his statement, and I quote:

"The United States confirms the views expressed during the February 1956 military meeting that expensive, unnecessary duplication and un-co-ordinated production of weapons in Europe should be avoided. We recognize the practical obstacles which have impeded progress in this field in the past. The initiative for the development of appropriate plans for production rests primarily with the countries involved. It is difficult to see any final long-term solution for such military and economic problems except on the basis of co-ordinated or integrated production in Western Europe."

What has happened since 1956 is all the more ironical in the light of Secretary Wilson's remarks. The momentum derived from the massive infusion of technology and production know-how from the United States, when combined with Europe's own inventive genius, has resulted in at least five major modern weapons producing countries being able to offer the latest devices that technology is capable of designing. The decade of the 1970s is literally going to be loaded with an endless variety of such items. European industry is, in fact, now enjoying the first full flush of the success it has striven for in its rise from the ashes of World War II. It has a right to be proud of its wares; they are first class. But what has happened to the military and economic problems Secretary Wilson predicted could only be solved by coordinated or integrated production? They are still with us.

We are neither coordinated nor integrated despite the efforts of CNAD and its predecessor organizations, and despite all the talk about cooperation.

To add a sense of urgency to the problem of future weapons procurement we need only refer to the AD 70 studies. SHAPE's role, and that of SACLANT, in that exercise has been very revealing. I think it is understandable that to the man on the firing line the thought of any possibility of changing NATO's force levels in the near future is cause for concern. It is only natural for him to wonder what allocation of resources will be made and what kind of mix of weapons and men can best be employed if NATO and the Warsaw Pact Powers are successful in negotiating a lower arms profile in Europe. Yet regardless of whether anyone is able to make an accurate forecast of weapons needs for the post 1980 period, no one seriously doubts that a long list of specific equipments will be wanted by then. Such items as:

New battle tanks;

New low and medium level SAMs;

New and better IFF systems;

EW equipments of many types, including airborne;

Anti-tank weapons for ground and air vehicles;

Artillery locating radars;

Shipborne weapons for defense against missile attack;

Naval surface-to-surface missiles, etc.;

are on almost every nation's shopping list for the 1980s. Is it possible to concoct a workable plan to obtain them?

Fortunately, the economics of defence production is for the first time, in a position to exert countervailing force to the trend of recent years. Cost conscious procurement officers will need support from outside their Ministries if they are going to finance the sophisticated gadgets of the future. There is not going to be sufficient capital to allow every country to continue to indulge its own tastes. International cost sharing offers a complex option but one which may have overriding advantages in the face of the economic pressures all nations now face. On the other hand protectionist trends, if allowed to go unchecked, could lead instead to a gradual disintegration of NATO's defence capability due to the inevitable pressures of competition and the persistance of a patient and determined USSR.

The present practice of always seeking to equalize balance of payment problems within individual programmes has proven practicable in the past, but not necessarily fair or efficient because it necessitates finding ways of satisfying its conditions within the constraints of a single project. To avoid difficulties in this respect and hence improve the prospects for wider acceptance of co-operative programmes, some experts believe that a balance of payments account could be kept over a number of years and spread over a number of projects. The idea is not new. A similar suggestion was contained in the report of a high level group which was set up ten years ago to study NATO's failures to realize more from its efforts to co-operate. The industrial leaders who attended NATO's Experimental Consultative Conference. In 1969, a CNAD Study Group which explored the economic, financial and industrial factors which affect co-operation identified balance of payments problems as a leading obstacle to co-operation. Two years ago a rationalè for a project matrix was submitted to the Executive Working Group on the Study on Alliance Defence Problems for the 1970s by my office. No-one paid much attention. The idea has never been systematically explored.

Before putting a production matrix into effect, it would be necessary to have a definite prospect of several co-operative programmes and a precise idea of the period of time over which countries could expect the programming to take place. As a practical matter, countries which attempt the long-term balance of payments solution would first need to exchange views on national concepts, compare future plans and equipment replacement schedules, and develop a system of synthesizing requirements for new equipment.

The initiative for accomplishing just such objectives has already been taken. The CNAD started the process rolling in the Armament groups in June 1968. Although the process proved to be more complex than originally anticipated, the Main Groups nevertheless progressed in their respective reviews of future equipment needs. Essentially, the process consisted of eliminating consideration of short-range possibilities, that is, items scheduled for production in the next five years, because in most such cases national procurement plans had been firmed up well in advance and already committed. In the 7 to 15 year time-frame, on the other hand, the Groups moved forward in their examination of future possibilities for co-operation by first giving systematic consideration to the future threat, including national statements concerning the capability to meet the threat in the late 1970s, and by preparing provisional lists showing deficiencies in the forces provided for NATO for consideration by the national capitals.

The modus operandi of the Main Groups and their Sub-Groups thus gradually evolved into a pattern which, having started out by taking an all inclusive approach to the possibilities for future collaboration in armaments production, has continued moving forward inch by inch, meeting by meeting, item by item, in the search for cases in which similarities of technical requirements, and of time scales show:

What the military "pay-off" of various designs and types of equipment is;

What the potential benefits of new and improved technology are;

What the prospective benefits of co-operation are; and

What the feasibility of achieving co-operation is.

In the hope of expediting this process the Conference of National Armaments Directors instructed the Main Groups at its meetings in February 1972 to review the AD 70 Follow-On proposals in the light of their own activities and, in particular, their analysis of replacement schedules and to submit a report to the Conference in October on the possibilities for co-operation for equipment to meet the AD 70 priorities. What has happened could perhaps have been foreseen. Regardless of the many "possibilities" for co-operation that have been identified based upon similar requirements in similar time-frames—and there are something like forty or fifty of these—reaching agreement on commonly acceptable technical characteristics for future equipments and resolving precise points of view invariably calls for a more concentrated approach than is afforded at holding three day meetings of national military, scientific and technical experts, twice a year. Conversely, making arrangements for a continuous study for several months at a time by experts drawn from several nations is often extremely difficult to effect. The nations simply will not spare the time. Whether the nations ever give serious consideration to the prospect of putting together an economic matrix involving several weapons projects or whether the nations simply adhere to the present system of allowing individual project opportunities to become separate projects if and when they materialize, the need exists to bridge the gap currently existing between the information exchange level and the national decision making level.

While the October meeting of the Conference of National Armaments Directors did not come to grips with specific "possibilities" for co-operation which had been identified by the Armaments Groups during the course of their efforts, the Armaments Directors did resolve to attempt a giant step toward closing the gap I just referred to.

In order to improve its effectiveness in reducing armaments duplication and to strengthen the technological-military posture of the Alliance, the CNAD took a number of actions. The first of these involved the adoption of a set of Guidelines for Improved Equipment Collaboration. These consist of four principles and provide substantially as follows:

(a) Before newly formulated national military requirements lead to the initiation of corresponding research and development projects by one country, every effort should be made:

(i) either by direct discussion with other MOD's or by reference to the CNAD organization, or both, to determine whether other NATO countries have similar military requirements or have already started corresponding work;

(ii) to weigh the advantages to be gained from a common solution that could result in common development and/or production, or from common procurement in a third country, or from production under licence;

(iii) to test and otherwise carefully assess any equipment from another nation which promises to meet that requirement;

(iv) to use existing components, available weapon calibers, standardized consumption items, etc.

How these principles are going to be applied remains to be seen. However, their adoption is allied to a second action which could provide a more solid foundation for their application. The CNAD drafted a message to Ministers in which it proposed that fuller communications between the CNAD and the Defence Ministers be opened in order to identify, on a continuing basis, those areas of major concern to the Ministers in which the CNAD can be of help. It is expected that Ministers will welcome this proposal when they convene in December. The first opportunity to act on specific weapons proposals will be in May 1973, assuming the CNAD is in a position to formulate specific proposals between now and then. The next meeting of the Conference which is scheduled for early February next year, will obviously be a crucial one in this regard.

In order to obtain an even better focus on this very important initiative the Conference in October adopted the system of assigning specific areas of concern to individual Armaments Directors who would then take responsibility for examining the areas, formulating alternatives, and making recommendations to the CNAD that could in turn be forwarded to Defence Ministers for decision and action. As a preliminary step in this direction the Conference selected four areas, namely:

Anti-armour;
Surface-to-Air missiles;
Surface-to-surface anti-ship missiles; and
Air-to-air missiles,

and assigned them to the four National Armaments Directors who volunteered to accept them.

Finally, the Main Groups were instructed to select a few proposals, from the many they forwarded in October, as priority items considererd as having the highest importance considered as having the highest importance, and to be prepared to present them to the Conference in February.

All that I have said thus far about the efforts to promote co-operation in research, development and production of military equipment, may seem fairly remote from where you sit. Nevertheless, you have the largest stake in the outcome. Efforts to encourage, co-operation in research, development and production have been going on at the NATO Headquarters level for 20 years. During that time the action has taken different forms. We refer to our present form as being "permissive" largely because it is the nations themselves which govern and control the subjects that are discussed. The means that the subjects are not dictated by requirements systematically selected by the NATO Military Authorities. That system has been tried previously and was abandoned when the CNAD arrangements came into being in 1966. Some of you may recall that it was known as the NBMR procedure.

There are those who believe that the present permissive system which results in exchanging vast amounts of technical information on subjects which the nations select provides sufficient "pay-off" for the effort being applied to it, and that the majority of the participating countries readily accept that there is no correlation to be expected between the broad benefits of information exchange and the physical numbers of co-operative projects which the nations may elect to initiate. Accordingly, so goes the argument, if there are to be more decisions to initiate co-operative projects in the future such decisions should be made without prejudice to the basic arrangements comprising the present CNAD sub-structure. Nevertheless questions continue to arise as to whether the results achieved from the time and energy invested in information on exchanges constitute a proper return on the resources the nations have expended during the past five years to encourage co-operation.

The decisions taken by the CNAD in October reflect a desire to reap the benefits of both these points of view. On the one hand CNAD does not want to stop essential information exchanges; on the other it wants to force decisions in regard to high priority weapons systems needed in the 1980s. Can such a system be made to work? It depends upon what the nations are willing to do about it. Every study NATO has thus far made in an effort to analyze its past failures to achieve success has reached the same conclusion. The main reason for failure has been the lack of sufficient purpose and determination on the part of the nations themselves.

Have times changed? I am inclined to think they have. The post-war era is dead and gone. The nations are rich and prosperous. The Common Market is expanding. The emergence of Eurogroup as a Consulting and Planning arrangement within NATO is an indication of the recognition being given to the importance of doing something besides talk about Europe's defence problems.

At the start of this hour I quoted from a paper which stated that the obstacles to co-operation that NATO has experienced have lain equally in the military, economic and political fields.

The classic catalytic agent that from time immemorial has overcome all such obstacles and caused nations to band together is fear, fear of a common enemy—fear in the form of a threat to the collective security. At present, that type of threat seems to be less potent, so to speak. But I suggest that there is a new one. We need to co-operate for economic reasons. We cannot develop all the technology we need to meet all the challenges of modern society unless we find a better way of co-ordinating and integrating our energies. In short, the threat is now internal as well as external.

What may also affect the situation is the impact of strictly military inputs upon the whole approach to co-operation. Let me explain.

Aside from the contributions made by the AD 70 studies to the knowledge of NATO's readiness posture and its equipment needs, and despite the availability of such information to the CNAD substructure, no concerted attempt has yet been made to define the precise inputs that the NATO Military Authorities should make in order to maximize the CNAD effort. During the first several years after the Conference was established the problem was not particularly acute since the CNAD bodies themselves spent most of their time exploring the existing technological spectrum, looking for likely prospects for co-operation that were not there. But as the focus of effort moved away from the present and more toward the future, as I explained earlier, matters of technical feasibility have become interwoven with questions of another sort. In order to learn what weapons system will be needed in the future it has become necessary to determine what the operational requirements will be in light of the threat that is expected at that time. The source material needed to study such problems has required us to shift away from sole reliance on weapons designers and to seek inputs from those who must eventually use the equipment. This has resulted in our needing to acquire more information from the field soldier than we have had before. Accordingly, the CNAD would welcome from the Military Authorities a set of common tactical concepts in order that operational requirements for sophisticated equipments for the future could be more easily formulated. This is no simple task. In fact, the first suggestion put to the Military Authorities was made by the Secretary General 10 years ago. The Defense Planning Committee raised the subject again in one of its semi-annual AD 70 Follow-On Action Reports. And more recently, the subject has come up in Military Committee discussions.

What is needed is a thorough examination of the question of whether the development of common tactical concepts is in fact practicable, and if so, how one might go about staffing the effort required to produce them. In the absence of a set of agreed concepts the CNAD has had a go at devising its own. The Tri-Service Group on Air Defense developed a Philosophy of Air Defence for the 1980s in order to complete its main task of defining the weapons needs for that period, and Panel XI of the Army Armaments Group has been comparing long-term national and international studies, (post 1980) in order to provide guidance of other sub-panels of the NAAG in respect to requirements which future equipments will have to meet.

Such attempts to fill the vacuum are, of course, useful but nevertheless invite the criticism that CNAD should not be in the business of determining military doctrine. The CNAD readily agrees. It is a case, however, of needing to find some way of establishing what the operational requirements of the future are. Whatever the outcome, the failure to arrive at a consensus in respect to tactical concepts is one of the underlying causes for the lack of success experienced in the information exchange groups. Without agreed concepts, it is impossible to resolve the operational needs of two or more nations, regardless of how willing each nation may be to accept the fact that the need exists. The price of the failure is more un-co-ordinated and non-integrated development and production.

The Secretary General's June memorandum put the problem of co-operation into further perspective when it observed that while we are working on future requirements it would be most useful to the information exchange groups if the NATO Military Authorities were to decide what is important about standardization. The term "standardization" has cropped up time and again. It has been used freely in the past by both Foreign and Defence Ministers to bolster their calls for more co-operation. Also the Summary Appraisals prepared by both past and present Secretaries General as a prelude to annual Ministerial discussions of Force Goals have repeatedly called for more standardization. The Military Committee has submitted several resolutions and statements to the Council/DPC over the past five years. SHAPEX 71 contained a special presentation on the subject. SACLANT mentioned it again during SHAPEX 72. The Exploratory Conference on Production Logistics that took place in June 1972, and which was the first NATO Headquarters-level logistics conference ever held, heard a compelling and graphic argument for standardization by the ASOC Logistics, SHAPE. In a speech in September, General Steinhoff described standardization as becoming "an absolute necessity".[1] SHAPE's input to both the AD 70 working papers and the subsequent AD 70 Follow-On Report left no doubt about it: more standardization is needed.

The question that arises in this context is: standardization of what? What is the relationship between standardization and operations; between standardization and survival? Who can say what will happen or not happen if we go on proliferating makes and models of equipment as we have in the past? It would help make the standardization argument come alive and give greater substance to the argument for interdependence of men and materiel on the battlefield if CNAD had a better idea of what needs to be identical, what needs to be interoperable, what needs to be interchangeable or what simply needs to be compatible in weapons supplied by the nations. Once we know more about what really needs to be standardized and once the priorities have been sorted out, a programme of several projects might be put together containing the economic trade-offs that a production matrix would facilitate.

The acceptance of the Secretary General's suggestion by the Military Committee in September is a step in the right direction. Its thoughtful and thorough implementation could open an avenue to co-operation which has not received much attention before. Countries which now hesitate to co-operate if it means subordinating their national efforts to achieve greater industrial growth and competence—and that applies to nearly everyone—might feel freer to participate in projects which would allow them to manufacture weapons for their own use in their own countries so long as they conformed to agreed NATO standards. They would have the logistical advantage of being interchangeable with components or elements of weapons produced by other manufacturers in other countries.

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[1] Address before the 20th Anniversary meeting of AGARD, 28th September, 1972.

So we have the incentive for a "new-deal" in prospect. We know we have not been as successful in encouraging co-operation in the past as we should have been, considering all the work that has been done. We are reasonably certain why we have not been more successful. We know we have paid a great deal of lip service to co-operation while going full steam ahead in developing our own un-co-ordinated and non-integrated programmes. And now we are in trouble. Inflation is rampant; unemployment is rising; costs are already out of sight—and there are not enough non-NATO nations who really need a quarter of a million dollar anti-ship missiles for their mosquito fleets to absorb all the production capacity that is now available.

What is needed is a plan whereby there are only winners—no losers. We needed such initiatives as the CNAD took in October. We need such inputs from the NATO Military Authorities as I have described. We need the active participation of Ministers. We need discussion at the top and at the bottom. However, all these actions could produce another round of frustration and inaction unless there is a real determination to put together what I would call a Common Defence Market.

The 1950s and 1960s are behind us. The weapons for the 1970s are already entering the inventory. The 1980s lie ahead. But the time for action is now, not later. A major effort should be mounted to begin a programme for development and production of standardized weapons systems for the decade beyond the current one. Some form of an open ended economic and technical commission should be established and charged with putting together a production matrix to handle a half dozen or more high priority candidates for co-operation. The main Armaments Groups will go through the motions of sifting the possibilities for co-operation between now and the time the CNAD meets in February. So will the four volunteer Armaments Directors. But I have already told you what is on everyone's shopping list for the 1980s. I do not think we could go wrong by settling on that now, at least for openers.

I have now come to the logical point for ending this dissertation because I have said about everything there is to say about co-operation in armaments development and production. But General Morton would never forgive me if I did. I must tell you about other developments which have taken place this year and which reflect a hopeful awakening of awareness that logistics is *more* than just a national responsibility.

We all know that the trend today is for each country to want to equip its troops with the latest and the best, and the most expensive equipments that money will buy. In these times obsolescence sets in long before normal replacement is scheduled. Faster turn-over means increased costs and it is usually replenishment spares and reserve stocks that suffer. Cautioning the nations to maintain a balanced relationship between the goal of modernization and the requirement for adequate support has become a well worn refrain.

What I have tried to do for a number of years is to find some way we can persuade the nations that the refrain would not be so hard on the ears if sung in at least three or four part harmony. Two years ago I suggested that we ought to get choir practices going at the NATO level and that one way to do it would be to convene a NATO-wide Conference on logistics. As you know we were finally successful. The Conference was held in June. As mentioned earlier, it was called an Exploratory Conference on Production Logistics. The term "Production Logistics" was invented especially for the occasion just to make sure we did not get into things like days of supply, cross serving of aircraft, mal-positioning, training, pre-stockage, resupply, transportation, dispersal, support of reinforcement forces, medical support and the thousand and one headaches you have to live with every day.

You may well wonder what was left to talk about. Quite a bit, in fact. During four days the Conference heard fifteen presentations including those of the ACOS Logistics of both SHAPE, and AFCENT, namely Generals Dewandre and Morton, respectively, certain of the nations, and several NATO Agencies. The hundred or so logisticians present agreed that we needed:

A set of NATO Procurement Standards—and a guide to drafting contracts;

To exchange information and experience on logistics;

To develop techniques for assuring optimum maintenance policies;

To find ways to harmonize logistics policies and procedures;

To co-ordinate logistics training methods and examine the advantages of centralized programmes.

Last month the CNAD approved our taking action to get certain of the studies made and to finalize the results in the form of NATO guidance papers. The CNAD will take a further look at the results in February before deciding whether another logistics conference should be called to discuss what happens next. No major breakthroughs occurred in respect to agreement to provide for regular dialogues on logistic problems. If that comes it will have to come later after we have digested the work already cut out for us. But in its approved set of conclusions and recommendations the Exploratory Conference struck a blow for freedom. It went out of its way to say that, and I quote:

"The fact that 'logistics is a national responsibility' should not stand in the way of concerted efforts being taken by the nations to deal with the matters cited above . . . the need to take aggressive and determined steps forward is the paramount consideration."

And so I repeat again: there appears to be more than a little basis for hope after all. But because of what I have been at some pains to describe, the results may not be readily apparent in the near future. Military logistics in the 1970s will still be fraught with headaches. That does not mean, however, that men are not at work. What we now need is to keep up the effort.

Most of you, if not all, will go from here to assignments back in your own national services. The greatest pay-off to NATO in the long run would be the use of your experience and knowledge back home to peel aside the black-out curtains which shield mens' minds against the knowledge of what must be done in the years ahead. If NATO is to continue to play a dominant role in defense of Western Europe, as it has in the past, and if the advantages of co-operation we have talked about so long and so often are ever going to be realized, it is going to be up to every man to "think NATO" when he gets home. We need, in fact, to "keep the faith."

Thank you.

## VIETNAM: THE AMERICAN TRAGEDY CONTINUES

**Mr. HARTKE.** Mr. President, I first called upon our Government to withdraw aid from a tyrannical dictatorship in South Vietnam in 1963, 5 years before the presidential election of 1968.

Every year since, I have said, "Out now."

Mr. President, I ask unanimous consent that an article about the air war written more than a year ago by Mr. Herbert Mitgang, a member of the editorial board of the New York Times, be printed in the Record at the conclusion of my remarks.

Here is what Mr. Mitgang wrote 15 months ago:

> A year ago, 5,000 American planes were operating over Indochina. This year, the casualties and body counts have dropped sharply. But the only date certain for withdrawal is considered to be the '72 election here . . . The revived fury of U.S. aerial strikes in the last fortnight indicates that our exit from the Vietnam war is through the bomb bays. These activities hardly accord with the periodic announcements from Washington about winding down the war.
>
> Two years ago in [in 1969]—

Mr. Mitgang continues—

> there were 1,800 sorties monthly. The cost of one B–52 sortie is between $35,000 and $45,000. This comes to more than $35 million a month.

Mr. President, nothing is as alive as yesterday's newspaper when it comes to the war in Vietnam.

According to my calculations, Mr. President, casualties caused by our most recent so-called carpet bombing of Hanoi and its environs total approximately 2,000 persons per week.

Can words carry any meaning at all? What is left to be said? What emotional freight can any combination of syllables carry at all for those who have "heard it all before?"

So, as I say, I merely offer this aged piece of news copy. We may be sure when this is all over, we as a nation shall be reading of this record for ages to come. If anyone within the sound of my voice is concerned about his place in history, let him look to it.

There being no objection, the article was ordered to be printed in the Record, as follows:

### The Nonwar War

(By Herbert Mitgang)

The uncontested nonelection next Sunday for the South Vietnamese presidency has its counterpart in creative fantasy for over 200,000 Americans there: from the Delta to the DMZ and beyond they are shooting and being shot at in an unofficially undeclared nonwar.

The biggest public relations triumph of the Administration thus far is planting the impression that, like Pan Am's commercial, President Nixon is making the going great. He told Congress and the country this month about "our success in winding down the war" but, skeptical Senators and Vietnam-watchers say, he has only succeeded in winding down persistent opposition to the war.

This year the casualties and body counts have dropped sharply but the going is slow, costly, still perilous and pegged to politics. Senator Mansfield's original amendment to the draft-exclusion law calling for a nine-month troop withdrawal deadline was weakened into phrasing that is open-ended. The only "date certain" for withdrawal there is considered to be the '72 election here.

It was not Mao but Confucius who said that the best way to leave is simply by going through the door. But the revived fury of United States aerial strikes in the last fortnight indicates that our exit is through the bomb bays.

The air war is very costly in human and financial terms. A year ago about 5,000 American planes (1,000 fixed-wing and 4,000 helicopters) were operating over Indochina. There are still 3,500 American planes (500 fixed-wing, 3,000 helicopters) in action today. One and at times two aircraft carriers are in coastal waters. Plane losses by hostile fire and accidents have been heavy: more than 3,300 fixed-wing and more than 4,500 helicopters in the war up to now.

Nor has the theater of combat been narrowed in this twilight time of disengagement. Five states are still directly involved. Thailand remains the base of operations for B–52 missions; Laos and Cambodia are regularly interdicted to hinder the enemy's supply system; North Vietnam above the demilitarized zone is photographed by reconnaissance planes and struck by fighter-bombers on "protective reaction" missions; South Vietnam is one big free-fire zone when required to bail out Saigon's soldiers.

In the semantic acrobatics of the Vietnam war, "protective reaction" strikes against antiaircraft emplacements and missile and fuel sites have been stressed. But far more dangerous in the future are the actions behind two less-familiar phrases: "pre-emptive attack" against troop infiltration on the trails and "ancillary effect" bombing—meaning, in support of South Vietnamese forces. When ARVN troops retreated from a Cambodian town a few months ago, under heavy United States air cover, Gen. Creighton Abrams, remarked, "Dammit, they've got to learn they can't do it all with air. If they don't, it's all been in vain."

In this withdrawal phase of Vietnamization, American troops are supposed to be in a defensive posture. On-the-ground combat responsibilities now belong to the ARVN; it is their turn to search-and-destroy and carry the fight. But an Air Force colonel explains, "Consistent with this concept we support ARVN ground operations with air and artillery. Both B–52's and tactical fighter-bombers have been involved." In these operations the American Air Force's role is restricted to "air logistical support and close air support."

Translated into what has taken place this month alone, the clear implication of these terms seems to be that American "advisers" and fliers are very much part of offensive actions. They have been engaged in a two-front war in September; carrying South Vietnamese infantrymen into battle deep in the Mekong Delta 145 miles southwest of Saigon and backing them up with helicopter gunships; bombing in the southern panhandle of Laos in direct support of Royal Lao forces and C.I.A.-trained guerilla battalions. These activities hardly accord with the periodic announcements from Washington about "winding down the war" through Vietnamization.

It is difficult to predict what American casualties will be in the next twelvemonth of nonwar if no settlement is achieved in the Paris talks (and the Administration shows no eagerness to advance the prospect of a settlement there). The present rate of fewer than 100 killed a month is an encouraging drop but it could go up or down, depending not on American-originated actions but on the support given to sustain the governments of client states. The United States has become their hostage militarily.

The probability at this point is that the Air Force activity will be kept at a steady level. Two years ago there were 1,800 sorties (one aircraft on one mission) a month; currently the monthly rate is 1,000. It has gone up this month. The cost of one B–52 sortie in Southeast Asia today—for fuel and bombs alone—is between $35,000 and $45,000. Multiplied, this comes to more than $35 million a month.

Many moribund national programs—for education, housing, employment, parklands—could be revived by the hundreds of millions of millions of dollars now falling out of the bomb bays on Southeast Asia. Perhaps a more meaningful local measure, even though Federal funds are not directly involved, is to compare just the financial costs of the B–52 bombings with what it would take to reopen the main branch of the New York Public Library evenings ($350,000), Saturdays ($350,000) and Sundays and holidays ($200,000) for a full year.

A few nonflying days, not to mention peace, would do it.

## ROBERTO CLEMENTE

Mr. SCOTT of Pennsylvania. Mr. President, Roberto Clemente was a spectacular baseball player, noted for his impossible throws to home plate, for getting that necessary hit to put the Pirates ahead. He was an exciting baseball player. His tragic death has made his career all the more remarkable.

"The Great One" was more than just a great sports hero; he was a great human being. His enthusiasm, his innate concern, and dedication to improving the quality of life for all those around him, made him special in our often callous world.

It is ironic that his death should occur when he was heading Puetro Rico's earthquake effort for Nicaragua and trying, as always, to help.

Pittsburgh loved him; Puerto Rico loved him; and he reciprocated this same feeling of admiration. The world was shocked by his tragic death.

Roberto Clemente sustained greatness. He brought wonder and joy to his fans; his death, a grieving sadness. He will long be remembered.

Mr. President, I ask unanimous consent that an article from the Los Angeles Times and editorials from the Pittsburgh Post-Gazette and the Baltimore Sun be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Los Angeles, Jan. 3, 1973]

### Clemente: You Had To See Him To Disbelieve Him

(By Jim Murray)

For once, Roberto Clemente must have been taking. And God buzzed the high hard one right across the letters.

They didn't make the pitch Roberto Clemente couldn't hit. All he required of a baseball was that it be in the park. He hit with the savage lunge of a guy waiting on top of a gopher hole til the animal poked its head out. It's a good thing he didn't make his living hitting fast balls because he never got any.

Old Aches and Pains, we called him around the press room. Here was a guy you could drive railroad spikes with. You could scratch a match on his stomach. He wasn't born, he was mined.

He was the healthiest specimen I ever saw in my life. He didn't have a pimple on him. The eyes were clear. I never even heard of him having to blow his nose. Yet, he was positive he was terminal. You'd get the idea reports of his birth were grossly exaggerated.

I never saw a man get so mad when you didn't believe him. Roberto would rip off his shirt, command you to put your ear to his back, then he would ripple his vertebrae like castanets for you. "You see!" he would shout. "I am a man with a broken back playing right field!" Then he would go 3-for-4 with a stolen base and three outfield assists.

He could get yellow fever in the Arctic. You could tell by looking at him that his temperature was 98.6 and that he never had a coated tongue or sore throat in his life. The sicker he got, the worse the pitchers felt.

He used to chew me out because I would write a tongue-in-cheek column after listening to a litany of his symptoms which would lead you to picture a toothless old man sitting, shivering, in an afghan bedspread with his feet in a tub of hot water and a thermometer in his mouth and a hot water bottle at his back. But every time the Pirates came to town I would hotfoot it down to the dugout because you never came away empty from an interview with Clemente.

He didn't answer questions so much as he delivered orations. He could lecture brilliantly on osteopathy, orthopedics, or the anatomy. But he was Calamity Jane of the dugout. He was always playing the last act of Camille. It was funny to be sitting there talking to this figure which looked as if it had just walked off a Michelangelo pedestal and hear it talking like something in a TB ward.

I once asked him to describe a .400 hitter and it was everything Roberto was not. It had to bat left-handed, had to be young, had to be batting behind somebody so it could get good pitches. And, of course, it had to have a good back and doctors and trainers who believed him. It had to sit out second games of doubleheaders and not waste its energy throwing out base runners at home plate on the fly.

Roberto didn't have the grace of Henry Aaron or the dash of Willie Mays but, if you put all the skills together, and you had to play one of them at the same position, it would be hard to know which to bench. He was the most destructive World Series player I ever saw outside of Ruth and Gehrig.

The side of Roberto that everybody missed was that he was a kind man. For all the deadpan (he rarely smiled), bluster and complaints (he never talked, he yelled), he was always available. God is getting an earful someplace today because Roberto is sure he was quick-pitched.

The thing I like best is, you never heard of him doing a disreputable thing. The only thing Roberto slipped into his room at night was a book. You never found him having breakfast with a niece from Boston. The only thing he drank out of a bottle was patent medicine.

I can't believe he won't come walking out of a clearing, bent over and holding his back and complaining that the swim was bad for his sciatica. If you see someone answering that description, throw him a bad pitch down around the ankles outside and, if he hits it screaming down the right-field line, it can only be Clemente, and you'll know reports of his condition have been grossly exaggerated once again.

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[From the Pittsburgh Post-Gazette, Jan. 2, 1973]

### Roberto Clemente, the Great One

For 18 years Pittsburgh Pirate fans thrilled as a lithe figure, a big "21" on his back, strode nonchalantly to home plate in Forbes Field or Three Rivers Stadium.

First, a twisting of the neck to get the kinks out. Then an elaborate bit of landscaping of the batter's box, in which to plant the feet so far back that it seemed improbable that he could reach the ball with a fishing pole.

He took the first pitch for a strike, never deigning to swing at the initial offering. Then suddenly Roberto Clemente would lunge forward, rifle a low outside pitch into right field and go into second base in a cloud of dust.

In right field, where he had taken an interminable lease, he was just as spectacular, making basket catches or leaping high against the wall, whirling and throwing to cut off a base runner. He was the only outfielder we ever saw who would double runners off first base with throws of deadly precision.

Those were the trademarks of the best baseball player who ever wore a Pirate uniform. But it was not those skills alone that won Roberto an enduring place in the hearts of Pittsburgh fans. They knew that he reciprocated their admiration with a very special affinity for this city, his second home. We remember him telling a Dapper Dan banquet audience one winter a few years ago that he would never play for any team but Pittsburgh.

There was a recognition, too, that Roberto was more than just a super ball player. The handsome young Puerto Rican was also a good family man and a humanitarian, always ready to help the needy. It was wholly in character that he lost his life Sunday night in a plane crash while heading a relief mission to victims of the earthquake in Nicaragua.

The tragic circumstance of his passing will add luster to an already brilliant career and enshrine Roberto forever in the annals of Pittsburgh sports.

He was truly the Great One both as an athlete and as a fine human being. This is a sad time for all of us who have gloried in his performances both on and off the field. We are deeply grieved to see him go.

[From the Baltimore Sun, Jan. 3, 1973]

### How Roberto Clemente Died

Puerto Rico sorrows with all of us at the death of Roberto Clemente, but its manner comes as less of a surprise to his own people than it may have to many mainlanders, who did not know him so well. It was characteristic of him that he did not merely lend his name to the Puerto Rican project of assistance to the earthquake victims in Managua, but managed it, and characteristic that, at a moment of national holiday at home, he went along himself on the fatal cargo plane, to make sure that the relief supplies actually went to the striken. Repeatedly, his baseball colleagues, as they remember him, are recalling his compassion.

He was a man of great dignity, great reserve and great pride: pride in his near-perfection as a baseball player, and pride in being black and in being Puerto Rican. He never permitted his fame and his wealth to distract him from the civic welfare work in which he was deeply engaged. Rather he used them to make that work more effective. Admired though he is on the mainland, and mourned here, it is no wonder that in Puerto Rico he was a national hero; and he died like one.

## TO REINTRODUCE THE NATIONAL HEALTHCARE ACT

Mr. McINTYRE. Mr. President, because health care almost certainly will be the subject of major legislative concern in the 93d Congress, I announce my intention to reintroduce the National Healthcare Act at an appropriate time in the early days of this session.

At the moment, Mr. President, I am making certain changes, refinements, and improvements in individual features of the original bill, not the least of which is improved protection against catastrophic illness expense.

But the basic nature and thrust of the National Healthcare Act remains unchanged. It aims at meeting the health care crisis on every front with the combined resources, talent, and experience of the health insurance industry and the Federal Government.

The National Healthcare Act would—

Increase the supply and improve the distribution and productivity of health care personnel;

Develop ambulatory health care services to promote health maintenance and reduce costly hospital use;

Improve health care planning to distribute current and future health care resources more equitably and effectively;

Help contain the escalation in health care costs and upgrade the quality of health care;

Establish national goals and priorities to improve health care; and

Improve the financing of health care for everyone.

Mr. President, a month ago the Congress' General Accounting Office completed a year-long look at the Nation's health care system and prescribed a massive overhaul that could save Americans billions of dollars.

Originally this study was to be confined to the matter of hospital construction, but in the face of statistics showing that the national health care bill has increased fivefold in 20 years and now amounts to 7.4 percent of the Gross National Product, the Senate Labor and Public Welfare Committee asked the GAO to expand its report to include all aspects of medical care.

In its 800 page report on the study, the GAO backed such reforms as prepaid group practice, the use of outpatient clinics and nursing home beds to replace costlier hospitalization; expanded insurance coverage for out-of-hospital care, and a renewed emphasis on the prevention of disease.

Because this study is so comprehensive, and so timely, I would encourage my colleagues to review the GAO's findings and recommendations and match those recommendations against the healthcare bills that are introduced in this session.

I have done such an analysis in my office, Mr. President, and I am proud to say that the National Healthcare Act accommodates a good many of those recommendations.

This is not the occasion to detail the correlations. That will come in a statement I will make when the 1973 version of the bill is ready for introduction. But colleagues who would like to see a preliminary analysis at this time need only notify my office.

Let me conclude now by saying once again that I believe the National Healthcare Act is the most practical, realistic and workable of all the plans I have seen to date.

It would meet the basic objective of any meaningful healthcare reform—making quality health care coverage available to all at a cost all, including the poorest of the poor, can afford.

And it would do this without squandering tax dollars, without imposing a further burden on low- and middle-income taxpayers, without wiping out an entire private health insurance industry, and without establishing another federal bureaucracy.

It would preserve the expertise and the competition built into the insurance industry and use judiciously applied Government resources to meet those needs private insurers simply cannot meet.

The National Healthcare Act would get at the root causes of today's crisis by increasing health manpower and facilities and improving their distribution; by establishing low-cost ambulatory care centers where they will do the most good; by improving health care planning at every level; by instituting effective methods of controlling costs; by setting the kind of national health care goals and priorities that will make future crises far less likely.

I am proud of the National Health care Act, and I sincerely hope it will win my colleagues' attention and enthusiastic support.

## SUPERSONIC TRANSPORT PLANE

Mr. GOLDWATER. Mr. President, I am sure most of us recall that in 1971 the 92d Congress refused to renew Federal support for our 8-year national program to develop an American supersonic transport plane. At the time, many of us who have taken a special interest in this Nation's commercial aviation over the years tried to point out what a costly error it was that the Congress was taking.

Now some 21 months later we are beginning to understand just what we sacrificed in refusing to carry on research and development in a plane that will constitute the future of aviations on a commercial basis. The future of our aerospace industry is uncertain. Our commercial aviation leadership has been foreclosed. In fact, we appear to be on the verge of paying a price for abandoning our SST which will be greater than the large investment we scrapped, greater than the thousands of American jobs we closed out and greater than the short-range problems the cancellation has given our airlines and aerospace industry.

Mr. President, we have heard reports recently that the administration may attempt to revive the American SST program in the 93d Congress. Even though I seriously doubt whether we could correct this mistake in time to overtake our foreign competitors, I sincerely hope that the attempt will be made. In all events, I believe it is important for Senators to know just what price we did pay for killing our SST. For this reason, I ask unanimous consent that an article on this subject, written by Mr. Ansel E. Talbert for the American Legion magazine, December 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THE PRICE WE PAY FOR KILLING OUR SST

(By Ansel E. Talbert)

On March 24, 1971, the 92nd Congress of the United States refused to renew government support of our eight-year-old national program to develop an American supersonic transport plane, the proposed commercial airliner known to all as the SST.

The refusal, perforce, cancelled the American SST program.

If we don't correct this hasty action soon, it will—by every sign—join the family of our country's most costly legislative mistakes.

We appear to be on the verge of paying a price for abandoning our SST which will be greater than the large investment we scrapped; greater than the thousands of American jobs we closed out immediately; and greater than the short-range problems our cop-out has given our airlines, and aerospace industry.

The immediate partial demobilization of our aerospace industry resulting from the decision may become a larger and more permanent demobilization. Its future prosperity is shaky. Our aerospace engineers, technicians and machinists have learned a lesson in public hysteria. They have lost a good deal of enthusiasm for feeding their wives and children by working in any such treacherous business as we've made of aerospace.

We appear to have achieved nothing in return for the price we are paying.

By 1975, SSTs will start to fly commercially all over the world, but they won't be ours.

Three other nations are building them and two are now taking orders from the world's airlines.

We won't be selling any, and—for reasons that will become clearer—we stand to lose our world lead in the sale of all commercial airplanes. This will cost us more jobs and profits. It will also endanger a favorable multibillion dollar chunk of our "balance of trade" and "balance of payments," which help keep our national wealth from slipping abroad permanently.

Let's take a more factual look at the situation than we did 21 months ago when we killed our SST.

The chief reason for the cancellation was a one-sided public debate based on unproved claims of damage which the SST would cause to the world environment, and on predicted but undemonstrated claims of irritation or damage that SST's in operation would cause to people and things on land and sea.

The responsible committees of Congress recommended renewal and the Senate originally agreed. But when an uprising on the floor of the House rejected it, the Senate reversed itself in a joint House-Senate committee meeting and both houses joined in the death of the American SST.

The program that was cancelled was not one to put American SSTs in operation, but to build two test-model Boeing SSTs with General Electric engines. Among other things, they would have tested the validity of many of the objections. Some of the objections deserved to be taken seriously (at least seriously enough to test them) while others were transparently false and hysterical.

The fanfare that killed our SST was similar to that which brought on Prohibition—a swelling, unthinking, popular movement led by slogans, symbols, mottoes, pseudoscientific alarums, speculations and scareheads, with little wisdom.

The immediate results were:

(a) to throw out the window $1.2 billion that we had already spent, except for what can be salvaged for other purposes out of the research;

(b) to spend large sums to dismantle the program. (The Dep't of Commerce has said that is cost $100 million more to scrap the program than it would have cost to build and test the two planes);

(c) to throw some 12,000 skilled aircraft workers out of their jobs, demobilizing (and demoralizing) a good part of our aerospace industry.

The abandonment created such an unemployment situation in Seattle, site of Boeing's main plant, that the International Association of Machinists mounted a nationwide airlift of food and other necessities to their jobless brethren in Seattle.

An interesting side result was that we saw some politicians who had helped kill the SST blame the joblessness in Seattle on politicians who had tried to save the SST.

The long-range results are, and will continue to be, much more complex.

Two American industries have been thrown into a precarious long-range situation—our airlines, and our aerospace industry.

It is estimated that if we had gone into SST *production* it would have furnished about 50,000 planemaking jobs in the United States. Some labor leaders think 150,000 American jobs of all kinds have been lost. Many of these were only on the drawing board. But our planemakers didn't simply lose hoped-for new business. They suffered what is beginning to look like a huge permanent setback in world markets in their total sales of commercial planes. Unless it is soon checked, this trend will wipe out more jobs here.

Our planemakers have led the world in commercial plane sales by a huge margin, and their export business has led all industries in this country in recouping dollars from abroad. Theirs is the most important single industrial cog in holding our nation's nose above water in our slipping "balance of trade" struggle.

Of all the commercial airline planes flying in the world today, 85% were built by American workers and sold by American firms in earlier years. In 1969, we exported $2.2 billion worth of civilian planes and parts. Because we did nearly all the selling, and little of the buying $2 billion of this was balance-of-trade in our favor! No other industry has been recapturing so many dollars that we ship abroad in military and foreign aid, or that we spend in travel or send overseas when we buy foreign cars, radios and TV sets, and a host of other things.

It is no secret why the death of the American SST now threatens to reduce our lead in sales of all planes—here and abroad—and greatly strengthen our foreign competitors.

Foreign planemaking nations had already begun to eat into our sales, as their technology in slower-than-sound planes began to catch up with ours.

They have always been quick to copy us. For years they have studied the planes we sold them, developed the capacity to make various parts and assemblies themselves, then insisted that they make more and we make less of the planes we sold them. Today, they are entering the market with whole planes to compete with our sales, for which we produce no more than some of the parts.

Our lead has always depended on our not standing still. When we first started on our own SST, it was in the cards that if we stuck to the older American designs our aerospace industry would steadily lose its business.

Whenever this had happened in the past, we always overcame it by taking a new giant step. Two years ago our SST was the next giant step we were taking to keep our lead. Lockheed had an entry, but the Boeing got the nod. Either plane would have been vastly superior to the Concorde SST to which the British and French have committed themselves, and to the Tu-144 of the Russians. The Boeing was a generation ahead of both. When we killed it, we killed our only guarantee to keep ahead in worldwide commercial plane sales.

Today, we have about run out of ways to excel all others in slower-than-sound planes. The new European Airbus A300B is designed to compete successfully with the present-day big commercial jets made here. The chief American stake in the Airbus is General Electric engines, which are offered as an inducement to the many airlines which are already staffed and equipped to maintain them.

The capital investment in the development of new planes is so great that a number of U.S. aerospace companies, to keep their design teams and management intact, already have been forced to make joint agreements with some European companies for the development of new products, such as short-take-off-and-landing planes. While such movement of part of our aerospace industry abroad keeps our management in the business, it reduces our lead in the field and draws the wrath of the AFL-CIO, which calls it "exporting U.S. jobs and technology overseas."

It is against this background of the wane of a vital part of our home industry that, by a precipitate act of Congress, we are entirely out of the SST business just as airlines all over the world are planning to fly them.

Perhaps it is not yet too late to ask ourselves if the "reasons" for killing the American SST program were enough—especially when untested—to justify the penalties we accepted. And it is also past time to ask ourselves what on earth we think we accomplished.

Did we keep SSTs from flying? Did we prevent them from flying here?

Did we accomplish anything except to throw American workers out of jobs and knife one of our great home industries, while perhaps forcing even our own airlines to buy SSTs abroad?

One of the things that comforted Congress as it killed our SST was repeated rumor from "usually reliable sources" that the British and French would never put their Concordes into production to embarrass our position and compel our airlines to buy SSTs abroad. At the time, our media were full of stories of French and British doubts about the Concorde. They privately considered it a disaster, it was said, and were going to get out of it as gracefully as possible.

Now that we've scratched our entry, what has happened to the rumors that the Concorde would never get beyond the test stage?

I was interrupted in writing these words by an invitation to attend the ceremonies saluting the final assembly of the last preproduction model French Concorde—the 02. The "unveiling" was in Toulouse, France, during the last week of September 1972. While I was there, they showed off the big, slower-than-sound Airbus A300B, too. I learned in Toulouse that Robert Galley, the French Minister of Transport, and Michael Heseltine, the British Minister of Aeronautics and Space, had decided on Sept. 14 to provide for the production of a new batch of six Concordes so as to be ready for expected orders. With these six, the total number of Concordes in the works for future delivery to airlines comes to 22, of which BOAC and Air France have ordered nine and Red China has placed a deposit on three.

So today, both the British and French are in production of the Concorde I, while an improved Concorde II is already planned. The Soviets are offering the Tu-144 to world markets, though they have a long way to go, with only one prototype in the air and two more that are about to fly.

President Georges Pompidou of France has been called, with considerable justification, the world's greatest airplane salesman. He already has made a series of flights at supersonic speeds in a French test version—the Concorde 001—to show the world that the French nation is solidly behind the Concorde project and to give it the maximum public exposure and press coverage.

Pompidou is the first chief of state of any nation to fly supersonically and the first one to fly in a prototype aircraft of any kind.

One flight which dramatized the Concorde tremendously was Pompidou's trip to the Azores last year to meet President Nixon during the monetary crisis. The French President arrived in Concorde 001, fitted out with a specially installed interior, after a supersonic over-ocean trip which began in Paris.

President Nixon arrived in a sturdy U.S. built subsonic jet of ten-year-old design, and told Pompidou a trifle wistfully: "We will have an SST one day."

Early last summer, the British prototype, Concorde 002, was dispatched on a 46,000-mile flight that visited 12 nations between London and Australia—a route which BOAC Concordes will begin flying regularly in 1975.

Distinguished passengers who went along for key conferences at various sectors of the journey included the chief officer and salesmen of British Aircraft Corp. and France's Aerospatiale, cobuilders of the Concorde. They had some excellent sales help, including Heseltine; David Nicholson, chairman of the British Airways Board, and Lord Jellicoe, Britain's Lord Privy Seal.

Prime Minister Edward Heath took a supersonic spin at Fairford, England, just before the demonstration tour began, to give it a proper send-off. Her Majesty Queen Elizabeth II and Princess Anne were out personally to greet the Concorde and its crew at London's Heathrow Airport, when it returned. This doesn't seem to be the way to back quietly out of a mistake.

Those taken aloft during the 46,000-mile flight for an introduction to supersonic airline flying constitute a real wax works of contemporary Middle Eastern, Asian and "down under" politicians and statesmen. They all liked the plane, and said so.

The Shah of Iran, an excellent pilot in his own right, sat in the copilot's seat during a flight at 1,350 mph over his domains. On landing, he gave the royal word that Iranair, his nation's international airline, would be joining the supersonic club. Sheik Isa Bin Sulman Al-Khalifa, ruler of oil-rich Bahrein, admiringly looked over the British prototype.

Prime Minister Lee Kuan Yew of Singapore, one of the fastest growing and most prosperous areas of the Far East, took a ride in the 002 at Singapore Airport. He asked that his young sons, Lee Hsien Yang, aged 14, and Lee Wei Ling, aged 16, be given a supersonic flight also. They became the world's first supersonic teen-agers during a trip of nearly two hours above 50,000 feet.

Top figures of both political parties in the Japanese Diet were Concorde 002 passengers in Tokyo.

Sir Donald Anderson, Australia's Director General of Civil Aviation, and the Hon. R. C. Cotton, Australia's cabinet minister responsible for civil and commercial flying, flew from Sydney Airport.

To complete the British one-two punch of supersonic salesmanship, all top officials of the airlines of the dozen nations visited were routinely given rides at each stop. Officials of the Australian airline, Qantas, found the Concorde to be "right" for a great many of the world's long air routes, and said it had both monetary and prestige value for business executives who could fly Sydney-London in 16 hours instead of 32.

Even earlier, the French made a generally similar Concorde 001 demonstration tour of the key South American countries and to Dakar in Africa. They almost certainly will be mounting another before long, probably to Red China.

Except for flying its Tupolev Tu–144 to and from last year's Paris Air Show and to another in West Germany, Soviet Russia hasn't made any long demonstration tours as yet—but she is expected to, quite soon, when three Tu–144s will be available, rather than one. It's worth particular mention that the British, French and Russians presently are selling not only SSTs, but also a new family of aircraft designed especially to compete with existing U.S. slower-than-sound commercial jets.

Though the Russians flew their Tu–144 before the first Concorde was in the air, it is actually far behind in its test program. But their sales program is blanketing airline offices of both communist and non-communist nations. Russia is planning to fly SSTs regularly over her own populated land. She simply pooh-poohs all the clamor about the terrible results of the sonic boom. In fact, she has offered several airlines the right to fly commercially at supersonic speeds right across Siberia—reportedly if they will agree to buy and fly a few Tu–144 and/or make other agreements with Aeroflot, the official Soviet passenger airline. It's the most direct route between European and many Oriental points, and quite an inducement—especially to Japan.

In an extravagant brochure aimed at selling Tu–144s, Dr. Alexei A. Tupolev, the Tu–144's chief designer, uses some space for Q's and A's about the plane. To the question: "How dangerous is the sonic boom there is so much talk about?" Tupolev replies:

"In my opinion that question has been given more attention than it deserves. The Tu–144 is permitted to go over to supersonic flight at a height above 11,000 metres (about 50,000 feet). The strength of the sonic boom drops sharply with height. Our control measurements give us grounds to state that flights of supersonic aircraft will not disturb the inhabitants of cities lying along air routes."

Tupolev is exactly right. Supersonic planes can make booms that bust glass and plaster and scare the daylights out of people at altitudes up to about 30,000 feet (more or less, depending on the plane's design, atmospheric conditions, etc.).

At 50,000 feet they make a noise that a city dweller can't separate from normal city noises. A low-flying slower-than-sound plane is more audible.

The Concorde is designed to cruise about two miles higher than that—in the 60,000-foot realm. In French tests with Concorde flights, some people on the ground below heard it and some did not.

At 70,000 feet and more—at which advanced military SSTs are designed to cruise supersonically—one must have sharp ears and listen for the faint sound in a moment of silence to hear it.

Millions of people here and abroad are witnesses to this, but they don't know it because they didn't hear it. Our most advanced spy and strategic reconnaissance plane—the SR–71—has flown over the United States and many other nations for nearly ten years at around 2,000 mph and 80,000 feet in all atmospheric conditions on thousands of occasions while millions below never heard it.

Even so, only Russia and Iran have said that they plan commercial SST flights over their populated areas. There are some indications that Iran is negotiating a favorable deal for some Concordes of her own, in return for providing a land corridor over which the planes may fly supersonically at high altitudes. Commercial planes are forbidden to break the sound barrier over American territory at any altitude, and this rule was in effect when Congress killed our SST. The airlines don't care too much, as they only propose to make their faint noises over open ocean and unpopulated areas in our part of the globe.

At some future date, the airlines might seek the right to fly supersonically over many populated areas at proper altitudes, if public sanity on the question is restored. The decision would be up to the regulating agencies or legislatures, who have a due regard for both the hysterical content of the question and the possibility of a single pilot violating the altitude restriction.

A military bomber boomed Minneapolis in the early 1960's at a low enough altitude to involve the Air Force in the settlement of numerous damage claims. This was not pilot error. The flight plan was then thought to be safe, and most of our actual bad experiences with sonic booms occurred in the early days of military supersonic flights when we were just learning what altitudes are safe.

Nevertheless, most countries will probably never allow supersonic commercial flights over cities as long as the possibility of pilot error remains. The regulating agencies would probably want something like an automatic control to prevent supersonic speed below a safe altitude, lest they run the risk of a single pilot getting them into a peck of trouble if they relax the rules.

The hysterical content of all questions involving SSTs is very real in the United States and other western countries where anti-SST propaganda has been well publicized without regard to its accuracy. There's no question that needless fright influenced Congress when it backed away from our SST. Fantastic tales that SSTs would cause skin cancer (!) alarmed some people. They are traceable to Congressional testimony by a meteorologist who also blamed electric power shortages in New York City on flying saucers, rather than on the known inadequacies of Consolidated Edison's generators.

A few years ago, letters appeared in English newspapers about damage and fright caused by sonic booms from the scheduled test flight of a Concorde. They were all the result of mass hysteria generated by scare publicity, for the plane, due to last-minute difficulties, had never taken off. One of these letters was pathetic in its minute detail of the horrors of a sonic boom that never occurred.

The years we are now living through may go down in history as an era of widespread public hysteria. Future analysts will probably attribute it in large part to the great advances in communication, by which the wildest tales are often instantaneously transmitted to millions of people without sober evaluation. When the public gets such stories at a time when it is concerned over the real problems of our technological society, the conditions for mass hysteria are ripe. Technological questions are so complex that the average person has trouble separating the credible from the incredible if they are handed to him in a mixed bag of truth and falsehood.

Our particular kind of hysteria does not exist in the Soviet Union, where the media are denied a free press for either responsible or irresponsible reporting unless it pleases the government.

Dr. Tupolev and his associates are in emphatic agreement about another hypothetical SST problem. They say there will be no air pollution worthy of concern from Tu–144 engines in the stratosphere or troposhpere. The Soviet Union is no less insistent on being right about this than anyone else. Environmental damage to the upper air levels would be guided by them. We have our own extensive studies of the same subject.

The beautifully designed and laid out Soviet color brochure claims that the Tu–144 contains "all the advances of aviation on one aircraft." It's a real "pilot's and passenger's dream," giving "super speed, reliability and comfort."

The front cover is taken up with a striking color photo of the droop-snoot nose of the Tu–144, which, like the Concorde's, can assume different positions at different speeds.

The back cover shows in color a happy group of Soviet citizens starting on a trip to be flown mostly at twice the speed of sound—possibly the flight which Dr. Tupolev says will be scheduled regularly between Moscow and Vladivostok, on the Pacific, in three hours. Between covers are Tupolev's questions and answers, excellent photography, and interviews with top Soviet aircraft designers and test pilots telling all about the advantages of flying an SST.

At the risk of belaboring the obvious, it is time to say that in killing our SST on the strength of rumors that nobody else would fly any, we have been had. There is not a single sign to suggest that we in any way prevented SSTs from flying—which was our only possible aim. The speculations that frightened us about them don't seem to be bothering other nations that ought to be concerned if our reasons were good reasons.

Did we—at least—stop SSTs from carrying passengers on flights to and from the United States? It doesn't look that way yet, and it certainly seems that Americans, Europeans, Asiatics, Africans and Australians will soon be flying to and from American destinations on Concordes and perhaps later on Tu–144s.

If so, are foreign airlines going to get all that business, or will our airlines buy foreign SSTs in order to keep up with the competition?

These questions bugged some of our legislative leaders when they saw that the net effect of our SST ban may only be to cut off our own nose to spite our face.

Sen. Gaylord Nelson tried to meet this problem by introducing a bill that would "ban any commercial supersonic aircraft of any country from operating within the territorial limits of the United States." In order to keep Concordes out, it goes beyond setting an American speed limit lower than the speed of sound, which already exists. It has to stop Concordes and other planes from coming here if they are *capable* of supersonic speed, even if they only hit such speeds after they have gained safe altitudes outside of our territory.

Jack Sheffer, U.S. Federal Aviation Administrator, says it can't be done legally, and the Supreme Court of Massachusetts has already declared unconstitutional a Boston Airport regulation to ban planes capable of supersonic speed.

Senator Nelson's bill has not been passed and it is hard to believe it will pass. Most Congressmen can see the endless mischief it would cause. It would probably make Montreal the great international airport for transatlantic passengers from Maine to Virginia. Other nations would get busy writing specious rules to keep our airlines from landing at their airports. We'd have no answer when they told us it was just a dose of our own medicine.

Right now, then, we can expect that BOAC, Qantas, Air France and other overseas airlines which buy Concordes will offer SST flights to and from U.S. destinations sooner or later. This shifts the scene from our planemakers to our airlines, which are in a real pickle.

According to the hoopla at the time we killed our SST, the big supersonics would fly half empty, and chiefly be a sort of toy for the "jet set" en route to grouse shooting in Scotland or a late show in Paris.

What a relief it would be to many if the Concordes should turn out to fly half empty. They will be a bust. Britain and France will be out a fortune, and the customers who buy Concordes will lose their shirts.

But nobody in the business is willing to bet it will turn out that way. Nations are betting billions and airlines hundreds of millions that it won't.

It is the experience of the airlines that people don't fly for the fun of it, they fly to get somewhere fast. Given two planes at the same price to the same destination they'll choose the one that gets there quickest.

Every airline that is planning to fly Concordes expects to charge an extra fee, in order to induce plenty of passengers to take the slower planes that still have many revenue-producing miles in them. Most Concordes, they expect, will fly full or nearly full of passengers. The jet set will be welcome, but the expectation is that the business executives, to whom time is money, will swing to SSTs in such numbers that the problem will be to find a way to force enough of them to keep flying overseas on the slower-than-sound planes.

Probably many of the airlines would be happy if the SST would go away for a couple of years. In the long run, they want the fastest possible planes in order to fight spiralling costs. The faster the plane, the quicker its "turnaround." In plain language, it can carry more payloads, make more trips, in any given time.

But the airlines have untold millions invested in existing planes, and would be happy to fly them until they became obsolescent before making a huge new capital investment.

The fact, however, is that—even though they don't know how they can pay for them—our overseas airlines have had to plan on the SST as inevitable.

When our version looked as if it were going to be a reality, most of our airlines planned to buy a few Concordes to tide them over until they could get the American model. Once they had the Boeings, they'd have nothing further to fear from Concordes taking their passengers. When the movement to kill our plane gathered steam, virtually all of our airlines argued for the Boeing, in spite of the financing problem it would give them to own any. Their support of our program was based in their conviction that SSTs are inevitable, and that we should have the best.

With the death of our SST, and with the present certainty of foreign airline competition from Concordes, our airlines now face the question: Should we buy Concordes, and how many?

Most of them have options on Concordes that they must take up this winter or spring—which is just around the corner—if they want to keep their favorable delivery positions. BOAC and Air France contracted for their first nine Concordes last June 28, and our airlines were given six months to keep in step. This deadline is flexible, but only slightly so. Including all extras, each Concorde will cost about $50 million. Pan Am is in the worst fix. A great deal of its business is on routes where Concorde competition can be expected, with transatlantic flights virtually a certainty in 1975. Pan Am has options on six planes, and under present agreements is guaranteed "simultaneous" deliveries with BOAC and Air France, if it picks up the options quite soon. Should it take none, one, two . . . six?

If it takes none, will its best business start going to foreign rivals? Can it afford to stay subsonic when its rivals go supersonic? If Pan Am chances that, and all the prestige goes to foreign rivals, will the line lose many customers forever? What happens to your firm when it gets a reputation as an old fogey? If you buy no Concordes now, but get some later under the pressure of lost business, how long will it take to get your reputation and your lost fares back? Howard Hughes got into real trouble and eventually lost TWA when he stayed with prop planes for many months when the other lines were going to jet engines.

If there are never going to be any U.S. supersonics, must our airlines buy more Concordes than they'd originally planned? If so, where will they (and we) be if Congress decides later, rather than sooner, that we'd better proceed with our own after all? With too many millions tied up in Concordes, how many of ours could the lines then buy?

There are no answers to some of these questions. TWA and several others face the same kind of dilemma and it is no fun running American overseas airlines today. No matter what decisions they make, they stand to be damned if they do and damned if they don't, and possibly ruined as well.

Some airlines think that their only salvation may lie in the federal government buying some Concordes and leasing them to any lines that need them. They fear bankruptcy if they tie up millions in the wrong decision. And if they should suddenly need Concordes that they didn't order, they might lose too much business while waiting for any that were ordered belatedly. But what are the chances of Congress ever buying British or French Concordes to lease, after it killed the American SST? The political explanations to our unemployed aircraft workers would be most embarrassing.

In any event, as we look at it right now, the net effect of killing our SST has been to pay a huge price for no visible advantage.

It is possible to continue this discussion forever. There are dozens of alternatives in the minds of our planemakers and airlines to try to make the best of a bad situation. Let's skip them. None of them solves the central problem, which is the fruit of hasty action whose only actual resolution lies with Congress. *Governments* must finance the development of such planes, they are beyond the reach of private risk capital. One of our alternatives is to continue the retreat abroad, where governments still go all-out in plane development, as we used to. Our aerospace firms might try to get licenses to make Concordes, splitting the business instead of leading it. They have something to offer for a piece of the action—$1.2 billion worth of experience that we threw away in 1971, if they can arrange to share it.

If Congress rues its action and gets cracking on an American SST again, the situation will be different if it does it sooner or later. Already it will cost far more to turn the clock back than if we'd never copped out—not only in cash but in ground lost in the race to stay ahead.

The Boeing, for instance, was designed to cruise at 1,800 mph and carry 285 passengers, while the Concorde has a top speed of about 1,350 mph, and a passenger limit of between 102 and 128. The difference in plane capability lies largely in our titanium technology vs. the aluminum technology of the Concorde and Tu–144.

Time which we spend sitting on our hands works entirely against us. While we sit still, others will catch up. Under our own laws, nearly all of our advanced information is available to them, and our lead depends almost solely on our more speedily applying what we have spent so much to develop.

The Russians say they are working some titanium into their SST, and that it will beat a Concorde by between 50 and 200 mph in top speed—which remains to be seen. They don't have our titanium technology yet, but all we have to do is wait long enough and the great edge we have in titanium technology will peter out.

Thus a discussion of our repenting would be different, depending on whether we speak of changing our minds now or several years hence. The later the worse.

You can talk endlessly about the objections to SST's that led to our abandoning ours. All of them that are real are controllable, which is why Britain, France and the Soviet Union aren't disturbed by them.

The sonic boom has the power in reckless hands to break things up on the ground, but nobody intends to fly the planes so that they do.

There was no hard answer to the big bugaboo that SST's "might" inject so much nitrogen oxide or water vapor or something else into the upper levels of the air that they'd alter the climate of the earth. But there isn't a shred of evidence that they would, and there is plenty that they wouldn't.

Such frightening charges had a lot to do with killing our SST. These are basically scientific questions, needing hard answers. But the debate was conducted in the shrill arena of political polemics, and the decision—as it usually is in such cases—was made in the absence of hard information, bowing to the tempest of words.

No factual information was adduced that such catastrophic results of flying SSTs would occur. When scientific approaches tried to catch up with the alarums, the fright talk retreated into "might," "potential," "unknown," and other semantic havens that are impregnable to fact finding.

The search for facts on this subject has continued. We, and every nation that is developing SSTs, have focused keen scientific attention on it, and continue to do so. No credibility for the charges has yet been discovered, while negative evidence keeps growing.

Nuclear bombs, volcanoes and turbulent storms have injected heavier burdens of more things in greater volume into the upper air than SSTs would, without any of the predicted effects. Military planes have been flying supersonic at SST altitudes for many years, without any such detectable effects.

We shouldn't turn our backs on the remotest possibility of such an event. But we cancelled our program out of mere speculation that such awful things would happen, and what we cancelled with the test program! No wonder Dr. Tupolev isn't worried, and the Concorde makers, though they could hardly believe it, were happy at our hasty retreat.

## LIFE IN THE PEOPLE'S REPUBLIC OF CHINA

Mr. MOSS. Mr. President, after decades of receiving all of our information on the living patterns, aspirations, and culture of the people of mainland China from the media of other countries, the American people are now being told about developments in the world's most populous country by our own journalists.

Twenty-two members of the American Society of Newspaper Editors made a 23-day visit last fall to the People's Republic of China. They traveled widely. They talked frankly and openly with China's political leaders. They were briefed on the change in agricultural and industrial techniques. They were shown many of the nation's art treasures and monuments. They observed people at work and in their homes. In short, they got a close and clear view of life and developments in this ancient and powerful land with whom America has recently opened up discourse again, and with whom we will undoubtedly be having more contacts at all levels in the future.

One of those who made the trip was Arthur C. Deck, executive editor of the Salt Lake Tribune, and vice president of ASNE. He has reported on what he heard and saw in a "China Diary" which was carried in the Tribune in eight installments beginning October 29, 1972. I found the "Dairy" a fine and objective piece of reporting. It gave me new insights into a land and people about whom I have read much—and wondered more. I recommend it to my colleagues.

I ask unanimous consent, therefore, that the "China Diary" by Arthur C. Deck, be printed in full in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

### China Diary—After Long Wait, the Gate Opens

(By Arthur Deck)

After four years of concentrated letter writing, telephone calls to Peking and appeals to the United Nations' delegation of the People's Republic of China, the invitation finally came.

In July representatives of the Chinese government issued an invitation for 22 members of the American Society of Newspaper Editors to visit that long locked-up country for three weeks.

#### THEN THE WAITING

Then came the waiting. The first date was Sept. 9. Then Sept. 16. Then finally, Sept. 29. After that came the anxious waiting for visas. A trip by a representative of the society to Ottawa, Canada, resulted in the bland reply that no word had been received from Peking. Another trip there proved more fruitful and the visas were finally obtained.

All 22 travelers gathered in Hong Kong for the momentous entry into the mysterious land that had been closed to all but a few Americans for 23 years. The group gathered at the Kowloon railroad station early Sept. 29 where a representative of the China Travel Service took us in charge and loaded us onto a train for the hour's trip to the border where we were ushered through the Hong Kong immigration formalities. We were then taken in tow by a Chinese representative from Canton and led on a two-block walk across the famed bridge that separates Kowloon from mainland China and into Shumchen, the border city which is our first port of call on a fabulous journey into that country of more than 800 million people.

#### COURTEOUS GUARDS

Our apprehensions immediately began to dissolve as we were ushered into comfortable waiting rooms by uniformed guards who are courteous, efficient and who speak fairly good English. After filling out the usual immigration entry forms, we were served tea while we awaited our luggage for processing through customs. Then, while awaiting the arrival of the Chinese train, we were shown into a very clean lunchroom for our first taste of fabulous Chinese food—six or seven courses with beer and tea.

Meanwhile the train arrived and we boarded it for the beginning of our 4,000-mile adventure. To the amazement of most of us, it is a modern, European-style, air-conditioned compartment car and the train slowly pulls out of the station while a red flag flutters in the soft, warm breeze from the top of the platform.

Twenty-three days later we are to return on the same train filled with respectful impressions of a poor country peopled with millions of healthy, happy, hard working, determined persons whose goal is eventual prosperity that will improve their lives and place their country on an economic footing that will allow them to compete with the best of any nation in the world.

#### DESIRE TO ADVANCE

Despite their almost fanatic drive to improve the country's agriculture and industry we are to learn there is an impelling desire to advance socially and culturally as well under the leadership of Chairman Mao Tse-tung, who is on the threshold of deification by the populace.

As the train gathered speed along an exceedingly smooth roadbed—by far more comfortable than many in the United States—we were given our first glimpse of the green fields of rice and other garden products that are typical of southern China.

As far as the eye could see were lush green lands with here and there, small villages that are typical of the country's communes. We also got our first introduction to the trees lining every street and road, and even the railroad right of way that we later were to learn are typical of every part of China.

Our guide on the 80-mile ride to Canton was a well-educated young man, Spong Wen Hua, 30, who speaks English with hardly an accent. He explained he learned English at the University of Canton, has a wife in that city who serves as an interpreter for the Government's export and import department and that he earns the equivalent of $24 a month escorting foreigners from the border to Canton.

#### ARRIVE IN CANTON

Two hours after our departure from the border we arrived in Canton, where, in a hot, humid atmosphere, we were whisked to the airport, there to fill out more official forms and documents in the modern, spacious terminal building. It was there, also, where we were given our first introduction to Maoism for in the lobby was a heroic, white statue of the chairman and the walls of the building were filled with his "sayings" both in English and Chinese.

Presently we were put aboard a modern, Russian-built airplane and forced to sit on the apron in stifling heat (there were no ground facilities to keep the airplane cool) before takeoff for Peking some 20 minutes later.

With the overhead luggage racks bulging with such things as typewriters, suitcases, bags of vegetables and other miscellaneous items—a situation that would make stewardesses on American airlines pale in desperation—the plane finally took off for the four-hour flight to Peking, far to the north.

#### AWAIT FESTIVITIES

Peking was bathed in lights as the plane glided in for a smooth, perfect landing and we were advised for the first time why we were whisked to the capital city in such haste. We were wanted there to participate in the opening celebration of the country's national day festivities, a huge dinner in the Great Hall of the People.

Once on the ground, we were acquainted with two things that were to become exceedingly familiar during the ensuing 22 days—the Chinese philosophy that everything of importance began with the revolution of 1949 and that status, in the form of titles, plays a most important role in their scheme of things.

Led by J. Edward Murray of the Detroit Free Press, as president of the editors' society and me as vice president, we descended the ramp and were greeted by a long line of government officials with whom we shook hands and received our first, warm official introduction to the country. That being over, we were escorted to a long line of automobiles—a large black seven-passenger limousine each for Mr. Murray and me and the equivalent of an American compact for each of the remainder of the party.

#### HEAD FOR HOTEL

Accompanied by 13 interpreters, we headed for the Peking Hotel where the importance of status was again exhibited. Suites were provided for Mr. Murray and me while the other editors were assigned to comfortable, but single-room quarters. The Chinese insisted on these procedures for the entire visit.

Advised that we would have a light dinner before retiring, we were amazed when we sat down to a sumptuous feast consisting of about 14 courses, complete with good beer, wine and the mysterious, lightning-like colorless liquor called Mao Tai with which frequent toasts are given at every official meal.

Our first day in that most interesting country had turned out to be one of Alice-in-Wonderland quality and was only a sample of what was to come.

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### Colors, Lights Glow as Crowds Line Streets

(By Arthur C. Deck)

Peking, China's capital city of 6 million people, was bursting in color, both day and night, for the three-day observance of National Day, beginning Oct. 1.

By day buildings everywhere were festooned with thousands of red flags of the People's Republic, and by night all were aglow with garlands of glowing lights. The great, wide Peace Avenue, which is Peking's main thoroughfare, was filled from morning until night with thousands upon thousands of people, most of whom were astride bicycles, China's principal form of personal transportation. And the din of incessantly honking horns from the few automobiles and many buses made conversation at normal voice level almost impossible.

#### HUGE OPENING BANQUET

National Day, equivalent to the American July 4, commemorates the end of the revolution in 1949 and is celebrated annually for three days during which everything except essential transportation services, is closed.

On the previous night, Sept. 30, the Great Hall of the People, fronting on the broad, tree-lined Peace Avenue, was the site of the huge, official opening banquet.

The Great Hall is a magnificent structure which would cover one of Salt Lake City's blocks and is surrounded by a mall upon which face a number of other equally beautiful government buildings covering an area of several blocks. Incredible as it may seem, all of the structures were started at the same time in 1958 and were completed in a period of 10 months.

Women and children volunteered to work with men as manual laborers on the buildings, and one of our interpreters, a young Chinese woman, Hsy Ying, proudly told of having been assigned to shovel dirt as her part of the project.

### DIPLOMATS, GOVERNMENT OFFICIALS

As our group arrived at the hall, automobiles were unloading hundreds of diplomats, government officials and other important guests. We were ushered up several flights of stairs into an enormous dining room. Hundreds of round tables, each seating 12, were arranged in the huge room, and we were told there were more than 5,000 guests at the banquet. At the front of the hall, under an enormous portrait of Mao, was the head table for about 100 special dignitaries.

The tables were laden with huge platters of hors d'oeuvres, with small plates in front of each diner and a pair of chop sticks. By Chinese custom, each guest wades into the bowls at the center of the table with chop sticks and loads his own plate. No other utensils were visible excepting a small ceramic spoon with which soup is eaten.

When all of the guests were seated, a magnificent symphony orchestra broke into the Chinese national anthem, and while everyone rose from his seat, the head table guests marched in accompanied by Premier Chou En lai and Madame Mao. Mao did not attend.

### ENORMOUS 14-COURSE DINNER

With these formalities concluded, the guests sat down to an enormous 14-course dinner, complete with beer, wine and the famous (or perhaps notorious) colorless liquor, Mao Tai. After about a half hour of eating, there was an announcement on the public address system. Everyone rose and Chou began the first of many toasts for the whole room, and these were followed by dozens of toasts at each table accompanied by the usual Chinese exhortation: "Kan pei!" (pronounced "ganbay" which means "bottoms up" and which admonition must be followed to remain in good graces with one's dinner partners). Fortunately, this lightning-like liquid is served in small cordial glasses, but these are incessantly refilled.

When the last course was served, a huge platter of hot towels was placed on each table and each guest helped himself for the after dinner washup. We were prepared for a long evening of speeches, but presently a voice on the public address system announced the end of dinner, and everyone left without further ceremony. The consensus of our group was that this civilized practice of speechless banquets could well be adopted in the states.

### CROWDS LINE STREETS

Crowds by the thousands lined the streets as the guests emptied the large hall, but despite the absence of police or security guards (there also were none visible inside the hall), they were orderly and quietly applauded until the last car pulled away.

The following day, Oct. 1, the beginning of the three-day holiday, the grounds of the former Imperial Palace, which is now a public park, were transformed into a gala Mardi Gras festival. In every part of the hundreds of acres were happy, darling children garbed in colorful costumes, dancing and singing. There were dozens of acts of rope twirling, magic, vaudeville, marksmanship, puppet shows and an assortment of other entertainment along the miles of walkways lined with impenetrable crowds of happy onlookers.

Nearby is the huge Peking zoo which also was jammed with celebrants. Our group was impressed to see the American musk oxen which were a gift to China by President Nixon in return for a gift of the Giant Pandas which followed his visit earlier this year. Strangely, however, there is no mention of the source of the oxen anywhere around their cage.

### SPARTAN QUALITY

After only two days in China and those spent in one of the country's largest cities, a visitor is overwhelmed with the Spartan quality of the people. There is no evidence anywhere of any antagonism toward the United States and the friendly smiles with which one is greeted reflect the warmth of the reception Americans are accorded.

A number of our group visited the Soviet Union a few years ago, and we were astonished with the contrast between the two countries and the peoples' attitudes toward American visitors.

While Russian streets were clean, Chinese streets were spotless. Such public facilities as lavatories in parks and buildings were beyond comparison. In Russia such places reeked with the stench of filth. In China they were spotless.

### RUSSIANS BRUSK, ARROGANT

In the cities, such as Moscow and Leningrad, the people were, for the most part, brusk and arrogant and wore forbidding scowls. The Chinese are friendly and smiling and extremely gracious in their efforts to be helpful, despite the great obstacle of language differences.

Similarities do appear, however. While the hotels in both countries are clean and comfortable, the bathrooms uniformly display the lack of adequate scrubbing. The thick, beautiful carpets in most of the hotels appear well cared for, despite the fact they are cleaned with rather primitive twig brooms—there are no such things as vacuum cleaners.

Our first and only conflict with our Chinese hosts occurred during the first couple of days of our visit. Our invitation to China came from the nation's journalists, and although we were not advised earlier that we were to be non-paying guests, it soon became apparent, and it was at this point that we lodged an official protest. Reluctantly our hosts agreed that each of us would be able to pay full expenses. As it turned out, the 23-day visit cost each person $771.65 which covered everything—airplane, train and ground transportation, hotel accommodations and food.

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## GREAT WALL, MING TOMBS HIGHLIGHT WONDERS

(By Arthur C. Deck)

Of all the wonders of China there are three in and near Peking which overshadow all the rest—The Great Wall, the Ming Tombs and the Forbidden City.

In a driving rain and cold wind our group set out for an unforgettable experience of first seeing, and then climbing the Great Wall, which, for centuries, has been referred to as one of the great engineering achievements of all time.

Through rather barren but wide and rocky canyons, much like some of the approaches to Price, Utah, our motor caravan threaded its way to an area about 40 miles from Peking where the first glimpse of the wall is seen rising and falling with the craggy tops of the majestic Yenshan mountain range.

The first sight is breathtaking and as the winding road took us closer and closer the real majesty of the wall came into focus.

We stopped at a part of the wall known as the Petaling section and still in the rain, with a blustery, cold wind, began our ascent of the wall, walking along its top to one of the higher pinnacles, some 20 stories above the starting point. Thus was accomplished by traversing slopes that angle upwards about 30 degrees and climbing numerous stone stairs. Once the top is reached, however, the view is magnificent and, as far as the eye can see, it winds like an immense dragon whose head and tail are invisible, but there is an illusion that one is able to see the whole length that the wall extends.

Resting on foundations of huge granite slabs, supporting walls of large stone bricks, the wall at the Petaling section rises about 24 feet with a width of about 8 feet. We were told much of the wall has fallen into disrepair but that, although the government has restored the part in the Petaling hills to its original state, there is little or no money for the upkeep of thousands of miles.

The Ming Tombs probably will be remembered by television viewers who watched President Nixon's motorcade pass along the Sacred Way and through the line of huge stone animals and human statues when he visited China earlier this year.

Despite the continuing driving rain, thousands of Oct. 1 celebrants lined the way and jammed the entrance to the tomb until it was impossible to enter. Of historical interest is that in the area there are the tombs of 13 emperors of the Ming Dynasty (1368–1644) but because of a determined loss of records none of the great underground places was discovered until around 1956 and 1957.

While it was known that tombs existed near the Sacred Way, it was quite by accident that the location of one of two now open was discovered. A stone was found exposed in some nearby farmland, and through deciphering the ancient carvings thereon archaeologists excavated and opened the first, that of Ting Ling, the tenth of the 13 emperors of the Ming Dynasty and his two empresses.

### DISCOVERED BY ACCIDENT

More than 2,000 burial articles of immense archaeological value were found in the excavations including gold, silver and jade, porcelain, lacquer ware, silk and other clothing to say nothing of the magnificent marble carvings and underground.

Each of the tombs was begun when a baby emperor was born and archaeologists estimate it took one million workers 65 years to build each. They were secluded and covered with earth after the burial ceremonies and any workers still alive were killed so that whereabouts of the burial places would remain secret.

The Palace Museum, formerly called the Forbidden City, and located near the center of Peking is the third most noteworthy historical site.

Building was begun in 1406 and completed 14 years later. The grounds cover hundreds of acres and the palace itself consists of 9,000 rooms.

Priceless works of art and historical relics fill the principal museum building covering a period of Chinese history dating from 4,000 years ago through the Ming Dynasty of 500 years ago.

### DISPLAYS OF GARMENTS

Among the most exquisite displays are two suits of burial garments made of pieces of jade threaded with fine gold wire worn by one of the emperors and his wife in the 2nd century B.C.

Although these museums have been open to the public since the revolution, there once was a small admission charged but this has since been removed and everything is free.

It readily becomes apparent to the visitor that these lavish displays of historic affluence are made-to-order propaganda tools. All of the brochures explaining the various exhibits are filled with such phrases as "built by forced labor." Another from the Imperial Palace reads: "Within this Forbidden City, for 500 years, a succession of 24 emperors, by oppressing and exploiting the working people, lived a life of extravagance and debauchery."

Intertwined in all this is the reiteration that since the "liberation" in 1949 the lot of the masses has been immensely improved. And so it has, it must be admitted, but is still far behind the living conditions of people in most western countries.

## CHINA DIARY: RED LEADERS SAY AGRICULTURE NO. 1 PRIORITY

(By Arthur C. Deck)

Although any visitor to China would be able to surmise the priorities needed to keep that massive country moving toward prosperity. Premier Chou En-lai placed them squarely on the line when he met with the 22 editors late one night in a memorable interview which lasted until nearly 3 a.m.

China, he said, has its priorities set up in this order:

1—Agriculture.

2—Small industry.
3—Heavy industry.

As a visitor travels in the cities, by plane and by train over and through the rural areas he is immediately aware of the mammoth agrarian problem of feeding a nation of more than 800 million.

### ALL LAND CULTIVATED

Although we were told that nearly 20 percent of the country's land mass is taken up with mountains that are nonproductive, every square inch of available land is cultivated to produce some kind of foodstuff.

In the cities, strips of ground adjoining streets which we refer to as parking, are planted in crops. In the country crops are planted right to the edge of roads and mountains on which there is topsoil terraced to their highest point and planted in grain or other produce which can mature as dry farms since there is no way of getting water to these high areas.

And everywhere is the mass of humanity working from sunup to dark. Driving along a rural road anywhere will produce the same typical sight—hundreds of men, women, girls and children marching with hand hoes over their shoulders to move into the fields for the day's toil.

### MOSTLY HAND LABOR

Mostly the field work is purely hand labor. On some communes, oxen and donkeys and occasionally a few horses assist with the plowing, harrowing and other tasks. And in the more affluent communes one may occasionally see a tractor, a prized possession for which the commune's funds are hoarded for years. More often than not, however, the task of plowing and tilling is left to draft animals and supplemented by humans pulling the primitive plows with padded harnesses fastened to their shoulders.

Two striking things are apparent to the visitor both in the cities and the country—there are no flies in China and there are an astonishingly few birds.

What few flies there are, we were told, are blown in from Hong Kong. But flies are never seen swarming around the droppings of draft animals, in the cities and in the country, even the pig sties, which in most cases are located within a few feet of living quarters, are without flies.

On a train trip through the farming country it became apparent there were no birds on the telephone wires that parallel the railroad tracks whereas in the United States there would be hundreds of them.

Our interpreters frankly admitted that this was the result of one of China's major mistakes. Because it was felt that the birds were eating too much of the precious grain, complaints from the communes resulted in a government edict in the 1950s that they be shot.

Forthwith the farmer diligently went forth to denude the country of every feathered creature. Presently it became all too apparent that a ghastly error had been committed. As the bird population decreased, the insects took over and it became an almost impossible task to control the pests without insecticides. Now, of course, they are trying to stimulate the return of the birds.

### RECOGNIZE LOW YIELDS

At every level, from the highest government official to the lowliest peasant, a visitor is told of their recognition of the lack of high productivity on the farms.

They are determined to raise this through mechanization and introduction of higher quality strains of grains and other farm produce. Currently many of the communes are experimenting with various varieties of seeds from countries all over the world and, in addition, they are endeavoring to develop their own strains through selective breeding.

They admit, however, that mechanization is another and more serious problem. For one thing, were mechanized equipment available, it would be of little or no use in working the mountains terraces, or the rice paddies. Further, most of the heavy equipment being produced is designated for export and the volume leaves little available for domestic use.

### CHARY OF OVERUSE

Although commercial fertilizer plants are spotted throughout the country the Chinese are chary of its overuse and this was firmly emphasized by Chou who told us of the government's desire for farmers to use natural fertilizers to prevent destruction of the soil by chemicals.

As a result every farm on every commune has its huge compost heap where, as they call it, "night soil" is produced to enhance the land. Manure, also is such a desired commodity that it is scooped up immediately whenever dropped. However, in most cases, both in the cities and in the country each animal has a mesh bag tied under the tail so that the manure is automatically dumped into the bag for easy retrieval. All animals also have a mesh bag over the nose to prevent them from eating the precious crops.

The "night soil" piles are a sight to behold on each farm. There, long lines of young girls, pulling two-wheeled carts, are lined up and like an endless belt, haul the black compost to the fields.

### NOTED IN CULTURAL SPHERE

So important is the need for fertilizer and manure regarded that it has found its way into the cultural sphere of China's society.

While revolutionary themes are the mainstay of most works of music and ballet, the lot of the worker and his contribution to the country's development are also extolled.

At a musical soiree to which we were invited in the city of Sian, the first number on the program was a string rendition, almost in the style of western civilization, played magnificently by two musicians on the native Erhus (two stringed fiddles).

Its title: "Up the Mountain Come the Manure Carriers."

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## ACUPUNCTURE SURGERY OFFERED NEW INSIGHT

(By Arthur C. Deck)

One of the memorable adventures in China was the privilege of witnessing a performance of the ancient art of acupuncture.

Since our schedule in Peking called for a hospital visit, we naturally inquired if we would be able to witness one of the operations.

"Wait and see," we were told by one of our interpreters with a wry smile.

Our group of 22 editors was divided in half with 11 sent to the prestigious Capital hospital and the remainder to Peking hospital.

### PAY FOR OPERATIONS

As our motorcade reached Capital hospital, in the center of the city, we were greeted by the vice chairman of the hospital's revolutionary committee (actually the hospital administrator) and his retinue. We were ushered into a large reception room and served huge tankards of hot tea while our host explained that we were fortunate—this was operating day and we would see an actual performance of acupuncture.

Forthwith we were taken to a dressing room and asked to disrobe, replacing our clothes with sterile shoes, trousers, shirt, robe, mask and hat.

"Take along your cameras," our host said as he led us down spotless corridors and into a fairly large operating room which was the counterpart of any modern surgery in the United States.

### FREE OF RESTRICTIONS

He explained that two operations were scheduled that morning—a goiter operation on a woman and a chest operation on a young male patient. We would be free to move in and out of each operating room, he said, and there would be no restrictions on our movements.

"Be sure to take all the pictures you want," he said.

Presently the surgical team entered and after the usual formalities, a young woman, whom we were told was a young housewife of 34 dressed in the usual operating room clothing—sterile gown and shoes, smilingly walked into the room and climbed on the operating table.

Nurses went through the usual routine of covering her with sterile cloths and then a cage-like frame was placed over her face, screening her vision from the operating procedure, but open at the head side so that we, standing behind the nurse, could see her face.

### USED FOUR NEEDLES

A nurse, sitting at her head then began conversing with her while a physician and nurse approached with the acupuncture needles. Four were used and were deftly inserted, one between the thumb and forefinger of each hand and another on the wrist of each arm.

These were manipulated and twirled for a few moments, while the surgeon pulled on his sterile rubber gloves, drew the diagram for the cut on her neck and sterilized the area.

Without further ado he picked up a scalpel and sliced into the woman's throat. She gave no sign of pain and was animatedly engaged in conversation with the nurse seated at her head while the operation which took an hour proceeded. Finally the surgeon held up the tumor, a ball of tissue about the size of a small peach, and announced the operation completed.

### NO DISPLAY OF PAIN

While his assistants closed the wound, the woman smiled at us and continued to speak with the nurse, never once showing any signs of feeling pain. Once the bandages were in place, the sterile cloths were removed, the needles pulled out and the cage removed.

The woman sat up on the operating table, with no assistance and applauded our group, a usual form of Chinese greeting. Then, again without assistance, she slid off the table and walked to her room. A half hour later we looked into her room and she again applauded and smiled giving no indication of pain.

### OPENED CHEST CAVITY

The same procedure was used with the young man, a 24-year-old peasant farmer whose chest cavity was opened for a four-hour operation for what we were told was a diaphragmatic hernia. For this only two needles were used, one inserted in the left ear lobe and another in the left shoulder.

Although we did not remain to witness the end of this operation we watched sufficiently long to see his chest cavity wide open, with the patient smiling and chatting contentedly with a nurse.

As we left the operating room I inquired of a doctor as to the incidence of infection in the hospital since it occurred to me that with all 11 of us walking in and out of two operating rooms at will, we must have stirred up considerable amount of non-sterile material.

### INFECTION A RARITY

He looked puzzled at my question, replying that they rarely had an incidence of infection following surgery.

During a subsequent tour of the hospital's huge library we were shown some ancient books, we were told dated back to 300 B.C. with detailed diagrams of acupuncture procedures. Our physician host then explained that while acupuncture procedure had been used successfully for centuries, it is only now that research is being carried out to determine why it works.

Capital hospital, the site of this amazing surgery, was founded in Peking in 1906 by British and American missionaries and in 1916 was funded by the Rockefeller Foundation which provided funds for a new structure several years later and supported its maintenance and operation until it became a government institution following the revolution in 1949.

### MEDICAL CARE FREE

All medical care in China is free even to foreigners. One of our group became ill and a telephone call brought not only one doctor but two, both women. After a short consultation they agreed he had contracted pneumonia and he was hustled to the hospital. The total cost of five days' hospitalization: Five cents for registration.

Physicians are among the highest salaried people in China with those of top grade receiving the equivalent of $145 a month, compared with the average wage for all working people of between $25 and $30 a month.

They admit there is a great shortage of doctors in China because all colleges and universities were closed in 1966 when the Red Guards staged the cultural revolution. Only now are students being enrolled in medical schools.

### "BAREFOOT DOCTORS"

To cover the lack of physicians, teams of trained medical personnel have been sent throughout the country to train what they call "barefoot doctors"—similar to paramedics in the U.S. Many of these teams spend as long as a year in the rural areas upgrading health and hygiene standards in addition to their teaching.

For all their skill at acupuncture, however, the Chinese are frank to admit they lag far behind Western countries in medical excellence. Currently they are sending delegations to the United States to confer and study with physicians here. One of the goals, we were told, is to find a cure for the common cold.

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## INSIDE VIEW REVEALS STEPS IN SUSTAINING POPULATION

(By Arthur C. Deck)

The further one travels into the interior of China, the more it becomes apparent that the country is on a treadmill of trying to win the battle of feeding its increasing millions, of pushing its industrial output to try to ease the agrarian problem and of providing housing for those many millions it works day and night to feed.

While the cities appear prosperous, excepting for the lack of adequate housing, there are some areas such as in the high, mountainous region west of Peking that border on near poverty.

In Yenan, which is revered by the Chinese because it was the end of the great march that preceded the revolutionary takeover in 1949 and became the headquarters of Mao until the new government was moved to Peking, the 50,000 residents barely eke out an existence and their living conditions often appear to be pitiable.

Because of the high mountains, the sparse top soil and the limited water, it is beyond belief that the peasants can grow crops on the many terraced mountainsides to provide for their needs.

So scarce is the water that it is turned off during the afternoon and not turned on again until the next morning in the city's only small hotel. The sides of the mountains surrounding the small valley are dotted with caves dug into the rock with the fronts filled in with concrete and windows covered with paper instead of glass.

Visiting some of the cave dwellings, we found as many as 12 persons living in three small caves, using one as a bedroom, another as a living room and another as a kitchen. The floors are bare earth, but swept clean. Water must be carried from the Yen River which bisects the valley, with the caves on one side and a small, modern city on the other.

Feelings of compassion and sympathy for the Yenans overwhelmed us as we drove to the small airport, its runway made of stone paving blocks, and took off for Sian, an hour's flight to the south and a thriving industrial city of 2,500,000. But here again, water is such a precious commodity that hot water is available only in two-hour intervals, in the morning, at midday and at night.

In the suburbs of Sian we visited one of the area's showpieces—a large textile mill of which there are many in this city surrounded by many cotton producing communes.

### REALLY ENTIRE VILLAGE

The site of the mill, which has 6,400 workers, is really a self-sufficient village, with its own housing, hospital, doctors, nurses, schools and a huge pre-school kindergarten where workers' children are cared for while their mothers and fathers toil in the mill.

Those of us who toured the Soviet Union a few years ago were overwhelmed at the superiority of the Chinese cotton mill over similar factories we saw in Russia.

A visit to the housing project gave a fascinating view of the nation's housing problem. The housewife whose apartment we entered was obliging and gracious. She showed us the two concrete-floored rooms, each about 10 feet by 12 feet, in which seven persons live, and the adjoining kitchen, about 5 feet by 5 feet, with a primitive stove and only cold water. Nearby is a toilet shared with three other apartments. Although it is a flush type, one must also stand up to use the facility. We were told bathing is done in a community bathhouse. The walls of the living quarters are white-washed over brick and are covered with colorful propagandist posters.

On the way out I inquired of our woman interpreter how this apartment compares with the one she has in Peking and was astounded when she replied that this was far superior.

### LITTLE CONSTRUCTION

This visit again brought on a comparison with Russia where forests of cranes are to be seen everywhere constructing housing, whereas in China there appeared to be little if any residential or apartment construction.

In Sian as in every other populous area we were told of the constant efforts being made to reduce population. The aim is to get young people to refrain from marriage until they are 25 years old and to limit families to two children. Birth control is propagandized in the newspapers and in rural areas through the "barefoot doctors," but there is a fatalistic admission that while these efforts at population control are beginning to have an effect in metropolitan areas, there is little or no result in the country, partly because of improved health and hygiene standards.

### VISITED OTHER COMMUNE

Officials, everywhere, frankly admit that population is the gravest problem, having grown from 600 million in about 1949 to more than 800 million currently. They have no exact figures since no census has been taken since the 1950s. Their estimate, however, is based on the number of ration cards distributed, although this is inexact because of their sparse use in rural areas. On top of this the current estimate is that population continues to grow at nearly 20 million a year.

On a two-hour drive to the outskirts of Sian we were taken to another commune where 103 families lived with a working force of only about 200 out of 2,000 population. There we saw lush fields planted in cotton, grains and truck garden produce.

Again the fields were full of toiling men, women and young people, with a few draft animals assisting. The chairman of the revolutionary committee (the boss of the farm) pointed with pride at wheat starting to germinate between the rows of cotton that were being harvested by hand, a possibility because no mechanized equipment is used.

And here we also learned how the profit motive is being injected into the pure community philosophy that the state owns everything.

The chairman, inviting three of us to a delicious luncheon prepared by his wife and daughter, regaled us with stories of his own good fortune, brought about, he says, by Chairman Mao and his teachings. Having been an illiterate laborer before the 1949 revolution, he proudly related that he had gone to school, learned to read and write and "do figures," whereupon he pointed to an abacus hanging on the wall.

### ONE OF BEST

His house—three small adobe rooms and a kitchen, two with stone floors and the others dirt—he told us, is one of the best in the commune, and between courses he showed us his bicycle, a sewing machine and a small transistor radio. "All because of Chairman Mao," he said.

Far different from Russia, we learned, each commune family may have a private plot of ground upon which it may produce and sell whatever he likes.

The commune itself also may profit by exceeding established production figures and receives in cash and grain returns from its extra effort. The money is placed in a reserve account for purchase of farm equipment and the grain is stored against an adverse harvest. The chairman's house had several large jars filled with grain standing inside.

Then there are work points allotted those workers who individually exceed their daily work loads, and these can be converted into cash or grain—an incentive program that seems to be working in raising production.

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## CHINESE WOMEN LABOR UNDER SEXLESS SOCIETY

(By Arthur C. Deck)

Tribune Executive Editor

What are women's roles in the People's Republic of China?

The most militant of American women liberationists would find it hard to achieve what is an accomplished fact in China—theirs is a sexless society from beginning to end.

The same Mao garb of cotton trousers and jacket in either gray or blue is worn by both men and women. Often it is impossible to distinguish the sex of an individual excepting for the hairstyles. Young girls almost universally wear their hair in two long braids. Older women wear their hair in what is traditionally known here as a "Dutch cut."

### SKIRTS ARE RARELY SEEN

Rarely is a skirt seen, only here and there in the country where an elderly woman wears a shapeless ground-sweeping black costume. And the practice of binding women's feet is as obsolete as the male pigtail. Once in a while, a grandmotherly woman, perhaps in her 80s, is seen stumbling along a country road with her feet bound in the traditional manner of a century ago.

Women's work is the same as man's work in China. They drive trucks, they operate heavy machinery in truck and automobile factories. They run cranes and do heavy, manual work in the shipyards.

And in most hotels girls of slight build and weighing no more than 100 pounds stagger under loads of heavy luggage. Any effort to be gentlemanly and assist them is frowned upon and in some cases resisted physically.

### FARM WORK SHARED EQUALLY

Along the streets of any city or on any country road women labor alongside men at pulling the heavily loaded two-wheeled carts which soon become one of China's trademarks in the eyes of a visitor. Farm work is shared equally by both sexes.

But manual labor is not the only place in which the sex line has been erased. In two sophisticated factories we visited, an arts and crafts plant in Peking and an electronics parts plant in Shanghai, the chairman of the revolutionary committee (the top management person) was a woman. We were told there are hundreds of other factories throughout China where women hold top management positions.

### TWO INTERPRETERS WOMEN

Two of the 13 interpreters who accompanied us throughout our 4,000-mile journey, were women. One, Chi Ching, is a top editor of China Reconstructs, a major English language magazine, and the other Hsu Ying, holds an important post in the English book section of the Foreign Languages press.

They have no difficulty in name designations. Instead of resorting to the Ms. as we have in the United States, they merely use given and last names and discourage the use of Miss or Mrs.

Typical of the women who have achieved distinction in China's scheme of things is Li Hsiu Ying who at 40 is manager of an electronics parts factory in Shanghai.

### STILL ILLITERATE IN 1949

One of five girls born to wretchedly poor parents in Shanghai, she was one of three who survived starvation. At 12 she became a textile mill worker and when the city was taken over by the Communists in 1949 she was illiterate.

By going to parttime school she learned to read and write and took part in political activity. Later she went to work in a glass factory and, because of her diligent work, was elected to the Revolutionary Committee.

Before long the plant was converted into an electronic parts factory and Li Hsiu-Ying was elected head "man." She is a proud, young looking woman, the mother of two daughters, 16 and 13, and her brown eyes sparkle as she relates that 46 percent of the 870 on her work force are women.

Besides presiding over the factory Li Hsiu-Ying also is in charge of the workers' village which houses most of the employes and which has its own motion picture theater, clinic, market and library. Workers here are paid as little as the equivalent of $18 a month to as much as $45 a month for the highest skills, but the factory manager receives only $37.

### SETS UP PARTTIME SCHOOL

The work week consists of six eight-hour days—a uniform work schedule throughout China—and the factory operates three daily shifts. There are no vacations and holidays are given only on May 1, Oct. 1 (National Day), Jan. 1 and the spring festival (the old Chinese New Year.)

The factory manager, apparently remembering her own illiterate past, has established a parttime school for older workers—those who still cannot read and write.

The only area of sex discrimination that became evident was in the age for retirement—men 60 and women 50.

"Women are weaker and more fragile," she said in explanation of why the government had established the 10-year differential.

Woman's role in the building of China is constantly dramatized—a complete reversal from the ancient concept that women were worthless excepting for childbearing and were often sold into slavery and frequently killed at birth.

Although extolled in song, theater and ballet for their part in the revolution that brought communism in 1949, one of the major enterprises in which they are credited with having performed heroically is in the building of the mammoth reclamation project called the Red Flag Canal.

Located near Linhsien in northwestern China, south of Peking, this great irrigation system fans out in life-giving canals over a distance of nearly 2,000 miles and has transformed what once was an arid, near desert region, into lush, productive farmland.

### MORE THAN 20,000 WORKERS

More than 20,000 people worked on the project over a ten-year period doing all of the construction with manual labor and without the aid of machinery of any kind. A documentary movie we were shown details how women performed such tasks as hand-drilling and blasting with explosives and tools they made themselves.

Most teachers in primary and middle schools (the equivalent of junior high and high school) are women and in the universities a large percentage of women make up the faculty often holding administrative posts in the governing revolutionary committee.

But for all their prominence in the spectrum of Chinese life we saw no evidence of a woman holding a high position in national governmental affairs.

The one exception, possibly, is Madame Mao and her role has never been made quite clear.

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## DECOROUS SHANGHAI SHEDS "SIN CITY" LABEL

(By Arthur C. Deck)

Shanghai, which used to be called the "sin capital of the world," now has only 1,000 policemen to keep order, direct traffic and protect its more than 10,000,000 inhabitants.

The Chinese say that prostitution has been abolished. Drug traffic and addiction have been wiped out. Crime is of little or no significance and Chinese are free to walk anywhere in the city, a situation that was unheard of before the revolution in 1949.

Today no one lacks for food or shelter, although the latter may still be of the most rudimentary kind.

The story of Shanghai's transformation was detailed to us by its deputy mayor, 39-year-old Hsu Ching-hsien during an interview in a large conference room at the top of what is now called the Peace Hotel, but which is one that was built in the international settlement years before the 1949 revolution.

Shanghai's appearance is much different from other cities in China. The streets are narrow and many are winding as is the case in many European cities, and the structures in what formerly were the British and French sectors are typical of the architecture of those countries.

Smog was hanging over Shanghai on the day of our interview with the deputy mayor and he readily told us of his concern for both air and water pollution.

He explained that there are 9,000 factories in Shanghai and suburbs, most of which are obsolete, having been built before the revolution. With more than 4,000 smokestacks pouring smoke into the atmosphere, he said, a vigorous program was adopted to remedy this with 50 percent of them already equipped with antipollution devices. The same is true of pollution in the harbor waters, he explained, and already much of this is being corrected.

Shanghai is sinking into the harbor, he said, and blamed the condition on what he referred to as the "imperialist capitalists" of prerevolutionary days when overuse of water caused the city to settle by a depth of one meter (approximately a yard).

### PUMP WATER BACK

Hsu related that this, too, is being corrected, by having each industry pump more water back into the ground than it uses. Pumping is done during the winter months when water usage is light, and he proudly announced the results—the city is now being restored to its original elevation at the rate of about one centimeter a year.

Lack of housing and over-population are major problems in Shanghai, as all over China, but Hsu said the continuing program of birth control has dropped the annual birth rate from 29 per 1,000 in 1949 to 12.5 per 1,000 in the city and environs and only 7 per 1,000 in the urban area.

Returning to his discussion of crime, he said there were only 63 cases of serious crime—theft, embezzlement, graft and burglary—during August, the month of highest incidence because of the warm weather when doors and windows are left open. One case of rape-murder was recorded in the past year with the offender executed before a firing squad.

### STREET COMMITTEES

He gave us this explanation of the low crime rate: street committees or neighborhood committees are set up throughout the city, made up mostly of housewives, who act as guardians of public safety.

"That woman you saw standing on the corner with an umbrella this morning may not have been waiting to cross the street," he said. "She was probably stationed there to see that nothing happened to any of our American friends."

We asked how long it would take to find one of us if we happened to stroll away and get lost.

"About 15 minutes," he replied, explaining that one of these housewives would see us, telephone the hotel and a car would be sent to pick us up.

Near the end of our journey at the resort city of Wuhsi, a 75-mile train ride from Shanghai, we were shown a Chinese counterpart of the American industrial conglomerate.

### SEVERAL ENTERPRISES

There the commune, in addition to the usual agricultural activity, had several other enterprises under way—a silk worm facility, a fish "factory," oyster ponds where pearls are grown, a pharmaceutical plant, a shoe factory and sewing room where women and girls were busy at foot treadle machines making embroidery.

In a whitewashed building, workers were dumping mulberry leaves to feed masses of silk worms in six-foot-wide basket trays, stacked high in the room. Nearby were several fresh water ponds, each the size of a basketball court, where many varieties of fish are grown and seined up in large nets for marketing. For fish food, cabbages are thrown on the banks of the ponds.

In another pond, large, six-inch diameter oysters were suspended from strings for the production of cultured pearls.

A worker opened one and out popped about 20 pearls, most of minuscule size. We were told these are crushed and sent to the pharmaceutical plant for use in making a sedative drug.

In the drug plant, scores of workers were busy over large vats brewing a variety of concoctions from many types of herbs. Some wound up as potions in bottles, while others emerged as pills, then packaged and boxed for market.

A score of people were busy in another building making shoes, and farther along was the embroidery factory.

All this is done, in addition to farm work, and exemplifies the Chinese drive to "walk on two legs"—an expression heard everywhere.

### IN GUEST HOUSE

The last stop in the 23-day, 4,000-mile adventure was back at Canton where we were housed in the magnificent International Guest House, normally used for visiting dignitaries. After a final banquet at which we feasted on such delicacies as chicken slices floating in snake soup and fried sparrows, we toured the 10-story Canton fair building which was loaded with displays of everything China manufactures for export from bulldozers to canned food.

### EXCHANGE FAREWELLS

Next morning at the Canton railroad station, we awaited the train to return us to Hong Kong. Other travelers on the platform gaped in wonder as 22 Americans and 3 Chinese exchanged farewells—there was not a dry eye in the group.

Some random notes after 23 days in the People's Republic of China:

—Honesty of the Chinese people is beyond belief. Hotel doors are never locked. Passports, money and valuables are left without fear of theft. Coins left on a dresser top are carefully lifted and replaced after dusting.

—Postage stamps have no adhesive. Glue must be smeared on the stamp from glue pots found in many hotel rooms, but always available at the hotel desk or at the post office.

### HAIRCUT FOR 16 CENTS

Haircuts for 16 cents in American money? You get them for that in China. A booking office sells a ticket for 70 Chinese cents which calls for a hair cut, shampoo and tonic. Pass up the shampoo and 30 cents is returned. If tonic is waived, it shows up in your hotel room—a full pint bottle of it.

Card players abound everywhere. Parks are filled with foursomes busily shuffling and dealing. The game? American bridge and with Goren's point system, too.

Few dogs are seen. They are not allowed in the cities and in the countryside there is no time and little food for pets.

Graffiti on the Great Wall? It's there in great abundance—Chinese characters mingle with English lettering carved into the ancient stone.

### TIPPING AN INSULT

Tipping is taboo. Chinese consider tipping an insult and even a small gift such as a ball-point pen, intended as a gratuity, is courteously declined.

The Chinese pride themselves on the excellence of their telephone system. A telephone call to the United States is put through in less than five minutes. A similar call from Russia to the U.S. would take months.

Ping pong may be the national sport—stone tables with bricks for the net are commonplace—but basketball standards are as much in evidence as they are in the U.S. Soccer also is a popular sport and "tournaments" are scheduled all the time.

### DISCARDS RETURNED

It's impossible to throw anything away. A hat, blown into a mud puddle and discarded in a hotel room waste basket, showed up several days later in another city to be returned to the owner.

Young women are changing the drab scene of the national garb, the Mao jacket and trousers. Teen-agers are beginning to appear with bright colored jackets above their gray or blue pants.

You can't get it wholesale in China. Prices are fixed by the state and every item in the Friendship Stores and department stores is clearly marked and that's the price paid. Attempts to "bargain" on the price of an article are futile.

At the suggestion of a Chinese interpreter, a "Mary Bloody" party was scheduled in Shanghai where it was said vodka and tomato juice would be available. The friendship Store had both on sale, and the tomato juice bore the familiar American Borden label.

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## SMOKING SECTIONS

**Mr. SCHWEIKER.** Mr. President, last February I introduced S. 3249, to require separate passenger smoking sections for all interstate public transportation. I was prompted to submit this legislation because of the 1972 Surgeon General's report that the health of nonsmokers is adversely affected by smoke generated by cigarette smokers. The report concluded that cigarette smoke causes not only inconvenience, but is a direct threat to the health of those who are forced to breathe it.

In September 1972, the Civil Aeronautics Board proposed limiting smoking on airplanes to specially designated areas in the rear of each compartment. Then, in November, the Air Transport Association, which represents all scheduled airlines, agreed to provide separate seating for smokers and nonsmokers.

Mr. President, I am pleased by the recent CAB and ATA initiatives. They accomplish by administrative action what the Schweiker bill would have done legislatively. I await similar action by the Interstate Commerce Commission, which has proposed separate seating for smokers and nonsmokers on interstate buses. However, I will continue to press for smoking section segregation as a matter of law, not just regulation, if regulatory action does not adequately protect nonsmokers from adverse health consequences due to cigarette smoke on public transportation.

Mr. President, I ask unanimous consent that the November 29 Washington Star-News article describing the Air Transport Association action be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### BATTLE OVER SMOKING ON PLANES IS A DRAW

The battle between airline passengers who smoke and those who don't ended today with the airline industry agreeing to provide separate seating for each side.

The Air Transport Association, a trade organization representing the scheduled airlines, said that the airlines—both the major airlines and the local service airlines—will provide smoking sections.

All of the major airlines already had instituted some type of smoking section, but most of the local airlines still have allowed smoking anywhere in the passenger compartment.

The ATA announcement followed a Civil Aeronautics Board proposal issued in September which if enacted, would have forced the airlines to segregate smokers and nonsmokers. Under that proposal, the airlines would have been required to relegate smokers to the rear of the airline.

The ATA said, however, that its proposal will allow the individual airlines to decide for themselves how to separate the smokers from the nonsmokers.

The industry-wide agreement may ease a controversy sparked by consumer advocate Ralph Nader who filed a petition in 1970 with the Federal Aviation Administration and the Civil Aeronautics Board, claiming smoking is a fire and health hazard and should be banned.

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## "ISRAEL TODAY"—A MOST PERCEPTIVE REPORT

**Mr. RIBICOFF.** Mr. President, having recently returned from a visit to Israel myself, I can appreciate the journalistic achievement of Charles A. Betts, executive editor of the Hartford Times in his series, "Israel Today."

Basing his observations on his 2-week tour to all corners of Israel and his numerous conversations with Israelis in all walks of life, Mr. Betts has captured the spirit of its citizens and the complexity of its problems. He has also grasped the meaning of Israel and its determination to seek a fair and genuine peace.

I commend these fine articles to all of my colleagues who share an interest in developments in the Middle East and who are seeking new insights into the current situation there.

I ask unanimous consent that the six-part series, "Israel Today" by Charles A. Betts, be printed in the RECORD.

There being no objection, the six-part series was ordered to be printed in the RECORD, as follows:

### SEND US 6 MILLION MORE JEWS TO LIVE IN "FREEDOM"—I

(By Charles A. Betts)

So long as still within our breasts
The Jewish heart beats true,
So long as still towards, the East,
To Zion looks the Jew,
So long our hopes are not yet lost
Two thousands years we cherished them—
To live in freedom in the Land
Of Zion and Jerusalem.

So rings out the Israeli national anthem.

And to the Israeli people and government these are more than emotional words. Their meaning is an expression of a high-priority national goal—send us six million more Jews.

For them this goal is not only national policy. It is also a matter of survival to help build a strong, viable state.

Stated simply, the law on immigration of Jews into Israel says, "Every Jew, wherever he is, is entitled to go back."

And that's it.

There are some qualifiers to be sure, like one that kept the American Jewish mobster, Meyer Lansky, from being accepted.

But on the whole, the law means what it says and has no restrictions on Jews as to health age, wealth, intellect or employment capability.

Non-Jews, too, are permitted as immigrants but with a different set of ground rules that do set up qualifications.

As to survival, Yehuda Dominitz of the Jewish Agency Immigration and Absorption Department, summed it up this way:

"You will hear it from everybody, that immigration to the state of Israel is part of its life, part of its security, part of its vision. Immigration has always been a responsibility, not only of the independent Jewish state, but of the entire Jewish people."

This year, Israel expects to take in about 60,000 of the six million it asks.

And the emphasis now is to take in rapidly as many Russian Jews as the Soviet Union will let out. There are various guesses but the best informed estimate seems to be about 30,000 Russian Jews will be allowed to emigrate to Israel by the end of the year.

Of course, nobody really knows for sure because Russian policy in this respect can and may change at any time.

Of the 60,000 expected, about 60 per cent will come from Europe. About 8,000 American immigrants are anticipated.

But while I was there a short while ago, the Russians were arriving by the planeload about twice a week at Tel Aviv's Lod Airport, arriving to emotional greetings from loved ones.

Heretofore it had been pretty clear that Russian policy required the Soviet Jew to ransom himself out of the country, often at exhorbitant fees. And while the government of Israel makes tremendous concessions to help Russian immigrants once they arrive in Israel, official Israel policy will have no part of any blackmail deal laid on by the Soviet Union to let Jews out.

Lately, however, scores of families have been exempted from payment by the Soviet Union, for no apparent reason.

This development does coincide with the signing of a trade agreement between the United States and the Soviet Union designed to boost commerce between the new nations to $1.5 billion annually by 1975.

Some qualified observers in and out of Israel believe the U.S. has been quietly pressuring Moscow to drop the ransom procedure. They also say the trade pact was the clincher. One Soviet official was quoted as saying the financial situation of the emigrants from here on be treated on an individual basis.

Most of the money for running the relocation program has come primarily from the United Jewish Appeal in the U.S.

With immigrants flooding in and more sought as a national policy, how does Israel handle the influx and integrate them into national life.

Basically, there are three main types of reception centers: the absorption center for academcially trained persons, hostels for immigrants whose trades give them a reasonable chance to get jobs quickly, and the kibbutz-ulpanim, which concentrate on young people who have no defined professional goals and for whom it is deemed advisable to provide further knowledge of the realities of Israel so they can better determine their own future plans.

For the statistically inclined, the 39 absorption centers provide 7,000 places, 34 hostels provide 5,000 places and the Kibbutz-ulpanim, 2,000.

But you can be sure that should all these spots be filled, Israel will find some place to put those who have sought out the homeland.

Moshe Dayan, hero of the Six-Day war and Minister of Defense, is quoted as saying that if necessary, the immigrants will go into the Army's barracks and "we will sleep in the tents." Then he said, if more come, "we will give them the tents and we will sleep in the fields."

One of the main purposes of the stay in any of the reception centers is, of course, to teach the immigrant Hebrew. As Harry Rosen of the Jewish agency in Jerusalem puts it, "We get immigrants from 100 different countries speaking 70 languages, none of which is Hebrew."

In addition, the immigrant learns how to cook, shop, get around and generally how to cope with life in Israel.

I visited the beautiful new absorption center at Ashdod, a facility for about 220 persons and one designed primarily to retrain professionals.

The center overlooks the Mediterranean and could double as a resort hotel if the Israelis ever want to convert it.

Courses there concentrate heavily on teaching Hebrew professional and scientific language and terms so scientists, technicians and writers can function effectively in their professions.

Strangely enough, the Russian immigrants are giving the Israelis the worst headache in assimilation.

Officials explain that most Russians, even at the professional level, have great difficulty in adjusting to a society where there is freedom of choice.

Dominitz, the immigration official, had this illustration:

"We had a problem with a Jewish photographer who came from the Soviet Union and he was already in his fifties. It's not very easy for a photographer in his fifties to start working in a new country. So the Jewish agency, with the help of funds, and the Ministry of Absorption took care of this guy and prepared a studio for this man in Haifa.

"He was given loans so he could buy his equipment and so on. He was given a loan to have a store.

"He went into the store, he got his equipment and then he came to the ministry—now gentlemen, where do I have my clients?"

"In the Soviet Union, this man was used to a certain quota of clients. The whole way of doing something for himself, of getting integrated by himself, was very strange to him."

Dominitz also said that if you offer a Russian immigrant a government job at 1000 pounds a month or one in private industry at 4,000 pounds a month, he would prefer the government job.

An Israeli pound is worth about 25 cents American.

To strike a balanced note here, it should be noted that all is not sweetness and light in Israel about its immigration policies. The favored treatment policy as to immigrant loans, grants, training and housing cause dissension. Native born Israelis and those who have been there for 10 or 20 years by no means receive such largesse.

The irritation appears to be particularly acute among soldiers back from the Army.

As Dominitz puts it, "They want to get married, and this shortage of housing in Israel—of course there is friction.

"The soldier comes home and says, 'now dad, or mummy, here the newcomer can get a Jewish Agency loan, on a very low interest and here is the Israeli who comes back from the Golan Heights or from the Sinai after having three years in the army. I want to get married, here I have my sweetheart, but I can't afford to get married because I can't get a roof.' "

About nine per cent of the nation's immigrants decide that Israel is not for them and move on to a third country. Officials said immigrants from free countries, such as the United States and Canada are more likely to move on than are those from the Soviet Union or Eastern Europe.

Officialdom sees the answer to the problem in more funds for housing and other social services.

Immigration officials such as Dominitz also are pressing for action to do something to bridge the gap between what was done for the earlier immigrant and the present standard.

"Unless we do something for those who came into the State of Israel 10 or 15 years earlier," he said, "unless we do something for the education of these children, for housing of these families, for vocational training, and for all kinds of health services and welfare services—unless we do this, we will not be able to take in more Jews.

"And some friction will come up. I don't know what things it could leave."

Obviously the solution to this problem looms as one of the biggest and most important. Failure to solve it, failure of Israel to be able to take in more Jews, would, to the state and to world Jewry, be a denial not only of one of the key laws of the land but a denial of the heritage of centuries.

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## Israel Army Deceptively Low Key—II

(By Charles A. Betts)

Israel low keys its armed forces.

Not that there is any effort to hide the military. Indeed, as a press visitor, I inspected a Suez Canal outpost, was briefed at Golan Heights military headquarters, toured an armored training command, and heard a frank, overall report on Israel's military and defense posture from the Army.

Moreover, the ever-present whine of Israeli Air Force jets overhead was a most effective briefing in itself. Israelis I talked to don't seek out the opportunity to brag about their Air Force. But get them talking about it and you sense the spirit of quiet admiration.

For instance, Benjamin Abileah, Israeli consul stationed in Los Angeles and with me on the trip, said, referring to the airmen, "We may not say too much about them, but those guys are really great."

And judging from the results of the Six-Day War, the war of attrition by Egypt in 1969, the pin-point jet raids on guerrilla terrorist bases inside Lebanon and Syria, most of Israel's Arab neighbors would agree that those guys are indeed "really great."

I guess you could say that low key here means that the Israeli armed forces don't strut. They just win—or at least have so far.

There is no show of militarism either for the visitor or for home consumption. In fact there is a casualness in the relationship of soldier to both non-com and officer that would make a western spit-and-polish brass hat cringe.

For example, when we pulled up at the gate of the armored training base near Gedera a few miles from Tel Aviv, a soldier and the military policeman on duty were having a friendly wrestling match.

And when the soldiers there for training formed ranks to march anywhere, it looked like a loose confederation of commuters walking generally in the same direction.

But don't let the informality fool you. The young men and women in Israel's armed forces have proven they can be among the toughest, most skillful troops in the world.

Inside the training base, Col. Gabi, the base commander, explained the school—briefly it is a large compound where about 500 armor corps officers and non-coms are trained in tactics and use of all the different armored vehicles the nation has as well as those of the Soviet Union and Arab states.

The school also boasts a large display of Soviet and Egyptian tanks captured in the War of Independence in 1948 and the Six Day War in 1967.

Repair plays a big factor in tank training, with equipment 20 to 30 years old still in use for obvious budget reasons.

While the colonel was talking. I noticed a large map detailing some main roads in Egypt hanging behind his desk.

"What's the map for?" he was asked.

"The map is for my own personal information," he answered.

The colonel went on to make these points about his country's military stance:

"Soviet withdrawal from Egypt was a big help. If there is a fight now, it is with Egypt, not Russia."

"Our country is so small there is no room for a war. We must go out of our borders to fight.

"We need fast, strong, decisive and surprise action.

"That's why here we just make sure we have better soldiers."

And also, maybe one reason they do have better soldiers is that the Israelis believe in the philosophy of the sign at the gate of the armor training command. It reads, "Freedom is assured only to those who have the courage to defend it."

Col. Gabi still gets a laugh about some of the first captured Russian tanks that, from his description, must have been sheer delight for the Arabs.

"Those tanks were not worth a dam in the desert. We found out that the heater automatically goes on with the engine," he said.

"They were also equipped with saws to clear trees—saws in the desert!"

Incidentally, our guide around the base and one of the top armored base instructors was a young man named Sgt. Baruch. He hails from Chicago, Ill.

The training places emphasis on having the trainees get a full understanding of the cost of the equipment. There is a price tag on every major item.

In addition, there is a big showcase full of equipment broken during training with a cost estimate of the damage.

In effect, this says to the trainee, some careless chowderhead broke this rangefinder by not using it properly. His carelessness cost the people of Israel "x" pounds.

Having done a stint as a pilot in the U.S. Air Force during World War II and having received training that was more disciplined than the Israeli method, I was intrigued by the casualness I noted throughout the military establishment.

"How do you keep discipline when you need it with everybody so buddy-buddy?" I asked an Army spokesman.

He said that despite the general air of camaraderie, the Army can and does exert harsh discipline when necessary.

"The key, though," he stressed, "is that our officers lead.

"Follow me," he said, "is the formula whether it be training or battle. And you have only to look at the heavy list of officer and non-com casualties to realize that in this army the officers lead their men."

While Israel may specialize in a relaxed, informal armed force, its security system is anything but.

That too, is low key but strict. For example, you are forbidden to take a picture of a combat officer. You are asked to refer to soldiers by their last names only. No pictures were permitted at the Golan Heights headquarters.

At the Suez outposts, you could photograph the Egyptian side to your heart's content, but couldn't take a picture of the Israeli barricades.

I remember wanting to take a picture of the Israeli flag atop a barbed wire entanglement on the banks of the canal. I asked and a security officer came and stood alongside and told me just how far I could point my camera inland toward the Israeli bunkers.

And it wasn't very far.

### THE ARABS IN ISRAEL—BROTHERS UNDER SKIN OR FOES AT WAR?—III

(By Charles A. Betts)

Mr. Betts' reports from Israel continue on Sundays and Wednesdays in The Hartford Times.

How are the Arabs under Israeli control making out and how do they like their lot in life?

To try to generalize an answer to that would be about as misleading and futile as to generalize on how Americans feel about busing, the Vietnam war, or the space program.

Arab opinions vary widely and a lot depends upon what groups of Arabs you're talking to or about.

For example, the Arab in Nazareth, part of the Israel originally created after the 1948 War of Independence, takes a far different viewpoint from the Palestinian Arab of Jenin in the West Bank, former Jordanian land taken in the Six Days War of 1967.

And the Arab in Jenin will have a still different outlook from the Arab in Jerusalem, even though Jerusalem, too, was taken over wholly by Israel in 1967.

I think one generalization is fair, however. The Arab under Israeli control receives far more basic benefits in areas such as health, education and the opportunity to make a living under an enlightened Israeli regime than he ever did under Syrian or Jordanian rule.

A previous article in this series, for example, highlighted the advances in health and education for the Arab, as well as the Israeli, in the occupied Golan Heights, formerly part of Syria.

Now, take the Arab of Nazareth. The official line there came from the Arab deputy mayor, Nadin Bat-Hish, who it must be remembered is, although an Arab, an official of an Israeli town.

In an interview in his Nazareth office, Bat-Hish said that the Arabs of Israel want to co-exist with the Jews.

"Arab co-operation," he explained, has been 100 per cent and this has been recognized by the Israeli government, which has cited the Arab population as loyal citizens.

"The degree of cooperation has been so great that the Arabs outside of Israel consider the Israeli Arabs to be traitors."

Bat-Hish went on to explain the wide range of social services and benefits to Israel-Arab citizens.

He was asked if there were in Nazareth young militant men and women who strongly disagree with this cooperative attitude?

Bat-Hish's answer: "In our midst we are ready to clap hands for the victorious. We are just an audience."

Despite the obvious reluctance of the official to give a direct answer to an admittedly tough question for him, as nearly as I could determine, domestic Arab terrorism is on the wane. Instead the terrorist groups operate outside Israel with Munich-type or mail bomb operations, in addition to the guerrilla camps across the borders that get raked periodically by the Israeli Air Force.

The Palestinian Arab, however, takes a completely different approach, one that ranges from cool aloofness to outright hostility towards Israel.

In a trip to the West Bank village of Jenin, our press group met with Abu Nasser, mayor in the town.

He opened up with pleasantries and polite hopes for world peace.

"We believe," he said, "in the good people of the U.S. and hope that the people of the U.S. will help us live in peace and harmony.

"We, too, are descendants of Abraham. We want peace with Arabs. and Israelis. We should all love our fellow men. But every race wants his own race."

About this point, His Honor lost his cool and wanted to know why America should favor the rights of Israelis and ignore the rights of the Palestinians.

Somebody told him we were newsmen not diplomats but he and a councilman who was with him continued a rather impassioned oration about Palestinian rights.

"The landlord of the Palestinian should be the Palestinian, himself," Abu Nasser went on. "There will never be peace without maintaining the rights of the Palestinians."

Technically, there is no such thing as a Palestinian. Palestine ceased to exist when Israel achieved statehood. It was occupied by Jordan and Egypt, and then taken over by Israel in the Six Day War.

But that doesn't cut any ice with the Arab who lives there. He is a Palestinian in his own mind and is fighting for his own state.

Life for the Palestinian Arab is made even more complicated by the fact that he hates the Jordanians, his former masters and his neighbor to the east, almost as much as he does the Israelis.

Abu Nasser was asked, "are you aware that the U.S. is also supplying arms to Jordan?"

He shot back, "To kill us with those arms!'

The mayor also was highly critical of the interference of both the United States and the Soviet Union.

He also said that peace depended on Israel's recognition of the rights of the Palestinians. But he ducked answering a question about whether he thought Israel should be recognized by the Arabs as a nation.

For its part, Israel firmly believes the Arabs in former Palestine are far better off than they were under the Jordanians.

Brigadier General Shlomo Gazit, Israel's Coordinator of Government Operations in Occupied Territories, put it this way:

"The Palestinians have all reasons to lead a good normal life. It is not in their power to kick Israel out. It is much better than the life they led under Jordanian rule. The West Bank municipality elections were the first completely free elections ever held there."

Even Abu Nasser, himself, admitted that Jenin is better off economically since the Israeli occupation.

He said, "The economy has increased but the cost of living is very expensive."

The town itself seemed bustling, with trade and construction.

The Arabs I met on the streets were not overtly hostile. Nor were they as outwardly friendly as those in Nazareth.

As our bus left, a couple children spat at it. But others waved in a friendly way.

Despite what Israel considers a benign administration of the West Bank, the Arabs smart under restrictions. For instance, authorities must approve permits for families to visit from and to Jordan. The Israeli say that permits are almost always routinely approved.

Nevertheless to at least one Arab, His Honor the Mayor, "Any occupation is difficult—any restriction—even to the bird in the golden cage."

The plight, real or imagined, of the Palestinian Arab underlies much of the wave of terrorism and bombings directed against Israel.

The hope for an end to such tragedies seems to lie in two areas. One, winning the Palestinian Arab over to peaceful co-existence, if not absorption, and two, the recognition by neighboring Arab governments of Israel's right to exist, accompanied by cessation of encouragement to the terrorists from those governments.

Jerusalem is yet a third situation, and apparently a most encouraging example of Jew and Arab living in peace, along with a smattering of Christians.

From officialdom to the man in the street, the air is one of optimism about peace.

I guess no newsman ever goes anywhere without interviewing those functions of information, cab drivers. I was no exception.

The consensus among these men in Jerusalem is: "The Arab and the Jew have been brothers for thousands of years. We can be and want to be brothers again."

Many Arabs in Jerusalem also blame both the United States and the Soviet Union for using the Middle East in world power politics instead of letting the area work out its own problems.

To a lesser extent they also blame leaders of Israel and the heads of the neighboring Arab states alike for failure to work out a lasting peace.

The more official and informed word on peaceful living of Arabs and Jews came from the ebullient, tough mayor of the city, Teddy Kollek.

Kollek said that the key factor in improved race relations in his city is that the Arabs' earlier fear of being swallowed up is disappearing.

"Their fear (after the Six Day War) that they would be swallowed up, that they would not be allowed to continue to live as they lived, is gradually disappearing. They are running their own schools and for the first time an Arab theater exists in the town and various things like that."

And then he hit another important note:

"Now in Jerusalem there is practically no Arab terrorism. Nobody can guarantee you that tomorrow an individual won't throw a bomb in the market place or something of that kind and people will be badly hurt. But on the whole there is no feeling of terrorism. There is no fear in the city. You can walk around."

Kollek also stressed that all groups in Jerusalem want peace because they need it to survive economically. Moreover, he said, the Jews want peace to show that they can run the city peacefully. The Christians, he said, have an extra special wish for peace.

"They are afraid if there will be a war with the Jews or Arabs or terrorism, they (the Christians) would get between two grindstones and they would be ground up."

So it is that in Jerusalem today you see no army around, except soldiers on leave. You also see very few police except for traffic cops. And many of them are young women.

It is a far cry indeed from a few short years ago, when there was sheer, absolute hatred by the Arab of the Jews; only a few short years since at a Jordanian Army camp near the old city, the soldiers tore up a Jewish cemetery and used the headstones to make their latrines.

### THE PRICE OF PROGRESS—NEW PROBLEMS TO SOLVE—IV

(By Charles A. Betts)

What do you do if you're building a multimillion dollar, luxury oceanfront stretching for miles with some new hotels up and others being built, and your city pumps sewage into the sea in front of your posh hotels?

That's what is happening along the beach at Tel Aviv. Moreover, the beachfront will be extended considerably to the south. Demolition is already under way along the waterfront of the old city of Jaffa to make way for more oceanfront and more luxury hotels.

Israel plans to solve the sewage problem by turning Tel Aviv sewage system around. Instead of discharging waste water into the ocean, the engineers will reverse the process and channel it into the sand dunes on the other side of the city.

In an interview in his Tel Aviv office, Yaacov Vardi, vice president and director, research and planning staff group of Tahal Consulting Engineers Ltd., said that Israel was already deep in advanced planning to reverse Tel Aviv's sewage system.

Probably none too soon either. Tel Aviv is mushrooming with about 500,00 people now. And the waste water discharge is very apparent from the air where you can see the discolored discharge pouring into the blue Mediterranean.

It is also very apparent on the beaches themselves where there are skull and crossbone signs up and down the beach several hundred yards on each side of where pipes discharge the waste.

Vardi said that the new system will be what he termed a "triple refiltration system" that will eventually force the purified water underground.

He estimated that this treated sewage will stay about one year and gradually take its place back in the city's water supply.

The engineer estimated that by the 1980s, 20 per cent of Israel's water supply will be reconstituted sewage.

I asked also about oil slicks ruining their beaches.

Vardi answered that slicks are indeed a problem and likely to remain one for some time. He explained that elimination of oil slicks around the area "depended upon international cooperation among us and our neighboring Arab states."

He added, in probably the understatement of the week, "And we do not see this as a realistic possibility in the near future."

Oil slicks, however, in Vardi's view, are secondary to solving the pollution problem and the resultant danger of epidemic.

Speaking of water supply, Vardi said that Israel is unequaled in making the best use of its water resources.

And well it must be, because all agree that the nation can't afford to waste water.

In comparison, the average American uses about 150 gallons of water daily; the average in Israel is about 80 gallons per capita.

Water bills run the Israeli family about $5 monthly, or about 3 per cent of the Israeli's income.

In addition to its extensive work in setting up facilities to reclaim sewage, Israel is taking other steps to try to improve its water supply.

These include improving technology, better water management, cloud seeding, desalinization, and intense search for and development of new water supply sources in the Sinai Desert.

Another major problem in Israel is housing. The nation is in the midst of a vast housing boom.

But the size of the down payment required to buy housing is a major source of concern.

According to Harry Rosen, of the Jewish Agency in Jerusalem, the average income for an urban family is from 1,000 to 1,100 Israeli pounds a month. An Israeli pound is worth about 25 cents in U.S. currency.

According to Rosen, at one point apartment buyers—almost all apartments are sold, not rented, and most new housing is in apartment-type construction—had to get up a 70 per cent down payment. He said this has come down a little now.

An Israeli friend who had just bought an apartment told me that he paid 35,000 pounds for a three-room apartment. He said he had to put 20,000 pounds down when he signed up. Then he has to pay 5,000 pounds monthly until he moves in, at which time the balance if any, is due.

In most cases, however, the big down payment is frequently paid before ground is even broken on the building. It could be months or years before construction is completed.

Rosen said there is considerable dissension on this housing policy.

"Ask the contractor and he says, 'look I need my dough. My money is all tied up and I can't get money from the bank. I need your money.'

"Ask the buyer and he'll say, 'That no good so-and-so had been holding onto my money for two years and I haven't seen the first floor go up yet'."

(A previous article explained the status for immigrants who get special loans at special rates—"a reason for resentment," according to Rosen).

To give you some idea of the boom, in 1970, the latest year for which figures were available, there were 4,360 apartment starts in Jerusalem, 2,894 in Tel Aviv and 2,723 in Haifa. I was assured that the rate has increased considerably since then.

To provide some insight into the scope of the housing problem, as well as into the rush, rush of the Israelis and the mushrooming industrial growth, take Ashdod.

Ten years ago, there was no city where Ashdod stands today, on the coast of the Mediterranean about 20 miles south of Tel Aviv.

Today Ashdod has a population of 50,000 and is emerging as a major Israeli industrial center, with new power facilities, a new phosphate processing plant on the coast, new harbor construction under way, as well as a terminal facility for cross-country oil pipeline.

Speaking of industry, its development, like that of the nation as a whole, has been rapid. Between 1950 and 1970, its output was more than quintupled, growing by more than 10 per cent a year and reaching about $3 billion in 1970. Unofficial estimates rate the gross national product for the current year at nearly $6 billion.

Among the major industries are diamonds; food, beverage and tobacco; textiles and clothing; chemicals and petroleum refining; electric and electronic equipment, and aircraft.

But back to housing.

Many persons choose the kibbutz, the rural communal unit as their way of life. The kibbutz is described by its members as a totally democratic society, administered by committees. All adult members—those over 18—vote.

There is no private property except wives, husbands and personal belongings.

I visited Kibbutz Tirat Zvi on my recent press trip to Israel. This kibbutz has its particular niche in history as having been the first to be attacked by the Arabs in the 1948 War of Independence.

The Kibbutz is about 30 miles south east of Haifa along the Jordan River border of Jordan.

In addition to its agriculture, this kibbutz is a self-sufficient military unit with enough arms so that it is expected to be able to stave off any attack until the regular army shows up.

There is a main highway running north and south a few miles from the river. Frequently, asphalt roads run off the main highway at right angles and go over to the river.

These, I was told, were built so Israeli army units could move rapidly to the border to protect farmers from attacks by Arab guerrillas across the borders.

Now, of course, the guerrillas operate not from Jordan but from Syria and Lebanon to the north.

In 1971, about 86,000 persons lived in the Kibbutzim, about 3 per cent of the population.

The guide at the Kibbutz was Yitzchak Fuchs who has been there for 12 years and works in the salami factory, which provides about 50 per cent of the kibbutz gross income. Fuchs is a native of Brooklyn, N.Y., and has a master of arts degree from Yeshiva University.

At this kibbutz, children live in children's houses and spend three or four hours a day with their parents.

There are about 500 members of the kibbutz. This breaks down into 110 families, 150 children, the rest single adults. According to Fuchs, about two-thirds of the kibbutz children elect to remain there. But they are under no obligation to do so, and are free to not come back after their education and military service.

In addition to the salami factory, the kibbutz has agriculture fish ponds for raising carp, St. Peter's fish and mullet. It also raises olives, melons, dates, carrots, sugar beets, and a fairly new crop for Israel, cotton.

As Fuchs put it, "Israel is the only country in the world where the Negroes are in the universities and the Jews are in the cotton fields."

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### A "State of Knowledge" Created, the Key Ingredient to Survival—V

As Israel races ahead to meet her material needs in such fields as defense, immigration, housing, pollution control, transit, so, too, is she racing just as fast in meeting the need in education.

This race goes in many different directions, as this article will show. And success here could provide the answers Israel must find for the future.

Fortunately for Israel, she is a state that places great stock in knowledge.

About a year ago, in an address to the annual Weizmann Dinner in New York City, Dr. Glenn T. Seaborg, former chairman of the U.S. Atomic Energy Commission, put it this way:

"Israel is a living example of a country built and surviving on knowledge. It is in a sense a 'State of Knowledge' where learning, scientific and cultural, is held in the highest esteem—but more than that, where it is applied, daily, to the business of living and growing. Knowledge is Israel's greatest capital, a major asset for its future development, and an important item of export."

How apt that is can be seen by visits to the green campus and quiet halls of the Weizmann Institute of Science at Rehoveth, the sprawling Hebrew University of Jerusalem, and Technion in Haifa, as well as, indeed, the other centers of higher education thriving across Israel.

Speaking of the Weizmann Institute. I bumped into a touch of home. Going down a corridor after meetings and luncheon with faculty members, I passed a laboratory. On the door a sign said, "The Martin Joseloff Laboratory, West Hartford."

Since its dedication in 1949, the Institute has earned a high reputation for its research, carried out in 19 departments grouped into five faculties—biology, biophysics and biochemistry, chemistry, mathematics and physics.

While primarily a research institution, Weizmann also offers graduate and postdoctoral study programs. Students do not pay tuition but, rather, receive stipends or grants.

Institute spokesman say that while fundamental research will continue to receive major emphasis, there will also be increasing involvement in research with a direct bearing on problems of special importance to Israel.

The main center for applied research in Israel is Haifa's Technion, where work is geared to specific problems of both the Israeli economy and the defense establishment.

Projects undertaken by Technion are sponsored by the government of Israel, industry, and foreign governments and foundations which had a turnover of more than 24 million Israeli pounds for such work.

Research also gets heavy emphasis at Israel's first and largest university, The Jerusalem, which has more than 3,000 projects in medicine, pure science, application of science, education, humanities and social sciences.

But in addition to its educational and research endeavors, The Hebrew University is also pioneering in higher education for Arabs.

Just last October, the first Arab students from East Jerusalem graduated from the school. There will be an estimated 300 Arabs among the approximately 17,000-member student body for the coming academic year.

University spokesmen say that the number of Arabs enrolled is increasing about 10 per cent annually.

During my recent visit to Israel on a press mission, we interviewed a panel of students on life at the Hebrew University.

These points stood out:

Most of the meeting of Jew and Arab at the school is in the classroom. So far, mingling socially is not too prevalent or successful.

There are, however, the beginnings of some social interchange after lectures and during informal discussions.

Girls and boys share the same dormitories, but not the same rooms. There are no restrictions on visiting, so boys and girls visit each others' rooms any time at will.

The University considers itself a leader in a preparatory program to help "intellectually able, but educationally deprived," youths to enter without lowering the university's standards.

There is little student unrest, as we know it in this country, at the university. The panel agreed that about 99 per cent of the students back government policy on defense, that the students identify with government.

"Certainly," the panel member said, "there will be no student revolt as long as a potential war crisis exists. Once permanent peace is established, unrest could grow."

In fact, Dr. Yehezkel Cohen, dean of students, said that "sometimes the students seem to feel that they ought to find something to demonstrate about so they'll be like students elsewhere in the world, particularly the United States. But there is very little."

The university has 3½ times as many students in the study of humanities as in science.

Primary education in Israel is free. Fees in secondary schools range from 1,225 to 1,435 Israeli pounds a year, but there are many subsidies and exemptions, particularly for children of immigrants. An Israeli pound is worth about 25 cents.

Another completely different Israeli educational effort has been under way for a couple years in the village of Beit Shean, about 40 miles south east of Haifa.

Beit Shean is a so-called development town about 24 years old where immigrants from North Africa were settled.

The town of about 13,000 near the Jordanian border, took very heavy shelling and rocket attacks during the period immediately following the Six-Day War.

The town also went sour and is described as an "unsuccessful development town." Family income is low. Few people have professions. The major source of income is a textile factory. You might call it, in New England terms, a run-down mill town.

In addition, the municipal government became corrupt and the national government kicked it out.

Then about two years ago, a community center was built with funds from the United Jewish Appeal's Israel Education Fund.

Now the center is the hub of activity designed to try to turn the town around to make it purposeful and progressive.

The director there told me that it gets the kids, about 800 to 900 of them, involved after school in a variety of activities. The goal is to instill new cultural values, to try to open doors to new horizons, new career opportunities.

Civic leaders there are also trying to nip what they describe as a minor narcotics problem—18 boys were recently found to be using hashish.

I asked how come the national government could come in and just throw out elected local officials. I was assured that in Israel the national government can indeed easily do this.

I was also informed that when the federal structure feels the people in Beit Shean are ready to handle their own affairs, the town will go back to local government.

Right now Beit Shean is racing the clock to rebuild the town both physically and socially before they get a shock wave of new immigrants.

As the center director put it. "We've got to get the town built and ready before we can flood it with immigrants."

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### ISRAELIS—TOUGH BUSINESSMEN IN TOUGH DIPLOMACY BUSINESS—VI

(By Charles A. Betts)

Israel bases its foreign policy on many factors, but all of them are keyed into a fundamental realism.

As a result, the nation wastes no time in self-indulgent, wishful thinking about idealistic eventualities. Instead it deals with the often harsh facts of life with hard-nosed practicality.

The Israeli government, therefore, is little likely to be fooled by the niceties of diplomatic double talk. Nor will it budge on basic principle although it stands ready to negotiate at the bargaining table.

As to specifics, from talks with a cabinet spokesman, diplomats and military leaders on my recent visit to Israel these points emerged

Both Israel and the Arabs understand that any negotiations between them must go beyond any procedural issues and become "a matter of substance of the first magnitude." So disclosed Michael Elitzur, director of the North American Division of the Israeli Foreign Ministry.

Speaking for the cabinet, Shimon Peres, minister of Transportation and Communication, outlined the government's position that the only territorial question as to land occupied in the Six Day War that was not negotiable was the city of Jerusalem and Sharm-el-Sheikh at the mouth of the Gulf of Aqaba.

Israel has no intention to agreeing to any internationalization of the Jerusalem city, as discussed within the United Nations. Peres did emphasize that no race or religion is excluded from the shrines of the Holy City under Israeli administration. When Jordan shared control of the city before the war, Jews did not have access to their holy places.

Speaking of Jordan, Peres outlined at some length that until an overall peace settlement is reached with the Arab states, the Israeli government has no wish to negotiate unilaterally with King Hussein.

As far as Israel is concerned, and probably Jordan, too, there is a "tacit settlement," as Peres put it, "with the King."

Jordan has expelled the terrorist guerrillas and this suits Israel fine.

Jordan is watchful to avoid being gobbled up by Syria. Israel, too, does not want Syria to take over Jordan.

Jordan apparently wants to preserve peace and promote commerce and agriculture. So does Israel.

"So," Peres continued, "you have a situation where we are almost in complete agreement in full peace in a certain state of mutual admiration. We are the greatest supporters of King Hussein existing today on earth. And it's okay. Nothing wrong.

"Instead of that, you want us to sit at a table with the King and negotiate. The minute we shall meet at a table, the King must say, 'What about Jerusalem?' Then we shall say 'no.' Instead of a practical settlement you will have a formal disagreement and before we shall know, we shall be fighting each other. What for?"

As to the Golan Heights, Peres didn't see this real estate as a pressing problem and indicated part of that territory is negotiable back to Syria.

"If the Syrians," he said, "will be ready to negotiate we never swore that every kilometer out of these 1,000 square kilometers is a holy place. It is not—it is business. If you want to have peace, and you want to have strategic arrangements, let's sit around the table and agree."

Discussing the West Bank occupied territory, Peres spoke out for a "federal solution that would let every community in the area run its own affairs within a national framework." He skirted whether any such national framework would be part of Israel or a separate state.

Israel will not relinquish Sharm-el-Sheikh because of its strategic importance to protect or menace two waterways, the Suez Canal and the Straits of Tiran. Peres said Israel three times has trusted agreements on Sharm-el-Sheikh and three times has gotten burned.

Israel is ready to return 60 or 70 per cent of the Sinai desert back to Egypt.

Israel is ready to turn back the canal to Egypt.

Israel will insist on a strip of land connecting Elath at the end of the Negev with Sharm-el-Sheikh.

The Russian departure from Egypt signalled a whole new ball game, Militarily, Lt. Col. Shmuel Zachi, spokesman for the Army, said that Egypt is stalemated at the canal because it can't cross without air superiority and "they don't have that now since the Russians left."

The Egyptians still prepare occasionally for crossings, Zachi disclosed, "that this past year has been relatively quiet."

The Egyptian army of 100,000 is "much, much better than it was in 1967, thanks to the Russians," he said.

Israel estimates that there are between 6,000 to 9,000 terrorist guerrillas in Lebanon and about 5,000 in Syria.

Israel spends about one-fourth of its $6 billion gross national product on defense.

What about Israel-U.S. relations?

Elitzur, of the foreign ministry, put it this way: "There are very few Israelis who would be able to give you a very substantial answer to a question of what are the outstanding issues between Israel and the United States. This is going so far that it sometimes worries me. It's too good to be true."

In summing up broad Israeli policy, Elitzur stressed again and again the necessity for the Arab world to understand that Israel will not "be squeezed like an orange" by any outside power for a negotiated settlement that jeopardizes its rights to exist as a state or threatens its ability for self-defense.

Patience to achieve a lasting peace emerged from all the briefings. But patience tempered by a growing self-reliance in the future of Israel, a continuing willingness to bargain to make concessions, to find a way to live in harmony with Arab neighbors.

But underneath, at the core of the Israeli nation, is the steel determination that now that Israel is at last a reality, it will continue to be through the countless centuries of the future.

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## FORMER PRESIDENT HARRY S TRUMAN

Mr. HANSEN. Mr. President, from the sorrow of the passing of President Truman and the command of events to examine his life and contributions, there should also come a greater willingness to question our own judgments and conclusions.

No one likely soon will know how history will evaluate the wisdom of President Nixon's courageous determination to do what he believes is right.

But as one Member of this body whose age exceeds the average and who can recall the anguish World War II visited upon millions of Americans and whose memory is still fresh with the resolve of those who gave birth to the United Nations hoping that a better way could be found than to fight yet another world war, I believe history will vindicate the actions and applaud the judgment of President Nixon.

In looking back over the long sweep of history, Vermont Royster may give us the perspective we so desperately need now as we earnestly search our consciences and experiences in trying to choose the right course ahead.

I ask unanimous consent that Mr. Royster's column from the Wall Street Journal, "Presidents and History," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### PRESIDENTS AND HISTORY

(By Vermont Royster)

As President Nixon ends one term and begins another, it's interesting to reflect on the difference between how we judge Presidents while they are in office and how history judges them. For, as Harry Truman has just reminded us, history often alters the judgment.

Warren Harding would have to be put down as one of our most popular Presidents, even though then there were no Gallup Polls to take the public pulse. Harding was handsome, of commanding presence. He had been elected by a landslide, and when he died crowds lined the route of his funeral train as sorrowingly as they later did for Franklin Roosevelt. Then came all those scandals, and in history his name is tarnished.

On the other hand Harry Truman's reputation has been enhanced by time. He barely got elected to his second term—he was perennially in political hot water. You'd have to put him down among the less popular Presidents of the century while he was in office.

Yet by the time he died even his political foes recognized him as a President who had led his country through some parlous times, who had come at least near to greatness. This was not because history had erased any of his record; it was because time had altered the relative importance of things.

Some of the things that made Harry Truman controversial seem trivial in retrospect; his irate letters to music critics, for example, or his verbal tempers and blunders. From other mistakes that could have counted heavily against him he was rescued by circumstance. His attempt to draft railroad workers into the Army failed (with the help, ironically, of Senator Taft); his high-handed seizure of the steel industry was overruled by the Supreme Court. Bad they might have been, but in the end they sit on the record only as might-have-beens.

What are remembered now are the Marshall Plan which resuscitated a war-torn Europe, the Truman Doctrine which checked the easy postwar Communist expansion, the creation of NATO, the decision to stand at Berlin and the decision to fight in Korea. All these too were controversial in their day, but history has decided that in these instances President Truman was right.

An awareness of this effect of time must haunt every President who has a regard for something more than the popularity of the moment. Harry Truman would surely have been more popular in his day if he had not decided one Sunday evening to send American soldiers to fight in Korea, and he could not have known then which way the verdict of history would go. So whatever you think of his judgment, you can't fault Harry Truman's courage.

Anyway, the alterations of time on the reputation of Presidents must haunt Richard Nixon. Although he was reelected by a landslide, popular has never been quite the word for Mr. Nixon, and he has never been far from controversy. Many of those controversies will fade with time; who a generation hence will care about the Checkers speech or even the Watergate affair? The things that will count in history will be the one or two things that count most for the country.

Foremost among them will be Vietnam. Mr. Nixon is the third President to have to deal with that particular war. Beyond that, the fifth President since World War II to have to answer that agonizing question, What is worth fighting for? Truman faced it in Berlin and Korea; Eisenhower in the Middle East; Kennedy in Cuba; Kennedy, Johnson and now Nixon in Vietnam. Each time it has been posed in such a way that there is no easy answer for the man who must answer.

For of course it is quite simple to avoid war or end a war, if that is all that matters. The Vietnam war could have been avoided entirely by letting South Vietnam be conquered. It could have been ended at any time these past ten years by accepting North Vietnamese terms; Mr. Nixon's critics are quite correct that he could have had peace this Christmas by signing the October cease-fire draft.

Unhappily, though, the real question is: Is that all that matters? Would the world be a better place if Harry Truman had not stood at Berlin, fought in Korea? If John Kennedy had not risked a nuclear holocaust to face down the Russians in Cuba? If Richard Nixon had given the country peace by Christmas?

Even those who would answer that last question differently from President Nixon, who truly believe nothing is worth the price of that terrible bombing, must note one thing. With Lyndon Johnson's political experience before him as an example, Mr. Nixon knew the political price he would have to pay when he first adopted his tough stance, when he counterattacked in Cambodia, when he mined Haiphong, when he began bombing North Vietnam poper.

He must have been even more acutely aware of world reaction when, after the election, the peace that seemed at hand receded and he resumed the bombing. Mr. Nixon, whatever else he is, is not politically naive. Yet he did those things anyway because, for his own reasons, he thought them the right things to do. So you have to give him credit for political courage.

For the rest, as Mr. Nixon well knows, we will have to await the judgment of time. There is little doubt any longer that his earlier policy of mixing a willingness to negotiate with a military toughness succeeded; it was this that brought the North Vietnamese to their first serious negotiations. There is not much doubt, either, that what disrupted that negotiation when peace was tantalizingly near was the willingness of Hanoi to test again the President's resolve.

The resumption of the bombing answered that test. What is left unresolved is the wisdom of the judgment. His judgment is that peace alone is not enough if it's a spurious peace, that toughness now—as in the past—will bring Hanoi back to the negotiating table, that the gamble is worth the prize. The gamble won means a more durable peace, the gamble lost means an enduring war.

What makes it all so terrible is that neither he nor you nor I can know now whether his course has been right, yet he, like other Presidents before him, has the burden of deciding without knowing. The rest of us can only be cautious in our judgments.

If his course was wrong, as President Lincoln said on another occasion, ten angels swearing it right will make no difference. If the end brings President Nixon out right, then what is said against him now won't amount to anything. And history alone will show which is which.

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## HOUSING SCANDALS AND THE NATIONAL HOMEOWNERSHIP FOUNDATION

**Mr. PERCY.** Mr. President, I have been following with interest the growing debate over the future of our major housing programs, particularly the homeownership program for low- and moderate-income families.

An article by William Grant of the Christian Science Monitor about the scandal surrounding the interest-subsidy program in Detroit is all too reminiscent of perhaps a score of stories originating from other cities across the United States: Speculators buy up inner-city properties, give them a superficial face-lifting, secure FHA approval of inflated selling prices, and inflict the shoddy homes—with predictably disastrous results for all participants—on unwitting and unsophisticated low-income families searching for a better way of life.

Mr. Grant points out that loose admininstration by FHA and HUD has been the cause of much of the trouble with this and other inner-city housing programs. For instance:

> Too few supervisors are available to keep track of what is a massive FHA real estate program in Detroit.

Mr. President, I have the firm conviction that we would have been spared much of this scandal and the subsequent foment about the interest-subsidy programs if the National Homeownership Foundation authorized and specifically provided for by the Housing Act of 1968 had only been appointed by the President, funded and made operational.

Congress had the wisdom to provide for an advocate and a watchdog of a program with a purpose and a clientele different from those of the traditional programs administered by an old and established governmental bureaucracy. Not only would the foundation have provided the necessary oversight of the administration of the program, but it would also have stimulated the counseling activities for low-income people that are so absolutely essential for successful homeownership yet are still not widely available.

Congress as well as the Executive branch, government must share the responsibility for failing to fund this essential watchdog function. Dollars invested three of four years ago in activating this agency would have saved us hundreds of millions in defaulted mortgages and reclaimed homes, not to mention what this investment might have meant to the families whose dreams of homeownership have been shattered. I hope we all learn something from this situation.

Mr. President, I ask unanimous consent to include the article by William Grant in the RECORD at this point as an example of the type of fraud that could have been prevented by establishing proper oversight authority.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### HUD Fraud Costs $300 Million

(By William Grant)

DETROIT.—A widespread fraud in the Detroit office of the Federal Housing Administration, which is estimated to have already cost the U.S. Government more than $300 million, has produced a sweeping staff shake-up.

George Romney, secretary of the Department of Housing and Urban Development, announced that three of HUD officials in Detroit were being fired and a score of private firms that have done business with the agency will be suspended.

The move came after a three-month investigation by the FBI of HUD operations in Detroit. The investigation continues and more housecleaning may be done, said William Whitbeck, head of HUD operations here.

Similar fraud has been uncovered in HUD operations in other cities, but government officials have said the extent of the corruption and the loss to the government in Detroit far exceeds what has been uncovered elsewhere.

#### 20,000 HOMES INVOLVED

The massive corruption, dating back to 1969, has led to the default and foreclosure of at least 20,000 Detroit area homes that had been sold with FHA-insured mortgages. The government has lost more than $300 million in Detroit alone.

Involved were some top HUD officials here, whose names have not been made public, some FHA home inspectors, and a variety of private real estate agents.

Several different tactics were used by those involved to make money from FHA programs designed to help low-income families own their own homes.

In one of these, real estate operators picked up, for a low price, a house in need of massive repair and did some minor painting and patch-up work to hide, as well as possible, the unsound structure.

Then the real estate dealer paid off an FHA inspector to certify that the house was sound and met all of the strict qualifications for an FHA-insured loan.

#### BUYERS SOUGHT

Next, it was a matter of finding an unsuspecting buyer. Those sought out were usually poor people who had never owned a home before and had imagined that they never could.

One firm even solicited people who were being evicted from apartments because they were unable to pay their rent.

"Call me and learn how easy it is to have a home of your own," the firm's letter read. "Time is very important in a situation like yours and action must be taken at once. Don't wait to be put out on the street, call me today. I have the answers for you. Don't talk to anyone else."

With these and other tactics, real estate speculators were able to sell the houses for much more than they had paid for them, because the bribed FHA inspector certified that the home was worth the inflated prices.

#### INSURED LOANS ISSUED

So local banks and mortgage companies issued an FHA-insured loan, which guaranteed the banks would be repaid by the government if the home buyer defaulted on the mortgage.

And that is what happened in most cases. When the buyer found he could not continue to meet the payments on the inflated purchase price or when the undone repair work overwhelmed him, the home was abandoned and the mortgage foreclosed.

The government then had to pay off the loan and th FHA assumed possession of the home.

In a parallel operation, some real estate firms did not bother even to find a buyer for the home. They simply falsified the whole deal and no purchaser ever actually existed.

But a mortgage was issued with an FHA guarantee.

No payments would be made and in time the mortgage would be foreclosed and the FHA would have to pay off the bank or mortgage company.

#### UNFIT TO LIVE IN

Many of the homes were found to be unfit to live in and have been torn down. The FHA is trying to fix the other homes to sell them at a fair price.

The most recent suspensions by the FHA have been of real estate agents who handle 10 percent of the foreclosed homes and of 25 Detroit home-repair firms the FHA claims never made the repairs they certified were made.

Much of the trouble of the loosely administered program has been that too few supervisors are available to keep track of what is now a massive FHA real estate program in Detroit.

Until recently, the FHA had only 23 people in the Detroit division, which supervises this part of its activity. Now that figure has more than doubled, but almost all of the new people are trainees.

Mr. Romney said in announcing the recent suspensions that "these actions are part of a continuing effort by the department to root out individuals and firms who may be involved in acts that impede HUD's mission of helping to provide decent housing for the American people."

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## ROBERTO CLEMENTE, 1934–72

Mr. SCHWEIKER. Mr. President, all Americans are deeply saddened by the untimely death of Pittsburgh Pirate baseball star Roberto Clemente, who perished New Year's eve in the crash of a cargo plane carrying relief supplies to victims of the Managua earthquake.

Roberto Clemente's feats on the playing field are legendary, and it is as an athlete that he will be remembered by most Americans. But there was another side to Roberto Clemente. He was a true leader on and off the field; a man who symbolized dignity, pride, and accomplishment to the Puerto Rican people and all Americans.

Roberto Clemente was engaged in a humanitarian endeavor at the time of his death as coordinator of Puerto Rico's earthquake relief work. He was making the flight to Managua to make certain that relief supplies did not fall into the hands of profiteers. He interrupted a project to build a "Sports City" for Puerto Rican youngsters to head the relief effort.

Mr. President, as a Senator from Pennsylvania, the State where Roberto Clemente established himself as a sports immortal and where for 18 years he and his family resided during the baseball season, I want to express the deep sense of loss the Nation has sustained by the passing of Roberto Clemente and extend my sympathy to his wife and family.

Mr. President, I ask unanimous consent that a number of newspaper accounts describing the life and career of Roberto Clemente be printed in the RECORD.

There being no objection, the newspaper accounts were ordered to be printed in the RECORD, as follows:

[From the Philadelphia (Pa.) Inquirer, Jan. 2, 1973]

### Roberto Clemente: Baseball's "Magnificient Militant"

(By Bruce Keidan)

He was the nicest militant I ever met.

Not that he was much for harsh words or expressions of righteous indignation. Roberto Walker Clemente was far too professional for that sort of thing. But he was a militant nonetheless. A crusader. For the Latin American baseball player. And for the children.

"Kids," said Richie Ashburn. "He always liked to talk about kids. You know, he was always kind of reluctant to go on an interview show, but once you got him on there, you couldn't stop him. He'd talk forever—about baseball, about Puerto Rico and about kids "

Roberto Clemente has given his last radio interview now. He has, almost unbelievably, struck his last base hit, won his last game for the Pittsburgh Pirates, made his last incredible throw from right field. A plane crash at San Juan, P. R., claimed the 38-year-old superstar late Sunday night. Baseball, Latin America and the children have lost an ambassador.

"He studied everything and he remembered everything," Phillies manager Danny Ozark was saying from his winter residence in Florida. "He knew every pitcher and every hitter—whether the hitter had power, where the outfielders should play him, whether or not the guy would try to take the extra base."

He remembered something else, too. Roberto Clemente never forgot his own dirt-poor beginnings on the sandlots and the vacant lots of Carolina, Puerto Rico. He never forgot his obligation to millions of other Spanish-speaking children, growing up poor.

He was on the third of three scheduled relief flights to Managua, Nicaragua, when his plane went down. He didn't have to be on it. Roberto Clemente could have helped the earthquake-stricken city in other ways. He could have written a check and let it go at that. He could merely have called on the thousands of influential friends he had made in his 18 major-league seasons to help. But if you knew Roberto Clemente, you knew he would go himself. To save the children.

I remember an interview with Clemente after a game in Philadelphia late last season, when he was closing in on his 3,000th big-league base hit. We were talking about night baseball and the advantage it gave the pitchers.

The handsome, Belafonte-like face shifted into a wry smile. "When I was a boy, we would play baseball all day and much of the night," he said. "There were no lights, but we would keep on playing after it got dark. You didn't have to go home for supper because there was no supper to go home for."

He was a star in a tough Puerto Rican semipro league by the time he was 15. At 19, he was a baseball player in a class by himself on a tropic island crammed full of hungry, agile kids with a dream of escaping from poverty by playing in the major leagues.

The Dodgers signed him for peanuts. In those days, that was what you gave a Latin player to sign him. A Latin kid was supposed to be eternally grateful just for the chance to play in the major leagues, even at a minimal salary and without bonus. Long after black Americans were making respectable money in the major leagues, Latins remained second-class baseball citizens.

Clemente fought that bias in his own militant way. He did not sulk or throw tantrums. He was a one-man fifth column. He did it with ability, with hustle, with integrity. He did it by comporting himself like a member of the diplomatic corps. He did it by talking up Latin America and the Latin American ballplayer to anyone who would listen.

"When you talked to Roberto Clemente," said Danny Czark," you were talking to Puerto Rico. You had the feeling that he wasn't just FOR his people. He WAS his people."

People said of Roberto Clemente that he was a hypochondriac. They refused to believe that the hundred nagging ailments and injuries of which he complained could be real. Never mind that the doctors agreed with him. Never mind that he played in more than 2,400 games in 18 big-league seasons. A guy who played baseball that well MUST be in the peak of health.

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[From the Pittsburgh (Pa.) Post-Gazette, Jan. 2, 1973]

### CLEMENTE DIES IN PLANE CRASH

SAN JUAN, P.R.—Baseball star Roberto Clemente and his four companions on a mercy mission were feared dead yesterday in the crash of a cargo plane that plummeted into the ocean within sight of San Juan's luxury hotels.

The four-engined DC7 was loaded with relief supplies for survivors of the Managua, Nicaragua earthquake. It went down at 9:22 p.m. Sunday about 1½ miles north of San Juan International Airport, from which it had just taken off.

A U.S. Coast Guard spokesman said no survivors were found and rescue units recovered only bits of the wreckage in an all-day search yesterday.

The spokesman said rescue units "have found a suitcase, a hatch cover, metal pieces, a wheel and life jackets" but no survivors.

Gov. Luis A. Ferre officially declared the Pittsburgh Pirates' All-Star outfielder dead and ordered three days of mourning because of "the death of the great Puerto Rican, Roberto Clemente."

Ferre said he issued the special proclamation because "Clemente's premature death took place while on a noble mission of charity and neighborly love."

The Coast Guard, which is in charge of the search operations, continued to list Clemente and the four others as missing.

Clemente, 38, had agreed to head Puerto Rico's earthquake relief operation when he got word of the disaster Dec. 23. His relief organization had collected $150,000 in cash and tons of food, clothing and medicine for the survivors.

The propeller-driven plane had been scheduled to leave at 4 p.m., but a series of delays held it up for more than five hours.

Clemente's wife, Vera Christiana, said he had been on the verge of canceling the flight. She quoted him as saying, "If there's one more thing, we're going to leave it until tomorrow."

Airport officials said the plane crashed after making a normal left bank while climbing after the take off. They were unable to pinpoint the cause of the crash.

A Puerto Rico Ports Authority official said that beside Clemente, the occupants of the plane were the pilot, Jerry Geisel; the copilot and owner Arthur Rivera; the flight engineer, Rafael Matias, and a radio newsman identified only by his last name, Lozano.

A Federal Aviation Administration official said weather was normal during the take off. The National Transportation Safety Board sent an investigating team to San Juan.

Clemente was extremely popular on this baseball-happy island. Gov.-elect Rafael Colon, scheduled to be inaugurated today, canceled festivities that were to accompany his inauguration.

Born Aug. 18, 1934, Clemente had completed his 18th season with the Pirates in 1972. Last season he became the 11th player in major league baseball to get 3,000 hits during his career.

The Pirates drafted Clemente for $4,000 from the Brooklyn Dodger farm team in Montreal in 1954. He went on to compile a lifetime batting average of .318, be named the National League's Most Valuable Player in 1966 and be selected to the league's All-Star team 12 times.

In 1971, he was named the World Series' most valuable player as the Pirates defeated the Baltimore Orioles in seven games.

Clemente collected his 3,000th hit Sept. 30, 1972, when he lashed a double in the fourth inning of a game against the New York Mets at Three Rivers Stadium, Jon Matlack was the victim of the historic hit.

Clemente received a standing ovation from the crowd of 13,117 and the game was stopped as he was awarded the baseball.

Only two other active players, Hank Aaron of the Atlanta Braves and Willie Mays of the Mets have attained the elite 3,000-hit circle.

Clemente, Aaron and Mays, all right-handed batters, rank as three of the greatest modern day hitters.

Clemente was the first Pirate to make the exclusive club.

Clemente's 3,000th hit was his last in regular National League play. After the accomplishment he announced he would not play in the last three regular season games.

Clemente rested for the National League playoffs against the Cincinnati Reds, which Pittsburgh lost in five games. He had four hits in 17 at bats for a .235 average.

The superstar said that he had been embarrassed by the standing ovation.

"I feel bashful when I get a big ovation. I am really shy and so is my family. I never was a big shot and I never will be a big shot."

Clemente was asked if the hit was his most satisfying moment in 18 years in the majors.

"The World Series was more satisfying, because we won," Joe L. Brown (Pirate general he said. "We don't play for manager). We play for the fans of Pittsburgh.

The Pirates won the World Series in both 1960 against the New York Yankees and in 1971 against the Baltimore Orioles, .310 in 1960 and was the outstanding player in 1971 with a .414 average. Clemente hit safely in all 14 Series games in which he played.

He batted over .300 13 times. His highest average was .357 in 1967.

Last season he hit .312 in 102 games.

Many observers link the Pirate coup in acquiring Clemente from the Dodgers to the quota system which once restricted the entry of blacks in the big leagues.

Clemente, was born in Carolina, Puerto Rico Aug. 18, 1934. He was the son of a sugar cane plantation foreman.

The Dodgers signed him to a free-agent contract in 1953—seven years after Jackie Robinson broke baseball's color barrier.

There were five black players on the Dodgers' parent club that year, and Clemente was signed to a minor league contract—even though it meant the risk of losing him in the draft.

Clemente caught the eyes of the Pirates' scouts although he batted only 148 times for a .257 average in his lone season at Montreal in the International League.

Pittsburgh finished dead last in the National League that year and made the 20-year-old outfielder their No. 1 choice in the draft.

Clemente justified the Pittsburgh scouting system and he wound up with more hits, runs batted in and total bases than any player in Pirate history.

Beyond the statistics, Clemente was identified by his free-swinging, unorthodox batting style and his mannerisms at the plate.

The continuous neck movements, side to side to work out the kinks, extensive landscaping around home plate, and taking the first pitch became Clemente trademarks.

He stood so far from the plate it appeared he'd need a bed slat to make contact yet he could lunge forward and swipe a low and away fastball out of the catcher's mitt.

Clemente's career total of 240 home runs was far below similar totals for Mays and Aaron.

Clemente, however, played much of his career in spacious Forbes Field and his hit-to-all fields style produced more singles and triples than any other active player.

Hitting was just one facet of the all-around play that made Clemente a Golden Glove defensive perennial and a dangerous baserunner.

No other player surpassed Clemente in all-out every infield grounder as if the World Series were at stake.

His basket catches, often made well below the waist, added sparkle to routine plays, and his arm was so strong that nobody took the extra base on him.

Clemente was known to leap high against the wall to make a catch and whirl and throw, almost before landing.

Many players make diving catches but Roberto made them sliding on his kneeds so the ball wouldn't bounce past him.

Perhaps because of his all-out play, Clemente missed many games during his career because of a myriad of injuries which went beyond conventional bumps and bruises.

This past season he was stricken with tendonitis of the ankles shortly after recovering from intestinal virus, which took more than 10 pounds off his 5-foot-11, 182-pound frame.

In previous seasons he had been inflicted with everything from malaria and bone chips to food poisoning and insomnia.

This all led to an image of Clemente as baseball's leading hypochondriac, an image he said had been fostered by baseball writers.

Clemente criticized writers for allegedly refusing to accept top Latin players as the equals of other superstars.

Yet he was nearly always patient and pleasant with writers, just as he was to countless autograph seekers—even the ones who interrupted him in restaurants.

His private life centered mainly around his wife, Vera, and their three sons.

Among his hobbies were ceramic work, and he often made lamps and tables as gifts for friends.

After the season Clemente and his family returned to Puerto Rico, where he maintained several homes and supported many of his relatives.

He reportedly was paid in the vicinity of $150,000 per year by the Pittsburgh club, but he never made a major commercial endorsement in the United States.

He had done commercials in Puerto Rico and donated the money to charities.

Although he had once hoped to manage after his playing days were over, Clemente had set his sights on developing a boys sports camp where he also backed a chiropractic clinic.

However, he had set no timetable for retirement and he had hoped to play another four or five years.

Clemente had given the Pirates a sizeable return on that original investment.

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THE WHITE HOUSE,
*Washington, October 26, 1972.*

*Clemente's 3,000th hit of his career brought this belated congratulatory note from President Nixon.*

Mr. ROBERTO CLEMENTE,
*San Augustin, Rio Piedras,*
*Puerto Rico.*

DEAR MR. CLEMENTE: With the excitement of the play-offs and the World Series, I had neglected to tell you how delighted I was to learn of your 3000th hit in major league ball. You long ago proved you are one of baseball's superstars of this or any era, and this new milestone is further confirmation—if any were needed—of the standards of excellence you have shown on the playing field. Heartiest congratulations and kindest good wishes for many more seasons!

Sincerely,

RICHARD NIXON.

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### TRAGEDY EVOKES TEARS, SHOCK, DISBELIEF HERE

(By Gabriel Ireton)

Pittsburghers—many of them bleary-eyed from New Year's celebrations—awakened yesterday to the shock: Roberto Clemente, "The Great One," is dead.

Some heard snatches of the news on radio and television. Some murmured in disbelief when a eulogy was said from the pulpit of a New Year's Day mass.

Many of them wept.

Close friends who knew Clemente and his family and those who knew the baseball "superstar" only from their view from "peanut heaven," wept the same tears.

Hundreds could not believe the news and they telephoned the Post-Gazette and the Pittsburgh Baseball Club for confirmation.

Politicians and commoners here—Clemente treated them the same—expressed their shock at reports that the Pittsburgh Pirates' greatest outfielder had died with four other men when a DC 7 cargo plane in which they were flying crashed into the Atlantic Ocean at 9:22 p.m. Sunday.

Clemente was coordinating a massive airlift of food and supplies to help the people of earthquake-stricken Managua, Nicaragua.

"It seemed fitting that Roberto Clemente had died when he was doing God's work of relieving the suffering," a Pittsburgh priest told his shocked congregation yesterday.

"The tragic death of Roberto Clemente has saddened Pittsburgh and the entire nation," Mayor Flaherty said in a statement. "He died at the height of a great career while performing a valuable service for his fellow man.

"Mrs. Flaherty and I extend our deepest sympathy to his wife and children."

County Commissioners Leonard C. Staisey and Dr. William R. Hunt expressed their regrets.

"It is tragic," Hunt said, "to lose a person like this who has become such a hero for everybody. What a contribution he has made to the successes the Pirates have had—and then to lose him at the very peak of his career is just tragic."

"The Pirates lost a superstar," Staisey said, "but the world has lost a super guy. When someone tells me, Happy New Year, it will seem to be a hollow wish."

Among those who knew him best was Phil Dorsey, a postal worker who became Clemente's friend when he came to Pittsburgh as a rookie.

Dorsey cried when he heard yesterday that Clemente was missing and presumed dead.

"One of his brothers called me last night from Puerto Rico and told me Roberto was in the plane," Dorsey said, choking back the sobs. "I've been up all night. I'm so shocked, I can't think."

Dorsey, who served Clemente as a personal friend, chauffeur, business manager and babysitter for the rightfielders three boys, said that Clemente was looking forward to next season.

"He and I already made plans for his apartment, and I was sending some mail to him," Dorsey said.

When Clemente was a rookie, he said, "we used to go to movies and things together. I even remember when he first met his wife down in Puerto Rico. I used to go with them as a chaperone before they were married."

Among those who befriended him when he first began playing for the Pirates were Mr. and Mrs. Henry Kantrowitz of Squirrel Hill. They left the Clemente family's suburban San Juan home last Tuesday to help set up a Pittsburgh-based fund drive for Clemente's relief airlift.

"We curtailed our visit there for this very thing he was doing," Mrs. Kantrowitz said. "And I thought the very best thing was to come to Pittsburgh and see if we could find a way to help him raise money."

Kantrowitz said Clemente had devoted himself to making aid available to Managua's earthquake victims.

"He was putting 14 hours a day just working with his committee," Kantrowitz said. "As a matter of fact, when I brought him some food to eat, he wouldn't stop to eat it."

Clemente had made appeals on radio and television for food, clothing and drugs, Kantrowitz said.

Himself a state campaign chairman for the March of Dimes for five years, Kantrowitz called the response "unbelievable" as donations came "in carloads" to Hi Bithorn Stadium, San Juan, used as a depot to store and package goods headed for Managua.

"The stadium parking lot was almost as filled as when there's a ballgame. There was enough food and clothing to fill Three Rivers Stadium, sections A and B, on the outside perimeter of the stadium."

"People came down there with Christmas gifts which had been unopened," Mrs. Kantrowitz said.

"As great a ballplayer as he was," Kantrowitz said, "he was a greater human being. In spite of his earnings, in spite of everything else, he was a down-to-earth human being who would spend as much time talking with the common man as he would with a captain of industry."

Clemente was a family man devoted to his children, his "adopted" Pittsburgh "parents" said.

"The public will never know what a family man he was for his children," Mrs. Kantrowitz said. "He adored those kids. Those children adored him. Seeing him alone with them feeding them . . . is unbelievable.

"One day last week," she continued, "he looked at his oldest son and he said that Roberto Jr. would be the next Pittsburgh Pirates' rightfielder. 'Robertito' plays ball like his father—he stands like his father."

The Clemente household was an open house to nearly any Pittsburgher who visited San Juan.

Rabbi and Mrs. Moshe Goldblum yesterday recalled a recent visit with the Clemente family after an introduction before a game at Three Rivers Stadium.

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## EDWIN A. FITZHUGH, ONE OF ARIZONA'S OUTSTANDING JOURNALISTS

Mr. FANNIN. Mr. President, it is my sad duty to report the death on December 3, 1972, of Mr. Edwin A. Fitzhugh, one of Arizona's outstanding journalists.

Mr. Fitzhugh, editor of the Phoenix Gazette for the past 14 years, died in St. Joseph's Hospital in Phoenix following an illness of several weeks. He was 63.

Mr. Eugene C. Pullman, publisher of the Phoenix Gazette and the Arizona Republic, said of editor Fitzhugh:

Fitz, whose association with our organization dates back more than 40 years, always had been first and foremost a newspaperman. His only other interest was in the outdoors, and there he had a powerful love for all that nature provided—the animals, the wilderness.

Fitzhugh had a code for life which he felt should be followed by politicians, professional people, business people and just people generally. He believed strongly that everyone should receive a fair deal, a square deal, an equal deal. His comments in carrying out this philosophy created a good deal of controversy at times, but he seldom was wrong.

At the time of his passing, I said:

Ed Fitzhugh has left a legacy for new generations of journalists to emulate. As a writer and editor, his creed was fairness and from this stance he devoted a lifetime to the highest principles of journalism.

I have lost a good friend and the free press has seen the passing of one of its staunchest advocates and ablest defenders.

Mr. Fitzhugh was a conservative in his philosophy, and in recent years his editorials on constitutional law had been used for classroom study at Harvard Law School and were made the subject of a national symposium at the University of Notre Dame.

Mr. Harry Montgomery, retired associate publisher of the Phoenix Gazette and the Arizona Republic, delivered the eulogy of Mr. Fitzhugh at memorial services on December 6.

It was a beautiful tribute to Mr. Fitzhugh and the things he stood for during a lifetime as a newspaperman, and I ask that the eulogy be printed in the Record, along with editorials written by his longtime associates, Mr. Don C. Urry of the Phoenix Gazette and Mr. Frederic S. Marquardt of the Arizona Republic.

There being no objection, the eulogy and editorials were ordered to be printed in the Record, as follows:

### Edwin A. Fitzhugh

(By Harry Montgomery)

We are here today to *honor* a friend, an associate, and a newspaper man of tremendous dedication and integrity.

We call it a memorial service because he is not here.

The word *honor* is used advisedly. If we dared come here to mourn or to eulogize and it were within Ed Fitzhugh's power to do so, he would smite us all. He didn't like that kind of thing.

But we pay him honor for his good qualities, his services to the society in which he lived, and for his accomplishments as an individual and a newspaper man.

The brief tribute which is my assignment will be woven around a simple sentence in Don Urry's editorial in The Phoenix Gazette Monday:

"In an era of submissiveness, he was a fighter for what he held to be right."

There is no better, more succinct way to describe Edwin A. Fitzhugh, the man who was editor of The Phoenix Gazette for 14 years, than the statement: "He was a fighter for what he held to be right."

The editor of The Arizona Republic, Fritz Marquardt, looking at Ed through the eyes of the opposition, put it in a different way in his editorial Tuesday morning. "I'm very competitive," he quoted Fitzhugh as saying in summing up his attitude toward life. Then Marquardt added: "That was an understatement." The Republic editor was speaking from 14 years of bumping heads with his counterpart on The Gazette.

Anyone reading Fitzhugh's hard-hitting editorials and columns easily could conclude that he was out to prove the old saw that "The pen is mightier than the sword." Born to a pioneer ranching family he possessed the instincts attributed to early settlers who fought to protect their possessions. But Fitz fought with words that he pounded from his typewriter, and he fought for all mankind.

His publisher, Mr. Eugene C. Pulliam, said of Fitz: "He had a code for life which he felt should be followed by politicians, professional people, business people, and just people generally. He believed strongly that everyone should receive a fair deal, a square deal, an equal deal. His comments in carrying out his philosophy created controversy at times, but he seldom was wrong."

No one ever heard of Fitzhugh giving in without a fight. Yet Marquardt said in The Republic that after Fitz had argued his point, "he knew how to concede graciously if he became convinced he was wrong." One of Fitzhugh's associates on The Gazette, Larry Ferguson, relates that he once saw the editor, well along in the writing of an editorial, tear the copy from the typewriter and toss it away. Larry asked for an explanation and Fitzhugh replied quietly, "I discovered half-way through that I was wrong."

One cause which commanded Fitzhugh's eternal vigilance was the freedom of man. He valued freedom above all else and made a career of championing rights of the individual. He could not bear the thought that freedoms established by the Constitution and the Bill of Rights were being eroded through permissiveness of government and society.

Jay Brashear, a Gazette editorial writer who had worked with Fitz longer than anyone except Don Urry, saw this as his "consuming devotion."

"To Ed Fitzhugh," Jay said, "the great truth was that man was created to be free. He gave all that he had every day of his life to preserve that essential quality of human existence, recognizing all the while that man through his own labors must earn the right to remain free.

"Ed didn't think of freedom as so many people do, in an abstract way. Freedom, as he saw it, was tangible—something that could be touched and savored and, above all, something precious and necessary for survival.

"With that single thought guiding him, he approached life with a special sensitivity few men possess. As he hiked through the splendors of Arizona nature—one of his favorite pastimes—it was more than exercise and enjoyment of the landscape. He was making his way as a free man—through the freedom explicit in nature and the Creation."

Next to his devotion to newspaper work, Fitzhugh loved the outdoors. He was a conservationist before it ever occurred to most of us that without it there will be no wilderness, no unpolluted streams, no forests to pass on to future generations. He recognized no grandeur except that of the Arizona landscape. His family (his wife Meryal, daughter, Meri-le (Mrs. Robert Collum) and son, Lee) shared his interest in the outdoors. Lee is now teaching forestry at Northern Arizona University.

When Fitz was not jousting with some branch of government or some development that he did not believe was in the public interest, he wrote a homespun-type column that often dealt with nature and the outdoors. Those who read his editorials only may have looked upon him as a perpetually angry man. But for contrast listen to this paragraph from one of his columns dealing with unchanging nature:

"The sky looked the same if you tipped your head way back and looked straight up between the pines. The clouds came over the same way, holding their meetings mostly in the afternoons to decide where in the White Mountains to rain today. They clapped their hands in thunder to worry fishermen caught far from camp, even if they didn't intend to rain on that particular gaggle of humans that day."

His column, "Close to Home", revealed his love for the simple things of life. He began writing it in El Centro, Calif., and it maintained an almost rural flavor even after it was syndicated by the Chicago Sun-Times and was sold to some of the nation's largest newspaper. In its earlier years it dealt with problems that the man on the street or the family next door could associate with, and it was not until Fitz returned to Phoenix and his son and daughter began approaching maturity that it became more political and philosophical. In that column file can be found some of his finest writing.

Because of my interest in the preservation of Arizona history, Fitz often chided me that the Arizona Historical Society was concerning itself with the restoration of old residences in Tucson, Yuma, Prescott, etc., when in his opinion the real Arizona history was to be found in prospectors' camps or pioneer ranch cabins.

These many facets of Fitzhugh caused some of his associates to look upon him as a complex man. Larry Ferguson described him as "a study in contrasts."

"He was kind, gentle, compassionate and understanding," Larry said. Yet at times he could be (so) demanding (he was) impossible to live with or work for. * * * You see, he was a perfectionist.

"He demanded perfection of himself. He demanded it of others. To work for Fitz was to search for Utopia. It never quite came off to his satisfaction, but * * * tomorrow maybe, or the next day, The Gazette's editorial pages would be perfect in every way."

This viewpoint also was expressed by Bert Whitman, Gazette cartoonist, who considered Fitz as "the best, toughest, hardest-hitting editor I ever had. He was also the most stimulating. He caused me to work twice as hard on a cartoon as I had ever done in 35 years of cartooning."

Fitz' demand for the best in everyone led a colleague at The Gazette to remark upon his death:

"The fire that some of us felt burned too hot at times has gone out and now it may seem to be terribly, terribly cold."

If Fitz was demanding on those who worked with him, all agree that he demanded more of himself. He firmly believed that every man should do whatever he was expected to do.

His final day at the office was indicative of his sense of responsibility. His last editorial was removed from the typewriter within the hour of his departure for the hospital where he was to seek relief from back and leg pains.

At the time he became ill he was writing the report of a committee appointed to evaluate the Arizona Academy's Town Halls. He wrote final changes, painfully and laboriously, in long hand from his hospital bed.

In intensive care two days after lung surgery he marked an absentee ballot in the November 7 general election. Didn't he believe that every good citizen should vote?

Ed Fitzhugh was a native of Phoenix, the son of a native Arizonan. His paternal grandfather came to the state as a boy in 1847.

Fitz was first introduced to journalism at Phoenix Union High School where his associates included Gov. Jack Williams, Reg Manning, Republic cartoonist, and Jack Lefler, Wall Street columnist for The Associated Press. He had hoped to be a cartoonist when he came to work for The Phoenix Gazette, but he turned to sports and became sports editor before leaving for California at the age of 20.

He worked for the old San Francisco News, the Sacramento Bee, and the Los Angeles Examiner before settling down for 20 years at El Centro where he became an editor and columnist and at one time published his own weekly.

In 1951 he became editor of the Chicago syndicate which already was selling his column. Five years later he went on to write editorials for the Indianapolis Star, and 14 years ago he returned to his beloved Arizona, the city of his birth, and his first newspaper. His experience had been as varied as his talents.

Some on The Gazette, paraphrasing, remarked the other day that Fitz had gone on to work for that big newspaper in the sky. You can just bet that by the time we catch up with him he will be working to improve it.

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[From the Phoenix Gazette, Dec. 4, 1972]

### EDWIN A. FITZHUGH

(By Don C. Urry)

Only seven weeks ago Ed Fitzhugh sat in the chair from which, as editor of The Phoenix Gazette for the past 14 years, he had written his outspoken and competent editorials and his always perceptive, often beautifully sensitive column, "Close to Home." The chair is empty, the office is dark. An outstanding editor has left the American scene, and to those of us who knew him well his loyalty and his pride in journalistic excellence will long be missed.

The list of his accomplishments in newspaper work is both varied and distinguished. His many years of extensive reporting—even as editor he never forgot that the life-blood of a newspaper is good reporting—ranged from some of the nation's most famous trials to the national political conventions and foreign affairs. He had been a syndicate editor, the publisher of his own weekly in California, an editorial writer for The Indianapolis Star. He cherished the thought in 1958 of returning to Phoenix, his birthplace, as editor of The Gazette, the paper where he had started some 30 years earlier as cub and later as sports editor.

Through his whole career ran the thread of intense striving to bring out the best in himself and in the work of others. His high talent as a writer and his self-discipline combined to make him a most facile producer of readable, incisive newspaper copy. He could be hard-hitting and he could be gentle. He could dispose trenchantly of a public issue that aroused his anger, and in the next hour he could write a column that sensitively balanced the ideological aberrations of Charlie Chaplin with the great comedian's genius as an entertainer.

He found time to become exceptionally well versed in constitutional law and in the history of Communist subversion in this country. Aside from his professional work he contributed to his community through such activities as membership on the Community Council's board, the presidency of Friendly House, and participation in the executive planning of the Arizona Academy whose Town Halls often benefitted from his skill as a coordinator and analyzer of committee reports.

Away from the workaday world, Fitz was an enthusiastic outdoorsman with deep family and personal roots in the back country of Arizona, on which he was an expert. And the hands that could make a typewriter sing could also make wood carvings of rare beauty.

A sense of shock at an untimely loss saddens his colleagues. None who knew him could doubt his sincerity, nor fail to respect the firmness with which he held his beliefs. In an era of submissiveness, he was a fighter for what he held to be right. But he was also a friend whenever a friend was needed, whether it was a family in sickness or a disconsolate boy crouched on the street beside an injured dog. There have been too few like him.

[From the Arizona Republic, December 5, 1972]

### "30" FOR A COLLEAGUE

(By Frederic S. Marquardt)

Ed Fitzhugh once summed up his attitude toward life in these words: "I'm very competitive."

As editor of The Phoenix Gazette, Fitz occasionally locked horns with members of his own staff, or with the editors of The Arizona Republic. His convictions ran deep.

When it came to making editorial policy he always knew what he believed and was able to argue his point. But he also knew how to concede graciously if he became convinced he was wrong.

As must happen between competing newspapers, there were times when we on The Republic did not see eye-to-eye with our opposite numbers on The Gazette. But we respected each other, and we knew there was room for more than one opinion on most questions.

Fitz died Sunday, after a bout with cancer and an operation from which there could be no recovery. It was typical of the man, however, that he spent five weeks in the recovery room before he went "gentle into that good night."

He was attracted to newspapers during his Phoenix Union High School days, spent with such luminaries as the Goldwaters, Jack Williams, Blanche Friedman Bernstein, and Reg Manning. He worked for newspapers in San Francisco and Indianapolis, edited a syndicate in Chicago and returned to Phoenix 14 years ago. In between he achieved the goal of every newspaperman—be edited and published a weekly newspaper.

That happened to be in El Centro, where he learned about the water problems facing both California and Arizona. He also learned about communism by covering a major trial of California Communists.

While newspapering was his vocation, the law and wildlife were his avocations. Fitz subscribed to a special service that brought

U.S. Supreme Court decisions to his desk as soon as they were promulgated. He read them with more understanding than any lay editor we have ever known.

Fitz was a conservationist before it was the "in thing." He liked to hunt, but he liked the great out-of-doors even more, and many of his editorials testify to his determination to pass the wilderness on to future generations.

On the wall of his now quiet office there hangs a photo of a horse-drawn carriage on a dirt road in front of the Phoenix Enterprise which later was merged into the Arizona Gazette.

The photo was taken on Second Street in Phoenix in 1905, four years before Fitz was born. It was the old Phoenix that Ed Fitzhugh loved so well.

A life dedicated to making those old traditions mesh with modern times was not spent in vain.

## PRESS BLACKOUT ON INTERNAL SECURITY SUBCOMMITTEE HEARINGS ON DRUG TRAFFIC

Mr. THURMOND. Mr. President, late last fall the Senate Internal Security Subcommittee, of which I am a member, held extensive hearings and published extensive staff studies on the worldwide narcotics problem. Key witnesses included such distinguished citizens as former Marine Gen. Lewis Walt and Dr. Olav J. Braenden, Director of the United Nations Laboratory. Despite a continual press campaign on the subject of narcotics—much of it aimed at loosening our narcotics laws—very little attention was paid by the press. Included in the hearings were authoritative statements by experts and many constructive suggestions such as General Walt's proposal to use satellite technology to monitor worldwide the fields of growing poppies. The hearings also showed that stricter narcotics laws are the answer to cleaning up the drug problem. Japan has led the way in this field and has virtually eliminated its own menacing addiction problem.

The hearings also underline the fact that Communist China refuses to cooperate with any worldwire monitoring system and opens itself to grave suspicion of complicity in the drug traffic. Although these hearings were quite extensive, they were very thoroughly summarized in brief by the Washington newspaper, Human Events, virtually the only publication to give them due attention.

Mr. President, I ask unanimous consent that the series of articles from Human Events on the press blackout on the drug hearings be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### WHY PRESS BLACKOUT ON DRUG HEARING?

Sen. James Eastland's (D.-Miss.) Senate Internal Security subcommittee has just finished holding some remarkable hearings on the worldwide narcotics traffic, but for some curious reason the media have failed to give them extensive coverage. The topic of the subcommittee's probe was clearly provocative and newsworthy, while the witnesses, including former Marine Gen. Lewis Walt and Dr. Olav J. Braenden, director of the United Nations Narcotics Laboratory, had a certain star quality about them.

The information divulged at the hearings was strikingly new in some instances, and could still have a significant impact on the way the Administration, the Congress and the public view how to handle the drug problem here at home. Yet the newspapers and the TV gave short shrift to the subcommittee's work.

The hearings produced evidence that the dissemination of drugs in the United States could probably be brought under control if we were less lax in meting out stiff penalties to drug pushers. Indeed, the subcommittee not only revealed the astonishingly light sentences dished out to hard-core peddlers in this country, where drugs are a persistent and serious problem, but showed that in Japan the government crushed a near drug epidemic through swift and stern punishment for the pushers.

Moreover, both Gen. Walt and Dr. Braenden testified as to the dangers inherent in marijuana, with Walt taking direct issue with the government-appointed Shafer Commission and its rather casual attitude toward the use of pot.

In addition, Gen. Walt testified that our Southeast Asian allies—contrary to many sensationalized press reports—have been actively cooperating with the U.S. in stamping out the international drug trade. Walt also extensively dealt with Communist involvement in this trade, and pointed an accusatory finger at Red China for doing virtually nothing to allay strong circumstantial evidence that it is conspiring to sell heroin on the world market.

Further, Gen. Walt, who travelled to Europe and Asia for the subcommittee to gather first-hand knowledge about the international drug market, prepared a 102-page report on his findings and recommendations, a copy of which can be obtained from the subcommittee. Yet save for a few scattered and incomplete news stories, the media, which have avidly published stories on narcotics at variance with Walt's findings, wasted few words on Walt's detailed report or the hearings themselves.

But both, we suggest, produced some extremely important information, information that could prove enormously helpful in combatting the serious drug problem facing this country. Why the press chose to pretty much ignore the subcommittee's drug probe might be a proper subject for Accuracy in Media (AIM) to pursue, since AIM seems to be one of the few organizations that can persuade the media to correct errors and to publish overlooked news stories. (See story on AIM, page 6.)

Meanwhile, we will highlight some of the testimony and findings of Eastland's subcommittee ourselves.

### HOW JAPAN SOLVED ITS DRUG PROBLEM

In his 102-page report to the Senate Internal Security subcommittee, Gen. Walt came up with various recommendations on how to combat the drug problem existing in this country. He called for the use of a new, sophisticated reconnaissance satellite to pinpoint opium production around the world, an increase in funds for Interpol, which keeps dossiers on international criminals, and additional manpower and funds for the U.S. domestic agencies engaged in the war on narcotics.

But equally important, Walt, judging from the way in which other countries have managed to lick the drub problem, advocated far tougher laws. He believes, for instance, that there should be no bail for traffickers guilty of Class "A" felonies, involving the dissemination of 16 ounces or more of heroin. He also advocates mandatory minimum sentences for Class "A" offenders.

In addition, Walt thinks that capital punishment should be added to the range of options open to the courts for imposing sentence on major traffickers. Finally, he thinks the courts must mete out punishment swiftly, and he would establish a special court system to ensure that this could be accomplished.

Walt stressed that he is for tougher laws because he found that in such countries as Taiwan, Thailand and Iran, where punishment is both severe and swift, the drug problem is under control. But it is in democratic Japan, he suggests, where the U.S. might find the solution for stopping the spread of heroin addiction.

In the late 1950s, Walt reported, Japan became aware that it was facing a serious drug problem. It was estimated that half-a-million Japanese were mainlining amphetamines and that some 40–50,000 had become heroin addicts. In 1960 over 2,000 cases involving illicit traffic in narcotics came before the Japanese courts.

The Japanese government began to move vigorously. It established a "Ministers' Council for Narcotics Countermeasures" and an "Anti-Narcotic Drug Headquarters," and two important amendments were attached to the 1963 narcotics control law. The first increased the maximum term of imprisonment for traffickers from 10 years to life imprisonment. The second amendment set up a system of compulsory hospitalization, plus follow-up counseling, for drug addicts.

Stated Walt: "In six years time, Japan had virtually liquidated its heroin addiction problem. By 1969 the total number of addicts was down to 6,008—of whom 98 per cent had been addicted to medicinal narcotics under medical treatment. The number of new heroin addicts reported each year fell from 1,731 in 1961 and 1,072 in 1963, to 10 in 1968 and three in 1969."

Moreover, said Walt, the stiffer penalties under the amended law unquestionably played a role in enabling the Japanese to liquidate their epidemic. "More important," he added, "was the rigorous manner in which they enforced the anti-narcotics law and the remarkable—but controlled—latitude accorded to the Japanese police in developing their investigations."

Under Japanese law, an arrested person can be detained and interrogated for a minimum of 48 hours without attorney or bail. The police may then get a court order authorizing them to continue the interrogation for another 10 days. In addition, they may ask for another court order, giving them a second 10 days. So narcotics suspects may be detained a total of 22 days without access to a lawyer.

Walt stressed that American Bureau of Narcotics and Dangerous Drugs agents who have sat in on some of these interrogations say that the Japanese police do not deny their prisoners sleep or brutalize them. They say that the interrogations are conducted in a civilized and highly sophisticated manner.

"But by the time the Japanese police have completed their 22 days of interrogation," Walt told the subcommittee, "they have generally wrung the prisoners dry of all the information they possess concerning confederates, associates, and the narcotics traffic in general. And when it comes to combatting the narcotics traffickers, obtaining this kind of information is 90 per cent of the game of law enforcement.

"This, in a nutshell, is why Japan has no heroin addiction problem, and why the traffickers stay away from Japan, even though her high standard of living would make Japan a lucrative market."

### SHOULD MARIJUANA BE LEGALIZED?

Dr. Olav J. Braenden, director of the United Nations Narcotics Laboratory, was another key witness before the Eastland subcommittee, but his conclusions on cannabis (the marijuana plant) were also given scant attention by the press. Dr. Braenden has been head of the laboratory since its founding 16 years ago. For the past six years, under instructions from the U.N.'s Division of Narcotics Drugs, he has made cannabis research a top priority.

Cannabis is the scientific name for the marijuana plant. Ordinary marijuana comes from the leaves of the plant, while hashish, nearly five times as concentrated as marijuana, is derived from the resin of the plant.

Before testifying, said Dr. Braenden, he had contacted a number of scientists in different countries who have been collaborating on various aspects of cannabis research. Dr. Braenden conversed with Prof. W.D.M. Paton of Oxford University; Dr. Ole Rafaelsen of Denmark; Prof. C. Miras of the University of Athens, and with Prof. Cornelius Salamink of the University of Utrecht in the Netherlands.

"Among the scientists working in the field," Dr. Braenden told the subcommittee, "it would seem that there is a general consensus that cannabis is dangerous—opinions differ, however, on the degree of the danger to the individual and to society. In my opinion, it seems that, as progressively more scientific facts are discovered about cannabis, the more one becomes aware of its potential dangers."

Dr. Braenden says there is evidence that, with repeated use, cannabis tends to build up in the body tissue. Moreover, there may be considerable impairment in driving ability after oral ingestion of cannabis, and rat experiments have resulted in a very high percentage of birth abnormalities.

Even more alarming, Dr. Braenden testified that Dr. A.M. Campbell and his colleagues of the Bristol Royal United Hospital have found "significant evidence of cerebral atrophy in young smokers."

In spite of the progress made in recent years in cannabis research, Dr. Braenden added, much still remains to be done before there is an adequate understanding of the nature and effects of this complex plant.

Addressing himself to the subject of marijuana, Gen. Walt said he disagreed sharply with the government's commission on marijuana—the Shafer Commission—which, in effect, recommended the legalization of cannabis for personal use and for distribution in small quantities. Gen. Walt says he agrees with the commission's belief that youthful marijuana smokers should not be sentenced to several years in prison, but he still favors fining smokers by way of "underscoring the point that marijuana smoking does damage to society."

In his own investigation into the subject, said Walt, "we are now of the opinion that several of the commission's basic assumptions were in error."

Among the many officials of foreign governments with whom Walt and his staff discussed the Shafer report, not a single one "shared the tolerant attitude of the Shafer Commission toward cannabis. In Japan, France and other countries we were told that the Shafer Commission report had caused consternation in the ranks of those concerned with the problem of drug control, and that it seriously undercut their efforts to combat the growing use of marijuana in their own countries."

In several countries, Walt added, embassy personnel stated that when the Shafer Commission team visited them, it seemed apparent that the team's mind was already made up and that it was seeking confirmation for a preconceived point of view.

Walt said he was particularly surprised that the Shafer team, in the course of its foreign travels, did not once take the time to check in with Dr. Braenden. Dr. Braenden's U.N. office, Walt remarked, is a clearing house for some 30 laboratories working on heroin and marijuana research.

Thus, said Walt, it is difficult to accept the Shafer report as "gospel." Perhaps, suggested the retired Marine general, far more research should be made into the effects of cannabis before we embark on the radical course of legalizing marijuana as advocated by the Shafer Commission.

### MORE ON RED INVOLVEMENT IN WORLDWIDE DRUG TRAFFIC

While Gen. Walt makes the point that the world drug traffic is primarily a criminal phenomenon, he also emphasizes that the evidence is clear that Communists in various parts of the world have been involved in the drug traffic in significant ways. "In fact," he adds, "I find it impossible to understand how our media can ignore the clear evidence of Communist involvement while exaggerating out of all proportion the charge that corruption among our Southeast Asian allies is the primary cause of the drug epidemic in our country."

The evidence taken by the Eastland subcommittee, he pointed out, established that in one of the largest heroin smuggling cases on record, Manuel Dominguez Suárez, onetime head of the Mexican Federal Judicial Police, made nine trips to East Berlin, each time returning to Mexico with 50 kilograms of heroin—which was then moved across the border into the United States. Since Suárez was able in each case to enter East Berlin without having his passport stamped, said Walt, "it is clear that elements of the East German secret police must have been involved."

There is also the remarkable case of Squella-Avendano. A prominent supporter of Chile's Marxist president, Salvador Allende, Squella-Avendano was arrested in Miami on July 27, 1970, for transporting 203 pounds of Chilean cocaine, worth $10 million. This was the largest cocaine seizure to date. At his trial, Squella said he had been slated to receive an important post in the Allende government.

"He was," said Walt, "obviously a very important man to the Communist network in the Western Hemisphere, because hard on the heels of his arrest, the U.S. attorney in charge of the case was approached with the bizarre proposition that Squella be exchanged for four American hijackers then in Cuba." The offer was subsequently expanded to include the master of the "Johnny Express," the Miami-based ship seized on the high seas last December by Castro's navy. Since then, there have been repeated articles in the pro-Communist press in Chile, hailing Squella as a national hero and a victim of American imperialism.

In Southeast Asia, Walt stated, the Communists are up to their ears in the dope traffic. In Laos, he pointed out, the Communists occupy some 80 to 90 per cent of the opium-growing areas. In Thailand, the Communist-led guerrillas control an important stretch of opium-producing land along the Laotian frontier. In both Thailand and Laos, the villages where the opium is grown are under the thumb of manager-cadres, trained in Peking and Hanoi. Both movements are armed to a large degree with Chinese weapons, and both have their major radio propaganda operations based in Chinese territory. The money made from selling opium is used to support the insurgency operations.

Communist elements, Walt elaborated, also play a vital role in the Burma drug situation. Burma is the single most important factor in the Southeast Asia situation, for here is where most of the opium is grown and here is where most of the refineries and traffickers are concentrated.

All of the armed groups in Burma, both pro-Communist and anti-Communist, have been involved in the drug trade. But the area which the Communists control east of the Salween River is reputed to be the most fertile opium-producing territory in the whole of Burma, and is credited with some 25 per cent of Burma's total production.

"Burma's production," explained Walt, "is estimated at some 400 tons a year, but the tribesmen use most of it for themselves, exporting only some 100 to 150 tons. Because it produces the largest surplus of any area in Burma, the territory under Communist control may be responsible for as much as 40 to 50 per cent of Burma's entire opium export."

In view of the fact that Peking mothered the White Flag Communist insurgency in Burma and that it still controls them, said Walt, "it cannot escape moral responsibility for their role as prime producers in the opium traffic."

### HOW DEEPLY IS RED CHINA IMPLICATED?

Gen. Walt would not draw any firm conclusions about Red China's possible involvement in the drug trade, but he suggested there is strong circumstantial evidence that such is the case. Further, he makes it clear that suspicion is quite rightly thrown on the mainland, at least until it takes positive steps to comply with international protocol and conventions designed to stop illegal trafficking in narcotics. The facts pointing to Red China's involvement, said Walt, are these:

The official U.S. position today is that we have no evidence that opium or opiates are coming out of Red China into the world markets, but the possibility is not excluded that certain tribal elements in the China-Burma border area may be moving small quantities of opium across the border illegally.

It was conceded by everyone Walt and his staff spoke to that there is substantial opium agriculture in China for medicinal purposes, at least several hundred tons, possibly as much as 800 to 1,000 tons a year. Estimates are, however, that in every country, perhaps 10 per cent of the total output escapes into the illicit market, even when that country is hard at work cracking down on traffickers. Thus, Walt hints, even if Red China is not deliberately selling opium on the world market, it is quite possible that 80 to 100 tons of opium grown on the mainland find its way into the international drug trade.

There can be no question, said Walt, that large quantities of opium were coming out of China in the 1950s and early 1960s. The reports which the United States and the British government filed with the United Nations made this charge year after year, much of it buttressed by hard items of evidence. The report filed with the U.N. in 1962, for instance, described in-depth interviews which a senior American narcotics agent had gathered from three Yunnanese, one of whom had served as a mule skinner in a series of opium caravans moving from Yunnan into North Burma.

The report of the U.N. Commission on Narcotic Drugs of May 14–June 1, 1962, summarized the evidence: "With reference to the question of the origin of opium in the Burma-Mainland China-Laos-Thailand border areas, information was reported by the representative of the United States concerning investigations carried out in recent months in cooperation with control authorities in the Far East. Three witnesses, former inhabitants of Yunnan Province in Mainland China, had made a detailed statement to United States Treasury Department officials on the cultivation of opium in Yunnan and its export from there to the Shan states of Burma.

"One witness had himself been a cultivator, and in 1953 and 1956 he had also, with his mules, joined caravans transporting opium to the Shan frontier, where he assisted in its transshipment into trucks for transport to a trading company at Kentuag, Burma. Two caravans, of 108 and 82 mules, had transported over four and three tons respectively, two sealed tins of 20 KG being carried by each mule.

"The cultivator estimated that some six tons of opium had been produced annually in the area where he lived, and that the total production of the region in 1961 had been of the order of 1,000 tons."

The director of British customs in Hong Kong told Walt that he and his staff had no evidence that opiates were coming from the mainland. But he also acknowledged that they were not looking for evidence—that, for political reasons, they do not search ships or cargo coming out of Mainland China. Walt argues that the British administration is not at fault here, because Hong Kong is in such a precarious position that the British just can't risk a confrontation with China. An identical situation, says Walt, prevails in Portuguese Macao.

What this adds up to, said Walt, is that "we have no way of knowing whether illicit opiates are coming out of China at these two critical points. The Peking government may be scrupulously honest about the ships and cargoes that travel to and through Hong Kong and Macao. All of her ship's masters and crewmen may also be scrupulously honest. But because her attitude makes inspection impossible, we simply have no way of knowing.

"China's ability to move contraband through Hong Kong and Macao—if she is disposed to do so—is further enhanced by the fact that a large number of ships of Hong Kong registry are operated by companies known to be controlled by the Peking government. . . .

"If China wishes to allay world suspicion, it is not too much to ask that it drop its objection to having ships and cargoes originating in China subjected to search by British or Portuguese or other customs officials. Every civilized nation in the world recognizes that other nations must have the right to inspect ships and cargo sailing under their flag in order to protect themselves against traffic in contraband of various kinds.

"If China is to become a fully cooperating member of the community of nations, she must abandon the attitude which at this point assures her ships and cargoes of privileges not accorded by any other nation."

Increasing numbers of Chinese seamen, many of them based in Hong Kong, are being apprehended in the United States and Britain with quantities of heroin. In the case of the Hong Kong seamen, Walt points out, "virtually all of them are members of the Hong Kong Seamen's Union, which is completely controlled by pro-Peking Communists.

"I want to emphasize that there is no evidence that the union, as such, is involved in narcotics smuggling. But the large number of Hong Kong seamen involved in the traffic does raise some questions, especially in view of the fact that the Communist leaders are known to exercise tight ideological and organizational control over their members."

Finally, says Walt, Red China has not signed the 1961 single conventions on drugs. Consequently, it does not report to the U.N. on its licit opium agriculture, nor does it accept inspection of any kind, nor does it participate in any international drug control operations.

### HOW SERIOUS IS THE DRUG PROBLEM?

How serious is the drug problem in the United States? Our heroin addict population, says Walt, is almost 10 times as large as it was in 1960, and almost twice as large as it was two or three years ago. The estimated 600,000 addicts we have are reportedly responsible for 50 to 60 per cent of our street crimes and petty burglary.

More than any other factor, it is the rise in addiction that has "converted our streets into dangerous jungles and our cities into places of fear, each addict requiring $50 a day to supply his habit." What America will be like three years hence if the number of addicts again doubles almost defies the imagination, says Walt.

Moreover, says Walt, drug addiction has all the attributes of a contagious disease because addicts are under an irresistible compulsion to hook others. Gen. Walt underscored this fact by including in his report a diagram drawn by British psychiatrist Rene de Alarcon, documenting how two addicts in the small British town of Crawley spread the sickness of heroin addiction to 56 other people over a period of five years.

"To be precise," said Walt, "Dr. De Alacron was able to establish that the two initial addicts were directly responsible for initiating another 46 young people into heroin addiction. The origins of the other 10 cases of addiction were not clearly traceable, but there is reason for believing that the existence of an addict community in Crawley played some role. . . . Now multiply the infectious circles in this diagram by roughly 10,000 and you will have some conception of the problem we are up against in America today."

Yet, says Walt, he believes the heroin epidemic can be halted through the use of a combination of domestic and international measures, including sophisticated spy satellites, trained drug fighters, tougher laws and diplomatic pressures.

While some believe that the drug problem stems from ills in society and cannot be stopped by merely reducing the drug supply, Walt takes sharp exception to that theory. "Everything we learned on this trip," says Walt, "points in the opposite direction—it points to the conclusion that availability of drugs is a decisive factor, that availability can be controlled, and that, were it controlled, the rate of addiction is automatically limited."

The GI's in Korea are basically the same GI's we have in Viet Nam, argues Walt. They come from the same, broad cross-section of society and they have, by and large, the same strong points and the same complex of weaknesses. Yet in Viet Nam our forces were caught up in a "massive heroin epidemic" when high-grade heroin became suddenly available at $1 a vial. This "saturation attack," Walt explained, "succeeded for the simple reason that no one had foreseen it and neither the South Vietnamese government nor our own armed forces had erected any defenses that might have dammed the influx as it got started."

In South Korea, by way of contrast, heroin is not readily available because the South Korean government enforces its anti-narcotics laws in a stringent manner. In consequence, the heroin addiction has been kept at a very low level among our armed forces there.

Mainland China and other totalitarian countries, notes Walt, have no problem in controlling addiction because of the Draconian manner in which they enforce their laws. Addiction is also effectively controlled in authoritarian governments like Taiwan and South Korea.

"Most important of all from our own standpoint," says Walt, "is the Japanese example, because the Japanese have shown that it is possible to roll back a far-advanced epidemic within the framework of a highly Democratic society. This they succeeded in doing by tough laws, rigorous enforcement and heavy penalties. Their success is all the more striking because their high standard of living would under ordinary circumstances, make their country a prime target for the international drug traffickers."

### HEROIN TRAFFICKERS AIDED BY LAX LAW ENFORCEMENT

To explain why we are having so much trouble combatting dope pushers. Walt introduced some interesting charts dealing with the handling of narcotics offenders in New York City from Jan. 1, 1969, through Oct. 31, 1971. These charts dealt with Class "A" felonies; i.e., felonies involving more than 16 ounces of heroin. Sixteen ounces have a street value in New York of about $170,000, and is enough for about 20,000 injections.

In the first chart unveiled by Walt, more than 20 per cent of those arrested had been arrested *a minimum of 10 times previously*, that over 50 per cent had been arrested at least seven times previously, and that almost 5.1 per cent had been arrested over 18 times previously. Many of these previous arrests were also on narcotics charges.

The second chart showed the sentences handed down in Class "A" drug indictments. Nearly 40 per cent—38.1 per cent to be precise—got off with less than 10 years. With parole and good behavior, most of those with sentences of less than five years can be out on the streets again in two years or less.

Yet this is only part of the story, says Walt. Major traffickers about whose guilt there was absoutely no shadow of a doubt have been acquitted on the "basis of technicalities which would not be honored by any court in any other civilized country. Many more have skipped bail, even when the bail has been set as high as $50,000 and $100,000. And, among the smaller offenders, many have never been brought to trial, while many others have gotten off with suspended sentences."

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## END THE WAR

**Mr. FULBRIGHT.** Mr. President, the time for debate on the merits of the war in Vietnam is past. The war has been debated for the last 7 years and has been shown to be without merit from the standpoint of American security and national interest.

By the time of the 1972 election, only 2 months ago, Mr. Nixon seemed to have accepted the war's futility. He assured us, through his closest adviser, that peace was "at hand." The President himself told Garnett Horner of the Star in an interview given on November 5 and published on November 9:

> Let me tell you this on Vietnam—when I tell you I am completely confident that we are going to have a settlement, you can bank on it.

On election eve, November 6, 1972, President Nixon assured the American people that, despite remaining "details,"—

> I can say to you with complete confidence tonight that we will soon reach agreement on all the issues and bring this long and difficult war to an end.

Once again Mr. Nixon has betrayed the promise of peace, just as he betrayed it after his election in 1968, and just as it was betrayed after the election of 1964.

Owing to the secretiveness of the administration, we do not know exactly what went wrong with the October agreement. But by available evidence the President, after the election, changed his terms of peace, which had been agreed upon in October, not just in technical detail but in the very substance of the agreement. He did this, apparently, by demanding North Vietnam's recognition in some form of the Thieu regime's "sovereignty" in South Vietnam. This in effect would require North Vietnam to disown the Vietcong, which also claims "sovereignty" in South Vietnam. That indeed is what the war has been about: who is to be sovereign in South Vietnam. The October agreement left this undetermined, just as the war itself had left it undetermined. That very imprecision made agreement possible. Now Mr. Nixon seeks to pin down in an agreement what has not been won in the war: the right of the Thieu regime to perpetuate its rule in South Vietnam.

In order to compel North Vietnam to acquiesce in these substantially—radically—altered demands, as against the

October agreement, Mr. Nixon launched a campaign of unprecedented terror bombing of Hanoi and Haiphong. In so doing, he has taken the lives of hundreds, more likely thousands, of Vietnamese civilians, and he has created many new American prisoners of war, while losing B-52 bombers for the first time in the war, and losing them at a prodigal rate. Now, once again, he has stopped the terror bombing—at least temporarily—announced the resumption of peace talks, and urged the Congress to remain silent, uncomplaining, and uninformed, on pain of being held responsible for disrupting the peace talks.

The time for debate—and for delay—is past. The administration promised peace but failed to produce it. Unless the October agreement—or some agreement—is signed within the next few days, surely no later than the inauguration, it will be the Congress' responsibility to take immediate action to end the war by cutting off funds for its prosecution. The Senate voted to do that twice last summer, but those efforts were aborted, largely to allow the administration the opportunity to prove the effectiveness of its strategy for peace. If, as now appears quite possible, that strategy has collapsed, it is Congress' responsibility to deliver on the electoral promise which Mr. Nixon seems now, for the second time, to have betrayed. That, indeed, is the consensus of the Foreign Relations Committee, which agreed on January 2 that if a peace agreement is not reached by inauguration day, January 20, it will then become Congress' duty to employ the legislative process to bring the war to an immediate end.

Congress has the authority as well as the responsibility to end the war. At the same time that the American people gave the President a decisive mandate for peace along the lines that he had promised it, they also gave a decisive vote of confidence to the Democratic Party in Congress and in the State houses. The Democratic majority has been increased in the Senate, indicating the people's intent and expectation that Congress would exercise its constitutional authority with energy and independence.

The matter in any case is not partisan. The opposition to the war was initiated 7 years ago by Democratic Congressmen and Senators against a Democratic administration. Many Republicans have actively opposed their own administration's policy of continuing the war. Now, more than ever, it is the responsibility of members of both parties in Congress to use the legislature's power to cut off funds to end the war in Vietnam.

I believe that Congress can and should act decisively immediately after the inauguration. In the first instance Mr. Kissinger, or Secretary Rogers, should appear before appropriate congressional committees in the first day of the new session to explain the breakdown of the peace talks. They were invited to meet with the Foreign Relations Committee in advance of the new session, on January 2, but both declined. Should the administration refuse to allow its spokesmen to testify, the Congress should proceed on an urgent basis to consider legislation to regulate the practice of so-called executive privilege. Congress and the American people have not only the right, but the responsibility, to call their leaders to explain and—if they can—justify in public the extraordinary actions of the last two months. These actions, couched in secrecy, represent a blatant repudiation of the explicit assurances of peace which were given to the American people before the election.

But beyond the regulation of "execution privilege," and most urgent and important of all, Congress can and should proceed, through its appropriations power, to bring the war to an immediate end. Should it fail to do so, we may have to wait for the election of 1976 before the war can be ended. By that time, Mr. Nixon's indiscriminate terror bombing could well have destroyed North Vietnam as an organized society, while also inflicting incalculable injury upon our own society and institutions.

Mr. Nixon has, after 4 years, failed to end the war. He came to the brink of peace before the election but then, in the wake of the election, repudiated Mr. Kissinger's agreement. That agreement would have given the Thieu regime the reasonable chance for survival on which Mr. Nixon has insisted; it would have left Mr. Thieu with armed forces many times larger and far better equipped than the forces of his adversaries. But a "reasonable chance" is apparently not enough for President Thieu—or for President Nixon. They now insist upon a guarantee of the Saigon regime's predominance in South Vietnam—a predominance they have not been able to establish even with the help of an army of half a million Americans, or with the pulverizing power of Mr. Nixon's fleets of bombers.

Mr. Nixon has shown himself at the crucial moment unwilling to settle for a "reasonable chance" in the contest with Vietnamese communism. He still wants the victory and the submission of the enemy that have eluded two Presidents for 7 years.

The President's failure to end the war has now thrust the responsibility upon the shoulders of a Congress which has long struggled to escape it. But the responsibility is now inescapable. It is up to Congress, through its appropriations power, to end the war and to allow the North and South to settle the question of who rules Vietnam. That is the kind of peace Mr. Kissinger almost attained, and it must be recognized that an essential element to such an agreement is that it might result eventually in a Communist South Vietnam, although we hope it will not. If the Thieu regime is capable of marshaling its superior resources, it will prevail without further American participation. But if it cannot, the Vietcong will prevail. That is the meaning—the only possible meaning—of a "reasonable chance."

For several decades American Presidents have made war as they saw fit because Congress seemed incapable of asserting its constitutional war power. Now, in an ironic twist of events, the President seems incapable of making peace and it is up to Congress to fill the void. It is a considerable responsibility, but it cannot be avoided. If Congress does not now accept responsibility for ending the war, then it must share in full measure with Mr. Nixon the responsibility for perpetuating it.

Mr. President, I ask unanimous consent to have inserted in the Record certain letters which I have received showing the intense dismay of our fellow citizens with the renewal of the war in Vietnam.

Mr. President, I also ask unanimous consent to have inserted in the Record the December 29, 1972, issue of World-wide Treatment of Current Issues. This press summary of world reaction to Mr. Nixon's recent bombing campaign shows a predominant attitude of revulsion on the part of America's friends and allies as well as other countries. A characteristic reaction was that of the Times of London, which spoke of a "revulsion of feeling across the world."

There being no objection, the material was ordered to be printed in the Record, as follows:

Athens, Ohio,
*December 22, 1972.*

Senator William Fulbright,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Fulbright: May I express to you my full support for your efforts to attain peace in Viet Nam. The resumption of bombing of Hanoi at this time when all Americans have been led to believe that peace is close at hand dangerously erodes our confidence in our own government. These bombing raids senselessly kill Vietnamese civilians, take us further away from the objective of peace and endanger the lives of our own prisoners of war. Could any action be more irrational and irresponsible at this time?

Millions of taxpayer dollars are diverted from the goal of solving internal American problems for the support of this unpopular and immoral and murderous war. We have lost this war already and need no longer seek to save "honor." The continuation of bombing attacks now undermines support for American goals all over the world. We stand condemned in world opinion all over the civilized world.

Our only hope is that the U.S. Senate and the Congress will put an end to financial support of this new and demented escalation. The American electorate has been promised that peace was in sight and President Nixon has been reelected on the basis of peace hopes. These hopes are now dashed anew. It is the legislative branch of our government that must now act.

I urge that the Senate act now and with new aggressiveness to obtain for us the peace that Mr. Kissinger had within his reach and lost.

Yours sincerely,

Joseph M. Burns,
*Ohio University.*

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Salem, Va.,
*December 20, 1972.*

Hon. J. William Fulbright,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Fulbright: We believe the current impasse in the secret negotiations between the United States and North Vietnam can be attributed directly to President Nixon. After eight years of inconclusive war in Southeast Asia in which the basic question has been sovereignty over South Vietnam, how can he now insist that this issue be settled in Paris in a manner favoring South Vietnam? After eight years of abortive negotiations, how can he accuse the North Vietnamese of being devious? To us the answer is naivete, monumental in the face of eight years of frustrating war, or intransigence, monumental in the face of the fervent expectations of the American people.

Now, with the settlement "99% complete," Nixon orders the heaviest bombing raids in history—in defiance of the will of the American people and the conscience of civilization. Bombing has not and never can force the North Vietnamese to a negotiated settlement favoring South Vietnam. Nixon should have learned this by now, but in his frustration and anger bombing is the only response he knows.

Nixon is unable to settle this war. Congress must act quickly to this end before the faith of the American people in their leadership has completely disappeared, and before their concept of courage and humanity have been completely destroyed.

We are ready to support your efforts financially and otherwise to the extent of our capabilities.

Sincerely,

W. Gary Williams.
Rosalind H. Williams.

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New York, N.Y.,
*December 20, 1972.*

Hon. J. W. Fulbright,
*Chairman, Foreign Relations Committee, U.S. Senate, Washington, D.C.*

Dear Senator: On hearing today of the resumption of massive bombing of North Vietnam, I am overwhelmed with a helpless sense of moral degradation. The President's barbaric course of action outrages every sane and humane value of civilization and brands us as a nation of murderers. You, above all other legislators, must speak out louder and plainer and more insistently than ever before. The President's unconscionable disposition to violence must be decried and curbed—in the name of responsible Americans and humanity itself.

Sincerely and in extremis,

Gilbert Field.

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George Peabody College for Teachers,
*Nashville, Tenn., December 21, 1972.*

Hon. J. W. Fulbright,
*Chairman, Senate Foreign Relations Committee, U.S. Senate, Washington, D.C.*

Dear Senator Fulbright: I am writing you out of a sense of combined guilt, anger, and despair. How long are we as a people and you on Capitol Hill as a Congress going to tolerate the continuation of the war in southeast Asia?

The latest resumption of bombing of North Vietnam is the very last straw. It seems to me that in repeatedly unleashing our air power against a small state with absolutely no power to retaliate, this government abandons before the world community any claim whatsoever to civility.

I sincerely hope that you will exercise your influence to the fullest toward mandating a termination of all military activities in southeast Asia and the withdrawal of all United States military personnel from the region.

I am sure you realize that as this war continues the Congress is held increasingly responsible in the eyes of the American people.

With kindest regards.

Sincerely,

Jewell Phelps,
*Dean of the Undergraduate College.*

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New York, N.Y.,
*December 20, 1972.*

Senator J. W. Fulbright,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator: I want to join the millions of Americans who are expressing their outrage at the barbaric bombing of North Vietnam. No political argument, in my opinion, could possibly justify this sickening and obscene action, an action unprecedented in the extent of its brutality.

For the sake of humanity, *I implore you* and your colleagues on Capitol Hill to use what power you can muster to put a stop to this madness.

Sincerely yours,

Harry Fiss, Ph. D.,
*Certified Psychologist.*

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Cincinnati, Ohio,
*December 18, 1972.*

Dear Senator Fulbright: In my opinion, this is indeed another day of darkness for me and my country since the bombing and the mining has resumed in Vietnam. My hopes and the hopes of so many have again been dashed by the dreadful violence of today and the unnumbered tomorrows to come. The words of our leaders that I wanted so desperately to believe have again been proven to be mere sounds.

I am tired and will no longer accept the concept of secret talks and being told that "peace is at hand" when in actuality the horror continues. I most strongly endorse the summoning of Mr. Kissinger before Congress to explain *why* no peace agreement has emerged from his long secret negotiations with Duc Tho. I also most strongly endorse legislation that will force an end to American participation in the Vietnam war.

I can no longer be silent in the face of this outrage! I can no longer even begin to comprehend "peace with honor" that is based on more death and violence. I beg and entreat you to end this war *now* in the name of justice and humanity and to bring our P.O.W.'s, our troops and our equipment home *now.*

Most sincerely,

Mrs. Edward H. Aug.

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Rider College,
*Trenton, N.J., December 22, 1972.*

Senator J. William Fulbright,
*U.S. Senate, New Senate Office Building, Washington, D.C.*

Dear Senator Fulbright: I am compelled to write to you because of the awful paradox of the Christmas season and the news of the day from Vietnam. I should not like to broach a subject so crushing to the human spirit during a week that purports to be a celebration of the brotherhood of man, but the heinous military activities in Indochina force me to do so.

As the old year turns to the new, I urge you to speak fervently with your Senate colleagues. Speak with them with regard to the proper responsibility of the Senate in the matter of American bombing in Vietnam. Tell them that millions of American citizens are horrified, crushed and made even more cynical by the politics of the Nixon administration. Americans by the tens of thousands hope that the Senate will take some measure of action to restore itself to its proper role as an arbiter of foreign policy; no other sane redress seems available.

I would further urge you, in reflecting upon what can be done to restore balance, integrity, and civility to our government, to consider the very serious act of presidential impeachment. And should you recoil at the thought of this, I invite you to compare your posture to that of the Congress during the past decade. If an impreachment of the president is not possible, and if Congress discovers no voice to utter its revulsion of U.S. policy in Vietnam what then shall serve to indict the crimes against humanity that are being perpetrated even as I write and you read this letter?

Please, Senator Fulbright, I urge you to confer with your colleagues, and greet the new year, the new Congress, and the returning administration with a concerted and enraged outcry against the barbarities visited upon our fellow man in this season.

Very sincerely,

Paul E. Corcoran,
*Assistant Professor of Political Science.*

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Noyac, Sag Harbor, N.Y.

Hon. Senator William Fulbright,
*Senate Foreign Relations Committee, Senate Foreign Office Building, Washington, D.C.*

Dear Senator: With the resumption of bombing, we have begun to lose faith in our elected officials.

Was bringing us peace an election promise that was never meant to be kept?

We strongly urge that you exert your powers in asking the President to live up to his promise for peace. "Get out of S.E. Asia now." We are fed up with the military spending and the unnecessary loss of human lives.

Very truly yours,

Edward and Josephine Bove.

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Monterey Park, Calif.,
*December 21, 1972.*

Senator William Fulbright,
*Senate Office Building,*
*Washington, D.C.*

Dear Senator Fulbright: Nixon has betrayed the American people's trust that he is making peace. Do not let him continue the Vietnam war one more day or hour, no matter what his excuse!

Our military has no business in S.E. Asia. That Thieu Saigon business is pure hoax.

Do re-assert the Senate's right to help direct foreign affairs. Congress has not declared war!

Yours,

Mrs. Marjorie Kemmer.

Censure Nixon—M. K.

Have the Congress review the true history of Vietnam.—M.K.

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Philadelphia, Pa.,
*December 21, 1972.*

Hon. William Fulbright,
*U.S. Senate,*
*Washington, D.C.*

My Dear Senator: The President's latest actions to escalate the war have realized my worst expectations. It is now up to Congress to take the initiative to force President Nixon to abandon his rash aggressive actions in Vietnam. After so many years of failure to achieve peace through bombing we can no longer wait for the President to promise peace and then make war.

I wish to ask you to renew your efforts to investigate our "peace" efforts and vote to cut off funds for this terrible and unnecessary war.

Yours very truly,

Jack H. Weinstein, M.D.

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Sisters of Saint Joseph,
*Philadelphia, Pa., December 20, 1972.*

Dear Senator: There is not much I can say—all I can do is plead. Please, please let us end this war. Why can't we end this war?

While we prepare to celebrate Christmas at home, we resume bombing and killing in Vietnam. I don't, I just can't understand it all! And nothing, nothing can be placed before me as a reasonable excuse.

Sincerely,

Sister John Christine.

P.S.—Merry Christmas.

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Elmhurst, N.Y.,
*December 22, 1972.*

Hon. J. William Fulbright,
*Senate Office Building,*
*Washington, D.C.*

Dear Senator Fulbright: In January I wrote to you, congratulating you on your article in "The New Yorker". I felt then and feel now that it was the most cogent evaluation of American foreign policy I had seen.

A year has gone by and there is no more time for brilliant writing—*it is time for action.*

The President has deceived and betrayed the country and only the Congress has the power to present even more disastrous events.

According to the reports in the papers, you and some of the other "doves" in the Senate are disturbed by the recent happenings, but believe that it may be dangerous to disturb delicate negotiations, and that the Administration should be given a chance to bring the peace discussions to a conclusion.

I believe that such patience is not justified. What is "delicate" about the most massive and destructive bombing in history?

It has also been reported that you received a special briefing by Henry Kissinger. Whatever he may have told you, I suggest that he no longer can be trusted or believed. If he honestly believed in his October statement that peace was at hand, he was obviously as naive—not to say stupid—as the generals who told us years ago that the end of the war was in sight. If he knew better, he participated as a tool of the President in a colossal fraud on the American public, exclusively for partisan political purposes.

We have no peace because President Nixon is obsessed with the fear of being the first American President to be defeated in war. He refuses to accept the fact that we already have been defeated. Some day our military forces will have left Indochina. Whenever that happens, within weeks or days the Thieu regime will collapse. There is nothing we can do to prevent this and the so-called peace negotiations are a cruel joke.

We are also told that we must protect Saigon from a bloodbath. Is the shedding of blood evil only if inflicted on certain people? Are the women and children of North Vietnam, slaughtered by our bombs, any less human in the eyes of God?

President Nixon has made up his mind to fight on to a military victory, with total disregard of human suffering and oblivious to the real interests and the wishes of the American people.

Only the Congress can now stop this madness.

As one of the most respected Senate leaders you have an obligation to act on your convictions.

There is no time—I urge you, I implore you, I beg you to do everything in your power to persuade your fellow Senators to take whatever congressional action is required to

*Stop the war now.*

Respectfuly yours,

OTTO L. HOLLANDER.

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FLORAL PARK, N.Y.
*December 21, 1972.*

Senator J. WILLIAM FULBRIGHT,
*Chairman, Foreign Relations Committee, Senate Office Building, Washington, D.C.*

DEAR SENATOR FULBRIGHT: It appears that the American people have not been able to depend on their past presidents, and not even our current one, to end the killing and horror of Vietnam. Our only hope appears to be our representatives in Congress.

Therefore, I beg, implore, and urge you to take whatever action is necessary to put an end to this needless bloodshed.

Respectfully yours,

HAYDEN F. ALLEN.

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SEATTLE, WASH.
*December 19, 1972.*

Senator WILLIAM FULBRIGHT,
*U.S. Senate,*
*Washington, D.C.*

DEAR SIR: It is difficult to get into the Christmas spirit when I know that my tax dollar is being used to bomb and kill civilians in Vietnam. I am writing to you because I do not understand why we cannot get ourselves out of this quagmire. It seems obvious to me that the only parties who are going to settle the Vietnam question are North and South Vietnam. It also seems obvious to me that our continued involvement can only prolong the differences and the war. If these two things are true then the equally obvious conclusion is to negotiate for our prisoners, extricate ourselves from the conflict and let the two concerned parties resolve their differences without outside interference. Even if this means civil war, the bloodbath would be less than the one we are currently perpetuating with technology. At least a Vietnamese civil war would be one of ideology rather than the vague and shifting explanations the United States uses to support its position. The wording of any agreement we reach with the North seems to me to be meaningless unless the South is a full participant in the negotiations and it also seems to me that we would be much more effective in getting the North and South together for a truly meaningful settlement if we were outside the conflict ourselves.

Maybe I am being naive but I do not understand what the administration is doing. Since you have recently spoken with Dr. Henry Kissinger perhaps you can explain to me why I am wishing my friends "Peace on Earth, Good Will Toward *All* Men" while I am helping fund a government which is making "War On Earth and Killing Men."

Very truly yours,

DEAN E. NICHOLS.

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REPORT CONCERNING LAOS EXPENDITURES

SANTA ANA, CALIF.
*December 20, 1972.*

Senator J. W. FULBRIGHT,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR FULBRIGHT: Knowing your position on Viet Nam, I ask you to once more redouble your efforts to re-establish congressional authority through a legislated American withdrawal—both military and civilian.

Congress must not be allowed to abdicate its responsibilities and hide behind an executive which hides from the people. Congress is clearly our only hope and our last hope. I know you have fought long and hard, but the initiative must once again be assumed by Congress. Our confidence and total support are with you.

Yours sincerely,

PETER B. ATHERTON.

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WASHINGTON, D.C.
*December 22, 1972.*

Senator WILLIAM FULBRIGHT,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR FULBRIGHT: Cannot the Senate and Congress have some say in the conduct and settlement of the undeclared war in Vietnam? Not only is the resumption of massive bombing incredible, but the power of the presidency is becoming incredible.

Sincerely,

MS. DOROTHY SMITH.

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CINCINNATI, OHIO.

DEAR SENATOR FULBRIGHT: I am writing to plead for the lives of those 300 people who will die in Vietnam tomorrow and everyday to come that Nixon is allowed to continue his automated air war, reigning terror on Southeast Asia.

Its gotten to the point where I don't have much faith in either the American government or what it stands for. I'm hoping people like yourself will do something to change that. Please, sir, do all in your power to stop Nixon and Kissinger from continuing the bombing and put an end to this war, before more people die.

Sincerely,

DINIECE SPRINKLE.

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ROOSEVELT, N.J.,
*December 20, 1972.*

Senator WILLIAM FULBRIGHT,
*Washington, D.C.*

DEAR SENATOR FULBRIGHT: This letter is to encourage you to reinstitute any congressional method that you might have at your command to put pressure on Nixon and his recent moves that appall me. In great appreciation for all of your past efforts, it seems to me that the time is again ripe for some drastic move. Realizing how frustrated you must be, even there in some position of power, and totally impotent in this respect, you must see how the plain citizen feels! Thanks again for all you have done in the past, and with great hopes that you will do more in the future,

Sincerely,

ROBERT E. MUELLER.

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PITTSBURGH, PA.,
*December 22, 1972.*

DEAR SENATOR FULBRIGHT: Please, sir, as chairman of the Senate Foreign Relations Committee, do whatever is necessary to stop this inhuman, wilful slaughter in Asia. It is hard to find vocabulary and syntax to express the horror, the shame, and the disillusionment many of us feel as this country goes on mercilessly bombarding the countries of Indochina. We have no means left to protest. Civil liberties are in danger; the election was fraudulent, insofar as it offered bread and delivered a stone; and nothing seems effectively to restrain the President from prosecuting a war that turns us all into tax-paying accomplices.

It is not time to begin the whole song and dance anew. It is time to act firmly to make this country acknowledge that it is not a law unto itself and that other peoples of the world have the right to settle their own affairs outside of our modern chamber of horrors.

Yours sincerely,

LIANE NORMAN.

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BERKELEY, CALIF.,
*December 20, 1972.*

Hon. J. WILLIAM FULBRIGHT,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR FULBRIGHT: Don't let that big Nixon vote fool you (though I'm sure you won't)!

There's a leadership gap which needs to be filled by moderate men such as yourself. My children are asking me why the bombing has started again if we are so close to peace. My answers cannot be printed. But I do tell them not to worry, that Senator Fulbright will speak up.

Nixon's renewal of the bombing—in fact, the bombing overall—fits right between Russia's crushing of Hungary and Czechoslovakia and Italy's bombing of Ethiopia. That's a helluva place for the USA to be. What do we say to the next generation? "They wouldn't sign their Ho Chi Minh on the right line so we tried to bomb them into submission." How does that compare to our position to never give in? After all, we have always glorified men who put their principles above any hardship. The North Vietnamese must be pretty tough folks to be able to endure full scale military attack from the most powerful nation on earth.

Senator, please lay it on heavy. Somebody ought to remind Mr. Nixon that he wasn't elected to blot America's name in history. Even people who don't root for the underdog don't want to see him beaten up and bullied.

We're so outraged by the renewal of bombing that my writing is failing to make sense. Please help.

Peace,

DANIEL SAFRAN.

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**[From the Media Reaction Analysis, Dec. 29, 1972]**

VIETNAM AFTER THE CHRISTMAS PAUSE

SUMMARY

Foreign media comment on American bombing of North Vietnam following the brief pause over Christmas grew generally more critical, at times emotional. A number of observers questioned the validity of U.S. strategic assumptions, and some who normally support American policy stressed that the coin has two sides but did not endorse the bombing.

A commentator on West German television called the bombing "a man-made catastrophe" and declared, "Even if this inferno of brute force motivates counter-terror by the North . . . the terrible association created by the American bombing destroy all possible arguments about who is responsible for the breakdown of the Paris negotiations."

Oslo's *Aftenposten* judged the attacks "unnecessary military pressure" but pointed out that "in reaction to this intensification of the war another essential feature of the conflict has been ignored . . . North Vietnam is also carrying out armed activities . . . attacking towns and villages."

The *Times* of London asserted that resumption of the bombing had caused "so deep a revulsion of feeling across the world that many people will wonder what possible justification, if any at all, there can be for it in strictly military terms."

Tokyo's *Asahi* accused the U.S. of "planning indiscriminate bloodshed and destruction in North Vietnam."

A Soviet correspondent of the London *Evening News* reported the view of "Moscow observers" that the Brezhnev visit to the U.S. would be postponed because of the Vietnam situation.

### WEST GERMAN VIEWS

West German television and newspapers today gave continued prominent attention to the U.S. air attacks on North Vietnam and reported protest demonstrations around the world.

### "A MAN-MADE CATASTROPHE"

A comentator on the first TV network on Wednesday compared the attacks on North Vietnam with the devastation caused by the earthquake in Nicaragua, calling the bombing a "man-made catastrophe." Rejecting Swedish Premier Palme's comparison of the bombings with Nazi atrocities as unjustified, the commentator nevertheless found recent statements of American bomber crews about "having a job to do" and refraining from judgments about the job "reminiscent of the language that we know so well from our own history . . . which makes it difficult to refute Palme. . . ." He continued:

"Even if this inferno of brute force motivates counter-terror by the North—and the brutality of the North Vietnamese in South Vietnam is out of the range of our vision—the terrible associations created by the American bombing destroy all possible arguments about who is responsible for the breakdown of the Paris negotiations. Unfortunately, it also destroys the last bit of confidence in that other America which was once a combination of power and morality."

Newspaper headlines today said parts of Hanoi were "an inferno" and "heaps of rubble."

### "NVN BRUTALITY IS REAL"

An analyst in right-center *Frankfurter-Allgemeine* wrote on Wednesday that the efforts by each side to pressure the other over the Christmas holiday "failed to produce the desired results." He said President Nixon showed himself "stout enough to disavow" Dr. Kissinger, and Hanoi had proved willing to expose its people and economy to air attack. He concluded:

"The Hanoi leaders obviously considered their attitude just and normal. They wanted to know whether Nixon meant business and whether he was capable of exercising the required amount of muscle at the Christmas season. Now, they know, and the road should be open for a settlement of reason."

The paper's military affairs specialist wrote Saturday that while the American bombardment was "visible to all the world. . . . North Vietnamese brutality stays in the background of our consciousness, but it is as real as the American attacks. . . .

"The perfidy of the North Vietnamese and their system is that they are trying to make the public believe that Nixon is the only one who wants victory. North Vietnam also wants victory—and at the last moment. Our American allies are not doing enough to make this clear, although it seems that Washington also is lacking in readiness to compromise."

### "ALLIES REMAIN SILENT"

Pro-Social Democratic *Frankfurter Rundschau*, a persistent critic of U.S. policy in Vietnam, ran a commentary asserting that Mr. Nixon was "waging total war" against North Vietnam on a scale exceeding World War II attacks on London and Conventry and on Dresden and Hamburg. It concluded:

"But America's allies remain silent. The Western World idly watches its leading power destroy its own moral principles."

The Washington correspondent of independent-right *Die Welt*, Hamburg, wrote yesterday that the bombing of the Hanoi-Haiphong area indicated the U.S., "for the first time since the Cuban missile crisis" would have "no inhibitions about using its military power to the full to achieve its ends. . . . The President, not Hanoi, is determining the course of developments."

### WEST BERLIN: "BOMBING CANNOT LONG CONTINUE . . ."

The Washington correspondent of West Berlin's independent *Tagesspiegel* wrote today that the bombing of North Vietnam "cannot continue for long" because of pressure from America's allies, the cost of the attacks, the growing numbers of POWs, Congressional opposition, "and the obvious non-utility of the bombing if it does not bring concessions."

He said "only a few Air Force generals and their old comrade, Senator Goldwater" believed—as President Nixon and his advisors did not—in the efficacy of bombing. The correspondent predicted further negotiations between Hanoi and Washington, and only when they are resumed, he said, will one be able to assess the results of "these bad weeks."

### PROTEST ONE-SIDED

An editorial yesterday in independent *Berliner Morgenpost* declared that demonstrations "directed exclusively at the U.S. . . . degrade the protest to a dishonest and disreputable farce.

"This one-sidedness turns the original anti-war protest into an offensive demonstration for North Vietnam, that is, for the aggressor. . . .

"There could be peace in Vietnam today if Hanoi did not resist adequate international supervision of the truce. The protestors should demand an explanation of Hanoi for its refusal. So long as these questions are evaded, their protest will smell of dishonesty."

Pro-Social Democratic *Spandauer Volksblatt* asserted that "the U.S. President owes the world the full truth of his reason for continuing the war" and "plausible explanations why the agreement which seemed ready for signature on October 26 got shoved back into the drawer." The editorial also said that "both sides should be urged to put an end to this murderous game of poker."

### FRENCH TREATMENT

French media reported the end of the brief halt in bombing of North Vietnam, but center and Government-oriented papers today gave the Vietnam story relatively minor play.

Both networks of state-run French television carried reports that the Communist side was boycotting the Paris meetings "to protest bombings of an unprecedented violence, causing hundreds of dead and the destruction of schools and hospitals." The second network said the French Government was trying to "get things going again between the Americans and the North Vietnamese" and reported Prime Minister Schumann's conversation with the American Charge d'Affaires and the North Vietnamese Delegate-General.

Communist *Humanite* today denounced the French Government for "its silence in the face of the genocide" in North Vietnam, and termed "indecent" a film transmitted by French television on Christmas Day showing American pilots praying before going into action.

### *Vienna: Unanswered Questions*

The independent Socialist Party organ, *Arbeiter-Zeitung*, of Vienna asked in an editorial today:

"Did President Nixon deliberately deceive the world when he spoke of 'peace with honor' before his election? Or did he disavow his emmissary, Kissinger, afterwards? What points of the October agreement caused the rupture? Was the U.S. really ever willing to agree to a political solution?

"Nixon so far has failed to answer any of these questions. Backed by his election victory . . . the weakness of the opposition and the restraint of the Soviet Union, he can afford to let the bombs rather than statements speak. But it is not only the victims who are suffering. The U.S. is losing its credibility in the world."

### *Sweden: Appeal for End to Hostilities*

Lead story on all front pages in the Stockholm press today was the "joint appeal" for cessation of hostilities in Vietnam by leaders of all five major Swedish political parties. Editorials in several papers supported this "national manifestation."

Typical of widespread comment was that of liberal *Dagens Nyheter*:

"It will not be lost on the world if a well-protected nation like Sweden expresses its solidarity with those who are fighting for their lives in Hanoi and with those in the U.S. who are pursuing a painful and admirable struggle for truth and good sense."

### *Norway: "One-sided Peace Action" Deplored*

Norway's most widely circulated newspaper, the conservative *Aftenposten*, deplored what is called "one-sided peace action":

"It's not easy to be a friend of the U.S. these days. The air attacks against Hanoi and other targets appear to most as unnecessary military pressure. Therefore, it is understandable that so many, on an emotional basis, have denounced President Nixon's decision . . .

"But in reaction to this intensification of the war another essential feature of the conflict has been ignored, namely, the fact that the U.S. is not acting alone in this armed conflict.

"North Vietnam is also carrying out armed activities at this very moment. Every day come reports from South Vietnam that North Vietnamese forces are attacking towns and villages. But this is forgotten, intentionally by those who wish to villify Nixon and unintentionally by those who want peace for all at any price."

### WORLD OPINION AS A POWER FACTOR

Yesterday, the Labor Party's Oslo paper, *Arbeiderbladet*, condemned the bombing and said that "power-politician Nixon has not taken world opinion into account as a power factor. The 'victory' that the bombers might give him can be transformed into a defeat that will take the U.S. a long time to make up for."

### A DANISH VIEW: "LACK OF LOGIC"

Independent *Jyllands-Posten* of Aarhus Jutland, a frequent supporter of U.S. policies, wrote yesterday that "millions of people who have felt sincere gratitude and devotion to the U.S. have in recent days also felt unhappiness about the massive bombing north of the 20th Parallel in Vietnam." It said that unhappiness grew out of the belief that "the continuous fight for democracy is also a fight for humanity and mercy." It added:

"Besides, there is an unhappy lack of logic in the fact that bombs are being dropped on people who were already suffering from Communist tyranny. Such punishment seems not only double, but unfair . . .

"Seen from outside, it is somewhat grotesque and even absurd kind of warfare and it therefore cannot be defended in the same way as can many other things the U.S. has done during this unhappy conflict."

### LONDON: RENEWED BOMBING CONDEMNED

British media gave extensive and prominent play yesterday and today to Labour Party attacks on Prime Minister Heath for his silence on the question of renewed U.S. bombing of North Vietnam. Comment generally condemned the resumption of attacks north of the 20th Parallel.

The independent *Times* of London wrote yesterday in an editorial that the resumption of bombing had caused "so deep a revolution of feeling across the world that many people will wonder what possible justification, if any at all, there can be for it in strictly military terms." It judged such justification "doubtful," even disregarding "the political and moral arguments which are overwhelmingly against it." The paper recalled that "the bombing in Britain during the last war stiffened the resolution of the people and spurred them to fight on, as is well remembered. There is little indication that it will have any more telling effect in Vietnam.

"This is particularly true in view of the global sense of horror which has greeted the fresh bombing initiative in the north, and of which the north are well aware. They may suddenly feel that the world is on their side."

### JENKINS REPROACHES HEATH

A strongly worded letter from former deputy leader of the Labour Party, Roy Jenkins, to Mr. Heath occupied all but picture space on the front page of the left-oriented *Daily Mirror* and was widely played by other papers.

The *Mirror* said in an editorial, "The ruthless murder of a nation goes on. Savagely and brutality, the Americans bomb the men and women and children of Vietnam, while hoping to demolish a military target. . . . And still no word of condemnation from Mr. Edward Heath, Britain's Prime Minister. . . . Still no word of condemnation from Sir Alec Douglas-Home, Britain's Foreign Secretary.

"Why the silence? Could it be because Mr. Heath and Sir Alec have been invited to meet Mr. Nixon on February 1 and 2?"

### EFFECT ON RELATIONS WITH EUROPE

The independent London weekly *Economist*, out today, examined the current prospects for European-American relations and concluded that "the bombs on Hanoi are the worst possible fanfare for Europe." It reasoned:

"Since Mr. Henry Kissinger returned empty-handed from his negotiations with Le Duc Tho, the already testy state of the Atlantic debate has grown unmistakably worse. This has happened at a moment when the process of mending Atlantic tempers, begun a year ago when Presidents Pompidou and Nixon met in the Azores, was just getting into stride."

### BOMBING AN "OUTRAGE"

The independent weekly *Spectator*, also out today, commented that "friends of the U.S. and admirers of President Nixon will be dismayed, and those hostile to or jealous of America and its elected leader will secretly be comforted, by the resumption of the bombing of North Vietnam. . . .

"What has, hitherto, been most impressive about President Nixon has been his practical determination to bring the Democratic Party's war in Vietnam to an end, causing as little damage to American interests (which are almost the same as Western interests) in the process . . .

". . . it is difficult to see any sound military reason whatever for the present bombing. It is an outrage which cannot but disgust . . ."

### BREZHNEV VISIT JEOPARDIZED?

A dispatch from Moscow by Soviet journalist Victor Louis in the London *Evening News* reported that Party First Secretary Leonid Brezhnev's trip to America, "understood to have been set for next spring, is not now expected to take place until the autumn, according to observers" in the Soviet capital. The correspondent said that "the political climate is not right for such a meeting early next year. An agreement on peace in Vietnam has not been reached, and without an agreement a visit by the Russian leader is out of the question. . . . A visit to America by Mr. Brezhnev would be of great political importance and he would not want to return home empty-handed."

### TOKYO: PEACE PROSPECTS "GLOOMY"

News reports in Japanese media today centered on the cancellation of the "open" Paris talks and on the continued bombing of North Vietnam.

A commentator on NHK–TV said that prospects for peace in Vietnam are "gloomy" because the North Vietnamese refuse to meet with the U.S. side unless the bombing is stopped. He concluded, "No progress is expected at the peace negotiations so long as the U.S. supports the position of the Saigon Government."

Independent-liberal *Asahi* yesterday accused the U.S. of "planning indiscriminate bloodshed and destruction in North Vietnam," adding that it was clear that the U.S. was "trying to overpower Hanoi by force and make it accept the U.S. terms.

"It would be a different problem if the U.S. conditions were really fair and Hanoi alone was insisting on unrealistic demands. But the fact is that Hanoi is being denied the great cause of national existence because the U.S. is trying to force its contentions by declaring that black is white and reversing its earlier position. . . .

"We believe that what President Nixon is trying to achieve in Vietnam is nothing other than imperialism, colonialism and genocide. . . ."

### HANOI: TALKS DEPEND ON UNITED STATES

The Vietnamese News Agency (Hanoi) yesterday carried a press communique from the North Vietnamese delegation in Paris stating that because of "the very serious and criminal U.S. escalation of the war against the DRV" the North Vietnamese side "cannot participate in the meeting of representatives and experts that the U.S. has proposed on December 27, 1972, and is obliged to postpone the meeting until another date . . . When the situation existing before December 18, 1972, has been restored, the meetings of the representatives and experts will be resumed.

"It depends entirely on the U.S. whether the negotiations will be resumed or not."

### PEKING VIETNAM RALLY

Peking NCNA prominently reported a mass rally in support of North Vietnam held in the capital today. Provisional Reovlutionary Government Foreign Minister Nguyen Thi Binh spoke on behalf of the DRV. Chinese Politburo member Yeh Chien-ying, who also addressed the rally, repeated earlier expressions of support for Hanoi and condemnation of "U.S. imperialism for its crime of bombing the DRV and intensifying its war of aggression."

### TASS ON PENTAGON STATEMENT

Moscow TASS yesterday reported that Defense Department spokesman Friedheim had presented to newsmen a list of bombed targets classified as "military." TASS said: "Asked whether non-military objectives had been bombed on DRV territory, the Pentagon spokesman cynically replied that he could not rule out a possibility of that. As is known, only recently American bombers hit one of the biggest civilian hospitals in the DRV, killing many patients."

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## COMDR. CHARLES "M" EARNEST—IN MEMORIAM

Mr. ALLEN. Mr. President, on November 28, 1972, Comdr. Charles "M" Earnest, a native of Opelika, Ala., lost his life in the service of his country in Southeast Asia.

On December 1, 1972, Attack Squadron 75, which he commanded at the time of his tragic death, conducted a memorial service for Commander Earnest at the Chapel of the Good Shepherd, Naval Air Station Oceana, Virginia Beach, Va.

The service program includes a memoriam which speaks of Commander Earnest's great dedictaion to his country, to the military service, and to his fellow Americans. His dedication should stand as a guidepost for all of us.

Mr. President, I ask unanimous consent that this memoriam be printed in the RECORD.

There being no objection, the memoriam was ordered to be printed in the RECORD, as follows:

### IN MEMORIAM

Commander Charles "M" Earnest, United States Navy, was born on 8 October 1934, in Opelika, Alabama. He lost his life in the service of his country in Southeast Asia on 28 November 1972.

He graduated from Auburn University in 1955 with a bachelors degree in Physics. Following a year of graduate studies in the field of Physics, he was commissioned an Ensign in the United States Navy in August of 1956. Upon completion of his flight training at Naval Air Station Pensacola, he was designated a Naval Aviator in May 1958. During his career, Commander Earnest flew three types of operational aircraft—the Douglas AD–5N Skyraider, the A–4 Skyhawk, and the A–6 Intruder. The first squadron to which he was assigned was All Weather Attack Squadron 33. During this tour he made deployments on USS *Independence*, USS *Saratoga*, and USS *Intrepid*, serving as squadron flight officer, operations officer, and eventually as Officer-in-Charge of a detachment of all weather attack aircraft. After serving on the Staff of Commander Training Command, U.S. Atlantic Fleet, he completed two years of study at the U.S. Navy Postgraduate School, Monterey, California, where he was a distinguished graduate with a masters degree in operations research.

In November 1966, he joined Attack Squadron 153, where he served as Maintenance Officer and Operations Officer in duty which led to two combat deployments. After serving on the Staff of the Secretary of Defense as analyst of Air Force, Army, and Navy Tactical Air Programs, he reported to Attack Squadron 75 as Executive Officer in May 1971. Commander Earnest became Commanding Officer of Attack Squadron 75 in June of 1972.

During his career, Commander Earnest flew over three hundred combat missions and was awarded the Silver Star, the Distinguished Flying Cross, thirty Air Medals, the Meritorious Service Medal, three Navy Commendation Medals, the Navy Achievement Medal and the Vietnamese Cross of Gallantry with Gold Star.

Commander Earnest is survived by his wife, the former Minna Laney Helms, of Daytona Beach, Florida; his two sons, Brad and Bryan; his father and mother, Mr. and Mrs. Milligan Earnest; his brothers, Glenn Earnest and Joseph Earnest; and his sister, Mrs. Molly Miller.

In lieu of flowers for Commander Earnest, expressions of sympathy may be donated to the POW/MIA Scholarship Fund, Red River Valley Fighter Pilots' Association, P. O. Box 9736, Nellis Air Force Base, Nevada 89110.

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## 25TH NATIONAL STUDENT ASSOCIATION CONVENTION

Mr. THURMOND. Mr. President, a few weeks before the recent national elections, the National Student Association convened its 25th annual congress in Washington, D.C. During that period when national tension was focused on the electoral process, little note was taken of the character of that meeting.

As those familiar with the National Student Association well know, that organization does not represent the interests of the American students at large, rather it is an elitist organization dedicated to radical movements and campus upheaval. It represents a small minority attempting to disrupt the educational process. Most of the students that I have come into contact with—and I speak frequently on university campuses—are interested in the free interchange of ideas and are dedicated to the pursuit of truth and intellectual development.

This is apparently not true of the National Student Association. For years the NSA has been a repository for radicals, socialists of every stripe, anarchists, and student militants. Their recent convention was the perfect example of these tendencies. Not so long ago, the Washington newspaper, Human Events published a comprehensive report on the 25th annual congress of the NSA. The article was written by Miss Fran Griffin, who is, herself, secretary of the student government at the University of Chicago where she is a graduate student in international relations. I certainly believe Miss Griffin is far more typical of the American student than most of the delegates who came to the NSA Congress.

The delegates at that congress were urged to "liberate" the universities, to perform all nature of lawless acts and to engage in other disruptive programs.

Mr. President, I ask unanimous consent that the article by Fran Griffin entitled "NSA Aims to 'Liberate' the Universities" from Human Events, September 30, 1972, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### NSA Aims To "Liberate" the Universities

(By Fran Griffin)

In a reversal of the noisy tradition of radical student activism that has characterized it in the past, the National Student Association (NSA) opened its 25th annual congress last month on a much quieter note. A meager 367 delegates, many of them student government presidents, assembled at Catholic University, Washington, D.C., for seven days of workshops, speakers, plenary sessions and the election of new national officers—all geared to convince the occasional uncommitted delegate that all student political opinion is left of center.

One of the oldest student leftist groups in the United States, NSA takes credit for making "significant contributions" to the civil rights movement of the early '60s, the student power crusade, and the first student opposition to the war. In addition, NSA encouraged the demonstrations at the Democratic convention in Chicago in 1968, the protests against the Cambodian incursion of 1970 and the disruption at the recent Republican convention.

#### LOOKING TOWARDS THE 1970'S

Now cognizant of a much quieter mood on the campuses, the officers of NSA admitted in the annual report that "the energy and enthusiasm that characterized the student movement of the 1960s seems to have waned," but, they explained, the '60s was a decade of "consciousness-raising"—creating the proper climate for social change, whereas the '70s will be a time of "implementation" of goals achieved in these past years.

To the officers, staff and National Supervisory Board of NSA, this year's crop of delegates was disappointing indeed. Absent among them was the expectant fervor to elect George McGovern, and although some of the officers tried to perpetuate the myth that "Nixon is the No. 1 enemy on campuses throughout the nation," there were a few scattered moderates who secretly confessed that they would vote for the President in the fall.

So the task of this NSA Congress was to convert the young delegate—about 20 years old on the average and not yet "enlightened" as to "the absolute truth of the radical position"—into a staunch radical-liberal. Owing to the fact that the delegates had "not reached a very high level of consciousness yet," the NSA bureaucracy utilized a tactful and low-key approach to the problem, quite different from the blatantly political programs of the past.

Of the close to 100 workshops held during the week, the major portion stressed how the student can legally and illegally "screw the university" and effect educational reforms which could eventually lead to student control of every facet of the university.

In one such workshop, ambiguously entitled "Grape Squeezing: How to Avoid Teething on the Seeds While Savoring the Pulp," Jay Hershenson, a student at Queens College, urged the delegates "to look at the university in an antagonistic way."

The first priority of an effective student government leader should be, he related, *to get the keys to all the doors on campus,* including those to the offices of the president of the colege, the deans and all other administrators. This way, he pointed out, you have access to all files and thus will know what's going to happen before it does. "And I'm not suggesting you do this in a legal way," he emphasized.

Look for the people who have keys, he advised—the president, deans, security personnel, porters, custodial staff. Presidents generally have their keys on a chain. When you shake hands with your president, immediately try to discover where he keeps his keys.

#### GET THEIR KEYS

Building up contacts with the porters, guards and cafeteria managers is of vital importance, he instructed. "You know you have succeeded in your efforts when the porter walks in on you in the dean's office at 4 a.m. and simply asks, "How have you been?"

Hershenson found justification for clandestinely acquiring the keys by reason of the "fact" that "you are (student government leaders) representing the students on campus and thus have a right and a duty to find out what goes on "behind locked doors in the administration building."

Although most of the workshops were not as outrageous as Hershenson's, about 30 of the panels were concerned with legitimate and/or lawless methods of effecting change on the campus—a change which would see the accumulation of more and more radical student power.

Some topics included: "Student Fiscal Control and Budget Techniques," "Student Fees—the Question of Control," "Students' Attorney Programs," "Students on Boards of Trustees," "National Student Unions," "Development and Funding of Proposals in Educational Reform," "The Tuition you Pay—A Rip-Off?", "Incorporation of Student Governments; Models and Means of Financing," "Campus Day Care," "A Symposium of Educational Innovation," etc.

John Froines, one of the "Chicago 7" and now a professor at Goddard College, Vermont, led a workshop on "Science, Technology and Society." Essentially advocating a Marxist approach to science, Froines stated that he "couldn't function within a discipline that had to do primarily with war-making." And so he has established a revolutionary view of this field which he labels "Science for the People."

#### RADICAL SCIENCE PROGRAM

This radical science program at Goddard College focuses on "questions of technological determinism . . . questions about the relevance of Marxism in the 20th Century in urban and industrial society . . . questions about the relationship between science and determinism. . . ."

Froines, who admits he "used to feel guilty about being a scientist," informed the delegates that "we need a total restructuring of science on the campus" away from building materials for the "war machine" and towards helping the people to live better in our society. Froines' wife, Ann, was also at the congress, leading workshops on "The War and Women's Liberation," among others.

Student political activism was the theme of about one-third of the workshops. Donald Ross, co-author with Ralph Nader (also a speaker at the congress) of *Action for Change*—which was distributed to each delegate in his convention packet—chaired several panels on the techniques of setting up Nader-like Public Interest Research Groups (PIRGs).

According to a scheme which Nader and Ross have devised, a percentage of the mandatory student fee—generally given to the student government—would go into forming PIRGs on campuses. Twelve states were cited as target areas for setting up PIRGs this fall.

Representatives from the Congressional Action Fund, a group which give monetary support to key radic-lib candidates (e.g., Abner Mikva [D.-Ill.], Pete McCloskey [R.-Calif.], and former New York Rep. Allard Lowenstein) distributed memos and pamphlets to each NSA delegate and alternate. In addition, CAF members conducted panels on "Where Youth Support is Needed."

Included among the goals of CAF are: "reform of the welfare system to provide a guaranteed annual income of at least $6,500 for a family of four by 1973" and "reduction of military spending by at least $20 billion in the fiscal year beginning July 1973."

Americans for Democratic Action, the ultra-liberal political organization now headed by Allard Lowenstein, presented the delegates with booklets on the ADA and a pamphlet entitled, "The Nixon Years: Can We Stand Four More?" (ADA is actively working for McGovern.) Leon Shull, national director of ADA, moderated a workshop on "Congress and the Issues: Analysis and Prediction of Coming Legislation," forecasting the leftward line which ADA will take on the issues this year.

"The Student As Lobbyist," a workshop presented by the National Student Lobby, a Washington-based anti-war youth group, explained the work which NSL is doing on behalf of the student in influencing legislation. Other panels of this nature included "Registration from a Radical View," delivered by members of the Rainbow People's party; "Organizing a Labor-Campus-Community Alliance" which was characteristic of a dozen or so panels which tressed the student's "obligation" to become involved with the "working class" members of society.

Viet Nam is a dying issue among the students—despite desperate attempts by NSA and others to revive it. A score of anti-war workshops, including members of the Clergy and Laymen Concerned About the War. Viet Veterans Against the War, and various pro-Hanoi Vietnamese, failed to inspire much enthusiasm among the delegates.

Doug Hostetter, one such panelist, gets paid by the Methodist Church Office for the United Nations committee on "Asia and Peace," but confessed that he actually works full time for the Medical Aid to Indochina Committee—an anti-war group which was in much evidence at the congress. The Medical Aid Committee was responsible for a large photo display at the congress, featuring "U.S. atrocities in Indochina," and charts which depicted the "irreparable" damage done to North Viet Nam, including over "26 million bomb craters."

The committee also showed one of their movies, "Village to Village," starring Margery Tabankin, 1971–72 NSA president and Bill Zimmerman of the Medical Aid Committee.

Finally there were workshops dealing with minority groups—*Women* ("Discussions on Sexism," "How to Set Up Rape Counseling and Problem Pregnancy Counseling Centers"). *Third World Peoples* ("Racism in the White Community," "Black Push Out: Suspensions and Expulsion of Black Students in Universities"), *Gay People* ("Gay Legal Rights," "Gay Arts Festival and Poetry Reading"), *Native Americans* (American Indians), *Chicanos*—and just five panels involving student services, supposedly the chief justification for NSA's existence.

Complementing the workshops were 12 keynote speakers who reaffirmed what the NSA bureaucracy felt were the vital issues of the day: Women's Liberation (Gloria Steinem and Margaret Sloan of *Ms.* magazine), the Welfare Rights Movement (George Wiley, executive director of the National Rights Organization), the labor movement (Jerry Wurf, President of the American Federation of State, County and Municipal Employees), Viet Nam (Tom Hayden, founder of Students for A Democratic Society), the "People's" Bicentennial Commission (Ed Schwartz, past president of NSA), the Farm-Workers Lettuce Boycott (Jessica Govea of Cesar Chavez's United Farmworkers Union), and Public Interest Research Groups (Ralph Nader). Other celebrity speakers were Sen. Fred Harris (D.-Okla.), discussing redistribution of the nation's wealth, Sen. Thomas Eagleton, (D.-Mo.), Rep. Ron Dellums (D.-Calif.) and Elliot Richardson, secretary of health, education and welfare.

Perhaps the most disturbing of all the speeches was Tom Hayden's hour-long condemnation of the Viet Nam war—disturbing not only because of his gross half-truths and outrageous accusations but also because of the total acceptance it received from the delegates—none of whom questioned any of his "facts."

"What Ramsey Clark has done is one of the most important things an American political figure has ever done," declared the member of the "Chicago 7" who was tried for conspiracy to disrupt the Democratic convention in 1968. "If an American politician in office would have done that at any time in the past 10 years, we would not be faced with this genocidal, murderous, terrible situation that we do now."

Hayden and other anti-war activists are hoping that the occasional bombing of the dikes will revitalize the anti-war movement on the campuses.

"We don't understand the connection," Hayden charged, "of Nixon the Rainmaker in Indochina trying to flood a civilization, and Nixon the Supposed Humanitarian in the United States trying to help people in Pennsylvania or northern California with relief against floods." Hayden also predicted that President Nixon, "now that he's waged total war . . . is going to trick the U.S. people with a bombing halt" sometime this fall.

More important than the workshops and speeches which merely set the tone for the congress were the evening plenary sessions during which the delegates voted on various mandates and issues with highly political implications.

Honeywell, Inc., "Dow Chemical of the '70s," was the recipient of vicious attacks throughout the week. Gruesome pictures of supposed victims of Honeywell anti-personnel devices—"weapons designed primary to penetrate human flesh" were displayed by the Clergy and Laymen Concerned About the War, along with bumper stickers reading "Honeywell Kills People."

When the delegates were asked to vote on a resolution condemning Honeywell "for gross acts of corporate irresponsibility in its continued production of barbaric anti-personnel weapons that are responsible for ever-increasing numbers of civilian casualties in Southeast Asia," a student from Rochester protested that in fairness "an attempt should be made to get Honeywell's side of the story." He was immediately ruled out of order, and the resolution passed overwhelmingly.

More than any other issue, that of student unionization received extensive debate and discussion on the floor of the congressional legislative sessions. Proponents of ths mandate reiterated that if unions were formed, students could act collectively to combat "racism and sexism in faculty hiring and firing."

"If students in this country were unionized," the resolution read, "Nixon would not be President today, the war would not continue. If we had been unionized this spring, the automated bombings of North Viet Nam's cities and harbors, dikes and people would have set off a real student strike. . . . closing down America campus by campus, town by town, state by state, until the war had been brought to an end."

NSA delegates passed this unionzation mandate, setting up the student union idea as one of its top-priority projects for the coming year.

The most vocal segment of the delegates were those almost entirely made up of the black delegates; the "Third World caucus" designated themselves as spokesmen for Spanish-speaking Americans, native Americans, Chicanos, Eskimos, Asian Americans and the poor. The congress approved a mandate which established an NSA Third World Bureau to "fight racism" both nationally and internationally, and condemned the U.S. for "acts of imperialism" throughout the world.

One of the more popular issues of the NSA Congress was the "People's Bicentennial Commission"—a group formed to quell the "right-wing conservative potential" of the American Revolution Bicentennial Commission.

With the assistance of Ed Schwartz, a former president of NSA and action coordinator of the People's Bicentennial Commission, a mandate was passed by the congress condemining the Nixon Administration for "attempting to use the bicentennial to provide a financial boondoggle to corporations, to give covent public support to moribund right-wing organizations, and to orchestrate a pattern of jingoistic spectacles and television programs designed to brainwash the American people into accepting only one version of the American Dream."

Schwartz, in delivering one of the major speeches to the congress, accused presidential advisers, the heads of major corporations and "reactoinary" politicians of conspiring with a government agency about "how to use this bicentennial celebration to further consolidate this power against the forces of change."

"Right-wing organizations have been encouraged by the White House to develop propaganda and educational programs designed to foster a conservative interpretation of history and society in high schools and colleges," he charged.

In responding to Schwartz's "expose," the NSA Congress pledged to make the People's Bicentennial educational programs available to member campuses and to cooperate with the Bicentennial Tax Equity for America (T.E.A.) Party to encourage student involvement in local, state and national campaigns for tax reform during the bicentennial years.

Among the other proposals which received the support of the delegates were:

a resolution calling for the boycott of non-union lettuce.

a mandate by the congress to work to end gay oppression and seek gay liberation.

a resolution supporting the full funding of the Educational Opportunity Grants contained in the Higher Education Bill of 1972.

A mandate that the homemaker "be recognized as a professional member of the American labor force, paid for her or his labor, time and skills, and upon retirement receive full Social Security and other benefits which their labor should have acquired."

A mandate advocating "the immediate abolition of penal institutions and interim programs of convict self-determination within prisons."

A mandate supporting the Seven-Point Peace Proposal of the North Vietnamese negotiator, Mme. Binh, and calling for its acceptance by the United States.

The resolutions were generally written and proposed at the urging of NSA officers and National Supervisory Board members, who were, almost without exception, hard-core radicals. Any delegate could, however, call for suspension of the rules and ask the body to consider a mandate of his own choosing.

One such individual, Tom Mooney, 1971–72 vice president of NSA, proposed an amendment condemning abortion "as a lethal short-cut and a simplistic solution to the profound problems of human existence, dignity and the right to life." The Congress, with the prompting of the national staff and officers, refused to even consider or vote on the anti-abortion plank.

### NEAR-RIOT AVERTED

For most delegates the most exciting segment of this seven-day mind-molding session was the near riot which occurred on election night. A president and vice president were to be selected, the former receiving a substantial salary, even though the organization is still over $50,000 in debt.

The first presidential ballot narrowed the choices to three candidates: Larry Friedman, an activist from Queens College, New York; Tim Higgins, former student government president at the University of Wisconsin/Madison; and Mae Jimison, a smooth-talking black woman in her late 20s from Indiana. Before the balloting resumed, a 45-minute debate between the candidates commenced during which Larry Friedman, to the surprise of everyone, withdrew in favor of Mrs. Jimison.

This action prompted one of the delegates to ask the black woman: "Did you make a deal with Larry Friedman that you would support him for vice president if he withdrew in your favor?" In a five-minute statement, Mrs. Jimison evasively replied that she "did what she thought the delegates wanted" and that she believed that Friedman was the ideal choice for vice president under her administration. Outrage, indignation and cries of "deal" spread through the convention hall. In the election which followed, Higgins was an easy winner, gaining 144 votes to Jimison's 92.

At this point, the "Third World" delegates, scowling and bitter in defeat, proceeded to yell into the microphones that the body was "guilty of racism and sexism." Victoria Stevens, a black woman who is a paid staff member of the Young Workers Liberation League—a Communist youth organization—made a speech condemning the delegates for their "gross error." "I think what has happened here is repulsive and disgusting!" she shouted.

When the initial turmoil had subsided, Tim Higgins, the newly elected president, mounted the podium to address his constituents. As he leaned forward to speak into the microphone, Omar Faruk, a black delegate from

Chicago, grabbed him around the neck, causing both of them to fall off the platform and a near riot to ensue. (Faruk later explained that he had not been given the opportunity to speak and was simply trying to get to the microphone.)

Four or five of the convention hall microphones were destroyed, and the black delegates, having "liberated" the podium, yelled out their loud accusations that the "white male chauvinist" NSA was guilty of the sins of racism and sexism in refusing to choose a black woman as their president.

Mae Jimison approached the podium and restored order by requesting that all "Third World" delegates meet her outside for a caucus. Higgins, in "an act of solidarity with my Third World brothers and sisters," resigned as president.

### SOUL-SEARCHING

In the three hours which followed, the white delegates held a "rap session" trying to determine if, indeed, they were "guilty of racism and sexism" as charged. Meanwhile the "Third World" delegates' plans to storm the convention hall were being quelled by Larry Friedman and other more rational students.

Only a few of the black delegates returned to the hall when the congress reconvened at 4 a.m. The third-ballot voting commenced with Higgins again the victor, and Mrs. Jimison placing a poor third behind Larry Friedman who had re-entered the race. The sleepy delegates then elected Ron Ehrenreich of Temple University as vice president.

Characteristic of the new breed of radicals who will quietly and subtly work to "screw the university," Tim Higgins is deceptively short-haired, clean-cut and polite. Yet Higgins is a hard-core leftist, typical of the new radic-lib image and will be pushing for such things as student representation on university policy-making committees, on boards of trustees and on curricula-planning committees as a means of integrating radicalism into the university.

This new trend in the radical student movement seems to indicate that the left has learned that it's easier to break the system from within than from without, that they haven't made many converts from bomb-throwing.

A staunch student power advocate, Higgins supports the concept of unionizing students throughout the country. In discussing this issue, Higgins elaborated:

". . . We live in an imperialist society that's basically based on exploitation of the masses of people around the world. The university is a part of that society in that it channels the cream of the crop into the corporate American structure that continues this oppression. [Applause]

"Students will never ever rise to this kind of oppressive society until we as students join with the working class who have a consciousness all their own that we are separated from because we are, 'the cream of the crop,' and are taught that in the university society—until we join with these working-class people and realize that we are being oppressed by the 'working class.'

"Student unionization gives students the power because they are joined together with political analysis and an economic base to fight the oppressive institutions of society which include the university specifically and the administration and faculty interest groups. We need that power because we won't get beyond it due to the facade of liberal administrators in terms of policies. They're going to stop us when we try to break the system no matter how liberal they are."

It should be quiet on the campuses this year. But don't be deceived into thinking that the radicals have disappeared. For they're still there, working even harder than ever behind the scenes to achieve their ultimate goal: "radical liberation of the university."

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## SENATOR RANDOLPH OPPOSES RECENT MASSIVE BOMBING OF NORTH VIETNAM—SUPPORTS DEMOCRATIC CONFERENCE RESOLUTION TO TERMINATE FUNDS FOR U.S. COMBAT OPERATION IN OR OVER INDOCHINA

Mr. RANDOLPH. Mr. President, on December 29 I issued a statement expressing my strong opposition to the saturation bombing of North Vietnam. That statement follows:

> I cannot rationalize the intensified bombing of North Vietnam nor construe its overall purpose. It is ill timed.
>
> The President has kept his promise to withdraw American forces from Vietnam. I have in the past, and renew now, my commendation of this effort. Present saturation bombing, however, in my opinion, goes beyond military targets in defense of our reduced forces.
>
> It is my feeling that there will be a strong reservation to this bombing among members of the Congress in the new session.
>
> Our complete withdrawal from Southeast Asia, coupled with the return of prisoners of war and an accounting of the missing-in-action, must be our current objective.

It is my belief—and I am confident that the majority of Americans share this belief—that there was no justification for the incredible bombing attack on North Vietnam ordered by the President. The White House, the State Department, and the Defense Department issued no public statements which reasonably explained or justified the unleashing of the massive B–52 bombardment of North Vietnam.

The bombing certainly was not undertaken for the defense of American troops.

It could not, in my opinion, be justified as a protection against a North Vietnamese buildup. Obviously, there are many military options short of saturation bombing to deter a North Vietnamese buildup for launching an offense.

No, Mr. President, the bombing, in my judgment, was initiated as a weapon to "bring Hanoi to its knees" and to preserve the power position of the current South Vietnamese Government, no matter what the Vietnamese people may want in the future.

More important, however, is the knowledge that B–52's cannot be used for saturation bombing in the areas our Nation used them without killing and maiming civilians and destroying nonmilitary installations and vital public facilities. There was no justification for this horribly destructive action by our Nation. It was a dark hour in the history of the United States.

Mr. President, as I stated on December 29, our complete withdrawal from Southeast Asia, coupled with the return of prisoners of war and an accounting of the missing-in-action, must be our current objective.

To achieve this objective, I have voted in the Senate to restrict the use of funds for U.S. military operations in Indochina solely to the withdrawal of our forces within a certain time limit, contingent on the release of all American prisoners of war and accounting of all Americans missing in action.

Earlier today in the Democratic conference, I voted for the resolution, approved 36 to 11, declaring it to be the Democratic policy that "no further public funds be authorized, appropriated, or expended for U.S. military combat operations in or over Indochina and that such operations be terminated immediately, subject only to arrangements necessary to insure safe withdrawal of American troops and the return of American prisoners of war and accounting for the missing in action."

I shall continue to vigorously support similar legislation in the 93d Congress.

While I hope and pray that the return to negotiations in Paris will produce a settlement of the Vietnam conflict and an end to the death and destruction in Southeast Asia, I am convinced that the Congress has a grave responsibility to act affirmatively to achieve this objective.

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## TRIBUTE TO COACH SHUG JORDAN

Mr. ALLEN. Mr. President, it is with deep pride that I rise today to pay tribute to one of the Nation's finest coaches, James Ralph "Shug" Jordan. Coach Jordan is not only one of the great coaches of all time, but he is also an outstanding ambassador for the great State of Alabama. It is a real privilege for me today to pass on to my colleagues some of the highlights of the career of my good friend Shug Jordan.

The only active coach in the Southeastern Conference who was coaching in the conference when it was formed in 1933, James Ralph "Shug" Jordan is now the dean of SEC head football coaches.

Jordan was an assistant at Auburn when the SEC originated, and after military duty, another short term as an Auburn assistant, a half-season with the Miami Seahawks, and 4½ years at Georgia as an assistant, he came back to Auburn in 1951 to begin building his alma mater into a national power.

His first team broke even. Two years later he had the Tigers 7–2–1 and in the Gator Bowl. Nine other Tigers teams have made bowl journeys, including the last five. I am sure many of you saw his Auburn Tigers in their great victory over the fine University of Colorado team in the 1972 Gator Bowl.

Along the way he has produced a National and Southeastern Conference Championship team in 1957, been named Coach of the Year in the Nation by the Washington Touchdown Club, selected Coach of the Year in the SEC three times, and inducted into the Alabama Sports Hall of Fame as a charter member.

Jordan currently ranks fifth in the Nation in total victories. And he is also fifth in the Nation in winning percentage among the coaches with 20 or more years.

His record of 156–69–5 represents one of the alltime best marks in collegiate football. His 14 consecutive winning seasons against one of the mostly consistently demanding schedules is equally remarkable.

Jordan was the first SEC head coach

to win 100 games at his alma mater, and in the past 23 years, Jordan's tenure at Auburn, Ole Miss is the only SEC team to manage more victories than Auburn.

Jordan was a three-sports star at Auburn from 1929 through 1932. In fact, he was Auburn's most outstanding athlete his senior year by a vote of the lettermen.

He graduated from Auburn in 1932 and was an assistant coach here for 12 years. He then entered the Army during World War II and served overseas 3 years in the Corps of Engineers. He came back to Auburn in 1945, but went with Jack Meagher to the Miami Seahawks.

At midseason he joined the Georgia staff where he worked under Wally Butts from 1946 through the 1950 campaign. He was named Auburn's head coach the following winter.

Jordan was born in Selma, Ala., on September 25, 1910. He is married to the former Evelyn Walker of Columbia, S.C., and they have two daughters and a son—Susan, Darby, and Ralph, Jr.

Mr. President, I ask unanimous consent that an article by Mr. David Housel which appeared in the September 1972 issue of Alabama Sportscope be included in the RECORD at the conclusion of my remarks. This article tells of Steve Wilson, one of Coach Jordan's players, and his efforts in trying to best describe a man he admired most. It is a story which could have been told by thousands of young men who have been privileged to play for Coach Jordan at Auburn University.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### "SHUG" JORDAN: A GRACEFUL COLONEL

(By David Housel)

Steve Wilson scratched his head thoughtfully. The Auburn University linebacker wasn't worried about football. This was July and the season was still weeks away. Wilson was worried about something more pressing—like the paper due in his advanced composition class the next day.

It was to be a character sketch, a paper developing the characteristics of an individual. Wilson had thought of many people on whom he could write, his grandmother, his parents, or even one of his fellow football players, but he had settled on another person, his head coach, Ralph Jordan.

He had started the paper several times. Each time, he angrily wadded up the paper after only a few words, sometimes a few paragraphs. Already he had fallen into the trap that awaits so many young writers: the difficulty in signing out the main traits of someone they know well.

Wilson scratched his head again. He began to jot down phrases, clauses, just plain words that darted across his mind when he thought of his football coach.

"Graceful as a Southern colonel. . . ."

"Diogenes would have liked this man. . . ."

"Not like other head coaches. . . ."

"As smooth and polished as a college professor. . . ."

"A man knows and believes in the value of hard work. . . ."

These and many more thoughts came to his mind, but, still, he was undecided on how to start the paper.

A friend tried to help. "Why did you pick Coach Jordan?"

"He's such a great man," came Wilson's quick reply.

"What makes him great?" retorted the friend.

"His concern for other people," Wilson said. "I'm no All-American or anything like that, I'm not even one of the best players on the field, but Coach Jordan knows about me and he knows my parents. He's concerned about me personally just the same as he would be concerned about Pat Sullivan, Terry Beasley, or any other great football player. He doesn't know rank when it comes to his players. He's concerned with us all."

"How does he show his concern?," asked the friend.

He's . . . He's . . . Well, he's like your father. He radiates concern and you know he cares about you. That's what makes you want to play for him. He doesn't try to scare you or threaten you. You just don't want to let him down. You don't want to disappoint him. You want to win for him as much as anything.

Wilson was going now. He didn't need any more prodding.

His presence is comforting and assuring. You know Coach is going to stand by you and you can believe what he says.

You know, Coach Jordan's funny. He's not like other coaches. He is still more concerned about his players than he is the stock market or his business interests. He is content to do what he likes to do and does best, coach football.

He doesn't really look like a football coach, you know. Not many people nowdays part their hair down the middle, and most coaches are dynamic and forceful. Not Coach Jordan. He's just solid. He looks more like a professor or successful business man than a football coach.

But he's a great coach. Just look at his record. I've got it right here. He's won 146 games, lost only 68 and tied five. That's good in anybody's book, and some of his best teams have come when Auburn wasn't supposed to have much. That's one reason we're going to have a good team this year.

Once you've played for him, you understand why he's such a good coach. People want to play for him and win for him. They want to out of loyalty, love, and respect. Reckon it'll be okay to say "love"?

Work, work, work. That's another key to Coach Jordan's success. It gets pretty rough sometimes, but we understand when he calls us up.

"There comes a time,' he says, "when finesse and fancy stuff will fail and all you have left is work, work, work, and more work. That makes the victory all the more sweeter."

There's one part about Coach Jordan that we all love. That's his Friday afternoon talks before a game. He always talks to us in the end zone and he uses some figure from history, a t.v. show or a movie to illustrate a point about us and the game the next day. It may be anyone from Sir Lancelot and King Arthur to John Wayne, but he makes his point and makes it well.

He's a smart man. He's a loyal man, dedicated to football and Auburn. He doesn't try to use it to enhance his image, or make money on the side. He just loves the people who play for him and Auburn and he wants them for Auburn, not for him.

"When Diogenes was looking for a good honest man, he should have looked for Coach Jordan. He's his man.

I know he's a great man. I know what he's done for me.

Wilson turned around and began to write. He made an "A" on the paper.

## EXPRESSION OF APPRECIATION BY SENATOR DOMENICI

Mr. DOMENICI. Mr. President, I think it is appropriate that all new U.S. Senators state for the RECORD their feelings after being sworn in. Therefore, I wish to express my feelings as a new Senator from the great State of New Mexico.

I say thank you. Thank you, New Mexicans, for all you have done for us. I shall try to do right by you. I say thank you to my wife, Nancy, and my children. Without you, I would not be here, and because of you I shall strive to make this land always a better place to live. Thank you to my parents for providing me with what I bring to this new undertaking, for without you and your sacrifice I would not have this great opportunity. I say thank you to my city of Albuquerque, and thank you to all of the teachers I have had over the years, for you have given me the drive and the knowledge to work toward keeping what is good and changing what is not. This shall be my challenge.

With God's help and yours, I shall do my best.

## HARRY S TRUMAN

Mr. MUSKIE. Mr. President, I know I speak with Senators on both sides of the aisle in expressing deep sadness over the death last week of President Truman, one of the truly great statesmen of our time and a man revered and liked by all Americans.

Harry S Truman was an uncomplicated man—a plain-talking, unaffected man faced with some of the most complex problems of 20th century America. He met the problems head on, developing in the process a foreign policy which still shapes America's thinking abroad, and offering a domestic program which formed the basis for progressive legislation in the postwar era.

Truman served ably and effectively in this body for 10 years—gaining stature as a watchdog over wastefulness in military spending. He did not seek the Vice Presidency, and when he was nominated and then elected, he mourned:

> I was getting along fine until I stuck my neck out too far and got too famous—and then they made me V.P. and now I can't do anything.

Eighty-three days later, with the death of Franklin Roosevelt, Harry Truman was President of the United States. He said:

> I felt like the moon, the stars and all the planets had fallen on me.

But although he assumed the Presidency with the barest of preparation, President Truman immediately established a pattern of courage, directness of judgment, decisiveness, and self-confidence that became hallmarks of the Truman Presidency.

When Russia, our ally, became our adversary in the cold war, Truman found a simple solution—to make our World War II enemies our allies. In those tense, sometimes terrifying postwar days, Truman made the decision to develop the hydrogen bomb, broke the Soviet blockade of Berlin, laid out the Truman doctrine to meet a Soviet threat in the Middle East, formed the North Atlantic Treaty Organization to present a solid front in Europe, and through the Marshall plan helped avoid an economic collapse in Europe.

His tough, no-nonsense approach to foreign affairs has had many critics, but the economic strength of Europe in the 1970's and the rapprochement with Soviet Russia may have proved Truman right.

Truman is better known for his foreign policy decisions, but in domestic affairs he proposed major civil rights, labor and social welfare legislation, began desegregating the Armed Forces by Executive order, and committed the Federal Government to a policy of high employment and a strong economy. And while he lost most of his legislative battles, the theme he sounded was picked up again in the 1960's.

What do these ideas and accomplishments tell us about the man? He was a man of conviction, and he was willing to stand by his convictions, whatever the pressures to change them.

He demonstrated an understanding of the uses and limitations of military and political power which has scarcely been equaled since his administration. He knew the effectiveness of military strength to prevent aggression. And, more importantly, he knew the limitations of military strength over conquered peoples.

In addition to his major accomplishments, Harry Truman possessed qualities which commanded the admiration of his supporters and the respect of his opponents. A fairminded, straightforward, honest man, Harry Truman acted with conviction and accepted full responsibility for his actions. He added a phrase to our language—"If you can't stand the heat, get out of the kitchen." And because of this same directness and strong sense of purpose, he was "Give-'em-hell Harry" to millions of fond Americans. Here was a man who never quibbled and never stood on the sidelines waiting for events to determine his decisions or actions.

He gave me good counsel when I became a candidate for the Vice Presidency in 1968. When I asked for his advice during a visit in Independence, he said, "Tell the truth." When I replied that my way of telling the truth was not the same as his, he gave me a second piece of advice. "Be yourself," he said. Since then I have always tried to follow that advice.

America and the world owe much to Harry Truman—the man who never lost touch with the man on the street and never forgot his Missouri roots. He was a great President and a strong, but compassionate man who directed America's energies into creative and constructive channels. In times of stress and anxiety he never faltered, never failed the American people. He served her well and brought honor to the office of the Presidency. He bravely led America into her new role of responsibility within the world community.

We shall all miss his quick wit, his disarming humility, and his deep and abiding faith in the intelligence of the American people. We must never forget what he stood for and loved: honesty, integrity, strength, and freedom.

When it was over, Truman himself summed it up better than we can, and provided history with a most fitting epitaph. He said:

> I have tried my best to give the Nation everything I had in me. There are probably a million people who could have done the job better than I did it, but I had the job, and I always quote an epitaph in a cemetery in Tombstone, Ariz.: "Here lies Jack Williams. He done his damndest."

Mr. President, I request at this time that the full text of my remarks at the Harry S Truman Institute April 7, 1970, be included in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

### PRESIDENT TRUMAN—25 YEARS AFTER

When Dean Heller invited me to speak, today, he asked that I "talk from the viewpoint . . . of a public figure active today." I accept the compliment, because I hope those who doubt my public existence and question my activity will experience the same sense of wonder which came to Mr. Kaltenborn in 1948.

It is always an honor to be invited to pay tribute to one's heroes. I confess to my admiration for President Truman, but I would not want you to think that I am wholly uncritical of his record. I think he set a bad precedent when he made presidential piano playing respectable.

Years ago, an out-of-stater struck up a conversation with an elderly native—an octogenarian—in one of our lovely little Maine towns. "I suppose you have lived in this town all your life?" he inquired. The old man replied, "Not yet!"

In the same spirit this group gathers here in Independence each year—

To pay tribute;

To draw inspiration; and

To give continuity to those values, and qualities, and principles which are the mark of greatness in a man, and his community, and his country.

I remember that one of my first political acts after becoming a Democratic National Committeeman from the state of Maine in 1952 was to defend President Truman. The President had just visited the state, and had been subjected to an unwarranted and inhospitable attack by a Portland newspaper. I wrote a letter to the editor. The newspaper featured the letter and conceded, in an editorial, that it had been intemperate. I was pleased; the newspaper editor felt virtuous and I am sure the President—if he was aware of the exchange—smiled with the knowledge that his history would be the final judge. Incidentally, it was also timely reassurance that a Democratic point of view, vigorously asserted, could be influential in Republican Maine.

President Truman is one of those fortunate public men who has lived to hear the vindication of history. And if he takes some pleasure in the knowledge that he confounded the doubters, we can rejoice with him.

Each of us comes to this occasion with his or her own memories of April 12, 1945, and the years which have followed. And each of us, I suspect, must confess to a change in perspective toward Harry S. Truman and the Presidency since that date.

Today's observance affords a singular opportunity to use that perspective, as President Truman would, to learn more about ourselves, our country, and the qualities the times require of us.

The world of that dark Thursday afternoon in 1945 was once caught between hope and chaos. The President to whom the nation and the world had looked for twelve years for leadership, was dead. A terrible world war was approaching its end, and in its wake we could see a world order far different from that we had known before. No longer were there several major powers in Europe. Both the victors and the vanquished had been decimated by the war. In Asia, Japan was defeated and China splintered. In the world there were now only two major powers—the United States and the Soviet Union—about to confront each other in a new type of war—a cold war, generated by Soviet dreams of expansion.

What would this mean—for man—and his hopes and dreams for a better world and a better life?

At home, a nation weary of war desired a speedy return to peace and the comforts war had denied us. A few saw the difficult problems of reconversion from a war economy to peace, but most were oblivious to the backlog of crisis the President would face at home.

What sort of man was this who would now preside over our effort to influence the shape of an uncertain and perilous future?

Much of his background was humble. He had been reared in a small town in middle America. He had no formal education beyond high school. He had worked as a timekeeper for a railroad, in the mail room of a newspaper, as a bank clerk, as a farmer. He had been a small businessman, a soldier and a county judge. He had experienced the rough and tumble of local and state politics, and risen through the ranks. At one phase of his development he might have been classed—if I may coin a phrase—as a member of the "Silent Majority."

And so there were questions about the quality of the new leadership in the White House.

Walter Lippmann comforted himself by writing that "The genius of a good leader is to leave behind him a situation which common sense, without the grace of genius, can deal with successfully." He was wrong, both with respect to the situation and the quality of the new President.

Harry Truman did have an average American background, but he was not an ordinary man. He had zest, vitality and energy that were the marvel of those with whom he worked. He had a rare capacity for decision and administration. He had the judgment to realize what principles in American life were worth preserving and the courage to fight for those principles.

His capacity for decision may be the most fabled of his attributes.

He made it clear—in a way which was never fully understood before by grassroots Americans—that the White House was primarily a place where decisions are made—tough, potentially final decisions which cannot be avoided and which carry awesome implications for life in our country and on our planet.

And our people understood—more clearly than before—that such decisions should be made by men of capacity, understanding, and courage—who understand that a President must lead his people in the direction indicated by their best instincts and traditions.

And they came to the realization that Harry Truman was such a President—and they have given him his place in history.

There followed the many bold—often spectacularly successful decisions of the Truman Era. Dean Acheson has described them:

"The 1947 assumption of responsibility in the Eastern Mediterranean, the 1948 grandeur of the Marshall Plan the response to the Blockade of Berlin, the NATO defense of Europe in 1949, and the intervention in Korea in 1950—all those constituted expanded action in truly heroic mold. All of them were dangerous. All of them required rare capacity to decide and act."

This was the leadership of a man who saw the world as it was—the need for new and unprecedented action—ranging far beyond any earlier concept of American responsibility in the world.

This man of ordinary background stepped out into the unknown—leading his people—unhesitatingly—clear-eyed—and wisely.

There have been a number of analyses of the Truman decision-making process. Dean Acheson, for example, in his latest book, "Present at the Creation," credits much of the President's capacity for leadership and decision to two qualities. First of all, the President had, Mr. Acheson tells us, a magnificent vitality and energy that allowed him to assimilate and understand a prodigious amount of material. Secondly, he had a passion for orderly procedure and a superb administrative ability which had been nurtured by his experience in local government.

Acheson reports that the President employed a brand of the adversary process, adapted from the law, and that, in keeping with another venerable legal tradition, he reduced all major decisions to writing.

One of the most delightful accounts of Truman's decision making process, however, came from Mr. Truman himself, reportedly in a question and answer session at the University of Virginia in 1960.

The question from the floor was: "Mr. Truman, how did you go about making a decision?"

Mr. Truman's answer was reported as follows: "I asked the members of my staff concerned to submit their recommendations to me in writing. In the evening, I read the staff proposals. Then I went to bed and slept on it. In the morning I made a decision."

The next question was: "What happened if you made a mistake?"

The answer: "I made another decision."

Decisiveness is a Truman characteristic. It is an important characteristic of leadership. As a quality, it can inspire confidence and trust in a people—impel them to risk change, to consider new values, to assume new responsibilities. But there must be more. The decision-maker must also be guided by historic principles and dedicated to their implementation. If the Declaration of Independence and the Constitution mean anything, it is that the goals of a democratic society are important, that they should be remembered and that our leaders should lead us toward them. Nowhere is this more important than in the case of civil rights.

From the vantage point of the Seventies, many of us tend to think of the 1954 decision in *Brown v. The Board of Education* as the watershed for civil rights in the nation. It was a tremendously important decision in the evolution of our country, but it followed by some years Harry Truman's drive to promote equality of opportunity. As President Truman put it in his characteristically blunt language: "The top-dog in a world which is over half colored ought to clean his own house."

I doubt that this man from Missouri gave a moment's thought to a Southern strategy.

He saw the United States as a divided country—divided by barriers that were unhealthy, unwholesome, and un-American, it was his responsibility to try to make it whole.

He supported his sentiments by action. He insisted, over considerable objection, that the armed services be integrated. He established a committee on Civil Rights to investigate the need for Civil Rights legislation and upon the recommendation of the committee, he asked the Congress:

To establish a permanent commission on Civil Rights, a Joint Congressional Committee on Civil Rights and a Civil Rights Division in the Department of Justice.

To strengthen existing Civil Rights laws and laws protecting the right to vote.

To provide for Federal protection against lynching.

To establish a Fair Employment Practices Commission.

To provide for Home Rule and sufferage in Presidential elections for the District of Columbia.

At his insistence—with a full appreciation of the political risks involved—these proposals were also contained in the Democratic Party's Platform in the 1948 elections. He preferred to take risks that could lead to a united country to the risk of an increasingly divided country.

The result is well known. The Dixiecrats left the Democratic Party. In the perilously close election that followed, their defection cost the President four states from the supposedly "Solid South" that otherwise would have been in his camp. Mr. Truman knew he could have avoided this result. But he refused to compromise on principle. As he wrote in his memoirs:

"I believed in the principles these platforms advanced . . . I was perfectly willing to risk defeat in 1948 by sticking to the Civil-Rights plank in my platform."

Devotion to principle means a willingness to risk such defeat. It is also the only way to appeal to the best in men. It is a quality we need now—at a time when the country is even more divided than it was in 1948. It is a quality we must produce in our leaders, if we are to provide it in our people.

There is another example of that Truman blend of decisiveness, judgment and dedication to principle which has relevance today.

A principle in which Mr. Truman believed deeply—that the civilian government must at all times exercise ultimate control over the military.

It was one thing to state the principle. It was another to relieve General MacArthur of his command. The General enjoyed immense popularity at home. It was clear that MacArthur's removal could precipitate the biggest fight of his administration. And it did.

But Mr. Truman believed he had no other choice. As he wrote in his memoirs:

"If there is one basic element in our Constitution, it is civilian control of the military. Policies are to be made by the elected political officials, not by Generals or Admirals."

This was a deep-seated instinct, rooted in the experience of mankind. If any society is to climb toward the goals which are humanity's highest aspirations, the military response must be subordinated to non-military values.

Whenever man feels insecure—whenever he feels beleaguered by the hostile manifestations of frustrated hopes and dreams—he seeks security.

What may constitute security at a given time—in given circumstances can be a terrible judgment to make—requiring a sensitive and balanced appreciation of the nature of the threat and of the consequences of the available courses of action.

The principle of civilian domination over the military must be regarded as something more than a transient response to the experience of the American revolution.

It is a fundamental principle—enshrined in our Constitution—related intimately to the survival of freedom and the kind of lives our children will live.

It is a principle in which Mr. Truman believed—and for which he fought at great political cost to himself and to other causes he would have liked to advance.

It is a principle which has application to several difficult national decisions with which we are confronted today:

Our policies in Southeast Asia;

The dangers of the Nuclear Arms Race and the initiatives we should take to avoid them;

Our budgetary priorities;

The "Voluntary" Army.

In each case, which course offers the real security?

What values—military or nonmilitary—should predominate in shaping our answer?

Mr. Truman was a man of his time—keenly aware that his was the responsibility for dealing with problems in the "here and now."

He was enabled to do so by the personal qualities which we all know so well—and because American experience—and the principles and values which must be projected into the future, if the American experience is to survive.

All who observed the Truman years in the White House were often frustrated by the political "mistakes" he made.

The man in the White House is always the "Master Politician"—shrewd in the use of maneuver and expediency to reduce the political cost of his policies and to stretch out his political bankroll.

The perspective of time tells us that President Truman believed his political bankroll to be a resource—to be spent without stint in the country's best interests.

Time also tells us that the judgment of history is more likely to vindicate such a view of the Presidency than any other. Political sagacity is not enough to make a wise President. Energy is not enough to give him a forceful Administration. Mastery of the arts of communication is not enough to win the hearts of his people. Knowledge of the principles of public Administration is not enough to command the loyalty of public servants.

Leadership consists in appealing to the best that is in a people, not in exploiting their differences and weaknesses. And that leadership can come only from a man who insists on the best from himself, by knowing what history has to tell us, by understanding what is in the hearts of his people, and by exercising judgment, courage and dedication to principle in the office of the Presidency.

Undoubtedly Dean Acheson had these qualities in mind in dedicating his book to President Truman, saluting him as "The Captain with the Mighty heart."

And so he was and is.

## CHRONOLOGY OF FISCAL YEAR 1973 DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, TEST AND EVALUATION AUTHORIZATION AND APPROPRIATION ACTIONS

Mr. McINTYRE. Mr. President, during the congressional adjournment, the staff of the Research and Development Subcommittee compiled a table which provides a complete breakdown of the actions of the House and the Senate on the fiscal year 1973 authorization and appropriation requests for the Department of Defense research, development, test and evaluation program.

This historical data is a matter of interest to the Senate and I request unanimous consent to insert this table at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1973 R.D.T. & E. AUTHORIZATION AND APPROPRIATION ACTION

[In millions of dollars]

| Program element number | Program element title | Fiscal year 1971 program | Fiscal year 1972 program | Fiscal year 1973 estimate | Fiscal year 1973 authorization action | | | Fiscal year 1973 appropriation action | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | House | Senate | Final | House | Senate | Final |
| | R.D.T. & E. ARMY | | | | | | | | | |
| | Military sciences: | | | | | | | | | |
| 61101A | In-house laboratory, independent research | $10.7 | $11.3 | $12.2 | $12.2 | $11.3 | $11.3 | $12.2 | $11.3 | $11.3 |
| 61102A | Defense research sciences | 65.6 | 70.9 | 77.2 | 77.2 | 77.2 | 77.2 | 77.2 | 77.2 | 77.2 |
| 62103A | Civil engineering technology | 3.2 | 4.3 | 9.5 | 9.5 | 9.5 | 9.5 | 6.5 | 6.5 | 6.5 |
| 62106A | Military manpower resources technology | 6.0 | 8.3 | 12.1 | 12.1 | 12.1 | 12.1 | 12.1 | 12.1 | 12.1 |
| 62110A | Biomedical investigation | 24.8 | 30.5 | 37.0 | 37.0 | 37.0 | 37.0 | 37.0 | 37.0 | 37.0 |
| 62111A | Atmospheric investigation | 3.3 | 3.6 | 4.7 | 4.7 | 4.7 | 4.7 | 4.7 | 4.7 | 4.7 |
| 62112A | Terrestrial and mobility investigations | 2.6 | 3.3 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 |
| 62116A | General chemical investigation | 7.1 | 6.5 | 5.8 | 5.8 | 5.8 | 5.8 | 5.8 | 5.8 | 5.8 |
| 62119A | Electric power application | 3.8 | 3.7 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 |
| 62120A | Combat development investigation | 2.4 | 2.7 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |
| 63101A | Manpower resources development | 2.9 | 7.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 |
| 65101A | Studies and analyses | 9.8 | 8.4 | 9.2 | 9.2 | 9.2 | 9.2 | 9.2 | 9.2 | 9.2 |
| | Military Science reduction (10 percent) | | | | −20.5 | | | −20.5 | −20.5 | −20.5 |
| | General reduction (5 percent) | | | | | | | −10.2 | | |
| | Total, military sciences | 115.1 | 186.0 | 205.5 | 185.0 | 204.5 | 204.5 | 171.8 | 181.0 | 181.0 |
| | Aircraft and related equipment: | | | | | | | | | |
| 62201A | Aircraft weapons technology | 1.4 | 1.8 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 |
| 62202A | Aircraft avionics technology | 3.7 | 4.1 | 3 3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 |
| 62203A | Air mobility technology | 8.2 | 9.1 | 8.2 | 8.2 | 8.2 | 8.2 | 8.2 | 8.2 | 8.2 |
| 62204A | Aeronautical technology | 6.1 | 8.1 | 7.9 | 7.9 | 7.9 | 7.9 | 7.9 | 7.9 | 7.9 |
| 63203A | Heavy lift helicopter | 7.0 | 30.0 | 53.0 | 53.0 | 53.0 | 53.0 | 38.0 | 38.0 | 38.0 |
| 63204A | Advanced helo development | 15.5 | 11.8 | 14.5 | 14.5 | 11.5 | 11.5 | 8.5 | 11.5 | 11.5 |
| 63206A | Aircraft weapons | 1.7 | 10.0 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 |
| 63207A | Aircraft avionics technology | 4.4 | 7.0 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 |
| 63209A | Air mobility support | 6.6 | 11.9 | 13.2 | 13.2 | 13.2 | 13.2 | 13.2 | 13.2 | 13.2 |
| 64201A | Aircraft avionics | 2.7 | 5.4 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 |
| 64202A | Aircraft weapons | 31.8 | 27.5 | 11.0 | 11.0 | 11.0 | 11.0 | 1.9 | 11.0 | 1.9 |
| 64204A | Air mobility equipment | 2.1 | 2.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |
| 64206A | Utility tactical transportaircraft system | 7.9 | 29.9 | 64.0 | 64.0 | 50.4 | 50.4 | 50.4 | 50.4 | 50.4 |
| 23625A | Advanced aerial fire support system (AAFSS) | 52.6 | 9.4 | 58.6 | 58.6 | | 3.5 | 4.0 | 4.0 | 4.0 |
| | New advanced attack helicopter | | | | | | 30.0 | | 29.5 | 20.0 |
| | Undistributed adjustments | 26.3 | | | | | | −5.0 | | |
| | Aircraft missiles and rockets | | | | | | | | | 5.3 |
| | Total, aircraft and related equipment | 178.0 | 168.0 | 255.1 | 255.1 | 179.9 | 213.3 | 151.7 | 198.4 | 185.0 |
| | Missiles and related equipment: | | | | | | | | | |
| 62301A | Missiles | 8.1 | 8.0 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 |
| 62303A | Missile technology | 19.0 | 19.0 | 17.4 | 17.4 | 17.4 | 17.4 | 17.4 | 17.4 | 17.4 |
| 63301A | Air defense—Advanced development | 2.5 | 5.6 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 |
| 63302A | SAM development (SAM–D) | 83.1 | 115.7 | 171.4 | 171.4 | 171.7 | 171.4 | 171.4 | 171.4 | 171.4 |
| 63304A | Advanced ballistic missile Defense | 103.7 | 96.1 | 102.1 | 102.1 | 98.9 | 98.9 | 98.9 | 98.9 | 98.9 |
| 63306A | Terminal homing and warhead—Advanced development | 4.6 | 25.0 | 33.3 | 33.3 | 33.3 | 33.3 | 33.3 | 33.3 | 33.3 |
| 63307A | Air defense suppression—Lethal/degradation | 2.5 | | 2.9 | 2.9 | 2.9 | 2.9 | 2.9 | 2.9 | 2.9 |
| 63308A | Site defense of Minuteman | 25.0 | 59.7 | 140.1 | 140.1 | 73.3 | 113.3 | 94.1 | 94.1 | 94.1 |
| 64306A | Man portable air defense system | 3.6 | 6.9 | 18.0 | 18.0 | 18.0 | 18.0 | 3.0 | 18.0 | 18.0 |
| 65301A | Kwajalein missile range | 77.3 | 79.7 | 77.1 | 77.1 | 77.1 | 77.1 | 77.1 | 77.1 | 77.1 |
| 65302A | White Sands missile range | 75.0 | 78.9 | 76.9 | 76.9 | 76.9 | 76.9 | 76.9 | 76.9 | 76.9 |
| 12514A | Safeguard defense system | 364.0 | 358.0 | 306.5 | 306.5 | 255.5 | 255.5 | 255.5 | 255.5 | 255.5 |
| 22233A | Surface to air missile—HAWK improvement program | 9.8 | 6.0 | 5.5 | 5.5 | 5.5 | 5.5 | 5.5 | 5.5 | 5.5 |
| 22234A | CHAPARRAL/VULCAN | 2.6 | 3.4 | 9.7 | 9.7 | 9.7 | 9.7 | 9.7 | 9.7 | 9.7 |
| 22251A | Division support missile—LANCE | 51.1 | 28.3 | 7.7 | 7.7 | 7.7 | 7.7 | 7.7 | 7.7 | 7.7 |
| 22254A | SSM—PERSHING | 5.3 | 4.6 | 8.2 | 8.2 | 6.6 | 6.6 | 6.6 | 6.6 | 6.6 |
| 23623A | Land combat support system | 2.0 | 2.0 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 | 1.9 |
| | Total, missiles and related equipment | 848.6 | 896.9 | 990.3 | 990.3 | 867.7 | 907.7 | 873.5 | 888.5 | 888.5 |
| | Military astronautics and related equipment: | | | | | | | | | |
| 33142A | Defense satellite communication system | 6.1 | 10.8 | 18.9 | 18.9 | 18.9 | 18.9 | 18.9 | 18.9 | 18.9 |
| | Ordnance, combat vehicles, and related equipment: | | | | | | | | | |
| 62601A | Surface mobility components and techniques | 6.6 | 7.0 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 |
| 62603A | Firepower other than missiles | 11.0 | 14.5 | 17.8 | 17.8 | 13.8 | 13.8 | 13.8 | 13.8 | 13.8 |
| 62604A | Army small arms program | 5.9 | 5.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 | 6.2 |
| 62607A | Chemical munitions technology | 2.4 | 2.1 | 2.4 | 2.4 | 2.4 | 2.4 | 2.4 | 2.4 | 2.4 |
| 63604A | Nuclear munitions development | .6 | .7 | .8 | .8 | .8 | .8 | .8 | .8 | .8 |
| 63606A | Mine warfare | 3.1 | 11.2 | 9.2 | 9.2 | 9.2 | 9.2 | 9.2 | 9.2 | 9.2 |
| 63607A | Army small arms program | 4.3 | 4.9 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 |
| 63608A | Weapons and ammunition | 3.5 | 6.1 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 | 6.9 |
| 63614A | Chemical munitions concepts | 1.0 | 3.3 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 |
| 63620A | Tank systems | | 20.0 | 19.7 | 19.7 | | 19.7 | 19.7 | 19.7 | 19.7 |
| 64602A | Weapons and ammunition | 14.4 | 22.3 | 32.0 | 32.0 | 32.0 | 32.0 | 32.0 | 32.0 | 32.0 |
| 64604A | Mobility | 11.8 | 16.3 | 45.0 | 45.0 | 39.8 | 39.8 | 37.8 | 37.8 | 37.8 |
| 64606A | Mine and countermines | 7.3 | 6.8 | 13.0 | 13.0 | 13.0 | 13.0 | 13.0 | 13.0 | 13.0 |
| 64610A | Chemical devices | | 1.3 | 1.1 | 1.1 | 1.1 | 1.1 | 1.1 | 1.1 | 1.1 |
| 23618A | SHILLELAGH | 2.4 | 2.1 | 5.9 | 5.9 | 4.4 | 4.4 | 4.4. | 4.4 | 4.4 |
| 23619A | Main battle tank | 36.0 | 20.0 | | | | | | | |
| 23624A | Heavy anti-tank assault weapon—TOW | 1.4 | .7 | .2 | .2 | .2 | .2 | .2 | .2 | .2 |
| 23627A | Medium anti-tank assault weapon—DRAGON | 18.8 | 12.7 | 3.4 | 3.4 | 3.4 | 3.4 | 3.4 | 3.4 | 3.4 |
| | Howitzer medium 155mm.—xm 198 | | | | | | | | | 3.6 |
| | Total, ordnance, combat vehicles, and related equipment | 145.2 | 178.7 | 197.1 | 197.1 | 166.7 | 186.5 | 184.4 | 184.4 | 188.1 |
| | Other equipment: | | | | | | | | | |
| 62701A | Communication electronics | 9.0 | 13.8 | 13.1 | 13.1 | 13.1 | 13.1 | 13.1 | 13.1 | 13.1 |
| 62707A | Topographical and geological investigation | 4.1 | 2.8 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 |
| 62708A | Combat support | 5.2 | 7.5 | 10.1 | 10.1 | 10.1 | 10.1 | 10.1 | 10.1 | 10.1 |
| 62710A | Defense against chemical biological agents | 14.8 | 9.1 | 8.5 | 8.5 | 8.5 | 8.5 | 8.5 | 8.5 | 8.5 |
| 62712A | Mine detection and neutralization | 3.2 | 3.8 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 |
| 62713A | Technical support to the military man | 7.9 | 12.8 | 14.8 | 14.8 | 14.8 | 14.8 | 14.8 | 14.8 | 14.8 |
| 63701A | Land warfare laboratory | 6.3 | 6.4 | 6.3 | 6.3 | 6.3 | 6.3 | 6.3 | 6.3 | 6.3 |
| 63702A | Combat support equipment | 13.8 | 13.2 | 19.8 | 19.8 | 19.8 | 19.8 | 19.8 | 19.8 | 19.8 |
| 63707A | Communications development | 3.9 | 2.7 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 |
| 63712A | Mapping and geodesy | 5.4 | 6.3 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 |
| 63713A | Therapeutic development | 8.5 | 9.0 | 9.1 | 9.1 | 9.1 | 9.1 | 9.1 | 9.1 | 9.1 |
| 63719A | Surveillance, target acquisition and night observation | 22.4 | 24.5 | 38.9 | 38.9 | 38.9 | 38.9 | 34.9 | 34.9 | 34.9 |
| 63720A | Chemical biological defense materiel concepts | 4.8 | 4.2 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 |
| 73823A | Command and control | 5.6 | 20.5 | 19.2 | 19.2 | 19.2 | 19.2 | 19.2 | 19.2 | 19.2 |

**Footnotes at end of table.**

FISCAL YEAR 1973 R.D.T. & E. AUTHORIZATION AND APPROPRIATION ACTION—Continued

[In millions of dollars]

| Program element number | Program element title | Fiscal year 1971 program | Fiscal year 1972 program | Fiscal year 1973 estimate | Fiscal year 1973 authorization action | | | Fiscal year 1973 appropriation action | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | House | Senate | Final | House | Senate | Final |
| | **R.D.T. and E. ARMY—Continued** | | | | | | | | | |
| | **Other equipment—Continued** | | | | | | | | | |
| 64701A | Communications—Engineering development | $5.9 | $10.7 | $5.7 | $5.7 | $5.7 | $5.7 | $5.7 | $5.7 | $5.7 |
| 64713A | Combat feeding, clothing, and equipment | 2.5 | 5.4 | 4.7 | 4.7 | 4.7 | 4.7 | 4.7 | 4.7 | 4.7 |
| 64616A | Mapping and geodesy | 1.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 |
| 64717A | General combat support | 14.6 | 13.4 | 11.5 | 11.4 | 11.4 | 11.4 | 11.4 | 11.4 | 11.4 |
| 64723A | Surveillance target acquisition, and night observation system | 13.1 | 13.3 | 22.2 | 22.2 | 22.2 | 22.2 | 22.2 | 22.2 | 22.2 |
| 64724A | Chemical biological defense materiel | 2.0 | 1.7 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 |
| 64725A | Chemical combat support | .8 | .9 | .4 | .4 | .4 | .4 | .4 | .4 | .4 |
| 64727A | Command and control | 3.4 | 3.5 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 |
| 65701A | Communications electronics test activities | 9.7 | 11.8 | 10.7 | 10.7 | 10.7 | 10.7 | 10.7 | 10.7 | 10.7 |
| 65702A | Test combat equipment | 42.7 | 48.8 | 61.2 | 61.2 | 57.2 | 57.2 | 57.2 | 57.2 | 57.2 |
| 65704A | Deseret Test Center | 11.7 | 10.9 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 | 9.6 |
| 65705A | Modern Army selected systems test, evaluation, and review | 5.4 | 5.5 | 4.0 | 4.0 | 4.0 | 4.0 | 4.0 | 4.0 | 4.0 |
| 23626A | Tactical fire direction system | 8.5 | 4.7 | 5.3 | 5.3 | 5.3 | 5.3 | 5.3 | 5.3 | 5.3 |
| 28010A | TRI-TAC | 8.0 | 5.2 | 11.5 | 11.5 | 11.5 | 11.5 | 11.5 | 11.5 | 11.5 |
| | Total, other equipment | 296.0 | 348.1 | 397.0 | 397.0 | 392.7 | 392.7 | 385.0 | 384.7 | 384.7 |
| | **Programwide management and support:** | | | | | | | | | |
| 65801A | Programwide activities | 55.5 | 59.0 | 56.2 | 56.2 | 56.2 | 56.2 | 56.2 | 56.2 | 56.2 |
| 65803A | Technical information activities | 1.9 | 2.3 | 2.2 | 2.2 | 2.2 | 2.2 | 2.2 | 2.2 | 2.2 |
| 65804A | Institute of the individual soldier | | | | | | | | | |
| 91212A | Civilian training pool | .8 | .9 | .5 | .5 | .5 | .5 | .5 | .5 | .5 |
| | Total, programwide management and support | 58.2 | 62.2 | 58.9 | 58.9 | 58.9 | 58.9 | 58.9 | 58.9 | 58.9 |
| | Federal contract research centers | | | | | −3.5 | −3.5 | −3.5 | −3.5 | −3.5 |
| | General undistributed reduction (5 percent) | | | | −104.8 | | | −94.6 | −32.3 | −72.6 |
| | Total, R.D.T. & E.—Army | 1,697.2 | 1,850.7 | 2,122.7 | 1,997.3 | 1,885.8 | 1,979.0 | 1,746.1 | 1,879.0 | 1,829.0 |
| | **R.D.T. & E. NAVY** | | | | | | | | | |
| | **Military sciences:** | | | | | | | | | |
| 61151N | Research | 114.6 | 124.9 | [1]131.6 | 131.6 | 131.2 | 131.2 | 131.6 | 131.2 | 131.2 |
| 65151M | Studies and analyses support—Marine Corps | 1.9 | 2.2 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 | 2.3 |
| 65152N | Studies and analyses support—Navy | 9.2 | 9.3 | 12.4 | 12.4 | 9.2 | 9.2 | 9.2 | 9.2 | 9.2 |
| 65153N | Center for Naval Analysis—Marine Corps | .9 | .7 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| 65154N | Center for Naval Analysis—Navy | 6.6 | 6.5 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 | 6.8 |
| | Military science reduction (10 percent) | | | | −15.4 | | | −15.1 | −15.1 | −15.1 |
| | General reduction (5 percent) | | | | | | | −8.0 | | |
| | Total military sciences | 133.2 | [1]143.6 | [1]154.1 | 138.7 | 150.5 | 150.5 | 127.8 | 135.4 | 135.4 |
| | **Aircraft and related equipment:** | | | | | | | | | |
| 63251N | Aircraft systems—Advanced development | .4 | | | | | | | | |
| 63252N | Aircraft propulsion—Advanced development | | 7.1 | 10.2 | 10.2 | 10.2 | 10.2 | 10.2 | 10.2 | 10.2 |
| 63253N | Avionics—Advanced development | 6.0 | 5.9 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 |
| 63256N | Other aircraft development—Advanced development | 1.4 | 1.6 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| 63257N | V/STOL for sea control ships—Prototype, advanced development | | 8.0 | 24.0 | 24.0 | 16.0 | 16.0 | 16.0 | 16.0 | 16.0 |
| 64251N | Aircraft systems—Engineering development | 11.7 | | 14.0 | 14.0 | 14.0 | 14.0 | 10.0 | 10.0 | 10.0 |
| 64252N | Aircraft propulsion—Engineering development | 61.3 | 100.2 | | | | | | | |
| 64253N | Avionics—Engineering development | 2.0 | 3.1 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |
| 64254N | Air antisubmarine warfare—Engineering development | 276.4 | 9.2 | 12.9 | 12.9 | 12.9 | 12.9 | 12.9 | 12.9 | 12.9 |
| 64256N | Other aircraft development—Engineering development | 3.2 | 1.7 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 |
| 64257N | Target development—Engineering development | 4.2 | 8.2 | 9.4 | 9.4 | 9.4 | 9.4 | 9.4 | 9.4 | 9.4 |
| 24114N | A-6 squadrons | | 1.5 | 6.7 | 6.7 | 6.7 | 6.7 | 4.9 | 4.9 | 4.9 |
| 24115N | A-7 squadrons | | .5 | 5.8 | 5.8 | 5.8 | 5.8 | 3.6 | 3.5 | 3.5 |
| 24122N | F-14 squadrons | 282.8 | 128.1 | 162.6 | 162.6 | 162.6 | 162.6 | 162.6 | 162.6 | 162.6 |
| 24131N | Early warning aircraft squadrons (E-2C) | 57.5 | 30.9 | 14.1 | 14.1 | 14.1 | 14.1 | 14.1 | 14.1 | 14.1 |
| 24215K | Carrier based antisubmarine warfare aircraft (S-3A) | | 208.4 | 36.8 | 36.8 | 36.8 | 36.8 | 36.8 | 36.8 | 36.8 |
| 24412N | Destroyers | | | 20.7 | 20.7 | 20.7 | 20.7 | 20.7 | 20.7 | 20.7 |
| 25671N | Aircraft systems—Operational systems development | 4.2 | 4.6 | 5.1 | 5.1 | 5.1 | 5.1 | 5.1 | 5.1 | 5.1 |
| 25672N | Aircraft propulsion—Operations systems development | 4.7 | 4.6 | 4.2 | 4.2 | 4.2 | 4.2 | 4.2 | 4.2 | 4.2 |
| 25673N | Air antisubmarine warfare systems—Operations systems development | .3 | | | | | | | | |
| 25674N | Air electronic warfare—Operational systems development | 12.0 | 15.0 | 9.0 | 9.0 | 9.0 | 9.0 | 9.0 | 9.0 | 9.0 |
| | Total, aircraft and related equipment | 762.2 | 609.4 | 384.9 | 384.9 | 375.9 | 375.9 | 369.0 | 367.9 | 367.9 |
| | **Missiles and related equipment:** | | | | | | | | | |
| 63351N | Air launched weaponry, systems technology—Advanced development | | | | | | | | | |
| 63352N | Surface launched weaponry, systems technology—Advanced development | 2.3 | 4.2 | 7.0 | 7.0 | 7.0 | 7.0 | 7.0 | 7.0 | 7.0 |
| 63353N | Air-to-ground weapon Technology—Advanced Development | 6.3 | 6.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 |
| 63354N | Air-to-air weapon technology—Advanced development | 8.0 | 22.1 | 26.1 | 26.1 | 26.1 | 26.1 | 26.1 | 26.1 | 26.1 |
| 63355N | Defense suppression weapon technology—Advanced development | 1.0 | 5.8 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 | 7.3 |
| 63357N | Cruise missiles—Advanced development | | 10.0 | 20.0 | 20.0 | 12.0 | 16.0 | 14.0 | 14.0 | 14.0 |
| 63358N | Weaponizing of ships—Prototyping—Advanced development | | .5 | 6.0 | 6.0 | 6.0 | 6.0 | 6.0 | 6.0 | 6.0 |
| | Submarine launched cruise missile | | | 20.0 | 20.0 | | 10.0 | 2.0 | 10.0 | 6.0 |
| 63359N | Anti-ship weaponry—Advanced development | 17.9 | 36.5 | 60.3 | 60.3 | 58.3 | 58.3 | 58.3 | 58.3 | 58.3 |
| 63360N | Undersea long range missile system—Advanced development | 43.7 | | | | | | | | |
| 64351N | Air launched weaponry, systems technology—Engineering development | 2.8 | | | | | | | | |
| 64352N | Surface launched weaponry, systems technology—Engineering development | 38.0 | 50.5 | 65.3 | 65.3 | 61.9 | 61.9 | 58.9 | 58.9 | 58.9 |
| 64353N | Air-to-ground weapon technology—Engineering development | 1.0 | 1.0 | .5 | .5 | .5 | .5 | .5 | .5 | .5 |
| 64354N | Air-to-air weapon technology—Engineering development | 1.0 | .2 | | | | | | | |
| 64356N | AEGIS—Engineering development | 72.0 | 99.2 | 82.3 | 82.3 | 79.2 | 79.2 | 79.2 | 79.2 | 79.2 |
| 64360N | TRIDENT—Engineering development | | 104.8 | 555.4 | 555.4 | 535.4 | 535.4 | 470.4 | 470.4 | 470.4 |
| 65351N | Pacific missile range | 58.8 | 65.2 | 66.8 | 66.6 | 66.8 | 66.8 | 66.8 | 66.8 | 66.8 |
| 65352N | Missile and weapons system test instrumentation | 3.4 | 1.5 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |
| 11221N | Fleet ballistic missile system | 99.3 | 33.2 | 22.2 | 22.2 | 21.1 | 21.1 | 21.1 | 21.1 | 21.1 |
| 12215N | Anti-ballistic missile support | 5.0 | | | | | | | | |
| 25675N | Defense suppression weapons—Operational systems development | 3.4 | | | | | | | | |
| 25676N | Air-to-air weaponry—Operational systems development | 9.9 | 25.0 | 21.5 | 21.5 | 21.5 | 21.5 | 21.5 | 21.5 | 21.5 |
| 25677N | Air-to-surface weaponry—Operational systems development | 24.9 | 23.6 | 8.9 | 8.9 | 8.9 | 8.9 | 8.9 | 8.9 | 8.9 |
| 25678N | Surface defensive system—Operational systems development | 7.7 | 5.4 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 |
| | Total, missiles and related equipment | 438.1 | 520.9 | 1,026.3 | 1,026.3 | 964.7 | 978.8 | 900.6 | 908.6 | 904.6 |
| | **Military astronautics and related equipment:** | | | | | | | | | |
| 11225N | Navy navigation stellite system improvements | 3.0 | | | | | | | | |
| 31023N | Mapping, charting, and geodesy | .4 | .4 | .4 | .4 | .4 | .4 | .4 | .4 | .4 |
| | Total, military astronautics and related equipment | 26.1 | 43.0 | 99.8 | 99.8 | 99.8 | 99.8 | 89.8 | 89.8 | 89.8 |

Footnotes at end of table.

| Program element number | Program element title | Fiscal year 1971 program | Fiscal year 1972 program | Fiscal year 1973 estimate | Fiscal year 1973 authorization action | | | Fiscal year 1973 appropriation action | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | House | Senate | Final | House | Senate | Final |
| | Ships, small carft, and related equipment: | | | | | | | | | |
| 63520N | Advanced communications | $1.4 | $1.0 | $3.4 | $3.4 | $3.4 | $3.4 | $3.4 | $3.4 | $3.4 |
| 63551N | Surface platforms—Advanced development | 38.1 | 57.5 | 80.1 | 80.1 | 72.1 | 80.1 | 72.1 | 81.1 | 72.1 |
| 63552N | Surface propulsion—Advanced development | 3.1 | 5.5 | 14.0 | 14.0 | 14.0 | 14.0 | 14.0 | 14.0 | 14.0 |
| 63553N | Surface antisubmarine warfare—Advanced development | 1.5 | 9.9 | 21.8 | 21.8 | 21.8 | 21.8 | 21.8 | 21.8 | 21.8 |
| 63554N | Surface electronic warfare—Advanced development | 11.2 | 16.6 | 9.7 | 9.7 | 9.7 | 9.7 | 9.7 | 9.7 | 9.7 |
| 63555N | Other surface development—Advanced development | 7.6 | 6.7 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 |
| 63556N | Surface electronics—Advanced development | .6 | .5 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 |
| 63557N | Logistics—Advanced development | 1.4 | | .8 | .8 | .8 | .8 | .8 | .8 | .8 |
| 63558N | Reactor propulsion plants—Advanced development | 32.0 | 34.4 | 41.8 | 41.8 | 41.8 | 41.8 | 41.8 | 41.8 | 41.8 |
| 63559N | Nuclear electric power plants—Advanced development | .6 | .5 | .5 | .5 | .5 | .5 | .5 | .5 | .5 |
| 63561N | Submarines—Advanced development | 6.0 | 6.0 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 |
| 64553N | Surface antisubmarine warfare—Engineering development | .3 | .3 | | | | | | | |
| 64556N | Surface electronics—Engineering development | 1.3 | 1.8 | 2.2 | 2.2 | 2.2 | 2.2 | 2.2 | 2.2 | 2.2 |
| 64561N | Submarines—Engineering development | 4.5 | 8.1 | 9.3 | 9.3 | 9.3 | 9.3 | 9.3 | 9.3 | 9.3 |
| 12898N | Western Pacific northern compatibility program | .7 | | | | | | | | |
| 24311N | Submarines | | | 28.1 | 28.1 | 28.1 | 28.1 | 28.1 | 28.1 | 28.1 |
| 24411N | Fleet escort—Major | 1.1 | .6 | .4 | .4 | .4 | .4 | .4 | .4 | .4 |
| 25651N | OMEGA | .2 | | | | | | | | |
| 25682N | Surface antisubmarine warfare—Operational systems development | 3.5 | 4.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 |
| 31015N | Special collection activities | .9 | 1.8 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |
| 32015N | National military command system—Wide support | .1 | .4 | | | | | | | |
| | PHM—hydrofoil | | | | | | | 30.4 | 30.4 | 30.4 |
| | Total, ships, small craft, and related equipment | 278.1 | 411.3 | 430.2 | 430.2 | 421.2 | 429.2 | 452.6 | 460.6 | 451.6 |
| | Ordnance, combat vehicles and related equipment: | | | | | | | | | |
| 63651N | Ordnance and fuzing—Advanced development | 4.3 | 4.3 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 | 5.2 |
| 63660M | Marine Corps weaponry—Advanced development | 1.1 | 2.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 |
| 64651N | Ordnance and fuzing—Engineering development | 4.6 | 7.6 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 | 3.8 |
| 64660M | Marine Corps weaponry—Engineering development | 2.1 | 1.3 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 | 1.6 |
| 24614N | CAPTOR | | | 19.4 | 19.4 | 19.4 | 19.4 | 19.4 | 19.4 | 19.4 |
| 25685N | Submarine tactical warfare system—Operational systems development | 41.6 | 17.1 | 7.0 | 7.0 | 7.0 | 7.0 | 7.0 | 7.0 | 7.0 |
| 26620M | Marine Corps weaponry—Operational systems development | | | .4 | .4 | .4 | .4 | .4 | .4 | .4 |
| 64656N | Mine countermeasures—Engineering development | | | | | | | | | |
| | Total, ordnance, combat vehicles, and related equipment | 64.2 | 60.0 | 44.8 | 44.8 | 44.8 | 44.8 | 44.8 | 44.8 | 44.8 |
| | Other equipment: | | | | | | | | | |
| 62751N | Undersea target surveillance technology | 32.9 | 36.3 | 38.1 | 38.1 | 38.1 | 38.1 | 38.1 | 38.1 | 38.1 |
| 62752N | Command and control technology | 17.1 | 17.9 | 20.1 | 20.1 | 20.1 | 20.1 | 20.1 | 20.1 | 20.1 |
| 62753N | Weaponry technology | 62.6 | 71.0 | 77.2 | 77.2 | 77.2 | 77.2 | 77.2 | 77.2 | 77.2 |
| 62754N | Naval vehicle technology | 34.0 | 39.2 | 41.1 | 41.1 | 41.1 | 41.1 | 41.1 | 41.1 | 41.1 |
| 62755N | Support technology | 62.5 | 81.8 | 87.9 | 87.9 | 87.9 | 87.9 | 87.9 | 87.9 | 87.9 |
| 62756N | Laboratory independent exploratory development | 10.4 | 13.9 | 14.6 | 14.6 | 13.9 | 13.9 | 14.6 | 13.9 | 13.9 |
| 62757N | Nuclear propulsion | 19.8 | 20.1 | 21.0 | 21.0 | 21.0 | 21.0 | 21.0 | 21.0 | 21.0 |
| 63751N | Electro-magnetic optical systems—advanced development | 8.5 | 16.4 | 15.9 | 15.9 | 15.9 | 15.9 | 15.9 | 15.9 | 15.9 |
| 63755N | Tactical command and control—advanced development | 3.6 | 3.2 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 |
| 63757N | Navigation—Advanced development | .5 | 1.2 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| 63758N | Communications—Advanced development | .7 | | | | | | | | |
| 63765M | Other Marine Corps development—Advanced development | 2.8 | 3.1 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 |
| 63766M | Marine Corps data systems—Advanced development | 2.5 | 3.0 | 4.0 | 4.0 | 4.0 | 4.0 | 4.0 | 4.0 | 4.0 |
| 63770N | Human resources—Advanced development | 3.6 | 4.0 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 |
| 63771N | Medical—Advanced development | 3.0 | 3.2 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 |
| 63775N | Oceanographic systems—Advanced development | 6.9 | 8.8 | 7.4 | 7.4 | 7.4 | 7.4 | 7.4 | 7.4 | 7.4 |
| 63776N | Ocean engineering technology—Advanced development | 9.5 | 8.9 | 9.7 | 9.7 | 9.7 | 9.7 | 9.7 | 9.7 | 9.7 |
| 63777N | Special operations—Advanced development | 1.5 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 |
| 63778N | Environmental applications—Advanced development | 1.9 | 1.2 | 1.3 | 1.3 | 1.3 | 1.3 | 1.3 | 1.3 | 1.3 |
| 63781N | Biological/chemical protection—Advanced development | .7 | .6 | .5 | .5 | .5 | .5 | .5 | .5 | .5 |
| 63785N | Environmental protection—Advanced development | | 1.9 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 |
| 63790N | Special warfare—Advanced development | 4.7 | 10.1 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 | 7.2 |
| 63791N | Reliability and maintainability initiative | | | 10.8 | 10.8 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| 63793N | ASW sensors-prototype—Advanced development | | 1.5 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| 64751N | Electro-magnetic/optical systems—Engineering development | 3.9 | 7.9 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 |
| 64755N | Tactical command and control—Engineering development | 4.3 | 4.7 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 |
| 64757N | Navigation—Engineering development | .5 | .3 | .3 | .3 | .3 | .3 | .3 | .3 | .3 |
| 64758N | Communications—Engineering development | 1.1 | | | | | | | | |
| 64761N | Intelligence—Engineering development | 7.8 | 4.1 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |
| 64765N | Other Marine Corps development—Engineering development | 3.2 | 8.0 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 |
| 64766M | Marine Corps data systems—Engineering development | .7 | .5 | .5 | .5 | .5 | .5 | .5 | .5 | .5 |
| 64770N | Human resources—Engineering development | .9 | .4 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| 64778N | Environmental applications—Engineering development | 1.0 | 1.1 | 1.1 | 1.1 | 1.1 | 1.1 | 1.1 | 1.1 | 1.1 |
| 64781N | Biological/chemical protection—Engineering development | .4 | .4 | .8 | .8 | .8 | .8 | .8 | .8 | .8 |
| 64790N | Special warfare—Engineering development | 1.0 | | | | | | | | |
| 25696N | Oceanographic systems—Operational systems development | .9 | .5 | | | | | | | |
| 26621M | Other Marine Corps development—Operational systems development | 5.0 | 1.3 | .9 | .9 | .9 | .9 | .9 | .9 | .9 |
| 26622M | Marine Corps data systems—Operational systems development | 2.3 | 1.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 |
| 28010M | TRI-TAC—Marine Corps | 1.5 | 1.3 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 |
| 27012N | Defense special projects group | 4.0 | | | | | | | | |
| 33113N | Navy communication system modernization | .1 | | | | | | | | |
| | Total, other equipment | 367.0 | 440.7 | 517.5 | 517.5 | 507.0 | 507.0 | 507.0 | 507.0 | 507.0 |
| | Programwide management and support: | | | | | | | | | |
| 65851N | Facilities and installation support | 109.6 | 122.0 | 112.6 | 112.6 | 112.6 | 112.6 | 112.6 | 112.6 | 112.6 |
| 65852N | Atlantic Undersea Test and Evaluation Center | 14.5 | 12.9 | 12.1 | 12.1 | 12.1 | 12.1 | 12.1 | 12.1 | 12.1 |
| 65853N | Management and technical support | 10.9 | 11.1 | 10.3 | 10.3 | 10.3 | 10.3 | 10.3 | 10.3 | 10.3 |
| 65854M | Special laboratory support—Marine Corps | 4.6 | 2.9 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 | 4.3 |
| 65855N | Navy Arctic Research Laboratory—Point Barrow | | | 4.5 | 4.5 | 4.5 | 4.5 | 4.5 | 4.5 | 4.5 |
| 65856N | Strategic technical support | 2.0 | 1.2 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 |
| 65857N | International R.D.T. & E | .5 | .6 | .6 | .6 | .6 | .6 | .6 | .6 | .6 |
| 65858N | Tactical electronics support | .9 | 1.6 | 5.1 | 5.1 | 5.1 | 5.1 | 5.1 | 5.1 | 5.1 |
| 65859N | Antiship missile defense test range | | | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| 65860N | U.S.S. Hip Pocket | | .6 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |
| 01004N | International military headquarters and agencies | | | | | | | | | |
| | Total, programwide management and support | 143.1 | 152.9 | 159.1 | 159.1 | 159.1 | 159.1 | 159.1 | 159.1 | 159.1 |
| | Federal contract research centers | | | | | −14.3 | −14.3 | −14.3 | −14.3 | −14.3 |
| | General undistributed reduction | | | | −139.8 | | −22.0 | −129.7 | −57.6 | −97.6 |
| | Total, Navy | 2,212.0 | 2,381.8 | [1] 2,816.8 | [1] 2,661.5 | [1] 2,708.8 | 2,708.8 | [1] 2,507.3 | [1] 2,601.2 | [1] 2.548.3 |

Footnotes at end of table.

FISCAL YEAR 1973 R.D.T. & E. AUTHORIZATION AND APPROPRIATION ACTION—Continued

[In millions of dollars]

| Program element number | Program element title | Fiscal year 1971 program | Fiscal year 1972 program | Fiscal year 1973 estimate | Fiscal year 1973 authorization action |  |  | Fiscal year 1973 appropriation action |  |  |
|---|---|---|---|---|---|---|---|---|---|---|
|  |  |  |  |  | House | Senate | Final | House | Senate | Final |
|  | R.D.T. & E. AIR FORCE |  |  |  |  |  |  |  |  |  |
|  | Military sciences: |  |  |  |  |  |  |  |  |  |
| 61102F | Defense research sciences | $85.2 | $87.5 | $92.8 | $92.8 | $92.4 | $92.4 | $92.4 | $92.4 | $92.4 |
| 62101F | Environment | 9.1 | 9.1 | 9.5 | 9.5 | 9.5 | 9.5 | 9.5 | 9.5 | 9.5 |
| 62102F | Materials | 23.6 | 25.2 | 26.1 | 26.1 | 26.1 | 26.1 | 26.1 | 26.1 | 26.1 |
| 63101F | Preliminary design and development | 6.4 | 5.3 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 | 3.1 |
| 63102F | Innovations in education and training | 5.0 | 6.1 | 5.3 | 5.3 | 5.3 | 5.3 | 5.3 | 5.3 | 5.3 |
| 65101F | RAND | 11.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 |
| 65102F | ANSER | 1.6 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |
|  | Military science reduction (10%) |  |  |  | —14.6 |  |  | —14.6 | —14.6 | —14.6 |
|  | General reduction (5%) |  |  |  |  |  |  | —6.9 |  |  |
|  | Total, military sciences | 141.9 | 142.7 | 146.3 | 131.7 | 145.9 | 145.9 | 124.3 | 131.3 | 131.3 |
|  | Aircraft and related equipment: |  |  |  |  |  |  |  |  |  |
| 62201F | Aerospace flight dynamics | 32.3 | 33.7 | 31.5 | 31.5 | 31.5 | 31.5 | 31.5 | 31.5 | 31.5 |
| 62202F | Aerospace biotechnology | 17.8 | 20.6 | 20.9 | 29.0 | 20.9 | 20.9 | 20.9 | 20.9 | 20.9 |
| 62203F | Aerospace propulsion | 27.6 | 28.5 | 29.1 | 29.1 | 29.1 | 29.0 | 26.4 | 26.5 | 26.5 |
| 62204F | Aerospace avionics | 44.9 | 46.9 | 47.2 | 47.2 | 47.2 | 47.2 | 47.2 | 47.2 | 47.2 |
| 63202F | Advanced aircraft propulsion | 17.0 | 21.9 | 15.8 | 15.8 | 15.8 | 15.8 | 15.9 | 15.8 | 15.8 |
| 63203F | Advanced avionics for aircraft | 16.7 | 20.0 | 21.9 | 21.9 | 21.9 | 21.9 | 21.9 | 21.9 | 21.9 |
| 63205F | Flight vehicle subsystem concepts | 16.5 | 20.0 | 15.0 | 15.0 | 15.0 | 15.0 | 15.0 | 15.0 | 15.0 |
| 63207F | Advanced fire control—Missile technology | 1.2 |  |  |  |  |  |  |  |  |
| 63211F | Aerospace structural materials | 11.6 | 13.9 | 12.0 | 12.0 | 12.0 | 12.0 | 12.0 | 12.0 | 12.0 |
| 63214F | VTOL engine development | 3.5 |  |  |  |  |  |  |  |  |
| 63225F | Subsonic cruise armed decoy—SCAD |  | 10.0 | 48.6 | 48.6 | 44.0 | 48.6 | 44.0 | 48.6 | 48.6 |
| 63229F | Conus air defense interceptor |  |  |  |  |  |  |  |  |  |
| 63232F | Advanced aerial target technology | 4.3 | 4.8 | 4.7 | 4.7 | 4.7 | 4.7 | 4.7 | 4.7 | 4.7 |
| 63233F | A–X aircraft | 27.9 | 47.0 | 48.1 | 48.1 | 48.1 | 48.1 | 48.1 | 48.1 | 48.1 |
| 63235F | Lightweight fighter prototype |  | 6.0 | 46.0 | 46.0 | 46.0 | 46.0 | 46.0 | 46.0 | 46.0 |
| 63236F | Advanced medium STOL Transport prototype |  | 6.0 | 51.8 | 51.8 | 51.8 | 51.8 | 16.0 | 51.8 | 25.0 |
| 63237F | Stall/Spin inhibitors |  |  | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| 64206F | F–4 avionics | 15.0 | 9.5 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 |
| 64209F | F–15A | 349.5 | 419.9 | 454.5 | 454.5 | 454.5 | 454.5 | 454.5 | 454.5 | 454.5 |
| 64212F | Aircraft equipment development | 15.6 | 18.2 | 12.0 | 12.0 | 11.4 | 11.4 | 11.4 | 11.4 | 11.4 |
| 64215F | B–1 | 75.0 | 370.3 | 444.5 | 444.5 | 444.5 | 444.5 | 444.5 | 444.5 | 444.5 |
| 64220F | EF–111A |  |  | 10.2 | 10.2 | 10.2 | 10.2 |  |  |  |
| 01007F | International fighter | 9.2 | 42.5 | 17.7 | 17.7 | 17.7 | 17.7 | 17.7 | 17.7 | 17.7 |
| 11115F | FB–111A squadrons | 16.3 |  |  |  |  |  |  |  |  |
| 11133F | SR–71 squadrons | 2.0 |  |  |  |  |  |  |  |  |
| 27121F | A–7 squadrons | 1.5 |  |  |  |  |  |  |  |  |
| 27129F | F–111 squadrons | 49.4 | 19.2 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| 35116F | Aerial targets | .7 |  |  |  |  |  |  |  |  |
| 41119F | C–5A airlift squadrons | 11.6 | 22.4 |  |  |  |  |  |  |  |
|  | Total aircraft and related equipment | 767.1 | 1,181.3 | 1,343.1 | 1,343.1 | 1,337.9 | 1,342.4 | 1,289.2 | 1,329.8 | 1,302.9 |
|  | Missiles and related equipment: |  |  |  |  |  |  |  |  |  |
| 62302F | Rocket propulsion | 21.3 | 20.3 | 24.5 | 24.5 | 24.5 | 24.5 | 24.5 | 24.5 | 24.5 |
| 63305F | Advanced ICBM technology | 6.0 | 8.4 | 8.4 | 8.4 | 8.4 | 8.4 | 8.4 | 8.4 | 8.4 |
| 63311F | Advanced ballistic re-entry systems—ABRES | 100.0 | 95.8 | 132.0 | 132.0 | 112.0 | 112.0 | 114.0 | 112.0 | 112.0 |
| 63314F | Strategic bomber pentration | 1.0 | 1.3 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |
| 64301F | Tactical air-to-ground missile—MAVERICK | 27.9 | 7.5 | 8.3 | 8.3 | 8.3 | 8.3 | 8.3 | 8.3 | 8.3 |
| 64308F | Short range air-to-air missile | 7.0 |  |  |  |  |  |  |  |  |
| 64309F | Hound Dog II | .2 | 5.1 | 15.0 | 15.0 | 15.0 | 15.0 | 15.0 | 15.0 | 15.0 |
| 65301F | Western test range | 67.8 | 65.4 | 62.7 | 62.7 | 62.7 | 62.7 | 62.7 | 62.7 | 62.7 |
| 65302F | Eastern test range | 120.2 |  |  |  |  |  |  |  |  |
| 65304F | Western test range telecommunications | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 |
| 65302F | Eastern test range-Defense communications service | .4 |  |  |  |  |  |  |  |  |
| 11118F | Short-range attack missile squadrons—SRAM | 56.5 | 12.0 |  |  |  |  |  |  |  |
| 11213F | MINUTEMAN squadrons | 270.2 | 181.6 | 154.7 | 154.7 | 151.7 | 151.7 | 151.7 | 151.7 | 151.7 |
| 12429F | NIKE targets | 7.0 |  |  |  |  |  |  |  |  |
| 27161F | Tactical AIM missiles | 1.0 | 7.8 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 | 2.7 |
| 27243F | Tactical drone support |  |  | .7 | .7 | .7 | .7 | .7 | .7 | .7 |
|  | Total, missiles and related equipment | 691.4 | 410.1 | 415.4 | 415.4 | 392.4 | 392.4 | 394.4 | 392.4 | 392.4 |
|  | Military astronautics and related equipment: |  |  |  |  |  |  |  |  |  |
| 63401F | Space vehicle subsystems | 10.0 | 7.2 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 | 4.9 |
| 63402F | Space test program | 17.0 | 18.7 | 12.8 | 12.8 | 12.8 | 12.8 | 12.8 | 12.8 | 12.8 |
| 63408F | Advanced liquid rocket technology | 3.6 | 1.6 |  |  |  |  |  |  |  |
| 63411F | Advanced space delivery system | 2.5 | 3.0 |  |  |  |  |  |  |  |
| 63421F | Satellite system for precise navigation | 2.0 | 2.7 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |
| 62324F | Advanced surveillance technology | 12.5 | 23.4 | 24.9 | 24.9 | 24.9 | 24.9 | 24.9 | 24.9 | 24.9 |
| 63428F | Missile and space defense concepts | 3.8 | 2.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 | 8.1 |
| 64406F | Space defense system |  | 5.4 | 10.1 | 10.1 | 5.1 | 5.1 | 5.1 | 5.1 | 5.1 |
| 65402F | Aerospace | 19.5 | 15.0 | 13.5 | 13.5 | 13.5 | 13.5 | 13.5 | 13.5 | 13.5 |
| 12431F | Defense support program | 84.8 | 31.6 | 21.7 | 21.7 | 21.7 | 21.7 | 21.7 | 21.7 | 21.7 |
| 31035F | Defense system application program | 8.8 | 3.3 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| 33110F | Defense satellite communications | 6.6 |  |  |  |  |  | 1.6 | 1.6 | 1.6 |
| 33601F | Military satellite communications system | 11.6 | 19.6 | 29.8 | 29.8 | 24.8 | 29.8 | 31.8 | 31.8 | 31.8 |
| 35110F | Satellite control facility | 32.4 | 31.7 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 |
| 35119F | Space boosters | 28.5 | 3.4 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 |
| 35158F | Satellite data system | 13.3 | 17.8 | 23.0 | 23.0 | 23.0 | 23.0 | 23.0 | 23.0 | 23.0 |
|  | Total military astronautics and related equipment | 429.7 | 341.1 | 350.7 | 350.7 | 340.7 | 345.7 | 349.3 | 349.3 | 349.3 |
|  | Ordnance combat vehicles and related equipment: |  |  |  |  |  |  |  |  |  |
| 62601F | Advanced weapons | 10.3 | 15.0 | 24.6 | 24.6 | 24.6 | 24.6 | 24.6 | 24.6 | 24.6 |
| 62602F | Conventional munitions | 10.2 | 12.2 | 13.2 | 13.2 | 13.2 | 13.2 | 13.2 | 13.2 | 13.2 |
| 63601F | Conventional weapons | 25.9 | 8.7 | 11.1 | 11.1 | 11.1 | 11.1 | 11.1 | 11.1 | 11.1 |
| 63605F | Advanced radiation technology | 18.7 | 28.1 | 21.8 | 21.8 | 21.8 | 21.8 | 21.8 | 21.8 | 21.8 |
| 64601F | Chemical/biological defense equipment | .5 | .5 | .5 | .5 | .5 | .5 | .5 | .5 | .5 |
| 64602F | Armament/ordnance development | 14.1 | 7.7 | 7.6 | 7.6 | 7.6 | 7.6 | 7.6 | 7.6 | 7.6 |
| 64603F | Improved aircraft gun systems | 9.6 | 20.3 | 21.8 | 21.8 | 21.8 | 21.8 | 21.8 | 21.8 | 21.8 |
|  | Total ordnance combat vehicles and related equipment | 89.3 | 92.5 | 100.6 | 100.6 | 100.6 | 100.6 | 100.6 | 100.6 | 100.6 |

**Footnotes at end of table.**

| Program element number | Program element title | Fiscal year 1971 program | Fiscal year 1972 program | Fiscal year 1973 estimate | Fiscal year 1973 authorization action |  |  | Fiscal year 1973 appropriation action |  |  |
|---|---|---|---|---|---|---|---|---|---|---|
|  |  |  |  |  | House | Senate | Final | House | Senate | Final |
|  | Other equipment: |  |  |  |  |  |  |  |  |  |
| 62702F | Ground electronics | $37.0 | $39.3 | $40.8 | $40.8 | $40.8 | $40.8 | $40.8 | $40.8 | $40.8 |
| 62703F | Human resources | 4.4 | 5.1 | 7.4 | 7.4 | 7.4 | 7.4 | 5.3 | 5.3 | 5.3 |
| 63720F | Over-the-horizon (OTH) radar technology | 1.5 | 1.2 | 2.2 | 2.2 | 2.2 | 2.2 | 2.2 | 2.2 | 2.2 |
| 63706F | Advanced command and control capability | 4.9 | 2.8 |  |  |  |  |  |  |  |
| 63709F | LORAN D | 8.6 |  |  |  |  |  |  |  |  |
| 63715F | Reconnaissance/Intelligence exploitation | 4.2 | 4.3 | 4.2 | 4.2 | 4.2 | 4.2 | 4.2 | 4.2 | 4.2 |
| 63718F | Reconnaissance/Electronic warfare technology—AFAL | 14.5 | 17.8 | 15.2 | 15.2 | 15.2 | 15.2 | 15.2 | 15.2 | 15.2 |
| 63719F | Simulator for air to air combat |  | 4.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 |
| 63723F | Aerospace facility technology | 3.3 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 |
| 63727F | Integrated communications/Navigational indentification | 1.5 | 1.5 | .5 | .5 | .5 | .5 | .5 | .5 | .5 |
| 63728F | Advanced computer technology | 2.1 | 1.9 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.6 |
| 63731F | Advanced detection systems development | 7.0 | 7.4 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 | 5.0 |
| 63739F | Reconnaissance drones |  | 2.4 |  |  |  |  |  |  |  |
| 63740F | Ground based sensor technology | 1.6 | 2.7 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 |
| 63741F | Defense suppression | 14.0 | 16.1 | 11.0 | 11.0 | 11.0 | 11.0 | 11.0 | 11.0 | 11.0 |
| 64701F | Tactical information processing and interpretation | 2.5 | 10.4 | 13.4 | 13.4 | 13.4 | 13.4 | 13.4 | 13.4 | 13.4 |
| 64702F | Air traffic control beacon system—ATCRBS/AIMS | 1.0 | .3 |  |  |  |  |  |  |  |
| 64706F | Life support system | 5.5 | 5.5 | 5.3 | 5.3 | 5.3 | 5.3 | 5.3 | 5.3 | 5.3 |
| 64708F | Other operational equipment | 13.8 | 8.4 | 6.3 | 6.3 | 6.3 | 6.3 | 6.3 | 6.3 | 6.3 |
| 64709F | Improved tactical bombing | 5.9 | 5.3 | 8.5 | 8.5 | 8.5 | 8.5 | 8.5 | 8.5 | 8.5 |
| 64710F | Intelligence/Reconnaissance equipment | 9.7 | 11.7 | 10.1 | 10.1 | 9.3 | 9.3 | 10.1 | 9.3 | 9.3 |
| 64711F | Systems survivability | 3.1 | 3.1 | 22.5 | 22.5 | 17.5 | 22.5 | 13.5 | 13.5 | 13.5 |
| 64718F | COBRA MIST | 12.0 | 8.7 | .5 | .5 | .5 | .5 | .5 | .5 | .5 |
| 64723F | Advanced airborne command post | 1. |  | 32.0 | 32.0 | 20.0 | 28.9 | 53.2 | 24.5 | 53.2 |
| 64728F | Tactical Loran |  | 2.0 | 3.0 | 3.0 | 3.0 | 2.9 | 2.9 | 3.0 | 2.9 |
| 64730F | Ground based sensors/Surveillance equipment |  | 2.8 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 | 2.6 |
| 64733F | Surface defense suppression |  |  | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 |
| 64735F | Improved capability for operational test and evaluation | 1.0 | 2.7 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 |
| 64738F | Protective system | 32.2 | 29.5 | 30.0 | 30.0 | 29.2 | 29.2 | 30.0 | 29.2 | 29.2 |
| 64741F | Side looking radar |  |  | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 |
| 64742F | Precision emitter locator systems |  |  | 12.0 | 12.0 | 12.0 | 12.0 | 12.0 | 12.0 | 12.0 |
| 64743F | Tactical support jamming |  |  | 25.0 | 25.0 | 25.0 | 25.0 | 25.0 | 25.0 | 25.0 |
| 64744F | Advanced airborne warning and control system (AWACS) | 87.0 | 139.3 | 160.0 | 243.0 | 233.0 | 233.0 | 233.0 | 233.0 | 233.0 |
| 65702F | Information analysis center | 1.9 |  |  |  |  |  |  |  |  |
| 65704F | Electromagnetic compatibility analysis center | 5.4 | 5.0 | 4.5 | 4.5 | 4.5 | 4.5 | 4.5 | 4.5 | 4.5 |
| 65705F | Lincoln Laboratory | 19.5 | 18.0 | 18.0 | 18.0 | 18.0 | 18.0 | 18.0 | 18.0 | 18.0 |
| 65706F | MITRE | 9.0 | 8.5 | 8.5 | 8.5 | 8.5 | 8.5 | 8.5 | 8.5 | 8.5 |
| 11312F | Post attack command and control system—PACCS | .7 |  |  |  |  |  |  |  |  |
| 11316F | Strategic air command communications and control network—SACCON | 3.9 | 4.1 | 7.9 | 7.9 | 4.4 | 7.9 | 7.9 | 7.9 | 7.9 |
| 12417F | Conus over-the-horizon (OTH) radar | 4.5 | 2.6 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 | 4.4 |
| 12425F | Over-the-horizon (OTH) radar system | 3.0 | 1.3 |  |  |  |  |  |  |  |
| 27412F | Tactical air contol system | 1.7 | 4.3 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 |
| 28010F | Joint tactical communications program | .8 | .6 | 2.9 | 2.9 | 2.9 | 2.9 | 2.9 | 2.9 | 2.9 |
| 28012F | Defense special projects group | 14.0 |  |  |  |  |  |  |  |  |
| 31025F | Intelligence data handling system | 1.0 | 1.2 |  |  |  |  |  |  |  |
| 31036F | Special reconnaissance vehicles | 7.9 | 6.4 | 9.0 | 9.0 | 9.0 | ,9.0 | 9.0 | 9.0 | 9.0 |
| 33125F | Air Force communications (AIRCOM)—Defense communications system | 2.5 | 1.4 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 | 3.9 |
| 33401F | Communications security | 1.2 | 1.2 | 2.7 | 2.7 | 1.2 | 2.7 | 2.7 | 2.7 | 2.7 |
| 35114F | Traffic contol and landing system—TRACALS | 7.3 | 2.6 | 11.8 | 11.8 | 11.8 | 11.8 | 6.1 | 6.1 | 6.1 |
|  | Total, other equipment | 374.5 | 404.4 | 522.0 | 605.0 | 571.4 | 590.2 | 599.4 | 569.1 | 597.8 |
|  | Programwide management and support: |  |  |  |  |  |  |  |  |  |
| 65801F | International R.D.T. & E. | 1.2 | 2.4 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 |
| 65802F | Arnold Engineering Development Center (AEDC) | 8.7 | 12.6 | 53.7 | 53.7 | 53.7 | 53.7 | 53.7 | 53.7 | 53.7 |
| 65805F | Development and test support | 143.5 | 140.3 | 138.7 | 138.7 | 138.7 | 138.7 | 138.7 | 138.7 | 138.7 |
| 65806F | Acquisition and command support | 179.9 | 194.0 | 187.6 | 187.6 | 187.6 | 187.6 | 187.6 | 187.6 | 187.6 |
|  | Total, programwide management and support | 333.3 | 349.3 | 384.2 | 384.2 | 384. 2 | 384.2 | 384.2 | 384.2 | 384.2 |
|  | Federal contract research centers |  |  |  |  | −.2 | −.2 | −.2 | −.2 | −.2 |
|  | General undistributed reduction |  |  |  | −161.6 |  | −28.5 | −160.4 | −95.3 | −135.3 |
|  | Total, Air Force | 2,827.2 | 2,921.4 | 3,262.2 | 3,168.9 | 3,272.8 | 3,272.8 | 3,080.9 | 3,161.0 | 3,122.9 |
|  | R.D.T. & E. DEFENSE AGENCIES<br>ARPA PROGRAM |  |  |  |  |  |  |  |  |  |
|  | Military sciences: |  |  |  |  |  |  |  |  |  |
| 61101D | Defense research sciences | 41.5 | 36.8 | 40.7 | 40.7 | 40.7 | 40.7 | 40.7 | 40.7 | 40.7 |
| 62101D | Technical studies | 6.1 | 6.1 | 6.1 | 6.1 | 6.1 | 6.1 | 6.1 | 6.1 | 6.1 |
| 62105D | Advanced engineering | 11.2 | 12.8 | 13.2 | 13.2 | 13.2 | 13.2 | 13.2 | 13.2 | 13.2 |
|  | Total military sciences | 58.8 | 55.7 | 60.0 | 60.0 | 60.0 | 60.0 | 60.0 | 60.0 | 60.0 |
|  | Missiles and related equipment: |  |  |  |  |  |  |  |  |  |
| 62301D | Strategic technology | 65.0 | 71.9 | 78.6 | 78.6 | 78.6 | 78.6 | 78.6 | 78.6 | 78.5 |
|  | Other equipment: |  |  |  |  |  |  |  |  |  |
| 62701D | Nuclear monitoring research | 36.5 | 35.9 | 30.7 | 30.7 | 26.8 | 30.7 | 25.9 | 25.9 | 25.9 |
| 62702D | Tactical technology | 18.4 | 15.3 | 16.1 | 16.1 | 16.1 | 16.1 | 16.1 | 16.1 | 16.1 |
| 62703D | Advanced sensors | 17.8 | 8.5 | 13.4 | 13.4 | 13.4 | 13.4 | 8.4 | 8.4 | 8.4 |
| 62706D | Distributive information systems | 12.5 | 18.9 | 24.2 | 24.2 | 24.2 | 24.2 | 20.2 | 20.2 | 20.2 |
|  | Total other equipment | 85.2 | 78.6 | 84.4 | 84.4 | 80.5 | 84.4 | 70.6 | 70.6 | 70.6 |
|  | Programwide management and support: |  |  |  |  |  |  |  |  |  |
| 65801D | Project management support |  | 3.7 | 3.7 | 3.7 | 3.7 | 3.7 | 3.7 | 3.7 | 3.7 |
|  | General undistributed reduction |  |  |  |  |  |  | −11.3 | −7.1 | −9.2 |
|  | Total, ARPA | 209.0 | 209.9 | 226.7 | 226.7 | 222.8 | 226.7 | 201.6 | 205.8 | 203.7 |
|  | DCA PROGRAM |  |  |  |  |  |  |  |  |  |
|  | Other equipment: |  |  |  |  |  |  |  |  |  |
| 28012K | Defense special projects group | 14.0 | 9.3 |  |  |  |  |  |  |  |
| 32017K | Worldwide military command and control system—Joint technical support agency. | 1.5 | 1.6 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 |

**Footnotes at end of table.**

FISCAL YEAR 1973 R.D.T. & E. AUTHORIZATION AND APPROPRIATION ACTION—Continued

[In millions of dollars]

| Program element number | Program element title | Fiscal year 1971 program | Fiscal year 1972 program | Fiscal year 1973 estimate | Fiscal year 1973 authorization action | | | Fiscal year 1973 appropriation action | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | House | Senate | Final | House | Senate | Final |
| | **DCA PROGRAM—Continued** | | | | | | | | | |
| | Other equiptment—Continued | | | | | | | | | |
| 33016K | National military command system-wide support | $3.7 | $1.0 | $1.0 | $1.0 | $1.0 | $1.0 | $1.0 | $1.0 | $1.0 |
| 33127K | Defense communication system | 8.1 | 11.1 | 8.2 | 8.2 | 8.2 | 8.2 | 7.5 | 7.5 | 7.5 |
| 33131K | Minimum essential emergency communications net | 1.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |
| | Total, other equipment | 28.3 | 26.0 | 13.9 | 13.9 | 13.9 | 13.9 | 13.2 | 13.2 | 13.2 |
| | Total, DCA | 28.3 | 26.0 | 13.9 | 13.9 | 13.9 | 13.9 | 13.2 | 13.2 | 13.2 |
| | **DSA PROGRAM** | | | | | | | | | |
| | Other equipment: | | | | | | | | | |
| 31021L | Intelligence production activities | .4 | .2 | .1 | .1 | .1 | .1 | .1 | .1 | .1 |
| 31022L | Scientific and technological intelligence | .4 | | 2.5 | 2.5 | 2.5 | 2.5 | .5 | .5 | .5 |
| 31025L | Intelligence data handling system | 1.3 | .7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.2 | 1.2 | 1.0 |
| | Total, other equipment | 2.1 | .9 | 4.3 | 4.3 | 4.3 | 4.3 | 1.8 | 1.8 | 1.6 |
| | General reduction | | | | | | | −.2 | −.2 | |
| | Total, DIA | 2.1 | .9 | 4.3 | 4.3 | 4.3 | 4.3 | 1.6 | 1.6 | 1.6 |
| | **DSA (DDC) PROGRAM** | | | | | | | | | |
| | Programwide management and support: | | | | | | | | | |
| 65801S | Defense documentation center | 10.6 | 11.5 | 10.8 | 10.8 | 10.8 | 10.8 | 10.8 | 10.8 | 10.8 |
| 65802S | Information analysis centers | | 1.9 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 |
| | Total, programwide management and support | 10.6 | 13.4 | 12.9 | 12.9 | 12.9 | 12.9 | 12.9 | 12.9 | 12.9 |
| | General reduction | | | | | | | −.6 | −.4 | −.5 |
| | Total, DSA (DDC) | 10.6 | 13.4 | 12.9 | 12.9 | 12.9 | 12.9 | 12.2 | 12.5 | 12.3 |
| | **TECHNICAL SUPPORT TO OSD/OJCS** | | | | | | | | | |
| | Military Sciences: | | | | | | | | | |
| 65101D | Studies and analyses | 6.4 | 7.2 | 8.2 | 8.2 | 8.2 | 8.2 | 8.2 | 8.2 | 8.2 |
| 65102D | Net technical assessment | 4.3 | 5.5 | 7.6 | 7.6 | 7.6 | 7.6 | 7.6 | 7.6 | 7.6 |
| 65103D | Manpower studies | .9 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |
| | Total Military Sciences | 11.6 | 14.2 | 17.3 | 17.3 | 17.3 | 17.3 | 17.3 | 17.3 | 17.3 |
| | Programwide management and support: | | | | | | | | | |
| 65804D | Support of test and evaluation | | 3.0 | 32.8 | 32.8 | 32.8 | 32.8 | | 27.0 | |
| | General reduction | | | | | | | −2.5 | −1.0 | −1.8 |
| | Total technical support to OSD/JCS | 11.6 | 17.2 | 50.1 | 50.1 | 50.1 | 50.1 | 14.8 | 43.3 | 15.6 |
| | Civil defense program: (Non-add) | | | | | | | | | |
| 13814C | Civil defense research and development | (3.4) | (3.5) | (3.5) | (3.5) | (3.5) | (3.5) | (3.5) | (3.5) | (3.5) |
| | Federal contract research centers | | | | | −5.2 | −5.2 | | −5.2 | −5.2 |
| | General/undistributed reduction | | | | −26.0 | | −3.9 | | | |
| | Total, defense agencies | | 447.7 | 520.1 | 494.1 | 506.0 | 506.0 | 435.5 | 467.3 | 435.3 |
| | Emergency Fund: | | | | | | | | | |
| 60001D | Emergency fund | | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 | | | |
| | Total defense agencies and emergency fund | 453.1 | 497.7 | 570.1 | 544.1 | 556.0 | 556.0 | 435.5 | 467.3 | 435.3 |
| | Total research, development, test and evaluation | 7,189.5 | 7,651.6 | [1] 8,771.7 | [1] 8,371.9 | [1] 8,423.4 | [1] 8,516.5 | [1] 7,796.9 | [1] 8,108.6 | [1] 7,962.5 |
| | Director of test and evaluation, defense | | | | | | | [1] 27.0 | | [1] 27.0 |

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[1] Includes $3.0 million requested for Navy under Special Foreign Currency Appropriation.

[2] Director of T. & E., Defense, is a new, separate appropriation. The amounts shown for Director of T. & E. are included in the DOD R.D.T. & E. totals, but not in Defense Agencys total on House and Final Appropriation action.

Note: Details of above tables do not add to totals because items with security classifications have been deleted.

## QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRIFFIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON SATURDAY, JANUARY 6, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Saturday, immediately following the recognition of the two leaders or their designees under the standing order, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, at the conclusion of morning business on Saturday, the distinguished majority leader will suggest the absence of a quorum, after which Senators will proceed in a body to the Hall of the House of Representatives, where the electoral votes will be counted for the offices of President and Vice President of the United States.

Following the meeting of the House and the Senate for that purpose, the Senate will return to the Senate Chamber. If there is further business to be considered or if additional statements are to be made by Senators who may wish to do so, the Senate will be in session for that purpose.

I ask unanimous consent that the Senate stand in recess on Saturday during the counting of the electoral votes, awaiting the call of the Chair thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT FROM SATURDAY UNTIL TUESDAY, JANUARY 9, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Saturday, it stand in adjournment until 12 o'clock meridian on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I believe and hope that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Saturday is as follows:

The Senate will convene at 12 o'clock meridian, after which the two leaders will be recognized, under the standing order, following which there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, after which the majority leader will suggest the absence of a quorum, upon the conclusion of which Senators will go in a body to the Hall of the House of Representatives, where the electoral votes, under the law, will be counted for the offices of President and Vice President of the United States.

Upon the completion of that duty, Senators will return to the Chamber and the Senate will continue in session as long as any Senator wishes to make any remarks. Bills and resolutions may be offered during morning business on Saturday, and Senators may make statements. There will be no rollcall vote on Saturday.

At the conclusion of business on Saturday, under the order previously entered, the Senate will go over until 12 o'clock meridian on Tuesday next.

## ADJOURNMENT TO SATURDAY, JANUARY 6, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian on Saturday next.

The motion was agreed to; and at 4:15 p.m. the Senate adjourned until Saturday, January 6, 1973, at 12 meridian.

## NOMINATIONS

Executive nominations received by the Senate January 4, 1973:

### Department of Defense

Elliot L. Richardson, of Massachusetts, to be Secretary of Defense.

### Department of Commerce

Frederick B. Dent, of South Carolina, to be Secretary of Commerce.

### Department of Labor

Peter J. Brennan, of New York, to be Secretary of Labor.

### Department of Health, Education, and Welfare

Caspar W. Weinberger, of California, to be Secretary of Health, Education, and Welfare.

### Department of Housing and Urban Development

James T. Lynn, of Ohio, to be Secretary of Housing and Urban Development.

### Department of Transportation

Claude S. Brinegar, of California, to be Secretary of Transportation.

### United Nations

John A. Scali, of the District of Columbia, to be the representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the representative of the United States of America in the Security Council of the United Nations.

### Department of State

Kenneth Rush, of New York, to be Deputy Secretary of State, vice John N. Irwin II.

William J. Porter, of Massachusetts, a Foreign Service officer of the class of career minister, to be Under Secretary of State for Political Affairs, vice U. Alexis Johnson.

William J. Casey, of New York, to be Under Secretary of State for Economic Affairs. (New position.)

Donald Rumsfeld, of Illinois, to be the U.S. permanent representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary, vice David M. Kennedy.

John N. Irwin II, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France, vice Arthur K. Watson, resigned.

Daniel P. Moynihan, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

Richard Helms, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iran, vice Joseph S. Farland.

John A. Volpe, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

### Department of the Treasury

William E. Simon, of New Jersey, to be Deputy Secretary of the Treasury, vice Charls Walker, resigned.

Edward L. Morgan, of Arizona, to be an Assistant Secretary of the Treasury, vice Eugene T. Rossides, resigned.

### Department of Defense

William P. Clements, Jr., of Texas, to be a Deputy Secretary of Defense, vice Kenneth Rush.

### Department of Justice

Joseph T. Sneed, of North Carolina, to be Deputy Attorney General, vice Ralph E. Erickson.

Robert H. Bork, of Connecticut, to be Solicitor General of the United States, vice Erwin N. Griswold.

### Department of the Interior

John C. Whitaker, of Maryland, to be Under Secretary of the Interior, vice William T. Pecora, deceased.

### Department of Commerce

Richard W. Roberts, of New York, to be Director of the National Bureau of Standards, vice Lewis M. Branscomb, resigned.

### Department of Health, Education, and Welfare

Frank C. Carlucci, of Pennsylvania, to be Under Secretary of Health, Education, and Welfare, vice John G. Veneman, resigned.

### Department of Transportation

Egil Krogh, Jr., of Washington, to be Under Secretary of Transportation, vice James M. Beggs, resigned.

Alexander P. Butterfield, of California, to be Administrator of the Federal Aviation Administration, vice John H. Shaffer, resigned.

Frank C. Herringer, of Virginia, to be Urban Mass Transportation Administrator, vice Carlos C. Villarreal, resigned.

### Central Intelligence Agency

James R. Schlesinger, of Virginia, to be Director of Central Intelligence, vice Richard Helms.

### District of Columbia

Walter E. Washington, of the District of Columbia, to be Commissioner of the District of Columbia for a term expiring February 1, 1977. (Reappointment)

### Federal Power Commission

Robert H. Morris, of California, to be a Member of the Federal Power Commission for the remainder of the term expiring June 22, 1973, vice John A. Carver, Jr., resigned.

### U.S. Information Agency

James Keogh, of Connecticut, to be Director of the United States Information Agency, vice Frank J. Shakespeare, Jr.

### In the Air Force

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

*To be general*

Gen. David A. Burchinal, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

*To be lieutenant general*

Lt. Gen. John B. McPherson, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer to be placed on the retired list in the grade indicated, effective January 1, 1973, under the provisions of section 8962, title 10 of the United States Code:

*To be lieutenant general*

Lt. Gen. Harry F. Goldsworthy, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

*To be lieutenant general*

Lt. Gen. Francis C. Gideon, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

Maj. Gen. William W. Snavely, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer under the provisions of title 10, United States Code, Section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of Section 8066, in grade as follows:

Maj. Gen. Richard M. Hoban, [redacted] FR (major General, Regular Air Force) U.S. Air Force.

The following officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

*To be brigadier general*

Col. Charles A. Veatch, [redacted] FR, Regular Air Force, medical.

Col. Donald N. Vivian, [redacted] FR, Regular Air Force, medical.

Col. Evan W. Schear, [redacted] FR, Regular Air Force, medical.

Col. Irby B. Jarvis, Jr [redacted] FR, Regular Air Force.

Col. Benjamin R. Baker, [redacted] FR, Regular Air Force, medical.

Col. Clifford Schoeffler, [redacted]FR, Regular Air Force,

Col. David B. Easson, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. David O. Williams, Jr., [redacted]FR, Regular Air Force.

Col. Richard C. Bowman, [redacted]FR, Regular Air Force.

Col. Clyde F. McClain, [redacted]FR, Regular Air Force.

Col. Georges R. Guay, [redacted]FR, Regular Air Force.

Col. John E. Pitts, Jr., [redacted]FR, Regular Air Force.

Col. Murphy A. Chesney, [redacted]FR, Regular Air Force, medical.

Col. Gerald J. Post, [redacted]FR, Regular Air Force.

Col. Daniel Burkett [redacted]FR, Regular Air Force.

Col. Carl D. Peterson [redacted]FR, Regular Air Force.

Col. Erskine Wigley, [redacted]FR, Regular Air Force.

Col. Henry B. Stelling, Jr., [redacted]FR, Regular Air Force.

Col. Felix J. Zaniewski [redacted]FR, Regular Air Force.

Col. Cecil E. Fox, [redacted]FR, Regular Air Force.

Col. Kermit C. Kaericher, [redacted]FR, Regular Air Force.

Col. Frank G. Barnes, [redacted]FR, Regular Air Force.

Col. Don D. Pittman, [redacted]FR, Regular Air Force.

Col. Walter D. Reed, [redacted]FR, Regular Air Force.

Col. Bohdan Danyliw, [redacted]FR, Regular Air Force.

Col. William J. Kelly, [redacted]FR, Regular Air Force.

Col. Robert A. Rushworth, [redacted]FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Jack I. Posner, [redacted]FR, Regular Air Force.

Col. William C. Norris, [redacted]FR, Regular Air Force.

Col. Theodore J. Crichton, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. John E. Kulpa, Jr [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Stanley M. Umstead, Jr., [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Thomas H. McMullen, [redacted]FR (lieutenant colonel, regular Air Force), U.S. Air Force.

Col. Gerald K. Hendricks, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Lyle W. Cameron [redacted]FR (major, Regular Air Force) U.S. Air Force.

Col. Jasper A. Welch, Jr., [redacted]FR (major, Regular Air Force), U.S. Air Force.

Col. Charles C. Blanton [redacted]FR (major, Regular Air Force) U.S. Air Force.

Col. Thomas P. Conlin [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Thomas M. Knoles III, [redacted]FR, Regular Air Force.

Col. William H. Spillers, Jr., [redacted]FR, Regular Air Force.

Col. John J. Murphy, [redacted]FR Regular Air Force.

Col. Thomas F. Rew, [redacted]FR, Regular Air Force.

Col. James P. Mullins [redacted]FR, Regular Air Force.

Col. Richard T. Drury [redacted]FR (lieutenant colonel Regular Air Force), U.S. Air Force.

Col. Phillip N. Larsen [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. William D. Gilbert [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Lynwood E. Clark, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Michael J. Tashjian, [redacted]FR Regular Air Force.

Col. Tedd L. Bishop, [redacted]FR, Regular Air Force.

Col. Earl G. Peck, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Lawrence A. Skantze, [redacted]FR (major, Regular Air Force), U.S. Air Force.

Col. Wayne E. Whitlatch, [redacted]FR (major, Regular Air Force), U.S. Air Force.

Col. Richard N. Cody, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Richard G. Collins, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Charles D. Youree, Jr., [redacted]FR (major, Regular Air Force), U.S. Air Force.

Col. Thomas M. Ryan, Jr., [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Thomas E. Clifford, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Malcolm E. Ryan, Jr., [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Richard E. Merkling, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. William R. Yost [redacted]FR (major, Regular Air Force), U.S. Air Force.

Col. James E. McInerney, Jr., [redacted]FR (major, Regular Air Force), U.S. Air Force.

Col. Carl S. Miller, [redacted]FR (major, Regular Air Force), U.S. Air Force.

Col. James L. Brown, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Garry A. Willard, Jr., [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Andrew P. Iosue, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Robert C. Taylor, [redacted]FR (major, Regular Air Force), U.S. Air Force.

Col. John S. Pustay, [redacted]FR (major, Regular Air Force), U.S. Air Force.

Col. Benjamin F. Starr, Jr., [redacted]FR, Regular Air Force.

Col. Donald M. Davis, [redacted]FR, Regular Air Force.

Col. Charles E. Word, [redacted]FR, Regular Air Force.

Col. William R. Nelson, [redacted]FR, Regular Air Force.

Col. Billy M. Minter, [redacted]FR, Regular Air Force.

Col. Charles E. Shannon, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

### IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

*To be general*

Gen. George Vernon Underwood, Jr., [redacted] Army of the United States (major general, U.S. Army).

The following-named officers under the provisions of Title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

*To be lieutenant general*

Maj. Gen. Fred Kornet, Jr. [redacted], Army of the United States, (lieutenant colonel, U.S. Army).

Maj. Gen. Edward Michael Flanagan, Jr., [redacted] Army of the United States, (brigadier general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 711, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 711, as follows:

*To be senior U.S. Army member of the Military Staff Committee of the United Nations*

Lt. Gen. Donald Harry Cowles, [redacted], Army of the United States, (major general, U.S. Army).

The following-named Army National Guard of the United States officer for promotion as a Reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

*To be brigadier general*

Col. Joseph Richard Jelinek, [redacted], Army National Guard of the United States.

### IN THE NAVY

Vice Adm. James L. Holloway III, U.S. Navy, for appointment as Vice Chief of Naval Operations in the Department of the Navy pursuant to title 10, United States Code, section 5085.

Vice Adm. James L. Holloway III, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

Vice Adm. Worth H. Bagley, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be commensurate with the grade of admiral within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

Rear Adm. Kenneth R. Wheeler, Supply Corps, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Thomas B. Hayward, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. John G. Finneran, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Daniel J. Murphy, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. George P. Steele II, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm. George M. Davis, Jr., Medical Corps, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5133.

Comdr. Ronald E. Evans, U.S. Navy, for permanent promotion to the grade of captain in the Navy in accordance with article II, section 2, clause 2 of the Constitution.

# EXTENSIONS OF REMARKS

## CONSUMER PROTECTION AGENCY

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## HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 1973*

Mr. HOLIFIELD. Mr. Speaker, the bill to establish a Consumer Protection Agency has been reintroduced in the 93d Congress as H.R. 21. It is titled "The Consumer Protection Act of 1973." This bill is identical to H.R. 10835, which passed the House on October 14, 1971, by a vote of 344 to 44, after having been reported by the Committee on Government Operations by a vote of 27 to 4.

H.R. 21 has bipartisan support. Representative FRANK HORTON of New York, the ranking minority member on the committee, has joined be in sponsoring the bill, as have other members of the committee from both parties.

Although the bill to establish the Consumer Protection Agency received overwhelming support in the House during the 92d Congress, unfortunately the Senate failed to act. The bill was filibustered to death in the other body during the closing days of the 92d Congress and, hence, we were unable to go to conference.

Our bill will create a Consumer Protection Agency which will provide representation for consumers and consumer interests before departments and agencies of the Federal Government and the courts. Such representation is sorely needed as the extensive hearings which we held amply demonstrated. The bill will also provide a statutory base for the Office of Consumer Affairs, now headed by Mrs. Virginia Knauer and located in the Executive Office of the President. It will also create a Consumer Advisory Council so that consumers themselves and persons familiar with their needs can provide advice and guidance to the two bodies referred to above.

We feel the House-passed bill will provide the best basis for our consideration of consumer protection legislation in the 93d Congress, inasmuch as it was hammered out after considerable study and deliberation on the part of our committee. Of course, the bill as introduced is not frozen and new information and ideas may result in some modifications. I am certain, however, that this Congress recognizes the importance of providing the type of representation that we seek here and of giving further assurance to the consumers of our Nation that the Congress is aware of and responsive to their problems.

We will welcome additional cosponsors and those who desire to join with us may call my office or that of Representative HORTON.

There follows a section-by-section analysis of the bill:

### SECTION-BY-SECTION ANALYSIS OF H.R. 21, THE CONSUMER PROTECTION ACT OF 1973

(Identical to H.R. 10835 as Passed by the House October 14, 1971)

*Section 1*

The short title will be the "Consumer Protection Act of 1973."

*Section 2—Statement of findings*

The Congress finds that the interests of consumers are inadequately represented and protected within the Federal Government; and that vigorous representation and protection of consumer interests are essential to the fair and efficient functioning of a free market economy.

### TITLE I. OFFICE OF CONSUMER AFFAIRS

*Section 101—Establishment*

An Office of Consumer Affairs is established within the Executive Office of the President to be headed by a Director and seconded by a Deputy Director, both to be appointed by the President and confirmed by the Senate. This section would give a statutory foundation to the existing Office of Consumer Affairs, established under Executive Order 11583, dated February 24, 1971.

*Section 102—Powers and duties of the Director*

The Director is given the administrative powers and responsibilities ordinarily conferred upon agency heads, such as appointment and supervision of personnel, including experts and consultants, in accordance with the civil service and administrative expense laws; appointment of advisory committees; promulgation of rules necessary to carry out his functions; delegation of authority; making agreements with and obtaining the support of other Federal, State and private agencies.

The Director is required to submit annually to the President and to the Congress a comprehensive report of activities of the Office, including recommendations for additional legislation and an evaluation of selected major consumer programs of each Federal agency.

Federal agencies, upon request of the Director, are to provide to the Office services and other support, and are to supply information to the Office as may be necessary and appropriate. Reimbursement for such assistance will be governed by existing provisions of law.

*Section 103—Functions of the office*

The functions of the Office of Consumer Affairs will be to—

(1) assist the President in coordinating the programs of all Federal agencies relating to consumer interests;

(2) encourage and assist in the development and implementation of Federal consumer programs;

(3) assure that the interests of consumers are considered by Federal agencies both in the formulation of policies and the operation of programs;

(4) cooperate with and assist the Administrator of the Consumer Protection Agency;

(5) advise Federal agencies on programs and activities relating to the interests of consumers;

(6) recommend to the Congress and the President means by which consumer programs can be improved;

(7) conduct conferences and investigations on consumer problems not duplicative of other Federal agencies;

(8) encourage and participate in consumer education and counseling programs;

(9) support and coordinate research leading to improved products, services and consumer information;

(10) provide technical assistance to State and local governments in protection of consumer interests;

(11) cooperate with and assist private enterprise in the promotion and protection of consumer interests;

(12) publish in a Consumer Register or in other suitable form the actions of Federal agencies and other useful information in non-technical language; and

(13) keep the appropriate committees of the Congress fully and currently informed of all its activities.

*Section 104—Transfer of assets and personnel*

The personnel and other assets of the Office of Consumer Affairs and of the Consumer Advisory Committee, both established by Executive Order 11583 dated February 24, 1971, as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function granted to the Office or to the Council established by this legislation are transferred respectively to said Office or Council.

### TITLE II. CONSUMER PROTECTION AGENCY

*Section 201—Establishment*

The Consumer Protection Agency is established as an independent agency in the Executive Branch to be headed by an Administrator and seconded by a Deputy Administrator both to be appointed by the President and confirmed by the Senate. Employees of the Agency may not engage in business or employment or have interests inconsistent with their official responsibilities.

*Section 202—Powers and duties of the administrator*

The Administrator is given the usual administrative powers and responsibilities conferred upon other Federal agency heads, such as appointment and supervision of personnel including experts and consultants, in accordance with the civil service and administrative expense laws; appointment of members of advisory committees, promulgation of rules necessary to carry out his functions; delegation of responsibilities; entering into contracts; and obtaining the support of other Federal, State and private agencies.

The Administrator shall transmit annually to the President and the Congress a comprehensive report of activities of the Agency, including recommendations for legislation and an evaluation of selected major consumer programs of each Federal agency.

Federal agencies, upon request of the Administrator, are to provide to the Agency services and other support, and are to furnish information to the Agency as may be necessary and appropriate. Reimbursement for such assistance is subject to existing provisions of law.

*Section 203—Functions of the Agency*

The functions of the Consumer Protection Agency will be to advise the Congress and the President, to promote and protect the interests of consumers, and to—

(1) represent the interests of consumers before Federal agencies and the courts as authorized;

(2) in the exercise of its responsibilities under section 207 (relating to product testing), support and encourage research studies and testing leading to better understanding and improved products, services, and information;

(3) make recommendations to the Congress and the President;

(4) publish and distribute material developed pursuant to the exercise of its responsibilities which is of interest to consumers;

(5) conduct conferences, surveys and investigations concerning the needs, interests

and problems of consumers which do not significantly duplicate similar activities conducted by other Federal agencies;

(6) keep appropriate committees of Congress fully and currently informed of all its activities; and

(7) cooperate with and assist the Director of the Office of Consumer Affairs.

### *Section 204—Representation of consumers*

This section authorizes the Consumer Protection Agency to represent the interests of consumers in proceedings conducted by other Federal agencies under the provisions of the Administrative Procedures Act (5 U.S.C. 551, et seq.) and in actions pending before courts of the United States under the following circumstances:

#### Rulemaking and Adjudications

If the Agency finds that the result of such a proceeding before a Federal agency may substantially affect the interests of consumers *and* that the interests of consumers may not be adequately protected unless the Agency does participate or intervene, and if the Agency files in the proceeding and issues publicly a written statement setting forth such findings and also stating concisely the specific interests of consumers to be protected, *then* the Agency *as a matter of right* may—

(1) *participate* in any *rulemaking* proceeding (other than one for internal operations);

(2) *intervene* as a party and enter an appearance (in accordance with the Federal agency's rules of practice and procedure) in any *adjudicatory* proceeding if it is not one seeking primarily to impose a fine, penalty, or forfeiture.

#### Adjudications Primarily Leading to Fines, Penalties or Forfeitures and Court Actions When Federal Government a Party

With respect to an adjudicatory proceeding before a Federal agency which does seek primarily to impose a fine, penalty or forfeiture, or to an action before a court of the United States in which the U.S. or a Federal agency is a party and which in either case it is the opinion of the Agency that the interests of consumers may be substantially affected, the Agency may, upon its own motion or at the request of the officer charged with presenting the case for the Federal agency or the United States, transmit relevant information or evidence. Furthermore, in the discretion of the agency or court, the Agency may appear as *amicus curiae*.

#### Court Review of Agency Decisions

The Agency is also authorized (1) to *intervene* as a party in a *court review* of a rulemaking or an adjudicatory proceeding where it had already participated or intervened in the Federal agency proceeding; and (2) to *institute* a review in a competent court of such a Federal agency proceeding if a judicial review is otherwise accorded by law. If the Agency had *not* intervened or participated in the Federal agency proceeding it may also intervene in or to the extent that a right of judicial review or intervention is otherwise accorded institute an action for court review of the Federal agency's action if the court finds that (1) the agency actions may adversely affect consumers *and* (2) the interests of consumers are not otherwise adequately represented in the actions. If law or Federal agency rules so require, the Agency must petition for a rehearing or reconsideration before seeking to institute a review proceeding.

#### Request To Initiate a Proceeding

The Administrator of the Agency is further authorized to request another Federal agency to *initiate* a proceeding or take such other actions as it may be authorized to take when he determines it to be in the interests of consumers. If the Federal agency fails to take the action requested, it is required to notify the Agency promptly of the reasons for its failure to do so and such notification shall be a matter of public record. The CPA may seek court review of this decision if such review is otherwise accorded by law.

#### Orders for Witnesses and Information

In order to assist the Agency in its functions involving representation and to provide it with necessary information *when* the Agency has become a party to a proceeding before another Federal agency, it may request that Federal agency to issue and the Federal agency shall issue orders within its powers and subject to the usual rules of relevance and scope for the copying of documents, papers and records, summoning of witnesses, production of books and papers, and submission of information in writing.

#### Appearances by Agency

Appearances by the Consumer Protection Agency in Federal agency or court proceedings shall be in the Agency's name and shall be made by qualified representatives designated by the Administrator of the Agency. It is the intent of this legislation that the Agency direct and control its own representation of the interests of consumers.

#### No Interventions in State or Local Proceedings

This legislation gives the Agency no authority to "intervene" in proceedings before State or local agencies and courts. But the Agency is not prohibited from communicating with Federal, State or local agencies in other manners not inconsistent with law or agency rules.

### *Section 205—Processing consumer complaints*

The Agency shall receive, evaluate, develop, act on and transmit to the appropriate Federal or non-Federal entities complaints concerning actions or practices which may be detrimental to the interests of consumers. Whenever the Agency may (a) receive or (b) develop on its own initiative such complaints or other information that may involve the violation of Federal laws, agency rules or court decrees, it shall (a) take such action as may be within its authority (for example, investigation) or (b) promptly transmit such complaints or other information to the appropriate Federal agency. If the latter, it shall ascertain the action taken by that agency. It shall also promptly notify the party against whom the complaint has been made.

The Agency shall maintain a public document room in which the complaints will be available for inspection. However, a complaint would only be listed and available for inspection (a) if the complainant had not requested confidentiality, and (b) after the party complained against has had 60 days to comment on the complaint and such comment, when received, is displayed together with the complaint, *and* (c) the entity to which it has been referred has had 60 days to notify the Agency what action it intends to take on the complaint.

### *Section 206—Consumer information and services*

The Agency is authorized to develop on its own initiative, gather from other sources—both Federal and non-Federal—and disseminate in effective form to the public, information concerning its own functions; information about consumer products and services and information about problems encountered by consumers generally, including annual reports on interest rates and commercial and trade practices which adversely affect consumers.

All Federal agencies which possess information which would be useful to consumers are authorized and directed to cooperate with both the Agency and the Office in making such information available to the public.

### *Section 207—Product testing and results*

The Agency is directed to *encourage and support* through both public and private entities the development and application of *methods and techniques for testing* materials, mechanisms, components, structures and processes used in consumer products and for improving consumer services. It shall make recommendations to other Federal agencies on research which would be useful and beneficial to consumers.

The Agency is also directed to investigate and report to Congress on the desirability and feasibility of establishing a National Consumer Information Foundation which would administer a voluntary, self-supporting *tag program* (similar to the "Tel-Tag" program of Great Britain) under which any manufacturer of a non-perishable consumer product to be sold at retail could be authorized to attach to each product such a tag, standard in form, on which would be found information based on uniform standards, relating to the performance, safety, durability and care of the product.

This section directs all Federal agencies possessing testing facilities to perform promptly to the greatest practicable extent within their capabilities such tests as the Administrator may require in connection with his representation function or the protection of consumer safety. Under these circumstances expeditious handling of testing requests would clearly be required. The provisions of law usually governing reimbursement for services would apply.

This bill forbids a Federal agency engaged in testing products under this section or the Administrator from declaring one product to be better, or a better buy, than any other product.

The Administrator is directed to review periodically products which have been tested to assure that such products and resulting information conform to the test results. Note, however, that section 209 below prohibits certain disclosures and protects trade secrets and other confidential business and financial data.

### *Section 208—Consumer safety*

The Agency shall conduct studies and investigations of the scope and adequacy of measures employed to protect consumers against unreasonable risks or injuries which may be caused by hazardous household products. It should consider identifying categories of hazardous household products and the extent to which industry self-regulation affords protection. Such studies and investigations should not duplicate activities of other Federal agencies.

### *Section 209—Prohibition against certain disclosures*

Any agency or instrumentality created by this legislation is forbidden to disclose to the public:

(1) information (other than complaints listed and available for inspection under section 205 of this Act) in a form which would reveal trade secrets and commercial or financial information obtained from a person and privileged and confidential; or

(2) information received from a Federal agency when such agency has notified either of the instrumentalities created by this Act that the information is within the exceptions to the availability of information in 5 U.S.C. 552 and the Federal agency has determined that the information should not be made available to the public. This latter prohibition would make it clear that no agency or instrumentality created by this Act could serve either purposely or inadvertently as a conduit for information which would not otherwise be made available to the public.

This legislation does not require Federal agencies to release any information to instrumentalities created by the Act the disclosure of which is prohibited by law.

In releasing information, except in court or agency proceedings, three provisions are applicable:

(1) Data concerning consumer products and services is to be made public only after it has been determined to be accurate and not within the categories enumerated in 5 U.S.C. 552.

(2) In disseminating test results or other information where product names may be disclosed, it shall be made clear that not all products of a competitive nature have been tested, if such is the case, and that there is no intent to rate the products tested over those which were not tested or to imply that products tested are superior to those not tested.

(3) Additional information which would affect the fairness of information previously disseminated will be promptly disseminated in a similar manner.

### *Section 210—Procedural fairness requirements*

In the exercise of various powers conferred the Agency shall act pursuant to rules issued, after notice and opportunity for comment by interested persons in accordance with administrative procedures required by 5 U.S.C. 553 relating to administrative procedures—rulemaking. This is to assure fairness to all affected parties and provide opportunity for comment on the proposed release of product test data, containing product names, *prior to such release.*

### TITLE III

### *Section 301—Consumer Advisory Council*

A Consumer Advisory Council will be established, composed of 15 members appointed for staggered terms of 5 years by the President. It will not be a constituent part of either the Agency or the Office but will work closely with them both.

The Council, whose members are to be experienced in consumer affairs and will be compensated when actually performing their duties, will advise the Administrator and the Director on matters relating to the consumer interest, including means for improving the effectiveness of the Agency and Office and the effectiveness of Federal consumer programs and operations.

The President shall designate the Chairman of the Council and the Administrator of the Agency or his designee will serve as Executive Director of the Council and provide needed staff assistance and facilities.

### *Section 302—Protection of consumer interest in administrative proceedings*

Every Federal agency which takes any action substantially affecting the interests of consumers must give notice of such action to the Office and the Agency at such time as notice is given to the public or upon the request of the Agency; and consistent with its statutory responsibilities take such action with due consideration to the interests of consumers.

In taking such action the agency concerned shall, upon the request of the Agency or in those cases where a public announcement would normally be made, indicate concisely in a public announcement of such action the consideration given to the interests of consumers. To make certain that the failure of Federal agencies to make the required announcement would not result in a proliferation of collateral attacks by private parties on the decisions of the agencies, only the Agency itself may act to enforce this provision in a court.

### *Section 303—Saving provisions*

Nothing in this legislation shall alter or impair the authority of the Administrator of General Services to represent executive agencies in negotiations with carriers and other public utilities and in proceedings involving carriers or other public utilities before Federal and State regulatory bodies. Nor does this legislation alter or impair any provision of the anti-trust laws or any act providing for the regulation of the trade or commerce of the United States or the administration or enforcement of any such provision of law.

However, nothing in the legislation shall be construed as relieving any Federal agency of any authority or responsibility to protect and promote the interests of consumers.

### *Section 304—Definitions*

1. "Agency" means the Consumer Protection Agency.

2. "Office" means the Office of Consumer Affairs.

3. "agency," "agency action," "party," "rule-making," "adjudication," and "agency proceeding" shall have the same meaning as in the Administrative Procedures Act, now codified as 5 U.S.C. 551.

4. A "consumer" is any person who uses for personal, family or household purposes goods and services offered or furnished for a consideration.

5. The term "interests of consumers" means the cost, quality, purity, safety, durability, performance, effectiveness, dependability and availability, and adequacy of choice of goods and services offered or furnished to consumers; and the adequacy and accuracy of information relating to consumer goods and services (including labelling, packaging and advertising of contents, qualities and terms of sale).

### *Section 305—Conforming amendments*

The Director of the Office and the Administrator of the Agency are both placed on the Executive Schedule at Level III ($40,000 per annum).

The Deputy Director of the Office and the Deputy Administrator of the Agency are placed on the Executive Schedule at Level IV ($38,000 per annum).

### *Section 306—Appropriations*

Authorizes the appropriation of such sums as may be required to carry out the provisions of this Act. No limitation is placed and fixing the amount will be in accordance with the annual appropriations process.

### *Section 307—Effective date*

The legislation takes effect 90 days after it has been approved, or earlier if the President so prescribes.

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# HOUSE OF REPRESENTATIVES—*Saturday, January 6, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*If any man will come after Me, let him deny himself and take up his cross daily and follow Me.*—Luke 9: 23.

New every morning is the love
Our wakening and uprising prove;
Through sleep and darkness safely brought,
Restored to life and power and thought.

The trivial round, the common task,
Will furnish all we ought to ask;
Room to deny ourselves, a road
To bring us daily nearer God.

Only, O Lord, in Thy dear love
Fit us for perfect life above;
And help us this and every day,
To live more nearly as we pray.

Guided by Thy spirit may we accept the challenge of this hour to build a world where righteousness, justice, and good will may prevail for the good of man and to the glory of Thy holy name. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the House of the following title:

H. Con. Res. 1. Concurrent resolution making the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States.

The message also announced that the Vice President, pursuant to Public Law 92–352, appointed Mr. MANSFIELD as a member of the Commission on the Organization of the Government for the Conduct of Foreign Policy in lieu of Mr. Spong.

The message also announced that the Vice President, pursuant to title 20, United States Code, sections 42 and 43, appointed Mr. JACKSON as a member of the Board of Regents of the Smithsonian Institution in lieu of Mr. Anderson.

The message also announced that the President pro tempore, pursuant to Public Law 92–599, appointed Mr. LONG, Mr. FULBRIGHT, Mr. TALMADGE, Mr. HARTKE, Mr. BENNETT, Mr. CURTIS, Mr. FANNIN, Mr. MCCLELLAN, Mr. STENNIS, Mr. PASTORE, Mr. BIBLE, Mr. YOUNG, Mr. HRUSKA, Mr. COTTON, Mr. PROXMIRE, and Mr. ROTH as members, on the part of the Senate, of the Joint Committee To Review Operation of Budget Ceiling and To Recommend Procedures for Improving Congressional Control Over Budgetary Outlay and Receipt Totals.

The message also announced that the President pro tempore, pursuant to Public Law 92–489, appointed Mr. MCCLELLAN, Mr. BURDICK, Mr. HRUSKA, and Mr. GURNEY as members, on the part of the Senate, of the Commission on Revision of the Federal Court Appellate System.

The message also announced that the President pro tempore, pursuant to Public Law 92–484, appointed Mr. CASE as a member of the Technology Assessment Board in lieu of Mr. Allott.

## SWEARING IN OF MEMBER-ELECT

The **SPEAKER**. Will any Member-elect who has not been sworn come to the well of the House and take the oath of office.

Mr. SMITH of New York appeared at the bar of the House and took the oath of office.

## MAJORITY WHIP

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I would like to announce that with the Speaker's approval I have today appointed JOHN J. MCFALL of the 15th District of California as majority whip.

## RECESS

The **SPEAKER**. The Chair desires to make a statement.

The Chair desires deferment of unanimous-consent requests and also 1-minute speeches until after the formal ceremony of the day, which is the counting of the electoral votes for President and Vice President. Therefore, pursuant to the order adopted on Wednesday, January 3, 1973, the Chair declares the House in recess until approximately 12:45 o'clock p.m.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 54 minutes p.m.

## COUNTING ELECTORAL VOTES—JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 1

At 12 o'clock and 54 minutes p.m. the Doorkeeper (Hon. William M. Miller) announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The **VICE PRESIDENT** took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The joint session was called to order by the Vice President.

The **VICE PRESIDENT**. Mr. Speaker, Members of Congress, the Senate and the House of Representatives, pursuant to the requirements of the Constitution and the laws of the United States, have met in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President.

Under well-established precedents, unless a motion shall be made in any case, the reading of the formal portions of the certificates will be dispensed with. After ascertainment has been made that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers on the part of the two Houses will take their respective places at the Clerk's desk.

The tellers, Mr. COOK and Mr. CANNON on the part of the Senate, and Mr. HAYS and Mr. DEVINE on the part of the House, took their places at the desk.

The **VICE PRESIDENT**. The Chair hands to the tellers the certificates of the electors for President and Vice President of the State of Alabama, and they will count and make a list of the votes cast by that State.

Senator **CANNON** (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic and it appears therefrom that Richard M. Nixon, of the State of California, received nine votes for President and SPIRO T. AGNEW, of the State of Maryland, received nine votes for Vice President.

The **VICE PRESIDENT**. There being no objection, the Chair will omit in further procedure the formal statement just made for the State of Alabama and we will open the certificates in alphabetical order and pass to the tellers the certificates showing the vote of the electors in each State; and the tellers will then read, count, and announce the result in each State as was done in the case of the State of Alabama.

The Chair hears no objection.

There was no objection.

The tellers then proceeded to read, count, and announce, as was done in the case of the State of Alabama, the electoral votes of the several States in alphabetical order.

The **VICE PRESIDENT**. Gentlemen and gentlewomen of the Congress, the certificates of all of the States have now been opened and read, and the tellers will make the final ascertainment of the result and deliver the same to the Vice President.

The tellers delivered to the Vice President the following statement of the results:

THE UNDERSIGNED, MARLOW W. COOK AND HOWARD W. CANNON, TELLERS ON THE PART OF THE SENATE, WAYNE L. HAYS AND SAMUEL L. DEVINE, TELLERS ON THE PART OF THE HOUSE OF REPRESENTATIVES, REPORT THE FOLLOWING AS THE RESULT OF THE ASCERTAINMENT AND COUNTING OF THE ELECTORAL VOTE FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES FOR THE TERM BEGINNING ON THE TWENTIETH DAY OF JANUARY, NINETEEN HUNDRED AND SEVENTY-THREE.

| States | Electoral votes of each State | For President | | | For Vice President | | |
|---|---|---|---|---|---|---|---|
| | | Richard M. Nixon | George McGovern | John Hospers | Spiro T. Agnew | R. Sargent Shriver | Theodora Nathan |
| Alabama | 9 | 9 | | | 9 | | |
| Alaska | 3 | 3 | | | 3 | | |
| Arizona | 6 | 6 | | | 6 | | |
| Arkansas | 6 | 6 | | | 6 | | |
| California | 45 | 45 | | | 45 | | |
| Colorado | 7 | 7 | | | 7 | | |
| Connecticut | 8 | 8 | | | 8 | | |
| Delaware | 3 | 3 | | | 3 | | |
| District of Columbia | 3 | | 3 | | | 3 | |
| Florida | 17 | 17 | | | 17 | | |
| Georgia | 12 | 12 | | | 12 | | |
| Hawaii | 4 | 4 | | | 4 | | |
| Idaho | 4 | 4 | | | 4 | | |
| Illinois | 26 | 26 | | | 26 | | |
| Indiana | 13 | 13 | | | 13 | | |
| Iowa | 8 | 8 | | | 8 | | |
| Kansas | 7 | 7 | | | 7 | | |
| Kentucky | 9 | 9 | | | 9 | | |
| Louisiana | 10 | 10 | | | 10 | | |
| Maine | 4 | 4 | | | 4 | | |
| Maryland | 10 | 10 | | | 10 | | |
| Massachusetts | 14 | | 14 | | | 14 | |
| Michigan | 21 | 21 | | | 21 | | |
| Minnesota | 10 | 10 | | | 10 | | |
| Mississippi | 7 | 7 | | | 7 | | |
| Missouri | 12 | 12 | | | 12 | | |
| Montana | 4 | 4 | | | 4 | | |
| Nebraska | 5 | 5 | | | 5 | | |
| Nevada | 3 | 3 | | | 3 | | |
| New Hampshire | 4 | 4 | | | 4 | | |
| New Jersey | 17 | 17 | | | 17 | | |
| New Mexico | 4 | 4 | | | 4 | | |
| New York | 41 | 41 | | | 41 | | |
| North Carolina | 13 | 13 | | | 13 | | |
| North Dakota | 3 | 3 | | | 3 | | |
| Ohio | 25 | 25 | | | 25 | | |
| Oklahoma | 8 | 8 | | | 8 | | |
| Oregon | 6 | 6 | | | 6 | | |
| Pennsylvania | 27 | 27 | | | 27 | | |

| States | Electoral votes of each State | For President |  |  | For Vice President |  |  |
|---|---|---|---|---|---|---|---|
|  |  | Richard M. Nixon | George McGovern | John Hospers | Spiro T. Agnew | R. Sargent Shriver | Theodora Nathan |
| Rhode Island | 4 | 4 |  |  | 4 |  |  |
| South Carolina | 8 | 8 |  |  | 8 |  |  |
| South Dakota | 4 | 4 |  |  | 4 |  |  |
| Tennessee | 10 | 10 |  |  | 10 |  |  |
| Texas | 26 | 26 |  |  | 26 |  |  |
| Utah | 4 | 4 |  |  | 4 |  |  |
| Vermont | 3 | 3 |  |  | 3 |  |  |
| Virginia | 12 | 11 |  | 1 | 11 |  | 1 |
| Washington | 9 | 9 |  |  | 9 |  |  |
| West Virginia | 6 | 6 |  |  | 6 |  |  |
| Wisconsin | 11 | 11 |  |  | 11 |  |  |
| Wyoming | 3 | 3 |  |  | 3 |  |  |
| Total | 538 | 520 | 17 | 1 | 520 | 17 | 1 |

HOWARD W. CANNON,
MARLOW W. COOK,
Tellers on the Part of the Senate.
WAYNE L. HAYS,
SAMUEL L. DEVINE,
Tellers on the Part of the House of Representatives.

The VICE PRESIDENT. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows: The whole number of the electors appointed to vote for President of the United States is 538, of which a majority is 270. Richard M. Nixon, of the State of California has received for President of the United States 520 votes; GEORGE MCGOVERN, of the State of South Dakota, has received 17 votes; John Hospers, of the State of California, has received one vote.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows: The whole number of the electors appointed to vote for Vice President of the United States is 538, of which a majority is 270. SPIRO T. AGNEW, of the State of Maryland, has received for Vice President of the United States 520 votes; R. Sargent Shriver, of the State of Maryland, has received 17 votes; Theodora Nathan, of the State of Oregon, has received one vote.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 20th day of January, 1973, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

Members of the Congress, the purpose for which the joint session of the two Houses of Congress has been called, pursuant to Senate Concurrent Resolution No. 1, 93d Congress, having been accomplished, the Chair declares the joint session dissolved.

(Thereupon, at 1 o'clock and 46 minutes p.m., the joint session of the two Houses of Congress was dissolved.)

The House was called to order by the Speaker.

The SPEAKER. Pursuant to Senate Concurrent Resolution No. 1, the Chair directs that the electoral vote be spread at large upon the Journal.

## COMPENSATION OF SPECIAL COUNSEL

Mr. HAYS. Mr. Speaker, I offer a resolution (H. Res. 92) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 92

*Resolved,* That the Clerk of the House of Representatives is hereby authorized to appoint and fix the compensation of such special counsel as he may deem necessary to represent the Clerk and the interests of the House in any suit now pending or hereafter brought against the Clerk arising out of his actions while performing duties or obligations imposed upon him by the Federal Corrupt Practices Act, 1925, or the Federal Election Campaign Act of 1971; and be it further

*Resolved,* That any expenses incurred pursuant to these resolutions, including the compensation of such special counsel and any costs incurred thereby, shall be paid from the contingent fund of the House on vouchers approved by the Committee on House Administration.

The SPEAKER. Without objection this resolution will be considered and the gentleman from Ohio is recognized.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question?

Mr. HAYS. I will yield to the gentleman from Iowa (Mr. GROSS), Mr. Speaker.

Mr. GROSS. May I ask the gentleman, is this a normal procedure, this resolution, or is it some special procedure?

Mr. HAYS. Mr. Speaker, may I say this is not a normal procedure, because we do not have normal circumstances.

As the gentleman knows, there are several organizations, one of which is one which is called Common Cause, and this is an organization which is suing the Clerk right and left and harassing the Congress, and there are several suits filed.

Mr. Speaker, this resolution is simply to allow the work to be accomplished and to have counsel to represent the Clerk in suits filed in the various courts.

Mr. GROSS. Mr. Speaker, I thank the gentleman for his explanation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## AUTHORIZING COMPENSATION AS GRATUITY TO WIDOW OF HON. GEORGE W. COLLINS, LATE REPRESENTATIVE-ELECT FROM ILLINOIS

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 93) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 93

*Resolved,* That there shall be paid out of the contingent fund of the House a sum equal to the annual compensation of a Representative in Congress as a gratuity to Cardiss R. Collins, widow of George W. Collins, late a Representative-elect from the State of Illinois.

*Resolved,* That there shall be paid from the contingent fund of the House, until otherwise provided by law, such sums as may be necessary to compensate the clerical assistants designated by former Representative George W. Collins in the 92d Congress and borne upon the clerk hire pay rolls of the House of Representatives at the close of the 92d Congress at the rates of compensation then payable to said clerical assistants, until a successor is elected to fill the vacancy in the 7th Congressional District of the State of Illinois caused by the death of the late George W. Collins: *Provided,* That the Clerk is authorized to make, from time to time, such salary adjustments as he deems advisable with respect to the aforementioned employees.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## COMMITTEE TO ATTEND MEMORIAL SERVICES FOR THE LATE HONORABLE NICK BEGICH OF ALASKA

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 94) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 94

*Resolved,* That the Speaker be authorized to appoint a committee of the House, together with such Members of the Senate as may be joined, to attend memorial services to be held for the Honorable Nick Begich in Anchorage, Alaska, on January 7, 1973.

*Resolved,* That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary to carry out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as members of the committee to attend the memorial services for the Honorable Nick Begich the following Members on the part of the House: Hon. JOHN A. BLATNIK, Hon. JOHN N. CAMP, Hon. JAMES J. HOWARD, and Hon. TENO RONCALIO.

### ELECTION OF MEMBERS TO COMMITTEE ON APPROPRIATIONS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a resolution (H. Res. 95) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 95

*Resolved,* That until March 1, 1973, unless a resolution providing otherwise is adopted by the House, the following named Members are hereby elected to the Committee on Appropriations: George H. Mahon of Texas, Chairman; Jamie L. Whitten, of Mississippi; John J. Rooney, of New York; Robert L. F. Sikes, of Florida; Otto E. Passman of Louisiana; Joe L. Evins, of Tennessee; Edward P. Boland, of Massachusetts; William H. Natcher, of Kentucky; Daniel J. Flood, of Pennsylvania; Tom Steed, of Oklahoma; George E. Shipley, of Illinois; John M. Slack, of West Virginia; John J. Flynt, Jr., of Georgia; Neal Smith, of Iowa; Robert N. Giaimo, of Connecticut; Julia Butler Hansen, of Washington; Joseph P. Addabbo, of New York; John J. McFall, of California; Edward J. Patten, of New Jersey; Clarence D. Long, of Maryland; Sidney R. Yates, of Illinois; Bob Casey, of Texas; Frank E. Evans, of Colorado; David R. Obey, of Wisconsin; Edward R. Roybal, of California; Louis Stokes, of Ohio; J. Edward Roush, of Indiana; K. Gunn McKay, of Utah; Tom Bevill, of Alabama.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### ELECTION OF MEMBERS TO COMMITTEE ON RULES

Mr. TEAGUE of Texas. Mr. Speaker, I offer a resolution (H. Res. 96) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 96

*Resolved,* That until March 1, 1973, unless a resolution providing otherwise is adopted by the House, the following named Members are hereby elected to the Committee on Rules:

Ray J. Madden, Indiana, Chairman, James J. Delaney of New York; Richard Bolling of Missouri; Thomas P. O'Neill, Jr., of Massachusetts; B. F. Sisk of California; John Young of Texas; Claude Pepper of Florida, and Spark M. Matsunaga of Hawaii.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### ELECTION OF MEMBERS TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. TEAGUE of Texas. Mr. Speaker, I offer a resolution (H. Res. 87) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 97

*Resolved,* That until March 1, 1973, unless a resolution providing otherwise is adopted by the House, the following named Members are hereby elected to the Committee on House Administration:

Wayne L. Hays, Ohio, Chairman; Frank Thompson, Jr., of New Jersey, John H. Dent of Pennsylvania, Lucien N. Nedzi of Michigan, John Brademas of Indiana, Kenneth J. Gray of Illinois, Augustus F. Hawkins of California, Tom S. Gettys of South Carolina, Jonathan B. Bingham of New York, Bertram L. Podell of New York, Frank Annunzio of Illinois, Joseph M. Gaydos of Pennsylvania, Ed Jones of Tennessee, and Robert H. Mollohan of West Virginia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### ELECTION OF MEMBERS TO COMMITTEE ON APPROPRIATIONS

Mr. ANDERSON of Illinois. Mr. Speaker, I offer a resolution (H. Res. 98) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 98

*Resolved,* That the following-named Members be, and they are hereby elected members of the standing committee of the House of Representatives on Appropriations:

Elford A. Cederberg, Michigan; John J. Rhodes, Arizona; William E. Minshall, Ohio; Robert H. Michel, Illinois; Silvio O. Conte, Massachusetts; Glenn R. Davis, Wisconsin; Howard W. Robison, New York; Garner E. Shriver, Kansas; Joseph M. McDade, Pennsylvania; Mark Andrews, North Dakota; Louis C. Wyman, New Hampshire; Burt L. Talcott, California; Donald W. Riegle, Jr., Michigan; Wendell Wyatt, Oregon; Jack Edwards, Alabama; Del Clawson, California; William J. Scherle, Iowa; Robert C. McEwen, New York; John T. Myers, Indiana; J. Kenneth Robinson, Virginia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### ELECTION ON COMMITTEE ON RULES

Mr. ANDERSON of Illinois. Mr. Speaker, I offer a resolution (H. Res. 99) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 99

*Resolved,* That the following-named Members be, and they are hereby elected members of the standing committee of the House of Representatives on Rules:

John B. Anderson, Illinois; Dave Martin, Nebraska; James H. Quillen, Tennessee; Delbert H. Latta, Ohio.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### ELECTION TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. ANDERSON of Illinois. Mr. Speaker, I offer a resolution (H. Res. 100) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 100

*Resolved,* That the following-named Members be, and they are hereby elected members of the standing committee of the House of Representatives on House Administration:

Samuel L. Devine, Ohio; William L. Dickinson, Alabama; James C. Cleveland, New Hampshire; James Harvey, Michigan; Orval Hansen, Idaho; Philip M. Crane, Illinois; John Ware, Pennsylvania; Victor V. Veysey, California; Bill Frenzel, Minnesota.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### LEGISLATIVE PROGRAM FOR THE WEEK OF JANUARY 8, 1973

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader the program for next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts

Mr. O'NEILL. Mr. Speaker, in reply to the gentleman from Michigan may I say that when we adjourn today we are going to adjourn until Tuesday next, January 9, 1973. Of course, there is no business scheduled for Tuesday next. The Members have just heard the various committees that have been appointed, and, after having talked with the Speaker, there would be only one possibility of some type of resolution which would come out of the committee on House Administration of which the gentleman from Ohio, Mr. HAYS, is the chairman; however, the gentleman from Ohio has stated to me that he knows of nothing at the present time. So I would have to say that there would be no business on the floor for Tuesday next.

So on Tuesday next we will then adjourn until Thursday, under the rule. We have no business so far as we know that will be scheduled for Thursday next. So that while we will be meeting on Tuesday and Thursday next week, there will be no formal business of any type.

Mr. GERALD R. FORD. I thank the gentleman.

### POSTPONEMENT OF DEMOCRATIC CAUCUS ON WEDNESDAY NEXT

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I have been asked by the Chairman of the Democratic Caucus to make this announcement, and that is that the caucus that had been scheduled for next Wednesday has been postponed subject to the call of the Chair.

## ADJOURNMENT OVER TO TUESDAY, JANUARY 9, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Tuesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## A TRIBUTE TO FRANK ELEAZER

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I rise today to salute a man who for nearly 2 decades headed the UPI staff in the House, a man whose sparkling and perceptive writing has illuminated House activities in the eyes of the reading public for 25 years.

Mr. Speaker, Frank Eleazer has left his post with UPI to become an editorial writer for the St. Petersburg, Fla., Times. I know I speak for all Members of the House when I say we shall miss him. Now that Frank is gone, it will be a challenge for the many other fine reporters covering the House to maintain the excellence of coverage we have enjoyed in the past.

On behalf of the House, I wish Frank the best in his new position. It is pertinent to point out that Eugene Patterson, editor and president of the St. Petersburg Times, is himself a former UPI staffer. It is small wonder that Mr. Patterson took it upon himself to lure Frank away from UPI. He was familiar with the excellence of Frank's work.

Frank Eleazer was born November 3, 1916, in Nashville, Tenn., and went to school in Atlanta and De Kalb County, Ga. He was graduated from Emory University in 1937 and received a master's degree from the Columbia School of Journalism in 1938. He then went to work as a cub reporter at the Macon, Ga., Telegraph and later became city editor of the Macon News. He went from the News to the Richmond Times-Dispatch as a reporter, arriving in Richmond with the grand total of $100 in his pocket. But he was rich because he was accompanied by his new bride.

Frank served for 13 months in the military, was discharged because of a leg injury. After release from the service, Frank joined United Press in November 1943 in Atlanta. He covered the Georgia and Florida Legislatures as a relief man and was transferred to Washington in July 1945. Here he covered veterans news during the big demobilization after World War II. Also, as a swing man for UP he saw something of most Washington news runs. Frank was UP's backup man at the White House during the middle of the Truman administration. He was assigned to the House in late 1947. He became chief of UP's House staff in January 1954 and continued in that role until the end of 1972 except for a stint of several months when he wrote the UPI humor column, "The Lighter Side."

Mr. Speaker, Frank Eleazer's departure is a loss to all of us. We will miss his fine coverage of the House and UPI's reporters will miss his wise counsel.

## HARRY S TRUMAN

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the death of Harry S Truman saddened America as few events have done. He was given universal acclaim for his courageous administration as President. This is a very different story from the one which generally prevailed when he was President. I recall very well that he left office widely condemned by the news media for having been a poor President. Now 20 years later they say he was one of America's 10 best Presidents. I think the latter assessment is the correct one.

Here was a most interesting individual. Harry S Truman was a man who did not want to be Vice President. The Nation viewed him with concern and apprehension when he succeeded to the Presidency. He had been very much in FDR's shadow and there was little understanding nationwide of his ability or his determination.

The public gained an awareness of his qualities of leadership just in time for him to be elected over Tom Dewey. The experts had not given him a chance. Here again, courage and determination saw him through.

He was destined to continue to grow in public esteem with each passing year particularly after he left office. Now the history books properly record him as a strong and courageous and yet a humble President who did not duck the issues—and they were heavy. Few national leaders in our time now are held in higher regard. Here was a man—a great man.

## THE DECISION TO HOMEPORT IN GREECE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, let us review the long history of close alliance between the people of America and the people of Greece. The people of few nations have had closer association with those of our own country than the people of Greece. The continuous and unflinching friendship shown to our Government by the Greek Government is best reflected in the manner in which Greece has stood with the United States in all matters of the common defense and in the continuing fight against the spread of Communist ideology. We in America will do well to show our understanding and appreciation for this courageous little nation in ways other than through criticism of its internal processes.

I note with concern and regret the critical report by a subcommittee of the House Foreign Affairs Committee on the decision to provide U.S. Navy facilities for homeporting in Greece. Homeporting is a concept which is of particular importance to the Navy in that it gives families an opportunity to be with servicemen assigned to the fleet overseas.

In brief, homeporting is important because it alleviates two very serious problems being faced by today's Navy. The first is retention and the second is the ability to meet present commitments with declining force levels. The high operational tempos sustained by naval forces has taken a toll in a lessening ability to recruit and retain career personnel due to family separations. Budget constraints have severely impacted on the numbers of ships, and their materiel readiness, available to the Navy to meet our alliance commitments.

Under the overseas homeporting concept, families follow the ships overseas and remain there until the ships return to the United States for overhaul—usually a period of 2 to 3 years. While overseas, the ships would visit their homeports at 1- to 2-month intervals, instead of being away from homeport for a minimum of 6 months, a much more satisfactory arrangement from a career-enhancing standpoint and a much happier situation for families.

There are concomitant benefits for ships homeported in the United States also. For instance, because a carrier is homeported in the Mediterranean, the remaining Atlantic Fleet carriers would be requested to deploy less frequently and their materiel condition could be maintained at a higher level in addition to enjoying increased family time. Consequently our carriers would be more available and in better materiel condition.

There are experienced results which cannot be overlooked. Navy men are eager to volunteer for duty with overseas homeported units. The destroyer squadron—six destroyer types—homeported in Athens in September 1972 sailed with 88 percent officers and 82 percent enlisted volunteers. Retention statistics indicated that overseas homeported units enjoy a higher first-term reenlistment rate than other fleet units, 22 percent as opposed to 18 percent.

Now let us look at expected results. Based on the reenlistment rates of those ships already homeported overseas and the results of retention studies and surveys, it is reasonable to expect an improvement of 1 to 2 percent in navywide reenlistment rates through the resultant increase in homeport times. Cost effectiveness is a result of the fact that each first-termer reenlisted saves $15,400 in retraining costs, and reduction in personnel turbulence is a result of more stabilized tours.

So much for the need for homeporting. The next question is, of course, why was Athens selected.

Comprehensive surveys of Mediterranean ports were conducted utilizing the following criteria:

Strategic location;

Adequate harbor;

Jet capable airfield;

Adequate ship repair facilities;

Large urban area capable of absorbing population; and

Local acceptability.

Survey results indicated that Athens was the most satisfactory port from the standpoint of the selection criteria. Experience with the six destroyers and 1,250 dependents already located in Athens bears out the fact that Athens is capable of assimilating Navy personnel and dependents with little or no affect on the economy. Cultural problems have been minimal.

The Athens homeporting initiative does not increase the Navy's reliance on shore support facilities in the Mediterranean except for modest airfield facilities. All other logistic support requirements will be met by afloat logistics units as has always been the case with the 6th Fleet.

Contrary to the subcommittee report the concept of homeporting supports the Nixon doctrine. At Guam in the summer of 1969 and in his address to the Nation on November 3, 1969, the President described the elements of the new approach to foreign affairs, among them—

> The United States will keep all of its treaty commitments we inherited—both because of their intrinsic merit, and because the impact of sudden shifts on regional or world stability.

Homeporting is part of an attempt by the Navy to continue to do what it has been doing in the Mediterranean with fewer resources—in other words to avoid just such a sudden shift in regional stability as referred to by the President. In his report to the Congress of February 25, 1971, the President, in referring to the "lowering of our overseas presence and direct military involvement," noted that—

> While cutting back overseas forces prudently, we must resist the automatic reduction of the American presence everywhere without regard to the consequences.

During the hearings members of the subcommittee supported the role of the 6th Fleet in the Mediterranean. Homeporting does not increase the strength of the 6th Fleet or the number of 6th Fleet personnel. What increase there is in the presence of a number of noncombatant dependents. Homeporting is entirely compatible with the Nixon doctrine.

The subcommittee report suggests a lack of cooperation between the State Department and the Defense Department in the decision to homeport at Athens. In fact in final analysis these two major Departments of Government were in full accord in the choice of a Greek site for homeporting. It is well to note the minority report which accompanies the subcommittee report states:

> We do not agree that the administration failed to cooperate fully with the committee. On the contrary, it is clear that the executive branch furnished the committee with all information requested. Furthermore, we are convinced that the Department of State thoroughly considered all of the relevant political factors before making the final decision in favor of homeporting in Athens. Indeed, testimony showed that it was the State Department's insistence that all homeporting options in the Mediterranean be exhaustively explored which led to a one-year study of the issue.

There are a number of conclusions in the report that I believe to be both unfortunate and incorrect. For instance the report states the Greek homeporting decision is an example of the danger of preeminence of military and strategic considerations over political values in American foreign policy.

Actually the decisionmaking process within our Government is clearcut. In the case of homeporting Athens, subsequent to its proposal by the Navy, it had to undergo review and gain approval at two different and important levels, Secretary of Defense and Secretary of State. Although the Navy proposal was primarily military in nature, the subsequent reviews, and particularly that of the State Department, were increasingly political in nature as they should have been. Here, as in every other case, followed a system of checks and balances which placed the State Department in the final positions of determination to insure that political requirements would not be subjugated by those of a military nature. The fact that Greece has always been a viable member of NATO and has shown no indication of change in attitude toward the alliance accentuates the unwarranted and unjustified nature of this conclusion.

And again, I quote from the minority view:

> We question the statement that Greece is a "potentially unreliable defense partner." Although it is of course impossible to predict with certainty future political developments in any country, nothing to support such a prediction was presented in this year's testimony on homeporting, nor during the hearings in 1971 on Greece, Spain, and the southern NATO strategy. Regardless of changes in its government, Greece since 1952 has always been a staunch member of the NATO alliance and, as such is worthy of our trust.

The subcommittee makes the statement that:

> Homeporting in Greece today does a serious disservice to American relations with the Greek people, to our ties with our NATO allies, and, most importantly, to our own democratic traditions.

By contrast I find that the minority view stated:

> Throughout the report runs an obsessive dislike for the present Greek Government. Indeed, apart from issues relating to the nature of the Greek regime, the report finds little negative to say about the decision to homeport in Athens. When these diversionary issues are set aside, the decision emerges for what it is—an honest attempt by reasonable men to solve, or at least alleviate some of the budgetary and personnel problems of the Navy.

NATO did not express any opposition to homeporting in Greece and apparently did not interpret our effort to move in that direction as any sign of support of that particular government—ASD (ISA) testimony on March 7, 1972—further, there were no derogatory comments made by the NATO Ministers of Defense at the most recent meeting of the Defense Planning Committee in December 1972.

The decision reflects 20 years of close Greek-United States ties under NATO and not any particular form of government. In fact, frequent statements have been made on U.S. policy which urges our Greek allies speediest return to constitutional government.

All other arguments aside, any student of Mediterranean affairs knows that the Soviet presence in that part of the world is growing both in power and prestige. **Among the countries which ring the** Mediterranean, more and more have **fallen into the Russian orbit.** There are fewer and fewer ports in which the American flag is welcome. Yet Greece remains a constant and loyal friend. The Greek Government, about which some Americans complain, has produced stability and progress instead of the increasingly chaotic condition which existed under the monarchy. If we are to retain a responsible and significant posture in the Mediterranean, we need the base which is projected at Athens. Homeporting is a very welcome thing for the families of U.S. naval personnel who so frequently have no opportunity to accompany their men on tours of duty away from home. From every logical standpoint, our Nation is on sound ground in its decision to homeport in Athens. It is unfortunate that criticism of the Greek Government and the American presence in Greece from congressional circles so often is directed along ideological rather than practical grounds.

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## GALLERY SPACES SHOULD BE RESERVED FOR FAMILIES AND FRIENDS OF NEW MEMBERS AT THE OPENING SESSION OF A NEW CONGRESS

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the opening session of a new Congress is always an important event, but its greatest significance is to new Members. There are few things in the life of an individual that are of greater importance than being sworn in for the first time as a Member of Congress. This very meaningful ceremony is also highly important to the family and friends of the first-termers. Always there are serious problems about space in the galleries for them on opening day. Would it not be a gracious and sound thing to reserve all gallery spaces for the families and friends of new Members, saving only one ticket for each of the older Members?

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## THE WASHINGTON EVENING STAR-NEWS COMMENTS EDITORIALLY ON THE HOUSE ARMED SERVICES COMMITTEE REPORT REGARDING THE RECOMPUTATION OF MILITARY RETIRED PAY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, in the 92d Congress I had the honor of serving as chairman of the special subcommittee of the House Armed Services Committee which made a thorough study of the military pay situation, with special reference to the proposal to reinstitute the practice of recomputing retired military pay on the basis of the latest increases in active duty pay.

That report was officially released on December 29 and I believe that Members of the House, and also of the Senate, who have been very much interested in the recomputation proposal, will find the facts contained in our report of considerable interest to them.

Also, Mr. Speaker, I am very pleased that our report has received editorial support for its conclusions from a very important source, the Washington Evening Star-News in its issue of January 4, 1972. Under leave to extend my remarks I include herewith the text of this supporting editorial:

[From the Evening Star and News, Jan. 4, 1973]

MILITARY PENSIONS: DRAWING THE LINE

Old soldiers might fade away, as General MacArthur said, but they do so on the most handsome retirement system to be found anywhere in the world.

This year the cost of military retirement pay is $4.3 billion, more than four times what it was ten years ago. Assuming active-duty pay scales rise 5 percent annually, that cost will run to $7.9 billion by 1980 and $13 billion by 1990. It will, that is, if the basic structure of the military pension system is unchanged.

And yet there is a move in Congress to change the structure so that the pensions can shoot up even farther. It began last year when the Senate, after distressingly little debate but mindful that retired military men cast votes, approved a bill to recompute retirement pay on the basis of the increased 1972 active-duty scales. The bill, which could come to a showdown vote in the House this year, would provide pension boosts of up to 40 percent at a cumulative long-term cost running in the multi-billions of dollars.

In a report as welcome as it is stern, a House Armed Services subcommitte now has denounced the legislation as both prohibitive and unnecessary, and has urged its defeat. We hope the House has courage enough to take the advice.

Advocates of the bill are likely to draw attention to some oldtimers who are not making out so well. And there may be such cases. But it makes no sense at all to get at the problem with a plan that gives big raises to hundreds of thousands of ex-officers and enlisted men who are in no financial trouble at all.

It should be remembered that, unlike the great majority of existing pension plans, military retirement pay has a built-in cost-of-living escalator. The pay goes up 4 percent every time the consumer price index goes up 3 percent. Then, too, the typical officer or enlisted man gets out of the service while still in his forties. He is young enough to begin another career, and in nearly every case he does, his income bolstered by a steadily rising government retirement check.

Well, it has gone far enough, and with military pay now competitive with civilian salaries, perhaps it has gone too far even without the big bonus represented by the Senate-passed bill. The military themselves, both active and retired, ought to recognize the inevitable squeeze ahead for the defense dollar, as well as the entire federal budget. Dealing irresponsibly on the retirement-pay scene is a sure-fire formula for eroding an already weakened public confidence in how tax money is spent.

## ONE HOUR ON TUESDAY NEXT TO EULOGIZE THE LATE PRESIDENT HARRY S TRUMAN

(Mr. RANDALL asked and was given permission to address the House for 1 minute.)

Mr. RANDALL. Mr. Speaker, it has been my honor and privilege for the past 14 years to represent the district of former President Harry S Truman. At this time I wish to announce there will be time for the purpose of paying tribute to this great man on Tuesday next.

### SPECIAL ORDER

Mr. Speaker, at this time I ask unanimous consent that at the conclusion of the legislative business on Tuesday next that 1 hour be set aside so that all Members may have the opportunity to pay tribute to this great American.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## GENERAL LEAVE FOR TUESDAY NEXT

Mr. RANDALL. Mr. Speaker, I ask unanimous consent at this time that all Members may have 5 legislative days following Tuesday next to submit for the RECORD any tributes of a personal nature that they may have for our former President, Mr. Truman.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## RIGHT OF PEOPLE TO HAVE HONEST ELECTION

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, we have a plain duty to protect the right of the people to have an honest election. If we approve the votes from Virginia as counted, we will, in effect, be placing our seal of approval on a fraudulent election.

I believe that we can, within the Constitution, deal with the problem of the faithless elector. Not only can we do this, but we are obliged to.

When Elector Roger L. MacBride took it upon himself to violate his pledge and promise to vote for Richard M. Nixon and SPIRO T. AGNEW and, instead, voted for John Hospers and Theodora Nathan, he violated a good part of the Virginia election. It was an act of simple fraud.

These faithless electors may be only seeking a footnote in history. They may be seeking only to demonstrate the weakness of the electoral college system. But whatever the purpose of MacBride's act, it was a fraud upon the people of his State, who elected him for the sole purpose of voting for the Republican nominees. He held himself out for that purpose, was pledged to it, and had the duty to act on his pledge. Therefore, his failure to vote for the Republican candidates was an act of fraud and corruption.

Mr. Speaker, the Supreme Court has held that Congress has a right to protect the choice of electors from fraud or corruption—*Burroughs and Cannon* v. *U.S.*, 290 U.S. 534.

I believe that this means that we have the power to cancel the vote of a faithless elector, because such an elector has, in fact, defrauded the election process and corrupted it.

The duty and right of Congress to legislate a clean election does not begin and end with laws protecting the ballot box, with laws against this and that form of criminal behavior; it also extends to the right to see that the election itself is not stolen. When a faithless elector like MacBride chooses to cast his ballot for some person other than the person he is pledged to vote for, he does, in fact, steal the election.

Now, it may be true that the Constitution is silent as to the independence of the electors. But it is also true that the Constitution contemplates an honest election. A faithless elector is not simply an anomaly; he is not simply demonstrating his independence; he is stealing an election, and I am convinced that a fair interpretation of the court decision in the Burroughs and Cannon case would be that we can protect the people of the States against such frauds as MacBride.

If we needed any further basis upon which to act, we need only remember that the courts have upheld the right of the States to require their electors to pledge their votes in advance. A great many States have laws to protect their people against faithless electors. There is nothing unconstitutional about that, and neither would it be unconstitutional for us to reject a fraudulent vote such as has been rendered here.

Let us remind you that this is a matter of great urgency. Faithless electors are appearing with more and more regularity. We had one in 1960 from Oklahoma; we had one in 1968 from North Carolina; and now we have one from Virginia. Up until these past few years faithless electors have been rare indeed, but now we see them in practically every election. How long will it be before we draw the line against these frauds? I believe we must do so now, and I do not believe that we have to amend the Constitution to do it.

Now it may be argued that electors are independent. But the truth is that they can be legally bound by their States, as the Blair case proved. And if they are not legally bound we can refuse to count the votes of those who violate their pledges and defraud the election. I think that we must look to the heart of this matter, and the heart of it is corruption and fraud. We can put a stop to it, and I am convinced that no one would contest our action. And if a contest were to be made, I am persuaded that the courts would rule in our favor.

However, in order to regulate a formal protest, the law and rules requires a Member of the House to have a Senate cosponsor. I was unable to obtain a Senator to cosponsor and be present with me in order to protest, and for that reason only did not protest the faithless Virginia elector's vote.

## THE VOLUNTARY MILITARY SPECIAL PAY ACT OF 1973

(Mr. BENNETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, on the

first day of this session I introduced with several cosponsors the Voluntary Military Special Pay Act of 1973. This legislation is identical to legislation which passed the House last year.

The Special Pay Act provides the authority to the Secretary of Defense to offer incentives to specific volunteers in return for a service commitment for a stipulated number of years. Incentives offered can be readily started, stopped or modified to reflect changing needs of the Armed Forces for quantity, quality and experience level of members in specific skills. They are a traditional military compensation tool. Recent experience of the Department of Defense with a variable bonus applied in the flexible manner envisioned for the future has proved most successful.

With the draft authority expiring in June of this year it is timely that the Congress promptly handle this legislation in an orderly manner.

## COUNTING OF ELECTORAL VOTE

(Mr. O'HARA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. O'HARA. Mr. Speaker, the Members of this House, meeting jointly with their colleagues from the other body, have just performed a constitutional function for what many of us hope will be the last time in the history of this great Republic.

I refer, of course, to the counting of the electoral vote which makes official what the votes of the American people made real last November—the reelection of President Nixon and Vice-President Agnew.

Last November, after a long and hard-fought campaign, the American people performed one of the most impressive rituals in the whole liturgy of freedom. They went to the polls, and in the secrecy of voting booths from Hawaii to Maine, they exercised their right to cast a secret ballot indicating their choice for the most powerful executive office free men have yet devised. The act put into concrete form the cherished American belief that the Government is the gift of the governed.

Subsequently, a group of mostly unidentified, mostly unknown functionaries went to their respective State capitols and cast votes in their brief capacity as presidential electors, ratifying the choice made by the people. One of those electors, deeming himself to be wiser than the great people of the great State of Virginia, betrayed his trust and voted for another ticket than the one he had been appointed to vote for, but in spite of that flaw in the proceedings, the electoral college, as it has in virtually every election in the history of the Nation, neither added to nor subtracted from the fact that the people's choice for the Presidency had been in fact elected.

We have been fortunate all through these nearly 2 centuries, that the electoral mechanism has really not performed any noticeable function in the conferring of power upon the elected President. We have been fortunate because that mechanism, of all the institutions created by the Constitution, is easily the least functional, the most undemocratic, and the one most likely to break down under stress.

We cannot expect to be lucky forever, Mr. Speaker. One day, if we allow this constitutional anomaly to persist, the will of the American people is going to be distorted, and their choice of a President is going to be frustrated—perhaps by a group of faithless electors, perhaps only by the natural distortions of electoral arithmetic. One day, Mr. Speaker, the electoral college is not going to work the way the people intend it to work—unless we rid ourselves of it first.

In this spirit, a number of Members of this House have joined with me in submitting a statement calling on the House to repeat, as a first order of business, its approval—already given by an overwhelming majority of the House in 1969—to an amendment providing for direct election of the President.

Although many of the Members who joined with me in signing this statement have also joined with me in cosponsoring the exact amendment which was passed by the House in 1969, I must take note that other Members, including the distinguished gentleman from Massachusetts (Mr. Conte) and several others, have themselves introduced other direct election amendments, different in detail, but much the same in substance. I am not today asserting the superiority of one of these proposals over another. And nothing in the statement we have signed binds any of the signers to one form of words over another. What we are agreed upon, is the urgent necessity of acting on an amendment to provide for direct election—and doing so as one of the first orders of business in this 93d Congress.

The American people are clearly demanding that their Government be more responsive to their wishes and their sovereign authority. The first step we should take is to dismantle that symbol of distrust of the people—the electoral college.

Mr. Speaker, I include the statement to which I refer at this point in the Record, with the names of the signers:

### Text of the Statement

Four years ago, on the occasion of the counting of the electoral vote in a joint meeting of the House and Senate, a number of us stood and objected to the counting of the vote of one faithless elector—a man who violated his obligation to the people of the State of North Carolina by exercising his imagined option to cast their vote his way.

Others among us, while in no way expressing any approval of the decision of that elector, voted against the objection, because we believed the electoral system did, and still does permit any elector to disregard his mandate from those who elected him.

After a very thoughtful debate, the House and the Senate each voted, four years ago, to allow the faithless elector's vote to be counted. One electoral vote made no difference four years ago. The candidates who received a plurality of the popular vote, and whose pledged electors constituted a majority of the Electoral College were chosen, and the one maverick electoral vote of 1968 faded into a minor historical footnote.

But throughout that debate four years ago, Members on both sides expressed concern over the possibility that the electoral system as presently constituted might some day indeed fail to reflect the will of the American people. Some day, member after member pointed out, the Electoral count itself might be so close that a single faithless elector or a small group of faithless electors could steal the election. Or—even more dangerously, the popular vote might once again, as it has in the past, go one way, and the electoral vote might go another.

The debate was more than an academic discussion of historical possibilities. That concern made itself felt in this House when, on September 18, 1969, the House of Representatives by an overwhelming vote approved an amendment to the Constitution to provide for the election of the President and Vice-President of the United States by direct popular vote, without the intervention of electors or other mechanisms to dilute or distort the decision of the American people.

Unfortunately, the action of the House was not duplicated in the other body, and the direct election amendment was not submitted to the States for ratification.

Four years after the "faithless elector" debate in 1969, the House and Senate meet again in joint session to count the votes of the electors. Once again, as in 1969, there is a faithless elector—this time a man who has taken it upon himself to second-guess the people of the great State of Virginia.

Once again, the faithless elector's decision has, fortunately, no visible effect. In 1973, as in 1969, the electoral vote goes by a very substantial majority, to one set of candidates. In this election, too, the popular vote went, by an overwhelming majority, to the same set of candidates. There exists in 1973, no serious possibility of a conflict between the popular vote, the electoral vote as announced in November, and the electoral vote as cast in December and counted in January.

Once again, then, we have been lucky enough to avoid a confrontation between the way we think we elect our President, and the way he can be chosen if there is a peculiar combination of circumstances.

But the fact that this year's faithless elector is only an incident—the fact that last fall's election was decided in a landslide, cannot blind us to the possibility that the electoral system stands in need of immediate reconstruction.

For this reason, while those of us who four years ago objected to the counting of the faithless elector's vote are not doing so this time, all of the undersigned, those who in 1969 supported and those who in 1969 opposed the challenge to the vote, are united in 1973 in urging the House to repeat, as a first order of business, its approval of a Constitutional amendment providing for the direct election by the people of the United States, of their President and Vice-President, and barring forever the possibility that a small group of nameless functionaries, faithless or not, can interpose themselves between the people and their choice.

### LIST OF SIGNATURES

James G. O'Hara (D-Mich.), Silvio O. Conte (R-Mass.), William Alexander (D-Ark.), Frank Annunzio (D-Ill.), Thomas L. Ashley (D-Ohio), Alphonzo Bell (R-Cal.), Edward P. Boland (D-Mass.), Frank J. Brasco (D-N.Y.), William G. Bray (R-Ind.), Jack Brooks (D-Tex.).

William S. Broomfield (R-Mich.), Bill D. Burlison (D-Mo.), Charles E. Chamberlain (R-Mich.), Shirley Chisholm (D-N.Y.), Frank M. Clark (D-Pa.), Harold Collier (R-Ill.), John Conyers, Jr. (D-Mich.), Dominick V. Daniels (D-N.J.), John Dellenback (R-Ore.), John D. Dingell (D-Mich.)

Joshua Eilberg (D-Pa.), Marvin L. Esch (R-Mich.), Frank E. Evans (D-Colo.), Hamilton Fish, Jr. (R-N.Y.), Daniel J. Flood (D-Pa.), William D. Ford (D-Mich.), Robert N. Giaimo (D-Conn.), James R. Grover, Jr. (R-N.Y.), Lee H. Hamilton (D-Ind.), Augustus F. Hawkins (D-Cal.).

Ken Hechler (D-W. Va.), Henry Helstoski (D-N.J.), John E. Hunt (R-N.J.), Albert W. Johnson (R-Pa.), Joseph E. Karth (D-Minn.), Edward I. Koch (D-N.Y.), Peter Kyros (D-Me.), Clarence D. Long (D-Md.), Torbert H. MacDonald (D-Mass.), Lloyd Meeds (D-Wash.)

Robert H. Michel (R-Ill.), Robert H. Mollohan (D-W. Va.), Thomas E. Morgan (D-Pa.), William S. Moorhead (D-Pa.), Charles A. Mosher (R-Ohio), John E. Moss (D-Cal.), Lucien N. Nedzi (D-Mich.), David R. Obey (D-Wis.).

Donald W. Riegle, Jr. (R-Mich.), Fred B. Rooney (D-Pa.), Frank Thompson, Jr. (D-N.J.), Charles Vanik (D-Ohio), Jim Wright (D-Tex.), Wendell Wyatt (R-Ore.), Gus Yatron (D-Pa.).

## ADM. RUFUS J. PEARSON, CAPITOL PHYSICIAN

(Mr. LANDRUM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LANDRUM. Mr. Speaker, on Wednesday, January 3, Rear Admiral Pearson, the Capitol Physician, retired from that position and from active naval service.

Knowing Dr. Pearson here at the Capitol these past few years has been a very rewarding experience for me, personally and professionally, and I am sure I speak for the other Members. He has served the Congress loyally and well, and is only the second man to occupy this position. Seeing increasing needs, he oversaw expansions of the services by personally setting about to provide the additional space and equipment to provide a first-rate job of attending the Members of Congress. His service here has been a credit to the Navy and the medical profession.

I just wanted to take this opportunity to wish my fellow Georgian and his wife the best of luck in their home in North Carolina, and we look forward to his dropping by to see us once in a while.

I would also like to say welcome to Dr. Cary, who was also born and raised in Georgia. He comes to the House with excellent credentials and we appreciate the fact that the Members of Congress will continue to have outstanding medical service available. I am certain we will all share as close a working relationship with Dr. Cary as we had with his distinguished predecessor.

## BUSING

(Mr. BEVILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BEVILL. Mr. Speaker, to prevent the busing or involuntary assignment of students in every State of the Union, I introduced on the first day of the 93d Congress a joint resolution which proposes an amendment to the Constitution of the United States. When adopted, it will prohibit any official or court of the United States issuing any order dealing with the transportation or busing of pupils from one school to another or one school district to another. It will also prohibit any student or students attending elementary or secondary school in their own neighborhood being forced to attend any other school against his or her choice or the choice of his or her parents or guardian.

The quality of education depends on three things: Teachers, curriculum, and public facilities. The solution to better schools is upgrading of those three factors. The high cost of busing could better be spent in improving the curriculum, physical facilities, and teachers salaries.

Recent Federal court decisions have turned the school boards' role in trying to provide quality education into a nightmare. Quotas according to race, busing little children across town out of their neighborhood environment and away from their neighborhood schools have caused nothing but grief to all concerned.

Education today is perhaps the most important function of State and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our society. An opportunity for a quality education is a right which must be made available to all on equal terms and without regard to race. It is against the interest of schoolchildren to attempt to use them as pawns to solve social conditions for which they have no degree of responsibility.

This amendment will prevent the further disruption of the school life of little children, the long bus rides which have been court-enforced, and the other harmful effects of Federal court-ordered schoolbusing.

## FEDERAL GOVERNMENT IN THE SUNSHINE—OPEN MEETINGS LEGISLATION

(Mr. FASCELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I have introduced H.R. 4, "the Federal Government in the sunshine" bill, with substantial bipartisan support. This is a vital step in our efforts to eliminate secrecy in government, to make the Congress more responsive to the people, and to strengthen the legislative branch of Government, by requiring that all meetings, with specified exceptions, be open to the public.

In testimony before the Mathias-Stevenson ad hoc hearings on congressional reorganization last month, John Gardner, chairman of Common Cause, succinctly summarized the need for the "government in the sunshine" bill. Mr. Gardner said:

> Doing the public's business in secret severs the link of accountability between the elected official and his constituents. What they can't see, they can't judge. Accountability depends on access.

The "sunshine" bill provides that access, both to the deliberative process of the House and Senate, and to the decisionmaking processes of the executive branch.

The bill I am introducing is identical to open meetings legislation sponsored in the 92d Congress in the Senate by Florida Senator LAWTON CHILES. I also sponsored the bill in the last Congress. It is patterned after the Florida "sunshine" law enacted in 1967, and its main provisions include:

A requirement that all meetings, including those to conduct hearings, of Government agencies, at which official action is taken, considered, or discussed, shall be open to the public, with specified exceptions; a requirement that most meetings of congressional committees shall be open to the public; a requirement that a transcript of all meetings described above be made available to the public; and court enforcement of the open meetings requirement for Federal agencies.

Exceptions to these provisions would be in matters relating to national defense and security; items required by statute to be kept confidential; meetings related to internal management of an agency or committee; or disciplinary proceedings which could adversely affect the reputation of an individual.

The provisions relating to the meetings of the House and Senate apply to all meetings, including executive sessions for markup of bills and conference committees. In the 92d Congress, 44 percent of all House committee meetings were closed to the public. In the Appropriations Committee, 92 percent of all meetings were conducted behind closed doors, and in the Ways and Means Committee, 63 percent were so conducted. Clearly, in my judgment, the public has a right to know how decisions were reached on how the taxpayers' money is to be allocated, and the Congress has the responsibility to insure that they do know.

I am not implying, nor would I, that actions taken by any committee in secret are actions which would have necessarily been different had the meetings been held in open session. The fact is, that the public and Members of Congress as well, ought to know how decisions were reached, what alternatives were considered and discarded, and why.

We in the Congress have only to gain from enactment of an open meetings law. The level of public confidence in the legislative process is seriously low. By insuring full access to our decisionmaking process, we can eliminate any uncertainties, and help to restore the public's confidence in its elected officials. We can increase the Congress accountability by increasing the public's access to Congress work.

We face a fundamental challenge with the convening of the 93d Congress. That challenge is whether the Congress will meaningfully reassert its initiative in the policymaking process, reestablish its role as a viable force for leadership and change, and assume its constitutional responsibility and authority. Enactment of the open meetings law would aid the Congress in its efforts to meet this challenge.

The unprecedented secrecy in the executive branch has been cited as one of the reasons for the steady erosion of congressional influence on Government policies. Congress, it has been said, exists today merely to ratify or modify proposals submitted by the Executive. Clearly this is an exaggeration but, nevertheless, if Congress and the public had access to the decisionmaking processes within the departments and agencies of Government, we could insure that the intent of Congress, as expressed in the legislation we enact, is carried out.

Unless Congress takes the initiative, the executive branch will continue to centralize all policymaking functions, keeping them from scrutiny by the Congress and the public. The Sunshine bill, by providing full access at all levels of government, will not only provide for greater accountability of the government to the people, but also, I believe, strengthen the role of Congress.

A frequent criticism of the open-meetings proposal is that it would encourage and foster secret preconference agreements which would then be approved, pro forma, in an open meeting. Clearly this possibility exists, and we must make certain that safeguards against the circumvention of the bill's intent are included in any legislation enacted.

In Florida, some officials did try to circumvent the State law by holding informal sessions in private. The Florida courts have ruled in such cases, however, that a secret meeting occurs when officials meet so as to avoid being seen or heard by the public, and that whether the meeting is formal or not, such secretive action violates the Sunshine Law. As a result of a series of State court decisions, all meetings of government officials must be, and I believe for the most part are, open to the public.

The bill, as now written, gives the U.S. district courts original jurisdiction over actions brought against any federal government agency which fails to comply with the bill's open meetings requirement. One of the issues which will have to be resolved during hearings is what enforcement procedure should be established for congressional meetings.

Mr. Speaker, on the Senate side, the chairman of the Government Operations' Subcommittee on Executive Reorganization and Government Research, Senator Abraham Ribicoff, has announced that hearings will be held on open meetings legislation early this year. I am hopeful that with broad, bipartisan support, similar hearings will be held by the Rules Committee in the House, and serious consideration will be given to this proposal early in the session.

I am inserting a list of those Members who have agreed to cosponsor H.R. 4 the Federal Government sunshine bill and the text of the bill. I urge all Members to study the bill's provisions carefully, and join with us in supporting this effort to make the Congress and the executive branch more responsive to the people.

The very concept of democracy implies open government, where the people can participate or at least know what actions affecting their lives are being taken. Yet, there are hundreds of examples of unnecessary secrecy throughout our Government, in the executive branch, the regulatory agencies and within the Congress as well.

The budget making and appropriations process is one area which most certainly should be open to public view and yet, as I discussed, is one of the most closed areas we have.

The people of Florida recognized this need when they passed the State sunshine law in 1967. The time has come for the Federal Government to take such positive action as well.

This bill, while forging new paths toward a more responsive government, is also a continuation of reforms that have already been achieved and steps that have already been taken. In the early 1950's Congress enacted what can be called a charter of citizen access by establishing the principle, under the Freedom of Information Act, that the work of the Government and its bureaucrats is really the work of the people and, as such, subject to review and inspection by the people. By removing the veil of secrecy that shrouded much government activity, the Freedom of Information Act focused rays of light on the dark recesses of Government files and bureaucratic conduct.

All this is to say that the task of letting sunshine into the operation of government is a continuing one—one that is guided by the simple standard that government acts best when its actions are known, its officials accountable, and its policies responsive.

I include the following:

### LIST OF SPONSORS

Mr. Fascell, Mr. Hamilton, Mr. Fish, Mr. Waldie, Ms. Abzug, Mr. Gude, Mr. Reuss, Mr. Udall, Mr. Gibbons, Mr. Rosenthal, Mr. Rees, Mr. Ware, Mr. Leggett, Mr. Charles H. Wilson, Mr. Zwach, Mr. Drinan, Mr. McCloskey, Mr. Yatron, Mr. Studds, Mr. Andrews of North Dakota, Mr. Helstoski, Mr. Brasco;

Mr. Conyers, Mr. O'Hara, Mr. Stokes, Mr. Mayne, Mr. Bell, Mr. W. C. (Dan) Daniel, Mr. Conte, Mr. Owens, Mr. Mazzoli, Mr. Podell, Mr. Rogers, Mr. Haley, Mr. Pritchard, Mr. Harrington, Mr. Moss, Mr. Fraser, Mr. Jones of Oklahoma, Mr. Gunter, Mr. Aspin, Mr. Zablocki, Mr. Hechler of West Virginia.

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### H.R. 4

A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) except as provided in subsection (b), all meetings (including meetings to conduct hearing) of any Government agency at which any official action is considered or discussed shall be open to the public.

(b) Subsection (a) shall not apply to that portion of any meetings in which the action or proposed action to be taken, considered, or discussed by an agency—

(1) relates to a matter affecting the national security,

(2) relates solely to the internal management of such agency,

(3) might tend to reflect adversely on the character or reputation of any individual who is subject to any proposed or potential sanction by such agency, or

(4) might divulge matters required to be kept confidential under (specified statutory provisions).

Provided, That this subsection does not authorize closed meetings or the withholding of information from the public except as specifically stated in this subsection, and is not authority to withhold information from Congress.

(c) Each agency subject to the requirements of this section shall, within one hundred and eighty days after the effective date of this Act, establish through publication in the Federal Register procedures for providing public notice of meetings required by this section to be open to the public. Such notice shall be given as far in advance of such meetings as is practicable, in order to facilitate attendance of such meetings by persons desirous of doing so.

Sec. 2. (a) Section 133(b) of the Legislative Reorganization Act of 1946 as amended by section 103(a) of the Legislative Reorganization Act of 1970 is amended as follows:

"(1) Each meeting (including meetings to conduct hearings) of each standing, select, special or conference committee of the Senate shall be open to the public, except when the committee determines that the matters to be discussed, or the testimony to be taken, relates to a matter of national security, relates solely to the internal management of such committee, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters required to be kept confidential under other provisions of law."

(2) Clause 27(f)(2) of rule XI of the Rules of the House of Representatives is amended to read as follows: "Each meeting (including meetings to conduct hearings) of each standing, select, special, or conference committee shall be open to the public, except when the committee determines that the matters to be discussed, or the testimony to be taken, relates to a matter of national security, relates solely to the internal management of such committee, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters required to be kept confidential under other provisions of law."

Sec. 3. A transcript shall promptly be made of each meeting which is open to the public pursuant to the provisions of this Act and copies of such transcript shall promptly be made available for public inspections and copying.

Sec. 4. The district courts of the United States shall have original jurisdiction of actions to render declaratory judgments or to enforce, by injunction or otherwise, the first section of this Act and section 3 insofar as it relates to that section. Such actions may be brought by any person in the district where such person resides, or has his principal place of business, or where the agency whose action is complained of resides.

Sec. 5. Definitions.—For the purpose of the Act—

(1) "Government agency" means each authority of the Government of the United States (whether or not it is within or subject to review by another Government agency) having more than one member, but does not include—

(a) the Congress

(b) the courts of the United States

(c) military authorities.

(2) "person" includes an individual, partnership, corporation, association, a public or private organization other than an agency.

Sec. 6. This Act shall take effect on the ninetieth day after the date of its enactment.

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## THE TAX EQUITY ACT OF 1973

Mr. CORMAN. Mr. Speaker, on January 3, 1973, I introduced, for appropriate reference, the bill, H.R. 1040, the Tax Equity Act of 1973, and a companion bill, H.R. 1041; 43 Members of the House have expressed their wish to cosponsor the Tax Equity Act of 1973 with me. I am confident that others will join this effort. The cosponsors of these bills are: Mr. Aspin, Mr. Bolling, Mr. Brown of California, Mr. Brademas, Mrs. Chisholm, Mr. Conyers, Mr. Danielson, Mr. Dellums, Mr. Dingell, Mr. Drinan, Mr. Dulski, Mr. Edwards of California, Mr. Eilberg, Mr. William D. Ford, Mr. Fraser, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Johnson of California, Mr. Kyros, Mr. McFall, Mr. Madden, Mr. Meeds, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Nix, Mr. Obey, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rees, Mr. Reuss, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Stokes, Mr. Studds, Mr. Van Deerlin, Mr. Waldie, and Mr. Charles H. Wilson of California.

Believing that comprehensive reform of the Federal taxing system is long overdue and absolutely essential if our tax laws are to provide the means of meeting our revenue needs equitably and adequately, and to promote economic growth, I introduced in the fall of 1971, along with 48 of my colleagues, the bill, H.R. 11058, the Tax Reform Act of 1972. The response to this initial effort, in and out of the Congress, was sufficiently positive and compelling to require reintroduction in the 93d Congress. Some changes have been made, all of which strengthen the bill toward achieving three main objectives: to obtain a more equitable Federal tax structure; to provide a more even-handed system by which the American businessman or individual investor can invest his capital; and to supply new and sufficient revenue to meet the costs of public needs.

In theory, our tax rates are progressive and should have the effect of placing the tax burden according to an individual's ability to pay. But a variety of special provisions have developed over the years as an increasing source of preferential treatment to various groups, thus making a mockery of the theory. Our taxing system is riddled with loopholes that deprive the Treasury of billions of dollars each year, weakening our competitive, free enterprise system and undermining the morale of the hardworking wage earner and small businessman to whom tax loopholes are not available. In 1969, more than 300 Americans with incomes in excess of $200,000 paid no income tax; 56 of these were millionaires. In 1970, more than 100 Americans with incomes of $200,000 paid no income tax. Yet, in 1971 an average worker earning $8,000 a year with a wife and two children paid $672, or 8.4 percent of his income, in Federal income tax.

The injustices of our taxing system are felt as deeply by the small businessman upon learning that the 24 largest oil companies with earnings of some $8.8 billion in 1968 paid taxes at a rate of only 8.7 percent. It is also felt by the fellow who drives the oil truck when he realizes that he pays a higher tax rate on his wages than his employer. And, it is felt by the family farmer who, though striving to make ends meet, must pay his taxes while many who are well-to-do buy farm property as a tax shelter and play weekend farmer.

One of the most damaging consequences of the present system is that the American taxpayer—individual or businessman—is forced to make investment decisions on the basis of tax advantages rather than on sound economic objectives, thus inviting a misallocation of resources. The system tends to block the flow of private capital to areas of investment that could maximize the development of the economy while still giving the investor a good return on his money. The Federal Government must extricate itself from the business of influencing decisions for investing private capital, for it is through the search for tax shelters that the tax base is narrowed, that the equitable distribution of the tax burden is upset, and that vast loopholes are created.

The impact of these loopholes on the Federal treasury is enormous. It becomes a loss of many billions of dollars a year. In the face of tremendous budget deficits, amounting to over $100 billion for the last 4 years, it is obvious that something must be done. We cannot afford these losses and deficits and still maintain a position of fiscal integrity. Neither can we afford them if we are to respond to the great volume of unmet needs which continue to cry for attention throughout the Nation.

Providing necessary revenue for public requirements is a must for the taxing system at any level of government. For the Federal Government the income tax is the major revenue raiser and providing sufficient revenue must be a prime aim of any reform effort. Our cities must be rehabilitated; improvement in our educational system must be made; redevelopment of rural areas is a serious concern; the Nation's health care crisis must be solved; adequate housing for people of low income must be provided; the condition of poverty in America must be minimized; and effective control of pollution must be maximized. We must begin to respond to these needs.

During the past few years these essentials have increased in intensity and multiplied in scope. Yet, in his record budget for fiscal year 1973, President Nixon's 5-year forecast of projected costs of existing and proposed programs would absorb all presently planned revenues. This means that no new programs can be inaugurated unless new taxes are levied, additional sources of revenue are found, or existing programs are scaled down or eliminated.

Many responsible and perceptive observers contend that the Federal Government must, if we are to resolve our vast domestic problems, increase its revenue. If this is so, and I believe it is, what are the choices? An across-the-board increase in the personal income tax rate? A surtax on personal income? Imposition of a national sales tax, better known as a value added tax—the most regressive of all tax systems? In my judgment, and in the judgment of my colleagues who have cosponsored H.R. 1040, the fairest way to produce more revenue is by reforming the tax system to achieve an equitable structure—in very simple language, abolish the variety of special exemptions and shelters embedded in our complex tax laws. I have been able to establish that by such reform we would add some $20 billion to the Federal treasury in 1974. When fully effective, the figure will rise substantially.

The Tax Equity Act of 1973 attempts to meet this goal. Its provisions would make our laws more equitable and more productive of revenue. The income tax would become a neutral factor in the selection of private capital investments. Our budget deficits would be reduced and in times of high economic activity, the deficit could be eliminated entirely. The economy would be strengthened as greater purchasing power would be channeled to individuals at the lower income levels who are more likely to spend their earnings than persons with higher incomes. A number of lower income people, while still responsible for substantial social security taxes, would be removed from the income tax rolls; a slight increase in the tax burden would be placed on upper income brackets, but would be offset in part by reducing the maximum rate from 70 to 50 percent. The net effect would be to provide sufficient revenue to finance the growing needs for public services.

Mr. Speaker, tax reform is the most urgent matter facing the 93d Congress. Nothing bears more directly on as many citizens, nor resists consensus more stubbornly than the question of how the costs of Government should be shared. But rising revenue needs and the ire of taxpayers at the inequities of our taxing system dictate that Congress can wait no longer to make essential reforms.

I urge my colleagues to examine the provisions of H.R. 1040 carefully. A summary of the bill follows. I hope that our tax laws will be reformed along the lines that H.R. 1040 proposes, for only through reforms as provided by this bill can we find our way back to fiscal responsibility and equitable tax treatment for the average American taxpayer—both necessary ingredients for a stable, prosperous and healthy economy, and for a democratic society.

Following is a summary of contents of the tax reform bill:

### Summary of Contents of Tax Reform Bill

#### *Section 1—Short title, etc.*

This section provides that the Act may be cited as the Tax Equity Act of 1973, and the section contains a table of contents of the bill.

#### *Section 2—Technical and conforming changes*

This section provides that the Secretary of the Treasury shall, within 90 days after the date of the enactment of the Act, submit to the Committee on Ways and Means a draft of any technical and conforming changes in the Internal Revenue Code which should be made to reflect the substantive amendments made by the bill. The bill, for example, does not attempt to make all conforming amendments to the cross references provisions within the Code or to the various tables of contents in the Code.

#### *Section 3—Treaties*

This section provides that every amendment made by the Act shall apply notwithstanding that its application may be contrary to the provisions of some treaty in effect on the date of the enactment of the Act.

### TITLE I—CAPITAL GAINS AND LOSSES

#### *Section 101—Repeal of alternative tax on capital gains*

This section repeals the alternative tax on capital gains for both individuals and corporations. As a result of this section and other amendments made by title I of the bill, capital gain income (for taxable years beginning after 1973) will not receive preferential treatment and will be taxed as ordinary income.

### *Section 102—Tax treatment of capital gains*

While capital gain income will be taxed as ordinary income under the amendments made by the bill, this section provides for a limited exemption from tax depending on the length of time the property has been held before it is sold. The exemption is granted in deference to the fact that if an asset has been held a long time, the gain measured by dollars is attributable to some extent to the declining value of the dollar.

This section assumes an inflation rate of 4 percent—looking at the past 15 years this is somewhat on the high side—and provides, in effect, that in computing the gain on a sale of property, the taxpayer can add to the tax basis of the property 4 percent of the tax basis of the property (at the time of the sale) for each year the property was held after it was held for one year. More precisely, it is provided that the addition to the tax basis shall be one-third of 1 percent of the tax basis for each full month the property was held after it had been held for one year. Thus, if the property is held for less than 13 full months, nothing is added to the tax basis in computing gain. If the property is sold after being held 63 full months (5 years and 3 months) 17 percent of the tax cost (51 months at one-third of 1 percent) would be added to the basis in computing gain.

It is provided, however, that the maximum amount which can be added to the tax basis is 60 percent. This maximum does not come into play until the property has been held for more than 16 years before sale. Under present law, an individual is taxed on only one-half of his capital gain if he holds the property for one day over 6 months. Under the bill, no one day can make a difference of more than one-third of 1 percent, and that percent is of the cost of the property—not the gain on its sale.

This provision for not taxing the gain to the extent attributable to inflation applies not only to capital assets but also to property used in a trade or business, such as a plant, machinery, or other depreciable equipment. It does not apply, of course, to property held for sale to customers in the ordinary course of business.

This section of the bill repeals a number of provisions in the Internal Revenue Code which become deadwood when capital gains are treated as ordinary income. Complicated provisions, such as those dealing with collapsible corporations and the recapture of depreciation deductions on sale of property at a gain, are not needed when preferential treatment of capital gains is eliminated. No greater blow can be struck for the cause of simplification of the income tax laws than to repeal, as the bill does, the preferential income tax treatment of capital gains.

### *Section 103—Limitation on deduction of capital losses*

Under existing law, capital losses are deductible only against capital gains plus, in the case of an individual, $1,000 of other income. This section of the bill provides that capital losses of a corporation are deductible only against gains from the sale of capital assets and property used in a trade or business. In the case of an individual, capital losses will be deductible only against such gains plus $1,000 of other income. Under present law, a long-term capital loss of $2 will offset only $1 of an individual's ordinary income. Under the bill, a capital loss of $1 will offset $1 of ordinary income (subject to the $1,000 limitation). Gains from the sale of property used in a trade or business do not include gains from the sale of property held primarily for sale to customers or gain from the sale of animals.

### *Section 104—Capital loss carrybacks and carryovers*

This provision grants relief to an individual who has an unused capital loss of at least $10,000 by allowing him to carry it back to the 3 preceding taxable years. Cases have arisen where a large capital gain in 1 taxable year is followed by a large capital loss in the following year which may never be utilized even with the unlimited carryforward.

Under present law, if a corporation has an unused capital loss of only a few hundred dollars, this unused loss must be carried back to the 3 preceding taxable years, with resulting refunds if there are net capital gains in any of the 3 years. It cannot be carried forward if it can be used up on a carryback. This section of the bill changes existing law by providing that a corporation (like an individual) cannot carry back an unused capital loss unless it exceeds $10,000.

The bill provides that the carryback is elective with the taxpayer, whether an individual or a corporation. This will make the carryback provision less of an administrative burden on the Internal Revenue Service for in many cases the taxpayer would rather not file a claim for refund of taxes paid in a prior year if the loss can be used on a carryover.

In the case of an individual, the carryover can be used to offset ordinary income up to $1,000 a year, but on a carryback the capital loss can be used only to offset capital gains. In the case of the death of an individual the bill provides that the net capital loss for the year of his death can be carried back even though the loss is less than $10,000.

Under present law, a capital loss of a corporation can be carried over only to 5 taxable years following the year of the loss. Under the bill, a corporation (like an individual) will have an unlimited carryover of a capital loss.

### *Section 105—Capital gain and capital loss defined*

This section amends the Code by striking out the definitions of short-term and long-term capital gains and losses since under the bill no distinction is made between short-term and long-term gains and losses. However, the bill defines the terms "capital gain" and "capital loss" since the deduction of capital losses is limited as explained above. The bill retains the definition in existing law of the term "capital asset".

### *Section 106—Nontaxed gains; carryover of basis at death*

Under present law, on the death of an individual his property receives a new basis for tax purposes—the fair market value used for purposes of the estate tax. Unrealized capital gains are, therefore, not taxed when the executor or the heirs sell any appreciated property held by the decedent. This section of the bill provides for a carryover of the decedent's basis, but the decedent's basis in appreciated property is increased by its proportionate share of Federal and State estate taxes attributable to the amount of the appreciation. This section would apply to decedents dying after June 30, 1973.

### *Section 107—Tax treatment of gain on certain sales of patents*

Since capital losses will continue to be deductible only against capital gains (plus an additional $1,000 in the case of an individual), it is important that ordinary income is not classified as capital gain income. Under existing law, gain on the sale by an individual of a patent is treated as capital gain even though the taxpayer is a professional inventor. This section of the bill repeals this provision, so that the sale of a patent by the person whose personal efforts created the patent will be treated as ordinary income and not capital gain income, just as the sale of a copyright produces ordinary income under existing law.

In addition, this section provides that capital gain treatment will not be granted in any case where the owner (whether a corporation or an individual) of a patent enters into an agreement (whether or not it constitutes a sale, license, or assignment) under which the seller or assignor of the patent receives payments measured by a percentage of the selling price of articles produced by the buyer or transferee of the patent or where the amounts received by the seller or transferor are measured by production, sale, or use by the assignee or licensee. Periodic receipts of this kind with respect to the sale or transfer of a patent are properly treated as royalty income rather than capital gain income.

## TITLE II—INCOME DERIVED FROM EXTRACTION OF MINERALS

### *Section 201—Repeal of percentage depletion*

This section of the bill repeals the allowance of percentage depletion for oil and gas and other minerals, effective with taxable years beginning after December 31, 1973.

### *Section 202—Deduction of intangible drilling costs and other exploration and development expenditures*

This section of the bill liberalizes the deduction of exploration expenditures for oil and gas. Under present law, intangible drilling and development costs are deductible as incurred, but geological and geophysical costs are capital expenditures to be recovered through the depletion allowance (or as a loss upon abandonment). This section provides that all expenses incurred for the exploration and development of all minerals, including oil and gas, are deductible at the election of the taxpayer, so long as the expenditures do not have the effect of sheltering from tax income from nonmineral sources.

To deal with the problem of the tax shelter, this section provides that the aggregate deduction for exploration and development of mineral properties during the taxable year cannot exceed the taxpayer's aggregate taxable income for the year from mineral properties (computed without regard to the deduction for exploration and development). Losses on drilling a dry hole, however, will continue to be deductible without regard to the limitation. Any amount disallowed as a deduction under this limitation will be treated as an amount expended in the following year for the exploration and development of mineral properties. In the normal situation, this limitation will not limit the deduction in the case of the taxpayer who is in the business of operating mineral properties, but it will put a stop to the current practice of peddling drilling funds as tax shelters to taxpayers who are not in the business of operating mineral properties.

### *Section 203—Repeal of maximum tax on certain sales of oil or gas properties*

This section of the bill repeals section 632 of the Internal Revenue Code which provides that the tax imposed on an individual on his sale of an oil or a gas property discovered by him shall not exceed 33 percent of the selling price.

### *Section 204—Income from mineral properties located outside the United States*

Under existing law, if a taxpayer goes into a foreign country to explore for and develop oil and gas wells or a mine, the deductible costs of exploration and development can be applied against income from sources within the United States. If the venture is successful and the mineral properties produce profits, the credit for foreign income taxes imposed upon those profits will, on the basis of past experience, completely offset the U.S. tax on those profits. The net result is that the United States Treasury loses revenue on account of the exploration and development in foreign countries of mineral properties and receives no revenue (because of the foreign tax credit) when the mineral properties produce profits. Moreover, if there is a loss on account of the expropriation of mineral properties by a foreign government, the deductible loss in the usual case has the effect of reducing the income taxes otherwise payable on income from sources within the United States.

To eliminate the losses to the Treasury on account of the exploration, development, and expropriation of foreign mineral properties, this section of the bill provides—

(1) a taxpayer will not include in his tax return amounts derived from the operation of a mineral property located outside the United States.

(2) no deduction shall be allowed for amounts chargeable to income so excluded from the tax return, or for any amount expended for the exploration or development of any mineral property located outside the United States, and

(3) losses on the sale, abandonment or expropriation of mineral properties located outside the United States shall be allowed only to the extent of gains from the sale of mineral properties located outside the United States.

The exclusion from gross income will not apply to profits derived from processing minerals after reaching the so-called cutoff point used in the past for percentage depletion purposes. Thus, profits from transporting minerals or in producing gasoline or refined metals will not be exempt. In addition, the exclusion from gross income will not apply to royalties received on mineral properties located outside the United States or to dividends on stock of any corporation operating mineral properties outside the United States.

### TITLE III—REFORM MEASURES AFFECTING PRIMARILY INDIVIDUALS

#### *Section 301—50-percent maximum rate for individuals*

Under present law, the maximum rate of tax on individuals is 70 percent. This section of the bill reduces the maximum rate to 50 percent. This reduction is justified in the light of the other provisions of the bill which broaden the income tax base, particularly the taxation of capital gains as ordinary income, and the elimination of the tax shelters allowed under present law.

#### *Section 302—Credit against tax for personal exemptions and nonbusiness deductions*

This section of the bill provides a credit against tax for the personal exemptions and other personal deductions of an individual, in lieu of the existing deductions from gross income for such items. Under present law, a deduction of $750 against gross income for a personal exemption is worth $525 to the taxpayer in the highest bracket, but only $107 to a taxpayer in the lowest bracket. This section of the bill provides that each taxpayer will receive the same tax benefit for his personal exemptions, and that the Treasury will "contribute" the same amount to all taxpayers with respect to deductible expenditures not connected with a trade or business or for the production of income.

A credit of 24 percent of the aggregate amount of the personal deductions is allowed by this section of the bill. The personal deductions include the deductions for personal exemptions, interest and taxes on nonbusiness indebtedness (such as taxes and interest on the taxpayer's home), deductions for charitable contributions, and deductions for medical expenses. If the taxpayer would have used the standard deduction instead of itemizing his deductions, then the 24-percent credit will be applied to the amount of the standard deduction the taxpayer would have received plus the amount of his personal exemptions. The credit will not be allowable with respect to alimony payments which would continue to be deductible from gross income as under existing law.

A credit of 24 percent of the personal deductions, instead of deducting such amounts from gross income, will reduce the income taxes of taxpayers in the lower brackets. For example, a married couple will two children having an adjusted gross income below $15,300 (and assuming nonbusiness deductions of 10 percent of income) will have a reduction in their income taxes.

This section provides that the President may increase or decrease the 24-percent rate if he decides that it is in the public interest to do so. If he decides that taxes on individuals should be reduced for a temporary period, he could proclaim an increase in the 24-percent rate, and if he believes that the taxes should be increased for a temporary period, he could proclaim that the 24-percent rate be decreased. The increase or decrease, however, cannot exceed 2 percentage points.

Any increase or decrease in the 24-percent rate by the President would not take effect if either House of the Congress, within a 60-day period after announcement of the proposed change in rate, passes a resolution stating in substance that a change in the 24-percent rate is not favored.

This section of the bill also provides that if the taxpayer is claiming a child as a dependent (and thereby receiving a credit of $180 against tax—24 percent of $750), the parent shall include in his gross income any income received by the child during the year from a trust created by the parent, and also any dividends, interest, or royalties received by the child from any property given to him by the parent. Income which is so taxed to the parent would not be taxed to the child. This provision would not apply if the parent does not choose to claim the child as a dependent.

#### *Section 303—Repeal of $100 dividend exclusion*

This section repeals the provision in present law that allows an individual to exclude from gross income $100 of dividends received on corporate stocks. Present law gives no similar exclusion in the case of interest received on savings accounts, a much more common form of investment by individuals in the lower brackets.

#### *Section 304—Limitation on deduction of interest on investment indebtedness*

Under existing law, if an individual's interest payments on indebtedness incurred to carry property held for investment exceeds the sum of the investment income plus $25,000, one-half of the interest in excess of that sum is disallowed as a deduction. This section reduces the $25,000 figure to $5,000 and provides that all—not just one-half—of the interest in excess of the sum of the investment income plus $5,000 is to be disallowed as a deduction. The amount which is disallowed as a deduction will be treated as investment interest paid in the following taxable year.

#### *Section 305—Elimination of vacation resort house as tax shelter*

This section eliminates as tax shelters such items as beach cottages, condominiums at ski resorts, mountain cabins, and the like, which the taxpayer uses for pleasure and rents when he can in order to obtain tax deductions greater than the rentals. The amendment would also apply to the rental of a house which is used by the taxpayer as his principal place of residence.

Under the amendment deductions for depreciation, repairs, insurance, agent fees in handling rentals, etc., would be allowed as deductions only up to the amount of rentals received during the year reduced by interest and taxes paid (and deducted) on the rental property. The rentals would not be taxed (except in the unusual case where they exceed all expenses) because they would be offset by allowable deductions; but the excess costs for repairs, depreciation, insurance, etc., could not be used to shelter income from other sources.

#### *Section 306—Disallowance of expense attending convention outside the United States*

This section disallows expenses of travel (including meals and lodging) of an individual in connection with attending a convention held outside the United States. As a general rule, such expenses are incurred primarily for pleasure rather than business. Thus, expenses of lawyers attending the American Bar Convention in London in 1971 would have been disallowed if the amendment had been in effect. The amendment applies to expenses incurred after the date of the enactment of the bill.

#### *Section 307—Farm losses*

The Tax Reform Act of 1969 provided for an excess deductions account in the case of farm losses in order to eliminate some of the tax shelter afforded by the use of the cash method of accounting in the case of farming. In order to deal more effectively with the problem of farm losses as a tax shelter, this section of the bill provides that farm losses can be deducted against nonfarm income only to the extent of $10,000 a year. Any amount of a farm loss which is disallowed under this provision will be treated as an expense of farming in the following taxable year.

This limitation on the deduction of a farm loss will not apply to a taxpayer whose nonfarm income is less than $20,000.

#### *Section 308—Computation of earnings and profits on a consolidated basis*

Some conglomerate companies have been paying dividends which are not fully taxable because the parent company does not have sufficient earnings and profits to cover the distribution although the consolidated group had earnings and profits during the year greater than the amount distributed. This section of the bill provides that the earnings and profits of a parent corporation for a year shall not be less for dividend purposes than the earnings and profits of the consolidated group for the year.

#### *Section 309—Dividend on certain sales of stock*

The Tax Court held that if a transaction is described in section 304 of the Code (which can produce dividend income if stock of one controlled corporation is sold to another controlled corporation) and is also described in section 351 (dealing with tax-free exchanges), then section 351 applies and not section 304. This section of the bill changes the rule of the Tax Court case and provides that the tax-free provisions of section 351 do not apply to the extent the application of section 304 produces an amount taxable as a dividend.

#### *Section 310—Termination of stock option provisions*

Under present law, an officer of a corporation is not taxed at the time he exercises a qualified stock option granted him for performance of services. If he sells the stock after 3 years, the compensation is taxed only as a capital gain. If he holds the stock until he dies, the compensation is never taxed. This section of the bill provides, in the case of options granted after 1972, that the compensation realized on exercise of a stock option will be taxed at the time of exercise as ordinary income.

The enactment of this amendment will be welcomed by many corporate shareholders. The liberal granting in the past of stock options has diluted, in some cases seriously, the equity ownership of shareholders of the companies who grant stock options. With the demise of tax-free stock options, management will no longer have to explain or contend to shareholders that authority to grant stock options is necessary to attract or keep "key employees".

### *Section 311—Disallowance of certain double deductions*

Present law provides that the expenses of administering an estate can be deducted by the executor on either the income tax return or the estate tax return, but not on both. The courts have held that expenses of the executor in selling property can be deducted in the estate tax return and can also be used on the income tax return as an offset against the selling price of the property. This section of the bill provides that such selling expenses cannot be used in the income tax return as an offset to the selling price if they are deducted as an expense of administration on the estate tax return.

### *Section 312—Treatment of trust income payable to children of grantor*

Under present law, a father can, in effect, deduct on his income tax return gifts to his children if he makes a gift out of income from stocks and agrees to do so for at least 10 years. To get that result, the parent need merely transfer stock to himself as trustee and agree to pay out to his children the income from that stock for 10 years, at which time the stock will be returned to him free of the trust. Use of short-term trusts in this manner is commonplace with affluent taxpayers who can afford to give some of their dividend income to their children.

This section of the bill provides that the income of such a trust will be taxed to the grantor (if he has a reversionary interest) so long as the income is payable to a child who is under the age of 21 years or who is attending college and is a dependent of the taxpayer for purposes of the credit for personal exemptions.

### *Section 313—Deductible losses of limited partner cannot exceed investment*

Limited partnership interests in syndicated tax shelters—such as drilling funds and real estate ventures—are being peddled with the sales pitch that the investor will enjoy a deduction on his income tax return of $2 for every dollar he invests in the fund or the venture. It is possible, under existing law, for a limited partner to take income tax deductions (for his share of partnership deductions) in excess of the amount which he has contributed to the capital of the partnership. This results because the existing regulations provide that a limited partner's tax basis will be increased by a portion of any partnership liability for which no partner has personal liability.

This section of the bill provides that a limited partner's share of partnership liabilities cannot exceed the difference between his actual contribution credited to him by the partnership and the total contributions he is obligated to make under the partnership agreement. The effect of this amendment will limit the deductions of a limited partner in any drilling fund or other tax shelter venture to the amount he has actually contributed to the capital of the partnership.

### *Section 314—Repeal of exemption for earned income from foreign sources*

Under present law, citizens of the United States can exclude from gross income certain amounts of income they earn in foreign countries if they are present in the foreign country for 17 out of 18 months or if they become a bona fide resident of the foreign country. The exclusion is $20,000 a year if the taxpayer meets the 17 out of 18 month test and is $25,000 a year if he is a bona fide resident of the foreign country. This section of the bill denies such exclusion from gross income in the case of taxable years beginning after the date of enactment. The foreign tax credit will prevent double taxation of the income if the foreign country also taxes the earned income.

### *Section 315—Underpayments of estimated tax*

This section provides that an individual cannot base his estimated tax payments on the prior year's tax (or at the current year's rates applied to the prior year's facts) if in any one of the 3 preceding taxable years the tax shown on his return was in excess of $100,000.

## TITLE IV—REFORM MEASURES AFFECTING PRIMARILY CORPORATIONS

### *Section 401—Repeal of investment credit*

The investment credit is a massive subsidy to corporations for their purchase of machinery and equipment, nearly all of which would be purchased in the absence of the subsidy. The subsidy granted by the investment credit for the calendar year 1974 will amount to over $4 billion if the credit is not repealed. This section of the bill terminates the investment credit, effective with respect to property placed in service on or after January 1, 1974.

### *Section 402—Repeal of asset depreciation range system*

In 1962, the Treasury issued guidelines specifying the number of years over which different kinds of assets could be depreciated. Through the "reserve ratio test", a direct link was maintained between the depreciation claimed by taxpayers and the actual "wearing out" of equipment. Taxpayers were not allowed to depreciate for tax purposes more rapidly than they were actually replacing the equipment.

In January, 1971, the Treasury announced some major changes. Businessmen were allowed to take guideline lives 20 percent shorter than previously. Thus, an asset which previously had a guideline life of 10 years could now be depreciated over 8 years. In addition, the reserve ratio test was repealed. These changes were given legislative approval in the Revenue Act of 1971.

This section repeals the ADR system and reinstates the reserve ratio test, for taxable years beginning after December 31, 1972. The amendment will increase revenues by approximately $800 million for 1973, $2.9 billion for 1975, and over $4 billion for 1977. By the end of 1980, this repeal of ADR will increase revenues by more than $26 billion.

### *Section 403—Depreciation deduction not to exceed book depreciation*

Under present law, a corporation cannot use the LIFO method of valuing inventories for income tax purposes unless it uses the same method in reporting its earnings to shareholders. The obvious rationale of this rule is that if LIFO is not considered by a corporation as a correct method for reporting earnings to shareholders, then that corporation is not entitled to use the LIFO method in reporting its earnings on the tax return.

For a similar reason, this section of the bill provides that a corporation cannot take depreciation deductions for a taxable year in an aggregate amount in excess of the depreciation taken into account in reporting earnings for the year to shareholders. Thus, if a corporation on its books computes depreciation for equipment on a straight-line basis with a 30-year life, it cannot have a larger deduction on the tax return by using the double declining balance method or a shorter life. Moreover, in the case of a publicly held company whose annual report to shareholders is certified to by independent certified public accountants, it can generally be presumed that the charge for depreciation recorded on the books is a fair and honest estimate of the actual cost of depreciation for the year. If a larger deduction for depreciation is allowed on the tax return, then the depreciation allowance becomes a subsidy and not a reasonable allowance for the exhaustion of machinery and equipment.

In the case of an affiliated group of corporations, regulations will prescribe whether the report by the common parent corporation to its shareholders, rather than the report of subsidiaries to the parent, will be taken into account for purposes of this amendment.

### *Section 404—Deduction for repairs limited to amount recorded on books*

This section of the bill, for the reasons set forth in the preceding section dealing with depreciation, prohibits the deduction by a corporation of an expenditure for repairs if the corporation capitalizes the expenditure on its books for the purpose of reporting to shareholders its earnings and profits for the year.

### *Section 405—Limitations on dividends received deductions*

Subsection (a) of this section of the bill provides that the dividends received deduction cannot exceed 85 percent of taxable income (computed without regard to the net operating loss carryback). The chief effect of this is to change present law which allows a full deduction for 85 percent of dividends received if this deduction will produce or increase a net operating loss for the taxable year. The amendment also provides that any amount disallowed for the taxable year because of the net income limitation shall be allowed as a deduction for the following taxable year if there is sufficient taxable income in that year. This gives the taxpayer a carryover which he does not have under present law.

Subsection (b) provides that dividends received from an unaffiliated corporation shall be reduced (for purposes of the dividends received deduction) by the amount of any interest on indebtedness incurred or continued to purchase or carry the stock of the unaffiliated corporation. An unaffiliated corporation is any corporation except one that is a component member of a controlled group of corporations which includes the taxpayer.

This section of the bill also provides that if the aggregate amount of dividends received during the year from unaffiliated corporations (after first being reduced by any interest paid as provided in the preceding paragraph) exceeds the amount of dividends paid by the corporation during the taxable year, no dividends received deduction shall be allowed with respect to the excess. Thus, if no dividends are paid by the taxpayer, no dividends received deduction can be claimed for dividends received from unaffiliated corporations. However, the amount which is so disallowed shall be treated as a dividend received in the following year for purposes of the dividends received deduction. Moreover, if dividends paid during a taxable year exceed the dividends received during the year from unaffiliated corporations, the amount of the excess will be treated as a dividend paid in the following year for purposes of the dividends received deduction.

### *Section 406—Use of appreciated property to redeem stock*

Under present law, if a corporation redeems stock with appreciated property, gain is recognized except in certain cases. One of the exceptions is where stock or securities are distributed pursuant to a court proceeding under the antitrust laws. This section provides that the stock or securities must have been acquired before January 1, 1970, in order for the exception to apply. It is not believed corporations which have violated the antitrust laws should have a tax benefit not available to other corporations who distribute appreciated securities.

### *Section 407—Recognition of gain on sales in connection with certain liquidations*

If a corporation adopts a plan of complete liquidation and the liquidation is completed within 12 months, under existing law (section 337 of the Internal Revenue Code) the corporation is not taxed on gains realized on the sale of property during the period of liquidation. Gains on sale of inventory, however, are exempt from tax only if the inventory is sold in bulk to one purchaser.

This section makes three amendments to section 337. First, it is provided that section 337 shall apply only if at the time of the adoption of the plan of liquidation the corporation has less than 11 shareholders.

Second, it is provided that gain on the sale of inventory shall be taxable even though section 337 otherwise applies.

The third change deals with the problem which has been presented in some cases where shareholders of the liquidating corporation transferred, after adoption of the plan to liquidate and before the corporation distributes its tax-free gains, some or all of their stock to tax-exempt charities (usually their private foundations). This amendment of section 337 insures that one tax will be imposed in such cases by providing that if tax-exempt organizations receive X percent of the amounts distributed in liquidation, then the same percent of the gains realized by the corporation during the course of the liquidation will be subject to tax at the corporate level.

### *Section 408—Denial of tax-free exchanges in case of investment companies*

In 1966 tax-free exchanges of appreciated stock for shares of mutual funds (so-called swap funds) were brought to an end by an amendment which provided that section 351 of the Code would not apply to transfers to an investment company. That amendment did not complete the job. For years the Massachusetts Investment Trust, and other mutual funds, have been issuing their shares to acquire all of the stock or assets of family held personal holding companies, and these exchanges are treated under section 368 as tax-free reorganizations. This is nothing but swap funding to obtain diversification plus a readily marketable security. The amendment would make such exchanges taxable and it would also make mergers of two investment companies taxable.

### *Section 409—Certain transactions disqualified as reorganizations*

This section of the bill provides that there cannot be a tax-free reorganization if the shareholders of the smaller company involved in the transaction end up with less than 20 percent of the voting stock of the surviving corporation in a merger or of the acquiring corporation in the case of a so-called B reorganization (stock-for-stock) or a so-called C reorganization (stock-for-assets). If a conglomerate company whose stock is listed on the New York Stock Exchange issues less 20 percent of its voting stock to acquire the stock or assets of a company whose stock is not listed, it is more realistic to treat the shareholders of the unlisted company as having sold out for a marketable security rather than having taken part in a reorganization of their company. A similar provision was contained in the House version of the Internal Revenue Code of 1954.

### *Section 410—Repeal of special treatment of bad debt reserves of financial institutions*

This section of the bill provides that banks and other financial institutions who now are allowed to take special deductions for reserves for bad debts will, in the case of taxable years beginning after 1973, compute any addition to a reserve for bad debts on the basis of the actual experience of the taxpayer, the rule which is applied to all other corporations.

### *Section 411—Repeal of deduction for Western Hemisphere trade corporations*

This section of the bill repeals the special deduction now allowed domestic corporations who obtain most of their income from foreign countries in the Western Hemisphere.

### *Section 412—Taxation of undistributed profits of foreign corporations*

At the present time, American corporations do not have to pay income taxes to the Federal Government on the earnings of their controlled foreign subsidiaries so long as the earnings are undistributed. These earnings, however, are generally taken into account by the parent company in reporting earnings to its shareholders. This tax deferral constitutes an important incentive for U.S. corporations to set up plants in foreign countries. This section of the bill provides for the taxation on a current basis of the undistributed earnings of controlled foreign corporations.

### *Section 413—Involuntary conversions*

This section provides that if gain on an involuntary conversion of property is not recognized because the taxpayer purchases stock of a corporation owning property of the kind which was converted, the basis of that property in the hands of the corporation shall be reduced by the amount of gain not recognized on account of the purchase of the stock.

### *Section 414—Computation of overpayments of estimated tax*

This section of the bill provides that a corporation cannot compute its estimated income tax payments on the basis of the prior year's tax (or on the basis of the prior year's facts and the current year's rates) if in any one of the 3 preceding taxable years the tax shown on its return was in excess of $300,000.

## TITLE V—REFORMS AFFECTING INDIVIDUALS AND CORPORATIONS

### *Section 501—Minimum tax*

This section makes a number of changes in the minimum tax. First, it repeals the provision of existing law that allows regular income taxes to be deducted from the items of tax preference. Second, the $30,000 exemption for tax preferences is reduced by the bill to $12,000.

Third, the following items are added to the list of items which constitute tax preferences:

(1) Deduction of intangible drilling and development costs for oil and gas wells.

(2) Deduction of exploration and development costs in the case of mines.

(3) Tax-exempt interest on State and local bonds (issued before January 1, 1974).

(4) The credit against the United States tax allowed for foreign income taxes.

(5) The amount of amortization for coal mine safety equipment.

Another provision is added to avoid a tax on an item of preference if the taxpayer obtained no tax benefit from the item. This provision will permit a taxpayer to elect to waive a deduction for an item of tax preference, in which case the item would not be taken into account for the minimum tax. However, such waiver can be made only at such time and subject to such terms and conditions as may be set forth in regulations promulgated by the Secretary or his delegate.

Finally, this section of the bill strikes from existing law the provisions which treat tax preferences attributable to foreign sources more favorably than preferences attributable to sources within the United States.

### *Section 502—Deduction for depreciation based on equity on rental real estate*

This section provides that in the case of a building which the taxpayer rents to others, the deduction for depreciation cannot exceed the taxpayer's equity in the building and the land. That is, no additional deductions for depreciation will be allowed (including existing buildings) to the extent it would reduce the adjusted basis of the building below the unpaid balance of the mortgage on the land and building (minus the tax cost of the land). However, until the depreciation deductions equal the equity, the depreciation would be computed on the entire cost of the building and not on the amount of the equity. This amendment would not apply to a building if the primary use is by the taxpayer and not the tenants. This amendment would practically eliminate real estate ventures as tax shelters for investors.

### *Section 503—Charitable gifts of appreciated property*

Under existing law, if capital assets which have appreciated in value are given to a private foundation, the charitable deduction is reduced by one-half of the long-term capital gain the individual would have had if he had sold the property at fair market value. However, in the case of gifts of noncapital assets to any charitable organization, the amount of the charitable deduction is reduced by the amount of the ordinary gain the taxpayer would have received if he had sold the property at fair market value. Since title I of the bill eliminates the preferential treatment of capital gain income, this section of the bill provides that if appreciated property (whether or not a capital asset) is contributed to any charitable organization, the amount of the charitable contribution shall be reduced by the amount of gain which would have been realized if the property contributed had been sold by the taxpayer at its fair market value (determined at the time of such contribution). In computing the amount of such gain, there will be excluded the amount of any gain which is exempt from tax under the provisions of section 1202 of the Code, as amended by section 102 of this bill.

### *Section 504—Capital expenditures in developing fruit or nut groves or vineyards*

Present law requires the capitalization of expenditures incurred during the development stage in planting citrus or almond groves. This section of the bill extends the rule of capitalization of expenses incurred before the time when the productive stage is reached in the case of any other fruit or nut grove or any vineyard planted after June 30, 1973.

### *Section 505—Repeal of tax exemption for ships under foreign flag*

This section of the bill repeals the provisions of existing law which state that a nonresident alien or a foreign corporation (even though 100 percent owned by a U.S. corporation or an American citizen) is not taxable on income derived within the United States from the operation of ships documented under the laws of a foreign country which grants an equivalent exemption to United States citizens or corporations.

### *Section 506—Limitations on foreign tax credit*

The first amendment made by this section of the bill provides that a foreign tax credit shall not be allowed for any foreign tax on income which is excluded from the taxpayer's gross income so far as the Federal income tax is concerned. In addition, any foreign income tax paid on a gain realized by an individual or domestic corporation which is not recognized under the Internal Revenue Code would likewise be a noncreditable tax. The basic rationale for this amendment is that the foreign tax credit is supposed to eliminate double taxation on income. If the United States does not tax the income, there is no reason to give a credit for the foreign tax paid on that income by the taxpayer.

The second amendment made by this section provides that the foreign tax credit shall be subject to both the per country limitation and the overall limitation. This was the applicable rule from 1932 to 1954.

The third amendment made by this section provides two new rules with respect to the treatment of certain gains on the sale of property for foreign tax credit purposes. The first rule is that in computing taxable income for purposes of the per country and overall limitations, there shall be excluded any gain on the sale of a capital asset, or property used in a trade or business, if such gain is treated as income from sources outside the United States unless the gain is taxed by a foreign country. Most gains on sales of such property are not taxed by foreign countries and treating such gains as foreign income for purposes of the limitations can result in a reduction of the tax which the Federal Government collects on income of the taxpayer from U.S. sources.

The second rule added by the amendment is that for purposes of the limitations the U.S. tax (against which credit can be taken) shall be reduced by the U.S. tax on any gain excluded from taxable income under the first rule described above.

### TITLE VI—ESTATE TAX AMENDMENTS

### *Section 601—Integration of estate tax rate with inter vivos gifts*

The main defect of the present estate and gift tax system is that it discriminates in favor of those who give away their wealth partly through lifetime gifts and partly at death, as against those who pass on all their wealth at death. In part, this is because both the gift tax and estate tax schedules are progressive. Thus, the man who transfers property both by gift and at death gets to start at the bottom of two separate, progressive rate structures. In practice, as pointed out in the 1968 Treasury *Studies and Proposals*, this is primarily of benefit to the very rich.

Thus, if a decedent made gifts of $2 million during his lifetime and leaves $3 million at his death, the rate of tax on the $3 million starts with the bottom tax brackets and produces a much smaller tax than would be produced if the $3 million were "stacked" on top of the $2 million lifetime gifts. The result is that wealthy individuals can substantially reduce the tax on transfers of property by making substantial gifts during lifetime.

This section of the bill would integrate the estate tax rate with *inter vivos* gifts so that the tax brackets for property transferred at death are determined by the amount of taxable gifts made during the decedent's lifetime (and after 1972). Under this amendment, a tentative tax is first computed on the amount of the taxable estate at death increased by the amount of the taxable lifetime gifts (made after 1972) plus the gift tax paid by the decedent on those gifts. Then, a second tentative estate tax is computed on an amount equal to such gifts plus the gift taxes paid. The difference between the two tentative taxes constitutes the estate tax payable on the property transferred at the time of death.

### *Section 602—Transfers taking effect at death*

Before the enactment of the 1954 Code, if a taxpayer transfered property to a trust which provided that the income should be accumulated during the grantor's life and upon his death the trustee should pay the corpus and accumulated income to his children, such a transfer was included in the decedent's gross estate as a transfer taking effect at death. The 1954 Code provided that such a transfer will be included in the gross estate only if the decedent retained a reversionary interest equal to 5 percent of the value of the property. This section of the bill strikes out the 5-percent reversionary interest test since it is completely a nonsequitur in a statute which imposes an estate tax on a lifetime transfer of an interest which can be possessed or enjoyed only by surviving the transferor. This amendment would apply to transfers made after December 31, 1972.

### *Section 603—Life insurance included in gross estate*

Prior to the 1954 Code, life insurance on a decedent's life was includible in his gross estate to the extent he paid the premiums on the policy. In such a case it was immaterial whether he had given the policy to members of his family before his death. This section of the bill restores the premium payment test in the case of life insurance, so that the insurance will be included in the insured's gross estate in the ratio that the premiums paid by the decedent on the insurance policy bears to all premiums paid on that policy. In applying this rule the premiums paid by the decedent before January 1, 1973, shall not be included in the numerator of the fraction but would be included in the denominator.

### *Section 604—Charitable deductions in the case of estate tax*

The first amendment made by this section of the bill places a limitation on the charitable deduction for estate tax purposes, similar to what we have for the income tax. Under present law, a decendent can give his entire estate to a private foundation created by his will, and no Federal estate tax will be imposed. This amendment provides that the aggregate charitable deduction shall not exceed 50 percent of the gross estate reduced by the debts of the decedent and the expenses of administration.

The second amendment deals with the interplay of the charitable deduction and the marital deduction for estate tax purposes. The marital deduction cannot exceed 50 percent of the adjusted gross estate (gross estate less debts, losses, and expenses of administration). Cases have arisen where executors have claimed, in order to raise the amount of the adjusted gross estate for purposes of the marital deduction, that transfers made to charities during the decedent's lifetime were includible in the gross estate. Increasing the gross estate for such lifetime transfers produced no estate tax for the charitable deduction was increased by the same amount, but a larger maximum deduction was allowed for bequests to the surviving spouse. This amendment provides that in computing the adjusted gross estate there shall be excluded any transfer made by the decedent during his lifetime if an estate tax charitable deduction is allowed for that transfer.

### TITLE VII—STATE AND LOCAL OBLIGATIONS

### *Section 701—Repeal of exemption for interest on new issues of State and local bonds*

This section of the bill provides that interest on State and local bonds issued after December 31, 1973, will not be exempt from Federal income taxation. In the case of interest on State and local obligations issued before January 1, 1974, such interest will continue to be exempt from taxation, but section 501 of the bill provides that such interest will be treated as an item of tax preference for purposes of the minimum tax.

### *Section 702—United States to pay 50 percent of interest yield on State and local obligations*

This section provides that the Federal Government will pay 50 percent of the interest yield on State and local obligations issued after December 31, 1973. A similar provision was in the Tax Reform Act of 1969 as it passed the House. The payment of interest by the Federal Government will not apply in the case of any industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code). This section provides that upon the request of the State or local government, the liability of the United States to pay interest to the holders of the bond shall be handled through the assumption by the United States to pay a separate set of interest coupons issued with the bond. Otherwise, the obligation of the United States to pay half of the interest yield will be made directly to the issuer of the obligation.

TABLE 1.—FEDERAL INDIVIDUAL INCOME TAX BURDEN IN 1973 UNDER PRESENT LAW AND UNDER A PROPOSAL TO SUBSTITUTE A 24-PERCENT TAX CREDIT FOR THE $750 PERSONAL EXEMPTION AND FOR NONBUSINESS DEDUCTIONS[1]—SINGLE PERSON

| Adjusted gross income[2] | Income tax: Under present law | Income tax: Under the proposal |
|---|---|---|
| Assuming nonbusiness deductions of 10 percent of income: | | |
| $2,050[3] | 0 | |
| $2,500 | $63 | |
| $2,958[4] | 131 | 0 |
| $3,000 | 138 | $8 |
| $3,500 | 217 | 103 |
| $4,000 | 302 | 198 |
| $5,000 | 491 | 408 |
| $7,500 | 995 | 978 |
| $8,038[5] | 1,107 | 1,107 |
| $10,000 | 1,530 | 1,550 |
| $12,500 | 2,059 | 2,145 |
| $15,000 | 2,703 | 2,860 |
| $17,500 | 3,443 | 3,680 |
| $20,000 | 4,255 | 4,570 |
| $25,000 | 5,895 | 6,410 |
| $30,000 | 7,703 | 8,490 |
| $40,000 | 11,915 | 13,250 |
| $50,000 | 16,415 | 18,810 |
| Assuming nonbusiness deductions of 18 percent of income: | | |
| $2,050[3] | 0 | 0 |
| $2,500 | 63 | 0 |
| $2,958[4] | 131 | 0 |
| $3,000 | 138 | 8 |
| $3,500 | 217 | 103 |
| $4,000 | 302 | 198 |
| $5,000 | 491 | 408 |
| $7,500 | 984 | 966 |
| $8,165[5] | 1,098 | 1,098 |
| $10,000 | 1,458 | 1,478 |
| $12,500 | 1,965 | 2,055 |
| $15,000 | 2,509 | 2,692 |
| $17,500 | 3,094 | 3,404 |
| $20,000 | 3,722 | 4,186 |
| $25,000 | 5,140 | 5,930 |
| $30,000 | 6,730 | 7,914 |
| $40,000 | 10,315 | 12,482 |
| $50,000 | 14,415 | 17,850 |

[1] These burdens have been computed without use of the optional tax table.

[2] Wages and salaries.

[3] Highest level at which there is no tax under present law.

[4] Highest level at which there is no tax under the proposal.

[5] Level at which tax is the same under present law and under the proposal.

TABLE 2.—FEDERAL INDIVIDUAL INCOME TAX BURDEN IN 1973 UNDER PRESENT LAW AND UNDER A PROPOSAL TO SUBSTITUTE A 24-PERCENT TAX CREDIT FOR THE $750 PERSONAL EXEMPTION AND FOR NONBUSINESS DEDUCTIONS[1]—MARRIED COUPLE WITH NO DEPENDENTS

| Adjusted gross income[2] | Income tax: Under present law | Income tax: Under the proposal |
|---|---|---|
| Assuming nonbusiness deductions of 10 percent of income: | | |
| $2,800[3] | 0 | 0 |
| $3,000 | $28 | 0 |
| $3,500 | 98 | 0 |
| $4,000 | 170 | 0 |

TABLE 2.—FEDERAL INDIVIDUAL INCOME TAX BURDEN IN 1973 UNDER PRESENT LAW AND UNDER A PROPOSAL TO SUBSTITUTE A 24-PERCENT TAX CREDIT FOR THE $750 PERSONAL EXEMPTION AND FOR NONBUSINESS DEDUCTIONS[1]—MARRIED COUPLE WITH NO DEPENDENTS—Con

| Adjusted gross income[2] | Income tax: Under present law | Income tax: Under the proposal |
|---|---|---|
| $4,274[4] | $211 | 0 |
| $5,000 | 322 | $138 |
| $7,500 | 753 | 613 |
| $10,000 | 1, 190 | 1, 100 |
| $12,500 | 1, 628 | 1, 575 |
| $14,333[5] | 2, 003 | 2, 003 |
| $15,000 | 2, 150 | 2, 170 |
| $17,500 | 2, 760 | 2, 840 |
| $20,000 | 3, 400 | 3, 540 |
| $25,000 | 4, 700 | 5, 060 |
| $30,000 | 6, 200 | 6, 800 |
| $40,000 | 9, 710 | 10, 820 |
| $50,000 | 13, 820 | 15, 500 |
| Assuming nonbusiness deductions of 18 percent of income: | | |
| $2,800[3] | 0 | 0 |
| $3,000 | 28 | 0 |
| $3,500 | 98 | 0 |
| $4 000 | 170 | 0 |
| $4,274[4] | 211 | 0 |
| $5,000 | 322 | 138 |
| $7.500 | 744 | 601 |
| $10,000 | 1, 133 | 1, 028 |
| $12,500 | 1, 545 | 1, 485 |
| $14,773[5] | 1, 955 | 1, 955 |
| $15,000 | 1, 996 | 2, 002 |
| $17,500 | 2, 473 | 2, 564 |
| $20,000 | 2, 985 | 3, 156 |
| $25,000 | 4, 100 | 4, 580 |
| $30,000 | 5, 372 | 6, 224 |
| $40,000 | 8, 387 | 10, 052 |
| $50,000 | 11, 915 | 14, 540 |

[1] These burdens have been computed without use of the optional tax table.

[2] Wages and salaries.

[3] Highest level at which there is no tax under present law.

[4] Highest level at which there is no tax under the proposal.

[5] Level at which tax is the same under present law and under the proposal.

TABLE 3.—FEDERAL INDIVIDUAL INCOME TAX BURDEN IN 1973 UNDER PRESENT LAW AND UNDER A PROPOSAL TO SUBSTITUTE A 24-PERCENT TAX CREDIT FOR THE $750 PERSONAL EXEMPTION AND FOR NONBUSINESS DEDUCTIONS[1]—MARRIED COUPLE WITH 2 DEPENDENTS

| Adjusted gross income[2] | Income tax: Under present law | Income tax: Under the proposal |
|---|---|---|
| Assuming nonbusiness deductions of 10 percent of income: | | |
| $4, 300[3] | 0 | 0 |
| $5, 000 | $98 | 0 |
| $6, 168[4] | 270 | 0 |
| $7, 500 | 484 | $253 |
| $10, 000 | 905 | 740 |
| $12, 500 | 1, 309 | 1, 215 |
| $15, 000 | 1, 820 | 1, 810 |
| $15, 333[5] | 1, 893 | 1, 893 |
| $17, 500 | 2, 385 | 2, 480 |
| $20, 000 | 3, 010 | 3, 180 |
| $25, 000 | 4, 240 | 4, 700 |
| $30, 000 | 5, 560 | 6, 440 |
| $40, 000 | 9, 080 | 10, 460 |
| $50, 000 | 13, 100 | 15, 140 |
| Assuming nonbusiness deductions of 18 percent of income: | | |
| $4,300[3] | 0 | 0 |
| $5,000 | 98 | 0 |
| $6,168[4] | 270 | 0 |
| $7,500 | 476 | 241 |
| $10,000 | 848 | 668 |
| $12,500 | 1, 238 | 1, 125 |
| $15,000 | 1, 666 | 1, 642 |
| $15,909[5] | 1, 830 | 1, 830 |
| $17,500 | 2, 117 | 2, 204 |
| $20,000 | 2, 610 | 2, 796 |
| $25,000 | 3, 680 | 4, 220 |
| $30,000 | 4, 892 | 5, 864 |
| $40,000 | 7, 802 | 9, 692 |
| $50,000 | 11, 240 | 14, 180 |

[1] These burdens have been computed without use of the optional tax table.

[2] Wages and salaries.

[3] Highest level at which there is no tax under present law.

Highest level at which there is no tax under the proposal.

[5] Level at which tax is the same under present law and under the proposal.

TABLE 4.—FEDERAL INDIVIDUAL INCOME TAX BURDEN IN 1973 UNDER PRESENT LAW UNDER A PROPOSAL TO SUBSTITUTE A 24-PERCENT TAX CREDIT FOR THE $750 PERSONAL EXEMPTION AND FOR NONBUSINESS DEDUCTIONS[1]—MARRIED COUPLE WITH FOUR DEPENDENTS

| Adjusted gross income[2] | Income tax: Under present law | Income tax: Under the proposal |
|---|---|---|
| Assuming nonbusiness deductions of 10 percent of income: | | |
| $5,800[3] | 0 | 0 |
| $7,500 | 331 | 0 |
| $8,055[4] | $245 | 0 |
| $10,000 | 620 | $380 |
| $12,500 | 1, 024 | 855 |
| $15,000 | 1, 490 | 1, 450 |
| $16,167[5] | 1, 747 | 1, 747 |
| $17,500 | 2, 040 | 2, 120 |
| $20,000 | 2, 635 | 2, 820 |
| $25,000 | 3, 820 | 4, 340 |
| $30,000 | 5, 180 | 6, 080 |
| $40,000 | 8, 465 | 10, 100 |
| $50,000 | 12, 380 | 14, 780 |
| Assuming nonbusiness deductions of 18 percent of income: | | |
| $5,800[3] | 0 | 0 |
| $7,500 | 238 | 0 |
| $8,258[4] | 334 | 0 |
| $10,000 | 569 | 308 |
| $12,500 | 953 | 765 |
| $15,000 | 1, 342 | 1, 282 |
| $16,489[5] | 1, 605 | 1, 605 |
| $17,500 | 1, 787 | 1, 844 |
| $20,000 | 2, 238 | 2, 436 |
| $25,000 | 3, 260 | 3, 860 |
| $30,000 | 4, 412 | 5, 504 |
| $40,000 | 7, 217 | 9, 332 |
| $50,000 | 10, 565 | 13, 820 |

[1] These burdens have been computed without use of the optional tax table.

[2] Wages and salaries.

[3] Highest level at which there is no tax under present law.

[4] Highest level at which there is no tax under the proposal.

[5] Level at which tax is the same under present law and under the proposal.

## RECAPTURE DELEGATED POWER

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GROSS. Mr. Speaker, it has been a little over 5 years since Congress abdicated one of its chief responsibilities and handed over to the President the authority to fix the salaries of Members of Congress, along with the authority to fix the salaries of Federal judges and top Cabinet executives.

Four years ago, this House passively accepted the Executive munificence increasing Members' pay from $30,000 to $42,500. The time has again rolled around for the President to exercise the authority which a pussyfooting Congress delegated to him. But for those who might have been expecting another quadrennial Valentine windfall, the President's announcement of last December 11 must have come as a jolt. In completing the appointments to the Quadrennial Commission on Executive, Legislative, and Judicial Pay, the President requested that the Commission submit its report to him on June 30, 1973, in compliance with the letter of the law. Therefore, the recommendations he makes, based on the Commission report, will come to the Congress when he submits the 1975 budget in early 1974.

The White House announcement then explains:

> The salary adjustments, if any, will thus go into effect in about March 1974, unless they are disapproved by either House of Congress.

Mr. Speaker, with this background, I have introduced two pieces of legislation. The first would repeal the Quadrennial Commission on Executive, Legislative, and Judicial Salaries and return to the Congress these essential pay-fixing duties and responsibilities. The other, as a second choice, would require a yea-and-nay vote in each House on the pay recommendations submitted by the President.

I trust there will be congressional approval of the repealer, Mr. Speaker, but as an alternative the least the Members of the House and Senate can do is require a record vote at such times as the Congress chooses to shirk its responsibility and accede to having its pay fixed by the Chief Executive.

## ACTION NOW TO FORESTALL AN ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 20 minutes.

Mr. WYMAN. Mr. Speaker, the natural gas crisis is well known and a future crisis in the form of a domestic crude oil shortage is also acknowledged; yet, no solution appears in sight. Industry and Government sources agree that solid fossil fuels offer a firm long-term answer but the rate of technology development in this area is very slow, when contrasted with the relative urgency of the problem.

Current domestic natural gas reserves are equivalent to only 12.5 years at the estimated 1970 utilization rate of 61 billion cubic feet per day. This rate is predicted to rise to a level of 89 billion cubic feet by 1980, largely because many natural gas users—residential, commercial, industrial, and utilities—cannot be easily switched to other nonpolluting fuels. Placed under strict control by the Federal Power Commission, gas was priced attractively in relation to other fuels, making natural gas choice fuel even before pollution control regulations greatly increased the demand for this form of clean energy.

Few observers believe that price increase or even decontrol of natural gas will result in ample new gas being found; the preponderance of opinion is that this will not be the case and that, regardless of selling price, the shortage of natural gas will continue. While some minor relief will be obtained from overseas imports of liquified natural gas—LNG—and overland imports from Canada and Alaska, there will still be a large shortfall. Since, from a pollution control standpoint, as well as from other considerations involving existing use patterns, natural gas will have a high demand for a long time to come, "synthetic natural gas"—SNG—will have to be manufactured from other fossil fuels, such as naphtha, crude oil, or coal. Coal gasification offers not only an abundant but also a potentially more economical source of gas relative to other alternatives down the road, since coal is a far cheaper fossil fuel than the other feedstock sources of making synthetic—substitute—natural gas.

Consumption of petroleum products in the United States now stands at about 14 million barrels per day—BPD—and is increasing at a rate of 3.5 to 4 percent per year. Most of this demand is satisfied from indigenous crude oil, although 15 percent of our current crude and other petroleum product requirements are already being imported, as administered under the mandatory oil import program—MOIP. Up to very recently, the United States has been in a position where it was well able to fulfill its domestic requirements of crude oil from indigenous sources. However, we are now entering a period of change. Authorities agree that the production rate of crude oil in the 48 States will probably peak out at a level of about 10 million barrels per day and will then slowly decline, regardless of vigorous continued exploration efforts. Alaskan oil is expected to top out at about 3 million barrels per day by 1980–85.

Meanwhile, petroleum products demand will rise to about 21 million barrels per day by that time. If a significant amount of natural gas demand were to be switched to liquid fuels—that is, heating oils, low sulfur heavy fuels—crude requirements might even rise to 24 million barrels per day by 1980. At that point, over 40 percent of U.S. crude would have to be imported, and this raises some serious questions of national policy, particularly in consideration of the hard line being taken by a number of oil producing countries in the Middle East and elsewhere. Even if we can buy this oil abroad, our foreign payments in 1980 will be in the range of $15 to $20 billion per year for this imported crude oil, an intolerable sum of money.

Hydrocarbon products now obtained from crude oil can also be made by conversion of solid fossil fuels, including shale oil, tar sands, and coal. In fact, "synthetic crude" can be made from all three of these materials.

It is, therefore, seen that in the case of both natural gas and crude oil, alternate sources of fuel/energy supply exist. Of these, coal is in the forefront, because of the large quantities of known reserves, their availability in many parts of the country and because coal can be converted into synthetic crude oil and pipeline quality gas without the need to handle large amounts of overburden, as is the case with shale oil and tar sands.

Private industry has so far taken only a rather limited role, as far as financial participation in coal conversion development is concerned. The main reasons for the lack of dynamic industry activity in this research effort are:

First, the natural gas and crude shortages have burst upon the country far more quickly than anyone realized or expected.

Second, the amount of money that will be involved in this technology effort will run into the hundreds of millions of dollars and there has been an understandable reluctance for any single company to undertake such an effort.

Third, concern regarding possible antitrust action has probably kept oil companies from major cooperative research efforts.

Finally, and perhaps most importantly, petroleum companies have always had a good return on their oil—and gas—exploration investments, both here and abroad. Confronted with the option to spend several hundred million dollars for oil exploration and production versus piloting a coal conversion refinery, the petroleum companies have chosen to keep on drilling for oil.

It is too late to expect private industry to pick up the ball and run with it fast enough to stay in the ball game. Further, it is not yet in a mood to do so. Therefore, the development of coal conversion technology will remain, for the time being at least, a responsibility and now increasingly urgent problem of the Government. The question is, can the U.S. Government devise a scheme to push development work by industry, yet keep the Government out of the energy field?

Funding for solid fossil fuel conversion processes should be stepped up several fold. Working backward from the 1980–85 period when coal gasification and liquification plants will be required, we should determine, based on industry experience, what level of development effort is required for the necessary technology to be there when the country needs it. We are in somewhat better shape on coal gasification research than on coal conversion processes to synthetic crude oil. The American Gas Association and the Office of Coal Research of the Department of the Interior, have teamed up to speed development of several processes for making substitute gas from coal. This is a desirable step but does not go far enough in the judgment of many experts because the amount of funding—approximately $300 million over 4 years—is judged insufficient, compared to the magnitude and urgency of the problem. Furthermore, many people believe that substitute gas from coal can be manufactured more economically in a coal conversion plan designed to make both substitute natural gas and synthetic crude oil.

What can the U.S. Government do to assure that the country will be able to meet its energy needs in the 1980's by greater utilization of its large supplies of fossil fuels, such as coal and shale oil?

A massive Government effort to develop coal conversion processes without large-scale private industry participation is undesirable. Even if the Government were best qualified to develop technology, there would then be a question of how this technology would be used. Clearly, the Government should not be in the business of making the country's gasoline or natural gas.

An alternative merits serious consideration. This would involve the creation of a Government-sponsored, privately owned synthetic fuels corporation which would provide a desirable vehicle to serve the national interest in this area, while maintaining a private enterprise approach. This company's charter would be to develop the needed technology, to build an adequate number of demonstration plants and to manufacture and sell the synthetic gas and crude oil it manufactures, while at the same time making the technology it has developed available to other companies on a reasonable royalty-paying basis.

Creating a privately owned but Government-sponsored company has had a precedent in Comsat, the Communications Satellite Corporation.

Comsat was established "as an instrument of U.S. policy" in 1963–64, after passage of a special act of Congress in mid-1962. The act states that "the purpose is to be responsible to national objectives" and "to meet the rapid growth in demand for international communications services." Comsat is 42 percent owned by U.S. communications common carriers, the balance being owned by private investors. The company raised $196 million when it went public in June 1964.

Some interesting aspects and parallels between Comsat and the proposed Synthetic Hydrocarbon Fuels Corporation—abbreviated to Syncorp—are:

First, Comsat is privately owned but included ownership by regulated companies—for example, A.T. & T. It is expectable that some of the interstate pipelines companies will invest in Syncorp.

Second, much Government-joint R. & D. work—for example, missile and satellite launching techniques—were made available to Comsat, at no charge.

Third, Government "sponsorship" is clearly spelled out, thus giving confidence to investors.

Fourth, there was a 5 to 6 year gap before measurable acounts of net income—other than that from investing the original capital—started to flow to the company.

Fifth, a competent management team and board of directors has been responsible for operations of the company. Comsat appears to operate in a manner completely analogous to a private company, except for its "common carrier" aspects, which are under the control of the Federal Communications Commission.

Sixth, when Comsat went public, it attracted great attention as a futures company. This would certainly also be the case for Syncorp, which should be able to raise more money than Comsat in view of the scope of its charter.

The purpose of the proposed Corporation would be as follows:

First, to become a channel for U.S. Government development funds for solid fossil fuel conversion technology, with appropriate fund matching by Syncorp. Government funds would be committed against an agreed timetable for development and would be repaid from royalties.

Second, to develop and commercialize solid fossil fuel technology, to develop patent rights and know-how, and to obtain royalty income from the licensing of this technology to interested companies.

Third, to build a number of demonstration plants to make coal gas and synthetic crude oil and to manufacture and sell the products. Syncorp would become and remain a viable entity as a producer of energy products for the U.S. market.

I am today, therefore introducing a bill to create a Government-chartered Corporation with Federal participation to develop commercially feasible processes for the conversion of coal to oil and gas and a resolution authorizing the Office of Emergency Preparedness to contract for the execution of a study to determine the feasibility of creating a Synthetic Hydrocarbon Fuels Corporation as proposed in my bill.

The provisions of these two measures are as follows:

### H.R. 220

A bill to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I—GENERAL PROVISIONS

SECTION 101. This Act may be cited as the "Synthetic Hydrocarbon Fuel Act of 1973".

#### DECLARATION OF POLICY AND PURPOSE

SEC. 102. The Congress hereby declares that—

(1) it is the policy of the United States to develop as expeditiously as practicable commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons in response to the public need for an adequate supply of energy and in keeping with the national objective of developing domestic sources of energy to the maximum extent practicable;

(2) any new processes so developed are to be made available as soon as possible;

(3) in order to facilitate this development and to provide for the widest possible participation by private enterprise, the participation of the United States in the development of coal conversion technology should be in the form of a private corporation, subject to appropriate governmental regulation;

(4) it is the intent of Congress that all authorized users have open access to technology developed;

(5) maximum competition be maintained in the provision of equipment and services used in developing the technology; and

(6) the Corporation be so organized and operated as to maintain and strengthen competition in the provision of energy to the public.

#### DEFINITION

SEC. 103. As used in this Act, the term "Corporation" means the Corporation created under this Act.

### TITLE II—FEDERAL COORDINATION, PLANNING, AND REGULATION

#### IMPLEMENTATION OF POLICY

SEC. 201. In order to achieve the objectives and to carry out the purpose of this Act—

(a) the President shall—

(1) aid in the planning and development and foster the execution of a national program for the development, as expeditiously as possible, of commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons;

(2) provide for continuous review of all phases of the development of such processes, including the activities of a synthetic hydrocarbon fuel corporation authorized under title III of this Act;

(3) coordinate the activities of governmental agencies with responsibilities in the field of energy conversion, so as to insure that there is full and effective compliance at all times with the policies set forth in this Act; and

(4) take all necessary steps to reduce dependence on foreign sources of fuel following the development of an economically feasible coal conversion process.

(b) the Office of Coal Research shall—

(1) cooperate with the Corporation in research and development to the extent deemed appropriate by the Director in the public interest;

(2) assist the Corporation in the conduct of its research and development by furnishing the Corporation, when requested on a reinbursable basis, such facilities as the Director deems necessary for the most expeditious and economical development of a coal conversion process; and

(3) to the extent feasible, furnish other services to the Corporation in connection with the development of a coal conversion process.

(c) The Federal Power Commission shall have authority to make such investigations of the Corporation as are necessary for the performance of such Commission's duties under section 404(c).

### TITLE III—CREATION OF A SYNTHETIC HYDROCARBON FUEL CORPORATION

#### CREATION OF CORPORATION

SEC. 301. There is hereby authorized to be created a Synthetic Hydrocarbon Fuel Corporation for profit which will not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

#### PROCESS OF ORGANIZATION

SEC. 302. The President of the United States shall appoint incorporators, by and with the advice and consent of the Senate, who shall serve as the initial Board of Directors until the first annual meeting of stockholders or until their successors are elected and qualified. Such incorporators shall arrange for an initial stock offering and take whatever other actions are necessary to establish the Corporation, including the filing of articles of incorporation, as approved by the President.

#### DIRECTORS AND OFFICERS

SEC. 303. (a) The Corporation shall have a board of directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the Board to serve as Chairman. Three members of the Board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, effective the date on which the other members are elected, and for terms of three years or until their successors have been appointed and qualified, except that the first three members of the Board so appointed shall continue in office for terms of one, two, and three years, respectively, and any member so appointed to fill a vacancy shall be appointed only for the unexpired term of the Director whom he succeeds. The Director of the Office of Coal Research shall be a member of the Board, serving without compensation. Nine members of the Board shall be elected annually by the stockholders of the Corporation. The articles of incorporation to be filed by the incorporators designated under section 302 shall provide for cumulative voting under section 27(d) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29–911(d)).

(b) The Corporation shall have a president, and such other officers as may be named and appointed by the Board, at rates of compensation fixed by the Board, and serving at the pleasure of the Board. No individual other than a citizen of the United States may be an officer of the Corporation. Except for the Director of the Office of Coal Research, no officer of the Corporation shall receive any salary from any source other than the Corporation during the period of his employment by the Corporation.

#### FINANCING OF THE CORPORATION

SEC. 304. (a) The Corporation is authorized to issue and have outstanding, in such amounts as it shall determine, shares of capital stock, without par value, which shall carry voting rights and be eligible for dividends. The shares of such stock initially offered shall be sold at a price not in excess of $100 for each share and in a manner to encourage the widest distribution to the American public.

(b) The Corporation is authorized to issue, in addition to the stock authorized by subsection (a) of this section, nonvoting securities, bonds, debentures, and other certificates of indebtedness as it may determine.

(c) The requirement of section 45(b) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29–920(b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the Corporation, and they may exercise such rights without regard to the percentage of stock they hold.

(d)(1) The Secretary of the Treasury is authorized to purchase from time to time and hold for the United States, up to 40 per centum of the current outstanding stock of the Corporation, and the Secretary of the Interior, or his delegate, shall represent the interests of the United States at all corporate meetings, and exercise all voting rights which shall accrue to the United States, by reason of its ownership of stock or otherwise, with respect to the Corporation.

(2) At such time as the Corporation shall have developed and licensed a commercial process or processes for the conversion of coal to oil and/or natural gas, the interest of the United States acquired pursuant to the authority conferred by subsection (1) of this section, shall be retired by the payment to the Secretary of the Treasury of 40 per centum of the proceeds from such royalties until the investment of the United States in the Corporation shall have been returned in full.

#### PURPOSES AND POWERS OF THE CORPORATION

SEC. 305. (a) In order to achieve the objectives and to carry out the purposes of this Act, the corporation is authorized to—

(1) plan, initiate, construct, own, manage, and operate facilities to demonstrate feasible coal conversion processes.

(2) furnish, under an appropriate franchise system, processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons.

(b) The activities authorized to be engaged in by the corporation for the accomplishment of the purposes indicated in subsection (a) of this section shall include—

(1) conducting or contracting for research and development related to its mission;

(2) the acquisition of the physical facilities, equipment, and devices necessary to its operations, whether by construction, purchase, or gift; and

(3) entering into franchise agreements with fuel producers.

(c) To carry out its purposes, the corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act.

### TITLE IV—MISCELLANEOUS

#### NOTICE OF FOREIGN BUSINESS NEGOTIATIONS

SEC. 401. Whenever the corporation shall enter into business negotiations with respect to facilities, operations, or services authorized by this Act with any international or foreign entity, it shall notify the Department of State of the negotiations, and the Department of State shall advise the corporation of relevant foreign policy considerations. Throughout such negotiations the corporation shall keep the Department of State informed with respect to such considerations. The corporation may request the Department of State to assist in the negotiations, and that Department shall render such assistance as may be appropriate.

### SANCTIONS

SEC. 402. (a) If the corporation created pursuant to this Act shall engage in or adhere to any action, practices, or policies inconsistent with the policy and purposes declared in section 102 of this Act, or if the corporation or any other person shall violate any provision of this Act, or shall obstruct or interfere with any activities authorized by this Act, or shall refuse, fail, or neglect to discharge his duties and responsibilities under this Act, or shall threaten any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which such corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States, to grant such equitable relief as may be necessary or appropriate to prevent or terminate such conduct or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

(c) It shall be the duty of the corporation to comply, insofar as applicable, with all provisions of this Act and all rules and regulations promulgated thereunder.

### ANTITRUST

SEC. 403. Participation in the corporation, whether by contract or investment shall not be construed to constitute a violation of Federal antitrust laws.

### REPORTS TO THE CONGRESS

SEC. 404. (a) The President shall transmit to the Congress in January of each year a report which shall include a comprehensive description of the activities and accomplishments during the preceding calendar year under the national program referred to in section 201(a)(1), together with an evaluation of such activities and accomplishments in terms of the attainment of the objectives of this Act and any recommendations for additional legislative or other action which the President may consider necessary or desirable for the attainment of such objectives.

(b) The corporation shall transmit to the President and the Congress, annually and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

(c) The Federal Power Commission shall transmit to the Congress, annually and at such other times, as it deems desirable—

(1) a report of its activities and actions on anticompetitive practices as they apply to the corporations programs;

(2) an evaluation of such activities and actions taken by it within the scope of its authority with a view to recommending such additional legislation which such Commission may consider necessary in the public interest; and

(3) an evaluation of the capital structure of the corporation so as to assure the Congress that such structure is consistent with the most efficient and economical operation of the corporation.

### H.J. RES. 124

Joint resolution authorizing a study of whether to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Office of Emergency Preparedness is authorized and directed to contract for and supervise the making of a study concerning the need for the formation of a Synthetic Hydrocarbon Fuel Corporation (SYNCORP) to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons. The Office of Emergency Preparedness is directed to report the results of such study to the Congress within one year from the date of the enactment of this resolution.

SEC. 2. There is authorized to be appropriated the sum of $200,000, for the purposes of this Act.

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## INTRODUCTION OF COMPREHENSIVE PACKAGE OF FIRE PREVENTION AND SAFETY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. STEELE) is recognized for 10 minutes.

Mr. STEELE. Mr. Speaker, today I am introducing a comprehensive package of fire prevention and safety legislation. When this series of nine bills was first submitted for consideration in the 92d Congress I was gratified that over 60 Members of Congress joined me in bipartisan support of this legislative program.

The two recent fires in New Orleans and Atlanta tragically reflect the frightening consequences and destructive nature of fire. Unfortunately though, those fires were only two of the over 6,600 fires that occur each day taking the lives of more than 12,000 men, women, and children and causing an estimated $3 billion worth of property damage annually.

Our country has falsely become secure in feeling that we live and work in fireproof buildings, but as was the case in New Orleans and Atlanta helpless individuals painfully discovered that such buildings were more escapeproof than fireproof. Similar tragedies will be more frequent in the future, because of the rapid construction of high-rise buildings and continued use of flammable and toxic plastics and other manmade synthetic products within such structures.

There is an urgent need for Congress to take positive and immediate action providing a national focus on our country's grave fire problem so we may reduce and reverse the mounting death and property losses.

Last year the first vital step was taken by Chairman JOHN DAVIS and the other members of the Subcommittee on Science, Research, and Development by conducting 2 days of oversight hearings.

To more clearly portray the fire problem I am entering into the RECORD my testimony before the committee, and thereby, reiterate the need for positive and immediate congressional action:

### TESTIMONY OF REPRESENTATIVE ROBERT H. STEELE

Mr. Chairman and members of the committee, I appreciate this opportunity to review and discuss legislative alternatives to this country's growing fire problem.

I would like to begin by presenting an overview of what we mean by the "fire problem."

When we compare statistics with other countries, the United States has the highest per capita property losses in the world. Additionally, our death rate is twice that of Canada, more than three times that of the Scandinavian countries, and four times that of Japan and England.

The immensity of these statistics is even clearer when we talk of death and injury. Fires killed approximately 12,200 people in the United States in 1971 and more than half of these individuals died in their homes. It is unconscionable that in a society where we place the highest of values on human life, more than 12,000 have perished during each of the last six years. For every death recorded there were an estimated 40 persons burned.

There is no dollar figure that can be placed on lives and injuries because the value of a single human life cannot be measured by money. But in terms of dollars, property destroyed by fire during the past year totalled $2,845 billion, an increase of $215 million over 1970. Fire losses this year are expected to top $3 billion.

Some fire research experts have estimated that the dollar cost to the nation in fire losses including deaths, injuries, man-hours lost, property damage and the increasing cost of fire protection equals about 8 billion dollars or close to 1% of our Gross National Product. Those dollar amounts are easily attainable when every day more than 6,600 fires occur, and you consider that today's structures are more complex and costly than ever.

Correspondingly, we ask most of our nation's 2,175,000 firefighters from 40,000 departments to combat the immense and increasing fire problems with turnout coats which won't meet the flammability test for children's sleepwear. Furthermore, we have furnished the firefighter with equipment designed decades ago, and have not provided them with sufficient funds for training and educational programs. Yet, we ask our firefighters to engage in our nation's most dangerous profession.

If the facts were known, few American citizens would encourage their children in the childhood fantasy of planning to be a firefighter. The work of firefighting has been described as the "toughest, dirtiest, most brutalizing, and most debilitating work there is." To this description we can add the words, most dangerous. Last year 210 firefighters died in the line of duty. During the 10 year period 1960–70, 790 firefighters died—83 more than policemen killed in the line of duty. The number of injuries sustained is literally uncountable. In New York City alone more than 38,000 firefighters were injured or burned in 1970.

The dedication and raw courage of America's firefighters is a matter of record. It is imperative that their efforts and problems be formally recognized by a national effort pledged to giving them the help they need and deserve. In this way we would be helping an estimated 2,000,000 volunteer firefighters and 175,000 paid firefighters as well as every citizen of this nation.

Some areas of federal input are obvious. For instance, there are only two colleges in the country offering a four year course in fire protection engineering and last year a total of only 12 men were graduated with degrees in this science.

It's time that we had a national firefighting academy and more courses in firefighting techniques in community colleges and other schools which firefighters could attend at no cost to themselves. This administration has worked vigorously toward a goal of expert law enforcement protection from our police departments by giving police officers an opportunity to attend various types of courses and schools like the new FBI training facility. Now, we must extend this type of effort to our firefighters.

With the construction of complex manufacturing plants, highrise buildings and thousands of new products which incorporate dangerous materials, the threat of fire has intensified, while the public generally has been led to believe that we work and live in safe, modern structures and that our society is doing all it can to reduce the toll of fire. We must work to reverse this trend.

I have used the words "fire problem" in my opening remarks without attempting to define what in my mind is one of the most neglected social problems facing this country. Exactly then, what is the "fire problem"? First, we must take a comprehensive approach to permit us fully to grasp the complex and intricate relationships which collectively constitute the fire problem. A fire in a hypothetical highrise building, combining the worst of typical fire hazards, would serve as a good example. Let us say that a small waste can is the source of a fire on the thirtieth floor of such a building. In this building, there are no automatic alarm devices to warn people or alert the fire department of the occurrence of fire. The fire has begun to grow quickly feeding on furniture and rug underlays which contain highly flammable toxic materials and dense smoke is now filling the corridor and being vented by the air conditioning ducts, utility cable conduits, and elevator shafts. These flues spread murderous fumes throughout the entire structure. The fire department arrives. With ladders too short to reach the fire-involved floor, the firefighters must combat the blaze from within, exposing themselves to temperatures reaching 1500–2000 degrees F., blinded by the dense, toxic smoke and having to battle the thousands of individuals trying to exit.

The elevators in this particular building rise to the thirtieth floor when flames activate the electronic touch-type call buttons and remain locked there as the opaque smoke makes the automatic closing devices inoperable, thus entrapping men, women, and children in a blazing inferno and hindering the firefighter trying desperately, but in vain, to reach the floor.

As the occupants futilely try to vent the rooms by knocking out the large fixed windows, their would-be rescuers must turn back as the turnout coats can no longer shield them from the intense heat generated by the fire, and their antiquated, heavy, and awkward breathing systems have run low on the 15–20 minutes of air they supply. The number of deaths, the number of people injured, maimed and disfigured for life, the number of firefighters hospitalized because of smoke inhalation, the number of lost work days could clearly be of tragic proportions.

Even though this is a hypothetical example designed to dramatize the various fire hazards we face today, such a fire situation could develop in any one of scores of American cities today. The facts, statistics, and the many conversations that I and my staff have had with practitioners and fire research experts clearly indicates to me that the occurrence of fire, and the resulting loss of life and property is, today, greater than it has ever been in our country's history.

To me it is incredible to think that 30 people will die by fire by the end of this day and another thousand will be burned or injured. It is incredible because the Federal government has really not recognized that fire is costing as much each year as crime.

The purpose of my legislation is to recognize that there needs to be a national focus on fire and a continuing effort in fire research, prevention, suppression and protection. All of the resources of Federal agencies in planning, purchasing, building, and regulating must be used in this effort.

As the House committee that has nurtured the development of NASA, I think that you can understand the results of a coordinated effort towards a goal more than any other public official.

In fact many innovations and technological breakthroughs have been used by the National Aeronautics and Space Administration in producing a wide variety of practical solutions to serious fire problems. NASA, for instance, has designed a firefighter's suit using materials that are commercially available to present manufacturers of the suits. The NASA coat can withstand a 1,500 degree flame directly applied to it and still give adequate protection to the wearer.

NASA has also prepared certain varieties of polyurethane foam which are nearly flame resistant and fireproof. Research experts from NASA have told me that for $10 the average living room sofa or mattress could be completely treated for flame resistance. Treatments and materials are also commercially available to produce flame resistant wool carpeting, cotton clothing, and a wide variety of materials to be used for home furnishings and clothing.

Unfortunately, I have learned that many of these programs are in great jeopardy at NASA because of budget and priority restrictions. I would urge the committee to make an immediate evaluation of the firesuit development and breathing apparatus program or they will never be manufactured for firefighters.

In conclusion, I would say that most fires are not an act of God such as a hurricane or tornado. Fires are caused and can be prevented by man.

## IMPROVING SERVICES FOR THE ELDERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 15 minutes.

Mr. QUIE. Mr. Speaker, I am today introducing the "Comprehensive Older Americans Services Amendments of 1973" which is designed to carry out recommendations of the President last year for improving and coordinating services under the Older Americans Act of 1965. This bill would also upgrade the status of the Administration on Aging within the Department of Health, Education, and Welfare and add a number of new programs for which extensive hearings of our Committee on Education and Labor last year indicated a need. Joining me as cosponsor of the bill is my colleague, ORVAL HANSEN, who played a leading role in shaping last year's legislation for the aged.

The bill I am introducing is identical to H.R. 15657 which was reported by our committee last June and passed by the House under a suspension of the rules on July 17, 1972, by a vote of 351 to 3. It is my judgment that this bill could have become law. The House-passed bill would have carried out not only the President's recommendations for improving services for the elderly, but also key proposals of the White House Conference on the Aging for a frontal attack on some of the perplexing problems confronting older citizens, such as special needs in housing, transportation, and education. It is an excellent bill which was worked out on a thoroughly bipartisan basis in our committee.

Unfortunately, however, the conference committee made some inadvisable changes in the bill so overwhelmingly approved by the House. They added two programs of manpower training and public service employment to the House bill which I felt were wholly inappropriate to it as well as mistaken in substance. These and other changes resulted in authorization figures which totaled $496 million more over 3 years than the amount approved by the House.

For both these reasons—the inclusion of additional categorical manpower programs which would have further complicated our already overcategorized and overcentralized manpower training effort, and the addition of spending authorizations which were beyond any sum we could hope to see budgeted or appropriated—President Nixon on October 30, 1972, disapproved the bill. While I supported the conference report on the bill, I pointed out the objections to these changes from the House bill during the debate on adoption of the conference report.

The bill being introduced today, considered by the House last year, embodies the main thrust of the administration's recommendations that State and area services for the elderly authorized under the Older Americans Act be coordinated in an improved planning and delivery system at State and local levels. It also embodies the major findings of our committee that there is a much greater need for informational services at all levels than now exists, and that we need greater national leadership in research in the social and economic problems of the aging. There is also an expansion of volunteer programs—such as the highly successful foster grandparents program.

Therefore, I believe that this bill provides the most assured route to the goal sought by both the President and the Congress—improvement of services for the elderly under the Older Americans Act and improvements in the effectiveness of Government at all levels in helping to solve the problems of older citizens.

## COMPREHENSIVE AMENDMENTS TO OLDER AMERICANS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 15 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I am pleased on this first day of the 93d Congress to join with the ranking minority member of the Committee on Education and Labor, Mr. QUIE, in reintroducing comprehensive amendments to the Older Americans Act which the House overwhelmingly approved last July.

The bill we approved in the 92d Congress—H.R. 15657—was in my judgment a well-constructed and well-considered measure for improving a wide range of services for older Americans and for initiating others. As with most legislation, it represented compromise between some differing viewpoints—but in many instances the compromises strengthened the bill. It was initiated by the administration and embodied its recommendations for more extensive and better coordinated services for the elderly at the State and local levels. At the same time, it contained many recommendations made to our committee during very thorough hearings in Washington and in the field and represented the insights gained by Members on both sides of the aisle during the course of its consideration. As approved by the House, H.R. 15657 was an excellent bill.

Unfortunately, in the course of the conference with the other body we accepted changes which were not acceptable to the President. Mainly, these were two new categorical manpower programs to be administered by the Department of Labor and an accompanying huge increase—nearly a half of a billion dollars—in authorizations. The President disapproved the bill.

I supported the conference report on that bill, although I was not happy with the addition of manpower programs which I thought should have been considered as a part of manpower legislation. I have no assurance that the President would have signed the House-passed bill which, admittedly, contained program and appropriations authorizations which he had not requested, but I sincerely believe that he would have done so. In any event, it is clear that the President will not approve the bill we finally sent to him. Accordingly I feel that our best course of action is to go back to a bill whose provisions were overwhelmingly approved by the House and which does not contain the authorizations specifically singled out by the President as objectionable.

I also feel that this course is the best in terms of the substance of the legislation. Our main objective was to rewrite the Older Americans Act to make it a more effective instrument to serve older Americans. The manpower authorizations had the effect of departing from this objective to further burden manpower training programs with highly categorical legislation designed for specific age groups. This runs completely counter to the President's recommendations—and to those of virtually every authority on manpower training—that our manpower programs should be decategorized to make them more flexible in application and more responsive to actual and changing needs. Even if the categorical programs have more merit in them than I can see, they nevertheless should be included in manpower legislation. They were not appropriate to this bill.

I am confident that if our committee will again approve the bill we have today introduced, and if the House will approve it and insist upon its major provisions, we can speedily enact this legislation. We should proceed along these lines.

As Mr. QUIE has pointed out, this legislation has been so completely considered that it needs no great elaboration at this point. It would establish a mechanism or comprehensive State and area planning to meet the needs of the elderly and to coordinate programs for them, including the very important nutritional program. It would improve information services at all levels, and particularly for older people in their own communities. This is critically important if elderly people are to have the full advantage of these programs. There would also be a special emphasis on the needs of the elderly in isolated rural areas, which are especially critical.

At the Federal level this bill would not only significantly upgrade the policymaking function of the Administration on Aging—an important recommendation of the White House Conference on Aging and a major objective of our subcommittee chairman, JOHN BRADEMAS, who guided this legislation—but it would also give the Federal Government important new tools in attacking the problems of the aging.

For the first time there would be established Multidisciplinary Centers of Gerontology to study the social, economic, educational and recreational needs of older persons, bringing together findings of the biological, behavioral, and social sciences in a combined effort to improve the lives of the elderly. The Administration on Aging would be armed with new authority to work with other agencies of Government and bring to their attention the special needs and concerns of older persons in major Federal programs such as housing and transportation. The AOA would also have new authority to conduct research and demonstration projects and to fund pilot programs testing out new ideas. There would be a renewed emphasis on volunteer activities which have been demonstrated to be critically important to the success of programs in local communities, which is the final test of their impact.

Accordingly Mr. Speaker, I urge swift action on the bill we are introducing today in the interest of 20 million older Americans who badly need and have fully earned all of the help we can give them.

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## VEYSEY INTRODUCES LEGISLATION TO CUT AUTO EMISSIONS—ASKS CONGRESS FOR MAJOR NEW ATTACK ON AIR POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 10 minutes.

Mr. VEYSEY. Mr. Speaker, in the interest of perpetuating the best qualities of life as we know it, not only for generations to come but for the immediate future, it is imperative that this 93d Congress embark on a new dimension in the Nation's battle against air pollution.

It is imperative that we abandon immediately, our patchwork, scrambling, and often purely arbitrary approach to ending pollution and embark instead on a comprehensive, coordinated, and cohesive program to end smog on a nationwide scale.

In the process, it is imperative that we reexamine many of those priorities which we now embrace, as well as every step we have taken in our often frantic and confused search for ways to cut down on air pollution.

Mr. Speaker, I see at least four necessary components of such a comprehensive antismog program.

First, we currently possess the know-how and the capacity to make significant immediate smog reductions. These tools must be taken off the shelf and put to work.

Second, we must earmark massive doses of Federal revenue for smog control, maintaining however, the option for local control of how the money is spent to meet the unique local needs which exist in virtually every smog-choked part of the country.

Third, we must update our emission standards and our pollution level standards with reliable data on health effect. The health effect factor must become the determining factor in setting such standards. Until now we have not only failed to base our control legislation on health effects—we have failed to develop reliable health effect data. The development and utilization of reliable information in this area is paramount.

Finally, we must underlay our entire antismog thrust with a foundation of cooperation rather than adversity among all parties concerned with and involved in the fight against smog. Specifically, science, industry, Government, and the public interest groups must stop brawling with each other and set their sights on mutually agreed goals. Through cooperation and communication they must end their arbitrarily assumed roles as adversaries, and become partners. Our health depends upon the development of that kind of relationship.

Today, I am introducing legislation which is the result of just that kind of cooperation. When implemented, it will set the stage for a major immediate reduction into auto emissions, by making it economical and practical for automobile manufacturers to produce vehicles which can use low-polluting fuels. Further, it will make it economical and practical for consumers to buy and use such vehicles.

My legislation would immediately reduce the cost of burning liquid petroleum gas and liquid natural gas by 4 cents per gallon, simply by eliminating the inequitable 4 cent Federal tax on each gallon used in automobiles.

My legislation is the result of a consensus among leaders of science, industry, government, and public interests—the first example of this kind of agreement that I have seen. Science tells us that the use of low pollution fuels in fleets alone would immediately reduce smog in the Los Angeles Basin by 10 percent.

The automobile industry tells us that it can produce cars equipped to burn low-polluting fuels at a cost only slightly higher than conventional systems.

Consumer oriented and public interest groups tell us that people are ready to buy and use low polluting fuel systems—even if they cost a little more.

And automotive engineers have proven that the use of low polluting fuels can reduce wear on an engine sufficiently to more than pay for the fuel system.

This legislation will create an immediate incentive for consumers to buy cars with low pollution fuel systems—the

4 cent saving per gallon of fuel. It thus would create also, an immediate incentive for automakers to produce such vehicles, and for gasoline companies to supply such fuels.

It is a commonsense effort to effect a maximum immediate reduction of smog emissions, and it will have a profound effect in those areas where smog is the most severe—such as the Los Angeles Basin, and in particular, Riverside County, in my 43d Congressional District of California.

## CHICAGO ROSE BOWL FLOAT REPRESENTS ETHNIC TRADITION OF THE MIDWEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, New Year's Day, 1973, was a first for the city of Chicago and the "Big Ten" country of the Midwest. WGN Continental Broadcasting Co. participated in the 84th annual Tournament of Roses Parade in Pasadena, Calif.—the first time ever for a Chicago area firm. The WGN float was also the only one from more than 6,700 radio and TV stations in the Nation. The credit for this great Chicago first must go to Ward L. Quaal, the hard-working and innovative president of WGN. I salute him for this achievement.

WGN is located in the 11th Congressional District which I am so proud to represent. Four hundred and seventy-five thousand people reside in the 11th District and of these 280,000 are registered voters—one of the largest voting districts in the entire United States.

The WGN float theme "It's a Big Country" was highly appropriate not only bcause the 11th is a big district, but also because it symbolizes so well the energy and resourcefulness of the great ethnic groups that have made America and the "Big Ten" midwestern region great. Polish-Americans, German-Americans, Italian-Americans, Jewish-Americans, Irish-Americans, Greek-Americans, and Scandinavian-Americans, as well as all those Americans who trace their heritage to the captive nations and to Latin America, have worked hard and have all contributed to the economic vitality and cultural richness of the Midwest.

Chicago itself is the third largest financial district in the world and Illinois is known both for its agriculture and industry. Indiana, Ohio, and Michigan are great industrial centers, and Iowa, Minnesota, and Wisconsin are famous for their agricultural vitality. The Midwest is the heart and pulse of America and the secret of midwestern success is the indomitable spirit of its people.

The ethnic tradition of the 11th District is representative of the creative vibrance that ethnic groups throughout these seven States have contributed to all of America. The WGN float symbolizes this ethnic creativity. Chicago and "Big Ten" country can be proud of the WGN participation in this international event.

Again, I wish to congratulate Ward L. Quaal, president of WGN, and Jim Hanlon, vice president and manager of public relations, who was in Pasadena representing WGN at the Rose Bowl festivities, as well as the many hundreds of WGN employees throughout the Nation, for their enthusiasm and dedication. Chicago and our entire Midwest region are well served by their spirit of public service. As the Congressman for the 11th Congressional District where WGN is located, I am proud of this station's outstanding achievement and extend my best wishes for WGN's continued success in serving our community, Illinois, and America.

Mr. Speaker, I include at this point in the CONGRESSIONAL RECORD four press releases issued by WGN Broadcasting Co. describing WGN's float and Rose Parade coverage. The release follows:

### WGN CONTINENTAL BROADCASTING CO. TO ENTER BOWL PARADE; FLOAT TO BE ONLY BROADCASTING AND CHICAGO ENTRY

### WILL BE LONGEST SINGLE ANIMATED FLOAT EVER ATTEMPTED

WGN Continental Broadcasting Company will, for the first time ever, participate in the 84th annual Tournament of Roses Parade on New Year's Day, 1973, at Pasadena, California. Ward L. Quaal, president of the company, made the announcement today and added that the WGN float's theme will be "It's a Big Country" and "salutes all America, which this company serves."

The WGN float will be the only entry from the more than 6,700 radio and television stations in the nation and also represents the sole participation from the Chicago area.

The float will be animated and utilize the longest single piece of movement ever attempted in the history of the parade. It is 50 feet long, 18 feet wide, 16 feet high and will have a gigantic white eagle atop a representation of the American flag.

The flag will open up every 20 seconds, revealing a rotating mural of American scenes while portraits of the five races that make up America overlook the revolving mural. Above the front of the float, a huge compass center rose will rotate as the "flag" unfurls.

The flag and eagle will use over 40,000 carnations—the largest amount ever used on one float. The inside and front of the float will use 35,000 roses and the murals of American scenes will use over 100 different varieties of petals and seeds. Waves, representing the Atlantic and Pacific Oceans that embrace our nation, surround the bottom edges of the float and will vary from light blue irises and delphiniums to cornflowers.

Thousands of flowers will make up the letters appearing on the sides, spelling out: WGN Continental Broadcasting Co., Serving Big 10 Country And All America.

In making today's announcement, President Quaal said, "I have felt for several years that our company, that is so enmeshed with the pulse beat of this great country, should participate in the one parade that is so totally and uniquely American. Along with the many hundreds of WGN employees located throughout our nation, I am honored to help pay tribute to our great country and the people that work and live here."

The float was designed by Robert Stebbins, manager of arts and facilities for WGN Continental Group Stations, and is being built by the firm of C. E. Bent and Son, Inc., of Altadena, California, one of the foremost float builders in the nation.

In addition to the WGN entry, the Tournament of Roses Parade will have 59 float entries for the 1973 extravaganza.

### THE "GRAND LAND SINGERS" TO PERFORM ON WGN FLOAT IN TOURNAMENT OF ROSES PARADE

Seven members of the nationally-acclaimed choral group, the "Grand Land Singers," will perform while riding the WGN Continental Broadcasting Company's huge float in the 84th annual Tournament of Roses Parade next New Year's Day.

Since the college-age group of 100 singers performed their first song in 1967, they have gained national prominence singing the praises of America.

The Singers have won three successive Freedom Foundation At Valley Forge Awards in community programs; the "principal awardee" in 1969 and 1971 and the George Washington Honor Medal winner in 1970. They have also received commendations from President Nixon, the Departments of the Army and Air Force, the California Senate and many cities.

In 1970, the group performed before combined audiences of more than 240,000 people in Washington, D.C. where they were featured in the 43rd annual Cherry Blossom Festival.

The Singers are from six colleges in the Los Angeles area and are based at Cerritos College in Cerritos, California. Though a nonprofit group, they are completely self-supporting utilizing income from appearances and record albums to buy costumes, sound equipment, transportation and their favorite project, "Discover Your America."

The "Discover Your America" program that sets them apart from any other performing group in the country is a campus and community program they developed. It consists of a week of activities designed to encourage total involvement of youth and adults alike in a specific community. Individual members of the group meet with city officials, school boards, student governments and community leaders to arrange a full week of festivities throughout the city that culminates in a full concert by the Grand Land Singers.

There are eight adult advisors who donate their free time to assist the group in business advice, contracts, choreography, staging and musical direction. Ray Furgeson, president of a Los Angeles engineering firm, is senior advisor and acts and the Singers' general manager.

On January 1, 1973, when the Grand Land Singers make their Tournament of Roses Parade debut on the WGN float, the broadcasting company will also be making their debut of participation in the parade that will be televised by the NBC and CBS networks.

The WGN float entry, utilizing the longest single piece of animation ever attempted in the parade's history, presents a gigantic white American Eagle overlooking a 50-foot-long Stars and Stripes. As the flag unfurls, a rotating mural of Americana will rise up to reveal the seven Grand Land Singers who will perform to their pre-recorded music.

The float's theme, "It's A Big Country," will be carried out by more than 40,000 carnations—another parade record—and 35,000 roses. Over 100 other varieties of flowers, petals and seed will also be used in the only float from the Chicago area and the only entry from the more than 6,700 radio and television stations in the nation.

### WGN TELEVISION TO CARRY TOURNAMENT OF ROSES PARADE AND PRE-PARADE FEATURE SPECIAL

The 84th annual Tournament of Roses Parade will be telecast on Channel 9, New Year's Day, 1973, from 1–3 p.m., on a delayed basis. A special "Rose Parade Preview," direct from Pasadena, California, will also be telecast from 9:30–10:00 a.m., the same day.

Coverage for both programs is being supplied to WGN Television by Metromedia TV, of Los Angeles.

Providing color commentary of the biggest parade of all is Bill Welsh. The preview program will be co-hosted by Ben Hunter and Alicia Sandoval.

WGN Continental Broadcasting Company will be represented in the parade for the first time with a huge patriotic float representing "Big 10 Country and All America." The theme is "It's a Big Country."

The WGN float, utilizing a record number of carnations—40,000—and more than 35,000 roses, will have a gigantic white eagle atop a representation of the American flag.

The flag is animated and will use the longest single piece of movement ever attempted in the parade's long history. It will unfurl every 20 seconds, revealing a rotating mural of Americana and seven members of The Grand Land Singers, who will perform to pre-recorded music.

It represents the only float entry from the Chicago area and the only entry from the more than 6,700 radio and television stations in the nation.

In addition to the WGN Television coverage, the parade will be seen nationally over the NBC and CBS networks and in more than 12 nations around the world.

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COVERAGE OF THE TOURNAMENT OF ROSES PARADE

In addition to world-wide coverage of this great annual event by Associated Press and United Press, International, there is the following broadcast coverage:

CBS and NBC carry it on a combined total of nearly 500 television stations in the USA.

It is transmitted through the Republic of Mexico with a Spanish translation.

The Canadian Broadcasting Corporation carries the parade throughout Canada . . . serving a viewing audience estimated to be in excess of 15 million.

Via the Atlantic satellite it is transmitted to the Caribbean sector (in Spanish).

Two networks carry it in Japan in color . . . with Japanese translation.

The French TV Network has two filming crews cover it, along with Rose Bowl Game highlights, for the French viewing audience.

Two crews film the parade for Spanish TV.

A freelance film company takes movies for Vienna, Austria, television . . . and makes a speculation print for showing on television in Iran.

And, additionally, there is all-out local coverage by stations in the Los Angeles area.

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## CONSUMER LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 30 minutes.

Mr. ROSENTHAL. Mr. Speaker, today I am introducing, along with several of my colleagues, 12 important consumer bills. They are the first installment of an important package of progressive consumer legislation that I plan to introduce.

These bills are aimed at closing the still widening gap between the ability of Government to protect consumers and the ability of some segments of the business community to abuse them.

I am hopeful this effort will inspire the Nixon administration to get in step with the consumer movement by abandoning its public relations efforts, confused promises and misleading goals in favor of constructive legislative action. But I am worried that the administration's indebtedness to big business has increased dramatically because of the unprecedented outpouring of contributions during the presidential campaign from the entire spectrum of special pleaders and vested interests. That is why, in the final analysis, Congress will probably have to do the job itself.

The consumer record of the past Congress can also be viewed as disappointing. We did pass the Product Safety Commission bill, which the President reluctantly signed, and we extended the life of the Consumer Finance Commission but the Congress failed to establish a Consumer Protection Agency. CPA legislation was watered down and passed in the House but filibustered to death in the Senate's closing days by a powerful coalition of special interest pleaders.

There is an ever-growing imbalance between the ability of the American business community to abuse the consumer and the ability of government to protect him.

The American consumer is lost in a commercial jungle without weapons and without a guide. He faces the slickest combination of technology and Madison Avenue ingenuity. He is matched against whirling computers and motivational experts.

The free enterprise system with its give and take in the marketplace is essentially healthy and constructive. But it sometimes appears to me that businessmen at all levels—from producers to retailers—are involved in a gigantic bait and switch scheme; today's typical consumer is tempted into the marketplace by promises of product perfection. But the system that produces, promotes, sells, and services that product is characterized by planned obsolescence and poor quality control; by the fanciful, frivolous, or deceptive advertising it permits; by the withholding of unfavorable performance data from the public; by the absence of meaningful and understandable warranties and guarantees, by the use of irrelevant product endorsements; by the existence of underpaid and underinformed salesmen on the showroom floor; by the omnipresence of unreliable auto, TV, or appliance repairmen.

The result is that the great free enterprise promise too often proves an illusion.

The American consumer is without the kind of help he needs and deserves from his Government. If this administration, and this Congress, really intend to stop inflation, we had better become concerned about proper consumer representation in Washington which is where many price increases either begin or fail to be halted.

Two years ago, at the beginning of the 92d Congress, there was genuine hope that a massive legislative attack on consumer abuses could be mounted. With the help of special interest forces, that hope died in the final days of last year's legislative session.

But this is a new and, we believe, a better Congress for enacting needed consumer legislation.

Whatever else the new 93d Congress accomplishes in the consumer protection field, its efforts will have to be judged a failure until an independent Consumer Protection Agency is established. The fate of the CPA bill, being introduced separately today, will be a barometer of the Congress' willingness to protect consumers and to grant them the kind of access to the Federal decisionmaking process that the Nixon administration has afforded the representatives of big business.

The administration soon will be sending Congress its consumer proposals. As legislators it will be our responsibilty to examine these bills with objectivity and in a spirit of bipartisanship. But it is not our responsibility to ratify proposals which have the "seal of approval" of those special interest groups whose practices the legislation must correct. It is our responsibility to pay special attention to the views of those in our society—the consumers—whose interests must be protected. These voices have consistenly spoken in favor of the legislative approaches we endorse today.

I fear that this administration's approach to consumer protection has been dictated more by a concern for the hypochondria of the business community than for the real maladies facing millions of consumers.

Following are the bills I am introducing today, along with a short explanation of the purpose and need for each:

CONSUMER LEGISLATION—93D CONGRESS

(Representative BENJAMIN S. ROSENTHAL)

FOOD LABELING AND INFORMATION

*I. Truth in Food Labeling*

*Purpose*—Requires food makers to show on their labels *all* ingredients by percentage, including all additives and preservatives, and by their common or usual names.

*Need*—As many as 80 million Americans must be aware of the food they are eating because of allergies, dietary problems, religious considerations and other reasons. It is presently impossible, thanks to a maze of regulatory exemptions, to tell from a label what is in a food product. The American consumer has an undeniable right and need to know what is in the food he eats.

*II. Nutritional Labeling Act*

*Purpose*—Requires that any packaged consumer food product be labeled by the producer with the following information: (1) nutritional statements including fat content, vitamin and protein value, fats and fatty acids, calories and other nutritional data; (2) the net weight and drained weight of canned or frozen products packed in a liquid medium; (3) the major ingredients by percentage weight of any combination food item.

*Need*—We have been called "a nation of nutritional illiterates." Food labels currently provided little or no information on the nutritional value of the product although this is vital to the consumer's health. Many of the foods Americans eat do not have the nutritional value expected of them. Moreover, existing food labels fail to show the exact proportion of one ingredient to another. Some brands of combination food items contain more of the major ingredients than others (e.g., some brands of beef stew contain more meat, vegetables, etc. than others).

*III. Open Dating Perishable Food Act*

*Purpose*—Requires that all packaged perishable and semi-perishable foods be prominently labeled to show clearly the date beyond which it should not be sold and the optimum storage conditions at home. It also provides that overage products can be sold but only if they are safe, separated from other items and clearly identified as being beyond the expiration date.

*Need*—There is growing evidence that a significant number of perishable food products offered for sale to the American consumer are overage and may be unwholesome. Open dating information gives consumers personal policing powers over the sale of packaged foods and helps in storing these products at home.

### IV. Consumer Food Grading Act

*Purpose*—Requires a uniform system of retail quality grade designations for consumer food products based upon quality, condition and nutritional value.

*Need*—There is currently no consistent and uniform system for determining and labeling the grades of food products. For example, one product may be graded A, B, C, and D while another is AAAA, AAA, AA and A; hence the two "A" grades are opposites, not equals, but there is no way for the consumer to know.

### V. Honest Label Act

*Purpose*—Requires labels on foods, drugs and cosmetics to contain the name and place of business of the true manufacturer, packer and distributor.

*Need*—Its value is two-fold: Most importantly it would aid government, industry and consumers in event of a recall by permitting quick and easy identification. This is now difficult because hundreds of private labels and private brand products on the market do not bear this information. (Bon Vivant vichyssoise was packed under more than 30 different private labels without Bon Vivant's name ever appearing on one of them—a fact which hindered that extensive recall.) Secondly, it would aid consumers in selecting products because they would know who really made the product under the private label. Private label products often tend to be priced lower than their nationally advertised counterparts, although there is frequently no difference between them.

### VI. Unit Pricing Act

*Purpose*—Requires disclosure by retailers of the unit price of packaged consumer commodities. Individual retail businesses with sales below $250,000 a year are exempted.

*Need*—The myraid of package sizes makes it extremely difficult for consumers to compare the prices of two or more package sizes of the identical product to determine the real cost and the best buy. Recent studies indicate that unit pricing provides valuable, objective price data which can save consumers around 8% on their food bills. Some stores now have unit price information but uniformity and comprehensiveness are lacking.

## MEAT PRICES

### VII. Meat price freeze

*Purpose*—Stabilizes the retail prices of meat for 45 days at November 1972 levels and requires the President to submit to Congress a plan for insuring an adequate meat supply for U.S. consumers, reasonable meat prices and a fair return on invested capital to farmers, food producers and food retailers.

*Need*—The lack of price controls on meat at a time when other products are controlled has sent costs soaring and there is no letup in sight. Inflation cannot be controlled so long as the prices on such a major item in the American budget—food, and especially meat—are permitted to go unchecked.

### VIII. Meat quota repeal

*Purpose*—Repeals the Meat Import Quota Act of 1964 to increase the supply of lower cost meats.

*Need*—Repeal of quotas is an essential first step toward lowering the high price of meat products such as hamburgers, hot dogs and cold cuts. Mr. Nixon suspended quotas last summer for the balance of 1972, but a permanent repeal would help foreign suppliers plan better to meet American market needs.

## APPLIANCE DISCLOSURE

### IX. Performance Life Disclosure Act

*Purpose*—Requires manufacturers of durable consumer products, including appliances and electronic items, to disclose on a label or tag affixed to each item sold at retail to consumers, the performance life, under normal operating conditions, of each manufactured durable product or its major components. It also requires such products as film and batteries be labeled as to the date beyond which they should not be sold because they begin to lose performance life.

*Need*—Knowing the performance life expectancy of a product, consumers will be better equipped to decide on the best buy for their money. It will also help them avoid buying durable products that are perishable.

### X. Appliance Dating Act

*Purpose*—Requires that any appliance, TV or other durable product whose design is changed or performance capabilities altered on a periodic basis shall have its date of manufacture permanently affixed to the product.

*Need*—Dating will prevent the sale of older models as "new," something now done with relative ease because the consumer does not have an effective method of checking the model data for himself prior to purchase.

## OTHER

### XI. Sales Promotion Game Act

*Purpose*—Prohibits manufacturers, producers or distributors from requiring or encouraging any retail seller to participate in promotional games; also prohibits a retailer from engaging on his own in a promotional game in connection with the sale of any item.

*Need*—Sales promotional games perform no useful function in the marketplace. Instead, they serve to entice the consumer into basing his purchases on the contest with the most lucrative prize rather than on the more relevant concerns of the best price and the best quality. Moreover, the cost of such games is passed on to the consumer whether he enters the contest or not.

### XII. Intergovernmental Consumer Assistance Act

*Purpose*—Provide federal grants and technical assistance in the establishment and strengthening of state and local consumer protection offices.

*Need*—Consumer protection must be a joint effort at all levels of government. Some excellent work is being done by state and local consumer offices, but funds and technical assistance are desperately needed.

## CONSUMER LEGISLATION PACKAGE COSPONSORS

### I. Truth in food labeling

Benjamin S. Rosenthal, Frank Annunzio, Alphonzo Bell, Jonathan B. Bingham, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Thaddeus J. Dulski, Bob Eckhardt, Don Edwards, Don Fraser, Sam Gibbons, William J. Green, Michael Harrington, Ken Hechler, James J. Howard, Joseph E. Karth, Robert W. Kastenmeier, Edward I. Koch, Robert L. Leggett, Parren Mitchell, William Moorhead, Claude Pepper, Jerry Pettis, Bertram L. Podell, Melvin Price, Charles Rangel, Peter Rodino, Edward R. Roybal, Leo Ryan, John Seiberling, Neal Smith, Gerry Studds, Frank Thompson, Jr., Joel Pritchard.

### II. Nutritional Labeling Act

Benjamin S. Rosenthal, Frank Annunzio, Alphonzo Bell, Jonathan B. Bingham, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Thaddeus J. Dulski, Bob Eckhardt, Don Edwards, Don Fraser, Sam Gibbons, William J. Green, Michael Harrington Ken Hechler, James J. Howard, Joseph E. Karth, Edward I. Koch, Robert L. Leggett, Parren Mitchell, William Moorhead, Claude Pepper, Jerry Pettis, Bertram L. Podell, Melvin Price, Joel Pritchard, Charles Rangel, Peter Rodino, Edward R. Roybal, Leo Ryan, John Seiberling, Neal Smith, Frank Thompson, Lester Wolff.

### III. Open Dating Perishable Food Act

Benjamin S. Rosenthal, Frank Annunzio, Alphonzo Bell, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Thaddeus J. Dulski, Bob Eckhardt, Don Edwards, Don Fraser, Sam Gibbons, William J. Green, Michael Harrington, Ken Hechler, James J. Howard, Joseph E. Karth, Edward I. Koch, Robert L. Leggett, Parren Mitchell, William Moorhead, Claude Pepper, Jerry Pettis, Bertram L. Podell, Melvin Price, Charles Rangel, Peter Rodino, Edward R. Roybal, Leo Ryan, John Seiberling, Gerry Studds, Frank Thompson, Jr., Robert O. Tiernan, Lester Wolff.

### IV. Consumer Food Grading Act

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### V. Honest Label Act

Benjamin S. Rosenthal, Alphonzo Bell, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Thaddeus Dulski, Bob Eckhardt, Don Edwards, Joshua Eilberg, Don Fraser, Sam Gibbons, William J. Green, Michael Harrington, Ken Hechler, James J. Howard, Joseph Karth, Robert Kastenmeier, Edward Koch, Robert L. Leggett, Parren Mitchell, William Moorhead, Claude Pepper, Jerry Pettis, Pertram Podell, Melvin Price, Charles Rangel, Peter Rodino, Edward R. Roybal, Leo Ryan, John Seiberling, Gerry Studds, Frank Thompson, Jr., Robert Tiernan, Lester Wolff.

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**William Moorhead, Claude Pepper, Bertram Podell, Melvin Price, Joel Pritchard, Charles Rangel, Henry Reuss, Peter Rodino, Edward Roybal, John Seiberling, Gerry Studds, Frank Thompson, Jr., Lester Wolff.**

*IX Performance Life Disclosure Act*

**Benjamin S. Rosenthal, Alphonzo Bell, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Thaddeus Dulski, Bob Eckhardt, Don Edwards, Don Fraser, Sam Gibbons, William Green, Michael Harrington, Ken Hechler, James J. Howard, Joseph Karth, Robert Kastenmeier, Edward I. Koch, Robert L. Leggett, Parren Mitchell, William Moorhead, Claude Pepper, Jerry Pettis, Bertram Podell, Melvin Price, Charles Rangel, Peter Rodino, Edward Roybal, Gerry Studds, Frank Thompson, Jr., Robert O. Tiernan, Lester Wolff.**

*X. Appliance Dating Act*

**Benjamin S. Rosenthal, Alphonzo Bell, Jonathan Bingham, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Thaddeus Dulski, Bob Eckhardt, Don Edwards, Don Fraser, Sam Gibbons, William Green, Michael Harrington, Ken Hechler, James J. Howard, Joseph Karth, Robert Kastenmeier, Edward Koch, Robert L. Leggett, Parren Mitchell, William Moorhead, Claude Pepper, Jerry Pettis, Bertram Podell, Melvin Price, Charles Rangel, Peter Rodino, Edward Roybal, John Weiberling, Gerry Studds, Frank Thompson, Jr., Lester Wolff.**

*XI. Sales Promotion Game Act*

**Benjamin S. Rosenthal, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Bob Eckhardt, Don Edwards, Don Fraser, Sam Gibbons, William Green, Michael Harrington, Ken Hechler, James J. Howard, Robert Kastenmeier, Parren Mitchell, Claude Pepper, Bertram Podell, Melvin Price, Charles B. Rangel, Peter Rodino, Edward Roybal, Frank Thompson, Jr.**

*XII. Intergovernment Consumer Assistance Act*

**Benjamin S. Rosenthal, Alphonzo Bell, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Thaddeus Dulski, Bob Eckhardt, Don Edwards, Joshua Eilberg, Don Fraser, Sam Gibbons, Michael Harrington, Ken Hechler, James J. Howard, Robert Kastenmeier, Edward I. Koch, Robert L. Leggett, Parren Mitchell, William Moorhead, Claude Pepper, Jerry Pettis, Bertram Podell, Melvin Price, Charles Rangel, Peter Rodino, Edward Roybal, Gerry Studds, Frank Thompson, Jr., Robert O. Tiernan, Lester Wolff.**

## MISADVENTURE IN SOUTHEAST ASIA DEGENERATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, during the month of December this country's misadventure in Southeast Asia degenerated further into an orgy of death and destruction which has no other purpose than to prove that we can kill and destroy at will in that area.

This murderous bombing reportedly cost us seven men killed, 73 captured or missing, and more than $258 million in destroyed aircraft.

All of this killing and all of this waste have been for what the President has called a "peace with honor." This term remains vague and undefined, but it certainly cannot be attained through dishonorable means.

The reasons for the bombing are also vague and ill-defined. We are supposed to be helping our ally—a corrupt military dictatorship—defend himself, something he has not been able to do or has not wanted to do since we became involved in this war.

We are also supposed to be forcing the North Vietnamese to release the Americans they are holding prisoner, but all the bombing has done is increase the number of men in prison camps and lengthen the missing in action list.

Finally, Mr. Speaker, the bombing itself is illegal by our own standards and laws. When the Tonkin Gulf Resolution was repealed the specific justification for the bombing was eliminated. And, the second possible excuse, that the President as a military commander is acting to protect his men, is not plausible because the number of troops still in Vietnam is very small and they can be evacuated quickly and easily.

The President has promised us peace many times without keeping his word. The latest promises came just before election day. We were told that peace was only a few meetings away. We were led to believe that the prisoners would begin coming home by Thanksgiving and then by Christmas, but all that happened was that the bombing was increased and there was more death and more destruction.

Now the current rumor is that an agreement will be reached by Inauguration Day, January 20, but there is nothing to back up these rumors and the threat of more bombing and more killing still hangs over the Nation.

Mr. Speaker, the war in Indochina has wasted thousands of lives and ruined thousands more; it has divided our people, and it has been an economic disaster for the country.

The only task left for us in Southeast Asia is to insure the release of the Americans now held captive and the safe withdrawal of the remaining troops. There is no reason why there has to be more killing or more men have to waste away in prison camps.

If the President will not end the war Congress will have to do it by refusing to pay for it any longer. That is why I have voted in the past to cut off funds for combat operations in or over Indochina and will continue to do so in the future.

## WILL CONGRESS END THE AMERICAN INVOLVEMENT IN THE INDOCHINA WAR?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, as the new 93d Congress convenes, the Indochina war, like the sword of Damocles, still is hanging over our heads. It, therefore, is incumbent upon us, more than ever, to take most seriously our grave task to bring an end to the American involvement in that Indochina conflict, and I have introduced legislation calling for an immediate cut-off of funds for the war effort and the withdrawal of all American forces from Southeast Asia.

When we were informed, last October 26, that "peace is at hand," I, like other Americans, was relieved that at long last, a settlement to end the war apparently was within grasp. However, when the peace negotiations were suspended in December, and the massive bombing by American warplanes against North Vietnam's heartland commenced, I was saddened and shocked by this dangerous turn of events.

After a period of intensive bombing, we have been notified that peace negotiations will resume again. While I am heartened by this move, the war still goes on, and we do not know whether the President, at some future point, will order additional bombings or adopt any other hostile military act since he chooses not to tell the Congress anything and disrespects the wishes of the American people. Notwithstanding the Paris talks, then, we should not wait upon the man who sat in silence in the White House while he shamed the name of America by the savage bombing which he resumed in his attempt to impose his will by force on the small and backward nation of North Vietnam.

We know what President Nixon, if he chooses, can continue to do in Indochina, for he has already demonstrated that he does as he pleases, with the brief and fatal arrogance that history gives to those who think a temporary position of power will last forever. His ordering of the massive, indiscriminate use of the U.S. overwhelming aerial might to try to impose an American solution on Vietnam's political problems was terrorism on an unprecedented scale, a retreat from diplomacy which this Nation would be the first and loudest to condemn if it were practiced by any other nation. More of this same use of violence, should it ever be repeated again, can only lead to the further death and capture of more American servicemen, the slaughter of more Vietnamese civilians, and, I fear, a turn toward increased violence in domestic affairs here at home.

Thus, upon the 93d Congress rests the heavy burden to bring an end, once and for all, to the American involvement in this Indochina conflict, and this Congress has no choice but to act on this matter. It is late, too late, to rehearse the rights and wrongs of our Indochina policy. But the rights and wrongs of violence are everywhere to see. This Congress must ask itself whether an end to the Indochina involvement would reduce violence and restore decency or whether our continued presence in Indochina would increase violence and send America hurtling still further away from her traditional decencies. The answer would not seem difficult.

Will this Congress lead our Nation back to sanity and peace, or light the way still further down to more death and destruction? No men and women ever carried a heavier charge than the men and women of this Congress do today. If we can lead America back to sanity, we then can begin to sweep away all the sickness and insanity, the evil policies that have taken us into this war and divided our country and set us one against the other in senseless, self-destroying bitterness. America and history await the outcome.

## STATEMENT OF THE HONORABLE MICHAEL J. HARRINGTON ON INTRODUCTION OF INQUIRY ON BOMBING OF NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, during the period December 17 through December 31, the United States unleashed the most destructive campaign attack in the history of the world against North Vietnam. The raids, like all others, were launched without consultation with, or approval by, the Congress of the United States. They brought untold death and destruction to the people of North Vietnam and the United States paid a frightfully high price in men and machinery.

Now that these raids have been terminated for the time being, and our B-52's have been retargeted to attack Laos, Cambodia, and South Vietnam, we must not let the sense of outrage many of us felt last week simply vanish in the air. Perhaps the peace agreement will be signed shortly, but I have little confidence in the optimistic reports of the executive branch. For 8 years, Presidents have been telling the Congress and the American people that peace is just around the corner.

The American people are against the war, but the vocal spirit of 1968 has been replaced by apathy and despair. They have watched their elected representatives, the U.S. Congress, stand by impotently while the President usurped their constitutional powers. The House of Representatives, as a body, has actively avoided to take any position on the war.

A new Congress is convening today, and a new chance to reassert our lost authority is being presented. The first step was taken yesterday by the House Democratic caucus which approved an end-the-war resolution by a 2-to-1 margin. The resolution which I supported directs the Foreign Affairs Committee to prepare legislation to cut off funds for the war once our prisoners are released and provisions for a safe withdrawal of our troops are worked out.

Letters have been sent to CARL ALBERT, Speaker of the House, urging him to support the caucus resolution, and to Robert Strauss, chairman of the Democratic National Committee, asking him to convene a special session of the committee to condemn the bombing campaign, and to urge immediate signing of the October Peace Treaty. I, along with 20 of my House colleagues, signed these letters.

These activities have laid the groundwork for an official reassertion of congressional authority by the House of Representatives. As a prelude to debate on the bill which will be prepared by the Foreign Affairs Committee—similar bills which I have cosponsored have already been introduced—I am today introducing a resolution of inquiry directed to the President and the Secretary of Defense. The resolution requires full disclosure of the extent, in both financial and human terms, of the recent bombing of North Vietnam. This information will allow us to debate the issue in a more informed manner.

More importantly, because the resolution is privileged and must be reported from committee in seven legislative days, it provides the fastest possible means to take an official vote on the war policy of the President.

The resolution of inquiry will not end the war. But it will separate those members who are serious about reasserting congressional authority from those Members who are content to rely entirely on the executive branch's policies and the information it releases to justify them.

Reprinted below is a copy of the resolution:

Resolved, That the President and the Secretary of Defense be, and they are hereby, directed to furnish the House of Representatives, within ten days after the adoption of this resolution, with full and complete information on the following—

1. the number of sorties flown by United States military airplanes, for bombing purposes, over North Vietnam during the period December 17, 1972 through January 3, 1973.

2. the tonnage of bombs and shells fired or dropped on North Vietnam during the period December 17, 1972 through January 3, 1973.

3. the number and nomenclature of airplanes lost by the United States over North Vietnam or its territorial waters during the period December 17, 1972 through January 3, 1973.

4. the number of American men killed, wounded, captured, and missing in action while participating in flights over North Vietnam during the period December 17, 1972 through January 3, 1973.

5. the best available estimate of casualties among the North Vietnamese during the period December 17, 1972 through January 3, 1973.

6. the cost of all bombing and shelling carried on by the United States in or over North Vietnam during the period December 17, 1972 through January 3, 1973, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of U.S. military personnel involved in operating and maintaining such ships and airplanes, cost of equipment destroyed or damaged while participating in missions over North Vietnam, and all other expenses attributable to such bombing and shelling, during the period December 17, 1972 through January 3, 1973.

7. the extent of damage to any and all facilities struck by bombs, including "after action reports" and such other data as is available to the Defense Department, and any other government agency.

## A CONSTITUTIONAL LIMIT ON FEDERAL SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 5 minutes.

Mr. RUNNELS. Mr. Speaker, as Congress looks ahead to the new year and the first session of the 93d Congress, its collective conscience cannot help but be appalled at the course this Nation finds itself following. We are now experiencing another trade deficit. Our public debt has reached the staggering figure of approximately $445 billion, according to the latest estimates I have been able to obtain. Federal spending during the current fiscal year will probably place our country about $30 billion further into debt.

I have introduced legislation to change our course and steer our economy away from possible economic chaos. Our economic situation is the result of many factors including the tragic war in Southeast Asia, the changing economies of our fellow nations, and the rapid growth of our population. Another factor of major importance is the ever-increasing amount of money spent by the Federal Government. This factor, perhaps more so than all of the others, can be controlled and employed to the benefit of our economy.

A reduction in Federal spending can have a positive effect on inflation. A rearrangement of our spending priorities can influence the problems of unemployment and crime. Federal spending could be the backbone for a nationwide effort to return this Nation to sound economic health. Congress must face the task of setting up a set of priorities for itself to follow. The best way, in my opinion, of achieving that goal would be to place a set limit on Federal appropriations each year, one that would vary according to the activities of the Federal Government.

The bill I have introduced will achieve that goal by amending the Constitution to grant to Congress the power to appropriate only so much as was received in revenues by the Federal Government during the previous fiscal year. By employing the previous fiscal year's revenues as a spending ceiling, this proposal would eliminate the continual problem we now encounter in employing the vague, inaccurate, and usually inflated estimates of revenues for each fiscal year which are made during that year. At the end of each fiscal year, Congress would have a definite figure upon which to base all of its appropriations under the proposal I have introduced. Congress would not have the power to appropriate above that figure; and consequently, and perhaps of most importance, Congress would be forced to set priorities on appropriations.

Let me add that I have included an emergency provision in this bill. It would allow Congress to declare a national emergency necessitating the temporary suspension of the ceiling in any given fiscal year by a two-thirds vote of both Houses.

## WHAT ARE THE FACTORS THAT DETERMINE BAIL?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, I should like to call to the attention of our colleagues a matter which has become the subject of much attention in the city of New York involving the bail system. The correspondence which follows recites all of the relevant facts so I shall not repeat them in this statement. I bring it to the attention of our colleagues because the controversy generated is one which I think should be examined.

I believe it is important that those

elected to public office speak out when they believe that a sector of our community is being victimized. Sometimes the individual whose rights are being impaired is the defendant caught up in too harsh or prejudiced bureaucracy; other times it may be the complainant or the public that requires a defense. I believe that in this particular case it is the public that is owed some support and that is why I have spoken out.

The correspondence follows:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., December 29, 1972.*

*To the Editor:*

A police officer in pursuit of an armed gunman following an attempted robbery of a restaurant is shot and seriously wounded. A patron in the restaurant was also shot. The defendant is brought to court and charged with attempted murder, robbery, felonious assault and possession of a dangerous weapon. The District Attorney requests $100,000 bail. While the police officer lies wounded in the hospital and is unable to testify, the Judge frees the defendant on deposit of $500 cash. The Mayor is "dismayed" and states that "the perpetrator was a cold-blooded gunman if there ever was one." (Times, December 26). The Police Commissioner calls the Judge's action "a disgrace".

The crime having taken place in my congressional district, I request that the Presiding Judge conduct an inquiry and urge the court to establish a standard of $25,000 bail in cases where a police officer is shot while in the line of duty. The New York Civil Liberties Union promptly lumps my remarks with those of the Mayor and the Police Commissioner and "deplores all three", charging that we have injured the defendant's presumption of innocence and sought to justify preventive detention.

The following day the same Judge paroles five youths accused of mugging and injuring a 61 year old man, frees an accused robber on $50 cash bail and paroles or releases on no bail defendants in most of the other 50 cases before him (Times, December 28). Any comment from the New York Civil Liberties Union? Not one word.

If the New York Civil Liberties Union (of which I am a member) will only speak for the accused, who is there to speak for the others, i.e., the wounded police officer; the patron who was shot; the victims of the other crimes; the other police officers who want to know where we stand while they put their lives on the line; the rest of us who live in the City and do not appreciate the failure of a Criminal Court Judge to weigh all elements in considering whether and under what circumstances an individual accused of violent crime is to be immediately set free among us.

Contrary to the view expressed by the New York Civil Liberties Union and unlike the Mayor who has already characterized the defendant as a "cold-blooded gunman" I make no judgment on the guilt or innocence of this defendant. My outrage is addressed to the condition that permits an individual accused of a most serious crime under our law to be freed with minimum restraint over the objection of the District Attorney without reference to any consideration of the public interest.

The purpose of bail is to insure the presence of the defendant in court on the day of trial. The law in New York State provides in certain circumstances that as a matter of law bail must be denied. In the majority of cases the granting or denial of bail is a matter of judicial discretion. The Code of Criminal Procedure Section 510.30 provides that where bail is a matter of judicial discretion the court must, on the basis of available information, consider and take into account not only the defendant's employment, financial resources and family ties but the probability or improbability of conviction and the sentence which may be imposed upon conviction.

In the case referred to above, the court apparently considered only the issues of the defendant's ties to the community, ignoring other factors which the legislature directed that the court must consider. The police officer who was shot was not present in court and clearly there could be no full review of the likelihood of the defendant's conviction. More importantly, the defendant was charged with the crime of attempted murder of a police officer who, at the time the case appeared on the calendar, lay wounded in a hospital. Under the Penal Law in the State of New York, there are only three crimes conviction of which warrant capital punishment. One of those crimes involves the killing of a police officer in the course of performing his official duties.

Under these circumstances was it appropriate for the court to free the defendant on deposit of $500 cash? Can it be said with any assurance that this defendant will necessarily return to court on all future occasions on which the case appears on the calendar? Will the $500 bail really act as an inducement in that regard? As a point of information we ought to consider the fact that at present the police report that there are approximately 100,000 bench warrants outstanding with respect to defendants who failed to appear in court to respond to criminal charges.

More important, hasn't the court, by setting bail in the manner in which it did, communicated a message to the police and to others who may be the victims of crime, a message which cannot serve but to aggravate a fact of life; i.e., that law-abiding citizens will not or cannot leave their apartments during evening hours for fear of being assaulted on the streets of our city?

The bail established by the Criminal Court judge was set in contravention of the dictates of the law and cannot serve to insure the future presence in court of the defendant. At the same time that bail and the manner in which that case and other cases are being handled renders a distinct disservice to the community.

I hope the New York Civil Liberties Union will elect to address itself to the plight of all of the parties, defendants, victims, and the public.

Sincerely,

EDWARD I. KOCH.

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HOUSE OF REPRESENTATIVES,
*Washington, D.C., December 29, 1972.*

IRA GLASSER, Esq.
*New York Civil Liberties Union,*
*New York, N.Y.*

DEAR IRA: I wish to acknowledge receipt of your letter dated December 27, 1972. To be entirely charitable, as you put it, I prefer to characterize your recent statements to the press and the matter set forth in your letter as unlawyerlike. Lamentably, I must suggest that for you to conclude that I now favor preventive detention and would "investigate any judge who refuses to order it and who follows the Constitution instead" is the invocation of a tactic that I thought went out with Senator McCarthy. Labels and code words, e.g., preventive detention, are the tools of the demagogue, not the lawyer.

In your letter you construct a straw man and then blow him away, e.g., "When an accused denies the charges against him, and appears unlikely to flee trial, it is unconstitutional to detain him." I agree with you that I was not present at the hearing before Judge Wright. But, then, neither of us were present. Therefore, it would appear that neither of us is more qualified than the other to comment on what transpired in court. As you know, the granting or denial of bail in this case was a matter of judicial discretion, (Code of Criminal Procedure Section 530.20). Judge Wright could constitutionally have denied the defendant bail pending a full hearing which might have included giving the wounded police officer an opportunity to be heard. It is common, as you know, for the court to conduct hearings in criminal cases at the bedside of either complainants or defendants.

In the instant case the police officer, having been wounded, was not present in court. The court, in its discretion, decided to grant bail and, accordingly, was obliged to apply all of the criteria in Section 510.30 of the Code of Criminal Procedure. That section requires the court, on the basis of available information, to consider and to take into account not only the defendant's employment, financial resources and family ties but the probability or improbability of conviction and the sentence which may be imposed upon conviction. Can it truly be said that the court in the absence of the police officer, could adequately weigh the probability of conviction? In addition, can it be contended that the court considered the sentence which may be imposed upon this defendant upon conviction?

I do not believe it necessary for me to follow your lead and take a ritual oath reaffirming my life-long devotion to the presumption of innocence and my expressed commitment to oppose preventive detention, whatever its form. You have elected to blanket my action in calling for an inquiry and my request for minimum bail with the Mayor's public comment that the defendant "is a cold-blooded gunman." I make no judgment of the guilt or innocence of this defendant. My concern is with the situation that permits an individual accused of one of the most serious crimes under our law to be freed with minimum restraint over the objection of the District Attorney without reference to any consideration of the public interest. Without repeating what I have stated elsewhere I enclose a draft of a letter prepared for submission to the New York Times which, together with this letter, fully expresses my position and which I request that you publish along with this letter and with your letter to me.

As you should know, I have a long standing and special affection for the New York Civil Liberties Union. Over the years I have applauded its devotion to the cause of protecting individuals against the machinery of government. Quite correctly, the NYCLU, especially in the context of our adversary system, has elected to serve as a protector of the rights of the individual leaving the question of the protection of the public to others. As a Congressman my responsibility is to all of the people and not only to some of them.

It is indisputable that today in New York City, citizens, particularly the elderly, fear to leave their apartments after dark. I have a responsibility to those people as well as to others accused of crime. I am obliged to balance the interests of all parties in an effort to assure the freedom of every person. I welcome any dialogue or discussion on this issue with any responsible individual or organization. I believe that you will agree that the evocation of emotional reponses by importing code words or labels has never solved anything. Neither is it responsible for any individual or organization to turn its back on a problem and ignore that it exists. My concern, and yours, should be to balance the interests of all of the people to insure that everyone is afforded equal protection of the law and that no one is trampled in the process.

Sincerely,

EDWARD I. KOCH.

NYCLU,
*New York, N.Y., December 27, 1972.*
Hon. Edward I. Koch,
*New York, N.Y.*

Dear Ed: To be entirely charitable, I prefer to characterize as thoughtless your recent statements on bail in the case involving Joseph Gruttola and Judge Bruce Wright. To assume that you gave the issue any serious thought at all is to conclude, lamentably, that you now favor preventive detention, and would "investigate" any judge who refuses to order it and who follows the constitution instead.

Gruttola was accused of a serious crime, which accusation he has denied. There is no reason to believe he will flee the court's jurisdiction, and certainly you could have no basis to dispute Judge Wright's decision after a hearing, since you were not there and have not yet seen the transcript.

When an accused denies the charges against him, and appears unlikely to flee trial, it is unconstitutional to detain him. Judge Wright made the only constitutionally permissable decision.

The last public outcry about bail came a few months ago when a young man in Queens accused of several rapes was released before trial. Everyone was outraged then, too, because they wanted to be protected against rapists. But, as you remember, the boy turned out to be innocent in a case of mistaken identity.

Since you are considering running for Mayor, I am sure the members of the New York Civil Liberties Union would be most interested in reading your answers to the following questions, which I shall print in our newsletter:

(1) The Constitution permits pre-trial detention, or high bail, only to prevent the accused from fleeing the court's jurisdiction. Do you agree with that standard?

(2) Are there any crimes for which you favor detention, or bail sufficiently high to assure detention, of the accused prior to trial, even if his presence at trial is likely?

(3) In the recent case of Joseph Gruttola, Mr. Gruttola denied the charges against him. Do you presume him to be innocent?

(4) If you do presume him innocent, and if after a hearing, Judge Wright found him likely to appear for trial, do you believe he should go free pending trial? If not, on what basis would you detain him other than the belief that he is probably guilty?

(5) On what basis did you propose an investigation into Judge Wright's "fitness" to even hold such bail hearings?

I would appreciate an early response on this important issue on which you have already spoken so swiftly.

Sincerely,
Ira Glasser.

## DR. LAURENCE N. WOODWORTH RECEIVES ROCKEFELLER PUBLIC SERVICE AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. Mills) is recognized for 10 minutes.

Mr. MILLS of Arkansas. Mr. Speaker, it is with particularly great pleasure and satisfaction that I call to the attention of the House of Representatives well-deserved recognition received during the adjournment of Congress by Dr. Laurence N. Woodworth, chief of staff of the Joint Committee on Internal Revenue Taxation.

On December 6, 1972, Dr. Woodworth, along with four other top-level Federal employees, received a 1972 Rockefeller Public Service Award for distinguished Government service in the category of professional accomplishment and leadership. This coveted honor, which includes a cash stipend of $10,000, is administered and awarded annually by the Woodrow Wilson School of Public and International Affairs of Princeton University in recognition of outstanding accomplishment in a distinguished Government career over an extended period of time. This very worthwhile awards program in a very meaningful way focuses public attention on the degree and extent to which excellence exists in the civilian career services of the Federal Government.

The awards committee is to be commended for its choice of Dr. Woodworth. For almost three decades he has served the Congress with complete dedication, loyalty, and devotion. Of today's Members of the House of Representatives only a dozen Members were here on July 1, 1944, when Dr. Woodworth first joined the staff of the Joint Committee on Internal Revenue Taxation. Of today's Senate, only three of the 100 were here at that time.

In the course of his excellent service, service in which time pressures, demands and deadlines are daily circumstances, Dr. Woodworth has participated in and directed the drafting of some of the most far-reaching measures enacted in the history of the United States. His mark is indelibly imprinted in the language of all revenue bills enacted over the past 30 years, including the Internal Revenue Code of 1954, the Revenue Act of 1962, the Revenue Act of 1964, the Excise Tax Reduction Act of 1965, the Tax Adjustment Act of 1966, the Tax Reform Act of 1969, and the Revenue Act of 1971. The provisions of these enactments stand as monuments to Dr. Woodworth's technical expertise and the excellence of his objective and loyal service to the Congress and to the United States.

President John F. Kennedy in his state of the Union address in 1961 said—

> Let the public service be a proud and lively career. And let every man and women who works in any area of our national government, in any branch, at any level, be able to say with pride and with honor in future years: I served the United States Government in that hour of our nation's need.

That men of Dr. Woodworth's stature make the public service a proud and lively career is confirmed in the language of the citation accompanying the Rockefeller award, which I insert in the Record at this point:

### Rockefeller Public Service Awards—Citation

Laurence N. Woodworth, Chief of Staff, Joint Committee on Internal Revenue Taxation, U.S. Congress, was selected for one of the Awards in the field of Professional Accomplishment and Leadership.

Dr. Woodworth, a native of Ohio, earned his Ph. D. degree in 1960 from New York University sixteen years after he joined the Joint Committee on Internal Revenue Taxation as a staff economist. He has been Chief of Staff of that Joint Committee since 1964.

In this post his is the primary and continuing responsibility in the tremendously complex task of drafting and amending income tax legislation for the members of that Committee. The work of that Committee is closely related to the purposes and functions of both the President's Office of Management and Budget and the Department of the Treasury.

Dr. Woodworth has the unreserved trust and respect of the leadership of both parties in both houses of Congress. One of the senior senators said of him, "I know the Senate could not get along without him; for that matter, I don't believe the Treasury Department would know what to do if it didn't have a professional man of Woodworth's competence to work with in the Congress."

A former Secretary of the Treasury said in part, "I cannot think of any other civil servant, who has not yet received the Rockefeller Public Service Award, who can equal his professional accomplishments and leadership."

The comments of a senior member of the minority party in the Senate about Dr. Woodworth may, indeed, have been the most descriptive definition of the true "career" public servant. He said, "First of all, he serves two masters—the House of Representatives and the Senate. Secondly, he is conspicuously nonpartisan and eminently fair in his official duties, no mean feat in the world of politics. He is not only entirely devoted to his work, but he instills a similar devotion in his staff members. . . ."

In him the Committee on Selection saw an example of meticulous and continuing excellence which, though largely unrecognized and unsung among the general public he indirectly serves, is both recognized and depended on by the elected official whom he serves directly.

## THE WEEK THAT WAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. Burlison) is recognized for 5 minutes.

Mr. BURLISON of Missouri. Mr. Speaker, the President and his Secretary of Agriculture last week dealt the farmers of America, and particularly those of Missouri's 10th District, the most devastating blows of recent decades. It might be termed the administration's "one-two-three punch" to farmers.

Our farmers experienced the first financial shock of the Christmas season on December 26, when the Department of Agriculture announced termination of cost-sharing activities under the rural environmental assistance program—REAP—known until recently as the ACP program. Under this program every dollar has been matched by farmer funds. The program has been one which has been used by the so-called small farmer. No one can receive more than $2,500 per year under this program, and in most counties far less than that.

It has done more to clean up our streams than all of our pollution programs. It has stopped the movement of silt at its source through the erection of terraces, the use of contour farming and the establishment of cover crops and grasslands.

The President must know that most of the farmers who participate in this program are very small operators. They simply do not have the means to pay all of these costs, nor should they pay for the tremendous public benefits that the program is providing.

Not only the substance, but the timing of this cutback leads me to fear that it has more political than economic implications. Before the election on November 7, the administration had proceeded with all the plans for a continuation of the conservation program through the year of 1973. Indeed, the administration had even stated that they intended to make $140 million available as the "initial" allocation. This amounted to an $85 million cut of the congressional appropriations of $225 million for this work, but the announcements were all carefully phrased so as to refer to the "initial" expenditures, rather than any "cut" or "impoundment" of funds.

The next blow, and the most damaging to many farmers, was the announcement of termination of disaster designation and emergency loans thereunder. 1972 has been a tragic harvest season for row crops farmers in southeast Missouri. Not only have the rains been so constant as to preclude harvest, hundreds of farmers cannot get to their crops because they have been covered for months now by floodwaters.

I refer to farmers in the areas of the St. Francis, Black, Castor, and Mississippi Rivers. Substantial numbers of these farmers have been completely wiped out by the flooding for crop year 1972. Their only hope, therefore, was Government assistance in the form of emergency low-interest loans under the disaster program authorized and funded by the Congress and signed into law by the President. This law had been liberalized for farmers to include 1 percent interest loans for the crop year following the disaster, as well as a $5,000 "forgiveness" provision for those farmers able to establish their eligibility under disaster guidelines.

Eleven of the 10th District's 19 counties had applied for disaster designation and had been approved on the local level and at the State office. These applications had been forwarded to Washington with recommendations for favorable action.

After unsuccessful attempts to reach the Secretary of Agriculture by telephone, I wrote him on December 9, 1972. My letter concluded with this paragraph:

> I have visited most of this area in the last few weeks and can testify to the widespread damage and ravaged crops caused by unrelenting rains and frequent flooding. I would be gratified by your early action and notification of a disaster declaration.

I am dismayed to report to the Congress on this first week of our new session that the Secretary has not even acknowledged this letter.

On December 21, 1972, I wrote the Director of the Conservation and Land Use Division of the Agricultural Stabilization and Conservation Service on the same subject. That letter stated in part:

> There are vast areas in these counties that have been inundated for a considerable time by flood waters from the Castor, St. Francis, Black, and Mississippi Rivers. I have personally viewed much of this flooded acreage.

From what has gone before, it is not surprising that this letter also has gone without acknowledgment.

Not only is the President kicking our farmers in the teeth, his surrogates refuse with unprecedented arrogance to even acknowledge the existence of representatives of the people, much less explain to them the actions taken.

This is startling when it is considered that the Department of Agriculture and all of its programs must be authorized and funded by the Congress. Over my district it is obvious that literally hundreds of farmers will lose their farms and must leave them to further crowd the cities, or join rural welfare rolls, if the President refuses to listen and change his decision.

"The week that was" next was marred on December 29 by announcement by Secretary Butz that the REA electric and telephone 2 percent loan programs that have permitted the extension of electric power and telephones to millions of Americans, is being terminated. Interest on loans that the cooperatives hereafter receive will be increased by 250 percent.

The irony of "the week that was" is that it follows on the heels of the first Republican Presidential victory in modern times in the 19 counties of my Congressional district. In fact, the President received 66.19 percent of the vote in the district. I mention this fact only as an interesting sideline. Politics should not and cannot be involved in a matter so crucial as the very survival of the farmers of my district. I urge of, and plead with, the President to reconsider these devasting postelection and Christmas season decisions. The reason given for them is that the programs being terminated are inflationary. This is spurious reasoning that cannot withstand logical reflection.

We find our economy robust with profits in many categories soaring, and wages and salaries restrained only by 5½ percent and higher guidelines. How can it be said that programs permitting farmers to survive are inflationary? Such arguments do not speak well for the administration's concept of the intelligence of the American people. Again Mr. President and Mr. Secretary, please reconsider your actions. The farmers of my district, and of this Nation, pray that you will.

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### END THE WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, since November, our Nation's military activity in Indochina has taken another sharp turn. Now, many who supported President Nixon in his campaign for reelection are bitterly criticizing his senseless and cruel bombing of civilians in North Vietnam. Thousands who voted for him now say that they would not have done so had they known that his promise of immediate peace was merely campaign oratory, that within a few days he would order the most savage bombing yet inflicted upon the innocent citizens of North Vietnam.

The Democratic caucus voted last Tuesday—by the wide margin of 154 to 75—to make it Democratic policy in the 93d Congress to cut off funds for the war and to terminate our involvement in it immediately. This is a notable first step toward both peace and the reassertion of the constitutional powers and responsibilities of the Congress.

Now, Congress itself must act to cut off all funds—including funding of President Thieu's military activities—for the war in Indochina. We must not allow Mr. Nixon or Mr. Thieu to veto our hopes and desires for peace. The announcements in October by North Vietnam and by Dr. Kissinger form a clear basis for the signing of a treaty and the return of our prisoners of war.

When the 93d Congress convened on Wednesday, I introduced a bill providing for an immediate halt to our bombing in Indochina, and a cutoff of all military funds—including funds for Mr. Thieu and for civilians paid by the Department of Defense—for military operations in or over Indochina. I include at the conclusion of my remarks the text of that measure and a short but powerful essay which appeared in yesterday's New York Times.

Our course is clear. We must stop the bombing at once, withdraw from Indochina at once, and cut off funds for the dictatorship of Nguyen Van Thieu at once. We must have peace.

The material follows:

H.R. 233

A bill to provide for an immediate end to United States involvement in hostilities in and over Indochina, for the signing of a peace agreement with the Democratic Republic of Vietnam, and for the withdrawal of all United States armed forces and Defense Department personnel from Indochina, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Congress finds and declares that the interests of the people of the United States, Indochina, and the entire world will best be advanced by—

(1) the immediate cessation of all United States involvement in hostilities in Indochina;

(2) the signing of a peace agreement with the Democratic Republic of Vietnam by the United States, with or without the concurrence of the Government of the Republic of Vietnam headed by Nguyen Van Thieu; and

(3) the withdrawal of all United States military forces from Indochina.

(b) In order that the ends set forth in subsection (a) of this section be assured, it is intended by the Congress that sections 2, 3, and 4 of this Act be interpretated strictly against the President and those under his command, and that no exceptions, direct or indirect, to the requirements of such sections shall be permitted.

Sec. 2 No funds heretofore or hereafter appropriated may be expended after the date of enactment of the Act to conduct or continue offshore naval bombardment or mining of, or to bomb, rocket, or otherwise attack by air any target within, Laos, Cambodia, Thailand, the Republic of Vietnam, or the Democratic Republic of Vietnam, including the territorial waters of those nations and the high seas adjacent to such territorial waters.

Sec. 3. In the absence of a signed peace agreement between the United States and the Democratic Republic of Vietnam, all United States military and paramilitary personnel (including civilians employed by the Department of Defense), equipment, and supplies shall be totally, completely, and finally withdrawn from Laos, Cambodia, Thailand, the Republic of Vietnam and the Democratic Republic of Vietnam not later than thirty days following the date of enactment of the Act.

SEC. 4. Beginning thirty days after the date of enactment of this Act—

(a) no funds therefore or thereafter appropriated may be expended to support the deployment of United States military or paramilitary personnel (including civilians employed by the Department of Defense or paid in whole or in part with funds appropriated by the Department of Defense), or any other military or paramilitary personnel under the control or in the pay of the United States in, or the conduct of military or paramilitary operations in or over, the Republic of Vietnam, the Democratic Republic of Vietnam, Laos, Cambodia, or Thailand; and

(b) no funds theretofore or thereafter appropriated may be expended to provide, directly or indirectly, any military or paramilitary asistance to the Government of the Republic of Vietnam.

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[From the New York Times, Jan. 5, 1973]

### WHAT CAN WE DO?

(By Vercors[1])

PARIS.—Where is the difference? Between the devastation of Guernica by the planes of Hitler and the devastation of Hanoi by those of Mr. Nixon, where is the difference? Between the raids of terror over Hanoi to force the Vietnamese to surrender and the raids of terror over Warsaw to force the Polish, over Rotterdam to force the Dutch to surrender, over Coventry to force the British (but Churchill did not surrender and the Vietnamese do not) where is the difference? Between the shredded infants of Spain and the shredded infants of Hanoi? At the time of Guernica, Warsaw, Rotterdam and Coventry what raised the world's conscience with a sacred horror was the recurrence, by the will of one man and his military advisers, of the most barbarous, the cruelest, the most horrifying, the most homicidal means to win a political design. It was the return to Sardanapalus and to Nero multiplied by ten, multiplied by a hundred. The world fought five years against that, against the incredible return of forgotten practices, that one thought had disappeared forever. America was not the least fierce nor the least sincere in that struggle to establish between nations a minimum of civilized relations. It was America which by its initiative (the creation of the U.N.) showed most visibly that will of healing. And now it is America today that brings back Guernica, Warsaw, Rotterdam—that brings us the equivalent of Hiroshima. In order to make an adversary surrender and to make a political design succeed.

During more than twenty years, how many have not been able to return to Germany because they would not know what hands would be offered there to grasp, if those that would be held out to shake would not be stained by the blood of the innocent. For a whole people were silenced by Hitler, had submitted at first, then accepted and covered up his crimes. A courageous resistance had struggled there in the beginning, a few months and then there was no more resistance. And that is recurring—this time in America! There have been without doubt a few beautiful and courageous movements of protest, of opposition—but now? One listens closely, but if anything remains it is very weak, and in spite of the few brave ones still left, they are obliterated in the soft silence of a consenting population. And will it happen that we will not be able to shake the hand of one of these Americans as we could no longer shake the hand of a German not so very long ago?

But if this is true for us what can we do? We weep and I weep, that comforts. You will say to me what else can we do? I don't know, I don't know. Seeing that Russia doesn't dare anything, that China can't, that Europe doesn't want to, Mr. Nixon and his Pentagon feel themselves all-powerful, and this power intoxicates them. They feel they are masters of the world. They know they can, if they want, do ten times worse than Hitler without risking the same fate, and this power intoxicates them. And we know that at least for the near future they will do what they want without anyone opposing it. For the moment they are content with transposing an entire land into a lunar landscape and an entire people into deadmen from out of the Stone Age. And perhaps before having totally arrived to that point, they will have in effect, by means of blood and suffering, imposed their political design on Indochina, as Hitler did on the Spanish, the Polish, the Dutch. And if that ever happens it will be more horrible. Because the Nero-like shadow of Nixon will hover over all of us who will have done nothing to have stopped him. And we will believe we are free when it will no longer be but the surveillant freedom of vassals.

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[1] Vercors is a pen name for Jean Bruller, author and engraver. This originally appeared in the French paper, Le Monde.

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## COSPONSORS SOUGHT FOR COUNCIL ON ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VAN DEERLIN) is recognized for 5 minutes.

Mr. VAN DEERLIN. Mr. Speaker, with Congressman CONTE as principal cosponsor we are today offering legislation to establish a Council on Energy Policy in the White House. Last year, a total of 71 Members—36 Democrats and 35 Republicans—endorsed a similar proposal. Unfortunately, the bill was introduced too late in the session to permit consideration by the Committee on Interstate and Foreign Commerce, to which the measure was referred.

I know that many of our colleagues would like to support this legislation again, and at an appropriate time in the near future Mr. CONTE and I intend to solicit additional cosponsors.

The Council we are proposing would be essentially a planning body, purely advisory in nature; it would in no way encroach on the powers of existing agencies.

But the Council would give us what we now sorely lack: coherence and hopefully, a new sense of direction in shaping new policies to cope with the much discussed energy crisis.

It is clear we cannot afford much more delay in coming to grips with this problem. Already, the United States must import at least 10 percent of its energy, principally in the form of oil. Worse yet, we seem to have achieved maximum production rates for oil and gas; we cannot count on stepped-up domestic production of these fossil fuels to meet anticipated future demands. It is anticipated in many quarters that by 1985 less than two-thirds of our total energy requirements will be supplied by domestic sources. Unless the picture suddenly brightens, we will have to obtain the balance through imports, or learn to start doing without—not a very pleasant prospect for a society as energized as ours.

The Council would consist of three authorities who could be appointed by the President immediately on enactment of this legislation. In my view, this would have the immediate advantage of greater timeliness over other suggestions, such as one calling for the creation of a Department of Natural Resources, that have been advanced for improving energy resources planning. The Council could be formed at once, while it might take years to make a huge, new Cabinet-level department fully operational.

Text of the legislation follows:

### H.R. 1258

A bill for the establishment of a Council on Energy Policy

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) there shall be created in the Executive Office of the President a Council on Energy Policy (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate. The members of the Council shall serve for five-year terms, except that of the three such members first appointed one shall be appointed for a two-year term and one for a four-year term, as designated by the President at the time of appointment. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainment, is well qualified to analyze and interpret energy trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the energy needs of the Nation; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies with respect to energy. Not more than two members of the Council shall be appointed from the same political party.

(b)(1) The Council shall serve as the principal adviser to the President and Congress on energy policy, exercising leadership in formulating Government policy concerning domestic and international energy issues, and shall assist in developing plans and programs which take full advantage of the Nation's technological capabilities in developing clean energy and in conserving energy resources. In addition the Council shall help formulate policies for, and coordinate operations of, energy resources and facilities owned or controlled by the Federal Government. The Council shall prepare for the President in cooperation with the Council on Environmental Quality and with the assistance of other interested departments and agencies the annual Energy Report required by subsection (f).

(2)(A) All legislative recommendations and reports to Congress of Federal agencies, to the extent such recommendations and reports deal with energy matters, shall be subject to the approval of the Council.

(B) The Council shall make recommendations to the President and Congress for resolving conflicting policies of Federal agencies.

(C) The Council shall recommend policies to Federal and State agencies respecting power emergencies.

(3) The Council shall develop a long-range, comprehensive plan for energy utilization in the United States, and shall provide assistance to any executive agency concerned with energy and power in the United States.

(4) All agencies of the Federal Government shall include in every recommendation or report on proposals for legislation and other major Federal actions having a significant effect on energy availability or use a detailed statement by the responsible official

on whether such proposal or action is consistent with the long-range plan formulated under paragraph (3). If such proposal or action is not consistent with such plan, the statement shall also contain a detailed justification for the proposal or action.

(5) Neither the Council nor its members may refuse to testify before or submit information to either House of Congress or any duly authorized committee thereof.

(c) In exercising its powers, functions, and duties under this section, the Council shall—

(1) consult with representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

(d) Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315.)

(e) The Council may employ such officers and employees as may be necessary to carry out its functions under this section. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

(f) The President shall cause to be prepared and submitted to the Congress on or before January 1, 1974, and annually thereafter, an Energy Report. The report shall include—

(1) an estimate of energy needs for the ensuing ten-year period to meet the requirements of the national defense, the commercial and industrial life of the country, and the general welfare of the people of the United States;

(2) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economical manner with due regard for the protection of national security, and the environment and the conservation of natural resources;

(3) current and foreseeable trends in the quality, management and utilization of energy resources and the effects of those trends on the social, economic, and other requirements of the Nation;

(4) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices, including regulatory practices, employed to achieve the foregoing objectives;

(5) recommendations for the development and application of new technologies, procedures, and practices which he may determine to be required to achieve such objectives; and

(6) recommendations for legislation.

(g) There are authorized to be appropriated to carry out the provisions of this section not to exceed $300,000 for fiscal year 1974, $750,000 for fiscal year 1975, and $1,000,000 for each fiscal year thereafter.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. STEELE (at the request of Mr. GERALD R. FORD), from the close of business January 3 through January 19, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 5 minutes, today, to revise and extend his remarks and include extraneous matter. •

Mr. RANDALL, for 60 minutes, on Tuesday, January 9 and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. ANDERSON of Illinois), to revise and extend their remarks, and to include extraneous matter:)

Mr. WYMAN, today, for 20 minutes.

Mr. STEELE, today, for 10 minutes.

Mr. QUIE, today, for 15 minutes.

Mr. HANSEN of Idaho, today, for 15 minutes.

Mr. FINDLEY, today, for 5 minutes.

Mr. VEYSEY, today, for 10 minutes.

Mr. BELL, today, for 5 minutes.

Mr. HEINZ, today, for 5 minutes.

Mr. MYERS, today, for 5 minutes.

Mr. DUNCAN, today, for 10 minutes.

(The following Members (at the request of Mr. RYAN), to revise and extend their remarks and to include extraneous matter:)

Mr. ANNUNZIO, today, for 5 minutes.

Mr. ROSENTHAL, today, for 30 minutes.

Mr. REUSS, today, for 30 minutes.

Mr. RARICK, today, for 5 minutes.

Mr. GONZALEZ, today, for 5 minutes.

Mr. EILBERG, today, for 5 minutes.

Mr. KASTENMEIER, today, for 5 minutes.

Mr. HARRINGTON, today, for 5 minutes.

Mr. ANDERSON of California, today, for 20 minutes.

Mr. RUNNELS, today, for 5 minutes.

Mr. KOCH, today, for 5 minutes.

Mr. BURLISON of Missouri, today, for 5 minutes.

Mr. MILLS of Arkansas, today, for 10 minutes.

Ms. ABZUG, today, for 10 minutes.

Mr. REUSS, on January 9, for 30 minutes.

Mr. REUSS, on January 10, for 30 minutes.

Mr. ULLMAN, today, for 30 minutes.

Mr. VAN DEERLIN, today, for 5 minutes.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BENNETT and to include extraneous matter.

Mr. CORMAN and to include extraneous matter in the body of the RECORD notwithstanding the estimated cost of $977.50.

Mr. SIKES in five instances.

Mr. STRATTON on two instances, and to include extraneous material.

(The following Members (at the request of Mr. ANDERSON of Illinois), and to include extraneous matter:)

Mr. RHODES in five instances.

Mr. BAKER.

Mr. BELL in seven instances.

Mr. MCCLOSKEY.

Mr. BROOMFIELD in six instances.

Mr. CRANE in 10 instances.

Mr. KEATING in four instances.

Mr. CEDERBERG in two instances.

Mr. ERLENBORN.

Mr. FINDLEY in two instances.

Mr. DERWINSKI in two instances.

Mr. YOUNG of Florida in five instances.

Mr. CONTE.

Mr. DUNCAN.

Mr. SYMMS in two instances.

Mr. RAILSBACK in six instances.

Mr. BROTZMAN.

Mr. DU PONT.

Mr. HOSMER in three instances.

Mr. MILLER in five instances.

Mr. BAFALIS in five instances.

Mr. HEINZ in three instances.

Mr. BURKE of Florida in two instances.

Mr. TALCOTT in three instances.

Mr. MIZELL in six instances.

Mr. RIEGLE.

Mr. SCHERLE in five instances.

Mr. CARTER in two instances.

Mr. GERALD R. FORD in three instances.

Mr. HUTCHINSON.

Mr. MICHEL in five instances.

Mr. MCCLORY.

Mr. STEIGER of Wisconsin.

Mr. YOUNG of Illinois in three instances.

Mr. COLLIER in three instances.

(The following Members (at the request of Mr. RYAN and to include extraneous matter:)

Mr. MANN in 10 instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in five instances.

Mr. ROSENTHAL in 10 instances.

Mr. PATTEN.

Mr. O'HARA in three instances.

Mr. KASTENMEIER.

Mr. WALDIE in two instances.

Mr. TEAGUE of Texas in 10 instances.

Mr. EDWARDS of California.

Mr. EILBERG in 10 instances.

Mrs. GRASSO in 10 instances.

Mr. WOLFF in two instances.

Mr. HOLIFIELD.

Mr. DANIELSON.

Mr. RODINO.

Ms. ABZUG in 10 instances.

Mr. BINGHAM in three instances.

Mr. CHAPPELL in two instances.

Mr. FRASER in five instances.

Mr. DENHOLM in three instances.

Mr. ANDERSON of California in five instances.

Mr. RONCALIO of Wyoming.

Mr. FULTON.

Mr. UDALL.

Mr. VANIK in two instances.

Mr. KOCH in 10 instances.

Mr. PICKLE in two instances.

Mr. CAREY of New York in two instances.

Mr. ULLMAN in 10 instances.

Mr. KYROS.

Mr. MOORHEAD of Pennsylvania in six instances.

Mr. ASPIN in 10 instances.

Mr. HAMILTON in six instances.

Mr. STOKES.

Mr. REUSS.

Mr. JONES of Alabama.

Mr. FISHER in three instances.

## ADJOURNMENT

Mr. RYAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Tuesday, January 9, 1973, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*(The following report is submitted pursuant to section 118, Public Law 92-136)*

*(January 2, 1973)*

Mr. CELLER: Committee on the Judiciary. Report on activities during the 92d Congress of the Committee on the Judiciary (Rept. No. 92-1636). Referred to the Committee of the Whole House on the State of the Union.

[*Filed prior to 12 noon: Pursuant to section 118, Public Law 92-136, the following report is submitted*]

Mr. ICHORD: Committee on Internal Security. Report on activities during 92d Congress of the Committee on Internal Security (Rept. No. 92-1637). Referred to the Committee of the Whole House on the State of the Union.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

194. A letter from the Commissioner of the District of Columbia, transmitting a report of action by the District of Columbia government on the recommendations of the Commission on the Organization of the Government of the District of Columbia; to the Committee on the District of Columbia.

### RECEIVED FROM THE COMPTROLLER GENERAL

195. A letter from the Comptroller General of the United States, transmitting a report of the examination of the financial statements of the Veterans Canteen Service, Veterans Administration, for fiscal year 1972, pursuant to 38 United States Code 4207; to the Committee on Government Operations.

196. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEVILL:

H.R. 1381. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

H.R. 1382. A bill to provide for the establishment of the Cathedral Caverns National Monument in the State of Alabama, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BEVILL (for himself, Mr. Nichols, Mr. Dickinson, and Mr. Flowers):

H.R. 1383. A bill to provide for orderly trade in iron ore, iron, and steel mill products; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 1384. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 1385. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BROOMFIELD:

H.R. 1386. A bill to amend title 13, United States Code, to provide for a middecade census of population in 1975 and every 10 years thereafter, to prescribe February 1 as the census date for the 1975 and later censuses of population, to limit the categories of questions to be answered in middecade censuses, to provide for census recounts of population, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CASEY of Texas (for himself and Mr. Pepper):

H.R. 1387. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 1388. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 1389. A bill to restore to persons having claims against the United States their right to be represented by legal counsel of their own choosing; to the Committee on the Judiciary.

H.R. 1390. A bill to amend title 5 of the United States Code with respect to the observance of Veterans Day; to the Committee on the Judiciary.

H.R. 1391. A bill to amend title 28 of the United States Code to provide that any judge or Justice of the United States appointed to hold office during good behavior shall retire from regular active service upon attaining the age of 70 years; to the Committee on the Judiciary.

H.R. 1392. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 1393. A bill to provide that the reservoir formed by the lock and dam referred to as the "Jones Bluff lock and dam" on the Alabama River, Ala., shall hereafter be known as the Robert F. Henry lock and dam; to the Committee on Public Works.

H.R. 1394. A bill to amend the Internal Revenue Code of 1954 with respect to the tax-exempt status of, and the deductibility of contributions to, certain private schools; to the Committee on Ways and Means.

H.R. 1395. A bill to amend the Internal Revenue Code of 1954 to exempt tank truck hoses and couplings sold by dealers in industrial equipment and supplies from the manufacturers excise tax on truck parts; to the Committeee on Ways and Means.

H.R. 1396. A bill to amend the Internal Revenue Code of 1954 to provide a credit against the individual income tax for certain expenses of higher education; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 1397. A bill to terminate the contractural relationship between the Federal and State governments with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410; to the Committee on Public Works.

By Mr. HAMMERSCHMIDT:

H.R. 1398. A bill to authorize the construction of a bridge on lock and dam No. 13 on the Arkansas River near Fort Smith; to the Committee on Public Works.

By Mr. HAMMERSCHMIDT (for himself, Mr. Alexander, Mr. Mills of Arkansas, and Mr. Thornton):

H.R. 1399. A bill to provide for a highway bridge across the Norfolk Reservoir in Arkansas; to the Committee on Public Works.

By Mr. ECKHARDT (for himself, Mr. Adams, Mr. Tiernan, Mr. Helstoski, Mr. Conyers, Mr. Drinan, Mr. Mitchell of Maryland, Mr. Aspin, and Ms. Abzug):

H.R. 1400. A bill to require no-fault motor vehicle insurance as a condition precedent to using the public streets, roads, and highways in order to promote and regulate interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HECHLER of West Virginia:

H.R. 1401. A bill to amend the Wild and Scenic Rivers Act of 1968 (82 Stat. 906) by designating a portion of the Shavers Fork of the Cheat River, W. Va., for study as a potential addition to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of California:

H.R. 1402. A bill to provide a sound physical basis and an operational system for predicting damaging earthquakes in heavily populated areas of California and Nevada; to the Committee on Interior and Insular Affairs.

H.R. 1403. A bill to provide for the leasing for commercial recreation purposes of certain lands and facilities of the forest reserves created from the public domain, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1404. A bill to provide for the establishment of the Guam National Seashore, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1405. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. KAZEN:

H.R. 1406. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Cibolo project, Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEMP:

H.R. 1407. A bill to authorize a program for the improvement and restoration of the Buffalo River Basin, N.Y.; to the Committee on Public Works.

H.R. 1408. A bill to amend the Flood Control Act of 1970; to the Committee on Public Works.

H.R. 1409. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. PEYSER:

H.R. 1410. A bill to amend the Elementary and Secondary Education Act of 1965 to provide Federal assistance for interscholastic athletic programs in secondary schools associated with community improvement programs; to the Committee on Education and Labor.

H.R. 1411. A bill to provide for the regulation of surface coal mining, for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1412. A bill to repeal the limitation imposed by section 1130 of the Social Security

Act upon the amount payable to States as grants for social services under the various Federal-State public assistance programs, such as day care; to the Committee on Ways and Means.

H.R. 1413. A bill to amend the Social Security Act to provide that future increases in retirement or disability benefits under Federal programs shall not be taken into consideration in determining a person's need for aid or assistance under any of the Federal-State public assistance programs, and for other purposes; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 1414. A bill to repeal U.S. membership in the United Nations and any organ and specialized agency thereof, and for other purposes; to the Committee on Foreign Affairs.

By Mr. REUSS (for himself, Ms. Abzug, Mr. Adams, Mr. Addabbo, Mr. Aspin, Mr. Badillo, Mr. Bell, Mr. Bergland, Mr. Bevill, Mr. Bingham, Mr. Boland, Mr. Brademas, Mr. Brown of California, Mr. Carney of Ohio, Mrs. Chisholm, Mr. Clark, Mr. Conyers, Mr. Corman, Mr. Cotter, Mr. Cronin, Mr. W. C. (Dan) Daniel, Mr. Danielson, Mr. Diggs, Mr. Dingell, and Mr. Drinan):

H.R. 1415. A bill to provide for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS (for himself, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Fauntroy, Mr. Fish, Mr. Flood, Mr. William D. Ford, Mr. Gaydos, Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hays, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks, Miss Jordan, Mr. Kastenmeier, Mr. Koch, Mr. Kyros, Mr. Leggett, Mr. Lehman, Mr. Madden, and Mr. Meeds):

H.R. 1416. A bill to provide for programs of public service employment for unemployed persons, to assist States and local communities providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS (for himself, Mr. Metcalfe, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Morgan, Mr. Moss, Mr. Murphy of Illinois, Mr. Nedzi, Mr. Nix, Mr. Obey, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Rees, Mr. Rodino, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Seiberling, Mr. James V. Stanton, Mr. Steele, and Mr. Stokes):

H.R. 1417. A bill to provide for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS (for himself, Mr. Studds, Mr. Symington, Mr. Tiernan, Mr. Waldie, Mr. Charles H. Wilson of California, Mr. Wolff, and Mr. Yatron):

H.R. 1418. A bill to provide for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. TALCOTT:

H.R. 1419. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

H.R. 1420. A bill to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system; to the Committee on Agriculture.

H.R. 1421. A bill to prohibit the payment of subsidies and similar benefits to producers in States which have failed to enact adequate farm labor laws; to the Committee on Agriculture.

H.R. 1422. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

H.R. 1423. A bill to authorize pay and benefits for members and survivors of members of the Philippine Scouts on the same basis as such pay and benefits are authorized for other members of the Armed Forces and their survivors; to the Committee on Armed Services.

H.R. 1424. A bill to establish a universal food service and nutrition education program for children; to the Committee on Education and Labor.

H.R. 1425. A bill to amend the National Labor Relations Act to require a vote by employees who are on strike, and for other purposes; to the Committee on Education and Labor.

H.R. 1426. A bill to amend title I of Public Law 874, 81st Congress, to provide financial assistance to local educational agencies for the education of children of migrant agricultural employees; to the Committee on Education and Labor.

H.R. 1427. A bill to provide grants to States or political subdivisions thereof or to certain other persons to assist the restoration of historical cemeteries or burial plots, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1428. A bill to amend the act of June 15, 1912 (37 Stat. 134), to permit an exchange of lands in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 1429. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

H.R. 1430. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1431. A bill to repeal the lowest unit rate provisions of section 315(b) of the Communications Act of 1934; to the Committee on Interstate and Foreign Commerce.

H.R. 1432. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of establishing Monterey Bay, the coastal areas of Santa Cruz, Monterey, and San Luis Obispo Counties, Calif., certain portions of the tidelands, Outer Continental Shelf, and seaward areas of the United States as marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1433. A bill to repeal section 3108 of title 5, United States Code, which prohibits the employment by the Federal and District of Columbia governments of individuals employed by detective agencies; to the Committee on Post Office and Civil Service.

H.R. 1434. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

H.R. 1435. A bill to impose import limitations on prepared or preserved strawberries; to the Committee on Ways and Means.

H.R. 1436. A bill to require imported foodstuffs to meet standards required by the Federal Government for domestic foodstuffs; to the Committee on Ways and Means.

H.R. 1437. A bill to provide for the establishment of a Commission on Revision of Federal Taxation; to the Committee on Ways and Means.

H.R. 1438. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to unremarried widows and widowers, and individuals who have attained age 35 and who have never been married or who have been separated or divorced for 1 year or more, who maintain their own households; to the Committee on Ways and Means.

H.R. 1439. A bill to authorize the distribution of a portion of the Federal tax revenue to the States for elementary and secondary education purposes; to the Committee on Ways and Means.

H.R. 1440. A bill to amend the Internal Revenue Code of 1954 to restore the provisions permitting the deduction, without regard to the 3-percent and 1-percent floors, of medical expenses incurred for the care of individuals 65 years of age and over; to the Committee on Ways and Means.

H.R. 1441. A bill to amend section 213 of the Internal Revenue Code of 1954 to provide that certain expenses of child adoption shall be treated as medical expenses; to the Committee on Ways and Means.

H.R. 1442. A bill to amend the Internal Revenue Code of 1954 to authorize deduction from gross income for certain expenses of employing full-time household help; to the Committee on Ways and Means.

H.R. 1443. A bill to amend the Internal Revenue Code to 1954 to authorize a deduction from gross income for certain contributions to the support of an aged parent or divorced mother who is not gainfully employed; to the Committee on Ways and Means.

H.R. 1444. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of advanced education (including certain limited travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

H.R. 1445. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 1446. A bill to amend the Internal Revenue Code of 1954 to authorize a tax credit for certain expenses of providing higher education; to the Committee on Ways and Means.

H.R. 1447. A bill relating to the treatment, for purposes of the Federal Unemployment Tax Act, of services performed by a student or his spouse for certain organizations operated in connection with the school, college, or university which the student is attending; to the Committee on Ways and Means.

H.R. 1448. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

H.R. 1449. A bill to amend the Internal Revenue Code of 1954 to provide that the requirement of filing certain returns and the tax on unrelated business income shall not apply to certain nonprofit social clubs, domestic fraternal societies, and veterans organizations; to the Committee on Ways and Means.

H.R. 1450. A bill to amend title II of the Social Security Act to provide that an individual who, in any month, is eligible for a disability determination or for disability insurance benefits but does not file application therefor within the specified time may nevertheless (upon subsequently filing application) obtain such a determination or become entitled to such a benefit, regardless of the length of time which has elapsed, if he was theretofore incapable of executing the application by reason of a physical or mental condition; to the Committee on Ways and Means.

H.R. 1451. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. TALCOTT (for himself and Mr. Gubser):

H.R. 1452. A bill to designate certain lands in the Pinnacles National Monument in California as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. TALCOTT (for himself and Mr. Sisk):

H.R. 1453. A bill to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 1454. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. VEYSEY:

H.R. 1455. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

H.R. 1456. A bill to amend title II of the Social Security Act to increase to $4,000 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 1457. A bill to amend chapter 11 of title 5, United States Code, to prohibit a U.S. Civil Service Commissioner from engaging in any other business or employment; to the Committee on Post Office and Civil Service.

By Mr. WYDLER (for himself, Mr. Lent, Mr. Roncallo of New York, and Mr. Grover):

H.R. 1458. A bill to authorize certain changes to be made in the F-14 aircraft procurement program; to the Committee on Armed Services.

By Mr. YOUNG of Florida:

H.R. 1459. A bill to amend the Federal property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums; to the Committee on Government Operations.

By Mr. YOUNG of Florida (for himself and Mr. Brasco):

H.R. 1460. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to require the establishment nationally of an emergency telephone call referral system using the telephone No. 911 for such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida:

H.R. 1461. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BAFALIS:

H.J. Res. 128. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right of individuals to participate in prayers in public schools; to the Committee on the Judiciary.

By Mr. BEVILL:

H.J. Res. 129. Joint resolution proposing an amendment to the Constitution of the United States to provide for the mandatory retirement of Judges of the Supreme Court at the age of 70; to the Committee on the Judiciary.

H.J. Res. 130. Joint resolution proposing an amendment to the Constitution requiring that Justices of the Supreme Court be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

H.J. Res. 131. Joint resolution proposing an amendment to the Constitution of the United States prohibiting the use of the U.S. mails for the transmission of communications hostile to the Constitution, laws, and form of government of the United States or any State; to the Committee on the Judiciary.

H.J. Res. 132. Joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits; to the Committee on the Judiciary.

H.J. Res. 133. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of pryer in public buildings; to the Committee on Judiciary.

By Mr. EDWARDS of Alabama:

H.J. Res 134. Joint resolution reciprocity in U.S. territorial waters; to the Committee on Foreign Affairs.

H.J. Res. 135. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. LANDRUM:

H.J. Res. 136. Joint resolution to provide for the designation of the week of February 11 to 17, 1973, as "National Vocational Education Week;" to the Committee on the Judiciary.

By Mr. O'HARA (for himself, Mr. Alexander, Mr. Annunzio, Mr. Ashley, Mr. Boland, Mr. Brasco, Mr. Bray, Mr. Brooks, Mr. Broomfield, Mr. Burlison of Missouri, Mrs. Chisholm, Mr. Clark, Mr. Collier, Mr. Conyers, Mr. Dominick V. Daniels, Mr. Dellenback, Mr. Dingell, Mr. Esch, Mr. Evans of Colorado, Mr. Mr. Fish, Mr. Flood, Mr. William D. Ford, Mr. Giaimo, Mr. Grover, and Mr. Hamilton):

H.J. Res. 137. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. O'HARA (for himself, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hunt, Mr. Johnson of Pennsylvania, Mr. Karth, Mr. Koch, Mr. Kyros, Mr. Long of Maryland, Mr. Macdonald, Mr. Meeds, Mr. Michel, Mr. Mollohan, Mr. Morgan, Mr. Moorhead of Pennsylvania, Mr. Mosher, Mr. Moss, Mr. Nedzi, Mr. Obey, Mr. Riegle, Mr. Rooney of Pennsylvania, Mr. Thompson of New Jersey, Mr. Wright, and Mr. Wyatt):

H.J. Res. 138. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. O'HARA (for himself, Mr. Yatron and Mr. Vanik):

H.J. Res. 139. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. SATTERFIELD:

H.J. Res. 140. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. TALCOTT:

H. Con. Res. 44. Concurrent resolution expressing the sense of the Congress with respect to the withdrawal of all American forces from Vietnam; to the Committee on Foreign Affairs.

By Mr. EDWARDS of Alabama:

H. Res. 101. Resolution to provide for equitable and effective minority staffing on House standing committees; to the Committee on Rules.

H. Res. 102. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

4. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the skill centers operated by the Los Angeles Unified School District; to the Committee on Education and Labor.

5. Also, memorial of the Legislature of the State of California, relative to the Genocide Convention of the United Nations; to the Committee on Foreign Affairs.

6. Also, memorial of the Legislature of the State of California, relative to through traffic at Yosemite National Park; to the Committee on Interior and Insular Affairs.

7. Also, memorial of the Legislature of the State of California, relative to Veterans Day; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MAILLIARD:

H. Res. 103. Resolution to refer the bill H.R. 1350 entitled "A bill for the relief of the Del Monte Fishing Company" to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

By Mr. BEVILL:

H.R. 1462. A bill for the relief of John R. Poe; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 1463. A bill for the relief of Emilia Majowicz; to the Committee on the Judiciary.

H.R. 1464. A bill for the relief of Miss Evelina Persello; to the Committee on the Judiciary.

H.R. 1465. A bill for the relief of Filomena Quaranta; to the Committee on the Judiciary.

H.R. 1466. A bill for the relief of Luigi Santaniello; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 1467. A bill for the relief of Abdul Mannan; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 1468. A bill to authorize the Secretary of the Army, or his designee, to convey two parcels of land at the Fort Sam Houston Military Reservation in exchange for another parcel of land; Committee on Armed Services.

# SENATE—*Saturday, January 6, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. SAM NUNN, a Senator from the State of Georgia.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God we thank Thee this day for a republic in which the will of the people is expressed in free and open elections; for contests which illuminate and instruct the people in the purpose and direction of their own government; for the young who for the first time have exercised the franchise; and for all that makes enduring the institutions which serve the common welfare, assure personal freedom, and an ordered way of life.

We beseech Thee to nourish the people and their leaders in the spiritual verities and moral qualities which make a nation great and good and strong. Cast out pride, violence, greed, and injustice and all that obstructs the doing of Thy will and the coming of Thy kingdom on earth. Draw together the diverse peoples of every race and creed and culture and forge us into one mighty unit strong in the Lord and in the power of His might.

We pray in His name whose rulership is above all nations. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., January 6, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. SAM NUNN, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. NUNN thereupon took the chair as Acting President pro tempore.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, January 4, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SELECTION OF SENATOR KENNEDY TO BE CHAIRMAN OF THE TECHNOLOGY ASSESSMENT BOARD

Mr. MANSFIELD. Mr. President, pursuant to Public Law 92–484, Senate members of the Technology Assessment Board, Senators KENNEDY, HOLLINGS, HUMPHREY, CASE, DOMINICK, and SCHWEIKER, have unanimously selected the distinguished Senator from Massachusetts (Mr. KENNEDY) to serve as Chairman of the Technology Assessment Board for the duration of the 93d Congress.

## VIETNAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that certain remarks which I made on December 20, 1972, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### STATEMENT OF SENATOR MIKE MANSFIELD

I am personally depressed by the speech of Dr. Kissinger on last Saturday which indicated there was very little light, if any, at the end of the so-called tunnel. I am disturbed at the resumption of bombing north of the 20th parallel because, to me, it is an accentuation of the war and a re-broadening of the area of conflict. This is not the road to peace, but rather the road to a continuing impasse with both sides, if not all sides, being stubborn and unwilling for purposes of prestige or power to give the necessary inch.

It is long past the time when we should consider people, not power or prestige, and go back to the October 26 agreement which held out the prospect of a peace this year. The blood bath, which is Vietnam, Cambodia and Laos, must be ended and the sooner the better for all concerned.

Anger, stubbornness, prestige will not bring this war to a close; the only possible answer I can see is through negotiations. We have gone too far out on a limb based on Dr. Kissinger's report to the press and the nation on October 26, a report which, I believe, was made in good faith. If "peace is at hand", the sooner we achieve that most necessary objective, the better it will be for us and for all concerned. Would not the signing of the October 26th agreement, tentatively agreed to earlier in October, suffice?

The hopes of the American people have been raised and now they have been shattered. How long will this war last? The bombing and mining will not, in my opinion, bring the war to a close. They will only prolong it. The bombing tactic is eight years old. It has not produced results in the past. It will not lead to a rational peaceful settlement now. It is the "stone-age" strategy being used in a war almost unanimously recognized in this nation as a "mistaken" one. It is a raw-power play with human lives, American and others, and, as such, it is abhorrent.

Furthermore, in this longest war in the history of the United States there is the question of the POWS and the Recoverable Missing in Action. What is happening now will lead to new increases in both categories and a lengthening of the delay before they will be returned to the United States. The date of their return will be determined *only* by a peace settlement and that is not in sight at the present time.

Dr. Kissinger, on October 26th, indicated, in effect, and quoting from Hanoi's broadcast of that date, that the reunification of Vietnam was acceptable to the United States. He evidently agreed that the "United States respects the independence, sovereignty and territorial integrity of Vietnam as recognized by the 1954 Geneva agreements," and that "the reunification of Vietnam shall be carried out step by step through peaceful means." The Geneva Accords called for all-Vietnamese elections—north and south—two years after the Accords went into effect. Dr. Kissinger further stated in his October 26th press briefing quoting from a paragraph of a draft of a tentative agreement that "the DRV proposed the cessation of the war throughout Vietnam, withdrawal of U.S. forces," and then it said—a cease-fire in South Vietnam and a total still quoting Kissinger—"The two South Vietnamese parties shall settle together the internal matters of South Vietnam within three months after the cease-fire comes into effect." Dr. Kissinger then said "This has been our position since the beginning of these negotiations. It was never accepted four years ago, three years ago, or two months ago. The first time it was accepted was on October 8. As soon as it was accepted we completed within four days a rough draft of an agreement from which we have since been operating. . . ."

One of the reasons advanced for the stepped-up bombing was a supposed North Vietnamese concentration of men and material to enlarge their operations in the south. Perhaps this is true but it goes contrary to press reports in the preceding time period.

These press reports raise serious questions as to the purpose of the renewed bombing. Is it for some urgent interim military purpose until negotiations are resumed? Or is it an attempt—one more of many attempts—to put the pressure on the North Vietnamese, so we can get out of a tragic and mistaken war without the appearance of a mistake? Is it for that, that we are expending additional planes and, far more serious, additional lives, American and Asian? It is long since past time to stop worrying about saving face and concentrate on saving lives and our own sense of decency and humanity.

The Senate I am sure would be more than willing to give of its advice, counsel, and its full support to the President, to achieve, *not through attrition* but through negotiation, an end to this tragic war. It is the President's for the asking.

## SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MANSFIELD. Mr. President, in recent years, temporary committees of the Senate have been established to look into specific legislative fields concerning major issues facing the American people. Usually these committees are intended to continue in existence for not more than one Congress. However, some have been continued longer because of the scope of the problems encountered.

One of these temporary committees is the Select Committee on Equal Educational Opportunity under the able leadership of its distinguished chairman, the Senator from Minnesota (Mr. MONDALE).

I am pleased to report to the Senate today that Senator MONDALE has advised me that the work of this committee has been completed, and he recommends that the committee should not be continued.

For nearly 3 years, the select committee has conducted thorough and extensive hearings into the complex subject of the education of our Nation's disadvantaged children.

The committee's hearings, studies, and reports, in over 13,000 pages, provide a detailed and thoughtful treatment of the major issues in American elementary and secondary education—including the extent and causes of educational disadvantage, bilingual education, the special educational needs of disadvantaged children, education finance, and the special problems of rural and urban education, as well as the complex questions of ending discrimination in public education.

The committee has conducted exhaustive hearings, it has published an extensive final report, which I understand will be available shortly, and has passed on the job of implementing its recommendations and extending its inquiries to the legislative committees of the Congress.

I wish to commend the committee chairman, the distinguished Senator from Minnesota (Mr. MONDALE), and its ranking minority members—the distinguished Senator from Nebraska (Mr. HRUSKA) and the distinguished Senator from New York (Mr. JAVITS)—for a job well done, and for their decision to publish a report and let the committee expire at this time.

## JOINT COMMITTEE ON NAVAJO-HOPI INDIAN ADMINISTRATION

Mr. MANSFIELD. Mr. President, on a separate but related subject, I wish to advise the Senate today that the distinguished chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON), along with the distinguished minority member of the committee (Mr. FANNIN), have recommended that the Joint Committee on Navajo-Hopi Indian Administration be abolished. I understand that Congressman HALEY and other leaders of the House Committee on Interior and Insular Affairs concur in this recommendation.

I wish to congratulate Senator JACKSON and Senator FANNIN for their initiative in this matter and express the appreciation of the leadership for their proposing to disestablish a committee which is no longer necessary in the Congress.

I ask unanimous consent that a letter from the distinguished chairman of the Committee on Interior and Insular Affairs be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
*Washington, D.C., January 5, 1973.*

Hon. MIKE MANSFIELD,
*Majority Leader, U.S. Senate,*
*Washington, D.C.*

DEAR MIKE: I have consulted with Senator Paul Fannin, who apparently will become the Ranking Minority Member of the Committee on Interior and Insular Affairs, and it is our recommendation that the Joint Committee on Navajo-Hopi Indian Administration be abolished. Because of problems peculiar to those two tribes, this Joint Committee was created in the 81st Congress under the authority of Public Law 474, an act to promote the rehabilitation of the Navajo and Hopi Tribes of Indians and better utilization of the resources of the Navajo and Hopi Indian Reservations and for other purposes.

As a matter of fact, the Joint Committee has seldom met and has conducted no business to speak of in the past 20 years. Even though it is a paper organization only, it is our suggestion that it be eliminated since any legislative business pertaining to these tribes as well as other Indian groups would have to be conducted by the standing legislative committees of the House and Senate.

I have consulted also with Congressman Haley and other leaders of the House Committee on Interior and Insular Affairs and have been advised that they concur in our recommendation that this Committee be disestablished.

We urge, therefore, that this Joint Committee be abolished.

Sincerely yours,
HENRY M. JACKSON,
*Chairman.*

## SENATE RESOLUTION 9—TO ESTABLISH A SPECIAL COMMITTEE ON THE TERMINATION OF THE NATIONAL EMERGENCY

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Idaho (Mr. CHURCH), and with the approval of the distinguished Republican leader and all parties intimately concerned, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of Senate Resolution 9 and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the committee will be so discharged and the clerk will state the text of the resolution.

The assistant legislative clerk read as follows:

RESOLUTION TO ESTABLISH A SPECIAL COMMITTEE ON THE TERMINATION OF THE NATIONAL EMERGENCY

Whereas the existence of the state of national emergency proclaimed by the President on December 16, 1950, is directly related to the conduct of United States foreign policy and our national security: Now, therefore, be it

*Resolved,* That (a) there is established a special committee of the Senate to be known as the Special Committee on the Termination of the National Emergency (hereinafter referred to as the "special committee").

(b) The special committee shall be composed of eight Members of the Senate equally divided between the majority and minority parties to be appointed by the President of the Senate, four of whom shall be members of the Commtitee on Foreign Relations.

(c) The special committee shall select two cochairmen from among its members, one from the majority party and one from the minority party. A majority of the members of the special committee shall constitute a quorum thereof for the transaction of business, except that the special committee may fix a lesser number as a quorum for the purpose of taking testimony. Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the specal committee.

SEC. 2. It shall be the function of the special committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation Numbered 2914, dated the same date. In carrying out such study and investigation the special committee shall—

(1) consult and confer with the President and his advisers;

(2) consider the problems which may arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency, including consideration of the desirability and consequences of terminating special legislative powers that were conferred on the President and other officers, boards, and commissions as the result of the President proclaiming a national emergency.

SEC. 3. (a) For the purposes of this resolution, the special committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The co-chairmen of the special committee shall preside over meetings of the special committee, except that (1) in the absence of one of the co-chairmen, the other co-chairman may preside, and (2) in the absence of both co-chairmen, any other member of the special committee designated by both co-chairman may preside.

(c) Either co-chairman of the special committee or any member thereof may administer oaths to witnesses.

(d) Subpenas authorized by the special committee may be issued over the signature of either co-chairman, or any other member designated by the co-chairmen, and may be served by any person designated by the co-chairman or member signing the subpena.

SEC. 4. For the period from January 3, 1973, through February 28, 1974, the expenses of the special committee under this resolution shall not exceed $175,000, of which amount not to exceed $25,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

SEC. 5. The special committee shall make a final report of its findings, with respect to such period together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974. The special committee may also submit to the Senate such interim reports as it considers appropriate. Upon submission of its final report, the special committee shall cease to exist.

SEC. 6. Expenses of the special committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the two co-chairmen of the special committee.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

## RETIREMENT OF REAR ADM. RUFUS PEARSON AS CAPITOL PHYSICIAN

Mr. MANSFIELD. Mr. President, I am confident that I speak for every Member of the Senate in offering my most heartfelt congratulations to Rear Adm. Rufus Judson Pearson, Medical Corps, U.S. Navy, on the occasion of his retirement from the U.S. Navy. Dr. Pearson has served here at the Capitol for the past 6½ years—and all of those who have availed themselves of his services and the services of his office will feel the loss of a friend. It is not only a loss to us but a loss to the Navy. Dr. Pearson has created a medical facility in the Capitol that is almost unequaled. His main purpose was our health and well being, but also he was there to offer his friendship and advice whether it be for us, our families, or our staffs. No task was too great, no hours too late, no burden too heavy for "Jud" Pearson. He accompanied the minority leader and myself to China this past year and it was a true consolation having him along. Dr. Pearson's integrity, dedication, and deep devotion have been the cause of his excellence in his present position.

Assigned to the Congress in 1966, Dr. Pearson succeeded Dr. George W. Calver, who held the post from 1928 to 1966. Although by comparison Dr. Pearson's tenure was short—his accomplishments were not.

He encouraged annual physical examinations for all Members; introduced the miniaturization of electrocardiograms in order that we might always have a copy of our latest one with us for comparison—should the need arise; added an X-ray unit to eliminate our traveling to another facility, and thereby saved us precious time. In general, he completely revamped and reorganized the Attending Physician's Office, making it the smooth running operation it is today.

In ceremonies here at the Capitol on January 3, 1973, Dr. Pearson retired after more than 26 years of active service. Vice Adm. George M. Davis, M.C., U.S. Navy, the Navy Surgeon General, presented Admiral Pearson with the Distinguished Service Medal in behalf of the President. His citation read, in part:

> For exceptionally meritorius service to the government of the United States in a duty of great responsibility as the Attending Physician to Congress during the period March 1966 to January 1973.

His service was rightly described as "exceptionally meritorious."

Dr. Pearson and his wife, Emily, plan to retire in Whispering Pines, N.C. I wish them every good fortune and good health.

Upon completion of the retirement ceremonies, Dr. Freeman H. Cary was appointed to the rank of rear admiral as he assumed the duties as the third Attending Physician to Congress.

May I say, Mr. President, that Dr. Cary is in the tradition of Dr. Pearson, and it is my opinion that we are extremely fortunate to have Dr. Cary here in such an important capacity.

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire to be heard?

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent to yield my time to the distinguished Senator from Vermont (Mr. AIKEN).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I do not think there is a Member of this Senate or anyone who has been a Member of the Senate during the past 5 or 6 years who does not subscribe to everything that has been said by the distinguished majority leader.

Dr. Pearson will probably be missed as much as anyone who has ever worked in the Capitol. It did not matter what we called him. We started out calling him "Admiral," and pretty soon we called him "Doctor." Finally, he got to be known as "Jud" and his wife as Emily. They certainly are people with whom we could be very proud to have worked.

Dr. Pearson was not only a Capitol doctor or a Navy doctor; he was a family doctor as well. I know that many of us received a good deal of advice from him, perhaps some which is not to be found in all the medical books; but we appreciate it very much.

We are very glad, also, that Dr. Cary is taking Dr. Pearson's place now, if anyone had to take his place. Dr. Cary is an admiral, I believe. I do not know how long he will be called "Admiral" or how long he will be called "Doctor." We certainly welcome him, too, and also express our hope—I do, anyway—that Jud and Emily Pearson will have a very happy life and a long one, although I would rather that they had retired to Vermont.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will now proceed to the transaction of routine morning business, for a period of 30 minutes, with each Senator to be recognized for not to exceed 3 minutes.

## REPORT OF THE SECRETARY OF THE SENATE REGARDING ADMINISTRATION OF OATH TO SENATOR BIDEN OF DELAWARE

The ACTING PRESIDENT pro tempore. The Secretary of the Senate has a report to submit to the Senate pursuant to Senate Resolution 8, which he will now make.

The SECRETARY OF THE SENATE (Mr. Francis R. Valeo). Mr. President, having been authorized by the Senate, in accordance with the provisions of Senate Resolution 8, agreed to on January 3, 1973, to administer the oath of office to the Honorable JOSEPH R. BIDEN, JR., Senator-elect of Delaware, I now wish to submit my report to the Senate.

I administered the oath of office to Senator BIDEN in the Wilmington General Hospital, Delaware Division, in Wilmington, Del., on yesterday, January 5, 1973, and hand to the President of the Senate a signed copy of the oath, which is in addition to the oral affirmation made by the Senator as required by law. May I add that Senator BIDEN expressed his deep appreciation to the Senate for having been granted permission to take his oath of office in this fashion, in the company of his two sons, who are now receiving medical care in the Wilmington General Hospital.

The ACTING PRESIDENT pro tempore. The oath will be placed on file and, without objection, will be printed in the RECORD at this point.

The text of the oath reads as follows:

> I do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.
>
> JOSEPH R. BIDEN, Jr.
>
> Signed at 12:50 p.m., at Wilmington General Hospital, Delaware Division, in the city of Wilmington, Delaware, on January 5, 1973.
>
> FRANCIS R. VALEO,
> *Secretary of the Senate.*

## THE FAITHLESS ELECTOR AND ELECTORAL COLLEGE REFORM

Mr. MUSKIE. Mr. President, for the seventh time in our history, we will be confronted this afternoon with disregard of the popular vote for President by a "faithless elector." Mr. Roger McBride, an elector from Virginia, has cast his electoral vote for Dr. John Hospers of the Libertarian Party even though Mr. Nixon won the popular vote in his State. Mr. McBride's faithlessness to the will of the voters of Virginia once again underscores the need for a constitutional amendment providing for direct popular election of the President.

Confronted by a similar situation 4 years ago, Representative O'HARA of Michigan and I lodged a formal objection to a wayward electoral vote. After thorough debate, both Houses of Congress declined to reject that faithless act. I have no intention of invoking the cumbersome procedures necessary to reexamine that decision. But I wish to point out that during that debate there was universal consensus that disregard of the popular presidential vote was wrong. At that time, I said that:

> My principal purpose in joining in this effort is to open the issue, to expose it, perhaps to identify the dangers and the risks, and by doing so to stimulate the movement for institutional reform of the entire process.

That reform has still not come, but is no less urgent today.

The choice of our President still lies not with the people, but with the electoral college—a small, usually hand-picked, body of men and women who owe no debt to the public and who, in fact, are unknown to the public.

Mr. McBride has reminded us that our democracy could be undermined by a small band of faithless electors and that the system must be changed to guarantee that this cannot happen again.

We must amend the Constitution to provide for the most direct, effective, and fool-proof possible means of electing a President.

By eliminating the elector, we can insure that there are no intermediaries who are "useless if faithful, dangerous if not." And we can put to rest the fear that the perverse compound arithmetic of the electoral college will some day give us a President who was clearly rejected by the popular vote of the people.

It is time now for Congress to take affirmative action to end this outmoded, undemocratic, and haphazard system. I hope that during the coming session we can adopt and refer to the States a proposed constitutional amendment to provide direct popular election of the President, under uniform voting procedures, to insure that the millions of voters who are now effectively disenfranchised can be heard.

## UNITED STATES REFUSAL TO RECEIVE NEW AMBASSADOR FROM SWEDEN

Mr. PELL. Mr. President, recently, the U.S. Government advised the Government of Sweden that a new ambassador from that country would not be welcomed here at this time. I believe this action by our Government is mistaken, petty, and inappropriate.

The action reportedly was taken because the executive branch was piqued by the Prime Minister of Sweden, Olof Palme, publicly criticizing our recent bombing of North Vietnam.

Certainly, the Prime Minister spoke bluntly. According to the New York Times, he said:

> Things should be called by their proper name. What happens today in Vietnam is a form of torture. There can be no military motives for the bombings. Military spokesmen in Saigon have denied that there is any step-up of military activity on the part of the North Vietnamese. Nor could it be Vietnamese obstinacy at the negotiation table.
>
> Resistance against the October agreement in Paris comes primarily as was pointed out by the New York Times, from President Thieu in Saigon. What is being done is that people are being tormented, to humiliate them to force them to submit to the language of force. That is why the bombings are an outrage.
>
> There are many of this kind in modern history. They are often connected with names—Guernica, Oradour, Babi Yar, Katyn, Lidice, Sharpeville, Treblinka. Violence has triumphed but the judgment of history has been hard on those who carried the responsibility. Now there is one more name to add to the list—Hanoi, Christmas, 1972.

I can understand that such straightforward talk would discomfit the administration. But I think it should be recognized that the views expressed by Mr. Palme reflect the thoughts, as well, of many of us in the Congress and many tens of millions of American citizens who have been appalled by the massive terror bombing of Hanoi and Haiphong.

Yet, when these thoughts were expressed by Mr. Palme, the administration reacted by saying, "Do not send us an ambassador." It is perhaps another indication that the administration simply cannot tolerate criticism or opposition to its policies, whether from our friends overseas or from within our own country.

This is not the first time that the administration has overreacted to words of criticism by Mr. Palme. I served as an adviser to the U.S. delegation to the Stockholm Conference on the Human Environment and recall that Mr. Palme somewhat insistently raised the issue of ecological warfare in Indochina—an issue that was in fact on the minds of every delegate at the conference. In that instance also, the U.S. delegation, on direct instructions from the White House, overreacted with a stinging response to the unfortunate Mr. Palme.

It might be helpful for the administration, considering the comments of the Swedish prime minister, to remember that he speaks for a nation with a record of concern and achievement, at least equal to our own, in improving the quality of life, in promoting peace, and in developing civilization. We need only remember that Sweden is the home of the Nobel prizes to realize that it is a nation in which humanitarian concerns are deeply rooted.

With that background, it should not be surprising that the Prime Minister of Sweden should speak out strongly about the massive terror bombing of North Vietnam.

If our Government insists on engaging in activities that go against the grain of world opinion, it cannot improve its standing among the nations of the world by petulantly refusing to receive ambassadors.

I would hope that this ill-advised action will soon be countermanded.

## EQUALITY FOR INDIANS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD two editorials, one entitled "The New Indian," the other entitled "Equality for Indians," which were printed in the Independent Record of Helena, Mont., under date of December 22, 1972, and December 27, 1972.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

### THE NEW INDIAN

A new Indian is emerging. The day of playing straight man to a pistol packing masked man or slick suited bureaucrat is fading.

The new Indians have had their training in red ghettos, government reservations and the civil rights movement.

They are tough, intelligent, young and dedicated to restoring the pride and dignity which have been stripped by years of broken promises from a number of "great white fathers."

It was the new Indians who spearheaded the "Caravan of Broken Treaties," which ended with the sacking of the Bureau of Indian Affairs building in Washington, D.C.

The broken promises which led the red men and women to Washington were amplified by more broken promises when they arrived.

Frustrated by a lumbering, unresponsive BIA, they turned their energies to wreaking havoc on the symbol of their frustrations—the BIA building. Their wrath was blindly and wrongly administered.

The aftermath was predictable. White Americans listened and read reports of the destruction and reiterated trite cliches.

However, cooler heads looked beyond the damages and dollar signs. These persons were more interested in tempering rage, solving problems and redirecting energies.

The administration's purge of the BIA hierarchy is a start at redesigning an agency which will be responsive to both militant and establishment Indians—a service rather than paternal organization.

The new Indians have the potential and spirit to help restore lost dignity. However, the path of violence and destruction must give way to unity and reason.

If dealt with honestly and openly the new Indians can be a moving force in reshaping the destiny of their people.

### EQUALITY FOR INDIANS

The federal government is bullish on equality, but has been so unequal in its treatment of Indians that now the Bureau of Indian Affairs (BIA) finally finds itself with its back to the wall.

When the Indians marched on Washington they had a list of demands they wanted the "benevolent" BIA to meet.

One of those demands has so far at least partially been met. The 9th Circuit Court of Appeals has overturned a lower court decision. The appellate court ruling, in effect, requires the federal government to provide aid to all Indians—"throughout the United States"—whether they live on reservations or not.

The government is, of course, going to appeal the decision to the U.S. Supreme Court. The bureaucrats say that such broad distribution of available money would dilute assistance programs so much that neither reservation nor urban Indians could receive meaningful help. Whether the Indians ever have received any "meaningful" help is most certainly open to debate.

It also just happens that the ruling is binding only in the 9th Circuit area—which includes Montana, Arizona, Nevada, Oregon, Utah and Washington. It also just happens that a majority of the American Indians live in this area.

We're so damn busy investing in bombs to blast Vietnam out of the 20th Century that we can't quite see fit to do something for a people that we herded onto desolate reservations like so many head of cattle, patted them on the head and said "now be good little boys and girls and if you behave we'll send a token of our appreciation your way every now and then."

So, each Indian tribe had its own little Happy Hunting Ground and the white man was SOOO pleased. Some tribes haven't faired too badly. For the majority, the arrival of the white man has been a disaster. What Indian in his right mind would want to celebrate Thanksgiving?

It seems to be the feeling in and out of government that the Indian is basically a lazy individual who is content to live on a reservation making blankets and beads.

We have lost sight of the fact that the American Indian spent his life roaming and living off the land. It was a carefree life, but it was also fraught with hardship and danger.

The love to hunt and fish is part of the American Indians' heritage—and nature.

Finally, someone back in Washington discovered something that the Indians had known for a long time: Life on the reservation was lousy.

So, in a move to help the Indian the government started a relocation program. The theory apparently was that if the Indian was moved off of the reservation he would be assimilated by the white society.

In many instances (probably a majority of cases) the program didn't work out too well. The reasons are obvious.

How would you like to be told one day that your government was going to help you get out of the mess it had gotten you into in the first place? You don't like the reservation? Okay, we've got a job for you in the steel mills in Gary, Ind.

As you can well imagine, the thought was so terrifying that the immediate impulse, no doubt, was to run out and buy a bottle of bootleg wine. Or, if the Indian decided to take Uncle Sam up on his generous offer he found that he couldn't cope with the outside world by himself and soon ended up back on the reservation drinking bootleg wine with his buddies down by the railroad tracks.

Time changes all things. And, naturally, it has changed the situation of the Indian somewhat. More Indians are leaving the reservation. Many pursue college or vocational educations.

Others simply leave and enter another world full of problems.

Many tribes have started small businesses or industries on their reservations—with government help of course—and this is as it should be.

The government continues to maintain "agencies" on the reservations to counsel the Indian. But what of those who leave? The BIA hasn't seen fit to give them the time of day.

Today's Indian is demanding the right to equality and self-determination; but until the government starts treating Indians as equals within their own race, self-determination will be nothing more than a hyphenated word.

## THE HARASSMENT OF GORDON RULE

Mr. PROXMIRE. Mr. President, last year the excellent performance of Gordon Rule as the Navy's top civilian procurement officer was recognized. He was given the highest award the Navy can give a civilian. This year it is different. The Navy has treated Gordon Rule shockingly. Why the sudden change? What has happened to the top procurement officer recognized for his excellence in a field in which both our national security and billions of dollars are at stake. What did he do?

Gordon Rule testified before the Joint Economic Committee on December 19, 1972. As he has often done in the past, he responded to questions in a candid and forthright manner. He is not one to cover up abuses in contracting procedure by defense firms or by the Government. He gave Congress the best information at his disposal and this is as it should be.

### RULE ADHERED TO GOVERNMENT CODE OF ETHICS

Mr. Rule was formally requested to appear before the Joint Economic Committee. The Navy permitted him to come. In fact, he came in place of Adm. Isaac Kidd, Jr., his superior. Gordon Rule fulfilled his obligation to Congress and the people of this country by answering questions honestly as set out in the code of ethics for Government service in House Concurrent Resolution 175 during the 85th Congress.

Now he is being persecuted for following the law. Less than 24 hours after he testified, Admiral Kidd attempted to intimidate Mr. Rule and force his resignation while he was home sick in bed. When this was unsuccessful, Admiral Kidd transferred Mr. Rule to a dead-end job as a consultant to a Navy logistics school. This is harassment, intimidation, and retaliation. It came as a direct consequence of his testimony before the Joint Economic Committee.

### POSSIBLE VIOLATION OF LAW INVOLVED

If this situation is permitted to stand, all witnesses before Congress will be nothing more than censored recordings of whatever the executive department wants Congress to know.

Mr. Rule should be afforded the protection of title 18 of the United States Code which provides for up to 5 years imprisonment and/or up to $5,000 in fines for intimidation of witnesses and obstruction of the power of inquiry of a committee of Congress. This law should be enforced.

### NO REPLY FROM THE DEPARTMENT OF DEFENSE

The harassment of Gordon Rule cannot be permitted to continue. I wrote the Secretary of Defense and the Secretary of the Navy on December 22 asking that the harassment of Mr. Rule be stopped. No reply has yet been received. It only took 24 hours to begin intimidating Mr. Rule. But the Pentagon could not find time during the next 2 weeks to respond to a letter from the chairman of the committee.

The Defense Department would like to isolate Mr. Rule and allow the whole issue to slip away quietly. But the issue is not one that can be easily glossed over, for it goes to the heart of the relationship between Congress and the executive branch. It is censorship. It is interference with the rightful powers of Congress. It is a blatant disregard of free speech. It is government by edict. It is dishonest.

Mr. President, I ask unanimous consent that two editorials, one from the New York Times and the other from the Washington Post regarding the Gordon Rule incident, be printed in the RECORD at this point and that the wording of title 18, United States Code 1505, and House Concurrent Resolution 175 of the 85th Congress also be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times]

### PUNISHING MR. RULE . . .

The Navy's chief of materiel, Admiral Kidd, has tried to make a high-ranking civilian official of the Navy walk the plank for fixing the blame for the multibillion-dollar cost overruns and the bailout of giant defense contractors not only on the contractors and the Pentagon but on the Nixon Administration itself.

The civilian official, Gordon W. Rule, director of the Navy's procurement control, rejected Admiral Kidd's effort to pressure him into retirement. In view of Mr. Rule's long and excellent record, it will be hard for the Navy to fire a man who was a Navy captain, has spent thirty years in Government service, and who only last year was named the outstanding civilian employe of the Navy. However, if it cannot fire him, the Navy can be counted on to harass and isolate him; it has already transferred Mr. Rule to a minor job as a consultant to a supply school.

The Rule case parallels that of a A. Ernest Fitzgerald, a former Air Force Deputy Assistant Secretary, who three years ago was first transferred to inspect a bowling alley in Thailand and then dismissed for publicly criticizing cost overruns on Lockheed's C–5A military transport. Mr. Fitzgerald has been given the run-around by the Justice Department and Civil Service Commission in his effort to get reinstatement for himself and punishment for those who harassed and dismissed him. Title 18 of the United States Code provides for five years in prison and a $5,000 fine for intimidating witnesses before a Congressional committee. This should be enforced. As the then Senator Richard M. Nixon declared on the floor of the Senate twenty-one years ago, "Unless protection is given to witnesses who are members of the armed services or employes of the Government, the scheduled hearings will amount to no more than a parade of yes men for the Administration policies as they exist."

Congress must now find a way to protect courageous civil servants who give honest testimony in response to its questions. If it fails to do this, yet another source of information and criticism of the executive branch will atrophy. The Nixon Administration, which has done its best to smother criticism from outsiders, such as television and the press, would like to obliterate it from insiders, such as Mr. Rule.

In addition to raising once more the issue of how to protect Government officials from reprisals, the Rule testimony again raises the huge and vexatious issue first dramatized by President Eisenhower in his farewell address—the impact of "the military-industrial complex" on national policy.

In response to a direct question from Senator Proxmire about the wisdom of the President's appointment of Roy L. Ash, former president of Litton Industries, to become head of the Government's Office of Management and Budget, Mr. Rule said he considered it a mistake for the President to appoint him and "a worse mistake" for Mr. Ash to accept.

Litton Industries is asking the Navy for $544 million above its original estimates on several ship contracts, and Mr. Ash has said that, as budget director, he would not disqualify himself from decisions affecting the Navy—and presumably Litton. He says he would be "objective." But the question whether Mr. Ash would indulge in "hanky-panky"—and there is no reason to believe that he would—is far less important than whether it makes sense for the Government's top budget officer to be a man straight from the heart of the defense community, which generally identifies massive military spending with the national interest.

The directorship of the Office of Management and Budget has become one of the most critical posts in the Federal Government, yet the man named to the job by the President does not have to face Congressional examination or receive Senate confirmation. Congress should approve the bill introduced by Representative Melcher of Montana that would require Senate confirmation of the budget director. And it has an obligation to keep watch on the fate of Mr. Rule, to see that he is not victimized for his honesty and courage.

[From the Washington Post, Jan. 4, 1973]

### THE BAIL-OUT BUSINESS

Gordon W. Rule, the Navy procurement official who was summarily reassigned (which is to say, demoted) after speaking his mind on some Navy shipbuilding contracts in Mississippi, has been in trouble before. A couple of years ago, it was his effort to turn down excessive reimbursement claims from a company building destroyer escorts in Louisiana. This time around, Mr. Rule took on Litton Industries and its president, Roy L. Ash, who has recently been named Director of the Office of Management and Budget by Mr. Nixon. Mr. Rule, testifying before the Joint Economic Committee, had some rather harsh things to say about Mr. Ash and his fitness for the OMB post, based—among other things—on Mr. Ash's involvement in Litton efforts to use taxpayers' money to bail out its costly shipbuilding projects in Mississippi—projects which have seen prolonged delivery delay and which have produced cost overruns of hundreds of millions of dollars. Mr. Rule's "crime" seems to have been twofold: his attack on Mr. Ash's fitness to serve and his skepticism concerning Litton's claims for reimbursement of costs which Mr. Rule believes the contractor, not the government, should bear.

In the commotion that has ensued, a couple of things are clear. One is that the handling of Mr. Rule by the administration—whatever its disciplinary prerogatives—was another example of retaliatory overkill. It may do wonders for discipline in the ranks, but it cannot do much to encourage candor or independence on the part of those civilian and military personnel charged with bringing our overblown defense costs under control. The other thing that is plain is that Mr. Rule—whatever his verbal excesses—was fundamentally right about the Litton affair in Mississippi, right in stressing the contractor's responsibility and right in perceiving that, at the very least, the administration should find some way to remove its prospective OMB director from decisions affecting compensation for Litton.

All this, of course, does not begin or end with the episode at hand, which is primarily suggestive and symptomatic. For the fact is that even if the Navy and the administration reversed themselves on this particular matter and gave Mr. Rule a pay raise and a parade, they would not have got to the heart of the matter. One need only contemplate the Grumman F-14 mess (in which the contractor, having bought in low to the contract, is now demanding another half billion dollars to fulfill it) or ponder the fact that the Navy is now lending funds to Grumman and buying stock in another contractor's company (Gap Instrument on Long Island) to realize how badly the military procurement business is in need of an overhaul.

The President's blue ribbon defense committee made some wise recommendations a couple of years ago on trying to bring order and equity to the procurement process, and former Deputy Defense Secretary Packard made some useful moves in that direction. But the proliferation of after-the-fact claims for compensation, the unusual loans and investments being made by the military itself, and the enormous pressures brought on government to pay for the contractors' mistakes (and subterfuges) all suggest that Congress could do worse than address itself to this whole question of "bail-outs" in the coming year. If the unceremonious "reassignment" of Mr. Rule has helped call attention to the scandalous situation that prevails, it may turn out to have been, at least in one respect, a useful act—despite the intentions of those responsible for it.

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## Title 18.—Crimes and Criminal Procedure

### § 1505. Obstruction of proceedings before departments, agencies, and committees.

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress; or

Whoever injures any party or witness in his person or property on account of his attending or having attended such proceeding, inquiry, or investigation, or on account of his testifying or having testified to any matter pending therein; or

Whoever, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part with any civil investigative demand duly and properly made under the Antitrust Civil Process Act or section 1968 of this title willfully removes from any place, conceals, destroys, mutilates, alters, or by other means falsifies any documentary material which is the subject of such demand; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department or agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, 62 Stat. 770; Sept. 19, 1962, Pub. L. 87-664, § 6(a), 76 Stat. 551; Oct. 15, 1970, Pub. L. 91-452, title IX, § 903, 84 Stat. 947.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U.S.C., 1940 ed., § 241a (Mar. 4, 1909, ch. 321, § 135a, as added Jan. 13, 1940, ch. 1, 54 Stat. 13; June 8, 1945, ch. 178, § 2, 59 Stat. 234).

Word "agency" was substituted for the words "independent establishment, board, commission" in two instances to eliminate any possible ambiguity as to scope of section. (See definitive section 6 of this title.)

Minor changes were made in phraseology.

#### REFERENCES IN TEXT

The Antitrust Civil Process Act, referred to in text is, classified to chapter 34 of Title 15, Commerce and Trade.

#### AMENDMENTS

1970—Pub. L. 91-452 added reference to section 1968 of this title.

1962—Pub. L. 87-664 substituted the catchline "Obstruction or proceedings before departments, agencies, and committees" for "Influencing or injuring witness before agencies and committees" and punished the willful removal, concealment, destruction, mutilation, alteration or falsification of documents which were the subject of a demand under the Antitrust Civil Process Act if done with the intent to prevent compliance with a civil investigative demand.

#### CROSS REFERENCES

Bribery of public officials or witnesses, see section 201 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 203 of this title; title 12 section 1457.

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## H. Con. Res. 175

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

### CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.
2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
9. Expose corruption wherever discovered.
10. Uphold these principles, ever conscious that public office is a public trust.

**Mr. PROXMIRE.** Mr. President, last night in an article in the Washington Star-News Orr Kelly disclosed a further turn in the rack against Mr. Rule.

Mr. Rule has appealed his "off-to-Siberia" treatment to the Civil Service Commission.

Now let us be honest about it. Rule was not disciplined because he spoke out against Navy contracts in general. Rule got the axe because he answered a question I asked him in that hearing on December 19.

I pointed out to Rule in some detail how disgracefully inept was the management by Litton, of which Mr. Roy Ash was the chief executive office—of the Pascagoula shipyards where hundreds of millions of dollars of naval ships are being constructed. I then asked Mr. Rule whether in view of its demonstrated incompetence Mr. Roy Ash should have been appointed to the Office of Management and Budget, certainly one of the top positions in our Government, a post of great power and one which should require above all a record of competence. His response was no, he should not have been appointed; it was a mistake.

And Mr. Rule said it was a bigger mistake for Mr. Ash to take the job. I asked Mr. Rule to tell us why he thought this. He did.

For that act of committing the truth, Mr. Rule has been transferred from his job, moved out of his office, and confined to a consulting capacity.

He has appealed that action by the Navy to the Civil Service Commission. Now comes the latest twist.

One of the three members of that commission is a director and paid consultant of the Litton Co. Further, that Commissioner has said she has great admiration for Mr. Ash, and she has not indicated that she will disqualify herself. In the article last night by Orr Kelly he pointed out that Mrs. Spain said she might disqualify herself, but she has not disqualified herself at any time for any action taken by the Civil Service Commission, despite the fact she was a director and receives $7,500 a year from Litton. The Nation's 11th largest defense contractor. This is a direct and patent conflict of interest. I ask unanimous consent to have printed in the Record the article by Orr Kelly which was published in the Washington Star-News of yesterday.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Litton Director May Hear Case

(By Orr Kelly)

Gordon Rule, who was bounced from his job as the top Navy procurement officer after criticizing the President for picking the head of Litton Industries as the new director of the Office of Management and Budget, has been dealt a new surprise.

He filed an appeal from the Navy's action with the Civil Service Commission yesterday—only to discover that the vice chairman of the three-member commission is a director and paid consultant to Litton.

The relationship between Litton and commission Vice Chairman Jayne Baker Spain was uncovered by Walter Pincus, an associate editor of the New Republic, and is reported in the magazine's forthcoming issue.

Mrs. Spain said in a telephone interview last night that she has been a member of the Board of directors of Litton since Aug. 26, 1970.

She said she also receives $7,500 a year from Litton as part of an agreement made in 1965 when Litton, then at the zenith of its success as a conglomerate, was taking over the Alvey-Ferguson Company, of Cincinnati, Ohio, of which she had been president since 1951.

Under that agreement, she said she agreed to remain as president of the Alvey-Ferguson division of Litton, which makes conveyor systems, or to be available as a consultant for 10 years. She resigned as president on March 15, 1971, and was sworn in as vice chairman of the Civil Service Commission on June 14, 1971. She gets $38,000 a year in that job.

Since going to work for the government, she said, she has done no consulting work—for which she would have been paid $200 a day, under the contract—but has received the $7,500 yearly fee provided for under the 1965 agreement.

Mrs. Spain said she had been out of town for the last 10 days. But she said the procedure followed by Rule, as described to her by a reporter, did not follow the normal procedure.

Rule personally delivered a six-page complaint about his treatment by the Navy to the office of the chairman of the Civil Service Commission yesterday.

Instead, she said, he should have filed a grievance with the Navy. If he received no satisfaction there, she said, he could appeal to the Board of Appeals and Review.

Then, she said, if he was still dissatisfied with the outcome, he could petition the commission to consider his case. Finally, he could take the case to court.

That process, she said, could take about a year.

"Should this case come to the commission and if anyone felt I could not act in a totally nondiscriminatory fashion I could excuse myself from participation," she said.

In the year and one-half she has been a member of the commission, however, she has never felt it necessary to take such action, she added, despite her relationship with the nation's 11th largest defense contractor.

Rule was assigned to a naval training school job two days after he told a congressional committee he thought it was a mistake for President Nixon to name Roy L. Ash, president of Litton, as head of the Office of Management and Budget and an even worse mistake for Ash to take the job.

Mrs. Spain said that she had known Ash both during the time she headed one of the Litton divisions and as a member of the board of directors.

"I have great respect for Mr. Ash as a human being," she said. "I respect and like him as an individual. He has a tremendous budgetary mind and grasp."

## ANNOUNCEMENT ON JOINT SESSION TODAY

Mr. MANSFIELD. Mr. President, for the information of the Senate, at 10 minutes to 1 the Senate will march in a body to a joint session with the House of Representatives in the Hall of the House of Representatives.

## EXTENSION OF TIME FOR PRESIDENT TO TRANSMIT BUDGET MESSAGE AND THE ECONOMIC REPORT TO CONGRESS AND EXTENSION OF TIME WITHIN WHICH JOINT ECONOMIC COMMITTEE SHALL FILE ITS REPORT

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1.

The ACTING PRESIDENT pro tempore laid before the Senate House Joint Resolution 1, extending the time within which the President may transmit the budget message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask for the immediate consideration of the joint resolution.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment and ask that it be stated by the clerk.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The amendment was read as follows:

At the end of the joint resolution insert the following new section:

Sec. 2. Not later than January 29, 1973, the President shall transmit to the Congress (1) the reports, with respect to all funds impounded on or after October 27, 1972, and before January 29, 1973, required by section 203 of the Budget and Accounting Procedures Act of 1950 (as added by section 402 of the Federal Impoundment and Information Act), and (2) a report, with respect to all funds impounded on or after July 1, 1972, and before October 27, 1972, containing the same information as is required by such section.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. ROBERT C. BYRD. Mr. President, the law requires the submission of the budget by the President within 15 days following the convening of the Congress. This year, due to the fact that Congress convened on the third of January, the budget would have to be submitted by the President, under the law, by January 18.

House Joint Resolution 1, which has come over from the other body, would extend the time during which the President could submit the budget by 11 days, in accordance with the wishes of the President. This would mean that the President could then have until January 29 to submit his budget for fiscal year 1974.

My amendment would require, along with the submission of the budget or prior thereto, the submission to the Congress of a report which would indicate all of the funds that have been impounded by the executive branch, and the reasons therefor, since July 1, 1972, and up to January 29, 1973.

May I say that from time to time the executive branch has submitted such reports to the Congress. The last such report, however, was submitted on June 30, of last year. I ask unanimous consent at this time, Mr. President, that such report be printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROBERT C. BYRD. Consequently, Mr. President, the Congress does not know what funds have been impounded, or the reasons therefor, since the date of June 30, 1972.

During the consideration of the law—Public Law 92–599—which was enacted extending the debt ceiling on last October 27, the distinguished Senator from Minnesota (Mr. Humphrey) offered an amendment which would require that any impoundments made by the executive branch be reported "promptly" to the Congress but with no interpretation or definition of the word "promptly." In any event, no such reports have been submitted thus far. Of course, I recognize the fact that Congress was not in session following adjournment, until January 3 of this year. But we have been in session since January 3, and there is no indication as to when a report may be expected from the executive branch with respect to the funds that have been impounded even since October 27, 1972, to say nothing of the funds impounded prior thereto and subsequent to June 30 of last year. So, insofar as reports on the impounding of funds "promptly" to the Congress is concerned, that was required in the law extending the debt limit on October 27 of last year.

My amendment today would not only encompass the submission of the reports required by Public Law 92–599, but would also require that there be a submission of a report with respect to funds impounded—including the information required in the law extending the public debt limit on last October 27—by or before January 29 of this year, and it would extend back to and including July 1 of last year.

Mr. GRIFFIN. Mr. President, would the Senator yield to me for a suggestion?

Mr. ROBERT C. BYRD. Mr. President, if the Senator would wait a moment, I shall be glad to yield to him. I would like to finish my explanation of the amendment and the reasons therefor.

A question may arise as to why the Congress needs this information on impoundments at this time. All of these funds have been provided by the Congress for fiscal year 1973 and were intended to be obligated for the purposes specified by Congress. If the President has impounded certain funds—and we have read in the press from time to time that he has, but we have no way of knowing for sure—Congress should certainly be specifically informed regarding the programs affected and the programs curtailed, and the reasons therefor. Furthermore, there has been a great deal of speculation in the press, on the radio, and on television as to the need for a ceiling on budget outlays for fiscal year 1973.

I do not believe that any serious consideration can be given to such a ceiling by the Congress without first examining all of the impoundments that have heretofore been made by the administration, together with those that may yet be made.

As I say, the administration has submitted such reports in the past, and the law extending the debt limit requires such reports to be submitted "promptly." But we do not know what "promptly" means.

My amendment would nail it down and would require that the information be submitted to the Congress by or before January 29 of this year.

Mr. GRIFFIN. Mr. President, if the Senator would yield, I think that we can dispose of this very quickly.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, let me say that the amendment, needless to say, caught me by surprise. I was not aware that an amendment was going to be offered. We were taking up a resolution and considering it immediately. There are routine resolutions, of course, that we do have to handle in such fashion.

The amendment is being offered to a resolution of that nature. I was not immediately aware of whether it was practical or possible for the administration to comply with the request or the demand embodied in the amendment. But we have been able in the time we have had during the quorum call to do some checking.

Let me make this suggestion to the distinguished Senator from West Virginia. In view of the fact that the staff of the Budget Bureau is right now completely absorbed, as I understand it, with preparing the budget and the message and will have to have it ready by the date indicated in the resolution, I am informed that there will be no objection if he were to extend the time for the report concerning the impoundment of funds to 1 week beyond that date. They would comply with that and be able to provide such report within another week.

I wonder if that would be acceptable to the Senator from West Virginia, and if he would amend his amendment accordingly we could go on.

Mr. ROBERT C. BYRD. Mr. President, would the Senator yield?

Mr. GRIFFIN. I yield.

Mr. ROBERT C. BYRD. Mr. President, I think the assistant Republican leader has made a very reasonable proposal, and he has explained the justification for his proposal.

I, therefore, modify my amendment to strike the date January 29 as it appears twice in my amendment and insert in lieu thereof in both instances the date of February 5, which would extend——

Mr. President, may we have order in the Senate?

The ACTING PRESIDENT pro tempore. The Senate will please be in order.

Mr. ROBERT C. BYRD. Mr. President, I will not proceed until the Senate is in order.

Mr. MANSFIELD. Mr. President, I would suggest that Senators take their seats.

The ACTING PRESIDENT pro tempore. Will Senators please take their seats?

Mr. ROBERT C. BYRD. Mr. President, I modify my amendment to strike out the date January 29, 1973, which appears twice and insert in lieu thereof in both instances the date February 5, 1973. Hence, while the President will have until January 29 to submit the fiscal year 1974 budget, he will have until February 5—1 week longer—to submit the information regarding funds impounded.

Mr. GRIFFIN. With that modification, there is no objection.

The ACTING PRESIDENT pro tempore. The amendment is accordingly modified.

The amendment, as modified, reads as follows:

At the end of the joint resolution insert the following new section:

SEC. 2. Not later than February 5, 1973, the President shall transmit to the Congress (1) the reports, with respect to all funds impounded on or after October 27, 1972, and before January 29, 1973, required by section 203 of the Budget and Accounting Procedures Act of 1950 (as added by section 402 of the Federal Impoundment and Information Act), and (2) a report, with respect to all funds impounded on or after July 1, 1972, and before October 27, 1972, containing the same information as is required by such section.

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EXHIBIT 1

BUDGETARY RESERVES, JUNE 30, 1972

Under authority delegated by the President, the Office of Management and Budget operates a system of apportioning the funds provided by the Congress. The apportionments generally are for the current fiscal year and limit the amounts the agencies may obligate during specified periods.

There are occasions when the amounts of available funds are not fully apportioned. That is, some amounts are either withheld from apportionment, or their use is temporarily deferred. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by both Republican and Democratic Administrations as a customary part of financial management.

The reasons for withholding or deferring the apportionment of available funds usually are concerned with routine financial administration. They have to do with the effective and prudent use of the financial resources made available by the Congress. The provisions of the Antideficiency Act (31 U.S.C. 665) require the President to establish reserves of appropriated funds for such reasons as a change in conditions since they were appropriated or to take advantage of previously unforeseen opportunities for savings. Thus, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

Table 1, attached, lists the items and amounts being reserved on June 30, 1972, for such routine financial administration. They total $9.1 billion, which is a reduction of nearly $1.5 billion since January of this year. This reduction is indicative of the fact that amounts are frequently released from reserve—and put to use—during each fiscal year as plans, designs, specifications, studies, project approvals, and so on are completed.

The reserves established for reasons of routine financial administration are recognized by all concerned to be temporary deferrals, and their need or wisdom is usually not questioned. In addition, however, there has been a long-standing and consistent practice in both Republican and Democratic Administrations to establish some a—much smaller amount of—reserves for reasons other than routine financial administration. It is these latter reserves which have sometimes been criticized as "impoundments" of funds.

Amounts being held in reserve for reasons other than routine financial administration generally could be used (i.e., obligated) during the apportionment time period. They have not been apportioned from time to time for such reasons as the Executive's responsibility to (1) help keep total Government spending within a congressionally-imposed ceiling, (2) help meet a statutory limitation on the outstanding public debt, (3) develop a governmentwide financial plan for the current year that synchronizes program-by-program with the budget being recommended by the President for the following year, or (4) otherwise carry out broad economic and program policy objectives.

Table 2, attached, lists the items and amounts held in reserve on June 30, 1972, for reasons other than routine financial administration. They total $1.5 billion, a reduction of more than $200 million from the amount so reserved in January of this year. Of the $1.5 billion total, almost $450 million was released and apportioned on July 1, 1972, as indicated in the various footnotes on Table A.

The total of all current reserves (i.e., Tables A and B) is 4.6% of the total unified budget outlays for fiscal 1972. The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5% to 8.7%. At the end of fiscal 1967, it stood at 6.7%, and a range in the neighborhood of 6% has been normal in recent years.

TABLE 1.—*Budgetary reserves for routine financial administration*

June 30, 1972

[In thousands of dollars]

| *Agency and account* | *Amount* |
|---|---|
| Executive Office of the President: | |
| National Security Council | 33 |
| This amount was in excess of 1972 needs. | |
| Special Action Office for Drug Abuse Prevention | 682 |
| Represents the balance of appropriation which cannot be utilized by the Office in 1972 due to late enactment of legislation. Release will occur as needed in 1973 operations. | |
| Funds Appropriated to the President: | |
| Appalachian Regional Development program | 40,000 |
| Apportionment awaits development of approved plans and specifications. | |
| International Security Assistance: Foreign military credit sales | 15,350 |
| Because of increased private financing, the legislated program ceiling was achieved without the use of the full budget authority appropriated. | |
| International development assistance: Prototype desalting plan | 20,000 |

TABLE 1.—*Budgetary reserves for routine financial administration*—Continued

June 30, 1972

[In thousands of dollars]

| *Agency and account* | *Amount* |
|---|---|
| Funds Appropriated—Continued | |
| Apportionment awaits development of approved plans and specifications. | |
| Inter-American Foundation | 41,624 |
| Amount represents balance of initial funding from AID transfer to cover first four years of the Foundation's operations. Apportionments will continue to be made annually as plans and specifications are developed. | |
| Department of Agriculture: | |
| Agricultural Research Service: | |
| Construction | 70 |
| Represents residual amount of appropriation for planning that is not required for that purpose. Apportionment awaited additional appropriation for construction. | |
| Scientific Activities Overseas (special foreign currency program) | 352 |
| Amount shown here was in excess of 1972 needs. | |
| Animal and Plant Health Service | 2,049 |
| This amount was in excess of 1972 needs. | |
| Farmers Home Administration: | |
| Mutual and self-help housing grants | 729 |
| Amount shown here was in excess of 1972 needs. | |
| Direct loan account (farm operating loans limitation) | 12,453 |
| Amount reflects release of $37 million for last quarter of fiscal 1972. The balance of loan authority is being held pending demonstration of further need. | |
| Consumer Marketing Service: | |
| Consumer protective, marketing, and regulatory programs | 760 |
| Amount shown here was in excess of 1972 needs. | |
| Perishable Commodities Act Fund | 1 |
| Amount shown here was in excess of 1972 needs. | |
| Forest Service: | |
| Forest protection and utilization: | |
| Cooperative range improvement | 624 |
| Amount shown here was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program. | |
| Youth Conservation Corps | 1,730 |
| These funds were released from reserve and apportioned in July 1972 for the CY 1972 program. | |
| Forest roads and trails | 402,040 |
| Reserve reflects amount of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations. | |
| Expenses, brush disposal | 13,303 |
| Amount shown here was in excess of 1972 needs. | |
| Forest Fire Prevention | 115 |
| **Amount shown here was in** excess of 1972 needs. | |
| Department of Commerce: | |
| Social and Economic Statistics Administration: 19th Decennial Census | 11,028 |
| These funds had been held in anticipation of the need to pay printing costs. They were released and apportioned for this purpose on July 1, 1972. | |
| Regional Action Planning Commissions: Regional Action Planning Commissions | 300 |
| Funds will be released when Mississippi Valley Regional Commission is formed. | |
| Promotion of industry and commerce: | |
| Trade adjustment assistance (financial assistance) | 50,000 |
| Amount shown here was in excess of 1972 needs. | |
| Inter-American Cultural and Trade Center | 5,446 |
| Funds will be released when plans for participation in U.S. Bicentennial are completed and approved. | |
| National Oceanic and Atmospheric Administration: Research, development, and facilities | 214 |
| These funds are for disaster relief to fisheries. Apportionments are made as applications from the States are processed following contingencies under which the funds must, by statute, be made available. | |
| Research, development, and facilities (special foreign currency program) | 286 |
| These funds were released and apportioned on July 1, 1972, to fund the 1973 program. | |
| Promote and develop fishery products and research pertaining to American fisheries | 257 |
| Amount shown here was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program. | |
| National Bureau of Standards: Plant and facilities | 1,495 |
| Funds are for a new laboratory now in the planning stage. Apportionment awaits development of approved plans and specifications. | |
| Department of Defense—Military: | |
| Shipbuilding and conversion | 1,388,946 |
| For use in subsequent years; these projects are fully funded when appropriated. | |
| Other procurement programs | 21,020 |
| For use in subsequent years; these projects are fully funded when appropriated. | |
| Military construction and family housing | 171,304 |
| Apportionment awaits development by the agency of approved plans and specifications. | |
| Civil defense programs | 1,277 |
| Amount was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program. | |
| Special foreign currency program | 4,903 |
| Apportionment awaits development by the agency of approved plans and specifications. | |
| Department of Defense—Civil Corps of Engineers: | |
| Construction, General: | |
| Lafayette Lake, Indiana | 183 |
| Funds are being held in reserve because of local opposition to initiation of construction of the project. | |
| Lukfata Lake, Oklahoma | 450 |
| Construction funds are being held in reserve pending the completion of a new general design memorandum leading to an environmental impact statement. | |
| New York Harbor Collection and Removal of Drift | 80 |
| Funds are being held in reserve because, although the project has been authorized by the Congress for initiation and partial accomplishment, initiation of construction must await approval of the Secretary of the Army and the President. The Secretary of the Army forwarded the proposal to the President on June 21, 1972, and his recommendations are currently under review. | |
| Panama Canal Government: | |
| Capital outlays | 850 |
| These FY 72 funds, reserved at the request of the Panama Canal Government, will be combined with the 1973 appropriation for the purchase of major items of capital equipment. | |
| Wildlife conservation | 474 |
| Includes estimated receipts not needed for current year program. Will be used in subsequent years. | |
| Department of Health, Education, and Welfare: | |
| National Institutes of Health: | |
| Buildings and facilities | 2,565 |
| Apportionment awaits development by the agency of approved plans and specifications. | |
| Office of Education: | |
| School assistance in federally affected areas | 4,996 |
| Apportionment awaits development by the agency of approved plans and specifications. Construction obligations will be incurred subsequently. | |
| Higher education | 1,462 |
| Apportionment awaits development by the agency of proved plans and specifications. | |
| Educational activities overseas (special foreign currency program) | 16 |
| Apportionment of this amount awaits development of approved plans and specifications by the agency. | |
| Social Security Administration: | |
| Construction | 12,095 |
| Apportionment awaits development of approved plans and specifications by the agency. | |
| Special Institutions: | |
| Gallaudet College | 516 |
| This amount was in excess of funds which could be effectively used in 1972. | |
| Howard University | 3,714 |
| Apportionment of this amount awaits development of approved plans and cations. Construction obligations will be incurred subsequently. | |
| Department of Housing and Urban Development: | |
| Model cities programs | 105,000 |
| This amount was released on July 1, 1972. Its earlier reserve enabled several cities to count on proceeding with their fiscal year 1973 programs. | |

| | |
|---|---|
| Department of the Interior: | |
| Bureau of Land Management: | |
| Public lands development, roads and trails | 16,694 |
| Reserve reflects amounts of available contract authority the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations. | |
| Bureau of Indian Affairs: | |
| Road construction | 53,699 |
| Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations. | |
| Bureau of Outdoor Recreation: | |
| Land and water conservation fund | 30,000 |
| Consists of 1972 annual contract authority which was made available by P.L. 91-308, approved July 7, 1970. It has not been used because the Federal agencies purchasing park lands have found annual contract authority cumbersome to administer. Instead, they prefer ordinary appropriations to finance such land purchases. The 1973 budget proposes appropriation of the full $300 million annual authorization for the fund, of which about $98 million is for Federal land purchases in 1973. | |
| Bureau of Mines: | |
| Drainage of anthracite mines | 3,623 |
| Funds are spent on a matching basis with Pennsylvania as that State and the Department of the Interior develop projects for this purpose. Apportionment awaits development of approved plans and specifications in FY 1973. | |
| Bureau of Sport Fisheries and Wildlife: | |
| Contruction | 9,075 |
| Appropriated funds for D.C. Aquarium withheld because authorized facility cannot be constructed within the funding limits established by the authorization. The Appropriations Committees of the House and Senate have directed that the funds be used in fiscal 1973 for the construction of other facilities. Release is scheduled shortly. | |
| National Park Service: | |
| Parkway and road construction | 72,621 |
| Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations. | |
| Bureau of Reclamation: | |
| Construction and rehabilitation | 1,055 |
| Funds are being held in reserve pending completion and review in FY 1973 of the economic restudy to determine the most effective use of funds for the Second Bacon Siphon and Tunnel Unit, Wash. | |
| Operation and maintenance and replacement of project works, North Platte project | 84 |
| This amount fulfilled the legal requirements for this account of an annually established contingency reserve. | |
| Department of Justice: | |
| Federal Prison System: | |
| Buildings and facilities | 4,299 |
| The apportionment awaits development of approved plans and specifications. | |
| Department of Labor: | |
| Grants to States for unemployment insurance and employment services | 20,192 |
| Late enactment of supplemental appropriations and lower unemployment insurance workloads permitted savings to be made. | |
| Department of State: | |
| Education exchange fund (earmarked proceeds of payment by Finland on World War I debt) | 22 |
| This amount was released and apportioned on July 1, 1972, to fund the 1973 program. | |
| Bureau of Educational and Cultural Affairs: International Educational Exchange Activities (special foreign currency program) | 5 |
| Funds represent recent recovery of prior year obligations in excess of current year needs. These funds were released and apportioned on July 1, 1972, to fund the 1973 program. | |
| Department of Transportation: | |
| Coast Guard: | |
| Acquisition, construction and improvements | 7,607 |
| Funds are for equipment or improvements and will not be needed until construction on seven projects is in an advanced stage. They will be released when needed. | |
| Alteration of bridges | 1,000 |
| Apportionment awaits development of approved plans and specifications. | |
| Federal Aviation Administration: | |
| Facilities and equipment (Airport and Airway trust fund) | 115,897 |
| Grants-in-aid for airports (Airport and Airway trust fund) | 6,368 |
| Construction, National Capital Airports | 900 |
| Civil Supersonic aircraft development termination | 4,506 |
| Other | 2,200 |
| Apportionment of the above FAA accounts awaits development of approved plans and specifications. | |
| Federal Highway Administration: | |
| Territorial Highways | 5,000 |
| New program established by the 1970 Highway Act, effective December 30, 1970. No appropriation was provided until August 1971, although $4,500,000 of contract authority was authorized for each of 1971 and 1972. Territories were not prepared to handle program and have only recently begun to organize agencies and prepare studies for use of the funds. Total obligations through December 31, 1971, were about $93,000. | |
| Federal-aid highways: | |
| 1973 contract authority | 5,700,000 |
| Remaining balance from reductions made in prior years | 246,798 |
| Urban Mass Transportation Administration: Urban mass transportation | 299,970 |
| The Congress provided a total of $3.1B of contract authority for the 5-year period 1971–75. Executive branch apportionments resulted in $1B: of this amount being used by June 30, 1972, another $1.0B (including this $300M) will be apportioned for fiscal 1973, leaving $1.1B, or $550M per year for the fiscal years 1974 and 1975. By appropriation action in fiscal years 1971 and 1972, the Congress effectively limited the amount of the contract authority that could be used each fiscal year. Thus, the $300M shown is the difference between the $600M apportioned for 1972 and the $900M *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation: "Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (Italic supplied.) | |
| Treasury Department: | |
| Office of the Secretary: | |
| Construction, Federal Law Enforcement Training Center | 22,239 |
| Apportionment awaits development by the agency of approved plans and specifications. | |
| Expenses of administration of settlement of World War Claims Act of 1928 | 1 |
| Amount shown here was in excess of 1972 administrative costs. | |
| Bureau of the Mint: | |
| Construction | 79 |
| Apportionment awaits the completion of studies for the effective use of funds. | |
| Atomic Energy Commission: | |
| Operating expenses: | |
| Reactor development: | |
| Funds held in reserve for the Liquid Metal Fast Breeder Reactor (LMFBR) demonstration plant awaiting negotiations now underway involving AEC and Commonwealth Edison Company and TVA | 43,350 |
| Biomedical Research: | |
| Funds held in reserve pending development of a plan for effective utilization | 370 |
| Plant and capital equipment: | |
| Funds held in reserve awaiting AEC's development of firm plans or specifications for two projects in the nuclear materials and weapons programs | 175 |
| Funds held in reserve awaiting AEC's completion of feasibility studies or the results of research and development efforts for the national radioactive waste repository and two other projects | 2,533 |
| Funds held in reserve for possible cost overruns and other contingencies | 2,200 |

TABLE 1.—*Budgetary reserves for routine financial administration*—Continued

June 30, 1972

[In thousands of dollars]

| *Agency and account* | *Amount* |
|---|---|
| Environmental Protection Agency: | |
| Operations, research and facilities | 7,294 |
| Reflects release of $28M for Cincinnati laboratory. Remainder awaits completion of EPA study of requirements for other laboratory facilities. | |
| General Services Administration: | |
| Construction, public buildings projects | 17,971 |
| $10,803 thousand is being held for future obligation. The projects are not ready for construction and financing is under review. Apportionment awaits completion of this action | |
| $7,160 thousand is reserved to meet possible contingencies that might rise in the course of construction. | |
| Sites and expenses, public buildings projects | 11,567 |
| Reserved to meet possible contingencies or for use in subsequent years. | |
| Operating expenses, Property Management and Disposal Service | 769 |
| Amount shown here was not needed in 1972 for stockpile disposals. | |
| Veterans' Administration: | |
| Grants to States for extended care facilities | 8,420 |
| State plans and requests for funds were not presented to the extent originally expected. Amount shown will be available for program in future years. | |
| OTHER INDEPENDENT AGENCIES | |
| Cabinet Committee on Opportunities for Spanish-Speaking Peoples | 5 |
| This amount was in excess of 1972 needs. | |
| Federal Communications Commission: Salaries and expenses, (construction) | 460 |
| These funds are intended for replacement of a monitoring station. Funds remain in reserve until results of study requested by Congress are available regarding the need for continuation of fixed monitoring stations. | |
| Federal Home Loan Bank Board: | |
| Interest adjustment payments | 46,888 |
| Funds which could be effectively utilized by the Board in fiscal year 1972 were apportioned. This amount was not needed. | |
| Foreign Claims Settlement Commission: | |
| Salaries and expenses | 19 |
| This amount was in excess of 1972 needs. | |
| Payment of Vietnam and Pueblo prisoner of war claims | 150 |
| Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available. | |
| Smithsonian Institution: | |
| Salaries and expenses, Woodrow Wilson International Center for Scholars | 11 |
| Reserved for contingencies. Will be apportioned if and when needed. | |
| Temporary Study Commissions: | |
| Commission on Highway Beautification | 25 |
| Amount being held for completion of Commission's work in 1973. | |
| Commission on Population Growth and the American Future | 30 |
| A small contingency amount was set aside to cover any increases in contracted costs after the Commission completed its work in May, 1972. No increases occurred and the funds are not needed to complete the work of the Commission. | |
| National Commission on Consumer Finance | 50 |
| For terminating the Commission in 1973 after the report is completed. | |
| Aviation Advisory Commission | 587 |
| These funds were released and apportioned on July 1, 1972 to carry Commission through its expiration date of March, 1973. | |
| Commission on Government Procurement | 1,300 |
| $1.4 million to remain available until expended was appropriated in the Second Supplemental Act of 1972. $100 thousand was apportioned for 1972; the remainder will fund the Commission's operations through April 1973. | |
| U.S. Information Agency: | |
| Salaries and expenses (special foreign currency program) | 407 |
| Special international exhibitions | 746 |
| These amounts were released and apportioned July 1, 1972. | |
| Water Resources Council: | |
| Salaries and expenses | 25 |
| Funds were held in reserve pending establishment of new river basin commissions. | |
| Total [1] | 9,110,078 |

[1] Of this total, $467 million was released at the start of fiscal 1973.

TABLE 2.— *Reserves for reasons other than routine financial administration, June 30, 1972*

[In thousands of dollars]

| *Agency and Account* | *Amount* |
|---|---|
| Department of Agriculture: | |
| Rural Electrification Administration—Loans [1] | 107,000 |
| Farmers Home Administration: | |
| Sewer and water grants [2] | 58,000 |
| Department of Housing and Urban Development: | |
| Rehabilitation loans [1] | 53,042 |
| Grants for new community assistance [1] | 5,000 |
| Basic water and sewer grants [3] | 500,000 |
| Department of Transportation: | |
| Federal-aid highways | 623,000 |
| Rights-of-way for highways | 50,000 |
| Urban mass transportation [4] | (299,970) |
| Atomic Energy Commission [5] | 17,655 |
| NERVA-Nuclear Rocket | (16,990) |
| Plowshare | (665) |
| National Aeronautics and Space Administration: | |
| NERVA-Nuclear Rocket | 21,914 |
| National Science Foundation: | |
| Educational and institutional support [1] | 21,000 |
| Graduate traineeships [6] | 9,500 |
| Reserves established pursuant to President's August 15, 1971, directive to curtail previously-planned Federal employment levels [7] | 61,750 |
| Total [8] | 1,527,861 |

[1] This amount was released and apportioned on July 1, 1972.

[2] Of this amount, $42 million was released and apportioned on July 1, 1972.

[3] Of this amount, $200 million was released and apportioned on July 1, 1972. The remainder is being held for subsequent apportionment.

[4] This amount was released and apportioned on July 1, 1972. It is listed here because of public and congressional interest. It is not counted in the total of Table 2 because its use is consistent with congressional intent. The Congress provided a total of $3.1 billion of contract authority for the five-year period 1971–1975. Executive Branch apportionments result in $1.0 billion of $3.1 billion total being used by June 30, 1972, another $1.0 billion (including this $300 million) is being apportioned for fiscal 1973, leaving $1.1 billion, or $550 million shown per year for the fiscal years 1974 and 1975. The $300 million shown is the difference between the $600 million apportioned for 1972 and the $900 million *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation: "Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (Italics supplied.)

[5] Pending enactment of 1973 appropriations, it is planned that these funds be applied to AEC's total program needs for 1973.

[6] Apportionment awaiting NSF review of how these funds can be used effectively to help meet the Nation's scientific and engineering manpower needs without stimulating an oversupply of manpower with specialized capabilities.

[7] These funds are the remainder of $280 million in reserves established initially under the President's directive of August 15, 1971. The originally reserved amounts were largely released to meet costs of pay raises and other essential pusposes.

[8] Of this $1.5 billion total, $447 million were released and apportioned on July 1, 1972 (as itemized in the preceding footnotes).

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment, as modified.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD title IV of Public Law 92–599 with respect to Federal impoundment information.

There being no objection, the title was ordered to be printed in the RECORD, as follows:

### TITLE IV—FEDERAL IMPOUNDMENT INFORMATION

#### SHORT TITLE

SEC. 401. This title may be cited as the Federal Impoundment and Information Act".

#### AMENDMENT OF THE BUDGET AND ACCOUNTING PROCEDURES ACT OF 1950

SEC. 402. Title II of the Budget and Accounting Procedures Act of 1950 is amended by adding at the end thereof the following new section:

#### "REPORTS ON IMPOUNDED FUNDS

"SEC. 203. (a) If any funds are appropriated and then partially or completely impounded, the President shall promptly transmit to the Congress and to the Comptroller General of the United States a report containing the following information:

"(1) the amount of the funds impounded;

"(2) the date on which the funds were ordered to be impounded;

"(3) the date the funds were impounded;

"(4) any department or establishment of the Government to which such impounded funds would have been available for obligation except for such impoundment;

"(5) the period of time during which the funds are to be impounded;

"(6) the reasons for the impoundment; and

"(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

"(b) If any information contained in a report transmitted under subsection (a) is subsequently revised, the President shall promptly transmit to the Congress and the Comptroller General a supplementary report stating and explaining each such revision.

"(c) Any report or supplementary report transmitted under this section shall be printed in the first issue of the Federal Register published after that report or supplementary report is so transmitted."

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment as modified and third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

## RED TERROR

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent to have printed in the Record an article by Mr. Adrian Lee.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Protest Red Terror, Senator Suggests

Despite the occasional harsh word emanating from Sen. Hugh Scott's Christmas Eve encounter with his constituents, the confrontation outside the senator's Chestnut Hill house would have to be described as gentle. The 100 or so constituents conducted their protest against the bombing of Hanoi in the best Chestnut Hill tradition; the candle-light vigil on Hillcrest ave. was mannerly and, on the whole, unabrasive, at least when compared with the grittier antiwar demonstrations which have convulsed society in recent years.

But Scott's neighbors from Chestnut Hill and Mt. Airy made their point nonetheless; the bombing of Hanoi and Haiphong, and presumably all the targets enumerated by the Pentagon, the railway yards, AA-gun and SAM-missile emplacements, the power stations, was "immoral"; hopes for peace had been "crushed," and in an open letter the community felt constrained to register its concern this "holiday season, about the tragic turn of events . . ."

With the sense of timing that has distinguished Scott's approach to explosive questions, the senator didn't debate the issue with his constituents. At least not immediately.

He left the field—the rain-slick street, the iron picket fence and crayoned anti-bombing placards—to his constituents, and retired indoors, presumably to ponder the answering public letter he subsequently wrote and submitted to the Chestnut Hill Local.

Printed therein last Thursday, it leaves the senator with the last word. And it should come as a surprise to anybody entertaining the glum thought that the delay in reply to the community's letter heralded a handsomely wrought evasion.

There is an un-Scott-like harshness to the letter, a certain note of weariness with his critics' near obsessive solicitude for Hanoi, and their apparent indifference to Communist terror, slaughter and the indiscriminate bombing of hospitals, homes, schools and orphan asylums in the South.

For those who think of Scott as vacillating, fearful of alienating doves, hawks, or any other species of metaphorical bird in between, it should come as a surprise to read:

". . . it is only fair to ask these constituents why they have not protested against the current terrorist bombings of Saigon.

"When Hanoi slaughtered over 3,000 civilians in Hue, there were, sadly enough, no parades of protestors anywhere in America. Why?

"Be assured I will use my influence to help bring about peaceful solutions. At the same time, I do not share the unwillingness of critics to protest the ruthless acts of the other side . . ."

But it wasn't this more-or-less standard reply to Mr. Nixon's critics that impressed at least one of Scott's neighbors; it was the straightforward, matter-of-fact way in which he addressed himself to the first question in his constituents' open letter—"How does this (the bombing) insure the safe return of our POWs?"

Replied Scott, in an illuminating postmortem on the collapse of the preelection peace pact: " . . . after the October events (the apparent agreement between Henry Kissinger and Hanoi Politburo spokesman Le Duc Tho), Hanoi imposed the condition that our prisoners would not be returned until South Vietnam released its 40,000 North Vietnamese prisoners . . . this, so far, the South Vietnamese have refused to do, unless assured that the armies of North Vietnam will not be so emplaced as to begin new hostilities, thus extending the war."

Whence Scott learned or divined this, he didn't say; but he asserted it unequivocally. And delivered thus, without qualification by the GOP leader in the Senate, it has all the ring of truth. It was Hanoi that tried to renege on the October agreement. It was Hanoi that insisted on undoing what Kissinger, in his "peace-is-at-hand" press conference had stated as an agreed-on provision: ". . . the return of our prisoners is not conditional on the disposition of Vietnamese prisoners in Vietnamese jails, on both sides of the conflict"; and, simultaneous with the withdrawal of all American troops," there will be a return of all American prisoners, military or civilian . . . "

These were not isolated provisions in the quite complex draft agreement negotiated by Tho and Kissinger, to be excised without affecting the balance of the pact; the Nixon Administration's anxiety over the POWs permeates Kissinger's "peace-is-at-hand" explanation of the draft agreement. And for Hanoi to condition the release of U.S. prisoners on a general jail delivery in Saigon was to bring the whole laboriously constructed edifice down in ruins.

How was Saigon to be induced to release the 40,000 prisoners? And even if it could be persuaded to do so, by cajolery, threats or coercion, what was to be the next demand, the next venture into blackmail by an adventurous and imaginative Hanoi? What was to be the next price for the release of the American POWs?

And, implicit in Scott's letter, was the only alternative: sending B–52s over Hanoi and Haiphong, to bring Hanoi back to the peace table to sign an agreement it had helped to negotiate and then tried to welsh on.

If any more candle-light vigils are to be conducted, outside Senator Scott's Chestnut Hill house, or elsewhere, they might close with a prayer for the B–52 bomber crews who flew their craft into a maelstrom of flame and flying steel to obtain the lasting peace Mr. Nixon's critics seem to shrink from.

## THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION—APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair on behalf of the Vice President in accordance with Public Law 80–491, as amended by Public Law 92–236, appoints Senator Charles McC. Mathias to the American Revolution Bicentennial Commission in lieu of Norris Cotton, resigned.

## SPECIAL COMMITTEE ON THE TERMINATION OF THE NATIONAL EMERGENCY—APPOINTMENTS BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair on behalf of the Vice President in pursuance of S. Res. 9, of the 93d Congress, appoints the following Senators as members of the Special Committee on the Termination of the National Emergency:

Mr. Church, cochairman; Mr. Hart, Mr. Pell, and Mr. Stevenson, and Mr. Mathias, cochairman; Mr. Case, Mr. Pearson, and Mr. Hansen.

## ORDER FOR RECOGNITION OF SENATOR FANNIN ON TUESDAY, JANUARY 9, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday, January 9, following the remarks of the distinguished senior Senator from Virginia (Mr. Harry F. Byrd, Jr.) the distinguished Senator from Arizona (Mr. Fannin) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## INTRODUCTION OF A BILL UNDER SPECIAL ORDER

Under authority of the order of the Senate of January 4, 1973, on January 6, 1973, during the adjournment of the Senate, the following bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. INOUYE:

S. 231. A bill to provide more effective means for protecting the public interest, health, and well being of the people of the State of Hawaii during strikes, lockouts, or other forms of labor strife or discord in either the maritime or longshore industry, or both industries, which obstruct or close the major seaports of the west coast of the United States, thereby disrupting the normal flow of maritime interstate commerce by means of surface water transportation both to and from the State of Hawaii; to the Committee on Commerce.

Mr. INOUYE. Mr. President, I introduce for reference to the appropriate committee today an amendment to the Labor Management Relations Act designed to provide a greater degree of protection to the people of my State. Such protection is in the form of a guarantee of a more continuous flow of commerce and thereby a degree of equity with other States which have more than one mode of surface transportation. This measure is the result of continuing efforts on my part to find some means of guaranteeing to the people of my State that they will not become the hapless and helpless victims of disputes which originate outside our islands and over which they have no control and very little influence.

Last year, Mr. President, I held lengthy hearings in Honolulu on a measure which I had introduced, the Hawaii Public Interest Act. Those hearings convinced me that the cost to the people of my State of such labor disputes is substantial and indeed, horrendous. The cost of even having to gird against a threatened dispute is great. It has required excessive inventorying each time contracts come up for renegotiation even though no strike or lockout occurs.

For this reason, I introduce today a measure to amend the National Labor Relations Act to provide that in the case of a west coast dispute which ties up surface shipping between west coast ports and Hawaii normal commerce must continue to flow for a period of 60 days or until the institution of the 80-day injunction should that come prior to the expiration of the 60-day period.

Work stoppages interfering with the flow of shipping between the mainland and Hawaii are not a new phenomenon. Below is a brief history of work stoppages with the days duration of each up to the present. You will note that many of these are of relatively short duration but they are meaningful nevertheless for the people and businessmen of Hawaii who are not able to determine in advance what that duration may be. They are, therefore, forced to initiate extensive inventory building and tie up large amounts of capital all of which adds to costs and to consumer prices just to be prepared in case of a prolonged strike or work stoppage. Only four of these in more than a quarter of a century have exceeded the 60 days provided for in this measure. In only one were workers in Hawaii direct participants but in all our workers suffered as did the other economic interests in Hawaii.

See table below:

STRIKES INTERRUPTING SHIPPING BETWEEN HAWAII AND THE WEST COAST

| Employer, union and/or occupation group involved | Beginning date | Days duration |
|---|---|---|
| 1. Consolidated Steamship Co., Port Huenene, Calif. | Jan. 2, 1946 | 46 |
| 2. Employers' Association of the Pacific Longshoremen, Los Angeles, Calif. | June 17, 1946 | 2 |
| 3. Waterfront Employers' Association, Los Angeles, Long Beach, Calif. | July 12, 1946 | 2 |
| 4. Waterfront Employers' Association, Longshoremen, Seattle, Wash. | July 15, 1946 | 1 |
| 5. Waterfront Employers' Association, San Francisco, Los Angeles, Long Beach, Calif. | Aug. 1, 1946 | 1 |
| 6. Maritime strike, Nationwide | Sept. 5, 1946 | 16 |
| 7. Maritime strike, 21 States | Oct. 1, 1946 | 54 |
| 8. Waterfront Employers' Association, longshore and checkers, Puget Sound area. | Nov. 23, 1946 | 17 |
| 9. Maritime strike, 12 States | June 16, 1947 | 4 |
| 10. Alaska Steamship Co., Seattle, Wash | Aug. 11, 1947 | 10 |
| 11. Waterfront Employers' Association, Los Angeles, Long Beach, Calif. | Oct. 1, 1947 | 7 |
| 12. Waterfront Employers' Association, Stevedores, San Francisco, Calif. | Nov. 7, 1947 | 1 |
| 13. Waterfront Employers Association and Pacific Shipowners' Association, and Shipowners' Association of the Pacific, ILWU, MEBA, NUMCS, ARA, Pacific Coast MROW Association. | Sept. 2, 1948 | 96 |
| 14. Castle & Cooke Terminals; McCabe, Hamilton, & Renny; Hilo Trans. and Terminal; Kahului RR.; Kauai Terminals; Mohukona Terminas, (Hawaii), ILWU. | May 1, 1949 | 177 |
| 15. Pacific Maritime Association, American Radio Association | June 16, 1951 | 10 |
| 16. Pacific Maritime Association, Sailors Union of the Pacific | May 27, 1952 | 63 |
| 17. Pacific Maritime Association, American Radio Association | July 28, 1952 | 4 |
| 18. Pacific Maritime Association, Sailors' Union of the Pacific | Nov. 5, 1952 | 6 |
| 19. Pacific Maritime Association, American Radio Association | Dec. 2, 1954 | 6 |
| 20. Pacific Maritime Association (?) ILWU | June 6, 1955 | 1 |
| 21. Kauai Consolidate; Kawaihae Terminals; McCabe, Hamilton & Renny (Maui) Castle & Cooke Terminals (Hawaii), ILWU. | Feb. 14, 1967 | 1–4 |
| 22. Pacific Maritime Association, ILWU | Nov. 17, 1969 | 35 |
| 23. Pacific Maritime Association, ILWU | July 1, 1971 | 100 |
| (resumed) | Jan. 17, 1972 | 39 |
| 24. Pacific Maritime Association, Masters, Mates & Pilots | Oct. 25, 1972 | 40 |

Mr. INOUYE. Mr. President, during recent disputes labor and management have voluntarily agreed to continue to load and ship military cargo. They have done so to avoid the strong likelihood of Government intervention in the collective bargaining process. I am a strong advocate of free collective bargaining but I am an even stronger foe of any action which would hold hostage 800,000 people to a labor dispute not of their making and upon which they have little if any influence.

It is my understanding that the Hawaii bound west coast traffic presently accounts for approximately 3 percent of total man-hours worked on the west coast docks. It is also true that the shipping interests which serve the Hawaii west coast trade have less than 13 percent of the voting power in the Pacific Maritime Association.

I am not advocating that we in Hawaii be freed from all threat of strike, that we seek special legislation and special privileges not enjoyed by others under our labor-management system. Strikes and employer lockouts could still occur in Hawaii and in the surface transportation industries. They can even occur on the mainland and have their effects on Hawaii if they endure for more than 60 days.

My measure does recognize the unique situation in Hawaii, however, and it tries to do something sensible about it without gross interference with the normal collective bargaining process.

My measure does recognize the unique situation in Hawaii, however, and it tries to do something sensible about it without gross interference with the normal collective-bargaining process.

Some may argue that despite the very small percentage, Hawaii traffic is of total west coast traffic, permitting such partial operation may reduce the pressures for settlement and prolong the strike.

The loading and shipment of military goods has kept labor on partial pay and management in partial operation during previous strikes. Our national security is important but we must also recognize that such partial operation may then have prolonged the strikes which have been inflicted on the civilian economy. All I am asking in this legislation is that the civilian population in Hawaii, because of our almost total dependence on surface transportation between the west coast and Hawaii for food, clothing, and shelter be considered and our unique circumstances recognized by law.

The higher cost of living which we find in Hawaii is attributable in small part to the normal higher cost of transportation. Another and major factor is the high cost of carrying heavy inventory because of the uncertainty of the transportation. A recent study of inventory costs concluded that inventory buildups in anticipation of a possible strike added 3 to 5 percent to the cost of putting merchandise on the Hawaii market.

While air transport is carrying increased traffic between the mainland and Hawaii, such traffic is still limited to less than 10 percent of the total by value and 1 percent of the total by weight or volume. Surface transportation between the west coast and Hawaii carries over 90 percent of all food and clothing imports into my State.

There has been enough rhetoric relative to the vulnerability of the people of Hawaii to maritime and longshore work stoppage and more than enough evidence of our unique vulnerability and past injury has been accumulated. It is now the time for action. I am most hopeful the approach outlined in this proposal will receive the support and approval of the Congress for I am convinced that it provides a workable solution which can be easily implemented and one which takes the side of neither disputant nor does it interfere with the right of labor and management to negotiate freely the terms and conditions of a settlement of their dispute.

## INTRODUCED BILL PRINTED IN THE RECORD

Under authority of the order of the Senate of January 4, 1972, the following bill was ordered to be printed in the RECORD:

S. 231

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Hawaii Public Interest Protection Act of 1973".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress hereby finds that the unique geographical situation of the State of Hawaii, which is physically isolated and separated by thousands of miles of water from both the noncontiguous State of Alaska and the forty-eight conterminous States of the continental United States, creates and generates unique transportation dependency and requirements for the people of the State of Hawaii; that such unique transportation dependency and requirements of the people of the State of Hawaii are qualitatively substantially different from those of any and all other States of the United States; that the people of the State of Hawaii compose an economy whose very existence depends upon a continuous flow of food and the essentials of life, particularly from the major seaports of the west coast, by means of surface water transportation; that any disruption of the normal flow of maritime interstate commerce by means of surface water transportation, as a result of a strike, lockout, or other form of labor strife or discord in the maritime or longshore industries which effectively obstructs or closes the major seaports of the west coast, thereby disrupting the normal flow of maritime interstate commerce by means of surface water transportation both to and from the State of Hawaii, automatically imperils the health and well being of the people of the State of Hawaii; that during such maritime or longshore industry disruption the minimum assured consequences for the people of the State of Hawaii are an inadequate supply of food, medicine, and other essentials of life, an increase in unemployment, underemployment, and in the cost of living, business failures, a slowdown in construction, and a decline in total personal income and retail trade; that the people of the State of Hawaii have frequently been the innocent third parties and victims of and have often suffered enduring harm from disruptions in the maritime and longshore industries of the kind described above; that, because of its unique geographical situation and because there are no railroads or motor vehicle highways physically connecting the State of Hawaii to the continental United States, the people of the State of Hawaii suffer a unique type of injury that is not suffered by the people of any other State of the United States; that a maritime or longshore industry disruption which obstructs or closes the major seaports of the west coast, guarantees suffering for the people of the State of Hawaii comparable to that which the people of any other State would suffer if an embargo were enacted against all interstate surface transportation serving that other State, thereby constructing a barrier around that other State, isolating that other State, and prohibiting both the entry and exit of all goods transported thereto and therefrom by rail, truck, ship, barge, and all other means of surface transportation into and out of that other State; that the grave and irreparable public damage, harm, and injury caused by maritime and longshore industry disruptions of the kind described above underscore the compelling need for laws that will provide the people of the State of Hawaii from suffering which they currently experience in their capacity as innocent third parties to and victims of such maritime and longshore industry disruptions; that the present emergency disputes procedures established by sections 206–210 of title II of the Labor-Management Relations Act, 1947 (61 Stat. 136, 29 U.S.C. 141–147), for dealing with labor disputes which threaten the health or safety of the American people, are inadequate and have, in the case of the State of Hawaii, produced both a deterioration of the collective-bargaining process and an intensification of emergencies created by maritime and longshore industry disruptions of the kind described above; that the use of present emergency disputes procedures for resolving such maritime and longshore industry disruptions has not prevented serious reductions in operations and services essential to the health and well being of the people of the State of Hawaii; that, as a result of the existing labor disputes provisions, Federal preemption of State court jurisdiction to issue injunctions in labor disputes has rendered the States of the Nation powerless to act in their own behalf during those labor emergencies which the President chooses to ignore; that these consequences of State disability due to Federal preemption are magnified in the case of the State of Hawaii because of the State of Hawaii's unique geographical situation; and that provision for the continuation of normal commerce between the west coast ports and the State of Hawaii during the first sixty days of any such maritime or longshore industry disruption is necessary in order to protect the health and well being of the people of the State of Hawaii and to encourage and maintain free collective bargaining.

### CONGRESSIONAL PURPOSES AND POLICIES

SEC. 3. To carry out the policy of section 1(b) of the Labor-Management Relations Act, 1947, and because the present emergency dispute provisions of that Act are inadequate to satisfactorily achieve the policies and purposes of that Act in the unique case of the State of Hawaii, since the people of the State of Hawaii continue to suffer in their capacity as innocent third parties to and victims of maritime and longshore industry disruptions of the kind described in section 2 of this Act, the Congress hereby declares it to be the purpose and policy of this Act, through the exercise by Congress of its powers to regulate commerce among the several states and with foreign nations and to provide for the general welfare, to assure so far as possible, that no maritime or longshore industry disruption of the above kind will hereafter imperil the health or safety of the people of the State of Hawaii by establishing means whereby vessels destined for Hawaii from west coast ports can continue for sixty days after the initiation of a strike, lockout or other forms of industry disruption which threatens the health or safety of the people of the State of Hawaii.

SEC. 4. Title II of the Labor Management Relations Act, 1947, is amended by adding immediately after section 208 of such title the following new section:

"SEC. 208A. (a) In any case in which an injunction has not been obtained under section 208 on the date of the beginning of a strike or lockout involving the Maritime or Longshore industries of the west coast ports of the United States, no strike or lockout shall be permitted which interrupts the normal shipping destined for or originating from Hawaii (destined for the west coast ports of the United States) for a period of not less than 60 days beginning on the date on which such strike or lockout began.

"(b) Shipping services and transportation required under subsection (a) shall be provided pursuant to rates of pay, rules, and working conditions of existing agreements, except that rates of pay established by the collective bargain agreement resolving the dispute shall provide retroactive compensation to the employees providing such shipping services and transportation.

"(c) For the purpose of this section, the term 'west coast ports' means the ports of San Francisco-Oakland, Los Angeles-San Diego, Portland and Seattle."

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. RANDOLPH (for Mr. MONTOYA and himself):

S. 232. A bill to establish a national development program through public works investment. Referred to the Committee on Public Works.

By Mr. MANSFIELD (for Mr. BAYH):

S. 233. A bill for the relief of Lynette Comach. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 234. A bill for the relief of Luc Avril and Marie Telicia Avril. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 235. A bill to amend title 5, United States Code, to regulate certain activities of Federal employees, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. RIBICOFF:

S. 236. A bill for the relief of Wayne Gafka. Referred to the Committee on the Judiciary.

By Mr. MANSFIELD:

S. 237. A bill to authorize the Secretary of the Interior to convey certain lands to August Sobotka and Joseph J. Tomalino of Intake, Mont. Referred to the Committee on Interior and Insular Affairs.

S. 238. A bill for the relief of Ivan Mauricio Mas-Jaccard, his wife, Carmen Mas-Jaccard, and their children, Clifford Mas-Jaccard and Jonny Mas Jaccard;

S. 239. A bill for the relief of Loretto B. Fitzgerald;

S. 240. A bill for the relief of Mrs. Wanda Martens;

S. 241. A bill for the relief of Basile Christopoulos;

S. 242. A bill for the relief of Hong-To Lam and his wife, May-Fung Shum Lam;

S. 243. A bill for the relief of Roberto De Lamonica; and

S. 244. A bill for the relief of Josefina Gonzales Batoon. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 245. A bill for the relief of Kamal Antoine Chalaby; and

S. 246. A bill for the relief of Yolanda Ayubi. Referred to the Committee on the Judiciary.

By Mr. MOSS (for himself and Mr. CHURCH):

S. 247. A bill to amend the Communications Act of 1934 with respect to the renewal of broadcasting licenses. Referred to the Committee on Commerce.

By Mr. MOSS:

S. 248. A bill to terminate all price-support programs for tobacco beginning with the 1974 crop of tobacco. Refered to the Committee on Agriculture and Forestry.

S. 249. A bill to amend the Federal Cigarette Labeling and Advertising Act to require the Federal Trade Commission to establish acceptable levels of tar and nicotine content of cigarettes. Referred to the Committee on Commerce.

By Mr. RIBICOFF:

S. 250. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents. Referred to the Committee on Finance.

By Mr. HRUSKA (for himself and Mr. EASTLAND):

S. 251. A bill for the relief of Frank P. Puto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF:

S.J. Res. 12. A joint resolution designating Wednesday, February 21, 1973, to honor the American Academy of Forensic Sciences. Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RANDOLPH (for Mr. MONTOYA and himself):

S. 232. A bill to establish a national development program through public works investment. Referred to the Committee on Public Works.

### THE PUBLIC WORKS DEVELOPMENT ACT OF 1973

Mr. RANDOLPH. Mr. President, the Senator from New Mexico (Mr. Montoya) is necessarily absent from the Senate today. On his behalf I introduce for appropriate reference the Public Works Development Act of 1973, which I join as a cosponsor.

I ask unanimous consent that remarks on this bill by the Senator from New Mexico be printed in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

### Statement by Senator Montoya

Mr. President, I am introducing this bill today in order to emphasize my strong belief that new and more comprehensive legislation is needed in the area of national regional development. During the Second Session of the 92nd Congress, the Subcommittee on Economic Development of the Public Works Committee held eight days of hearings on this bill. Valuable suggestions were presented during those hearings, and they will be used to strengthen this legislation.

In addition, I intend to hold extensive hearings this year throughout the country in order to further determine the successes and shortcomings of current economic development programs and to provide a forum for further discussion concerning a new public works-development program.

The new program will build on the record established during consideration of this bill and the experience gained from the Appalachian Regional Development Program, the Title V—Action Planning Commission Program and the Economic Development Administration Program. This new approach will be designed to promote a working partnership of Federal, State, and local governments.

I believe that proper social, economic, and environmental development can be fostered through sound and coordinated public works investment. Such investment would be founded on a planning process incorporating input from all levels of government. Program initiative would be placed at the local level while the administrative structure would help State and local governments adapt the resources of diverse national programs to local requirements. It is anticipated that this process of coordinated public decisionmaking would result in reasoned patterns of development and greater opportunity for all Americans.

The program envisioned by the Committee would take into account the changing conditions of the past quarter-century. It would redirect authority to make decisions on public investments back to State and local governments, but it would also maintain Federal participation on a partnership basis.

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By Mr. MOSS:

S. 235. A bill to amend title 5, United States Code, to regulate certain activities of Federal employees, and for other purposes. Referred to the Committee on Post Office and Civil Service.

### HATCH ACT REFORM

Mr. MOSS. Mr. President, for more than 30 years, Federal employees have been prohibited from any form of active participation in our democratic processes. The Hatch Act, which was enacted in 1939 for the purpose of protecting Federal employee political rights, has instead served to deny them.

The Supreme Court has recently agreed to consider a ruling of the district court of the District of Columbia that a central provision of the Hatch Act is unconstitutional. Specifically, this section:

> Prohibits Federal employees—or employees in federally financed programs—from taking active part in political campaigning.

The district court ruled that the language in the law was "broad, ambiguous, and unsatisfactory," and in violation of the first amendment.

Until the Supreme Court reaches a decision on the lower court ruling, there will be no reason for the Congress to consider legislation to revise or modify the Hatch Act. But after the decision is handed down, the Congress may wish to consider some phase of the problem, and I am therefore reintroducing the bill which was before the Senate last session which would permit government workers to participate freely in national, State or local elections. I should like Federal employees to know that legislation is pending in this field to be called up quickly if needed.

Government workers today are not permitted to:

Express public support for a candidate, lest it be construed as part of a campaign;

Write an article in a newspaper or pamphlet supporting a political candidate or political issue;

Distribute campaign material;

Solicit funds for candidates;

Serve as a delegate to a political convention; or serve as an officer in a political organization.

Several of these all-pervasive prohibitions could be removed without endangering the Government worker's ability either to perform his official duties or to maintain his own political independence. Other provisions, such as those related to solicitation and fundraising, in many cases simply duplicate existing criminal statutes.

Fundamentally, the bill I am introducing would allow Government workers to express their political opinions, a basic right they have long been denied. It would also allow them to serve as delegates to conventions and permit them to serve as campaign managers. It would allow them to run for office at the local level, but not for Federal office.

In short, it would give back to a large segment of our electorate a responsible role in our democracy—a role they have been denied for 30 years.

The measure I propose is based on the recommendations made by the Commission on Political Activity of Government Personnel established during the Johnson administration, which held hearings in six cities and undertook substantial research projects before making its report.

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By Mr. MOSS (for himself and Mr. Church):

S. 247. A bill to amend the Communications Act of 1934 with respect to the renewal of broadcasting licenses. Referred to the Committee on Commerce.

### BROADCAST LICENSE RENEWAL

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to amend the Communications Act of 1934 with respect to the renewal of broadcasting licenses. We are well aware of the havoc that can be created by citizen challenges to license renewals, whether well intentioned or not. There is no question in my mind that some clarification is needed as to what a broadcaster can and cannot do and expect to retain his license.

After reading the speech presented by the Director of the Office of Telecommunications Policy several weeks ago, I feel it is particularly important that we focus our attention on this problem.

Mr. President, I ask unanimous consent that the text of the legislation as well as an article on a recent license challenge be printed in the Record at the conclusion of my remarks.

There being no objection, the bill and article were ordered to be printed in the Record, as follows:

### S. 247

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 307(d) of the Communications Act of 1934 is amended by striking out "three years" at each place it appears and inserting in lieu thereof "five years".

Sec. 2. Section 307(d) of the Communications Act of 1934 is further amended by inserting before the period at the end of the second sentence a colon and the following: "*Provided,* That in any hearing for the renewal of a broadcasting license an applicant for renewal who is legally, financially, and technically qualified shall be awarded the grant if such applicant shows that its broadcasting service during the preceding license period has reflected a good-faith effort to serve the needs and interests of its area as represented in its immediately preceding and pending license renewal applications and if it has not demonstrated a callous disregard for law or the Commission's regulations; *Provided further,* That if the renewal applicant fails to make such a showing or has demonstrated a callous disregard for law or the Commission's regulations such failure or demonstration shall be weighed against the renewal applicant".

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### Nixon Ally Seeking Post's TV License

Jacksonville, Fla., January 2.—A group headed by President Nixon's chief Florida fund raiser announced today it will file a rival application for the operating license of television station WJXT, which is now held by a subsidiary of the Washington Post Co.

George Champion Jr., Florida finance chairman of the Committee to Re-elect the President, said the application would be filed later in the day in Washington.

"We are a group of concerned citizens who feel the needs of the community will be better served by a television station which is community-owned," said Champion, president of the newly formed Florida Television Broadcasting Co.

Champion said that Edward Ball, trustee of vast DuPont holdings, would serve as chairman of the board of directors.

Champion said his fund-raising activities and friendship with Mr. Nixon would not enter into the license application.

"I would never tell him (Mr. Nixon) that we are making an application," said Champion. "My friendship would not enter into it."

Post-Newsweek Stations, a subsidiary of The Washington Post Co., publishers of The Washington Post and Newsweek magazine, has held the Channel 4 operating license for the last 20 years without challenge.

The Nixon administration frequently has been at odds with The Washington Post, and recently a Post reporter was removed from a list of reporters regularly allowed to cover White House social functions.

Another group, Trans-Florida TV, Inc., has also filed an application to operate the station. Local insurance executive Fitzhugh Powell, a key Florida worker in the presidential bid by Alabama Gov. George Wallace, heads that group.

[A third group of three local citizens, Edward Baker, Winthrop Bancroft and George Auchter III, also filed an application for the Jacksonville license, it was learned in Washington. This group is represented by Welch and Morgan, a Washington law firm that has specialized in this field.

[In a separate filing, Welch and Morgan also represented an 11-member group seeking to take over the license of the Post-Newsweek station in Miami, WPLG–TV.

[Among the group is Cromwell Anderson Jr., a law partner of former Sen. George Smathers, who in December, 1969, was part of a group that applied for the Miami license. Welch and Morgan represented the Smathers group in that application, which later was withdrawn.]

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By Mr. MOSS:

S. 248. A bill to terminate all price support programs for tobacco beginning with the 1974 crop of tobacco. Referred to the Committee on Agriculture and Forestry.

### TERMINATION OF PRICE SUPPORTS ON TOBACCO

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to terminate all price-support and assistance programs for tobacco beginning with all crops of tobacco to be harvested in 1974. The bill would also terminate direct or indirect Federal subsidies for export of tobaccos to any foreign country after December 31, 1974.

I introduced this same bill in the 91st Congress—on May 12, 1970. Then on July 8—2 months later—I offered a relatively simple amendment to end appropriations for fiscal 1971 of price supports in the Department of Agriculture and related agencies. Neither the bill nor the amendment was successful, but they produced some enlightening dialog. Similarly, the 92d Congress failed to act on this legislative proposal and amendments offered to the Agriculture appropriations bill.

One soon becomes aware that the tobacco business is very big business. Perhaps that is to be expected, with a total crop in 1970 of 1,905,751,000 pounds. However, the acreage is comparatively small, with only 899,000 acres harvested in 1970—less than one three-hundredths of total crop acreage harvested in the United States in 1970. There are a few large companies in the storage and manufacturing aspects of the tobacco business.

The argument is offered that many growers, and most of them small growers localized in two States, would be irreparably injured if the Federal Government does not continue to supply assistance and supports of existing types at current levels. But then we hear—and sometimes from the same person—that present Government programs for tobacco are costing our public nearly nothing. In truth, it has proven to be difficult to find out what the programs do cost. This information gap appears to be partly the result of the long storage between harvesting the crop and finally processing it into the end products. But it should be possible to arrive at some interesting and significant data if only the problem were to receive adequate attention.

Mr. President, I think we should give this problem this attention. I am aware that there are many problems—that alternate crops would have to be found for the small farmer and the processor now dependent upon the production of tobacco and the manufacturing of cigarettes for their livelihood. And there are the many people who have jobs in tobacco processing plants to be considered.

But it seems quite clear to me that our Government cannot long continue in the indefensible position of aiding and abetting production and export of this product. On the one hand, month by month, we become increasingly aware of its dangers to health. Since January of 1971 there has been an official ban on radio and television cigarette commercials. Yet, officially, we continue with price-support and other assistance programs for tobacco here and we continue our attempts to build overseas markets.

What I am proposing today is that my bill be appropriately referred and that hearings be held promptly. Our Government dilemma in this respect is becoming acute. The matter is deserving of full hearings and a vigorous search for a way out of our present untenable position. I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 248

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) notwithstanding any other provision of law, beginning with the 1974 crop of tobacco, no price support for tobacco shall be made available to producers in any year.

(b) Notwithstanding any other provision of law, no export, subsidy may be paid to any person under the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480, Eighty-third Congress), for the export of tobacco to any foreign country after December 31, 1974.

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By Mr. MOSS:

S. 249. A bill to amend the Federal Cigarette Labeling and Advertising Act to require the Federal Trade Commission to establish acceptable levels of tar and nicotine content of cigarettes. Referred to the Committee on Commerce.

### LOW TAR AND NICOTINE ACT

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to amend the Federal Cigarette Labeling and Advertising Act to require the Federal Trade Commission to establish acceptable levels of tar and nicotine content.

Our Nation today is faced with soaring hospital costs; our medical care facilities are coming to the point where they will not be able to care for the growing number of chronically ill people; there are not enough funds to provide intensive care units for emphysema and heart disease patients; millions are being paid from social security funds to aid relatively young and still productive people who are unable to use their skills because they are disabled by chronic respiratory disease and heart conditions.

The best medicine for these diseases is preventative medicine. Prevention cuts down on costs, it cuts down on agony, and it cuts down on disability. Certain diseases are prevented with vaccinations such as German measles, smallpox, and polio. Certain diseases have been eliminated with environmental prevention, such as malaria, typhus, and yellow fever. And where prevention is not available, early detection and treatment are the surest methods of therapy: Pap smears for cervical cancer, chest X-rays for tuberculosis, PKU tests for birth defects, and spirometry for oral cancer.

The Low Tar and Nicotine Act would provide a measure of environmental protection against the ravages of lung cancer, emphysema, and heart disease. We have limits on pollutants; we set tolerances for contaminants in foods; we set flammability standards for fabrics; we limit impurities in medicines, in water, and in air.

Is it not about time we limited the toxic inhalants in cigarettes? In this bill I am not proposing a ban on cigarettes. The Volstead Act demonstrated that prohibition cannot work. Human behavior is too difficult to change. I do propose, however, that the harmful constituents of cigarettes be removed in quantities sufficient to reduce the hazards of personal air pollution for the 44.5 million adult smokers in the United States. The least we can do for them is warn them of the hazards of smoking and just as we find it necessary to limit toxic emissions in the name of air pollution, we must limit toxic emissions from cigarettes for the safety of the 44.5 million smokers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 249

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3 of the Federal Cigarette Labeling and Advertising Act is amended by adding at the end thereof the following new paragraph:

"(7) The term 'incriminated agent' means any constituent element of cigarette mainstream smoke which is present in quantities sufficient to be a health hazard."

Sec. 2. Section 7 of the Federal Cigarette Labeling and Advertising Act is amended by redesignating subsections (b) and (c) thereof as subsections (c) and (d), respectively, and inserting immediately after subsection (a) the following new subsection:

"(b) Not later than six months after the date of the enactment of the Public Health Cigarette Amendments of 1971, the Federal Trade Commission shall promulgate standards establishing such maximum acceptable levels of tar, nicotine, and other incriminated agents as the Commission determines may be present in cigarettes in quantities which will not pose an unreasonable health hazard. Such maximum levels may be reduced periodically, but not more often than once during any calendar year, whenever the Commission determines that lower levels are necessary to avoid unreasonable health hazards. Standards established by the Commission under this subsection shall permit cigarettes to contain the least amount of tar, nicotine, and other incriminated agents which is consistent with consumer acceptability. No standard established under this subsection shall be consistent with consumer acceptability if cigarettes produced in conformity with such standard would be so unacceptable to a substantial number of cigarette smokers as to create a market for the illicit sale and purchase of significant quantities of cigarettes which fail to meet such standard."

SEC. 3. This Act may be cited as the "Low Tar and Nicotine Act".

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By Mr. RIBICOFF:

S. 250. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents. Referred to the Committee on Finance.

### TUITION TAX CREDITS FOR NONPUBLIC SCHOOLS

Mr. RIBICOFF. Mr. President, I am introducing legislation allowing tax credits for tuition to nonpublic elementary and secondary schools.

If America's more than 21,000 nonpublic schools were all thriving institutions, there would be no need for Government assistance. But that is not the case today. Rising expenses have led to increased tuition at most nonpublic schools, both private and parochial. As a result, enrollment in these schools decreased from 6.3 million children in 1965 to 5.6 children in 1971. Roman Catholic schools, which account for over 80 percent of nonpublic enrollment, lost over 800,000 students between 1965 and 1969. All this occurred during a period when total school enrollment increased from 49 million to almost 53 million students.

If this trend continues, we will experience a massive dislocation in our public school system. Should nonpublic schools collapse, this Nation's already overburdened public school system would have to absorb over 5 million more children. They would not be spread evenly across the Nation but would be concentrated in the central cities where the public schools are least capable of absorbing a large influx of additional students. New York City, for example, would have to find spaces and teachers for over 358,000 new students. In Chicago, 200,000 students would be added and in Philadelphia almost 150,000

My own State of Connecticut faces a similar potential burden. Over 100,000 boys and girls, 14 percent of the State's total enrollment, attend parochial and private schools. Twelve of their schools closed in 1971, seven in 1972, and more can be expected to close this year unless Congress takes action.

Critics of aid to nonpublic schools argue that such assistance will weaken support of our public school system and is unconstitutional. I disagree.

The American people are not opposed to maintaining the excellence of their public school systems. As recent defeats in school bonds reveal, however, there is a limit to the increases in taxes people will tolerate to meet the spiraling costs of education. If the Nation's nonpublic schools close, it will cost taxpayers an estimated additional $5 to $7 billion per year to absorb their students into the public school system. Taxpayers should not be forced to assume this burden unless it is absolutely necessary.

It will not harm our public schools to engage in healthy competition with private and parochial institutions. The American people have diverse traditions, interests and goals and should have schools that are able to reflect these aspects of their lives.

The question of constitutionality is a difficult one. In the past cities and States have been ingenious in developing assistance programs. Few of them, however, have satisfied the constitutional prohibitions against the "establishment of religion." In 1971 the Supreme Court in Lemon against Kurzman, summarizes the cumulative criteria it had developed for assistance to religious institutions. First, the Government program must have a secular purpose; second, its primary effect must not be the advancement or inhibition of religion; finally, it must not foster "an excessive governmental entanglement with religion."

I believe my tax credit formula meets these tests. First, the program's purpose is to lower the expense of education to the student's parents. No tax funds would be given to the school. Second, its effect is to enable parents to decide which type of education is best for their child. Finally, because the taxpayer, not the school, is subject to audit, there are no excessive governmental entanglements.

Time is running out on many of the nonpublic schools that remain open. Late in the 92d Congress, the House Ways & Means Committee approved a bill similar to the one I introduce today. Unfortunately, no action was taken by the full House. Congressman BURKE of the House Ways and Means Committee is introducing similar legislation in the House and I am hopeful that both the Senate and the House will act expeditiously and pass this much needed legislation this year.

Under my proposal for each dependent in a nonpublic school, a family's Federal income tax bill would be reduced by one-half of the total tuition paid, up to a maximum credit of $200—or one-half of a $400 tuition). If the tuition was $150, the credit would be $75; if $100, the credit would be $50 and so forth. The allowable credit would be reduced by $1 for each $20 of adjusted gross income in excess of $18,000.

Mr. President, I ask unanimous consent that the text of S. 250 be ordered printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 250

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. ALLOWANCE OF CREDIT.

(a) GENERAL RULE.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by redesignating section 42 as section 43 and by inserting after section 41 the following new section:

"SEC. 42. TUITION PAID FOR ELEMENTARY OR SECONDARY EDUCATION.

"(a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, the amount determined under this section for tuition paid by him during the taxable year to any private nonprofit elementary or secondary school for the elementary or secondary education as a full-time student of any dependent with respect to whom the taxpayer is allowed an exemption for the taxable year under section 151(c).

"(b) DETERMINATION OF AMOUNT.

"(1) AMOUNT PER DEPENDENT.—The amount allowable under subsection (a) for the taxable year with respect to any dependent shall not exceed the lesser of—

"(A) 50 percent of the tuition paid by the taxpayer during the taxable year to a private nonprofit elementary or secondary school for the elementary or secondary education as a full-time student of such dependent during a school year which begins or ends in such taxable year, or

"(B) $200.

For purposes of this paragraph, the amount of the tuition with respect to any student which may be taken into account for any school year shall not exceed $400.

"(2) REDUCTION OF CREDIT.—The aggregate amount which would (but for this paragraph) be allowable under subsection (a) shall be reduced by an amount equal to $1 for each full $20 by which the adjusted gross income of the taxpayer (or, if the taxpayer is married, the adjusted gross income of the taxpayer and his spouse) for the taxable year exceeds $18,000. For purposes of this paragraph, marital status shall be determined under section 143.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) TUITION.—The term 'tuition' means any amount required for the enrollment or attendance of a student at a private nonprofit elementary or secondary school. Such term does not include any amount paid directly or indirectly for meals, lodging, transportation, supplies, equipment, clothing, or personal or family expenses. If the amount paid for tuition includes any amount (not separately stated) for an item described in the preceding sentence, the portion of the amount paid for tuition which is attributable to such item shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) PRIVATE NONPROFIT ELEMENTARY OR SECONDARY SCHOOL.—The term 'private nonprofit elementary or secondary school' means an educational organization described in section 170(b) (1) (A) (ii)—

"(A) which is described in section 501(c) (3) and which is exempt from tax under section 501(a),

"(B) which regularly offers education at the elementary or secondary level, and

"(C) attendance at which by students who are subject to the compulsory education laws of the State satisfies the requirements of such laws.

"(3) ELEMENTARY OR SECONDARY EDUCATION.—The term 'elementary or secondary education' does not include (A) kindergarten, nursery, or other preschool education, and (B) education at a level beyond the 12th grade. In the case of individuals who are mentally or physically handicapped, such term includes education offered as a substitute for education at the elementary or secondary level.

"(4) SCHOOL YEAR.—The term 'school year' means a one-year period beginning July 1 and ending June 30.

"(5) FULL-TIME STUDENT.—An individual is a full-time student for a school year if he is a student at one or more private nonprofit elementary or secondary schools during each of 5 calendar months during the school year.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) to the taxpayer shall not exceed the amount of tax imposed on the taxpayer for the taxable year by this chapter (computed without regard to the tax imposed by section 56), reduced by the sum of credits allowable under this subchapter (other than under this section and sections 31 and 39).

"(e) AMOUNTS NOT TO BE TAKEN AS DEDUCTIONS.—Any payment which the taxpayer elects (in such manner as the Secretary or his delegate shall by regulations prescribe) to take into account for purposes of determining the amount of the credit under this section shall not be treated as an amount paid by the taxpayer for purposes of determining whether the taxpayer is entitled to (or the amount of) any deduction (other than for the purposes of determining support under section 152).

"(f) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) Limitation on Examination of Books and Records.—Section 7605 of the Internal Revenue Code of 1954 (relating to time and place of examination) is amended by adding at the end thereof the following new subsection:

"(d) Examination of Books and Records of Church-Controlled Schools.—Nothing in section 42 (relating to tuition paid for elementary or secondary education) shall be construed to grant additional authority to examine the books of account, or the activities, of any school which is operated, supervised, or controlled by or in connection with a church or convention or association of churches (or the examination of the books of account or religious activities of such church or convention or association of churches) except to the extent necessary to determine whether the school is a 'private nonprofit elementary or secondary school' within the meaning of section 42(c)(2)."

(c) Clerical Amendment.—The table of sections for such subpart A is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"Sec. 42. Tuition paid for elementary or secondary education.

"Sec. 43. Overpayments of tax."

(d) Effective Date.—The amendments made by this section shall apply to amounts paid on or after August 1, 1973, for school periods beginning on or after such date.

Sec. 2. Judicial Determination of Constitutionality.

(a) Taxpayers Have Standing To Sue.—Notwithstanding any other law or rule of law, any taxpayer of the United States may commence a proceeding (including a proceeding for a declaratory judgment or injunctive relief) in the United States District Court for the District of Columbia within the 3-month period beginning on the date of the enactment of this Act to determine whether the provisions of section 42 of the Internal Revenue Code of 1954 (as added by section 1 of this Act) are valid legislation under the Constitution of the United States. Proceedings commenced under this subsection may, at the discretion of the court, be consolidated into one proceeding.

(b) Judicial Determination.—Notwithstanding any other law or rule of law, the United States District Court for the District of Columbia shall have jurisdiction of any proceeding commenced as provided in subsection (a) and shall exercise the same without regard to whether a person asserting rights under this section shall have exhausted any administrative or other remedies which may be provided by law. Such proceeding shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

## EXPANSION OF REHABILITATION PROGRAM—NOTICE OF HEARING

Mr. ROBERT C. BYRD. Mr. President, at the request of the Senator from California (Mr. Cranston), I am submitting a statement announcing forthcoming action by the Subcommittee on the Handicapped of the Labor and Public Welfare Committee, on S. 7, the Rehabilitation Act of 1972, which was introduced by the senior Senator from West Virginia (Mr. Randolph) on Thursday, January 4, 1973.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Statement by Senator Cranston

For the information of Senators and the public, I announce that there will be a public hearing on Wednesday, January 10, 1973, before the Subcommittee on the Handicapped of the Committee on Labor and Public Welfare for the purpose of receiving testimony on S. 7, the Rehabilitation Act of 1972. This hearing will be held in Room 4232 at 9:00 a.m.

Mr. President, I am pleased to respond to the request of the Senator from West Virginia (Mr. Randolph), the Chairman of the subcommittee, to act as Chairman for the purposes of considering this legislation. I am very grateful to the distinguished Senator for all the counsel, support, and assistance he gave me in the 92d Congress when I acted in the same capacity with respect to this legislation to improve and expand the vocational rehabilitation program.

As Senators are aware, this most vital legislation, which was a unique bipartisan effort and a culmination of nearly a year's work on the part of the respective Members of the Senate and the House of Representatives, and their staffs, was agreed to in Conference Report (92-1581) on H.R. 8395 at the end of the last Congress. The pocket veto of this bill was announced on October 27, 1972. The provisions of S. 7 are the same as those in the vetoed H.R. 8395.

This rehabilitation program is now in its 53d year. It has been directly responsible for enriching the lives and increasing the self-sufficiency of millions of handicapped individuals by placing them in jobs resulting in the production of tax revenues that might otherwise have been lost. It is one of the most cost effective programs that the Federal Government supports.

Mr. President, I earnestly hope that the Senate will proceed to pass this legislation as swiftly as possible. We have scheduled a subcommittee session to consider the bill immediately following the hearing on January 10. The new programs, authorities, and appropriations authorizations in the bill are essential to move us more closely toward meeting the needs of the millions of deserving Americans who have suffered the misfortune of being handicapped.

## NOTICE OF HEARINGS ON NOMINEES IN THE DEFENSE DEPARTMENT AND CENTRAL INTELLIGENCE AGENCY

Mr. STENNIS. Mr. President, as chairman of the Senate Committee on Armed Services, I announced yesterday that confirmation hearings will begin next Tuesday on President Nixon's nominees to top positions in the Defense Department and the Central Intelligence Agency.

I also announced that Mr. Helms, the outgoing Director of Central Intelligence, would meet with the committee in executive session on Monday for a review of world developments. That Monday meeting has since been rescheduled, from Monday afternoon to 10:30 in the morning.

I have already notified committee members with respect to all of these arrangements.

I ask unanimous consent that the text of my news release, issued yesterday, be published in the Record at this point for the information of all Senators.

There being no objection, the release was ordered to be printed in the Record as follows:

The Senate Armed Services Committee will begin confirmation hearings Tuesday, January 9th, on President Nixon's nominees to top positions in the Defense Department and Central Intelligence Agency, Chairman John C. Stennis announced today.

Open sessions will start at 10 a.m., Tuesday, resume Wednesday morning, and continue Wednesday afternoon, if necessary, Senator Stennis said. The opening witness will be former Secretary of Health, Education, and Welfare, Elliot J. Richardson, who has been nominated to serve as Secretary of Defense.

Richardson will be followed by William P. Clements, Jr., of Dallas, Texas, nominated by the President to be Deputy Secretary of Defense, and James R. Schlesinger, former Chairman of the Atomic Energy Commission, who has been nominated as Director of Central Intelligence.

Senator Stennis also announced that outgoing CIA Director, Richard Helms, will meet with the Committee in Executive session on Monday afternoon for the regular periodic review of world developments.

## ADDITIONAL STATEMENTS

## GLEN ROCK CAROLER'S ASSOCIATION

Mr. SCOTT of Pennsylvania. Mr. President, as our sights and ambitions are now directed to the new year, I would like to step back a few days to pay homage and to extend my congratulations to the Glen Rock Caroler's Association of Glen Rock, Pa., on their 125th anniversary.

The carols, of English origin, were brought from England by the original settlers of Glen Rock. On Christmas Eve, 1848, five men with one member playing a bassoon went from house to house serenading the villagers. It is believed that there were at least four songs in their repertoire during that year.

The tradition has been carried on each year since 1848 and the carolers are now composed of 40 members and 10 associates. For the first time, period costumes of the 1840's were worn this Christmas in observance of their 125th anniversary.

I heartily commend this worthy association for bringing the Christmas spirit into the homes of their friends and neighbors as their descendants have done continuously for 125 years.

## LITTLE CIGAR ADVERTISING

Mr. MOSS. Mr. President, these are not the words of an antismoking partisan; these are the words of an editorial published in this week's Advertising Age, the national newspaper of marketing:

Winchester is blowing smoke through a legalistic loop-hole and the smoke ring is forming a noose for all advertising. To the public, the Winchester commercial is the same as a cigarette commercial.

During the last Congress, my consumer subcommittee held several days of hearings on a variety of matters associated with cigarette smoking. As a part of that inquiry, we discussed little cigar advertising in the broadcast medias. This advertising is a pernicious distortion of congressional intent. One little cigar has moved into national distribution using broadcast advertising reminiscent of cigarette advertising. Another little cigar has been regionally introduced.

> The creative platform and Winchester's very presence is a tease, designed to encourage cigarette smoking.

Again, a quotation from Advertising Age.

I will shortly introduce legislation to amend the Federal Cigarette and Labeling Advertising Act to redefine the term "cigarette," so that cigars will be restricted in their advertising and promotion in the same manner as other cigarettes.

I am pleased to note that the National Interagency Council on Smoking and Health, consisting of the major national health and educational organizations concerned with smoking, has endorsed efforts to break the back of this outrageous evasion of the ban on broadcast cigarette advertising.

Mr. President, I ask unanimous consent that the text of the Advertising Age editorial be printed in the Record.

There being no objection, the ordered to be printed in the Record, as follows:

> [From the Advertising Age, Jan. 3, 1973]
>
> A Whole 'Nother Disaster
>
> A group of public interest attorneys is giving those Winchester little cigars a rough time.
>
> The lawyers don't question Winchester's right to be advertised on television; they're more concerned about the absence of a health warning on the pack. They're asking the Federal Trade Commission to require a strongly-worded warning that would carry a rather ominous litany: "This product if inhaled is dangerous to health and may cause death from cancer, coronary heart disease, chronic bronchitis, pulmonary emphysema and other diseases." That's what they want the label to read.
>
> Can a smoker catch all those things from one Winchester? One drag? How about one pack of this low-tar brand?
>
> No, we're not bothered so much about Winchester's inhalability and the health warning. We are bothered about Winchester being on tv in the first place. You can split all the legalistic hairs you can find and tell us that under Internal Revenue Service classifications, Winchester is not a cigaret; it's a little cigar. We say so what? Who's kidding whom? The brand is made on cigaret machines. To the public, the Winchester commercial is the same as a cigaret commercial.
>
> There's the cowboy-type and his Marlboro-esque machismo, lipping the weed from a pack as so many other Marlboro men before him have done. There are the curls of smoke, the look of pleasure, the lovely girl who yields herself to this silent stranger and walks off with him, wordlessly, into the sunset. It's junk. But that's not reason enough to ban the Winchester campaign. We'd ban the campaign because we think Winchester is the cigaret's version of reminder advertising. It's the cigaret's toe in the tv door. The creative platform and Winchester's very presence is a tease, designed to encourage cigaret smoking. "Ain't no cigaret; it's a whole 'nother smoke," says Winchester.
>
> To the public, the language—implicit and explicit—is that of smoking. As long as Winchester remains on tv, it cannot truly be said that cigaret smoking is off the air. We bring this up because there is something unwholesome about this Winchester stance. It's as if Winchester is being allowed to appeal to smokers from a privileged sanctuary, based on a technicality in the tax law. We think it's important because we find that more and more, people outside our business are using the Winchester campaign as an example of advertising cynicism and hypocrisy. The campaign undermines all of advertising.
>
> As viewers look upon Winchester as a rip-off and assign it to those Madison Avenue hucksters, you can chalk up another bitter setback for the advertising business, its credibility and its responsibility. The best thing that could happen would be for Winchester to stop the charade, or for the tv stations to knock it off the air.
>
> While there are other brands that make up the little cigar market, we're zeroing in on Winchester because it alone positions itself in an exploitive fashion as a subliminal cigaret. The earlier entries, the original little cigar brands, are either not on tv or are positioned so as to be exempt from criticism.
>
> Either we change the law and reopen the airwaves to all cigarets or we get Winchester off the air and in compliance with the law's intent. Right now, Winchester is blowing smoke through a legalistic loophole and the smoke ring is forming a noose for all advertising.

## THE CONTINUING TRAGEDY

Mr. RIBICOFF. Mr. President, the Vietnam war has been a national disaster for this country. It is tragic that in 1973 we have not yet ended our involvement in this morass. The war has been most disastrous, of course, for those who have been killed and maimed by it. But it also continues to undermine the moral and spiritual health of the United States.

Is it really so impossible to get our country out of this war? Is it really beyond the ingenuity of the Congress to disengage us from this tragedy? Will more massive bombing be used as a negotiating tool?

I suppose we should be grateful that we are now in a negotiating phase rather than a bombing period. But there is no one to explain to us here in the Senate or to the American people why our air force unleashed such destructive fury on the people of North Vietnam, and why, after peace was at hand, the negotiations broke down.

Over the years this war has been computerized, analyzed and Vietnamized. And over the years the American people and the Congress have been lied to about this war. Now we have bombed and blasted North Vietnam on an unprecedented scale without a word of explanation from our President and without a minute of testimony by our Secretary of State.

What has this accomplished? Some 30 aircraft, including 16 B–52's, have been lost and over 100 American airmen are dead or missing. At least this is what we are being told. What we do know for certain is that the prisoner of war camps in North Vietnam are now fuller of Americans, and that thousands more Vietnamese are dead.

Four years ago, a candidate for the Presidency declared—

> Those who have had a chance for four years and could not produce peace should not be given another chance.

How many more chances will be asked for before the Congress acts to halt this shameful folly?

The Senate, to its credit, has gone on record in trying to put an end to the war a number of times.

The Mansfield amendment was passed on September 30, 1971, by a 57 to 38 vote, declaring it U.S. policy that withdrawal of troops from Indochina would be completed within 6 months of enactment, dependent only on release of American POW's and an accounting of the missing. I voted for the Mansfield amendment.

Last July and August, the Senate voted to restrict the use of funds for U.S. military operations in Indochina solely to withdrawal of all our forces from Vietnam, Laos and Cambodia, with total withdrawal to come within 4 months of enactment. I voted for this action, too.

But when the Congress enacted section 601 of Public Law 92–156, the Mansfield amendment, it was pointedly ignored by the President. And the wishes of the Congress and the majority of the American people continue to be ignored in a reckless and cavalier manner. After our hopes for peace were so cruelly dashed by the bombing, I hope that the Congress realizes that it must act to end this war.

On Thursday, I joined the overwhelming majority of my colleagues on this side of the aisle in declaring that—

> Now therefore be it resolved that the Democratic members of the Senate hereby declare it to be Democratic policy in the 93d Congress that no further public funds be authorized, appropriated or expended for U.S. military combat operations in or over Indochina and that such operations be terminated immediately, subject only to arrangements necessary to insure safe withdrawal of American troops and the return of American POW's.

This was the exact language approved earlier by the House Democratic Caucus by a 154 to 75 vote .

As far as I am concerned, such legislation should be passed as soon as physically possible. But I am willing to concede that there may be merit in the arguments advanced by longtime foes of the war to wait until after Inauguration Day, January 20.

If there is no peace agreement by that date, there should be no peace of mind for any Member of either House who does not vote to cut off funds to continue the war.

I pledge my own strong support to all responsible efforts here in the Senate to end our Nation's involvement in this tragic conflict as quickly as possible.

We must not be lulled by more promises. The present administration has had 4 years to end our involvement in this conflict, and what can it show for it? Since January 1969, more than 20,000 Americans have died in Vietnam and 110,000 have been wounded. Ten or 20 times that number of Vietnamese have died—from North and South, soldiers and civilians, women and children. There are today an estimated 23 million bomb craters in Vietnam caused by 6 million tons of bombs, along with 7 million refugees. If this continues, all of Vietnam may become one huge crater—and everyone left alive may be a refugee.

The resort to massive bombing is an admission that our Vietnamization policy has failed. The South Vietnamese army still is not capable of defending itself. The South Vietnamese Government is still unpopular and repressive. And the United States is still paying too high a price in blood, treasure and prestige to ensure a pro-American regime in South Vietnam.

We have spent almost $65 billion during the past 4 years on this war. This is the equivalent of refunding one-half of everyone's Federal income tax bill last year. Instead, what this has meant to the American economy during this period is that inflation has risen 17 percent, and our unemployment rate has doubled.

In terms of wasted opportunities to build a better, stronger America, it has cost us even more. The cost of destroying a single truck on the Ho Chi Minh trail could build four homes in the United States. And the cost of just 6 days of this war could clean up the waters of the Great Lakes.

Wasted opportunities and wasted lives are the legacies of this war. And unless we finally end our involvement in this conflict, all America will be the poorer for it.

After more than a decade of this continuing tragedy, the only rational solution is to end the war—as quickly as possible.

It is painful to think that 55,000 Americans have died. But we must reject policies which compel this Nation to continue to kill other people and have its own sons killed in order to justify past blunders and to perpetuate outdated myths.

What foreign policy goals can we hope to accomplish by continuing this war? After the President's trips to Moscow and Peking, surely this war is not being fought as part of the struggle against world communism. Surely it is not being waged to keep the dominoes from falling. If anything, it is causing us to lose the support of traditional allies in Europe, Asia and all over the globe.

The President certainly deserves praise for his skill in improving and deepening our relations with the Soviet Union and mainland China. But even these new relationships have been put in doubt by the recent bombing. His handling of our exit from this war must be judged by the results—and the results are truly tragic. The mess we are in today is certainly not the making of one President or one administration.

The continuation of our military involvement cannot be viewed as a matter of showing the world that Americans honor their commitments. Americans have been fighting and dying for South Vietnam for more than a decade. We have given 55,000 young lives. We have spent more than $130 billion in the process. If this enormous price in blood and treasure doesn't demonstrate loyalty to an ally—what does?

After more than 25 years of misery, the Vietnamese are entitled to an end to the killing and destruction. It should be crystal clear by now that we will not be able to get our prisoners back by dictating peace terms by dropping more bombs, or by calling our adversaries names.

What terrible things would happen to our country if we left Vietnam now? We would still remain the most powerful Nation on earth. We would still have a secure nuclear deterrent and our military alliances.

Vietnam has been an albatross around our necks for too long. By casting this burden aside, we will not be displaying weakness, but strength. We will not be forsaking a worthy ally, but moving closer to more important and deserving allies. We will not be undercutting our commitments elsewhere, but reinforcing them because our country will be in a better position to honor them.

At this point in history, basic principles of humanity and common decency must supercede outworn geopolitical theories and false notions of national pride.

How many more must die before this truth is recognized?

## PUBLIC WORKS DEVELOPMENT ACT OF 1973

Mr. BAKER. Mr. President, the chairman of the Committee on Public Works, the distinguished Senator from West Virginia (Mr. RANDOLPH) is introducing today for himself and the senior Senator from New Mexico (Mr. MONTOYA) the Public Works Development Act of 1973. The bill is identical to one introduced last year, S. 3381, by these two Members and cosponsored by the then ranking minority member of the committee, Mr. COOPER of Kentucky.

The Public Works Committee held 3 days of hearings on the proposal last year but did not complete its consideration of this major legislation before the 92d Congress adjourned. I understand the bill is being introduced today, without modification, to place this proposal before Congress early in this session and to enable the committee to continue the work begun last year.

The country has experienced a decade of development efforts through the Public Works and Economic Development Act of 1965 and its predecessor the Area Redevelopment Act of 1961. A thorough review of the objectives and strategies of these efforts is now feasible and, I believe, desirable.

The proliferation of categorical assistance programs, often with direct Federal-local controls, the duplicative requirements, and, more importantly, the fragmentation of planning and effort which this approach has fostered have come under increasing criticism. The continued well-being of our federal system of Government requires a more effective distribution of authority and responsibility within the system. One suggested approach for decentralizing Federal decisions is the use of regional institutions. I believe such regional organizations may well offer an opportunity to bring program coordination to a level closer to the people, strengthen the authority and responsibility of the States, and stimulate local initiatives in planning and execution.

Mr. President, I look forward to continuing the work of the Public Works Committee, which has been so important and will continue to be important in the fields of pollution control, highway programs, water resources, and economic development. The work of the committee has been constructive, because we have worked together, and worked with the executive branch. I hope very much and expect that this cooperation, exchange of views, and creative discourse will continue—and will do all I can, as I know will the chairman, Senator RANDOLPH, to further these efforts.

## SOCIAL SECURITY PAYROLL TAX

Mr. MUSKIE. Mr. President, in the 92d Congress Senator MONDALE and I introduced legislation to revise the financing of the social security system in order to make the payroll tax a progressive levy, by providing for personal exemptions and low-income allowances while removing the ceiling on earned income that is taxed. The changes Congress enacted last year in social security benefits—and the new, higher tax rates adopted to cover those increased payments—make such improvements in the payroll tax even more urgent now.

We plan to introduce new legislation shortly to accomplish these important aims. Meanwhile, I believe the Senate can gain understanding of the issues involved by reading the thoughtful article published in the New York Times of January 3 by Louis Hollander, vice president of the Amalgamated Clothing Workers of America. As he notes, the payroll tax now violates the fundamental principle of sound tax policy and bears no relationship to ability to pay.

Further, the new rates hit hardest at low- and middle-income workers. The tax on a $12,000 salary will be 50 percent higher in 1974 than it was in 1972.

I recommend Mr. Hollander's article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### REFORM IN SOCIAL SECURITY

(By Louis Hollander)

The 92d Congress has done a commendable job by putting into effect two legislative measures that boost Social Security benefits by 20 per cent and contain some important improvements in the Social Security and Medicare programs sorely needed by our aged and disabled citizens.

However, the nature of the payroll-tax increases required to finance these improvements raises a most serious question that merits the closest attention of the incoming 93d Congress.

The inadequacies of our Social Security financing structure—the increasing reliance on the regressive payroll tax that falls most heavily on low- and moderate-income workers—add a new dimension to the problem that offsets our priorities for tax reform.

The bill recently signed by the President presents a $5.3-billion tax bill to the American people. This tax boost would be in addition to a $7-billion tax bill rise already scheduled to go into effect Jan. 1 to pay for the 20 per cent across-the-board Social Security benefit increase voted by Congress

The total cost of these improvements will be raised by increasing the payroll tax on 96 million employed persons from the present 5.2 per cent to 5.85 per cent in 1973 and 6.05 per cent in 1978, together with an increase in the wage base from this year's $9,000 to $10,800 in 1973 and $12,000 in 1974.

For the individual low- and middle-income worker, this dramatic increase in the payroll tax means substantial reduction in his take-home pay. For a wage earner with a $12,000 wage income, his Social Security tax will increase in a one-year period from $468 in 1972 to $631.80 in 1973, or 35 per cent, and to $702 in 1974, or 50 per cent.

Such enormous increase in payroll tax not only means a substantial cut into the living standards of the average worker but also intensifies and increases the unfairness and regressiveness basically inherent in such a tax. As is well known the tax is a constant percentage of earnings up to the ceiling but then becomes a smaller and smaller fraction as earnings increase with no personal exemptions, no deductions and no low-income allowance.

Thus the tax violates the fundamental principle of sound tax policy and bears no relationship to ability to pay. For instance, increasing the tax rate to 5.85 would mean for a family of four with one wage earner in the $3,000–$4,000 bracket about a 9 per cent increase and for a family earning $10,000 a 3.4 per cent increase in Federal taxes, but it would increase taxes for a family earning $50,000 by only four-tenths of 1 per cent and for a family in the $100,000 bracket by one-tenth of one per cent.

Moreover, the law treats even families of the same income level differently by taxing them unequally. A family with total earnings of $18,000 earned equally by the husband and wife pays twice as much in payroll taxes as does a family in the same income bracket with one earner. At any given level of family earnings below the ceiling a single-earner family receives larger benefits than does the multi-earner family.

The regressive nature of the Social Security tax can be relieved in two ways by a higher wage base—raised substantially more than through recent actions of Congress—and by use of general revenues.

The recently enacted wage-base ceilings, though a step in the right direction, are still inadequate inasmuch as they leave a substantial fraction of covered payrolls outside the pale of taxation. About 95 per cent of the persons in the Social Security program had their full earnings covered when the program first began. It would take a wage base in excess of at least $15,000 to cover the same proportion today. The program should cover the total earnings of the overwhelming majority of workers so that their benefits, which are based on covered earnings only, will be better related to what they have actually earned.

However, since raising the tax base to $15,000 alone would not provide sufficient funds for needed benefit improvements we must also look to general tax revenues as a most feasible and sensible supplementary source of funds.

There are of course a variety of other alternatives, such as total removal of the ceiling on wages, refunding the payroll tax paid on wages of workers with incomes below the poverty level, introduction of personal exemptions and so on, but neither of these fragmentary remedies is sufficient to infuse into Social Security enough money needed to deal with the economic plight of our aged and disabled without placing an unfair burden on the low-wage worker. The logical and preferable source of this money is a regular contribution to the Social Security Trust Funds from the general revenues of the Federal Government, the only remedy able to make it a truly social insurance system with the society as a whole assuming responsibility it does not now undertake.

## SENATE MUST ACT ON GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, as the new Congress assembles, we are reminded of the great traditions of law and justice upon which our institutions are founded. Almost 200 years ago, in the Declaration of Independence and in the Bill of Rights, our Nation set an example to the world of dedication to the ideals of respect for the innate dignity of man and reverence for human life and happiness. In those days enlightened men everywhere looked to our country as man's best hope of building a society based on equality and brotherhood. To be sure, even then we had our failings, but we had the confidence to hope, indeed, the courage to dare that our commitment to the cherished values we proclaimed would be steadily strengthened and perfected. Looking back over our history we may take great satisfaction in the extent to which these brave dreams of our Founding Fathers have been realized in our land. We may also view with pride the impact of America's ideals on the course of human progress around the world.

I have little doubt that in the future our country will continue to hold up its light to the world. But in order to adhere steadfastly to this role we must not overlook an important piece of unfinished business on our Nation's moral agenda—the ratification of the Genocide Convention. This Convention simply pledges our Government to preserve and protect the very principles which gave it life and have sustained it throughout its history. If we believe that every single person has an inalienable right to life and happiness, how can we show reluctance to approve a declaration recognizing and protecting these rights among entire groups of people? If we wish to show ourselves as a moral example, how can we refrain from condemning the crime of genocide, already denounced by more than 75 of the other nations of the world?

Mr. President, in January of 1967, I pledged to speak day after day in this body to remind the Senate of its failure to act on several human rights treaties including the Genocide Convention. I can think of no better occasion than now, as we reconstitute our great representative assembly, to reaffirm my pledge. I do this in the conviction that the Senate will inevitably see that ratification will not only prove our country true to mankind, but to its own best self, as well.

## EXECUTIVE REORGANIZATION

Mr. RIBICOFF. Mr. President, yesterday, President Nixon announced a sweeping reorganization of the executive branch. Under his Executive order Secretary of Agriculture Earl L. Butz will become Counselor to the President on Natural Resources, Secretary-designate of Health, Education, and Welfare, Caspar W. Weinberger will become Counsel on Human Resources and Secretary-designate of HUD, James T. Lynn, will become Counselor on Community Development. Secretary of the Treasury, George L. Shultz, had earlier been appointed Counselor to the President on Economic Affairs.

According to the reorganization plan, each Counselor will have authority over a broad functional area cutting across the responsibilities of several departments and agencies. For example, the authority of Secretary Butz will apparently extend to minerals and the environment, matters which are now under the jurisdiction of the Interior Department and EPA respectively. Secretary Lynn will seemingly have power over highways and disaster relief, now under the control of DOT and the Office of Emergency Preparedness, respectively.

Each Counselor will chair a committee composed of the department and agency heads within that subject area.

The President's Executive order is apparently designed to achieve the functional equivalent of the reorganization which the President sought through legislation in the last Congress. As such, it raises many questions which Congress must seriously consider. Some of the foremost are:

First. In their dual roles as Cabinet Secretaries and Presidential assistants will Messrs. Shultz, Butz, Lynn, and Weinberger be able to invoke Executive privilege to bar congressional interrogation on policy formulation and implementation?

Second. How will the Counselors exercise authority over the programs located in other departments than their own? For example, suppose a difference of opinion arises between Secretary-designate Weinberger and Secretary Morton over Indian education policy. How will this be resolved?

Third. What will the role of the Office of Management and Budget be with respect to these new committees? In 1970, when the President proposed to establish OMB we were told that it would be the primary agency for program coordination. Now, apparently he has chosen another method to achieve this goal. Did OMB fail to perform its responsibilities here?

Fourth. How will the activities of these new counselors and committees be coordinated among themselves and with other functions, such as national defense?

Fifth. How will this reorganization affect the responsibility of Congress to authorize programs, control appropriated funds, and oversee program execution?

To explore these and other issues the Government Operations Committee should hold prompt hearings on this reorganization. The committee should call each of the designated counselors to answer these questions and explain to the Congress and the American people exactly how this reorganization will operate. We should also ask Mr. Roy Ash, Director of OMB, to tell us exactly what his role and the functions of his agency will be under the reorganization.

Mr. President, we must also determine whether this plan poses any threat to the rights and responsibilities of Congress and if so, what legislation is necessary to protect them.

Reorganization of the executive branch is one of the key issues facing the 93d Congress. Consideration of this reorganization plan is the place to begin.

## THE PRESIDENTIAL PRESENCE

Mr. STEVENS. Mr. President, on Tuesday, January 2, 1973, an important column appeared in the Baltimore Sun. This essay, in the form of an open letter to President Nixon, was written by Mr. Nick Thimmesch and was entitled "A Plea for More of the Presidential Presence." Mr. Thimmesch made several constructive comments to the administration. They urged important changes over the next 4 years.

Of particular importance to Congress will be the position of this administration in response to the important bills that will be passed by the 93d Congress. Legislation such as that mentioned by Senator SCOTT and discussed in the article will likely be considered in the coming months. Congress and the Nation will be awaiting the President's response.

Because of the importance of the article to Congress and the entire country, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### A PLEA FOR MORE OF THE PRESIDENTIAL PRESENCE

(By Nick Thimmesch)

WASHINGTON.—DEAR PRESIDENT NIXON: Only you and Dwight David Eisenhower were re-elected as Republican presidents in this century. That's an accomplishment for you. But there isn't much of your presidential presence anymore. Your low visibility is understandable during the holidays, but you were sequestered for many weeks after the election, and we wonder how much we'll see of you as the new year begins.

It's unreasonable to ask any man to be what he isn't, in your case, outgoing, charismatic and all that. But you've been out among us in the past, and isn't it time you let some sunshine into your administration?

You are rightly praised for establishing the new relations between the U.S. and the Communist world. You have calmed the republic, cooled inflation, and restored a measure of order to our government and daily life. We certainly don't want the turbulence and violence of the Sixties to revisit us.

But people who watch your administration closely are troubled over the development of what I call the "vault mentality," the inclination to lock up, button up, shut off. It was there in the campaign, and had some bad side effects in the Watergate affair. It was appalling at the GOP convention when your headquarters hotel, the Doral, was operated like a well-appointed prison, with even its Republican occupants regimented. It exists today, in the super-suspicious attitudes of your closest people in the White House. They are not just suspicious of partisan Democrats or vagrant journalists like myself; no, they are suspicious of each other these days to a degree which goes beyond the usual palace intrigue.

Moreover, your own Republicans, largely those who run precincts or who strain to get elected, don't like any of this either, and are saying so to each other, and to anybody who will give them an honest ear. Coercion, the heavy federal hand, the great regulators—these have always gone against the grain of Republicans, but now they find this repressiveness emanating from the White House. It used to be the liberals who were the old scolds and fussbudgets.

You have always been a good listener, and a fair-minded man when it came to fellow Republicans. You told them to run their own campaigns in the Goldwater year, and you never expected Gov. Nelson Rockefeller or Senator Jacob Javits to risk their electorate by having you as part of their campaign teams when you were a private citizen in New York. In your comeback period, 1966–1968, you encouraged diverse opinion in your small staff, and you did the same in the early part of your presidency. And it was a young senator named Richard M. Nixon who once introduced a bill (1951) designed to guarantee free speech to any member of the armed forces or government without fear of suffering professional punishment.

The Vietnam peace settlement and the growing detente between us and the Communist world understandably occupy much of your thought. This kind of work is your best. But since you are such a hard worker, could some of that ability you possess to focus on problems be directed at several domestic ailments?

You ought to push two pieces of legislation Senator Hugh Scott, your minority leader, urged in a recent private meeting with you, namely, health insurance for catastrophic illness and pension reform so old people are guaranteed what they worked a lifetime for. Your energies and focus would similarly be tremendous in getting rid of the 30 million handguns in the republic which are no good to anyone except killers, and we hope you will continue to push for better mass transit, a cleaner environment, and welfare reform.

You should know what catastrophic illness does to a family. Two of your beloved brothers died young after long illnesses, ordeals to your struggling family. This is happening to many an American family today, too.

Not a bad idea either to hold a press conference soon. Your last one was October 5, three months ago. Wouldn't hurt to have a few newsmen or know-it-all pundits in for a private chat or a drink once in a while either. It's good to relax tensions between East and West, but also good to relax some tensions here in Washington. Is there some way, that a few unscheduled visitors can get in to see you? It's surprising how much presidents and such people learn from such chance encounters.

You won big in November, but your party didn't. You ought to really be kinder to your party. Sure, you labored for the GOP for a generation, landing on sodfields in ancient DC–3's, going through insufferable receptions, and hearing the blare of music and the confusion of rallies. Your last campaign was understandably tired of all that. But we do need a two-party system, and despite your remarkable landslide victory, your party isn't strong. Party politics have been too lopsided for too long, and Republicans should be able to feel a little more comfortable in Congress and in some statehouses.

## CORPORATE RESPONSIBILITY AT WORK

Mr. PROXMIRE. Mr. President, a good example of corporate responsibility has come to my attention. It is a program called JOE, which stands for Juvenile Opportunities Endeavor.

JOE is being sponsored by Daylin, Inc., a retailer headquartered in Beverly Hills, Calif. The corporation is encouraging its 16,000 employes to volunteer to work with young people who find themselves in trouble or who are on probation. The volunteers are working closely with the National Council on Crime and Delinquency.

Daylin's program is not new. It was begun 6 years ago. What is new about the program of social responsibility is the effort on behalf of youth worth saving. And the corporation is trying to multiply the effects of JOE by encouraging other corporations to join in the same effort.

Mr. Amnon Barness, Daylin chairman, says that it is the goal of JOE to double the 250,000 volunteers now mustered under the National Council on Crime and Delinquency by getting other firms involved.

Mr. President, I am one Senator who wishes Mr. Barness and his associates well in their worthwhile work on behalf of youth who might otherwise be further neglected.

## SEPARATION OF POWERS

Mr. MUSKIE. Mr. President, three editorials published in the New York Times of January 3 make clear the danger to the doctrine of separation of powers in the President's apparent desire to govern America alone. He has shown contempt for explicit congressional directives by impounding funds we appropriated for needed public investments. He has defied our implicit power to consult in the making of foreign policy by denying us the information we must have to act intelligently. And he has deceived us and the American people with half-truths or outright misstatements of fact about the course of the war in Indochina.

The New York Times refers to the President as behaving with "the aloofness of a Roman emperor." It is not inappropriate to remind my colleagues that there were no Roman emperors until the Senate of Rome moved from obsequiousness to impotence. I hesitate to claim that history could repeat itself, but I strongly advise my fellow Senators to reflect on the danger we confront and the proper course of vigorous action we must pursue to reassert our prerogatives and the protection they offer our democracy.

The New York Times wrote:

> A Chief Executive determined to conduct war and foreign affairs without constraint or even consultation, determined to shield the Administration's effective policy-makers from Congressional cross-examination by the vastly enlarged use of the doctrine of executive privilege, and determined to arrogate to himself a total control over Federal spending decisions is a President seeking nothing less than the surrender of his adversaries. Congress cannot escape responding to these direct challenges to its authority.

Our response must be quick and decisive. The 93d Congress must act to revive its authority or risk such erosion of its prestige and power that the legislative branch becomes an empty appendage of government. The issue is the central political question we face, and I believe the New York Times editorials have clearly described the challenge. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 3, 1973]

### NO EXIT FOR CONGRESS . . .

Because they are different kinds of institutions, the Presidency and the Congress naturally tend to have differing perspectives on the nation's needs. When executive and legislative powers are controlled by opposing parties, this tendency is usually magnified. But mutual respect and normal civility can bridge these institutional and political antagonisms and make constructive cooperation possible.

The 93d Congress that convenes today, however, faces an unusual situation. In the past, it has been understood that divided government imposed a limit on the initiatives which either side could pursue. For better or for worse, the President and Congress recognized that they were yoked together and could only move within an ill-defined but mutually discernible middle area of policy.

When President Franklin D. Roosevelt lost his large Congressional majorities, he conciliated Republicans and conservative Democrats by announcing that he had dismissed Dr. New Deal and replaced him with Dr. Win-the-War. He thereby acknowledged that the time for domestic reform had temporarily passed.

Similarly, President Eisenhower jogged along amicably enough with the Democratic-controlled Congresses of the mid-fifties in part because they were only marginally Democratic and moderately led and in part because he refrained from pushing for conservative change.

By contrast, the first Nixon Administration is ending on a note of open defiance of Congressional power, Congressional judgment, Congressional sensibilities. Nothing in the Constitution specifically required Mr. Nixon to consult with the leaders of Congress before he resumed the terror bombing of North Vietnam last month, but comity between different branches of government as well as the plain intent of the Constitution should have impelled him to do so.

In his management of the water pollution issue, President Nixon has not only disregarded the overwhelming judgment of Congress—other Presidents have done that—but has explicitly refused to conform to the terms of the law enacted over his veto.

By his reorganization of the Government, his impounding of Congressionally authorized funds and in other ways, Mr. Nixon has clearly signaled his intention to put his will against that of Congress. In the past, such head-to-head conflicts have led to the decisive repudiation at the polls of one or the other of the antagonists.

To outside observers, the most striking fact about the November 1972 election was that it failed to produce a coherent governing majority. But if Mr. Nixon chooses to interpret his "lonely landslide" as a mandate for an aggressively reactionary ideological grand design, only Congress can effectively dispute him.

A Chief Executive determined to conduct war and foreign affairs without constraint or even consultation, determined to shield the Administration's effective policymakers from Congressional cross-examination by the vastly enlarged use of the doctrine of executive privilege, and determined to arrogate to himself a total control over Federal spending decisions is a President seeking nothing less than the surrender of his adversaries. Congress cannot escape responding to these direct challenges to its authority.

#### TYRANNY OF SILENCE

The refusal of Secretary of State William P. Rogers and Presidential aide Henry A. Kissinger to discuss with key Congressional committees the status of war and peace in Indochina is, as Senator Fulbright has caustically observed, disappointing but "not unusual."

The present Administration has a long history of contempt for the right of Congress and the American people to be kept informed about its actions. This obsession with secrecy has been particularly marked since the United States walked out of the Paris peace talks last month and launched intensive bombing attacks against the Hanoi-Haiphong region of North Vietnam.

Why did negotiations break down? What justification can be offered for the "carpet" bombing of a heavily populated area? What developments led the President to suspend the enlarged aerial blitz on the eve of the new year? What are the issues in the talks which are scheduled to resume next Monday? Will Washington at last overrule President Thieu's persistent objections? What are Mr. Nixon's intentions if the renewed negotiations do not prove to be "serious," and what does the Administration mean when it demands "serious" talks?

Maintaining the aloofness of a Roman emperor, the President has not designed to confide in the American people since his election eve boast that "I can say to you with complete confidence tonight that we will soon reach agreement on all the issues and bring this long and difficult war to an end." He did not consult Congressional leaders before ordering a major escalation of the war. He apparently has not even informed many high-level Administration officials of his plans.

Perhaps that is why Mr. Rogers refuses to meet with members of Congress. Maybe even the Secretary of State doesn't know what's going on.

This tyranny of silence is an intolerable perversion of the American democratic system. The self-serving sophistries from anonymous officials and low-level spokesmen that substitute for hard information only strengthen suspicions at home and abroad that the Administration has no adequate explanation for its actions. If the President will not take the people and Congress into his confidence, then Congress must act alone to end this war.

#### AND OF DECEIT

Pentagon spokesman Jerry W. Friedheim hit a new low in official obfuscation yesterday when he conceded that "some limited accidental damage" was sustained by Hanoi's Bach Mai Hospital during the recently suspended United States aerial blitz. Mr. Friedheim said that information indicating damage to the hospital had reached him after he had denied any damage on Dec. 27 and again on Dec. 29.

On Dec. 25, however, this newspaper carried the following dispatch from Telford Taylor, professor of law at Columbia University and a retired brigadier general who was chief prosecutor at the Nuremberg war crimes trial. General Taylor, who was then visiting Hanoi, wrote:

"Early this morning, the large Bach Mai Hospital was destroyed. The hospital grounds were torn by huge fresh craters and the buildings that escaped hits were shattered by blasts.

"Viewed a few hours later, the hospital remains were a terrible scene, with rescue workers carrying patients piggyback, cranes and bulldozers and people using only their hands desperately clearing debris to reach victims said to be still buried in the rubble, and the frantic hospital director running from one building to another."

This "limited" damage, Mr. Friedheim has the temerity to suggest, may not have been caused by American bombs at all but by "North Vietnamese ordnance or aircraft."

Is it any wonder this Administration has a credibility problem?

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## AN OPTIMISTIC APPROACH TO THE ENVIRONMENT

Mr. MOSS. Mr. President, in today's world, when we are so aware of the environmental and ecological devastation of the earth, we too often forget how man has cultivated productive environmental values. Much of the land that we consider natural has been created by man to meet his economic and social needs. Our rolling hills covered with wheat, terraced landscapes, varied vegetation, artificial lakes and rivers, and moors have all been a small part of our manmade ecosystems. It is time for man to step back from his dismal outlook of his world and see what man has done and can do for the world through intelligent and careful management.

René Dubos, professor emeritus at Rockefeller University, has written an article entitled " 'Replenish the Earth, and Subdue It' Human Touch Often Improves the Land," printed in the December 1972, issue of Smithsonian.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### "REPLENISH THE EARTH, AND SUBDUE IT" HUMAN TOUCH OFTEN IMPROVES THE LAND

(By René Dubos)

On a trip from India to Europe at the turn of the century, the Indian author Rabindranath Tagore was overwhelmed by the quality of the land he saw by train from Brindisi to Calais. The European countryside appeared to him as a loving creation of the peasantry. "I watched with keen delight and wonder that continent glowing with richness under the age-long attention of her chivalrous lover, western humanity. . . . Love and action are the only media through which perfect knowledge can be obtained. . . ."

I had these words of Tagore in mind while attending the U.N. Conference on the Human Environment held in Stockholm last June. The delegates had little opportunity to discuss the pleasurable aspects of the environment: meadows and farmland, flower gardens and parks, let alone cottages, mansions and monuments. They were preoccupied instead with water and air pollution, the depletion of natural resources, crowding in human settlements—in brief, the thousand devils of the ecological crisis.

There were good reasons, of course, for focusing the Stockholm Conference on environmental degradation. But I believe there is danger in emphasizing only the destructive aspects of Man's impact on his environment. Our civilization will become increasingly spiritless and dreary if we do not learn to recognize and cultivate *positive* environmental values, to remember that Man has frequently improved on nature by transforming it either for profit or for love. Intact, many of the Earth's potentialities remained unexpressed until they were brought out by human labor, imagination and, indeed, fantasy.

Last summer, while visiting the Aegean Islands, I realized how much Man's presence can diversify and enrich the creativeness of nature. Our ship stopped at Thera (Santorini) late at night and I first viewed the island in the early morning as I stepped from my cabin: the incredibly perpendicular cliff, 1,000 feet high, plunging into water 1,200 feet deep. On its very upper edge, white houses and colorful church domes gleamed in the sun against the luminous sky.

I knew that the cliff resulted from the tremendous volcanic eruption which had split the island 3,500 years ago and buried its remnants (SMITHSONIAN, January 1972). The explosion may have been as much as four times more violent than that which destroyed two-thirds of Krakatoa Island in 1883.

Gradually the typical Aegean flora and fauna returned. And unlike Krakatoa, men also came back and developed several consecutive civilizations. These have had their ordeals but all have generated some form of wealth from the tormented Aegean rock. If it had not been for the presence of men, Thera would not have produced the heady wine and tasty small tomatoes for which it is now famous. Despite its lack of water and the poverty of its land, Thera is a showpiece among the Greek Islands. It illustrates that the *human* quality of the environment may transcend physical and ecological considerations.

Whatever the characteristics of the environment, a new kind of value always emerges with intimate and long association between Man and landscape. According to Robert Graves, the Moslems use the word *báraka* to express the sense of blessedness that attaches itself to places and objects after years of loving care. This must be the same notion that Tagore had in mind when he wrote of the wooing of the Earth—the ". . . harmony with nature attained through intelligent dealings."

While in Greece last July, I visited, one late afternoon, the ancient Byzantine monastery of Moni Kaisariani, a few miles southeast of Athens. It nestles on the slopes of Mount Hymettus at the 1,100 foot elevation; from it a trail meanders through an almost treeless landscape among thyme, lavender, sage, mint and other aromatic plants. The marblelike rock formations of Hymettus are denuded, but the luminous sky gives an architectural quality particularly bewitching under the violet light of sunset.

A short distance from the monastry, the trail reaches an outcrop of rocks which affords a sudden view of the Acropolis, Mount Lycabettus and the whole city of Athens. As is so often the case in Greece, the buildings—whether pagan, Christian or simply urban—derive an extra dramatic quality from their placement in nature. And nature itself has been humanized by several thousand years of use. The grounds associated with the monastery have the traditional almond and olive trees of the Greek landscape, but these originated long ago in south central or southeastern Asia. Similarly, the road back to Athens is shaded with eucalyptus trees, but these were introduced from Australia. Beyond the monastery along the trail the Hymettus is stark and luminous, but the rocks became clearly visible only after deforestation had led to erosion during historical times.

Ecologists and historians agree that most of Greece was originally wooded; its austere rock structures used to be masked by soil and trees. What we regard as the Greek landscape—stark and almost treeless—is a consequence of deforestation followed by erosion. The slopes have been kept denuded by rabbits, sheep and especially goats which continuously destroy new growth. Forces set in motion by Man thus let light play its bewitching game on the white framework of Attica.

Writers of the Classical, Hellenistic and Roman periods were aware of the transformations brought about by deforestation. In *Critias*, Plato compared the land of Attica to the "bones of a wasted body . . . the richer and softer parts of the soil having fallen away, and the mere skeleton of the land being left." In pre-classical times, according to Plato, the dwellings were made with "roofs of timber, cut from trees growing there, which were of a size sufficient to cover the largest houses." Later, however, "the mountains now only afford sustenance to bees." The famous honey of Hymettus is thus linked to deforestation which favored the growth of sun-loving aromatic plants.

### DIVINE NUDITY AND A PAINFUL SYMBOL

The Illisus River, which has its source on Mount Hymettus and runs through Athens, was still a lively stream in Plato's time. On a hot day in midsummer, Socrates and Phaedrus walked toward a tall plane tree on the banks of the Illisus a short distance from the Agora. As reported in the famous dialogue, they discussed rhetoric, philosophy creativeness and love while cooling their feet in the water of the stream which they found "delightfully clear and bright." Today, the Illisus is dry much of the year and serves as a sewer covered by a noisy roadway. There could not be a more painful symbol of the damage done to the human quality of life by Man's *mismanagement*.

The deforestation of Greece is now far advanced but not irreversible. Wherever a serious effort is made to stop lumbering and prevent grazing, trees and wild flowers reappear spontaneously. With proper management, the mainland and islands could once more be wooded as they were before the classical era, bringing climatic and agricultural improvements. As Henry Miller says in *The Colossus of Maroussi*, "The tree brings water, fodder, cattle, produce . . . shade, leisure, song. . . . Greece does not need archaelogists—she needs arboriculturists." Yet reforestation would make the landscape very different from the classical image we now have of it. For the Greek poet Kostes Palamas (1859–1943) in his poem. "The Satyr or the Naked Song," the stark, eroded structures of the present landscape triumphantly symbolize the "divine nudity" in Greece. And Henry Miller, again, marveled at the rocks which "have been lying for centuries exposed to this divine illumination . . . nestling amid dancing colored shrubs in a blood-stained soil." These very rocks are symbols of life eternal.

The Greek mountains were probably frightening and difficult to penetrate when they were completely wooded. After deforestation and erosion, they acquired some of the qualities of a park; the traveler could move on their opened surfaces, his vision floating into a distance of golden light. I have wondered whether the dark and tormented divinities of the preclassical period did not become more playful, and reasonably human, precisely after they emerged from the forests into the open landscape. Would logic have flourished so well if Greece had remained covered with an opaque mantle of trees?

There is no doubt that man spoiled the water economy and impoverished the land when he destroyed the forests of the Mediterranean world. But it is a fact also that deforestation allowed the landscape to express certain of its potentialities which had remained hidden under the dense vegetation. It revealed the underyling architecture of the scenery and perhaps helped the soaring of the human mind. The full expression of the Mediterranean genius may require both the cool mysterious fountains in the sacred groves and a bright light shining on the denuded rocks. Ecology becomes a more complex but far more interesting science when Man is accepted as an integral part of the landscape.

In most parts of the globe, just as in Greece, men have been humanizing the Earth since the late Stone Age and have literally shaped the landscapes in which we live. Much of the Earth's surface used to be covered by forests and marshes. This seemingly endless green mantle had an overpowering grandeur which can still be experienced in the tropical jungle. But it masked some of the Earth's most interesting aspects.

Almost everywhere, farmland, pastures, gardens and parks have been created by profoundly transforming the natural environments. Wilderness has thus been replaced by man-made ecosystems which have become so familiar that they are commonly assumed to be of natural origin. In fact, it is Man who has created most of the "nature" celebrated by artists and poets

The moors of England and Scotland used to be heavily wooded and emerged as moorland only after deforestation, which began during the Bronze Age and had essentially been completed at the end of the Middle Ages. In contrast, the region now occupied by the San Francisco Presidio was essentially treeless until the 19th century; it now differs from the surrounding northern tip of the San Francisco peninsula because Major W. A. Jones of the Corps of Engineers proposed in 1883 a systematic program of landscaping with a great variety of trees and shrubs. Major Jones recommended that "Young trees should be fenced off to keep out grazing cattle," and that "Growth [be] pretty much restricted to eucalyptus and evergreens because deciduous wouldn't grow—too windy."

Man's influence on European landscapes has been exerted for so long that it has created a second nature, not always readily differentiated from primeval nature. Like the rest of northern Europe, the Ile-de-France region where I grew up was almost completely wooded at the beginning of the Christian era. Trees still grow luxuriantly there wherever they are given a chance. In all directions around Paris, there are large forests such as those of Rambouillet. Fontainebleau, Villers-Cotterets, Compiègne. The smaller and less famous Carnelle Forest 20 miles north of the city is of special interest to me because I used to take romantic walks to its well-preserved druidic dolmen near Beaumont-sur-Oise—my grandfather's home. The classic parks and the countless woodlots throughout the farming country provide further evidence that the Ile-de France is by nature a land of trees.

Most of the primeval forest, however, was cleared during the early Middle Ages to create farmland, villages, urban settlements and industries. The region now has such a rich agriculture that it has been called the granary of France; furthermore, its industrial output is very large and ranges from chemicals to automobiles, airplanes and electronic equipment.

Although I speak of myself as a product of the Ile-de-France, my world until the age of 14 was limited to the part of it which is known as the Vexin, just northwest of Paris between the Seine River and Normandy. I have two dominant memories of my youthful wanderings through this very ancient province of undulating plains and low-lying hills. On the one hand there were vast fields of wheat, alfalfa and sugar beet, with some pastures and small woodlots; on the other hand, forests and their wide dirt roads with fairly straight long stretches leading on to views of open fields villages, towns and church steeples. For me this was "nature"—a gentle landscape made up of domesticated fields and readily accessible woodland.

I now realize that the landscapes of my youth were not truly "natural," they had been shaped very differently under other circumstances. For example, medieval peasants, if left to themselves, would certainly have carried deforestation much further to create more farmland. Much of the land, however, belonged to kings and noblemen and they preserved and managed the forests primarily to satisfy their passion for the hunt.

Most of the forest roads where I walked dreamily as a boy, and where lovers look for lilies of the valley in the spring, were opened during medieval and Renaissance times because they created favorable habitats for game and made hunting easier as well as socially more pleasurable.

The Ile-de-France and the Vexin in particular are adorned with a large number of Romanesque churches. Most have personal histories. During the 12th century, for example, the Countess Agnès de Montfort, Dame de Meulan, vowed to build 17 churches on her Vexin domain if her husband came back safe and sound from a Crusade. He did, and most of the 17 churches that she built in his honor are still in existence. I mention them not so much because of their interest as examples of Romanesque architecture but rather because their story illustrates the kind of social forces which have humanized the landscape all over the world. The effect of such forces is particularly striking in the Ile-de-France because, before historical times, this was a region without any notable characteristics. The hills have such low profiles that they would be of little interest if it were not for the diversified agriculture they now support, and for the venerable churches and clusters of houses which crown their summits. The rivers tend to be sluggish and the ponds muddy, but their shores have been adapted to human use and are associated with peaceful rural scenes. The sky is rarely spectacular but its soft luminosity supports a wide range of plants, many of them introduced by Man. Ever since the primeval forest was first cleared by Neolithic settlers, the Ile-de-France has been acquiring a humanized quality which transcends its natural endowments. To this day, the land has remained fertile, even though it has been in continuous use for more than 20,000 years. Far from being exhausted by intensive agriculture, it still supports a great diversity of human settlements.

What I have just stated about the Ile-de-France is applicable to many other parts of the world. The prodigious labors of settlers and farmers have generated an astonishing diversity of ecosystems which appear natural even though they are of human origin. The "enclosures" of East Anglia, the *bocages* of French Normandy and Britanny are essentially man-made but their hedges and ditches harbor an immense variety of trees, shrubs and grasses, of insects, fish, rodents and songbirds.

Other kinds of artificial ecosystems have been created in Italy. In Tuscany and Umbria much of the land has been molded by the peasants who have rounded the hills and shaped the slopes to create an architecture of terraces on which they grow crops.

Israel has been growing more desertic since Roman times, but it is once more becoming a land of milk and honey as a result of extensive irrigation and reforestation. South of Esdraelon Valley, the hills were planted during the 1930s with Aleppo pines which are now more than 50 feet high and support a rich flora and fauna. Wild flowers, birds, deer and foxes thus constitute a second nature based on the Aleppo pine which is not native to the region. It is now realized, however, that the exclusive use of these pines is objectionable for both ecological and esthetic reasons. As a result, new plantings in other parts of Israel have a more diversified flora of trees, selected not only for their economic value but also because their shapes are better suited to the landscape. Some sections have been left bare of trees to expose their architectural beauty.

### EMIGRES AND COSMOPOLITANS

The charm of Vermont's Green Mountains is enhanced by the contrast between wooded areas and man-made meadows which occupy many slopes and valleys, let alone village greens. In Europe, even the highest mountains have been humanized. Except for their glaciers, the Alps and Pyrenees have become almost parklike and are crossed throughout with well-marked trails leading to comfortable huts, taverns and hotels. There is still some true wilderness in the United States, but it will be kept in the native state only if the public can be convinced that there are human values in primeval nature—as indeed there are—which transcend the requirements of daily life.

From Japan to Italy, from China to Holland, from Java to Sweden, civilizations have been built on a variety of ecosystems which are almost completely man-made. Everywhere, man has favored sun-loving plants over shade plants, and has moved them from one part of the world to another. There is hardly one agricultural crop and one decorative plant which has not been adapted from its area of origin to another area with compatible soil and climatic conditions. It is because of Man that rice, wheat, the potato, the tomato and countless other crops have become cosmopolitan; that oranges originating from a Chinese tree are grown on all continents; that wine is produced almost everywhere from European grapes; that Australian eucalyptus trees flourish on the California coast and around the Mediterranean; that African violets now adorn the windows of bourgeois and communist societies alike. In countless places, wilderness has been replaced; it is Man who has created the "nature" in which we spend our daily lives.

To be successful Man's interventions into nature must of course be compatible with ecological laws. But this is more readily said than done and, today as in the past altering the natural order of things commonly has disastrous consequences. Ecological disasters are particularly threatening in regions of climatic extremes, such as the tropics, where destruction of the soil humus and loss of its mineral nutrients can occur very rapidly under a wide set of agricultural practices. In Panama soil fertility will have been exhausted within a very few decades if slash-and-burn agriculture continues to spread. Disasters on a colossal scale also threaten in Brazil if developers do not heed the ecological fragility of the Amazon region.

Like the rest of northern Europe, Scandinavia was almost completely wooded at the beginning of the Christian era. It is only during historical times that a large percentage of the coniferous forest has been converted into fields and pastures. The traveler driving or flying from the north towards Stockholm experiences a sense of relief when the monotonous mantle of trees begins to be broken by cultivated areas and smiling meadows. Increasingly, however, the small farms of Sweden are becoming uneconomical and are abandoned. Forest openings which used to support oats, rye or other cultivated crops, as well as grazing cattle, are being taken over by spruce and pine planted in dull straight lines. Worse, the land which is left fallow is quickly invaded by juniper, briar and other unattractive brush.

One problem of Swedish conservation is to find ways for preserving open landscape. Several programs are being tested—subsidies to farmers for the continuation of grazing by cattle and sheep, or mechanical mowing for keeping the brush down. In either case, public funds are being spent to preserve the open countryside which is *a man-made landscape*. Instead of being valued for its agricultural productiveness, farmland is considered an esthetic asset—for a visual quality which used to be hidden under the natural mantle of trees and had to be revealed by human intervention.

When the flow of natural events is undisturbed, it often generates landscapes far exceeding in beauty and in emotional power those created by Man. The eerie light in a primeval forest evokes a mood of wonder which cannot be experienced in a garden or a park. The thunderous silence of the Grand Canyon, the luminosity of the desert, the solitude of the high mountains are among the wilderness experiences which cannot be duplicated artificially and which speak to those aspects of human nature still in resonance with cosmic forces. Thus, certain spontaneous expressions of nature are best left unaltered because they help man relate to the cosmos in a way that no human creation can ever do.

In our daily life, however, we are more concerned with aspects of nature that we can manipulate. We are hardly ever passive in front of the natural world; we alter it and fence it to create environments that suit our ambitions and limitations. In fact, men have always recognized or imagined patterns in the bewildering opulence of nature—and they have humanized the Earth according to the patterns they perceive.

Early in the Middle Ages, the Benedictine monks believed they were working as partners of God and completing His creation when they transformed the chaotic and disordered wilderness to create environments suitable for their cloistered life. Throughout this essay I have used other words to express a similar faith. I believe that by inserting our dreams and aspirations into ecological determinism, we can enrich the Earth and diversify its manifestations by imposing human order on it and bringing out its hidden potentialities. We can manipulate the raw stuff of nature to shape it into environments which are ecologically sound, economically profitable, esthetically rewarding and favorable to the growth of the human spirit.

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## THE ECONOMY AT YEAREND—A VERY MIXED BAG

Mr. PROXMIRE. Mr. President, last week the chairman of the Council of Economic Advisers put on his rose-colored glasses and delivered his year-end statement on the economy. A casual reading of this statement leaves one with the impression that the economic policy performance over the past year has been one of unblemished perfection, and that economic conditions are not only wonderful already but getting better all the time. This impression is definitely not justified by an objective examination of the facts. In the interests of objectivity, I want to point out a few facts Mr. Stein chose not to stress in his statement last week.

### UNEMPLOYMENT

First, the facts on unemployment. During the most recent 12 months for which we have data, the unemployment rate has fallen only eight-tenths of 1 percent, by far the poorest record of any recovery period in recent history. The unemployment rate remains above 5 percent, and few forecasters expect it to drop much below the 5-percent level during the course of 1973.

This does not bother Dr. Stein because he has no target for reducing unemployment. He does not accept even the traditional interim target of a 4-percent unemployment rate. In a recent TV interview he reiterated his contempt for this goal by saying:

> When four percent has been put forward as the goal, people have never really meant that. It was more propaganda than guide to policy.

For one who is so distinguished a student of recent economic history, Dr. Stein draws some very strange conclusions. It is my recollection that the Kennedy administration was dead serious when it recommended 4 percent as an interim target for unemployment. The GNP potential and the full employment budget—concepts still used by this administration—are calculated on the basis of a 4-percent unemployment rate.

Does Dr. Stein regard the full employment budget as "more propaganda than a guide to policy"?

The Joint Economic Committee was entirely serious when it again recommended in its midyear report last summer that 4 percent remains an appropriate interim target for unemployment. We are equally serious in repeatedly recommending that our longrun goal should be an unemployment rate no higher than 3 percent.

Unemployment remains our most serious economic problem. The unemployment rate for teenagers was over 15 percent in November. For blacks it was about 10 percent. The willingness of the administration to continue to tolerate rates like these can only be described as heartless.

INFLATION

Let me turn to the facts on inflation. Inflation, unlike unemployment, is a problem which administration officials purport to take seriously. They talk a lot about the importance of controlling inflation. They claim to be making progress. Let us examine that progress.

In the last 6 months the consumer price index has risen at a rate of 3.6 percent. In the last 3 months this rate of increase has accelerated to 4.2 percent. We are far from the President's goal of bringing the inflation rate below 3 percent, and worse yet, we seem to be moving in the wrong direction.

The wholesale price index suggests even worse news ahead for the future. Wholesale prices have risen at a 5.7 percent rate in the past 6 months.

Much publicity has been given to the increases in food prices, but the continued rise in wholesale industrial prices may be an even more basic problem. These industrial prices should not be rising at all. From 1959 to 1964 the industrial price index was completely stable. In the last 6 months wholesale industrial prices have risen at a 3.2-percent rate.

Some of the largest increases have been in the prices of raw materials and of goods in the early stages of processing. Thus, these price increases may still take many months to show up at the consumer level. Furthermore, recently announced price increases for automobiles and for steel have yet to show up in the price indexes. Some of the most serious inflationary problems seem to be in those basic industries where the control program ought to have been most effective.

In his year-end statement, Dr. Stein expressed confidence that inflation could be reduced in 1973 because:

> Wage decisions will be made in a climate of much more confidence in the price level and less need for big wage increases to make good previous lags than has existed for many years.

Mr. Stein is surely aware that in recent months real hourly earnings have been rising at an annual rate of 2 percent or less. This limited growth of real wages is the result of a control program which has succeeded in keeping money wage increases within the 5.5-percent limit but has failed to reach its goal on prices. Unless quick progress on prices can be made in the next few months, labor negotiators will feel a need to "make good previous lags" and certainly their "confidence in the price level" will be limited.

With respect to both unemployment and inflation, Mr. Stein is glossing over some serious problems. This is no service to the public.

## JOINT SESSION OF THE TWO HOUSES—RECESS

Mr. MANSFIELD. Mr. President, in accordance with the previous order, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, for the purpose of proceeding in a body to the Hall of the House of Representatives for the purpose of counting the electoral votes.

The ACTING PRESIDENT pro tempore (Mr. NUNN). Without objection, it is so ordered. The Senate will stand in recess subject to the call of the Chair.

Pursuant to the previous order, at 12:51 p.m., the Senate took a recess, subject to the call of the Chair, for the purpose of attending a joint session for the counting of the electoral votes.

At 1:58 p.m., the Senate reassembled, when called to order by the Acting President pro tempore (Mr. NUNN).

## COUNTING OF THE ELECTORAL VOTE

Mr. CANNON. Mr. President, on behalf of the tellers on the part of the Senate, I wish to report on the counting of the vote for President and Vice President.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of electors appointed to vote for President of the United States is 538, of which a majority is 270.

Richard M. Nixon, of the State of California, has received for President of the United States 520 votes.

GEORGE MCGOVERN, of the State of South Dakota, has received 17 votes.

John Hospers, of the State of California, has received 1 vote.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of electors appointed to vote for Vice President of the United States is 538, of which a majority is 270.

SPIRO T. AGNEW, of the State of Maryland, has received for Vice President of the United States 520 votes.

R. Sargent Shriver, of the State of Maryland, has received 17 votes.

Theodora Nathan, of the State of Oregon, has received 1 vote.

## ADDITION OF COSPONSORS

Mr. ROBERT C. BYRD. Mr. President, in accordance with the procedures that were followed during the 92d Congress, I ask unanimous consent that for the remainder of the first session of the 93d Congress, Senators may submit signed requests at the rostrum to add the names of coauthors to bills, joint resolutions, concurrent resolutions, and simple resolutions, without having to make such requests from the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER ON PRINTING CONFERENCE REPORTS AS SENATE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—as was done during the 92d Congress—that during the first session of the 93d Congress, notwithstanding the provisions of the Legislative Reorganization Act, conference reports and statements accompanying them not be printed as Senate reports when the House of Representatives acts first on such reports, or conference reports and statements have been printed as a House report, unless specific request is made in the Senate in each instance to have such a report printed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ADJOURNMENT UNTIL TUESDAY, JANUARY 9, 1973

Mr. GRIFFIN. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until Tuesday next at 12 o'clock meridian.

The motion was agreed to; and at 2:01 p.m., the Senate adjourned until Tuesday, January 9, 1973, at 12 o'clock meridian.

# EXTENSIONS OF REMARKS

## H. S. T.—AMONG THE TOP 10

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. BINGHAM. Mr. Speaker, some Presidents seem to shrink in stature as the years pass following their term in office.

With others it is to the contrary. From the vantage point of a few years' perspective, they loom much larger than they did while in office. Harry S Truman belongs in this category.

Of all the many thousands of words that have been uttered and written since Mr. Truman's death, I have seen none more apt than those of Mary McGrory in the following column, which appeared in the New York Post of December 29, 1972:

THE LESSON OF HIS LIFE

(By Mary McGrory)

WASHINGTON.—In death, as in life, Harry Truman did not impose.

His funeral, like himself, was plain, prayerful and to the point.

He had planned it that way.

Except for the gold braid and the ceremonial firings, it could have been the funeral of any man from Missouri who had been a war veteran and a Mason.

Only family and old friends were invited.

There was no eulogy. He was not one to stain rhetoric or extort emotion. Besides, history, always his guide, had become a friend. He had never needed anyone to tell him who he was. The library was there to remind the world of what he had done.

The funeral repeated the lesson of his life—that any American can get to be President, and get over it.

He had assumed office amid universal lamentations, in which he humbly joined. He was patronized as "a little guy." But by the time he left the White House, the country and the world thought he had been big enough for the job.

What he brought to the White House was a quality sadly lacking in his two most recent successors, that is a sense of perspective. He was the only President of this generation who had an eye-level relationship with the country. Eisenhower was the revered patriarch who could do no wrong; Kennedy was the idolized prince. Lyndon Johnson, a Gargantuan figure, demanded to be loved, and was not. The present occupant is an emperor, vindictive secretive, mirthless.

Truman was a man without pretense, who happened to be President. Neither he nor the country ever seemed to lose sight of the fact. He was not a hero or a magician or a chess player, or an obsession. He was a certifiable member of the human race, direct, fallible and unexpectedly wise when it counted.

He did not require to be loved. He did not expect to be followed blindly. Congressional opposition never struck him as subversive, nor did he regard his critics as traitors. He never whined.

He walked around Washington every morning—it was safe then. He met reporters frequently as a matter of course, and did not blame them for his failures. He did not use the office as a club or a shield, or a hiding place. He worked at it.

He had a sense of what was due the presidency if not to himself. People were so unawed by him that they considered him insubordinate when he fired General MacArthur. It was not personal pique. He understood the Constitution, he understood the principle of civilian control of the military. He never said war was peace.

He dropped the atomic bomb, a fact much recalled this week when American power is being used savagely over another Asian country. The decision is still disputed, but at least he gave the country plausible military reasons for what he did. His present successor has dropped the equivalent of two Hiroshima bombs and has yet to give the public the first syllable of explanation. Harry Truman believed the public business was the public's business.

All week, the television has been bringing him back as he was, the twanging voice, the forthrightness, the humor. Was it only twenty years ago that we had a President who explained his actions, who admitted his mistakes and could imitate a commentator?

Truman was not a "splendid misery" sort. Since his time—it began with the Cuban missile crisis—we have been given hour-by-hour accounts of Presidential agonies.

Nothing to it, according to the man from Independence. "You get all the facts and you make up your mind," he explained briskly to an audience.

He brought to his retirement the same unwavering perspective that had marked his presidency. He actually went home to his old house in Independence. He came to the door for his morning paper.

He took, as long as he was able, his daily walk, and zestfully built his library. He sounded off a time or two but as reluctantly as he had taken power, as readily he relinquished it.

"Three things ruin a man," he told a reporter on the occasion of his seventy-fifth birthday. "Power, money and women."

"I never wanted power," he said. "I never had any money, and the only woman in my life is up at the house right now."

He is buried in the courtyard of his library. He said he lived by the Bible and history. So armed, he proved that the ordinary American is capable of grandeur. And that a President can be a human being. At the present grim moment, there is some doubt on both points. We mourn for him as we mourn for lost certainties.

I cannot improve on what Mary McCrory said, but I should like to add a few words about two of Harry Truman's great qualities.

One was his honesty. He was forthright with the American people, and they trusted him when he said something, we knew he was telling the truth. The contrast these days is obvious and painful.

The other quality I want to single out was his understanding of the tripartite nature of the American Government. An avid student of American history, Mr. Truman had just as much respect for the legislative and judicial branches as he did for the Presidency. He fought with the Congress, but he never ignored it or downgraded it.

I am intensely proud of the fact that I was appointed to office by President Truman. History will rank him, I believe, among the top 10 of our Presidents.

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## A TRIBUTE TO ADOLPH ZUKOR

## HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. BELL. Mr. Speaker, on January 7, 1973, the motion picture industry and people throughout the world will join in a tribute to Mr. Adolph Zukor, motion picture pioneer and founder of Paramount Pictures Corp., on the occasion of his 100th birthday.

Mr. Zukor's life represents those qualities which have been admired and exalted throughout the history of the American people.

Adolph Zukor was born in Riese, Hungary, on January 7, 1873. In 1889, at the age of 16, he came to America, arriving in New York with just $25 sewn in the lining of his clothes.

His first work in his new country earned him $2 a week. He spent his evenings at night school learning English and concepts of American business.

By the turn of the century, this enterprising young man had established himself as a successful businessman. It was at this point that he turned his energies toward the entertainment industry.

He began by investing in penny arcades and other amusements. But he sensed that the infant movie industry was not being responsive to the needs of the American audience as it should be. During that time when only two-reel escapist novelty films were being made, he became convinced that narrative films of greater length would provide the public with more meaningful entertainment.

So Adolph Zukor decided to become a producer. He haunted D. W. Griffith's sets, watching the companies at work. He evolved scenarios from the classics. He was determined that his company would present actors and actresses of standing in the theater, in full length plays. And long before the company was actually organized, he decided upon the motto which was to announce his product for many years, "Famous Players in Famous Plays."

At this time, he was able to obtain the American rights to "Queen Elizabeth," a four-reel picture starring Sarah Bernhardt which had been produced in France. Many in the entertainment industry in our country believed this film was too highbrow to gain popular acceptance here, but Zukor's judgment was vindicated.

Thus it remained for "Queen Elizabeth," the first really artistic, full length screenplay show in America, to pave the way for the abandonment of two-reelers and the adoption of feature-length subjects in which form the motion picture has continued to this day. Adolph Zukor's vision and daring with this new medium resulted from that point in the establishment of the modern motion picture industry.

Launching his production plans, Adolph Zukor formed the Famous Players Film Co. in 1912, in association with Daniel Frohman.

The first three pictures released by the new company were James Hackett's "The Prisoner of Zenda," "The Count of Monte Cristo," with James O'Neill, and "Tess of the D'Urbervilles," with Minnie Maddern Fiske. Ethel Barrymore was won over from the theater temporarily. Then Mary Pickford came into the fold. After her came a long line of famous stars through the years.

The success attending Famous Players' first picture gave impetus to other new production companies entering the field. Adolph Zukor's conviction that the public would respond to better pictures was being proven. And among the new companies were the Jesse Lasky Play Co. and Bosworth, Inc., for the distribution of whose pictures the Paramount Pictures Corp. was formed.

In July 1916 the Famous Players Film Co. and the Jesse L. Lasky Feature Play Co. were combined under the name of Famous Players-Lasky Corp. Later the same year, the Oliver Morosco Photoplay Co. and Pallas Pictures, the output of Bosworth, Inc., were absorbed, as were the Paramount Pictures Corp. on January 1, 1917.

Although the last named corporation disappeared as a separate entity, the name "Paramount" has been preserved, thanks to the sagacity of Adolph Zukor, and since that time Paramount Pictures have literally encircled the globe.

To this producing and distributing organization which has grown from so humble a beginning, scores of the world's leading screen personalities owe their success.

When World War II broke out, Mr. Zukor aided the war effort as a member of the coordinating committee of the War Activities Committee. In this way he participated in the vast cooperative program devised by Hollywood to aid the war on the home front, in Europe and in Asia.

In 1947, Adolph Zukor was honored by the Motion Picture Pioneers, an organization of film men having 25 years or more in the industry, for his contribution to motion pictures during the past decades.

Mr. Speaker, on Sunday at the Beverly Hilton Hotel in Beverly Hills, friends and admirers of Aloph Zukor will gather once again to honor this great leader of the motion picture industry for his 100 years of life and, most important, for making that life so productive. It will be a tribute in which Congress and the Nation can be proud to participate.

## MEMORIAL TO HALE BOGGS

## HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. BURKE of Florida. Mr. Speaker, it is sad that this 93d Congress finds absent, for the first time in 24 years, our former colleague Hale Boggs. We, who are fortunate to serve in the Congress will miss the face and friendly manner of our friend from Louisiana. We are all saddened by his untimely loss and shocked, indeed, by his disappearance on October 16 in an airplane in Alaska. I am sure all his colleagues are deeply saddened with the knowledge that his able leadership as majority leader will be no longer.

During his years in the Congress, since he first joined the 77th Congress, he rose to eminence and power in the House of Representatives. First came his election in 1949, to the Committee on Ways and Means on which he served until 1970. As the second ranking Democrat Mr. Boggs helped with numerous pieces of legislation and was a cosponsor of the 1962 Trade Expansion Act. He was appointed deputy Democratic whip in the 85th, 86th, and the first session of the 87th Congress, then he became the Democratic whip, and in 1971 he became majority leader.

In the House of Representatives, Hale Boggs had an unusual position because he stood as a truly effective human bridge between the many competing qualities and interests of the Members. He served to sustain a link for tolerance as well as for common action among them. Under his leadership political divergencies of all kinds—regional, cultural, ideological, racial—were more matters for rational discussion and sensible action than reasons for implacable and wasteful infighting.

I was proud to serve with Congressman Boggs and I join with my colleagues, and with the people not only of the Second District of Louisiana, but with the entire Nation, in mourning the death of our friend, who was such an able legislator and gentleman.

## COMMUNITIES NEED FLOOD ASSISTANCE

## HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. DE LA GARZA. Mr. Speaker, my Texas district is one of many areas in the United States subject periodically to severe damage from floods. For this reason, I have had a special interest, ever since I entered Congress, in trying to help to provide flood insurance for our people.

As my colleagues know, we have made progress.

The National Flood Insurance Act of 1968 for the first time provided insurance coverage for those seeking it. The private property insurance industry felt unable to provide flood insurance on an economically feasible basis—at least during the early years of such a program—without Government assistance.

Congress therefore authorized a flood insurance program to be carried out in cooperation with private insurance companies and through existing agents, brokers, and adjusting organizations. This program enables property owners to buy insurance against losses resulting from physical damage to, or loss of, real or personal property caused by floods. This joint effort of the Federal Government and the insurance industry makes it possible for individuals to purchase policies at premium costs that they can better afford.

However, many homeowners and businessmen have not taken advantage of the opportunity. Efforts have been made to increase the attractiveness of the program, but still the response has not lived up to expectations—or to the need.

More needs to be done.

I am therefore introducing amendments to the National Flood Insurance Act which would expand the program's coverage. It is proposed to double the insurance limits on single family residences and on all residential contents; to triple the limits on all other structures and contents, except nonresidential contents which would increase from $10,000 to $200,000; and to raise the limit on the total amount of flood insurance coverage authorized from the present $2.5 to $10 billion.

These changes would increase incentives for community and individual participation in the program. The proposed amendments would retain the key concept of the present law, which is to hold to a minimum losses due to flood disaster. Each community will still be required to adopt effective land use measures before individuals in that community may purchase flood insurance.

Mr. Speaker, we have a sound basic program of national flood insurance. The amendments I propose will not detract from its soundness but should have the effect of making insurance coverage far more widespread. That is an important and necessary goal.

## IMPORTS CONTINUE TO THREATEN U.S. BALL AND ROLLER BEARING INDUSTRIES

## HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mrs. GRASSO. Mr. Speaker, steadily increasing imports continue to threaten the ball and roller bearing industries in this country. The antifriction bearing industry, for example, is in critical condition because of imports, and these bearings are a primary component of many aeronautical and defense products.

Domestic shipments of ball bearings have decreased from $484.9 million in 1969 to $426.4 million in 1970 and down to $390.1 million in 1971. During that same time frame, ball bearing imports have increased from $45.4 million in 1969, to $52.1 million in 1970, $59.4 million in 1971, and up to an estimated $84.5 million in 1972.

The decline in the domestic production of bearings has resulted in a loss of thousands of jobs in the recent past. According to one survey, the number of jobs in the ball bearing industry decreased 31 percent between 1967 and 1971. Connecticut, a leader in domestic production of bearings, has been especially hard hit. We know that between 1970 and 1971, the work force decreased by 4,600, from 16,100 to 11,500. A number of other States—New York, Pennsylvania, Ohio, Michigan, Indiana, and New Hampshire—have also suffered. While some of this job loss was due to general economic conditions, imports greatly accentuated the trend.

The manufacture of bearings is a highly skilled trade requiring a well-trained work force. The use of complicated machinery depends upon skilled operators. Once a plant closes, costly retraining must precede increases in output—if the plant reopens. Clearly, we cannot afford to lose craftsmen who have skills essential to the strength and future development of our highly industrialized society.

In addition, these bearings are vital components of missiles, submarines, aircraft, tanks, and other elements of our national defense. Overreliance on imported bearings can, indeed, place increasing strain on the maintenance of an adequate defense posture.

Finally, the continuing rise of imports has affected the ability of U.S. firms to finance research needed to improve technology. Unless the importation of bearings is slowed very soon, the American bearing industry will be unable to narrow the gap between imports and exports.

For these reasons, I am introducing two bills designed to save the American bearing industry from unfair and destructive imports. One bill, which amends the tariff schedule to improve statistical information on bearing imports, would enable us to measure accurately the impact of imported bearings on the domestic industry. The other bill would provide relief in the form of a specific limit to the number of bearings imported during any one year.

In the past, the Tariff Commission and other administrative agencies have been able to measure the impact of most categories of bearing imports. However, mounted and housed bearings have not appeared on the tariff schedules as separate items. The full impact of these imports on the American bearing industry therefore remains unclear.

To help remedy this situation, one of my bills would create a special provision within the tariff schedules for certain ball and roller bearing units which presently appear in various other provisions of the tariff schedules. Passage of this bill would enable adequate statistical reporting with respect to the flood of bearing imports, but would not result in any modifications of present duty rates.

In the last Congress, I introduced a similar bill, H.R. 10385. Reports on this legislation were sent to the House Ways and Means Committee from the Departments of State, Treasury, Labor, and Commerce, from the Special Representative for Trade Negotiations, and from the Tariff Commission. None of these agencies noted any substantive objections to the passage of the bill. The Tariff Commission, however, suggested minor changes in the language. These proposed amendments are found in the language of the new bill. Late last year, the Senate approved H.R. 10385 as an amendment to a trade bill. Unfortunately, Congress adjourned before the House could consider the Senate action.

Enactment of this legislation into law would provide improved statistical data. However, it would do nothing to prevent American bearing manufacturers from being deluged with imports. Therefore, today I am also introducing a bill to help preserve the American bearing industry by the use of multinational agreements similar to those used in other areas.

Briefly, this second piece of legislation contains three major provisions. First, total imports of bearings in any one year shall not exceed the average proportion of imports-to-domestic production during the 1961–66 period. Second, imports in any year shall not be more than 10 percent above the average annual consumption for the 1961–66 period for a particular category. Third, the percentage of total imports in any year represented by imports from any one nation shall not exceed the average percentage of total imports from that nation during the 1961–66 period.

In addition, the bill gives the President authority to adjust the limitation of imports in specific instances, provided this action is consistent with the national interest. Finally, after 5 years, Congress would have the opportunity to modify or repeal this act if trade conditions warrant such action.

Mr. Speaker, the increased importation of bearings into the United States is crippling domestic bearing production. Assistance to firms which have suffered a decline in employment and earnings is imperative for the survival of a skilled industry that is vital to our national defense.

The two bills introduced today will help accomplish this important goal. I, therefore, urge early and favorable consideration of this legislation by the Ways and Means Committee and the Congress.

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## END THE WAR

## HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. WOLFF. Mr. Speaker, since 1965, I have opposed our involvement in Indochina and have voted against military appropriations to fund the war for the past half dozen years. Along with millions of Americans, I looked forward to a successful conclusion of Dr. Kissinger's negotiations with the North Vietnamese and to the peace which we were told was "at hand."

The renewed hostilities and the resumption of bombing in Indochina make a mockery of promises of peace.

At the Democratic caucus meeting yesterday, I supported the Nedzi resolution which has now made it the policy of the majority party in the Congress to oppose the renewed bombing and support an end to the war.

As a Member of Congress I am pledged to continue to oppose military appropriations that perpetuate the war and I will do everything in my power to end the charade of Indochina.

Before the caucus meeting yesterday, I had the privilege of introducing a large and committed delegation of Democratic Party officials from Queens, N.Y., to the Speaker. This group, led by Donald R. Manes, Borough president of Queens, submitted a resolution which calls for an end to the war. The same resolution was adopted by a large group of Nassau County residents headed by Marty Melman.

At this point in the RECORD, I insert the text of that resolution and the names of the officials who signed it:

STATEMENT OF DEMOCRATIC PARTY'S OFFICIALS OF QUEENS COUNTY, N.Y., ON VIETNAM

It has become apparent that the American people have been deceived once again as to the possibility of peace in Indo-China.

We, the elected officials of Queens County are appalled by President Nixon's renewal of the bombing and the mining of Haiphong Harbor.

It is time now that we come together in a united effort to reaffirm the leadership of the Democratic Party by a forthright act to end this war.

We, the Democrats, who work at the local level and in the highest bodies of government, urge that you implement the strong position against the continuation of the Vietnam war enunciated in the National Democratic platform.

The people who elected us are angry and resentful after the pre-election ploy of "an agreement 99 per cent complete", and the cruel and inhumane broken promise of "POW's home by Christmas."

We ask the Democratic caucus to denounce the renewed bombing of North Vietnam; we urge the caucus to pledge that legislation to cut off funding for the war within 30 days after enactment receive the highest priority and support necessary for passage.

We can no longer allow the war to continue while America's moral fiber is irreparably damaged and our cities die.

LIST OF SIGNATURES

Donald R. Manes, Borough President of Queens.
Councilman Matthew J. Troy, Jr., 16th C.D.
Councilman Walter Ward, 17th C.D.
Councilman Morton Povman, 15th C.D.
Councilman Edward L. Sadowsky, 14th C.D.
Councilman Arthur J. Katzman, 13th C.D.
Councilman Thomas J. Manton, 12th C.D.
Councilman-at-Large Eugene Masteropieri.
Senator Karen Burstein, 9th S.D.
Senator Jack Bronston, 12th S.D.
Senator Emanuel R. Gold, 13th S.D.
Assemblyman Herbert A. Posner, 22nd A.D.
Assemblyman Saul Weprin, 24th A.D.
Assemblyman Leonard Price Stavisky, 26th A.D.
Assemblyman Arthur J. Cooperman, 27th A.D.
Assemblyman Alan Hevesi, 28th A.D.
Assemblyman Guy R. Brewer, 29th A.D.
Assemblyman Herbert J. Miller, 30th A.D.
Assemblyman Edward Abramson, 32nd A.D.
George A. McCracken, Executive Member, 22nd A.D.
Helen Leonescu, Executive Member, 22nd A.D.
Seymour Sheldon, Executive Member, 22nd A.D.
Gerdi E. Lipschutz, Executive Member, 22nd A.D.
Mary Bassett, Executive Member, 23rd A.D.
Matthew J. Troy, Jr., Executive Member, 23rd A.D.
Agnes C. Hayes, Executive Member, 23rd A.D.
Rita Green, Executive Member, 24th A.D.
Ralph Sherman, Executive Member, 24th A.D.
Honey Miller, Executive Member, 24th A.D.
John J. Donohue, Executive Member, 25th A.D.
Adrienne C. Braunstein, Executive Member, 25th A.D.
William Friedmann, Executive Member, 26th A.D.
Julia Harrison, Executive Member, 26th A.D.
Ernest K. Koller, Executive Member, 26th A.D.
Leah Gruber, Executive Member, 26th A.D.
Donald R. Manes, Executive Member, 27th A.D.
Nettie Mayersohn, Executive Member, 27th A.D.
John Linakis, Executive Member, 27th A.D.
Gladys R. Borenstein, Executive Member, 27th A.D.
Sidney Strauss, Executive Member, 28th A.D.
Ann B. Schachter, Executive Member, 28th A.D.
Morton Povman, Executive Member, 28th A.D.
Isle Metzger, Executive Member, 28th A.D.
Archie Spigner, Executive Member, 29th A.D.
Isadora Rogers, Executive Member, 29th A.D.
Alvin D. Mack, Executive Member, 29th A.D.
Rose Halperin, Executive Member, 29th A.D.
Norma Keane, Executive Member, 30th A.D.
Marvin Cohen, Executive Member, 30th A.D.
Lillian Katz, Executive Member, 30th A.D.
Anthony Schneider, Executive Member, 31st A.D.
Isabella Brett, Executive Member, 31st A.D.
Walter Ward, Executive Member, 32nd A.D.

Rosina Zanazzi, Executive Member, 32nd A.D.

Fred Wilson, Executive Member, 32nd A.D.

Eva Eisenberg, Executive Member, 32nd A.D.

Charles G. Imperial, Executive Member, 33rd A.D.

Caroline B. Foris, Executive Member, 33rd A.D.

Eugene F. Mastropieri, Executive Member, 33rd A.D.

Cora I. Futch, Executive Member, 33rd A.D.

Ivan Lafayette, Executive Member, 34th A.D.

Veronica Martini, Executive Member, 34th A.D.

Joseph Lisa, Executive Member, 34th A.D.

Norma Cirino, Executive Member, 34th A.D.

Terrance O'Keefe, Executive Member, 35th A.D.

Diane Chapin, Executive Member, 35th A.D.

Ralph F. DeMarco, Executive Member, 36th A.D.

Gloria D'Amico, Executive Member, 36th A.D.

Denis Butler, Executive Member, 36th A.D.

Mary Ann Kelly, Executive Member, 36th A.D.

James P. Barker, Executive Member, 37th A.D.

Gertrude McDonald, Executive Member, 37th A.D.

Robert E. Whelan, Executive Member, 37th A.D.

Marie C. Stroebel, Executive Member, 37th A.D.

Anthony Sadowski, Executive Member, 38th A.D.

Helen T. Reid, Executive Member, 38th A.D.

State Committeeman Norman Silverman, 22nd A.D.

State Committeewoman Florence Kaplan, 22nd A.D.

State Committeeman Irwin Rosenthal, 24th A.D.

State Committeewoman Edith Posner, 24th A.D.

State Committeeman John Costanza, 25th A.D.

State Committeewoman Natalie Gordon, 25th A.D.

State Committeeman Leonard Weil, 26th A.D.

State Committeewoman Claire Waxelbaum, 26th A.D.

State Committeeman Abbott Dicksteen, 27th A.D.

State Committeewoman Patricia Israel, 28th A.D.

State Committeeman Irwin Cohen, 28th A.D.

State Committeewoman Cynthia Jenkins, 29th A.D.

State Committeeman Elmer Schwartz, 30th A.D.

State Committeewoman Ethel Wershaw, 30th A.D.

State Committeewoman Frances Bennick, 31st A.D.

State Committeewoman Marie Tamby, 32nd A.D.

State Committeeman Celedonia Jones, 32nd A.D.

State Committeewoman Mary D. McSorley, 33rd A.D.

State Committeeman Warren J. McNally, 34th A.D.

State Committeewoman Marie Mercogliano, 35th A.D.

State Committeeman George Boomgaard, 35th A.D.

State Committeewoman Agnes V. Jennings, A.D.

State Committeeman Joseph Gerrity, 38th A.D.

## SIX-YEAR PRESIDENTIAL TERM

## HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. DE LA GARZA. Mr. Speaker, I am introducing for appropriate referral a resolution proposing a constitutional amendment limiting any future President of the United States to serving one term of 6 years.

This is a matter that has been under discussion for years. Such important issues are involved that I am convinced the people themselves should make the decision. Submission of a constitutional amendment would give rise, I think, to a nationwide debate on the pros and cons involved in a single 6-year term. There are telling arguments on both sides and they should be advanced for the general public enlightenment.

The question is not new. During the Constitutional Convention of 1787 the most heated and prolonged debate was devoted to arriving at a satisfactory method of electing the President. After more than 60 ballots had been taken, the 4-year term with no restriction on reelection was approved.

Our Nation functioned under the provisions of that decision until 1951. In that year the two-term limitation was adopted as an amendment to our Constitution.

During the time between 1787 and 1951, although the constitutional provision was not changed until the latter year, the debate over presidential terms went on steadily, especially after President Franklin D. Roosevelt broke the two-term tradition. Most of the proposals put forward would have changed the term from 4 to 6 years with the President ineligible for reelection.

That is what my proposed constitutional amendment would do if adopted after full consideration by the people generally of the merits and demerits of a single 6-year presidential term.

## VETERANS MEDICAL AID ACT OF 1972

## HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mrs. GRASSO. Mr. Speaker, last year, the Congress passed comprehensive legislation, known as the Veterans Medical Care Act of 1972, designed to provide improved medical care to the Nation's veterans. Most unfortunately, this important bill was vetoed by the President.

Provisions of the bill included increased funding on a per diem basis to States for domiciliary, nursing, and hospital care for veterans in State homes, such as the Rocky Hill State Veterans Home and Hospital in my State of Connecticut.

State veterans homes in Rocky Hill and across the country are providing essential health care services for our veterans. New funding for per diem reimbursement to States for the operation of these State veterans facilities would allow them to more adequately meet the health care needs of all our veterans.

It is for this reason that I am introducing legislation today to increase the per diem rate for reimbursements from $3.50 per veteran to $4.50 for domiciliary care, from $5 to $6 for nursing home care, and from $7.50 to $10 for hospital care. The legislation would also extend entitlement to Vietnam war era veterans, and would increase the proportionate share of Federal funding for construction and alteration of State home facilities from 50 to 65 percent.

This bill represents an important step forward in responding to the health care needs of our veterans. It is my hope that the legislation will receive prompt consideration by the Congress.

## A BRIEF HISTORY OF THE INDOCHINA WAR

## HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. KASTENMEIER. Mr. Speaker, as we begin another year of American involvement in the Vietnam war, I would like to share with my colleagues a capsule history of the long conflict as presented by the Washington Post on December 31, 1972:

### THE STORY OF VIETNAM: AN INSTANT EDITORIAL

"I fully expect [only] six more months of hard fighting." *General Navarre, French Commander-in-Chief, Jan. 2, 1954.*

"With a little more training the Vietnamese Army will be the equal of any other army . . ." *Secretary of the Army Wilbur Brucker, Dec. 18, 1955.*

"The American aid program in Vietnam has proved an enormous success—one of the major victories of American policy." *Gen. J. W. O'Daniel, Official Military Aide to Vietnam, Jan. 8, 1961.*

"Every quantitative measurement shows we're winning the war . . . U.S. aid to Vietnam has reached a peak and will start to level off." *Secretary of Defense Robert S. McNamara, 1962.*

"The South Vietnamese should achieve victory in three years . . . I am confident the Vietnamese are going to win the war. [The Vietcong] face inevitable defeat." *Adm. Harry D. Felt, U.S. Commander-in-Chief of Pacific Forces, Jan. 12, 1963.*

"The corner has definitely been turned toward victory in South Vietnam." *Arthur Sylvester, Assistant Secretary of Defense, March 8, 1963.*

"The South Vietnamese themselves are fighting their own battle, fighting well." *Secretary of State Dean Rusk, April, 1963.*

"South Vietnam is on its way to victory." *Frederick E. Nolting, U.S. Ambassador to South Vietnam, June 12, 1963.*

"I feel we shall achieve victory in 1964." *Tram Van Dong, South Vietnamese general, Oct. 1, 1963.*

"Secretary McNamara and General [Maxwell] Taylor reported their judgment that the major part of the U.S. military task can be completed by the end of 1965." *White House statement, Oct. 2, 1963.*

"Victory . . . is just months away, and the reduction of American advisers can begin any time now. I can safely say the end of the war is in sight." *Gen. Paul Harkins, Commander of the Military Assistance Command in Saigon, Oct. 31, 1963.*

"I personally believe this is a war the Vietnamese must fight. I don't believe we can take on that combat task for them." *Secretary McNamara, Feb. 3, 1964.*

"The United States still hopes to withdraw its troops from South Vietnam by the end of 1965." *Secretary McNamara, Feb. 19, 1964.*

"The Vietnamese . . . themselves can handle this problem primarily with their own effort." *Secretary Rusk, Feb. 24, 1964.*

"We are not about to send American boys 9,000 or 10,000 miles from home to do what Asian boys ought to be doing for themselves." *President Lyndon Johnson, Oct. 21, 1964.*

"We have stopped losing the war." *Secretary McNamara, October 1965.*

"I expect . . . the war to achieve very sensational results in 1967." *Henry Cabot Lodge, U.S. Ambassador to South Vietnam, Jan. 9, 1967.*

"We have succeeded in attaining our objectives." *Gen. William Westmoreland, U.S. field commander in Vietnam, July 13, 1967.*

"We have reached an important point when the end begins to come into view . . . the enemy's hopes are bankrupt." *Gen. Westmoreland, Nov. 21, 1967.*

"We have never been in a better relative position." *Gen. Westmoreland, April 10, 1968.*

"[the enemy's] situation is deteriorating rather rapidly." *Gen. Andrew Goodpaster, White House aide, January 1969.*

"We have certainly turned the corner in the war." *Secretary of Defense Melvin Laird, July 23, 1969.*

"I will say confidently that looking ahead just three years, this war will be over, It will be over on a basis which will promote lasting peace in the Pacific." *President Richard Nixon, Oct. 12, 1969.*

"This action [the invasion of Cambodia] is a decisive move." *President Richard Nixon, May 9, 1970.*

"General Abrams tells me that in both Laos and Cambodia his evaluation after three weeks of fighting is that—to use his terms—the South Vietnamese can hack it, and they can give an even better account of themselves than the North Vietnamese units. This means that our withdrawal program, our Vietnamese program, is a success . . ." *President Richard Nixon, March 4, 1971.*

"Peace is at hand." *Dr. Henry Kissinger, Oct. 26, 1972.*

"We have agreed on the major principles that I laid down in my speech to the nation of May 8. We have agreed that there will be a ceasefire, we have agreed that our prisoners of war will be returned and that the missing in action will be accounted for, and we have agreed that the people of South Vietnam shall have the right to determine their own future without having a Communist government or a coalition government imposed upon them against their will.

"There are still some details that I am insisting be worked out and nailed down because I want this not to be a temporary peace. I want, and I know you want it—to be a lasting peace. But I can say to you with complete confidence tonight that we will soon reach agreement on all the issues and bring this long and difficult war to an end." *President Nixon, Nov. 6, 1972.*

"The United States and North Vietnam are locked in a 'fundamental' impasse over whether they are negotiating an 'armistice' or 'peace,' Henry A. Kissinger acknowledged yesterday." *From The Washington Post, Dec. 17, 1972.*

"Waves of American warplanes, including a record number of almost 100 B-52 heavy bombers, pounded North Vietnam's heartland around Hanoi and Haiphong yesterday and today in the heaviest air raids of the Vietnam War." *From the Washington Post, Dec. 20, 1972.*

"Hundreds of U.S. fighter-bombers launched intensified attacks yesterday on North Vietnamese air defense sites in an all-out attempt to cut down the number of B-52 heavy bombers and their 6-man crews being shot down by surface-to-air missiles." *From The Washington Post, Dec. 30, 1972.*

"The President has asked me to announce that negotiations between Dr. Kissinger and special adviser Le Duc Tho and Minister Xuan Thuy will be resumed in Paris on Jan. 8. Technical talks between the experts will be resumed Jan. 2. . . . The President has ordered all bombing will be discontinued above the 20th parallel as long as serious negotiations are under way." *Gerald L. Warren, White House spokesman, Dec. 30, 1972.*

## FORCED BUSING

## HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. MIZELL. Mr. Speaker, as we begin the 93d Congress today, I believe there is no more important domestic issue facing the American people than the issue of forced busing.

And I believe we should waste no time in beginning anew our efforts to prohibit the forced busing of schoolchildren simply to achieve an arbitrary racial balance in our public schools.

And so today I am introducing a resolution for constitutional amendment, stating that "no public school student shall, on the basis of race, creed, or color, be assigned to or required to attend a particular school."

Most of my colleagues will recognize the language of this amendment as being identical to the legislation I introduced in April 1971, shortly after the U.S. Supreme Court handed down its decision in the Charlotte, N.C., desegregation case, when the court first approved the use of busing as a desegregation tool.

That amendment won the support of more than 150 of my colleagues in the 92d Congress, but our efforts to see it passed were frustrated by the leadership of the Judiciary Committee.

I am hopeful that this amendment will fare better in the 93d Congress than it did in the 92d. I remain convinced that there is a great and urgent need to restore a better sense of educational and fiscal priorities in the public school system in America by prohibiting the disruptive and wasteful policy of forced busing.

Cosponsoring the bill with me today are great many of my distinguished colleagues, representing constituencies from all across America and sitting on both sides of the aisle.

I urge the swift consideration of this legislation in the appropriate committee, and I look with great hope toward the day when this amendment shall be passed by the Congress, ratified by the States, and delivered to an anxiously awaiting American people.

## WHAT EVER HAPPENED TO DESALTING?

## HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. HOSMER. Mr. Speaker, I recently had the privilege of addressing the Cooperative Desalting Studies Conference in Anaheim, Calif., at the invitation of the Office of Saline Water, a mistake I am confident that OSW will never make again.

In my prepared remarks, I reviewed the U.S. desalting program—or lack thereof—as I see it, emphasizing in particular the OSW's lack of enthusiasm for building a large-scale demonstration plant despite a congressional directive to do so.

For the information of my colleagues who have labored so long in the interest of advancing U.S. technology in this exciting field, my remarks follow:

### EXTRACTS FROM REMARKS BY REPRESENTATIVE CRAIG HOSMER

The recent retreat of Westinghouse from the desalting business along with enhanced foreign competition and the paucity of any large scale domestic plans for a U.S. demonstration size plant have kind of hung a pall over this industry which—by now—we had expected to "make the deserts flower" as the saying goes.

In the 20 years I have been associated with it I've seen the name changed from desalinization to desalination and lately to just plain desalting. I've seen the great plans for Bolsa Island sink silently into the sea. I've watched the mirage of massive nuplexes—nuclear powered desalting, industrial and agricultural complexes—shimmer and disappear back into the sands of the world's deserts along with the hopes of underdeveloped nations for rescue from poverty and hunger.

During these two decades I have also seen some progress and I feel that most of the engineering and economic advances in desalting which have been made can be traced directly to efforts by the Office of Saline Water and the joint programs it has undertaken with the states and private industry. For at least half-a-century before OSW there hadn't even been one major improvement in shipboard evaporator design—an almost unbelievable record of neglect in this area. Without OSW there probably wouldn't be much progress in the desalting game even today. But by like token, had OSW over these years played a wiser and a stronger role—and been more consistently aggressive—many of the problems bugging the desalting province might be behind us today.

Last year when we renewed the Saline Water Act and gave OSW another five year lease on life there was serious talk around that the office already had run its course and had no further worthwhile contributions to make—and therefore maybe we just ought to give a decent burial then and there.

And, as a matter of fact, if in the future OSW doesn't soon show us some real hope for a U.S. desalting demonstration on a large scale that can give us the technological assessments and the economic data essential to achieve the objectives of this act—and if OSW doesn't rid itself of the stigma of operating as a WPA-type project for a handful of companies interested in government contracts—maybe it has outlived its usefulness. All that remains to be seen.

But it would be kind of sad to see OSW expire and all that know-how lost which was so painfully acquired by a whole succession of OSW directors on reasons for not putting the United States Government in as architect-engineer and construction supervisor for universal design JIDDA desalting plants.

But with the bad there has been the good and one of the brightest spots around is right here in Orange County in the form and substance of the Orange County Water District. With courageous and foresighted leaders like Henry Segerstrom and Don Owen it is no surprise at all to me that OCWD has emerged as the national leader in desalting applications.

Perhaps because we here in Southern California were cursed with so little water and so much land to begin with we have, throughout the State's history, had to be preoccupied with satisfying our water needs. Since gold rush days we have had to beg, borrow, steal, develop and enlarge our ever barely adequate water supply—acre foot by acre foot. Of necessity we had to be statesmanlike, farsighted, ambitious, innovative and courageous. Also we had to be sly, sneaky, underhanded and contentious. But our hearts were pure and our minds were clean and we did get our water. That is why California today can number twenty-two million souls as its citizens.

All that took lots of imagination and engineering genius. Water does not come easily around here, particularly in quantities aggregating many millions of acre feet. We had to be water pioneers and we had to be willing to risk what others would not. So it is logical that Southern California should pioneer and lead in the field of desalting.

It was hardly expected, however, that this would be carried forward with the bold excellence that characterizes water factory-21 I am proud to claim it as one of the unique and extraordinary accomplishments of the congressional district I am honored to represent. My fellow citizens of the Orange County Water District have put a healthy $13 million of their own public monies into this most advanced prototype, a combination of the vertical tube evaporation and multistage flash processes.

And even before WF–21 completed the District is out shopping for another triumph in the form of a 30 to 50 MGD membrane plant which would be the largest municipally operated desalting facility in the country. It would also represent a giant step forward in this important area of water reclamation technology.

These projects, along with OCWD'S cosponsorship of this conference indicates its faith in the future of desalting and evidence the vital role it will play in southern California's future growth. And, if the Good Lord continues to give California men to match her mountains, men like Segerstrom and Owen, that future is assured.

Incidentally, I must make it clear that I do not regard the large membrane plant OCWD is talking about as filling the bill for the large desalting demonstration plant I am calling for. In this game a 30 to 50 MGD membrane plant is a full grown affair—it is not merely an increment of something larger, although, of course, it could be.

For somewhat similar reasons I cannot regard the giant reverse-osmosis plant being talked about as part of the solution for the Colorado River Water Quality dispute with Mexico as the answer to our prayers for a large demonstration plant. Even if that plant should be a go at 175 MGD—and it is quite likely to be—it won't fill the need for a demonstrator for two reasons:

1) It will clean up brackish water, but it will not create new water desalted from the ocean; and,

2) Membrane plant size and plant costs bear a linear relationship, not a geometric one, therefore they can never offer us that opportunity for economies of scale that we are seeking from truly large volume desalting installations.

Frankly, our problem with Mexico comes mostly from the 65,000 acre Welton Mohawk Canal project and its terrible drainage which runs as high as 3500 ppm in dissolved solids. At $1,000 per acre we could spend $65,000,000 and buy it up, shut it down, break it off, float it down the Colorado and sink the whole misbegotten scheme in the Gulf of California. To the same water quality end that would be a lot cheaper in the aggregate than spending $50 million to build an R–O plant and $10 a year ad finitum to run it. But I do not expect America's bureaucrats to go for such a simple solution as that. So—

Back to my pitch for the demonstrator—somewhere around 50 mgd is what I think its minimum size ought to be. That size evaporation process plant would start to give the economies of scale a real test. It could point the eventual way to huge amounts of competitive water in the major markets as contrasted to essential amounts of "any cost" crisis water in specialty markets like the Carribean Islands and Jidda.

In this endeavor I recall that our old friend Bill Warne poured some good advice into this article on water factory–21, written for Dick Smith's weekly desalination report. Warne recalled that one of the extra burdens which helped sink Bolsa Island was trying to interface embryo desalting technology and all the problems of a water utility with all the problems of electric utilities, and those of the new nuclear variety at that.

It is hard enough at the beginning just to build a big water plant and, if it can be avoided, the experiment really should not be saddled with the dual purpose problems and the split-end goals of an electric utility partner.

Bolsa Island taught us that technological marriage before puberty of both partners is not reproductive and we ought to remember that lesson. I hope our friends over in Arizona who keep talking about the world's biggest combination dual purpose atomic power and desalting plant will remember it too. Instead of buying tickets at this point on the Titanic they ought to be helping us put on the heat for the prototype demonstration large desalting plant first—then their dual purpose dreams are a lot more likely to come true.

And, the same probably can be said for Dr. Rex's and the Bureau of Reclamation's geothermal aspirations in Imperial Valley which are even more technologically primitive.

As many of you know, I have been in the nuclear power business even longer than I have been giving free advice—for all its worth—to many of you in the desalting game. There is no doubt that these two technologies are inherently synergystic to an extraordinary degree—but only when time and conditions are right. And that time can come only when we plug the big gap in United States plans and programs represented by the absence of the knowledge from this large plant.

We are a-ok on the nuclear side—but holding on the desalting side for large plant know-how to interface it. It was for that very reason that a requirement was written into last year's renewal of the saline water act for OSW to seriously study the best way of going about this.

But when OSW's report came back to us this fall, in effect it left the whole matter in limbo. After almost a quarter-of-a-century and more than $250 desalting megabucks good old OSW still can't see its way clear to get this project moving.

Now, for that I am not blaming the smiling Irishman. For a lot longer than he has been running the show these plans should have been feasibly laid.

What I am blaming Pat O'Meara for is that our congressional instructions on the character of the large plant study told him how to write it, what we wanted and what to check on turned out to be a weightier document than Pat's terse, two-month's late report that he wasn't going to do a damn thing for us—for now at least.

And, I think that smacks of contempt for Congress.

Therefore I must reiterate the point of the large plant and what is so all important about building one. I have already hinted at that by saying that the high cost of water of a 1 MGD plant on a Caribbean island is one thing. Quite another is the economy of scale evolving out of 50–200–500– and even 1000 MGD and bigger plants designed and built to provide base load water supply supplements for major metropolitan area users and the entire load for smaller systems.

The point is, too, that the massive potential for converting seawater for the common good and to quote "serve mankind" end quote and the Madison Avenue baloney about "flowering the deserts" is just a lot of purple prose and cannot even be checked or validated until the big plant is built.

And you can be sure that the U.S.A. public is not going to get a darn thing out of some plant along these lines built in Hong Kong by the Honorable Sasakura Company. All that will give us is another low-blow in the balance of trade groin.

Our water resource planners and potential plant owners such as OCWD in the real world right here in the U.S.A. will not have the data they want and need for use right here in the U.S.A. until we build a plant right here in the U.S.A.

Sometimes I think Pat O'Meara just ought to throw a dart toward a map of the Western United States and start building this big plant wherever it hits. Then we can start getting data on design, reliability, operation and maintenance and all the other things we need to know to demonstrate and prove that desalting is a viable and readily available option to select in meeting future water quantity and quality needs.

This is the kind of thing that Admiral Rickover did to demonstrate that the nuclear alternative was really available to meet our power needs. Rick had the guts and determination to build the first civilian nuclear power plant before its economic success was a sure thing, before anybody else had done it, and almost before anybody wanted it. The cost of his 60 megawatt plant was fantastic.

But because Rickover started things moving in the early 1950s today nuclear is a legitimate and major alternate fuel for meeting the national energy crisis.

Maybe O'Meara is—and maybe he isn't—as big an S–O–B as Hyman Rickover—but when we start to see him acting like it, we'll know the big desalter is on its way. And, we will know that a fruitful marriage *after* puberty of desalting and nuclear power cannot be far behind. That is worth doubling the Federal Government's effort to get.

Of course, Westinghouse got tired of waiting for this great day and when an American outfit that big gives up the desalting ghost, you start to wonder if maybe the rest of us will get stuck with some kind of a cadaver on our hands. At least I'm glad Environgenics and Acquachem and others still think the body is warm. Maybe things will be better for them for a while with less competition around. Let's hope so.

But the news of the $59.6 million turnkey, 48 MGD Hongkong job going to the Japanese is truly disturbing both because it happened and because of how it happened.

Personally I think Sasakura decided to take a $5 to $10 million bath to buy into the desalting game. It sure could not have snatched up that job on the basis of any in-house ingenuity or engineering experience of its own. Despite what its ads in the Hongkong newspapers say, it was unknown in-and-to the desalting business just a few short years back. Let's face it—Sasakura is actually no more than a licensee of U.S. distillation evaporator savvy and it is picking American brains for the Hongkong job.

And that's alright with the American licensee—who is on the Arab boycott list, while Sasakura is not—so some things like continuing to do business with both the Arabs and the Israeli's at one and the same time can be accomplished by indirection when they cannot be done directly, that part of it doesn't even offend me, I just hate to see a Japanese competitor slide into a contract using round-eye know-how it got from the United States.

With things like that going on it is little wonder that Westinghouse is waving goodbye even though its chiefs had testified before us numerous times of desalting's great promise and swore over and over again that "we here at Westinghouse are in the water business to stay."

I agree with others that the demise of Westinghouse as a desalting plant supplier can only stack up as a loss for the U.S. when a company that so personified the desalting game as Westinghouse tosses all the experience it has built up right out the window, it inevitably casts a pall over the entire desalting game. I suspect big "W" will be charging back into the ring with us one of these days before long, but meanwhile only one distillation desalting company remains in the U.S. which has actually built and operated a commercial plant.

And, if there isn't much business, I can see why profit making organizations start reconsidering how long they ought to hang around. You all know how Dick Smith single handedly holds us together in the desalting business via his weekly poopsheet. He necessarily keeps close tab on the state of the desalting art as well as the health of the desalting business. Dick tells me it is pretty tough just to stay even, to replace readers getting out with new subscribers coming into the field. I guess Smith's subscription list must be about as accurate a barometer of the business as there is.

All of which again underscores the real need to get going on construction and operation of the first large desalting plant. It will get the ball rolling and regenerate our enthusiasm for this important alternative solution to our overall water resource needs. It might even change some people's minds about giving OSW a quick funeral in Potter's Field.

It would certainly anticipate fulfilling the needs for chemically and biologically pure, sweet and wholesome water to be called for in Federal legislation Don Owen will be proposing to you tomorrow afternoon. Don has pointed out before as he will again the irony of the large foreign aid expenditures we make overseas to help other people get potable drinking water—some $25 billion he figures during the last 25 years—when at the same time six million American families still lack running water in their homes and about 25% of the population of the United States is served by no community water system at all.

These needs cannot possibly be met in many areas of this country except by the desalting alternative—the moment that its economic feasibility on a large scale is demonstrated. I probably shall not agree with every word and all the punctuation in Owen's legislative proposal, but my heart and soul is in complete harmony with his xenophoric thesis that needs here at home ought to come first.

While OSW has lagged on the large American domestic prototype, there have been no lack of schemes for giving away big goodies elsewhere in the world. As a matter of fact, this is the first time I recollect ever being asked to talk to a group on the subject of desalting here on American soil. . . . And the reason for that is not simply that I make a lousy speech. A companion reason is that when American desalting leaders do get together, they tend to head for Rome or Vienna or Mexico City or some other exotic spa. Now, of course, things will be different since Anaheim has been discovered.

But if this sounds like sour grapes you are right on. There has been no lack of schemes for spending our desalting money almost wherever around the globe. Over the years we've heard about the plants for the Spanish, the Portuguese, the Sicilians, the Greeks, the Arabs, the Hindus, the Patagonians, you name it. And, closer to our shores, the Hawaiians, Puerto Ricans, and the islands of Culebra and Vieques. You all recall the biggest of the lot—the one billion gallon per day, three thousand megawatt nuclear fired dual purpose plant for the Mexicans, to be built precisely astride the international boundary, but of course, paid for north of the border.

Most recently the ever popular Israeli desalting plant idea has resurfaced. Originally Lewis Strauss wanted it to be a nuplex located in no-man's land in the Sinai Desert between the Egyptian and Israeli battle lines. Gradually it got shrunk down to just a 200 to 1000 MGD desalter safely inside the Israeli Army's protection. Now it is back at a somewhat more realistic 11 MGD size for which the U.S. will put up $15 million and Israel the remainder.

Since our pressure sensitive State Department is mixed up in it, already they have given in to Isareli demands for an untested and unproven plant embodying horizontal tube evaporators and aluminum tubing. It is commencing to look more and more like the kind of technical disaster that Frank DiLuzio got mixed up in years ago with some crazy Israeli inventor's secret freezing process desalting idea. That was such a debacle that Frank's company had to reorganize and change its name to get out of the mess.

But even if my dire predictions prove erroneous—and I do wish these nice people every success with their sagging horizontal bundles of clogging aluminum tubing—even with all the luck in the world that 11 MGD plant in Israel is not going to demonstrate any U.S. technology—large medium or small—and we've still got this gap to fill, Mr. O'Meara, sir, because building a plant overseas flies in the face of our need for large scale technology here at home.

More than that, to the extent that the Israeli scheme competes for funds to build up water factory 21 from three to its potential 15 MGD, it takes water from our own canteen. Particularly, since in this intermediate size evaporator area, a lot more of the economics need investigating and particularly since we've got a lot of basic hardware here in Orange County already paid for which is sized to support the fifteen million figure.

So in closing let me just put in a plug for another of Don Owens ideas—that for an association which will start caring in an organized way for the needs of desalting users. It is an idea whose time has come and I hope some formal action will be taken to get an association organized. From a Federal legislator's standpoint I certainly would welcome it to assist in formulating our legislative programs for meeting the Nation's needs in this area.

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## LOWER RIO GRANDE VALLEY FLOOD PROTECTION

### HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. DE LA GARZA. Mr. Speaker, in my congressional district the flood problems of the Lower Rio Grande Basin specifically in Willacy, Hidalgo, and Cameron Counties, are of such magnitude and so interdependent that they have to be treated on a basinwide basis.

The area is greater than that authorized to be treated under the Watershed Protection and Flood Prevention Act (Public Law 83-566). In consequence, special legislation is needed to provide for a flood control and water and soil conservation program in cooperation between the Federal Government on the one hand and State and local units of government on the other.

I am introducing a bill that would make such a cooperative program possible.

My bill would authorize the Secretary of Agriculture to carry out the phase I portion of the Comprehensive Study and Plan of Development, Lower Rio Grande Basin, Tex., dated July 1969. This plan was prepared by the U.S. Department of Agriculture in cooperation with the Texas Water Development Board, the Texas Soil and Water Conservation Board, and the Texas Water Rights Commission.

The bill contains authorization for the appropriation of $21 million as the estimated Federal share of the cost of this important and necessary project. It provides that non-Federal entities must install an adequate land treatment program. These entities also must acquire all land rights needed in connection with the project. After installation of the improvement works, they will be operated and maintained by the non-Federal entities.

Mr. Speaker, the area under discussion has long been subject to periodic floodwater damage and continuing soil erosion of a very serious nature. The recommendations in the Comprehensive Study and Plan of Development for the Lower Rio Grande Basin sets forth a blueprint for action that would be greatly beneficial from both an economic and human standpoint. The need for implementation of this plan is evident and immediate, and I earnestly solicit the support of my colleagues for my bill.

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## A TRIBUTE TO TORRANCE

### HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. BELL. Mr. Speaker, I would like to take this occasion to commend the city of Torrance on the completion of the new city hall complex, the largest public facility to be constructed in the city's history.

The progress that Torrance has made in its relatively brief history since incorporation in 1921 can well serve as a model for similar advancement in other cities. Torrance now boasts divisions of major companies that manufacture products ranging from steel, to chemicals, to paints, and to oil. It also houses so many successful brokerage and financial institutions that the city has been dubbed the "Wall Street of the West."

As the 12th largest city in California and the third largest in Los Angeles County, Torrance is also a major center for several governmental agencies.

The new civic center will accommodate expanding county court facilities, a county probation office, public defenders' office, city hall complex, newly constructed main library facilities, a modern police station, and two separate recreational facilities.

The population of Torrance has grown from a mere 1,800 52 years ago to a daytime and transient population that presently approaches 450,000. A city that has experienced such phenomenal growth certainly needs such a useful, multipurpose complex that will undoubtedly enhance the community's further expansion and development.

## THE GREAT LAUGHTER

## HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. ASPIN. Mr. Speaker, the poem I submit today was sent to me over the Christmas recess by Joseph V. Plucks of Racine, Wis. Although the poem was written many years ago, it still has relevance today.

I do not need to remind my colleagues of the events that transpired over the recess. The peace talks failed to produce the promised settlement, massive bombing was resumed, many more lives were lost on both sides of the conflict in Southeast Asia. Mr. Speaker, I believe that Mr. Plucks' poem about the ultimate victor in any war is particularly timely, and I enter it in the Record at this point:

### The Great Laughter

(By Joseph V. Plucks)

I am Death! Men great and small
I take them all, and cover with the pall
Of Death!
While men, weak and puny, do fight
For what they hold is dear and right
I—Death—laugh!

Some time ago, men did fight
But they were fools.
Did they not know they were but tools
Of man's insatiable greed?
The greed which turns man into a raving beast
And does not end until the least is satisfied!

I am Death! Commander-in-chief!
My aides stand about me, they are the dead,
Don't you see, of the last World war.
My legions are many—my force is strong.
I can do no wrong.
For I am Death!
Fools are men who must fight.
Who think that might does make the right.
Fools—Fools!
Life itself is too short—too sweet
To be curled and warped by the heat
Of War!

As I stand and look below
Upon the marching men, scores of thousands of them.
I—Death—laugh!
Aye! Laugh to think of those
Who in the short time to come, will the gauntlet of time have run.
Fools! Fools!
It does not matter to me
What they do in their time, for they are mine.
Mine!
Let them kill, slaughter and maim.
Let them pile up the heaps of slain.
While I—Death—laugh!

## SALARY COMMISSION

## HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. RHODES. Mr. Speaker, we all hear a great deal of criticism about Congress, its actions and the complicated procedures it follows. Of course, many of these criticisms are simply the arguments of unplacable dissenters, but the unfortunate fact is that there are some very legitimate criticisms which can be leveled against the operations of Congress.

An example of what I mean has resulted from the Federal Salary Act of 1967. This act established the Commission on Executive, Legislative, and Judicial Salaries. The duty of the Commission is to review and study the salary needs of the Members of Congress, the Federal judiciary, and top personnel in the executive branch and then, after proper deliberation, the Commission has an obligation to recommend such salary adjustments as they deem proper. Under the existing law, these salary recommendations are then transmitted to the Congress by the President in his budget message every fourth year.

Once these recommendations are sent to Congress we find justification for criticism. That is because the Commission's salary proposals automatically go into effect within 30 days after they are referred to Congress, unless one of the Houses of Congress passes a resolution disapproving the salary proposal. The flaw in this existing law is that there is no procedure whereby such a resolution of disapproval may be forced to a vote.

This leaves us with a situation that can best be described by referring to the first instance when the law was put into operation. That was January 1969, salary increases had been recommended by the Salary Commission and sent to Congress. Resolutions of disapproval were introduced in the House of Representatives, but no action was taken on them, and there was no parliamentary means to compel action to be taken. All of us here know how simple it is to tie up resolutions of disapproval in committee until the statutory 30-day period has elapsed. Such a delay was used and the pay raises went into effect with Congress having taken no public position on this important matter.

Quite obviously the current law provides an effective way for Congress to avoid the embarrassing prospect of voting itself a pay increase. However, these salaries are a congressional responsibility, and any adjustment increasing them can serve as an important pattern-setter throughout the economy. Because of this it is inimical to the best interests of the country for Congress to hide behind procedural formalities to keep from taking a public position.

Another salary recommendation from the Commission on Executive, Legislative, and Judicial Salaries is due shortly. It is therefore important that our current procedures be modified to avoid a repetition of the 1969 abdication of congressional responsibility.

For this reason I am introducing today a bill to amend the Federal Salary Act. My amendment would effectively force Congress to take a public position on such pay increases.

Under my bill the committee assigned to consider any resolution disapproving the salary increases has 10 days to act. If it does not act, the resolution automatically becomes a motion of high privilege by any Member in favor of the resolution so that he may move to discharge it from the committee. If, however the committee does report the resolution within the 10-day period, the resolution then becomes a motion of high privilege on the part of any Member of Congress to move to proceed to consideration of the resolution.

So, the actual effect of the bill is to cut around all the delay that can presently be used to prevent a vote. Thus, my bill enhances the prospects that the voters will know how Congress votes on its own salary increases.

I think this bill is an important element of congressional reform. It makes Congress more open in its actions, and more accountable for them.

It is a pleasure for me to say that 32 Members are joining me in the introduction of this bill. They are: Jim Collins, Texas; Wiley Mayne, Iowa; Glenn Davis Wisconsin; LaMar Baker, Tennessee; Barber Conable, New York; Vernon Thomson, Wisconsin; Caldwell Butler, Virginia; Keith Sebelius, Kansas; Richard Shoup, Montana; Louis Wyman, New Hampshire; Bill Archer, Texas; Robert Huber, Michigan; William Steiger, Wisconsin; James Cleveland, New Hampshire; Burt Talcott, California; John Ware, Pennsylvania; Bob Michel, Illinois; Joel Pritchard, Washington; W. M. Ketchum, California, William Scherle, Iowa; Sam Steiger, Arizona; Wilmer Mizell, North Carolina; Silvio Conte, Massachusetts; John Conlan, Arizona; Clarence Miller, Ohio; James Broyhill, North Carolina; Paul Cronin, Massachusetts; J. Kenneth Robinson, Virginia; John Anderson, Illinois; C. W. (Bill) Young, Florida; Jack Kemp, New York; Paul Findley, Illinois.

## LOCAL CONTROL OVER FIRE REGULATIONS

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## HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. EDWARDS of California. Mr. Speaker, I am sure that each of you was as shocked as I was by the occurrence of two tragic fires in high rise buildings on consecutive days in New Orleans, La., and Atlanta, Ga. As I read the news accounts and editorials, I began to feel more and more strongly that the issue of fire safety in high rise buildings, which affects thousands of my own constituents in the San Francisco Bay area, is very much a national concern.

Of the fire prevention and protection methods feasible for use in high rise buildings, the one generally recognized and recommended is the installation of an automatic sprinkler system during the construction of the buildng. According to a recent editorial by KNTV of San Jose, Calif., however, the Department of Housing and Urban Development not only excludes the use of these systems from their minimum building requirements, but also prohibits their use in buildings constructed with the help of Federal funds.

I hope my colleagues will find the December 18, 1972, editorial by Bob Hosfeldt, the talented vice president and general manager of KNTV in San Jose, Calif., as valuable as I did; and the full text is printed below. I further urge them to join me in protesting this outrageous policy of the Department of Housing and Urban Development.

The editorial follows:

LOCAL CONTROL OVER FIRE REGULATIONS

Local control over fire regulations are not required by law. Automatic sprinklers are not required by law.

In a 36 hour period, earlier this week 14 persons lost their lives in fires in high rise buildings in three of the nation's larger cities. None of the buildings were equipped with automatic sprinkler systems that fire investigators say would have saved those 14 lives. The question is simple—why aren't automatic sprinkler systems required by law? The answer is not so simple.

A case in point is a development in the city of Oakland. The developers included automatic sprinklers in the building. The U.S. Department of Housing and Urban Development, who were providing quite a bit of the money for the project, found out about the sprinklers and refused to pay their share of the costs. HUD's minimum requirements do not include sprinkler systems. HUD doesn't allow the developers of projects involving Federal monies to deviate from their minimum standards . . . even to make them better.

Developers, and even entire cities, stand to lose HUD money if they impose stronger fire codes than the Government requires. Every fire marshal and fire chief will tell you that they would like to be able to exercise a local option to decide how much fire protection buildings must have. In this area, Central Fire District Chief Curtis Kirby says every building over 20 thousand square feet or over 5 stories high should be required to have automatic sprinkler systems. The fire protection for city buildings is now geared to avoid property loss.

We at Channel 11 feel we must adjust our priorities and gear our fire protection to save irreplaceable lives. We urge all citizens to approach city councils and county boards of supervisors to write letters to congressmen and urge them to pressure the Department of Housing and Urban Development to ammend its fire safety regulations, giving local fire officials the option to enforce stricter fire protection regulations. Local fire chiefs say if they get to decide on stricter fire regulations they'll get tough.

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## QUEENS OFFICIALS PROTEST AGAINST THE WAR

## HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. ROSENTHAL. Mr. Speaker, on January 2 the Honorable Donald R. Manes, president of the Borough of Queens, and a delegation of my constituents came to Washington to present you with a petition signed by the elected officials of Queens County, which called on the Democratic caucus to pledge to cut off funds for the war. I am pleased that the caucus responded affirmatively to this petition and the pleas of others. At this time, I would like to place in the RECORD the text of the petition and a list of the signers:

STATEMENT OF DEMOCRATIC PARTY'S OFFICIALS OF QUEENS COUNTY, NEW YORK, ON VIETNAM

It has become apparent that the American people have been deceived once again as to the possibility of peace in Indo-China.

We, the elected officials of Queens County are appalled by President Nixon's renewal of the bombing and the mining of Haiphong Harbor.

It is time now that we come together in a united effort to reaffirm the leadership of the Democratic Party by a forthright act to end this war.

We, the Democrats, who work at the local level and in the highest bodies of government, urge that you implement the strong position against the continuation of the Vietnam war enunciated in the National Democratic platform.

The people who elected us are angry and resentful after the pre-election ploy of "an agreement 99 per cent complete", and the cruel and inhumane broken promise of "POW's home by Christmas."

We ask the Democratic caucus to denounce the renewed bombing of North Vietnam; we urge the caucus to pledge that legislation to cut off funding for the war within 30 days after enactment receive the highest priority and support necessary for passage.

We can no longer allow the war to continue while America's moral fiber is irreparably damaged and our cities die.

Donald R. Manes, Borough President of Queens.

(Signed)

Councilman Matthew J. Troy, Jr., 16th C.D.
Councilman Walter Ward, 17th C.D.
Councilman Morton Povman, 15th C.D.
Councilman Edward L. Sadowsky, 14th C.D.
Councilman Arthur J. Katzman, 13th C.D.
Councilman Thomas J. Manton, 12th C.D.
Councilman-at-large Eugene Mastropieri.
Senator Karen Burstein, 9th S.D.
Senator Jack Bronston, 12th S.D.
Senator Emanuel R. Gold, 13th S.D.
Assemblyman Herbert A. Posner, 22nd A.D.
Assemblyman Saul Weprin, 24th A.D.
Assemblyman Leonard Price Stavisky, 26th A.D.
Assemblyman Arthur J. Cooperman, 27th A.D.
Assemblyman Alan Hevesi, 28th A.D.
Assemblyman Guy R. Brewer, 29th A.D.
Assemblyman Herbert J. Miller, 30th A.D.
Assemblyman Edward Abramson, 32nd A.D.
George A. McCracken, executive member, 22nd A.D.
Helen Leonescu, executive member, 22nd A.D.
Seymour Sheldon, executive member, 22nd A.D.
Gerdi E. Lipschutz, executive member, 22nd A.D.
Mary Bassett, executive member, 23rd A.D.
Matthew J. Troy, Jr., executive member, 23rd A.D.
Agnes C. Hayes, executive member, 23rd A.D.
Rita Green, executive member, 24th A.D.
Ralph Sherman, executive member, 24th A.D.
Honey Miller, executive member, 24th A.D.
John J. Donohue, executive member, 25th A.D.
Adrienne C. Braunstein, executive member, 25th A.D.
William Friedmann, executive member, 26th A.D.
Julia Harrison, executive member, 26th A.D.
Ernest K. Koller, executive member, 26th A.D.
Leah Gruber, executive member, 26th A.D.
Donald R. Manes, Executive Member, 27th A.D.
Nettie Mayersohn, Executive Member, 27th A.D.
John Linkais, Executive Member, 27th A.D.
Gladys R. Borenstein, Executive Member, 27th A.D.
Sidney Strauss, Executive Member, 28th A.D.
Ann B. Schachter, Executive Member, 28th A.D.
Morton Povman, Executive Member, 28th A.D.
Ilse Metzger, Executive Member, 28th A.D.
Archie Spigner, Executive Member, 29th A.D.
Isadora Rogers, Executive Member, 29th A.D.
Alvin D. Mack, Executive Member, 29th A.D.
Rose Halperin, Executive Member, 29th A.D.
Norma Keane, Executive Member, 30th A.D.
Marvin Cohen, Executive Member, 30th A.D.
Lillian Katz, Executive Member, 30th A.D.
Anthony Schneider, Executive Member, 31st A.D.
Isabella Brett, Executive Member, 31st A.D.
Walter Ward, Executive Member, 32nd A.D.
Rosina Zanazzi, Exective Member, 32nd A.D.
Fred Wilson, Executive Member, 32nd A.D.
Eva Eisenberg, Executive Member, 32nd A.D.
Charles G. Imperial, Executive Member, 33rd A.D.
Caroline B. Foris, Executive Member, 33rd A.D.
Eugene F. Mastropieri, Executive Member, 33rd A.D.
Cora I. Futch, Executive Member, 33rd A.D.
Ivan Lafayette, Executive Member, 34th A.D.
Veronica Martini, Executive Member, 34th A.D.
Joseph Lisa, Executive Member, 34th A.D.
Norma Cirino, Executive Member, 34th A.D.
Terrance O'Keefe, Executive Member, 35th A.D.

Diane Chapin, Executive Member, 35th A.D.

Ralph F. DeMarco, Executive Member, 36th A.D.

Gloria D'Amico, Executive Member, 36th A.D.

Denis Butler, Executive Member, 36th A.D.

Mary Ann Kelly, Executive Member, 36th A.D.

James P. Barker, Executive Member, 37th A.D.

Gertrude McDonald, Executive Member, 37th A.D.

Robert E. Whelan, Executive Member, 37th A.D.

Marie C. Stroebel, Executive Member, 37th A.D.

Anthony Sadowski, Executive Member, 38th A.D.

Helen T. Reid, Executive Member, 38th A.D.

State Committeeman Norman Silverman, 22nd A.D.

State Committeewoman Florence Kaplan, 22nd A.D.

State Committeeman Irwin Rosenthal, 24th A.D.

State Committeewoman Edith Posner, 24th A.D.

State Committeeman John Costanza, 25th A.D.

State Committeewoman Natalie Gordon, 25th A.D.

State Committeeman Leonard Weil, 26th A.D.

State Committeewoman Claire Waxelbaum, 26th A.D.

State Committeeman Abbott Dicksteen, 27th A.D.

State Committeewoman Patricia Israel, 28th A.D.

State Committeeman Irwin Cohen, 28th A.D.

State Committeewoman Cynthia Jenkins, 29th A.D.

State Committeeman Elmer Schwartz, 30th A.D.

State Committeewoman Ethel Wershaw, 30th A.D.

State Committeewoman Frances Bennick, 31st A.D.

State Committeewoman Marie Tamby, 32nd A.D.

State Committeeman Celedonia Jones, 32nd A.D.

State Committeewoman Mary D. McSorley, 33rd A.D.

State Committeeman Warren J. McNally, 34th A.D.

State Committeewoman Marie Mercogliano, 35th A.D.

State Committeeman George Boomgaard, 35th A.D.

State Committeewoman Agnes V. Jennings, 35th A.D.

State Committeeman Joseph Gerrity, 38th A.D.

## TENNESSEE SCOUTS RECEIVE HIGHEST RANK

## HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. DUNCAN. Mr. Speaker, one of the finest organizations in this country for young men is the Boy Scouts of America. I know much about this organization first-hand since my sons were Scouts and because I maintain an adult membership.

I am always proud of boys from my district who achieve high goals in scouting. In fact, on several occasions, I have had the privilege of participating in ceremonies where the rank of Eagle Scout is bestowed on worthy recipients.

Recently, I took part in a court of honor held at the Mascot United Methodist Church which awarded the rank of Eagle Scout to four members of troop 34. Scoutmaster Billy Holt, his assistants, and the Holston Kiwanis Club—troop sponsor—all are to be congratulated for making this ceremony an unforgettable part of the lives of these outstanding young men.

I would like to place the names of these new Eagle Scouts in the CONGRESSIONAL RECORD in order to pay them tribute for the excellance which they have attained. The young men listed here are a great source of pride to those of us who deeply appreciate the contribution being made to our State and the Nation by the Boy Scouts of America:

FOUR NEW EAGLE SCOUTS

James Berry, Route 1, Mascot, Tennessee.

Randy Foust, Route 5, Knoxville, Tennessee.

William McDaniels, Route 1, Mascot, Tennessee.

William Taylor, Route 5, Knoxville, Tennessee.

## A PLEA TO PRESBYTERIAN MEMBERS OF CONGRESS

## HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. McCLOSKEY. Mr. Speaker, this morning it was my privilege, along with other Presbyterian Members of Congress, to be present at the National Presbyterian Church for the traditional prayer for the new Congress. A distinguished group of Presbyterian leaders have joined in the following statement which was made at the National Church this morning:

A PLEA TO PRESBYTERIAN MEMBERS OF CONGRESS

We come before you as a group of Presbyterian ministers and lay members of the local Presbytery. We do not claim to represent the whole Presbytery. We do not know how many others share our opinions and feel our agony.

As fellow Presbyterians we feel compelled to plead with you to exercise your influence in Congress to stop the bombing of Hanoi and Haiphong and other centers of civilian population now and in the future. We believe the active involvement of our country in this war should be brought to an immediate end and our prisoners of war brought home.

We believe that such a representation is entirely fitting at this sacrament of the Lord's supper. We believe in remembering Christ in the saving power of His crucifixion long ago but also believe that He is being crucified afresh in Vietnam.

While we are aware of military, political and diplomatic reasons which might justify this plea, we confine ourselves to the moral aspects of our tragedy. We believe our nation is in the midst of one of the most serious moral and spiritual crises of modern times.

The nature of the Christian Gospel and our interpretation of the will of God for us in these present circumstances have led us to the following convictions:

(1) We believe the pride of our nation is keeping us from making a reasonable and possible end to our involvement in the conflict. As Christians we know that pride is the very essence of original sin. The only remedy for it is a broken-hearted repentance and reliance upon the grace of God. We, therefore, call upon all of us to approach our personal, civic duties in this spirit. It should enable us to think more clearly and to act more courageously.

(2) We believe it is morally wrong for us to use our advanced technology to engage in the most savage and destructive bombing in the history of the world. We are not fighting for the survival of our nation and cannot claim a situation which might conceivably justify such action.

(3) We believe a spirit of racism is present in our attitude toward the Vietnamese people. We do not believe that the American people would support such an attack upon a small European nation. The Vietnamese have a different culture and color of skin. Racism appears in all nations and races. It is always contrary to the will of God.

(4) We believe that even Communists are made in the image of God and are our fellowmen. Some of them who are being killed are Christians. The Christian faith is not identical with anti-Communism. The obligations of love and mercy are to be extended to all men in the spirit of Christ who prayed when He was being crucified, "Father forgive them for they know not what they do."

(5) We believe this war and other factors in our society and in our common human nature have combined to create an insensitivity to the noblest humanitarian values in our history. They must be recovered. If this moral erosion continues, we will not deserve to be regarded as among the defenders of the most precious qualities of life which are the true signs of national greatness.

(6) Finally, we believe in the sovereignty and justice of God. Thomas Jefferson in his "Notes on Virginia" in reference to slavery said, "Indeed, I tremble for my country when I reflect that God is just: that His justice cannot sleep forever."

It is because we tremble for our country today that we respectfully present our prayer for your consideration.

May God help you and have mercy upon us all. Amen.

MINISTERS

Richard W. Blice, Jr.
Orville E. Chadsey.
Charles L. Cureton III.
Lincoln S. Dring, Jr.
George M. Docherty.
Warner DuBose, Jr.
Paul T. Eckel.
James C. Fahl.
Karl W. Gillmeister.
Arthur R. Hall.
Albert G. Harris.
Joseph G. Holt.
Gerald W. Hopkins.
Harold L. Hunt.
Walter Hunting.
Cecil M. Jividen, Jr.
Carroll Kann.
LeRoy G. Kerney.
Richard J. LeForge.
Robert I. Long III.
James G. Macdonell.
John G. Marvin.
Jack E. McClendon.
Stephen P. McCutchan.
David W. McKee.
Willard C. Mellin, Jr.
Herbert Meza.
David M. Milbourn.
Larry C. Miles.
Edgar W. Mills, Jr.
Filbert L. Moore, Jr.
A. Thomas Murphy.
John L. Pharr, Sr.
Gary G. Pinder.
Carl R. Pritchett.
Bruce L. Robertson.
John M. Salmon.

William R. Sengel.
Robert W. Simpson.
Russell C. Stroup.
Julius E. Scheidel, Jr.
William J. Tatum.
J. Marvin Taylor.
William E. Thompson.
Tom L. Torosian.
T. Dennis Walker.
Dewey D. Wallace, Jr.
Laurean H. Warner, Jr.
Antonio R. Welty.
Edward A. White.
Robert I. White.
John R. Wilcox.
George H. Yount.

LAY PEOPLE

Mr. and Mr. Richard Anders.
James A. Barker.
Lucia Barley.
Mr. and Mrs. E. Martin Blendermann.
Richard A. Carpenter.
Mr. and Mrs. J. Ralph Davis.
Dr. and Mrs. Warren Evans.
Mrs. Caleb Hathaway.
Madeline Jacobs.
Sandy Jividen.
Elsie Karo.
Dr. and Mrs. David Lean.
Joan Macdonell.
Eric Paul Macdonell.
Dr. and Mrs. Robert Mecklenburg.
Virginia Kelley Mills.
Patricia A. Milone.
Avis Moussavi.
Sharon P. McKee.
Carol Ann Pinder.
Anna M. Pritchett.
Dr. and Mrs. Richard Reese.
Dr. McDonald Rimple.
Dorothy Sanazaro.
Roy Sewall.
Claire Sewall.
Mary Lee Tatum.
Peggy Torosian.
Mr. and Mrs. Enoch J. Vann.
Suzanne Walker.
Marion Wallace.
Mr. and Mrs. Donald F. Webster.
Raquel Welty.
Louise White.
Virginia White.

## OVERSPENDING MUST BE CURTAILED

### HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. DE LA GARZA. Mr. Speaker, rarely if ever has there been more concern in Congress—and, I think, among the American people generally—about the expenditures of the Federal Government.

In the last 4 years, the United States has added $74 billion to the deficit. President Nixon has announced his intention of holding spending to $250 billion during the present fiscal year, but even if that aim is realized, another deficit of $15 to $25 billion is in prospect for next year.

Federal spending, to be blunt about the matter, has gone out of control. It is high time that control be reestablished.

I believe that this can be most effectively accomplished through a constitutional amendment providing that appropriations shall not exceed revenues of the United States, except in time of war or national emergency.

I am accordingly introducing a joint resolution proposing such an amendment.

The amendment is simple and direct. Under its provisions, as soon as practicable after the end of each calendar year, the President would determine and proclaim the estimated total revenues of the United States, exclusive of borrowed funds, for the succeeding fiscal year. The estimate would be revised at least quarterly.

This proposed constitutional amendment would bar the Congress from authorizing the withdrawal of any funds from the U.S. Treasury in excess of the total amount of revenues for that fiscal year. The only exception would be if each House of Congress, by a two-thirds vote of its membership, suspended its application during war or a grave national emergency.

Mr. Speaker, submission of this amendment would give the people of the United States an opportunity to decide whether they want realistic control exercised over Federal spending. It is their money that is at stake—and the future of their country, and ours, is also at stake, for continued heavy Federal deficits can lead only to a ruinous situation.

I ask the support of my colleagues for the resolution proposing a spending-control amendment to the U.S. Constitution.

## A RETURN TO REASON

### HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. BAFALIS. Mr. Speaker, 19 years ago the Supreme Court of the United States decreed that segregation of the public schools of this Nation was an unconstitutional practice. That decision firmly established freedom of choice for all Americans.

In recent years, however, the Federal courts and certain departments of the Federal Government have pushed dangerously beyond the 1954 decision and developed a strange doctrine of compulsory integration, a doctrine as unconscionable as that which it replaced.

If it is wrong to deny admission to public schools because of race, it is equally wrong to compel admission because of race or to bus pupils far outside their neighborhoods simply to create arbitrary and artificial racial proportions.

The Congress of the United States itself recognized the danger of "reverse segregation"—that is, mandatory integration—in its passage of the 1964 Civil Rights Act, when it forbade, in extremely clear language, the assignment and busing of pupils on the basis of race. Quoting from this bill which is now public law:

> *Desegregation* means the assignment of students to public schools and within such schools without regard to their race, color, religion or national origin, but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.
>
> * * * nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

Nevertheless, the Supreme Court of the United States and the Department of Health, Education, and Welfare have willfully disregarded this expression of what is lawful, just and—more important—democratically believed to be the correct stance for public education.

It should be obvious to all that the Supreme Court in years past has been unwilling to respect the traditional American belief that our Government is of, by, and for the people. Instead, the courts seemingly are embarked on a course which allows them to act as a second legislative branch of the Federal Government one superior to the Congress and, tragically, unrestrained by the will of the people.

In addition, HEW appears to be dedicated to the proposition that arbitrary and bureaucratic determination of racial quotas in public education is desirable regardless of facts and feelings to the contrary.

Such official mischief will not be tolerated by the American people. In a straw vote at the polls in my home State of Florida last March, the people recorded their support of a constitutional amendment to prohibit forced busing by a 3-to-1 margin. On the issue of equal educational opportunities, the vote was nearly 4 to 1 in favor, thus demonstrating that Floridians, despite conjecture by some, are genuinely concerned about the quality of education received by all schoolchildren. Obviously, these people are simply calling for an end to the forced busing which has brought so much disruption into the lives of their children.

Because statutory action—that is, law—has very little restraining influence on the Federal Government, and because the folk wisdom of our people is so difficult for the same Government to comprehend, it is necessary to put into motion the complicated but sovereign machinery of constitutional reform.

Therefore, today I am introducing a constitutional amendment which, in 35 words, guarantees freedom of choice for all Americans and compels government at all levels to abandon racially inspired schemes for assignment and busing of pupils. The amendment reads:

> The right of citizens to attend the public schools of their choice shall not be abridged or denied by the United States or by any State on account of race, color, religion or national origin.

Unless reason triumphs in public education, I sincerely believe our Nation may be irreversibly damaged—its citizens, of all races, left without faith in their Government's ability to restrain itself.

I, therefore, urge Congress to expeditiously consider this crucial legislation. America, having purged its soul of an older racism, must not allow the rise of a newer racism.

## BARBARA JORDAN

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## HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. PICKLE. Mr. Speaker, I have just returned from a reception in honor of Representative BARBARA JORDAN, a new Representative from Texas. This reception was full with people from Houston, who have supported Ms. JORDAN often, and with some of the real big names of Congress and the media. Such a reception can only be a tribute to past works and future expectations for a truly remarkable woman from Houston.

I assure this body that Ms. JORDAN will make her mark. In order to dispel anyone's doubts about the validity of my beliefs, I ask that an article about Ms. JORDAN from the Washington Post's Sunday, October 22, 1972, edition be reprinted in the RECORD.

### BARBARA JORDAN

(By Molly Ivins)

HOUSTON.—Forget the pink-curtains-in-the-bedroom bit, the favorite recipes and the touching vignettes. Barbara Jordan has a personality like slate rock. She's as cozy as a pile driver, though considerably more impressive.

"Can't you just see it?" remarked one of her colleagues in the Texas Senate with anticipatory glee. "Barbara will go up there to Washington and all those white, Eastern liberals will try to gush all over her. Hooha! Over Barbara!"

Anyone who tries to dump butter on Barbara Jordan gets a dead, cold steel stare like a slap alongside the head from Joe Frazier. Once when she was in the hospital, the Senate Ladies (wives of state senators—popularly considered a fusty bunch of old prudes) sent her flowers. They never received any thanks by word or note. Jordan has no social chitchat, she is not given to greeting people in passing. She speaks only if she has something she wants to say, never simply to be polite. She is occasionally droll, but her humor tends to the satiric.

Jordan has been a First and an Only for so long that the words seem like part of her name to Texas newspaper readers. She was the only woman in her law school class; the first and only woman ever elected to the Texas Senate! the first black in the Senate since 1882; first woman, first black ever to serve as president pro tem of the Senate; first black ever to serve as governor of Texas (for a day). She decided to give up her seat in the state senate to run for Congress and will face a weak Republican opponent in a section that is 42 per cent black, nearly 15 per cent Mexican-American and 70 per cent Democratic.

She has immense dignity, composure and a deliberate manner. No one can recall anytime, ever, when she was not in perfect control of herself. The day her father had a stroke in the middle of her governor-for-a-day ceremonies, she was kept informed of his deteriorating condition throughout the day but never gave any sign of being under strain. He died the next day. Perfectly composed at his funeral, she even told a friend she thought that, in a way, it was beautiful he had died like that.

Even her size is part of her impressiveness: she seems not fat but big. (She is 5 feet 8 but never weighs herself.) And she has a notorious habit of knowing more about what she is talking about than anyone else.

"Doing her homework is practically a religious obsession with Barbara," said a Houston reporter who has followed her career.

One of her eternal dicta, delivered at every high school assembly, church gathering or civic club meeting she has ever addressed, goes, "There is no obstable in the path of young people who are poor or members of minority groups that hard work and thorough preparation cannot cure." Another is, "Do not call for black power or green power. Call for brain power."

Before Jordan went to the Texas Senate in 1967, she studied the rules, one of the most arcane sets of parliamentary procedure on earth. On her first day, she knew the rules better than many senators who had been there for decades.

The "thang," as Texans say, about Jordan is that she has always been the way she is. Barbara Charline Jordan, 36, was born and raised in Houston's Fifth Ward, a typical black Southern low-income neighborhood. Her daddy was the Rev. B. M. Jordan, a Baptist preacher who supported his family by working as a warehouse clerk. Barbara was the youngest of three girls in the family.

"We were poor," she recalls, "but so was everyone around us, so we did not notice it. We were never hungry and we always had a place to stay."

Trying to analyze her own self-control, Jordan remembers, "My father was a strict disciplinarian and I always had to keep the lid on, no matter how angry I got. It did not have to do with his being a minister: it was my respect for him as a person. I had great respect. It was unthinkable to have a hot exchange of words with him, for me or my mother or any of us. So one does develop quite a bit of control that way. I suppose the kids now would say that was not good."

Jordan was always a straight-A student, or nearly so.

"I would bring home five As and one B," she said. "And my father would say, 'Why do you have a B?' "

"I always wanted to be something unusual," said Jordan. "I never wanted to be run-of-the-mill. For a while I thought about becoming a pharmacist, but then I thought, whoever heard of an outstanding pharmacist?"

Jordan decided to become a lawyer in the 10th grade when Edith Sampson, a black lawyer from Chicago, later a judge, came to address the Phyllis Wheatley High School Career Day assembly.

Jordan confided her ambition to A. C. Herald Jr., now principal at Wheatley and then her homeroom teacher.

"I encouraged her," Herald said, "and then one day her father came to see me. He said, 'I understand you have been interfering in my family, encouraging my daughter to become a lawyer. That is no place for a girl. I will thank you to stop.' I asked her afterward, 'What are you going to do now, baby?' She told me, 'I am big and black and fat and ugly and I will never have a man problem. The only way I will ever get to college will be if my father pays for it. So I will do exactly what he tells me until I am 21 years old and then I will do what I damn well please.'

"I think Barbara accepted 98 per cent of what her father taught her, but that 2 per cent rebellion made her a stronger person. It takes strength of character to rebel, too."

Jordan recalls the story differently. "It was my mother who was against my being a lawyer," she said. "She thought it was not the right thing for a girl. My father said I should do whatever I thought I could."

From Wheatley, Jordan went to all-black Texas Southern University in Houston. She lost her first election there—for freshman class president—to Andrew Jefferson, now a Houston judge.

"She claims I stole that election to this day," laughed Jefferson. "All I can say is that I think she is one of the most brilliant lawyer/politicians I have ever seen, black or white. She was a great orator, even in high school. And she was a champion debater at T.S.U. We won all the prizes then, every year Barbara was on the team and we even debated Harvard. T.S.U. has never had a team. We won all the prizes that good since and Barbara tells the debate coach that all the time."

Jordan's father put her through T.S.U.—she graduated magna cum laude—and then through Boston University law school.

"There were no scholarships or fellowships available in those days," says her childhood friend, Mary York. "I really don't know how he did it. I think for law school especially, it was very hard for them."

Jordan's practice is general civil work, largely probate and domestic relations. She ran unsuccessfully for the House of Representatives in 1962 and again in 1964. Defeat fazed her not one whit. "I just thought I had run a very good race, and next time I would probably win," she said.

In '66, she ran again, this time for the Texas Senate, and won. She first won a two-year term and then, without opposition, was relected to a four-year term. And that was the beginning of the Jordan political legends.

Jordan's major committee, of which she is chairman, is Labor and Management Relations and her best work has been in this field. She was instrumental in getting the state's first minimum wage passed in 1969. She is also a specialist in the field of workman's compensation.

Her other priority area is urban affairs. She carries the bill to establish a state department of community affairs and has also done work in the field of intergovernmental contracting as it affects cities.

Her self-confidence is regarded by some as overweening ego. Her absolute reserve and dignity is considered evidence of lack of humor. She runs her committees like a martinet: the meetings start on time, bills are presented, witnesses heard, discussion is to the point, there is no fooling around, vote and adjourn.

There are endless tales of Jordan's coldness, vanity, or rudeness. Most of them stem from her distinct style. Texas politics is a slap-on-the-back, good-ole-boys together kind of process. A woman and a black, Jordan was never going to be accepted as "one of the boys." Instead, by sheer force of personality and incredible competence, she got herself recognized as a senator. Almost no one in the Capitol loves her. Some like her, some fear her, but everyone respects her. Her pragmatism has won her liberal enemies.

State Rep. Curtis Graves, whom she defeated in this spring's Democratic primary with a handy 80 per cent of the vote, has openly accused her of selling out. Everybody, but everybody in Texas politics, including her fan Lyndon Johnson, now shows up at dinners honoring Jordan. The fat cats and the lobbyists come, and to Texas liberals, eternally out, such appearances signal the corruption of one of theirs. Conventional wisdom around Austin holds that Jordan had to "deal" in order to get her congressional district. She denies it. When Jordan denies something, in her weighty, absolute fashion, even the most persistent reporter doesn't feel like bringing it up again.

"Of course she is very, very smart and incredibly competent and has good instincts," says a liberal state senator who speaks of Jordan with deep regret. "Maybe it goes back to the old tale of the talents. God gave Barbara so many talents, I expected more of her.

"Several times, just in this last session, I got to the point where I didn't want to go to her for nothin'. It was like going to a member of the Establishment. She'd listen to me, she'd smile and pat me on the back and tell me it was too far out. I'd carry a bill on some problem, a strong bill. Barbara would carry one too, but it would be weak. And it would get through. The trouble with passing a weak bill is that you won't get another crack at strengthening it for 25–30 years. Whereas, if you just hold firm, you'll get a tough one through this session or next. It was so great for the Establishment to have her on their side. Whenever we tried to do anything, they could say, 'But Barbara doesn't think it needs to be that strong and if *Barbara* doesn't think so . . .'

"I'm waiting to see the good things I know she's capable of doing now that she's going to Congress. But the truth is, I'm afraid. Afraid she was seduced. I think Barbara fell for the in stuff. Having Barnes say all the good things about her and Lyndon putting his arm around her, getting the big honors, being close to power, everybody flattering her. Maybe I'm wrong. I hope so. She's got more than most politicians to keep her on the right track. She's got the color of her skin."

Despite the persistent "sell-out" charge, she has never been noticeably over-awed by power. At the Democratic Convention in Chicago in 1968, Jordan was the first, and for a while only, person in the 104-member Texas delegation to refuse to vote for John Connally as a favorite-son candidate. She was later joined by four other delegates.

In 1970, Gov. Preston Smith wanted her to serve as secretary of the state convention. He also wanted Ben Ramsey, a conservative who was identified with segregationist and anti labor legislation in the 1950s, as chairman of the convention. Jordan told the governor she wouldn't serve as secretary under Ramsey. She served as secretary, Ramsey didn't serve as chairman.

In Houston, Jordan still works out of her second-floor office in a little building on Lyons Avenue in the heart of the Fifth Ward. With a salary of only $4,800 a year, she has to be a working lawyer. There's a print shop downstairs with a sign on the door that reads, "Knock & Holler." Upstairs, there is red carpeting, air-conditioning and pine-panelled walls, but the place is not plush. Old copies of "Ebony" are neatly stacked on an early-motel coffee table. There are color photos of JFK and LBJ on the walls.

She is busy, very busy, but always calm and almost always deadly serious. She wears no rings or other jewelry, only a tiny wristwatch. Getting her to talk about anything but politics is not easy. Does she like to cook? No. Her favorite dish? "Whatever my mother prepares for supper at night," she replies, lighting up a filter king.

Jordan lives with her mother at 4910 Campbell, not far from her office. The neighborhood is poor. Their house stands out only because it is painted hot pink. She invited her mother to move to Washington with her, but her mother prefers to stay in Houston.

She has no interest in decorating, but does like good clothes and will spend some time shopping for them. She wears no make up, but gets her hair done. Fun is getting together with friends to sing. She also reads for pleasure—mostly political histories. She particularly likes biographies of Presidents and remains fascinated by Kennedy. Which promptly leads back into a political discussion with Jordan defending Lyndon Johnson. "Despite what some of my friends say, and I am aware of his mistakes, I believe he was a great President."

Charlotte Phelan, a Houston Post reporter, once invited Jordan over for a night of poker. Jordan, a good Baptist, was obviously unfamiliar with cards.

"You know how most people who've never handled a deck before will drop the cards all over and fumble around?" asked Phelan. "Not Barbara: She gripped each card firmly and carefully set it down in front of each player. Not one of those slippery little things was going to get out of *her* control."

But in a very real sense, it is irrelevant to write about Jordan singing with friends, Jordan playing poker, Jordan talking about clothes. Mary York can say, "She is a beautiful person." A. C. Herald can say, "She was just a big, ol' lovable girl." But that is not the Barbara Jordan most people will ever be lucky enough to know.

For the rest of us, the best, most impressive Jordan is seen in action on the Senate floor, in the heart of a parliamentary thicket, verbally browbeating some opponent, figuring the odds on a certain bill, finding a way to scrounge an extra vote, dripping contempt on some hapless dunderhead appointed to the Air Pollution Control Board.

"I have heard your statement and it is full of weasel words," she sneered. Peter Lorre couldn't have improved on the way she said, "weasel words."

About her future? "Where would I go after this?" she asked sarcastically.

"The U.S. Senate? Barbara Jordan can run statewide in Texas? A black woman can win in Texas?" She was reminded that Sissy Farenthold got 45 per cent of the vote in this spring's Democratic primary.

"Sissy's white," Jordan snapped. "It does still make a difference you know."

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## MSGR. CLEMENT KERN AND THE ECCLESIASTICAL SHAKEDOWN SOCIETY

### HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. O'HARA. Mr. Speaker, long before I ever came to this House, I came under the influence of one of the few truly great men I have known. Father Clement Kern, of Detroit's Holy Trinity Parish, showed me what a young lawyer ought to be doing with his spare time to help those most in need. I am sure I have not lived up to the ideal that Clement Kern set before me and some of my contemporaries. But to the extent that I have tried, it has been due to his influence and his example.

In the January 1, 1973, issue of Newsweek magazine, there appears an article about Father Kern, or Monsignor Kern, as he is now more properly addressed. The article tells how "everyone from automobile executives to bookies and barkeeps can expect a twist of the arm from the 'Ecclesiastical Shakedown Society' a small army of volunteers who help Msgr. Clement Kern go broke each Christmas by giving away whatever he has to the alcoholics, drifters, and other 'undeserving poor' who show up at Most Holy Trinity Catholic Church."

The article referring to poverty-stricken Holy Trinity Parish's economic status, is entitled "Priest at the Bottom."

Mr. Speaker, if this saintly man who has helped the helpless, befriended the friendless, enriched the poor, clothed the naked, fed the hungry, and fought the good fight for so many years—if he is the "priest at the bottom," then the world is truly upside down.

The Newsweek article follows:

### THE PRIEST AT THE BOTTOM

Christmas is the season when churches have carte blanche to take from the rich and give to the poor. In Detroit, this means that everyone from automobile-company executives to bookies and barkeeps can expect a twist of the arm from "The Ecclesiastical Shakedown Society," a small army of volunteers who help Msgr. Clement Kern go broke each Christmas by giving away whatever he has to the alcoholics, drifters and other "undeserving poor" who show up at Most Holy Trinity Catholic Church.

This Christmas was no exception. After Mass at the church in Detroit's rundown Corktown district, some 300 poor people—deserving and undeserving alike—were invited to sit down to a meal of stuffed turkey and baked hams, prepared and served by Catholic nuns. A Jewish delicatessen owner donated a 20-foot Christmas tree decorated by his employees. And before the afternoon was over, Monsignor Kern planned to personally dispense the last $4,000 raised this year by the Shakedown Society.

From Skid Row to Grosse Pointe, the 65-year-old Kern is regarded as something of a saint. His parish is among the poorest in Detroit, and his rectory is the last refuge for drunks—including priests—who can't dry out anywhere else. "I want the people that no one else wants," says Monsignor Kern. "The street is a gold mine for lost souls."

Like many worthy Catholic organizations, Monsignor Kern's Shakedown Society was born in a pub. When regulars at the Anchor Bar, a popular watering hole for newsmen and politicians, heard that Kern was in financial trouble fourteen years ago, they decided to take up a collection for his penniless parish. Since that night, the ESS has acquired considerable expertise in extracting donations and volunteer work from both labor and management. "One Christmas Eve," recalls the graying, wispy priest, "the former Mrs. Henry Ford II and her two daughters were down here at 11:30 at night helping out delivering packages."

Within union circles, Kern is regarded as "labor's padre" (he even owns a gleaming white hard hat bearing that inscription) because of the 34 schools for workingmen that he administered before coming to Holy Trinity as a curate nearly three decades ago. Earlier this month, hundreds of unionists, politicians, businessmen and judges paid $25 each to honor Monsignor Kern at a pre-Christmas dinner sponsored by Leonard Woodcock, president of the United Auto Workers, Frank E. Fitzsimmons, president of the Teamsters union, and other labor dignitaries. Kern was pleased by all the attention but slightly embarrassed. "I wish I could be in the back room at the Anchor Bar," he confided, "talking to the guys."

#### PICKETS

Kern's ties to labor sometimes get him in trouble with his contributors. Once, after the Shakedown Society persuaded a midtown hospital to provide free medical services at his church, Kern almost blew the deal when he showed up outside the hospital to picket with striking service workers. Catholic clergymen in Detroit were ruffled when the feisty monsignor showed up on a picket line with voluptuous bunnies who were picketing the Playboy Club. Today, Father Kern admits that he is in "deep trouble" with some members of the Teamsters union because of his support for Cesar Chavez, who is wrestling with the Teamsters in California for the right to represent farm workers.

Despite his elevation to monsignor in 1962, Kern has no fears that he will move up the ecclesiastical ladder—and away from his parish. "I suppose a younger man could do this job," he says, "but it really calls for a beat-out guy like myself." Besides, he figures, Holy Trinity parish is the bottom of the barrel. "And no priest," he concludes, "wants to start at the bottom."

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## THE WAR CONTINUES

## HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. ROSENTHAL. Mr. Speaker, we had all hoped that by the time the 93d Congress convened the war in Indochina would be ended. Two weeks before the election we were informed that "peace" was "at hand." In the ensuing weeks, far from seeing the final achievement of peace, we witnessed anew the arrogance of power: American reescalation of the conflict and the most brutal bombing campaign in the history of war—all without the slightest explanation to the people or the Congress. Since the beginning of American combat involvement in Vietnam, we have frequently been told that peace was just around the corner. The events of the past 10 weeks should have made it finally clear that the only way we shall ever be sure that peace is at hand is for the Congress to act to end the war.

My feelings at this time are the same as those of one of my constituents who wrote:

> I have written to you over the years about our involvement in Vietnam. I have felt anger, frustration and despair. But now I feel rage, disgust and shame.

Mr. Speaker, I have opposed appropriations for this war since 1967 and have asked the courts to declare our involvement unconstitutional. In the 92d Congress I supported and voted for legislation designed to cut off funds for the war. When the President began the latest bombing campaign I sent the following telegram to him on behalf of myself and 16 other Members protesting his action:

> It is with a deep sense of despair that we must once again urge you to halt immediately the resumption of United States military activity in North Vietnam. The frustrations of the American people over this continuing war and their confidence in the integrity of government, are being strained to the breaking point by the renewed bombing and mining by U.S. forces. The American people and their representatives in Congress cannot be told that "peace is at hand" two weeks prior to the election and that full-scale military action is necessary two months later. A singularly important lesson of this tragic war is that escalation only strengthens the resolve of the enemy to fight on and further entangles us in a fruitless, never-ending quagmire.
>
> Your election in 1968 and reelection last November were due in large part to your commitment to end the war. If our efforts toward a negotiated settlement were 99% successful, as Dr. Kissinger maintained, then surely the return of our POWs and the sacrifices of all Americans justify our adjusting that 1% differential.
>
> We urge you to stop the bombing and mining and to sign a settlement with the North Vietnamese now. If you cannot or will not get us out of Vietnam, then the Congress will have to exercise it's obligation to do so.

In the Democratic Caucus on January 2, I voted for the resolution introduced by Congressman NEDZI calling for a cut off of all funds for U.S. combat operations in Indochina as soon as our prisoners are returned and arrangements are made for the safe withdrawal of our forces. In order to effectuate the will of the caucus I have cosponsored a bill to accomplish this purpose, introduced by Congressman KOCH. I am also preparing a similar bill of my own which, I hope, will be referred to and immediately considered by the Committee on Foreign Affairs of which I am a member and chairman of its subcommittee on Europe.

The American people are frustrated and angered over our immoral participation in the conflict and they want to see it finished. It has poisoned our personal relations with one another and soured our political dealings with other nations. Let us finally draw together and put an end to this miserable chapter in our history. The time for peace is now.

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## MINNESOTA MORAL LEADERS APPEAL FOR VIETNAM BOMBING HALT

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. FRASER. Mr. Speaker, in the flood of mail and telegrams I recently received opposing the intensified bombing in Vietnam, was one signed by 11 prominent Minnesota religious leaders. I ask permission to reproduce this particular message in the RECORD. These men are not only leading the public conscience in my State on this issue, they are also reflecting the deeply felt views of their constituencies on the continuing Indochina war.

The message follows:

MINNEAPOLIS, MINN.,
*January 3, 1973.*

Congressman DON FRAZER,
*Longworth House Office Building,*
*Washington, D.C.:*

We feel a moral obligation to appeal urgently to our Nation's leaders to stop the Vietnam bombing immediately and we urge the resumption of serious negotiations working toward a permanent peace.

LIST OF SIGNATURES

Archbishop Leo Byrne, St. Paul-Minneapolis Catholic Archdiocese.

Dr. Alton M. Motter, Executive Director, Minnesota Council of Churches.

Rt. Rev. Philip F. McNairy, Episcopal Bishop of Minnesota.

Rev. Wayne K. Clymer, Bishop of the United Methodist Church of Minnesota.

Dr. Carl A. Hansen, Executive Minister, United Church of Christ of Minnesota.

Dr. Melvin A. Hammarberg, President, Minnesota Synod of the Lutheran Church in America.

Rev. Harry Lichy, Associate Executive, Presbyterian Synod of Minnesota.

Rabbi Herbert Rutman, Associate Rabbi, Temple Israel, Minneapolis.

Rev. John Martinson, American Friends Service Committee.

Rev. Vincent Hawkinson, Co-chairman Clergy & Laity Concerned.

Bishop J. Elmo Agrimson, Southeastern Minnesota District, American Lutheran Church.

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## A HISTORIC MOMENT IN AUSTIN

## HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. PICKLE. Mr. Speaker, on December 11 and 12 of last year, a truly remarkable and prestigious gathering was held at the Lyndon Baines Johnson Library in Austin, Tex.

These were the days of the Civil Rights Symposium, marking the opening of the papers dealing with civil rights of President Lyndon Johnson's administration

I was fortunate enough to attend the symposium. The meeting was a meeting of leaders—strong leaders of a good cause.

During the 2 days, one figure dominated the mood, dominated the resurgence of commitment to create a society of equal opportunity.

This man was President Lyndon Johnson.

It is appropriate that the last issue of Life of December 29, 1972, carried the best account of those 2 days in Texas.

In his last column on the Presidency for Life, Hugh Sidey caught superbly the moment—its dignity and vitality.

Mr. Speaker, I include the Life article in the CONGRESSIONAL RECORD at this point, in order that my fellow Members might share those days in Austin:

ONE MORE CALL TO REASON TOGETHER

(By Hugh Sidey)

Lyndon Johnson savors each day for its meaning and joy, his battered heart frequently sending out signals of pain to let him know that it can't keep up. In the past year he has finally adjusted to this twilight world, melting off about 20 pounds, carrying a pouch full of nitroglycerin tablets and holding that restless soul of his in check. Well, almost in check.

Several months ago, when Johnson and his staff began planning symposiums for the Lyndon Baines Johnson Library at the University of Texas, it was Johnson himself who insisted on a session dealing with civil rights.

So a fortnight ago they came by jet and auto and bus through an ice storm to be in Austin with "the President" again, one of the few times in the last four years that the men and women who carried the civil rights banner for two decades had assembled. There were some new faces among them, but the focus was on men like Hubert Humphrey, Roy Wilkins, Clarence Mitchell and former Chief Justice Earl Warren. They showed up with more wrinkles than they used to have, more gray hair and a lot more discouragement. From the beginning of the two-day meeting it was plain that civil rights no longer had a clear national leader. Nor could anyone perceive any sympathy for the cause in the White House.

L.B.J. put on his tan rancher's twill and his cowboy boots and came in from the country, sitting silently through the first day's meetings, the fatigue growing on him. That night he went to the reception for the 1,000 guests. The strain took its toll. For Johnson the rest of the night was filled with pain and restlessness. His doctors suggested, pleaded, ordered him to give up his scheduled address the next day. He ignored them. He put on his dark-blue presidential suit and those flawlessly polished oxfords and came back the next morning.

He didn't take a seat in the auditorium but, with a worried Lady Bird at his side, watched the first two hours' proceedings on closed-circuit TV in an anteroom. Near noon he walked slowly to the podium. In a low but steady voice he talked eloquently for 20 minutes. "Until we overcome unequal history, we cannot overcome unequal opportunity," he said. "But to be black in a white society is not to stand on equal and level ground. While the races may stand side by side, whites stand on history's mountain and blacks stand in history's hollow. . . . So I think it's time to leave aside the legalisms and euphemisms and eloquent evasions. It's time we get down to the business of trying to stand black and white on level ground." Even in that short plea there was pain, and Johnson reached for one of his pills, munching in front of everybody. It was something he rarely does.

When he was done he acknowledged the applause and stepped off the stage to take a seat in the auditorium. Then squabbling broke out among the black factions, and one of the participants read an indictment of Richard Nixon and his administration.

Lyndon Johnson sat for a few minutes in the midst of it. Then, just as if he were back in Washington, he moved. The fatigue of the night before seemed to drop away, the old adrenalin machine pumping back into action. Going to the microphone, with his hands molding the air, he delivered one of his sermons on brotherhood and reason, flavoring it with one of those marvelous stories about a backwoods judge and the town drunk, reminiscences of when he arrived in Hoover's Washington and the bonus marchers were driven down Pennsylvania Avenue.

"Now, what I want you to do is go back, all of you counsel together," he said, "that soft, kind way, just cool and push off wrath, indulge, tolerate, and finally come out with a program with objectives. . . . There's everything right about a group saying, 'Mr. President, we would like for you to set aside an hour to let us talk,' and you don't need to start off by saying he's terrible, because he doesn't think he's terrible. . . . While I can't provide much go-go at this period of my life, I can provide a lot of hope and dream and encouragement, and I'll sell a few wormy calves now and then and contribute."

When all that human juice clattered out over the wire, the memories began to rise, of the lean, youngish Lyndon Johnson in 1957 leading the United States Senate to pass the first Civil Rights Act in 82 years. It was near midnight, and the tension was so thick you could slice it, but the majority leader just stood there on the floor, calmly counting his votes.

Then there were those later nights, when L.B.J. was President. He would talk about how he ceased to be just a man from the South and had become a leader for all of America. The old tales would roll out—about what it was to be a black and never sure as you traveled if you could find a decent place to eat or go to the bathroom; or how he knew what it was like to be a Mexican-American child in the Depression, rummaging in the garbage cans for food.

Another night: it was in New Orleans during the 1964 campaign when Johnson stood on a street corner in the harsh neon glare, white Louisiana state officials clustered around him, and shouted out his message of hope and equality to the blacks who stood below him. And then in his 1965 civil rights address to Congress, in the place he loved most, among the men he liked best, he sounded the most poignant refrain of the time: "We shall overcome."

No wonder his heart is scarred today. It has been a long and anguished journey, with a long way left to go.

In the auditorium in Austin, the ovation that followed Johnson's appeal washed away the controversy, for a moment. People came to the stage and crowded around him as he tried to leave. They were all reaching for a bit of the old magic. But nobody got so much of it as Mr. Youngblood, a thin, aging black who used to wait on tables in Austin's ancient Driskill Hotel, where Johnson sweated out election night returns. The former President and the former waiter stood there for a few seconds gripping hands, and if any questions lingered about what Lyndon Johnson had tried to do for his country, they were answered right then.

## PRESIDENT HARRY S TRUMAN—IN MEMORIAM

### HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. RODINO. Mr. Speaker—

> I want you to succeed in whatever you undertake. To do that you must give it all you have. . . . Right must always prevail. Do not let glamor get you. There are decent, honorable people among the very rich, just as there are among the very poor. Honor knows no class. . . . Remember always to keep your balance no matter how great you may become in your own time. Your Dad will never be reckoned among the great but you can be sure he did his level best and gave all he had to his country.

The above counsel has been extracted from a letter Harry Truman wrote to his daughter, Margaret. The statement reveals the words of a man who had the courage, the spirit, and the tenacity to stick to his convictions, to carry forward the strength of his decisions and to uphold, always, the principles of his family code:

> To do the right thing, to do the best we could, never complain, never take advantage, don't give up, don't be afraid.

Simple words—but words forceful and dynamic in their simplicity.

President Harry Truman possessed an immense capacity for making up his mind to do what had to be done. He welcomed and encouraged the views of others, no matter how far they differed from his own initial impressions. Yet, he never forgot that the final responsibility for all decisions rested solely on his shoulders. When the "buck stopped," he answered and he acted with a full and biting awareness of his accountability to the American people. Gen. George C. Marshall, looking back upon the 33d Presidency stated—

> There never has been a decision made under this man's Administration that has not been made in the best interest of his country. It is not only the courage of these decisions that will live, but the integrity of them.

Mr. Truman, himself, addressing a crowd of workers in Grand Rapids, Mich., explained:

> I don't want you to vote for me, I want you to get out on election day and vote for yourselves—for your interests.

On his return to Independence at the close of his arduous campaign, he concluded:

> We have told the people the truth and the people are with us. The people are going to win this election.

Harry Truman remained a man of the people. To his countrymen and to the world, he came to symbolize the potential, when history demands it, of the common man. Neither as a public not private figure did he ever pretend to be anything but what he was. As a farmer, his resourcefulness, his independent spirit, his ability to solve the everyday practical problems served him well. As a timekeeper, bank clerk, and bookkeeper, his thorough and meticulous approach became a most valuable resource. And, as a Senator, his inquisitive and retentive mind, his dedicated and conscientious manner were known to all. Mr. Truman's successful efforts as Chairman of the "Special Committee To Investigate the National Defense Program" remain as an example for all of us in this body of the importance of our ideas, programs, and actions in directing and influencing governmental policy and in serving the men and women of this Nation.

Courage, compassion, concern, strength, selflessness, honesty, and a dedication to get the job done and to accomplish this task the best he could—these are the qualities Harry Truman brought with him to serve as F. D. R.'s Vice President and these are the qualities with which, on April 12, 1945, less than 3 months later, he faced the American people as their leader.

We remember well the European recovery program, the Truman doctrine, the creation of NATO, the birth of the U.N., the impact of the atomic bomb, the Korean intervention, the point 4 plan. All, when judged in the context of their times, stand as a symbol of the commitment of America and of the West to the cause of freedom. Truman refused to compromise with injustice. From his insistence that all captured Nazis be given a fair trial, to his unprecedented order to desegregate the Armed Forces, Harry Truman firmly believed that—

> Each man should be free to live his life as he wishes. He should be limited only by his responsibility to his fellow countrymen. The only limit to an individual's achievement should be his ability, his industry, and his character.

Meeting with opposition in every quarter, Truman recognized the State of Israel 11 minutes after she declared her independence. He told Chaim Weizman:

> You more than made the most of what you received and I admire you for it.

Harry Truman believed there was no limit to man's ability to learn. He once stated—

> A person learns as long as he lives.

And, Harry Truman worked, questioned, studied, investigated, discovered, and grew. In later years he loved to speak with schoolchildren on the meaning of democracy and was looked upon by many of us as a kind of roving teacher.

The years I served under his administration as Congressman and the meetings and discussions I held with Mr. Truman remain most special for me. It is not enough for us to remember and honor his memory and to speak in eloquent words of his deeds and his service to the American people and to the world. For Harry Truman struggled to insure that the principles and precepts of America's ideals be preserved and carried forward. We must, therefore, continue this struggle and this dream for peace, justice, and freedom for this generation and for all generations to come.

## BILL TO AMEND LAND AND CONSERVATION ACT OF 1965

### HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. BELL. Mr. Speaker, today I am introducing a bill designed to enable State and local governments to expand their efforts in establishing new park facilities. The need for legislation of this type is obvious when viewed in light of the inability of existing parks to accommodate the ever-increasing number of citizens desiring to experience the pleasures of the outdoors.

The legislation I propose amends the Land and Water Conservation Fund Act of 1965 by providing a more equitable distribution of Federal funds among the various States. At the present time, 40 percent of the total available funds are allocated equally among the 50 States, with the remaining 60 percent being dispersed among the States and territories on the basis of need. While on the surface, this method appears to be quite valid, a closer scrutiny of this procedure discloses that the most heavily and densely populated States, those with the greatest need for park facilities, are not truly receiving their proper share of these funds.

Those individuals who reside in our densely populated urban centers have been for too long unable to enjoy the unmatched assets of nature. The great majority of ourdoor park facilities have been located in those areas that are inaccessible to the average city dweller. To help insure that this situation is immediately remedied, the bill I introduce today would redirect the flow of Federal funds to the States largely on the basis of proportional population and urban concentration. Specifically, this bill would allow 20 percent of the total fund to be divided equally among the States and permit 75 percent of the available grants to be expended in the States and territories on the basis of overall population, population density, and the use of the individual State's park facilities by citizens from outside that State. The remaining 5 percent would be made available to States to meet special and emergency needs.

While this legislation would still somewhat favor the States which already have the greatest number of park facilities, it does move the entire program closer toward distributing Federal dollars on a per capita basis. This approach is certainly more then just the formula currently in use, and it is one that will help to guarantee that the greatest benefit is derived from each dollar spent.

Under the existing program the average per capita apportionment for 1972 for the State of California was $0.89 compared with the per capita amount of $6.50 received by the State of Wyoming. This example aptly illustrates the need for effective and prompt reform, and the need to channel funds into those areas where there has heretofore been insufficient assistance.

The most populated States are not only restricted in the sum they can receive under the requirement that 40 percent of all funds be divided equally, but also by the provision that limits each State's ability to participate in the available funds to 7 percent of the total. This proposed legislation would increase the ceiling from 7 to 10 percent, thereby substantially increasing the opportunity of the heavily populated States to establish new parks.

As was mentioned earlier, one of the vital factors in determining the amount of money to be distributed to each State is the extent to which that State's parks are used by out-of-State residents. It is my firm conviction that this factor is worthy of intense consideration.

In California, for example, it is estimated that on weekends 50 percent of the State's camping facilities are occupied by nonresidents. Moreover, it has been approximated that over 20 million tourists visit California annually, an extremely high percentage of which utilize State recreational and park facilities. In addition, a good many of these tourists visit the major urban centers within the State often finding nowhere to camp or being forced to tolerate the overcrowded conditions existing at the State park facilities. The establishment of new facilities in and around these urban areas will serve the dual purpose of alleviating the existing overcrowdedness as well as providing areas of recreation and relaxation for the citizens of the area. It seems quite logical, therefore, to insist that this consideration be heavily weighed in the evalution of which States should be recipients of Federal grants.

President Nixon, in his environmental protection message of February 8, 1972, noted that—

> The need to provide breathing space and recreational opportunities in our major urban centers is a major concern of this Administration.

It is my belief that the concepts embodied in this bill are consistent with the stated objectives of the President, and with the desires of the millions of Americans who wish to make use of this country's most valuable possessions, its land and water.

Mr. Speaker, I urge my colleagues to join me in support of this legislation and to assist in bringing about its passage and enactment.

The bill follows:

H.R. 289

A bill to amend the Land and Water Conservation Fund Act of 1965, as amended

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601–4 et seq.), is further amended as follows:

(a) In the first sentence of subsection 5(b), delete paragraphs numbered (1) and (2) and substitute the following:

"(1) 20 per centum shall be apportioned equally among the several States;

"(2) 75 per centum shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include, among other things, consideration of population density and urban concentration within individual States, the proportion which the population of each State bears to the total population of the United States, and the use of outdoor recreation resources of individual States by persons from outside the State; and

"(3) 5 per centum shall be made available to individual States to meet special or emergency needs, as determined by the Secretary."

(b) In the third sentence of subsection 5(b), delete "7" and substitute "10"; at the end of the fifth sentence of said subsection, change the period to a comma and add "without regard to the 10 per centum limitation to an individual State specified in this subsection."; and delete the last sentence of said subsection.

(c) In subsection 5(d), delete paragraph numbered (2) and substitute the following:

"(2) an evaluation of the present and future demand for and supply of outdoor recreation resources and facilities in the State;".

(d) After the third paragraph of subsection 5(f) of the existing law, insert the following new paragraph:

"The Secretary shall annually review each State's program to implement the statewide outdoor recreation plan and shall withhold payments to any State until he is satisfied that the State has taken appropriate action (1) toward insuring that new recreation areas and facilities are being located to satisfy the highest priority of unmet demands for recreation especially in and near cities, particularly with respect to the resources that have been acquired or developed with funds apportioned to the State under section 5(b)(2) of this Act; (2) to consider preservation of small natural areas, especially near cities; (3) to consider preservation of scienic areas through the acquisition of development rights, scenic easements, and other less-than-fee interests in lands or waters; and (4) to provide for appropriate multiple use of existing public lands, waters, and facilities, to help satisfy unmet demands for recreation resources."

## MEMORIAL TO NICHOLAS JOSEPH BEGICH

### HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. BURKE of Florida. Mr. Speaker, the tragic loss of two Members of the 92d Congress in an Alaskan storm that enveloped their airplane, and in all probability took them forever from us, gives me cause to rise now and point to the footprints they left for us in the sands of time.

Nick Begich was a young man of 40 with a zest for living and with maturity that belied his years. Although he served only one term in the U.S. Congress, he left his mark with his efforts for the passage of the Alaskan Native land claims legislation and his appeal for the construction of the Trans-Alaska oil pipeline. He was a tireless, dedicated worker, and answered 99 percent of all the House rollcalls during his first year in office. The future years that death deprived him of is a loss to all mankind.

He was not a native of Alaska but certainly he earned the right to be acclaimed one of Alaska's most distinguished sons. Mrs. Burke and I had the pleasure and the excitement of his company with his wife not too long ago in New York. His loss seems personal to me as I am sure it does to so many of us all.

I mourn with his wife Peggy, and with his children, the passing of our friend who had such great potential.

## STONEY STUBBS

## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. TEAGUE of Texas. Mr. Speaker, the December issue of Wheels published by the Goodyear Tire & Rubber Co., carried an article on my good friend, Stoney Stubbs, chief executive officer of the Frozen Food Express Co. headquartered in Dallas. He is a graduate of Texas A. & M. University, one of the finest schools in the Southwest and this year is serving as chairman of the American Trucking Association.

Under leave to extend my remarks in the RECORD, I include the article entitled "Stoney Stubbs—He's From Texas."

### STONEY STUBBS—HE'S FROM TEXAS

(By Jane Graham)

"I don't ask much of my drivers," said the big man in the Western hat. I just want them to have the soul of a gypsy, but be stable enough to head up the PTA!"

The robust laughter that accompanied the remark was unique, the product of a genuine original: Stoney M. Stubbs, chairman of the board and chief executive officer of Frozen Food Express, and new chairman of the American Trucking Association.

Like many Texans, Stoney Stubbs is larger than life. A farm-bred graduate of Texas A&M, he departed from the pattern of his upbringing by taking his degree in accounting.

After a slight detour to fight a war in the Pacific, he began his career as an accountant for the Humble Oil Company, about the time that Cy Weller, a lawyer from San Antonio, was founding Frozen Food Express, in Dallas. Bitten by the trucking bug during World War II and impressed with the future of frozen foods, which were just then beginning to appear on the market in quantity, Weller had scraped up a few trucks and trailers, and was beginning the hard climb toward solvency.

The company was still young when Weller persuaded Stoney Stubbs that trucking had it all over the oil business, and a long and profitable relationship was born. It continued until just a few years ago, when Weller decided to sell his share of the company to the other officers. At that time Stubbs became chief executive officer.

Reflecting his individualism, Stubbs asserted: "I believe deeply in private enterprise. More than anything else, a truck-driver has to be self-reliant. That's why, in our particular branch of the trucking industry and in our company, we encourage as many of our men as possible to own their own rigs. We even help them with financing the $23,000 or so that it takes. Then we lease the rig and the man for a combination price. It's a good deal all around: the man makes more money and keeps more of what he makes, takes better care of the equipment and is more conscious of customer relations; the company saves capital investment. We now have about 120 driver-rig combinations in our fleet of over 300, and are encouraging more all the time."

There are sharp limits to Stubbs' rugged individualism, however. He is adamantly opposed to the current trend toward de-regulation in the industry, which he feels can only lead to irresponsibility. "And it isn't only shippers who will be hurt by de-regulation," he said. "Reliable carriers will be hurt, financially, while customers are sorting out the reliables from the unreliables."

Stubbs feels that one of his most important responsibilities as chief officer of a major trucking line—a responsibility that will be even greater as ATA chairman—is making public appearances on behalf of the trucking industry.

Besides de-regulation he speaks regularly on three other pet subjects.

The first of these is maintaining the integrity of the Highway Trust Fund. He points out—emphatically—that not only would the highway network deteriorate if safeguards on this fund were relaxed, but that any use of the fund for other purposes would be a betrayal of the highway users who supported it in the first place. "It's just plain dishonest not to live up to the original bargain," he insists.

Another concern of the ATA's new chairman has to do with antiquated regulations covering sizes and weights of carriers. "Our technology is so advanced over what it was when size and weight regulations were put in that they have become not only obsolete but almost irrelevant," he declared. "We could put more load on the highway with less stress on it, if they'd just let us use the expertise we've gained."

The third subject on which Stubbs likes to speak out is the soundness of investing in motor carriers. He points to the financial record of his own Frozen Food Express as a good, but by no means unique, example. Organized on a shoestring in 1947, it began to show a profit in 1950, and by 1958 was really rolling. In 1962 it grossed $9.25 million, and by 1971 had grown to a $23-million organization. In 1972 the company will gross somewhere between $25.5 and $26 million, and from there on the sky's the limit.

Frozen Food Express is recognized by the ICC as the third-largest refrigerated carrier in the United States, and the largest in its service area, which comprises 23 Central, Southwestern and Western states. Stubbs took the company public last year, selling about one-third ownership for enough to retire $2,334,526 in long-term debt. Since last November, when the company went public, its stock has climbed steadily, from around $15 per share at that time to—in May of this year, as this was written—around $20 per share. Not bad—up 33⅓ per cent in a little over six months!

The next step in the company's long-term growth plan is diversification. Asked what fields FFE plans to enter, Stubbs smiled. "I'm not ready to tip my hand yet," he said, "but you can bet we've got some exciting plans on the boards."

While the company's executive offices are in Dallas, it recently completed a service center and office building in the outskirts of Lancaster, a suburb 10 miles to the south. There, in the middle of rolling farmland, is a long row of busy cubicles in which tractors are serviced and trailers kept in tip-top condition. Word has spread about the skill of FFE mechanics, and many other companies now send their equipment to be serviced at the new facility.

Frozen Food Express pioneered the "less-than-truckload" concept among refrigerated carriers, utilizing trailers of its own design. These trailers are equipped with movable partitions, so that shipments can be separated according to type and temperature requirements. The innovation has two advantages: the higher rates of LTL and the creation of major new customers—small-lot shippers who grow into full-truckloaders.

The new ATA chairman is a strong advocate of schools for truck drivers. He feels that the "knight of the road" image is a tremendous asset for the industry, counteracting to some degree the irritation felt by the private automobile driver when he finds himself behind a truck on a two-lane streach of mountain road. And he insists that the truck driver's reputation for skill and courtesy must be backed up by continuing training programs.

The man practices what he preaches—on a large farm near Waco, with a long-abandoned private airfield. There, what once were runways are now "highways"—or maybe they should be called "how-ways"—where company instructors take young men who have never driven anything larger than a pickup and turn them into skilled truck drivers.

"Trucking is a great career for a young man of the right temperment," Stubbs declared. "A driver can earn anywhere from $8,000 to $18,000 a year, depending on skill and experience, and that's not bad for any field not requiring a college education."

"And besides, it's the kind of work that's fun for a certain type of guy. It gets into your blood!" (As Stubbs' tanned skin wrinkles around his twinkling eyes, it's clear that here is a man who actually loves the trucking business. His son and son-in-law evidently share his enthusiasm, for both have followed him into the business.)

Although there are eight million people in the trucking industry (FFE's share of them is 800), and anthough all-night disc jockeys like to play songs about the rolling wheels, Stubbs doesn't believe the romance of the industry compares with that of railroading half a century ago.

"It's a different thing," he said thoughtfully. "Today's trucker is a businessman, and he works hard at it. He plays hard, too, but his play isn't connected with the industry. A driver doesn't talk about trucking during his off hours. He talks about hunting, and fishing, and maybe about the farm he's buying outside of town. It's one of the last truly masculine professions. Yes, I know there are women in it, but the field itself is masculine. You don't find many fluttery fellows driving trucks!"

Like most other truckers, whether they're driving a rig or driving a desk, Stoney Stubbs is an outdoorsman. On weekends he and his wife Florence, their son and daughter, daughter-in-law, son-in-law and five grandchildren gather around the huge swimming pool at the Stubbs home in North Dallas.

He loves to fish, but most of all he loves to hunt: his office walls are lined with trophies, and he usually has plans afoot for a trip to Canada, Mexico or the Big Bend Country of Texas. He has the hearty look of a man's man. His sunburned skin, piercing eyes, iron-grey hair and authoritative handshake all give the assurance that the American Trucking Association has a strong and capable hand at the wheel for the coming year!

## PHYSICIAN SHORTAGE IN RURAL AMERICA

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## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I recommend to the attention of my colleagues the following practical advice from a doctor with much experience in trying to get doctors in rural areas:

### THE PAOLI PROJECT

(By Dr. Merritt O. Alcorn, Madison, Ind.)

The physician shortage in rural areas is a very real problem that will continue to get worse until the basic causes are understood and corrected. There are very important reasons why a maldistribution of our physicians has occurred, and these reasons can be understood and eliminated. It is true that this is a problem of health personnel shortage rather than just physicians but it is also obvious that the health team must begin with doctors.

There are many misconceptions that have come to be believed and have interfered with an understanding of the real problems. Our young physicians are accused of not wanting to come to the culturally deprived areas, can make more money in the cities, or are accused of seeking resort areas. These are simply the wrong impressions and the fact is they do not come to rural communities because medicine cannot be practiced properly in these areas. They are conscientious enough to want to give thir patients the best health care that they are capable of rendering. Medical schools are accused of luring students into specialities and discouraging them from the general practice of medicine. This is true and should be true, because with the enormous growth of medical knowledge it became important to practice medicine as teams rather than as individuals.

I believe that the restriction of admissions to medical school with the elimination of a large number of talented applicants was a grave mistake, and I also believe that the emphasis of the Federal Government on supplying more and more financial aid to buy a product in short supply is the incorrect approach. Adequate competition for providing medical services would have done more to help relieve the current problems than anything else, but nevertheless, we cannot correct these problems of the past, we can help to overcome them for the future.

### THE PROBLEM

Twenty years ago, after completing a one-year rotating internship, I entered the General Practice of Medicine in a rural community. Seven years later I left that practice in complete frustration, even though I had enjoyed my work very much and though it was the profession I had hoped for ever since I was a boy. The principal reasons that I had to leave this practice are the following:

1. The developing medical knowledge made the general practice of medicine too broad. I was doing anesthesia, orthopedics, obstetrics and gynecology, pediatrics, and medicine. And even though I frantically tried to take short courses in these fields the knowledge grew and grew to the point that I could not possibly do a good job of the total area. Medicine properly practiced must be done by a team of cooperating specialities with one speciality being that of Family Practice which has been narrowed down to a reasonable area and for which a young physician takes three years of preparation instead of one.

2. Inadequate assistance. Office and personnel problems became increasingly complicated with the advent of insurance and governmental programs of assistance. There were no well trained nurse-practitioners available nor did I understand how valuable they could have been. Assistants can only properly be utilized with a group practice where it is feasible to have an office manager, clerks, physician's assistants, nurse-practitioners, and social workers.

3. Availability for emergencies and time requirements interfered with my family life, social life and recreation, and with my desire to study and develop interests. The only protection against this is through a group practice which also provides protection for the community by having emergency service available at all times.

4. Lack of good services. Good laboratory, X-ray and cardiograph services can best be obtained by having a group preferably located adjacent to the hospital and combining the volume so that they can operate more efficiently. If a group practice is located away from the hospital these services are available through speciality groups and laboratory corporations from regional locations.

5. Lack of good available consultants. To practice medicine properly, consultants in major specialities need to be available for consultation and referral of patients, and this availability needs to be relatively easy. This does not mean that every group practice must have all specialities, but it does mean that more attempts should be made to have the specialities available in rural communities on a regional basis. Pathologists, radiologists and surgeons have developed this concept of a practice involving several community hospitals in rural areas and it needs to be developed further for all specialities.

6. Lack of continuing education on a regular basis. Again, a group practice has all of the advantages. It can have regular journal club meetings and television tape programs with planned intervals of time available to each member for refresher courses.

7. Public misconception often causes physician abuse. The public remembers the family physician that was available day and night when called. They do not realize the changes that have occurred and often become frustrated and rather bitter when the system doesn't work as they expected it to. There is a need for public involvement and public education in these changes in the delivery of good health services.

### THE PAOLI CLINIC

If communities are to understand why they are losing their physicians and what must be done to attract physicians there are two things that seem necessary. One is a good example of a modern group practice in a rural community and the other a need for citizen's groups in communities to study and understand the problem and its solutions and then organize a recruitment program on a coordinated regional basis. To fill the first need a cohesive group of five young physicians in training was found and contacted concerning the concept of establishing a group practice in a rural community and providing medical care of the same excellence as could be provided in a metropolitan medical center. Fortunately, this group of young men had previously decided that this was the type of practice they wanted. The city of Paoli was picked because it is a very attractive rural location with people who are very cooperative and interested in their health needs. Through an unfortunate series of events, many physicians left the community and a very definite shortage existed. The hospital census, which is dependent on the physicians rather than the total population, is dramatically low and the hospital is in danger of having to close for financial reasons. The community understands that for industrial and commercial growth a total community including good health care services must be available, and that the future economic life of the community is at stake as well as the need for the close availability of health services.

Our role was simply one of introducing the physicians and their wives to the citizens of Paoli, and then trying to supply as much information and assistance as possible to help them work out the best arrangements for a group practice of medicine in that community. We established a committee composed of the local hospital administrator and a local physician, two of the group of physicians planning to go to Paoli, a university professor who is head of the nurse-practitioner program and who has made an indepth study of the rural health problems, an accountant, the executive director of the Comprehensive Health Planning Region, and myself as chairman. This committee has attempted to find resources to implement the desires of this group in establishing their practice with the other physicians in the community of Paoli. It has been important to emphasize that our committee is not setting up a clinic, but that we simply desire to be available to help as resources for this group that is establishing a private practice. It is important that physicians who are currently doing an excellent job in the community of Paoli understand that this group is not a threat, but that they wish to become integrated into the current health care of that community.

There are many important features that this group of physicians have incorporated into their planning. (1) One is their plan to design a facility that will be adjacent to and probably connected with the hospital. In this way, they will be immediately available to hospital patients and will also be able to share laboratory, X-ray and cardiograph services. The availability of a physician for emergencies is greatly enhanced by having the offices in the immediate proximity of the hospital. (2) They intend to provide space for other health agencies such as a dentist and a pharmacy. (3) They hope to hire a health administrator that will be responsible for community health educational programs, family planning programs and other programs which the community and its physicians desire but lack the proper resources to implement. (4) They are very carefully planning for extensive use of nurse-practitioners in areas such as medicine, obstetrics and pediatrics. (5) Time-motion engineers from Purdue University that have made studies of clinics are available to them to help in planning office management, bookkeeping and the flow of patients. (6) Their group is composed of a psychiatrist and four physicians in Family Practice and they are currently looking for a surgeon to join them and perhaps will later add an internist and other specialities. In the mean time they will seek out specialities in adjacent communities and make arrangements to allow for consultations and referrals as needed. (7) There are many potential programs of continuing education for the group with one suggestion being that each member may wish to return to the university for one month each year, and during that period be replaced by a resident in Family Practice. Specific programs for continuing education will be developed by them as their group develops and should be coordinated with the other physicians on the hospital medical staff.

Community help will be needed, and there appears to be sufficient interest to supply this help although the exact mechanism has not been decided upon, there is currently a consideration that the group form a standard corporation for the purpose of building a facility and that the corporation issue stock to be purchased by the citizens of the community for raising the necessary funding. These public shares of stock should be purchased from the public by the clinic as their practice becomes profitable and money is available to repay the community.

One of our disappointments has been the inability to obtain funds to assign one individual to this project on a full time basis to assist these young physicians and the community in getting their plans accomplished. We have submitted a grant request to the Regional Medical Program and this request has been approved, however, it is very questionable as to whether funds will be released from Washington for use. Once so many resources have been assembled and all that is needed is some assistance, it seems unfortunate that this is not available. I believe an important principle which this particular problem demonstrates is that the only good solution to local problems are those found by local citizens using local resources, and I also believe it is important that communities faced with a physician shortage problem recognize that their future lies in their own hands and not in the hands of the Federal Government or some other agency.

This clinic group practice being established has many features that can be adopted in other communities as a way of developing the right environment in a community to attract physicians. This practice will show the regional nature of the use of services and consultants and the necessity for adjacent communities to forget last Friday night's ballgame and begin working together to find a solution. Our Comprehensive Health Planning Region is trying to get representatives from each of the area communities together to understand the needs for recruitment and plan a recruitment program. Perhaps most important is that the clinic group will demonstrate that once a community has overcome the problems and has established a functioning group practice with a complete team for excellent health services then it is this group that will be able to take care of recruitment of health personnel in the future. They can identify the needs and recruit personnel as no other community agency can possibly do. The important feat for the area with declining physician population is to break the barrier that stands between the general practice of medicine of the past and the group practice of medicine of tomorrow.

We are recommending to communities:

1. To form a single responsible committee with broad representation for physician recruitment. Rely heavily on present practicing physicians if they will cooperate.

2. Become informed on the changes occurring in medical practice and seek the future not the past. I believe the future practice will be some type of coordinated "team" practice, preferably, a formal group practice. Young physicians in training are an excellent source of information.

3. Eliminate those members that are intent on criticism and complaint rather than positive action.

4. Determine the health care needs of the area and the community resources available to help attract physicians. This will include an attractive working arrangement with other physicians, financial resources available if needed, and perhaps most important a good community environment for family life.

5. Find local young men and women in medical training and let them know they are wanted. This often neglected resource can be very valuable in providing guidance to study committees and in recruitment of other young physicians.

6. Then go to medical students (may be several years from completion of training) with a regional plan showing the need for physicians, offering specific practice opportunities and presenting an attractive community life to these aspiring young physicians and their spouses.

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# HUD'S URBAN RENEWAL PROGRAMS: HOW THEY HAVE HELPED

## HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. KYROS. Mr. Speaker, at this critical time, when many of the programs of the Department of Housing and Urban Development are under fire in certain quarters, when funds are being impounded and there is talk of moratoriums and discontinuations, I thought it would be useful to bring to the attention of my colleagues some of the urban renewal programs which have been particularly helpful to the city of Portland, Maine.

The following news clippings tell of new schools, housing, and industry for Portland. They have been selected from many such stories which have appeared in the last few months. I insert them so that my colleagues might see how HUD programs can be translated into better education, healthier family living, more jobs, and improved tax bases for our cities. I hope these clippings, and the programs they describe, will be given the consideration they deserve:

[From the Evening Express, Sept. 20, 1972]

### URBAN RENEWAL AT BAYSIDE NETS $47,000 MORE FOR CITY

(By Brian Arsenault)

Property taxes in one urban renewal area of the city have jumped by $47,000 annually since completion of renewal efforts there.

One of the main arguments always advanced in favor of undertaking renewal in a city is that it will strengthen the city's tax base.

Thomas F. Valleau, executive director of the Portland Renewal Authority, believes that the site in question, bounded by Franklin, Pearl, Oxford, and Somerset Streets, sharply illustrates the validity of that argument.

The city commenced renewal efforts in that area, referred to by PRA officials as Bayside West, in 1967 without the benefit of federal funds. The project cost the city $580,000.

When the project began the buildings located on the site were mostly substandard residential ones with a high percentage of vacancies, most were considered, according to the PRA, to be beyond "economic feasibility" to repair.

The property was acquired by the PRA, the buildings demolished, and the vacant land sold.

The result was that three firms, Earl W. Noyes and Sons, C. H. Robinson Co. and the Semloh Co., now occupy major new buildings on the site.

Before the renewal effort the city collected about $9,000 annually in property taxes from the area. As a result of the new business operations there the city now receives $56,910 annually in property taxes from that area.

Valleau said that the means by which the project was financed, through the Capital Improvements Program, coupled with the new tax return level results in the city receiving an 8.5 per cent return annually on its initial investment.

The PRA director termed the project one of the most successful "of its type" in the state.

"The additional tax funds which come from the project each year could, for example, pay for the cost of educating 52 high school students or pay for the wages of eight policemen," Valleau said.

The project also had the distinction of being completed for a cost well under what was budgeted for it.

The city originally budgeted $796,000 for the project and, as noted, it was completed for nearly $200,000 less.

The project was geared to and successful in stimulating light industrial development.

If there is a controversial aspect to it, it is that some Bayside residents fear that the city has earmarked the entire area for light industrial development to the exclusion of residential development.

Many city officials feel that bringing back Bayside as a flourishing residential area may be impossible while others favor industrial development there even if residential improvements are possible.

Many of the residents of Bayside, though, despite the long decline of their neighborhood, still cling to hopes that the area will not be abandoned completely to industrial uses.

They have some support in City Hall, particularly among some Planning Department officials who feel residential development is possible in the area at least on a limited basis, and this year the City Council agreed to include in the Neighborhood Development Program a one-year effort to see if any interest can be stirred in the private sector for residential development there even though most councilors feel it is unlikely.

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### MAINEWAY PLAZA DESCRIBED AS BIG TAX BOON TO CITY

[From the Press Herald, July, 1972]

The proposed $14 million Maineway Plaza project should produce about $250,000 a year in property taxes for the city, developer Richard L. Herriott said Monday.

Maineway Plaza will be built in and around the so-called "Golden Triangle" bounded by Temple, Middle and Federal Streets.

Herriott was careful to point out that tax payments to the city will depend on several variables and will be subject to valuations and rates established by public officials.

The complex will include a hotel, office buildings, shopping levels, restaurants, parking and a plaza with a variety of attractions from summer band concerts to winter ice skating.

Work on office, retail and plaza facilities in the triangle area is expected to begin next summer.

Herriott said he hopes to have news about tenants for the project in from 90 to 120 days.

He described Maineway Plaza as "a modern mini-city."

Herriott, the president of The Herriott Co., Inc., of Boston, and several associates met with city officials and downtown businessmen and bankers at a champagne luncheon at the Gaslight restaurant a couple of blocks from the project area.

The triangle area would include a 12-story office building with roof restaurant, three-story retail building and a landscaped plaza.

Adjoining the triangle will be an office, hotel and retail building and a parking facility for about 460 cars.

The entire project is scheduled for completion in the summer of 1975.

To make sure the enterprise does no visual damage to its environment, the Society for the Preservation of New England Antiquities will counsel the developers on how the design can best be related to the historic local area.

"Obviously we recognize that other new buildings in Portland will absorb many office and retail tenants who need modern space," Herriott said, "but our initial studies indicate that these buildings cannot meet the full need over the next five or 10 years.

"That doesn't mean we're going to sit back and wait until the other buildings are all filled up before looking for tenants. Were going to undertake a strong leasing program."

Herriott said his company will establish a subsidiary, Maineway Plaza Associates as a legal entity for ownership of the project.

Completion for tenant space will come from the Canal Plaza project, where 10-story and four-story buildings are under construction, and from a Congress Street project involving Main Savings Bank, with the Codman Co. of Boston as developers.

### WORK, EAT, SLEEP THERE

If you wanted to, you could spend all your time in the proposed Maineway Plaza project, according to the president of the firm developing the project.

"You could sleep in the hotel, work in an office, shop in the stores and relax and be entertained in the plaza," said Richard L. Herriott.

"We don't really expect anyone to live like that but the fact that it could be done demonstrates the comprehensive nature of Maineway Plaza."

## SUN FEDERAL PLANS $2 MILLION BUILDING

(By Frank Sleeper)

The Sun Federal Savings and Loan Association announced today that it will build a $2 million, three-story building in the $15 million Maineway Plaza project in the heart of downtown Portland.

The building will be next to the new Casco Bank Building. The company becomes the first announced tenant of the project.

Phillips F. Lewis, Sun Federal president, said The Herriott Co. will build the building, which will total about 25,000 square feet, near the point of the so-called Golden Triangle, bounded by Middle, Federal and Temple Streets and facing on Monument Square.

At a press conference held on the site today, Richard L. Herriott, president of The Herriott Co., said that a national hotel chain has shown "very strong interest" in a 120- to 150-room hotel which would be across from the Golden Triangle on Temple Street. He wouldn't name the chain.

A parking garage for 750 cars on the same block as the hotel and facing on Federal Street also is planned.

Herriott said that construction of the Sun Federal building, the hotel and the parking garage plus any other buildings for which tenants have been found would start in the spring.

Parcel No. 2 with the hotel and parking garage, is now "about filled," Herriott said.

Still to be tenanted are a proposed 12-story high-rise office building and another three- to five-story building proposed for the Golden Triangle area.

"I think our project is going very, very well," Herriott said. "Our beliefs about Portland are coming true. We are contributing to needed development here."

Lewis pointed out that Sun Federal, Maine's largest savings and loan association, now doesn't have a building identified with it.

"This will really give us building identity," he declared. "This will be a semi-free standing building and Sun Federal will occupy all of it."

A model of the proposed project is probably not accurate for the Sun Federal structure. Size and shape of the Sun Federal building will depend somewhat on the tenants for the other buildings in the Golden Triangle.

Completion of the Sun Federal building will be in mid-1975, Lewis said. By that time, it's projected that Sun Federal's total assets will be close to the $100 million mark.

Sun Federal's headquarters now is at 561 Congress St. That may be retained as a branch, its president said. However, the branch at Monument Square will probably be closed after its lease runs out in 1977, he reported.

Sun Federal will work with The Architects Collaborative of Cambridge, Mass., on design of its building. Its space and personnel needs have already been identified in a survey. But the work on the building architecture has just begun, Lewis said.

The Sun Federal president assumes that the new building won't be at the exact tip of the Golden Triangle. The tip will be part of a mall which will extend down part of what is Middle Street.

"We feel the Herriott concept is good for downtown Portland and is a wonderful location," Lewis said.

Herriott said the area might be a good location for headquarters of national companies. He said a company whose name he can't divulge is now seeking 50,000 square feet of space in the project.

Lewis said location of Maineway Plaza in the center of Portland's financial district, affords the best opportunity for providing outstanding services to Sun Federal depositors and borrowers. He feels customer service will be greatly enhanced by superior parking and easy pedestrian access to downtown shopping and other services.

Lewis and Herriott met at the site with members of the city government, the Portland Renewal Authority and directors of Sun Federal.

The proposed Herriott over-all project also includes shopping levels, restaurants and a public plaza which will attract such community activities as ice skating in the winter and concerts during the summer.

[From the Evening Express, Aug. 9, 1972]

## GROUND BROKEN FOR 12 UNITS OF HOUSING AT DERMOT COURT

(By Brian Arsenault)

There was a groundbreaking today for 12 units of housing at Dermot Court.

The units are being constructed under the direction of Housing Opportunities Inc., a nonprofit housing agency established in 1969 by the Greater Portland Chamber of Commerce to "fill the gap" in the construction of housing for low and moderate income families. Model Cities funding of HOI thus far totals $289,217.

Twelve units of housing are not many for an area of the city with an almost desperate need for as much good quality, reasonably priced housing it can get, but the project is significant for two telling but very different reasons.

First, the 12 units, with a mix of three, four and five-bedrooms, are significant just in terms of the good housing they will apparently provide for families who need it.

"Somebody," according to HOI Executive Director William R. Frost, "in the West End neighborhood is going to get a hell of a deal." (Dermot Court is located between Brackett & Clark Streets near Gray Street.)

He may be right. The units will sell for probably about $25,000, which on the face of it would seem to put them beyond the means of moderate income families in the area, and certainly low income ones.

However, the units will be sold under the so-called FHA 235 Program which will mean the buyer, if his income is within certain limits, will be able to purchase the homes with a small downpayment and carry a mortgage on which the interest charge can be as low as one per cent.

Such advantages may bring the housing within the reach of some of the area's moderate income families, if not the low income ones.

If Frost's prediction is true the units, even though there are only 12 of them, will be a plus in improving the housing scene in Portland.

The second, and probably more crucial reason, why the 12-unit project is significant, is that it is a reminder that providing housing for low and moderate income families is still a tough nut to crack even though two years have passed since the time when the word crisis was used almost daily to describe Portland's housing problems.

For when the project is completed, HOI will have managed to build only 16 units of housing in over three years of operation with nearly $300,000 in Model Cities funds.

HOI formerly constructed four units, also in Dermot Court, which were supposed to be marketed under the 235 program but because of marketing and site problems were eventually turned over to the Portland Housing Authority for use as public housing.

Frost has indicated he's not particularly pleased himself with the situation and was particularly disturbed about the problems of getting the current 12 units under construction.

"You can't believe how many bureaucrats have been involved in getting a dozen units constructed," Frost said. "We plan to publicize our concerns about the institutional hassles involved in getting some housing built."

When HOI gets around to publicizing its concerns some good points will probably be made about the difficulties his organization faces and such difficulties should be openly aired.

However, many observers can't help but feel "we've been this way before".

Organizations like HOI were formed to try to deal with the "institutional hassles" Frost referred to, and if such organizations are finding themselves crippled by such problems rather than cutting through them, then serious questions are raised about how much real progress has been made in the past few years.

Such questions are being raised nationally and in Washington Congress is reviewing such programs as 235 and 236, a rent subsidy-construction subsidy program, with an eye to reforming those programs or dumping them in favor of new programs.

As to the nature of the 12 units under construction, they will be conventionally built, wood frame units with wood exteriors.

The units were originally designed to be modular, masonry units, but cost factors forced a change.

They will be heated electrically and according to Frost there will be four 3-bedroom units, six 4-bedroom ones, and three 5-bedroom units.

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# APOLLO 17

## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. TEAGUE of Texas. Mr. Speaker, a recent New York Times editorial written just prior to the launch of the Apollo 17, states well the significance of the last of the great lunar missions. This editorial aptly points out that a lunar expedition is still a breath-taking concept. It is significant not only in the accomplishment of flying to the Moon but in the human and technological developments that will serve us long after the Apollo missions have become history.

The editorial praises our astronauts and their exceptional skills, points to their pioneering effort, and recognizes their contribution to the future. The editorial follows:

### Apollo 17

Apollo 17 and its three brave, highly trained astronauts are about to begin their great adventure. For days they will cruise through interplanetary space in their artificial cocoon; then two of the astronauts will land on and explore an area of the moon never before visited by man while the third astronaut circles earth's natural satellite waiting for his comrades to rejoin him. Finally the men on the moon will blast off to return to the mother ship and begin the quarter-of-a-million-mile homeward trek.

It is still a breathtaking concept, though five teams of astronauts have successfully accomplished similar feats since Apollo 11 made its historic breakthrough in July 1969. The near-catastrophe which forced abortion of the Apollo 13 mission provides a useful reminder of the dangers involved despite all the experience that has been accumulated and despite all the exquisitely painstaking care taken before blast-off.

Until Apollo 17, the Government had acted on the theory that only highly trained professional pilots could cope with the problems and possible emergencies of space flight. Now, on this last Apollo flight to the moon, the first professional scientist, Harrison H. Schmitt, has been made a crew member. An article in The Times Magazine section on Sunday pointed out that Apollo astronauts are not supermen stamped from a uniform mold but human beings with individual idiosyncrasies, virtues and failings.

Yet it cannot be denied that these men have special qualities which set them apart. Some day in the distant future, no doubt, taking a rocket to the moon will be as common as taking a plane to London is today. But the Apollo pioneers who have blazed the way had to have a special degree of competence and courage to embark on this extraordinary journey. We wish them a safe return.

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## THOMAS W. ALLEN REALIZES DREAM

## HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. ASPIN. Mr. Speaker, while we were in recess a constituent of mine, Thomas W. Allen of Janesville, Wis., graduated from college at age 45—a fulfillment of a lifelong dream. I believe Mr. Allen's inspiring story should provide hope to all who continue to pursue a goal despite setbacks and discouragement. I am proud that Mr. Allen is a resident of the First District, and I submit at this time a newspaper story which details Mr. Allen's accomplishments:

[From the Janesville Gazette, Dec. 14, 1972]

### Thomas W. Allen's Lifetime Dream Will Become Reality

(By Ruby Walton)

Thomas W. Allen, 479 N. Washington St., is getting his Christmas present early this year, but it won't be wrapped in gay paper under the Christmas tree.

Mr. Allen, 45, will receive his bachelor's degree in secondary education from UW-Whitewater during commencement Saturday.

"It took me 25 years to finish," he said. "It's just a lifetime dream. You think it'll never come, but it's here. I'm real happy about the whole thing."

Mr. Allen left high school in 1945 to serve in the Army and transferred to the Air Force in 1946, where he remained until 1950. In 1951, while he was attending UW-Madison, he was recalled because of the Korean crisis and served in the Marines until 1957.

Mr. Allen earned his high school diploma while in service the first time but it was not recognized by the university in 1950. In order to qualify for college, he worked at Fairbanks Morse nights and went to Janesville High School mornings.

At that time the high school was located where Marshall Junior High School is now. "I got out of the plant at 2:30 a.m.," he recalled. "By the time I got home and to bed, I didn't get much sleep before school. Mr. Kitelinger used to let me out of his class early so I could run across the street to Wobig's to get some coffee and smoke a cigarette to keep awake."

"The first day back in school, I forgot and went into the boys' room for a smoke. Mr. Horswill caught me and sent me to Mr. Bick for smoking in school."

The son of Mrs. Lawrence Allen, 409 E. Milwaukee St., and the late Mr. Allen, has a great deal of praise to offer people who helped him. Kenneth Bick, then high school principal, Ralph Mitby, guidance director, and Miss Helen Taylor, history teacher, all encouraged him to go back to school.

"If it weren't for people like that helping me, I probably wouldn't have made it," he said, and added "I think my wife should pick up the diploma."

Mrs. Allen has been an executive secretary at Parker Pen Co. for the last 17 years. "She's typed I don't know how many papers," Mr. Allen said. "It's been a big plus for me to have her experience in typing, shorthand and research papers."

Following his second stint in service, Mr. Allen took nurse's training at St. Luke's Hospital, Racine, and became a licensed practical nurse. He worked in Mercy and Beloit hospitals.

He said he liked nurse's work but after the birth of his son, Shawn, now a 3rd grader at St. William's School, it was difficult working weekends and holidays. Then a back injury from a car accident forced him to give up nursing.

Mr. Allen started back to school at UW-Rock in 1968 and said he was impressed with the caliber of teaching there, which makes transition to another university easy.

He transferred to UW-Whitewater for his last two years. In the summer of 1971, he received a Ford Foundation grant and studied at Schiller College, Bonningheim, Germany.

He has been student teaching in English at Milton High School and will teach there until the end of the semester in January, then probably do substitute teaching in the area during the second semester.

Although he would prefer to teach German, he said he enjoys teaching English just as much and hopes for a combination position. "I find teaching very rewarding," he remarked, "and I feel my age is an asset."

Mr. Allen emphasized that veterans should take advantage of the GI bill to continue their education. The bill has enabled him not to have to work during college.

"My scholastic background before college was so poor I had to work hard in school to accomplish my goal," he stated. "I carried a reduced load when I began until I got into the study habit and then went to summer school. I couldn't have made it and worked too."

"Many veterans think they couldn't make it," he said, "but they should try. People tend to underestimate what they can do. If you want it bad enough, you can do it. I'm not a bright person, but I have a 3.6 grade point average in English and 3.2 in German. I got down to business and it has paid off for me."

Since he never really graduated from high school, this will be his first graduating ceremony.

"I'm going to wear that cap and gown Saturday, you can bet on that," he said with a grin.

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## PEOPLE SHOULD HAVE PRIORITY

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. DERWINSKI. Mr. Speaker, in my opinion, pursuit of peace in the Middle East is the most difficult and delicate task facing diplomats and governments. Certainly, a thorough knowledge of the area and the conflicting views which abound there are helpful to all of us who share the belief that lasting peace is long overdue in that historic area.

A very fascinating and hopefully to some readers a somewhat provocative article was carried by the Copley News Service recently in a report from its Washington Bureau chief, Ray McHugh, after a recent visit of his to Europe and the Middle East. The specific article I am inserting into the RECORD was carried in the Joliet Herald News of Sunday, December 24, 1972.

Mr. McHugh has made a number of trips to the Middle East in an effort to be thoroughly familiar with the problems there and has extensive contacts in government and private circles in the Arab world as well as in Israel. He writes with an obvious sensitivity for the gravity of the problems there.

The article follows:

### Says People Should Have Priority

(By Ray McHugh)

BEIRUT, LEBANON—People, not boundaries, must have priority in the hoped-for American peace initiatives in the Middle East, says the boss of the largest private enterprise in the Arab world.

"There is no doubt that a solution in the Middle East lies with the United States; it is our only hope," says Sheikh Najib Alamuddin, chairman and president of Middle East Airlines.

One of the most respected Arab business and financial leaders, the sheikh says "another war will settle nothing."

The burden of peace, however, he adds "lies with Americans, I am afraid."

"You have an 'association' with Israel, but you also have traditions of democratic fair play, old friendships in the Arab world and obvious national interests.

"The Russians won't pursue peace—nor will the Chinese. Europe doesn't have enough weight."

The sheikh has felt the heat and flame of Arab-Israeli hostility like few businessmen of any nationality. Four Decembers ago Israeli commandos swooped into Beirut Airport and virtually put MEA out of business, destroying a half dozen planes including Boeing 707 jetliners.

Though MEA is a private company with no subsidy from the Lebanese government it was singled out by the Israelis for reprisal against Palestinian guerrilla raids from southern Lebanon. Some saw it as a warning to Lebanon's prominent financial and business community not to underwrite Palestinian forces.

The memory is vivid again this December as Israeli forces and Lebanese army units battle Palestinians only 100 miles south of Beirut.

In 1968 MEA rallied, largely because of the sheikh's personal standing in the international airline community. By renting planes, telescoping flights, the airlines resumed its schedules from Scandinavia to India as soon as Beirut Airport reopened. Since then it has reported three consecutive profit-making years—one of the few airlines in the world that has been able to operate consistently in the black.

"That crisis taught us a lesson about the importance of people," the sheikh said in an interview. "They were challenged and they were magnificent. Employees offered us money from their own pockets. Union waived overtime for six months." (in his 21 years with MEA the airline has never had a strike.)

MEA's recovery is reflected in a 9.7 per cent $8 million-profit for 1972 and a growing reputation as one of the best-managed smaller airlines in the world. The sheikh increasingly is looked upon as a principal spokesman for smaller airliners in international air transport negotiations. Fifteen Boeing 707s make up the backbone of MEA's fleet.

The same "people" element that the British-educated sheikh stresses in his airline must be paramount in any Arab-Israeli settlement, he says.

Gesturing toward Palestinian refugee camps that lie close by his Beirut Airport offices, the sheikh said:

"The central issue of any peace negotiation must be the future of these Palestinians. They have lived in squalid huts and tents for 25 years. They must be resettled and helped to find a worthwhile life. Too many today live only on hatred—hatred for Israel, hatred for the Arab countries who they think have done too little—hatred for the Americans and the other powers who they think have abandoned them.

"When men live on hate alone, no one can predict the results.

"The attack on the Munich Olympic village was a tragedy; it reflects the desperation we know exists. The Israeli reprisals, I'm afraid, only accentuate this desperation.

"Someday someone must answer this problem with compassion and understanding.

"Why don't the Israelis remember what happened to them in Germany? Then it was them who were denied their homes, their birthrights, the simple claim to exist. Now they are denying it to half a million Palestinians.

"They talk of 'secure frontiers.' What is secure today in a time of missiles and rockets? The only security Israel will know as a state must come from an understanding with the Arab nations. Time is not on the side of Tel Aviv. It has military superiority now, we all know that. But unless it agrees on a modus vivendi with today's Arab leaders, I'm afraid it will be faced with a much more militant, much more radical and new generation of leaders a few years from now."

Arab-Israeli hostility, the sheikh says, has thrown the Middle East into a kind of economic limbo. Oil and related interests continue to generate business activity, he said, but even in this area the Palestinian question intrudes at a time when the United States is confronted with major decisions about its future energy supplies.

"Washington should not be looking to Siberia for its fuel," he said. "Despite the events of the past 25 years there is a great residue of friendship for the United States in the Middle East. We like to do business with Americans. Much of our business and political leadership was developed right here at the American university. Our children study in colleges in the United States. It is a natural relationship."

Once a Middle East settlement is reached, he said, the region will literally explode with opportunities. Traditional Holy Land tourism routes will be reopened. Natural resources will be developed. Commerce will flourish.

"Most important," he says, "a successful American peace initiative that takes into account the future of the Palestinians would be a recommitment of American and Western interest and sympathy towards people in this part of the world. We can all partake in an unprecedented prosperity, but an initiative now is important."

Some Arabs, notably younger men, already have begun to seek new horizons on the Persian or Arabian Gulf a few hundred miles to the east.

"That could be our Wild West," the sheikh agreed.

While politicians continue to debate the Arab-Israeli dilemma, many hardy young Beirut-trained businessmen are shifting their sights to oil-rich Kuwait and the tiny sheikhdoms like Oman and Muscat that are insulated by distance from old Arab problems.

"It is there that the world will see an Arab renaissance," says a young Harvard-educated Iraqui architect. "It's like California 100 years ago. It's screened from the war. There is no sense of national failure."

To this young man, Beirut, Cairo and Damascus are symbols of Arab failures in the 19th and 20th Century. For him the new oil lands hold the promise that old dreams can be re-created.

"I agree," says the sheikh. "But if the potential of this new area is to be fully realized, it must draw on the resources and the people of older Arab lands and these cannot be appreciated until we have peace with Israel—a just peace that gives hope and homes to the Palestinians. That is the first order of business."

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## ROBERTO CLEMENTE

### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. CONTE. Mr. Speaker, there are thousands of professional athletes in this country, and dozens of them at one time or another have been tabbed "superstars." But there are precious few who are both superstars on the field and extraordinary individuals in their private lives.

Roberto Clemente was one of those precious few and I know that everyone in this Chamber joins me in mourning his tragic and untimely death.

The plane flight that brought death to Roberto Clemente and his four companions Sunday night was on a "mercy flight" bringing relief supplies to earthquake-stricken Nicaragua. It is an accurate reflection of the measure of this man that everyone who knew and loved him best stated afterward that such a mission was typical of the man.

I had the privilege of meeting Mr. Clemente a few times during his long and glittering baseball career with the Pittsburgh Pirates. While one had to marvel at the talent of this superbly conditioned athlete, it was the dignity of the man and his concern for others that remain in memory as vividly as his exploits on the diamond.

Roberto Clemente was not the type of superstar who would merely lend his name and prestige to a worthy cause. He cared enough for others to give his time, his effort as well as his talents to help them. It was this quality of active concern for others, as well as his towering reputation as a baseball player, that made him so revered in his native Puerto Rico and throughout the United States.

Reading the sad accounts of his last days leading up to the plane crash, one cannot escape being as impressed by Roberto Clemente the man as millions of baseball fans have been by Roberto Clemente the ballplayer. Immediately after the disaster in Nicaragua, Mr. Clemente assumed leadership of a volunteer committee to gather relief supplies for the stricken country. His Christmas Day was spent working on this effort. Saturday he was at a pier in San Juan helping to load a ship with relief material. And on New Year's Eve he left his home and family to help deliver the much-needed supplies to the earthquake victims.

With the crash of that plane, baseball lost one of its greatest players and people everywhere lost a true friend.

Mr. Speaker, I know that my colleagues join me in extending condolences and deepest sympathy to Roberto Clemente's widow, his three sons, and all his family.

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## CENTER FOR DEFENSE INFORMATION: DECEMBER 1972, MILITARY DIRECTIONS

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. FRASER. Mr. Speaker, Gene La Rocque, a retired U.S. rear admiral now heads the Center for Defense Information. Although the center has been in operation for not quite a year, its publications already have earned the respect of Congress. In December 1972, a one-page newsletter, "Military Directions" was published. It contains several brief informative paragraphs on strategic weapons and defense matters generally. I think many of my colleagues who may not have received the newsletter will find it worth reading:

#### CENTER FOR DEFENSE INFORMATION: DECEMBER 1972, MILITARY DIRECTIONS

Expect a rash of defense department-inspired scare stories with the approach of the new defense budget early next year. Included will be talk of a possible Soviet aircraft carrier and of a new manned bomber. DOD's new budget will ask for hundreds of millions for continued funding of the CVN-70 aircraft carrier and the B-1 bomber. United States already has 16 carriers, the Soviets none, and the United States has more than 500 strategic bombers versus only 140 far inferior heavy bombers for the Soviets.

Fifty-eight percent of voters favor cuts in military spending, according to a September Harris poll.

Military prime contracts of $33.4 billion were awarded by the Defense Department in fiscal 1972, to 22,000 contractors, up $3.6 billion from 1971. The top 100 contractors received 72% of the total, the top 50, 63%, and the top 25, 51%. Leading the list were Lockheed, McDonnell Douglas, General Dynamics, General Electric, and Boeing, sharing 21% of all DOD contract business. Lockheed led all other defense contractors for the fourth year in a row.

United States is continuing with strategic weapons programs as the second phase of Soviet-American negotiations on limiting strategic arms begins on November 21. New MIRVed missiles for Minuteman ICBMs and Poseidon submarines are being deployed daily. U.S. bombers are being MIRVed too, with the first B–52 bombers carrying Sram missiles now activated at Loring Air Force Base in Maine. United States bomber-carried nuclear weapons will increase 50% over the next five years because of Sram. Air Force expected to request funds for MIRVing all 1000 Minutemen in next year's budget.

One Poseidon missile submarine could deliver more destructive power than all explosives dropped on Germany and Japan in World War II. A Poseidon submarine carries enough nuclear weapons to strike more targets than the total number of major German and Japanese cities bombed by all the allies in World War II, and each of these weapons is considerably larger than the Hiroshima bomb. Yet one Poseidon submarine carries only a small fraction of 1% of the nuclear megatonnage in the United States strategic arsenal. United States will have 31 Poseidon submarines by 1976.

The Center is associated with The Fund for Peace.

U.S. Navy made 157 ship visits to 20 countries in the Indian Ocean area in 1971. Navy Chief Admiral Zumwalt says "a permanent presence is mandatory" and contemplates rotating aircraft carriers in the region after the Vietnam war. Soviet naval activity at a much lower level; mostly non-combat support ships, oilers and repair ships. Soviet naval ships made only 33 port calls to 7 states in the Indian Ocean area last year.

Since World War II the U.S. spent $1.3 trillion for military forces, the Soviet Union an estimated $1 trillion. World military spending in 1971 rose to $216 billion, up from $119 billion in 1961. Since 1961, the world has spent $1.8 trillion for military forces. In 1971 NATO country military outlays exceeded those of the Warsaw Pact countries by nearly 40%; $106 billion versus $76 billion.

U.S. weapon sales to foreign governments exceeded $6.5 billion from 1967 through 1971. DOD military sales estimated to exceed $2.8 billion per year for fiscal years 1972 and 1973.

U.S. military activities in other parts of Asia stepping up as the Vietnam war winds down. Vietnam military bases being turned over to Vietnamese, but U.S. defense planners examining reactivation of old World War II bases in the Western Pacific Micronesian Islands. The U.S. Army Pacific Command is expanding operations in "civic action" and other security-related programs. Last year Army teams were involved in "civic action" and "security" projects in 26 nations, a 300% increase over previous year.

The Green Berets are busy on the homefront, returning to "domestic action" in the U.S. after withdrawal from Vietnam combat in 1971. Special Forces troops are involved in programs in 29 communities in 7 States, working with juvenile delinquents, mentally retarded children, on Indian reservations, and with Boy Scouts. These community-assistance activities provide excellent training for "stability operations" in foreign lands according to Defense Department spokesmen.

Soviet Union still lagging far behind the U.S. in missile technology. Soviet testing of MIRV missile warhead system has failed to materialize. During October the Soviets carried out several SS–11 ICBM tests in the Pacific for the first time since 1970. Tests indicated little advance beyond the old MRV Technology. U.S. has operationally deployed MRV triplet warheads since 1964 and the more complex MIRVs since 1970. In October the U.S. Strategic Air Command test fired a Minuteman III with MIRV. Each of its three warheads was reported to have dropped within a quarter mile of its aiming point, a level of accuracy far better than Soviet missiles.

## TO ESTABLISH THE TOYON NATIONAL URBAN PARK IN THE SANTA MONICA MOUNTAINS

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### HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. BELL. Mr. Speaker, on this opening day of the 93d Congress I am introducing a bill to establish in the State of California the Toyon National Urban Park in the Santa Monica Mountains. Initially, the concepts embodied in this bill were introduced by me in the first session of the 92d Congress. While proggress has been made toward the realization of this much needed park and conservation facility, the Federal Government has been delinquent in its responsibility to the citizens of southern California in insuring that the currently undeveloped Santa Monica Mountains will be preserved for the enjoyment of this and future generations.

No one can seriously doubt that there exists a great need throughout the entire country and, in particular, in southern California, for additional recreational and park facilities. Each year thousands of individuals are precluded from enjoying the unmatched pleasures of the outdoors because of the overcrowded conditions that prevail in the few parks that do exist. This legislation, while it focuses its attention on the serious needs of California, will represent, if implemented, an increased awareness of the Federal Government of the needs of urban dwellers to experience nature in its most unblemished form.

I am firmly convinced that the Toyon National Urban Park as envisioned by this legislation will become a reality. I am able to say this because of the enthusiasm that the residents of the greater Los Angeles area have displayed in support of this idea. They and I will need your help, however, to hasten the implementation of this park.

Those of you who have visited southern California know of the natural beauty that abounds in the area. It would be an unpardonable sin to permit, by inaction or delay, even the partial destruction of the coastline and/or the partial development of the mountain area.

I urge each and everyone of you to seriously ponder the contents of this bill and support its passage.

The bill follows:

H.R. 290

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) in order to preserve a national mountain and coastal resource; to provide for public outdoor recreation use and enjoyment of the Santa Monica Mountains and the shores and waters of Santa Barbara Channel and Santa Monica Bay by present and future generations; to preserve natural, scenic, scientific, historic, and other values contributing to public enjoyment of the lands and waters of the area; to enhance the environment of contiguous communities by multiple use of the resources; to provide green belt open spaces with optimum use and development of the water resources; and recognizing the need of the Greater Los Angeles area for such an open space and recreational resource, there is hereby established the Toyon National Urban Park. The park, subject to valid existing rights, shall generally comprise that area of the Santa Monica Mountains eastward to the San Diego Freeway along the crest of the Santa Monica Mountains and paralleling Mulholland Drive to Griffith Park and westward from the San Diego Freeway and eastward from Point Mugu and westward from Sunset Boulevard, including portions of the beaches and coastal canyons of Santa Monica Bay. Special effort shall be expended by the Secretary of the Interior to acquire all lands, easements and other necessary rights to create a park that is a contiguous whole and maximizes the benefit of the park for the Greater Los Angeles region.

(b) In preserving the mountains and seashore and stabilizing its development, substantial reliance shall be placed on cooperation between Federal, State, and local governments to apply best principles of land use planning and zoning. The Secretary of the Interior shall give full consideration to the recommendations of the State of California Ventura-Los Angeles Mountain and Coastal Study Commission affecting land use, zoning, conservation and development in Los Angeles County and Ventura County and to the terms of any coastline conservation legislation enacted by the State of California, and shall make every effort to encourage the State of California and local governments thereof to establish stringent land use controls in the entire Santa Monica Mountain area as defined in this Act.

SEC. 2. (a) The lands and waters to be acquired by the United States under this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") through the National Park Service. Under direction of the Secretary, the National Park Service shall administer, protect, and develop the park subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Secretary may apply any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act.

(b) As soon as practicable after acquisition by the Secretary of an acreage within the boundaries of the park which, in his opinion, can be administered efficiently for the purposes of this Act, he shall establish the park by publication of notice thereof in the Federal Register.

(c) The Secretary shall study the land use management needs of the entire defined mountain and seashore region and take whatever actions are determined necessary to preserve the established values of the Santa Monica Mountain area, including additional land acquisition. The Secretary shall take whatever action is necessary in order to assure that special precautions will be taken by the State of California and local governmental entities to guard against land use management of the lands surrounding acquired parklands which are incompatible with the acquired lands, in order to preserve the natural continuity of the regional environment.

SEC. 3 (a) The Secretary is authorized, subject to the limitations, restrictions, and conditions imposed by this Act, to acquire the land and other property and any interests therein by donation, purchase with donated or appropriated funds, or by exchange, except that land owned by the State of California or any of its political subdivisions may be acquired only with the consent of the owner.

(b) When acquiring property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) In exercising his authority to acquire property under this Act, the Secretary shall give immediate and careful consideration to any offer made by a property owner owning property within the boundaries of the park to sell such property to the Secretary. A property owner owning property within the park may notify the Secretary that the continued ownership of that property would result in hardship to him, and the Secretary shall immediately consider such evidence and shall within one year following the submission of such notice, subject to the availability of funds, purchase such property offered for a price which does not exceed its fair market value.

(d) The Secretary, to fulfill the objectives of this Act shall, from time to time, vest in the United States all right, title, and interest in, and the right to immediate possession of, all real property in specific acquisitions within the Santa Monica Mountain and Seashore area as defined in this Act, except real property owned by the State of California or a political subdivision thereof.

(e) With respect to property which the Secretary is authorized to acquire by condemnation under the terms of this Act, the Secretary shall initiate no condemnation proceedings until after he has made every reasonable effort to acquire such property by negotiation and purchase.

(f) The Secretary is authorized to acquire only such interest in lands as is reasonably necessary to establish and maintain the park.

(g) Nothing in this Act shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(b) The Secretary may use installment purchase, advance acquisition with leaseback provisions, and conservation, agricultural, access, and scenic easements to accomplish the purposes of this Act.

(i) The Secretary shall explore the possibility of obtaining grants and funds from other appropriate government agencies to further land acquisition for the park, construct the necessary facilities to protect the values for which the park was established, and extend the benefits of the recreation and open space resource of the Santa Monica Mountain and Seashore to the Greater Los Angeles region and to the American public.

SEC. 4. (a) There is hereby established a Toyon National Urban Park Advisory Commission. The Commission shall cease to exist nine years after establishment of the park as provided by section 2 of this Act.

(b) The Commission shall be composed of nine members, each appointed for a term of three years by the Secretary, as follows:

(1) five members to be designated by the Secretary, three of whom shall be residents of Los Angeles or Ventura Counties;

(2) one member to be appointed from recommendations made by the board of supervisors of Ventura County;

(3) one member to be appointed from recommendations made by the board of supervisors of Los Angeles County; and

(4) two members to be appointed from recommendations made by the Governor of California.

(c) The Secretary shall designate one member to be Chairman. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation, but shall be reimbursed for actual expenses incurred incident to Commission business. The Secretary is authorized to pay the expenses reasonably incurred by the Commission.

(e) The Secretary shall provide such staff assistance as is necessary to the Commission in the performance of its duties.

(f) The Commission shall meet at least twice annually at time and place designated by the Chairman. The Commission also shall meet as necessary at the call of the Chairman upon proper cause and due notice given.

(g) The members of the Commission shall have particular experience or expertise in government, conservation, land use planning and acquisition, natural and environmental sciences, or economics.

SEC. 5. (a) The duties of the Commission shall consist of—

(1) advising the Secretary on proposed land uses, priority of such uses, and development plans within the park, consistent with the recreational and open space aspects of the park region.

(2) advising the Secretary of any activities conducted by the Secretary or proposed to be conducted by the Secretary or through others under the Outer Continental Shelf Lands Act (67 Stat. 462) which would have or are likely to have a material influence on the park environment;

(3) advising the Governor of California of any activities conducted by or proposed to be conducted by the Lands Commission of the State of California directly or through others upon the tidelands and shelf lands and waters which would have or are likely to have a material influence on the park environment;

(4) advising the boards of supervisors of Ventura County and Los Angeles County and the city council of any city contiguous or adjacent to the park as to any proposed land use, land development, public works, mineral development, or zoning outside the park which would have or are likely to have a material influence on the park environment.

(5) holding public hearings on National Park Service proposals for acquisition of land and development and use plans and submitting its findings and recommendations to the Secretary; and

(6) assisting the Secretary in conferring with State and local parks and recreation officials to determine the best possible cooperative management program for the park lands;

(7) assisting the State of California and local government entities to assure that land use in the Santa Monica Mountain area is compatible with and supplements the values of the park established herein; and

(8) any other duties prescribed by the Secretary related to the development, use and management of the park and its resources and the environmental impact of the park on the surrounding communities and the environmental impact of adjacent commercial activity on the park.

SEC. 6. (a) Any owner or owners of improved property situated within the area designated for inclusion in the park on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain, for a term of not to exceed thirty years, the right of use and occupancy of such property for any single-family residential purpose which is not incompatible with the purposes of this Act or which does not impair the usefulness and attractiveness of the area designated for inclusion. The Secretary shall pay to the owner the value of the property on the date of such acquisition less the value on such date of the right retained by the owner. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes in accordance with the provisions of this section.

(b) Any improved or unimproved property situated within the area designated for inclusion in the park which by mutual agreement between the Secretary and the owner or owners thereof is used commercially to serve the needs of the public and enhance their enjoyment of the park shall not be subject to purchase or condemnation during the existence of such agreement.

(c) Any deed or other instrument used to transfer title to property, with respect to which a right of use and occupancy is retained under this section, shall provide that such property shall not be used for any purpose which is incompatible with purposes of this Act, or which impairs the usefulness and attractiveness of such area, and if it should be so used, the Secretary shall have authority to terminate such right.

SEC. 7. There are hereby authorized to be appropriated such funds as are necessary to accomplish the purpose of this Act.

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## IN FAVOR OF DIRECT POPULAR ELECTION OF THE PRESIDENT

### HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. ULLMAN. Mr. Speaker, today the Nation witnesses another chapter in the charade that is America's system of selecting its President and Vice President. The votes cast in the Electoral College are being counted, and 538 people were allowed to determine the top elected officials in the United States. These 538 electors do not have to vote for the candidate who received the most votes in their State in the November election. Fortunately, 537 did this year. But what of the one who decided to place his feelings above the feelings of those who put him in the position of elector?

In 1968 another elector similarly chose to ingore the vote of the people of his State. One wonders what would happen if such actions by electors actually changed the results of a presidential election. Why should we live with such risks if we really value democratic government? The so-called faithless electors are not the only way that our electoral system can thwart the will of the people of the United States. It is quite possible for 60 percent of the people to vote for one candidate, while the other major candidate, with only about 40 percent of the vote, wins more than 50 percent of the electoral vote. This can be accomplished merely by winning the 12 largest States. A discrepancy between electoral vote and popular vote has not occurred since 1876, but it could easily happen again.

Even this election in 1972, though a landslide, is an example of how unrepresentative the Electoral College is. President Nixon received about 61 percent of the popular vote, but almost 97 percent of the electoral vote. Senator McGovern received 38 percent of the popular vote, but only 3 percent of the electoral vote.

In 1969, the House of Representatives approved a constitutional amendment abolishing the Electoral College and substituting a system of direct popular election of the President. The Senate, unfortunately, failed to act. But we must try again. The people must truly be made the source of electoral power.

I have proposed a package of election reform bills designed to give people the real power in presidential elections. I have introduced House Joint Resolution 3, a constitutional amendment abolishing the Electoral College, instituting direct election of the President and a national presidential primary system for selecting nominees of political parties. My bill, H.R. 18, sets up the machinery for the election system. Another bill, H.R. 1250, would close the polls in all parts of the country at the same time, in order to reduce the chances that the results of national elections will be broadcast based on eastern returns prior to closing of the polls in the West.

I want our national elections to be the model of efficient democracy that our idealism would expect them to be. I believe my legislation will achieve that aim, and I urge my colleagues to join me in pushing for early action by the House to reform our electoral process.

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## STOP THE WAR

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. DERWINSKI. Mr. Speaker, there has been a great deal of conversation, one would almost be tempted to say excessive oratory, in the Congress over the situation in Southeast Asia.

One of the more intriguing pieces of correspondence I have received on the subject of Southeast Asia is a letter from the Communist Party of Illinois which I insert into the RECORD at the conclusion of these remarks. It is my thought that many Members might wish to read this letter as they analyze all points of view on the subject:

COMMUNIST PARTY OF ILLINOIS,
*Chicago, Ill., December 20, 1972.*

Senator CHARLES PERCY,
Senator ADLAI STEVENSON,
All Illinois Congresmen:

In the name of all that is decent in the world you must stop the war.

At this point only you and your colleagues have the power to end the crimes being committed in the name of our people by compelling Richard Nixon to sign the peace treaty that he agreed to before the election. For you not to do this is to be an accomplice.

The master trickster has exposed his hand. He has revealed the sham of his peace negotiations, now that he is installed in the White House for four more years. The responsibility for the war continuing is Nixon's; the responsibility for ending it now rests with you. No one but Nixon could call the integrity of Vietnam as a country a "minor detail." No one can believe, after years of destruction, that any more bombs can end the war and bring our boys home, including all the prisoners.

Before the elections we Communists and many others warned that Nixon was campaigning for peace while preparing for greater war, with a cynical contempt for the honor and will of our people. It is now clear that Nixon has not given up his aim of keeping South Vietnam as a permanent base of operations for U.S. imperialism on the Asian mainland. Such hypocrisy has been denounced by leaders across the country and around the world, including the most recent statement of Pope Paul VI.

As long as this war continues we will forever postpone meeting the crises that scream for relief in our schools, hospitals, homes and in our streets. We can wait no longer.

The Communist Party of Illinois, together with thousands of our fellow citizens, call upon you to call for an emergency session of Congress to:

Prohibit any further expenditure of any funds in Southeast Asia for any purpose except the transportation home of every US soldier and piece of military equipment;

Bring impeachment charges and try them against Richard M. Nixon, President of the United States of America, for gross violation of his oath of office to uphold the U.S. Constitution; for usurpation of the peoples' and the Congress' Constitutional rights and powers; and for crimes of genocide against the Vietnamese peoples.

Most urgently yours,
JACK KLING,
*Cochairman.*
ISHMAEL FLORY,
*Cochairman.*
ARNOLD F. BECCHETTI,
*State Secretary.*
LINDA R. APPELHANS,
*Organizational Secretary.*

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## REAR ADM. RUFUS J. PEARSON, JR., MEDICAL CORPS, U.S. NAVY

## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. TEAGUE of Texas. Mr. Speaker, in retirement ceremonies held in the U.S. Capitol January 3, 1973, the Surgeon General of the Navy, Vice Adm. George M. Davis, Medical Corps, U.S. Navy, presented the Distinguished Service Medal on behalf of the President of the United States to Rear Adm. R. J. Pearson, Medical Corps, U.S. Navy, who retired after more than 26 years' active duty, of which the last 6½ were as Attending Physician to the Congress of the United States. The award was presented to Rear Admiral Pearson "for exceptional meritorious service to the Government of the United States in a duty of great responsibility as the Attending Physician to Congress during the period March 1966 to January 1973."

In October 1966, Dr. Pearson was assigned as the Attending Physician to Congress, a position he held for 6½ years and the second physician to hold that post. Dr. George W. Calver, the first physician to Congress occupied the post from 1928 to 1966.

Yearly, several thousand emergency and first-aid treatments are administered at the first-aid rooms in the Capitol buildings. Dr. Pearson effected many improvements in health care and its delivery in the Capitol.

Dr. Pearson was chosen to accompany the majority leader and minority leader of the Senate on their historic trip to China in 1972.

Appreciation of Dr. Pearson's interest in the welfare of the Members of Congress, their families, their staffs, and the pages has been expressed repeatedly by the Members.

Dr. Pearson was in private practice in Jacksonville, Fla., for 5 years prior to returning to active duty in the Navy. He served as chief of medicine at the naval hospitals, Charleston, S.C., and Portsmouth, Va., and was chief of cardiology at the Naval Hospital, Bethesda, Md., from 1955 to 1961. Before his appointment as Attending Physician, he served as director of clinical services and chief of medicine at the Naval Hospital, Bethesda, Md. He trained at the King's County Hospital, Brooklyn, and at the Grady Hospital, Atlanta, and had additional training in cardiovascular diseases at the Massachusetts General Hospital, Boston, under Dr. Paul Dudley White. He is certified by the American Board of Internal Medicine and by the Subspecialty Board in Cardiovascular Diseases.

Dr. and Mrs. Pearson plan to make their home in Whispering Pines, N.C.

Mr. Speaker, I include a biography of Dr. Pearson as well as copies of the citations he received upon his retirement. I wish him well.

### BIOGRAPHY

Rufus Judson Pearson, Jr., was born in Atlanta, Georgia, October 8, 1915, a son of Rufus Judson Pearson, Sr., and Myrtle Padgett Pearson. He attended the University of Florida and received his Doctor of Medicine degree from Emory University in 1938. He entered active duty in the U.S. Naval Reserve in 1942 and resumed his civilian practice in Jacksonville, Florida, in 1945. He returned to active duty in 1950. On March 20, 1967, he was promoted to Rear Admiral.

In World War II, Doctor Pearson served overseas with a Navy Construction Battalion and has since served on the medical services at the Naval Hospitals in Jacksonville, Florida; Beaufort, South Carolina, and Bethesda, Maryland. He was Chief of Cardiology at the Naval Hospital, Bethesda, Maryland from 1955 to 1961, and Chief of Medicine at the Naval Hospitals in Charleston, South Carolina and Portsmouth, Virginia. Prior to his assignment as Physician to Congress, he was Director of Clinical Services and Chief of Medicine, Naval Hospital, National Naval Medical Center, Bethesda, Maryland.

Doctor Pearson has the American Campaign Medal; WWII Victory Medal; National Defense Service Medal (with bronze star in lieu of second award); Armed Forces Reserve (10 yrs.) Medal; and the European-African-Middle Eastern Campaign Medal.

He was married in 1939 to Miss Emily Timmerman of Atlanta, Georgia. They have a daughter, Virginia (Mrs. H. E. Sudders), who was a Peace Corps Nurse in the Dominican Republic for two years and served as a staff nurse with the American Red Cross. A son, LCDR Rufus Judson Pearson III, CEC, USN is a Naval Academy graduate of the Class of 1963. Doctor and Mrs. Pearson plan to reside at 61–A Pine Lake Drive, Whispering Pines, North Carolina 28389.

Doctor Pearson is a Fellow of the American College of Physicians; Fellow, American College of Cardiology; Fellow, Scientific Council, American Heart Association; Member, American Medical Association; Member, Board of Directors, Washington Heart Association; and formerly Associate in Medicine, Georgetown University. He trained at the Kings County Hospital, Brooklyn, and at the Grady Hospital, Atlanta, Georgia, and had additional training in Cardiovascular Disease at the Massachusetts General Hospital, Boston, under Doctor Paul Dudley White. He is certified by the American Board of Internal

Medicine and by the Sub-specialty Board in Cardiovascular Disease.

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THE SECRETARY OF THE NAVY,
*Washington.*

The President of the United States takes pleasure in presenting the Distinguished Service Medal to

REAR ADMIRAL RUFUS J. PEARSON, JR.
MEDICAL CORPS
UNITED STATES NAVY

for service as set forth in the following

CITATION

For exceptionally meritorious service to the Government of the United States in a duty of great responsibility as the Attending Physician to the Congress during the period March 1966 to January 1973.

Rear Admiral Pearson brought to his unique position exceptional skill, innovation, farsighted leadership, and the highest sense of dedication. Through his superlative efforts, Members of Congress and their staffs received the best possible medical care.

Rear Admiral Pearson was instrumental in effecting numerous improvements to the health care delivery system in the Capitol complex. In addition to his role as a physician as advisor, consultant, and confidant to the nation's legislators, earning the respect of all with whom he came in contact.

By his distinguished and inspiring devotion to duty, Rear Admiral Pearson reflected great credit upon himself and the Medical Corps, and upheld the highest traditions of the United States Naval Service.

For the President:

JOHN W. WARNER,
*Secretary of the Navy.*

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THE SURGEON GENERAL OF THE NAVY PRESENTS THIS CERTIFICATE OF MERIT TO

REAR ADMIRAL RUFUS JUDSON PEARSON, JR.
MEDICAL CORPS
UNITED STATES NAVY

For over twenty-six years of distinguished, loyal and exceptionally meritorious service in the Medical Corps of the United States Navy.

Throughout his naval career, Admiral Pearson dedicated his professional energies, clinical skills, and administrative abilities to providing quality health care. During World War II, he served overseas with a Navy Construction Battalion. Subsequently, he was assigned on the Medical Service at Naval Hospitals, Jacksonville, Florida; Beaufort, South Carolina; Bethesda, Maryland; and was Chief of Medicine at Naval Hospitals, Charleston, South Carolina, and Portsmouth, Virginia. Immediately preceding his present assignment, Admiral Pearson served as Chief of Medicine and Director of Clinical Services at Naval Hospital, National Naval Medical Center, Bethesda, Maryland. To each of these assignments, he brought a high level of professional competence coupled with dynamic leadership, drive, and imagination.

Such impressive credentials as his certification by the American Board of Internal Medicine in both Internal Medicine and Cardiovascular Diseases, his status as a Fellow in the American College of Physicians and the American College of Cardiology, and his vast professional experience made Admiral Pearson imminently qualified for assignment as Attending Physician to the Congress. During his tenure from July 1966 to January 1973, he continually demonstrated his intense devotion to duty and dedication to purpose by totally administering to the medical needs of the members of both Congressional Legislative bodies. In addition, Admiral Pearson served with distinction as Chairman of the Armed Forces Participation Committee for the Presidential Inauguration in January 1969.

On the occasion of his retirement, it is a privilege and a distinct pleasure to record here our appreciation and gratitude, and to confer upon Admiral Pearson this Certificate of Merit in recognition of a distinguished career in the service of his country.

G. M. DAVIS,
*Vice Admiral, Medical Corps, USN.*

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## WHERE HAVE THEY GONE?

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. ASPIN. Mr. Speaker, it is always most encouraging to receive mail from concerned young people who have thoughtfully analyzed a problem and are seeking solutions. Recently Vivian Stanton, a student from Racine, Wis., sent me an excellent theme describing the seemingly endless drive to develop natural areas into commercial areas. I believe her concern reflects the concern of all of us, and I submit her theme for the consideration of all Members of Congress:

WHERE HAVE THEY GONE?

(By Vivian Stanton)

With the rapid development of more housing units and shopping areas to satisfy today's housing and public needs, former playgrounds, picnic areas, forests and farm lands are vastly disappearing. The need for more housing units is a valid one as each year our population growth is steadily rising. With this population growth, one can see, also, the need for more shopping areas to accommodate the soaring demands of today's citizens. But what do these needs lead to?

By building more housing units and shopping areas, we are denying a family and its children the playgrounds and picnic areas formerly used for safe recreational activities. More playgrounds and picnic areas will be taken away from the community as the need for housing units and shopping areas increases as the necessity for having someplace to build them increases. It may not be long before more and more children will be playing in the streets. Soon families will not be able to hold a picnic outdoors or in parks unless they have a large yard in which to do so.

Our beautiful natural forests are on the decline too as the need for more and more wood is increasing for building purposes and the area will be needed for a place in which to build. Remember how much fun it was to walk along the paths in the forests and see the natural beauty that God had created? After a rainfall, these forests were exceptionally beautiful as the trees shimmer in new beauty and everything smells fresh.

As our farmlands are disappearing, if one reads the science magazines, you will find out that scientists are inventing special food capsules and supplements to aid us in the diets we will have to be following in the coming years. A farmer I know of recently had to sell his wheat crop area because a shopping center will be built there in the near future. If one asks our older citizens what has happened to the many farm areas that used to be in the area you are now living in, they will tell you that many houses and shopping centers have taken over these former areas.

I think it is quite clear what has happened to our former areas of activity and work. Our citizens are quite concerned with this problem and are trying to figure out solutions that will skillfully solve and handle this problem. After all, we don't want the entire disappearance of all of these areas. If they all disappeared, where would we go then for fun and activity? Think about it seriously and see if you can come up with any alternative solutions.

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## FISCAL RESPONSIBILITY OR HIGHER TAXES—A POLITICAL GAME

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. RARICK. Mr. Speaker, prior to adjournment last fall, fiscal responsibility became a campaign issue. The goal, a budget setting a $250 billion spending limitation, was originally contained in President Nixon's ninth request for an increase in the national debt. The President later abandoned this ceiling limitation in the legislative proposal amidst controversy over who would determine the programs to be cut.

Since adjournment, the President has used the people's desire to limit Federal expenditures as a tool to compromise or reduce various Federal programs affecting different segments of our population. The President's budgetary actions to control Federal spending have forced a hue and cry from many of the federally subsidized groups in America.

Suits have now been filed contesting the President's power to restrict Federal spending to a level less than that appropriated by the Congress. The lobbyists and pressure groups are mobilizing support and forming public opinion to force action by the Congress to break loose the moneys which were appropriated in legislation designed or molded to some degree by these same lobbyists and pressure groups.

I would remind those of our colleagues so earnestly involved in rhetoric against the President's actions that the President told the American people during the recent campaign that he would not seek any tax increases, but that Congress might.

If the President is found to lack legal authority for his stewardship over the Federal budget, or if he is persuaded or stampeded into releasing full appropriations, additional taxes will be inevitable.

If the President yields—and this appears to be the desire of many of our colleagues—the President will lay the blame for the new and/or increased taxes on those who have insisted on emptying the Federal Treasury to fulfill their campaign promises.

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## FEDERAL GUN CONTROL LEGISLATION MUST BE ENACTED

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. KOCH. Mr. Speaker, in this Nation in 1971, 10,000 murders were committed in our homes and streets with firearms, with this figure climbing to 21,000 gun deaths when suicides and accidents are included. Handguns were the weapons in the vast majority of these deaths.

Today I am introducing two bills which together will greatly strengthen our currently very inadequate gun control laws. The first will prohibit the manufacture and sale of handguns, except for law enforcement, military or licensed pistol club use.

My second bill, "The Firearms Registration Act," deals with the registration of all existing firearms, not just handguns, by making it unlawful to possess or to carry a firearm not registered in accord with the provisions of the act. By banning the sale or purchase of hanguns and by requiring the registration of all presently held firearms, this legislation should contribute significantly to the reduction of violent crimes in our cities and in our Nation as a whole.

Nearly all the industrial nations of the world require firearms licensing or registration, and many of them prohibit private possession of handguns altogether. Nowhere in the world is the private ownership of handguns on a per-capita basis as high as it is in the United States. In Canada it is 30 handguns per 1,000 people. And in Finland, the Netherlands, Greece, Great Britain, and Switzerland it is less than 5 per 1,000. But in the United States the figure is 135 handguns per 1,000 people, or an average of 4 handguns for every 10 households. And these handguns were responsible for more than 2 out of 3 of all the Nation's homicides.

Few people will deny the correlation between the availability of handguns and the incidence of violent crimes. In the United States there are 5.7 gun murders per 100,000 persons each year, as opposed to 1.9 in Japan, where it is illegal to own, manufacture, or carry a handgun, and to 1.2 in Great Britain, where handgun laws are almost as restrictive.

In the face of this record, can we afford any further delay in enacting legislation which will help prevent the killing that goes on in our homes, streets, and neighborhoods every single day of the year. Do we have to wait for another major public tragedy to thrust the necessity of strong gun control laws again into our consciousness? It is not enough that in 1971, the last year for which figures are available, 10,000 private citizens were murdered with firearms?

New York City has a strict law governing the registration and licensing of guns, but the impact of that law, which I cosponsored when I sat in the New York City Council in 1967, has been minimal. The reason is obvious—gun control, to really work, must be nationwide in its application. And I intend to press for this Federal legislation.

## SPEEDY TRIAL

## HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. KEATING. Mr. Speaker, today, I am introducing a bill designed to give meaning to the sixth amendment right to speedy trial.

The median time interval for the disposition of criminal cases has been steadily rising over the past several years. The situation in courtrooms across the Nation has deteriorated to the point where criminal justice has become a matter of disposing of statistical masses. This aids neither society nor the defendant. This only perpetuates the cycle of crime and increases disrespect for justice under the law. In summary, there can be no argument that we must guarantee all criminal defendants the right to a speedy trial. As stated in the Magna Carta:

> To no one will we deny justice, and to no one will we delay it.

This legislation is needed for many reasons. For one, speedy trial is without question an effective deterrent to crime. If a deterrence to crime is to be established, there must be a clear, direct, and swift connection between the commission of a crime and the apprehension, trial, and sentencing of an offender. On the other hand, when trials are delayed for months, as they often are, the connection between the defendant's crime and his sentence is broken.

Delays before trial are also responsible for many crimes committed by defendants who are free on pretrial release. The President's Commission on Crime in the District of Columbia, reporting in 1966, found that 7.5 percent of the persons released on bail in the District were later indicted for offenses allegedly committed while free and awaiting trial. Obviously, an important step in reducing the danger of criminality by released defendants is to shorten the time between arrest and trial.

Delay in bringing criminal defendants to trial also results in countless lost convictions and reductions of charges for serious crimes to charges for minor crimes. It is a simple fact that the longer the time for trial is delayed, the more memories fade, witnesses die or become unavailable, and cases become stale. It is also fact that clogged court dockets result in increased pressures on prosecutors to give the defendant a lesser charge in return for a guilty plea and waiver of jury trial.

Current delays also lower the esteem that citizens have for the criminal justice system. For if this system is to operate effectively, the citizenry must believe that justice is operating fairly. Unless an attempt is made to head off the disaster that our criminal justice system is headed toward, we may look forward only to increasing disgust, complete cynicism, and popular pressure for radical change.

Anxiety and uncertainty about their fate, experienced by many defendants, is one of the obvious costs of delay. The heaviest burden of all falls on the poor defendant who cannot afford bail or retained counsel, and who faces pretrial incarceration. These are the defendants whose jobs and family are completely interrupted when accused of a crime. These are the defendants who cannot return to a normal life until their trial date has arrived or they have decided to plead guilty. Clearly, something must be done.

Mr. Speaker, this bill will require the trial of Federal criminal defendants within 60 days of their arrest. Failure to accomplish this will result in dismissal of the charge against the defendant. It is recognized that highly unusual circumstances may require a longer period of time to bring some defendants to trial. Allowance for such cases is made in the bill. However, the overwhelming number of criminal cases will not fall under this category. In these instances, the defendant simply must be given a speedy trial.

My proposal also provides for closer and more effective supervision of persons released on bail prior to trial. This would be accomplished through the establishment of pretrial service officers throughout the entire Federal district court system. These officers would supervise released defendants, recommend appropriate release conditions, aid defendants in finding employment, medical, and other social needs, and perform those functions necessary to insure fair and equitable treatment for criminal defendants awaiting trial. To achieve this goal, $20 million would be authorized annually for expenditure in Federal districts.

Finally, those States which fail to make the reforms necessary to follow the example of Federal courts will face having funds from the Law Enforcement Assistance Administration cut off. Since receipt of these Federal funds is a privilege enjoyed by the States, and not an inalienable right, this provision in the bill is intended only to provide States with an incentive to act. Although this incentive should not be required, this is the only action which the Federal Government may take without infringing upon the integrity and inviolability of State court systems.

Mr. Speaker, I urge the prompt consideration of this bill. The need for this legislation is clear. As stated in the task force report to the 1968 Presidential Commission:

> As the backlog of cases becomes overwhelming, clearing the docket comes to be an end in and of itself, and haste rather than intelligent deliberation is the norm of practice. Disposition by dismissal or by guilty plea is often characterized by little attention given to the penal and correctional needs of offender.

The time to act is now. Enactment of this bill into law will be required if the constitutional guarantee of right to speedy trials is to have substantive meaning.

## REINTRODUCTION OF NEWSMAN'S PRIVILEGE BILL

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. WALDIE. Mr. Speaker, today I am reintroducing my bill providing for absolute privilege for newsmen to protect their sources of information from being disclosed upon the order of any governmental body.

This bill was introduced last year in the 92d Congress following the "Caldwell Decision" by the U.S. Supreme Court.

At that time I was alarmed at the chilling effect I thought this decision would have upon the traditional protection news personnel have had under the interpretation of the first amendment.

My fears were fully justified.

May I cite just a few of the cases in which newsmen have been jailed in wake of the Caldwell decision?

Peter Bridge, of New Jersey, Bill Farr, of Los Angeles, and John F. Lawrence, chief of the Los Angeles Times Washington Bureau have all been incarcerated for failure to comply with court-ordered disclosure of news materials or sources.

The recent announcement by the White House Chief of Telecommunications Policy that the Federal Communications Commission will hold local stations accountable when their license is up for renewal as to the content of network news shows is an astoundingly frank attack on the first amendment and works to add to the "chill" that pervades every news room in the country now that the administration is on the attack.

My bill, Mr. Speaker, is simple in content, clear in meaning.

It provides that no person connected with or employed by the news media or press can be required by a court, legislature, or any administrative body, to disclose before the Congress or any other Federal court or agency, any information or source of any information procured for publication or broadcast.

Mr. Speaker, this legislation is vitally needed.

Bill Farr of the Los Angeles Times remains in jail today, the victim of an erosion of basic liberties that is being fostered by this administration.

Let us act now, Mr. Speaker, to halt this erosion. Let us act now to protect our most basic civil liberty—the right to free speech and the right to know.

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## THE DYNAMICS OF THE FREE ENTERPRISE SYSTEM

## HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. CEDERBERG. Mr. Speaker, it is with a great deal of pleasure that I bring to the attention of my colleagues an address by Dr. Robert P. Gerholz, chairman of the board of Ferris State College in my congressional district, and a gentleman I believe gives us a great insight into the drive which has brought our Nation to the greatness which it has achieved and points the way for our continued drive to meet the responsibility which that greatness bears.

It is common these days to hear talk of evils of our free enterprise system and the burdens which it has placed on society. I think it is a mistake to overlook the great good which has been brought to society through the operation of the free enterprise system as we look to the future and the solution of the many problems which we face as individuals and as a nation. The searching nature of man to perfect himself and his surroundings breeds a confidence which is enhanced and fostered by our system of free enterprise and dynamic growth.

I commend to my colleagues a perceptive analysis of this dynamic movement and the future it holds:

### THE DYNAMICS OF THE FREE ENTERPRISE SYSTEM

(By Robert P. Gerholz)

Thank you. Thank you very much. I am greatly honored at this invitation. It is a pleasure to be here.

I believe there is nothing more important in these swiftly changing times than a continuing and meaningful dialogue between the business and academic communities and I am privileged to be able to participate in it.

I welcome this opportunity to share with you some of my observations, experiences, optimism, spadework and above all, my faith in the free enterprise system and my confidence that it is destined to play a vital role in solving society's problems.

#### A BRIEF HISTORIC FRAME OF REFERENCE

We lack experience with the culture created by the scientific revolution. We have not adjusted our behavior to the knowledge we now have gained. Mankind or his erect relatives have lived on this planet at least four million years. If we consider just the history of the past 50,000 years of mankind's existence, and divide them into lifetimes of 62 years each, we ourselves live in the eight-hundredth lifetime. Now then, mankind has spent 650 such lifetimes in caves. Writing has been possible in only the last 70 lifetimes. Only during the last six has printing been available. We have been able to measure time precisely in only the last four. The electric motor came along only during the last two. In our lifetime we face the revolution in knowledge made possible by electronics, cybernetics, nuclear and biological engineering, and space science. We are going through cultural shock, what the writer Alvin Toffler calls future shock. Because we have such small experience with the culture we have just now created, we are likely to be making some blatant errors in the way we do things which nevertheless our leaders confidently believe are just exactly right for us.

The context of ecology illustrates our proclivity to error. Ecology, Garrett Hardin points out, teaches us that "you cannot do only one thing." Large scale and fundamental technology like ours interacts with the environment to produce unexpected and unwanted results, but these results could be foreseen if we perceived events in broader perspective. Interdisciplinary study and systems analysis in essence mean the broadening of perspective. Our complex systems where everything depends on everything else do not respond to simple solutions. In fact, the chances are that our intuitive and simple solutions are likely to worsen matters. Urban renewal, slum clearance, public housing, farm subsidies and many other such simple enthusiasms illustrate this truth.

In our hyper-critical world, perhaps no country, no system and not set of political, social or economic institutions, come in for a larger share of criticism than the American free enterprise system. This, despite the fact that it is conceived and based on enlightened capitalism and constitutional democracy, and has proved to be the greatest economic system the world has ever known. Much maligned as it is by Communist propaganda, the U.S. nevertheless feeds much of the world—including, at time, Communist Russia.

Can the essence of our great enterprise system be defined, described, and analyzed in a few brief paragraphs? Permit me to try! To me, the American free enterprise system is "We the people." It is not owned by, or sponsored by, any of the Federal, state, county, or city governments, nor is it designed to serve the interests of a single class, racial group, or political party. Rather, it is owned by, and influenced by, us the people. It is we who make it function for all. It is a system in which more than 82 million people work hard to supply the products and services demanded by millions of people. It is the most highly-developed example the world has ever seen of the immutable law of supply and demand. It can, therefore, best be described as the "freedom-of-opportunity" system. A system in which each person is free to learn as much as he desires; to work as hard as he wishes; to be paid in proportion to his efforts. A system in which the Horatio Alger story is told and retold, every day of every week of every month of every year. For truly it can be said that a man can advance as far as he wants to go, dependent only on his capacity for knowledge, productivity and creativity.

A system which is almost perfect in this virtually continuous availability of freedom of opportunity—but a system which has never been, nor ever will be, perfect in its operation. Perfection is always a desirable goal, but it is unattainable in a system which is so inextricably bound to be an interweaving of checks and balances. Strong local and national unions; strong individual managements and associates; government in the role of a strong moderator and arbitrator—all combine to produce a balanced economy—the strongest the world has ever known. An economy that produced, when I started school in 1901, a gross national product of 20.7 billion dollars; that produced, when I started in business in 1922, a gross national product of 76 billion dollars; that will produce in this year that I am meeting with you, a gross national product in excess of 1130 billion dollars.

The fact that economic growth is not without its social benefits as well as its social costs may seem to many so obvious that it needs no further elaboration. But it may serve a constructive purpose at this stage of national debate to highlight some of the positive attributes of a high and sustained rate of national production. Those who can recall the great depression will well remember that just a generation ago a third of this nation still found itself ill-clothed, ill-housed, and ill-fed. Today, poverty is far less widespread. Even so, nearly a tenth of all families remain at or below the poverty level, as currently defined. Given sustained growth in national output over the two decades ahead, the economy's increased capacity to alleviate poverty could reduce the number with incomes below $3,000 to 3 percent. No other nation in the world has ever achieved so complete a transformation of its income distribution in so short a period of time.

Still another positive accompaniment of rising economic growth has been our increased investment in human resources in the form of higher education. A generation ago, fully half of all adult Americans had received only an elementary education, at best. In contrast, over half of all adult population in 1970 had completed high school, moreover 20 percent had gone to college as against 7½ percent in 1940. As one of our larger industries, education employs some three million people and is used by 25 percent of our citizens. From 1950 to 1971 the budget for the U.S. school system rose from $8 billion to $73.6 billion—an 800 percent increase. During the same period the gross national product rose 250 percent. Tragically, despite massive doses of tax funds doled out in the last 20 years, education is in deep trouble. Its problems are financial, social, philosophical and managerial—problems so great that we cannot expect educators alone to solve them.

Just as our technology is geared to produce better products in the most economical way, we should make education an increasingly more efficient and effective process. Accountability is the keystone to effective education.

Our society needs more goods and services of many kinds; better housing, improved mass transportation, more adequate facilities for health and education, and increased pollution control. It is likely that the funds for such investment will not come from the cutback in the production of cosmetics, for instance, but from an overall increase in national output. Moreover, a reduction in growth would result in a severe blow to the aspirations of the economically disadvantaged, especially minority groups. Looking beyond our shores for the developing and underdeveloped areas of the world and their rising expectations? This is no plea for "economic growth at any price," particularly at the cost of further environmental deterioration. Instead, the emphasis here is upon the positive contribution a more productive society, alter as it now is to the threat of ecological disaster, can make toward the solution of its social and cultural as well as its ecological problems. Thus, looking at the total environment of the nation, it seems probable that direct attempts to reduce GNP growth would create many more problems than they would resolve.

American businessmen today need a revolution in communications. By our silence we are defaulting on our very real responsibility to defend the American system of free enterprise against assault by an increasing host of critics across the land. The recent trend of the public dialogue has been overwhelmingly toward what is bad with America. Dissatisfaction and distrust for so-called establishment institutions have replaced respect and pride in traditional values. The beautiful, the strong, the solid, hopeful and resourceful qualities of America are obscured in the ugly, dispirited, divided portrayal that has become so familiar today.

Many of the adverse opinions of business and its ultimate worth are the products of today's overall negative atmosphere. They are impressions that can be refuted by facts. But business seems to have lost its voice just when it needs it most. On the other hand, the more radical opponents of business are at no loss for words. Unhampered by respect for truth or any sense of responsibility, they hammer away at the system. An increasing number of Americans are listening to them, and believing them, because they hear few other voices. It is hard to see how anyone weighing the accomplishments of the last two hundred years could favor abolishing the system that made them possible. The time has long passed when the businessmen of this nation could afford to let our case before the court of public opinion go by default. We can begin by communicating a vital truth to the sincere critics of American business. That truth is our goals are, mainly, the same as their goals. We are working to abolish poverty in the only way it can be abolished—by providing jobs. We are fighting racial injustice the best way we can—with fair employment practices. We are not blind to urban blight. Environmental pollution is our frustration too. What makes our critics believe that business is less concerned about the national quality of life than is government, or the academic community, or youth?

The alternative to a society based on profit-motivated free enterprise is a society based on compulsion, a government-planned and controlled economy and loss of individual freedoms. We need not look into ancient history to find examples of such societies. They exist today—to the shame and debasement of their people. Business alone has the nearest thing to the right combination of facilities, techniques and talents needed to rebuild our cities, to raise the quality of our natural environment, to create jobs and abolish poverty, to extend the benefits of the American system to all our people, and to restore the sense of balance and direction we seem to have lost.

Six years ago, my wife and I visited Greece for the first time. Magnificent experience. Poor country, but a wonderful country; wonderful people. I read several books before I went over and we were fortunate in having a young lady interpreter who spoke perfect English and was an historian and an archaeologist. The age of pericles was a "Golden" age. It's called that in the history books and it was. These people over a period of time became largely free from want, illiteracy and disease. Then they tried for the fourth freedom—the so-called "wonderful freedom"—freedom from responsibility and the golden age of pericles was no more. If I had any hope for the future, if I were to make a toast for the future, I would hope we would never arrive at a period when we were free of individual responsibility—not merely for the operation of our family, our churches, colleges and universities, our political machines, our cities, our communities, our country, but the operation of our own individual self, spiritually, politically, culturally, socially, economically.

Our business is on the threshold of an era in which yesterday's problems are becoming today's opportunities. And in the name of corporate social responsibility, we are beginning to turn obstacles into springboards. Today in an age of rising expectations, where improved technology and rapid communication, fuel people's hopes of a job for everybody, a good home for everybody, good health and nutrition for everybody—among the many other egalitarian and humanitarian goals our society has set for itself. But we are just now beginning to look at what is possible as well as what is desirable—to examine what we can realistically expect from ourselves and then establish the order in which we will achieve it. Industry is determined to promise only what it can deliver in areas of social concerns. The primary social responsibility of the economic sector, the business sector, is to generate the wealth—that is, the money, jobs and goods and services—the wherewithal which enables the other sectors of society to carry out their primary social jobs. Whatever else the business corporation can and should do to help solve social problems in the process of making a profit, its first social responsibility is to produce the wealth required by all of society's institutions—public and private—so that they, in turn, can do what they are supposed to do.

Our society today demands increasing participation—and as we participate, we are asked to account publicly for our actions. To provide more of the information that builds confidence and public understanding. In the light of recent international events, it is perhaps not inappropriate to remind ourselves of the ancient Chinese proverb that "The longest journey begins with the first step." This we have taken. What next? Well, we're on the move. We must move expeditiously to integrate social concerns into new and old institutional frameworks of our business. And this returns us to our opening theme—How to harness society's demands for a higher quality of life to the economic generators of business.

As I reflect on the parlous temper of our times and the great gift for mutual understandings which meetings like this afford, I experience a deep sense of faith in the future of our common enterprise. We all recognize dozens of developments even now beginning to take shape on the horizons of the future. We shall pursue them with ingenuity and dedication—the public must be well served. Are we not required to contribute to the blurring of the traditional and historical boundaries which have set off the private from the public sector? Are we not determined to contribute our share—and more—to improving the quality of life in America? No one, for example, makes news by reminding us of how well our system—even with its flaws—is working. No one makes headlines by recalling that today, as usual, the American people are creating and using one-third of the world's output of goods and services, but have only six percent of the world's population and seven percent of its land area. No one creates a stir by reminding us that today, as usual, most Americans did not go to work; that more than one out of three went to school. Another one out of 10 was over 65 and retired; that only about 87 million of our more than 208 million citizens usually work. No one arouses interest by pointing out that to produce a total national output of more than one trillion dollars a year, about 81 million civilians work a five day week. Yes, 82 million gainfully employed at the highest wages and salaries in history. That one family in six has an income of $15,000 or more; that the middle family income is about $10,000, and that only one family out of eight is poor.

But despite the fact these are not exciting truths, the fact is they do exist; these events do take place; the American system has and will continue to work. Refinements may be needed or changes may be necessary. No one claims today's system is the answer to problems fifty years from now, just as the system of the post World War I era would fail to fill the needs of our economy in 1972. For as our nation enters the decade of its 200th anniversary as a nation, we find ourselves seeking longer and clearer perspectives on the programs and directions of our nation and our society. Whatever we undertake—individually, in small or larger groups, in our colleges and universities, or as a nation—will greatly depend on the understanding which we apply to the economic means through which we seek these goals. Our American "system," which has surmounted great challenges in the past, will continue to serve us well in the future if we take pains to explain and to understand its workings, and exercise our every considerable powers of choice in the light of that understanding.

Poised on the tiny planet we call Earth stand the mighty engines, flexing rocket muscles, crammed with computer brains—eager and almost ready for their rumbling journeys to the stars. They measure thrust in millions of pounds, costs in billions of dollars and the man-hours already spent on them are measureless.

On the front of the National Archives Building in Washington is the inscription "What is past is prologue." Much of tomorrow can be predicted with confidence because it has its roots in today. The American businessman has built the most creative and productive economy in all history. But he is oriented toward the future, and thus seldom has a chance to see himself and his work as a product and part of a unique and spectacular historical process. Here is the story, in capsule form of how this Nation's economy and its managers have come to be emulated, envied, deplored and depended upon, around the globe. As you move along the inspiring pathway of American History, you quickly discover the reason for the greatness of this nation. It is the genius of the competent businessman that combines labor, capital and raw materials to produce a vast outpouring of goods for the enrichment of the lives of the masses. It is the genius of the workingman, whose labor, self-discipline and thrift are vital to the creation and operation of modern industry. It is the genius of the great doctor that frees children from crippling disease. It is the genius of the talented architect that creates magnificent buildings. It is the genius of the devoted teacher that inspires youth to greatness. It is the genius of the dedicated public servant that enables good government to survive.

Those who built this nation to its present greatness believed in the invincibility of intelligence, economy and hard work. Guided by providence they entered a wilderness with vision, industry, and courage. They took the forked stick and made a steel plow. They took the rude sickle and made a reaper. They took the wagon and made an engine, an automobile, an airplane, a tractor. They made an iron thread into an ocean cable, rough type into great color printing presses, and steel beams into soaring skyscrapers. They made forest trails into magnificent highways. They put the little red schoolhouse and the little white church on a thousand hills.

America is great because individual men have freedom and equality, because individual men have been given the incentive to create, to produce, and to save, because individual men have been rewarded for their labor with a generous share of the goods, they helped to produce. America has taken its place among the great civilizations of history because the cornerstone upon which the republic rests is the social, economic, and spiritual betterment of individual men.

To men and women of great vision, dedication, courage and faith, I want to share this prayer—God give us men! A time like this demands strong minds, great hearts, true faith and ready hands; men whom the lust of office does not kill; men whom the spoils of office cannot buy; men who possess opinions and a will; men who have honor; men who will not lie; men who can stand before a demogogue and damn his treacherous flatteries without blinking; tall men, suncrowned, who live above the fog in public duty and in private thinking.—JOSIAH GILBERG HOLLAND, 1819–81.

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## ADDRESS OF HON. RALPH FALCO, OF SYRACUSE, AT THE TESTIMONIAL DINNER IN AMSTERDAM, N.Y., FOR ANGELO "SUSIE" SARDONIA ON NOVEMBER 4, 1972

## HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. STRATTON. Mr. Speaker, last November the people of my home city of Amsterdam, under the leadership of the Columbian Social Club, tendered a testimonial dinner to one of the great leaders of our community, Angelo "Susie" Sardonia, an alderman of the city and long an effective leader in community affairs.

Principal speaker of that affair was the Honorable Ralph Falco, a former Amsterdam citizen, businessman, and community leader, who came from his present home in Syracuse to pay a well-deserved tribute to his longtime friend "Susie" Sardonia.

Under leave to extend my remarks, I include at this point the text of the remarks of Mr. Falco, which I am sure will be of great interest:

### ANGELO "SUSIE" SARDONIA

Who is this Angelo "Susie" Sardonia being honored this evening? What has he done to warrant this testimonial? This is a question being asked by some.

Well, as a proud native born and devoting most of my 70 years to the 5th Ward, it has been my privilege to observe Sue's actions in our neighborhood. Religious, civic, social, patriotic and family life.

Too many people tend to overlook those who have devoted much of their life through hard work and sacrifice to themselves and their families to making their community and their country a better place in which to live.

During all of my years in public affairs, it was my privilege to meet many wonderful men and women in all walks of life and one of the men who is "tops" in accomplishments is Sue Sardonia. He lived up to the heritage bestowed by his wonderful parents, I knew them well. This Christian father and mother team—religion was their first priority. True Catholics.

### THIS IS YOUR LIFE, ANGELO "SUE" SARDONIA

It all started in a small town—Acerenza, Potenza, Italy. There a young lady, Angelina Monaca (nun) met and married a gallant young man, Sardonia.

With two daughters, Mary and Catherine, they left Italy to settle in Poultney, Vermont where your dad found employment in the slate quarries. His work taught him to become fearless as he climbed up and down the quarry pits. It was in one of these quarries that you and two sisters almost met with tragedy while sliding on ice formed over the slate in the quarry—while the ice was cracking and pulling you downwards, your brave father reached the pit in time to save you from being swallowed beneath the ice and sharp slate. Thanks to your brave father "Sue" or there would have been no "testimonial tonight." I knew and respected him very much.

Now we come to Angelina, your saintly mother. Yes, I can still see her as she clung onto the armory wall, tired but always walking, every morning back and forth to her church with ten children, six girls and four boys. She was quite a busy mother but always managed her attendance at daily mass. Born in Italy were your sisters, Mary and Catherine, and here in America, your sister of happy memory Rose, then the happy occasion their first boy—you! Angelo, then Ann, Betty, Donata, James and then for good measure a couple of more boys, Anthony and John.

Your parents decided to move to Amsterdam a growing community with plenty of opportunities for young people. Your dad was employed by the then New York Power and Light Company where he becomes foreman. Quite an accomplishment in those days. But to make ends meet, it was necessary for team work and so dad and mom would work a garden in the early morning hours and often work until dusk.

While Pa and Ma worked the garden, the children sewed buttons on cards as did most southside children during those "child labor days." I am familiar with this task because together with my sisters, I also joined the child labor market. Even though I always agreed that young people should be kept busy, I personally never enjoyed sewing buttons on cards and became an early drop out. I understand that Sue followed my career as a drop out by continuously losing costly needles.

The Sardonias resided in the 5th Ward where neighbors learned to know and appreciate this most unusual family who always went out of their way to become "good neighbors." During harvest time, Ma and Pa Sardonia always shared much of the fruits of their labor with friends and neighbors. This outstanding trait became a genuine characteristic of the children. Love of neighbor!

Papa Sardonia was known for his love of nature, plants and especially trees and was known as the neighborly "tree surgeon". While trimming one of his neighbor's trees at the age of 64, he fell and was fatally injured losing his life in the service of his neighbors. Mama continued at the helm and lived until age 86.

A daughter, Mary, the first child I knew well during our days as co-employees at the then Mohawk Carpet Mills. She lived up to her mother's religious faith by quitting work at the factory and becoming a nun now in her 48th year of teaching and currently stationed in Hudson, N.Y.

Sue's young sister, Donata, a beautiful young lady that I thought would end up in Hollywood, finally ended up being courted by a handsome young man and is now the queen at the Chiara household. Under the careful direction and guidance of Ma and Pa Sardonia, the Sardonia children are all happily situated.

With this background of love, hard work and faith it is no surprise to find so many here this evening to honor a young man for a job well done. I have known Alderman Sardonia well for a long, long time and I'm sure happy to join with you in this testimonial to a most unusual man.

Sue married Helen Reichle, a faithful wife and mother of Sue's three wonderful children. I know that this saintly wife, mother and grandmother of happy memory is looking on tonight to say—"You deserve all this Sue, I know."

I need not repeat his many deeds and accomplishments, you know what they are and that's why you are here. I do however, wish to touch on the few outstanding events and deeds that I am familiar with and will list them briefly.

1. Of first priority is his character. He is well bred, loves people like brothers and sisters.

2. One of his finest traits is his sense of humor, always happy, laughing, humorous in every area of his activities—remember the many plays where he portrayed the comedian so well and always for a good cause. "Hia Cumber is his greatest salutation. With a jovial gesture of his arm, I can still hear him—Hia Ralph—Hia Marie—Hia Cumbar! He has many more cumbares than any man I have ever known.

Remember him in the ring back of Lanzi's where he received his "Dale Carnegie" course in "public speaking". "And in this corner ladees and gentlemen. We have Mat Perfetti—Measles Rocco, etc., etc.

3. His patriotism is outstanding—you know the greatest, proudest and most notable achievement of his life is his work during the Second World War resulting in the most beautiful memorial in this country honoring our 5th ward boys and girls, those who served and returned and those deceased. A 5-year project.

This great deed alone is worthy of documentation in book form.

4. Recreation—Yes, he promoted recreation, all forms of recreation for young and old.

Remember, Port Jackson Bocci Club—softball league; Fifth Ward Bowling League—Sec., 20 years, Fifth Ward Playground for Children.

5. Church—Sue is a member and a very dedicated parishioner of Our Lady of Mount Carmel Church. Has participated in and directed many fund raising events for his church. On parish council.

He is chairman of the building and ground committee. Active member of Holy Name and St. Anthony Society.

Works for the Boy Scout troop and Our Mount Carmel Mardi Gras.

### *6. Civic activities*

I have personally been involved in politics and government for more than 50 years and one of my main concerns over the years had been searching for better candidates and help recruit them for public office. As I watched Sue in his many and varied activities, I suggested that he run for alderman. I thought so much of his ability that I asked the Republican Party to endorse him. They refused. He must be doing an excellent job, he has held the post longer than any other man.

I would suggest that you elect him mayor so that another person may assume the post as alderman.

*Service Men's News*

Dedicated to the south side boys.

Managing editor—Angelo Sardonia.

Items from a few of the issues:

For almost three years "Service Men's News" was the media for communications between our service men stationed in all military areas in the world and their parents, relatives and friends.

*Items*

Service men on leave—Reinforcements on the way.

Wedding bells—Contributors.

Our loss—Father Reidy—February 16, 1945—President Roosevelt—April 12*.

Latest arrivals—Honorably discharged.

Sports column—A request*.

Short shorts—Final issue* victory V.E. Day*.

*Masterpieces*

Poems

"The Weary Soldier" By Zip Bianchi APO 776.

"A Tribute To Our War Heroes" By Mrs. Priscilla Zumbolo, Mongillo.

"In Memoriam to Father Reidy" by Ralph Melillo.

"In God's Country" By Joseph Greco/Michael Mancini.

"Blood and Guts Is on the Ride" By Peter Beldine.

"Resolutions" By Peter Beldine.

"Mail From Home" By Pvt. Michael Natale.

## A PERSONAL TRIBUTE TO HON. WILLIAM M. McCULLOCH

## HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. GERALD R. FORD. Mr. Speaker, we all know of the tremendous service rendered by our former colleague, William M. McCulloch, during the quarter of a century he spent in this House.

It is therefore appropriate that a friend of Bill's, James F. Dicke II, international operations manager for the Crown Controls Corp. of New Bremen, Ohio, should have put into words the feeling that we all have for our retired colleague.

With the unanimous consent of the House, I would like to insert a letter from Mr. Dicke to Bill McCulloch—a letter of personal tribute—at this point in the RECORD for all Members to read. The letter follows:

NEW BREMEN, OHIO,
*December 18, 1972.*

Hon WILLIAM M. MCCULLOCH,
*Member of Congress,*
*Washington, D.C.*

DEAR BILL: This is a note to thank you for the 1973 Congressional Calendar and for more. Upon receiving the calendar this year, the thought occurred to me that this will be the last Congressional Calendar I will be receiving from your office. It is with sorrow and reflection that the members of your constituency view your much deserved retirement from a life of public service.

You have represented our district in a manner that reflects a sense of honor and pride in us. It has been a representation in our name of views which are not narrowly partisan or narrowly pointed at a constituency. It has been a reflection of what has been best for our nation as a whole; it has been a service that has been greatly appreciated.

For me personally, however, it has been even more than that. Now corporation executive, I learned many and valuable lessons at your hand. The desire to never ask anything of your staff that you wouldn't do yourself . . . the approach to each problem with an open mind . . . the willingness to spend the time to instruct and reflect. It was an honor for me to have once been a part of your summer staff. It was the most constructive and the shortest summer I have ever spent. It was the summer of 1966.

That summer there were the early morning meetings each day with the President . . . with the Attorney General . . . with Chairman Celler . . . with Leader Ford . . . with the Judiciary Committee . . . with the entire leadership . . . and with countless others in an attempt to help further the cause of Civil Rights. That summer the passage of the Civil Rights Bill failed, but you did not. Similar legislation was reintroduced a short time later and was passed.

Much has been said about your Civil Rights efforts. So much has been said in fact, that it would seem to overshadow a career that has been a fiscally responsible string of inspired service. I won't belabor the point with a string of praises. It wouldn't be fair.

Just allow me to say "thanks" to you and to that lovely tower of strength, Mabel, for representing the Fourth District of Ohio and our nation.

With every good wish, I am,

Sincerely,

JAMES F. DICKE II.

## ELECTION DAY REFORM BILL

## HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. KEATING. Mr. Speaker, today I am introducing legislation declaring election day a national holiday. This holiday bill has been introduced before, but hearings have never been held. The low turnout in this year's election, 55 percent of the eligible voters, clearly demonstrates the need to take some action.

Title I will declare election day to be a national holiday.

Title II will create simultaneous voting hours throughout the continental United States in presidential elections. Simultaneous voting hours should be enacted to prevent projected election results of Eastern States from having an effect on voters on the west coast.

Title III directs the Election Clearinghouse of the General Accounting Office to report to the Congress, 1 year after enactment, on the feasibility of moving the election date to October, and problems relating to voting efficiency such as the number of precincts and ballot size.

By moving election day into October, campaigns would be shorter, less expensive, and the weather would be more conducive to a larger vote. The present election date was established by Congress in 1845.

One disturbing factor in the past election was the paradox of a low voter turnout and reports of long waiting lines at the polls. From 1960 to 1970 the number of precincts dropped while the number of eligible voters increased by 30 million. The extremely long ballots in some States also reportedly discouraged some voters.

The right to vote is the most basic civil right Americans possess. Each citizen should have the opportunity to vote with the minimum of inconvenience. Declaring election day a national holiday, simultaneous voting hours, and the additional study will better enable all people to exercise their basic right to vote.

The Cleveland Plain Dealer, in an article reviewing the past year, described the election snafu which occurred there. This was the No. 1 news story of the year in the Cleveland area. The article which appeared on January 1, 1973, and a copy of the legislation follows below.

[From the Cleveland Plain Dealer, Jan. 1, 1973]

### MAY ELECTION SNAFU DOMINATED 1972 EVENTS

(By Thomas J. Brazaitis)

If any event of 1972 made even a slight impression on the sands of local history, it was the day the system broke down.

The date was May 2, the time about 6:30 a.m. Telephones jangled incessantly on the second floor of the gray, boxy building at the corner of E. 24th Street and Payne Avenue N.E., headquarters for the Cuyahoga County Board of Elections.

At voting places here and there across the country, grim lines of voters, some of them 18-year-olds waiting to cast their first ballots, stood in front of locked voting machines or at broken-down machines, or at machines bearing the ballot of an election past.

Thus began the election that wasn't, the story of the year.

What was to have been the first totally mechanized election in the county became a fiasco of colossal proportions.

In an unprecedented order, U.S. District Judge Frank J. Battisti extended voting hours to 11:59 that night after thousands of voters were turned away because of logistical failures.

It took a special court-ordered election the following Tuesday in 34 precincts to clean up the badly flawed primary.

George E. Plagman, the voting machine supervisor, tried to shoulder the blame.

"I goofed," he told a nationwide television audience.

But newspaper editors and opposition-party politicians demanded the scalps of the election board members. Before they could be summarily lynched, the board members ordered an investigation of themselves and their operation.

The story dominated headlines for days as red-eyed workers counted and recounted votes. Democrats George McGovern and Hubert H. Humphrey waited impatiently. By the time all the ballots were accounted for, interest had shifted to primaries in other parts of the country.

Just when the investigation by a blue-ribbon panel was heating up, Joseph A. Cipollone, the elections director, resigned. Cipollone thus nominated himself as sacrificial lamb on the political alter. Others were spared.

Secretary of State Ted W. Brown, while on a seemingly innocent visit to Cedar Point, reopened the case by sending telegrams to three of the four board members, notifying them they were fired.

When his action was overturned by the Ohio Supreme Court, Brown settled for putting the board on probation until the November election. The investigators' report said Brown was as guilty as the board members in causing the election breakdown.

Under new Elections Director Virgil E. Brown, who introduced a failsafe system of checks and double checks, the November voting was almost flawless. And, at least for the moment, the election board was off the hook.

## EXECUTIVE PROTECTION SERVICE

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## HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. KOCH. Mr. Speaker, street crime in our cities continues to plague our citizens. Too many feel they are prisoners in their own apartments after dark. While simply having more patrolmen on the beat will not solve the problem, it will ameliorate it. One measure I reintroduced on the first day of this Congress would help in this fight against crime by giving the Executive Protection Service permanent responsibility for guarding foreign missions throughout the country, thus relieving local police of this duty.

The Executive Protection Service was established as an adjunct to the White House Secret Service to protect foreign missions in the District of Columbia. New York City has been particularly hard hit by the demands on its police department for the protection of foreign missions. The drain on the city is felt both in the police manpower not available to patrol the streets and in the nearly $2 million a year the city pays for this guard service. Crime in the 19th precinct, where most of the consulates are located, has spiraled so that the area is now first in Manhattan in auto theft and second in burglary. Stores keep their doors locked during daylight hours and many businesses and residents have hired their own private security guards.

New York City is not the only city that will receive relief from this bill. It will also assist other major metropolitan areas such as Boston, Chicago, Baltimore, Philadelphia, Detroit, Los Angeles, San Francisco, St. Louis, Richmond, New Orleans, Denver, and Kansas City. Each of these cities has a number of consulates located within it.

It is not fair that we place this burden of police costs and the removal of police from regular duty for the protection of foreign missions on the cities already burdened with financial and police crises. The United Nations and foreign consulates do not serve just the particular city they are located in, but the entire country. It is only appropriate that the Federal Government provide the consulates with the guard service they require as they do in Washington, D.C., and absorb the full cost of special police protection.

I hope this bill will receive speedy and favorable consideration by the 93d Congress.

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## RETIRED FEDERAL EMPLOYEE ANNUITY INCREASE BILL INTRODUCED

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## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. WALDIE. Mr. Speaker, I am pleased today to introduce what I consider to be one of the major bills to be considered in the 93d Congress by the House Post Office Committee and its Retirement Subcommittee, which I chair.

This bill, which will increase the annuities of those Federal retirees who need greater benefits the most, is a fair and equitable bill and ought to be adopted as soon as possible.

The bill also contains a provision whereby a minimum level of benefits is created to match that minimum set by the social security system.

Mr. Speaker, the retirees who left the Federal Service prior to October 20, 1969, receive a lesser level of benefits than do retirees who left the Service after that date. This inequity caused by amendments to the retirement law, can be corrected by passage of this bill.

I am very hopeful that these loyal Americans, who dedicated their lives to serving the people of the United States, can be treated justly and fairly and that the Congress will see fit to pass this bill into law.

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## AMERICA'S GOOD NAME BESMIRCHED

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## HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. BINGHAM. Mr. Speaker, for the United States of America this was the most miserable Christmas season in memory. I have never known a time when so many people felt too sick at heart, too ashamed of their country, to celebrate.

Even in the depth of the depression in 1932, even in the first grim weeks after Pearl Harbor, there was a sense of challenge, of determination, of unity in the face of deep trouble. In the 1972 Christmas season, however, in spite of all the glitter and surface gaiety and apparent affluence, there was a choking sense for many that our country had reached a low point in its history. Even people who up till now have supported the war, justifying the bombing as a matter of military necessity, have seen the recent phase as the action of a giant bully trying to torture a weak adversary into submission over what had been described as an inconsequential area of disagreement, and had been horrified.

For the benefits of my colleagues, I want to quote from three documents. The first is a letter from a man of 71, a staid, basically conservative historian who for years was not convinced that the Vietnam war was a mistake. The day after Christmas he wrote to me as follows:

> I urge that you and your colleagues in the House of Representatives impeach Nixon. You know the grounds better than I.
>
> I believe all wars to be cruel, although sometimes they may seem to be necessary. But our involvement in the Vietnamese civil war was already proved to be a stupid undertaking in Johnson's time. Now under Nixon the good name of this country has been truly besmirched. The useless bombing of a small country whose leaders refuse to bow before us will be a cause for shame for ages to come.
>
> The Democratic party, which has a clear majority in both houses of Congress, must come out against Nixon's Vietnam policy. If we had a parliamentary form of government (which we do not), the Democratic leadership could call for a division and, if necessary, go to the people in a special election. Under our Constitution you and other leaders in the party cannot do that. But you can bring impeachment proceedings against a president who has so obviously gone against the popular wishes in prolonging our part in the Vietnam civil war.
>
> Nixon probably could not and still cannot "stop the war" between the factions among the Vietnamese. But he has failed the people of the United States by not putting an end to our participation in the conflict in the way he led our people to expect him to do in 1968 and in 1972.
>
> Regardless of what Nixon, Kissinger and company can accomplish in the days ahead, and of course I hope they can bring about a ceasefire, the record of what Nixon is responsible for (loss of life by bombing, etc.) during four years of his presidency should be sufficient for charges against him as severe as those brought against Nazis and Japanese at the trials in Nuremberg and Tokyo after World War II, high crimes justifying impeachment.

The second document I want to quote to you is a statement of protest entitled "We Are All Guilty" written during Christmas week by a journalist-lawyer-author who has long opposed the war:

> WE ARE ALL GUILTY
>
> Men, women and children are being murdered in Vietnam—dismembered, crushed, burned, disembowelled—by the hundreds, by the thousands, day by day.
>
> Never in history has the world witnessed a slaughter like this, where the killers sit safely at home wishing each other Merry Christmas and Happy New Year, while the instruments of death they have fashioned and launched lay waste whole cities, exterminate whole populations, on the other side of the world.
>
> All of us, because we are Americans, share the guilt. It is our President whom we have just freely elected by an overwhelming majority, it is our public servants, who are committing this crime against humanity. Yet can we really be blamed?
>
> Germans asked the same question of themselves a generation ago. How can we good Germans, they asked, how can we civilized Europeans, be held responsible if our country is now a by-word for barbarity? We did not know when we gave a mandate to Hitler that he was a monster without a normal moral sense. We did not know when we obeyed his orders that what we were doing would make our children and our children's children ashamed of their country.
>
> But did the Germans not know? Had they not been warned? Were they really unaware of the extermination camps?
>
> We have not even their excuse. We can watch, between commercials and football games, the spectacle of burning cities and the maiming of children. And we were warned in good time that it was something less than an admirable character whom we were about to make our leader for another four years. Even those of us who heeded the warning voted against him without enthusiasm. Cassandras are not popular.
>
> So now we, like the Germans, have a leader who rules from a lonely mountain retreat, whose concept of national "honor" is only his own megalomania, whose tantrums mean genocide. And our ruler, alas, has his hand on the ultimate weapon, which the other only dreamed of.
>
> Is there anything we whose eyes are now opened can do?
>
> We have not yet lost our threatened freedoms. We still have a relatively free press and men of courage to defend it. We still have a Congress with the power of the purse, and the even more fundamental power,

thanks to the Founding Fathers, to impeach and remove a President.

If we still have faith in the basic goodness of the American people we must believe that we can regain control of our country, and regain the decent respect of mankind.

A beginning would be made if a significant number of public figures would boycott the inaugural ceremonies on January 20th, and if Americans of conscience observed the day as a day of mourning for an irretrievable loss.

The third document is an eloquent statement of outrage, written by Pete Hamill, which appeared in the New York Post for December 29:

### WHAT TO DO

A few years ago a woman named Kitty Genovese was mugged and murdered on a New York street. There were 38 witnesses, people who heard her screams, heard her pleas for life, and then pulled the window shades down and went back to sleep or the TV sets. The story was widely quoted as an example of the cold-blooded indifference of New Yorkers, and of how this city had become so thoroughly brutalized that it could no longer respond to a simple human plea for help.

Today, a country is being murdered. Its name is North Vietnam. It is being murdered by the U.S. Air Force, acting under the orders of Richard Nixon. There are plenty of witnesses. About 220 million of them in this country alone. And if they remain silent, they will share the guilt for murder of that country. It is like Kitty Genovese; we are inhuman and guilty to the extent of our failure "to get involved."

The U.S. Constitution was designed to prevent and control berserk actions by a President, and by the Executive Branch of government. Presidents are not kings; they have no Divine Right; and when they commit actions that are immoral, or in violation of the Constitution, they must be stopped, or this country will cease to function as a free Constitutional democracy.

Nixon has again chosen a period when Congress is not in session to unleash his most ferocious acts. He has unleashed the most murderous bombing campaign in human history against a country which has no capacity to do the same thing to us. But Congress can stop him, by simply cutting off the funds. It can stop the entire Defense Dept. budget, until such time as Nixon consults Congress and agrees to stop the murder.

The Senate will almost certainly vote to cut off funds at some point after Congress convenes on Jan. 3. But the House of Representatives is another problem. Members of the House run for office every two years, which results in a notoriously soft area in the Congressional spine. Only the people can put some iron into their spine. They can do it by bombarding them with telegrams, letters and phone messages. Indifference or glib despair only feeds their basic cowardice.

Reps. Bella Abzug and Jonathan Bingham have asked the Democratic Congressional Caucus to go on record at its Jan. 2 meeting (the day before Congress convenes) against the bombing campaign and for the immediate signing of the October agreement with the North Vietnamese, which Gen. Thieu had rejected. They have been joined by Reps. Addabbo, Badillo, Carey, Chisholm, Holtzman, Koch, Podell, Rangel and Rosenthal. If the caucus passes such a resolution, it would be a history-making event. The Democrats still, after all, control Congress.

But there has to be more done than that, especially in changing the minds of about 50 of the Congressional hard cases. These are men who are thought of as hawks, and therefore tough; in fact, they are merely the most timid men in Congress. They need to be talked to, to be reminded that it is within their power to act honorably, that it does not mean much to be a Congressman if that Congress gives away its power over the President.

Since these statements were made, the man who ordered the bombings without explanation and without consultation with the Congress has ordered them stopped. But there is little consolation save for the thought that no more Vietnamese civilians are presently being slaughtered on the ground and no more American fliers being shot down.

We must guard against too great a sense of relief. Unless the Congress acts decisively, the order to bomb can be, and may well be, given again. And so long as Mr. Nixon attempts to achieve a settlement which will satisfy the Thieu regime, no cease-fire will be achieved and the danger of the lethal button being pressed again will be correspondingly great.

The first thing the Congress must do is make clear its outrage at what has happened. The second is to use its power of the purse at the first opportunity to insure that the bombing does not start up again. As for impeachment, it has become for me, for the first time, a possibility seriously to be considered; I personally would now be prepared to vote for impeachment. But a drive for impeachment would have no credibility unless it had some Republican support—otherwise it would look like a forlorn partisan political act by Democrats, still smarting from an unprecedented defeat in the presidential election. I see no evidence as yet of such Republican support.

What should unite the Congress is the threat to its own survival as a coequal branch of Government. The disdain and disregard of the Congress during the past year by Mr. Nixon has been truly astonishing, especially for a man who often boasts of being a "strict constructionist" of the Constitution.

During the days and weeks ahead we shall see whether the Congress will prove itself equal to the challenge.

An encouraging first step was taken yesterday when the Democratic caucus by a vote of 154 to 75, adopted the following resolution:

### RESOLUTION

Whereas, the President has ordered extensive military combat operations without notification of, consultation with, or explanation to the Congress, as evidenced by the recent unprecedented and reprehensible bombing of North Vietnam which resulted in killing of civilians and a substantial increase in the number of American POWs and missing; and

Whereas, the U.S. has more than fulfilled any obligation it ever had to South Vietnam and the Thieu regime; and

Whereas, Section 601 of PL 92–156 (the "Mansfield Amendment") established as U.S. policy the withdrawal of all U.S. military forces from Indochina by a date certain pending only release of American prisoners and an accounting of the missing;

Now therefore be it resolved, that the Democratic Members of the House of Representatives hereby declare it to be Democratic policy in the 93rd Congress that no further public funds be authorized, appropriated or expended for U.S. military combat operations in or over Indochina, and that such operations be terminated immediately, subject only to arrangements necessary to insure the safe withdrawal of American troops and the return of American prisoners of war.

This statement was prepared for delivery in the opening session of the 93d Congress on January 3, 1973, but could not be delivered on that day, because the House adjourned immediately after completing the formalities of organizing itself out of respect for Members who died during adjournment after the 92d Congress.

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## THE CONSUMER PROTECTION ACT OF 1973

## HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. HOLIFIELD. Mr. Speaker, today I have introduced, on behalf of Representative FRANK HORTON of New York, the ranking minority member on the Committee on Government Operations and a number of other members of our committee, the Consumer Protection Act of 1973. This bill is identical to H.R. 10835, which passed the House on October 14, 1971, by a vote of 344 to 44, after having been reported by our committee by a vote of 27 to 4.

A related bill was reported by the Senate Government Operations Committee but was filibustered to death in the closing days of the 92d Congress and, hence, we were not able to go to conference.

Our bill will create a Consumer Protection Agency which will provide representation for consumers and consumer interests before departments and agencies of the Federal Government and the courts. Such representation is sorely needed as the extensive hearings which we held amply demonstrated. The bill will also provide a statutory base for the Office of Consumer Affairs, now headed by Mrs. Virginia Knauer and located in the Executive Office of the President. It will also create a Consumer Advisory Council so that consumers themselves and persons familiar with their needs can provide advice and guidance to the two bodies referred to above.

We feel the House-passed bill will provide the best basis for our consideration of consumer protection legislation in the 93d Congress, inasmuch as it was hammered out after considerable study and deliberation on the part of our committee. Of course, the bill as introduced is not frozen and new information and ideas may result in some modifications. I am certain, however, that this Congress recognizes the importance of providing the type of representation that we seek here and of giving further assurance to the consumers of our Nation that the Congress is aware of and responsive to their problems.

We will welcome additional cosponsors and those who desire to join with us may call my office or that of Representative HORTON.

## STANDING COMMITTEE ON THE ENVIRONMENT

### HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. BROTZMAN. Mr. Speaker, I have today introduced legislation to establish a standing Committee on the Environment in the House of Representatives. One hundred eighteen of my colleagues have joind me in cosponsoring this important proposal.

When I first suggested a standing Committee on the Environment for the House, I expressed the concern that our current method of considering environmental bills is fragmented, and that such fragmentation was preventing Congress from taking a leadership role in the fight for a quality environment. The intervening period has further convinced me that this was a correct assessment.

Environmental bills are referred to a myriad of congressional committees. In each case the committee receiving the bill is chiefly concerned with some other area of legislative activity. While this arrangement was satisfactory before the increased awareness of environmental problems took hold, we have now reached the point where one standing committee should be established to deal with air pollution, water pollution, herbicide and pesticide abuse, noise pollution, solid waste management, and weather modification.

The House has twice recognized the inadequacy of its current committee jurisdictions to deal effectively with environmental legislation. In both the 91st and 92d Congresses, a joint resolution was passed for the establishment of a Joint Committee on the Environment. This joint committee would have served a useful clearinghouse function, but unlike the standing Committee on the Environment, no bills would have been referred to it and it would not have had jurisdiction to report measures to the floor. Unfortunately, even this half-step joint committee failed to become operational since no conference report was ever filed following initial House and Senate approval.

As a result, we now move into the 93d Congress with no committee having general environmental jurisdiction. Yet the problems of environmental quality are not vanishing. The number of bills introduced to upgrade that quality continues to proliferate, and the leadership in the environmental quality crusade continues to slip by default to the executive branch of the Government.

The time has come for the House to act. Creation of a standing Committee on the Environment could be the one step which enables this generation of Americans to leave the earth, its atmosphere, and its waters in better condition than we found them.

Cleaning up the environment is going to be a costly operation. We owe it to the American people to structure the Congress in such a way as to allow environmental restoration to proceed efficiently. The executive branch, through the reorganization which established the Environmental Protection Agency, has taken the lead in recognizing that environmental problems cannot be solved on a piecemeal basis. The House should do no less.

I hope, Mr. Speaker, that action can be scheduled on the standing Committee on the Environment at an early date so that the House might begin to reap its benefits during the 93d Congress.

## CONGRESSIONAL REFORM

### HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. DU PONT. Mr. Speaker, I have today introduced two pieces of reform legislation that I consider vital to improving the performance of the Congress.

The first deals with the composition of House delegations to House-Senate conference committees. It provides that a majority of the House Members of a conference committee shall have indicated by their votes their support of the bill as passed by the House and their concurrence in the prevailing opinion of the House in matters of disagreement with the Senate.

At least twice during the 92d Congress difficulty was encountered in sending bills to conference precisely, because the votes of the membership of proposed conference committees did not reflect the position taken by the House in voting on the legislation. This difficulty would have been avoided if legislation such as I am proposing today had been in effect. Further, as a matter of fundamental fairness conferees should represent the position of the House. Everyone should be able to agree to that.

I do not ask that all members of the proposed conference committee have agreed with the House position; only that a majority of the conferees have done so. Such a role would have avoided problems in the past, and would be a step toward making the action of House more representative of the will of its majority.

The text of the resolution follows:

Resolved, that the Rules of the House of Representatives are amended by adding at the end of clause 2 of rule X the following new paragraph:

"A majority of the House members of a conference committee shall have indicated by their votes their support of the bill as passed by the House and their concurrence in the prevailing opinion of the House on matters of disagreement with the Senate. The responsibility to insure that a majority of the House members of a conference committee are in agreement with and intend to support the significant provisions of the bill as passed by the House shall rest with the speaker."

The second piece of legislation I have introduced today deals with a Member's right under present House rules to revise and extend his remarks in the CONGRESSIONAL RECORD.

That a Member should be able to correct typographical or grammatical errors in his spoken remarks is proper; that he should be able to engage in wholesale revision of the scope, intent, and substance of his remarks is not. It is also proper that a Member should be able to add material to his oral presentation on the floor of the House if he feels that it would clarify or reinforce his argument. But it is not appropriate that such additions should appear in the RECORD as if he had spoken the written words, when he in fact did not. Such is the case under the present rules of the House.

My resolution introduced today simply provides that the CONGRESSIONAL RECORD shall be an accurate, verbatim record of House proceedings, subject to grammatical and typographical correction. It provides further that if a Member chooses to add material to his remarks subsequent to their delivery on the floor of the House, such material shall be printed in a type face distinctive from that used in reporting his verbatim remarks. Such a distinction will clearly indicate which remarks were spoken, and which subsequently added in writing.

The text of this resolution follows:

Resolved, That the Rules of the House of Representatives are amended by adding at the end thereof the following new rule:

"RULE XLV

PRINTED RECORD OF FLOOR PROCEDURES

1. The body of the Congressional Record for the House of Representatives shall contain an accurate and verbatim account of remarks actually delivered on the floor of the House.

2. Members shall be entitled to revise remarks delivered by them on the floor of the House, but such revisions shall be limited to the correction of grammatical and typographical errors; and in no event shall such corrections make any change in the meaning, content, or substance of those remarks.

3. Members shall be entitled to extend such remarks by the addition of statements, tables, statistics, and other supporting data dealing with the subject under discussion. Each such extension shall appear in the Congressional Record immediately following the remarks actually delivered of which it is an extension, and shall be printed in a type face distinctively different from that used for verbatim remarks."

Mr. Speaker, it is my belief that the adoption of both of these changes to the House rules would improve the procedures of the House and make it a more responsive and more responsible institution. I urge my colleagues to join me in working for their passage.

## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

## FEDERAL FINANCIAL DISCLOSURE ACT

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. ANDERSON of California. Mr. Speaker, today I am introducing the Federal Financial Disclosure Act. This measure will require full financial disclosure on the part of Members of Congress, judges of the U.S. court system, Cabinet members, policymaking officials of the executive branch, and all officers or employees in the executive branch earning over $18,000 a year.

We, in the Congress, and in Government, are holders of the public trust—a very fragile trust that is occasionally eroded. We have the obligation to preserve the dignity and the respect for the Government that I feel she deserves, and I can think of no better way than to reveal to the public our holdings, and to report everything in which we might conceivably have a direct or indirect interest.

Mr. Speaker, I sincerely believe that the great majority of public officials are much more concerned with the affairs of the public than they are their own. However, we must insure that everyone is above reproach and is not in a position of influence simply for private gain.

The pay scales of those in the executive and legislative branch are at a level where outside income is not necessary to live comfortably. This is the way that it should be, first, so as not to limit Government service to only those wealthy enough to take the time to make our laws, and second, so that those in public office are working for the public and not for themselves.

Mr. Speaker, this act is simple. It calls for full financial disclosure by Members of the House of Representatives, Senators, Justices, and judges of the U.S. court system, the President, the Vice President, Cabinet members, and other policymaking officials of the executive branch as determined by the Chairman of the Civil Service Commission. Under the act, the following items must be reported:

First. Gross income of principal person and members of his immediate family.

Second. All honorariums and compensation payments, including names of sources and amounts—includes commissions, salaries, fees, and so forth.

Third. Gross income from business enterprises, including amounts, addresses, and names of businesses, and nature of the businesses.

Fourth. Itemization of gains from dealings in property, including names and addresses, and brief description of each transaction.

Fifth. Income from interest, including sources and amounts.

Sixth. Sources of income from rents, royalties, and dividends.

Seventh. Indebtedness, including names and addresses and aggregate amount.

Eighth. Itemization of income from partnerships or membership in professional groups. Names and addresses for such payment that exceed $1,000.

Ninth. Itemization of income from estates or trusts in which principal has an interest, and nature of that interest.

Tenth. Report on all gifts exceeding $100 in value, including names and addresses of donors, amount or value of gift, and description thereof. Report shall also contain a list of gifts to the principal and his family which exceed $500 in value, including names and addresses of donors.

Eleventh. Report to contain list of assets held by principal and his immediate family. List to include value of each asset and brief description. Household furnishings and personal effects excluded.

Twelfth. Report to include names and addresses of each person or organization to whom the principal and his family owe at least $5,000. It also includes statement of total indebtedness.

Thirteenth. Report to include all funds used to defray expenses incurred by reason of his being an official member, candidate or judge, including names and addresses of all persons contributing to the funds, the amount of each contribution, the amount of each expenditure, and the purpose of each expenditure.

Mr. Speaker, our Government rests on the theory that the people elect representatives to act in the public interest. To remove any doubt that our decisions are motivated solely by the public interest—not by a special interest, or by private gain—those of us who are fortunate enough to serve in Government should be required by law to divulge the source of our income. Such a reform would be a giant step toward removing any cloud of suspicion that hangs over Government officials and toward reinstating the public's confidence in our system of government.

## THE PUBLISHING INDUSTRY AND POSTAL RATES

### HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. UDALL. Mr. Speaker, as we begin the 93d Congress, there are many important issues facing us. One area that we all are keenly aware of is free speech and Freedom of the Press. At no time in my memory have there been so many public attacks from such high levels on the right of the Fourth Estate to publish in a free and open manner. This year we will probably be asked to debate and vote on the right of a reporter to protect his confidential sources.

At the same time, the economic facts of life have begun to create serious problems for these journals of fact and opinion which can also result in the stifling of their publishing ability. I need only mention the recent death of Life magazine to bring this point into sharp focus. While we cannot guarantee that the publishing industry will be eternally healthy for all of its members, we can support legislation which creates a public policy fostering their continued well-being. One way we can do this is to maintain a reasonable level of costs related to their use of the Postal Service.

To that end, I am today introducing legislation which provides some relief, albeit it partial, in the area of postal rates for magazines and newspapers. This legislation is identical to a proposal H.R. 17129 I introduced in the closing days of the 92d Congress. In the House on September 21, 1972, is a lengthier explanation of this proposal. I hope the House will give this serious and early consideration.

## MARIHUANA IS A DANGEROUS DRUG

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. McCLORY. Mr. Speaker, one of my young constituents, Bruce Eric McKenney of Crystal Lake, a student at Northern Illinois University, died recently apparently from an excessive use of marihuana. According to the findings of Dr. Frank Fiorese of the Illinois Toxicology Laboratory at Chicago, young Bruce McKenney's body contained traces of marihuana in his brain, kidneys, blood, liver, and gastric juices. Subsequent to this tragic occurrence, the city of Crystal Lake took steps to try to protect others from the potential dangers of marihuana.

My friend and constituent, Ray Reynolds has composed a most meaningful letter to the major and city council of Crystal Lake demonstrating the dangers of marihuana and the influence of marihuana use in connection with subsequent dangers from harder drugs.

I am attaching Ray Reynolds' significant views as set forth in his open letter, as follows:

OPEN LETTER

Mayor and Council of Crystal Lake:

You are to be complimented on backing the new Crystal Lake Abusive Drug Committee. While the original committee was a good committee, had it continued, the new committee is far superior and should be more effective in guiding the misled young people in Crystal Lake. The most important change was the addition of professional people as a major part of the committee.

It is hoped the residents of Crystal Lake will become aware of what you and the committee are doing. They also should become involved both with their time and money. This project will require years of patience and activity, but in the long run will accomplish a tremendous amount of good for our future citizens.

It is my understanding that the city and the state together will provide two-thirds of the money necessary but that one-third ($10,000) must come from the generosity of the local citizens. Tell our citizens that one of the enclosed checks is from interested people, out of our nation, in Canada. If they are interested in the youth of Crystal Lake, surely citizens living here should dig into their pockets and make this program of help and education for their youth a success.

The people must realize that the police department with all of their special training are only good in the prevention and elimination of the distribution of these drugs. Experience has proven that law and order only frighten the misled individuals using these drugs. This is where the committee can help out and it needs the support of the money and time of all good citizens, cooperating with the police department for elimination of the use as well as the sale of drugs.

Atlas Electronics Ltd. of Toronto, Canada, the Canadian representative of Drake Mfg. where I am employed and where my son was part-time employed have asked that you, the council, turn this check for $100 over to the Drug Abuse Committee in memory of my son who lost his life about a year ago because of the lack of the proper information of help of a similar committee. My wife and I also enclose a check for the same amount for the same purpose.

I know from experience and research that while marijuana in itself may not be too harmful it is the cause of many people getting into the use of a harder drug. I am sure the committee would back me up in this statement.

Today many people in legitimate businesses make money, indirectly, through the sale of harder drugs to our youth. They are fighting to have marijuana legalized and there is a bill in the House of our United States Congress that stands a good chance of being passed for legalizing marijuana. This is Representative Koch's Bill HR 14549.

Let me quote from a letter to Congressman Baker from the father of another intelligent boy who is still in the process of recovering in the Arlington Heights Hospital. His father talked the past two months to many young people that visited his son; this is the quotation: "One thing that has come out is that he (the son) and his friends had been smoking marijuana and had found it dull and had looked for something that would be more stimulating. These youths, in effect, confirmed what I have always believed, marijuana can and does lead to other drugs which can have a lasting effect on the human brain and body", end of quotation.

Yes, pushers visit "pot" parties and find it easy to get someone under the effects of marijuana to try a harder drug, while the person under sober circumstances would not try such a thing. True, the same can be accomplished at alcohol parties but the pushers can't find these so easy. This is one reason why manufacturers of drugs are interested in legalizing marijuana.

Please, on behalf of the youth as well as the memory of my son, your neighbor, pick up a pen and write your United States Congressman to vote NO on this Bill—HR14549. I repeat, Bill HR14549.

## THE RIGHT OF AMERICAN CITIZENS TO BUY, SELL, AND HOLD GOLD

### HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. SYMMS. Mr. Speaker, there has been increasing support throughout the country recently for the restoration of the right of American citizens to buy, sell, and hold gold. In my opinion there never was, and there is not now, any valid reason to prohibit individuals from owning, buying, or selling gold. The right to own gold for protection and/or investment should be fundamental in a free society such as ours. Therefore, I am introducing a bill to repeal sections 3 and 4 of the Gold Reserve Act of 1934. I hope that the Banking and Currency Committee will give this bill early and favorable attention.

## JUVENILE JUSTICE

### HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. RAILSBACK. Mr. Speaker, I am today reintroducing legislation to create an Institute for Continuing Studies of Juvenile Justice with 56 of my colleagues. I take this opportunity to invite any other Members who wish to cosponsor the bill to notify my office.

Support for the juvenile justice bill has been gratifying. In the 92d Congress over 100 House Members joined Congressman BIESTER and me in introducing this legislation. Twenty-four Senators, led by Senator CHARLES PERCY and Senator BIRCH BAYH, sponsored companion bills. The House of Representatives passed its version, H.R. 45, on April 18, 1972; and this bill was subsequently favorably reported from the Senate Juvenile Delinquency Subcommittee on September 13. Although no further action could be taken before the 92d Congress adjourned, I feel confident this new Congress will witness the enactment of the juvenile justice bill.

This legislation has been endorsed by some of the best known authorities on the subject of delinquency in the country, including the National Council on Crime and Delinquency, the American Bar Association, the National Council on Juvenile Court Judges, the American Parents Committee, and the PTA. Further support has come from individuals concerned about juvenile justice all across the country.

Briefly stated, this bill creates an independent Institute for Continuing Studies of Juvenile Justice. The primary functions of the legislation are threefold: First, to provide training programs and facilities for personnel involved in the prevention, control, and treatment of juvenile crime and delinquency, patterned after the highly successful FBI Academy; second, to provide a coordinating center for the collection and dissemination of useful data on treatment and control of juvenile offenders and the juvenile justice system in general; and third, to prepare studies on juvenile justice including comparisons and analyses of State and Federal laws and such model laws and recommendations which will be designed to promote an effective and efficient juvenile justice system.

The Institute would be under the supervision of a director appointed by the President. Overall policy and operation would be set by the director and his advisory commission composed of members of appropriate Federal agencies and experts from the private sector concerned with juvenile justice.

The training program which the Institute would operate is a matter of the highest priority. One of our greatest current problems is the lack of adequate training of those individuals whose function is to deal with young people who have run afoul of the law. The American Parents Committee questioned each of the State directors of juvenile justice programs on their priority needs for delinquency prevention and control. Almost without exception it was found that States desperately need trained probation officers for juvenile courts. Judge Everett West of Fowler, Ind., in discussing H.R. 45, said:

> I think this is the greatest opportunity to give . . . judges . . . an efficient method to train probation officers.

I have noted that just recently the General Federation of Women's Clubs has recommended the training of more judges skilled in handling juvenile court cases, and the training of more, better qualified professionals for detention setups.

Another serious problem in our present juvenile justice system is the fragmentation of Federal and State agencies and programs dealing with juvenile offenders, and the lack of coordination among them. The legislation I am today introducing provides a center to cordinate and gather information on the various programs. Judge James Gulotta of the National Council on Juvenile Court Judges succinctly put it this way:

> Historically, there has been a lack of organization among the states in the areas of coordinated research, planning, communication, and evaluation. Too often the individual child has suffered because his individual state received and processed fragmented information, or lacked—or even completely misunderstood—the resources and knowledge available to only a few.

Hugh Reed of the prestigious National Council on Crime and Delinquency believes that something must be done to insure the maximum effectiveness of the funds that are now being invested in law enforcement programs, principally those of LEAA and HEW. Thomas G. Pinnock, deputy director of the department of institutions for the State of Washington has called for a central clearinghouse for materials regarding the problems of delinquents and some means established for the regular dissemination of the information to those of us directly involved with the problems of youth. H.R. 45 and identical legislation which is being introduced this afternoon provides this clearinghouse.

The Institute established by the juvenile justice bill is also directed to analyze the various statutory provisions, develop model laws and codes, and make appropriate recommendations. This function holds much promise for steps to be taken to clear the existing confusion and create a uniformity in our juvenile justice system that is sorely needed. The American Bar Association and the American Law Institute have achieved striking results with a similar approach.

Many changes are needed in our present system of juvenile justice. By providing training, by gathering and disseminating pertinent data, and by developing model codes and laws, I am convinced we can improve the juvenile justice system substantially.

Mr. Speaker, at a time when juvenile crime is up by 78 percent, and some 100,000 children are deteriorating in jails at any given day, it is clear we must set about the task of reducing juvenile crime. Mr. Speaker, I urge that the legislation being introduced today receive the earliest and favorable consideration by the Congress.

## LEGISLATION TO END FORCED BUSING—A HIGH PRIORITY IN THE 93D CONGRESS

### HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. BAKER. Mr. Speaker, today, I am introducing a constitutional amendment with the purpose of halting the forced busing of schoolchildren which is still plaguing parents and students throughout our land.

My proposed amendment states:

No public school student shall, because of his race, creed or color, be assigned to or required to attend a particular school.

Congress shall have the power to enforce this article by appropriate legislation.

Despite my continuous efforts, and those of many of my colleagues, we were unable to pass any effective legislation to halt court-ordered busing in the 92d Congress. Thus, our communities are still under massive involuntary busing plans which threaten to undermine our neighborhood school system and to destroy educational quality.

I have long believed that a constitutional amendment such as the one I am offering today is the most effective way of permanently halting court-ordered busing.

As the 93d Congress convenes, we must consider the halting of forced busing among our highest priorities. The American people have consistently spoken out against this practice of busing small children across town to attend school. In every region of the country, they have opposed forced busing by overwhelming majorities.

If we are to be truly representatives of the people—if we are to reflect their will on this most important issue—we cannot fail to adopt this Constitutional amendment without delay.

It is interesting to note that many of our young people—those who are or soon will be the parents of small children—are among the most outspoken opponents of forced busing to achieve arbitrary racial quotas. A resolution recently adopted by the Tennessee Young Republican Federation is illustrative. It "requests and encourages" all Senators and Representatives to "put an expeditious end to the unnecessary busing of students for the purpose of racial balance through the process of legislation, if possible, or through the process of Constitutional revision, if possible."

I am happy to insert the entire resolution at this point. I hope all my colleagues will read it and agree with the excellent points it makes against busing. And I wish to thank the members of the Tennessee Young Republican Federation executive board for making this resolution available to me.

The resolution follows:

TENNESSEE YOUNG REPUBLICAN FEDERATION

On November 11, 1972, in Memphis, Tennessee, at the quarterly Board Meeting of the Tennessee Federation of Young Republican Clubs the following resolution on busing was passed.

It was further moved and seconded that copies of the resolution be sent to the Governor, Senators and Congressmen in Tennessee. Motion carried.

RESOLUTION ON BUSING

Whereas, the Tennessee Federation of Young Republican Clubs believes that the primary function of the educational system in the limited states is to give a quality education to all people regardless of race, creed or national origin; and

Whereas, the concept of busing to achieve "racial balance" contributes nothing to the quality of said education and requires the expenditure of large blocks of public funds which could be better utilized to improve the quality of the educational system itself; and

Whereas, the concept of busing to achieve "racial balance" represents a further unnecessary intrusion into the rights of many of the citizens in our nation;

Be it resolved, that the Tennessee Federation of Young Republican Clubs hereby request and encourage all Senators and Representatives to the National Congress to put an expeditious end to the unnecessary busing of students for the purpose of "racial balance" through the process of legislation if possible or through the process of Constitutional Revision if necessary.

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## PLOVDIV INTERNATIONAL FAIR

### HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. ERLENBORN. Mr. Speaker, during the latter part of September, I had the privilege of attending the 1972 Plovdiv International Fair near Sofia, Bulgaria. The American pavilion of the fair was conducted under the auspices of the U.S. Information Agency, and I was the official representative of the United States.

From the number of people who stood in line to see our exhibit, I estimate that the U.S. exhibit was a box office success; and based upon the number of Bulgarian officials who visited the display, it was a political success.

A writer for Parade magazine reported critically on the fair, thus prompting me to write USIA Director Frank Shakespeare of my own impressions. So that my colleagues also may be aware of my impressions, my letter to Mr. Shakespeare follows:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., November 22, 1972.*

FRANK SHAKESPEARE,
*Director, U.S. Information Agency,*
*Washington, D.C.*

DEAR FRANK: It was my intention to write you about the Plovdiv Trade Fair immediately after my return from Bulgaria in September, but the pace of Congressional work plus the imminence of the election persuaded me to postpone that letter until later. In the interim, I understand that a critical comment has appeared in Parade Magazine.

I doubt that the writer was at the Fair or, if he was, I believe he chose to comment only on a small part of what he saw.

The American exhibit was made up of three rooms. One small room showed a sampling of conveniences which are common in the United States, such as blenders, steam irons and vacuum cleaners. In another small room was a slide projector showing samples of pollution, resulting mostly from our advanced industrialization.

The large (and main) room of our exhibit displayed some of the larger conveniences and luxuries which we know here, plus the ways we have devised to counteract pollution.

Politically, Bulgaria is not friendly to the United States, probably even more anti-American than the Soviet Union. The Bulgarians are quite sensitive, and would resent any attempt on our part to use the Plovdiv Fair for blatant indoctrination. In my view, our exhibit there avoided this hazard.

Instead, we gave the Bulgarians a message that the United States is an affluent people who enjoy many advantages because of our technology and who are trying to offset the disadvantages brought on by our machines.

From the number of people who stood in line to see our exhibit, I estimate that the United States exhibit was a box office success; and based upon the number of Bulgarian officials who visited the display, it was a political success.

It is my intention to insert these remarks in the Congressional Record when Congress reconvenes.

Yours very truly,

JOHN N. ERLENBORN.

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## VIETNAM: OUT NOW

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. KOCH. Mr. Speaker, I cannot speak in words harsh enough to describe my feelings of disappointment, betrayal, and outrage at the President's renewed bombing offensive in Vietnam. Over 2 months ago, in what now appears to have been an election-eve grandstand play, the President assured us that a negotiated end to the war was at hand and that our prisoners of war and fighting forces would be home by Christmas. Then, without any attempt to inform the Congress or to solicit its views, the President has initiated the heaviest bombing attacks.

Again and again during the past 4 years the President has proclaimed that just one extra offensive effort—the invasion of Cambodia, the mining of Haiphong Harbor, and most recently the indiscriminate bombing of North Vietnamese cities—would bring the negotiators to their knees at the bargaining table. Instead, these have brought the wanton destruction of the Vietnamese countryside, the razing of its urban centers—including even civilian hospitals—and the severe criticism of several of our closest international allies. In these 2 months, many more of our young men have been killed, wounded, and taken prisoner.

We Members of Congress must not acquiesce any longer in permitting this barbarism to continue. It is Congress prerogative to wage war and we should not permit this unconstitutional waging of war to continue. It is upon our conscience that further death and destruction must lie. We have been deceived time and time again, and it is essential that Congress now pick up the initiative in restoring both the conditions for meaningful peace negotiations and a proper balance of government.

The legislation which I introduced on the first day of this Congress requires the withdrawal of all U.S. ground, naval, and air forces from Vietnam within 30 days of the bill's enactment. No funds already authorized or appropriated will be allowed to be used for purposes other than the withdrawal of our forces. In addition, this bill prohibits any further U.S. bombing in or over North Vietnam, South Vietnam, Cambodia, or Laos.

The withdrawal of our troops is contingent only on the simultaneous release of our prisoners of war and an accounting of our missing in action. According to news reports, the North Vietnamese have already agreed to these conditions in the October agreement.

The Democratic caucus by a majority vote of 154 to 75 has indicated its support for an immediate ending of the war. My bill would implement legislatively the desires of that caucus.

## RUDOLPH CAMMERATA: A RESPECTED AND POPULAR UNION LEADER

### HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. PATTEN. Mr. Speaker, one of the most respected and popular union leaders in the State of New Jersey, Rudolph Cammerata of North Brunswick, will be honored at his retirement dinner on January 13.

Over 1,000 persons—from workers to company executives—will attend that dinner to show how strongly they feel about Rudy Cammerata, who has dedicated the past 30 years of his life to improving conditions for the thousands of textile union members he has served with such great devotion.

Rudy Cammerata's record as a union leader is outstanding: He was president of Local 630—in Johnson & Johnson—for 4 years; was business manager of the Central and South Jersey Joint Board of the Textile Workers Union, AFL–CIO–CLC; was business agent of that joint board for 25 years; and has also been an international representative of that progressive union. That is a remarkable record of achievement, but Rudy Cammerata is a remarkable man—a man of many talents.

He has a good mind, a heart that has that rare blend of courage and compassion, a charisma that effective leaders must have, and a sterling integrity. It is because of these qualities that Rudy Cammerata will be honored on January 13. And it is because of these exceptional qualities that over 300 management officials will attend, from supervisors to company presidents. In a sense, they will be there to say to Rudy Cammerata—and to the public—even though you fought for the rights of union members with great conviction and tenacity, and despite the fact that we have often disagreed on cases and issues, you were fair, and we respect you for your responsible leadership.

So along with the more than 1,000 persons who will be at that retirement dinner, and the thousands of others who will be there in spirit, I salute Rudy Cammerata. He will not only be remembered, appreciated, and missed by the Textile Workers Union of America, but by management, and perhaps most important of all, by the public that hopes for more union leaders and men like Rudy Cammerata. Officially, he will retire, but what he accomplished and what he stands for, could never retire—they live on as an inspiration to all.

## FARMERS PAY FOR THE BOMBS

### HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. RONCALIO of Wyoming. Mr. Speaker, as the sole Representative of a State whose economy is largely based on agriculture, I can only view with alarm the recent actions of the executive department with respect to the rural environmental action program, Rural Electrification Administration, emergency disaster aid, and the increase in dry milk imports.

These programs, supported over the years by both parties, have met the test of time. They were sustained in years when the Federal budget was a fraction of what it now is.

To sacrifice these programs at a time when billions of dollars continue to be expended in a war which is not supported by the majority of the American people only intensifies the tragedy of Vietnam.

I urge my colleagues from all sections of America, urban and rural, to recognize the basic injustice of making agricultural programs pay the price for the war. I insert for the review of my colleagues an eloquent statement of this issue by John Stencel, president of the Rocky Mountain Farmers Union:

DENVER, COLO.,
*December 29, 1972.*

Hon. TENO RONCALIO,
*House of Representatives,*
*Washington, D.C.*

DEAR TENO: I am astounded—as a matter of fact, I am livid with anger—by the administration's recent termination of farm programs that have stood for decades, under both Republican and Democratic administrations. Killing them in the name of balancing the budget is a specious rationalization when tons of bombs are being dropped and more than 15 B–52's have been lost over Vietnam. It seems that the more than sixty billion dollars that has been used to support the war effort could be used for programs in the United States that have, or should have, greater priority. Educational and housing projects need immediate attention, highway funds are being frozen at a time when transportation needs are increasing at unfathomable rates—the loss of nineteen Texas youth in New Mexico is only one instance where highway funds were not available to build a wider and safer bridge—and agricultural programs such as emergency disaster aid for farmers in time of adverse weather conditions needs to be extended instead of deleted.

When farmers and ranchers are still only at 75% of parity compared to other segments of the economy, it is strange that the meat quotas are suspended completely for 1973, that the cotton program will lose $110 million in payments, that the feed grains program will lose $800 million in payments, that the REAP program is killed outright, that emergency disaster aid through FHA emergency loans is killed except when made available by the President, that dry milk imports are increased from 1.8 million pounds to 25 million pounds, and this just seems to be the beginning.

I do not know why farmers have to take the brunt of a budget cut when their need is as great as it has ever been and when other segments of the economy are continuing to receive larger subsidies and increasing their profits on the domestic scene, as well as gaining large profits from an unpopular war.

On behalf of the members of Rocky Mountain Farmers Union, I urge you, as a member of Congress, to exercise those powers given to you by the Constitution to stop the expenditures for the war in Vietnam and divert those funds for use at home. There are domestic needs in every area of our economy that could use the billions of dollars that we are just throwing away on a war that will not be won militarily.

I am enclosing with this letter, portions of the National Farmers Union policy program which emphasizes our stand on those issues that I have mentioned above. Let me remind you that even though farmers and ranchers are a small minority in the United States, they still produce a commodity which everyone needs.

Thank you for your attention and I hope you can and will be of help to the needs of Rural America.

Sincerely,

JOHN STENCEL,
*President, Rocky Mountain Farmers Union.*

## THE CONGRESS AND ITS WARMAKING POWERS

### HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. CHAPPELL. Mr. Speaker, for 12 long years, I have watched the shadow of a war creep over this land bringing with it anguish, frustration, and despair as our people endeavor to understand America's involvement on another soil 10,000 miles away in a war we have never chosen to win.

Neither praise nor condemnation of actions, past or present, but rather their unforgettable lessons, will avail us to a sensible direction for the future. One such lesson is that no government dare commit its people to prolonged armed conflict without a clear definition of the purpose of such commitment and the will of the people to pursue them to victory.

How then do we implement the lesson? We best do so by clearly implementing the respective responsibilities of the President and the Congress with reference to the constitutional power to make war.

The resolution which I am reintroducing today, I believe, is a reasonable approach to such implementation. Joining with me are 31 of our distinguished colleagues, most of whom cosponsored this measure during the 92d Congress.

This resolution in no way alters the President's power to initially engage our troops to repel a sudden attack or to protect American lives and property. It simply requires the President, within 72 hours of committing any of our Armed Forces to action in any armed conflict outside the United States, to report such commitment to the Congress.

If the Congress shall fail to approve or otherwise act on such report within 30 calendar days after receiving it, the President shall within the next succeeding 30 days terminate such commitment and disengage all forces so committed.

This proposal embraces the intent of the framers of the Constitution and the thoughtful declaration of many great Americans after them.

The framers of the Constitution were very deliberate in balancing the powers of this Government and those of the Congress and the President, and they were deliberate for excellent reasons. All too frequently the American colonies were drawn by the King's decree into England's wars. The leaders of the newly independent republic resolved to make certain that their new country would never again be drawn into war at the direction and discretion of a single man. For this reason, it transferred the war power to the legislative branch of the newly created government.

Indeed, the framers of the Constitution recognized that the President, under certain circumstances might have to take defensive action to repel and subdue a sudden attack on this great Nation. But that was the extent of the warmaking power they were willing for him to exercise.

I deeply believe that the Constitution is a living document. The Congress of the United States must activate its responsibilities under this document for determining war and peace. I feel most profoundly that had Congress either declared war or refused to allow our involvement in Vietnam at its outset, a clear-cut attitude would have been established and the national hurt of our people avoided.

The United States is the leader of the free world today. But this is not so because our citizens are anxious that we take the lead in military conquests; nor because our diplomats are the most expert; nor because our policies are the most faultless or the most popular.

The mantle of leadership has been placed upon our shoulders not by any nation, nor by our own Government or citizens, but by destiny and circumstance—by the sheer fact of our physical and economic strength, and by our role as the only real counter to the forces of communism in the world today.

If events in Indochina have taught us to better fulfill that role, then it is not a wholly dark story. While this resolution in no way affects our present involvement, it reminds us that the mistakes of the past must be heeded in the future.

Mr. Speaker, I call for unity in a nation divided. Will we take a giant step for unity today? We must do no less.

We, in the Congress, have the power to assure the American people that never again will we allow a situation like Vietnam to occur. We can begin to unify this Nation for the future by the adoption of this resolution. By so doing we assure our people that we will totally uphold the Constitution.

Let the Congress play the part our forefathers intended in the delicate exercise of the warmaking power—now!

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## DANGERS INHERENT IN EUROPEAN SECURITY CONFERENCE

## HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. CRANE. Mr. Speaker, expressions of hope and optimism about the forthcoming European Security Conference may, unfortunately, be misplaced.

Rather than setting the states for a generation of peace in Europe, that conference may, quite to the contrary, set the stage for the possible Soviet domination of the continent.

Discussing the recent Soviet diplomatic achievements in Europe, New York Times columnist C. L. Sulzberger noted that—

> The Kremlin has realized a dream to which all Soviet regimes since Stalin's have aspired: formal acceptance of the political status quo in Europe . . . Chancellor Brandt's victory in the West German elections, based on an Ostpolitik accepting a divided Germany and the Berlin Wall, was widely hailed . . . Yet it was plainly a gain for Moscow since it formalized Europe's de facto split.

The idea of the European Security Conference was first introduced by the Soviet Union in 1954, and has only been met with approval during the past year. The current Helsinki meetings will be followed by exploratory talks in Geneva on mutual and balanced force reductions. At this time, writes Sulzberger:

> Communist rule in East Europe is now implicitly acknowledged by American policy and explicitly confirmed by Bonn. The West has also set out along the road to unilateral arms reduction even before tentative MBFR discussions begin . . . the Kremlin is to be congratulated for its patient, shrewd diplomacy.

A recent analysis of the forthcoming European Security Conference was prepared by Dr. Giselher Wirsing, one of the editors of the German weekly magazine, Deutsche Zeitung/Christ und Welt, and was published in the September 9, 1972, issue of To The Point, the international news magazine.

Dr. Wirsing declared that—

> The fear is that the Security Conference will bring the Soviet Union several important steps closer to its prime objective: the liquidation of the American military presence in Europe. . . . Ultimately the Conference is part of the Soviet overall objective of breaking up the already politically weakened NATO alliance.

Discussing those in his own country who have welcomed the forthcoming conference, Dr. Wirsing writes:

> This should be particularly obvious in West Germany, where both leftist neutralists and communists are openly predicting that the Conference will lead to the dissolution of military pacts. These Moscow puppets fail to observe that the Warsaw Pact, even if 'formally' dissolved, would live on in the closed society of East Europe, but that NATO cannot continue to survive 'unofficially' on the same basis.

Those who welcome the European Security Conference should carefully consider the warning set forth by Dr. Giselher Wirsing. I wish to share his article with my colleagues, and insert it into the RECORD at this time, as follows:

### NO-COMFORT CONFERENCE

Preparations for the European Security conference—for which the Soviet Union has been pushing throughout the past five years—will begin shortly in Helsinki, the capital of Finland. In fact, the title of this important gathering is misleading. The Kremlin has no real desire to see the security of Europe discussed in Helsinki. Russia has demanded that all questions relating to disarmament and to the reduction of armed forces be left out of consideration and that they be transferred to the agenda of a different, as yet unscheduled, conference. It is doubtful whether this will even take place at all.

It is a feather in the cap for Soviet diplomacy that a Security Conference will take place which negates, at the outset, its principal objective. Washington and London have for years regarded the Soviet Conference proposals with great misgivings, knowing only too well that the Soviet Union's only purpose was to have the Brezhnev doctrine tacitly accepted in Europe, and to obtain recognition for East Germany. At the same time the Western countries were unable to agree on a united approach for the Conference; there was even no unanimity on the demand that Europe's most urgent problem—the massive concentration of armed forces in Western Russia, East Germany and Czechoslovakia—should be discussed. And from the outset it was clear that the Scandinavian countries were labouring under an illusion concerning the objectives of the Conference: Sweden's Prime Minister Olaf Palme distinguished himself with utterances which were as enthusiastic as they were divorced from reality.

In the event, Willy Brandt's Germany became the pacemaker of Soviet planning. At this meeting with Brezhnev in the Crimean holiday resort of Oreanda, the Chancellor agreed completely with the Soviet leader's plans. Indeed, at this time, Brandt still believed that a discussion of Mutual and Balanced Force Reductions (MBFRs) would be on the agenda of the conference—and so walked into a trap prepared by Soviet diplomacy. It was only after Oreanda that Moscow made it clear that MBFRs were not in fact to be discussed at the European Security Conference. In Brussels Belgian Foreign Minister Pierre Harmel urged that at least some military problems be discussed at the Conference; to which Andrei Gromyko replied tersely that the Soviet Government considered the subject of MBFRs "not ripe enough" and rejected even the mild proposal to exchange observers at military manoeuvres.

While in Moscow President Nixon, in turn, endorsed US participation in the Security Conference without a discussion on what "security problems" were actually involved. This was not exactly a highlight in American diplomacy: but the Americans point out that the Europeans had already let them down. The Americans also insist that Nixon accepted the idea, unappealing as it was to him, only because Brezhnev made it a prerequisite for signing the SALT agreement. In Washington it is now whispered that it is still possible to wreck the Conference during the preliminary discussion in Helsinki if it becomes doubly clear that it is not serving, in any respect, basic Western interests. But this looks like an empty threat, as do the remarks in Bonn that Germany would not take part in the Conference if discussion on MBFRs are completely ruled out. There is nothing to indicate that the Brandt/Scheel Government could find the determination to adopt such a strong stand when it is prepared to relay the establishment of diplomatic relations with China simply to placate Moscow.

Plans for a Security Conference in the past years have greatly interested some East European states. Countries such as Yugoslavia and Rumania had hoped that at such a Conference a formal declaration of non-interference in the domestic affairs of European countries could be achieved, which would protect them from the fate of Czechoslovakia. But the Soviet Union has made it abundantly clear that it is not prepared to allow other communist countries any freedom of discussion at the Conference. This, certainly, was the impression gained by US diplomats in Moscow during President Nixon's visit to Russia. The only hope left is that the US, and some European states whose governments have not allowed their sights to be completely fogged by Soviet diplomacy, will insist that the Conference should discuss in detail the question of free movement of persons and ideas in Europe. However, this entails asking the Soviets and East Germany to permit their citizens to travel freely in Europe and to admit the Western press, and there is virtually no hope that these requests will be met. Most observers believe that it would be worthwhile fighting for them; but considering the discord in the Western camp there is little hope of such a fight developing, and even less of it achieving positive results. In fact, the fear is that the Security Conference will bring the Soviet Union several important steps closer to its prime objective: the liquidation of the American military presence in Europe. President Nixon must be rightly afraid that the Security Conference (with its detente euphoria) will strengthen the unholy alliance between the Kremlin and those American senators, such as Mike Mansfield, who presently demand the withdrawal of all US troops from Europe. Ultimately the Conference is part of the Soviet overall objective of breaking up the already politically weakened NATO alliance. This should be particularly obvious in West Germany, where both leftist neutralists and communists are openly predicting that the Conference will lead to the dissolution of military pacts. These Moscow puppets fail to observe that the Warsaw Pact, even if "formally" dissolved, would live on in the closed society of East Europe, but that NATO cannot continue to survive "unofficially" on the same basis. Bluntly, there is an acute danger that the Security Conference will not only strengthen the status quo, already favouring the Soviets, but in fact change it to Russia's clear advantage.

## A BILL RELATING TO THE PRIVATE CARRIAGE OF FIRST-CLASS LETTERS

### HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. SYMMS. Mr. Speaker, for the past several years mail service in the United States has grown steadily worse. It seems that the Postal Service is being strangled by its own bureaucracy.

I would like to call your attention to the laws prohibiting the carriage of first-class letters by private agencies. These laws are not only a violation of the spirit of the free enterprise system, but they are hindering the efficient delivery of mail since it has been demonstrated that private carriers can provide faster service at lower cost than the Federal Postal Service is able to provide. Therefore, I am introducing a bill to repeal certain provisions of the law relating to the private carriage of letters. I hope that the leadership of the Post Office and Civil Service Committee will give this bill their early attention.

## REFORM IN SOCIAL SECURITY

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. FRASER. Mr. Speaker, the two legislative measures that boosted social security benefits by 20 percent and included other important improvements to the program have greatly alleviated the problem of poverty among the Nation's aged. But taxes have soared, generating a great outcry for a reform of social security financing.

An article by Louis Hollander that appeared in the New York Times on January 3, 1973, discusses this issue. Mr. Hollander has done a good job. The article follows:

#### REFORM IN SOCIAL SECURITY

(By Louis Hollander)

The 92d Congress has done a commendable job by putting into effect two legislative measures that boost Social Security benefits by 20 per cent and contain some important improvements in the Social Security and Medicare programs sorely needed by our aged and disabled citizens.

However, the nature of the payroll-tax increases required to finance these improvements raises a most serious question that merits the closest attention of the incoming 93d Congress.

The inadequacies of our Social Security financing on the regressive payroll tax that falls most heavily on low- and moderate-income workers—add a new dimension to the problem that offsets our priorities for tax reform.

The bill recently signed by the President presents a $5.3-billion tax bill to the American people. This tax boost would be in addition to a $7-billion tax bill rise already scheduled to go into effect Jan. 1 to pay for the 20 per cent across-the-board Social Security benefit increase voted by Congress. The total cost of these improvements will be raised by increasing the payroll tax on 96 million employed persons from the present 5.2 per cent to 5.85 per cent in 1973 and 6.05 per cent in 1978, together with an increase in the wage base from this year's $9,000 to $10,800 in 1973 and $12,000 in 1974.

For the individual low- and middle-income worker, this dramatic increase in the payroll tax means substantial reduction in his take-home pay. For a wage earner with a $12,000 wage income, his Social Security tax will increase in a one-year period from $468 in 1972 to $631.80 in 1973, or 35 per cent, and to $702 in 1974, or 50 per cent.

Such enormous increase in payroll tax not only means a substantial cut into the living standards of the average worker but also intensifies and increases the unfairness and regressiveness basically inherent in such a tax. As is well known the tax is a constant percentage of earnings up to the ceiling but then becomes a smaller and smaller fraction as earnings increase with no personal exemptions, no deductions and no low-income allowance.

Thus the tax violates the fundamental principle of sound tax policy and bears no relationship to ability to pay. For instance, increasing the tax rate to 5.85 would mean for a family of four with one wage earner in the $3,000-$4,000 bracket about a 9 per cent increase and for a family earning $10,000 a 3.4 per cent increase in Federal taxes, but it would increase taxes for a family earning $50,000 by only four-tenths of 1 per cent and for a family in the $100,000 bracket by one-tenth of one per cent.

Moreover, the law treats even families of the same income level differently by taxing them unequally. A family with total earnings of $18,000 earned equally by the husband and wife pays twice as much in payroll taxes as does a family in the same income bracket with one earner. At any given level of family earnings below the ceiling a single-earner family receives larger benefits than does the multi-earner family.

The regressive nature of the Social Security tax can be relieved in two ways: by a higher wage base—raised substantially more than through recent actions of Congress—and by use of general revenues.

The recently enacted wage-base ceilings, though a step in the right direction, are still inadequate inasmuch as they leave a substantial fraction of covered payrolls outside the pale of taxation. About 95 per cent of the persons in the Social Security program had their full earnings covered when the program first began. It would take a wage base in excess of at least $15,000 to cover the same proportion today. The program should cover the total earnings of the overwhelming majority of workers so that their benefits, which are based on covered earnings only, will be better related to what they have actually earned.

However, since raising the tax base to $15,000 alone would not provide sufficient funds for needed benefit improvements we must also look to general tax revenues as a most feasible and sensible supplementary source of funds.

There are of course a variety of other alternatives, such as a total removal of the ceiling on wages, refunding the payroll tax paid on wages of workers with incomes below the poverty level, introduction of personal exemptions and so on, but neither of these fragmentary remedies is sufficient to infuse into Social Security enough money needed to deal with the economic plight of our aged and disabled without placing an unfair burden on the low-wage worker. The logical and preferable source of this money is a regular contribution to the Social Security Trust Funds from the general revenues of the Federal Government, the only remedy able to make it a truly social insurance system with the society as a whole assuming responsibility it does not now undertake.

## FEDERAL PRIVACY BILL

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. KOCH. Mr. Speaker, since the accumulation of information on individuals that is being stored in thousands of Government computers and files is still growing with no administrative regulations in sight, it become even more urgent that Congress address itself to the problem. I have reintroduced my Federal privacy bill in the 93d Congress. The gross collection of data by the Government cannot help but pose a threat to personal privacy and individual liberty. It is time that the Congress act decisively in developing adequate safeguards to balance the Government's legitimate needs with the citizen's right to privacy.

My bill would do the following: first, notify the individual that such a record exists; second, notify the individual of all transfers of such information; third, disclose information from such records only with the consent of the individual or when legally required; fourth, maintain a record of all persons inspecting such records; fifth, permit the individual to inspect his records, make copies of them, and supplement them; sixth, permit an individual on a proper showing to require the agency to remove erroneous or misleading information from an individual's file; and seventh, create a Federal privacy board to supervise the administration of the provisions of the bill.

The board would hear appeals by individuals seeking the removal of erroneous or misleading information contained in their file. It would also hear complaints that an agency had not complied with other requirements of the bill. If the board found that one or more requirements of the Federal Privacy Act had not been met, it would issue a final order directing the agency to comply. Appeals from the board decisions could be taken to the U.S. district court.

Exceptions to the disclosure rule would be made in the case of records that are either expressly required by Presidential order to be withheld in the interest of national security or for purposes of pending criminal prosecution. In the latter case, if the prosecution is not commenced within a reasonable time, the file would have to be released and in all events is subject to court order directing its release. The President would be required to notify the Congress on an agency-by-agency basis each year of the number of files withheld for these reasons. These disclosure provisions should apply to files held on organizations and corporations, as well as individuals.

Another bill I am introducing today also deals with the right of individual privacy. This measure, originally introduced in the Senate by Senator Sam Ervin, would prohibit the use of the lie detector tests in employment practices. It covered both Federal agencies and businesses engaged in interstate commerce, and would prohibit an employee from requiring a job applicant to take a polygraph test as a condition of employment, and the denial of employment, the denial of promotion, or the discharge of an individual for his or her refusal to submit to such a test.

Requiring polygraph tests debase an individual and undermine the person's right against self-incrimination protected by the fifth amendment. Courts have refused in most jurisdictions to admit polygraph tests as evidence because of their gross unreliability.

Although there may be honest disagreement on the legitimate role, and the scope of that role, the Government has in collecting information on its citizens, I would hope that everyone would agree that once the information has been collected, there must be some mechanism whereby the individual citizen can be apprised of what has been collected, and how that information may be dispensed. I believe that both of these bills are essential to protect the citizens of our country and hope that Congress will act favorably on this legislation in the 93d Congress. The age of the computer is already with us. The question is will we control the computer or will it control us?

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## SPACE ENGINEERING GENIUS, DR. REES, TO RETIRE

## HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. JONES of Alabama. Mr. Speaker, Dr. Eberhard Rees will be retiring as director of the Marshall Space Flight Center in Huntsville, Ala., January 19 after more than 27 years of constant dedication to the advancement of this Nation's space efforts.

Dr. Rees is a soft-spoken and well-liked engineer who has been a keystone in a variety of scientific programs and technical projects over the years. He has been deeply involved in the development of the Saturn launch vehicles, lunar science, high resolution astronomy through the Stratoscope, Large Space Telescope, high energy astronomy through a spacecraft called the High Energy Astronomy Observatory, solar astronomy through the Apollo Telescope Mount and the Skylab program.

In addition to his space work, Dr. Rees has been a conscientious citizen of Huntsville and of the United States. He has been involved in the enhancement of the civic and cultural life of his adopted community and will continue to be a positive force for improvement.

An interesting profile of Dr. Rees was published recently in the Huntsville Times. Because of his significant contributions to our national effort in the space sciences, I am including the profile by Jack Hartsfield as a part of my remarks:

### "I'm Just an Engineer . . ."

(By Jack Hartsfield)

Few men of such modesty can look back on such a distinguished career, a career often pursued in the shadow of a giant. But then, he worked best that way.

Dr. Eberhard Friedrich Michael Rees, 64, the softspoken director of Marshall Space Flight Center and one of the great engineering geniuses of his time, is stepping down from his post early next year.

What has seldom been said about this quiet, private person is that man probably would not have made it to the moon so quickly had it not been for him.

Associates close to him have always credited his methodical mind as the famed Dr. Wernher von Braun's most valuable asset.

Unknown to most, the decisions on how to go to the moon and the concept of the machine that would blast men away from the earth came from Rees' technical competence.

#### A PROFILE

The charismatic von Braun simply had the uncanny ability to both evaluate Rees' work and "sell" the ideas to government, the nation and eventually, the world.

While Rees had the "nuts and bolts" job behind the Saturn 1B earth orbital rocket and the Saturn 5 moon rocket, von Braun handled the managerial-political front.

And it is often forgotten that when a fire killed three astronauts in Jan., 1967, during a test at Cape Kennedy, setting the moon landing program back almost two years, the space agency reached into the ranks of its rocket experts and gave Rees the job of untangling the technical mess.

Rees led a task force from Marshall and moved into the North American Rockwell Corp., plant at Downey, Calif., where the Apollo spacecraft was built, to direct a rebuilding of the craft and putting the U.S. manned moon landing program back on track.

Always it was Rees who efficiently filled the role of technical "nit-picker"—sometimes with dry wit and not always without stepping on some toes.

And it was Rees who stepped into von Braun's job as boss at Marshall in March, 1970, when von Braun was transferred to Washington.

Even then it was obvious that an era was over at the space complex here.

Von Braun had carried the U.S. quest for space superiority from the rugged days of the non-believer to landings on the moon, but more rugged days lay ahead for Rees.

The President and Congress were trimming the space budget, cutting back on planned programs within the space agency and looking for a "redirection."

Rees moved into the Marshall job, knowing the hurdles ahead and modestly "apologizing" that he could not replace von Braun as the dynamic, outgoing public marvel.

Eberhard Rees is not another von Braun. He never aspired to be.

He is reserved and, as one of his associates confided, felt a deep personal responsibility for his work force and "hurt deeply" when manpower reductions put people out the door.

He wasn't a personal newsmaker. It simply wasn't his style.

He'd grant personal interviews, but the result was a no-nonsense appraisal of Marshall programs, where they stood, where they would go.

He wasn't a day-dreamer who espoused "pie-in-the-sky" speculation of what the future for Marshall, or the space agency might or might not be.

"I'm an engineer," he once commented, "I don't know about speculations about this or that . . . I'll just leave the speculating to the press. You're much better at that sort of thing."

It had to be the toughest years of his life, being thrust into the spotlight when he had, for years, been content to serve in the "nuts-and-bolts" capacity.

He was not a self-promoter. He sought no personal prestige. If he had an ounce of vanity, it never showed.

But he earned respect from his co-workers who marveled at his engineering expertise.

What can't be ignored is that while he was in the post at Marshall, the entire image of the complex changed from one as a "rocket factory" to one of advanced scientific space research.

Skylab, the nation's first space station, will fly in April. The center is deeply involved in payload studies for the space shuttle; work is under way on a variety of unmanned satellites including the phenomenal High Energy Astronomy Observatory (HEAO) and the Large Space Telescope (LST); work is progressing for the center's work on the shuttle itself.

He insisted that a single major integrated type of mission such as the Apollo program would not suffice in the future if Marshall was to thrive.

He talked of multi-facet programs. And they came about.

"This is what Marshall has become," he would say later, ". . . a multi-project management and engineering establishment."

But 32 years in the rocketry and space business is enough to ask of any man, particularly a man who can remember when the rockets of his younger day looked like fire candles compared to the behemoth boosters of the 1970s.

Rees was there in the embryonic beginnings of the V-2 rocket at Peenemuende, Germany and he was still there on man's sixth moon landing.

An original member of the von Braun rocket team, he came to the U.S. in 1945 with 120 other German rocket specialists to develop space and rocket technology for a relatively space-ignorant nation.

At Fort Bliss, Tex., Rees and his companions spent five years "chasing rockets across the desert" as captured German rockets were test-fired.

When the team was transferred to Huntsville and the Army Ballistic Missile Agency, it was Rees who contributed heavily to the development of the Jupiter C launch vehicle that placed Explorer I, this nation's first satellite, into orbit.

He also was a major factor in the success of the Army Jupiter and Pershing missile projects. The Pershing is still deployed with U.S. troops in NATO countries.

From the formation of Marshall Space Flight Center in 1960 until he became its director, Rees served as deputy director for technical and scientific matters.

Born in Trossingen, Wuerttenberg, Germany, he received his scientific and engineering education in Stuttgart and at the Dresden Institute of Technology.

After graduating, he became assistant to the manager of a steel mill in Leipzig, Germany.

His career in rocketry began in 1940 when he became technical plant manager of the German Guided Missile Center in Peenemuende.

Becoming a U.S. citizen in 1954, Rees then devoted his professional life to both his dreams and his adopted country.

The quiet Rees, however, never boasted of his personal achievements.

He was, as one associate put it, "a company man."

Despite his modesty, the scientific world recognized in him a uniqueness seldom found.

His credits speak for themselves.

He holds the Exceptional Civilian Service Award presented by the Department of the U.S. Army; the Distinguished Civil Service Award from the U.S. Department of Defense; the Medal for Outstanding Leadership and two Distinguished Service Medals from the National Aeronautics and Space Administration; the Distinguished American Award for Exceptional Service through space science, and the Oberth Award of the American Institute of Aeronautics and Astronautics.

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## FARM SUBSIDY LIMITATION

## HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. ANDERSON of California. Mr. Speaker, since entering Congress I have fought to end or at least curb the farm subsidy program which pays agribusinessmen not to grow crops. This multibillion dollar program is a disaster to both the taxpayer and the consumer.

In addition, the farm subsidy program serves primarily the special interest agriculture conglomerates who are not in need of this kind of "welfare."

Thus, today I am reintroducing a proposal to limit Federal farm subsidies to $10,000 per crop per farm.

The 91st Congress took a step in this direction when it set a limit of $55,000 per crop per farm. However, due to slack administration of the program, huge farm corporations and absentee fat cats are still collecting enormous sums of tax dollars.

### WASTE OF TAXPAYER'S MONEY

In this era of a record high public debt—interest on which costs the taxpayer over $20 billion a year—we have a responsibility to reduce Federal spending in order to get the very most out of the tax dollar, and to provide a measure of tax relief to the moderate and middle-income wage earner.

The first item we should cut is the farm program that pays billions of dollars to producers of cotton, wheat, and feed grain not to grow crops.

For the 5-year period 1966 through 1970, the Department of Agriculture paid between $2.5 billion and $3.3 billion annually in direct payments to producers participating in the cotton, wheat, and feed grain programs. In 1970, 17 producers received between $500,000 and $3.5 million each; and over 300 producers received over $100,000 each.

In 1970, to restrict what was quickly becoming "welfare for the rich," Congress limited to $55,000 the amount of direct Federal payments a person could receive annually under the cotton, wheat, and feed grain programs.

This restriction was to save an estimated $68 million a year. However, due to administratibe decisions made by Agriculture Department officials, there was no significant reduction in 1971.

The General Accounting Office conducted a study of the arrangements made by some agribusinesses to avoid the intent of the law, and slip through the loopholes allowed by the Department of Agriculture. They revealed that agribusinesses were simply leasing part of their acreage, and thus collecting both government payments, and rental fees.

One such operation was in California. According to the General Accounting Office:

> A California corporation and its wholly owned subsidiary leased about 11,600 acres of cotton allotments, worth about $2.5 million on the basis of 1971 direct payments, to five newly created organizations qualifying for 53 separate payment limitations. In addition to receiving lease fees, the corporation contracted with the organizations to farm the cotton for fees based on the cost to produce the crops. This latter arrangement, called custom farming, allowed the 53 individuals to receive Federal payments of about $2.5 million without actually farming.

Another such method to avoid the intent of the law is the practice of forming partnerships, a la John Wayne. The GAO revealed a case in Mississippi which illustrates this technique:

> Under the 1970 cotton program, a Mississippi farmer received about $87,000 and his adult son received about $46,000. Had the father made no changes in his farming operation for 1971, he would have qualified for payments, in the absence of the payment limitation, of about $79,300. Application of the $55,000 payment limitation would have resulted in reducing his payments by about $24,300.
>
> In 1971, however, the father and son combined their farming operations and joined with a son-in-law to form a three-member partnership. The partners increased the size of their farming operations by leasing additional cotton allotments and, as a result, were eligible, before application of the payment limitation, for $165,152 in 1971 cotton program payments. Because each of the three partners could receive $55,000, or a total of $165,000, a savings of only $152 resulted.

These are not rare examples, Mr. Speaker. According to a March 1972 Department of Agriculture report:

> Of about 1350 producers who received more than $55,000 each in 1970 payments under the three programs; 1046, or 77%, changed their farming interests or operations for 1971.

### GROCERY PRICES ARE HIGH

While the taxpayer pays up to $3.3 billion to benefit agribusiness, he does not receive the benefit of low-cost food and fiber.

Choice steers at Omaha rose from about $29 per hundredweight in January 1971 to nearly $34.50 in December 1971. In February 1972, choice steers at Omaha were at a 20-year high of $37 per hundredweight.

In fact, food costs have increased by 7.4 percent since the beginning of phase II in November 1971.

According to a study commissioned by former Secretary of Agriculture Hardin, food and fiber can be produced at reasonable prices without the Government subsidy. The report, issued on June 16, 1972, states:

> We feel the agricultural industry can provide adequate supplies of food and fiber at reasonable prices and equitable returns to resources, including family labor, with a minimum of government intervention. Programs costing the U.S. taxpayers $4 to $5 billion annually are not needed for these purposes.

Mr. Speaker, the housewife who buys the family groceries knows that prices are high and getting higher.

This farm giveaway program cannot be justified by claiming to keep down the price of groceries.

### CONCLUSION

Mr. Speaker, the taxpayer is tired of paying his hard-earned dollars to the Government. He is especially irate when the program is of no benefit to him, but, instead, benefits the wealthy.

The taxpayer would like a cut in taxes, but that cut cannot come until we reduce Government spending.

Let us get the fat-cat agribusinessmen—who would not know a boll weevil from a weaved bowl—off the backs of the taxpayer. Let us dump the farm program, and save the taxpayer billions of dollars a year.

How can anybody possibly justify paying billions of dollars to agribusiness for not growing crops while millions of Americans are being denied an adequate diet? While the taxpayer continues to bleed? While the national debt climbs to almost half a trillion dollars? And while the consumer pays record-high prices for groceries?

I cannot.

Mr. Speaker, if we cannot completely end this blatant waste of tax dollars, let us at least put a lid on it by enacting this proposal which would limit farm payments to $10,000 per farm per crop.

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## JET NOISE CURFEW NEEDED

## HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. ROSENTHAL. Mr. Speaker, the problem of excessive noise abuse from jet traffic has dominated citizens' concerns ever since the first jet began swooping and soaring over their homes. The situation has deteriorated for residents as jet traffic has increased to a point of constant bombardment of noise. Studies amply demonstrating the psychological traumatic effects on people have been made on the debilitating effects of jet noise. The noise impact is 10 times more disturbing during the normal sleeping hours, when it is much more difficult to assimilate sounds, than during the day.

Action by airports and airlines to remedy the problem have been inadequate for the most part. The constitutional right to domestic tranquility includes freedom from noise. Unfortunately, this largely has been blatantly ignored by the noisemakers.

One of the few successful attempts at regulation has been the ban on late evening and predawn jet traffic at Washington National Airport. I strongly urge other airports to follow this example. It is morally, socially, and environmentally necessary.

Increasingly, and at a very disturbing rate, the people are furiously complaining about the sleep-shattering whine and roar of jet aircraft operating out of nearby airports. The complaints have been present for some time but are even more vociferous today because those responsible have failed to substantially reduce engine noise levels.

The airlines apparently favor increasing noise levels to correspondingly increase public tolerance and thereby build a generation of Americans acclimated—albeit slightly deaf—to aircraft noise pollution. The carriers are perhaps the worst offenders; with only the slightest exceptions they have shown themselves unwilling to do anything substantive to reduce noise, especially if it looks like it will cost them money. At the same time, however, they are constantly running to the Civil Aeronautics Board for rate increases. Their greed will get the best of them. They have an obligation to the public, too, not just their stockholders.

The industry has shown itself unwilling even to discuss the matter; the Congress cannot ignore this arrogance.

FAA Administrator John Shaffer acknowledges that aircraft noise—

> is the single greatest impediment to airport development in the United States at the present time and prompt remedial action is required if we are to meet the projected growth of aviation in the 1970's and beyond.

Unfortunately, lip service is about all he's willing to give to this effort.

Those thousands of my constituents who live near La Guardia Airport and beneath its flight patterns, like those in other cities, suffer the consequences of decades of neglect of the noise pollution problem. Most of them were there before the jets arrived.

They used to live in comfortable, convenient neighborhoods which, while noisier perhaps than rural areas, nonetheless struck a reasonable balance between city hustle and bustle and suburban quietness. But today, that balance is gone. Now those people come home from their jobs and find themselves beneath an intolerable roar as jetliner after jetliner screeches over their roofs. The night does not bring peace to them because La Guardia and the Port of New York Authority do not or will not understand or recognize the citizen's right to quiet.

These city dwellers have lost that balance of toleration which once existed in their neighborhoods. They find that their homes offer not less, but more noise, more distraction and more simple human discomfort than their jobs in the heart of the city.

Alleviation of this situation is not terribly difficult. A reasonable solution would be to begin curtailment of all but essential military air traffic from scheduling departures and arrivals between 10 p.m. and 7 a.m., the hours normally reserved for sleeping.

The number of flights during those hours is relatively small. At La Guardia, for example, only 29 of the day's 716 flights arrive or takeoff between 10 p.m. and 7 a.m., or about 4 percent of the total operations for the 24-hour period, according to Federal Aviation Administration figures for March 1972. That's a drop of 1 percent—36 out of 718 operations—from a year before. In June 1970, 44 of 662 flights, or about 6.6 percent, were during these sleeping hours.

The new generation of air buses like the DC10 and L1011 are quieter than their predecessors, but that is only relative and they will remain in the minority of operational jet aircraft for many years to come. The louder first generation of narrow-body jets will continue to comprise the bulk of the domestic airline fleets throughout the 1970's.

Not all middle-of-the-night flights carry passengers. A great many are all freight at many terminals. Others are what are called repositioning flights, which are primarily designed to move a plane from one city to another to be on hand for the next day's service. To schedule these at less disturbing times would benefit thousands, if not millions of people, while offering the airlines only minor inconvenience.

The number of flights during normal sleeping hours is relatively small. But it does not seem that way if you happen to live nearby. Then the din of the aircraft becomes almost unbearable. Aircraft noise during these hours has a compounding impact on residents because the noise cannot be assimilated as it is during the day with other noises. One jetliner taking off at midnight has 10 times the effective noise impact of the same plane taking off at noon.

Washington National Airport prohibits scheduled jet commercial traffic between 10 p.m. and 7 a.m. The FAA, which runs National, and the airlines operating out of the airport, have a voluntary agreement on the night flight limitations. The agreement began in 1966 and has worked rather well. Only minor adjustments by the airlines were needed in rescheduling flights to conform. Similar agreements exist in Los Angeles, Newport Beach and Fresno, Calif., and Boise, Idaho, as well as London, Tokyo, Geneva, Zurich and many other major European cities.

The constitutional right of domestic tranquility includes freedom from oppressive noise. Steps must be taken by airport managements, airlines, and public officials, including the Congress, to protect and respect that right and to halt the acoustic abuse heaped mercilessly upon the citizenry.

I have personally written to the Port of New York Authority, La Guardia Airport management and the airlines using that airport, requesting they voluntarily set noise curfews. For once, those noisemakers are strangely silent. They have turned a deaf ear on the request. Their silence is a demonstration of their contempt for the people bombarded by aircraft noise. It is also further evidence that voluntary self-regulation, which industry in general professes to prefer, is meaningless. The only answer, unfortunately, appears to be stiffer governmental regulation.

Mr. Speaker, I am, therefore, offering today legislation to take the first step toward solving the problem of aircraft noise pollution. What I propose is a thorough study of the possibilities of establishing curfews on nonmilitary flight operations at the Nation's airports.

This bill, the Airport Noise Curfew Act of 1973, would set up a nine-member commission consisting of the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration, two representatives of the aviation industry and five public members. They would report the findings of their investigation and their recommendations to the Congress within 6 months of creation.

This Commission would be a temporary investigative body, not a new governmental agency. It would exist solely for the purpose of informing the Congress and would go out of existence upon submitting its report and recommendations.

A curfew on aircraft operations is a short term solution to the problem and is not meant to be an alternative to such long term answers as quieter engines and improved operational procedures. Both approaches are needed; they are complementary. This bill is a valuable and important first step toward solving the vexing problem of aircraft noise pollution.

A curfew would help combat another form of pollution as well. The hours between sunset and sunrise are usually when the atmospheric ground-based temperature inversion layer grows vigorously and aggrevates our air pollution problem. Therefore, reducing nighttime jet traffic for noise reasons also reduces significantly the amount of polluting exhaust from jet engines being injected into this stable surface layer of air in which we all live. So, Mr. Speaker, a curfew on nighttime operations would not only let airport neighbors get a good night's sleep but also to breathe cleaner air while they slumber.

The cosponsors follow:

COSPONSORS OF THE AIRPORT NOISE CURFEW ACT OF 1973

Benjamin S. Rosenthal, Bella S. Abzug, Frank Annunzio, Herman Badillo, Frank J. Brasco, Joshua Eilberg, Ella T. Grasso, Gilbert Gude, Ken Hechler, Robert McClory, William S. Moorhead, Bertram L. Podell, Charles B. Rangel, Peter W. Rodino, Edward R. Roybal, Lester L. Wolff.

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## FULL CITIZENSHIP RIGHTS FOR ALL GOVERNMENT EMPLOYEES

## HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. KOCH. Mr. Speaker, on the first day of the 93d Congress, I introduced the Government Employees Political Activities Act of 1973 which would insure that every American's right to free expression of his political opinions is adequately protected. We have been requesting concerned American citizens to work through the political system; but at the same time, one anachronistic piece of legislation, the Hatch Act, has the effect of excluding millions of U.S. citizens from active political participation. Today I am cosponsoring legislation which would correct those provisions in the Hatch Act that infringe on the political freedom of Government employees.

The Hatch Act was originally intended, when it was first enacted back in 1939, to protect public employees from involuntary political activity, coercion, and abuse of office, and its provisions in these areas remain valuable. However, the effect of the act's blanket prohibition against active political participation has been to deny these workers their political rights. What my bill would do would be to eliminate from the present law this sweeping prohibition against political activity by Government employees. The only restriction on political activity to remain would be a prohibition on holding a salaried office in a partisan political club. Furthermore, this bill would empower the Civil Service Commission to take action against officials, including these appointed by the President—who are not currently subject to Civil Service Commission jurisdiction—that it finds guilty of unlawful coercion. Most important, however, for civil service employees, the prohibition against soliciting political financial contributions is retained, so that these employees may not be made the subject of political extortion. The Civil Service Commission would have a functional interrelationship with the Department of Justice by referring violations for criminal prosecution. At the present time, the Justice Department is empowered to initiate such actions, but has rarely pursued such prosecutions in the past.

When the Hatch Act was first enacted, the extent of its coverage was by modern standards only minimal. Even when the Hatch Act was amended in 1940, to include State and local government employees working in programs receiving Federal funds, less than one-half million workers were subject to it. Now, after three decades of growing government responsibility, that number has expanded to more than 5 million employees. There are very few areas of modern society that are not affected or involved in some way with Federal programs or programs using Federal funds. And there seems every assurance that more and more Americans will come under the restrictive provisions of the Hatch Act simply by choosing to work for the Federal Government or a federally funded local project. In fact, Congress recently expanded the act even further to cover employees of private groups administering community action programs funded by the Federal Government through grants under the Economic Opportunity Act. Certainly it is ironic that those persons who are concerned enough about public affairs to choose to work for Federal and State programs are the ones that are excluded by this act from political activity.

In 1966, Congress created a Commission, known as the Hatch Act Commission, to study all Federal laws restricting political participation by Government employees. In its final report, in December 1967, the Commission noted the need for substantial reform of the present act, particularly in the areas of clarifying its vagueness and reducing its application to the fewest employees. As the Commission noted, most Government employees are so confused by the more than 3,000 specific prohibitions issued over the years by the executive branch and have so little idea what they are permitted to do that they tend to avoid taking part in any political activity at all. Congress has taken the initiative in recent years in expanding the opportunities for political activity through its civil rights legislation and the 18-year-old vote. Is it not about time that Congress restores to Government employees their right to free political expression and to act on the recommendations made by the Commission that it created?

The city of New York has more than 300,000 municipal employees. A great number receive some Federal contribution toward their salaries and are, under the existing law, "Hatched."

Other Government employees, both city and State are currently prohibited from engaging in political activity by similar local regulations. This bill would lift the ban on political activity imposed by any Government agency and would mandate compliance by any State or city agency in order for that agency to receive revenue sharing moneys. This bill, if enacted, would restore full citizenship to all Government employees.

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## THE ROGERS DOOR

## HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. CEDERBERG. Mr. Speaker, as we convene in this great building, a constant symbol of the strength of our democracy and the central place that representative legislative goverment has in it, I want to take this opportunity to bring to the attention of my colleague one of the finer works of art which grace the Capitol.

The Rogers Door, a monumental memorial in bronze to the discoverer of our land, lends a dignity to the Capitol befitting the life and work of Columbus. It was with some surprise and a great deal of delight that I learned recently that the great-great-niece of the artist, Mrs. Mildred Yahnka, was a resident of Beaverton, Mich., in my congressional district. As will be seen from the newspaper article which I am adding to my remarks, Mrs. Yahnka never tires of bringing to the attention of potential visitors to the Capitol the monument which Randolph Rogers created in the memory of Columbus. By doing so she certainly shares in the pride which we all have for the beauty of the Capitol Building but more than that, I am sure that this reminder serves to draw attention to the many other works of art in the Capitol. Certainly we who walk these halls daily overlook the value and history of the beauty in the building.

I commend the following article, by Mrs. Genevieve Lloyd of the Midland Daily News, to the attention of my colleagues and hope that each of us will be prompted to be more aware of the artistic heritage which surrounds us in this symbol of our democracy.

The article follows:

### THE ROGERS DOOR

(By Mrs. Genevieve Lloyd)

"Don't forget to see the large bronze doors at the front entrance to the Capitol Building," said Mrs. Mildred Yahnka when she learned a Washington, D.C. trip was being planned.

It wasn't until our return that she was aware the famous Rogers Door, sometimes referred to as the Columbus Door, had been transferred to the East Wing of the Rotunda.

She explained that they had not visited the Capitol since the summer of 1932.

Randolph Rogers, the world known sculptor and great, great uncle to Mrs. Yahnka, designed and modeled the door.

Mrs. Yahnka, a retired school teacher from Dearborn, Michigan, and now a resident of Beaverton, said she remembers her father telling how Uncle Randolph came to Quincy (Michigan) to visit the family.

"Its like a folklore," she said, "handed down from generation to generation."

She recalled that the stories her father related to them were very realistic.

"He used to come to Quincy to visit his sister, Rebecca Rogers," she said.

"He always went to the Quincy House Hotel, dressed in a homespun suit, carrying all of his money in a carpet bag. He would register, throw the bag of money under the clerk's desk and then go to the livery stable. There he would hire a horse and buggy and drive out to the homestead to visit his sister," Mrs. Yahnka's great, great aunt.

Mrs. Yahnka's father, Charles H. Meredith, Randolph Rogers' great nephew, was born in 1870 and died in 1947. He preceded her mother in death.

There are two daughters, Myrtle Inez Meyers who still lives in Allen, Michigan within five miles of Quincy, and Mrs. Yahnka, the younger of the two. Her father was supervisor of Hillsdale county and constructed many roads and bridges in the Quincy, Allen, Hillsdale area and throughout southern Michigan.

"My grandmother," Mrs. Harriet West Meredith, niece of Randolph Rogers, also "told us many interesting 'tales' ".

"One specific thing, and I remember it very vividly," she said, "is grandmother telling how he sat by the hour, days in and days out, drawing, redrawing, and drawing again the pattern for the door."

The Rogers Door, measuring 16 feet 8 inches by 9 feet 9 inches, and dating back to November 1863, was installed between Statuary Hall and the south extension, and in 1871 it was removed to the East Portico entrance.

It has two valves, with four panels in each valve, and one semi-circular transom over the entire door. The scene depicts events in the life of Christopher Columbus. The sculpturing was done in 1858 in Rome, Italy and cast in Munich, Germany by Ferdinand von Miller at the Royal Bavarian Foundry in 1861.

In viewing some of the highlights of the famous door, you can see scenes of "Columbus Before the Council of Salamanca, 1486–1487"; 'Columbus' Departure from the Convent of La Rabida, 1492"; "Departure of Columbus from Palas, August 3, 1492"; "The Landing of Columbus in the New World, October 12, 1492," "Columbus' First Encounter with the Indians"; "Entry of Columbus Into Barcelona, 1492"; "Columbus in Chains, 1500" and "Death of Columbus, 1506."

On the door, on the sides and between these panels, Rogers sculptured sixteen small statues, set in iches, of eminent contemporaries of Columbus.

Between the panels of the door and at top and bottom of the valves are ten small heads. These heads represent historians who have written on Columbus' voyages. Above the transom arch are the bust of Columbus, the American Eagle and flags. The door is covered with heraldic emblems of that period.

The most recent move, included in the extension of the Capitol project, was transferring the door to its present location, in 1961, to the extended East Portico entrance.

Talking about her great, great uncle, Mrs. Yahnka said that he married in Italy. (Contrary to history and encyclopedia books which states he married in America.)

"I believe he was married when he went there to do his carving," she said, "which resulted in more than three years before completing his work."

"I cannot remember his wife's name, but believe she was of Italian descent," Mrs. Yahnka said.

"To my knowledge, my family, at least going back through my grandmother Meredith, never met her."

"However," she said, "they learned about her through Randolph's letters."

Mrs. Yahnka, who graduated from Eastern Michigan University with an art major moved from Allen, Michigan to Ypsilanti while attending college there. A classmate, in art, once told her that she knew of great grandchildren of Rogers, and who were at that time, living in Toledo, Ohio.

"I didn't realize the importance of family ties," she said.

"Even my instructors tried to encourage me to make an attempt to locate them, but I didn't have the foresight to pursue the search."

Randolph Rogers was born in 1825 and died 1892. He was noted for his memorial monuments and his monuments to the state of Michigan and Connecticut. His works are displayed in the Detroit Museum of Arts, also at the Chicago Museum. "And," Mrs. Yahnka and, "I have been told he has additional art work in the San Francisco Museum of California."

He was born in Waterloo, New York, but "came to Ann Arbor," which is about 90 miles from Quincy, "where he spent most of his boyhood."

Still reminiscing, she recalls her grandmother telling that Rogers studied under Lorenzo Bartolini in Rome.

"And I believe," she continued, "he attended school at the University of Michigan before going to Rome."

"I can't remember at what time in his life that he returned to Rome to live, but my grandmother told us that he died there."

Mrs. Yahnka, who taught school at Marshall, Dearborn and Garden City, resides with her husband, Otto P. Yahnka at 3891 West Calhoun Road in Beaverton. They have one daughter, Martha, who is married to Dr. Roger F. Luneke, and three grandchildren.

Their home, Bellevue, Michigan, is within 50 miles of Quincy where Randolph Rogers came to visit the Rogers, West and Meredith families.

## JAMES ELBEL HOWE RETIRES AS DIRECTOR OF STATE LEGISLATIVE COUNCIL OF UNITED TRANSPORTATION UNION

### HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. DANIELSON. Mr. Speaker, it is my pleasure to commend and to call recognition to James E. Howe on the occasion of his retirement as director of the California State Legislative Board of the United Transportation Union. Jim Howe has served as the first director of the State board since its inception in 1969, in which capacity he has represented with honor and distinction the members of the union. He has retired as of December 31, 1972.

For the past 30 years, James E. Howe has been a leading representative of the railroad workers of California, and he served for a period of years as the chairman of the California State Legislative Board of the Brotherhood of Railroad Trainmen. He joined the brotherhood in 1928, and has held continuous membership since that time. During the years he has held the positions of local secretary and treasurer, legislative representative, chairman of the legislative board, and legislative director.

As a representative of railroad employees of California, Jim Howe was continually an ardent and fair advocate of all legislation designed for the protection of the public and for the improvement of the status and working conditions of railroad workers. He has proven to be a tireless student of the problems of the railroad industry and its various employees, and always has been willing to lend his knowledge and talents to officials and governmental committees who requested his expert advice to assist them in their deliberations.

James Elbel Howe was born in Berkeley, Calif., on August 12, 1907; his father was a native Californian and his mother was born in England. His grandfather was one of the first judges under Mexican rule. His education was in California in Calaveras County, Berkeley, Lancaster, and UCLA Extension. Jim Howe has 49 years of service on railroads as clerk, switchman, brakeman and conductor. For 43 years he has been married to Lillian Payton Howe. Jim and Lillian were constituents of mine for years when I served in the California State Legislature, before they moved to Sacramento where Jim assumed the post from which he has just retired.

Jim has also been involved in community affairs. Since 1940 he has been a member of the Elks, since 1945, a Mason, and since 1959, a Shriner.

Jim Howe's service has been not only to railroad employees and members of the union, but his work has had a beneficial effect on the people of California and this country, as well. I am pleased to extend congratulations and felicitations to James E. Howe for his meritorious service on the occasion of his retirement as the director of the California State Legislative Board of the United Transportation Union, and to extend best wishes and hopes to him and his wife for many years of happiness in the future.

## STRENGTHENING OUR CORRECTIONAL INSTITUTIONS

### HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. CHAPPELL. Mr. Speaker, I am today introducing five bills which deal with the strengthening of correctional institutions, revamping of the parole system, striving for a reduction in repeat offenders, the upgrading of training opportunities for law enforcement officers, and the curtailment of international narcotics entering the United States.

These bills are the result of recommendations by my citizens committees in the Fourth District of Florida and show the genuine concern of my people in a better America.

The correctional center bill would assist the States in the construction and maintenance of correctional facilities providing a broad range of services and programs including educational, vocational, and recreational programs, medical, psychiatric, dental care; and counseling.

The real intent of this measure is to cut down on what we might call the professional jailbird—the one who comes in for a light sentence but who is jailed with longtime criminals and thus, himself, becomes a hardened and repeat criminal.

Three kinds of centers would be established under the bill: regional youth correction centers for the treatment of young adults and youth; centers for persons sentenced to a year or less; and centers for longer term offenders, the mentally ill and the violent and dangerous.

My parole bill would give more latitude to parole boards in evaluating an offender who has made a serious attempt to rehabilitate himself. The bill also provides that where an offender is to be imprisoned for more than 180 days, a complete study be done on him to assist parole officials in determining the best rehabilitative steps to be taken.

Mr. Speaker, society cannot afford to continue with the type of system we now have that encourages a prisoner to consider the institution his home. I am encouraged by the hearings which the Judiciary Committee held on this measure and others during the last session. I trust the committee will report out a bill early in this Congress.

The third crime measure I introduce today would enable a policeman to take a year's leave of absence to return to school for additional training in colleges and police academies. The bill provides for grants equal to 1 year's salary.

The fourth measure, the International Opium Control Act, authorizes the President to negotiate treaties with other nations to stop the flow of illicit drug traffic. It empowers the President to withhold economic and military assistance from any nation which continues to allow the exportation of drugs which enter America.

One of the most effective ways to eradicate drugs from our society is to dry up their sources. It is absolutely imperative that we get nations to agree on regulations and enforcement against drug traffic.

One of the key factors in effective law enforcement is the proper dissemination of information among law enforcement agencies. To assist our State and local law enforcement agencies in this area, I am introducing a bill to authorize the Attorney General to exchange criminal information with other law enforcement agencies.

Mr. Speaker, I invite my colleagues to examine these bills and to join with me in working for legislation this session to improve our correctional system, stop the flow of narcotics, and assist our law enforcement officers in carrying out their duties.

## THE LEGION OF ESTONIAN LIBERATION POLLS ITS MEMBERSHIP—A SUMMARY

### HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. STRATTON. Mr. Speaker, during the first 2 weeks of October 1972 the Legion of Estonian Liberation polled its membership on a number of national and international issues, and later that month sent me a copy of the results of the poll.

I believe the summary of this poll will be of interest to other Members of the House and therefore include the summary at this point:

*1972 Membership Opinion Poll*

(Responses in terms of percent, unless ranked in numerical order)

1. Do you believe that the Economic Stabilization Program announced on August 15, 1971 by President Nixon has achieved its main goal of controlling inflation? Yes 58.5, No 26.6, No opinion* 14.9.

2. Do you approve of the Nixon Administration's policies of trade? a. with U.S.S.R.? Yes 25.5, No 69.2, No opinion 5.3. b. with China? Yes 44.7, No 35.1, No opinion 20.2.

3. Do you favor the President's recent efforts to open more normal relations with China? Yes 52.1, No 37.2, No opinion 10.7.

4. a. Do you favor the continuation of the wage-price controls? For six months 6.4, For 1 year 24.5, For 2 years 60.6, Not at all 4.5, No opinion 4.0, b. If continued, do you feel they should be made more stricter 74.5, Less stricter 7.4, No opinion 18.1.

5. Would you favor the adoption of a no-fault auto insurance program on a national level? By an Act of Congress 72.4, On a State by State basis 7.4, Not at all 12.8, No opinion 7.4.

6. Should busing of students be required to achieve greater racial balance in our schools? Yes 4.3, No 87.2, No opinion 8.5.

7. The National Commission on Marihuana and Drug Abuse has recommended that the possession of marihuana for personal and private use no longer be an offense. a. Would you favor such a change in Federal law? Yes 16.0, No. 69.1, No opinion 14.9. b. Do you believe that the use of marihuana has greater or lesser social consequences than the use of tobacco and alochol? Greater 74.4, Lesser 10.6, No opinion 16.0.

8. How would you characterize present U.S. expenditures for defense? Too high 6.4 Too low 42.6, About right 50.0, No opinion 1.0.

9. On the basis of personal trust, whom would you trust more as the President? McGovern 0.0, Nixon 90.4, Not sure 6.4, Other-Schmitz 3.2.

10. After President Nixon's plan to withdraw U.S. troops from South Viet Nam is completed, do you think the U.S. should continue to send military aid? Yes 87.2, No 3.2, No opinion 9.6.

11. Do you support the all volunteer army concept for national defense? Yes 21.3, No 68.1, No opinion 10.6.

12. Would you favor a "Value Added" tax, in effect a national sales tax, as a method to reduce property taxes? Yes 53.2, No 21.3, No opinion 25.5.

13. Should the Federal Government pass a law requiring the registration of all handguns? Yes 80.8, No 16.0, No opinion 3.2.

14. Should Congress limit the President's power to commit U.S. troops to an undeclared war? Yes 19.1, No 74.5, No opinion 6.4.

15. Which political party do you think can do a better job of handling:

a. High cost of living? Rep. 72.3, Dem. 3.2, No difference 24.5.

b. Viet Nam war? Dem. 1.1, Rep. 80.8, No difference 18.1.

c. Crime/lawlessness? Rep. 72.4, Dem. 1.1, No difference 25.5.

d. Race relations? Dem. 5.3, Rep. 62.8, No difference 31.9.

16. The prisoner of war issue is one of the main stumbling blocks in terminating our military role in South Viet Nam. If the enemy does not yield and the last issue to be resolved is their demand that we withdraw our support from the South Vietnamese Government, would you agree to this demand to terminate the war and get our prisoners back? Yes 10.6, No 78.8, No opinion 10.6.

17. Do you favor the U.S. establishing diplomatic relations with:

a. Cuba? Yes 11.7, No 83.9, No opinion 6.4.

b. China? Yes 43.6, No 43.6, No opinion 12.8.

18. Do you favor a Constitutional amendment limiting the Presidency to a one six year term? Yes 53.2, No 39.4, No opinion 7.4.

19. If you had to rank the major causes of inflation today, in what order would they be? (Please rate 1, 2, 3, etc.)

a. Excessive wage demands 1;

b. Excessive price increases 3;

c. Excessive Government spending and deficits 4;

d. Excessive business profits 2; and,

e. Balance of trade deficits 5.

20. An issue that the Congress and the President will face in the near future is that of amnesty for those who left the U.S. to avoid the draft. Under what conditions would you favor amnesty?

a. After hostilities have ended in Viet Nam and the prisoners have been returned and then on an individual and selective basis as was done after World War II 20.2;

b. On condition that they perform some kind of alternate public service for (1) one year 1.1, (2) years 10.6, (3) more than two years; 16.0.

c. Never under any conditions 47.9;

d. Grant amnesty now without any conditions 2.1; and,

e. No opinion 2.1.

21. Do you favor Federal revenue sharing with State and local governments? Yes 62.8, No 14.9, No opinion 22.3.

22. Do you believe the U.S. tax system should be restructured? Yes 76.6, No 6.4, No opinion 17.0.

23. Should Federal and public employees have the right to strike? Yes 5.3, No 90.4, No opinion 4.3.

24. Do you think the Federal anti-pollution programs should provide for:

a. More stringent controls 68.0;

b. Less stringent controls 6.4;

c. As present 16.0; and,

d. No opinion 9.6.

25. Would you be willing to pay higher taxes and prices to support anti-pollution programs? Yes 37.2, No 45.8, No opinion 17.0.

26. Would you favor more research for and help solve the energy crisis? Yes 80.9, No 13.8, No opinion 5.3.

27. Should more stringent controls be established to protect the consumer? Yes 89.4, No 2.1, No opinion 8.5.

28. Do you favor reduction of funds for foreign aid? Yes 70.2, No 26.6, No opinion 3.2.

29. Do you favor creating a national child day care program (including educational and nutritional services) to enable mothers to work and thereby reduce welfare rolls? Yes 67.0, No 20.2, No opinion 12.8.

30. Do you favor a minimum guaranteed annual income for every family? Yes 29.8, No 51.1, No opinion 19.1.

31. Should the Federal Government institute a national lottery to obtain additional revenue? Yes 77.7, No 8.5, No opinion 13.8.

32. Should the space program be continued at its present level? Yes 69.1, No. 16.0, No opinion 14.9.

33. Should the number of U.S. troops in Europe be reduced? Yes 17.0, No 77.7, No opinion 5.3.

34. Would you support the position that air piracy or hijacking is not justifiable under any circumstances? Yes 64.9, No. 22.3, No opinion 12.8.

35. Do you think the U.N. is doing a good job in handling and solving the problems it faces? Yes 4.3, No 87.2, No opinion 8.5.

36. The U.S. contributes the largest percenatge and total dollars of the U.N. budget. However, on a per capita (per person) basis, the U.S. contribution is not the highest. Do you think the U.S. monetary support of the United Nations should be: Increased? 2.1, Decreased? 76.6, Remain the same? 21.3.

37. Do you support the Strategic Arms Limitation Agreement signed by the President with the Soviet Union? Yes 29.8, No 54.2, No opinion 16.0.

38. Do you think your local newspapers

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*No opinion includes no answers.

report the news impartially? Yes 24.5, No 56.4, No opinion 19.1.

39. Do you think that network television fairly presents both sides of most issues? Yes 16.0, No 74.4, No opinion 9.6.

40. If Presidential elections were held tomorrow, to whom would you cast your vote? Nixon 92.1, McGovern 0.0, Schmitz 7.9, Spock 0.0.

41. How do you rate President Nixon's performance in office? Excellent 26.6, Good 47.9, Fair 13.8, Poor 8.5, No opinion 3.2.

42. How do you rate Vice President Agnew's performance in office? Excellent 59.6, Good 29.8, Fair 6.4, Poor 1.0, No opinion 3.2.

43. Please give your rating (in terms of excellent, good, fair, poor, no opinion) of President Nixon's performance in the following areas:

| | Excellent | Good | Fair | Poor | No opinion |
|---|---|---|---|---|---|
| (a) Inflation | 6.4 | 39.3 | 27.7 | 14.9 | 11.7 |
| (b) Vietnam | 16.0 | 50.0 | 18.1 | 6.4 | 9.5 |
| (c) Jobs | 3.2 | 34.0 | 34.0 | 14.9 | 13.9 |
| (d) Crime | 4.2 | 20.2 | 28.7 | 35.2 | 11.7 |
| (e) Environment | 5.3 | 26.6 | 41.5 | 8.5 | 18.1 |
| (f) Race relations | 7.3 | 41.5 | 25.5 | 7.4 | 18.1 |
| (g) Drugs | 8.5 | 21.3 | 28.7 | 24.5 | 17.0 |
| (h) Relations with Soviet Union | 4.3 | 27.7 | 29.7 | 24.5 | 13.8 |
| (i) Relations with China | 10.6 | 35.1 | 26.6 | 14.9 | 12.8 |
| (j) Overall domestic policy | 8.5 | 47.8 | 27.7 | 4.3 | 11.7 |
| (k) Overall foreign policy | 11.7 | 44.6 | 21.3 | 9.6 | 12.8 |

44. If President Nixon were to ask for your advice in any of the above areas in No. 43, which area would you choose?

a. Inflation 5.1; b. Viet Nam 8.5; c. Jobs 3.4;

d. Crime 23.7; e. Environment 1.7; f. Race relations 0.0;

g. Drugs 5.1; h. Relations with Soviet Union 27.1;

i. Relations with China 5.1; j. Overall domestic policy 8.5;

k. Overall foreign policy 11.8.

45. Do you see any potential changes in the United States policy of non-recognition of the illegal annexation of the Baltic States of Estonia, Latvia, and Lithuania?

a. If President Nixon is reelected?

Yes 14.9, No 78.7, No opinion 6.4.

b. If Senator McGovern is elected President?

Yes 58.5, No 24.5, No opinion 17.0.

46. Do you believe that the question of the Baltic States of Estonia, Latvia, and Lithuania should be placed on the United Nations Agenda?

Yes 81.9, No 9.6, No opinion 8.5.

47. Would you favor continued U.S. support of:

a. Radio Free Europe? Yes 98.9, No 0.0, No opinion 1.1.

b. Radio Liberty? Yes 78.7, No 1.1, No opinion 20.2.

48. Do you support the U.S. decision to participate in the European Security Conference? Yes 63.8, No 18.1, No opinion 18.1.

49. Should governments or private organizations yield to terrorist demands when holding hostages? Yes 11.7, No 70.2, No opinion 18.1.

50. Would you support the idea of granting satellite country status to the Baltic States by the Soviet union in lieu of complete freedom? Yes 28.7, No 59.6, No opinion 11.7.

## ROBERTO WALKER CLEMENTE

## HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, how does one eulogize a giant, a man whose deeds and actions were legend for hundreds of thousands, whose warmth and humanity and love of life, brought strength, enjoyment, and brotherhood to multitudes?

Indeed, words fail in moments such as these.

Roberto Walker Clemente, one of the greatest baseball players the world will ever know, is dead.

He was virtually loved by thousands of Pittsburghers who thrilled to his epic feats on the baseball diamond. He could run, throw, hit, field, with the very best. In most of these categories, he was the standard, the benchmark which his peers sought to reach.

Fiercely prideful, Bob Clemente played 18 years for the Pittsburgh Pirates, leading them to two world championships and two division championships. He won every laurel a player could, including most valuable player, the batting title, the golden glove for his excellent fielding, outstanding player in the world's series, and just last year, although missing a good part of the season, he managed to bang out the 3,000th base hit of his career, a feat only matched by 12 men in all of baseball.

His performances on the field were virtuoso. Some people described his play and his demeanor as regal. He was simply the complete ball player.

Yet he was more.

A super star, making well over $100,000 per year, he never forgot the real owners of the game, the fans. He always said that he played for them and for them only.

His native Puerto Rico and his beloved countrymen were always uppermost in his thoughts. During the off season he would play for the local team and display those talents that made him great.

He worked with the children of Puerto Rico, always mindful that many would not have the same opportunities which he did. Roberto's great dream was to erect a sports city for the children of Puerto Rico, where they could play and learn and thrive on the competition and joy which are so much a part of organized athletics.

Unselfish, a dedicated family man, a nationalist, a good man—these but scratch the surface of Bob Clemente.

He died in a plane crash while on a mercy mission to help those suffering in neighboring Nicaragua. This is the man, Clemente.

He was a catalyst for the city of Pittsburgh. He was one thing that all people of our city, no matter their color or social status could agree upon. Roberto was "the Great One."

It is a label he lived up to in a dozen ways.

Our city and its residents were shocked and dumbfounded at the news of his death. He meant so much to the fans as a player, yet he was even more as a symbol.

The untimely death of a man like Clemente often forces us to realize how mortal we all are and how fragile, brief, and faulted our time on earth is.

But there is good in all things. And the death of Roberto Clemente has made thousands want to carry on the work which Bobby only began.

There will be thousands of dollars pledged to the Nicaraguan Relief Fund in his name. A sports city for the children of Puerto Rico will be started in his name and his deeds will be a standard for many young men, regardless of their color, creed, or native country, to emulate.

Next spring, there will be a new rightfielder for the Pittsburgh Pirates. No matter who the man is, he might substitute for, but he will never replace Roberto Clemente.

## COMMUNITY SCHOOL CENTER DEVELOPMENT ACT

## HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. RIEGLE. Mr. Speaker, today I am introducing the Community School Center Development Act; Senators CHURCH and WILLIAMS are introducing an identical bill in the Senate. The purpose of the bill is to utilize school facilities beyond the normal school hours to provide a wide variety of social services to all members of the community. The bill provides grants to promote and aid the development and expansion of community school programs throughout the Nation.

The community schools concept is not a new one; the idea was fostered in Flint, Mich., in the 1930's by Charles Stewart Mott of the Mott Foundation. It has since been adopted by over 600 school systems across the country. The impact the existing programs have had on the communities served has been so exemplary that many experts cite community education as key to solving the problems of both urban and rural communities.

Focusing first on the impact that a community school has on children in the normal academic program, it is notable that their classroom performance is significantly improved.

Psychologists have noted that in order to best serve the child, the school must be able to relate to some degree to the family and to the total community. A child's attitudes and perceptions of school as learned outside the classroom are large factors in determining his behavior and success in school. With the reinforcement of family and community involvement, the child's attitude toward his schoolday is significantly strengthened and his potential and motivation for learning correspondingly enhanced.

Beyond bolstering elementary and secondary education, the community school programs have contributed to the viability of the community through basic adult education programs. The increasing demand for a more skilled work force by public and private industry and the abnormally high percentage of adult illiteracy and high unemployment in many inner city and rural areas underline the need for adult education. In most instances these education needs can best be met at the neighborhood level, after hours, and on the weekends. Community education programs can serve greatly to improve the quality of the community's labor force and thus its economic strength.

Further, the community school program can reach now alienated and isolated groups both in our cities and rural areas. Perhaps two of the least understood and most mistreated groups in our society—delinquent youth and elderly—can both be better served through community school programs. The Montana State Task Force for Youth Development and Delinquency Prevention vigorously supports the community school bill as instrumental to reducing dropout and juvenile arrest rates. Community school programs can be an attractive alternative to the street corner with flexible programs that give youth needed psychological and social support.

For the elderly, space in the school can be set aside for social and recreation functions throughout the day. Programs of health and hot meals provided at minimal cost are low-cost investments with inestimable returns for the lives of the elderly.

In rural areas, the community school program is a hope for ending the isolation and severe lack of rural cooperative services. The director of the Appalachian Adult Education Center claimed, "It is apparent that the only viable and potential public system through which needs and the promise of rural America can be solved" is the community school program.

In sum, the advantages for the Federal Government to undertake leadership in encouraging the community school program are enormous in terms of attacking multiple community-related problems, using the existing systems and facilities, responding to local needs, and helping to serve groups presently alienated from our society. I urge all of my colleagues here in the House to join in supporting the Community School Center Development Act.

I attach the bill so that it can be printed in full at this point in the RECORD.

## H.R. 972

A bill to promote development and expansion of community schools throughout the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

SECTION 1. This Act may be cited as the "Community School Center Development Act".

### STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to provide recreational, educational, and a variety of other community and social services through the establishment of the community school as a center for such activities in cooperation with other community groups.

### DEFINITIONS

SEC. 3. As used in this Act the term—

(1) "Commissioner" means the Commissioner of Education;

(2) "State" includes, in addition to the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(3) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of State elementary and secondary education or if there is no such officer or agency, an officer or agency designated by the Governor or State law;

(4) "Council" means the Community Schools Advisory Council;

(5) "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (D) is a public or other nonprofit institution, and (E) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of clauses (A), (B), (D), and (E). For purpose of this subsection, the Commissioner shall publish a list of nationally recognzied accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(6) "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or any combination thereof as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and

(7) "community school program" means a program in which a public elementary or secondary school is utilized as a community center operated in cooperation with other groups in the community to provide recreational, educational, and a variety of other community and social services for the community that center serves.

## TITLE I—COMMUNITY EDUCATION CENTER GRANTS

SEC. 101. (a) The Commissioner shall make grants to institutions of higher education to develop and establish programs in community education which will train people as community school directors.

(b) Where an institution of higher learning has such a program presently in existence, such grant may be made to expand the program.

### APPLICATIONS

SEC. 102. A grant under this title may be made to any institution of higher education upon application to the Commissioner at such time, in such manner, and containing and accompanied by such information as the Commissioner deems necessary. Each such application shall—

(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) describe with particularity the programs and activities for which such assistance is sought;

(3) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(4) provide for making such reasonable reports in such form and containing such information as the Commissioner may reasonably require.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 103. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

## TITLE II—GRANTS FOR COMMUNITY SCHOOLS

SEC. 201. (a) The Commissioner may, upon proper application, make grants to local educational agencies for the establishment of new community school programs and the expansion of existing ones.

(b) Grants shall be available for the training and salaries of community school directors as well as actual and administrative and operating expenses connected with such programs.

### APPORTIONMENT

SEC. 202. The number of project grants available to each State, subject to uniform criteria established by the Commissioner, shall be as follows:

(1) States with a population of less than five million shall receive not more than four projects;

(2) States with a population of more than five million but less than ten million shall receive not more than six projects;

(3) States with a population of more than ten million but less than fifteen million shall receive not more than eight projects; and

(4) States with a population of more than fifteen million shall receive not more than ten projects.

### CONSULTATION WITH STATE EDUCATIONAL AGENCY

SEC. 203. In determining the recipients of project grants the Commissioner shall consult with each State educational agency to assure support of a program particularly suitable to that State and providing adequate experience in the operation of community schools.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 204. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

## TITLE III—COMMUNITY SCHOOL PROMOTION

### PROMOTION

SEC. 301. In order to promote the adoption of community school programs throughout the United States the Commissioner shall—

(1) accumulate and disseminate pertinent information to local communities;

(2) appoint twenty-five teams, consisting of not more than four individuals on each team, to assist communities contemplating the adoption of a community school program; and

(3) establish a program of permanent liaison between the community school district and the Commissioner.

### ADVISORY COUNCIL

SEC. 302. (a) There is hereby established in the office of the Commissioner a Community Schools Advisory Council to be composed of seven members appointed by the President for terms of two years without regard to the provisions of title 5, United States Code.

(b) The Council shall select its own Chairman and Vice Chairman and shall meet at the call of the Chairman, but not less than four times a year. Members shall be appointed for two-year terms, except that of the members first appointed four shall be appointed for a term of one year and three shall be appointed for a term of two years as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office. A vacancy in the Council shall not affect its activities and four members thereof shall constitute a quorum. The Commissioner shall be an ex officio member of the Council. A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation.

(c) The Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

FUNCTIONS OF THE COUNCIL

SEC. 303. The Council shall advise the Commissioner on policy matters relating to the interests of community schools.

COMPENSATION OF MEMBERS

SEC. 304. Each member of the Council appointed pursuant to section 302 shall receive $50 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of the Council. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 305. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE IV—MISCELLANEOUS
PROHIBITIONS AND LIMITATIONS

SEC. 401. (a) Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

(b) Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for the construction of facilities as a place of worship or religious instruction.

JUDICIAL REVIEW

SEC. 402. (a) If any State or local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of applications submitted under title II, or with his final action under section 405, such State or local educational agency may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such agency is located a petition for review of that action. A copy of that petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner shall file promptly in the court the record of the proceedings on which he based his action, as provided for in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

ADMINISTRATION

SEC. 403. (a) The Commissioner may delegate any of his functions under this Act to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

PAYMENTS

SEC. 404. Payments under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

WITHHOLDING

SEC. 405. Whenever the Commissioner, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision; the Commissioner shall notify in writing such recipient of his findings and no further payments may be made to such recipient by the Commissioner until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Commissioner may authorize the continuance of payments with respect to any programs or activities pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

AUDIT AND REVIEW

SEC. 406. The Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee, under this Act, that are pertinent to the grant received.

REPORTS TO THE CONGRESS

SEC. 407. The Commissioner shall transmit to the President and to the Congress annually a report of activities under this Act, including the name of each applicant, a brief description of the facts in each case, and the number and amount of grants.

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## APPELLATE REVIEW OF SENTENCES

## HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. KEATING. Mr. Speaker, today I am introducing a bill to provide for appellate review of sentences arising in the district courts of the United States, and to call upon the States to adopt similar measures.

The problem of disparities in sentences is one that has concerned Congress for many years, and during the 90th Congress, the Senate passed a bill which provided for appellate review of sentences imposed in Federal courts. The House took no action during that same year, however, and the measure, therefore, was not enacted into law.

The National Commission for Reform of Federal Criminal Laws—Brown Commission—and the ABA Advisory Committee have urged the adoption of some form of appellate review of sentences. This concept, therefore, has already won approval many times over by respected authorities within the legal profession, as it is recognized that both the defendant and society suffer when the law is not applied with equity and fairness.

Unusual sentencing disparities may occur because of the individual nature of each trial court judge, as each has a different set of values, reactions, and points of view. In brief, each judge simply is the product of a unique life experience, and this, many argue, would make it inevitable that some errors in judgment will occur—even among the best of judges. This is one of the major reasons why our judicial system contains an appellate procedure.

Under existing Federal law, however, the determination of the sentence is the only discretionary authority of the trial court judge which is not subject to review by a higher court. As long as the sentence imposed is within the statutory limits provided by law, the sentence is unreviewable by appeal. No matter how unduly severe, an appellate court is powerless to modify the sentence in any way.

Twenty of our own States, in addition to many foreign countries, provide for at least some form of appellate review of sentences. Moreover, in U.S. military courts, often criticized of being stringent or even unfair, appeals are automatic in each case—with each appellate authority possessing the power to reduce, but not to increase, the sentence imposed by the next lower authority.

To state the problem in its simplest form, therefore, the Federal legal system is an almost unique example of an advanced system of justice which does not allow for review of sentences.

As a result of this situation, our courts and correctional institutions are beset by numerous problems stemming from sentencing disparities. Aside from the obvious unfairness of subjecting some offenders to inordinately severe penalties, the recipient of an unusually harsh sentence will learn, through comparison of his own sentence with those of other offenders, that he was the victim of an apparent injustice. His resentment will likely breed unrest and severe disciplinary problems, and, in addition, may well undermine his prospects for successful rehabilitation.

The effects of inappropriate sentencing disparities, therefore, are harmful to both society and the defendant, serving only to perpetuate the cycle of crime and increase disrespect for our legal institutions. For sentencing must be an effective deterrent to future commissions of crime by the offender, and much of that deterrence is apt to be lost if an offender receives a sentence which bears no reasonable relationship to the crime he committed.

Furthermore, there is a substantial and growing body of opinion from within the legal profession that the impossibility of a direct challenge to unfair sentences often results in a great volume of appeals on tenuous technical grounds, and a corresponding tendency on the part of the appellate courts to find merit in otherwise questionable allegations of error, or to find error prejudicial where it would normally be considered harmless, in order to alleviate the inequitable sentence.

In addition, public confidence in the judicial system must suffer when unjust sentences go unredressed, in blatant violation of a most basic principle of legal justice—that similarly situated individuals be treated alike. This loss of public confidence becomes even more serious when members of minority groups interpret uncorrected disparities as a form of legally sanctioned discrimination.

Although the bill I am introducing today is intended to ensure a fair and equal application of the law for all defendants, this bill in no manner diminishes the authority of the trial court judge to implement a necessary degree of reasonable sentencing disparity. For if sentencing is to achieve its purposes, it must prevent further criminality on the part of the offender, and it must deter the commission of similar offenses by others. For this reason, the trial court judge must be permitted some range of sentencing alternatives.

Defendants with a recurring history of criminal convictions, for example, often require more severe sentences than first offenders. Defendants with a known propensity for wanton disregard for the rights of law-abiding citizens may also require stiffer penalties than defendants with a history of involvement in the so-called "victimless crime." Also, what may be considered a relatively minor offense in one jurisdiction may be considered a particularly heinous offense in another, due to varying social mores and values throughout different areas of the country.

In summary, there are many reasons why a trial court judge may be justified in giving a particular defendant a more severe penalty than another defendant convicted of the same offense. The bill I am introducing today certainly does not alter this principle, as it would be a grave error to assume that all defendants convicted of the same offense should be given identical criminal penalties. What the bill does mandate is that defendants convicted of the same offense, and under the same general circumstances within the same jurisdiction be treated with a reasonable measure of equity.

In an effort to address these issues in a responsible and fair manner, a sincere effort has been made to produce a bill which strikes a proper balance between the rights of criminal defendants and the rights of law-abiding citizens who expect criminals to be treated with toughness as well as a measure of fairness.

Briefly, the bill I have introduced today contains the following provisions:

First. A Federal criminal defendant who has received a sentence of imprisonment of 1 year or more or death may file an application for leave to appeal to the court of appeals within 10 days after the imposition of this sentence;

Second. The court of appeals, upon reviewing the application shall consider whether the sentence imposed on the defendant is excessive in that it clearly exceeds the length of sentence normally imposed on defendants convicted of the same offense under similar circumstances;

Third. If the court of appeals grants the leave to appeal, they may review the sentence imposed to determine whether it is excessive as described above. If the application for leave to appeal is denied, this decision shall be final and not subject to further judicial review;

Fourth. Upon consideration of the appeal, the court of appeals shall be empowered to select from the full range of statutory alternatives open to the district courts in directing an appropriate sentence, except that a sentence shall not be increased as a result of an appeal under this section;

Fifth. A denial of the application for leave to appeal on the ground that the sentence imposed is excessive shall not prejudice any aspect of the appeal predicated on other grounds;

Sixth. Upon certification to the court of appeals the transcripts of the trial proceedings, the defendant shall have access to all presentence reports as he had at the district court;

Seventh. This act shall become effective 6 months after its enactment and shall apply only to sentences imposed thereafter;

Eighth. The Administrative Office of the U.S. Courts is authorized to make emergency payments to those circuit courts which require immediate funds to implement the provisions of the bill, and a yearly authorization of $1 million is provided for this purpose;

Ninth. Finally, in order to be eligible for receipt of funds from the Law Enforcement Assistance Administration, those States which do not have rules of procedure which permit appeal on the grounds of excessive sentencing must adopt such rules or face the loss of LEAA funds to that State.

Mr. Speaker, I strongly urge that the House act on this proposal at the earliest practicable date. This reform in our criminal justice system is long overdue, and I am confident that this body is unanimous in the opinion that a fair and equal application of the law is a goal worthy of our serious attention.

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## RECOMPUTATION OF RETIRED PAY

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. ANDERSON of California. Mr. Speaker, I am today reintroducing legislation that provides for full recomputation of retired military pay.

The principle of recomputing retired military personnel pay based on active duty pay was incorporated in the American military retired pay system from the time of the Civil War to 1958, with short exceptions. All military personnel who served before June 1, 1958, did so with the expectation that this principle would continue to be followed. It is quite likely that the recomputation feature of the retirement system was largely responsible for the decision of many to make the military a career.

Although there was no signed contract with the U.S. Government promising that this system would be continued after service was completed, there certainly was a moral obligation on the part of the Government not to reduce the entitlement after it was earned.

The hundreds of thousands of retired career personnel, both regular and reserve, who served in several wars believed that their Government would continue to honor that obligation by preserving their entitlement to those rights earned under laws existing during their active service. Repeated governmental statements concerning the matter strengthened this belief.

For example: In 1806, in the case of *United States* v. *Heth* (7 US 399, 2d Ed 479), the Supreme Court stated:

> While it is true that pay is subject to the will of Congress, the presumption is where a person performs service under the prospect of certain emoluments, it is in the interest of the government to engender a confidence in the minds of its citizens which leaves no room for distrust. . . .

In January 1931, a joint congressional committee, after reviewing the overall military compensation system, stated in Senate document 259, 71st Congress, 3d session:

> The pay of any person on the retired list should be based on the pay of persons of like grade on the active list.

On June 16, 1942, the 77th Congress, in passing Public Law 607, recognized the provisions of existing law relative to computing retired pay when it stated in section 15 thereof:

> On and after the effective date of this Act, retired officers * * * shall have their retired pay * * * computed as now authorized by law on the basis of pay provided in this act.

In 1946, in passing Public Law 474, the Congress again adhered to the existing law by permitting those already retired to participate in the new pay schedules.

Career members of the uniformed services, regular and reserve, active and retired, had their faith in the dependability of their earned retirement rights further strengthened in 1949 when the Advisory Commission on Service Pay—the Hook Commission—recommended that the Congress continue to uphold the basic principle of keeping retired pay geared to current active duty pay schedules. The recommendations of this Commission were accepted by the Congress when it enacted Public Law 351 in October 1949. Section 511 of this law reads in part:

> Retired pay shall be computed on the monthly basic pay * * * which such member would be entitled to receive if serving on active duty in such grade.

In 1952 and again in 1955, Congress enacted legislation increasing the pay of the active services and, in each of these laws, continued the time-honored principle of equating retired pay to current active duty pay.

In 1957, the Cordiner Committee, which, like the Hook Commission, had been formed to study the military compensation system concluded:

> * * * that the incentive value of the existing military retirement system depends to a major degree upon its integral relationship with active duty compensation and the confidence which has been built up in the military body that no breach of faith or breach of retirement contract has ever been permitted by Congress and the American people.
>
> The uniformity of compensation thus achieved is considered appropriate and the inclusion of retired personnel within the new compensation system is considered by the Committee to be a mandatory and essential feature, fully in consonance with the long-established principle that retired compensation must always remain closely related to current active duty pay.

During the past 14 years many attempts have been made to justify the Government's abrogation of its moral responsibility. In spite of these attempts, the fact remains that those who entered careers in the uniformed services before June 1, 1958, served under a guaranteed formula which provided that their retired pay would be determined as a percentage of current active duty pay and the actions of Congress in passing Public Laws 65–422 and 88–132 reduced the entitlements after they had been fully or partly earned. The fact that such entitlements are not legally enforceable cannot in any way relieve the Government of its moral responsibility to provide compensation to retirees in accordance with the laws in effect when the compensation was earned.

In 1958 Congress abandoned the recomputation principle and substituted an across-the-board 6-percent increase for retired personnel. In 1963 Congress offered a one-time recomputation to those who were retired prior to the 1958 changes, or a 5-percent cost-of-living increase, whichever was greater. The cost-of-living system of adjusting retired pay is in effect today.

Although changes have been made in the system in an effort to protect the retiree from the rapid rate of inflation, they have not done so. The average retiree's pay has increased by 58.6 percent since 1958 while active duty pay has increased by 108.1 percent during the same period. A tremendous gap in retired pay has grown between the retirees of the same grade and years of service. The inequality will continue to widen unless Congress restores the traditional system of computing retired pay on the basis of current active duty rates.

Many of the lower grade retirees who served their country well for 20 or 30 years through two or three wars are in dire straits. They served at times when pay scales were very low and raises few and far between. Their retired pay is small, they pay taxes on it, and end up with less than many people get who never did anything for their country, who will not work, who pay no taxes, and who live off other people's money.

The argument that pre-1958 retirement entitlements would be monetarily prohibitive is nonsense. When an individual enters into a contract, he cannot use inability to raise money as a defense in any court in this great land. There are many places where we are spending money much less wisely.

There have been a number of proposals for one-time recomputation. If a compromise is necessary, my recommendation is that it be no less than the administration's proposal, but with pay scales in effect at the time legislation is passed rather than those of January 1, 1971.

As I said on the floor of the House on September 13, 1972, I reluctantly voted for adoption of the conference report on H.R. 15495 because of my deep regret that the conference committee deleted the recomputation amendment.

Also, I said then that the many retired military men who have served our country and who have given of their minds, bodies, and years—none of which can be replaced—certainly deserve no less than equity in their retired pay.

## WHAT EVER BECAME OF CHARLIE FARNSLEY?

## HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. CARTER. Mr. Speaker, where is Charlie Farnsley? He is alive and kicking vigorously, often in the city of Louisville, sometimes in Indiana, and occasionally in southern Kentucky.

In 1964, it was my good fortune to serve in Congress and on the Interstate and Foreign Commerce Committee with the Honorable Charlie Farnsley, former mayor of Louisville, former State representative, former member of the board of trustees of the University of Louisville and, more importantly, the husband of a cultured southern lady, "Miss Nancy" Carter Farnsley.

Charlie Farnsley is one of the most intelligent men I have ever known. Under an "Ed Wynnish" facade reposes one of the finest brains in the State of Kentucky. Charlie Farnsley is indeed a man of many parts. Few people realize that he is deservingly successful in the field of advertising. Many of the eye-catching advertisements often seen in national magazines originated in Charlie's fertile brain.

I know that the Members of this body who served with Charlie wish for him and Miss Nancy meaningful success and true happiness in their present pursuits. I include a recent story of how Charlie Farnsley is now occupying his time:

[From the Louisville Courier-Journal and Times magazine, Dec. 31, 1972]

### WHAT EVER HAPPENED TO CHARLIE FARNSLEY?

(By John Ed Pearce)

What's Charlie Farnsley doing these days? You know, the guy who used to be mayor of Louisville. Wore string ties and gray broadcloth suits, started the one-way streets and quoted Confucius to his critics, instituted the Occupational Tax, saved the orchestra, took classes at the University of Louisville, lectured on Jeffersonian democracy, modernized the library system, fought the merchants, fought the newspapers, fought the legislature and brought the city more national publicity than it ever had before or since.

What's he doing? He's having a ball, that's what. Enjoying life. Has more projects going than a dog has fleas. Hustling real estate, restoring old homes, trying to save the Jacksonian Hotel in Scottsville, Ky., that served old-fashioned, boarding-house-style meals (he was forced to abandon the old hotel as a money-loser last month), operating a publishing business, defending the University of Louisville, dabbling in politics, hassling the establishment. But mostly he is engaged in an effort to revive downtown Louisville. He says he knows how, and it has nothing to do with the River City Mall, new office buildings or the riverfront development. And it's easy, he says. It has to do with people.

"The riverfront will help," he says, "especially if it has enough apartments. But office buildings won't bring back shoppers, and that's what Fourth Street needs. Neither will the Mall. It'll make it nicer for the people who're already there, that's all. What you've got to do is get people back downtown. Replace the 80,000 who moved out."

Charlie's views are not the usual views, but then they never were. City planners? "They're well-meaning, but most of them don't know what they're doing." Expressways? "The minute you brought them downtown, you killed everything within a mile on either side of them." Urban renewal and redevelopment? "A national disaster."

Charlie lives well. "I'm just a poor boy trying to make a living," he says, easing back in his black, luxury-model Mercedes, a thing of panelling and leather that powers into traffic as quietly as a hummingbird. "Nicest car I ever had," he says contentedly. "You ought to get yourself one, chief."

He has a comfortable apartment in town, a home up the Ohio, assorted real estate and the profitable Lost Cause Press publishing business. He wasn't born exactly poor, his four kids are grown, and he and Miss Nancy (he married Nancy Carter, and she has been Miss Nancy ever since, for some reason) have the time and money to do pretty much what interests them, and a lot of things do. After a life in the goldfish bowl of politics, he doesn't mind being out of the public eye for a bit.

When Charlie was mayor of Louisville, he got a press like you wouldn't believe. News people were crazy about him, reporters, editorial writers, everybody. Even when they criticized him, they did it with affection. For one thing, every newsman sees himself as an unsung intellectual, and here was this politician quoting Mencius and talking of the application of Jeffersonian principles to the problems of cities. The philosopher-king thing, right here on the Ohio.

And he was colorful. He had a psychiatrist as an adviser, and a soundproof room in which he played classical music at full volume. ("No sense playing Wagner if you don't play it loud," he'd say, and blast you out of the room.) He tried to market a whisky called "Old Rebel Yell," and when the Patent Office said the label was in bad taste, he put out a brand called "Old Bad Taste." Instead of flying off to Florida when the going got too rough, he'd go out to the monastery at Gethsemani and hole up with the monks for quiet and meditation.

He baffled reporters.

"What are you going to do about the one-way street plan, Mr. Mayor?"

"Hell, I don't know, chief. What would you do? You news people know all about these things."

Charlie believed people ought to be involved in their government. Years before the kids started squalling about participatory democracy he started his Beef Sessions and invited everyone to come to City Hall one night a week and complain. Had some wild sessions, with people shouting and department heads sweating. They led to a lot of action, too.

He'd charter special trains and lead delegations to New York to watch the U of L basketball team play in the Garden, or to hassle foundations for money for the orchestra or library. He got reams of publicity for the city. Time, Life, Fortune wrote about the cultural renaissance in Louisville, and, of course, about the colorful mayor.

But he was always in the middle of a controversy. He hired Roy Owsley as city manager. It was a good system. Roy handled the nuts and bolts of administration, leaving Charlie free to talk with people, study the city, see where it was going. But he had to put Owsley on a personal-service contract, because the state Constitution at that time limited public officials to $5,000 a year, and Roy wasn't about to work for $5,000. People screamed. We didn't elect Owsley, they said. If Charlie didn't want to be mayor, why did he run?

He hired experts by the handful, usually on a one-day basis. People couldn't understand it. "Experts usually spill their guts in one day," he explained. "I'd rather pay them $250 for one day than pay them $1,000 for a study that said what they'd say in a day." He believed in getting expert advice. "One man can't know everything," he said.

Charlie refused to fit the image of the pompous public official. He'd put his feet on his desk. On TV, he slumped down in his chair until he was almost flat on the floor. No dignity, they said. He lectured people on superiority of the Chinese emperor system, which he declared was more responsive to people than the classic democracy of ancient Greece. They called him Chopstick Charlie.

He didn't mind. He was moving too fast. The orchestra was about to go out of business; he got it a big foundation grant to commission new works, and started it producing records that made a lot of money. He hired Skip Graham, the hottest library man in the country, and together they re-made the Louisville Free Public Library system, doubled the circulation of books, put in the audio-visual department and FM station, started lending records and paintings as well as books. In town, classical record and art sales spurted. Cultural revolution.

It was strange to see Charles Peasley Farnsley, born to the center of the local establishment, fighting the establishment. But he resented the rich suburbanites who leeched off the city, moaned about its problems and then went home at night to Prospect and Glenview, where they didn't pay city taxes. He viewed the Occupational Tax, which made suburbanites with jobs in the city bear part of the city's financial load, as a personal triumph.

Charlie was a great believer in making do with what he had. When he was short of money to re-pave streets, he "half-soled" them, paving only the center portion where the cars drove. When he didn't have money for new parks, he made Tot Lots out of bits of city property, vacant lots, filling them with swings and boxes, barrels and junk for kids to play on. They loved them.

He was the despair of local Democrats because he seemed to lose interest in an office once the term was up. He refused to run again for mayor, eight years after he left the office, and the Democrats lost it. He served a term in Congress, made a good record and seemed a shoo-in for re-election. He refused to run, and the Republicans won the seat with Gene Snyder, who has held it ever since. "Once is enough," he said. "Let someone else have a turn at it." Actually, he admitted later, "I just got homesick."

Which does not mean that he has lost interest in the causes he fought for. It has been 20 years since, at the age of 45, he left the mayor's office, but he still feels that cities are the only places to live, and that Louisville is the pleasantest city he knows. He also thinks that planners ("bricks and mortar people; think any problem can be cured by building something"), politicians and the establishment are causing American cities, including Louisville, to "die from the inside out." This irks him because he warned them 20 years ago what was going to happen, and they wouldn't listen to him. He's still telling them, and he thinks the evidence of disaster is strong enough to force them to start listening.

Charlie holds forth from an office on the seventh floor of the Starks Building at Fourth and Walnut, in the heart of downtown Louisville. The office is a clutter of desks, chairs and stacks of papers surrounding a green velvet sofa, and a huge window facing east to where I-64, I-65, and I-71 knife through the guts of the city. For some, they are heaven-sent short cuts from home to office, but to Charlie they are "a disaster," one of two mistakes that led to the disintegration of the downtown business district.

"Run a sword through a man, he dies," he explains, "and when you run an expressway through a neighborhood, it dies. It's cut in two. As Jane Jacobs (a noted urban expert and sociologist) says, it tears the fabric of living."

Briefly (if it can be stated briefly), his theory is this:

Cities were functional because they grew up to serve the needs of the people living there. Neighborhoods developed institutions—the school, the church, groceries, shops, the neighborhood tavern—as people needed them. Some of the neighborhoods may have looked shabby, tax rates may have declined, but the people were comfortable in them. They knew each other, felt secure. Children grew up, went to the same school and church, married and lived down the street from their parents. Change came slowly, through death, intermarriage with outsiders, a few new people moving in to replace those dying. People knew the cop, the preacher, the drunk, the mean kid. They kept watch on each other, kept things in check.

Then comes an expressway, cutting through the heart of the old neighborhood. Streets are blocked by the hump of earth with its concrete lanes of hurtling steel. You can't get to places and people any more. The tavern loses its customers, the church part of its congregation, school lines have to be redrawn and outside kids are brought in, and the kids of the friends you grew up with go to another school. The neighborhood is gone. It dies. People move out. Property values drop.

"See what this does to the downtown business district?" asks Charlie. "Social scientists say that a store like Stewart's draws up to 80 per cent of its trade from people living within two miles. But we've driven out too many of the people who lived within two miles of Fourth Street. So the stores moved out with them. Had to."

The other killer of downtown, he feels, is redevelopment, Urban Renewal. The effect of Urban Renewal, he believes, was much like that of the expressways.

City planners, Charlie believes, are obsessed with building; they believe new buildings solve all the problems present in old buildings. To them, the old homes and buildings lining downtown streets after World War II represented urban blight—poor living conditions, poor tax sources. So they bought them, tore them down and replaced them, in most cases, with new office buildings or government housing—or nothing.

"What they were doing was running out the people, most of them poor people, forcing them to move farther out or into government housing that many of them didn't want or couldn't afford. Maybe the old neighborhoods looked shoddy, but they functioned. Gave people a feeling of community, of belonging. Nobody feels a sense of community in a project.

"Together, the expressways and redevelopment drove 80,000 people out of the central city of Louisville, out of the area lying within two miles of the business district. Then they started all these schemes to get people back downtown—free parking and all that. But they had already driven the stores out to the suburbs, so the suburban people had no reason to come back downtown."

Stupid, says Charlie. All of it unnecessary. The result of bricks-and-mortar mentality, and federal bureaus that are not responsive to the real needs and wants of people.

"It's peculiar to America, and especially the cities of the northeastern United States," he says, running his band through his thinning, gray hair. "You don't see European cities dying at the core. That's where people want to live. The rich live on the first two floors, the poor in the attic; or people live over their stores. So that's where the shops are, that's where the people come to buy; where visitors stay. They don't move the people out to the suburbs by tearing down their buildings and then making it easy for them to live outside with low-cost loans, like the FHA did. The FHA will guarantee any kind of loan for a house in the suburbs, but not in the city, not to buy an older home. Its policies helped to destroy the cities."

The downtown merchants, according to Charlie, helped to contribute to their own woes.

"When I was mayor, we argued all the time. I was trying to help them. They knew we had to move traffic through downtown, and I showed them that a one-way grid was the only way to do it, with every street alternate oneway. We one-wayed most of them, except for the two that counted—Fourth and Market. I got tired of fighting them on it, said if they didn't want to help themselves, all right. You can't force things on people.

"Same with store hours. They wouldn't keep the shops open at times when people wanted to shop. They'd open them in the morning when people were busy, but as soon as people started coming in, late in the afternoon, they'd run them out, close up. Wouldn't stay open nights or on Sundays, I don't know why; probably because they had always done it that way, and couldn't change. Then the same stores, when they moved out to the suburbs and shopping centers, signed leases agreeing to stay open at night."

All this is not new-found theory with Charlie. He fought the process as hard as he could as long as he was in office, but even then he had a feeling he was swatting flies with a tennis racket.

"When the establishment, the white Protestant middle class, gets its head set on something, nobody can stop it. And I don't mean this in a bad sense. These people read magazines, watch television. They don't have the time really to study complex questions of urban growth, and when they read that expressways are going to solve our traffic problems, they're all for expressways. When they read and hear that redevelopment is going to stop urban blight and brighten up downtown, they don't have time or inclination to question it.

"So they listen to the planners, the men with table models of how cities are supposed to look. But the average planner doesn't know anything about people. He's an architect or an engineer; he knows about building, tearing down, laying down concrete, putting up things. But you never get social scientists, the real experts on people, on these planning boards. You ought to have architects and engineers, don't misunderstand me, but they ought to be just part of the team. But people won't listen to the real experts, won't spend money on social research. We spend billions on research in the natural sciences, hundreds of millions on health research, but peanuts on social sicences."

Why?

"Well, mostly because everybody thinks he can run a government. You in the newspaper express opinions on social matters all the time without expert advice. It's in the mores of the people. They say hell, the experts don't know anything. But they do. For the money we've spent on social research, they know a lot, and could save us a lot if we'd let them."

Lack of research and reliance on planners, Charlie is convinced, have made guinea pigs of city dwellers.

"Bureaucrats will do anything," he says. "I read in the paper the other day, the National Observer, about this papaya-juice treatment for slipped discs. There's some enzyme in it that eats up the fluid in the spinal column causing the trouble. Billy Keller says it works. (That's Dr. William Keller, U of L psychiatrist. When Charlie was mayor, Billy was his adviser, and enemies quipped that he needed a shrink to get from his home to City Hall.) But the government won't let them use it till it's been tested more. You've got to try it on rats, camels, people. But let someone get a scheme for cities, and they'll do it without any tests at all."

Politics, sectionalism, all sorts of things are mixed up in the problem of cities, Charlie believes. Southern cities are generally better off than northern ones, he says, because Southerners, partly as a result of the Civil War, have always been more suspicious of federal government and programs, and resisted postwar federal programs more. Louisville, being a border town, has been torn in this respect.

"As long as we (the Democrats) were in office we resisted these programs for Louisville," he says. "Then Cook and Cowger came in (Marlow Cook, then county judge, now U.S. senator; and the late William O. Cowger, then mayor), and they were basically northern-oriented because they were Northerners, Cook from New York, Cowger, I think he was from Nebraska. They went all out for it, and that's when they started messing things up. When I was in office, per-capita income in town rose and the stores didn't move out. Then they turned things around and income started dropping and the business district went to pieces. Let's have lunch, chief."

The Mercedes purrs through the crowded downtown streets. Charlie gestures toward the new riverfront buildings, looming against the sky.

"A lot of people see the answer in new office buildings. Bring in new tax money, new people for downtown. But, hell, everybody's after new offices. Who's going to rent them? There's office space standing vacant all over the country. They're renting it for four-and-a-half a square foot in New York, where it used to be twenty. And office buildings aren't filled with shoppers. They'll work downtown, eat there some, but they'll go home to the suburbs, and their wives will shop in the suburbs. Like the riverfront. It may bring in some people, but they'll tend to shop in the shops there. It'll help some, not much."

How about the new River City Mall?

"What's it going to do? Will it produce any new shoppers? No. New shops? No way. Look at the other malls—Kalamazoo, the big one in Fresno. Disaster areas. They're no good without people. You've got malls, open spaces, in your suburban shopping centers. Plus free parking."

Yet, he insists, as the car rolls east on River Road to a riverside restaurant, the whole downhill process could be corrected. Louisville's downtown, he says, is not dead—just about two-thirds dead. It could still be saved, the whole process reversed in six weeks. Seated in the restaurant, he gestures toward the broad, boat-lined river and declares that it is part of the answer.

But what is the magical recipe for recovery?

"Tourists," he says. "Most people here don't realize what we've got. A hundred million people live within an easy drive or flight from Louisville, and all of them want to get away from home for a while, want a change of scenery. I had this fellow, forget his name, head of the Sheraton chain tourist bureau, tell me Louisville had two of the country's outstanding tourist attractions—Churchill Downs and the Ohio River. But we're doing nothing to promote tourist trade. Nothing. Give me a million dollars and I could turn it around in six weeks. Not cure it in six weeks, but make a start. Fill these hotels—and we've got plenty of them now—and in a year the three per cent room tax will support the promotion. Not cost the taxpayers a cent."

Package tours, says Charlie, are the big thing in the tourist business, and Louisville is made for package tours. Bring people in from north and east, and out in the state, and fix them up with tours and tickets to keep them busy and entertained.

"We're perfect for it," he says. "The Belle, the Downs, two good theaters now, plenty of movies, getting better restaurants all the time. Got one of the best orchestras in the country, the opera, the ballet, golf courses, clubs, getting more night life. And we're right in the middle of tourist country—lakes, caves, horse farms, historic sites. We're made for it. Instead, we're spending money trying to promote conventions, and any travel man will tell you conventions are the poor end of the travel business.

"They don't spend anything. Half of them don't get out of their hotel. The men don't bring their wives, and it's the wives who do the shopping. The men are busy all day, and at night they want the kind of entertainment that doesn't do the city any good. Tourists have plenty of time. They have money to spend. They want to see stores, shops. Put 10,000 tourists a day in here, and you have 10,000 shoppers a day downtown."

But won't the lack of luxury hotels and shops in the downtown area be a handicap?

"In the first place, we still have plenty of good stores downtown—Rodes, Martin's, Stewart's, Byck's, bookstores, jewelry stores, record shops, restaurants. But the point is there'll be more when there's a demand, when there's somebody to buy. And tourists buy. They buy high-class goods. And we have plenty of hotel rooms; look at all the new hotels downtown now—Stouffers and the Galt House, Rodeway, Holiday Inn, all of them, not to mention the Seelbach and Watterson. Sure, we've lost the Brown, but something like it would come back if the demand was there. And we can create the demand."

Does he ever think about getting back into politics in order to put his theories to work?

"No. I had my run at it. I ran for Congress when I was 23, you know. Lost to John Y. Brown in a statewide primary. Served two terms in the legislature, then ran against Happy Chandler for the Senate, and lost. Lost a race for Congress from the Third District, and then was mayor, and then served a term in Congress. It was fun, but it was enough. Like Earle Clements said, you never shut the door really closed, but I can't see ever running again. I've got too much to do. Got those houses in Vevay (Indiana; he owns five old homes there, some of which he has restored, one as a weekend home, one as a guest house; one houses an antique shop) and three row houses up in Madison (Indiana). May be worth a lot of money someday. Hope so. Then we've got Fernlea subdivision out on 42, in Oldham County. Still have about 600 of the 1,000 acres."

Charlie and Miss Nancy got interested in Vevay in a rather casual manner.

"We were reading The Courier-Journal one Sunday, and saw that they were having this wine festival the next Thursday up in Vevay, so I said why don't we go, so we did, and the first thing we saw was this beautiful old home, overlooking the river, and Miss Nancy wanted it, so we just went down that day and bought it. Didn't take much fixing up. You get a lot for your money in these older houses."

Now he and Miss Nancy go up to Vevay on summer weekends, and play host to the people who flock to the festival each August, mooring their hundreds of boats along the riverfront, and clambering up the muddy banks to watch the grape-stomping contests, drink wine and eat beans-ham-and-cornbread lunches along the curbstones of Main Street. In a way, says Charlie, it's an effort to show people the attractions of the river and the advantages the Louisville area offers for tourist promotion.

"This is a great city," he says, driving back to town, "fine place to live. I wouldn't live anywhere else. What do I want to do with the rest of my life? Just what I'm doing. Maybe I lose some battles, but I get a little bit done, too. And it's all fun.

"Fellow the other day said 'Charlie Farnsley's the only man I know who's making a living doing just what he wants to do.' I guess that's about right. And that's not bad, is it, chief?"

No. Not bad at all.

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## GOVERNOR ROCKEFELLER'S PROPOSAL FOR ADDICT OFFENDERS IS NOT THE ANSWER

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. KOCH. Mr. Speaker, on January 3, Gov. Nelson A. Rockefeller in his annual state of the State message delivered to the New York State Legislature proposed the following:

> . . . that crimes of violence committed by persons under the influence of hard drugs be punished by life imprisonment. The avenues of escape would similarly be closed, and to close all avenues for escaping the full force of this sentence, the law would forbid acceptance of a plea to a lesser charge, forbid probation, forbid parole and forbid suspension of sentence.

The approach of the Governor, who admits failure in the State's antinarcotic program costing $1 billion to date, makes no sense. While none would dispute the venality of a nonaddict's pushing of hard drugs and the singularly stiff sentences, including life imprisonment, that should be imposed on such offenders, it does not follow that an addict, particularly if an adolescent, apprehended in a crime of violence should be treated differently than another individual not on drugs committing the same crime. Crimes of violence run the gamut from purse snatcher to murder. How long an offender should spend in jail must be determined by the gravity of the crime and the rehabilitation of the individual during incarceration. Furthermore, express efforts should be made to give the drug addict therapy during his imprisonment, as opposed to abandoning him to the brutalizing regimen of prison life. To foreclose the opportunity of parole undermines the correctional process and eliminates any incentive for good behavior and rehabilitation by the individual while imprisoned.

There is always a balance to be struck in matters involving the rights of an individual and the rights of the public. Too often the rights of the public have not adequately been protected by the police, the courts, and public officials. There must be some redress in those rights. But.

the Governor's proposal can only remind one of the situation in Saudi Arabia where there are people without one or more of their limbs—amputated because they committed a crime. Can the Governor really believe that simply threatening heroin addicts with life imprisonment will deter them from engaging in crimes of violence? Such deterrents will be even less operative in the drug addict than in the nonaddict who is not under the physical compulsion of getting a heroin fix, no matter the consequences. I believe heroin addicts involved in violent crimes should be treated as stringently as nonaddicts even though there is a medical aspect to the addict's case. But similarly, the pivotal issue in either case is the crime committed and not whether an individual is or isn't an addict.

I appreciate the frustration of the Governor in dealing with the problem of street crime compounded by drug addiction. All of us in public office feel similarly frustrated because none of us knows the answer to the heroin addiction problem. But, to yield to this frustration by supporting irrational proposals is simply to delude the public and compound the problem by forestalling legitimate efforts to find workable solutions.

## CONGRESS MUST END THE WAR

### HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. FULTON. Mr. Speaker, on October 26, 1972, Dr. Henry Kissinger announced to the American people and the world that "peace is at hand." He reported that only minor details remained to be cleared up before there was an end to the war in Vietnam, the return of American prisoners, and on accounting of the missing in action.

At that time most Members of the U.S. House of Representatives were campaigning for election or reelection.

At that time I, as I am certain did many of my colleagues, took time from my campaign to personally express my approval and appreciation of the developments in Paris and to praise President Nixon for bringing the war to an apparent end.

What ensued brought not peace but tragic disillusionment.

Peace was not at hand. The Paris talks broke down, because of lack of good faith by the North Vietnamese we are told, and on December 18, 1972, the United States unleashed what has been termed "the most massive bombing of the Vietnam conflict, if not any war."

The bombing which the United States unleashed on North Vietnam has been a shock to millions in America and to millions more throughout the world.

Civilians have been killed at random if they happened to be too close to military targets, many of which were in the midst of residential and commercial areas. An American prisoner of war camp reportedly was hit, a hospital damaged, and entire strips of residential land, hundreds of yards wide and more than a mile long, leveled by our so-called carpet bombing through our Government says many of these civilian-populated areas were not targeted for bombing.

And there is personal tragedy for many Americans, too. At least 93 U.S. airmen have been killed, captured, or reported missing as a result of the bombing which has seen at least 15 B-52's as well as other aircraft shot down and destroyed.

And what explanation or reasoning by the powers which ordered this escalation of warfare has been given to the American people and the world? Absolutely none.

Immediately after the announcement of the renewal of the bombing I telegraphed President Nixon respectfully urging that he report to the American people by radio and television on the decision to bomb again. Please tell us "why," I asked, because I believe we have a right to know. Neither the American people nor its elected representatives in the U.S. Congress have heard the first word from our President. Nor has the receipt of my telegram yet been acknowledged.

The silence on the part of those who made the decision and gave the order to bomb again is almost deafening in our ears.

Why is this? Is it because these men believe that after 13 years of official American involvement in Vietnam that the American people are so steeled to savage warfare and so inured to the prolonged continuation of the war that we will benignly accept or ignore this latest unilateral exercise of raw military power and destruction?

The Washington Post this past Sunday carried a heartbreaking list of quotes from American civilian and military leaders dating back more than a decade giving assurances that the end of the war and American involvement militarily in Southeast Asia was within our grasp, that "peace was at hand."

Perhaps, being aware of the many times we have hopefully accepted these past assurances, our decisionmakers felt that just one more time we would accept them again.

For my own part I do not.

For 10 years now I have sat in this body while three administrations have assured us and the American people that either through might or reason the war would soon be ended and Americans would be out of Southeast Asia.

For 10 years now I have witnessed the "the best and the brightest" men who could be found to serve in our government as they failed time after time to bring peace either through the weaponry of war or the art of negotiation.

For 10 years now I have witnessed the list of Americans killed, wounded, captured or missing grow until it numbers in the hundreds of thousands.

And for 10 years now I have sat as the Congress permitted the executive branch of government to continue this war without restraint either by voting authority and funding to war or by refusing to exercise our own constitutional authority and moral obligation to intervene.

No more. I do not question the President's motives or his sense of moral obligation in his decision to bomb again but do sincerely feel the decision was wrong and I also condemn his cavalier treatment of the Congress and the American people by his refusal to explain or justify his decision. He was reelected decisively but he is our President and as such is accountable to the people, particularly on decisions and failures of this magnitude.

However, I have no real hope that such action will be forthcoming. Even should it be, we have sat idly too long. Those whom we have permitted to hold and exercise power through three administrations have demonstrated time and again their inability to employ this power effectively to end this war.

I believe our only hope now is for the Congress to say "stop, enough."

Accordingly, I joined with the overwhelming majority of my colleagues in the Democratic caucus yesterday in support of the resolution putting our party on record as a matter of policy in the House to work for an end of combat funding in Indochina as soon as prisoners are returned and arrangements made for the safe withdrawal of our troops.

For my part I do not view the qualifying statement concerning our prisoners and troop withdrawal as consent to prolong the war indefinitely pending a peace agreement. To me it means the United States should reach an agreement first on these issues and then get out.

In closing I respectfully urge my colleagues on both sides of the aisle, particulary those of you who today took the oath of office as U.S. Representatives for the first time, to join with us to end this war. You may well, as new Members, hold the balance in this decision.

For those of you who, as I, have served in this body before and have had growing doubts about the war, its conduct and our inability to end its devisiveness and waste of money, resources and human lives, let us work together in this worthy effort.

For all who have the inclination, though you may have doubts, to move effectively, forcefully and finally to stop the killing and restore the peace, search your conscience and reason with your mind. If you feel you can then I respectfully suggest you must join in stopping the war.

## CAREER EDUCATION: AN ALLIANCE WITH PRIVATE VOCATIONAL SCHOOLS

### HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. GERALD R. FORD. Mr. Speaker, last June the National Association of Trade and Technical Schools held its eighth annual conference in Washington, D.C. The speaker for that conference was Dr. Robert M. Worthington, Associate Commissioner for Adult, Vocational and Technical Education, Office of Education. While some months have elapsed since

Dr. Worthington made his speech, his remarks are still pertinent and will be of interest to Members of the House. I therefore ask unanimous consent that Dr. Worthington's speech may appear at this point in the RECORD, together with a letter to the NATTS from President Nixon. The speech and letter follow:

### CAREER EDUCATION: AN ALLIANCE WITH PRIVATE VOCATIONAL SCHOOLS

(By Dr. Robert M. Worthington)

President Larson and distinguished guests, I am grateful for the privilege of participating in the 8th Annual Conference of the National Association of Trade and Technical Schools. In the few short years since NATTS has been organized, it has provided leadership and centralized representation for its member institutions. These institutions have contributed much to this nation's postsecondary and adult career occupational education. And they give promise of continuing to provide the specialized and exemplary programs for meeting the needs of our increasingly technological society.

I note with special interest tomorrow's agenda in which you honor State officials who deal directly with private schools, and the sessions on "Working With State Governments" and "The Interaction of Private and Public Education."

The practical realism which has contributed so greatly to the excellence and success of your institutions is clearly evident. For it must be at the State and local levels where the details of the cooperation and support, as visualized in the Vocational Education Act of 1963 as amended in 1968, will be realized. I refer to the contracting with private schools by States for educational services, and a similar utilization of the excellence and availability of private institutions under the Manpower Development and Training Act.

The excellent quality of education offered in non-public and private trade technical and other specialized occupational schools is well known to employers and is an important and integral part of the total career education capability of the Nation. It is available to prepare full-time students for technical and specialized occupations and to upgrade and update education for adults whether they are employed or are seeking employment. In a true sense this part of the career education concept, in which we are all so deeply involved, is among those parts which already are in place and functioning.

Let me share with you now some of the concepts and developments concerning this career education movement.

As many of you are aware Career Education is now the principal thrust of the U.S. Office of Education. Its fundamental concept is that educational experiences, curriculum, instruction, and counseling should be geared to preparation for economic independence, an appreciation for the dignity of work, and development of the full man. Its main purpose is to prepare all students for a successful and rewarding life by improving the basis for occupational skills, enhancing educational achievement by making education more meaningful and more relevant to the aspirations of students, and by increasing the real choices and alternatives people have among the many occupations and training avenues to them. It is a lifelong, systematic way of acquainting students with the world of work in the elementary and junior high years and preparing them in high school and college to enter and advance in a career field of their own choosing.

For adults it is a way to re-enter formal education and upgrade their skills in their established career field or to enter a new career field. It embraces all occupations and professions and can include any individuals whether in or out of school.

The Office of Education is involved in a number of exciting ways in furthering the career education movement. Last month we created in the Bureau of Adult, Vocational and Technical Education a Curriculum Center for Occupational and Adult Education. The Center already is handling 39 projects. One project alone called for reviewing 32 proposals for developing the capabilities of State Curriculum Laboratories in reorienting them towards career education.

Recently, through a grant to the Texas State Education Agency, the center was able to announce that seven bibliographies of State Curriculum materials in seven major vocational areas are now available through ERIC.

Our emphasis on Career Education is primarily based on the growth of technology in this country and its effects on the lives of the American people. For too long our educational system has assumed that all our youth must be channelled into college and universities when in fact fewer than 20% have in the past graduated with bachelor's degrees into professional and managerial leadership jobs. In addition the Bureau of Labor's statistics indicate that in the foreseeable future 83% of the jobs will not require bachelor's degree preparation.

Each year then it becomes more evident that the largest increase in job opportunities will continue to be for persons skilled as technical, clerical, or paraprofessional workers. These people are needed to support the professionals and guide the efforts of the skilled and semi-skilled persons at the technical and specialists level in all major fields of work. The education and work experience required to prepare such specialized supportive people has to be based not only on high school preparation but also technical education beyond high school. And this type of training has traditionally been provided in large measure by the Nation's nearly 10,000 proprietary vocational schools.

Several special advantages over the public schools are offered by proprietary vocational schools and these include:

The ability to respond quickly to changes in the manpower needs of local business and industry; courses can be added as soon as they can be organized without months of red tape and procedural delays inherent within the public school system;

The ability to concentrate on the needs of each student—marginal students who have never before experienced academic success can proceed at their own pace and successfully complete courses which are aimed at developing practical techniques rather than theoretical knowledge; faculty members are chosen more on the basis of practical experience and consequently act as excellent teachers for such training; and innovative teaching techniques such as the use of short, sequential learning units and small teacher to student ratios are utilized;

Special introductory courses have been set up in many schools to help educationally disadvantaged students meet entrance standards;

Shorter courses, enabling students to complete their training and begin working in a much shorter time. This provides an opportunity for the poor students who don't have the time and money necessary for a four year college program;

More flexibility in that they offer both day and evening classes and operate on a year-round rather than a nine month basis with classes starting an average of 4 times a year; and

In addition, proprietary institutions have incorporated such programs as loans, installment payments for tuition fees, and work placement in nearby industry and business to help disadvantaged students.

In spite of these significant advantages, proprietary schools have frequently been met with a less than enthusiastic response from educators, school counselors, and, to some extent, the Federal government.

Some of the negativism has been provoked by the few schools which give all the others a bad name by not providing what is promised by their catalogue or their school representatives or by providing insignificant training or job placement. Despite this, however, the fact that these schools exist and prosper financially indicated that one cannot get the type of training they provide elsewhere or that the private schools have superior resources and teaching techniques or both.

According to Dr. A. H. Belitsky of the Upjohn Institute for Employment Research, private vocational schools will continue to remain viable then principally because the public schools alone cannot presently meet the needs of all the people who want vocational training and if the public institutions were to be expanded, the costs of adding new vocational programs and the possible social waste of unutilized or underutilized private facilities would be prohibitive;

Unique course offerings such as diamond setting, dog grooming, meat cutting, and time-study engineering, to name a few, could be provided in public schools only at high costs, and vocational courses of short duration would be hard to integrate into the public school curriculum; and

Private vocational schools have an advantage of early experimentation with new programs and innovation in methods of instruction which will continue because of their close ties with industry and their desire to maximize profits.

At a time when resources are scarce and time is short, it is urgent that a viable alliance be developed and strengthened between the U.S. Office of Education and organizations such as NATTS in furtherance of the concept of career education.

There are some problems which cannot be overcome except by our joint efforts. For example, at present all trade and technical schools are operating at only about two thirds capacity at a time when we need to maximize our potential vocational resources to meet the challenges of Career Education. If these schools were encouraged to operate at full capacity, an additional one half to two thirds million more people could be accommodated.

Another problem is that most guidance counselors must be taught to make known to their charges in the high schools the opportunities which are available in the private vocational schools. The vocational schools need additional guidance counseling within their own institutions as well.

A third problem is the fact that the vast majority of private vocational schools are not accredited or associated with a national organization such as NATTS or even eligible for accreditation. Accreditation is extremely important because:

It provides the schools with an objective method of upgrading their educational standards and practices, thereby improving the reputation and opportunities of all effective schools;

It provides prospective students, teachers, counselors, and lending institutions with an objective assessment of the quality of the programs provided by these institutions;

It focuses public attention on competent schools and enhances their competitive status with prospective counselors, students, and teachers;

And it forces other schools which are not accredited to raise their standards in order to compete with those schools which are accredited.

A fourth major problem is the high cost of tuition at private vocational schools and the problem of securing loans for the students. I mention this only in passing since I am sure that David Bayer will address himself to this problem in his talk after lunch.

In the future then, with the help of organizations like NATTS, private vocational schools will undoubtedly experience a consistent growth in enrollment and greater general acceptance as a training resource for persons who do not attend college or junior college. The importance of their greater social role can not be underestimated if we are to successfully pursue the concept of Career Education.

Under the Vocational Education and Manpower Development Training Acts, the intent of Congress is evident that the excellence of private institutions should be made available to those who might thus profit from them with support of Federal funds through the contract mechanism.

Under the Vocational Education Act, contracts for specialized educational services may be let by the State provided that there are no State laws prohibiting such contracting.

The provisions of the MDTA have permitted a realization of a larger amount of cooperative effort between non-public and private schools. Beginning in 1963 when only about 2 percent of the total trainees under the Manpower Development and Training Act were in non-public institutions, the number has grown rather steadily. In 1971, sixteen percent of the total were in such institutions. Many placements in recent years have been through individual referrals to specialized private trade, technical, and otherwise specialized schools.

We believe this to be clear evidence of the willingness of the States to incorporate the excellence and specialization of private school programs into the total plan of delivery of high quality education in the States.

We are now making a complete assessment of all aspects of the new pending legislation in Senate Bill 659, "The Education Amendments of 1972," as they apply to occupational education. The "Amendments," passsed by both the chambers, are now awaiting the President's signature.

This is the first piece of educational legislation which clearly states that the United States has a responsibility to provide some form of postsecondary education to all students.

It provides for the first time a mechanism by which all postsecondary, non-professional occupational education programs can be planned, coordinated and administered within each of the separate States according to their peculiar and specific needs.

Some provisions under Title X, "Community Colleges and Occupational Education," are of particular interest to the NATTS membership.

Section 1057(b) "Program Grants for State Occupational Programs" reads as follows:

"Programs authorized by this part may be carried out through contractual arrangements with private organizations and institutions organized for profit where such arrangements can make a contribution to achieving the purposes of this part by providing substantially equivalent education, training, or services more readily or more economically, or by preventing needless duplication of expensive physical plant and equipment, or by providing needed education or training of the types authorized by this part which would not otherwise be available."

And in Section 1202, "State Postsecondary Education Commissions" you will want to note the role of private institutions.

"Sec. 1202(a) Any State which desires to receive assistance under section 1203 or Title X shall establish a State Commission or designate an existing State agency or State Commission (to be known as the State Commission) which is broadly and equitably representative of the general public and public and private non-profit and proprietary institutions of post-secondary education in the State including community colleges (as defined in Title X), junior colleges, post-secondary vocational schools, area vocational schools, technical institutes, four-year institutions of higher education and branches thereof."

Section 1203, just alluded to, states in part: "The Commissioner (U.S. Commissioner of Education) is authorized to make grants to any State Commissioner established pursuant to Section 1202 . . . to enable it to expand the scope of the studies and planning required in Title X through comprehensive inventories of, and studies with respect to, all public and private post-secondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire, and who can benefit from, postsecondary education may have an opportunity to do so."

Another section of this Act, which is one of the most important educational acts in this nation's history, appears in section 404 of Title III. It creates an Assistant Secretary of Education who under certain conditions may make grants to, and contracts with, public and private educational institutions and agencies to improve post-secondary educational opportunities by providing them assistance for the design and introduction of cost-effective methods of instruction and operation.

It has been an honor and a pleasure to appear before this eighth annual conference of the National Association of Trade and Technical Schools. In closing, I want to assure you that we in the U.S. Office of Education look forward to continuing and strengthening our close relationships with your representatives at the National level, particularly in view of the scope of the new educational legislation which looms on the horizon which offers greater utilization of the services of your excellent institutions.

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THE WHITE HOUSE,
*Washington, D.C., June 13, 1972.*

The basic obligation of American education is to prepare our young people for socially productive and personally rewarding lives. The National Association of Trade and Technical Schools plays a vital role in the fulfillment of this responsibility.

Your steadfast dedication to raising the quality and expanding the scope of occupational education enables thousands of young Americans to achieve greater economic security and to find self-fulfillment in the constructive use of their talents. Your accomplishments provide a splendid example of the creativity and vitality that privately operated schools adds to our educational system.

My congratulations to you, and my best wishes for every success at this Annual Meeting.

RICHARD NIXON.

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## PUBLIC MASS TRANSPORTATION

## HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. ANDERSON of California. Mr. Speaker, I am today reintroducing legislation which would allow a portion of the Highway Trust Fund to be spent for mass transit systems.

First, let me preface my remarks regarding the need for this amendment by giving a brief history of the action taken in the 92d Congress:

When the Federal Aid Highway Act amendments (S. 3939) were before the Senate in September 1972, Senators COOPER and MUSKIE led the fight to allow the use of funds earmarked for the urban system to be used for the purchase and construction of mass transit systems. The Cooper-Muskie amendment was adopted in the Senate by a more than 2-to-1 margin.

Then, in October, a similar bill (H.R. 16656)—but without the mass transit amendment—was considered in the House of Representatives. Prior to consideration by the full House, I attempted to amend the act in the Public Works Committee by inserting an amendment similar to the Cooper-Muskie amendment. We were defeated in the full committee by a 26-to-10 vote.

As there was a question regarding the germaneness of the amendment, I appeared before the Rules Committee to obtain a "rule" which would have assured a vote on the merits of the mass transit amendment. The Rules Committee turned down our request by an 8-to-7 vote.

As a result, we were forced to attempt to amend the rule on the floor and, on a complicated procedural question, we were defeated 200 to 168, thus negating the consideration of our mass transit amendment.

The Federal Aid Highway Act amendments went to a conference committee and shortly thereafter died during the waning hours of the 92d Congress.

As a result, one of the first orders of business during this session will be the consideration of the Federal Aid Highway Act amendments and, again, we will attempt to open up a portion of the Highway Trust Fund to be used for mass transit.

### PURPOSE OF THE MASS TRANSIT PROPOSAL

I am reintroducing this bill today in order to give the Members time to study it and its implications before the Federal Aid Highway Act amendments are considered by the House in the coming weeks.

This proposal would permit—not require—local urban officials to use their share of the urban system money to purchase or construct public transportation systems. Rather than continue to construct highways in the cities, the mayor and city council could decide to use part, or all, of their share of funds to buy buses or to construct a rail transit system.

Some local officials will determine that more highways are needed to meet their transportation needs. They can continue to use the urban system funds for highway construction.

Some local officials will determine that a bus or rail system will do much to take a burden off their congested urban highways. They will be permitted to use their share of the funds for the acquisition or construction of bus or rail systems.

Obviously, some local officials will determine that their particular transportation problems will best be met by constructing both highways and a public mass transportation system. They will be permitted this flexibility.

Many have raised the questions "Won't

this halt the Interstate system?" "Won't this hinder the construction of primary or secondary highways?"

The answer, very simply, is "No." The mass transit proposal does not touch one cent of the over $3 billion a year Interstate money. Nor does it affect the money allocated for the primary and secondary systems.

The proposal which I am introducing today would merely allow the local officials to use their share of the fund allocated for the urban system to purchase or construct a public transportation system.

### ENERGY CRISIS

Mr. Speaker, there is little question that by the end of this decade the United States will be confronted with a severe energy shortage.

Today, we import about 25 percent of our oil.

According to the Petroleum Council, we will be importing over 58 percent of our oil by 1985, and will be even more dependent on the oil-rich Middle East to run our factories, heat our homes, and fuel our cars.

And by 1980, with the number of automobiles in the United States expected to double, it is little wonder that oil prices are expected to increase by 100 percent.

What is the answer?

Certainly one answer to the energy crisis would be a more rational use of oil. According to a study conducted by the Chase Manhattan Bank, automobiles—passenger cars only—account for nearly 4.3 million barrels of oil demand daily or 30 percent of our daily consumption.

By 1985, automobiles will consume 7.4 million barrels of oil daily.

Rather than continue to consume such a large amount of oil in our pollution-belching automobiles, we should offer commuters and other marginal highway users an efficient, safe, and economical alternative—public transportation.

Not only would a diversion of traffic off of the highways and onto the public transportation system reduce auto pollution, it would also save our precious resources of oil. A 25-percent diversion of auto traffic from private passenger cars to mass transit could reduce petroleum demands by almost one-half million barrels daily.

### AIR POLLUTION

Mr. Speaker, we know that emissions from automobiles cause approximately 90 percent of the air pollution in our cities.

Autos account for nearly two-thirds of all carbon monoxide in our air, more than one-half of hydrocarbons and two-fifths of nitrogen oxide.

According to Environmental Protection Agency Administrator Ruckelshaus "drastic measures" will have to be taken to limit the number of automobiles entering 67 of our cities, if clean air standards are to be achieved.

In short, not only are we going to have to clean up the automobile engine and the stationary sources of pollution, we are going to have to limit the use of the automobile in our cities.

### LAND USE

Today we have almost 4 million miles of road in the United States which consumes approximately 35,000 square miles—an area equal to the size of Connecticut, Massachusetts, New Hampshire, Vermont, and Rhode Island combined.

In addition, highways in and around our urban areas make it necessary to devote large amounts of land to interchanges, parking facilities and the like. The percentage of urban land devoted to streets and parking approaches 50 percent in the business district of most of our major cities.

Mr. Speaker, rather than continue to take more and more of our land off the tax rolls and build more and more highways, we should use existing rights-of-way for mass transportation and, thus, use our land more effectively and more efficiently.

### CONGESTION

Our highways and freeways have become so clogged and backlogged with commuters and other marginal users, that no one really benefits from the road. Due to congestion of the highways—especially during rush hour—travel time costs are high, operating efficiency is low, and nerves are frayed. Ironically, one study shows that traffic during peak periods in New York City actually moved faster in 1900 than in 1971.

If the old adage that "time is money" is true, then yearly we are throwing away billions of dollars in time wasted sitting in traffic.

The congestion that I have been talking about cannot be eliminated by more and more highways. Study after study demonstrates that new urban freeways merely encourage additional traffic. The Hollywood freeway, in my native California, was designed to reach a capacity of 100,000 vehicles per day within 10 years. However, within only 1 year, the freeway was carrying an average of 168,000 vehicles per day.

### THE SANCTITY OF THE HIGHWAY TRUST FUND

When the highway trust fund was created in 1956, the taxes paid by motorists were to be used only for highway construction purposes.

In fiscal year 1972, 95 percent of the receipts of the highway trust fund were derived from taxes which were on the law books long before the trust fund was created and which, prior to 1956, were used for general revenue purposes. Specifically, the gasoline tax, which accounted for 67 percent of the trust fund revenues in fiscal year 1972, was enacted in 1932. The tire and tube tax, and the lubricating oil tax, which together account for 15 percent of the receipts, were enacted in 1919 and 1932 respectively.

Those funds—up until the trust fund began functioning—were used for a host of nonhighway purposes.

In addition, the trust fund, presently, has been so changed to meet other needs that it is difficult to argue that mass transit is not highway related.

In 1962, Congress allowed trust fund moneys to be used to help relocate families who were forced to move by highway construction.

In 1970, Congress permitted the use of trust fund moneys to construct ferry boats on the same basis as in the construction of highways.

Two-thirds of the cost of the highway safety program is paid out of the Highway Trust Fund.

The 1970 act also permits trust fund revenues to be used for exclusive busways, passenger loading facilities, and fringe parking to serve any type of public mass transportation.

Mr. Speaker, under existing law, we can use the gasoline tax to construct a ferry boat, but not to purchase or construct a bus or rail transit system.

My proposal would change that and at least elevate mass transit to the same priority as ferry boat construction.

Mr. Speaker, the highway user, especially in the urban areas, does not derive the full benefit of the tax he pays into the trust fund. Less than 10 percent of Federal-aid mileage is found in urban areas; yet urban areas accounted for more than 51 percent of all Federal gas tax revenue.

In conclusion, to pretend that a diversion of part of trust fund moneys for mass transit would constitute a "breaking of faith" with the highway user is hardly defensible.

### CONCLUSION

Mass transit is certainly not the complete answer to solving the energy crisis, nor to cleaning up our environment. Neither is mass transit a cure-all for our transportation problems.

However, by permitting local urban officials to use their share of trust fund moneys for mass transit, we are giving them an effective tool to help solve the energy crisis, clean up our air, use our land more effectively and transport people in a safe, efficient, and economical manner.

In order to restore mobility in our urban areas, locally elected officials must have the capacity to provide acceptable transportation alternative to highways. By adopting my proposal as an amendment to the Federal Aid Highway Act, by permitting local officials to spend some $700 to $800 million on mass transit we will have those alternatives.

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## FAITHLESS ELECTOR

## HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. HUTCHINSON. Mr. Speaker, I submit that under the 12th amendment to the Federal Constitution an elector has no right to vote as he wishes.

The crucial point that is always overlooked by those who defend the freedom of the electors is that the 12th amendment became necessary because of a change in the role and function of electors. Electors—as contemplated by the framers of article II—were persons intended to choose dispassionately and independently the best man. However, the elections of 1792, 1796, and 1800 dramatically changed the essence of electors. With the rise of political parties, the role of the elector evolved from one of exercising discretion to one of executing instructions. Were it not the fact that the office of elector had become ministerial by 1800 so that all of Republican electors voted for both Jefferson and Burr—as instructed, the 12th amendment would not have been necessary.

Thus, when the framers of the 12th amendment referred to electors, they did not mean—as did the framers of article II—that electors were free and independent. Rather, they referred to electors as they knew them—ministers of political parties. Consequently, I find it a bit incongruous to impute to the word "electors" in the 12th amendment a freedom and an independence that was, even as early as 1804, a historical anachronism.

In other areas of constitutional interpretation, we adopt historically contemporaneous concepts to define terms. The first amendment right of free speech does not protect obscenity because the framers did not think of it that way. And the seventh amendment right to jury trial does not grant that right in a suit for an accounting because the framers did not think of it that way.

Of course, there are instances when the development of the law has deviated from historic considerations. But all such changes were accomplished purportedly to modernize the law. The view that electors have discretion is the only instance that I know of where we would intentionally renounce historically contemporaneous concepts in order to widen the gap between the law and modern life.

I realize that as recently as 4 years ago, we grappled with this same constitutional issue. But I suggest that we overrule ourselves—as the Supreme Court so often does on difficult constitutional issues. Nothing in the 12th amendment, the subject of our interpretation, requires the belief that electors have discretion. History tells us that in 1804 the very opposite was true. Is there any one in this body who thinks it is good for the country to have electors who are free and independent?

It has been suggested that we are restrained by our own handwork—namely, section 15 of title 3, United States Code—from reaching the conclusion I suggest. But that provision only requires that we not reject an electoral vote "regularly given." If the provision were directed to the issue before us, it would implicitly support my suggestion that this irregularly given vote should not be counted as cast. However, if the provision is directed to the problem presented by dual certification of the electoral vote of a State, which I believe it is, then the provision cannot control our decision here.

The several States have it within their power to bind their presidential and vice-presidential electors by statute. In Michigan, for example, the failure or refusal of an elector to vote for the candidates for President and Vice President appearing on the Michigan ballot of the political party which nominated the elector constitutes a resignation from the office of elector, his vote shall not be recorded and the remaining electors shall forthwith fill the vacancy. If all States would similarly provide, we would not in the future have to deal with faithless electors.

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## WE MUST TIGHTEN THE PURSE STRINGS OF GOVERNMENT

## HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. PRICE of Texas. Mr. Speaker, in recent months the President of the United States has delivered a simple message to the Congress of the United States. We must move quickly and decisively to control Government spending or be faced with "higher taxes, higher prices and a cut in purchasing power for everyone in the Nation."

Over the years lipservice has been given to "balanced budgets" and "fiscal responsibility," but the fact is, the liberal majority of the U.S. House of Representatives, as managers of the Public Treasury, has done an appallingly bad job. So bad has been the majority's performance that were the Congress to exchange places with the board of directors of General Motors or any other corporation, they would bankrupt the business in short order by their profligate spending policies. Fortunately or unfortunately, the U.S. Treasury has a greater capacity to absorb debt than any private enterprise. And the liberals in Congress have not lost any time in piling up that debt upon debt by adding millions upon millions of dollars to almost every program that comes before the Members for a vote. From fiscal year 1963 to fiscal year 1971, outlays—expenditures plus net lending—have increased from approximately $111 billion to about $211 billion. During the same period, receipts increased from $106 billion to $188 billion. Only once during that whole period, in fiscal year 1969, did receipts exceed outlays—$188 billion as opposed to $185 billion—for a budget surplus of about $3 billion. And even then the budget was only in balance when the collections of the trust funds were incorporated into the total for Government revenues. In every other year since 1963, outlays were greater than receipts, resulting in budget deficits which ranged from somewhat less than $2 billion in fiscal year 1965 to an alarming high of $23 billion in fiscal year 1971. The almost continual annual deficits of course have led to substantial increases in the gross Federal debt. The debt increased from $311 billion in fiscal year 1963 to $408 billion in fiscal year 1971, the highest in American history.

Estimates for fiscal years 1972 and 1973 are very disturbing. The most current data available for fiscal year 1972 indicate an outlay level of $233 billion versus anticipated receipts of $207 billion, for an expected budget deficit of $26 billion. Initial forecasts estimated an even greater deficit of almost $39 billion. The expected reduction in the deficit is fortuitous rather than planned. A deliberate policy of expanding Federal outlays was adopted; only the inability to spend money fast enough—the incapacity to translate plans into on-going programs—prevented outlays from reaching the intended level. With lower outlays, the higher receipts than originally estimated, the fiscal year 1971 budget deficit is now projected at $26 billion—less than expected but still the highest since the peak deficit years of World War II. Furthermore, the deficit for fiscal year 1973 is expected to be even higher; $27 billion, with outlays programed at $250 billion and receipts anticipated to be $223 billion. Several nongovernment economists, however, predict that the eventual fiscal year 1973 deficit will be significantly higher than the official $27 billion. Because of the continuing deficits, the growth in the public debt will persist; the debt will be about $436 billion for fiscal year 1972 and is expected to reach $477 billion at the end of fiscal year 1973. Interest on this debt is presently costing the taxpayers billions of dollars per year.

Some economic theorists have advanced the proposition that fiscal policy—the management of outlays and receipts to create desired budget surpluses or deficits—is a useful tool to counter the ups and downs of the business cycle. Implementation of such a countercyclical policy would in theory result in the creation of surpluses during periods with high levels of business activity and low rates of unemployment, and in the creation of deficits during times of depressed business activity and high unemployment. Budget surpluses tend to inhibit the economy whereas deficits serve to stimulate economic activity. Pursuit of this policy would, in addition, operate to increase the public debt during depressed periods but to decrease the debt during prosperous times. The history of the past few years indicates that there has been no consistent attempt to follow such a countercyclical policy and there is good reason to question the basic premises of the theory. Deficits have been produced both in depressed and prosperous years. Failure to control the increase in expenditures combined with failure to increase taxes in prosperous years, have, as I have already noted, added to inflationary pressures on the economy.

Overall Federal expenditures continue to increase even though costs for the Vietnam war have been declining. Vietnam war costs reached their peak in fiscal year 1969 when the incremental costs of the war—costs over and above what would have been spent for defense in peacetime—reached $19.8 billion. War costs since then have declined to an estimated $6.8 billion in fiscal year 1972 and an expected $3.5 billion in fiscal year 1973. These latter estimates do not take into consideration the current expansion of the bombing program. But this decline in Vietnam costs has been accompanied by increases in income maintenance and Great Society programs. A recent study by the Brookings Institution indicates that from fiscal year 1963 to fiscal year 1973, defense and defense-related expenditures dropped from 53 to 34 percent of the total budget, while civilian outlays grew from 47 to 66 percent. Furthermore, the study concluded that many of the numerous social programs, costing billions of dollars, had failed, indicating that money and good intentions alone cannot provide solutions to social problems. Nevertheless, the Brookings experts predicted that

Federal expenditures for existing programs will increase in the future and that there will be demands for new services from the Government. With the tax reductions effected during recent years, the Federal Government will be hard pressed to find the resources needed to finance these increased demands.

The continued increases in expenditures, in budget deficits and in the national debt have fortunately led to renewed interest in proposals to reduce or control Federal expenditures, to balance the budget, and to limit the growth of the public debt.

We must recognize that, despite the control over the Federal purse strings given to Congress by the Constitution, in practice, the Executive exercises extraordinary control over spending. However, the President frequently cannot take the most desirable action in the public interest when Congress enacts appropriation bills in excess of budget requests. His only recourse may be to veto the entire appropriation bill, which in many cases will be impractical. It has therefore been suggested that the Chief Executive be given the item veto power, whereby he could prevent specific increases which he considers without merit or of low priority.

Several critics believe that there is presently too little coordination between expenditure and revenue decisions by Congress. Congress now views the budget largely as a series of separate and unrelated acts, with decisions on taxes and expenditures made independently by separate committees in each House. I believe that some way must be found to insure that Congress considers the budget as a whole and relates revenues to expenditures. One attempt to accomplish these purposes was the Legislative Reorganization Act of 1946, which established the Joint Committee on the Legislative Budget. The committee was to meet early in each session of Congress, consider the President's budget proposal in relationship to economic conditions and efficiency, set an annual ceiling on appropriations, and coordinate taxes with expenditures. This committee did not live up to expectations. It was probably too large to be effective, and the overall expenditure limit was difficult to implement. At any rate, the committee died after it was unable to agree on a ceiling in 1947 and after its 1948 ceiling was not enforced.

The Committee for Economic Development has recommended creation of a "joint budget policy conference," to include congressional leaders, majority and minority representatives from the revenue and appropriations committees of both Houses, and members of the Joint Economic Committee. This conference would study the budget as a whole, and would provide communication among the revenue and appropriations committees of the two Houses and the Joint Economic Committee.

There appears to be much room for improvement in the coordination of appropriations decisions. At present, appropriations are determined in some 13 separate appropriations bills, with little consideration given by the subcommittee responsible for each bill of its effect on total new obligational authority, total obligations to be incurred, or the likely level of expenditures. The costs of the programs considered in each of the individual bills are not considered in relationship to the costs associated with the other bills. Thus, Congress does not look at appropriations and other expenditures as a whole and compare alternative programs. The omnibus appropriation bill, associated with the fiscal 1951 budget, was an attempt to introduce the necessary coordination, but this proposal met the same fate as the Joint Committee on the Legislative Budget.

It is apparent that the Government has not heeded the advice of Thomas Jefferson when he said:

> To preserve our independence, we must not let our leaders load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.

Over the years, many Members of Congress have proposed various methods to bring to the attention of responsible Federal officials the need to restrict expenditures to available receipts and thus to assure a balanced budget. Unfortunately, as the record testifies, these efforts have not been successful. Expenditures keep climbing, deficits continue to occur, the national debt continues to increase. The time for positive and dramatic action has long since arrived. I believe that the only way to insure fiscal responsibility is by means of the constitutional amendment. I am therefore introducing a constitutional amendment which would contain the following provisions:

Total appropriations as well as total expenditures for any fiscal year cannot exceed total expected revenues for that year. There is to be no permanent increase in the national debt.

The existing debt is to be redeemed.

The above provisions may be suspended only in times of war or national emergency.

When Federal officials are forced to observe the mandates of this constitutional amendment, the financial integrity of the country will be insured. Less drastic steps have clearly failed. It is high time to adopt this amendment as rapidly as possible.

## LEGISLATION TO DELAY ALL BUSING ORDERS

### HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. BROOMFIELD. Mr. Speaker, I rise today to introduce legislation to delay any and all busing orders pending the exhaustion of all appeals, including to the Supreme Court if necessary.

One would think that with all of the debate and deliberation which the 92d Congress devoted to the so-called Broomfield amendment to delay court-ordered busing pending appeal that this legislation would be unnecessary today.

Unfortunately, that is not the case. The same Federal courts which have handed down massive and unprecedented forced busing orders are the same Federal courts which have, in some instances, refused to implement the Broomfield amendment to the Education Amendments of 1972.

This new version of my amendment leaves no room for misinterpretation, it offers no loopholes, no room for manipulation by those who would subvert the true intent of Congress. My measure delays all busing orders, regardless of the reasoning or rationale behind those orders.

Now, more than ever, my amendment is necessary. I need not remind my colleagues that two very similar massive busing orders have reached exactly opposite conclusions on appeal.

The first forced busing order that required busing of students across municipal and county lines was handed down in Richmond, Va. On appeal to the fourth circuit that order was overturned.

Later, in Detroit, busing across county and municipal lines was upheld by the Sixth Circuit Court of Appeals.

Mr. Speaker, in view of the fact that we are operating under one Constitution, how can we call this justice when one city must undertake massive forced busing while another is told that this same busing is not constitutionally required? The answer is clear. This is not justice.

My legislation is designed to perfect the inequality and obvious inequity of situations such as this. It merely provides each and every defendant the opportunity to have his case reviewed at the forum of last resort, the Supreme Court, before any busing begins.

Mr. Speaker, until the Supreme Court speaks out loud and clear on massive forced busing, this measure is absolutely imperative. I respectfully urge that it receive the immediate consideration that it deserves.

## PRICE BILL TO RESCIND DES BAN

### HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. PRICE of Texas. Mr. Speaker, an old proverb says that one should not throw out the baby with the bath water. And yet, the Federal Food and Drug Act which has required a ban on the further use of diethylstilbestrol—DES—in animal feeds has accomplished this result.

The intentions of Congress in enacting legislation to protect the quality and purity of our food supply have undoubtedly been well meaning, and the pure food and drug laws have prevented the use of hazardous substances which might otherwise have found their way to the consumer in a strictly "buyer beware" marketplace.

However, our laws must be the product of reason and must deal with real instead of imaginary problems; they must not impose a "cure" that is worse than the "disease." And yet in the application of the Delaney amendment toward the use of DES we have achieved an injustice which demands corrective action. Commissioner Charles Edwards of the Food and Drug Administration has acted to order a ban on DES in animal feeds in spite of the fact that no known hazard to human health has ever been established after two decades of prescribed use.

DES in levels established and monitored by Government has been a boon to the American meat-consuming public and has allowed livestock producers to provide our people with an abundant supply of wholesome and nutritious meat at reasonable prices. The Delaney amendment, however, because of its zero toleration standards, has banned this most useful product without any compensating benefits. If residues of a food additive appearing in food destined for human consumption are a definite threat to human health, we ought to take action to prevent their presence. However, because of increasingly sophisticated technology, our ability to find residue traces has reached a point where we can detect parts per billion and perhaps even parts per trillion. At what point do residues cease to be a threat to health, or put another way, what is to be gained by requiring a zero toleration of residues?

Mr. Speaker, the Delaney amendment requires the complete ban on DES in animal feeds assumingly because insignificant residues somehow pose a threat to health. Automobiles have killed more Americans than have been lost in all the wars this Nation has ever fought combined and contribute to pollution, congestion, and urban decay—and yet who among us will propose legislation to abolish the automobile, especially those of us who drove to work today?

Every year multiple thousands of Americans suffer injury and death from accidents in the home—but do these justify prohibiting the manufacture of bathtubs, table knives, or staircases?

Fluoride is a known poison—but are we to deny the obvious benefits of using fluoride in our water supply in trace amounts for the prevention of tooth decay?

The threat to human health posed by trace amounts of DES residues nowhere approaches the risks involved in smoking a cigarette or getting into an automobile—in fact, the threat is nonexistent according to the best information available. We need, therefore, to amend the law to provide for the flexibility needed to administer the law in a reasonable manner. Some Americans are livestock producers and they will be adversely affected by a prohibition on DES; however, all Americans are consumers. We all eat meat, and we will all pay the penalty of higher prices without any demonstrable improvement in the quality of the meat that comes to our dinner table.

Mr. Speaker, I am today introducing legislation to modify the Delaney amendment to permit the use of DES in animal feeds when residues arising out of such use will not induce cancer in the insignificant amounts detected.

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## THIS WAR MUST END

## HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. STOKES. Mr. Speaker, it is a tragedy that, despite the President's campaign promise of impending peace, the 93d Congress convened under the dark cloud of impending war. The unconstitutional and immoral destruction of North Vietnam, which occurred while Congress was not in session, is the clearest proof we have had yet that one man's temper tantrums—when that man happens to be President of the United States—are enough to cause immeasurable destruction on this earth. Someday, the history books will tell the story of why the bombing was renewed at the brink of peace. But we do not need future historians to tell us that President Nixon's thwarting the will of the American people has resulted in millions of people left slaughtered, crippled, homeless, and starving.

When I have spoken out previously in this Chamber against the travesty of this war, I have often referred to the wisdom and humanitarianism of Mr. Cyrus Eaton. Today I do so again.

On Mr. Eaton's 89th birthday, he was interviewed by a reporter from the Cleveland Plain Dealer. That account appeared in the December 28, 1972, edition of that paper.

In the course of the interview, Mr. Eaton repeatedly decried the madness of continuing the war. He went on to draw the compelling comparison between the actions of President Nixon and those of Adolph Hitler. Mr. Eaton concluded with his expression of faith that world opinion will stop President Nixon where American public opinion has failed.

Indeed, our country's diplomatic relations with one country have already been severely damaged because of this war. On December 29 we learned that the fury of Swedish public opinion and that government's critical statements about the bombing caused the State Department to take retaliatory action. We have recalled our ambassador to Sweden and have refused to receive the new Swedish emissary. If Mr. Eaton's prediction is correct, many other nations will join Sweden if the holocaust continues.

Included below is the accounting of Mr. Eaton's remarks on the occasion of his 89th brithday:

[From the Plain Dealer, Dec. 28, 1972]

### EATON TURNS 89 DECRYING "MADNESS" OF VIET WAR

(By Allen Wiggins)

Cyrus Eaton walked into the room for an interview on his 89th birthday with a matter of urgency on his mind.

He carried a newspaper, its biggest, blackest headline blaring about the heaviest U.S. bombing of Hanoi and about the city's evacuation.

Throughout the interview yesterday, the old industrialist would return again and again to that headline, underscoring it with his finger, and talking about the "madness" of America's war in Vietnam.

He reminded the reporter that they had talked with two North Vietnamese officials together, less than two months before the election last November.

"They were very well-informed people," he said, "and they didn't believe that Nixon was serious in seeking a settlement. They felt he would make it seem to be a settlement until after the election.

"They were unfortunately correct.

"I do not believe that the Soviet Union and the People's Republic of China will permit this to continue."

Eaton was being interviewed in his office on the 36th floor of Terminal Tower, the old Van Sweringen office, the office he still reports to every working day he is in the city, the office with its commanding view of the city and the lakefront.

We have a tradition of paying the old a condescending tribute—we say they still have lively minds. And what we mean is, they can recall vividly scenes from the past.

Just as we expect children to live in the present and young men to live in the future, we expect old men to live in the past.

Cyrus Eaton will not live according to our expectations. For an average young man to say of him that he still has a lively mind is like saying of the shark that it has a healthy appetite.

Eaton yesterday was as exercised over the U.S. bombing of Hanoi as the most rabid antiwar activist. Although he thought back, when asked, about earlier days, earlier wars, he wanted to talk about now.

He said he thinks Nixon has pushed the war to the breaking point.

"Under ordinary warfare," he said, the North Vietnamese "were able to take care of themselves."

"But this is a giant and brutal destruction, a great departure from ordinary warfare."

Eaton said he does not think China and Russia will stand by for what he called "the attempt to crush a little nation with massive bombing."

"It is time for the industrial leader, the banker, the businessman, to speak up against this, he said. "It is increasing the burden of taxation to sustain this madness, and increasing the cost of money to American industry."

Eaton recalled that the late President Eisenhower said to him, after his retirement, it would be "sheer stupidity ("be sure you get his exact language," Eaton said—" 'sheer stupidity' ") to send American troops to fight in Indochina, next to the country with the largest standing army in the world and aided by the country with the most sophisticated weaponry in the world."

Eaton continued: "As President, he later told me, his chief problem was with his vice president, Richard Nixon, who implored the French to keep fighting and promised he would do everything in his power to persuade the American government to send troops."

Eaton also said: "It's no answer to say that the majority of Americans elected Nixon. The same thing can be said of Hitler. He was a madman who led the great German people to crushing defeats."

Just as the United States was forced to enter World War II to stop Hitler, Eaton said, the world community will arise to stop what he called Nixon's madness.

"I've been around for 89 years," Eaton said. "I've been an observer and a constant reader of history. I think I've learned something, maybe. And I think now is the time when the businessmen and the industrialists have to speak out.

"Wonderful things will happen in the next 89 years—things that will surpass the great inventions of the last 89—but only if we don't let this military madness carry us into a world war that destroys everything."

## THE PURE FOOD ACT OF 1973

## HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. BINGHAM. Mr. Speaker, today on January 3, the first day of the 93d Congress, I introduced a bill aimed at increasing the powers of the Food and Drug Administration to deal with the low level of sanitation and hygiene in the U.S. food processing industry. If enacted, this bill would effect one of the most significant and comprehensive reforms in the history of the Federal Food, Drug, and Cosmetic Act. I am proud to have as cosponsors of this bill Ms. ABZUG, Mr. BADILLO, Mr. BELL, Mr. BRASCO, Mr. BURTON, Mr. CONTE, Mr. CONYERS, Mr. DRINAN, Mr. EDWARDS of California, Mr. EILBERG, Mrs. GRASSO, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. MOLLOHAN, Mr. MOSS, Mr. O'HARA, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. SEIBERLING, and Mr. STOKES.

I first introduced this bill last January and I revised and reintroduced it in March. The impetus for the bill stems from the well known cases of food contamination, some resulting in death, as well as from complaints from my constituents. In addition, I made a personal observation of food processing inspection methods in New York City and conferred with FDA officials there.

In April 1972, the Government Accounting Office issued a report on the FDA to Congress entitled "Dimensions of Insanitary Conditions in the Food Manufacturing Industry." That GAO report confirmed my observations and underscored my contention that a revamping of the FDA's legal authority is imperative if the consumers of this Nation are to be guaranteed that food processed in the United States is fit for human consumption. Presently, the legal powers of the FDA do not enable that agency to compel food manufacturers to observe necessary standards of sanitation, and the intent of the Congress to protect the American consumer remains frustrated.

A careful analysis of the Food, Drug, and Cosmetic Act reveals four serious shortcomings in the legal authority of the FDA.

First, the FDA does not know the identities of all current U.S. food manufacturers. At present, there is no requirement for a manufacturer to be licensed by the FDA in order to be permitted to do business. The FDA discovers the identity of manufacturers through a mixture of haphazard methods—reports of field agents who happen across new plants, complaints of aggrieved consumers, news reports, advertising, and voluntary reports of food producers. The FDA's list of U.S. food manufacturers is perenially out of date, because plants may open and close down without notifying the FDA. The GAO's report stated that—

> FDA officials have advised us that there are food plants in existence which may not be included on the inventory because, in the absence of plant registration requirements, FDA does not have an effective means of identifying all food plants subject to the Food, Drug, and Cosmetic Act.

If the FDA is ever to be able to inspect all food processing facilities, it must be given a rational method of knowing who to inspect.

Second, the FDA is unable to control methods and machinery used in food production. It has no legal power to require manufacturers to install basic sanitary equipment such as sterilizers, temperature and timing devices, and warning mechanisms which insure the production of unadulterated food. In addition, the FDA has no authority to establish appropriate educational standards for employees who operate complex food processing machinery. By way of contrast, the Congress passed a law in 1970 to strengthen the drug control powers of the FDA. That legislation empowered the FDA to demand that drug manufacturers comply with standards for adequate equipment, analytical controls, and personnel training. In order to protect American food consumers from serious health hazards, the FDA must be given comparable authority over the food processing industry.

Third, the FDA is unable adequately to uncover potential public health hazards. In 1971, approximately 200 authorized FDA inspectors conducted 11,000 inspections of food processing plants. Since there are over 60,000 food plants in the United States, this indicates that the average plant is federally inspected only once every 6 years. The GAO report revealed that 40 percent of the food processing plants which it investigated together with the FDA were operating under unsanitary conditions. In over half of those unsanitary plants, the conditions were "serious in terms of either having potential for causing product alteration or having already caused product alteration." One-third of this latter group of seriously unsanitary plants had never been inspected by the FDA, and another one-third had not been inspected for over 2 years.

These figures reveal a pathetically inadequate record of Federal inspection. Although some States and municipalities conduct their own food plant inspections, those inspections frequently are not as thorough as Federal ones.

It is fair to assume that the headline cases of fatalities resulting from contaminated foods represent only the tip of the iceberg of the problem of impure foods being foisted upon the American public by a lazy and indifferent industry. The GAO estimates that 40 percent of food plants operate under unsanitary conditions, and FDA inspections indicate that sanitation in the food industry is actually declining, not improving. During the GAO-FDA investigations, the major observed unsanitary conditions included:

First. Rodent excreta and urine, cockroach and other insect infestation, and nonedible materials found in, on, or around raw materials, finished products, and processing equipment;

Second. Improper use of pesticides in close proximity to food processing areas; and

Third. Filthy equipment and dirty areas over and around food-processing locations.

The FDA–GAO inspection uncovered live roaches and flies in manufacturing and storage areas, rodent infestation of raw materials, mold-contaminated foodstuffs, dead mice, and rodent excrement in processing areas.

Fourth, the FDA possesses only inadequate authority to protect the public in cases of public health emergencies. When that agency discovers that a certain product already shipped in interstate commerce is contaminated, it cannot command the manufacturer to recall its poisonous wares. At best, the FDA must involve itself in lengthy court procedures to seize the shipment which may result in a decision too late to save the consumer victims. Also, if the FDA suspects that a pending shipment of food is contaminated, it must drag through the lengthy procedure of obtaining court orders to prevent the shipment.

American consumers are now fairly well protected in the fields of drugs, poultry, and meats by the FDA and the Department of Agriculture. It would be a rational and necessary step for this Congress to extend similar safeguards of the consumer's health to the food manufacturing industry as a whole.

The bill which I am introducing today would accomplish five basic objectives if it were enacted.

First, all food manufacturers, packers, and processors would be required to obtain a license from the FDA in order to do business. This would enable that agency to maintain an accurate listing of food-industry establishments and to inspect all facilities producing food in the United States. Operation of a food-manufacturing facility without a license would be a punishable offense. Licenses would be valid for a 2-year period, subject to renewal after a reinspection by the FDA.

The FDA would be given the authority to require, as conditions precedent to licensing or relicensing, that food producers: First, install necessary sanitary equipment, including sterlizers, temperature and time controls, and warning devices; second, use certain approved types of food containers; third, retain processing records for 5 years; fourth, meet employee educational requirements; and, fifth, obtain insurance to cover damages caused by production of contaminated food. Failure to observe FDA regulations could result in denial or suspension of a license.

Second, food processors would be required to report to the FDA all known instances of contamination, spoilage, and improper manufacture or packaging of foodstuffs which occur during routine food-processing operations. Failure to report to the FDA would subject the violator to loss of his license.

Third, the FDA would be given new powers to act swiftly in instances of suspected public health emergencies. If the FDA had reason to believe that a product is contaminated or adulterated, it would be empowered to embargo the shipment and sale of that product for a 48-hour period. During that time it would conduct a thorough investigation of the product.

If the results of the investigation demonstrate that the product is indeed dangerous, the FDA could order a recall of the shipment in which the contaminated product was found, embargo the shipment or sale of all goods produced by that manufacturer, and suspend the manufacturer's license.

Fourth, new civil financial penalties of up to $10,000 per violation of the Pure Food and Drug Act would be instituted. Present penalties under the act are criminal sanctions which prosecutors are often loath to seek and judges hesitant to impose, because of the onus attached to a criminal conviction. The establishment of civil penalties of a financial nature would therefore provide a more effective deterrent to violations of the pure food laws.

Fifth, the FDA would be required to put into operation a uniform system for receiving, processing, investigating, and responding to consumer complaints. In the past, consumer food complaints made to FDA offices often have been ineffectively handled. This bill would give the FDA a congressional mandate to organize its consumer investigation and response systems in a manner which insures that a valid consumer complaint made to the FDA will result in effective action.

In summation, this bill gives to the FDA the legal powers needed to protect the American public, including the wealthy, middle-income, and lower-income populations, from the serious health hazards caused by the scandalously inadequate level of sanitation found in the American food-processing industry.

This statement was prepared for delivery in the opening session of the 93d Congress on January 3, 1973, but could not be delivered on that day, because the House adjourned immediately after completing the formalities of organizing itself out of respect for Members who died during adjournment after the 92d Congress:

### SECTION-BY-SECTION ANALYSIS OF THE PURE FOOD ACT OF 1973

Section 1. Title.

Section 2. This section describes the findings which gave impetus to the bill and the Congressional purposes behind the bill.

Section 3. This section amends Section 404 of the Federal Food, Drug, and Cosmetic Act as follows:

Section 404(a) empowers the Secretary of HEW to promulgate regulations in the food processing area and to charge licensing fees.

Section 404(b) requires every person engaged in interstate food processing to obtain a license biannually from the Secretary of HEW.

Section 404(c) sets forth the conditions which must be fulfilled by an applicant for a license before the license can be issued or renewed by the Secretary of HEW:

(1) an applicant must furnish the Secretary with the name of his business and the location of all his food processing facilities,

(2) an applicant must provide a listing of all his food products,

(3) an applicant must inform the Secretary of the methods he uses to produce foods and the sanitary devices which he employs, and

(4) each food processing establishment of the applicant must pass an FDA inspection.

Section 404(d) requires a licensee to use food containers prescribed by the Secretary, to retain food processing records for five years, and to hold back from public sale any lots of food which the manufacturer believes to have been improperly manufactured and to report to the Secretary before releasing any such suspected products for sale.

Section 404(d) requires a licensee to:

(1) use food container prescribed by the Secretary

(2) retain food processing records for five years

(3) hold back from public sale any lots of food which the manufacturer believes to have been improperly manufactured and to report to the Secretary before releasing any such suspected products for sale

(4) report to the Secretary any instances of improper food manufacturing when that food has already entered interstate commerce

(5) open all food processing records for inspection

(6) use sterilizing equipment, temperature and time control devices, and equipment prescribed by the Secretary to warn when sanitary devices are malfunctioning.

(7) comply with educational and training requirements set by the Secretary for employees working in the food processing industry

(8) insure itself against damages caused by the improper processing of food

(9) comply with all regulations established by the Secretary.

Section 404(e) provides that the Secretary may revoke a license for cause according to due process.

Section 404(f) provides that a license may be altered, transferred, or surrendered only if the Secretary agrees and thirty days public notice has been given.

Section 404(g) instructs the Secretary to coordinate his efforts with those of State food regulating agencies and to establish a coordinated FDA program for gathering, investigating, and responding to consumer complaints.

Section 4 and Section 5. These sections amend sections 703 and 704 of the Food, Drug, and Cosmetic Act by expanding the inspection authority of federal food inspectors to include performance records and quality controls.

Section 6. This section amends the Food, Drug, and Cosmetic Act by creating a new section, section 708.

Section 708(a) permits the Secretary upon notification by a licensee under section 404 or upon belief that food which is misbranded or adulterated has entered interstate commerce, to investigate within 48 hours to determine whether a public health hazard exists, to embargo suspected foods pending completion of that investigation, and to make public the results of the investigation.

Section 708(b) permits the Secretary, upon determination that a health hazard exists because of contaminated food, to order the recall of the shipment of which the contaminated food is a part, to embargo all food products of the offending producer, and to suspend the producer's license.

Section 7. This section amends section 303 of the present Food, Drug, and Cosmetic Act by increasing existing criminal financial penalties for violation of the Act and by adding new civil financial penalties of up to $10,000 for each violation of the Act.

Section 8. This section conforms other parts of the Food, Drug, and Cosmetic Act to this legislation.

Section 9. This section makes the effective date of the Pure Food Act of 1973 six months after the date of enactment of the Act.

## BACH MAI HOSPITAL EMERGENCY RELIEF FUND

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## HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Ms. ABZUG. Mr. Speaker, the week before Christmas, the Bach Mai Hospital—whose name in Vietnamese means "white blossom"—was completely destroyed by over thirty 500-pound bombs dropped from B–52's. This 950-bed civilian hospital, the largest in North Vietnam, contained extensive clinical laboratories and all of the auxiliary services required to operate a major teaching hospital. Twenty-five doctors and nurses, plus an unknown number of patients, died in these raids.

In response to this wanton act by our Nation, a group of concerned Americans has formed the Bach Mai Hospital Emergency Relief Fund. In its first 10 days of existence, the fund received donations totaling $300,000. This sum represents 10 percent of the $3 million needed to rebuild Bach Mai.

The purpose of the Bach Mai Hospital Emergency Relief Fund is to show to the world our outrage at the acts of our Government and at the same time to give Americans the opportunity to make available to the North Vietnamese some of the medical supplies and equipment they will need to replace the hospital. There can be no question of rebuilding the physical plant of the hospital as long as there is a danger that the bombs will continue to fall. Not until U.S. bombers are removed from their bases within striking range of Hanoi will it be safe to begin rebuilding. In 1970 and 1971 the people of North Vietnam undertook the rebuilding of the Vietnam-Czechoslovakian Hospital in Haiphong that had been bombed under the Johnson administration. Reconstruction was completed in February 1972, and 2 months later, on April 16, 1972, the hospital was once again bombed by U.S. planes sent this time by the Nixon administration. It was bombed again during Christmas. The immediate goal of the Bach Mai Hospital Emergency Relief Fund is to send medical supplies to help the North Vietnamese substitute decentralized and underground health-care facilities for the services provided in the past by Bach Mai.

Bach Mai Hospital was more than the largest center for health care in all of North Vietnam. Within its walls, some of the major research and teaching of future doctors and health workers took place. In addition, Bach Mai served as a center for emergency treatment of civilians in the Hanoi area.

Unfortunately, Bach Mai Hospital is not an isolated incident of U.S. bombing of civilian structures. From April 1972 to October 1972—before the massive Christmas bombings—all 26 provincial hospitals and every district hospital in North Vietnam had been hit at least once by U.S. bombs. In addition, during the week before Christmas and the few days thereafter, the following North Vietnamese hospitals were damaged or destroyed—according to the Boston Globe of December 28, 1972: Nga Tu So dispensary in Hanoi, Kien An Hospital and the contagious disease block of the Vietnam-Czechoslovakian Hospital in Haiphong, the An Duong dispensary in Hanoi, the Hoai Duc Hospital in Ha Tay province, the tubercular diseases Hospital in Bach Thai province.

The campaign will attempt to involve as broad a spectrum of the American people as possible, with individuals, organizations, and church bodies who have the confidence of large numbers of Americans and the capacity to involve them in a successful campaign. A partial listing of sponsors of the Bach Mai Hospital Emergency Relief Fund includes: Ramsey Clark, Arthur Miller, Julian Bond, Dr. Charles E. Janeway, Salvador Luria, Rt. Rev. Robert DeWitt, Leon Eisenberg, M.D., Erik Erikson, Bishop Thomas Gumbleton, Rev. David Hunter, Representative Robert Drinan, Bishop John Wesley Lord, Rt. Rev. Paul Moore, Jr., Albert Szent-Gyorgyi, George Wald, Dr. Charles Mayo III, and Dr. Herbert Abrams.

Events of this campaign will range from benefit concerts to direct mail solicitations to individual donations, however, the backbone of this massive fund-raising effort will be street corner and door-to-door solicitation by thousands of Americans across the United States. These efforts will thus constitute a message: that we, as American citizens, believing life is precious and all human beings are created equal, want the bombing to stop once and for all, with no further tactics of deception or acts of violence by the U.S. Government.

The campaign for Bach Mai Hospital is being cosponsored by the Medical Aid for Indochina Committee—MAI—Medical aid for Indochina has been operating for more than a year and in that period of time has sent over $100,000 worth of medical supplies and equipment to the people of Indochina through the Red Cross Societies of North Vietnam, and those areas of South Vietnam, Laos, and Cambodia being attacked by the United States. Medical Aid for Indochina has established reliable information and transportation channels to provide the American people with a method of responding to the medical needs of the people of Indochina and a way of joining the rest of humanity in protest against the senseless brutality of the U.S. Government.

Contributions to the Bach Mai Hospital Emergency Fund may be sent to 140 Sixth St., Cambridge, Mass., 02142.

## PRICE REINTRODUCES PRAYER AMENDMENT

### HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. PRICE of Texas. Mr. Speaker, I am today reintroducing legislation which I believe has the strongest support among the American people, legislation which was among the unfinished business of the 92d Congress.

Very simply, this constitutional amendment would permit voluntary prayer in our Nation's classrooms. While I am opposed to any legislation which would combine the powers of church and state, likewise, I cannot condone actions by our courts which would jeopardize the free exercise of our basic freedoms outlined in the Bill of Rights, including freely given expression of thanksgiving and prayer to God in public institutions.

Mr. Speaker, each day the U.S. House of Representatives begins its proceedings with a prayer to God. And the U.S. Congress has sanctioned the motto "In God We Trust" upon the currency of our Nation. To deny our great historical record as a religious, God-fearing Nation would be a great disservice to those whose sacrifices laid the foundations which have been our great strength. Let us not deny to our children the lessons of respect and reverence so essential to their well-being as whole citizens. Our schools are more than a place to learn the mechanics of English; they are and ought to be a source of inspiration and moral strength which will contribute to the betterment of future generations of American citizens.

I believe the enactment of my constitutional prayer amendment would give the American people a direct voice in deciding the important question currently unsettled. The Congress would through the ratification process turn this matter over to the States and the people therein for final disposition. It was in this manner that the 18-year-old vote issue was resolved, and I believe this is in keeping with the best traditions of the American political system.

Mr. Speaker, let us act without delay to reestablish and redefine the right of each and every American citizen, young and old, to voluntarily give thanks and prayer to God in our public-sponsored institutions.

## SAFEGUARDING PRIVATE PENSION PLANS

### HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. DENT. Mr. Speaker, I am pleased to submit to my colleagues, and all others concerned about safeguarding the benefits of citizens who participate in private pension plans, two bills that I consider a "first step" toward our goal of securing retirement benefits earned during working years.

These measures are introduced today, on the first meeting of the 93d Congress, to underscore the immediate need for congressional attention to the plight of workers who, for one reason or another, do not realize the income to which they should be entitled upon retirement. I do not maintain that the two bills I put before the House today are the final answer to this complex problem, but they are the product of comprehensive studies in the field. It is my hope that they will serve as the vehicles by which we can renew our efforts to solicit constructive suggestions for reform of the private pension system, and fashion legislation which will eventually result in the enactment of meaningful safeguards for the rights of retirees.

It is my intention to call for hearings in Washington early next month before the General Subcommittee on Labor, and to press for early action on this issue.

## VOTING ATTENDANCE REQUIREMENT FOR MEMBERS OF CONGRESS

### HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. PRICE of Texas. Mr. Speaker, I have introduced today a joint resolution which, if adopted by the Congress and ratified by the legislatures of three-fourths of the States, will amend the Constitution by requiring Members of Congress to be recorded on at least 70 percent of the rollcall votes during a session of Congress or have their office declared vacant.

The purpose of the bill is to require Members of Congress to do what they are elected by the people to do—represent their constituents by voting on legislation before Congress. My bill is really quite simple. It would merely amend the Constitution of the United States in such a way that, if a Member of Congress is not recorded on at least 70 percent of rollcall votes of the House or Senate, the office becomes vacant and the State from which he is elected is notified of the vacancy. The only absences that would not be included in computing the 70-percent voting requirement would be those when a Member of Congress is excused or necessarily prevented from being present due to illness or official business.

In my opinion, justifiable absences should not count against a Member, but it seems to me that, especially in light of the salaries received, we ought to be working and voting much more than some are doing at the present time.

What is wrong with an amendment requiring a Member of Congress to be present to do the job the voters are paying him to do? Absolutely nothing, in my opinion. For the voters have a right to expect us to be here in Washington tending to business.

Contrary to what some have said about the Congress, I am not yet ready to concede that we do not have the will to police ourselves and that Congress will not live up to its responsibilities by seriously considering this much-needed amendment.

I for one intend to do all in my power to see that this amendment is adopted and ratified by the States, and I urge you to join with me in that effort.

## FLEET AID CORP.'S NEW WARRANTY PROGRAM

### HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. PEYSER. Mr. Speaker, Mr. Irwin Tucker, president of the Fleet Aid Corp., of New York, has written to me to tell me of a new service warranty program to protect the consumer which I feel certainly should be brought to the attention of the Congress and the public with the idea that possibly more organizations will follow their lead in developing this type of program.

The letter follows:

FLEET AID CORP.,
*New York, N.Y., January 2, 1973.*

The Honorable PETER A. PEYSER,
*House Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN: It is well known that you are extremely interested in consumer affairs. I would like to call your attention to a new program regarding automobile safety and warranty protection.

Automotive repair costs, as you may well know, have risen considerably in recent years. The quality and costs for such work leaves much to be desired. The Congress has already enacted legislation concerning automobile safety standards and I think that now is the time for the development of standards covering automotive repair work.

A step in this direction was recently taken by Fleet Aid Corporation, of New York, an independent automobile service and maintenance specialist. This organization has developed a unique, comprehensive maintenance and service warranty program which offers the consumer complete protection against the costliest type of automobile breakdown in new and used cars.

The Fleet Aid program includes a 12,000 mile or 12 month, whichever comes first, power train warranty program for buyers of new and used cars. The power train of an automobile includes the engine block, head and all internal parts, intake manifold, transmission in oil case and internal transmission parts, torque converter, drive shaft, universal joints, rear axle and differential.

This warranty program has already been introduced by Ford dealerships and has been proven successful in creating customer confidence in the purchase of 1973 models, as well as Ford produced used cars, the last four model years, which Ford dealers acquired as trade-ins or used for their lease and rental operations.

This warranty assures buyers that each automobile is thoroughly inspected, tested and in good running order before leaving the dealership. This same warranty program has been in effect for some time with Hertz and other rental companies covering all American made automobiles that are sold directly to the public.

This unique power train program is considered by many in the automotive industry as a major breakthrough in protecting the automobile buyer. In the past, used car buyers usually receive a 30 day warranty, from the date of purchase. Today, this Fleet Aid/Ford power train warranty commences after the manufacturers warranty expires on the 1973 models. On used cars, this warranty program stays in effect for 12 months or 12,000 miles, up to 62,000 miles on the odometer, from the date of purchase.

Fleet Aid has developed an emergency road service option as part of their consumer protection program. Should a Ford customer's car breakdown, he can call the selling Ford dealer if the breakdown is in his general area. If not, he has a toll-free Fleet Aid telephone number to call and the dispatcher, who is on duty 24 hours a day seven days per week, will direct him to the nearest of the Fleet Aid 3,000 affiliated service stations and repair centers. The most important part of this emergency road service program is that a motorist will never be stranded, no matter what time of day or night they need help.

Fleet Aid Corporation has been in the automotive maintenance and service business for five years handling maintenance and service of automobiles which are leased and rented to the public by major fleet owners. Their activities, from Maine to Florida, from coast to coast, has generated many fine comments for their high quality of work and their standardization of repair costs no matter where a vehicle breaks down.

Cordially,

IRWIN TUCKER, *President.*

## A BILL TO REDESIGNATE NOVEMBER 11 AS VETERANS DAY

### HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. PRICE of Texas. Mr. Speaker, I am today introducing legislation to redesignate the 11th day of November of each year as Veterans Day.

In 1968, the Congress changed the observance of several legal holidays, including the designation of the fourth Monday in October as Veterans Day, for the purpose of providing 3-day weekends for our citizens. However, while this action seems reasonable and justifiable in the observance of such holidays as Labor Day and Columbus Day, I believe we have erred in applying this concept to Veterans Day. Veterans Day, which was originally known as Armistice Day, marked the closing of World War I in 1918, and was set aside as a special day of thanksgiving and remembrance for the great sacrifices of our servicemen and women during that conflict.

After World War II, Veterans Day gained new significance as our Nation paid new respect and honor to the millions of Americans who stopped the tyranny which threatened to engulf the world.

Veterans Day is not just an ordinary holiday, an excuse to get away from it all. Let us recall what those who have served our Nation proudly in the Armed Forces of the United States have contributed to our lives and our freedom. As a veteran of the Korean war myself, I know that I share the sentiments of all those who have served to defend our Nation—Veterans Day is a day for pausing and remembering, and I hope that the Congress will see fit to enact my bill which would restore the unique purpose and observance of this day of thanksgiving that our Nation has withstood the test by fire in the crucible of war.

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# HOUSE OF REPRESENTATIVES—*Tuesday, January 9, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*He that would love life and see good days, let him keep his tongue from evil and his lips from speaking guile.*—I Peter 3: 10.

O God, our Father, who art the source of all our being and the goal of our nobler efforts, we thank Thee for this quiet moment when facing crucial issues, and carrying heavy responsibilities. We can turn away from things seen, give expression to our faith in the reality of the unseen and affirm once again—in Thee do we put our trust.

In the secret place of the Most High may we tap the spiritual resources which give to us strength of character, loyalty to high ideals, love for our country, and such courage that we may keep ourselves devoted to the right as Thou dost give us vision to see the right.

Bless our President, our Speaker, these representatives of our people, and all the citizens of our dear land. Let freedom ring from shore to shore, let justice rule, and good will reign in the hearts of all.

In the spirit of Christ we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 1. Joint resolution extending the time within which the President may transmit the budget message and the economic report to the Congress and extending the time within which the Joint Economic Committee shall file its report.

## SWEARING IN OF MEMBERS-ELECT

The SPEAKER. Will any Member-elect who has not been sworn come to the well of the House and take the oath of office.

Mrs. GRIFFITHS, of Michigan; Mr. WHALEN, of Ohio; and Mr. RUPPE, of Michigan, appeared at the bar of the House and took the oath of office.

## ADJOURNMENT OVER TO THURSDAY, JANUARY 11, 1973

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from California

There was no objection.

## BIRTHDAY WISHES FOR PRESIDENT NIXON

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I take this opportunity to remind the House that today is the birthday of President Nixon, and for myself and all of my colleagues I want to wish him a happy birthday. The President has attained what, in my view, is the vigorous and mature milestone of 60 years, and has spent most of his adult life in the service of our country, starting with World War II and his election in 1946 to the House of Representatives. His birthday is just another working day at the White House, and I do not believe he would want me to make any elaborate remarks on this occasion, but we do wish for our former colleague many happy returns of the day.

Mr. Speaker, I am under instruction from the 22 pupils of the first grade class of the Oakdale Christian School in my hometown of Grand Rapids, Mich., to deliver to the President a scrapbook of birthday greetings and pictures which they prepared as a class project. Their teacher, Mrs. Laura Bartleson, says that the project "generated so much enthusiasm in our classroom that our January blues just disappeared."

Before delivering them to President Nixon, I found that these delightful messages had the same cheering effect on me, and I would like to share them with my colleagues in the RECORD. Of course, you will miss the glorious living crayon color of the drawings and the careful pencilmanship, but I hope the printers will preserve the original spelling and punctuation.

I also hope that the reformers among us will not be critical of one of my young constituents who appears to have an early instinct for politics. He enclosed a $1 bill with this message:

From Tom Knol. I puta doller in. I voted for you. I am gladd that you wan.

The Oakdale Christian School first graders' messages follow:

Mr. Nixon your'e rileey niss. Happy Happy Birthday twice. Paul Ardre. I hope you rite agen. to are School.

Dear Mr president Nixon
Happy Birthday

Happy Birthday Mr. President Nixon Did you Have a good trip to China?

SID TODD.

Happy Birthday presdent Nixon. when you are haveing a picnic I hop the rain dusint spoyul it.

love TOM KNOL.

Happy Birthday happy Birthday to the President Nixon I hope you Nevr Diy from the wor if We evr Have one

NICKY.

Im' Bobby yff we have a dog and a cat and hope you have a Happy Birthday Mr. Presidenta Nixon

Happy Birthday Mr. President Nixon. I wish you Have a Happy Birthday
Love

SALLY.

Happy Birthday Mr. Nixon Do you like Birthday? How old are you? Are you going to invite your to girls?

Love JANE.

A Birthday is speshel even for a President. Happy Birthday Mr. President Nixon

Love RANA.

Happy Birthday Mr. President Nixon. I hope you have a Happy Birthday. My Name is Gayle. I hop you will rite me back because to Say if its Good.

I wish you a Happy Birthday Please rite me back we like to get male

TODD.

Happy Birthday Mr. President Nixon I hope they give you a day off.

Happy Birthday Mr. Presidet Nicon and I lave you and we have a pictore in our room of you

from Andy
Happy birthday
Mr. president Nixon we hope you will have a good Birthday We will Pray for you

Happy Birthday Mr. President Nixon I Hope you have a Happy Birthday I Hope you have a Hoppy may day

PETER.

Happy Birthday Mr. president Nixon My name is Joel I hope that you will have a funne bunne birthday

Happy Birthday Mr. president Nixon Happy Birthday to you Dont Work on your Birthday

BRENDA.

Happ Birthday Mr. President Nixon. You are nice. I like you. Are you going to have a cake?

TOM MYER.

Happy Birthday Mr. President Nixon to you from Amy V. Flowers are beautiful. What are your Birthday?

Happy Birth day Prdent Nixon I wish you a Happy Birth day
Sined

DAVID KLOOSTER.

Happy Birthday Mr. President Nixon

LOIDA.

## THE NATIONAL HEALTH CARE SERVICES REORGANIZATION AND FINANCING ACT

(Mr. ULLMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ULLMAN. Mr. Speaker, I am submitting to the Congress today legislation titled the "National Health Care Services Reorganization and Financing Act." Its aim is to create a better health-care system for the Nation, and it is a new version of a bill I originally introduced in the 92d Congress. The basic principles and philosophy of the bills are identical. The objectives—to reorient our system of health delivery and to bring into being a more equitable system of financing health services for all the population—remain unchanged.

During the past year, the imperatives and pressures for the enactment of such a measure have increased. Economic stringencies and governmental controls over the health-care industry, however temporary, have further revealed the gaps and inequities in the present system. For the sake of the immediate future and for generations to come, these serious problems must not be left unattended. I am personally persuaded, as a result of nearly 2 months of hearings on national health insurance in the Ways and Means Committee during the last Congress, and after months of weighing the provisions and implications of my own proposal, that the Congress can no longer postpone major decisions to assure the availability of health services to all persons in the United States.

I continue to regard my proposal, as I would any legislative proposal, to be an invitation to comment and thought, providing a direction and philosophy I firmly believe to be right. I trust that it will draw the attention and interest of the Congress, the health industry, and the general public. It contains an important new concept I introduced last year, an administrative entity known as the health care corporation or HCC. The HCC, as the coordinator of community health resources, could well be a prime technique of the new federalism that is emerging, and represents an exciting new concept of responsible localism. As a member of the Advisory Commission on Intergovernmental Relations, I have been deeply concerned with the strengthening of State and local resources in the administration of Federal programs.

In my opinion, the National Health Care Services Reorganization and Financing Act offers the most realistic solution to health care delivery, regulation and financing among the dozen or so that have been proposed. It is implementable now because the structure it defines is based on existing resources but with the guidelines and incentives for putting an end to the present fragmentation and duplication of services, their uneven distribution, and their lack of accessibility in many rural and urban areas. It provides for considerable expansion of outpatient services and their broader utilization.

None of the other proposals for national health insurance could fulfill this potential. Either they are attempts, such as the administration's, to resolve the serious problems of health services in a piecemeal fashion, or they would create a monolithic, bureaucratic system which in the end would be prohibitive in cost. Most do not interweave provisions for financing health care with incentives for restructuring the delivery of services. And some, worse still, would only perpetuate existing inadequacies and infuse more money into outmoded mechanisms.

As I emphasized last year, and continue to maintain, we need desperately to pull it all together, to approach the development of a better health system anew, to resolve the problems of financing and delivery of services interrelatedly. If we fail to bring about this convergence, we will fail to better serve the public interest, and I believe that in the long run we will have wasted human, financial, and material resources.

I am impressed not only with mounting public concern over the cost and delivery of health services, but also with the sincere concern of health professionals and professional organizations. Many are striving for a more effective health services delivery system even though changes and controls would unquestionably impose complications on their activities.

The American Hospital Association has been most helpful in the realistic establishment of goals, concepts and methods, and has provided technical staff assistance in designing the total concept of a coordinated, equitably financed system. In recent months, that organization conducted a series of regional educational conferences for its members in order to fully discuss the provisions of the bill I introduced last year and the steps that would lead to its full implementation. Several modifications in the new version of the bill result directly from the suggestions made at those conferences.

The new bill departs from my earlier proposal in several other ways too. It calls for the consolidation of the major Federal health programs and the incorporation of medicare and medicaid within a program of national health insurance. It also provides for a new Department of Health, to be headed by a Secretary for Health responsible to the President. In addition, it includes greater detail and necessary technical information for changes in the financing of health services. It emphasizes the responsibility of the individual for his own health, but provides the framework for better health care and financing for everyone.

Certain principles of the bill I am introducing today deserve special mention, beginning with the recognition of health care as an inherent right of every person. Others, without order of priority, include the following:

Health services and the delivery system, as well as its financing, must be pluralistic, inclusive of both private and public sectors of the health field, and must be predicated on carefully designed Federal incentives and subsidies to assist and assure the cooperation of the various components of the health industry;

The rights of every individual to choose among providers of health services and underwriters of health insurance benefits must be preserved;

The same scope of comprehensive health benefits must be available to all;

The same high level of quality of care must be available to all; and

The Federal Government must assume responsibility for the cost of health care for first, the nonworking poor, second, the elderly, and third, to the extent needed to assure their capability to purchase services, the working poor, but with assurances that the program does not create disincentives to productive employment.

Inherent in each of these principles, whether in terms of use of health services or payment for them, is the principle that every individual has a responsibility for the maintenance of his own health and, to the extent that he is able, to contribute to his share of the cost of care. There are numerous corollary principles, which I shall not describe here, such as those relating to the dignity of the individual, and the relationship of health and the environment.

The health care corporation which would be the coordinating unit of the system at the local level would provide a geographically based system for synthesizing and coordinating local health resources. These corporations would be built upon the existing delivery system, but with mandatory reorganization and reorientation to meet local needs, under the supervision of newly mandated State health commissions.

HCC's would be organized in a variety of ways, determined largely by community needs, custom, and precedent. They would grow out of the community, providing for citizen or consumer representation on their governing boards and being accountable to the public. It is expected that they would primarily be organized by health care providers—hospitals, doctors, dentists, as well as nursing homes and community health organizations—working with the community to establish a more effective, coordinated system.

Every HCC would have to provide, within a State plan administered by the State health commission and approved by the Secretary of the Department of Health, a comprehensive benefit program for all persons in its service area who wished to register. After the first 5 years of operation, it would be required to offer as an option to its registrants, services on a capitation basis of payment, or so much per person per year, a method of payment that requires providers of service to accept a direct responsibility for utilization and cost of services. Among its responsibilities, the HCC would be charged with encouraging the development and use of outpatient services, and for seeing that the most appropriate service would be provided for patients in the most effective, least costly way.

Every employer would be required to purchase for his employees and their families a comprehensive level of benefits as prescribed in the legislation and within regulations issued by the Secretary of Health, paying at least 75 percent of the premium costs. The employees would pay a maximum of 25 percent. For individuals and their families who registered with HCC's, the Federal Government would contribute 10 percent of premium costs.

Newly formed independent State health commissions, appointed by State Governors, would approve HCC's for operation and approve charges for service. These same commissions would develop State health plans subject to the approval of the Secretary; control the rates charged by health care providers and health insurance carriers; issue certificates of need and approve health service areas; and review and approve provider budgets. Thus State government would play a central role in the national program, obviating a large bureaucratic operation in Washington.

I should like to emphasize that the legislation provides for multiple sources of financing to assure a basic level of health care benefits for all persons, including catastrophic health insurance benefits. For persons unable to pay, in part or in full, the Federal Government would purchase the specified level of coverage established for all persons through general Federal revenues, with individual contributions scaled inversely to income levels and family size. Health services to the aged would continue to be financed through a combination of the social security tax mechanism and general Federal revenues. Since parts A and B of the medicare program would be merged, premium contributions by individuals for part B would be eliminated. Payroll financing, therefore, would be restricted approximately to its present levels, with additional costs paid through general Federal revenues.

In sum, this bill would meet the following objectives upon a 5-year implementation of the national program following congressional enactment:

All persons, regardless of age or income, would be entitled to the same broad package of benefits;

Everyone would be insured against the cost of catastrophic illness;

The Federal Government would pay for the health care costs of the poor and the elderly, and part of the costs for all others;

Special benefits for children up to age 12 would be provided—medical, dental, and eye care;

Outpatient care would be emphasized in order to relieve the burden of unnecessary use of costly inpatient care facilities;

Through the capitation method of payment for care, incentives for keeping costs down would be broadly introduced at the community level;

Health education programs, in support of the principle that the individual has a responsibility for the maintenance of his own health, would be available through health care corporations in every geographic service area in the national effort to raise health levels, increase knowledge about nutrition, and bring better understanding of the management of illness in the family.

How such a national program would affect American families is, of course, the most important question. Any legislative proposal can itemize what its author believes needs to be done, but this hardly assures that what is envisioned can take place. However, I believe that this legislation, since its objectives are based on existing resources and on developments in the delivery of health services already in the making, is totally realistic. Health care providers in recent decades have increasingly concerned themselves with how to contain costs yet at the same time keep pace with the numerous advances of medical science and strive for an increasing volume of services of higher quality. They have struggled, against steep odds, and without a coordinated national effort, to plan sensibly so that our legacy to coming generations will neither be a system inadequate to the needs nor one so uncoordinated as to be costly beyond bounds.

From the public's point of view there also are many problems to be faced, the foremost being the increasing cost of health care and the inaccessibility for many to needed services. The public generally finds it anomalous that in a Nation founded on democratic ideals and in which resources are plentiful, there continue to be serious gaps in health care. The public seeks a stronger voice in how health services should be provided. However, it is fair to say, recognizing the lack of a coordinated system is in large part to blame, that public awareness of health is far less than it could be and that a sizable educational program is needed if individuals are to avail themselves of health services in the most timely, effective, and consequently, most economical way. We have by no means put to use all of the health knowledge that is at hand, nor can we claim to have practiced what we know.

To conclude, I should like to summarize a few comments that I made to the Congress last year. First, I wish again to acknowledge the complexity of my proposal, but also to say that it must necessarily be so, for there is no simple solution to the Nation's health problems. Then I would like to draw attention to the legislation's provisions, following enactment, for a 5-year period for the development of State plans, the establishment of HCC's, and the establishment of a department of health. This would be a period of development and experimentation with the various organizational forms of health care corporations, time for the combining of parts A and B of medicare and the incorporation at the Federal level of medicaid.

The legislation I propose would coordinate our health services in a way that would bring improved health care for all. Its aim, immediate as well as long range, is the containment of health care costs and the removal of the real possibility that a family's resources can be totally depleted as a result of the cost of serious illness.

I believe that this bill is the most flexible of all of the major health proposals that you will be considering during this session. I trust that its flexibility will attract your interest and support, and, above all, your participation in its development.

The following is a section-by-section analysis of the bill:

### SECTION-BY-SECTION ANALYSIS

To establish a new program of health care delivery and comprehensive health care benefits (including catastrophic coverage) to be available to aged persons and to the employed, the unemployed, and low income individuals at a cost related to their income.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act divided into titles, parts, and sections, may be cited as the "National Health Care Services Reorganization and Financing Act."

### FINDINGS AND DECLARATION OF PURPOSE

Section 2(a) states that in recognizing health care as an inherent right of each individual and of all the people of the United States, and that in fulfilling this right each individual shares the responsibility for protecting his or her health and for obtaining care when required, Congress declares that health services must be so organized and financed as to make them readily available to all, without regard to race, creed, color, sex, or age, and without regard to any person's ability to pay; that health services must enhance the dignity of the individual and promote better community life; and that it is a function of government to see that these ends are attained.

(b) calls for reorganization of the methods of delivery, and methods of financing health services, these purposes to be accomplished through a nationwide system of independent Health Care Corporations embodying specific principles:

(1) each corporation must provide through its own resources, or through affiliations with qualified institutional and professional providers, five levels of comprehensive health care; health maintenance services, and primary, specialty, restorative and health-related custodial care;

(2) through a system of independent corporations, every individual would be provided an opportunity to register and, where possible, to have a choice of Health Care Corporations;

(3) Health Care Corporations should be locally established and operated, but subject to State regulation and to national standards of quality and scope of services.

This section also states that with Federal financial assistance in developing corporations and needed outpatient facilities, the system can become operative within five years after the enactment of legislation.

(c) states that in addition to its responsibilities cited above, the Federal government should include financial assistance to the public in obtaining the services of corporations, in accordance with these principles:

(1) the Federal government should require all employers to participate in the purchase of Comprehensive Health Care Benefits for their employees;

(2) the Federal government should purchase or subsidize health insurance for those unable to pay, or unable to pay in full;

(3) social insurance should continue to finance health care for the aged;

(4) to encourage participation by individuals in new health delivery and benefit programs, the Federal government should bear a part of the cost of services.

(d) provides that:

(1) in the fifth year following enactment, every person residing in the United States will be eligible to participate in the program;

(2) every individual will be entitled to the services established in the Act if he has registered with a Health Care Corporation and has obtained health benefit coverage from a qualified insurance carrier, or has had it provided on the basis of his income or age;

(3) coverage will be provided without cost to persons in the lowest income bracket and at reduced cost to persons in higher income brackets specified in this Act; and

(4) coverage will be provided through social insurance to those 65 and over.

### DEFINITIONS

Section 3 defines the term "Comprehensive Health Care Benefits" as the benefits described in Title II part B; the term "State" as including the District of Columbia and Puerto Rico; the term "United States" (when used in a geographic sense) as meaning the 50 States, the District of Columbia, and Puerto Rico; the term "Governor" as including the Commissioner of the District of Columbia; and the term "Secretary" as the Secretary of Health.

## TITLE I—REORGANIZATION OF NATIONAL HEALTH SERVICES

### SHORT TITLE

Section 100. Title I may be cited as the "National Health Services Reorganization Act."

### PART A—FEDERAL ADMINISTRATION

### ESTABLISHMENT OF DEPARTMENT OF HEALTH

Section 101 (a) establishes a new executive department to be known as the Department of Health hereafter referred to as the Department. Also provides for the appointment of a Secretary of Health, with the advise and consent of the Senate.

(b) establishes the position of Under Secretary to be appointed by the President with the advise and consent of the Senate.

(c) establishes seven Assistant Secretaries and a General Counsel, appointed by the President with the advise and consent of the Senate.

(d) establishes a Chief Medical Officer, appointed by the President with the advise and consent of the Senate. This appointment shall be without regard to political affiliation, and the term of appointment shall be for six years.

### TRANSFERS TO SECRETARY AND CHIEF MEDICAL OFFICER

Section 102. (a) Except as provided in subsection (b), there are transferred to the Secretary all functions of the Secretary of Health, Education, and Welfare under the following laws and provisions of law:

(1) The Public Health Service Act.

(2) The Family Planning Services and Population Research Act of 1970.

(3) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

(4) Section 232 of the National Housing Act (relating to mortgage insurance for nursing homes).

(5) Title XI of the National Housing Act (relating to mortgage insurance for group practice facilities).

(6) The Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

(7) Section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(8) The Controlled Substances Act.

(9) The Act of August 5, 1954 (42 U.S.C. 2001–2004a) (relating to hospital and other health facilities for Indians).

(10) The Act of August 16, 1957 (42 (U.S.C. 2005–2005f) (relating to community hospitals for Indians).

(11) Chapter 175 of title 28 of the United States Code (relating to civil commitment and rehabilitation of narcotic addicts).

(12) Chapter 314 of title 18 of the United States Code (relating to sentencing of narcotic addicts to commitment for treatment).

(13) Title III of the Narcotic Addicts Rehabilitation Act of 1966 (relating to civil commitment of persons not charged with any criminal offense) and section 602 of such Act.

(14) The Federal Cigarette Labeling and Advertising Act.

(15) The Federal Food, Drug, and Cosmetic Act.

(16) The Federal Hazardous Substances Act.

(17) The Poison Prevention Packaging Act of 1970.

(18) The Fair Packaging and Labeling Act.

(19) The Act of March 2, 1897 (21 U.S.C. 41–50) (relating to tea importation).

(20) The Act of March 4, 1923 (21 U.S.C. 61–64) (relating to filled milk).

(21) The Act of February 15, 1927 (21 U.S.C. 141–149) (relating to importation of milk).

(22) The Federal Caustic Poison Act.

(23) The Flammable Fabrics Act.

(24) The Federal Coal Mine Health and Safety Act of 1969 (other than title IV thereof).

(25) The District of Columbia Medical Facilities Construction Act of 1968.

(26) The Occupational Safety and Health Act of 1970.

(27) The Lead-Based Paint Poisoning Prevention Act.

(28) Titles XVIII, XIX, II, and V of the Social Security Act insofar as such titles relate to the provision of health care services.

(29) The District of Columbia Medical and Dental Manpower Act of 1970.

(30) The Drug Abuse Office and Treatment Act of 1972.

(b) The functions of the Secretary of Health, Education, and Welfare respecting (1) the commissioned Regular Corps and Reserve Corps of the Public Health Service, (2) the administration of section 329 of the Public Health Service Act (relating to assignment of health personnel of the Public Health Service to critical need areas), and (3) the administration and operation of health care delivery facilities of the Public Health Service shall be exercised by the Chief Medical Officer under the supervision and direction of the Secretary of Health.

(c) Within 180 days, the President may transfer to the Secretary any other function if the Office of Management and Budget determines such functions relate to the above functions, or otherwise relates to health.

### REDESIGNATION OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Section 103. (a) States that the Department, Secretary, Undersecretary, Assistant Secretaries, General Counsel, and Assistant Secretary for Administration of HEW, shall respectively be designated as Education and Welfare.

(b) Changes all references to Department of Health, Education, and Welfare in law, regulation, document, or other record shall be re-designated accordingly.

### ADMINISTRATIVE PROVISIONS

Section 104. (a) The Secretary is authorized subject to title 5, U.S.C., to appoint such personnel as are necessary to carry out the functions of the Department of Health;

(b) Authorized by Section 3109 of title 5, U.S.C., to obtain services of individuals;

(c) Authorized to delegate and re-delegate functions;

(d) Authorizes OMB to transfer positions, property and authority;

(e) Personnel transferred under subsection (d) shall be without reduction in classification or compensation for 1 year;

(f) Provides that when all functions of any office or agency are transferred, such functions will lapse;

(g) Authorizes capital working fund for appropriations for operations of Department;

(h) Authorizes seal of office by Secretary;

(i) Authorizes any additional medical services, food surplus, mess facilities, motion picture supplies for recreation or training, and living quarters and facilities for remote postings.

(j) Authorizes Secretary to accept and hold gifts for facilitating work of Department;

(k) Authorizes Secretary to appoint such advisory committees as may be appropriate;

(l) Establishes contracting and publication authority for the Secretary.

### ANNUAL REPORT

Section 105. Directs the Secretary to submit an annual report to the President for submission to Congress.

### SAVINGS PROVISIONS

Section 106. Stipulates that all existing contracts, etc. prior to transfer of functions shall continue in effect.

### CODIFICATION

Section 107. Directs Secretary to submit to Congress within 2 years a proposed codification of all laws which contain functions transferred to the Secretary.

### DEFINITION

Section 108. Defines function as including power and duty.

### CONFORMING AMENDMENTS

Section 109. Changes all code references to HEW and inserts appropriate references to Department of Health.

### EFFECTIVE DATE: INITIAL APPOINTMENT OF OFFICERS

Section 110. Sets minimum of 90 days after enactment for effective date.

## PART B—FEDERAL ADMINISTRATION OF HEALTH CARE PROGRAMS

### FUNCTIONS AND RESPONSIBILITES OF THE SECRETARY

Section 111 (a) charges the Secretary with responsibility for the planning, administration, operation, coordination, and evaluation of all health care programs under this Act.

(b) specifically charges the Secretary with responsibility for—

(1) continuous review of the activities of State Health Commissions;

(2) liaison with all Federal agencies administering health or health-related programs, and with private national accrediting and other agencies concerned with standards of care and qualifications of health personnel, including the approval and listing of certifying bodies;

(3) responsibility for annual reports, to be transmitted through the Secretary of HEW to the President, first to evaluate the progress of State plans and the development of Health Care Corporations, and thereafter, to evalaute the national program, including recommendations for legislation, if any;

(4) dissemination to State governments, providers of service, and the public, of all pertinent information about the national program; and to State governments, providers of service, and potential sponsors of Health Care Corporations, information concerning the organization and responsibilities of such corporations.

### REGULATIONS OF THE SECRETARY

Section 112(a) authorizes the Secretary of Health to prescribe all further regulations that it considers necessary to implement this Act.

(b) further authorizes the Secretary to prescribe by regulation—

(1) uniform systems of accounting for Health Care Corporations;

(2) the method(s) to be used in determining the financial requirements of institutional health care providers, including operating and capital requirements, and for non-institutional providers, all reasonable fees, salaries, or other compensation for services;

(3) standards of quality and safety, such standards to require as a minimum that hospitals, extended care facilities, and home health agencies meet the applicable requirements contained in title XVIII of the Social Security Act, and that nursing homes meet such requirements as the Secretary finds appropriate;

(4) standards relating to the qualifications and use of paramedical personnel as assistants to physicians and dentists; and

(5) standards for the determination of qualified carriers under Section 232.

### NATIONAL HEALTH SERVICES ADVISORY COUNCIL

Section 113(a) establishes a National Health Services Advisory Council, whose Chairman shall be the Secretary of Health, with 20 other members to be appointed by the Secretary.

Members of the Council shall include representatives of health care providers; not less than half of the members shall be representatives of consumers of health care services. Members are to be appointed for four-year staggered terms, with five members appointed each year.

Council members representing providers shall be outstanding in fields related to medical, hospital, and health activities, or be representatives of organizations of professional health personnel. Consumer representatives shall not be engaged in or have financial interest in furnishing health services and shall be persons knowledgeable about health needs and the problems of providing health services.

(b) authorizes the Advisory Council to appoint professional or technical committees; and states that the Council, its members, and its committees may hire staff as authorized by the Secretary. The Council shall meet not less than four times each year and as often as the Secretary deems necessary.

(c) charges the Council with:

(1) advising the Secretary on general policy, and

(2) studying the activities of State Health Commissions, and Health Care Corporations, and other health care providers in order to recommend changes to the Secretary. The Council shall make an annual report to the Secretary which shall be transmitted to Congress with a report by the Secretary on any administrative recommendations of the Council that have not been followed. The Secretary shall report to Congress his views of the Council's recommendations for legislation.

(d) provides that the Council's members and members of its committees shall be compensated for their work at rates fixed by the Secretary but not more than the daily rate for grade GS-18 of the General Schedule; and that they will be reimbursed for travel expenses.

### STUDIES OF DELIVERY AND FINANCING OF HEALTH CARE

Section 114(a) requires the Secretary of Health to make a continuing study of the operations under this title, including all of the aspects of services of health care providers, the effectiveness of supervision by State Health Commissions, and the financing of services through insurance. The Secretary further authorized to study alternative methods of furnishing and financing health care services, and methods of improving the delivery of health services.

(b) authorizes the Secretary to conduct the functions under this section through contract and to make grants to public or other nonprofit agencies for this purpose.

(c) requires the Secretary to publish the results of its studies from time to time.

### UTILIZATION OF STATE AGENCIES

Section 115(a) authorizes and encourages HEW to make arrangements with State Health Commissions which will enable the commissions:

(1) to contract, as agent and in the name of the Department of Health, with the health insurance carriers approved by the Secretary; and

(2) to perform other functions that the Secretary may deem appropriate.

(b) requires the Department to pay State Health Commissions for their administrative costs pursuant to the arrangements above.

### FEDERAL FINANCING RESPONSIBILITIES FOR HEALTH SERVICES

Section 116(a) amends (effective January 1 or July 1, whichever comes first, at least 6 months after the date of enactment of this Act) the Social Security Act to:

(1) make available to all persons eligible for Part A of Title XVIII also eligible for Part B of that Title, and to finance Part B contributions through appropriations from general Federal revenue.

(2) provide for annual appropriations by the Federal government for health insurance benefits that are equal to Title XVIII benefits (with no obligations for copayments or deductibles) for all those eligible under income class 1 as defined in Section 203(a)(1).

(3) provides that no premium or similar

amount shall be payable by any individual eligible for benefits under (1) and (2) above.

(b) provides that effective on the first day of the third full fiscal year that begins after this Act is enacted, the Federal government will make annual appropriations in behalf of the program outlined in Title II to meet the following estimated cost for the fiscal year:

(1) expansion of Title XVIII benefits to include Section 225 Catastrophic Expense Benefits for the Aged;

(2) prepaid coverage equivalent to Title XVIII benefits and Section 225 Catastrophic Expense Benefits for persons under 65 who are low income persons or members of low income families and the net cost, after deducting the contribution required of them of this coverage for persons who are under 65 who are medically indigent or members of medically indigent families; and

(3) the cost of providing a 10 per cent premium subsidy for those individuals in Income Class 5 under Section 202(c) who register with Health Care Corporations also provided are appropriations for additional costs incurred under this subsection.

(c) provides that effective on the first day of the fifth fiscal year that begins after the calendar year in which this act is enacted, the Federal government will make annual appropriations in behalf of the program outlined in Title II, to meet the following estimated costs for the fiscal year:

(1) prepaid coverage for Comprehensive Health Care Benefits for persons under 65 who are low-income persons or members of low-income families;

(2) the net cost, after deducting the contribution required of them, of such coverage for persons under 65 who are medically indigent or members of medically indigent families;

(3) the net cost, after deducting the contribution from the Title XVIII Part A trust fund, of such coverage for aged persons; and the added cost of those 65 and over who are either low-income persons or members of low-income families, or are medically indigent persons or members of medically indigent families;

(4) the cost of providing a 10 per cent premium subsidy for those individuals in Income Class 5 (as defined in Section 202(c)) who register with Health Care Corporations;

(5) the cost of establishing or maintaining a reserve of 5 per cent of the foregoing costs; and

(6) the cost of administration incurred by HEW in providing the coverages in (1), (2), and (3).

(d) states that the Secretary shall estimate the costs of (a) and (b) and make requests to Congress for necessary annual appropriations.

### CONTRACTING AUTHORITY OF THE SECRETARY

Section 117(a)(1) states that the Secretary shall provide prepaid coverage, through contracts with carriers for the benefits to which individuals and their families (i.e., the aged, the low-income, and the medically indigent) are entitled under Section 203.

(2) permits the Secretary to establish qualifying standards for carriers in addition to those set forth in this part of the Act.

(b)(1) permits the Secretary to negotiate and enter into (A) contracts with a carrier or carriers to provide Comprehensive Health Care Benefits for all individuals in the above-mentioned categories; (B) contracts with qualified carriers which have underwritten a prepayment plan for a Health Care Corporation operating wholly or primarily on a predetermined capitation charge basis; and (C) direct contracts with Health Care Corporations under Section 235 if the corporations operate on a predetermined capitation charge basis and as such qualify as carriers.

(2) permits the Secretary to authorize State Health Commissions to act as his agents in contracting with carriers described in (1).

(3) exempts contracts under this part from any provision of law requiring competitive bidding and from such other requirements of law as the Secretary may waive. It requires the Secretary, however, to communicate to all qualified carriers a description of the coverage he desires, the requirements and provisions of this title and regulations, and to invite these carriers to submit proposals. The paragraph lists some of the factors which the Secretary is to consider in negotiating contracts, such as the carriers' experience with group health insurance or prepayment plan coverage. It further provides that the Secretary may require the contracting carrier to reinsure with other carriers, and states that he shall enter into a contract with a combination of carriers only if this does not result in high premium rates and only if it best serves the purposes of this title. The term "combination of carriers" is defined.

### FEDERAL RESPONSIBILITY FOR DEVELOPMENTAL GRANTS

Section 118(a) states it to be a responsibility of the Secretary to promote and assist the establishment, as soon as practicable, of the system of comprehensive health care delivery contemplated by this title, this to be accomplished through a variety of means of financial and technical assistance in the planning and development of Health Care Corporations, including the provision of incentives for use of the capitation method of payment for health care and the development and improvement of outpatient care centers, particularly in poverty and rural areas.

(b) authorizes the Secretary to recommend necessary appropriations for each fiscal year to carry out this responsibility.

### AUTHORIZATION OF DEVELOPMENTAL FINANCIAL ASSISTANCE

Section 119(a) authorizes the Secretary to:

(1) make grants for planning, organizing, developing, and establishing Health Care Corporations, including their affiliation agreements with providers of health care;

(2) enter into contracts to pay all or part of the operating deficits of these corporations during their establishment or expansion;

(3) make grants to such corporations or their affiliated public or nonprofit providers for the initial operation of new outpatient care centers or new or expanded services in outpatient care centers; and

(4) make grants for major health maintenance, diagnostic, or therapeutic equipment, data processing systems or equipment, or central service equipment, needed for the initial operation of Health Care Corporations.

(b)(1) requires the Secretary, in making the above grants and/or contracts, to take into consideration existing health care resources and systems, and relative needs of States and areas within States; and requires the Secretary to make equitable distribution of such assistance.

(2) states that not more than 15 percent of the appropriations made for such grants or contracts may be spent in any one State.

(3) states that in awarding such contracts during the first five years for which funds have been appropriated, the Secretary shall give priority to corporations that (a) operate primarily on predetermined capitation charges, or (b) are in the process of converting primarily to that basis, or (c) agree to operate on or convert to primarily that basis if awarded such a contract. After the 5-year period, the Secretary may award contracts only to such corporations.

(4)(a) states that a grant or contract shall not be awarded when there is a State plan approved under this part of the Act, unless the State Health Commission has recommended approval of the application and has certified:

(1) in the case of start-up funds for a Health Care Corporation, that such a corporation is needed in the area involved, consonant with the State plan;

(2) in instances of a contract to meet for a reasonable period operating deficits of a Health Care Corporation, that the corporation applicant satisfies the definition of a Health Care Corporation and has been, or upon approval of the contract by the Secretary will be, approved by the commission;

(3) in the case of grants for the initial operation or equipping of outpatient care centers or for the expansion of such centers, or for major equipment, that the corporation satisfies the requirements referred to in paragraph (2) above, and that the outpatient care center or major equipment involved is needed for the effective discharge of the functions of the respective Health Care Corporation under the State plan.

(c) declares that in a state in which there is not yet an approved State plan but in which a State Health Commission and a State Advisory Council have been established, the Secretary shall not make a grant or contract under the foregoing sections unless the commission, the State planning agency, if any, and the appropriate areawide health planning agency (if it is different from the State planning agency) have had an opportunity to review and comment on the application. This paragraph also defines "appropriate areawide health planning agency" as that agency referred to in Section 314(b) of the Public Health Service Act or, if there is no such agency, another public or nonprofit private agency or organization (if any) performing similar functions.

### GRANTS FOR STATE PLANS

Section 120(a) authorizes the Secretary to make grants to State Health Commissions for all or part of the cost of developing State plans, including the expenses of State Advisory Councils, and the cost of dissemination of information about the proposed plan, and of public hearings.

(b) authorizes appropriations for grants under this section for each fiscal year in the period beginning with the fiscal year of enactment and ending with the close of the 3rd full fiscal year.

(c) requires the Secretary to pay to each State with an approved plan a percentage of the expenditures for the administration of the plan, beginning with 90 per cent during fiscal years ending before the effective date of the benefit program of this Act (Section 201 and 202), and diminishing to 85 per cent during the next two fiscal years and to 75 per cent thereafter. With respect to Federal functions as agent of the Secretary (see Section 124(b)(10)) the Federal percentage is fixed at 100.

### FINANCIAL ASSISTANCE UNDER OTHER PROGRAMS

Section 121(a)(1) states that the Secretary shall, to the optimum extent, use other programs of financial assistance in the field of health care to promote the purposes of this Act.

(2) authorizes the Secretary, notwithstanding any other provision of law, to give highest priority to the needs of Health Care Corporations in the administration of such other programs, particularly in urban or rural poverty areas.

(b)(1) requires the Secretary to develop and disseminate informational materials about the availability of assistance under this part of the Act.

(2) states that the Secretary, on request, may provide advice, counsel, and technical assistance to Health Care Corporations and others named in this part in preparing applications and meeting requirements for grants and contracts.

### PENALTIES FOR FRAUD

Section 122(a) provides for any individual, provider of health care, carrier or other person who knowingly or willingly makes or causes to be made any false statement or representation of a material fact in the application of any benefit or any grant or other payment under this Act or makes false statements or fails to disclose or who willingly converts such benefit or payment to any other use or purpose shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $10,000 or imprisoned for not more than one year or both.

(b) provides a similar penalty for any provider of health care or other person who furnishes items or services to an individual for which payment is made under this Act for a kick-back or bribe or furnishing of such services or a rebate of any fee or charge.

(c) provides a $2,000 fine or imprisonment for not more than 6 months or both for false statements or misrepresentations of a material fact with respect to the conditions or operation of any organization, institution, or facility in order that it may qualify as a carrier or provider of health care for purposes of this Act.

### PART C—STATE FUNCTIONS

### *General conditions of State participation*

Section 131 requires that in order for its residents to participate in the provision of Comprehensive Health Care Benefits that are financed or assisted by Federal funds, a State (1) must accept the provisions of this title and establish a newly-constituted and independent agency to carry out its provisions, this agency to be headed by a governing body to be known as the State Health Commission; (2) must establish a State Advisory Council; and (3) must have the Secretary's approval of a State plan submitted by the State Health Commission under section 124 for carrying out the State's responsibilities. (See also sec. 129, Federal Exercise of State Functions in Cases of Noncompliance by States.)

### *State health commissions*

Section 132(a) establishes the following requirements, among others, for State Health Commissions: a membership of three or five commissioners (depending upon the State law establishing the commission) appointed by the governor, for staggered terms (renewable) of six years. Not more than two members of a three-member commission, nor more than three members of a five-member commission, shall be members of the same political party. The governor shall designate one of the members as chairman.

(b) lists the principal qualifications of and requirements for State health commissioners. It provides that commissioners should be chosen not primarily for their experience in health affairs, but for their ability to bring effective and objective policy direction to the commission's affairs, and it requires that (1) health professionals shall not constitute a majority of the membership of a State Commission; (2) commissioners shall serve full-time and not be engaged in any other business; (3) the chairman and the commissioners shall be salaried at levels comparable to those of heads of State executive departments; (4) commissioners may be subject to removal only for causes listed in this section; and (5) commissioners (and other officers or employees of the commission) may not hold any official or contractual relation with, or have any pecuniary interest in, any Health Care Corporation or provider of health care under the regulatory jurisdiction of the State Health Commission. This regulation is not to bar persons having such a relation or interest from serving as members of the State Advisory Council.

### *State Advisory Council*

Sec. 133 states that members of the State Advisory Council shall consist of (1) persons broadly representative of providers of health care in the State, including but not limited to representatives of Health Care Corporations, other nongovernmental and public organizations, and representatives of schools and institutions concerned with education or training of persons in the health professions and ancillary occupations, and (2) not less than an equal number of persons representative of consumers of health care who are neither providers nor have a financial interest in providing care, are familiar with the State's health care needs, and have knowledge of the problems of providing health care.

### *State health care plans*

Sec. 134(a) states the requirements for State plans: (1) conformity with subsection (b) below; (2) submission of the plan in detail to the Secretary by the State Health Commission; (3) preparation of the plan in consultation with the State Advisory Council; and (4) in the case of submission of the initial plan to the Secretary, or of a submission for annual renewal of the Secretary's approval after major revision of the plan, prior reasonable opportunity to the public to express its views of the plan.

(b) itemizes the State plan requirements, including the following:

(1) designation of the State Health Commission as sole administrative agency for the plan;

(2) evidence of the Commission's authority to carry out the plan;

(3) provision for adequate consultation with the State Advisory Council;

(4) statement of qualifications for personnel responsible for administration of the plan;

(5) provision of methods for efficient administration, including personnel merit system standards consistent with those of the Civil Service Commission (but the Secretary shall have no authority with respect to the selection, tenure, and salary of individuals if employed in accordance with the merit system methods); and provision for utilization of qualified professional medical personnel and other professional personnel;

(6) provision for the designation of preferred service areas by applicant Health Care Corporations (in keeping with section 135); approval for each such area of one or more Health Care Corporations (in accordance with section 126); and inclusion of a program for the completion of these initial designations and approvals (including creation of governmental corporations if necessary to carry out the policy of this Act to provide every individual with an opportunity to register and, when possible, to have a choice of Health Care Corporations) as well as registration of eligible individuals with approved Health Care Corporations, not later than the end of the fourth fiscal year that begins after the calendar year in which the bill is enacted;

(7) provision for State arrangements to assure group coverage for Comprehensive Health Care Benefits at reasonable rates, for themselves or their employees, to all residents not entitled to HEW-purchased coverage, and for effective enforcement of these arrangements (subject to review by the Secretary with respect to enforcement of Federal regulations); and provision for regulation of the premium rates of carriers (except under contracts negotiated directly by the Secretary) by the State Health Commission or one to which it delegates that function or alternatively, by the State's insurance department; provision for other regulation and supervision of the carriers by the State Health Commission (including, for Comprehensive Health Care Benefits, a required standard provision for temporary continuation of coverage for the family in the event of the primary insured's death); and provision for hearings, before the Commission, on claims of Health Care Corporations against carriers, and for adjudicating such claims;

(8) provision for optimum use or adaptation of various Federally-aided programs developed for the State and at regional and local levels with respect to comprehensive health planning;

(9) provision that when requested by the Secretary the State Health Commission will, in behalf of the Secretary, contact with qualified carriers for CHCB coverage (other than coverage negotiated and contracted directly by the Secretary) required to be financed by Federal purchase; act as fiscal agent of the Secretary in transactions with carriers;

furnish to the Secretary all information necessary for prospective estimates of government appropriations for implementation of this Act; and review and make recommendations with respect to applications for grants under Part A of this title or for other Federal aid administered by the Secretary;

(10) inclusion of a program whereby the State can cooperate with HEW in a nationwide system for the collection of health data;

(11) protection of individual registrants or applicants for registration through safeguards on the use or disclosure of identifying information collected under paragraph (10) above;

(12) evaluation, at least annually, of the effectiveness of the activities of the State Health Commission, of Health Care Corporations, and other health care providers;

(13) provision that the Commission will make reports of such evaluations of effectiveness, as well as such other reports as the Secretary may require; and

(14) provision that the Commission will review the State plan at least annually and submit modifications to the Secretary.

(c) requires the Secretary to approve a State plan meeting the above-stated requirements, except that the Secretary is directed not to approve a State plan if the plan or other State law, or the practice of a State licensure or regulatory authority—

(1) prevents or limits Health Care Corporations from providing services to registrants through the employment of licensed medical or other health care practitioners by the corporation or other nonprofit providers; or through group practice or other arrangements;

(2) deprives any Health Care Corporation of its rights to designate its preferred service area and of its right of appeal for change in such service area, in accordance with the provisions of this Act;

(3) disqualifies a physician from serving on the governing board of a Health Care Corporation or of an institutional provider thereof;

(4) prevents health care practitioners from employing or arranging with assistants under their supervision to perform health care functions for which they are trained; and

(5) prevents or limits carriers from offering coverage of health care provided in accordance with (1), (2), (3), or (4) above, unless the Secretary finds that the State prohibition or restriction is consistent with the purposes of this title.

(d) stipulates that, with certain minor exceptions, the approval of a State plan shall be for one calendar or one fiscal year, whichever the Secretary determines.

### *Designation of health care areas*

Section 135(a) requires each State Health Commission to make a study and survey with a view to approval of service areas for applicant Health Care Corporations and establishes criteria to be considered for that purpose, including the following: size and distribution of population, and patterns of illness among population groups in various parts of the State; existing health care resources, their potential for sponsoring or participating in Health Care Corporations, and their distribution in relation to need for health care; local governmental structures; transportation; patterns of organization for the delivery of care and patterns of use; and requires the Commission, in that connection to set a date for initial applications of Health Care Corporations indicating their preferred service areas (or statements of intention by proposed sponsors of such corporations) to assist the Commission in its study.

(b) requires, in addition to (a), that the Commission consult representatives of the general public; of public and private health care institutions or their organizations; or medical and other health care profession (including representatives of group practice): of appropriate State and local government agencies; where appropriate, of State Health Commissions in adjoining States; and other interested groups and individuals.

(c)(1) obligates the Commission to publish, as part of the State plan, its survey findings and the designation of service areas for Health Care Corporations. The Commission is required to conduct public hearings on its proposal and thereupon to issue initial designations.

(2) states that the Commission may, in cooperation with another State, designate jointly a service area or areas that include parts of both States.

(d) permits subsequent amendment of a designated service area under subsection (c) either on the Commission's own initiative or on petition of Health Care Corporations or other concerned parties, but requires that final action on the amendment may be taken only after reasonable notice and opportunity for a fair hearing.

### *Regulatory functions of State health commissions*

SEC. 136(a) requires that a State plan shall, in addition to requirements above—

(1) stimulate the organization of Health Care Corporations through every means available and provide for cooperative arrangements with other State commissions in jointly or reciprocally approving corporations to serve joint or adjoining service areas;

(2) provide for authorizing the incorporation (or admission into the State from another State) of Health Care Corporations, either through the Commission or other appropriate state agency;

(3) provide for the evaluation of the application of any corporation for approval to operate as a Health Care Corporation in a service area or areas approved by the Commission in accordance with Section 125, and describes the procedure for granting approval and issuing a certificate of approval for the service area or areas involved;

(4) provide that in areas, in whole or in part, where more than one Health Care Corporation has been approved the Commission may, if necessary, restrict the number of individuals to be registered by each corporation, residents to be accepted for registration within that number on a first-applied-first-accepted basis;

(5) limit the charges of approved Health Care Corporations and other licensed providers to charges and rates prospectively approved by the Commission; and require that services are not duplicative or excessive, that charges for physicians' service (such as radiologists and pathologists) which are generally available to all inpatients of an institution, be included as part of institutional service charges and not as separate physicians' charges (regardless of the method of payment to the physician), the purpose being to require no additional copayment from the patient for such services; require that the budgets of Health Care Corporations, and other institutional providers be prepared as prescribed by the Secretary; and provide that all providers are entitled to a fair hearing if it is dissatisfied with a decision of the Commission with respect to its charges;

(6) provide for effective enforcement, by the Commission, of the responsibility of Health Care Corporations and other licensed providers as defined in this Act, assuring that with respect to Health Care Corporations their services be of not less than the scope, quality, and comprehensiveness required by this title, including standards prescribed by the Secretary, and requirements for the provision of services by Health Care Corporations as prescribed in Sections 133 and 134 of this title, and for other providers, requirements for the provision of services similar to those specified in Section 134 as defined by regulations;

(7) prohibit the construction of health care facilities, or changes in major services, or their establishment through rental of major equipment or existing structures, by Health Care Corporations or other providers except when authorized by the Commission on the basis of a finding of need;

(8) authorize the Commission to adjudicate controversies between corporations, affiliated providers, and non-affiliated providers.

(9) provide for a fair hearing, before the Commission, of any individual not accepted for registration by an approved Health Care Corporation of whose service area he claims to be a resident; or with respect to a monetary claim of at least $100 by a registrant against a corporation or carrier; or to any individual who alleges that the corporation has failed to fulfill its obligations under this Act and that the failure is part of a pattern of conduct;

(10) provide for review and approval of peer review systems of approved Health Care Corporations and continued surveillance over their operations; and

(11) provide for implementation of comparable peer review systems for services performed by providers not affiliated with Health Care Corporations.

(b) recognizes that compliance with the procedures set forth in Sections 1863 through 1865 of the Social Security Act are to be employed in establishing compliance with this Act for Health Care Corporations and non-affiliated providers.

(c)(1) authorizes the Commission to take prompt corrective action whenever it determines that a Health Care Corporation has failed to fulfill all of its obligations; and states that the corporation is entitled to opportunity for a hearing with respect to the Commission's decision in this regard, the outcome subject to judicial review as provided by State law. However, initiation of a proceeding for judicial review shall not operate as a stay of the Commission's decision unless so ordered by the court.

(2) states that paragraph (c)(1) notwithstanding, the Commission may give its order immediate effect, subject to reversal or modification following judicial review, if it decides that a corporation's failure to function creates an imminent hazard to the health of its registrants.

(3) empowers the Commission, in addition to its authority for corrective action above, to revoke (following fair hearing) its certificate of approval for operation by the corporation in its service area and to approve for service in that area another Health Care Corporation or corporations, or, in lieu of this, to bring the delinquent corporation into compliance through appointment of a receiver or other effective means. The order of the Commission shall be subject to judicial review in a State court.

(d) authorizes the Commission to take corrective action whenever it determines that any provider not affiliated with a Health Care Corporation has failed to fulfill the obligations set forth in this Act, this action to include suspension of payment for services performed under Comprehensive Health Care Benefits. Appeals procedures outlined in (c) apply to this provision.

### *Judicial review*

Section 137 (a) states that any State dissatisfied with the Secretary's action under section 128 (other than subsection (c) (3)) may obtain judicial review of the action, and establishes requirements for the petitioning of such review.

(b) provides that the findings of fact of the Secretary, if supported by substantial evidence, shall be conclusive on the court, but that the court, for good cause shown, may remand the case to the Secretary to take further evidence.

(c) provides that the judgment of the court shall be final, subject to review by the Supreme Court, and that the commencement of proceedings under this section shall not, unless ordered by the court, operate as a stay of the Secretary's action.

### *Federal exercise of State functions in cases of noncompliance by States*

Section 138(a) deals with the authority of HEW in the case of any State which has not established a State Health Commission in conformity with Section 122 and submitted an approvable State plan prior to the third fiscal year beginning after the calendar year of enactment of this Act. It grants authority to the Secretary in such an instance to appoint commissioners, hire staff, and assume all functions of a State commission in compliance with the provisions of this Act, and in that event to utilize for that purpose any Federal funds available for administration of State plans under the Act.

(b) Stipulates that the Secretary shall not refuse approval of a State plan without reasonable notice to the State and opportunity for hearings; and that, when an application for renewal of approval of the State plan is pending, the Secretary may temporarily postpone expiration of its last approval until it has come to a decision concerning renewal.

(c)(1) describes the instances under which the Secretary may withdraw approval of a State plan which, no longer complies with Section 124(c), and may withhold further payments (or may, in its discretion, suspend approval of parts of a plan and limit payments thereby), until it is satisfied that there will no longer be such a failure to comply.

(2) states that the Secretary may postpone action under (1) to allow necessary time for compliance.

(3) provides that in addition to or in lieu of taking action under (1) the Secretary may request the Attorney General to institute a civil action by the United States against the State to enforce the requirements of this part.

(4) permits the Secretary, when he has withdrawn approval of a State plan, to exercise the functions and use the funds referred to in subsection (a).

### *Cooperative interstate activities and uniform laws*

Section 139(a) states that the Secretary shall:

(1) encourage and assist the States and their State Health Commissions with interstate agreements and approvals with respect to Health Care Corporations, including the establishment of joint health service areas; and

(2) shall assist in the development of model State legislation in the areas covered by this Act.

(b) provides for Congressional consent to any two or more States that wish to enter into agreements as cited above.

### *Other administrative procedures*

Sec. 140 amends section 505(a)(2) of the Social Security Act to require that the State agency required to administer, or supervise the administration, of a State plan under title V of the Social Security Act be the "State Health Commission" (rather than the "State health agency") of the State (in the case of any State that is a participating State under Title I of the bill). (The amendment would not supersede the grandfather clause of section 505(a)(2) which allows the crippled children's service portion of a State plan to continue to be administered (or supervised) by a welfare agency in the case of a State which on July 1, 1967, provided for administration of its crippled children's service plan by that agency.)

### PART D—HEALTH CARE CORPORATIONS

*Incorporation and State approval*

Sec. 141. (a) defines a Health Care Corporation as a nonprofit private or governmental corporation organized to furnish services (through its own resources or through affiliation with other providers, nonprofit or for-profit) to registrants, and to engage in education, research, and other activities related to the furnishing of personal health services. The section specifies that the governing board of the Health Care Corporation must have effective and equitable representation of the corporation's registrants and of its affiliated institutional and professional providers.

(b) requires that a Health Care Corporation must be found by the State Health Commission to satisfy the requirements in (a) above and must be approved by the Commission for service in a designated service area or areas of the State (in accordance with Sections 125 and 126) upon a finding that the corporation is well organized under professionally competent management, has adequate resources in facilities and personnel, and has given satisfactory assurance of financial responsibility.

*Registration with health care corporations*

Section 142 (a) specifies that the corporation shall register all residents, within the designated service area for which it has been approved by the State Health Commission, who seek registration during a period of open registration; and that the corporation shall make reasonable effort to register those residents of the area who have failed to apply for registration.

(b) Permits the Health Care Corporation to recruit and register persons outside of its designated service area if its quota of registrants has not been filled;

(c) states that, in accordance with regulations of the Secretary, a registrant may effect registration for his or her spouse and their children under 19;

(d) requires the corporation to disseminate to the public information about its operations and its services, including registration information in detail; that it must disseminate information about benefit coverages; assist individuals in establishing entitlement to coverage purchased by the Secretary and in obtaining other coverage;

(e) sets the registration period at 12 months; permits termination of registration with change in residence or for such cause as may be approved by the State Health Commission.

*Undertaking to furnish services*

Section 143(a) states that the Health Care Corporation shall provide all of the services for which registrants have Comprehensive Health Care Benefits coverage and which are medically necessary (or, in the case of health maintenance services, medically appropriate).

(b) permits the corporation to contract for services through (an) affiliated provider(s)—hospital(s), extended care facility(ies), nursing home(s), or home health service agency(ies); physicians, dentists, podiatrists, or optometrists, or combinations of these, such as partnerships, clinics, or group practice organizations; or other kinds of providers designated in regulations. Providers may affiliate with more than one Health Care Corporation, but must designate one such affiliation as primary.

(c) permits the provision of drugs, devices, appliances and equipment to ambulatory patients, and ambulance and other emergency transportation services through providers not affiliated with the corporation; it states that medical and other services of a specialized nature, with permission of the State Health Commission, may be provided through arrangements with other Health Care Corporations or with providers that are not affiliated with the Health Care Corporation.

(d) emphasizes health maintenance (including health education) for all registrants, assurance of continuity of care, and to the greatest extent possible, the provision of care on an outpatient basis. Health maintenance services are to be periodically scheduled; outpatient services furnished in centers and in physicians' offices; emergency care, including ambulance service, to be available at all times.

(e) requires that a system of outpatient care centers be developed by the Health Care Corporation, these centers to provide health maintenance services and community-based services such as home care, medical social services, and well-baby clinics and mental health clinics. These centers are to be related to institutional and other providers in order to provide necessary laboratory and other diagnostic services and referral and transfer of patients to facilities providing more comprehensive services.

(f) stipulates that the Health Care Corporation must review services provided for registrants in time of emergency by other corporations or providers and, upon approving the charges, submit them to the carriers responsible for payment. Not included are payments for services rendered to registrants who leave their place of residence expressly to obtain health care, unless by arrangement with the corporation.

(g) stipulates that the corporation shall so far as practicable furnish necessary emergency health services to persons not registered with it and may furnish other services to such persons when it can do so without interference to service to its registrants.

*Quality of services*

Section 144(a) fixes the responsibility on the Health Care Corporation for the quality of all health services it provides, or had provided in its behalf, including responsibility for compliance with standards of quality and comprehensiveness prescribed by the Secretary. The corporation is made responsible for maintaining controls on utilization of services; for continuing appraisal of the effectiveness of services; and for identifying problems that require planning for additional services. To these ends the corporation is required to have a system of comprehensive peer review by physicians (and dentists in the case of dental services) which covers all services provided by the corporation and its affiliates. The corporation is required to maintain a program of continuing education for its physicians, dentists and nurses.

(b) requires that all medical policies of the corporation be established with the advice of physicians and all dental policies with the advice of dentists; that all medical judgments must be made by or under the supervision of physicians, and dental judgments by or under the supervision of dentists.

(c) encourages participation of physicians in all aspects of policy formulation and operation of the Health Care Corporation.

*Participation of professional practitioners*

Section 145(a) requires the corporation, so far as practicable, to provide opportunity to all practitioners in its approved service area (physicians, dentists, podiatrists, and optometrists) to furnish services in its behalf. The corporation is required to annually review the scope of services of each practitioner in accordance with his training, experience, and professional competence as determined through peer review. A practitioner must be able to enlarge the scope of his services through in-service training.

(b) stipulates that the corporation may not discriminate in selecting practitioners on any ground unrelated to professional qualifications, but may in initial recruitment give preference to local practitioners as between equally qualified persons.

(c) requires the corporation to permit each practitioner to select, consistent with the requirements for the corporation established by the Act, the form of practice in which he wishes to engage.

*Charges by health care corporations and other providers*

Sec. 146(a) requires that charges made by a Health Care Corporation be made at rates fixed prospectively for 12-month periods and approved by the State Health Commission. These may be revised under circumstances that would create hardship, with Commission approval.

(b) states that charges shall consist of an annual capitation amount per registrant or registrant family, or of itemized charges for separate services or units of service. With approval of the Commission, the corporation may vary its methods of determining charges; capitation charges, except for variations based on size and composition of families, must be uniform for all registrants to whom they are applicable, other than registrants having coverage under government-purchased contracts. After three years of operation, the corporation must submit to the State Health Commission a plan to commence two years thereafter for offering capitation rates to its registrants who choose to purchase coverage directly from the corporation. This plan must be implemented by making this option to all registrants five years after the HCC's incorporation.

(c) specific that the corporation's charges shall meet its financial requirements as determined in accordance with regulations and with systems of accounting as prescribed by the Secretary. This section states that the corporation must justify to the Commission the rates it pays to affiliated providers, and must justify the budgets of any affiliated providers on which these rates are based. In cases where an affiliated provider contracts with more than one Health Care Corporation, the corporation with which it has a primary affiliation becomes responsible for the justification of budgets and rates.

(d) affirms that in reviewing budgets and rates the corporation and the Commission must assure that services are provided without unnecessary duplication and that services are not excessively costly.

*Continuing personal health records*

Section 147(a) requires the maintenance by the Health Care Corporation of a personal health record for each registrant and states that these records must be readily available to the medical and other staff of the corporation and its affiliated providers, and that they must make it possible for the Commission to carry out its statistical responsibilities, including those related to the utilization and cost of health services.

(b) states that the corporation must be equipped to promptly transmit personal health records of registrants to appropriate providers.

(c) requires transfer of personal health records from corporation to corporation when registrants transfer; and transmission of information from personal health records to corporations and providers when they furnish emergency services to the registrant of a Health Care Corporation.

(d) restricts the disclosure of personal health information without consent of the registrant to purposes necessary to the administration of the corporation, the State plan, or benefit coverage and provides up to a $1,000 penalty or one year of imprisonment or both for violation of this confidential information.

*Participation by registrants; health education*

Section 148(a) requires corporations to establish methods by which registrants may express their views about the program and performance of the corporation and the health needs of the community, in addition to representation on the corporation's governing board; requires that such opportunity be available to groups of registrants (geographic, economic, or other), and to the extent practicable, to individual registrants; and that advisory committee representation be afforded registrants in general, with subcommittees or separate committees formed for representatives of groups whose interests may differ from those of other registrants.

(b) requires that the corporation undertake a program of continuing health education for its registrants, with special emphasis directed toward low income and medically indigent registrants, affording representation to registrants in the formation of such a program. The section defines the scope of such a program and further requires collaborative efforts in community-wide health education with governmental and private agencies. It also requires the corporation, so far as practicable, to provide assistance to registrants in overcoming language or educational handicaps in obtaining access to health care.

### NONDISCRIMINATION; COMPLAINTS

SEC. 149. (a) bars discrimination by the corporation in recruitment, registration, and in provision of services (subject to medically appropriate differentiations, or as specifically authorized in this title), on the ground of race, creed, color, national origin, age, sex, occupation, economic status, or condition of health.

(b) requires the establishment of complaint procedures for registrants or for persons whose applications for registration have been refused. Records of complaints and their disposition must be available for inspection by the Commission.

(c) requires the establishment of procedures for the settlement of disputes with affiliated providers and other providers with whom the corporation has made arrangements for services to its registrants.

### *Responsibilities for manpower and for research*

Section 150(a) requires a corporation to coordinate determination of its manpower needs and those of its affiliated providers; coordinate recruitment and allocation of such personnel; and determine qualification and performance standards for such personnel, to be at least equal to standards of recognized professional organizations. Corporations are required to conduct in-service training programs and to encourage these among affiliated providers and to encourage the use of physician assistants and other ancillary personnel under professional supervision.

(b) states that the corporation shall engage in continuing research concerning the health services, and concerning their quality, effectiveness, and cost. Results of such research are to be available to the State Health Commission and the Secretary of HEW for their use.

### *Records and reports*

Section 151 specifies that corporations shall keep records with respect to such areas as financing, utilization of services, and the results of peer review, and require that affiliated providers do the same, all such records to meet reporting requirements of the Commission, in accordance with regulations of the Secretary and to be available for inspection by the Commission.

### PART E—SPECIAL STUDY OF METHODS FOR MEETING SUPPLEMENTAL CAPITAL NEEDS OF HEALTH CARE CORPORATIONS AND RELATED HEALTH CARE ORGANIZATIONS

### *Findings and purpose*

Section 161 indicates that Congress finds a need for additional sources of supplemental capital and other funding in order to assure a more rational distribution of funds and meet the health care needs of the nation without undue cost to individuals in communities which have the greatest need.

SEC. 162. (a) requires that National Health Services Advisory Council to conduct a full and complete study and investigation of methods for supplying supplemental capital and other funding for Health Care Corporations and related health care organizations, with the objective of developing a national program for supplying such funding, giving special emphasis to areas of high priority health care needs, both rural and urban.

(b) The Council shall give particular consideration in this study to developing a program which—

(1) establishes and utilizes, as its basic source of funds, a national trust fund consisting of either a designated portion of the premiums collected for Comprehensive Health Care Benefits Coverage, a tax on such premiums, appropriated funds, or amounts received from other sources, public or private;

(2) provides for the distribution of amounts in the trust fund to State Health Commissions in a manner reflecting population, per capita income, and health needs for allocation by the State Commissions;

(3) recognizes the need for adequate planning for health care services and facilities, and makes such planning a condition of assistance;

(4) encourages and facilitates the continuing provision of funds for these purposes from sources other than the trust fund, and effectively coordinates the utilization of the amounts provided from such other sources with the amounts distributed from the trust fund;

(c) Requires the Council to submit to the Secretary for transmission to the Congress within one year after the effective date of the Act, a full and complete report of its study together with findings and recommendations and with detailed specifications for any legislation which it finds may be required to carry out such recommendations. The Secretary shall include his own comments and views on the Council's recommendations in the transmission of the report to Congress. This study is independent of studies made by the Secretary in Section 114, and of the annual report of the Council under Section 113(c).

### TITLE II—FINANCING OF NATIONAL HEALTH SERVICES

### *Short Title*

Section 200. Title II may be cited as the "National Health Services Financing Act."

### PART A—EMPLOYER REQUIREMENTS AND ENTITLEMENT TO BENEFITS

### *Employer benefit requirements*

Section 201(a) amends the Social Security Act to require that employers have an approved health care plan for their employees (and their families). The new Section 230 of Title II of the Social Security Act:

(a) requires every employer within the meaning of this title to provide for each of his employees (and members of their families) coverage equivalent to Title XVIII benefits (both Parts A and B) and Section 225 Catastrophic Expense Benefits during the third and fourth full fiscal years after enactment and to provide Comprehensive Health Care Benefits coverage beginning on the first day of the fifth full fiscal year of enactment.

(b) lists the situations in which the provision of subsection (a) do not apply—

(1) (A) to any employer which is the United States, a state or political subdivision thereof (notwithstanding any agreement entered into in Section 218), or any agency or instrumentality of one or more of the foregoing or any other employer, all of the services performed for which are excused from employment by one or more of the numbered paragraphs of Section 210(a);

(B) in the case of individuals or members of the same families who have multiple employers, all of the employers except the employer paying the highest total taxes under Section 3111 (a) of the Internal Revenue Code of 1965;

(2)(A) with respect to an employee (or member of an employee's family) who is entitled to health insurance benefits under Title XVIII; or

(B) with respect to any medically indigent person or family which elects to obtain coverage under Section 107 (b) or (c).

(c)(1) provides that the Secretary shall pay to or on the behalf of an employer, whose average premiums payable for the health insurance required in subsection (a) an amount by which the premium payments exceed 4 per cent of the average wages paid by him to such employees multiplied by the number of such employees (not in excess of 10).

(2) provides for the prescription of regulations by the Secretary on the period for determining the number of employees of an employer, the wages of the employees, and the premiums payable under subsection (a), as well as the method for determining such wages (and the average thereof) in the cases in which the payment may be made to a payee other than the employer.

(3) provides that payments by the Secretary may be made in advance or by way of reimbursement at such times, in such manner, and in such installments as the Secretary shall deem to be appropriate.

(4) provides that the employer's contributions must be at least the actuarial equivalent of 75 per cent of the premium cost of benefits equivalent to the Medicare coverage during the third and fourth full fiscal years and of the premium cost of Comprehensive Health Care Benefits coverage beginning on the first day of the fifth full fiscal period. This requirement shall in no way prohibit an employee choosing to register with a Health Care Corporation operating in whole or in part on a capitation basis.

(5) stipulates that the period of coverage extends from the date of involuntary termination until the employee becomes eligible for unemployment compensation benefits or until the expiration of —— days from such termination, whichever occurs first.

(b) amends Title IX of the Social Security Act by adding at the end thereof a new section which requires the Secretary of Labor in accordance with regulations prescribed in consultation with the Secretary of Health to purchase coverage as defined in subsection 201(a) for every individual who is receiving benefits under any federal or state unemployment compensation law for the individual and members of his family.

### ENTITLEMENT TO BENEFITS

Section 202(a) specifies that every individual who is a resident of the U.S., including the District of Columbia and Puerto Rico, is eligible for full or partial Federal contribution to the premium cost of qualified Comprehensive Health Care Benefits (CHCB).

(b) obligates the Secretary to contract with carriers for coverage in behalf of the aged, the low-income, and the medically indigent.

(c) allows all others who are eligible for the program, and those (other than the aged) who are eligible but choose not to enroll in an HEW-contracted plan, to obtain a Federal subsidy of 10 per cent of the premium cost incurred for the purchase of qualified CHCB, irrespective of the source of payment, if the individual (and his family) is registered with an approved Health Care Corporation or with any other similar organization that demonstrates it meets standards prescribed by the Secretary. If existing coverage is broader than CHCB, an actuarial equivalent of CHCB will be utilized to determine the amount of the subsidy.

(d) refers to definitions of the low-income and medically indigent income classes.

### INCOME CLASSES

Section 203(a) defines a low-income person or family as a single individual (i.e., one who is not a member of a "family" as defined) or a low-income family in income class 1; a medically indigent person or family as a single individual or family in income classes 2, 3, or 4; and the remainder of the population as falling in income class 5.

(b) establishes the following table of income classes for the above-defined categories:

TABLE OF INCOME CLASSES [1]—FAMILY SIZE AND INCOME RANGES

| Col. I | Col. II | Col. III |
|---|---|---|
| Income class | Single individual | Family of 2 |
| 1 | 0 to $2,000 | 0 to $3,000. |
| 2 | $2,001 to $3,000 | $3,001 to $4,500. |
| 3 | $3,001 to $4,500 | $4,501 to $6,000. |
| 4 | $4,501 to $6,000 | $6,001 to $7,500. |
| 5 | Above $6,000 | Above $7,500. |

| Col. I | Col. IV | Col. V |
|---|---|---|
| Income class | Family of 3 | Family of 4 or more |
| 1 | 0 to $4,500 | 0 to $6,000. |
| 2 | $4,501 to $6,000 | $6,001 to $7,500. |
| 3 | $6,001 to $7,500 | $7,501 to $9,000. |
| 4 | $7,501 to $9,000 | $9,001 to $10,500. |
| 5 | Above $9,000 | Above $10,500. |

[1] These amounts are to be adjusted under sec. 204, according to increases in the Consumer Price Index.

PERIODIC REVISION OF INCOME CLASSES

Section 204 provides for an increase by the Secretary in the initially fixed dollar amounts of the income class tables, the premium contributions by the medically indigent, the copayments, and the catastrophic expense benefit expenditure limits, whenever in any calendar year the monthly average of the Consumer Price Index for the July-September quarter exceeds by 3 per cent or more the monthly average of the CPI for the corresponding quarter of the base year. The increase would be effective for any "coverage year" that begins in the next fiscal year of the United States. (A "coverage year" is defined by section 222 with respect to an individual, as a 12-month period of CHCB coverage of the individual under an insurance contract or prepayment plan that coincides with a 12-month (annually renewable) term of that contract or plan.)

DETERMINATION OF INCOME LEVEL

Section 205 (a) provides that for the purposes of this part the rate of an individual's (or family's) income shall be determined on the basis of his adjusted gross income (or the family's combined adjusted gross income), as defined in accordance with regulations prescribed by the Secretary in consultation with the Secretary of the Treasury, for the calendar year preceding the coverage year, except that the Secretary may by regulation exclude items of income that are not reasonably available for living expenses and include items that are reasonably available for living expenses although not included in adjusted gross income, and may by regulation provide for redetermination of an individual's or family's rate of income on a more current basis when necessary to prevent serious hardship or inequity.

(b) defines the term "family" as (1) a husband and wife and their dependent unmarried children under 19 or (2) an individual and his or her dependent unmarried children under 19, and defines the terms "child" and "dependent" (as applied to a child) as having the same meaning as in section 1512 of the Internal Revenue Code.

PREMIUM CONTRIBUTIONS FOR FEDERALLY CONTRACTED COVERAGE

Section 206(a) specifies the contributions to premiums for Federally-contracted CHCB coverage to be made by the individuals or families in the 3 income classes of the medically indigent (i.e., income classes 2, 3, and 4), with the amounts rising as income rises. (Section 203(b) contains the table of income classes.) The amounts of contributions initially are $50 for a single individual and $125 for a family in income class 2, $100 and $250 respectively in income class 3, and $150 and $375 in income class 4. In the case of a family in any such income class) in which there is only one member under 65, the contribution rate of a single individual applies. The amounts set initially by section 206 (a) (as well as the income ranges in the income class table) would be adjusted according to increases in the Consumer Price Index under section 204.

(b) requires that individual or family premium contributions by the medically indigent for Federally-contracted coverage be paid to the carrier in accordance with the Secretary's regulations and that there shall be no recourse against the United States in the event of delinquency or default in the payment of such contributions.

INCOME TAX DEDUCTIONS

Section 207 permits individual taxpayers to deduct 100 percent, without dollar limit, of the amounts paid by them as premiums for insurance contracts or prepayment plans approved by State Health Commissions for the actuarial equivalent of CHCB.

LIMITATION OF MEDICAID TO SUPPLEMENTATION OF UNIFORM HEALTH BENEFITS

Section 208(a) provides that, beginning with the effective date of part A of title II of this bill (creating entitlement to Comprehensive Health Care Benefits coverage), the State plan under Title XIX of the Social Security Act (of a participating State under title I of the bill) shall not be required to cover, and there shall be no Federal matching for expenditures for, services or items that are covered by Comprehensive Health Care Benefits and that are furnished to an individual who is entitled to such coverage under section 202 of the bill and who either is a resident of a service area of the State designated in accordance with section 125 or is in fact registered with a health care corporation that holds a certificate of approval for another service area.

(b) requires the Secretary to prescribe the minimum scope of services to be included in a State plan under title XIX of the Social Security Act (instead of the requirements of section 1903(a)(13) of that Act) on and after the effective date of part A of title II of the bill, with a view to supplementing the coverage of Comprehensive Health Care Benefits.

PART B—CONTENT OF COMPREHENSIVE HEALTH CARE BENEFITS

*Payment for comprehensive health care benefits*

Section 221(a) stipulates that coverage for CHOB entitles the registrant to have payment made by his carrier to his HCC for all medically necessary or appropriate services and items at the HCC's approved predetermined charges. HCC's would receive the full amount of such charges from the carrier; the carrier would bill the registrant for the dollar amounts related to copayments, and certain non-covered services (with the residual risk of nonpayment accruing to the provider) as provided in part C of the bill. Special reference to HCC's operating on a capitation basis is made in Sec. 235.

(b) stipulates that payment for coverage for CHCB for an individual who has not registered with an HCC shall be made by his carrier at approved predetermined charges, less copayments applicable for the services provided.

*Definition of comprehensive health care benefits*

Section 222(a) describes Comprehensive Health Care Benefits as consisting of the following components: outpatient services; inpatient services; and catastrophic expense benefits. The Secretary is authorized to issue from time to time such further regulations to adjust the application of these benefits to best carry out the purposes of this Act.

In addition, this section defines, among other things, the terms coverage year, benefit period and regulations as they relate to CHCB.

(b) states in tabular form the actual benefits to be included in the CHCB package. Emphasis is on outpatient services, including a wide range of health maintenance benefits. Cost sharing (in addition to premium contributions by the medically indigent) would be achieved through copayments and a limitation on the number of inpatient institutional care days and outpatient physician visits. Copayments would be removed through the catastrophic expenses provisions, once the covered individual or family reached the predetermined expenditure limit ceilings. Once the catastrophic expense provisions apply the limitations would be removed on the number of physician visits (except for mental illness in a non-HCC environment), the number of inpatient hospital care days (except for mental illness, alcoholism, and drug dependence in a non-HCC environment) and the number of days under outpatient institutional care programs for mental illness, alcoholism, and drug dependence.

TABLE OF COMPREHENSIVE HEALTH CARE BENEFITS

| I—SERVICES AND ITEMS COVERED | II—COPAYMENTS * AND LIMITATIONS |
|---|---|
| *A. Outpatient services* | |
| 1. Periodic Health Evaluation | No copayment. |
| a. Screening tests and examinations, as prescribed by regulations under section 226, followed by physical examination by a physician or physicians when indicated by the screening. | Within such limits as may be prescribed by regulation under section 226. |
| b. All Immunizations | No copayment and no limitation. |
| c. Well-Baby Care (for infants under age 5)— | No copayment. |
| (i) during 1st 12 months following birth; | 8 visits. |
| (ii) during next 12 months; | 4 visits. |
| (iii) during next 3 years. | 2 visits per coverage year. |
| d. Dental Services | |
| The following professional dental services, including drugs and supplies that are commonly furnished, without separate charge, as an incident to such professional services: | Items d (i) and (ii) in column I apply initially only to children born not more than 7 years before the effective date of this subpart. For those initially covered, the benefits extend through age 12. |
| (i) Oral examination, including (I) prophylaxis (with flurida | No copayment. |

### TABLE OF COMPREHENSIVE HEALTH CARE BENEFITS—Continued

| I—SERVICES AND ITEMS COVERED—continued | II—COPAYMENTS* AND LIMITATIONS—continued |
|---|---|
| application at appropriate ages), (II) dental x-rays, and (III) in accordance with regulations, other accepted preventive dental procedures. | 1 examination per coverage year. |
| (ii) To the extent prescribed by regulation under section 226 and not covered under (i), above, dental care other than orthodontia; but including, insofar as the Secretary finds that resources of facilities and personnel make practicable, routine extractions, dental fillings, and appropriate prosthetic appliances. | Copayment 20% of charges. |
| e. Vision Services (in accordance with regulations under section 226). | For individuals through age 12. |
| (i) Professional services in routine eye examination, including procedures performed (during the course of an eye examination) to determine the refractive state of the eyes and procedures for furnishing prosthetic lenses, provided either by an opthalmologist or other physician skilled in diseases of the eye or by an optometrist (whichever the patient may select). | No copayment.<br>1 visit per coverage year (including therein a follow-up verification of conformity of prescribed lenses with a prescription issued during the visit). |
| (ii) Eyeglasses, with prescription lenses, including the fitting thereof, and including lenses and frames as needed. | Copayment 20% of charges.<br>Initially, one set of eyeglasses (including frame and lenses); thereafter, only newly prescribed lenses (but not frames) as required (but not more often than once a coverage year) because of a change in the condition of the eyes. Standards to be established by regulations promulgated by the Secretary in accordance with section 226. |
| 2. Physicians' Services and Ancillary Health Care.<br>Where not otherwise covered under this table—<br>a. Physicians' services (including radiotherapy) on an outpatient basis in any appropriate setting (including home calls), and services in any such setting under a physician's supervision by allied health personnel (as defined in regulations). | For physicians' services, a copayment for each visit of two dollars. Copayments under this paragraph for services in facilities involved in clauses c. and d. below apply only to services of attending physician.<br>Limited to 10 visits per coverage year. Except that, in accordance with regulations, no limit on the number of visits shall apply to services preceding or following inpatient care in cases (such as surgery or pregnancy and obstetrical care) in which a single combined approved charge is made by the provider for such outpatient and inpatient services.<br>20% copayment.<br>Copayment requirement waived for registrants of Health Care Corporations. |
| b. Diagnostic procedures on an outpatient basis (when not covered under subparagraph a.), including diagnostic tests, prescribed or ordered by a physician in connection with services referred to in paragraph a. | No separate limitation.<br>No separate copayment.<br>No separate limitation. |
| c. Hospital or outpatient-center services (not included above) rendered to outpatients and incidental to physicians' services covered under paragraph 1. | No separate copayment.<br>No separate limitation. |
| d. Supplies, materials, and use of facilities and equipment in connection with the foregoing services, including drugs administered or used as a part of services covered in paragraph 1, 2, or 3. | |
| e. Ambulance services. | 20% copayment.<br>Covered only when other methods of transportation are contra-indicated by the patient's condition, and only to the extent provided in regulations. |
| 3. Other Outpatient Services | |
| a. Outpatient Institutional-Care Program for Mental Illness, Alcoholism, or Drug Abuse and Dependence. | A two dollar copayment, per day, except that copayments may, by regulation, be waived for treatment of drug abuse and drug dependence. (No separate copayment for physicians' services applies under this subparagraph, whether or not such services are charged for separately.) |
| Such day-care or other part-time services and other items as may be specified in regulations under section 226, furnished to patients, other than inpatients, under a program for the treatment of mental illness, alcoholism, or problems of drug abuse and drug dependence. | Limited to visits or sessions on 3 days under such a program in lieu of each day of inpatient hospital care allowable during a benefit period (under paragraph B.1.a. below) for the treatment of mental illness, alcoholism, or drug abuse or drug dependence. |
| b. Drugs, Prosthetic Devices, and Medical Equipment | |
| (i) Drugs (other than those covered under paragraph A.1., A.2., or B.1. of this table) dispensed to patients other than inpatients. | For each drug prescription, and each refilling of such a prescription, a one dollar copayment.<br>Covered only if (1) the drug (whether or not it is subject to a prescription requirement under any law other than this title) has in fact been prescribed by a physician and is listed under its established name (as defined in section 502(e) of the Federal Food, Drug, and Cosmetic Act) in a list established for the purposes of this title by the Secretary under section 226(c), and (2) in the case of a drug listed under section 226(c)(2)(B), the disease or condition for which the drug has been prescribed is one for the treatment of which the drug is designated in that list as appropriate. |
| (ii) Prosthetic devices (including hearing aids) prescribed by a physician and not otherwise covered in this table. | Copayment 20% of charges.<br>Covered only if listed in, and in accordance with, regulations under section 2206. |
| (iii) In accordance with regulations, durable medical equipment (not otherwise covered) as described in section 1861(s)(6) of the Social Security Act, certified by a physician as being medically required. | Copayment 20% of charges.<br>Covered only if listed in, and in accordance with regulations under section 226; and subject to criteria for payment prescribed under that section. |
| c. Home Health Services.<br>Such items and services as are defined as "home health services" by section 228(d) and regulations thereunder. | For each visit, a two dollar copayment.<br>Coverage of such services shall be limited to 100 visits per coverage year. The certification and recertification requirements of section 1835(a)(2) of the Social Security Act, with such modifications (if any) as the Secretary may by regulation prescribe, may be applied by the carrier. |
| *b. Inpatient services* | |
| 1. Institutional Services<br>a. Inpatient Hospital Care<br>Items and services defined by section 228(e) as "inpatient hospital care." | A five dollar copayment, per day.<br>Coverage is limited to 90 days of inpatient hospital care received in any benefit period: except that for treatment of mental illness, alcoholism, and problems and conditions of drug abuse or drug |

| | |
|---|---|
| | dependence the limit is 45 days. (The limitation on treatment of mental illness, alcoholism, and problems and conditions of drug abuse or drug dependence is 90 days of inpatient hospital care for registrants of Health Care Corporations.) |
| b. Post-Hospital Extended Care<br>Extended care services (as defined in section 228(b)) furnished an individual after transfer from a hospital in which he was an inpatient for not less than 3 consecutive days. For the purpose of the preceding sentence, the second sentence of section 1861(i) of the Social Security Act shall apply. | A two-dollar-and-fifty-cent copayment, per day.<br>Limited to 30 days of such care received in any benefit period. |
| c. Nursing Home Care.<br>Nursing home care as defined in section 228. | A two-dollar-and-fifty-cent copayment, per day.<br>Coverage shall be limited to 90 days of such care received in any benefit period. |
| 2. Physicians' Services and Ancillary Health Care.<br>Those physicians' services to inpatients which are not included as "institutional services" under paragraph B.1. a., b., or c. | A two dollar copayment, per visit, of the attending physician only. In accordance with regulations under section 226, in the case of services (such as surgery or pregnancy and obstetrician care) in which a single charge is made by the corporation for the attending physicians' services combined with any preceding or following outpatient services related thereto, a copayment of 10% of such combined charges shall apply. Copayments for physicians' services under this paragraph are in addition to the daily copayments for institutional care.<br>No separate limitations. |
| *C. Catastrophic expense benefits*<br>Section 225 defines the conditions under which these benefits become effective in any coverage year with respect to any individual or family. To summarize: In the case of a low-income person or low-income family (class 1), these benefits are effective immediately. In the case of medically indigent persons or families (classes 2–4), they become effective when the person or family has incurred in a coverage year, for premium contribution, copayments, and certain other expenditures combined, a total expenditure equal to an amount determined by application of a table in section 225. In the case of individuals or families in income class 5, these benefits apply when a variable expenditure limit is reached, determined by taking 10% of the individual's or family's income. The dollar figures in the tables and the absolute expenditure limit may be adjusted by the Secretary on an annual basis, whenever the Consumer Price Index is more than 3% above the index for the base period (see sections 204 and 224). | For elimination of certain limits on coverage for Physicians' Services and Inpatient Hospital Services when Catastrophic Expense Benefits take effect in a coverage year, see section 225. |

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* The initial amounts of the dollar copayments are subject to changes in the Consumer Price Index as determined under sections 204 and 224.

The definition of institutional services for inpatients includes, for benefit purposes, physicians' services, such as those of radiologists and pathologists, which are held out as generally available to all inpatients of an institution, regardless of the method by which the Health Care Corporation compensates the physicians.

*Limitations and exclusions*

Section 223(a) lists the limitations and exclusions, including the exclusion of services that are not medically necessary or appropriate; treatment of TB, mental illness, alcoholism, and drug dependence, when these illnesses are not in an acute phase; purely custodial care; cosmetic surgery (except for prompt repair of accidental injury or improvement of functioning of a malformed member of the body); and certain other services or items.

(b) excludes from CHCB services for which payment is made through workmen's compensation or motor vehicle insurance.

(c) excludes from CHCB (1) charges for items or services (other than emergency services) furnished by a Federal provider, except (under arrangements with the HCC) one that functions as a community institution, or (2) charges by providers for services required to be furnished at public expense by Federal law or contract with the Federal government.

(d) defines the difference between semi-private and private institutional accommodations and excludes carrier payment for charges in excess of the semi-private rate unless the more expensive accommodations were required for medical reasons.

(e) limits carrier payment to approved charges for covered services, or items where the provider has furnished to an individual services, or items in excess of or more expensive than those covered by CHCB. (However, part C permits the HCC, to the extent authorized by the Secretary's regulations, to have the carrier make payment for non-covered services when billed by the provider, subject to refund if the individual does not reimburse the carrier.)

*Copayment provisions*

Section 224(a) outlines the conditions under which copayments, when indicated in the benefit table, for services or items furnished by the HCC, become the obligation of the registrant for payment to his carrier, or in the instance of an individual not registered with an HCC, by the individual to the provider. Nominal copayments must be paid except by low-income persons or where the out-of-pocket expenditure ceiling has been reached and catastrophic benefits are in effect (see Table of Special Expenditure Limits).

(b) specifies the applicable dollar amounts and refers to the benefit table for the applicable percentage amounts, of copayments related to the various categories of benefits included in the CHCB package. The dollar amounts set initially by this section would be adjusted according to increases in the Consumer Price Index.

*Catastrophic expense benefits*

Section 225(a) stipulates that all copayments would cease, and that except as noted under sec. 222(b) restrictions on the number of physicians' visits and inpatient hospital care days, and outpatient institutional care days under programs for mental illness, alcoholism, and drug dependence (except for extended care and nursing home care days) would become inapplicable when the catastrophic expense benefits provision is in effect.

(b) describes the conditions under which catastrophic expense benefits would take effect. These benefits would be instituted automatically for the low-income persons and families (i.e., those in income class 1), so that no out-of-pocket expenditures would be required to be incurred for this group. As income rises above that category, individuals or families would be required to incur an increasing amount of out-of-pocket expenditures before catastrophic expense benefits take effect, with the actual amounts specified in the Special Expenditure Limit Table.

SPECIAL EXPENDITURE LIMIT TABLE

| Income class | Expenditure limit under 65 | Expenditure limit 65 and over |
|---|---|---|
| 2 | $250 | $125 |
| 3 | 500 | 250 |
| 4 | 750 | 375 |

The dollar amounts initially set for the expenditure limit table would be adjusted according to increases in the Consumer Price Index. For individuals or families in income class 5, the special expenditure limit varies according to level of income, with the exact limit set at 10 percent of income as defined by regulations.

Expenditures creditable toward this ceiling include (1) premiums for CHCB coverage (whether paid by the individual or in his behalf by an employer), (2) copayments related to covered services (including a three-month carry over provision) and (3) expenditures for covered services rendered beyond the specified limits on physician visits (excluding mental illness), on inpatient hospital care days, and on outpatient institutional care days under programs for mental illness, alcoholism, or drug dependence.

*Regulations for comprehensive health care benefits*

Section 226(a) calls for the issuance of regulations by the Secretary to implement the benefit table, in addition to regulations and standards required in other sections of the bill.

(b) provides guidelines for the Secretary in developing regulations relating to health maintenance benefits, in particular, specification of the services that the Secretary may wish to require in the periodic health evaluation portion of CHCB. Special attention through the development of regulations is also given to dental services and vision services, under the expectation that the Secretary shall prescribe the scope of benefits for these services, and allow for future increases, based on the availability of resources.

(c) provides guidance to the Secretary in other key areas of CHCB, including the establishment of the national categories of drugs for outpatient care. The Secretary is directed to list those categories which he finds to be necessary for the treatment of diseases or conditions requiring drug therapy of such duration and cost as commonly to impose substantial financial hardship, and also list the diseases for which drugs are required for treatment, diseases deemed by the Secretary of special importance to the public health, e.g. VD. With respect to the latter drug categories, ambulatory benefits extend only to categories of drugs for diseases or conditions thus listed with respect to it. This section also requires the Secretary to develop special regulations and standards relating to CHBC categories of "prosthetic devices and medical appliances" and to the special outpatient institutional care programs related to the treatment of mental illness, alcoholism and drug dependence.

### *Phasing of benefits*

Section 227 requires the Secretary to submit recommendations for the expansion of benefits after the first five years of the program and to give special consideration to the expansion of dental and vision service benefits.

### *Other definitions*

Section 228 defines the terms "drug", "extended care services", "using home care", "health-related custodial care", "home health services", "inpatient hospital care", "physician" (by cross reference to section 1861(r) of the Social Security Act), "physicians' services", and "attending physicians". These terms all occur in the benefit table, except for "health-related custodial care" which is referred to in section 223.

## PART C—CARRIERS FOR COMPREHENSIVE HEALTH CARE BENEFITS

### *Definition of "Carrier"*

Section 231 broadly defines carriers as nongovernmental organizations that underwrite insurance for the cost of health care, or provide health benefit plans of the service type, in consideration of predetermined premiums. Approved Health Care Corporations qualify under the definition if they charge for covered health care on an annually predetermined capitation basis in accordance with section 136(b).

### *Determination of qualified carrier*

Section 232 establishes qualifications for carriers, essentially that they must be authorized in each State for whose residents they operate health benefit prepayment plans or insurance at group rates, must comply with Section 233, must meet any special Federal standards in the case of a contract with Health and must, with respect to coverage (under other contracts) for which a Federal premium contribution is requested, accord to Department of Health, Education, and Welfare and its agents the same informational rights and access to records that Department of Health, Education, and Welfrae is entitled to in the case of coverage purchased by the Secretary.

### *Requirement that carriers participate under State plan*

Section 233 requires that a carrier agree to participate in a coverage pool if so required (in accordance with provisions of a State plan pursuant to Section 124(b)(7)) in order to qualify for a contract with Department of Health, Education, and Welfare or for issuance of CHCB coverage eligible for a federal premium subsidy under Section 202(c).

### *Conditions of approval of carrier contracts or plans for Federal premium subsidy*

Section 234 provides that the Secretary shall for the purpose of the Federal premium subsidy under Section 202(c) approve a carrier prepayment plan or contract only if it is in conformity with applicable State standards and regulations and contains payment provisions and protective provisions (specified in Section 124(b)(7)) similar to those provided for in Section 108 for Department of Health, Education, and Welfare contracts with carriers.

### *Contracts with health care corporations on capitation basis*

Section 235 makes it possible for HEW to enter into a contract with a Health Care Corporation that operates on the basis of predetermined capitation charges to provide Comprehensive Health Care Benefits to which registrants are entitled under Section 202(b). The copayment component of the corporation's capitation charges or any separate copayments charged for by the corporation, would not be paid by the Secretary but collected by the corporation directly from the registrant. This section makes the same requirement of corporations with respect to records and notification of registrants as Section 108 imposes on carriers. Corporations are also required to establish record and payment centers and to issue identical membership cards to all of their registrants to prevent discrimination on account of economic status at the point of service.

### *Effect of nonpayment*

Section 236(a) sets forth requirements for premium contributions and special premiums to be paid in advance to carriers by or on behalf of individuals.

(b) contains provisions for termination of benefit coverage (subject to a grace period) in the event of nonpayment with respect to the above.

### *Enrollment under contracts with carriers*

Section 237(a) vests authority in the Secretary to establish regulations for the enrollment of registrants entitled to Department of Health-purchased Comprehensive Health Care Benefits.

(b) limits the types of enrollment to enrollment by a registrant for himself only or for himself and his spouse and other registrants who are members of his family. The conditions for change in type of enrollment are left to regulations. The individual enrolling for himself and his family is held liable for premium contributions related to family coverage.

(c) specifies that to the optimum extent open enrollment periods under this section and open registration periods for Health Care Corporations shall be coordinated, and that a corporation's registration center shall provide information concerning enrollment.

### *Reports by, and audits of, carriers*

Section 238 states that contracts shall require carriers to make such reports as the Secretary finds necessary, to keep essential records, and to assure the correctness and verification of its reports.

### *Jurisdiction of courts*

Section 239 invests district courts with original jurisdiction, concurrent with the Court of Claims, of a civil action or claim against the United States concerning this part of the Act.

### *Prospective regulations*

Section 240 specifies that contract regulations, or amendments thereto, or to this title, shall not apply until the next contract year if their applications would increase the obligations or adversely affect the rights of a contracting carrier unless made applicable by the contract tiself or by amendment thereto.

## TITLE III—EFFECTIVE DATES

### TRANSITIONAL EFFECTIVE DATES

Section 301(a) except as otherwise provided in this section and in section 302 (including any amendments made by it to existing law) shall be effective upon the date of the enactment of this Act.

(b) sections 101, 102, 107(a), 109, 110, 111, and 112 and parts B and C of Title I shall take effect upon the first January 1 or July 1 which occurs 6 months or more after the date of enactment of this Act.

(c) Section 107(b), 128 (with respect to States which have not complied with Sections 122 and 124), and the amendments made by Section 201 shall take effect on the first day of the third fiscal year which begins after the date of enactment of this Act.

### FULL OPERATION OF PROGRAM

Section 302. The program under this Act shall be fully in operation, and the benefits of part B of Title II shall be fully effective and available (in lieu of any benefits which would otherwise be available under Title XVIII of the Social Security Act), in accordance with all the provisions of this Act, on and after the first day of the fifth fiscal year which begins after the date of enactment of this Act.

## H.R. 1

A bill to establish a new program of health care delivery and comprehensive health care benefits (including catastrophic coverage), to be available to aged persons, and to employed, unemployed, and low-income individuals, at a cost related to their income.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act, divided into titles, parts, and sections in accordance with the following table of contents, may be cited as the "National Health Care Services Reorganization and Financing Act".

### TABLE OF CONTENTS

Sec. 2. Findings and declaration of purpose.
Sec. 3. Definitions.

TITLE I—REORGANIZATION OF NATIONAL HEALTH SEVICES

Sec. 100. Short title.

PART A—DEPARTMENT OF HEALTH

Sec. 101. Establishment of Department.
Sec. 102. Transfers to Secretary and chief medical officer.
Sec. 103. Redesignation of Department of Health Education, and Welfare.
Sec. 104. Administrative provisions.
Sec. 105. Annual report.
Sec. 106. Savings provisions.
Sec. 107. Codification.
Sec. 108. Definition.
Sec. 109. Conforming amendments.
Sec. 110. Effective date; initial appointment of officers.

PART B—FEDERAL ADMINISTRATION OF HEALTH CARE PROGRAM

Sec. 111. Functions and responsibilities of Secretary.
Sec. 112. Regulations of the Secretary.
Sec. 113. National Health Services Advisory Council.
Sec. 114. Studies of delivery and financing of health care.

Sec. 115. Utilization of State agencies.
Sec. 116. Federal financing responsibilities for health services.
Sec. 117. Contracting authority of the Secretary.
Sec. 118. Federal responsibility for developmental grants.
Sec. 119. Authorization of developmental financial assistance.
Sec. 120. Grants for State plans.
Sec. 121. Financial assistance under other programs.
Sec. 122. Penalties for fraud.

PART C—STATE FUNCTIONS

Sec. 131. General conditions of State participation.
Sec. 132. State Health Commissions.
Sec. 133. State Advisory Councils.
Sec. 134. State health care plans.
Sec. 135. Designation of health care areas.
Sec. 136. Regulatory functions of State Health Commissions.
Sec. 137. Judicial review.
Sec. 138. Federal exercise of State functions in cases of noncompliance by States.
Sec. 139. Cooperative interstate activities and uniform laws.
Sec. 140. Other administrative procedures.

PART D—HEALTH CARE CORPORATION

Sec. 141. Incorporation and State approval.
Sec. 142. Registration with Health Care Corporations.
Sec. 143. Undertaking to furnish services.
Sec. 144. Quality of services.
Sec. 145. Participation of professional practitioners.
Sec. 146. Charges by Health Care Corporations and other providers.
Sec. 147. Continuing personal health record.
Sec. 148. Participation by registrants; health education.
Sec. 149. Non-discrimination; complaints.
Sec. 150. Responsibilities for manpower and for research.
Sec. 151. Records and reports.

PART E—SPECIAL STUDY OF METHODS FOR MEETING CAPITAL NEEDS OF HOSPITALS AND RELATED HEALTH CARE ORGANIZATIONS

Sec. 161. Findings and purpose.
Sec. 162. Special study.

TITLE II—FINANCING OF NATIONAL HEALTH SERVICES

Sec. 200. Short title.

PART A—EMPLOYER REQUIREMENTS AND ENTITLEMENT TO BENEFITS

Sec. 201. Requirement of Comprehensive Health Care Benefits coverage for employees.
Sec. 202. Entitlement to benefits federally subsidized.
Sec. 203. Income classes.
Sec. 204. Periodic revision of income classes.
Sec. 205. Determination of income level.
Sec. 206. Premium contributions for federally contracted coverage.
Sec. 207. Income tax deductions by individuals.
Sec. 208. Limitation of Medicaid to supplementation of Comprehensive Health Care Benefits.

PART B—COMPREHENSIVE HEALTH CARE BENEFITS

Sec. 221. Payment for Comprehensive Health Care Benefits.
Sec. 222. Definition of Comprehensive Health Care Benefits.
Sec. 223. Limitation and exclusions.
Sec. 224. Copayment provisions.
Sec. 225. Catastrophic Expense Benefits.
Sec. 226. Regulations for Comprehensive Health Care Benefits.
Sec. 227. Phasing of additional benefits.
Sec. 228. Other definitions.

PART C—CARRIERS FOR COMPREHENSIVE HEALTH CARE BENEFITS

Sec. 231. Definition of "carrier".
Sec. 232. Determination of qualified carrier.
Sec. 233. Requirement that carriers participate under State plan.
Sec. 234. Conditions of approval of carrier contracts or plans for Federal premium subsidy.
Sec. 235. Contracts with Health Care Corporations on capitation basis.
Sec. 236. Effect of nonpayment of premiums.
Sec. 237. Enrollment under contracts with carriers.
Sec. 238. Reports by and audits of carriers.
Sec. 239. Jurisdiction of courts.
Sec. 240. Prospective regulations.

TITLE III—EFFECTIVE DATES

Sec. 301. Transitional effective dates.
Sec. 302. Full operation of program.

### FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) Recognizing that health care is an inherent right of each individual and of all the people of the United States, and that in fulfilling this right each individual shares the responsibility for protecting his or her own health and, for obtaining health care when required, the Congress finds and declares that health services must be so organized and financed as to make them readily available to all, without regard to race, creed, color, sex, or age, and without regard to any person's ability to pay; that the services must be so provided as to enhance the dignity of the individual and promote better life for all; and that it is a function of Government to assure that these ends are attained.

(b) The Congress finds that achievement of these purposes requires substantial modification of the organization and methods of delivery of health services and the methods of financing them, and that these purposes will best be served by the creation of a nationwide system of independent Health Care Corporations embodying the principles—

(1) that each corporation should combine, either in its own structure or by affiliation, institutions and professionals qualified to furnish the entire range of health services, and should provide to its registrants an integrated and comprehensive program of health services, emphasizing preventive and outpatient care and embracing health maintenance services, primary care, specialty care, rehabilitative care, and health-related custodial care;

(2) that such independent corporations should span the Nation, so that every resident of the country will have the opportunity to register with a corporation and, where practicable, a choice among corporations; and

(3) that such corporations should be locally established and operated, but should be subject to State regulation and to national standards of quality and scope of services;

and the Congress finds that, with financial assistance by the Federal Government in the development of Health Care Corporations and the creation of needed outpatient facilities, such a system can become operative nationwide within five years after the enactment of this Act.

(c) The Congress further finds that, in addition to stimulating and assisting the creation of Health Care Corporations and the establishment of State Health Commissions, and setting nationwide standards for the operation of Health Care Corporations, the functions of the Federal Government, exercised primarily through a new Department of Health established to deal exclusively with health and related matters, should include financial assistance to members of the public in obtaining the services of such corporations, in accordance with the principles—

(1) that the Federal Government should require all employers to participate in the purchase of Comprehensive Health Care Benefits for their employees;

(2) that the Federal Government should assume the cost of purchasing or subsidizing health insurance for those unable to pay for it, or unable to pay in full;

(3) that social insurance should continue to finance hospital care for the aged and that general revenues be used to fully finance medical care; and

(4) that to encourage participation by individuals in new health delivery and benefit programs the Federal Government should bear a part of the cost of services.

(d) Pursuant to the foregoing findings, and to carry out the foregoing declarations, the Congress by the enactment of this Act declares and provides—

(1) that all persons residing in the United States will be eligible to participate in the program created by this Act, beginning in the fifth year after its enactment;

(2) that each person so participating will be entitled to receive from a Health Care Corporation services as described in this title, if he has registered with the corporation and has obtained a qualified health benefit coverage from a carrier, or on the basis of his income or his age has been provided with such a coverage;

(3) that such coverage will be provided through a Government contribution without cost to persons in the lowest income bracket and at reduced cost to persons in the other income brackets specified in this title; and

(4) that such coverage will be provided through social insurance and general revenues to persons who have attained the age of 65.

### DEFINITIONS

SEC. 3. For the purposes of this title—

(1) the term "Comprehensive Health Care Benefits means the benefits described in part B of title II;

(2) the term "State" includes the District of Columbia and the Commonwealth of Puerto Rico;

(3) the term "United States", when used in a geographical sense, means the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico;

(4) the term "Governor" includes the Commissioner of the District of Columbia; and

(5) the term "Secretary" means the Secretary of Health.

## TITLE I—REORGANIZATION OF NATIONAL HEALTH SERVICES

### SHORT TITLE

SEC. 100. This title may be cited as the "National Health Care Services Reorganization Act".

### PART A—DEPARTMENT OF HEALTH

### ESTABLISHMENT OF DEPARTMENT

SEC. 101. (a) There is established at the seat of government an executive department to be known as the Department of Health (hereinafter in this Act referred to as the "Department"). There shall be at the head of the Department a Secretary of Health (hereinafter in this Act referred to as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the office of Under Secretary, an Assistant Secretary or the General Counsel, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of, the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Under Secretary shall perform such functions as the Secretary shall prescribe from time to time.

(c) There shall be in the Department seven Assistant Secretaries and a General Counsel, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall perform such functions as the Secretary shall prescribe from time to time.

(d) There shall be in the Department a Chief Medical Officer who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. The term of office of the Chief Medical Officer shall be six years, except that an individual serving as Chief Medical Officer may upon the expiration of his term of office continue to serve until his successor shall have been appointed and qualified.

### TRANSFERS TO SECRETARY AND CHIEF MEDICAL OFFICER

SEC. 102. (a) Except as provided in subsection (b), there are transferred to the Secretary all functions of the Secretary of Health, Education, and Welfare under the following laws and provisions of law:

(1) The Public Health Service Act.

(2) The Family Planning Services and Population Research Act of 1970.

(3) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

(4) Section 232 of the National Housing Act (relating to mortgage insurance for nursing homes).

(5) Title XI of the National Housing Act (relating to mortgage insurance for group practice facilities).

(6) The Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

(7) Section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(8) The Controlled Substances Act.

(9) The Act of August 5, 1954 (42 U.S.C. 2001–2004a) (relating to hospital and other health facilities for Indians).

(10) The Act of August 16, 1957 (42 U.S.C. 2005–2005f) (relating to community hospitals for Indians).

(11) Chapter 175 of title 28 of the United States Code (relating to civil commitment and rehabilitation of narcotic addicts).

(12) Chapter 314 of title 18 of the United States Code (relating to sentencing of narcotic addicts to commitment for treatment).

(13) Title III of the Narcotic Addicts Rehabilitation Act of 1966 (relating to civil commitment of persons not charged with any criminal offense) and section 602 of such Act.

(14) The Federal Cigarette Labeling and Advertising Act.

(15) The Federal Food, Drug, and Cosmetic Act.

(16) The Federal Hazardous Substances Act.

(17) The Poison Prevention Packaging Act of 1970.

(18) The Fair Packaging and Labeling Act.

(19) The Act of March 2, 1897 (21 U.S.C. 41–50) (relating to tea importation).

(20) The Act of March 4, 1923 (21 U.S.C. 61–64) (relating to filled milk).

(21) The Act of February 15, 1927 (21 U.S.C. 141–149) (relating to importation of milk).

(22) The Federal Caustic Poison Act.

(23) The Flammable Fabrics Act.

(24) The Federal Coal Mine Health and Safety Act of 1969 (other than title IV thereof).

(25) The District of Columbia Medical Facilities Construction Act of 1968.

(26) The Occupational Safety and Health Act of 1970.

(27) The Lead-Based Paint Poisoning Prevention Act.

(28) Titles XVIII, XIX, II, and V of the Social Security Act insofar as such titles relate to the provision of health care services.

(29) The District of Columbia Medical and Dental Manpower Act of 1970.

(30) The Drug Abuse Office and Treatment Act of 1972.

(b) The functions of the Secretary of Health, Education, and Welfare respecting (1) the commissioned Regular Corps and Reserve Corps of the Public Health Service, (2) the administration of section 329 of the Public Health Service Act (relating to assignment of health personnel of the Public Health Service to critical need areas), and (3) the administration and operation of health care delivery facilities of the Public Health Service shall be exercised by the Chief Medical Officer under the supervision and direction of the Secretary of Health.

(c) Within one hundred and eighty days of the effective date of this part the President may transfer to the Secretary any function not transferred to the Secretary by subsection (a) of this section, if the Director of the Office of Management and Budget determines such function (1) relates primarily to functions transferred by such subsection to the Secretary, or (2) otherwise relates to health.

### REDESIGNATION OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 103. (a) The Department of Health, Education, and Welfare, the Secretary of Health, Education, and Welfare, the Under Secretary of Health, Education, and Welfare, the Assistant Secretaries of Health, Education, and Welfare, the General Counsel of the Department of Health, Education, and Welfare, and the Assistant Secretary of Health, Education, and Welfare for Administration shall on and after the effective date of this part be known and designated as the Department of Education and Welfare, the Secretary of Education and Welfare, the Under Secretary of Education and Welfare, the Assistant Secretaries of Education and Welfare, the General Counsel of the Department of Education and Welfare, and the Assistant Secretary of Education and Welfare for Administration, respectively.

(b) Any reference in a law, regulation, document, or other record of the United States to the Department of Health, Education, and Welfare or an office the title of which is redesignated by subsection (a) of this section shall be held and considered to be a reference to the Department of Education and Welfare or to such office as so redesignated.

### ADMINISTRATIVE PROVISIONS

SEC. 104. (a) In addition to the authority contained in any other Act which is transferred to the Secretary, the Secretary is authorized, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service and to classification and General Schedule pay rates, to select, appoint, employ, and fix the compensation of such officers and employees, including investigators, attorneys, and hearing examiners, as are necessary to carry out his functions and to prescribe their authority and duties.

(b) The Secretary may obtain services as authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the rate in effect for grade GS–18 of the General Schedule, unless otherwise specified in an appropriation Act.

(c) The Secretary may, in addition to the authority to delegate and redelegate contained in any other Act, in the exercise of the functions transferred to the Secretary by this part, delegate any of his functions to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions.

(d) So much of the positions, personnel, assets, liabilities, contracts, property, records, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, in connection with the functions transferred by section 102 as the Director of the Office of Management and Budget shall determine shall be transferred to the Secretary. Except as provided in subsection (e), personnel engaged in functions transferred under this part shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(e) The transfer of personnel pursuant to subsection (d) of this section shall be without reduction in classification or compensation for one year after such transfer.

(f) In any case where all of the functions of any office or agency are transferred pursuant to this part, such office or agency shall lapse.

(g) The Secretary is authorized to establish a working capital fund to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such fund shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund.

(h) The Secretary may approve a seal of office for the Department, and judicial notice shall be taken for such seal.

(i) In addition to the authority contained in any other Act which is transferred to and vested in the Secretary, as necessary, and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote localities:

(1) Emergency medical services and supplies;

(2) Food and other subsistence supplies;

(3) Messing facilities;

(4) Motion picture equipment and film for recreation and training; and

(5) Living and working quarters and facilities.

The furnishing of medical treatment under paragraph (1) and the furnishing of services and supplies under paragraphs (2) and (3) of this subsection shall be at prices reflecting reasonable value as determined by the Secretary, and the proceeds therefrom shall be credited to the appropriation from which the expenditure was made.

(j) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department.

(k) The Secretary is authorized to appoint, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, such advisory committees as may be appropriate for the purpose of consultation with and advice to the Department in performance of its functions. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (b) of this section, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(1) (1) The Secretary is authorized to enter into contracts with eudcational institutions, public or private agencies or organizations, or individuals for the conduct of research into any aspect of the problems related to the programs of the Department which are authorized by statute.

(2) The Secretary may from time to time disseminate in the form of reports or publications to public or private agencies or organizations, or individuals such information as he deems pertinent on the research carried out pursuant to this subsection.

(3) Nothing contained in this subsection is intended to amend, modify, or repeal any provision of law administered by the Department which authorizes the making of contracts for research.

ANNUAL REPORT

SEC. 105. The Secretary shall, as soon, as practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Department during the preceding fiscal year.

SAVINGS PROVISIONS

SEC. 106. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of any function transferred by this part, and

(2) which are in effect at the time this part takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, by any court of competent jurisdiction, or by operation of law.

(b) This part shall not affect any proceedings pending at the time this section takes effect before any officer, any function of whom is transferred by this part; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the officer before whom they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this part had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this part shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this part had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity shall abate by reason of the enactment of this part. Causes of action, suits, actions, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that is a party to a suit, and under this part any effect to the provisions of this subsection.

(2) If before the date on which this part takes effect any officer in his official capacity is a party to a suit, and under this part any function of such officer is transferred to the Secretary, then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the officer who was a party to the suit prior to the effective date of this part).

(d) With respect to any function transferred by this part and exercised after the effective date of this part, reference in any other Federal law to any officer, any function of whom is so transferred shall be deemed to mean the officer in whom this title vests such function after such transfer.

(e) Orders and actions of the Secretary in the exercise of functions transferred under this part shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the officer exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this part shall apply to the exercise of such function by the Secretary.

(f) In the exercise of the functions transferred under this part, the Secretary shall have the same authority as that vested in the officer exercising such functions immediately preceding their transfer, and the Secretary's actions in exercising such functions shall have the same force and effect as when exercised by such officer.

CODIFICATION

SEC. 107. The Secretary is directed to submit to the Congress within two years from the effective date of this part a proposed codification of all laws which contain functions transferred to the Secretary by this part.

DEFINITION

SEC. 108. For purposes of this part, the term "function" includes power and duty.

CONFORMING AMENDMENTS

SEC. 109. (a) Section 19(d)(1) of title 3, United States Code, is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education and Welfare", and by inserting before the period at the end thereof the following: ", Secretary of Health".

(b) Section 101 of title 5, United States Code, is amended by striking out "Health, Education," in the antepenultimate paragraph and inserting in lieu thereof "Education" and by inserting below the last paragraph the following:

"The Department of Health".

(c) Subchapter II (relating to executive schedule pay rates) of chapter 53 of title 5 of the United States Code is amended as follows:

(1) Section 5312 is amended by striking out "Health, Education," in paragraph (10) and inserting in lieu thereof "Education", and by adding below paragraph (12) the following:

"(13) Secretary of Health."

(2) Section 5314 is amended by striking out "Health, Education," in paragraph (6) and inserting in lieu thereof "Education", and by adding below paragraph (59) the following:

"(60) Under Secretary of Health."

(3) Section 5315 is amended by striking out "Health, Education," in paragraphs (17) and (41) and inserting in lieu thereof "Education", and by adding after paragraph (97) the following:

"(98) General Counsel, Department of Health.

"(99) Assistant Secretaries of Health (7)."

(4) Section 5316 is amended by striking out "Health, Education," in paragraphs (24), (51), (52), and (53) and inserting in lieu thereof "Education".

(5) Paragraph (43) of section 5316 is amended by striking out ", Education, and Welfare".

(6) Section 5317 is amended by striking out "34" and inserting in lieu thereof "36".

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 110. (a) This part and the amendments made by this part shall take effect ninety days after its enactment, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Any of the officers provided for in this part may (notwithstanding subsection (a)) be appointed in the manner provided for in this part, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates authorized by this part. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Department pursuant to this part.

PART B—FEDERAL ADMINISTRATION OF HEALTH CARE PROGRAMS

FUNCTIONS AND RESPONSIBILITIES OF THE SECRETARY

SEC. 111. (a) The Secretary shall be charged with responsibility for the planning, administration, operation, coordination, and evaluation of all programs transferred to him under part A of this title as well as the health care program under this Act.

(b) With respect to the program under this Act, the Secretary shall be specifically charged with responsibility for—

(1) continuous review of the activities of State Health Commissions;

(2) liaison with all Federal agencies administering health or health-related programs, and with private national accrediting and other agencies concerned with standards of care and qualifications of health personnel, including the approval and listing of certifying bodies;

(3) annual reports, to be transmitted through the Secretary to the President, first to evaluate the progress of State plans and the development of health care corporations, and thereafter to evaluate the national program, including recommendations for legislation, if any; and

(4) dissemination to State governments, and to providers of service and the public, of all pertinent information about the national program, and to State governments, providers of service, and potential sponsors of health care corporations of information concerning the organization and responsibilities of such corporations.

REGULATIONS OF THE SECRETARY

SEC. 112. (a) In addition to regulations specifically required or authorized by this title, the Secretary is authorized to prescribe such further regulations, not inconsistent with law, as he deems necessary to the efficient administration of the title. Regulations shall be issued in accordance with the provisions of section 553 of title 5, United States Code.

(b) In addition to authority otherwise conferred by this title, the Secretary is authorized to prescribe by regulation—

(1) uniform systems of accounting to be used in determining the reasonableness of the budgets and charges of Health Care Corporations and other providers of health care;

(2) the method or methods to be used, and the elements to be considered, in determin-

ing, for the purposes of section 146, the financial requirements of Health Care Corporations and other providers, including—

(A) for such corporations and for institutions—

(i) requirements for direct and indirect expenses for patient care services, including such services to indigents with respect to whom payment by or for the patient is waived in whole or in part by the corporation or institution, but reduced by the amount of any grants (including income from endowments) earmarked by the donor or reserved by the governing body of the corporation or institution for payment for such services;

(ii) requirements to defray any deficit of approved education or training programs and of approved research programs;

(iii) requirements for minor remodeling of facilities;

(iv) requirements for current operating needs (working capital) or to meet contingencies;

(v) requirements for allowable interest on funds borrowed;

(vi) requirements to meet other operating expenses required to meet standards imposed under this Act, such as patient education programs;

(vii) requirements of specific price level depreciation to establish and perpetuate a revolving fund to meet ongoing expenditures for the purchase of major movable equipment;

(viii) requirements of general price level depreciation on other plant and equipment facilities for the maintenance and preservation of the corporation's or institution's assets;

(ix) requirements for prospective accumulation of funds or current payments for construction, replacements, major modernization, or expansion of plant, equipment, and services, approved by the planning process, and debt amortization of these projects in those years when the expenditures for those projects exceed the sum of depreciation payments under clauses (vii) and (viii), provided that the corporation or institution makes assurances to the State health commission that the total payments for these financial requirements over the life of the facilities will not exceed their general price level depreciation charges; and

(x) requirements for a return (including but at no less a rate than the interest on debt capital) on total assets employed in the provision of institutional health services, with the Secretary determining annually a reasonable rate after consideration of rates of return on investments of comparable risk, and with such rate of return being included as a factor in developing prospective rates in the case of investor-owned institutions or serving as a basis for evaluating the total financial requirements in the case of nonprofit institutions or corporations; and

(B) for individual providers or groups of providers, all reasonable fees, salaries, or other compensation for needed professional and related services;

(3) standards of quality and standards of safety for all facilities of, and all services furnished by, Health Care Corporations (including facilities of, and services furnished by, affiliated providers or other providers acting under arrangements with such corporations) and other providers; such standards to require, as a minimum, that hospitals, skilled nursing facilities, and home health agencies (including units of Health Care Corporations performing the functions of any such institutions) meet the applicable statutory requirements, pertaining to quality and safety, contained in title XVIII of the Social Security Act, and that other nursing homes meet such of the foregoing requirements as the Secretary finds appropriate;

(4) standards relating to the use of allied health professionals such as assistants to physicians and dentists, and relating to the qualifications of such personnel; and

(5) standards for the determination of qualified carriers under section 232.

### NATIONAL HEALTH SERVICES ADVISORY COUNCIL

SEC. 113. (a) There is hereby established a National Health Services Advisory Council (hereinafter in this section referred to as the "Council"), which shall consist of the Secretary, who shall serve as Chairman of the Council, and twenty members, not otherwise in the employ of the United States, appointed by the Secretary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The appointed members shall include persons who are representative of providers of health services, and of persons (who shall constitute not less than one-half of the Council) who are representative of consumers of such services. Each appointed member shall hold office for a term of four years, except that (1) any member appointed to fill a vacancy occurring during the term for which his predecessor was appointed shall be appointed for the remainder of that term, and (2) the terms of the members first taking office shall expire, as designated by the Secretary at the time of appointment, five at the end of the first year, five at the end of the second year, five at the end of the third year, and five at the end of the fourth year, after the date of the enactment of this Act. Members of the Council who are representative of providers of health care shall be persons who are outstanding in fields related to medical, hospital, or other health activities, or who are representative of organizations or associations of professional health personnel; and members who are representative of consumers of such care shall be persons, not engaged in and having no financial interest in the furnishing of health services, who are familiar with the needs of various segments of the population for personal health services and are experienced in dealing with problems associated with the furnishing of such services.

(b) The Council is authorized to appoint such professional or technical committees, from its own members or from other persons or both, as may be useful in carrying out its functions. The Council, its members, and its committees shall be provided with such secretarial, clerical, or other assistance as may be authorized by the Secretary for carrying out their respective functions. The Council shall meet as frequently as the Secretary deems necessary, but not less than four times each year. Upon request by seven or more members it shall be the duty of the Chairman to call a meeting of the Council.

(c) It shall be the function of the Council (1) to advise the Secretary on matters of general policy in the administration of this title and in the formulation of regulations (including prior review of and comment on such regulations, upon their issuance and upon any subsequent changes therein, before the publication of such regulations or changes in the Federal Register), and (2) to study the operation of this title and the activities of State Health Commissions, Health Care Corporations, and other providers, with a view to recommending any changes in the administration of this title or in its provisions which may appear desirable. The Council shall make an annual report to the Secretary on the performance of its functions, and the Secretary shall transmit the report to the Congress, together with a report by the Secretary on any administrative recommendations of the Council which have not been followed, and a report by the Secretary of his views with respect to any legislative recommendations of the Council.

(d) Appointed members of the Council and members of technical or professional committees, while serving on business of the Council (inclusive of travel time), shall receive compensation at rates fixed by the Secretary but not exceeding the daily equivalent of the rate specified at the time of such service for grades GS-18 of the General Schedule; and while so serving away from their places of residence they shall be entitled to receive actual and necessary traveling expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the government service employed intermittently.

### STUDIES OF DELIVERY AND FINANCING OF HEALTH CARE

SEC. 114. (a) The Secretary shall make a continuing study of the operation of this title, including the adequacy, quality, and utilization of services furnished by Health Care Corporations and other providers, the effectiveness of peer review and cost controls, the effectiveness of supervision of such corporations by State Health Commissions, the financing of services through insurance and otherwise, and all other aspects of the system of health care created pursuant to this title. The Secretary is authorized, also, to make studies and conduct research in regard to alternative methods of furnishing and financing health care (including methods followed in other countries), and of methods of enhancing, through financial incentives or otherwise, the quality of care and the economy and efficiency of its delivery.

(b) The Secretary may carry out his functions under this section directly or through contracts, and he is authorized to make grants to public or other nonprofit agencies or institutions for studies and research which he deems likely to further the purposes of this section.

(c) The Office shall from time to time publish the results of studies and research conducted pursuant to this section.

### UTILIZATION OF STATE AGENCIES

SEC. 115. (a) The Secretary may, and to the optimum extent determined by him to promote efficient administration of this title shall, make arrangements with State Health Commissions (in accordance with section 134(b)(9)) whereby the commission involved (directly or through arrangements approved by the Secretary with another State agency or agencies) will—

(1) subject to the applicable provisions of part C of title II, contract, as agent and in the name of the Department of Health, with carriers approved by the Secretary, as provided in paragraphs (1) (B) and (C) of section 117(b); and

(2) from time to time perform such other functions for or on behalf of the Secretary, other than the issuance of Federal regulations and standards, under this title as the Secretary may deem appropriate.

(b) The Secretary shall, in accordance with section 121, pay State Health Commissions the cost of the proper and efficient administration of their functions under arrangements made with them pursuant to subsection (a).

### FEDERAL FINANCIAL RESPONSIBILITIES FOR HEALTH SERVICES

SEC. 116. (a) Notwithstanding any provision to the contrary in title XVIII of the Social Security Act or in any other law, effective with respect to items and services furnished (and periods occurring) on or after the first transitional effective date as specified in section 301(b) and before the effective date for full operation of the program under this Act as specified in section 302—

(1) every individual who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act shall be automatically enrolled in the supplementary medical insurance program established by part B of such title (with such coverage period, and subject to such other terms and conditions, may be prescribed by the Secretary in regulations);

(2) every resident of the United States who is a low-income person or a member of a low-income family (as those terms are defined in section 203(a)(1) of this Act), and who is not otherwise entitled to hospital insurance benefits under part A of title

XVIII of the Social Security Act or enrolled in the supplementary medical insurance program established by part B of such title, shall, under regulations prescribed by the Secretary (but without regard to age, insured status, or any other eligibility requirements, or any coinsurance, copayment, or deductible requirements, which might otherwise apply), be provided by the Secretary, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund (as may be appropriate), with benefits under this Act equivalent to the hospital insurance benefits available under part A of title XVIII of the Social Security Act and the supplementary medical insurance benefits under part B of such title; and

(3) no premium or similar amount shall be payable by any individual for or on account of his enrollment in or coverage under the insurance program established by part B of such title XVIII, or for or on account of the provision to him of benefits under paragraph (2) of this subsection.

There are authorized to be appropriated from time to time to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund (as may be appropriate) sums equal to (A) the cost of the additional benefits paid from such funds by reason of paragraph (2), and (B) the total premiums which, but for paragraph (3), would be payable by all individuals for or on account of enrollment in or coverage under the insurance program established by part B of such title XVIII or the benefits provided to them under paragraph (2).

(b) Effective with respect to items and services furnished (and periods occurring) on or after the second transitional effective date as specified in section 301(c) and before the effective date for full operation of the program under this Act as specified in section 302—

(1) every individual age 65 or over described in paragraph (1) or (2) of subsection (a) shall be provided by the Secretary (in addition to the benefits provided such individual under subsection (a)) with Catastrophic Expense Benefits coverage under and in accordance with section 225 of this Act:

(2) every resident of the United States who is a medically indigent person or a member of a medically indigent person or a member of a medically indigent family (as such terms are defined in section 203(a)(2) of this Act), and who is not otherwise entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act or enrolled in the supplementary medical insurance program established by part B of such title, shall, under regulations prescribed by the Secretary (but without regard to age, insured status, or any other eligibility requirements which might otherwise apply), be provided by the Secretary, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund (as may be appropriate), with benefits under this Act equivalent to the hospital insurance benefits available under part A of title XVIII of the Social Security Act and the supplementary medical insurance benefits available under part B of such title, and in addition shall be provided with Catastrophic Expense Benefits coverage under and in accordance with section 225 of this Act at premium rates determined under section 206; and

(3) any other individual who registers with a Health Care Corporation shall be entitled to the 10-percent premium subsidy under section 202(c).

There are authorized to be appropriated from time to time to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund (as may be appropriate) sums equal to the additional costs incurred by such Funds by reason of benefits under this subsection.

(c) There are authorized to be appropriated for each fiscal year beginning on or after the effective date specified in section 302, for the purpose of financing the program set forth in title II of this Act, an amount sufficient to pay (on the basis of estimates for such fiscal year)—

(1) the cost of providing prepaid coverage for Comprehensive Health Care Benefits to persons who are under the age of 65 and are low-income persons or members of low-income families;

(2) the net cost, after deducting the contribution to be required of them, of providing such coverage to persons who are under the age of 65 and are medically indigent persons or members of medically indigent families;

(3) (i) the added cost, resulting from their low incomes or their medical indigence, of providing such coverage to persons who have attained the age of 65 years and who either are low-income persons or members of low-income families or are medically indigent persons or members of medically indigent families, and (ii) the added cost of Comprehensive Health Care Benefits available to those eligible for benefits under part A of title XVIII of the Social Security Act;

(4) the cost of providing the 10-percent premium subsidy under section 202(c) for all individuals who register with Health Care Corporations and purchase Comprehensive Health Care Benefits privately (or for whom such benefits are purchased by private sources);

(5) the cost of providing the subsidy under section 232(c)(1) of the Social Security Act for employers whose costs under the program exceed those specified in such section;

(6) the cost of health benefits provided for individuals receiving unemployment compensation benefits, and for members of their families, as described in section 906 of the Social Security Act;

(7) the cost of establishing or maintaining a reserve equal to 5 percent of the foregoing costs; and

(8) the cost of administration incurred by the Secretary in providing these coverages.

(d) For each fiscal year the Secretary shall estimate the costs referred to in subsections (a), (b), and (c) by projection based upon the costs in the second preceding fiscal year, or (in the case of the first two fiscal years involved) upon the Secretary's estimate of the costs that would have been incurred in such second preceding fiscal year if this title had then been in effect. Each projection shall take account of the then current rate of change in the cost of health services, expected changes in the low-income population and the medically indigent population, trends in the utilization of health services, and other factors which the Secretary finds relevant; and, in projecting aggregate contributions to be made by medically indigent persons and families, shall take account of the then current rate of change in the Consumer Price Index.

### CONTRACTION AUTHORITY OF THE SECRETARY

SEC. 117. (a)(1) The Secretary shall, through contracts with carriers, provide the prepaid coverage for the benefits to which aged, low-income, and certain other individuals and their families are entitled under section 203.

(2) In addition to the qualifying requirements for carriers specifically set forth in this title, the Secretary may establish further qualifying standards for carriers (or classes thereof).

(b)(1) The Secretary may negotiate and enter into (A) contracts with a carrier or carriers to administer Comprehensive Health Care Benefits for all individuals entitled to benefits under section 202; (B) contracts with qualified carriers which have underwritten a prepayment plan for a Health Care Corporation operating wholly or primarily on a predetermined capitation charge basis; and (C) direct contracts with Health Care Corporations under section 235 if the corporations operate on a predetermined capitation charge basis and as such qualify as carriers.

(2) The Secretary may authorize State Health Commissions to act as his agents in contracting with carriers as described in paragraph (1).

(3) Contracts under this part are exempted from any provision of law requiring competitive bidding and from such other requirements of laws as the Secretary may waive. The Secretary is required, however, to notify all potentially qualified carriers a description of the contract requirements he desires and the requirements and provisions of this title and regulations, and to invite these carriers to submit proposals. Among the factors which the Secretary is required under this title to consider in negotiating and approving contracts shall be the carriers' experience with group health insurance or prepayment plan coverage. The Secretary may require the contracting carrier to subcontract with other carriers, and he shall enter into a contract with a combination of carriers only if this does not result in higher administrative costs and only if it best serves the purposes of this title. The term "combination of carriers" or "combination", as used in this section, means (i) a group of qualified carriers that have entered into a joint venture or other cooperative arrangement for the purpose of administering coverage under a contract under this part, or (ii) a corporation (which itself is a qualified carrier) designated or caused to be created by a group of qualified carriers for the purpose stated in clause (i); and any further reference in this part to a "carrier" shall be deemed to include reference to such a combination.

### FEDERAL RESPONSIBILITY FOR DEVELOPMENTAL GRANTS

SEC. 118. (a) It is one of the purposes of this part to establish the responsibility of the Secretary to encourage, promote, and assist the establishment, as soon as practicable, of the comprehensive health care delivery system contemplated by this title, by providing financial and technical assistance for the early planning, development, establishment, and initial operation of Health Care Corporations, including incentives for use of the capitation payment method for health care and for the development and improvement of outpatient care centers, particularly in poverty and rural areas.

(b) There are authorized by the Secretary to be appropriated for each fiscal year, for carrying out the purpose stated in subsection (a), such sums as may be necessary. Sums so appropriated for grants or contracts for any fiscal year shall remain available for obligation until the case of the succeeding fiscal year.

### AUTHORIZATION OF DEVELOPMENTAL FINANCIAL ASSISTANCE

SEC. 119. (a) For the purpose stated in section 118, the Secretary is authorized, in accordance with the provisions of this part, to make—

(1) grants for planning, organizing, developing, and establishing Health Care Corporations (or for any one or more of such activities), including affiliation or other arrangements (if any) of such a corporation with providers of health care, in conformity with part D of this title;

(2) contracts, in connection with the establishment or substantial expansion of Health Care Corporations, to pay for a reasonable period all or part of any operating deficits of such corporations;

(3) grants to Health Care Corporation, or to public or nonprofit providers affiliated therewith, for the initial operation of (A) new outpatient care centers or (B) new or expanded services in (or based in) outpatient care centers; and

(4) grants for major health-maintenance, diagnostic, or therapeutic equipment, data

processing systems or equipment, or central-service equipment, needed for initial operating capability of Health Care Corporations.

(b) (1) In making grants and contracts under this part, the Secretary (A) shall take into account existing health care resources and health care delivery systems in the several States, the relative need of the States and areas within the States for such assistance, and their populations, and (B) shall have due regard to the achievement, consistently with the purposes of this title and this part, of an equitable distribution of such assistance.

(2) Not more than 15 percent of the appropriations made for grants or contracts under this part may be expended in any one State.

(3) In making grants and awarding contracts during the first five fiscal years for which funds have been appropriated under this part, the Secretary shall give priority to the applications of corporations that (A) operate primarily on the basis of predetermined capitation charges, or (B) are in the process of converting to primarily that basis, or (C) agree to operate on or convert to primarily that basis if awarded such a grant or contract. After that period, the Secretary may award such grants and contracts only to such corporations.

(4) (A) A grant or contract shall not be made or awarded under the preceding provisions of this part when there is in effect, for the State that includes the area involved in the application for such assistance, a State plan approved under part C, unless the State Health Commission has recommended approval of the application and has certified—

(1) in the case of an application for a grant under subsection (a) (1) of this section that there is need for a Health Care Corporation in the area involved (or of an additional Health Care Corporation if one approved under part C has already been assigned to the area);

(2) in the case of an application for a contract under subsection (a) (2) of this section or section 121, that the applicant (A) is a Health Care Corporation in conformity with section 141(a), and (B) has been approved, or upon the Secretary's approval of the application for the contract will be approved, by the Commission under part D; or

(3) in the case of an application for a grant under subsection (a) (3), that (A) the Health Care Corporation which is the applicant or involved in the application is in conformity with section 141(a) and has been, or upon approval of the grant application by the Secretary will be, approved by the Commission under part C; and (B) the outpatient care center or services thereof, or the equipment or system, for which the grant is sought, is needed for the effective discharge of the corporation's functions under the State plan.

(c) (1) In the case of a State for which there is not yet in effect a State plan approved by the Secretary under part C but in which a State Health Commission and a State Advisory Council have been established in conformity with that part, the Secretary shall not make a grant or contract under the foregoing sections of this part unless the Commission, the State planning agency (if any) designated or established for the State as required under section 314(a) (2) (A) of the Public Health Service Act (if it is a separate agency from the commission), and the appropriate areawide health planning agency (if it is different from the State planning agency) have had an opportunity (in accordance with regulations of the Secretary) to review and comment on the application for the grant or contract.

### GRANTS FOR STATE PLANS

SEC. 120. (a) In order to facilitate and expedite the submission of State plans to the Secretary pursuant to section 134, the Secretary is authorized to make grants to State Health Commissions for all or part of the necessary cost of developing and preparing such plans, including (but not limited to) the expenses of their State advisory councils consulted in connection therewith, the cost of disseminating to the public and to others information concerning a proposed plan, and the cost of public hearings thereon.

(b) There are authorized to be appropriated for grants under this section such sums as may be necessary for each fiscal year in the period beginning with the fiscal year in which this Act is enacted and ending with the close of the third full fiscal year after this Act is enacted.

(c) (1) From the sums appropriated therefor, the Secretary shall pay to each State which has a plan approved under this title an amount equal to the Federal percentage of the sums expended for the proper and efficient administration of the State plan. Such payments and payments under grants pursuant to this section may be made in installments (not less often than quarterly) and may be made in advance (on the basis of estimates) or by way of reimbursement, with necessary adjustments on account of prior overpayments or underpayments.

(2) The Federal percentage, for the purpose of paragraph (1), shall be 90 percent with respect to sums expended by a State during fiscal years ending prior to the effective date of the benefit program under this Act (as set forth in sections 201 and 202), 85 percent with respect to sums so expended during the next two fiscal years, and 75 percent with respect to sums expended thereafter; except that with respect to sums expanded by the State for proper and efficient administration pursuant to provisions of the State plan contained therein in compliance with section 134(b) (10) the Federal percentage shall always be 100 percent.

### FINANCIAL ASSISTANCE UNDER OTHER PROGRAMS

SEC. 121. (a) (1) In administering other programs of financial assistance in the field of health care (including construction of facilities for health care) the Secretary and, on recommendation of the Secretary, other Federal agencies shall to the optimum extent utilize those programs to promote the purposes of this Act.

(2) Notwithstanding any other provision of law, the Secretary may, and such other agencies when requested by the Secretary shall, in the administration of such other programs, give (or require agencies and organizations assisted to give) highest priority to the needs of Health Care Corporations, particularly in areas determined by the Secretary to be urban or rural poverty areas.

(b) (1) The Secretary shall prepare and widely disseminate, though publications and otherwise, information concerning the availability of assistance under this part.

(2) The Secretary may upon request provide advice, counsel, and technical assistance to Health Care Corporations and other interested organizations and agencies in preparing applications, and in meeting the requirements of this part and of the Secretary, for grants and contracts authorized by this part.

### PENALTIES FOR FRAUD

SEC. 122. (a) Any individual, provider of health care, carrier, or other person who—

(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit, or any grant or other payment, under this Act,

(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such benefit or payment,

(3) having knowledge of the occurrence of any event affecting (A) his or its initial or continued right to any such benefit or payment, or (B) the initial or continued right to any such benefit or payment of any other person in whose behalf he or it has applied for or is receiving such benefit or payment, conceals or fails to disclose such event with an intent fraudulently to secure such benefit or payment either in a greater amount or quantity than is due or when no such benefit or payment is authorized, or

(4) having made application to receive any such benefit or payment for a particular use or purpose and having received it, knowingly and willfully converts such benefit or payment or any part thereof to any other use or purpose,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(b) Any provider of health care or other person who furnishes items or services to an individual for which payment is or may be made under this Act and who solicits, offers, or receives any—

(1) kickback or bribe in connection with the furnishing of such items or services or the making or receipt of such payment, or

(2) rebate of any fee or charge for referring any such individual to another person for the furnishing of such items or services,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(c) Whoever knowingly and willfully makes or causes to be made, or induces or seeks to induce the making of, any false statement or representation of a material fact with respect to the conditions or operation of any organization, institution, or facility in order that it may qualify as a carrier or a provider of health care for purposes of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $2,000 or imprisoned for not more than 6 months, or both.

## PART C—STATE FUNCTIONS

### GENERAL CONDITIONS OF STATE PARTICIPATION

SEC. 131. (a) States will be in compliance with this Act if, and only if, in conformity with the requirements of this part, (1) the State (A) has accepted the provisions of this Act and created, as a newly constituted and independent establishment within the executive branch of the State government, a State agency for carrying out the responsibilities devolving upon the State under this Act headed by a multimember governing body hereinafter in this title referred to as the "State Health Commission" (or as the "State commission" or the "commission"), and (B) has vested in such agency the exclusive authority on behalf of the State to establish and maintain appropriate standards and requirements for all hospitals, nursing facilities, and other institutional health care facilities; (2) there has been established in that agency a State Advisory Council; and (3) there is in effect an approval, by the Secretary, of a State plan submitted by the State Health Commission under section 134 for carrying out the State's responsibilities under this title.

(b) For Federal exercise of State functions in cases of noncompliance by States, see section 138.

### STATE HEALTH COMMISSIONS

SEC. 132. (a) The State Health Commission of a State shall be composed of three or five members (whichever number may be authorized under the law of its creation) appointed by the Governor of the State for staggered terms, which shall be renewable. Each term shall be for six years, except as necessary in the case of initial appointments to meet the requirement of staggered terms, and except in the case of a member appointed to fill a vacancy occurring before the expiration of the term of his predecessor. Not more than two members of a three-member commission, nor three members of a five-member commission, shall be members of the same political party. The Governor shall designate one of the members of the commission to serve as chairman.

(b)(1) It is the sense of the Congress that the members of a State Health Commission should be chosen, not primarily from the standpoint of specialized experience in the subject-matter fields within the commission's jurisdiction, but rather with a view to their ability to bring to the affairs of the commission broad gaged, highly qualified, effective, and disinterested policy direction. Persons representative of the health care providers shall not constitute a majority of the membership of the commission.

(2) During his term of membership, no member of the commission shall engage in any other business, vocation, or employment.

(3) The chairman and other members of the commission shall receive salaries at levels comparable to the compensation of the head of a principal executive department of the State.

(4) No member of the commission shall during his term of office be subject to removal except for dereliction of duty, corruption, incompetency, or conviction of a crime involving moral turpitude, or for a cause stated in paragraph (5) of this subsection.

(5) Any individual, while in the employ of or holding any official or contractual relation to or affiliation with a Health Care Corporation or any other corporation or provider of health care under the regulatory jurisdiction of the State commission, while in any manner pecuniarily interested in any such corporation or provider, shall be disqualified from being a member, officer, or employee of the commission; except that if such disqualification by reason of pecuniary interest arises otherwise than voluntarily while such individual is such a member, officer, or employee, the individual may be permitted to remain in office or employment if within a reasonable time he divests himself of that pecuniary interest. The preceding sentence shall not apply to membership on the State Advisory Council by an individual who discloses his interest in or relation to a corporation or provider, nor shall it apply to any individual solely because he is a registrant of a Health Care Corporation or a beneficiary member of or subscriber to another provider of health care.

### STATE ADVISORY COUNCILS

SEC. 133. The Advisory Council to the State Health Commission of a State, which shall consult with the commission in the development and carrying out of the State plan, shall be appointed by the Gorvernor of the State and consist of (1) persons broadly representative of health care providers (including health organizations) in the State including but not limited to persons representative of Health Care Corporations when organized and approved, hospitals and other health care institutions, other nongovernmental and public organizations, societies and groups of health professionals, and schools and institutions particularly concerned with education or training of persons in the health professions and ancillary occupations), and (2) not less than an equal number of persons who are representative of consumers of health care and (A) neither are providers nor have a pecuniary interest in the provision of such care, (B) are familiar with the needs of the various segments of the State's population for such care, and (C) are experienced in dealing with problems associated with the provision of such care.

### STATE HEALTH CARE PLANS

SEC. 134. (a) In order to be approvable under this part for any year the State plan of any State must—

(1) meet the requirements of subsection (b);

(2) have been submitted to the Secretary by the State Health Commission (constituted and operating in conformity with the preceding sections of this part) at such time and presented in such detail, and contain or be accompanied by such information, as the Secretary deems necessary;

(3) have been prepared in consultation with the State Advisory Council; and

(4) have been submitted to the Secretary only after the commission has afforded to the general public of the State a reasonable opportunity for presentation of views on the plan in the case of submission of the plan for initial approval or for annual renewal of approval after major revision of the plan.

(b) The State plan must—

(1) designate the State Health Commission of the submitting State as the sole agency for the administration of the plan, except as otherwise authorized by this part;

(2) contain or be supported by satisfactory evidence that the commission has the authority to carry out the plan in accordance with this part;

(3) provide for adequate consultation with the State Advisory Council in carrying out the plan;

(4) set forth in such detail as the Secretary may prescribe the qualifications for personnel having responsibilities in the administration of the plan;

(5) provide for such methods of administration as are found by the Secretary to be necessary for the proper and efficient administration of the plan, including (A) methods relating to the establishment and maintenance of personnel standards on a merit basis consistent with such standards as are or may be established by the Civil Service Commission under section 208(a) of the Intergovernmental Personnel Act of 1970 (Public Law 91-648), and (B) provision for utilization of qualified professional medical personnel (particularly in connection with the development or administration of standards of quality and utilization of health care) and of allied health professionals and other qualified professional staff; but the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with the methods relating to personnel standards on a merit basis established and maintained in conformity with this paragraph;

(6)(A) provide for the designation of preferred service areas by applicant Health Care Corporations in accordance with the requirements of section 145 and for approval in each such area of one or more Health Care Corporations in accordance with section 135;

(B) include, with respect to existing and proposed Health Care Corporations, their affiliated providers of health care, and other such providers, (i) provisions incorporating the requirements of part D of this title, and (ii) the provisions required by section 136;

(C) provide, in accordance with sections 135 and 136, for cooperation with other States in the administration of the plan, and in particular authorize cooperative arrangements with adjoining States with respect to (i) joint service areas and (ii) establishment, admission, and approval of Health Care Corporations for service in such joint areas or for serving separate areas in the cooperating States; and

(D) include a program for completing (i) the initial approval of Health Care Corporations for service in designated areas (including, if necessary to carry out the purpose stated in section 2(b)(2), the creation of governmental Health Care Corporations), and (ii) the initial registration of eligible individuals with such approved corporations, not later than the close of the fourth fiscal year that begins after the calendar year in which this Act is enacted;

(7)(A) include such provisions for effective arrangements or procedures as will assure an opportunity to obtain group coverage for Comprehensive Health Care Benefits at reasonable rates, for themselves or their employees, to all residents of the State who are not entitled to coverage of such benefits purchased by the Secretary, and provide for the effective enforcement of these arrangements and procedures by the commission (subject to review by the Secretary with respect to enforcement of Federal regulations);

(B) provide for regulating the premium rates of carriers issuing group health benefit prepayment plans or insurance contracts for residents of the State (except under contracts negotiated and made directly by the Secretary), except that the plan may—

(i) vest in the State agency primarily charged by State law with regulating the business of insurance in the State, or

(ii) authorize the commission to delegate to that or another appropriate State agency, the function of regulating the premium rates for such prepayment plans or insurance contracts charged by carriers (other than Health Care Corporations acting as carriers for their own registrants);

(C) provide, consistent with regulations and standards of the Secretary relating to Comprehensive Health Care Benefits coverage, for the regulation and supervision of such carriers and such plans and contracts by the commission, including in the case of group coverage for Comprehensive Health Care Benefits the establishment, by the commission, of required standard provisions whereby, in the event of interruption or termination (by death or otherwise) of a covered individual's status as a member of the employee or other group that the plan or contract covers, the individual (or covered members of his family in case of his death) will have the privilege of continuing coverage under the plan or contract for a specified period (not less than 30 days) that the commission deems reasonable; and

(D) provide (subject to any regulation by the Secretary or interpretations thereunder with respect to coverage for Comprehensive Health Care Benefits)—

(i) for granting an opportunity for a fair hearing, before the commission, to any approved Health Care Corporation or nonaffiliated provider whose claim against a carrier for payment of charges for services or items furnished to a registrant of the corporation or a nonregistrant covered by the carrier for Comprehensive Health Care Benefits, or for payment of capitation charges with respect to a thus covered registrant in the case of a Health Care Corporation or other comprehensive health care delivery organization operating on a capitation charge basis, has been denied by the carrier in whole or in part, and

(ii) for adjudicating the claim;

(8) provide effective methods and procedures for (A) optimum utilization or adaptation, in the administration of the plan submitted under this section, of (i) such plans as have been or will be developed for the State pursuant to subsection (a) of section 314 of the Public Health Service Act, (ii) the State plan approved under subsection (d) of that section, (iii) any comprehensive plans developed under subsection (b) of that section for regions, metropolitan areas, or other local areas wholly or partly within the State, and (iv) relevant plans developed under any other programs, and (B) coordination (or, at the State's option, consolidation in the case of planning at State level) of planning under the plan submitted under this section with ongoing or projected planning activities under those subsections or programs;

(9) provide that, if and to the extent requested by the Secretary, the commission (directly or through appropriate arrangements, approved by the Secretary, with another appropriate State agency or agencies) will perform, for or on behalf of the Secretary, any or all of the following functions:

(A) as authorized by section 108, contract, as agent of the Secretary, with qualified carriers for Comprehensive Health Care Benefits coverage in the State required under this Act to be financed by Federal purchase of such coverage from a carrier;

(B) act as fiscal agent of the Secretary in transactions with carriers (or classes thereof) in the State, including (if and to the extent that the Secretary assumes this function) the collection or receipt, and transmittal to carriers, of premium contributions by beneficiaries of federally purchased Comprehensive Health Care Benefits coverage (or by others on their behalf) when such contributions are required by or pursuant to this Act;

(C) furnish the Secretary such timely information and prospective estimates as the Secretary may find necessary for developing its estimates of costs and required Government contributions under section 116;

(D) review, and make recommendations with respect to, applications to the Secretary for grants under appropriate sections of part B of this title, and, when requested, review and make recommendations with respect to applications to the Secretary for grants or contracts under other provisions of law administered by the Secretary, act as agent for the Secretary in investigating and certifying compliance with the terms and conditions of such grants or contracts, and make payments from Federal funds thereunder; and

(E) perform such other functions for or on behalf of the Secretary as he may reasonably request;

(10) (A) in cooperation with the Secretary, and in accordance with such methods as may be recommended for the design and implementation of a nationwide cooperative system for producing comparable and uniform health-related information and statistics, function as a center, for the State, for the collection (from Health Care Corporations and other providers, health benefit prepayment plans and private health insurance companies, and other sources), retrieval, analysis, reporting, and publication of statistical and other information related to health and health care, including data on the fiscal operations of such corporations, plans, and companies and including data of the kinds enumerated in section 305 of the Public Health Service Act, and (B) require such corporations and providers, and such plans and companies doing business in the State, to make statistical and other reports of such information and data to the commission;

(11) provide safeguards that restrict to purposes directly connected with the administration of the plan the use or disclosure of identifying information concerning (A) individuals with respect to whom information is obtained in carrying out the State plan provisions required by paragraph (10), or (B) individuals who are registrants or applicants for registration under this Act or who claim eligibility for Comprehensive Health Care Benefits coverage by a carrier;

(12) provide, in accordance with methods and procedures prescribed or approved by the Secretary, for the evaluation, at least annually, of the health-related and economic effectiveness of the activities of the commission and of Health Care Corporations (including their affiliated providers) and other providers under the commission's supervision, including a review and comparative evaluation of data on utilization of health care services (including drugs) provided by Health Care Corporations and other providers;

(13) provide that the commission will make such annual and other reports (including reports of evaluations made pursuant to the provisions contained in the plan in accordance with the preceding paragraph) as the Secretary may from time to time reasonably require, and comply with such provision as the Secretary may find necessary to assure the correctness and verification of such reports; and

(14) provide that the commission will from time to time, and in any event not less often than annually, review the plan and submit to the Secretary any modification thereof which it considers necessary.

(c) The Secretary shall approve any State plan and any modification thereof which complies with subsections (a) and (b); except that he shall not grant such approval if the plan or modification or other State law (statutory or otherwise) or the practice of a State licensure or regulatory authority under color of law—

(1) prevents or limits Health Care Corporations (approved by the commission under the plan) or other health care institutions from undertaking to provide covered health care to registrants (and to others at its election) or patients (A) through direct employment of medical or other licensed health care practitioners by the corporation or other nonprofit providers, or (B) through prepaid group practice (as defined by regulations of the Secretary) or other arrangements by the corporation or other providers with such practitioners or groups thereof (whether such arrangements be on a capitation, fee-for-service, or other basis); or

(2) deprives any Health Care Corporation of its right to designate its preferred service area and of its right of appeal for change in such service areas, in accordance with the provisions of this Act; or

(3) disqualifies from service on the governing board of a Health Care Corporation or institutional provider thereof a physician who is on the staff of the Health Care Corporation or such provider or is an affiliated provider of the Health Care Corporation; or

(4) prevents or limits such practitioners from employing or arranging with appropriately trained assistants under their supervision to perform, consistently with standards of the Secretary prescribed under section 112(b) (4), health care functions commensurate with their qualifications and training; or

(5) prevents or liimts carriers from offering coverage of health care provided in accordance with paragraph (1), (2), (3), or (4), unless the Secretary determines, in accordance with regulations issued by him, that the prohibition or restriction is consistent with the purposes of this title.

(d) (1) An approval of a State plan submitted to the Secretary under this part shall, unless renewed, or unless sooner withdrawn or suspended under this part, be in effect for a period of one calendar or fiscal year, whichever the Secretary determines, except that the initial approval may be for the remainder of the fiscal or calendar year then current or, where deemed appropriate by the Secretary, may be made effective until the end of the succeeding year.

(2) For the purposes of this Act, a State with respect to which there is in effect an approval of a State plan by the Secretary under this part, or with respect to which the Secretary is performing the functions that he is authorized to perform under section 138 (a) or (c) (4), is a "participating State".

### DESIGNATION OF HEALTH CARE AREAS

SEC. 135. (a) As soon as practicable after its organization, the State Health Commission of each participating State shall conduct a study and survey with a view to the approval of service areas for applicant Health Care Corporations as a basis for the issuance of certificates of approval by the commission (in accordance with section 136 (a) (3)), with the objective of affording to all the people in the State equal and ready access to the full range of comprehensive health care of high quality provided for in this title and, where practicable, a choice among Health Care Corporations. In making its study and survey, the commission shall give appropriate consideration to (1) the size and distribution of the State's population and the incidence of illness or disease in population groups in different regional, metropolitan, or other local areas (or parts thereof) of the State, (2) existing health care organizations, institutions, or resources for the provision of health care, their potential for sponsoring or participating in the organization of Health Care Corporations, and their distribution in relation to the need for care, (3) local governmental structures, (4) transportation facilities, (5) patterns of organization for the delivery of health care, (6) patterns of use of health care, and (7) other relevant factors. To assist in its study and survey, and especially in connection with its consideration and evaluation of the factors referred to in clause (2) of the preceding sentence the commission shall set a date by which shall be filed with it applications by Health Care Corporations for certificates of approval for operation in areas defined in the respective applications (or statements of intention, by proposed sponsors of such corporations, to file such applications). No such certificate shall be granted under section 136 until a final regulation has been issued under the last sentence of subsection (c) (1) of this section.

(b) In addition to making the study and survey referred to by subsection (a), and before approving applications for certificates of approval, the commission shall consult with persons representative of the general public, representatives of public and private hospitals and other health care institutions or their organizations, representatives of the medical and other health care professions, including persons representative of health care practitioners engaged or employed in prepaid group practice, representatives of appropriate State and local governmental agencies, State commissions in adjoining States (where appropriate), and other interested groups and individuals.

(c) (1) After its study, survey, and consultation, the commission shall publish a proposed regulation setting forth its findings and approvals of Health Care Corporations and the service areas proposed, which need not coincide with the areas of existing municipalities or political subdivisions of the State. The commission shall give reasonable public notice of its proposal and of a public hearing or hearings on the proposal and shall, after such hearing or hearings, by final order confirm the regulation or issue a revised regulation.

(2) In carrying out this section the commission may, in accordance with cooperative arrangements referred to in section 134(b) (6) (C), designate jointly with another State or States a service area or areas that include parts or all of such States.

(d) The commission may, either on its own motion or on petition of any interested Health Care Corporation or other interested provider of health care, an interested registrant or organization representing registrants, or any other interested person, amend or repeal a final regulation issued under subsection (c), but final action on a proposal under this subsection may (upon request of an interested person filing objections to the action proposed, specifying with particularity the changes desired, and stating reasonable grounds therefor) be taken only by decision on the record made after reasonable notice and opportunity for a fair hearing.

### REGULATORY FUNCTIONS OF STATE HEALTH COMMISSIONS

SEC. 136. (a) For the purposes of part D of this title and of paragraph (6) of section 134(b), a State plan shall, in addition to complying with section 135—

(1) provide for (A) stimulating and encouraging the organization of Health Care Corporations (as defined in section 141(a)) where needed, by (i) giving information and advice to providers of health care and other

potential sponsors as to the requirements for organization of such corporations and for commission approval of such corporations for service, (ii) giving technical assistance to sponsors in meeting such requirements, and (iii) in appropriate cases recommending to the Secretary grants or contracts under part A of this title; and (B) in accordance with cooperative arrangements referred to in section 134(b)(6), cooperating with State Health Commissions of other States in jointly (or concurrently) or reciprocally admitting and approving Health Care Corporations for service, especially in joint or adjoining service areas of the respective States;

(2) provide for authorizing the incorporation in the State, or admission from other States, of nonprofit corporations and, at the State's option, of governmental corporations that can under the law of the State qualify as Health Care Corporations in accordance with section 141(a), but this function may at the option of the State be vested in an authority of the State other than the State Health Commission if this will not substantially permit the duplication of functions of the commission or impede the objectives of this Act;

(3)(A) provide for evaluation of the application of any corporation (incorporated in or admitted to the State in accordance with paragraph (2)) for approval to operate as a Health Care Corporation in a service area or areas approved by the commission in accordance with section 135;

(B) provide for granting such approval (evidenced by a certificate of approval) if (after reasonable notice and opportunity for hearing to the applicant, to any other corporation which holds or has applied for a certificate of approval for the service area or areas involved, and to the public) the commission finds—

(i) that the applicant qualifies as a Health Care Corporation in conformity with section 141(a) and satisfies the requirements of clauses (2) and (3) of section 141(b),

(ii) that there is need for the facilities and services to be provided by the applicant in the area or areas covered by the certificate,

(iii) if another Health Care Corporation or corporations already holds a certificate of approval for a service area covered by the certificate, that the additional operation of the applicant in that area will be economically feasible and will promote the purpose of giving a choice of registrants as stated in section 2(b)(2), and

(iv) if there is also pending before the commission the application of another Health Care Corporation for approval of its operation in a service area included in the certificate granted to the first-mentioned applicant, that in the review process the two applications have been jointly considered and either (I) that approval is also granted to the other applicant or (II) that for reasons stated in the commission's findings approval to the other applicant is denied; and

(C) provide that any certificate of approval granted by the commission is subject to revocation or amendment in accordance with subsection (c) of this section or upon revision of the approved service area or areas, covered by the certificate, under the provisions included in the State plan in accordance with section 135;

(4) provide, with respect to any service area for which more than one Health Care Corporation is approved and in which the combined capacity of all such corporations is sufficient to serve adequately all residents of the area but in which the separate capacity of one or more (but less than all) of such corporations can serve adequately only a reasonable proportion of the area's residents, for allowing any such corporation (whose capacity is thus limited) to restrict to a number approved by the commission the number of individuals whom it will accept for registration, and requiring the corporation in that event to accept, in such manner as may be required by the commission, residents of the area up to that number for registration on a first-applied first-accepted basis; but the plan shall preclude any action or procedure under this paragraph that does not assure the adequate provision, on a nondiscriminatory basis, of all the benefits of this Act to all the residents of the area who desire to register;

(5)(A) provide for limiting all charges of approved Health Care Corporations and other licensed providers for health services and items to the kinds of charges and the rates that are prospectively approved by the commission, in accordance with the principles and requirements of sections 112(b)(3) and 146, after (i) review of the provider's budget and its proposed charges, and (ii) such review or examination of other data, and such inspection, as the commission may deem appropriate; (B) require that the provider's budget and charges (i) do not make provision for services that are excessive or unnecessarily duplicative and (ii) do not take into account any actual or proposed capital exenditures (as defined in regulations of the Secretary) related to construction or rental of health care facilities by or for the provider for which the commission has not granted a certificate of need when required under the plan; (C) require that charges for physicians' services, such as those of radiologists and pathologists, that are held out as generally available to all inpatients of an institution, be included as part of institutional-service charges and not as separate physicians' services charges (regardless of the method of payment to the physician); (D) require that the provider's budget and proposed charges be prepared in accordance with accounting principles, prescribed by the Secretary, designed to bring about uniform methods of determining institutional costs and financial requirements; and (E) provide for granting an opportunity for a fair hearing to any health care provider which is dissatisfied with a decision of the commission with respect to the provider's proposed charges;

(6) provide for effective enforcement, by the commission, of the responsibility of approved Health Care Corporations and other licensed providers to (A) provide the necessary health care and items for which the registrants have Comprehensive Health Care Benefits coverage, (B) assure that such care be of not less than the scope, quality, and comprehensiveness required by this Act, including regulations and standards of the Secretary prescribed under part B of this title, (C) in the instance of Health Care Corporations, perform the functions specified in sections 143 and 144 with respect to services furnished by others to registrants while absent from their place of residence or in emergencies, and (D) in the instance of nonaffiliated providers, perform functions similar to those specified in section 144, as specified in regulations;

(7) prohibit the construction, modernization, or expansion of facilities and services of hospitals, skilled nursing facilities, nursing homes, or other health care facilities, or the establishment of such facilities through rental of major equipment or existing structures, by Health Care Corporations or other providers, except when authorized by a certificate of need by the commission;

(8) authorize the commission in its discretion to adjudicate, at the request of an approved Health Care Corporation or a provider affiliated with it, or a nonaffiliated provider, a controversy between the corporation and the provider with respect to any matter within the regulatory or supervisory authority of the commission;

(9) provide for granting an opportunity for a fair hearing before the commission (A) to any individual who is not accepted for registration by an approved Health Care Corporation of whose approved service area he claims to be a resident; or (B) with respect to a monetary claim by a registrant against a provider or against a carrier under whose prepayment plan the individual is covered for Comprehensive Health Care Benefits, or by a provider or a carrier against the individual relating to the provision of health care or to such coverage, where the claim has been denied (in whole or part) or is not acted upon with reasonable promptness and the amount in controversy is $100 or more; or (C) to any individual who alleges a substantial failure of the provider with respect to the provider's obligations to provide health care to the individual, and alleges facts showing that the failure is part of a pattern of similar conduct;

(10) provide for review and approval of peer review systems of approved Health Care Corporations and for continuous surveillance over the performance of approved Health Care Corporations in relation to their obligations under this Act, and enforcement of those obligations as provided for in this section; and

(11) provide for review and approval of peer review systems of nonaffiliated providers and for continuous surveillance over the performance of such providers in relation to their obligations under this Act, and enforcement of those obligations as provided in this section.

(b) If a Health Care Corporation or nonaffiliated provider complies with the procedures set forth in sections 1863 through 1865 of the Social Security Act, such provider shall be deemed to meet the standards relating to comparable elements established by this Act and regulations thereunder.

(c)(1)(A) Whenever the State Health Commission determines that there is a failure on the part of an approved Health Care Corporation (whether owing to its own acts or omissions or those of a provider furnishing services on its behalf) to fulfill all obligations assumed by the corporation or placed upon it by this Act, the commission shall by order direct the corporation to take prompt corrective action.

(B) If the corporation, within such reasonable period as may be required by the commission by regulation, requests a hearing on the commission's order and states reasonable grounds for objecting to the decision, the commission shall give the corporation reasonable notice and opportunity for a hearing with respect to the commission's decision and, if a hearing is held, shall on the basis of the record at the hearing render a decision, subject to such judicial review on the record as may be provided by applicable State law. Initiation of a proceeding for judicial review shall not operate as a stay of the commission's decision unless so ordered by the court.

(2) Notwithstanding paragraph (1), where the failure of a Health Care Corporation to comply with its obligations is so gross as in the judgment of the commission to create an imminent hazard to the health of registrants, the commission may give its order immediate effect, subject to later reversal or modification if so determined after hearing or after judicial review.

(3) In addition to the authority of the commission to order corrective action to be taken as above provided, the State plan shall, in the event of a substantial failure of the corporation to fulfill its obligations, empower the commission, after reasonable opportunity for a fair hearing, (A) to revoke its certificate of approval for operation by the corporation and issue for the service area involved a certificate of approval to another Health Care Corporation, or corporations, or (B) in lieu of such revocation, to take effective action (through appointment of a receiver for the corporation or other appropriate means) to bring the corporation into compliance with its obligations and provide its registrants with the health care services to which they are entitled. The order of the commission shall, when final, be subject to judicial review in a State court of competent jurisdiction on the basis of the record before the commission, and the findings of fact of the

commission shall, if supported by substantial evidence in the record when considered as a whole, be binding on the court.

(d) The commission is authorized to take corrective action whenever it determines that any provider not affiliated with a Health Care Corporation has failed to fulfill the obligations set forth in this Act, this action to include suspension of payment for services performed under Comprehensive Health Care Benefits. The appeal procedures outlined in subsection (c) shall apply with respect to action taken under this subsection.

### JUDICIAL REVIEW

SEC. 137. (a) Any State that is dissatisfied with a final action of the Secretary taken under section 138 (other than subsection (c) (3) thereof) may obtain judicial review of such action by filing, within sixty days after such action, a petition for review with the United States court of appeals for the circuit in which the State is located. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose. The Secretary shall thereupon file in the court the record of the proceedings on which it based its action, as provided in section 2112 of title 28, United States Code. Upon the filing of the petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Secretary may modify or set aside its order.

(b) The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

### FEDERAL EXERCISE OF STATE FUNCTIONS IN CASES OF NONCOMPLIANCE BY STATES

SEC. 138. (a) In the case of any State which has not established a State Health Commission in conformity with section 132, and submitted to the Secretary an approvable State plan pursuant to section 134, prior to the third fiscal year that begins after the calendar year in which this Act is enacted, the Secretary may, until such a State plan has been submitted to and approved by him under this title, assume and exercise, through the Department of Health, Education, and Welfare, with respect to the area of that State, those functions which would be required or authorized by this title to be exercised by the State Health Commission of that State if there were in effect a State plan approved under his title, and may utilize for that purpose any funds available under this title for payments for the administration of State plans. In any case in which the Secretary invokes the authority contained in the preceding sentence, any State law or practice that under section 134(c) would preclude approval of a State plan under this title shall be inoperative.

(b) (1) The Secretary shall not finally refuse to approve a State plan submitted to it under this title except after according to the State reasonable notice and opportunity for hearing.

(2) If, at the scheduled expiration of the effective period of approval of a State plan, there is pending before the Secretary an application of the State for renewal of the approval, the Secretary may, by order, temporarily postpone the scheduled expiration date until its decision on the application for renewal.

(c) (1) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State Health Commission administering a State plan approved under section 134 (c), determines—

(A) (i) that the plan has been so changed that it no longer complies with the provisions of section 134(b), including any provision of this title incorporated therein by reference, or (ii) that in the administration of the plan there is a failure to comply substantially with any such provision;

(B) that there is a failure to comply with any requirement of section 132; or

(C) that the State law or practice is such as, under the provisions of section 134(c), would preclude approval of the plan;

the Secretary shall by order withdraw approval of the plan and withhold further payments under section 134(e) (or, in the Secretary's discretion, suspend approval as to the part or parts of the plan affected by a failure determined under clause (A) or (B) of this paragraph and limit payments to those payable with respect to other parts), until the Secretary is satisfied that there will no longer be any such failure to comply or, in a case described in clause (C), until the plan is approvable under section 134(c), and shall forthwith notify the Commission of the order.

(2) If in the judgment of the Secretary it would better promote the purposes of this title to do so, he may postpone the effective date of his order under paragraph (1) for such reasonable period as he finds appropriate to allow necessary time for compliance with the requirements of this title.

(3) In addition to or in lieu of issuing an order pursuant to paragraph (1), the Secretary may request the Attorney General to institute a civil action by the United States against the State to enforce the requirements of this title.

(4) Whenever the Secretary has withdrawn approval of a State plan pursuant to paragraph (1), he may, with regard to the State involved, exercise the functions and use the funds referred to in subsection (a).

### COOPERATIVE INTERSTATE ACTIVITIES AND UNIFORM LAWS

SEC. 139. (a) The Secretary (1) shall encourage and assist the States and their State Health Commissions in carrying out cooperatively with other States their respective functions in accordance with part C, including the making of agreements between States for that purpose with respect to the establishment, admission (into jurisdictions other than those of incorporation), and approval of Health Care Corporations, the establishment of joint health care areas and assignment of such corporations thereto, the exchange of information, and other matters, and (2) shall develop and encourage the enactment of model State legislation in the fields covered by this title.

(b) The consent of the Congress is hereby given to any two or more States to enter into agreements of the kinds referred to in subsection (a), not in conflict with any provision of this Act or regulation of the Secretary thereunder or with any other law or treaty of the United States.

### OTHER ADMINISTRATIVE PROCEDURES

SEC. 140. (a) Effective on and after the effective date of part A of title II of this Act, the Secretary is authorized and directed, notwithstanding any provision of title V of the Social Security Act, to provide by regulation for limiting the use (directly or indirectly) of Federal funds under title V of the Social Security Act for personal health services and items (or for reimbursement for expenditures for such services or items) in participating States (as defined in section 134(d) (2) of this Act) in such manner as will avoid to the maximum extent practicable the use of such funds for personal health services or items for individuals to the extent that these individuals are entitled under section 202(b) of this Act to Compresensive Health Care Benefits coverage for like services and items.

(b) (1) Section 505(a) (2) of the Social Security Act is amended (A) by striking out "State health agency" the first time these words occur and inserting in lieu thereof "State Health Commission (established in accordance with section 131 of the National Health Care Services Reorganization and Financing Act)", and (B) by striking out "State health agency" the second time these words occur and inserting in lieu thereof "State Health Commission".

(2) The amendments made by paragraph (1) shall, with respect to any State, become effective on the date on which the State becomes a participating State (as defined in section 134(d) (2) of this Act).

## PART D—HEALTH CARE CORPORATIONS

### INCORPORATION AND STATE APPROVAL

SEC. 141. (a) A Health Care Corporation is a nonprofit private or governmental corporation which (1) is organized for the purpose of furnishing (through its own facilities and personnel or through other providers, nonprofit or for-profit) comprehensive and coordinated personal health services to persons registered with the corporation, furnishing personal health services to other persons to the extent authorized by this title, and engaging in educational, research, and other activities related or incidental to the furnishing of personal health service; and (2) provides (or will provide after the persons registered with the corporation furnishing personal equitable representation, on its governing board, of the registrants with the corporation and of the affiliated institutional and professional providers furnishing services on its behalf.

(b) A Health Care Corporation is eligible, for the purposes of this title to furnish services in a State only if it is approved by the State Health Commission of the State, for operation in an approved service area or areas of the State (under the provisions of the State plan in accordance with sections 135 and 136), upon a finding by the commission (1) that the corporation conforms to the provisions of subsection (a), (2) that it has an adequate organization under professionally competent management, and adequate resources in facilities and personnel (including resources available to it through contracts with affiliated providers), to meet the requirements of this part and of regulations prescribed thereunder and requirements prescribed by the State Health Commission, and (3) that it has given assurances (including assurances of financial responsibility), satisfactory to the commission, that in operation it will meet all such requirements.

### REGISTRATION WITH HEALTH CARE CORPORATIONS

SEC. 142. (a) A Health Care Corporation shall, in accordance with regulations of the State Health Commission—

(1) register with the corporation all persons (or such number of persons as may be required by the commission pursuant to section 136(a) (4)), resident in the service area approved for it by the commission, who apply for such registration during a period of open registration fixed by the commission, or apply therefor after termination of registration with another corporation pursuant to subsection (e);

(2) make all reasonable efforts, on a continuing basis, to procure the registration of persons resident in the area who, having failed to apply for registration, have been assigned by the commission to the corporation for recruitment; and

(3) within its capacity to furnish services, register with the corporation all persons as-

suming residency in the approved service area after the end of the period of open registration fixed under paragraph (1).

(b) Within its capacity to furnish services and with the approval of the commission, the corporation may recruit and register persons (whether or not residents of the area) whom it is not required by subsection (a) to recruit or register.

(c) In such cases and such manner as may be specified in regulations of the Secretary, a registrant may effect registration on behalf of his or her spouse and children under 19 years of age.

(d) The corporation shall make available, and shall employ all reasonable means to disseminate throughout its approved service area, full information about its operations, including descriptions of the services it furnishes and places where they are furnished, and including information about the methods and times of registration; and information about the benefit coverages (both those purchased by the Secretary and others) available to residents of the area, and the methods of obtaining such coverage. It shall assist registrants and applicants for registration to establish entitlement to coverage purchased by the Secretary under section 202, and to obtain other coverage as appropriate.

(e) Registration with a Health Care Corporation shall be effective for a period of twelve months, except that a registrant may terminate his registration if he changes his place of residence or for such other cause as may be approved by the State Health Commission.

### UNDERTAKING TO FURNISH SERVICES

Sec. 143. (a) A Health Care Corporation shall assume responsibility for making available and furnishing to each registrant with the corporation, and to any other person to the extent required by regulations of the Secretary, all services for which he has Comprehensive Health Care Benefits coverage and which are medically necessary (or, in the case of health maintenance services, medically appropriate). The acceptance of a registration shall constitute an obligation of the corporation to the registrant to furnish all such services, either through the facilities and personnel of the corporation, through affiliated providers meeting the requirements of subsection (b), or through other providers in accordance with subsection (c).

(b) Services may be provided through an affiliated provider who, by contract with the Health Care Corporation, has undertaken (1) to furnish on behalf of the corporation a portion of the services for which the corporation is responsible, and (2) to cooperate and (to the extent practicable) participate in discharging all other responsibilities of the corporation under this part. Affiliated providers may be hospitals, extended care facilities, nursing homes, or home health service agencies (hereafter referred to collectively as "institutional providers"); physicians, dentists, podiatrists, or optometrists; combinations of the foregoing, such as partnerships, clinics, or group practice organizations, which may include appropriate allied health professionals and technical or other supporting personnel; or other providers of kinds designated in regulations of the Secretary. The services of an affiliated provider may, but need not, be furnished exclusively on behalf of one Health Care Corporation. A provider may be affiliated with two or more Health Care Corporations, but in the case of an affiliated institutional provider shall designate one affiliation as the provider's primary affiliation for the purpose of maintaining quality of services, control over the utilization of services, and continuing appraisal of the effectiveness of services.

(c) Drugs, devices, appliances, and equipment may be furnished to outpatients, and ambulance and other emergency transportation services may be furnished, through providers not affiliated with the corporation, under arrangements which the commission finds assure adequate availability of such items and services. Medical and other services of specialized nature, which the commission in accordance with regulations of the Secretary finds cannot practicably be furnished by a Health Care Corporation or its affiliated providers, may be furnished through arrangements with or referral to other Health Care Corporations or other providers.

(d) The organization of the services furnished by or on behalf of the corporation shall emphasize health maintenance (including health education) of registrants, assure continuity of care and referral of patients to such services and at such times as may be medically appropriate, and to the greatest extent possible provide care on an outpatient basis. All services shall be made as readily available as is practicable to all registrants within the approved service area of the corporation, and the corporation shall (in accordance with regulations of the Secretary) maintain a system of scheduling periodic health maintenance services for each registrant and reminding him thereof. Outpatient care shall be furnished in centers and physicians' offices conveniently accessible throughout the area. Emergency care, including ambulance service within the approved service area of the corporation, shall be available at all times.

(e) The corporation shall as rapidly as practicable develop, by affiliation with existing organizations or otherwise, a system of outpatient care centers throughout its approved service area, utilizing hospital medical staffs and other physicians practicing in the area, and staffing the centers with physicians, appropriate allied health professionals, and other ancillary personnel to furnish primary medical care. To the extent practicable, the corporation shall also furnish through or in conjunction with such centers health maintenance services and community-based services such as home care, medical social services, and the services of well-baby clinics and mental health clinics. Centers shall be so related to institutional or other providers as to assure the availability of necessary laboratory and other diagnostic services, and the ready referral and transfer of patients to facilities providing more comprehensive services when medically necessary or appropriate.

(f) Whenever services for which the corporation is responsible under subsection (a) are furnished by another Health Care Corporation to a registrant who is absent from his place of residence, or are furnished in an emergency by any provider (wherever situated) who is not affiliated with the corporation or acting under arrangements with it, the corporation shall review a report of the services rendered and the charge therefor and shall submit it to the carrier responsible for its payment; or, if it is itself the carrier or is other responsible for payment, shall pay the charge. This subsection shall not be applicable in the case of a registrant who, otherwise than pursuant to arrangement by the corporation, has left his place of residence for the purpose of obtaining health services.

(g) The corporation shall so far as practicable furnish necessary emergency health services to persons not registered with it, and may furnish other services to such persons when it can do so without interference with services to its registrants.

### QUALITY OF SERVICES

Sec. 144. (a) A Health Care Corporation shall assume responsibility (1) for the quality of all services furnished by it either through its own facilities and personnel or by providers affiliated or acting under arrangements with it, and for compliance with standards of quality and comprehensiveness prescribed by the Secretary, (2) for maintaining controls upon the utilization of all such services, (3) for continuing appraisal, through medical audits and otherwise, of the effectiveness of such services, and (4) for identifying problem areas requiring planning for additional services. For these purposes the corporation shall maintain a system (approved by the commission) of comprehensive peer review by a group or groups of physicians (and a group or groups of dentists in the case of dental services) providers and their staff, embracing services furnished by affiliated providers as well as services furnished directly by the corporation, and shall require similiar review by a staff committee or committees of each hospital and extended care facility affiliated with it. The corporation shall, through an appropriate staff committee or committees maintain a program of continuing professional education of physicians, dentists, and nurses (and, to the extent the corporation deems desirable, of other professional personnel) furnishing services on its behalf.

(b) All medical policies of the corporation shall be established with the advice of physicians, and all dental policies with the advice of dentists. All medical judgments related to health care shall be made by or under the supervision of physicians, and all dental judgments by or under the supervision of dentists.

(c) The corporation shall encourage the participation of physicians in all aspects of its policy-formulation and operation (including budget review), both in administrative and in advisory capacities.

### PARTICIPATION OF PROFESSIONAL PRACTITIONERS

Sec. 145. (a) Within the limits of its need for physicians, dentists, podiatrists, and optometrists (hereafter referred to collectively as "practitioners"), and so far is is consistent with the furnishing of the highest practicable quality of care, a Health Care Corporation shall provide opportunity to all practitioners practicing in its approved service area to furnish services on its behalf, either (at the election of the corporation) as members of its professional staff or as affiliated providers. It shall fix, and review annually, the scope of services which each practitioner may so furnish, in accordance with his training, experience, and professional competence as determined, pursuant to rules of the corporation, through peer review of his credentials and performance. A practitioner who desires to enlarge the scope of services assigned him shall be assisted through in-service training in acquiring added experience and professional competence, and his assigned scope of service shall be reconsidered from time to time.

(b) In selecting practitioners to furnish services on its behalf and in fixing the scope of services which each may furnish, the corporation shall not discriminate on any ground unrelated to professional qualifications; but in carrying out the purpose of subsection (a) in its initial recruitment of practitioners the corporation may give preference, as between equally qualified persons, to those who at the time are practicing in its approved service area.

(c) The corporation shall so organize the services furnished by practitioners on its behalf as to meet the purposes of sections 143 and 144. To the extent consistent with such organization it shall permit each practitioner to elect the form or forms of practice (individual office practice, group practice, or other form of practice) in which he wishes to engage.

### CHARGES BY HEALTH CARE CORPORATIONS AND OTHER PROVIDERS

Sec. 146. (a) All charges by a Health Care Corporation or other provider for health services shall be made at rates fixed by the corporation or other provider prospectively for a twelve-month period and approved by the commission. Rates so approved may be revised before the end of the period only on the basis of events, occurring subsequent to the approval, which the commission finds (1) could not reasonably have been foreseen at the time of approval, and (2) will, if the rates are not revised, impose severe financial hardship on the corporation or other provider.

(b) Such charges shall consist either of an annual amount for each registrant or registrant family (hereafter referred to as a "capitation amount"), or of itemized charges for separate services or units of service for registrants or patients. With the approval of the commission, the corporation or other provider may use one method of determining charges for some services or with respect to some registrants or patients and the other method for other services or with respect to other registrants; except that after three years of operation a Health Care Corporation must submit to the State Health Commission a plan to commence two years thereafter for offering capitation rates to its registrants who choose to purchase coverage directly from the corporation. Except for reasonable variations (in accordance with regulations of the Secretary) based on the size and composition of families, capitation amounts shall be uniform for all registrants to whom they are applicable, other than registrants having coverage under contracts purchased by the Secretary.

(c) Charges of the corporation or other provider, by whichever method determined, shall be at rates estimated to be sufficient for the twelve-month period to meet the financial requirements of the corporation or other provider, as reflected in its budget for the period, to enable it to fulfill its responsibilities under this part. The financial requirements shall be determined in accordance with regulations, and with systems of accounting, prescribed by the Secretary under section 112(b).

(d) The corporation and the commission, in developing and reviewing the budget of the corporation and the rates to be paid to other providers, and in reviewing the budgets of any affiliated providers, shall seek to assure that adequate services are available to registrants of the corporation without unnecessary duplication or other excessively costly or excessive services.

### CONTINUING PERSONAL HEALTH RECORD

SEC. 147. (a) In a manner consistent with the requirements relating to confidentiality in subsection (d), a Health Care Corporation shall develop, and keep current, a continuing personal health record for each registrant of the corporation, in such form, consistent with regulations of the Secretary, as may be required by the commission for the purposes (1) of making medical histories and other pertinent data readily available to the medical and other staff of the corporation and its affiliated providers; and (2) of enabling the corporation to meet requirements of the commission for gathering and reporting health care statistics, including statistics on the utilization and cost of health services.

(b) The corporation shall, to the greatest extent practicable, equip its facilities, and assure that facilities of its affiliated providers are equipped, for the prompt transmission, to appropriate members of the staffs of all such facilities, of the personal health records of its registrants.

(c) Whenever a registrant with one Health Care Corporation transfers his registration to another such corporation, his personal health record shall be transferred to the latter corporation. To such extent as may be required by regulations of the Secretary, a Health Care Corporation shall make available to other Health Care Corporations, and other providers (not affiiliated with it), who furnish emergency or other health services to its registrants, information from the personal health records of the registrants.

(d) Personal health records, information contained therein, and other information concerning individual registrants or applicants for registration shall be used or disclosed, without the consent of the individual, only (1) in accordance with this section, or (2) for purposes necessary to the administration of the Health Care Corporation, the State plan, or any benefit coverage pursuant to this title. Any person who violates any provision of this subsection shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

### PARTICIPATION BY REGISTRANTS; HEALTH EDUCATION

SEC. 148. (a) A Health Care Corporation shall establish methods by which (in addition to their representation on its governing board) registrants may express their views with regard to the policies and operation of the corporation, the health needs of the community, and the need for any modification or expansion of the services furnished by the corporation. The corporation shall take all practicable steps to assure that this opportunity is readily available to all substantial groups (geographic, economic, or other) of registrants, and to the extent practicable, to individual registrants. The corporation shall establish an advisory committee representative of registrants in general, and subcommittees or separate committees representative of any groups whose interests may differ materially from those of other registrants. Through such committee or committees, the corporation shall seek a continuing evaluation by its registrants of its program and performance.

(b) In a manner consistent with the purpose of assuring that individuals are responsible for protecting their own health and for learning to utilize the health services available to them in the most effective manner, the corporation shall undertake a program of continuing health education, with special emphasis directed toward low-income and medically indigent registrants. The program shall be designed and conducted with the advice and participation of representatives of the registrants, for the purpose of overcoming lack of information and correcting misinformation on the part of registrants about personal health matters, encouraging their interest in healthful living, proper nutrition, and the avoidance of illness, and enabling them to make more responsible and effective use of health maintenance services and, when illness occurs, of the diagnostic and therapeutic services available to them. Corporations shall provide, to registrants in need thereof, assistance in overcoming language or educational handicaps in obtaining access to health care. In carrying out this subsection the corporation shall collaborate with governmental and private agencies engaged in community-wide health education.

### NONDISCRIMINATION; COMPLAINTS

SEC. 149. (a) In recruitment and registration a Health Care Corporation shall not discriminate on the ground of race, creed, color, national origin, age, sex, occupation, economic status, or condition of health. Subject to such differentiations as are medically necessary or appropriate or are specifically authorized by this title the corporation and other providers shall not discriminate on any of the foregoing grounds in furnishing services on behalf of the corporation.

(b) The corporation shall establish adequate procedures for the receipt and disposition of complaints by registrants with respect to services furnished them, failure to furnish services or to pay for services furnished by others, or the propriety of charges made by the corporation; and complaints by persons whose applications for registration have been refused. The corporation shall, to such extent and in such form as may be required by the commission, maintain records of such complaints and of their disposition, and shall make such records available for inspection by the commission.

(c) The corporation shall establish adequate procedures for the settlement of disputes with affiliated providers, with other providers having arrangements with the corporation for the furnishing of health care to its registrants, and with nonaffiliated providers.

### RESPONSIBILITIES FOR MANPOWER AND FOR RESEARCH

SEC. 150. (a) A Health Care Corporation shall coordinate among its own staff and the staffs of its affiliated providers determination of the needs for the several classes of health personnel, and the recruitment and allocation of such personnel; shall set qualification and performance standards for such personnel, which shall at least equal standards established or recommended by recognized professional organizations; and shall conduct within its own organization and encourage in its affiliated providers such programs of inservice training as it finds necessary or useful in meeting manpower needs, improving the quality of care, and promoting upward mobility within the several health professions and occupations. To the extent permitted by the law of the State in accordance with section 134(c)(4), and consistent with regulations of the Secretary and good professional practice, the corporation shall encourage the use of physician assistants, allied health professionals, and other ancillary personnel, under appropriate professional supervision, to increase the productivity of its medical and dental staff and of affiliated providers and their staffs.

(b) The corporation, in addition to a continuing evaluation of its own performance, shall engage or participate in planning for additional services to respond to identified problem areas and in continuing research concerning the organization and methods of delivery of health services, and concerning their quality, effectiveness, and cost. The results of such research shall be made available to the commission and the Secretary for such dissemination as the commission or Secretary may deem proper.

### RECORDS AND REPORTS

SEC. 151. A Health Care Corporation shall keep such records, and on behalf of itself and its affiliated providers make such reports to the commission, as the commission, in accordance with regulations of the Secretary, shall require with respect to financial matters, the utilization of services, the results of peer review of quality, and other matters; and shall require that its affiliated providers keep such records and furnish it with such information as may be necessary for this purpose. The corporation and its affiliated providers shall make the records required pursuant to this section available for inspection by representatives of the commission when necessary for the purpose of verification of such reports.

## PART E—SPECIAL STUDY OF METHODS FOR MEETING SUPPLEMENTAL CAPITAL NEEDS OF HEALTH CARE CORPORATIONS AND RELATED HEALTH CARE ORGANIZATIONS

### FINDINGS AND PURPOSE

SEC. 161. The Congress finds that existing health care institutions in the United States have traditionally obtained their funding for health resource development from a variety of sources, including public subscription, Federal grants, third-party reimbursement, borrowing, and local bond issues, with the result that the funding of such institutions has been neither adequate, consistent, coordinated, nor equitably distributed. It is the purpose of this part to provide for the development of a more rational approach for supplying the supplemental capital and other funding needed by the health care industry in order to assure a more rational distribution of funds and thereby to meet more effectively the health care needs of the nation without causing undue cost to individuals in communities which have the greatest health need.

### SPECIAL STUDY

SEC. 162. (a) The National Health Services Advisory Council (hereinafter in this section referred to as the "Council"), established by section 113 of this Act, shall conduct a full and complete study and investigation of methods for supplying supplemental capital and other funding for Health Care Corporations and related health care organizations in the United States, with the objective of developing a national program for supplying such funding, giving special emphasis to areas of high priority health care needs both rural and urban, which will effectively carry out the purpose of this part.

(b) In conducting its study and investigation under subsection (a), the Council shall give particular consideration to the development of a program which—

(1) establishes and utilizes, as its basic source of funds, a national trust fund consisting of any or all of the following: (A) a designated portion of the premiums or on a designated portion of the premiums collected for Comprehensive Health Care Benefits coverage, (B) a tax on such premiums or on such premiums and all other premiums paid for health insurance coverage, (C) appropriated funds, and (D) amounts received from other sources, public or private;

(2) provides for the distribution of amounts in the trust fund to State Health Commissions in a manner reflecting population, per capita income, and health care needs, for allocation by such Commissions within their respective States to Health Care Corporations and other health care organizations, in the form of grants, loans, or combined grants and loans, on the basis of per capita income, urgency of health care needs in the light of available or potentially available health care resources, and other factors calculated to assure the concentrated expenditure of the available funds in high need areas;

(3) recognizes the need for adequate planning for health care services and facilities, and makes such planning a condition of assistance;

(4) encourages and facilitates the continuing provision of funds for these purposes from sources other than the trust fund, and effectively coordinates the utilization of the amounts provided from such other sources with the amounts distributed from the trust fund;

(5) leaves to each State Health Commission, under general regulations of the Secretary, the determination of how the funds distributed to such Commission are to be allocated and utilized within the State which it represents; and

(6) contains or is subject to such other provisions, conditions, and limitations as may be necessary or appropriate to assure that the purpose of this part will be effectively carried out.

(c)(1) The Council shall submit to the Secretary, for transmission to the Congress no later than one year after the effective date of this Act as specified in section 301(a), a full and complete report of its study and investigation under this section together with its findings and recommendations and with detailed specifications for any legislation which it finds may be required to carry out such recommendations. The Secretary, in transmitting such report to the Congress shall include his own comments thereon and his views with respect to the Council's legislative recommendations and specifications.

(2) The special study and investigation conducted by the Council under this section shall be independent of the studies made by the Secretary under section 114; and the report of the Council under this section shall be separate and distinct from its annual report under section 113(c).

## TITLE II—FINANCING OF NATIONAL HEALTH SERVICES

### SHORT TITLE

SEC. 200. This title may be cited as the "National Health Care Services Financing Act".

## PART A—EMPLOYER REQUIREMENTS AND ENTITLEMENTS TO BENEFITS

### REQUIREMENT OF COMPREHENSIVE HEALTH CARE BENEFITS COVERAGE FOR EMPLOYEES

SEC. 201. (a) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

### "REQUIREMENT OF COMPREHENSIVE HEALTH CARE BENEFITS COVERAGE FOR EMPLOYEES

"SEC. 232. (a) Under regulations prescribed by the Secretary of Health (subject to subsection (b)), every person who is an employer within the meaning of this title shall be required—

"(1) during the period beginning on the transitional effective date specified in section 301(c) of the National Health Care Services Reorganization and Financing Act and ending on the day before the effective date specified in section 302 of such Act, to provide benefits under such Act equivalent to the hospital insurance benefits available under part A of title XVIII of this Act and the supplementary medical insurance benefits available under part B of such title, and in addition to provide Catastrophic Expense Benefits coverage under and in accordance with section 25 of the National Health Care Services Reorganization and Financing Act, for each of his employees (performing employment for him within the meaning of section 210(a) of this Act) and for the members of the family of each such employee; and

"(2) from and after the effective date specified in section 302 of the National Health Care Services Reorganization and Financing Act, to provide Comprehensive Health Care Benefits coverage (as provided or made available under such Act) to each such employee and for the members of the family of each such employee. "(b) The provisions of subsection (a) shall not apply—

"(1)(A) with respect to any employer which is the United States, a State or political subdivision thereof (nothwithstanding any agreement entered into under section 218), or any agency or instrumentality of one or more of the foregoing, or any other employer all of the services performed for which are excluded from 'employment' by one or more of the numbered paragraphs of section 210(a); or

"(B) in any case where the employed member of a family has two or more employers, or where two or more members of the family each have one or more employers, with respect to any such employer other than the one whose total taxes paid under section 3111(a) of the Internal Revenue Code of 1954 on account of the employment of such member or members is greatest; or

"(2) with respect to any employee (or member of an employee's family) who is entitled to health insurance benefits under title XVIII.

"(c)(1) The Secretary shall reimburse any employer to whom subsection (a) applies for any amount by which such employer's share of the average premiums payable for the coverage of his employees to whom such subsection applies during any period exceeds (A) 4 percent of the average wages per employee paid by such employer to such employees for such period, multiplied by (B) the number of such employees (not in excess of ten).

"(2) The Secretary shall prescribe regulations for purposes of this subsection relating to the period for determining the number of employees of an employer, the wages of the employees, and the premiums payable under the National Health Care Services Reorganization and Financing Act, as well as the method for determining such wages (and the average thereof) and the cases in which payment may be made to a payee other than the employer.

"(3) Payments by the Secretary pursuant to this subsection shall be made in advance or by way of reimbursement, at such times, in such manner, and in such installments as the Secretary shall determine to be appropriate.

"(d) For purposes of this section the employer's contribution must be at least the actuarial equivalent of 75 percent of the premium cost of the coverage provided by him for his employees as required by subsection (a). The requirement for an employer's contribution shall not in any way prohibit the employee from choosing to register with a Health Care Corporation operating in whole or in part on a capitation basis.

"(e) In any case where an individual who is a low-income person or a member of a low-income family, or who is a medically indigent person or a member of a medically indigent family, is provided with Comprehensive Health Care Benefits coverage by an employer under this section, and in connection therewith is required to make a contribution toward the premium cost of such coverage which exceeds the amount of the premium contribution which he would be required to make under section 206 of the National Health Care Services Reorganization and Financing Act if he were entitled to such coverage under section 202 of that Act rather than under this section, such individual shall be entitled, upon application therefor filed at such time and in such manner and form as the Secretary shall by regulations prescribe, to a premium contribution refund in the full amount of such excess.

"(f) The period of coverage of any employee whose employment is involuntarily terminated shall extend from the date of such termination until the employee becomes eligible for unemployment compensation benefits or until the expiration of 14 days from such termination, whichever first occurs."

(b) Title IX of the Social Security Act is amended by adding at the end thereof the following new section:

### "REQUIREMENT OF COMPREHENSIVE HEALTH CARE BENEFITS COVERAGE FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION BENEFITS

"SEC. 906. Every individual who is receiving benefits under any Federal or State unemployment compensation law, and the members of his family, shall be entitled under the National Health Care Services Reorganization and Financing Act (while such individual is eligible for and receiving such benefits)—

"(1) during the period beginning on the transitional effective date specified in section 301(b) of the National Health Care Services Reorganization and Financing Act and ending on the day before the effective date specified in section 302 of such Act, to coverage in the form of (A) benefits under such Act equivalent to the hospital insurance benefits available under part A of title XVIII of this Act and the supplementary medical insurance benefits available under part B of such title, and (B) Catastrophic Expense Benefits coverage under and in accordance with section 225 of the National Health Care Services Reorganization and Financing Act; and

"(2) from and after the effective date specified in section 302 of the National Health Care Services Reorganization and Financing Act, to Comprehensive Health Care Benefits coverage as provided or made available under such Act.

The Secretary of Labor, in accordance with regulations prescribed in consultation with the Secretary of Health, Education, and Welfare, shall purchase such coverage for, and determine the methods by which (and the terms and conditions under which) it is to be made available to, such individuals and members. There are authorized to be appropriated to the Secretary of Labor such sums as may be necessary to carry out this section."

### ENTITLEMENT TO BENEFITS FEDERALLY SUBSIDIZED

SEC. 202. (a) Every individual who is a resident of the United States shall, as provided in this section and under the conditions and to the extent otherwise specified in this part, be entitled—

(1) in cases specified in subsection (b), to coverage for Comprehensive Health Care Benefits (as described in this part) contracted for by the Secretary, or

(2) in cases specified in subsection (c), to a Federal contribution to the premium cost of coverage for such benefits under an approved insurance contract or prepayment plan to which the Secretary is not a party.

(b) Such an individual shall be entitled to such coverage contracted for by the Secretary with a carrier under section 117, with respect to any period for which he is not provided with Comprehensive Health Care Benefits coverage by an employer under section 232 of the Social Security Act, if he—

(1) has attained the age of 65, or

(2) is under 65 but is a low-income person or a member of a low-income family, or

(3) is under 65 but is a medically indigent person who complies, or a member of a medically indigent family which complies, with the requirement of section 206 with respect to contributions to premiums for such coverage.

(c)(1) Every other individual referred to in subsection (a) who is registered with an approved Health Care Corporation in a participating State, or with any other organization providing comprehensive health care and services which is engaged in the delivery of such care and services to a defined population group established through open enrollment and has demonstrated such standards as the Secretary may prescribe in order to assure that it will be operated and its services delivered in an effective manner consistent with the purposes and provisions of this Act, shall be entitled to a Federal subsidy of 10 percent of the amount of premium charged by a qualified carrier (as determined under section 232) at an approved group rate for prepaid coverage of the individual for Comprehensive Health Care Benefits under an approved insurance contract or prepayment plan to which the Secretary is not a party. Payments under this subsection shall, upon certification by the Secretary, be made to the carrier.

(2) As used in this subsection, (A) the term "approved group rate" means a group rate prescribed or approved (for the coverage referred to in paragraph (1)) by the State Health Commission (or its delegate agency) under the State plan (approved under part C of title I) of the participating State of which the individual concerned is a resident or, in the case of coverage under an employer plan, the State in which the individual is employed; (B) the term "approved insurance contract or prepayment plan" means an insurance contract or prepayment plan that it approved by the Secretary under section 234; and (C) the term "premium" does not include special premiums payable, in accordance with the provisions referred to in section 234, by a registrant to a carrier to cover the copayment component of capitation charges paid by the carrier to the registrant's Health Care Corporation.

(3) If the coverage of the insurance contract or prepayment plan for an individual (or an individual and his family) entitled to a contribution under paragraph (1) includes Comprehensive Health Care Benefits but also includes benefits greater than those required for Comprehensive Health Care Benefits coverage and a combined premium rate is charged by the carrier for the total coverage, the Federal contribution payable under paragraph (1) shall be based on that portion of the total premium which, in accordance with actuarial principles, is attributable to coverage for Comprehensive Health Care Benefits for that individual (or him and his family) and shall be determined in accordance with regulations of the Secretary.

(4) Entitlement to a contribution under paragraph (1), and the amount thereof, shall be determined without regard to whether the cost of the remainder of the premium is borne (or whether in the absence of that contribution the cost of that portion of the premium which is equal to the contribution would be borne) by the covered individual, by his employer, or by any other person or agency.

(d) For definitions of "low-income person", "low-income family", "medically indigent person", "medically indigent family", and "family", see sections 203 through 205.

### INCOME CLASSES

SEC. 203. (a) For purposes of this part—

(1) the terms "low-income person" and "low-income family" means, respectively, a single individual or family in income class 1;

(2) the terms "medically indigent person" and "medically indigent family" mean, respectively, a single individual or family in income class 2, 3, or 4;

(3) all persons or members of families not in income class 1, 2, 3 or 4 are classified as being in income class 5;

(4) the term "income class", with respect to a single individual or a family, means for any coverage year the individual's or family's income class as determined by application of—

(A) the table set forth in subsection (b) of this section, or

(B) if containing higher dollar amounts, the redetermined income class table promulgated by the Secretary for that year under section 204; and

(5) the term "single individual" means an individual who is not a member of a "family" within the meaning of section 205.

(b)(1) The income class table referred to in subsection (a)(4)(A) is as follows:

TABLE OF INCOME CLASSES—FAMILY SIZE AND INCOME RANGES

| Col. I | Col. II | Col. III |
|---|---|---|
| Income class | Single individual | Family of 2 |
| 1 | 0 to $2,000 | 0 to $3,000. |
| 2 | $2,001 to $3,000 | $3,001 to $4,500. |
| 3 | $3,001 to $4,500 | $4,501 to $6,000. |
| 4 | $4,501 to $6,000 | $6,001 to $7,500. |
| 5 | Above $6,000 | Above $7,500. |

| Col. I | Col. IV | Col. V |
|---|---|---|
| Income class | Family of 3 | Family of 4 or more |
| 1 | 0 to $4,500 | 0 to $6,000. |
| 2 | $4,501 to $6,000 | $6,001 to $7,500. |
| 3 | $6,001 to $7,500 | $7,501 to $9,000. |
| 4 | $7,501 to $9,000 | $9,001 to $10,500. |
| 5 | Above $9,000 | Above $10,500. |

### PERIODIC REVISION OF INCOME CLASSES

SEC. 204. (a) Not later than December 31 of each calendar year (after the year in which this Act is enacted), the Secretary shall, in accordance with subsection (b), redetermine and promulgate—

(1) the dollar amounts in the table of income classes under section 203(b);

(2) the amounts of annual premium contributions to be required of medically indigent persons and medically indigent families under section 206;

(3) the dollar amounts of copayments under section 222; and

(4) for Catastrophic Expense Benefits, the dollar amounts for the special-expenditure limits under section 225.

(b) The redetermined amounts shall be the same as the amounts specified in the respective sections cited in subsection (a) unless the average of the Consumer Price Index for the months of July, August, and September of the calendar year in which the redetermination is made exceeds by 3 percent or more the average of that index for the corresponding months of the year in which this Act is enacted. In the latter event, the Secretary shall adjust each of the amounts so specified by increasing it by the same percentage as the percentage increase (referred to in the preceding sentence) in the average of the Consumer Price Index, after rounding the latter percentage to the nearest multiple of 0.1 percent (or to the next higher multiple if the percentage is an odd multiple of 0.05 percent) and rounding each dollar amount so obtained—

(1) for the table of income classes, to the nearest multiple of $100 (or to the next higher multiple if the amount to be rounded is an odd multiple of $50),

(2) for premium contributions to be made by medically indigent persons and medically indigent families, to the nearest multiple of $10 (or to the next higher multiple if the amount to be rounded is an odd multiple of $5),

(3) for copayments, to the nearest multiple of 25 cents (or to the next higher multiple if the amount to be rounded is an odd multiple of 12½ cents), and

(4) for the special-expenditure limits for Catastrophic Expense Benefits, to the nearest multiple of $100 (or to the next higher multiple if the amount to be rounded is an odd multiple of $50).

(c) The amounts as so redetermined and promulgated in any calendar year (whether or not the same as the amounts specified in the sections cited in subsection (a)) shall be effective for any coverage year that begins in the fiscal year beginning in the following calendar year.

(d) As used in this section, the term "Consumer Price Index" means the Consumer Price Index (All Items—United States City Average) published monthly by the Bureau of Labor Standards of the Department of Labor.

### DETERMINATION OF INCOME LEVEL

SEC. 205. (a) For the purposes of this part, the rate of income of a single individual or a family shall be determined on the basis of his adjusted gross income (in the case of a single individual) or the family's combined adjusted gross income (in the case of a family), as defined in accordance with regulations prescribed by the Secretary in consultation with the Secretary of the Treasury or his delegate, for the calendar year preceding the coverage year with respect to which the determination is made; except that—

(1) the Secretary may prescribe regulations (A) excluding from the amount thus determined items of income that are not reasonably available for living expenses, and (B) including therein items that are reasonably available for living expenses although not included in adjusted gross income, and

(2) the Secretary may by regulation provide for redetermination of an individual's or family's rate of income on a more current basis when necessary to prevent serious hardship or inequity.

(b) For the purposes of this part—

(1) the term "family" means (A) a husband and wife (not divorced or judicially separated) or (B) such spouses and their dependent unmarried children under 19, or (C) an individual and his or her dependent unmarried children under 19; and

(2) The terms "child" and "dependent" (as applied to a child) have the meanings assigned them in sections 151 and 152 of the Internal Revenue Code of 1954.

### PREMIUM CONTRIBUTIONS FOR FEDERALLY CONTRACTED COVERAGE

SEC. 206. (a) (1) In the case of medically indigent persons and members of medically indigent families referred to in section 202 (b) (2), entitlement to coverage contracted for by the Secretary shall be subject to the condition that the individual or family concerned, or another person or agency on the individual's or family's behalf, contribute to the carrier's annual premium charge for such coverage.

(2) (A) The annual amount of contribution so required with respect to such an individual or family shall be—

(i) $50 for a single individual, and $125 for a family, in income class 2;

(ii) $100 for a single individual, and $250 for a family, in income class 3;

(iii) $150 for a single individual, and $375 for a family, in income class 4;

except that in the case of a family (in any such income class) in which only one member is under the age of 65, the amount of contribution required under the foregoing clause applicable to that income class shall be the amount specified in that clause for a single individual, and except that if, by reason of an increase in the Consumer Price Index, higher contribution amounts are promulgated under section 204 by the Secretary with respect to single individuals or families in income class 2, 3, or 4 for any coverage year, those amounts shall apply for that year.

(B) For determination of income classes, see section 203.

(b) Annual contributions under this section shall be payable, by or on behalf of the individual or family concerned, to the carrier under whose contract with the Secretary the individual or family is enrolled, in such installments and in such manner as may be prescribed by the Secretary by regulation. There shall be no recourse against the United States under this title on account of any delinquency or default in the payment of such contributions. For effect of delinquency or default on coverage, see section 236.

### INCOME TAX DEDUCTIONS BY INDIVIDUALS

SEC. 207. Section 213 (a) (2) of the Internal Revenue Code of 1954 (relating to individual's deduction for medical insurance expense) is amended to read as follows:

"(2) the sum of—

"(A) an amount (not in excess of $150) equal to one-half of the expenses (other than those deductible under subparagraph (B)) paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents (as defined in section 152), and

"(B) in the case of a taxpayer who at any time during the taxable year is covered under an insurance contract or prepayment plan approved by the appropriate State Health Commission under title I of the National Health Care Services Reorganization and Financing Act, an amount equal to all the expenses paid during the taxable year for Comprehensive Health Care Benefits coverage, as defined in section 222 of that Act."

### LIMITATION OF MEDICAID TO SUPPLEMENTATION OF COMPREHENSIVE HEALTH CARE BENEFITS

SEC. 208. (a) On and after the effective date of entitlement to benefits under this part, a participating State (as defined in section 134(d) (2)) shall, notwithstanding any provision of XIX of the Social Security Act (relating to grants to States for medical assistance programs), not be required to provide in its State plan under that title for paying under that plan for any service or item (set forth in section 222) that is covered by Comprehensive Health Care Benefits and is furnished to an individual who is entitled to such coverage under section 202. Any amount expended by such a participating State for furnishing any such service or item to such an individual on or after that date (whether or not the service or item is in fact covered under that State plan) shall be disregarded in determining the amount of any payment to be made to the State under title XIX of of that Act.

(b) The Secretary shall, with a view to supplementing (so far as practicable), through State plans under title XIX of the Social Security Act, the coverage of Comprehensive Health Care Benefits for individuals referred to in subsection (a), prescribe by regulation the minimum scope of services and items that shall (in lieu of the requirements of section 1902(a) (13) of that Act) be included, on and after the date referred to in subsection (a), in a State plan as a condition of approval under title XIX of that Act.

## PART B—COMPREHENSIVE HEALTH CARE BENEFITS

### PAYMENTS FOR COMPREHENSIVE HEALTH CARE BENEFITS

SEC. 221. (a) (1) Except as provided in paragraph (2), coverage of a registrant for Comprehensive Health Care Benefits shall entitle the registrant to have the carrier pay, in accordance with part C of this title but subject to the limitations of this part, the approved predetermined charges of the Health Care Corporation, of which he is a registrant, for services and items (set forth in section 222) furnished to him and covered by such benefits, or, in those instances in which subsection (b) (3) applies, the charges (approved and submitted to the carrier in accordance with section 143(f)) of another Health Care Corporation or provider that furnished to him covered services or items. Such coverage is subject to the carrier's right (as provided in part C of this title) to reimbursement from the registrant in the amount of the copayments (if any) payable under this part, and subject to the other provisions of this part.

(2) In the case of registrants of an approved Health Care Corporation that operates on a capitation charge basis, coverage for Comprehensive Health Care Benefits shall entitle the registrant to have the covering carrier (or the Secretary where the registrant is enrolled under a contract of the Secretary with the corporation under section 235) make payment of capitation charges (instead of fee-for-service charges) on his behalf in accordance with the applicable provisions of part C of this title. The conditions under which, the manner in which, and the extent to which the amounts of copayments provided for in this part, or the actuarial equivalent of such copayments, is to be paid and collected in such cases, is also governed by part C of this title.

(3) For payment by the carrier to the Health Care Corporation for certain charges not covered by Comprehensive Health Care Benefits, see section 235.

(b) In the case of an individual not registered with a Health Care Corporation, such individual shall make copayments in the amounts specified in the benefit table in section 222, and subject to changes in the Consumer Price Index as determined in sections 204 and 224. Such individuals shall be responsible for copayments and payment for noncovered services at the time services are provided, the carrier paying the non-affiliated provider for covered services, less the copayment amount, in accordance with charges approved by the State Health Commission.

### DEFINITION OF COMPREHENSIVE HEALTH CARE BENEFITS

SEC. 222. (a) (1) Comprehensive Health Care Benefits shall, subject to other provisions of this title, consist of benefits for (A) Outpatient Services, (B) Inpatient Services, and (C) Catastrophic Expense Benefits, as described or referred to in the benefit table set forth in subsection (b) and in other provisions of this title. In addition to specific requirements for the issuance of regulations in the table and in other provisions of this part, the Secretary is authorized to issue from time to time such further regulations governing and otherwise adjusting the application of the table as in his judgment will best carry out the purposes of this Act.

(2) For the purposes of the table and of the subsequent provisions of this part—

(A) the term "coverage year" with respect to an individual means a 12-month period of Comprehensive Health Care Benefits coverage of the individual under a qualified carrier's insurance contract or prepayment plan which coincides with a 12-month (annually renewable) term of that contract or plan; and the Secretary shall by regulation provide for application of the table to an individual whose initial enrollment under such a contract or plan occurs after the beginning of a then current 12-month term of the contract or plan or who is enrolled under a carrier contract with the Secretary that has a shorter initial term;

(B) the term "benefit period" with respect to an individual means a period of consecutive days—

(i) beginning with the first day (not included in a previous benefit period) that occurs during a coverage year and on which he is furnished covered impatient hospital services, post-hospital extended care services, nursing home care, or services under an outpatient instituional-care program for mental illness, alcoholism, or drug abuse or drug dependence (as provided in paragraphs A.3.a, and B.1. respectively, of the benefit table), and

(ii) ending with the close of the first period of 60 consecutive days thereafter (whether or not in the same coverage year) on which he is not receiving any of the care or service referred to in clause (i);

(C) the term "regulations" refers to regulations of the Secretary; and

(D) the term "outpatient services" means services listed under the heading "Outpatient Services of Health Care Corporations" in the benefit table (including such services to patients confined to the home) and furnished to individuals who are not inpatients covered for services under paragraph B.

For other definitions of terms used in the table, see section 228.

(b) The table referred to in subsection (a) is as follows:

### TABLE OF COMPREHENSIVE HEALTH CARE BENEFITS

| I—SERVICES AND ITEMS COVERED | II—COPAYMENTS* AND LIMITATIONS |
|---|---|
| *A. Outpatient Services* | |
| 1. Periodic Health Evaluation | No copayment. |
| a. Screening tests and examinations, as prescribed by regulations under section 226, followed by physical examination by a physician or physicians when indicated by the screening. | Within such limits as may be prescribed by regulation under section 226. |
| b. All Immunizations | No copayment and no limitation. |
| c. Well-Baby Care (for infants under age 5)— | No copayment. |
| (ii) during next 12 months; | 8 visits. |
| (i) during 1st 12 month following birth; | 4 visits. |
| (iii) during next 3 years. | 2 visits per coverage year. |
| d. Dental Services<br>The following professional dental services including drugs and supplies that are commonly furnished, without separate charge, as an incident to such professional services: | Items d (i) and (ii) in column I apply initially only to children born not more than 7 years before the effective date of this subpart. For those initially covered, the benefits extend through age 12. |
| (i) Oral examination, including (I) prophylaxis (with fluoride application at appropriate ages), (II) dental X-rays, and (III) in accordance with regulations, other accepted preventive dental procedures. | No copayment.<br>1 examination per coverage year. |
| (ii) To the extent prescribed by regulation under section 226 and not covered under (i), above, dental care other than orthodontia; but including, insofar as the Secretary finds that resources of facilities and personnel make practicable, routine extractions, dental fillings, and appropriate prosthetic appliances. | Copayment 20 percent of charges. |
| e. Vision Services (in accordance with regulations under section 226) | For individuals through age 12. |
| (i) Professional services in routine eye examination, including procedures performed (during the course of an eye examination) to determine the refractive state of the eyes and procedures for furnishing prosthetic lenses, provided either by an ophthalmologist or other physician skilled in diseases of the eye or by an optometrist (whichever the patient may select). | No copayment.<br>1 visit per coverage year (including therein a follow-up verification of conformity of prescribed lenses with a prescription issued during the visit). |
| (ii) Eyeglasses with prescription lenses, including the fitting thereof, and including additional lenses and frames as needed. | Copayment 20% of charges.<br>Initially, one set of eyeglasses (including frame and lenses); thereafter, only newly prescribed lenses and frames as required (but not more often than once a coverage year) because of a change in the condition of the eyes. Standards to be established by regulations promulgated by the Secretary in accordance with section 226. |
| 2. Physicians' Services and Ancillary Health Care<br>When not otherwise covered under this table— | |
| a. Physicians' services (including radiotherapy) on an outpatient basis in any appropriate institutional or home calls), and services in any such setting under a physician's supervision by allied health personnel (as defined in regulations). | For physicians' services, a copayment for each visit of two dollars. Copayments under this paragraph for services in facilities involved in clauses c. and d. below appy only to services of attending physician.<br>Limited to 10 visits per coverage year. Except that, in accordance with regulations no limit on the number of visits shall appy to services preceding or following inpatient care in cases (such as surgery or pregnancy and obstetrical care) in which a single combined approved charge is made by the provider for such outpatient and inpatient services. |
| b. Diagnostic procedures on an outpatient basis (when not covered under subparagraph a.), including diagnostic tests, prescribed or ordered by a physician in connection with services referred to in paragraph a. | 20% copayment.<br>Copayment requirement waived for registrants of Health Care Corporations.<br>No separate limitation. |
| c. Hospital or outpatient-center services (not included above rendered to outpatients and incidental to physicians' services covered under paragraph 1. | No separate copayment.<br>No separate limitation. |
| d. Supplies, materials, and use of facilities and equipment in connection with the foregoing services, including drugs administered or used as a part of services covered in paragraph 1, 2, or 3. | No separate copayment.<br>No separate limitation. |
| e. Ambulance services. | 20% copayment.<br>Covered only when other methods of transportation are contraindicated by the patient's condition, and only to the extent provided in regulations. |
| 3. Other Outpatient Services<br>a. Outpatient Institutional-Care Program for Mental Illness, Alcoholism, or Drug Abuse and Dependence. | A two-dollar copayment, per day, except that copayments may, by regulation, be waived for treatment of drug abuse and drug dependence. (No separate copayment for physicians' services applies under this subparagraph, whether or not such services are charged for separately.) |
| Such day-care or other part-time services and other items as may be specified in regulations under section 226, furnished to patients, other than inpatients, under a program for the treatment of mental illness, alcoholism, or problems of drug abuse and drug dependence. | Limited to visits or sessions on 3 days under such a program in lieu of each day of inpatient hospital care allowable during a benefit period (under paragraph B.1.a. below) for the treatment of mental illness, alcoholism, or drug abuse or drug dependence. |
| b. Drugs, Prosthetic Devices, and Medical Equipment. | |
| (i) Drugs (other than those covered under paragraph A.1., A.2., or B.1. of this table) dispensed to patients other than inpatients. | For each drug prescription, and each refilling of such a prescription, a one dollar copayment. |

| | |
|---|---|
| | Covered only if (1) the drug (whether or not it is subject to a prescription requirement under any law other than this title) has in fact been prescribed by a physician and is listed under its established name (as defined in section 502(e) of the Federal Food, Drug, and Cosmetic Act) in a list established for the purposes of this title by the Secretary under section 226(c), and (2) in the case of a drug listed under section 226(c)(2)(B), the disease or condition for which the drug has been prescribed is one for the treatment of which the drug is designated in that list as appropriate. |
| (ii) Prosthetic devices (including hearing aids) prescribed by a physician and not otherwise covered in this table. | Copayment 20% of charges.<br>Covered only if listed in, and in accordance with, regulations under section 226. |
| (iii) In accordance with regulations, durable medical equipment (not otherwise covered as described in section 1861(s)(6) of the Social Security Act, certified by a physician as being medically required. | Copayment 20% of charges.<br>Covered only if listed in, and in accordance with regulations under section 226; and subject to criteria for payment prescribed under that section. |
| c. Home Health Services<br>Such items and services as are defined as "home health services" by section 228(d) and regulations thereunder. | For each visit, a two-dollar copayment.<br>Coverage of such services shall be limited to 100 visits per coverage year. The certification and recertification requirements of section 1835(a)(2) of the Social Security Act, with such modifications (if any) as the Secretary may by regulation prescribe, may be applied by the carrier. |
| *B. Inpatient services* | |
| 1. Institutional Services | |
| a. Inpatient Hospital Care<br>Items and services defined by section 228(e) as "inpatient hospital care." | A five-dollar copayment, per day.<br>Coverage is limited to 90 days of inpatient hospital care received in any benefit period; except that for treatment of mental illness, alcoholism, and problems and conditions of drug abuse or drug dependence the limit is 45 days. (The limitation on treatment of mental illness, alcoholism, and problems and conditions of drug abuse or drug dependence is 90 days of inpatient hospital care for registrants of Health Care Corporations.) |
| b. Post-Hospital Extended Care<br>Extended care services (as defined in section 228(b)) furnished an individual after transfer from a hospital in which he was an inpatient for not less than 3 consecutive days. For the purpose of the preceding sentence, the second sentence of section 1861(i) of the Social Security Act shall apply. | A two-dollar-and-fifty-cent copayment, per day.<br>Limited to 30 days of such care received in any benefit period. |
| c. Nursing Home Care<br>Nursing home care as defined in section 228. | A two-dollar-and-fifty-cent copayment per day.<br>Coverage shall be limited to 90 days of such care received in any benefit period. |
| 2. Physicians' Services<br>Those physicians' services to inpatients which are not included as "institutional services" under paragraph B.1.a., b., or c. | A two-dollar copayment, per visit of the attending physician only. In accordance with regulations under section 226, in the case of services (such as surgery or pregnancy and obstetrical care) in which a single charge is made by the corporation for the attending physicians' services combined with any preceding or following outpatient services related thereto, a copayment of 10% of such combined charges shall apply. Copayments for physicians' services under this paragraph are in addition to the daily copayments for institutional care.<br>No separate limitations. |
| *C. Catastrophic expense benefits*<br>Section 225 defines the conditions under which these benefits become effective in any coverage year with respect to any individual or family. To summarize: In the case of a low-income person or low-income family (class 1), these benefits are effective immediately. In the case of medically indigent persons or families (classes 2–4), they become effective when the person or family has incurred in a coverage year, for premium contributions, copayments, and certain other expenditures combined, a total expenditure equal to an amount determined by application of a table in section 225. In the case of individuals or families in income class 5, these benefits apply when a variable expenditure limit is reached, determined by taking 10% of the individual's or family's income. The dollar figures in the tables and the absolute expenditure limit may be adjusted by the Secretary on an annual basis, whenever the Consumer Price Index is more than 3% above the index for the base period (see sections 204 and 224). | For elimination of certain limits on coverage for Physicians' Services and Inpatient Hospital Services when Catastrophic Expense Benefits take effect in a coverage year, see section 225.<br>Psychoanalysis is excluded under catastrophic coverage, except in those cases in which it is utilized for the treatment of severe functional disability for which no feasible alternative modes of therapy exist. |

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* The initial amounts of the dollar copayments are subject to changes in the Consumer Price Index as determined under sections 204 and 224.

LIMITATIONS AND EXCLUSIONS

SEC. 223. (a) Notwithstanding any other provision of this title, Comprehensive Health Care Benefits shall not cover charges for—

(1) services or items that are not medically necessary (or, in the case of health maintenance services under paragraph A. 1. of the benefit table, medically appropriate), as determined in accordance with regulations and subject to such requirements for certification and recertification by physicians as are specified in this part or in regulations;

(2) inpatient treatment of tuberculosis, mental illness, alcoholism, or problems of drug abuse or drug dependence, unless the condition of the patient is in an acute phase;

(3) custodial care, other than health-related custodial care;

(4) cosmetic surgery or charges incurred in connection therewith, except as required for the prompt repair of accidental injury or for improvement of the functioning of a malformed body member;

(5) personal comfort items;

(6) drugs not prescribed, except when administered by or under the immediate supervision of a physician; or

(7)(A) treatment of flat-footed conditions and the prescription of supportive devices therefor, or

(B) routine foot care (including the cutting or removal of corns or calluses, the trimming of nails, and other routine hygenic care).

(b) Comprhensive Health Care Benefits shall not cover any item or service to the extent that payment has been made, or can reasonably be expected to be made (as determined in accordance with regulations), with respect to that item or service under a workman's compensation law or plan of the

United States or a State or under a motor vehicle insurance policy or plan. Any payment by the carrier under coverage under this title with respect to any item or service shall be conditioned on reimbursement to the carrier when notice or other information is received that payment for the item or service has been made under such a law, policy, or plan.

(c) Comprehensive Health Care Benefits shall not cover—

(1) charges for items or services (other than emergency services in accordance with section 143(f)) furnished by a Federal provider of services, except a provider of services which the appropriate State Health Commission determines is providing services (by arrangement with a Health Care Corporation or otherwise in accordance with part D of title I) as a community institution or agency; or

(2) charges of a Health Care Corporation or other provider for any item or service which the corporation or provider is obligated by a law of, or contract with, the United States to render at public expense.

(d) (1) If the bed and board furnished as part of inpatient institutional services is in accommodations more expensive than semiprivate accommodations, the amount taken into account for purposes of payment with respect to such care under Comprehensive Health Care Benefits coverage may not exceed an amount equal to the approved charges of the Health Care Corporation or nonaffiliated institutional provider for such services if furnished in semiprivate accommodations unless the more expensive accommodations were required for medical reasons.

(2) If the bed and board furnished as part of inpatient services is in accommodations other than, but not more expensive than, semiprivate accommodations and the use of such other accommodations was neither at the request of the patient nor for a reason consistent with the purposes of this Act (as determined under regulations), the amount of the payment, if any, with respect thereto shall in no event be greater than the corporation's or nonaffiliated provider's approved charge for bed and board in the accommodations furnished.

(3) For purposes of this subsection, the term "semiprivate accommodations" means two-bed, three-bed, or four-bed accommodations.

(e) If, in any other case, items or services are furnished to an individual in excess of, or more expensive than, items or services with respect to which payment may be made under Comprehensive Health Care Benefits Coverage, there shall be taken into account, for purposes of payment by the carrier, only the approved charges of the corporation or other provider with respect to which such payment may be made.

### COPAYMENT PROVISIONS

SEC. 224. (a) Except to the extent that Health Care Corporations operate on a predetermined capitation charge basis and do not impose separate charges for services and other items covered by Comprehensive Health Care Benefits at the time such services and items are furnished to a covered individual, and except when Catastrophic Expense Benefits are in effect as determined under section 225, coverage for Comprehensive Health Care Benefits is subject to the payment, by the covered individual or on his behalf by another person or agency, of copayments in the case of services or items with respect to which copayments are specified in the benefit table set forth in section 222, but only if the individual is not a low-income person or a member of a low-income family (as defined in section 203). As provided in part C of this title, the amount of such copayments shall not be deducted by the carrier from payment to the Health Care Corporation for covered services and other items but shall be recovered by the carrier as provided in that part, without recourse against the corporation. Payment for coverage for Comprehensive Health Care Benefits for an individual who has not registered with a Health Care Corporation shall be made by his carrier at approved predetermined charges, less copayments applicable for the services provided.

(b) In those cases in which the table in section 222 specifies as the required copayment a stated percentage of charges with respect to a covered service or item, the amount of the copayment shall, subject to section 223, be equal to that percentage of the approved charges of the provider involved for the covered service or item. In those cases in which the copayment in the table is stated as a dollar amount, if, by reason of an increase in the Consumer Price Index, a higher amount is promulgated for any coverage year under section 204 by the Secretary with respect to any copayment item than the amount specified in the table of benefits for that item, the amount so promulgated shall apply with respect to that year.

### CATASTROPHIC EXPENSE BENEFITS

SEC. 225. (a) When Catastrophic Expense Benefits are in effect as a part of coverage for Comprehensive Health Care Benefits with respect to a covered individual in a coverage year, (1) copayments that would otherwise be required to be made by or on behalf of that individual shall not be required with respect to services or items furnished in that coverage year on or after the effective date of those benefits, and (2) the benefit limits shown in column II of the benefit table for physicians' services and ancillary health care (paragraph A. 2. a.), for outpatient institutional-care programs for mental illness, alcoholism, or drug abuse or drug dependence (paragraph A. 3. a.), and for inpatient hospital care (paragraph B. 1. a.) become inapplicable during that period for those classes of services and care except as otherwise indicated in that column.

(b) (1) In the case of a covered individual who is (or whose family is) in income class 1, with respect to a coverage year, Catastrophic Expense Benefits shall automatically be in effect during the entire year as part of his coverage for Comprehensive Health Care Benefits.

(2) In the case of any covered individual (or his family) in income class 2, 3, or 4, Catastrophic Expense Benefits shall become effective in a coverage year when the sum of creditable expenditures incurred by him, or incurred by him and all other members of his family in the case of an individual who is a member of a family, equals the amount of a special expenditure limit determined as in the table below (or the amount redetermined by the Secretary for that year under section 204).

SPECIAL EXPENDITURE LIMIT TABLE

| Income class | Expenditure limit under 65 | Expenditure limit 65 and over |
|---|---|---|
| 2 | $250 | $125 |
| 3 | 500 | 250 |
| 4 | 750 | 375 |

(3) In the case of an individual and his family who are in income class 5, the special expenditure limit beyond which Catastrophic Expense Benefits are to take effect shall vary according to the level of income, with the exact limit set at 10 percent of the individual's or family's income (as defined in accordance with the regulations prescribed by the Secretary in consultation with the Secretary of the Treasury or his delegate). The income base to which the 10 percent is to be applied shall be rounded to the nearest multiple of $100 (or to the next higher multiple if the amount to be rounded is an odd multiple of $50).

(4) the following expenditures incurred by a covered individual, or incurred by him and other members of his family in the case of an individual who is a member of a family, shall be counted as creditable expenditures in determining under paragraph (2) whether and when Catastrophic Expense Benefits become effective with respect to him in a coverage year:

(A) Expenditures incurred for premiums, or contributions to premiums, for Comprehensive Health Care Benefits coverage (for that year) of that individual, or of him and other members of his family.

(B) Expenditures incurred in that year for copayments under Comprehensive Health Care Benefits coverage, and expenditures for copayments incurred in the last 3 months of the immediately preceding coverage year under such coverage.

(C) (i) Expenditures incurred in the coverage year involved for charges for physicians' services and ancillary health care (other than treatment of mental illness described in column I of paragraph A. 2. of the benefit table, or for outpatient institutional care for mental illness, alcoholism, or drug abuse or drug dependence as described in paragraph A. 3. a. in that column, or for inpatient hospital care or physicians' services to inpatients (other than for mental illness, alcoholism, or drug abuse or drug dependence) described in paragraph B. 1. a. or B. 2. in that column, if those charges were excluded from coverage under such paragraph solely because of the applicable limitations in column II of the benefit table on the number of visits per coverage year or on the number of days of care per benefit period; and (ii) like expenditures incurred in the last 3 months of the immediately preceding coverage year and applied toward the applicable expenditure limit or limits under this section for that year.

(5) For the purposes of this section—

(A) expenditures are (whether or not payment is or has been made) deemed to be incurred—

(i) in the case of the individual's contributions to premiums, when payment is due; or

(ii) in the case of copayments, and of charges described in paragraph (4) (C), when the service or item giving rise to the copayment or charge was provided, unless payment is sooner made; and

(B) expenditures are deemed to be incurred by a covered individual (unless they are Federal payments) if paid or payable by the covered individual or on his behalf by another person or agency.

### REGULATIONS FOR COMPREHENSIVE HEALTH CARE BENEFITS

SEC. 226. (a) In addition to any other regulations and standards with respect to the coverage of Comprehensive Health Care Benefits and the various classes thereof, payment of charges to Health Care Corporations for services and items covered thereby, collection of copayments by carriers as provided in part C of this title, and other matters relating to such benefits, the Secretary shall issue regulations on the matters required by this section. Section 240, relating to regulations affecting the rights and obligations of carriers, shall also apply to regulations under this part.

(b) The Secretary shall issue regulations amplifying the provisions of the benefit table with respect to health maintenance benefits covered by paragraph A. 1. of the benefit table and in particular shall—

(1) in the light of the special emphasis of this Act on the obligation of Health Care Corporations for health maintenance, prescribe the coverage of Comprehensive Health Care Benefits with respect to periodic health

evaluation as comprehensively as resources of facilities and personnel will permit and with a view to keeping in step with modern developments in this field, and in this connection consider—

(A) insofar as the frequency of evaluations for particular age groups is concerned, the provision of one appropriate evaluation per coverage year for individuals aged 65 or older, one every second year for those aged 19 to 64 inclusive, and one every five years for those aged 5 to 18 inclusive; and

(B) insofar as the components of such evaluations are concerned, including in such coverage, as the Secretary may deem medically appropriate and practicable for the different age, sex, and other patient groups, regularly scheduled complete histories, blood tests, serologies, urinalyses, and other appropriate chemical laboratory tests; chest X-rays; electrocardiograms; Papanicolaou smear tests; rectal and proctoscopic examinations; glaucoma tests; and hearing tests; and

(2) issue regulations with respect to the coverage of paragraph A. 1. e. of the benefit table for vision services.

(c) The Secretary shall issue standards and other regulations with respect to coverage under paragraphs A. 2. and A. 3. and paragraph B. of the benefit table, and in particular shall—

(1) define the physicians' and other services, and the drugs and other items, that are to be covered as benefits under paragraph A. 3. a. of the benefit table in outpatient institutional-care programs for mental illness, alcoholism, or problems of drug abuse and drug dependence, and set forth such criteria for these benefits as will encourage the establishment and use of such programs on a sound basis and lessen the need for inpatient treatment of these conditions; and waive, or provide for the waiver, of copayments in such programs for the treatment of drug abuse and drug dependence to the extent that the Secretary finds that such waiver is desirable in order to encourage the use of these programs by persons who are in need of such treatment;

(2) for the purpose of coverage of drugs under paragraph A. 3. b. (i) of the benefit table, establish and keep current, on the basis of determinations of the Secretary with respect to the safety and efficacy of the drugs involved—

(A) a list of the categories of drugs that the Secretary finds to be appropriate for the treatment of diseases or conditions requiring drug therapy of such duration and cost as commonly to impose financial hardship; and

(B) a list that (i) designates diseases and conditions, requiring intensive drug therapy (with drugs other than those listed under subparagraph (A)), which the Secretary finds to be of especial importance to the public health, and (ii) specifies with respect to each such disease or condition the category of drugs which the Secretary finds to be appropriate for the treatment thereof;

(3) (A) designate prosthetic devices (including such devices not included under section 1861(s) of the Social Security Act and including hearing aids) to be covered under paragraph A. 3. b. (ii) of the benefit table, and (B) prescribe the conditions for coverage of durable medical equipment (as described in section 1861(s) of the Social Security Act) under paragraph A. 3. b. (iii) of that table (including criteria for determining whether payment for expensive purchased equipment shall be made on a rental-equivalent basis);

(4) (A) (i) prescribe regulations for determining what is to be counted as a visit in the case of physicians' services covered under paragraph A. 2. a. of the benefit table and physicians' services covered under paragraph B. 2. of the table; (ii) prescribe regulations (I) exempting from the limits on the number of visits under paragraph A. 2. a. of the table physicians' services preceding or following inpatient care in case (such as surgery, or pregnancy and obstetrical care) in which a single combined charge is made, by the provider involved, for any outpatient and inpatient services, and (II) providing for copayments in such cases in an amount equal to a percentage of the combined covered charges for outpatient and inpatient physicians' services as specified in column II of paragraph B. 2. of the table; and

(5) prescribe regulations, referred to in column II of paragraph A. 3. c. of the benefit table, with respect to the nature and number of visits to be counted for home health services coverage purposes.

### PHASING OF ADDITIONAL BENEFITS

SEC. 227. The Secretary shall submit to Congress recommendations for the expansion of benefits after the program is in operation as specified in section 302. The Secretary shall give special consideration to the expansion of benefits for dental and vision services based on the availability of resources.

### OTHER DEFINITIONS

SEC. 228. For the purposes of this part:

(a) The term "drug" means a drug within the meaning of section 201(g) (1) of the Federal Food, Drug, and Cosmetic Act, as now in force or as hereafter amended, including any product of a kind subject to licensing under section 351 of the Public Health Service Act.

(b) The terms "extended care services" and "nursing home care" mean, respectively, services and items specified as such in regulations of the Secretary (including the services specified in section 1861 (h) of the Social Security Act) for the respective classes of institutions, if the services are—

(1) furnished to patients who require active inpatient treatment but are not in an acute phase of illness and who currently either require primarily convalescent or restorative services or require primarily health-related custodial care;

(2) furnished under arrangements, in accordance with section 133(d), for the transfer of patients among inpatient care facilities as medically appropriate;

(3) furnished by an institution which (A) meets the requirements of paragraphs (1) through (9) of section 1861 (j) of the Social Security Act (defining the term "skilled nursing facility" for purposes of title XVIII of that Act), (B) meets such other conditions relating to the physical facilities or to the safety or quality of care of patients as the Secretary may by regulation prescribe for the respective classes of institutions, and (C) is not an institution primarily for the care and treatment of mental illness or tuberculosis; and

(4) in the case of extended care services, furnished by an institution which is structurally a part of, physically connected with, or in immediate proximity to a hospital, and either is under the supervision of the professional staff of the hospital or has an organized medical staff.

(c) The term "health-related custodial care" means that component of comprehensive health care which—

(1) is furnished to a patient who has a non-curable disease diagnosed by a physician (as defined in section 1861(r) (1) of the Social Security Act) as still requiring medical or nursing care (or both), for palliation or as terminal care, through extended care services or nursing home care or home health services or physicians' home calls;

(2) has the purpose of maintaining the well-being of that patient to the maximum degree possible; and

(3) involves a patient who either—

(A) is bedridden, or unable to get into and out of bed without assistance, or

(B) requires nursing care procedures (such as complicated dressings, irrigations, or intravenous medications) that cannot be performed by the patient or by nonnursing personnel (such as a family member or companion), or

(C) experiences frequent episodes of sudden, acute illness requiring emergency treatment that cannot be controlled by medication (such as uncontrolled diabetes, epilepsy, paroxysmal tachycardia, or fibrillation), or

(D) requires constant physical restraints to prevent injury to himself or others (as in the case of senile patients or patients who suffer from certain mental illnesses).

(d) (1) The term "home health services" means (subject to paragraph (3)) the items and services specified in paragraph (2), if—

(A) they are furnished to an individual who is under the care of a physician;

(B) they are furnished by a Health Care Corporation either directly or through an affiliated provider that is a "home health agency" as defined in section 1861(o) of the Social Security Act (but not excluding an agency or organization that is primarily for the care and treatment of mental illness);

(C) they are furnished under a plan, established and periodically reviewed by a physician, for furnishing them to the individual; and

(D) they are, except as provided in paragraph (2) (G), furnished on a visiting basis in a place of residence used as the individual's home.

(2) The items and services referred to in paragraph (1) are—

(A) part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse;

(B) physical, occupational, or speech therapy;

(C) medical social services under the direction of a physician;

(D) to the extent permitted in regulations, part-time or intermittent services of a home health aide;

(E) medical supplies (other than drugs), and the use of medical appliances, while under the plan referred to in paragraph (1) (C);

(F) medical services provided by an intern or resident-in-training in a provider institution; and

(G) any of the foregoing items and services which are provided on an outpatient basis, under arrangements made by the Health Care Corporation or home health agency referred to in paragraph (1) (B), at a hospital, extended care facility, or rehabilitation center, and

(i) the furnishing of which involves the use of equipment of such a nature that the items and services cannot readily be made available to the individual in the place of residence referred to in paragraph (1) (D); or

(ii) which are furnished at that facility while he is there to receive any item or service referred to in clause (i) of this subparagraph, but not including transportation of the individual in connection with any such item or service.

(3) Notwithstanding the provisions of paragraphs (1) and (2), the term "home health services" does not include any item or service if it would not be included under "inpatient hospital care" (as defined in subsection (e)) if furnished to an inpatient of a hospital.

(e) The term "inpatient hospital care" means the following items and services furnished to an inpatient of a hospital and, except as otherwise specified, by the hospital;

(1) Bed and board.

(2) Such physicians' services in the hospital (such as those of radiologists and pathologists) as are held out as generally available to all inpatients of a hospital and which are charged for by the hospital as part of its services.

(3) Such nursing services and other related services, such use of hospital facilities, and such medical social services as are

ordinarily furnished by the hospital for the care and treatment of inpatients, and such drugs, supplies, appliances, and equipment, for use in the hospital, as are ordinarily furnished by the hospital for the care and treatment of inpatients.

(4) Such other diagnostic or therapeutic items or services, furnished by the hospital, as are ordinarily so furnished to inpatients of the hospital.

(f) (1) The term "physician" means, except when otherwise specified, a physician as defined in section 1861(r) of the Social Security Act.

(2) The term "physicians' services" means professional services performed by physicians, including surgery, consultation, and home, office, and institutional calls.

(3) The term "attending physician" means, with respect to a patient, the physician having primary responsibility for the patient's medical care.

## PART C—CARRIERS FOR COMPREHENSIVE HEALTH CARE BENEFITS

### DEFINITION OF "CARRIER"

SEC. 231. As used in this Act, the term "carrier" means—

(1) a voluntary association, corporation, partnership, or other nongovernmental organization that is engaged in providing, paying for, or reimbursing the cost of, health care under insurance policies or contracts, medical or hospital service agreements, membership or subscription contracts, or similar group arrangements, in consideration of predetermined premiums or other periodic charges payable to the carrier; and

(2) a Health Care Corporation approved by a State Health Commission under a State plan approved by the Secretary under this Act, to the extent that the corporation charges for covered health care on an annually predetermined capitation basis in accordance with section 146(b).

### DETERMINATION OF QUALIFIED CARRIER

SEC. 232. A carrier is a qualified carrier for the purposes of this Act if—

(1) it is authorized to operate health benefit prepayment plans or insurance at group rates in each State for whose residents it provides, or proposes to provide coverage under this Act, is in compliance with section 233, and meets such additional standards as the Secretary may establish, including, in the case of contracts with the Secretary under sections 202 and 206, any special standards established for the purposes of those sections; and

(2) with respect to coverage for which a premium contribution by the Secretary is requested under section 202(c), the carrier agrees to accord to the Secretary and his agents the same rights to information and access to the carrier's records as is required to be accorded to them under section 241.

### REQUIREMENT THAT CARRIERS PARTICIPATE UNDER STATE PLANS

SEC. 233. A carrier shall not be qualified for award of a contract with the Secretary under section 202 or 206 or for issuance of Comprehensive Health Care Benefits coverage eligible for a premium subsidy under section 202(c), unless the carrier agrees, if required by the appropriate State Health Commission (or its delegate agency) of a State, to participate in a coverage pool in accordance with provisions therefor contained in the State plan pursuant to section 134(b) (7), or unless the carrier is in fact such a participant.

### CONDITIONS OF APPROVAL OF CARRIER CONTRACTS OR PLANS FOR FEDERAL PREMIUM SUBSIDY

SEC. 234. The Secretary shall, for the purpose of any premium contribution under section 202, approve an insurance contract or prepayment plan of a carrier (including such a contract or plan under State plan provisions referred to in section 134(b) (7)) only if the insurance contract or prepayment plan—

(1) is in conformity with applicable regulations and standards prescribed under the State plan (approved under part C of title I) of the appropriate participating State;

(2) provides for 12-month coverage terms;

(3) does not permit any exclusion from, or limitation with regard to, coverage of an individual because of health status (preexisting, current, or future), economic status, race, sex, occupation, age, or establishment of any other condition inconsistent with regulations of the Secretary, but this paragraph shall not be construed to preclude reasonable classification of risks for premium rate purposes in accordance with actuarial principles; and

(4) contains such provisions as the Secretary may prescribe or approve relating to coordination of the coverage under the insurance contract or prepayment plan involved with overlapping or duplicative coverages under other insurance contracts or prepayment plans.

### CONTRACTS WITH HEALTH CARE CORPORATIONS ON CAPITATION BASIS

SEC. 235. In the case of a Health Care Corporation that operates on the basis of predetermined capitation charges (approved by the appropriate State Health Commission), the Secretary may, if satisfied as to the corporation's financial responsibility to qualify as a carrier for itself under this section, provide the coverage for Comprehensive Health Care Benefits under this Act to which registrants of the corporation are entitled under section 202(b), by entering (directly or through the State Health Commission as the Secretary's agent as authorized by section 117(b) (2)) into a contract with the corporation, whereby the Secretary, in consideration of the corporation's undertaking to provide (or, when authorized under part D of title I, pay for) the services and items covered by such benefits, agrees that there shall be paid by the Secretary to the corporation, with respect to those registrants of the corporation who enroll under the contract, the same amounts that a third-party carrier would be required to pay under a contract with the Secretary, except that a contract under this section—

(1) shall authorize the Secretary in the case of a Health Care Corporation that does not impose separate charges equivalent to copayments in addition to capitation charges, to deduct, from any capitation payments otherwise payable by the Secretary to the corporation on behalf of an individual enrolled under the contract, the value (as determined on the basis of actuarial principles) of any copayments to which the covered registrants would be subject under part B of this title if the corporation imposed separate charges equivalent to copayments;

(2) shall not, in the case of a Health Care Corporation that imposes separate charges equivalent to copayments in addition to capitation charges, undertake to pay those charges to the corporation;

(3) shall provide that the corporation shall itself collect from a registrant (or from others on his behalf) all copayments and premium contributions (in the form of capitation charges) payable by the registrant, and shall keep for the registrant the record of such copayments and contributions incurred by him (or his family) and notify him when he has reached the applicable expenditure limit under section 225 giving rise to Catastrophic Expense Benefits; and

(4) shall require the corporation to establish, in accordance with regulations or with provision in the contract, effective procedures (through such means as establishment of a separate record and payment center and issuance of identical membership cards to all its registrants, regardless of whether they have benefit coverage purchased by the Secretary) that will prevent persons who furnish health services or items for the corporation from identifying those registrants who enjoy coverage purchased by the Secretary and discriminating against them on that account.

Any reference in this part to premiums, or contributions to premiums, shall be deemed to include capitation amounts paid by the Secretary, or contributions to capitation charges by registrants, respectively, under contracts made under this section.

### EFFECTS OF NONPAYMENT OF PREMIUMS

SEC. 236. (a) Premium contributions and special premiums payable pursuant to section 206, by individuals referred to therein who are enrolled under a contract under this title, shall be paid by or on behalf of the registrant to the carrier (from sources other than the Secretary) in periodic installments in advance in a manner and at the time or times prescribed in regulations of the Secretary but not less often than quarterly nor more often than monthly.

(b) In the event of nonpayment of a contribution or special premium installment, when due, to the carrier by or on behalf of an individual, the benefit coverage to which the overdue installment relates shall, upon notice by the carrier in accordance with regulations of the Secretary, end unless payment is made prior to the expiration of a grace period (not in excess of 90 days) prescribed by the regulations, except that (1) the manner and order of termination of coverage of family members in the event of partial delinquency or default in family contribution installments payable under section 206 shall be determined in accordance with regulations, (2) delinquency or default in contribution installments under section 206 shall not affect the coverage of any family member who has attained the age of 65, and (3) delay in payment shall not give rise to termination of coverage if attributable to an act or omission of a Federal officer or employee used as a conduit for transmitting such installments.

### ENROLLMENT UNDER CONTRACTS WITH CARRIERS

SEC. 237. (a) The Secretary may by regulations consistent with other provisions of this Act, prescribe the time or times at which, the manner in which, and the conditions under which individuals may (1) enroll, under a contract made under this part, for Comprehensive Health Care Benefits coverage purchased by the Secretary to which under section 202 they are entitled, or (2) change enrollment under one contract to enrollment under another.

(b) The regulations under this section shall permit enrollment by an individual for himself only, or for himself and his spouse and other individuals who are members of his family (as defined in section 205(b)), and shall prescribe the times at which, the manner in which, and the conditions under which a change from one such type of enrollment to another may be made. An individual enrolling for himself and family shall be liable for any premium contributions on which entitlement to family coverage is conditioned.

(c) To the optimum extent, (1) open enrollment periods under this section and open periods for registration with Health Care Corporations approved by State commissions under approved State plans under this Act shall be closely coordinated, to the end that registration and enrollment, and changes therein, may be effected concurrently, and (2) registration centers of Health Care Corporations shall function also as centers at which to apply for, and obtain information concerning, enrollment.

### REPORTS BY AND AUDITS OF CARRIERS

SEC. 238. Each contract with a carrier under this title, including contracts with Health Care Corporations qualifying as carriers and contracting with respect to their registrants, shall require the carrier to make such reports, in such form, and containing such information as the Secretary or his agents may require to carry out their functions under this Act, and to keep such records and afford such access thereto as the Secretary or his agents may find necessary to assure the correctness and verification of the reports and otherwise to carry out its functions under this Act.

### JURISDICTION OF COURTS

SEC. 239. The district courts of the United States shall have original jurisdiction, concurrent with the Court of Claims, of a civil action or claim against the United States founded on this part.

### PROSPECTIVE REGULATIONS

SEC. 240. Regulations, amendments to regulations, or amendments to this Act, issued or enacted during an annual contract term under this title, shall not, to the extent that their application would increase the obligations or adversely affect the rights of the contracting carrier, apply to that contract until the next contract year unless made applicable by the contract or by amendment thereto.

## TITLE III—EFFECTIVE DATES

### TRANSITIONAL EFFECTIVE DATES

SEC. 301. (a) Except as otherwise provided in this section and sections 110 and 302, this Act (including any amendments made by it to existing law) shall be effective upon the date of its enactment.

(b) Sections 111, 116(a), 118, 119, 120, and 121, and parts C and D of title I, shall take effect upon the first January 1 or July 1 which occurs six months or more after the date of the enactment of this Act.

(c) Section 116(b), section 138 (with respect to States which have not complied with sections 132 and 134), and the amendments made by section 201 shall take effect on the first day of the third fiscal year which begins after the date of the enactment of this Act.

### FULL OPERATION OF PROGRAM

SEC. 302. The program under this Act shall be fully in operation, and the benefits under part B of title II shall be fully effective and available (in lieu of any benefits which would otherwise be available under title XVIII of the Social Security Act), in accordance with all of the provisions of this Act, on and after the first day of the fifth fiscal year which begins after the date of the enactment of this Act.

## JAMES A. FARLEY EYES DEMOCRATS' FUTURE

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, certainly as we look back over the political happenings of the past year, it, in my judgment is prudent that those who are interested in the preservation of a strong, viable two-party system take some time to study and analyze the political events of this period. I have been trying to do this and in so doing avail myself to the observations of those whose activities and involvement have proven meaningful to this perfect nation of our great American system. One of the more interesting articles I have read recently relates to observations of a truly great American, whose efforts have earned for him the gratitude of all Americans. I refer to James A. Farley and I commend the article I read to my colleagues:

### FARLEY EYES DEMOCRAT'S FUTURE—FELT MCGOVERN, WESTWOOD BAD PARTY CHOICES

NEW YORK.—The erect man with one of the most looked at heads in political convention history—towering bald and busy at altitude 6 feet 2½ above hundreds of floor strategy huddles—is mellow of spirit at age four score and four, but sharp with an acuity honed by decades of Democratic politicking. At age 12, in 1900, James A. Farley stood at a campaign train and listened to William Jennings Bryan tell the folks of Haverstraw, N.Y., and environs how the Democrats meant to win. It was his first exposure to a presidential nominee. Bryan lost. The exposure intensified from 1924 to 1968 as a delegate to 12 straight Democratic National conventions. This year, his name was never presented for his customary role of delegate-at-large from New York.

At ages 44 and 48, Farley masterminded Franklin D. Roosevelt's first two presidential victories.

At age 84, last May, in a birthday interview he said that if the Democrats nominated George S. McGovern in July they would suffer their "worst defeat since Al Smith's defeat by Herbert Hoover in 1928." Smith got 87 electoral votes, Hoover 444.

#### PREDICTION BORNE OUT

On Nov. 7, McGovern got 17 electoral votes, President Nixon 521.

The convention itself left Farley more convinced than he had been two months before. But he said nothing publicly during the campaign.

"From the time the convention started, the manner in which McGovern and his staff acted, the arrogant manner in which they handled or attempted to handle or failed to handle the other delegates that were not instructed for McGovern brought about a feeling of dissatisfaction that grew. When it was over, there was no doubt in my mind that he did not have a chance to be elected."

#### LIVING LEGEND

The man who was known as "Mr. Democrat" for four decades a tower of strength to his party and a legend among politicians, was interviewed at his desk on the job as board chairman of Coca-Cola Export Corp. He had a mild heart attack in March but now says "I feel pretty good." He has slimmed down from 204 pounds to 187.

He's convinced that "there isn't any question" but that the Democrats can come back and win the White House in 1976—with a big boost from the domestic troubles he is sure Nixon is going to have—if they get busy and reorganize the party.

#### OUST MRS. WESTWOOD

"The first thing they have to do is revise the national committee rules that prevented many regular Democrats who ordinarily went to the conventions, influential men and women who helped the party down through the years, from being delegates—denied them the right," he said.

"I don't think there is any question that the Democratic leaders around the country lost all confidence in the direction of the national committee under the chairmanship of Jean Westwood. I'm sure that the leaders generally also had no confidence in the staff operating under Mrs. Westwood.

"There isn't any doubt, in my judgment, that the best interest of the party is that a new chairman sooner or later should be selected and that they should start reorganizing the party under new leadership. "I might as well say that. What the hell—I have no axes to grind or ambitions to satisfy. I'm out of politics. Completely out of it.

"There are not many people in public life who would want to indicate that she should retire. But I'm not in public life—but as a former chairman of the national committee, and active for more than 45 years in the Democratic Party, I speak as a Democrat interested in the party and its success. And I speak as an individual. I say that she ought to retire or be retired as gracefully as possible."

Mrs. Westwood, appointed by Sen. McGovern and a symbol of his ideas and methodology, has said she does not intend to be deposed. The control of the party structure will be a battle in the national committee meeting on Dec. 9.

What, Farley was asked, went basically wrong with McGovern? "Well, in some respects he acted to me like a man that was naive. A man who'd been elected to public office in his own state, I would have thought he would have shown more judgment, leadership. And he—I don't know whether he listens to everybody or not—but the thing I think hurt him more than anything else was the shifting of his views. That showed a lack of credibility that scared people.

"His welfare stand I think also scared people—figuring welfare of course is completely out of hand now and would get worse under his leadership."

Was McGovern's philosophy, his ideology, off the beam of the American voter?

"It was this year. Completely. In addition I think there was a conservative trend because of the Vietnam war and the other government expenses risen so high; I think they (voters) were afraid to take a chance. I'm sure millions of Democrats who voted for Nixon didn't vote because they wanted him for president—but they preferred him as the lesser of two evils. Isn't any doubt about that.

"Another thing they did down there at the convention, hardly any mention was given the name of Lyndon Johnson, who in my judgment was responsible for more legislation that helped more elements of the population than any president in history—his civil rights activities, taking care of minority groups.

"And then another thing about McGovern. In 1948 he supported Henry Wallace against President Truman. And that was resented by many friends of Truman, who is looked upon as one of the great presidents."

Who are the other great presidents of all time?

"I'll say that Truman will be among the six great ones. Listed in the following order, if you want them: Washington, Jefferson, Jackson, Lincoln, Franklin Roosevelt, and Truman. You see, you can't put him ahead of Roosevelt—see? But matter of fact, Truman did a hell of a great job." Big Jim was silent a moment and then grinned: "As you may note, I'm partial to Democrats."

## COMMUNITY DEVELOPMENT SPECIAL REVENUE-SHARING PACKAGE

(Mr. ASHLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHLEY. Mr. Speaker, the moratorium on assisted housing and a number of community development programs, ordered by the White House and announced Monday by the Secretary of Housing and Urban Development, represents a staggering body blow to American cities, suburbs, and rural areas throughout the United States.

According to Mr. Romney, the "holding action" on new commitments for water and sewer grants, open space grants, and public facility loans will continue until such time as these programs are folded into the community development special revenue-sharing package requested by the administration. The freeze on subsidized housing, on the other hand, is far more indefinite since it will last for however long it takes the administration to conduct a searching evaluation and fundamental reform of all assisted housing programs.

The unilateral character of these White House actions can only be regarded as evidence of further deterioration in relations between the executive and legislative branches of our Federal Establishment. At no time were congressional leaders consulted and, for that matter, Governors, mayors, and other responsible officials were similarly circumvented and kept in the dark.

This broad-scale moratorium adds a new dimension to President Nixon's policy of impounding funds for domestic programs that have been authorized by the Congress. The President's plan, of course, is simply to exclude funds for the frozen programs, presumably on the expectation that Members of the House and Senate will stand idly by and watch their slow starvation. If, as I think is much more likely, the Congress asserts its legislative prerogatives and continues to authorize and appropriate funds for our badly needed housing and the community development programs despite the fact that these have not been included in the President's budget, then certainly the prospect is that the President will impound the funds for these programs as he has so many others.

The real tragedy, it seems to me, is that the defeatist, no-policy action announced by the President comes at the very time that the Congress and White House should be joining in new, more comprehensive strategies to restore the viability of our cities and to assure the rational and well-planned growth of our suburbs and rural areas. The cornerstones of such a strategy were established by the Congress when it passed the Urban Growth and New Community Development Act of 1970 which fastened responsibility—as insisted by the White House—on the President for proposing development strategies consistent with our Federal structure and private enterprise system. Tragically, the President has failed to respond to this urgent legislative mandate and instead is now presiding over the liquidation of our urban and metropolitan areas where eight out of every 10 Americans live.

We are told by Mr. Romney that the President's major objectives are to reverse the centralization of power in Washington, to end inflation and to establish the fiscal control required to avoid further increases in exorbitant taxes.

Unfortunately, it is difficult to take the President at face value any longer. Far from reversing centralization of power in Washington, Mr. Nixon has created a czar for policymaking in foreign affairs, another czar for economic affairs, and a third for domestic affairs. To establish fiscal control, he proposes to usurp the authority of Congress over the pursestrings, and to end inflation he wants to clamp the lid on urgently needed domestic expenditures while allowing evermore military spending.

In point of fact, what Mr. Nixon is actually insisting upon is the right unilaterally to establish the order of spending priorities for our society, without consultation or assistance from the Congress.

Equally disturbing is the propensity of the administration to sweep domestic problems under the rug and then proudly proclaim they no longer exist. In his Houston speech, Mr. Romney again tested the credulity of the American people when he asserted that the decline in assisted housing starts "means that the private conventional housing market has demonstrated its basic capacity to meet the Nation's housing needs." This is about as accurate as saying that the New Haven Railroad has demonstrated its basic capacity to meet the commuter needs of the eastern seaboard.

The act is that all of the component costs of housing have risen far more rapidly in recent years than has the average family income, so much so that today only two out of every 10 American families can afford to buy a median-priced, FHA financed new home on the private market. It is quite true that the housing industry is enjoying its greatest production in history but Romney and the administration fail to point out that most of this production is for the affluent in our society and that the conventional market accommodates the less affluent only through the manufacture of mobile homes and the production of assisted housing under Federal programs which guarantee the builder and lender their profits. Basic capacity to meet the Nation's housing needs, indeed.

Were the administration to be honest, it would acknowledge that the main reason for record housing production is simply that recently we have been in a period of easy money and that there are many more home buyers for the conventional market when interest rates are relatively low. To assert that the operation of the private housing market now meets the needs of the Nation is to deliberately overlook what occurred during the tight money crunch of 1969–70 when high interest rates sharply curtailed conventional starts and the slack was only taken up by Federal support of the assisted housing programs.

For the sake of perspective, it is worth remembering that the Nation's housing goals for the 1969–78 decade were established by the Congress—and confirmed by this administration—at 26 million new and rehabilitated units, of which 6 million were to be assisted—5 million new units and 1 million rehabilitated. Cumulatively through 1973, it is estimated by the administration that about 1.4 million assisted units will have been produced, leaving 4.6 million for the remaining 5 years of the decade. Anyone relying on simple logic and third grade mathematics would have to conclude that we will need to more than triple the output of assisted housing over the 5 years if we are to reach the 6 million unit goal that we set for ourselves. The indefinite moratorium imposed by the administration is hardly a promising way of setting about the task.

Finally, Mr. Speaker, let me suggest that individual initiative, freedom of choice, and our system of free competitive enterprise offer unique opportunities for many in our society. But for many millions of others these fine sounding terms, if not a myth, have only limited significance.

An agricultural worker or tenant farmer, displaced by industrialized farming that has evolved as a hybrid product of free enterprise and Government policy, has very little freedom of choice in our society, regardless of individual initiative. Through no fault of his own, his capabilities are limited and his options few. The real decisions affecting his livelihood and life have largely been made by others more fortunate and more powerful than he.

The Congress has said that the less fortunate and less powerful in our society are just as entitled to decent housing in a suitable living environment as those to whom the fates have been more kind. Yet today, according to the 1970 census, we have 4.7 million housing units without plumbing and 2.7 million units that are overcrowded. And we know that 2 million families today enjoy life in a mobile home, often because this is the only choice they are free to exercise.

To the many millions of Americans living in overcrowded or substandard shelter and to the millions of others whose housing needs cannot be met by the high-cost private market, the administration policy is to preach the wonders of individual effort and free enterprise while scuttling the few federally assisted housing programs that offer even a glimmer of hope. What a curious commentary it is that Federal subsidy of aerospace, agriculture, banking, the railroads, maritime, and a host of other special interests is entirely consistent with the administration's anti-inflation, free enterprise ethic while Federal help to achieve decent housing is regarded as wasteful and unnecessary.

Curious, perhaps, but hardly surprising. Last year, in the "First Report on National Growth Policy," President Nixon informed us that—

> Plans for national growth must . . . seek to help individual Americans develop their unique potentials and achieve their personal goals.

What the President was saying, of course, is that there is no responsibility at the Federal level to establish growth and development goals for the Nation and to devise strategy to achieve these goals. Instead, this responsibility must be effectuated by the decisions of individuals and firms at the State and local levels. What the President fails to realize is that in addition to being a nation of 200 million citizens with individual abilities and aspirations, we also are a society which has collective aims as to the quality of our national life we seek to achieve.

To apply an immediate freeze to a number of new community development programs and to exclude urban renewal, Model Cities, and others from the fiscal

1974 budget is to break faith with the States and units of local government and to shun Federal responsibility for the physical development goals of our country, all under the banner of new federalism.

Mr. Speaker, this administration has no housing policy. It has no policy for our beleaguered cities, it has no policy to promote the rational development of urban and rural America. It has no policy in these areas because it insists that the only proper role of the Federal Government is to "provide the environment for local and individual achievement."

Well, we have tried that, Mr. Speaker, and our environment paid a terrible price in the process. It is unfortunate indeed if Congress and the President must lock horns in the months and perhaps years ahead but if the price of peaceful relations is for Congress to acquiesce to the subverting of national responsibility, then the price is simply too great.

## HARRY TRUMAN: FRIEND OF ISRAEL

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, the years following the end of World War II were bleak ones for the remnants of European Jewry. After being almost totally wiped out in the German death camps, they were herded into displaced person camps. When they sought to escape to Palesine, to start life over again and forget the horrors of the holocaust, they were turned back by the British. It seemed that there was no one who cared whether they perished or survived.

No one, that is, except Harry S Truman, the brash, forthright man from Missouri, who almost reluctantly found himself in the White House. From 1945 on, Harry Truman pressed the British to open the gates to the Holy Land, and to honor the promise they made in the Balfour Declaration. At first, he sought 100,000 immigrant visas. When this failed, he became the foremost supporter of the partition plan in the United Nations. He fought and won against the members of the State Department who would rather cater to the Arabs than save Jewish lives. In his support of the concept of a Jewish homeland, he demonstrated the heights to which the Presidency could rise.

It has often been said, that if it were not for Harry S Truman, Israel would not exist. He was the first to recognize the new nation, and he lived up to his commitment by providing loans and other forms of aid so that Israel would have a chance to survive.

Truman had a particular vision of the role Israel would play in the future. He saw it as a source for the rebirth of the entire Middle East. It would be a highly developed land, from which the benefits of modern technology would spread throughout the region. Israel would be the fountain from which all the Middle East would take nourishment and flower. It was only in this way, Truman felt, that peace would come.

The years have unfortunately not seen Harry Truman's dream come true. The gulf between the Arabs and Israelis has widened. But Harry Truman's hope for Israel will live on. Through his eyes we can see a land where all the residents live together in peace, all sharing in each other's successes. President Truman's memory should inspire us to remain steadfast in our support for Israel, in the hope that one day soon we will see with our eyes what he only saw with his heart.

## PROPOSED ABOLITION OF THE HOUSE COMMITTEE ON INTERNAL SECURITY

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, the Members of the House of Representatives recently received a letter from Vern Countryman and Thomas I. Emerson under the letterhead of the National Committee Against Repressive Legislation enclosing a copy of a petition urging the abolition of the House Committee on Internal Security which I have the duty of chairing. The original petition was sent to you as Speaker of the House and has been referred to the Committee on Rules. The petition is purportedly signed by 365 professors of law.

It is my purpose today to give the Members background information as to the origin and purpose of the petition which I feel will be very interesting and quite surprising to many of the Members of this body. May I make it clear at the outset that I am not attacking the motives of the individual signers of the petition. I am not acquainted with nor have I ever heard of most of the signers of the petition, therefore, I cannot impute any purpose of the National Committee Against Repressive Legislation to the persons whose signatures are affixed thereto. In addition, the petition is very artfully worded and contains several false charges and distortions, the belief of which could very well have prompted the signatures of many of the petitioners. Therefore, my remarks are not to be construed as attacking the motives or patriotism of any individual petitioner.

I do, however, question the wisdom of their judgment in view of the facts which may or may not have been known to the petitioners. The petition was framed, circulated, signatures solicited by and filed under the auspices of the National Committee Against Repressive Legislation. This is the committee that has charged, without merit I submit, that the House Committee on Un-American Activities merely changed its name in 1969 to the House Committee on Internal Security. Perhaps the explanation of this charge lies in the fact that the National Committee Against Repressive Legislation has had three different names. It was first established in 1960 under the name of the National Committee to abolish HUAC for the purpose of leading and directing the campaign of the Communist Party U.S.A. to abolish the House Committee on Un-American Activities. Seven of the national leaders of that time were identified as members of the Communist Party.

Today, it is a well-financed national organization that maintains a full-time Washington lobbyist. The leadership of the committee has changed to some extent over the years but the Communist influence still prevails. Frank Wilkinson, the committee's executive director, has been the sustaining force over the years. He has been described as the "brains and energy" behind the committee. Wilkinson was identified as a member of the Communist Party in sworn testimony by two undercover members of the Communist Party, Mrs. Anita Schneider and Robert Ronstadt, who reported to the FBI for several years. When Wilkinson appeared before the House Committee on Un-American Activities, he refused to answer questions concerning his Communist Party membership. He was later found guilty of contempt of Congress and after his conviction was upheld by the U.S. Supreme Court, he spent a year in Federal prison. Since that time, he has made a career out of efforts to abolish the House Committee on Un-American Activities and now the House Committee on Internal Security. Harvey O'Conner, the committee's national chairman, has been publicly identified as a member of the Communist Party. So has Richard Criley who heads the committee's midwest region as well as Carl and Anne Braden who operate its southern region.

The National Committee Against Repressive Legislation is the same committee that advanced the very esoteric position in 1969 as the National Committee to Abolish HUAC not to terminate the House Committee on Un-American Activities but to retain it on the ground that it could more easily be abolished than the House Committee on Internal Security. After the Committee on Internal Security was established, the National Committee to Abolish HUAC changed its name to the National Committee to Abolish HAUC/HCIS. Later the committee changed its name to the National Committee Against Repressive Legislation and adopted the fall back position of transferring the Committee on Internal Security to the Committee on Judiciary. This is not the first time that the national committee has filed a petition to abolish a House committee. In 1965, it filed a petition signed by 100 lawyers and professors of law to abolish the House Committee on Un-American Activities. So much for the history of the National Committee Against Repressive Legislation. Now for the petition itself.

The petition alleges that the primary function of the Committee on Internal Security is to probe and expose the beliefs, opinions, and associations of American citizens. Let us examine this allegation. In discussing the committee's authority as set forth in House rule XI, clause 11, the petition makes no distinction between the committee's bill reference and investigative functions respectively set forth in paragraph (a) and (b) of clause 11. It treats both clauses as conferring investigatory powers and then asserts on the basis of this imaginative construction that the committee's authority is "so vague and indefinite as to constitute very little limitation on the committee's authority." Since I have no doubt as to the general technical competence of both sponsors of this petition, I cannot attribute such patent misrepresentations to ignorance of, or inexperience with, congressional rules or processes.

For their information and for the information of those who may be misled by such distortions, I should emphasize that paragraph (a) of clause 11 is intended only for the guidance of the Speaker in making reference to the committee of bills, petitions, and similar matters, as provided in House rule XI. The subject matter for such references is briefly described as "Communist and other subversive activities affecting the internal security of the United States." This, of course, is in general terms as is characteristic of all bill reference provisions of the 21 standing committees of the House. However, this paragraph is not in any way intended to delineate the committee's investigatory power, nor does it affect private rights. The provision is solely for the internal management and assignment of work within the House.

On the other hand, paragraph (b) contains investigative authority with subpena power—and describes this authority with precision. The Committee on Internal Security is one of only three committees of the House upon which investigative authority has been conferred by the standing rules. The subject matter for such investigations is set forth in three numbered subclauses within this paragraph (b). In short, subclause (1) authorizes inquiry into organizations which seek to establish a totalitarian dictatorship, or to overthrow the Government of the United States, by unlawful means. It is evident in the structure and punctuation of the subclause, that the "unlawful means" qualify "seek." Indeed, I cannot see how, as a practical matter, a totalitarian dictatorship could be established or maintained except by force. Subclause (2) authorizes inquiry into organizations which incite or employ acts of force or any unlawful means to obstruct the execution of Federal law. Subclause (3) is an oversight power related to the execution of laws on the foregoing subjects.

Thus, wholly to the contrary to the petition, the investigative powers of the committee are focused upon subversive organizational activities clearly involving illegal conduct or the use of force or violence, or such other means as may be made punishable under Federal law. The committee was not established for the purpose of investigating unpopular ideas or opinions as the petition alleges. This, in my opinion, is not only clear from the language and construction of the mandate itself but has been made clear in the legislative history of the mandate, at the time of its adoption and in the several statements made by me on other occasions both within and without the House. I should also point out that in no instance has this committee ever departed in any of its investigations from the limitations imposed upon it by the House mandate or by the Constitution of the United States.

Nor are the distortions in this petition limited to a misconstruction of the committee's mandate. The petition also misrepresents the legislative function of the committee by comparing it with other committees which have no investigative authority and conduct no investigations. It ignores the fact that a principal function of the Committee on Internal Security is its investigative function which is intended to serve all committees of the House. These investigations, which occupy a substantial part of the committee's time and which produce much information, have not been noted. Information thus provided has, in fact, inspired a great deal of legislation reported from other committees as parts of bills within the scope of the committee's investigations, although the predominant portion of such bills were on other or general subjects referred to such other committees. Ignoring this fundamental and important work of the committee, the petitioners state that since 1945 only 6 pieces of legislation "emanating from the committee have been enacted into law." If these statistics were supplied by Frank Wilkinson, the identified Communist functionary who serves as executive director of the organization under whose aegis Countryman and Emerson are operating, they might want to get together with other persons in the Communist movement who have given figures on this subject that are more favorable to the committee's cause, although not intended as such.

In pleadings filed in the U.S. District Court for the Northern District of Illinois, Jeremiah Stamler, Yolanda Hall, and Milton M. Cohen have credited this committee and its predecessor with at least 19 pieces of legislation since 1945. If we are to play the numbers game, I would supply figures that might double that number, without including the considerable body of rules and regulations adopted by the executive branch which have been prompted by the committee's investigations. Nor do I mention the several bills which have passed the House but were not acted upon in the Senate. However, I do not think that this or any committee of the House wants to play the numbers game. I will stand upon the extent and quality of the committee's work, its record of accomplishment, and the clear necessity, in these troubled times, for its continuance.

It is obvious that when the sponsors of this petition say they do not oppose "the legitimate use of legislative powers to deal with matters of internal security, they are only paying lipservice to a proposition which they cannot forthrightly deny without grossly affronting the intelligence of the House and of the American people. But that they are in fact opposing the legitimate use of legislative powers to deal with matters of internal security is precisely their position. Their suggestion for amending the House rules is but an ill-disguised effort to frustrate and eliminate all investigation of the sort so necessary to enable the Congress to function on matters of the kind and for a purpose they say they do not oppose.

They would amend House rule XI to add to the jurisdiction of the Judiciary Committee the authority to consider sabotage and other overt acts affecting internal security. I cannot imagine a statement more vague and indefinite in its terms. Nor could an amendment be more appropriately designed to frustrate all investigation or inquiry into subversion, whether by the Judiciary or some other committee.

Apart from the vagueness of this purported transfer of authority, by such action they confer only a slightly modified bill-reference authority upon the Judiciary Committee. They would make no other change in the mandate of that committee, which presently has no investigative authority by the standing rules, and would thus have no investigative authority in the area of subversion if the change proposed by the sponsors of this petition were adopted. It is evident that by this form of deception the sponsors of this petition seek to accomplish the ultimate purpose of wholly suppressing all inquiry upon subjects pertinent to the country's security and to the free functioning of its democratic institutions.

The Committee on Internal Security is also attacked in the petition for maintaining extensive files of publicly documented information and it urges that the committee's files be consigned to the Archives, "not to be opened for official or public inspection for 50 years." I am sure all of us realize that Congress cannot legislate intelligently in the field of national security nor act wisely in many related areas unless it has up-to-date and reliable data. No investigative committee, no matter what its area of jurisdiction can operate effectively and on the job it is supposed to do without files containing background information on the organizations, movements and individuals with which it is concerned. Where the purposes of an organization and the nature of its connections with others is at issue, of course, past conduct is pertinent.

The Committee on Internal Security would be guilty of negligence if it did not maintain its referenced files of relevant organizations and the individuals connected with them. Without these references the committee would not be in a position to make sound and reasoned judgments about the present nature and aims of numerous organizations coming within its mandate. Lacking the data with which to make such judgments, it would be incapable of performing the duty assigned it by the House.

There is no foundation in law—or in reason—for the assertion that the maintenance of the committee's files is destructive of individual rights, a perversion of governmental process and something which no self-respecting citizen can tolerate. The opposite is true. A democratic government owes a fundamental obligation to its people to preserve and protect itself from forceful overthrow. Without the continuation of a constitutional form of government, no citizen will have the benefits of the Bill of Rights. The Government cannot preserve itself if it is not informed about hostile forces within, or without adequate legislation.

All other issues aside, placing the committee's files in the Archives with a complete ban on any access to them by anyone, would be the grossest form of anti-intellectualism. It would be a kind of book-burning. It would be the suppression of free speech in the name of the first amendment. It would deny the House of Representatives the right to be kept informed by means of its own records.

In closing, Mr. Speaker, I would ask that the Members closely examine the wording of the petition and the efforts of the National Committee Against Repressive Legislation. The petition is very cleverly worded with the expressed intention of protecting first amendment rights by transferring the jurisdiction of the House Committee on Internal Security to a subcommittee of the House Committee on the Judiciary. But is this the real purpose of the National Committee Against Repressive Legislation or is it to eliminate all inquiries into subversive activities? If the latter is not the real purpose, why does the national committee also have as its national objective the abolition of the Senate Committee on Internal Security? The Senate Committee on Internal Security is already a subcommittee of the Senate Committee on the Judiciary.

## PEACE IN VIETNAM

(Ms. ABZUG asked and was given permission to address the House for 1 minute.)

Ms. ABZUG. Mr. Speaker, I would take this occasion of the President's 60th birthday to make a very fervent plea that the present negotiations, which are taking place now in Paris, lead to a final agreement along the lines negotiated on October 26, when our representative, Dr. Kissinger, said that peace was at hand 99 percent and the North Vietnamese said 100 percent.

I would hope that the occasion of the birthday of the President would make him realize the value of life, Vietnamese and American. My constituents—and yours, too—very much oppose the resumption of the terror bombing, and look to this House to see to it that peace will indeed come to hand, even if the President and his negotiator in Paris do not.

I was distressed at finding out that when the congressional leaders came to see the President they were merely given a statement without an opportunity to discuss with the President how their constituents feel about the need to end this war.

Mr. Nixon should hear the roar of outrage that we hear, from the people who voted for him as well as from those who did not. He must realize that he was elected with a mandate to make peace—not to wage newer and more terrible war. He must listen, because this Congress is determined to act.

My birthday wish for the President is that he may listen, and find his heart moved to end the suffering.

## COLLEGE SCHOLARSHIP INFORMATION

Mr. BENNETT. Mr. Speaker, as you well know, the cost of higher education has skyrocketed in recent years, making it increasingly difficult for graduating high school seniors to attend the college or university of their choice. As a result, I have received numerous requests from young constituents asking for assistance in finding the necessary financial aid.

My administrative assistant, Nicholas Van Nelson has spent many hours researching this matter and has helped me to prepare a special college scholarship booklet, which I am now making available to the high school seniors in my district. I feel it may be helpful to other Members who have young constituents with similar problems and I insert it in the RECORD for this purpose:

### CONGRESSMAN BENNETT'S SCHOLARSHIP BOOKLET

### INFORMATION FOR STUDENTS

(Furnished by Congressman CHARLES E. BENNETT)

As you approach the critical period of your life, in selecting what you plan to do in regard to your future education, I felt the attached information might be of help to you. In 1972, 7,097 students were graduated from the Duval County public school system and almost half went to college. This percentage has greatly increased in recent years and has placed great demands on the Nation's colleges and universities; and living costs have risen for students as have their direct expenses for education.

The Federal Government has initiated several scholarship and loan programs for students along with other private and public groups. The best sources of information on scholarships and loans are your high school guidance counselor and the college financial aid officer. I am pleased to send you the enclosed information on college scholarships and loans and I hope you find it useful.

CHARLES E. BENNETT,
*Member of Congress.*

### FINANCIAL AID BOOK-SHELF

There are many books about financial aid for students. Here are a few that tell about privately operated aid programs, as well as those operated by the Office of Education and other Federal agencies:

"Comparative Guide to American Colleges for Students, Parents, and Counselors," by James Cass and Max Birmbaum. Published by Harper and Row, 49 East 33rd Street, New York, 10016. Paperback $5.95.

"How About College Financing?" by S. Norman Feingold. Published by the American Personnel and Guidance Association, 1605 New Hampshire Avenue, N.W., Washington, D.C. 20009. 30¢.

"Need a Lift?" American Legion Scholarship Information Service, Box 1055, Indianapolis, Indiana, 46206. 50¢.

"Nursing Student Loan Program: Information for Students." U.S. Public Health Service, Washington, D.C. 20201. Single copies free.

"The Health Professions Student Loan Program." U.S. Public Health Service, Washington, D.C., 20201. Single copies free.

"A Letter to Parents: Financial Aid for College," by Sidney Margolius. Available from the College Entrance Examination Board, 475 Riverside Drive, New York, New York 10027. 1970, single copies free.

"Financial Aids for Students Entering College," by William C. Brown Company, Dubuque, Iowa, 52001. Paperback, Fifth Edition, 1971. $8.75.

"College Costs Today," New York Life Insurance Company, Career Information Service, Box 51, Madison Square Station, New York, New York, 10010. Free.

"Facing Facts About College Costs," by the Prudential Insurance Company Office, P.O. Box 4579, 841 Miami Road, Jacksonville, Florida 32207. Free.

"How and where to Get Scholarships and Loans," By J. L. Angel. Second edition. New York: World Trade Academy Press, 1968. 256 p. Cloth, $6.50; paper, $3.50. (Distributed by Regents Publishing Co., 200 Park Avenue South, New York, New York 10003.)

"U.S. Congress, House, Committee on Education and Labor, a Guide to Student Assistance," by U.S. Government Printing Office, Washington, D.C. 20401, 1970. 60¢.

"U.S. Congress, Senate, Committee on Labor and Public Welfare, Federal and State Student Aid Programs," by U.S. Government Printing Office, Washington, D.C., 20401, 1972. 45¢.

"U.S. National Science Foundation, Guide to Programs," by U.S. Government Printing Office, Washington, D.C., 20401, 1972. 75¢.

"U.S. Office of Education, How the Office of Education Assists College Students and Colleges," by U.S. Government Printing Office, Washington, D.C., 20401, 1970. 70¢.

### FEDERAL PROGRAMS

The Federal Government offers a variety of financial aids to students for education beyond high school. The following is an attempt to present those programs which might have significance in assisting an individual pursue a course of post-secondary education. This summary provides brief descriptive information about student assistance programs which relate to undergraduate education, as well as the major and more general graduate programs. Other financial aids to individuals for post-secondary education, including the more specialized graduate fellowships and traineeships, are listed in the last section. It should be noted that U.S. Government inservice education and training programs, servicemen's off-duty education programs and the research grant programs are not within the scope of this compilation.

For information on the National Defense Student Loan Program, Educational Opportunity Grants Program and the College Work-Study Program, write the Division of Student Assistance, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20202.

#### *1. Federal student loan insurance program*

The Higher Education Act provides low interest insured loans and payments to reduce interest costs for students in institutions of higher education. Loans may be obtained from participating lenders for educational expenses in maximum amounts of $2,500 per academic year, the aggregate not to exceed $7,500 for an undergraduate student and $10,000 for a graduate or professional student.

#### *2. Training for teachers of handicapped children*

Grants are available through selected institutions for individuals for training as teachers or specially trained educational personnel for children who are mentally retarded, seriously emotionally disturbed, hearing, speech or sight impaired, crippled, or otherwise health impaired. (Available are traineeship grants for full-time senior year undergraduate study; fellowships for full-time graduate study; and short-term traineeship grants for full-time summer sessions or special study institutes.) Information about these programs may be obtained from: Division of Training Programs, Bureau of Education for the Handicapped, U.S. Office of Education, Washington, D.C. 20202.

### *3. Cuban refugee loans*

Loans are provided to Cuban nationals in need of funds to continue their education and who are unable to receive support from inside Cuba. Recipients must be accepted as full-or-half-time students in an institution of higher education and must maintain a satisfactory record. The maximum amount of the loan may not exceed $1,000 a year or $500 a semester. The loans are granted by participating institutions of higher education from a loan fund established with Federal funds. Repayment of the loan is made by the student to the Office of Education. For further information: Division of Student Financial Aid, Bureau of Higher Education, U.S. Office of Education, Washington, D.C., 20202.

### *4. Scholarship pamphlet*

Navy scholarship pamphlet describes certain scholarship opportunities for dependents of active, retired and deceased naval personnel. The pamphlet may be obtained by writing to the Bureau of Naval Personnel, Family Services Section, Attention: Pers 511, Department of the Navy, Washington, D.C. 20370.

### *5. Modern foreign language fellowship program*

This program, authorized by the National Defense Education Act, provides for awards to undergraduates, and postdoctoral students for advanced training in certain modern languages. Undergraduates must have had at least one year of formal college work or the equivalent in the language they propose to study. Persons training to become elementary or secondary school teachers are not eligible.

Candidates must apply for fellowships directly to the U.S. Institution of Higher Education with appropriate programs. Inquiries may be addressed to the Language Section, Division of Foreign Studies, Institute of International Studies, U.S. Office of Education, Washington, D.C. 20202.

### *6. Fellowships for Librarianship training*

The Higher Education Act of 1965 authorizes Federal grants to institutions of higher education for use in their programs of librarianship training. Grants could be used for financing fellowships of traineeships for persons engaged in such training. For further information: Division of Library Programs, Bureau of Libraries and Educational Technology, U.S. Office of Education, Washington, D.C. 20202.

### *7. Public health service*

A. *Nursing Student Loan Program.*—The Nurse Training Act of 1964 established a low-interest loan program for students in all types of professional nursing schools including collegiate, associate degree, and diploma schools. The maximum amount of loan may not exceed $2,500 a year. Up to 85% of the amount of the loan may be cancelled at the rate of 15% for first 3 years, 20% for fourth and fifth years for each complete year of full-time employment as a professional nurse in any public or nonprofit institution or agency. Students apply directly to participating institutions for a loan. For further information: Student Loan and Scholarship Section, Nursing Education Branch, Bureau of Health Manpower Education, National Institute of Health, Bethesda, Maryland 20014.

B. *Health Professions Student Loan Program.*—The Health Professions Educational Assistance Act established this loan program to assist students who have the capacity and ambition to pursue certain careers in the health professions but who would not otherwise be able to afford training.

Loan funds are granted to either public or private nonprofit institutions which administer the funds. Loans can be made only to full-time students who are pursuing courses leading to degrees in medicine, dentistry, osteopathy, optometry, pharmacy and podiatry, and who are not receiving National Defense Education Act funds. Loans are limited to $3,500 per student per academic year and are repayable over a ten-year period beginning three years after the student finishes his full-time study. Students apply directly to the participating institution for a loan.

Under 1965 amendments up to 85% of a loan made under this program to a student of medicine, dentistry, optometry or osteopathy may be cancelled at the rate of 30% for first and second years, 25% for third year for each year the student engages in the practice of his profession in an area of a State determined by a State health authority to have a shortage of and need for practitioners of that profession. For further information: Grants Management Staff, Division of Physicians and Health Professions Education, Bureau of Health Manpower Education, National Institutes of Health, Bethesda, Maryland 20014.

C. *Scholarship Grants in the Health Professions.*—A program of Federal grants to public and other nonprofit schools of medicine, osteopathy, dentistry, optometry, podiatry and pharmacy is established for use by those schools in awarding scholarships to students from low-income families. The amount of a scholarship to a student cannot exceed $3,500 a year.

Scholarships will be awarded by the schools and only to students who without finanical assistance could not otherwise pursue a course of study at the school. For further information: Grants Management Staff, Division of Physicians and Health Professions Education, Bureau of Health Manpower Education, National Institutes of Health, Bethesda, Maryland 20014.

### *8. Veterans' Administration*

*Educational Assistance for Children of Deceased or Disabled Veterans.*—This program provides assistance for both college and below-college education to children of veterans who died from injury or disease or who are permanently and totally disabled resulting from military service in World War I, World War II, Korea, and Vietnam or under certain conditions during the entire period for which persons are liable for induction into military service and during peacetime periods after the Spanish-American War and prior to September 16, 1940. A maximum of 36 months of training and education may be obtained with payments of $220 per month paid upon completion of each month of full-time training, $165 for three-fourths-time training, and $110 for half-time training. For further information: Contact the nearest Veterans' Administration Office or Veterans' Administration, Washington, D. C., 20420.

### *9. Department of Defense (and other agencies)*

A. *Reserve Officers Training Corps* (ROTC).—Three branches of the Armed Forces (Navy, Army, and Air Force) which maintain Reserve Officer training programs at selected institutions of higher education frequently provide a cash stipend for participants. In addition, the Army, Navy and the Air Force, for the purpose of producing career officers, subsidize a four-year college education at civilian institutions which operate a ROTC program. The armed services pay all tuition and fees, travel to and from the university, and provide a subsistence allowance to each enrollee. Students are selected in open competition through a competitive exam, interview with career officers, and final selection by a committee in each State. Inquiries should be directed to the Chairman of the Department of Military Science of the institution in which the student plans to enroll, or to the Department of Defense, Washington, D.C. 20220.

B. *U.S. Service Academies.*—Students interested in military or naval careers may compete for appointment to the service academies, which include the U.S. Military Academy at West Point, New York 10996; the U.S. Naval Academy at Annapolis, Maryland 21402; the U.S. Air Force Academy at Colorado Springs, Colorado 80840; the U.S. Coast Guard Academy at New London, Connecticut 06320; or the U.S. Merchant Marine Academy at Kings Point, New York 11024. No charge is made for tuition, room, board, books or fees at these schools. Inquiries about appointments should be directed to Congressman Charles E. Bennett, 2113 Rayburn House Office Building, Washington, D.C. 20515.

### *10. National Science Foundation*

*Student Originated Studies in Science.*—This program is operated in selected colleges and universities throughout the United States to provide an opportunity for the most talented and highly qualified undergraduates to carry out a research project in their field of scientific interest. During the academic year or summer term, each participant becomes the junior colleague of an experienced scientist for the purpose of learning the procedures of scientific research through first-hand experience.

### *11. National Foundation on the Arts and the Humanities*

*Fellowships in the Humanities.*—The National Endowment for the Humanities established as part of the National Foundation on the Arts and the Humanities will award fellowships and grants to institutions or individuals for training and workshops in the humanities. Fellowships awarded to individuals may be for the purpose of study or research at appropriate nonprofit institutions selected by the recipient of such aid for stated periods of time. For further information: The National Endowment for the Humanities, National Foundation on the Arts and the Humanities, Washington, D.C. 20506.

### *12. Vocational Rehabilitation Administration*

*Training for Careers in Vocational Rehabilitation.*—Traineeships and fellowships may be awarded through institutions of higher education to selected students for training for careers in rehabilitating disabled persons. For further information: Division of Training, Rehabilitation Services Administration, Social and Rehabilitation Service, Department of Health, Education, and Welfare, Washington, D.C. 20201.

### *13. Department of Labor*

*Manpower Development and Training Act.*—The Manpower Development and Training Act of 1962, provides occupational training for unemployed and underemployed persons, to assist them in gaining skills for full-time employment. Training may be given on the job or in public or private school facilities. Priority is given to trainees under 22 and over 45 years of age. For further information: Division of Manpower Development and Training, Bureau of Adult, Vocational and Technical Education, United States Department of Education, Washington, D.C. 20202.

### *14. Social Security Administration*

*Social Security Benefits for Children Aged 18–21 Attending School.*—Social Security Amendments of 1965 include a provision to continue payment of insurance benefits to children aged 18 through 21 who are full-time students attending public and private schools, including vocational schools, and colleges and universities. Children of deceased, retired or disabled workers are eligible. Benefits will be paid retroactively to children who would have been eligible in January, 1965. For further information contact the local Social Security office, 400 West Bay Street, Jacksonville, Florida 32202.

### *15. Welfare Administration*

*Aid to Families with Dependent Children Payments to Children Aged 18–20 Attending School.*—The Aid to Families with Dependent Children program provides that payments may, at the discretion of the State, be made to aid children aged 18 through 20 who are regularly attending a school, college, or university, or vocational or technical training course. For further information contact the Florida Department of Public Welfare, P.O. Box 1199, District 6, Jacksonville, Florida 32201.

### *16. Federal Agency Cooperative Education Programs*

A number of Federal agencies employ students under cooperative education programs which provide alternating periods of work and study. The work phase for which the student is compensated is considered a regular, continuing and essential element in the educational process and is included in the cooperative college's requirements for a degree. Most programs require five years to complete. Among the agencies with work-study programs for student trainees are the Department of the Air Force, Department of the Army, Department of Commerce, Department of the Navy, Treasury Department, Federal Communications Commission, General Services Administration, and National Aeronautics and Space Administration. Inquiries should be directed to the agency or department in which employment is desired or to the U.S. Civil Service Commission, Washington, D.C. 20415.

### SELECTED NATIONAL PROGRAMS

The following list of privately financed nationwide student assistance programs was compiled from numerous reference sources and correspondences with certain sponsoring organizations. Since there is no central clearinghouse of information concerning such assistance, this compilation should not be considered a complete list.

*Advertising Federation of America,* Bureau of Education and Research, 655 Madison Avenue, New York, New York 10021. The federation is a source for information on scholarships in advertising, marketing, and related fields, offered by advertising clubs in various states.

*Air Forces Aid Society* (Gen. Henry H. Arnold Educational Fund), Director, Air Force Aid Society, 1117 North 19th Street, Arlington, Virginia 22209. Grants and loans are given to children of U.S. Air Force and Army Air Force personnel (deceased, retired, and on active duty). In addition, the Air Force through the U.S. Air Force Central Welfare Education Assistance Program provides financial assistance to a limited number of dependent children of Air Force military members to obtain a college education. Under this program, Air Force Central Welfare Funds are used to support four-year Air Force Merit Scholarships. Air Force Regulations 214–3 contains details concerning eligibility criteria and application procedures. The regulation and additional information about the program may be obtained from the Personnel Services Officer at any Air Force Base.

*Alcoa Foundation,* Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, Pennsylvania 15219. Approximately 215 scholarships, 65 awarded each year, valued at $750 per year, are available to children of employees of the company.

*Allstate Foundation,* National League for Nursing, 10 Columbus Circle, New York, New York 10019. The Foundation provides nursing education scholarships annually to approximately 200 persons. The scholarships are administered through state chapters of the National League for Nursing and provides funds to meet tuition charges in hospital schools of nursing or college schools of nursing.

*Alpha Phi Alpha Fraternity, Inc.,* 4432 South Parkway, Chicago, Illinois 60655. Scholarships are awarded to high school graduates accepted for admission to Cornell University. Information concerning applications may be obtained from the Office of Scholarships and Financial Aid, Cornell University, Ithaca, New York 14850.

*American Association for Health, Physical Education and Recreation,* 1201 16th Street, N.W. Washington, D.C. 20036. A. R. Moore physical education scholarships are awarded to high school graduates who are interested in teaching physical education.

*American Baptist Student Aid Fund, American Baptist Board of Education, Valley* Forge, Pa., 19481. National Scholarships are awarded to American Baptist students in need of financial help to continue their education. Larger awards are made to students wishing to attend colleges related to American Baptist Convention.

*American Can Company,* American Lane, Greenwich, Conn., 06830. Approximately 14 full-tuition scholarships are awarded to children of employees of the company to attend approved colleges of applicants' choice.

*American Hotel Association,* 221 West 57th Street, New York, New York 10019. Foundation scholarships are awarded to high school graduates planning to study hotel and restaurant administration; study must be at an institution which offers a B.S. degree in this field.

*The American Legion,* Americanism Division, Education and Scholarship Program, Box 1055, Indianapolis, Indiana 46206. The Legion sponsors the following scholarships: (1) The American Legion "National High School Oratorical Contest" which awards four scholarships ranging in value from $2,000 to $8,000 for attendance at any U.S. college or university. (2) The American Legion Auxiliary "National President's Scholarships:" Two in each of five divisions; valued at $1,000 to $1,500 each; and awarded to female students who are children of veterans having served in World War I or II, Korea and Vietnam, seniors at or graduates from an accredited high school who have not begun college and who need financial help. The Legion also has information on the La Verne Noyes scholarships offered to persons who are blood descendents of someone who served in the U.S. Army or Navy during World War I, and whose service was ended by death or honorable discharge. These scholarships are awarded to 49 colleges and universities in the United States.

*American Trucking Associations, Inc.,* 1616 P Street, N.W., Washington, D.C. 20036. Affiliates of the association provide a variety of scholarships including those for children of company employees, general scholarships, and other educational aids. A list may be obtained by writing to the above address.

*American Wool Council,* 200 Clayton Street, Denver, Colorado 80206. The council sponsors a national sewing contest ("Make It Yourself With Wool") which awards scholarships ranging from $100 to $1,000.

*AMVETS National Headquarters,* 1710 Rhode Island Avenue, N.W., Washington, D. C. 20036. Scholarships of a value up to $2,000 are awarded to high school seniors who are children of deceased or totally disabled veterans of World War II, the Korean conflict or Vietnam.

*Armco Steel Corporation,* 703 Curtis, Middletown, Ohio 45042. The Armco-NSPE Civil Engineering scholarships, administered by the National Society of Professional Engineers (2029 K Street, Washington, D. C. 20006) are valued at $750 a year and are given to students planning to study civil engineering.

*Armed Forces Relief and Benefit Association,* 1156 15th Street, N.W., Washington, D.C. 20005. The association offers one-year loans limited to $500 to children of officers of the uniformed services on active duty.

*Army Relief Society,* 26 Federal Plaza, Room 1733, New York, New York 10007. Scholarships, special awards, and loans are offered to the children of deceased Regular Army officers and enlisted personnel.

*Bausch and Lomb Optical Company,* 635 St. Paul, Rochester, New York 14605. Scholarships are awarded annually to outstanding science students for study at the University of Rochester, Rochester, New York 14627. Application should be made to the university.

*Board of Christian Education,* The United Presbyterian Church in the U.S.A., Office of Educational Loans and Scholarships, 425 Witherspoon Building, Philadelphia, Pa., 19107. The board offers scholarships to members of the church who plan to attend one of the colleges related to the United Presbyterian Church, U.S.A.

*Board of Education of the Methodist Church,* Department of Student Loans and Scholarships, P.O. Box 871, Nashville, Tennessee 37202. The board offers scholarships and loans to Methodist students who plan to attend Methodist institutions of higher education.

*Boy's Clubs of America,* 771 First Avenue, New York, New York 10009. The organization gives scholarships of various types to students with an expressed interest in and potential for Boys' Club work.

*Boy Scouts of America,* National Council, New Brunswick, New Jersey 08902. The council provides a listing of various scholarships available to Boy Scouts.

*Broadcast Music, Inc.,* 589 Fifth Avenue, New York, New York 10017. Awards of an approximate value ranging from $250 to $2,000 are made to student composers.

*Burlington Industries Foundation,* 301 North Eugene Street, Greensboro, North Carolina, 27420. The foundation gives loans to eligible employees and children of employees of the industries.

*Carnation Company Scholarship Foundation,* The Carnation Building, 5045 Wilshire Boulevard, Los Angeles, California 90036. Approximately 70 Elbridge A. Stuart scholarships for full tuition at institution accepting awardee, plus $500 stipend per year are awarded to children of Carnation Company employees who plan to attend not only a college or university but such educational institutions as accredited trade, vocation, technical schools and art schools or music conservatories.

*Civitan International,* Civitan Building, 115 North 21st Street, Birmingham, Alabama 35203. The group offers three scholarships ranging in value from $250 to $1,200 to high school winners of a Civitan Citizenship Essay Contest sponsored by a local chapter.

*College Tuition Exchange Plan,* Tuition Exchange Office, Williams College, Williamstown, Massachusetts 01267. More than 200 private colleges and universities exchange faculty members' children tuition-free. Recipients must be children of full-time faculty staff at one of the participating institutions.

*Continental Oil Company,* Post Office Box 2197, Houston, Texas 77001. Conoco scholarships value at $500 per year are awarded to children of employees of the company.

*Cummins Engine Foundation,* 1000 Fifth Street, Columbus, Indiana 47201. The foundation offers scholarships to children of employees of the Cummins Engine Company.

*Distributive Education Clubs of America (DECA) Foundation,* 200 Park Avenue, Falls Church, Virginia 22046. Scholarship loans are awarded to high school seniors or graduates, former or active DECA members, to pursue courses in marketing, distribution, or distributive education.

*De Molay Foundation,* 201 East Armour Boulevard, Kansas City, Missouri 64111.

Grants up to $600 a year are given with preference to members of the Order of De Molay or children of former members.

*Disabled American Veterans Auxiliary*, 130 63rd Street, South St. Petersburg, Fla., 33707. The auxiliary gives $200 maximum interest-free loans per year maximum total loan of $800 to children of members of the Disabled Veterans or its auxiliary.

*Eagles' Memorial Foundation*, 4710 14th Street, W., Bradenton, Florida 33505. As part of its program, the foundation provides the following financial assistance for eligible minor orphan children of Fraternal Order of Eagle members: "the * * * cost of attendance at a State college or university of the State in which the student resides or to a vocational school for special training."

*Education Council of the Graphic Arts Industry, Inc.*, 4615 Forbes Avenue, Pittsburgh, Pa. 15213. The council's national scholarship trust fund provides for (1) approximately 20 four-year scholarships to be used at colleges and universities offering degree programs or majors in printing design, printing teaching, printing management and technology. The value of the scholarships range from $100 to $1,500 a year. (2) Additional scholarships offered by several companies, foundations, and other donors in the industry. Recipients of these scholarships are selected from special groups such as children of employees and students residing in specified communities.

*Elks National Foundation*, 2750 Lake View Avenue, Chicago, Illinois 60614. "The most valuable student" awards are made by the foundation trustees and range in value from $600 to $2,500.

*Fifth Marine Division Association*, Headquarters U.S. Marine Corps, Washington, D.C. 20025. Scholarships are provided to children of men who become "incapacitated" while serving with the 5th Marine Division. Recipients receive a maximum of $1,000 annually to attend an accredited university, college, technical or professional school of their choice.

*Firestone Tire and Rubber Company*, 1200 Firestone Parkway, Akron, Ohio 44317. Approximately 35 scholarships are awarded annually to children of the company's employees for payment of tuition and other fees up to a maximum amount of $1,750 a year.

*First Marine Division Association*, Box 84, Alexandria, Virginia 22313. The association offers scholarships to the children of deceased or totally disabled veterans who served in the 1st Marine Division.

*Food Fair Stores, Inc.*, Box 457, 7000 N.W. 32nd Avenue, Miami, Florida 33147. More than 60 scholarships are awarded annually to Food Fair Stores employees, their children and residents of a community served by the stores. Awards range approximately from $250 to $500 per year.

*Ford Motor Company*, The American Road, Dearborn, Michigan 48127. Student loans of $1,500 a year are available for children of Company employees.

*General Electric Company*, Education Committee, Crotonville, P. O. Box 151, Ossining, New York 10562. The company offers scholarships and loans of a maximum of $1,500 a year for children of employees.

*General Mills, Inc.*, c/o Paul S. Amidon and Associates, Inc., 9200 Wayzata Boulevard, Minneapolis, Minnesota 55440. The company sponsors the "American Homemaker of Tomorrow Contest" in which senior high school girls have an opportunity to win scholarships ranging from $500 to $5,000.

*General Motors Corporation*, General Motors Building, Detroit, Michigan 48202. Under the college plan approximately 136 four-year scholarships ranging in value from $200 to $2,000 per year are made available through 125 colleges and universities, to high school graduates.

*Grant (W. T.) Company*, c/o Grant Charitable Trust, 1441 Broadway, New York, New York 10018. The company offers at least five scholarships annually ranging from $200 to $2,500 per year for eligible employees or children of employees.

*Heinz (H. J.) Company*, c/o National Restaurant Association, 1530 North Lake Shore Drive, Chicago, Illinois 60610. The association administers five H. J. Heinz scholarship awards valued at $1,000 for four years, maximum of $3,000, which are offered to students who plan to study a college or university four-year course of food service administration.

*Independent Order of Odd Fellows*, Educational Foundation, P.O. Box 214, Connersville, Indiana 47731. The foundation operates a revolving loan fund. Loans are made to high school graduates for study in any recognized school including business schools, beauty culture schools, barber colleges, or for any course offering immediate opportunity for employment.

*Institute of Food Technologists*, 221 N. LaSalle Street, Chicago, Illinois 60601. The institute offers approximately 15 scholarships valued at $500 a year for high school graduates planning to study in the field of food technology, food engineering, and food science.

*The Insured Tuition Payment Plan*, 6 St. James Avenue, Boston, Massachusetts 02116. A commercial loan program for parents to pay for their child's education is offered by the Insured Tuition Payment Plan.

*Junior Achievement, Inc.*, 51 West 51st Street, New York, New York 10019. The corporation offers scholarships to students who are members of Junior Achievement.

*Kemper (James S.) Foundation*, Mutual Insurance Building, Chicago, Illinois 60640. The foundation annually sponsors scholarships for study in the field of insurance administration in approximately 18 institutions of higher education.

*Knights of Columbus Educational Trust Fund*, Drawer 1670, New Haven, Connecticut 06501. The Knights of Columbus offer scholarships for attendance at a Catholic college or university to children of members who were killed or totally or permanently disabled during World War II, the Korean conflict, or the conflict in Vietnam.

*Merrill Lynch, Pierce, Fenner and Smith*, 70 Pine Street, New York, New York 10005. The firm offers scholarships for children of eligible employees.

*National Achievement Scholarship Program*, National Merit Scholarship Corporation, 90 Grove Street, Evanston, Illinois 60201. The corporation, with financial help from the Ford Foundation, administers the National Achievement Scholarship Program in which approximately 200 scholarships ranging in value with $250 to $1,500 are awarded annually to Negro students.

*National Association of Secondary-School Principals*, 1201 16th Street, N.W., Washington, D.C. 20036. The association, together with several business concerns, provides funds for the awarding of the National Honor Society Scholarships to members of the Society.

*National Committee for Careers in Medical Technology*, 9650 Rockville Pike, Bethesda, Maryland 20014. The committee is a source for information on scholarships and loans in medical technology and cytotechnology.

*National 4-H Service Committee, Inc.*, 59 East Van Buren Street, Chicago, Illinois 60605. The service committee arranges and announces several awards, including scholarships for 4-H members who, in general, must apply them toward study at a State land-grant college or university.

*The National Foundation*, 800 Second Avenue, New York, New York 10009. Local chapters of the foundation sponsor scholarships for the study of nursing, occupational therapy or physical therapy to be used at accredited institutions of higher education. The National Foundation advises contacting local chapter for specific information.

*National Merit Scholarship Corporation*, 90 Grove Street, Evanston, Illinois 60201. "Merit Scholarships financed through the Ford Foundation grant are known as *National* Merit Scholarships. Merit Scholarships provided by business corporation, foundations, colleges, unions, professional associations, trusts, and individuals usually bear the name of the sponsor—for example, *Shell* Merit Scholarships. The *Honorary* Merit Scholarships involve no financial commitments. A Merit scholarship is a four-year award to be used at an accredited college of the student's choice. The college must be located in the U.S., and the recipient's program of study must lead to one of the usual baccalaureate degrees. The scholar is responsible for making arrangements with his college and for fulfilling its admissions requirements." Contestants must take the National Merit Scholarship Qualifying Test in March of their junior year. Students who qualify for the semifinal test take it in September of their senior year. "The National Merit Scholarship Qualifying Test" is a three-hour test of educational development. A new form of the test is designed each year for the Merit Program by Science Research Associates. This test is composed of five subtests (English usage, social studies reading, natural sciences reading, mathematics usage, and word usage). The test is designed to measure the student's ability to use what he has learned, to think critically and to apply factual information to the solution of problems. Emphasis is on the broader intellectual skills taught in all secondary schools. In brief, the NMSQT is a test of readiness for college that measures both aptitude and attainment; its purpose is to discover those bright students who have applied their abilities.

*National Scholarship Service and Fund for Negro Students*, 1776 Broadway, New York, New York 10019. The service and fund awards supplementary scholarships of a value up to $400 for Negro students who have already received other financial aid but are in need of additional assistance. The awards may be used at any accredited interracial institution of higher education which grants degrees.

*National Science Teachers Association*, 1201 16th Street, N.W., Washington, D.C. 20036. The association administers the "Tomorrow's Scientists and Engineers" program. Include awards to students in grades 7 through 12.

*The Newspaper Fund*, P. O. Box 300, Princeton, New Jersey 08540. Among other activities, the fund offers scholarships to students planning to study journalism.

*Nurses Educational Fund, Inc.*, 10 Columbus Circle, New York, New York 10019. Scholarships are available for students to study nursing at accredited institutions of higher education of their choice.

*Navy Wives Clubs of America*, Dependents Aid Section (Pers-G24), Department of the Navy, Washington, D.C. 20370. Scholarships valued up to $400 for the freshman year are awarded to children of enlisted active, retired, or deceased members of the U.S. Navy, Marine Corps, or Coast Guard.

*Noyes (Jesse Smith) Foundation, Inc.*, Inquire of your Student Aid Officer of the college you enter. The foundation provides scholarship and loan funds to participating institutions of higher education for financial assistance to needy students.

*Phillips Petroleum Company*, Phillips Building, Bartlesville, Oklahoma 74004. The company offers scholarships valued at $500 a year to children of its direct, full-time employees.

*Radio Corporation of America*, RCA Education Committee, RCA, Princeton, New Jersey 08540. The corporation makes available scholarships at 34 institutions of higher education to students enrolled in the schools and planning to major in music, dramatic arts, industrial relations, television training, and science. They range in value up to $800.

*Retired Officers Association,* 1625 I Street, N.W., Washington, D.C. 20006. The association offers interest-free loans valued up to $1,000 a year for children of deceased, retired, or active members of the U.S. Armed Forces, Environmental Science Services Administration, or Public Health Service.

*Scholastic Magazine,* 50 West 44th Street, New York, New York 10036. Art awards involving tuition for a year to one of over 50 arts schools and colleges are made under the auspices of the magazine. The magazine also sponsors creative writing and photography awards.

*Seafarers Welfare Plan,* 275 Twentieth Street, Brooklyn, New York 11215. Scholarships, each valued up to $1,500 per year, are available to children of seamen who are members of the association.

*Sears-Roebuck Foundation,* Dean of Agriculture or Home Economics at the land-grant college of your State. The foundation offers agricultural scholarships to students to make a career in agriculture, and home economics scholarships for students who are planning a career in home economics. Recipients must attend land-grant universities.

*Second Marine Division Association (Memorial Scholarship Fund)*, P. O. Box 113, Willow Springs, Illinois 60480. The association has established a memorial scholarship fund offering scholarships to children of Marines who have served with the 2nd Marine Division.

*Sloan (Alfred P.) Foundation,* 630 Fifth Avenue, New York, New York 10022. The foundation annually sponsors approximately 140 scholarships for male undergraduates in cooperation with 45 institutions of higher education; 150 scholarships, valued from $200 to $2,500 a year, in 29 institutions are awarded to freshmen students. A list of participating institutions may be obtained by writing the foundation.

*Society of Exploration Geophysicists,* P. O. Box 3098, Tulsa, Oklahoma 74101. The society has established a foundation offering scholarships ranging in value from $500 to $1,000 for students who plan to study a college or university course leading toward a career in geophysics.

*Sperry and Hutchinson Company,* Scholarship Committee, 330 Madison Avenue, New York, New York 10017. The company offers national scholarships, as well as a series of scholarships to the children of their employees, both valued up to $1,000 per year.

*Thirty-seventh Division Veterans Association,* 21 West Broad Street, Room 1101, Columbus, Ohio 43215. The association offers scholarships annually to high school seniors who are children of 37th Division veterans of World War II, the Korean conflict, and Vietnam.

*Tuition Plan, Inc.,* 575 Madison Avenue, New York, New York 13402. A commercial loan plan in which parents may finance from one to four years of college education for a student is offered by Tuition Plan, Inc.

*United Aircraft Corporation,* East Hartford, Connecticut 06108. The corporation offers scholarships to the children of eligible employees for the study of engineering or related science.

*United Scholarship Service, Inc.,* 300 East Speer Boulevard, Denver, Colorado 20303. The service which is composed of the Association of American Indian Affairs, the Board of Home Missions of the Congegational Christion Churches, and the National Council of the Protestant Episcopal Church offers approximately 100 scholarships to students of American Indian or Spanish American ancestry.

*United State Aid Funds, Inc.,* 845 Third Avenue, New York, New York, 10022. United Student Aid Funds is a private, nonprofit corporation which endorses low-cost loans made by participating banks to needy college students in over 1,000 participating colleges in 50 states. An agreement with commercial banks allow the United Student Aid Funds reserve fund to guarantee the Loans the banks make to the students. The reserve fund is made up of money from United Student Aid Funds and from deposits by participating colleges whose students use this program. Loans are available to students after completing their freshmen year (a program in a small number of colleges allow loans to such students) in amounts up to $1,500 a year with a total of $7,500 with a simple interest rate of 6 percent.

*Wachovia College Assured Plan*, Box 3099, Winston-Salem, North Carolina, 27102. A commercial loan program in which parents or other sponsors of a student may get a loan to finance the student's education is offered by Wachovia Bank.

*Western Electric Company, Inc.,* 195 Broadway, New York, New York 10007. The company provides funds for more than 203 scholarships ranging from $400 to $1,500 in valules and applicable at over 146 participating institutions of higher education.

*Western Union Telegraph Company,* 60 Hudson Street, New York, New York 10013. The company sponsors a scholarship program for eligible employees, or a child, stepchild, or legally adopted child of such an employee, active or retired.

*Westinghouse Electric Corporation* East Pittsburgh, Pennsylvania 15221. The corporation sponsors the following scholarship opportunities: Westinghouse Family Scholarships (44 awards) are given annually, totaling $72,000 to sons and daughters of Westinghouse employees. These include four 4-year scholarships of $8,000 each and forty 1-year scholarships of $1,000 each. (2) In cooperation with the Science Clubs of America (1719 N Street, Washington, D.C. 20036, a "Science Talent Search" in which winners receive scholarships valued up to $10,000.

*Winn-Dixie Corporation,* Box B, Jacksonville, Florida 32203. Approximately 60 scholarships per year are awarded to children of employees of the company and to students within the trade area of the company.

FLORIDA PARTICIPATING COLLEGES AND UNIVERSITIES

[Here are the colleges and universities in the State that participate in the National Defense Student Loan (NDS), College Work-Study (CWS), and Educational Opportunity Grant (EOG) programs. The ×'s indicate which of the three programs are in operation at each institution]

| Institution, address | NDS | CWS | EOG |
|---|---|---|---|
| Barry College, Miami | × | × | × |
| Bethune Cookman College, Daytona Beach | × | × | × |
| Biscayne College, Miami | × | × | × |
| Brevard Community College, Cocoa |  | × | × |
| Broward Community College, Fort Lauderdale |  | × | × |
| Central Florida Community College, Ocala | × | × | × |
| Chipola Junior College, Marianna | × | × | × |
| Contral Data Institute, Coral Gables | × | -------- |  |
| Daytona Beach Junior College, Daytona Beach | × | × | × |
| Edison Junior College, Fort Meyers |  | × | × |
| Edward Waters College, Jacksonville | × | × | × |
| Embry Riddle Aero University, Daytona Beach | × | × | × |
| Florida A. & M. University | × | × | × |
| Florida Atlantic University, Boca Raton | × | × | × |
| Florida College, Temple Terrace | × | -------- |  |
| Florida Institute of Technology, Melbourne | × | × | × |
| Florida International University, Miami | × | × | × |
| Florida Junior College at Jacksonville | × | × | × |
| Florida Keys Junior College, Key West | × | × | × |
| Florida Memorial College, Miami | × | × | × |
| Florida Presbyterian College, St. Petersburg | × | × | × |
| Florida Southern College, Lakeland | × | × | × |
| Florida State University, Tallahassee | × | × | × |
| Florida Technological University, Orlando | × | × | × |
| Fort Lauderdale University, Fort Lauderdale | × | × | × |
| Gulf Coast Junior College, Panama City |  | × | × |
| Hillsborough Community College, Tampa | × | × | × |
| Indian River Junior College, Fort Pierce | × | × | × |
| Jacksonville University, Jacksonville | × | × | × |
| Jones College, Jacksonville | × | × | × |
| Lake City Junior College and Forest Ranger SC, Lake City | × | × | × |
| Lake Sumpter Junior College, Leesburg |  | × | × |
| Manatee Junior College, Bradenton |  | × | × |
| Marymount College, Boca Raton | × | × | × |
| Massey Business College, Jacksonville | × | × |  |
| Miami-Dade Junior College, Miami | × | × | × |
| New College, Sarasota | × | -------- |  |
| North Florida Junior College, Madison | × | × | × |
| Nova University of Advanced Technology, Fort Lauderdale | × | -------- |  |
| Okaloosa Walton Junior College, Valparaiso |  | × | × |
| Palm Beach Atlantic College, West Palm Beach | × | × | × |
| Palm Beach Junior College, Lake Worth |  | × | × |
| Pensacola Junior College, Pensacola |  | × | × |
| Polk Junior College, Winter Haven |  | × |  |
| Prospect Hall College, Fort Lauderdale | × | × |  |
| Rollins College, Winter Park | × | × | × |
| St. John's River Junior College, Palatka |  | × | × |
| St. Leo College, St. Leo | × | × | × |
| St. Petersburg Junior College, St. Petersburg | × | × | × |
| Sante Fe Junior College, Gainesville | × | × | × |
| Seminole Junior College, Sanford |  | × | × |
| South Florida Junior College, Avon Park |  | × |  |
| Southeastern Bible College, Lakeland |  | × | × |
| Stetson University, De Land | × | × | × |
| Tallahassee Community College, Tallahassee |  | × | × |
| Tampa Technical Institute, Tampa | × | -------- |  |
| University of Florida, Gainesville | × | × | × |
| University of Miami, Coral Gables | × | × | × |
| University of North Florida, Jacksonville | × | × | × |
| University of South Florida, Tampa | × | × | × |
| University of Tampa, Tampa |  | × |  |
| University of West Florida, Pensacola | × | × | × |
| Valencia Junior College, Orlando |  | × | × |

## DISTILLED SPIRITS PLANT PROVISIONS OF INTERNAL REVENUE CODE

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter).

Mr. ROSTENKOWSKI. Mr. Speaker, today, I have introduced for myself, Mr. LANDRUM, and Mr. BROYHILL of Virginia, a bill to amend the distilled spirits plant provisions of the Internal Revenue Code in order to remove certain restrictions that are presently incorporated in the code. This legislation would remove restrictions that are not necessary for effective enforcement of the revenue and regulatory aspects of the law. Removal of these provisions would also have the effect of facilitating and encouraging exports. These provisions would have no adverse effect on the amount of revenue that would be collected by the Internal Revenue Service.

I introduced this same bill in the 92d Congress. The Treasury Department, in response to a request from my Committee on Ways and Means, has already reported favorably on this legislation. I am therefore hopeful that this bill will be before the House early in this session of the Congress.

I would like to insert in the RECORD at this point a brief explanation of the various sections of this legislation:

### Section-By-Section Analysis of the Bill in Bond for Export

Section 1 of the bill would eliminate the requirement of showing on the label of gin and vodka bottled in bond for export, the name of the distiller. Such information serves no useful purpose, and since gin and vodka are produced from neutral spirits, compliance with the statute means showing the distiller of the neutral spirits which may be a person different from the producer of the gin or vodka; the showing of such distiller on the label could even be deceptive to the consumer.

### SECTION 2. DRAWBACK FOR BULK IMPORTED GOODS BOTTLED IN UNITED STATES

Section 2 of the bill would authorize allowance of drawback of tax on bulk imported goods which are bottled in the United States and exported therefrom. Because of the limitation to goods "manufactured or produced in the United States" in existing law, imported distilled spirits are not subject to drawback under section 5062(b). However, by virtue of section 5523, IRC, reduction in proof and bottling or packaging are deemed to constitute manufacturing under section 311 of the Tariff Act of 1930. (19 U.S.C. 1311) This amendment would make the export standards of Sec. 5062(b) consistent with those in Sec. 311.

### SECTION 3. DISTILLED SPIRITS DELIVERED TO THE ARMED FORCES FOR EXPORTATION

Section 3 of the bill would provide that distilled spirits delivered to the armed forces for exportation will be deemed to be exported at the time of delivery to the armed forces.

Under current procedures alcoholic beverages sold to the armed forces for shipment and use abroad are delivered to an armed services transportation officer at the port of exportation. Thereafter, custody and control of the merchandise is entirely with the service involved. However, in several recent cases sizable quantities of distilled spirits were stolen while temporarily stored by the Air Force at the port of exportation. The Treasury Department assessed and collected from the distillers the tax on the merchandise so stolen while in the possession, ownership and control of the Air Force, and the Air Force refused to reimburse the distillers for such tax.

As a matter of equity, it would appear that when custody and control of alcoholic beverages are delivered to the armed forces for exportation, the vendor should not be liable for the tax in the event of loss or destruction prior to actual exportation.

### SECTION 4. DISTILLED SPIRITS RETURNED TO BONDED PREMISES

Section 4 of the bill would permit the bottler or packager to return to an export storage facility on bonded premises distilled spirits which would be eligible for drawback under Section 5062(b). The return of the spirits must be solely for the purpose of storage pending withdrawal for export, or other withdrawal without payment of tax authorized under Section 5214(a), or free of tax under Section 7510.

This section also permits the bottler to return to appropriate storage facilities on the bonded premises distilled spirits which he had bottled in bond after tax determination. Such spirits may be withdrawn for any purpose for which distilled spirits bottled in bond before tax determination may be withdrawn from bonded premises.

Appropriate amendments are made to provide for the remission, abatement, credit, or refund of tax on spirits returned to bonded premises under this section.

The amendments made by this section are designed to simplify and encourage export transactions.

### SECTION 5. WITHDRAWALS TO CUSTOMS BONDED WAREHOUSES

Section 5 of the bill would authorize withdrawal of distilled spirits from bonded premises without payment of tax for transfer to any customs bonded warehouse. This provision applies to spirits bottled in bond for export and to spirits returned to bonded premises under section 5215(b). The amendment is designed to simplify and encourage export transactions.

### SECTION 6. REMOVAL OF SAMPLES FOR RESEARCH, DEVELOPMENT, OR TESTING

Section 6 of the bill would make a reasonable extension of the purposes for which samples may be removed without payment of tax to include plant research in addition to laboratory analysis. This amendment is similar to the recent amendment to Section 5053 relating to beer.

### SECTION 7. MINGLING AND BLENDING OF DISTILLED SPIRITS

Section 7 of the bill would permit distilled spirits plant proprietors to commingle distilled spirits within 20 years of the date of original entry rather than the existing 8 years. The section also eliminates the requirements of existing law that the mingled spirits be placed in the same barrels and that the mingling must be for further storage in bond. Proper administration of the distilled spirits tax and regulatory provisions does not require the limitations on commingling to 8 years or the return of the distilled spirits to bonded storage. From a practical standpoint, the use of the same package is an unnecessary restriction.

### SECTION 8. USE OF JUNIPER OILS IN PRODUCTION OF GIN

Section 8 of the bill would authorize the use of the extracted oils of juniper berries and other aromatics in the production of gin without incurrence of the rectification tax in addition to the present system of redistillation of a pure spirit over juniper berries and other aromatics. This amendment will permit production of gin with greater uniformity and without loss in quality.

### SECTION 9. LOSS PROVISIONS FOR SPIRITS BROUGHT IN FROM PUERTO RICO AND THE VIRGIN ISLANDS

Section 9 would extend to bulk spirits brought into the United States from Puerto Rico or the Virgin Islands the same loss provisions now applicable to imported and domestic spirits.

Due to an oversight when the law was amended to permit entry of such spirits into bond the provisions applicable to imported and domestic spirits were not extended to spirits brought in from Puerto Rico or the Virgin Islands. Enactment of this section would cure inequities in the present law.

### SECTION 10. EFFECTIVE DATE

The Act would become effective on the first day of the first calendar month which begins more than 90 days after enactment. This will give the Treasury Department and the distilling industry sufficient time to modify procedures under the statutes amended.

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## THE LATE MR. JUNE B. THAYN

(Mr. RUTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUTH. Mr. Speaker, it is with great sadness that I announce the passing of my administrative assistant, Mr. June B. Thayn, who had served in that capacity to three former Members of Congress.

I am sure my colleagues understand that it would be an error on my part not to use this moment, in this great Chamber, to recognize the magnitude of Mr. Thayn's efficiency and his moral conduct in handling the office affairs of a Congressman.

Mr. Thayn died December 24 in Salt Lake City, Utah. Services and burial were in Salt Lake City. They were officiated by President Harold Lee, leader of the worldwide Church of Jesus Christ of Latter-day Saints. For his many Washington area friends and colleagues, a memorial service was held January 4 at 2 p.m. at the Chesapeake Stake Center in Silver Spring, Md. June had spent all of his life, from early childhood, in the service of his church, and on his death he was president of a Maryland community of LDS churches.

I include the following:

### Remarks Made By Congressman Earl B. Ruth at June Thayn's Funeral in Salt Lake City, Utah, December 27, 1972

In title, June Thayn was my Administrative Assistant. In reality he was my friend—the most influential I ever had. My advisor—in whom I had complete confidence. At my insistence, he had total control of the office. In fact, we had a private office joke which I originated—"When Mr. Thayn is out the Congressman is in charge." While this is not the usual procedure, June was not the usual man.

You see, I think he was the best Administrative Assistant on the Hill. He was capable, loyal, unselfish and highly respected. However, there was a trait beyond efficiency that was his trade-mark—to me it made him very special.

He had a genuine sensitivity for the feelings of others. It was after my first four months in Congress that I began to realize it.

I learned of something being done in another office and very authoritatively told June we should be doing the same thing. He replied in his usual "you bet". A week later I found out his reply could have been, "We've been doing that for three months". My not being embarrassed meant more to him than reminding me of his own efficiency.

I've never met a man I admired more or depended upon so much. I realize that for some time I shall face difficult decisions by asking myself, "What would June do?"

Frankly, I don't know what kind of Congressman I can be without him. When I say my prayers tonight, I shall try to ignore my selfish side which is crying out "Why?" And, I'll thank my God for the four years I've had with June Thayn.

June Thayn came to Capitol Hill 27 years ago. He came here from Idaho with newly elected Congressman John Sanborn. He later served as administrative assistant to former Congressmen Hamer Budge and George V. Hansen, both of Idaho. The only period of time he was not in the service of a Congressman was in the early 1960's and he was a legislative representative for the American Farm Bureau.

The private side of Mr. Thayn's life is equally important.

Prior to his calling as the president of the Chesapeake Stake of the Church of Jesus Christ of Latter-day Saints, he was counselor to the Washington Stake presidency of the church, bishop of the Capital and College Park wards, and high councilman of the Washington Stake.

I personally know of the many volunteer hours he spent in the evening in the service of his church.

His survivors include his wife, Florian, who works in the Architect's Office; and his three daughters, Mrs. George Dean of Oxon Hill, Md.; Mrs. Michael Cluff of Martinez, Calif., and Mrs. John E. Roberts of Provo, Utah, who was married only 2 days before her father's untimely death.

Mr. DEL CLAWSON. Mr. Speaker, will the gentleman yield?

Mr. RUTH. I yield to the gentleman from California.

Mr. DEL CLAWSON. Mr. Speaker, I thank the gentleman for yielding. The gentleman has appropriately taken time to pay respects and honor to one of the important men of Washington and one, who was a good friend of many of us, and one who has been known not only as an administrative assistant, but also as a church leader.

It was almost 10 years ago when June Thayn and I first met. At that time he was with an independent national organization and as a freshman Member of the House of Representatives I needed some information and help on legislation then facing the Congress. A personal call to June Thayn resulted in immediate response and excellent assistance.

From that initial contact until his untimely death a lasting and warm friendship developed—together with a deep appreciation for his strength of character his exceptional ability for dealing with sticky problems and tough issues and for his basic commonsense in matters of governmental and individual concern.

Several former colleagues as well as the gentleman from North Carolina attest to Mr. Thayn's administrative competence, depth of character and willingness to assume ever increasing responsibility. This quality was demonstrated as each of them placed increased dependence upon him for the operation of his congressional office. Even with these heavy demands upon time and ability, June Thayn gave generously of both to his church. This service eventually elevated him to one of the highest positions in this area of the Church of Jesus Christ of Latter-day Saints, the position of Stake president. Again the stature of this man revealed itself as a spiritual leader for thousands of church members.

His counsel and advice from young and old were constantly sought; he was held in high esteem by the presiding authorities of the church as evidenced by his appointment to this very important office. With many productive years ahead of him, efforts to answer the eternal "why" become extremely difficult in explaining the purpose of life. The sound religious convictions accepted by June Thayn provided him with real purpose, dedication and unusual service to his fellowmen during the years that he spent in this life. His teachings, his example, his memory will live with family, friends, and associates for many years in the future. His influence in the lives of children yet unborn will also be felt through those whose lives have been touched by him. In my opinion it can be said of June Thayn as was said of Nathaniel of old, "Behold a man in whom there is no guile."

Our love and sympathies are extended to his wife, Florian, and the other members of his family, and may the comforting hand and blessings of Almighty God continue to abide with them.

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## EXIT VISAS FOR SOVIET JEWS

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHITEHURST. Mr. Speaker, last Friday, January 5, I had a remarkable experience: I telephoned two Soviet Jews in Moscow, Gregori Teitelbaum and Victor Fairmark. Both of these men have attempted to secure exit visas to Israel, and both have been turned down by the Soviet Government. Indeed, the very day that I spoke to Mr. Teitelbaum, he had been turned down for the fourth time.

Not only have these men been refused exit visas, but since they first applied for them, they have been denied permission to work. Both are highly talented individuals, and I am attaching biographical sketches of them and of their families.

The telephone calls were made possible by the United Jewish Federation through the Norfolk, Va., director, Mr. Richard Krieger. That we were able to place the calls at all represents one of the curious aspects of ambivalent Russian policy. It is a fact, however, that the Soviet Union is practicing a virulent form of anti-Semitism and engaging in repressive measures against Soviet Jewry.

Mr. Speaker, two generations ago German Jewry suffered under a determined and direct anti-Semitic policy and the world kept silent. We can no longer close our ears or our eyes to the plight of Jews being persecuted.

There is little that we as Americans can do directly to discourage the Soviet Government from its actions, but we can express our moral outrage to the world, and our own Government can make known its dissatisfaction by withholding certain trade benefits which the Soviet Government is anxious to receive.

I am supporting the Jackson-Vanik measure, and I hope that my colleagues will do the same. The voices I heard on Friday cried out for help. I gave them my pledge that we would not forget them.

### BACKGROUND ON INDIVIDUALS BEING CALLED

Gregori Teitelbaum is a 49 year old Moscow Jew who was born in 1923. He is married and has one son. His wife's name is Tamara, she is 41, and their son Mischa is 17½ years old.

Gregori has made application for visa to Israel on four occasions and on each of these occasions has been turned down, each time for a different reason and each time for a reason that is not substantiated by the Constitution of the U.S.S.R.

Gregori had worked as a photo journalist throughout Russia, both privately and for the Russian Tours Bureau. He has published three books telling photographic stories of Russia. Included was a photo essay on Popov, the star of the Moscow Circus travelling through Moscow. That book sold over 200,000 copies.

Gregori was wounded during the second World War while serving with the Russian army and has a very noticeable limp. Because of this wound he is receiving a pension of 45 rubles a month. He supplements his income by teaching Hebrew to members of the Jewish community which brings him an additional 40 rubles a month. Since his initial application for visa 2 years ago Gregori has not held any employment in his profession.

With reference to the books that Gregori had published, since his application for visa he receives no further financial remuneration for any sales.

Mischa Teitelbaum is currently attending school in Moscow. This June, he was to start at the university, however, because his family and he has applied for visa he will not be permitted to attend the university but will, instead, be drafted into the army. Because of the security ramifications of an individual serving in the army this would prevent Mischa from emigrating to Israel, the United States or any capitalistic country for the next five years.

Their apartment has been searched on a number of occasions.

They have been constantly questioned by the KGB.

Their son will not be permitted to go to a university.

They have little or no income in which to maintain any type of living and must rely on outside help to sustain themselves.

The cost payable to the Russian government to permit them to leave the country would be 2820 rubles for processing and renouncing citizenship, 300 rubles for transportation to Vienna, 500 rubles for packaging and listing of what little they would be permitted to bring out of the Soviet Union. If they are charged an educational tax because of Gregori's education it will be an additional 18,000 rubles charge. Therefore, the apparent cost of Gregori Teitelbaum's flight to freedom when and if he is given permission, will be $26,383.72.

### VICTOR FAIRMARK

Victor is 31 years old. He lives in Moscow with his wife, Galina, who is 24 and their Irena, who on January 14th will be 3.

Galina had hoped to celebrate Irena's third birthday in Israel. However, this will be impossible.

Victor Fairmark was a graduate Physical Chemist who had attended the Technical Institute in Moscow for 5 years and had been doing post-graduate work on his Doctorate when he applied for a visa on November 2, 1971 to emigrate to Israel. On December 16th of that year, for the first time, he was refused by the Soviet government, indicating he was a skilled specialist and would not be permitted to leave the country because his speciality was essential to the government. At the point of Victor's refusal, he was fired from his job as a Physical Chemist and put out of the University, prior to his completing his graduate studies.

Galina, who had graduated from the Institute of Foreign Languages, as an interpreter, was refused permission to work as an interpreter or teacher of languages. Victor was unemployed, and was forced to take a job as a cleaner in a laboratory or face imprisonment by Russia's parasite law. Victor Fairmark was arrested twice. On September 19th, he was in prison in Moscow when 33 people were arrested during a meeting of the Supreme Soviet Council. He was also arrested on September 6th, when he along with others protested at the Lebanese Embassy, of the Munich Massacre.

Both Galina and Victor have renounced their Soviet citizenship and have requested permission to become citizens of the State of Israel.

## THE LATE HONORABLE MAURICE THATCHER

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CARTER. Mr. Speaker, it was with a great deal of sadness that I learned of the death of former Representative Maurice Thatcher on January 6, 1973. He was one of the kindliest, nicest, most perceptive people I have ever known.

From 1910 to 1913, Maurice Thatcher served as one of the seven members of the Isthmian Canal Commission appointed to carry out the construction of the Canal. He served as U.S. Representative from Louisville, Ky., from 1923 to 1933. He was credited, while U.S. Representative, with enactment of a measure creating in Panama the Gorgas Memorial Laboratory of the Gorgas Memorial Institute of Tropical and Preventive Medicine. During his service as head of the Department of Civil Administration of the Canal Zone, he was known as the Zone's civil Governor.

During his long life—he reached the age of 102—he maintained an intense interest in governmental affairs. He did considerable writing, and was a poet of renown.

I include for the RECORD, Mr. Chairman, an article from the Washington Post concerning my friend and former member, the Honorable Maurice Thatcher:

[From the Washington Post, Jan. 7, 1973]

### EX-REP. MAURICE THATCHER, 102, DIES

(By Martin Weil)

Maurice H. Thatcher, who helped supervise construction of the Panama Canal, served five terms as a congressman from Kentucky and practiced law here until he was 100 years old, died here yesterday at 102.

Mr. Thatcher died in his home at 1801 16th St. NW., where he had been bedridden almost constantly since suffering a fractured thigh on July 15.

From 1910 to 1913, during the period of peak activity, Mr. Thatcher served as one of the seven members of the Isthmian Canal Commission appointed to superintend and carry out the construction of the Panama Canal.

In his four years on the commission, Mr. Thatcher headed the department of civil administration of the Canal Zone, and was known as the Zone's civil governor.

In recent years, he was reported to be the last surviving member of the canal commission, the chairman of which had been Lt. Col. George W. Goethals, the celebrated Army engineer who brought the project to completion in 1914.

When Mr. Thatcher returned to Panama in 1964 at the age of 95 to help mark the canal's 50th anniversary, he was hailed by a local newspaper as the "Grand Old Man of the Panama Canal."

While serving as a Republican congressman from Kentucky from 1923 to 1933, Mr. Thatcher continued to take an interest in the development of the canal and in the welfare of those who built and operated it.

As a member of the Appropriations Committee, he helped make available funds for improvements in the Canal Zone, and for annuities for construction workers and other canal employees.

A ferry across the Pacific entrance of the canal, for which he obtained federal funds, was named the Thatcher Ferry. The bridge, dedicated in 1962 on the site of the ferry, was named the Thatcher Ferry Bridge.

In addition, an important highway in the canal area was named for him.

Moreover, it was Mr. Thatcher who is credited with enactment of the measure creating in Panama the Gorgas Memorial Laboratory of the Gorgas Memorial Institute of Tropical and Preventive Medicine.

It was named for William Crawford Gorgas, the Army doctor who helped make possible the construction of the canal by destroying the mosquitoes that carried yellow fever and malaria. Mr. Thatcher and Dr. Gorgas served together on the canal commission.

After closing his congressional career by making an unsuccessful race for the Senate in 1932, Mr. Thatcher went into the private practice of law here in 1933.

On his 99th birthday, although his activity had declined, he was still in practice, with an office in the Investment Building at 15th and K Streets NW.

"I don't eat meat," he told an interviewer who was interested in his secrets of longevity. "I eat vegetables, eggs and milk. I don't drink, I don't smoke and I don't drink tea or coffee.

"Of course," he added, "You can't escape meat altogether, meat products creep into a lot of things."

Said Mr. Thatcher, who could still hear well, read without glasses, and make himself heard across a room:

"It's not a religious thing. I just wanted to live what I considered a sound, biological life."

A slender, white-haired man with bushy eyebrows, he said, "I just noticed that the smokers and chewers and drinkers had a hard time quitting when they wanted to.

"I just quit early. I'm a good sleeper, always was, and I still get about eight hours' sleep a night."

Mr. Thatcher was born in Chicago, and grew up in Butler County, in the western part of Kentucky. An official congressional biography said that he "attended public and private schools; engaged in agricultural pursuits; (and) was employed in a newspaper office and in various county offices."

His formal career in public life began at the age of 22 when he was elected clerk of the Butler County Circuit Court. He later studied law, was admitted to the bar in 1898, and became an assistant state attorney general.

After moving to Louisville in 1900, he became an assistant U.S. attorney, and later was named to what has been described as the state's chief appointive office: state inspector and examiner.

In that job, he was credited with saving thousands of dollars for the taxpayers and with bringing about numerous needed reforms. He left it in 1910 to join the Isthmian Canal Commission. After leaving Panama, he held municipal posts in Louisville before being elected to Congress.

In addition to championing measures designed to improve the canal, during his House service Mr. Thatcher was responsible for much other legislation, including that establishing Mammoth Cave National Park in Kentucky.

In later years, when he interested himself increasingly in the writing of poetry, he memorialized the park in verse:

"Caverns immense, wrought thru the endless ages:
What lessons for the human soul and mind!
The great Lord God, in those arresting pages,
Hath writ a matchless story for mankind . . .

While in Congress, Mr. Thatcher was also credited with writing legislation for federal appropriations for Braille books and equipment for the nation's blind students.

In later years, besides serving as vice president and general counsel of the Gorgas Institute, Mr. Thatcher maintained contact with his old colleagues by attending meetings here of the Panama Canal Society.

But, as he announced in 1958 at the group's 23d annual meeting, "the ranks are thinning . . ."

Looking back on the occasion of his 99th birthday, he told an interviewer: "I don't lay any claims to a great career. But I've done some useful things. I tried to be useful wherever I was, whatever I did. I've lived a busy and useful life."

His wife, the former Anne Bell Chinn, died in 1960.

## LAIRD DID A TOUGH JOB WELL

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, in 2 weeks Melvin R. Laird will end 4 years of productive service as Secretary of Defense. A recent editorial in the Milwaukee Journal noted the skill with which Mel handled this most difficult assignment:

> The Marshfield (Wis.) native guided the defense establishment during a remarkable period of transition. It was one in which the U.S. was pulling its land army out of the war in Vietnam and diminishing its expenditures there dramatically. It was one in which the military—especially the Army—having long been used to the crutch of the draft, was forced to come to grips with the administration's drive for an end to conscription and the birth of an all-volunteer military force. . . . Laird was able to orchestrate this transition, keep order and morale from crumbling and rivalries from breaking out of control—no mean task.

Mel Laird's tenure will best be remembered for his attention to people-oriented programs. His commitment to the volunteer force provided the leadership needed to convince the services that an end to the draft was both feasible and desirable. The recent elimination in make-work assignments, improvement in living conditions, creation of dynamic training procedures, and the earnest response to legitimate grievances for first-term servicemen all reflect Mel's concern for the dignity and value for the individual soldier. His strong advocacy of military pay reform ended the use of conscription to force young men to serve at poverty-level wages. His deep commitment to equal opportunity—which was reflected in the actions of his service Secretaries and major commanders—led to the development of the most comprehensive report ever undertaken on the reform of military justice. He can depart from Defense with the satisfaction of knowing he has initiated a dramatic change in our approach to military personnel policies.

I am sure that Mel's many friends in this body wish him well in whichever new endeavor he chooses. I know his former colleagues will be interested in the assessment of his tenure by the Milwaukee Journal and the Milwaukee Sentinel, and I insert these editorials in the RECORD immediately following my remarks:

[From the Milwaukee Sentinel, Dec. 1, 1972]

### LAIRD'S LEGACY

Four years ago when Wisconsin's Melvin R. Laird was nominated to be secretary of defense, we expressed the view that his political skill was precisely what was needed to take over one of the toughest administrative jobs in world history.

Looking back on Laird's record as head of the Department of Defense, we see nothing to cause us to modify our original appraisal. Laird was performed brilliantly.

His service has been all the more impressive because it was given at great personal sacrifice. It is quite apparent that he didn't want the job. To take it he had to give up his 7th District seat in the House and the position of power he had reached in Congress.

Sen. Henry Jackson (D-Wash.) reportedly was Richard Nixon's first choice for defense secretary. He wouldn't take the job and so the president-elect turned to Laird and asked him, in effect, to interrupt his highly successful legislative career and take on an assignment that would by its nature mean a lot of abuse and little thanks.

It is all too easy to forget the situation that prevailed when Laird took office in early 1969. Dissent over the Vietnam War was raging. A half a million young Americans were bogged down in the South Vietnam quagmire and battle deaths were running between 200 and 300 a week.

Today, the number of American troops there is a mere 27,000. Last week, for the first time in seven years, there was not a single American death, from combat or otherwise, in South Vietnam.

This dramatic reduction of America's direct military involvement in the war is credited to President Nixon. But the fact remains that the implementation of Nixon's policy was carried out under Laird's direction.

It was Laird, with the help of another Wisconsinite, Curtis W. Tarr, who made Vietnamization work. Likewise, it was Laird, again with the aid of Tarr, who put into effect the move away from the draft and toward an all-volunteer armed force.

Running the defense establishment, of course, involves a lot more than dealing with the problems of the Vietnam War. Research, development and procurement of weapons is of tremendous importance. In this area, the Pentagon's relationship with Congress is crucial, and Laird's firsthand knowledge of the House and Senate was put to best possible use.

However, it was not with Congress alone that Laird's political skill paid off. The lessons he learned in dealing with the public as a legislator paid off handsomely in his dealing with the public as defense secretary. Few others, certainly no businessman without political experience, could have been as effective at picking his way through the political minefields as Laird has been.

Laird's decision to leave his post after four years is in itself a mark of political wisdom. It is time for a different leadership, one which it will be up to Elliot Richardson to provide, building on the sound base left by Laird.

Laird now looks forward to a few months of well earned retirement from politics. It is hard to imagine him retiring from politics permanently. This favorite Wisconsin son still has a great future in public service.

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[From the Milwaukee Journal, Nov. 30, 1972]

### LAIRD DID A TOUGH JOB WELL

No one envies a secretary of defense. Enemies line up fast. Effectiveness ebbs as a result. The trick is to know when to get out. Melvin Laird wisely set his tenure at four years and held to it. He steps down now with a solid reputation intact and an impressive list of accomplishments behind him at the Pentagon.

The Marshfield (Wis.) native guided the defense establishment during a remarkable period of transition. It was one in which the U.S. was pulling its land army out of the war in Vietnam and diminishing its expenditures there dramatically. It was one in which the military—especially the Army—having long been used to the crutch of the draft, was forced to come to grips with the administration's drive for an end to conscription and the birth of an all-volunteer military force.

The Laird era was one in which the Pentagon, accustomed to gold plate, also came under increasing congressional attack over the cost of weapons. The defense establishment had to make do with relatively static budgets, in which increasingly larger portions went for manpower costs rather than arms. And the military had to accept the realities of a strategic arms limitation treaty, which left the U.S. in an inferior position in numbers of launchers if not of nuclear warheads. Sufficiency rather than superiority became the theme.

Laird was able to orchestrate this transition, keep order and morale from crumbling and rivalries from breaking out of control—no mean task. In the process he had his crosses to bear. As defense secretary he became the lightning rod for much of the antiwar criticism—though he was said to be privately counseling restraint at the White House, and did not agree fully with the president on such issues as the intensified bombing of North Vietnam. He valiantly tried to rationalize the military procurement system while under attack for some inflated weapon costs that stemmed from decisions of the prior administration.

The Laird performance was not flawless, of course. He still tended to see salvation in more big strategic weapons. His definition of sufficiency was on the conservative side. He could never quite control his urge to get back in the political arena, and his partisan blasts at Democratic candidate McGovern's "white flag, surrender budget" plan were prime examples of his political pugnaciousness.

In that sense, it was surprising that the former Wisconsin congressman and Republican power in the House, a lover of politics and political intrigue, took the defense job at the expense of his immediate political career. He filled the post well.

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## A TRIBUTE TO ROBERTO CLEMENTE

(Mr. HEINZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HEINZ. Mr. Speaker, Roberto Clemente was a truly remarkable man, an example and an inspiration, a man for whom half-way was never enough.

He was a hero in every respect; on the baseball field, where he personified team spirit with the Pittsburgh Pirates for 18 illustrious seasons, and in his private life, where this fiercely proud Puerto Rican black commanded and deserved the adoration and respect of people around the world.

Roberto Clemente was a humanitarian first, an athlete second. It is both typical and ironic that he should perish as he did, aboard a plane involved in a mission of mercy to aid the destitute victims of the earthquake in Nicaragua. Where others might pay lip service to such a cause, Roberto Clemente had to go all the way. It is the kind of man he was.

There has been a vast and impressive outpouring of honors in his memory.

The Richard King Mellon Foundation of my home city of Pittsburgh, citing that "compassion is not weakness and honor requires a constant effort," has donated $100,000 for the relief of the Nicaraguan quake victims.

This, and other contributions which now total nearly a quarter of a million dollars, are being channeled into the fund started by President Nixon.

In addition to the Mellon Foundation gift, other major contributions have been received from the Pittsburgh Baseball Club, Penguins Hockey Club, Pennsylvania Governor and Mrs. Milton Shapp, and the Pittsburgh Junior Chamber of Commerce.

This money will aid both the South American quake victims and the Youth City Memorial Fund, a project spearheaded by Clemente during his life to aid the youth of Puerto Rico.

Contributions may be addressed to the Roberto Clemente Memorial Fund, in care of the Pirates, Three Rivers Stadium, Pittsburgh, Pa. 15212.

Throngs of fans have filled churches and community centers all over Pittsburgh this week to honor the memory of this outstanding man.

Clemente's Pirate teammates, two of his former managers, Danny Murtaugh and Harry Walker, "front office" representatives, and others flew to Puerto Rico in sadness to pay their final respects.

One of his teammates, Manny Sanguillen, did not attend the island memorial service. He was aboard a dredging boat off the beach where crews still search for Clemente's body.

There are those who would argue that Clemente, at 38, was in the twilight of his professional career as a baseball superstar, although many of us who saw and cheered his incomparable performance in the 1971 world series would strongly disagree.

He, personally, looked forward to the time when he could devote all his energies to working with the disadvantaged youth of his native country.

Roberto Clemente will be enshrined in baseball's Hall of Fame. He was only the 11th man in the history of the sport to get 3,000 hits, and his lifetime batting average on the field was .317, the highest among active players.

But more important is that he batted a thousand in his passion for humanity.

Indicative of Clemente's modesty was his remark last September 30 at the Three Rivers Stadium in Pittsburgh when a standing ovation from the crowd greeted the clubbing of that 3,000th hit:

> I feel bashful when I get a big ovation. I am really shy . . . I never was a big shot and I will never be a big shot.

To millions of persons, the powerful and compassionate Roberto Clemente was indeed a "big shot," a true folk hero who gave of himself to help others, even to the end.

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## NADER-DOUBLE STANDARD

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, Ralph Nader, who holds himself out as an expert on all subjects, and presumes to assume a "holier than thou attitude" seems to run into personal difficulties from time to time as was reported in the Montgomery Advertiser, October 27, 1972.

### HOW NADER LOVES HIS PUBLIC

(By Ralph De Toledano)

Ralph Nader would win no popularity contest on Capitol Hill today. He is deeply resented not for the dull and empty paperback his whiz kids wrote about the Congress but rather for the smug presumption with which he set himself up as prosecutor, judge and jury of an institution which on the while has done quite well for the country—and then chopped its head off.

Congress has its faults, but it takes more than three men on a typewriter to understand and analyze them. Certainly, a beat-up set of cliches is no answer to congressional problems.

But if Nader is unpopular on the Hill, his name is mud in Quebec among the students and alumni of Laval University—as well as the civic leaders of that city.

They are learning the hard way that those who speak loudest of the "peepul" are frequently the first to administer a hard kick to the gluteus maximus of the public. That is precisely what the apostle of consumerism did to a group of his loyal followers.

This is the story:

Three months ago, the Alumni Association at Laval arranged with Grossman Publishers, which put out Nader's disquisition on Congress, for his appearance as a panelist in a meeting devoted to consumer problems.

Nader wanted—and got—a contract which gave him $3,500, all expenses, and a provision that he would not be paid until 1973 so that he could take advantage of one of those tax gimmicks he is always criticizing.

Delighted by Nader's magnanimity, Ludger-Saint-Pierre, general director of the Alumni association, joined with local consumer groups in an expensive promotion campaign, prepared background material for the panelists and the audience, hired French-English simultaneous translators, and equipped two campus halls with closed circuit TV to accommodate the anticipated overflow crowd.

They planned to make it the big event on Laval's—and perhaps Quebec's—year. But at 11:30 of the day Nader was to appear, one of his "representatives" called to say that the honored speaker was too busy to be in Quebec.

Financial Institutions Minister William Tetley, who was scheduled to be one of the panelists, offered to send the Quebec Province government's jet plane to pick up Nader in Washington and fly him back. No way, said Nader.

The sponsors of the meeting offered to set up a two-way telephone hook-up between the auditorium and Nader's office. Still no way, said Nader. He was too busy.

He wouldn't even come to the phone. Still the sponsors could not believe that he would act in such bad faith as not to show up at all.

But at 2:30—with Quebec's Mayor Giles Lamontagne and Pierre Marois, head of a 210,000-member consumer organization, waiting on the stage—it became all too obvious that Nader was not going to honor his contract.

As the audience left, there were hand-lettered picket signs, borne by students, which read: "Ralph Nader exploite les consommateurs"—Ralph Nader exploits the consumers. And Saint-Pierre, speaking for the alumni said angrily, "We went several thousand dollars in debt publicizing the visit.

"We agreed to all his terms and at the last minute, he just set us aside with a sweep of his hand. He used to be our guardian angel, but now he's a devil."

But let's not be carried away. A man who is busy telling the President of the United States off, instructing the Congress how to run its affairs, and excoriating American business and industry, can't be expected to honor his commitments.

He can't be expected to worry about the time, the money, and the enthusiasm expended by a bunch of Canadians.

Even though the Quebec meeting was set for a Saturday afternoon—a time when the wheels of government grind not at all in Washington—Nader had too many other things to do. This exceedingly ambitious young man may have scheduled his time for another wheel—the one at which he grinds his axes.

All of which proves the point that H.L. Mencken made many years ago, many times and in many ways. Watch out for the moralist.

Mencken stole the thought from Mark Twain, who had the keenest eye for the phony in all of American letters.

The Laval alumni are planning to slap a lawsuit on Nader, and then we will really hear his pious outcries.

## THE LATE HONORABLE MAURICE THATCHER

(Mrs. SULLIVAN asked and was given permission to address the House for 1 minute, and to revise and extend her remarks and include extraneous matter.)

Mrs. SULLIVAN. Mr. Speaker, the death of former Congressman Maurice H. Thatcher of Kentucky on Saturday at the age of 102 severed our last remaining link with the men who directed the achievement of one of the greatest engineering triumphs of mankind, the construction of the Panama Canal.

As chairman for 14 years of the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries, from 1957 to 1971, I came to know and love Maurice Thatcher as a man of great compassion, understanding, and humaneness. He worked indefatigably, even through his 10th decade of life, in behalf of the thinning ranks of men and women who had risked their lives and health working in the Canal Zone during the years when the canal was being constructed. He was the spokesman for the Roosevelt Medal holders and also, in numerous ways, for the West Indian and other noncitizen construction workers who had been recruited for the hard tasks of building the great waterway which linked the Atlantic and Pacific Oceans for the benefit of world commerce.

He came to see me often to urge congressional action in behalf of the aged and often impoverished veterans of the canal construction period, and he was a most persuasive advocate in a humane cause. Mr. Thatcher himself was a man who loved humanity, as expressed in the many poems he wrote throughout his later years.

It was his concern for the problems of Panamanian citizens in getting from one part of their country to another, across the canal, which led to the establishment of the Thatcher Ferry when he was the Governor of the Canal Zone as the member of the Isthmian Canal Commission assigned to head the Department of Civil Administration. Many years later, when the high-level bridge was constructed across the canal, it was most appropriately named the Thatcher Ferry Bridge. Stamp collectors are familiar with that bridge as the subject of one of the most famous stamp errors made by the Bureau of Engraving and Printing, but everyone who is familiar with the early history of the canal thinks of it as a monument to one of our finest public servants.

Although advanced age kept him during the past several years from continuing his many visits to Capitol Hill, where he served for 10 years as a Member of this House, Mr. Thatcher reached and passed his 100th birthday with a spirit of youthfulness and zest for life, and shall be remembered with much affection by all of us who knew him.

## THE YOUTH CAMP SAFETY ACT

(Mr. DOMINICK V. DANIELS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, on November 4, 1971, during the debate on the Youth Camp Safety Act three Members of this body stood in the well and said:

> Certainly there is a need for safety in youth camps, but . . .; We all favor health and safety. I am sorry for every loss or accident—yes, even illness in campers, but . . . ; Certainly anyone who has had children in camp or anyone who has had anything to do with the camps would want to do everything to protect the safety and health and life of any child. We all agree on that . . . There is not a man or woman in this Chamber who would vote against saving the lives of children. But, . . .

Mr. Speaker, the key word is "but," because all of these Members voted against a bipartisan Camp Safety Act that would have put minimum Federal standards into law. What they did vote for was a study of camp conditions, a familiar stall tactic. We know that no one can stand on the floor of this House and be opposed to safety without risking great censure. So what really differentiates those who are committed to healthful conditions is what they are willing to do to guarantee protection to our Nation's young campers.

On that day 184 Members went on record against Federal safety standards and for a camp study. I did not then, nor do I intend now to give up the goal of minimum safety and health requirements for recreational camps in all States. I am convinced that the need is clear. Ironically, the Occupational Safety and Health Act grants safe work conditions to camp counselors and employees, but the children, those most vulnerable, are without protection.

My subcommittee will hold hearings again this Congress, and I pledge at this time that any group who desires to be heard will be given the opportunity.

Many sad stories were brought to the committee's attention during hearings in the 90th, 91st, and 92d Congresses. A dramatic example occurred last year in California when a camp rented an open flatbed truck for an outing; 62 children and eight counselors were aboard with an inexperienced driver when the truck somersaulted on an expressway killing five persons and injuring the rest. Children are literally at the mercy of those supervising them. If those supervisors are incompetent, the children suffer too, and there are no mandatory qualifications for these employees to be measured by. A look at State laws reveals that:

First, 26 States have regulated only the sanitation of youth camps;

Second, only 15 States have any form of safety legislation;

Third, only three or four States have qualifications regarding personnel; and

Fourth, 24, or nearly half the States, have relatively little or no camp regulations.

A host of voluntary standards have been developed by such organizations as the American Camping Association, the Boy Scouts of America and the Easter Seal Society. While these groups are to be commended for their efforts even they testify that without statutory enforcement and sanctions, there could be no reduction in deaths and injuries.

The rejection of the Youth Camp Safety Act did not prevent the subcommittee from writing to the 50 Governors asking them to move to strengthen their own laws. My own State of New Jersey is actively working to pass a proposal similar to the one the House defeated, but to date, not one State has actually enacted any similar measures.

Until there is adequate minimum protection for these youngsters, I intended to remind my colleagues continually of this need. For your information I have inserted the bill and a section-by-section analysis of its provisions:

### SECTION-BY-SECTION ANALYSIS OF YOUTH CAMP SAFETY

#### SECTION 1

This title may be cited as the "Youth Camp Safety Act."

#### SECTION 2—STATEMENT OF PURPOSE

To protect the youth attending day camps, resident camps and travel camps by establishing Federal standards, and to provide Federal assistance to the States to develop their own programs.

#### SECTION 3—DEFINITIONS

Defines: youth camp (travel camp), youth camp safety standards, youth camp operator, Secretary, and State.

#### SECTION 4—GENERAL DUTY

Provides that each youth camp operator shall furnish to each camper safe and healthful conditions, facilities and equipment which are free from recognized hazards that are causing, or are likely to cause, death, serious illness or serious physical harm, and adequate supervision considering conditions existing in nature.

#### SECTION 5—PROMULGATION OF YOUTH CAMP SAFETY STANDARDS

Provides that the Secretary shall promulgate youth camp safety standards in consultation with State officials and with representatives of public and private organizations.

#### SECTION 6—STATE JURISDICTION AND STATE PLANS

Provides that any State wishing to assume responsibility for development and enforcement of youth camp standards shall submit its own plan which shall be approved by the Secretary of Health, Education, and Welfare if it contains the following conditions:

(1) Designates a State agency for administering the plan.

(2) Provides for development and enforcement of standards at least as effective as Federal standards.

(3) Provides for the enforcement of the standards developed under paragraph (2) in all youth camps in the State which are operated by the State or its political subdivisions.

(4) Provides for an inspection of each camp at least once a year during a period the camp is in operation.

(5) Provides for an advisory committee to the State agency.

(6) Provides a right of entry.

(7) Provides satisfactory assurances of qualified personnel for enforcement.

(8) Assures adequate funds for administering and enforcement.

(9) Provides that the State agency will make information and reports available to the Secretary.

(10) Provides that State funds will be adequate to meet the cost of carrying out the plans.

(11) Provides for adequate fiscal control and accounting procedures.

If the Secretary rejects a State plan it must be on the basis of substantial evidence, and a State may obtain a hearing and judicial review.

#### SECTION 7—GRANTS TO STATES

Provides that the Secretary may make grants to States which have in effect approved plans. No such grant may exceed 80 percent.

There is authorized to be appropriated for fiscal year 1973 and each of the five succeeding fiscal years such sums as may be necessary to make these grants.

#### SECTION 8—ENFORCEMENT BY SECRETARY; CITATIONS

The Secretary shall be responsible for enforcement in States which do not have State plans and in travel camps.

Provides for the Secretary to issue regulations giving citations for violations of the general duty and standards. In addition, the Secretary may prescribe procedures for de minimus violations.

#### SECTION 9—INSPECTION, INVESTIGATIONS, AND RECORDS

Provides the Secretary with the right of entry and inspection of youth camps.

Provides the Secretary with right of subpoena.

Provides for annual reporting of all accidents resulting in death, injury and illness, other than minor injuries which require only first aid treatment, loss of consciousness, restriction of activity or motion or premature termination of the camper's term at camp.

Reports are to be filed with the State and from the State to the Secretary of Health, Education, and Welfare.

The Secretary shall include these statistics in an annual report to the President and Congress.

#### SECTION 10—PENALTIES

(a) Provides that willful or repeated violators may be assessed up to $2,500 for each violation.

(b) Provides a penalty of up to $1,000 for a second or subsequent citation for a serious violation.

(c) For failure to correct a violation within period permitted, a civil penalty of $500 may be assessed for each day the violation continues or until the camp closes in its normal course of business.

(d) Defines "serious violation." A serious violation shall be deemed to exist in a youth camp if there is substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such camp, unless the operator did not, and could not with the exercise of reasonable diligence know of the presence of the violation.

#### SECTION 11—PROCEDURES TO COUNTERACT IMMINENT DANGERS

Provides the U.S. district court with jurisdiction upon petition of the Secretary to restrain any condition or practice that could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided in this act.

#### SECTION 12—VARIATIONS

Provides for variation procedures upon application by a camp owner showing extraordinary circumstances or undue hardship, and after a field inspection.

#### SECTION 13—TRAVEL CAMPS

Provides that all travel camps shall register annually with the Secretary and list a description of the camp's itinerary, equipment and personnel.

#### SECTION 14—FEDERAL RECREATIONAL CAMPS

Provides that the Secretary shall develop safety standards to govern the operation of Federal recreational camps.

A Federal recreational camp is a camp or campground which is located on Federal property and is operated by, or under contract with, a Federal agency to provide opportunities for recreational camping to the public.

#### SECTION 15—ADVISORY COUNCIL ON YOUTH CAMP SAFETY

Establishes in the Department of Health, Education, and Welfare, an Advisory Council on Youth Camp Safety.

The council shall consist of a chairman and nine members appointed by him.

Provides that the Secretary shall appoint special advisory experts to carry out the functions of the council.

#### SECTION 16—ADMINISTRATION

(a) Provides for a yearly report to the President and Congress on the administration of the act.

(b) provides for coordination of statistics between the Secretary of HEW and other agencies.

(c) provides that the Act shall not restrict, determine or influence the curriculum, program or ministry of any youth camp.

(d) provides that the Act shall not authorize or require medical examination, immunization, or treatment for those who object on religious grounds, except where such is necessary for the protection of the health and safety of others.

#### SECTION 17—AUTHORIZATION

In addition to the amounts authorized in section 17, such sums as may be necessary are appropriated for fiscal year 1973 and each of the five succeeding fiscal years.

#### SECTION 18—EFFECTIVE DATE

The title shall take effect 90 days after the date of enactment.

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## BILL TO ESTABLISH POLICY AND PRINCIPLES RELATING TO BENEFIT-COST RATIOS

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, today I am introducing a bill to establish policy and principles for planning and evaluating flood control, navigation, and other water resource projects and the use of water and related land resources. This bill would set forth clear standards of guidance for benefit-cost determinations by the agencies involved.

The methods of determining benefit-cost ratios have never been clearly spelled out by Congress and as a consequence they have been subject to whims and changes within the administrative branch. There has been no clear continuity of policy. Recently an executive recommendation was made by a presidential commission which, if administratively implemented, would put an abrupt halt to the river basin development projects as we have known them in this country.

It seems to me that it is high time for Congress to reassert its own historic prerogatives in determining the rules for evaluating water resources projects, and I invite the careful attention of all of our colleagues to this bill.

I earnestly believe that it merits general support.

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## SURPLUS FOOD TO USO

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I am introducing legislation that would permit the use of surplus food commodities of the U.S. Department of Agriculture to be used by American servicemen through USO installations.

I am sure that nearly all our colleagues are aware of the important role the United Service Organization plays in the lives of our military, particularly the enlisted man.

My bill seeks to allow USO's the right to become eligible for USDA surplus food commodities if they are designated by the Secretary of Defense.

Madison, Alexander Hamilton, John Jay—the authors of the Federalist Papers—were all of a mind that the first necessity of legitimate government is to provide for the common defense. The circumstances that endanger the safety of a nation are infinite.

Throughout our history, this Nation has raised armies to defend freedom. In the course of our conflicts, young men have been uprooted from their homes and communities to answer country's call.

In the past military conflicts, the USO has accompanied these troops to the battlefronts and to the garrisons. They have provided a recreational and spiritual uplift for servicemen away from their homes.

The average USO, a nonprofit, service organization, runs on a shoestring budget. I am hopeful that enactment of the legislation I propose will offer a wider variety of nourishment in these homes away from home.

I do not think, as some, that this will open the door for the distribution of surplus commodities to all other service organizations since the legislation specifically calls for such agencies to be designated by the Secretary of Defense for groups who assist, entertain, and provide recreation for American servicemen.

In my mind, this can only be the USO—the measure of American's commonsense concern for its servicemen.

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## ANNUAL REPORT OF OFFICE OF ALIEN PROPERTY, DEPARTMENT OF JUSTICE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

*To the Congress of the United States:*

In accordance with section 6 of the Trading With the Enemy Act, I herewith transmit the annual report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1971.

RICHARD NIXON.

THE WHITE HOUSE, *January 9, 1973.*

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## SIXTEENTH ANNUAL REPORT ON TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-41)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

*To the Congress of the United States:*

In accordance with Section 402(a) of the Trade Expansion Act of 1962, I transmit herewith the Sixteenth Annual Report of the President on the Trade Agreements Program. This report covers developments during the twelve months ending December 31, 1971.

That year marked an historic turning point in international economic relations. Deepening crises in the spring and summer of 1971 dramatized the obsolescence and inequity of the rules and mechanisms developed at the end of World War II. Against this background, the Administration announced in August a series of measures designed in part to prevent further damage to the United States economic position. More fundamentally, actions were taken to open the way for reforming the world trade and monetary systems through multilateral cooperation.

Concurrently with monetary consultations which led to the Smithsonian Agreements in December of 1971, the United States opened bilateral discussions with our major trading partners. These discussions yielded valuable reductions during 1972 in a number of foreign barriers to our exports. Even more significant, however, was the conclusion reached among the United States, the European Community and Japan that permanent solutions could only be found through broad-based negotiations. The result of the discussions was an agreement to work actively for the opening in 1973 of a new round of comprehensive negotiations involving all elements of trade policy.

The nations of the world now have the opportunity to open a new era of international relations characterized by negotiation rather than confrontation across the whole range of foreign policy issues.

Our key objectives in reform of the international trading system are to reduce existing tariff and nontariff barriers affecting agricultural as well as industrial products, to establish new rules for the fairer conduct of world trade, and to open new opportunities for the poorer nations to earn the foreign exchange required for their development. Such far-reaching goals can be achieved only within a framework which provides for the equitable sharing of benefits and responsibilities and which includes a safeguard system that allows time for industries adversely affected by foreign competition to adjust to shifts in trade patterns.

Proposals which will enable the United States to negotiate effectively are now under intensive study in the executive branch. In the coming months, the Administration will be working closely with members of the Congress to determine how we can best meet the challenges and seize the opportunities which lie ahead.

I am confident we will be able to establish a new international economic framework within which trade can expand on an equitable basis for all participants—contributing to peace and prosperity for all nations of the world.

RICHARD NIXON.

THE WHITE HOUSE, *January 9, 1973.*

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## COMPARABILITY ADJUSTMENT FOR FEDERAL STATUTORY PAY SYSTEMS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H .DOC. NO. 93-40)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, referred to the Committee on Post Office and Civil Service and ordered to be printed with illustrations:

*To the Congress of the United States:*

In accordance with the provisions of section 5305 of title 5, United States Code, I hereby report on the comparability adjustment I have ordered for the Federal statutory pay systems in January 1973.

The American system of career civil service is based on the principle of rewarding merit. As President I have a special appreciation of the contribution that the service makes to our Nation, and I am pledged to continue striving to make it an even more effective, responsive part of our Government. One way of achieving this is to maintain a salary scale for civil servants that is just and comparable to that received by equivalent individuals in the private sector.

The adjustment I have ordered is based on recommendations submitted to me by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as my "agent" for Federal pay. Their report, which is enclosed, compares Federal salaries with average private enterprise salaries as shown in the 1972 *National Survey of Professional, Administrative, Technical, and Clerical Pay,* and recommends a 5.14 percent increase in Federal salaries in order to achieve comparability with the private sector.

The report of the Advisory Committee on Federal Pay, which I appointed under the provisions of section 5306 of title 5, is also enclosed. The Advisory Committee generally agreed with the recommendations of the Director of OMB and the Chairman of the Civil Service Commission and endorsed their plans for studies and further refinements in the pay comparison process. However, the Advisory Committee also recommended that in addition to the 5.14 percent increase, an extra pay adjustment of approximately .36 percent be granted to make up for the three-month delay of this pay adjustment that was necessitated this year by the Economic Stabilization Act Amendments of 1971. Since such an increase would result in paying Federal employees higher salaries than comparable private enterprise employees as shown by the annual Bureau of Labor Statistics Survey, I have concluded that such additional increase would be neither fair nor justifiable.

Also transmitted is a copy of an Executive order promulgating the adjustments of statutory salary rates to become effective on the first day of the first pay period beginning on or after January 1, 1973.

Concurrent with the issuance of this Executive order adjusting pay for civil servants, I have also signed an Executive order providing a pay increase of 6.69 percent in the basic pay of members of our uniformed services. This Executive order complies with section 8 of Public Law 90-207 (81 Stat. 654), which provides that whenever the rates of the General Schedule of compensation for Federal classified employees are adjusted upwards, there shall immediately be placed into effect a comparable upward adjustment in the basic pay of members of the uniformed services.

RICHARD NIXON.

THE WHITE HOUSE, *January 9, 1973.*

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## THE NEED FOR MILITARY SUPERIORITY

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, the New York Daily News of January 2 of this year carried a very sobering item by its veteran columnist, Jerry Greene, on the Soviet Union's ever-expanding armament program. In addition to citing intelligence reports that the U.S.S.R. is now building its first aircraft carrier, he points out, among other things, that American sources believe that the Soviets have twice tested in the Pacific the SSN-8 missile with a "startling distance" of 4,000 miles. Also under development is a successor to the huge SS-9 ICBM, a new, smaller rocket to replace the SS-11 which is comparable to the U.S. Minuteman and a new swing-wing supersonic bomber similar to our B-1 bomber which is now under initial construction in this country.

These new Soviet developments should be of interest especially to those American citizens who believe that the United States should strive to have and hold military superiority over the U.S.S.R. In a poll taken last year by Opinion Research Corp., of Princeton, N.J., for the American Security Council, a long established and highly competent private organization in the field of national defense, 68 percent of respondents replied "yes" to the question: "Do you believe that the United States should have a policy of military superiority over Russia?" Furthermore, the poll found that, in the event that Russia did establish superiority, 56 percent would be willing to spent $20 billion more each year to regain the lead.

The information cited by Columnist Greene should help to dispel any euphoria resulting from the SALT agreements. Although the agreements do inhibit to some degree what we can advocate in specific weapons systems, still they do not deny to the United States the right to hold a margin of strategic advantage in bombers, mobile missiles, sub-launched cruise missiles, and orbital bombardment systems. Neither do they prohibit qualitative superiority in our weapons.

To counteract the expanding Soviet military program, the administration supports the B-1 and Trident programs to insure that 1977 does not find us with no avenue of recovery if the Soviets follow form and utilize SALT I as a means of gaining further advantage over the United States.

Last year, to explain the military situation more graphically, the Institute for American Strategy, in cooperation with the American Security Council, the Center for Strategic and International Studies of Georgetown University and Jane's Fighting Ships, produced a documentary film on the shifting balance of military power between the United States and the U.S.S.R., entitled "Only the Strong." Using Soviet film footage of some Soviet weapons in action, the film presented views on our military posture by such experts as Dr. Edward Teller, the nuclear physicist; Foy Kohler, former Ambassador to the U.S.S.R.; Gen. Bruce Holloway, former commander in chief of our Strategic Air Command; Gen. Seth McKee, commander in chief of the North American Air Defense Command; Norman Polmar, U.S. editor of Jane's Fighting Ships; George Champion, former chairman of Chase Manhattan and member of the President's Blue Ribbon Defense Panel and Gen. Lyman Lemnitzer, former Chairman of the Joint Chiefs of Staff. Needless to say, these experts in both the military and political fields issue grave warnings concerning our military posture vis-a-vis the U.S.S.R. Dr. Teller summed up the situation best when he stated: "We are not prepared."

It is encouraging to learn that the film, "Only the Strong," for instance, has been shown on over 350 TV stations throughout the country with the total numbers of viewers numbering in the millions. Private organizations have also made the film available, and the total number of viewers via this route would be difficult to estimate. The Institute for American Strategy of Boston, Va., certainly has done its share in emphasizing the urgent need for military superiority of the United States in its confrontation with the U.S.S.R.

I submit at this point the informative column by Jerry Greene from the New York Daily News of January 2, 1973:

### SOVIETS BUILDING FIRST FLATTOP AND FLEXING ITS MISSILES

(By Jerry Greene)

WASHINGTON, January 1.—Intelligence reports here provide conclusive evidence that Russia is now building her first aircraft carrier, and, since the signing of the strategic arms limitation treaty last May, has pushed the Soviet armament program vigorously, without letup in money or momentum.

The carrier has been under observation since the keel was laid, but analysts were uncertain for a long time just what type of ship would evolve. Now it has become evident the vessel is a true flattop, about the size of a U.S. medium carrier (such as the 52,000-ton Franklin D. Roosevelt) equipped to handle fixed-wing aircraft. Previously, the Russian navy had only two helicopter-cruisers.

It is almost that time of year, of course, for the annual sighting of Russian submarines off our shores and the grave Pentagon nuclear warnings that inevitably come along when the military budget is sent to Congress.

We thought we'd jump the gun a trifle and take a look at the prospects under daily study by the Joint Chiefs of Staff and report such facts as are at hand, without regard to budgetary processes and arguments.

The Russians have been adhering strictly to the terms of the Salt treaty, and to the interim agreement signed by President Nixon and Soviet Party boss Leonid Brezhnev freezing offensive weapons. But they have by all counts been doing all that the pacts allow.

They are building "several" additional cruisers; our sources wouldn't give the exact number. The ships are missile-armed. They are continuing the production of "Y" class nuclear missile submarines at the rate of nine or 10 a year.

This Y class normally has 16 launching tubes, similar to our Polaris submarines. However, there is fresh evidence that the Russians are building an improved version of the Y submarines with 12 larger missile tubes, designed for a new and more powerful ICBM.

The American experts say the new missile is the SSN-8, comparable to the U.S. Navy's Poseidon.

It was the SSN-8 that the Russians tested twice last month in the Pacific, firing the warheads the startling distance of 4,000 miles to an impact area north of Midway Island. This missile is reported here to be "nearly deployable"; our people simply do not know whether it is now equipped with MIRV, or even MRV.

The MIRV is the "multiple independently targeted reentry vehicle" which we have and we don't think the Russians have yet; the MRV is the multiple warhead, not individually aimed but fired with a sort of shotgun effect, which the Soviets do have in service.

### TEST A BIG ICBM

We have learned that the Soviet scientists have been testing a new large ICBM, designed as a successor to the huge SS-9, as well as a new, smaller rocket to replace the SS-11, which is comparable to the U.S. Minuteman.

Russian airmen have completed development of the "Backfire," the NATO identification assigned to a new swing-wing supersonic bomber, about the same class as the B-1 bomber now under initial construction in this country.

In the fighter aircraft line, Russia is pushing the deployment of the Foxbat, which is described here simply as the world's best combat aircraft. A couple of these planes have been spotted flying around the Suez Canal area, with the Israeli air and missile forces unable as yet to knock one out of the skies.

For their ground forces, the Soviets are producing newly designed artillery and tanks.

The sordid details will be laid before committees of Congress beginning next month, when the Pentagon will be accused of trying scare tactics once more, this time to obtain approval of an $80 billion budget for fiscal 1974. And a stem-winding battle will flare immediately over powerful efforts to cut back, not increase, defense spending. This fight will rage for months.

### OFFER AN EXPLANATION

Perhaps the new Salt talks will lead toward greater restrictions on armaments; maybe the negotiators can help save the world from nuclear burning. But we ran across an item in the January issue of the prestigious magazine Foreign Affairs which offers explanations of the arms race, and raises doubts about ending it.

The author was Michael Howard, a fellow in higher defense studies at Oxford University.

"It is a somber thought," Howard wrote, "that, at a time when so large a proportion of the human race remains near starvation level, about 6% of the world's resources, or something under $200 billion, is still being devoted to military expenditure, with no serious likelihood of this situation fundamentally changing during the remainder of this century.

"Social scientists will continue to seek basic causes in the hope of offering total solutions, but at the political working level, the explanation is simple enough. Any sovereign state . . . may have to use or indicate its capacity and readiness to use force . . . to protect itself against coercion by other states. . . ."

Russian missile submarines today are conducting operational patrols off both East and West coasts of this nation.

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## APPOINTMENTS AS MEMBERS OF HOUSE OFFICE BUILDING COMMISSION

The SPEAKER. Pursuant to the provisions of title 40, United States Code, sections 175 and 176, the Chair appoints the gentleman from Massachusetts (Mr. O'NEILL), and the gentleman from Michigan (Mr. GERALD R. FORD), as members of the House Office Building Commission to serve with himself.

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## IN MEMORY OF PRESIDENT HARRY S TRUMAN

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 60 minutes.

Mr. RANDALL. Mr. Speaker, on December 26, 2 weeks ago today, my neighbors in Independence, the people of Missouri, all Americans, as well as all the people in the free world, were bowed in sorrow and grief when they heard the sad news of the passing of former President Harry S Truman.

Today, here in the great hall of the House of Representatives, we have an opportunity to pause once again to pay tribute to this great American. Many Members who are here in the House served in Congress when Mr. Truman was President.

For some of the other Members he will be remembered as one, who in 1948 as he traveled across America, took time from his own desperate campaign to help by saying a good word for fellow candidates running for office.

Some of those who are here as Members today were then running for either State senate, State representative, or even county office.

My own close and pleasant association with Mr. Truman goes back to 1932, the year I cast my first vote. I was ushered into his personal and political fellowship and association by a close mutual friend, the late Judge E. I. "Buck" Purcell. Later I had the opportunity to hold the same seat on the Jackson County Court which he occupied. Now, for the past 14 years, it has been my privilege and high honor to be his Congressman, and with great pride I acknowledged him as my No. 1 constituent.

My purpose today is not to repeat what every American—from the most advanced student of the Presidency to the youngest reader of a third grade history book—knows well. I shall not be concerned with dates or historical facts, but with the man himself. I do not wish to repeat what this outstanding leader did, or how or even why he did it, but rather to look beyond the deed at the doer.

Harry Truman exemplified the American ideal of success. He worked his way up from railroad timekeeper, to bank bookkeeper, to farmer, to postmaster, to road overseer, to soldier, to haberdasher, and finally to public servant. The trail was not easy as he met failures in both private and public life. Still in the face of adversity he continued to strive for success.

His humility, boldness, doughtiness, and yes, also his unpretentiousness contributed to his integrity which always endeared him to the American public. In keeping with his adolescent talent of plowing the straightest furrow in Jackson County, the then Missouri Senator actually fought against accepting the 1944 Vice-Presidential nomination because, as he put it, he did not want to enter the White House through the back door. He practically had to be ordered by President Roosevelt to accept the bid. After Mr. Truman became President, he proved he was strong enough to fire an American military hero who was responsible for some of our greatest and most brilliant victories. It was this same President who displayed his humility by stating doubts that his signature would ever be wanted as a souvenir. But he was tough whether in withstanding the German artillery as a soldier, in deciding to drop the atomic bomb, or in defending against the critics, that is, the musical critics, about the musical talents of his daughter. Even as the occupant of the second highest office in our Nation, he demonstrated his unpretentiousness. The then Vice President Truman personally journeyed back to Missouri to pay his final respect to an important western Missouri political leader, even though this man had experienced some difficulties with the law. Mr. Truman was a man with whom almost everyone could identify.

In April 1965 on the 20th anniversary of his assumption to the Presidency, Mr. Truman received the coveted Freedom Award, presented annually since 1943 for outstanding contributions to the cause of freedom. In explaining the selection of President Truman to receive the year's award, the judges said:

> President Truman's leadership—particularly in initiating the Marshall Plan, the Truman Doctrine and the defense of South Korea—set the pattern for America's worldwide activities in behalf of freedom.

The plaque presented to President Truman summed up this courageous man's place in history more succinctly, but no less meaningfully:

> Wise in Policy
> Valiant in Action
> Decisive in Leadership
> You Gave a Battered World New Hope

But perhaps the most eloquent and meaningful tribute to our former President was delivered by one who served with him as he took upon his shoulders the problems of our country and the world, and who therefore knew him best. Dean Acheson, in the major address at the Freedom Award ceremony, reminded us that the policies of the Truman administration in foreign affairs showed a sweep, a breadth of conception and boldness of action which were new in this country's history.

"Many of President Truman's decisions," the former Secretary of State said, "constituted expanding action in truly heroic mold."

All of them were dangerous; all of them required the rare capacity first to decide and then not simply decide, but to act. All of them were decided rightly and they were vigorously followed through.

When they appraise Mr. Truman, most persons will invariably say he grew in office. Of course, this has become one of the moldier cliches about many U.S. Presidents, but no one seemed more deserving of these words than Harry S Truman, who died 2 weeks ago today at the age of 88.

Remember, he was propelled, shall we say, stammering to himself into the White House by F. D. R.'s death on that day in April 1945, when the word came from Warm Springs.

It was not long until this little Missourian took firm command, mapped the postwar recovery in the United States and Europe, won an astounding election victory and laid the foundations of a foreign policy that led Churchill to declare, "You, more than any other man, have saved Western civilization."

He believed in simplicity and just as he wished it, his memorial services were without fanfare as he was put to rest in the courtyard of his cherished Truman Library in Independence, Mo., in a ceremony of austere simplicity.

I think one of the myths of modern American folklore is that our 33d President, Harry S Truman—you may recall many times he said he should have been described as the 32d President—was an average man, or sometimes called a common man. Harry Truman certainly seemed average but he was not average, and he was a most uncommon man. True, he had never gone to college. He had been a dirt farmer and a clothing salesman, but to compound his image, Harry S Truman sounded like an average man as well. Never in his life did he ever have to make anything "perfectly clear," because people knew what he meant. His language was simple, direct and often earthy, as political opponents and, yes, you recall those music critics, could attest. Harry Truman could, as he said, "give 'em hell" just like the common man.

He was above all a man of the people. He understood them. More importantly, they understood him. They trusted him maybe because he considered himself, as he once put it, "a lobbyist for the people."

But, can we say that it was an average man or a common man who had to make that momentous decision to order that the atomic bomb be dropped on Japan; brought the United States into the UN; raised Europe out of the ashes of World War II with the Marshall plan; the man who established NATO? Can you call average a man who first developed technical assistance programs for the poorer nations of the world; who introduced the first sweeping civil rights legislation in this century; who helped bring to life the State of Israel; who decided to send American troops to fight in Korea? Could it have been an average man who had the courage to remove General MacArthur? Could it have been an average man who came from behind against all the great odds to win the election in 1948? And what kind of an average man would it be who could go to sleep election night before the returns were in?

No, for all of these things it had to be a most uncommon man. Now, Mr. Truman may have seemed like every man, but he was in fact tougher, more decisive, more courageous and more independent than most men.

I am sure scholars will disagree with some of his policies and question some of his judgments.

But one thing is quite clear. This man from Independence, Mo., was no average man, or even an average President. Rather, he was a great man and a great President.

I think an interesting insight into the man's inner beliefs will be found in a note in his own handwriting saying how long and how often he said his favorite prayer. This is quoted both in the book "Good Old Harry" compiled by George S. Caldwell and also in the book "Mr. President" by William Hillman. Reference in those sources is made to a note written in Mr. Truman's handwriting on White House stationery and dated August 15, 1950, about the prayer he used so often, like writing to himself, this note said:

> This prayer has been said by me—Harry S Truman—from high school days, as a window washer, bottle duster, floor scrubber in an Independence, Missouri, drugstore, as a timekeeper on a railroad contract gang, as an employee of a newspaper, as a bank clerk, as a farmer riding a gang plow behind four horses and mules, as a fraternity official learning to say nothing at all if good could not be said of a man, as a public official judging the weaknesses and shortcomings of constituents, and as President of the United States of America.

That note was found attached to his favorite prayer in his own handwriting on his desk in 1950 at the White House, and the prayer he carried with him and referred to as his favorite prayer reads as follows:

> Oh, Almighty and Everlasting God. Creator of heaven and earth and the universe: Help me to be, to think, to act what is right, because it is right: Make me truthful, honest and honorable in all things: Make me intellectually honest for the sake of right and honor and without thought of reward to me. Give me the ability to be charitable, forgiving and patient with my fellow men—Help me to understand their motives and their shortcomings—even as thou understandest mine: Amen.

It is my judgment that one of the shortest and best appraisals of the Truman years is by Cabell Phillips, who for a long time was the New York Times Washington Bureau representative; for some 20 years, I think. He knew intimately many of the key people of the period. He had a trusted reporter's grasp of the Truman administration from its beginning to the end. In his book, "The Truman Presidency," which he calls the history of a triumphant succession, he points out the problems that confronted Truman were enormous in their scope. But with his rocklike character he faced up to them unflinchingly, through the Potsdam Conference, the terrible decision to drop the atom bomb, the onset of the cold war, and even the attempts of his own party to dump him in 1948.

Then there was the grim campaign of that year, and its glorious upset.

As I mentioned, he had to confront the insubordinate MacArthur and even the insolent McCarthy. But probably some of his greatest achievements, if we limit them to three, were the Marshall plan, the formation and establishment of NATO, and the Korean intervention.

He set a course for this Nation's foreign policy which endures to this very day.

He was a sentimental man, admittedly a stubborn man, often impetuous, but he was unwavering in his determination to do what he thought was right, and he was temperamentally incapable of walking away from a fight.

But he was a man who admitted his mistakes. He did have flashes of temper, but he also had a sense of humor. He had strong loyalties, and he had unabashed affection for his mother, his wife, and his daughter. And all these blend with his stern sense of duty to make Harry Truman one of the warmest and most believable figures in all American history.

Mr. Speaker, I take this time to yield to my colleague and neighbor, the dean of the Missouri delegation who served in the House during the Truman years, the gentleman from Missouri (Mr. Bolling).

Mr. BOLLING. Mr. Speaker, I thank the gentleman from Missouri for having taken this special order and yielding to me.

I have not heard it said, but has the gentleman obtained recognition for all Members?

Mr. RANDALL. I have, Mr. Speaker.

Mr. BOLLING. Fine. Mr. Speaker, I would like to have included in the Record at this point the statement that I issued on the death of Mr. Truman. I think it says quickly and as well as I can say it what I think of Mr. Truman's place in history.

> Harry S Truman now belongs to the ages. He has long since joined the list of great American Presidents for his foresight, courage and determination in the field of foreign and defense policy. More and more people are coming to realize that had the people of the United States been wise enough to support his domestic programs they would have saved themselves many agonies and many tragedies. His foresight on civil rights and health care, on housing and education, matches his leadership of the Marshall Plan and the defense of Korea from aggression.

Mr. Speaker, I would like to take a minute at this point to add to the remarks that have been made and will be made, with this thought: That too often we neglect to note those who live after the person that we eulogize.

This is particularly true in the case of a lady who, I think, contributed enormously to Mr. Truman himself personally and to his Presidency. She, I believe it is safe to say, was as popular a First Lady as there ever was in the history of our land. She was and is a distinguished citizen of Independence. She has always conducted herself with infinite kindness, patience, and sweetness.

Mr. Speaker, I think Mrs. Bess Truman is one of the more remarkable people whom I have ever had the privilege of meeting, and, of course, all of us feel very strongly her bereavement and extend to her our condolences, but I think that this occasion would not be fully met if some mention were not made of this quite extraordinary woman, the woman who was such an extraordinarily fine companion and loving mate of the remarkable President we are eulogizing today.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. RANDALL. Mr. Speaker, I thank the gentleman from Missouri (Mr. Bolling) for his contribution.

Of course, our prayers and deepest sympathy go to this beloved lady and the daughter whom our former President loved so much.

Mr. Speaker, it is a privilege to yield at this time to the gentlewoman from St. Louis (Mrs. Sullivan).

Mrs. SULLIVAN. Mr. Speaker, I thank the gentleman.

Mr. Speaker, the Nation and the world have joined the people of Missouri in mourning the passing, on December 26 of one of the great Americans of our era—a man who rose from farm lad to President and who, nearly 20 years after leaving office, was honored and respected and loved even more than while he served in the most powerful elective office in the world.

At the time of his Presidency, Harry S Truman was bitterly attacked from all sides for the actions he took as President. He lived long enough to have history not only set the record straight, but also to elevate him to a place among our greatest Presidents.

It was as a great human being, however, that he captured the love of the American people. What he did for humanity in a world in turmoil and chaos made him a statesman of the foremost rank. What he was as a person—fiercely loyal to friends and completely devoted to family and unashamedly patriotic—earned him a place in the hearts of Americans which few Presidents managed to achieve or maintain after the glamor of holding our highest office had ended.

We in Missouri regarded Harry Truman as a man of such complete personal integrity and honor that he became a symbol of the best in political service. He was a good politician in every sense of the word, and he made politics a respectable profession in our State.

Although he had been out of the political battles for most of the past 20 years, devoting his time to the Truman Library of which he was so deeply proud, he was always willing to share his wisdom and political experience with those who sought out his views, and he never pulled his punches.

His gracious and courageous wife, one of the finest First Ladies to have served in the White House, his sweetheart through a long, long life together, has our deepest sympathy and great affection as she faces the lonely days and years ahead. We all realize the tremendous loss she has suffered. And to Margaret Truman Daniel, in whom Harry Truman took such fatherly pride, we express our profound sympathy and also our joy that she was so successful in so many ways in honoring her father through her love and devotion.

Mr. RANDALL. Mr. Speaker, I thank the gentlewoman for her fine contribution.

I have the privilege at this time to yield to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. I thank the gentleman for yielding and am pleased to join in the tribute to our great President, Mr. Harry S Truman.

One of Mr. Truman's statements was that "If you do your best, history will do the rest." I think his life has certainly demonstrated that fact.

One of the things I liked about Mr. Truman and one of the stories that followed him was about the time he faced the problem that we all face in politics when people would run up and say, "Do you know who I am? Can you tell me my name?"

Someone is alleged to have run up to Mr. Truman when he was running for the Senate and said, "I bet you do not know who I am," to which Mr. Truman said, "No, and I don't give a damn."

Well, a lot of us wish we could have that courage, but few of us could be elected doing that, except a man like Harry Truman.

Another story in Mr. Truman's memoirs relates to an incident in Wellsville, Mo., in my district, when he was running for the Senate at the time of his second term. There was a Republican meeting over there, Mr. Truman relates in his memoirs, and the man running against him, I believe, was named Davis, in the year of 1940. According to Mr. Truman's story, he said that there had been some lies printed about him in the St. Louis Post Dispatch and the Kansas City Star and Mr. Davis was repeating them and apparently having a grand time doing it. When he got done a man from that community, Jim Wade, went up to Forrest Donnell, who was the elected Governor in that year, a Republican, campaigning with Davis on the Republican ticket, and Wade said, "Could those stories about Mr. Truman be true, and if it is true, could he still be Grand Master of the Masonic Lodge," to which he was elected. To his great credit, Forrest Donnell said, "No," whereupon Mr. Wade repeated that story around, and according to Mr. Truman that was good for many votes.

They also report that in Mr. Truman's career he first learned that you must be faithful to your friends, although they may sometimes fall on bad times. This was certainly demonstrated in the Pendergast affair with Mr. Truman. It was, indeed, they say, a semi-falling out between Mr. Pendergast and Bennett Clark over the patronage through Franklin Delano Roosevelt that led Mr. Pendergast to look for someone to take the other Senate seat and Pendergast sought someone who was opposing Clark's candidate for the Senate. Of course, Mr. Truman came to be that man after being turned down earlier in his desire to run for Congress. They had a Senate opening, and it was offered to him, and he was successful in it. Of course, it became the privilege then of Senator Bennett Clark, then senior Senator from Missouri, to present Mr. Truman to the Senate when he took his oath.

Later on Bennett Clark, the son of Speaker Champ Clark of Missouri, who made the nominating speech for Mr. Truman when he became Vice President in 1944. Senator Truman was opposed, as I have mentioned, in 1940 by then Governor Lloyd C. Stark. Truman was seeking his second term in the Senate, and as one who lived in Governor Stark's home county in those days I can attest to Mr. Truman's popularity. As fast as you took down his posters, someone else put them up. He was recognized across the State as a champion of the people.

He had a certain grandness of character, and again he relates in his memoirs how in World War II he appointed Paul Stark, who was the brother of his old senatorial opponent Gov. Lloyd Stark, to conduct a victory garden campaign throughout the country.

Mr. Truman drew valuably on his Army experience. He knew what that meant in the service of his country. He relates, in fact, that it was through that experience it made him such a great friend of the State of Israel, that is, in recognizing Israel's independence only minutes after it had been declared.

He related the story of how his old haberdashery partner, Mr. Jacobson, a Jewish friend came to the White House. One of the great rabbis had come to Washington, but Mr. Truman repeatedly refused to see either him or anyone from either side in the controversy. However, this Jewish buddy of his from his Army days came to him and said he had never asked him for anything but this was a great religious leader and that he should see him. He did, and this led to historic action from which the world profits today.

It has been written that Mr. Truman was wrong in most of his small decisions, but right on all of the big ones. I think that we all join in that commendation, and hope that other leaders of our national life can have a similar success.

Mr. Speaker, I thank the gentleman from Missouri for yielding me this time.

Mr. RANDALL. Mr. Speaker, I thank the gentleman from Missouri (Mr. HUNGATE) for his remarks.

I might interject at this point that the gentlemen to which he was referring were Eddie Jacobson and also Eddie Meisberger. But while Harry S Truman was very close to those men he was also close to each of those whom he regarded as his buddies in Battery D.

Mr. Speaker, I could not conclude these observations made in the memory of this great President without calling your attention to two of his famous sayings that describe the man perhaps better than anything else.

As you know, on President Truman's desk were the words, "The buck stops here." That should show his forthrightness and his straightforwardness as well as his courage.

Then again there were the words that he used so many times, "If you can't stand the heat, get out of the kitchen."

Well, Mr. Speaker, this man from Missouri proved again and again that he could thrive on the heat of the kitchen, and he had the courage and the grit to take heat from any source once he was convinced that he was right.

I said in the beginning of these comments that rather than reciting events which are a matter of history, or particular official enactments, I would try to say something about the doer of those deeds. It seems to me that we should take a moment to look back on some of his personal characteristics. And if I may be pardoned I know firsthand of some of those from my personal experience.

I would first consider the matter of the personal honesty of this man, which was also mentioned by the gentleman from Missouri (Mr. HUNGATE) in his remarks. He referred to his membership in what was then called the Pendergast organization—and it is true there had been some local scandals—but one evening in August of 1934 Mr. Truman came to me and asked me if I would journey south about 90 miles to the city of Nevada, Mo., in Vernon County, which is now in our congressional district.

He said, "I heard those people down there say that because I am a part of the Pendergast organization there must be guilt by association. Will you go down there to speak for me? I said, "Why, of course." He was then serving as judge of the county court. I went that night because I was personally convinced of his honesty. I went down there because I knew that. Here was a man who was a presiding judge, and chief administrative officer of a large metropolitan county who was spending, even in those days, between $15 and $20 million a year without ever a hint of any sort of scandal of any kind. And he served for two full terms in that capacity. The man was completely honest.

Then we hear it so often said that he was a man who had lots of other good characteristics and personal traits of character of a very high order. And when it comes right down to it these characteristics were ingrained in him. Once again I go back to a comment made by the gentleman from Missouri (Mr. HUNGATE) when he was referring to the campaign in 1940. At that time it was my lot to be driving and working in the campaign with the candidate for Governor, the late Larry McDaniels, and the late Hunter Allen was Mr. Truman's driver. And one day in the early part of September Mr. Allen became ill, and Mr. McDaniel offered to loan me as a driver to Mr. Truman, who was then a candidate in his second term. And he said to Mr. McDaniel, "That is a generous offer, and I am grateful."

One night about 5:30 or a quarter of 6 we were together, the candidate for Governor and the candidate for Senate, Mr. Truman in a motel out west of Columbia, Mo., known as the Pierce Pennant Motel, and which was run by the Sinclair Oil people. That night Mr. Truman discovered that he had used his last clean shirt.

I recall I stepped up and said, "Well," referring to my own shirt, I said, "I do not know whether this is much better, but you are certainly welcome to it." Actually another aide ran downtown and bought one just before the stores closed.

From then on, again and again, he expressed his gratitude to me many times. He said, in my presence to others, "Here is a man who is such a good friend that he would take the shirt off his back and give to a friend in need."

He was a man who believed that gratitude was one of the most important traits of character that a man can have.

Finally, there was one other trait that he demonstrated so many times—his humility. It was in early 1971 when there was a movement by several Members to introduce legislation to award to our former President the Congressional Medal of Honor. I, as his Congressman, knowing of the man's reluctance to have so many edifices and stadiums and highways and airports named after him, thought it was best that I be certain of his wishes in this matter.

So it was that I had one of the last and one of the longest and one of the most pleasant conversations with Mr. Truman in April of 1971 at their home and in the presence of Mrs. Truman, in which we asked him about his wishes in this matter.

I think the whole thing was summed up by The New York Times in their story following that occasion, the headline of the story was "Thanks, But No Thanks."

He made it so plain to me that even if the President of the United States came out to present him with that Medal of Honor, he would decline to accept it because of his humbleness and his humility—he said he did not deserve it and that it should be reserved only for those who earned it in combat.

Here is a letter which I shall always treasure and which I will read into the RECORD at this time, from Harry S Truman, Independence, Mo., on April 8, 1971:

> INDEPENDENCE, MO.,
> *April 8, 1972.*
>
> Hon. WM. J. RANDALL,
> *House of Representatives, Washington, D.C.*
>
> Dear BILL: Your visit with me about the proposed award of the Congressional Medal of Honor was most pleasant and I greatly appreciate your interest in this matter. I am writing this to confirm my views and reasons and my unwillingness to accept one.
>
> In the first place, I do not consider that I have done anything which should be the reason for any award, Congressional or otherwise.
>
> Next, the Congressional Medal of Honor was instituted for combat service. This is as it should be and to deviate by giving it for any other reason lessens and dilutes its true significance. Also, it would detract from those who have received the award because of their combat service.
>
> Therefore, I again confirm what I told you—I would not accept it.
>
> This does not mean I do not appreciate what you and others have done, because I do appreciate the kind things that have been said and the proposal to have the award offered to me.
>
> Therefore, I close by saying thanks, but I will not accept a Congressional Medal of Honor.
>
> Sincerely yours,
> (S) HARRY S TRUMAN.

"Thanks, but no thanks"—that was proof once again of that trait of character of a man who was a great man but also a humble man.

Mr. Speaker, all of us will mourn his passing in the days which lie ahead. We will all miss this great American, who was loved by everyone.

Mr. ALBERT. Mr. Speaker, I wish to join with my colleagues who have expressed tributes to Harry S Truman.

The passing of the former President brought a special loss to the American people and to me personally. Harry Truman was President when I came to Congress, and I will be eternally grateful for his thoughtfulness and wise counsel. He was one of the finest men I have ever known.

Harry Truman was loved and respected by millions of people he never had a chance to meet. He was a people's President, a man who always was himself and a man with whom every citizen could identify. As President he displayed an unequaled courage and determination in his selfless service to our Nation. A fighter who vigorously entered many battles, Harry Truman weathered every storm. Only after an insurmountable weariness of body did his fighting heart lay down to rest.

No one could deny that Harry Truman lived every minute of his life to the fullest. Even his 20 years of retirement were filled with productivity and service to others. Memories of Harry Truman will live forever in the hearts of all Americans. He made too great a mark to ever be forgotten. He has made his place not only as a great human being but as one of the extraordinary Presidents in our Nation's history.

Mr. ICHORD. Mr. Speaker, one of the thrilling aspects of American history is that we so often see ordinary men accomplishing extraordinary things in this country. Some of our great leaders have been men of noble birth and wealth as George Washington. Others have been men of common birth and poor childhoods as Abraham Lincoln. Harry S Truman, who is undobutedly the most famous son of the great State of Missouri, was an ordinary man in every respect, but few men in the history of this proud Republic will be remembered for more extraordinary accomplishments.

Each time a great leader passes away, Mr. Speaker, we talk of the great loss our country has suffered. Yet in the case of former President Harry S Truman I somehow feel that we have lost more than a great man, a great leader, and a true statesman. I feel that the death of Mr. Truman may symbolize the loss of a great spirit in this Nation. There was a spirit which prevailed in the early days of this country enabling the pilgrims to endure the hard winters and the attacks by unfriendly Indians and allowing Washington's men to survive the impossible winter at Valley Forge. This spirit guided our forefathers as they took this vast uncharted wilderness and turned it into the greatest, most advanced and most powerful nation in the history of man in a few short years.

Mr. Truman had this spirit which enabled him to make the big decisions without taking a poll to determine the public reaction or worrying about the political risks involved. Harry S Truman was a rugged individualist who did not start out to be President, but was not afraid to take a stand and stick it out. He was a common man—a man of the people—and his only concern during the 7 years he held the most important office in the world was to do what was best for the Nation and her people. He was a decisive man and a true politician with great love for and dedication to his political party, but he was statesman enough to know where partisan politics must cease and the country must come first.

Harry Truman, the simple haberdasher from a small town in Missouri, was called upon to make some of the most difficult and momentous decisions in the history of our country, ranging from the dropping of the atomic bomb on Hiroshima to the institution of the Marshall Plan. The use of the atomic bomb against the Japanese was particularly a difficult decision for a gentle kindhearted man to make, yet it undoubtedly saved the lives of thousands of my own generation of Americans in an invasion of the Japanese Islands. To paraphrase one of his own favorite sayings, "he could stand the heat and stay in the kitchen."

Harry Truman was indeed a man who could make a decision and stand by it without weakening. The buck always stopped with Harry Truman. His courage and decisive action saved Iran, Greece, Turkey, South Korea and all of Western Europe from falling into the Communist camp. The Truman doctrine was responsible for containing the runaway spread of communism. He loved freedom and felt that the right to be free could not be limited only to our own shores. Sir Winston Churchill quite frankly confessed that though he dreaded to see Harry Truman become President of the United States, the unimposing Missourian had done more to contain communism than any man in the world.

On the occasion of the burial of Julius Caesar, Mark Antony stated his concern that:

> The evil that men do lives after them, the good is oft interred with their bones.

This I do not believe is the case with Harry Truman. History has already been much kinder to him than his contemporaries were. His term of office has been marked as a period of one of America's strongest, most courageous and greatest Presidents. It is my opinion that future historians will recognize this fact even stronger.

As I said, Mr. Speaker, Harry Truman's death may signify the end of a great era in our history when leaders knew the real meaning of courage, loyalty, statesmanship, and dedication. It is entirely possible that President Truman will be the last man of modest means who rose from the ranks of the common people to become President. I believe that our Nation is stronger and our lives richer because this man of the people served in the highest office in our land. I also strongly believe that if we will all remember his dedication in serving the people that our roles in government will be more meaningful and productive.

Mr. BARRETT. Mr. Speaker, on December 26, 1972, the distinguished 33d President of the United States, Harry S Truman, died at the age of 88 years. As one of the few remaining Members of this body who served here during the Presidency of Harry S Truman, I can recall that my service in those years from 1945 to 1953 under his leadership as one of the great experiences of my political career. I have always said, even in those lean, post-war years when everyone was condemning President Truman, that he would be recorded in history as one of our greatest Presidents. History is beginning at this time to so record him.

The man from Independence succeeded to the Great Office of the Presidency at one of the most difficult times in our history. It was his duty to end World War II, to preside over the reconstruction of Europe, and the reordering of our domestic affairs following the war. Few people in 1945 knew or expected Harry Truman to be able to handle this impossible task. His first decisive actions were of the caliber that led me to believe early that Harry Truman had the makings of a great President. He was one of those rare Presidents who understood and respected the Congress, but more importantly, who understood the American people. It was his grasp of the issues that affected the American people that led him to believe all the time that he would win the 1948 presidential election. I can recall in 1948 myself the doubts that most people in my own city of Philadelphia as to whether President Truman would carry Philadelphia. Early in the campaign, I was one of those who felt that he would not be able to win in Philadelphia, but as the campaign wore on, as I spoke to more and more of my constituents, they told me that Truman was their choice. It was the little man, the working man, who gave Harry Truman the support.

We have all read and heard of the great accomplishments of Harry S Truman during his presidential career, but I think one of the truly great attributes of this man was this dignity and independence that he retained as an ex-President from 1953 till his death on December 26. President Truman's career has been heralded for the great accomplishments in presiding over the ending of the war, the reconstruction of Europe and the containment of communism in both Europe and Asia. His accomplishments on the domestic scene, in my opinion, were as extraordinary as his accomplishments in foreign affairs. He did not succeed in enacting many of his domestic proposals such as Federal aid to education, federally assisted medical care for the aged, and greatly expanded Federal assistance to housing and urban development. He provided the leadership and initiative in these domestic areas for succeeding Presidents and Congresses to enact into law. In the field of which I am particularly interested, housing and community development, President Truman's 4-year battle to establish major new initiatives in housing and urban development came to fruition in the historic Housing Act of 1949. Without his leadership and patient negotiations this historic act would have never been enacted in its existing form. He was the first president to stand up and assert the rights of all Americans. He boldly desegregated the Armed Forces and sent the first civil rights message to the Congress. He always held firmly to his convictions and never wavered even when the political odds were against him. Harry S Truman was a great and humble man, a friend, and truly one of the great Presidents of this country.

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of paying a brief but sincere tribute to the late President Harry S Truman.

Harry Truman was an outstanding Senator, a great President, and an American in the truest sense of the word. History has already judged this unassuming President from Missouri as one of our great Presidents.

It so happened that when I first came to the Congress, the Members of our "freshman class" in the 80th Congress were invited to meet with President Truman. Our "class" included our distinguished colleagues, Speaker CARL ALBERT and former President John F. Kennedy, and we all enjoyed the cordial get-together with President Truman, which was arranged by the late Speaker Sam Rayburn.

Years later on the occasion of President Truman's 70th birthday, Dean Acheson, who served as Secretary of State in his administration, discussed the life and career of this outstanding leader. Secretary Acheson pointed out that Harry Truman had a rare quality—a quality few people possess—the ability to make decisions and to make up one's mind on public issues—and, more than that, the ability to make right decisions.

Many Presidents appoint commissions and committees to study matters that are brought before them for action. Not Harry Truman—he refused to pass the buck. He accepted the responsibility of the Presidency and he acted with courage and decisiveness.

Some of the major decisions—right decisions—which President Truman made include his orders to resist Communist aggression in Korea; drop the atomic bomb on Japan, to end the war and which saved thousands of American lives; to strengthen Greece and Turkey against the threat of communism through a program of assistance known as the Truman doctrine; and his support of the establishment of the United Nations as an instrument to promote peace.

At the Democratic National Convention when he was nominated for the Presidency in 1948, the banners pinpointed another of President Truman's great qualities with the words: "Truman is Human."

Indeed he was, in the tradition of Andrew Jackson. He was truly a man of the people, plain, outspoken, shunning pomp and ceremony.

As a result of the hard and difficult decisions which he made unhesitatingly, Harry Truman attracted some criticism during his years in office. But the criticisms are now forgotten and even though he has been out of office only 20 years, his place in history as one of our greatest Presidents is assured.

Certainly I want to extend my deepest sympathies to Mrs. Bess Truman and daughter Margaret and other members of the family in their loss and bereavement.

Mr. ANNUNZIO. Mr. Speaker, our Nation is now in a period of mourning for the passing of a great man, Harry Truman, 33d President of the United States.

I was privileged to have the opportunity during the historic election campaign of 1948 to be the regional director of the Truman campaign in the States of Illinois, Indiana, and Wisconsin for the United Steelworkers of America. In 1948, I had the pleasure of meeting with President Truman in the Blackstone Hotel in Chicago where we discussed the various phases of his campaign affecting the midwest section of our country.

I was also the labor chairman of one of the greatest labor parades held in the history of our country for any presidential candidate. The parade assembled on Michigan Avenue and proceeded down Madison Street where 1 million people cheered this great and humble man who symbolized to them such human qualities as honesty and integrity, for Mr. Truman did not indulge in the kind of political rhetoric that spells out demagogue. He was blessed with humility, compassion and understanding of the common man because he was one of them. People were inspired by his leadership because they knew instinctly that he gave of himself.

The Truman style of leadership was a style of tough compassion in those crucial post-war years. It took toughness to stand up to the challenges of that era and deal decisively with the various economic and military threats poised by the Nation's antagonists. Yet, through it all, President Truman was also able to establish the Nation he loved as a model of compassion—a model of selfless concern the likes of which the world had never seen.

President Truman will never be forgotten by Americans or by people around the world. His personal example of integrity in the face of difficulties and detractors will endure as an inspiration to all of us who must carry on. He did his best and that is all any of us can ask of our fellow human beings or of ourselves.

Mrs. Annunzio and I extend our deepest sympathy to President Truman's devoted wife, Bess, and daughter, Margaret. We are proud to have been associated with this great man.

Mr. ZABLOCKI. Mr. Speaker, I am proud to join my colleagues in paying tribute to the late President Harry S Truman. As President Truman was the first President under whom I had the privilege to serve as a Member of the House of Representatives, I feel a special sense of loss at his passing.

While he was President, Mr. Truman was called upon to make some of the most difficult decisions ever required of a President, and for his courageous and firm convictions he has rightly been called one of our Nation's truly great Presidents.

What is equally important is that while Mr. Truman was a great President of and for the people of this Nation, he was essentially a humble man who saw his first duty to his wife and daughter. His retirement years were quietly spent with his wife in Independence, at the same time he continued his contributions of public service through the Truman Library. The sad news of his passing grieved his friends and acquaintances. The world's great leaders remembered him and sent tributes to his widow. Although they all would have been privileged to pay their respects in person, typical of his life, President Truman requested a simple service. Only close friends and neighbors were honored to be participants in the funeral rites, although thousands throughout the Nation were in attendance in spirit, paying homage to a great humanitarian leader.

Mr. Truman will be remembered for his contribution to the welfare of his fellowman, his firm determination to prevent aggression and oppression. Most of all, he will be remembered for his sincerity, honesty, humility, and devotion to his friends and countrymen.

President Truman never forgot his friends or a favor—although he forgave his adversaries, he apparently never forgot their deeds.

My wife Blanche joins me in expressing deep sympathy to Mrs. Truman, her daughter, Mrs. Daniel and to all of the Truman family. We hope they derive consolation from the knowledge that his loss is shared by his many friends.

Mr. GONZALEZ. Mr. Speaker, if there is any one word to describe Harry S Truman, that word is "courage."

Harry S Truman probably never thought of himself as a great man. If we are to believe his own words, he never wanted to be Vice President, let alone President. He did want to be a Senator, and accepted higher office only on the insistence of President Roosevelt. We are fortunate that Roosevelt made this choice, and even more fortunate that Truman accepted Roosevelt's invitation to become Vice President. For if Truman never thought himself a great man, his stature has surely grown in our eyes, and it is plain that the 33d President of the United States was among the very great ones.

Truman never accomplished all he set out to do—but most of the ideas he espoused have since been adopted, and it is to his great credit that he advanced proposals that where bold enough to encompass the real needs of this Nation—even though there were not enough people of courage here on the Hill to make those ideas into law. Truman's failures were only temporary; his successes were on the other hand hardly temporary at all, but lasting victories for us, for humanity, for the causes of right and justice.

Truman understood the nature of his job—to make hard decisions. He never shrank from that. He did not equivocate and he did not hide. He did not resist a fight, and did not attempt to hide hard truths in glittering language. He did not want to change his image, but only to be himself. It did not matter to him that he would be criticized as uncouth or unstylish, because that did not make any difference to the job he wanted to do.

Who can imagine the shock that Truman must have felt when he was told on April 12, 1945, that he was President? He had only been Vice President for 3 months. The war was raging toward its conclusion; he knew little about the great and secret issues of the time; he had had no time to learn, and less opportunity. But beginning at that moment, he had to make decisions affecting all mankind, possibly for generations to come. Truman did not shrink from it. He did what he had to do—and most of it turned out to be right.

It was up to Truman to make the terrible decision on whether to use the atomic bomb against Japan. Such a decision no man should have to make, but he decided, and never looked back. We may now disagree, but we never had the responsibility, and can never know exactly what Truman's reasons were—only that he thought he had taken the best available course of action to end the bitterest and most costly struggle in history.

Having ended the war, Truman carried on bravely the efforts to construct a lasting and universal peace. It was he who got the United Nations charter approved, and he who appointed Roosevelt's widow to represent the United States in the organization—perhaps our most effective representative ever.

It was Truman who decided that the development of atomic energy should take place under civilian auspices, and who successfully sponsored the creation of the Atomic Energy Commission for that purpose. This decision made it possible for us to begin at the earliest possible date a program to make atomic energy more than a tool of war, but a source of power for peace.

It was Truman who saw and met the danger of Communist expansion in Greece and Turkey, and who created a doctrine to meet and resist that danger—successfully. From that came the Marshall plan, which Truman supported and fought for, and which made possible the postwar reconstruction of Europe. Later, this same program gave birth to the World Bank and its affiliates, which today include 116 or more member nations, and which provides billions in loans for development programs. More than any other action, these programs made it possible for the world to regain the lost productivity and prosperity destroyed by the world war; these programs enabled our postwar generation to avoid the bitter depression, and the war-seeding frustrations that followed World War I.

But Truman was not only a great decisionmaker in the foreign field.

Truman proposed what he called the Fair Deal—plain language for a plain purpose. Not much of this program became law, not because it was wrong, but because Congress was hostile to him and his program. Years later, virtually every part of the Fair Deal became law—though it then was called the New Frontier and the Great Society. Truman wanted universal, compulsory medical insurance. He never got it. More than a dozen years after he retired, Congress approved medicare. This program aroused the most bitter and fanatic kind of opposition—but after its enactment, no one questioned its wisdom or the need for it. Truman had been right.

It was Truman who desegregated the military services and went as far as he could to get fair employment practices required in defense contracts. But it was years later before he saw the poll tax outlawed, saw the courts strike down legalized segregation, and saw Congress enact laws requiring desegregation of public facilities, all goals he had set in early 1948.

Truman raised the minimum wage, expanded its coverage, strengthened the social security program, worked for an adequate housing program, bitterly fought against programs he saw as being against the public interest, and stood firm for what he saw as the right—and always with plain and straightforward talk.

Truman won the most remarkable election contest in history, in 1948. All of us then, and all of us now, admire the courage and resolution he showed in running a hard contest at a time when everybody said he would lose, and when he could not raise enough money to carry on a decent campaign. Truman's famous train would be stalled in one place or another, because he could not raise the money to pay for moving it further; but somehow he carried on. He could not raise adequate money for radio time, and more than once was cut off the air for failure to pay. But he fought on, and he won. Those who wondered at his courage did not know that in 1940 President Roosevelt had asked Truman not to run for reelection to the Senate, but Truman insisted anyway. It was a formidable decision—the kind of decision that showed the strength of the man who later carried off his miracle of 1948.

Truman's enemies were on top of the world by 1951. They had Communists to hunt—mostly phantoms. They roared about corruption. They decried the tragedy of Korea. But time passed those men by—McCarthy died a disgrace, corruption under Truman was nothing like it later was under the administrations of his severest critics and stanchest enemies; and Korea ended in a stalemate that to this day requires U.S. troops and lives to maintain—more men than we have even in Vietnam. And where an obscure man named Nixon could attack Truman on Korea, that same man today has a much greater tragedy in Vietnam, but where Truman spelled out the situation honestly, today we meet only silence from a mostly empty White House.

Truman was a simple man. He did not want to put up a fence around his house. He did not want to discourage people from knowing him. He did not want empty honor.

Most of all, Truman was an honest man. He did his best, never shirked, and never looked back. He had no image makers, wanted none, and needed none. He knew what his job was, and he did it. A simple, honest, brave man. Harry S. Truman. We were lucky to have him serve this great country, and I am sorry to see him gone.

Mr. CHAMBERLAIN. Mr. Speaker, in reflecting on the service of former President Harry S Truman to our country I want to call the attention of my colleagues to two editorials appearing in the Citizen Patriot of Jackson, Mich., December 17, 1972, and December 27, 1972. The first one is entitled "Harry S Truman Improved World" and the second, "A Bit of History Lost in HST's Death". They both call attention to the fact that President Truman was a man who did what had to be done.

The editorials follow:

[From the Jackson (Mich.) Citizen Patriot, Dec. 17, 1972]

### HARRY S TRUMAN IMPROVED WORLD

The life and times of Harry S Truman are Horatio Alger carried to heights that make the author pale in comparison:

A Missouri farm boy who ascended to the presidency of the world's most powerful nation;

A politician schooled and aided by a corrupt political machine who forced his detractors to admit he had outgrown that influence;

A man who ordered the first use of the atomic bomb, but who also pioneered in the civil rights movement;

A statesman who engaged in international politics as Bobby Fischer handles chess, who blocked the advance of communism around the world with bold moves;

A commander-in-chief who, when challenged by one of the nation's most popular generals, summarily fired him for refusing to carry out orders;

A compassionate leader of a victorious nation who implemented the Marshall Plan for rebuilding devastated Europe;

The list is tremendously long, including such things as the Truman Doctrine, the North Atlantic Treaty, Point Four program for underdeveloped nations, to add but a few.

Yet two things stand out formidably in President Truman's journey through life: courage and humbleness.

He proved he had the courage to do what he felt needed doing, often in the face of challenge that would make other, more ordinary mortals pale.

As inheritor of the presidency when Franklin Delano Roosevelt died on April 12, 1945, Truman also inherited World War II and the climactic work of the Manhattan Project which culminated in the first successful explosion of an atomic bomb on July 16 of the same year.

Truman accepted control of the awesome device and used it to end the war in the Pacific within weeks. That momentous decision which ushered in the age of atomic jitters, was closely followed by approval of plans to move ahead with the more formidable hydrogen bomb.

In a manner of speaking he set the tone of international politics for decades, and the name of the game became raw power.

Then he turned his talents to peaceful goals and led the nation to new heights in helping others, not just other nations, but people.

He implemented the civil rights talk of Roosevelt, both with legislation pressed through Congress and by example in his executive orders and appointments.

Thus a man, at times derisively referred to as a "Missouri cracker," again proved his humanity, leadership and courage.

When he finally retired from office, President Truman set about proving he also had a sense of history, establishing the $1,750,000 Harry S Truman Library with private contributions paying the cost.

In it is displayed a tremendous array of material relating to the war years and his presidency. It was his stated wish at the time that the library should be a repository for both scholars and the general public, and to help it come true, he worked there daily from 1952 until 1966. Today the repository is valued at $21 million and is open to the public as well as scholars.

He also established a little-known activity called the Truman Institute, which provides grants-in-aid to students, again demonstrating his consuming interest in people.

His years in office were often marked with controversy, but he thrived on it. He made no bones about liking a drink and a hand of poker, and often entertained visitors by playing the piano.

Unpredictability and an outspokenness that often startled people were trademarks, as were the "press conferences" held as he strode on his long walks until arthritis slowed him down.

Harry S Truman became a legend in his own time, a man of small stature who nonetheless will always be regarded as a giant.

Cast for a time in the legendary role of Atlas, he responded to the demands of history-in-the-making in the best tradition of a Horatio Alger hero, and then improved the model.

It can truly be said that the world is a better place because Harry S Truman chose to leave the Missouri farm of his parents and enter the world of statesmanship.

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[From the Jackson (Mich.) Citizen Patriot, Dec. 27, 1972]

### A BIT OF HISTORY LOST IN HST'S DEATH

Harry S Truman's political friends and foes agree that America lost a bit of its history in the death yesterday of the 33rd president of the United States.

A colorful but humble man who left his Missouri farm home to enter politics, Mr. Truman had the responsibility of the White House thrust on him overnight with the death of President Franklin D. Roosevelt on April 12, 1945. The fiery man from Independence was pushed onto the stage of world statesmanship at a time when America, at the time the mightiest nation in the world, needed his courage and fearless leadership to guide it through a critical period of world history.

His great and difficult decisions always were made in the interest of the United States and its place in the community of world nations. And his actions and his policies laid the foundation for world peace.

As was noted in this column on December 17 when Mr. Truman was tenaciously struggling for life, he "had the courage to do what he felt needed doing, often in the face of challenge that would make other, more ordinary mortals pale."

His career in the White House was marked by unprecedented decisions—the atomic bombing of Japan, the Marshall Plan, the Berlin blockade airlift, the go-head for the development of the hydrogen bomb—and many more.

His most difficult decision? The dispatch of U.S. troops to Korea in a "police action" that kept Communist troops from advancing past the 38th parallel.

Harry Truman was the last of the great leaders of World War II—Stalin, Churchill, deGaulle, MacArthur and Eisenhower—all of whom preceded him in death.

World leaders in paying tribute to this typical and extraordinary American, mentioned his lack of fear. This was Mr. Truman's greatest quality as a president and world leader. His disdain of fear contributed to the building of a proud America. Regretfully, it is a trait that seems to be fading from our society.

The free world grieves the passing of the fiery Man from Independence, but it regards him as a man whose life was complete. He made it that way.

Mr. Truman's courage, decisiveness, integrity and judgment secure his place in history. He was a man who "did what had to be done."

Mr. Speaker, as we pay tribute to former President Harry S Truman, I would like to take this opportunity to call attention to an editorial in The State Journal of Lansing, Mich., of December 29, 1972, entitled "Truman Won Place in History." This particularly emphasizes the fact that President Truman was a man destined by fate to become Chief Executive of the most powerful Nation in the world at one of its most crucial periods in history. The editorial points out that he moved swiftly to marshal national unity as World War II drew to its conclusion. I commend this editorial to the attention of my colleagues.

### TRUMAN WON PLACE IN HISTORY

Former President Harry S Truman was a man destined by fate to become chief executive of the most powerful nation in the world at one of its most crucial periods in history.

The burden that fell on his shoulders in April of 1945 was greater than that faced by any president in this century. He went on to become one of the most respected world leaders of our times. Now he is dead at age 88, and the nation mourns a truly outstanding American.

Mr. Truman stepped into the shoes of Franklin D. Roosevelt at a time when a whole generation had grown up never having known or remembered a previous president. There were many wisecracks about "whatshisname" in the White House and real concern about how he would do.

From his very first day in office Mr. Truman demonstrated that he was a leader and not just a little-known man from Missouri who would be overwhelmed in the great Washington mansion on Pennsylvania Ave.

He moved swiftly to marshal national unity as World War II drew to its fiery conclusion. At the Potsdam Conference, following the end of the war in Europe, he put Soviet leaders on quick and blunt notice that he was no political novice.

The President made it clear to Joseph Stalin that he would not tolerate any Communist military ventures or expansion ambitions. He backed it all up with the Marshall Plan and a head-on confrontation in the Berlin Blockade.

When North Korean Communist armies, goaded by Stalin, invaded South Korea in 1950, President Truman startled the Communist world when he ordered immediate retaliation by U.S. armed forces. Stalin never tested Mr. Truman's willpower again.

Mr. Truman was also a man who believed that his title of Commander in Chief of the armed forces meant exactly that. He risked political disaster by dismissing the revered and powerful Gen. Douglas MacArthur from his command in a feud over Korean War policy—and he made it stick.

In his campaign for re-election in 1948 Harry Truman was labeled a sure loser. Characteristically, he charged out on the campaign trail to tell his story to the people. Everybody knows the results.

President Truman is remembered more than anything else for his down-to-earth, blunt confrontation with the people and issues he faced. He tackled the mighty and joked with people on the streets, and provided the best description of his own job and philosophy when he said, "the buck stops here!"

Harry Truman made that remark the trademark of his career. Millions of Americans and other people the world over mourn him. History will not forget him.

Mr. NICHOLS. Mr. Speaker, the flags in our Nation remain at half-staff today as we continue to mourn the death of Harry S Truman, the 33d President of the United States.

It is extremely difficult, if not impossible, for us to evaluate the Presidency of Harry Truman; that will be up to the historians of tomorrow. But during that period from 1945 to 1952 when he served his country in that high office, Harry Truman gave our war-weary Nation a leader—a plain but outspoken man that almost every citizen of this country could identify with.

Mr. Speaker, in recent days, we have read many tributes to President Truman. One of the finest I have read was written by Charles Greer, the editor and publisher of the Sylacauga, Ala., News. I would like to submit Mr. Greer's editorial for my colleagues reading and evaluation:

### THE NATION MOURNS

"When President Roosevelt died, I thought there must be a million men better qualified then I to take up the presidential task, but the work was mine to do and I had to do it and I tried to give it everything that is in me."—Harry S Truman.

So spoke the man who was destined to become the 33rd President of the United States, and who history will prove to have been one of the most qualified and consequential presidents chronicled.

He is dead now, this incorruptible man who was only the tenth vice-president of our country to be elevated to the position of president. And during the almost eight full years from 1945 to 1953 his actions changed the face of history.

The rise of Harry Truman from farm boy to President of the United States is a tribute to the country which he served with such fervor and dedication. Armed with only a high school education (he failed to enter West Point because of poor eyesight), he worked as a time-keeper for a railroad, wrapped papers for the Kansas City Star, clerked in a bank and finally worked the family farm in Missouri after his father's death.

World War I saw this young man rise to the rank of artillery captain because of outstanding leadership under the stress of battle. Then after this war, in partnership with a fellow veteran, he again showed his abilities by completely paying off debts incurred by business failure at the age of 37—though it took some ten years to pay off a $20,000 debt.

It was then that Harry Truman turned to "Big Tom" Pendergast and his powerful Missouri political machine. Impressed with his background, the 'machine' backed Truman from county judge to presiding judge and finally United States Senator.

It is interesting to note that during his tenure as judge, Harry Truman attended law school that he might be more qualified for this position and also, the fact he was never involved in a political scandal—even when Boss Pendergast was sent to the penitentiary. He was, in fact reelected to the Senate as the famous political machine was toppling.

Harry Truman first gained national attention when, as chairman of the now famous Truman Committee he saved the country literally billions of dollars with his committee's investigation of the National Defense Program.

Then, in 1944, when it was generally conceded by the well informed that Franklin Roosevelt might not live out a fourth term in the office of president, his nomination (on the second ballot) to the vice-presidency was tantamount to that of the presidency. It was the first result of the national prominence he had attained through his investigating committee.

Though it was only some 83 days later that he was to become President of these United States, in that short span of time he proved as vice president, his ability as presiding officer over the Senate. He even voted (breaking the tie) to continue lend-lease aid to America's allies.

Now, in fact President, he was totally unprepared for the post. The war in Europe was ending and he had little (if any) knowledge of the late president's agreements at Yalta. Yet he must go to Potsdam and attend a conference that ended with an agreement among allies that Japan must submit to unconditional surrender.

Indeed it did. But only after President Truman made the momentous decision to drop the atomic bomb (which he only learned about after Roosevelt's death) first on Hiroshima and then Nagasaki.

It was following these war years that "give 'em hell Harry" became the man of the hour—the man who destiny called to reshape in part the world. The Truman Doctrine, which called for United States resistance to international aggression wherever it appeared was born. It guaranteed U.S. intervention against the more insidious forms of Communist attack—propaganda, infiltration and sabotage. And it came at a time when Great Britain had reached the point it could no longer be the prime defender against the Soviet aggressor in the Near East.

Next came the Marshall Plan, probably the most noteworthy of the late president's accomplishments. For the formula of this plan called for the economic recovery (at the cost of billions of dollars to the United States) of all war-injured nations. Accepted by 16 nations (excluding the Communist bloc), it worked.

His administration also helped draft the North Atlantic Treaty Organization, (NATO) lent its support to Latin America, called for the unification of the armed forces and created the Department of Defense. His defeat of the Berlin Blockade through the use of the U.S. Air Force airlift was phenomenal as the entire world watched the Soviet Union finally back down in its efforts to close off the German city.

Of course Mr. Truman suffered setbacks. He witnessed the collapse of the Chinese Nationalist Government and the escape of Chiang Kai Shek to Formosa. And his own popularity waned with the firing of General Douglas MacArthur over disagreement between the two men on how best to wage the Korean War. Yet through all of this, the sign on his desk remained—"The buck stops here."

Harry Truman wanted to be elected President of these United States on his own—and he was. True he received the nomination by his party at his own insistence, but he won—when every available poll said it was impossible. And though he was not invective, he did have some fun as he mimicked his severest critic H. V. Kaltenborn, who when radio was in its heyday, predicted Truman's defeat right up to the finish.

And the president was reelected against overwhelming odds because he threw away the scripts—toured the country making speeches at railroad stations and meetings in the only language he knew, homespun language. When he said, "the next four years there will be a Democrat in the White House and you're looking at him," he meant it . . . sure did.

Many, many of Harry Truman's sayings have been quoted over the years, but one that will stay with us the longest, and one that symbolizes the man as far as we are concerned is: "If you can't stand the heat, stay out of the kitchen." Harry Truman could stand the heat. And the country is better off for having him pass our way.

Mr. DORN. Mr. Speaker, we first came to the Congress during the administration of President Truman; we knew him and served under him. He was the embodiment of some of our Nation's highest traditions. He came from a family of pioneers who had moved to Missouri from Kentucky, and he always represented the hopes and ideals of the American Heartland. Harry Truman knew what it was like to plow the fields, and he possessed in full measure the traditional rural American virtues of self reliance, honesty, dependability and self respect.

Mr. Speaker, one cannot make a decision about the future unless he knows the past. Like Washington and Lincoln, what Truman may have lacked in formal higher education was more than made up by his self-education in the university of hard work and experience. Truman had a strong sense of American history and he studied it all his life. He read a great deal, and mastered the story of man down through the corridors of time.

His two great heroes were Andrew Jackson and Robert E. Lee, and it has rightly been said that he combined the qualities of both of them. It was his commonsense grasp of history and current events that enabled him immediately to take control of the situation when the Presidency was thrust upon him.

He barely knew where our armies were when he took office, yet in spite of these very difficult circumstances he became one of our greatest Presidents. Truman had been Vice President for only 83 days when President Roosevelt died, and had not been completely briefed on many crucial developments, including the development of the atomic bomb. Once in office, he took command. His actions were momentous and historic, including crushing Japanese resistance and countering Communist aggression in Europe through the Marshall plan, aid to Greece and Turkey and the Berlin airlift. His decisions were characteristic of a man who understood history and human nature and who knew when it was the time to act. He had a grasp of what the various agencies of government were doing that few other Presidents have possessed.

Harry Truman was a master politician. The rough and tumble of Missouri politics had equipped and trained him to handle the Nation's most demanding position. He understood that politics is basically shoe leather, hard work, and handshakes.

No combination of slick public relations and barrels of money could prevent him from successfully taking his case to the people. Through hard work and shoe leather, he won the most astounding upset in American history.

He fought hard in a partisan way, but once in office he put the country first and cooperated fully with the other party. Truman entered public life relatively late in life, after distinguished World War I service in Europe. Because of his reputation for honesty and reliability he was endorsed by the Kansas City political organization, which needed a man of unquestioned integrity to lead the ticket. In his entry into politics he was strongly supported by the men of his World War I local regiment. His word was his bond. It was characteristic of Harry Truman that after an earlier business reverse he had refused to claim bankruptcy, but insisted on paying all his debts, even though it took him years to do so.

President Truman was one of the great men of our time. He was dedicated to the presidency. He exalted the office, and would do nothing that would demean it. He zealously guarded the prerogatives of the Chief Executive's office.

His honesty and integrity, sense of history, and the traditional virtues of rural America never left Harry Truman. He did his duty to the Nation and while President made some of the most far-reaching and momentous decisions ever made affecting the Nation's future. History will rank Harry S Truman among the great Presidents of all time.

To Mrs. Truman, who has been by his side through the years of public service, and to Mrs. Margaret Truman Daniel, we extend our deepest respect.

Mr. KLUCZYNSKI. Mr. Speaker, the passing of Harry S Truman, 33d President of the United States, is an occurrence saddening to everyone familiar with the extraordinary political career of that most remarkable man.

It is no exaggeration to say that Harry Truman earned for himself a place among the elite guard of our presidential greats. In every area he was knowledgeable; in every act he was swift and sure. No more can be asked of a President of the United States, except victory—and Harry Truman provided victory, as well.

Moreover, Harry Truman was capable of learning, in the midst of political turmoil. Elevated to the Presidency in the final stages of World War II, he took to the job in the manner of a man who had been preparing for the experience all his life.

Never before a diplomat, he joined in inaugurating the United Nations, with notable success; never before in a position to implement his reform ideas on a grand scale, he quickly assumed leadership of several major reform movements; never before a farmer, in the literal sense, he took on the task of sustaining wartime agricultural prosperity in the postwar world, and confronted for the first time by the tidal wave of world communism, he met the challenge in the manner of a champion.

No person with interest either in domestic or foreign affairs can easily forget the work of Harry Truman, with respect to the rescue of postwar Western Europe. In no time at all, following the war, Poland went Communist; then Rumania, Czechoslovakia, Albania, Latvia, Estonia—meanwhile, the Communists were also winning votes in France and Italy, while England, crippled by the rigors of war, stood by helplessly, unable to intervene.

At this point, President Truman, with the guidance of George C. Marshall and the heartfelt support of the American people, came forward with the famed Marshall plan. This was enough to close the floodgates in the face of the Communist wave and sustain the cause of democracy in the West.

Starving Europe became the recipient of American food and other goods; the French and German economies revived; also those of Italy, the low countries, and Scandinavia. In short time, communism was checked and held fast. Never before was so monumental a victory, affecting the entire world, attributable to the iron will of one leader and the immediate response to one community. The leader, of course, was Harry S Truman; the community: the great mass of the American people. They made a great and mighty team of which America could well be proud.

I take this occasion to express my admiration for the late Harry S Truman, one of the outstanding Presidents of our national career.

Mr. BENNETT. Mr. Speaker, our country and the future of mankind were greatly assisted by the excellent leadership of the late and much beloved President Harry S Truman.

It was my good fortune to know our late President well. I came to Congress at the time when he was inaugurated in 1949. While he was President, and afterward, we frequently corresponded and met together in the friendly and vigorous exchange for which he was so famous. This will always be a thing for which I will be grateful to him. I join my colleagues here today in sending our deepest sympathy to his beloved wife and daughter and others of their family.

Mr. O'NEILL. Mr. Speaker, I join my colleagues today in rising to pay tribute to a distinguished President and an outstanding American, Harry S Truman.

One of the most conscientious and dynamic Presidents, Harry S Truman exhibited a pugnacious spirit that not only characterized his tenure in the White House, but indeed, exemplified his whole life. As a young Senator from Missouri, as Vice President, and later as President, Harry Truman consistently fought for the ideals which this Nation holds dear.

To chronicle all his important achievements as President would still not do him the honor and justice he deserves. Harry Truman had to assume the mantle of the Presidency during one of the difficult periods in our Nation's history. The United States was in the middle of the most devastating and horrifying wars of all time. Yet, President Truman always kept the interests of our Nation uppermost in mind when he sat down with other eminent leaders of his day at Potsdam or when he made that difficult decision to drop the atom bomb. His personal courage and integrity in fulfilling the duties of the great Office of President are unparalleled.

The Truman doctrine, which bears his name, served to inform our allies all over the world that America would stand by them in defense of freedom and self-determination, and made emphatically clear to our enemies that the United States would never tolerate the unwarranted and insidious spread of communism. The Marshall plan of economic assistance to rebuild an impoverished Europe following the holocaust of World War II was inaugurated during his administration and enabled the nations of Europe to live in dignity and peaceful coexistence.

To those of us in this chamber who knew and admired him, Harry S Truman, the 33d President of the United States, will continue to be remembered as the beloved President he was, and as an American who represented the values of courage and decency by which he lived, both in his family and public life.

We all mourn the passing of this great leader, and Mrs. O'Neill joins me in expressing heartfelt sympathy to members of the late President Harry S Truman's family.

Mr. FLOWERS. Mr. Speaker, today we in the House of Representatives pay tribute to a man whom history is destined to record as one of the truly courageous Americans of all time, our late President Harry S Truman.

President Truman will be remembered

as the champion of the underdog and the downtrodden. His place in history is assured by the momentous and often difficult decisions he had to make during his administration. But, perhaps he will best be remembered for his fighting spirit. For in this attribute, which he possessed so fully, he was probably of all of our Presidents the most exemplary of the great American people that he led. In this great trait of his individual character, we could all find identity of national purpose so needed at the particular time.

A short time after he was sworn in following the death of President Roosevelt, he gave this insight into the Presidency:

> Within the first few months I discovered that being a President is like riding a tiger. A man has to keep on riding or be swallowed.

President Truman definitely was not swallowed by the job. He rode whatever tiger came along.

Thanks be to God that such a man was there to succeed to the job when fate called upon him to do so. Let us hope and pray that our country will continue to produce men like Harry Truman to lead us in future times of crisis.

## GENERAL LEAVE

Mr. RANDALL. Mr. Speaker, I also ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of our former President, Mr. Harry S Truman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## THE $9 BILLION "QUICK YIELD" TAX REFORM BILL TO EASE FISCAL 1974 BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I introduce for appropriate reference H.R. 967, which would raise $9 billion annually in additional revenues by closing eight tax loopholes. This "quick yield" tax reform package is sponsored by the following list of 55 Members:

### LIST OF SPONSORS

Les Aspin of Wisconsin.
Herman Badillo of New York.
Bob Bergland of Minnesota.
Jonathan B. Bingham of New York.
John Brademas of Indiana.
Charles J. Carney of Ohio.
Shirley Chisholm of New York.
John Conyers, Jr. of Michigan.
Charles Diggs, Jr. of Michigan.
John D. Dingell, of Michigan.
Robert F. Drinan of Massachusetts.
Thaddeus J. Dulski of New York.
Bob Eckhardt of Texas.
Don Edwards of California.
Joshua Eilberg of Pennsylvania.
Walter E. Fauntroy of the District of Columbia.
Daniel J. Flood of Pennsylvania.
William D. Ford of Michigan.
Michael Harrington of Massachusetts.
Ken Hechler of West Virginia.
Floyd V. Hicks of Washington.
Robert W. Kastenmeier of Wisconsin.
Edward I. Koch of New York.
Peter N. Kyros of Maine.
William Lehman of Florida.
Clarence D. Long of Maryland.
Ray Madden of Indiana.
Lloyd Meeds of Washington.
Patsy T. Mink of Hawaii.
Parren J. Mitchell of Maryland.
John J. Moakley of Massachusetts.
William S. Moorhead of Pennsylvania.
John E. Moss of California.
Lucien N. Nedzi of Michigan.
Robert N. C. Nix of Pennsylvania.
David R. Obey of Wisconsin.
Bertram L. Podell of New York.
Melvin Price of Illinois.
Thomas M. Rees of California.
Henry S. Reuss of Wisconsin.
Peter W. Rodino, Jr. of New Jersey.
Benjamin S. Rosenthal of New York.
Edward R. Roybal of California.
Paul S. Sarbanes of Maryland.
John F. Seiberling of Ohio.
James V. Stanton of Ohio.
Fortney H. Stark of California.
Louis Stokes of Ohio.
Gerry E. Studds of Massachusetts.
James W. Symington of Missouri.
Robert O. Tiernan of Rhode Island.
Jerome R. Waldie of California.
Charles H. Wilson of California.
Gus Yatron of Pennsylvania.
Clement J. Zablocki of Wisconsin.

There are two reasons for introducing H.R. 967 early in the session.

First, we need the revenue in fiscal 1974. In 3 weeks, the President will send his 1974 budget to Congress. While the budget will no doubt be made to balance on a "full employment" basis, with a probable spending request of $270 billion and receipts unlikely to exceed $250 billion, the unified budget deficit will be around $20 billion. This deficit comes on top of 3 years with annual deficits in the neighborhood of $25 billion, and bears out projections by the Brookings Institution and the American Enterprise Institute that the unified Federal budget is unlikely to balance before 1977, if then.

President Nixon says that expenditures must be cut in order to avoid inflation, on the one hand, or a general tax increase, on the other.

But there is another solution. Rather than cut deeply into our social services programs—as Mr. Nixon proposes to do—we could avoid inflation by plugging the tax loopholes which permit wealthy individuals and large corporations to shift part of their fair share of the costs of Government to low- and middle-income taxpayers. H.R. 967 could raise $9 billion in fiscal 1974 by repealing or reducing eight tax preferences. These additional revenues could help maintain a more adequate level, of social spending and—above all—prevent a general tax increase in the near future, without endangering the "full employment" budget balance.

Second, a sound budget process demands that we examine tax expenditures at the same time we plan appropriations. Tax preferences are just as expensive as direct grants; they should be scrutinized at the same time and just as carefully as appropriations. Should corporations be given tax breaks of $5 to $6 billion to carry on business as usual, while the President halves the funds authorized for water pollution control? Should the Treasury lose $100 million a year giving rich people a special discount rate on the first $50,000 of capital gains while funds for education are cut by 10 percent—as the President announced in December? Should we continue to dismiss tax loophole income—oil depletion, stock options, and so forth—with a 4 percent effective minimum tax while manpower programs are slashed? Early consideration of H.R. 967 will force Congress to make these trade-offs deliberately.

H.R. 967 is not a comprehensive tax reform bill. It contains only provisions which have been considered recently by Congress and hence can be acted on without delay. The "quick-yield" bill makes the following reforms:

First. Tightens capital gains taxes: Repeals the 25 percent alternate rate on the first $50,000 of capital gains, increases the corporate capital gains rate from 30 to 35 percent, and extends the capital gains holding period from 6 to 12 months.

Second. Taxes capital gains transferred at death or by gift.

Third. Repeals the accelerated asset depreciation range system.

Fourth. Provides Federal subsidies for interest on optional taxable State and local bonds.

Fifth. Taxes foreign income of U.S. corporations on a current basis instead of permitting deferral of tax until the income is repatriated.

Sixth. Tightens taxes on income from oil and gas wells: Reduces percentage depletion from 22 to 15 percent, and requires capitalization of intangible drilling and development costs.

Seventh. Reduces the amount of farm losses which may be written off against nonfarm income.

Eighth. Tightens the minimum tax on preference income: Raises the nominal rate from 10 to 20 percent, lowers the income exemption from $30,000 to $12,000, and abolishes the deduction for other Federal taxes paid on regular income.

All together, these provisions would increase the tax burden about equally on individuals and corporations. The provisions affecting individuals would raise more revenue—both as a dollar total and on a per capita basis—from taxpayers—or nontaxpayers—with adjusted gross income of $100,000 and up than from any other bracket.

### SECTION-BY-SECTION ANALYSIS OF H.R. 967

### TITLE I—CAPITAL GAINS OF INDIVIDUALS AND CORPORATIONS ANNUAL REVENUE GAIN: $700 MILLION

When real estate, shares of stock, and other forms of property increase in value, the increase is subject to tax as a capital gain. However, the capital gains tax rate on "long-term" gains is only half that for ordinary income in the case of individuals and five-eighths that for ordinary income in the case of corporations.

This title would make three changes in the tax treatment of capital gains:

First. The code provides the option of paying a maximum of 25 percent on the first $50,000 of capital gains. This option benefits taxpayers in brackets with marginal rates of 51 percent and over—according to Treasury statistics, individuals with adjusted gross incomes of over $100,000—who would otherwise be paying capital gains rates of up to 35 percent.

The quick-yield bill closes this loophole by repealing the 25-pecent option. The revenue gain from this one change is estimated at $100 million a year.

Second. Corporations have a lower maximum capital gains tax rate than individuals: only 30 percent. In the past, capital gains for individuals and corporations have been subject, usually, to the same maximum tax.

This bill would reestablish parity between individuals and corporations by raising the maximum corporate capital gains rate to 35 percent. The revenue gain from this one change is estimated at $300 million a year.

Third. Only "long-term" capital gains qualify for capital gains tax treatment. "Long-term" gains are presently defined as assets held for 6 months or more. In 1969, the House voted to extend the holding period to 12 months, on the grounds that 6 months is too short a period to distinguish speculation from genuine income-producing investment, but the provision was dropped in conference.

H.R. 967 lengthens the holding period to 12 months, with an estimated annual revenue gain.

### TITLE II—GAIN ON CERTAIN PROPERTY TRANSFERRED AT DEATH OR BY GIFT. ANNUAL REVENUE GAIN: $2 BILLION

Some capital gains—those on property transferred at death—are never taxed at all.

Here is how it works. Suppose a taxpayer bought some stock in a small electronics company for $50,000 in 1962. The company has flourished and the stock is now worth $150,000. If he sells it, he will have to pay a capital gains tax on the $100,000 increase in value. If he is in the highest 70 percent tax bracket, this means a tax of $30,000—25 percent of the first $50,000—under current law—plus 35 percent of the second $50,000.

If he gives the stock away, he pays no capital gains tax, but the recipient will have to pay a capital gains tax on the total gain when he sells the stock in his turn.

If the owner of the stock neither sells nor gives his stock but passes it on to his heirs, neither he nor his heirs will ever have to pay income tax on the increase in value. The heirs will have to pay capital gains taxes on any increase in the value of the stock beyond $150,000 if they later sell it, but that is all.

The greatest beneficiaries of this loophole, obviously, are those with large amounts of accumulated wealth to pass on to the next generation.

The Treasury Department in December 1968, called for an end to this loophole, recommending that the increase in value of assets be taxed when they are transferred at death or by gift—see "Tax Reform Studies and Proposals", published in three volumes on February 5, 1969, by the House Ways and Means Committee and the Senate Finance Committee, pages 331–351.

The present system of not taxing appreciation on assets transferred at death, the Treasury said, "is grossly inequitable and substantially impairs the progressivity of the tax structure."

In addition, the Treasury estimated, it allows at least $15 billion in capital gains to fall completely outside the income tax system each year.

Furthermore, it has "undesirable economic effects, particularly in cases of older people":

"Assets become immobilized; investors become "locked in" by the prospect of avoiding income tax completely if they hold appreciated assets until death rather than selling them. This freezing of investment positions deprives the economy of the fruits of an unencumbered flow of capital toward areas of enterprise promising larger rewards."

In its August 2, 1969, Report on the 1969 Tax Reform Act, the House Ways and Means Committee said that "the time available" did not permit the inclusion of reform measures relating to the problem of the tax treatment of property passing at death. However, the report went on, the committee would "undertake to study" this problem as soon as possible, "with the expectation of reporting out a bill on this subject in this Congress."

More than 2½ years later, in an interview in the February 26, 1972, issue of Business Week, Ways and Means Committee Chairman WILBUR MILLS again singled out capital gains at death as one of the "problem areas" in the estate and gift tax system, and raised the question of "whether we should continue to let an individual give away everything he has at death and avoid taxes on any of it."

The time is overripe for action on this loophole. H.R. 967 treats property transferred at death as if the decedent had sold it at death. An income tax would be imposed on the capital gain and the tax would be treated as a debt of the decedent's estate. It would thus be deductible from the gross estate for estate tax purposes and would reduce the estate tax liability.

Small estates—those under $60,000—would be exempted, and there would be additional exemptions for personal and household effects, transfers to a spouse, and to orphans. Small family businesses would be protected against undue hardship by a liberal extension of the time for payment.

In order to avoid giving an artificial incentive for lifetime gifts, the gain on appreciated property transferred by gift would also be taxed at the time of transfer.

### TITLE III—DEPRECIATION REVISION—ANNUAL REVENUE GAIN: $3 BILLION

The tax law allows businesses to deduct from their taxable income every year a "reasonable allowance" for the exhaustion, wear and tear, and obsolescence of property used in the business. Until 1971, Treasury rules required that these deductions for depreciation be spread over the actual useful life of the property. Businesses could not write off property for tax purposes faster than they were actually replacing it.

In 1971, however, the Treasury changed its rules to permit businesses to write off their plant and equipment 20 percent faster than before, whether the property was actually depreciating that fast or not. These larger deductions, of course, meant lower tax bills for businesses. Late in 1971, Congress wrote this asset depreciation range—ADR—system of 20-percent depreciation speed-ups into law—Revenue Act of 1971, Public Law 92–178, December 10, 1971.

The ostensible reason for initiating the ADR system was to encourage businesses to invest in new plant and equipment. But in addition, the 1971 Revenue Act reinstated the 7 percent investment tax credit, which has the same purpose as ADR, so that retaining both provisions results in wasteful over-kill: a tax reduction for corporations totaling in many cases about 10 percent.

H.R. 967 would repeal ADR, thus going back to the pre-1971 depreciation system.

### TITLE IV—STATE AND LOCAL BONDS—ANNUAL REVENUE GAINS: $150 MILLION

The interest on State and local bonds has been tax-free ever since the original income tax law of 1913. As a matter of fact, taxpayers need not even report this income on their tax returns.

As a consequence, State and local bonds have been a favorite investment for the very rich and for corporations. Although the average taxpayer perceives no great advantage in buying tax-free municipal bonds paying 4 percent interest when he can get taxable corporate bonds paying 7 percent, tax-free interest begins to look better and better as a taxpayer's marginal tax bracket gets up around 42 percent.

This tax exemption does, however, have one important redeeming feature—it enables hard-pressed States and cities to raise money for schools, roads, sewage treatment plants, hospitals, and other essential public facilities at relatively low interest rates. Simply taxing the interest on municipal bonds, therefore, would force municipalities either to pay higher interest rates—which few of them could afford—or to forego badly needed public improvements.

Understandably, States and localities have strongly opposed taxing the interest on their bonds. H.R. 967 would not require that this interest be taxed. States and localities could continue to issue tax-free bonds, but they would be given the additional option of issuing taxable bonds and receiving from the Federal Government an interest subsidy to make up for the higher interest rate they would have to pay. This Federal subsidy could go as high as 40 percent of the total interest paid—the Secretary of the Treasury would determine the exact percentage at the beginning of each calendar quarter—and there would be no strings attached.

The Treasury would still come out ahead on the deal, since it now loses far more revenue by failing to tax the interest on municipal bonds than States and localities save in lower borrowing costs. An estimate cited by the House Ways and Means Committee in 1969 put the savings to States and localities at only $1.3 billion a year, while the annual revenue loss to the Federal Government was estimated at $1.8 billion. Other estimates of the disparity between interest saving and revenue loss have been even higher, approaching a ratio of 2 to 1. It is therefore reasonable to estimate a revenue gain of $150 million a year from the proposal.

In addition to bringing in more revenue and closing off a loophole from which only a small number of wealthy investors can benefit, this provision would also make it easier for States and localities to market their bonds. Tax-free municipals must now be sold in a fairly limited market, consisting almost entirely of very wealthy individuals, banks, and other financial institutions. By making it possible for these bonds to be sold at higher federally subsidized, interest rates, H.R. 967 would make them attractive to a far wider spectrum of the investing public. With more buyers available, the market would not be as tight and there would be less upward pressure on municipal bond interest rates.

The House approved this provision in 1969, when it was part of the House version of the 1969 Tax Reform Act—H.R. 13270, sections 601 and 602. It was dropped in conference.

### TITLE V—FOREIGN CORPORATIONS—ANNUAL REVENUE GAIN: $250 MILLION

The income of foreign subsidiaries of U.S. corporations is not taxed by the United States until it is returned to the parent corporation or corporations in this country. This usually means that the tax on this income is deferred for many years, and in some cases the income may never be taxed at all.

In addition to costing the Treasury more than $250 million a year in lost revenue, this provision gives U.S. corporations an artificial incentive to build plants abroad and export American jobs. A U.S. firm faced with a close decision on whether to build a plant in this country or abroad may well decide to build in a foreign country in order to get the tax deferral benefits of present law. The Federal Government is in effect giving them an interest-free loan if they invest abroad.

H.R. 967 would close this loophole by taxing this foreign subsidiary income on a current basis. Only "controlled" foreign corporations—those with more than half of their stock held by American corporations—would be covered. Each American corporation holding more than 10 percent of a controlled foreign corporation's stock would have to include in its U.S. tax return each year its pro rata share of the foreign corporation's earnings and profits for that year.

### TITLE VI—INCOME DERIVED FROM EXTRACTION OF OIL AND GAS—ANNUAL REVENUE GAIN: $800 MILLION.

The oil and gas companies—even more than other extractive industries—are blessed with two major tax breaks which permitted major oil companies to pay an average U.S. income tax in 1971 of only 6.7 percent.

The first break—percentage depletion—allows oil companies, oil investors, and oil land and royalty owners to write off 22 percent of their oil income each year. In theory, this deduction is compensation for the decreasing quantity of oil left in the well. But depletion can be claimed every year throughout the life of the well; thus total depletion is often deducted three or four times over. Oil depletion deductions are taken in addition to normal business deductions for depreciation of capital assets.

In 1969, the depletion allowance was reduced by Congress from 27½ percent to 22 percent. The provision should be repealed altogether. However, in order to prevent a possible price increase by the oil companies, H.R. 967 only lowers it to 15 percent, the depletion allowance currently allowed for gold, silver, copper, iron ore, and shale oil. As in the case of these metals and shale, percentage depletion for oil and gas income is limited by H.R. 967 to deposits within the United States.

The revenue gain from this one change is estimated at $400 million annually.

A second and even more advantageous tax break is the current deduction for intangible drilling, exploration, and development costs. While tangible costs—acquisition of derricks, pipes, and so forth—must be capitalized and deducted gradually according to a depreciation schedule, intangible costs—salaries, rentals, fuel, and so forth—which may come to as much as 75 percent of total development cost, may be deducted at once. In theory, this provision postpones rather than waives the tax. But since the oilman promptly reinvests the income sheltered by the deduction into new oil enterprises, the tax is deferred indefinitely. And meanwhile, the Government is furnishing the oilman an interest-free loan.

H.R. 967 requires normal business accounting procedure—capitalization and gradual depreciation of the intangible costs involved in oil and gas exploration. The revenue gain from this one provision is estimated at between $400 and $800 million a year.

### TITLE VII—FARM LOSSES—ANNUAL REVENUE GAIN: $100 MILLION

Under current law, farmers are allowed to use more liberal accounting procedures than those used by businesses. First, farmers are allowed to deduct certain capital costs as a current expense and second, farmers may deduct operating costs as incurred, rather than use inventories in determining income and deductions.

These accounting procedures provide a generous tax shelter for wealthy people whose principal source of income is nonfarm, but who maintain a farm, or part ownership in one, to manufacture losses which can be used to offset nonfarm income. The greatest tax benefits are derived from cattle breeding, nut and fruit groves, and vineyards.

Neither the excess farm losses reform nor the hobby losses limitation, both enacted in 1969, deal with the problem adequately. Treasury figures still show some $100 million in taxes escaping annually through special farm accounting rules to taxpayers with adjusted gross incomes of $50,000 and up.

H.R. 967 would do the following: If a taxpayer with both farm and nonfarm income opts to follow normal business accounting for his farm, he may write off as much of his excess farm losses against nonfarm income as he likes. If he chooses instead the farm accounting procedures, he may take the higher of $15,000—reduced by every dollar of nonfarm income in excess of $15,000—or certain special deductions—taxes, mortgage interest, natural catastrophes, certain recognized losses—and write off no more than that amount of farm losses against nonfarm income. Real farmers are protected by the $15,000 allowance, while "tax farmers" are forced to choose between running the farm as a bona fide business enterprise and limiting the amount of sheltered nonfarm income.

### TITLE IV—MINIMUM TAX FOR TAX PREFERENCES—ANNUAL REVENUE GAIN: $2 BILLION

The 1969 Tax Reform Act contained a "minimum tax" provision which was intended to deal with the problem of very wealthy persons who paid little or nothing in Federal income taxes. There were, for example, 155 persons with reported incomes for 1967 in excess of $200,000 who paid no Federal income tax at all for that year, and the number rose to 222 for 1968 and 301 for 1969. Many other wealthy individuals pay only a small fraction of their income in taxes.

The minimum tax has had some impact, but not enough. There were still 112 persons with reported incomes in excess of $200,000 who paid no Federal income tax for 1970, the first year in which the minimum tax took effect. What is more serious, however, is that the 18,646 taxpayers who were affected by the minimum tax in 1970 paid it at an effective rate of only 4 percent. The figures for 1971 are not yet available.

There are two reasons for the low effective rate of the minimum tax. First, only certain specified "tax preference" items are subject to the tax:

First. Accelerated depreciation on real property and on personal property subject to a net lease—the excess of accelerated depreciation over straight-line depreciation;

Second. Amortization of certified pollution control facilities and railroad rolling stock—the excess of special 5-year amortization over normally allowed depreciation;

Third. Stock options—the excess of the fair market value of the stock at the time of exercise over the option price;

Fourth. Reserves for losses on bad debts of financial institutions—the excess of the institution's fixed-formula bad debt reserve over its actual bad debt loss experience;

Fifth. Depletion—Oil and other mineral depletion allowances to the extent they exceed the actual cost of acquiring and developing the property;

Sixth. Capital gains—One-half of capital gains for individuals and three-eighths for corporations.

A great many other items generally considered to be tax preferences are not covered by the minimum tax, including intangible oil and gas drilling expenses, tax-exempt bond interest, the unrealized appreciation on property contributed to charity, and excess farm losses.

Second, the taxpayer's total tax preference income must exceed $30,000 plus the amount of income tax he pays on his regular, nonpreference income before the minimum tax is even assessed. And then the minimum tax rate is only 10 percent, about what a married couple filing separately would pay on a total family income of $12,000.

The minimum tax brought in only

$116.9 million in 1970, according to Treasury figures. H.R. 967 would raise an additional $2 billion a year by making the following changes in the minimum tax:

First. Eliminate the deduction presently allowed for for the amount of tax paid on regular, nonpreference income.

Second. Reduce the exemption of preference income from $30,000 to $12,000.

Third. Increase the minimum tax rate from 10 to 20 percent.

## THE VOLUNTARY MILITARY SPECIAL PAY ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 15 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am pleased to once again join with two distinguished members of the Armed Services Committee, Mr. BENNETT and Mr. BOB WILSON, and with a leader in the effort to end the draft, Mr. MATSUNAGA, in introducing the Voluntary Military Special Pay Act of 1973.

Under the leadership of Chairman HÉBERT and the Armed Services Committee, the 92d Congress took many important steps toward eliminating conscription. The recruiting forces were upgraded, ROTC scholarships were expanded, an extensive medical training program was enacted, and a competitive pay scale for first term servicemen was authorized.

The new pay scales were designed for comparability to similar occupations in the civilian sector. The principle represented an important reversal in post-World War II military compensation policy. As a result of Public Law 92-129, the draft will no longer be used to force young men to serve at poverty level wages. The costs of national defense will be borne by the taxpayers in general, not disproportionately by the minority of young men selected for military service.

### A FLEXIBLE APPROACH TO PERSONNEL MANAGEMENT

The Voluntary Military Special Pay Act of 1973 is the final compensation measure in the volunteer force package. In general, regular military pay rates will be sufficient to attract the quantity and quality of men needed to fill manpower requirements in the absence of the draft. At all times, however, there will be certain highly skilled occupations which command a premium wage in the civilian economy. Regular military compensation—which is strictly tied to rank and time in service—does not provide the flexibility needed to attract individuals with unusually high aptitudes or civilian-acquired training. Civilian employers have long used special incentives—above and beyond entry level pay—to attract high caliber personnel. The armed services have also used this principle to improve retention. The Voluntary Military Special Pay Act establishes a special incentive authority for military enlistment programs, and refines present law to improve career reenlistment rates.

I should like to briefly highlight the key provisions of the bill. The selective reenlistment incentive will provide a flexible tool for retaining skilled personnel. It will actually save money, by enabling the services to terminate the regular reenlistment bonus, which is now being spent unwisely in overmanned skills. Naturally, "save pay" provisions will be in effect for personnel already onboard. As the gentleman from Texas (Mr. FISHER) noted during last year's hearings, the selective approach represents a significant innovation, as it moves away from the concept of pay by grade, and bases compensation upon occupation and performance. In the long run, this concept can be developed to greatly reduce personnel costs with no loss in real strength.

Second, the bill provides enlistment incentives for the active duty forces. Legislation now on the books grants this authority only for the combat arms. Yet every time we hear an argument on the need for the draft, we are told that there will not be enough quality accessions without the induction authority to fill technical requirements. The Special Pay Act will preclude this problem from arising, by giving the Secretary of Defense the authority to compensate skilled young men at rates comparable to those offered by civilian employers.

Third, similar enlistment and reenlistment provisions are established for the reserve forces. On June 29, 1971, I introduced legislation designed to attract and retain sufficient personnel to meet our standby manpower requirements. At that time, I noted that the heavy reliance on the draft by these forces was obvious to all—and that there should be no delay in implementing corrective measures. Since that time, these forces have fallen more than 50,000 below congressionally mandated minimum strengths. We shall eliminate these shortfalls by offering a more flexible set of incentives—and by a more vigorous recruiting effort, combined with improved training programs for weekend and summer drills.

Finally, the bill establishes rates of compensation for military physicians, designed to end the doctor draft. The Special Pay Act will make it possible for members of the medical profession to choose a meaningful career in the military, without suffering a serious financial penalty.

### SUPPORT FOR THE VOLUNTARY MILITARY SPECIAL PAY ACT

The House of Representatives approved this legislation during the 92d Congress by the overwhelming margin of 337 to 35. It has earned the support of the Department of Defense, the military services, the House Armed Services Committee, the Reserve Officers Association, and the National Guard Association. President Nixon, in his historic August 28, 1972 pledge to end the draft, underscored the importance of the Special Pay Act.

The Senate was unable to take up the bill prior to adjournment. I am confident, however, that the 93d Congress will speedily approve this most important bill.

In conclusion, Mr. Speaker, I wish to commend the gentleman from Florida (Mr. BENNETT) for his leadership and initiative in the effort to end the draft. I urge my colleagues to join in supporting the Voluntary Military Special Pay Act of 1973.

I include testimony in support of the Special Pay Act by Assistant Secretary of Defense Roger T. Kelly which appears immediately following my remarks. The budgetary data has been revised by the Defense Department to reflect fiscal year 1974 figures:

### STATEMENT BY ROGER T. KELLEY, ASSISTANT SECRETARY OF DEFENSE (MANPOWER AND RESERVE AFFAIRS) BEFORE SUBCOMMITTEE NO. 2, HOUSE ARMED SERVICES COMMITTEE SEPTEMBER 25, 1972

Mr. Chairman and Members of the Subcommittee:

It is always a privilege to appear before this Subcommittee. In my many appearances here, I am always bolstered by your support and enriched by your counsel which invariably produces better program results than if we relied solely upon our own ideas and judgments.

In my several appearances relating to eliminating the draft and moving to an All-Volunteer Force, you cautioned against accepting a volunteer force whose cutting edge was any less sharp than that of the existing force. You cautioned against trying to "buy" a volunteer organization by offering costly financial incentives while neglecting issues of force management, job challenge, effective training and motivation of people. We have been guided by your cautions and I believe have strengthened our military organization in the process.

Now we are within reach of eliminating reliance on the draft, and of achieving an All-Volunteer Force composed of 2.3 million active duty and 1 million Selected Reserve members. There are remaining problems to be solved and for this we again need your understanding, counsel and support. Later I will describe these problems and their proposed solutions. But first, Mr. Chairman, I would like to comment briefly on the effects of last year's landmark legislation, Public Law 92-129, as well as certain of our management initiatives.

The key element in this legislation was, of course, the substantial increase in pay and allowances for personnel in the lower enlisted grades—reflecting the fact that for 13 years, from 1952 to 1964, first term members received no pay increases. Before these substantial adjustments a single recruit, E-1, living on base and in basic training, received $135 a month. Now his basic pay has more than doubled to $288. By correcting this pay inequity, the military services are able to compete for young people in the labor market.

It is to be noted, however, that the pay of junior enlisted people should have been increased because that was the right thing to do—with or without consideration of eliminating the draft. In our society there is no defense for conscripting men into poverty in order to serve in a peacetime force.

*Draft calls*

(thousands)

| | |
|---|---|
| 1952-67 (average) | 193.0 |
| 1968 | 299.0 |
| 1969 | 289.9 |
| 1970 | 163.5 |
| 1971 | 98.0 |
| 1972 | 50.0 |

When this and other provisions of Public Law 92-129 were enacted, less than 2 years remained to complete the transition to an All-Volunteer Force. Now less than one year of the induction authority remains, and there are signs of substantial progress toward the objective of eliminating reliance on the draft.

The most direct evidence of progress is the sharp decline in draft calls from their peak of 299,000 in CY 1968. Fewer than 50,000 men will be inducted in CY 1972.

*Enlistments—Draft motivated and true volunteer*

(Thousands)

| | |
|---|---|
| Fiscal year 1971: | |
| Draft motivated | 152 |
| True volunteer | 215 |
| Total | 367 |
| Fiscal year 1972: | |
| Draft motivated | 93 |
| True volunteer | 278 |
| Total | 371 |

Of equal significance is the enlistment experience of the Services in FY 1972 compared with FY 1971. Despite a sharp drop in draft calls from 152,000 in FY 1971 to 25,000 in FY 1972, enlistment levels were maintained and the proportion of true volunteers among those who enlisted increased from 59% to 75%. The proportion of true volunteers among enlistees has continued to rise in the months of July and August to its present level above 80%.

Several factors account for this improvement, not the least of which is the doubling of pay for entry level personnel. Improving the conditions of service life, modernizing the training of personnel, and renewing the emphasis on professionalism in military service also have attracted additional volunteers.

Another key factor in the enlistment improvement has been the revitalization of the recruiting program. I reported to you last year my dissatisfaction with military recruiting during the years of heavy draft, and I am glad to report that the Services have been responsive to change. The officers and NCOs in recruiting billets today are, for the most part, capable of projecting service life to military candidates because they themselves are successful members of their services.

The favorable impact of competitive pay levels, improved service life, aggressive recruiting and other initiatives is illustrated by the Army's experience in enlisting men for the ground combat specialties—infantry, artillery, and armor. During July to December 1970, enlistments for these specialties averaged 227 a month compared with requirements averaging 5,000 a month. Most of the men assigned to ground combat jobs were either draftees or men who enlisted without selecting a military specialty. During July to December 1971, ground combat enlistments reached a one-month high of 3,900 and averaged 3,000 a month. It continued at this level during the early months of 1972.

*Army ground combat arms enlistments*

(monthly average)

| | |
|---|---|
| Jul–Dec 1970 | 227 |
| Jan–Jun 1971 | 1, 392 |
| Jul–Dec 1971 | 3, 076 |
| Jan–May 1972 | 3, 006 |
| Jun–Aug 1972 | 4, 567 |

With Army combat arms enlistments stabilized at 3,000 a month for one year, we began a test on June 1st of the combat arms enlistment bonus authorized by Congress. A bonus of $1,500, half the maximum amount authorized, is being offered to Army and Marine Corps ground combat volunteers who enlist for four years.

The preliminary results are encouraging. Before the bonus was implemented there were some Marine Corps four year ground combat enlistments, but none in the Army. Application of the bonus in June, July, and August has been effective in obtaining longer term enlistments. During that 90-day period the Army enlisted 13,700 men for the ground combat arms with approximately 56% enlisting for four years under the ground combat enlistment bonus and others enlisting for three years without the bonus. The Marine Corps enlisted 3,325 men in the ground combat arms with 88% accepting the bonus in return for a four-year enlistment.

The test will continue at least through October, enabling us to determine the extent to which the bonus will increase the total number of combat arms enlistments and whether it has any reverse effect on Navy and Air Force enlistments.

The longer enlistment of four years associated with the bonus is significant. It has the effect of substantially reducing the high cost of training and reducing personnel turnover in the future. It is also an indication that an enlistment bonus can be used effectively to attract people for longer enlistments in sophisticated skills that require long training, thus further reducing the cost of training.

I ask that you note especially how the enlistment bonus was employed in combat arms. We did not use the bonus as soon as it was authorized, preferring instead to find out how many could be attracted to the combat arms without the bonus. Only after enlistment levels for July–December 1971 continued through the first five months of this year did we start using the bonus. And then it was offered in the amount of $1,500 to those ground combat volunteers who enlisted for four years, rather than offering $3,000 for 3-year enlistments. This is typical of the manner in which other flexible bonuses would be administered with control from my office, given the authority by Congress under H.R. 14545 to use them for occupational shortages other than in combat elements.

There are other significant signs of progress, such as the quality of force indicators, on which I will reserve comment in the interest of your time. I will be happy to respond to your later questions in these areas.

### THE REMAINING PROBLEMS AND THEIR SOLUTIONS

So much for progress to date. Now the remaining problem areas of which there are three:

1. To avoid substantial manpower shortages in the Active Forces, including those affecting critical specialties, by a combination of management actions and financial incentives that will increase retention, stabilize the force, and reduce the heavy burden of recruiting new and untrained personnel.

2. To attract qualified volunteers and retain experienced personnel in sufficient numbers to meet the manning requirements of the Guard and Reserve.

3. To eliminate the doctor draft by making military doctors' pay reasonably competitive with that of civilian doctors and by increasing the professional challenge of medical practice in the Armed Forces.

### *Avoiding manpower shortages and stabilizing the active forces*

Adjustments are being made in manpower policies and practices to cope with this problem. Our actions include, besides intensification of efforts to attract more recruits, a much greater emphasis upon retaining trained and qualified personnel through reenlistment and upon selectively replacing military men in jobs that can be performed as well and as economically by civilians and military women.

As the Armed Forces reach a stable state in the post Vietnam era, many more service people can be attracted to continuing their military careers. There is little question that the satisfactions of military service, properly presented alongside other job options, will result in higher rates of retention through reenlistments than those experienced in recent years.

We know it is in our own best interest to reduce personnel turnover, because experienced people are more productive than new people, and a smaller proportion of our force will be employed in receiving and conducting training.

Notwithstanding these and other initiatives, we remain at a disadvantage in competing for specialists whose skill command a premium wage in the civilian labor market. In order to operate and maintain today's sophisticated weapons systems the Armed Forces need to attract people who can absorb complex technical training, and to retain a sufficient number of officers and enlisted men who possess these skills. Excessive turnover of expensively trained specialists lowers the effectiveness of our military units and imposes heavy repetitive training costs.

A related aspect of this problem is that some jobs in the military are not popular among young men who are contemplating military service. For example, it is difficult to attract some men to serve as foot-soldiers because of the physical rigors and risks of the occupation. Many refuse reenlistment in the Navy because of the long separations from family caused by extended sea duty. Because of these service detractors, a level of compensation which attracts and retains people in certain military occupations may be insufficient in others.

In addition to these classic attraction and retention problems, we must stabilize the active forces by correcting force imbalances which developed over past years. The profile of our present active force, like last year's beauty queen, has bulges in the wrong places.

The force imbalance is illustrated in this profile of the officer inventory, comparing the current force with what it should be. Note the inadequate retention of junior officers in the fourth through twelfth years, the surplus of officers beyond the twelfth year, and irregularities in force distribution by years of service. The high uncontrolled losses during the early years contribute to these characteristics. They dilute the overall experience level of the officer force, reduce the ability of the services to be truly selective in the promotion and retention of officers, and create difficulties in retaining the required mixture of skills by grade. Additionally, junior officer shortages caused by high loss rates force personnel managers to compensate for these shortages by carrying more officers to retirement than are needed in senior grades and positions.

The current officer force also reflects statutory provisions of tenure, resulting in what remains of the World War II "hump" at 29/30 years and in the Korean "hump" between 17 and 21 years. Many of these officers are now entering retirement, but the valley in the early years still leaves us with a serious problem.

The bulges and "valleys" that characterize the officer force are to be found in the enlisted force as well. This is a DoD profile which combines all Services, while the profiles of the individual Services show much more pronounced differences in certain areas between what they are and what they should be.

The selective pay mechanisms requested in H.R. 14545 will enable us to cope with inadequate attraction and retention in any critical skill and prevent the formation of future valleys in our force structure.

The requested mechanisms are based on the 1971 Quadrennial Review of Military Compensation which concentrated on the study of special incentive pays. These special pay proposals are not hastily conceived ideas. They are carefully considered, and based on time-tested concepts which draw upon years of experience with special pays in the military service. In our judgment they constitute the critical second step in our move to an All-Volunteer Force.

### *Expanding the enlistment bonus authority*

An important tool in avoiding manpower shortages and stabilizing the active forces is the flexible enlistment bonus authority. Under existing law, the authority is restricted to individuals enlisting for at least three years in the active force combat elements who may be paid up to $3,000. Payments under this authority may not be made after June 30, 1973.

As described earlier, preliminary results of the current $1,500 enlistment bonus in the ground combat elements indicate that the bonus is an effective and highly efficient way to attract people for longer enlistments and to raise the quality of people entering a given occupational field.

However, difficulties in obtaining qualified entrants will not be limited to Army and Marine Corps combat elements. For example, reduced draft pressure has already caused a major shortage in volunteers for the Navy's six-year nuclear propulsion enlistment program which, unless corrected, will interfere with manning of nuclear-powered ships.

To solve these and similar problems, H.R. 14545 would extend the enlistment bonus authority to any enlisted skill which the Secretary of Defense determines is in critical supply. The bonus can be varied by amount and length of enlistment. We would plan to use the bonus not only to attract people to shortage skills but also to lengthen the enlistment term, thereby spreading training costs over a longer period and reducing the high cost of training.

### The reenlistment bonus—And spending money where the problem is

Another important tool in avoiding manpower shortages and stabilizing the active forces is the reenlistment bonus, but in a revised form from that provided in existing laws.

The inadequate retention of personnel in certain enlisted skills has been a chronic problem in the past and will remain a problem in the future unless decisive actions are taken. In past years, enlisted pay was consistently lower than civilian pay for comparable levels of responsibility and skill. Public Law 92–129 corrected this deficiency for the average situation. However, as indicated earlier, expanded technology requires the Services to employ a number of skills that command a higher than average wage in the civilian market. It is these skills that constitute the current and anticipated enlisted retention problems.

For example, if H.R. 14545 had been enacted earlier, it could have been used by the Secretary of Defense to address a severe problem of inadequate reenlistment in the Navy's nuclear program. Pending consideration of H.R. 14545 by the Congress, however, it was considered that the nuclear reenlistment problem was so compelling that a limited legislative authority should be sought. Accordingly, H.R. 16608 has been introduced by Chairman Hébert and Mr. Arends. I understand that hearings are scheduled on H.R. 16608 following completion of hearings on H.R. 14545. If H.R. 14545 is enacted without substantive change it would be used to assist the Navy in the nuclear enlisted personnel problem and enactment of H.R. 16608 would not be necessary.

Existing laws offer some means of addressing these problems: the Regular Reenlistment Bonus, the Variable Reenlistment Bonus, and Shortage Specialty (Proficiency Pay). However, even collectively these incentives have not been fully effective because they don't result in spending money where the problem is—and in one major area, that of first term reenlistments, they require payment in many instances where there is no manning problem.

The cost effectiveness of these incentive dollars can be improved by combining the most desirable features of the Regular Reenlistment and Variable Reenlistment Bonuses into a Selective Reenlistment Bonus as proposed in H.R. 14545. The incentive in this form would be much more flexible than the existing one and could be paid at any problem decision point during a member's initial ten years of service. The amount of the bonus payment would vary depending on the severity of the retention problem in a particular skill. Amounts would range from a low of approximately $1,000 to a high of $15,000 while average bonus payment to an individual serving in a shortage skill would be about $6,000. Members who reenlist in a skill where no shortage exists would not receive a bonus.

There is no significant cost in converting to the Selective Reenlistment Bonus, and in the long range it would result in considerable savings. This is because of two factors. First, as the Selective Reenlistment Bonus proves its effectiveness, the Department of Defense would phase out payment of Shortage Specialty (Proficiency Pay). Second, as mentioned above, members who reenlist in a skill where no shortage exists (excepting those in the force now) would not receive a bonus. The end result would be a budgetary reduction in reenlistment costs while retaining more people in critical skills.

### *Officer continuation bonus*

Another key provision of H.R. 14545 addresses officer retention. A major aspect of this problem—to be discussed later by my colleague, Dr. Richard S. Wilbur, Assistant Secretary of Defense (Health and Environment)—has to do with retaining military physicians and other health professionals. Therefore, my remarks will be limited to retaining officers other than health professionals, although the principles of retention apply equally in solving the doctor supply problem.

Retaining officers in critical specialties has presented difficulties in the past. Specific examples are nuclear submarine officers and lawyers. The highly effective continuation bonus authority for the nuclear submarine officers expires on June 30, 1973, and this authority must be extended if we are to be competitive in retaining a sufficient number of these officers whose skills are in great demand in the civilian market. In addition, legislation addressing the lawyer supply problem has been passed in the House of Representatives and, as you know, hearings on this bill were held in the Senate last week.

The officer continuation pay provision of H.R. 14545 has the flexibility to address the supply problem in both of these critical areas, as well as others which may become critical in the future. Officer specialities that have supply problems will vary from time to time just as the supply and demand for professional, technical, and managerial personnel fluctuate in the civilian job market. Legislative action is needed, in the form of a flexible bonus that can be used or withdrawn depending on supply and demand, to assure the presence of qualified officers in critical specialties.

H.R. 14545 would authorize the Secretary of Defense to pay a variable bonus of up to $4,000 per year to officers who execute a written agreement to extend beyond their first obligated tour. It would be offered only at times and in amounts needed to solve officer retention problems in specific skills.

### MANNING THE GUARD AND RESERVE

The Reserve Forces present a unique problem whose solution is essential to achieving and maintaining an All-Volunteer Force.

In the past, when the draft was a major source of military manpower, many young men were motivated to join the Guard and Reserve as a means of avoiding the draft and active military service. Waiting lists of applicants for Guard and Reserve membership, characteristic of the years of the heavy draft, have disappeared. And disappearing also are many of the draft motivated young Guardsmen and Reservists as their obligated terms of service expire.

Through August 1972, the combined National Guard and Reserve force strength was 54,000 below the Congressionally mandated minimum of 976,559. It is estimated that this shortage will rise after the summer months, and that it will be higher still next year unless early and positive action is taken to stimulate enlistments and reenlistments in the Guard and Reserve.

A key provision of the Uniformed Services Special Pay Act is the authority to use enlistment and reenlistment bonuses for the Selected Reserve. But before discussing that provision of the bill, let me try to bring the Guard and Reserve picture into focus.

As you know, the Guard and Reserve suffered badly during the Vietnam years, both as to credibility and overall effectiveness. Their combat role was questionable, their missions ill-defined, their units under-equipped and under-trained, and their forces overrun with men who joined for the wrong reason—because they wanted to avoid military service and the war in Vietnam.

I am pleased that I can report a tremendous revitalization within the Guard and Reserve. The Total Force concept has given their members a purpose, because they know they are to be relied upon as the initial and primary augmentation for the active forces. By the end of this fiscal year their equipment deficiencies will have been virtually eliminated. Training has been intensified, readiness is improving, and Guard and Reserve forces are being modernized.

The Guard and Reserve portions of the Defense budget have increased from $2.1 billion in FY 1969 to $4.1 billion in FY 1973. This latter will be the largest single year investment in the Guard and Reserve in our nation's history.

Along with these initiatives for internal reform, action has been taken to improve public understanding of the Guard and Reserve role in our nation's security and to enlist the cooperation of American employers so that more of their employees will participate in Guard and Reserve activities. The National Committee for Employer Support of the Guard and Reserve under the leadership of Mr. J. M. Roche, former Chairman of the Board of General Motors, has launched an extensive program to achieve this essential goal of public understanding and employer support of the Guard and Reserve.

In addition to substantial progress in these areas, there is evidence of greater activity and better results in Reserve recruiting. Much remains to be done in this area, but it would be inaccurate to characterize the Reserve forces as simply waiting for the bonus authority to solve their personnel supply problems.

There will be intensified efforts to accelerate improvement in Guard and Reserve recruiting, and to obtain the assistance of Active Force recruiters in meeting Reserve needs. At the same time, there will be an intensification of programs to make Guard and Reserve training meaningful so that "make work" activities do not drive people away from Guard and Reserve service.

Now I should like to discuss the Guard and Reserve bonus provision of H.R. 14545. The bill would authorize an enlistment bonus of up to $1100 for a six-year enlistment of a non-prior service individual. It would authorize a reenlistment bonus of up to $2200 for a critical skill, or $1100 for a non-critical skill, for six-year reenlistments.

As stated, we would control use of Guard and Reserve bonuses with the same kind of monitorship exercised in administering the combat arms bonus. We will take into consideration the lack of personnel mobility which confronts the Reserve community—specifically, the inability to move people who possess certain skills from an area of supply to an area of need. There would be uniformity in bonus payments between Reserve components for identical needs.

In the "Speaker" letter of March 22, 1972, which transmitted H.R. 14545, we indicated that bonuses would be restricted initially to a maximum average of $1,800 for reenlistments and $600 for enlistments. In our most recent costing actions, the maximum average for reenlistment bonuses has been further reduced to $1,320. Unlike the active forces, some Guard and Reserve skill requirements do not occur on a nationwide basis. Therefore, their members must be enlisted to serve in local units, rather than to meet overall national requirements.

To qualify for bonuses, the military department must demonstrate in each case its eligibility under uniform criteria. These criteria will include, in addition to establishing a bona fide personnel shortage, evidence that the unit is doing what it can to overcome the shortage without bonus payment—including the obtaining of help from the local active force recruiting component of that service. Bonuses will not be paid to individuals who are employed fulltime in the Selected Reserve, nor to individuals not associated with units that would be mobilized to serve as units.

### COST AND SUMMARY

Mr. Chairman, the third problem area relates to the health professional field and this will be discussed by Dr. Wilbur. As I said earlier, the principles underlying special pay authorities sought in H.R. 14545 apply equally to the medical and non-medical fields.

Finally, I would like to stress that we have proposed these special pay authorities in a flexible form. Manning the Armed Forces is a dynamic problem because skills demanding a premium change with time, as does the level of premium necessary for a particular skill. To be able to compete with others for the nation's manpower, the Department of Defense needs compensation tools that are flexible and adaptable for use in a changing environment.

In its flexible form, H.R. 14545 will be cost effective because it consists of special pay forms that authorize the spending of money where the problem is. We urge your support of it, and welcome your questions.

ADDITIONAL BUDGET COSTS [1]

[In millions of dollars]

| Program | Fiscal year— | | | | |
|---|---|---|---|---|---|
| | 1974 | 1975 | 1976 | 1977 | 1978 |
| Enlistment bonus | 42.6 | 89.1 | 135.6 | 139.5 | 139.5 |
| Selective reenlistment bonus | 2.3 | 1.5 | −9.2 | −32.6 | −83.4 |
| Officer active duty agreements | 20.0 | 25.0 | 25.0 | 25.0 | 25.0 |
| Selected Reserve enlistment/Reenlistment bonus | 85.4 | 107.1 | 139.7 | 97.3 | 108.9 |
| Health professions | 75.0 | 95.0 | 105.0 | 112.0 | 112.0 |
| Total, DOD | 225.3 | 317.7 | 396.1 | 341.2 | 302.0 |

[1] Department of Defense, Dec. 18, 1972.

## DROPPING OF BOMBS IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 30 minutes.

Mr. DRINAN. Mr. Speaker, from this historic well I speak today both for my constituents and to my constituents. I speak as their representative who has shared their anguish and agony since that awful day of December 18, 1972, when the image which so many of them had of America as a nation striving to be the conscience of the world was shattered by the waves of B–52's dropping bombs in downtown Hanoi and Haiphong. I speak to my constituents to try to give them some evidence that the Congress appreciates the constitutional crisis in which my constituents and the entire Nation finds itself.

I have learned personally and profoundly of the horror, shock, indignation, and outrage which my constituents have experienced during the 12 days of terror bombing and in the 12 days which have elapsed since the suspension of bombing in North Vietnam. Citizens of every kind, young and old, Democrats and Republicans, hawks and doves—all have written to me pouring out the consternation and indignation which they feel at the unexplained and unprecedented rain of terror over areas occupied by civilians.

In the days which I spent in my congressional district from December 24 to January 1, I spoke with countless individuals who felt betrayed by the clear promise and prediction of peace given by Dr. Kissinger and President Nixon prior to the November 7 election. The most heart-rending experience came from the mother of a POW who stated that her disappointment at the resumption of bombing was particularly acute since she had in all honesty expected that her son, imprisoned for almost 5 years, would in fact be home for Christmas. I have worn the POW bracelet of this captain in the Marines for many months and I, too, was overwhelmed with sorrow that this man and his widowed mother must continue to be victimized by circumstances which they and we do not understand.

On New Year's Eve, I attended a fundraising function for the rebuilding of the Bach Mai Hospital in Hanoi. A physician who had been in Hanoi several weeks ago as part of a medical team described this teaching hospital as the equivalent in prestige and role of the Massachusetts General Hospital. The authorities of the Bach Mai Hospital had long anticipated air raids and are able to bring all of the 1,150 patients in the hospital to air raid shelters within 3 minutes of the alert. The only persons who cannot respond to the alert are the doctors and nurses in the operating rooms. This arrangement is one of the reasons why some 25 medical and nursing personnel were killed in the destruction of this hospital by U.S. bombers.

I have been in touch with groups in Gardner, Sudbury, Framingham, Newton, and elsewhere who sponsored peace vigils on Christmas eve or at other times. I have sent to President Nixon the very moving petition for a cessation of the bombing signed by many residents of Sudbury at a vigil conducted on the steps of the Sudbury Town Hall on Christmas Eve.

The hundreds of letters which I have received manifest more indignation and frustration than the much smaller number of protests which came to me after President Nixon, on May 8, 1972, announced the mining of the harbor at Haiphong and the intensification of the air war over North Vietnam. Obviously the bitterness and outrage come from the fact that President Nixon stated categorically on November 6, 1972, the very day before the election, that the war would end. The President spoke as follows:

> We have agreed on the major principles that I laid down in my speech to the nation of May 8. We have agreed that there will be a cease fire, we have agreed that our prisoners of war will be returned and that the missing in action will be accounted for . . .
>
> There are still some details that I am insisting be worked out and nailed down because I want this not to be a temporary peace. . . . But I can say to you with complete confidence tonight that we will soon reach agreement on all the issues and bring this long and difficult war to an end.

Mr. Speaker, after that unambiguous commitment by the President of the United States my constituents have a right to be outraged when they learn from the media, with absolutely no announcement or explanation from the U.S. Government, that waves of American airplanes are pounding the heartland of North Vietnam in and around the heavily populated cities of Hanoi and Haiphong.

The letters which came to me speak of the voicelessness, the powerlessness, and the helplessness of the writers. One constituent wrote that he first heard of the Vietnam war when he attended a teach-in on the subject as a sophomore in high school and that now he is finishing graduate school and the longest war in American history continues. Another constituent quoted George Santayana who stated that fanaticism is when you redouble your efforts having forgotten your aim.

Not a single letter spoke in favor of the bombing and only a handful indicated that the Congress seek some explanation from the President or the Pentagon. One eloquent woman summed up the tone and thrust of virtually all of the letters when she said that the Congress must "stop a President who has usurped our powers, lied to our people, degraded the Congress, and mocked the Constitution."

I would like to talk about the three central themes of the countless conversations and hundreds of communications which I have had with my constituents. These themes are, first, the Congress should cut off funds for the war; second, the Congress must continue to speak out; and third, the Congress should give consideration to the question of impeachment of the President.

### CAN THE CONGRESS CUT OFF FUNDS FOR THE INDOCHINA WAR?

About the only encouraging event which I can relate is the decision of the Democratic caucus in the House which on January 2 resolved in a vote of 154 to 75 to establish it as the policy of the majority party that no further funds would be given to Vietnam. Although this vote is more significant and more promising than a comparable vote of the Democratic caucus in April of 1972, the fact remains that 75 Democrats are still "hawks" and do not agree with the platform of the Democratic Party or the manifest wish of a clear and growing majority of American citizens.

On January 5, the House Republican Conference voted 135 to 7 to support the efforts of President Nixon to end the Vietnam war. Almost 50 Republicans absented themselves from the Republican caucus. On a more precise point introduced by Congressman PAUL MCCLOSKEY, of California, the Republicans in the House of Representatives refused by a vote of 91 to 43 to call for an end of the bombing in North Vietnam.

In view of these realities the grim fact is that the House is about 34 votes short of attaining the necessary 218 Members necessary to pass any legislation in the House. It is possible, however, that some of the 75 Democrats who refused to accept the stated policy of their own political party as well as the settled judgment of the majority of the majority party could alter their views or at least abstain. They would be much more likely to do so if the Democratic leadership in the House of Representatives exercised to the full the influence available to them.

Even if, however, the House were able to join the Senate in cutting off funds for the war in Vietnam the President could veto such a bill and the Congress simply would not have the two-thirds necessary to override the President's veto. However difficult the predicament of the Congress may appear, however, one must remember that the number of Congressmen voting against the war has risen from a dozen to about 180 over the course of some 2 or 3 years. In talking with my colleagues in the Congress about the outpouring of mail against the bombing I could only wonder whether they would even have voted to fund the war in Vietnam if their constituents in 1965 and 1966 had protested with the same vigor against the escalation of American ground troops in Indochina up to more than 500,000.

### WE MUST SPEAK OUT; WE ARE NOT "GOOD GERMANS"

The innumerable contacts which I have had with my constituents since December 18 indicate overwhelmingly that they feel compelled in conscience to speak out and denounce the incredible atrocities unleashed by the President and the Pentagon. More than one letter stated that we can no longer be "good Germans." One elderly lady wrote that she never thought that she would live to be consoled by 50,000 citizens of Holland demonstrating in Utrecht against the terror tactics of her own nation. A man of French-Canadian origin stated to me that he was ashamed of the United States and agreed with the resolution of the Canadian House of Commons which unanimously adopted a government-sponsored resolution deploring the bombing in the Hanoi and Haiphong area. Another correspondent wrote that the raids of terror over Hanoi were no different than the planes of Hitler raining devastation on Warsaw, Rotterdam, and Coventry.

To all who have written to urge me and other Members of the Congress to cut off funding for the war I can only repeat that all of these individuals must continue to intensify their efforts so that their friends throughout the Nation will reach their own Congressmen so that we will have as quickly as possible a majority of the House of Representatives voting against the war. I repeat, however, that, sad to relate, the House of Representatives is still the silent "House of hawks."

Speaking out will help. Speaking out can be done by letters, conversations, working in political ways, participating in peaceful demonstrations and prayer vigils and any other activity designed to influence public opinion.

I agree completely and unequivocally with those who urge Members of Congress and every citizen to speak out. I would hope that all of us are agreed that the sin of silence is one of the worst offenses that any person can commit. I would assume also that we are all agreed that the sin of silence is still a sin even if no one is listening.

Many of those who have written to me ask for counsel and direction as to the best way to protest the bombing and the war. I am afraid that I cannot give very good advice on this matter. On the evening of January 3, the day the 93d Congress opened, I went to a peace vigil at the Presbyterian Church in Washington, D.C. The service, attended by well over 1,000 persons, was very moving but I found myself perplexed and depressed, because it was in this very church many years ago that I gave my first public address against the war in Vietnam. That address was given a long time before my trip to Vietnam 3½ years ago. I knew many of the participants in the vigil that night; they were the veterans of the peace movement which has protested the U.S. involvement in Southeast Asia for 10 years. However awful the present situation is the fact remains that if these individuals had not striven mightily over so long a period the United States might well have done even more shameful things in Indochina. The United States might have bombed the dikes, invaded North Vietnam or even used nuclear weapons as another President did in Hiroshima and Nagasaki.

I am afraid that I cannot state or even intimate to those who are now protesting the bombing that their continued and intense effort will not be needed in the future. There is no indication that President Nixon desires to have a settlement on any terms other than those of President Thieu. It seems clear that President Thieu intervened after Dr. Kissinger announced on October 26 that "peace is at hand" and told President Nixon that he—President Thieu—would not settle on the terms agreed to by the United States and North Vietnam. It may be that President Thieu stated that he would refuse to release the North Vietnamese prisoners of war held in South Vietnam unless the treaty stipulated that the 145,000 North Vietnamese soldiers on the ground in South Vietnam were returned to positions north of the DMZ.

In the talk which I had with President Thieu for 55 minutes 3½ years ago it was clear that this crafty and clever leader would not agree to any coalition government or to any arrangement in which his power would be diminished in any substantial way. President Nixon has presumably been forced to accept this position and has ordered terror bombing of Hanoi to force the North Vietnamese Government to accept the entrenched dictatorial power of President Thieu.

There is no indication that President Nixon will alter his relentless drive for what he calls "peace with honor" but which others would call "victory." In early 1971, President Nixon said:

> I will not place any limits on the use of air power.

It has become clear beyond any dispute that the Nixon administration will continue massive bombing wherever or whenever it desires. The Nixon administration initiated and continues to this day the first automated, anonymous, and secret war in American history. In all four countries of Indochina the automated war with "smart bombs" continues day after day and night after night. Military personnel continue to utilize incendiary bombs, napalm, magnesium, and white phosphorus. It may be that the massive bombing of Hanoi and Haiphong is qualitatively and quantitatively different from the automated, computerized, and clandestine air war carried on by the United States against the 50 million people of the four nations of Indochina but it is difficult to distinguish between the hideousness of what the United States has done and the outrage which it perpetrated during the 12 days of terror bombing over North Vietnam.

Unless the Congress and the people of America continue to speak out with all of the energy and resourcefulness available to them the electronic battlefield and the air war in Indochina will continue to devastate the people of Southeast Asia and degrade the citizens of America.

The credibility of the President and the Pentagon was, of course, a casualty of the war months and years ago. What can anyone think today of the statement made on December 16, 1971, by the Air Force Secretary Robert C. Seamans? On that day, just over 1 year prior to the day of infamy on December 18, 1972, the Secretary of the Air Force stated—

> No matter how you look at the air activity of the U.S. over there, the trend is definitely downward.

### SHOULD THE PRESIDENT BE IMPEACHED?

About 10 percent of the more than 1,000 letters which I received recommend the impeachment of the President or at least urge the most serious consideration of this possibility.

After the May 8, 1972, address of President Nixon announcing the bombing of North Vietnam and the mining of the Haiphong Harbor eight Members of the House of Representatives joined in a petition for the impeachment of the President. A two-page ad in the New York Times on May 31, 1972, set forth the complete text of H.R. 976 moving that President Nixon be "impeached by this House," because of "high crimes and misdemeanors in office."

The indictment of the eight Members

of Congress—all incidently reelected on November 7—is overwhelming. They accuse the President of continuing to conduct a war even after the repeal of the Tonkin Gulf Resolution on December 30, 1970. The other "high crimes and misdemeanors" include the refusal to negotiate with North Vietnam contrary to the Mansfield amendment enacted by Congress and agreed to by the President on January 17, 1971. Similarly President Nixon is accused of illegality in escalating the air war in Indochina in April 1972, with further illegalities involved in the mining of the ports and the interdiction of rail lines in North Vietnam—as announced by the President on May 8, 1972.

The President is also accused of violations of the Charter of the United Nations along with wholesale contravention of the rules of war in that the President "directed the Armed Forces of the United States to engage in acts of terror against the civilian population and of devastation of the territory of Indochina." President Nixon is also accused of criminal activity in that he directed the killing of "hundreds of thousands of innocent civilians by means of aerial, land, and naval bombardments directed against noncombatants."

The accusations of H.R. 976 filed on May 10, 1972, are not erroneous. Do the accusations add up to a case justifying the impeachment of the President of the United States?

At least a few more Members of Congress are pondering that question and seeking to discover the reasons for their reluctance even to ask the question. However logical and even compelling the reasons for impeachment may appear at this point impeachment hardly seems to be a remedy that can be used or an outcome that seems probable.

During the days before and after Christmas of 1972 I read David Halberstam's "The Best and the Brightest." Seven years ago I read Halberstam's "The Making of a Quagmire." Will the agony that has confronted all of us during the past 7 years over the war endure for the next 48 months? The only way to prevent such an eventuality is for the Congress to stop the war by defunding it. No other remedy exists. But Congress will not reform itself or change its basic views without massive public opinion all across the country. I urge all of my constituents therefore and all of the citizens of this country to induce and to inspire the Congress to become at long last the conscience of the Nation.

## HOSPITAL AND MEDICAL BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, last week I introduced H.R. 272 to provide hospital and medical care to certain members of the armed forces of nations allied or associated with the United States in World War I and World War II.

During the Second World War, many citizens of Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, and Yugoslavia fought with great courage against nations at war with the United States. Many of these veterans emigrated to America after the war and became citizens who have enriched our Nation immeasurably through their talent and dedication to the ideals of freedom.

This bill gives the recognition of a grateful nation to these men of bravery in the allied war effort by providing that they be eligible for Veterans' Administration medical and hospital benefits on the same terms as war veterans of the U.S. Armed Forces. The bill is limited to persons who have been American citizens for at least 10 years and who participated in armed conflict with an enemy of the United States during World War II while serving in the armed forces of the countries listed above. American citizens who fought in Gen. Joseph Haller's Army during World War I are covered on the same basis.

Persons who served in the armed forces of the Philippines during World War II have medical and hospital benefits paid by the U.S. Government, whether or not they are citizens. Certainly it is right and proper that we accord the same standards to U.S. citizens who fought and sacrificed for the ideals of freedom and justice which we all believe in and cherish.

I am pleased to inform my colleagues that the House of Representatives of the 77th General Assembly of the State of Illinois adopted on June 15, 1972, House Resolution 732 which memorializes the Congress of the United States to "consider favorably and support passage of pending amendments to title 38 of the United States Code providing hospital and domiciliary care and medical services" for those persons who fought on the side of the Allies against the enemy in World War I and World War II.

In addition, the concept set forth by my proposed legislation has gained the support of such outstanding organizations as the Illinois Division of the American Legion, the National Council of the Veterans of Foreign Wars, the 82d Airborne Division Association, Inc., the 101st Airborne Division Association, and also of the Combined Veterans Associations of Chicago, which embraces the following organizations: the AMVETS, the Catholic War Veterans, the Italian-American War Veterans, the Jewish War Veterans, the Marine Corps League, the Navy Club, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Polish Legion of American Veterans, the United Spanish-American War Veterans, the Veterans of Foreign Wars of the United States, and the Veterans of World War I.

I introduced this legislation in the second session of the 92d Congress, but the Congress adjourned before action could be taken. I, therefore, strongly urge the support of my colleagues for favorable action on this legislation early in the 93d Congress in order that these limited benefits may be made available to those men who fought so heroically along with the American and allied forces during two world conflicts for the preservation of our freedoms, and who, because of advancing age, are in greater need than ever before of these benefits.

The text of my bill, H.R. 272, follows:

A bill to amend section 109 of title 38, United States Code, to provide hospital and medical care to certain members of the armed forces of nations allied or associated with the United States in World War I or World War II

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 109 of title 38, United States Code, is amended by adding at the end thereof the following:

"(c) (1) Any person who

"(A) served—

"(i) during World War I as a member of the military organization commonly known as General Joseph Haller's army; or

"(ii) during World War II as a member of any armed force of the Government of Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, or Yugoslavia, and participated while so serving in armed conflict with an enemy of the United States; and

"(B) has been a citizen of the United States for at least ten years

shall, by virtue of such service, be entitled to hospital and domiciliary care and medical services within the United States under chapter 17 of this title to the same extent as if such service had been performed in the Armed Forces of the United States unless such person is entitled to, or would, upon application therefor, be entitled to payment for equivalent care and services under a program established by the foreign government concerned for persons who served in its armed forces in World War I or in World War II.

"(2) For the purposes of this subsection, World War I shall be deemed to have begun on July 28, 1914, and World War II shall be deemed to have begun on September 1, 1939."

## THE URBAN PARKLAND HERITAGE ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI), is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, in 1961, the Congress, for the first time, openly recognized the desperate need in this Nation for preserving our urban parklands by creating the open space program in the Housing Act of that year. The open space program was designed to enable urban governments to obtain inner-city parklands for the recreational needs of their citizens. This need was particularly acute in the case of low-income residents whose mobility was limited and whose free time was increasing.

Since 1961, our metropolitan population has doubled. We now have 90 percent of our people living on 10 percent of our land. Our cities are bloated. The constant increase of population, construction, traffic and pollution throughout the 1960's and 1970's has tripled the demand for inner-city recreation land. Unfortunately, the open space program has not been able to meet this demand.

Each year the financial demands on our urban areas have multiplied. In 1972, several large cities were forced to declare bankruptcy. As one city official put it:

> There isn't enough money to collect the trash, how can we buy a park?

Is it not time we looked at our Nation's urban areas realistically? Truly most of us live and work in a major city; 90 percent of our population—160 million people.

There are 462,000 people in my district in Chicago. They all are forced to live with the noise and the dirt and the overcrowding that has become commonplace. The people in my district and the people in every city in the United States need open space. Yet, for many, there is no open space to be found. Most city dwellers cannot afford to travel the 5, or 10, or even the 100 miles outside of their cities in order to reach adequate parkland areas. As a result, their added leisure time increasingly becomes a frustration. What could in theory be valuable, self-enriching time, becomes wasted time.

Mr. Speaker, today I am introducing the Urban Parklands Heritage Act of 1973—a bill which I hope will enable urban parklands to flourish in our cities. This bill, which will replace the open space program, is, in my opinion, a logical progression of it.

My distinguished colleague and good friend Senator HARRISON A. WILLIAMS, JR., of New Jersey, long a promoter of innercity parklands, and the chief architect of the original open space program, has introduced the Senate version of this bill. Like Senator WILLIAMS, I am convinced that the Urban Parklands Heritage Act is a mandatory first step—a step that the Congres must take if we are to preserve our cities for the future.

The main force of my bill will be the creation of the new Urban Parkland Heritage Corporation. Both State and local governments will be able to contract with this independent corporation for loans and grants to purchase and maintain parks. The Corporation, whose Board of Directors will consist of the Secretary of the Department of Housing and Urban Development, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, four officials of State government, four officials of local government, and four members of the general public, will have only one purpose: to help urban governments to develop a balanced urban environment. As a completely independent body, with contract authority, the Corporation will be free to negotiate with any State or local government for the maintenance of existing parkland or for the purchase of new parkland in innercity areas. Special emphasis will be placed on low income and poverty areas. The Corporation will assist in the long-range planning for metropolitan areas and encourage and coordinate local public and private efforts toward developing and improving open space and other public urban land. Also, it will assist in the acquisition and restoration of sites and structures of historic or architectural value.

Mr. Speaker, for all of us who live in America's cities, particularly for our youth, recreation areas and the facilities that they provide are a necessity for healthy living. The people in our cities need land. They need room to move in. They need a place to recreate and to refresh themselves. If our cities cannot provide such places, then they are surely doomed.

I believe that with the enactment of the Urban Parkland Heritage Act of 1973, we can begin to make what is now bearable, livable.

Mr. Speaker, at this point, I would like to insert the text of this legislation in the RECORD:

### H.R. 1648

A bill to amend title VII of the Housing Act of 1961 to establish an Urban Parkland Heritage Corporation to provide funds for the acquisition and operation of open-space land, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) VII of the Housing Act of 1961 is amended to read as follows:

### "FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress finds that—

"(1) the rapid expansion of the Nation's urban areas and the rapid growth of population within such areas has resulted in severe problems of urban and suburban living for a substantial majority of the Nation's present and future population, including the lack of valuable open-space land for recreational and other purposes;

"(2) there is a need for additional parks and other open space in the build-up portions of urban areas, especially in low-income neighborhoods and communities, and a need for greater and more coordinated State and local efforts to make available and improve open space land throughout entire urban areas;

"(3) there is a need for timely action to preserve and restore areas, sites, and structures of historic or architectural value so that these remaining evidences of our history and heritage are not lost or destroyed through the expansion and development of urban areas; and

"(4) the welfare of the Nation and the well-being of its citizens require substantial expansion of the scope and level of Federal assistance for the development and preservation of open-space lands.

"(b) It is the purpose of this title to help control urban sprawl by assisting States and local governments in developing a balanced urban environment, to prevent the spread of urban blight and deterioration, to encourage more economic, environmentally sound urban development, to assist in preserving areas and properties of historic or architectural value, and to help provide necessary recreational, conservation, and scenic areas by assisting State and local public bodies in taking prompt action to—

"(1) provide, preserve, and develop open-space land in a manner consistent with the planned long-range development of the Nation's urban areas;

"(2) acquire, improve, and restore areas, sites, and structures of historic or architectural value;

"(3) develop and improve open space and other public urban land, in accordance with programs to encourage and coordinate local public and private efforts toward this end; and

"(4) operate and maintain open space and other public land in a manner which best meets the needs of the residents of that State or locality.

### DEFINITIONS

"Sec. 702. As used in this title—

"(1) The term 'open-space land' means any land located in an urban areas which has value for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic, architectural, or scenic purposes.

"(2) The term 'urban area' means any area which is urban in character, including those surrounding areas which, as determined by the Corporation, form an economically and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities.

"(3) The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

"(4) The term 'local public body' means any public body (including a political subdivision) created by or under the laws of a State or two or more States, or a combination of such bodies, and includes Indian tribes, bands, groups, and nations (including Alaska Indians, Aleuts, and Eskimos) of the United States.

"(5) The term 'open-space uses' means any use of open-space land for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic, educational, architectural or scenic purposes.

"(6) The term 'Corporation' means the Urban Parkland Heritage Corporation established by section 703 of this title.

### "URBAN PARKLAND HERITAGE CORPORATION

"SEC. 703. (a) To carry out the provisions of this title, there is established an independent establishment in the executive branch which shall be known as the Urban Parkland Heritage Corporation, and which shall carry out its functions subject to the direction and supervision of a Board of Directors (hereinafter referred to as the 'Board'). The Board shall consist of—

"(1) the Secretary of Housing and Urban Development, who shall serve as Chairman;

"(2) the Secretary of the Interior;

"(3) the Administrator of the Environmental Protection Agency;

"(4) four officials of State government, appointed by the President, by and with the advice and consent of the Senate, two of whom shall be elected officials, and two of whom shall hold positions related to urban development and the management of open-space lands;

"(5) four officials of local government, appointed by the President, by and with the advice and consent of the Senate, two of whom shall be elected officials, and two of whom shall hold positions related to urban development and the management of open-space lands; and

"(6) four members of the general public, appointed by the President, by and with the advice and consent of the Senate, who have substantial experience in urban development, land use planning, and the management of open-space lands.

Not more than two of the members referred to in each of clauses (4), (5), and (6) may be members of the same political party. Not more than one member referred to in clauses (4), (5), and (6) may be a resident of any one State.

"(b) It shall be the duty of the Corporation to furnish assistance in accordance with the provisions of this title. All grants and loans made by the Corporation shall be approved by the Board, and for the purpose of any such approval, a quorum of the Board shall consist of two-thirds of the members who must be actually present and voting. The Board shall meet not less than four times annually.

"(c) (1) A member of the Board who is otherwise an officer or employee of the United States shall serve without additional compensation, but shall be reimbursed for travel. subsistence, and other necessary expenses incurred in the performance of duties of the Corporation.

"(2) A member of the Board who is not

otherwise an officer or employee of the United States shall receive compensation for his service as a member at the per diem equivalent to the rate for level IV of the Executive Schedule under section 5315 of title 5, United States Code, when engaged in the performance of duties of the Corporation, and shall receive reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

"(d) The Corporation may employ an Executive Director who shall be paid at an annual rate equal to the annual rate of pay for an individual occupying a position under level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(e) Section 5108(c) of title 5, United States Code, is amended by adding at the end thereof the following:

"'(11) the Urban Parkland Heritage Corporation may place a total of three positions in GS-16, 17, and 18.'

"(f) The Corporation may appoint such other employees as may be necessary to carry out its functions.

"(g)(1) The functions of the Corporation may not be delegated or transferred to any other agency, and no functions other than those conferred by this title may be delegated or transferred to the Corporation.

"(2) Section 902(1) of title 5, United States Code, is amended by inserting before the semicolon at the end thereof the following: 'or the Urban Parkland Heritage Corporation'.

"(h) There are hereby authorized to be appropriated such sums as may be necessary for the operation of the Corporation.

### "GRANTS AND LOANS FOR ACQUISITION, DEVELOPMENT, AND OPERATION OF OPEN-SPACE LAND

"SEC. 704. (a)(1) The Corporation is authorized to make grants and loans pursuant to section 709 to States and local public bodies to help finance (A) the acquisition of title to, or other interest in, open-space land in urban areas, and (B) the development of open-space or other land in urban areas for open-space uses.

"(2) The amount of any grant under this section shall not exceed 75 per centum of the eligible project cost, as approved by the Corporation, of such acquisition and development. If, however, the project involves the acquisition of interests in undeveloped or predominately undeveloped land which, if withheld from commercial, industrial, and residential development, would have special significance in helping to shape economic and desirable patterns of urban growth (including growth outside of existing urban areas which is directly related to the development of new communities or the expansion and revitalization of existing communities), or if the State or local public bodies could not otherwise reasonably meet its need for open-space lands, the Corporation may make grants to State and local public bodies in an amount not to exceed 90 per centum of the eligible project cost of the acquisition and development of such lands. The amount of any such loan shall not exceed 50 per centum of such eligible project cost.

"(3) Any loan under this section shall bear interest at a rate not less than the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum, and each such loan shall be secured by such real or personal property as the Corporation may require.

"(4) In no case shall the combined amount of grants and loans made by the Corporation pursuant to this title to any State or local public body exceed 90 per centum of the eligible project cost for the acquisition and development of open-space lands.

"(b) The Corporation is authorized to make grants pursuant to section 709 to States and local public bodies to help finance the operation and maintenance of open-space or other land in urban areas for open-space uses for the first four fiscal years of the operation of such lands. The amount of any such grant shall not exceed 75 per centum of the eligible project cost, as approved by the Corporation, of such operation and maintenance for the first fiscal year of operation, 60 per centum of such costs for the second fiscal year of operation, 45 per centum of such costs for the third fiscal year of operation and 30 per centum of such costs for the fourth fiscal year of operation. The eligible project costs for the operation and maintenance of open-space land shall be those costs which are incurred for equipment and supplies used on the site of such open-space land and for the payment of salaries to employees who manage and carry out the programs on the site of such open-space land.

"(c) No grant or loan under this title shall be made to acquire and clear developed land in built-up areas unless the local governing body determines that adequate open-space land cannot be effectively provided through the use of existing undeveloped land.

"(d) The Corporation may prescribe such further terms and conditions for assistance under this title as it determines to be desirable.

"(e) The Corporation shall consult with appropriate agencies and officers of the Federal Government to establish and operate a program to furnish technical assistance, upon request, to States and local public bodies. The Secretary of Housing and Urban Development, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency are authorized to furnish to the Corporation such advice and assistance as may be necessary to carry out the provisions of this subsection.

### "PLANNING AND GRANT REQUIREMENTS

"SEC. 705. (a) The Corporation shall make a grant or loan under section 704 only if it finds that such grant or loan is needed for carrying out a unified or officially coordinated program, which provides for citizen participation, and which meets criteria established by the Corporation for the provision and development of open-space land which is a part of, or is consistent with, the comprehensively planned development of the urban area.

"(b) In carrying out its duties, the Corporation shall also take into account—

"(1) the accessibility of major Federal or State outdoor recreational facilities or parklands to the area surrounding the proposed open-space land;

"(2) the availability or proposed availability of public transportation to the proposed open-space land;

"(3) the extent of urbanization (as determined by the Corporation) in the communities surrounding the proposed open-space land; and

"(4) the ability of the States or local public body applying for a grant or loan to acquire open-space land in a timely and efficient manner.

### "CONVERSION TO OTHER USES

"SEC. 706. No open-space land for the acquisition of which a grant or loan has been made under section 704 shall be converted to uses not originally approved by the Corporation without satisfactory compliance with regulations established by the Corporation. Such regulations shall require findings, after public participation (including public hearings in a location proximate to the open-space land), that—

"(1) there is adequate assurance of the substitution of other open-space land of as nearly as feasible equivalent usefulness, location, and fair market value at the time of the conversion;

"(2) the conversion and substitution are needed for orderly growth and development;

"(3) the proposed uses of the converted and substituted land are for the benefit of the public and in accordance with the applicable comprehensive plan for the urban area; and

"(4) any profits received as a result of such conversion are applied to the Urban Parkland Heritage program.

### "LABOR STANDARDS

"SEC. 707. (a) The Corporation shall take such action as may be necesary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of grants under this title shall be paid wages at rates not less than those prevailing on similiar construction in the locality as determined by the Secretary of Labor in accordance with the Davis Bacon Act, as amended. The Corporation shall not approve any such grant without first obtaining adequate assurance that these labor standards will be maintained upon the construction work.

"(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

### "MAINTENANCE OF EFFORT

"SEC. 708. No grant or loan shall be made to any State or local public body in any fiscal year unless the State or local public body makes assurances to the Corporation that the amount available for expenditure by such State or local public body from non-Federal sources for the purposes described in section 704(a)(1) (A) and (B) in that fiscal year will not be less than the amount expended for such purposes from non-Federal sources during the preceding fiscal year.

### "CONTRACT AUTHORITY

"SEC. 709. To finance grants and loans under this title, the Corporation is authorized to incur obligations on behalf of the United States in amounts aggregating not to exceed $5,000,000,000. This amount shall become available for obligation on July 1, 1973, and shall remain available until obligated. There are authorized to be appropriated for the liquidation of the obligations incurred under this section not to exceed $1,000,000,000 prior to July 1, 1974, not to exceed an aggregate of $2,000,000,000 prior to July 1, 1975, not to exceed an aggregate of $3,000,000,000 prior to July 1, 1976, not to exceed an aggregate of $4,000,000,000 prior to July 1, 1977, and not to exceed an aggregate of $5,000,000,000 prior to July 1, 1978. Sums so appropriated shall remain available until expended."

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## HOUSE JUDICIARY SUBCOMMITTEE NO. 3 TO SCHEDULE HEARINGS ON NEWSMEN'S PRIVILEGE LEGISLATION AT EARLIEST POSSIBLE DATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER), is recognized for 10 minutes.

Mr. KASTENMEIER. Mr. Speaker, I am announcing my intentions to resume at the earliest possible date hearings before my Judiciary Subcommittee relevant to legislation that would establish a privilege for newsmen to refuse to disclose information or the source of information received by them in the course of newsgathering. Events occurring since my subcommittee first convened hearings into this matter in September and October 1972 have made more urgent the need for legislation designed to protect our free press from the unbridled subpena powers of overzealous prosecutors and other governmental bodies. I plan to make this important constitutional issue the first order of subcommittee business after the subcommittee is constituted, and I am hopeful that hearings can be scheduled as early as the last week in January.

These hearings will continue to investigate what has often been called the free press-fair trial controversy. While the Constitution, on the one hand, guarantees the press the freedom to gather and report the news unencumbered by governmental restraint, the Constitution also provides, on the other hand, that the judicial and legislative branches of Government have the right to elicit information from citizens that will get at the truth of matters under dispute. Last year, the Supreme Court heard arguments on these conflicting rights, and delivered an opinion in *Branzburg* v. *Hayes*, 40 U.S. L.W. 5025 (U.S. June 29, 1972) that seems to have tipped the scales dramatically in favor of the judicial system's right to compel testimony from those who gather and report the news.

In the wake of this Supreme Court decision have come a number of actions which are viewed with particular alarm by those who see the free press as the very touchstone of a free and democratic society. For one thing, there is growing apprehension among the news gathering professionals over their ability to perform for the public investigative reporting into Government and other national institutions. There is growing evidence that a newsman's inability to protect his information source from disclosure has resulted in the loss of some stories. The press also seems to be reporting a substantially greater number of subpenas asking newsmen to reveal confidenital news sources and information. And finally, the Supreme Court decision seems to have become a clear signal to judges at all levels not only to issue more subpenas, but also to jail summarily newsmen who fail to respond to the subpena.

Paul M. Branzburg, for example, was a defendant in the Supreme Court test case, and now faces a 6-month jail sentence should he ever return to the State of Kentucky. Peter J. Bridge, a reporter for the now defunct Newark Evening News, spent considerable time in jail for refusing to reveal to a grand jury the source of a news story. John Lawrence, Los Angeles Times Washington bureau chief, recently spent several hours in jail for failure to turn over to a judge confidential notes and tapes gathered from a potential witness in the Wategate case. He narrowly avoided spending Christmas in prison when the news source consented to release of the confidential material. William T. Farr, a former reporter for the Los Angeles Herald Examiner, refused to tell the judge in the Charles Manson murder case the source of a statement made by a witness in that case. His refusal to name his news source has resulted in his imprisonment, virtually solitary confinement, in a Los Angeles County jail since November 27, 1972. He remains in jail today, and other newsmen face similar prospects.

Before the rash of subpenas and imprisonments started, House Judiciary Subcommittee No. 3, consistent with the Supreme Court Justices' invitation to correct through legislation the "evil discerned," began hearings on the question September 21. Subsequently, hearings were held on September 27 and 28, and October 4 and 5. Numerous witnesses, including representatives from the Department of Justice, and many professional news organizations, appeared and testified. Under consideration were 20 bills cosponsored by some 60 House Members.

With the sole exception of the Justice Department representative, the witnesses heard thus far have indicated strong support for legislation to grant either an absolute or a qualified privilege to newsmen. The main difficulty facing those who advocate absolute privilege is that of reconciling such privilege with potentially conflicting rights granted criminal defendants under the fifth and sixth amendments of our Constitution. However, if the privilege is qualified, even to a limited degree, there is a great risk that the well-intended advocates of such a measure will have done more to stifle the free press in this country than if nothing at all were done legislatively.

It is to this delicate constitutional balancing act that I invite comment and advice. I plan to announce specific dates for the hearings soon.

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## THE MEMORIAL SERVICE FOR FORMER HOUSE LEADER HALE BOGGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 15 minutes.

Mr. McFALL. Mr. Speaker, on January 4, along with 70 of our colleagues, we attended memorial services for our great friend and fellow House leader, Hale Boggs.

The occasion was certainly one of the most beautiful that I have ever attended. The theme was not one of sorrow but of hope, and many of those in attendance remarked that they were truly inspired by the service.

In order to share the experience with those who were unable to attend, I would like to take this opportunity to include in the RECORD the remarks of Archbishop Philip M. Hannan, of New Orleans, and those of the Speaker, the Honorable CARL ALBERT:

### ARCHBISHOP HANNAN'S HOMILY

"I came that they may have life and have it more abundantly" (John 10:10).

These words of Christ, describing His mission in life, inspired the life of the humble servant of Christ, Hale Boggs. He chose to follow His Savior as a public servant, the spokesman for his fellow citizens in seeking a better life for them and our country. His life was totally dedicated to his family and to the House of Representatives in his service to his constituents. In the words of his extremely beloved wife, "He had a lifelong love affair with the House." As everyone knows, she and his family were his first love and the source of his strength and success in the House on Capitol Hill. His love and life in the House of Representatives reflected his life in his home, his abiding and proud love of Lindy and his family. To them we extend our deepest feelings of sympathy and condolence. To them we also express our gratitude. As the family is the basic unity of society and this nation, the family life of Hale in his parents' home and then in his home with Lindy and their children was a notable contribution to the life of the nation. Their family life vindicated the American way of life.

In expressing our sympathy to his family, we include all those who were so devoted to him that they consider Hale to be a member of their family, especially his exceptional staff and totally devoted supporters. Hale loved people. He believed in people. He had a charisma for communicating that love and respect for all peoples. To Hale, nobody was ordinary; consequently, he felt equally at home with people everywhere, whether it was in the White House, the Irish Channel, Uptown New Orleans, or the West Bank. That spirit of identity was best expressed possibly by an incident that occurred in Barataria, one of our unique communities that give Louisiana its distinctive charm. Although some prominent citizens had worked hard on a costly development project for that area, and Hale had worked very hard with them to secure the funds, they unexpectedly informed him that they decided to drop the project. Hale was very surprised and naturally asked why they had changed their minds. Their leader replied, "We like you, Hale, and want you as our Representative. But this big development might bring in some people who wouldn't like you as we do. So we would rather just forget the development."

A unique tribute that reflects as much credit on those who conferred it as on the recipient. That incident illustrates the personal trust in Hale that resulted in his election to the House when he was only 25 years old. After three years of service in the Navy, during World War II, he returned to the House in 1946, and served there to the present time. His election by his Democratic colleagues as Majority Leader in 1971 was evidence of the fact that his colleagues shared the esteem for him of his Louisiana constituents.

Hale's devotion to the House was the measure of his respect for the dignity of his fellow man. Consequently, he had a towering regard for the office of those who were elected to positions of eminent authority by the people. He saw them as deputies using the authority whose final source is God. Typical of this attitude was his respect for the office of President, Vice President, and Speaker of the House. I remember frequently seeing him attend Mass at old St. Patrick's Church on Tenth Street in Washington when I was pastor there. In his usual cordial fashion Hale would always say a friendly "Hello" to the priest, but if the former Speaker, John McCormack, was outside the Church, Hale would invariably tread his way over to pay his respects to the Speaker, always taking off his hat before shaking his hand, regardless of the weather.

This respect for the dignity of every man, typified by his respect for the elected authority, led him to support with indomitable courage legislation that benefited the community in almost every aspect of life. His zeal and vision are evident thoughout, not only his district, but the whole national community. That vision and courage were nowhere more evident than in the matter of civil rights.

Before he cast his vote on a hotly debated civil rights bill, he said simply that he had consulted his conscience, had talked with Lindy and his family and would act according to his convictions. He voted his conscience, however hard the consequences.

Hale's political campaigns were authentic expressions of his convictions, expressing substance not sensation. He always said in his rich and deep-toned voice, "I always try to favor the things that bring people together, not those that divide them." He believed in this principle, whether it applied to neighborhoods or nations. Thus he was willing to go to Peking or anywhere else at the President's request in the cause of peace based on freedom and justice. He believed in the community of man who needs bread but cannot live on bread alone.

During one campaign he said that he got his campaign slogan once from reading the Sunday leaflet printed in this cathedral. After Mass, he went to see the Pastor, Father Nick, and gave him a donation for supplying him with his campaign slogan. This is no hint for those present today and we have no copyright on the Mass leaflets, nor on this sermon.

Hale was deeply aware, by his unusual acumen and his conscience, of the dilemma and contradictions in our age of wonderful technology—an age of Apollo voyages which we unstintingly praise, television by satellite, heart transplants, instantaneous communications. We have reached the moon but we have not yet reached our neighbor. We have probed the moon's surface but we have not sufficiently probed the heart of man. Dr. Carl Jung, the eminent psychiatrist, said years ago, "It is easier to reach the moon and Mars than it is to get inside the human being." Science, employed to serve man, has caused tensions and inequalities.

Hale recognized these contradictions and problems of our times. He not only knew them; he felt them. He knew that the only means of resolving contradictions and bringing unity was an over-arching charity that could touch all men. His convictions were expressed in his zeal to push legislation that would make everyone feel our common charity and concern. He knew that a nation is composed of men and that the measure of a country is not the height of the Dow-Jones average but the height of every man's dignity and self-pride.

This is not to say that he did not appreciate the talents and efforts of those who produce our technology and our wealth. He recognized, in his own life of stewardship, that the concept of stewardship involves a difference in talents. But he recognized that those talents, granted by the Creator, were to be used for the Creator's purpose.

Hale was a man of deep compassion and courage. Mindful of the human condition, he always tried to work out a solution even for seemingly impossible problems knowing that dealing on a person-to-person basis is more effective than dealing only with documents. He believed that change, even drastic change, could be effected by evolution rather than revolution. Hale believed that a Congressman was not elected to elicit harsh judgments but to effect change. He sought always, even in the midst of debate, that attitude expressed by a philosopher, "I hope that I will always be for each man what he needs me to be . . . I hope that my love for those whom I like will never lessen my love for those whom I do not. I hope that another man's love for me will never be a measure of my love for him" ("In the Stillness Is the Dancing," p. 62).

Always buoyant, always optimistic, his steady faith in God, his spirit of hope and constant charity will gain him we pray, the Presence of the God he humbly tried to serve. He saw suffering and he tried to relieve it; he saw poverty and he tried to cure it; he saw the image of God in every man and he sought to honor it; he saw the vision of a more abundant life for all and he strove to effect it. To such a man of faith apply the words of the Sacred Liturgy which he so often heard and prayed, "For to your faithful, O Lord, life is changed not taken away; and this earthly abode being dissolved, a worthy habitation is prepared in heaven."

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### HALE BOGGS EULOGY

(Delivered by Speaker CARL ALBERT, St. Louis Cathedral, New Orleans, La., January 4, 1973)

We have come here today—to this historic Cathedral in the city that Hale Boggs so deeply loved—to honor the memory of a friend, a great public servant, and a remarkable man.

No words of ours, and certainly no eulogy of mine, can pay proper tribute to this great American. The real tributes to Hale are the private and personal memories that will remain keen and vivid in our minds. And those memories of him are as varied and as numerous as his friends who are gathered here today.

The vigorous and powerful personality of Hale Boggs was always filled with life. His zest for living, his compassion for his fellow men, his keen and probing intellect could not help but overflow into the lives of those of us who were fortunate enough to walk through life with him. Within the hearts of each of us lies a treasure of heartfelt sentiments stemming from our recollections of the impact his life had on us.

If Hale Boggs—the individual—cast a giant shadow, so did his nearly three decades of distinguished service in the United States House of Representatives. He deeply loved the House—where the esteem, respect and love in which he was held by all Members, regardless of politics, have never been surpassed in the history of that great institution.

He enjoyed its political life to the utmost and enriched its history immensely. Drawing his strength from the daily trials and vigors of Congressional life, he was a master strategist, a brilliant debater and a great compromiser—in the best sense of that word. His gregarious nature—his charm and ready wit—complemented his intelligence and persuasive use of power.

His rare ability to transform the most fiery, divisive issues into rational discussion bridged many factional chasms.

He had his finger on the pulse of the nation—and as much as any man I have ever known, he could read America's moods and understand its fears and aspirations.

Hale Boggs' compassionate spirit was deeply rooted in his desire to help people. He crusaded to upgrade the lives of the poor, the sick, the downtrodden, and the elderly to insure equality for all Americans.

Hale's disappearance was a grievous loss not only to the House of Representatives, but to me personally. He was my right arm. We served together in the Democratic leadership for a full decade. And we served together as colleagues and friends for many years before that. Only my mentors, former Speakers Sam Rayburn and John McCormack, have been as close to me in the conduct of the business of the House of Representatives.

But the story of Hale Boggs is more than one of a great public servant. He fostered one of the finest families I have ever known. The Boggs family has splendidly weathered the storms of political life and of personal grief, setting a strong example for all of us. Hale's good wife, Lindy, is truly a leader. His son, Tommy, and his daughters, Barbara and Corrine, are three of the finest and most decent people I have ever known.

This family provided the key inspiration, understanding and love for the man we honor. Hale was always extremely proud of his family. They were an active part of his public as well as his private life and they stand tall in his image today.

So Hale Boggs was an exceptional individual—as husband, father, political leader and friend. We would all agree with the journalist who recently said, "He was close to the irreplaceable man."

Hale Boggs stood like a towering oak among his fellow men—and his absence, as Edwin Markham said of another great leader, "leaves a lonesome place against the sky."

While we shall long grieve at his loss we shall forever remember his joyful life and give thanks that we could share a portion of it together. I shall feel the warmth of his friendship as long as I live.

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## JOHN FRANK STEVENS (1853–1943): TRANSPORTATION ENGINEERING GIANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in the study of interoceanic canal history and problems one of the greatest engineering leaders encountered is John Frank Stevens of West Gardiner, Me., 1853–1943; former Chief Engineer of the Isthmian Canal Commission, 1905–07; and the first official to hold the combined positions of Chairman and Chief Engineer of that Commission, 1907.

The major constructive achievements in the career of this gifted man include:

First. Construction of the Great Northern and other United States and Canadian railroads, 1879–1903;

Second. Discovery of Marias Pass through the Rocky Mountains in Montana, 1889; and Stevens Pass across the Cascade Mountains in Washington, 1890; through which the Great Northern was built and extended to the Pacific;

Third. Design and successful launching of the project for constructing the Panama Canal, 1905–07;

Fourth. Rehabilitation and operation of Russian, Siberian, and Manchurian Railroads, 1917–23.

In his work in the Pacific Northwest, Stevens was a worthy successor to Lewis and Clark, contributing greatly to the settlement of that vast region and the development of its resources. For his work in the design and construction of our Isthmian Canal, he was mainly responsible for the great decision for the high level lake-lock type and is recognized in the history of the Panama Canal as its basic architect. In Russia, Siberia, and Manchuria, at a time of war, revolution and civil strife, he headed what is known as the Stevens Railway Commission for the rehabilitation and operation of the railroads in those tremendous areas. Together, his works in the Pacific Northwest, at Panama, in Russia and the Far East, establish him as a transportation-engineering giant in the commercial development of the Pacific Basin and have been of immeasurable benefit to the peoples of all continents.

After return from the Far East, Stevens was awarded the John Fritz Medal for Great Achievement and in 1927 was elected President of the American Society of Civil Engineers.

In Supplement Three to the Dictionary of American Biography, published in 1972 by Charles Scribner's Sons, there is the first biographical sketch of Stevens in a work of general reference, prepared by Neal FitzSimons, C.E., chairman of the Committee on History of the American Society of Civil Engineers.

Since the death of Stevens in 1943, his major contributions have been increasingly recognized and he is now being sponsored for election to the Hall of Fame for Great Americans, New York University, by the John F. Stevens Hall of Fame Committee at 345 E. 47th St., Suite 1800, New York, N.Y. John M. Budd, former president of the Great Northern and now chairman of finance of the Burlington Northern, is the national chairman.

Because the indicated biographical sketch should be of wide historical interest, I quote it as part of my remarks along with the resolutions of two important professional organizations supporting the election of Stevens:

[From Dictionary of American Biography—Supplement Three]

Stevens, John Frank (April 25, 1853–June 2, 1943), civil engineer and railroad executive, was born near West Gardiner, Maine, the son of John Smith and Harriet Leslie (French) Stevens. He was a direct descendent of Henry and Alice Stevens who emigrated from Cambridge, England to Boston in 1635.

Raised on a small farm, young Stevens attended the local common school. After a course at the nearby Farmington Normal School, he taught for about a year but became dscouraged by its routine and decided to take up engineering. In 1872, he found a job on a field crew in Lewiston, and made surveys for mills and industrial canals. A year later, after learning the rudiments of surveying, he went to Minneapolis where he worked as a rodman for the city engineer. By assiduous nightly study, he educated himself further, became an instrument man, and in 1874 was promoted to assistant city engineer. At that time, Minneapolis had about 15,000 people and was growing rapidly. Stevens, however, decided to seek his fortune in railroading, and from 1875 to 1877 he worked as a junior engineer on various railways in Minnesota. He then left for north Texas where, at the age of twenty-two, he was made "Engineer-in-Chief" of the Sabine Pass and Northwestern Railway. Unfortunately, the company failed in less than two years and the young engineer had to accept employment as a trackhand at $1.10 a day. By the year 1879, Stevens had worked himself up to roadmaster, but in that year the Denver & Rio Grande Railroad was extending their lines into New Mexico and he became one of the many assistant engineers on road location and construction; later specializing in bridge construction. During 1881–2 he returned to the North Central States as an assistant engineer on the Chicago, Milwaukee and St. Paul Railroad working principally in Iowa and then went to work for a contractor building the Canadian Pacific Railroad. Between mid-May and mid-November 1882 almost a thousand miles of line was built West from Winnipeg. The next year, Stevens joined the staff of the Canadian Pacific as a locating engineer. Working mostly in the mountainous province of British Columbia, he rose to the position of Division Engineer before the "Golden Spike" was driven on November 7, 1885. He returned to the United States to a similar position for the Chicago, Milwaukee and St. Paul Railroad, but in December 1886 he left to become the Principal Assistant Engineer for the Duluth, South Shore and Atlantic Railroad. It was for this company that he first had complete charge of a project from start to finish; initial surveys, line location, construction and test runs of the trains. The line ran for almost 400 miles from Duluth to Sault Ste. Marie through the heavy forests and swamps of the Upper Peninsula of Michigan.

After a brief period with the Spokane Falls and Northern Railway where he gained valuable knowledge of the Northwest, Stevens made perhaps the most important decision of his life; he joined the organization of James J. Hill (1838–1916) q.v. in building an unsubsidized transcontinental railroad along the northernmost route. Stevens was assigned to explore the route west from Havre, Montana. In the bitterest cold, over a period of weeks, he sought and, on December 11, 1889, found the now famous Marias Pass which provided the key passage across the Continental Divide. (N.B. In 1925 an heroic-size bronze statue of Stevens was erected at the pass in his honor by the grateful Great Northern Company.)

Next, Stevens was sent to Washington to explore the Columbia River and the Cascades for the final route down the western slopes of the Divide. Near Lake Wenatchee a key pass (now known as Stevens Pass) was located and the final route selected. Construction on the eastern section had begun in 1890 and late in 1891 it began on the western section from Everett, Washington. It was during this period that Stevens attracted Hill's personal attention. He was made Assistant Chief Engineer in 1893, and Chief Engineer in 1895. He served in this capacity until 1903 when he accepted the position of Chief Engineer and later Vice-President of the Chicago, Rock Island and Pacific Railway Company.

During his tenure as the Great Northern's Chief Engineer more than a thousand miles of new line was built and much of the existing system modernized. Perhaps the most famous single project was the Cascade Tunnel, a 2.6 mile rock bore built between 1897 and 1900.

On June 30, 1905 Secretary of War William H. Taft q.v., appointed Stevens Chief Engineer of the Isthmian Canal Commission succeeding John F. Wallace. In February, 1906, he supported the minority opinion in the Report of the Board of Consulting Engineers for the Panama Canal which favored a locked canal over a sea-level canal. President Theodore Roosevelt, q.v., directed that Stevens' plan with locks be adopted and the massive project proceeded under Stevens' direction. He realized that earth-moving operations should receive his greatest personal attention and he organized an extensive system of railroads to transport the soil and rock from the Culebra (now Gaillard) Cut, the inter-oceanic divide. Accepting the theory of the mosquito as the vector for yellow fever and malaria, Stevens became an ardent supporter of Colonel William C. Gorgas in his work of health and sanitation. By the end of 1906, all major decisions had been made and construction was progressing in spite of administrative inertia. Frustrated by delays, Stevens decided to retire from the work and on January 30, 1907, resigned. Notwithstanding his resignation, President Roosevelt, on March 4, appointed him Chairman of the Commission. His successor, Colonel (later, General) G. W. Goethals q.v., was to say, "The Canal is his (Stevens') monument."

Stevens returned to the United States to become Vice-President of the New York, New Haven and Hartford Railroad. However, in the Summer of 1909, he rejoined his old friend, J. J. Hill in a plan to develop a new talent Stevens chose to assist him in his railroad system in the Northwest. Among the undertaking were Ralph Budd as Chief Engineer, and Ralph Modjeski as Bridge Engineer q.q.v. This project (the Spokane, Portland and Seattle Railway) was, perhaps, as much a legal exercise as a technical challenge, but it was successfully completed in 1911 when Stevens left to open a private practice in New York City.

In 1917, President Wooodrow Wilson appointed Stevens Chairman of the U.S. Railway Commission to Russia with the diplomatic status of Minister Plenipotentiary. Two years later he was made President of the Inter-Allied Technical Board of the Siberian Railways, a post which he held until 1923. During these six years, the collapse of the Czarist government occurred and he was forced to be de facto manager of a cast network of railways which extended throughout Russia, in a milieu of revolution, anarchy and international intrigue. The many foreign decorations he received for his efforts testify to his success.

Stevens' last major consulting project was, coincidentally, a feasibility study for a tunnel at Stevens Pass. The report was completed in 1925 and the New Cascade Tunnel, with its 7.8 mile bore, was constructed between 1926 and 1928. Although in his seventies, Stevens maintained an active life particularly in professional affairs. In 1927, he served as President of the American Society of Civil Engineers.

Retiring to a home at Southern Pines, North Carolina, Stevens gradually relinquished the many responsibilities he had borne so long. But even as late as March, 1936, he visited the Panama Canal.

The number of honors accorded John Stevens is so great as to make their listing impractical, but among them are the following: Honorary doctorates from Bates College (Maine), University of North Carolina, University of Michigan and the Polytechnic Institute of Brooklyn; honorary memberships in the American Society of Civil Engineers and the Franklin Institute; and decorations from the United States, France, China, Japan, and Czechoslovakia.

He married Harriet O'Brien of Boston on January 6, 1876 in Dallas, Texas. They had five children, two of whom died in infancy. When Mr. Stevens died at his home in Southern Pines, he was survived by three sons, Donald F., John F. Jr., and Eugene C. Stevens. His interment was in Boston near his wife who had died in 1917.

About John F. Stevens

[Transactions, American Society of Civil Engineers, Vol. 109 (1944); The National Cyclopaedia of American Biography, Vol. XXXII (1945); Records of American Society of Civil Engineers (written by Stevens); "John Frank Stevens and the Great Northern Railway Company," Drs. Ralph and Muriel Hidy, unpublished manuscript 1969, Private Communication, C. E. Smith, Vice-President, New York, New Haven and Hartford Railroad, 25 April 1969]

Miles P. DuVal, Jr., And the Mountains Will Move, Westport, Conn.: Greenwood Press, 1968.

By John F. Stevens

[A Sketch of the Panama Canal . . ., New Haven, Connecticut, 1908; The Relations of Railways to Canals, Philadelphia, 1909, An Engineer's Recollections, McGraw-Hill, New York, 1935, Report of the Board of Consulting Engineers for the Panama Canal, Government Printing Office, Washington, D.C. 1906 (Stevens et al.)]

NEAL FITZSIMONS, C.E.

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GORGAS MEMORIAL INSTITUTE OF
TROPICAL AND PREVENTIVE MEDICINE,
*Washington, D.C.*

RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS OF THE GORGAS MEMORIAL INSTITUTE OF TROPICAL AND PREVENTIVE MEDICINE, INC. ON SEPTEMBER 15, 1972

Whereas, the membership of the Gorgas Memorial Institute of Tropical and Preventive Medicine includes eminent authorities in these fields who are familiar with the history of health and sanitation on the Isthmus of Panama and the dramatic story of constructing the Panama Canal; and

Whereas, the late John Frank Stevens, a native of west Gardiner, Maine, and one of the most distinguished civil engineers in the field of railroad construction in the history of the world, was appointed on June 30, 1905, by President Theodore Roosevelt as Chief Engineer of the Isthmian Canal Commission at a time of grave crisis incident to a yellow fewer epidemic; and

Whereas, Chief Engineer Stevens, who had accepted the theory of the mosquito as the chief vector of yellow fever and other tropical diseases, on assuming direction of the Canal project on July 25, 1905, recognized the danger and immediately became an ardent supporter of Chief Health Officer William C. Gorgas in the indispensable work of sanitation on the Isthmus that made the construction of the Panama Canal possible; and

Whereas, while serving as Chief Engineer, 1905–1907, Mr. Stevens developed the high-level-lake and lock plan for the construction of the Canal, brought about its adoption by the President and the Congress; acquired a major part of the plant for construction, formed the permanent engineering organization, and launched the project on the road to successful completion, gaining a place in history as the basic architect of the Panama Canal,

Be it, therefore, resolved, That the Gorgas Memorial Institute of Tropical and Preventive Medicine strongly recommends John Frank Stevens as eminently meriting memorialization in the Hall of Fame for Great Americans at New York University and respectfully commends his election to this great honor in 1973.

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AMERICAN SOCIETY OF CIVIL ENGINEERS,
*New York, N.Y.*

RESOLUTION

*Whereas,* John Frank Stevens, Past President of the American Society of Civil Engineers, achieved eminence in the profession of Civil Engineering through his life-long devotion to the planning, design, construction and operation of American railroads and;

*Whereas,* through his courageous explorations, the first major rail link to the Northwest became a reality and;

*Whereas,* through his dynamic leadership and engineering skill, the unsuccessful methods to build the Panama Canal were changed into efficient engineering construction procedures thus saving the Canal project from failure and;

Whereas, through his strength of character and managerial skill, he created order from the chaos of the Far Eastern Railroad system, accomplishing this at the request of the United States government although it required great personal sacrifice;

*Now be it therefore resolved,* That the American Society of Civil Engineers wholeheartedly supports the election of John Frank Stevens to the Hall of Fame for Great Americans.

## INTRODUCTION OF LEGISLATION TO PROVIDE A 3-YEAR AUTHORIZATION FOR CERTAIN REGULATORY AGENCIES

(Mr. BROYHILL of North Carolina asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROYHILL of North Carolina. Mr. Speaker, on the opening day of the 93d Congress I introduced legislation to provide a 3-year authorization of funds for the following Federal regulatory agencies: Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Interstate Commerce Commission, Federal Aviation Administration, Civil Aeronautics Board, Securities and Exchange Commission, and the Food and Drug Administration.

For some time, I have been deeply concerned about the failure of the Congress to exercise its legislative oversight authority in a number of areas. The various regulatory agencies come readily to mind as examples of congressional abnegation of authority.

These agencies were established by the Congress as independent bodies charged with regulating various aspects of trade and commerce. In reality, however, there has been little or no congressional overview of the job they are doing, the way their authority is exercised, or the direction in which they are moving in the issuance of far-reaching regulations.

Some of the issues which the Congress should explore are whether regulated industries are being treated fairly, whether consumer interests are being protected, whether the public interest is being served, and whether these agencies are following in the intent of the Congress in their day-to-day activities. In this overview, needed amendments to the acts should also be considered.

My bills, which would authorize funds for fiscal years 1974, 1975, and 1976 for the above-mentioned agencies, would insure a greater degree of congressional oversight by controlling the budgets of these agencies. Under present procedures, these agencies present their budget directly to the House Appropriations Committee. The committees with legislative authority over the activities of the regulatory agencies seldom take the opportunity to review their operations. At present, our only legislative contact with these agencies is to amend the enabling legislation to provide them with greater authority than they now possess.

By establishing a 3-year authorization of funds, my bills would permit the Congress to conduct an in-depth study of each regulatory agency every 3 years. The authorizations provided under these bills are based on agency budgets for the current fiscal year, with moderate increases for succeeding years.

An example of the procedure which I am recommending is contained in the bill to establish a Consumer Product Safety Commission, which was enacted into law in the 92d Congress. Under that legislation, which I had a large part in drafting, the Consumer Product Safety Commission will receive a 3-year authorization. After that time, the Commission must come before the Interstate and Foreign Commerce Committee to request an extension of the act, and it is the firm intent of the committee to review the Commission's activities at that time.

It is quite possible that this legislation will need polishing and perfecting before it is enacted into law. I want to state my strong intentions of pursuing this goal in the 93d Congress, and I welcome the help and support of my colleagues in the House of Representatives.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STEIGER of Wisconsin, for 15 minutes, today, and to include extraneous matter and charts and tables.

Mr. BELL (at the request of Mr. GERALD R. FORD) to address the House for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. EDWARDS of Alabama), to revise and extend their remarks, and to include extraneous matter:)

Mr. MINSHALL of Ohio, on January 16, for 1 hour.

Mr. MINSHALL of Ohio, on January 29, for 1 hour.

(The following Members (at the request of Mr. OWENS), to revise and extend their remarks, and to include extraneous matter:)

Mr. DRINAN, today, for 30 minutes.

Mr. DENT, today, for 10 minutes.

Mr. ANNUNZIO, today, for 5 minutes.

Mr. ROSTENKOWSKI, today, for 5 minutes.

Mr. GONZALEZ, today, for 5 minutes.

Mr. KASTENMEIER, today, for 10 minutes.

Mr. MCFALL, today, for 15 minutes.

Mr. FLOOD, today, for 10 minutes.

Mr. REUSS, on January 11, for 30 minutes.

Mr. RONCALIO of Wyoming, on January 11, for 5 minutes.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ULLMAN in the body of the RECORD and to include extraneous matter, notwithstanding the fact that it exceeds 32 pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $5,440.

Mr. ROUSH in two instances and to include extraneous matter.

Mr. BOLLING, and to include extraneous material.

Mr. BENNETT to revise and extend his remarks, and to include extraneous matter in the body of the RECORD notwithstanding the estimated cost of $807.50.

Mr. RANDALL, to include extraneous matter relating to editorials in the papers of their district and of Missouri and other leading American newspapers eulogizing former President Harry S Truman.

(The following Members (at the request of Mr. GERALD R. FORD) and to include extraneous matter:)

Mr. RAILSBACK in three instances.

Mr. SHOUP.

Mr. MCCLORY in three instances.

Mr. BRAY in three instances.

Mr. CHAMBERLAIN in two instances.

Mr. CARTER.

Mr. ANDERSON of Illinois in three instances.

Mr. HEINZ.

Mr. COLLINS in four instances.

Mr. DON H. CLAUSEN.

Mr. GERALD R. FORD.

Mr. MILLS of Maryland.

(The following Members (at the request of Mr. OWENS), and to include extraneous matter:)

Mr. MOLLOHAN in three instances.

Mr. CAREY of New York.

Mr. FLOOD.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. DRINAN.

Mr. ANNUNZIO in 10 instances.

Mr. HELSTOSKI in 10 instances.

Mr. CORMAN in 10 instances.

Mr. EVINS of Tennessee in six instances.

Mr. LONG of Maryland in two instances.

Mr. DELLUMS in 10 instances.

Mr. ANDERSON of California in five instances.

Mr. ZABLOCKI in three instances.

Mr. KASTENMEIER.

Mr. DOMINICK V. DANIELS in two instances.

Mr. NICHOLS.

Mr. HAMILTON.

Mr. BYRON in 10 instances.

Mr. FLOOD.

Mr. BINGHAM in two instances.

Mr. RUNNELS.

## ADJOURNMENT TO THURSDAY, JANUARY 11, 1973

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until Thursday, January 11, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

197. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of receipts and disbursements for surplus, salvage and scrap sales and the sale of lumber and timber products, covering the first quarter of fiscal year 1973, pursuant to section 712 of Public Law 92-570; to the Committee on Appropriations.

198. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmiting a draft of proposed legislation to amend title 10, United States Code, to improve the opportunity of nurses and medical specialists for appointment and promotion in the Regular Army or Regular Air Force, and authorize their retention beyond the mandatory retirement age; to the Committee on Armed Services.

199. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a construction project proposed to be undertaken for the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

200. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

201. A letter from the Director, Administrative Office of the U.S. Courts, transmitting two drafts of proposed legislation, one to authorize additional judgeships for the U.S. courts of appeals, and the other to provide for the appointment of additional district judges, and for other purposes; to the Committee on the Judiciary.

202. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide for the setting aside of convictions in certain cases and for other purposes; to the Committee on the Judiciary.

203. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Bankruptcy Act to abolish the referees' salary and expense fund, to provide that fees and charges collected by the clerk of a court of bankruptcy in bankruptcy proceedings be paid into the general fund of the Treasury of the United States, to provide salaries and expenses of referees to be paid from the general fund of the Treasury, and to eliminate the statutory criteria presently required to be considered by the Judicial Conference in fixing salaries of full-time referees; to the Committee on the Judiciary.

204. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend section 40b of the Bankruptcy Act (11 U.S.C. 68(b)) to remove the restriction on change of salary of full-time referees; to the Committee on the Judiciary.

205. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend section 48 of the Bankruptcy Act (11 U.S.C. 76) to increase the maximum compensation allowable to receivers and trustees; to the Committee on the Judiciary.

206. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Bankruptcy Act and the civil service retirement law with respect to the tenure and retirement of referees in bankruptcy; to the Committee on the Judiciary.

207. A letter from the President, National Conference on Citizenship, transmitting the audit of the Conference for the year ended June 30, 1972, pursuant to section 2 of Public Law 88-504; to the Committee on the Judiciary.

208. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the civil service retirement law to increase the retirement benefits of referees in bankruptcy; to the Committee on Post Office and Civil Service.

### RECEIVED FROM THE COMPTROLLER GENERAL

209. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office in December, 1972, pursuant to section 234 of Public Law 92-510; to the Committee on Government Operations.

210. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Rural Telephone Bank, Department of Agriculture, for the initial period October 1, 1971, to June 30, 1972, pursuant to 31 U.S.C. 841 (H. Doc. 93-39); to the Committee on Government Operations and ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 1469. A bill to provide for more equitable coverage under the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H.R. 1470. A bill to incorporate the National River Academy of the United States of America; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H.R. 1471. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. ANDERSON of Illinois:

H.R. 1472. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman; to the Committee on the Judiciary.

H.R. 1473. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide benefits to survivors of police officers, firemen, and corrections officers killed in the line of duty, and to police officers, firemen, and corrections officers who are disabled in the line of duty; to the Committee on the Judiciary.

H.R. 1474. A bill to amend section 4063 (a)(5) of the Internal Revenue Code of 1954 to exempt asphalt distributors from the excise tax on motor vehicles, parts, and accessories; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 1475. A bill to establish an urban mass transportation trust fund for the purpose of providing more substantial and more assured Federal assistance for urgently needed projects and programs under the Urban Mass Transportation Act of 1964; to the Committee on Public Works.

By Mr. BOLAND:

H.R. 1476. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to cities for improved street lighting; to the Committee on the Judiciary.

H.R. 1477. A bill to provide a procedure for the exercise of congressional and executive powers over the use of any Armed Forces of the United States in military hostilities, and for other purposes; to the Committee on Rules.

By Mr. BOLAND (for himself, Mr. CONTE, Mr. DONOHUE, Mr. FISHER, Mr. MADDEN, and Mr. LEGGETT):

H.R. 1478. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. BRADEMAS (for himself, Mr. PERKINS, Mr. QUIE, Mrs. MINK, Mr. HANSEN of Idaho, Mr. PODELL, Mr. LEGGETT, Mr. MOORHEAD of Pennsylvania, Mr. HICKS, Mr. CORMAN, Mr. ROYBAL, Mr. SYMINGTON, Mr. ALEXANDER, Mr. METCALFE, Mrs. GRASSO, Mr. RANGEL, Mr. SARBANES, Mr. ESCH, Mrs. HANSEN of Washington, Mr. BURKE of Florida, Mr. COUGHLIN, Mr. THOMPSON of New Jersey, Mr. GREEN of Pennsylvania, Mr. BINGHAM, and Mr. WILLIAM D. FORD):

H.R. 1479. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation on services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. PERKINS (for himself, Mr. BRADEMAS, Mr. QUIE, Mrs. MINK, Mr. HANSEN of Idaho, Mr. YATRON, Mr. CLEVELAND, Mr. HECHLER of West Virginia, Mr. FORSYTHE, Mr. MOLLOHAN, Mr. HOWARD, Mr. BURTON, Mr. HELSTOSKI, Mr. GONZALEZ, Mr. MOSS, Mr. HARRINGTON, Mr. VIGORITO, Mr. BOLAND, Mr. ROSENTHAL, Mr. JOHNSON of California, Mr. TIERNAN, Mr. RODINO, Mr. FRASER, Mr. FAUNTROY, and Mr. DRINAN):

H.R. 1480. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Quie, Mrs. Mink, Mr. Hansen of Idaho, Mr. Meeds, Mr. Peyser, Mr. Madden, Mr. Steiger of Wisconsin, Mr. Clay, Mr. Bell, Mr. Biaggi, Mr. Kemp, Mr. Reid, Mr. Hastings, Mr. Badillo, Mr. Duncan, Mr. Edwards of California, Mr. Hammerschmidt, Mr. Nichols, Ms. Abzug, Mr. Carney of Ohio, Mr. Wyatt, Mr. Holifield, and Mr. Lujan):

H.R. 1481. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Peyser, Mr. Meeds, Mr. Keating, Mr. Clay, Mr. Kemp, Mr. Badillo, Mr. Duncan, Mr. Biaggi, Mr. Heinz, Mr. Dent, Mr. Hammerschmidt, Mr. Reid, Mr. Madden, Mr. Cleveland, Mr. Edwards of California, Mr. Fish, Mr. Carney of Ohio, Mr. Riegle, Mr. Annunzio, Mr. Burke of Florida, Mr. Yatron, Mr. Wyatt, and Mr. Holifield):

H.R. 1482. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Hicks, Mr. Rees, Mr. Corman, Mr. Roybal, Mrs. Grasso, Mr. Metcalfe, Mr. Rangel, Mr. Stephens, Mr. Sarbanes, Mr. Esch, Mrs. Hansen of Washington, Mr. Young of Florida, Mr. Thompson of New Jersey, Mr. Green of Pennsylvania, Mr. Bingham, Mr. Boland, Ms. Abzug, Mr. Nedzi, Mr. Gude, Mr. Hungate, Mr. Mosher, Mr. Flowers, and Mr. Symington):

H.R. 1483. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mrs. Mink, Mr. Fraser, Mr. Kastenmeier, Mr. Hechler of West Virginia, Mr. Wolff, Mr. Jones of North Carolina, Mr. Harrington, Mr. Nix, Mr. Helstoski, Mr. Gonzalez, Mr. Moss, Mr. Rosenthal, Mr. Pepper, Mr. Johnson of California, Mr. Tiernan, Mr. Rodino, Mr. Mollohan, Mr. Fauntroy, Mr. Drinan, Mr. Podell, Mr. Murphy of New York, Mr. Moorhead of Pennsylvania, and Mr. Burton):

H.R. 1484. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. BROOMFIELD (for himself, Mr. Brown of Michigan, Mr. Cederberg, Mr. Diggs, Mr. Dingell, Mr. William D. Ford, Mr. Harvey, Mr. Nedzi, and Mr. Riegle):

H.R. 1485. A bill to amend title 18 of the United States Code, to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMINICK V. DANIELS (for himself and Mr. Peyser):

H.R. 1486. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

By Mr. DANIELSON:

H.R. 1487. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

H.R. 1488. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. DENHOLM:

H.R. 1489. A bill to amend the Soil Conservation and Domestic Allotment Act and the Water Bank Act; to the Committee on Agriculture.

By Mr. ECKHARDT (for himself, Mr. Burton, Mr. Conyers, Mr. Dent, Mr. Dellums, Mr. Helstoski, Mr. Mitchell of Maryland, Mr. Rees, Mr. Tiernan, Miss Jordan, Mr. Moss, and Mr. Charles Wilson of Texas):

H.R. 1490. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes; to the Committee on Education and Labor.

By Mr. FISHER:

H.R. 1491. A bill to amend title 10 of the United States Code, to provide that certain additional amounts received by retired servicemen employed in the Junior Reserve Officers' Training Corps shall be treated as subsistence or uniform allowances or as amounts received as commutation of quarters; to the Committee on Armed Services.

By Mr. FRASER (for himself, Ms. Abzug, Mr. Alexander, Mr. Badillo, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Buchanan, Mr. Burke of Massachusetts, Mr. Carney of Ohio, Mr. Clark, Mr. Conte, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Flowers, Mr. William D. Ford, Mr. Forsythe, Mr. Gude, Mr. Hamilton, Mr. Jones of North Carolina, Mr. Koch, Mr. Meeds, Mr. Morgan, Mr. Nedzi, and Mr. Obey):

H.R. 1492. A bill to amend title 38 of the United States Code, to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. FRASER (for himself, Mr. Addabbo, Mr. Bevill, Mr. Denholm, Mr. Duncan, Mr. Esch, Mr. Evins of Tennnessee, Mr. Fish, Mr. Fuqua, Mr. Green of Pennsylvania, Mr. Hechler of West Virginia, Mr. McDade, Mr. Podell, Mr. Pepper, Mr. Preyer, Mr. Rarick, Mr. Reuss, Mr. Roe, Mr. Rosenthal, Mr. Sarbanes, Mr. James V. Stanton, Mr. Steele, Mr. Tiernan, Mr. Waldie, and Mr. Charles H. Wilson of California):

H.R. 1493. A bill to amend title 38 of the United States Code, to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. FREY:

H.R. 1494. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands located in the State of Florida to the record owner or owners of such lands; to the Committee on Interior and Insular Affairs.

H.R. 1495. A bill to amend the act incorporating the Veterans of World War I of the United States of America; to the Committee on the Judiciary.

H.R. 1496. A bill to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems; to the Committee on Science and Astronautics.

H.R. 1497. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests; to the Committee on Standards of Official Conduct.

H.R. 1498. A bill to amend section 121 of the Internal Revenue Code of 1954 to provide that the exclusion from gross income of gain on the sale of a principal residence held for more than 5 years provided by that section will be available without regard to the age of the taxpayer; to the Committee on Ways and Means.

H.R. 1499. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for depreciation on capital expenditures incurred in connecting residential sewerlines to municipal sewage systems; to the Committee on Ways and Means.

H.R. 1500. A bill to provide for orderly trade in fresh fruits and vegetables, and for other purposes; to the Committee on Ways and Means.

By Mrs. GRIFFITHS:

H.R. 1501. A bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria; to the Committee on Armed Services.

H.R. 1502. A bill to amend title 5, United States Code, to provide for equality of treatment with respect to married women Federal employees in connection with compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 1503. A bill to provide equality of treatment for married women employees of the Federal Government under the Foreign Service Act of 1946; to the Committee on Foreign Affairs.

H.R. 1504. A bill to provide for hospitals to allow the biological father to attend the birth of his child if the woman consents; to the Committee on Interstate and Foreign Commerce.

H.R. 1505. A bill to amend title 38 of the United States Code, to provide that monthly social security benefit payments shall not be considered as income in determining eligibility for pensions under that title; to the Committee on Veterans' Affairs.

H.R. 1506. A bill to amend the Social Security Act to provide that every citizen and resident of the United States shall have a social security number; to the Committee on Ways and Means.

H.R. 1507. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record, to eliminate the special dependency requirement for entitlement to husband's or widower's benefits, to provide for the payment of benefits to widowed fathers with minor children, and to make the retirement test inapplicable to individuals with minor children who are entitled to mother's or father's benefits; to the Committee on Ways and Means.

H.R. 1508. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 1509. A bill to authorize an appropriation for a bridge on a Federal dam; to the Committee on Public Works.

H.R. 1510. A bill to amend title 38, United States Code, to increase the amount payable for burial and funeral expenses; to the Committee on Veterans' Affairs.

By Mr. DINGELL (for himself, Mr. Ashley, Mr. Bingham, Mr. Cleveland, Mr. Roybal, Mr. Frenzel, Mr. Michel, Ms. Abzug, Mr. Biester, and Mr. Seiberling):

H.R. 1511. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EDWARDS of Alabama:

H.R. 1512. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

H.R. 1513. A bill to amend title XI of the National Housing Act to authorize mortgage insurance for the construction or rehabilitation of medical practice facilities in certain areas where there is a shortage of doctors; to the Committee on Banking and Currency.

H.R. 1514. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

H.R. 1515. A bill to repeal section 5532 of title 5, United States Code, relating to reductions in the retired or retirement pay of retired officers of regular components of the uniformed services who are employed in civilian offices or positions in the Government of the United States; to the Committee on Post Office and Civil Service.

By Mr. FISHER (for himself, Mr. Alexander, Mr. Archer, Mr. Blackburn, Mr. Burleson of Texas, Mr. Camp, Mr. Collins, Mr. Denholm, Mr. Duncan, Mr. Evins of Tennessee, Mr. Frey, Mr. Goodling, Mr. Hammerschmidt, Mr. Jones of North Carolina, Mr. Mathis of Georgia, Mr. Montgomery, Mr. Poage, Mr. Rarick, Mr. Sikes, Mr. Spence, Mr. Steiger of Arizona, Mr. Waggonner, Mr. Zwach, Mr. W. C. (Dan) Daniel, Mr. Cleveland, and Mr. Whitehurst):

H.R. 1516. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. FLOOD:

H.R. 1517. A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HANLEY:

H.R. 1518. A bill to amend title 10 of the United States Code, to provide a more equitable standard for awarding the gold star lapel button; to the Committee on Armed Services.

H.R. 1519. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

Mr. HELSTOSKI:

H.R. 1520. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 1521. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

H.R. 1522. A bill to provide financial assistance for the construction and operation of senior citizens' community centers, and for other purposes; to the Committee on Education and Labor.

H.R. 1523. A bill to amend section 203 of the Federal Property and Administrative Services Act of 1949 to permit the disposal of surplus personal property to State and local governments, Indian groups under Federal supervision, and volunteer firefighting and rescue organizations at 50 percent of the estimated fair market value; to the Committee on Government Operations.

H.R. 1524. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

H.R. 1525. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

H.R. 1526. A bill to amend the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to prescribe radiation standards for, and conduct regular inspections of, diagnostic and other X-ray systems; to the Committee on Interstate and Foreign Commerce.

H.R. 1527. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that cosmetics containing mercury or any of its compounds bear labeling stating that fact; to the Committee on Interstate and Foreign Commerce.

H.R. 1528. A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1529. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide benefits to survivors of police officers, firemen, and correction officers killed in the line of duty, and to police officers, firemen, and correction officers who are disabled in the line of duty; to the Committee on the Judiciary.

H.R. 1530. A bill to provide death benefits to survivors of certain public safety and law-enforcement personnel, and public officials concerned with the administration of criminal justice and corrections, and for other purposes; to the Committee on the Judiciary.

H.R. 1531. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law-enforcement officers' grievances and to establish a law-enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

H.R. 1532. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

H.R. 1533. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 1534. A bill to provide compensation for totally disabled local firemen or survivors of local firemen killed or disabled while performing their duties in an area of civil disorder; to the Committee on the Judiciary.

H.R. 1535. A bill to amend section 1114 of title 18 of the United States Code, to make the killing, assaulting, or intimidating of any officer or employee of the Federal Communications Commission performing investigative, inspection, or law enforcement functions a Federal criminal offense; to the Committee on the Judiciary.

H.R. 1536. A bill to amend section 8191 of title 5, United States Code, to extend benefits thereunder to officially recognized or designated members of a legally organized volunteer fire department, ambulance team, or rescue squad not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 1537. A bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers; to the Committee on the Judiciary.

H.R. 1538. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on the Judiciary.

H.R. 1539. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1540. A bill to amend the Federal Employees Health Benefits Act of 1959 to provide that the entire cost of health benefits under such act shall be paid by the Government; to the Committee on Post Office and Civil Service.

H.R. 1541. A bill to amend the Civil Service Retirement Act to authorize the retirement of employees after 25 years of service without reductiones in annuity; to the Committee on Post Office and Civil Service.

H.R. 1542. A bill to amend title 38 of the United States Code, to require pay differentials for nurses in Veterans' Administration hospitals who perform evening, night, weekend, holiday, or overtime duty and to authorize payment for standby or on-call time, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1543. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

H.R. 1544. A bill to amend title 38 of the United States Code, to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; to the Committee on Veterans' Affairs.

H.R. 1545. A bill to amend title 38 of the United States Code, so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

H.R. 1546. A bill to provide for the conversion of Servicemen's Group Life Insurance to Veterans' Group Life Insurance, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1547. A bill to order the construction of a Veterans' Administration hospital in the southern area of New Jersey; to the Committee on Veterans' Affairs.

H.R. 1548. A bill to amend title 38 of the United States Code, in order to establish a national cemetery system within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1549. A bill to provide for the expansion of the Beverly National Cemetery in or near Beverly, Burlington County, N.J.; to the committee on Veterans' Affairs.

By Mr. HELSTOSKI (by request):

H.R. 1550. A bill to provide a pension for veterans of World War I and their widows; to the Committee on Veterans' Affairs.

By Mr. HELSTOSKI:

H.R. 1551. A bill to create a national system of health security; to the Committee on Ways and Means.

H.R. 1552. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

H.R. 1553. A bill to amend the Social Security Act to provide for the payment (from the old-age and survivors insurance trust fund) of special allowances to help elderly low-income persons and families to meet their housing costs; to the Committee on Ways and Means.

H.R. 1554. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

H.R. 1555. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

H.R. 1556. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes on an equivalent portion of rent paid on their residences by individuals who have attained age 62; to the Committee on Ways and Means.

H.R. 1557. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

H.R. 1558. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

H.R. 1559. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

H.R. 1560. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Ways and Means.

H.R. 1561. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

H.R. 1562. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired policemen or firemen or their dependents, or to the widows or other survivors of deceased policemen or firemen, shall not be subject to the income tax; to the Committee on Ways and Means.

H.R. 1563. A bill to prohibit the sale or importation of eyeglass frames or sunglasses made of cellulose nitrate or other flammable materials; to the Committee on Ways and Means.

By Mr. HOSMER:

H.R. 1564. A bill to amend section 1086 of title 10, United States Code, to permit a retired member of the uniformed services the right to elect whether he will receive health benefits under such section or under part A of title XVIII of the Social Security Act when he qualifies for benefits under both; to the Committee on Armed Services.

H.R. 1565. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. HOWARD:

H.R. 1566. A bill establishing under the Secretary of Agriculture, a 5-year research program seeking to control the gypsy moth, and for other purposes; to the Committee on Agriculture.

H.R. 1567. A bill to amend title 10 of the United States Code, to change the age limitation on eligibility for the Reserve Officers' Training Corps financial assistance program so as to take into account active service previously performed by students; to the Committee on Armed Services.

H.R. 1568. A bill to authorize the Secretary of Transportation to carry out a special program of transportation research and development utilizing the unique experience and manpower of the airframe and defense industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1569. A bill to establish an independent agency to be known as the U.S. Office of Utility Consumers' Counsel to represent the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain electric, gas, telephone, and telegraph utilities; to provide grants and other Federal assistance to State and local governments for the establishment and operation of utility consumers' counsels; to improve methods for obtaining and disseminating information with respect to the operations of utility companies of interest to the Federal Government and other consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1570. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction; to the Committee on Interstate and Foreign Commerce.

H.R. 1571. A bill to provide for the establishment of a Metropolitan Drug Addiction Commission to coordinate and make more effective in the New York metropolitan area the various Federal, State, and local programs for the control, treatment, and prevention of drug addiction; to the Committee on Interstate and Foreign Commerce.

H. R. 1572. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman; to the Committee on the Judiciary.

H.R. 1573. A bill to amend title 18 of the United States Code, to permit the mailing of lottery tickets and related matter, the broadcasting or televising of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by a State agency; to the Committee on the Judiciary.

H.R. 1574. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

H.R. 1575. A bill to amend title 18, United States Code, to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on the Judiciary.

H.R. 1576. A bill to extend the contiguous fisheries zone of the United States to a distance of 197 miles seaward of the territorial sea; to the Committee on Merchant Marine and Fisheries.

H.R. 1577. A bill to provide compensation to U.S. commercial fishing vessel owners for damages incurred by them as a result of an action of a vessel operated by a foreign government or a citizen of a foreign government; to the Committee on Merchant Marine and Fisheries.

H.R. 1578. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1579. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

H.R. 1580. A bill to amend section 5545 of title 5, United States Code, to provide additional pay for certain hazardous duties performed by Federal employees; to the Committee on Post Office and Civil Service.

H.R. 1581. A bill to amend the act of August 13, 1946, to increase the Federal contribution to 90 per centum of the cost of shore restoration and protection projects; to the Committee on Public Works.

H.R. 1582. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion; to the Committee on Public Works.

H.R. 1583. A bill to create the Office of Water Disposal Research and Development in the Department of the Interior; to the Committee on Public Works.

H.R. 1584. A bill to require the President to notify the Congress whenever he impounds funds or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

H.R. 1585. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

H.R. 1586. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined effort; to the Committee on Ways and Means.

H.R. 1587. A bill to amend the Internal Revenue Code of 1954 to provide relief to certain individuals 65 years of age and over who own or rent their homes, through a system of income tax credits and refunds; to the Committee on Ways and Means.

H.R. 1588. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

H.R. 1589. A bill to amend title XVIII of the Social Security Act so as to include, among the health insurance benefits covered under part B thereof, coverage of certain drugs; to the Committee on Ways and Means.

H.R. 1590. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard-core unemployed; to the Committee on Ways and Means.

H.R. 1591. A bill to amend section 883 of the Internal Revenue Code of 1954 with respect to exemption from taxation of earnings of ships under foreign flag; to the Committee on Ways and Means.

H.R. 1592. A bill to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income; to the Committee on Ways and Means.

By Mr. HUNT (for himself and Mr. Devine):

H.R. 1593. A bill to amend the Social Security Act to prohibit the payment of aid or assistance under approved State public assistance plans to aliens who are illegally within the United States; to the Committee on Ways and Means.

By Mr. ICHORD (for himself, Mr. Archer, Mr. Bafalis, Mr. Baker, Mr. Bray, Mr. Burleson of Texas, Mr. Clancy, Mr. Clark, Mr. Fisher, Mr. Goodling, Mr. Gross, Mr. King, Mr. Mollohan, Mr. Rarick, and Mr. Scherle):

H.R. 1594. A bill to amend section 4 of the Internal Security Act of 1950; to the Committee on Internal Security.

By Mr. ICHORD (for himself, Mr. Quillen, Mr. Waggonner, Mr. Preyer, and Mr. Ashbrook):

H.R. 1595. A bill to amend the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and of classified information released to industry against acts of subversion, and for other purposes; to the Committee on Internal Security.

By Mr. JOHNSON of California:

H.R. 1596. A bill to provide for the establishment of a national historic park on the island of Guam, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KASTENMEIER:

H.R. 1597. A bill to amend certain Federal law relating to the interception of wire and oral communications; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. Conyers, Mr. Drinan, Mr. Railsback, Mr. Biester, Mr. Fish, and Mr. Coughlin):

H.R. 1598. A bill to establish an independent and regionalized Federal Board of Parole, to provide for fair and equitable parole procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI (for himself and Mr. Michel):

H.R. 1599. A bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LENT:

H.R. 1600. A bill to extend daylight saving time to the entire calendar year; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 1601. A bill to provide for an inquiry committee to assist in settling a strike or lockout which imperils or threatens to imperil the health or safety of any substantial geographic sector of the United States; to the Committee on Education and Labor.

By Mr. OWENS:

H.R. 1602. A bill to establish the Lone Peak Wilderness Area in the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS:

H.R. 1603. A bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, for the prevention, control, and abatement of water pollution, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1604. A bill to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

H.R. 1605. A bill to impose a tax on the severance of oil, gas, and coal, and to return the proceeds of such tax to the counties from which such oil, gas, or coal was taken; to the Committee on Ways and Means.

By Mr. PICKLE:

H.R. 1606. A bill to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis; to the Committee on Agriculture.

H.R. 1607. A bill to permit the donation of surplus agricultural commodities to certain nonprofit organizations serving American servicemen; to the Committee on Agriculture.

By Mr. QUILLEN:

H.R. 1608. A bill to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

H.R. 1609. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 1610. A bill to amend title 38 of the United States Code, so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

H.R. 1611. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 1612. A bill to amend title II of the Social Security Act to increase widow's insurance benefits to 100 percent of the insured individual's primary insurance amount, and to provide that such benefits shall be payable at age 50, without actuarial reduction and without regard to disability, in the case of a widow who is otherwise qualified therefor; to the Committee on Ways and Means.

H.R. 1613. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 1614. A bill to amend the Internal Revenue Code of 1954 to provide that an individual may deduct amounts paid for his higher education, or for the higher education of any of his dependents; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 1615. A bill to amend section 5 of the United Nations Participation Act of 1945 to require approval by the Congress of orders, rules, and regulations issued by the President to implement certain decisions of the Security Council of the United Nations; to the Committee on Foreign Affairs.

H.R. 1616. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 1617. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1618. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 1619. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1620. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

H.R. 1621. A bill to repeal the Civil Rights Act of 1964; to the Committee on the Judiciary.

H.R. 1622. A bill to repeal the Civil Rights Act of 1968; to the Committee on the Judiciary.

H.R. 1623. A bill to repeal the Voting Rights Act of 1965; to the Committee on the Judiciary.

H.R. 1624. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 1625. A bill to amend the Office of Education Appropriations Act, 1971, to make the assistance of U.S. marshals available to local authorities for the maintenance of order where plans of desegregation are being carried out in public elementary and secondary schools; to the Committee on the Judiciary.

H.R. 1626. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

H.R. 1627. A bill to provide that the appointment of law clerks to Justices of the Supreme Court shall be confirmed by the Senate and the House of Representatives; to the Committee on the Judiciary.

H.R. 1628. A bill to amend title 5 of the United States Code, with respect to the observance of Memorial Day and Veterans' Day; to the Committee on the Judiciary.

H.R. 1629. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1630. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

H.R. 1631. A bill to amend title 38 of the United States Code, so as to provide that hospital and medical care shall be provided under such title to any veteran of any war; to the Committee on Veterans' Affairs.

H.R. 1632. A bill to amend title 38 of the United States Code, to provide, in certain instances, up to 18 months of additional educational assistance for graduate or professional study; to the Committee on Veterans' Affairs.

H.R. 1633. A bill to amend title 38, United States Code, in order to apply to disabled veterans of the Vietnam era the same standards of eligibility for automobiles and adaptive equipment as are applied with respect to disabled veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

H.R. 1634. A bill to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or grave national emergency declared by the Congress, and to provide for systematic reduction of the public debt; to the Committee on Ways and Means.

H.R. 1635. A bill to amend title II of the Social Security Act to provide that farmers may drop out an additional 2 years of low earnings in the computation of their benefits under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

H.R. 1636. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

H.R. 1637. A bill to provide for a refund of all or part of the social security taxes paid by a deceased individual whenever there is no other person who is or could become entitled to benefits on his wage record, if the total of any benefits theretofore paid on such wage record is less than the total of such taxes; to the Committee on Ways and Means.

H.R. 1638. A bill to amend the Internal Revenue Code of 1954 to provide that retired individuals having annual gross income of $10,000 or less will not have to file Federal income tax returns; to the Committee on Ways and Means.

H.R. 1639. A bill to amend the Internal Revenue Code of 1954 to add social security benefits to the annuity and pension payments which are exempt from levy thereunder; to the Committee on Ways and Means.

H.R. 1640. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for social security taxes paid by employees and by the self-employed; to the Committee on Ways and Means.

H.R. 1641. A bill to amend the Internal Revenue Code of 1954 to exempt wages of certain seasonal employees from withholding; to the Committee on Ways and Means.

H.R. 1642. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax retirement benefits received under a public retirement system; to the Committee on Ways and Means.

H.R. 1643. A bill to amend the Internal Revenue Code of 1954, as amended, to help small businesses by providing a corporate tax exemption on the first $100,000 of taxable income; to the Committee on Ways and Means.

H.R. 1644. A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt organizations which engage in activities of carrying on propaganda, or otherwise attempting to influence legislation, shall lose their exemption from tax; to the Committee on Ways and Means.

H.R. 1645. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for motor vehicle insurance premiums; to the Committee on Ways and Means.

H.R. 1646. A bill to amend title 38 of the United States Code, to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. ROBISON of New York:

H.R. 1647. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 1648. A bill to amend title VII of the Housing Act of 1961 to establish an Urban Parkland Heritage Corp. to provide funds for the acquisition and operation of open-space land, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROSTENKOWSKI (for himself, Mr. Landrum, and Mr. Broyhill of Virginia):

H.R. 1649. A bill to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes; to the Committee on Ways and Means.

By Mr. ROSENTHAL (for himself, Mr. Annunzio, Mr. Bell, Mr. Bingham, Mr. Brasco, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Conyers, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Howard, Mr. Karth, Mr. Kastenmeier, Mr. Leggett, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Pepper, Mr. Pettis):

H.R. 1650. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rodino, Mr. Roybal, Mr. Ryan, Mr. Seiberling, Mr. Smith of Iowa, Mr. Studds, Mr. Thompson of New Jersey, Mr. Pritchard, Mr. Reid, Mr. Koch, and Mr. Sarbanes):

H.R. 1651. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Annunzio, Mr. Bell, Mr. Bingham, Mr. Brasco, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Conyers, Mr. Dulski, Mr. Eckhardt, Mr. Edwards, of California, Mr. Mr. Fraser, Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Howard, Mr. Karth, Mr. Koch, Mr. Leggett, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania Mr. Pepper, and Mr. Pettis):

H.R. 1652. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Podell, Mr. Price of Illinois, Mr. Pritchard, Mr. Rangel, Mr. Rodino, Mr. Roybal, Mr. Ryan, Mr. Seiberling, Mr. Smith of Iowa, Mr. Thompson of New Jersey, Mr. Wolff, Mr. Reid, and Mr. Sarbanes):

H.R. 1653. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Annunzio, Mr. Bell, Mr. Brasco, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Conyers, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Howard, Mr. Karth, Mr. Koch, Mr. Leggett, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Pepper, and Mr. Pettis):

H.R. 1654. A bill to amend the Fair Packaging and Labeling Act to require certain labeling to assist the consumer in purchases of packaged perishable or semiperishable foods; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rodino, Mr. Roybal, Mr. Ryan, Mr. Seiberling, Mr. Studds, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Wolff, Mr. Addabbo, Mr. Reid, and Mr. Sarbanes):

H.R. 1655. A bill to amend the Fair Packaging and Labeling Act to require certain labeling to assist the consumer in purchases of packaged perishable or semiperishable foods; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Bell, Mr. Bingham, Mr. Brasco, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Conyers, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Howard, Mr. Karth, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Pepper, Mr. Podell, and Mr. Price of Iillinois):

H.R. 1656. A bill to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

By Mr. ROSENTHAL (for himself, Mr. Rangel, Mr. Rodino, Mr. Roybal, Mr. Ryan, Mr. Seiberling, Mr. Studds, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Wolff, Mr. Reid, and Mr. Sarbanes):

H.R. 1657. A bill to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

By Mr. ROSENTHAL (for himself, Mr. Bell, Mr. Brasco, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Conyers, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Fraser, Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Howard, Mr. Karth, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Pepper, and Mr. Pettis):

H.R. 1658. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on certain package goods to contain the name and place of business of the manufacturer, packer, and distributor; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rodino, Mr. Roybal, Mr. Ryan, Mr. Seiberling, Mr. Studds, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Wolff, Mr. Reid, and Mr. Sarbanes):

H.R. 1659. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on certain package goods to contain the name and place of business of the manufacturer, packer, and distributor; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Bell, Mr. Bingham, Mr. Brasco, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Conyers, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Howard, Mr. Karth, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Pepper, and Mr. Podell):

H.R. 1660. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Price of Illinois, Mr. Rangel, Mr.

Rodino, Mr. Ryan, Mr. Seiberling, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Reid, and Mr. Sarbanes):

H.R. 1661. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Annunzio, Mr. Brasco, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Conyers, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Howard, Mr. Karth, and Mr. Koch):

H.R. 1662. A bill to amend the Economic Stabilization Act of 1970, to stabilize the retail prices of meat for a period of 45 days at the November 1972 retail levels, and to require the President to submit to the Congress a plan for insuring an adequate meat supply for U.S. consumers, reasonable meat prices, and a fair return on invested capital to farmers, food processors, and food retailers; to the Committee on Banking and Currency.

By Mr. ROSENTHAL (for himself, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rodino, Mr. Studds, Mr. Thompson of New Jersey, Mr. Wolff, Mr. Reid, and Mr. Sarbanes):

H.R. 1663. A bill to amend the Economic Stabilization Act of 1970, to stabilize the retail prices of meat for a period of 45 days at the November 1972 retail levels, and to require the President to submit to the Congress a plan for insuring an adequate meat supply for U.S. consumers, reasonable meat prices, and a fair return on invested capital to farmers, food processors, and food retailers; to the Committee on Banking and Currency.

By Mr. ROSENTHAL (for himself, Mr. Brasco, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Conyers, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Fraser, Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Howard, Mr. Karth, Mr. Koch, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Pritchard, and Mr. Rangel):

H.R. 1664. A bill to repeal the meat quota provisions of Public Law 88–482; to the Committee on Ways and Means.

By Mr. ROSENTHAL (for himself, Mr. Reuss, Mr. Rodino, Mr. Roybal, Mr. Seiberling, Mr. Studds, Mr. Thompson of New Jersey, Mr. Wolff, Mr. Reid, and Mr. Sarbanes):

H.R. 1665. A bill to repeal the meat quota provisions of Public Law 88–482; to the Committee on Ways and Means.

By Mr. ROSENTHAL (for himself, Mr. Bell, Mr. Brasco, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Conyers, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Gibbons, Mr. Green Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Howard, Mr. Karth, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Pepper, Mr. Pettis, and Mr. Podell):

H.R. 1666. A bill to require that durable consumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Price of Illinois, Mr. Rangel, Mr. Rodino, Mr. Roybal, Mr. Studds, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Wolff, Mr. Reid, and Mr. Sarbanes):

H.R. 1667. A bill to require that durable consumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Bell, Mr. Bingham, Mr. Brasco, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Conyers, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Howard, Mr. Karth, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Pepper, and Mr. Pettis):

H.R. 1668. A bill to require that certain durable products be prominently labeled as to date of manufacture, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rodino, Mr. Roybal, Mr. Seiberling, Mr. Studds, Mr. Thompson of New Jersey, Mr. Wolff, Mr. Reid, and Mr. Sarbanes):

H.R. 1669. A bill to require that certain durable products be prominently labeled as to date of manufacture, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Brasco, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Conyers, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Howard, and Mr. Kastenmeier):

H.R. 1670. A bill to amend the Federal Trade Commission Act to make sales promotion games unfair methods of competition; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Mitchell of Maryland, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rodino, Mr. Roybal, Mr. Thompson of New Jersey, Mr. Reid, and Mr. Sarbanes):

H.R. 1671. A bill to amend the Federal Trade Commission Act to make sales promotion games unfair methods of competition; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Bell, Mr. Brasco, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Conyers, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Fraser, Mr. Gibbons, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Howard, Mr. Kastenmeier, and Mr. Koch):

H.R. 1672. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Leggett, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Pepper, Mr. Pettis, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Studds, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Wolff, Mr. Reid, and Mr. Sarbanes):

H.R. 1673. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

By Mr. ROUSH:

H.R. 1674. A bill to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966; to the Committee on Interior and Insular Affairs.

H.R. 1675. A bill to provide Federal assistance to State and local governments for the purposes of developing and improving communication procedures and facilities with respect to the prompt and efficient dispatch of police, fire, rescue, and other emergency services; to the Committee on the Judiciary.

H.R. 1676. A bill to establish an Office for Federal Technology Transfer; to the Committee on Science and Astronautics.

By Mr. RUNNELS:

H.R. 1677. A bill to authorize the Secretary of the Interior to make water available for a minimum recreation pool in Elephant Butte Reservoir from the San Juan-Chama unit of the Colorado River storage project; to the Committee on Interior and Insular Affairs.

By Mr. RUPPE:

H.R. 1678. A bill to provide for payments to compensate county governments for the tax immunity of Federal lands within their boundaries; to the Committee on Interior and Insular Affairs.

H.R. 1679. A bill to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential additions to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

H.R. 1680. A bill to require no-fault motor vehicle insurance as a condition precedent to using the public streets, roads, and highways in order to promote and regulate interstate commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 1681. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

H.R. 1682. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHERLE:

H.R. 1683. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research; to the Committee on Agriculture.

H.R. 1684. A bill to amend the Internal Revenue Code of 1954 to relieve employers of 50 or less employees from the requirement of paying or depositing certain employment taxes more than once each quarter; to the Committee on Ways and Means.

By Mr. SHOUP:

H.R. 1635. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 1686. A bill to provide for the appointment of two additional district judges for the western district of Wisconsin; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 1687. A bill to establish policy and principles for planning and evaluating flood control, navigation, and other water resource projects and the use of the water and related land resources of the United States and setting forth guidance for the benefit-cost determinations of all agencies therein involved; to the Committee on Public Works.

By Mr. ZABLOCKI:

H.R. 1688. A bill to amend title II of the Social Security Act to provide that benefits (when based upon the attainment of retirement age) will be payable to both men and women at age 60, subject to the existing actuarial reduction, and that individuals with 30 years' coverage may retire at age 62 with full benefits; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 1689. A bill to provide a 2-cents-a-gallon tax reduction on gasoline sold for use in highway vehicles where the gasoline contains cereal grain alcohol as a substitute for lead; to the Committee on Ways and Means.

By Mr. CASEY of Texas:

H.J. Res. 141. Joint resolution proposing an amendment to the Constitution of the United States to insure the rights of parents and local school authorities to determine which school the children in that locality will attend; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.J. Res. 142. Joint resolution to establish a national policy relating to conversion to the metric system in the United States; to the Committee on Science and Astronautics.

By Mr. HANLEY:

H.J. Res. 143. Joint resolution proposing an amendment to the Constitution of the United States providing that the term of office of Members of the U.S. House of Representatives shall be 4 years; to the Committee on the Judiciary.

By Mr. HOWARD:

H.J. Res. 144. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

H.J. Res. 145. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. OWENS:

H.J. Res. 146. Joint resolution to direct the Secretary of Agriculture to conduct an investigation and study of existing and potential methods of providing livestock and poultry insurance; to the Committee on Agriculture.

By Mr. RARICK:

H.J. Res. 147. Joint resolution proposing an amendment to the Constitution of the United States redefining the advice and consent of the Senate, for purposes of the President's treatymaking power, so that two-thirds of the full Senate and House of Representatives must concur; to the Committee on the Judiciary.

H.J. Res. 148. Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties; to the Committee on the Judiciary.

H.J. Res. 149. Joint resolution proposing an amendment to the Constitution of the United States to provide that appointments of judges to the Supreme Court and judges to all other Federal courts, as established under section 1 of article III, be reconfirmed every 6 years by the Senate and to require 5 years' prior judicial experience as a qualification for appointment to said offices; to the Committee on the Judiciary.

H.J. Res. 150. Joint resolution proposing an amendment to the Constitution of the United States relating to employment of subversives in defense facilities; to the Committee on the Judiciary.

H.J. Res. 151. Joint resolution proposing an amendment to the Constitution of the United States relating to the freedom of choice; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.J. Res. 152. Joint resolution proposing an amendment to the Constitution of the United States to insure the rights of parents and local school authorities to determine which school the children in that locality will attend; to the Committee on the Judiciary.

By Mr. RUNNELS:

H.J. Res. 153. Joint resolution to establish a Joint Committee on the Federal Budget; to the Committee on Rules.

By Mr. STRATTON:

H.J. Res. 154. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of President and Vice President; to the Committee on the Judiciary.

By Mr. VANIK:

H.J. Res. 155. Joint resolution proposing an amendment to the Constitution of the United States regarding the election of the President and Vice President and the nomination of candidates for the Presidency; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress with respect to the restrictive emigration policies of the Soviet Union and its trade relations with the United States; to the Committee on Foreign Affairs.

By Mr. ANNUNZIO:

H. Con. Res. 46. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. EDWARDS of Alabama:

H. Con. Res. 47. Concurrent resolution expressing the sense of the Congress with respect to the accounting and return of all American prisoners in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. FLOOD:

H. Con. Res. 48. Concurrent Resolution to seek the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine; to the Committee on Foreign Affairs.

By Mr. DERWINSKI:

H. Con. Res. 49. Concurrent Resolution to seek the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine; to the Committee on Foreign Affairs.

By Mr. FREY:

H. Con. Res. 50. Concurrent resolution expressing the sense of the Congress with respect to an adequate accounting for all American prisoners of war, and all Americans missing in action, as a result of the hostilities in Indochina; to the Committee on Foreign Affairs.

H. Con. Res. 51. Concurrent resolution to require a court impact statement in each report of legislation from a committee of either House of Congress to that House; to the Committee on Rules.

By Mr. HOWARD:

H. Con. Res. 52. Concurrent resolution expressing the sense of the Congress with respect to an international conference on the creation of an International Environmental Agency; to the Committee on Foreign Affairs.

H. Con. Res. 53. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

H. Con. Res. 54. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

H. Con. Res. 55. Concurrent resolution authorizing the Joint Committee on the Library to commission a painting of the astronauts first landing on the moon on the ceiling of the Brumidi corridor in the Senate wing of the Capitol; to the Committee on House Administration.

H. Con. Res. 56. Concurrent resolution expressing the sense of Congress with respect to the New York City commuter tax; to the Committee on the Judiciary.

By Mr. QUIE:

H. Con. Res. 57. Concurrent resolution providing for the printing of the First National Report of Project Baseline; to the Committee on House Administration.

By Mr. RARICK:

H. Con. Res. 58. Concurrent resolution expressing the sense of Congress that the Holy Crown of Saint Stephen should remain in the safekeeping of the U.S. Government until Hungary once again functions as a constitutional government established by the Hungarian people through free choice; to the Committee on Foreign Affairs.

By Mr. ROUSH:

H. Con. Res. 59. Concurrent resolution that it is the sense of Congress that the United States and the various political entities thereof should adopt 911 as the nationwide, uniform, emergency telephone number; to the Committee on Interstate and Foreign Commerce.

By Ms. ABZUG:

H. Res. 104. Resolution establishing the Special Committee on the Termination of the National Emergency and authorizing expenditures thereby; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. DINGELL, Mr. KARTH, Mr. ROE, Mrs. HANSEN of Washington, and Mr. STOKES):

H. Res. 105. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. FLOOD:

H. Res. 106. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. DERWINSKI:

H. Res. 107. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mrs. GRIFFITHS:

H. Res. 108. Resolution providing for investigations and studies by standing committees of the House of Representatives to ascertain and identify those areas in which differences in treatment or application, on the basis of sex, exist in connection with the administration and operation of those provisions of law under their respective jurisdictions, and for other purposes; to the Committee on Rules.

H. Res. 109. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. HELSTOSKI:

H. Res. 110. Resolution relative to the Federal telecommunications system service; to the Committee on Veterans' Affairs.

By Mr. KLUCZYNSKI:

H. Res. 111. Resolution creating a select committee to be known as the Select Committee on the House Restaurant; to the Committee on Rules.

By Mr. RARICK:

H. Res. 112. Resolution relative to the commitment of U.S. Armed Forces; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Res. 113. Resolution to provide funds for the Committee on the Judiciary; to the Committee on House Administration.

### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER:

H.R. 1690. A bill for the relief of Farmers Chemical Association, Inc.; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 1691. A bill for the relief of John C. Garand; to the Committee on the Judiciary.

H.R. 1692. A bill for the relief of Donald P. Lariviere; to the Committee on the Judiciary.

H.R. 1693. A bill for the relief of Luigi Santaniello; to the Committee on the Judiciary.

By Mr. BURLISON of Missouri:

H.R. 1694. A bill for the relief of Ossie Emmons and others; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 1695. A bill for the relief of Leon Z. Dimapilis; to the Committee on the Judiciary.

H.R. 1696. A bill for the relief of Sun Hwa Koo Kim; to the Committee on the Judiciary.

H.R. 1697. A bill for the relief of Giuseppe Orlando; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 1698. A bill for the relief of Natividad Cruz Lacusong; to the Committee on the Judiciary .

By Mr. FREY:

H.R. 1699. A bill to direct the Secretary of the Interior to convey to William H. Muntzing phosphate interests of the United States in certain real property located in the State of Florida; to the Committee on Interior and Insular Affairs.

H.R. 1700. A bill for the relief of Maria Francisca Bieira; to the Committee on the Judiciary.

H.R. 1701. A bill for the relief of Lucia S. David; to the Committee on the Judiciary.

H.R. 1702. A bill for the relief of Robert G. Pitman, Jr.; to the Committee on the Judiciary.

H.R. 1703. A bill for the relief of Teresa Ryan; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 1704. A bill for the relief of the Rescue Mission Alliance of Syracuse; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 1705. A bill for the relief of Patrice J. Bergoeing; to the Committee on the Judiciary.

H.R. 1706. A bill for the relief of Mr. and Mrs. Alejandro de la Cruz Gonzalez Donoso; to the Committee on the Judiciary.

H.R. 1707. A bill for the relief of Amalia Lopez; to the Committee on the Judiciary.

H.R. 1708. A bill for the relief of Juan Carlos Lopez; to the Committee on the Judiciary.

H.R. 1709. A bill for the relief of Mr. and Mrs. Herman H. Molina and two minor children; to the Committee on the Judiciary.

H.R. 1710. A bill for the relief of Mr. and Mrs. Mario Petrone; to the Committee on the Judiciary.

H.R. 1711. A bill for the relief of Mr. and Mrs. Raul Jose Rojas and minor child; to the Committee on the Judiciary.

H.R. 1712. A bill for the relief of Raymond Szytencheim; to the Committee on the Judiciary.

H.R. 1713. A bill for the relief of Mr. and Mrs. Osvaldo Aguirre Rivera and three minor children; to the Committee on the Judiciary.

By Mr. HELSTOSKI (by request):

H.R. 1714. A bill for the relief of Kazimierz Bielecki; to the Committee on the Judiciary.

By Mr. ROBISON of New York:

H.R. 1715. A bill for the relief of Cpl. Paul C. Amedeo, U.S. Marine Corps Reserve; to the Committee on the Judiciary.

H.R. 1716. A bill for the relief of Jean Albertha Service Gordon; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 1717. A bill to authorize the President to appoint Vice Adm. Hyman G. Rickover, U.S. Navy-Retired, to the grade of admiral on the retired list; to the Committee on Armed Services.

By Mr. ZABLOCKI:

H.R. 1718. A bill for the relief of Mrs. Patricia Bukowski and Mr. John Juras; to the Committee on the Judiciary.

### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

18. By the SPEAKER: Petition of 27 members of the Wisconsin State Assembly, Madison, Wis., relative to the war in Southeast Asia; to the Committee on Foreign Affairs.

19. Also, petition of the 1972 National Convention of the American Legion, relative to the House Committee on Internal Security; to the Committee on Internal Security.

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# SENATE—*Tuesday, January 9, 1973*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. EASTLAND).

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose kingdom is above all earthly kingdoms and who judges all lesser sovereignties, look with pity and forgiveness upon this Nation Thou hast given us for our heritage. Forgive us for having left undone the things we ought to have done and for doing the things we ought not to have done. Deliver us from the national pride, the moral arrogance, and the self-will which obstruct the making of a world of justice, peace, and righteousness. Give us the character to be worthy of the peace for which we wearily long and earnestly strive. Grant us the wisdom, courage, and strength needful for our times.

Thankful for blessing through many generations, give us grace now to walk humbly with Thee, seeking only to love Thee with our whole heart and soul and mind and our neighbor as ourself; and to labor for the coming kingdom whose builder and maker Thou art.

In His name who taught us to pray "Thy kingdom come—Thy will be done, on earth, as it is in heaven." Amen.

### THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Saturday, January 6, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### ATTENDANCE OF SENATORS

Hon. WARREN G. MAGNUSON, a Senator from the State of Washington, and Hon. JOSEPH R. BIDEN, JR., a Senator from the State of Delaware, attended the session of the Senate today.

### ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the two orders for the recognition of Senators today, there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER FOR ADJOURNMENT TO THURSDAY, JANUARY, 11, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian on Thursday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### AUTHORIZATION FOR MAJORITY AND MINORITY LEADERS, OR THEIR DESIGNEES, TO SPEAK FOR 5 MINUTES INSTEAD OF 3

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, during the remainder of the first session of the 93d Congress, immediately following the prayer and disposition of the reading of the Journal each day, the distinguished majority leader and the distinguished Republican leader, or their designees, each be recognized for not to exceed 5 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, by way of explanation, may I say that this request has not been cleared either with the distinguished Republican leader or the distinguished majority leader. I want to make it clear that they are not requesting it, but I think that from time to time we have noted that the distinguished leaders really require more than the usual 3 minutes, and I think it only fitting that each of them should be accorded 5 minutes each—rather than 3 minutes before the Senate proceeds with special orders, morning business, and so forth.

### ORDER FOR RECOGNITION OF SENATOR MOSS ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Thursday next, immediately following the recognition of the two leaders or their designees, the distinguished Senator from Utah (Mr. MOSS) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

## REPORT ON TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance.

*To the Congress of the United States:*

In accordance with Section 402(a) of the Trade Expansion Act of 1962, I transmit herewith the Sixteenth Annual Report of the President on the Trade Agreements Program. This report covers developments during the twelve months ending December 31, 1971.

That year marked an historic turning point in international economic relations. Deepening crises in the spring and summer of 1971 dramatized the obsolescence and inequity of the rules and mechanisms developed at the end of World War II. Against this background, the Administration announced in August a series of measures designed in part to prevent further damage to the United States economic position. More fundamentally, actions were taken to open the way for reforming the world trade and monetary systems through multilateral cooperation.

Concurrently with monetary consultations which led to the Smithsonian Agreements in December of 1971, the United States opened bilateral discussions with our major trading partners. These discussions yielded valuable reductions during 1972 in a number of foreign barriers to our exports. Even more significant, however, was the conclusion reached among the United States, the European Community and Japan that permanent solutions could only be found through broad-based negotiations. The result of the discussions was an agreement to work actively for the opening in 1973 of a new round of comprehensive negotiations involving all elements of trade policy.

The nations of the world now have the opportunity to open a new era of international relations characterized by negotiation rather than confrontation across the whole range of foreign policy issues.

Our key objectives in reform of the international trading system are to reduce existing tariff and nontariff barriers affecting agricultural as well as industrial products, to establish new rules for the fairer conduct of world trade, and to open new opportunities for the poorer nations to earn the foreign exchange required for their development. Such far-reaching goals can be achieved only within a framework which provides for the equitable sharing of benefits and responsibilities and which includes a safeguard system that allows time for industries adversely affected by foreign competition to adjust to shifts in trade patterns.

Proposals which will enable the United States to negotiate effectively are now under intensive study in the executive branch. In the coming months, the Administration will be working closely with members of the Congress to determine how we can best meet the challenges and seize the opportunities which lie ahead.

I am confident we will be able to establish a new international economic framework within which trade can expand on an equitable basis for all participants—contributing to peace and prosperity for all nations of the world.

RICHARD NIXON.

THE WHITE HOUSE, *January 9, 1973.*

## REPORT OF OFFICE OF ALIEN PROPERTY, DEPARTMENT OF JUSTICE—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the Judiciary:

*To the Congress of the United States:*

In accordance with section 6 of the Trading With the Enemy Act, I herewith transmit the annual report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1971.

RICHARD NIXON.

THE WHITE HOUSE, *January 9, 1973.*

## REPORT ON COMPARABILITY FOR THE FEDERAL STATUTORY PAY SYSTEMS—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Post Office and Civil Service:

*To the Congress of the United States:*

In accordance with the provisions of section 5305 of title 5, United States Code, I hereby report on the comparability adjustment I have ordered for the Federal statutory pay systems in January 1973.

The American system of career civil service is based on the principle of rewarding merit. As President I have a special appreciation of the contribution that the service makes to our Nation, and I am pledged to continue striving to make it an even more effective, responsive part of our Government. One way of achieving this is to maintain a salary scale for civil servants that is just and comparable to that received by equivalent individuals in the private sector.

The adjustment I have ordered is based on recommendations submitted to me by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as my "agent" for Federal pay. Their report, which is enclosed, compares Federal salaries with average private enterprise salaries as shown in the 1972 *National Survey of Professional, Administrative, Technical, and Clerical Pay,* and recommends a 5.14 percent increase in Federal salaries in order to achieve comparability with the private sector.

The report of the Advisory Committee on Federal Pay, which I appointed under the provisions of section 5306 of title 5, is also enclosed. The Advisory Committee generally agreed with the recommendations of the Director of OMB and the Chairman of the Civil Service Commission and endorsed their plans for studies and further refinements in the pay comparison process. However, the Advisory Committee also recommended that in addition to the 5.14 percent increase, an extra pay adjustment of approximately .36 percent be granted to make up for the three-month delay of this pay adjustment that was necessitated this year by the Economic Stabilization Act Amendments of 1971. Since such an increase would result in paying Federal employees higher salaries than comparable private enterprise employees as shown by the annual Bureau of Labor Statistics Survey, I have concluded that such additional increase would be neither fair nor justifiable.

Also transmitted is a copy of an Executive order promulgating the adjustments of statutory salary rates to become effective on the first day of the first pay period beginning on or after January 1, 1973.

Concurrent with the issuance of this Executive order adjusting pay for civil servants, I have also signed an Executive order providing a pay increase of 6.99 percent in the basic pay of members of our uniformed services. This Executive order complies with section 8 of Public Law 90-207 (81 Stat. 654), which provides that whenever the rates of the General Schedule of compensation for Federal classified employees are adjusted upwards, there shall immediately be placed into effect a comparable upward adjustment in the basic pay of members of the uniformed services.

RICHARD NIXON.

THE WHITE HOUSE, *January 9, 1973.*

## PROCEDURE FOR IMMEDIATE CONSIDERATION OF BILLS

Mr. SCOTT of Pennsylvania. Mr. President, I will not use all of my time as this is simply to get on record what I have told the distinguished assistant majority leader. I have sent him a resolution from our conference stating that the conference of the minority, on yesterday, voted unanimously to request the majority, in the matter of requests for immediate consideration of bills or resolutions, to give seasonable notice, as it customarily does to the minority leadership and the ranking member of the committee or committees involved.

I say this so as to explain what is meant by "seasonable." It is my understanding that it simply means opportunity to the leadership and the ranking minority member or members to be present on the floor and engage in colloquy if it seems to be necessary.

We of the minority hope that this is acceptable to the majority leader, as we believe it will facilitate the conduct of our business.

Mr. ROBERT C. BYRD. Mr. President, I am sure that the distinguished majority leader would have no objection to going along with what seems to be a reasonable request on the part of the distinguished Republican leader.

Mr. SCOTT of Pennsylvania. I thank the assistant majority leader.

I yield back the remainder of my time.

### ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) is now recognized for not to exceed 15 minutes.

### QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of the time allotted to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the role.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered.

### ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the remaining time allotted to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) be given to the distinguished majority leader at this point. I understand that about 5 minutes remain.

The PRESIDING OFFICER. That is correct.

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield me 30 seconds?

Mr. MANSFIELD. I yield.

### ORDER FOR RECOGNITION OF SENATOR ABOUREZK ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Utah (Mr. MOSS) on Thursday next, the distinguished Senator from South Dakota (Mr. ABOUREZK) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### THE 4-B'S STORY

Mr. MANSFIELD. Mr. President, 25 years ago, a man named Bill Hainline, his wife, his son, and his daughter opened the first of the 4-B restaurants in Missoula, Mont. Since that time, they have spread throughout the State and into the Northwest and have made a reputation which has spread far and wide.

I would like at this time to ask unanimous consent that a success story about this family be printed in the RECORD, because in my opinion it offers encouragement to others who start from scratch, who are able to make a success of themselves and to achieve a distinct place in the life of a State and a region.

Therefore, Mr. President, I ask unanimous consent that the article entitled "The 4-B's Story," published in the magazine "Montana—The Rocky Mountain North," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### THE 4-B'S STORY

(By Don Ingels)

It all began 25 years ago—a man, his family, and an old fashioned idea about serving food to the public.

Bill Hainline, his wife Buddy, son Bill, Jr., and daughter Barbara (the four "B's") opened the first 4-B's Restaurant at 1359 West Broadway, in Missoula, Montana. From opening day in 1947 and ever since, the 4-B's restaurants, cafeterias and Red Lion Supper Clubs have rigidly followed Bill's formula—"Quality, Cleanliness and Hospitality equal Success."

The original 4-B's quickly became the early morning social center of Missoula. So many coins were dropped into the juke box that there was almost always music in the air, and the machine's receipts were so great that the rent was covered year after year. The building was constructed of logs. The Hainline's lived upstairs, all taking their turns on the job.

The popularity of the 4-B's food, service and cleanliness prompted expansion plans. The original restaurant was remodeled; then by 1950 the 4-B's name appeared in Deer Lodge and Helena. In 1953, the Hainline's established their own wholesale supply center in order to assure quality control and service for their three restaurants. Originally, the wholesale service cut the meats and baked the pastries for all three restaurants. Today it is a modern U.S. Government inspected, highly automated meat processing plant as well as a central supply center for the entire 4-B's chain. Al Powell is the manager and Don Hege is his assistant.

By 1962, Bill Hainline was ready for a new move. He liked the idea of self-service cafeterias which would have a deluxe decor, feature old fashioned, home cooking and appeal to all age groups. This kind of food service, he determined, should be located in a busy shopping center. The first 4-B's Cafeterias were built in Missoula and Great Falls. Later, Billings and Helena welcomed them, and in 1971 the 4-B's name appeared in Bismarck, North Dakota.

Bill Hainline's next venture was a logical expansion into the supper club domain. The popular Red Lion Supper Clubs follow the Hainline formula of Quality, Cleanliness and Service amid luxurious surroundings. They are already famous for their chicken bisque soup and complimentary Rosé wine served with every meal. Complete dinners are complemented with the continental touch of fresh fruit selections. Red Lion Supper Clubs appeared first in Missoula, then Great Falls, Havre, Kalispell, and the newest, Bozeman.

How do you measure a success story? Back in 1947 the Hainline's had 10 employees. Today there are nearly 700, many of whom have ten to twenty years of continuous service. The familiar 4-B's Restaurant sign has most recently appeared in Butte, Bozeman and Havre as well as Missoula, Deer Lodge, and Helena. All across Montana, motorists see billboards saying, "You're in 4-B County!" How many new cars have been sold, or insurance policies signed, or real estate deals closed over a friendly cup of coffee under the 4-B's sign? Does the fact that Vice President Robert W. Froelich needs three IBM computers to keep track of all aspects of the 4-B's business indicate success?

No, the success of 4-B's is couched in the name. Bill Hainline, his wife, Buddy (now deceased), his son, Bill Jr., and daughter, Barbara (now married and living in Spokane) started as a closely knit team devoted to a goal of service. Today, 20 different managers of 20 different 4-B's facilities continue that pledge. They are working managers who have grown within the system, just as the original team. Men such as Everett Edeno, the Supervisor, and George Spencer, Executive Chef, have grown within the system strengthening their convictions and passing them, undiluted, to others.

What could be a more fitting 25-year anniversary occasion than the opening of a bigger, more beautiful 4-B's Restaurant at 700 West Broadway, Missoula, Montana—just a few blocks from where it all began back in 1947?

### "MAN OF THE YEAR: WALLACE"

Mr. MANSFIELD. Mr. President, I was very much intrigued by an article in the Washington Post of December 31, 1972, by David S. Broder, entitled "Man of the Year: Wallace."

The man in reference is Governor Wallace of Alabama. I believe there is a great deal of merit and much to think about in David Broder's story of this man who suffered such a loss when there was an attempted assassination against him.

I ask unanimous consent that the article by Mr. Broder be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 31, 1972]

#### MAN OF THE YEAR: WALLACE

(By David S. Broder)

The man of the year, says Time magazine, is that strange hybrid, a Nixinger. There are several million magazine covers showing the heads of the President of the United States and national security adviser Henry Kissinger, carved from a single slab of marble, or something, to attest that this is the official choice.

I hate to say it, but I think that even with their double nomination, the editors of Time have blown it. As the Chief Executive or First Fan himself would say, they "did the easy thing" and thereby did a disservice to history. It took no great courage to pick the men who rediscovered China, ended the arms race with Russia, announced peace in Vietnam and, in their spare time, carried Spiro Agnew to victory in 49 of the 50 states.

The gutsy choice would have been to put George Wallace on the cover, and it's a choice that could have been defended. If you want the man who best symbolizes America in the year 1972, Wallace has far better qualifications than Kissinger or Nixon.

The latter two are the preeminent insiders—perhaps the only two Americans who have known every one of the last 366 days what the hell was happening in the matters that affected our fate. But this was the year of the outsider, the year when most Americans felt shut off from access to the things they really wanted to know, to see, to influence or control.

It was the year of the gripe—of saying to hell with the bigshots who wage wars, raise taxes, pass laws, hand down court orders, blackout football games and lie to you that they're doing it for your own good. And George Wallace was the spokesman and symbol of the teed-off, frustrated, fed up American who senses that he's been made an outsider at the party he's paying for.

"Send Them a Message," Wallace said last winter when he was beginning his campaign, and if Richard Nixon said anything all year that sums up the American mood any better than that, it doesn't come to mind.

Wallace unleashed the slogan in the Florida primary and his victory there gave the Democrats a shaking from which they never recovered. Ed Muskie and Hubert Humphrey, who embodied what was left of the old tradition of Democratic liberalism, were trounced by a force neither comprehended. Only George McGovern felt the current of national frustration Wallace had tapped and in Wisconsin he immediately reshaped his own faltering campaign to exploit it.

Ironically, Wallace himself was unclear what to do with his opportunity. Like a lot of the frustrated citizens for whom he spoke, he had not bothered to read the fine print on the papers he had been shown. He did not understand the chance he had to pick up delegates in non-primary states under the new party rules. His confidence also wavered at this crucial point, and he delayed bringing his campaign north to Wisconsin—a delay just long enough to give McGovern a crucial victory and himself only a fast-closing second. By the time he grasped the strength of the tide he was riding, Wallace was being stalked by a would-be assassin. Before his major victories came, he had been cut down by gunfire.

As a victim of violence, too, he symbolizes America—a nation crippled by the weapons it cannot seem to stop using on itself or on others. Our national delusion is that release from frustration—be it an unsuccessful international negotiation or a thwarted personal desire—can be found by squeezing the trigger or pressing the bomb-release button. And Wallace is a symbol of the price we pay for that delusion.

Crippled, he left the campaign—left it to McGovern and to Nixon. Of the two, the President proved far more skillful in evoking the fears and playing to the frustrations Wallace had identified—the war, big government, school busing, job quotas, higher taxes, tolerance of politically or personally deviant behavior. And, thanks to Wallace's absence, Mr. Nixon won a handsome victory, running up his biggest margins, by no coincidence, in the states Wallace had carried as an independent candidate in 1968.

So, it is Nixon who will ride in triumph down Pennsylvania Avenue on Jan. 20, back to the White House, where he and Henry Kissinger will continue to read the cables and make the decisions that shape our lives, telling us only as much as they think it wise for us to know.

And George Wallace will sit there in that wheelchair, knowing where the power is, knowing now that at one moment of history, it might have been within his grasp, had he but realized it. He will sit there, better cared for but with no more hope of complete recovery than the hundreds of thousands of other victims of violence last year in Vietnam, in Ulster, or in the gunridden society of America. He will think of what might have been, and, like most of the frustrated citizens for whom he spoke, he will know that the power to shape his own life to his own ends is one he will never regain. He began by saying, "Send them a message," and now even his own legs do not respond.

To me, he is the man of the year.

## NOT ALL SPEECHES AND CREAM

Mr. MANSFIELD. Mr. President, in the New York Times of January 5, 1973, is a news story entitled "To New Senator, Not All Speeches and Cream," by James T. Wooten. It refers to our colleague, the distinguished Senator from Colorado (Mr. HASKELL) who is now presiding over the Senate; and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### TO NEW SENATOR, NOT ALL SPEECHES AND CREAM

(By James T. Wooten)

WASHINGTON, Jan. 4.—The tall, thin man was enjoying himself immensely.

The last five people he had passed in the long marble hall had nodded courteously and called him "Senator," and with each greeting, his smile had broadened.

"I like it," Floyd K. Haskell said, and he chuckled. "I'm shocked when they call me that, but I'll get over it pretty soon, I'm sure. In fact," he said, smiling a bit less than before, "that's the very least of my problems."

Like the 11 other new Senators sworn in here yesterday, the 56-year-old Colorado Democrat had discovered in his first 24 hours on the job that the Congress of the United States is not all peaches and cream and public service.

#### DIFFERENT LIFE STYLE

His cramped office space was being threatened by a colleague and his seniority rank was established as third from the bottom.

Moreover, the Harvard-educated tax lawyer was a virtual stranger in a city very much unlike his own, and he was trying to adjust * * * from the one he had left behind.

"But all of that was expected," he said today amid the second-day confusion of his office. "Maybe not some of the specific headaches that have come up, but the general anticipation that there would be problems was pretty common among us all."

The main headache, he said, puffing the pipe that is his constant companion, "is mechanics—you know, just getting the office ranked up." He glanced around at Suite 5239 in the New Senate Office Building, a three-room suite subdivided into five rooms and crammed with filing cases, desks, cartons and crates.

#### MORE CIVILIZED IN HOUSE

Ultimately, a dozen people are scheduled to work in the office. "That's if we get to keep it," cautioned Paul Talmey, the Senator's administrative assistant.

Yesterday morning, soon after members of his staff had begun moving in, members of Senator William Proxmire's staff began "nosing around," as one of Senator Haskell's secretaries put it, sizing up the suite as a possible addition to the offices of their boss's principal committee.

Should the Wisconsin Democrat decide to take over the suite, Senator Haskell and his people would be evicted and begin the task all over again.

"They're much more civilized over in the House," said Mr. Talmey. "They draw numbers and the space goes much faster and with much more order. Over here on this side, it's chaos for the new people."

#### FORMER REPUBLICAN

One part of the problem for the Senator and his staff was the reluctance on the part of the people who had occupied the suite before them to move out.

"This was part of Senator [Karl E.] Mundt's space," another secretary explained, referring to the aging, ailing South Dakota Republican who did not seek re-election last year. "After all, they've only known for two years that they were leaving, but they waited till the last minute to start moving."

Senator Haskell, who was assigned the last seat on the last row in the Senate, is a former state legislator who left the Republican party in 1970 as a protest against President Nixon's Vietnam war policies, specifically his orders to invade Cambodia.

No one on his staff is expecting an invitation to the White House very soon.

When the committee appointments were announced today, Senator Haskell was not included on the Finance, the powerful, prestigious committee he had wanted.

But another of his choices, Interior, was honored. He was also named to the Committee on Aeronautical and Space Sciences and on the Select Committee on Small Business.

#### "REALLY FASCINATING"

"It's fascinating, really fascinating," the Senator said. He is a deep-voiced but soft-spoken man who seems enough of a stoic to survive. "It's like swimming—but not in water—swimming in some brand new element. I was very much at home as a lawyer back home, but here you have to start from scratch."

He and Mrs. Haskell have taken a month-by-month lease on an apartment within walking distance of the Capitol and plan to remain there while she deals with Washington's real estate establishment, a bright-eyed crowd in these days of bureaucratic shuffling.

The furnished quarters on G Street are adequate for them and their 20-year-old daughter, Pamela—one of three children—but as she said at a reception for her father yesterday, "It's not home, that's for sure."

The Haskells, a moderately wealthy family, left behind a comfortable home set on a sprawling site just outside Denver. "If you've ever lived in Denver you'd know the difference between it and Washington," said Miss Haskell.

"We all realize there are adjustments," Senator Haskell said today. "We're going to make them. After all, I wanted this job pretty badly, and I doubt that there's anybody in this town who's any happier to be here."

## TREATY WITH THE REPUBLIC OF COLOMBIA—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty with the Republic of Colombia concerning the status of Quita Sueno, Roncador, and Serrana, signed at Bogotá on September 8, 1972—Executive A, 93d Congress, first session—transmitted to the Senate today by the President of the United States, and that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

*To the Senate of the United States:*

I am transmitting for the Senate's advice and consent to ratification the Treaty between the Government of the United States of America and the Government of the Republic of Colombia, concerning the Status of Quita Sueno, Roncador and Serrana, signed at Bogotá on September 8, 1972.

Under the Treaty the United States renounces all claims to sovereignty over three uninhabited outcroppings of coral reefs in the Caribbean—Quita Sueno, Roncador and Serrana.

The Treaty assures that the fishing rights of each Government's nationals and vessels in the waters adjacent to Quita Sueno will be free from interference by the other Government or by its nationals or vessels. Colombia also agrees to guarantee to United States nationals and vessels a continuation of fishing in the waters adjacent to Roncador and Serrana, subject to reasonable conservation measures applied on a nondiscriminatory basis.

The express purpose of the Treaty is to settle long-standing questions concerning the status of the three reefs, which are located between 380 and 460 miles from the Colombian mainland. In the late nineteenth century, the United States claimed them under the terms of the Guano Islands Act of 1856, following their discovery by an American citizen in 1869. In 1890 Colombia protested the extraction by United States nationals of Guano from these reefs, claiming that Colombia had inherited sovereign title to them from Spain. In 1928 the United States and Colombia recognized the existence of their dual claims and agreed to maintain a status quo situation which has existed to the present day.

Negotiation of the Treaty signed last September was a response to Colombia's desire to enhance its claim to sovereignty. The primary interest of the United States in the area is to protect the right of American nationals and vessels to continue fishing there. Another United States interest is the continued maintenance of navigational aids on the three reefs.

The Treaty meets the practical interests of both countries. It will satisfy the long-standing desire of the Colombian people that their claim to sovereignty not be encumbered by a conflicting claim by the United States. It will protect United States interests in maintaining fishing rights in the area and, through a related arrangement will provide for maintenance by Colombia of the navigational aids there in accordance with international regulations. The enclosed report of the Department of State more fully describes the provisions of the Treaty and its related arrangements.

This Treaty demonstrates once again the desire and willingness of the United States to settle, in a spirit of understanding and good will, differences which may exist in our relations with other countries particularly with our Latin American neighbors. I urge that the Senate act favorably on the Treaty in the near future.

RICHARD NIXON.

THE WHITE HOUSE, *January 9, 1973*.

## BIRTHDAY WISHES TO THE PRESIDENT OF THE UNITED STATES

Mr. **SCOTT** of Pennsylvania. Mr. President, I take this time to note that today is the birthday of the President of the United States. We wish for him success in his aims to bring about a more peaceful world, and we hope that good will may prevail through his efforts and through the efforts of Congress. I am sure it is the wish and the mood of the American people that the way to peace be found and our hopes go with him in this enterprise.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER**. Under the previous order, the Senate will now proceed to the transaction of routine morning business for a period of not to exceed 30 minutes, with each Senator to be recognized for a period not to exceed 3 minutes.

## ORDER OF BUSINESS

Mr. **MANSFIELD**. Mr. President, I send two unanimous-consent requests to the desk and ask for their immediate consideration.

## COMMITTEE MEMBERSHIP

The **PRESIDING OFFICER**. The first unanimous-consent request of the Senator from Montana will be read.

The assistant legislative clerk read the unanimous-consent request as follows:

> Mr. President, I make the following unanimous consent request:
>
> (1) that in addition to the committee memberships to which a Senator may be entitled under paragraph 6 of Rule XXV of the Standing Rules of the Senate, a Senator may serve during the 93d Congress as a member of any joint committee, if the Senate members of that committee may be selected only from among members of one or more of the standing committees named in paragraph 2 or 3 of that rule and specified in the provision of law relating to the selection of membership to such joint committee; and
>
> (2) that a Senator, who on January 2, 1971, was a member of more than one committee of the classes described in the second sentence of paragraph 6(a) of Rule XXV of the Standing Rules of the Senate, may be assigned during the 93d Congress to other committees included within those classes, except that no Senator may serve on a number of committees of these classes greater than the numbers of such committees on which he was serving on such date.

The **PRESIDING OFFICER**. Without objection, the unanimous-consent request is agreed to.

The next unanimous-consent request will be read.

The assistant legislative clerk read the unanimous-consent request as follows:

> Mr. President, I ask unanimous consent that the paragraph of Senate Resolution 12, agreed to January 4, 1973, relating to the majority party membership of the Committee on Government Operations, read as follows:
>
> "Committee on Government Operations: Mr. Ervin (Chairman), Mr. McClellan, Mr. Jackson, Mr. Muskie, Mr. Ribicoff, Mr. Metcalf, Mr. Allen, Mr. Chiles, Mr. Nunn, Mr. Huddleston."
>
> This request is made in order to correct an error in listing Senators according to their seniority on the Committee.

The **PRESIDING OFFICER**. Without objection, the unanimous consent request is agreed to.

Mr. **MANSFIELD**. Mr. President, to explain that, we had two of the Senators reversed in the positions in which they should have been. This unanimous consent corrects it.

I thank the distinguished Senator from Arizona for yielding.

## ORDER OF BUSINESS

The **PRESIDING OFFICER**. Under the previous order, the Senator from Arizona is recognized.

## THE ENERGY CRISIS

Mr. **FANNIN**. Mr. President, great progress has been made in America in the past half-century.

We are better educated and the opportunities to acquire an education are more universally available.

Our economic system is more responsive to consumer demands and we enjoy a more equitable distribution of goods and services.

The scientific discoveries of the past 50 years are so numerous it would take months just to catalog them.

We are a vocal, literate people, enjoying instant communication and ultimate mobility.

Many reasons can be advanced to explain what has taken place in the past 50 years, but I want to suggest that the principal reason why we are recognized as the most advanced country by other nations in the world, is that more than any other group of people we have succeeded in substituting mechanical energy for animal energy.

Imagine for a moment what today's world would be if we were suddenly deprived of energy. Without electrical energy there would be:

No radio;

No television;

No air conditioning;

No modern lighting;

No elevators in our skyscrapers.

Without fossil fuels there would be no central heating;

No rapid transportation;

No petrochemicals.

In fact, without such energy as we have today we would be reduced to a loincloth, woodburning civilization.

Without energy most of us could not have come to this session today. The highly efficient distribution system which provides our food, our clothing, our entertainment, and our recreation would be impossible.

Most of us have seen the phrase "energy crisis." Unfortunately, because the shoe has not pinched our feet yet, we have declined to become emotionally or intellectually involved with the problem.

Mr. President, the immediacy and urgency of the energy crisis is demonstrated by an article in today's Arizona Republic. The news story reveals that there may be a statewide moratorium on the extension of gas lines to new homes and businesses in Arizona. There also is to be a curtailment of the gas supply to current industrial users for the next several days. I ask unanimous consent to have this article inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

### MORATORIUM ON NEW GAS LINES EXPECTED

> A statewide moratorium on extending gas lines to new homes and businesses loomed yesterday.
>
> Citing a natural gas shortage, Arizona Public Service Co. the State Corporation Commission to approve a 90-day halt to APS customer hook-ups involving construction of gas facilities.
>
> APS also said yesterday that it had been asked by El Paso Natural Gas Co. to curtail all industrial users of natural gas, beginning at 7 a.m. today. El Paso Natural Gas supplies

APS. The curtailment could continue for two or three days, El Paso said.

The reason for the curtailment is severe cold weather in the Midwest, South and the entire southwestern areas served by El Paso, the company said.

The commission scheduled the APS request for public hearing at 9 a.m. Jan. 22 and Commission Chairman Al Faron said other natural gas distributors will be asked to show why the proposed moratorium should not apply to them in view of the supply problem cited by APS.

Pending the commission's hearing and decision, APS has stopped accepting any new requests for gas service involving construction of facilities, said Keith Turley, executive vice president of the utility.

But the firm will honor its existing contracts to extend gas service to property developers, an APS spokesman added.

APS said its gas supplier, El Paso, faces "an immediate gas shortage which will increase in severity for at least the next several years."

Under an interim Federal Power Commission order binding upon El Paso until October 1973, or until a permanent order is issued, APS is unable to get additional natural gas from the source, Turley added.

Hence, APS does not want to promise gas service to new customers and have them invest in gas appliances that might prove useless in future years, a company spokesman said.

APS said that protecting existing customers comes first and that customers wanting gas turned on at an existing matter can get it.

An APS official said the company would use its requested 90-day moratorium to see if the natural gas shortage can be alleviated with propane.

APS also needs the time to calculate exactly how many customers can be served with the natural gas reaching the 150 points where the firm takes delivery from El Paso to serve most major southern Arizona towns, the APS official added.

Within the 90 days, APS would develop permanent guidelines for accepting or rejecting new gas service applications. Turley indicated.

Asked about claims in some quarters that talk of a worsening gas shortage is calculated to drive up gas prices, Corporation Commission Chairman Faron said the Jan. 22 hearing will go into the extent of the shortage.

Mr. FANNIN. Mr. President, this is happening all over the Nation.

As a member of the Committee on Interior and Insular Affairs I have benefited from participation in a national fuels and energy study which the committee has been conducting pursuant to Senate Resolution 45.

We have been working in conjunction with the Committee on Public Works and Commerce and the representatives of the Joint Committee on Atomic Energy.

During the 92d Congress, as a part of our studies we held 31 days of hearings on 18 different energy-related topics.

These hearings focused on a broad range of subject matter, including the structure of the Federal Government for energy policy decisionmaking—the Outer Continental Shelf—Federal leasing policy for energy resources—natural gas policy—deep water ports and super tankers—coal gasification—oil shale—geothermal steam—trends in exploration and development of oil and gas—and Federal policy for energy-related research and development.

I have been pleased to be able to participate in this effort. To date it has been evenhanded and nonpartisan. As we conclude it we must maintain the same objectivity and fair mindedness.

Energy is too important to the national interest to be treated otherwise.

As we wind up our energy study the focus is shifting from planning to action

What I mean to suggest here at the beginning of the 93d Congress is this is the time to accelerate positive action to meet our energy needs. To support such action we must have citizen awareness of the magnitude of that threat which confronts us.

At least six factors contribute to our energy crisis.

These are: first, escalating demands, particularly for oil and natural gas and electricity; second, the cost-price relationships of producing energy; third, environmental constraints—both those which are reasonable and those which are purely emotional; fourth, inefficient uses of our present fuel; fifth, national security implications; and sixth, largely unfounded objections to the development of nuclear energy.

### NATURAL GAS

Natural gas is our cleanest fuel. Present demand exceeds supply. Projected demands for natural gas in 1985 have been estimated at 107 billion cubic feet a day. Some forecasters have been predicting, however, that by 1985 the supply will be limited to 60 billion cubic feet, which leaves a deficit of 47 billion cubic feet a day.

Part of the explanation for this projected deficit can be found in the cost-price relationship. According to the U.S. Bureau of Mines, in 1970 the cost of finding an average thousand cubic feet of natural gas was 24 cents. But the average price due to Federal Power Commission regulation was only 18 cents a thousand cubic feet.

Thus, it was costing the industry 6 cents more a thousand cubic feet to find new gas than the regulated selling price. With this kind of negative incentive the exploration rate for new gas has seriously declined. Yet the regulated low price has strongly encouraged demand.

Recently, the Federal Power Commission removed some of the restrictions from the price of gas, which we hope will begin to encourage new exploration, but the effect of this regulatory change in actually producing needed supplies may not be felt for several years.

At the present time we are importing annually almost 1 trillion cubic feet of gas from Canada. Alaska's North Slope can produce over an additional trillion cubic feet per year by 1980.

Some U.S. industry representatives, however, have been negotiating with the Soviets regarding the purchase of about $30 billion worth of Russian gas over the next 25-year period.

Anyone acquainted, even casually, with the international tensions of the past 50 years must recognize that whenever we import substantial amounts of essential fuels from a foreign country we are placing ourselves at the mercy of the continuance of that supply.

We must recognize the national security implications, not to mention the balance-of-payments problems presented by foreign dependency for a growing part of our gas supplies. Adding to the difficulty is the fact that importing gas, which has to be liquified in order to transport, will cost U.S. consumers about three times the price of domestically produced gas.

### PETROLEUM

And speaking of national security and balance-of-payments implications, nowhere is this problem more apparent than with petroleum.

Economists are predicting that by 1985 the United States will be over 50 percent dependent upon foreign sources of oil.

Mr. President, most of the imports will be coming from the Middle East and North Africa.

All of the major oil exporting countries belong to a tough-minded producers cartel—the Organization of Petroleum-Exporting Countries, or OPEC for short. Some of its members—Libya, Algeria, and Iraq—have already begun to nationalize the oil companies operating in their territory. They say to the oil companies, "What was yours yesterday is ours today." And they simply expropriate the assets. Others have used slightly less drastic measures such as substantially raising prices.

OPEC has successfully demanded a 51-percent equity participation in the oil companies by 1983 beginning with a 25-percent equity participation this year.

The OPEC countries control over 75 percent of the known oil reserves in the free world. With a seller's monopoly, they have the power to command much.

Most of these nations are Arab—fiercely anti-Israel—and one country, Libya, has threatened to cut off oil supplies to the United States unless we change our policies toward Israel.

King Fasial of Saudi-Arabia, however, has opposed using oil as a political tool. But the stability of present Middle Eastern governments is another question.

The Soviet Union, which is self-sufficient in oil, encourages the Arab countries to continue nationalizing U.S. oil companies in order to curb what they call capitalistic imperialism.

Assuming that oil would continue to flow at the rate the international market can absorb, some economists predict that the growing U.S. dependence on foreign oil will by 1985 result in an annual balance-of-payments deficits of $25 billion.

Our demands for oil are skyrocketing. It is forecast to leap from a little over 16 million barrels a day in 1972 to over 30 million barrels a day in 1985. And more than half of this supply under present conditions would have to be imported.

Domestic oil is hard to find. In the 1930's the oil industry found 275 barrels of oil for each foot of exploratory drilling. In recent years the figure has fallen to 35 barrels.

Drilling deeper costs more.

The social demand for clean fuels has been escalating. Following the oil spill off Santa Barbara a few years ago, environmental litigators went to work to oppose offshore operations of oil companies.

Opposition redoubled as the result of two additional offshore mishaps in the Gulf of Mexico. A Federal Court ordered the Interior Department to resubmit its environmental impact statement after expanding the discussion of alternatives to include foreign sources. The lease sale was then canceled.

Later realizing that the gulf contains large quantities of much needed oil and clean-burning gas, the litigants bringing the earlier action decided not to try to stop the recently held sale in offshore Louisiana.

Yet strong environmental resistance to conducting offshore lease sales on the Atlantic seaboard continues to develop. The east coast is where offshore oil and gas are needed most inasmuch as this fuel import-dependent area is quite vulnerable to potential disruptions of foreign energy supplies.

In order to lessen dependence on foreign oil, the construction of the trans-Alaska pipeline has been proposed. It would carry oil from the North Slope to Valdez, to be transported from there by tanker to the lower 48 States.

The North Slope of Alaska represents the largest domestic discovery made in recent years, which is estimated at nearly 10 billion barrels. But this oil must stay in the ground until the means of transporting it is agreed upon and constructed.

In the meantime, foreign oil continues to flow into U.S. ports. Moving the oil in small tankers costs more and the industry wants to carry it in supertankers to keep costs down.

The president of Shell Oil Co. has estimated that by 1985 we will need 300 supertankers on the high seas constantly to transport the oil America must have. But the United States does not have a single port capable of accommodating these supertankers.

The environmental impact on energy uses can also be felt at the other end.

Automobile emission standards, designed to help clean up our Nation's polluted air, have resulted in automotive engine design which burns from 5 to 15 percent more fuel than the preemission standard models did.

Notwithstanding the added fuel needs due to the emission standards, the automobile combustion is very inefficient. It has been estimated that only 5 to 20 percent of the gasoline burned is converted into mechanical energy which turns the wheels.

### ELECTRICITY

For the residential, commercial, and industrial consumer electricity is one of the most convenient forms of energy.

In the beginning electricity was used primarily for lighting, but today it is the energy source which controls the temperature inside our homes, protects our food from spoiling, drives the air fan in our gas or oil furnace if we have one, and makes possible television and radio.

The demand for electricity in the United States has been growing at a rate of 7 percent per year—faster than the energy industry at large and faster than new powerplants are being constructed. The electrical share of the total energy sector is expected to grow from 20 percent in 1960 to 41 percent in 1990. But will this growth become a reality?

No longer can the electrical utilities find ample gas as a boiler fuel. In some parts of the country petroleum for boiler fuel is also in short supply. Air pollution control regulations are severely restricting the use of coal and certain high sulfur oils. In parts of the Nation this past year we have had power blackouts and unless we move to correct this situation, we can expect a repetition of this kind of disaster.

Utility companies must plan today for what is going to be required 10 years from now. It takes from 4 to 7 years to get a new conventional generating plant into commercial operation.

I would like to take my State of Arizona as an example. In Arizona we have been extremely fortunate. Our major suppliers—Arizona Public Service, the Salt River Project, the Tuscon Gas & Electric Co.—have planned ahead to meet the increasing demands for electricity.

These utilities, together with the Department of the Interior, are spending almost $800 million on the construction of the Navajo generating station at Page, Ariz. Two hundred million dollars of this cost is for antipollution devices.

APS is spending in excess of $200 million to construct two 250,000 kw. generators at the Cholla plantsite. And the Tucson Gas & Electric will receive a total of 330,000 kilowatt units from the San Juan generating station in northwest New Mexico.

In order to keep pace with the power demands of Arizona these three utilities must spend approximately $1.6 billion for capital construction during the next 5 years.

To help us understand what a tremendous capital outlay this is, let me point out that the total gross utility plant of these three companies at the end of 1971 was $1.4 billion.

In the next 5 years these companies must spend more new money than the present total gross value of their existing facilities.

### COAL

And now I want to talk about coal.

We have enough coal to last several hundred years. Coal is the only primary fuel which presents absolutely no national security or balance-of-payments problems.

The U.S. Geological Survey estimates that two hundred billion tons of coal are recoverable under current technological and economic conditions, and yet we are mining less coal today than we did in 1947.

Coal is the ideal boiler fuel for electrical generation in the next decade. It is available, it is economically feasible, and the utilization of coal would provide needed employment for people in both the Eastern and Western States.

Why then is it that we are not moving rapidly forward to utilize this available natural resource? The problem is air pollution.

The coal beds of the Southwest can also provide our desperately needed natural gas through coal gasification process. But we are dragging our feet.

I propose that the Federal Government immediately increase its funding for research and development. Coal gasification and stack gas cleaning research in particular need to be expanded considerably. In fiscal year 1973 the Interior Department is spending only about $36.5 million on coal gasification research and EPA is spending only about $17 million on development of sulfur oxide control technology, including research on flue gas treatment. I believe that these amounts are inadequate and that spending for these programs alone should be doubled or tripled.

Additionally, at the Federal level we need to reorganize the many separate and ineffectively coordinated agencies dealing with energy policies and programs.

I am not suggesting the Government should engage in the business of supplying energy. What I am trying to underscore is that a multiplicity of present agencies, dealing with various aspects of the energy problem from the Federal Power Commission to the Bureau of Indian Affairs, have created an intolerable maze of redtape.

In the next decade our energy demands will continue to grow and to meet these expanding needs we must find means to use coal more effectively and cleanly. Certainly the technology which has permitted us to send men to the moon and bring them home can find a way to control the objectionable offstack gases and to gasify coal before burning.

Until now too much of this burden or research has been placed upon the generators of electricity, and to date they have done a commendable job.

I wish that all of you could go to the Four Corners plant and visually inspect the improvements which have been achieved through the installation of the wet scrubbers at a cost of $25 million, paid for by Arizona Public Service. But this is only the first of a whole new generation of equipment, which we can anticipate will permit the utilization of coal and allow us to remove all of the gases and all of the fly ash which has caused great concern to our environmentally sensitive citizens.

### NUCLEAR

Nuclear power for generating electricity must be developed. But a series of events has prevented satisfactory progress. Of the 35 nuclear plants originally scheduled for operation during the period of 1970 to 1972, only nine will be in commercial operation by the end of this year.

Nuclear power is safe, dependable, and can be made available at a price within the reach of all consumers.

### CONSERVATION

In any discussion of the energy crisis, we must also realize the need to conserve resources. We can conserve the 20 percent of our energy presently used for heating by better insulating buildings and by developing more efficient burners. The 25 percent of our energy which is used for transportation can be stretched through better mass transit and more efficient engines.

### SUMMARY

These challenges, along with the challenge of developing our energy resources to the fullest, can be accomplished. It is essential that we have a positive, optimistic approach to the energy crisis. This is no time for technological retreat.

Reports indicate we have potentially recoverable oil reserves sufficient to meet the present demands for 65 years. But we must explore and prove the reserves now.

Potentially recoverable gas reserves are sufficient to meet present demands for 50 years. Here again we must prove those reserves and make them deliverable.

Coal reserves are equivalent to nearly 300 years supply, but we must develop new technology to utilize this coal and protect the environment.

Uranium reserves sufficient to meet our present total electric power needs for 25 years are available, but we must proceed to build nuclear generating capacity.

And recoverable shale oil reserves are believed sufficient to meet our oil needs at present demand levels for about 35 years after our natural oil reserves are exhausted, but we must develop efficient methods of extracting the oil from shale.

We have the natural resources and we have the engineering talent.

What we must have now is the dedication, the understanding and the will to get the job done.

## THE LEGISLATIVE BUDGET—DOWNGRADING OF ARMS CONTROL AND DISARMAMENT AGENCY

Mr. PROXMIRE. Mr. President, I agree with President Nixon that we should hold down expenditures. However, I believe that he is not holding them down enough. I think that they should be held down to $245 billion. There should be ways of discriminating and deciding what to hold down and where.

This is why I think the proposed one-third cut in the Arms Control and Disarmament Agency is tragic. The $6 million budget apparently allotted for the Agency in fiscal year 1974 is about one-third the price of one F–14 airplane. Is this all the President is willing to pay for arms control?

#### NEW NEGOTIATING POLICY

The President's new negotiating stance is taking form. Apparently he is going to deemphasize the role of the Arms Control and Disarmament Agency—ACDA—the only voice for arms control in the executive department, and allow the Pentagon to run the show.

The resignation of the widely esteemed Director of ACDA, Gerard C. Smith, is further evidence that the military has gained the upper hand in the executive department.

The negotiating replacement for Mr. Smith, U. Alexis Johnson, will not assume the directorship of the Arms Control Agency, thereby completely cutting that Agency out of its role in the delicate negotiations with the Soviet Union. This is an appalling turn of events.

If the proposed budgetary action is taken, it could mean the end of the Arms Control and Disarmament Agency as an independent voice in Government.

I intend to fight in the Senate to see that the Arms Control and Disarmament Agency is not stripped of its funding or its obligation to provide sound advice in arms control matters.

Mr. President, I ask unanimous consent that an article from the New York Times of January 9 dealing with the lack of progress at SALT II be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Little Progress Reported in United States-Soviet Arms Talks

(By Bernard Gwertzman)

Washington, January 8—Well-placed Administration officials said today that the United Sttaes and the Soviet Union had failed to make any significant progress in their latest round of talks on the limitation of strategic arms.

The officials, in separate interviews, provided the first details about the renewed talks on arms limitation, which took place in Geneva from Nov. 21 to Dec. 21.

The talks are scheduled to resume in Geneva on Feb. 27, with U. Alexis Johnson, who has been Undersecretary of State for Political Affairs, replacing Gerard C. Smith as the chief American negotiator. Mr. Johnson's nomination to the new job was confirmed by the White House today.

#### OFFENSIVE ARMS DISCUSSED

The round of talks that ended in December marked the opening of the second phase of the arms-limitation discussions. They were devoted primarily to the quest for a comprehensive treaty putting limits on all offensive strategic weapons.

The first round of the talks was completed in Moscow last May with a comprehensive treaty on defensive strategic weapons and a five-year interim accord putting certain limits on land-based and submarine-launched offensive missiles. The two sides agreed to seek a more comprehensive agreement on offensive weapons in the second phase.

In the Geneva round, one high Administration official said, both sides took "extreme" positions, as expected, and the talks ended without narrowing of known differences.

Another official said he doubted that any breakthrough would occur until President Nixon met with Leonid I. Brezhnev, the Soviet Communist party leader, later this year.

According to the officials, the chief differences fell in the following areas:

The Americans made it clear that they were interested in an agreement that would end the Soviet Union's numerical advantage in land-based and submarine-launched missiles, and that would also include the strategic bombers of both sides. The bombers were not included in the five-year interim accord.

The Soviet Union agreed that the treaty on offensive weapons should be comprehensive, but insisted "in very strong terms," according to one Administration official, that the treaty also cover the 700 American tactical aircraft based in Europe and on carriers that can take nuclear weapons to the Soviet Union.

The United States, as it did in the Moscow discussions, said the tactical aircraft, known in arms-control terminology as forward-based systems, should not be included in talks limiting "offensive strategic weapons."

Both sides discussed the need to include in the accord multiple warheads, in which the United States has a technological lead, but the United States said some kind of outside inspection system must be provided to monitor what are known as multiple independently targeted re-entry vehicles, or MIRV's.

The Soviet Union said that any effective on-site inspection system would require the presence of foreign nationals on their territory and the Russians repeated their opposition to such a system, which they have traditionally regarded as a potential espionage threat.

The Administration officials said that the differences in approach did not surprise them, and they presumed that Moscow was not surprised either. One official said, "We need to feel our way with the Russians."

The officials said that the main stumbling block to an effective agreement on offensive weapons remained the Soviet insistence on including in the package the tactical aircraft that can carry nuclear weapons.

The United States has asserted that those aircraft serve primarily to defend Western Europe against attack and any reduction in their numbers should be matched by a cut the Soviet Union's intermediate-range missiles aimed at Western Europe.

The Russians, however, have said that they regarded any weapon as "strategic" if it could deliver a nuclear blow to the other side. Thus, in their view, the American tactical aircraft should be included because they can hit the Soviet Union, but the Soviet intermediate-range missiles should not because they cannot reach the United States.

The Soviet Union and the United States have agreed not to publicize the details of their negotiations. The information reported here was gathered independently, through a series of interviews with various officials, all of whom sought anonymity.

So far, the White House has not given much high-level attention to the second phase of the arms-limitation talks, one official said. He explained that President Nixon and his chief foreign policy adviser, Henry A. Kissinger, were "preoccupied" with the Vietnam talks.

Moreover, the arms negotiators knew that Mr. Smith was to be replaced by Mr. Johnson. Thus, one official said, there was a tendency to put off any major recommendations until Mr. Johnson had taken charge.

It has not been disclosed whether the other members of the American delegation to the arms talks will be changed, but one official said he doubted it.

#### AGREEMENT ON MECHANICS

At the Geneva round, the two sides did agree on the mechanics for setting up a standing committee to discuss violations of the accords already agreed upon.

Mr. JAVITS. Mr. President, I would like to join the Senator from Wisconsin in the remarks he just made about the Arms Control Agency. I will join him in that effort. I consider it my duty as a member of the Foreign Relations Committee to do just that.

Mr. PROXMIRE. Mr. President, I thank the Senator from New York. There is no other Senator whose support I would rather have in this matter. I should be supporting him. He has been foremost in the fight for the Arms Control Agency.

## SENATE RESOLUTION 13—SUBMISSION OF A RESOLUTION RELATING TO ESTABLISHMENT OF SPECIAL AD HOC COMMITTEE TO STUDY QUESTIONS RELATED TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS

Mr. JAVITS. Mr. President, in a little while I shall propose a resolution and ask for its immediate consideration. The resolution is on behalf of myself, Mr. Brooke, Mr. Chiles, Mr. Church, Mr. Cranston, Mr. Hatfield, Mr. Hughes, Mr. Mathias, Mr. Pastore, Mr. Randolph, and Mr. Stevenson.

Mr. President, this is a bipartisan resolution. It would appoint a new 10-member committee, five from the majority, with the majority leader as chairman of the committee, and five from the minority, with the minority leader as the cochairman. The committee would report to us by June 30, 1973, as to what we should do about all matters related to the secrecy, confidentiality, and classification of Government documents.

Mr. President, this committee would in no way impinge upon the jurisdiction of any of the other committees. Their work would go on in this area. I refer to committees such as the Judiciary and Government Operations Committees. The resolution is only intended to get an overview and a recommendation as to what the Senate should do about this and related matters of general policy.

This resolution was passed in the same form in August of 1972 as Senate Resolution 299. In October of 1972, 10 Senators were appointed, with Mr. MANSFIELD as chairman, Mr. PASTORE, Mr. HUGHES, Mr. CRANSTON, and Mr. GRAVEL as majority members, and on the Republican side, Mr. SCOTT of Pennsylvania as cochairman, Mr. HATFIELD, Mr. HRUSKA, and Mr. COOK as minority members.

Because of our move toward adjournment at the time, the committee did not have a chance to organize, and it expired on January 2, 1973.

This resolution would extend the life of the committee to June 30 of this year. I believe it would give us time to study questions related to secret and confidential Government documents.

I have cleared the resolution with the majority and minority leaders. I have discussed it with the Senator from Nebraska (Mr. HRUSKA), who took a particular interest in the matter. And I hope that we can now go forward to do this work which was started when we looked into the so-called Gravel situation.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GRIFFIN. Mr. President, could the Senator from New York tell me whether the matter of the reporting date was cleared with and approved by the Senator from Nebraska (Mr. HRUSKA).

Mr. JAVITS. That was discussed with him and he had no objection.

Mr. President, I send the resolution to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

#### S. RES. 13

Resolution to establish a special ad hoc committee to study questions related to secret and confidential Government documents

*Resolved*, That there is hereby established a special ad hoc committee of the Senate to be composed of ten members, five from the majority and five from the minority. The majority leader shall be the chairman and the minority leader the cochairman. Of the remaining eight members, four will be appointed by the majority leader and four by the minority leader. Any member appointed under the provisions of this resolution shall be exempt from the provisions of the Reorganization Act relating to limitations on committee service.

The committee shall conduct a study and report its findings and recommendations to the Senate, by June 30, 1973, on all questions relating to the secrecy, confidentiality, and classification of Government documents committed to the Senate, or any Member thereof, and propose guidelines with respect thereto; and, the laws and rules relating to secrecy, confidentiality, and classification of Government documents and the authority therefor.

The PRESIDING OFFICER. The question is an agreeing to the unanimous-consent request of the Senator from New York.

Without objection, the Senate proceeded to consider the resolution (S. Res. 13), and it was agreed to.

## CONFIDENTIALITY OF GOVERNMENT DOCUMENTS

Mr. JAVITS. Mr. President, I ask unanimous consent that an analysis of the law relating to the confidentiality of documents prepared under the auspices of the Foreign Relations Committee may be made part of my remarks together with a compilation of basic documents on security classification of information from the Library of Congress and a State Department memorandum on the subject.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

### SECURITY CLASSIFICATION AS A PROBLEM IN THE CONGRESSIONAL ROLE IN FOREIGN POLICY

#### PREFACE

The controversy generated by the Pentagon Papers is the most recent manifestation of the subterfuge which has undermined popular confidence in our leaders and in our institutions. The U–2 incident of 1960, the Bay of Pigs affair, the Dominican intervention, and the Executive branch's misrepresentations concerning the war in Southeast Asia have all contributed to the skepticism of the general public towards the actions and policies of our Government. Excessive secrecy tends to perpetuate mistaken policies, and undermines the democratic principles upon which this country was founded. For this reason, I requested a study by the Congressional Research Service of the Library of Congress of the security classification procedure and the problem it presents to Congress in the performance of its Constitutional role. I believe that this memorandum will be of interest to both my colleagues and to the general public.

The memorandum was prepared by the Foreign Affairs Division of the Congressional Research Service, to which I express my appreciation.

J. W. FULBRIGHT, *Chairman*.

#### I. INTRODUCTION

Security classification in this paper means the formal process in the Executive Branch of limiting access to or restricting distribution of information on the grounds of national security. The purpose of this paper is to survey the security classification process to determine how it affects the work of Congress on foreign policy and to explore proposals for changing the process. It does not deal with the related problems of loyalty or censorship, and it attempts to differentiate the problem of security classification from the problem of executive privilege, that is the withholding of either classified or unclassified information from Congress by the Executive Branch on the grounds that it is the right of the President to do so.[1]

First, as background for considering proposed changes, the study outlines the origin of the system, the legislation and regulations on which the Executive Branch bases its process of classification, and present practice. Second, it discusses the access of Congress to classified information and the relationship of classified information to the role of Congress in making foreign policy. Finally, it explores proposals for changing the present classification system.

Secrecy has been a factor in making foreign policy since the first days of the nation's history. At the Constitutional Convention the belief that negotiations with other countries might require secrecy was a major element in vesting the treaty power in the President and the Senate rather than in the entire Congress. Similarly, military secrecy in time of war is a long-standing practice. It is only in the period since the Second World War, however, that the problem of classified information has grown to its present dimensions. More formalized procedures, the greater United States involvement in world affairs, the concept of an all-pervading threat from the Soviet Union and other Communist countries, the growing size of the government, and vastly increasing amounts of information have all contributed to a tremendous increase in the amount of information treated as secret.

Classification practice today is based primarily on Executive Order 10501 and the manner in which it is interpreted and carried out throughout the Executive Branch. Although there is no legislation establishing a classification system, during the first ten post-war years Congress in effect cooperated or at least acquiesced in the Executive Branch's establishment of a classification system through such legislation as the Atomic Energy Act of 1946, the National Security Act of 1947, and the Internal Security Act of 1950. Since 1955, however, Congress has moved in the direction of preventing excessive withholding of information through amendment of some of the statutes which were being used to justify the classification system. Nevertheless the dimension of the problem of classified information does not appear to have been significantly reduced. There is general agreement that the quantity of classified information and documents remains huge and includes many documents which should no longer be classified. Moreover, many observers would say that much information never should have been classified in the first place.

There are two main ways in which the security classification of information affects the work of Congress in the foreign affairs field. First, it limits the kind and amount of information which Congress receives. Second, it circumscribes what Congress can do with information which it does receive, especially what it can pass on to the public to explain its position.

Members of Congress can frequently obtain classified information upon request. If rquested information is withheld, it apparently is ultimately done so on the grounds of executive privilege rather than on the grounds that it is classified. However, the classification of information does prevent Congress from making it public. Moreover, it may prevent Congress from knowing that it exists and hence requesting it. Classification leaves the Executive Branch in fuller control over what information it will provide both Congress and the public since it bars journalists and scholars from access unless the Executive Branch wants to make it available (or "leak" it) to them.

Many of the proposals relating to the classification problem aim at cutting down the amount of classified information or making

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Footnotes at end of article.

certain that information which would not jeopardize national security is not classified. Action in this direction might reduce the frequency of instances in which information in the foreign affairs field cannot be obtained even when it is unlikely that the information could in any way jeopardize the national security if it were made public. The problem for Congress in the foreign affairs field, however, goes beyond reducing unnecessary classification. It involves finding a way for Congress to make certain that it receives the full information necessary for exercising its war and foreign policy powers, including information which most people would agree should be kept secret from potential enemies. It may also involve finding a way for Congress to share in determining what information is classified and thus kept secret from the American people.

## II. THE ORIGIN AND LEGAL BASIS OF PRESENT CLASSIFICATION PROCEDURES

### A. Origin

Secrecy has been practiced to some degree in diplomatic and military affairs throughout the nation's history. For example, in 1790 President Washington presented to the Senate for its approval a secret article to be inserted in a treaty with the Creek Indians.[2] A formal and extensive classification system to keep certain information secret for purposes of national security did not develop until much later, however. According to one authority, "Measures and practices for the protection of official information in general long served to protect any defense information that needed protection without there having to be any clear distinction between defense information and other official information requiring protection."[3]

The use of markings such as "Confidential," "Secret," or "Private" on communications from military and naval or other public officials "can be traced back almost continuously into the War of 1812."[4] However, the roots of the present classification system appear to be found around the time of the First World War. A General Order of the War Department dated February 16, 1912, established a system for the protection of information relating to submarine mine projects, land defense plans, maps and charts showing locations of defense elements and the character of the armament, and data on numbers of guns and the supply of ammunition, although it prescribed no particular markings.[5] A General Order from the General Headquarters of the American Expeditionary Force dated November 21, 1917, established the classifications of "Confidential," "Secret," and "For Official Circulation Only."[6]

The classification system established during the First World War was continued after the war was over. Army Regulation 330–5 of 1921 stated:

"A document will be marked 'Secret' only when the information it contains is of great importance and when the safeguarding of that information from actual or potential enemies is of prime necessity.

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"A document will be marked 'Confidential' when it is of less importance and of less secret a nature than one requiring the mark of 'Secret' but which must, nevertheless, be guarded from hostile or indiscreet persons.

* * * * *

"A document will be marked 'For official use only' when it contains information which is not to be communicated to the public or to the press but which may be communicated to any persons known to be in the service of the United States whose duty it concerns, or to persons of undoubted loyalty and discretion who are cooperating with Government work."[7]

In a 1935 revision the term "Restricted" was introduced as a fourth category, to be used when a document contained information regarding research work on the design, test, production, or use of a unit of military equipment or a component thereof which was to be kept secret. It also emerged in 1935 that documents on projects with restricted status were to be marked:

"Restricted; Notice—This document contains information affecting the national defense of the United States within the meaning of the Espionage Act (U.S.C. 50:31, 32). The transmission of this document or the revelation of its contents in any manner to any unauthorized person is prohibited."[8]

Executive Order No. 8381 issued March 22, 1940, by President Roosevelt, entitled "Defining Certain Military and Naval Installations and Equipment" gave recognition to the military classification system. In this order he cited as authority the act of January 12, 1938 (Sec. 795(a) of Title 18, part of the Espionage laws) which stated:

"Whenever, in the interests of national defense, the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installation or equipment without first obtaining permission of the commanding officer. . . ."[9]

In defining the installations or equipment requiring protection against the dissemination of information concerning them, the President named as one criterion the classification as "secret," "confidential," or "restricted" under the direction of either the Secretary of War or the Secretary of the Navy. In addition to military or naval installations, weapons, and equipment so classified or marked, included in the definition were:

"All official military or naval books, pamphlets, documents, reports, maps, charts, plans, designs, models, drawing, photographs, contracts, or specifications, which are now marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret," "confidential," or "restricted," and all such articles or equipment which may hereafter be so marked with the approval or at the direction of the President."[10]

That Executive Order was superseded by Executive Order 10104 issued by President Truman February 1, 1950. In addition to the three designations previously mentioned, the new Executive Order referred for the first time to "top secret," although this designation had been in use some years earlier. In place of the Secretary of War and the Secretary of the Navy, Executive Order 10104 described the President, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force as being authorized to classify or direct to be classified the designated information.[11]

On September 24, 1951, President Truman issued an executive order which officially extended the classification system to nonmilitary agencies and to "security information—" Executive Order 10290, "Prescribing Regulations Establishing Minimum Standards for the Classification, Transmission, and Handling, by Departments and Agencies of the Executive Branch, of Official Information Which Requires Safeguarding in the Interest of the Security of the United States." It permitted any department or agency of the Executive Branch to classify and define "classified security information" to mean "official information the safeguarding of which is necessary in the interest of national security, and which is classified for such purposes by appropriate classifying authority."[12]

President Eisenhower replaced Executive Order 10290 with Executive Order 10501. "Safeguarding Official Information," on November 9, 1953. It narrowed the number of agencies authorized to classify and redefined the usage of the various security labels. Executive Order 10501, which will be described later, and its revisions, form the basis for the present system of classification of information.

### B. Legal basis

Executive Order 10501 does not claim to be authorized by a specific statute. Unlike Executive Order 10104, "Definitions of Vital Military and Naval Installations and Equipment," which is linked to a specific provision of the statutes, Executive Order 10501 contains in its preface as to authority only the general statement, "Now, therefore, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows. . . ." The Executive Branch apparently relies primarily on implied constitutional powers of the President and statutes which it claims afford a basis on which to justify the issuance of Executive Order 10501, acknowledging that there is no specific statutory authority for it. In 1970 when the Senate Foreign Relations Committee inquired of the State Department about the legal basis for the President's issuance of Executive Order 10501, the Legal Adviser of the State Department, John R. Stevenson, with the approval of the Department of Justice, referred to the Report of the Commission on Government Security of 1957 for a statement of the legal basis.[13] That Commission cited provisions of the Constitution and stated: "While there is no specific statutory authority for such an order or Executive Order 10501, various statutes do afford a basis upon which to justify the issuance of the order.[14]

#### 1. Constitutional Provisions

The three constitutional provisions cited by the Commission are in article II on the Executive Branch: Section 1, "The executive power shall be vested in a President of the United States of America"; section 2, "The President shall be Commander in Chief of the Army and Navy of the United States"; and section 3, ". . . he shall take care that the laws be faithfully executed." The Commission said:

"When these provisions are considered in light of the existing Presidential authority to appoint and remove executive officers directly responsible to him, there is demonstrated the broad Presidential supervisory and regulatory authority over the internal operations of the executive branch. By issuing the proper Executive or administrative order he exercises this power of direction and supervision over his subordinates in the discharge of their duties. He thus "takes care" that the laws are being faithfully executed by those acting in his behalf; and in the instant case the pertinent laws would involve espionage, sabotage, and related statutes, should such Presidential authority not be predicated upon statutory authority or direction."[15]

The 1957 Commission report did not explicitly spell out the right of Congress to make laws affecting the classification system. However, recognition of this right was implicit in the Commission's conclusion that "in the absence of any law to the contrary, there is an adequate constitutional and statutory basis upon which to predicate the Presidential authority to issue Executive Order 10501,"[16] and in the citation of various statutes as affording a basis upon which to justify the issuance of the order.

Among the provisions of Article I of the Constitution which might be cited as giving Congress powers to legislate in this field would be the following: Section 1, "All legislative powers herein granted shall be vested in a Congress of the United States . . .;" Section 8, "The Congress shall have power to . . . provide for the common defense and general welfare of the United States; . . . to

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Footnotes at end of article.

make rules for the government and regulation of the land and naval forces; . . . and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

### 2. "Housekeeping" Act Prior to 1958 Amendment

Prior to 1958, 5 U.S.C. 22, now 5 U.S.C. 301, sometimes called the "Housekeeping" act, was frequently cited as justifying a system for withholding information on the basis of a security classification system. This was the first and earliest statute cited by the 1957 commission as at that time providing a basis for Executive Order 10501. This statute had been enacted in 1789 with the process of providing the authority for government officials to set up offices and file documents.[17] As early as 1877 and numerous times since then Section 22 of Title 5 of the U.S. code had been cited as authority to refuse information sought from the government.[18] However, in 1958 the housekeeping statute was amended by P.L. 85-619 to specify that it did "not authorize withholding information from the public or limiting the availability of records to the public." The Department of State 1970 memorandum pointed out that since the 1958 amendment this statute was no longer relevant to the justification of classification. It is mentioned in this report as a matter of historical interest and to note the legislation of 1951 specifying that it should not be used as authority for withholding information.

### 3. Espionage Laws

Perhaps the statutes now most frequently cited for justification of the security classification of information are the espionage laws generally. The 1957 Commission cited the espionage laws second only to the housekeeping statute discussed above. It said:

"The espionage laws have imposed upon the President a study to make determinations respecting the dissemination of information having a relationship to the national defense. For example, 18 U.S.C. 795(a) provides that "Whenever in the interests of national defense, the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture. . . . etc." Proceeding under this statute the President issued Executive Order 10104 which covers information classified by the agencies of the military establishments.

"In 18 U.S.C. 798 there is specific reference to the unauthorized disclosure of 'classified information' pertaining to the cryptographic and communication systems and facilities. Furthermore, the term 'classified information' is defined as information which for reasons of national security has been specifically designated by the proper government agency for limited or restrictive dissemination or distribution."[19]

It might be questioned whether the first provision mentioned above is a basis on which to issue an executive order covering classification by non-defense agencies since it relates to information pertaining to vital military and naval installations and has already been used to justify Executive Order 10104 on military information classified by the military departments.

The second provision mentioned, section 798, does refer to classified information, thus acknowledging its existence. However, it provides penalties only for actions relating to communications intelligence and cryptography, specifying four specific categories of classified information: (1) concerning the nature or preparation of codes; (2) concerning the apparatus used for cryptographic or communication intelligence purposes; (3) concerning the communication intelligence activities; or (4) obtained by the process of communication intelligence from the foreign government, with knowledge that it was so obtained. Moreover, this section which was added by Public Law 248 of October 31, 1951, makes it clear that its objective is to prevent the use of classified information relating to communication intelligence activities in a manner prejudicial to the safety of the United States, and not to prevent congressional access to it. Sec. 798(c) states:

"Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof."[20]

Executive Order 10501 itself does not refer to Section 795 or 798 but instead refers to Sections 793 and 794 of Title 18 U.S.C. Section 5(j) of Executive Order 10501 states that when classified material affecting defense is furnished to persons outside the executive branch, the material should carry the statement, whenever practicable, "This material contains information affecting the national defense of the United States within the meaning of the espionage laws, Title 18, U.S.C., Sections 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law."[21]

Section 793, "Gathering, transmitting or losing defense information," provides penalties of a fine or imprisonment for (a) going into defense installations or in other ways obtaining information "respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation"; (b) copying or obtaining sketches, documents, or anything connected with the national defense; (c) receiving or obtaining from any source any document, writing, or anything connected with the national defense, knowing that it has been obtained contrary to the provisions of that chapter of law, (d) wilfully transmitting to a person not entitled to receive it a document, etc., which a person either lawfully or without authorization possesses and has reason to believe could be used to the injury of the United States or the advantage of a foreign nation; or (e) when entrusted with any document or information relating to the national defense "through gross negligence" permitting it to be removed from its proper place "or to be lost, stolen, abstracted, or destroyed" or failing to report such loss, theft, abstraction, or destruction.

Section 794 provides for imprisonment or the death penalty for (a) communicating or transmitting a document or information relating to the national defense to any foreign government, faction, citizen, etc. "with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation"; or (b) "in time of war, with intent that the same shall be communicated to the enemy," collecting, publishing, communicating, or attempting to elicit any information with respect to the movement, numbers, or disposition of armed forces, ships, aircraft, or war materials or military operation plans or defenses "or any other information relating to the public defense, which might be useful to the enemy." In 1953 the provisions of this section in addition to coming into effect in time of war were extended to remain "in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950 or such earlier date as may be prescribed by concurrent resolution of the Congress."[22]

The espionage laws may make it sensible to have some kind of system for marking information which it would be a crime to transmit, but history does not indicate that the classification system developed directly from the Espionage Act of 1917 or that the Espionage Act was intended to authorize such a system. One student of the history of classification has observed:

"There is no indication at this time [in 1917] that difficulties could arise in enforcing the Espionage Act if official information relating to the national defense was not marked as such, insofar as it was intended to be protected from unauthorized dissemination. Violation of the first three subsections of Section I, Title I, of the act depended upon intent, but violation of the other two subsections depended in the one case on material relating to the national defense having been turned over to someone "not entitled to receive it" and in the other case on such material having been lost or compromised through "gross negligence." Since the expression "relating to the national defense" was nowhere defined, the possibility of the public being permitted to have any knowledge whatever relating to the national defense, even the fact that Congress has passed certain legislation relating thereto, depended on application of the expressions "not entitled to receive it" and "gross negligence."

"In any prosecution for violation of either of the last two subsections the burden of proving that one or the other key expressions had application in the case would rest on the prosecution, and proof would be difficult unless clear evidence could be adduced that authority had communicated its intention that the specific material involved should be protected or unless that material was of such a nature that common sense would indicate that it should be protected. For purposes of administering these two subsections of the Espionage Act the marking of defense information that is to be protected is almost essential, and its marking can also be of great assistance for purposes of administering the preceding three subsections.

"It would be logical to suppose that the markings of defense information began out of the legal necessities for administering the Espionage Act, but the indications are that such was not the case. The establishment of three grades of official information to be protected by markings was apparently something copied from the A.E.F., which had borrowed the use of such markings from the French and British."[23]

It apparently was not until 1935 that the link between classification the espionage act was made. Then, under the army regulation of February 12, 1935, it was specified that material on projects with restricted status would be marked: "Restricted: Notice—this document contains information affecting the national defense of the United States within the meaning of the Espionage Act (U.S.C. 50:31, 32). The transmission of this document or the revelation of its contents in any manner to any unauthorized person is prohibited."[24]

### 4. National Security Act

The 1957 Commission on Government Security report, referred to by the State Department in 1970 as citing the legal basis for a classification system, described the National Security Act of 1947 as the "most significant legislation, which set into motion the current document classification programs." It said:

"The most significant legislation, which set into motion the current document classification program, was enacted in 1947, when the Congress passed the National Security Act in order to provide an adequate and comprehensive program designed to protect the future security of our country. To accomplish this avowed purpose the act provided for the creation of a National Security Council within the executive branch subject to Presidential direction. Its job is to consider and to make appropriate recommendations to the President. Within the

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framework of this program, the Interdepartmental Committee on Internal Security (ICIS) came into being, and the activity of this committee was responsible for the issuance in 1951 of Executive Order 10290, which established the original document classification program. Thus it would appear that a document classification program is within the scope of the activities sought to be coordinated by the National Security Act of 1947, and that the issuance of an appropriate Executive order establishing such a program is consistent with the policy of the act."[25]

As has been pointed out, the roots classification systems within individual Departments go back many years before the National Security Act was passed. However, efforts made after the National Security Act appear to have led to the new government-wide directive on classification which was embodied in Executive Order 10290. Coordination of classification systems in the military department had already been provided to some degree in Executive Order 8381 which was superseded by Executive Order 10104.

The Commission on Government Security contended that the National Security Act "set into motion" the current classification program; that the classification program "is within the scope of the activities sought to be coordinated by the National Security Act of 1947"; and that "the issuance of an appropriate Executive order establishing such a program is consistent with the policy of the act."[26] It did not contend that the National Security Act actually authorized the system.

One authorization which was made by the National Security Act is pertinent, however. After establishing the Central Intelligence Agency and giving it the purpose of coordinating intelligence activities, the National Security Act provided that the Director of Central Intelligence "shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."[27] This would appear to provide adequate authorization for a system to provide adequate authorization for a system of protection of certain types of information, namely intelligence sources and methods.

### 5. Internal Security Act

The final statute cited by the 1957 Commission on Government Security under the assertion that "various statutes do afford a basis upon which to justify the issuance" of Executive Order 10501 was the Internal Security Act of 1950. The Commission report stated:

"Prior to issuance of Executive Order 10290, Congress had apparently recognized the existing Presidential authority to classify information within the executive branch when it passed the Internal Security Act of 1950. Contained therein were provisions defining two new criminal offenses involving classified information.

"Section 4(b) of the act makes it a crime for any Federal officer or employee to give security information classified by the President, or by the head of any department, agency, or corporation with the approval of the President, to any foreign agent or member of a Communist organization, and section 4(c) makes it a crime for any foreign agent or member of a Communist organization to receive such classified security information from a Federal employee."[28]

Section 4(b) of the Internal Security Act states:

"It shall be unlawful for any officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, to communicate in any manner or by any means, to any other person whom such officer or employee knows or has reason to believe to be an agent or representative of any foreign government or an officer or member of any Communist organization as defined in paragraph (5) of section 782 of this title, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, knowing or having reason to know that such information has been so classified, unless such officer or employee shall have been specifically authorized by the President, or by the head of the department, agency, or corporation by which this officer or employee is employed, to make such disclosure of such information."[29]

This provision of the Internal Security Act appears to come the closest to sanctioning a system for the classification of information "as affecting the security of the United States" rather than the narrower concept of "relating to the national defense" or the still narrower categories of cryptographic or intelligence information.

There has been one case in which a foreign service officer convicted under this provision appealed his case and the Court of Appeals, in affirming the verdict, held that under the statute and Executive Order 10501 an Ambassador did have authority to classify foreign service dispatches and the dispatches as classified and certified by him were within the scope of the statute. Moreover, it held that in prosecution of the officer for communication of classified information to a foreign government, the government was not required to prove that the documents involved were properly classified "as affecting the security of the United States."[30]

### 6. Atomic Energy Act

In addition to the above statutes listed by the 1957 Commission on Government Security, the Department of State memorandum of 1970 said "there are other statutory provisions that contemplate and assume a system of classification of information."[31] The first example it cites is section 142 of the Atomic Energy Act of 1954 (42 U.S.C. section 2162(c)). The entire Chapter 12 of the act (Sections 141 through 146) is on the control of information with section 142 providing for the classification and declassification of "Restricted Data."

"Restricted Data" is defined in the Atomic Energy Act as follows:

"The term 'Restricted Data' means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142."[32]

Section 142 requires that the Atomic Energy Commission from time to time determine the data within the definition of Restricted Data which can be published "without undue risk to the common defense and security and shall thereupon cause such data to be declassified and removed from the category of Restricted Data."

With "Restricted Data" so defined as to include all data in certain categories, Sec. 142 proceeds on the assumption that all information in these categories is classified "Restricted Data" and is concerned mainly with setting up procedures for declassifying information in these categories. It requires that the Atomic Energy Commission from time to time determine the data within the definition of Restricted Data which can be published "without undue risk to the common defense and security and shall thereupon cause such data to be declassified and removed from the category of Restricted Data." It provides that in the case of Restricted Data which the Commission determines jointly with the Department of Defense to be related primarily to the military utilization of atomic weapons, the determination that it could be published is to be made jointly by the Commission and the Department of Defense, with the President deciding in case of disagreement.

In Section 142 the Atomic Energy Act also recognizes the existence of "defense information" and intelligence information. Giving recognition to "defense information" Section 142d states:

"The Commission shall remove from the Restricted Data category such data as the Commission and the Department of Defense jointly determine relates primarily to the military utilization of atomic weapons and which the Commission and Department of Defense jointly determine can be adequately safeguarded as defense information: *Provided, however*, That no such data so removed from the Restricted Data category shall be transmitted or otherwise made available to any nation or regional defense organization, while such data remains defense information, except pursuant to an agreement for cooperation entered into in accordance with subsection 144b."[33]

Giving recognition to intelligence information and its treatment as "defense information" Section 142e, states:

"The Commission shall remove from the Restricted Data category such information concerning the atomic energy programs of other nations as the Commission and the Director of Central Intelligence jointly determine to be necessary to carry out the provisions of section 102(d) of the National Security Act of 1947, as amended, and can be adequately safeguarded as defense information."[34]

The act provided a channel for transmitting information to Congress rather than a barrier, however. It established the Joint Committee on Atomic Energy (sec. 201), required that the Atomic Energy Commission and the Department of Defense keep the Joint Committee fully and currently informed on matters relating to development and application of atomic energy and required that any government agency furnish any information requested by the Joint Committee relating to its responsibilities in the field of atomic energy (sec. 202), and authorized the Joint Committee to "classify information originating within the committee in accordance with standards used generally by the executive branch for classifying Restricted Data or defense information" (sec. 206).

### 7. Freedom of Information Act Amending the Administrative Procedure Act

The second example the 1970 State Department memorandum cited of a statutory provision which assumed a system of classification was the Freedom of Information Act (P.L. 89-487, approved July 4, 1966). The Freedom of Information Act was an amendment and rewriting of Section 3 of the Administrative Procedure Act which had been passed in 1946. Both the original act and the amendment dealt with disclosure of information by Federal agencies, requiring them to publish procedures in the Federal Register and make available to the public final opinions, staff manuals and instructions, and statements of policy.

However the 1946 provisions had permitted material "required for good cause to be held confidential" to be withheld from disclosure. This had provided a loophole which Congress attempted to close in the 1966 Freedom of Information by exempting from its provision only nine specific kinds of information. The first of these exceptions was for matters "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy." Accordingly, although the Freedom of Information Act was designed to make more government information available, it did not apply to classified information and even could be used, as it was by the State Department in 1970, as an example of a statutory

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Footnotes at end of article.

provision that contemplated and assumed a system of security classification.

While the exceptions in the Freedom of Information Act may permit withholding information from the public on grounds that it needs to be held secret in the interest of national defense and foreign policy, however, they clearly do not apply to Congress. Section 3(f) states:

(f) Limitation of Exemptions—

"Nothing in this section authorizes withholding of information or limiting the availability of records to the public except as specifically stated in this section, nor shall this section be authority to withhold information from Congress."[35]

### 8. Legislation on Foreign Relations

The Department of State 1970 memorandum did not mention any other legislation on foreign relations. However, there are some provisions in legislation directly relating to foreign affairs which also might be said to assume a system of classification or in effect sanction the withholding of some information of the grounds of national security.

One example is the Foreign Assistance Act of 1961, as amended. Section 634(b) provides that in the annual report on operations required and in response to requests from Members of Congress or the public the President shall "make public all information concerning operations under this Act not deemed by him to be incompatible with the security of the United States." This section would provide a basis for the President not to make public certain information concerning aid operations. The next section, 634(c), in effect limits any material which might be withheld from Congress to that which the President certifies he has forbidden furnishing with his reasons for doing so. Otherwise, funds are to be cut off if information or documents are not furnished by thirty-five days after a written request has been made by the General Accounting Office or by a congressional committee considering legislation or appropriations for the program.

Section 414 on munitions control of the Mutual Security Act of 1954, as amended, authorized the President to control the export and import of arms and technical data relating thereto. It also authorized him "to designate those articles which shall be considered as arms, ammunition, and implements of war, including technical data relating thereto, for the purposes of this section."[36]

The Arms Control and Disarmament Act of 1961, as amended, assumes a system of Classification in Sec. 45 on Security Requirements. Section 45(a) provides for investigations of all employees and states:

"No person shall be permitted to enter on duty as such as officer, employee, consultant, or member of advisory committee or board, or pursuant to any such detail, and no contractor or subcontractor, or officer or employee thereof shall be permitted to have access to any classified information, until he shall have been investigated in accordance with this subsection. . . ."

Section 45(b) states:

". . . The Director may also grant access for information classified no higher than "confidential" to contractors or subcontractors and their officers and employees, actual or prospective, on the basis of reports on less than full-field investigations: Provided, That such investigations shall each include a current national agency check."

Section 45(c) discusses access to Restricted Data under the Atomic Energy Commission.

Through legislation such as this Congress has on occasion given recognition to the classification system although it has made no overall attempt to regulate it. To this extent it has sanctioned keeping information secret in the interest of national defense or foreign policy. At the same time, however, on a number of occasions (particularly the "disclosure of classified information" legislation relating to cryptographic intelligence passed in 1951, and the Freedom of Information Act of 1966), Congress has made clear its intention that provisions to keep security information secret were not to constitute authority to withhold information from Congress.

## III. THE CLASSIFICATION SYSTEM IN PRACTICE—EXECUTIVE ORDER 10501 AND AGENCY REGULATIONS

### *A. Handling defense information*

Executive Order 10501 of December 15, 1953, "Safeguarding Official Information in the Interests of the Defense of the United States," is the basic regulation describing the security classification system to be applied to information bearing on the defense of the United States. The order, as subsequently amended, is quite comprehensive, setting forth guidelines for such matters as (1) material to be classified and categories of classification (i.e., Top Secret, Secret, etc.), (2) agencies and officials authorized to classify, (3) use of classification, (4) handling, marking, transmittal and destruction of classified material, (5) downgrading and declassifying, (6) access to classified material for historical research, and (7) enforcement procedures. For the purposes of this paper, it may be useful to look into some of these points more closely.

### 1. Categories of Classified Material

Section 1 of the order provides that "official information which requires protection in the interests of national defense shall be limited to three categories of classification, which in descending order of importance shall carry one of the following designations: Top Secret, Secret, or Confidential. No other designation shall be used to classify defense information, including military information, as requiring protection in the interests of national defense, except as expressly provided by statute."

These three categories are defined as follows:

(a) *Top Secret.*—Material the defense aspect of which is paramount and requiring the highest degree of protection. Unauthorized disclosure could result in "exceptionally grave damage to the Nation, such as leading to a definite break in diplomatic relations affecting the defense of the United States, are armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense."

(b) *Secret.*—"Material the unauthorized disclosure of which could result in serious damage to the Nation, such as jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense or information revealing important intelligence operations."

(c) *Confidential.*—"Material the authorized disclosure of which could be prejudical to the defense interests of the Nation."

### 2. Authority to Classify

The order specifies over thirty federal departments and agencies, such as State,[37] Defense, CIA, etc., "having primary responsibility for matters pertaining to national defense" in which the authority to classify may be delegated to such responsible officers or employees as the principal officer may designate. However, "such authority to classify shall be limited as severely as is consistent with the orderly and expeditious transaction of government business."

The order also names several other departments, such as Interior, Agriculture, and HEW, whose concern with national defense matters is "partial" rather than primary. In these cases, "the authority for original classification of information or material . . . shall be exercised only by the head of the department or agency . . ." Government agencies or units not specifically named do not have the authority to originate classified material. (Section 2)

### 3. Guidelines for Classification

Those authorized to classify material are responsible for adhering to the definitions of the three categories listed above. "Unnecessary classification and over-classification shall be scrupulously avoided", and the classification of documents is to be based upon their content, not their relationship to other papers or the fact that they contain references to highly classified material. (Section 3)

### 4. Declassification and Downgrading

Classified material is to be downgraded or declassified when it "no longer requires its present level of protection in the defense interest . . . Heads of departments or agencies . . . shall designate persons to be responsible for continuing review of such classified information or material on a document-by-document, category, project, program or other systematic basis, for the purpose of declassifying or downgrading whenever national defense considerations permit, and for receiving requests for such review from all sources."

To give greater effect to this provision, a system was instituted in 1961 which provided for automatic downgrading of certain material at 3-year intervals. The system called for drafting officers to categorize classified material into groups as follows:

*Group 1.*—Information or material originated by foreign governments or international organizations and over which the United States Government has no jurisdiction, information or material provided for by statutes such as the Atomic Energy Act . . . and information or material requiring special handling, such as intelligence and cryptography. This information and material is excluded from automatic downgrading and declassification.

*Group 2.*—Extremely sensitive information or material which the head of the agency or his designees exempt, on an individual basis, from automatic downgrading and declassification.

*Group 3.*—Information or material which warrants some degree of classification for an indefinite period. Such information or material shall become automatically downgraded at 12-year intervals until the lowest classification is reached, but shall not become automatically declassified.

*Group 4.*—Information or material which does not qualify for, or is not assigned to, one of the first three groups. Such information or material shall become automatically downgraded at three-year intervals until the lowest classification is reached, and shall be automatically declassified twelve years after date of issuance.

There is, of course, no bar to downgrading or declassifying more rapidly if circumstances warrant, but each such action requires the approval of the "appropriate classifying authority," i.e., the person or office originatng the document in question. The downgrading of extracts from or paraphrases of documents also requires the consent of the appropriate classifying authority "unless the agency making such extracts knows positively that they warrant a classification lower than that of the documents from which extracted. . . ." (Section 4)

### 5. Limitations on Dissemination

There are two basic requirements for access to classified information: the need-to-know and personal security clearance or proof of trustworthiness. The Executive Order covers both points in a single sentence:

Knowledge or possession of classified defense information shall be permitted only to persons whose official duties require such

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Footnotes at end of article.

access in the interest of promoting national defense and only if they have been determined to be trustworthy."

Distribution of classified material is strictly controlled, and rigid accountability is required, especially for the more highly classified documents and materials. Furthermore, each agency retains ultimate control over the dissemination of all such material originating in that agency. Thus, the State Department cannot release to other agencies or to the Congress material originating in the Defense Department without prior approval by the latter. This is the so-called third agency rule, which has on occasion contributed to difficulties and delays in providing classified materials to the Congress.[38]

### 6. Special Classifications for Atomic Energy, Intelligence and Crytographic Information

The Atomic Energy Act of 1954, as amended, established special requirements for the classification of information on nuclear weapons and their technology. Such information is classified as "Restricted Data" and, more recently, "Former Restricted Data," and a special clearance, known as a "Q" clearance, is required by the AEC for access to this information. The intelligence community likewise has special designations and specal clearance for certan intelligence informaton in order to protect sensitive sources, and communications people protect their codes by extra security precautions (COMSEC) as well.[39] These special categories are acknowledged by the terms of Executive Order 10501. (Section 13)

### 7. Historical Research

Access to classified material by persons outside the Executive Branch for historical research projects may be permitted if the researcher is trustworthy and if such access is "clearly consistent with the interests of national defense." But the material must not be published or otherwise compromised. (Section 15)

### 8. Review

The order requires various types of review to ensure (a) that information is not improperly withheld which the people have a right to know, (b) that proper safeguards are employed to protect classified information, and (c) that agencies are in full compliance with the order. The President is charged with designating "a member of his staff who shall receive, consider and take action upon suggestions or complaints from non-Governmental sources relating to the operation of this Order." (Sections 16–18)

## *B. Information provided to contractors and industry*

Executive Order 10501 applies also to information given to the Congress or to private persons outside the Executive Branch. In such cases, the material must be marked with the following notation in addition to its security classification:

"This material contains information effecting the national defense of the United States within the meaning of the espionage laws, Title 18, U.S.C., Sections 793, and 794, the transmission or revelation of, which in any manner to an unauthorized person is prohibited by law."[40]

Such releases cannot be made to persons who have not been cleared and briefed following security investigation. In this connection, President Eisenhower in February 1960 issued Executive Order No. 10865, "Safeguarding Classified information within Industry." The latter, in effect, defines Executive Order 10501 in terms of non-governmental application. It establishes the rules for granting security clearances to civilians and the means of redress should clearance be denied. Once granted clearance, a person outside of government is required to observe the same rules for the protection of classified material as his military or federally-employed counterpart, and this includes individuals working with classified material in both the "hardware" and "software" organizations. An example of the former would be information provided to such government contractors as General Electric and Westinghouse by the Atomic Energy Commission. An example of the latter would be government documents provided to RAND or other contractors doing research for the government. This has led to a substantial diffusion of classified information. One commentator on government classification practices noted that:

"The inexorable advance of the technology of war generates classified documents by the millions. One expert made the estimate four years ago that there were, in the defense industry, something like 100 million documents classified Top Secret and Secret."[41]

But it has also led to some difficulties. Scientific developments that emanate from classified data may sometimes be classified if bearing directly on important defense programs. Furthermore, certain developments that have their origins in unclassified data may be classified as well. For example, the AEC proposed that all new developments in the purification of weapons grade radioactive materials be subject to review by the Commission, no matter what the source of these developments. The Commission justified its actions on grounds of national security.

"Unless there are controls on the dissemination of classified information concerning atomic weapons and concerning centrifuges and gaseous diffusion plants (which can be used for the production of the special nuclear material used in weapons), the efficacy of all non-proliferation efforts is seriously weakened. In this light, the question of whether that data are developed for private commercial purposes or pursuant to a Government contract is irrelevant—it is the content of the data which necessitates the conrol."[42]

This type of control, however, is difficult to administer. Assuming that American scientists recognize and abide by these requirements, the writ of the United States does not extend to other scientifically modern nations. Indeed, three European nations (England, Germany and the Netherlands) have formed subsequently a consortium to develop gas centrifuge technology.[43]

The State Department usually does not deal in scientific hardware. Rather its classified materials are concerned with the conduct of foreign policy.[44] As in the case of other government agencies, studies performed by outside contractors are reviewed by relevant desk officers to ensure that all classified information is so marked. Often specifically "sanitized" versions are prepared for dissemination on an unclassified basis.

## *C. Foreign policy information*

The security regulations issued by the Department of State and other agencies concerned with foreign policy (e.g., USIA, AID, and ACDA) take a somewhat broader view of "defense information," extending it to include international operations and programs as well. According to the State Department regulations:

"The Attorney General of the United States on April 17, 1954, advised that defense classification may be interpreted, in proper instances, to include the safeguarding of information and material developed in the course of conduct of foreign relations of the United States wherever it appears that the effect of the unauthorized disclosure of such information or material upon international relations or upon policies being pursued through diplomatic channels could result in serious damage to the Nation. The Attorney General further noted that it is a fact that there exists an interrelation between the foreign relations of the United States and the national defense of the United States, which fact is recognized in section 1."[45]

State's regulation goes on to cite examples, including the following:

"Political and economic reports containing information the unauthorized disclosure of which may jeopardize the international relations of the United States or may otherwise affect the national defense.

"Information received in confidence from officials of a foreign government whenever it appears that the breach of such confidence might have serious consequences affecting the national defense or foreign relations."

The rules and regulations applicable to defense information acknowledge the need to establish a balance between the protection of such material and freedoms of information. The State Department's security regulations in implementation of Executive Order 10501 include the following caveat:

"The requirement to safeguard information in the national defense interest and in order to protect sources of privileged information in no way implies an indiscriminate license to restrict information from the public. It is important that the citizens of the United States have the fullest possible access, consistent with security and integrity, to information concerning the policies and programs of their Government."[46]

## *D. Handling of controlled information by executive branch*

### 1. Limiting the Distribution of Sensitive Material

The application of a security classification to papers and materials is not the only method by which government agencies safeguard sensitive information. In some respects an even more effective method is to limit drastically the distribution of a particular document. Distribution of telegrams concerning the arrangements for Dr. Kissinger's secret visit to Communist China, for example, must have been so limited in number that only a few Cabinet members and a very select group of key officials in State, Defense, and CIA were privy to the operation.

A government-wide system governs the distribution of telegrams, staff studies, and memoranda of conversion. Those papers deemed to require something less than standard distribution are marked "LIMDIS" (limited distribution) by the draft officers. In such cases, the number of copies circulated is reduced by perhaps 50 percent, with all interested bureau offices taking a proportionate reduction.

In the case of exceptionally sensitive matters, the material is designated "EXDIS" (exclusive distribution), and the number of copies is curtailed much more drastically to, say, one or two copies for each assistant secretary of State and Defense with a legitimate need to know. Key staff members are allowed to read but not retain EXDIS messages, which are kept in a central registry within each geographic or functional bureau.

But the Kissinger trip must have received even more restricted treatment. In this case the documents would have been "NODIS," meaning, of course, no distribution beyond the principal officer or an agency or department with a need to know.

Highly classified documents are generally given rather limited distribution but no higher than SECRET. The most sensitive documents, including all Top Secret and all NODIS and EXDIS material, are serialized, i.e., each copy is numbered and must be registered and accounted for at all times, including when destroyed. The very process of serializing reqnires the originating office to exercise care and restraint in drawing up a list of those to whom the material is to be sent.

### 2. Administratively Controlled Information

Some types of information are controlled not in the interests of national defense but for administrative reasons. Thus, personnel records, medical reports, commercial and investigative data are considered privileged information and treated as confidential. In the Defense Department this type of material is

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marked "For Official Use Only"; in State it is designated "Limited Official Use." In either case, although the material is "non-classified," i.e., not related to the national defense, it is protected from indiscriminate disclosure.

### *E. Compliance with regulations*

#### 1. Overprotection

In actual practice, however, there is wide agreement that the great bulk of defense material is usually overprotected—too highly classified for too long a time. Arthur Goldberg, former Ambassador to the U.N., recently had this to say to the House Foreign Operations and Government Information Subcommittee:

"I do not mean to suggest to this Committee, which has given thoughtful consideration to this entire subject, that the government does not require secrecy in the conduct of its vital operations, that each day's collection of confidential messages with foreign governments should be broadcast on the six o'clock news, or that the engineering details of advanced weapons systems must be published in the Congressional Record.

* * * * *

"Anyone who has ever served our government has struggled with the problem of classifying documents to protect national security and delicate diplomatic confidence. I would be less than candid if I did not say that our present classification system does not deal adequately with this problem despite the significant advances made under the leadership of the Committee and Congress in the Freedom of Information Act of 1966. I have read and prepared countless thousands of classified documents and participated in classifying some of them. In my experience, 75 percent of these never should have been classified in the first place; another 15 percent quickly outlived the need for secrecy; and only about ten percent genuinely required restricted access over any significant period of time." [47]

For obvious reasons there are strong incentives for staff officers to err on the side of over-classifying material on which they are working. There are no penalties for this, whereas the penalties for violating security regulations, even inadvertently, can be severe and costly in terms of career prospects, especially if one has a series of such offenses. Very often material is classified or overclassified largely through inadvertence or failure to apply critical judgment. Mr. William G. Florence, formerly with Headquarters, U.S. Air Force, had this to say to the House Subcommittee:

"The majority of people with whom I worked in the past few years reflected the belief that information is born classified and that declassification would be permitted only if someone could show that the information would not be of interest to a foreign nation." [48]

Florence also referred to the practice of assigning a classification to material merely on the basis of association or reference to other classified material:

"Some time ago, one of the service chiefs of staff wrote a note to the other chiefs of staff stating briefly that too many papers were being circulated with the top secret classification. He suggested that use of the classification should be reduced. Believe it or not, that note was marked top secret." [49]

According to a recent editorial in the Christian Science Monitor:

"The classic case of overclassification of government documents was Queen Frederika's menu. The former Queen of Greece was given a moderately elaborate dinner at an American military base during her official tour of the United States. A thoughtful officer stamped "classified" on the menu to avoid the comments which some reporter might otherwise have made on what might have been called a non-democratic event." [50]

The purpose of the classifying officer in this case was no doubt to avoid any potential embarrassment to the United States. There are many occasions when the avoidance of embarrassment is more closely related to activities potentially affecting the national defense. One example, related to military security demands that certain aspects of weapons capabilities be classified, follows:

"In Vietnam, the Army stamped 'secret' on reports of field malfunctions of the controversial M16 rifle, which was jamming, until corrective action was taken. 'The evaluation reports were bad,' says a man who found out what was in them. He asserts the Army simply wanted to avoid embarrassment, since the enemy was obviously aware of the rifle's weaknesses." [51]

Individuals may overclassify a document hoping to augment the importance of the contents or to appear more important themselves:

"There's what a former federal official calls the 'ego-building angle.' Some bureaucrats, he say, classify a document confidential or secret to indicate that 'the stuff is important—that it should be moved up the chain of command promptly instead of getting stuck in someone's "in" basket'." [52]

Such individuals evidently consider that the power to classify increases the personal prestige of the classifier. William Florence testified that:

". . . numerous individuals in the Department of Defense, including myself, have attempted to the best of our ability to limit the use of defense classifications to the purpose for which they were intended. Various officials from the Secretary of Defense down have initiated measures designed to restrict the use of defense classifications. But hundreds of thousands of individuals at all echelons in the Department of Defense practice classification as a way of life." [53]

Once a paper has been classified secret or top secret, bureaucratic inertia adds to the already strong propensity to "protect" the national security by maintaining that classification for an unnecessarily long period of time. Richard J. Levine, writing in the Wall Street Journal of June 25, 1971, pointed out that:

"Today almost 26 years after the end of World War II, U.S. archives still hold some 100 million pages of classified war records. . . . The government process of declassification is haphazard and cumbersome. . . ."

According to Levine, the "group" system for automatic downgrading and ultimate declassification of defense information has not provided an answer to the problem. The turnover in personnel within State and Defense, with career officers moving on to new assignments and with many top policy makers taking other jobs after a year or two, militates against the continuous review of classified material called for by the executive order. Even more important, perhaps, is the fact that the officers who originate classified material continue to be involved in substantive matters and feel that they have more important things to do than review their work of yesteryear to see if it can now be downgraded or declassified. Thus, quite apart from the legitimate concern of the Executive to protect sensitive information, there are a number of factors in the present situation which reinforce the tendency to maintain secrecy to a higher degree and for a longer period than is necessary.

Among the World War II documents which are still classified Top Secret are those on Operation Keelhaul, which was the U.S.-U.K. name for the forcible repatriation to the Soviet Union of displaced Soviet citizens after the war. An American historian, Julius Epstein, has attempted without success to obtain access to these files in connection with his studies on forced repatriation of anti-communist prisoners of war and dsplaced persons during and after World War II. Epstein went to court under the Freedom of Information Act but lost the case on the grounds that the Act does not apply to documents classified "in the interest of the national defense or foreign policy." [54] Writing in the New York Times, Epstein related his continuing efforts to have the file declassified:

"On October 22, 1970, the White House informed me that President Nixon has removed the main obstacle for declassification of the Keelhaul files. The letter states: "The U.S. Government has absolutely no objections (based on the contents of the files) to the declassification and release of the "Operation Keelhaul" files. However, given the joint origin of the documents, British concurrence is necessary before they can be released and this concurrence has not been received. Thus, we have no alternative but to deny your requests.' . . ." [55]

#### 2. Leaks by Government Officials

On the other hand, Levine points out that government agencies permit "deliberate leaks which tend to make a mockery of the system," and he cites several instances of news men who were given classified information by high-level government officials as a matter of public policy. Both the New York Times and the Washington Post filed affidavits to this effect in their legal fight against the government's injunction which sought to stop publication of the Pentagon papers.

On behalf of the Times, Mr. Max Frankel, Washington bureau chief, argued that without the use of classified material:

"There could be no adequate diplomatic, military, and political reporting of the kind our people take for granted, either abroad or in Washington, and there could be no mature system of communication between the government and the people. . . .

"Presidents make 'secret' decisions only to reveal them for the purposes of frightening an adversary nation, wooing a friendly electorate, protecting their reputations. The military services conduct 'secret' research in weaponry only to reveal it for the purpose of enhancing their budgets, appearing superior or inferior to a foreign army, gaining the vote of a Congressman or in the favor of a contractor.

"In the field of foreign affairs, only rarely does our government give full public information to the press for the direct purpose of simply informing the people. For the most part, the press obtains significant information . . . only because it has managed to make itself a party to confidential materials, and of value in transmitting these materials . . . to other branches and offices of government as well as to the public at large. This is why the press has been wisely and correctly called the Fourth Branch of Government." [56]

Mr. Benjamin C. Bradlee, executive officer of the Washington Post, stressed in his affidavit, that:

"The executive branch . . . normally, regularly, routinely, and purposefully makes classified information available to reporters and editors in Washington. This is [done] in private conversations . . . and in the infamous backgrounders normally, but not exclusively, originated by the government." [57]

It may be done to "test the climate of public opinion on certain options under deliberation by the government" or "to influence the reporter's story in a manner which the government official believes is in the best interest of his country, his particular branch of government, or his particular point of view."

Mr. Bradlee cited specific instances when he had been given highly classified information by President Kennedy (concerning his 1961 encounter with Khrushchev in Vienna) and by President Johnson (on the Vietnam war in 1968). He also pointed out that Congress sometimes follows the same practice:

"Legislators request and obtain classified information from the executive branch of the government for the purpose of helping them draft legislation. They do not always use it

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for that purpose. They often use it to defeat legislation they don't like, and they often try to enlist the assistance of the press in their private battle. . . ." [58]

The agency most frequently charged with leaking classified information is the Department of Defense. This fact is scarcely surprising. It is due in part to the sheer size of the department and the vast amount of defense material in its custody. However, some contend that the incidence of deliberate leaks tends to be related to the national budget cycle as defense officials seek to persuade Congress and the public of the validity of ther budget requests. But as was pointed out two years ago by George Ashworth of the Christian Science Monitor, perhaps the most important factor is the man at the top:

"Government secrets come in many sizes and styles. At one end of the spectrum are piddling little secrets, and at the other there are secrets, that are so secret their security classifications are secret. And there are critically important secrets as well as ones that are embarrassing and nothing more.

Secretary of Defense Melvin R. Laird loosed a few secrets of middling size upon the Senate and the public recently. Before the secret-telling was over, everybody knew a great deal more about the strategic strengths of the superpowers. Sen. Stuart Symington (D) of Missouri and Mr. Laird had reached the I-know-what-you-know-and-you-know-what-I-know-and-neither-of-us-can-tell stage of discussion.

"Telling a great deal without telling all is nothing new for high defense officials. A secret told at the right time can shock, arouse, surprise, stymie opposition, and gain advantage. Or it can be a dreadful mistake. A secretary has to know the difference and act accordingly. If a secret is not properly handled, it can accomplish little through the telling and do incomparable damage.

"The Defense Department has been much freer with its secrets in recent times. Former Secretary of Defense Robert S. McNamara was not averse to dropping secrets from time to time. The only time the secretary showed an avid interest in keeping a specific matter completely under wraps was the case of the so-called McNamara line.

"During his 11-month tenure, former Secretary of Defense Clark M. Clifford generally stayed away from heavy public involvement in strategic armaments affairs, preferring to devote his energies to efforts to bring about successful negotiations on Vietnam. Many of the Pentagon's deepest secrets are in specifics on the strategic arsenals of both nations, and Mr. Clifford spent little effort on the learning of specifics. Thus, in a sense, he was somewhat limited as to juicy secrets to tell.

"Mr. Clifford's periodic frankness on the subject of relations with South Vietnam were, however, often spellbinding. Although many secrets probably were not divulged as the former Secretary discussed the maneuvering prior to the complete halt, the material he gave forth was obviously of the sort normally considered privileged.

"Now, with the stage set by Mr. Laird's revelations about specifics of missiles and megatonnage in the Soviet nuclear arsenal, chances are good that the administration will be releasing still more information of a nature that would have been considered classified at earlier times." [59]

Obviously, the Secretary of Defense is concerned with the state of the country's defenses and the overall threat as he sees it Secretary Laird assumed office at a time when the U.S.S.R. was overtaking the United States in the number of land-based ICBM's deployed, and he foresaw the prospect of their catching up also in the number of antisubmarine-based launchers in a few years. Still another cause for concern was the megatonnage of the biggest Soviet ICBM, the SS–9, and the possibility that it would be fitted with multiple war heads capable of destroying the U.S. Minuteman missile in a preemptive strike. These and other considerations led him to make public a great deal more information about Soviet strategic programs, actual and anticipated than had either of his predecessors.

As Ashworth remarked:

"The approach to strategic secrecy has indeed changed since 1960, when the Republican managers of the Defense Department refused to declassify information to refute Democratic charges of a "missile gap." Upon taking office, Mr. McNamara himself refuted the charge made by his party.

"The 1968 election failed to feature any real controversy over strategic strength. Consequently, it was marked by few Pentagon revelations. The same was not true in 1964 when Republican charges caused the Pentagon to declassify profuse quantities of classified information.

"In 1967, when the Republican challenge was brewing, Deputy Secretary of Defense Paul H. Nitze was most forthright on warhead sizes, yields and effects, as well as reliability, when the nation's deterrent was questioned by Rep. Craig Hosner (R) of California.

"Slightly earlier, Mr. McNamara had mentioned multiple independently targetable warheads for the first time publicly. He used the medium of an article in Life magazine to discuss the antiballistic missile defense system and multiple warheads. Earlier, the warheads, MIRVs, had been so tightly classified that the Pentagon would say nothing about them. Mr. McNamara wanted, however, to reaffirm public faith in a U.S. lead." [60]

Still another current practice in declassification is that of former government officials who take advantage of personal files to write the bureaucratic battles of the past. Commenting on this, Herbert Feis, who spent many years in the State Department, has drawn ironic attention to the contrast between public policy (to keep official papers classified for years) and private practice:

"If we turn to the problem of writing the history of the crucial events in our foreign relations during the short term of office of the gallant John F. Kennedy, the divergence of the restrictions becomes glaring. There is, I presume, no chance that the historian would at present be able to consult the pertinent official records or memos of conferences, instructions to our embassies, and correspondence with foreign statesmen during the period of his presidency. But what an admirable series of privileged and candid narratives and memoirs tell us what may be found in them! What elaborately detailed accounts have appeared in the weekly magazines of how the rout of the Bay of Pigs came about, and what happened in the critical crisis when President Kennedy challenged the Russian installations of missiles in Cuba!

"Can the historian be blamed if he is struck by the contrast between the scope and contents of the published official records and the disclosures of participants, confidants or a few favored journalists? This places a very high premium on securing and diffusing information before anyone else, and perhaps exclusively. Men may be drawn into office as the corridor to future careers as historians. Warm the Boswells inside the gates, envious the Boswells left outside!" [61]

The high incidence of leaks of classified information which appear to be approved by someone in authority serves to conceal the fact that many disclosures occur which are completely unauthorized. In most cases, it is difficult if not impossible to track down the guilty party because the information is so widely disseminated within the government and because reporters are unwilling to reveal the sources of their information.

## IV. THE EFFECT OF THE CLASSIFICATION SYSTEM ON THE CONGRESSIONAL ROLE IN FOREIGN POLICY

### *A. The congressional need to know*

Under the Constitution both the foreign policy powers and the war powers are shared by the President and the Congress. The need of Congress for information on defense and foreign relations stems primarily from specific responsibilities of Congress which are enumerated in the Constitution.

Aside from the general mandate provided by Article I, Section 1, "All legislative Powers herein granted shall be vested in a Congress of the United States. . . ." the Constitution provides that Congress shall have power "to lay and collect taxes, duties, imports and excises, to pay the debts and provide for the common defense and general welfare of the United States. . . ." [Article I, Section 8 (1)]; "to regulate commerce with foreign nations. . . ." [Article I, Section 8(3)]; "to define and punish . . . offenses against the law of nations." [Article I, Section 8(10)]; "to declare war . . ."; [Article I, Section 8 (11)]: "to raise and support armies . . ;" [Article I, Section 8(12)]; "to provide and maintain a navy;" [Article I, Section 8(13)]; "to make rules for the government and regulation of the land and naval Forces;" [Article I, Section 8(14)]; and finally, "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;" [Article I, Section 8(15)]. Article II, Section 2(2) provides the Senate with two additional responsibilities, stating that the President "shall have the power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, . . ." In addition to these specific responsibilities, the Constitution provides further that the Congress "make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." [Article I, Section 8(18)].

Congress frequently needs to have information which is classified in order to carry out specific defense and foreign policy responsibilities assigned to it under the Constitution. For example, Congress needs to know what are the threats to the country's security and what are current military capabilities if it is to provide for the common defense. It needs to know the precise facts involving hostilities when there is a question of whether or not war should be declared. The Senate needs to know the history of negotiations leading to a treaty before it decides whether to advise and consent to the ratification of that treaty.

Because of the congressional "need to know," the first aspect of the problem of classified information is how classification affects the efforts of Congress to get the information necessary to carry out its duties in the foreign and defense policy fields. A comprehensive survey of individual Members of Congress and committees would be necessary to ascertain the extent to which the information they need is classified and the extent to which they are given the classified information which they seek. Similarly, access to the classified information would be necessary to determine if the information given out to Congress was the whole truth. Nevertheless the outlines of the situation can be traced without such comprehensive information.

### *B. Access of Congress to classified information*

The classification of information does not automatically mean that Members of Congress cannot obtain it. Long ago, before the classification system, President Washington recognized the right of the Senate to access

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of secret information when he placed before that body information which he had kept from the public and the House of Representatives regarding the Jay Treaty in 1796. Similarly today the Executive Branch appears to recognize the general right of Congress to be given classified information. Although there is nothing in Executive Order 10501 covering the specific subject of providing classified information to Congress, a Department of Defense directive makes it clear that classified information may be given upon request from Members of Congress and that it may be discussed with congressional committees in closed hearings. The directive states as policy that information not available to the public because of classification "will be made available to Congress, in confidence" in accordance with certain procedures.[62]

The Department of State regulations contain a recognition that classified information may be sent to Members of Congress in the statement "Classified or administratively controlled material may be sent to other Federal departments or agencies or to officials and committees of Congress or to individuals therein only through established liaison or distribution channels." [63] Further policy on this matter apparently does not appear in writing. However, according to one State Department official, by virtue of their office Members of Congress may be shown classified information even though they have not received formal clearances as individuals. Classified information is not ordinarily left with individual members, however, because of the lack of approved storage facilities for security materials.[64]

Committees often do have facilities and procedures for safeguarding classified material, and the congressional committees chiefly concerned with foreign and defense policy have been given sizeable amounts of classified information, usually through closed hearings. When the transcripts of the closed hearings are printed, the classified information is deleted unless the executive branch officials concerned declassify the information so that it can be made public.

The fact that Congress obtains a considerable amount of classified information does not mean that members of committees get all the classified information they request or need, however. The Department of Defense directive acknowledges that there may be "rare" instances in which there is a question whether information should be shown to a Member of Congress even in confidence. The directive specifies that a final refusal of information to a Member should be made only with the approval of the Head of the Department of Defense component concerned or the Secretary of Defense, and that a final refusal to a committee of Congress should be made only with the concurrence of the Assistant to the Secretary of Defense for Legislative Affairs. The latter is responsible for insuring compliance with any procedural requirements imposed by the President:

"In the rare case where there is a question as to whether particular information may be furnished to a Member or Committee of Congress, even in confidence, it will normally be possible to satisfy the request through some alternate means acceptable to both the requester and the DOD. In the event that an alternate reply is not acceptable, no final refusal to furnish such information to a Member of Congress shall be made, except with the express approval of the Head of the DOD Component concerned, or of the Secretary of Defense. The Assistant to the Secretary of Defense (Legislative Affairs) shall be informed of any such submissions to the Head of a DOD Component or to the Secretary of Defense. A final refusal to a Committee of Congress may be made only with the concurrence of the Assistant to the Secretary of Defense (Legislative Affairs), who shall be responsible for insuring compliance with all procedural requirements imposed by the President or pursuant to his direction." [65]

Instances in which members were not given information they believed they needed date back for many years. A survey conducted by the Subcommittee on Constitutional Rights of the Committee on the Judiciary in 1960 revealed several cases relating to foreign policy in which specific information or documents being sought were not transmitted or were transmitted only in part to members of Congress.

One case in that record involved Senator Humphrey in his capacity as Chairman of the Disarmament Subcommittee in 1960. In 1959, President Eisenhower announced a full review of United States disarmament policy under the chairmanship of Charles Coolidge. In January of 1960, Coolidge reported to the Secretaries of State and Defense and Senator Humphrey subsequently attempted to obtain the report. In response to a letter from Senator Humphrey, the Secretary of State said that the report was in the form of a working paper and was not being made public. The State Department also answered negatively the Senator's second letter requesting that the report be made available on an executive basis. When Senator Humphrey's third letter asked on what ground and under what authority the information was being denied, the Secretary replied that the study was prepared for internal use of the Secretaries of State and Defense only.

Similarly, Senator Fulbright, in response to the survey, related that he was denied a complete copy of the report of General Carroll on black market activities in Turkey in 1959. After exchanges of correspondence with the Secretary of Defense and the General Counsel of the Department of Defense, the Senator was given the first 15 pages but the General's conclusions were withheld and never made available.[66]

When a Member of a committee of Congress attempts to obtain a specific piece of classified information and is denied it, the problem merges with that of executive privilege. For though the information sought may be classified, withholding it from Congress apparently is more likely to be based on executive privilege than on the basis of classification. To deny it on the grounds of classification might imply either that the member of Congress seeking it did not have a need to know or that he was not trustworthy. The Committee on Government Operations reported in 1960:

"It should be borne in mind that none of the information withheld from this subcommittee has been withheld on the basis that it is classified; that is, that its release to a congressional committee would imperil the national security. . . .

"On a number of occasions, when the question was raised, the subcommittee has been directly told by executive branch officials that particular documents withheld were not being withheld on ground of security, but on the grounds of "executive privilege.' " [67]

Although the doctrine of executive privilege is controversial, as a practical matter when information is in the hands of the executive branch the President is physically or administratively able to withhold it if he deems it advisable.

More recently, the work of the Subcommittee on Security Agreements and Commitments Abroad demonstrates that committees can obtain a great deal of, but not all, classified information on a subject if they know it exists and are persistent.

The Subcommittee on Security Agreements and Commitments Abroad stated in its final report of December 21, 1969:

"The record of the Subcommittee is replete with a variety of instances in which we failed to obtain information without which the Congress cannot deal seriously, and as an equal, with the Executive Branch on matters of foreign policy.

"One of the more important of these was an understanding of the relationship which exists between the United States and the Royal Government in Laos. . . .

"When our initial Congressional effort was made to get the truth about Laos, we were either blocked, or the responses were misleading. . . .

"The details of agreements with Thailand, Korea, the Philippines, Ethiopia, Spain and other countries, which details remain classified, have been obtained during the Subcommittee investigation and discussed during country-by-country hearings. Few facts were volunteered in the first instance." [68]

Classification of information appears to present more of a problem to Congress when it prevents Congress from knowing enough about policies to raise questions about them or to ask to see the classified information which exists, and thus from participating in formulating policies. This is not a new problem. In the 1960 survey conducted by the Subcommittee on Constitutional Rights Senator Anderson, Chairman of the Joint Committee on Atomic Energy, responded with a list of instances in which the Joint Committee on Atomic Energy was not kept fully and currently informed by the Department of Defense as required by the Atomic Energy Act of 1954. One of the Senator's examples related that the Committee was informed of a proposed arrangement with an allied nation for the use and custody of an American air-to-air nuclear weapon by a special assistant to the Secretary of Defense in November of 1959, only after the planned arrangements had been discussed with the allied nation some time earlier in 1958 and the recommendation for the arrangement made by the Joint Chiefs of Staff in April 1959. The Defense Department in June of 1959 proposed that such an arrangement be entered into by the State Department. None of these dealings had been brought to the attention of the Joint Committee until November.[69]

The Symington Subcommittee report, discussing the growth of the United States commitments involving defense of other countries, said:

"One secret agreement or activity [regarding Southeast Asia] led to another, until the involvement of the United States was raised to a level of magnitude far greater than originally intended.

"All of this occurred, not only without the knowledge of the American people, but without the full knowledge of their representatives or the proper committees of the Congress.

"Whether or not each of these expensive and at times clearly unnecessary adventures would have run its course if the Congress and/or the people had been informed, there would have been greater subsequent national unity, often a vital prerequisite to any truly successful outcome." [70]

The Senate Foreign Relations Committee hearings on Laos released in October 1969, six monhs aftter they were held, revealed that for five years the United States had been waging a secret war in northern Laos. In his testimony, the United States Ambassador to Laos told the committee that the United States had no military training and advisory organizaion in Laos; that there were no U.S. advisors with the Laotians; and that Air America carried equipment only for the AID program and was not involved in combat operations. The Ambassador neglected to acknowledge the significant role of the U.S. Air Force which had been bombing northern Laos for years. When confronted at later hearings by the committee, the former ambassador said that he did not discuss the bombing because he was not asked any direct questions about United States operations in northern Laos. Senator Fulbright went to the heart of the problem when he answered:

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"We do not know enough to ask you these questions unless you are willing to volunteer the information. There is no way for us to ask you questions about things we don't know you are doing." [71]

Senator Symington pointed out that the secrecy imposed by the executive "prevented any objective review by the Congress of our policy. . . .," but that when details of the heavily stepped-up bombing were finally disclosed to the Members, Congress took action by adopting an amendment which prohibited the sending of ground combat troops into Laos.[72]

### *C. Congress, classified information, and public opinion*

In addition to the foreign policy functions of Congress set by the Constitution, Congress plays a role as a link with public opinion. Its hearings and debates help keep the public informed of the various sides of foreign policy issues and reflect the diverse views of the American people. President Nixon recognized this role for Congress when he wrote in the conclusion of his Second Annual Review of United States Foreign Policy.

"Charged with constitutional responsibilities in foreign policy, the Congress can give perspective to the national debate and serve as a bridge between the Executive and the people." [73]

A number of Members of Congress have also seen the informing and reflecting of public opinion as one of the most important current roles of Congress in the foreign policy field. Senator Javits in an article in Foreign Affairs last year wrote:

"A major function of the Congress with respect to the great issues of foreign policy and national security is that of shaping as well as articulating public opinion. In a democracy such as ours, governmental action is possible only within parameters defined by public attitudes and opinions. In the major Senate foreign policy debates of the very recent past—Viet Nam and ABM—we have learned that the development and public presentation of new information and interpretations bearing on the great issues is a vital Congressional function as well a potent instrumentality in asserting legislative prerogatives and responsibilities."

Senator Fulbright in The Arrogance of Power expressed the view that:

"Congress has a traditional responsibility, in keeping with the spirit if not the precise words of the Constitution, to serve as a forum of diverse opinions and as a channel of communication between the American people and their government." [75]

Classification of information has been a major problem to Congress in fulfilling this role. As long as the information remains classified, Congress cannot publicly debate it to inform the people or to inform other Members voting on legislation. The frustrations inherent in this were expressed by Senator Fulbright in hearings on United States commitments in Morocco. Senator Fulbright contended that it was Congress' responsibility to be concerned with the funding of United States installations in Spain and Morocco and told executive branch officers, "But then you said, it is classified, it would not do to talk about it. Therefore, we cannot even discuss it on the Senate floor." [76]

To meet this problem, Congress has played an important part in getting information declassified to make it available to all. A process of negotiation has been used by congressional committees to make testimony given in secret or in closed hearings by executive branch representatives a matter of public record. The transcripts of the hearings given in executive session are submitted to the executive agency involved for review. The agency marks those portions of the testimony which, in its opinion, should remain classified. When the agency gives reasons for classifying a certain portion other than security, the committee attempts to persuade the officials to declassify more information. Walter Pincus, former chief consultant to the Symington Subcommittee on United States Security Agreements and Commitments Abroad of the Senate Foreign Relations Committee, discovered that "the declassification of some security information and almost all of the political material—at any level of classification, even top secret—was negotiable." [77] In one particular hearing, Pincus relates, the Administration deleted 60 to 70 percent for reasons of "security." After negotiation with the subcommittee, almost 80 percent of the hearings were made public. Pincus concluded that the amounts of "secret" material was sharply reduced, not for any reason other than it probably did not deserve to be classified in the first instance.[78]

One problem associated with this declassification through negotiation procedure is that various committees may have different practices on classified information. One committee might be treating information as secret which another committee published with the agreement of the Executive Branch that it could be declassified.

Related to the problem of congressional efforts to get classified material declassified is the issue regarding the type of material which finds itself labeled with a security classification and therefore generally withheld from Congress. Reference has already been made to Walter Pincus, former consultant to the Symington subcommittee, who stated that much of the information should not have been classified from the start. Much credence must be given also to the former chief civilian classification officer in the Department of Defense, William G. Florence, who in testimony before the Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations in June 1971 stated that, ". . . the disclosure of information in at least 99½ percent of those classified documents could not be prejudicial to the defense interests of the nation." [79]

Some time earlier, Senator Humphrey made a statement entitled, "The Experience of the Senate Subcommittee on Disarmament on the Declassification of Government Documents and Testimony" before the Moss Subcommittee on Government Operations in 1959 to illustrate that "information is withheld for reasons that cannot be justified in the name of national security. . . ." Humphrey gave as his example the Department of the Army's restoring over 90 percent of the testimony of then Army Chief of Staff, General Maxwell Taylor, when challenged on the classification of the officer's testimony.[80]

One of the factors in this case as in many others involving classified information is that much of the data is classified mainly to keep policy decisions from being made public. Walter Pincus wrote that in the Symington subcommittee hearings on the Philippines, the Administration's deletions, amounting to from 60 to 70 percent of the transcript, fell into two categories: security and political. The subcommittee was able to enter into negotiations with the Administration to declassify the political testimony only after a threat of public subcommittee hearings on the subject.[81] Without such efforts, declassification decisions would be entirely in the hands of the Executive Branch and the knowledge made available to the public would depend on what the Executive-Branch alone wanted the public to know.

## V. PROPOSALS FOR CHANGING THE CLASSIFICATION SYSTEM

### *A. Past efforts*

Many of the problems involved in the classification system have long been recognized and there have been many proposals for changing the system. Some of these proposals have resulted in changes but others have not. A brief survey of some of the major studies of the classification system in the past and their recommendations demonstrates that such problems as overclassification are not new. A few examples follow:

#### 1. Coolidge Committee

A Committee on Classified Information was appointed by Secretary of Defense Charles E. Wilson on August 13, 1956, because of the latter's concern about unauthorized disclosures of information. Headed by Charles A. Collidge, the committee reported on November 8, 1956, that while the classification system under Executive Order 10501 seemed "beyond reasonable criticism as a matter or theory", the system in practice could justifiably be criticized both for withholding too much information and for harmful leaks of information.[82] The recommendations of this Committee included (1) making a determined attack on overclassification; (2) cutting down the number of persons authorized to classify documents as top secret; (3) making clear that classification was not to be used for information not affecting the national security and specifically not for administrative matters; (4) establishing within the Office of the Secretary of Defense an official responsible for establishing, directing, and monitoring an active declassification program, the official to be separated from the direct influence of both security and public information officials in order to bring an unbiased judgment to the field of classification; and (6) supplying more specific guidelines on classification criteria.

#### 2. Commission on Government Security

Another group which concerned itself with the defense classification system was the Commission on Government Security established pursuant to P.L. 84–304, approved August 9, 1955. The Commission consisted of several Members of Congress as well as private citizens with Loyd Wright as chairman and Senator Stennis as Vice Chairman. The Commission, which also examined other aspects of the effort to protect national security including the Federal Civilian Loyalty Program, the Atomic Energy Program, and the immigration and nationality program, expressed its conviction that "an adequate and realistic program for control over information or material of concern to national defense or security is vitally important to the objectives of our national security program.[83] The reason behind document classification, the Commission stated, was the necessity for balancing the need to insure that hostile eyes did not gain access to information the country wished to safeguard against the need to make certain that the American people and friends had access to all information which would help in the achievement of peace and security. The problem was how best to achieve this balance.

The Commission recommended the establishment of a "Central Security Office having review and advisory functions with respect to the Federal document classification program and to make recommendations for its improvement as needed." [84] The Central Security Office was also to have other functions such as hearing cases on government employees whose loyalty was questioned. The Commission concluded that the problem of the classification program was not a matter of the criteria established by Executive Order 10501. However, it recommended a few modifications, particularly the abolition of the "confidential" classification on defense information in the future. It expressed the belief that the document classification program should be embodied in an executive order, with the exception of the review and advisory functions of the proposed Central Security Office which it stated required legislation.[85]

#### 3. Special Government Information Subcommittee Proposals

The House Committee on Government Operations has recommended various changes

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Footnotes at end of article.

in Executive Order 10501 since its Special Government Information Subcommittee (Moss Subcommittee) was formed in 1955. It reported in 1962 in a study on the status of that executive order that as the committee had made various recommendations there had been gradual progress toward resolving the conflict between the necessity for an informed public and the necessity for protecting defense information. Its 1962 report stated:

"There has been a gradual recognition of the fact that the ideal information security system is one which defines very carefully those secrets which are imperative to the Nation's defense and then protects them as carefully as possible. Thus, Executive Order 10501 has evolved from a sort of catchall system permitting scores of Government agencies and more than a million Government employees to stamp permanent security designations on all kinds of documents, to a system permitting only those officials directly involved in security problems to place on limited numbers of documents security classifications which are to be removed with the passage of time." [86]

Nevertheless, the committee reported, two of the most important problems remained to be solved. One of these problems was the lack of penalties for abuse of the classification system by withholding all kinds of administrative documents in the name of security. The report stated:

"A security system which carries no penalties for using secrecy stamps to hide errors in judgment, waste, inefficiency, or worse, is a perversion of true security. The praiseworthy slogan of Defense Secretary McNamara—"when in doubt, underclassify"—has little effect when there is absolutely no penalty to prevent secrecy from being used to insure individual job security rather than national military security." [87]

To meet this problem, the committee urged the Defense Department to establish administrative penalties for misuse of the security system until set penalties could be established.

The other problem it noted on which progress had not been made was the lack of an effective procedure for appeals against abuse of the classification system. To meet this problem, the committee urged that the appeals section of Executive Order 10501 be implemented in an effective manner. It stated that "until a responsible individual in the White House is charged with the primary duty of receiving and acting upon complaints against abuse of the classification system—until a full operating appeals system is set up and widely publicized—the most important safety valve in the information security system is completely useless." [88]

### *B. Current study in executive branch*

The Administration has launched two new efforts this year relating to the classification problem. On August 3, 1971, President Nixon asked Congress to approve a supplemental appropriation for fiscal 1972 of $636,000 for the General Services Administration to begin an immediate and systematic effort to declassify the documents of World War II. In his message he stated that representatives of the National Archives, the General Services Administration, and the Department of State and Defense had agreed that 90 to 95 percent of the classified documents of World War II, involving 160 million pages, 48,000 cubic feet of record storage space, and 18,500 rolls of microfilm, could the declassified if funds were available.[89]

In addition, on January 15, 1971, President Nixon directed that a study be made of the classification procedure. William H. Rehnquist, an Assistant Attorney General and Director of the Office of Legal Counsel in the Department of Justice, was named chairman of the working group comprised of representatives from the executive departments affected. The study has not yet been completed. However, on August 12, 1971, John D. Ehrlichman, Assistant to the President for Domestic Affairs, and John Dean, Counsel to the President, gave a progress report on the study in a press conference.

Mr. Ehrlichman said the final recommendations are expected to cover both the classification and declassification systems, proceeding on the "basic principle that we are going to be classifying fewer documents in the future, but classifying them better," and that there should be limits on distribution to persons with clearance on a strict need-to-know basis. The direction thus far indicated, he said, that there would be new limits on the right to duplicate and disseminate documents.

Mr. Ehrlichman said the President had decided he would expand his request for appropriations to speed the declassification process and has asked for a special study of methods by which first priority could be given to declassifying information relating to events of special historical incidents, particularly the Korean War, the action in Lebanon under President Eisenhower, and the Cuban action under President Kennedy. The criteria for declassification would be (1) that the release of the documents would not jeopardize current intelligence sources and (2) that release could not imperil current relations with other governments or seriously and unnecessarily embarrass foreign citizens. Finally, Mr. Ehrlichman said:

"The recommendations of the committee will undoubtedly be in the direction of a system which will impose a presumption, after passage of a certain period of time, that a document should be declassified, which presumption could be rebutted by a showing that it would be contrary to the national interests to declassify it at that time.

"The presumption now runs in the other direction; that a document will remain classified unless someone can move forward and sustain the burden that it should be declassified." [90]

### *C. Other recent proposals*

Several proposals for legislation have been made in the 92nd Congress to deal with the problem of classification of materials by the executive branch. Some of these deal only with information from a single agency, such as the proposal by Senator Cooper in S. 2224 to make it the duty of the Central Intelligence Agency to keep fully and currently informed the Committee on Foreign Relations and Armed Services, with the intelligence information thus acquired to be made available to any Member of Congress under rules prescribed by the committees. This study will discuss only proposal dealing with the problem of classified information throughout the Executive Branch. While most have been introduced since the release of the Pentagon papers, some have a history which goes back several Congresses.

#### 1. Temporary Study Commission or Committee

One approach which has been suggested is the establishment of a temporary commission or joint congressional committee to make a study of the specific problem of classification of information and make recommendations for legislation or other governmental action. For example, S. J. Res. 119 introduced by Senator Roth and others on June 24, 1971, would set up a commission of seven members (two Senators, two Representatives, and three private citizens including one representative of the press). The commission would be called upon to study all laws, regulations, and procedures relating to classification and make recommendations and a report by February 1, 1972.

A similar proposal would establish a select joint committee of Congress known as the "Committee on Freedom of Information" to make a study of the problem. This has been proposed by Rep. Harrington and others in H. Con. Res. 348 introduced June 24, 1971. The select committee would "conduct a full and complete investigation and study as to whether the policies and procedures followed by the agencies, departments, and instrumentalities of the Federal Government, with respect to the classification and dissemination of information, are adequate to insure the free flow of information that is necessary for the intelligent and responsible exercise of constitutional rights, duties, and powers by Members of the Congress, the Congress, and the people of the United States."

The establishment of a temporary study commission or committee would have the advantage of assuring a thorough preliminary study prior to making changes in the existing system. Whether it would have meaningful results would depend upon the degree to which further action were taken upon the basis of its study and recommendation.

#### 2. An Independent Review Board or Commission

Another suggestion which has been made is for a permanent commission or independent review board to review classification policies or decisions or to declassify documents at its discretion. Senator Muskie, for example, has said he intended to propose legislation for the creation by Congress and the President of an independent board which would be responsible for declassifying documents.[91] It would be enabled to make a document public after a two year waiting period or to send relevant documents at any time to the appropriate committee of Congress.

Senator Muskie has stated that the establishment of an independent review board would give the President and the Departments a strong incentive to be frank about the facts since they would be revealed soon anyway. His view is that such a board would protect national security without allowing security classification to hide blunders or launch covert actions.[92] The Board would be bipartisan and composed of one member from the Government, one from the press, and five from the public, with non-renewable terms.

Representative Hébert introduced an amendment to the National Security Act of 1947 on July 15, 1971, which would establish a Commission on the Classification and Protection of Information (H.R. 9853). The Commission would have a total of twelve members, two from the Senate, two from the House of Representatives, and four each appointed by the President and the Chief Justice. Its purpose would be to make a continuing study and review of the classification rules and practices. Similarly, one of the possibilities to be explored by the proposed study commission under S.J. Res. 119 introduced by Senator Roth would be the feasibility of establishing an independent agency to ensure the full disclosure of information while protecting the security of the United States. A number of other bills have been introduced which would have the effect of creating an independent board or commission on classification.

As has been noted, a Central Security Office was suggested by the Commission on Government Security in 1957. However, the recent proposals for an independent board or commission appear to differ from the earlier proposal in several ways. First, the Central Security Office would have had several other functions; any relating to classification would have been only a segment of its responsibilities. Second, the Central Security Office would have been part of the Executive Branch although independent of any department. Third, the Central Security Office would not have had power to review individual documents for the purpose of determining whether or not they were properly classified. It would have been limited to considering policies and procedures expediting declassification, and suggesting recommen-

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Footnotes at end of article.

dations to make the security programs of various agencies uniform, consistent, and effective.[93]

The feasibility and effectiveness of an independent commission or board could vary according to the purpose sought and the functions assigned to such a group.

If it had the confidence of both the Congress and the Executive, an independent board or commission might be able to arbitrate differences of opinion between the two branches as to whether specific data should be made public. At the present time the Executive Branch is usually permitted the final decision by Congress and only rarely does a Member defy the classification stamp and make public a classified document without the consent of the Executive Branch. Under some proposals for a Joint Congressional Committee on classified information. however, apparently the final decision on a dispute over the classification of a document in dispute might be made by the Joint Committee, an arm of Congress.

If one of the functions of the commission was to oversee the classification process and review classified documents in general, one problem would be to ensure that it was given or had access to all classified documents so that it could review them. In view of the time necessary to read and understand the significance of documents and the large number of documents which would apparently be involved, any comprehensive review of classified information could be extremely time consuming. President Nixon has estimated that it will require 100 people five years to review the 160 million pages of documents from World War II which are still secret.[94] General review functions, therefore, might require a commission or board with a rather large staff.

In establishing the duties of the commission, however, methods might be found by which the review commission did not attempt to review all classified documents but only certain ones. For example, if it were provided that all documents would be automatically declassified within a certain period unless the review board determined that they should not be, the burden of initiating an exception and proving the need of continued classification would rest on the agency desiring to keep a document secret. Or, as has been suggested in one proposal, documents would be reviewed at the time they were first classified and each classification would have to be justified at that point.[95] The problem would remain, however, of whether the board would know if any agency had withheld documents from the review process.

### 3. Permanent Joint Congressional Committee on Security Information

Another approach is the establishment of a permanent joint congressional committee to serve as a watchdog on classification policies. This offers a direct way to give Congress a more active role in determining classification policy. In addition, since the membership of Congress reflects a wide range of opinion on how much and what kind of information should be made public, it might offer a way to find a good balance between that information which should be available to all and that which should be kept secret in the interests of national security.

Several bills have been introduced in the 92nd Congress calling for the establishment of a Joint Congressional Committee on Classified Information. These are quite similar in the functions they provide for the committee but vary in the size and composition of the membership. The joint committee would be responsible for continuing investigation of practices and methods used in the executive branch to classify information for defense and security purposes, and of suspected misuse of such classification for purposes contrary to the public welfare. Upon findings of such misuse the committee could initiate such action as it deemed necessary to prohibit such misuse, sometimes including making any classified information which it considered ought not to be classified available to the public. The joint committee would also be responsible for assuring that classified information was available to Congress unless it agreed otherwise.

As an example of the way the joint committee might be composed, H.J. Res. 745, introduced by Congressman Addabbo on June 24, 1972, and in the 91st Congress as H.J. Res. 1131, would create a committee of 18 members to be composed of the chairman and ranking minority members of the House and Senate Armed Services Committee, the Foreign Relations and Foreign Affairs Committees, the Defense Appropriations Committees of the House and Senate, three other members of the Senate appointed by the President of the Senate, and three other members of the House appointed by the Speaker of the House.

S. 2290, introduced by Senator Humphrey on July 15, 1971 would establish a joint committee of 25 members, including the Speaker of the House; Majority and Minority leaders of the Senate and the House; Chairman and ranking minority members of the following committees of both houses. Appropriations, Armed Service, Foreign Affairs/Foreign Relations; three additional members of the House and Senate; and two members of the Joint Committee on Atomic Energy.

### 4. Legislation Revising Classification Procedures

Another approach is to establish through legislation the regulations and procedures for classification as Executive Order 10501 now does or to supplement that order to remedy the weaknesses which have appeared in its implementation. Rep. Gibbons has recommended that Congress pass legislation which, in addition to establishing a congressional oversight committee, would provide a clear definition of national security matters which could be classified and the circumstances under which such classification could be imposed. He proposed that each agency be required to number classified documents chronologically and provide to Congress annually a list of its classified documents identified by number. The list would be required to contain also an indication of the number of classified documents from the preceding year, a listing of the documents which had been declassified, and an indication of how long the remaining documents had been classified. The departments and agencies, under his proposal, would be required to review classification annually and the continued classification of any document for three or more years would require the authorization of the head of the agency or departments.[96]

Senator Mansfield has said:

"Perhaps the need is for a 20th Century Stamp Act, which would define more precisely who has the right to stamp the various classifications, and under what circumstances, and to require a justification by originator of the classification as to his selection and how public dissemination would compromise national security."[97]

The proposal has also been made that Executive Order 10501 should be rescinded so that there would be no authority for a large number of people throughout government to classify information. Mr. William Florence, a retired civilian official of the Air Force who had extensive experience with the classification system, has suggested the rescinding of Executive Order 10501 (as necessary to root out the classification habits which have developed) and its replacement with legislation controlling defense information. He stated in testimony before the Government Operations Committee on June 24, 1971:

"I respectfully suggest the enactment of legislation for controlling "defense information" or "defense data" similar to that which covers "restricted data" under the Atomic Energy Act of 1954. The Congress could decide upon appropriate language, sufficiently precise, that would include only those elements of military information which warrant and must be accorded effective protection against disclosure. We could easily amend the existing order, but we cannot amend people. The use of so-called classifications or other similar labels should be avoided. Any proposed disclosure not authorized by the statute could be stopped, and any unlawful disclosure could be the basis for penalty. The degree of punishment should be made commensurate with the seriousness of the violation, not necessarily a severe penalty."[98]

### 5. Legislation Providing for Automatic Declassification

As an alternative approach, instead of addressing itself to classification procedures legislation might be directed toward facilitating declassification. For example, a law might be passed after a certain period of time all documents would be automatically declassified unless some positive determination were made that a document should remain classified, thus making it easier to declassify documents than to keep them classified. The time period might be set as low as one year or as high as fifty years. Dr. Edward Teller, for example, has suggested that the United States declassify all secret documents after a year because "That is the period of time during which we can keep secrets. In a longer period, we cannot."[99] At the other extreme, a fifty-year limit, which the British Official Secrets Act sets, after which all official documents must be made public, has been criticized as being too long and as inhibiting the publication of documents before that time.[100] However, even a long time-limit assures that all documents would eventually be declassified without a time-consuming and expensive review. Apparently the Administration is considering this general approach, although not necessarily through legislation.[101]

### 6. Study by Qualified Historians

The recent controversy over the unauthorized publication of a classified Department of Defense history of the Vietnam war, the "Pentagon Papers," focused attention on the importance to historians of declassifying documents relating to past events. In addition to arguing that there is a need for the data to make wise foreign policy decisions on current problems, some historians have attempted to gain recognition of the needs of historians in compiling accurate factual histories of U.S. foreign policy. Currently the time lag between the occurrence of an event and its publication in the "Foreign Relations of the United States, Diplomatic Papers" volume is 25 years, and the delay continues to grow longer. Some historians have gone so far as the judicial system to force the release of specific information, as in Operation Keelhaul mentioned earlier, without success.

An editorial in the Washington Post of July 7, 1971, by Henry Owen outlines a proposal suggested in recent years by historians. This would call for the opening up of all historical records, with a few exceptions, to qualified, professional historians after a specified amount of time. These historians would then compile histories of U.S. foreign policy under the sponsorship of University or Foundation grants. This was done by the government in the late 1940's for two historians whose work on the Second World War has become an important historical source.

### 7. Congressional Vigilance

Whether or not new laws relating to classified information are enacted or new machinery for classification and declassification is established, there may be a considerable amount that can be done to minimize the impediments which classified information places on the work of Congress in the field of foreign affairs. For example, reporting pro-

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Footnotes at end of article.

visions in legislation can require that certain information be transmitted to Congress. Resolutions can be passed requesting the release of specified information if enough members believe that the information should be released. New legislation can be reviewed to ascertain whether it sanctions classification of information by such means as requiring clearances for access to certain information, and if so whether the legislation also provides safeguards against withholding information from Congress. Congressional review and oversight activities can be intensified over the areas and agencies in which large amounts of classified information render inadequate the amount of information available to the general public.

The power of the purse can be utilized by specific provisions such as Section 624(d)(7) and 634(c) of the Foreign Assistance Act of 1961 as amended, and Section 502 of the Foreign Assistance and Related Programs Appropriation Act, 1971, relating the release of funds to the provision of information requested by a committee or subcommittee of Congress. These particular provisions permit information to be withheld upon a personal certification by the President that he has forbidden the furnishing of the specified information. Such a personal certification was made by the President on August 30, 1971, to prevent a suspension of Military Assistance Program funds after the Secretary of Defense had refused to supply the Senate Foreign Relations Committee with a requested five-year plan for military assistance. The withholding of information was done on the grounds of executive privilege and the need for "privacy of preliminary exchange of views between personnel of the Executive Branch" rather than security classification. It appears to have been facilitated, however, by the provision of the law permitting a waiver upon the President's personal certification. In its 1960 report: "Executive Branch Practices in Withholding Information From Congressional Committees," The House Committee on Government Operations endorsed the use of the power of the purse for the purpose of obtaining information necessary for Congress to perform its functions, stating as its concluding paragraph:

"Utilizing the power of the purse, the Congress can and should provide in authorizing and appropriating legislation, that the continued availability of appropriated funds is contingent upon the furnishing of complete and accurate information relating to the expenditure of such funds to the General Accounting Office and to the appropriate committees, if any, at their request." [102]

Congress can survey its own policies and practices in handling classified information and revise them if they seem to be either a barrier to the declassification of information or a barrier to obtaining or debating secret information. For example, if the lack of proper storage facilities has been used as a reason for not leaving classified material with Members of Congress, consideration could be given to providing the necessary facilities. Similarly, Congress could survey its own sources of information in the foreign affairs field and, if the Executive Branch does not cooperate in supplying the information it gathers, consider expanding or utilizing its own investigative resources more fully. For information which remains classified, it could make more frequent use of closed sessions of the Senate, as in the debate on Laos on June 7, 1971.

If any event, the many proposals which have been introduced in Congress indicate that a new attitude toward classified information is developing. A greater awareness of the hazards in Executive Branch secrecy is leading to a greater vigilance on the part of Congress against misuse of the classification system. A new determination by Congress to play its full constitutional role in the making of foreign policy may be bringing an end to an era in which persons without access to classified information were often made to feel that they could not debate foreign policy issues on a par with officials in the Executive Branch.

### FOOTNOTES

[1] For an examination of the question of executive privilege, see the Congressional Research Service report, "Executive Privilege, a Brief Survey," by Majorie Browne, July 23, 1971. C.R.S. Multilith 71–238F.

[2] U. S. Congress, Senate, Executive Journal, vol. I, p. 55 (Aug. 4, 1970).

[3] National Archives, "Origin of Defense-Information Markins in the Army and Former War Department," prepared by Dallas Irvine, Dec. 23, 1964, p. 2.

[4] Ibid.

[5] Ibid., p. 7.

[6] Ibid., p. 16.

[7] Ibid., p. 21.

[8] Ibid., p. 24. Change No. 3 in Army Regulation No. 850, Feb. 12, 1935.

[9] Sec. 795 of title 18, United States Code.

[10] Par. 3, Executive Order 8381, Federal Register, Mar. 26, 1940, vol. 5, p. 1147–1148.

[11] Executive Order No. 10104 "Basic Documents," op. cit. p. 14.

[12] Pt. II, par. 4, Executive Order 10290, Federal Register Sept. 27, 1951, vol. 16, p. 9797.

[13] U.S. Congress, Senate, Committee on Foreign Relations, Subcommittee on United States Security Agreements and Commitments Abroad, 91st Cong., hearings, vol. II, pp. 2008–2010, Washington, U.S. Government Printing Office, 1971. Hereinafter cited as "Security Agreements and Commitments Abroad Hearings."

[14] Ibid., p. 2010.

[15] Ibid.

[16] Ibid., p. 2011.

[17] U.S. Congress, House, Committee on Government Operations, "Amending Sec. 161 of the Revised Statutes With Respect to the Authority of Federal Officers and Agencies To Withhold Information and Limit the Availability of Records." H. Rept. 1461, 85th Cong., 2d sess., p. 1.

[18] Ibid.

[19] Hearing on U.S. security agreements and commitments abroad, op. cit. p. 2010.

[20] Congressional Research Service, "Basic Documents on Security Classification of Information for National Security Purposes," Multilith 71–172 F, hereinafter cited as "Basic Documents," p. 15.

[21] Basic Documents," op. cit. p. 4.

[22] Title 18, United States Code, sec. 798. "Basic Documents," op. cit. p. 15.

[23] National Archives, op. cit., p. 20.

[24] Ibid., p. 24.

[25] "Security Agreements and Commitments Abroad Hearings," op. cit., p. 2011.

[26] Ibid.

[27] Sec. 102(d)(3), Public Law 253, 80th Cong., July 26, 1947, as amended. U.S. Senate, Committee on Armed Services, National Security Act of 1947 as amended through Dec. 31, 1969. Committee print, pp. 4–5.

[28] "Security Agreements and Commitments Abroad Hearings," op. cit., p. 2011.

[29] Title 50, United States Code, sec. 783.

[30] *Scarbeck* v. *U.S.*, 1962, 317 F. 2d 546.

[31] "Security Agreements and Commitments Abroad Hearings," op. cit., p. 2003.

[32] Atomic Energy Act of 1954, Public Law 83–703, as amended, sec. 11y.

[33] U.S. Congress, Joint Committee on Atomic Energy, "Atomic Energy Legislation Through 90th Cong., 2d sess.," December 1968, p. 42.

[34] Ibid., p. 43.

[35] Public Law 89–487, sec. 3(f), "Basic Documents," op. cit., p. 25.

[36] U.S. Congress, Senate, Committee on Foreign Relations, House, Committee on Foreign Affairs, "Legislation on Foreign Relations With Explanatory Notes," 92d Cong., 1st sess. Joint committee print, April 1971, p. 137.

[37] For an explanation of the relationship of defense information to diplomacy and foreign policy, see p. 18.

[38] See U.S. Congress, House, Committee on Government Operations, 25th report, "Executive Branch Practices in Withholding Information From Congressional Committees," 86th Cong., 2d sess. H. Rept. No. 2207, Washigton, U.S. Government Printing Office 1960, 14 pages.

[39] See 18 U.S.C. 798.

[40] Executive Order 10501, sec. 5(j).

[41] Ikenberry, Kenneth, "U.S. Security Classification a Maze of Rules," The Sunday Star, Washington, Nov. 9, 1969.

[42] 32 Federal Register, 250, Dec. 28, 1967.

[43] Nuclear Industry, March 1970, pp. 59–61.

[44] The Arms Control and Disarmament Agency (ACDA) is probably a major exception to this rule in its concern over hardware as well as policy.

[45] U.S. Department of State, "Uniform State/AID/USIA Security Regulations, Physical and procedural," Washington, U.S. Government Printing Office, 1969. Sec. 911.2.

[46] Ibid., sec. 901.4.

[47] Testimony of Arthur J. Goldberg before the Foreign Operations and Government Information Subcommittee of the Committee on Government Operations of the House of Representatives, June 23, 1971. Mimeographed statement.

[48] Statement by Mr. William G. Florence, retired civilian security classification policy expert, submitted to the Foreign Operations and Government Information Subcommittee of the U.S. House of Representatives Committee on Government Operations, June 24, 1971. Mimeographed prepared statement.

[49] Ibid.

[50] "The Duty of Print," Christian Science Monitor, June 23, 1971.

[51] The Wall Street Journal, June 25, 1971.

[52] Ibid.

[53] Florence, op. cit.

[54] Harvard Law Review, Cambridge, Mass., February 1970, p. 923.

[55] Epstein, Julius. "A Case for Suppression," New York Times, Dec. 18, 1970, p. 39.

[56] Affidavits by Frankel, New York Times, June 19, 1971, p. 10.

[57] Affidavit submitted by Washington Post Executive Editor Benjamin C. Bradlee to the U.S. District Court for the District of Columbia, Boston Globe, June 27, 1971, p. 5.

[58] Ibid.

[59] Ashworth, George W., "U.S. Secrets and How They Grow," Christian Science Monitor, Mar. 31, 1969, p. 1.

[60] Ibid, p. 6.

[61] Feis, Herbert, "The Shackled Historian," Foreign Affairs, January 1967, p. 337.

[62] Department of Defense Directive No. 5400.4. "Provision of Information to Congress," Feb. 20, 1971, sec. III.B.

[63] Uniform State/AID/USIA Regulations, sec. 948.1.

[64] Based on telephone conversation with Alexander Schnee, legislative officer, Bureau of Congressional Relations, Department of State, July 30, 1971.

[65] Department of Defense Directive 5400.4, Sec. IV.B.2.

[66] U.S. Congress, Senate, Committee on the Judiciary, Subcommittee on Constitutional Rights, "Withholding of Information From the Congress," 86th Cong., 2d sess., Washington, Government Printing Office, 1961, pp. 18–19.

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[80] U.S. Congress, Senate, Committee on the Judiciary, "Withholding of Information From the Congress," committee print, 1961, p. 35.

[81] Pincus, op. cit.

[82] Report to the Secretary of Defense by the Committee on Classified Information, Nov. 8, 1956, U.S. Congress, House, Committee on Government Operations, "Availability of Information From Federal Departments and Agencies," hearings, pt. 7, Washington, U.S. Government Printing Office, 1957, p. 2134.

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[87] Ibid.

[88] Ibid.

[89] Weekly Compilation of Presidential Documents, p. 1117.

[90] White House press release, Aug. 12, 1971.

[91] Remarks by Senator Edmund S. Muskie, Garden City, N.Y., June 20, 1971, Congressional Record, vol. 117, pt. 20, p. 25946.

[92] Ibid., p. 25947.

[93] Commission on Government Security, op. cit., pp. 89 and 182.

[94] Washington Post, Aug. 4, 1971.

[95] Hudson, Richard, "Let's Declassify," New York Times, July 1, 1971, p C47.

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[101] See above sec. B., "Current Study in Executive Branch."

[102] U.S. Congress, House, Committee on Government Operations, 25th Report, "Executive Branch Practices in Withholding Information From Congressional Committees," 86th Cong., 2d sess., H. Rept. No. 2267, Aug. 30, 1960, p. 14.

## BASIC DOCUMENTS ON SECURITY CLASSIFICATION OF INFORMATION FOR NATIONAL SECURITY PURPOSES

(Weston Burnett, research assistant, foreign affairs division, July 15, 1971)

### EXECUTIVE ORDER 10501—SAFEGUARDING OFFICIAL INFORMATION

Nov. 9, 1953, 18 F.R. 7049, as amended by Ex. Ord. No. 10816, May 8, 1959 24 F.R. 3777; Ex. Ord. No. 10901 Jan. 11, 1961, 26 F.R. 217; Ex. Ord. No. 10964 Sept. 20, 1961, 26 F.R. 8932; Ex. Ord. No. 10985 Jan. 15, 1962, 27 F.R. 439; Ex. Ord. No. 11097, Mar. 6, 1963, 28 F.R. 2225; Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247.

SOURCE: U.S. Laws Statutes, etc., United States Code Annotated. St. Paul, Minnesota; West Publishing Company, 1927—(Title 50, War and National Defense, Section 401, pages 35–45).

SECTION 1. Classification Categories. Official information which requires protection in the interests of national defense shall be limited to three categories of classification, which in descending order of importance shall carry one of the following designations; Top Secret, Secret, or Confidential. No other designation shall be used to classify defense information, including military information, as requiring protection in the interests of national defense, except as expressly provided by statute. These categories are defined as follows:

(a) Top Secret. Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret Classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans or intelligence operations, or scientific or technological developments vital to the national defense.

(b) Secret. Except as may be expressly provided by statute, the use of the classification Secret shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important intelligence operations.

(c) Confidential. Except as may be expressly provided by statute, the use of the classification Confidential shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could be prejudicial to the defense interests of the nation.

SEC. 2. Limitation of authority to classify. The authority to classify defense information or material under this order shall be limited in the departments, agencies, and other units of the executive branch as hereinafter specified.

(a) In the following departments, agencies, and Governmental units, having primary responsibility for matters pertaining to national defense, the authority for original classification of information or material under this order may be exercised by the head of the department, agency, or Government unit concerned or by such responsible offices or employee as he, or his representative, may designate for that purpose. The delegation of such authority to classify shall be limited as severely as is consistent with the orderly and expeditious transaction of Government business.

The White House Office.
President's Science Advisory Committee.
Bureau of the Budget.
Council of Economic Advisers.
National Security Council.
Central Intelligence Agency.
Department of State.
Department of the Treasury.
Department of Defense.
Department of the Army.
Department of the Navy.
Department of the Air Force.
Department of Justice.
Department of Commerce.
Department of Labor.
Department of Transportation.
Atomic Energy Commission.
Canal Zone Government.
Federal Communications Commission.
Federal Radiation Council.
General Services Administration.
Interstate Commerce Commission.
National Aeronautics and Space Administration.
National Aeronautics and Space Council.
United States Civil Service Commission.
United States Information Agency.
Agency for International Development.
Office of Emergency Planning.
Peace Corps.
President's Foreign Intelligence Advisory Board.
United States Arms Control and Disarmament Agency.
Export-Import Bank of Washington.
Office of Science and Technology.
The Special Representative for Trade Negotiations.

(b) In the following departments, agencies, and Government units, having partial but not primary responsibility for matters pertaining to national defense, the authority for original classification of information or material under this order shall be exercised only by the head of the department, agency, or Government unit without delegation:

Post Office Department.
Department of the Interior.
Department of Agriculture.
Department of Health, Education, and Welfare.
Civil Aeronautics Board.
Federal Power Commission.
National Science Foundation.
Panama Canal Company.
Renegotiation Board.
Small Business Administration.
Subversive Activities Control Board.
Tennessee Valley Authority.
Federal Maritime Commission.

(c) Any agency or unit of the executive branch not named herein, and any such agency or unit which may be established hereafter, shall be deemed not to have authority for original classification of information or material under this order, except as such authority may be specifically conferred upon any such agency or unit hereafter.

SEC. 3. Classification. Persons designated to have authority for original classification of information or material which requires protection in the interests of national defense under this order shall be held responsible for its proper classification in accordance with the definitions of the three categories in section 1, hereof. Unnecessary * * * be scrupulously avoided. The following special rules shall be observed in classification of defense information or material:

(a) Documents in General. Documents shall be classified according to their own content and not necessarily according to their relationship to other documents. References to classified material which do not reveal classified defense information shall not be classified.

(b) Physically Connected Documents. The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. Documents separated from the file or group shall be handled in accordance with their individual defense classification.

(c) Multiple Classification. A document, product, or substance shall bear a classification at least as high as that of its highest classified component. The document, product, or substance shall bear only one over-all classification, notwithstanding that pages, paragraphs, sections, or components thereof bear different classifications.

(d) Transmittal Letters. A letter transmitting defense information shall be classified at least as high as its highest classified enclosure.

(e) Information Originated by a Foreign Government or Organization. Defense information of a classified nature furnished to the United States by a foreign government or international organization shall be assigned a classification which will assure a degree of protection equivalent to or greater than that required by the government or international organization which furnished the information.

SEC. 4. Declassification, Downgrading, or Upgrading. When classified information or material no longer requires its present level of protection in the defense interest, it shall be downgraded or declassified in order to preserve the effectiveness and integrity of the classification system and to eliminate classifications of information or material which no longer require classification protection. Heads of departments or agencies originating classified information or material shall designate persons to be responsible for continuing review of such classified information or material on a document-by-document, category, project, program, or other systematic basis, for the purpose of declassifying or downgrading whenever national defense considerations permit, and for receiving requests for such review from all sources. However, Restricted Data and material formerly designated as Restricted Data shall be handled only in accordance with subparagraph 4(a)(1) below and section 13 of this order. The following special rules shall be observed with respect to changes of classification of defense information or material, including information or material heretofore classified:

(a) Automatic Changes. In order to insure uniform procedures for automatic changes, heads of departments and agencies having authority for original classification of information or material as set forth in section 2 shall categorize such classified information or material into the following groups:

(1) Group 1. Information or material originated by foreign governments or international organizations and over which the United States Government has no jurisdiction information or material provided for by statutes such as the Atomic Energy Act [section 201] et seq. of Title 42. The Public Health and Welfare and information or material requiring special handling, such as intelligence and cryptography. This information and material is excluded from automatic downgrading or declassification.

(2) Group 2. Extremely sensitive information or material which the head of the agency or his designers exempt on an individual basis, from automatic downgrading and declassification.

(3) Group 3. Information or material which * * * indefinite period. Such information or material shall become automatically downgraded at 12-year intervals until the lowest classification is reached, but shall not become automatically declassified.

(4) Group 4. Information or material which does not qualify for, or is not assigned to, one of the first three groups. Such information or material shall become automatically downgraded at three-year intervals until the lowest classification is reached, and shall be automatically declassified twelve years after date of issuance.

To the fullest extent practicable, the classifying authority shall indicate on the information or material at the time of original classification if it can be downgraded or declassified at an earlier date, or if it can be downgraded or declassified after a specified event, or upon the removal of classified attachments or enclosures. The heads, or their designees, of departments and agencies in possession of defense information or material classified pursuant to this order, but not bearing markings for automatic downgrading or declassification, are hereby authorized to mark or designate for automatic downgrading or declassification such information or material in accordance with the rules or regulations established by the department or agency that originally classified such information or material.

(b) Non-Automatic Changes. The person designated to receive requests for review of classified material may downgrade or declassify such material when circumstances no longer warrant its retention in its original classification provided the consent of the appropriate classifying authority has been obtained. The downgrading or declassification of extracts from or paraphrases of classified documents shall also require the consent of the appropriate classifying authority unless the agency making such extracts knows positively that they warrant a classification lower than that of the document from which extracted, or that they are not classified.

(c) Material Officially Transferred. In the case of material transferred by or pursuant to statute or Executive order from one statute or Executive order from one department or agency to another for the latter's use and as part of its official files or property, as distinguished from transfers merely for purposes of storage, the receiving department or agency shall be deemed to be the classifying authority for all purposes under this order, including declassification and downgrading.

(d) Material Not Officially Transferred. When any department or agency has in its possession any classified material which has become five years old, and it appears (1) that such material originated in an agency which has since become defunct and whose files and other property have not been officially transferred to another department or agency within the meaning of subsection (c), above, or (2) that it is impossible for the processing department or agency to identify the originating agency, and (3) a review of the material indicates that it should be downgraded or declassified, the said possessing department or agency shall have power to declassify or downgrade such material. If it appears probable that another department or agency may have a substantial interest in whether the classification of any particular information should be maintained, the possessing department or agency shall not exercise the power conferred upon it by this subsection, except with the consent of the other department or agency, until thirty days after it has notified such other department or agency of the nature of the material and of its intention to declassify or downgrade the same. During such thirty-day period the other department or agency may, if it so desires, express its objections to declassifying or downgrading the particular material, but the power to make the ultimate decision shall reside in the possessing department or agency.

(e) Information or Material Transmitted. by Electrical Means. The downgrading or declassification of classified information or material transmitted by electrical means shall be accomplished in accordance with the procedures described above unless specifically prohibited by the originating department or agency. Unclassified information or material which is transmitted in encrypted form shall be safeguarded and handled in accordance with the regulations of the originating department or agency.

(f) Downgrading. If the recipient of classified material believes that it has been classified too highly, he may make a request to the reviewing official who may downgrade or declassify the material after obtaining the consent of the appropriate classifying authority.

(g) Upgrading. If the recipient of unclassified information or material believes that it should be classified, or if the recipient of classified information or material believes that its classification is not sufficiently protective, it shall be safeguarded in accordance with the classification deemed appropriate and a request made to the reviewing official who may classify the information or material or upgrade the classification after obtaining the consent of the appropriate classifying authority. The date of this action shall constitute a new date of origin insofar as the downgrading or declassification schedule (paragraph (a) above) is concerned.

(h) Department and Agencies Which Do Not Have Authority for Original Classification. The provisions of this section relating to the classification of defense information or material shall apply to departments or agencies which do not, under the terms of this order, have authority for original classification of information or material, but which have formerly classified information or material pursuant to Executive Order No. 10290 of September 24, 1951.

(i) Notification of Change in Classification. In all cases in which action is taken by the reviewing official to downgrade or declassify earlier than called for by the automatic downgrading declassification stamp, the reviewing official shall promptly notify all addressees to whom the information or material was originally transmitted. Recipients of original information or material, upon receipt of notification of change in classification, shall notify addresses to whom they have transmitted the classified information or material.

SEC. 5. Marking of Classified Material. After a determination of the proper defense classification to be assigned has been made in accordance with the provisions of this order the classified material shall be marked as follows:

(a) Downgrading-Declassification Markings. At the time of origination, all classified information or material shall be marked to indicate the downgrading-declassification schedule to be followed in accordance with paragraph (a) of section 4 of this order.

(b) Bound Documents. The assigned defense classification on bound documents, such as books or pamphlets, the pages of which are permanently and securely fastened together, shall be conspicuously marked or stamped on the outside of the front cover, on the title page, on the first page, on the back page and on the outside of the back cover. In each case the markings shall be applied to the top and bottom of the page or cover.

(c) Unbound Documents. The assigned defense classification on unbound documents, such as letters, memoranda, reports, telegrams, and other similar documents, the pages of which are not permanently and securely fastened together, shall be conspicuously marked or stamped at the top and bottom of each page, in such manner that the marking will be clearly visible when the pages are clipped or stapled together.

(d) Charts, Maps and Drawings. Classified charts, maps, and drawings shall carry the legend, title block, or scale in such manner that it will be reproduced on all copies made therefrom. Such classification shall also be marked at the top and bottom in each instance.

(e) Photographs, Films and Recordings. Classified photographs, films, and recordings, and their containers, shall be conspicuously and appropriately marked with the assigned defense classification.

(f) Products or Substance. The assigned defense classification shall be conspicuously marked on classified products or substances, if possible, and on their containers, if possible, or, if the article or container cannot be marked, written notification of such classification shall be furnished to recipients of such products or substances.

(g) Reproductions. All copies or reproductions of classified material shall be appropriately marked or stamped in the same manner as the original thereof.

(h) Unclassified Material. Normally, unclassified material shall not be marked or stamped Unclassified unless it is essential to convey to a recipient of such material that it has been examined specifically with a view to imposing a defense classification and has been determined not to require such classification.

(i) Change or Removal of Classification. Whenever classified material is declassified, downgraded, or upgraded, the material shall be marked or stamped in a prominent place to reflect the change in classification, the authority for the action, the date of action, and the identity of the person or unit taking the action. In addition, the old classification marking shall be cancelled and the new classification (if any) substituted therefor. Automatic change in classification shall be indicated by the appropriate classifying authority through marking or stamping in a prominent place to reflect information specified in subsection 4 (n) hereof.

(j) Material Furnished Persons not in the Executive Branch of the Government. When classified material affecting the national defense is furnished authorized persons, in or out of Federal service, other than those in the executive branch, the following notation, in addition to the assigned classification marking, shall whenever practicable be placed on the material, on its container, or on the written notification of its assigned classification:

This material contains information affecting the national defense of the United States within the meaning of the espionage laws, Title 18, U.S.C., Secs. 703 and 704, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law.

Use of alternative marking concerning "Restricted Data" as defined by the Atomic Energy Act [sections 1801–1810 of Title 42] is authorized when appropriate.

SEC. 6. Custody and Safekeeping. The possession or use of classified defense information or material shall be limited to locations where facilities for secure storage or protection thereof are available by means of which unauthorized persons are prevented from gaining access thereto. Whenever such information or material is not under the personal supervision of its custodian, whether during or outside of working hours, the following means shall be taken to protect it:

(a) Storage of Top Secret Information and Material. As a minimum, Top Secret defense information and material shall be stored in a safe or safe-type steel file container having a three-position dialtype combination lock, and being of such weight size, construction, or installation as to minimize the possibility of unauthorized access to, or the physical theft of such information and material. The head of a department or agency may approve other storage facilities which afford equal protection, such as an alarmed area, a vault, a vault-type room, or an area under continuous surveillance.

(b) Storage of Secret and Confidential Information and Material. As a minimum, Secret and Confidential defense information and material may be stored in a manner authorized for Top Secret information and material, or in steel file cabinets equipped with steel lockbar and changeable three-combination dial-type padlock or in other storage facilities which afford equal protection and which are authorized by the head of the department or agency.

(c) Storage or Protection Equipment. Whenever new security storage equipment is procured, it should, to the maximum extent practicable, be of the type designated as security filing cabinets on the Federal Supply Schedule of the General Service Administration.

(d) Other Classified Material. Heads of departments and agencies shall prescribe such protective facilities as may be necessary in their departments or agencies for material originating under statutory provisions requiring protection of certain information.

(e) Changes of Lock Combinations. Combinations on locks of safekeeping equipment shall be changed, only by persons having appropriate security clearance, whenever such equipment is placed in use after procurement from the manufacturer or other sources, whenever a person knowing the combination is transferred from the office to which the equipment is assigned, or whenever the combination has been subjected to compromise, and at least once every year. Knowledge of combinations shall be limited to the minimum number of persons necessary for operating purposes. Records of combinations shall be classified no lower than the highest category of classified defense material authorized for storage in the safekeeping equipment concerned.

(f) Custodian's Responsibilities. Custodians of classified defense material shall be responsible for providing the best possible protection and accountability for such material at all times and particularly for securely locking classified material is approved safekeeping equipment whenever it is not in use or under direct supervision of authorized employees. Custodians shall follow procedures which insure that unauthorized persons do not gain access to classified defense information or material by sight or sound, and classified information shall not be discussed with or in the presence of unauthorized persons.

(g) Telephone Conversations. Defense information classified in the three categories under the provisions of this order shall not be revealed in telephone conversation, except as may be authorized under section 8 hereof with respect to the transmission of Secret and Confidential material over certain military communications circuits.

(h) Loss or Subjection to Compromise. Any person in the executive branch who has knowledge of the loss or possible subjection to compromise of classified defense information shall promptly report the circumstances to a designated official of his agency, and the latter shall take appropriate action forthwith, including advice to the originating department or agency.

SEC. 7. Accountability and Dissemination. Knowledge or possession of classified defense information shall be permitted only to persons whose official duties require such access in the interest of promoting national defense and only if they have been determined to be trustworthy. Proper control of dissemination of classified defense information shall be maintained at all times, including good accountability records of classified defense information documents, and severe limitation on the number of such documents originated as well as the number of copies of classified defense information documents shall be kept to a minimum to decrease the risk of compromise of the information contained in such documents and the financial burden on the Government in protecting such documents. The following special rules shall be observed in connection with accountability for and dissemination of defense information or material:

(a) Accountability Procedures Heads of departments and agencies shall prescribe such accountability procedures as are necessary to control effectively the dissemination of classified defense information, with particularly severe control on material classified Top Secret under this order. Top Secret Control Officers shall be designated, as required, to receive, maintain accountability registers of, and dispatch Top Secret material.

(b) Dissemination Outside the Executive Branch. Classified defense information shall not be disseminated outside the executive branch except under conditions and through channels authorized by the head of the disseminating department or agency, even though the person or agency to which dissemination of such information is proposed to be made may have been solely or partly responsible for its production.

(c) Information Originating in Another Department or Agency. Except as otherwise provided by section 102 of the National Security Act of July 26, 1947, c. 343, 61 Stat. 498, as amended, [section 403 of this title], classified defense information originating in another department or agency shall not be disseminated outside the receiving department or agency without the consent of the originating department or agency. Documents and material containing defense information which are classified Top Secret or Secret shall not be reproduced without the consent of the originating department or agency.

SEC. 8. Transmission. For transmission outside of a department or agency, classified defense material of the three categories originated under the provisions of this order shall be prepared and transmitted as follows:

(a) Preparation for Transmission. Such material shall be enclosed in opaque inner and outer covers. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and address. The outer cover shall be sealed and addressed with no indication of the classification of its contents. A receipt form shall be attached to or enclosed in the inner cover, except that Confidential material shall require a receipt only if the sender deems it necessary. The receipt form shall identify the addressor, addressee, and the document, but shall contain no classified information. It shall be signed by the proper recipient and returned to the sender.

(b) Transmitting Top Secret Material. The transmission of Top Secret material shall be effected preferably by direct contact of officials concerned, or, alternatively, by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, or by electric means in encrypted form; or in the case of information transmitted by the Federal Bureau of Investigation, such means of transmission may be used as are currently approved by the Director, Federal Bureau of Investigation, unless express reservation to the contrary is made in exceptional cases by the originating agency.

(c) Transmitting Secret Information and Material. Secret information and material shall be transmitted within and between the forty-eight contiguous States and the District of Columbia, or wholly within Alaska, Hawaii, the Commonwealth of Puerto Rico, or a United States possession, by one of the means established for Top Secret information and material, by authorized courier, by United States registered mail, or by the use of protective services provided by commercial carriers, air or surface, under such conditions as may be prescribed by the head of the department or agency concerned. Secret information and material may be transmitted outside those areas by one of the means established for Top Secret information and material, by commanders or masters of vessels of United States registry, or by the United States registered mail through Army, Navy, Air Force, or United States civil postal facilities; provided that the information or material does not at any time pass out of United States Government control and does not pass through a foreign postal system. For the purposes of this section registered mail in the custody of a transporting agency of the United States Post Office is considered within United States Government control unless the transporting agent is foreign controlled or operated. Secret information and material may, however, be transmitted between United States Government or Canadian Government installations, or both, in the forty-eight contiguous States, the District of Columbia, Alaska, and Canada by United States and Canadian registered mail with registered mail receipt. Secret information and material may also be transmitted over communications circuits in accordance with regulations promulgated for such purpose by the Secretary of Defense.

(d) Transmitting Confidential Information and Material. Confidential information and material shall be transmitted within the forty-eight contiguous States with the District of Columbia, or wholly within Alaska, Hawaii, the Commonwealth of Puerto Rico, or a United States possession, by one of the means established for higher classifications, or by certified or first-class mail. Outside those areas Confidential information and material shall be transmitted in the same manner as authorized for higher classifications.

(e) Within an Agency. Preparation of classified defense material for transmission, and transmission of it, within a department or agency shall be governed by regulations, issued by the head of the department or agency, insuring a degree of security equivalent to that outlined above for transmission outside a department or agency.

SEC. 9. Disposal and Destruction. Documentary record material made or received by a department or agency in connection with transaction of public business and preserved as evidence of the organization, functions, policies, operations, decisions, procedures or other activities of any department or agency of the Government or because of the informational value of the data contained therein, may be destroyed only in accordance with the act of July 7, 1943, p. 192, 57 Stat. 380, as amended (sections 366–380 of Title 44). Nonrecord classified material, consisting of extra copies and duplicates including shorthand notes, preliminary drafts, used carbon paper, and other material of similar temporary nature, may be destroyed, under procedures established by the head of the department or agency which meet the following requirements, as soon as it has served its purpose:

(a) Methods of Destruction. Classified defense material shall be destroyed by burning in the presence of an appropriate official or by other methods authorized by the head of an agency provided the resulting destruction is equally complete.

(b) Records of Destruction. Appropriate accountability records maintained in the department or agency shall reflect the destruction of classified defense material.

SEC. 10. Orientation and Inspection. To promote the basic purposes of this order, heads of those departments and agencies originating or handling classified defense information shall designate experienced persons to coordinate and supervise the activities applicable to their departments or agencies under this order. Persons so designated shall maintain active training and orientation programs for employees concerned with classified defense information to impress each such employee with his individual responsibility for exercising vigilance and care in complying with the provisions of this order. Such persons shall be authorized on behalf of the heads of the departments and agencies to establish adequate and active inspection programs to the end that the provisions of this order are administered effectively.

SEC. 11. Interpretation of Regulations by the Attorney General. The Attorney General, upon request of the head of a department or agency or his duly designated representative, shall personally or through authorized representatives of the Department of Justice render an interpretation of these regulations in connection with any problems arising out of their administration.

SEC. 12. Statutory Requirements. Nothing in this order shall be construed to authorize the dissemination, handling or transmission of classified information contrary to the provisions of any statute.

SEC. 13. "Restricted Data," Material Formerly Designated as "Restricted Data," Communications Intelligence and Cryptography. (a) Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 30, 1954, as amended (section 2011 et seq. of Title 42, The Public Health and Welfare). "Restricted Data," and material formerly designated as "Restricted Data," shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

(b) Nothing in this order shall prohibit any special requirements that the originating agency or other appropriate authority may impose as to communications intelligence, cryptography, and matters related thereto.

SEC. 14. Combat Operations. The provisions of this order with regard to dissemination, transmission, or safekeeping of classified defense information or material may be so modified in connection with combat or combat-related operations as the Secretary of Defense may by regulations prescribe.

SEC. 15. Exceptional Cases. When, in an exceptional case, a person or agency not authorized to classify defense information originates information which is believed to require classification, such person or agency shall protect that information in the manner prescribed by this order for that category of classified defense information into which it is believed to fall, and shall transmit the information forthwith, under appropriate safeguards, to the department, agency, or person having both the authority to classify information and a direct official interest in the information, agency, or person to which the information would be transmitted in the ordinary course of business, with a request that such department, agency, or person classify the information.

Historical Research. As an exception to the standard for access prescribed in the first sentence of section 7, but subject to all other provisions of this order, the head of an agency may permit persons outside the executive branch performing functions in connection with historical research projects to have access to classified defense information originated within his agency if he determines that: (a) access to the information will be clearly consistent with the interests of national defense, and (b) the person to be granted access is trustworthy: Provided that the head of the agency shall take appropriate steps to assure that classified information is not published or otherwise compromised.

SEC. 16. Review to Insure That Information is Not Improperly Withheld Hereunder. The President shall designate a member of his staff who shall receive, consider, and take action upon, suggestions or complaints from non-Government sources relating to the operation of this order.

SEC. 17. Review to Insure Safeguarding of Classified Defense Information. The National Security Council shall conduct a continuing review of the implementation of this order to insure that classified defense information is properly safeguarded, in conformity herewith.

SEC. 18. Review Within Departments and Agencies. The head of each department and agency shall designate a member or members of his staff who shall conduct a continuing review of the implementation of this order within the department or agency concerned to insure that no information is withheld hereunder which the people of the United States have a right to know, and to insure that classified defense information is properly safeguarded in conformity herewith.

SEC. 19. Unauthorized Disclosure by Government Personnel. The head of each department and agency is directed to take prompt and stringent administrative action against any officer or employee of the United States, at any level of employment, determined to have been knowingly responsible for any release or disclosure of classified defense information or material except in the manner authorized by this order, and where a violation of criminal statutes may be involved, to refer promptly to the Department of Justice any such case.

SEC. 20. Revocation of Executive Order No. 10200, Executive Order No. 10290 of September 24, 1951 (set out as a note under this section) is revoked as of the effective date of this order.

SEC. 21. Effective Date. This order shall become effective on December 15, 1953.

### EXECUTIVE ORDER NO. 10865—SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

Feb. 23, 1960, 25 F.R. 1583, as amended by Ex. Ord. No. 10909, Jan. 18, 1961, 26 F.R. 508; Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247.

Whereas it is mandatory that the United States protect itself against hostile or destructive activities by preventing unauthorized disclosures of classified information relating to the national defense; and

Whereas it is a fundamental principle of our Government to protect the interests of individuals against unreasonable or unwarranted encroachment; and

Whereas I find that the provisions and procedures prescribed by this order are necessary to assure the preservation of the integrity of classified defense information and to protect the national interest; and

Whereas I find that those provisions and procedures recognize the interest of individuals affected thereby and provide maximum possible safeguards to protect such interests:

Now, therefore, under and by virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

SECTION 1. (a) The Secretary of State, the Secretary of Defense, the Commissioners of the Atomic Energy Commission, the Administrator of the National Aeronautics and Space Administration, and the Secretary of Transportation, respectively, shall, by regulation, prescribe such specific requirements, restrictions, and other safeguards as they consider necessary to protect (1) releases of classified information to or within United States industry that relate to bidding on, or the negotiation, award, performance, or termination of, contracts with their respective agencies, and (2) other releases of classified information to or within industry that such agencies have responsibility for safeguarding. So far as possible, regulations prescribed by them under this order shall be uniform and provide for full cooperation among the agencies concerned.

(b) Under agreement between the Department of Defense and any other department or agency of the United States, including, but not limited to, those refererd to in subsection (c) of this section, regulations prescribed by the Secretary of Defense under subsection (a) of this section may be extended to apply to protect releases (1) of classified information to or within United States industry that relate to bidding on, or the negotiation, award, performance, or termination of, contracts with such other department or agency, and (2) other releases of classified information to or within industry which such other department or agency has responsibility for safeguarding.

(c) When used in this order, the term "head of a department" means the Secretary of State, the Secretary of Defense, the Commissioners of the Atomic Energy Commission, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, the head of any other department or agency of the United States with which the Department of Defense makes an agreement under subsection (b) of this section, and in sections 4 and 8, includes the Attorney General. The term "department" means the Department of State, the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Department of Transportation, any other department or agency of the United States with which the Department of Defense makes an agreement under subsection (b) of this section, and, in sections 4 and 8, includes the Department of Justice.

SEC. 2. An authorization for access to classified information may be granted by the head of a department or his designee, including but not limited to, those officials named in section 8 of this order, to an individual, hereinafter termed an "applicant," for a specific classification category only upon a finding that it is clearly consistent with the national interest to do so.

SEC. 3. Except as provided in section 9 of this order, an authorization for access to a specific classification category may not be finally denied or revoked by the head of a department or his designee, including, but not limited to, those officials named in section 8 of this order, unless the applicant has been given the following:

(1) A written statement of the reasons why his access authorization may be denied or revoked, which shall be as comprehensive and detailed as the national security permits.

(2) A reasonable opportunity to reply in writing under oath or affirmation to the statement of reasons.

(3) After he has filed under oath or affirmation a written reply to the statement of reasons, the form and sufficiency of which may be prescribed by regulations issued by the head of the department concerned, an opportunity to appear personally before the head of the department concerned or his designee, including, but not limited to, those officials named in section 8 of this order, for the purpose of supporting his eligibility for access authorization and to present evidence on his behalf.

(4) A reasonable time to prepare for that appearance.

(5) An opportunity to be represented by counsel.

(6) An opportunity to cross-examine persons either orally or through written interrogatories in accordance with section 4 on matters not relating to the characterization in the statement of reasons of any organization or individual other than the applicant.

(7) A written notice of the final decision in his case which, if adverse, shall specify whether the head of the department or his designee, including, but not limited to, those officials named in section 8 of this order, found for or against him with respect to each allegation in the statement of reasons.

SEC. 4. (a) An applicant shall be afforded an opportunity to cross-examine persons who have made oral or written statements adverse to the applicant relating to controverted issue except that any such statement may be received and considered without affording such opportunity in the circumstances described in either of the following paragraphs:

(1) The head of the department supplying the statement certifies that the person who furnished the information is engaged in obtaining intelligence information for the Government and that disclosure of his identity would be substantially harmful to the national interest.

(2) The head of the department concerned or his special designee for that particular purpose has preliminarily determined, after considering information furnished by the investigative agency involved as to the reliability of the person and the accuracy of the statement concerned, that the statement concerned appears to be reliable and material, and the head of the department or such special designee has determined that failure to receive and consider such statement would, in view of the level of access sought, be substantially harmful to the national security and that the person who furnished the information cannot appear to testify (A) due to death, severe illness, or similar cause, in which case the identity of the person and the information to be considered shall be made available to the applicant, or (B) due to some other cause determined by the head of the department to be good and sufficient.

(b) Whenever procedures under paragraphs (1) or (2) of subsection (a) of this section are used (1) the applicant shall be given a summary of the information which shall be as comprehensive and detailed as the national security permits, (2) appropriate consideration shall be accorded to the fact that the applicant did not have an opportunity to cross-examine such person or persons, and (3) a final determination adverse to the applicant shall be made only by the head of the department based upon his personal review of the case.

SEC. 5. (a) Records compiled in the regular course of business, or other physical evidence other than investigative reports, may be received and considered subject to rebuttal without authenticating witnesses provided that such information has been furnished to the department concerned by an investigative agency pursuant to its responsibilities in connection with assisting the head of the department concerned to safeguard classified information within industry pursuant to this order.

(b) Records compiled in the regular course of business, or other physical evidence other than investigative reports, relating to a controverted issue which, because they are classified, may not be inspected by the applicant, may be received and considered provided that: (1) the head of the department concerned or his special designee for that purpose has made a preliminary determination that such physical evidence appears to be material, (2) the head of the department concerned or such designee has made a determination that failure to receive and consider such physical evidence would, in view of the level of access sought, be substantially harmful to the national security, and (3) to the extent that the national security permits, a summary or description of such physical evidence is made available to the applicant. In every such case, information as to the authenticity and accuracy of such physical evidence furnished by the investigative agency involved shall be considered. In such instances a final determination adverse to the applicant shall be made only by the head of the department based upon his personal review of the case.

SEC. 6. The Secretary of State, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, or his representative, or the head of any other department or agency of the United States with which the Department of Defense makes an agreement under section 1(b), or his representative, may issue, in appropriate cases, invitations and requests to appear and testify in order that the applicant may have the opportunity to cross-examine as provided by his order. Whenever a witness is so invited or requested to appear and testify at a proceeding and the witness is an officer or employee of the executive branch of the Government or a member of the armed forces of the United States, and the proceeding involves the activity in connection with which the witness is employed, travel expenses and per diem are authorized as provided by the Standardized Government Travel Regulations or the Joint Travel Regulations, as appropriate. In all other cases (including non-Government employees as well as officers or employees of the executive branch of the Government or members of the armed forces of the United States not covered by the foregoing sentence), transportation in kind and reimbursement for actual expenses are authorized in an amount not to exceed the amount payable under Standardized Government Travel Regulations. An officer or employee of the executive branch of the Government or a member of the armed forces of the United States who is invited or requested to appear pursuant to this paragraph shall be deemed to be in the performance of his official duties. So far as the national security permits, the head of the investigative agency involved shall cooperate with the Secretary, the Administrator, or the head of the other department or agency, as the case may be, in identifying persons who have made statements adverse to the applicant and in assisting him in making them available for cross-examination. If a person so invited is an officer or employee of the executive branch of the Government or a member of the armed forces of the United States, the head of the department or agency concerned shall cooperate in making that person available for cross-examination.

SEC. 7. Any determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.

SEC. 8. Except as otherwise specified in the preceding provisions of this order, any authority vested in the head of a department by this order may be delegated to the:

(1) Under Secretary of State or a Deputy Under Secretary of State, in the case of authority vested in the Secretary of State;

(2) Deputy Secretary of Defense or an Assistant Secretary of Defense, in the case of authority vested in the Secretary of Defense;

(3) General Manager of the Atomic Energy Commission, in the case of authority vested in the Commissioners of the Atomic Energy Commission;

(4) Deputy Administrator of the National Aeronautics and Space Administration, in the case of authority vested in the Administrator of the National Aeronautics and Space Administration;

(5) Under Secretary of Transportation, in the case of authority vested in the Secretary of Transportation;

(6) Deputy Attorney General or an Assistant Attorney General, in the case of authority vested in the Attorney General; or

(7) the deputy of that department, or the principal assistant to the head of that department, as the case may be, in the case of authority vested in the head of a department or agency of the United States with which the Department of Defense makes an agreement under section 1(b).

SEC. 9. Nothing contained in this order shall be deemed to limit or affect the responsibility and powers of the head of a department to deny or revoke access to a specific classification category if the security of the nation so requires. Such authority may not be delegated and may be exercised only when the head of a department determines that the procedures prescribed in sections 3, 4, and 5 cannot be invoked consistently with the national security and such determination shall be conclusive.

DWIGHT D. EISENHOWER.

### EXECUTIVE ORDER NO. 10985—AMENDMENT OF EXECUTIVE ORDER NO. 10501, RELATING TO SAFEGUARDING OFFICIAL INFORMATION

Jan. 15, 1962, 27 F.R. 439.

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, and deeming such action necessary in the best interest of the national security, it is ordered that section 2 of Executive Order No. 10501 of November 5, 1953, as amended by Executive Order No. 10901 of January 9, 1961 [set out as a note under this section], be, and it is hereby, further amended as follows:

SECTION 1. Subsection (a) of section 2 is amended (1) by deleting from the list of departments and agencies thereunder the Operations Coordinating Board, the Office of Civil and Defense Mobilization, the International Cooperation Administration, the Council on Foreign Economic Policy, the Development Loan Fund, and the President's Board of Consultants on Foreign Intelligence Activities, and (2) by adding thereto the following-named agencies:

Agency for International Development

Office of Emergency Planning

Peace Corps

President's Foreign Intelligence Advisory Board

United States Arms Control and Disarmament Agency

SEC. 2. Subsection (b) of section 2 is amended by deleting from the list of departments and agencies thereunder the Government Patent Board, and by adding thereto the following-named agency:

Federal Maritime Commission

SEC. 3. The agencies which have been added by this order to the lists of departments and agencies under subsections (a) and (b) of section 2 of Executive Order No. 10501, as amended [set out as a note under this section], shall be deemed to have had authority for classification of information or material from the respective dates on which such agencies were established.

JOHN F. KENNEDY.

### EXECUTIVE ORDER NO. 11097—AMENDMENT OF EXECUTIVE ORDER NO. 10501, RELATING TO SAFEGUARDING OFFICIAL INFORMATION

Mar. 6, 1963, 28 F.R. 2225.

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, and deeming such action necessary in the best interest of the national security, it is hereby ordered as follows:

SECTION 1. Section 2 of Executive Order No. 10501 of November 5, 1953, as amended by Executive Order No. 10901 of January 9, 1961, and by Executive Order No. 10985 of January 12, 1962 [set out as a note under this section], is hereby further amended (A) by adding at the end of Subsection (a) thereof "Export-Import Bank of Washington", "Office of Science and Technology", and "The Special Representative for Trade Negotiations"; and (B) by deleting from Subsection (b) thereof "Subversive Activities Control Board."

SEC. 2. The Export-Import Bank of Washington, the Office of Science and Technology, and The Special Representative for Trade Negotiations shall be deemed to have had authority for the original classification of information and material from the respective dates on which such agencies were established.

JOHN F. KENNEDY.

### NOTES OF DECISIONS

Library references: War and National Defense—40. C.J.S. War and National Defense § 48.

1. Classification of material: "Classification" in security sense simply means decision made by proper authority in Department of Defense to put piece of defense information or material into specific category that then makes it subject to current regulations regarding safekeeping and dissemination. Dubin v. U.S., 1966, 363 F. 2d 938, 176 Ct. Cl. 702, certiorari denied 87 S. Ct. 1019, 386 U.S. 956, 18 L. Ed. 2d 103.

Purposes of classification system of Department of Defense is to safeguard information from becoming known to potential enemies of United States in interest of national defense, Id.

Under section 783 of this title, prohibiting communication of classified information by United States officers or employees to an agent or representative of a foreign government, the classification of documents is not required to be made personally by President of United States or Secretary of State; an Ambassador of United States Embassy had authority to classify foreign service dispatches, and dispatches as classified and certified by the Ambassador were within scope of section 783 of this title. Scarbeck v. U.S., C.A.D.C. 1962 317 F.2d 546, certiorari denied 83 S.Ct. 1897, 374 U.S. 856, 10 L. Ed. 2d 1077.

Foreign service dispatches classified as "secret" or "confidential" pursuant to presidential executive order and foreign service manual were "classified as affecting the security of the United States" within meaning of section 783 of this title prohibiting a United States officer or employees from communicating classified information to representatives of a foreign government. Id.

2. Suspension of security clearance: Defense department order providing that willful failure or refusal of employee, needing security clearance, to furnish information might prevent finding required for security clearance in which event security clearance would be suspended and further processing of case discontinued, was not authorized by any executive order or Congressional act. Shoultz v. McNamara, D.C.Cal.1968, 282 F.Supp. 315.

Where, under defense department order, employee whose security clearance was once suspended had no further administrative or judicial remedy to challenge suspension, and further processing of case was discontinued, and where employer would no longer employ employee until clearance, suspension was equivalent of final revocation and was deprivation of employment and professional rights within liberty and property concepts of U.S.C.A. Const. Amend. 5. Id.

3. Procedure for redress: That employee whose security clearance and employment had been suspended could obtain resumption of processing of his case by answering questions under processes which he believed to be unauthorized and unconstitutional and which did raise serious constitutional questions did not negate deprivation of employment and property rights within liberty and property concepts of U.S.C.A. Const. Amend. 5. Shoultz v. McNamara, D.C. Cal. 1968, 282 F.Supp. 315.

4. Access to secret information: Where court found that board followed improper procedure in determining that employee of government contractor was not entitled to clearance for access to secret information and in determining that, pending final disposition of case, employee was not authorized for clearance at any level, trial court should have remanded the case for further proceedings but should not have ordered that pending such proceedings employee be given clearance for access to secret information. McNamara v. Remenyi, C.A.Cal.1968, 391 F.2d 128.

### ESPIONAGE ACT

SOURCE: U.S. Laws, Statutes, etc. United States Code, 1969 ed., containing the general and permanent laws of the United States, in force on January 3, 1965. Prepared and published . . . by the Committee on the Judiciary of the House of Representatives. Washington, U.S. Govt. Print. Off., 1965 (v. 4, title 18, Crimes and Criminal Procedure, chapter 37, pages 3574–9).

### Chapter 37.—ESPIONAGE AND CENSORSHIP

Sec.

792. Harboring or concealing persons.

793. Gathering, transmitting or losing defense information.

794. Gathering or delivering defense information to aid foreign government.

795. Photographing and sketching defense installations.

796. Use of aircraft for photographing defense installations.

797. Publication and sale of photographs of defense installations.

798. Disclosure of classified information.[1]

798. Temporary extension of section 794.[1]

799. Violation of regulations of National Aeronautics and Space Administration.

#### *Amendments*

1961—Pub. L. 87–369, § 2, Oct. 4, 1961, 75 Stat. 795, deleted item 791.

1958—Pub. L. 85–568, title III, § 304(c) (2), July 29, 1958, 72 Stat. 434, added item 799.

1953—Act June 30, 1953, ch. 175, § 3, 67 Stat. 133, added second item 798.

1951—Act Oct. 31, 1951, ch. 655, § 23, 65 Stat. 719, added item 798.

§ 791. Repealed. Pub. L. 87–369, § 1, Oct. 4, 1961, 75 Stat. 795.

Section, act June 25, 1948, ch. 645, 62 Stat. 736, related to the application of the chapter within the admiralty and maritime jurisdiction of the United States, on the high seas, and within the United States.

§ 792. Harboring or concealing persons.

Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under sections 793 or 794 of this title, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. (June 25, 1948, ch. 645, 62 Stat. 736.)

#### *Legislative History*

*Reviser's Note.*—Based on section 35 of title 50, U.S.C. 1940 ed., War and National Defense (June 15, 1917, ch. 30, title I, § 5, 40 Stat. 219; Mar. 28, 1940, ch. 72 § 2, 54 Stat. 79).

Similar harboring and concealing language was added to section 2388 of this title.

Mandatory punishment provision was rephrased in the alternative.

#### *Indictment for violating this section and sections 793, 794; limitation period*

Act Sept. 23, 1950, ch. 1024, § 19, 64 Stat. 1005, provides that an indictment for any violation of this section and sections 793 and 794 of this title, other than a violation constituting a capital offense, may be found at any time within ten years next after such violation shall have been committed, but that such section 19 shall not authorize prosecution, trial, or punishment for any offense "now" barred by the provisions of existing law.

#### *Canal Zone*

Applicability of section to Canal Zone, see section 14 of this title.

#### *Cross references*

Federal retirement benefits, forfeiture upon conviction of offenses described under this section, see section 2282 of Title 5, Executive

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[1] So enacted.

Departments and Government Officers and Employees.

Forfeiture of veterans' benefits upon conviction under this section, see section 3505 of Title 38, Veterans' Benefits.

Harboring and concealing, generally, see section 1071 et seq. of this title.

Jurisdiction of offenses, see section 3241 of this title.

Misprision of felony, see section 4 of this title.

## § 793. Gathering, transmitting or losing defense information.

(a) Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, research laboratory or station or other place connected with the national defense owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers, departments, or agencies, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, stored, or are the subject of research or development, under any contract or agreement with the United States, or any department or agency thereof, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place so designated by the President by proclamation in time of war or in case of national emergency in which anything for the use of the Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place the President has determined would be prejudicial to the national defense; or

(b) Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or

(c) Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this chapter; or

(d) Whoever, lawfully having possession of access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted or attempts to communicate, deliver, transmit or causes to be communicated, delivered or transmitted the same to any person not entitled to receive it or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or

(e) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it; or

(f) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note, or information, relating to the national defense, (1) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted or destroyed, or (2) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of its trust, or lost, or stolen, abstracted, or destroyed, and failed to make prompt report of such loss, theft, abstraction, or destruction to his superior officer—

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

(g) If two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy. (June 25, 1948, ch. 645, 62 Stat. 786; Sept. 23, 1950, ch. 1024, title I, § 18, 64 Stat. 1003.)

### *Legislative History*

*Reviser's Note.*—Based on sections 31 and 36 of title 50, U.S.C. 1940 ed., War and National Defense (June 15, 1917, ch. 30, title I, §§ 1, 6, 40 Stat. 217, 219; Mar. 28, 1940, ch. 72, § 1, 64 Stat. 79).

Section consolidated sections 31 and 36 of title 50, U.S.C., 1940 ed., War and National Defense.

Words "departments or agencies" were inserted twice in conformity with definitive section 6 of this title to eliminate any possible ambiguity as to scope of section.

The words "or induces or aids another" were omitted wherever occurring as unnecessary in view of definition of "principal" in section 2 of this title.

Mandatory punishment provision was rephrased in the alternative.

Minor changes were made in phraseology.

### *Amendments*

1950—Act Sept. 23, 1950, divided section into subdivisions, added laboratories and stations, and places where material or instruments for use in time of war are the subject of research or development to the list of facilities and places to which subsection (a) applies, made subsection (d) applicable only in cases in which possession, access, or control is lawful, added subsection (e) to take care of cases in which possession, access, or control, is unlawful, made subsection (f) applicable to instruments and appliances, as well as to documents, records, etc., and provided by subsection (g) a separate penalty for conspiracy to violate any provisions of this section.

### *Indictment for Violating This Section; Limitation Period*

Limitation period in connection with indictments for violating this section, see note under section 792 of this title.

### *Canal Zone*

Applicability of section to Canal Zone, see section 14 of this title.

### *Cross References*

Activities affecting armed forces—

Generally, see section 2387 of this title.

Classified information, disclosure by Government official, or other person, penalty for, see section 783 (b), (d) of Title 50, War and National Defense and section 798 of this title.

Federal retirement benefits, forfeiture upon conviction of offenses described under this section, see section 2282 of Title 5, Executive Departments and Government Officers and Employees.

Forfeiture of veterans' benefits upon conviction under this section, see section 3505 of Title 38, Veterans' Benefits.

Jurisdiction of offenses, see section 3241 of this title.

Letters, writings, etc., in violation of this section as nonmailable, see section 1717 of this title.

Nonmailable letters and writings, see section 1717 of this title.

## § 794. Gathering or delivering defense information to aid foreign government.

(a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by death or by imprisonment for any term of years or for life.

(b) Whoever, in time of war, with intent that the same shall be communicated to the enemy, collects, records, publishes, or communicates, or attempts to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the Armed Forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for any term of years or for life.

(c) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy. (June 25, 1948, ch. 645, 62 Stat. 737; Sept. 3, 1954, ch. 1261, title II, § 201, 68 Stat. 1219.)

### *Legislative History*

*Reviser's Note.*—Based on sections 32 and 34 of title 50, U.S.C., 1940 ed., War and National Defense (June 15, 1917, ch. 30, title I, §§ 2, 4, 40 Stat. 218, 219).

Section consolidates sections 32 and 34 of title 50, U.S.C., 1940 ed., War and National Defense.

The words "or induces or aids another" were omitted as unnecessary in view of definition of "principal" in section 2 of this title.

The conspiracy provision of said section 34 was also incorporated in section 2388 of this title.

Minor changes were made in phraseology.

#### *Amendments*

1954—Act Sept. 3, 1954, increased the penalty for peacetime espionage and corrected a deficiency on the sentencing authority by increasing penalty to death or imprisonment for any term of years.

#### *Temporary extension of war period*

Temporary extension of war period, see section 798 of this title.

Section 7 of act June 30, 1953, ch. 175, 67 Stat. 133, repealed Joint Res. July 3, 1952, ch. 570, § 1(a) (29), 66 Stat. 333; Joint Res. Mar. 31, 1953, ch. 13, § 1, 67 Stat. 18, which provided that this section should continue in force until six months after the termination of the National emergency proclaimed by 1950 Proc. No. 2914 which is set out as a note preceding section 1 of Appendix to Title 50, War and National Defense.

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54, as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96. Intermediate extensions by Joint Res. June 14, 1952, ch. 437, 66. Stat. 137, and Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952, expired by their own terms.

#### *Indictment for violating this section; limitation period*

Limitation period in connection with indictments for violating this section, see note under section 792 of this title.

#### *Canal Zone*

Applicability of section to Canal Zone, see section 14 of this title.

#### *Cross references*

Classified information, disclosure by Government official or other person, penalty for, see section 783 (b), (d) of Title 50, War and National Defense and section 798 of this title.

Conspiracy to commit offense generally, see section 371 of this title.

Federal retirement benefits, forfeiture upon conviction of offenses described under this section, see section 2282 of Title 5, Executive Departments and Government Officers and Employees.

Forfeiture of veterans' benefits upon conviction under this section, see section 3505 of Title 38, Veterans' Benefits.

Jurisdiction of offenses, see section 3241 of this title.

Letters, writings, etc., in violation of this section as nonmailable, see section 1717 of this title.

Nonmailable letters and writings, see section 1717 of this title.

### § 795. Photographing and sketching defense installations.

(a) Whenever, in the interests of national defense, the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station, or naval vessels, military and naval aircraft, and any separate military or naval command concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship of such action as he may deem necessary.

(b) Whoever violates this section shall be fined not more than $1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 737.)

#### *Legislative History*

*Reviser's Note.*—Based on sections 45 and 45c of title 50, U.S.C., 1940 ed., War and National Defense (Jan. 12, 1938, ch. 2, §§ 1, 4, 52 Stat. 3, 4).

Section consolidated sections 45 and 45c of title 50, U.S.C., 1940 ed., War and National Defense.

Minor changes were made in phraseology.

#### *Canal Zone*

Applicability of section to Canal Zone, see section 14 of this title.

#### EX. ORD. NO. 10104. DEFINITIONS OF VITAL MILITARY AND NAVAL INSTALLATIONS AND EQUIPMENT

Ex. Ord. No. 10104, Feb. 1, 1950, 15 F.R. 597, provided:

Now, therefore, by virtue of the authority vested in me by the foregoing statutory provisions, and in the interests of national defense, I hereby define the following as vital military and naval installations or equipment requiring protection against the general dissemination of information relative thereto:

1. All military, naval, or air force installations and equipment which are now classified, designated, or marked under the authority or at the direction of the President, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force as "top secret," "secret," "confidential," or "restricted," and all military, naval, or air force installations and equipment which may hereafter be so classified, designated, or marked with the approval or at the direction of the President, and located within:

(a) Any military, naval, or air force reservation, post, arsenal, proving ground, range, mine field, camp, base, airfield, fort, yard, station, district, or area.

(b) Any defensive sea area heretofore established by Executive order and not subsequently discontinued by Executive order, and any defensive sea area hereafter established under authority of section 2152 of title 18 of the United States Code.

(c) Any airspace reservation heretofore or hereafter established under authority of section 4 of the Air Commerce Act of 1926 (44 Stat. 570; 49 U.S.C. 774) except the airspace reservation established by Executive Order No. 10092 of December 17, 1949.

(d) Any naval harbor closed to foreign vessels.

(e) Any area required for fleet purposes.

(f) Any commercial establishment engaged in the development or manufacture of classified military or naval arms, munitions, equipment, designs, ships, aircraft, or vessels for the U.S. Army, Navy, or Air Force.

2. All military, naval, or air force aircraft, weapons, ammunition, vehicles, ships, vessels, instruments, engines, manufacturing machinery, tools, devices, or any other equipment whatsoever, in the possession of the Army, Navy, or Air Force or in the course of experimentation, development, manufacture, or delivery for the Army, Navy, or Air Force which are now classified, designated, or marked under the authority or at the direction of the President, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force as "top secret," "secret," "confidential " or "restricted," and all such articles, materials, or equipment which may hereafter be so classified, designated, or marked with the approval or at the direction of the President.

3. All official military, naval, or air force books, pamphlets, documents, reports, maps, charts, plans, designs, models, drawings, photographs, contracts, or specifications which are now marked under the authority or at the direction of the President, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force as "top secret", "secret", "confidential", or "restricted", and all such articles or equipment which may hereafter be so marked with the approval or at the direction of the President.

This order supersedes Executive Order No. 8381 of March 22, 1940, entitled "Defining Certain Vital Military and Naval Installations and Equipment."

#### *Cross references*

Publication and sale of photographs of defense installations, see section 797 of this title.

### § 796. Use of aircraft for photographing defense installations.

Whoever uses or permits the use of an aircraft or any contrivance used, or designed for navigation or flight in the air for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of vital military or naval installations or equipment, in violation of section 795 of this title, shall be fined not more than $1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 2 Stat. 738.)

#### *Legislative history*

*Reviser's Note.*—Based on sections 45, 45a, and 45c of title 50, U.S.C., 1940 ed., War and National Defense (Jan. 12, 1938, ch. 2, §§ 1, 2, 4, 52 Stat. 3, 4).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

Punishment provided by section 795 of this title is repeated, and is from said section 45 of title 50, U.S.C., 1940 ed.

Minor changes were made in phraseology.

#### *Canal Zone*

Applicability of section to Canal Zone, see section 14 of this title.

### § 797. Publication and sale of photographs of defense installations.

On and after thirty days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under section 795 of this title, whoever reproduces, publishes, sells, or gives away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority, shall be fined not more than $1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 738.)

#### *Legislative History*

*Reviser's Note*—Based on sections 45 and 45b, of title 50, U. S. C., 1940 ed., War and National Defense (Jan. 12, 1938, ch. 2 §§ 1, 3, 52 Stat. 3).

Punishment provision of section 45 of title 50, U. S. C. 1940 ed., War and Defense, is repeated. Words "upon conviction" were deleted as a surplusage since punishment cannot be imposed until a conviction is secured.

Minor changes were made in phraseology.

#### *Canal Zone*

Applicability of section to Canal Zone, see section 14 of this title.

### § 798. Disclosure of Classified Information.[2]

(a) Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information—

(1) concerning the nature, preparation, or use of any code, cipher, or cryptographic

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[2] So enacted. See second 798 enacted on June 30, 1953, set out below.

**system of the United States or any foreign government; or**

(2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used for prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or

(3) concerning the communication intelligence activities of the United States or any foreign government; or

(4) obtained by the process of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes—

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

(b) As used in subsection (a) of this section—

The term "classified information" means information which, at the time of a violation of this section, is, for reasons of national security, specifically designated by a United States Government Agency or limited or restricted dissemination or distribution;

The terms "code," "cipher," and "cryptographic system" include in their meanings, in addition to their usual meanings, any method of secret writing and any mechanical or electrical device or method used for the purposes of disguising or concealing the contents, significance, or meanings of communications;

The term "foreign government" includes in its meaning any person or persons acting or purporting to act for or on behalf of any faction, party, department, agency, bureau, or military force of or within a foreign country, or for or on behalf of any government or any person or persons purporting to act as a government within a foreign country, whether or not such government is recognized by the United States;

The term "communication intelligence" means all procedures and methods used in the interception of communications and the obtaining of information from such communications by other than the intended recipients;

The term "unauthorized person" means any person who, or agency which, is not authorized to receive information of the categories set forth in subsection (a) of this section, by the President, or by the head of a department or agency of the United States Government which is expressly designated by the President to engage in communication intelligence activities for the United States.

(c) Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regulatory constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof. (Added Oct. 31, 1951, ch. 655, § 24(a), 65 Stat. 719.)

#### *Canal Zone*

Applicability of section to Canal Zone, see section 14 of this title.

#### *Cross References*

Disclosure of classified information by Government officer or employee, see section 783 (b), (d) of Title 50, War and National Defense.

Federal retirement benefits, forfeiture upon conviction of offenses described under this section, see section 2282 of Title 5, Executive Departments and Government Officers and Employees.

Forfeiture of veterans' benefits upon conviction under this section, see section 3505 of Title 38, Veterans' Benefits.

### § 798. Temporary extension of section 794.[3]

The provisions of section 794 of this title, as amended and, extended by section 1 (a) (29) of the Emergency Powers Continuation Act (66 Stat. 333), as further amended by Public Law 12, Eighty-third Congress, in addition to coming into full force and effect in time of war shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950 (Proc. 2912, 3 C.F.R. 1950 Supp., p. 71), or such earlier date as may be prescribed by concurrent resolution of the Congress, and acts which would give rise to legal consequences and penalties under section 794 when performed during a state of war shall give rise to the same legal consequences and penalties when they are performed during the period above provided for. (Added Jan. 30, 1953, ch. 175 § 4, 67 Stat. 133.)

#### *References in Text*

Section 1(a)(29) of the Emergency Powers Continuation Act (66 Stat. 333) as further amended by Public Law 12, Eighty-third Congress, referred to in the text, was formerly set out as a note under section 791 of this title and was repealed by section 7 of act June 30, 1953.

Proc. 2912, 3 C.F.R. 1950 Supp., p. 71, referred to in the text, is an erroneous citation. It should refer to Proc. 2914 which is set out as a note preceding section 1 of Appendix to Title 50, War and National Defense.

#### *Canal Zone*

Applicability of section to Canal Zone, see section 14 of this title.

### § 799. Violation of regulations of National Aeronautics and Space Administration.

Whoever willfully shall violate, attempt to violate, or conspire to violate any regulation or order promulgated by the Administrator of the National Aeronautics and Space Administration for the protection of security of any laboratory, station, base or other facility, or part thereof, or any aircraft, missile, spacecraft, or similar vehicle, or part thereof, or other property or equipment in the custody of the Administration, or any real or personal property or equipment in the custody of any contractor under any contract with the Administration or any subcontractor of any such contractor, shall be fined not more than $5,000, or imprisoned not more than one year or both. (Add Pub. L. 85–568, title III, § 304(c)(1), July 29, 1958, 72 Stat. 434.)

#### *Codification*

Section was added by subsec. (c) of section 304 of Pub. L. 85–568. Subsecs. (a) and (b) of section 304 are classified to section 2455 of Title 42, The Public Health and Welfare. Subsec. (d) of section 304 is classified to section 1114 of this title. Subsec. (e) of section 304 is classified to section 2456 of Title 42.

#### *Canal Zone*

Applicability of section to Canal Zone, see section 14 of this title.

### CLASSIFYING, DECLASSIFYING OF PAPERS

SOURCE.—Classifying, Declassifying of Papers. Affidavit of George MacClain, presented in open session in U.S. District Court. Washington Post, June 22, 1971: A 11.

Affidavit of George MacClain, *presented in open session in U.S. District Court. Most of the government's affivadits were presented in closed session.*

I, George MacClain, Director of the Security Classification Management Division, Office of the Deputy Assistant Secretary of Defense (Security Policy) (Administration), being duly sworn, depose and say:

1. That, I have held my present position since 1963. I have been employed in the Department of Defense continuously since 1935.

2. That under the general direction of the Assistant Secretary of Defense (Administration), my Division is responsible for the development, promulgation, and administrative oversight of the rules and regulations of downgrading, and declassification of official information over which the Department of Defense (DoD) has original classification jurisdiction vested in the Secretary of Defense by Executive Order (EO) 10501, Safeguarding Official Information in the Interests of the Defense of the United States. December 15, 1953, as amended, or over which the DoD has derivative classification authority by reason of having been placed in custody thereof by some other United States Government agency, foreign nation, or international organization exercising original classifying jurisdiction. A copy of EO 10501, as amended to date, is attached hereto.

3. That the principal regulations of the DoD for security classification, downgrading and declassification consist of DoD Instruction 5210.47, Security Classification of Official Information, December 31, 1964, and DoD Directive 5200.10, Downgrading and Declassification of Classified Defense Information, July 26, 1962. These regulations specifically implement those portions of EO 10501, as amended, which pertain to security classification, downgrading and declassification of official information. Copies of these regulations, as amended to date, are attached hereto.

4. That as originally issued in 1953, EO 10501 provided guidance for security classification at three levels, top secret, secret, and confidential, and further provided for the downgrading and declassification of information when the same level or no level of classification was no longer required. Under the original EO 10501, downgrading and declassification were to be accomplished upon the basis of the results of review and reevaluation from time to time more or less on continuous basis. On September 1961, EO 10501 was amended by EO 10964 for the purpose of providing for a system of time-phased automatic downgrading and declassification to supplement the ongoing review and reevaluation process. This automatic system was derived from a similar system earlier created by the DoD for its own use—DoD Directive 5200.10 implements EO 10501 as amended by EO 10964.

a. The basis for original security classification is that the unauthorized disclosure of the information involved could or would be harmful to the national defense interests of the United States. The judgment whether to impose an original classification is derived from considerations of the immediate present and future. The considerations include, without limitation, the following: The international posture of the United States as related to other nations in those respects which affect, directly or indirectly, United States national defense interests. The technological state of the art in respect to those systems and equipments by which the United States is enabled to preserve its security including, without limitation, systems and equipments for gathering intelligence; weapons systems; systems and equipments for supply, maintenance and operation of military forces; systems and equipments for military forces; systems and equipments for the exercise of effective diplomatic relationships with other nations. The extent to which the information involved is already publicly known either domestically or in foreign countries. The extent to which a United States leadtime advantage is deemed absolutely necessary in the interests of United States national defense, and whether in order to achieve and maintain this lead time, security classification is indispensable. The extent to which a United States national defense, and whether in order to achieve and maintain this lead time, security classification is indispensable. The extent to which a United States leadtime advantage can be forgone in the interests of net overall advantage to the United States from unclassified use of the information. The extent to which the information can in fact be safeguarded against unauthorized disclosure. The extent to which the costs of effective safeguarding would or could defeat the purposes of the program to which security classification would be applied.

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[3] So enacted. See first section 798 enacted on Oct. 31, 1951, set out above.

b. The question as to whether the level of classification should be TOP SECRET, SECRET or CONFIDENTIAL is determined by the extent of possible damage to the current and future United States national defense interests if the information were disclosed without authority. If the damage could or would be exceptionally grave, TOP SECRET (TS) would be the required level. If the damage could or would be serious, SECRET (S); if prejudicial, CONFIDENTIAL (C). The safeguarding measures for the information subsequently applied would vary according to the level of classification.

c. Downgrading means to reduce the level of classification. Downgrading is appropriate when, on the basis of a current judgment of the present and future United States national defense interests, the degree of possible harm to those interests would change from exceptionally grave to serious or prejudicial, or from serious to prejudicial.

d. Declassification means to terminate the classification. Downgrading is appropriate when, on the basis of a current judgment of the present and future United States national defense interests, the degree of possible harm to those interests is less than prejudicial.

e. The factors applied to command and control of * * * cation are the same as those used for classification in the first instance. With the passage of time, changes in the state of the art, and other changes in the circumstances which justified the original classification or a later reduced level of classification, a new current judgment is made in the light of the now current situation, all relevant things considered.

f. The passage of time, in and of itself, is not in any case a completely sufficient reason for downgrading or declassification. On the other hand, the passage of time is always important because of the inevitable connotation that during the passage of time the circumstances and conditions originally justifying classification, or reduced classification, have themselves changed.

g. It has always been a policy that at the time of original classification, the original classifier would endeavor to visualize a future situation in which downgrading or declassification could and should occur. The purpose would be to try, to bring about downgrading or declassification at the earliest reasonable and feasible time, and to achieve this result if per chance the action did not earlier result from review and reevaluation. In other words, if a specific event, or date, or period of time can be identified, the downgrading or declassification process can be made to occur automatically upon the occurrence of the selected factor or factors.

h. Unless the original classifier establishes the conditions for automatic downgrading and declassification and signifies those conditions by marking intended to put the future custodian immediately on notice, the level of classification as originally determined, or as reduced, will continue without change until the process of review and reevaluation occurs and the appropriate downgrading or declassification action is determined and ordered.

i. A determination to classify must be accompanied by a classification designation directly and immediately associated with the information involved. On documents, this designation is achieved by the marking "Top Secret," "Secret," or "Confidential." These markings are not authorized to be changed or removed except as an incident of downgrading or declassification.

j. An essential part of a completed downgrading or declassification action is a change in, or cancellation of the current designation. Even if a judgment to downgrade or declassify has been made, the judgment cannot be made effective without the appropriate change, or cancellation of, the current designation.

k. Downgrading or declassification can occur at any time. Review and reevaluation can occur at any time. The system contains requirements for continuous review and reevaluation, and also for review and reevaluation on a systematic and orderly basis. It is difficult administratively to achieve the officially desired frequency of review and reevaluation.

l. In connection with making a response to a request for information which currently is classified, a review and reevaluation of the information would be needed if the requester was not eligible, by personal security clearance and by officially determined need to have the information, to be given access to that information at its current level of classification.

6. That the time-phased system of automatic downgrading and declassification established by EO 10501 as amended by EO 10964 and as implemented in DoD by DoD directive 5200.10, provides for four categories or groups numbered from one through four. For groups 1, 3, and 4, there is no necessary relationship between a level of classification, TS, S or C, and the particular group. Thus, TOP SECRET, as well as SECRET or CONFIDENTIAL information can be placed in either group 1, 2, or 4. Group 2 information, however, is used for only very sensitive information, and may be applied only on a unit basis, such as document by document. The classification level of group 2 information must always be either TS or S.

a. Group 1 information is excluded from the automatic system. Information which is not completely within the exclusive original security classification jurisdiction made of the DoD must be placed in group 1. Thus, classified information made available to the DoD by another agency of the United States Government, such as the Department of State or the Central Intelligence Agency, or by a foreign nation or international organization, must be placed in group 1 regardless of its level of classification. Some group 1 information is within the exclusive jurisdiction of DoD. Group 1 information is never automatically downgraded or declassified. If not within exclusive DoD jurisdiction, it can be downgraded or declassified only with the combined action of the original classifier and the DoD.

b. Group 3 information is subject to automatic downgrading on a 12-year, time-phased basis. TS becomes S in 12 years, and S becomes C in 12 years. There is no automatic declassification.

c. Group 4 information is subject to automatic downgrading and declassification on the prescribed time basis of reducing one level in 3 years and becoming automatically declassified after 12 years from date of origin. Thus, TS would become S in three years, S would become C in three more years, and declassification would occur in 6 more years. a total of 12. Information starting at S or C would become declassified only after the passage of a total of 12 years from date of origin.

7. That original classification is very different from derivative classification. Original classification is determined by the original classifier in relation to his judgment of the current interests of United States national defense. After the original classification, all custodians are bound by the classification originally imposed, until and unless changed by the original classifier or by those duly authorized to act for him. Within the DoD, the authority for original classification, downgrading and declassification is exercised within a vertical channel of command or supervision. Any higher official in a vertical channel of command or supervision may change a classification imposed at a lower level, or act in lieu of a classifier at a lower level. The exercise of original classification is controlled by the Secretary of Defense or his designee, the Assistant Secretary of Defense (Administration). At the TS level, the number of officials vested with original classification authority is relatively few and is precisely specified on the basis of official positions. Many more officials have original classifying authority at the S and C levels, generally determined by the necessities of the particular positions and responsibilities held as verified by appropriate authority.

8. That the original classifying authority not only determines the level of classification, as TS, S or C. He also is required to establish the group for automatic downgrading and declassification purposes. A custodian holding only derivative classification authority with respect to the information in question is authorized, however, if a group marking has not been made, to establish the correct group and put the appropriate group marking on the document in accordance with the rules under which the original classifier exercised his authority.

9. That the classification of documents is required to be determined in the basis of the content of the particular document. Within any document there may be classified portions as well as unclassified portions, and there may be portions classified at different levels from other portions. The document as an entirety, however carries only one overall classification, and that classification must be the same as that portion of the document bearing the highest level of classification. When two or more documents are combined together to make a single package, the overall classification of the total package would depend upon not only the highest level of classification of any portion of material in either of the parts of the package, but also upon the question whether putting the two or more parts together into a single package gives rise to information which in itself merits a higher classification than any part within the total package. On this principle, it is sometimes necessary to classify a document in which no single piece or part is itself classified.

10. That when a new document is prepared from two or more source documents, it is sometimes very difficult, if not impossible, to sort out the individual portions of the new document in relation to specific sources for the purpose of endeavoring to identify specific portions of the new document which can be determined to be unclassified. For example, if source documents were supplied to the DoD by the Department of State or the Central Intelligence Agency, or by a foreign nation, and from those several sources a new document was prepared as an original composition, it is absolutely certain that the new original composition would have to carry the classification level of the highest classified portion of any source document which had been carried into the final new composition.

11. That under the foregoing system, certain necessary conclusions follow. Within DoD, an original TS classification determination must be made by an official specifically vested with that authority, and subsequent downgrading and declassification of TS information must be determined by that same authority unless another official has been duly designated to take that action. Further, when classified information at any level is entrusted by another agency of the United States Government to the DoD, no official in the DoD may reduce or cancel that classification except in concert with and by authority of the other agency exercising the original classifying authority.

12. That it is appropriate to repeat with emphasis that classification, downgrading and declassification determinations under EO 10501 as amended as implemented by the DoD must be made in terms of the current and future national defense interests of the United States, whether those interests are related in one case to the international posture of the United States in relation to other nations, or in another case to a particular weapons system or intelligence gathering or collection system or to intelligence sources and methods, or to plans for current or fu-

ture military operations. Further, classification, downgrading and declassification always depend upon a judgment currently made as to the immediate and future national defense interests of the United States.

13. That, based upon information and belief and my understanding, and pursuant to EO 10501, as amended, DoD Instruction 5210.47, and DoD Directive 5200.10, the required classification of the study entitled "United States—Vietnam Relations 1945–1967," as a single package document consisting of 47 volumes, based upon and derived from miscellaneous source materials some of which were prepared and classified Top Secret by original classifying authorities outside of the DoD and some of which were prepared and classified Top Secret by original classifying authorities within the DoD, at the time for completion of the study was, and now is, Top Secret.

### DEPARTMENTAL REGULATIONS; SEC. 301 TITLE 5 U.S.C.

SOURCE.—U.S. Laws, Statutes, etc. United States Code, 1964 ed., supplement V, containing the general and permanent laws of the United States enacted during the 89th and 90th Congresses and 91st Congress, first session, January 4, 1965, to January 18, 1970. Prepared and published . . . by the Committee on the Judiciary of the House of Representatives. Washington, U.S. Govt. Print. Off., 1965. (Title 5, government organization and employees, chapter 3, pp. 70–71).

§ 301. Departmental regulations.

The head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 379.)

*Historical and revision notes*

*U.S. Code:* 5 U.S.C. 22.

*Revised Statutes and Statutes at Large: R. S.* § 161. Aug. 12, 1958, Pub. L. 85–619, 72 Stat. 547.

The words "Executive department" are substituted for "department" as the definition of "department" applicable to this section is coextensive with the definition of "Executive department" in section 101. The words "not inconsistent with law" are omitted as surplusage as a regulation which is inconsistent with law is invalid.

The words "or military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which provided:

"All laws, orders, regulations, and other actions relating to the National Military Establishment, the Department of the Army, the Navy, or the Air Force, or to any officer or activity of such establishment or such departments, shall, except to the extent inconsistent with the provisions of this Act, have the same effect as if this Act had not been enacted; but, after the effective date of this Act, and such law, order, regulation, or other action which vested functions in or otherwise related to any officer, department, or establishment, shall be deemed to have vested such function in or relate to the officer or department, executive or military, succeeding the officer, department, or establishment in which such function was vested. For purposes of this subsection the Department of Defense shall be deemed the department succeeding the National Military Establishment, and the military departments of Army, Navy, and Air Force shall be deemed the departments succeeding the Executive Departments of Army, Navy, and Air Force."

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171–1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

### FREEDOM OF INFORMATION ACT; P.L. 89–487

SOURCE.—U.S. Laws, Statutes, etc. An act to amend section 3 of the Administrative Procedure Act, chapter 324 of the act of June 11, 1946 (60 stat. 238), to clarify and protect the right of the public to information, and for other purposes [Freedom of Information Act]. Approved July 4, 1966. [Washington, U.S. Govt. Print. Off., 1966], [2] p. (Public law 487, 89th Congress, 80 stat. 250).

*Public Law 89–487—July 4, 1966*

An act to amend section 3 of the Administrative Procedure Act, chapter 324, of the Act of June 11, 1946 (60 Stat. 238), to clarify and protect the right of the public to information, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3, chapter 324, of the Act of June 11, 1946 (60 Stat. 238), is amended to read as follows:

"SEC. 3. Every agency shall make available to the public the following information:

"(a) PUBLICATION IN THE FEDERAL REGISTER.—Every agency shall separately state and currently publish in the Federal Register for the guidance of the public (A) descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions; (B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available; (C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations; (D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and (E) every amendment, revision, or repeal of the foregoing. Except to the extent that a person has actual and timely notice of the terms thereof, no person shall in any manner be required to resort to, or be adversely affected by any matter required to be published in the Federal Register and not so published. For purposes of this subsection, matter which is reasonably available to the class of persons affected thereby shall be deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

"(b) AGENCY OPINIONS AND ORDER.—Every agency shall, in accordance with published rules, make available for public inspection and copying (A) all final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases, (B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register, and (C) administrative staff manuals and instructions to staff that affect any member of the public, unless such materials are promptly published and copies offerred for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction: *Provided,* That in every case the justification for the deletion must be fully explained in writing. Every agency also shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after the effective date of this Act and which is required by this subsection to be made available or published. No final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects any member of the public may be relied upon, used or cited as precedent by an agency against any private party unless it has been indexed and either made available or published as provided by this subsection or unless that private party shall have actual and timely notice of the terms thereof.

"(c) AGENCY RECORDS.—Except with respect to the records made available pursuant to subsections (a) and (b), every agency shall, upon request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute and procedure to be followed, make such records promptly available to any person. Upon complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated shall have jurisdiction to enjoin the agency from the withholding of agency records and to order the production of any agency records improperly withheld from the complainant. In such cases the court shall determine the matter de novo and the burden shall be upon the agency to sustain its action. In the event of noncompliance with the court's order, the district court may punish the responsible officers for contempt. Except as to those causes which the court deems of greater importance, proceedings before the district court as authorized by this subsection shall take precedence on the docket over all over causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

"(d) AGENCY PROCEEDINGS.—Every agency having more than one member shall keep a record of the final votes of each member in every agency proceeding and such record shall be available for public inspection.

"(e) EXEMPTIONS.—The provisions of this section shall not be applicable to matters that are (1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy; (2) related solely to the internal personnel rules and practices of any agency; (3) specifically trade secrets and commercial or financial information obtained from any person and privileged or confidential; (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the agency; (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (7) investigatory files compiled for law enforcement purposes except to the extent available by law to a private party; (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions; and (9) geological and geophysical information and data (including maps) concerning wells.

"(f) LIMITATION OF EXEMPTIONS.—Nothing in this section authorizes withholding of information or limiting the availability of records to the public except as specifically stated in this section, nor shall this section be authority to withhold information from Congress.

"(g) PRIVATE PARTY.—As used in this section, 'private party' means any party other than an agency.

"(h) EFFECTIVE DATE.—This amendment shall become effective one year following the date of the enactment of this Act."

Approved July 4, 1966.

## CONTROL OF INFORMATION (AEC); SECS 2161—2-66 TITLE 42 U.S.C.

SOURCE.—U.S. Laws, statutes, etc. United States code, 1964 ed., containing the general and permanent law of the United States, in force on January 3, 1965. Prepared and published . . . by the Committee on the Judiciary of the House of Representatives, Washington, U.S. Govt. Print. Off., 1965, (v. 9, title 42 public health and welfare, subchapter 11, pages 8070–8073).

### *Subchapter XI.—Control of information*

### PRIOR PROVISIONS

Provisions similar to those comprising this subchapter were contained in section 10 of act Aug. 1, 1946, ch. 724, 60 Stat. 755 (formerly classified to section 1810 of this title), prior to the complete amendment and renumbering of act Aug. 1, 1946 by act Aug. 30, 1954, 9:44 a.m., E. D. T., ch. 1073, 68 Stat. 921.

### § 2161. Policy of Commission.

It shall be the policy of the Commission to control the dissemination and declassification of Restricted Data in such a manner as to assure the common defense and security. Consistent with such policy, the Commission shall be guided by the following principles:

(a) Until effective and enforceable international safeguards against the use of atomic energy for destructive purposes have been established by an international arrangement, there shall be no exchange of Restricted Data with other nations except as authorized by section 2164 of this title; and

(b) The dissemination of scientific and technical information relating to atomic energy should be permitted and encouraged so as to provide that free interchange of ideas and criticism which is essential to scientific and industrial progress and public understanding and to enlarge the fund of technical information. (Aug. 1, 1946, ch. 724, § 141, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat 940.

### § 2162. Classification and declassification of Restricted Data.

(a) Periodic determination. The Commission shall from time to time determine the data, within the definition of Restricted Data, which can be published without undue risk to the common defense and security and shall thereupon cause such data to be declassified and removed from the category of Restricted Data.

(b) Continuous review. The Commission shall maintain a continuous review of Restricted Data and of any Classification Guides issued for the guidance of those in the atomic energy program with respect to the areas of Restricted Data which have been declassified in order to determine which information may be declassified and removed from the category of Restricted Data without undue risk to the common defense and security.

(c) Joint determination on atomic weapons; Presidential determination on disagreement. In the case of Restricted Data which the Commission and the Department of Defense jointly determine to relate primarily to the military utilization of atomic weapons, the determination that such data may be published without constituting an unreasonable risk to the common defense and security shall be made by the Commission and the Department of Defense jointly, and if the Commission and the Department of Defense do not agree, the determination shall be made by the President.

(d) Same; removal from Restricted Data category.

The Commission shall remove from the Restricted Data category such data as the Commission and the Department of Defense jointly determine relates primarily to the military utilization of atomic weapons and which the Commission and Department of Defense jointly determine can be adequately safeguarded as defense information: *Provided, however,* That no such data so removed from the Restricted Data category shall be transmitted or otherwise made available to any nation or regional defense organization, which such data remains defense information, except pursuant to an agreement for cooperation entered into in accordance with section 2164(b) of this title.

(e) Joint determination on atomic energy programs.

The Commission shall remove from the Restricted Data category such information concerning the atomic energy programs of other nations as the Commission and the Director of Central Intelligence jointly determine to be necessary to carry out the provisions of section 403(d) of Title 50 and can be adequately safeguarded as defense information. (Aug. 1, 1946, ch. 724, § 142, as added Aug. 30, 1954 ch. 1073, § 1, 68 Stat. 941.)

### *Ex. Ord. No. 10899. Communication of Restricted Data by the Central Intelligence Agency*

Ex. Ord. No. 10899, Dec. 9, 1960, 25 F.R. 12729, provided:

By virtue of the authority vested in me by the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act; 42 U.S.C. 2011 *et seq.*) [this chapter], and as President of the United States, it is ordered as follows:

The Central Intelligence Agency is hereby authorized to communicate for intelligence purposes, in accordance with the terms and conditions of any agreement for cooperation arranged pursuant to subsections 144 a, b, or c of the act (42 U.S.C. 2162 (a), (b), or (c)), such restricted data and data removed from the restricted data category under subsection 142d of the Act (42 U.S.C. 2162(d)) [subsection (d) of this section] as is determined

(i) by the President, pursuant to the provisions of the Act, or

(ii) by the Atomic Energy Commission and the Department of Defense, jointly pursuant to the provisions of Executive Order No. 10841 ([set out as a note under section 2153 of this title], to be transmissible under the agreement for cooperation involved. Such communications shall be effected through mechanisms established by the Central Intelligence Agency in accordance with the terms and conditions of the agreement for cooperation involved: *Provided,* that no such communication shall be made by the Central Intelligence Agency until the proposed communication has been authorized either in accordance with procedures adopted by the Atomic Energy Commission and the Department of Defense and applicable to conduct of programs for cooperations by those agencies, or in accordance with procedures approved by the Atomic Energy Commission and the Department of Defense and applicable to conduct of programs for cooperation by the Central Intelligence Agency.

DWIGHT D. EISENHOWER.

### *Ex. Ord. No. 11057. Communication of restricted data by Department of State*

Ex. Ord. No. 11057, Oct. 18, 1962, 27 F.R. 10289, provided:

By virtue of the authority vested in me by the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act; 42 U.S.C. 2011 et seq.) [this chapter], and as President of the United States, it is ordered as follows:

The Department of State is hereby authorized to communicate, in accordance with the terms and conditions of any agreement for cooperation arranged pursuant to subsection 144b of the act (42 U.S.C. 2164(b)), such restricted data and data removed from the restricted data category under subsection 142d of the act (42 U.S.C. 2162(a)) [subsec. (d) of this section] as is determined

(i) by the President, pursuant to the provisions of the Act, or

(ii) by the Atomic Energy Commission and the Department of Defense, jointly pursuant to the provisions of Executive Order No. 10841, as amended [set out as a note under section 2153 of this title], to be transmissible under the agreement for cooperation involved. Such communications shall be effected through mechanisms established by the Department of State in accordance with the terms and conditions of the agreement for cooperation involved: *Provided,* that no such communication shall be made by the Department of State until the proposed communication has been authorized either in accordance with procedures adopted by the Atomic Energy Commission and the Department of Defense and applicable to conduct of programs for cooperation by those agencies, or in accordance with procedures approved by the Atomic Energy Commission and the Department of Defense and applicable to conduct of programs for cooperation by the Department of State.

JOHN F. KENNEDY.

### § 2163. Access to Restricted Data.

The Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee or prospective licensee of the Commission or any other person authorized access to Restricted Data by the Commission under section 2165(b) and (c) of this title to permit any employee of an agency of the Department of Defense or of its contractors, or any member of the Armed Forces to have access to Restricted Data required in the performance of his duties and so certified by the head of the appropriate agency of the Department of Defense or his designee: *Provided, however,* That, the head of the appropriate agency of the Department of Defense or his designee has determined, in accordance with the established personnel security procedures and standards of such agency, that permitting the member or employee to have access to such Restricted Data will not endanger the common defense and security: *And provided further, That* the Secretary of Defense finds that the established personnel and other security procedures and standards of such agency are adequate and in reasonable conformity to the standards established by the Commission under section 2165 of this title. (Aug. 1, 1946, ch. 724, § 143, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 941, and amended Aug. 6, 1956, ch. 1015, § 14, 70 Stat. 1071; Sept. 6, 1961, Pub. L. 87–206, § 5, 75 Stat. 476.)

### *Amendments*

1961—Pub. L. 87–206 inserted the reference to subsection (c) of section 2165 of this title.

1956—Act Aug. 6, 1956, inserted between the words "licensee of the Commission" and the words "to permit any employee" the words "or any other person authorized access to Restricted Data by the Commission under section 2165(b) of this title".

### § 2164. International cooperation.

(a) By Commission, The President may authorize the Commission to cooperate with another nation and to communicate to that nation Restricted Data on—

(1) refining, purification, and subsequent treatment of source material;

(2) civilian reactor development;

(3) production of special nuclear material;

(4) health and safety;

(5) industrial and other applications of atomic energy for peaceful purposes; and

(6) research and development relating to the foregoing:

*Provided, however,* That no such cooperation shall involve the communication of Restricted Data relating to the design or fabrication of atomic weapons *And provided further,* That the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 2153 of this title, or is undertaken pursuant to an agreement existing on Augsut 30, 1954.

(b) By Department of Defense. The President may authorize the Department of Defense, with the assistance of the Commission, to cooperate with another nation or with a regional defense organization to which the United States is a party, and to communicate to that nation or organization such Restricted Data (including design information) as is necessary to—

(1) the development of defense plans; ;

(2) the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;

(3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and

(4) the development of compatible delivery systems for atomic weapons;

whenever the President determines that the proposed cooperation and the proposed communication of the Restricted Data will promote and will not constitute an unreasonable risk to the common defense and security, while such other nation or organization is patricipating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided however,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 2153 of this title.

(c) Exchange of information concerning atomic weapons; research, development, or design, of military reactors. In addition to the cooperation authorized in subsections (a) and (b) of this section, the President may authorize the Commission, with the assistance of the Department of Defense, to cooperate with another nation and—

(1) to exchange with that nation Restricted Data concerning atomic weapons: *Provided,* That communication of such Restricted Data to that nation is necessary to improve its atomic weapon design, development, or fabrication capability and provided that nation has made substantial progress in the development of atomic weapons; and

(2) to communicate or exchange with that nation Restricted Data concerning research, development, or design, of military reactors. whenever the President determines that the proposed cooperation and the communication of the proposed Restricted Data will promote and will not constitute an unreasonable risk to the common defense and security, while such other nation is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and securiy: *Provided, however,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 2153 of this title.

(d) Communication of data by other Governmental agencies. The President may authorize any agency of the United States to communicate in accordance with the terms and conditions of an agreement for cooperation arranged pursuant to subsection (a), (b), or (c) of this section, such Restricted Data as is determined to be transmissible under the agreement for cooperation involved. (Aug. 1, 1946, ch. 724, § 144, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 942, and amended July 2, 1958, Pub. L. 85–479, §§ 5–7, 72 Stat. 278).

*Amendments*

1958—Subsec. (a), Pub. L. 85–479, § 5, substituted "civilian reactor development" for "reactor development" in cl. (2).

Subsec. (b). Pub. L. 85–479, § 6, authorized communication of design information, of data concerning other military applications of atomic energy necessary for the training of personnel or for the evaluation of the capabilities of potential enemies, and of data necessary to the development of compatible delivery systems for atomic weapons, and eliminated provisions which prohibited communication of data which would reveal important information concerning the design or fabrication of the nuclear components of atomic weapons.

Subsecs. (c) and (d) Pub. L. 85–479, § 7, added subsecs. (c) and (d).

### § 2165. Security restrictions.

(a) On contractors and licenses. No arrangement shall be made under section 2051 of this title, no contract shall be made or continued in effect under section 2061 of this title, and no license shall be issued under section 2133 or 2134 of this title, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

(b) Employment of personnel; access to Restricted Data. Except as authorized by the Commission or the General Manager upon a determination by the Commission or General Manager with such action is clearly consistent with the national interest, no individual shall be employed by the Commission nor shall the Commission permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

(c) Acceptance of investigation and clearance granted by other Government agencies. In lieu of the investigation and report to be made by the Civil Service Commission pursuant to subsection (b) of this section, the Commission may accept an investigation and report on the character, associations, and loyalty of an individual made by another Government agency which conducts personnel security investigations, provided that a security clearance has been granted to such individual by another Government agency based on such investigation and report.

(d) Investigations by FBI. In the event an investigation made pursuant to subsections (a) and (b) of this section develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Civil Service Commission for its information and appropriate action.

(e) Same; Presidential investigation. If the President deems it to be in the national interest, he may from time to time determine investigations of any group or class which are required by subsections (a), (b), and (c) of this section to be made by the Federal Bureau of Investigation.

(f) Certification of specific positions for investigation by FBI. Notwithstanding the provisions of subsections (a), (b), and (c) of this section, a majority of the members of the Commission shall certify those specific positions which are of a high degree of importance or sensitivity and upon such certification the investigation and reports required by such provisions shall be made by the Federal Bureau of Investigation.

(g) Investigation standards. The Commission shall establish standards and specifications in writing as to the scope and extent of investigations, the reports of which will be utilized by the Commission in making the determination pursuant to subsections (a), (b), and (c) of this section, that permitting a person access to restricted data will not endanger the common defense and security. Such standards and specifications shall be based on the location and class or kind of work to be done, and shall, among other considerations, take into account the degree of importance to the common defense and security of the restricted data to which access will be permitted.

(h) War time clearance. Whenever the Congress declares that a state of war exists, or in the event of a national disaster due to enemy attack, the Commission is authorized during the state of war or period of national disaster due to enemy attack to employ individuals and to permit individuals access to Restricated Data pending the investigation report, and determination required by subsection (b) of this section to the extent that and so long as the Commission finds that such action is required to prevent impairment of its activities in furtherance of the common defense and security. (Aug. 1, 1946, ch. 724, § 145, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 942, and amended Aug. 19, 1958, Pub. L. 85–681, § 5, 72 Stat. 633; Sept. 6, 1961, Pub. L. 87–206, § 6, 75 Stat. 476; Aug. 29, 1962, Pub. L. 87–615, § 10, 76 Stat. 411.)

AMENDMENTS

1962—Subsec. (f). Pub. L. 87–615 deleted the comma following "investigation".

1961—Subsec. (c). Pub. L. 87–206 added subsec. (c) Former subsec. (c) redesignated (d).

Subsec. (d) Pub. L. 87–206 redesignated former subsec. (c) as (d). Former subsec. (d) redesignated (c).

Subsec. (c). Pub. L. 87–206 redesignated former subsec. (d) as (c) and amended the provisions by substituting "determine that" for "cause investigations", inserting reference to subsection (c) of this section and eliminating "instead of by the Civil Service Commission" following "Federal Bureau of Investigation." Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 87–296 redesignated former subsec. (e) as (f) and amended the provisions by inserting reference to subsection (c) of this section and eliminating "instead of by the Civil Service Commission" following "Federal Bureau of Investigation." Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 87–206 redesignated former subsec. (f) as (g) and amended the provisions by substituting ", the reports of which will be utilized by the Commission in making the determination, pursuant to subsections (a), (b), and (c) of this section, that permitting a person access to restricted data will not endanger the common defense and security" for "to be made by the Civil Service Commission pursuant to subsections (a) and (b) of this section." Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 87–206 redesignated former subsec. (g) and (h).

1958—Subsec. (g), Pub. L. 85–681 added subsec. (g).

*Cross reference*

Arms control and disarmament security restrictions, see section 2585 of Title 22, Foreign Relations and Intercourse.

### § 2166. Applicability of other laws.

(a) Sections 2161—2165 of this title shall not exclude the applicable provisions of any other laws, except that no Government agency shall take any action under such other laws inconsistent with the provisions of those sections.

(b) The Commission shall have no power to control or restrict the dissemination of information other than as granted by this or any other law. (Aug. 1, 1946, ch. 724, § 146, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 943.)

### SECURITY REGULATIONS: PHYSICAL AND PROCEDURAL

(State Department/AID/USIA: Selected excerpts—Uniform State/AID/USIA regulations.)

#### 900—Physical and Procedural Security

(NOTE.—* indicates revision; * * indicates new material.)

#### 901 Policy

#### 901.1 Interests of National Defense

The interests of national defense require the preservation of the ability of the United States to protect and defend itself against all hostile or destructive action by covert or overt means, including espionage as well as military action. Therefore, certain official information *including that in the field of foreign relations* affecting the national defense must be protected against unauthorized disclosure. *(See section 911.2.)*

#### 901.2 Safeguarding Official Information

Executive Order No. 10501 of November 5, 1953 (18 F.R. 7047), as amended (note following 50 U.S.C. 401), provides for the safeguarding of official information which requires protection in the interests of national defense. *For the types of foreign policy information which may fall within the criteria of national defense, see sections 911.2 and 911.4.*

#### * *901.3 Safeguarding Other Official Information

The Freedom of Information Act (5 U.S.C. 552) recognizes the necessity for the Government to withhold from public disclosure certain categories of records in addition to those containing information specified in Executive Order 10501 and other Executive Orders. These include, but are not limited to, records the disclosure of which would be a clearly unwarranted invasion of personal privacy or would violate a privileged relationship.

The absence of a security classification or an administrative control designation on a record should not be regarded as authorizing the public disclosure of information contained therein without independent consideration of the appropriateness of the disclosure. In this regard, Department and Agency policy with respect to disclosure of information under the Freedom of Information Act, or otherwise, does not alter the individual's responsibility arising from his employment relationship with the Department or Agency.* *

Source.—U.S. Department of State, Uniform State/AID/USIA security regulations, physical and procedural. [Washington, U.S. Govt. Print. Off.] 1969. 1 v. (various pagings)

#### 901.4 Limitation

The requirement to safeguard information in the national defense interest and in order to protect sources of privileged information in no way implies an indiscriminate license to restrict information from the public. It is important that the citizens of the United States have the fullest possible access, consistent with security and integrity, to information concerning the policies and programs of their Government.

#### 901.5 Scope

These regulations prescribe the security rules for classifying, marking, reproducing, handling, transmitting, disseminating, storing, regrading, declassifying, decontrolling, and destroying official material in accordance with its relative importance. They are intended to ensure accurate and uniform classification of such information and to establish standards for its protection, as required by Executive Order 10501.

#### 901.6 Responsibility

a. Primary. The specific responsibility for the maintenance of the security of classified or controlled information rests with each person having knowledge or physical custody thereof, *no matter how obtained.*

b. Individual. Each employee is responsible for familiarizing himself with and adhering to all security regulations.

c. Supervisory. The ultimate responsibility for safeguarding classified and administratively controlled information as prescribed in these regulations rests upon each supervisor to the same degree that he is charged with functional responsibility for his organizational unit. Supervisors may, however, delegate the performance of any or all of these functions relating to the safeguarding of materials.

d. Organizational. The Office of Security in State, USIA, and A.I.D. are responsible for physical and personnel security in their respective agencies. The Office of Communications in the Department of State is responsible for cryptographic security. For administration and enforcement, see section 990.

**e. Limitation. Responsibility for safeguarding classified and controlled information and records shall not be construed as authority to determine whether records may be withheld from the public when requests for their disclosure are made under the Freedom of Information Act (5 U.S.C. 552). Such requests must be referred in the manner described in section 943.2 for processing in accordance with applicable agency regulations. (State, 5 FAM 480; A.I.D., M.O. 820.1; USIA, 22 CFR 503.5–503.7.) **

#### 910 Classification and Control of Information and Material

#### 911 Authorized Classifications

#### 911.1 Classification Categories

Classification of official information requiring protection in the interests of national defense shall be limited to one of the three authorized categories of classification, which in descending order of importance are: Top Secret, Secret, and Confidential. No other classification shall be used to identify defense information, including military information, requiring protection in the interests of national defense, except as expressly provided by statute.

#### 911.2 Defense *and Foreign Policy* Information

The Attorney General of the United States on April 17, 1954, advised that defense classifications may be interpreted, in proper instances, to include the safeguarding of information and material developed in the course of conduct of foreign relations of the United States whenever it appears that the effect of the unauthorized disclosure of such information or material upon international relations or upon policies being pursued through diplomatic channels could result in serious damage to the Nation. The Attorney General further noted that it is a fact that there exists an interrelation between the foreign relations of the United States and the national defense of the United States, which fact is recognized in section 1 of Executive Order 10501. Illustrative examples of such information which may require classification include but are not confined to:

a. Information and material relating to cryptographic devices and systems.

b. Information pertaining to vital defense or diplomatic programs or operations.

c. Intelligence or information relating to intelligence operations which will assist the United States to be better prepared to defend itself against attack or to conduct foreign relations.

d. Information pertaining to national stockpiles, requirements for strategic materials, critical products, technological development, or testing activities vital to national defense.

e. Investigative reports which contain information relating to subversive activities affecting the internal security of the United States.

f. Political and economic reports containing information, the unauthorized disclosure of which may jeopardize the international relations of the United States or may otherwise affect the national defense.

g. Information received in confidence from officials of a foreign government whenever it appears that the breach of such confidence might have serious consequences affecting the national defense or foreign relations.

#### 911.3 Classification of Defense Information

#### 911.3–1 Top Secret

Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized by an appropriate official only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense or diplomatic aspect of which is paramount and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation, such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military defense plans, intelligence operations, or scientific or technological developments vital to the national defense.

#### 911.3–2 Secret

Except as may be expressly provided by statute, the use of the classification Secret shall be authorized by an appropriate official only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as jeopardizing the international relations of the United States or its allies, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important diplomatic or intelligence operations.

#### 911.3–3 Confidential

Except as may be expressly provided by statute, the use of the classification Confidential shall be authorized, by an appropriate official, only for defense information or material the unauthorized disclosure of which could be prejudicial to the conduct of United States foreign relations or the defense interests of the Nation.

#### 911.3–4 Unclassified

Normally, unclassified material should not be marked or stamped "Unclassified" unless it is essential to convey to its recipient that it has been examined specifically for the need of a defense classification or control designation and has been determined not to require such classification or control. However, preprinted forms such as telegrams, which make provision for an assigned classification, shall include the term "Unclassified" if the information contained the text is neither classified nor administratively controlled. * Envelopes containing unclassified information to be sent by diplomatic pouch must be marked or stamped "Unclassified" on both sides. (See section 956.5b.) *

#### 911.4 Authorized Administrative Control Designation

#### 911.4–1 Limited Official Use

The administrative control designation Limited Official Use is authorized to identify * non-classified information which requires physical protection comparable to that given "Confidential" material in order to safeguard it* from unauthorized access. Matters which should be administratively controlled include information received through privileged sources certain personnel, medical, investigative *commercial, and financial* records; specific references to contents of diplomatic pouches; and other similar material.

**Documents which routinely would be made available to the public upon request pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552) should not be administratively controlled. See State, 5 FAM 480; A.I.D., M.O. 320.1; USIA, M.O.A. III 526.**

### 911.5 Restricted Data

a. "Restricted Data" is a term used in connection with atomic energy matters. Section 11r of the Atomic Energy Act of 1954 defines Restricted Data as follows:

"The term 'Restricted Data' means all data concerning:

"(1) Design, manufacture, or utilization of atomic weapons;

"(2) The production of special nuclear material; or

"(3) The use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data Category."

b. Restricted Data shall be classified Top Secret, Secret, or Confidential. Before any person may be permitted to have access to Restricted Data, he must have a "Q" clearance from, or the special permission of, the Atomic Energy Commission. Nothing in these regulations shall be construed as superseding any requirements of the Atomic Energy Act of 1954. Restricted Data shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954 and the regulations of the Atomic Energy Commission.

*c. A cover sheet, JF–42, Restricted Data, bearing the appropriate defense classification top and bottom, shall be used to cover each copy of each document marked "Restricted Data." (See Appendix V (p. 18.))*

### 911.6 Limitations

No other security classification or administrative control designation shall be used on documents originating in the Department, USIA, and A.I.D. without the specific approval of the appropriate Office of Security.

### 912 Principles of Classification and Control

### 912.1 Assigning a Classification or Control Designation

a. The originator of a document is responsible for the original assignment of its classification or control designation. Documents or materials shall be classified or controlled according to their own content and not necessarily according to their relationship to other documents. Each document or item of material shall be assigned the lowest classification or control designation consistent with the proper protection of the information in it. *Documents or material containing references to classified material which do not themselves reveal classified information are not to be classified. (See sections 912.2 and 912.3.)*

b. The practice of assigning to a document a classification or control designation exceeding the degree of protection required may appear to be a simple, innocuous means of providing extra protection in the interests of security. To the contrary, overclassification and unnecessary control of documents result in the establishment of cumbersome administrative procedures and seriously hamper operations, especially abroad, even to the extent of defeating the purposes for which the documents are intended. Overclassification and unnecessary control cause delays in handling and may preclude the accessibility of documents to personnel who should be working with them.

### 912.2 Physically Connected Documents

The classification or administrative control designation assigned to a file or group of physically connected documents must be at least as high as that of the most highly classified or controlled document in it. Documents separated from the file are handled in accordance with their individual classification or control designation. A cover sheet, JF–18, Classified or Controller File, may be placed on the front of each file or group of physically connected documents, marked to indicate the highest classication or control designation it covers, or the front and back of the folder must be stamped or marked according to the highest classification or designation of the combined information contained in it.

### 912.3 Transmitting Communication

A transmitting communication shall bear a classification or control designation at least as high as the most highly classified or controlled document it covers. The transmitting communication also must be marked with its appropriate group marking. (See section 966.1).

### 912.4 Foreign Government Classified Information

Information furnished by a foreign government or by an international organization with restrictions on its dissemination must be protected according to the instructions specified by the foreign government or international organization furnishing the information.

### 912.5 Multiple Classifications or Control Designations

A document must bear a classification or administrative control designation at least as high as that of its most highly classified or controlled component. Pages, paragraphs, sections, or components may bear different classifications or a control designation, but the document shall bear only one over-all classification or control designation. When separate portions of a document are marked with different classifications or control designations, each portion bearing a single classification or control designation (including "Unclassified") shall be set off with the phrases:

"Begin ———" (Insert classification or designation.)

"End ———" (Insert classification or designation.)

### 940 Safeguarding and Dissemination of Classified and Administratively Controlled Information

### 941 Principles Governing the Safeguarding of Classified and Controlled Information

### 941.1 Authorization for Access and Use

Classified or administratively controlled information must be given only to those persons who require and are authorized to receive the information in the course of the performance of their official duties; who have an appropriate and current security clearance; and who have adequate facilities for protection of documents or other tangible matters.

Special and specifically authorized clearances are required for access to information identified as Restricted Data, Cosmic, SEATO, CENTO, Cryptographic, Intelligence, Office of Security, and other information given special protection by law or regulation.

### 941.3 Need-to-Know Doctrine

A person is not entitled to receive classified or administratively controlled information solely by virtue of his official position or by virtue of having been granted security clearance. The "need-to-know" doctrine shall be enforced at all times in the interest of good security.

### 941.3 In Conversation

The discussion of classified or administratively controlled information must not be held in the presence or hearing of persons who are not authorized to have knowledge thereof.

Classified of administratively controlled information must not be discussed in telephone conversations.

### 941.4 Control of Dissemination

The dissemination of classified or administratively controlled information must be carefully controlled at all times. This includes maintenance of adequate records of transmission and receipt and the imposition of strict limitations on the number of copies prepared or reproduced.

### 941.5 Restriction on Personal Use

Classified or administratively controlled information must not be used for personal interests of any employee and must not be entered in personal diaries or other nonofficial records.

### 941.6 Access by Foreign National Employees

Classified information must not be dictated to, typed or otherwise prepared by local employees. This restriction must not be circumvented by the assignment or classifications after a local employee has prepared a particular document. However, when warranted, information collected by local employees and prepared in report form by such employees may receive classification protection by appending such reports to classified transmittal reports prepared by U.S. employees.

Except as noted in section 941.6–, 941–6–2, and 941.6–3, classified or administratively controlled information must not be made available to, or left in the custody of, Foreign Service local employees or alien employees resident in the United States; nor will such employees be permitted to attend meetings where classified or administratively controlled information is discussed.

941.6–1 When local employees obtain information from privileged sources or otherwise develop information warranting an administrative control designation or must be given access to administratively controlled information or material originated elsewhere in order to perform their official duties, they may be authorized limited access to such information provided that:

(a) The local employee's U.S. citizen supervisor requests authority to permit access to administratively controlled material in writing, specifying the reasons the employee must have access in order to perform his official duties and describing the type of material, reports, etc., contemplated for access.

(b) The regional security officer concurs in the request, issues a memorandum of limited access, and recommends approval to the principal officer of the post concerned.

(c) The principal officer must authorize the limited access in writing. Such authority shall be reviewed by each succeeding principal officer, and he shall affirm or discontinue such authority as he deems appropriate.

(d) The employee's access is not construed to mean blanket authority to receive administratively controlled information or material. Select local employees authorized to have access to administratively controlled material shall be permitted access only to that type of material specified in paragraph (a) of this section on a strict "need-to-know" basis.

941.6–2 When it is essential that information contained in classified documents (excluding Top Secret) be disseminated to the broadcasting service alien personnel resident in the United States, in order for them to perform their duties, such information must be given verbally. They are prohibited access to Top Secret information and are not authorized visual access to classified documents or material.

** 941.6–3 Foreign Service local employees in very limited cases, may be permitted access to Confidential information coming from or to be delivered to the government of the host country. The internal procedures for granting access are the same as those provided in the foregoing parts of section 941.6 with regard to local employee access to administratively controlled material. Almost all instances of use of this authority will involve necessary translations. Access to such material should be allowed only after consideration of the host government's reaction to the particular Foreign Service local employee's having such access. When and where feasible, the local employee should be given such access only after a responsible agency of the host country has indicated it has no objection to the specific local employee's access to the information.**

941.7 Access by Binational Center Grantees

Since appointments of Binational Center grantees are made only upon completion of a full field investigation, classified information that applies to their assignments and is necessary in the performance of their duties may be made available to them. Under no circumstances will classified documents be given to them for retention at a Binational Center. (This authority does not apply to those U.S. citizens appointed locally whose salaries are paid from Binational Center operating funds.)

942 Report of Missing or Comprised Documents

Any employee who discovers that a classified or administratively controlled document is missing must make a prompt report to the Office of Security or regional security officer via his unit or post security officer. In the case of a known or suspected compromise of a Top Secret document or crytographic material, the report must be made immediately. Telegraphic or oral reports must be followed by a prompt submission** of a memorandum addressed to the Office of Security or regional security officer, which includes the following information:

a. Complete identification of the material, including, when possible, the date, subject, originator, address, serial or legend markings, classification, and type of material (i.e., telegram, memorandum, airgram, etc.).

b. Where compromise is believed to have occurred, a narrative statement detailing the circumstance which gave rise to the compromise, the unauthorized person who had or may have had access to the material, the steps taken to determine whether compromise in fact occurred and the office or post evaluation of the importance of the material compromised.

c. Where a document is lost or missing, the narrative statement should detail the movements of the material from the time it was received by the post or office, including to whom it was initially delivered; later routings; the persons having access to the material; the time, date, and circumstances under which loss was realized; and the steps taken to locate the material.**

**d. When material is either compromised or missing, identify if possible the person responsible and state the action taken with regard to the person and/or procedures to prevent a recurrence.

Where cryptographic material is involved, a report is also to be made to the Office of Communications (OC/S) using FS-507, Report of Violation of Communications Security.**

943 Official Dissemination

943.1 Distribution to Other Agencies

Classified or administratively controlled material may be sent to other Federal departments or agencies or to officials and committees of Congress or to individuals therein only through established liaison or distribution channels. An exception is permitted when a post transmits classified or administratively controlled material to an office of another U.S. Government agency within the executive branch located outside the United States.

Classified or administratively controlled material originated in another U.S. department or agency must not be communicated to a third department or agency without the consent of the originating department or agency, including material originated in State, USIA, and A.I.D. Such approval must be obtained in writing, and a record of the approval and communication must be maintained by the communicator.

943.2 Referral of Public Requests

**Requests from the public for classified records, whether made to a Department or Agency office within the United States, or to a post abroad, must be referred to the Chief, Records Services Division (State); Director, Information Staff (A.I.D.); or Assistant Director, Office of Public Information (USIA), as appropriate.

Administratively controlled and unclassified records may be released upon approval by chiefs of mission at Foreign Service posts in accordance with 5 FAM 482.2. Administratively controlled and unclassified records abroad of A.I.D. and of USIA may also be released by the A.I.D. country mission director and by the USIA country public affairs officer respectively. See M.O. 820.1 and M.O.A. III 526.

Requests for classified or for administratively controlled records which the chief of mission (for A.I.D., the mission director, or for USIA, the public affairs officer) has declined to make available on his own authority, should be submitted to the appropriate agency, by operations memorandum for State and USIA and by airgram for A.I.D., containing sufficient information to permit consideration of the request.

Classified or administratively controlled records to be made available to the public by the above-identified authorized officers in the United States and abroad must first be declassified or decontrolled in accordance with the provisions of 5 FAM 966.4.

For more detailed procedures on releasing records to the public, see the appropriate Department or Agency regulations. (State, 5 FAM 480, A.I.D., M.O. 820.1; USIA, M.O.A. III 526.)**

943.3 Clearance for Publication

**Any employee writing for publication, either in an official or private capacity, must submit his manuscript for agency clearance if the content may reasonably be interpreted as related to the current responsibilities, programs, or operations of the employee's agency or to current U.S. foreign policy, or may reasonably be expected to affect U.S. foreign relations. For detailed clearance procedures, see 3 FAM 628 and 1865, M.O. 831.1 and MOA II 120.**

943.4 Use of Official Records

The regulations governing access to official records are set forth in 5 FAM 480, M.O. 820.1, and MOA III 526. They include procedures to be followed for access to official records for purposes of historical research.

943.5 Release of Material to U.S. Citizen Personnel Outside the Executive Branch

Classified and administratively controlled material must not be released to persons who are not security cleared U.S. citizen employees of the executive branch of the U.S. Government until appropriate security checks and briefings have been completed. Release of such material or information shall be made only when consistent with security and administrative requirements. Responsibility for authorizing release is vested as follows:

*Top Secret, Secret, Confidential, and Limited Official Use Material*—The concurrence of both the director of the originating or action office and the director of the Office of Security must be obtained prior to the release of any classified or administratively controlled information. Either the originating or action office concerned with the substance of the information may decide whether it can be declassified or decontrolled and released or whether it can be released without such action. If the information to be released remains classified or administratively controlled, the Office of Security must specify the manner in which the release is to be effected including special markings, receipts, and such other safeguards as are deemed necessary to ensure that the information receives appropriate protection.

943.6 Dissemination Ordered or Requested by a Court of Law or Other Official Body

**a. Except as provided in section 943.2 any subpena, demand, or request for classified or controlled information or records from a court or law or other official body shall be handled in accordance with the regulations of the agency concerned which prescribe procedures for responding to subpenas (State 5 FAM 485; USIA, MOA III 527 and 625.6)**

b. Testimony involing classified or administratively controlled information must not be given before a court or other official body without the approval of the head of the Department or Agency concerned. An employee called upon to give such testimony without prior authorization shall state that he is not authorized to disclose the information desired and that a written request for the specific information should be transmitted to the head of the Department or Agency concerned. Such testimony, when so approved, shall be given only under such conditions as the head of the department or agency may prescribe.

c. Reports rendered by the Federal Bureau of Investigation and other investigative agencies of the Executive branch are to be regarded as confidential. All reports, records, and files relative to the loyalty of employees or prospective employees (including reports of such investigative agencies) shall be maintained in confidence, and shall not be transmitted or disclosed except as a required in the efficient conduct of business, and then, only in accordance with the provisions * of the President's directive of March 13, 1948. (See Appendix II) *

944 Dissemination to Foreign Governments

944.1 Dissemination of Clasified Defense Information to Foreign Governments and International Organizations

For detailed instructions governing the release of classified information to foreign governments and international organizations, see 11 FAM 600.

d. In the domestic service specific approval to remove classified or administratively controlled material for overnight custody must be obtained from an office director or higher authority. At posts, specific approval must be obtained from the principal officer or officers designated by him to approve such removals.

964.3 Transporting Classified and Administratively Controlled Material Across International Borders

Classified and administratively controlled material is carried across international borders by professional diplomatic couriers. Nonprofessional diplomatic couriers are given such material for international transmission only in emergencies when the professional service will not cover the area into which the pouch must be carried or the post to which the pouch is addressed within the time that official business must be conducted. In such isolated cases, the nonprofessional diplomatic courier must be in possession of a diplomatic passport and courier letter, and his material must be enclosed in sealed diplomatic pouches until delivered to its official destination. Special procedures are in effect for U.S.-Mexican border posts.

964.4 Personal Responsibilities

The safeguarding of classified or administratively controlled material removed from official premises remains the personal responsibility of the removing officer even though all conditions of section 964 have been met.

### 964.5 Office Working or Reference Files

Information and working files accumulated in the course of Government employment are not personal files as denfied in section 432, M.O. 520.1, and MOA III Exhibit 610A. The transfer or removal of such working or reference files shall be in accordance with the provisions of sections 417 and 443.2, M.O. 520.1, and MOA III 512.6.

### 965 Storage and Access of Classified and Administratively Controlled Material by Persons not Regularly Employed

### 965.1 Storage

Authorized consultants and contractors engaged in work involving classified or administratively controlled material may not store classified or administratively controlled material overnight on their premises unless the Office of Security has granted approval for such storage. No classified or administratively controlled material may be made available to consultants or contractors off the official premises or transmitted to such persons off the premises except with the approval of the Office of Security.

### 965.2 Access

Contractors or consultants may not have access to classified administratively controlled materials until a personnel security clearance has been given or confirmed by the Office of Security. Employees are personally responsible for obtaining clearance from the Office of Security prior to release or transmitting of classified or administratively controlled material to a consultant or contractor addressee off the premises. Normally such material is sent through the Office of Security.

### 966 Downgrading, declassification, and decontrol

### 966.1 Automatic Changes

Classified and administratively controlled material should be kept under review and be downgraded, declassified, or decontrolled as soon as conditions permit. When material is assigned a classifiaction or control designation, it must also be assigned a group marking and/or identifying notation to effect its automatic downgrading, declassification, or decontrol when the material no longer requires its original degree of protection. There are five standard group markings and identifying notations associated with the automatic downgrading and declassification of classified material and two identifying notations associated with the automatic decontrol of administratively controlled material. In atypical situations where the standard group markings and notations do not adequately describe the method or time-phase intended to accomplish the automatic downgrading procedure, the notations may be enlarged upon or amended. Group markings and identifying notations should be placed, whenever possible, two spaces above the defense classification or control designation appearing at the bottom of page one on all copies.

### 966.2 Classified Documents

966.2–1 Group 5 document are those which do not require a classification protection for any regulatory period of time specified for the protection of documents assigned to Groups 4 through 1. To the greatest extent possible, classified documents that can be assigned to Group 5 should be so assigned and be marked:

Group 5—(Declassified following date or conclusion of specific event, or removal of classified enclosures or attachments)

966.2–2 *Group 4 documents* are those requiring protection for a minimum number of years, at the conclusion of which they may be declassified. Group 4 documents are automatically downgraded one step each 3 years and are automatically declassified 12 years after date of origin. Such documents should be marked:

Group 4—Downgraded at 3-year intervals. Declassified 12 years after date of origin.

966.2–3 *Group 3 documents* are those which may be automatically downgraded but not automatically declassified. Such documents should be marked:

Grade 3—Downgraded at 12-year intervals, not automatically declassified.

966.2–4 *Group 2 documents* are Top Secret and Secret documents which are so extremely sensitive that in the interests of national defense they must retain their classification for an indefinite period of time. Only an official empowered to exercise original Top Secret classification authority may assign a document to Group 2. Such documents must be signed by the exempting official when his identity is not apparent from the document itself and must be marked:

Group 2—Exempted from automatic downgrading by (Signature and Title of Exempting Official).

966.2–5 *Group 1 documents* are those classified documents excluded from the automatic downgrading and declassification provisions because they contain information or material as follows:

a. Originated by foreign governments or international organizations not subject to the classification jurisdiction of the U.S. Government.

b. Provided for by statutes, such as the Atomic Energy Act.

c. Specifically excluded from these provisions by the head of the Department or Agency.

d. Requiring special handling, such as intelligence and crytography.

Group 1 documents should be marked:

Group 1—Excluded from automatic downgrading and declassification.

### 966.2–6 Administratively Controlled Documents

*Limited Official Use documents* will be processed in one of two categories: (1) exempted from automatic decontrol or (2) decontrolled upon the conclusion of a specific event, removal of controlled attachments, or the passage of a logical period of time. Such documents must bear an appropriate notation but no group marking and shall be identified as follows:

Exempted from automatic decontrol.

Or:

Decontrolled following (Date or conclusion of specific event, or removal of administratively controlled enclosures or attachments.)

### 966.3 Classified and Administratively Controlled Telegrams

Information contained in Top Secret, Secret, Confidential, and Limited Official Use telegrams is subject to automatic downgrading, declassification, and decontrol procedures to the same extent as the substantive contents of nontelegraphic documents. In order to eliminate costly transmissions, code symbols have been substituted for group markings and identifying notations which shall appear at the end of the message text as the final paragraph as follows:

GP 4 for Group 4.
GP 3 for Group 3.
GP 2 for Group 2.
GP 1 for Group 1.

Instructions for downgrading or declassifying information should be appended as the final unnumbered paragraph of the message text, when such instructions do not coincide with one of the four GP code symbols.

Since there is no GP code symbol for administratively controlled documents, the appropriate notation must be added as the final unnumbered paragraph of the message text.

### SECURITY CLASSIFICATION OF OFFICIAL INFORMATION, DOD 5201.47 (DEPARTMENT OF DEFENSE); SELECTED EXCERPTS—SECURITY CLASSIFICATION OF OFFICIAL INFORMATION

References:

(a) DoD Directive 5120.33, "Classification Management Program," January 8, 1963.

(b) DoD Instruction 5120.34, "Implementation of the Classification Management Program," January 8, 1963.

(c) DoD Directive 5122.5, "Assistant Secretary of Defense (Public Affairs)," July 10, 1961.

(d) DoD Directive 5200.1, "Safeguarding Official Information in the Interests of the Defense of the United States," July 8, 1957.

(e) DoD Directive 5400.7, "Availability to the Public of DoD Information," June 23, 1967.

(f) DoD Directive 5200.10, "Downgrading and Declassification of Classified Defense Information," July 26, 1962.

(g) DoD Directive 5230.9, "Clearance of Department of Defense Public Information," December 24, 1966.

(h) OASD(M) multi-DoD memo., "DoD Instruction 5210.47, Security Classification of Official Information," January 27, 1965 (hereby cancelled).

### *I. Purpose and applicability*

In accordance with references (a) and (b), this Instruction provides guidance, policies, standards, criteria and procedures for the security classification of official information under the provisions of Executive Order 10501, as amended, for uniform application throughout the Department of Defense, the components of which, in turn, through their implementation of this Instruction, shall accomplish its application to defense contractors, sub-contractors, potential contractors, and grantees. Determinations whether particular information is or is not Restricted Data are not within the scope of this Instruction.

### *II. Definitions*

The definitions given below shall apply hereafter in the Department of Defense Information Security Program.

SOURCE.—U.S. Department. Security classification of official information. [Washington] 1964. 1 v. (various pagings) At head of title: Department of Defense Instruction. "Number 5210.47, Dec. 31, 1964."

*Classification:* The determination that official information requires, in the interests of national defense, a specific degree of protection against unauthorized disclosure, coupled with a designation signifying that such a determination has been made.

*Classified Information:* Official information which has been determined to require, in the interests of national defense, protection against unauthorized disclosure and which has been so designated.

*Declassification:* The determination that classified information no longer requires, in the interests of national defense, any degree of protection against unauthorized disclosure, coupled with a removal or cancellation of the classification designation.

*Document:* Any recorded information regardless of its physical form or characteristics, including, without limitation, written or printed material; data processing cards and tapes; maps; charts; photographs; negatives; moving or still films; film strips; paintings; drawings; engravings; sketches; reproductions of such things by any means or process; and sound, voice or electronic recordings in any form.

*Downgrade:* To determine that classified information requires, in the interests of national defense, a lower degree of protection against unauthorized disclosure than currently provided, coupled with a changing of the classification designation to reflect such lower degree.

*Formerly Restricted Data:* Information removed from Restricted Data category upon determination jointly by the Atomic Energy Commission and Department of Defense that such information relates primarily to the military utilization of atomic weapons and that such information can be adequately safeguarded as classified defense information. (See subparagraph VIII, D. 13, below, regarding foreign dissemination.)

*Information:* Knowledge which can be communicated by any means.

*Material:* Any document, product or substance on or in which information may be recorded or embodied.

*Official Information:* Information which is owned by, produced by or is subject to the control of the United States Government.

*Regrade:* To determine that certain classified information requires, in the interests of national defense, a higher or a lower degree of protection against unauthorized disclosure than currently provided, coupled with a changing of the classification designation to reflect such higher or lower degree.

*Research:* All effort directed toward increased knowledge of natural phenomena and environment and toward the solution of problems in all fields of science. This includes basic and applied research.

*Basic Research,* which is the type of research directed toward the increase of knowledge, the primary aim being a greater knowledge or understanding of the subject under study.

*Applied Research,* which is concerned with the practical application of knowledge, material and/or techniques directed toward a solution to an existent or anticipated military or technological requirement.

*Restricted Data:* All data (information) concerning (1) design, manufacturer or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but not to include data declassified or removed from the Restricted Data category pursuant to Section 142 of the Atomic Energy Act of 1954, as amended, and "Formerly Restricted Data.")

*Technical Information:* Information, including scientific information, which relates to research, development, engineering, test, evaluation, production, operation, use and maintenance of munitions and other military supplies and equipment.

*Technical Intelligence:* The product resulting from the collection, evaluation, analysis and interpretation of foreign scientific and technical information which covers (1) foreign developments in basic and applied research, and in applied engineering techniques; and (2) scientific and technical characteristics, capabilities, and limitations of all foreign military systems, weapons, weapon systems and material, the research and development related thereto, and the production methods used in their manufacture.

### *III. Policies*

#### A. Protection Essential Information

1. The Preamble, Executive Order 10501, as amended, provides in part as follows:

"Whereas the interests of national defense require the preservation of the ability of the United States to protect and defend itself against all hostile or destructive action by covert or overt means, including espionage as well as military action [,] . . . it is essential that certain official information affecting the national defense be protected uniformly against unauthorized disclosure."

2. The primary objective of the Classification Management Program is to assure that official information is classified accurately under Executive Order 10501, as amended, when in the interests of national defense it needs protection against unauthorized disclosure.

3. Consistent with the above objective, the use and application of security classification to accomplish such protection shall be limited to only that information which is truly essential to national defense because it provides the United States with:

a. A military or defense advantage over any foreign nation or group of nations; or

b. A favorable international posture; or

c. A defense posture capable of successfully resisting hostile or destructive action from within or without, overt or covert; which could be damaged, minimized or lost by the unauthorized disclosure or use of the information.

#### B. Informing the Public

The Department of Defense, in accordance with the policy of the United States Government, shall inform the American public of the activities of the Department of Defense to the maximum extent consistent with the best interests of national defense and security. Nothing contained herein, however, shall be construed to authorize or require the public release of official information. In this connection see reference (c).

#### C. Regrading and Declassification

In order to preserve the effectiveness and integrity of the classification system, assigned classifications shall be responsive at all times to the current needs of national defense. When classified information is determined in the interests of national defense to require a different level of protection than that presently assigned, or no longer to require any such protection, it shall be regraded as declassified.

#### D. Improper Classification

Unnecessary classification and higher than necessary classification shall be scrupulously avoided.

#### E. Misuse of Classification

Classification shall apply only to official information requiring protection in the interests of national defense. It may not be used for the purpose of concealing administrative error or inefficiency, to prevent personal or departmental embarrassment, to influence competition or independent initiative, or to prevent release of official information which does not require protection in the interests of national defense.

#### F. Safeguarding privately owned information

1. Privately owned information, in which the Government has not established a proprietary interest or over which the Government has not exercised control, in whole or in part, is not subject to classification by the private owner under the authority of this Instruction. However, a private owner, believing his information requires protection by security classification, is encouraged to provide protection on a personal basis and to contact the nearest office of the Army, Navy, or Air Force for assistance and advice.

2. Section 793(d), Title 18 United States Code provides penalties for improper disclosure of "information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation."

3. Sections 224 to 227 of the Atomic Energy Act of 1954, as amended, provided penalties for the improper obtaining, disclosure or use of Restricted Data.

#### G. *Safeguarding official information which is not subject to security classification*

Office information which does not qualify for security classification or has been declassified, and which pursuant to lawful authority requires protection from unauthorized disclosure or public release for reasons other than national security or defense, shall be handled in accordance with reference (c) and (g).

### IV. *Classification Categories*

#### A. *General*

All official information which requires protection in the interests of national defense shall be classified in one of the three categories described below. Unless expressly provided by statute, no other classifications are authorized for United States classified information. Appendix A gives examples of information which may come within the various categories. Section VI. below provides specific criteria for determining whether information falls within these categories.

#### B. Top Secret

The highest level of classification. Top Secret, shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in *exceptionally grave* damage to the Nation; such as, leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense. The use of the Top Secret classification shall be severely limited to information or material which requires the utmost protection. (See Part I, Appendix A.)

#### C. Secret

The second highest level of classification, Secret, shall be applied only to that information or material the unauthorized disclosure of which could result in *serious damage* to the Nation; such as, by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important intelligence operations. (See Part II, Appendix A).

#### D. Confidential

The lowest level of classification, Confidential, shall be applied only to that information or material the unauthorized disclosure of which could be *prejudicial* to the defense interests of the Nation. (See Part III, Appendix A.) The designation "Confidential-Modified Handling Authorized," which is not a separate classification category, identifies certain Confidential information pertaining to combat or combat-related operations which, because of combat or combat-related operational conditions, cannot be afforded the full protection prescribed for Confidential information. The designation C–MHA shall be applied to that Confidential information pertaining to military operations involving planning, training, operations, communications and logistical support of combat units when combat or combat-related conditions, actual or simulated, preclude the full application of the rules and procedures governing dissemination, use, transmission and safekeeping prescribed for the protection of Confidential information. The designation may be applied prior to the introduction of the information into combat areas, actual or simulated, when the information is intended for such use and dissemination, but the rules and procedures for handling the information shall not be modified until the information is so introduced. C–MHA cannot be applied to material containing Restricted Data.

#### E. Foreign Classified Information

1. Section 3(e), Executive Order 10501, provides as follows:

*"Information Originated by a Foreign Government or Organization:* Defense information of a classified nature furnished to the United States by a foreign government or international organization shall be assigned a classification which will assure a degree of protection equivalent to or greater than that required by the government or international organization which furnished the information."

2. Foreign security classifications generally parallel United States classifications. A Table of Equivalents is contained in Appendix B.

3. Top Secret, Secret, and Confidential. If the foreign classification marking is in English, no additional U.S. classification marking is required, if the foreign classification marking is in a language other than English, an equivalent U.S. classification marking as shown in Appendix B will be added.

4. Restricted.* Many foreign governments, and international organizations such as, for example, NATO, CENTO, and SEATO, use a fourth security classification "Restricted" to denote a foreign requirement for security protection of a lesser degree than Confidential. Such foreign Restricted information released to the United States Government under international agreement requiring its protection, usually does not require or warrant United States security classification under Executive Order 10501. Under the agreement covering the release of information, however, certain protection is required. In the usual case, therefore, in order to satisfy this requirement, a document or other material containing foreign Restricted information shall show, or be marked additionally to show, in English, the name of the foreign government or international organization of origin and the word "Restricted," e.g., UK-Restricted; NATO-Restricted. (See Appendix B.) Any document or other material marked as aforesaid shall be protected in the manner specified in reference (d). Documents or other material on hand falling in the category which already have been marked so as to require protection as "Confidential" or "C-MHA," as they are withdrawn from the file for any purpose, shall be re-marked in accordance with this subparagraph and the previously applied marking shall be obliterated or excised. Henceforth, the provisions of this subparagraph shall apply thereto.

5. The origin of all material bearing foreign classifications, including material extracted and placed in Department of Defense documents or material, shall be clearly indicated on or in the body of the material to assure, among other things, that the information is not released to nationals of a third country without consent of the originator.

### V. *Authority to classify*

### A. Original Classification

1. *Original* classification is involved when—

a. An item of information is developed which intrinsically requires classification and such classification cannot reasonably be derived from a previous classification still in force involving in substance the same or closely related information; or

b. An accumulation or aggregation of items of information, regardless of the classification (or lack of classification) of the individual items, collectively requires a separate and distinct classification determination.

2. For the purpose of assuring both positive management control of classification determinations and ability to meet local operational requirements in an orderly and expeditious manner, the Assistant Secretary of Defense (Manpower) will exercise control over the granting and exercise of authority for original classification of official information. Pursuant thereto, such authority must be exercised only by those individuals who at any given time are the incumbents of those offices and positions designated in or pursuant to subparagraph 3 below and Appendix C, including the officials who are specifically designated to act in the absence of the incumbents. The following general principles are applicable:

a. Appendix C designates specifically the officials who may exercise *original* Top Secret or Secret classfication authority and who among them may make additional designations. All such additional designations shall be specific and in writing.

b. The authority to classify is personal to the holder of the authority. It shall not be exercised for him or in his name by anyone else, nor shall it be delegated for exercise by any substitute or subordinate.

## AUTOMATIC, TIME-PHASED DOWNGRADING AND DECLASSIFICATION OF CLASSIFIED DEFENSE INFORMATION, DOD 5200.10 (DEPARTMENT OF DEFENSE); SELECTED EXCERPTS

SOURCE.—U.S. Department of Defense. Downgrading and declassification of classified defense information [Washington, 1962] 4. 24 p. At head of title: Department of Defense Directive. "Number 5200.10, July 26, 1962."

### *1. Purpose*

The purpose of this regulation is to apply the provisions of Section 4 and Section 5(a). Executive Order 10501, as amended by Executive Order 10964, 20 September 1961; and to implement the provisions of DoD Directive 5200.9 and 5200.10. It establishes a continuing system based on the passage of time for automatically downgrading, or automatically downgrading and declassifying, classified defense information originated by or under the jurisdiction of the Department of Defense (DoD), the Federal Aviation Agency (FAA), and the National Aeronautics and Space Administration (NASA). It also declassifies by category, effective January 1, 1964, certain Group-3 documents and materials originated prior to January 1, 1940, described in subparagraphs 6. a. (3), (4), (5), and (6) of this regulation. This regulation is not a guide for the assignment of a classification to information; it applies only to defense information which is assigned a classification by competent authority.

### *2. Explanation of Terms*

The meanings of some terms used in this regulation are given below:

a. Declassify: To *cancel* the security classification of an item of classified material.

b. Downgrade: To assign a *lower* security classification to an item of classified material.

c. Weapon System: A general term used to describe a weapon and those components required for its operation.

### *3. Scope and application*

a. DoD, FAA, and NASA Information

(1) This regulation applies to all classified information originated by or under the jurisdiction of the Department of Defense or by its contractors, or by a precedessor agency of the Department of Defense or its contractors. Specifically, this includes all classified material originated by the Office of the Secretary of Defense and Department of Defense agencies; the present and former Joint Chiefs of Staff and Joint Staff; the Department of the Army and former War Department; the Department of the Navy; the Department of the Air Force and former Army Air Forces; the United States Coast Guard when acting as a part of the Navy; joint committees or agencies comprised entirely of representatives from within the Department of Defense or its predecessor agencies; other Government agencies whose functions have been officially transferred to the Department of Defense; and contractors in the performance of contracts awarded by or on behalf of the Department of Defense, its components, or its predecessors.

(2) By agreement between the Department of Defense, the Federal Aviation Agency, and the National Aeronautics and Space Administration, this regulation also applies to all classified information originated by or under the jurisdiction of FAA and NASA. This includes all classified information originated by the Federal Aviation Agency, its components and predecessors, including the Civil Aeronautics Administration of the Department of Commerce, and the Airways Modernization Board; the National Aeronautics and Space Administration, its components and predecessors, including the National Advisory Committee for Aeronautics; joint committees, boards and agencies comprised entirely of representatives from the above agencies or from the Department of Defense, its components and predecessors; and contractors in the performance of contracts awarded by or on behalf of FAA, NASA, their components or predecessor agencies.

b. Other Departments and Agencies

By Executive Order 10964, the automatic, time-phased down-grading and declassification system applies to all classified information originated by or under the jurisdiction of all departments and agencies of the Executive Branch. However, custodians of classified material originated by or under the jurisdiction of US departments or agencies other than those described in *a* above, shall defer action with regard to such material until advised of the implementing instruction issued by the department or agency concerned. Pending that implementation, such material (other than Group-1 material defined herein) shall not be marked or assigned to a Group under this regulation; if the information is incorporated into DoD, FAA, or NASA material, an appropriate explanation shall be included in the text (for example: "Paragraph 2 contains information classified by the State Department; the automatic downgrading-declassification group cannot be determined until appropriate instructions are issued by that department").

c. Authority of Classifying Officials

(1) Nothing in this regulation shall be construed to relieve of responsibility, or to limit the authority of, those officials designated by competent authority to classify, downgrade, or declassify official defense information. Immediate action should be taken by such officials to downgrade or declassify information when it needs less protection or when it no longer requires such protection.

(2) Any DoD, FAA or NASA classified information, whether or not affected by this regulation, may be downgraded or declassified by the official who has been given that authority under pertinent regulations. Pursuant to that authority, the official who has primary functional responsibility for an item of classified information can prescribe earlier downgrading and declassifying (including assigning it to a less restrictive Group) than that provided by this regulation. However, except as authorized in paragraphs 5 and 6b he cannot assign information to a *more* restrictive Group than provided herein.

d. Material Officially Transferred

When material is transferred by or pursuant to statute or Executive Order is the classifying, downgrading, and declassifying authority for all purposes under this regulation. Official transfers result in the material becoming part of the official files or the property of the recipient (e.g., Army Air Forces material officially transferred to the newly established Department of the Air Force in 1948). Transfers merely for the purpose or storage do not constitute an official transfer of classification authority.

e. Material Not Officially Transferred

When any department or agency has in its possession any classified material which has become 5 years old, and a review of the material indicates that it should be downgraded or declassified and it appears that either (*i*) the material originated in an agency which has since become defunct and whose files and other property have not been officially transferred to another department or agency within the meaning of *d* above, or (*ii*) it is impossible for the possessing department or agency to identify the originating agency, the possessing department or agency shall have power to downgrade or declassify the material or to assign it to a downgrading-declassification Group according to this regulation. If it appears probable that another department or agency may have a substantial interest in whether the classification of any particular information should be maintained, the possessing department or agency shall not exercise the power stated in this subparagraph, except with the consent of the other department or agency, until 30 days after it has notified such other department or agency of the nature of the material and of its intention to downgrade or declassify it. During that 30-day period, the other department or agency may, if it so desires, express its objections to downgrading or declassifying the particular material, but the power to make the ultimate decision shall reside in the possessing department or agency.

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* The effective date of this paragraph 4 is postponed. See paragraph XIV. B.

### f. General Information

The effect of the automatic, time-phased downgrading and declassification system is that all classified information and material heretofore and hereafter received or originated by the Executive Branch, its components, and its contractors, is assigned to one of four groups, described in the following paragraphs. (The attachment shows in graphic form how each Group is affected by the automatic time-phased system.) Upon receipt of this regulation and without further notice, each holder of classified material originated by or under the jurisdiction of DoD, FAA, or NASA, is authorized and required to Group, mark, downgrade, or declassify, as prescribed herein, the material in his custody or possession. In addition, classified material originated by or under the jurisdiction of other Executive departments and agencies shall be Grouped, marked, downgraded, or declassified in accordance with the instructions of the originating agency, when issued.

### *4. Group-1 material*

Material in this Group is completely excluded from the automatic downgrading and automatic declassification provisions of this regulation either because it has been removed from such provisions or because it contains information not subject to the classification jurisdiction of the Executive Branch of the U.S. Government.

a. *Definition.* Specifically, Group-1 comprises material:

(1) Originated by or containing classified information clearly attributed to foreign governments or their agencies, or to international organizations and groups, including the Combined Chiefs of Staff. This does not include US classified information hereafter furnished to a foreign government or international organization. the US classified information shall be Grouped and marked as otherwise prescribed herein.

(2) Concerning communications intelligence or cryptography, or their related activities.

(a) This includes information concerning or revealing the processes, techniques, technical material, operation, or scope of communications intelligence, cryptography, and cryptographic security. It also includes information concerning special cryptographic equipment, certain special communications systems designated by the department or agency concerned, and the communications portion of cover and deception plans.

(b) However, provided the material does not reveal the foregoing information, this does not include radar intelligence or electronic intelligence, or such passive measures as physical security, transmission security, and electronic security.

(3) Containing Restricted Data or Formerly Restricted Data.

(4) Containing nuclear propulsion information or information concerning the establishment, operation, and support of the US Atomic Energy Detection System, unless otherwise specified by the pertinent AEC–DOD classification guide.

(5) Containing special munition information as defined in AG Ltr AGAM-P(M)311.5, (17 Sept. 60) DCS/Ops 19 Sept 60; OPNAV-INST 008190.1 series; or AFR 205-17.

(6) Information concerning standardized BW agents.

### *5. Group-2 documents*

This Group is established as a means whereby authorized officials can exempt individual documents containing extremely sensitive information from both automatic downgrading and automatic declassification. This Group applies only to documents originally classified Top Secret or Secret.

### *6. Group-3 material*

This Group contains certain types of information or subject matter that warrants some degree of classification for an indefinite period. There are two kinds of Group-3 material: (i) that containing the subject matter normally assigned to Group-3 according to *a* below; and (ii) documents which are individually and specifically assigned to Group-3 under the optional exemption provisions of *b* below. Group-3 documents and materials originated prior to January 1, 1940, which fall within the descriptions of subparagraphs 6. a. (3), (4), (5), or (6), without at the same time falling within the descriptions of subparagraphs 6. (a), (1), (2), or (7), are hereby declassified, effective January 1, 1964.

a. *Definition—Normal Group-3.*

The specific information or subject matter normally comprising Group-3 is as follows:

(1) Plans for an operation of war that were prepared by an organization *higher than* Army division, Navy task force, numbered Air Force, or other military command of comparable level. This includes but is not limited to:

(a) Plans for combat operations; and information concerning or revealing long-range operational concepts and the employment of forces.

(b) Plans on cover or deception, including information on operations relating thereto.

(c) Information concerning or revealing escape or evasion plans, procedures, and techniques.

(d) Planning and programming information which concerns or reveals service-wide force objectives, over-all force deployments, and complete service-wide combat unit priority listings; or which contains or reveals detailed service-wide planning or programming data.

(e) Targeting data on foreign areas, or information which would reveal strategic targeting plans.

(2) DoD and FAA intelligence and counterintelligence.

(3) Information concerning or revealing the capabilities, limitations, or vulnerabilities of a weapon, weapon system, or space system in current use or in development for future use. This is limited to information concerning significant combat capabilities.

8

#First amendment (Ch. 3, 11/15/63)

### *7. Group-4 material*

a. *Definition.*

Group-4 includes all classified material which does not qualify for, or is not assigned to, one of the first three Groups.

(1) Normally, information such as logistical data, production schedules, budget and cost figures, dimensions or weights, and similar subjects shall be assigned to Group-4, even if the equipment or material to which it applies is in Group-3.

(2) Defense information classified in accordance with a topic of a joint AEC–DoD classification guide shall not be assigned to Group-4 unless such an assignment is clearly indicated under the pertinent topic in the joint guide.

(3) . . . vulnerabilities, knowledge of which could be exploited by an enemy to counter, render ineffective, neutralize, or destroy the weapon or system; or limitations which degrade the combat effectiveness of the weapon or system. However, it specifically includes:

(a) Target detecting devices for proximity VT fuses.

(b) Biological weapon system information which reveals the scientific name or designation of the agent and the non-descriptive code designation of the agent.

(c) Technical information concerning electronic countermeasure or counter-countermeasure equipment, processes, or techniques and technical data concerning infrared detection or suppression.

(d) Research and development information concerning or revealing significant combat capabilities of a future weapon or space system or subsystem. This is limited to information concerning or revealing significant new technological developments or adaptations beyond normal evolutionary improvements.

(e) Information pertaining to combat-type naval vessels which reveals structural, performance, or tactical data, such as armor and protective systems, war damage reports, damage control systems, power speed, range, propeller RPM, and maneuvering characteristics.

(4) Information which could be used by an enemy to develop target data for an attack on the United States or its allies, such as geodetic and gravimetric survey data, reductions of survey data that can be used for intercontinental datum connections or for determining the size of the earth, or the precise (in seconds of arc) coordinates of facilities that are essential elements of a weapon system or that are essential elements of a weapon system or that are essential to the conduct of a war.

(5) Technical information concerning or revealing explosive ordnance demolition techniques.

(6) Defense information (other than Group–1 material) classified according to AEC–DoD classification guides, unless otherwise specified by the pertinent guide.

(7) Material prepared by a theater headquarters, military government headquarters, military mission headquarters, or other headquarters of comparable or higher level, which concern or affect the formulation and conduct of U.S. foreign policy, and plans or programs relating to international affairs.

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## TITLE 3—THE PRESIDENT—EXECUTIVE ORDER 11652

### CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL

The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch.

Within the Federal Government there is some official information and material which because it bears directly on the effectiveness of our national defense and the conduct of our foreign relations, must be subject to some constraints for the security of our Nation and the safety of our people and our allies. To protect against actions hostile to the United States, of both an overt and covert nature, it is essential that such official information and material be given only limited dissemination.

This official information or material, referred to as classified information or material in this order, is expressly exempted from public disclosure by Section 552(b)(1) of Title 5, United States Code. Wrongful disclosure of such information or material is recognized in the Federal Criminal Code as providing a basis for prosecution.

To ensure that such information and material is protected, but only to the extent and for such period as is necessary, this order identifies the information to be protected, prescribes classification, downgrading, declassification and safeguarding procedures to be followed, and establishes a monitoring system to ensure its effectiveness.

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes of the United States, it is hereby ordered:

SECTION 1. *Security Classification Categories.* Official information or material which requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States (hereinafter collectively termed "national security") shall be classified in one of these categories, namely "Top Secret," "Secret," or "Confidential," depending upon the degree of its significance to national security. No other categories shall be used to identify official information or material as requiring protection in the interest of national security, except as otherwise expressly provided by statute. These classification categories are defined as follows:

(A) *"Top Secret."* "Top Secret" refers to that national security information or material which requires the highest degree of protection. The test for assigning "Top Secret" classification shall be whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Examples of "exceptionally grave damage" include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national defense plans or complex cryptologic and communications intelligence systems; the revelation of sensitive intelligence operations; and the disclosure of scientific or technological developments vital to national security. This classification shall be used with the utmost restraint.

(B) *"Secret."* "Secret" refers to that national security information or material which requires a substantial degree of protection. The test for assigning "Secret" classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of "serious damage" include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security, revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security. The classification "Secret" shall be sparingly used.

(C) *"Confidential."* "Confidential" refers to that national security information or material which requires protection. The test for assigning "Confidential" classification shall be whether its unauthorized disclosure could reasonably be expected to cause damage to the national security.

SEC. 2. *Authority to Classify.* The authority to originally classify information or material under this order shall be restricted solely to those offices within the executive branch which are concerned with matters of national security, and shall be limited to the minimum number absolutely required for efficient administration. Except as the context may otherwise indicate, the term "Department" as used in this order shall include agency or other governmental unit.

(A) The authority to originally classify information or material under this order as "Top Secret" shall be exercised only by such officials as the President may designate in writing and by:

(1) The heads of the Departments listed below;

(2) Such of their senior principal deputies and assistants as the heads of such Departments may designate in writing; and

(3) Such heads and senior principal deputies and assistants of major elements of such Departments, as the heads of such Departments may designate in writing.

Such others in the Executive Office of the President as the President may designate in writing.

Central Intelligence Agency.
Atomic Energy Commission.
Department of State.
Department of the Treasury.
Department of Defense.
Department of the Army.
Department of the Navy.
Department of the Air Force.
United States Arms Control and Disarmament Agency.
Department of Justice.
National Aeronautics and Space Administration.
Agency for International Development.

(B) The authority to originally classify information or material under this order as "Secret" shall be exercised only by:

(1) Officials who have "Top Secret" classification authority;

(2) Such subordinates as officials with "Top Secret" classification authority under (A (1) and (2) above may designate in writing; and

(3) The heads of the following named Departments and such senior principal deputies or assistants as they may designate in writing.

Department of Transportation.
Federal Communications Commission.
Export-Import Bank of the United States.
Department of Commerce.
United States Civil Service Commission.
United States Information Agency.
General Services Administration.
Department of Health, Education, and Welfare.
Civil Aeronautics Board.
Federal Maritime Commission.
Federal Power Commission.
National Science Foundation.
Overseas Private Investment Corporation.

(C) The authority to originally classify information or material under this order as "Confidential" may be exercised by officials who have "Top Secret" or "Secret" classification authority and such officials as they may designate in writing.

(D) Any Department not referred to herein and any Department or unit established hereafter shall not have authority to originally classify information or material under this order, unless specifically authorized hereafter by an Executive order.

SEC. 3. *Authority to Downgrade and Declassify.* The authority to downgrade and declassify national security information or material shall be exercised as follows:

(A) Information or material may be downgraded or declassified by the official authorizing the original classification, by a successor in capacity or by a supervisory official of either.

(B) Downgrading and declassification authority may also be exercised by an official specifically authorized under regulations issued by the head of the Department listed in Sections 2(A) or (B) hereof.

(C) In the case of classified information or material officially transferred by or pursuant to statute or Executive order in conjunction with a transfer of function and not merely for storage purposes, the receiving Department shall be deemed to be the originating Department for all purposes under this order including downgrading and declassification.

(D) In the case of classified information or material not officially transferred within (C) above, but originated in a Department which has since ceased to exist, each Department in possession shall be deemed to be the originating Department for all purposes under this order. Such information or material may be downgraded and declassified by the Department in possession after consulting with any other Departments having an interest in the subject matter.

(E) Classified information or material transferred to the General Services Administration for accession into the Archives of the United States shall be downgraded and declassified by the Archivist of the United States in accordance with this order, directives of the President issued through the National Security Council and pertinent regulations of the Departments.

(F) Classified information or material with special markings, as described in Section 8, shall be downgraded and declassified as required by law and governing regulations.

SEC. 4. *Classification.* Each person possessing classifying authority shall be held accountable for the propriety of the classification attributed to him. Both unnecessary classification and over-classification shall be avoided. Classification shall be solely on the basis of national security consideration. In no case shall information be classified in order to conceal inefficiency or administrative error, to prevent embarrassment to a person or Department, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security. The following rules shall apply to classification of information under this order:

(A) *Documents in General.* Each classified document shall show on its face its classification and whether it is subject to or exempt from the General Declassification Schedule. It shall also show the office of origin, the date of preparation and classification and, to the extent practicable, be so marked as to indicate which portions are classified, at what level, and which portions are not classified in order to facilitate excerpting and other use. Material containing references to classified materials, which references do not reveal classified information, shall not be classified.

(B) *Identification of Classifying Authority.* Unless the Department involved shall have provided some other method of identifying the individual at the highest level that authorized classification in each case, material classified under this order shall indicate on its face the identity of the highest authority authorizing the classification. Where the individual who signs or otherwise authenticates a document or item has also authorized the classification, no further annotation as to his identity is required.

(C) *Information or Material Furnished by a Foreign Government or International Organization.* Classified information or material furnished to the United States by a foreign government or international organization shall either retain its original classification or be assigned a United States classification. In either case, the classification shall assure a degree of protection equivalent to that required by the government or international organization which furnished the information or material.

(D) *Classification Responsibilities.* A holder of classified information or material shall observe and respect the classification assigned by the originator. If a holder believes that there is unnecessary classification, that the assigned classification is improper, or that the document is subject to declassification under this order, he shall so inform the originator who shall thereupon re-examine the classification.

SEC. 5. *Declassification and Downgrading.* Classified information and material, unless declassified earlier by the original classifying authority, shall be declassified and downgraded in accordance with the following rules:

(A) *General Declassification Schedule.* (1) *"Top Secret."* Information or material originally classified "Top Secret" shall become automatically downgraded to "Secret" at the end of the second full calendar year following the year in which it was originated, downgraded to "Confidential" at the end of the fourth full calendar year following the year in which it was originated, and declassified at the end of the tenth full calendar year following the year in which it was originated.

(2) "'Secret." Information and material originally classified "Secret" shall become automatically downgraded to "Confidential" at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.

(3) *"Confidential."* Information and material originally classified "Confidential" shall become automatically declassified at the end of the sixth full calendar year following the year in which it was originated.

(B) *Exemptions from General Declassification Schedule.* Certain classified information or material may warrant some degree of protection for a period exceeding that provided in the General Declassification Schedule. An official authorized to originally classify information or material "Top Secret" may exempt from the General Declassification Schedule any level of classified information or material originated by him or under his supervision if it falls within one of the categories described below. In each case such official shall specify in writing on the material the exemption category being claimed and, unless impossible, a date or event for automatic declassification. The use of the exemption authority shall be kept to the absolute minimum consistent with national security requirements and shall be restricted to the following categories.

(1) Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence.

(2) Classified information or material specifically covered by statute, or pertaining to crypotography, or disclosing intelligence sources or methods.

(3) Classified information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security.

(4) Classified information or material the disclosure of which would place a person in immediate jeopardy.

(C) *Mandatory Review of Exempted Material.* All classified information and material originated after the effective date of this order which is exempted under (B) above from the General Declassification Schedule shall be subject to a classification review by the originating Department at any time after the expiration of ten years from the date of origin provided:

(1) A Department or member of the public requests a review;

(2) The request describes the record with sufficient particularity to enable the Department to identify it; and

(3) The record can be obtained with only a reasonable amount of effort.

Information or material which no longer qualifies for exemption under (B) above shall be declassified. Information or material continuing to qualify under (B) shall be so marked and, unless impossible, a date for automatic declassification shall be set.

(D) *Applicability of the General Declassification Schedule to Previously Classified Material.* Information or material classified before the effective date of this order and which is assigned to Group 4 under Executive Order 10501, as amended by Executive Order No. 10964, shall be subject to the General Declassification Schedule. All other information or material classified before the effective date of this order, whether or not assigned to Groups 1, 2, or 3 of Executive Order No. 10501, as amended, shall be excluded from the General Declassification Schedule. However, at any time after the expiration of ten years from the date of origin it shall be subject to a mandatory classification review and disposition under the same conditions and criteria that apply to classified information and material created after the effective date of this order as set forth in (B) and (C) above.

(E) *Declassification of Classified Information or Material After Thirty Years.* All classified information or material which is thirty years old or more, whether originating before or after the effective date of this order, shall be declassified under the following conditions.

(1) All information and material classified after the effective date of this order shall, whether or not declassification has been requested, become automatically declassified at the end of thirty full calendar years after the date of its original classification except for such specifically identified information or material which the head of the originating Department personally determines in writing at that time to require continued protection because such continued protection is essential to the national security or disclosure would place a person in immediate jeopardy. In such case, the head of the Department shall also specify the period of continued classification.

(2) All information and material classified before the effective date of this order and more than thirty years old shall be systematically reviewed for declassification by the Archivist of the United States by the end of the thirtieth full calendar year following the year in which it was originated. In his review, the Archivist will separate and keep protected only such information or material as is specifically identified by the head of the Department in accordance with (E)(1) above. In such case, the head of the Department shall also specify the period of continued classification.

(F) *Departments Which Do Not Have Authority For Original Classification.* The provisions of this section relating to the declassification of national security information or material shall apply to Departments which, under the terms of this order, do not have concurrent authority to originally classify information or material, but which formerly had such authority under previous Executive orders.

SEC. 6. *Policy Directives on Access, Marketing, Safekeeping, Accountability, Transmission, Disposition and Destruction of Classified Information and Material.* The President acting through the National Security Council shall issue directives which shall be binding on all Departments to protect classified information from loss or compromise. Such directives shall conform to the following policies:

(A) No persons shall be given access to classified information or material unless such person has been determined to be trustworthy and unless access to such information is necessary for the performance of his duties.

(B) All classified information and material shall be appropriately and conspicuously marked to put all persons on clear notice of its classified contents.

(C) Classified information and material shall be used, possessed, and stored only under conditions which will prevent access by unauthorized persons or dissemination to unauthorized persons.

(D) All classified information and material disseminated outside the executive branch under Executive Order No. 10865 or otherwise shall be properly protected.

(E) Appropriate accountability records for classified information shall be established and maintained and such information and material shall be protected adequately during all transmissions.

(F) Classified information and material no longer needed in current working files or for reference or record purposes shall be destroyed or disposed of in accordance with the records disposal provisions contained in Chapter 33 of Title 44 of the United States Code and other applicable statutes.

(G) Classified information or material shall be reviewed on a systematic basis for the purpose of accomplishing downgrading, declassification, transfer, retirement and destruction at the earliest practicable date.

SEC. 7. *Implementation and Review Responsibilities.* (A) The National Security Council shall monitor the implementation of this order. To assist the National Security Council, an Interagency Classification Review Committee shall be established, composed of representatives of the Departments of State and Justice, the Atomic Energy Commission, the Central Intelligence Agency and the National Security Council Staff and a Chairman designated by the President. Representatives of other Departments in the executive branch may be invited to meet with the Committee on matters of particular interest to those Departments. This Committee shall meet regularly and on a continuing basis review and take action to ensure compliance with this order, and in particular:

(1) The Committee shall oversee Department actions to ensure compliance with the provisions of this order and implementing directives issued by the President through the National Security Council.

(2) The Committee shall, subject to procedures to be established by it, receive, conplaints from persons within or without the government with respect to the administration of this order, and in consultation with the affected Department or Departments assure that appropriate action is taken on such suggestions and complaints.

(3) Upon request of the Committee Chairman, any Department shall furnish to the Committee any particular information or material needed by the Committee in carrying out its functions.

(B) To promote the basic purposes of this order, the head of each Department originating or handling classified information or material shall:

(1) Prior to the effective date of this order submit to the Interagency Classification Review Committee for approval a copy of the regulations it proposes to adopt pursuant to this order.

(2) Designate a senior member of his staff who shall ensure effective compliances with and implementation of this order and shall also chair a Departmental committee which shall have authority to act on all suggestions and complaints with respect to the Department's administration of this order.

(3) Undertake an initial program to familiarize the employees of his Department with the provisions of this order. He shall also establish and maintain active training and orientation programs for employees concerned with classified information or material. Such programs shall include, as a minimum, the briefing of new employees and periodic reorientation during employment to impress upon each individual his responsibility for exercising vigilance and care in complying with the provisions of this order. Additionally, upon termination of employment or contemplated temporary separation for a sixty-day period or more, employees shall be debriefed and each reminded of the provisions of the Criminal Code and other applicable provisions of law relating to penalties for unauthorized disclosure.

(C) The Attorney General, upon request of the head of a Department, his duly designated representative, or the Chairman of the above described Committee, shall personally or through authorized representatives of the Department of Justice render an interpretation of this order with respect to any question arising in the course of its administration.

SEC. 8. *Material Covered by the Atomic Energy Act.* Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 30, 1954, as amended. "Restricted Data," and material designated as "Formerly Restricted Data" shall be handled, protected, classified, downgraded and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

SEC. 9. *Special Departmental Arrangements.* The originating Department or other appropriate authority may impose, in conformity with the provisions of this order, special requirements with respect to access, distribution and protection of classified information and material, including those which presently relate to communications intelligence, intelligence sources and methods and cryptography.

SEC. 10. *Exceptional Cases.* In an exceptional case when a person or Department not authorized to classify information originates information which is believed to require classification, such person or Department shall protect that information in the manner prescribed by this order. Such persons or Department shall transmit the information forthwith, under appropriate safeguards, to the Department having primary interest in the subject matter with a request that a determination be made as to classification.

SEC. 11. *Declassification of Presidential Papers.* The Archivist of the United States shall have authority to review and declassify information and material which has been classified by a President, his White House Staff or special committee or commission appointed by him and which the Archivist has in his custody at any archival depository, including a Presidential Library. Such declassification shall only be undertaken in accord with: (i) the terms of the donor's deed of gift, (ii) consultation with the Departments having a primary subject-matter interest, and (iii) the provisions of Section 5.

SEC. 12. *Historical Research and Access by Former Government officials.* The requirement in Section 6(a) that access to classified information or material be granted only as is necessary for the performance of one's duties shall not apply to persons outside the executive branch who are engaged in historical research projects or who have previously occupied policy-making positions to which they were appointed by the President: *Provided,* however, that in each case the head of the originating Department shall:

(i) determine that access is clearly consistent with the interests of national security, and

(ii) take appropriate steps to assure that classified information or material is not published or otherwise compromised.

Access granted a person by reason of his having previously occupied a policy-making position shall be limited to those papers which the former official originated reviewed, signed or received while in public office.

SEC. 13. *Administrative and Judicial Action.* (A) Any officer or employee of the United States who unnecessarily classifies or overclassifies information or material shall be notified that his actions are in violation of the terms of this order or of a directive of the President issued through the National Security Council. Repeated abuse of the classification process shall be grounds for an administrative reprimand. In any case where the Departmental committee or the Interagency Classification Review Committee finds that unnecessary classification or overclassification has occurred, it shall make a report to the head of the Department concerned in order that corrective steps may be taken.

(B) The head of each Department is directed to take prompt and stingent administrative action against any officer or employee of the United States, at any level of employment, determined to have been responsible for any release or disclosure of national security information or material in a manner not authorized by or under this order or a directive of the President issued through the National Security Council. Where a violation of criminal statutes may be involved, Departments will refer any such case promptly to the Department of Justice.

SEC. 14. *Revocation of Executive Order No. 10501.* Executive Order No. 10501 of November 5, 1953, as amended by Executive Orders No. 10816 of May 8, 1959, No. 10901 of January 11, 1961, No. 10964 of September 20, 1961, No. 10985 of January 15, 1962, No. 11097 of March 6, 1963 and by Section 1(a) of No. 11382 of November 28, 1967, is superseded as of the effective date of this order.

SEC. 15. *Effective date.* This order shall become effective on June 1, 1972.

RICHARD NIXON.

THE WHITE HOUSE, *March 8, 1972.*

[FR Doc. 72-3782 Filed 3-9-72; 11:01 am]

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### EXECUTIVE ORDER 10501—SAFEGUARDING OFFICIAL INFORMATION IN THE INTERESTS OF THE DEFENSE OF THE UNITED STATES

Whereas it is essential that the citizens of the United States be informed concerning the activities of their government; and

Whereas the interests of national defense require the preservation of the ability of the United States to protect and defend itself against all hostile or destructive action by covert or overt means, including espionage as well as military action; and

Whereas it is essential that certain official information affecting the national defense be protected uniformly against unauthorized disclosure:

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

SECTION 1. *Classification Categories.* Official information which requires protection in the interests of national defense shall be limited to three categories of classification, which in descending order of importance shall carry one of the following designations: Top Secret, Secret, or Confidential. No other designation shall be used to classify defense information, including military information, as requiring protection in the interests of national defense, except as expressly provided by statute. These categories are defined as follows:

(a) *Top Secret.* Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense.

(b) *Secret.* Except as may be expressly provided by statute, the use of the classification Secret shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important intelligence operations.

(c) *Confidential.* Except as may be expressly provided by statute, the use of the classification Confidential shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could be prejudicial to the defense interests of the nation.

SEC. 2. *Limitation of Authority to Classify.* The authority to classify defense information or material under this order shall be limited in the departments and agencies of the executive branch as hereinafter specified. Departments and agencies subject to the specified limitations shall be designated by the President:

(a) In those departments and agencies having no direct responsibility for national defense there shall be no authority for original classification of information or material under this order.

(b) In those departments and agencies having partial but not primary responsibility for matters pertaining to national defense the authority for original classification of information or material under this order shall be exercised only by the head of the department or agency, without delegation.

(c) In those departments and agencies not affected by the provisions of subsection (a) and (b), above, the authority for original classification of information or material under this order shall be exercised only by responsible officers or employees, who shall be specifically designated for this purpose. Heads of such departments and agencies shall limit the delegation of authority to classify as severely as to consistent with the orderly and expeditious transaction of Government business.

SEC. 3. *Classification.* Persons designated to have authority for original classification of information or material which requires protection in the interests of national defense under this order shall be held responsible for its proper classification in accordance with the definitions of the three categories in section 1, hereof. Unnecessary classification and over-classification shall be scrupulously avoided. The following special rules shall be observed in classification of defense information or material:

(a) *Documents in General.* Documents shall be classified according to their own content and not necessarily according to their relationship to other documents. References to classified material which do not reveal classified defense information shall not be classified.

(b) *Physically Connected Documents.* The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. Documents separated from the file or group shall be handled in accordance with their individual defense classification.

(c) *Multiple Classification.* A document product, or substance shall bear a classification at least as high as that of its highest classified component. The document, product, or substance shall bear only one over-all classification, notwithstanding that pages, paragraphs, sections, or components thereof bear different classifications.

(d) *Transmittal Letters.* A letter transmitting defense information shall be classified at least as high as its highest classified enclosure.

(e) *Information Originated by a Foreign Government or Organization.* Defense information of a classified nature furnished to the United States by a foreign government or international organization shall be assigned a classification which will assure a degree of protection equivalent to or greater than that required by the government or international organization which furnished the information.

SEC. 4. *Declassification, Downgrading, or Upgrading.* Heads of departments or agencies originating classified material shall designate persons to be responsible for continuing review of such classified material for the purpose of declassifying or downgrading it whenever national defense considerations permit, and for receiving requests for such review from all sources. Formal procedures shall be established to provide specific means for prompt review of classified material and its declassification or downgrading in order to preserve the effectiveness and integrity of the classification system and to eliminate accumulation of classified material which no longer requires protection in the defense interest. The following special rules shall be observed with respect to changes of classification of defense material:

(a) *Automatic Changes.* To the fullest extent practicable, the classifying authority shall indicate on the material (except telegrams) at the time of original classification that after a specified event or date, or upon removal of classified enclosures, the material will be downgraded or declassified.

(b) *Non-Automatic Changes.* The persons designated to receive requests for review of classified material may downgrade or declassify such material when circumstances no longer warrant its retention in its original classification provided the consent of the appropriate classifying authority has been obtained. The downgrading or declassification of extracts from or paraphrases of classified documents shall also require the consent of the appropriate classifying authority unless the agency making such extracts knows positively that they warrant a classification lower than that of the document from which extracted, or that they are not classified.

(c) *Material Officially Transferred.* In the case of material transferred by or pursuant to statute or Executive order from one department or agency to another for the latter's use and as part of its official files or property, as distinguished from transfers merely for purposes of storage, the receiving department or agency shall be deemed to be the classifying authority for all purposes under this order, including declassification and downgrading.

(d) *Material Not Officially Transferred.* When any department or agency has in its possession any classified material which has become five years old, and it appears (1) that such material originated in an agency which has since become defunct and whose files and other property have not been officially transferred to another department or agency within the meaning of subsection (c), above, or (2) that it is impossible for the possessing department or agency to identify the originating agency, and (3) a review of the material indicates that it should be downgraded or declassified, the said possessing department or agency shall have power to declassify or downgrade such material. If it appears probable that another department or agency may have a substantial interest in whether the classification of any particular information should be maintained, the possessing department or agency shall not exercise the power conferred upon it by this subsection, except with the consent of the other department or agency, until thirty days after it has notified such other department or agency of the nature of the material and of its intention to declassify or downgrade the same. During such thirty-day period the other department or agency may, if it so desires, express its objections to declassifying or downgrading the particular material, but the power to make the ultimate decision shall reside in the possessing department or agency.

(e) *Classified Telegrams.* Such telegrams shall not be referred to, extracted from, paraphrased, downgraded, declassified, or disseminated, except in accordance with special regulations issued by the head of the originating department or agency. Classified telegrams transmitted over cryptographic systems shall be handled in accordance with the regulations of the transmitting department or agency.

(f) *Downgrading.* If the recipient of classified material believes that it has been classified too highly, he may make a request to the reviewing official who may downgrade or declassify the material after obtaining the consent of the appropriate classifying authority.

(g) *Upgrading.* If the recipient of unclassified material believes that it should be classified, or if the recipient of classified material believes that its classification is not sufficiently protective, it shall be safeguarded in accordance with the classification deemed appropriate and a request made to the reviewing official, who may classify the material or upgrade the classification after obtaining the consent of the appropriate classifying authority.

(h) *Notification of Change in Classification.* The reviewing official taking action to declassify, downgrade, or upgrade classified material shall notify all addressees to whom the material was originally transmitted.

SEC. 5. *Marking of Classified Material.* After a determination of the proper defense classification to be assigned has been made in accordance with the provisions of this order, the classified material shall be marked as follows:

(a) *Bound Documents.* The assigned defense classification on bound documents, such as book or pamphlets, the pages of which are permanently and securely fastened together, shall be conspicuously marked or stamped on the outside of the front cover, on the title page, on the first page, on the back page and on the outside of the back cover. In each case the markings shall be applied to the top and bottom of the page or cover.

(b) *Unbound Documents.* The assigned defense classification on unbound documents, such as letters, memoranda, reports, telegrams, and other similar documents, the pages of which are not permanently and securely fastened together, shall be conspicuously marked or stamped at the top and bottom of each page, in such manner that the marking will be clearly visible when the pages are clipped or stapled together.

(c) *Charts, Maps, and Drawings.* Classified charts, maps, and drawings shall carry the defense classification marking under the legend, title block, or scale in such manner that it will be reproduced on all copies made therefrom. Such classification shall also be marked at the top and bottom in each instance.

(d) *Photographs, Films and Recordings.* Classified photographs, films, and recordings, and their containers, shall be conspicuously and appropriately marked with the assigned defense classification.

(e) *Products or Substances.* The assigned defense classification shall be conspicuously marked on classified products or substances, if possible, and on their containers, if possible, or, if the article or container cannot be marked, written notification of such classification shall be furnished to recipients of such products or substances.

(f) *Reproductions.* All copies or reproductions of classified material shall be appropriately marked or stamped in the same manner as the original thereof.

(g) *Unclassified Material.* Normally, unclassified material shall not be marked or stamped *Unclassified* unless it is essential to convey to a recipient of such material that it has been examined specifically with a view to imposing a defense classification and has been determined not to require such classification.

(h) *Change or Removal of Classification.* Whenever classified material is declassified, downgraded, or upgraded, the material shall be marked or stamped in a prominent place to reflect the change in classification, the authority for the action, the date of action, and the identity of the person or unit taking the action. In addition, the old classification marking shall be cancelled and the new classification (if any) substituted therefor. *Automatic* change in classification shall be indicated by the appropriate classifying authority through marking or stamping in a prominent place to reflect information specified in subsection 4(a) hereof.

(i) *Material Furnished Persons not in the Executive Branch of the Government.* When classified material affecting the national defense is furnished authorized persons, in or out of Federal service other than those in the executive branch, the following notation, in addition to the assigned classification marking, shall whenever practicable be placed on the material, on its container, or on the written notification of its assigned classification:

"This material contains information affecting the national defense of the United States within the meaning of the espionage laws, Title 18, U.S.C., Secs. 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law."

Use of alternative marking concerning "Restricted Data" as defined by the Atomic Energy Act is authorized when appropriate.

SEC. 6. *Custody and Safekeeping:* The possession or use of classified defense information or material shall be limited to locations where facilities for secure storage or protection thereof are available by means of which unauthorized persons are prevented from gaining access thereto. Whenever such information or material is not under the personal supervision of its custodian, whether during or outside of working hours, the following physical or mechanical means shall be taken to protect it:

(a) *Storage of Top Secret Material.* Top Secret defense material shall be protected in storage by the most secure facilities possible. Normally it will be stored in a safe or a safe-type steel file container having a three-position, dial-type, combination lock, and being of such weight, size, construction, or installation as to minimize the possibility of surreptitious entry, physical theft, damage by fire, or tampering. The head of a department or agency may approve other storage facilities for this material which offer comparable or better protection, such as an alarmed area, a vault, a secure vault-type room, or an area under close surveillance of an armed guard.

(b) *Secret and Confidential Material.* These categories of defense material may be stored in a manner authorized for Top Secret material, or in metal file cabinets equipped with steel lockbar and an approved three combination dial-type padlock from which the manufacturer's identification numbers have been obliterated, or in comparably secure facilities approved by the head of the department or agency.

(c) *Other Classified Material.* Heads of departments and agencies shall prescribe such protective facilities as may be necessary in their departments or agencies for material originating under statutory provisions requiring protection of certain information.

(d) *Changes of Lock Combinations.* Combinations on locks of safekeeping equipment shall be changed, only by persons having appropriate security clearance, whenever such equipment is placed in use after procurement from the manufacturer or other sources, whenever a person knowing the combination is transferred from the office to which the equipment is assigned, or whenever the combination has been subjected to compromise, and at least once every year. Knowledge of combinations shall be limited to the minimum number of persons necessary for operating purposes. Records of combinations shall be classified no lower than the highest category of classified defense material authorized for storage in the safekeeping equipment concerned.

(e) *Custodian's Responsibilities*. Custodians of classified defense material shall be responsible for providing the best possible protection and accountability for such material at all times and particularly for security locking classified material in approved safekeeping equipment whenever it is not in use or under direct supervision of authorized employees. Custodians shall follow procedures which insure that unauthorized persons do not gain access to classified defense information or material by sight or sound, and classified information shall not be discussed with or in the presence of unauthorized persons.

(f) *Telephone Conversations*. Defense information classified in the three categories under the provisions of this order shall not be revealed in telephone conversations, except as may be authorized under section 8 hereof with respect to the transmission of Secret and Confidential material over certain military communications circuits.

(g) *Loss of Subjection to Compromise*. Any person in the executive branch who has knowledge of the loss or possible subjection to compromise of classified defense information shall promptly report the circumstances to a designated official of his agency, and the latter shall take appropriate action forthwith, including advice to the originating department or agency.

SEC. 7. *Accountability and Dissemination*. Knowledge or possession of classified defense information shall be permitted only to persons who official duties require such access in the interest of promoting national defense and only if they have been determined to be trustworthy. Proper control of dissemination of classified defense information shall be maintained at all times, including good accountability records of classified defense information documents, and severe limitation on the number of such documents originated as well as the number of copies thereof reproduced. The number of copies of classified defense information documents shall be kept to a minimum to decrease the risk of compromise of the information contained in such documents and the financial burden on the Government in protecting such documents. The following special rules shall be observed in connection with accountability for and dissemination of defense information or material:

(a) *Accountability Procedures*. Heads of departments and agencies shall prescribe such accountability procedures as are necessary to control effectively the dissemination of classified defense information, with particularly severe control on material classified Top Secret under this order. Top Secret Control Officers shall be designated, as required, to receive, maintain accountability registers of, and dispatch Top Secret material.

(b) *Dissemination Outside the Executive Branch*. Classified defense information shall not be disseminated outside the executive branch except under conditions and through channels authorized by the head of the disseminating department or agency, even though the person or agency to which dissemination of such information is proposed to be made may have been solely or partly responsible for its production.

(c) *Information Originating in Another Department or Agency*. Except as otherwise provided by section 102 of the National Security Act of July 26, 1947, c. 343, 61 Stat. 498, as amended, 50 U.S.C. sec. 403, classified defense information originating in another department or agency shall not be disseminated outside the receiving department or agency without the consent of the originating department or agency. Documents and material containing defense information which are classified Top Secret or Secret shall not be reproduced without the consent of the originating department or agency.

SEC. 8. *Transmission*. For transmission outside of a department or agency classified defense material of the three categories originated under the provisions of this order shall be prepared and transmitted as follows:

(a) *Preparation for Transmission*. Such material shall be enclosed in opaque inner and outer covers. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and address. The outer cover shall be sealed and addressed with no indication of the classification of its contents. A receipt form shall be attached to or enclosed in the inner cover, except that Confidential material shall require a receipt only if the sender deems it necessary. The receipt form shall identify the addressor, addressee, and the document, but shall contain no classified information. It shall be signed by the proper recipient and returned to the sender.

(b) *Transmitting Top Secret Material*. The transmission of Top Secret material shall be effected preferably by direct contact of officials concerned, or, alternatively, by specificially designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, or by electric means in encrypted form; or in the case of information transmitted by the Federal Bureau of Investigation, such means of transmission may be used as are currently approved by the Director, Federal Bureau of Investigation, unless express reservation to the contrary is made in exceptional cases by the originating agency.

(c) *Transmitting Secret Material*. Secret material shall be transmitted within the continental United States by one of the means established for Top Secret material, by an authorized courier, by United States registered mail, or by protected commercial express, air or surface. Secret material may be transmitted outside the continental limits of the United States by one of the means established for Top Secret material, by commanders or masters of vessels of United States registry, or by United States Post Office registered mail through Army, Navy, or Air Force postal facilities, provided that the material does not at any time pass out of United States Government control and does not pass through a foreign postal system. Secret material may, however, be transmitted between United States Government and/or Canadian Government installations in continental United States, Canada, and Alaska by United States and Canadian registered mail with registered mail receipt. In an emergency, Secret material may also be transmitted over military communications circuits in accordance with regulations promulgated for such purpose by the Secretary of Defense.

(d) *Transmitting Confidential Material*. Confidential defense material shall be transmitted within the United States by one of the means established for higher classifications, by registered mail, or by express or freight under such specific conditions as may be prescribed by the head of the department or agency concerned. Outside the continental United States. Confidential defense material shall be transmitted in the same manner as authorized for higher classifications.

(e) *Within an Agency*. Preparation of classified defense material for transmission, and transmission of it, within a department or agency shall be governed by regulations, issued by the head of the department or agency, insuring a degree of security equivalent to that outlined above for transmission outside a department or agency.

SEC. 9. *Disposal and Destruction*. Documentary record material made or received by a department or agency in connection with transaction of public business and preserved as evidence of the organization, functions, policies, operations, decisions, procedures or other activities of any department or agency of the Government, or because of the informational value of the data contained therein, may be destroyed only in accordance with the act of July 7, 1963, c. 192, 57 Stat. 380, as amended, 44 U.S.C. 366–380. Non-record classified material, consisting of extra copies and duplicates including shorthand notes, preliminary drafts, used carbon paper, and other materials or similar temporary nature, may be destroyed, under procedures established by the head of the department or agency which meet the following requirements, as soon as it has served its purpose:

(a) *Methods of Destruction*. Classified defense material shall be destroyed by burning in the presence of an appropriate official or by other methods authorized by the head of an agency provided the resulting destruction is equally complete.

(b) *Records of Destruction*. Appropriate accountability records maintained in the department or agency shall reflect the destruction of classified defense material.

SEC. 10. *Orientation and Inspection*. To promote the basic purposes of this order, heads of those departments and agencies originating or handling classified defense information shall designate experienced persons to coordinate and supervise the activities applicable to their departments or agencies under this order. Persons so designated shall maintain active training and orientation programs for employees concerned with classified defense information to impress each such employee with his individual responsibility for exercising vigilance and care in complying with the provisions of this order. Such persons shall be authorized on behalf of the heads of the departments and agencies to establish adequate and active inspection programs to the end that the provisions of this order are administered effectively.

SEC. 11. *Interpretation of Regulations by the Attorney General*. The Attorney General, upon request of the head of a department or agency or his duly designated representative, shall personally or through authorized representatives of the Department of Justice render an interpretation of these regulations in connection with any problems arising out of their administration.

SEC. 12. *Statutory Requirements*. Nothing in this order shall be construed to authorize the dissemination, handling or transmission of classified information contrary to the provisions of any statute.

SEC. 13. *"Restricted Data" as Defined in the Atomic Energy Act*. Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 1, 1946, as amended. "Restricted Data" as defined by the said act shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Eenergy Act of 1946, as amended, and the regulations of the Atomic Energy Commission.

SEC. 14. *Combat Operations*. The provisions of this order with regard to dissemination, transmission, or safekeeping of classified defense information or material may be so modified in connection with combat or combat-related operations as the Secretary of Defense may by regulations prescribe.

SEC. 15. *Exceptional Cases*. When, in an exceptional case, a person or agency not authorized to classify defense information originates information which is believed to require classification, such person or agency shall protect that information in the manner prescribed by this order for that category of classified defense information into which it is believed to fall and shall transmit the information forthwith, under appropriate safeguards, to the department, agency, or person having both the authority to classify information and a direct official interest in the information (preferably, that department, agency, or person to which the information would be transmitted in the ordinary course of business), with a request that such department, agency, or person classify the information.

SEC. 16. *Review to Insure That Information Is Not Improperly Withheld Hereunder.* The President shall designate a member of his staff who shall receive, consider, and take action upon, suggestions or complaints from non-Governmental sources relating to the operation of this order.

SEC. 17. *Review to Insure Safeguarding of Classified Defense Information.* The National Security Council shall conduct a continuing review of the implementation of this order to insure that classified defense information is properly safeguarded, in conformity herewith.

SEC. 18. *Review Within Departments and Agencies.* The head of each department and agency shall designate a member or members of his staff who shall conduct a continuing review of the implementation of this order within the department or agency concerned to insure that no information is withheld hereunder which the people of the United States have a right to know, and to insure that classified defense information is properly safeguarded in conformity herewith.

SEC. 19. *Revocation of Executive Order No. 10290.* Executive Order No. 10290 of September 24, 1951 is revoked as of the effective date of this order.

SEC. 20. *Effective Date.* This order shall become effective on December 15, 1953.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *November 5, 1953.*

## LEGAL BASIS FOR THE CLASSIFICATION PROGRAM

Information on the legal basis for the security classification program was previously furnished to the Chairman of the Senate Foreign Relations Committee by letter of April 30, 1970, from the Legal Adviser of the Department of State, John R. Stevenson. (Copy Attached).

The legal statement then provided was taken from the 1957 Report of the Commission on Government Security, and it is set forth below for ease of reference.

### AUTHORITY FOR THE PROGRAM

"As previously noted, the current legal authority for the document classification program is Executive Order 10501, which became effective December 15, 1953, and revoked Executive Order 10290.

APRIL 30, 1970.

Hon. J. WILLIAM FULBRIGHT,
*Chairman, Committee on Foreign Relations U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: I refer to your inquiry of March 26, 1970 as to the statutory authority for Executive Order 10501, concerning the safeguarding of official information. In 1957 a Commission on Government Security, appointed by President Eisenhower, the Speaker of the House of Representatives, and the President of the Senate, pursuant to Public Law 304, Eighty-Fourth Congress, considered the legal basis for Executive Order 10501. I am enclosing for your information the pertinent section of the Commission's report. You should be aware that one of the statutes cited in the report, 5 U.S.C. § 22 (now 5 U.S.C. § 301), was amended in 1958 and is no longer relevant.

In addition to the statutes cited by the Report, there are other statutory provisions that contemplate and assume a system of classification of information. For example, section 142 of the Atomic Energy Act of 1954 (42 U.S.C. § 2162 (c)) provides that, upon joint determination of the Atomic Energy Commission and the Department of Defense, data which relate primarily to the military utilization of atomic weapons and "can be adequately safeguarded as defense information" may be removed from the classification of "restricted data". This provision is obviously predicated on the system for protection provided for in Executive Order 10501. See also the exception, in the Freedom of Information Act, for classified information "specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy," 5 U.S.C. 552(b)(1)).

We have discussed this matter with Assistant Attorney General Rehnquist of the Department of Justice who informs us that the Justice Department agrees with the Commission's report regarding the legal basis for Executive Order 10501 subject to the points made above.

I hope this information is helpful to you.

Sincerely,

JOHN R. STEVENSON,
*The Legal Adviser.*

## REPORT OF THE COMMISSION ON GOVERNMENT SECURITY

### LEGAL BASIS

### *Authority for the program*

As previously noted, the current legal authority for the document classification program is Executive Order 10501, which became affective December 15, 1953, and revoked Executive Order 10290.[1]

### *Legal justification for the order*

The preamble of the order contains the standard recitation that it was issued, "By virtue of the authority vested in me by the Constitution and statutes as President of the United States." Therefore, to be valid, Executive Order 10501 must be the product of a proper exercise of executive power derived either from executive authority conferred by the Constitution or from statutory authority, or both.

A. EXECUTIVE AUTHORITY CONFERRED BY THE CONSTITUTION.—Pertinent sections of the Constitution appear to contain no express authority for the issuance of an order such as Executive Order 10501. However, the requisite implied authority would seem to lie within article II which says in section 1: "The executive power shall be vested in a President of the United States of America"; and in section 2: "The President shall be Commander in Chief of the Army and Navy of the United States"; and in section 3: ". . . he shall take care that the laws be faithfully executed."

When these provisions are considered in light of the existing Presidential authority to appoint and remove executive officers directly responsible to him, there is demonstrated the broad Presidential supervisory and regulatory authority over the internal operations of the executive branch. By issuing the proper Executive or administrative order he exercises this power of direction and supervision over his subordinates in the discharge of their duties. He thus "takes care" that the laws are being faithfully executed by those acting in his behalf; and in the instant case the pertinent laws would involve espionage, sabotage, and related statutes, should such Presidential authority not be predicted upon statutory authority or direction.

B. STATUTORY AUTHORITY.—While there is no specific statutory authority for such an order or Executive Order 10501, various statutes do afford basis upon which to justify the issuance of the order.

A statute frequently cited as affording some implied authority for the issuance of Executive Order 10501 is found in 5 U.S.C.A. 22 which authorizes the heads of departments and agencies, among other things "to prescribe regulations, not inconsistent with law, for . . . the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it." The primary purpose is to afford a check or brake upon the general flow into the public domain of such agency information which might reflect upon internal management or proposed policy, and the publication of which could impede or prejudice efficient agency operation. The fact that such information may involve national security matters is not essential in giving proper effect to the statutory language.

The espionage laws have imposed upon the President a duty to make determinations respecting the dissemination of information having a relationship to the national defense. For example, 18 U.S.C. 795 (a) provides that "Whenever, in the interests of national defense, the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, . . ., etc." Proceeding under this statute the President issued Executive Order 10104 which covers information classified by the agencies of the military establishments.[2]

In 18 U.S.C. 798 there is specific reference to the unauthorized disclosure of "classified information" pertaining to the cryptographic and communication systems and facilities. Furthermore, the term "classified information" is defined as information which for reasons of national security has been specifically designated by the proper government agency for limited or restrictive dissemination or distribution.

The most significant legislation, which set into motion the current document classification program, was enacted in 1947, when the Congress passed the National Security Act[3] in order to provide an adequate and comprehensive program designed to protect the future security of our country. To accomplish this avowed purpose the act provided for the creation of a National Security Council within the executive branch subject to Presidential direction. Its job is to consider and study security matters of common interest to the departments and agencies and to make appropriate recommendations to the President. Within the framework of this program, the Interdepartmental Committee on Internal Security (ICIS) came into being, and the activity of this committee was responsible for the issuance in 1951 of Executive Order 10290, which established the original document classification program. Thus it would appear that a document classification program is within the scope of the activities sought to be coordinated by the National Security Act of 1947, and that the issuance of an appropriate Executive order establishing such a program is consistent with the policy of the act.

Prior to issuance of Executive Order 10290, Congress had apparently recognized the existing Presidential authority to classify information within the executive branch when it passed the Internal Security Act of 1950.[4] Contained therein were provisions defining two new criminal offenses involving classified information.

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[1] Executive Order 10501 is entitled "Safeguarding Official Information in the Interests of the Defense of the United States." In summary, it establishes the classification categories of "confidential," "secret," and "top secret." It is designed to regulate the day-by-day handling of national security information within the various executive agencies and departments by prescribing uniform procedures governing the classification, transmission, dissemination, custody, and disposal of such information. In addition, there is provision for review of the entire classification program to insure adequate protection of the national security as well as to insure that no information is withheld thereunder which the people of the United States have a right to know.

[2] 15 F.R. 597, Feb. 1, 1950.

[3] 61 Stat. 496, July 26, 1947.

[4] 64 Stat. 937–1031.

Section 4(b) of the act makes it a crime for any Federal officer or employee to give security information classified by the President, or by the head of any department, agency, or corporation with the approval of the President, to any foreign agent or member of a Communist organization, and section 4 (c) makes it a crime for any foreign agent or member of a Communist organization to receive such classified security information from a Federal employee.[5]

### *Conclusion*

It is concluded, therefore, that in the absence of any law to the contrary, there is an adequate constitutional and statutory basis upon which to predicate the Presidential authority to issue Executive Order 10501.

### PRESENT PROGRAM

### *Introduction*

This survey, by definition, is concerned with the activities of the Federal Government as they involve policies and practices with respect to classified documents. It is not intended to cover information control policies and practices that do not involve material subject to the classified information provisions of Executive Order 10501. Although departmental and agency policies with respect to information control may impinge upon the area of document classification, they are governed by different criteria. The criteria of document classification involve application of narrowly defined standards of national security and defense. The criteria of information control, on the other hand, involve the broadest kind of standards. They range from the traditional claim against privileged information to the arguments for the "housekeeping" privileges required in the normal operation of the executive branch.

### *Scope of the program*

Although all Federal agencies have rules of some type to control documents and information in their possession, relatively few have the authority to restrict general availability of their material on grounds of its relevance to either national defense or security. Under Executive Order 10501 the authority to apply the top secret, secret, or confidential classification to Federal documents was severely limited. The following 28 agencies were denied authority to apply original classification to material originated by them:

American Battle Monuments Commission; Arlington Memorial Amphitheater Commission; Commission on Fine Arts; Committee on Purchases of Blind-Made Products; Committee for Reciprocity Information; Commodity Exchange Commission; Export-Import Bank of Washington; and Federal Deposit Insurance Corporation.

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### LEGAL BASIS

### AUTHORITY FOR THE PROGRAM

As previously noted, the current legal authority for the document classification program in Executive Order 10501, which became effective December 15, 1953, and revoked Executive Order 10200.

"Executive Order 10501 is entitled 'Safeguarding Official Information in the Interests of the Defense of the United States.' In summary, it establishes the classification categories of 'confidential,' 'secret,' and 'top secret.' It is designed to regulate the day-by-day handling of national security information within the various executive agencies and departments by prescribing uniform procedures governing the classification, transmission, dissemination, custody and disposal of such information. In addition, there is provision for review of the entire classification program to insure adequate protection of the national security as well as to insure that no information is withheld thereunder which the people of the United States have a right to know.

### "LEGAL JUSTIFICATION FOR THE ORDER

"The preamble of the order contains the standard recitation that it was issued. 'By virtue of the authority vested in me by the Constitution and statutes as President of the United States.' Therefore, to be valid, Executive Order 10501 must be the product of a proper exercise of executive power derived either from executive authority conferred by the Constitution or from statutory authority, or both.

"A. *Executive Authority Conferred by the Constitution.*—Pertinent sections of the Constitution appear to contain no express authority for the issuance of an order such as Executive Order 10501. However, the requisite implied authority would seem to lie within article II which says in section 1: 'The executive power shall be vested in a President of the United States of America'; and in section 2: 'The President shall be Commander in Chief of the Army and Navy of the United States'; and in section 3: '. . . he shall take care that the laws be faithfully executed.'

"When these provisions are considered in light of the existing Presidential authority to appoint and remove executive officers directly responsible to him, there is demonstrated the broad Presidential supervisory and regulatory authority over the internal operations of the executive branch. By issuing the proper Executive or administrative order he exercises this power of direction and supervision over his subordinates in the discharge of their duties. He thus 'takes care' that the laws are being faithfully executed by those acting in his behalf; and in the instant case the pertinent laws would involve espionage, sabotage, and related statutes, should such Presidential authority not be predicated upon statutory authority or direction.

"*B. Statutory Authority.*—While there is no specific statutory authority for such an order or Executive Order 10501, various statutes do afford a basis upon which to justify the issuance of the order.

"A statute frequently cited as affording some implied authority for the issuance of Executive Order 10501 is found in 5 U.S.C.A. 22, which authorizes the heads of departments and agencies, among other things "to prescribe regulations not inconsistent with law; for . . . the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it." The primary purpose is to afford a check or brake upon the general flow into the public domain of such agency information which might reflect upon internal management or proposed policy, and the publication of which could impede or prejudice efficient agency operation. The fact that such information may involve national security matters is not essential in giving proper effect to the statutory language.

"The espionage laws have imposed upon the President a duty to make determinations respecting the dissemination of information having a relationship to the national defense. For example, 18 U.S.C. 795 (a) provides that "Whenever, in the interests of national defense, the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture. . . . etc." Proceeding under the statute the President issued Executive Order 10104 which covers information classified by the agencies of the military establishments.

"In 18 U.S.C. 798 there is specific reference to the unauthorized disclosure of "classified information" pertaining to the cryptographic and communication systems and facilities. Furthermore, the term "classified information" is defined as information which for reasons of national security has been specifically designated by the proper government agency for limited or restrictive dissemination or distribution.

The most significant legislation, which set into motion the current document classification program, was enacted in 1947, when the Congress passed the National Security Act in order to provide an adequate and comprehensive program designed to protect the future security of our country. To accomplish this avowed purpose the act provided for the creation of a National Security Council within the executive branch subject to Presidential direction. Its job is to consider and study security matters of common interest to the departments and agencies and to make appropriate recommendations to the President. Within the framework of this program, the Interdepartmental Committee on Internal Security (ICIS) came into being and the activity of this committee was responsible for the issuance in 1951 of Executive Order 10290, which established the original document classification program. Thus it would appear that a document classification program is within the scope of the activities sought to be coordinated by the National Security Act of 1947, and that the issuance of an appropriate Executive order establishing such a program is consistent with the policy of the act.

"Prior to issuance of Executive Order 10290, Congress had apparently recognized the existing Presidential authority to classify information within the executive branch when it passed the Internal Security Act of 1950. Contained therein were provisions defining two new criminal offenses involving classified information.

"Section 4(b) of the act makes it a crime for any Federal officer or employee to give security information classified by the President, or by the head of any department, agency, or corporation with the approval of the President, to any foreign agent or member of a Communist organization, and section 4(c) makes it a crime for any foreign agent or member of a Communist organization to receive such classified security information from a Federal employee.

### "CONCLUSION

"It is concluded, therefore, that in the absence of any law to the contrary, there is an adequate constitutional and statutory basis upon which to predicate the Presidential authority to issue Executive Order 10501."

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## ORDER FOR ADJOURNMENT UNTIL FRIDAY

**Mr. ROBERT C. BYRD.** Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian on Friday.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

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## ORDER FOR RECOGNITION OF SENATORS MOSS AND ABOUREZK ON FRIDAY INSTEAD OF THURSDAY

**Mr. ROBERT C. BYRD.** I ask unanimous consent that the special orders previously granted with respect to the Senator from Utah (Mr. Moss) and the Senator from South Dakota (Mr. ABOUREZK) on Thursday be transferred to Friday.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

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## TRANSACTION OF ROUTINE MORNING BUSINESS ON FRIDAY

**Mr. ROBERT C. BYRD.** I ask unanimous consent that at the conclusion of the remarks of the two Senators aforementioned on Friday, and of any other Senators for whom special orders may today be entered, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

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[5] 50 U. S. C. A. 783.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT FROM FRIDAY UNTIL TUESDAY, JANUARY 16, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday, it stand in adjournment until 12 o'clock meridian on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that the time I have taken be charged against myself, and not against the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TERMINATION OF HOUSING PROGRAMS

Mr. PERCY. Mr. President, I deeply regret the decision of the executive branch to suspend immediately the operation of our subsidized housing programs without consultation with the Congress. If any Member of this body here today, or if the minority or majority leadership is aware that there has been consultation with Congress, I would stand to be corrected, but I am not aware of any.

No one argues that these programs are beyond criticism or should not be constantly monitored and evaluated for effectiveness. I have spoken on this floor myself many times in recent years about abuses that have crept into these programs through failure to provide counseling services and through failure to provide oversight supervision as provided for in the 1968 Housing Act itself. And no one can deny that it is a responsibility of the Department of Housing and Urban Development to propose changes in existing programs or to suggest new directions for public policy when these programs can be improved, and I feel certain that they can and constantly should be improved.

It is not in the public interest, however, for the executive branch to act unilaterally to virtually kill those programs designed to provide a better housing and a better environment for low- and moderate-income people, particularly those who live in our major urban areas.

It is not in the public interest, because these programs—particularly interest subsidy programs such as the 235 and 236 programs—have resulted in more decent homes in the last 3 years for low- and moderate-income families than were provided in the entire period from 1940 to the present.

Just one program for instance, section 235, for the first time in the history of this country, has provided Government support for homeownership opportunities for lower income families that has been provided for 30 years by the Government to American families of moderate- and middle-income, to try to stabilize certain urban and rural areas of America, to give such families a real stake in our country and something to work for, and the opportunity to acquire a home of their own.

It is not in the public interest because so much of the scandal currently surrounding HUD programs—including rapidly escalating default and foreclosure rates—is the result of unsubsidized programs, ones which apparently will remain in operation. The scandals are also the result of the widely documented mismanagement by HUD of essentially sound concepts.

It is not in the public interest because keeping our pledge to the American people of a decent home in a decent environment will be an extremely costly proposition. It cannot be done quickly or inexpensively. I believe the Congress and the public both recognize this simple fact and they are willing to pay the necessary price to achieve a major domestic priority.

This action is not in the public interest because it is a negative step, a backward step, in a situation which requires bold and affirmative action. We are shutting down a major program without an alternative one in place.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRY F BYRD, JR. Mr. President, if the Chair will recognize me, I yield my 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. PERCY. I thank my distinguished colleague from Virginia very much.

To continue, I feel most strongly that this is not in the public interest, primarily because it was accomplished without consultation with the Congress, the body which helped create, which authorized and funded these housing programs and which has the ultimate power under the Constitution to abolish, amend, redesign, or renew the enabling legislation. I consider this action to be an unfortunate attack on the authority and responsibility of the legislative branch and its duly constituted committees.

Mr. President, I am pleased that the distinguished chairman of the Committee on Banking, Housing and Urban Affairs (Mr. SPARKMAN) has already indicated that he will be scheduling hearings to assess the need for Federal housing programs. I think it is vital that he, the able ranking minority member of the Committee, Senator TOWER, and the members of the Housing subcommittee, assess also the impact that this action will have on the housing industry and the economy as a whole. I shall be pleased to work with all my colleagues in fashioning an appropriate and responsible response to the present unhappy situation, and would hope that we can work in a spirit of harmony and cooperation with the administration.

## ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business today, the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, Jr.) be recognized for not to exceed 15 minutes, at the conclusion of which there be a resumption of the period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend longer than 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO DR. EBERHARD REES OF NASA

Mr. ALLEN. Mr. President, a change of directors has been announced at the NASA Marshall Space Flight Center in Huntsville, Ala. The change is marked by the retirement of one of the truly great technical pioneers of rocketry and his replacement by a man who, while younger, has also devoted the major part of his life to space exploration.

After 27 years in the forefront of the Nation's rise to preeminence in the uncharted realm of space, Dr. Eberhard F. M. Rees will retire on January 19, 1973.

One of the guiding engineering geniuses of the space program, Dr. Rees has demonstrated many times his ability to direct multiple programs. He kept a watchful eye on all phases of Saturn launch vehicle development and was recognized for overcoming many technical problems, especially in the engine test stand facilities, in development of the hydrogen engine for Saturn upper stages, and in overall development of the powerful first stage of the Saturn V. Beyond the awesome responsibilities of the Saturn program, Dr. Rees undertook, at the request of the Apollo program manager, the substantial additional task of helping the Apollo spacecraft through early development problems with potential impact on the lunar landing schedule. In giving him this assignment, our top space planners were fully confident that his widely known competence and drive were equal to so momentous a task. The outstanding success of subsequent Apollo flights stand as testimony that this confidence was justified.

Dr. Rees was named Director of the Marshall Space Flight Center in March 1970. He guided the Center in five Saturn V launches—Apollo 13 through Apollo 17. He has maintained a deep personal involvement in the Skylab program from its inception until the present, holding to tough schedules. Bound throughout by tight schedules and demanding requirements, the program is in good shape for its planned launch in April of this year.

Dr. Rees is undoubtedly one of the world's foremost space engineers. He will be missed.

Dr. Rees will be succeeded as Director of the Marshall Center by Dr. Rocco A. Petrone Dr. Petrone, as Apollo program director since September 1, 1969, has borne on his shoulders the overall responsibility for direction and management of the lunar flights. This was a huge, intricate task requiring fortitude, dedication, and unusual technical skill—all possessed by Dr. Petrone in good measure. All aspects of the program—the preparations for launch, the liftoff, the mission itself, the tracking network, and the splashdown—were tied together by Dr. Petrone, beginning with Apollo 12 and ending with Apollo 17. It was without doubt, one of the world's most complex jobs.

Dr. Petrone, a graduate of the U.S. Military Academy, first became associated with NASA in 1960 when he was assigned to what is now the Kennedy Space Center, on loan from the Army. At Kennedy, he directed the buildup of our largest launch complex, used in Project Apollo and planned for use in Skylab and the Apollo Soyuz test project. Included in this construction was the Vehicle Assembly Building, at the time the world's largest building, the pads and launch towers, the enormous crawlers, and the mobile service structures.

After the facilities and ground equipment were completed, Dr. Petrone assumed personal direction of launch operations. Weeks of painstaking preparation were required before each flight. All countdowns were rehearsed; all the complex facilities were continuously inspected; and the Saturn vehicle itself maintained in peak condition.

Dr. Petrone has proven himself a totally capable man and one who can continue the tradition to leadership at the Marshall Center. This is important because he takes over at a time when efficiency and determined leadership are more important than ever.

The Marshall Center has become a multiproject management and engineering establishment, shaking off its old image as a rocket-oriented center. Under Dr. Rees, many new assignments have placed emphasis on scientific activity and space applications.

The heritage of the Marshall Center ranges from the orbiting of early unmanned satellites to the development of the giant Saturn V lunar vehicle and the small lunar roving vehicle for astronaut transportation on the moon's surface. In the final lunar mission, engineers at the Marshall Center played a dramatic role when troubled developed in the final seconds of the countdown, a difficulty that could well have compromised the mission. The Marshall crew, working at top speed and under great pressure, reached a tentative solution, checked it out in simulation, and passed the solution to the Kennedy Space Center, after which the countdown and the mission continued.

Mr. President, Alabamians extend our best wishes to Alabama's adopted son, Dr. Eberhard Rees, and wish him many more long productive years. At the same time, we welcome back to Alabama Dr. Rocco A. Petrone, another of the brightest men in the space program today and one who began his career in missilery and space at Redstone Arsenal.

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## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. Hathaway). Is there further morning business? If not, morning business is concluded.

## ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.) is now recognized for 15 minutes.

(The remarks of Mr. Harry F. Byrd, Jr., on the introduction of S.J. Res. 13 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

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## QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the transaction of routine morning business for a period not to exceed 30 minutes, with each Senator to be recognized for not to exceed 3 minutes.

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## ORDER FOR ADJOURNMENT TO THURSDAY, JANUARY 11, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian on Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## ORDERS FOR RECOGNITION OF SENATORS ON THURSDAY, JANUARY 11, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders which were previously agreed to with respect to Friday next be transmitted to Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I hope and believe this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## ORDER FOR ADJOURNMENT FROM THURSDAY, JANUARY 11, 1973, TO MONDAY, JANUARY 15, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Thursday next, it stand in adjournment until 12 o'clock meridian on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## ORDER FOR RECOGNITION OF MR. HARRY F. BYRD, JR., ON THURSDAY, JANUARY 11, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of Mr. Abourezk on Thursday next the distinguished senior Senator from Virginia (Mr. Harry F. Byrd, Jr.) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

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## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Minnesota (Mr. Humphrey) be recognized for not to exceed 15 minutes, at the conclusion of which there be a resumption of morning business for a period of not to exceed 12 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## ISRAEL AND SENATOR NELSON CELEBRATE A 25TH ANNIVERSARY

Mr. HUMPHREY. Mr. President, I wish to have placed in the Record a splendid address that was delivered by our distinguished colleague from the State of Wisconsin (Mr. Nelson). Senator Nelson made note of the fact that the State of Israel was celebrating its 25th anniversary, but I should note that Senator Nelson himself is celebrating 25 years in public service. In his speech he paid a very fine tribute to the remarkable accomplishments of the State of Israel.

I ask unanimous consent that the entire speech delivered by Senator Nelson be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

SPEECH BY SENATOR GAYLORD NELSON

For many reasons I am pleased for the opportunity to share this evening with you but more particularly I am pleased for two very special reasons. We are on the threshold of the twenty-fifth anniversary of two historic events. The first, the birth of Israel as a free and independent nation, was an event of worldwide significance. The twenty-fifth anniversary of that event will be celebrated by thoughtful free peoples around the world. The second event was an occasion twenty-five years ago, not of worldwide significance, but rather an event that could be described more accurately as an event of family-wide significance. A family of five will celebrate that event if the husband and father of the family is persuasive enough to convince them that in fact the event justifies a celebration. The event is the twenty-fifth anniversary of Gaylord Nelson's election to the Legislature.

In due course I will inform you whether pursuant to the democratic procedures of our household the majority came down on my side.

On this anniversary one must look upon Israel with wonder, even astonishment at the remarkable accomplishments of this free country in the brief period of a quarter century. No other nation in world history has done so much with so little in so short a time. Despite three wars, a pitiful paucity of critical resources—land, water, minerals, oil and forests—this people has overnight designed and built a remarkable modern industrial and agricultural society with a high standard of living while maintaining its freedom and independence in a hostile climate.

How could it be done at all let alone in such a brief period of time? What lesson does this hold for developing nations around the world, most of them much more abundantly blessed with resources than Israel? It is the lesson of a unified, dedicated, free people who have an uncommon commitment to excellence and an understanding of the value of education, science and morality in the quest of their goals.

A visit to a Kibbutz a few years ago gave me some insight about this country and its people. Visiting this collective where a small group of dedicated individuals had organized their lives into a commune which fit their egalitarian ideology was a new, very exciting and exhilarating experience. To better understand this human endeavor, I searched for a personal link between myself and the people of the Kibbutz.

Naturally I was interested in the Kibbutz's dairy barn. It may seem strange, but I learned a rather profound lesson on my visit to that barn. I gained some special understanding of Israel's success in economic development by chatting that day with the 75-year-old herdsman responsible for the Kibbutz's dairy cattle.

He knew I was from Wisconsin, so he asked me a matter-of-fact, Wisconsin-related question. "What's to become of the Pabst herd." It surprised me that this man who spoke English with a thick accent, who had never set foot in the United States, whose whole world seemed to be this tiny Agrarian settlement, should be asking me about the herd of specially-bred cattle nearly halfway around the world which had just been sold at auction.

This man's question threw a whole new light on the Israeli Nation-building experience for me. From all outside appearances, this man was a foreigner to America. But there were aspects of America which were not foreign to him. What counted for him, for his Kibbutz, and for his nation, was to know all he could about dairy cattle. His job was to be the best informed and best in practice dairyman possible. Part of that job was to keep up to date on dairy literature—trade journals and academic publications—from everywhere including America. This attitude, it seems to me, is a key to Israel's success in development.

Tonight it is appropriate to reflect on Israel's successful twenty-five years of economic development. While Israel is the special accomplishment of a special people—people with an indestructible idealism fortified by the strength and resiliency of an indestructible pragmatism—its development, nevertheless, owes much to supporters and friends throughout the world, Jews and non-Jews alike. Those more than two million people who have purchased Israel development bonds with great loyalty and magnanimity are almost as much responsible for Israel's development as are the Israelis themselves who have tilled the soil and turned the lathe since the beginnings of labor zionism in Palestine at the turn of this century.

"What we have achieved in our economy," according to Golda Meir, "could not have been done without you, without your confidence that Israel bonds are not only good and necessary for Israel, but they are a sound investment as well."

Pinchas Sapir, minister of Israel, has restated that case quite clearly:

"Without the seed money which Israel bonds provided to build up our agriculture, to develop our industries, to exploit our meagre natural resources, to establish our new irrigation projects, we could never have had the economic strength to win our struggle for survival. Economic progress was the backbone of our victories in the past, and it will be the backbone of our victories in the future."

Since its inception in 1951 the Israel bond organization has been the principal source of funds for Israel's development budget.

From 1951 to this year, the sale of Israel bonds has made more than $2.1 billion available to Israel to help finance every aspect of the country's economic growth.

(Israel pays for its $1.3 billion defense budget and the United Jewish Appeal takes care of social welfare.)

Israel bond funds have stimulated the development of Israel's limited natural resources. The dead sea potash and bromine works have been expanded, as have mining and refining facilities at King Soloman's copper mines at Timna. Large phosphate deposits are being mined at Oron and Arad, where a huge new chemical complex, now under construction, is expected to increase substantially Israel's industrial exports.

The economy's fuel needs have been largely met with oil pumped from tankers berthed at Elath to the Haifa refineries through pipelines built with the aid of Israel bonds. A new giant 42-inch oil pipeline is expected to have an annual capacity of sixty million tons, thereby making it possible for large quantities of oil to be transshipped from the Red Sea to the Mediterranean and European countries.

The story of Israel is a saga of reconstruction—not destruction. It is a story of reclaiming wasteland to productive farmland. Truly modern day Israel's accomplishments qualify her to be as were the ancient Israelites: "a light unto the nations."

There is justifiable pride in this accomplishment. Supporters of Israel can with justification share that pride even as it shared the dream of Israel and so generously contributed toward its fulfillment.

But the dream is far from realization.

Through decades of difficulties, through the holocaust in Europe, and agony of war and bloodshed, the people of Israel have managed to create a place which any Jew may now call "home". For centuries, the Jews had a holy land but not a homeland. Their hearts and souls found refuge in prayers and poetry glorifiying Zion. But there never was a physical haven.

Today thousands of refugees and immigrants arrive in Israel for the first time in their lives and it is "home". Home for those who left the ghettoes of Europe. Home for those who survived the nightmares of Nazi concentration camps. Home for those who fled medieval villages in the Arab world. And it is home for the thousands of Russian Jews escaping the long-range Soviet government's efforts to crush increasing Jewish consciousness in the Soviet Union.

The dream of the freedom of Israel is strong, even though it is a troubled land embroiled in the hostile arena of international power politics. As you well known, Israel symbolizes for oppressed Jews everywhere a land of religious tradition and a haven for a unique way of life.

It is this unique way of life that has been so important throughout the world through the hard centuries of oppression and persecution. And it is this way of life that has made it possible for Jews to survive.

Zion is no longer only a dream of a 19th century Judeo-European ideology. Nor is Jerusalem only a vision of ancient and medieval Jews. Today thanks to the selfless toil of its energetic people, the State of Israel is a thriving, modern, technologically-advanced country with a sophisticated, free and democratic political community.

Israel bonds provide the economic capacity to enable Israel to perform these miracles of survival, absorption and reconstruction which have written the most inspiring chapter in modern history.

The latest chapter in that heroic saga finds Israel still faced with the immediate needs of food, housing, and safety from the horrors of war. Meanwhile she is attempting to master more sophisticated—but equally crucial—crises.

Golda Meir is of the pioneer generation. But as Israel opens new frontiers and responds to new challenges, today's generation must be pioneers blazing their own trails in new, modern-day technology.

With the courage, tenacity, and foresight of the veterans of zionist colonization in Palestine, Israeli Scientists today are coping with the crucial problem of water.

Israel's ninety percent use of feasible water resources is a world record. But it is not enough. Israel has reached the limit of utilizing water supplies by conventional methods. By 1984 Israel will face a water crisis. The only way to solve that crisis is desalination.

Recognizing the imminent crisis, I introduced legislation in the Senate on August 13, 1969, which would assist Israel in the construction of a prototype desalination plant. At the time I stated that U.S. assistance would "help develop a process which would insure the survival and growth of vast regions and whole countries which today face aridity and economic desolation from lack of water."

The legislation which I introduced passed the Congress back in 1969. Congress approved a $20 million appropriation for planning, design, specifications for the prototype plant.

Unfortunately the project lay dormant for almost three years until this July. At that time, Israel provided the United States with complete plans for a multi-stage distillation plant now under construction in Eilat.

Israeli scientists are hopeful that the new process in Eilat will help all water-short countries by cutting costs of desalination. The million-gallon-a-day plant at Eilat is designed to produce fresh water 10 to 15 percent cheaper than the most modern unit in the west, and almost 40 percent cheaper than older units.

Israel's success is the world's success. The new plant represents a technological breakthrough which the entire world can share. For example, part of the Israel-U.S. agreement is that the United States will apply Israeli advances in technology in a similar demonstration plant at San Diego.

Israel is repaying its debt and fulfilling its national commitment to humanity as no new nation has ever done.

The world today is urgently seeking effective ways of giving and receiving help that can close the hazardous gap between rich and poor—between ignorance and knowledge—between privilege and deprivation.

The relationship between giver and receiver is a difficult one. But Israel is showing us that the soundest relationship among nations is not giving and receiving but sharing.

It seems to me that this is the best way for us all—at this Israel bond dinner—to celebrate Israel's twenty-fifth anniversary.

## REHABILITATION ACT OF 1973

Mr. HUMPHREY. Mr. President, I have been pleased to join in sponsoring S. 7, the Rehabilitation Act of 1973. Immediately forthcoming consideration of this legislation by the Senate Committee on Labor and Public Welfare, clearly indicates a firm belief that the President's veto of identical legislation after the adjournment of the last Congress was unwarranted and cannot be permitted to stand.

It is essential that this progressive legislation be enacted, to promote innovative and comprehensive approaches in rehabilitation services for mentally and physically handicapped and severely handicapped persons, and to focus upon applied research and the development of technology and devices to help solve rehabilitation problems of handicapped individuals. Providing for the coordination of numerous Federal agency responsibilities and programs in this increasingly important field, this bill correctly emphasizes the need to serve more severely handicapped individuals, to make services responsive to individual needs, and to make every effort to enable handicapped persons to lead a productive and financially independent life.

I welcome the additional requirement in this bill for an affirmative action program under which Federal contractors shall undertake to employ and advance in employment qualified handicapped individuals. Moreover, another section of this bill specifically prohibits discrimination against an otherwise qualified handicapped or severely handicapped individual, solely by reason of his or her handicap, resulting in that person being excluded from participation in, or denied the benefits of, any program or activity receiving Federal financial assistance.

I am deeply gratified at the inclusion of these provisions, which carry through the intent of original bills which I introduced jointly with the Senator from Illinois (Mr. PERCY) in the last Congress, S. 3044 and S. 3458, to amend, respectively, titles VI and VII of the Civil Rights Act of 1964, to guarantee the right of persons within a mental or physical handicap to participate in programs receiving Federal assistance, and to make discrimination in employment because of these handicaps, and in the absence of a bona fide occupational qualification, an unlawful employment practice. The time has come to firmly establish the right of these Americans to dignity and self-respect as equal and contributing members of society, and to end the virtual isolation of millions of children and adults from society.

I am also pleased that my original amendment, in revised form, has again been incorporated in this bill, to provide for vocational and comprehensive rehabilitation services for public safety officers disabled in the line of duty in dealing with a criminal act or working under a hazardous condition. Such assistance is of crucial importance if these public servants, handicapped in the course of protecting society, are to be helped by society to help themselves in pursuing new occupational careers and again having that vital sense of continuing usefulness.

Moreover, I welcome the continued inclusion in this bill of a provision calling for a comprehensive study of important problems confronting handicapped persons in sheltered work situations, to be conducted by the Secretary of Health, Education, and Welfare. It will be recalled that in the course of Senate debate on this bill last September, notice was taken of my proposed amendment to establish a demonstration program to determine the feasibility of wage supplement payments to mentally and physically handicapped and severely handicapped individuals who are employed on a long-term basis in rehabilitation facilities which are sheltered workshops or work activities centers. I believe that it is profoundly wrong that these persons should be institutionalized when with a modest income they could be enabled to live independently and function normally in their families and communities.

Then as now, however, it was recognized that a thorough study of sheltered work situations should be undertaken, and that action should be expedited on legislation to revise and extend vital vocational rehabilitation programs across America. While it is my intention to revise my amendment for introduction as an original bill in this Congress, I wish to take this opportunity to indicate my continuing support for early action on the Rehabilitation Act of 1973. At the same time, I strongly urge that legislative action be facilitated to provide for the additional income that handicapped persons employed in sheltered work situations require to become reasonably self-sufficient and contributing members of society, rather than to experience an isolation from society and at additional public expense.

I was, to say the least, shocked, dismayed, and saddened by the President's veto of this piece of legislation, which passed overwhelmingly here in the Congress in the late months of 1972. I cannot understand how the President ever justified that veto. Surely, this legislation did not make a raid on the public treasury. I would like the President of the United States some time, if he ever decides to come out of hiding, to tell the people of America why the physically handicapped, the mentally retarded, and the mentally ill are not worthy of the compassion and care of the people of this country.

Of all the vetoes I have observed in my 25 years of public service, this was the most cruel and, I might say, the most unsubstantiated; and I am so pleased that Members of this Congress are now joining together to reintroduce this legislation and bring about its passage. I urge that it be done quickly.

There are hundreds of thousands of people who are suffering because a President did not agree. The veto came when we had no chance to override it, because the Congress was in adjournment.

Not long ago, Mr. President, I was in Los Angeles, Calif., addressing a dinner to help raise funds for the Reiss-Davis Child Study Center. This center provided assistance to mentally disturbed, emotionally disturbed children. One whole section of the center has had to be closed down because of the lack of slightly over $100,000 of funds from the Federal Government. Hundreds of children are being denied the care that they need.

Every time I think of another bomb being dropped in Vietnam and think of these vetoes, I wonder what has gone wrong with the President and the Presidency and the value system of this Government. I hope that Congress will act promptly on this measure.

## CHILD HEALTH CARE

Mr. HUMPHREY. Mr. President, on two recent occasions I was given the opportunity to discuss critical needs in child health care across America. I firmly believe that child health and development must be given the highest priority in the agenda of the 93d Congress. It is profoundly wrong that almost three-fourths of our children living in poverty have never seen a dentist, that several million children continue to be afflicted with mental retardation, cerebral palsy, epilepsy, and other disabilities attributable to neurological impairments, and that childhood malnutrition should remain prevalent across the Nation.

In an address at the dedication dinner for Children's Health Center and Hospital in Minneapolis, Minn., I outlined a national program to combat childhood illness—a comprehensive program of prepaid material and child health care; the nationwide establishment of child care and development programs; the immediate extension and expansion of children's dental care projects; increased appropriations for research and training on childhood diseases and medical treatment; and the enactment of universal child nutrition and nutrition education legislation.

In this address, on December 14, 1972, I also pointed out major innovations in comprehensive child health care services being undertaken by Children's Health Center and Hospital. Some of these services, such as dental care and mental health, are without parallel in the entire upper Midwest.

Another institution setting the standard for the future is the Reiss-Davis Child Study Center in Los Angeles, Calif. Over its 22-year history, this unique facility has developed an integrated program of diagnosis and treatment, ongoing research, professional training, and extensive community education on childhood emotional disturbance.

In my remarks before the annual meeting of the Reiss-Davis Child Study Center, held on December 19, 1972, I strongly criticized the low priority given by the administration to mental health, and the seriously inadequate mental health care available to the Nation's children. It has been reported, for example, that there are only 3,000 child psychiatrists in the country, and that the number of children in State and county mental hospitals has doubled since 1963. Emotional disturbance strikes 10 million children and youth in America, but only 1 million receive any help at all.

In my address, I called for full funding for mental health research and training programs, expanded programs under the Developmental Disabilities Services and Facilities Construction Act, and a substantial increase in authorizations under the Community Mental Health Centers Act, as well as a new focus in this act upon community education and the full utilization of local resources to meet extensive mental health needs. I also reiterated my concern that a nationwide program of maternal and child health care be established. And I called for a fundamental commitment to ending the isolation from society of children with mental and physical handicaps.

Mr. President, the time has come to guarantee to every American child the right to health, and the right to hope in a full life of challenge and opportunity. Let us make the establishment of these rights a hallmark in the record of this Congress.

Mr. President, I conclude my statement by saying that in the month of December it was my privilege to visit the American Children's Research Hospital at Krakow, Poland. That hospital was sponsored here in Congress. It was my privilege to be the sponsor of legislation that made possible this gift from the American people to the children of Europe and indeed the children of the world. I intend in the time that I have in the Senate to give a good deal of attention to the needs of the children of this land and, indeed, the children of the world.

I read in the paper from time to time that we are now entering into a period they call a conservative era in which we are going to trim back, to cut back, and do away with many of the programs that have been related directly to the health and well-being of the disadvantaged, the elderly, and the children of this Nation.

I just want to serve notice politely and gently today that I will not permit it if I have it within my power to stop it. I want to serve notice on the President of the United States that this Senator does not intend to stand idly by while we cut the heart out of programs benefiting human resources. I seek to cooperate with the President and I seek a partnership in this Government. But if the President feels that somehow or other this country cannot afford to take care of the sick, the indigent, the elderly, and the children, I want the President to know that he is in for a fight and that the floor of the Senate will be used day in and day out for that purpose.

I know this body and I think that I know something about those who serve in it. I do not believe that the Senate of the United States or, indeed, the Congress, is going to permit the work of two generations of people who were and are concerned about the future of our country to be emasculated and to be cut back in the name of efficiency and economy.

I suggest that the President look around the Government for other areas in which to economize rather than in the area of programs for the benefit of the children, the old people, the sick, and the disabled. If he cannot find such areas, some of us would be glad to cooperate and pinpoint them for him.

Mr. President, I ask unanimous consent that the text of my remarks at the dedication dinner for Children's Health Center and Hospital, and the text of my address at the annual meeting of Reiss-Davis Child Study Center, be printed at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

### Remarks by Senator Hubert H. Humphrey, Dedication Dinner for Children's Health Center and Hospital

This dinner rightly celebrates a tremendous accomplishment in several important respects.

Children's Health Center is the product of a deep public commitment to provide comprehensive health care for children—a commitment reflected in a fund-raising campaign involving some 1,000 volunteers, and in citizen contributions, and private donations and pledges, totalling over $3,500,000.

Children's Health Center is an outstanding example of cooperative planning within a metropolitan health care delivery system to control costs and assure the availability of health services. By operating as the pediatric "core" of the five-hospital complex making up the Minneapolis Medical Center and by sharing basic as well as highly specialized facilities in these units, the Center will be assured adequate occupancy capacity and will be able to hold down capital and operating costs.

And by this decisive private initiative, Children's Health Center can be a model for the Nation of what innovative and comprehensive health care services for children are meant to be and can be. Dr. Arnold S. Anderson, your President and a good friend whose wise counsel I have been privileged to receive over the years, has well stated the crucial need to make a 100-per cent effort in providing health services that are especially sensitive to the needs of children. This is essential, if there is to be any progress in a community's effort to provide these services and if we are to keep pace with modern knowledge and technology in this field.

I am deeply impressed by the child health care specialties and research and training programs that will be available at this Center. But I am especially gratified that this voluntary, non-profit hospital will be operated for the benefit of the entire community, becoming a one-stop health facility that will not refuse medical care to any child who needs it.

Only through such centralized, comprehensive and innovative health care services can a community maintain the vital resource of practicing pediatricians and allied health professions personnel—and this is of particular importance to Minneapolis, where it is expected that by 1980 the child population will have doubled over two decades.

Only through a Center that moves out boldly in launching major new research and service programs can we begin to make progress in the diagnosis, treatment, and prevention of childhood illnesses and conditions that have crippled the lives of millions of people in previous generations. I am particularly impressed with such Center services as:

A Pediatric Dental Clinic—the only such facility in the Upper Midwest;

A comprehensive program of services at birth and for critical care of newborn infants;

A very important mental health program designed to establish a positive and sensitive attitude throughout the entire hospital;

Family care units providing "live-in" accommodations for the parents of child patients;

Clinical training for the students of nearby schools of nursing;

And a range of services from physical exams to the treatment of burns and poisoning, and the provision of psychiatric counselling and resources for school and learning problems.

However, of special importance is the fact that Children's Health Center has taken seriously its responsibilities to the inner city where it is located. This concern was already foreshadowed in the Walk-In Counselling Center and Teen-Age Medical Service run almost entirely by professional staff volunteering their services. These programs have directly confronted the critical and extensive problems among our youth of drug abuse, unwanted pregnancies, and venereal disease, as well as a fundamental need for down-to-earth communication.

Beyond this, however, and even beyond a commitment to providing needed child health care, irrespective of a parent's ability to pay, the Children's Health Center intends to take its part in combatting the poverty of the Model City area, by training and employing up to one-half of its staff from that area.

It is my profound hope that the United States Congress will express a similar firm commitment to meeting the pervasive and critical child health and development needs of America, that are all too frequently the heart-rending reality of poverty.

As one who pushed through legislation some fifteen years ago to create the National Institute of Child Health and Human Development, I am determined that this commitment now be carried through.

As one who played a direct role in the establishment of the Headstart program, I am committed to a renewed legislative effort to override past Presidential vetoes of the establishment of comprehensive child care and development programs across America. We know that there are over six million children who need these programs, including health care, daily nutritious meals, and individual guidance services. They simply must not be denied educational opportunities when a major part of a child's intellectual development occurs in his or her earliest years.

And as part of the Administration which several years ago proposed the establishment of a universal child dental health program, I believe the time has come for Congress to enact the Children's Dental Health Act, passed by the Senate last year. I will urge the early reintroduction of this legislation, which authorize $50 million in Federal grants over a three-year period for projects providing comprehensive dental care—prevention, treatment, and correction—for children, including major pilot projects focused on disadvantaged children almost three-fourths of whom have never seen a dentist.

Moreover, I believe the time is long overdue for squarely confronting the extensive problem of inadequate nutrition among children across America—a condition that is not limited to the children of lower-income families. I intend to renew work on the Universal Child Nutrition and Nutrition Education Act which I introduced in the last Congress.

I was gratified by subsequent favorable action taken on my amendments to expand and increase funding for child feeding programs, including a new emphasis on the nutrition needs of mothers and infants. But it has been clear that Congress must wage an unceasing battle with the Department of Agriculture to assure that the intent of the law in this area is, in fact, carried out.

The same has been true with respect to

research and training programs under the National Institute of Child Health and Human Development, where the Administration has called for cutbacks in programs and severe reductions in training grants. Yet there is serious need right now for more personnel professionally trained in perinatal and neonatal care, as well as mental retardation. I find it unconscionable that Federal Budget reductions should be proposed in this critical area, on top of earlier Administration actions to cut back medical research programs on childhood diseases.

It has been said that child health and development will be a major social policy issue in the current decade. I intend to do everything possible to see to it that this is, in fact, the case, and that the issue is quickly settled in favor of the children of America. During my term as Vice President, the Administration secured the enactment of comprehensive child health care services under Medicaid, yet these programs have been repeatedly delayed. And in the last Congress, I was one of those Senators who insisted that under pending so-called "welfare reform" legislation, the educational, health, nutritional, and other needs of children must be as important in child care programs as enabling parents to obtain employment.

However, it is now clear that Congress intends to move forward in giving higher visibility to major child health and development needs in America. It enacted a major program of Federal assistance for communicable disease control, focused on tuberculosis, measles, and venereal disease. It passed the National Sickle Cell Anemia Act to promote intensive research on this crippling disease, and to establish voluntary screening and counselling programs. And the Senate passed legislation to give high priority to research on the cause and cure of sudden infant death syndrome, and to expand programs for the prevention of lead-based paint poisoning. And, in addition to the passage of legislation providing for the evaluation of the status of current research on multiple sclerosis, work was begun on further bills to assist in the prevention of child abuse, and to promote further services to address mental retardation and other physical and mental disabilities borne by millions of children.

These are but a few examples of what I see as a definite trend toward establishing the health and development of America's children as a high priority in national policy and programs.

But there is so much more work that must be done if this goal is to be achieved. It is profoundly wrong that in a nation with the highest standard of living and which is supposedly devoted to the welfare of its children—

About one-third of the low-income preschool children are anemic;

Nearly half a million children have cerebral palsy;

Half a million suffer from epilepsy;

Several million are mentally retarded;

And more than two and a half million children have orthopedic handicaps.

I firmly believe that a total national effort must be launched to address these problems. In addresses across the Nation, I have outlined a program of maternal and child health care that must be established if the right of children to health is to be guaranteed.

Basically, this would be a comprehensive program of prepaid medical care under Social Security for all pregnant women and for children in their earliest years. It would cover all physician services and hospital and laboratory costs. But of equal importance, it would also be directed at the child's home situation, through the provision of home health and outpatient counselling services. Treatment and care would also be provided for those children under six whose health has been threatened or seriously impaired by major trauma or catastrophic illness. And, to address the critical situation in America where several million children are isolated from society because of mental retardation and other physical and mental handicaps, this program would provide for early identification of these health care needs through periodic screening and complete diagnostic services, followed by individual care and rehabilitation programs.

Such a comprehensive and intensive approach to guaranteeing child health can and must be launched without further delay. And I intend to work jointly with my Senate colleagues to see to it that this approach is an integral part of a national health insurance program, whose enactment must have the highest priority in the next Congress.

In proclaiming October 2, 1972, as Child Health Day, President Nixon said:

"This Nation's children represent our greatest responsibility and our greatest hope. We all share a continuous obligation to do all we can to safeguard and promote their health and well being."

I now call upon the President to work with Congress in translating these words into action to fulfill this obligation. Millions of American parents ask only that their children be given a decent chance in life. A child who is given the right to hope, has everything. I intend to see that every child is guaranteed that right.

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### REMARKS BY SENATOR HUBERT H. HUMPHREY, ANNUAL MEETING, REISS-DAVIS CHILD STUDY CENTER

One criticism frequently made of newspapers is that, having covered a dramatic event in exciting prose, they rarely follow up this story with an analysis of its aftermath—less exciting, perhaps, but equally real and newsworthy. Recently, however, my attention was captured by a follow-up story of a case of senseless violence. The article in the November 30th issue of the Washington Post was headed: "Gang Beating Leaves Mental Scars on Youth."

That beating of a 14 year old boy by fellow teenagers who, apparently, wanted nothing more than a moment of excitement, had occurred over six months ago. It had left the boy hospitalized with a blood clot on his brain, but apparently on the way to physical recovery after surgery.

But *mental* recovery was another matter. Checking up on this earlier story, the Washington Post reported confronted a boy clutching at his mother as she prepared to leave his room at a psychiatric institute, and then kicking and screaming in the tantrum of a preschooler. The psychiatrist's report was that this boy, unable to cope with the trauma of that physical attack, had retreated into the safety of his early childhood.

And what of the "trauma" of the parents, financial as well as emotional? Already holding hospital bills totalling more than $16,000, they face the additional expense of institutional care and treatment, amounting to over $100 a day, for an unknown period of months. The father, a painting contractor, obtains contracts intermittently. Last year he made about $8,000. He and his wife, who is also trying to find work, have no car. To save money, they have moved in with relatives.

Something is wrong when an affluent and supposedly child-centered society cannot find a way to help these people—a boy who could, after intensive care and rehabilitation, make it back into society and eventually become a contributing member of that society, rather than be "put away" somewhere and yet remain a permanent burden upon a society that says "out of sight, out of mind." Something is very wrong when we cannot help thousands upon thousands of parents who face the crisis of not even being able to find help for their emotionally "fragmented" children, either because of the expense of institutional care or because they are far down on the waiting list for even an initial interview.

We know that emotional illness is now the number one health problem in the nation. But do we have any concept of how extensive this problem is among our children?

The 1970 report of the Joint Commission on Mental Health of Children estimated that emotional disturbance strikes ten million of the 100 million children and youth of America—and this figure includes 2 million who are classified as psychotic. And yet, only one million children are getting any help at all.

In testimony before the Platform Committee of the Democratic National Committee last June, representatives of the American Psychiatric Association reported that there are only 3,000 child psychiatrists in America, and that there is a serious shortage of mental health facilities. As a result, the number of children in state and county mental hospitals, now 55,000, has doubled since 1963.

These harsh statistics ought to shock this nation into action. There is no question that dramatic steps would be taken if these figures applied to a disease epidemic, such as diphtheria or measles or polio. But apparently, society continues to regard the whole area of mental health in a different light. Despite major initiatives launched by Congress in the last decade to address this extensive health problem, federal programs continue to languish for want of adequate funding, and mental health remains low on the Administration's list of human resource priorities in annual federal budget requests.

It is sharply clear to me that a concerted effort must be made in the present decade to bring America out of the dark age of ignorance about mental illness, and to focus upon the direct connection between mental and physical health. And yet, this is precisely the point that Dr. Oscar Reiss and Dr. David Davis were making 22 years ago when the Reiss-Davis Child Study Center was opened in a converted warehouse in Los Angeles. Perhaps far ahead of their time, these pediatricians recognized the critical need for an integrated program of diagnosis and treatment, ongoing research, professional training, and extensive community education on childhood emotional disturbance.

Now occupying a uniquely designed facility—the result of Hill-Burton assistance and a major community and fund-raising effort—this Center is an outstanding example of advanced approaches to childhood mental health problems that ought to be going forward all across this nation. Here you will find a total investmnt in the rehabilitation of emotionally disturbed children, where each case is made the deep concern of a clinical team of professionals in psychiatry, psychology, and psychiatric social services.

But from the beginning, the Center saw each child as a member of a family unit and of his or her community, and it reached out to this total social situation, through directing counselling and help to the parents as well as the child, and through launching extensive and highly successful institutes and seminars for schoolteachers. I find it remarkable that such an obviously essential approach to mental health should not have received national recognition until the enactment of the Community Mental Health Centers Act of 1963. For it is that family and community society, from which the child has withdrawn, which will ultimately provide his or her "cure" and which, at the same time, will be a better society for having been given his opportunity."

In this regard, I can only applaud the Center's basic treatment program on an outpatient basis and to which a long-term commitment is made. I cannot accept the alternative of institutionalization, any more than I can believe that childhood emotional disturbance should be simply "controlled" through quickly administered palliatives. I know that a major fund-raising effort is underway to expand this basic treatment program, and hopefully, to reinstitute the richly promising programs of the Day Treatment Center for even more severely disturbed children. And you have my deepest wish for success in this vital undertaking, to enable this nationally accredited and recognized independent institution—only one of five of its type in the nation—to fulfill its promise.

But the time has come to establish an equal commitment across this nation that every child shall be guaranteed the right to mental health. And it is my personal commitment that Congress shall play a decisive role in securing this right.

We must begin by overruling continuing objections by the Nixon Administration, to provide full funding for medical research and training programs—for example, psychiatric residency training, where the loss of federal support would cut the number of present residents almost in half.

Similarly, when the Community Mental Health Centers Act comes up for renewal in 1974, we must substantially increase authorizations if we are to meet the original goal of establishing 2,000 fully operational centers by 1980.

I find it incredible that, almost ten years after this law was enacted, there are only 452 centers operational today. Community mental health programs have played a vital role in addressing problems of drug addiction, alcoholism, and mental health problems of minority groups, veterans, children, adolescents, and the aged. And these community services have probably saved millions of dollars that would otherwise have been required for long-term institutional care and the treatment of cases that would have become more severe.

Next, Congress must enact legislation to extend and expand programs under the Developmental Disabilities Services and Facilities Construction Act. This law focuses upon the handicaps that originate in childhood—children who are victims of cerebral palsy, epilepsy, and similar disabilities attributable to neurological impairments.

But it is a law which has never been given the chance to do the job in its first three years, because the Administration has requested only $120 million of the $295 million authorized by Congress for these comprehensive services.

This law amended the 1963 Act providing for federal assistance for the construction of community facilities for the mentally retarded. And several million mentally retarded children remain the largest constituency of those having a serious need for services under the 1970 Act. It is profoundly wrong that these children should be isolated from society, denied the educational opportunities that are vital to the development of a child's capabilities to his or her fullest potential. We know that the major type of mental retardation arises from adverse environmental and cultural situations. Stated simply, many children unable to compete in school or in society lacked the early childhood developmental experiences necessary to prevent functional retardation.

It was precisely to address such prevalent conditions that last year I introduced legislation that went right to the heart of the matter where children, youth, and adults are denied an equal chance in life solely because of a mental or physical handicap. My bills, therefore, would have amended the Civil Rights Act to prohibit discrimination, on the basis of such handicaps, both in all programs receiving federal assistance and in employment.

But this is only one example of the comprehensive approach that must be taken to establishing the right to mental health for all our people. We know, for example, that the high incidence of mental retardation in areas of poverty has one direct cause in pervasive malnutrition. Here we confront the organic causes of mental illness—for example, Pellagra, associated with a diet deficient in niacin and protein. For this reason, I have placed strong emphasis in my legislative work on expanding federal assistance for such programs as maternal and infant nutrition. And it is my intention to introduce again the Universal Child Nutrition and Nutrition Education Act—to assure that every American child receives nourishing daily meals.

What I am suggesting is that what is termed "preventive intervention" must be regarded as of equal importance with comprehensive rehabilitation services in combatting mental illness, particularly among children. That is why, for example, I have presented a nationwide program of maternal and child health care:

A comprehensive program of prepaid medical care for all pregnant women and for children in their earliest years;

A program that is also directed at the child's home situation;

A program geared to the early prevention of physical and mental illness through periodic screening and complete diagnostic services;

And a program to provide treatment and care to children under six years of age whose health has been threatened by major trauma or catastrophic illness.

Such a comprehensive and intensive approach to guaranteeing child health should be in integral part of a national health insurance program, whose enactment should have the highest priority in the next Congress. But with respect to national health insurance, I fully agree with the position of the American Psychiatric Association that this program must also include coverage of a full range of services and facilities for the mentally ill and emotionally disturbed.

However, the time has also come to coordinate and substantially expand services for the treatment and rehabilitation of emotionally disturbed and mentally ill children and youth. The high rate of juvenile suicides, homicides, and drug overdose deaths demands this national action without further delay.

I believe that an effective method by which this can be accomplished is through providing federal assistance for "full-service" mental health programs in our communities. The approach I am suggesting would sharpen the focus of the Community Health Centers Act. This approach would make mental health clearly a responsibility of the total community. By pulling together vital resources, it would make mental health services more clearly identifiable and available to a far broader range of families at the lowest possible cost.

The Reiss-Davis Child Study Center program has two aspects of particular relevance to what I have in mind. First, it offers a central clinic providing special services, but tied in with an ongoing educational program involving local school districts. Second, it has set the standard by reserving treatment for the children of families who cannot afford private care.

I believe that federal project grants should be provided to promote this constructive interaction of professional services and local school districts, whereby educators are sensitized to potential emotional disturbance, mental illness, and learning disability problems of children. And through providing incentives for state and local matching assistance for the development of professional centers, these children can be reached at the earliest possible time, while the children themselevs are enabled to enjoy a normal social atmosphere to the fullest feasible extent.

Finally, to further the goal of establishing well-rounded mental health programs with maximum outreach, communities would be encouraged to establish mental health associations, both to promote communication and citizen participation, and to expand services through fund-raising campaigns, educational programs, and the training of citizen volunteers.

Only in this way, can we reaffirm the rights of bilingual, handicapped, or slow-learning children to education in the public schools, instead of being wrongly classified as retarded or uneducable and dismissed.

Only through so expanding the horizon of our awareness of what is going on in our communities, will we begin to take action to help the so-called "naive offender"—the retarded youth who lacks perception or intuitive judgment about the offense with which he is charged—and the law enforcement officer or court official who sees no alternative to placing him in a jail cell. And it is only through achieving such heightened concern by the total community that we will address the profound problem of tens of thousands of people receiving only custodial care in mental institutions—where all too frequently we are confronting shocking cases of human degradation.

And yet, in the end I come back to that 14-year-old boy who has withdrawn from society, and I think of the thousands of children and youth like him whose view of society is blocked by a tightly drawn curtain, while parents sit in the next room in the silence of despair and anxiety.

American society dare not withdraw from them. The curtain must be opened. Hope must be restored. A nation of compassion can do no less. A people who are concerned can do so much more.

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## CIVIL RIGHTS: THE PAST AS PROLOG

Mr. HUMPHREY. Mr. President, I wish to call to the attention of my colleagues an extremely significant event that took place during adjournment of the Congress—the civil rights symposium sponsored jointly by the University of Texas at Austin and the Lyndon Baines Johnson Library. The symposium—"Equal Opportunity in the United States"—was held in conjunction with the opening of President Johnson's civil rights papers on deposit in the library.

It was noted in the invitation from Harry Middleton, director of the LBJ Library that—

> The purpose of the symposium will be not to look back, but rather to look ahead to see what this Nation should be doing to fulfill its commitments in the decade ahead.

As a matter of fact, the symposium, with its outstanding roster of participants, both looked backward—to recapture a sense of the achievements of the 1950's and 1960's—and developed a compelling agenda of action for the balance of the 1970's.

In this time of uncertainty and doubt concerning the course of civil rights progress in America, it is particularly important to understand the breakthroughs that were won against political obstacles every bit as intractable as the ones we face today. Retired Chief Justice of the United States, Earl Warren, and the executive secretary of the NAACP, Roy Wilkins, spoke to these achievements with an honesty and forthrightness that has been rarely heard in recent years.

The Chief Justice, in his keynote address, spoke of America's long history of segregation and separation of the races culminating in the Supreme Court's decision in Plessy against Ferguson, 1896.

The Chief Justice said:

> The euphonious phrase "separate but equal," became the touchstone for a torrent of racist legislation and governmental practices in the Southern States that brought the black people there close to a condition of apartheid in the twenties and thirties of the twentieth century.

But in the fifties and sixties, following the Supreme Court's decision in Brown against Board of Education, 1954, that declared unconstitutional the doctrine of "separate but equal," the Congress and the executive branch moved decisively to strike down this entire structure of racist legislation, statutes, and tradition.

Roy Wilkins, in his address, described this period as "one of those constituting a great leap forward for our Nation in this civil rights field. It was a time of significant history."

And so it was, as many of my colleagues in the Senate will recall. People who are today discouraged by the outlook for renewed civil rights progress should remember that the outlook in this body was equally grim when we began debating the Civil Rights Act of 1964. It took 75 days—the longest uninterrupted debate in Senate history—to bring this legislation successfully through to final passage. But the combination of the firm Presidential leadership of Lyndon Johnson and the dedicated efforts of Senators of both parties eventually prevailed. The greatest legislative breakthrough in civil rights history had been achieved.

Vernon Jordan, the successor to the late Whitney Young as executive director of the National Urban League, provided a brilliant analysis of the civil rights agenda that we must face in the seventies. Jordan said, in part:

> In the sixties, the issue was the right to sit on the bus; today the issue is where that bus is going and what does it cost to get there. In the sixties, the issue was the right to eat at the lunch counter; today the issue is the hunger and malnutrition that stalk the land. In the sixties, the issue was fair employment opportunity. Today, that can no longer be separated from full employment of black people and equal access to every kind and level of employment, up to and including top policy-making jobs.
>
> The strategies black people and committed white people must develop in the seventies will revolve around issues like revenue sharing, metropolitan government, and internal regulations of federal and state regulatory agencies. The battleground has shifted from the streets where people marched to end segregation on buses, to the computer rooms where analysts will have to examine data on bus routes, on where black people live and where they travel to work, and on alternate rate structures that will make riding cheaper for poor people.
>
> So civil rights in the seventies will be less dramatic and less popular. It will be an era of trench warfare, requiring knowledgeable technicians skillfully monitoring and exposing racism in the twilight zone of America's institutional policymaking processes.

In one of his very infrequent public speeches, former President Lyndon Johnson demonstrated once again why historians will judge his administration to be the turning point in America's struggle to translate the promises of the Declaration of Independence into reality for all citizens of this country. He spoke of the backlog of deprivation and inequality that has been the constant companion of practically every black American. And he spoke of the urgent need to rectify these two centuries of injustice through compensatory action that will enable whites and blacks—together—to share equally in the opportunity and promise of this Nation.

This was a stirring challenge but it is also, quite frankly, a most difficult challenge. As our front pages are filled with controversies over schoolbusing, or quotas, or scatter site housing, we cannot avoid recognizing the political obstacles that today block the kind of enlightened and activist strategy proposed by Vernon Jordan. But, equally, we cannot avoid the imperatives to action laid down by Lyndon Johnson.

In my remarks to the symposium, I suggested the beginnings of a political strategy that once again could build a working majority in Congress for a revitalized attack on a host of urgent domestic problems—problems that affect not only blacks and other minorities, but the large majority of American families.

I suggested that we are in a vitally important period in our national life where our lack of direction in the civil rights arena is no greater than our lack of direction generally. But to redefine our direction as a people we must look broadly to the needs of all the people of this country.

In the political arena, for example, there just are not enough blacks, Chicanos, Indians, and Puerto Ricans to form an electoral majority. What is needed is the creation of a climate of identity between the needs—the hopes and fears—of the minorities and the needs—the hopes and fears—of the majority.

This, I submit, is the great challenge of the 93d Congress.

And we can move to meet this challenge if we heed the great lesson, in my view, of the civil rights symposium: namely, that despite setbacks and disappointments, this Nation in the fifties and sixties took giant strides toward the creation of a more just and free society through the determined efforts of the Congress, the Presidency, and the courts. These battles were not easy. The results were not preordained. But through unremitting effort and a certain amount of political commonsense, we finally were able to secure these advances.

This is precisely the formula that we must follow today if we are to break out of our present deadlock: unremitting effort and a certain amount of political commonsense.

We will have our opportunities in the 93d Congress. And if we take advantage of them—in the spirit that was so abundantly evident at the civil rights symposium—I believe we might surprise ourselves at what can be achieved.

Mr. President, I ask unanimous consent that my remarks at the civil rights symposium at the LBJ Library be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

### REMARKS BY SENATOR HUBERT H. HUMPHREY

It is a great privilege for me to participate in this civil rights symposium sponsored jointly by the Lyndon Baines Johnson Library and the University of Texas.

I am even tempted to suggest that this is a historic occasion. Although I recognize that the term "historic" has been used to excess in certain quarters, I am fully prepared to defend this gathering as properly being placed in the historical category.

It is historic in the sense that today we observe the opening of the civil rights papers on deposit in the LBJ Library. Scholars of post-World War II America will find these documents to be a rich source of information and social challenge—the quest for racial justice and opportunity.

And no man was more crucial to this struggle—no man gave more of himself to this cause and asked more of us—than U.S. Senator and then President Lyndon Johnson.

But this symposium is historic in other equally significant ways. Just the fact of its being held is historic. It has been more years than I care to count since such a distinguished group of national leaders have come together for something called a "civil rights symposium." This is the kind of gathering that one attended regularly in the 1960's, such as the civil rights convocation held at Georgetown University at the height of our efforts to pass the Civil Rights Act of 1964. The fact that today this symposium generates such interest and comment is striking evidence of the profound changes that have taken place since these earlier years of optimism and hope.

Finally, this meeting is historic because it offers a rare opportunity to speak honestly and directly to the unfinished agenda of civil rights that still confronts this nation. I do not accept the proposition that most Americans believe that two centuries of racial injustice have somehow vanished from this land, however, they may feel personally about school busing, or scatter-sight housing, or the Philadelphia plan. I believe most Americans understand that the job is far from finished.

It is, therefore, vitally important that we seize the opportunity to remind our fellow citizens of this unfinished agenda. But if we did no more than this—if we only enumerated the wrongs and injustices that remained—we would be throwing away our chance to carry forward the struggle of eradicating these living denials of justice and freedom.

To make this a truly historic conference, we must face directly the kind of tough political problems that we faced many years ago and that, through years of unremitting effort, we eventually surmounted. And it is to this task that I thought I might usefully direct my remarks this afternoon.

I recognize that it has been fashionable in some circles to suggest that white politicians no longer have much to offer in this struggle, that blacks, Chicanos and Indians have now taken over the full burden of organizing the political forces to end the racial abuses that offend us all. While it is certainly true that a great deal of this responsibility has shifted to persons who actually suffer under these wrongs, I flatly reject the notion that this burden is theirs alone.

I do so for two reasons. First, we have said many times—and I still believe—that racial injustice and prejudice is more a white problem than a black, brown, or red problem. If that is so, I am unable to understand how the problem can be solved without full and active participation by whites—public officials and private citizens, alike.

Second, I know that real progress will be achieved only when the overwhelming majority of Americans are committed to action and are prepared to communicate this message to their elected representatives in cities, states and in the Congress and White House.

We look back at the civil rights battles of the 1950's and 1960's with an air of nostalgia. In those years the legaislative goals were relatively well defined: the removal of a host of legal barriers to civil equality and equal opportunity.

More than this, the legal barriers existed primarily in one section of the country so that the lives of most Americans would be unaffected by whatever reforms we might achieve in Congress. We were, in a sense, working with a civil rights agenda that was uniquely suited to legislative remedy.

We now look back on those times as the easy days of the civil rights struggle.

But if we think a moment longer—and in this I defer to my good friend, Clarence Mitchell, who will be participating in tomorrow's panel—these easy days were not so easy. In the early 1950's, the number of U.S. Senators who were actively committed to passing the pending civil rights legislation could caucus in the rear corner of the Senate cloakroom. And I have the distinct impression that the Senate establishment of those years was decidedly unenthusiastic about these bills. One might even say downright hostile.

As Clarence Mitchell remembers, these were years of unrelieved frustration and failure, until Senate Majority Leader Lyndon Johnson decided that we could postpone no longer the most urgent portions of the pending legislation. In what still must be regarded as one of the Senate's most amazing demonstrations of parliamentary skill, the Civil Rights Act of 1957 become law when Lyndon Johnson maneuvered the legislation through the Senate without a filibuster.

By the early 1960's, these initial steps were no longer sufficient as remedies for the problems that remained: equal access to public accommodations, equal job opportunity, the non-discriminatory use of federal funds, and greater protection of the right to vote. The legislative outlook was as dismal as it had been ten years earlier.

The dramatic events in Birmingham; the decision by President Kennedy to seize the legislative initiative, his tragic assassination, and the total commitment of President Johnson to realizing these objectives produced a more hospitable legislative climate.

But, even then, the outlook in the Senate was grim. Our eventual triumph was not preordained, by any means. At numerous points in the 75 day battle to break the filibuster the legislation could have been compromised irretrievably. The fact that none of this happened was due almost entirely to the political strategy that had been mapped out and that was followed even in the most difficult moments of debate.

These brief retrospective remarks have only one purpose: to suggest again that the struggle for civil rights in Congress has never been easy and that, in many respects, our present difficulties are no more insuperable than the barriers we faced back in the good old days. Different, to be sure, but not insuperable.

Other participants in this symposium will speak to the substance of the remaining problems: racially-restrictive suburbs, racially-exclusive schools, racially protected jobs, crime, drugs, and the host of other intertwined domestic problems. We will talk at length about the new Northern battlegrounds where many of these issues will be resolved. But I would like to devote the remainder of my remarks to the political strategy that must be devised if we are to continue the progress of the 1960's in this decade.

I begin with this proposition: unless we agree on a strategy that can attract a majority coalition in the Congress and the nation at large, we can look forward to little in the way of concrete results. This lesson is as true today as it was twenty years ago.

Between the two extremes of empty appeals to the nation's moral consciousness and premeditated violence and intimidation is a broad field for constructive political action. And it is in this area where we must begin to think more creatively.

It is now commonplace in current political analysis to suggest that the national constituency in support of continued civil rights progress has vanished. The Nixon landslide in the general election; the surprising showing of Governor Wallace in the primaries; and the reams of polling data are offered as evidence of this decline. The momentum toward greater racial justice of the 1960's apparently has given way to a growing sense of retrenchment and disquiet.

But, on the other hand, if one looks behind these highly visible developments at other examples of the public's attitude, the outlook is less stark and more hopeful.

The Gallup Poll, for example, has discovered a marked decline among Southern white parents who object to sending their children to schools with blacks. In 1963, 61 percent of Southern white parents said they objected to such a development; in 1970, seven years later, Gallup asked the same question and discovered that 16 percent said they would object. Gallup described this as one of the most dramatic shifts in the history of public opinion polling.

Or consider this bit of evidence: in 1958, 39 percent of the voters interviews in another national Gallup Poll said they would vote for a generally well-qualified black man for President; 53 percent said they could not support such a candidate. Last year Gallup asked the same question: 69 percent said they would vote for a generally well-qualified black presidential candidate of their party, an increase of 31 percent. On the basis of this survey, Gallup reported that prejudice toward blacks in politics had declined to its lowest point yet recorded.

These findings are significant if they do no more than remind us that the integration—a good word, I continue to believe—of blacks into our educational and political structure has moved forward in the past decade, even as we read of the bitter opposition of a specific group of whites to a local busing plan or the defeat of a particular black candidate at the polls.

We are, it seems to me, in a peculiar but vitally important period of our national life, where our lack of direction in the civil rights arena is no greater than our lack of direction generally. The American people and their elected leaders are deeply confused and ambivalent about where we should be heading as a nation and, consequently, deeply divided about our shorter-range objectives.

This is certainly true about the Democratic Party itself, long the nation's principal source of vision and initiative. What *is* the Democratic Party? *Why* the Democratic Party? These are not easy questions to answer.

The 1972 elections did little to clarify this situation. It is regrettable but nonetheless true that many people voted *against* Senator McGovern or against President Nixon, rather than for either candidate. And an alarmingly large number of eligible voters didn't vote at all. The issues of the campaign become hopelessly muddled and many people voted against positions that neither candidate actually advocated. Thus we emerge from this presidential election no better informed about our future than when the campaign began more than a year ago.

But I think this much can be said: drawing from the election returns and our knowledge of current public attitudes, it seems clear that any political appeal that appears, rightly or wrongly, as favoring one group or class of people over another is going to be rejected by a majority of the American electorate.

The Democratic Party got into trouble when its internal reforms came to be perceived as establishing specific quotas that favored young people, women and blacks over the more traditional elements of the party, particularly ethnic Americans, blue collar workers, the elderly and elected Democratic officials.

And, by the same token, I would argue that the civil rights movement got into trouble when more and more people came to see it as an effort to give blacks a special break that was afforded no other group in American society. We know this perception is wrong. But it exists, whether we like it or not.

I would argue, however, that it is within our power to break out of this impasse and to begin the mobilization of political resources that can restore the positive momentum of the 1960's, not only for civil rights but for the nation generally.

How is this to be done?

I am not sure at all that I have the answers. But I can point up several facts that should be kept in mind as we search for more lasting solutions.

First, I subscribe totally to Vernon Jordan's thesis that President Nixon has within his grasp an extraordinary opportunity to move to the forefront of the quest for racial justice in this country.

Just as he confounded his critics with his dramatic trips to China and the Soviet Union, or his adoption of wage and price controls, Mr. Nixon could just as easily seize the initiative on the civil rights front.

I know, or at least I assume, that a second-term President must begin to think seriously about the historical judgments of his administration. And I can imagine no more harsh indictment than his having failed to lead the United States in the most critical and urgent area of domestic concern.

Such a move by President Nixon would be supported and applauded by the large majority of Democrats and, I suspect, by a significant number of Republicans. It would bring back to life, almost overnight, the bi-partisan coalition that was responsible for all the civil rights legislation of the 1960's.

Presidents, however, do not operate in a vacuum. So I would supplement the Jordan thesis with this proposal: we should be devising a political strategy that will assist President Nixon make this kind of affirmative decision.

There is good historical precedent for this approach. We forget that the early 1960's was a time of convincing President Kennedy to adopt a more aggressive posture in support of the civil rights legislation that had been pending in the Congress for many years. We forget that his initial civil rights proposals in 1963 were judged totally inadequate by the Leadership Conference on Civil Rights. It was only after the dramatic events in Birmingham that the Kennedy administration became fully committed to the legislative package that eventually became the Civil Rights Act of 1964.

The times and circumstances are very different today. But there are several factors that President Nixon should be reminded of as he looks ahead to his second term of office.

He should be reminded that the defeat of George McGovern was not a repudiation by the voters of the programs and policies advocated by other Presidents and passed by Democratic Congresses. In particular, there is solid evidence that a majority of Americans strongly favor closing tax loopholes and creating a far more equitable tax structure. In like fashion, there is significant national support for cutting out non-essential defense expenditures.

This is significant because progress in these two areas—only possible with strong presidential leadership—would begin to provide the federal government with the financial resources that are essential in any realistic attack on our most urgent domestic problems: education, jobs, health care, housing, crime, the environment and transportation. As you attack these problems, either directly by the federal government or through the states and cities, you are touching the areas of daily life that now comprise most of what we mean by civil rights.

This new budgetary flexibility also means that these goals can be achieved without seeming to advocate special advantages for one group at the expense of another. There is virtually no segment of our society that would not benefit directly from meaningful progress in each of these areas.

In this context, I intend to argue strongly that the entire concept of civil rights be broadened to include the rights and opportunities that should be available to other disadvantaged groups in America. I am thinking in particular of the physically handicapped, the mentally retarded and the elderly, all of whom must face many of the same barriers of misunderstanding and prejudice that confront black and other minority citizens. And we know that we are in a period where the issue of women's rights and political power must be included in a broader definition of civil rights.

In other words, I think it can be demonstrated that the success of President Nixon's second term depends in large measure upon his willingness to take the lead on a number of issues that were raised in the campaign by Senator McGovern. Moreover, there already exists a base of popular support if Mr. Nixon elects such a course of action.

It is, then, imperative that we begin to organize the political forces that can help bring President Nixon to this point of view.

I intend to urge the Democratic congressional leadership, working in close cooperation with black and other minority leadership, to speak out forcefully on these matters at the beginning of the 93rd Congress. I would hope that state leaders—governors, mayors, and county executives—would do likewise.

As I see it, we must identify the struggle for civil rights as an all-embracing struggle for the rights, privileges, and duties of all Americans.

In the political arena, there just aren't enough blacks, Chicanos, Indians, and Puerto Ricans to form an electoral majority. Overemphasis on the needs of these identifiable groups can be and has been counterproductive.

What is needed is the creation of a climate of identity between the needs—the hopes and fears—of the minorities and the needs—the hopes and fears—of the majority.

For example, we ought to be emphasizing that the important new dimension of civil rights is the right of every American to an opportunity to use his or her talents, to develop his or her abilities and capacities, to make a constructive contribution to society.

In plain simple language, this means identifying the cause of civil rights with quality education for all children.

Remember, millions of parents, white and black, feel that the education system is not satisfying the needs of their children.

We must identify civil rights with the civil right of every American to health care. Remember white Americans, as well as black, brown, or red Americans, are all too often the victims of inadequate health care.

What I'm saying is that we must find common denominators—mutual needs, mutual wants, common hopes, the same fears—and use this body of accepted information as the binding that holds together a coalition of people: a coalition representing the hopes and fears of the majority.

Out of this coalition of needs, hopes, fears, and injustices, we must fashion a new Bill of Rights for all Americans:

The right to a meaningful life free from poverty.

The right to full and equal protection of the law.

The right to productive and gainful employment.

The right to economic, political and social opportunity free from the obstruction of discrimination based on race, creed, or sex.

The right to a clean and decent neighborhood.

The right to life free from violence and terrorism.

The right to privacy, free from official or private invasion.

The right to safety, including protection of person and property.

The right to quality education at all levels, free from segregation.

The right to live in good health under a system of comprehensive insurance providing and assuring modern health care for all.

The right to be free of hunger.

The right to recreation.

The right to a clean and wholesome environment.

These are rights, not just for the blacks or the Chicanos or the Indians, but for the blue collar worker, the poor white, the student, the farmer, the office or shop worker—yes, for everyone.

Without these rights being alive and well—being applicable and accepted—there are no real civil rights.

We now have the formalities of law, the legal protections, but we have not had the kind of social acceptance that is required.

The new dimensions of civil rights are to be found in the living and working conditions of our people.

It is not enough to have laws that declare discrimination in employment illegal. We must have jobs and income.

It is not enough to ban segregation in education. We must have modern, well-equipped schools with competent, well-paid teachers.

It is not enough to have government employ blacks and other minorities. We must insist that corporate industry, finance, and institutions of higher education practice true equal opportunity and equal treatment in all of their economic, management, and employment functions.

The emphasis must be on developing the American political and economic system to its fullest potential so that all may benefit. In the context of the ending of the Vietnam War, this appeal may well generate far more political support than some of our more cynical political commentators would imagine.

This last point is very important. As U.S. participation in the war ends and as our prisoners of war are returned, we will, in a very real sense, be liberated from a burden that has stifled and blurred our vision of what is possible in this country. It is not just a question of the diversion of billions of dollars to support our military effort in Southeast Asia. It is equally a question of our energy, of our awareness and of our willingness to buckle down to hard domestic matters as long as the Vietnam War was continuing.

Although it may not happen immediately, I am confident that, over time, we will come to know a political climate free of the hatred and antagonism that arose as a consequence of the war.

In such a political climate it will be much more feasible to win the support of the American people for a renewed attack on the unfinished agenda of domestic concerns.

But, you ask, do we have *enough* time? How can you expect black Americans, Chicanos, Indians and other deprived minorities to postpone for one day longer their full and fair participation in American life. The answer is simple: you can neither expect nor ask them to be this patient.

On the other hand, one of the factors that always amazed me throughout many years of public life has been the degree of faith in the American system that has been retained by blacks and other minorities. In many re- far more than white Americans who benefited spects, they have kept the democratic faith more fully from the system.

Early next year the Potomac Associates will release a study that will show that blacks expressed just about as much sense of personal progress from the past to the present as whites, but that blacks are *more* optimistic than whites about their personal futures. These findings at least raise questions about the notion that members of the black community are overwhelmed by feelings of personal frustration and hopelessness.

I do not cite these results to suggest, in any way, that what we have achieved in the past is adequate or that we have been truly responsive to the problems that remain. I cite them only to suggest that blacks, and I believe most other minority group members, have not given up on this country.

If those who have suffered most have not given up, then I fail to see how those of us who have suffered least can even contemplate such a course.

This means getting back to work—understanding the problems that remain and searching for the avenues of solution that eventually can be found.

That is what we did in the 1950's and 1960's. We can do no less today and tomorrow.

## SENATE YOUTH PROGRAM

Mr. HUMPHREY. Mr. President, 1973 will mark the 11th year of the Senate youth program, under which 918 high school students have been given the opportunity to observe at first hand our Government in action. Sponsored and operated by the William Randolph Hearst Foundation, this program has been an outstanding success in enabling students who have been elected to student body offices, to have a solid indoctrination into the operation of the U.S. Senate and the Federal Government.

It was my privilege in the 87th Congress to have joined with former Senator Thomas H. Kuchel in introducing Senate Resolution 324, which established the U.S. Senate youth program, and to have worked to obtain its unanimous adoption. I also had the opportunity as a member of the program's advisory committee, to observe the impressive development of this program, through the personal involvement of George and Rosalie Hearst and the continuing commitment of Randolph A. Hearst, and under the capable guidance of Ira P. Walsh, director of the William Randolph Hearst Foundation. It is especially noteworthy that, 5 years after the program's inception, the trustees of the foundation acted to award a $1,000 scholarship to each high school delegate, to help that young man or woman to pursue 2 years of courses in American government, history, or related subjects, in the college of his or her choice.

I regard the U.S. Senate youth program as a vital contribution to promoting an intelligent understanding of our political processes and the functioning of our National Government, by the citizens of the United States, and as an incentive to alert, talented, and vigorous competition for political leadership—the bedrock of an enduring constitutional democracy. I know that with the ongoing full support of Members of the Senate, this program will continue to provide a warm welcome in Washington to many enthusiastic and highly capable youth of America.

The 11th annual U.S. Senate youth program will be held in Washington from February 3 to February 10, 1973. I am particularly pleased to announce that Miss Paula Christine Pope, of Circle Pines, Minn., and Mr. Frank James Kinzie, of Winona, Minn., will be among the 102 outstanding high school delegates visiting our Nation's Capital at that time. Paula serves on the staff of the newspaper and the yearbook of Centennial Senior High School, is secretary of the Minnesota State Student Councils Association, and was actively engaged in voter registration and in the presidential election campaign. Jamie is president of the Winona Senior High School student council as well as of the Southeastern Minnesota Association of Student Councils, and among other notable accomplishments is a member of the National Honor Society.

Our State is justly proud of these young people who have demonstrated the leadership abilities, civic concern, and solid capabilities that are so vital to our Nation's future. It will be my great pleasure to welcome them in their visit to the U.S. Senate.

## ANTISECRECY IN COMMITTEE SESSIONS RULE CHANGE

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a press release that relates to secrecy in the committee sessions of the Congress be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. It is my judgment that we should open up our processes ever more. This is the public's business and the public has a right to know what we are doing about their business.

I am hopeful that the appropriate committee, the Committee on Rules and Administration of the Senate, will act very promptly on this matter. I think it is of the highest importance for us to modernize the structure of this assembly.

The public is more and more aware of the Government, as it should be, and this Senate should be more and more aware of its responsibility to open the processes of our Government and of this body to the public.

I am joined in this effort by the distinguished Senator from Delaware (Mr. ROTH). Together we will pursue diligently the effort to bring what I have called the bright light of sunshine into the processes of congressional government, as one of the ways to start the reforms which are necessary in the Congress of the United States.

### EXHIBIT 1

### HUMPHREY AND ROTH INTRODUCE "ANTI-SECRECY" IN COMMITTEE SESSIONS RULE CHANGE

WASHINGTON, D.C., January 2.—Senator Hubert H. Humphrey (D-Minn.) and Senator William V. Roth, Jr. (R-Del.) announced today they would introduce next week and seek early adoption of an "anti-secrecy" rule governing Senate committee sessions.

The Senators explained their resolution would require, with national security and personal rights exemptions permitted if ordered by majority vote, that all meetings of Senate committees and subcommittees be open to the public.

In a statement mailed to their colleagues, Humphrey and Roth said that "as Common Cause and others have pointed out, Congressional committees do the public business. To the extent they do it in secrecy, the accountability between elected officials and their constituents is clouded."

"We believe," the two Senators said, "this is one of the major reform efforts which should be made early in the coming session." They said an anti-secrecy rule could be adopted by each party caucus or as a rules change within each committee, but that they concluded the adoption of a uniform rule by the Senate as a whole would be the best approach.

In a statement released from his Washington office, Senator Humphrey said, "The main target of our proposal, of course, is the so-called executive or mark-up session of the subcommittee and committee. In the Senate nearly all such sessions—which are at the crucial stage of the legislative process—are closed to the public. While there may have been convincing reasons for development of closed sessions in earlier years, I believe it is time to recognize that the public has a right to share in the development of legislative policy at every stage."

Humphrey summarized the benefits of an open-sessions policy as follows:

"Senators, as committee members, will be fully accountable to their constituents at the crucial stage of the legislative process, both as to their leadership within committee and their votes.

"An open-sessions procedure will increase public respect for the legislative process and for the Congress as a whole.

"The elimination of secrecy will strengthen legislation by making expert points of view available in the crucial moments when a bill is written in final form.

"Open sessions will increase the influence of the informed public and of public interest groups in open competition with the Executive Branch and the special interests who now have special access to mark-up sessions in many cases.

"Open committee and subcommittee sessions will provide insurance against hidden provisions or poorly drafted ones in legislation reported to the Senate.

"Full access to committee sessions will improve the reporting and understanding of legislation by the news media."

Senator Roth said, commenting on the resolution in a separate statement, "This resolution is part of an effort to put the people of this country in closer touch with their government and to make the government of this country more accountable to the people. If passed, our resolution would open up the business of the Senate to the people who elect the Senators. This is the proper place to start. As I stated on the Senate floor last year, 'Too often we in Congress have viewed secrecy in government—and its attendant credibility gaps—as problems of the Executive Branch. This is clearly not true.' Last year 38% of all meetings of Congressional Committees were held in secret and 98% of all business meetings were secret. This secrecy hides from the public a crucial part of the work of their Congress." He added, "Committee secrecy opens the opportunity for a number of abuses contrary to the spirit of democratic procedure.

"The Humphrey-Roth resolution will put a stop to this in the Senate. Then, I think, we will be in a better position to press for more openness from the Executive Branch as well."

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. HATHAWAY). Under the previous order, the Senate will now resume the transaction of routine morning business for a period of not to exceed 12 minutes, with each Senator to be recognized for a period of not to exceed 3 minutes.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

### REPORT OF NATIONAL FOREST RESERVATION COMMISSION

A letter from the Secretary of the Army, President, National Forest Reservation Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1972 (with an accompanying report); to the Committee on Agriculture and Forestry.

### REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Internal Revenue Service for "Accounts, collection and taxpayer service," for the fiscal year 1973, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

### PROPOSED DONATION OF SURPLUS PROPERTY

A letter from the Chief of Legislative Affairs, Department of the Navy, reporting, pursuant to law, on the proposed donation of certain surplus property to the Pacific Southwest Railway Museum Association (with accompanying papers); to the Committee on Armed Services.

### NOTICES OF PROPOSED DISPOSITION OF CERTAIN MATERIAL NOW HELD IN THE NATIONAL STOCKPILE

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, notices of the proposed disposition of certain material now held in the national stockpile (with accompanying papers); to the Committee on Armed Services.

### PROPOSED LEGISLATION

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 269(d) of title 10, United States Code, to authorize the voluntary assignment of certain reserve members who are entitled to retired or retainer pay to the Ready Reserve, and for other purposes (with accompanying papers); to the Committee on Armed Services.

### PROPOSED LEGISLATION

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, and the Military Selective Service Act, to permit the oversea assignment of members of the Armed Forces who have completed basic training and who have been awarded a military specialty (with accompanying papers); to the Committee on Armed Services.

### Proposed Legislation

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to increase the number of authorized Deputy Chiefs of Staff for the Army Staff, and eliminate the provisions for Assistant Chiefs of Staff for the Army Staff (with accompanying papers); to the Committee on Armed Services.

### Proposed Legislation

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend titles 10, 32, and 37, United States Code, with respect to accountability and responsibility for U.S. property, and for other purposes (with accompanying papers); to the Committee on Armed Services.

### Report of Board of Governors of the Federal Reserve System on Truth in Lending

A letter from the Vice Chairman, Board of Governors of the Federal Reserve System, transmitting pursuant to law a report of that Board for the year 1972, with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

### Report of National Commission on Consumer Finance

A letter from the Chairman, National Commission on Consumer Finance, transmitting, pursuant to law, a report of that Commission (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

### Report of Aviation Advisory Commission

A letter from the Chairman, Aviation Advisory Commission, transmitting, pursuant to law, a report of that Commission (with an accompanying report); to the Committee on Commerce.

### Report on Certain Permits and Licenses for Hydroelectric Projects Issued by the Federal Power Commission

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, a report on certain permits and licenses for hydroelectric projects, issued by that Commission, for the fiscal year ended June 30, 1972 (with an accompanying report); to the Committee on Commerce.

### Report on Programs, Projects, and Facilities of the District of Columbia Government

A letter from the Assistant Director, Office of Planning and Management, District of Columbia Government, transmitting, pursuant to law, a report entitled "For Your Information" (with an accompanying report); to the Committee on the District of Columbia.

### Progress Report on Commission on the Organization of the Government of the District of Columbia

A letter from the Mayor-Commissioner, Washington, D.C., transmitting, pursuant to law, a progress report of the Commission on the Organization of the Government of the District of Columbia, dated December 29, 1972 (with an accompanying report); to the Committee on the District of Columbia.

### Third and Fourth Annual Report of the District of Columbia City Council

Two letters from the Chairman, District of Columbia City Council, transmitting, pursuant to law, reports concerning the Council's functions for the years ended June 30, 1971, and June 30, 1972 (with accompanying reports); to the Committee on the District of Columbia.

### Report of District of Columbia Government

A letter from the Commissioner, District of Columbia Government, transmitting, pursuant to law, a report entitled "For Your Information" (with an accompanying report); to the Committee on the District of Columbia.

### Report of the Chesapeake & Potomac Telephone Co.

A letter from the vice president and general manager, the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, a report of the company for the year 1972 (with an accompanying report); to the Committee on the District of Columbia.

### Report of Liabilities and Financial Commitments of the U.S. Government

A letter from the Secretary of the Treasury, transmitting pursuant to law, a report of liabilities and other financial commitments of the U.S. Government as of June 30, 1972 (with an accompanying report); to the Committee on Finance.

### Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements of the Veterans' Canteen Service for Fiscal Year 1972," Veterans' Administration, dated January 4, 1973 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of the U.S. Capitol Historical Society, for the year ended January 31, 1972," dated January 2, 1973 (with an accompanying report); to the Committee on Government Operations.

### Report on Operation of the Colorado River

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, the second annual report on the operation of the Colorado River (with an accompanying report); to the Committee on Interior and Insular Affairs.

### Third Preference and Sixth Preference Classification for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning third preference and sixth preference classification to certain aliens (with accompanying papers); to the Committee on the Judiciary.

### Temporary Admission into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

### Admission into the United States of a Defector Alien

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a copy of orders entered granting admission into the United States of a defector alien (with accompanying papers); to the Committee on the Judiciary.

### Report on Judgments Rendered by the U.S. Court of Claims

A letter from the Clerk, U.S. Court of Claims, transmitting, pursuant to law, a report setting forth all the judgments rendered by the Court for the year ended September 30, 1972 (with an accompanying report); to the Committee on the Judiciary.

### Report of National Safety Council

A letter from the President, National Safety Council, transmitting, pursuant to law, its report to the nation for 1972 (with an accompanying report); to the Committee on the Judiciary.

### Report of the Government Printing Office

A letter from the Acting Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, a report of the Printing Office for the fiscal year ended June 30, 1972 (with an accompanying report); to the Committee on Rules and Administration.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the council of the city of Toledo, Ohio, relating to the rehabilitation loan program; to the Committee on Government Operations.

A resolution adopted by the Central Vermont Chamber of Commerce, in support of an amendment to the Constitution relating to apportionment of State legislatures; to the Committee on the Judiciary.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT of Pennsylvania:

S. 252. A bill to grant a Federal charter to the American Golf Hall of Fame Association. Referred to the Committee on the Judiciary.

By Mr. SCOTT (for himself and Mr. Schweiker):

S. 253. A bill to provide an additional permanent judgeship for the middle district of Pennsylvania. Referred to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 254. A bill to prohibit assaults on State and local law enforcement officers, firemen, and judicial officers. Referred to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 255. A bill to repeal certain provisions, which become effective January 1, 1974, of the Food Stamp Act of 1964 and section 416 of the Agricultural Act of 1949 relating to eligibility to participate in the food stamp program and the direct commodity distribution program. Referred to the Committee on Agriculture and Forestry.

By Mr. HANSEN (for himself and Mr. McGee):

S. 256. A bill to construct an Indian Art and Cultural Center in Riverton, Wyo., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. McGEE (for himself and Mr. Hansen):

S. 257. A bill to provide for the establishment of a national cemetery in the State of Wyoming. Referred to the Committee on Veterans' Affairs.

By Mr. EASTLAND (for himself and Mr. Thurmond):

S. 258. A bill to amend chapter 84 of title 18 of the United States Code relating to the assaulting, injuring, or killing of police officers and firemen, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. METCALF:

S. 259. A bill for the relief of Juan G. Parra. Referred to the Committee on the Judiciary.

By Mr. CHILES (for himself, and Mr. Clark, Mr. Cook, Mr. Cranston, Mr. Hart, Mr. Hatfield, Mr. Humphrey, Mr. Mathias, Mr. Metcalf, Mr. Mondale, Mr. Nelson, Mr. Packwood, Mr. Proxmire, Mr. Roth, Mr. Stafford, Mr. Stevenson, Mr. Tunney, and Mr. Weicker):

S. 260. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes. Referred to the Committee on Government Operations.

By Mr. MUSKIE (for himself, Mr. Baker, Mr. Brock, Mr. Chiles, Mr. Gurney, and Mr. Metcalf):

S. 261. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for four additional years, and for other purposes. Referred to the Committee on Government Operations.

By Mr. ALLEN (for himself and Mr. Sparkman):

S. 262. A bill to provide for the establishment of the Tuskegee Institute National Historical Park, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself and Mr. Hansen):

S. 263. A bill to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself, Mr. McGee, and Mr. Hansen):

S. 264. A bill for the relief of William Allen and Marie Allen, his wife, Rock Springs, Wyo. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 265. A bill to authorize the Secretary of the Interior to sell certain mineral rights in certain lands located in Utah to the record owner thereof. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 266. A bill for the relief of Charles Phillip Anthony Mills. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. Fannin):

S. 267. A bill to abolish the Joint Committee on Navajo-Hopi Indian Administration. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself, Mr. Bellmon, Mr. Bennett, Mr. Church, Mr. Dominick, Mr. Fannin, Mr. Gravel, Mr. Gurney, Mr. Hatfield, Mr. Humphrey, Mr. Inouye, Mr. Magnuson, Mr. Metcalf, Mr. Moss, Mr. Pastore, Mr. Randolph, Mr. Ribicoff, Mr. Stevens, Mr. Taft, and Mr. Tunney):

S. 268. A bill to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:

S. 269. A bill to amend the National Flood Insurance Act of 1968 to increase flood insurance coverage, to authorize the acquisition of certain properties, to require known flood-prone communities to participate in the program, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BURDICK:

S. 270. A bill for the relief of Merle Jacobson. Referred to the Committee on the Judiciary.

S. 271. A bill to improve judicial machinery by amending the requirement for a three-judge court in certain cases and for other purposes. Referred to the Committee on the Judiciary.

By Mr. CANNON:

S. 272. A bill to amend the Communications Act of 1934 with respect to the consideration of applications for renewal of station licenses. Referred to the Committee on Commerce.

By Mr. HUMPHREY:

S. 273. A bill for the relief of Mr. Jerome O. Gbemudu. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 274. A bill to amend section 9 of the River and Harbor Act of 1899 in order to define the term "causeway." Referred to the Committee on Public Works.

By Mr. HARTKE (for himself, Mr. Thurmond, Mr. Talmadge, Mr. Randolph, Mr. Cranston, Mr. Hughes, Mr. Hansen, Mr. Mondale, Mr. Pell, Mr. Williams, and Mr. Eastland):

S. 275. A bill to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation. Referred to the Committee on Veterans' Affairs.

By Mr. HARTKE:

S. 276. A bill to amend the Department of Transportation Act and title 23 of the United States Code, relating to highways, in order to provide that certain provisions relating to the preservation of parklands shall apply to areas including water. Referred to the Committee on Public Works.

By Mr. CRANSTON:

S. 277. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation. Referred to the Committee on the Judiciary.

S. 278. A bill for the relief of Manuela C. Bonito; and

S. 279. A bill for the relief of Maria Alicia Tinoco Cahue. Referred to the Committee on the Judiciary.

S. 280. A bill for the relief of Lenora Lopez; and

S. 281. A bill for the relief of Arthur E. Lane. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 282. A bill to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce. Referred to the Committee on Finance.

S. 283. A bill to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON (for himself, Mr. Hartke, Mr. Talmadge, Mr. Randolph, Mr. Hughes, Mr. Stafford, Mr. Saxbe, Mr. Humphrey, Mr. Hansen, Mr. Thurmond, and Mr. Schweiker):

S. 284. A bill to amend chapter 17 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities, and for other purposes. Referred to the Committee on Veterans Affairs.

By Mr. HARRY F. BYRD, JR. (for himself, Mr. Allen, Mr. Thurmond, and Mr. Nunn):

S.J. Res. 13. A joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years. Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT of Pennsylvania (for himself and Mr. Schweiker):

S. 253. A bill to provide an additional permanent judgeship for the middle district of Pennsylvania. Referred to the Committee on the Judiciary.

### ADDITIONAL PERMANENT JUDGESHIP FOR MIDDLE DISTRICT OF PENNSYLVANIA

Mr. SCOTT of Pennsylvania. Mr. President, in the spring of 1970, Congress enacted a bill which created a number of additional judgeships. With respect to Pennsylvania's middle district, Congress provided for one more judge, but on a temporary basis. In his request for this new position, Chief Judge Michael H. Sheridan noted that the weighted caseload per judgeship in the middle district was the highest in the entire third circuit. He said that the increase in land condemnation cases for recreation projects and highways and habeas corpus cases more than justified the need for an additional judge. The chief judge of the third circuit, William H. Hastie, agreed and further pointed out that another judge was necessary to forestall an expected backlog of cases.

The bill I am introducing today will make permanent the temporary judgeship we created in 1970. The onslaught of cases predicted by Judges Sheridan and Hastie materialized. By the summer of 1971, for example, there were nearly 400 tracts of land awaiting trial under condemnation proceedings. Some of the cases on the dockets were over 3 years old. It is obvious at this point in time that the middle district needs to have a permanent judge rather than a temporary one.

Present law prohibits the filling of the existing temporary judgeship if a vacancy occurs. My bill simply names the incumbent judge as the permanent judge. No new judgeship is being created. Testifying in support of this effort several years ago I noted that Pennsylvania's middle district was quite unique geographically, since it included 32 counties and covered more than half the area of the Commonwealth. The district needs at least four judges, on a permanent basis, and I hope my colleagues will agree.

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By Mr. SCHWEIKER:

S. 254. A bill to prohibit assaults on State and local law enforcement officers, firemen, and judicial officers. Referred to the Committee on the Judiciary.

Mr. SCHWEIKER. Mr. President, I introduce a bill to prohibit assaults on State and local law enforcement officers, firemen, and judicial officers and ask that it be appropriately referred.

This bill makes it a Federal crime to assault, injure, or kill any State or local law enforcement officer, fireman, or judicial officer because of his official position. Let me emphasize that this legislation is designed to apply to situations where an official is singled out and attacked as a symbol of the establishment because of his official position—for example, killing a policeman simply because he is a policeman.

This bill is similar to a bill I introduced in the 91st Congress, S. 4348, and reintroduced in the 92d Congress as S. 120.

On September 18, 1972, I introduced this bill as an amendment to S. 33. I was pleased when the Senate voted overwhelmingly, 46 to 23, to accept my amendment. Regrettably, the bill died in conference, so my amendment failed to become law.

Just yesterday, a sniper in New Orleans killed three policemen and other citizens, and wounded a fireman. Seven people, including the sniper, died during the 2-day battle. Allegations have been made that the New Orleans killings were part of a national conspiracy to shoot policemen. These particular allegations are unproven as yet, but during the 91st Congress the Senate Internal Security Subcommittee held hearings on my bill, as well as similar bills introduced by Senators EASTLAND, WILLIAMS, and Dodd, and several witnesses indicated their strong belief that national conspiracies to shoot policemen were involved in a number of killings.

Increasingly in recent years, we have witnessed brutal and often fatal attacks on State and local policemen by radical revolutionaries. These attacks have often been essentially politically oriented, conceived by the twisted minds of individuals bent on destroying law and order in our society. We must declare in no uncertain terms that such attacks are intolerable and that we intend to stand by and protect the loyal men and women who serve in these capacities in our government. Existing legislation covers Federal employees in these capacities, but no similar provisions cover State and local officials.

My bill does the following:

First, in any case where an individual has traveled in interstate commerce or used any instrumentality of, or facility for interstate commerce with the intent of assaulting, injuring, or killing such officials, or where a dangerous or deadly weapon which has been transported in interstate commerce is used to commit the crime. Federal officials would be able to assist local authorities in investigating the crime and tracking down the criminals. The crime would be punishable under Federal statutes.

Second, in addition, my bill includes provisions covering conspiracies to kill or injure police officers, firemen, and judicial officers.

Furthermore, the bill includes provisions similar to the Lindberg kidnapping law which creates a presumption that the assailant has traveled in interstate commerce if he has not been captured within 24 hours after the crime was committed. This helps to assure that very little delay occurs between the commission of the crime and the involvement of the Federal law enforcement authorities.

This bill has the strong support of the Fraternal Order of Police, the International Conference of Police Associations, and the International Association of Firefighters.

The number of police officers killed has been increasing at a startling rate in the past few years. In 1961, 37 were killed. In 1971, 125 killed—about 3½ times the rate only 10 years before. The most recent figures available for 1972 indicate that through November, 96 policemen were killed. In 1970, 100 were killed; in 1969, 86. Twenty of the 1971 killings resulted from ambush-type attacks.

Mr. President, how many more policemen must be killed? How much more evidence do we require of the urgent need for this legislation?

We must show these loyal public servants that the U.S. Congress stands solidly behind them. We can do this by acting on this legislation making these ruthless killings a Federal crime and triggering the full range of Federal law enforcement authority against these senseless murders.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 254

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That

(a) Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1116. Assaults on State law enforcement officers, firemen or judicial officers because of their official position

"(a) Whoever travels in interstate commerce or uses any instrumentality of, or facility for, interstate commerce, including, but not limited to the mail, telegraph, radio or television, in furtherance of—

"(1) a conspiracy, attempt or solicitation to assault, injure or kill any law enforcement officer, fireman or judicial officer because of his official position; or

"(2) a killing, injuring or assault upon any law enforcement officer, fireman or judicial officer because of his official position;

and who during the course of such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraphs (1) or (2) of this paragraph; or

"Whoever assaults, injures, or kills or attempts to assault, injure or kill by means of any dangerous or deadly weapon which has been transported in interstate commerce, any law enforcement officer, fireman, or judicial officer because of his official position as a law enforcement officer, fireman, or judicial officer; or

"Whoever transports, causes to be transported, or aids or abets another in transporting, or receives, causes to be received, or aids or abets another in receiving, in interstate commerce or through the use of any instrumentality of or facility for interstate commerce any dangerous or deadly weapon with knowledge that it will be used or with intent that it be used to assault, injure, or kill any law enforcement officer, fireman, or judicial officer because of his official position as a law enforcement officer, fireman, or judicial officer—

"Shall be fined not more than $10,000, or imprisoned for not more than 10 years, or both; or if death results, shall be punished as provided under sections 1111 and 1112 of this title.

"(b) As used in this section, the term—

"(1) 'dangerous or deadly weapon' includes any object, item or device which, when used as a weapon, is capable of causing physical injury or death;

"(2) 'law enforcement officer' means any officer or employee of any State who is charged with the enforcement of any criminal laws of such State;

"(3) 'fireman' means any person serving as a member of a fire protective service organized and administered by a State or a volunteer fire protective service organized and administered under the laws of a State;

"(4) 'judicial officer' means any judge, officer or other employee of a court of any State;

"(5) 'interstate commerce' means commerce (A) between any State or the District of Columbia and any place outside thereof: (B) between points within any State or the District of Columbia, but through any place outside thereof; or (C) wholly within the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; and

"(6) 'State' means any State of the United States, the Commonwealth of Puerto Rico, any political subdivision of any such State or Commonwealth, the District of Columbia, and any territory or possession of the United States."

"(c) Whenever a law enforcement officer, fireman, or judicial officer is willfully killed, injured or assaulted, while such law enforcement officer, fireman or judicial officer is engaged in his official duties, and no person alleged to have committed such offense has been apprehended and taken into custody within twenty-four hours after the commission of such offense, it shall be presumed in the absence of proof to the contrary that the person who committed such offense has moved or traveled in interstate of foreign commerce to avoid prosecution or custody under the laws of the place at which the offense was committed.

"(d) This section shall not be construed to evidence an intent on the part of the Congress to prevent the exercise by any State of jurisdiction over any offense with respect to which such State would have had jurisdiction if this section had not been enacted by the Congress."

(b) The section analysis of chapter 51 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"1116. Assaults on State law enforcement officers, firemen, or judicial officers because of their official position."

By Mr. EAGLETON:

S. 255. A bill to repeal certain provisions, which become effective January 1, 1974, of the Food Stamp Act of 1964 and section 416 of the Agricultural Act of 1949 relating to eligibility to participate in the food stamp program and the direct commodity distribution program.

### FOOD STAMPS AND SURPLUS FOODS

Mr. EAGLETON. Mr. President, I am introducing today legislation to restore to low-income aged, blind, and disabled persons the eligibility for food stamps and surplus foods which they are now scheduled to lose on January 1, 1974.

Last year, as part of H.R. 1, the social security amendments of 1972, Congress authorized a new Federal program of assistance to the aged, blind, and disabled beginning in January 1974.

At the same time, it provided that all persons eligible for assistance under the new supplemental security income program would become ineligible for food assistance.

I believe this to be a very unwise and unjustifiable decision and one that should be reversed by Congress this year.

Although Public Law 92–603 provides that the States may make a cash payment to cover the loss of food stamps with the guarantee that their total costs for assistance to the aged, blind, and disabled will not exceed their costs in calendar 1972, this is not an adequate substitute for participation in the food stamp or surplus food programs.

First, the cash replacement covered by the savings clause is limited to the bonus value of food stamps as of January 1972. There has already been one cost-of-living increase in food stamps value since that time and there will be another increase prior to 1974. Therefore, any cash replacement of food stamps likely to be provided by a State will be several dollars per month less than the 1974 bonus value of food stamps.

Second, there is no guarantee that all States will choose to replace the lost food stamps with cash. To do so would be to substitute State funds for what is now a Federal benefit. While all States would be able to do this without exceeding their 1972 adult welfare budgets, a decision not to do so would almost always result in a saving of State funds.

Third, even if every State should take the maximum action covered by the savings clause with respect to both supplemental benefits and cash replacement of food stamps, substantial numbers of aged, blind, and disabled persons will still have incomes below the poverty level

As long as there are food assistance programs for those with incomes so low as to preclude the purchase of a nutritionally adequate diet there can be no justification for excluding from those programs one group of citizens simply because all or part of their income is derived from the supplemental security income program.

Moreover, their exclusion would result in gross inequities. For instance, a person with a monthly social security benefit of $160 might be eligible for food stamps while a person with a social security benefit of $125—and therefore eligible for $5 per month from SSI—would be ineligible. Similarly, a low-income person age 64 or younger would be eligible for food assistance while a person with the same income age 65 or over would be ineligible.

In recent months the administration has undertaken a commendable effort, known as Project FIND, to locate and enroll in food assistance programs some 2½ million eligible elderly persons. How ironic it would be if these new participants in the food stamp and surplus food programs should find their eligibility terminated next January.

Mr. President, the issue is clear. Unless Congress takes the action I am proposing today, 3.3 million needy aged, blind, and disabled individuals who are now automatically eligible to participate in the food stamp or surplus food programs will, 1 year from now, be automatically ineligible regardless of whether they then have more, the same, or less income than they now have.

Further, it is estimated that as many as 3 million persons who do not now receive public assistance may be eligible for assistance under SSI. These persons, many of whom now receive food stamps or surplus foods, will also become automatically ineligible for food assistance.

The bill I am introducing today would amend the Food Stamp Act of 1964 and section 416 of the Agricultural Act of 1949 so as to repeal that language which makes ineligible for participation in the food stamp and surplus food programs any person eligible for supplemental security income under title XVI of the Social Security Act.

I urge early consideration of this measure so final action may be taken by Congress before the end of the year.

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By Mr. HANSEN (for himself and Mr. McGee):

S. 256. A bill to construct an Indian Art and Cultural Center in Riverton, Wyo., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### INDIAN ART AND CULTURAL CENTER ACT

Mr. HANSEN. Mr. President, today my distinguished colleague (Mr. McGee) and I have the privilege of introducing legislation to establish an Indian Art and Cultural Center on the campus of the Central Wyoming College, located within the Wind River Reservation.

This proposal which was introduced intially during the 92d Congress has the full support of the Joint Shoshone and Arapahoe Business Council. At this time, I would like to request unanimous consent that a letter of December 27, 1972, endorsing this project be printed at this point in the Record.

Mr. President, I would respectfully urge the early consideration and favorable approval of this legislation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Shoshone & Arapahoe Tribes,
*Fort Washakie, Wyo., December 27, 1972.*
Hon. Clifford P. Hansen,
*U.S. Senate Bldg.,*
*Washington, D.C.*

Dear Senator Hansen: Thank you for your letter of December 11, 1972, concerning the establishment of the Indian Art and Cultural Center at the Central Wyoming College.

Your letter was read and discussed in the Joint Business Council meeting on December 20.

It was voted that the Business Council will continue to endorse the proposal to establish the Indian Art and Cultural Center on the campus of the Central Wyoming College in Riverton, Wyoming.

Sincerely yours,
Robert N. Harris, Sr.,
*Chairman, Shoshone Business Council.*
Jesse Miller,
*Chairman, Arapahoe Business Council.*

By Mr. McGEE (for himself and Mr. Hansen):

S. 257. A bill to provide for the establishment of a national cemetery in the State of Wyoming. Referred to the Committee on Veterans' Affairs.

Mr. HANSEN. Mr. President, recently my distinguished colleague, Senator McGee, and I introduced legislation to establish a national cemetery in our State of Wyoming.

In considering this legislation I think we should note the importance of continuing the tradition of providing national cemeteries for our men and women who have served and continue to serve our Nation.

These individuals give so much of themselves, and it is only fitting that this Nation provide our veterans with a final resting place among others who have also served their Nation.

Justifiable concern has been expressed in recent years over the diminishing space in national cemeteries. It is my hope that through bills like the one Senator McGee and I have submitted, Congress can find a solution to this problem and create a national cemetery in the State of Wyoming.

The State of Wyoming has a land area of 98,000 square miles, yet the nearest national cemetery is located in Colorado; and it is my hope that the Congress acting on the advice of the Veterans' Affairs Committee will face up to the national cemetery problem and in doing so will enact proper legislation.

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By Mr. CHILES (for himself and Mr. Clark, Mr. Cook, Mr. Cranston, Mr. Hart, Mr. Hatfield, Mr. Humphrey, Mr. Mathias, Mr. Metcalf, Mr. Mondale, Mr. Nelson, Mr. Packwood, Mr. Proxmire, Mr. Roth, Mr. Stafford, Mr. Stevenson, Mr. Tunney, and Mr. Weicker):

S. 260. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes. Referred to the Committee on Government Operations.

### GOVERNMENT IN THE SUNSHINE ACT

Mr. CHILES. Mr. President, I ask unanimous consent that a copy of the legislation being introduced and a section-by-section analysis be printed in full at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. CHILES. Mr. President, Supreme Court Justice Louis D. Brandeis once wrote:

> Publicity is justly commended as a remedy for social and industrial disease. Sunlight is said to be the best disinfectant and electric light the most efficient policeman.

I believe Justice Brandeis could just as well have applied these remedies to the operation of our Government. Democratic self-government and informed citizenry just naturally go hand in hand, making essential the conduct of public business in the open, "in the sunshine." Only with such openness can the public judge and express, through its vote or voice, whether governmental decisions are just and fair.

When I first came to the Senate in 1971 I was very disturbed by the amount of public business I found being conducted behind closed doors and by the attitude of secrecy I saw in our Federal Government agencies. I am not surprised that people are suspicious of our motives and are losing confidence in their government when they are shut out of the decisionmaking process.

Near the end of the 92d Congress I introduced a bill, S. 3881, the Federal Government in the Sunshine Act—which sought to assure the openness of our governmental process and to restore public confidence in those processes.

It sought to do this through a simple requirement: All meetings of Federal agencies and congressional committees shall, subject to certain exemptions, be open to the public. Citizens would have the right to attend meetings in which they had a personal interest, and news media and other interested groups would have access which would insure a broader dissemination of information on public affairs. The proposal provided for open meetings of all Federal governmental agencies except the courts and the military.

I was pleased to see that legislation was approved last Congress by a Senate-House conference of which I was a member, which would open up meetings of the multitude of so-called advisory commissions. Our effort to open up government to the people should clearly not be a partisan issue—and the list of Senators cointroducing the redraft of my bill, S. 3881, this morning reflects that bipartisan support.

I am deeply committed to the idea of government in the sunshine—but not wedded to the specific language of S. 3881. S. 3881 provided for certain exemptions to the openness requirement, but I knew these exemptions would have to be further specified. I knew, too, that the procedure for implementation of the sunshine law needed to be more specifically outlined. And so while the redraft we are introducing this morning retains the same concepts as S. 3881, it is somewhat more lengthy; various exemptions from the open meeting requirement for congressional committees and multimember administrative agencies have been made more specific; and committees and agencies are required to keep transcripts of all meetings and make such transcripts publicly available except for the confidential portions falling within one of the specific exemptions.

Senator RIBICOFF, chairman of the Executive Reorganization Subcommittee, has indicated that hearings will be held on this proposal early this session. And I am confident this whole issue will be completely gone into and thoroughly studied.

Joining with me in the introduction of this proposal are Senators CLARK, COOK, CRANSTON, HART, HUMPHREY, MATHIAS, METCALF, MONDALE, NELSON, PACKWOOD, PROXMIRE, ROTH, STAFFORD, STEVENSON, TUNNEY, and WEICKER. As I stressed last year—I sincerely hope this whole area will be completely gone into and thoroughly studied. And we must start now to expose our governmental process to the fullest extent possible. I believe it is time to open the doors and windows and let the disinfecting sunshine in. Our efforts to open up Government to the people can only lead to better lawmaking and greater public confidence in our governmental system.

### EXHIBIT 1

### S. 260

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

SECTION 1. This Act may be cited as the "Government in the Sunshine Act".

### DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of the United States that the public is entitled to the fullest practicable information regarding the decision-making processes of the Federal Government.

### DEFINITIONS

SEC. 3. For purposes of this Act—

(1) "National Security" means—

(A) the protection of the United States against actual or potential attack or other hostile acts of a foreign power;

(B) the obtaining of foreign intelligence information deemed essential to the security of the United States;

(C) the protection of national security information against foreign intelligence activities; or

(D) the protection, to the extent deemed necessary by the President of the United States against the overthrow of the Government by force; and

(2) "Person" includes an individual, partnership, corporation, associated governmental authority, or public or private organization.

## TITLE I—CONGRESSIONAL PROCEDURES

### SENATE COMMITTEE HEARING PROCEDURE

SEC. 101. (a) The Legislative Reorganization Act of 1946 is amended—

(1) by striking out the third sentence of section 133(b);

(2) by striking out subsections (a), (b), and (f) of section 133A;

(3) by adding after section 133B the following:

### "OPEN SENATE COMMITTEE MEETINGS

"SEC. 133C. (a) Each meeting of each standing, select, or special committee or subcommittee of the Senate, including meetings to conduct hearings, shall be open to the public, provided, that a portion or portions of such meetings may be closed to the public if the committee or subcommittee as the case may be determines by vote of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

"(1) will disclose matters necessary to be kept secret in the interests of national security or the confidential conduct of the foreign relations of the United States;

"(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

"(3) will tend to charge with crime or misconduct, or to disgrace, injure the professional standing or otherwise expose to public contempt or obloquy any individual, or will represent a clearly unwarranted invasion of the privacy of any individual, provided, that this subsection shall not apply to any government officer or employee with respect to his official duties or employment, and, provided further, that as applied to a witness at a meeting to conduct a hearing, this subsection shall not apply unless the witness requests in writing that the hearing be closed to the public;

"(4) will disclose the identity of any informer or law enforcement agent or of any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

"(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person where—

"(A) the information has been obtained by the Federal Government on a confidential basis other than through an application by such person for a specific government financial or other benefit; and

"(B) Federal statute requires the information to be kept confidential by government officers and employees; and

"(C) the information is required to be kept secret in order to prevent undue injury to the competitive position of such person.

A separate vote of the committee shall be taken with respect to each committee or subcommittee meeting that is closed to the public pursuant to this subsection, and the committee shall make available within one day of such meeting, a written explanation of its action. The vote of each committee member participating in each such vote shall be recorded and published and no proxies shall be allowed.

"(b) Each standing, select, or special committee or subcommittee of the Senate shall make public announcement of the date, place, and subject matter of each meeting (whether open or closed to the public) at least one week before such meeting unless the committee or subcommittee determines by a vote of the majority of its members that committee business requires that such meeting be called at an earlier date, in which case the committee shall make public announcement of the date, place and subject matter of such meeting at the earliest practicable opportunity.

"(c) A complete transcript, including a list of all persons attending and their affiliation, shall be made of each meeting of each standing, select, or special committee or subcommittee (whether open or closed to the public). Except as provided in subsection (d) of this section, a copy of each such transcript shall be made available for public inspection within 7 days of each such meeting, and additional copies of any transcript shall be furnished to any person at the actual cost of duplication.

"(d) In the case of meetings closed to the public pursuant to subsection (a) of this section, the committee or subcommittee may delete from the copies of transcripts that are required to be made available or furnished to the public pursuant to subsection (c) of this section, those portions which it determines by vote of the majority of the committee or subcommittee consist of materials specified in paragraph (1), (2), (3), (4), or (5) or subsection (a) of this section. A separate vote of the committee or subcommittee shall be taken with respect to each such transcript. The vote of each committee or subcomittee member participating in each such vote shall be recorded and published, and no proxies shall be allowed. In place of each portion deleted from copies of the transcript made available to the public, the committee or subcommittee shall supply a written explanation of why such portion was deleted, and a summary of the substance of the deleted portion that does not itself disclose information specified in paragraphs (1), (2), (3), (4), (5) of subsection (a). The committee or subcommittee shall maintain a complete copy of the transcript of each meeting (including those portions deleted from copies made available to the public) for a period of at least one year after such meeting.

"(e) A point of order may be raised in the Senate against any committee vote to close a meeting to the public pursuant to subsection (a) of this section, or against any committee or subcommittee vote to delete from the publicly available copy a portion of a meeting transcript pursuant to subsection (d) of this section, by committee or subcommittee members comprising one-fourth or more of the total membership of the entire committee or subcommittee, as the case may be. Any such point of order shall be raised in the Senate within five legislative days after the vote against which the point of order is raised, and such point of order shall be a matter of highest personal privilege. Each such point of order shall immediately be referred to a Select Committee on Meetings consisting of the President pro tempore, the leader of the majority party, and the leader of the minority party. The select committee shall examine the complete verbatim transcript of the meeting in question and shall rule whether the vote to close the meeting was in accordance with subsection (a) of this section or whether the vote to delete a portion or portions from publicly available copies of the meeting transcript was in accordance with subsection (d) of this section, as the case may be. The select committee should report to the Senate within five calendar days (excluding days where the Senate is not in session) a resolution containing its findings. If the Senate adopts a resolution finding that the committee vote in question was not in accordance with the relevant subsection, it shall direct that there be made publicly available the entire transcript of the meeting improperly closed to the public or the portion or portions of any meeting transcript improperly deleted from the publicly available copy, as the case may be.

"(f) The Select Committee on Meetings shall not be subject to the provisions of subsections (a), (b), (c), or (d) of this section."

(b) Subsection (a) of subsection 242 of the Legislative Reorganization Act of 1970 is repealed.

(c) Title I of the table of contents of the Legislative Reorganization Act of 1946 is amended by inserting immediately below item 133B the following:

"Sec. 133C. Open Senate Committee Meetings."

SEC. 102. Clause 27(f)(2) of Rule XI of the Rules of the House of Representatives is amended to read as follows:

"(2)(A) Each meeting of each standing, select, or special committee or subcommittee, including meetings to conduct hearings, shall be open to the public, provided, that a portion or portions of such meetings may be closed to the public if the committee or subcommittee as the case may be determines by vote of a majority of the members of the committee or subcommittee present that the matter to be discussed or the testimony to be taken at such portion or portions—

"(i) will probably disclose matters necessary to be kept secret in the interests of national security or the confidential conduct of the foreign relations of the United States;

"(ii) will relate solely to matters of committee staff personnel or internal staff management or procedure;

"(iii) will tend to charge with crime or misconduct, or to disgrace, injure the professional standing or otherwise expose to public contempt of obloquy any individual, or will represent a clearly unwarranted invasion of the privacy of any individual, provided, that this subsection shall not apply to any government or officer or employee with respect to his official duties or employment, and, provided further, that as applied to a witness at a meeting to conduct a hearing, this subsection shall not apply unless the witness requests in writing that the hearing be closed to the public;

"(iv) will probably disclose the identity of any informer or law enforcement agent or of any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

"(v) will disclose information relating to the trade secrets of a financial or commercial information pertaining specifically to a given person where—

"(I) the information has been obtained by the Federal Government on a confidential basis other than through an application by such person for a specific government, financial or other benefit;

"(II) Federal statute requires the information to be kept confidential by government officers and employees, and

"(III) the information is required to be kept secret in order to prevent undue injury to the campetitive position of such persons.

A separate vote of the committee shall be taken with respect to each committee or subcommittee meeting that is closed to the public pursuant to this subsection, and the committee shall make available within one day of such meeting, a written explanation of its action. The vote of each committee member participating in each such vote shall be recorded and published and no proxies shall be allowed.

"(B) Each standing, select, or special committee or subcommittee shall make public announcement of the date, place, and subject matter of each meeting (whether open or closed to the public) at least one week before such meeting unless the committee or subcommittee determines that committee business requires that such meeting be called at an earlier date, in which case the committee shall make public announcement of the date, place and subject matter of such meeting at the earliest practicable opportunity.

"(C) A complete transcript, including a list of all persons attending and their affiliation, shall be made of each meeting of each standing, select, or special committee or subcommittee meeting (whether open or closed to the public). Except as provided in paragraph (D), a copy of each such transcript shall be made available for public inspection within 7 days of each such meeting, and additional copies of any transcript shall be furnished to any person at the actual cost of duplication.

"(D) In the case of meetings closed to the public pursuant to subparagraph (A), the committee or subcommittee may delete from the copies of transcripts that are required to be made available or furnished to the public pursuant to subparagraph (C), portions which it determines by vote of the majority of the committee or subcommittee consist of material specified in clauses (i), (ii), (iii), (iv) or (v) of subparagraph (A). A separate vote of the committee or subcommittee shall be taken with respect to each transcript. The vote of each committee or subcommittee member participating in each such vote shall be recorded and published, and no proxies shall be allowed. In place of each portion deleted from copies of the transcript made available to the public, the committee shall supply a written explanation of why such portion was deleted and a summary of the substance of the deleted portion that does not itself disclose information specified in subsections (i), (ii), (iii), (iv), or (v) of subsection (a). The committee or subcommittee shall maintain a complete copy of the transcript of each meeting (including those portions deleted from copies made available to the public), for a period of at least one year after such meetings.

"(E) A point of order may be raised against any committee or subcommittee vote to close a meeting to the public pursuant to subparagraph (A), or against any committee or subcommittee vote to delete from the publicly available copy a portion of a meeting transcript and pursuant to subparagraph (D), by committee or subcommittee members comprising one fourth or more of the total membership of the entire committee or subcommittee. Any such point of order must be raised before the entire House within 5 legislative days after the vote against which the point of order is raised, and such point of order shall be a matter of highest privilege. Each such point of order shall immediately be referred to a Select Committee on Meetings consisting of the Speaker of the House of Representatives, the majority leader, and the minority leader. The Select Committee shall report to the House within 5 calendar days (excluding days where the House is not in session) a resolution containing its findings. If the House adopts a resolution finding that the committee vote in question was not in accordance with the relevant subsection, it shall direct that there be made publicly available the entire transcript of the meeting improperly closed to the public or the portion or portions of any meeting transcript improperly deleted from the publicly available copy.

"(F) The Select Committee on Meetings shall not be subject to the provisions of subparagraphs (A), (B), (C), or (D).

### CONFERENCE COMMITTEES

SEC. 103. The Legislative Reorganization Act of 1946 is amended—by inserting after section 133(c), as added by section 101(3) of this Act the following new section:

### OPEN CONFERENCE COMMITTEE MEETINGS

"SEC. 133D. (a) Each meeting of a committee of conference shall be open to the public, provided, that a portion or portions of such meetings may be closed to the public if the committee determines by vote of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

"(1) will disclose matters necessary to be kept secret in the interests of national security or the confidential conduct of the foreign relations of the United States;

"(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

"(3) will tend to charge with crime or misconduct, or to disgrace, injure the professional standing or otherwise expose to public contempt or obloquy any individual, or will represent a clearly unwarranted invasion of the privacy of any individual: *Provided*, That this subsection shall not apply to any government or officer or employee with respect to his official duties or employment: *And, provided further*, That as applied to a witness at a meeting to conduct a hearing, this subsection shall not apply unless the witness requests in writing that the hearing be closed to the public;

"(4) will disclose the identity of any informer or law enforcement agent or of any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

"(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person where—

"(A) the information has been obtained by the Federal Government on a confidential basis other than through an application by such person for a specific government, financial or other benefit;

"(B) Federal statute requires the information to be kept confidential by government officers and employees; and

"(C) the information is required to be kept secret in order to prevent undue injury to the competitive position of such persons;

A separate vote of the committee shall be taken with respect to each meeting that is closed to the public pursuant to this subsection, and the committee shall make available within one day of such meeting, a written explanation of its action. The vote of each committee member participating in each such vote shall be recorded and published and no proxies shall be allowed.

"(b) Each committee of conference shall make public announcement of the date, place and subject matter of such meeting at the earliest practicable opportunity.

"(c) A complete transcript, including a list of all persons attending and their affiliation, shall be made of each meeting of each committee of conference (whether open or closed to the public). Except as provided in subsection (d) of this section, a copy of each such transcript shall be made available for public inspection within 7 days of each such meeting, and additional copies of any transcript shall be furnished to any person at the actual cost of duplication.

"(d) In the case of meetings closed to the public pursuant to subsection (a) of this section, the committee of conference may delete from the copies of transcripts that are required to be made available or furnished to the public pursuant to subsection (c) of this section, those portions which it determines by vote of the majority of the committee consist of materials specified in paragraphs (1), (2), (3), (4), or (5) of subsection (a) of this section. A separate vote of the committee shall be taken with respect to each such transcript. The vote of each committee member participating in each such vote shall be recorded and published, and no proxies shall be allowed. In place of each portion deleted from copies of the transcript made available to the public, the committee shall supply a written explanation of why such portion was deleted, and a summary of the substance of the deleted portion that does not itself disclose information specified in paragraphs (1), (2), (3), (4), or (5) of subsection (a) of this section. The committee shall maintain a complete copy of the transcript of each meeting (including those portions deleted from copies made available to the public) for a period of at least one year after such meeting.

"(e) A point of order may be raised against any committee vote of a committee of conference to close a meeting to the public pursuant to subsection (a) of this section or any committee vote to delete from the publicly available copy a portion of a meeting transcript pursuant to subsection (d) of this section by committee members comprising one fourth or more of the total membership of the entire committee. Any such point of order shall be raised in either House within 5 legislative days after the vote against which the point of order is raised, and such point of order shall be a matter of highest personal privilege. Each such point of order shall immediately be referred to a Select Conference Committee on Meetings consisting of the President pro tempore of the Senate, the Speaker of the House of Representatives, and the Majority and Minority Leaders from each House. The Select Committee shall examine the complete verbatim transcript of the meeting in question and shall rule whether the vote to close the meeting was in accordance with subsection (a) of this section or whether the vote to delete a portion or portions from publicly available copies of the meeting transcript was in accordance with subsection (d) of this section, as the case may be. The Select Committee reports to both Houses a concurrent resolution within 5 calendar days (excluding days where either House is not in session) a resolution containing its findings. If both Houses adopt such a resolution finding that the committee vote in question was not in accordance with the relevant subsection, they shall direct that there be made publicly available the entire transcript of the meeting improperly closed to the public or the portion or portions of any meeting transcript improperly deleted from the publicly available copy, as the case may be.

"(f) The Select Conference Committee on Meetings shall not be subject to the provisions of subsections (a), (b), (c), or (d) of this section."

(b) Title I of the table of contents of the Legislative Reorganization Act of 1946 is amended by inserting immediately below item 133C, as added by section 101(c) of this Act, the following:

"Sec. 133D. Open conference committee meetings."

### TITLE II—AGENCY PROCEDURES

SEC. 201. (a) This section applies, according to the provisions thereof, to any agency, as defined in section 551(1) of title 5, United States Code, where the body comprising the agency consists of two or more members. Except as provided in subsection (b), all meetings (including meetings to conduct hearings) of such agencies at which official action is considered or discussed shall be open to the public.

(b) Subsec. (a) shall not apply to any portion or portions of an agency meeting where the agency determines by vote of a majority of its entire membership—

(1) will probably disclose matters necessary to be kept secret in the interests of national security or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to individual agency personnel or to internal agency office management and procedures or financial auditing;

(3) will tend to charge with crime or misconduct, or to disgrace, injure the professional standing or otherwise expose to public contempt of obloquy any individual, or will represent a clearly unwarranted invasion of the privacy of any individual, provided, that this subsection shall not apply to any government or officer or employee with respect to his official duties or employment, and, provided further, that as applied to a witness at a meeting to conduct a hearing, this subsection shall not apply unless the witness requests in writing that the hearing be closed to the public;

"(4) will probably disclose the identity of of any informer or law enforcement agent or of any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

"(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person where

"(A) the information has been obtained by the Federal Government on a confidential basis other than through an application by such person for a specific government financial or other benefit; and

"(B) Federal statute requires the information to be kept confidential by government officers and employees, and

"(C) the information is required to be kept secret in order to prevent undue injury to the competitive position of such persons.

(6) will relate to the conduct or disposition (but not the initiation of a case of adjudication governed by the provisions of the first paragraph of Section 554(a) of Title 5, United States Code, or of Subsections (1), (2), (4), (5), or (6) thereof. A separate vote of the agency members shall be taken with respect to each agency meeting that is closed to the public pursuant to this Subsection. The vote of each agency member participating in such vote shall be recorded and published and no proxies shall be allowed. In the case of any closing of portions of a meeting to the public pursuant to this Subsection, the agency shall promptly publish an explanation of its action.

(c) Each agency shall make public announcement of the date, place, and subject matter of each meeting at which official action is considered or discussed (whether open or closed to the public) at least one week before each meeting unless the agency determines by a vote of the majority of its members that agency business requires that such meetings be called at an earlier date, in which case the agency shall make public announcement of the date, place, and subject matter of such meeting at the earliest practicable opportunity.

(d) A complete transcript, including a list of all persons attending and their affiliations, shall be made of each meeting of each agency at which official action is considered or discussed (whether open or closed to the public). Except as provided in subsection (e) of this section a copy of each such meeting shall be made available to the public for inspection, and additional copies of any transcript shall be furnished to any person at the actual cost of duplication.

(e) In the case of meetings closed to the public pursuant to subsection (b) of this section, the agency may delete from the copies of transcripts made available or furnished to the public pursuant to subsection (d) of this section those portions, which the agency determines by vote of a majority of its membership consists of materials specified in paragraphs (1), (2), (3), (4), or (5) of subsection (b) of this section. A separate vote of the agency shall be taken with respect to each transcript. The vote of each agency member participating in such vote shall be recorded and published, and no proxies shall be allowed. In place of each portion deleted from copies of the meeting transcript made available to the public, the agency shall supply a written explanation of why such portion was deleted and a summary of the substance of the deleted portion that does not itself disclose information specified in paragraphs (1), (2), (3), (4), or (5) of subsection (a). The agency shall maintain a complete verbatim copy of the transcript of each meeting (including those portions deleted from copies made available to the public) for a period of at least two years after such meeting.

(f) Each agency subject to the requirements of this section shall, within 180 days after the enactment of this Act, following published notice in the Federal Register of at least 30 days and opportunity for written comment by interested persons, promulgate regulations to implement the requirements of subsections (a) through (e) inclusive of this section. Any citizen or person resident in the United States may bring a proceeding in the United States Court of Appeals for the District of Columbia Circuit—

(1) to require an agency to promulgate such regulations if such agency has not promulgated such regulations within the time period specified herein; or

(2) to set aside agency regulations issued pursuant to this subsection that are not in accord with the requirements of subsections (a) through (e) of this section inclusive, and to require the promulgation of regulations that are in accord with such subsections.

(g) The district courts of the United States shall have jurisdiction to enforce the requirements of subsections (a) through (e) inclusive of this section by declaratory judgment, injunctive relief, or otherwise. Such actions may be brought by any citizen or person resident in the United States. Such actions shall be brought in the district wherein the plaintiff resides, or has his principal place of business, or where the agency in question has its headquarters. In deciding such cases the court may examine any portion of a meeting transcript that was deleted from the publicly available copy. Among other forms of equitable relief, the court may require that any portion of a meeting transcript improperly deleted from the publicly available copy be made publicly available for inspection and copying, and, having due regard for orderly administration and the public interest, may set aside any agency action taken or discussed at an agency meeting improperly closed to the public.

(h) In any action brought pursuant to subsection (f) or (g) of this section, costs of litigation (including reasonable attorney's and expert witness fees) may be apportioned to the original parties or their successors in interest whenever the court determines such award is appropriate.

(i) The agencies subject to the requirements of this section shall annually report to Congress regarding their compliance with such requirements, including a tabulation of the total number of agency meetings open to the public, the total number of meetings closed to the public, the reasons for closing such meetings, and a description of any litigation brought against the agency under this section.

SEC. 202. (a) Title 5 of the United States Code is amended by adding after section 557 the following:

§ 557a. Ex parte communications in agency proceeding

This section applies, according to the provisions thereof, to the following proceedings—

"(1) any proceeding to which section 557 (a) of this Title applies;

"(2) any rule-making proceeding with respect to which an agency is required by section 553 of this Title to afford public notice and opportunity for participation by interested persons, provided, that for purposes of this section the exemption from such requirements in section 553(a)(2) of matters relating to public property, loans, grants, benefits or contracts shall not be effective; or

"(3) any proceeding to prepare an environmental impact statement required by section 102(2)(c) of the National Environmental Policy Act.

"(b) In any agency proceeding which is subject to subsection (a) of this section, except to the extent required for the disposition of ex parte matters as authorized by law—

"(1) no interested person (including members or employees of other government agencies) shall make or cause to be made to any member of the agency in question, hearing examiner or employee who is or may be involved in the decisional process of said proceeding, an ex parte communication relevant to the events of the proceeding.

"(2) no member of the agency in question hearing examiner or employee who is or may be involved in the decisional process of such proceeding, shall make or cause to be made to an interested person an ex parte communication relevant to the merits of the proceeding.

"(3) a member of the agency in question, hearing examiner or employee who is or may be involved in the decisional process of said proceeding, who receives a communication in violation of this subsection shall place in the public record of the proceeding—

"(A) written material submitted in violation of this subsection; or

"(B) memoranda stating the substance of all oral communications submitted in violation of this subsection; or

"(C) responses to the materials described in subparagraphs (A) and (B) of this subsection.

"(4) upon receipt of a communication in violation of this subsection from a party to any proceeding to which this section applies, the hearing examiner or employee presiding at the hearings may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the persons or party to show cause why his claim or interest in the proceeding should not be discussed, denied, disregarded, or otherwise adversely affected by virtue of such violation; and

(5) The prohibitions of this subsection shall apply at such time as the agency shall designate, having due regard for the public interest in open decisionmaking by agencies, but in no case shall they apply later than the time at which a proceeding is noticed for hearing or opportunity for participation by interested persons unless the person responsible for the communication has knowledge that it will be noticed, in which case said prohibition shall apply at the time of his acquisition of such knowledge.

"(c) Each agency subject to the requirements of this section shall, within 180 days after the enactment of this section, following published notice in the Federal Register of at least 30 days and opportunity for written comment by interested persons, promulgate regulations to implement the requirements of Subsection (b) of this section. Any citizen or person resident in the United States may bring a proceeding in the U.S. Court of Appeals for the District of Columbia Circuit—

"(1) to require any agency to promulgate such regulations if such agency has not promulgated such regulations within the time period specified herein;

"(2) to set aside agency regulations issued pursuant to this Subsection that are not in accord with the requirements of subsection (b) of this section;

and to require the promulgation of regulations that are in accord with such subsection.

"(d) The district courts of the United States shall have jurisdiction to enforce the requirements of subsection (b) of this section by declaratory judgment, injunctive relife, or otherwise. Such action may be brought by any citizen of or person resident in the United States. Such actions shall be brought in the district wherein the plaintiff resides or has his principal place of business or where the agency in question has its headquarters. Where a person other than an agency, agency member, hearing examiner or employee is alleged to have participated in a violation of the requirements of subsection (b) of this section such person may, but need not be joined with the agency as a party defendant; for purposes of joining such person as a party defendant, service may be had on such person in any district. Among other forms of equitable relief, the court may require that any ex parte communication made or received in violation of the requirements of subsection (b) of this section be published, and, having due regard for orderly administration and the public interest, may set aside any agency action taken in a proceeding with respect to which the violation occurred.

"(e) In any action brought pursuant to subsection (c) or (d) of this subsection, cost of litigation (including reasonable attorney's and expert witness fees) may be apportioned to the original parties or their successors in interest whenever the court determines such award is appropriate."

SEC. 203. This title and the amendments made by this title do not authorize withholding of information or limit the availability of records to the public except as provided in this title. This title is not to be construed as authority to withhold information from Congress.

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### EXHIBIT 2

### SECTION-BY-SECTION ANALYSIS OF THE FEDERAL "GOVERNMENT IN THE SUNSHINE ACT"

Section 1: Provides that the Act may be cited as the "Government in the Sunshine Act."

Section 2: Declares it to be the policy of the United States that the public is entitled to the fullest practicable disclosure concerning the decision making processes of the Federal government.

Section 3: Defines the terms "national security" and "person" for purposes of the Act.

Title 1: Concerns the hearing and meeting procedures of congressional committees.

Section 101: Amend the Legislative Reorganization Act of 1946 as applicable to the Senate to establish a basic norm of open meetings by all committees unless a majority of the committee determines on a recorded vote that the matters to be considered or discussed at the meeting will fall within the following narrowly defined exemptions:

National security or confidential conduct of foreign relations;

Internal committee staff personnel or management matters;

Defamation of an individual other than a government officer or employee with respect to his employment (except that in the case of a witness at a hearing, the hearing can be closed only if he requests that it be closed);

The identity of informers or enforcement agents or similar sensitive information vital to law enforcement;

Information relating to trade secrets or financial information that has been obtained by the Federal government on a confidential basis; information required to be kept secret by federal statute; and information the disclosure of which would injure a person's competitive position.

This section would rather provide that committees must normally give 7 days public notice of all meetings; that a complete transcript of each meeting should be prepared and made available to the public for inspection and copying; there may be deleted from the publicly available version of the transcript portions which the committee determines fall within the exemptions specified above.

This section further provides that a point of order against a committee vote to close a hearing or delete a portion from the transcript available to the public may be raised by ¼ of the members of the committee present. The point of order would be a matter of highest privilege and would be referred to a Select Committee on Meetings, consisting of the President Pro Tempore and the majority and minority leaders. Their findings as to whether the secrecy was justified or not would be subject to vote of the entire Senate. If it were determined that a meeting or portion thereof had been improperly kept secret, the transcript of the meeting or portion would be made publicly available.

Section 102: Would impose identical requirements concerning open meetings on House committees. The Select Committee on Meetings would consist of the Speaker and the majority and minority leaders.

Section 103: Would impose the same open meeting requirements on conference committees. A Select Conference Committee on Meetings consisting of the Speaker, the President Pro Tempore, and the majority and minority leaders from each House would initially rule on points of order raised against closed meetings or deletions from the publicly available transcript of a meeting.

Section 104: Provide that no court would have jurisdiction to review any of the votes or rulings pursuant to the above requirements unless a person's constitutional rights were infringed.

Title 2: Concerns the decision making process of the administrative agencies in the Federal government.

Section 201: Provides that meetings of all multi-member federal agencies at which official action is considered or discussed must normally be open to the public. Such meetings could be closed to the public only if the agency determines by a majority of its entire membership that the matters to be discussed fall within one of the specific exemptions applicable in the case of Congressional committee meetings; or that the meeting would deal with a case of adjudication where the agency is acting in an essentially judicial capacity. The agency would normally be required to give 7 days public notice of all meetings, to make a complete transcript of all meetings, and to make available to the public for inspection and copying the transcript of each meeting. Portions of the meeting transcript consisting of confidential matters falling within the exemptions specified above could be deleted from the copy made available to the public.

In addition, each agency subject to the above requirements would be required to publish implementing regulations and annually report to Congress on their compliance with the open meeting requirements. The section would further provide that any person could bring a court action to challenge the agency's implementing regulations or its decision in a particular instance to close a meeting or delete material from the publicly available transcript. The court would in such suits require that matters improperly kept secret be publicly disclosed, and could in its discretion set aside agency action taken or discussed at meetings improperly kept secret and also award attorney's fee to either party to the lawsuit.

Section 202: Would apply to all federal administrative agencies with respect to the following types of proceedings:

Any case of agency adjudication or rule making on the record which under the Administrative Procedure Act is subject to a requirement of trial-type procedures;

Any agency rule making proceedings with respect to which the agency is required by the Administrative Procedure Act to afford public notice and opportunity for comment by interested persons;

Any proceeding to prepare an environmental impact statement required under the National Environmental Policy Act.

The section deals with any ex parte (outside) communications between an interested person and a member or employee of the agency in such proceedings, and the agency would be required to publish any such ex parte communications on the public record. The prohibition against ex parte communications would become effective at such time as the agency might designate, but in no event later than the time the proceeding in question was publicly noticed or the time that a party to the communication became aware that the proceeding would be so noticed.

Each agency subject to the requirements of the section would be required to promulgate implementing regulations.

Any person could bring a court action to review the implementing regulations or any alleged improper ex parte communication. The court could require that any improper ex parte communication be made public, and could use its discretion to set aside agency action taken in a proceeding with respect to which the improper communication occurred, and to award attorney's fees to either party.

Section 203: Provides that the provisions of Title 2 do not authorize withholding of information from the public and are not authority to withhold information from Congress.

The redrafted version of the Federal "Government in the Sunshine Act," while somewhat more lengthy than the first version, S. 3881, retains its essential purposes. The various exemptions from the open meeting requirement for congressional committees and multi-member administrative agencies have been made more specific. In addition, congressional committees and administrative agencies are required to keep transcripts of all meetings and make such transcripts publicly available except for confidential portions falling within one of the specific exemptions.

In the case of meetings by congressional committees, the redrafted version of the Act provides an enforcement mechanism for cases where a meeting is claimed to have been improperly closed. One fourth of the members of a committee can challenge the closing of a meeting by raising a point of order which must promptly be referred to a Select Committee on Meetings, consisting of the legislative leadership, for a ruling. The committees' ruling would be subject to the vote of the entire body.

The redrafted version of the Act also applies the open meeting requirement to conference committees.

As applied to administrative agencies, the open meeting requirement could be enforced by any person in a court action.

The redrafted version of the Act also contains an additional requirement, applicable to all federal agencies, that would prohibit all ex parte communications in cases of rule making or adjudication by the agency or the proceedings to prepare an Environmental Impact statement pursuant to the National Environmental Policy Act. This requirement which could be enforced by court action by any person, would further advance the goal of open government decision making by prohibiting off the record pressures on agencies by interested outside parties.

Mr. ROTH. Mr. President, I am very pleased to join the junior Senator from Florida in cosponsoring the "Government in the Sunshine Act." Senator CHILES is doing this country a fine public service in offering this legislation for consideration and debate.

I want to point out that this effort is entirely complementary with the resolution that Senator HUMPHREY and I will introduce later this week to create a new Senate rule requiring committee meetings be open to the public except when a majority of the committee vote to close the meeting for national security reasons or because the reputation of an individual is involved. I feel that if we first put our own House in order, we will be in a much better position to press for the more general antisecrecy legislation embodied in the "Government in the Sunshine Act."

I am cosponsoring "Government in the Sunshine Act," not because it represents the whole response to the problem of governmental secrecy, but because it is important to have hearings on a range of different kinds of legislation dealing with both executive and legislative secrecy and with the processes of Government as well as Government documents.

I am looking forward to participating with Senator CHILES and with our other colleagues on the Committee on Government Operations in studying and debating this antisecrecy legislation. I certainly hope that our committee work on this legislation will be "in the sunshine."

Mr. STAFFORD. Mr. President, I am pleased to be included as one of the original cosponsors of the legislation that has been introduced by the Senator from Florida (Mr. CHILES). For some time I have been concerned over the growing evidence of declining public confidence in Government, politicians, and politics.

I think one of the major reasons the public is suspicious about Government and politics, particularly at the national level, is that so much of our activity takes place away from public view. For that reason, I am pleased to join as a sponsor of legislation that would require all meetings of Federal agencies and congressional committees be open to the public, with only certain limited exceptions. This measure would permit the public to assume its rightful role as a full working partner in the operations of its Government.

Too much of our activity is carried on in shadows that block the view of the public, but which build the suspicion of the public. I think we should eliminate those shadows with the bright light of public disclosure.

I intend, later in this session, to reintroduce the Open Government Act, which would require full and complete financial disclosure of all lobbying activities related to the Congress. And, I hope to have the opportunity to give my support once again to legislation that would require full and public disclosure of the financial status of Members of Congress and their senior staff members.

Each of these measures is designed to open up Government and politics to public view and I am delighted that the Senator from Florida, Mr. CHILES, is pressing ahead with his legislation.

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By Mr. MUSKIE (for himself, Mr. BAKER, Mr. BROCK, Mr. CHILES, Mr. GURNEY, and Mr. METCALF):

S. 261. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for 4 additional years, and for other purposes. Referred to the Committee on Government Operations.

### UNIFORM RELOCATION ACT AMENDMENTS

Mr. MUSKIE. Mr. President, with Senators BAKER, BROCK, CHILES, GURNEY, and

METCALF, I introduce legislation to amend the Uniform Relocation Assistance and Real Property Acquisition Act of 1970.

The Uniform Relocation Act of 1970, a major legislative step toward providing fair and equitable treatment of persons forced to move from their homes or businesses by federally assisted projects, provided that the Federal Government make full payment of the first $25,000 per displacee until July 1, 1972. However, since that date, State and local governments have been required to participate in the cost of relocation payments prescribed by the act to the same degree that they share in other project costs.

The bill I am introducing today would continue until July 1, 1976—full Federal funding of the first $25,000 in relocation costs per individual displacee.

Without this legislation, cities across the country will face a new and substantial financial burden in fiscal 1973. In my home State of Maine, for example, the city of Portland anticipates having to come up with $335,000 in local funds to pay its share of relocation costs. The city of Bangor projects that its fiscal 1973 obligation for relocation costs will be in excess of $87,000 in local funds. The cities of Lewiston, Westbrook, and Waterville expect that they will have to pay $235,000 in local shares for relocation costs. Across the country, local governments will have to find as much as $125 million during fiscal 1973 to meet their relocation obligations.

The legislation I submit today is identical to that agreed upon by a House-Senate conference committee during the final days of the 92d Congress. Although the conference report was agreed to by both House and Senate conferees, neither body was able to act before adjournment. The Congress now has the responsibility to complete this important unfinished business.

Congress passed the Uniform Relocation Act of 1970 to provide fair and equitable treatment for persons displaced by federally assisted projects. It is now necessary for us to provide the Federal assistance necessary to assure the implementation of that objective.

Mr. GURNEY. Mr. President, in joining as a cosponsor of Senator MUSKIE's proposal to amend the Uniform Relocation Act as recommended by the last Congress' conference committee on S. 1819, I would like to emphasize the need for prompt action on this legislation. Both the Senate and the House have held full hearings on this legislation; both the Senate and the House have approved their respective companion bills; and both the Senate and House conferees have agreed on the compromise version now being introduced. Therefore, I urge that this legislation be handled as expeditiously as possible.

Perhaps the best explanation of the need for promptness is to look as a specific example of the effect of delay on just one urban renewal project in my home State of Florida. The following two letters, the first written to me by the chairman of the urban renewal agency of the city of Palatka, Fla., and the second written to that agency from the Department of Housing and Urban Development, are self-explanatory.

I ask unanimous consent that the letters be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

URBAN RENEWAL AGENCY,
*Palatka, Fla., December 29, 1972.*

HON. EDWARD J. GURNEY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR GURNEY: As you are aware, S. 1819, a bill to amend the Uniform Relocation Act of 1970, was not passed by the Congress even though the conferees of the House of Representatives and the Senate had agreed upon compromise legislation.

This has had a most unfavorable effect upon the Urban Renewal program of the City of Palatka. At this point, there is pending a capital grant of about $3,250,000 for the City of Palatka to undertake an urban renewal project, number R-36. The project planning is completed, and we are ready to undertake this worthwhile project. Local funding is contingent, however, on the successful passage of this bill. To make the relocation costs a part of the project costs would add about $250,000 to the City's overall project cost. Since the city has already arranged to spend about $680,000 in either cash or non cash local contributions, this additional cost would add an impossible burden which the City could not afford.

Now, to get to the heart of the crisis which faces us, we have received several extensions of time for the submission of an acceptable Part II of our Urban Renewal application. By letter of November 2, 1972 to our mayor, copy attached, Mr. Forrest Howell has given us until February 28, 1973 to reach a satisfactory solution to our problem. Beyond that date, the project will be terminated. In summary then, we are faced with the loss of a very worthwhile project if the relocation bill is not passed and signed into law prior to February 28, 1973, or a way is not found to keep our project in the survey and planning stage beyond that date until S. 1819 can be passed and put into effect.

We sincerely appreciate your past support for this project. The people of the City of Palatka have indicated their overwhelming support for this project. Please help us by working to secure the prompt passage of this legislation as soon as possible after the new Congress convenes.

Very truly yours,
JOHN D. ARRINGTON, Jr.,
*Chairman.*

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DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
*Jacksonville, Fla., November 2, 1972.*

Subject: Urban Renewal Project R-36 (Part I) Extension of Time for Submission of Part II of Urban Renewal Application.

Hon. EUGENE L. WALKER,
*Mayor, City of Palatka,*
*Palatka, Fla.*

DEAR MAYOR WALKER: This is to advise that we will concur in the extension of time from November 7, 1972 to February 28, 1973 for the submission on an acceptable Part II Application for the subject Urban Renewal project.

Under the present policy of Community Development, it is not permissable for any Urban Renewal project to remain in survey and planning beyond the period of February 28, 1973.

If a solution has not been reached by February 28, 1973, it will be necessary to terminate this project.

Sincerely,
FORREST W. HOWELL,
*Area Director.*

Mr. GURNEY. Mr. President, the plight of the Palatka Urban Renewal Agency is but one example of what could happen to many worthwhile projects throughout the Nation if action on this legislation is further delayed. I urge the most expeditious possible passage of this urgently needed legislation.

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By Mr. ALLEN (for himself and Mr. SPARKMAN):

S. 262. A bill to provide for the establishment of the Tuskegee Institute National Historical Park, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### ESTABLISHMENT OF TUSKEGEE INSTITUTE NATIONAL HISTORICAL PARK

Mr. ALLEN. Mr. President, I send to the desk on behalf of my distinguished senior colleague (Mr. SPARKMAN) and myself a bill to provide for the establishment of the Tuskegee Institute National Historical Park and for other purposes.

During the 92d Congress, on June 1, 1972, Mr. SPARKMAN and I introduced an identical bill (S. 3662). S. 3662 was referred to the Committee on Interior and Insular Affairs, and the hearing on the bill was held by the Subcommittee on Parks and Recreation, at which the able and distinguished senior Senator from Nevada (Mr. BIBLE) presided. Such hearing was held on Wednesday, September 27, 1972, and a 41 page report of such hearing was printed. There seems to be no opposition to the bill and, in fact, it seems that the establishment of the Tuskegee Institute National Historical Park would be entirely in line with President Nixon's February 1971 directive to the Interior Department and its National Park Service to take action to refresh the interest of all Americans in their historical and cultural heritages.

Under the National Historic Sites Act of 1935, the Secretary of the Interior may enter into cooperative agreements with public or private agencies for the preservation and interpretation of historical areas in non-Federal ownership. Under such an agreement, the national significance of Tuskegee Institute has already been attested to by its designation as a national historic landmark. Yet this honor has brought with it no funds for historic preservation or interpretation.

Tuskegee Institute was established in 1881. Its founder was Booker T. Washington who put into practice a program of industrial and vocational education to ameliorate the economic condition of the Negro.

In its second decade, Tuskegee acquired a teacher who would become as famous as its founder, George Washington Carver came to Tuskegee in 1896 to take charge of an agricultural experiment station to be run in connection with the school's agricultural department. Here Carver carried out his noted work in agricultural science until his death in 1943.

Unlike that of many historic places, the significance of Tuskegee Institute does not lie only in the past. It is an ongoing institution.

Continuity at Tuskegee is evidenced physically by the campus, 13 buildings of which date from the early decades of the school. Included are the home of Booker T. Washington and student-built dormitories and structures housing classrooms, industrial educational facilities, and administrative offices. The continued use by students, faculty, and staff of many of these buildings is the best form of historic preservation and "living history," and is entirely in keeping with this proposal for National Park Service involvement at Tuskegee Institute. The Booker T. Washington Monument, a symbolic statue by Charles Keck; the Carver Museum, with exhibits pertaining to Carver's work; and the graves of Washington and Carver further reflect Tuskegee's past.

Other significant historic resources at Tuskegee are the Booker T. Washington and the Negro history collections. Since 1889 the institute has collected, preserved, and disseminated information on the Negro in America and Africa. Photographs, letters and documents, manuscripts, rare books, reports, and other materials are made available to scholars visiting from this Nation and abroad. Since funds for staffing and preservation have not kept pace with the growth of these resources, it is hoped that means may be found to inventory, house, and administer the collections in a manner befitting their importance.

Apart from its historical values, Tuskegee has become noted worldwide for its creative and practical approaches to the solution of basic problems of mankind. The institute presents a program from which emanates a spirit many people desire to experience. In many important ways, this is a national shrine of international repute.

Tuskegee Institute serves comprehensively. Though it is a fully accredited university of distinction, it maintains a commitment to serve the disadvantaged. To develop a national historical park here, therefore, is to serve the "man lowest down" as well as educators of the highest order.

This bill envisions the National Park Service playing three roles in partnership with Tuskegee Institute:

First. It will participate in a rational program of preservation-commemoration and modern development carried out by relevant public agencies and private groups. In addition to the institute and the Service, such agencies and groups may include the city of Tuskegee, the Department of Health, Education, and Welfare, the Department of Housing and Urban Development—through the local Model Cities program—and private philanthropy.

Second. It will develop and operate those historic and commemorative features that fall within its capabilities and authorities. Service attention would focus on a new George Washington Carver Visitor Center and Museum, "The Oaks"—the home of Booker T. Washington—and the Varner-Alexander house, an antebellum mansion adjacent to the campus illustrative of the "Old South."

Third. It will offer technical advice and assistance and such funds as may be provided for the preservation and restoration of such other buildings as may be designated historic.

The national park system now contains no sites whose primary value lies in illustrating the story of education in America. The significant role of black Americans in our history is the principal theme at three areas administered by the National Park Service; the Frederick Douglass Home in Washington, D.C., Booker T. Washington National Monument in Virginia, and George Washington Carver National Monument in Missouri. Yet none of these sites are fully illustrative of the achievements of the men they honor. Douglass's home being his residence in later life and the Washington and Carver monuments their birthplaces. One place that above all others demonstrates black achievement—and achievement in the important now unrepresented theme of education—is Tuskegee Institute.

The national significance of Tuskegee Institute has been attested to by its designation as a National Historic Landmark. Yet this honor has brought with it no funds for historic preservation or interpretation. Tuskegee is a privately supported functioning educational institution, and suffers the same difficulties in fundraising as any private institution. Money must be spent for education. Meanwhile, the history here is gradually being lost. Old buildings are harder to maintain. People have forgotten the place where the first brickyard and lumbermill were; they do not know what the campus looked like when Booker T. Washington had been here 10 years; they will never know, perhaps, that three U.S. Presidents have visited Tuskegee Institute. Those who do know or who can remember are becoming fewer. Old areas of the campus are being torn up for new construction. The institute is forced to use most of Booker T. Washington's home for offices.

There is a danger that little will be left in 8 years when Tuskegee Institute will celebrate its 100th anniversary as a force in the lives of Negro people—and as a national heritage for all Americans.

With downtown renewal being planned by the city of Tuskegee under its model cities program, the building where Booker T. Washington's wife founded the first "Mothers' Club" and Booker T. Washington himself established a night school for adults—local examples of Tuskegee Institute's earliest outreach programs—will be demolished unless funds to preserve them can be obtained. This and other community sites—like that of the railroad station where President McKinley's train arrived when he visited Tuskegee Institute—will be lost.

Because there is no center where visitors may come to see exhibits—and no money to develop them—that depict the early days when Tuskegee Institute and the community shared experiences, the fact of the sharing is being lost. There is no place pointing out that the largest VA hospital for Negroes—now integrated—is adjacent to, and was initiated by, Tuskegee Institute. No center tells that the first Air Force training base for Negroes was established on this campus.

Specific components to be developed and maintained by the National Park Service in connection with Tuskegee National Historical Park are:

The George Washington Carver Visitor Center and Museum.

"The Oaks," home of Booker T. Washington.

The Varner-Alexander House.

With action by the Congress, the preservation and interpretation of historic Tuskegee Institute by the National Park Service could soon begin. In 9 years, much of the work of site identification, preservation and restoration, interpretative planning, and construction of a visitor center would be done in time for a centennial celebration. Perhaps then another President of the United States will visit Tuskegee to dedicate another National Park Service facility established to commemorate our American heritage.

My distinguished senior colleague (Mr. Sparkman) and I are hopeful that the bill will be approved by the Senate at an early date.

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By Mr. MOSS (for himself and Mr. Hansen):

S. 263. A bill to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### MINING AND MINERALS RESEARCH ACT OF 1973

Mr. MOSS. Mr. President, in order to solve many of our environmental problems we need Federal Government participation in the form of grants and appropriations to aid in research and development and increase our technological skills including scientific solutions to energy substitutes and better mined land reclamation techniques.

The Nation has become painfully aware of our deteriorating environment. The mining industry is also aware of many of the environmental problems associated with the extraction of minerals, and has, in many instances, developed practical solutions for dealing with them. But, as further environmental improvement is sought, the technical difficulties and the cost of gaining each new increment of quality, greatly increases the costs of operation and may make the difference between feasibility and infeasibility in a mine's economic picture. In Senate report (No. 91–390) on the National Mining and Minerals Policy Act (Public Law 91–631), it was stated:

> Research can be particularly beneficial in assisting the mining industry to cope with the many new requirements that our increased concern over environmental quality placed upon mine operators. The Federal Government should engage in long-range research programs which will provide the technology necessary for private industry to implement practices designed to improve the quality of our environment. It should establish and maintain policies and programs which supply the needed trained specialists, and publish and disseminate data and technical information relevant to environmental quality matters.

A bill embodying these concepts and providing funds to tax supported schools throughout the country for science and engineering research was introduced by the distinguished Senator from Colorado, Gordon Allott, in the 92d Congress as S. 635. After the lengthy conference, the conference report was accepted by both bodies in October of 1972. The bill unfortunately was pocket vetoed by the President.

The bill before the Senate Interior Committee had the bipartisan support of that committee.

I offer to the Senate on behalf of myself and my good friend from Wyoming, Senator Hansen, who shares my concern, a new bill embodying the concepts of S. 635 to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research and to supplement the act of December 31, 1970.

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By Mr. JACKSON (for himself, Mr. Bellmon, Mr. Bennett, Mr. Church, Mr. Dominick, Mr. Fannin, Mr. Gravel, Mr. Gurney, Mr. Hatfield, Mr. Humphrey, Mr. Inouye, Mr. Magnuson, Mr. Metcalf, Mr. Moss, Mr. Pastore, Mr. Randolph, Mr. Ribicoff, Mr. Stevens, Mr. Taft, and Mr. Tunney):

S. 268. A bill to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1973

Mr. JACKSON. Mr. President, I introduce for myself and several of my colleagues Land Use Policy and Planning Assistance Act of 1973, a bill to assist the States to develop land use programs for critical areas and uses of more than local concern.

This measure would provide Federal technical and financial assistance to the States to encourage the development of better information, institutions, procedures, and methods for land use planning and management so as to remedy the increasingly evident inadequacies in much of today's land use decisionmaking. The States would be encouraged to strengthen the land use decisionmaking authority and capacity of local governments and to develop, in full partnership with those governments, land use programs concerning land use decisions which have impacts way beyond the localities' jurisdictions. The measure also provides important new authority designed to improve coordination between the public lands planning efforts of the Federal Government and the planning activities of State and local governments.

Mr. President, this measure was first introduced by me in January of 1970. After 4 days of hearings, the Senate Committee on Interior and Insular Affairs reported the proposal in December of 1970. As no floor action was taken in the 91st Congress, I again introduced the proposal early in 1971. The administration also proposed a similar measure which was featured in the President's 1971 and 1972 environmental messages to Congress. Ten days of hearings were held on the Land Use Policy and Planning Assistance Act in the Senate during the 92d Congress, four by the Interior Committee and three each by the Commerce and the Banking, Housing and Urban Affairs Committees. After numerous executive sessions and consultations with the National Governors' Conference, the League of Cities-Conference of Mayors, representatives of industry, and environmental groups, the Interior Committee again reported the Land Use Policy and Planning Assistance Act. On September 19, 1972, after considering and accepting several excellent amendments offered or endorsed by my distinguished colleagues, Mr. Bayh, Mr. Boggs, Mr. Buckley, Mr. Cooper, Mr. Fannin, Mr. Hansen, Mr. Randolph, Mr. Sparkman, Mr. Talmadge, and Mr. Tunney, the Senate passed the act by a vote of 60 to 18.

As is well known, I was and remain opposed to two successful amendments striking the sanctions from the act and reducing the funding by two-thirds. Several amendments proposed by Mr. Muskie which were not adopted did raise significant issues which deserve further scrutiny. Therefore, although the proposal I introduce today is virtually identical to the Senate-passed measure, the committee will hold hearings early in February where these issues and the critical questions of funding and sanctions can be fully explored.

Mr. President, the Land Use Policy and Planning Assistance Act is a realistic and widely favored proposal. It has received the endorsement of the administration, the National Governor's Conference, nearly 30 individual Governors, the National Association of Counties, the League of Cities-Conference of Mayors, all of the major environmental organizations, many users of the land—industry, forest products representatives, farm groups, and water resource associations—and such prestigious and varied publications as Business Week, the New York Times, the Wall Street Journal, both the Washington Post and Star, the Boston Globe, the St. Louis Post-Dispatch, the Christian Science Monitor, and the Minneapolis Star. The need for land use policy legislation has been identified by the Douglas Commission, the Kerner Commission, the Kaiser Committee, and the Advisory Commission on Intergovernmental Relations. Congress recognizes and must respond to this need.

The Land Use Policy and Planning Assistance Act of 1972 is of critical importance if this Nation is to meet the increasing pressures of industrialization, technological advances, population growth, and rapid urbanization, and to attain our economic, social, and environmental goals. As land use increasingly becomes the focal point for conflicts over national, State, and regional goals, public officials and private citziens alike view with dismay the chaotic, ad hoc, short-term, crisis-by-crisis, case-by-case land use decisionmaking employed all too frequently today.

Sobering statistics suggest that, unless our land use decisionmaking processes are vastly improved at all levels of government—local, State, and Federal—the United States will be unable to meet the emerging land use crisis. Over the next 30 years, the pressures upon our finite land resource will result in the dedication of an additional 18 million acres or 28,000 square miles of undeveloped land to urban use. Urban sprawl will consume an area of land approximately equal to all the urbanized land now within the 228 standard metropolitan statistical areas—the equivalent of the total area of the States of New Hampshire, Vermont, Massachusetts, and Rhode Island. Each decade, new urban growth will absorb an area greater than the entire State of New Jersey. The equivalent of 2½ times the Oakland-San Francisco metropolitan region must be built each year to meet the Nation's housing goals. In the next two decades, one industry alone—the energy industry—will require vast areas of land: New high-voltage transmission lines will consume 3 million acres of new rights-of-way, while at least 225 new major generating stations will require hundreds of thousands of acres of prime industrial sites.

In short, between now and the year 2000, we must build again all that we have built before. We must build as many homes, schools, and hospitals in the next three decades as we built in the pervious three centuries. In the past, many land use decisions were the exclusive province of those whose interests were selfish, short-term and private. In the future—in the face of immense pressures on our limited land resource—these land use decisions must be long-term and public.

These and other statistics made it strikingly evident that, to avoid a national land use crisis and to advance a design calculated to meet, without dictating, national goals, values, and requirements, we must enact legislation to assist State and local governments to improve their land use planning and management capability. This view is shared by the administration, the National Governors Conference and many individual Governors, and almost all of the witnesses who appeared before the Senate Interior Committee in the last 3 years.

Russell Train, Chairman of the Council on Environmental Quality, stated:

> It is a matter of urgency that we develop more effective nationwide land use policies and regulations . . . Land use is the single most important element affecting the quality of our environment which remains substantially unaddressed as a matter of national policy. Land is our most valuable resource. There will never be any more of it.

Not only is land finite, but unlike air, water, and many minerals and materials, land too often cannot be "recycled." Mountains carved by strip mines, wetlands dredged and filled, or streams channelized frequently cannot be returned to their former use or beauty. Land, once committed to a use today, be it social, economic, or environmental, may be unable to support uses which our children will find preferable in the future. As President Nixon noted in a letter to me—CONGRESSIONAL RECORD, volume 118, part 23, pages 30694–30695:

> As a Nation we have taken our land resources for granted too long. We have allowed ill-planned or unwise development practices to destroy the beauty and productivity of our American earth . . . The country needs this (legislation) urgently.

Future land use decisionmaking, however, should serve more than environmental values alone. It should not be viewed as mission-oriented either in the narrow sense of fostering a specific set of functional activities or in the larger sense of pursuing exclusively a specific goal, be it protecting the environment, improving social services, or increasing economic benefits. Rather, it must balance competing environmental, economic, and social requirements and values to avoid the costly mistakes of both thoughtless, precipitate development and unwarranted, dilatory opposition to beneficial development.

Many of the most crucial problems and conflicts facing all levels of government in the areas of protection of environmental quality, siting of energy facilities and industrial plants, design of transportation systems, provision of recreational opportunities, and development of natural resources are the direct result of past failures to anticipate public requirements for land and to plan for its use. The economic loss, the delays, the resource misallocations, and the social and environmental costs which this failure to plan has cost the Nation are in large measure unnecessary expenses which could have been avoided had appropriate planning been undertaken earlier. The adoption of the Land Use Policy and Planning Assistance Act of 1973 and a good faith effort by the States to exercise responsibility for the planning and management of land use activities which are of more than local concern will greatly reduce needless conflicts, will avoid misallocations of scarce resources, will save public and private funds, will insure that public facilities and utilities—powerplants, highways, airports, and recreational areas—are available when needed, and will improve State-Federal relations in all areas of mutual concern.

The Land Use Policy and Planning Assistance Act of 1973 contains the best features of my previous land use policy measures, the administration's proposal, and the many recommendations received during the 3 years of committee deliberations. It contains as well significant amendments adopted on the floor of the Senate prior to its passage.

The central purpose of the proposal is to provide Federal technical and financial assistance to the States to encourage them to exercise States' rights and improve their knowledge, institutions, procedures and methods for land use planning and management. The measure also provides important new authority designed to improve coordination between the planning efforts of the Federal Government and State governments.

The grant-in-aid program to the States, was reduced by amendment on the floor from $800 million over 8 years to $170 million over 5 years. The grant funds cover up to 66⅔ percent of the cost of developing the State land use programs for the first 2 years and 50 percent of the cost thereafter—reduced from 90 percent for 5 years and 66⅔ percent thereafter by amendment.

The State is required to develop a statewide planning process within 3 years. The process must include a data and information base, adequate funding, competent staff, and an appropriate agency to coordinate planning at the State level.

The State is then required to develop, within 5 years of enactment, a land-use program which focuses on four categories of critical areas and uses of more than local concern. These areas and uses are considered to be of State interest because decisions concerning them have impacts on citizens, the environment, and the economy totally out of proportion to the jurisdiction and the interests of the local zoning body or land-use regulatory entity. These four categories of areas and uses of more than local concern are: First, areas of critical environmental concern—for example, beaches, flood plains, wetlands, historic areas; second, key facilities—for example, major airports, highway interchanges and frontage access highways, recreational lands and facilities, and facilities for the development, generation and transmission of energy; third, development and land use of regional benefit; and fourth, large-scale development—for example, major subdivisions or industrial parks.

I wish to make clear that the act does not contemplate sweeping changes in the traditional responsibilty of local government for land-use management. Decisions of local concern will continue to be made by local government. However, for land-use decisions which would have significant impacts beyond the jurisdiction of the local public or private decisionmakers, the act provides for wider public participation and review by the State, as representative of the large constituency affected by those decisions.

The procedure for, and the nature of, State involvement in land-use decisions are left largely to the determination of the individual States. Two alternative but not mutually exclusive techniques of implementation of State land-use programs are given: Local implementation pursuant to State guidelines and direct State planning. However, the act contains language endorsed by the League of Cities-Conference of Mayors which expresses a preference for the former alternative.

The more innovative State land-use laws of recent years support this local governments-State Government partnership. The authority of local governments—the level of Government closest to the people—to conduct land-use planning and management is in fact bolstered in the great majority of laws of some 40 States concerning areas and uses of more than local concern—wetlands, coastal zone, flood plain, powerplant siting, open space, and strip mining laws. The localities are encouraged to employ fully their land use controls. State administrative review is provided only in accordance with flexible State guidelines relating only to those decisions on areas and uses that are of clearly more than local concern. And even should disapproval of a local government action result from such a review, State preemption of the decisionmaking authority would not necessarily occur; rather, in most cases, the local government would be provided full opportunity to take any of numerous actions which would comply with the State's guidelines.

The proposal would not preclude direct State implementation through State land-use planning and regulation. Hawaii and Vermont have already enacted legislation which in part calls for such direct State implementation. Other States are directly engaged in land-use planning for unincorporated areas. However, embodied in the measure is the expectation that direct State implementation, preempting local land-use planning controls, will continue to be the exception rather than become the rule and that that joint local-State government land use decisionmaking and implementation will prevail.

Another point which should be emphasized is that the Federal review of State land-use programs is to focus not on the substance of each program, but on whether each State has authority to develop and implement its program and whether it is making good faith efforts to do so. This is in keeping with the proposal's purpose to encourage better and effective land use decisionmaking at the State and local levels, and not to provide substantial new land use decisionmaking authority on the Federal level.

Guidelines for the act are to be promulgated through an interagency process with the principal responsibility of formulating those guidelines residing in the Executive Office of the President. As the proposal provides for a grant-in-aid program of major dimensions which requires administration by line agency personnel, daily administrative responsibility is given to the Department of the Interior. To insure the absence of the mission-oriented bias of any existing office or bureau in the administration of the proposal, the proposal creates a new Office of Land Use Policy Administration within the Department, separate from any such office or bureau.

Certainly, the land use impacts of Federal and federally assisted programs exert the most profound influences upon local, State, and National land use patterns. Yet these programs either have conflicting land use implications or the Federal officials administering them are not full cognizant of their land-use impact. My proposal requires the Federal Government to "put its own house in order" at the same time that it asks the States to do likewise. The Secretary of the Interior is directed to consult with heads of other agencies and to form a national advisory board on land-use policy to provide interagency communication concerning the land use impacts of and policies embodied in Federal and federally assisted programs.

The act also encourages coordinated planning and management of Federal lands and adjacent non-Federal lands. Both the Federal Government and the State and local governments are required to provide for compatible land uses on adjoining lands under their respective jurisdictions. In addition, short-term ad hoc joint Federal-State committees, composed of representatives of affected Federal agencies, State agencies, local governments, and user groups, may be established by the Secretary of the Interior to study general or specific conflicts between uses of Federal lands and uses of adjacent non-Federal lands. The Secretary is directed to resolve such conflicts or, where he lacks the requisite authority, to recommend legislative solutions to Congress.

Finally, what is this measure's relationship to other land use legislation which may be introduced this Congress? Approximately 200 land-use policy bills were referred to 13 committees in the 92d Congress. The most important of these measures were: the public lands, the surface mining, the powerplant siting, and the coastal zone management proposals. Virtually all of these bills focused on individual uses or areas of critical concern and more than local significance, and encouraged the States to assume a degree of control over them. In addition, the Congress is giving increasing attention to national growth policy, in general, and various aspects of growth policy such as rural revitalization. In relation to the myriad of land use and growth policy considerations and legislative proposals which Congress may consider, the Land Use Policy and Planning Assistance Act is expected to serve as an umbrella measure or an "enabling act" which would encourage the States to develop the financial, institutional, and human resources, and require of the States legislation to establish the necessary machinery and procedures, to insure that, first, the States will be receptive to any of those considerations or proposals which become law, and second, the many planning tasks which such laws will require will be conducted effectively and not in isolation one from another.

Mr. President, the chaotic land use decisionmaking of today will insure an unsightly, unproductive, and unrewarding land resource for future generations of Americans. To avoid this unfortunate tomorrow, we must improve our land use policy, procedures, and institutions. I commend the Land Use Policy and Planning Assistance Act of 1973 to the Senate as the best vehicle to achieve this improvement.

Mr. President, I ask unanimous consent to place in the Record an updated review of the purpose and background of the Land Use Policy and Planning Assistance Act which I submitted for the Record last year prior to Senate passage of the act and the full text of the proposal.

There being no objective, the review and bill ordered to be printed in the Record, as follows:

### Review of Purpose and Background of the Land Use Policy and Planning Assistance Act

This review is divided into two sections:

1. A brief review of the history of government involvement in land use planning and an outline of the basic legal authority involved; and

2. A discussion of what the bill does not do and a discussion of what the bill does do.

### HISTORY

1. The police power of the respective States is an inherent power of government to take such actions as are necessary and Constitutionally permissible to protect public health, safety and welfare.

2. The power to plan for and to regulate land use derives from the police powers of the individual States.

3. The Federal government has no police power to regulate lands within a State which are privately owned or owned by the State. Only the State has Constitutional authority to control and regulate these lands.

4. The Federal government does have police power authority as well as express Constitutional authority to regulate the use of the public lands.

5. The States have exercised land use controls for hundreds of years in one form or another. It was only in the early part of the 20th Century, however, that the States began to do so in a broad and general way. This came with the adoption of model State laws which generally delegated zoning authority—a part of the State's inherent police powers—to units of local government. The purpose of these delegations of police power authority to counties, cities and other units of local government was to enable them to develop master plans, to zone for permissible uses, and to establish local planning bodies.

6. The development of land use planning and local zoning was in response to very real land use problems and conflicts which had costly, wasteful, and undesirable impacts upon the public;

Dirty industrial activities would develop in the middle of residential communities;

Unsightly and aesthetically offensive developments—slaughterhouses, tanneries, etc., would drive down the value of adjacent business and residential property;

Business activities thought by many to be undesirable if not closely regulated—taverns, movie theatres, dance halls, nightclubs—would be located near schools, churches or in quiet residential areas.

Land use planning and the exercise of zoning authority were designed to deal with these and other problems of a purely local nature.

7. Prior to the development of a statutory framework for land use planning and controls the remedies available to injured parties were litigation in the courts based upon the inadequate common law doctrines of "nuisance" and "trespass."

8. Today, the growing litigation over land use questions at all levels of government—power plant siting, location of heavy industry, projects such as the trans-Alaska pipeline, etc.—indicate land use problems are no longer entirely local in scope and that the planning concepts of the 1920's are no longer adequate to the changing public values and increasingly complex problems of the 1970's.

9. Today, after a half of a century of experience, many public officials and citizens feel that traditional zoning concepts and practices leave a great deal of room for improvement. The Act recognizes this, but "does not require . . . radical or sweeping changes in the traditional relationship and responsibility of local government for land use management." (Committee Report No. 92–869) The Act does not propose Federal zoning as it is both unconstitutional and unwise. Nor does it propose "statewide zoning" or "comprehensive master planning" which would only produce costly, dilatory, duplicative and often inflexible regulation of the vast majority of land use problems that are of concern, interest and knowledge only to the local units of government.

10. Instead, the Act encourages a continual "process of planning" wherein the right of local government to exercise land use powers is reasserted on all land use decisions and the State government is asked to join in partnership with local government on land use decisions of more than local concern, both governments acting in response to the decisions of state and local legislative bodies on substantive issues and with full citizen participation.

11. In the Act, the State governments are encouraged to assist localities with guidelines for local planning or through cooperative planning only on those land use questions which are of *more than local concern* which go beyond the boundaries of only one locality and have an impact upon a number of local units of government and which determine the shape of the future environment—decisions concerning highways, airports, and mass transit systems; major power plants and transmission corridors, areas to be preserved or closely regulated (environmental areas, flood plains) and areas for intense development (housing complexes or industrial parks).

12. The trend in most States today is to reverse the process begun in the 1920's of delegating all land use planning authority to units of local government. Increasingly States are selectively assuming an important role with respect to land use problems which are of more than local concern such as power plant siting, location of industrial parks, and the protection of park, beach, coastal or estuarine areas. Over 40 States now have laws regulating one or more critical areas or uses of more than local concern. The Act encourages this trend toward active State responsibility and the elevation of land use decisions of more than local concern to the level of government—county, regional or State—most appropriately suited to decide the question in view of all legitimate values and interests.

### B. WHAT THE ACT DOES AND DOES NOT DO

The act does not do any of the following:

1. *Does not mandate, require, or allow "Federal planning" or "Federal zoning."*

The zoning power is based on the State's police power and the Federal government does not have authority to zone State or privately owned lands (with the exception of the District of Columbia which is a special and unique case).

2. *Does not substitute Federal authority or review of State and local decisions on the use of State and local lands.* The Act is an "enabling act" which encourages the State to exercise "States' rights" and develop land use programs. Consistent with the enabling act concept, the Federal government is granted very little authority to review the substance of State land use programs.

3. *Does not provide inflexible Federal standards which require strict State compliance.* Specific Federal substantive requirements are ill-advised because they do not reflect the rich diversity of the States; they are invariably the lowest common denominator; States and local governments know best their own land use problems and their possible solutions; and the Federal zoning which such standards would create is plainly undesirable.

4. *Does not require comprehensive State planning over all its land.* The State land use program is definitely not to be a comprehensive statewide program which preempts the myriad of local decisions, but rather one focused on four categories of critical areas and uses of clearly more than local concern.

5. *Does not mandate State zoning, rather reasserts local zoning powers.* The States are encouraged to develop their programs not by zoning or by producing a master plan, but by reasserting the whole range of local governments' land use authority, and providing guidelines for the exercise of that authority. For example, a State would not, could not, make a basic zoning decision such as on which corner shall the gas station be, but it would have a duty to provide guidelines for local decisionmaking to insure, for example, that one community does not site a massive

industrial park directly adjacent to another community's recreational park or wildlife refuge.

6. Not only does not impinge upon or alter the traditional land use responsibilities of urban government, but also does not focus on urban lands. Unlike traditional urban and housing planning legislation, this Act does not focus on only one category of land: the intensely developed land. The act encourages a balanced and rational planning process for all categories of land, including the so-called "opportunity areas"—those areas where mistakes have not already been made or irreversible actions already taken—i.e., the rural areas and areas on the urban periphery.

7. Does not tell a State how much or what specific land must be included in the State land use program. The extent of and type of land use to be included in the four critical areas and uses is dependent upon on how the State defines those four areas or uses. e.g., is a shoreline 100 feet wide or a mile? does large scale development include a subdivision of 20 units or 200?

8. Does not alter any landowner's rights to seek judicial redress for what he regards as a "taking." The provisions of the Act do not change the body of law—Federal and State constitutions, statutes and judicial decisions—regarding the police powers and eminent domain. Any State or local restriction of property rights sufficient enough to constitute a "taking" still would require fair compensation.

The act does do the following:

1. Does require States to exercise "State's rights" and State responsibility over those land use planning and policy decisons which are of "more than local concern" and which provide the framework upon which the shape of the future is determined.

2. Does require State governments to develop a process of planning and a State land use program which is "balanced"; that is, a program which protects the environment and assures recreational opportunity, but at the same time provides for necessary social services and essential economic activities—for transportation facilities, reliable energy systems, housing, and residential development.

3. Does contain provisions which insure its compatibility with the HUD 701 planning program, with the Clean Air and Water Pollution Control Acts, with other Federal legislation, and with the Coastal Zone Management law enacted last year.

4. Does provide State government with funds—$170 million over five years—to develop State land use data inventories, to improve the size and competence of professional staff, and to establish an appropriate State planning agency.

5. Does provide the States with wide latitude in determining the method of implementing the Act—reassertion of all local land use powers with State administrative review under State guidelines such as in most State coastal zone, wetlands, flood plain and power plant siting laws, or the rare instance of direct State planning, as in Hawaii or Vermont, or the unincorporated areas of Alaska. An amendment added to the measure last year and endorsed by the League of Cities clearly established an intent that "selection of methods of implementation shall be made so as to encourage the employment of land use controls by local governments."

6. Does endorse the concept that local land use decisions should be made by local government: "The Act does not require or contemplate radical or sweeping changes in the traditional relationship and responsibility of local government for land use management. Decisions of local concern will continue to be made by local government." (page 22, Comm. Rept. No. 92-869).

7. Does provide new authority to State government and encourages coordinated State-Federal planning for Federal lands within a State's boundaries.

S. 268

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Land Use Policy and Planning Assistance Act of 1973".

## TITLE I—FINDINGS, POLICY, AND PURPOSE

### FINDINGS

SEC. 101. (a) The Congress hereby finds that there is a national interest in a more efficient system of land use planning and decisionmaking and that the rapid and continued growth of the Nation's population, expanding urban development, proliferating transportation systems, large-scale industrial and economic growth, conflicts in patterns of land use, fragmentation of governmental entities exercising land use planning powers, and the increased size, scale, and impact of private actions, have created a situation in which land use management decisions of wide public concern often are being made on the basis of expediency, tradition, short-term economic considerations, and other factors which too frequently are unrelated or contradictory to sound environmental, economic, and social land use considerations.

(b) The Congress finds that the task of land use planning and management is made more difficult by the lack of understanding of, and the failure to assess, the land use impact of Federal, regional, State, and local programs and private endeavors which do not possess or are not subject to readily discernible land management goals or guidelines; and that a national land use policy is needed to develop a national awareness of, and ability to measure, the land use impacts inherent in most public and private programs and activities.

(c) The Congress finds that adequate data and information on land use and systematic methods of collection, classification, and utilization thereof are either lacking or not readily available to public and private land use decisionmakers; and that a national land use policy must place a high priority on the procurement and dissemination of land use data.

(d) The Congress finds that a failure to conduct competent land use planning has, on occasion, resulted in delay, litigation, and cancellation of proposed significant development, including, but not limited to, facilities for the development, generation, and transmission of energy, thereby too often wasting human and economic resources, creating a threat to public services, and invoking decisions to locate activities in areas of least public and political resistance, but without regard to sound environmental, economic, and social land use considerations.

(e) The Congress finds that many Federal agencies conduct or assist activities which have a substantial impact on the use of land, location of population and economic growth, and the quality of the environment, and which, because of the lack of a consistent land use policy, often result in needless, undesirable, and costly conflicts between the Federal agencies and among Federal, State, and local governments, thereby subsidizing undesirable and costly patterns of development; and that a concerted effort is necessary to coordinate existing and future Federal policies and programs and public and private decisionmaking in accordance with a national land use policy.

(f) The Congress finds that, while the primary responsibility and constitutional authority for land use planning and management of non-Federal lands rests with State and local government, the manner in which this responsibility is exercised has a tremendous influence upon the utility, the value, and the future of the public domain, the national parks, forests, seashores, lakeshores, recreation and wilderness areas, wildlife refuges, and other Federal lands; and that the failure to plan or, in some cases, the existence of poor or ineffective planning at the State and local levels poses serious problems of broad national or regional concern and often results in irreparable damage to commonly owned assets of great national importance.

(g) The Congress finds that, because the land use decisions of the Federal Government, including those concerning the Federal lands, often have significant impacts upon statewide and local environments and patterns of development, a national land use policy ought to take into consideration the needs and interests, and invite the participation of, State and local governments and members of the public.

(h) The Congress finds that Federal, regional, State and local decisions and programs which establish or influence the location of land uses often determine whether people of all income levels and races have or are denied access to decent shelter, to adequate employment, and to quality schools, health facilities, police and fire protection, mass transportation, and other public services; and that such decisions and programs should seek to provide the maximum freedom and opportunity, consistent with sound and equitable land use planning and management standards, for all citizens to live and conduct their activities in locations of convenience and personal choice.

### DECLARATION OF POLICY

SEC. 102. (a) To promote the general welfare and to provide full and wise application of the resources of the Federal Government in strengthening the environmental, recreational, economic, and social well-being of the people of the United States, the Congress declares that it is a continuing responsibility of the Federal Government, consistent with the responsibility of State and local governments for land use planning and management, to undertake the development and implementation of a national land use policy which shall incorporate environmental, esthetic, economic, social, and other appropriate factors. Such policy shall serve as a guide for national decisionmaking in Federal and federally assisted programs which have land use impacts and in programs which affect the pattern of uses on the Federal lands, and shall provide a framework for the development of State and local land use policies.

(b) The Congress further declares that it is the national policy to—

(1) favor patterns of land use planning, management, and development which are in accord with sound environmental, economic, and social values and which encourage the wise and balanced use of the Nation's land resources;

(2) assist State governments to develop and implement land use programs for non-Federal lands which will incorporate environmental, esthetic, economic, social, and other appropriate factors, and to develop a framework for the formulation, coordination, and implementation of State and local land use policies;

(3) assist the State and local governments to improve upon their present land use planning and management efforts with respect to areas of critical environmental concern, key facilities, development and land use of regional benefit, and large scale development;

(4) facilitate increased coordination in the administration of Federal programs and in the planning and management of Federal lands and adjacent non-Federal lands so as to encourage sound land use planning and management; and

(5) promote the development of systematic methods for the exchange of land use, environmental, economic, and social data and information among all levels of government.

(c) The Congress further declares that intelligent land use planning and management can and should be a singularly important process for preserving and enhancing the environment, encouraging beneficial economic development, and maintaining conditions capable of improving the quality of life.

### PURPOSE

SEC. 103. It is the purpose of this Act—

(a) to establish a national policy to encourage and assist the several States to more effectively exercise their constitutional responsibilities for the planning and management of their land base through the development and implementation of State land use programs designed to achieve economically and environmentally sound uses of the Nation's land resources;

(b) establish a grant-in-aid program to assist State and local governments and agencies to hire and train the personnel, and establish the procedures, necessary to develop and implement State land use programs;

(c) establish reasonable and flexible Federal requirements to give individual States guidance in, and to condition the distribution of certain Federal funds on, the establishment and implementation of adequate State land use programs;

(d) establish the authority and responsibility of the Secretary of the Interior to administer the grant-in-aid program, to review, with the heads of other Federal agencies, statewide land use planning processes and State land use programs for conformity to the provisions of this Act, and to assist in the coordination of activities of Federal agencies with State land use programs;

(e) develop and maintain a national policy with respect to federally conducted and federally assisted projects having land use implications; and

(f) coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands.

## TITLE II—ADMINISTRATION OF LAND USE POLICY

### OFFICE OF LAND USE POLICY ADMINISTRATION

SEC. 201. (a) There is hereby established in the Department of the Interior the Office of Land Use Policy Administration (hereinafter referred to as the "Office").

(b) The Office shall have a Director who shall be appointed by the President by and with the advice and consent of the Senate and shall be compensated at the rate provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5315), and such other officers and employees as may be required. The Director shall have such duties and responsibilities as the Secretary of the Interior (hereinafter referred to as the "Secretary") may assign.

SEC. 202. The Secretary, acting through the Office, shall—

(a) maintain a continuing study of the land resources of the United States and their use;

(b) cooperate with the States in the development of standard methods and classifications for the collection of land use data and in the establishment of effective procedures for the exchange and dissemination of land use data;

(c) develop and maintain a Federal Land Use Information and Data Center, with such regional branches as the Secretary may deem appropriate, which shall have on file—

(1) plans for federally initiated and federally assisted activities which directly and significantly affect or have an impact upon land use patterns;

(2) to the extent practicable and appropriate, the plans and programs of State and local governments and private enterprises which have more than local significance for land use planning and management;

(3) statistical data and information on past, present, and projected land use patterns which are of more than local significance;

(4) studies pertaining to techniques and methods for the procurement, analysis, and evaluation of data and information relating to land use planning and management; and

(5) such other information pertaining to land use planning and management as the Director deems appropriate;

(d) make the information maintained at the Data Center available to Federal, regional, State, and local agencies conducting or concerned with land use planning and management and to the public;

(e) consult with other officials of the Federal Government responsible for the administration of Federal land use planning assistance programs to States, local governments, and other eligible public entities in order to coordinate such programs;

(f) administer the grant-in-aid program established under the provisions of this Act; and

(g) provide administrative support for the National Advisory Board on Land Use Policy established under section 203 of this Act.

### NATIONAL ADVISORY BOARD ON LAND USE POLICY

SEC. 203. (a) The Secretary is authorized and directed to establish a National Advisory Board on Land Use Policy (hereinafter referred to as the "Board").

(b) The Board shall be composed of:

(1) the Director of the Office of Land Use Policy Administration, who shall serve as Chairman;

(2) representatives of the Departments of Agriculture; Commerce; Defense; Health, Education, and Welfare; Housing and Urban Development; and Transportation; the Atomic Energy Commission; and the Environmental Protection Agency, appointed by the respective heads thereof;

(3) observers from the Council on Environmental Quality, the Federal Power Commission, and the Office of Management and Budget, appointed by the respective heads thereof; and

(4) representatives of such other Federal agencies, appointed by the respective heads thereof, as the Secretary may request to participate when matters affecting their responsibilities are under consideration.

(c) The Board shall meet regularly at such times as the Chairman may direct and shall—

(1) provide the Secretary with information and advice concerning the relationship of policies, programs, and activities established or performed pursuant to this Act to the programs of the agencies represented on the Board;

(2) render advice, pursuant to section 502, to the Executive Office of the President and the Secretary concerning proposed guidelines, rules, and regulations for the implementation of the provisions of this Act;

(3) assist the Secretary and the agencies represented on the Board in the coordination of the review of statewide land use planning processes and State land use programs;

(4) provide advice on such land use policy matters as the Secretary may refer to the Board for its consideration; and

(5) provide reports to the Secretary on land use policy matters which may be referred to the Board by the heads of Federal agencies through their respective representatives on the Board.

(d) Each agency representative on the Board shall have a career position within his agency of not lower than GS-15 and shall not be assigned any duties which are unrelated to the administration of land use planning and policy, except temporary housekeeping or training duties. Each representative shall—

(1) represent his agency on the Board;

(2) assist in the coordination and preparation within his agency of comments on (i) guidelines, rules, and regulations proposed for promulgation pursuant to section 502, and (ii) statewide land use planning processes and State land use programs reviewed pursuant to title III of this Act;

(3) assist in the dissemination of land use planning and policy information and in the implementation within his agency of policies planning and policy information and in the and procedures developed pursuant to this Act; and

(4) perform such other duties regarding the administration of land use planning and policy as the head of his agency may direct.

(e) The Board shall have as advisory members two representatives each from State governments and local governments and one representative each from regional interstate and intrastate public entities which have land use planning and management responsibilities. Such advisory members shall be selected by a majority vote of the Board and shall each serve for a two-year period.

### INTERSTATE COORDINATION

SEC. 204. (a) The States are authorized to coordinate land use planning, policies, and programs with appropriate interstate entities, and a reasonable portion of the funds made available to such States under the provisions of this Act may be used therefor: *Provided*, That an opportunity for participation in the coordination process by Federal and local governments and agencies as well as members of the public engaged in activities which affect or are affected by State land use planning, policies, and programs is assured: *And provided further*, That nothing in this subsection shall be construed to affect the allotment of funds as provided in section 507 of this Act.

(b) Subject to the approval of Congress by the adoption of an appropriate Act, Congress hereby authorizes States possessing coherent geographic, environmental, demographic, or economic characteristics which would serve as reasonable bases upon which to coordinate land use planning, policies, and programs in interstate areas to negotiate interstate compacts for the purpose of such coordination, with such terms and conditions as to them seem reasonable and appropriate: *Provided*, That such compacts shall provide for an opportunity for participation in the coordination process by Federal and local governments and agencies as well as members of the public engaged in activities which affect or are affected by land use planning, policies, and programs: *And provided further*, That nothing in this subsection shall be construed to affect the allotment of funds as provided in section 507 of this Act.

(c) The Advisory Commission on Intergovernmental Relations shall conduct a review of federally established or authorized interstate agencies, including, but not limited to, river basin commissions, regional development agencies, and interstate compact commissions, for the purpose of coordinating land use planning, policies, and programs in interstate areas. The Advisory Commission on Intergovernmental Relations shall report to the Congress the results of its review conducted under this subsection not later than two fiscal years after the date of enactment of this Act.

## TITLE III—PROGRAM OF ASSISTANCE TO THE STATES

SEC. 301. (a) The Secretary is authorized to make annual grants to each State to assist each State in developing and administering a State land use program meeting the requirements set forth in this Act.

(b) Prior to making the first grant to each State during the three complete fiscal year period following the enactment of this Act, the Secretary shall be satisfied that such grant will be used in a manner to meet satisfactorily the requirements for a statewide land use planning process set forth in section 302. Prior to making any further grants during such period, the Secretary shall be satisfied that the State is adequately and expeditiously proceeding to meet the requirements of section 302.

(c) Prior to making any further grants after the three complete fiscal year period following the enactment of this Act and before the end of the five complete fiscal year period following the enactment of this Act, the Secretary shall be satisfied that the State has met and continues to meet the requirements of section 302 and is adequately and expeditiously proceeding to develop a State land use program to meet the requirements of sections 303, 304, and 402.

(d) Prior to making any further grants after the five complete fiscal year period following the enactment of this Act, the Secretary shall be satisfied that the State has met and continues to meet the requirements of sections 303, 304, and 402.

(e) Each State receiving grants pursuant to this Act during the five complete fiscal year period following enactment of this Act shall submit, not later than one year after the date of award of each grant, a report on work completed and scheduled toward the development of a State land use program to the Secretary for determination of State eligibility or ineligibility for grants pursuant to this Act in acordance with the procedures provided in section 305. For grants made after such period, the State shall submit its State land use program not later than one year after the date of award of each grant to the Secretary for determination of State eligibility or ineligibility for grants pursuant to this Act in accordance with the procedures provided in section 305: *Provided*, That if no grant is requested by or active in any State after fiscal years from the date of enactment of this Act, such State shall submit its State land use program within ninety days thereafter to the Secretary for determination of State eligibility or ineligibility for grants pursuant to this Act in accordance with the procedures provided in section 305: *And provided further*, That, should no grant be requested by or active in any State during any two complete fiscal year period after five fiscal years from the date of enactment of this Act, such State shall submit its State land use program within ninety days from completion of such period to the Secretary for determination of State eligibility or ineligibility for grants pursuant of this Act in accordance with the procedures provided in section 305.

### STATEWIDE LAND USE PLANNING PROCESSES

SEC. 302. (a) As a condition of continued eligibility of any State for grants pursuant to this Act after the three complete fiscal year period following the enactment of this Act, the Secretary shall have determined that the State has developed an adequate statewide land use planning process, which process shall include—

(1) the preparation and continuing revision of a statewide inventory of the land and natural resources of the State,

(2) the compilation and continuing revision of data, on a statewide basis, related to population densities and trends, economic characteristics and projections, environmental conditions and trends, and directions and extent of urban and rural growth;

(3) projections of the nature and quantity of land needed and suitable for recreation and esthetic appreciation; conservation and preservation of natural resources; agriculture, mineral development, and forestry; industry and commerce, including the development, generation, and transmission of energy; transportation; urban development, including the revitalization of existing communities, the development of new towns, and the economic diversification of existing communities which posses a narrow economic base; rural development, taking into consideration future demands for and limitations upon products of the land; and health, educational, and other State and local governmental services;

(4) the preparation and continuing revision of an inventory of environmental, geological, and physical conditions (including soil types) which influence the desirability of various uses of land;

(5) the preparation and continuing revision of an inventory of State, local government, and private needs and priorities concerning the use of Federal lands within the State;

(6) the preparation and continuing revision of an inventory of public and private institutional and financial resources available for land use planning and management within the State and of State and local programs and activities which have a land use impact of more than local concern;

(7) the establishment of a method for identifying large-scale development and development and land use of regional benefit;

(8) the establishment of a method for inventorying and designating areas of critical environmental concern and areas which are, or may be, impacted by key facilities;

(9) the provision, where appropriate, of technical assistance for, and training programs for State and local agency personnel concerned with, the development and implementation of State and local land use programs;

(10) the establishment of arrangements for the exchange of land use planning information and data among State agencies and local governments, with the Federal Government, among the several States and interstate agencies, and with members of the public;

(11) the establishment of a method for coordinating all State and local agency programs and services which significantly affect land use;

(12) the conducting of public hearings, preparation of reports, and soliciting of comments on reports concerning the statewide land use planning process or aspects thereof;

(13) the provision of opportunities for participation by the public and the appropriate officials or representatives of local governments in the statewide planning process and in the formulation of guidelines, rules, and regulations for the administration of the statewide planning process; and

(14) the consideration of, and consultation with the relevant States on, the interstate aspects of land use issues of more than local concern.

(b) In the determination of an adequate statewide land use process of any state, the Secretary shall confirm that the State has an eligible State land use planning agency established by the Governor of such State or by law, which agency shall—

(1) have primary authority and responsibility for the development and administration of a State land use program provided for in sections 303, 304, and 402;

(2) have a competent and adequate interdisciplinary professional and technical staff and, whenever appropriate, the services of special consultants;

(3) give priority to the development of an adequate data base for a statewide land use planning process using data available from existing sources wherever feasible;

(4) coordinate its activities with the planning activities of all State agencies undertaking federally financed or assisted planning programs insofar as such programs relate to land use: the regulatory activities of all State agencies enforcing air, water, noise, or other pollution standards; all other relevant planning activities of State agenices; flood plain zoning plans approved by the Secretary of the Army pursuant to the Flood Control Act of 1960 (74 Stat. 488), as amended; the planning activities of areawide agencies designed pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255, 1262–3), as amended; the planning activities of local governments; and the planning activities of Federal agencies;

(5) have authority to conduct public hearings, with adequate public notice, allowing full public participation in the development of the State land use program;

(6) have authority to make available to the public promptly upon request land use data and information, studies, reports, and records of hearings; and

(7) be advised by an advisory council which shall be composed of a representative number of chief elected officials of local governments in urban and nonurban areas. The Governor shall appoint a chairman from among the members. The term of service of each member shall be two years. The advisory council shall, among other things, comment on all State guidelines, rules, and regulations to be promulgated pursuant to this Act, participate in the development of the statewide land use planning process and State land use program, and make formal comments on annual reports which the agency shall prepare and submit to it, which reports shall detail all activities within the State conducted by the State government and local governments pursuant to or in conformity with this Act.

### STATE LAND USE PROGRAMS

SEC. 303. (a) As a condition of continued eligibility of any State for grants pursuant to this Act after the five complete fiscal year period following the enactment of this Act, the Secretary shall have determined that the State has developed an adequate State land use program, which shall include—

(1) an adequate statewide land use planing process as provided for in section 302 of this Act;

(2) methods of implementation for—

(A) assuring that the use and development of land in areas of critical environmental concern within the State is not inconsistent with the State land use program:

(B) assuring that the use of land in areas within the State which are or may be impacted by key facilities, including the site location and the location of major improvement and major access features of key facilities, is not inconsistent with the State land use program;

(C) assuring that any large-scale subdivisions and other proposed large-scale development within the State of more than local significance in its impact upon the environment is not inconsistent with the State land use program;

(D) assuring that any source of air, water, noise, or other pollution in the areas or from the uses or activities listed in this clause (1) shall not be located where it would result in a violation of any applicable air, water, noise, or other pollution standard or implementation plan;

(E) periodically revising and updating the State land use program to meet changing conditions;

(F) assuring dissemination of information to appropriate officials or representatives of local governments and members of the public and their participation in the development of and subsequent revisions in the State land use program and in the formulation of State guidelines, rules, and regulations for the development and administration of the State land use program; and

(G) conducting a coordinated management program for the land and water resources of any coastal zone within the State in accordance with existing or then applicable Federal or State law.

(b) Wherever possible, selection of methods of implementation of clause (2) of subsection (a) shall be made so as to encourage the employment of land use controls by local governments.

(c) The methods of implementation of clause (2) of subsection (a) shall include either one or a combination of the two following general techniques—

(1) implementation by local governments pursuant to criteria and standards established by the State, such implementation to

be subject to State administrative review with State authority to disapprove such implementation wherever it fails to meet such criteria and guidelines; and

(2) direct State land use planning and regulation.

(d) Any method of implementation employed by the State shall include the authority of the State to prohibit, under State police powers, the use of land within areas which, under the State land use program, have been designated as areas of critical environmental concerns which are or may be impacted by key facilities, or which have been identified as presently or potentially subject to development and land use of regional benefit, large-scale development, or large-scale subdivisions, which use is inconsistent with the requirements of the State land use program as they pertain to areas of critical environmental concern, key facilities, development and land use of regional benefit, large-scale development, and large-scale subdivisions.

(e) Any method of implementation employed by the State shall include an administrative appeals procedure for the resolution of, among other matters, conflicts over any decision or action of a local government for any area or use under the State land use program and over any decision or action by the Governor or State land use planning agency in the development of, or pursuant to, the State land use program. Such procedure shall include representation before the appeals body of, among others, the aggrieved party of interest and the local government or the State government responsible for the decision or action which is the subject of the appeal.

(f) Any person having a legal interest in land, of which a State has prohibited or restricted the full use and enjoyment thereof, may petition a court of competent jurisdiction to determine whether the prohibition diminishes the use of the property so as to require compensation for the loss and the amount of compensation to be awarded therefor.

SEC. 304. As a further condition of continued eligibility of a State for grants pursuant to this Act after the five complete fiscal year period following the enactment of this Act, the Secretary shall review the State land use program of such State and determine that—

(a) in designating areas of critical environmental concern, the State has not excluded any substantial areas of critical environmental concern which are of major planning and management: *Provided*, That, at the request of the Governor of any State, the Secretary shall submit to any such State a description of all areas of critical environmental concern within such State which he considers to be of national significance pursuant to this subsection (a) no later than three fiscal years from date of enactment of this Act. If a request is made by a Governor to the Secretary for a description of such areas after such three fiscal year period, the Secretary shall have sixty days to comply with such request.

(b) the State is demonstrating good faith efforts to implement, and, in the case of successive grants, the State is continuing to demonstrate good faith efforts to implement, the purposes, policies, and requirements of its State land use program. For the purposes of this subsection, the inability of a State to take any State action the purpose of which is to implement its State land use program, or any portion thereof, because such action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not be construed as failure by the State to demonstrate good faith efforts to implement the purposes, policies, and requirements of its State land use program;

(c) State laws, regulations, and criteria affecting the State land use program and the areas, uses, and activities over which the State exercises authority as required in section 303 are in accordance with the requirements of this title;

(d) the State land use program has been reviewed and approved by the Governor;

(e) the State has coordinated its State land use program with the planning activities and programs of its State agencies, the Federal Government, and local governments as provided for in this title, and with the planning processes and land use programs of other States and local governments within such States with respect to lands and waters in interstate areas; and provided for the participation of, and dissemination of information to, appropriate officials or representatives of local governments and members of the public as provided for in this title; and

(f) the State utilizes, for the purpose of furnishing advice to the Federal Government as to whether Federal and federally assisted projects are consistent with the State land use program, procedure established pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255, 1262), as amended, and title IV of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098, 1103), and is participating on its own behalf in the programs provided for pursuant to section 701 of the Housing Act of 1954 (68 Stat. 590, 640), as amended.

### FEDERAL REVIEW AND DETERMINATION OF GRANT ELIGIBILITY

SEC. 305. (a) During the five complete fiscal year period following the enactment of this Act, the Secretary, before making a grant to any State pursuant to this Act, shall consult with the heads of all Federal agencies listed in subsection (d) of the section and of all other Federal agencies which conduct or participate in construction, development, assistance, or regulatory programs significantly affecting land use in such State, and with the National Advisory Board on Land Use Policy pursuant to subsection (c) of section 203 of this Act, and shall consider their views and recommendations.

(b) After the five complete fiscal year period following the enactment of this Act—

(1) the Secretary, before making a grant to any State pursuant to this Act, shall submit the State land use program of such State to the heads of all Federal agencies listed in subsection (d) of this section and of all other Federal agencies which conduct or participate in construction, development, assistance, or regulatory programs significantly affecting land use in such State, and to the National Advisory Board on Land Use Policy pursuant to subsection (c) of section 203 of this Act. The Secretary shall take into consideration the views of each agency head which are submitted to him by such agency head no later than thirty days after submission of the State land use program to such agency head by the Secretary; and

(2) the Secretary shall not make a grant to any State pursuant to this Act until he has ascertained that the Administrator of the Environmental Protection Agency is satisfied that the State land use program of such State is in compliance with the goals of the Federal Water Pollution Control Act, the Clean Air Act, and other Federal laws controlling pollution which fall within the jurisdiction of the Administrator, and that those portions of the State land use program which will effect any change in land use within the next annual review period are in compliance with the standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans required by such laws. The Administrator shall be deemed to be satisfied if he does not communicate his views to the Secretary within sixty days of submission of the State land use program to him by the Secretary.

(c) The Secretary may not make any grant to any State pursuant to this Act unless he has been informed by the Secretary of Housing and Urban Development that he is satisfied that the statewide land use planning process or State land use program of such State with respect to which the grant is to be made (1) conforms to the objectives of section 701 of the Housing Act of 1954, as amended, and to the relevant planning assisted under that section, including the provisions related to functional plans, and housing, public facilities, and other growth and development objectives, and (2) meets the requirements of this Act insofar as they pertain to large-scale development, development of regional benefit, large-scale subdivisions, and the urban development of lands impacted by key facilities. The Secretary of Housing and Urban Development shall be deemed to be satisfied if he does not communicate his views to the Secretary within sixty days after the statewide land use planning process or State land use program has been submitted to him by the Secretary.

(d) The Secretary shall determine a State eligible or ineligible for a grant pursuant to this Act not later than six months following receipt for review of the application of the State for its first grant, a report of the State on its previous grant, or the State land use program of the State as provided in section 301.

(e) Pursuant to subsections (a) and (b) of this section the Secretary shall consider the views of the heads of the Departments of Agriculture; Commerce; Defense; Health, Education, and Welfare; Housing and Urban Development; and Transportation; the Atomic Energy Commission; the Federal Power Commission; and the Environmental Protection Agency.

(f) A State may revise at any time its State land use program: *Provided*, That such revision does not render the State land use program inconsistent with the requirements of this Act: *And provided further*, That any significant revision is reported to the Secretary. The Secretary shall make a temporary determination, prior to the full review of the State land use program pursuant to section 305, of whether such revision would render the State land use program inadequate for purposes of complying with the requirements of this Act, and shall inform the State of his determination.

(g)(1) In the event the Secretary determines that a State is ineligible for grants pursuant to this Act or, having found a State eligible for such grants, subsequently determines that grounds exist for withdrawal of such eligibility, he shall notify the President, who shall order the establishment of an ad hoc hearing board (hereinafter referred to as "hearing board"), the membership of which shall consist of:

(A) the Governor of a State which is not the State for which grant eligibility is in question and which does not have a particular interest in whether grant eligibility or ineligibility is determined, selected by the President within thirty days after notification by the Secretary, or, within ten days thereafter, such alternate person as the Governor selected by the President may designate;

(B) one knowledgeable, impartial Federal official who is not an official of an agency listed in clauses (1) through (3) of subsection (b) of section 203, selected by the President within thirty days after notification by the Secretary; and

(C) one knowledgeable, impartial private citizen, selected by the other two members; *Provided*, That if the other two members cannot agree upon a third member within twenty days after the appointment of the second member to be appointed, the third member shall be selected by the President within twenty days thereafter.

(2) The Secretary shall specify in detail, in writing, to the hearing board his reasons for considering a State ineligible, or for withdrawing the eligibility of a State, for

grants pursuant to this Act. The hearing board shall hold such hearings and receive such evidence as it deems necessary. The hearing board shall then determine whether a finding of ineligibility would be reasonable, and set forth in detail, in writing, the reasons for its determination. If the hearing board determines that ineligibility would be unreasonable, the Secretary shall find the State eligible for grants pursuant to this Act. If the hearing board concurs in the finding of ineligibility or withdrawal of eligibility, the Secretary shall find the State ineligible for grants pursuant to this Act. Ineligibility shall be deemed to have been determined by the hearing board if no determination in writing is made by it within ninety days of its appointment.

(3) Members of hearing boards who are not regular full-time officers or employees of the United States shall, while carrying out their duties as members, be entitled to receive compensation at a rate fixed by the President, but not exceeding $150 per diem, including traveltime, and, while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law for persons intermittently employed in Government service. Expenses shall be charged to the account of the Executive Office of the President.

(4) Administrative support for hearing boards shall be provided by the Executive Office of the President.

(5) The President may issue such regulations as may be necessary to carry out the provisions of this subsection.

### CONSISTENCY OF FEDERAL ACTIONS WITH STATE LAND USE PROGRAMS

SEC. 306. (a) Federal projects and activities significantly affecting land use, including but not limited to grant, loan, or guarantee programs, such as mortgage and rent subsidy programs and water and sewer facility construction programs, shall be consistent with State land use programs which conform to the provisions of sections 303, 304, and 402 of this Act, except in cases of overriding national interest, as determined by the President. Procedures provided for in regulations issued by the Office of Management and Budget pursuant to the criteria specified in section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255, 1262–3), as amended, and title IV of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098, 1103–4), together with such additional procedures as the Office of Management and Budget may determine are necessary and appropriate to carry out the purpose of this Act, shall be utilized in the determination of whether Federal projects and activities are consistent with the State land use programs.

(b) (1) Any State or local government submitting an application for Federal assistance for any program, project, or activity having significant land use implications in an area or for a use subject to a State land use program in a State found eligible for grants pursuant to this Act shall transmit to the relevant Federal agency the views of the State land use planning agency and/or the Governor and, in the case of an application of a local government, the views of such local government and the relevant areawide planning agency designated pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and/or title IV of the Intergovernmental Cooperation Act of 1968, as to the consistency of such activity with the State land use program: *Provided*, That, if a local government certifies that a plan or description of an activity for which application is made by the local government has lain before the State land use planning agency and/or the Governor for a period of sixty days without indication of the views of the State land use planning agency and/or the Governor, the application need not be accompanied by such views.

(2) The relevant Federal agency shall, pursuant to subsections (a) and (b) (1) of this section, determine, in writing, whether the proposed activity is consistent or inconsistent with the State land use program.

(3) No Federal agency shall approve any proposed activity which it determines to be inconsistent with a State land use program in a State found eligible for grants pursuant to this Act.

(c) Federal agencies conducting or assisting public works activities in areas not subject to a State land use program in a State found eligible for grants pursuant to this Act shall, to the extent practicable, conduct such activities in such a manner as to minimize any adverse impact on the environment resulting from decisions concerning land use.

### FEDERAL ACTIONS IN THE ABSENCE OF STATE ELIGIBILITY

SEC. 307. (a) The Secretary shall have authority to terminate any financial assistance extended to a State under this Act and withdraw his determination of grant eligibility whenever, in accordance with section 305, the statewide land use planning process or the State land use program of such State is determined not to meet the requirements of this Act.

(b) Where any major Federal action significantly affecting the use of non-Federal lands is proposed after five fiscal years from the date of enactment of this Act in a State which has not been found eligible for grants pursuant to this Act, the responsible Federal agency shall hold a public hearing in such State at least one hundred eighty days in advance of the proposed action concerning the effect of the action on land use, taking into account the relevant considerations set out in sections 302, 303, 304, and 402 of this Act, and shall make findings which shall be submitted for review and comment by the Secretary, and where appropriate, by the Secretary of Housing and Urban Development. Such findings of the responsible Federal agency and comments of the Secretary and, where appropriate, the Secretary of Housing and Urban Development shall be made part of the detailed statement required by section 102(2) (C) of the National Environmental Policy Act of 1969 (83 Stat. 852, 853). This subsection shall be subject to exception where the President determines that the interests of the United States so require.

## TITLE IV

### FEDERAL-STATE COORDINATION AND COOPERATION IN THE PLANNING AND MANAGEMENT OF FEDERAL AND ADJACENT NON-FEDERAL LANDS

SEC. 401. (a) All agencies of the Federal Government charged with responsibility for the management of Federal lands shall consider State land use programs prepared pursuant to this Act and State, local government, and private needs and requirements as related to the Federal lands, and shall coordinate the land use inventory, planning and management activities on or for Federal lands with State and local land use inventory, planning, and management activities on or for adjacent non-Federal lands to the extent such coordination is practicable and not inconsistent with paramount national policies, programs, and interests.

(b) For the purposes of this section, any agency proposing any new program, policy, rule, or regulation relating to Federal lands shall publish a draft statement and a final statement concerning the consistency of the program, policy, rule, or regulation with State and local land use planning and management, and, where inconsistent, the reasons for such inconsistency, forty-five days and fifteen days, respectively, prior to the establishment of such program or policy or the promulgation of such rule or regulation, and, except where otherwise provided by law, shall conduct a public hearing, with adequate public notice, on such program, policy, rule, or regulation prior to the publication of the final statement.

SEC. 402. (a) As a condition of continued eligibility of any State for grants pursuant to this Act, after the five complete fiscal year period following the enactment of this Act, the Secretary shall have determined that—

(1) the State land use program developed pursuant to sections 303 and 304 of this Act includes methods for insuring that Federal lands within the State, including but not limited to units of the national park system, wilderness areas, and game and wildlife refuges, are not damaged or degraded as a result of inconsistent land use patterns in the same immediate geographical region; and

(2) the State has demonstrated good faith efforts to implement such methods in accordance with subsection (b) of section 304.

(b) The procedures for determination of grant eligibility provided for in section 305 shall apply to this section.

### AD HOC FEDERAL-STATE JOINT COMMITTEES

SEC. 403. (a) The Secretary, at his discretion or upon the request of the Governor of any State involved, shall establish an Ad Hoc Federal-State Joint Committee or Committees (hereinafter referred to as "joint committee" or "committees") to review and make recommendations concerning general and specific problems relating to jurisdictional conflicts and inconsistencies resulting from the various policies and legal requirements governing the planning and management of Federal lands and of adjacent non-Federal lands. Each joint committee shall include representatives of the Federal agencies having jurisdiction over the Federal lands involved, representatives of affected user groups, including recreation and conservation interests, and officials of affected State agencies and units of local government. Prior to appointing representatives of user groups and officials of local governments, the Secretary shall consult with the Governor or Governors of the affected State or States and local governments. The Governor of each State shall appoint the officials of the affected agencies of his State who shall serve on the joint committee.

(b) Each joint committee shall terminate at the end of two years from the date of its establishment.

(c) Each member of a joint committee may be compensated at the rate of $100 for each day he is engaged in the actual performance of duties vested in his joint committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently: *Provided, however*, That no compensation except travel and expenses in addition to regular salary shall be paid to any full-time Federal or State official.

(d) Each joint committee shall have available to it the services of an executive secretary, professional staff, and such clerical assistance as the Secretary determines is necessary. The executive secretary shall serve as staff to the joint committee or committees and shall be responsible for carrying out the administrative work of the joint committee or committees.

(e) The specific duties of any joint committee shall be assigned by the Secretary and may include—

(1) conducting a study of, and making recommendations to the Secretary concerning methods for resolving, general problems with and conflicts between land use inven-

tory, planning, and management activities on or for Federal lands and State and local land use inventory, planning, and management activities on or for adjacent non-Federal lands, including, where relevant, the State land use programs developed pursuant to sections 303, 304, and 402 of this Act;

(2) investigating specific conflicts between the planning and management of Federal lands and of adjacent non-Federal lands and making recommendations to the Secretary concerning their resolution;

(3) assisting the States and the Office of Land Use Policy Administration in the development of systematic and uniform methods among the States and between the States and the Federal Government for collecting, compiling, exchanging, and utilizing land use data and information; and

(4) advising the Secretary, during his review of State land use programs, of opportunities for reducing potential conflicts and improving coordination in the planning and management of Federal lands and of adjacent non-Federal lands.

(f) Upon receipt of the recommendations of a joint committee upon a problem or conflict pursuant to subsection (e) of this section the Secretary shall—

(1) where he has legal authority, take any appropriate and necessary action to resolve such problem or conflict;

(2) where he does not have jurisdiction over or authority concerning the Federal lands which are involved in the problem or conflict, work with the appropriate Federal agency or agencies to develop a proposal designed to resolve the problem or conflict and to enhance cooperation and coordination between the planning and management of Federal lands and of adjacent non-Federal lands; and

(3) if he determines that the legal authority to resolve such problems or conflicts is lacking in the executive branch, recommend enactment of appropriate legislation to the Congress.

(g) In taking or recommending action pursuant to the recommendations of a joint committee, the Secretary shall give careful consideration to the purposes of this Act and not resolve any problem with or conflict between the planning and management of Federal lands and of adjacent non-Federal lands in a manner which would impair the national purposes or objectives to which the Federal lands involved are dedicated and for which they are being managed.

### BIENNIAL REPORT ON FEDERAL-STATE COORDINATION

SEC. 404. The Secretary shall report biennially to the President and the Congress concerning—

(a) problems in and methods for coordination of planning and management of Federal lands and planning and management of adjacent non-Federal lands, together with recommendations to improve such coordination;

(b) the resolution of specific conflicts between the planning and management of Federal lands and of adjacent non-Federal lands; and

(c) at the request of the Governor of any State involved, any unresolved problem with or conflict between the planning and management of Federal lands and of adjacent non-Federal lands, together with any recommendations the Secretary and the Governor or Governors may have for resolution of such problem or conflict.

SEC. 405. (a) Prior to the making of recommendations on any problem or conflict pursuant to subsection (e) of section 403, each joint committee shall conduct a public hearing or provide an opportunity for such a hearing in the State on such problem or conflict, with adequate public notice, allowing fully participation of representatives of Federal, State, and local governments and members of the public. Should no hearing be held, the joint committee shall solicit the views of all affected parties and submit a summary of such views, together with its recommendations, to the Secretary.

(b) Prior to the making of recommendations or the taking of actions pursuant to subsection (f) of section 403, the Secretary shall review in full the relevant hearing record or, where none exists, the summary of views of affected parties prepared pursuant to subsection (a) of this section, and may, in his discretion, hold further public hearings.

SEC. 406. Upon request of a joint committee, the head of any Federal department or agency or federally established or authorized interstate agency is authorized: (i) to furnish to the joint committee, to the extent permitted by law and within the limits of available funds, such information as may be necessary for carrying out the functions of the joint committee and as may be available to or procurable by such department, agency, or interstate agency; and (ii) to detail to temporary duty with the joint committee, on a reimbursable basis, such personnel within his administrative jurisdiction as the joint committee may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

## TITLE V—GENERAL

### DEFINITIONS

SEC. 501. For the purposes of this Act—

(a) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(b) The term "local government" means any general purpose county or municipal government, or any regional combination thereof, or, where appropriate, any other public agency which has land use planning authority.

(c) The term "Federal lands" means any land owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except lands held in trust for the benefit of Indians, Aleuts, and Eskimos.

(d) The term "non-Federal lands" means all lands which are not "Federal lands" as defined in subsection (c) of this section and are not held by the Federal Government in trust for the benefit of Indians, Aleuts and Eskimos.

(e) The term "areas of critical environmental concern" means areas as designated by the State on non-Federal lands where uncontrolled development could result in irreversible damage to important historic, cultural, or esthetic values, or natural systems or processes which are of more than local significance, or could unreasonably endanger life and property as a result of natural hazards of more than local significance. Such areas, subject to State definition of their extent, shall include—

(1) coastal wetlands, marshes, and other lands inundated by the tides;

(2) beaches and dunes;

(3) significant estuaries, shorelands, and flood plains of rivers, lakes, and streams;

(4) areas of unstable soils and with high seismicity;

(5) rare or valuable ecosystems;

(6) significant undeveloped agricultural, grazing, and watershed lands;

(7) forests and related land which require long stability for continuing renewal;

(8) scenic or historic areas; and

(9) such additional areas as the State determines to be of critical environmental concern.

(f) The term "key facilities" means public facilities on non-Federal lands which tend to induce development and urbanization of more than local impact and major facilities on non-Federal lands for the development, generation, and transmission of energy.

(g) The term "development and land use of regional benefit" means land use and private development on non-Federal lands for which there is demonstrable need affecting the interests of constituents of more than one local government which outweighs the benefits of any applicable restrictive or exclusionary local regulations.

(h) The term "large scale development" means private development of non-Federal lands which, because of its magnitude or the magnitude of its effect on the surrounding environment, is likely to present issues of more than local significance in the judgment of the State. In determining what constitutes "large scale development" the State should consider, among other things, the amount of pedestrian or vehicular traffic likely to be generated; the number of persons likely to be present; the potential for creating environmental problems such as air, water, or noise pollution; the size of the site to be occupied; and the likelihood that additional or subsidiary development will be generated.

### GUIDELINES, RULES AND REGULATIONS

SEC. 502. (a) The Executive Office of the President shall issue guidelines to the Federal agencies and the States to assist them in carrying out the requirements of this Act. The Executive Office shall submit proposed guidelines to the Secretary, the Board, the heads of agencies represented on the Board, and representatives of State and local governments, and shall consider their comments prior to formal issuance of such guidelines.

(b) The Secretary, after appropriate consultation with representatives of the States and, where appropriate, representatives of local governments, and upon the advice of the Board and the heads of Federal agencies represented on the Board, shall promulgate rules and regulations to implement the guidelines formulated pursuant to subsection (a) of this section and to administer this Act, except with respect to subsection (g) of section 305 of this Act.

### BIENNIAL REPORT

SEC. 503. The Secretary, with the assistance of the Office and the Board, shall report biennially to the President and the Congress on land resources, uses of land, and current and emerging problems of land use.

### UTILIZATION OF PERSONNEL

SEC. 504. Upon the request of the Secretary, the head of any Federal agency is authorized: (i) to furnish to the Office such information as may be necessary for carrying out the functions of the Office and as may be available to or procurable by such agency, and (ii) to detail to temporary duty with the Office, on a reimbursable basis, such personnel within his administrative jurisdiction as the Office may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

### TECHNICAL ASSISTANCE

SEC. 505. The Office may provide, directly or through contracts, grants, or other arrangements, technical assistance to any State found eligible for grants pursuant to this Act to assist such State in the performance of its functions under this Act.

### HEARINGS AND RECORDS

SEC. 506. (a) For the purpose of carrying out the provisions of this Act, the Director, with the concurrence of the Secretary, may hold such hearings, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of the proceedings and reports thereon as he deems advisable.

(b) The Director is authorized to administer oaths when he determines that testimony shall be taken or evidence received under oath.

(c) To the extent permitted by law, all

appropriate records and papers of the Office shall be made available for public inspection during ordinary office hours.

ALLOTMENTS

SEC. 507. (a) Annual grants authorized by section 301 to States found eligible for financial assistance pursuant to this Act shall be made in amounts not to exceed 66⅔ per centum of the estimated cost of developing the State land use programs for the two complete fiscal year period following the enactment of this Act and amounts not to exceed one-half of such cost for the next three fiscal years.

(b) Grants pursuant to this Act shall be allocated to the States on the basis of regulations of the Secretary, which regulations shall take into account the amount and nature of each State's land resource base, population, pressures resulting from growth, financial need, and other relevant factors.

(c) Any grant pursuant to this Act shall increase, and not replace, State funds presently available for State land use planning and management activities. Any grant made pursuant to this Act shall be in addition to, and may be used jointly with, grants or other funds available for land use planning, programs surveys, data collection, or management under other federally assisted programs.

(d) No funds granted pursuant to this Act may be expended for the acquisition of any interest in real property.

PAYMENTS

SEC. 508. The method of computing and paying amounts pursuant to this Act shall be as follows:

(a) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amounts to be paid to each State under the provisions of this Act for such period, such estimate to be based on such records of the States and information furnished by them, and such other investigation as the Secretary may deem necessary.

(b) The Secretary shall pay to a State, from the allotments available therefor, the amounts so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State for any prior period under this Act was greater or less than the amount which should have been paid to such State for such prior period under this Act. Such payments shall be made through the disbursing facilities of the Department of the Treasury, at such times and in such installments as the Secretary may determine.

FINANCIAL RECORDS

SEC. 509. (a) Each recipient of a grant pursuant to this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status, disposition, and application of Federal funds and the operation of the statewide land use planning process or State land use program as the Secretary may require by regulations published in the Federal Register, and shall keep and make available such records as may be required by the Secretary for the verification of such reports and evaluation.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of a recipient of a grant pursuant to this Act which are pertinent to the determination that funds granted pursuant to this Act are used in accordance with this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 510. To carry out the purposes of this Act, there are authorized to be appropriated to the Secretary for grants to the States not more than $40,000,000 for each of the first two fiscal years following the enactment of this Act and $30,000,000 for each of the next three fiscal years.

SEC. 511. For each of the five full fiscal years following the enactment of this Act, there are authorized to be appropriated $10,000,000 to the Secretary to be used exclusively for the administration of this Act. After the end of the fourth fiscal year after the enactment of this Act, the Secretary shall review the programs established by this Act and shall submit to Congress his assessment thereof and such recommendations for amendments to the Act as he deems proper and appropriate.

EFFECT ON EXISTING LAWS

SEC. 512. Nothing in this Act shall be construed—

(a) to expand or diminish Federal, interstate or State jurisdiction, responsibility, or rights in the field of land and water resources planning, development or control; to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States, a State, or a region and the Federal Government; to limit the authority of Congress to authorize and fund projects;

(b) to change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office except as new authority or responsibilities have been added by the provisions of this Act;

(c) as superseding, modifying or repealing existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of land and water resources or to exercise licensing or regulatory functions in relation thereto; or to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico;

(d) as granting to the Federal Government any of the constitutional or statutory authority now possessed by State and local governments to zone non-Federal lands;

(e) to delay or otherwise limit the adoption and vigorous enforcement by any State of standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans which are no less stringent than the standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans required by the Federal Water Pollution Control Act, the Clean Air Act, or other Federal laws controlling pollution, and

(f) to adopt any Federal policy or requirement which would prohibit or delay States or local governments from adopting or enforcing any law or regulation which results in prohibition or control to a degree greater than required by this Act of land use development in any area over which the State or local government exercises jurisdiction.

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By Mr. WILLIAMS:

S. 269. A bill to amend the National Flood Insurance Act of 1968 to increase flood insurance coverage, to authorize the acquisition of certain properties, to require known flood-prone communities to participate in the program, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

NATIONAL FLOOD INSURANCE ACT AMENDMENTS

Mr. WILLIAMS. Mr. President, one of the major legislative proposals left over from the 92d Congress is comprehensive amendments to the National Flood Insurance Act. Just last year large areas of our Nation were devastated by floods left in the wake of tropical storm Agnes. From this storm alone damage estimates exceeded $3 billion. Of this amount only $5 million was covered by the national flood insurance program.

Hundreds of thousands of our citizens residing in New Jersey, Pennsylvania, New York and Virginia were left destitute. Homes were washed away and property damage reached astronomical proportions. The Congress reacted swiftly to this crisis and enacted emergency disaster relief legislation. But we all know that permanent solutions are necessary. Small business disaster relief loans still must be repaid. And no matter how low the interest rate is set, the monthly payments place undue burdens on people who have already paid immeasurably in terms of human suffering.

One of the most shocking facts uncovered by last years floods was that despite the availability of Government subsidized flood insurance, many homeowners and small businessmen had not purchased policies. To date there are only 90,000 flood insurance policies in effect throughout the United States.

This is not the time for recriminations or attempts to affix the blame for such a woeful lack of coverage. It would be all too easy to point the finger at the administration or at local officials for not adequately publicizing the program. Private insurance companies could also be called to task for not urging their salesmen to sell flood insurance policies at the grassroots level. Perhaps the act itself is at fault for limiting coverage to structures containing a maximum of four dwelling units and to $17,500 on a one family house and to $5,000 on its contents. But this is all in the past. Constructive, remedial action is now necessary.

Therefore, I am today introducing comprehensive amendments to the National Flood Insurance Act which will in my opinion go a long way toward correcting these deficiencies.

Under my bill the maximum amount of insurance coverage available on single dwelling units, multiple dwelling units, and small businesses would be increased. The legislation would also extend coverage to all residential properties.

Our experience with Hurricane Agnes have proven that even in the limited instances where flood insurance was in effect, it did not cover actual damage. Homeowners and small businessmen after paying premiums found they were only covered for a portion of the loss which was incurred. This, in my opinion, is an unrealistic approach to insurance coverage which should not be tolerated. I am, therefore, proposing that for a one-family residence Federal subsidized flood insurance coverage be increased from $17,500 to $25,000, that for a single structure containing two dwelling units aggregate coverage be increased from $30,000 to $42,500 and that for each unit in excess of two an additional $15,000 in coverage be made available.

Currently the contents of a dwelling unit may only be insured at the federally subsidized rate for $5,000. This figure is totally inadequate to meet replacement costs at today's prices. My bill would double this amount to $10,000. For small businesses, which were particularly hard hit by flood damage, my bill would increase coverage from $30,000 to $42,500 on the structure and from $5,000 to $10,000 on its contents.

My bill also creates greater incentives for individuals to purchase flood insurance. Coverage would upon enactment become a prerequisite for receiving Federal mortgage insurance guarantees or for receiving loans from federally insured or federally regulated financial institutions. In addition beginning on July 1, 1975, Federal mortgage insurance or guarantees, lending by federally insured or regulated financial institutions and other forms of Federal assistance for financing the capital costs of construction and equipment would not be available to individuals or businesses in designated flood prone areas unless the community has taken the steps necessary to qualify for participation in the program, and has been accepted.

Finally, the bill corrects a deficiency in existing law and encourages orderly planning and improved land use. It allows the flood insurance program in the case of disasters or catastrophic flood which destroy more than 50 percent of a facility to make total damage payments and to acquire the facility and land for other uses which are more appropriate in flood-prone areas. In addition, where it can be shown that the unsubsidized actuarial charges exceed the value of a given property over a period of 4 years, such property may be purchased through a flood plain clearance program as part of the national flood insurance program.

Mr. President, the Federal flood insurance program was intended to insure our Nation's citizens against property damage caused by floods. Unfortunately, our experiences over the past several years, which culminated with Hurricane Agnes, show without a shadow of doubt that there are serious inadequacies in the program. My bill will go a long way toward curing these inadequacies and toward making flood insurance coverage available in realistic amounts to all of our Nation's citizens.

Mr. President, I now ask unanimous consent for the full text of the National Flood Insurance Act Amendments to be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 269

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### COVERAGE OF ALL RESIDENTIAL PROPERTIES; INSURANCE LIMITS

SECTION 1. (a) Section 1305(a) of the National Flood Insurance Act of 1968 is amended by striking out "which are designed for the occupancy of from one to four families".

(b) Section 1305(b) of such Act is amended by striking out clause (A), and by redesignating clauses (B) through (E) as clauses (A) through (D), respectively.

(c) Section 1306(b)(1)(A) of such Act is amended to read as follows:

"(A) in the case of residential properties—

"(i)(I) for a one-family residence or other dwelling structure containing one dwelling unit, an aggregate liability of $25,000,

"(II) for a single dwelling structure containing two dwelling units, an aggregate liability of $42,500, or

"(III) for a single dwelling structure containing more than two dwelling units, an aggregate liability equal to the sum of $42,500 plus $15,000 for each such unit in excess of two; and

"(ii) an aggregate liability of $10,000 per dwelling unit for any contents related to such unit;".

(d) Section 1306(b)(1)(B) is amended—

(1) by striking out "$30,000" each place it appears therein and inserting in lieu thereof "$42,500"; and

(2) by striking out "$5,000" and inserting in lieu thereof "$10,000".

### PURCHASING OF FLOOD INSURANCE

SEC. 2. (a) No Federal officer or agency shall approve any financial assistance for acquisition or construction purposes on and after July 1, 1974, for use in an area that has been identified by the Secretary as an area having special flood hazards and in which the sale of flood insurance is authorized under the Act, unless the building or mobile home and any personal property to which such financial assistance relates is, during the anticipated economic or useful life of the project, covered by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage authorized for the particular type of property under the Act, whichever is less: *Provided,* That if the financial assistance provided is in the form of a loan or an insurance or guaranty of a loan, the amount of flood insurance required need not exceed the outstanding principal balance of the loan and need not be required beyond the term of the loan.

(b) Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation direct such institutions on and after July 1, 1974, not to make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards and in which the sale of flood insurance is authorized under the Act, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or to the maximum limit of coverage authorized for the particular type of property under the Act, whichever is less.

### NOTIFICATION TO FLOOD-PRONE AREAS

SEC. 3. (a) Not later than six months following the enactment of this title, the Secretary shall publish information in accordance with subsection 1360(1) of the Act, and shall notify the chief executive officer of each known flood-prone community not already participating in the national flood insurance program of its tentative identification as a community containing one or more areas having special flood hazards.

(b) After such notification, each tentatively identified community shall either (1) promptly make proper application to participate in the National Flood Insurance Program or (2) within six months submit technical data sufficient to establish to the satisfaction of the Secretary that the community either is not seriously flood-prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The Secretary may, in his discretion, grant a public hearing to any community with respect to which conflicting data exist as to the nature and extent of a flood hazard. Whether or not such hearing is granted, the Secretary's final determination as to the existence or extent of a flood hazard area in a particular community shall be deemed conclusive for the purposes of this Act and shall not be subject to judicial review unless arbitrary and capricious.

(c) As information becomes available to the Secretary concerning the existence of flood hazards in communities not known to be flood-prone at the time of the initial notification provided for by subsection (a) of this section, he shall provide similar notifications to the chief executive officers of such additional communities, which shall then be subject to the requirements of subsection (b) of this section.

(d) Formally identified flood-prone communities that do not qualify for the national flood insurance program within one year after such notification or by the date specified in section 4, whichever is later, shall thereafter be subject to the provisions of that section relating to flood-prone communities which are not participating in the program.

### EFFECT OF NON-PARTICIPATION

SEC. 4. (a) No Federal officer or agency shall approve any financial assistance for acquisition for construction purposes on and after July 1, 1975, for use in any area that has been identified by the Secretary as an area having special flood hazards unless the community in which such area is situated is then participating in the national flood insurance program.

(b) Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation prohibit such institutions on and after July 1, 1975, from making, increasing, extending or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program.

### PURCHASE OF CERTAIN PROPERTIES

SEC. 5. (a) Section 1362 of the National Flood Insurance Act of 1968 is amended—

(1) by inserting the subsection designation "(a)" after "SEC. 1362."; and

(2) by adding at the end thereof the following new subsections:

"(b) The Secretary shall, under such regulations as he may prescribe, pay the full amount of the loss in the case of any property substantially destroyed by catastrophic flood. For the purposes of this subsection—

"(1) a property is 'substantially destroyed' if the damage thereto by flood exceeds 50 per centum of the value of the property prior to the occurrence of the flood; and

"(2) the term 'catastrophic flood' means a flood constituting a natural disaster occurring in an area in which a disaster of that magnitude could reasonably be expected to occur at least once in a period of one hundred years.

The Secretary shall enter into negotiations with the owner of real property or any interest therein which was substantially destroyed by catastrophic flood and was covered by flood insurance under this title, and may purchase such property or interests for subsequent transfer in the manner and subject to the limitations prescribed in subsection (a).

"(c) The Secretary may, in order to reduce estimated premium rates established under section 1307(a)(1) enter into negotiations with any owner of real property or interest therein for which the premiums under such section over a period of four years would exceed the value of that property or interest, and may purchase such property or interest for retention or for subsequent transfer in the manner and subject to the limitations prescribed in subsection (a)."

(b) The caption of such section is amended by striking out "INSURED".

### DEFINITIONS

SEC. 6. Section 1370 of the National Flood Insurance Act of 1968 is amended to read as follows:

(7) "community" means a State or any other political subdivision containing a unit of general local government or other authority having zoning and building code jurisdiction over a particular area having special flood hazards;

(8) "Federal agency" means any department, agency, corporation, or other entity or instrumentality of the executive branch of the Federal Government, and shall include the following federally sponsored agencies: Federal National Mortgage Association and Federal Home Loan Mortgage Corporation;

(9) "financial assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal financial assistance, other than general or special revenue sharing or formula grants made to States;

(10) "financial assistance for acquisition or construction purposes" means any form of financial assistance which is intended in whole or in part for the acquisition, construction, reconstruction, repair, or improvement of any publicly or privately owned building or mobile home, and for any machinery, equipment, fixtures, and furnishings contained or to be contained therein, and shall include the purchase or subsidization of mortgages or mortgage loans but shall exclude assistance for emergency work essential for the protection and preservation of life and property performed pursuant to the Disaster Relief Act of 1970.

(11) "Federal instrumentality responsible for the supervision, approval, or regulation of banks, savings and loan associations, or similar institutions" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration; and

### AUTHORITY TO ISSUE REGULATIONS

SEC. 7. (a) The Secretary is authorized to issue such regulations as may be necessary to carry out the purpose of this Act.

(b) The head of each Federal agency that administers a program of financial assistance relating to the acquisition, construction, reconstruction repair, or improvement of publicly or privately owned land or facilities, and each Federal instrumentality responsible for the supervision, approval, or regulation of banks, savings and loan associations, or similar institutions, shall, in cooperation with the Secretary, issue appropriate rules and regulations to govern the carrying out of the agency's responsibilities under this Act.

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By Mr. BURDICK:

S. 271. A bill to improve judicial machinery by amending the requirement for a three-judge court in certain cases and for other purposes. Referred to the Committee on the Judiciary.

### THREE-JUDGE COURTS

Mr. BURDICK. Mr. President, one of the most burdensome areas of Federal jurisdiction is the requirement for special three-judge district courts in cases seeking injunctions against the enforcement of State or Federal laws on the grounds of their unconstitutionality.

### THE BURDEN OF THREE-JUDGE COURTS

In the years from 1955 to 1959, the average number of three-judge court cases heard was 48.8 per year. In the years from 1960 to 1964, the average per year was 95.6 such cases. Since fiscal year 1968, the number of three-judge court cases has continued to grow at an explosive rate. The burden of these cases can be further seen from the following table.

TABLE 1.—3-JUDGE COURT HEARINGS BY NATURE OF SUIT, FISCAL YEARS 1963–72

| Fiscal year | Total | Review of ICC orders | Civil rights | Suits involving State or local laws or regulations | |
|---|---|---|---|---|---|
| | | | | Reapportionment | Other actions |
| 1963 | 120 | 67 | 19 | 16 | 27 |
| 1964 | 119 | 50 | 21 | 18 | 30 |
| 1955 | 147 | 60 | 35 | 17 | 35 |
| 1966 | 162 | 72 | 40 | 28 | 22 |
| 1967 | 171 | 64 | 55 | 10 | 42 |
| 1968 | 179 | 51 | 55 | 6 | 67 |
| 1969 | 215 | 64 | 81 | 1 | 69 |
| 1970 | 291 | 42 | 162 | 8 | 79 |
| 1971 | 318 | 41 | 176 | 2 | 99 |
| 1972 | 310 | 52 | 166 | 32 | 60 |

Source: Data from the Annual Report of the Director of the Administrative Office of the U.S. Courts, (1972).

Thus, the number of three-judge court cases has increased 73 percent in the 5 years since 1968.

The three-judge court provisions impose a considerable burden on the Federal courts because whenever such a court is required, a second district judge, as well as a judge of a circuit court of appeals, must be brought in to hear and determine the case along with the district judge in whose court the case was filed. In most parts of the country, the two additional judges must come from another city or State, leaving the work that they would ordinarily be doing in their own courts, to serve on a three-judge court.

### JURISDICTIONAL UNCERTAINTIES

In addition to the burden of these cases on the Federal judiciary, there is also a great deal of difficulty in determining when a three-judge court is required under the present statute. Basically, for section 2281 of title 28 to be applicable, a State statute or administrative order must be challenged, a State officer must be a party defendant, injunctive relief must be sought, and it must be claimed that the statute or order is contrary to the Constitution of the United States. The same rules are, in general, applicable to challenges to Federal statutes under section 2282.

The application of the apparently simple criteria listed above has been, in fact, the nemesis of three-judge courts; for, if a threshold determination on any of the criteria is incorrectly made, a three-judge court is unnecessary, and complex appellate review problems arise.

For example, while a three-judge court is required if a State statute is challenged, such a court is not required where the act of the State legislature has only local application. For a recent case involving the question of the "local application" doctrine, see *Board of Regents of University of Texas System* v. *New Left Education Project*, 404 U.S. 981 (1972).

Another difficulty arises because the Supreme Court has held that a three-judge court is unnecessary in an action for declaratory judgment, yet often a complaint is ambiguous as to whether injunctive or declaratory relief is sought. Furthermore, a three-judge court is to be convened only where a complaint seeks injunctive relief. It is not necessary if the constitutionality of a statute is drawn into question without any prayer to enjoin enforcement. *Fleming* v. *Nester*, 362 U.S. 603 (1960). Thus many cases raising constitutional questions are now heard and decided by a single judge since no injunctive relief is requested.

As if the difficulties in determining when a three-judge court is required are not enough, the rules on appellate review of whether such a court is needed are so complex as to be virtually beyond belief.

In summary, the three-judge court generates rather than lessens litigation, and the elimination of the requirement of three-judge courts as proposed in this bill would increase the efficiency of our judicial system to the benefit of litigants, lawyers, and judges alike. It would free them from debating obtuse statutory clauses and allow them to focus on the merits of the litigation they have brought.

### STATUTORY AND RULES CHANGES HAVE ELIMINATED THE ORIGINAL REASONS FOR THE ESTABLISHMENT OF THREE-JUDGE COURTS

The original rationale for the three-judge court has long been obsolete and, as one commentator pointed out, began to disappear soon after the original legislation was enacted in 1910. The Three-Judge Court Act was responsive to a situation in which many railroads and utilities attacked State rate fixing and tax laws. This created a deluge of applications for injunctive relief, ex parte, on the basis of affidavits alone, with no limits on the judge's discretion to continue interlocutory injunctions and temporary restraining orders indefinitely. The Three-Judge Court Act was intended to end this arbitrary exercise of authority. However, the original problems were largely obviated 2 years after the passage of that act when the Federal Equity Rules were revised, extending to all injunctive cases much of the same protective procedures which the 1910 act had provided for by three-judge court proceedings. The equity rules were changed to prohibit Federal courts from granting ex parte temporary restraining orders for extended periods of time and to make Federal judges take some evidence before even preliminary injunctions were issued against the enforcement of State statutes. So, to a considerable extent, the reason for the original legislation was obviated, very soon after it was passed.

Later two other important statutes further restraining the power of the Federal courts to enjoin State action were enacted. In the Johnson Act of 1934, now 28 U.S.C. section 1342, Congress took away certain injunctive power with respect to State public utility rate orders. In the Tax Injunction Act of 1937, now 28 U.S.C. section 1341, Congress restricted Federal injunctions with respect to State taxes. The effect of these statutes was to limit the ability of a Federal court to interfere precipitously with the operation of State tax and public utility programs whenever there was a "plain, speedy, and efficient remedy" available in a State court.

### DECISIONAL LAW HAS PROVIDED ITS OWN SAFEGUARDS AGAINST PRECIPITOUS INJUNCTIVE ACTION BY FEDERAL JUDGES

In its recent opinions, the Supreme Court has provided restrictions on Federal injunctions that further obviate the need for three-judge courts. In *Younger* v. *Harris*, 401 U.S. 37 (1971), the Supreme Court held that injunctive relief against a pending State criminal prosecution is not available except in exceptional circumstances, as when the prosecution is in the nature of a bad faith harassment of the defendant in the exercise of his Federal rights. Furthermore, the Supreme Court has recently clarified the application of the abstention doctrine. Under the abstention doctrine, a Federal court will stay the exercise of its jurisdiction where a case involves an unsettled issue of State law which, if decided, could avoid the necessity of deciding any constitutional claims asserted. *Askew* v. *Hargrave*, 401 U.S. 476 (1971).

In *Reetz* v. *Bozanich*, 397 U.S. 82 (1970), abstention was ordered in a case involving fishing rights where the Alaska Constitution contained a unique, uninterpreted provision specifically related to conservation of the State's marine resources. This pattern of decisions clearly precludes the sort of precipitous intrusion in the State legal processes by a single Federal judge that the original Three-Judge Court Act sought to control.

Thus, the rationale that gave life to the three-judge court in 1910 has all but disappeared.

### WITNESSES URGE LEGISLATIVE ACTION

In hearings before the Subcommittee on Improvements in Judicial Machinery, the chief judges of the Second, Third, Fourth, and Fifth Circuit Courts of Appeal urged the repeal of three-judge court statutes. Judge Skelly Wright from the U.S. Court of Appeals for the District of Columbia, testifying on behalf of the Judicial Conference, also advocated the general abolition of three-judge courts. Prof. Charles Alan Wright of the University of Texas Law School strongly urged that legislation to eliminate the requirement for three-judge courts in most cases be given prompt attention because of the great burden that these cases are now placing upon the Federal court system. In accordance with the recommendations of these witnesses, S. 3653 (92d Cong.) was introduced on May 30, 1972. The bill I am introducing today is, except for technical corrections, identical to that bill. It eliminates the requirement for three-judge courts in cases seeking injunctions against the enforcement of State or Federal laws on the basis of their unconstitutionality, except where such courts are required by an act of Congress or in cases involving the apportionment of congressional districts or the apportionment of any statewide legislative body. It was felt as to these reapportionment cases that they are of such importance that a three-judge court should continue to be required.

S. 3653 was favorably reported by the Subcommittee on Improvements in Judicial Machinery to the full Judiciary Committee on October 9, 1972. It was also approved by the Judicial Conference during its October 1972 meeting. Additionally, the proposals in this bill were endorsed in the "Report of the Study Group on the Caseload of the Supreme Court," Federal Judicial Center (1972).

I am reintroducing the bill at this time so that it may be given early consideration in this session of the 93d Congress.

Mr. President, without objection, I would like the text of the bill inserted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 271

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2281 of title 28, United States Code, is repealed.

SEC. 2. That section 2282 of title 28, United States Code, is repealed.

SEC. 3. That section 2284 of title 28, United States Code, is amended to read as follows:

"§ 2284. THREE-JUDGE COURT; WHEN REQUIRED; COMPOSITION; PROCEDURE

"(a) A district court of three judges shall be convened when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.

"(b) In any action required to be heard and determined by a district court of three judges under subsection (a) of this section, the composition and procedure of the court shall be as follows:

"(1) Upon the filing of a request for three judges, the judge to whom the request is presented shall, unless he determines that three judges are not required, immediately notify the chief judge of the circuit, who shall designate two other judges, at least one of whom shall be a circuit judge. The judges so designated, and the judge to whom the request was presented, shall serve as members of the court to hear and determine the action or proceeding.

"(2) If the action is against a State, or officer or agency thereof, at least five days' notice of hearing of the action shall be given by registered or certified mail to the Governor and attorney general of the State. The hearing shall be given precedence and held at the earliest practicable day.

"(3) A single judge may conduct all proceedings except the trial, and enter all orders permitted by the rules of civil procedure except as provided in this subsection. He may grant a temporary restraining order on a specific finding, based on evidence submitted, that specified irreparable damage will result if the order is not granted, which order, unless previously revoked by the district judge, shall remain in force only until the hearing and determination by the district court of three judges of an application for a preliminary injunction. A single judge shall not appoint a master, or order a reference, or hear and determine any application for a preliminary or permanent injunction or motion to vacate such an injunction, or enter judgment on the merits. Any action of a single judge may be reviewed by the full court at any time before final judgment."

SEC. 4. The analysis of chapter 155 of title 28, United States Code, is amended to read as follows:

"Sec.
"2281. Repealed.
"2282. Repealed.
"2283. Stay of State court proceedings.
"2284. Three judge district court; when required; composition; procedure."

SEC. 5. (a) Section 2403 of title 28, United States Code, is amended—

(1) by inserting the subsection "(a)" immediately before "In" and

(2) by adding at the end thereof the following new subsection:

"(b) In any action, suit, or proceeding in a court of the United States to which a State or any agency, officer, or employee thereof is not a party, wherein the constitutionality of any statute of that State affecting the public interest is drawn in question, the court shall certify such fact to the attorney general of the State, and shall permit the State to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The State shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality."

(b) The catchline to section 2403 of title 28, United States Code, is amended to read as follows:

"§ 2403. Intervention by United States or a State; constitutional question"

SEC. 6. Item 2403 of the analysis of chapter 161, of title 28, United States Code, is amended to read as follows:

"2403. Intervention by United States or a State; constitutional question."

SEC. 7. This Act shall not apply to any action commenced on or before the date of enactment.

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By Mr. CANNON:

S. 272. A bill to amend the Communications Act of 1934 with respect to the consideration of applications for renewal of station licenses. Referred to the Committee on Commerce.

### CONSIDERATION OF APPLICATIONS FOR RENEWAL OF RADIO AND TV STATION LICENSES

Mr. CANNON. Mr. President, the Communications Act of 1934, as amended, requires that every broadcast license be renewed at least once every 3 years. At renewal time, anyone whom the Federal Communications Commission finds legally, technically, and financially qualified may file a competing application for the frequency or channel on which the incumbent licensee operates.

When this occurs the Communications Act also requires the FCC to hold a comparative hearing to determine which applicant would better serve the public interest. Since these applications are mutually exclusive, grant to one party necessarily means denial to the other.

Until a few years ago, a broadcast licensee who had conscientiously and effectively served the needs and interests of his community, and who promised to continue to do so at renewal time could reasonably expect to prevail against a competing applicant. In other words, his proven track record counted for something. This was the Commission policy enunciated in the WBAL case many years ago.

In 1969, however, the Commission rendered its decision in WHDH. In that case the incumbent licensee's renewal application was denied, and a competing application was granted. As a consequence of that decision grave doubt and uncertainty were cast on the continued efficacy of the Commission's WBAL policy.

These fears materialized in the post-WHDH days as a rash of competing applications were filed against incumbents seeking license renewal.

Mr. President, it was not accidental that the framers of the Communications Act provided a mechanism for competing applications at license renewal time. After all, the airwaves belong to the public, and no one is entitled to a license in perpetuity to use them.

It was felt that as long as a licensee knew that failure to serve his community of license fully and effectively would make him vulnerable to someone who would undertake to do so, he would be spurred to greater effort in the public interest.

Conversely, if a licensee conscientiously undertook to discharge his obligation, and in fact did perform as he promised, it was only sound public interest policy to give him a reasonable expectation that his efforts counted for something at renewal time. Otherwise, chances were the commitment and investment necessary to give the public the service to which it is entitled would be marginal at best.

This is why, Mr. President, the legislation I am introducing today has one purpose, and one purpose only—to assure the American people who own the public airwaves that they are receiving the best service possible from the radio and television licensees privileged to use their property. It will promote the public interest by providing stability for those broadcasters who are conscientiously and effectively serving their communities of license.

As I have mentioned, Mr. President, that stability has been undermined as a consequence of the WHDH decision.

Under this proposal when a broadcast licensee files an application for renewal of his license and a competing application is filed, the following would take place:

First. The FCC would treat the renewal application as if it were uncontested for purposes of finding:

(a) That during the immediately preceding license period the applicant's performance reasonably fulfilled the promises he made in order to receive that license, including a finding that the licensee's operation during that period was not otherwise characterized by serious deficiencies; and

(b) That the application for renewal demonstrates a positive and continuing effort by the applicant to ascertain and meet the community needs and interests.

Second. If the Commission is able to make these findings then a rebuttable presumption would arise that grant of the renewal application would best serve the public interest vis-a-vis the competing application.

The competing applicant would then have to defeat the rebuttable presumption by overcoming either of the Commission's findings. Failure to do so would result in the renewal application being granted.

If, on the other hand, the challenger did succeed in overcoming the presumption, or if the Commission was unable to make the requisite findings in the first instance, a comparative hearing would ensue. Obviously, the licensee seeking renewal in either of these circumstances would be under a severe handicap, as he should be.

Mr. President, this legislation does not "lockin" the marginal or substandard licensee. The Commission has outlined in considerable detail what it expects from licensees in terms of ascertaining and meeting community needs and interests.

Nothing in my proposal would protect a license who has failed to meet these standards from a challenger at renewal time. In fact even if the Commission finds a licensee's operation has and will continue to serve the public interest, a competing applicant would have a full opportunity to overcome the Commission's findings.

Mr. President, the result this legislation seeks to achieve is neither proincumbent, nor prochallenger. Likewise, it it neither anti-incumbent, nor anti-challenger.

Rather it is an attempt to maintain a climate of competition tempered by stability where that stability is proven to benefit the public. Where the status quo does not benefit the public, of course, it should be changed.

I would hope, therefore, Mr. President, that hearings on this legislation will be scheduled as soon as possible.

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By Mr. HARTKE (for himself, Mr. Thurmond, Mr. Randolph, Mr. Cranston, Mr. Hughes, Mr. Hansen, Mr. Mondale, Mr. Pell, Mr. Williams, and Mr. Eastland):

S. 275. A bill to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation. Referred to the Committee on Veterans' Affairs.

### VETERANS' PENSIONS

Mr. HARTKE. Mr. President, today I introduce a bill to protect and increase non-service-connected pensions received by veterans and their survivors. This bill is identical to S. 4006 that was reported from the Committee on Veterans' Affairs, which I am privileged to chair, and which unanimously passed the Senate on October 11, 1972. Unfortunately, the House in the press of business at the closing of the 92d Congress did not act upon this measure.

Members of the Senate will recall that this bill was prompted by the 20-percent increase in social security passed by Congress this past July. Under the law, as a veteran or survivor's outside income increases his or her pension is accordingly decreased. This has the effect of partially or completely canceling the effect of any social security increase for veterans or their widows. A veteran's income for purposes of determining the amount of pension he receives is calculated at the beginning of each year. As such this means that the pension decreases occasioned by 1972 social security legislation will be reflected in their January 1973 pension check which is scheduled to be delivered around February 1 of this year. Faced with these prospective decreases, the Subcommittee on Compensation and Pensions, of the Committee on Veterans' Affairs, conducted hearings on September 12, 1972, concerning non-service-connected pensions and the effect thereon of the 20-percent increase in social security benefits as provided for in Public Law 92-336. At that time, the subcommittee received testimony from spokesmen from the Veterans' Administration and various veterans' organizations. By agreement of the Subcommittee on Compensation and Pensions, S. 4006 was referred without recommendation to the full committee for consideration. The full committee met in executive session on September 26, 1972, to consider that bill and other pension legislation before it. The committee unanimously approved and ordered favorably reported S. 4006 with an amendment in the nature of a substitute.

Briefly that bill, as reported, would as does the bill introduced today provide:

First, an increase in the annual income limitations for eligible veterans and their survivors receiving pension and provide increases in the rates of pension averaging about 8 percent;

Second, an increase in the annual income limitation of old law pensioners by $400, and

Third, an increase in the annual income limitation by $400 for parents receiving Dependency and Indemnity Compensation—DIC—and increase the rates of DIC for an average program benefit increase of 8 percent.

Subsequently, the bill was passed unanimously by the Senate on October 12, and referred to the House Committee on Veterans' Affairs. The House did not act on this measure in the closing days of the session. Instead on October 16 the distinguished chairman of the House Committee on Veterans' Affairs in a statement made on the floor of the House of Representatives noted that H.R. 1 was pending at that time, and would provide for further increases in social security benefits which might affect veterans' pensions. Because of this, he expressed the belief that it would be more appropriate to "await the final outcome of the pending H.R. 1." At the same time, he assured his colleagues that he would give consideration to non-service-connected pensions following the convening of the 93d Congress.

Given the fact that nearly 1.2 million veterans and survivors will receive reduced veteran's pension checks at the end of this month, and another 20,000 will drop from the rolls altogether, I do not believe we can act too quickly on this legislation. On the Senate side, I believe we can proceed to rapid and prompt consideration of the bill.

Mr. President, adoption of this bill will assure that almost all pensioners will receive the full measure of social security benefits without a reduction in this pension. Almost 1.2 million veterans or survivors will also receive an increase averaging about $5.15 per month. The cost of this bill is estimated to be $197.9 million for the first full fiscal year.

The following tables illustrate the current rates payable to veterans and their survivors with typical examples of pensions payable under the bill introduced today which incorporates increases both in the rates and the maximum annual income limitations:

VETERAN ALONE

| Income not over— | Current rate | Proposed rate |
|---|---|---|
| $300 | $130 | $140 |
| $400 | 127 | 137 |
| $500 | 124 | 134 |
| $600 | 121 | 131 |
| $700 | 118 | 128 |
| $800 | 115 | 125 |
| $900 | 112 | 122 |
| $1,000 | 109 | 119 |
| $1,100 | 105 | 115 |
| $1,200 | 101 | 111 |
| $1,300 | 97 | 107 |
| $1,400 | 93 | 103 |
| $1,500 | 89 | 99 |
| $1,600 | 84 | 94 |
| $1,700 | 79 | 89 |
| $1,800 | 74 | 84 |
| $1,900 | 68 | 78 |
| $2,000 | 62 | 72 |
| $2,100 | 56 | 66 |
| $2,200 | 50 | 60 |
| $2,300 | 43 | 53 |
| $2,400 | 36 | 46 |
| $2,500 | 29 | 39 |
| $2,600 | 22 | 32 |
| $2,700 | | 25 |
| $2,800 | | 18 |
| $2,900 | | 11 |
| $3,000 | | 10 |
| $3,100 | | |
| $3,200 | | |
| $3,300 | | |
| $3,400 | | |
| $3,500 | | |
| $3,600 | | |
| $3,700 | | |
| $3,800 | | |
| $3,900 | | |
| $4,000 | | |
| $4,100 | | |
| $4,200 | | |

VETERAN WITH DEPENDENTS

| Income not over— | Current rate | Proposed rate |
|---|---|---|
| $300 | $140 | $150 |
| $400 | 140 | 150 |
| $500 | 140 | 150 |
| $600 | 138 | 148 |
| $700 | 136 | 146 |
| $800 | 134 | 144 |
| $900 | 132 | 142 |
| $1,000 | 129 | 139 |
| $1,100 | 126 | 136 |
| $1,200 | 123 | 133 |
| $1,300 | 120 | 130 |
| $1,400 | 117 | 127 |
| $1,500 | 114 | 124 |
| $1,600 | 111 | 121 |
| $1,700 | 108 | 118 |
| $1,800 | 105 | 115 |
| $1,900 | 102 | 112 |
| $2,000 | 99 | 109 |
| $2,100 | 96 | 106 |
| $2,200 | 93 | 103 |
| $2,300 | 90 | 100 |
| $2,400 | $87 | $97 |
| $2,500 | 84 | 94 |
| $2,600 | 81 | 91 |
| $2,700 | 78 | 88 |
| $2,800 | 75 | 85 |
| $2,900 | 72 | 82 |
| $3,000 | 69 | 79 |
| $3,100 | 66 | 76 |
| $3,200 | 63 | 73 |
| $3,300 | 58 | 68 |
| $3,400 | 53 | 63 |
| $3,500 | 48 | 58 |
| $3,600 | 43 | 53 |
| $3,700 | 38 | 48 |
| $3,800 | 33 | 43 |
| $3,900 | | 38 |
| $4,000 | | 33 |
| $4,100 | | 38 |
| $4,200 | | 23 |

WIDOW ALONE

| Income not over— | Current rate | Proposed rate |
|---|---|---|
| $300 | $87 | $94 |
| $400 | 86 | 93 |
| $500 | 85 | 92 |
| $600 | 84 | 91 |
| $700 | 81 | 88 |
| $800 | 78 | 85 |
| $900 | 75 | 82 |
| $1,000 | 72 | 79 |
| $1,100 | 69 | 76 |
| $1,200 | 66 | 73 |
| $1,300 | 63 | 70 |
| $1,400 | 60 | 67 |
| $1,500 | 57 | 64 |
| $1,600 | 54 | 61 |
| $1,700 | 51 | 58 |
| $1,800 | 48 | 55 |
| $1,900 | 45 | 52 |
| $2,000 | 41 | 48 |
| $2,100 | 37 | 44 |
| $2,200 | 33 | 40 |
| $2,300 | 29 | 36 |
| $2,400 | 25 | 32 |
| $2,500 | 21 | 28 |
| $2,600 | 17 | 24 |
| $2,700 | | 20 |
| $2,800 | | 16 |
| $2,900 | | 12 |
| $3,000 | | |
| $3,100 | | |
| $3,200 | | |
| $3,300 | | |
| $3,400 | | |
| $3,500 | | |
| $3,600 | | |
| $3,700 | | |
| $3,800 | | |
| $3,900 | | |
| $4,000 | | |
| $4,100 | | |
| $4,200 | | |

WIDOW WITH DEPENDENTS

| Income not over— | Current rate | Proposed rate |
|---|---|---|
| $300 | $104 | $111 |
| $400 | 104 | 111 |
| $500 | 104 | 111 |
| $600 | 104 | 111 |
| $700 | 103 | 110 |
| $800 | 102 | 109 |
| $900 | 101 | 108 |
| $1,000 | 100 | 107 |
| $1,100 | 99 | 106 |
| $1,200 | 98 | 105 |
| $1,300 | 97 | 104 |
| $1,400 | 96 | 103 |
| $1,500 | 94 | 101 |
| $1,600 | 92 | 99 |
| $1,700 | 90 | 97 |
| $1,800 | 88 | 95 |
| $1,900 | 86 | 93 |
| $2,000 | 84 | 91 |
| $2,100 | 82 | 89 |
| $2,200 | 80 | 87 |
| $2,300 | 78 | 85 |
| $2,400 | 76 | 83 |
| $2,500 | 74 | 81 |
| $2,600 | 72 | 79 |
| $2,700 | 70 | 77 |
| $2,800 | 67 | 74 |
| $2,900 | 64 | 71 |
| $3,000 | 61 | 68 |
| $3,100 | 58 | 65 |
| $3,200 | 55 | 62 |
| $3,300 | 52 | 59 |
| $3,400 | 49 | 56 |
| $3,500 | 46 | 53 |
| $3,600 | $43 | $50 |
| $3,700 | 42 | 47 |
| $3,800 | 42 | 44 |
| $3,900 | | 42 |
| $4,000 | | 42 |
| $4,100 | | 42 |
| $4,200 | | |

Mr. President, I ask unanimous consent that the text of the bill, as introduced, together with a section-by-section analysis be printed in the RECORD at this point.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 275

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) subsection (b) of section 521 of title 38, United States Code, is amended to read as follows:

"(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and has no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $140. For each $1 of annual income in excess of $300 up to and including $1,000, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,000 up to and including $1,500, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,500 up to and including $1,800, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,800 up to and including $2,200, the monthly rate shall be reduced 6 cents; and for each $1 of annual income in excess of $2,200 up to and including $2,900, the monthly rate shall be reduced 7 cents; for the annual income of $2,900 up to and including $3,000, the rate shall be $10.00. No pension shall be paid if annual income exceeds $3,000."

(b) Subsection (c) of such section 521 is amended to read as follows:

"(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid according to the following formula: If annual income is $500 or less, the monthly rate of pension shall be $150 for a veteran and one dependent, $155 for a veteran and two dependents, and $160 for three or more dependents. For each $1 of annual income in excess of $500 up to and including $900, the particular monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $900 up to and including $3,200, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $3,200 up to and including $4,200, the monthly rate shall be reduced 5 cents. No pension shall be paid if annual income exceeds $4,200."

(c) Subsection (b) of section 541 of title 38, United States Code, is amended to read as follows:

"(b) If there is no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $94. For each $1 of annual income in excess of $300 up to and including $600, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $600 up to and including $1,900, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $1,900 up to and including $3,000, the monthly rate shall be reduced 4 cents. No pension shall be paid if annual income exceeds $3,000."

(d) Subsection (c) of such section 541 is amended to read as follows:

"(c) If there is a widow and one child, pension shall be paid according to the following formula. If annual income is $600 or less, the monthly rate of pension shall be $111. For each $1 of annual income in excess of $600 up to and including $1,400, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,400 up to and including $2,700, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $2,700 up to and including $4,200, the monthly rate shall be reduced 3 cents. Whenever the monthly rate payable to the widow under the foregoing formula is less than the amount which would be payable to the child under section 542 of this title if the widow were not entitled, the widow will be paid at the child's rate. No pension shall be paid if the annual income exceeds $4,200."

SEC. 2. Section 4 of Public Law 90–275 (82 Stat. 68) is amended to read as follows:

"SEC. 4. The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 hereafter shall be $2,600 and $3,900, instead of $2,200 and $3,500, respectively."

SEC. 3. (a) Subsection (b) of section 415 of title 38, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to him according to the following formula: If annual income is $800 or less, the monthly rate of dependency and indemnity compensation shall be $108. For each $1 of annual income in excess of $800 up to and including $1,200, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,200 up to and including $1,600, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,600 up to and including $1,900, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,900 up to and including $2,100, the monthly rate shall be reduced 6 cents; and for each $1 of annual income in excess of $2,100 up to and including $2,800, the monthly rate shall be reduced 7 cents. For annual income of $2,800 through $3,000, the rate will be $4.00. No dependency and indemnity compensation shall be paid if annual income exceeds $3,000.

"(2) If there is only one parent and he has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to him under either the formula of paragraph (1) of this subsection or under the formula in subsection (d), whichever is the greater. In such a case of remarriage the total combined annual income of the parent and his spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula."

(b) Subsection (c) of such section 415 is amended to read as follows:

"(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each according to the following formula: If the annual income of each parent is $800 or less, the monthly rate of dependency and indemnity payable to each shall be $76. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $1,100 up to and including $1,700, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $1,700 up to and including $2,800, the monthly rate shall be reduced 4 cents. For annual income of $2,800 through $3,000, the rate will be $4.00. No dependency and indemnity compensation shall be paid to a parent whose annual income exceeds $3,000.

(c) Subsection (d) of such section 415 is amended to read as follows:

"(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent according to the following formula: If the total combined annual income is $1,000 or less, the monthly rate of dependency and indemnity compensation payable to each parent shall be $72. For each $1 of annual income in excess of $1,000 up to and including $1,300, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,300 up to and including $3,400, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $3,400 up to and including $4,000, the monthly rate shall be reduced 3 cents. For annual income of $4,000 through $4,200, the rate will be $6.00. No dependency and indemnity compensation shall be paid to either parent if the total combined annual income exceeds $4,200".

SEC. 4. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

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### SECTION-BY-SECTION ANALYSIS OF BILL AS INTRODUCED

#### SECTION 1

Subsection (a) would increase the rates of pension and annual income limitation for unmarried veterans under subsection 521(b). Currently, a veteran with no dependents receives a maximum monthly pension of $130 if his annual income is $300 or less, decreasing on a graduated basis to $22 with an annual income of $2,600. As amended, this subsection would provide a maximum monthly rate of $140 with an annual income of $300 or less, down to $10 for an annual income of $3,000.

Subsection (b) would increase the rates of pension and the annual income limitation for a married veteran under subsection 521(c). Currently, the maximum monthly pension payable to a veteran with one dependent is $140, with two dependents $145, and with three or more dependents $150, based on an annual income of $500 or less. This decreases on a graduated basis down to $33, $38, or $43, respectively, with an annual income of $3,800. As amended, this subsection would provide a veteran with one dependent $150, with two dependents $155, and with three or more dependents $160, based on an annual income of $500 or less, ranging down to $23, $38, or $33, respectively, with an annual income of $4,200.

Subsection (c) would increase the rates of pension and the annual income limitation for the widow without child under subsection 541(b). Currently, a widow without child receives a maximum monthly pension of $87 if her annual income is $300 or less, decreasing on a graduated basis to $17 with an annual income of $2,600. As amended, this subsection would provide a maximum monthly rate of $94 with an annual income of $300 or less, down to $12 with annual income of $3,000.

Subsection (d) would increase the rates of pension and the annual income limitations for a widow with one child under subsection 541(c). Currently, a widow with one child receives a maximum monthly pension of $104 if her annual income is $600 or less, decreasing on a graduated basis to $42 with an annual income of $3,800. As amended, this subsection would provide a maximum monthly rate of $111 with an annual income of $600 or less down to $42 with an annual income of $4,200.

#### SECTION 2

This section would amend section 4 of Public Law 90–275 (82 Stat. 68) to increase by $400 the maximum annual income limitations applicable under the prior pension program in effect on June 30, 1960: From $2,200 to $2,600 for a veteran without a dependent, or widow without a dependent, or a child alone; and from $3,500 to $3,900 for a veteran with a dependent, and for a widow with a child.

#### SECTION 3

Subsection (a) would increase the rates of dependency and indemnity compensation (DIC) and annual income limitations for a sole surviving parent under subsection 415 (b). Currently, a sole surviving parent receives a maximum monthly DIC payment of $100 if his annual income is $800 or less, decreasing on a graduated basis to $10 with an annual income of $2,600. As amended, this subsection would provide for a maximum monthly rate of $108 with an annual income of $800 or less, down to $4 for an annual income of $3,000.

Subsection (b) would increase the rates of dependency and indemnity compensation and annual income limitations for two parents not living together under subsection 415(c). Currently, each of two parents who are not living together receives a maximum monthly DIC payment of $70 if annual income is $800 or less, decreasing on a graduated basis to $10 with an annual income of $2,600. As amended, this subsection would provide a maximum monthly rate of $76 with an annual income of $800 or less, down to $4 for an annual income of $3,000.

Subsection (c) would increase the rates of dependency and indemnity compensation and annual income limitations payable under subsection 415(d). Currently, if there are two parents who are living together, or if a parent is remarried and is living with his spouse, each parent receives a maximum monthly DIC payment of $67 if annual income is $1,000 or less, decreasing on a graduated basis to $10 with an annual income of $3,800. This subsection would provided a maximum monthly rate of $72 with an annual income of $1,000 or less, down to $6 for an annual income of $4,200.

#### SECTION 4

This section provides that the provisions of the bill shall be effective on the first day of the second calendar month which begins after the date of enactment.

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### By Mr. CRANSTON:

S. 277. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation. Referred to the Committee on the Judiciary.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a measure which would give the U.S. Attorney General the discretion to determine whether aliens who have been convicted for illegal possession of marihuana should be admitted to the United States or whether those already living here as permanent residents should be deported after a conviction for possession of marihuana.

As the law stands today, no such discretion is vested in the Attorney General. Under section 212(a)(23) of the Immigration and Naturalization Act, he must deny admission to an alien who has been convicted of a violation of, or a conspiracy to violate, any law or regulation relating to the illicit possession of or traffic in marihuana. Under section 214 (a)(11), he must deport an alien who at any time has been convicted of a violation of, or a conspiracy to violate, any law or regulation relating to the illicit possession of or traffic in marihuana.

The present law is cruelly insensitive and inflexible. The failure to give the Attorney General discretion in determining the admissibility or deportability of aliens convicted for illegal possession of marihuana can at times result in the unjust treatment of certain aliens and can work hardships on their families.

Recently, I was contacted by two California residents, one a friend, the other a relative of a 22-year-old Canadian national who was deported from the United States following a conviction for illegally possessing marihuana. At the time of his arrest in Nevada, he was 18 years old. At that time, he had lived in this country with his parents for more than 6 years and was attending a college in California.

After his conviction and sentence, he was deported to Canada where he married an American citizen and took a job.

He sought to return to the United States to continue his education and reunite with his family. However, he was barred by the Immigration and Naturalization Act from returning as an immigrant. He was eventually admitted for the sole purpose of continuing his education, but he must return to Canada upon finishing his studies.

The young man in question had been sentenced to 4 months in jail. It was his first offense and one which he says he deeply regrets. In ordering his deportation, the Attorney General had no choice. He was precluded by law from considering any mitigating factors, such as the young man's prior criminal record—if any—his family connections in the United States, the relative leniency of his sentence, the nature of the offense he committed, or even the changing public attitudes toward the illegal possession of marihuana. And in denying him admission, the Attorney General was likewise precluded by law from taking into consideration the young man's postconviction record, his reasons for seeking admission, or even the fact that under our Federal laws illegal possession of marihuana has been reduced from a felony to a misdemeanor for first offenders.

Mr. President, I do not know whether or not this young man should be entitled to renew his immigrant status. But I do believe that he and others similiarly situated should be entitled to an opportunity to demonstrate their admissibility or nondeportability.

My amendment would cure the insensitivity and inflexibility embodied in the Immigration and Naturalization Act by giving the Attorney General the discretion to determine, after hearing and under such terms and procedures as he prescribes, whether an alien, otherwise admissible, should be admitted after conviction for illegal possession of marihuana. It would also give him the discretion to determine, after a similar hearing, whether an alien who has been admitted should be deported on account of a conviction for the illegal possession of marihuana.

The amendment would leave untouched those sanctions imposed for trafficking in marihuana or for engaging in activities which violate laws or regulations governing other more dangerous substances, such as opium or heroin. But with respect to an admittedly lesser offense—the illicit possession of marihuana—giving the Attorney General some discretion in the matter would vindicate the cherished principle of affording a penitent offender an opportunity to prove that he should be given another chance.

Our religious and moral beliefs call for tempering punishment with mercy, with a chance for a transgressor to change his ways and to seek forgiveness. Arbitrary laws that provide no leeway for compassion and forgiveness run counter to all our democratic traditions.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 277

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(23)) is amended by inserting before the semicolon at the end thereof a comma and the following: "except that in the case of any alien (A) to whom the provisions of this paragraph apply by reason of his conviction for the possession of marihuana, and (B) who is otherwise admissible into the United States, the Attorney General, after a hearing and under such terms, conditions, and procedures as he prescribes, may receive such alien's application for a visa and consent to his admission into the United States".

(b) Section 241(b) of such Act (8 U.S.C. 1251(b)) is amended to read as follows:

"(b)(1) The provisions of subsection (a)(4) of this section, relating to the deportation of an alien convicted of a crime or crimes, shall not apply (A) in the case of any alien who has, subsequent to such conviction, been granted a full and unconditional pardon by the President of the United States or by the Governor of any of the several States, or (B) if the court sentencing such alien for such crimes shall make, at the time of first imposing judgment or passing sentence or within thirty days thereafter, a recommendation to the Attorney General that such alien not be deported, due notice having been given prior to making such recommendation to representatives of the interested State, the Service, and prosecution authorities, who shall be granted an opportunity to make representations in the matter.

"(2) The Attorney General, after a hearing and under such terms, conditions, and procedures as he may prescribe, may waive deportation of any alien under the provisions of subsection (a)(11) of this section in the case of any such alien to whom such provisions apply by reason of his conviction for the possession of marihuana."

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By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 283. A bill to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I am pleased to introduce today a bill that will declare that the United States holds in trust approximately 40 acres of land in Mono County, Calif., for members of the Bridgeport Indian Colony.

I am delighted to be joined in sponsoring this bill by my friend and distinguished colleague from California, Senator JOHN V. TUNNEY.

The land described in the bill is an unoccupied 40-acre tract of federally owned property adjacent to the town of Bridgeport in Mono County, Calif. It is being set aside for the Bridgeport Indian Colony as a substitute for a tract of land wrongfully taken from them in 1914.

This bill is similar to a measure, S. 3113, which I introduced in the Senate in the 2d session of the 92d Congress. In the Senate, my bill was favorably reported by the executive session of the Interior and Insular Affairs Committee on October 15 of last year. Four days later, on October 19, it passed the Senate.

The basic difference in the bill I am now introducing is that the present measure increases the grant of land to the Indians from 20 acres to 40 acres. I believe this change was necessary since the originally proposed tract did not provide an adequate amount of useable acreage. At least 6 acres of that tract is unfeasible for development because a gully runs through the land. The inclusion of the adjacent 20-acres will insure an adequate amount of land will be provided to the Indians to develop as their home and reservation.

I believe that we are in all conscience obligated to set aside this land for the Bridgeport Indians. The land on which the Indians presently reside, and which has been their home since, at least, before the coming of the white man, was wrongfully patented to a non-Indian. This patent was issued in 1914 under the Desert Land Act. This land is now owned by several non-Indian heirs to the original patentee. The Indians continued to occupy the site.

But early in 1968 one of the owners demanded that they vacate. Eviction proceedings were instituted against them.

Legal intervention kept the eviction proceedings in abeyance for some time. Later when the owner learned that an attempt to solve the difficulty was pending in the Congress, he agreed to cease the eviction proceedings so long as Congress works toward a solution for the Indian Colony. I commend the owner's understanding and patience.

It thus is clear that a permanent solution must be found very soon. In my opinion the best solution for all concerned is my proposal to provide the Indians with a new land base. Since their land base was wrongfully taken from them, it seems only fair to provide them with a new one. Furthermore, with a secure trust land base, the Bridgeport Indian Colony will be in a better position to improve their living conditions.

Presently, 12 of the 19 Indian families in the Bridgeport area live in totally substandard housing. Eleven of the families, including all of the families that now reside on the disputed land, have no sanitation facilities and no inside running water. Five of the homes are heated solely by wood-burning stoves, and three have no refrigerator. Only three of the 19 families can claim a member with full-time employment. All the rest are unemployed. A secure trust land base will enable these Indian people to overcome the severe obstacles of unemployment and chronic poverty and to utilize Federal resources to improve their standard of living.

Further, it is my understanding that the townspeople of nearby Bridgeport are in full support of this legislative proposal. Last year I received a unanimously approved resolution from the Mono County Board of Supervisors that stated its full support of the Bridgeport Indian Colony's efforts to obtain the grant of the federally owned land. I have recently been in contact with the chairman of the Mono County Board of Supervisors, Waltr Cain, and he expressed his support for the Indian Colony's attempts to obtain the 40 acres of land for a reservation. He also stated that at the board's next meeting he expects that they will issue a resolution supporting the Bridgeport Indian Colony's efforts, including the new proposal for a grant of 40 acres. I am hopeful that Congress will support this measure to correct this one of so many injustices that have been inflicted upon the Indian people of California.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 283

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all of the right, title, and interest of the United States in the following described public domain land located in Mono County, California, are hereby declared to be held by the United States in trust for the Bridgeport Indian Colony:

The Southeast quarter of the northeast quarter of section 28, township 5 north, range 25 east, Mount Diablo base and meridian, Mono County, California, containing forty acres more or less.

*Provided further,* That said parcel shall be subject to the easement to the Bridgeport Public Utility District for a sewer main.

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By Mr. HARRY F. BYRD, JR. (for himself, Mr. ALLEN, Mr. THURMOND, and Mr. NUNN):

S.J. Res. 13. A joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years. Referred to the Committee on the Judiciary.

Mr. HARRY F. BYRD, JR. Mr. President, I send to the desk a joint resolution for myself, the Senator from Alabama (Mr. ALLEN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Georgia (Mr. NUNN).

Mr. President, the joint resolution I am introducing today requires that Federal judges be subject to reconfirmation by the Senate every 8 years.

This resolution is identical to Senate Joint Resolution 106 of the 92d Congress, which was the subject of a hearing on May 19, 1972, before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary. My proposal is cosponsored by Senators ALLEN, THURMOND, and NUNN.

As more and more power is centralized in the Federal Government, we need to appraise more critically the justification for life appointment of Federal judges.

There is widespread dissatisfaction with the existing system, under which some judges are exercising dictatorial powers. I believe that a full and open discussion of the questions involved will be healthy and valuable.

Let me begin this discussion by outlining what my proposed amendment would do, and what it would not do.

I want to emphasize at the outset that I fully support the concept of an independent judiciary. The amendment I have introduced simply provides a method by which the courts might be made more accountable.

The philosophy of this proposal I am making was perhaps best expressed by Thomas Jefferson when he said, in a statement which is one of my favorities:

> In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

My amendment provides that Federal judges serve in office for a term of 8 years, at the end of which term they would be automatically nominated for reconfirmation by the Senate, unless they requested otherwise. If reconfirmed by the Senate, the judges would serve for an additional 8 years.

During the period of consideration by the Senate as to whether or not to give its advice and consent to the reconfirmation of any judge, that judge would continue in office. Moreover his new, 8-year term of office would commence from the day after the date that the Senate approved the reconfirmation—or from the day after the expiration of his earlier term, whichever date is later.

The amendment would not affect any judge sitting prior to its ratification.

This, then is the basic mechanism which I am suggesting.

The question arises at once: Is this a radical proposal, out of keeping with American tradition, or is it rather a reasonable means of achieving accountability of judges without destroying their basic independence? I submit that it is the latter.

In the first place, 47 of the 50 States now have fixed terms for their own judiciary. Of the three States that have no such provision, only Rhode Island has life tenure for judges. Massachusetts and New Hampshire provide for mandatory retirement at age 70.

The experience of Virginia may be of significance. Originally the State constitution provided for life tenure. In 1850, a revised constitution established the practice of popular election of judges. Twenty years later, Virginia converted to the present method of election by the General Assembly for specific terms of years.

The present Virginia system, which is directly parallel to the method which I have proposed for the Federal judiciary, has worked well. Even though elected by the General Assembly, the Virginia judiciary never has hesitated to assert its independence. The Virginia Supreme Court has exercised its long-established power to strike down legislative enactments.

The experience of Virginia indicates that any fears of lack of independence on the part of judges who are subject to legislative reconfirmation are without foundation.

Indeed, I know of no documented assertion that the independence or integrity of the judiciary has been compromised in any State as a result of fixed tenure.

When we stop to think about it, why should any official in a democracy have lifetime tenure? In the modern world, only kings, queens, emperors, maharajahs—and U.S. Federal judges—hold office for life.

I say again—why shouldn't any public official in a democracy have lifetime tenure?

I do not conceive this to be a liberal against conservative issue. Senator Robert M. LaFollette, Sr., of Wisconsin, one of the leading progressives of this century, in 1920, denounced "the alarming usurpation of power by the Federal courts." He called for constitutional and statutory changes to end lifetime tenure for Federal judges.

Certainly I see no reason why the question of lifetime appointment for judges, as opposed to a reasonable system of reconfirmation, should not be submitted to the people of this Nation.

For well over a century after the creation of this Nation, the unwritten canon of judicial restraint, as expressed by such eminent justices as Holmes, Brandeis, Stone, Hughes, and Frankfurter, was one of our most hallowed legal principles.

But in this century, and particularly since the 1950's, first the Supreme Court and later the lower Federal courts have cast aside much of the doctrine of restraint. In all too many instances the Federal courts have gone well beyond the sphere of interpreting the law, and into the domain of making the law.

Under these circumstances, we are faced with a dilemma. Judges who are accountable to no one are invading the sphere of the elected representatives of the people, handing down decisions which have great impact on the lives of the citizenry. This situation is basically inequitable and contrary to the spirit of democracy.

Under existing law, no real solution is available for the present dilemma. It is not possible to legislate resurrection of the doctrine of judicial restraint.

The Constitution established a subtle system of checks and balances; the question is whether the checks upon the mid-20th century judiciary are not entirely too subtle.

Impeachment has not provided a very useful means of policing the judges. Thomas Jefferson referred to the impeachment process as "a bungling way of removing judges—an impractical thing—a mere scarecrow."

Lord Bryce, in his observations of our government, said:

> Impeachment is the heaviest piece of artillery in the Congressional arsenal, but because it is so heavy it is unfit for ordinary use.

Characterizing congressional lethargy in this area, Woodrow Wilson said of impeachment:

> It requires something like passion to set them a-going; and nothing short of the grossest offenses against the plain law of the land will suffice to give them speed and effectiveness.

For lasting reform, aimed at setting the judiciary within the same restrictions on power and authority that are applicable to the legislative and executive branches, some change in the law will be necessary.

Really basic reform could best be achieved through a system automatically applicable to all members of the Federal judiciary, such as the proposal I have just sent to the desk. It is nondiscriminatory in its approach and would serve to guard the interests of the people, through their representatives in the Senate, without compromising the fundamental independence of the judges who would be subject to reconfirmation.

In connection with the issue of independence, we already have seen that the experience of the states indicates no jeopardy of the judiciary's independence need be feared from a fixed-tenure system. But we need to look further into this question of independence. We need to consider what is the real purpose of judiciary independence.

I think the true purpose of independence never was better stated than by Prof. Philip Kurland of the University of Chicago Law School. In a discussion of the proposal by former Senator Tydings of Maryland to create a commission of judges to police the judiciary, Professor Kurland stated:

It should be kept in mind that the provisions for securing the independence of the judiciary were not created for the benefit of the judges, but for the benefit of the judged.

I believe this to be a cardinal principle. Judicial independence should not be regarded as a fortress for the members of the judiciary, whether or not one believes that some judges are actual or potential oligarchs; on the contrary, it is supposed to be a shelter for the true rights of the people.

It is my contention that a uniform, reasonable system of fixed tenure and reconfirmation, such as I am proposing, would enhance the rights of the people. Therefore it is, in its main thrust and the real purpose of judicial independence.

There is no need to provide any official in a democracy with the prerogatives of a medieval baron in order to safeguard his independence of judgment. Indeed, to insulate a judge—or any other public official—from all accountability for his actions is to invite arbitrary action contrary to the will and welfare of the people of the United States.

Life tenure, devoid of restraint and accountability, is not consistent with democratic government. It is time we abolished it.

I submit that basic questions about the nature of our democracy are involved in the issue of judicial tenure. Such basic questions are best decided at the level closest to the people themselves. This is true through the constitutional amendment process.

Therefore, I hope that Congress will conduct a full debate and give final approval to this proposal. Then, the question will be taken to the people through their elective representatives in the several State legislatures.

Mr. President, the time to act is now.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

### S. 4

At the request of Mr. WILLIAMS, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 4, the Retirement Income Security for Employees Act.

### S. 6

At the request of Mr. WILLIAMS, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 6, the Education for All Handicapped Children Act.

### S. 180

At the request of Mr. WILLIAMS, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 180, the Coastal Environment Protection Act.

### SENATE JOINT RESOLUTION 10

At the request of Mr. SCHWEIKER, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of Senate Joint Resolution 10, the school prayer amendment.

## NOTICE OF HEARINGS CONCERNING THE FUTURE DIRECTIONS IN SOCIAL SECURITY

Mr. CHURCH. Mr. President, the U.S. Senate Special Committee on Aging will soon begin a study called Future Directions in Social Security.

Our initial hearings will take place on January 15, room 1224, New Senate Office Building; and on January 22 and 23 in room 1224, New Senate Office Building. Testimony will begin on each day at 10 a.m.

It is clear, I believe, that social security has performed very well indeed on behalf of several generations of Americans. Through these hearings, the Senate Committee on Aging can evaluate the significance of historic social security enactments made in 1972. We will also examine suggestions for future improvement while preserving the essential features of the present arrangements.

## NOTICE OF HEARINGS ON OIL AND GAS IMPORTS, JANUARY 10, 11, AND 17, 1973

Mr. JACKSON. Mr. President, on January 10, 11, and 17, 1973, the Committee on Interior and Insular Affairs will convene hearings to examine current trends toward increased reliance on oil and gas imports. These hearings are being held as part of the Senate's national fuels and energy policy study, being conducted by the Interior Committee under Senate Resolution 45—92d Congress—with participation from the Commerce, Public Works, and Joint Atomic Energy Committees. Originally scheduled for December 1972 the hearings were postponed, until now, at the administration's request.

The hearings will convene in room 3110 of the Dirksen Senate Office Building to receive testimony from administration representatives. The anticipated witnesses will include—

On Wednesday, January 10, at 10 a.m.: The Honorable Rogers C. B. Morton, Secretary, Department of the Interior; and at 2 p.m.: Gen. George A. Lincoln, Director, Office of Emergency Preparedness;

On Thursday, January 11, at 10 a.m.: The Honorable Julius T. Katz, Deputy Assistant Secretary for Economic Development, Department of State, and Mr. William Letson, General Counsel, Department of Commerce; and at 2 p.m.: Chairman Nassikas and the other Commissioners from the Federal Power Commission; and

On Wednesday, January 17, at 10 a.m.: The Honorable Barry Shilleto, Assistant Secretary for Logistics, Department of Defense, accompanied by Adm. Elmo R. Zumwalt, Jr.

Unfortunately, time will not permit the appearance of all parties who might wish to testify; however, the committee will accept statements for the record, in response to the following general questions and policy issues, until January 30, 1973:

### GENERAL QUESTIONS AND POLICY ISSUES HEARINGS ON THE SECURITY OF OIL AND GAS IMPORTS, U.S. SENATE, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

1. What is the range of probable U.S. energy imports between now and 1985? How much uncertainty is there in forecasts of future energy imports flowing from factors beyond the reach of feasible regulatory constraints by the Federal government?

### DISCUSSION

The National Petroleum Council has published preliminary projections of United States requirements for oil and gas imports in 1975, 1980 and 1985, as follows:

| | 1970 (actual) | 1975 | 1980 | 1985 |
|---|---|---|---|---|
| Oil: | | | | |
| Million barrels per day | 3.4 | 7.3 | 10.7 | 14.8 |
| (Percentage of total U.S. oil consumption) | (22) | (41) | (49) | (57) |
| Gas: | | | | |
| Trillion cubic feet | .9 | 1.6 | 3.8 | 6.8 |
| (Percentage of total U.S. gas consumption) | (4) | (7) | (17) | (28) |
| Oil and gas: | | | | |
| Quadrillion B.t.u | 8.4 | 17.2 | 26.9 | 37.2 |
| (Percentage of total U.S. energy consumption) | (12) | (21) | (26) | (30) |

Some critics have viewed these import projections as highly conservative, alleging that the assumptions upon which they were based were too optimistic, and that there was error on the positive side regarding the availability of domestic natural gas, low sulfur coal, crude oil from Alaska, and nuclear power. Responses to question 1 should indicated what projections are currently being used by the various agencies in the formulation and administration of energy import policies and energy policy generally, and what are the assumptions upon which such projections are based. What consideration is given to the impact on domestic energy development of environmental constraints, limitation of economically available resources, technological lags, or policies, such as price controls, adopted for reasons not necessarily intended to influence domestic energy development? How likely are such factors to cause substantial departure from the projections currently regarded as most probable?

2. In light of the factors considered in

question 1, what is the range of feasible policy choices which can be made by the Federal government to control the level of energy imports between now and 1985?

### DISCUSSION

One purpose of question 2 is to assess the maximum realistic degree of self-sufficiency in energy, or in specific fuels, that could be attained, were the American people willing to pay its costs. In general terms, what would be the amount and nature of such costs? On the other hand, how high might the levels of import dependency realistically reach if policies were adopted which would be *least* encouraging to development of domestic energy supplies. In either event what feasible opportunities exist to limit domestic energy consumption? Responses should indicate what general policies regarding fuels pricing, taxation, subsidies, trade, federal support of research and development, etc., would necessarily correspond to each of the four above mentioned cases—minimum and maximum import dependency with and without Federal constraints on consumer demands.

3. What is the probable future course of landed imported crude oil costs and U.S. domestic energy costs? What influence can the United States assert over competition, stability and prices in world petroleum markets?

### DISCUSSION

There are serious differences among oil analysts regarding the future of world petroleum markets and in the policy recommendations flowing from their prognoses. Some experts emphasize the development of a "seller's market" based upon rapid growth of world energy demand and the group interests of the exporting nations in limiting production. Others emphasize the vastness and low costs of developing Middle Eastern petroleum resources, and the actual and potential rivalries among oil producers; they foresee a world "surplus" of oil persisting for at least two decades. There may be some differences between the two groups over their assessments of basic resource availability, but the crux of the debate is whether the producing countries can collectively control production and prices without the active cooperation of the international oil companies and of consuming country governments. There is a corresponding lack of consensus whether the growth of United States imports would inexorably tend to increase the exporting countries' bargaining power, or would on the contrary help to restrain price increases by stimulating exporter competition for the U.S. market.

A closely related controversy is whether the national interest is best served by high or low fuels prices in world markets. In the past, the economic and balance of payments impact of world oil and gas production reflected principally the earnings of U.S. companies abroad, so that the national interest appeared to be consistent with high oil prices. Moreover, it is sometimes argued that higher prices for imported oil are desirable because they encourage greater domestic production, together with research and development efforts resulting in the early production of synthetic fuels. On the other hand, as a large net importer of fuels, the United States increasingly has a stake in lowest feasible import costs to consumers and to the economy; in limiting balance of payments deficits; and in ensuring supply reliability.

Responses to question 3 should indicate the underlying assumptions regarding world resource availability and costs, and regarding the ability of the producer nations to maintain a common bargaining position. It should also include an assessment of the interests of the United States in taking positive action regarding competition and the world price of crude oil. Consideration should be given to the question of whether there are governmental means available to encourage seller competition and to restrain future price increases. Specific attention is requested to the potential impact on world oil prices from feasible changes in U.S. import control mechanisms, tax law, policies toward the international oil companies (for example, antitrust waivers), and diplomatic initiatives.

4. What is the maximum proportion of U.S. petroleum imports (including crude oil, petroleum products, natural gas and LNG) that is likely to come from each region or bloc of countries, and from each country within each region or bloc, between now and 1985? To what extent will the United States be able to diversify its imports among regions, blocs and countries?

5. What are the specific security concerns regarding oil and gas imports that are or ought to be a major influence upon U.S. energy policy?

### DISCUSSION

Responses to this question should distinguish among (a) quantifiable economic concerns (for example, escalating prices, or the net foreign exchange burden of imports), (b) strategic and foreign policy constraints, and (c) risks of supply interruptions or limitations on production. With respect to the last category, consideration should be given to (but need not be limited to) the contingencies treated in the 1970 Report of the Cabinet Task Force on Oil Import Control. An assessment should be made of the relative likelihood, and the probable costs, of preparing for and dealing with each kind cf interruption. How would the concentration of imports from specific countries, concentration to deliveries to specific areas of the United States, and the form in which fuels are imported (crude oil, residual fuel cil, naphtha, refined products, LNG, etc.) affect the seriousness of the various contingencies related to U.S. economic and military security and to consumer comforts?

6. Of the concerns and risks identified in responses to question 5, which are now adequately protected by the system of oil import controls, which by specific other policies, and which concerns or risks will require new supplementary executive or legislative action?

7. Describe in summary form the system of oil import controls as it now exists. To what extent has the system or its functioning in fact changed since 1969?

### DISCUSSION

In 1970, the Cabinet Task Force on Oil Import Control concluded the following:

The present import control program is not adequately responsive to present and future security considerations. The fixed quota limprotection either of the national economy or of essential oil consumption. The level of restriction is arbitrary and the treatment of secure foreign sources internally inconsistent. The present system has spawned a host of special arrangements and exceptions for purposes essentially unrelated to the national itations that have been in effect for the past ten years, and the system of implementation that has grown up around them, bear no reasonable relation to current requirements for security, has imposed high costs and inefficiencies on consumers and the economy, and has led to undue government intervention in the market and consequent competitive distortions. In addition, the existing quota system has left a significant degree of control over this national program to state regulatory authorities.

Since the foregoing statement was written, the attempt to maintain a strict limit on petroleum imports has apparently been relaxed. Moreover, the reserve producing capacity then maintained by State regulation has almost disappeared. Although there has been no official declaration of such a policy, the country generally seems to be subjected to a "District V formula" for crude oil; i.e., imports are allowed to fill the gap between domestic supplies and market demand, at some acceptable price level. Moreover, residual fuel oil has been imported freely since 1966; gas and LNG imports are apparently outside the control system, multi-billion dollar gas import projects are being actively encouraged by some executive agencies; and consideration is being given to exempting feedstock imports for gas manufacture.

One purpose of question 7 is to determine what are the policies, criteria and mechanisms presently being implemented by the Administration for controlling energy imports. Responses should also indicate whether the quotation from the Task Force Report is now regarded as a fair and valid assessment of the import control program. In what way and to what extent can the present system of import controls affect either the probability or the impact of supply interruptions? To what extent can the present program contribute to (a) lowering the cost, (b) increasing the reliability of imports allowed, (c) providing geographic diversity of import sources, (d) the encouragement of storage capacity or reserve producing capacity, or (e) a balanced distribution of import reliance among regions of the United States? What, if any, rationale is there for stricter controls upon imports of crude oil than upon residual fuel oil or naphtha for SNG manufacture?

8. (a) What policy alternatives regarding the control of energy imports are currently under active consideration by the Administration?

(b) What plans, policies and provisions exist and are ready for implementation, for dealing with emergencies flowing from interruptions in energy imports? What additional plans, policies or provisions are currently under active consideration?

(c) What are the present arrangements and timetables within the Executive Branch for review and formulation of import policy and contingency planning?

9. In the light of anticipated U.S. import dependency, what are the grounds for continued quota restrictions upon importation of Canadian oil? What discussions or negotiations have taken place within the last two years between the U.S. and the Canadian government regarding U.S. trade and investment in Canadian oil and gas, and regarding transport of Alaska gas and/or oil across Canada?

### DISCUSSION

Canada's oil and gas resources may be of a magnitude comparable with those of the United States. With domestic energy consumption currently only 11 percent of the U.S. figure, Canada might reasonably be expected to become a major exporter to U.S. markets. In addition to the probable resources of conventional oil and gas there exist large heavy oil resources and the tar sands of Alberta, whose proved reserves exceed those of the whole world in conventional hydrocarbons. The possibility that production of synthetic crude oil from these deposits might become economic at a price not much greater than the current prices of crude oil in U.S. markets would have a profound impact on the energy economies of both the United States and Canada.

Although Canadian imports would seem to be comparatively secure, and although oil import regulations allow Canadian crude oil to be imported without restriction, administration of the import control program has in fact limited shipments from Canada. This limitation has dampened petroleum exploration incentives and has retarded leasing and research and development efforts in the tar sands. The official rationale for restricting Canadian imports has been Eastern Canada's own dependence upon overseas oil. Accordingly, an interruption of these supplies might require diversion to Eastern Canada of North American production upon which the United States ordinarily depended. One purpose of question 9 is to ascertain whether, in the light of the great absolute reliance of the United States upon overseas sources, this or any other rationale for restricting Canadian imports is now valid.

Transportation of crude oil or natural gas from Alaska to U.S. markets, except oil to the West Coast, will require pipelines across Canada. These lines will transit areas of important Canadian energy resources that could be developed mainly for U.S. markets. There are arguable engineering, economic, environmental and political grounds for considering plans for pipelines from Alaska jointly with those for Canadian Arctic fuels. Debate and testimony regarding the Trans-Alaska pipeline proposal has suggested a lack of sustained attempt on the part of U.S. government agencies to reach understandings with Canada on U.S.-Canadian trade, investment, transportation and regulatory policies for Arctic oil and gas. Responses to question 9 should indicate the objectives and policies of the respective executive agencies concerning U.S.-Canadian energy relations.

Authorization to build the Trans-Alaska (Alyeska) pipeline continues to be delayed and its ultimate fate is still in doubt. It is conceivable that a Canadian overland route may yet be the only feasible way to bring Alaska crude oil to U.S. markets. Moreover, there is general agreement that an overland oil pipeline may be required as a second route for Alaska oil, in addition to the Alyeska pipeline and gas line across Canada. In light of these considerations, question 9 seeks to ascertain what would be the actual sequence of events required to result in the construction of a crude oil pipeline from Alaska across Canada. What initiatives would be required and what legal or organizational constraints exist upon either the companies or an agency of the U.S. government regarding the Trans-Canadian pipeline option? What matters would have to be resolved between the U.S. and Canadian governments? What, if any, legislation would be required on either side of the border?

10. What are the relative (a) costs, (b) capital requirements per unit of capacity, and (c) security implications of various measures to meet the shortfall in domestic natural gas supply?

DISCUSSION

Measures for meeting the growing gulf between gas demand and domestic natural gas supply include increasing domestic exploration and development by some combination of higher field prices and an accelerated Outer Continental Shelf leasing program; substitution of oil or coal for gas as an industrial boiler fuel, either by means of a change of gas pricing policies or by direct end-use controls; manufacture of gas from domestic coal, imported oil or imported naphtha; import of Canadian Arctic gas by pipeline; and import of Liquefied Natural Gas.

While imported crude oil is cheaper than the domestic product, the LNG import proposals seem questionable in that the landed cost of imported gas is expected to be much higher than that of domestic natural gas. Some members of the Committee are concerned that LNG imports are among the most costly alternatives, both to the consumers and to the national economy, are the least secure and are perhaps the most dangerous in terms of product safety. Imports of Liquefied Natural Gas from Algeria, the U.S.S.R. or other Eastern Hemisphere sources would be several times more costly than the regulated prices pipelines and utilities pay for domestic natural gas. The cost of LNG to pipelines and gas utilities would also be greater than the prices they would continue to charge for gas to many of their industrial customers.

Pipeline gas manufactured from domestic coal or from imported petroleum feedstocks will probably have costs in the same range as those of imported LNG ($1.00 or more per million BTU). Unlike the LNG projects, however, coal gasification uses a secure domestic resource; the petroleum feedstocks for SNG plants can be obtained from diverse sources, so that they would be less vulnerable to supply interruptions. In addition, the capital costs per unit of throughput capacity are far less for oil conversion than they are for LNG, so that gas from oil is a considerably cheaper source for "peak-shaving" service than imported LNG. The pending LNG projects may require both shipbuilding subsidies and subsidized loans from the Export-Import Bank.

Except for peak-shaving purposes, the market for any of these natural gas substitutes in the near future is an artificial one, created by a combination of field price control, "rolled-in" pricing by pipelines and utilities, and promotional rates to industrial customers. Some analysts contend that this market and the current gas shortage would both disappear if industrial gas consumers were charged "incremental" prices, that is, the cost of replacing the gas that they burn.

11. What are the current policies and control mechanisms regarding the imports of Liquefied Natural Gas and Synthetic Natural Gas feedstock? To what extent are the cost and security aspects identified in the responses to question 10 reflected in the regulatory policies of the Federal Power Commission, leasing and other policies of the Interior Department, trade promotion activities of the Commerce Department, and in trade and energy policies of other agencies?

12. What are the realistic dangers and the opportunities for the United States in the exporting countries demand for "participation" in production; investment by these nations in transportation, refining and marketing in the U. S.; and in the trend toward nationalization of oil concessions?

DISCUSSION

Petroleum analysts differ as to whether "participation" is mainly a cover for additional tax increases by the exporting countries, an effective move toward control of the rate of development and production as a foundation for future price increases, or a long step toward nationalization. Spokesmen for some of the exporting countries interpret participation as leading to a stable partnership between producers and consumers, and propose investments by the exporting nations in the international oil companies' "downstream' (transportation, refining and marketing) operations.

One school of analysis expects the increased activity of exporter governments producing and marketing their own oil to intensify competition in crude oil markets, to the advantage of consumers. Some observers regard nationalization of the concessions as inevitable, and would welcome an acceleration of the trend, in which the oil companies became purchasers of oil, and exploration and development contractors. Others see the companies' role in production as an invaluable "buffer" between the producer and consumer governments.

Responses to question 12 should include a prognosis regarding the trends toward nationalization and toward participation of the exporting country governments in production, or in "downstream" activities, and an assessment of their respective implications for the costs and security of U.S. energy supplies.

13. What are the implications for the United States of the dependence of Western Europe, Japan and other countries upon imported energy? What opportunities exist for cooperation between the United States and other consumer countries to restrain the costs or enhance the security of their energy supplies?

DISCUSSION

Western Europe, Japan and many other countries are proportionally more dependent upon oil and gas imports, and particularly upon crude oil imports from the Middle East and North Africa, than is the U.S. Rising prices of oil from OPEC countries, and the possibility of supply interruptions, are relatively more serious for these nations than for the U.S. One purpose of question 13 is to compare the policies and measures taken by other countries individually and collectively to reduce the cost, or enhance the security, of their energy supplies.

What are the current policies of these countries individually regarding stable development of domestic energy supplies; diversification of import sources; emergency storage and rationing, promotion of competition in domestic energy markets; encouragement of diversity of energy sources, relations with exporter countries and with the international oil companies? What collective action have consumer countries, including the U.S., taken, or may be expected to take, through international organizations, bilateral or multilateral arrangements in order to enhance their security of energy supplies and to protect against growing OPEC strength? For example, what progress has been made within the OECD and the EED, or within the Zurich Group with regard to these issues? Is such action sufficient? If not, in what areas is it deficient? Are there actions the U.S. should encourage regarding development of consumer country cooperation as related to energy import policy?

## NOTICE OF HEARING ON CERTAIN NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been schedule for Wednesday, January 17, 1973, at 10:30 a.m., in room 2228, Dirksen Senate Office Building, on the following nominations.

Joseph T. Sneed, of North Carolina, to be Deputy Attorney General, vice Ralph E. Erickson.

Robert H. Bork, of Connecticut, to be Solicitor General of the United States, vice Erwin N. Griswold.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

## ADDITIONAL STATEMENTS

### ORDER OF THE PRESIDENT PRO TEMPORE IMPLEMENTING THE PROVISIONS OF THE FEDERAL PAY COMPARABILITY ACT

Mr. EASTLAND. Mr. President, pursuant to authority contained in the Federal Pay Comparability Act of 1970, the President of the United States, by Executive Order 11691 of December 15, 1972, authorized a 5.14-percent salary increase for the Federal pay systems under his jurisdiction.

In discharging my responsibility as President pro tempore of the Senate under authority vested in me by section 4 of the Federal Pay Comparability Act of 1970, I issued an order on December 16, 1972, implementing the action of the President for officers and employees of the U.S. Senate. I ask unanimous consent that this order be printed in the RECORD.

There being no objection, the order was ordered to be printed in the RECORD, as follows:

### ORDER, U.S. SENATE, OFFICE OF THE PRESIDENT PRO TEMPORE

By virtue of the authority vested in me by section 4 of the Federal Pay Comparability Act of 1970, it is hereby—

*Ordered,*

#### CONVERSION TO NEW MULTIPLE

SECTION 1. (a) Except as otherwise specified in this Order or unless an annual rate of compensation of an employee whose compensation is disbursed by the Secretary of the Senate is adjusted in accordance with the provisions of this Order, the annual rate of compensation of each employee whose compensation is disbursed by the Secretary of the Senate is adjusted to the lowest multiple of $272 which is not lower than the rate such employee was receiving immediately prior to January 1, 1973.

(b) For purposes of this Order—

(1) "employee" includes an officer other than a Senator; and

(2) "annual rate of compensation" shall not include longevity compensation authorized by section 106 of the Legislative Branch Appropriation Act, 1963, as amended.

#### RATE INCREASES FOR SPECIFIED POSITIONS

SEC. 2. (a) The annual rates of compensation of the Secretary of the Senate, the Sergeant at Arms, the Legislative Counsel, the Comptroller of the Senate, the Secretary for the Majority (other than the present incumbent), the Secretary for the Minority, and the four Senior Counsel in the Office of the Legislative Counsel (as such rates were increased by prior orders of the President pro tempore) are further increased by 5.14 percent, and as so increased, adjusted to the nearest multiple of $272. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid, by reason of the promulgation of this Order, an annual rate of compensation in excess of the annual rate of basic pay, which is now or may hereafter be in effect, for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The maximum annual rates of compensation of the Secretary for the Majority (as long as that position is occupied by the present incumbent), the Assistant Secretary of the Senate, the Parliamentarian, the Financial Clerk, and the Chief Reporter of Debates (as such rates were increased by prior orders of the President pro tempore) are further increased by 5.14 percent, and as so increased, adjusted to the nearest multiple of $272. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of the annual rate of basic pay, which is now or may hereafter be in effect, for positions at such level V.

(c) The maximum annual rates of compensation of the Administrative Assistant in the Office of the Majority Leader, the Administrative Assistant in the Office of the Majority Whip, the Administrative Assistant in the Office of the Minority Leader, the Administrative Assistant in the Office of the Minority Whip, the seven Reporters of Debates in the Office of the Secretary, the Assistant Secretary for the Majority, the Assistant Secretary for the Minority, the Assistant to the Majority and the Assistant to the Minority in the Office of the Secretary, the Legislative Assistant in the Office of the Majority Leader, and the Legislative Assistant in the Office of the Minority Leader (as such rates were increased by prior orders of the President pro tempore) are further increased by 5.14 percent, and as so increased, adjusted to the nearest multiple of $272. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $35,904, until the annual rate of basic pay for positions at such level V is increased to $39,000 or more, except that (1) any individual occupying the position of Administrative Assistant in the Office of the Majority Whip or Minority Whip shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $34,544 until such rate for level V is increased to $39,000 or more, and (2) any individual occupying the position of Assistant to the Majority or Assistant to the Minority in the Office of the Secretary, Legislative Assistant in the Office of the Majority Leader, or Legislative Assistant in the Office of the Minority Leader shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $34,272 until such rate for level V is increased to $39,000 or more.

#### CHAPLAIN'S OFFICE

SEC. 3. The annual rate of compensation of the Chaplain is adjusted to that multiple of $272 which is nearest to the annual rate of compensation he was receiving immediately prior to January 1, 1973. The maximum annual rate of compensation for the position of secretary to the Chaplain is that multiple of $272 which is nearest to, but not less than, the maximum annual rate of compensation in effect for such position immediately priod to January 1, 1973.

#### OFFICES OF THE SENATE

SEC. 4. (a) Any specific rate of compensation established by law, as such rate has been increased by or pursuant to law, for any position under the jurisdiction of the Sergeant at Arms shall be considered as the maximum annual rate of compensation for that position. Each such maximum annual rate is increased by 5.14 percent, and as so increased, adjusted to the nearest multiple of $272.

(b) The maximum annual rates of compensation for positions or classes of positions (other than those positions referred to in section 2 (b) and (c) of this Order) under the jurisdiction of the Majority and Minority Leaders, the Majority and Minority Whips, the Secretary of the Senate, the Secretary for the Majority, the Secretary for the Minority, and the Comptroller of the Senate are increased by 5.14 percent, and as so increased, adjusted to the nearest multiple of $272.

(c) The following individuals are authorized to increase the annual rates of compensation of the employees specified by 5.14 percent, and as so increased, adjusted to the nearest multiple of $272:

(1) the Vice President, for any employee under his jurisdiction;

(2) the President pro tempore, for any employee under his jurisdiction (other than the Comptroller of the Senate);

(3) the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip, for any employee under the jurisdiction of that Leader or Whip (subject to the provisions of section 2(c) of this Order);

(4) the Majority Leader, for the Secretary for the Majority so long as the position is occupied by the present incumbent (subject to the provisions of section 2(b) of this Order);

(5) the Secretary of the Senate, for any employee under his jurisdiction (subject to the provisions of section 2(b) and (c) of this Order);

(6) the Sergeant at Arms, for any employee under his jurisdiction;

(7) the Comptroller of the Senate, for his auditor;

(8) the Legislative Counsel, subject to the approval of the President pro tempore, for any employee in that Office (other than the four Senior Counsel);

(9) the Secretary for the Majority and the Secretary for the Minority, for any employee under the jurisdiction of that Secretary (subject to the provisions of section 2 (c) of this Order); and

(10) the Capitol Guide Board, for the Chief Guide, the Assistant Chief Guide, and the Guides of the Capitol Guide Service.

(d) The figure "$777", appearing in the first sentence of section 106(b) of the Legislative Branch Appropriation Act, 1963, as amended (as provided in section 4(d) of the Order of the President pro tempore of December 23, 1971), shall be deemed to refer to the figure "$816".

(e) The limitation on the rate per hour per person provided by applicable law immediately prior to January 1, 1973, with respect to the folding of speeches and pamphlets for the Senate, is increased by 5.14 percent. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

#### COMMITTEE STAFFS

SEC. 5. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, the chairman of any standing, special, or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), and the chairman of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate are each authorized to increase the annual rate of compensation of any employee of the committee, or subcommittee thereof, of which he is chairman, by 5.14 percent, and as so increased, adjusted to the nearest multiple of $272.

(b) (1) The figures "$8,288", "$15,281", "$14,245", "$18,648" "$22,533", and "$20,461" appearing in section 105 (e) of the Legislative Branch Appropriation Act, 1968, as amended (as provided in section 5 (b) (1) of the Order of the President pro tempore of December 23, 1971), shall be deemed to refer to the figures "$8,160", "$16,048", "$14,144", "$18,496", "$23,664", and "$20,400", respectively.

(2) The maximum annual rates of $36,519, $38,073, and $39,627 appearing in such section 105 (e) (as provided in section 5(b) (2) of such Order of December 23, 1971) are each further increased by 5.14 percent, and as so increased, adjusted to the nearest multiple of $272, and shall be deemed to refer to the figures "$38,352", "$39,984", and "$41,616", respectively. Notwithstanding the provisions of this paragraph, any individual occupying a position to which any such rate applies (A) shall not have his compensation fixed at a rate exceeding $32,912, $34,544, or $35,904 per annum, respectively, as long as

the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is less than $39,000, and (B) shall not have his compensation fixed at a rate exceeding $35,632, $37,264, or $38,896 per annum, respectively, as long as such annual rate for positions at that level V is $39,000 or more but less than $42,000.

### SENATORS' OFFICES

SEC. 6. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, each Senator is authorized to increase the annual rate of compensation of any employee in his office by 5.14 percent, and as so increased, adjusted to the nearest multiple of $272.

(b) The table contained in section 105 (d)(1) of such Act (as provided in section 6(b) of the Order of the President pro tempore of December 23, 1971) shall be deemed to read as follows:

"$327,216 if the population of his State is less than 3,000,000;

"$355,776 if such population is 3,000,000 but less than 4,000,000;

"$381,616 of such population is 4,000,000 but less than 5,000,000;

"$401,200 if such population is 5,000,000 but less than 7,00,000;

"$422,416 if such population is 7,000,000 but less than 9,000,000;

"$446,080 if such population is 9,000,000 but less than 10,000,000;

"$469,744 if such population is 10,000,000 but less than 11,000,000;

"$493,408 if such population is 11,000,000 but less than 12,000,000;

"$517,072 if such population is 12,000,000 but less than 13,000,000;

"$540,192 if such population is 13,000,000 but less than 15,000,000;

"563,312 if such population is 15,000,000 but less than 17,000,000;

"$586,160 if such population is 17,000,000 or more.".

(c)(1) The figures "$1,295", "$20,720", and "$27,972", appearing in the second sentence of section 105(d)(2) of such Act (as provided in section 6(c)(1) of such Order of December 23, 1971) shall be deemed to refer to the figures "$1,088", "$21,760", and "$29,376", respectively.

(2) The maximum annual rates of $33,929, $35,483, and $37,037 appearing in such second sentence (as provided in section 6(c)(2) of such Order of December 23, 1971) are each further increased by 5.14 percent, and as so increased, adjusted to the nearest multiple of $272, and shall be deemed to refer to the figures "$35,632", "$37,264", and "$38,896", respectively. Notwithstanding the provisions of this paragraph, any individual occupying a position to which such rate applies shall not have his compensation fixed at a rate exceeding $32,912, $34,544, or $35,904 per annum, respectively, until the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased to $39,000 or more.

### GENERAL LIMITATION

SEC. 7. (a) The figure "$1,295" appearing in section 105(f) of the Legislative Branch Appropriation Act, 1968, as amended (as provided in section 7(a) of the Order of the President pro tempore of December 23, 1971) shall be deemed to refer to the figure "$1,088".

(b) The maximum annual rate of compensation of $39,627 appearing in such section (as provided in section 7(b) of such Order of December 23, 1971) is further increased by 5.14 percent, and as so increased, adjusted to the nearest multiple of $272, and shall be deemed to refer to the figure "$41,616". Notwithstanding the provisions of this subsection, any individual occupying a position to which such rate applies (1) shall not have his compensation fixed at a rate exceeding $35,904 per annum as long as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is less than $39,000, and (2) shall not have his compensation fixed at a rate exceeding $38,896 per annum as long as such annual rate for positions at level V is $39,000 or more but less than $42,000.

### NOTIFYING DISBURSING OFFICE OF INCREASES

SEC. 8. In order for an employee to be paid an increase in the annual rate of his compensation authorized under section 4, 5, or 6 of this Order, the individual designated by such section to authorize an increased rate shall notify the disbursing office of the Senate in writing that he authorizes an increase in such rate for that employee and the date such increase is to be effective.

### DUAL COMPENSATION

SEC. 9. The figure "$7,724" contained in section 5533(c)(1) of title 5, United States Code, insofar as such section relates to individuals whose pay is disbursed by the Secretary of the Senate, shall be deemed, insofar as such section relates to such individuals, to refer to the figure "$9,080".

### EFFECTIVE DATE

SEC. 10. Sections 1–9 of this Order are effective January 1, 1973. This section shall not be construed as prohibiting the filing with the disbursing office of the Senate, on any day earlier than such date, a notice authorizing an increase under this Order in the rate of compensation of an individual if such increase is not effective prior to such date.

JAMES O. EASTLAND,
*President pro tempore.*

DECEMBER 16, 1972.

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## SKYJACKINGS

Mr. SCOTT of Pennsylvania. Mr. President, during the adjournment period we unfortunately witnessed another series of skyjackings and attempted skyjackings. One of them, which covered nearly the entire North American Continent, involved the shooting of a pilot. The time has come to put a stop to this, and it can be done, with the full support of the administration.

Although skyjacking is really an international problem, we must make every effort to eliminate the United States as the origination point. Much has been done already. Approximately $3.5 million has been allocated for the purchase of magnetometers and other metal detecting devices. The Federal Aviation Administration has ordered nearly 2,300 of them. The airlines themselves have already procured over 1,300 at their own expense. The central problem, however, is to have the personnel available both to monitor this equipment and the passengers too. To date, this effort has been less than successful.

During the 92d Congress, the Senate unanimously adopted an amendment to the Anti-Hijacking Act of 1972 which required screening by weapon detection devices of all air passengers and their carry-on possessions. The amendment also proposed to create an air transportation security force "to provide a law enforcement presence and capability at airports in the United States adequate to insure the safety from criminal violence and air piracy of persons traveling in air transportation or intrastate air transportation." The security force would be trained and responsible to the FAA and would have the authority to detain, search and arrest any person believed to have violated existing antihijack laws and regulations. Unfortunately, the administration opposed this amendment and the bill died.

The administration's earlier position on the law enforcement issue was a commitment to replacing Federal personnel with local law enforcement personnel not later than mid-1974. I could not support this view because I do not regard skyjacking as a "local" crime. Nor do I feel that local law enforcement officials have either the manpower or the expertise necessary to handle such a difficult and delicate operation. Certainly, there are no major cities which could effectively shoulder the cost of maintaining such a local security force. I appreciate the administration's concern over the cost and the wisdom of establishing a Federal security force at our airports. Yet, on balance, I feel that it is in the interests of all Americans that it be done.

The administration's current plan is quite similar to the one adopted by the Senate last year. However, the fatal flaw still seems to be the reliance on local law enforcement officials. As for financing, the administration suggested that the traveling public should bear the cost. In attempting to comply with the spirit of the administration's proposal, the Air Transport Association, representing the Nation's scheduled airlines, sought to impose a $1 surcharge on all airline tickets to cover the new antihijacking costs. However, the request has been tentatively rejected by the Civil Aeronautics Board, thus unfairly burdening the airlines. This alone should indicate that the administration's proposals need to be reviewed.

On the international front, the administration has done an outstanding job. Secretary of State Rogers is leading an effort to develop a multilateral convention to effectively deny safe havens to the hijacker. President Nixon recently signed the Montreal Sabotage Convention, an international agreement requiring the extradition or prosecution of anyone who commits sabotage or violence against international civil aviation. In addition, President Nixon strongly supports three measures now being considered in the United Nations and in the International Civil Aviation Organization. First, a draft convention providing for the prosecution or extradition of persons who attack or kidnap foreign officials. Second, a convention providing for the suspension of air service to countries which fail to punish or extradite hijackers or saboteurs of civil aircraft. And third, a new convention proposed by the United States which would require the prosecution or extradition of any person who seriously injures, kidnaps, or kills innocent civilians in a foreign state for the purpose of blackmailing any state or international organization.

Before it is too late, before we lose several hundred people in one massive air tragedy, let us resolve to end air piracy and international homicide. The administration should support the establishment of a Federal security force at our airports. The international community should promptly ratify those conventions dealing with terrorism. We simply cannot allow a situation in which the German Government, for example, must give up Arab murderers of Israeli athletes to a demented military ruling clique in Libya. Public opinion marked the German decision as wrong, but with the efforts of all nations, it might never have gotten that far. Even the Cuban Government has indicated that it wants no part of these international fugitives from justice.

I certainly hope that one of the first pieces of legislation to come before the Senate this year will be the Antihijacking Act of 1973. And I further hope that, if cleared by both Houses of Congress, it will be signed by the President.

## MILITARY TAKING OVER OFFICE OF EMERGENCY PREPAREDNESS

Mr. PROXMIRE. Mr. President, the Office of Emergency Preparedness has been turned into a gold-plated home for retired military personnel. Today there are 46 retired colonels or captains alone at work in the Office of Emergency Preparedness. In 1968 there were 11.

The percentage of retired military personnel on the professional staff of OEP has increased from 6 percent 4 years ago to over 21 percent now. This is five times as high as the average number of retired military personnel at work throughout the executive branch.

### HIGH SALARIES FOR MILITARY

These retired officers have been brought into OEP at very high grades, most of them in the $20,000 to $36,000 range.

The militarization of OEP raises some critical questions. Does this now mean that OEP will be another spokesman for the Pentagon in the National Security Council? Since the Director of OEP traditionally has served on certain national resource panels, is it possible that in a showdown between domestic and military resource allocation, the new Director of OEP will favor the military regardless of the merits of the particular case?

The Office of Emergency Preparedness has several responsibilities. It makes plans for emergency economic controls during wartime. At present, the unit in OEP with this power is staffed with retired military personnel at a 38 percent level.

OEP also has jurisdiction over Federal disaster relief. The specific OEP unit with this responsibility is more than half filled with retired colonels.

### MORALE AFFECTED

The morale of the career civilians working at OEP has been badly disrupted by this dramatic influx of retired military. In many cases, division chiefs have actively recruited former friends, neighbors, and associates to join them at the expense of the civilians remaining in their posts.

It is strange that the activities of the Office of Emergency Preparedness cannot be handled by civilians but require the "special qualifications" of retired military personnel. An explanation is due the public and the civilians at OEP and in other Government posts.

## THE BILL OF RIGHTS

Mr. HANSEN. Mr. President, it has been my privilege to receive from the Francis E. Warren Post 1881 of the Veterans of Foreign Wars of the United States, Cheyenne, Wyo., the first, second, and third place winning entries in the Post's "1972 Bill of Rights Essay Contest."

The winning essays were submitted by grade school children in Laramie County, Wyo., and they indicate that these children and their contemporaries have a sound appreciation of the values of America's freedoms to individual citizens and to society.

The entries selected by Post 1881 were submitted by the following youngsters: first place, Georgeann Darden of Pine Bluffs; second place, Laurie Weiruch of Miller School, Cheyenne; and, third place, Lisa Bates of Fairview School, Cheyenne.

Mr. President, I ask unanimous consent that these essays be printed in the Record.

There being no objection, the essays were ordered to be printed in the Record, as follows:

### WHAT THE BILL OF RIGHTS MEANS TO ME

(By Georgeann Darden, first place winner)

The Bill of Rights can be expressed with one word—Freedom.

Too many of us take the Bill of Rights for granted without really stopping to realize what it means.

The individual freedoms guaranteed to us by our American Bill of Rights permit me to attend the church of my own choice without fear of persecution, allow me to read other person's thoughts and ideas in a free press, and the right to assemble enables me to attend clubs and organizations of my choice. After discussion with my parents I realize more the privilege it is to keep and bear arms should a situation arise where we had to defend ourselves.

Because of the Bill of Rights my family doesn't have to board soldiers. The Bill of Rights also protects my family from search and seizure without a warrant.

I cannot be incriminated without reason. That means much to me because it permits me to have my own thoughts and ideas.

The right to have a speedy and fair trial insures that we will not be delayed from work, school, or homes for an unnecessary length of time.

The last article provides that the citizens of America may enact new laws and allows me to contribute to the human rights of my government.

Who can take advantage of the Bill of Rights? Any American can. I like to remember the last four letters of American are I CAN!

### WHAT THE BILL OF RIGHTS MEANS TO ME

(By Laurie Weiruch, second place winner)

I think that without the Bill of Rights we would be without freedom. We might be pushed to accept one certain religion. We might not have protection in our homes. We could be searched or seized against our will or pushed out of our homes during war, so troops could use them. At trials don't you want the right not to be forced to say things which might incriminate you, or get to have your trial as soon after you're accused as possible? Without the Bill of Rights courts could give you your trial without a jury or hold you for excessive bail. All of our rights are protected by the constitution. Our last right is that the federal governmental power is limited to only what the constitutions says.

We the people made our government for the good of the people. And we the people run it. Many of our ancestors left the old world because it was unfair. We couldn't have the type of religion we wanted nor any other rights. When we came to America little was changed. We had no organization and no government, just the idea we were free.

So we made the constitution and added ten amendments, calling them the Bill of Rights to protect this freedom. The Bill of Rights seems that we as Americans have protected rights and as Americans we have a responsibility to protect them.

### WHAT THE BILL OF RIGHTS MEANS TO ME

(By Lisa Bates, third place winner)

The Bill of Rights is our guarantee of freedom and every so often we should stop and think what our life would be like without these rights.

Can anybody in modern days even imagine that, without the fourth Amendment, our homes could be searched, our property taken and people could be arrested without good reason or legal authority?

How difficult is it for us to understand that there are still countries in this world where people are not allowed to disagree with the government or practice any religion they choose. Without the 1ST Amendment the same conditions could exist in our country also.

If I could picture that I myself, or someone I know were accused of a crime, how grateful would I be for the protection of the 5th and 6th and 8th Amendments. I know that it is my right to be told what I am accused of, to be tried as soon as possible, and to be judged by an impartial jury. I know that I will not be punished cruelly as by torture. If I am found not guilty, how good it is to know that I can never be tried for the same crime again.

There are many more safeguards of freedom in the Bill of Rights which we take for granted in everyday life. But looking back at the days before these rights were guaranteed by law, I am happy and proud to live in a country where freedom and liberty are protected for everyone.

## THE RIGHTS OF THE NONSMOKER

Mr. MOSS. Mr. President, every day the civil rights of nonsmokers across this country are being infringed upon by discourteous smokers.

Whether or not an individual will

smoke is his own decision. We can try to persuade, cajole, coerce individuals into not smoking, but the right to smoke is a personal right.

But along with the right to smoke, there is not a right to infringe upon the air breathed by the nonsmoker. Pollution given off by the smokers' cigarettes is discomforting and it may, in fact, be a health hazard.

I would think that the courteous smoker would ask whether his habit bothers those surrounding him when he is in a public place. If so, he should refrain from smoking.

Lynn R. Smith, publisher of the Monticello Minnesota Times recently wrote a full page editorial on the rights of the nonsmoker. I call it to my colleagues' attention and urge that they read it and heed it.

Mr. President, I ask unanimous consent that the editorial referred to above be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### THE TYRANNY OF SMOKING

(By Lynn R. Smith)

Non-smokers of the world, unite. You have nothing to lose but your oppression.

Heard increasingly across the land is this clarion call to arms of non-smokers who have long suffered in silence the stings of outrageousness by smokers.

Decades ago public revulsion against a once popular habit saw the demise of the spittoon. Today's enlightenment cries out for opposition to a not-unlike form of pollution and inconsiderateness: Smoking. In the forefront of the crusade must be the heretofore silent majority of non-smokers.

"The time is ripe for the government and voluntary groups to mount a more vigorous program on all fronts to portray smoking for what it really is—a dirty, smelly, foul, chronic form of suicide." The words are those of the U.S. Surgeon General Jesse L. Steinfeld.

Cigarette disease has been flatly branded by a U.S. health agency as "one of the foremost preventable causes of death and disability in the U.S.." In Great Britain, smoking has been officially designated as "the chief avoidable menace to health."

There's little doubt that smoking constitutes a formidable foe. The war against it won't be easy. Some of your best friends may even be smokers.

At issue is the non-smoker's basic right to breathe clean air, as against the smoker's right to pollute it. Skirmishes are being waged across a broad front. And there is increasing evidence that minor—yet significant—victories are being won by non-smokers in fighting the good fight of faith against this socially unacceptable habit.

Most recently Chief Justice Burger achieved a singular victory for non-smokers on Amtrak's Metroliner between Washington, D.C., and New York who were perforce subjected to befouled air in the train's club car.

Here are more f'rinstances: More airlines are providing segregated seating for smokers and non-smokers. Hospitals around the country have begun to restrict areas where smoking is permitted. Doctors have banished smoking from their waiting rooms. Legislation to restrict smoking in public places has been introduced in several states and in Congress. And to lend an appropriate official note to it all, the U.S. Department of Health, Education and Welfare prohibits smoking in its conference rooms and auditoriums, and even designates no-smoking areas in its cafeterias and dining rooms.

Still more examples: A California motel offers a 10 percent discount to non-smoking guests. A Texas apartment house reduces the rent $10 a month for non-smoking tenants. A Florida metropolitan county bans the sale of cigarettes and cigars in all its hospitals, sanitariums, convalescent homes and nursing homes. And a Maryland bakeshop owner prohibits smokers "breathing smoke over all my fresh doughnuts."

For years and years, of course, there has been statistical proof positive that smoking is injurious to the health of the smoker himself. Now with the 1972 report of the U.S. Surgeon General, "The Health Consequences of Smoking," there's ample evidence that even the health of the non-smoker can be damaged by breathing someone else's tobacco smoke. And that's bad news for the millions and millions of nonsmoking Americans.

As a non-smoker we recognize, of course, the right of an individual to smoke if he so desires. We have never questioned the right of consenting adults to pollute the air in the privacy of their home. Nor have we objected to one smoking outdoors (providing he is situated a sufficient distance downwind).

But smoking in confined public areas is a different matter. Why should the one-third American adults who smoke have the right to foul up the breathing space of the two-thirds who do not? In the words of one adamant abstainer: "Why should I be abused by someone else's hang-up?"

Our interest in the entire thing is one of selfishness. The more smokers that swear off, the better off we ourselves will be.

Not just from the angle of personal discomfiture or perilous health, either. Smokers cost the nonsmokers in many other ways. Because of smokers we pay higher fire insurance rates. We pay higher life insurance rates. As taxpayers, we're assessed costs of hospitalization and care for countless patients confined to public institutions for health reasons that have arisen from or been aggravated by their nicotine addiction. And through direct government subsidies to tobacco growers, we're being taxed further.

So there's good reason for the non-smoker to enlist in the anti-smoking brigade.

It would be comforting to think that the health scare alone would be sufficient for the smoker to kick the habit. It should be. For if you are a smoker, you've got a much better chance of dying earlier of cancer, coronary heart disease, chronic bronchitis, emphysema, gastric ulcers and other ailments than the non-smoker. How much your life is shortened depends on how much you smoke.

If you're a mother-to-be that smokes, you should think hard and long on the unfair danger you are subjecting your unborn son or daughter to. Smoking mothers have babies weighing less on the average than those of mothers who don't smoke. And smoking mothers have more still-born children than mothers who don't smoke.

If both the father and the mother in the family smoke, there's a likelihood that acute illnesses—mostly respiratory—will be twice as prevalent among the children in that home than if the parents didn't smoke. Parents set good (or bad, as the case may be) examples. Youngsters whose parents smoke will more likely be smokers than those who grow up in non-smoking homes.

If doctors, educators, and other leaders involved with youth are smokers, their effectiveness in providing the leadership their position calls for in safeguarding children from the health hazards of smoking is virtually nullified.

Here's yet another consideration along yet another line: "If you smoke, you're more likely to have wrinkles," reports a California physician in a comprehensive study of smokers and nons. "The more you smoke, the more you wrinkle if you're over 30."

These are all indeed serious indictments against smoking.

Yet possibly the most telling point of all is the disclosure that smoking itself has a debilitating effect on one's sexual vigor. Said one noted psychologist: "Cigarettes destroy sexual desire. Men who are heavy smokers can suffer from impotence."

When you question a man's virility, you cut to the very core of his manliness.

Cigarette advertising has long portrayed the smoker as a man of singular vigor. You know, the tattoo . . . or the western mien. But the truth lies otherwise.

The smoker may ride tall in the saddle in the ads, but he's short on performance in the boudoir.

Advertising-wise, the smoker is often depicted hand-and-hand with his lover, cavorting through fields green or alongside waterfalls blue. But that purported "springtime freshness" of cigarettes provides in actuality an autumnal chill to the lovers' ardor.

One sales pitch for these new little cigarette-like cigars is blatantly suggestive that smoking them will make one an alluring lothario. In his fantasy, this smoker is an over-believer; in reality, he is sexually an under-achiever.

If both the husband and the wife are on the weed, one can only conclude that in such households, conjugal activity is quite congealed.

Smokers may find some solace in the fact that one physician did report that some impotent men who had quit smoking "had their normal sexual function restored."

But the jaded and ill-fated life of the smoker isn't without hope. It can change. And change can come so simply. All it takes is the firm resolve to say, "I quit."

Those who do renounce cigarettes will find—apart from ridding themselves of the abhorrent messiness of the habit, and the incendiary threat to life and property from wayward reefers—that they will experience one of life's most rewarding joys and personal triumphs: The gone-forever slavish dependence on a bunch of dried up vegetation in a little tube that you light a smudge fire to underneath your nose.

Besides, you'll save a bundle!

Such a resolve, too, will put you on the side of the environmental angels. For in booting the smoking habit, you will have made individually a contribution in the fight against air pollution.

Your saying nix to nicotine may be only one small step for mankind, but it will be one giant step for yourself. In so doing, you will feel better . . . smell better . . . taste better . . . look better . . . and breathe better.

And breathing is really what life is, isn't it?

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### IF YOU'RE RESOLVED TO QUIT, HERE ARE TIPS THAT CAN HELP

Psychologists say that half of all cigarette smokers can stop smoking without inordinate difficulty, provided they make up their minds that they really want to get off the weed permanently. If you're afraid you can't quit the "cold turkey" way, here are some recent tips on quitting gradually, courtesy of the American Cancer Society:

Set a date to quit. Immediately switch from your current brand to low tar and nicotine cigarettes.

Chart your smoking habits for two weeks—how much you smoke and when. Decide which cigarettes you enjoy most (for instance, those you smoke after a meal) and which you like least. Then make a commitment to cut them out at those times.

Load up on substitutes—mints, gum, an inhaler, ginger root. Some ex-smokers report that lobeline sulfate tablets, available without prescription, help satisfy the craving for nicotine.

Really quit on the day you plan to. Reward yourself with a good dinner, the theater, etc. Avoid your customary cocktail, however. Breaking the smoking-while-drinking habit can be the toughest of all.

If you want to raise your consciousness level of just how dangerous cigarettes are, write for the Health, Education & Welfare Dept.'s smoker's self-testing kit, available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (10c).

## RESOLUTION OF APPRECIATION FOR SENATOR MARGARET CHASE SMITH

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the Record a resolution adopted by the Senate Republican Conference.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

### Resolution of Appreciation for Senator Margaret Chase Smith

Whereas the Senate Republican Conference has been privileged to have Margaret Chase Smith as a Member for 24 years and its Chairman for six years; and

Whereas Senator Margaret Chase Smith is known as a quiet woman whose deeds and speeches touched the heart and conscience of the Senate and the Nation; and

Whereas she believed that if her life was to have meaning, she must live by a creed, which we quote: "My creed is that public service must be more than doing a job efficiently and honestly. It must be a complete dedication to the people and to the Nation with full recognition that every human being is entitled to courtesy and consideration, that constructive criticism is not only to be expected but sought, that smears are not only to be expected but fought, that honor is to be earned but not bought;" and

Whereas Margaret Chase Smith served in the House of Representatives from 1940 to 1949, and in the United States Senate from 1949 until now, for a total service of 33 years, being the only woman ever to have been elected to four full terms in the United States Senate, and the first woman ever to have been placed in nomination for the Office of President of the United States at a national convention of a major political party. She holds the all-time consecutive rollcall voting record in the entire history of the Senate with 2,941 votes without a miss, which, even then, was occasioned by enforced hospitalization; and

Whereas Margaret Chase Smith has received innumerable honors and awards, has made extensive trips throughout the world, conferring with many leaders of nations, and has been rated as one of America's best and most effective ambassadors of goodwill, and for several years has been proposed by many for the Vice Presidency of the United States but has repeatedly stated that she preferred to remain in the Senate; and

Whereas recognizing that talks of reform represented mostly talk with little improvement, Senator Smith constantly reminded her colleagues that discipline in observing the present rules of the Senate would be a big improvement in itself. Along these lines she thus called for Senators to be expelled for absenteeism, for which she received some 40,000 letters of support during the past 12 months from all over the country; and

Whereas Margaret Chase Smith has always believed in speaking quietly but meaning what she said, and throughout her life has been an example and champion to all women everywhere, whereby our exposure to her has enhanced and enriched all of our lives; now, therefore be it

*Resolved,* That Members of the Republican Conference sincerely thank her for her selfless devotion to her State, her Country, and the Senate, knowing that this will inspire us to hold to the fine tradition she has established. Her sincerity, diligence, intelligence, and strength of character will not soon be seen again, for the mold which made her has been used but seldom. The traditions of the United States Senate are the richer for her presence here.

## THE GENOCIDE CONVENTION: A STAND FOR HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, I again rise in support of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

I hope that these daily reminders that the convention has yet to be ratified by the Senate of the United States after a quarter of a century in existence may serve one purpose: To allay any fears that this treaty might be inimical to our constitutional guarantees. It is my firm conviction that the Genocide Convention is not a threat to our constitutional liberties; indeed, I submit that it serves as an outstanding symbol of international agreement with the most fundamental principle upon which our Nation was founded, the right of every individual and group to life, liberty, and the pursuit of happiness.

We may sometimes fail to appreciate just what a privilege this is. Perhaps we have heard the phrase too many times to appreciate the fundamental hope which it embraces and which is not realized by the majority of our brothers in humanity. Some of us have lived with these protections so long that we forget that there are others who do not have this hope. Others, even within these United States and in our own generation, have tragically never known themselves what it is to experience the free spirit of hope which can arise from the gift of a life which does not face discrimination, social oppression, or the vicissitudes of poverty and poor health.

The Genocide Convention is an international agreement which addresses itself to the very substance of this hope: The right to live. Without life there is not even the potential for happiness or freedom. And yet in our century there have been countless instances of the extermination of human potential through the deliberate and calculated murder of entire groups of people—who are guilty of no crime save their ethnic, religious or national heritage. The death of 6 million Jews in Nazi Germany is only the most outstanding example.

Mr. President, the United States should not continue to see another Congress to its end without considering the Genocide Treaty. We must go on record as a nation in firm and unequivocal opposition to the heinous crime of genocide. As this convention approaches its 25th anniversary this year the U.S. Senate has yet to consider this document in executive session. Mr. President, I urge that this body delay no longer on the Genocide Convention.

## TRAGEDY IN NEW ORLEANS

Mr. TAFT. Mr. President, we are all shocked at the bloody spectacle we have witnessed in New Orleans where a sniper has killed six persons including three police officers and wounded 15 others. As we all recall, this violent outburst began when the sniper set fire to a hotel and began shooting at the firemen who came to put it out. This is a grim reminder of the dangers which our Nation's policemen and firemen face in discharging their duties. How long must it be before we recognize that our firemen and policemen are confronted with a combat-like situation?

In Cleveland, Chicago, New Orleans, and other cities, our safety forces have been fought by demented snipers, maniacs, and deranged criminals. This fact makes a strong case for favorably considering S. 203 which I introduced on January 4 of this year. This bill would recognize the Federal interest in providing recognition of dangers to our Nation's policemen and firemen. Like those who risk their lives for America in wars overseas, policemen and firemen under this bill could exclude from their federally taxable income the first $200 earned each month in police and fire pay.

The Federal Government does have an interest in this area and the time has come when we should recognize the obligation which we all have to our Nation's safety forces.

We can never bring back the lives of the policemen and firemen who died in the line of duty. But we can take this modest step to recognize their sacrifice and give them this additional income as a symbol of the concern which we have for their safety.

Those who saw the New Orleans fireman shot when he was nearing the top of a tall ladder and those who have seen the bodies of policemen who were killed in the line of duty know how important this bill is. If we are ready to do more than give speeches and wring our hands about law and order, this is the time to cosponsor this bill and enact it into law.

## ROUNDTABLE DISCUSSION AT UTAH BROADCASTERS ASSOCIATION MEETING

Mr. MOSS. Mr. President, yesterday I was scheduled to participate in a roundtable discussion at the Utah Broadcasters Association meeting. Due to the press of business in Washington, I could not attend. However, I would like to share my views with the Senate on several critical issues which confront broadcasting.

### ADVERTISING

Truthful advertising, informative, imaginative, tastefully appealing, is a cornerstone of a healthy, free market economy.

But advertising which deceives and misleads, advertising which manipulates the vulnerable psyches of young children, advertising which absorbs enormous human and material resources in wasteful, spurious product differentiation, and advertising which becomes a weapon for the preservation of concentrated economic power and inefficiency—such advertising cheats the consumer, saps the perfecting fires of competition and subjects our children to an onslaught of distorted, shallow values.

This is a time in which the American people are demanding truth and forthrightness in all aspects of government and corporate activity. This is a time of increasing public concern with deceit and manipulation.

The ad substantiation program undertaken by the revitalized Federal Trade Commission has been but a first step into what seems to be an endless maze in the marketplace of fraudulent product claims and exhortations. But like all attempts to unscramble any maze, it was a beginning and coupled with the FTC's hearings on the impact of advertising there was a glimmer of hope.

In conjunction with the FTC project I proposed legislation which would require an advertiser to provide documentation on the safety, performance, and efficacy of any advertised product or service. The rationale of such legislation was simple: if advertisers are effectively restricted to claims that are backed by solid documentation, then advertising will serve a truly informative function. The FTC program is still going through various forms of experimentation.

I will again introduce legislation to require advertisers to make available to the consumer documentation that the advertiser believes substantiates his claim. The key material that should be made available to consumers is a summary, nontechnical, in lay language, which constitutes the basis on which the advertiser makes his claim.

How does this affect broadcasting? As I see it, in only one way. Say a consumer wants to know where to obtain documentation for the advertised claims. The media in which that advertisement was displayed should provide the identity of the sponsor. That's it. No bulky files for broadcasters to send out. Just a response to citizen requests for the identification of the mailing address of sponsors. A service which I am sure most broadcasters provide now.

Every television commercial sells a life style as well as a product. To social scientists, many current social problems are related to life styles legitimized by television commercials. As it stands now, access to the airwaves is limited, for all practical purposes, to those who have something to sell. To a disturbing extent, the advertisers' values and deeds become the norm in the Nation's most powerful communication medium.

Clearly, every American who is concerned about concepts and values projected into his home from television commercials has a stake in the current discussion about advertising. The ultimate issue is access—access to mass communications media for those with more long-range concerns in mind other than peddling a product. It is a problem whose goal is to open up the airwaves so that the advertisers self-serving message is not our sole source of guidance in matters involving information about health and nutrition, the protection of our environment, the values of our society.

Counteradvertising is one way of providing balanced access. The precise role of counter advertising remains a proper subject for debate.

I am sure the broadcast industry anxiously awaited my joining in with those calling for the total elimination of all broadcast advertising of over-the-counter drug products. Over-the-counter drug products are a problem. Many of these products should not be on the market. Some of the advertising, perhaps should not be permitted; but to ban the advertising of safe and effective home remedies without any research, would be a travesty. I have proposed an alternative. Social scientists have charged broadcasting with creating a violent society. They have asked whether broadcasting has cultivated a "drug culture." They have inferred that we have a national preoccupation with sex—due to our marketing practices. They have alluded to the prevalent materialism in our society as being a result of the advertising.

I propose the creation of a National Institute of Advertising, Marketing, and Society. Perhaps it might better be called an Institute of Marketing and Health. This research organization would review various questions and techniques of marketing and provide, for the first time, public access to information—information which the marketer could use to tailor his advertising to more constructive social goals; information which regulatory agencies could use to determine whether or not certain advertising practices are truly unfair; information which the Congress could use to determine whether or not and to what extent limitations should be placed on the advertising of certain products, over-the-counter drugs included; information which the FCC could use to determine whether or not to limit advertising directed toward children.

That is it, pure and simple. A research organization devoted to uncovering the facts necessary for ad marketers and Government to make intelligent decisions.

Although the broadcasting industry is required to serve the public interest, convenience, and necessity, the industry has left much to be desired in its provision of programing for children. Young children are still subject to an assault upon their sensibilities by advertisers. While parents would not allow a door-to-door salesman to peddle to their children, there are no restrictions upon the manipulation of the child's mind by advertisers. During a sample week in 1969, CBS for example, broadcast 72 minutes of commercials on a single Saturday morning. There were 130 individual sales pitches and 63 of these, amounting to about 35 half-minutes, consisted of toy commercials. This has improved, but more remains to be done.

I recommend that the highest priority be given to the establishment of rules and regulations regarding broadcast programing and advertising directed toward children, including where necessary, restrictions upon the type, quantity, products, methods, times, and messages used in such advertising.

The National Institute of Marketing would be an excellent clearinghouse for developing the research to support whatever rules are necessary.

During the last Congress, I sponsored legislation which would specify congressional intent in the issuance of broadcast licenses. On Saturday I reintroduced that legislation. There is no question in my mind that the broadcaster needs some sort of clarification as to what he can and cannot do and expect to retain the license.

But after reading Clay Whitehead's speech a few weeks ago, I wonder whether or not we are on the right track. His bill provides that a broadcaster be reissued his license upon demonstrating that he has made a "good-faith effort" or in OTP's words is "substantially attuned" to the needs of his community. Furthermore, the bill preempts the FCC from issuing rules or criteria which would describe what is meant by a "good faith effort."

Perhaps OTP's proposal is well-intentioned, but is it wise? After all, without guidelines the decision will be purely a subjective judgment of the FCC whether or not a station has made a "good faith effort." Considering Mr. Whitehead's and Mr. AGNEW's remarks about the Washington Post, the New York Times, and the networks, is not it conceivable that the FCC might rule those newspaper owned broadcast stations or network owned and operated stations might not have made a "good faith effort"? There is no guideline for telling the FCC what is meant by a good faith effort.

The courts would have no yardstick to measure whether WTOP or WQXR or a network owned and operated made a good faith effort and the FCC complied with its own rules. for under the proposal there would be no rules. It is purely a subjective judgment by the FCC which may be politicized one way or another by any incumbent President. And under the current President, it is my belief that the FCC has been virtually undermined by the creation of the Office of Telecommunications Policy—an office which has no statutory authority and answers to no one save the President. If I were a broadcaster, I would not want the decision as to whether or not I put forth a "good faith effort" to rest with the Director of the Office of Telecommunications Policy, unless there were some indicia by which my performance could be measured.

The broadcaster needs protection from harassment. But he also needs protection from harassment by elected and self-appointed public figures who would undermine the structure of the industry. What is needed is not a foggy phrase such as "good faith effort." What is needed is a broadcaster's bill of rights, spelled out by FCC, with Congress retaining the right to accept, reject, or modify this bill of rights.

I suggest we develop a broadcaster's Bill of Rights to be included as a substantial portion of the license renewal legislation. Perhaps minimum standards should be prescribed in this Bill of Rights? Perhaps certain specific guidelines can be proposed? But in many cases it is incumbent upon us to formulate a definitive policy by which each broadcaster can measure his performance and say "Yes; I have fulfilled my obligations and put forth a good-faith effort."

I ask unanimous consent that a recent editorial from Advertising Age be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### A Word of Caution

Broadcasters are looking for a new law which protects them from capricious harassment at renewal time. In our view, they should think twice before embracing the renewal formula offered by Clay T. Whitehead, director of the Office of Telecommunications Policy.

Superficially, it is an attractive package. Licenses would run five years instead of three, and incumbents would be entitled to renewal if they have been "substantially attuned to the needs and interests of the public." Best of all, the threat from outside intervenors would be greatly reduced.

It is evident, however, from Mr. Whitehead's own remarks, that the bill leaves so much to FCC that it could become a devil's brew. What does that phrase "substantially attuned to the needs and interests of the public" mean? Consider Mr. Whitehead's comments: "Since broadcasters' success in meeting their responsibility will be measured at license renewal time, they must demonstrate it across the board. They can no longer accept network standards of taste, violence and decency in programming. If the programs or commercials glorify the use of drugs; if the programs are violent or sadistic; if the commercials are false and misleading, or simply intrusive and obnoxious, the stations must jump on the networks rather than wince as Congress and the FCC are forced to do so."

We quote this to illustrate the vast opportunity for mischief which the Whitehead formula leaves to the regulators. It is possible that in practice, FCC will be a benevolent regulator, accepting any reasonable showing by incumbents at renewal time. It is also evident from Mr. Whitehead's comments that a commission dominated by militants could make things rough for any licensee who happens to be in political disfavor.

There is little security for broadcasters in a law so vague that licensees in political disfavor risk the possibility that their news, entertainment and commercials will be tested against undisclosed criteria any time the regulators are so inclined. If there is to be a new law, it should include a "bill of rights" defining responsible performance. Under such a law, the broadcaster would have at least a chance of defending himself if he is bushwhacked by political opportunists.

## RESOLUTION OF APPRECIATION FOR SENATOR GORDON L. ALLOTT

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the Record a resolution adopted by the Senate Republican Conference.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

### Resolution of Appreciation for Senator Gordon L. Allott

Whereas the Senate Republican Conference was privileged to number Gordon L. Allott among its membership for 18 years, and as Chairman of its Policy Committee for four years; and

Whereas from the very start of his senatorial career Gordon Allott demonstrated his willingness to work hard and long, showing an ability—without compromising principles—to work with representatives of all shades of opinion to get things done, as a result of which his colleagues picked him to serve on two key Senate Committees: Appropriations and Interior and Insular Affairs; and

Whereas these same qualities—hard work and an ability to get along with others—in 1962 led the late President John F. Kennedy to depart from tradition to appoint Senator Allott as U.S. Representative to the United Nations General Asesmbly, the first time in the history of that organization that a Senator who was not a member of the Foreign Relations Committee has been chosen for the task; and

Whereas Senator Allott's driving energy has marked his character from his youth on. In high school he was not only an above-average student but also an outstanding athlete at the same time as he held down afterhours and summer jobs. He entered Colorado University at age 16 and, while preparing himself for a career as an attorney, became a member of the track team and, in 1927, captain of that team, later becoming both junior and senior national Amateur Athletic Union champion in the 440-yard hurdles and a member of the All-American track team; and

Whereas he began his legal practice just in time to meet, first, the great depression of 1929, and then the dust bowl, surmounting both to become county attorney of Prowers County and subsequently District Attorney for the 15th Judicial District in Colorado, and in 1935, the first chairman of the Young Republican League of Colorado, going from this to National Committeeman, and then National Chairman of the Young Republican National Federation; and

Whereas Senator Allott served nearly four years in the Army Air Corps during World War II, receiving seven battle stars and a unit citation, and is now a colonel in the USAF Reserve (Ret.); and

Whereas he was elected Lieutenant Governor of Colorado in 1950 and two years later re-elected, and in 1954 he was elected to the United States Senate and re-elected in 1960 and 1966, serving his State and his Country in the Senate for a total of 18 years; and

Whereas Senator Gordon L. Allott has made a most impressive record throughout his Senate service, having sponsored and worked successfully for recodification and improvement in the Nation's farm credit laws, and for research on industrial uses of agricultural products. He played a key role in passage of the National Defense Education Act which is designed to stimulate greater achievements in science, mathematics, and languages. He worked tirelessly in the successful effort to bring Hawaii and Alaska into the Union as our 49th and 50th States, and in protecting the interests of labor's rank-and-file in connection with their retirement trust funds. It is in the area of public works—flood control, recreation, power and irrigation—that Senator Allott played his most important role. He not only served on the Public Works Subcommittee of the Appropriations Committee but was also second-ranking Republican on the Interior Committee, thus wielding considerable authority in the fight for resource development; and

Whereas throughout Gordon Allott's life one fundamental dominant theme has always underlain all his work: "We must balance the need for each Federal program with the other national needs; we must act as responsible stewards of the taxpayer's money if this Nation is to grow;" now therefore be it

*Resolved,* That the Members of the Senate Republican Conference, individually and as a Body, extend their highest regards and very personal, sincere esteem to our honored colleague, Gordon L. Allott. We thank him for his service among us, and we wish him to know that the United States Senate is the better for his having served in it.

## NIXON ADMINISTRATION BLACKMAIL

Mr. WILLIAMS. Mr. President, Secretary Romney announced with great fanfare yesterday afternoon that the Nixon administration "will not curtail subsidized housing starts." Buried in the final pages of the press release heralding this enlightened about-face is the fact that funds are being cut off for water and sewer grants, open space grants, and public facility loans "until these activities are folded into the special revenue-sharing program."

The hypocrisy of this newly announced policy is astonishing. Presumably we are to have new houses, but we are to have them without adequate resources for the disposal of sewage or for the provision of potable water. We are also supposed to get this new housing without streets and sidewalks to provide access to it and without parks and open spaces around it to make it liveable.

The real import of the statement that subsidized housing starts will not be curtailed immediately is the fact that only currently pending applications for Federal subsidies will be approved. No new applications will be accepted. What we really see in yesterday's pronouncement is the fact that our housing programs are being slowly strangled to death rather than summarily executed.

I guess we are supposed to sigh with relief at the news that while the water and sewer, open space, and public facilities programs are being discontinued, the subsidized housing programs have a year or so in which to perish quietly. Mr. Nixon's reluctance to support the water and sewer program has been evident for quite some time. In 1972, he impounded $1.073 billion of the $1.65 billion he was directed to allocate for the construction of sewage treatment facilities. Rather than terminating the program entirely, Mr. Nixon should release the impounded funds.

The administration has implicitly conceded in yesterday's revelation that the three programs which are being terminated are in fact quite important. Presumably, they are worthy of continuation, but only when Congress enacts Mr. Nixon's legislation. This is blackmail. Apparently, it is irrelevant to the President that individual human beings will suffer, and that our environment and our urban areas will continue to deteriorate. His only concern is that Congress and the people they represent will knuckle under to his will.

Mr. President, I ask unanimous consent that a copy of the HUD press release be printed in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

### The 18-Month Outlook: Administration Review of Housing Programs Will Not Curtail Subsidized Housing Starts

HUD Secretary George Romney, speaking for the Administration, today declared that subsidized housing starts would continue at an annual rate of 250,000 for the next 18 months, despite a temporary halt in approving new commitments.

Addressing the annual convention of the National Association of Home Builders in Houston, Texas, the Secretary made his annual prediction of housing starts, declaring that starts in 1973 "will exceed 2 million units for the third year in a row."

"Recent weeks have been filled with many rumors and stories as to the future level of Federal support for housing and community development programs," he said. "Until now it has not been wise to comment specifically on the rumors because final fiscal decisions had not been made. On last Friday afternoon, final decisions were made . . ."

Mr. Romney declared that in the decisions on the housing programs "the time has come to pause, to re-evaluate and to seek out better ways."

"But you can count on this: where HUD has made commitments to builders, sponsors, and local governments, we're going to keep those commitments. We, of course, will honor recent public housing operating subsidy commitments, as well.

"In the HUD subsidized housing programs, the size of our current pipeline of approved applications means we are already assured of a substantial level of production well into the future.

"In this calendar year of 1973, we expect at least a quarter of a million subsidized housing starts and that equals HUD subsidized housing starts in calendar year 1972.

"Based on the present pipeline of approved applications and other program commitments that will need to be carried out, HUD also expects to approve and finance in Fiscal Year 1973 approximately 250,000 housing units.

"HUD subsidized housing starts in FY 1974 are projected at about that level as well. That means the HUD subsidized housing starts pace of the last 12 months will continue for the next 18 months. What happens after that depends on the timing of results from the study and evaluation of present programs."

The Secretary said there will be available in FY 1974, "sufficient funding for a substantial level of activity in subsidized and public housing programs. Such funding will be available in the form of carryover funds from prior authorizations."

Secretary Romney said HUD field offices were directed today to place a temporary hold on all applications which had not reached the feasibility approval stage as of the close of business January 5. "All applications which have received feasibility approval, or in the case of public housing, a preliminary loan contract approval, will proceed to completion," he said.

"In addition, those projects which are necessary to meet statutory or other specific program commitments will be approved in coming months."

Mr. Romney said that recent rumors also involved community development programs and pointed out that President Nixon for the past two years has urged that present categorical programs be folded into a Community Development Revenue Sharing package.

"The President remains firm in his commitment to this approach at a significant level of funding, and will so indicate in his forthcoming budget message," the Secretary declared.

"However, we have ordered a temporary holding action on new commitments for water and sewer grants, open space grants, and public facility loans until these activities are folded into the Special Revenue Sharing program."

He explained that "continued substantial levels of program activity" for community development programs as a whole "are assured as a result of already-approved community development projects and the refunding of ongoing programs, such as urban renewal and Model Cities during the balance of this fiscal year."

Mr. Romney pointed out that as of January 5, $5.5 billion had been obligated—but not yet spent—in community development programs, and this total would reach $7.3 billion by June 30. "These activities, of course, will be carried out to completion," he promised.

The Secretary said that by 1970 it had become crystal clear "that the patchwork, year-by-year piecemeal addition of programs" over a 30-year period had created "a statutory and administrative monstrosity that could not possibly yield effective results with the wisest and most professional management systems.

It also became clear, he went on, that billions of tax dollars were being wasted and that hundreds of thousands of needy and disadvantaged citizens "not only would not benefit, but would be victimized and disillusioned."

The Secretary said that during "this coming period of searching evaluation, and hopefully new program enactment, it is not considered prudent to continue business-as-usual with respect to new commitments—because business-as-usual is not the road to fundamental reform."

"I am delighted that the Administration is willing to face this urgent need for a broad and extensive evaluation of the entire Rube Goldberg structure of our housing and community development statutes and regulations," Mr. Romney said. "I am confident that Congress will join in this thorough evaluation and study of present programs that have now been volume tested to determine whether they should be improved, replaced or terminated."

Mr. Romney went on to say that in the decade ahead, "our society must make some hard, tough decisions. Some of the hardest of these will be in the area of housing and community development."

"The President's 1974 budget is designed to avoid another cosmetic face lift and summon the courage and strength to face underlying critical issues we have postponed for too long."

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## COMPILATION OF NARCOTIC AND DANGEROUS DRUG LAWS OF FOREIGN NATIONS

Mr. JAVITS. Mr. President, following the adjournment of the 92d Congress, the National Commission on Marihuana and Drug Abuse—of which the distinguished Senator from Iowa (Mr. Hughes) and I are members—issued an interim report to the Congress consisting of a compilation of the drug laws of over 120 nations, demonstrating the wide disparity in penalties for drug violations.

The report points out, for example, that the death penalty is prescribed for the possession of narcotics in Iran while the Federal Republic of Germany automatically issues suspended sentences for the private use of narcotics.

Mr. President, in view of the intense concern of the American people regarding international drug control measures, the Commission recommended that a handbook summarizing the drug laws and penalties of each country be prepared and furnished to the United Nations for distribution. The Commission also recommended that a similar handbook be prepared and distributed to Americans traveling and living abroad. In order to insure their currency and accuracy, it was further recommended that they be updated on a continuing basis.

Mr. President, I believe that these recommendations ought to be implemented as soon as possible. The Commission has performed an important service to the people of the United States as well as to the international community. The Commission has repeatedly confronted the tragedy of American youths languishing in foreign jails as a result of their ignorance of foreign drug laws. Although a beginning has been made through public service advertising and and by our own Department of State to make this kind of information available, a great deal more remains to be done.

Mr. President, although the Commission's report is somewhat lengthy, I nonetheless believe that it is important that this information be printed in the Congressional Record. I therefore ask that the text of the report be inserted at this point in the Record.

There being no objection, the text was ordered to be printed in the Record, as follows:

### Compilation of Narcotic and Dangerous Drug Laws of Foreign Nations

#### INTRODUCTION

The following information concerning the narcotic and dangerous drug laws of the nations of the world are as complete and up-to-date as possible. Many nations are currently revising their narcotic laws and some will alter their penalty structure. Some of these changes are expected in the very near future.

Some countries, like our own, have State and territorial laws as well as national laws, which frequently impose more severe penalties. The majority of the drug laws include related offenses such as maintaining an illegal establishment and possession of illegal equipment. Many nations provide for confiscation of illegal drugs and equipment, and seizure of vehicles or property used in the commission of a crime. In addition, most countries provide for expulsion of aliens convicted of drug crimes subsequent to the service of any sentence imposed. Almost all of the nations provide penalties for attempting or being an accessory to a crime and many include conspiracy and related offenses.

The terminology used in this analysis was chosen to be as uniform as possible. The term "trafficking" includes sale, delivery, distribution, transporting, and in most countries, receiving, accepting and giving away. The term "narcotics" includes cocaine and the term "marihuana" includes all cannabis products.

COUNTRIES INCLUDED IN COMPILATION

Afghanistan
Albania
Algeria
Argentina
Australia
Austria
Belgium
Bolivia
Botswana
Brazil
British Honduras
Bulgaria
Burma
Cameroon
Canada
Ceylon
Chad
Central African Republic
Chile
Peoples Republic of China
Republic of China (Taiwan)
Columbia
Republic of the Congo
Costa Rica
Cuba
Cyprus
Czechoslovakia
Dahomey
Denmark
Dominican Republic
Ecuador
El Salvador
Egypt
Ethiopia
Finland
France
Gabon
Gambia
Germany, Federal Republic of (West)
German Democratic Republic (East)
Ghana
Greece
Guatemala
Guinea
Guyana
Haiti
Honduras
Hong Kong
Hungary
Iceland
Iran
Iraq
Ireland
Israel
Italy
Ivory Coast
Jamaica
Japan
Jordan
Kenya
Khmer Republic (formerly Cambodia)
Korea, Republic of (South)
Laos
Lebanon
Lesotho, Kingdom of
Liberia
Libya
Luxembourg
Macao (Colony of Portugal)
Madagascar
Mali
Malawi
Malaysia
Malta
Mauritania
Mexico
Monoco
Morroco
Nepal
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway
Pakistan
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Rhodesia
Romania
San Marino
Saudi Arabia
Senegal
Sierre Leone
Singapore
Somalia
South Africa
Spain
Sudan
Swaziland
Sweden
Switzerland
Syria
Tanzania
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
Uganda
United Kingdom
United States
Upper Volta
Uruguay
U.S.S.R.
Venezuela
Viet Nam, South
Western Samoa
Yugoslavia
Zambia

NATIONS KNOWN TO PROVIDE PENALTIES FOR SALE OF DRUGS TO MINORS

*Country, drug category, and penalty:*

Argentina: All drugs; 3 to 8 years.

Bolivia: All drugs; not less than 3 to 10 years.

Cameroon: Marihuana, narcotics; fine and/or 6 months to 10 years.

Chad: Marihuana, narcotics; fine and/or 6 months to 10 years.

Dahomey: Marihuana, naroctics; fine and/or 6 months to 10 years.

Ecuador: All drugs; 8 to 12 years.

El Salvador: Narcotics; 10 years and 8 months.

Ethiopia: Narcotics; fine and up to 5 years.

France: All drugs; 5 to 10 years.

Germany, Federal Republic of (West): Narcotics; fine and 1 to 10 years.

Guinea: Marihuana, Narcotics; fine and/or 6 months to 10 years.

Ivory Coast: Marihuana, narcotics; fine and/or 6 months to 10 years.

Libya: Marihuana, narcotics; up to 6 years.

Mali: Marihuana, narcotics; fine and/or 6 months to 10 years.

Morroco: Marihuana, narcotics; fine and/or 6 months to 10 years.

Rhodesia: Marihuana, narcotics; fine and/or up to 10 years.

| Country | Drug category | Penalties | | | | Others |
|---|---|---|---|---|---|---|
| | | Possession | Trafficking | Import/export | Production/cultivation | |
| Afghanistan | Doesn't distinguish | Penalty at judge's discretion | | | | Use—penalty at judge's discretion. |
| Albania | Doesn't distinguish | Up to 3 years correctional labor or .mprisonment | | | | Use—up to 3 years correctional labor or imprisonment. |
| Algeria | Marihuana, narcotics | Not less than 2 years at judge's discretion | | | | |
| Argentina | Doesn't distinguish | 3 months to 1 year | 1 to 6 years | 1 to 6 years | 1 to 6 years | Use—3 months to 1 year. Death or sickness as a result of abuse offense—3–15 years. |
| Australia | Doesn't distinguish | Up to $4,000 or 3 times the value of the illegal drugs and/or imprisonment up to 10 years—minimum pecuniary penalty one-twentieth of maximum penalty specified for the offense. | | | | Use—same penalty. |
| Austria | Marihuana | Less than 1 week's supply—prosecution suspended in lieu of medical treatment, up to 1 year. | 1 to 5 years imprisonment and up to $1,000 | | | "Aggravated" circumstances up to 10 years and $1,000. |
| | | More than 1 week's supply—6 months and fine. | | | | |
| | Narcotics, dangerous drugs. | Same as marihuana except "in the course of business," 1 week to 6 months "rigorous detention." | 1 to 5 years and up to $1,000 | | | Use—same as marihuana except "in the course of business," 1 week to 6 months "rigorous detention."<br>"Aggravated circumstances" up to 10 years and fine can be double the profit made by the illicit activity. |
| Belgium | Doesn't distinguish | 3 months to 2 years and/or 1,000 to 10,000 francs | | | | Use—3 months to 2 years and/or 1,000 to 10,000 francs. |
| Bolivia | Doesn't distinguish | 3 to 5 years | 3 to 10 years and fine from 10 to 100 million Bolivianos | | | Severe and permanent illness as result of offense—6 to 10 years. |
| Botswana | Marihuana, narcotics | Fine and/or up to 2 years | | | | Use—Same. |
| Brazil | Marihuana, narcotics | Fine and/or 1 to 6 yrs | Fine and/or 1 to 5 years | | | Consipiracy or inducing others to use penalty increased by ⅓. |
| British Honduras | Marihuana, naroctics | Fine and/or up to 10 years | | | | |
| Bulgaria | Marihuana, narcotics | 2 years imprisonment and/or 300 leva | | Up to 6 years and 2,000 leva or the customs tax, whichever is greater. | 2 years and/or 300 leva | Use—2 years and/or 300 leva. Crime committed in a "systematic manner"—mandatory 3 years and/or 3,000 leva. |
| Burma | Marihuana | Up to 2 years and/or a fine | | | | Use—up to 2 years, and/or a fine. |
| | Opium | Small amounts—NMT 2 years and/or a fine | | | | Laws provide for limited opium use by addicts. |
| | | "Rigorous punishment" for at least 3 months to 5 years and/or a fine of NLT 500 Kyats. | | Up to 3 years and/or a fine | | |
| Cameroon | Marihuana, narcotics | Fine and/or 3 months to 5 years | | | Fine and/or 6 months to 10 years. | Use—fine and/or 3 months to 5 years. |

| Country | Drug category | Penalties | | | | Others |
|---|---|---|---|---|---|---|
| | | Possession | Trafficking | Import/export | Production/cultivation | |
| Canada | Marihuana | At judge's discretion, direct discharge of the charges or conditional probation (only to those with no previous criminal record and not considered a conviction). | Same as narcotics (see below) | | | Use—same as possession. |
| | Narcotics, dangerous drugs. | On summary conviction, NMT 6 months or fine. | Up to 7 years | Up to 7 years | Up to 7 years | |
| | | 2d offense—up to 1 year and/or fine. Convicted on an indictment—up to 7 years. | 2d offense—"preventive detention" in penitentiary for indeterminate time—mandatory 7 years to life. | | | Addicts sentenced to custody for treatment for indeterminate period. |
| Ceylon | Marihuana, narcotics | Fine and/or up to 10 years | | | | Use—fine and/or up to 10 years. |
| Chad | Marihuana, narcotics | Fine and/or 3 months to 5 years | | | Fine and/or 6 months to 10 years. | Use—fine and/or 3 months to 5 years. |
| Central African Republic | Marihuana, narcotics | Fine and/or 1 month and 1 day to 2 years | | | | |
| Chile | Marihuana, narcotics | For distribution—NLT 541 days to 3 years and fine of from 1 to 5 times the Santiago minimum salary. | | | From 10 to 15 years and fine from 10 to 100 times the minimum salary. | Currently in process of adopting new law creating heavier penalties. |
| | Dangerous drugs | Fine or closure of the business establishment | | 5 to 20 years and a fire | Fine or closure of the business establishment. | |
| Peoples Republic of China. | Doesn't distinguish | Severe punishment given—set according to severity of offense—from 3 years to death | | | | |
| Republic of China (Taiwan). | Marihuana, narcotics | 2 to 5 years | Life imprisonment or death. | | Life imprisonment or death. | Use—addiction or injection—1 3 to 7 years. |
| | | | Intent to traffic—7 years to life. | | | Nonaddicting substances— 1 to 3 years. |
| Colombia | Marihuana, narcotics | 2 to 5 years at hard labor and a fine | | | | Habitual users may be interned until cured. |
| Congo, Republic of the | Marihuana, narcotics | Fine and/or 3 months to 2 years at hard labor | | | | Use—fine and/or 3 months to 2 years at hard labor. |
| Costa Rica | Marihuana, narcotics | 6 months to 1 year | 6 months to 3 years | | | |
| Cuba | Doesn't distinguish | 6 months to 2 years and a fine. | 1 to 4 years and a fine | | | |
| Cyprus | Doesn't distinguish | Up to 10 years and a substantial fine | | | | Use—up to 10 years and a fine. |
| Czechoslovakia | Marihuana, narcotics | Fine, detention or imprisonment NMT 2 years | | | | |
| Dahomey | Marihuana, narcotics | Fine and/or 3 months to 5 years | | | Fine and/or 6 months to 10 years. | Use—fine and/or 3 months to 5 years. |
| Denmark | Marihuana, narcotics | Fine, detention or imprisonment NMT 2 years<br>Intent to distribute to a large number of persons—up to 6 years. | | | | Foreigners found in possession—expelled as undesirable aliens. |
| Dominican Republic | Marihuana, narcotics | 10 days to 1 year and/or fine. | 3 to 10 years and/or large fine | | 1 to 5 years and/or fine. | Addicts committed to health institutions but penalized for offenses they commit. |
| Ecuador | Doesn't distinguish | 8 to 12 years and large fine | | | | Improper users detoxified and rehabilitated for as long as needed. |
| El Salvador | Marihuana, narcotics | 8 years | | | | Use—8 years. Offenses by public officials or professionals with authority to prescribe drugs—penalty increased by ¼. |
| Egypt | Marihuana, narcotics | Imprisonment and a large fine for all offenses | | | | |
| Ethiopia | Marihuana, narcotics | "Simple imprisonment" not less than 3 months and a substantial fine | | | | Offense committed by a group or professional or furnished to a mental defective or addict—"rigorous imprisonment" NMT 5 years and a fine. |
| Finland | Marihuana, narcotics | NMT 2 years—Offense committed as a trade or involves particularly dangerous drugs; sentenced to hard labor NLT 1 year and NMT 10 years. | | | | Use—NMT 2 years. |
| France | Marihuana, narcotics | 2 months to 1 year and/or $90 to $900 | | Local pusher (distribution directly to users) 2 to 10 years and $900 to $9,000,000. | | Foreign offenders banned from France—from 2 years to forever. |
| | | | | International—10 to 20 years and fine | | Use—2 months to 1 year and/or $90 to $900. |
| | | All penalties double for 2d offenses | | | | |
| Gabon | Doesn't distinguish | 6 months to 2 years and a fine | | | | Use—6 months to 2 years and a fine. |
| Gambia | Marihuana, narcotics | NMT 7 years (with or without hard labor) and/or a fine | | | | |
| Germany, Federal Republic of (West). | Marihuana, narcotics | Private use—suspension of sentence available for minor violations. | | | | If violator is part of a gang, acts as a professional, distributes large amounts, smuggles or endangers someone's life through trafficking—1–10 years and a large fine. |
| | | Felony possession—up to 3 years and fine | | | | |
| German Democratic Republic (East). | Marihuana, narcotics | Up to 3 years and/or a fine | | | | |
| Ghana | Doesn't distinguish | Summary conviction up to 1 year and/or fine. | Summary conviction—up to 1 year and/or a fine; indictment, up to 10 years and/or a fine; 3d conviction, up to life imprisonment. | | | Illegal use—hospitalization in a mental institution. |
| | | Indictment—up to 10 years and/or fine. | | | | |
| | | Cannabis related offenses—NLT 5 years unless offense was "trivial or circumstances render penalty unjust. | | | | |
| | | 3d offense—cannabis, opium smoking—up to 20 years. | | | | |
| Greece | Marihuana, narcotics | Up to 10 years and a large fine. | | | | Habitual use—NLT 6 months and mandatory treatment. |
| | | | Habitual or professional trafficking, enhanced penalty. | | | Retail trading in small quantities among addicts—NLT 2 years. |
| Guatemala | Marihuana, narcotics | Up to 3 years in prison | | | | Users hospitalized "until cured." |
| Guinea | Marihuana, narcotics | Fine and/or 3 months to 5 years | | | Fine and/or 6 months to 10 years. | Use—fine and/or 3 months to 5 years. |

| Country | Drug category | Penalties | | | | Others |
|---|---|---|---|---|---|---|
| | | Possession | Trafficking | Import/export | Production/cultivation | |
| Guyana | Marihuana, narcotics | Summary conviction—fine and/or NMT 12 months (with or without hard labor)<br>Indictment—NMT 10 years and/or fine | | | | Use—same penalties. |
| Haiti | Marihuana, narcotics | Fine or NLT 8 days to NMT 6 months<br>2d conviction—both penalties are imposed | | | | Use—same penalties. |
| Honduras | Marihuana, narcotics | 61 days to 1 year | 2–3 years | 2–3 years | NLT 1 year and 1 day to 2 years. | |
| Hong Kong | Marihuana, narcotics | Summary conviction—fine and 3 years. | Summary conviction—fine and 3 years. | Same as trafficking | Marihuana or poppy on indictment—fine and 15 years. | Use—summary conviction, fine and 3 years. |
| | | Opium poppy or marihuana—fine and 15 years. | Indictment—fine and life in prison. | | Illicit manufacture—fine and life in prison. | |
| Hungary | Marihuana, narcotics | Up to 1 year in prison and a fine | | | | Crime committed "professionally" by a recidivist, or in association with felons or criminals—up to 3 years. |
| Iceland | Doesn't distinguish | Imprisonment and a fine | | | | |
| Iran | Marihuana | 6 months to 3 years | 3 to 15 years of hard labor and a fine<br>2d conviction—fine and up to life at hard labor | | | |
| | Narcotics | Less than 50 grams of opium—1 gram of heroin, morphine, or cocaine—1 to 3 years and a fine. 50 grams to 2 kilograms of opium or 1 to 10 grams of other narcotics—3 to 15 years and a fine. More than 2 kilograms of opium or 10 grams of other narcotics—death. | | | | |
| Iraq | Doesn't distinguish | Fine and/or a mandatory 6 months to 5 years | | | | |
| Ireland | Doesn't distinguish | Fine and/or up to 5 years | | | | |
| Israel | Doesn't distinguish | Fine and/or up to 10 years | | | | Inducing a minor to use a drug—fine and/or up to 10 years. |
| Italy | Doesn't distinguish | Fine and/or 3 to 8 years | | | | |
| Ivory Coast | Marihuana, narcotics | Fine and/or 3 months to 5 years | | | Fine and/or 6 months to 10 years. | Use—fine and/or 3 months to 5 years. |
| Jamaica | Marihuana | 18 months–3 years at hard labor; 2d offense—3–5 years at hard labor. | | 5–7 years at hard labor; 2d offense—7–10 years at hard labor. | | |
| | Narcotics, dangerous drugs. | Fine and/or up to 1 year at hard labor; 2d offense—fine and/or up to 2 years at hard labor | | | | |
| Japan | Marihuana | Fine and/or up to 5 years | Fine and up to 7 years | | | |
| | Heroin | Up to 10 years | Not for gain—up to 10 years.<br>For gain—fine and/or 1 year to life. | Not for gain—up to 1 year<br>For gain—fine and/or 3 years to life | | |
| | Other narcotics, dangerous drugs. | Up to 7 years | Not for gain—up to 7 years.<br>For gain—fine and/or 1–10 years. | Not for gain—1–10 years. For gain—1 year to life | | |
| Jordan | Doesn't distinguish | Fine and up to 3 years | | | | |
| Kenya | Doesn't distinguish | Fine and/or up to 10 years | | | | |
| Khmer Republic | Marihuana, narcotics | Fine and 3 months to 2 years | | | | Use of marihuana or opium—fine and 1 month to 1 year. Operating opium den—fine and 1–5 years. |
| Korea | Marihuana, narcotics | Up to 10 years | Not for gain—"limited term" of not less than 1 year<br>For gain—2 years to life | | | Use—up to 5 years—Treatment is mandatory—refusal nets 6 months to 5 years. |
| | Dangerous drugs | Fine and/or up to 5 years at hard labor | | Fine and/or up to 10 years at hard labor | | Use—fine and/or up to 5 years at hard labor. |
| Laos | Marihuana and narcotic drugs other than heroin or morphine. | Fine and/or 3 months to 2 years | | | | Use—fine and/or 3 months to 2 years. |
| | Heroin or morphine | Fine and/or 5 to 25 years at hard labor | | | | Use—fine and/or 5 to 25 years at hard labor. |
| Lebanon | Marihuana, narcotics | 1 to 3 years | A term of hard labor—penalty at judge's discretion | | | Use—1 to 3 years. Release after 6 months if addiction is cured. |
| Lesotho | Marihuana, narcotics | Fine and/or up to 3 years | | | | Use—fine and up to 3 years. |
| Liberia | Marihuana, narcotics | Fine and/or 6 months to 2 years | | | | |
| Libya | Marihuana, narcotics | For use—24 hours to 3 years. For sale—up to 5 years. | Up to 5 years | | | Sale to addict—up to 6 years. |
| Luxembourg | Marihuana, narcotics | Fine and/or 8 days to 3 months | | | | Use—8 days to 3 months. |
| Macao | Marihuana, narcotics | For use—fine and/or 6 months to 1 year. Not for gain—fine and/or 6 months to 2 years. For gain—fine and/or 2 to 8 years at hard labor. | | Fine and/or 8 to 12 years at hard labor | | Use—fine and/or 6 months to 1 year. |
| Madagascar | Marihuana | Fine and/or 6 months to 5 years | | | | |
| Mali | Marihuana, narcotics | Fine and/or 3 months to 5 years | | | Fine—and/or 6 months to 10 years. | Use—fine and/or 3 months to 5 years. |
| Malawi | Marihuana, narcotics | Fine and/or up to 10 years | | | | |
| Malaysia | Marihuana, narcotics | Fine and up to 5 years | | | | Use—fine and/or up to 2 years. |
| Malta | Marihuana, narcotics | Fine and up to 10 years | | | | |
| Mauritania | Marihuana, narcotics | Fine and/or 3 months to 5 years | | | Fine and/or 6 months to 10 years. | Use—fine and/or 3 months to 5 years. |
| Mexico | Doesn't distinguish | By addict—fine and/or 2 to 9 years. | Fine and/or 3 to 12 years. | Fine and/or 6 to 15 years. | Fine and/or 2 to 9 years | Inducing minor to use—fine and/or 4 to 12 years. |
| Monaco | Marihuana, narcotics | Fine and/or 3 months to 2 years | | | | Use—3 months to 2 years. |
| Morocco | Marihuana, narcotics | Fine and/or 3 months to 5 years | | | Fine and/or 6 months to 10 years. | Use—fine and/or 3 months to 5 years. |
| Nepal | Marihuana, narcotics | Without a license—fine and/or up to 2 years | | | | Use is legal if drug obtained through licensed dealers. |
| Netherlands | Marihuana, narcotics | Without intent—fine and/or up to 6 months. With intent—fine and/or up to 4 years | | | | Use—same penalties. |
| New Zealand | Marihuana, narcotics | For use—fine and/or 3 months. For distribution—fine and/or up to 14 years. | Fine and/or up to 14 years | | | |
| Nicaragua | Marihuana, narcotics | Up to 3 years | Up to 5 years | | | Use or addiction—mandatory 60 to 180 days confinement for treatment. |
| Niger | Marihuana, narcotics | Fine and/or 3 months to 5 years | | | Fine and/or 6 months to 10 years. | Use—fine and/or 3 months to 5 years. |
| Nigeria | Marihuana | Not less than 10 years | Not less than 15 years to death. | Not less than 15 years to death. | Not less than 21 years to death. | Any offense committed by males under 19 to 49 strokes by cane or whip. |
| | Narcotics | Fine and/or up to 10 years | | | | |
| Norway | Marihuana, narcotics | Fine and/or up to 2 years—If offense is committed with intent to make a substantial profit or to sell to a large number of persons—fine and/or up to 6 years. | | | | Use—fine and/or up to 2 years. |
| Pakistan | Marihuana, narcotics | Fine and/or up to 2 years | | | | |

| Country | Drug category | Penalties | | | | Others |
|---|---|---|---|---|---|---|
| | | Possession | Trafficking | Import/export | Production/cultivation | |
| Panama | Marihuana, narcotics | 5 to 8 years | | 5 to 8 years | 5 to 10 years | Use—internment for as long as it is necessary to recuperate. |
| Paraguay | Doesn't distinguish | 4 to 8 years | 1 to 10 years and a fine 4 times the value of the drug | | | Recently enacted new law creating heavier penalties. |
| Peru | Marihuana, narcotics, hallucinogens. | Fine and 2 to 15 years | | | | Use—fine and 2 to 15 years. |
| Philippines | Marihuana, narcotics | Fine and/or 6 to 12 years | Fine and/or 12 to 20 years. | Fine and/or 14 years to life | | Illicit manufacturing or trafficking causing death—life to death and a fine.<br>Use—fine and/or 12 to 20 years. |
| | Dangerous drugs | Fine and/or 6 months to 4 years. | Fine and/or 6 to 12 years | | | Use—fine and/or 6 months to 4 years. |
| Poland | Marihuana, narcotics | Fine and/or up to 3 months | Fine and/or up to 5 years | | | Use alone—fine and/or up to 3 months. Use in presence of another—fine and/or up to 1 year. |
| Portugal | Marihuana, narcotics | Fine and/or 6 months to 2 years. | Fine and/or 2 to 8 years | | | Use—fine and/or 6 months to 2 years. |
| Rhodesia | Marihuana, narcotics | Fine and/or up to 10 years | Fine and/or up to 10 years | | | Use—fine and/or up to 10 years. |
| Rumania | Marihuana, narcotics | Fine and/or 6 months to 5 years | | | | |
| San Marino | Marihuana, narcotics | Fine and/or 3 to 8 years | | | | Use—fine and/or 3 to 8 years. |
| Saudi Arabia | Marihuana, narcotics | Fine and 5 years | | Fine and 15 years | Fine and 5 years | Use—2 years. |
| Senegal | Marihuana, narcotics | Fine and/or 3 months to 5 years | | | | Use—fine and/or 1 month to 1 year. |
| Sierre Leone | Marihuana, narcotics | Fine and/or up to 10 years | | | | |
| Singapore | Opium, coca, marihuana | Fine and/or up to 5 years | | | | Smoking opium or marihuana—fine and/or up tp 1 year. |
| | Other narcotics | Fine and/or up to 4 years | | Fine and/or up to 3 years | | Use of other drugs—fine and/or up to 3 years. |
| Somalia | Marihuana, narcotics | Fine and/or 1 to 3 years | | Fine and/or up to 7 years | | |
| South Africa | Marihuana, narcotics | Not less than 2 years to 10 years | | 5 to 15 years | | |
| | Dangerous drugs | Up to 5 years | | Up to 10 years | | |
| Spain | Marihuana, narcotics | Confinement for treatment—4 months to 3 years | | Fine and/or 6 months to 6 years | | Use—confinement for treatment 4 months to 3 years. |
| Sudan | Doesn't distinguish | Fine and/or up to 7 years | | | | Use—fine and/or up to 7 years. |
| Swaziland | Doesn't distinguish | Fine and/or up to 3 years | | | | Use—fine and/or up to 3 years. |
| Sweden | Doesn't distinguish | Fine and/or up to 6 years | | 6 months to 4 years | Fine and/or up to 6 years | |
| Switzerland | Marihuana, narcotics | Not for gain—fine and/or up to 2 years, for gain—up to 5 years | | | | Use—confinement for treatment up to 2 years. |
| Syria | Marihuana, narcotics | Marihuana for use—fine and/or 10 days to 3 years. Marihuana for distribution and other drugs—fine and/or 3 years to life at hard labor. | Fine and/or 3 years to life at hard labor. | Fine and life at hard labor. | Fine and/or 3 years to life at hard labor. | |
| Tanzania | Marihuana, narcotics | Fine and/or up to 10 years | | | | |
| Thailand | Marihuana, LSD, methamphetamine, synthetic narcotics. | Fine and 3 months to 5 years. | Fine and 6 months to 10 years | | | |
| | Morphine, cocaine | Fine and 6 months to 10 years. | Fine and 1 to 20 years | | | Use—fine and 1–10 years. |
| | Heroin | Fine and 1–10 years | Fine and 5 years to life (for purpose of resale—death) | | | Use—fine and 2–10 years. |
| | Opium | Fine and 6 months to 20 years | | | | Use—fine and 6 months to 10 years. |
| | Dangerous drugs | Fine and up to 5 years | | | | |
| Togo | Marihuana, narcotics | Fine and/or 3 months to 2 years | | | | Use in public fine and/or 3 months to 2 years. |
| Trinidad & Tobago | Marihuana, narcotics | 6 months to 7 years<br>For distribution—14 years. | 14 years | 14 years | 18 months to 7 years | |
| Tunisia | Marihuana, narcotics | Fine and 1 to 5 years | | | | Use—fine and 1–5 years. |
| Turkey | Marihuana, narcotics | Not less than 10 years plus up to 5 years banishment to remote part of country, plus fine (except for hashish, heroin, cocaine, or morphine—death). | | | | Use—fine and 3–5 years. Conspiracy for any offense—death. |
| Uganda | Marihuana, narcotics | Fine and/or up to 10 years | | | | Use—fine and/or up to 10 years. |
| United Kingdom | Narcotics, LSD | Fine and/or up to 7 years | Fine and/or up to 14 years | | | |
| | Marihuana, amphetamine. | Fine and up to 5 years | Fine and/or up to 14 years | | | |
| | Depressants, tranquilizer | Fine and/or up to 2 years | Fine and/or up to 5 years | | | |
| United States | | Distribution of small amounts of marihuana for no remuneration treated as simple possession-fine and/or up to 1 year. The U.S. law categorizes substances in 5 schedules. Schedule I includes drugs which have no accepted medical use in the United States including heroin, other opium derivatives, opiates, and hallucinogenics such as LSD, mescaline, peyote, and marihuana. Schedule II includes medically useful derivatives of opium and coca, synthetic narcotic drugs, and the amphetamines. Schedule III lists short active barbiturates and certain narcotic drugs. Schedule IV contains long-acting barbiturates and tranquilizers, and Schedule V lists medical preparations such as certain cough syrups. | | | | |
| | Schedules I and II | Simple possession of any controlled substance—fine and/or up to 1 year. | Narcotics—fine and/or up to 15 years. Nonnarcotics—fine and/or up to 5 years | | | Second conviction doubles all sentences. |
| | Schedule III | For all schedules—Possession with intent to distribute carries same penalty as trafficking. | Fine and/or up to 5 years | | | |
| | Schedule IV | | Fine and/or up to 3 years | Fine and/or up to 5 years | Fine and/or up to 3 years | |
| | Schedule V | | Fine and/or up to 1 year | Fine and/or up to 5 years | Fine and/or up to 1 year | |
| Upper Volta | Marihuana, narcotics | Fine and/or 3 months to 5 years | | | Fine and/or 6 months to 10 years. | Use—fine and/or 3 months to 5 years. |
| Uruguay | Marihuana, narcotics | 6 months to 5 years | | | | Use—6 months to 5 years Currently considering new law increasing penalties. |
| U.S.S.R | Marihuana, narcotics | Up to 10 years | | | Up to 2 years | Addicts—confinement for treatment. |
| Venezuela | Marihuana, narcotics | 4 to 8 years | | | | If offense causes death—8-16 years. |
| Vietnam, South | Marihuana | Solitary confinement for a period within judge's discretion | | | | Use—fine and 1–5 years. |
| | Narcotics | Life | | | | |
| | Dangerous drugs | Fine and 1 to 5 years | | | | Use—fine and 3 months to 3 years. |
| | Hallucinogens | Penalty within Judge's discretion | | | | Use—fine and 1–5 years. |
| Western Samoa | Marihuana, narcotics | Up to 7 years | Up to 14 years | Up to 9 years | Up to 14 years | |
| Yugoslavia | Marihuana, narcotics | Up to 30 days | 3 months to 3 years | Up to 3 years | 3 months to 3 years | |
| Zambia | Marihuana, narcotics | Fine and/or up to 10 years | | | | Use—fine and/or up to 10 years. |

### TRIBUTE TO AN OUTSTANDING AMERICAN: CHARLES T. MANATT

Mr. CRANSTON. Mr. President, on January 12 the California Democratic Party will host a dinner honoring Charles T. Manatt, chairman of the party for the past 2 years. I would like to share with my colleagues a few words about the unique contribution Chuck has made not only to the political life of California but to the Nation as well.

Chuck has worked long and hard—and I should add, effectively—to promote the interests of the Democratic Party and the two-party system as well. He organized a registration drive which added 2.2 million Democrats to the registration roles. He instituted several new and innovative programs to increase the level of citizen participation in our political process. His tremendous effort in California has been recognized in other States as well, as evidenced by his election as chairman of the Western States Democratic Conference in 1972.

Chuck has an extensive background in the political life of the Nation since he earned the post of national college chairman for the Young Democratic Clubs of America in 1959. He is a distinguished lawyer and a man deeply concerned with the welfare of his community. For these and many other reasons, he was named one of the five outstanding men of California for 1972 by the California Chamber of Commerce. Chuck is a good friend and I am pleased that I will be able to join with his many other friends and admirers to honor him Friday evening in Los Angeles.

### PROPOSAL FOR A JUNIOR SUPREME COURT

Mr. BURDICK. Mr. President, late in December the Federal Judicial Center released a report by a select study group which recommended the creation of a "National Court of Appeals" to serve in an auxiliary fashion in the screening of "all petitions for review now filed in the Supreme Court" and in hearing and deciding many cases of conflicts between the circuits. I am informed that all Members of the Senate have received a copy of this report.

This is a comprehensive report analyzing the nature and dimensions of the problems which arise from the burgeoning caseload of the Supreme Court. Recognizing the many reports which we receive, I would suggest that each of us take the time to read this one. The distinguished study group headed by Prof. Paul Freund should be complimented for the thoroughness of its efforts.

The Subcommittee on Improvements in Judicial Machinery, which I am privileged to chair, has been greatly interested in the growing caseload in our Federal courts, including the Supreme Court. The subcommittee plans to hold hearings during the 93d Congress on various proposals to assist the Supreme Court in meeting the demands created by a caseload which has risen from 1,460 cases to 4,515 in the past 25 years. However, based upon the early comments which have appeared in the press since release of this report, it is apparent that congressional consideration of the creation of a new appellate court would be greatly enhanced if hearings were delayed until the bench, bar, and legal scholars of this country have had the opportunity to study, analyze, and comment upon the report and the various alternative solutions which were considered by the study group.

### FRANK FISHKIN, AN OUTSTANDING EXAMPLE OF PUBLIC SPIRIT

Mr. CRANSTON. Mr. President, on January 18 a testimonial dinner will be held in Los Angeles to honor Frank Fishkin for his community service and professional activity.

I have known Frank Fishkin for many, many years. He is a well-educated and extremely perceptive attorney. Both in private practice and in his work for the State of California and the Federal Government he has demonstrated insight, sincerity, and compassion.

Since his admission to the bar in 1945, he has played an active and major role in his professional organizations and pro bono work.

In public affairs, he has demonstrated similar public spirit, working to help the Community Chest, Red Cross, United Jewish Appeal, and Optimist Club. He is also well known for his contribution to the religious life of his community. He is a charter member and past president of the Burbank B'nai B'rith Lodge.

I think Frank Fishkin stands as a symbol for his neighbors in the San Fernando Valley of the kind of contributions we all should make for the betterment of our community, our brothers and our Nation.

### PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Thursday next is as follows:

The Senate will convene at 12 o'clock meridian. After the recognition of the two leaders or their designees under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated:

Senators Moss, ABOUREZK, and HARRY F. BYRD, JR.

At the conclusion of the remarks by the three aforementioned Senators, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

### ADJOURNMENT UNTIL THURSDAY, JANUARY 11, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until Thursday next at 12 o'clock meridian.

The motion was agreed to; and at 2:02 p.m. the Senate adjourned until Thursday, January 11, 1973, at 12 o'clock meridian.

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# EXTENSIONS OF REMARKS

### THE FOSTER GRANDPARENT PROGRAM

## HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

*Tuesday, January 9, 1973*

Mr. METCALF. Mr. President, I, like many of my distinguished colleagues in this body, wait eagerly yet with a sense of impending disappointment, for the President's budget message. My concern is the fate of programs designed to help people—the young, the elderly, the poor, the disabled, the hungry. Lest this administration or any Member of this body forget how significant in human terms Government programs can be, I ask unanimous consent to insert in the RECORD at this point two letters to the editors of Montana newspapers concerning the Rocky Mountain Development Council's foster grandparent program. These letters provide eloquent testimony of the benefits of such programs. Not only does this program provide much needed financial assistance to our elderly poor, it provides large measures of love and feelings of usefulness to both the foster grandparents and the retarded children they help.

Surely this Nation must never allow this kind of truly "creative federalism" to slip from the top rank of national priorities.

There being no objection, the letters to the editor were ordered to be printed in the RECORD, as follows:

SENIOR CITIZENS ARE GREAT PEOPLE

*Editor, Helena Independent Record:*

With my eyes I see love, and beauty and goodness. I see a crippled child finally able to walk. I see a deaf mute struggle to talk with her hands. Who will respond?

With my eyes I see movement in a child's deformed body where there was none before. Who will care? I see a little tot twist her drooling mouth to speak. But who will listen?

With my eyes I see the frustrations of a blind infant groping for sight—for light in the darkness. Who is that light?

With my eyes I see a lonely child with out-stretched arms seeking love and comfort—security in a lonely frightening place. Who will notice?

I see an old man shuffle to her. I see the child comforted as never before. I see him dry her eyes and wipe her nose. I see the care he takes as he changes her. Picks her up and hugs her. I see love.

With my eyes I see a foster grandparent.

With all of my emotions I see this and much more as I observe the daily routines of the foster grandparent at the Boulder River School and Hospital.

The courage to accept "those kind people." The courage to love them as you would your own. The willingness to dedicate your life to their happiness. The little things that you share—a smile, a hug, touch. This is the courage of the senior citizen.

We can belittle the senior. Laugh at them. Make fun of this "over the hill gang." But don't discredit them for the service they are doing for that group of people we chose to ignore, the mentally retarded.

They built our city, these seniors gave us life. Now they love the retarded. They all are deserving of recognition for their gratuitous service to these children, the Institution, the community and self.

The senior is love and beauty and goodness. It is for these reasons and many others you will never know without a foster grandparent that I thank them for their service.

HOLLY LUCK,
*Assistant Director, Foster Grandparents Program.*

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### LETTER TO THE EDITOR, GLENDIVE RANGER, SEPTEMBER 1972

Foster Grandparents: Good News!

Close your mouth and imagine not being able to talk. Think of being thirteen and imagine not having a friend. Shut your doors and pull the window shades, turn off your television and imagine your house as your only world.

The outlook of one who is developmentally retarded is almost impossible to imagine. Not only does this person find himself—very often—with a fully developed body and an underdeveloped system of thought, but also with a stigma that separates him from the community in which he lives.

During the past year there have been pioneers who have sought to break this barrier—to change the outlook of the retarded. When the Foster Grandparent Program was announced, it was GOOD NEWS for the retarded. When Eastmont Training Center announced its involvement in the program, it was more good news!

Forty retarded children and the entire Eastmont staff looked forward to the return of ten foster grandparents to Eastmont Training Center. These ten grandparents are truly the pioneer representation of the Glendive Senior Citizens.

What do they do? They help a boy or girl learn how to talk. They become a friend to a needing thirteen year old. They open the doors, let the light in the windows, and become a television, with a new wide world for a retarded person.

The value of the foster grandparent program cannot be over-emphasized. It has given the children an additional opportunity to enjoy life, to gain self-confidence, and develop mentally and physically.

Take some time, go visit a foster grandparent. Ask them about their job. Find out what retarded children can do. You will be surprised! And while you are there, thank a very wonderful person, a person who society has declared over the hill, for unselfishly preparing retarded children for a richer, more productive life.

List of foster grandparents: Mrs. Beulah Mitchell, Mrs. May Alrick, Mrs. Augusta Moore, Mrs. Lydia Holzworth, Mrs. Dora Granite, Mr. Milford Sampson, Mrs. Esther Konigg, Mr. Milford Sampson, Mrs. Mary Siverts, Mrs. Lena Howe, Mrs. Mabel Elpel, Mrs. Ethel Krogness, Mrs. Elizabeth Billman, Mrs. Mary Osmundson.

Sincerely,

JERRY R. HOOVER,
*Eastmont Training Center.*

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## ROBERT RAMSPECK

## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. TEAGUE of Texas. Mr. Speaker, the Federal Professional Association, in their newsletter of recent date chose to memorialize one of our former colleagues, the late Honorable Robert Ramspeck.

Mr. Ramspeck served with distinction in this body, the U.S. Congress from 1929 to his retirement in 1945. He served as the Democratic whip from 1942 to 1945. Subsequent to his retirement he served with greater distinction as Chairman of the U.S. Civil Service Commission from March of 1951 to December of 1952.

He was a most affable man whose doors in his congressional office were open to anyone. He guided many freshman Members, myself included, in matters pertaining to Federal service and other matters. Under leave to extend my remarks in the RECORD I wish to include the article referred to above:

### ROBERT RAMSPECK, DEDICATION, PROFESSIONALISM, EFFECTIVENESS

(By Vincent Jay)

The passing of former Congressman Robert Ramspeck ends the FPA, a close and beneficial relationship that dates back to the early days of the Founding Committee meetings at Brookings Institution. It also ends a warm, personal relationship for the writer.

All who knew Bob could not help but be impressed by his dedication to the principle of a true, career merit system and all that that stands for in the Federal service. His long and productive years of service; in the Congress, as Chairman of the U.S. Civil Service Commission, and on many Presidential committees, commissions, and councils was notably marked by the demands he made on himself and his search for dedication in others. He inspired and brought out the very best in people. Every task with which he was ever involved benefitted from his participation. His ideal was an efficient, effective Federal service that would keep waste of all sorts to a bare minimum, and thus bring about reduced Federal expenditures.

He dreamed of a general manager of the Executive Branch, reporting directly to the President who would exercise control over the vast Federal establishment and hold managers at all levels accountable. He dreamed, also, of professionals, from the entire range of professional disciplines in the Federal service, uniting within the FPA for the achievement of greater efficiency in Government, for enhancing the value of the professional service to the Nation, and for improving the professional environment in the Federal service in order that it might be a far more productive and satisfying experience for all Federal employees.

He recognized the role of Federal employee labor unions and demonstrated in many ways his support for many of their activities, but he was outspoken in his view of the urgent need of professionals to be represented by their own organization, and not by a labor union. Time and time again in speeches, the last one at FPA's reception for Members of the Congress in June, he urged FPA members to take some of their time daily to promote FPA membership among their professional colleagues. He believed sincerely in the person-to-person approach for increasing FPA membership and pleaded with us to spread the word and personally sign up new members.

Bob opened many doors for the FPA on Capitol Hill and among the departments and agencies. He assured that FPA would get respected attention, and inspired us to greater effort in developing our presentations of the issues and our recommendations for their resolution. The significant successes that FPA has had over the past ten years can be attributed in large measure to the counsel and presence of Bob Ramspeck at the witness table, in person or in spirit.

He will always be by my side in the development and presentation of positions or issues. I am a far better and more effective persons because of my long exposure to his honesty, integrity, and dedication. FPA officers, past and present, share in the loss that we all feel, just as we all benefitted from having known and worked with him.

#### ACHIEVEMENTS

During the ten years plus that Bob was substantially involved in the affairs of the FPA, he served officially with distinction as Legislative Consultant. In so many other ways though, he was our general advisor. Specific FPA accomplishments that were substantially advanced by Bob's wise counsel, telephone calls, and personal letter writing included Congressional acceptance of the principle of pay comparability, enacted in the Federal Salary Act of 1967; the review and improvement of Civil Service Commission appeal procedures; the liberalization of Federal retirement laws, the expansion of higher education and training opportunities, in the form of advancement of the Federal Executive Institute concept; far more equitable per diem during periods of official travel; advancement of the man-in-the-job concept; and protection from invasion of privacy. Much still remains to be done in all of these areas, but a sound foundation has been established thanks to Bob's wise counsel and personal efforts.

It is my strong conviction that the FPA will grow and prosper as a living tribute to this great statesman who deeply loved the United States, who suffered acutely from the problems besetting this great Country, and who gave of himself unstintingly to improve it. He believed deeply that working together within the framework of the FPA, professionals could substantially contribute to the stability, prosperity, and strength of this Nation. As one of the largest, most knowledgeable, articulate and potentially influential groups in our country, Federal career professionals can make Bob's dream become a reality. I believe that increasing numbers of us will continue to work for this ideal and will make it come to pass for the welfare of the United States, for Bob, for our loved ones, and for those who follow us in the years ahead.

## A PHILOSOPHER SPEAKS

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## HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Ms. ABZUG. Mr. Speaker, Mr. Stanley Markson of New York, a supervisory social worker, has called to my attention a remarkable item which appeared in the New York Times on December 31, 1972. Appropriately, on the last day of the year, the item was an appeal to President Nixon, from Rabbi Morris S. Lazaron of Palm Beach, Fla.

So thoughtful is this letter from an 85-year-old philosopher, and so well does he express the thoughts of millions of Americans, that I at this point place the letter in the RECORD:

[From the New York Times, Dec. 31, 1972]

TO THE PRESIDENT OF THE UNITED STATES

PALM BEACH, FLA.,
*December 12, 1972.*

MR. PRESIDENT: With all due respect to your office will you read these words from an old man approaching 85? I have no axe to grind; no favor to ask. Life has been good to me. I wish to talk to you out of the experience of many years, to tell you what I have learned about human nature and what history has taught me. I wish to talk to you about your future and the future of our country. I speak to you out of the frustration which millions of your fellow citizens feel. I believe I voice the feeling not only of those who voted against you, but of many of those who voted for you. I beg you to read and consider.

No man elected to the awesome office of the presidency can be unmindful of what his place in history will be. Will he be remembered for good? Will his name be blessed by his contemporaries and by the generations that follow him? Surely these thoughts have entered your mind.

You have by your courageous contacts with China and Russia opened doors of communication which hold good, even great, possibilities for the future of the world. These are indeed historical events for which you are justly to be praised.

On the other hand, you are accused rightly or wrongly of many things: of catering to the rich and powerful, of ignoring the poor, especially the 20 million or more black citizens, of weakening the rights they have won after years of effort. You are accused of attempting to destroy the advances in social service legislation made these last years. You are accused of attempting to violate the constitutional provision that guarantees freedom of speech, press, and assembly. You are accused of threatening the privacy, the very basic liberties of the individual citizen and of using the power of the Federal government to spy upon millions of your fellow citizens. You are accused of packing the Supreme Court with some men who will, by their decisions undermine our democracy as conceived by the founding fathers. You are accused of lack of sympathy for the poor, the needy, and even the innocent children of our country by witholding monies appropriated by the Congress to help feed the hungry and the undernourished. You are said to be a man without compassion, interested primarily in the furtherance of your personal ambitions rather than the welfare of your country. You are held responsible for the death of over 20 thousand young Americans and unnumbered thousands wounded in a war which it is asserted you could have stopped four years ago under the same conditions of your peace proposals today. It is feared that under the power imposed by Congress at your suggestion to limit national expenditure to 250 billion dollars annually, your prejudices and priorities may prompt you to deny monies from government agencies which should be supported, or even to withhold monies Congress appropriated for necessary work. You are charged with support of increasing defense appropriations which many authorities deem unnecessary for our national security. These are grave accusations.

You have been elected president by a 2 to 1 majority of the votes cast. But only 45 percent of the eligible voters voted. That means that over one-half of the people who could have voted, did not vote, and of the 45 percent who did vote, 28 million people voted against you. That is no small number. Therefore, you are a minority president.

This substantial number opposed you, some because they did not like what you were doing, many others because of your many unkept promises. How can you win the confidence and indeed—if you want it—the affection of the people? How can you obtain the place in history you surely must desire? Now you have four more years to prove your critics wrong!

(1) Even a reshuffling of the Cabinet, a few new faces in the administration and declaration of change, will not be enough to convince your fellow citizens that there will be a change. (2) For all the statistics of organizations and commissions controlled by you, housewives know that food costs more. (3) The reported decrease in unemployment may well be temporary due to an increase in the need during the holidays. (4) And despite the phenomenal rise in the stock market, there are very many knowledgeable people in that area who realize that underneath the surface optimism there are uncertainty and unspoken fears for the future. (5) Contrary to the implications that all people on welfare are lazy and looking for handouts to support them, I firmly believe, and most statistics show, that most people able to work will choose work rather than charity. They must be given incentive through education, training, and retraining. Pride is not an exclusive possession of the fortunate!

The people know what the issues are. No propaganda, however well financed, can hide the facts.

Those who voted for you deeply hope that in your second administration you will dissipate some of the hesitancy and mistrust which still, unfortunately, surround you and your associates. They wish you well. They look hopefully to you to bring back confidence in their executive, they wish to see a concern for the unfortunate, they long for the creation of a new spirit among our citizens.

How can you prove that your critics are wrong or have misunderstood you? How can you convince the millions of your fellow Americans that you are sincerely interested in their welfare? How can you win back the respect and love for our country, so much of which we have lost these latter years? How can you lift the nation from its apparent apathy?

Mr. President, may I now put before you some ideas, hopes, even prayers, that are shared by many of our fellow citizens? The issues before us are clear. They are not political. They are deeper even than the serious economic problems which face us, more far-reaching than the burning question of government's relation to business, finance, the great corporations, or the average citizen, important as these are. The issues are the preservation of the American tradition of freedom and the democratic organization of society. When you threaten the rights of the lowliest citizen, you lay the foundation for the destruction of the rights of the strongest. Just as no human organism is healthy, one of whose organs is diseased, so no nation can endure with large groups of discontented and those denied opportunity. No political, social, or economic order is in itself sacrosanct. It endures so long as it makes for human well being, happiness, and progress.

A force is rising out of the depths of our national life, rising in the sullen silence of millions—little people and great people—a force which will not be denied. That force is the power of the social conscience. It gathers impetus each day; it is a mystic power, not ourselves, which makes for righteousness and justice as the foundation of enduring human relations. We must move forward to meet it.

There are influences among us working to destroy this rising social conscience. Especially great is the temptation of the rich and powerful to defeat the just needs for social betterment, and a greater share in the blessings of our affluent society. But if our leaders play the harlot to the god of things as they are, we are doomed and we deserve to go the way of Rome and Carthage. We cannot, we may not, we dare not divorce government from the wrongs and the injustices of the day, from the poverty and misery of our times, from the fate of the unfortunate, the oppressed, and the disinherited. The only lasting peace for any people is the peace of righteousness. I come from an ancient people whose faith has proclaimed that integrity and truth, justice and righteousness, are the foundations of life and that man flouts them to his peril.

I believe a conviction is growing in our land. It is manifest not only among our youth, so often decided, it is manifest in many of the most important figures even in your own party. It is manifest in the millions who voted against you. It is manifest in the millions who did not vote at all.

This conviction reveals an increasing feeling that none of us can prosper at the expense of others. That human rights cannot be ruthlessly trampled upon. That no man, woman, or child can be permitted to suffer undernourishment, that our vast material wealth and our intellectual and physical energies must be devoted to the service of all. A tide is moving in the hearts of millions of Americans—it cannot be held back. It will rise to its crest and beat upon the shores of the lives of every one of us.

Mr. President, I do not believe that the problems which face you—and they are many, complex and terrifying—can be solved by techniques of organization or by the mechanics and power of government agencies. They are not only problems of wages, conditions of labor, housing, hours of employment, and the general welfare. The problems that face us are spiritual problems. We must feel a passionate resentment at the injustice and suffering visited upon huge groups of individuals. We must sincerely and vigorously face up to oppression, unrighteousness, and corruption among us. Wherever prejudice, hate and wrong lift their head, wherever there is a lack of sympathy or understanding, we must try to feel and to understand. Wherever there is no brotherhood, we must say, "my brother we are here."

Mr. President, we are waiting for spiritual leadership as well as administrative efficiency. We need and want a leadership that fearlessly declares that when the rights of property conflict with the rights of human beings, human rights come first, a leadership that not only proclaims these things, but acts upon them. We need a leadership that is brave enough to declare that the economic and industrial orders are not only for the creation of profits. We need a leadership that acts upon that declaration. We long for a leadership that has courage enough to disturb the smug content of them who "sit at ease in Zion."

Will you give us this leadership? Will you renew the old spirit of our people, the old strength of heart that conquered a continent because it was compounded of moral courage, compassion, and faith. You have it in your power, Mr. President, to see to it that no basic human right shall be destroyed, to see to it that we shall continue to live in freedom, to think what we please, to write what we please, to say what we please, to do what we please so long as the greater social welfare is not menaced. You have it in your power to see to it that none shall be forced to take charity, to see to it that all who want work shall find it, and that one's labor shall bring adequate return.

Mr. President, I adjure you in the name of all that your forebears held sacred to bear these things in mind, to build these eternal values into the structure of our society so that your "Four More Years" may be years of which future generations may say—under him, America regained a new birth of freedom for all its citizens and under him the nations laid the foundations of an enduring peace.

Rabbi MORRIS S. LAZARON.

## J. EVERETT MORROW— MR. DEMOCRAT

## HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. JOHNSON of California. Mr. Speaker, a few days after the final adjournment of the 92d Congress I was privileged to join the people of Butte County in northern California in honoring one of our most active community workers on his 95th birthday.

J. Everett Morrow is an outstanding man. He has made many contributions to his community and to the State. He has served with distinction on numerous public boards and agencies. He has been an active leader in the continuing quest for good government at local, State and Federal levels. He has been an outstanding member of his church. Mr. Morrow is a Democrat I am proud to say and in fact in Butte County he is generally known as Mr. Democrat. The observance of his 95th birthday while it was sponsored by the Democrats of the community went far beyond a partisan recognition. In fact the city of Chico in which he lives designated his birthday as "James Everett Morrow Day" and people from all walks of life and all political affiliations joined in paying their respects to this outstanding citizen.

I consider it a privilege and a pleasure to share with my colleagues the thoughts which were expressed by the community's hometown paper—the Chico Enterprise Record—in an editorial published on the day before his birthday and I ask unanimous consent to insert this editorial in the RECORD at this point:

HAPPY BIRTHDAY TO MR. DEMOCRAT

No Northern California election year would be complete without the celebration of "James Everett Morrow Day" in honor of Butte County's "Mr. Democrat."

The affair has become a biennial highlight not only for persons interested in politics but for citizens of all walks of life who have come to know and respect Mr. Morrow for his contributions in education, the church, agriculture and general service of his fellow man.

Happily, the "James Everett Morrow Day" tradition will be maintained here tomorrow when Mid-Valley Democrats will be joined by friends and admirers of other political affiliations in helping Mr. Morrow celebrate his 95th birthday.

As set forth in a special "James Everett Morrow Day" proclamation issued by Chico Mayor Eric Bathen, the birthday affair will be held in the Democratic campaign headquarters at Second and Main Streets from 2 to 4 p.m. It will be open to everybody and the cake and other refreshments will be free.

Over the years, Mr. Morrow has been joined in celebrating his birthday by high-ranking public officials and dignitaries ranging from former Gov. Pat Brown through Rep. Harold T. "Bizz" Johnson, Sen. Alan Cranston and San Francisco Mayor Joseph Alioto. He has received special personal greetings from Presidents, former Presidents and leaders of both houses of Congress. And at his 90th birthday party in 1967, one of the surprise features was the following telegram:

"It is with a great deal of pleasure that I congratulate you on the occasion of your 90th birthday. Your early service as a school teacher, your many years of leadership in the U.S. Plant Introduction Field and your long lifetime of work on behalf of the party of your choice mark you as a man of whom America and California can be proud. I wish you many more years of good health and endeavor in the cause of good citizenship. Sincerely, Ronald Reagan, Governor of California."

In this week's proclamation, Mayor Bathen said, "An outstanding trait Mr. Morrow has always displayed is the fact that while he respects the past, he always looks forward to the future and how he may continue to play a role in shaping future events."

Under such circumstances, we at The Enterprise-Record say again as we have in the past: It is a real pleasure to wish a "Happy 95th Birthday" to Butte County's "Mr. Democrat" and we look forward to his participation in many future campaigns.

## THE GREATEST THREAT TO PEACE NEGOTIATIONS

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. RARICK. Mr. Speaker, thinking Americans should realize that the goal of the United States both in the Vietnam war and at the Paris peace talks is and has been the preservation of South Vietnam as an independent nation separate and distinct from the North Vietnam Communist Government.

Critics of the President's decision to resume bombing of North Vietnam fail to realize that this is the only means by which the United States can induce the Communists to remain at the peace talks to negotiate and work out a settlement guaranteeing a separate and distinct South Vietnamese nation. Simply stopping the bombing will not bring peace. Experience should have taught us a bitter lesson about bombing halts: The Communists either withdraw or drag their feet at the peace talks while using the bombing halt to reconsolidate the North Vietnamese military efforts, thus bringing increased pressure on the South Vietnamese Government.

The Communists realize that their one goal—the subjugation of the Vietnamese people under Communist domination—can be accomplished in either of two ways: At the conference table in Paris, or simply by refusing to negotiate and waiting until their friends in America have forced public opinion to call for immediate and unilateral withdrawal by the United States. Why should the Communists negotiate peace when they are being told by their American friends that they can get what they want and on their terms by simply refusing to negotiate and waiting on the opinion makers in America to force unilateral withdrawal by the United States.

Everyone wants peace, but we cannot allow good intentions to mislead us. The fate of both the U.S. prisoners of war and the South Vietnamese people is dependent on our maintaining a constant position—peace in Vietnam and U.S. withdrawal can be accomplished if and only if our prisoners of war and missing in action are returned and accounted for and the Communists recognize the integrity of the South Vietnamese Government as distinct from that of the Communist-dominated North Vietnam.

Those Americans of the silent majority would do well to ask, "which action is more detrimental to the cause of peace in Southeast Asia: the resumption of the bombing of North Vietnam by the President, or the activities of misguided and exploited Americans who would mobilize their own countrymen against the President's plan to bring America peace with honor?"

## COLUMNIST SAYS ONLY THE PRESIDENT CAN END THE WAR—WORLD OPINION FAVORS ENDING WAR NOW

## HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, columnist Mary McGrory of the Washington Star-News concluded in a recent article that in the final analysis the President "is the only man in Washington, or anywhere else, who can stop the war."

In her view world opinion is overwhelmingly opposed to the continuation of the unfortunate conflict in Vietnam.

Because of the interest of my colleagues and the American people in this most important matter, I place the column by Miss McGrory in the Record herewith.

The article follows:

### War Still Haunts Congress

(By Mary McGrory)

If it's up to Congress to end the war, it could go on for another hundred years.

Once again, Congress is being importuned, prayed to, marched at and lobbied to do something. Congress has the power, but not the stomach.

During the last four years, as one bloody "decisive" step after another has been taken "to shorten the war," Congress, under pressure from the country, has been at the point of gathering up its courage and voting to cut off the money. In the end, it takes the "easy popular course" of supporting the President which always means continuing the war.

The Democrats, who might be expected to lead the way to push the war over the cliff, have been cowed by the mandate. Sen. Edward M. Kennedy, a foremost critic, in a miracle of bad timing said he wanted to do business with the President four days before Henry Kissinger announced that peace had died a-borning.

In the second week of the worst bombing in history, Sen. Hubert H. Humphrey chirped a plea for Inauguration unity over the television.

"The genius of the American political system," he said, "is that all Americans unite following national elections." This was at a moment when the country was walking the floor over the horrors being committed in its name by a President who did not trouble to explain.

Majority Leader Mike Mansfield of Montana is the chronic nice guy on Capitol Hill. A foe of Vietnam, he nonetheless is prone, when matters come to a boil, to puff on his pipe and allow that the President is doing his best.

The House is worse. Speaker Carl Albert is merely the first among many in whose anxious breasts the dilemma of supporting the President while opposing the war has never been resolved.

As America's good name was being blasted away under the impact of 10 million pounds of bombs a day, Albert cautioned the House not to be hasty about anti-war legislation. He asked to hear the administration's case for the holocaust.

In the December bombings, the President once again brought the question back to ground zero. Congress is easily diverted into a discussion of ending the bombing rather than the war. Simple souls on Capitol Hill may hail the latest cessation as a victory for peace, and if the talks in Paris break down again, the B52s can take to the skies again.

The White House did not "tabulate" its mail on the bombing, which means it was bad. Good tallies are always volunteered. Republican senators are bearing the burden of the country's revulsion. They are being deluged with mail from Republicans who say "I voted for Richard Nixon—but not for this." This being bombs away around the clock over downtown Hanoi.

Two Republican senators spoke out last week against the bombing. Ohio Sen. William O. Saxbe's observation that the President "appears to have lost his senses" did not jar the White House. He is regarded as erratic, and not difficult to coax back into the fold.

Sen. Edward W. Brooke of Massachusetts, who demanded an explanation and an end, is another story. He is the only dissenter who is welcome and indulged at the White House. He comes from the most dovish and the only anti-Nixon state in the Union, and much is forgiven him. The President regards him as the shrewdest politician in the Senate, and his access is so constant that other excluded moderate Republicans send messages to the Oval Room through him.

Since his senior colleague, Kennedy, tripped over the olive branch, Brooke could become the leader of the antiwar forces in the Senate. While it seems unlikely that he could rally those timid souls to stand firm on a cutoff, he could deeply embarrass Richard Nixon—and at the same time enhance his own national ambitions.

But Richard Nixon is the only man in Washington, or anywhere else, who can stop the war, and he has made it a matter of principle never to yield to Congress.

So the only hope that many Americans are clutching as the New Year dawns over the rubble and the despair is that he will bow to world opinion, take to heart the disapproval of his new friends in Russia and China and finally, and too late for honor, let go.

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## ITALIAN AMERICAN WAR VETERANS

### HON. FRANK ANNUNZIO

of Illinois

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ANNUNZIO. Mr. Speaker, last week I introduced in the Congress a bill to provide for printing as a House document certain proceedings of the Italian American War Veterans of the United States, Inc., and I am delighted to have my distinguished colleagues, Hon. Charles J. Carney of Ohio and Hon. John H. Dent of Pennsylvania, join me as cosponsors of this legislation.

It is an honor for an individual's activities or the proceedings of one's organization to be recorded among the official documents associated with the House of Representatives. It is an honor we have accorded to veterans organizations since 1931. We have done this as one of the symbols of high esteem a grateful nation bestows upon its veterans. To be included among official Government papers is to be accorded a certain symbolic immortality.

It is certainly appropriate for the Congress to extend this recognition, which is now enjoyed by other veterans organizations, to the Italian American War Veterans of the United States whose members have done their share to uphold and preserve the freedom and security of our beloved country. It is only fitting that they and their activities should survive as long as the Republic itself. It is fitting that we remember their sacrifices for the perpetuation of national ideals.

This outstanding veterans organization is a nonprofit and nonpolitical group made up wholly and without exception of honorably discharged American war veterans. They are devoted citizens who have demonstrated splendid patriotism and dedication to the cause of freedom.

During the 92d Congress, I introduced a similar bill which passed the House of Representatives, but the Congress adjourned before the other body had the opportunity to take final action. I do hope that during the 93d Congress, expeditious action will be taken by both the House and Senate in order to afford this long overdue recognition to the Italian American War Veterans.

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## LEGISLATION TO HELP SMALL BUSINESS

### HON. TOM RAILSBACK

of Illinois

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. RAILSBACK. Mr. Speaker, the need for financial help for small business has existed for many years, but it has grown particularly acute in the last few years. The number of business failures is very high. Small businesses experience extreme difficulty in retaining adequate earnings for their business needs. External sources of funds are not always available to small business; and, when they are, the sources of funds are either costly or unsatisfactory in terms.

Since small business plays a crucial role in our society, I am convinced we should do everything in our power to sustain a vigorous and healthful environment for small business. Therefore, I am today reintroducing a small business tax simplification and reform measure which was originally sponsored by Congressman Joe Evins, chairman of the House Select Committee on Small Business, and Senator Alan Bible, chairman of the Senate Select Committee on Small Business.

This legislation evolved over a number of years after intensive consultation with small business organizations and many tax and economic experts within and outside of the Government. It is a bipartisan, comprehensive bill which provides relief to small businesses not only at one point of their development, but during their entire economic life cycle.

In order to facilitate the early financing of small business concerns, investors are assured liberal tax treatment of any losses that are incurred on the stock. Further encouragement to the original investors is provided by granting small business corporations a Federal income tax exemption on taxable income up to $1 million during each of the first 5 years of operation.

The 5-year exemption will assist the newly created small businesses to compete more successfully against established firms. This will help them meet stiff competition from larger establishments which have been able, over the years, to build up adequate reserves to finance their business needs.

The legislation recognizes that even when a small business becomes established, its financial troubles are far from over. A serious problem in operating a small business is the inability to obtain external funds, particularly through borrowing. As the Small Business Administration stated in its 1971 annual economic review:

> Historically, small businesses are among those that find credit availability severely restricted and obtainable only at comparatively high costs and under other terms that are not the most desirable.

In addition to the tax exemption feature contained in the bill, it also has provisions designed to aid small business in retaining additional funds which will be available for growth. One such provision is the proposed corporate tax rate reduction for corporations with small and modest levels of taxable income. Under this provision, the current rate structure which consists of a 22-percent rate on the first $25,000 would be replaced by a graduated rate schedule ranging from 20 to 50 percent.

Besides providing necessary tax relief to small business and other provisions designed to assure the preservation of small business, this legislation is also written to simplify the tax laws pertaining to small business.

Small business is excessively burdened by the complexity of the tax laws and the forms it must fill out to comply with these laws and other legal requirements of operating a business. Even though a business manager is highly competent in operating his business, he is beset with so much redtape that it diverts a considerable part of his valuable time away from company work. This is usually costly to him, and, in some instances, leads to the destruction of the business. The small businessman cannot afford to hire an expert accountant or other professional individual to fulfill all his commitments to the Federal, State, and local governments. He must fill out numerous forms relating to withholding of Federal and State income and employment taxes from his employees, excise taxes collected from consumers, licensing, census studies, and an endless list of other government forms.

The deep concern over the ever-increasing amount of paperwork required by the Federal, State, and local governments prompted the Senate Select Committee on Small Business to conduct a study on Government reports and statistics. At the end of October 1968 their findings were published. The report acknowledged that the small business community is justly concerned about the proliferation of reports and paperwork they are required to furnish. Most of the complaints involved tax returns, census reports, and wage and earnings reports.

Last year I inserted in the CONGRESSIONAL RECORD a letter from a good friend of mine, Jim Rosborough, president of the Moline Tool Co. in Illinois. Jim wrote:

> We would certainly appreciate some relief from this fast-growing burden of Government redtape. Much of it, we feel, is unnecessary, burdensome, and of no benefit to anyone except those who prepare the forms and compile endless statistics therefrom.

Since that time, I have received similar letters from businessmen who hope something can be done in the way of simplifying tax forms and in decreasing the tremendous number of Government forms they are required to fill out.

Mr. Speaker, the Small Business Tax Simplification and Reform Act will help simplify the tax laws pertaining to small business, and, hopefully, relieve small business of some of their problems.

The current provisions of the Internal Revenue Code that pertain to small business are scattered throughout the Code. The bill requires that these sections be consolidated into one chapter or other appropriate subdivision. This would greatly simplify the identification of these provisions which apply to small business.

An Office of Small Business Tax Analysis would be established in the Office of the Secretary of the Treasury, with the objective to make a continuing study of the effect of Federal, State, and local taxes on small business, and the problems caused to small business in complying with the reports and procedural requirements of the various governments.

In addition, a Committee on Tax Simplification for Small Business would be established. The committee, which would consist of officers from the Treasury Department, Office of Management and Budget, Small Business Administration, and the Internal Revenue Code toward simplifying the Code as it pertains to small business.

I am convinced the Small Business Tax Simplification and Reform Act demands immediate attention. Small business deserves tax relief and simplification now.

## RETURN PRAYERS TO OUR PUBLIC SCHOOLS

## HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. BAFALIS. Mr. Speaker, as one of my first acts in Congress, I have introduced a constitutional amendment, House Joint Resolution 128, which will reinstate prayers in our public schools.

There is little need for me to elaborate on why such legislation should be approved. Since the decision of the Supreme Court in the Engle case, which for all intents and purposes has prohibited praying as a daily part of the school routine, I have been deeply concerned over the limitations placed on our religious freedoms.

America was founded by God-fearing men and women, and we must adhere to our moral principles if we are to survive. This is not and never has been a Godless Nation. Morality and religion are a vital part of our national heritage and I strongly believe that if these are to continue being a part of our heritage, it is imperative that we restore the right to voluntary prayer in our public schools.

Fortunately, I am not alone in my position on this issue. Surveys conducted nationwide by George Gallup have shown that over 70 percent of our citizens want to see this basic right restored. In March of last year, the people of my home State of Florida registered their support of a constitutional amendment such as mine by a 4-to-1 margin. Obviously, these people are calling for a return to the rights they thought were guaranteed them in the Constitution and it is up to us as their duly elected representatives to see that this change is made.

The 92d Congress came very close to approving a measure similar to House Joint Resolution 128. By a vote of 240 yeas to 162 nays, the House fell only 28 short of the two-thirds vote necessary to approve a constitutional amendment. Hopefully, the 93d Congress will be the one to approve this greatly needed revision.

## COST OF LIVING BOOST FOR FEDERAL WORKERS

## HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ROSENTHAL. Mr. Speaker, I rise today in behalf of more than 1.6 million civil servants who live and work in the major metropolitan areas of our country. I am introducing legislation to provide for the establishment of a special cost-of-living pay schedule containing increased pay rates for these Federal employees in areas of a half million or more population to offset the extraordinary cost of urban living.

Private industry and some State governments already pay higher salaries and wages to employees in large cities than they do for the same kind of work in other areas where living costs are not as high.

Evidence of the necessity for this legislation can be found in recent job actions by Federal employees seeking higher pay, most notably postal workers, who are no longer covered by the civil service pay schedules as a result of the Postal Reorganization Act. Such actions were centered in the big cities and high cost-of-living areas.

Elsewhere, workers seem more satisfied with Federal pay scales. In fact, in many rural and suburban areas, Federal salaries are actually higher than State and local government and private industry pay for similar work.

Every major national employer has resolved this issue—everyone that is except the Federal Government, which is the Nation's largest employer. Nearly 78 percent of Uncle Sam's 2.1 million employees live in metropolitan areas of a half million or more population.

There are some signs, however, that the Federal Government is aware of the problem. Per diem rates for servants are larger when they visit certain large cities, in recognition of the higher costs there. The school lunch program is another example. Eligibility standards permit higher income levels in urban industrial centers than in rural nonindustrialized areas.

It is the job of this committee and this Congress to extend that recognition to where it counts, the worker's pay envelope.

When an employee in private industry transfers to New York City from another part of the country, he will receive an automatic 10- to 20-percent increase in pay, even though he continues to do the same kind of work. A typist, file clerk, laborer, or white collar employee of a large national corporation in New York City receives a higher salary or wage than his counterpart in the same company in other areas of the country.

Even the State of New York pays employees who work in New York City a higher salary than those State workers with comparable jobs in other parts of the State where the cost of living is not so great. Municipal salaries of city employees in New York rank among the highest in the country, mostly in recognition of the higher cost of living in New York City.

We are the Nation with the highest standard of living in the world, and yet the Federal Government pays many of its employees in the New York City area salaries which are less than they could receive if they collected welfare.

Under current Federal pay scales, a GS–1 appointee starts at $4,798; a GS–2 appointment pays $5,432; a GS–3 salary is $6,128. In comparison, a family of four on welfare in New York City receives the equivalent of $4,840.

Those higher grade Federal classified employees who do receive more in salary than they would on welfare still, in most cases, receive less than the income requirements for a family of four to maintain a modest standard of living.

Studies by the Labor Department's Bureau of Labor Statistics show the typical family of four needs $6,694 to maintain a lower budget level in a small city, but about $1,000 more for the same standard of living in New York City, Washington, D.C., San Francisco, Chicago, Los Angeles, Boston, Honolulu, or Seattle.

The starting salary for a GS–1 appointment, which is a clerical job, is $4,798—nearly $2,000 below BLS's lower budget level for smaller cities, and almost $3,000 below the level for large metropolitan areas.

In fact, even a GS–5, who must have 4 years of college or equivalent experience, would not reach the minimum budget for most large cities. His starting pay is $7,695. That, however, is above the small city requirement.

This same relative disadvantage for big city workers holds true across the board.

Let us look at the mid-level civil servant, the GS–9. To get this far, he needs a master's degree, a law degree or comparable experience. Starting pay is $11,614. That is just above the intermediate budget level for the average large city and even further below what is needed in New York, Washington, D.C., Seattle, Houston, Boston, Chicago, Philadelphia, and San Francisco. But it is more than $1,800 over and above the small city requirement.

To maintain a higher budget level, the family of four would need $13,657 in a city of 50,000 or fewer, but in some major metropolitan areas that need exceeds $19,000. However, a senior level civil servant, GS–13, starts at $19,700. As you can see, that is more than enough to live very comfortably in a small city, and just what is required in the large metropolitan areas.

These figures and the charts I am inserting following these remarks clearly show the disadvantage our current civil service pay system puts on the million or so Government employees who live and work in the Nation's largest cities.

As we have seen, public assistance in some places pays more than public employment.

Increased salaries through regional differentials would not only be more equitable to Federal employees, but would be of great benefit to the Government as well. If the Federal Government paid its classified workers salaries which are competitive with private industry in that locale, it would be able to recruit and retain more qualified and better trained employees instead of losing them to private industry. Government service should not be viewed as a training ground for more lucrative jobs in the private sector; it should be considered as a career occupation.

Under my legislation, the Civil Service Commission would establish a special cost-of-living pay schedule for employees and positions located in metropolitan areas with a population of 500,000 or more. Three out of every four Federal employees would be affected.

Mr. Speaker, this bill has been endorsed by the American Federation of Government Employees, one of the major unions representing Federal workers; by the AFL–CIO through its New York City Labor Council; and by the National Federation of Federal Employees.

The figures and charts referred to follow:

FAMILY OF 4 BUDGET REQUIREMENTS[1]

| | Lower | Intermediate | Higher |
|---|---|---|---|
| All U.S. cities | $7,214 | $10,971 | $15,905 |
| Cities 2,500 to 50,000 | 6,694 | 9,805 | 13,657 |
| Cities 50,000 and up | 7,330 | 11,232 | 16,408 |
| | GS–1[2] | GS–9[3] | GS–13[4] |
| Starting Federal pay | $4,798 | $11,614 | $19,700 |

[1] Source: Bureau of Labor Statistics.
[2] GS–1 is starting pay for clerical workers with no experience.
[3] GS–9 is a middle-level managerial position that requires a master's degree or equivalent experience.
[4] GS–13 is a senior level Government worker.

NEW YORK CITY

[Metropolitan area population, 11,529,000; Federal workers, 128,682]

| | Lower | Intermediate | Higher |
|---|---|---|---|
| Family of 4 budget level | $7,578 | $12,585 | $19,238 |
| | GS–1 | GS–9 | GS–13 |
| Starting Federal pay | $4,798 | $11,614 | $19,700 |
| Welfare, family of 4 | [1] 4,840 | | |

[1] Source: Mayor's office. This figure represents the cash equivalent of the annual welfare payment. Public assistance. $3,840; food stamps, $360; medicaid, $540; and clinic visits, $100,

12 MAJOR CONCENTRATIONS OF FEDERAL WORKERS

| Metropolitan area | Federal workers | Population | Consumer Price Index[1] | Family of 4 budget[4] Lower | Intermediate | Higher |
|---|---|---|---|---|---|---|
| Washington, D.C. | 295,385 | 2,861,000 | [2] 124.7 | 7,500 | 11,252 | 16,345 |
| New York City | 122,934 | 11,529,000 | 130.3 | 7,578 | 12,585 | 19,238 |
| San Francisco | 74,300 | 3,110,000 | [3] 122.9 | 7,971 | 11,683 | 16,906 |
| Philadelphia | 80,921 | 4,818,000 | 126.0 | 7,406 | 11,404 | 16,583 |
| Chicago | 72,998 | 6,979,000 | 123.3 | 7,536 | 11,460 | 16,487 |
| Los Angeles | 69,337 | 7,032,000 | 121.3 | 7,671 | 10,985 | 16,225 |
| Boston | 39,725 | 2,754,000 | 126.2 | 7,825 | 12,819 | 19,073 |
| St. Louis | 35,531 | 2,363,000 | [3] 120.8 | 7,238 | 10,944 | 15,733 |
| Detroit | 29,957 | 4,200,000 | 125.0 | 7,074 | 10,754 | 15,665 |
| Honolulu | 25,692 | 1,631,000 | [3] 122.4 | 8,990 | 13,108 | 19,700 |
| Pittsburgh | 18,282 | 2,401,000 | 124.7 | 7,078 | 10,686 | 15,475 |
| Seattle | 16,497 | 1,422,000 | [2] 119.0 | 7,666 | 11,124 | 15,786 |

[1] April 1972 figures unless otherwisa noted.
[2] February 1972.
[3] March 1972.
[4] Source: Bureau of Labor Statistics.

FEDERAL CIVILIAN EMPLOYMENT IN METRO AREAS OF 500,000 AND MORE

| Metropolitan | Federal workers | Population |
|---|---|---|
| Akron, Ohio | 2,595 | 679,000 |
| Albany-Schntdy-Troy, N.Y | 8,555 | 721,000 |
| Allntn-Beth-Eastn, Pa.-N.J | 1,863 | 544,000 |
| Anaheim-StAn-Gar Gr, Calif | 8,783 | 1,420,000 |
| Atlanta, Ga | 27,341 | 1,390,000 |
| Baltimore, Md | 52,941 | 2,071,000 |
| Birmingham, Ala | 7,448 | 739,000 |
| Boston, Mass | 39,725 | 2,754,000 |
| Buffalo, N.Y | 9,850 | 1,349,000 |
| Chicago, Ill | 72,998 | 6,979,000 |
| Cincinnati, Ohio-Ky.-Ind | 13,407 | 1,385,000 |
| Cleveland, Ohio | 20,805 | 2,064,000 |
| Columbus, Ohio | 11,945 | 916,000 |
| Dallas, Tex | 14,519 | 1,556,000 |
| Dayton, Ohio | 25,973 | 850,000 |
| Denver, Colo | 26,499 | 1,228,000 |
| Detroit, Mich | 29,957 | 4,200,000 |
| Fort Laudrdale-Hol-wd, Fla | 2,431 | 620,000 |
| Fort Worth, Tex | 9,348 | 762,000 |
| Gary-Ham-E. Chicago, Ind | 1,707 | 633,000 |
| Grand Rapids, Mich | 2,133 | 539,000 |
| Grboro-Wins-Sal-H.Pt. N.C | 3,578 | 604,000 |
| Hartford, Conn | 5,744 | 664,000 |
| Honolulu, Hawaii | 25,692 | 629,000 |
| Houston, Tex | 17,580 | 1,985,000 |
| Indianapolis, Ind | 17,155 | 1,110,000 |
| Jacksonville, Fla | 10,314 | 529,000 |
| Jersey City, N.Y | 5,095 | 609,000 |
| Kansas City, Mo.-Kans | 22,966 | 1,254,000 |
| Los Angeles-L. Beach, Calif | 69,337 | 7,032,000 |
| Louisville, Ky.-Ind | 10,536 | 827,000 |
| Memphis, Tenn-Ark | 12,627 | 770,000 |
| Miami, Fla | 12,737 | 1,261,000 |
| Milwaukee, Wis | 10,166 | 1,404,000 |
| Minneapolis-St. Paul, Minn | 18,198 | 1,814,000 |
| Nashville, Tenn | 6,520 | 541,000 |
| New Orleans, La | 13,130 | 1,046,000 |
| New York, N.Y | 122,934 | 11,529,000 |
| Newark, N.J | 21,866 | 1,857,000 |
| Norfolk-Portsmouth, Va | 32,349 | 681,000 |
| Oklahoma City, Okla | 33,497 | 641,000 |
| Omaha, Nebr.-Iowa | 8,145 | 540,000 |
| Patersn-Clif-Passaic, N.J | 5,949 | 1,359,000 |
| Philadelphia, Pa.-N.J | 80,921 | 4,818,000 |
| Phoenix, Ariz | 10,230 | 968,000 |
| Pittsburgh, Pa | 18,282 | 2,401,000 |
| Portland, Oreg.-Wash | 14,667 | 1,009,000 |
| Prov-Paw-Warwck, R.I.-Mass | 5,467 | 911,000 |
| Richmond, Va | 8,705 | 518,000 |
| Rochester, N.Y | 3,817 | 883,000 |
| Sacramento, Calif | 27,567 | 801,000 |
| St Louis, Mo.-Ill | 35,531 | 2,363,000 |
| Salt Lake City, Utah | 23,639 | 558,000 |
| San Antonio, Tex | 39,799 | 864,000 |
| San Bern-River-Ont, Calif | 13,073 | 1,143,000 |
| San Diego, Calif | 30,898 | 1,358,000 |
| San Francisco-Oakld, Calif | 74,300 | 3,110,000 |
| San Jose, Calif | 9,105 | 1,065,000 |
| Seattle-Everett, Wash | 16,497 | 1,422,000 |
| Sprng-Chicopee-Holy, Mass-Conn | 4,075 | 530,000 |
| Syracuse, N.Y | 4,315 | 636,000 |
| Tampa-St. Petersburg, Fla | 7,259 | 1,013,000 |
| Toledo, Ohio-Mich | 2,736 | 693,000 |
| Washington, D.C.-Md.-Va | 295,385 | 2,861,000 |
| Youngstown-Warren, Ohio | 2,139 | 536,000 |
| Total | 1,605,355 | |

Note: This figure represents 60.8 percent of 2,639,825 total Federal employees listed by the Civil Service Commission as of Dec. 31, 1971.

## HON. MAURICE H. THATCHER

## HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. FLOOD. Mr. Speaker, I am saddened by the passing of a distinguished former Member of the House of Representatives, the Hon. Maurice H. Thatcher of Kentucky. Congressman Thatcher died at the age of 102 and remained to the end an active and concerned American. I submit for printing in the RECORD the obituary from the Washington Star which illuminates the long and productive life of our remarkable former colleague.

### MAURICE THATCHER DIES; EX-CONGRESSMAN, 102

Former Rep. Maurice H. Thatcher, 102, the only surviving member of the Isthmian Canal Commission and once civil governor of the Panama Canal Zone, died Saturday at his home on 16th Street NW.

Mr. Thatcher also was the oldest surviving former member of Congress. A Republican, he represented the Kentucky district that included Louisville from 1923 to 1933. He was nominated for reelection to the House in 1932 but gave up that nomination to seek his party's nomination for the Senate instead. He failed to win the Senate nomination.

After leaving Congress he practiced law here until about two years ago.

Mr. Thatcher was born in Chicago, but when he was 4 years old his family moved to Butler County, Ky., and settled near Morgantown.

After working as a farmer he was employed by a newspaper and by several county offices. From 1892 until he resigned in 1896 to study law, he was clerk of the Butler County Circuit Court.

### KENTUCKY OFFICIAL

He began practicing law in Frankfort, Ky., in 1898 and later that year began serving as assistant attorney general of Kentucky. He moved to Louisville next and from 1901 to 1906 was assistant U.S. attorney for the western district of Kentucky. From 1908 to 1910 he was the state examiner and inspector for Kentucky.

President William Howard Taft appointed Mr. Thatcher to the Isthmian Canal Commission in 1910 and also as head of the department of civil administration of the Canal Zone. The canal opened in 1914. The only bridge over the canal carries his name.

Mr. Thatcher next returned to his law practice in Louisville, where he later served on the board of public safety and as department counsel for Louisville.

While in Congress, Mr. Thatcher was active in supporting legislation providing Canal area improvements. He returned to the Canal Zone on a number of visits, including a 1956 trip and another in 1958 that was held on the 100th anniversary of the birth of Theodore Roosevelt.

Mr. Thatcher also sponsored legislation that expanded the foreign and domestic airmail services, converted Camp Knox, Ky., of World War I into the permanent military post there, created the Mammoth Cave National Park and expanded the Abraham Lincoln Birthplace National Historical Site and the Zachary Taylor National Cemetery.

He also sponsored legislation establishing a free ferry across the Pacific entrance of the Panama Canal and a highway connecting it to the Panama road system.

Mr. Thatcher was the author of legislation in 1928 that established and continued operation of the Gorgas Memorial Laboratory in Panama City. Named for his friend, Col. William C. Gorgas, a pioneer in yellow fever work, the laboratory is prominent in tropical disease research.

Mr. Thatcher served seven terms as president of the District Society of Mayflower Descendants and also was counselor and deputy governor of the General Society of Mayflower Descendants.

His wife, the former Anne Bell Chinn of Frankfort, Ky., died in 1960. At one time she was a member of the governing board of the League of Republican Women of the District.

Services will be held at 1:30 p.m. tomorrow at the Lee Funeral Home, 4th Street and Massachusetts Avenue NW. It is requested that expressions of sympathy be in the form of contributions to the Scottish Rite Foundation, 1733 16th St. NW, for an educational fund.

## SOCIAL SECURITY INCREASES

## HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. SHOUP. Mr. Speaker, the 92d Congress passed legislation which provided social security increases of 20 percent. This measure was enacted into law and recipients looked forward to a larger check in October. In many cases the increase proved to be a myth.

State and local governments noted the social security increases as increases in individual income and used this as an excuse to slash welfare benefits, medicaid, aid to the blind, disabled, dependent children and others. It was not the intent of Congress to cut these essential benefits but to provide social security recipients with a much needed increase in benefits.

It is incomprehensible to think that our hard pressed senior citizens are being deprived of benefits that are rightfully theirs. At best many of these citizens who have contributed so much are living with modest means. More often their financial status is precarious, often desperate.

I am reintroducing this bill to assure that thousands of our fellow citizens will receive the benefits that Congress intended them to have. My bill will assure that the increase in social security benefits does in fact go to the recipient as a real, net 20-percent increase.

Mr. Speaker, I include my bill dealing with social security benefits in the RECORD at this time in its entirety:

H.R. 1685

A bill to require States to pass along to public assistance receipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise

*Be it enacted by the Senate and House of Representatives of the United States of America assembled,* That in addition to the requirements imposed by law as a condition of approval of a State plan to provide aid or assistance to individuals under title I, X, XIV, or XVI, or part A of title IV, of the Social Security Act, there is hereby imposed the requirement (and the plan shall be deemed to require) that, in the case of any individual found eligible (as a result of the requirement imposed by this Act or otherwise) for aid or assistance for any month after August 1972 who also receives in such month a monthly insurance benefit under title II of such Act which is increased (or is greater than it would otherwise be) by reason of the enactment of section 201 of Public Law 92-336, the sum of the aid or assistance received by him for such month, plus the monthly insurance benefit received by him in such month, shall not be less than the sum of—

(1) the aid or assistance which would have been received by him for such month under the State plan as in effect for August 1972, plus

(2) the monthly insurance benefit which was or would have been received by him for August 1972, plus the amount by which such benefit (effective for months after August 1972) was or would have been increased by such section 201,

whether this requirement is satisfied by disregarding a portion of his monthly insurance benefit or otherwise.

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## MAN'S INHUMANITY TO MAN—HOW LONG?

## HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

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## JOINT COMMITTEE ON THE BUDGET

## HON. HAROLD RUNNELS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. RUNNELS. Mr. Speaker, there has been considerable debate in regard to the role of the Congress in establishing national spending priorities. In recent years, the trend has been for the executive branch of Government to encroach upon the responsibility that should be left to the Congress.

Some would argue that administrations, both past and present, have impounded various Federal funds which have been duly appropriated by the Congress because the Congress has acted irresponsibly in matters of the Federal budget.

Other Presidents have held up the expenditure of appropriated funds in the past, but this practice has reached new heights under the present administration, which has chosen to terminate the rural environmental assistance program—REAP—abolish 2-percent loans to the Rural Electric Administration—REA—and curtail emergency loans to farmers and rural homeowners by the Farmers Home Administration.

There may be arguments pro and con on these agricultural programs, as well as the many other programs which the President has seen fit to curtail, but the individual merits of these programs is not the real issue at the moment.

At stake, I feel, is the ability of the Congress to exercise its constitutional authority on matters of Government spending.

If the Congress is relinquishing its responsibility to the executive branch, either by design or its inability to cope with the problem, I feel that the time has come for us to establish the machinery which would enable us to adequately do the job.

Therefore, Mr. Speaker, I am today introducing legislation to establish a Joint Committee on the Federal Budget. The primary function of this committee will be to estimate Federal revenues and provide Congress with a recommended Federal budget each fiscal year. It will also provide Congress with a monthly balance sheet on appropriations.

This joint House-Senate committee would consist of 26 members, including the chairmen of the House Appropriations Committee, the House Ways and Means Committee, the Senate Appropriations Committee, the Senate Finance Committee, and 11 more Members appointed from both the House and Senate.

It is my intent that the efforts of this committee will be directed toward the reduction of huge Government deficits such as the $23 billion deficit incurred in fiscal year 1972.

Historically, we find that almost all administrations—Democrat and Republican—have overestimated Federal revenues, and this is one of the big reasons for continued big deficits.

As you know, when we change administrations every 4 or 8 years, each new President brings in people who assist him in projecting revenue estimates and preparing a Federal budget.

It is time to change our entire approach to this problem by having Congress come up with its own revenue estimate and budget and then provide each and every Member with a monthly balance sheet indicating how the legislation is affecting that budget.

If Congress adopts this proposal, it should be able to come up with budgets more accurate and realistic than those we have been getting from the executive branch. Congress will then be able to take the necessary steps to avoid the deficit spending which has plagued this Nation in recent decades.

I do not propose that we replace the budget-making role of the executive, but only that we supplement it with a congressional budget. Such a system would provide its own checks and balances.

This joint responsibility on matters of the budget is a practice that has worked effectively in my own State of New Mexico, where legislators have two budgets to compare—one from the executive branch and one from their own Legislative Finance Committee.

Under this method of operation, New Mexico legislators usually wind up approving parts of both budgets, but in the end the taxpayers get a better break. The State, this year, ended the year with a $41 million surplus. A surplus at a time when many State governments across this Nation are experiencing deficits.

By having its own committee on the Federal budget, Congress would be in a better position to vote on matters of Federal spending and the economy. I think it is time the Congress took a long, hard look at such a proposal and accepted the responsibility of better controlling the financial affairs of this Nation. This legislation, Mr. Speaker, would provide Congress with the tool it needs to do the job.

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## "ON PEACE IN OUR TIME," AN ADDRESS BY MR. FORBES MANN, SENIOR VICE PRESIDENT, THE LTV CORP. BEFORE THE SAN FRANCISCO CHAPTER OF THE AMERICAN ORDNANCE ASSOCIATION

## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Forbes Mann, senior vice president LTV Corp., Dallas Tex., presented the main address before the San Francisco Chapter of the American Ordnance Association, an organization of American citizens dedicated to peace through industrial preparedness for national defense.

Mr. Mann has had a long tenure of service with LTV and spent several of those years of service here in Washington. He is well known to many in this body, and in my estimation one of the finest corporate executives that I know. Under leave to extend my remarks in the RECORD, I wish to include the text of Mr. Mann's address and commend its reading to all of the Members of this body:

### ON PEACE IN OUR TIME

(By Forbes Mann)

#### THE QUEST FOR PEACE

It has now been 34 years since Neville Chamberlain's triumphant return from Munich to tell the world that it was to enjoy "peace in our time." Unfortunately, as these very words were spoken, preparations were being made for the overthrow of Czechoslovakia . . . and, eventually, of Hungary, Poland, Norway, Holland and France as well. In the years that have intervened, the people of America have enjoyed not peace but rather have suffered 20 years of tension and the agonies of fourteen years of outright war. Beyond World War II, the world has seen fighting in such diverse places as Israel and Egypt, North and South Korea, North and South Vietnam and Cambodia and Laos and Cuba and India and Pakistan and Hungary and, once again, in Czechoslovakia.

The people of America have come to hunger for peace more than anything else in the world. They are tired of conflict. They are exhausted with war. These views are shared by all Americans, the young and the old, the wealthy and the poor, and by the people who make up our military and defense industry too. They want peace, not only in our time, but also in our children's time, and in their children's time.

The disagreement that exists is over how one achieves this much sought peace. It is about this topic that I plan to talk with you this evening. I would like to suggest that the path to peace is in part through the achievement of military strength . . . and that, in contrast, it is the path to war that is paved with military weakness.

This is not, of course, a new notion. George Washington warned us "There is nothing so likely to produce peace as to be well prepared to meet an enemy." The Durants, in reviewing *The Lessons of History*, noted that "Peace is an unstable equilibrium, which can be preserved only by acknowledged supremacy or equal power."

Babylon was the largest and richest nation of its time, but its complacency easily permitted the Medes and Persians to overrun it and enslave its people. Rome, too, was the extraordinary power of its age, yet it too was destroyed. Perhaps the strongest nation in the Americas before our own time was that of the Incas, but it collapsed in the face of better armed invaders. Turning to more recent times, one can speculate what would have been the fate of Israel had it embraced a policy of cutting military expenditures and relying upon diplomacy to assure survival. History would indeed seem to suggest that weakness . . . weakness in military power or in will . . . is itself the greatest threat to peace.

There is much insight in the warning of Santayana that "Those who do not remember the past are condemned to repeat it." But it is not necessary to search the pages of history to learn that regardless of how intensely one may cherish peace, no one nation can, by itself, assure peace. The arithmetic is quite simple. It takes two to make peace . . . but only one to make war. Ask any boy in a big city whether or not the best way to stay out of a fight is by being the smallest kid on the block.

The world still obeys, unfortunately, certain of the laws of the jungle. It has now been over 40 years since an expert on such matters of no less stature than Joseph Stalin, speaking of the exploiters who had caused so much suffering in old Russia, pointed out: "You are backward, you are weak—therefore you are wrong; hence, you can be beaten and enslaved. You are mighty—therefore you are right; hence, we must be wary of you."

It is tragic indeed that the world should spend 6.4 percent of its total output on its military forces. But is is even more tragic to recall the price paid by those who in the past have too sorely tempted the appetites of would-be aggressors. We should perhaps remind ourselves that the price paid by each American to maintain our nation's military strength comes to about one dollar per day.

Stated in a somewhat lighter vein, our goal is to avoid the situation which was recently reported in the weather forecast of an Iowa newspaper, "There is a 60 percent chance of tomorrow and the next day!"

#### A QUESTION

But one must ask, "If strength is indeed a *sina qua non* in assuring peace, why then does such a large body of citizenry oppose expenditures for our military forces?" I suspect the answer is manifold, but the principal arguments go something like the following:

First, it is argued that the military power of the United States is already awsome. In addition, there is no reason for anyone to attack the United States, as evidenced by the fact that even tensions with the Soviet Union and the People's Republic of China seem to be relaxing. It is said that we no longer can afford to be, or need to be, the world's police force. We have urgent needs for our limited resources right here at home—where pollution threatens our very ability to breathe, where crime is rampant, where our inner cities are crumbling and where our highways kill more people than all our wars combined. Further, even if we did spend more money on defense, it would surely be squandered by the ineptitude of the defense officials. And, finally, the real threat to our country's well being is not some distant foreign power, but is our own military industrial complex—which is already so powerful as to endanger the very economic survival of our country's social programs.

I would like to take a few moments to address these viewpoints. Many, of course, have degrees of merit, and, unfortunately, none are truly satisfactorily answered in a few words. All, however, would seem to have suffered in the past from the absence of a balanced presentation of the facts. I believe there can be little question that some segments of the media have been much quicker to criticize the failings of those who are responsible for our nation's defense than to publicize their successes.

The problem with the press, it might be worth nothing in passing, is not unique to the defense complex. You may have read in connection with a recent visit by Queen Elizabeth to France that she, too, was shocked to learn of her image, as projected by the press. It seems that the French media, in this case, had over the years reported her as being pregnant on 92 separate occasions, having suffered 149 accidents and having nine miscarriages. Further, she had abdicated 63 times, been on the verge of breaking up with Prince Philip 73 times, been on the edge of a nervous breakdown on 32 occasions and had endured fully 27 attempts on her life. And I thought the defense industry had a bad press!

#### THE OTHER SIDE OF THE COIN

It should be said at the outset that the extent of military expenditures in the world today is one of the most saddening testimonials to our time. One should never lose sight of the fact that the total military expenditures by all nations equals the income produced by the 1.8 billion people in the poorer half of the world's population. The real tragedy is that unilaterally to disarm oneself is, however, likely only to bring greater misery into the world.

The point of view that the military power of the U.S. is already more than adequate to assure our survival is a difficult one to assess, for in essence one must decide—how much is enough? The one thing that does seem clear is that although 10 percent too much military force might be considered wasteful, 10 percent too little might be fatal.

The end goal of our military forces is to provide sufficient strength to deter any potential aggressor from initiating either an all-out strategic exchange or a more limited tactical conflict. Clearly, in the latter case we do not now have—nor do we know how to achieve—a high confidence deterrent. In the former case, we appear to be in a much stronger position; although what is adequate in this sense depends not upon what we consider to be adequate but rather upon what the USSR and People's Republic of China consider to be an inhibitant. One important—and often neglected—point is that one's strategic deterrent must be sufficient to provide unacceptable punishment to an enemy after having absorbed a surprise attack by that enemy, and after having encountered the defenses of that enemy. If this is not the case, one may place a potential enemy in the highly dangerous position of being able to win if he initiates the conflict—and, possibly, only if he initiates the conflict.

As measured in terms of our strength, in relation to that of the USSR, it would seem that we do not provide for ourselves anywhere near the capability that the Soviets have considered necessary for themselves. The Soviets have 3,100 home defense interceptor aircraft. We have 400. The Soviets have 10,000 surface-to-air missile launchers for home defense. We have 600. The Soviets have three times as many tanks as we, more artillery, more armored combat vehicles and over a million more uniformed men. They have operational ballistic missile defenses, antiship missiles and orbital bombardment systems and several other systems of which, we as yet, have none. Over half the ships of the U.S. Navy are over 20 years old, as compared with one percent for the USSR.

The USSR seems, in fact, dedicated to clearly and decisively surpassing the U.S. in virtually all aspects of military strength. Four years ago, Russia had 550 ICBMs. Today they have 1500. Four years ago the U.S. had 1056 ICBMs. Today we have 1056. Four years ago the USSR had 5 advanced strategic missile submarines. Today they have 34, with number 42 now in the shipyards. Four years ago the U.S. had 41 strategic missile submarines; today we still have 41. The payload of the USSR strategic ballistic missile force, under the relationship essentially frozen by the SALT agreement, is about four times that of our own. This enormous "throw-weight" advantage provides the basis for major capability upgrading, should the Soviets elect to pursue this avenue. In fact, it is only in the areas of aircraft carriers, attack helicopters, heavy bombers and multiple independently targeted reentry vehicles that the U.S. has not already relinquished clear military supremacy.

Turning for a moment to space, the Soviets are continuing to increase the number of space launches they conduct, adding about 8 more each year than were conducted the previous year—an unwaivering course they have maintained ever since the days of Sputnik. In contrast, the U.S. annual rate of launches has decreased by 10 per year since the U.S. space effort first began its decline in 1966. These trends still appear to be largely unchecked.

Let us turn now to the point which is so often heard that we must reduce our expenditures on defense . . . so that we can increase attention to much needed social programs. This shifting of funds has, in fact, already been accomplished to such an extent that the questions today is only one of degree. The defense share of the total federal, state and local budget is the lowest it has been since 1940 . . . the year before our weakness invited Pearl Harbor. In fact, the Department of Health, Education, and Welfare has now surpassed the Department of Defense as the government's number one spender. In the eight years since the beginning of the Vietnam war, the number of defense employees has actually decreased by about 150,000. In contrast, other federal, state and local employment has grown by 4,000,000 in this same time period.

There is a common misconception that if we were only to reduce our defense budget, we would then be able to solve all those problems of our society which have heretofore escaped solution. To test the validity of this belief, assume for a moment that we were in fact to change our basic philosophy on the need for national defense and that the United States' defense budget were thereby cut to, say, the level expended by the Somali Republic. Would this then make possible the rebuilding of our cities, the elimination of poverty, the cleansing of our environment, and the elimination of crime? The answer is that in the years ahead it would make possible only a 15 percent increase in nondefense public spending. Many perhaps would argue that a 15 percent increase in the effectiveness of our public spending might alternatively be achieved merely through the improvement of the efficiency with which those programs are administered. But, be assured that if the United States were to cut its defense budget to this degree, there is a very high probability that air pollution, traffic congestion and aging buildings would indeed be reduced to the lesser of our problems.

This is not to suggest, however, that we can afford to neglect those problems which afflict our society today. Rather, it is to suggest that we can, and must, solve those problems without dismembering our capability to defend ourselves. Recall that we as a nation now have an annual gross national output which exceeds one trillion dollars. Remember that we still spend half as much on dog and cat food, for example, as on the entire space program. Or, that we spend half as much on toys and accessories for our dogs and cats as we spend on defense research and development. Thirty percent of our households own two or more cars, 95 percent own at least one television set, 45 percent possess air conditioning, a third have freezers and one in five has a dishwasher. Yet, without adequate defense, all this wealth could become incidental.

We have a story in Texas about a rancher who had almost taught his horse to eat sawdust instead of expensive oats . . . when the horse went and died.

Let me now turn to the belief that the government and the defense industry are so inept that additional expenditures to assure our military strength would merely be squandered away in bureaucratic inefficiency . . . a belief which, unfortunately, is not uncommonly held. Clearly, there is always room for improvement in the execution of the defense program. Yet, there are reasons why the defense industry has had, and is having, such great difficulties, in even so basic a matter as controlling cost. Aside from its probably unequalled position in the public's eye, there is the fact that the industry traditionally has had to perform on the very frontiers of technology—enduring all the risks attendant thereto. In spite of all the publicity given to the defense industry in recent years, few people realize that fully 52 percent of the aerospace industry's sales next year will come from products that did not even exist in 1969. In the case of the space program, it has been said that its current problems stem not from repeated failure, but rather from brilliant success.

It is particularly important to rectify the common misconception that the aerospace industry is soaking up in profits much of what is being devoted to our national defense. A few statistics should suffice. According to the Federal Trade Commission report for the first three quarters of last year, aerospace net profits amounted to 1.9 percent of sales, as compared with 4.2 percent for manufacturing industries as a whole. Based on equity capital, aerospace profits amount to 6.2 percent, as compared with 9.6 percent for manufacturing as a whole. If profits are indeed as lucrative as one is often led to believe, it is particularly difficult to explain why over half the aerospace firms in Forbes listing for 1971 ended the year selling for less than book value.

Again, one should not draw the conclusion that there is no further room for improvement. There is much room. For example, it is particularly disquieting that the notion has come into vogue that massive paperwork systems can become adequate substitutes for good management. There simply is no substitute for capable people in management. The Blue Ribbon Defense Panel noted that documentation requirements cost the Defense Department an estimated $4.4 billion in 1969 alone. If this figure could even have been halved, it would have been possible to procure five squadrons of fighter aircraft, 20 battalions of tanks and two destroyers with the funds saved that year alone.

The paperwork plague, incidentally, has not been limited to defense matters. The United Nations, for example, was recently estimated to have spent at least one-seventh of its entire budget to generate documents. Such important matters as how to determine a tiger's sex from its paw print have been recorded. Important—if you happen to be a tiger! Things reached such a point that a 31-nation committee spent a year studying how to reduce paperwork. It is reassuring to know that its 219 page report has now been released.

The Defense Department also is struggling to reduce paperwork. One recent request for proposals limited the offeror's response to 1,250 pages. Unfortunately, the government's *request* for proposals filled 935 pages!

The last of the assertions about our nation's military capability that I would like to examine is that the defense industry has such immense financial power that it is able to exert unhealthy pressures for the procurement of unneeded weapons. Consider for a moment the fact that the total market value of the five largest aerospace firms *all added together* is about three-fourths that of the Schering-Plough Company. The combined figure for these aerospace companies does, however, manage to match Schlumberger, Inc. But just barely. So much for financial power.

### SIDE EFFECTS

One of the more serious long-term consequences of the decline of the defense industry has been its effect on student enrollment in engineering and the natural sciences in our colleges and universities. One must wonder at the foresight of the individual who, speaking in 1958, foresaw that ". . . in the United States the number of engineers and technologists graduated every year is not more than 25,000 to 26,000, and these graduates have no work to do owing to the economic slump which prevails in America." This speaker was not the president of some American university . . . nor even the president of the aerospace firm. It was none other than Nikita Khruschev.

The current economic plight of our nation's engineers and scientists is indeed serious and unfortunate. However, engineers and scientists have no special right to pursue their field any more than any other group unless they can contribute usefully to society. The underlying concern is simply that scientific knowledge has in the past formed a major element in the foundation of our country's ability to assure its freedom and to compete successfully in world markets. Although it takes only months to dismantle a nation's technical fibre, it takes many, many years to build it anew.

In the case of the aerospace industry, employment of scientists and engineers has indeed declined precipitously—by over 81,000 from the peak of 235,000 just five years ago. Overall employment in the industry has dropped by about one-third of the 1,450,000 total labor force that existed that same year. The overall number of jobs created by defense spending has likewise dropped by 2,486,000 in the corresponding time period. The average jobless rate for professional and technical workers last year, according to the Department of Labor, was the highest since unemployment statistics first began to be collected in 1948.

As a result, it is not surprising that freshman enrollment in U.S. engineering schools declined 16.8 percent this year alone. Among aeronautical engineering undergraduates, the drop has been even more precipitous. This trend, if unchecked, cannot help but portend great difficulty in recovering world leadership in the aerospace field . . . a field wherein the average engineer is already 42 years of age.

### A WORLD WITHOUT SCIENCE

The growing disaffection of many Americans with military research and development, as is often reported in our nation's media, has expanded in the minds of many to encompass *all* research and development. There can be no question that modern technology has immensely complicated the world in which we live, producing the automobiles which pollute our atmosphere and the ships which pollute our seas. Nonetheless, I doubt very much that there are many who, after a few moments thought, would really wish to return to a world without the benefits of modern technology. It is worth considering that perhaps one-third of the people in this audience would not even be alive today were it not for the advancements in medical science, which together with improvements in the distribution of health care, have contributed to the striking increase in life expectancy achieved since the turn of the century. In 1900, for example, an American enjoyed an average lifespan of about 47 years. Today the figure has surpassed 70 years and is still growing.

Without science we would have none of the luxuries of life which we have now come to accept as essentials. There would be no air conditioning, no stoves, and no electric lights. No vaccines, radios or telephones. The President has reminded us that American science in recent years has found a way of preventing polio, placed men on the moon, and sent television pictures across the ocean.

This same technology, which has taken man to the frontiers of space, has also produced many down-to-earth benefits. A few years ago, for example, information from a weather satellite provided warning of hurricane Carla, triggering one of the largest mass evacuations ever to take place in the United States. Over 350,000 people were moved from the path of the storm—with a saving in lives the magnitude of which can only be conjectured.

And just as weather satellites can provide warning of impending storms, so too can other satellites provide warning of growing pollution or of crop diseases. It has been estimated that fire, insects and disease cause from 13 to 20 billion dollars of agricultural damage each year in the United States alone. If warning and localization of these threats could be provided at a sufficiently early time to prevent even 20 percent of this damage, this in itself would pay for the space program in its entirety.

The under-estimation of the benefits of scientific change, and the generation of an attendant desire to resist it is a well established human phenomena. Some years ago, then New York Governor Martin Van Buren wrote to President Andrew Jackson to warn of the ominous threat posed by one new technology of his day: "The canal system of this country," he wrote, "is being threatened by a new form of transportation known as railroads. The Federal Government must preserve the canals for the following reasons: If canal boats are supplanted by railroads, serious unemployment will result. Captains, cooks, drivers, hostlers, repairmen and lock tenders will be left without means of livelihood, not to mention the numerous farmers now employed in growing hay for horses. Boat builders would suffer and towline, ship and harness makers would be left destitute. Canal boats are absolutely essential to the defense of the United States."

We are indeed fortunate that this nation did not then, or at any time since then, subscribe to such a policy of resisting scientific change. One cannot forever defend his country using canal boats, anymore than he can guarantee employment to lock tenders. The problem, then, is not one of preventing change, but rather is one of adapting change to serve man. And in the all-important area of assuring our nation's defense, one can be absolutely certain that to stand still is to fall backward.

IF PAST IS PROLOG

Thus, if that which is past is indeed prologue, we can ill-afford to repeat the errors of Neville Chamberlain's era. As former Secretary of State Dean Rusk recently suggested to the young people of our nation, one does not enhance himself by criticizing the errors of his father—only to repeat the errors of his grandfather.

We must avoid the fate of the Free World of the 1930's, which *talked* of peace in its time, *practiced* appeasement and *reaped* war. Such is the legacy of those who would believe that peace is founded on aspirations rather than vigilance.

It is responsible people, like this audience, who have got to carry the message to the public and make them understand the vital relationship of strength to security. Given the facts, I am confident the majority will prevail and make themselves heard. It is up to you and me to see that they get the facts!

Let it be the legacy of the '70's that we did not merely hope for peace, but that we backed that hope with the *strength*—both of capability and will—to transform desire into reality. For then, and only then, may it someday be said that the Free World of the *70's shunned* the appeasement of an earlier time, *ended* the war of *its* time, and did in fact harvest *an enduring peace.*

## THE NEED FOR JUSTICE IN SOCIAL SECURITY

### HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, January 6, 1973*

Mr. PRICE of Texas. Mr. Speaker, the American people have come to accept social security as an important factor in their plans for providing for their retirement years. These citizens, who work hard and pay a lifetime of contributions into the social security fund, rightfully look forward to the day when they can retire and begin to receive the fruits of their labors. Sadly, all too many persons approaching retirement find out that retirement, instead of being a time of fulfillment, will actually mean deprivation, since social security is not a retirement or pension system in that contributions to this fund do not automatically build equity. Under certain circumstances, persons can pay some 40 years worth of contributions to social security and yet be able to leave nothing to their families.

Furthermore, a person can pay into social security for a lifetime only to find himself ineligible at the age of 65 to collect one thin dime's worth of benefits should he or she continue to work at a salary of a certain amount. Not only that, the same person who chooses to work after age 65 must continue paying social security tax on his or her earnings. I find these facts tragic and shocking.

In an attempt to bring greater justice to the social security law, I am today introducing a bill to abolish the limitation placed on the amount of outside income an individual may earn in order to continue to receive his or her social security benefits. It is my hope that the Congress will act quickly to pass this legislation.

The time has come for the American people to receive the benefits of their hard work—no longer should a person who at age 65 chooses to continue working be penalized for his initiative or efforts, both past and present, by not being able to collect that money which is rightfully his.

## THE LATE HON. JAMES J. ROSEN

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, it is with deep regret that I announce the untimely passing of my good friend and a good friend of every citizen of New Jersey, the Honorable James J. Rosen of the U.S. Third Circuit Court of Appeals.

Judge Rosen embodied all the characteristics of an exemplary judge. He understood that justice was a combination of strict discipline mitigated by measured reason and mercy.

He was a strong and early believer in the rehabilitative process in the prison system and worked hard during and prior to his tenure on the bench for prison reform. He understood that men who had run up against the law cannot merely be hidden away behind barren walls without returning to society as criminals.

Mr. Speaker, the Jersey Journal and the Hudson Dispatch have both eulogized Judge Rosen on their front pages and in editorials. I include those articles in my statement today, and they follow:

[From the Hudson Dispatch, Nov. 20, 1972]

JUDGE ROSEN, 62, SUCCUMBS, WAS ON CIRCUIT BENCH

Judge James J. Rosen of the U.S. Third Circuit Court of appeals, died Saturday of an apparent heart attack at his home, 6600 Boulevard East, West New York. He was 62 years old.

Judge Rosen, who began his public career as chairman of the Weehawken Republican Party, was sworn in Nov. 1, 1971 as judge of the Third Circuit Court, one rung below the United States Supreme Court.

He was nominated for the post at the urging of his longtime friend and fellow Republican, Sen. Clifford P. Case of New Jersey.

Tall, soft-spoken and traditionally gray, the jurist frequently exhibited a humanistic expressed belief in spankings for errant youngsters and misgivings about reforming gunmen.

AN ARMED ROBBER

And yet, as a Hudson County judge assigned to the criminal section, he once braved an open meeting of the Weehawken PTA while county law officials provided him with an armed guard against an escaped convict to whom Rosen had given 15 to 21 years in the state prison.

He hadn't requested the guard against the convicted armed robber but officials even extended it around his home.

It was on this occasion that Rosen remarked that men who carried guns are the lowest in the annals of crime and he felt no hope of rehabilitation for gunmen.

On other occasions he would chide parents for failing to spend time with their children or resorting to child psychology when an "old fashioned spanking" would be more appropriate.

At the outset of his judicial career, which began with an appointment to the Hudson County Court by then Democratic Gov. Robert Meyner in 1959, Judge Rosen advocated innovative reforms for prisons and court sentencing of criminals.

He was in the post less than a year when he was to announce that something should be done about building detention and treatment centers for drug addicts, alcoholics and mental incompetents.

He felt that some social rehabilitative efforts should be done for persons "whose problems and actions bring them into criminal courts but who probably (do not) benefit from imprisonment."

FROM COUNTY COURT

He also considered the policy of allowing one man to impose a major sentence on a convicted criminal as something inferior to the European practice of leaving the decision to a panel of judges.

He argued that the practice reduces the number of court appeals and offers differing insights and opinions while minimizing human error in judgment.

From the county court Judge Rosen was to move up into the state's Superior Court. Another Democratic governor, this time, Gov. Richard Hughes, was to offer his name in nomination to the state senate in August of 1964. The senate confirmed the nomination.

REPLACES HASTIE

There he stayed until Nov. 1, 1971 when he was sworn in as a Third Circuit Judge by Judge Collins J. Seitz of the same court. He replaced Judge William J. H. Hastie, who retired.

As a Superior Court Judge, he once ruled out Hoboken's mayoral election on June 25, 1965 when current Mayor Louis DePascale had defeated Edward J. Borrone for the post. DePascale ultimately won the Nov. 16 runoff election as ordained by Judge Rosen in his decision.

Judge Rosen was also credited with civic, charitable and social contributions.

Following the successful Republican election of 1949 when Charles Krause was elected mayor, Judge Rosen was appointed Township attorney, a post he held until his appointment to the county court.

Preceding and during that period, he had served as president of the Hudson County Bar Assn., Exalted Ruler of the Weehawken Elks and state deputy attorney general in charge of investigating the waterfront.

Testimonials came from such organizations as the Jewish Community Center of North Hudson of which he was a past president; Temple Beth-El in North Bergen dedicated a Friday night service to him; and the Palestine Histradrut Committee singled him out.

### BORN IN BROOKLYN

He once served as Red Cross Fund Drive chairman and with the State Law Enforcement Council he investigated the banking and insurance industry in 1955.

He was affiliated with B'Nai B'rith, Israel Bonds, United Jewish Appeal, North Hudson Farband, Jewish Hospital of New Jersey, Yeshiva of Hudson County and the North Hudson Lawyer's Club.

Born in Brooklyn, he moved with his family to Union City in 1914. In 1929 he moved to Weehawken. He was graduated from Union Hill High School, Union City attended New York University and graduated with honors from New Jersey Law School, now Rutgers Law School.

He began his law practice in 1931 and in 1939 was admitted to practice law before the U.S. Supreme Court.

### SURVIVORS LISTED

His first wife, Mrs. Pearl (nee Heyman), died July 27, 1964.

Surviving are his wife, Charlotte, widow of Dr. Moses Sandler of Fort Lee; two daughters, Mrs. Jane Feder and Mrs. Linda Human; a sister, Mrs. Sally Kaplan; a brother, Daniel and four grandchildren.

Funeral services will be held at 1:30 p.m. today from Temple Beth El, North Bergen. Rabbi Sidney Nissenbaum, his personal friend of 30-years, will offer the eulogy. Cantor Irving Obstbaum will chant the memorial prayer. Interment will be in Beth El Cemetery, Washington Township.

Gutterman-Musicant Funeral Home, Hackensack is handling arrangements.

[From the Hudson Dispatch, Nov. 20, 1972]

### HIS PRESENCE WILL BE MISSED

Unfortunately, there have not been too many public figures from Hudson County in recent years you cared to talk about in mixed company outside the county. But no one ever had to apologize for Judge James Rosen, who passed away Saturday.

As a member of the U.S. Circuit Court, Judge Rosen was the highest ranking jurist from a county which has made many contributions to the bench. But not too many combined "Jim" 's rare qualities of love for justice and common sense.

In 41 years as an attorney, most of them right here in Hudson Dispatch Building, Judge Rosen was the highest ranking jurist prudence. As Weehawken township attorney, he carried the community's fight against the construction of the third tube of the Lincoln Tunnel to the New Jersey Supreme Court and won a "David and Goliath" upset which forced the giant agency to make financial concessions to the small township in return for the land it was taking for the third tube. It was the kind of case only a top attorney could handle, and Judge Rosen proved to be that man.

Weehawken is still enjoying many of the fruits of that victory.

In 1959, he was nominated to the bench by then Gov. Robert B. Meyner, and brought his grace and friendship to the judiciary. On the New Jersey Superior Court, he was called upon to settle cases of international importance. When the federal court vacancy opened up in 1971, he was recommended by Sen. Clifford Case to President Nixon for the post.

Despite his rise to prominence, the late jurist never lost his community interest. Whatever his schedule, he made it a practice to be at Weehawken Elks' annual newspaper dinner to strongly defend the free press of America.

"Jim" Rosen was a good friend to Hudson County, its lawyers, newsmen, political leaders and civic activists. His kind don't pass our way often enough.

[From the Jersey Journal, Nov. 20, 1972]

### JUDGE ROSEN FUNERAL RITES SLATED TODAY

Expressions of shock and sorrow came from all parts of the state today at the death of Judge James A. Rosen, who rose to the U.S. Third District Court of Appeals from meager beginnings in Brooklyn.

Judge Rosen, 63, who was appointed to the nation's second highest court last November, died of a heart attack at his home, 6600 Boulevard East, West New York, on Saturday.

West New York police reported that at about 11:20 a.m. Saturday, they received a call to dispatch an ambulance crew to the home of the stricken judge. By the time they arrived, however, Dr. Milton Blum and several other physicians who live in the building had pronounced him dead.

Before being elevated to the Court of Appeals, Judge Rosen had been a state Superior Court judge. He was selected for the latest promotion by President Nixon, and sponsored in that nomination by Sen. Clifford P. Case.

Judge Rosen attended Union Hill High School and New York University before graduating Rutgers University Law School and being admitted to the bar in 1932.

He served as township attorney for Weehawken, his former home, and became deputy state attorney general 1952, in which post he was well-known for his handling of waterfront probes.

He was named county court judge by Gov. Robert B. Meyner in 1959, and five years later, Gov. Richard Hughes appointed him to the Superior Court.

Judge Rosen was noted for his common sense approach to law. Many of the leaders who paid tribute to the jurist cited the ease with which reporters, defendants, and other laymen could understand the rulings he handed down.

Long before ecology became a popular cause, Judge Rosen, as Weehawken township attorney, took on the powerful New York Central Railroad in a case centering on smoke pollution from coal-burning locomotives and forced the corporate giant to switch to diesel engines in the Weehawken yards.

Judge Rosen's career as township attorney was remembered also for his successful fight to secure local gains from the Port of New York Authority's construction of a third tube to the Lincoln Tunnel, a victory which observers say netted the community more than $1 million worth of added projects.

On the Superior Court, Judge Rosen handled much of the litigation which resulted in the order to Hudson municipalities to re-assess all properties, industrial and residential, at an equal 100 per cent ratio.

Many in the crowd of mourners also recalled his decision which abolished as unconstitutional the Hudson County Boulevard Commission, which had existed for more than 60 years.

"He was an outstanding jurist," said retired state Superior Court Judge Peter Artaserse, "and his passing is a loss to both the New Jersey and the U.S. judiciary."

Harold Ruvoldt Sr., former president of the Hudson County Bar Association, over which Judge Rosen also had presided, echoed Judge Artaserse's comments: "Judge Rosen will be remembered . . . as a jurist who gave the law the breadth and understanding of the true values of life: kindness and understanding.

"It was Judge Rosen's dedication that inspired the Hudson County Bar Foundation's building of its law library and home. That building was the achievement of his lifetime, the fulfillment of his dream," Ruvoldt added.

Charles F. Krause 3d, president of the North Hudson Lawyers' Club, called Judge Rosen "a lawyer's lawyer, and after he ascended to the bench, a judge's judge."

Krause's father, Charles F. Krause Jr., who served as mayor while Mr. Rosen was town attorney, was out of town, but his wife told newsmen the elder Krause would be "shocked and dismayed" to learn of Judge Rosen's death.

Meanwhile, Mayor Stanley Iacono, the town's present mayor, said, "Weehawken is proud and honored that Judge Rosen had his beginnings here—we feel it would only have been a matter of time before he reached the Supreme Court."

Rabbi Sidney Nissenbaum, who presided at the wedding of Judge Rosen to the former Mrs. Moses Sandler in 1966, caught his breath and told a reporter he felt a deep personal loss as well as a loss to the Jewish and civic community at the judge's demise. "He was a man for all seasons—he really was," the rabbi said.

Rabbi Nissenbaum will preside at the services for Judge Rosen, which are set for Temple Beth-El, 75th Street and Hudson Avenue, at 1:30 p.m. today.

After the service at Temple Beth-El, Judge Rosen's body was to be interred in Beth-El Cemetery in Paramus.

Judge Rosen also is survived by Mrs. Jane Feder and Mrs. Linda Hyman, his two daughters by his first wife, Pearl, who died in June, 1964; a brother, Daniel; a sister, Mrs. Sally Kaplan; and four grandchildren.

[From the Jersey Journal, Nov. 20, 1972]

### JUDGE ROSEN

James Rosen was the kind of a man who could rise from the Weehawken Township attorney's office, through the county and state courts, to the second highest ranking court our nation has—and still seem as though he had never left the neighborhood. He will be remembered as a most able judge by the lawyers who appeared before him and as a fine legal scholar by his associates on the appellate bench.

Away from the courts he had a quiet, polished charm and a people empathy that might have made him a most successful candidate for office had that been his bent. It is significant that his judicial appointments came from both political parties.

Two of his legal exploits while Weehawken Township counsel demonstrated how hard he worked for people. He saved about a million dollars for the township taxpayers by his negotiations with the Port Authority when the third Lincoln Tunnel was built. And, at a time when "ecology" was a word best known to dictionary readers he fought the then mighty New York Central Railroad on air pollution and forced it to replace smoky steam engines with cleaner diesels in its Weehawken yards.

Each of his advances was greeted with a universal cheer; all of Hudson shared pride in him. That is the measure of Hudson's loss.

## POLICE SLAYINGS AND FEDERAL LEGISLATION

## HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

**Mr. ANDERSON of Illinois. Mr. Speaker, today six persons, including three policemen, lie dead and 15 others lie wounded in New Orleans in the after-**

math of the tragic shootout at the Howard Johnson Motor Lodge. And there is some evidence to indicate that the incident was deliberately contrived to lure policemen and firemen into the area to kill them. Whether this is the work of one or two deranged individuals or part of a nationwide conspiracy to kill police, the fact remains that there has been a tragic spiral in police slayings in the last few years. In the decade from 1961 to 1971, 759 law enforcement officers were killed on duty, and in 1971 alone, 126 were murdered—a 46-percent increase over 1969 when 86 were slain. The time has clearly come to reverse and halt this spiral, and because these senseless acts of violence have reached national proportions, I think Federal legislation is required.

I am, therefore, today reintroducing two bills which I introduced in the last Congress, one to make the killing of a policeman or fireman in the line of duty a Federal offense, and another to provide a $50,000 Federal payment to the survivors of policemen, firemen, and corrections officers killed or totally disabled in the performance of duty.

I was disappointed when, in the last Congress, we failed to complete action on similar legislation in the final days of the session. But it is my hope that the tragic happenings in New Orleans this week will impress upon us the urgency and importance of enacting this legislation early in this session.

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## EVELYN WADSWORTH SYMINGTON

### HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. BOLLING. Mr. Speaker, there follows a very pleasant essay on one of Missouri's and our Nation's loveliest and most charming ladies. It was written by Judy Flander and appeared in the Washington Star-News on January 8, 1973.

The essay follows:

### WHERE THE THREAD LEADS

(By Judy Flander)

"The thread of life is filling with the hours
Each one a slipping, multicolored bead.
Who knows what lies beyond the clasping,
Or where the slender, shining threat will lead?
We only know we strive to make them perfect,
Each symmetric, full and gay,
Well knowing that beyond the radiant center
The other half will dwindle fast away."

—Evelyn Wadsworth Symington

On the day before Christmas, while she was attending the Redskins-Green Bay Packers playoff game with good friends, Evie Symington's shining thread of life received its last few gay beads. Minutes after she returned home to the Wadsworth house on N Street, she was stricken with an aneurysm of the aorta from which she died less than an hour later at Georgetown University Hospital. The life she looked ahead to, in a poem she wrote 51 years ago when she was 18, was over.

That was the way she had wanted it to end. Driving to RFK Stadium that day with her husband, Sen. Stuart Symington, D-Mo., and Sen. Howard Cannon, D-Nev., and his wife, Dorothy, she commented sympathetically on the plight of former President Harry Truman who, at that moment, was dying slowly in a Missouri hospital. "You know, Dorothy," she said. "When my time comes, I want to go fast. I have no desire to linger on."

Mrs. Cannon does not believe that Evie Symington had a premonition of imminent death. She and her husband later assured Sen. Symington they'd noticed no signs of illness or discomfort in his wife. "We were all feeling so fresh and nice and happy that day," said Mrs. Cannon. "It truly was one of the most delightful days I've ever spent."

Essentially, Evie Symington was classifiable as a "homemaker," or any of the other euphemisms used to describe the woman who stays home and tends her family. Hers was a family of notable men: she was the granddaughter of a Secretary of State, the daughter of a Senator and Representative, the wife of a Senator and the mother of a Congressman.

Many women, particularly of Evie's generation, assure their role as keeper of the hearth by default. They take for granted that they have no other destiny. Mrs. Symington had to make a choice.

A rising star as a supper club singer in New York's best hotels in the mid-1930s, she was earning $1,700 a week, was deluged with Hollywood offers and had passed a Paramount screen test. She was planning to go to California to make a movie in 1938, when her husband, then a drivingly successful New York businessman, received an offer to become president of, and rejuvenate, the Emerson Electric Manufacturing Co. in St. Louis, Mo.

Soon after these developments, Stuart Symington received a call from Evie's agent, Sonny Werblin (later owner of the New York Jets) who wanted to know, "What's going on? She's cancelled everything."

That evening, Evie told her husband, "I'm either going to be a singer or I'm going to be a wife and mother. I've decided to be a wife and mother."

A young woman who later became known as "the incomparable Hildegarde" took over the singing contract. If Evie ever had any regrets about giving up fame and fortune, she never told anyone. Her husband, her sons, her friends never heard her mention her career again.

Younger son, Jimmy (Rep. James Wadsworth Symington, D-Mo.) says, "I don't know what women's lib would have to say about it, all I know is she did what her heart prompted her to do. Dad's needs for her had always been tremendous—as a listener, a helper, a counselor and a refuge."

Jimmy adds that Evie knew what kind of a man she had married. He had entered the Army in World War I as a private and come out as a second lieutenant—the year he was 17. He'd already made a considerable fortune when he took over the Emerson Co. In 1945, President Truman offered him the chairmanship of the Surplus Property Board. Over the years Stuart Symington rose from one prestigious position to another. He served successively as Assistant Secretary of War for Air, Secretary of the Air Force, chairman of the National Securities Board, and administrator of the Reconstruction Finance Company.

He was first elected to the Senate in 1952 and was a serious contender for the Presidency in 1956 and 1960.

"In a way, Washington was Evie's town," said Sen. Symington the other day, recalling how he had met her at a dance in 1920 at what is now the Sheraton-Park Hotel. In 1915, when she was 12, Evie's father, James W. Wadsworth, was elected Republican Senator from New York. The family moved to the Hay house, across Lafayette Park from the White House where the Hay-Adams Hotel now stands.

The house was built by Evie's grandfather, John Hay, who served in turn as special assistant to President Abraham Lincoln, Ambassador to England and Secretary of State under Presidents William McKinley and Theodore Roosevelt.

President and Mrs. Calvin Coolidge were among the guests when Evie married Stuart Symington on March 1, 1924. This was at St. John's Church, across the street from the Hay house.

Symington's ushers had given him a silver bowl engraved with their names. On the morning of Evie's death, as she and her husband sat in the library of their home with the Cannons prior to leaving for the Redskins game, Sen. Cannon noticed the bowl and asked about its significance. This brought forth a flood of wedding reminiscences. Eve laughed about the problem "those great big ushers had going down those narrow church aisles." And the Senator observed with satisfaction, "In 14 months, we'll celebrate our 50th wedding anniversary."

Sen. Symington is a man of sentiment. In 1969, an illness necessitated two operations for Evie and the Senator asked her at that time to write out four lines of poetry she'd written for him before they were married. (She wrote poetry all her life, though many close friends never knew it.) Sen. Symington has the poem still, on a small piece of stationary with a cheerful red apple at the top. It has been folded and refolded so many times that it has come apart at the creases:

"Oh, will the heart be rover?
Life, sad surprise?
Turn your sweet head, discover
My steady eyes."

He had brought her to Rochester, N.Y., where he worked first in his uncle's business as an iron moulder, and where their sons were born; Stuart Jr., who is now a St. Louis attorney, in 1925, and Jimmy, in 1927. The Senator remembers how in those days Evie used to sing at charity functions and with her family. Evie's father was a tenor; her mother, a soprano; her brother James J. Wadsworth (who in 1960 and 1961 was U.S. Representative to the United Nations), was a bass. Evie was a contralto.

One evening in 1934, a few years after the Symingtons had moved to New York City, the Senator recalls, "We were at a benefit at a ritzy place called the Place Pigalle where there were a lot of professional singers and somebody said, 'Let's have a song from Evie.' She sang 'The Very Thought of You' which became her theme song—and brought down the house. She could sing. Golly, she could sing. She had a voice that could break your heart."

Two weeks later, the owner of the Place Pigalle called Evie and asked if she'd like to work there as a professional singer. It was fine with her husband, but he suggested she'd better ask her father.

"Is the place East or West of Broadway?", Wadsworth wanted to know. (West of Broadway was "what you'd call the wrong side of the tracks," Sen. Symington explained later.)

"It's two doors West," said Evie.

"Well, then I guess it's okay," said Wadsworth, who evidently didn't think a matter of 24 feet would tarnish the family reputation.

Sen. Symington remembers the night his wife, as Eve Symington, society singer, opened at the Place Pigalle: "A close relative turned to a friend and said, 'Let's clap like the dickens and then get out of here. The best amateur isn't as good as the worst professional' Evie sang 'The Very Thought of You' and halfway through, the man burst into tears."

Another time, the Senator brought along his friend, boxer Gene Tunney. The two men sat at the bar. According to the Senator, "Gene suddenly noticed that the bartender was Jack Renault, the French fighter he'd beaten in 1923. They went over the fight blow by blow. Then Gene said, 'By the way, my friend's wife sings here and you just watch out for her'."

"Are you Eve Symington's husband?" asked Renault. I said, yes, and he said, seriously, 'Anybody displeases that lady, we kill him.' "

During the next four years Eve Symington also sang at the St. Regis Hotel, the Sert Room of the Waldorf and the Persian Room of the Plaza, accompanied by such orchestras of the '30s as those of Leo Reisman and Emile Coleman.

Mrs. John Sherman Cooper, the wife of the former Republican Senator from Kentucky, remembers: "The room would be perfectly dark and then out Evie would come like a waft of fresh air, a spotlight on her, her blonde hair glowing. She had a lovely laughing face. She had magic. It's the thing that held you. She had an intimate, caressing quality as if she was singing only to you."

Mrs. Cooper was an acquaintance and fan of Evie in those days. "When I began to know her as a friend," Mrs. Cooper says, "she became my heroine. As a Senate wife, she was the way we all wanted to be."

When the Symingtons first came to Washington in 1945, they had an apartment at the Shoreham Hotel. But in 1952, just before Symington was elected to the Senate, Evie's father died, and the couple moved in with her mother on N Street where they lived ever since. (Evie's mother, who remarried, died in 1960.)

It is a five-story house filled with antiques and paintings by Botticelli and Sir Joshua Reynolds and some of the things Evie collected such as figures of lions and Battersea boxes. Portraits of ancestors hang on all the walls, and John Hay presides over the formal dining room downstairs.

Carrie Williams, who has been doing housework for the Symingtons for five days a week for 16 years—"and I only missed two days in that time"—last saw Evie on Saturday. It was like every other morning. "I'd come in and she would have her bedroom door open and I would put her paper inside and ask her what she wanted for breakfast. After breakfast, we would have our little chat."

What about? Oh, the weather mostly. And we laughed a lot. That last day I said to her in fun, "Are you going to fire me?" And she said, "No, I'm not going to fire you. I want you to work for me as long as I live."

"She was the sweetest lady I ever met in the world."

Georgia Winters also did housework and some cooking for Evie for many years and she says, "She was so nice and so gentle. She liked to come into the kitchen and we'd do things together. She wanted to fix everything the way the Senator liked it."

On Thursday, Evie patted Mrs. Winters on the shoulder and said, "Just do your work little by little, don't get too tired." Then she added, "I'll count on you for next week."

Mrs. Winters heard about Evie's death on the 11 o'clock news Christmas Eve. "I couldn't sleep. It took so much out of me, the same as my mother's death."

Saturday night, the night before Evie died, Jimmy and Sylvia came to dinner. Jimmy says. "We'd only go over about once a month so it was great we got to see her the night before. In every gesture she seemed to be expressing the fulfillment of her life. She was about to go to St. Louis to see young Stuart and Janey and their children. Our son Jeremy was here and our daughter, Julie, was about to arrive from Paris and she knew she'd see them all.

"I remember when we arrived at the house. You know, she'd always give me a hug and this time she gave me a particularly warm hug. I noted it at the time."

Jimmy is silent for a few moments. Then he continues: "That night she wore a good dress when she went downstairs to cook our dinner. And I remember that Dad commented the day after she died how strange this was; normally she wore an old dress, then changed for dinner."

Evie was a good cook. That night she served "baked chicken in cream sauce with halves of black olives looking like little truffles and a marvelous sort of mixed salad," Sylvia recalls.

Next morning, it being Sunday, Evie got up early and fixed the Senator breakfast. Then she packed a football lunch of boullion, and ham and cheese and chicken sandwiches for the two of them and the Cannons. (The Symingtons had four seats in their box at RFK Stadium and always took friends to the Redskins games.)

The two couples had been planning the outing for a month, ever since they had been together for a trip to the Iron Curtain countries after the North Atlantic Assembly in Bonn. "We decided right then, if the Redskins got into a playoff, we'd all go to the game together," says Sen. Cannon.

Mrs. Cannon also remembers, "I've lived that last day we spent with her in retrospect dozens of times," she says. "Evie was in such a lovely mood."

Sitting next to Evie at the game was Mario F. Escudero. He and his wife had adjoining seats with the Symingtons for 10 years. Escudero, an attorney with Morgan, Lewis and Bockius of Washington, says Evie was "a very devout Redskins fan. She knew everything about football. That day, I lit two cigarettes for her which isn't much for a three-hour game. She cheered a lot.

"They left about 3:03, there were about three minutes to go and we were winning 16 to 3. The Senator said to me, 'Esky, we've got it won, we're leaving.' Twenty minutes later she had the attack."

Just before the game started, Dorothy Cannon remembers that Evie lost her gloves. It was a common occurrence for her and the Senator teased her about it. He gave her one of his gloves so they each wore one glove and kept the other hand in a pocket.

On the way home, Evie turned to her husband who was driving and said, "I did so appreciate your lending me your glove." He said, "I hope you didn't lose it." "No, I didn't" she said, handing it back to him. "Thank you, darlin'," said Stuart Symington.

"I just happened to look at her when he said that," Mrs. Cannon says. "She had that special twinkle in her eyes. Later I told the Senator, 'If you could only have seen her face at just that moment.' She was happy all the way home."

When they arrived at the N St. house, Evie asked the Cannons in. "But we said no because we knew they were getting ready to leave on the 5:10 plane for St. Louis; their bags were packed and waiting in the hall," says Mrs. Cannon.

As Sen. Cannon started up his car across the street, Evie, at her open door, turned and waved goodbye.

Inside, Sen. Symington had started upstairs to see about their plane tickets when he heard Evie cry out. Sylvia tells the story as she heard it from him. "She had a sudden sharp pain in her back, but she said she didn't think it was her heart. Almost immediately, she became unconscious and my father-in-law called the ambulance and then he called us."

The sirens brought the neighbors to their doors, Mrs. Herman Wouk, wife of the author on one side, and Mrs. McCook Knox, who had been living on the other side since the Wadsworths' time. Mrs. Knox saw the ambulance pull up and watched as Evie was carried "oh, so carefully on a cot down the little curve of her stairway. I saw her face. She was in no pain. She looked very beautiful.

"Even though she's been gone since Christmas Eve, I always think I'll see her walking down those steps again."

Most people learned of Evie's death when they glanced quickly at the paper, as most people do on Christmas day. The next few days, for most, were filled with holiday activity, but the letters, telegrams and personal messages poured in to the house on N Street in a flood that has not crested yet.

One Washingtonian said he rarely has written letters of condolence in the past, but on this occasion somehow found himself impelled to write both the Senator and Jimmy. He had never met Mrs. Symington. He told the Senator that as a boy in boarding school, he and his dormitory mates had been smitten to their adolescent souls by one of Evie's songs. It taught them, he said, what a real woman was supposed to sound like. "I can't remember the name of the song," he wrote, "but if I heard it again today I would know in an instant."

There were several songs he might have had in mind: "My Romance", possibly, or "Hands Across The Table", or "Just One of Those Things." It could well have been "The Very Thought of You." But one of Eve Symington's numbers, pretty much forgotten since she popularized it in 1934, was called "Be Still My Heart." The last four lines went:

"Be still my heart,
Even though our love has
gone away
He'll be coming back to us
someday—
Be still my heart."

The Senator has not expressed an opinion on this, but Jimmy Symington thinks it not unlikely that "Be Still My Heart" was the song in question.

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## THE SOVIET EDUCATION TAX

## HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ANDERSON of Illinois. Mr. Speaker, I am today introducing a sense of Congress resolution relating to the restrictive emigration policies of the Soviet Union. Specifically, my resolution calls upon the President to "take immediate and determined steps to persuade the Soviet government to permit its citizens the right to emigrate to the countries of their choice without the imposition of more than a nominal emigration fee" by utilizing formal and informal contacts with Soviet officials, by raising in the U.N. General Assembly the Soviet Union's transgression of the right to emigrate as affirmed by the Declaration of Human Rights, and by focusing world attention on the Soviet Government's restrictive emigration policies and excessive fees. The resolution further affirms the right of the Congress to withhold final action on any legislation which would extend special trade benefits to any nation which denies its citizens the right to emigrate.

Mr. Speaker, last August the Soviet Union imposed a harsh new "education tax" on its emigrating citizens, ranging from $4,000 to $25,000, depending on their level of educational attainment. This was correctly interpreted as being aimed at Soviet Jews since they do comprise the largest number of emigrants as well as being a highly educated class of citizens. This is but one more instance of the Soviet Union's persecution of religious minorities, and these abuses of human and minority group rights continue to be a real sore point between the United States and U.S.S.R. at a time when we are attempting to improve relations.

At this point in the RECORD, Mr. Speaker, I include the full text of my resolution and a copy of an article I wrote for a Jewish publication in my district last month on this subject:

H. CON. RES. 45

Whereas the Government of the Soviet Union has denied or restricted the rights of its citizens to emigrate to the countries of their choice, in clear contravention of the United Nations Declaration of Human Rights, and has imposed an exorbitant "education tax" on those citizens wishing to emigrate: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the President of the United States of America should take immediate and determined steps to persuade the Soviet Government to permit its citizens the right to emigrate to the countries of their choice without the imposition of more than a nominal emigration fee, such steps to include, but not limited to—

(1) utilizing formal and informal contacts with Soviet officials in an effort to secure an end to discriminatory emigration policies;

(2) calling upon the State Department to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the right to emigrate as affirmed by Article 13 of the United Nations Declaration of Human Rights; and

(3) focusing world attention on the Soviet Government's restrictive emigration policies and excessive emigration fees; and be it further

*Resolved*, That the Congress reserves the right to withhold final action on any legislation which extends special trade concessions, credits or other benefits to any nation which denies or restricts the rights of its citizens to emigrate to the countries of their choice, or which imposes more than a nominal emigration fee.

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### CONGRESS AND THE PLIGHT OF SOVIET JEWS

(By Congressman JOHN B. ANDERSON)

The plight of Soviet Jewry has long been a matter of grave concern to Members of Congress who are committed to the universal preservation and extension of human rights. In the first 16 months of the 92nd Congress, for instance, 162 Members of the House introduced 48 bills and resolutions concerning the status of Soviet Jews and their right of emigration. I felt especially honored, therefore, when the House Foreign Affairs Committee chose to report out a resolution coauthored by Congressman Thomas P. O'Neill, Jr. (D-Mass.), and myself, and cosponsored by over 100 House Members. Our resolution urged the President to call upon the Soviet Government to permit the free exercise of religion in the Soviet Union and the right to emigrate, and to raise the issue of Soviet transgression of the Declaration of Human Rights, particularly with regards to Soviet Jews and other minorities, in the U.N. General Assembly. The measure overwhelmingly passed the House by a vote of 360–2 on April 17, 1972.

In testifying for our resolution before the House Foreign Affairs Subcommittee on Europe on November 10, 1971. I related the extent of minority group persecution in the Soviet Union, particularly that directed against its Jewish population. Official restrictions against Jewish religious and cultural life have been amply catalogued in recent years; these include inadequate religious facilities, the prohibition against publication of religious materials, pressures against synagogue attendance, and the refusal to allow rabbinical training.

I concluded that it was little wonder that thousands of Soviet Jews had requested permission to emigrate in order to maintain their religious and cultural identities. And yet here too they are confronted with restrictive and discriminatory policies; the Soviet record to date on emigration has been abysmal and token—in clear contravention of Article XIII of the Universal Declaration of Human Rights which affirms the right to emigrate. Those who even apply for emigration risk losing their jobs or even imprisonment.

The first small crack in the Soviet emigration wall came in March of 1971. Apparently responding to world pressure, the Soviets began to loosen up on their restrictive emigration policy. Whereas in 1970 only 1,000 Soviet Jews were permitted to leave the country, in 1971 nearly 15,000 were allowed to leave, and, in the first eight months of 1972, 20,000 Jews were permitted to emigrate; and, by the end of this year, that figure is expected to reach 30,000. But, on August 15, 1972, the Soviet government imposed a harsh new "diploma tax" on emigration. In addition to paying the normal 900 ruble ($1,100) visa fee, emigrants were required to pay an additional levy of between $4,000 and $25,000, depending on their level of education. The official explanation for the new "diploma tax" is that it is designed to "reimburse" the State for the education costs of those wishing to emigrate, even though the amount of the levy bears little relation to actual costs.

The public outcry against this harsh new tax was immediate, spontaneous and universal, and the U.S. Congress was no exception. On September 27, 1972, Senator Henry M. Jackson (D-Wash.) announced on the floor of the Senate that he intended to introduce an amendment to the East-West Trade Relations Act which would deny the "most-favored-nation treatment" to any country which forbids its citizens the right to emigrate to the country of their choice or which imposes a more than nominal levy on emigration.

A week later, on October 4th, Senator Jackson introduced that amendment along with 73 cosponsors, or three-fourths of the Senate membership. An identical amendment was introduced in the House of Representatives on the same day by Representative Charles A. Vanik (D-Ohio) with 134 cosponsors. Congressman Vanik had already succeeded on September 21st in getting the House to pass by a voice vote a similar amendment to the Foreign Assistance Appropriation bill—an amendment which would prohibit the use of those funds to provide loans, credit or other assistance to any nation that imposes exit fees in excess of $50 on its citizens. But the amendment was viewed as a symbolic moral outcry since there was no money for the Soviet Union in the bill.

That same bill earmarked not less than $350 million in aid and military credit sales for Israel and another $50 million to assist Israel in resettling Soviet Jewish emigrants. But both the foreign aid authorization and appropriation bills died in the 92nd Congress because the House and Senate could not reconcile their differences, and these programs are now operating on a continuing resolution until the new Congress can reconsider the measures.

The new Congress will also be considering the advisability of attaching the Jackson-Vanik amendment to the East-West Trade Relations Act—a measure which, in effect, ratifies the U.S.-Soviet trade agreement signed in October. So, if the Soviets do not rescind their "diploma tax" by the time the Trade Relations Act is taken up in the Congress, and, if the Jackson-Vanik amendment is adopted, it could mean a delay in the implementation of the agreement until there is an emigration policy change, or a complete breakdown in the agreement.

There is some evidence that the Soviets may already be responding to the impressive show of Congressional support for the Jackson-Vanik amendment. During the last week in October the Soviet government informed 190 Jewish families that they could leave the country without having to pay the "diploma tax." The waivers were seen as an attempt to mollify Congressional opposition to the Trade Relations Act, and, a Soviet police official was quoted as saying they did not represent a basic change in Soviet policy. At the same time, reports coming out of the Soviet Union indicate that harassment of Jews by police and hooligans is on the increase. *Newsweek* quoted one Jewish citizen as saying, "Everything here in Moscow is worse than ever. The police constantly harass us so that those of us who have lost our jobs for wanting to emigrate cannot even starve in peace."

One thing is certain: Congressional supporters of the Jackson-Vanik amendment will not be impressed or persuaded by token waivers of the "diploma tax," and the amendment will still be a central focus of attention during hearings and debate on the Trade Relations Act in the 93rd Congress. The Administration has already expressed its opposition to the Jackson-Vanik approach. In late September, President Nixon told Jewish supporters in New York that the problem of the emigration tax will not be solved by "entering into harsh confrontation"—that this approach would be "counterproductive" and that he preferred instead the "quiet diplomacy" approach to Moscow.

Expanding on this theme, the *Los Angeles Times* editorialized: "There is no evidence to indicate that the Soviet leadership, in a confrontation over the trade agreement, would yield on an issue of this sort. . . . It is the growing mutual confidence between the two nations, not threats, that is most likely to make persuasive the American protest against the degrading treatment of Jews in the Soviet Union."

And the *New York Times* made a similar point in its editorial on the subject: "While neither the necessity for peace nor the desire for trade makes any less abhorrent to most Americans various aspects of the Soviet system—specifically this new form of legalized blackmail against Russian Jews—we do not believe it is productive to try to enforce political changes in the Soviet (or any other) system through the unilateral use of economic pressure. The results are likely to be the opposite of those intended."

These comments raise the very tough and real question as to whether the Jackson-Vanik amendment is *the* answer. Of the 73 Senate cosponsors, 27 are also cosponsors of the East-West Trade Relations Act, and many of them have expressed the sincere hope that the Soviets would rescind the "diploma tax" before a confrontation becomes necessary. There is an awareness in the Congress that more is at stake here than just the trade agreement, as important as that is. What is involved here is the whole climate of rapprochement that has been achieved over the last four years between the U.S. and the Soviet Union. Should this climate be thrown into jeopardy over a single issue, as important as it is, especially when there may be less opportunity for resolving the problem in a more hostile climate? The whole theme of the Nixon Administration's "strategy for peace" has been to move from an era of confrontation to an era of negotiation. Should the Congress precipitate a direct confrontation which could not only imperil future negotiations but endanger the structure of peace which has been built to date?

It is my sincere hope that we can avoid such a direct confrontation, with all the risks involved, by persuading the Soviets to permit free emigration without excessive fees before this legislation is taken up in the Congress. This will require a concerted diplomatic effort by the Administration utilizing formal and informal contacts with Soviet officials, and focusing world attention on the problem through the U.N. and other forums sensitive to the pressures of public opinion. If these efforts are not successful, the words of Senator Jackson will come back to haunt the Soviets: "It is important that the Russians understand that they are dealing not only with the Administration but also with Congress."

## OUR NATION'S 200TH ANNIVERSARY

### HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ZABLOCKI. Mr. Speaker, in recent months many persons have expressed concern that plans for the celebration of the American Revolution bicentennial have lost sight of the original goal of that celebration—to convey a sense of our American heritage through local observances of our Nation's 200th anniversary. Therefore, I was pleased to hear from a young woman who has a clear idea of the aim of our bicentennial celebration. At this time I would like to share with my colleagues the letter I received from Mrs. Joan Wiskowski, a 25-year-old mother, in the hope that it will emphasize the importance of increased local participation and involvement in bicentennial observance plans.

Mrs. Wiskowski's letter follows:

NEW BERLIN, WIS.
*January 1, 1973.*

Hon. CLEMENT J. ZABLOCKI,
*U.S. House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN ZABLOCKI: The first news some years ago that this country was to celebrate its 200th birthday with special and official commemorations excited me with an old-fashion patriotism I am proud to claim as part of my heritage.

Since then, I have been following through the press and ARBC newsletters the progress, if it can be called that, of the American Revolution Bicentennial Commission. It is my feeling that the celebration of our independence and the birth of our nation be celebrated with dignity, truth, simplicity, and popular involvement.

But as I see it now, plans for 1976 are caught up in foolish spending $35,130 to design the symbol!), grandiose schemes for new programs and more spending in the name of the centennial, and little grass roots involvement* True, many of the programs planned in the areas of historic preservation and restoration, art heritage and educational research are well-intended. But I do believe that a number of programs and their costs could be cut, eliminated, or supported by local or private funds, not by federal tax money. Too often, the latter becomes enmeshed in a hierarchy of committee expenses, study groups, transportation expenses and salaries.

I think that most of us, including you, Congressman Zablocki, know very well what we would like the centennial celebration to impart to Americans. We would like to experience again the new world of 1776, when this land was fresh and good, seeded with hope and the promise of real freedom, when the ideas of the founding fathers were alive with faith in this young country. And we would like that same spirit carried through our colorful heritage to today's young people, the best hope of our country. As young men in 1776 saw dreams beyond their own century, maybe our young men and women will see a continuing American dream beyond our own.

Unfortunately, faith and hope in the spirit of America have been corrupted by modern wars, poverty, crime and impersonal politics, as well as by our own preoccupation with individual wants and needs. I am hoping that through better public education in the next three years our young people, and all of us, may meet 1976 with a new outlook on the future of the USA. As a young tree needs roots to thrive, people too need to cherish the roots of a common heritage to grow and build a nation.

I ask you to personally keep an eye on the activities and spending of the American Revolution Bicentennial Commission. It certainly has great possibilities but time is already running short.

Thank you.

Sincerely,

MRS. JOAN WISKOWSKI,

P.S.—I am 25 years old, a wife and mother, a journalism and history graduate of Marquette University, and a former newspaper reporter.

## GEN. WILLIAM C. WESTMORELAND'S ADDRESS BEFORE THE ANNUAL BANQUET OF THE OAK CLIFF, TEX., CHAMBER OF COMMERCE

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. TEAGUE of Texas. Mr. Speaker, in my many years in the Congress, I have been acquainted with a great number of military men. I have been close to many, but not nearly as close as I have been to Gen. William C. Westmoreland, dating back to his days as superintendent of the U.S. Military Academy. I regard him as a personal friend.

At my request, he agreed to fit into his busy schedule after retirement, a speech to the Oak Cliff Chamber of Commerce, Oak Cliff, Tex. Under leave to extend my remarks in the RECORD, I wish to include the text of that address:

ADDRESS BY GEN. WILLIAM CHILDS WESTMORELAND, U.S. ARMY, RETIRED, AT THE ANNUAL INSTALLATION OF OFFICERS FOR THE OAK CLIFF CHAMBER OF COMMERCE AT THE STATLER HILTON HOTEL, DALLAS, TEX., ON THURSDAY, OCTOBER 26, 1972

Ladies and gentlemen:

From the perspective of thirty-six years of service in uniform and with the deep and abiding love I have for the people, the laws and institutions of our country—it is my pleasure this evening to share with you a statement of my confidence in our great nation and my hope for its future.

Such confidence and hope, some people say, are eroded by much of what we experience in the mass media. Certainly, all of us are daily and painfully aware of the effect of the media on our lives. But whatever our cries of alarm, or our calls for its reform, we are, I suppose, calling for a reform of human nature . . . and that, as you know, is always a difficult undertaking. It is difficult because good news is always no news. And bad news—the exception to normal and good human behavior . . . repeated often enough in the special context of the daily 30 minute broadcast or the short, eye-catching headline . . . quite often changes from the exception to the rule.

Ladies and gentlemen, whatever our media influenced feelings—we must keep in mind as we live and work and think about the future that there is a lot right about America. But we need not worry that we will grow complacent over the problems which face us. We live in a society increasingly concerned about the water we drink, the food we eat, the air we breathe, the fuel we burn. We live in a society worried about the way we travel, exercise, work, live and love. We exist in an environment in which we feel we need immediate solutions to every problem that confronts us. But we are unfortunately quite willing to ignore our past efforts.

In the opinion of some analysts today, we had the Russians all wrong after World War II. They tell us that we really should have trusted them a bit more and thus could have avoided the Cold War—they say we took counsel of our fears too quickly. Greater commitment to peace would have kept our defense budgets low and kept the world at peace. The facts of history do not bear this out—we have been asked to swallow a great deal of such nonsense in recent years. But, ladies and gentlemen, never have we been asked to swallow so much so quickly. The United States has never been, is not now, and will never be—a country dedicated to imperialist expansion, and military or ideological dominance. When I entered the ranks of the Army 36 years ago—our Army was only the 9th largest in the world—our Navy sailed obsolete ships and our Air Force was hopelessly outclassed. We had an all-volunteer Army then. It was under-equipped, underpaid and unappreciated. It accomplished only one thing in the pre-World War II era. It convinced the Axis military planners that we would be a negligible threat to their plans for world conquest.

As you know, in World War II this nation accomplished a military, industrial and logistical miracle—increasing our forces ten fold—crushing the Axis, and supporting our Allies with our super-abundant production.

We did not plan for the Cold War. We set up no Iron Curtain. Neither did we amass territory or seek military control over zones or spheres of influence.

On the contrary, we disarmed. We threw billions of dollars of war equipment into the sea, let it rust, sold it, or gave it away. Delegations of American mothers pounded on General Eisenhower's desk in Europe. And again, we sent the boys home and stripped the Services bare—because we hoped . . . and believed . . . in the promises of peace made by our wartime allies at Yalta and Potsdam. Together with these allies we founded the United Nations in San Francisco in 1945 in the hope of forming a world order capable of resolving future differences between nations without the use of arms. Turning our efforts to peace, we allowed our military might of World War II to dissipate. By 1947 hardly a combat ready unit remained in the Army, and by 1948 its strength had declined from a high of six million to the half million figure which had existed just prior to the war. Instead of military pursuits, we applied our efforts and resources to reconstruction of the war-torn world through the Marshall Plan. What military forces we had were devoted principally to supporting this effort and aiding our former enemies to lift themselves out of the ashes of defeat. But our aspirations of world tranquility and balanced mutual prosperity were not shared by all. It was the events of the late 1940's—not any American desire for imperial grandeur or world domination—that caused us to rearm and once again resort to a position of military strength in the 1950's.

Coexistence was not in the Russian diplomatic vocabulary. As the dust of World War II settled, the Soviets threw a cordon of military control around the countries of

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*Refer to the Milwaukee Journal story "Probers Call US Birthday Plans a Bust" Saturday, December 30, Page 8.

Eastern Europe they had occupied in the closing days of the war. They then systematically deposed the free and independent governments of these countries or, in cases such as Poland, barred the return of the legitimate government from exile. In their places, Moscow substituted puppet Communist regimes, fabricated in the Soviet Union. Thwarted in Czechoslovakia, they resorted to assassination of the president of that democratic country to bring down the elected government and fold it into the Soviet domain. As their advance crept forward, Iran to the south and Greece to the west were threatened with Communist takeovers and Soviet domination. In Germany, the land corridors, which the Russians had solemnly agreed to respect, were closed . . . all of this in the face of almost complete American disarmament and military impotence. When in 1950 North Korea—at Russian instigation and with her support—attacked her neighbor to the south, we were finally moved to act.

Many have forgotten these chapters of the past, and it all sounds out of tune with our present state of affairs. We have recently signed a treaty with the Soviets which all of us can applaud as a positive, forceful step toward peace. We have also arrived at a degree of understanding with the Chinese. But, ladies and gentlemen, these treaties—these undertakings—any experienced observer will agree . . . would not have been possible if the United States had been dealing from a position of disarmed weakness.

Let me clarify that last term. We are not a country weak in resources. Neither are we a country weak in industrial or military strength when such strength is needed. But we may very well be a country in danger of becoming weak in the will and determination to maintain our strength. We have a history to be proud of—a form of government dedicated to justice—a way of life that, in its potential benefit for all, is both a precious possession and the envy of the world. If we are to maintain this reputation—to continue to succeed—we must be strong.

But I do think you will agree that we have been listening too much recently to our home-grown Cassandras and Jerimahs. Their voices chant myths that grow more credible each time they are repeated. They would convince us that the Defense budget dominates public spending, that our Nation is on a wartime economy footing, that the Armed Services squander billions on cost overruns and that what they call the peace dividend has been stolen. Facts belie these myths—but these myths have been accepted by many.

Let's look at the record. Let's review the facts. The Defense shares of the gross national product and the total national budget are at the lowest point today than in more than 20 years. Manpower devoted to national defense is the lowest since 1950. With any statistical juggling—if we compare Fiscal Year 1972 with any of the past 22 years—we will see that little of our real economic growth has been allocated to national defense. In fact, the portion of our gross national product devoted to national defense has now dropped to a low of just over 6%.

The facts are there—the record is open for inspection—but the myth makers don't give up. They continue to maintain that we still are on a wartime economy. Let's take another look at the facts and compare today's spending with 1945. Then, in the last year of World War II, we were spending five times as much on national defense as we were on our social and economic needs. That was truly a wartime economy. Today these proportions have been reversed, with social and economic spending three times that of national defense. This can hardly support the contention that we are still living on a wartime economy.

Another persistent allegation is that defense spending is a dominant factor in our balance of payments problem. Again, what are the facts? In FY 1956–59, foreign expenditures by the Defense Department were equivalent to 24.4% of imports into the United States. In FY 1972, foreign expenditure for Defense fell to less than 10% of our imports.

The figures cited to "prove" these allegations remind us of the saying that there are three types of falsity—"lies," "damn lies," and "statistics." But the facts don't lie—and the conclusions are there if one searches out the facts and takes the trouble to do some careful addition.

Yes, adding up the overall sums, it is true that we have spent a lot of money on defense in the past twenty-seven years since the close of World War II. But we can be proud of what that money has bought. It represents an investment in freedom—freedom to choose one's form of government—freedom from foreign domination and control, and freedom to pursue our way of life.

It would be a great advance in the history of mankind if good will alone would sustain the United States in the days and years ahead. Peace would be assured at very little cost. But I think that we will all agree that—human nature and national interests being what they are—such Utopian dreams are unrealistic. Though we ourselves have no territorial ambitions nor desire to forcibly impose our way of life or some ideology on other nations, it remains clear that—until human and national nature change—we will continue to need a strong Armed Forces. We have never believed in large standing Armed Forces and in peace time we have always cut them to the minimum—frequently well below that minimum. And this we have done once again as our participation in the Vietnam War has wound down. But we now have just about reached that minimum strength consistent with the world situation and our national interests. The Army, for example, now stands at just over half its strength at the heighth of the Vietnam War and at the lowest level since the days of complacency just after World War II.

We are now moving toward an all-volunteer Army—away from the concept of national service—but this entails a social risk. It is foolish to say that we may be creating a military elite dangerous to democracy by moving to an all-volunteer force. But we should be concerned that in killing the draft we may kill the concept that all citizens owe a debt of service to their country. I would remind you that the concept of the citizen-soldier has historically been a valuable one.

This concept is not new. The ancient Greek historians saw the demise of that concept as the beginning of the end of the great democracy of Athens. Demosthenes speaking before the Athenian Assembly echoed their concern when he said that the one source of defeat of the Greek Army was that its citizens had ceased to be soldiers. "Disband your mercenary armies," he said, "Man your fleets with the best of your free-born citizens."

History records that the Assembly voted against the proposal of Demosthenes. It also records that the last vestige of Greek independence vanished shortly thereafter under the Roman swords in the hands of an all-citizen Army at Corinth.

The decline of Rome—under the same conditions—came when she too gave up the tradition that the responsibility of protecting and defending the state was the inherent duty of every citizen. Both Greece and Rome historically demonstrate that personal, individual liberty and the safety of the state were highest during their periods of citizen-soldier obligation and lowest during that period when citizen involvement in the national defense came to an end.

We are tending in this direction in the United States today. With the absence of the draft the Armed Forces will no longer be composed of a cross section of our national fiber, which has infused virility into the Armed Forces and kept it closely identified with our citizenry, their aspirations, and their sentiments. The loss of this close association would weaken our Armed Forces. Conversely, many of our citizens, who otherwise would serve their country, will not have the advantage of this experience. This lack of direct association and personal involvement with our national interest, I feel, may well have a weakening effect on the national dedication of our citizenry. In addition, there is a real danger that we cannot economically attract a sufficient number of quality personnel to meet our minimum requirements. The number of such personnel who have an avocation for military service and who will volunteer is not unlmited, and we may find that to provide the incentives and pay the price to attract that last measure of manpower to meet our minimum needs may simply be too clostly.

A concept that would reverse this trend in the United States today is being talked about a great deal in Government. It argues that we should not be killing the draft but rather we should be establishing a National Service Corps—with a required commitment for all of our young people—commitment that would take them beyond their personal concerns to the commitment of a common cause. Whatever is decided, I know that our Armed Forces will support the public's decision.

Ladies and gentlemen, we are a great democracy and still very much an example of freedom and justice to the rest of the world. We have problems, but—thank God—we have the resources to solve them.

We must at all cost maintain our will and determination to solve our problems and maintain our strength. For without this strength our national security and the security of the free world will soon erode. Other powers with other interest will be quick to take over our position of leadership, and, not only ourselves, but the world will be the loser.

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## POSTAL SERVICE REPORTS CUT IN LOSSES

## HON. WILLIAM O. MILLS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. MILLS of Maryland. Mr. Speaker, I would like to share with my colleagues a recent article which appeared in the New York Times and gives a picture of the improved operations of the Postal Service during the last 18 months.

I include the article at this time for the consideration of my colleagues:

[From the New York Times, Jan. 5, 1973]

POSTAL SERVICE REPORTS CUT IN LOSSES

WASHINGTON, Jan. 4.—The United States Postal Service, which took over mail operations from the old Post Office Department 18 months ago, released figures today showing a 14 per cent smaller net loss in the last fiscal year than in the year before.

It also reported a 34.8 per cent drop in Government appropriations for the past fiscal year. Both figures had been climbing sharply the last few years.

The quasi-public Postal Service's first annual report shows that the agency paid 84 per cent of its total costs during its first year of operation. The service has a Congressional mandate to make the operation virtually free of subsidies by 1984.

In submitting the report, Postmaster General Elmer T. Klassen said the Postal Service had taken on problems "decades in the making," and he stated two goals for the agency.

The first goal is improved service, an area in which Mr. Klassen believes performance remains "uneven" but in which he thinks improvements have been made.

An example of improved service cited by Mr. Klassen is a 94 per cent next-day-delivery average for local first-class mail deposited by 5:00 P.M. He also reports a decrease from 1.7 days to 1.6 days of the average delivery time for the 8.9 billion first-class letters mailed during the report period. Total mail volume was 87.2-billion.

The second goal Mr. Klassen hopes to achieve is a reduction in costs. Since 85 per cent of the Postal Service's costs are labor-related, a freeze, still partly in effect, was imposed on new hiring and a special policy was put into effect to encourage early retirement.

These steps, along with normal attrition, reduced the postal labor force by 22,511 employes to 706,400 by the end of the fiscal year. Current employment figures shows 680,000 employes.

The report also states that productivity has risen, with a 2.4 per cent increase in the number of pieces of mail handled per man-hour. The report credits this increase to new mail handling systems and better management by local postmasters, who now have responsibility for their own budgets for the first time.

Mr. Klassen credits "the commitment by postal managers, especially in the field" with holding down costs enabling the Postal Service to avoid a planned postage rate increase that had been scheduled for this month. Even with commitments to salary increases in 1973, Mr. Klassen has said he does not foresee a rise in the postage rate in the near future.

This first year-end report of the Postal Service breaks away from the traditionally drab government report. It resembles a corporation's report to its stockholders and uses large numbers of pictures and other graphics.

## URBAN MASS TRANSPORTATION TRUST FUND

## HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ANNUNZIO. Mr. Speaker, I am today introducing a bill to provide for the establishment of an urban mass transportation trust fund to be funded by an amount equal to 40 percent of the total received annually in the highway trust fund.

I am convinced that the only way we are going to be able to provide a known and adequate source of funds for urban mass transportation is to set up a separate trust fund solely to finance the needs of urban mass transportation.

Since there is no adequate users tax upon which revenues can be received for this urban mass transportation trust fund, I am proposing this bill to have 40 percent of all the highway trust funds annually be earmarked and transferred from the highway trust fund to the new proposed urban mass transportation trust fund. I do not believe that this proposed use of highway trust fund moneys is any way contrary to the purpose of the highway trust fund. We are providing here transportation users tax not just for the highways, but for the whole broad spectrum of urban mass transportation.

We all recall the serious controversies that arose late in the last session of the 92d Congress regarding the proposal to earmark $800 million of the highway trust fund for urban transportation needs. If this provision had been enacted into law, I seriously doubt whether that amount of funds would actually have been made available for urban mass transportation needs. I believe most of those funds would have gone for urban highway systems, improvement of existing highways within urban areas, and other such similar purposes. I am further convinced that the use of highway trust funds under the existing highway trust fund structure would not provide adequate funds for urban mass transportation needs unless the expansion of the interstate highway program is either sharply curtailed or abandoned.

The highway and the automobile have been relied on heavily in the past while little attention has been given to other modes of transportation. The President cited in the revenue-sharing message on transportation, March 18, 1971, the astonishing fact that approximately 94 percent of all travel in urbanized areas is by automobile, yet 25 percent of our people—especially the old, the very young, the poor, and handicapped—do not drive a car. This alone shows the inadequacy of our transportation program.

Our urban centers are constantly growing, both in geographical size and population. In just a few decades, the number of people living in and close to the cities is expected to double. The problem of moving people and goods around and through our urban places is already critical. And unless we make full provisions for a program to meet and solve the urban transportation snarl, it will grow progressively worse, and I fear that the only alternative being offered to us is bigger, better, longer, and wider concrete highways. There is still time to act—but it must be now.

All too often today we find a city that has lost a park to an expressway; the elderly dying of respiratory diseases because the air is polluted; our children becoming statistics—55,000 fatalities on our highways each year and those who do not have cars or choose not to use them do not have access to a decent mass transit system.

The job facing us today is to make our urban transit systems efficient and accessible to more people, to charge fares which are conducive to increased patronage, and to provide equipment and service attractive and convenient enough to encourage people to depend on mass transit for a substantial part of their urban travel.

My proposal would simply have 40 percent of all highway trust fund receipts each year transferred to the urban mass transportation trust fund which would then provide for the direct grants to the local communities for the exclusive use of urban mass transportation needs.

I urge my colleagues to give their bipartisan support in the 93d Congress to legislation which would provide efficient, pollution-free mass transportation at a reasonable cost in order that a meaningful solution to the problem may be effected.

## GOVERNMENT REFUSES TO PROSECUTE IN CHICAGO TRIBUNE GUN-BUYING CASE

## HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. SIKES. Mr. Speaker, I am one of many who have been concerned by the Government's handling of international violations of the Federal Gun Control Act of 1968 by Chicago Tribune reporters. The Government has now refused to prosecute in this case. From Gun Week of January 5 I submit a news article which outlines the story in detail and an editorial from the same publication entitled, "Justice's Double Standard." These are well worth the attention of my colleagues in the Congress. The items follow:

### GOVERNMENT REFUSES TO PROSECUTE IN CHICAGO TRIBUNE GUN-BUYING CASE

The Federal Government has refused to prosecute one of the Chicago Tribune newspaper reporters involved in self-admitted violations of the 1968 Gun Control Act last June.

On Dec. 19, a Federal Grand Jury in Des Moines, Iowa, returned an indictment against Robert Harland Enstad, 34, of Chicago, charging him with making false statements to two Des Moines gun dealers while gathering information for a news story.

However, U.S. Attorney Allen Donielson refused to sign the indictment, which means no prosecution will be forthcoming. Donielson said his actions in refusing to sign the indictment were "approved" by the Justice Department in Washington.

Donielson said Enstad's alleged false statements to obtain handguns from Jay's Sales Co., and Ted's Shooters' Supply in Des Moines were "not a criminal misuse" of federal gun laws. Enstad "intentionally violated the laws to write a story—but not to commit a felony," Donielson said in an interview.

Donielson added that he felt Enstad showed "an atrocious lack of judgment" and was "totally irresponsible" in allegedly violating a law to do a story.

The story, which appeared in the Chicago Tribune on June 27, described how Enstad and another reporter, William Currie, 31, also of Chicago, bought handguns illegally in Iowa, Florida and Virginia in an attempt to show the ineffectiveness of existing gun control laws.

Under provisions of the Gun Control Act it is illegal for anyone except federally licensed dealers, importers and collectors to acquire handguns outside their state of residence. It also is a felony violation, punishable by five years' imprisonment and a $5,000 fine, to knowingly make false statements to a dealer in order to obtain a firearm.

According to the Tribune's June 27 article, which was part of a lengthy series on gun controls, Enstad visited Jay's Sales Co., where he purchased a Colt automatic by using a fictitious address in Des Moines, although he admitted being told by the clerk, Mrs. Russell LaVine, that sales to out-of-state residents were illegal. Enstad said he used his Social Security number as identification on the 4473 Form required by federal law to be filled out by gun buyers. (See July 14 and July 28 issues of Gun Week.)

Later in the Tribune story, Enstad described how he used an Illinois driver's license—along with the fictitious Des Moines address—to obtain another handgun at Ted's Shooters' Supply in Des Moines.

"Another contraband weapon was on the street. The next day both weapons arrived in

Chicago via parcel post," the Tribune article said.

The Tribune, which has a long record of supporting restrictive gun control laws, drew irate responses from many Midwest gun dealers and gun owners as a result of the article.

"They must think they are above the law," said one Midwestern dealer, who urged that those responsible be prosecuted for violating federal law.

In answer to the sportsmen's protests, Tribune City Editor Dave Halvorsen told Gun Week, "We don't feel the Tribune is above the law. The Tribune has traditionally espoused the importance of abiding by the law. We sent two reporters out to demonstrate the ineffectiveness of the law.

Although the reporters admitted in their story that they violated several provisions of the 1968 Gun Control Act, Halvorsen attempted to justify their actions by saying:

"We feel that they acted in the interests of a very crucial issue now present in the country. This is the pros and cons of gun controls. Sometimes you have to take some extraordinary measures to demonstrate what can and cannot be done. It would have to be our rationale in putting together the whole package."

The "whole package" referred to by Halvorsen included a 10-part series of anti-gun articles printed periodically in June and July. Other reporters involved in compiling the series were identified by the Tribune as George Bliss, director, and Philip Caputo and Pamela Zekman.

Following Donielson's refusal to sign the indictment against Enstad, Grand Jury foreman Barbara Whitmer indicated that several members of the jury were "upset" about the U.S. Attorney's action. She said the Grand Jury made a "very thorough investigation" and their efforts were "a waste of time" if the government declined to prosecute.

Commenting on his refusal, Donielson said "the Grand Jury has a responsibility to decide whether they have probable cause to indict. I have a responsibility to decide whether to prosecute."

The separation of the powers of the Grand Jury and the prosecutor act as a check and balance, assuring "that neither may arbitrarily yield the awesome power to indict a person of a crime," Donielson said.

"It is indeed appalling when a member of society, simply because of his profession, can intentionally violate a statute of his country and then call for stronger laws in this area because the present laws are too weak," Donielson added.

Despite Donielson's claims, many gun owners viewed the Des Moines outcome as a result of political maneuvering between the Tribune and the Justice Department.

Although it is not common practice for prosecutors to refuse to prosecute if a grand jury hands down an indictment, it happens occasionally when the prosecutor feels he has insufficient evidence to warrant going to court, Gun Week learned from legal experts. However, when there is a self-admitted violation, such as was contained in the newspaper article, along with the signed 4473 Forms, evidence would not seem to be lacking in this instance.

Gun Week also learned that it is highly unusual for a prosecutor to present evidence of a crime to a grand jury without expecting to go to trial if an indictment is handed down.

One lawyer speculated that Donielson may have been directed by the Justice Department to hand the case to the Grand Jury, hoping it wouldn't indict. When it did, he had no other alternative than to refuse to sign the indictment.

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### JUSTICE'S DOUBLE STANDARD

It's okay to violate the Federal Gun Control Act of 1968—if you're a Chicago Tribune reporter. This seems to be what the Justice Department was saying when it allowed the prosecutor in the case to refuse to sign the indictment against Robert Harland Enstad, 34, of Chicago. (See story on Page 1).

Item: Enstad, in a June 27 by-lined article in the Tribune, admitted falsifying his address to two gun dealers in order to buy handguns illegally in Des Moines, Iowa, and shipping the guns through the mail back to Chicago. Both acts constitute federal violations.

Item: William Currie, 31, another Tribune reporter from Chicago, admitted in the same article that he purchased handguns in Florida and Virginia in violation of GCA68. Additionally, he admitted to Gun Week staff members in a telephone interview that he knew such purchases were illegal.

Item: Both Enstad and Currie signed the required 4473 Forms when they made their illegal purchases.

Item: Several persons are currently residing in federal prison, or have been convicted and fined, because they broke the same law.

Therefore, we must conclude there is a special brand of justice that applies to Chicago Tribune newspaper reporters. Apparently they are exempt from prosecution for violating GCA68, if they do it to "demonstrate the ineffectiveness of the law."

We realize that prosecutors are sometimes justified in not going to trial in particular criminal cases, because of extenuating circumstances or lack of evidence. But, this is not one of those cases.

For one thing, it is grossly unfair to expect average citizens to comply with the restrictions contained in the 1968 Gun Control Act or any current law, if a certain select few are allowed to boast about having broken it with impunity. It is one thing to commit a felony through ignorance of the law, which has happened many times to unknowing gun owners, and yet another to plot and conspire to knowingly break the law for the purpose of writing a newspaper story.

It is a sad day in American jurisprudence when a U.S. Attorney, in this instance Allen Donielson, who is pledged to protect the interests of all citizens, simply refuses to prosecute, saying the reporters involved "intentionally violated the laws to write a story—but not to commit a felony." For Mr. Donielson's information, any violation of the Gun Control Act is felony and all of his semantical maneuvering cannot change the facts.

There are some, for various reasons, who disagree with Gun Week's position in wanting justice done. Some believe that the Gun Control Act is an unconstitutional law and should not be enforced, while others say no harm was done to anyone, and the matter should be allowed to drop. However, we see it from another viewpoint. In our July 14 editorial on the subject we said:

"If they (the Tribune reporters) are not charged and prosecuted, it will be an open invitation for other newspapers and other individuals to violate other laws 'to demonstrate the ineffectiveness of the law.' It is conceivable that some newspapers would choose to import heroin 'to demonstrate the ineffectiveness of the drug laws.' Or others might choose to violate gambling laws, or tax laws, or a myriad of other unpopular laws, simply to demonstrate that they can be violated. Eventually there would be total disrespect for all laws and our civilized society would revert into nothing more than a jungle."

We see no reason to alter that opinion!

But, at the same time, our opinion has been changed, and we fear the opinions of many law-abiding gun owners have been changed, regarding the fairness of the Justice Department's criteria for enforcing gun control laws. There seems to be a double standard—one standard for the average man and another one for reporters representing powerful big-city newspapers. It's a rotten situation, but then there are a lot of rotten situations in the Federal Government where firearms controls are involved.

If the Justice Deartment chooses to excuse the GCA68 felony violations committed by the Chicago Tribune reporters, then it should free everyone sent to prison for violation of the act. Those who have been fined for violations should receive immediately refunds, plus interest. Also, no future prosecutions of anyone should be undertaken for violation of GCA68. That's what should be done! But, we all know it won't be! The Justice Department's double standard will prevent it!—ADJ

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## END THE WAR

## HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Ms. ABZUG. Mr. Speaker, many of us are shocked to hear the interpretation Mr. Nixon seems to have put upon his reelection. Rather than a mandate to make peace—which it certainly was—he seems to feel that he was given a free hand to bomb and destroy as he pleases. Those who criticize are called "irresponsible."

One of the administration's most persistent and reliable critics, the New York Times, expressed dismay in an editorial which I insert in the RECORD:

[From the New York Times, Jan. 9, 1973]

### THREAT TO CONGRESS

The lecture read to the President's Congressional critics by Herbert G. Klein, the White House Director of Communications, spells out Mr. Nixon's determination not to brook interference with his conduct of either the war or the peace negotiations. In the process, political facts at home and military realities in Vietnam are to be bent to the President's will. If the truth stands in the way, the White House communicators blithely revise it.

No other interpretation can explain Mr. Klein's complaint that "irresponsible" Congressional critics of the President's course have forgotten that the election gave Mr. Nixon "a very clear mandate to proceed the way he has on Vietnam."

What precisely was the course that had been presented to the voters? On the battlefield, it was a course of steady disengagement. The bombing of the North had been halted. Peace was "at hand." The prisoners were thought to be within sight of returning home.

That was the course on which the President had "a very clear mandate to proceed." It bears no resemblance to the course since taken—the apparent reopening of the question of Saigon's sovereignty, implying a permanently divided Vietnam; the terror bombing; the tragic rise of American casualties and prisoners.

To the question whether the course for which he asked Congressional support might include renewed carpet bombing, Mr. Klein replied: "I would not rule out any tactic that is necessary to protect American lives or to carry out the military objectives which are essential."

By no stretch of the imagination could the recent terror raids have been termed necessary to protect American lives. It was the bombing that wantonly destroyed lives—of American airmen and Vietnamese civilians.

The threat to use "any tactic" to carry out Mr. Nixon's undefined "military objectives" must seem to the American people and the world as an awesome and unacceptable extension of Presidential power. It is an extension that is not rendered palatable by Mr. Klein's vague assurance that Mr. Nixon considers himself fully accountable and will offer an explanation when he considers the time to be right in the best interest of peace.

Such an open-ended extension of the President's powers should clearly be unacceptable to Congress. To block rather than merely to criticize such a usurpation of power is—so far from being irresponsible—a constitutional responsibility the Congress has evaded long. The terror raids have stripped all credibility from the White House spokesmen's protestations that the President knows best and that not to let him have his way will jeopardize the negotiations.

Last year, Mr. Nixon impugned the patriotism of the nation's opinion-makers and business leaders for their failure to rally to such "difficult" Presidential decisions as mining the harbors and bombing the cities of North Vietnam. Now Mr. Klein has applied the same faulty doctrine to the nation's elected representatives by calling for "less rhetoric and more support in the Congress." To heed such a false warning would be tantamount to surrendering the Government of the United States to one-man rule.

## CONGRESSMAN DOMINICK V. DANIELS HAILS "THE DISPATCH'S" 100 YEARS OF SERVICE TO THE PEOPLE OF NORTHERN NEW JERSEY

## HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, on January 1, 1973 the Hudson Dispatch of 400 38th Street, Union City, N.J., a great journalistic institution in northern New Jersey, has changed its name. The Hudson Dispatch has become known as merely "The Dispatch" reflecting the fact that this leading newspaper's influence extends far beyond the borders of Hudson County.

Mr. Speaker, on this occasion I would like to extend my best wishes to the Dispatch and my hope that it will continue to serve the people of northern New Jersey as it has for the past century and to publisher Robert L. Boyle, the bearer of a proud Jersey City name, and editor Henry G. Avery for the many improvements they have brought to this fine old newspaper.

A statement which appeared on January 1, 1973 in The Dispatch announcing the change follows:

IT'S "THE DISPATCH"

The top of today's front page looks different.

Why? Because the name of this newspaper today officially becomes The Dispatch, indicating its future concept of interest for the problems of North Jersey.

This paper will no longer be known as Hudson Dispatch, just as it is no longer called Hudson County Dispatch or Harrison Dispatch, other names it has borne during its almost 100 years of service to the people of this area.

A lot has changed since the post-Civil War years when The Dispatch first hit the streets, the work of an unknown founder, out East Newark way. And that was a one-page publication.

The first real records of the newspaper's history go back to 1874 when the paper moved to a nearby community and became known as the Harrison Dispatch.

A scant three years later, another move was under way, this time to Jersey City, where the publication was then called Hudson County Dispatch.

The then weekly newspaper continued its trek and wound up in old Union Hill and the first edition for the North Hudson area came off the press in 1890.

In 1912, other major changes came about. The paper went from a North Hudson afternoon publication to a morning daily, covering Jersey City and Hoboken as well.

This capacity, as Hudson County's only morning newspaper, continues to this day, although the presidents, publishers, editors and other staff members have changed, along with its physical size, the presses, its building and other equipment.

Expansion continued and in 1924, a Bergen County edition was added and it still meets the needs of both the reading and shopping segments of that area.

And so it has gone, change upon change to meet the changing public it services.

So, although a new name—The Dispatch—greets the new year, it is still your newspaper.

## LEGISLATION TO PROTECT THE POLITICAL, SOCIAL, AND ECONOMIC WELFARE OF ALL AMERICANS

## HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. HEINZ. Mr. Speaker, as we begin a new Congress, I am introducing several bills of particular importance to both my constituents in southwest Pennsylvania and, I believe, to all Americans.

These bills, all of which I have introduced or supported in the past, are designed to protect the political, social, and economic welfare of all Americans. To this end, I am proposing legislation covering a broad area of concerns, with particular emphasis on the problems of senior citizens, taxes and Government spending, control of pollution of all types, and personal safety and liberties of citizens.

### SENIOR CITIZENS

#### 1. SOCIAL SECURITY FOR THE WAGE EARNER

Clearly we must make some basic changes in our social security program to guarantee workers that their investment in the form of social security taxes paid will give them an adequate return when they retire, not a life of poverty after retirement.

The bill I am introducing goes far toward removing the threat of a bleak retirement for working people by effectively insuring the relative standard of living for those who have worked hard all their lives. This bill would provide higher benefits to those working people who have paid the most into the program over the longest period. Surely such a change in the present program is reasonable and equitable.

I believe we must guarantee minimum income support for aged Americans, the disabled, and for dependent survivors. We also must help moderate the decline in earning standards when the earnings of the family head drop or are lost through retirement, disability, or death.

I believe this bill will help bring true "social security for the wage earner."

#### 2. SENIOR CITIZENS COMMUNITY CENTERS AND SERVICES ACT

In the last several years it has become all too clear that the special needs of older Americans are often overlooked. These needs include community and social services designed primarily to allow senior citizens to realize their full potential of their retirement years.

This bill, the "Senior Citizens Community Centers and Services Act," would tackle some of these problems by providing not only financial assistance for construction and operation of senior citizens' community centers, but transportation to centers as well.

#### 3. RESOLUTION ESTABLISHING SELECT COMMITTEE ON AGING

The time is long overdue that the House of Representatives should formally recognize the special problems of our senior citizens by establishing a House Select Committee on Aging. Such a committee will provide a constant forum in which the problems of the elderly in America can be discussed and studied, and compassionate solutions formulated to the many dilemmas facing older Americans.

Without infringing upon the jurisdiction of any existing standing committee, this resolution would provide formal recognition to the problems of senior citizens. It should be passed by this body with all haste.

### TAXES AND GOVERNMENT SPENDING AND EFFICIENCY

#### 1. GOVERNMENT EXPENDITURES CEILING ACT

In the area of fiscal responsibility, we in Congress have a dual responsibility. In light of repeated budget deficits and continuing inflation, we must assert our responsibility to limit Federal expenditures during the present fiscal year. But we must accomplish this expenditure limitation through legislation which does not further enhance Presidential power at the expense of congressional authority and prerogatives.

My bill would limit Federal spending in the current fiscal year to $250 billion. But it does not provide the President with the power to selectively cut programs as he sees fit. Rather, to the extent that congressional appropriations exceed $250 billion, this bill would require pro rata reduction in all appropriations other than interest on the public debt and social security.

This approach provides an acceptable short-term solution to the complex and continuing problem of improved congressional control over the appropriations process.

#### 2. TAX POLICY REVIEW ACT OF 1973

I have long believed that tax policy can be and should be used as a selective instrument of Government policy providing incentives or disincentives for various activities in the private sector. But past congressional actions on tax bills have slowly eroded the income tax base by providing and maintaining numerous tax preferences, many of which demand critical reexamination. The time has come for us to examine carefully and comprehensively the complete package of tax preferences with the intention of eliminating or modifying those which can no longer be justified.

The Tax Policy Review Act of 1973 would assure careful congressional assessment of each tax preference by providing now for their termination over a 3-year period.

### 3. INTERGOVERNMENTAL COOPERATION ACT OF 1973

If we are to be effective in holding down Government expenditures ultimately we must ferret out all waste and inefficiency in Federal agencies and programs. This bill is designed to start us on the road to the reduction of such waste and inefficiency by taking several courses of action. These include provisions improving financial management of Federal assistance programs and facilitating the consolidation of such programs; strengthening further congressional review of Federal grants-in-aid; providing for a catalog of Federal assistance programs, and extending and amending the law relating to intergovernmental cooperation.

### POLLUTION CONTROL TAX ACT OF 1973

This legislation would amend the U.S. Tax Code by imposing a tax on the discharge of pollutants into our Nation's air and water. Most important, this bill would place the burden of pollution control where it belongs—on the polluter, not on each and every taxpayer irrespective of whether or not he pollutes.

Another important feature about this bill is that it provides an incentive to reduce pollution below the standards contained in the Water Pollution Control Act and the Clean Air Act, as well as providing revenue to help pay for the Federal share of pollution abatement contained in these acts.

I believe the Pollution Control Tax Act of 1973, which I introduce today, is a reasonable, effective, and nondiscriminatory mechanism for dealing with the threats and problems posed by the pollution of our air and water. I hope my colleagues will assist in the speedy enactment of this bill.

### PERSONAL SAFETY AND LIBERTIES

### 1. THE SAFE STATES ACT OF 1973

Between 1960 and 1970, major disasters were declared in 44 States. Yet only 14 of the 50 States have taken even minimal steps to prepare for disasters.

This legislation strengthens the Disaster Relief Act of 1970 to insure that the citizens of this country will be protected from natural disasters to the fullest possible extent. It provides, in part, for:

First, the establishment of minimum Federal standards for disaster preparedness;

Second, the development and maintenance by States of disaster preparedness plans in accordance with Federal standards;

Third, increase in the Federal contribution to States for development and maintenance of disaster plans; and

Fourth, the cancellation of all Federal disaster relief assistance to any State not meeting Federal disaster preparedness standards.

### 2. HIGHWAY SAFETY MAINTENANCE DEMONSTRATION PROJECT

I am again introducing a bill that would create ten project demonstration sites across the country for the purpose of demonstrating different maintenance techniques for all the States. The sites selected will be determined by choosing those States that will provide various classes of highways, types of pavements, bases, and subbases, and those with different terrain, topography, and climatic conditions.

This demonstration project will provide to the States the most recent information on the best and most economically feasible techniques for maintaining our Nation's highways.

With almost 272,000 deaths caused by accidents on our Nation's highways in the past 5 years, there should be no further proof required to show that our highways safety must be improved. I believe we can do so without additional costs by improving construction and maintenance.

### 3. PRIVACY BILL

Many people find today that the privacy of their own home will not protect them or their children from receiving mail that is unsolicited, unwanted, objectionable, and in some cases obscene. This is a type of invasion of privacy that can and must be put to a stop.

The bill I present today is designed to protect the individual's right of privacy by prohibiting the sale or distribution of certain personal information. This particular bill, in effect, would give the individual the right to control what is known about him or her and insure that information collected for one purpose will not be used for another.

The right to privacy is one every American should enjoy. To deprive anyone of this right by denying control over what he or she receives through the mail should be illegal.

I hope the House will give this bill the immediate attention it deserves.

Mr. Speaker, these are the bills which I introduce at the beginning of this, the 93d Congress. Particularly in the fields of special security, pollution control, and Federal spending control, I plan to do all I can to see that the ideas in these bills will receive a full hearing both in and out of Congress. My intention is to generate as much public discussion, political analysis and, hopefully, support through speaking, writing, and otherwise exposing to interested groups and the public the fundamentally and strategically different approaches in each of these areas.

I am not particularly interested in seeing a bill with my name on it become law, and this is not my objective. What is more important is that these ideas are examined and debated and enacted into law when their time comes. It is my hope to hasten that time by working as hard as I am able to insure their early and full exposure.

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## THOMAS P. O'NEILL

## HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. DRINAN. Mr. Speaker, I am delighted and honored to make available to my colleagues an editorial broadcast on January 4, 1973, by WEEI, a CBS radio affiliate in Boston.

This editorial has given enthusiastic endorsement to our colleague and friend Congressman THOMAS P. O'NEILL upon his unanimous election to the position of House majority leader.

I and other members of the Massachusetts delegation take particular pleasure in the concluding sentence of the editorial where WEEI congratulates Congressman O'NEILL's "colleagues for seeing in the Massachusetts lawmaker the attributes his constituents at home have recognized for decades."

The WEEI editorial follows:

### THOMAS P. O'NEILL, MAJORITY LEADER

Accepting the post of House Majority Leader, Massachusetts Congressman Thomas P. O'Neill quoted remarks made by Sam Rayburn 20 years ago. After he had been voted House Minority Leader, Rayburn said, "Any jackass can kick down a barn, but it takes a carpenter to build one." Said O'Neill the other day: "We intend in the 93rd Congress that the Democrats be the carpenters."

In WEEI's opinion, Washington needs carpenters very badly—especially on Capitol Hill. Recent years have seen a tremendous buildup of power in the executive branch of the federal government. This concentration of power at the White House has clearly been at the expense of Congress. And don't rush to blame President Nixon. The deterioration of Congressional muscle began before Mr. Nixon moved into the White House.

Majority Leader O'Neill says several goals can be accomplished if House Democrats become carpenters—or builders—of the nation's present and future. He says: "We can bring the war in Vietnam to an end. We can stop the erosion of the powers of Congress by the President. We can improve the image which the public has of Congress."

Those three goals represent a rather large target for a new Majority Leader but WEEI is confident that Congressman Thomas P. O'Neill is the right man for the job. Through his years of public service on Beacon Hill and in Washington, he has demonstrated a great ability to lead others toward worthy goals.

WEEI congratulates Congressman "Tip" O'Neill on his new position of leadership, and we congratulate his colleagues for seeing in the Massachusetts lawmaker the attributes his constituents at home have recognized for decades.

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## IN SUPPORT OF LEGISLATION INCREASING THE PERSONAL EXEMPTION FROM $750 TO $1,200

## HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. RAILSBACK. Mr. Speaker, I am cosponsoring legislation with Congressman QUILLEN to amend the Internal Revenue Code of 1954 to increase the personal exemption from $750 to $1,200.

The personal exemption was set at $750 for 1973 by the Tax Reform Act of 1969. Prior to the 1969 act the personal exemption was $600, which was set in 1948. Since the cost of living had risen over 50 percent between 1948 and 1969, obviously the 25-percent increase to $750 scheduled by the 1969 act was sadly lacking in achieving any sort of equality with the increased cost of living. The Revenue Act of 1971, which advanced the effective date for the $750 exemption, did not provide a remedy either since the cost of living rose 6 percent in 1970 and another 4 percent in 1971.

However, the authors of the Revenue Act of 1971 did recognize the straits the ordinary consumer was in. When they reported the bill, the tax writing committees stated that advancing the effective date of the increased personal exemption—coupled with other tax reduction provisions for individuals—was desirable because of the need to increase consumption to stimulate the economy and to aid those already severely burdened by inflation.

There is disagreement among tax theoreticians about the role the personal exemption is supposed to play in our tax laws. However, historical evidence points to the intent of Congress to allow a taxpayer sufficient income tax free to cover minimum living costs for himself and his dependents. Naturally, there is a problem in deciding just what constitutes sufficient income for Americans whose standard of living has risen steadily over the years.

Let us examine one of the guideposts available to determine what is needed to maintain different standards of living in America today. The Department of Labor has updated to autumn 1971 its four-person urban family budgets. These budgets are based on a survey of 39 metropolitan areas, four nonmetropolitan regions, and Anchorage, Alaska, to determine how much is required for a family of four to maintain different standards of living. The family of four is a hypothetical one consisting of a 38-year-old man with a steady job, a wife who does not work, a 13-year-old son, and an 8-year-old daughter. The budgets are illustrative of three different levels of living and provide for different specified types and amounts of goods and services. The budgets pertain to the urban family only, which has, for each budget level, average inventories of clothing, house furnishings, major durables, and other equipment. The average cost of a "lower" budget for this family was $7,214; the cost of the "intermediate" budget was $10,971; and the cost of the "higher" budget was $15,905. Consumption items—food, housing, clothing, transportation, medical care, et cetera—came to 81 percent of the total lower level budget, 70 percent of the budget at the intermediate level, and 75 percent of the higher level budget.

These budgets are not intended to represent a minimum or subsistence level of living. But it is clear that since such a large proportion of each budget is allocated to the family's basic needs and most of the remainder goes to employment and income taxes, there is little room for those items which enhance the quality of living.

Since the children in this hypothetical family are under college age, the budgets contain practically nothing for higher education expenses. According to figures from the 1972–73 college costs survey conducted by the Life Insurance Agency Management Association, covering nearly 1,250 U.S. colleges and universities, the median cost for basic charges—tuition, fees, room, and board—at a publicly supported school for an out-of-State student is approximately $2,084 a year. For students attending college in their own States, the median charge is $1,376. These figures include basic charges only. They do not include incidentals such as travel, recreation, laundry, and clothing.

I will not pretend my recommended increase to $1,200 in the personal exemption will assure that every child who wants a college education can afford it. However, in some cases, the additional money could mean the difference between a family providing its members with a higher education or having them seek employment with only their high school education.

Sylvia Porter reported in August 1972 that at existing price levels, it will cost nearly $100,000 to raise one child and send him through college. The yearly cost of rearing one child will be roughly 15 to 17 percent of the family income. The cost of feeding one child to age 18 will total $8,500. The costs of supporting an 18-year-old will be roughly 30 to 45 percent higher than those for a 1-year-old.

These are awesome figures. We, as Members of Congress, must make sure that inflation and taxes do not force Americans to lower their standard of living. We must recognize that in an inflationary economy, such as ours has been in recent years, the effect of a personal exemption that stays at a constant amount is equivalent to a tax increase.

My proposal to increase the personal exemption to $1,200 is, I believe, fiscally responsible, and is an important step toward alleviating the great burden imposed on the American taxpayer by the ever-rising cost of living. I urge immediate and favorable action on this legislation.

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## THE GREAT RAIN SCANDAL

## HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. MICHEL. Mr. Speaker, as I was looking through this month's issue of the Farm Journal, I came across the following article which I commend to the attention of my colleagues without further comment. The article speaks for itself:

### THE GREAT RAIN SCANDAL

The USDA knew that we'd have a rainy fall, but they kept it under their hat, congressmen are charging. Farmers who harvested late claim those who beat the bad weather had unfair advantage and reaped higher soybean prices.

Mud is flying in and out of the fields. USDA officials are accused of being "cozy" with the Weather Bureau, and of having advance information that this would be a wetter-than-normal harvest season.

Yet instead of sharing that information with farmers, USDA officials (allegedly) let the weather unfold a day at a time.

Secretary of Agriculture Earl Butz insists he had no idea how extensive or heavy the rains would be until he found water in the basement of his Indiana homestead. But inside sources say Butz bought 5-buckle boots in September.

Farmers who got their soybeans harvested early, before the price rise, maintain they had no prior knowledge of late-fall rains. "If we had, why wouldn't we have planted less corn and more soybeans last spring? You don't think we're stupid, do you?" cracked an Illinois farmer as a CBS camera crew was shooting "The Great Rain Scandal" to be aired next week.

A big farmer in Indiana did admit under heavy questioning that his first-cousin who works at the Des Moines, Iowa airport phoned him one Saturday to say it was raining there, "but my decision to work on Sunday to finish harvest was my own idea," he testified.

A NFO official militantly told the same sub-committee, "We need a real dirt farmer Secretary who knows farmers' plight and will do something about the weather."

While Farm Bureau officials strongly objected to any government action against the weather, Farmer's Union called for a massive federal program for better weather control because "bad weather hurts small farmers a lot more than those dastardly corporate giants."

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## VIETNAM CHILDREN'S CARE AGENCY

## HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. KASTENMEIER. Mr. Speaker, on January 3, I introduced H.R. 61, to establish the Vietnam Children's Care Agency. In the 92d Congress, both the House and the Senate accepted the Vietnam Children's Care Agency proposal, which I sponsored, as an amendment to the Foreign Assistance Act of 1972. Unfortunately, due to various differences between the House and Senate versions of the foreign aid bill which could not be resolved, the measure died when the 92d Congress adjourned.

The need for the Vietnam Children's Care Agency still exists. It is estimated that there are about 700,000 children in South Vietnam who are orphaned or abandoned as a result of the war. These children have suffered terribly during the course of the conflict, and many are victims of our military operations in South Vietnam. They will continue to suffer even more as our servicemen withdraw from that nation. The problem of caring for these youngsters is immense, far beyond the capabilities of the present South Vietnamese Government, and to abandon these young victims of the war would be cruel and inhumane. Thus, it is both necessary and appropriate that our Government begin to assume the moral obligation to help care for these children.

The Vietnam Children's Care Agency legislation authorizes $5 million, most of which will be allocated for the establishment, improvement, and expansion of South Vietnamese day care centers, orphanages, hostels, school feeding programs, and related programs in health, welfare, and education for South Vietnamese children. A second purpose of this bill is directed toward those South Vietnamese children who have no family or guardians, and are, therefore, eligible for adoption, and for whom an acceptable home can be found in the United States. While emphasis will be focused on facilitating the adoption of the thousands of orphaned or abandoned children of American fathers, by no means does this exclude the adoption of all-Vietnamese children who are homeless.

In the past, those Americans wishing to adopt Vietnamese children experienced interminable delays and were required to pay exorbitant fees. This measure would seek to untangle the bureaucratic snarl that has developed in the United States-Vietnamese adoption process and would serve to expedite procedures when any complications arise.

Mr. Speaker, the enactment of this legislation will represent the beginning of the commitment the United States must make in acknowledging our contribution to the suffering of these youngsters, and in assuming our responsibility to help these innocent children.

## POLICE CHIEF NAMED TO PLANNING COUNCIL

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ASPIN. Mr. Speaker, Police Chief Bernard Colligan, a constituent of mine from the First District of Wisconsin was recently named by Gov. Patrick Lucey to be a member of the Southeast Wisconsin Criminal Justice Planning Council. This council is responsible for distributing Federal funds in the State and for improving the criminal justice system. With the experience that Chief Colligan has had in this field, I am sure that he will make a valuable contribution to this council. I would like to call to the attention of my colieagues an article concerning Chief Colligan and the council to which he has just been appointed:

POLICE CHIEF NAMED TO PLANNING COUNCIL

Police Chief Bernard Colligan is one of 18 persons in a six county area to be appointed to the Southeast Wisconsin Criminal Justice Planning council.

The non-partisan district appointment was made by Gov. Patrick Lucey earlier this month and is a part of the Wisconsin Council on Criminal Justice that was created under the omnibus crime control and safe streets act to distribute federal funds in the state and to improve the criminal justice system.

Presently the state council and its 10 affiliated district councils have 46 projects in 10 program areas involved in upgrading law enforcement personnel; prevention of crime with emphasis on public education, narcotics and dangerous drug education, prevention and treatment; prevention and control of juvenile delinquency; improvement of detection and apprehension of criminals through improved police communications, technology and equipment; educational programs on judicial and prosecution procedures and legal defense, and increase the effectiveness of corrections and rehabilitation, and reintegration of the offender into the community.

As mentioned previously, the state council has $11½ million in funds to allocate to these specific areas. The district councils such as the one comprising Walworth, Racine, Kenosha, Ozaukee, Washington and Waukesha counties, will have responsibilities in studying funding requests from public and private agencies as well as initiating projects as needs are seen or planning dictates in the future. The district councils will be helping the state planning agency to decide on the allocations, which must be approved by the federal government.

Colligan, who is one of two appointees from Walworth county, is to attend a meeting today in Waukesha to help the Southeast council make recommendations in fund allocations for the broad areas. Colligan has been police chief of Elkhorn since being appointed July 1, 1969. Formerly he had been with the Wisconsin motor vehicle department.

An organizational meeting of the southeast area was held last week in Racine, at which Lt. Roger Schoenfeld, of the Kenosha county sheriff's department was named chairman of the agency. The chairman, Lake Geneva Police Chief Robert Clapper and Colligan comprise three of the five law enforcement officers on the Southeast council. Other members include a judge, a juvenile court administrator, a social worker, a mayor, a county board chairman, a county board member, a district attorney and five citizens.

The new planning council is also expected to make committee appointments over the next few months for specialized program areas.

## ACTION NEEDED TO PREVENT DEATHS FROM SMALL ARMS

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. McCLORY. Mr. Speaker, the subject of gun control is one which has provided great controversy and frequent misunderstanding in the U.S. Congress and our State legislative bodies. While I have been sensitive to the need to preserve our constitutional right to possess and bear arms, I have become convinced that some national criteria should be established for identification and for the possession and use of pistols and revolvers.

Mr. Speaker, another shocking incident was reported in the New York Times of January 2, 1973, about a woman of 30 years of age who attempted to park her car and became enraged with a man driving another car who was trying to take the same parking space. This woman proceeded to fire at the persons in the other car, killing one person and wounding two others. She then sped away with her male companion. This incident was one of four such shootings which occurred during the early evening hours of January 1, 1973, in New York City.

A recent editorial in the Chicago Tribune of Wednesday, January 3, 1973, recounts several fatal experiences with handguns which might have been avoided by the enactment of some appropriate statutory regulation. The New Year's holiday deaths attributable to small arms are reported in the attached editorial:

SHOOTING IN THE NEW YEAR

The National Rifle Association and other opponents of strict gun control often remind us of the many justifiable uses of guns. We invite them to examine the grim uses to which police say these weapons were put in Chicago during the New Year holiday.

Six-year-old Elva Cano was shot and killed by her own father, who explained he was trying to unjam his .25 automatic when it accidentally fired. Ivan Manqual, 3, was shot and wounded by his father, who was firing a gun to celebrate New Year's Eve.

Mrs. Miyoka Holley, 23, was shot and killed during a New Year's argument with her husband. Jacqueline Nobel, 14, was shot and wounded when a New Year's celebrant fired a gun in the direction of her window. Radisa Vojinov, 30, was found shot, killed, and robbed at a Douglas Park elevated station. A suspect was later arrested, carrying a .22 caliber pistol and Mr. Vojinov's wallet. Antonio Loza, 36, was shot and killed during an argument over a woman. Henry Judkins, 37, sitting alone in a bar, shot and killed himself.

Robert Ellis, 36, convicted robber and accused "Friday night rapist" of the Near North Side, was shot and killed by Ann Leybourne, a policewoman trainee. Ellis was free from the rape charges because of a questionable ruling by Criminal Court Judge Earl Strayhorn that identification of Ellis in a police lineup was inadmissible because there was no other person in the lineup with Ellis' hairline.

Ellis was killed with his own gun. According to Miss Leybourne, he had abducted her in her car at gunpoint. When his attention was distracted, she was able to shoot him once with her gun. When he knocked that away, she seized his gun and shot him three more times.

It was worth noting that all of the identified guns in these shootings were handguns; that Miss Leybourne, as a member of the police department, was the only one authorized to carry a gun [most of them apparently were not even registered]; and that the shooting in which she was involved was the only justifiable one in the bunch.

The lesson here is inescapable. If the possession of handguns were limited to those with a legitimate use for them, a great many unnecessary and senseless deaths might be prevented. And this will never be achieved if we don't start now by imposing strict controls on the availability of handguns and by more diligent application of existing stop and frisk laws.

While guns are praised for their usefulness in hunting and self-defense, they continue to be used for murder, roberry, suicide, and even New Year's noise-making. These tragic shootings were among the first of the year, but we're afraid they will not be the last.

## ADMINISTRATOR TOM KLEPPE CONTINUES AS ADMINISTRATOR OF SMALL BUSINESS ADMINISTRATION, ASSURING CONTINUITY IN SMALL BUSINESS ASSISTANCE PROGRAMS

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, I was pleased to note in the press recently that our former colleague, the Honorable Tom Kleppe, will continue as Administrator of the Small Business Administration. One of the great problems which our Small Business Committee has noted with respect to the operation of SBA has been the frequent changes in Administrators—SBA has had 11 Administrators since 1953.

Tom Kleppe is an able, energetic, and dedicated Administrator and champion of small business, and certainly I welcome the prospect of continuing to work with him and cooperate with Administrator Kleppe in the years ahead. His reappointment will assure continuity and experience in the office of SBA Administrator, which is needed in the public interest.

## ZAUBER ON FREEDOM

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### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. COLLINS. Mr. Speaker, out in the Oak Cliff suburb of Dallas, we have a progressive editor named Ray Zauber. He has an innovative mind and a strong belief in the principles that built our Republic.

Zauber writes a well-read column in his Oak Cliff Tribune. In a December 1972 issue he headlines a column called "Department of Freedom Our Proposal." It is a timely suggestion as Congress continues to build a more autocratic, all-powerful Federal Government, which takes away individual liberties. It is time that the cause of freedom had more outspoken friends in Washington. Here is the stimulating proposal from Ray Zauber in the Oak Cliff Tribune:

DEPARTMENT OF FREEDOM OUR PROPOSAL

(By Ray Zauber)

Scratchpad read somewhere last week that President Nixon is seriously considering the establishment of a Department of Peace.

Even though the Chief Executive has made many recent headlines about his determination to start hacking at the mammoth federal bureaucracy, the Peace Department proposal certainly strikes a responsive chord. At first blush.

The Vietnamese conflict has created deep fissures in our great society and has been a cause celebre for academe, the intelligentsia, the pacifists and the ultraliberals.

That determined minority of American voters who so often exercise control far beyond their actual numbers would undoubtedly find a peace secretariat providing a tempting target.

Imagine such a government division, headed by some egg-head of the George McGovern stripe and dedication, creating international headlines with idealistic and impractical suggestions for brotherly love among nations and races.

With our own tax funds to defray the cost, such a department could attract the largest congerie of kooks and oddballs ever assembled by any government of any nation. And we are the first to admit that Washington, D.C., has already attracted its share of weird ones.

Instead of a utopian agency which would change directions abruptly in the event of Ted Kennedy's election to the presidency, why not opt for a Department of Freedom?

Peace without freedom isn't worth the price unless the reader happens to sympathize with the "better red than dead" theory.

A Secretary of Freedom could be charged with a gigantic educational program to purge American history books. He could direct his energies toward rebuilding American ideal and reconstructing America's incomparable history.

American children could be taught that freedom is very dear and that the price is extremely costly. He could repeat the awesome chapters of America's great battles for independence and the never-ending vigilance which freedom has demanded.

President Nixon's thirst for peace is noble. The President's motives cannot be faulted, even if he has an eye cocked at the history books.

But peace is elusive. One nation, no matter how powerful or how well-intentioned, cannot maintain peace by itself. If the fellow across the border starts shooting or exploding bombs, self-defense or annihilation are usually the options.

A Department of Peace, by logic and necessity, would attract pacifists. A Department of Freedom should attract patriots.

One department would be projecting a dream; the other would be offering practical programs for maintaining peace through strength.

Surely the citizens of the world must be cognizant of America's compassion and nobility. We have started no wars. We have helped our defeated enemies. We are Santa Claus to the entire globe.

But unless we remain free, a philosophy of government which is headed by tyrannical despots will eventually gain control of all men. The slavery of communism provides a very bleak future for the history of mankind.

The United States—almost standing alone—is the final bulwark between freedom and slavery.

A Department of Freedom, properly organized and purely motivated, could be the greatest legacy Richard Nixon could leave to future generations of America.

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## BERKELEY PROCLAIMS "PHIL CHENIER DAY" TO HONOR OUTSTANDING RESIDENT

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### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. DELLUMS. Mr. Speaker, from time to time, amidst the turmoil and controversy that centers around the coming of age of each generation, a figure emerges who, for various reasons, stands out among peers, and who through sheer effort, dedication and hard work—through the dent of unusual character, personality and personal perspective, raises a symbol of hope and inspiration that cannot fail to attract our attention.

In the city of Berkeley, in recent years, such a young man emerged in the presence of Mr. Philip Chenier. He was born, raised, and educated in Berkeley, the son of proud parents, Gene and Peggy Chenier, who themselves are symbolic of what a family can do despite the disappointments of our social problems and the shortcomings of our urban environment. Phil always displayed a passion for work, commitment, and later, professional performance, that was truly remarkable. He excelled in basketball at Berkeley High School and the University of California, and in one and a half short years, has become an outstanding professional performer with the Baltimore Bullets.

Phil Chenier means something special to the city of Berkeley.

He should mean something to all the people of this country as they have an opportunity to learn of his signal achievements. It is to this end that I place in the CONGRESSIONAL RECORD a proclamation offered by the city of Berkeley through its mayor, the Honorable Warren Widener, in hopes that I may do my part in commending this young man, Mr. Phil Chenier, to the Nation:

PROCLAMATION

Whereas, the youth of the City of Berkeley are seldom offered inspiration for achievement in a public forum, and

Whereas, public recognition of talent and value generates such inspiration, and

Whereas, Philip Chenier, a native of the City of Berkeley, has exemplified himself in the field of professional sports and has a history of concern for and involvement with young people in the City of Berkeley, and

Whereas, a broad spectrum of Berkeley citizens have urged that such recognition be given to Philip Chenier for his athletic and scholastic achievements, as evidenced by his being the recipient of 63 trophies and 204 scholarship offers at the age of 17.

Now, therefore, be it resolved, that I, Warren Widener, Mayor of the City of Berkeley, do hereby proclaim January 12, 1973 Philip Chenier Day in recognition of his talent and achievement in the field of professional sports and in recognition of the dearth of opportunities for motivation of Berkeley youth in a public forum.

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## AMERICAN HUNGARIAN FEDERATION SHOWS DEEP CONCERN FOR THE PROBLEMS OF EAST CENTRAL EUROPE

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### HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. GERALD R. FORD. Mr. Speaker, on November 4, 1972, the American Hungarian Federation at its quadrennial convention in Philadelphia unanimously adopted a resolution calling for support of the administration's policies on freer movement of ideas and true reciprocity of cultural relations with East Central Europe and the Soviet Union.

The resolution also referred to the principles laid down for international relations by the United States and the Soviet Union and reminded us that we must be watchful lest U.S. policy be misconstrued by the Soviets for the purpose of preventing free political development in East Central Europe.

With this caution in mind, I think it can be said that developments in recent years have created such a degree of mutual recognition of essential interests between East and West that East-West relations can be put on a quantitatively new level by expanding the areas of cooperation. These new conditions have been created both at the level of the superpowers and by West European diplomacy.

Besides mutual force reductions and possibly an enlarged SALT II, a future European Conference for Security and Cooperation is now at the center of attention as a possible means to initiate institutionalized East-West cooperation in various fields.

There is little doubt that the chances for immediate steps in East-West cooperation have improved significantly. But only concrete negotiations based on the realities of the situation in East Central Europe will show whether the rising hopes can be fulfilled.

I share the deep concern of the American Hungarian Federation for the problems of East Central Europe. We must be ever mindful of the consequences of any actions we may take concerning that area.

## COMMEMORATING THE 50TH ANNIVERSARY OF SOUTH GATE, CALIF.

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ANDERSON of California. Mr. Speaker, on January 20, the city of South Gate, Calif.—the Azalea City—will celebrate its 50th anniversary as an incorporated city.

Formerly a part of the old Rancho San Antonio, with caballeros, vaqueros, Indians, and cowboys, South Gate's meteoric rise has been phenomenal. For this area contained only vast fields of cauliflower and barley until December 14, 1917, when Mr. and Mrs. C. J. Tope moved into the first house of what is now a thriving community of over 58,000 residents.

By December 1919, over 125 homes had been constructed, and the population had grown to approximately 500 residents. In addition, the residents established a local school which had an enrollment of 52 students.

The early settlers soon organized the South Gate Improvement Club, which met every 2 weeks. Two of its members, Mrs. Tope and Mrs. Shook, felt that a church was needed in the community, and on July 18, 1921, the South Gate Gardens Community Presbyterian Church was organized, composed of 30 or 40 members, representing 12 denominations.

By autumn of 1922, the local citizens felt that their infant community had reached the stage of incorporation. A petition for incoporating the town of South Gate, signed by more than 50 qualified electors, was presented to the board of supervisors. To determine the will of the voters, an election was held on January 2, 1923, and a majority favored incorporation.

A board of trustees was elected, consisting of I. W. Lampman, J. H. Woods, C. A. Shaw, Frank A. Moore, and Agnes W. Foster. Mr. G. H. Hurd and Mr. James W. Shope were South Gate's first city clerk and city treasurer, respectively.

However, the city's official birthday is January 20, 1923—the day Frank C. Jordan, the secretary of the State of California, certified South Gate, with 2,500 residents, as an incorporated city.

During the first year of incorporation, the growing community established its own form of public transportation, consisting of an antiquated Maxwell, driven by Mrs. Nina Murray, who cruised south on Seville Avenue to Liberty Boulevard, east on Liberty to Otis Avenue, and return.

The following year, 1924, South Gate organized its first police department, and dedicated the South Gate City Hall, at Post and Victoria.

By the end of 1930, South Gate's population had grown to 19,632 and possessed a taxable wealth of over $14.5 million. New industry continued to move into the city, and practically all of the streets were well paved and studded with ornamental light standards.

Due to the progressive leadership, favorable and pleasant surroundings, and dedicated, hardworking citizens, the city of South Gate has prospered and has continued to lead the way for other cities. The beautiful parks, balanced industrial, commercial and residential growth, superior schools, and the active and talented residents have brought South Gate, with a background of romance and adventure, into an era of impressive success.

Under the watchful eye of their dedicated mayor, Frank Gafkowski, Jr., and Vice Mayor Don Sawyer, with the guidance of a talented city council, composed of Ruth E. Wakefield, Harold Prukop, and Bill L. Cox, and with devoted public servants, such as City Clerk Dorothy McGaffey, and Treasurer Flora McClure, South Gate's future is as bright as her past.

Mr. Speaker, it is with great pride that I take note of the great accomplishments of the people of South Gate, and I salute her for her 50 years of progress which have led to a community that combines the best qualities and advantages of California living.

## PANAMA CANAL: HEART OF AMERICA'S SECURITY—REVIEWED IN LITHUANIAN LANGUAGE NEWSPAPERS

### HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. FLOOD. Mr. Speaker, those who have followed my addresses in the Congress know that over many years two of my major interests have been captive nations and the interoceanic canal question. It was, therefore, most appropriate that the prominent Lithuanian language newspaper Darbininkas published a review of the important 1972 book by Jon P. Speller on "The Panama Canal: Heart of America's Security."

In addition to his years of study of problems of hemispheric defense and Panama Canal, Mr. Speller, as the personal secretary to the late Comdr. Sergius M. Riis, former League of Nations adviser to the Baltic States, has had a very active interest in those countries. He is now executive editor of the international magazine, East Europe.

The review of the Speller volume was written by former Lithuanian Minister of Agriculture Juozas Audenas, vice president of the Supreme Committee for the Liberation of Lithuania. Dr. Bronis J. Kaslas mentioned in the review is professor of history, Wilkes College, Wilkes-Barre, Pa.

A translation of the indicated review follows as part of my remarks:

[Translation from Lithuanian]

A BOOK ON THE PANAMA CANAL—"THE PANAMA CANAL: HEART OF AMERICA'S SECURITY"

This book has been written by Mr. Jon P. Speller, editor of the *East Europe* magazine.

The book contains six chapters, enclosures, and bibliography. The author exposes the following basic ideas: (a) The United States of America have the sovereign rights to Panama Canal; (b) Joining two oceans—the Atlantic with the Pacific—the Panama Canal is the heart of America's security.

Supporting his thesis by numerous documents, the author is proving the legal and practical aspects of this important problem. If the administration of the Canal falls into some other hands, there is no doubt that the Soviet Navy will start demonstrating in the areas of the South American continent, too.

The book is illustrated, hard cover, beautifully printed. It was published by Robert Speller & Sons Publishers, Inc., 10 East 23rd Street, New York, N.Y. 10010. Price $5.95.

America's security is of a paramount importance to all people of this country, among them to Lithuanians. The same publishers are to print also the documentary history of the Soviet-Russian and Nazi-German conspiracy against Lithuania, prepared by the Supreme Committee for the Liberation of Lithuania and edited by Dr. Bronis Kaslas.

DARBININKAS.

## BALDWIN AND ROBERTS HEAD LAW ENFORCEMENT YOUNG ADULT PROGRAM

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ASPIN. Mr. Speaker, two constituents of mine were recently elected temporary copresidents of the newly organized young adult program of the Evansville Police Department in Wisconsin. I commend these men for their participation in this program. Communication and understanding between youth and law enforcement officials is greatly needed and hopefully this organization can help fill this need.

I would like to call to the attention of my colleagues an article which details more fully this new organization and the positions these fine men will hold in it:

[From the Evansville Review, Dec. 28, 1972]

BALDWIN AND ROBERTS HEAD LAW ENFORCEMENT YOUNG ADULT PROGRAM

Paul Baldwin and Roger Roberts were elected temporary co-presidents of the newly organized young adult program of the Evansville Police Department.

Thirteen youths attended the first organizational meeting Monday evening at the local municipal building. Several more youths are known to have interest in joining this unique group.

To assist youths not at Monday's meeting to still be eligible for charter membership a followup meeting has been set for Thursday, Dec. 28 at 7:30 pm. at the municipal building. Charter registration fee is $2.50 per year.

At Monday night's session Police Chief Richard Luers explained the relationship between his department and Exploring B.S.A., through which the national charter is granted. He likewise explained many aspects of law enforcement as future programming ideas, as well as how he and his own officers are involved in this program.

Explorer Post 501, specializing in Law Enforcement is now a reality. The following young adults attended the first meeting and voted to fully organize this on-going program: Baldwin Roberts, Pamela Scidmore, Brad Shoemaker, Gerald Lange, Don Miller, Bill Olson, Dan Jones, Rich Neuenschwander, William Olmsted, Don McNamer, Barry Lange and Randy Crans.

The group is open to any youth 15–20 years of age. Those interested are asked to attend the Dec. 28 meeting.

## THE RIGHT TO TRAVEL

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Ms. ABZUG. Mr. Speaker, I rise to take note of what I deem a most unfortunate use of the CONGRESSIONAL RECORD. Recently, the senior Senator from Mississippi inserted into the RECORD a list of Americans who had allegedly traveled to Cuba to cut sugar cane and to meet the Cuban people. This list was broken down by States, and included the names and addresses of the individuals said to have taken this trip.

We are all living together on this earth—Americans, Cubans, Russians, Chinese, French, Indian, Congolese, women, men, young and old. People from different nations, different political and economic systems, and different walks of life should take every opportunity to meet and to try to bridge the gaps that separate them from one another. I have supported the efforts of our Government to open lines of communication with the Soviet Union and the Peoples Republic of China, and I also support those who are seeking to open lines of communication with Cuba.

We are very proud of our democracy and often boast that it is the best political system around. If we are really sure of that, we should allow our citizens to travel to all the countries of the world without fear that they will somehow be tainted by the experience.

Senator EASTLAND's insertion into the RECORD constitutes a deliberate attempt to punish these individuals for their interest in visiting a country with an economic system different from ours. It seeks to chill their exercise of their right to travel and their desire to learn about other countries of our world.

I am one American who believes in the ultimate wisdom of the people, and I believe that the people must have free access to knowledge about the state of the world, not only as spoon fed to them by the public relations offices of the White House, the Department of State, and the Department of Defense, but also through firsthand access and observation.

I regret this attack on the group who visited Cuba and hope that it will not deter other Americans from making their own firsthand observations of our neighbor nation and other nations all over the world.

## FACTS CONCERNING AMNESTY FOR DRAFT DODGERS

### HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. FISHER. Mrs. Speaker, the issue concerning amnesty for draft dodgers and deserters may be projected again. The American people have made it clear they want no part of amnesty for those who chose other lands instead of serving their own country.

As evidence of public opinion on this subject, in response to a question—"Do you favor amnesty for draft dodgers?" submitted to every registered voter in my district, 9.1 percent registered approval and 88.7 percent gave a negative answer.

Under leave to extend my remarks, I include an excellent statement on amnesty by Wayne J. Thorburn, executive director of Young Americans for Freedom, presented to the Democratic National Convention Platform Committee last June. It follows:

STATEMENT BY WAYNE J. THORBURN

The membership of Young Americans for Freedom includes many veterans of the Vietnam War. While YAF has not taken an official position on amnesty for deserters and draft dodgers, I believe that the following statement accurately reflects the sentiments of those veterans and most of our members: We would not favor amnesty.

The reasons for our position are several. First and most important, to permit amnesty is, in effect, to say, "If you think a law is immoral, break it, because you may very well find that society changes its mind, forgives you and does not punish you." More simply it says, "You were completely right to disobey the law."

As conservatives, we in YAF believe in individual freedom, yet we are also aware that the concept of government becomes meaningless if individuals are free to pick and choose those laws they will obey and those they will disobey. While those who have decided that the Vietnam War is totally immoral and indefensible may brush this argument aside. I suggest they ask themselves if they would so readily forgive a white racist who follows his conscience and blows up a black church, or on a more mundane level, excuse those whose consciences told them a given government program was immoral and therefore refused to pay the taxes to support it (in which case we as conservatives would be paying very few taxes indeed.) To permit this is to permit a government of whim, not law.

What I am suggesting then, is not that amnesty is right or wrong depending on whether the Vietnam War is right or wrong, but that it is wrong because it makes a mockery of the concept of law and government. It is one thing to disobey a law because one feels it is immoral, but it is quite another to expect the society that made the law not to punish one for that disobedience. Henry David Thoreau and Martin Luther King expected to go to jail when they violated the law; their concept of civil disobedience was not that of those who request amnesty, nor could it be if we are to have a society of order rather than anarchy.

Second, one must consider the effect of amnesty on the more than two million men who obeyed the law and served in Vietnam. I believe that all but a very vocal, and very small minority of these men felt that in America, with its free speech and democratic system, there were ways to correct bad laws and bad policies without breaking the law, and that both duty and honor compelled them to serve if called. Amnesty would indicate to them—those who survived, anyway—that they need not have risked their lives, that there was nothing dishonorable about deserting or evading the draft, that they should feel free to ignore the policies of their country. In addition to its effect on them, what kind of precedent would amnesty set for those future generations that might be called upon for similar sacrifices.

Third, and I inject this into the discussion only because those advocating amnesty seem to think it a major consideration, there remain many in this country who do not consider the war immoral or indefensible, and I think this includes many who would like to see the U.S. withdraw from Vietnam posthaste. One can reach that conclusion—the conclusion that Vietnam is not worth the sacrifices of blood and treasure—and still believe that our motives there were moral; that the South Vietnamese would be better off if the Communists lost than if they won; that America has not made atrocities a policy, while the other side frequently has; that our position in the world will be weakened, as John Kennedy was aware, by Communist domination of Indochina. In sum, to say that most Americans now believe that Vietnam was a mistake is not to say that they accept the reasons offered by deserters and draft dodgers as to why it was a mistake, or want those deserters and draft dodgers to be forgiven.

Finally, the argument is made that amnesty was granted after some previous wars. We would note, first, that the Civil War was just that, a civil war, unique and not to be compared with Vietnam. We would note, second, that in neither World War I or World War II was the question one of forgiving thousands of men who of their own volition fled their country. We would note, third, that President Truman had an elaborate mechanism to decide amnesty on the basis of individual cases. We would note, fourth, the question is not whether it was done in the past but, whether it should have been done then or now.

In conclusion, for a variety of reasons, but primarily because for a democratic government to be viable its citizens cannot pick and choose what laws they will obey and what laws they will ignore, most of us in Young Americans for Freedom oppose amnesty.

## WILLIAMSPORT MAN RISKS LIFE TO SAVE DROWNING WOMAN

### HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. BYRON. Mr. Speaker, occasionally an example of heroism comes to light that shows a deep concern for human life and involves actions of great resolution and strength. Recently in Williamsport, Md., John W. Martin rescued a woman who had jumped from a bridge into the Potomac River. I would like to commend him for his courage and his concern for human life.

The following article from the Hagerstown Daily Mail by Tom Ferraro gives the dramatic story of this successful rescue:

### MAN RESCUES WOMAN FROM RIVER

(By Tom Ferraro)

John W. Martin strolled by the Potomac River bridge at Williamsport early Wednesday afternoon on his way to help his uncle repair a car.

His walk was interrupted, however. He stopped to save the life of a woman who apparently tried to commit suicide by jumping from the span.

"I saw this red flash plunge off the bridge and into the water . . . I could hear it smack," he recalls.

"I thought, 'my God, did someone jump off?' "

Martin, 26, ran onto the bridge, some 100 feet above the cold, fast water, and spotted the 52-year-old woman below.

"I saw her arms flash up twice. She bobbed up and down in the water . . . and then went under."

The rural Williamsport man raced to the river bank, pulling his shirt and boots off on the way.

"I just started swimming. The only thing I thought about was saving her life. She must need help."

The current was strong, but Martin, an able swimmer, churned through the water. Finally, after battling the cold and current for about 10 minutes, he reached her.

"She was mumbling. She seemed terrified," he says.

He grabbed her and started for the shore.

They quickly began drifting downstream toward the waterfall located about 300 feet away.

"I saw out of the corner of my eye the tall trees that told me we were getting near the falls. I recalled from my childhood that many people died from it."

Martin's wind grew short. His back ached. His arms and legs seemed like dead weight.

"I thought I was going to die," he says, recalling the event in a quiet voice. "I didn't think we were both going to make it. I was scared. Real scared.

"I decided to leave her and save my own life. But then I changed my mind. I couldn't let her die."

The woman didn't struggle. She only mumbled and cried.

Martin pushed, pulled and shoved her 140-pound frame toward shore. Despite the current, he was beginning to make progress.

After 20 minutes of struggling, he saw the bank only 20 feet away. Breathless, he tried to stand, but the water was too deep.

He kept on, finally pushing the woman within an arm's length of land.

Two men who had witnessed much of the rescue yanked both ashore.

"They had her up first . . . and then me. I fell to the ground. I couldn't walk and could hardly move. All of a sudden I realized how cold the water must have been. My arms, hands and toes began stinging."

Within moments, an ambulance arrived. Martin and the woman were rushed to Washington County Hospital.

On the way, the woman leaned over and said to Martin, "Why didn't you let me die?"

Martin didn't reply. He said he thought, "She must need help. She must need mental attention. I hope she's cured so some day, perhaps, she'll want to live again."

Martin and the woman were treated at the hospital for cold and shock. Martin was released in good condition. The woman was also reported in good condition and then transferred to a state hospital in Baltimore.

Police said the woman was released from the hospital hours before her attempted suicide. They said she had been sent there after an earlier suicide attempt.

## RESIGNATION OF ROBERT M. BALL

## HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. LONG of Maryland. Mr. Speaker, the President has accepted the resignation of Robert M. Ball from his post as Commissioner of Social Security. Mr. Ball has spent 30 years in the service of our Federal Government.

He earned his baccalaureate degree in 1935 and his master of arts in 1936, both in economics, from Wesleyan University in Connecticut. In 1939, Mr. Ball joined the old Social Security Board as a field representative. By 1953, he had advanced to the position of Deputy Director, Bureau of Old Age and Survivors' Insurance.

When the Social Security Administration was created in 1962, Bob Ball became its first Commissioner. He has served in his present position for almost 11 years.

I wrote President Nixon to let him know of my deep regret that he had accepted the Commissioner's resignation. I would like to share my letter with you, as I feel it expresses the admiration of many of us for the outstanding job Mr. Ball has done as Commissioner:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., January 9, 1973.*

Hon. RICHARD M. NIXON,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: I have learned with great regret that you are accepting the resignation of Robert M. Ball, Commissioner of Social Security for almost 11 years, effective upon the naming of his successor.

During the 11 years Commissioner Ball has headed up the Social Security Administration, its workload has grown remarkably. The workforce of 33,000 in 1962 is now at 52,000. Checks went to 18.1 million people in 1962; they now go to 24.8 million individuals each month. Those checks totalled $1.2 billion each month in 1962; today $3.9 billion is paid out each month under Commissioner Ball's supervision. The physical expansion of Social Security Headquarters in Baltimore echoes the expansion of the Social Security program, to encompass such major new developments as Medicare and such ongoing programs as disability insurance and Special Age 72 payments for the elderly who did not have the opportunity to gain Social Security coverage, to name just a few.

Throughout his tenure, Commissioner Ball has kept the operation of the Social Security Administration at an admirably high level. The payments his Administration makes and the cases it adjudicates touch the lives of every citizen who has an older or disabled relative. The Commissioner's personal contribution to the high calibre of this service has been marked by the Rockefeller Public Service Award and the praises of the National Civil Service League, which have commended him not only for his acknowledged expertise in the pension and social welfare field but for his administrative prowess.

In addition, the Commissioner has earned the respect and admiration of those Members of Congress who have worked with him through the past two decades in writing the significant legislation of our Social Security program. His readiness to aid Members of Congress and the Senate in their understanding of these programs and in the resolution of their constituents' problems sets a high standard not only for his successor but for other agencies of the Executive Branch.

It will be essential in the coming months and years to have a man at the helm of the Social Security Administration with the wisdom, experience and expertise of Robert Ball. He has given thirty very productive years to his country in the Federal civil service, but I am sure you join me in the hope that he will continue to use his experience in the pension and social welfare field to the advantage of us all. He is one of the talented people who are a scarce national resource; I wish you well in finding as capable and talented a man to succeed him.

Warm regards,

CLARENCE D. LONG.

## MASON ELECTED ASSOCIATION PRESIDENT

## HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ASPIN. Mr. Speaker, a constituent of mine, David J. Mason was recently elected president of the Greater Beloit Association of Commerce. Mr. Mason has been active in civic and community affairs for many years and I congratulate him on his recent election. I am sure he will be a great contributor to this organization. I am happy to bring to the attention of my colleagues an article which details Mr. Mason's accomplishments:

### MASON ELECTED ASSOCIATION OF COMMERCE PRESIDENT

David J. Mason is the 1973 president of the Greater Beloit Association of Commerce.

Mason, a Beloit native, is assistant to the president and secretary of Beloit College and has been active in civic affairs of the community.

He is one of the few educators ever to serve as president of the GBAC.

Directors of the association chose Mason to succeed Donald P. Goiffon as president during their annual meeting Friday at Rocco's Supper Club.

Goiffon, district manager of the Wisconsin Power & Light Co., will remain active in association leadership as immediate past president.

Officers serving with Mason, who comprised the Association's executive committee, are Joseph DeNucci, general manager of Universal Foods, president-elect; Richard Reul, general manager of the Beloit exchange of the Wisconsin Telephone Company, vice president; James Cleary, Beloit State Bank vice president, treasurer; Larry Raymer, secretary and executive vice president, and Goiffon.

#### MEETING JANUARY 18

The new officers will be introduced at the association's annual membership dinner Jan. 18 at the Plantation Motor Inn. Tickets for the 7 p.m. event are on sale, and a turnout of upwards of 450 is expected.

Seated as new directors following their election by the Association membership in a mail vote are Carl Lund, executive vice president of Kantor Pepsi-Cola Bottling Company; Everett Haskell, president of the Haskell Agency; Richard Oster, an administrator with Blackhawk Tech, and Harold Tower, treasurer of Beloit Corporation.

Retiring directors are William Schmitz, president of Freeman Shoe Company; Tom Burke, Beloit Corporation executive; Attorney Leo H. Hansen, and Dr. Edward Jones. Each has served two terms of two years.

Named to the board as ex-officio members are H. Herbert Holt, Beloit city manager; Gary Pierce, Mayor of South Beloit; Arthur Kind, chairman of the Town of Beloit; Christie Thomson, president of the Women's Division of the GBAC, and Richard Konicek, executive director of the Greater Beloit Economic Development Corporation.

### DIRECTORS LISTED

Holdover directors, comprising the remainder of the GBAC board, include Ted Stevenson, Fairbanks Morse vice president; Mary Divine Leindorf, president of First Savings and Loan in South Beloit; W. Richard Gerhard, CPA; Virgil Waelti, Beloit Memorial Hospital administrator; Carl Yagla of Yagla's Camera and Television; Bill Bryden, chairman of Bryden Motors, Inc.; Bob Cox of A. B. Cox & Son, and Paul Anderson of Anderson's Jewelry.

Gordy Wermager, manager of Weise's department store; Dr. H. Daniel Green, Victor Emilson, an account executive with The Beloit State Bank; Bill Storm, president of the Jaycees, and Jack Brusberg, president of the DownTown Council and of Brusberg's Furniture.

During the last year, Mason was vice president of the GBAC and cochairman of the association's legislative committee. He has been active over the years in many other community service programs and civic and cultural organizations, including service as an officer or director of the American Red Cross, Beloit Area Council of Churches, American Cancer Society, Beloit Festival, Inc., the Downtown Gallery, Beloit PTA Council, Boy Scouts of America, and Beloit's All-America City committee. A former secretary of the Calvary Lutheran Church, he presently is secretary-treasurer of the Beloit Cooperative Ministry.

Prior to being named to his present position at Beloit College, Mason was the school's director of public relations and a member of the English department faculty. He formerly was a member of the editorial staff of the Beloit Daily News. In addition to holding the B.A. degree from Beloit College, he has a master's degree from Columbia University. He is a member of the American College Public Relations Association, Phi Beta Kappa, and the Sigma Chi fraternity. During World War II, he was twice wounded in action while serving with the infantry in Europe.

Mason and his wife, Gloria, live at 2110 W. Collingswood Drive. They have two children, Holly, 17 and Keith, 14. His parents are Mr. and Mrs. R. V. Mason, 1152 Eaton Ave.

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## BENJAMIN FRANKLIN

## HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. EILBERG. Mr. Speaker, on Wednesday, January 17, 1973, our fellow citizens will observe the 267th anniversary of the birth of Benjamin Franklin, the first major diplomat and member of a foreign service of our country, our first Postmaster General, founder of hospitals and universities in Philadelphia, and truly a citizen of the world.

Again, on this date, the Poor Richard Club of Philadelphia will conduct its annual Franklin Pilgrimage to the historic shrines of colonial Philadelphia which commemorate the contributions which Benjamin Franklin made to this country.

The members of the Poor Richard Club, which is the oldest and most widely recognized organization of men and women in the communications arts and industry—joined by a representative of the President of the United States, the Governor of Pennsylvania, the mayor of Philadelphia, and a number of the historic and learned societies of Philadelphia will visit Benjamin Franklin's grave, Christ Church, the memorial to Benjamin Franklin at the site of the first fire station in Philadelphia, Independence Hall, and the Franklin Institute—carrying out a program of historic tribute to this great statesman.

On the evening of January 17 the Poor Richard Club will hold its 67th annual banquet at the Bellevue-Stratford Hotel in Philadelphia at which time they will present their Gold Medal of Achievement to a truly distinguished citizen of Philadelphia.

This award is one of the prize awards of many years in the field of communications and communications media throughout the United States. Previous recipients include President Richard M. Nixon; Generals Dwight D. Eisenhower, Douglas MacArthur, Henry M. "Hap" Arnold, and a number of figures in the industrial world, including Henry Ford, Clare Booth Luce, John Knight—executive editor of the Knight newspapers—Gen. David Sarnoff and his son, Robert; Walt Disney, and Bob Hope.

This year's recipient is Mr. John T. Gurash, chairman of the board and president of the INA Corp.

Mr. Gurash's responsibilities, apart from INA, call for his efforts as director or trustee of the Compagnie Financiere de Suez, the Adela Investment Co. S.A., the Girard Co. of Philadelphia Savings Fund Society, the Thomas Jefferson University Hospital, the national council of Pomona College, the Citizens Conference on State Legislatures.

Philadelphia benefits from his service with the crime commission of Philadelphia, the Philadelphia Orchestra Association, the Greater Philadelphia Movement, the World Affairs Council, the Navy League.

His leadership of the distinguished civic group which studies and reported the financial needs of schools in the Philadelphia Archdiocese in 1927 has been nationally recognized as the most definite study of the relationship between private elementary and secondary schools and their contribution to the community.

Mr. Gurash has been previously honored with the Gold Medal of the Netherlands Society, the American Jewish Committee, and an honorary degree by Villanova University.

He merits, deservedly and richly, to take his place among the illustrious recipients of the Gold Medal of the Poor Richard Club.

I believe, Mr. Speaker, it is fitting for us to recognize both the contributions of Mr. Gurash to this country and, at the same time, the tremendous contributions which the Poor Richard Club has made in the field of communications and community service throughout all of these years. This club merits recognition for its initial sponsorship of the Franklin Institute, the formation of the better business bureau, and their work in the preservation of the historic shrines in Philadelphia including their contribution to Christ Church.

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## ABOLITION OF THE ELECTORAL COLLEGE

## HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. VANIK. Mr. Speaker, once again, as Members of Congress, we were confronted last Saturday with the archaic task of supervising the vote of the electoral college. The narrow margin of victory in the presidential election of 1968 provided clear insights into the weaknesses of our system of presidential electors. The time appeared ripe for electoral reform. A proposal which would have done away with the system of electors altogether, passed the House in 1970 but died in the Senate.

The need for change has only grown more real with the passage of time. We must look not only toward the abolition of the electoral college, but also to the streamlining of the procedures of choosing candidates through the establishment of a national primary.

The inequities of the electoral process are perhaps the most serious shortcoming that the American Constitution—one of the world's finest political documents—contains. The provision for the electoral college is contrary to the spirit and the letter of the heart of democracy—the principle of one man, one vote.

The Constitution presently provides that each State, "shall appoint—a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress." This scheme can only distort the integrity of the electoral process. For example, in my own State of Ohio, 10 million citizens control 26 electoral votes. But if you add up similar totals for the 16 least populous States, you find that their aggregate of 10 million people control the votes of 58 presidential electors. In essence, one citizen's vote can weigh twice as much in a national election as another citizen's vote.

The cumbersome electoral college can lead to other more nightmarish happenings. In 1968 a largely sectional third party candidate came within a hare's breadth of collecting enough electoral votes to stalemate the election of a candidate from one of the two major parties. The system of presidential electors enables such third party candidates to exercise political power—to make political deals—without any relation to the strength of their popular appeal.

I expect to reintroduce and support a Constitutional amendment to dispose of the present barnacle blocking popular elections. Besides providing for the direct election of President and Vice President, the proposed amendment would require the winning slate to total at least 40 percent of the total votes cast. If this result did not occur, a runoff election between the candidates having the highest number of votes would be held.

The elimination of the electoral college will not only remove the complications that exist between the day of the popular election and the day the President is legally elected, but maverick third parties will be prevented from exercising power out of keeping with their actual popular appeal.

In addition, the shift to the popular election of President and Vice President will act to revitalize the two-party system. No longer will one-party strongholds be an important determinant of national office. There will be, instead, a strong stimulus to broader voter participation in the electoral system, in all regions of the country.

But doing away with the cumbersome electoral college is only a necessary first step. Our present system of protracted State primaries has long since failed to serve any constructive end. The events of this past year provide dramatic evidence of the corrosive impact of a series of degrading State primaries. Twenty-two months of presidential politics consumed ideas, money, and the patience of every American. By November, the electorate was weary. Pollsters had taught us what to think, how to react, and which way to vote.

The establishment of a national primary would eliminate the piecemeal process by which the parties choose their candidates for national office. National debate on issues would be elevated.

I am introducing today a constitutional amendment that will not only eliminate the electoral college but would also replace our present primary system with a national primary.

With a nationwide primary election held on the third Tuesday in August all party candidates for national office could demonstrate the strength of their candidacies on equal footing. Additionally, the selection at the same time of delegates to the party conventions will do away with the fragmented selection processes that now exist in each State.

The task of conducting and regulating the primary election shall fall to the States, subject to the overview of Congress. Party conventions would follow on the first Tuesday after Labor Day. This will establish a clearly defined political season of 7 weeks in which the presidential candidates of each party would present their positions to the electorate.

With such a time schedule the people will come to demand a coherent presentation of the issues and a more responsibly conducted campaign.

Cynicism has dampened the spirit of this country at a time when vitality in Government was never more needed. To restore confidence in the politics of this country—its institutions and its leadership—is our ultimate responsibility. There can be no more important task. The establishment of a more rational democratic process is an important step in that direction.

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## GOODBY, BILL FREMD

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. CRANE. Mr. Speaker, residents of Palatine and Schaumburg townships in the 12th Congressional District of Illinois were saddened recently by the death of William Fremd, for years a dedicated servant of elementary and secondary school students.

Mr. Fremd spent 44 of his 70 years on school boards in the area, giving his time in a salary-less, often thankless, position for the good of the students.

He was a farmer who watched his once rural countryside blossom into one of the fastest growing suburban areas of the Nation. Yet as the area changed, he maintained his values and the result was a sound education for thousands of students.

An editorial in the Herald, a newspaper published in my district, accurately reflects the loss to the area of William Fremd. I would like to extend my sympathies to his family and friends and share the editorial with my colleagues:

[From the Herald (Ill.), Dec. 29, 1972]

GOODBY, BILL FREMD

There's been too much passing away lately, there's been too much loss and too much sadness. There's been too many good-byes and too many ended journeys.

Harry Truman died this week and his passing signaled the worldwide eulogies to which this former President was entitled.

But preceding Mr. Truman in death was another gentleman of firm and honest reputation whose accolades will not be as far reaching but whose passing will be just as deeply felt in the Northwest suburbs.

Dead at age 70 is William Fremd, a man who devoted virtually all his life to helping the children of Palatine and Schaumburg Townships obtain a better education.

William Fremd served a total of 44 years on elementary and secondary school boards. He became a board member in Palatine Township when there were only a half dozen schools serving mostly farm families in the area.

Now, the educational systems in Palatine are regarded as some of the best in the state, including a high school named after Fremd, the friend of the children.

Like many of his generation, William Fremd saw this area blossom from farmland to suburbs. He kept pace with these changes over the years and contributed his deep understanding of this area to the betterment of the school systems he served.

Although he was termed an educator in later years, Mr. Fremd did not possess the degrees accredited educators bestow on each other to convince the outside world of their expertise. Instead, William Fremd continued to run a farm until as late as 1963 when he retired from the soil which had been his home.

Fremd's worth to the Northwest suburbs could not be measured in degrees on the wall, anyway. He was a simple man with logical and rock hard principles. His values were those of the rural community which nurtured him: charity, thrift and perseverance.

Bill Fremd received high praise when he decided to retire. The U.S. Commissioner of Education congratulated him for his "steadfast service to the schools and youth of Palatine." Honors were given him by the Illinois General Assembly.

In all, he remained much the same person who came to a school board meeting in 1928 and found himself elected to the board. He stayed on that elementary district board until 1946 and was instrumental in the consolidation of several rural districts into what is now Dist. 15. His service on the High School Dist. 211 board often coincided with his other board work.

He was a remarkable man with great depth and love for the schools he built.

We have all lost something with his passing.

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## FRANK STARR'S OPEN LETTER TO RALPH NADER

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. McCLORY. Mr. Speaker, the obvious efforts of Ralph Nader to endeavor to find scapegoats among American manufacturers is indicated nowhere more prominently than in his continuing attacks against the automobile industry.

The increased number of consumers—including particularly purchasers of new automobiles—are becoming disillusioned by the expensive, mischievous, and sometimes dangerous safety gadgets that are being loaded on to consumers. I have yet to hear Nader take on the careless, reckless or drunken driver or the dope addicts or alcoholics who contribute to the vast majority of the accidents on our highways.

The chief of the Washington Bureau of the Chicago Tribune, Frank Starr has presented a convincing and illuminating exposé of Ralph Nader's dangerous line in an open letter which appeared in the Chicago Tribune for Monday, December 18, 1972.

I am attaching Frank Starr's letter for the edification of my colleagues and the American public.

OPEN LETTER TO RALPH NADER

(By Frank Starr)

DEAR MR. NADER: I'm writing not just to wish you Merry Christmas—tho I certainly do—but because you are known as a consumer advocate, a defender of the rights of consumers.

Being a consumer [who isn't?], it seems to me some of my rights are being infringed, particularly concerning the automobile, one area of your particular expertise. And the damage is being done in the name of us consumers.

The automobile is a principal means of transportation. We spend a disproportionate amount of our waking hours in them and a disproportionate amount of our net earnings on them.

TOO MUCH TO ASK?

It is not too much to ask, therefore, that they be made as pleasant, safe, and efficient as possible. Partially at your behest a series of federal regulations has been enacted, and more are promised, that seem designed to achieve the opposite.

The net effect of these regulations has been to make the 1973 models less attractive, more heavy, less powerful, more expensive, and less efficient.

In what might appear to be a response to an insurance company's propaganda campaign to lower its actuarial costs by convincing the public that rebounding bumpers are good, the auto companies have been forced to hang on the front of the 1973 models a heavy and expensive device designed to resist a crash into a solid wall barrier at 5 m.p.h.

I am not persuaded that such a hypothetical crash is likely to occur or that, if it did, it would damage more than some chrome doodles. Neither am I persuaded that, if I had a crash endangering life or limb, the bumper would reduce the danger.

In the name of air cleanliness—about which I am no less concerned than you—makeshift methods have been devised which sharply reduce the power of my engine, make the engine more complicated, and sharply increase the fuel consumption—and that in a time of energy crisis.

There are nearly no manufacturers—only a European maker comes immediately to mind—who have met pollution standards without drastically cutting power in the process.

While engine power is being reduced, weight is also being added by building steel beams into the doors, again making the automobile less responsive and more expensive.

One day soon, I am to be burdened with the greatest nightmare of all, an air bag that will instantaneously immobilize me on perceived contact with unintended objects and which, if an accident hasn't occurred, will surely cause one.

On Friday I learned that Douglas Toms, the greatest advocate of this device as head of the National Highway Traffic Safety Administration, has resigned, tho he once promised to stay until the air bag was wrapped up. And you, Mr. Nader, have criticized Mr. Toms for not being vocal enough in criticism of carmakers' progress toward such devices.

Not wishing to offer unconstructive criticism, may I suggest that the area of traffic safety that needs more attention is the haphazard and reckless licensing of unqualified drivers.

A member of my family recently passed the test in Washington, D.C., on first application after completing a drivers' school training course, only to discover that she literally had not yet learned how to control her vehicle. She was, by her own admission, a licensed road hazard.

### A LICENSING PROPOSAL

Serious students of the problem have proposed far stiffer driver licensing requirements which would test, in practice, each driver's capacity to meet and overcome unexpected dangers such as sudden skidding on a wet curve.

According to gradations of proven skill, drivers with different classes of licenses would be allowed to drive only under different and appropriately determined restrictions and would be required to display their classes on their vehicles.

I for one would feel far safer with a reduced probability of accidents than with one of Mr. Toms' tanks. And driving might be a good thing again.

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## U.S. INTERESTS AND POLICIES IN THE MIDDLE EAST

## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. HAMILTON. Mr. Speaker, although many observers have argued that the Middle East was fairly quiet during 1972, I think it is correct to assume that during 1973 the United States will have to focus more attention on two problem areas of American policy in this region—the continuing no war—no peace stalemate of the Arab-Israeli conflict and our policies toward the Persian Gulf area. I would like to bring to the attention of my colleagues a few remarks on U.S. Middle East policy which I made before the Southern Council on International and Public Affairs in Atlanta on November 10, 1972 and which focused on these two areas of concern.

My remarks follow:

### PERSPECTIVES ON U.S. INTERESTS AND POLICIES IN THE MIDDLE EAST TODAY

By intent or by practice, United States policy in the Middle East can best be understood not as a comprehensive policy or strategy but as several interests which it strives to promote and protect by a variety of methods. The dilemma of the policy is that steps taken to promote one interest do not necessarily advance another interest. The overall success of the United States policies in the Middle East, then, depends on our ability to carry out several policies somewhat independent of each other, and on different tracks; United States Middle East policy tends to fail when several tracks become so interrelated that the lack of success in one area affects all policies.

Today, for example, the no war—no peace stalemate of the Arab-Israeli conflict affects all our interests and policies in the area. Our support of Israel on one track does not necessarily promote our interests in certain Arab countries such as Egypt, Jordan and Lebanon and the development of our ties with these states on a second track is not necessarily compatible with the promotion of our relations with Israel under present circumstances. The third track of our current policy, involving our relations with the oil rich states around the Persian Gulf, is not totally separate from or unaffected by the other two tracks and the present stalemate.

This multi-track characterization of U.S. policy in the Middle East has not always been applicable. From the very vague, anti-communist policy of the Truman Doctrine, which was designed to shore up the governments of Turkey, Iran and Greece after World War II, the United States tried to develop a comprehensive Middle East defense treaty organization in the 1950s. When such umbrella policies as the Baghdad Pact or Eisenhower Doctrine proved unable to protect our interests or promote our policies, the United States sought in the 1960s to develop specific policies of protecting and helping friendly governments and particular interests. Turkey and Greece aside, these policies have increasingly concentrated on relations with five countries: Israel, Iran, Saudi Arabia, Jordan and Lebanon and probably in that order.

Although a cynic might argue that this policy only reflects increasing distrust of the United States, more fundamentally, our policy is related to our interests and specific concerns with particular issues.

### U.S. INTERESTS

Two interests of the United States in the Middle East are paramount:

First, we do not want to see local conflicts and rivalries develop into major wars, perhaps involving the great powers;

Second, we do not want any outside power to dominate the region. These two interests underlie our concern over Soviet intentions in the area.

Peace and stability are our overriding objectives in the Middle East but several other significant interests combine to place this region high on any agenda of foreign policy priorities.

### STRATEGIC AND POLITICAL INTERESTS

Our strategic interests in the Middle East include:

1. The maintenance of the right of access to the area, its international waterways, and air routes.

2. The maintenance of a viable military presence in case that access is threatened. This presence need not be permanent. At present, the United States sells or gives substantial military aid to Israel, Jordan, Turkey, Iran and Saudi Arabia. In addition, we maintain communications facilities in Iran and Ethiopia and have naval units unequal in size stationed on either side of the Middle East; a small unit called MIDEAST FOR stationed at Bahrayn Island in the Persian Gulf and the Sixth Fleet in the Mediterranean.

Our political interests in the Middle East include:

1. The social and political development of the entire area and all its people. We ignore the 100 million people of the Middle East and North Africa at our own peril: Their well-being is in our interest and in the interest of peace and stability throughout the region.

2. Reducing Arab dependence on the Soviet Union. While there is much disagreement over the means of carrying out this interest, there is no challenge to the validity of the objective.

In this discussion, an important distinction should be drawn between the need for the United States and the Soviet Union to recognize each others' legitimate interests in the Middle East and our interest in denying the Soviet Union dominance in the area.

3. A commitment to the continued existence of Israel within secure borders. While we may have disagreement with Israel over what constitutes secure borders, we have no disagreement with Israel over the goal of peace and defined and recognized boundaries.

### ECONOMIC INTERESTS

Our economic interests in the Middle East are significant today, and they could become vital in the next decade. These interests—freedom of trade, access to Middle East oil and freedom of oil transport—are prime economic considerations for the United States.

At present, American trade and investment in the Middle East and North Africa produce a net annual inflow of almost $2 billion into the United States—no small contribution at a time when the United States balance of payments deficit is greater than at any time since World War II. Oil is responsible for much of this inflow, and American oil companies have invested over $4 billion in Middle East and North African oil ventures.

While given less publicity, the United States trade surplus in the Middle East and North Africa is, nonetheless, significant. In 1970, for example, this trade surplus was about $1.4 billion. The importance of this figure is apparent when it is compared to the worldwide U.S. trade surplus of $2.69 billion. American products, technology and machinery continue to be popular throughout this vast area.

Since only about five percent of U.S. petroleum consumption needs come from the Middle East, the present economic importance of Middle East oil for the United States could be seen largely in terms of its contribution to our balance of payments, but that would be an error.

Though our need for Middle East oil and natural gas will never equal Japan and Western Europe's dependence on it for over three-fourths of their fuel needs, government and private estimates indicate that by 1980 the United States may have to obtain over 35 percent of its projected oil needs from the Middle East, almost all of it coming from the Persian Gulf. The figures are staggering. The non-communist world currently consumes about 40 million barrels of oil a day;

the United States consumes about 18 million barrels of that.

In 1980, it is estimated that the non-Communist world will consume between 80 and 100 million barrels and the United States 24 of that figure. At the present rate, the United States can get only 12 million barrels from domestic sources, including Alaska. Of the remaining 12 million barrels needed, about nine will have to come from the Middle East, and that figure will then represent between 35 and 40 percent of total United States consumption needs.

Without question, the economic importance of the Middle East for the United States will increase sharply in the near future.

### CULTURAL INTERESTS

The United States also has many cultural interests throughout the Middle East:

Some represent a legacy of American missionary and philanthropic enterprises which have played a crucial role for decades in the preparation of Middle East elites. The American Universities of Beirut and Cairo and Robert College in Istanbul are three examples. Several newer educational institutions in Israel, the Hadassah Hospital and the Weizmann Institute, in particular, have strengthened and fostered the natural ties between many Americans and the State of Israel.

More generally, the Middle East is recognized throughout the world as the cradle of civilization, the birthplace of the Judeao-Christian heritage and the preserver of the Greco-Roman tradition long after the Greek and Roman civilizations had faded into dark ages.

For Jews and Christians of this country peace and open borders in the Middle East, especially in Palestine, means access to the origins of their faith, and they cannot conceive that the land where that faith was nurtured should be in a state of war. The intensity of feeling in the United States for Israel and other countries in the region is only one manifestation of the strength of our cultural interests there.

### ARAB-ISRAELI CONFLICT

Given these important interests, United States policy in the Middle East focuses on two problem areas: the quest for a solution of the Arab-Israeli conflict and a developing concern for the Persian Gulf.

The decision was made in the United States in June 1967 at the time of the Six Day War that a real peace in the Middle East was essential to preserve our interests in maintaining a position in the Arab world and in guaranteeing Israel's sovereignty.

The Arab-Israeli conflict complicated and jeopardized our ability to follow a two-track policy toward the Arab world and toward Israel. Evenhandedness, in its essence, was never really that—it was an effort to maintain a two-track policy without one track becoming involved with the other. President Kennedy had been supremely successful in this regard. The problem with the Arab-Israeli conflict was that it put United States policy under scrutiny and tended to force this two-track policy to be a one-track policy. This tension in our relations came at a time in the late 1960s after the June 1967 war when the Soviet Union was pouring more than $2 billion worth of military hardware into Egypt. The United States responded by selling Israel the military technology and equipment, principally aircraft, to meet this Soviet threat.

Today, fortunately, that Soviet threat is somewhat diminished as several thousand Soviet military advisers have left Egypt. But because peace remains elusive and so much attention focuses on our aid to Israel, our policy appears increasingly one-track.

The successes of the United States in dealing with the Arab-Israeli conflict since 1967 are well known and insubstantial.

We helped negotiate UN Resolution 242 in November 1967 which has provided a framework for peace.

In 1970 and 1971 Secretary of State William Rogers and Assistant Secretary Joseph Sisco were constantly talking to Israel and Egypt and seeking to narrow the differences between them.

For nearly two years, there has been no sustained fighting and talks progressed on two fronts. Dr. Jarring, representing the United Nations, was working for a total settlement while the United States was working for a partial settlement. Both sets of indirect talks focused on Egypt and Israel. In many respects, the United States initiative was more successful. It arranged a ceasefire in August 1970 which is still in effect along the Suez Canal despite violations. It almost succeeded in producing proximity talks between Israel and Egypt a year ago.

A great opportunity for moving toward some reconciliation and a limited peace agreement in the Middle East was lost in 1971. Both the Jarring Mission and the U.S. peace initiative were stymied at critical junctures. Although everyone shares the blame, perhaps no one can be blamed. Bad timing may have been the reason for the missed opportunities.

The timing of 1971 diplomatic maneuvers failed to synchronize with the timing of the parties, causing both the Jarring Mission and the U.S. peace initiative to flounder. The U.S. peace initiative failed principally because the United States could not get both Egypt and Israel to agree to proximity talks at the same time: When Egypt appeared willing to enter into such talks, Israel was not interested and when Israel finally agreed to these talks, at the end of the year, Egypt had lost interest. It is possible that the United States did not push hard enough at the proper time, but, perhaps also, no timing was opportune.

Dr. Gunnar Jarring's mission also raised peace hopes in early 1971, only to dash them. In the eyes of some, he pushed too hard, too quickly. He sought in February and March of 1971 a commitment of both Israel and Egypt to fairly precise guidelines of the eventual agreement as ground rules for further mediating talks between the two parties. Egypt accepted these guidelines, but Israel felt such parameters of a peace agreement with Egypt could be worked out only in negotiations.

### WHERE DO WE STAND TODAY?

This two-track policy of the United States in the Middle East—the policy of evenhandedness toward the Arab-Israel conflict—had always had bipartisan support here but today it remains a tattered fiction, at least in the eyes of most Arabs, and especially in the eyes of the Egyptians.

Arabs compare our aid or credits to Israel over the last several years—in the billions of dollars—with small but not inconsequential aid to them. Some point to the Jordanian Government as a quisling, pro-American clique and call for the overthrow of King Hussein; they chide United States officials for their duplicity and they point to the lack of progress on talks and say the United States likes the status quo.

But that is not so. Peace in the Middle East—to reiterate—is essential to the preservation of United States interests. While Egypt does not trust the United States, it does respect the United States and knows that a U.S. peace initiative remains the most important vehicle for peace. If the United States initiative is now to be revived, and I hope it will be, we must regain the trust of Egypt.

### HOPEFUL AND DISTURBING SIGNS

Events are occurring, in the Middle East, that make no headlines but do help the peace we urgently seek. Four positive developments have been emerging in the last year or so.

1. Jordan is more stable and stronger. Its military victory over the guerrillas and its increased confidence have raised the possibility of a separate Jordanian-Israeli peace.

2. Israel's policy of open bridges is improving the economic situation in the Occupied Territories of the West Bank and Gaza. Over 40,000 Arabs from these territories now work in Israel and each day new relationships are developing.

3. The end of the honeymoon between certain Arab States and the Soviet Union, especially the Soviet withdrawal from Egypt, can help defuse the Middle East conflict.

4. Throughout the region, states and leaders are looking inward toward coping with the problems of economic and social development. While Iraq, Libya and Syria may be exceptions to this rule, Jordan, Israel, Egypt, Lebanon are not.

These hopeful signs must, however, be juxtaposed with other, disturbing signs:

1. Terrorism is still part of the Middle East. Most states do, and all states should, condemn acts of violence.

2. King Hussein of Jordan remains a prime target of some Palestinian guerrillas and even the possibility of his assassination is a disturbing sign.

3. Prospect of the status quo remaining in the occupied territories for a long time could be destabilizing. As attractive as the present situation might be for Israel, it cannot go on indefinitely. Israel, if it is to build on its economic miracles and gain respect among residents in the West Bank and Gaza, must eventually drop its "occupation" rule and permit these Palestinians a greater voice in their own affairs.

4. The Soviet Union's uneven policies remain. It seems to be holding on strong in Iraq and Syria while letting go a little in Egypt. The Soviet Union also continues to play politics and blackmail with its own Jewish minority.

5. The policies of Syria, Iraq and Libya tend to counter the hopeful signs mentioned earlier. To persuade moderation on these states will not be easy, even for Egypt.

### THE PERSIAN GULF

United States efforts to deal with the other major problem area in its Middle East policy—the Persian Gulf—have probably been more successful, but there remains the potential for conflict in this newly-independent, vastly wealthy, potentially unstable area. U.S. efforts have been successful largely because we have been able to keep this fast developing third policy track separate from the Arab-Israeli conflict. How long this can be done in the absence of peace is an important consideration.

The year 1972 saw the three states—Bahrayn, Qatar, and the United Arab Emirates (U.A.E.)—join Kuwait, Saudi Arabia, Iraq and Iran as independent entities. In the same year, Oman, long an independent state, emerged from centuries of isolation.

These eight states are, by no means, equal. Of the some 47 million people living around the Persian Gulf, 30 million are in Iran and another 10 million in Iraq. Iran's population, together with its longer period of independence, larger oil industry, stronger armed forces and long established leadership, give that country the ability to play an important political and military role in the Gulf area.

The most significant political fact of recent Gulf history has been the relative tranquility which characterizes the several transitions that have taken place, transitions,

From non-oil to oil economics,

From dependence on a formal British role to greater independence,

And from long periods of conflict to a new period of cooperation.

The ability of the Gulf States to maintain this present relative stability will depend on several factors. Some of the more important ones are:

A continued realization by all states of the necessity for cooperation among riparians;

The peaceful resolution of several outstanding disputes;

The ability to cope with social, economic and political development;

And the prevention of the Gulf from becoming an area of great power competition or rivalry.

The United States has maintained excellent diplomatic and political relations with most countries of the Persian Gulf and Arabian Peninsula. Moreover, there is throughout the area a reservoir of good will towards Americans in general. American technology and diplomatic and military strength are respected although almost all the Arab States of the Gulf take strong exception to what they consider to be the United States imbalanced position on the Arab-Israeli conflict.

Our low key and cautious diplomatic and political policies have met with some success. The area has been treated separately from the rest of the Middle East and we have emphasized the practicality of mutually beneficial economic and political relations, and we have stressed the need for Persian Gulf States to cooperate with each other. This has led the United States to seek to export its technology to this developing area and to urge these states to rely on the West in the international arena.

### DILEMMAS FOR THE UNITED STATES

In 1973, the United States will face many dilemmas as it tries to pursue its essentially three-track policy to deal with the two principal areas of concern—the Arab-Israeli conflict and the Persian Gulf.

In the former area, many questions deserve our attention:

What role should the United States play in promoting peace and should it revive its peace initiative?

What pressure can or should the United States apply in order to promote peace and, if peace results from pressure, how durable can it be?

What are the benefits and the drawbacks of the way we are formulating our policy toward the Arab-Israeli conflict and our attempted even-handedness or balanced policy?

What will happen if the present state of no-war no-peace continues?

With regard to the Persian Gulf, we might be asking the following questions:

What, precisely, are the U.S. interests in the Persian Gulf?

How can the United States best assure its future access to Persian Gulf oil and stability in that area?

How will the relationship between international oil companies and oil exporting countries change in the next decade? What are the implications of these changes for the United States?

Does our support of the bigger states of the Gulf, particularly Iran and Saudi Arabia, encourage those states to dominate the area and is such domination in our interest?

Should the United States continue to maintain its small naval force stationed on the island of Bahrayn?

Can the United States pursue policies which protect our interests but which also help keep this potentially unstable area outside the arena of great power competition?

These questions and others form the stage for discussion of United States policy toward the Middle East in the next administration. For different reasons, the stakes are high in both problem areas confronting the United States. My main hope is that with Vietnam fading somewhat from the foreign policy limelight, more attention can be devoted to these issues.

## THE PARTICIPATION OF THE TENAFLY HIGH SCHOOL BAND IN THE TOURNAMENT OF ROSES PARADE ON NEW YEAR'S DAY

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### HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. HELSTOSKI. Mr. Speaker, it was with great pride and admiration that I watched on television, along with millions of other Americans, the participation of the Tenafly High School Marching Band in the Tournament of Roses parade on New Year's Day.

The outstanding 161-member band, under the direction of Mr. Edward M. Stochowicz, was the only representative of the Northeast section of the United States—and one of nine high school bands in the country—to be so honored.

I know how proud the young men and women, along with their parents, felt in being accorded this distinction. They have exhibited the highest level of musical achievement that can be accomplished with hard work, precision, loyalty, dedication, and team spirit. Indeed, these young people, under the tireless and excellent direction of Mr. Stochowicz, embody the ideals and ideas of our next generation of leaders, and certainly the faith we have in our youth.

After having distinguished themselves in various concerts throughout the United States and Canada, the Tenafly band was invited to participate in the Tournament of Roses parade. Dr. Samuel K. Elster, president of the board of education, along with the board members, passed a resolution in support of the proposed trip and authorized the formation of a committee to raise funds. Superintendent of Schools John B. Geissinger and High School Principal Daniel P. Kneuppel gave their strong support, and Mayor Walter M. Hartung proclaimed the week of November 12–18 as Band Week.

An intensive community effort began, not only in the borough of Tenafly, but throughout the Northeastern United States in order to raise the necessary funds.

The effort and contributions made by various people and organizations can be noted by the statement I will place in the RECORD following my remarks, along with the names of the young people who played in the Tenafly Band.

Mr. Speaker, I am most honored to represent the borough of Tenafly in Congress, and I know that my colleagues join with me in congratulating the Tenafly Band and the many people who made their participation in the Tournament of Roses possible.

These young people and their band director can be looked upon as ambassadors of good will who have accorded their town and the State of New Jersey a great honor. They will long remember this unique experience and I have no doubt that they will strive for even higher achievements.

Mr. Speaker, the statement on the Tenafly Band and its participants follow:

### STATEMENT CONCERNING THE TENAFLY HIGH SCHOOL MARCHING BAND'S PARTICIPATION IN THE TOURNAMENT OF ROSES PARADE AT THE ROSE BOWL IN PASADENA, CALIF.

The Tenafly High School Marching Band, under the direction of Edward M. Stochowicz, participated in the Tournament of Roses parade at the Rose Bowl in Pasadena, California on January 1, 1973. The 161 member band was the only representative of the northeast section of the United States, and one of nine high school bands in the country, to do so.

Dedicated public service and outstanding musical achievement have marked the band's career. Activities leading up to the Tournament of Roses parade include exchange trips with high school bands from Toronto and Montreal, Canada; two performances at Army games at West Point; participation in the Cherry Blossom Festival in Washington, D.C.; and an appearance before Vice President Spiro T. Agnew at the annual convention of the American Association of School Administrators in Atlantic City, New Jersey. Tenafly Superintendent of Schools John B. Geissinger, then AASA president, presided at that convention.

In addition, the band took part in a benefit concert for the New York Public Library at Bryant Park in New York City; and was host band at the twenty-fifth anniversary of the Herald News Band Festival in Clifton, New Jersey. Band Director Edward M. Stochowicz was guest conductor of the mass band finale at that festival. The band most recently competed in the Glen Ridge Interstate Marching Band contest, a competition which included bands from New Jersey, New York and Pennsylvania.

When, in October 1972, the Tenafly band received an invitation to participate in the Tournament of Roses parade, the Board of Education passed a resolution in support of the proposed trip and authorized the formation of a committee to raise funds for it. Superintendent of Schools John B. Geissinger voiced his approval, as did High School Principal Daniel P. Knueppel.

Mayor Walter M. Hartung proclaimed the week of November 12 to 18 as Band Week, and an intensive community effort, involving both the Borough of Tenafly and areas throughout the northeastern United States, began. Contributions were received, for instance, from a high school band member in Pennsylvania, from a senior citizens' group in Sheepshead Bay, Long Island, from a former coal miner in Elizabeth, New Jersey, from Fishkill, New York, Stanford, Connecticut, and Hendersonville, North Carolina.

A good deal of this outside interest was created by Rolland Smith's CBS coverage of the band fund campaign. JAYCAP, a drug rehabilitation group from Jamaica, Queens, saw the initial program, and responded, canvassing its area for the Tenafly band. When JAYCAP completed its canvass, the group came to a Tenafly High School Football game and presented the funds to band representatives at half time. This moving experience, the touching of different worlds, was perhaps the most exciting development of the entire period.

Industry in the area also responded to the band's requests. And within the community, organizations, businesses and individuals cooperated fully. A Brownie troop held a garage sale, needlepoint kits of the Tenafly Tiger were designed and sold, taste testing sessions for a consumer research firm were conducted, and all monies were contributed to the band fund.

Climaxing the campaign was a parade through the center of Tenafly, led jointly by the Mayor and Council and the Board of Education. Following the parade, band members broke up into pre-arranged groups to canvass the town door-to-door. In six short weeks the money was raised.

This could not have been accomplished without the full cooperation of Mayor Walter M. Hartung and Council members Phillip B. R. Baas, Jr., Robert Bucher, Stephen Capkovitz, Eleanor Dendy, Joseph Phillips and Richard K. Van Nostrand.

The encouragement of Board of Education President Samuel K. Elster, Vice President E. Kirby Warren and trustees Adrienne Berenson, Albert H. Dwyer, Dorothea C. Forsythe, Arthur W. Foshay, Morton E. Kiel, Alan G. MacDonald and Anne L. Ratner was of inestimable value.

Superintendent of Schools John B. Geissinger gave unstinting support, as did High School Principal Daniel P. Knueppel.

The fund raising steering committee composed of Mr. and Mrs. W. Gerould Clark III, Maria Davis, Bartley Eckhardt, Mr. and Mrs. Robert Fuller, Barbara Krehely, Geraldine Krumholz, Marguerite Lindemann, John Moxham, Mr. and Mrs. E. Granger Ottley, Mattie Palamara, Betty Plum and Barbara Soyster and Suzanne Srour mounted a massive and highly successful campaign.

But it could not have been done without the band members themselves and their director Edward M. Stochowicz. Their musical achievement led to the event, and their full and enthusiastic participation allowed it to happen. They had a most rewarding educational experience, both throughout the campaign, and in Pasadena, where they had the opportunity to meet with, and work with, high school band members from North Carolina, Texas, Indiana, California, Michigan and Oklahoma.

## 1972–73 TENAFLY BAND MEMBERS, THEIR PARENTS, AND ADDRESSES

### 9TH GRADE

Richard Adler, Mr. and Mrs. Bela, 16 Malcolm Ct.

Elizabeth Athos, Dr. and Mrs. William, 7 Huguenot Ct. 9.

Lisa Bloch, Mr. and Mrs. Norton, 33 Greentree Terrace.

Lisa Bloom, Mr. and Mrs. Kenneth, 26 Evergreen Place.

Ashley Clark, Mr. and Mrs. W. Gerould, 176 Westervelt Ave.

Steven Cohen, Mr. and Mrs. Jerry, 236 Highwood Ave.

Stephen Davis, Mr. and Mrs. George, 144 Highwood Ave.

Judith Eckhardt, Mr. and Mrs. Louis, 31 Jewett Ave.

Jim Falk, Mr. and Mrs. Albert, 67 Walnut Drive.

Robert Fuller, Mr. and Mrs. Robert, 300 Riveredge Rd.

Steven Gerst, Mr. and Mrs. Paul, 141 Tekening Dr.

Betty Harrison, Mr. and Mrs. Bernard, 1 Knoll Rd.

Robert Hersh, Mr. and Mrs. Charles, 237 Hickory Ave.

Jon Hexum, Mrs. Gertha, 35 Elm St.

Lisa Kaufman, Mr. and Mrs. Edward, 53 Hamilton Pl.

William Krehely, Mr. and Mrs. John, 36 Oak St.

David Krumholz, Mr. and Mrs. Alan, 104 Walnut Drive.

Michale Lang, Mr. and Mrs. Alfred, 122 Columbus Dr.

Ann Lefkowith, Dr. and Mrs. Edwin, 98 Walnut Drive.

Scott Miller, Mr. and Mrs. Ira, 10 Greentree Terr.

Mary Nastuk, Dr. and Mrs. William, 103 Hillside Ave.

Paul Palamara, Mr. and Mrs. Joseph, 43 Palmer Ave.

Neil Parker, Mr. and Mrs. Daniel, 47 Windsor Rd.

Jeff Plum, Mr. and Mrs. Russell, Robin Lane, Alpine.

Maryanne Polk, Mr. and Mrs. Mervin, 2 Inness Rd.

Steven Saydah, Mr. and Mrs. Ferris, 40 Joyce Rd.

Daniel Segal, Mr. and Mrs. Norman, 26 Cherry St.

William Selick, Mr. and Mrs. Davis, 76 LeRoy St.

Tom Silber, Mr. and Mrs. Frank, 87 Glenwood Rd.

Mark Terminello, Mr. and Mrs. Dominic, 7 N. Browning Ave.

Naida Wharton, Mr. and Mrs. Ralph, 68 Knickerbocker Rd.

Emmy Whitlock, Mr. and Mrs. Robert, 330 Engle St.

Debbie Wismer, Rev. and Mrs. Eli, 18 Wilkins Place.

### 10TH GRADE

Carl Adamec, Mr. and Mrs. John, Litchfield Way, Alpine.

Ted Anton, Mr. and Mrs. Gus, 108 Surrey Lane.

Cori Beychok, Dr. and Mrs. Sherman, 61 Lylewood Drive.

Leslie Deeb, Mr. and Mrs. Edward, 31 Oak Street.

John Duncan, Mr. and Mrs. John, 60 Woodland Park Dr.

Bartley Eckhardt, Mr. and Mrs. Bartley, 98 Dean Dr.

Jayson Forsythe, Mr. and Mrs. Henderson, 204 Elm Street.

Richard Goldner, Mr. and Mrs. Ralph, 166 Riveredge Road.

Cathy Hatfield, Dr. and Mrs. Wendell, 124 Leroy Street.

William Hayes, Mr. and Mrs. William, 26 Royden Road.

Alan Harari, Mr. and Mrs. Joseph, 36 Churchill Rd.

Andrew Jacobson, Mrs. Leonard Jacobson, 85 Buff Road.

Kathy Kane, Mr. and Mrs. Alfred, 128 Columbus Drive.

Beth Katzman, Dr. and Mrs. Merle, 101 Coppell Drive.

Mary Pat Kelly, Mr. and Mrs. William, 32 Norman Place.

Don Kiel, Mr. and Mrs. Morton, 65 Richard Street.

David Klinges, Mr. and Mrs. David, 70 Forest Road.

Jane Kornfeld, Dr. and Mrs. Peter, 64 Creston Ave.

Beth, Laitman, Mr. and Mrs. Danield, 213 Serpentine Road.

David Lefkowith, Dr. and Mrs. Edwin, 98 Walnut Dr.

Phil Levin, Mr. and Mrs. Bernard, 45 Mayflower Dr.

Ross Lilley, Mr. and Mrs. T. R., 25 South Park Dr

Kay Marshall, Mr. and Mrs. John, 49 Walnut Dr.

Leslie Neal, Mr. and Mrs. Rollin, 14 Park St.

Hank Ottley, Mr. and Mrs. Granger, 38 Edgewood Road.

Alison and Chris Ruffley, Mr. and Mrs. Ray, 55 Inness Road.

Liam Schwartz, Mrs. Carole, 120-B Dean Drive.

Bernie Selling, Mr. and Mrs. Ignatz, 65 N. Lyle Ave.

Lee Shaouy, Mr. and Mrs. Philip, 66 Essex Dr.

George Snyder, Mr. and Mrs. Joseph, 29 Kenwood Road.

Jeff Soule, Dr. and Mrs. William, 29 Glenwood Road.

Danielle Srour, Mr. and Mrs. Soly, 6 Whitewood Road.

Rick Steele, Mr and Mrs. Joseph, 101 Walnut Drive.

Dana Vaughn, Mr. and Mrs. Samuel, 23 Inness Road.

Richard Witzig, Mr. and Mrs. Fred, 9 West Ivy Lane.

### 11TH GRADE

Karen Albertsen, Mr. and Mrs. Torkild, 8 Glenwood Road.

Ken Birne, Mr. and Mrs. Alvin, 43 Berkeley Drive.

Bob and Bill Blohm, Mr. and Mrs. Willard, 105 Sussex Rd.

Neil Bressler, Mr. and Mrs. Sidney, 125 Sussex Rd.

Donna Grodjesk, Mr. and Mrs. Joseph, 169 Elm St.

Mal Hargrave, Mr. and Mrs. M. Bates, 41 Joyce Rd.

Beth Hegelein, Mr. and Mrs. William, 166 Westervelt Ave.

Gunnar Hexum, Mrs. Gretha Hexum, 35 Elm St.

West Hiorth, Mrs. M. Hiorth, Dubois Ave., Alpine.

Richard Jaffe, Dr. and Mrs. Ernst, 9 Orchard Place.

Barbara Kelly, Mr. and Mrs. William, 24 Midwood Rd.

Ann Lindeman, Mr. and Mrs. Richard, 144 W. Clinton Ave.

Brian Majeski, Mr. and Mrs. John, 31 Dogwood Lane.

George Palamara, Mr. and Mrs. Joseph, 43 Palmer Ave.

Betty Small, Dr. and Mrs. Bernard, 109 Thatcher Rd.

### 12TH GRADE

George Andrae, Dr. and Mrs. Eric, 31 Stony Brook Rd.

Carol Bertges, Mr. and Mrs. Walter, 114 Sunset Lane.

Al Bolognini, Mr. and Mrs. John, 104 Elm St.

Dick Chaldler, Mr. and Mrs. Charles, 35 Louise Lane.

Bill Goldner, Mr. and Mrs. Ralph, 166 Riverside Rd.

Chris Hatfield, Dr. and Mrs. Wendell, 124 Leroy Street.

Howard Jacobson, Mrs. Leonard, 85 Buff Road.

Debbie Jones, Mr. and Mrs. W. K., 20 Creston Ave.

Dave Kaplow, Dr. and Mrs. Edward, 66 Surey Lane.

Bob Krehely, Mr. and Mrs. John, 36 Oak Street.

Matt Kovner, Mr. and Mrs. E., 118 B. Dean Dr.

Wayne Lilley, Mr. and Mrs. T. R., 25 South Park Dr.

Ray Monroe, Mr. and Mrs. Raymond, 78 Mackay Dr.

John Nastuk, Mr. and Mrs. William, 103 Hillside Ave.

Jim Olsen, Mr. and Mrs. J. A., 6 Porter Ave.

Don Plum, Mr. and Mrs. Russell Plum, Robin Lane, Alpine.

Bob Schults, Dr. and Mrs. John, 237 W. Clinton Ave.

Mark Sorensen, Mr. and Mrs. Holger, 5 Hillcrest Road.

Jay Stephan, Mr. Joseph, Sussex Road.

Bill Zimmerman, Mr. and Mrs. Bernard, 15 Elkwood Terrace.

### COLOR GUARD

Connie Blickenderfer, Mr. and Mrs., 40 Roberts Ct.

Debbie Barrows, Mr. and Mrs. Robert, 71 Downey Drive.

Diane Darrow, Mr. and Mrs. James Church Street, Alpine.

Sue Dunbar, Mr. and Mrs. Howard, 86 Churchill Road.

Judy Enders, Mr. and Mrs. Howard, 93 Surrey Lane.

Cindy Finetto, Mr. and Mrs. Frank, 170 Hickory Avenue.

Nancy Goodman, Mr. and Mrs. Philip, 502 Knickerbocker Rd.
Missy Holmes, Mr. and Mrs. Edward, 175 Westervelt Ave.
Phylis Hutloff, Mr. and Mrs. Harry, 58 N. Browning Ave.
Darleen Hillard, Mr. and Mrs. Harry, 37 Jewett Ave.
Jane Heely, Mr. and Mrs. Roy, 22 Kenwood Road.
Mary Hickey, Mr. and Mrs. John, 224 Hickory Ave.
Carol Khoury, Mr. and Mrs. John, 9 Huguenot Ct.
Carol Krehely, Mr. and Mrs. John, 36 Oak Street.
Laurie LaViola, Mr. and Mrs. Michael, Litchfield Way, Alpine.
Pam and Tory Lerner, Mrs. Constance, 1 Lindley Ave.
Judy Maragliano, Mr. and Mrs. Carl, 183 County Road.
Nancy Miller, Mr. and Mrs. Olsen, 142 Magnolia Ave.
Sue Nelson, Mr. and Mrs. Melvin, 28 Roberts Ct.
Kathy Palamara, Mr. and Mrs. Joseph, 43 Palmer Ave.
Marie and Madeline Postolakis, Mr. and Mrs. George, 4 Day Ave.
Francie Prosser, Mr. and Mrs. F. Woodward, 27 Laurel Ave.
Sue Renaud, Mrs. Barbara, 175 Highwood Ave.
Nancy Redard, Mr. and Mrs. W. Lee, 23 Dogwood Lane.
Wendy Rogers, Mr. and Mrs. Ronald, 20 Roberts Ct.
Terry Schnaars, Mr. and Mrs. Charles, 135 Columbus Drive.
Nancy Selling, Mr. and Mrs. Ignatz, 65 N. Lyle Avenue.
Sue Soyster, Mr. and Mrs. Stuart, 24 Benjamin Road.
Chris Spaulding, Mr. and Mrs., 1 Spruce St.
Barbara Steele, Mr. and Mrs. Joseph, 101 Walnut Drive.
Sue Trnka, Mr. and Mrs. Jack, 15 DeMott St.
Joanne Young, Mr. and Mrs. James, 246 Riveredge Rd.
Monique Srour, Mr. and Mrs. Soly, 6 Whitewood Rd.
Mae Trimarchi, Mr. and Mrs. Carmen, 40 N. Browning Ave.
Sue Moxham, Mr. and Mrs. John, 153 Sunset Lane.

MAJORETTES

Debbie Carter, Mr. and Mrs. Elwood, 165 Engle St.
Sue Kane, Mr. and Mrs. Alfred, 128 Columbus Drive.
Alison Klenk, Mr. and Mrs. Robert, 21 Lawrence Parkway.
Yvonne Lang, Mr. and Mrs. Alfred, 122 Columbus Drive.
Barbara Marana, Mr. and Mrs. Al, 54 Columbus Drive.
Janet Nunez, Mr. and Mrs. Frank, 35 Sunset Lane.
Claire Rauscher, Mr. and Mrs. Edwin, 100 Columbus Drive.
Nancy Rosenberger, Mr. and Mrs. Walter, 11 Woodmere Lane.
Suzanne Sharer, Mr. and Mrs., 73 Lylewood Drive.
Patty Teagno, Mr. and Mrs. Arthur, 99 Westervelt Ave.
Adrienne Watson, Mr. and Mrs. Dirk, 85 Norman Place.

TIGERETTES

Gail Bradley, Mrs. W. Bradley, 363 Knickerbocker Rd.
Jane Davidson, Mr. and Mrs. John, 6 Bradford Ct.
Barbie Fehrle, Mr. and Mrs. Karl, 30 Kenwood Road.
Laurie Graziani, Mr. and Mrs. Richard, 80 Cortlandt Place.
Winnie Kelley, Mr. and Mrs. Edward, 129 Westervelt Ave.
List Moore, Mr. and Mrs. Joseph 49 Rockingham Rd.
Pat Andrews, Mr. and Mrs. Joseph, 171 Hickory Ave.
Sue Lorentsen, Mr. and Mrs. C. Roy, 10 Floral Terrace.

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## WORLD WAR I PENSION ACT OF 1973

## HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ANDERSON of California. Mr. Speaker, no group of patriots has been so often overlooked and so long neglected as those Americans who served, and served valiantly, during World War I.

A number of factors have led to this unfortunate and unjust situation:

The education of a veteran of World I averaged that of about a sixth grader, yet no Government educational assistance was waiting for him when he laid down his arms.

The Government did not help him find employment, as is the case of more recent veterans. Nor were the veterans hospitals available as they are today.

Pension systems, such as social security, were not created until long after World War I ended, and by then most veterans of the First World War were too far along in life to build up maximum social security benefits.

As a result, today we find that approximately 700,000 World War I veterans, as well over half of their total numbers, are scraping out a meager existence on less than $2,500 per year.

The pension system that is in effect is a type of welfare that is beneath the dignity of those who have contributed greatly to our country—not only by their war service—but also through the years as private citizens.

For example, a married veteran of World War I, whose annual income is $500 or less, is entitled to $140 a month pension. No pension is payable to such a veteran whose annual income exceeds $3,800, even though the Government defines "poverty" as an income of less than $4,200 per year.

The veteran without dependents is eligible for pension only if his annual income is less than $2,300.

To correct the injustice that has led to the financial plight of the World War I veteran, I am today reintroducing a proposal which would provide a $150 a month pension for either the veteran or his widow. This pension would be paid to the veteran—not on a welfare basis—but because he earned it defending our country.

Mr. Speaker, of this 5 million who served our country in uniform during World War I, only 1.2 million are still alive and their average age is almost 78. They deserve a pension—not only as a matter of need, but as a matter of right.

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## WASHINGTON POST WOULD IMPOSE ON ASSISTANCE TO EARTHQUAKE VICTIMS IN NICARAGUA

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. RARICK. Mr. Speaker, judging from the scathing editorial on the governing official of Nicaragua, one can only assume that the powers that guide the Washington Post do not like the controlling class of Nicaragua.

To hit at a power structure and seek to exploit the victims of the earthquake must entitle one to a Nobel Prize for yellow journalism.

The Post people dislike American-educated Senor Somoza because he is a general and runs Nicaragua with a strong and firm hand. Perhaps the people at the Post fear describing the conditions in devastated Nicaragua if a man like General Somoza were forced to surrender his power to the masses. Overlooked is the proximity of Nicaragua to Castro Cuba, the constant threat by infiltration from communism, and the unmistakable fact that General Somoza—as well as most Nicaraguans—are close friends and allies of the United States. Even General Somoza's most bitter political opponents concede that there had been great changes in Nicaragua that were benefiting the small landowner, the peasants, and the average citizens. Unmistakably, the earthquake will set back many of the reform programs to the detriment of the poor. But it must be considered a grave disservice to humanity to judge other American people and their government by U.S. standards. Who does lose the most in a calamity like an earthquake? The poor who are cast into other standards of poverty but who have learned to live in their class, or the affluent and ruling class who have invested their wealth, ingenuity, and initiative to improve the welfare of their fellow man but have lost all through no fault of their own? The answer can only be that all have lost—relevancy can only be measured in worth.

As one American, I feel it highly reprehensive for a major newspaper in our Nation's Capital to even suggest that before we use the enormous funds and programs of our country to help the destitute victims of Nicaragua, we require strings on our charity requiring the recipient to remake the country to please some newspaper editorial writer.

Russia, Red China, North Vietnam, and a myriad of other Communist nations are also headed by strong men or dictators. Some may wonder whey the Post writes only glowing stories of our trade and relief to these countries.

As one average American, my opinion of General Somoza as a leader of his people has been enhanced by this unfortunate and certainly untimely misuse of the free press in our country.

The full text of the editorial from the January 9, 1973, Washington Post follows:

### AN OPENING FOR CHANGE IN NICARAGUA?

As the international community ponders the forms in which to offer special assistance to earthquake-stricken Nicaragua, it would seem not only fair but necessary to ask why the victim of a natural disaster should get more sympathy and aid than a country whose misfortune stems in large part from its government's misrule. The first and easy answer—that earthquakes are non-political and deserving of a humanitarian response—undeniably has a certain appeal; the Nicaraguan government, notoriously indifferent to matters beyond its own narrow leadership's enrichment and power, has been plugging it hard. As Nicaragua moves out of the canned-milk and tent-city stage of immediate relief requirements, however, the question becomes more real.

Plainly, no one concerned with the overall welfare of Nicaragua could countenance withholding relief in the expectation of forcing political change: the Somoza family would loudly protest, cushioned by its wealth, while the poor suffered. At a certain point, though, it becomes possible to stop thinking of Nicaragua merely as the scene of an earthquake and to regard it instead as a country whose woeful under-development has been exposed and deepened by the current crisis. At this point, the focus of outside effort turns from "rebuilding" and making the earthquake victims whole—a focus bound to serve, say, such major owners of damaged business-district property as the Somoza family—to "development" and the general welfare.

Development is coming increasingly to be understood as improving the lives of poor people: getting to them more income, more services, more jobs. Why should not the international lending agencies, especially those lending tax-provided funds, design projects which serve these particular goals? Such projects—aimed specifically at relieving poverty rather than just encouraging a statistical increase in economic growth—need not and should not be limited to Nicaragua. But Nicaragua is a good place to have a go at it, if only because its form of government is what it is.

Now, for an agency like the Inter-American Development Bank, for instance, to work in this way is not particularly congenial or simple. Since General Somoza has asked for special help, however, he is open to some reciprocal requests in turn. He might consider what it would do for his family's reputation to be seen as a statesman who used his nation's latest natural crisis as a lever for improving the lot of its poor. He could consider how embarrassing it would be to him, and how harmful to public confidence in hemispheric cooperation, if it were later found that he had manipulated international sympathy chiefly for his family's and friends' benefit. The general might begin by publicizing a list of the family's holdings—those damaged by the quake and those not. He might then report what portion of these holdings he intends to devote to national reconstruction. That done, he could proceed by inviting his people, in a real election, to sanction a new and somewhat more responsive style of rule.

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## TO STOP DEGRADING VARIOUS ETHNIC GROUPS IN THE MEDIA

## HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ANNUNZIO. Mr. Speaker, last week I reintroduced a House Resolution expressing the sense of Congress against production and distribution of films that degrade racial, religious, and ethnic groups. This resolution had a total of 72 cosponsors in the 92d Congress demonstrating a deep-seated concern over the intolerable situation which has been perpetuated by our mass media. Because of the continuing need for the Congress to express itself on this urgent matter, I am bringing this problem before the attention of my colleagues again in this session.

As an American and the son of Italian immigrants, I am only too well acquainted with the innuendoes, the guilt-by-association techniques, the sick jokes, and the countless other vicious, contemptible and cruel methods employed by our mass media to degrade members of ethnic and minority groups.

It is high time that a halt is called to the scurrilous portraits of ethnic Americans which the media not only allow but seem to encourage. Everyone knows that Polish-Americans are no less lacking in intelligence than other Americans, that Italian-Americans are no more hoods and crooks than other Americans, just as Mexican-Americans are no lazier or devious than the rest of us.

Such inexcusable slurs upon the dignity and integrity of ethnic minorities are not only an affront to the fundamental American concept of fairplay but more importantly, constitute a destructive attack upon many of those very individuals who have contributed in lasting and tangible ways to the building of this Nation—a nation which by its very definition is comprised of immigrants from every corner of the globe.

Indeed, Mr. Speaker, such revered names as Christopher Columbus, the great Italian navigator who discovered America; Dr. Enrico Fermi, the Italo-American who is regarded as one of the greatest physicists of our time and the father of nuclear energy; Gen. Casimir Pulaski, the eminent Polish nobleman who first established our American cavalry and gave his life for our freedom in the American Revolutionary War; Thaddeus Kosciuszko, the Polish patriot who fought in our Revolutionary War and engineered the fortification of West Point; and so many others too numerous to mention without whose contributions America, the greatest democracy on earth, would perhaps never have flourished.

The most remarkable aspect of America is its diversity. That composite of cultures which has gone into the making of America has produced one of the richest, most exciting, most vital societies in history. It is from this diversity that the greatest of America springs, and it is the triumph of America that, out of such diversity, has come that mingling of traditions, temperament, and cultures which personifies the American Union.

Assimilation does not necessarily require elimination of ethnic attributes, however. Much of the ethnic flavor introduced by thousands of immigrants is of a lasting and enduring nature, and the people from faraway lands change America, even as America changes them.

It is a tragic commentary upon our times that those ethnic groups and minorities who have managed to retain a vestige of their original national identity—while at the same time assimilating the best concepts of democratic society—should be made to suffer most acutely by motion pictures and television programs which demean their identity.

Italian-Americans, Polish-Americans, Greek-Americans, Mexican-Americans, black Americans, and members of every other minority and ethnic group, who by their vigor and pride have contributed so much to America's strength and greatness—have every right to be free from the harm directed at them by thoughtless panderers of hatred and discord. Every minority group is justifiably proud of its ancestry, its accomplishments, and its contributions to the advancement of world civilization. When we destroy this pride in "self"—we destroy the very quality Americans possess that has made America great.

For too long the intolerable situation of defaming minority groups in mass media has been allowed to exist, and the time is long overdue for the movie and television industries to do much more than the little they have done in the past to eliminate the discord, racial strife, and hatred they are peddling, and to reunite our country and rededicate us to the spirit of brotherhood in which our Founding Fathers established our great democracy.

I want to make it clear that this resolution has not been introduced for the purpose of censuring the motion picture and television industries. We all know that they are fully protected by the Constitution and the Supreme Court of the United States which guarantee the freedoms they enjoy, but at the same time, a serious question has been raised in the minds of millions of Americans about the abuse of their privilege of informing the public and disseminating information and news.

The press, radio, and television have been derelict in their responsibility to help create a society in which people are proud to make a contribution to their country, and are proud to respect their own heritage and their institutions. In America, the lack of respect that exists today for family, for the church, and for our institutions, has undermined our people as well as our confidence in the direction our Nation is taking. One reason this situation continues to exist is because we have permitted the mass media to ridicule and to stereotype our minority groups by using such repugnant words, as "wop," "kike," "nigger," and "polack."

When such derogatory terminology is used, it can only encourage dissension, and as a result, today we have blacks fighting whites, and one ethnic group pitted against another. The day of reckoning is finally upon us. Mass media must evaluate its policies and honestly answer these questions: Are they causing confusion and frustration? Are they abusing their privilege and responsibility of informing the people? Are they encouraging the type of struggle that pits one human being against another simply because of their racial or ethnic origin?

The power of the press, television and

motion pictures over mass behavior and public attitudes is manifest in many ways. This "power" was recognized many decades ago, even before the advent of television and motion pictures, when Napoleon I said,

> Three hostile newspapers are more to be feared than a thousand bayonets.

And even more recently, our Vice President, Spiro Agnew, is quoted as saying,

> The power of the networks (are) equal to that . . . of local, state, and federal governments all combined.

Such statements are good indications of the vast power of today's media to influence public attitudes.

With open conflict and mistrust all over the world, it is imperative that the leaders who help to mold and develop public opinion in the United States assume the responsibility for creating unity here at home so that we can become strong and united as a nation to meet our obligations abroad. We must show the world that our democracy has real meaning, that we are a nation of nations, that we revere and respect our institutions, and that we are ready to defend ourselves and our principles of democracy anywhere in the world.

Congress must speak out forcibly on behalf of our ethnic groups and our minority groups which have contributed so much to the greatness of this country, and in return, deserve nothing less than its respect.

There is no doubt that those individuals who control the media are to a great extent abusing the protection of the first amendment, and in so doing, they are undermining the very principle of respect for individual rights which is guaranteed to every American as his birthright.

I, therefore, urge that this resolution be favorably considered as promptly as possible in order that the Congress may have the opportunity to go on record as vigorously opposing all defamatory activity directed against America's dedicated minority groups by the news media in the United States.

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## DR. HAROLD F. McNIECE

## HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. CAREY of New York. Mr. Speaker, it is with deep regret that I call to the attention of my colleagues the untimely death of Dr. Harold Francis McNiece, professor and former dean of the St. John's University School of Law. In his lifetime, Dr. McNiece distinguished himself as an outstanding author, educator, and humanitarian.

I insert at this point the eulogy delivered by Rev. Msgr. Charles E. Diviney, V.G., pastor of Saint Charles Borromeo Roman Catholic Church, 21 Sidney Place, Brooklyn, N.Y., on December 30, 1972.

In addition, I insert a short biography of the distinguished gentleman's life:

### EULOGY FOR HAROLD McNIECE, DECEMBER 30, 1972

All the flowers on the altar today have an intrinsic beauty of their own. But there is one plant that has an added loveliness. This is why.

Last week when I returned to my room I found it on the coffee table along with this note, which I quote verbatim. "We are students at St. John's Law School and we want to remember Professor McNiece in a special way this Christmas. Since the Professor won't be able to be at Mass in his own church this season we thought maybe you would place these flowers on the altar in his name. We realize the church will be banked with pointsettias, but if you wouldn't mind maybe you could see that this one goes right on the altar.

We send this flower not only as a prayer for his recovery, but in thanksgiving for having had the privilege of his wit and wisdom in the classroom and the contact with his good and gentle nature. If you could do this we would be very grateful."

It was signed by nine of his students.

Unfortunately, due to the mysterious designs of Divine Providence, he did not recover. Therefore we are here to mourn our loss but not in a spirit of inconsolable anguish or bitter sorrow but rather as the students put it so well, in thanksgiving for being enriched by knowing him whether as a relative, teacher or friend. Every life in this church and every life he touched in any way was enobled by that experience and it was enobled exactly as the letter said by his wisdom, wit, goodness and gentility.

His academic achievements testify to his scholarship. A B.S. Cum Laude, and an L.L.S. Summa Cum Laude and a Doctor of Jurisprudence. As the fruit of the combination of a brilliant mind and a thorough training and grasp of his profession he produced at least three books and thirty-eight articles in various learned periodicals and publications.

But as St. Thomas once said, wisdom is more than mere knowledge. It is the ability to use what you know in a pragmatic, practical and useful way. And in a science such as Law, wisdom is the indispensable ingredient to make it an instrument of Justice whereby the rights of all men are not only protected but revered and respected. Evidence of his wisdom can be found in many and varied places but most of all in the monument he built to the value and worth of the law in our society. It is constructed not of marble or bronze but much more precious material, the living stones of his myriad of students during the twenty-six years as Professor and Dean of St. John's Law School.

This same wisdom was utilized and expanded also in a number of quasi-judicial assignments, legislative commissions and special committee works. Plus an extraordinary amount of work for the Bar Association and on Boards of Trustees for educational, philanthropic and charitable institutions. To him the law was not merely a sword to cleave through the inequities of the world but more importantly a shield to protect the innocent, the poor, the alienated and the forgotten and neglected segments of our society.

However, what made him such a delight to be with was his lack of pretense and absence of all pedantry. He was as much at home with any one of his many god-children as he was with the outstanding members of his profession be they lawyers, judges, professors or legislators. This pleasure of his company was further enhanced by his wit. A wit that was sharp but never hurtful, that was clever but never derogatory or harmful. As a matter of fact, it was a means whereby he was able to conceal the amount of physical and psychical suffering he had to cope with for years.

For the past twelve years he underwent a series of physical catastrophes that would have crushed a weaker spirit. Yet no word of complaint ever crossed his lips.

This was but the crown of a lifetime of psychic hurt that he must have had to endure but to which he never alluded, because of an infirmity that would have engulfed any spirit less hardy than his own. It was an unforgetable lesson to all of us who sometimes moan and groan over some much less trying difficulty of either spirit or flesh.

Perhaps this is why he was so gentle to everyone. Aware of his own internal and psychical anguish he seemed determined never to add to another's burden by an unkind word or deed. That is why he could for all his manliness be so tender and compassionate to others whether the other be someone as close to him as his sister Florence during her sickness, or his little twelve year old friend, Matthew Thornton, who although doomed to die, spent some of the happiest and last hours of his short life with just Harold in his waterfront apartment, or perhaps one of his many students whose problems were his problems and whose anxieties were lessened because they knew someone cared.

One time a very famous man was being buried from St. Patrick's Cathedral which was jammed to the doors with an overflow crowd. Someone approached a policeman on duty and said they just had to get in because they were a friend of the deceased. The policeman replied, Sorry I can't help you because everyone is a friend. And I think this is true this morning. We all share this gentle man's friendship and believe that—

> "Two things upon this changing earth
> Can neither change nor end:
> The splendor of Christ's humble birth
> The love of friend for friend."

The last quality his students alluded to in their note was his goodness. This was a quality that was obvious in his countenance, in his devotion to the Eucharist, in his complete faith. Father John Flynn, former President of St. John's once said to me that he admired Harold's childlike faith. Notice he said childlike, not childish. By this I believe he meant that once he convinced himself, by rigorous self-analysis that the motives of credibility for his faith were sound, he believed with unswerving fidelity.

Because belief is the motive and well-spring of morality, he could then live up to his Christian ideals sincerely, persistently, and without hesitation or doubt.

The philosophers and theologians tell us that goodness has a tendency to diffuse itself and thus the good man will help all who come in contact with him reflect in some way that goodness also. That, I believe, is the final legacy of this gifted and rare spirit we now commit to God's mercy and judgment.

May I conclude with a quotation from another letter I received this week from a woman I knew in Arizona whose brother had just died. She wrote: "Jim had been in advertising. The priest who knew Jim well ended his funeral eulogy with these words—'The advertisement read, Wanted: a man of God. Position filled.'"

And as we continue to pray together for him in this Mass we offer our sincere and heartfelt condolences to his family, especially his sister Florence, his brothers George and John, and all his friends, particularly his alter ego, Kevin Fogerty, his colleague in the Law School, and legal profession. We also should remember in our sorrow the words on his memorial card, his life is but changed, not ended. Therefore in the words of another great lawyer, Thomas More, as he went to his death, "May we merrily meet in Heaven." Amen.

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### BIOGRAPHY OF DR. HAROLD F. McNIECE, 1923–72

Dr. Harold Francis McNiece, Professor and former Dean of St. John's University School of Law, died on Wednesday, December 27, 1972 in Brooklyn Hospital.

Dr. McNiece was born in New York on March 20, 1923, graduated cum laude from St. John's University in 1944 and summa cum laude from the Law School in 1945. He received a Doctor of Juristic Science degree from New York University in 1949. He joined the Law School faculty in 1946 after being an associate with the law firm of Davis, Polk and Wardwell for 1 year following his graduation.

Named a Professor in 1951, he became an Assistant Dean in 1954, an Associate Dean in 1957 and Dean in 1960. He was on the Board of Trustees of Cathedral College of the Immaculate Conception, a past president of the Brooklyn Society for the Prevention of Cruelty to Children and a past president of the Catholic Lawyers Guild of Brooklyn. Dr. McNiece was a member of the American Bar Association, New York State Bar Association, Association of the Bar of the City of New York, Brooklyn Bar Association, Federal Bar Association and American Judicature Society.

In the early 1960's, he served as vice chairman of the Joint Legislative Committee to Implement Court Reorganization, as chairman of the advisory council of the Joint Legislative Committee on Matrimonial and Family Law and as a member of the Executive Committee of the State Conference on Legal Education. He had also served as Executive Director of the Judiciary Committee of the New York Constitutional Convention and as a member of the Advisory Council of the City Board of Public Welfare.

In 1962, he received the highest award conferred on faculty members, the President's Medal of St. John's. He also won the Distinguished Service Award of the Brooklyn Chamber of Commerce, a Distinguished Achievement Award from the Brooklyn Bar Association and the Human Rights Award of the State Division of Human Rights.

In 1963, Dr. McNiece acted as special master in taking testimony on the 1960 air collision of United and Trans World Airline planes in New York. All 128 persons aboard the two planes and six persons on the ground were killed.

The author of case books on torts and on security transactions, Dr. McNiece, in collaboration with Dr. Paul Dudley White, wrote "Heart Disease and the Law", under a grant from the U.S. Public Health Service.

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## HAIL TO THE CHIEF—OUR PRESIDENTIAL INAUGURATIONS

## HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. BRAY. Mr. Speaker, in 1969 the late Senator Everett M. Dirksen wrote of presidential inaugurations:

> It is entirely appropriate then, that when the people have made their choice that the transfer of governmental responsibility take place publicly, and with the dignity and solemnity commensurate with the investiture of leadership "of the people, by the people, for the people." The inauguration is visible and demonstrative public evidence of the unity of the people of this great nation of ours and of the continuity of orderly patterns of government.

A presidential inauguration may be a transfer of power from one administration to another. If the Chief Executive succeeds himself, then it is a symbol of continuity of government. No matter the occasion, I still believe that basically the American people view an inauguration in the same sense as the literal translation of the word itself from the Latin: "to consecrate or install under good auspices or omens."

The auspices and omens have not always been good, either for the man, or for the Nation. Yet, I believe there is something peculiarly and indefinably American about our inaugurations. Down through all of our history, from George Washington's in 1789, they had had elements of drama, tragedy, and comedy that paint some of the brightest dashes of color on the pages of our American annals.

It basically makes no difference which party won when it comes to viewing the ceremony for what it is, what it has come to mean to us as a people, and the symbolism we have invested it with. It makes no major difference whether the ceremony is strictly traditional, nor whether it sees innovations never known before. It is ours, exclusively ours, and it always has been.

I spoke of tradition in the ceremonies; there is one that actually goes back centuries. "Hail to the Chief!" is familiar to all of us, not only on Inauguration Day but at other ceremonies to herald the arrival of the President. But the tune is old, centuries old, so far back it cannot be traced. It was first heard in the rant and skirl of Scottish pipes and must have, over the centuries, sounded across the length and breadth of that land they call the Lion of the North, over the Isles of Skye and across the waters of Loch Rannoch, around the summit of Ben Lothian and down the slopes of the Great Glen, as it was played to announce the arrival of the Chieftain to a clan council.

And there are words; they come from Sir Walter Scott's "The Lady of the Lake," Canto II, Stanza 19:

> Hail to the Chief who in triumph advances!
> Honored and blessed be the ever-green pine!
> Long may the tree in his banner that glances,
> Flourish, the shelter and grace of our line.
> Heaven send it happy dew;
> Earth lend it sap anew;
> Gaily to bourgeon and broadly to grow.
> While every highland glen,
> Sends our shont back again:
> Roderigh Vich Alpine, Dho! Ho! Ieroe!

"The Lady of the Lake" was first published in 1810. The first recorded use of "Hail to the Chief!" during an Inaugural was for James Knox Polk, on March 4, 1845. James Sanderson, an American of whom absolutely nothing else is known, put the words and music together. But John Philip Sousa, the March King, who should have known if anyone would have, always said it was impossible to determine when Sanderson did this, or when the melody was first played in connection with an American President. The Polk Inauguration was the first of which we know for sure.

Our first Inaugural, Washington's in 1789, had about it elements of confusion and at times almost of comedy that have never been duplicated since. To begin with, the First Congress of the United States dawdled about getting enough Members together for a quorum to even make the election of Washington, as President, and John Adams, as Vice President, an official matter.

The last act of the Continental Congress specified that its successor should convene in New York March 4, 1789, to take the results of the Electoral College. There was a negative feeling toward the Congress, not only among the public at large but even among its own Members. Repeatedly, less than a quorum appeared; this meant one adjournment after another without any business, and this went on for a month.

Not until April 6 did a quorum show up, after the country began to complain. The next day couriers sped to notify Washington and Adams of what both had known for a month.

Like the first observance of anything, there was confusion, and it all began over a title for the new Chief Executive. John Adams held out for "His Most Benign Highness." The Senate favored "His Highness, the President of the United States of America." Fortunately for the country, the House of Representatives, whipped into line and nudged by the sharp-tongued frontier Representative William Maclay, from Pennsylvania, said what was in the Constitution was enough: "President of the United States." Washington did not want any title at all.

For the record, some other suggested titles: "Excellency"; "His Highness, the President of the United States and Protector of Their Liberties"; "His Serene Highness"; "His Mightiness".

On the appointed day, Thursday, April 30, 1789, the Senate still wrangled over protocol. How should Washington be received? Should he be invited to take a chair? Where? John Adams looked at the crimson chair that symbolized his office. Two men could not sit on it, obviously, so should he give it to Washington? Adams, in frustration, turned to the Senate:

> Gentlemen, I feel great difficulty how to act. I am Vice President. In this I am nothing, but I may be everything. But I am president, also, of the Senate. When the President comes into the Senate, what shall I be? I wish, gentlemen, to think what I shall be.

Then someone suggested maybe Washington would not want to sit down. After all, he was coming to make a speech and he would probably do that standing up.

The Senate passed to weightier matters. What about the House of Representatives, when they came into the Senate Chamber? Should they stand, as the House of Commons stood in the House of Lords, for a joint session of England's Parliament? Then someone remembered Commons stood because there were not seats for them in Lords, and for no other reason.

All right, then, but how do we receive the Speaker of the House? Easy—send the Sergeant-at-Arms to the door of the Senate with the mace. Then they remembered they had neither Sergeant-at-Arms nor mace.

About then, the door to the Senate Chamber opened and the Speaker followed by the Representatives pushed his way in. He had his own problems. According to schedule, the congressional escort was to meet Washington at Franklin House at 11 a.m. to accompany him to Federal Hall for the inauguration at noon. It was now well after 11. Do you not think, gentlemen . . . ? Due to jammed streets, the escort got there 1 hour and 10 minutes late. But they managed to get back with Washington.

He was led to the second floor; John Adams was waiting for him inside the

Senate door. He accepted the applause of the joint Congress, unsmiling, then there was silence. Washington looked around for a place to sit down, spotted Adams' crimson chair, and took it. He became aware the Congress was waiting for him, so he said to Adams, "I am ready to proceed."

But no one had arranged anything further. Washington realized this, so he walked to the doors to the balcony at the far end of the room. Adams fell in behind, with Chancellor Robert R. Livingston of the New York judiciary, followed by Secretary of the Senate Samuel Allyne Otis. The congressional escort fell in behind; this group jostled for space on the balcony while the rest of the Congress scrambled for a view from the windows.

He took the oath; Livingston paused a moment, then, softly, said, "It is done." He then turned to the watching crowd below and shouted "Long live George Washington, President of the United States." The crowd cheered; church bells rang; cannon thundered from ships in the harbor. There would be more celebration that night, with a week of parties, and America's first Inaugural Ball on May 7—Martha Washington missed it, as she was still in Virginia, but George, who loved dancing, was always first on the floor. America's first inauguration was over.

John Adams' inauguration, in 1797, was quite drab. Adams loved pomp and ceremony, but there was not any. No show of any kind. Not even a band. No one escorted him from his lodgings. Not even a member of his family was there. He did buy a new carriage; Adams felt it was "simple but elegant enough" but the Philadelphia press—where the seat of the Federal Government has moved—sniffed at it because it was drawn by only two horses.

There were more trials for Adams. George Washington showed up and stole the show. Adams had no reception, no banquet, no ball. Everything was centered around Washington. So, after his inauguration, John Adams went back to his boardinghouse for lunch, as usual, at the head of the table. He then went to his rooms. His only caller was Washington, who stopped to say goodbye. Adams had dinner, as usual, and went back to his rooms, and to bed early, but could not sleep so got up and sat down to write his wife a letter that began:

> My Dearest Friend: Your dearest friend never had a more trying day.

Neither of Jefferson's inaugurations had any special ceremony about them, but during the second an incident occurred that was a prelude of what was to come. Jefferson knew hundreds poured into Washington for the event; he reasoned that this was the only chance they had to see the new Executive Mansion, so he told the Washington press that it would be open on Inauguration Day for anyone who wished to inspect it. Mistake: by the time the hordes of visitors poured in, they were much the worse for wear from Washington's numerous bars. The East Room was not yet finished; the cry went up that there was a good place to get souvenirs, and when the mob departed not only was the East Room in a shambles but the tools used by the carpenters and painters had disappeared.

Not until 1817 were inaugurals—except Washington's first—held outdoors; they were all indoors, either in the Senate or the House. They might be there to this day, except for the pique of Henry Clay.

After the city had been burned by the British in August 1814 the residents of Washington feared the seat of Government might be moved. To head this off they raised money to build a temporary Capitol building at First and A Streets, Northeast. Known as Congress Hall, the two-story red brick building went up in 4 months.

President-elect Monroe indicated he would take his oath in the House Chamber, since it was larger than the Senate's. Henry Clay, Speaker of the House, irked because he had not been named Secretary of State, said Congress Hall was not built strongly enough to take the weight of the expected crowd. Monroe did not argue about it; he knew what had moved Clay, so he announced he would take the oath outdoors. Also, this was the first time the Marine Band was to play.

In 1825, John Quincy Adams' inauguration saw several firsts. Outgoing President Monroe escorted Adams to the Capitol, starting a precedent which continues to this day. Adams was also the first President inaugurated in long pants. And, another first, probably never to be repeated, was former President John Adams, now 90, coming down from Massachusetts to see his son sworn into the office.

Andrew Jackson's election as President in 1828 did not please a lot of people. As the city filled for the inauguration, they made no secret of their displeasure: Daniel Webster:

> I have never seen such a crowd here before. Persons have come five hundred miles to see General Jackson, and they really seem to think that the country is rescued from some dreadful danger!

One observer said, "it was like the inundation of northern barbarians into Rome," gazing in disgust at the small farmers and backwoodsmen who bought Jackson-style neckties, and patronized barbers advertising Jackson-style haircuts, sleeping five to a bed or on pool tables.

"The reign of King MOB seemed triumphant," growled Supreme Court Justice Story.

"The country is ruined past redemption," moaned John Randolph of Virginia.

The sky had clouded over, but at the exact moment Jackson's party stepped out onto the inaugural platform, the sky cleared and a brilliant sun broke through. This was too much for the crowd; they sent up a prolonged roar that kept up until Jackson had made his way to the podium.

The White House reception that followed is legendary. It is said the White House had the worst mess since the British invasion in 1814. Crowds poured into the East Room; the punch was faced with whiskey and as one sodden mob was pushed out, a fresh batch shoved its way in. Women fainted; fights broke out; children were handed out of windows. Jackson was pushed back into a corner; a flying wedge of men rescued him, then a frantic White House staff began moving the punch tubs out onto the lawn. The crowd followed; the tubs went farther and farther away until they were outside the gates. So followed the crowd.

Every inauguration had attracted crowds but Martin Van Buren's in 1873 set a record for the time. For the first time in history various political clubs sent delegates. Every possible bed was full with as many occupants as could be crammed into it. Enterprising stables rented bales of hay; one group of Bostonians paid to take turns dozing in the chairs of a barbershop.

Zachary Taylor, inaugurated in 1849, had been a soldier all his life and was proud of it. His inaugural parade had a distinctly military flair, with the odd addition of a band of Chippewa Indians. Taylor had once given their tribe a fearful thrashing, but they seemed to have forgotten it. The crowds were entranced; the Chippewas, getting into the spirit of things, got up at dawn on Inauguration Day and began a victory dance in Taylor's honor. Their own enthusiasm, plus the approval of the crowd, kept them going; they leaped, chanted and screeched for hours.

Taylor's main event for the day, the Grand Inauguration Ball, had 230 sponsors who were among the crowd that cheered wildly when Taylor entered. One of the sponsors was a young Whig Congressman from Illinois named Abraham Lincoln. Taylor stayed until 1 in the morning; the ball roared on until 4.

Then, when the weary guests went to get their coats and hats, they found the servants had fled. A mammoth mound lay piled in the middle of City Hall lobby. There had already been flurries of fights over the food; the sight of a Gibraltar of clothing led to a fresh outbreak, punctuated by curses of men and weeping of women. Somewhere, outside, trudging to his rooming house, bareheaded in the blizzard, was Abraham Lincoln. His hat was somewhere in the pile but he did not care to stay around and fight for it.

Allan Pinkerton, the Illinois detective, caught up with Abraham Lincoln in a Philadelphia hotel room near the end of February 1861. The President-elect was on his way to Washington; Pinkerton added his warnings to one the new Secretary of State, Seward, had sent the day before, as well as a letter from Gen. Winfield Scott. There was a plan afoot to kill Lincoln when he went through Baltimore and Pinkerton wanted Lincoln to head for Washington at once on a one-car special train.

Lincoln refused; he was scheduled to address the Legislature and raise the flag over Independence Hall for Washington's Birthday. Lincoln brushed them aside; Jefferson Davis' inaugural address had just been released, and he wanted to read it.

Pinkerton left, got the services of John Nicolay, Lincoln's secretary, and cooked up a plan which, with some difficulty on their part, Lincoln agreed to. The flag-raising in Philadelphia and the legislature visit in Harrisburg went as scheduled. Then, Lincoln was hustled to the Governor's mansion, dressed in a Scottish shawl and tam, and taken by servant's door and back alleys to the rail yards. A special train for Philadelphia was waiting; the moment it left, men cut the telegraph wires out of Harrisburg and stopped all railway traffic. If anyone knew the President-elect was on his way, they could not tell anyone else.

In Philadelphia the train stopped in the outer yards and Lincoln was led to the regular Washington sleeper. A section for three had been reserved under false names. Lincoln took the middle; on either side two Pinkerton men, drawn revolvers in their laps, sat awake. The train passed through Baltimore safely and at 6 in the morning Lincoln was in Washington. A wire went to Mrs. Lincoln in Harrisburg: "Plums delivered nuts safely."

There were more stories to come. A secret organization of Carolinians, known as the Minute Men, had sworn to be in Washington on March 4 with rifle and revolver to prevent inauguration of an abolitionist President. There was an Alabama conspiracy to burn the Capitol and the Treasury. Twenty-five Texans, armed with knives, were going to stab the President in his carriage.

Oddly enough, Lincoln was more or less left on his own in the city until Monday morning, March 4. Then someone remembered; mounted couriers dashed through the city and within the hour the tramp, tramp, tramp of a contingent of Federal troops was heard in the vicinity of the Capitol.

President Buchanan planned to call for Abraham Lincoln at Willard's Hotel at noon, but was late. When the two came out, there was Buchanan's closed carriage waiting for them. Lincoln demurred; he wanted an open carriage to see the crowds and so they could see him. Parade officials muttered; a six-horse barouche was brought up; more orders went out, and as soon as the carriage moved away from the hotel, Federal cavalry units moved down upon it from each side.

The procession moved up Pennsylvania Avenue. Cavalry patrols were at each cross-street as they passed, the men heavily armored. As they pulled up in front of the Capitol, muzzles of sharpshooters' rifles gleamed from the Capitol windows. Barely visible over the rise of a hill opposite was a battery of artillery. No one was taking chances on anything.

Vice President Hannibal Hamlin was sworn in, with ceremonies in the Senate chambers. The dignitaries moved toward the door, but no one wanted to be first on the platform. Finally Senator Stephen Douglas, of Illinois, loser in the election, headed the line. Lincoln was the last to appear.

Five weeks later the country was fighting itself.

In 1865 the Civil War was still on but the worst was over, and the end was in sight. It was clear it would last only a short time. The evening before, Friday, March 3, Lincoln was in his office until past midnight, studying and signing legislation, and was at it again in the morning of Inauguration Day. He was touchy about this; he allowed no one to influence him on a bill he did not approve. One Representative, sponsor of a particular reconstruction measure on his desk, kept hovering around the door. Lincoln lost his patience:

> I told you twice, goddammit—no.

One of the ugliest incidents on record dealing with inaugurations came when Vice President Andrew Johnson of Tennessee was sworn in in the Senate chambers. He was still recovering from typhoid fever and at first had not wanted to come at all. Lincoln insisted; it would, he said, be safer.

Johnson had come in to Washington Friday evening and spent the evening drinking with friends. Saturday morning, before he took the oath, he had a bad hangover, and knew it. Thinking the hair of the dog would help, he asked for some and was given brandy. By the time his ceremonies were ready he was shambling drunk, and the performance ruined him forever.

Lincoln's party crossed through the rotunda of the Capitol toward the platform. As they did so, a young man broke police ranks and almost grabbed him. A would-be assassin? The police questioned him, then let him go. It was John Wilkes Booth, who proceeded to find himself a spot to view the proceedings outside on the Capitol steps.

It had been raining all morning but the crowd was large and in good humor. It was right at 1 o'clock when Lincoln stepped onto the platform and approached the lectern. What happened next was, for many, like during Jackson's Inauguration, a sign of good fortune: the clouds broke and a shaft of sunlight flared down onto the Capitol building.

The next day was Sunday, so festivities were put off until Monday, when the official inaugural ball was scheduled in the new Patent Office Building. A grand buffet was promised, with tickets at $10 apiece, and a man could bring as many women guests as he wished. The Lincolns arrived at 10:30; the supper buffet was scheduled for midnight in the west room, which could accommodate about 400 at a time. The idea was good: the guests would come in groups of 400 each, eat, then leave.

It did not work that way. When the doors were opened all 4,000 tried to storm the door at once. The President and Mrs. Lincoln viewed the scene, amazed. "It looks," said Mrs. Lincoln, "like a scramble." "Well," her husband responded, "it appears to be a very systematic scramble." They left, with the help of a friendly waiter who took them out the back way.

Lincoln's second inauguration at the Capitol was recorded by the camera and what we have today is a photo that surely must rank as one of the most morbidly fascinating of all time. The shadow of peace was on the country, yet, the shadow of death hovered over Abraham Lincoln. He himself sensed something, and had told friends and relatives of strange dreams. In one, he found himself in the White House, and was told the President was dead. In another, he had dreamed of a ship putting out into the darkness.

Looking, today, at that picture recording an event now over a century old, one feels it was staged by the Fates, and that somewhere, overhead, the flapping of the wings of the Furies could have been faintly heard. For Abraham Lincoln, the "harry of midnight cavalry" was still riding the wind. There, in the crowd, caught by the camera with thousands of others—and historians have now made positive identification of the faces—were John Wilkes Booth and four other conspirators of the Lincoln assassination.

Grant's first inauguration in 1869 gave many people a chance to see, for the first time in person, a man who was nearly legendary to the country at large. His composure impressed everyone; he knew every eye was on him. He read his speech in about 10 minutes, in a voice so low it could not be heard over 15 feet away, but the crowd did not mind. They were more interested in something else. As he came to the end of each page, he carefully wet his thumb and forefinger before turning it; the crowd was delighted with the sign that their President was just a plain, simple man.

But there was one other incident as well, probably one of the most touching in all inaugural history. Little Nellie Grant, his daughter, was on the platform, wedged in with the rest of the family behind the Supreme Court. Just as her father was finishing, Nellie left her seat, walked to her father's side, and stood there holding his hand as he read the last words. At the end of his speech, the crowd roared its approval for Nellie as well as for her father.

Grant's second inaugural was the coldest on record—winds of 40 miles an hour, and the temperature at 16 above. This led to the most mammoth failure of an inaugural ball ever known.

Past inaugurals had meant traffic jams, confusion, crowding, so this time the inaugural committee had a temporary building erected on where Judiciary Square is now located, at $40,000. They were determined to do everything right; nothing was spared for decorating, nor for food; the list is worth repeating:

> Ten thousand fried oysters; 8,000 scalloped oysters; 8,000 pickled oysters; 63 boned turkeys; 75 roast turkeys; 150 capons stuffed with truffles; 15 saddles of mutton; 40 pieces of spiced beef, each weighing 40 pounds; 200 dozen roast quail; 100 50-pound game pates; 300 tongues and 200 hams, ornamented with jelly; 30 baked salmon; 100 chickens; 400 partridges; 25 stuffed boars' heads; 40 10-pound pates de foie gras; 2000 head-cheese sandwiches; 3000 ham sandwiches; 3000 beef-tongue sandwiches; 1600 bunches of celery; 30 barrels of salad; 2 barrels of lettuce; 350 chickens and 2000 pounds of lobster and 6000 eggs, all boiled for salad; 1 barrel of beets; 2500 loaves of bread; 8000 rolls; 24 cases of Prince Albert crackers; 1000 pounds of butter; 300 17-pound charlotte russes; 200 moulds each of wine jelly and blanc mange; 300 gallons of ice cream; 200 gallons of flavored ices; 400 pounds of pastry; 150 large cakes; 60 pyramid cakes; 25 barrels of Malaga grapes; 15 cases of oranges; 5 cases of apples; 400 pounds of mixed candies; 10 cases of raisins; 200 pounds of shelled almonds; 300 gallons claret punch; 300 gallons of coffee; 200 gallons of tea; 100 gallons of chocolate.

There were even live canaries, singing in their cages. But no one had thought to provide a heating system for the building. Those who came could not even take off their coats. The musicians were too cold to play. No one felt like dancing. The food went untouched. By midnight, the hall was empty. The canaries? They froze to death.

Grover Cleveland's inauguration in 1885 was the first for the Democrats in 28 years. Cleveland celebrated by not using a manuscript for his speech, bringing from Senator John Ingalls the remark:

> God, what a magnificent gambler!

It was also marked by the inaugural ball being held for the first time in the Pension Building, a mammoth structure, which could, and did, accommodate 18,000 guests. This time, to avoid the confusion at past balls, letter sorters from the Post Office were detailed to operate the cloakrooms, and traffic was strictly controlled. One entrance for guests on foot, or hacks; another for those with their own vehicles; those who were staying only a short while, yet a third. Two supper rooms: $1, and eat all you wanted, with no more than 500 at a time in either one. Wine in separate rooms, to keep drunks out of the way.

Theodore Roosevelt's inaugural address in 1905 contained a strangely prophetic clause, applicable in 1905, and equally applicable today:

> We have become a great nation, forced by the fact of its greatness into relations with other nations of the earth, and we must behave as beseems a people with such responsibilities. Modern life is both complex and intense, and the tremendous changes wrought by the extraordinary industrial development of the last half-century are felt in every fibre of our social and political being. . . . If we fail, the cause of free self-government throughout the world will rock to its foundations, and therefore our responsibility is heavy, to ourselves, to the world as it is today, and to the generations yet unborn.

So, what to make of these quadrennial events in the overall picture and pattern of American history? Some aspects of our inaugurations have had splendor and pomp and glitter that would compare favorably with the Court of Versailles under Louis XIV. And, in contrast, there have been incidents of humble, touching simplicity as well. These things have been known in the past and I am sure we will experience them in the future, in varying degrees.

I would think, though, that the most significant thing about them—past, present, and future—is the pattern of continuity and stability that they convey not only to the citizens of our American Republic, but to the world at large. A major political question, one with effects ranging far beyond our shores, has been decided for the next 4 years. It is possible, with certain allowances, to know the general direction in which the American Republic will move.

Those, then, are the two prime colors in the picture. Surrounding them, complementing them, adding those brilliant facets that mirror human behavior and human hope and human failing, are the myriad of incidents I have only briefly begun to recount here.

And, the overall picture should be taken by us, this Republic's citizens, and by the rest of the world, as what we have been, what we are, and what we strive to become. For myself, I find it bright and honorable; not without its touches of pettiness or its shadows of tragedy, to be sure. But before another inauguration is observed, we will have passed the 200th anniversary of our establishment as a nation, making us the world's oldest republic, other than Switzerland. This alone says much for us and our institutions.

Let us, then, reflect on this, during this inaugural period, a time for both solemnity and celebration, for both humility and pride. For our end is not yet in sight, and many pages of our annals are yet to be covered before the book is closed, if, indeed, that time is ever to come.

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## THE PRESIDENT'S HOUSING MORATORIUM

## HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. KOCH. Mr. Speaker, in 1949 the Congress established as a national goal the provision of "a decent home and a suitable living environment for every American family." For 20 years this goal was largely unmet. In 1968, the Congress reaffirmed this goal in more specific terms in projecting a 10-year national housing effort of 26 million new or rehabilitated units, including 6 million units of publicly assisted housing. Yesterday, Secretary George Romney in a speech to the National Association of Home Builders in Houston confirmed a series of rumored White House plans to place a freeze on new commitments for publicly assisted housing and related community development activities. These actions threaten to destroy the hope to provide a decent home—for every American family.

Initially under the leadership of Secretary Romney, the Nixon administration used a variety of programs and devices to stimulate housing production and increase the number of units for low- and moderate-income families. In fiscal year 1970, HUD-assisted new housing starts reached 365,090 and in fiscal year 1971, 341,400. Although these magnitudes were insufficient to meet the pressing needs of the Nation, they did represent a significant increase over previous efforts. However, by calendar year 1972, the number of such starts fell off to 250,000 simply as a result of administrative fiat and not because of a lack of appropriated funds. This decrease represents in toto the loss of a city large enough to shelter 500,000 persons.

In his speech, Secretary Romney announced that the 250,000 level will be maintained for the next 18 months through the utilization of projects which are already well into the processing pipeline. The proposed level will prove to be increasingly insufficient as the existing housing stock ages and as more families are priced out of the unassisted housing market due to continued price increases estimated at twice the rate of the economy in general.

Beyond these considerations the White House's actions represent a break of faith with congressional intent as expressed in legislation and appropriations. Even if funds are restored to the levels reflected in congressional appropriations after 18 months, planning and development for new construction will have lapsed during the moratorium and it will take a number of months to get moving again. Furthermore, sponsors and builders will have lost faith in the program's continuity and will be hesitant to commit time and money when the possibility of another severe cutback may still exist.

In New York City alone, the Nixon administration's actions will halt planning and development of about 30,000 units of new housing in the next 18 months representing some $1 billion in construction activities. Not only will planning for virtually all new housing for low-, moderate-, and middle-income families be stopped, but as existing commitments are completed thousands of jobs in construction and housing related industries will be lost.

In combination with the announced freeze on new commitments for such community development programs as water, sewage, and open space grants, and public facility loans, the moratorium on assisted housing is a clear indication of the President's lack of concern for the problems of America's metropolitan areas. If the White House is using these cutbacks as a blackmail weapon to force the Congress to hurriedly pass its special revenue sharing program for community development, then millions of families through the Nation will become needless victims of this attempted power grab. Certainly, the Federal housing and community development programs need to be continuously reviewed and revised where necessary. The White House's strategy of massive cutbacks under the guise of reform and preserving existing funding levels will not help achieve this aim and can only result in the most drastic consequences.

Last week, I sent a letter to President Nixon protesting the rumored moratorium. Now that the White House has decided to proceed with a housing moratorium, I pledge my full efforts as a member of the Banking and Currency Committee to restore and improve the programs which the President has so callously cast aside.

My letter to President Nixon of January 4 follows:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., January 4, 1973.*

President RICHARD M. NIXON,
*The White House,*
*Washington, D.C.*

DEAR PRESIDENT NIXON: On December 21st, the National Housing Conference issued a news release indicating that the White House was planning an eighteen month moratorium on the HUD subsidy programs as well as substantial cuts in the Model Cities and Urban Renewal efforts. Although the various federal housing programs should be continuously reviewed and revised where necessary, such a broad gauged cutback will result in the most dire consequences and severe dislocations.

The Congress in the 1949 Housing Act put forth as a national goal the provision of "a decent home and a suitable living environment for every American family." This goal has been reaffirmed in numerous legislative actions and supportive appropriations. Without federal housing subsidies, there will be a virtual halt to the construction of new housing for low and moderate income families. The projected ten year national housing goal of twenty-six million units, including six million units of publicly assisted housing, will simply not be realized.

Not only will the proposed moratorium destroy the intent of every Housing Bill since 1949, but it will cause substantial losses of jobs in construction and housing related industries. Certainly, the nation can not afford additional unemployment and the dampening of economic activity in a key sector at the present time. Further, the moratorium will work a hardship on the many non-profit sponsors, private developers and governmental entities who have invested time and funds on housing projects based on the expectation of federal assistance.

I can only urge that the proposed moratorium be reconsidered and rejected. Instead, let us work together to provide more viable and responsive housing programs.

Sincerely,
Edward I. Koch.

## A PROFILE OF PETER BRENNAN

## HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. DELLUMS. Mr. Speaker, Mr. William Gould, a professor of labor law at Stanford Law School, has been writing for some time on government, minorities, the labor movement, and the role of law in securing full employment opportunities. He recently wrote an incisive article in the Nation magazine. I include this article in the Record:

### Labor and Nixon—Moving the Hard-Hats In

(By William Gould)

President Nixon's appointment of Peter Brennan, head of New York City's building trades, as Secretary of Labor is not merely a "political payoff." To be sure, Mr. Brennan's oft expressed enthusiasm for the President's domestic and foreign policies demonstrated sufficient political fealty. Brennan first gained national recognition when he led demonstrations in lower Manhattan to support the Nixon war policy in Indochina—demonstrations in which a number of students holding contrary views were beaten up.

But much more is involved. The Nixon Administration is attempting to establish a firmer foundation for its newly won blue-collar constituency. In so doing, it has cleverly widened the cleavage between the industrial unions—whose leaders piously praised Brennan for the record—and the more conservative crafts, whose social vision does not extend further than the next wage increases for their white memberships.

For the first time since the Roosevelt New Deal coalition formed forty years ago, the unions in 1972 deserted the Democratic Party in significant numbers. And for the first time, the workers themselves deserted the Democratic standard bearer as well. A recently released Gallup poll shows that 54 per cent of union families voted for Nixon—56 per cent supported Senator Humphrey in 1968.

The defection of organized labor's leadership from the McGovern-Shriver campaign was heralded by the announced neutrality of AFL–CIO President George Meany and I. W. Abel of the Steelworkers. These gestures were followed by active support for President Nixon's candidacy provided by the International Brotherhood of Teamsters. Teamster President Frank Fitzsimmons was the only labor member of the Pay Board not to resign last March; by a coincidence, the White House announced withdrawal of compulsory arbitration legislation aimed at transportation disputes almost simultaneously with the Teamster endorsement. Although Senator McGovern had the most endorsements from labor (eight of the major unions backed him—among them the UAW, Retail Clerks, Machinists, and State, County & Municipal Employees), the erosion of traditional unanimity damaged the Democrats.

Mr. Brennan explained the position of approximately thirty New York City unions, including the Patrolmen's Benevolent Association, the Fire Fighters and the Sanitationmen's unions at the formation of the Labor Leaders Committee for the Re-election of Nixon: "We put our country first." A day earlier in Washington, seventeen building trades internationals, accounting for 3.5 million of the AFL–CIO's 13.6 million membership, had denounced the McGovern policies as "unacceptable" and said: "We are convinced that the election of President Nixon will serve the interests of our members as Americans and building tradesmen."

Accordingly, the Brennan appointment is a straightforward attempt to serve those interests—and to serve them at the expense of the more progressive industrial and public employee unions (like the UAW and State, County & Municipal Employees union), as well as minority groups traditionally excluded from the five almost exclusively white mechanical trades in construction. (These are the plumbers and pipefitters, electrical workers, sheet metal workers, ironworkers and operating engineers.)

When Brennan was questioned at a press conference after his nomination about bringing minorities into the building trades, he said "I'm all for it." But he cited as proof his support for the Department of Labor's Outreach project—a program which admirably demonstrates the policy of "tokenism" as practiced by both government and the crafts. (According to AFL–CIO estimates less than 5 per cent of the apprentices selected by Outreach in areas where it operates are from the minorities—and in the mechanical trades these workers are still three to five years away from journeyman status.) Brennan's real attitude seems to be reflected by a statement that he made, according to The New York Times, in response to the 1963 civil rights demands: "We won't stand for blackmail. We had that from the Communists and the gangsters in the thirties."

More indicting, however, is Brennan's antagonism toward policies devised to integrate the trades by the Nixon Administration itself—e.g., the Philadelphia Plan. (Actually this approach was conceived under Johnson but implemented by Nixon.) This is hardly surprising in light of the AFL–CIO's position on the 1969 plan. Its concept, now embodied in procedures established by the Department of Labor for Atlanta, San Francisco and St. Louis, provided for hiring black tradesmen in accordance with "goals and timetables" devised by the Department. Almost from the start, the AFL–CIO's civil rights department has declared war on this policy, choosing to characterize it as the adoption of "illegal quotas." Because of this resistance, the Administration began a steady retreat in 1970, relying on a so-called "hometown plan" approach for construction work, rather than the governmentally imposed Philadelphia program. One obvious advance was to be that the crafts would now begin to permit minorities, as well as whites, to come in as trainees rather than only as apprentices. (Actually more than 70 per cent of construction tradesmen enter the industry through the "back door," i.e., routes other than the formal apprenticeship system. The only gateway for minorities is the more rigorous apprenticeship program.)

Yet in early 1972, the chief of the agency supervising this Labor Department program—the Office of Federal Contract Compliance—resigned because of what he characterized as "illusionary and cosmetic policies" The retreat became a rout when on August 18, in response to an inquiry from the American Jewish Congress, Mr. Nixon stated his views on "quotas": I share the views of the American Jewish Congress in opposing the concepts of quotas and proportional representation. . . . I do not believe that these are appropriate means of achieving equal-employment opportunities." More significantly, a week later the President ordered the Civil Service Commission to undertake a "complete review" of all agencies to determine that no "quota" systems were in effect. And former Secretary of Labor Hodgson simultaneously circulated his own "review memo" along the same lines—thus applying the same inhibiting principles to the government's efforts which require contractors to take positive steps to recruit minorities into their work forces.

In any event, the hometown plans are now completely discredited by most objective observers. The reason is evident. The approach is predicated on the dubious proposition that the construction unions and contractors can monitor their own commitments to abide by the law—even though they have been among the principal offenders in the past.

Moreover, the plans do not even purport to deal with any of the institutional barriers which the crafts have thrown in the way of minority applicants. None of the plans revises union-employer apprenticeship requirements as to the number of people to come into the program, the type of entrance examination that is to be given, the curriculum that is provided once an apprentice is indentured, or the duration of the program itself. On the basis of most of the evidence available from litigated discrimination cases, neither the content of examinations nor the nature or duration of the training seems geared to the actual needs of the job. The effect is to let in primarily those minority youngsters whose formal education and work attitude qualify them for college—whereas many ghetto high school dropouts who lack a background in algebra and trigonometry, but who could do the work, are excluded.

Finally, even in cities where voluntary programs have been relatively successful as, for example, in Boston, the government has not issued reports or audits to show whether employees who are being counted as successful minority group recruits were actually working on a regular basis.

Nevertheless, despite all these deficiencies and the obvious willingness of most craft unions to devise such programs as a hedge against legal action that might be taken against them, Brennan vociferously objected to the introduction of a watered-down hometown plan in New York City. One Department of Labor official said of his position two years ago: "We couldn't get that guy to accept anything—and finally when he decided that some kind of plan was necessary, he shoved his own version down our throats through the White House."

The plan for New York that was finally accepted by the Department of Labor had no minimum wage, ran for only one year, and did not oblige the unions to admit any black employees at any time. However, the firms which adhered to this plan were deemed "automatically" in compliance with the Executive Order that prohibits discrimination by contractors and requires affirmative action to include minorities in the work force.

Further, the Secretary of Labor-designate is predictably antediluvian when it comes to any question of revising apprenticeship programs. A prominent liberal vice president of an industrial union expressed his amazement when Brennan stood up at a recent Washington meeting of the Bureau of Apprenticeship and Training to defend a five-year apprenticeship program for the painters (Brennan is a member of that union). Said Brennan: "When you see a worker painting a ceiling and you can see the paint running down his arm, then you know that he hasn't been through a five-year apprenticeship program."

Accordingly, while one can expect appropriate gestures, such as the establishment of more hometown and Outreach apprenticeship plans, the possible appointment of a black trade unionist to the Department of Labor, and the announcement of a slightly beefed-up New York City Plan before Brennan comes up for Senate confirmation, the man is essentially hostile to equal-employment opportunity. Moreover, Brennan's opposition to the Philadelphia Plan, like that of George Meany, apparently means the end of any imposed plan even where the crafts deliberately flout their legal obligations. (This, of course, assumes that responsibility in this area is not transferred from the Department of Labor to some other agency, perhaps the Office of Management and Budget—although even if OMB got control, the results would probably not be any better.) Indeed, it is interesting to note that the Chicago Plan, once hailed by both Meany and Secretary of the Treasury George Shultz as the hometown answer to the Philadelphia Plan, has floundered for three years and has just recently been restarted from scratch. One can properly assume that a policy of voluntarism will once again be the signal to avoid legal obligations.

Another effect of the Brennan appointment will be to rescue those unions which have been somewhat beleaguered because of their performance on issues other than race. After all, it is designed to please that segment of the labor movement most often attacked both for its resistance to productivity and work rules and for its jurisdictional squabbles. The establishment of wage restraint machinery for construction in advance of Phases I and II acknowledged the fact that inflationary wage demands in that industry were being emulated throughout the economy by industrial unions and others.

Attempts to form a new blue-collar constituency do not stop with the construction trades. Frank Fitzsimmons of the Teamsters was offered the Secretary of Labor position before it went to Brennan. He has switched his Washington law business from the Edward Bennett Williams law firm, which represents the Democratic Party in the Watergate litigation, to a law firm soon to be joined by White House assistant Chuck Colson, a principal sponsor of the Nixon trade-union alliance and also involved in the Watergate matter. Fitzsimmons' dismissal of Harold Gibbons from the Teamster executive board because of the latter's support for Senator McGovern is another major step toward making the Nixon-Teamster relationship more permanent.

One by-product of this new Nixon-labor alliance is that black trade unionists—alarmed by the AFL-CIO's "neutrality" toward an Administration that is appropriately regarded as anti-black—rushed to the side of Senator McGovern during the past campaign under the stimulus of a newly formed Coalition of Black Trade Unionists. This organization, though engendered by the 1972 elections, is intended to be permanent. According to William Lucy, the youthful and extremely able secretary-treasurer of the American Federation of State, County & Municipal Employees union and one of the most prominent black trade unionists in the country, the group will try to work within the trade-union movement. But the going will be difficult because the white unionists who switched to Nixon in such large numbers are upset by the racist issues which he used so skillfully—that is, quotas and bussing.

The question of whether all this will undo what forty years have put together cannot yet be answered. While Democrats can easily bounce back in 1976—certainly the UAW and AFSME, as well as some other industrial and public employee unions will remain part of the coalition—it remains to be seen whether the construction and building trades, and more important, the AFL-CIO itself, which they have dominated so successfully, will make a significant contribution. Peter Brennan's appointment makes the question loom larger.

## THE ANTIHIJACKING ACT OF 1973

### HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. COLLIER. Mr. Speaker, one of the most important matters of unfinished business from the last Congress is the problem of aircraft piracy. In an effort to deal with this problem, last week I introduced H.R. 99, the Antihijacking Act of 1973.

Aircraft hijacking is a supercrime that embraces several crimes: Murder, stealing, kidnapping, extortion, piracy, and sabotage. This highly dangerous activity must be stopped and the criminals who engage in it must be promptly and inevitably brought to justice, be they hardened criminals, youthful adventurers, publicity seekers, revolutionaries, or psychopaths.

Ever since the hijacking of aircraft began, I have felt that stronger laws, stiffer penalties, and rigid enforcement would be necessary if we were going to put a halt to this crime. The problem was complicated by the fact that seizures of aircraft owned and operated by American airlines and the consequent danger to American citizens could occur while the planes were flying over foreign countries or over the oceans, thus being beyond the jurisdiction of the United States. The measure that I dropped into the hopper shortly after the House of Representatives organized for business is an effort to remove some of the complications.

In a serious effort to curtail aircraft hijacking, many nations have become parties to international agreements that are designed to deal effectively with the problem. These include the Convention for the Suppression of Unlawful Seizure of Aircraft, also known as the Hague Convention, which became effective on October 14, 1971, and the earlier Convention on International Civil Aviation, also known as the Tokyo Convention.

Besides incorporating the security provisions of the Tokyo Convention into the legal code of the United States, my bill would, if it becomes law, strengthen domestic statutes on the subject of air piracy. The President of the United States will have the power to suspend the right of any domestic or foreign air carrier to operate to and from a foreign country that is acting in a manner inconsistent with the Hague Convention. The Chief Executive will also have the power to suspend the operations of any foreign air carrier between the United States and a foreign country which continues air commerce between itself and a country which is acting inconsistently with that convention.

The bill which I have introduced provides that the Secretary of Transportation will, if he secures the approval of the Secretary of State, have power to withhold, revoke, or impose conditions on operating authority of the airlines of a nation that fails to meet the security measures at or above the minimum standards of that convention. This power, like that given to the President, is permissive.

My bill also provides for civil penalties up to $1,000 per day for violations of suspensions imposed by the President and authorizes the Attorney General to seek judicial enforcement of such suspensions.

The Air Transportation Security Act of 1973, which is another title of my bill, provides for the screening of passengers in air transportation and for an air transportation security force, besides dealing with such matters as authority to refuse transportation—to those who refuse consent to searches of their persons or property—and carrying weapons aboard aircraft. While I respect the views of those who have legitimate and reasonable objections to such searches, often based on constitutional grounds, I invite their attention to the screening and searching to which people who conduct business or travel inside and outside the country are already subjected.

Visitors to the U.S. Capitol and the House and Senate Office buildings, the Supreme Court building, the White House, and the numerous buildings that serve the executive branch are subjected to screening and searching. Americans who cross international boundaries are not only screened and searched when they enter other countries, but must be screened and searched upon their return to their own land. While they may not like it, they submit more or less willingly as they realize its necessity.

Air travel has become less hazardous in recent years as planes have been improved mechanically, safety devices have been perfected, and pilots have been better trained. Why not make it even safer by doing everything possible to prevent hijacking?

Mr. Speaker, let us do all in our power as the people's representatives to speed the day when aircraft piracy will be a thing of the past. A stronger law is imperative if we are going to prevent more and worse crimes in the air. Legislation with teeth in it should be sent to the White House at the earliest possible opportunity.

## A TIME FOR CANDOR

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. McCLORY. Mr. Speaker, it is difficult for me to express opposition to the President in the handling of any subject relating to our domestic or foreign affairs. However, the President's decision to authorize extensive bombing of North Vietnam above the 20th parallel—following suspension of negotiations in Paris—has puzzled, and disappointed me.

Mr. Speaker, while there may have been justification for this type of violent and destructive military action, I have no information upon which to condone this step.

Mr. Speaker, it is most unfortunate that the President has felt unwilling or unable to consult with the leaders and Members of Congress regarding this action. A wide gap has developed between the White House and the Congress as a result.

This gap appears to be widening and would suggest the desirability of prompt communication on the subject of recent actions in Vietnam as well as the current status of negotiations, looking toward a final termination of this dreadful and seemingly endless conflict.

Mr. Speaker, a most enlightening editorial appeared in Saturday's Chicago Tribune—a newspaper which has given President Nixon generous support throughout his public career. The message of this editorial suggests the desirability of prompt communication between the President and the Congress—as well as the American people. The editorial follows:

### A TIME FOR CANDOR

Wherever President Nixon looks, he sees erstwhile supporters dropping away, sympathetic columnists beset by doubts, and habitual critics making increasingly wild charges. November's landslide majority appears to be wilting under January's freeze. The White House seems isolated from the rest of government, the press, and the people, and the climate is one of mutual suspicion.

The source of Mr. Nixon's present troubles, of course, is Viet Nam. The resumption of the bombing, since Dec. 18, has brought distress to friend and foe alike around the world, and now threatens to bring a confrontation with Congress which could be disastrous not only for our foreign policy but for future relations between the White House and Congress. The situation cries for candor on the part of the President, and for explanations which have been lacking.

It isn't that there are no explanations for the administration's actions. Quite the contrary. Mr. Nixon has achieved remarkable successes during his first term. In foreign relations he has bridged gaps that existed for a generation. In Viet Nam he has reduced our ground troop strength to nearly zero. At home he has tamed an inflation that was rampant when he took office. The campus revolution of the Johnson days has subsided.

In view of this record, one can logically assume that there are plausible explanations for the new bombing and for its ferocity. Some have been hinted at. Hanoi may have reneged on agreements made last fall. There may be a reason to know that a sudden and forceful jolt would persuade Hanoi that we are not to be toyed with. The resumption of talks, set for next week, suggests that this may have worked. There may be good reason to urge Congress to keep quiet while the negotiations continue. Maybe there will be an agreement by Jan. 20, the end of Mr. Nixon's first four years in office and a deadline by which he obviously hopes to have peace.

But in the present frigid atmosphere, these maybes may be irrelevant. Congress is aroused. It has been told before to keep quiet during negotiations, and the negotiations fell thru. Sen. Saxbe, once a supporter of the President, has deserted. Sen. Mansfield, sometimes a mild critic and often a supporter of the President, now speaks in threatening terms.

For all these reasons, Mr. Nixon has every reason to want to bridge the biggest gap of all—the communications gap at home—and to welcome closer contact with the press, Congress, and other government agencies which have felt left out. Instead, the process of withdrawal persists. There has not been a press conference since last October. When announcements are made, they tend to be inadequate or inept, as the effort to blame the bombing of a hospital in Hanoi on North Viet Nam's own weapons.

The White House is understandably irked by the attitude of the more vindictively liberal publications and broadcasters who seem to think that Mr. Nixon is wrong whatever he does. But its reaction smacks of vindictiveness, and is alienating other newsmen who might normally support the President.

At home as in Viet Nam Mr. Nixon has done what he thought was right even tho he knew his action would be unpopular. For the good of the economy, he has vetoed bills and cancelled programs even tho he knew he would be denounced for doing so. Many of his appointments stress his determination to hold down federal spending no matter whose toes may be stepped on. For this political courage he deserves credit, not abuse.

But unless he is more communicative and candid with the people, the merits of his position will mean little. He will be like the motorist who was right, dead right, as he sped along—but is just as dead as if he were wrong. The suspicion which now exists on both sides is not likely to vanish by itself, no matter how successful next week's peace talks prove.

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## PENSION REFORM

## HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. RAILSBACK. Mr. Speaker, every American—regardless of education, income, profession, race—is confronted by the same perplexing problem: How will I support myself in my old age? One answer is to be covered by a pension plan—a plan established by an employer, union or both, which provides cash benefits for life to the qualified worker upon retirement. Usually benefits are financed by regular contributions by the employer, and, in certain cases, by the employee himself.

The rationale behind providing pension plans is that the security they provide will encourage persons to be better employees. The production level will be raised and morale improved because older employees will be able to retire.

The first industrial pension plan in the United States was established in 1875. At that time, the American Express Co. developed a pension plan which provided retirement benefits to employees who had reached the age 60 and who had dedicated 20 years of service to the company.

Railroads followed the American Express Co.'s lead and adopted pensions as a convenient way of mustering out enginemen and trainmen who were too old for their jobs. By the turn of the century, unions began financing their own plans. In the 1920s, some local and State governments acted similarly on behalf of their workers. Passage of the Revenue Act of 1921, allowing tax exemptions for employer payments to trust funds, encouraged still other employers to set up their own plans.

However, as late as 1925, only 400 pension plans actually existed in the United States. Further, about one-third of the 4 million persons covered by pension plans were employed by the four largest corporations: American Telephone & Telegraph Co., the New York Central Railroad, the Pennsylvania Railroad, and United States Steel.

Not until the 1940's did pension plans really emerge as a major economic and social force in our economy. When wage and salary controls were imposed during World War II, many companies began giving pensions instead of raises to their employees, and used their wartime profits to finance the plans. The number of persons covered by pension plans increased from 4 million in 1940 to 10 million in 1950.

In 1949, there was a tremendous surge in the number of pension plans. That year, the Supreme Court upheld the National Labor Relations Board's decision that pensions were a proper issue for collective bargaining. Also, the steel industry's fact-finding committee concluded that the industry had a social obligation to provide workers with pensions.

Presently, private pension plans cover over 30 million workers, nearly one-half of all persons who work in commerce and industry, and have assets of at least $150 billion. These funds will probably increase by another $15 billion this year. However, such facts tell us very little about the ultimate benefits the employees actually receive. While pension plans have been expected to perform a major service to millions of Americans, they serve far fewer than is commonly assumed and will continue to fall short of expectations unless greatly improved.

The U.S. Senate Special Committee on Aging predicted that only one-third to two-fifths of all aged persons in 1980 will receive incomes from private group pensions, and virtually none of their plans take into account cost-of-living increases.

The House pension study task force reported that employees with long service, high earnings, and union membership who work in manufacturing, transportation, finance, and public utilities are most likely to participate in a pension plan. The persons who have a relatively short service, who are unskilled and semiskilled, nonunionized, and who earn low wages are those least likely to participate in a pension plan. In other words, those in greatest need in old age will probably not benefit by pension plans.

Just as discouraging are the findings of the Senate Labor Subcommittee. The following information which the subcommittee released in the last Congress clearly points out the fact that far too many pension plans are as evanescent as the pot of gold at the end of the rainbow. In examining 11 terminated pension plans which affected 22,000 persons, the subcommittee learned:

> Most participants in the plans have no idea that benefits might or could be reduced or eliminated. They thought they were guaranteed. When the plans terminated, most of the participants found that they could not get any information about what pension rights they had remaining, or even if they had any rights at all.
>
> In nearly every case, the employers shut down operations following a merger or acquisition, leaving many workers jobless.

Owing to the advanced age of many of the newly jobless, employment opportunities, and subsequent pension opportunities, were severely curtailed.

Further investigation by the subcommittee revealed that since 1950, only 4% of the nearly seven million people covered under 51 pension plans had received any kind of retirement benefits.

Another analysis of 36 plans covering nearly three million workers, showed that, since 1950, only 8% of the people under the plans had received any benefits. These figures indicate an extremely high rate of forfeiture.

It is obvious that pension plans are not subject to thorough regulation by the Government. Administrators need only to report yearly on the structure and operation of their funds. There is no requirement for plans to be audited or insured against loss. Workers' rights to litigate are virtually nonexistent.

The argument for pension regulation was excellently illustrated by a Labor Department official:

> In all too many cases, the pension promise shrinks to this—If you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you have not been laid off for too long a period, and if there is enough money in the fund, and if that money had been prudently managed, you will get a pension.

In the last Congress, I introduced a bill to strengthen and improve the protection of participants in and beneficiaries of employee welfare and pension benefit plans under the Welfare and Pension Plans Disclosure Act. The bill had provisions regarding the duty of disclosure and reporting, and fiduciary responsibility.

I also introduced legislation which would permit an individual to set aside certain amounts of his income for his own personal retirement account, and receive a corresponding tax deduction. Individuals would be able to provide, for the first time, for their retirement where their employer or their union does not already do so, or in instances where the individuals wish to provide additional retirement benefits because the plan under which they are covered does not provide sufficient benefits.

Finally, I sponsored a comprehensive bill on pension plans which is similar to the Javits proposal which has received so much attention. If enacted, my proposal will establish a reasonable and fair basis for making pension credits nonforfeitable. Under it, pension credits will vest at 10 percent a year starting with the sixth year of service. Thus, after an individual has worked 15 years, he will be entitled to a 100-percent vested right in the benefits he accumulated over that period of time. If he decides to leave the company, or if his employment is terminated, the employee will be entitled to some form of pension benefit when he reaches the retirement age specified in the particular plan under which he was covered. For example, if a worker remained with an employer for only 9 years, he will still have a 40-percent vested right in the pension credits earned over those 9 years.

My bill also directs that a portability study be undertaken. Portability is the system whereby a worker can accumulate pension credits from job to job, and eventually combine them into qualification for one single pension.

The proponents of portability stress its need in a mobile society. As one advocate explained:

> The possibility of small, perhaps miniscule benefits, the incompatibility of benefit provisions, disproportionately high administrative costs, attrition of fixed benefits by inflation, withdrawal of contributions, their lack of utility for the disabled, and the nonparticipation of vested deferred benefits in plan improvements, all argue for the desirability of collecting the bits and pieces of employees' vested pension credits into one more adequate benefit, a benefit based upon contributions which have earnings and growth up to the date of retirement.

The opponents of portability base their argument primarily upon the complexities of establishing such a system. For example, how will the credits from plan to plan be transferred? How will their ultimate value be determined?

The extensive hearings conducted by the Senate Labor and Public Welfare Committee concluded that it is the right of an employee to carry his pension credits with him; but this is too complex an area, requiring exhaustive consideration, to attempt any solutions at this point. Because I agree with the committee's recommendations, my bill directs that a portability study be undertaken.

I also recognize the problem of funding. Through the input of contributions, funding must catch up with accrued pension liabilities within a specified period of time. My bill will require funding of liabilities over 40 years for plans in existence, and 30 years for those plans created after enactment.

A classic example of the need for adequate funding requirements was that of the Studebaker Corporation plan which began in 1950 and which came to an abrupt halt in 1964, when the company stopped manufacturing automobiles in the United States. It was a liberal plan—vesting at age 40, after 10 years of service. Of the 11,000 persons covered, 3,600 were already receiving pensions or were eligible to do so. An additional 4,500—with average service of 23 years—had vested rights. When the plan terminated and the available money was distributed, there was not enough money to meet the company's liabilities. Only the 3,600 individuals eligible or already receiving pensions received their full share. The 4,500 vested employees, including some nearly 60 years of age, received an average of $600 a piece—approximately 15 percent of the value of their rights. And the remaining 2,900 employees received absolutely nothing.

Mr. Speaker, the 92d Congress is now history. Theoretically, we are now off to a new start. However, since the last Congress did not enact any of my bills—bills which would have come to grips with the serious problems facing far too many Americans regarding pension plans—I am today reintroducing each of these pieces of legislation, with the hope and expectation that more favorable action will be taken in the immediate future. 1973 must usher in an era of pension reform.

## CLOSED TRIALS

## HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Ms. ABZUG. Mr. Speaker, last June, the Committee on Civil Rights of the Association of the Bar of the City of New York adopted a report dealing with the relationship of the constitutional rights of public trial and free press. The report has been published in the November 1972 issue of The Record, the association's official publication, and I include its text at the conclusion of my remarks.

The question of closed trials has recently received much public notice due to the closing of several trials of "political" or "underworld" defendants. Much has been made of a supposed conflict between the sixth amendment guarantee of a public, impartial trial and the first amendment guarantee of freedom of the press. This excellent report considers the possibilities for such conflict, discusses alternatives to physically barring newsmen from attending and reporting on a trial, concludes that an actual conflict will rarely, if ever occur, and closes by suggesting that—

> We cannot foresee any combination of circumstances which would justify either closing a criminal trial or placing involuntary publication restrictions upon the press.

The full text of the report follows:

[From The Record of the Association of the Bar of the City of New York, November 1972]

### CLOSED TRIALS

(By the Committee on Civil Rights)

The question of whether a criminal trial[1] may be closed to the press and/or the public has recently received considerable attention due to the closing of the trial in *People v. Persico*.[2] Indeed, the dramatic closing of this trial almost immediately prompted (at least until the closing was severely criticized by the New York Court of Appeals) the closing of other trials across the state.

The question of closed trials is but one aspect of a larger issue—the right of a defendant to an impartial trial versus the right of the press to publish (and the public to know) information about a case. The increased public interest in a growing crime rate, together with the expansion and proliferation of the news media, has tended to underscore this issue and dramatize the need of our courts to come to grips with it.[3]

Whenever an individual is charged with a crime which receives substantial news coverage, there arises the potential for collision between the right to an impartial trial, guaranteed by the Sixth Amendment to the Constitution,[4] and the right to a free press, guaranteed by the First Amendment.[5] While some limitations upon the press have been required, permitted, or cited approvingly in order to protect the right to an impartial trial,[6] we can find neither precedent nor justification for so sweeping a curtailment of so basic a constitutional right as is inherent in closing a trial or placing publication restrictions upon the press.

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Footnotes at end of article.

### THE PERSICO CASE

The trial of Carmine Persico on charges on conspiracy and extortion began in Supreme Court, New York County, on November 8, 1971. Shortly after the trial began, the *New York Times, New York Post,* and *New York Daily News,* New York City's three major newspapers, published articles discussing the defendant's criminal record, alleging that he was connected with organized crime and noting that his nickname was "Carmine the Snake." The next day, claiming that these news items would prejudice his client's right to an impartial trial, defense counsel moved for a mistrial. The trial judge denied the motion after polling the jury and determining that no juror had been exposed to the articles; at the same time, however, he stated that he considered the articles unfair and intimated that contempt charges might be visited upon any journalist who published information about the case other than what occurred in the courtroom.

Immediately thereafter, all three newspapers published stories and/or editorials about the judge's warning. These items also recapitulated the content of the prior articles which had precipitated the warning. On November 15th, the next court day, the defendant again moved for a mistrial: alternatively, he asked for the closing of the trial to the public and the press, expressly waiving "his First Amendment rights to a public trial in order to insure his Sixth Amendment's [sic] right to a fair trial." The court considered the second application first and, over the objection of the government, granted it "in toto." [8]

A group of journalists instituted a proceeding under Article 78 of the New York Civil Practice Law and Rules in the Appellate Division, First Department, of the Supreme Court, seeking a judgment directing the trial judge to reopen the proceedings.[9] The Appellate-Division, relying primarily upon the 1954 decision of the Court of Appeals in *Matter of United Press Assns.* v. *Valente,*[10] dismissed the petition on the ground that the right to a public trial does not belong to either the public or the press, but to the defendant.[11] In a lengthy dissent, Justice Murphy argued that the right to a public trial did not belong only to the defendant, but instead required "the state in a criminal trial to conduct the trial in a forum open to any member of the public who wishes to attend."[12] He further stated that a trial might be closed only where "strict and inescapable necessity" [13] so required, that this test had not been met in the case at bar, and that the action of the trial judge constituted a needless and unconstitutional limitation upon freedom of the press.

Before the appeal of the Article 78 case was heard by the Court of Appeals,[14] the Persico trial itself ended in a verdict of acquittal on all counts.[15] The Court of Appeals nevertheless considered the journalists' appeal on its merits and decided that the action of the trial judge in closing the trial had been in error.[16]

The court failed to reach the Sixth Amendment issue, finding instead that the action of the judge had been designed to punish the press rather than to protect the defendant, and that there had been no showing that the closing would, or was necessary to protect the defendant's right to an impartial trial. The decision distinguished *United Press Assns.* on the ground that the action of the *Persico* trial judge had been directed at the news media and designed to punish and chill their right to freedom of the press, whereas this had not been the case in the earlier decision.[17]

The decision did not foreclose the possibility that a future trial could be closed, but it did state that if such an action could ever be justified, only a showing that "it was necessary to meet 'a serious and imminent threat' to 'the integrity of the trial' " would support it. The court stated that the standard for closing a trial altogether (if this could ever be done) was "similar to that required to sustain a contempt order," thus implying that if circumstances surrounding a trial were such as to justify closing it, they would also justify placing strictures upon the right of journalists to publish information on it and render them subject to contempt charges if they violated such limitations. The decision recognized the need to protect the right of the defendant to a fair trial, but stated that this can be accomplished "in most instances" by warning jurors to avoid exposure to publicity about the trial and by instructing them to ignore it if it did come to their attention, and that "in extreme situations," sequestration of the jury might be necessary.[18]

### ALTERNATIVES TO CLOSED TRIALS

The benefits of public trials flow to the public as well as to the defendant. The fact that our courtrooms are open to any person who wishes to observe the proceedings therein is an important source of public confidence in the legal system. Constant and untrammeled scrutiny of the judicial process by the public and the press helps to assure fair and diligent administration of that process, and to assure correction of it should that be in order. Not only does a public trial tend to protect the defendant from the evils of "star chamber" proceedings, but also to protect the citizenry from any possibility of collusion between a defendant and an unscrupulous prosecutor or judge. In addition witnesses will be less inclined to lie if their testimony is open to public view and thus subject to possible contradiction, and previously unknown witnesses may be prompted to come forward as the result of the publicity attendant upon a case. The public has a valuable stake in the open courtroom, and the defendant cannot be the sole judge of when that courtroom shall be closed to the public view.

Moreover, there are many substantial and effective remedies, short of closing a trial, which can be employed to give full and adequate protection of the Sixth Amendment rights of the defendant without interfering with the First Amendment rights of the press and the public. The use of one or more of these less severe devices should fully protect the defendant without in any way threatening freedom of the press.

Among those remedies are:

Strict limitation of the extra-judicial remarks of lawyers—prosecution as well as defense—witnesses, parties, and court attendants.

Delay or change of venue where pre-trial publicity has been prejudicial.

Careful scrutiny and control of the jury, by voir dire and judicial admonition. Jurors should be instructed to disregard any prejudicial extra-judicial material which does come to their attention and, if the court entertains any doubt as to the continued impartiality of one or more jurors, it should declare a mistrial.

Jury sequestration to protect jurors from exposure to harmful extra-judicial material. We agree with the suggestion of the Court of Appeals [19] that this action be taken only in extreme circumstances, for, as Justice Kupferman noted in the Appellate Division opinion, sequestration means that members of a jury (plus alternates) [citation omitted] who are performing a public service, many times against their will but in the exercise of their citizenship [citation omitted], will be taken from family and friends for possibly long periods of time at considerable cost and inconvenience. * * * Getting people to serve on juries is not an easy task.[20]

However, sequestration, where necessary, is preferable to the curtailment of freedom of the press.

Agreement by the press to observe "voluntary restraints" in their coverage of the crime and trial. Such agreements have been entered into in a number of areas, among them Oregon, Kentucky, Massachusetts, and Toledo, Ohio.[21] The Massachusetts agreement, which was made in 1963, states that "to preserve the individual's rights to a fair trial, news stories of crime should contain only a factual statement of the arrest and attending circumstances," [22] and goes on to list the following as behavior to be avoided by the news media: (1) publication of interviews with subpoenaed witnesses after an indictment is returned; (2) publication of the criminal record or other questionable acts of the defendant after the indictment is returned (unless testified to in court); (3) publication of confessions or purported confessions after an indictment is returned unless admitted into evidence); (4) publication of testimony ordered stricken (unless it is identified as having been ordered stricken); (5) editorial comment before or during a trial which would tend to influence judge or jury; (6) publication of names of juveniles without the consent of the court; and (7) publication of any statements or suggestions originating with police or counsel as to the guilt or innocence of the defendant.

As was noted earlier, there have been three significant proposals made in recent years to try to resolve this conflict between the rights of the defendant and the rights of, and public necessity for a free and unhindered press. These proposals were embodied in the Reardon Report, the Medina Report, and the Kaufman Report.

The Reardon Report, which was adopted by the House of Delegates of the American Bar Association in early 1968, recommended that pretrial hearings be closed on the motion of the defendant upon a showing that material will be disclosed in such hearings which will be inadmissible at trial, and which should therefore not be published to a community which includes the potential members of the jury. In addition, it recommended the use of the contempt power against any individual who publishes an extra-judicial statement going beyond the public record with willful intent to affect the outcome of the trial (if the statement seriously threatens to have such effect) and against any individual who violates a judicial order prohibiting the disclosure of information adduced in a closed pretrial hearing.

The Medina Report, which was published by this Association in 1967, took the view that neither the legislatures nor the courts could limit freedom of the press with regard to criminal trials and stressed the need for the Fourth Estate to put its "house in order" by adopting voluntary codes to assure that the impartiality of trials will be protected.

The Kaufman Report, which was submitted to the Judicial Conference of the United States in February 1968, made no recommendations "at this time" with reference to either restraints upon freedom of the press or exclusion of journalists from pretrial hearings and other proceedings held outside the presence of the jury.

### CONCLUSION

The Sixth Amendment right to an impartial trial and the First Amendment right to freedom of the press will rarely come into conflict. Even when a potential conflict impends, we cannot conceive of an instance in which the judicious application of the alternatives and voluntary guidelines discussed above would not provide adequate protection of the Sixth Amendment right of the defendant to an impartial trial, and we cannot foresee any combination of circumstances which would justify either closing a criminal

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Footnotes at end of article.

trial or placing involuntary publication restrictions upon the press."

June 12, 1972.

Respectfully submitted.

THE COMMITTEE ON CIVIL RIGHTS

Robert M. Kaufman, Chairman; Charles P. Bergoffen, Eastman Birkett, Raymond S. Calamaro, Michael Cardozo, Porter Chandler, Jack David, John R. Fernbach, Stephen J. Frideman, Simen Golar, Murray A. Gordon, William S. Greenawait, Eric L. Hirschborn, John J. Kirby, Jr., Alfred J. Law, Marla L. Marcus, Alan U. Schwartz, Donald S. Shack, Donald J. Sullivan, Susan F. Telch, Paul L. Tractenberg, and Milton L. Williams.

FOOTNOTES

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[1] This report is addressed solely to criminal proceedings against adults, and is not concerned with juvenile proceedings.

[2] *New York Times,* November 16, 1971, p. 1, col. 5.

[3] *See, e.g., Sheppard* v. *Maxwell,* 384 U.S. 333 (1966); *Estes* v. *Texas,* 381 U.S. 532 (1965); "Standards Relating to Fair Trial and Free Press," Advisory Committee on Fair Trial and Free Press of the American Bar Association Project on Minimum Standards for Criminal Justice (1968) (hereinafter, "Reardon Report"); *Freedom of the Press and Fair Trial,* Special Committee on Radio, Television, and the Administration of Justice of the Association of the Bar of the City of New York (1967) hereinafter, "Medina Report"); *Report to the Judicial Conference of the United States by the Committee on Operation of the Jury System on the "Free Press—Fair Trial" Issue* (1968) (hereinafter, "Kaufman Report").

[4] In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

[5] "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

[6] *Estes* v. *Texas, supra* (no constitutional right to televise courtroom proceedings); *Sheppard* v. *Maxwell, supra* (number and location of reporters in the courtroom may be limited) (dictum).

[7] *New York Times,* November 16, 1971, p. 48, col. 3.

[8] *Ibid.,* col. 6.

[9] A similar suit was brought in the United States District Court for the Southern District of New York, but it was dismissed as moot subsequent to Persico's acquittal and has not been the subject of any further proceedings as of this writing.

[10] 308 N.Y. 71 (1954). This case, which was also an Article 78 proceeding against a trial judge, arose out of the trial in *People* v. *Jelke,* 308 N.Y. 56 (1954), a criminal case involving compulsory prostitution charges against the scion of a prominent family. In that instance, the trial judge closed the courtroom over the objection of the defendant in the interest of (1965); "Standards Relating to Fair Trial and * * * the interests of good morals."

In the direct appeal of the criminal case, the Court of Appeals held that the defendant's Sixth Amendment right to a public trial had been violated. The Court of Appeals decided the appeal of the Article 78 proceeding on the same day, ruled that it was moot, and went on to state that "petitions [journalists] are seeking to convert what is essentially the right of the particular accused into a privilege for every citizen, a privilege which the latter may invoke independently of, and even in hostility to, the rights of the accused. A moment's reflection is enough, we suggest, to demonstrate that that cannot be, for it would deprive an accused of all power to waive his right to a public trial and thereby prevent him from taking a course which he may believe best for his own interests." 308 N.Y., at 81.

[11] *Matter of Oliver* v. *Postel,* 37 A.D.2d 498 (1st Dept., 1971).

[12] 37 A.D.2d, at 504.

[13] 37 A.D.2d, at 505.

[14] Argument took place on January 3, 1972, and the decision of the Court of Appeals was handed down on March 22, 1972.

[15] *New York Times,* December 8, 1971, p. 57.

[16] *Matter of Oliver* v. *Postel,* 30 N.Y.2d 171 (1972).

[17] 30 N.Y.2d, at 179.

[18] 30 N.Y.2d, at 182–183.

[19] *Ibid.*

[20] 37 A.D.2d, at 501.

[21] "Prosecution and the Press," by Vincent Doyle and Hoyt Gimlin, 2 Editorial Research Reports 481, 496 (1967).

[22] *Hearings on Free Press and Fair Trial Before the Subcommittee on Constitutional Rights and the Subcommittee on Improvements in Judicial Machinery of the Senate Committee on the Judiciary,* 89th Cong., 1st Sess., p. 2, at 532–535 (1965).

[23] This conclusion is not meant to question the right of the court to limit journalistic activity within the courtroom to the extent reasonably necessary to preserve decorum. *Estes* v. *Texas, supra.*

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## HONORABLE EGIDIO ORTONA AMBASSADOR OF ITALY

## HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ANNUNZIO. Mr. Speaker, I would like to call the attention of my colleagues to an article written by Dorothy McArdle in the Sunday, January 7, Washington Post about the distinguished Ambassador of Italy, Honorable Egidio Ortona.

I have had the occasion, during the last 8 years as a Member of Congress, to observe his work, and he has been a steadfast champion for America and for his own country, Italy. He has fought vigorously to cement the great friendship that exists between the United States and Italy. He is a gentleman, a scholar, and an accomplished musician, as well as a truly outstanding diplomat.

The article follows:

### EGIDIO ORTONA: WILD DOGS AND DIPLOMATS

(By Dorothy McCardle)

It has been said that diplomacy is the fine art of taking the wild dog syndrome out of international relations; of taming the warlike impulses between nations.

Italian Ambassador Egidio Ortona, who at 62 has spent 23 of his 41-year diplomatic career in the United States, knows first-hand about the wild dog syndrome both literally and figuratively.

As one of Washington's most athletic ambassadors, he starts his day on horseback in Rock Creek Park where every morning a dozen homeless dogs snap at the hoofs of his mount.

Ortona's riding companion, Edward Weintal, a prominent newspaperman and former Polish diplomat, wryly reports that the ambassador has had better luck with crime in the streets than with the wild dogs of Rock Creek Park.

"Those dogs snap, lunge and bark ferociously at us every morning until we out-gallop them," says Weintal, adding that complaints to the police have been futile. "They insist they can't do a thing because the D.C. Humane Society won't permit them to shoot the dogs with tranquilizing guns."

On the side of wild dog diplomamy, Egidio Ortona came to Washington the first time in October, 1944, when World War II was still raging with ferocity, although Italy had surrendered in 1943. Assigned to an economic mission seeking assistance in rebuilding Italy after the war, Ortona also was negotiating a return of prisoners. He had intended to stay two months but remained eight years.

He won over hard-boiled State Department negotiators almost immediately.

"He is a professional," says one of the top career men at State. "We rate him right beside the ambassador of the Soviet Union, Dobrynin, who has been the top professional here for 10 years.

"He came here when relations between the United States and Italy were deeply strained. He has remained to cement the friendship between the two countries and to win untold personal friends for himself as well as Italy."

A small, wiry man, gray-haired and volatile with a gift for rapid Italian-accented English, Ortona is one of the best-known figures on Washington's social front. Observers say that he and his tall, silver-haired wife, Guilia, probably give and go to more parties than any other diplomatic couple in town.

They are special favorites of Washington charities and are often asked to be benefit patrons as they were for the Washington Performing Arts Society's recent "Salute to Italy" fund-raiser concert at Kennedy Center.

But when the Ortonas leave Washington to return to Rome, they may be best remembered by some for Ambassador Ortona's single-handed confrontation with crime here and the aftermath of that encounter.

In April, 1969, while Ortona was walking in Meridian Hill Park near his embassy, two men, their hands stuffed in their pockets as if holding guns, stopped him and demanded money.

Instead of running or reaching for his wallet, the slim, nimble diplomat began to shout in his heavily-accented English at the men who turned and fled.

The State Department called to congratulate him immediately. Privately, however, word got back to Ortona that the State Department felt he had been "brave but foolhardy."

Two days later at Rock Creek Stables where Ortona was preparing for his morning canter, a call came through from the White House.

This time it was President Nixon ready with praise and a promise. He assured Ortona that new measures of protection would be taken immediately to provide greater security for all diplomatic missions and personnel in Washington.

Sometime later, Ambassador Ortona was summoned to the White House. He and the dean of the diplomatic corps, Nicaragua's Ambassador Guillermo Sevilla-Sacasa were the only two foreign diplomats present when the President signed the bill creating the Executive Protective Service.

"I don't know how much credit I deserve for these measures," Ortona says with modesty. "But I do know that the new service has been highly successful. There have been very, very few incidents since it was created. Before that, there was some kind of incident at least once a week."

Washington's music lovers and musicians

hold Ortona in high regard for his contributions in that field.

He plays the piano though he says that it's debatable just how well. When he arrived in Washington five years ago as Italy's ambassador, the press described him as "a musician." Soon he was called "a pianist." Finally, he learned through the press that "I am a concert pianist."

In his delightfully inverted English, he sums up his talents this way:

"I just know to play badly the piano."

But former Supreme Court Justice Abe Fortas, who often fiddles to Ortona's piano accompaniment at Sunday night get-togethers in the Fortas home or at the Italian embassy, disputes such modesty.

"He's a true lover of music, an absolutely irresistible man—musicians both here and in New York owe him a great deal. In fact," says Fortas, "music in this country owes an enormous debt to Ortona."

Fortas says that Ortona, "more than any other ambassador in Washington, has consistently held musical evenings at the embassy. Sometimes he plays, and he plays well. Sometimes he invites American or Italian musicians to play. He has encouraged young musicians in New York as well as in Washington."

He also has seen to it that his country showed its appreciation to musicians by conferring decorations upon such distinguished ones as pianist Artur Rubinstein and Eugene Ormandy, conductor of the Philadelphia Orchestra.

Ortona's next public musical appearance will be Jan. 31 when he and his favorite companion at a double keyboard, former Assistant Secretary of Defense Robert LeBaron, sit down at the embassy's baby grand pianos to entertain for Peggy LeBaron's International Neighbors Club.

His love of music has sometime been a challenge to hosts who don't happen to have a piano.

Former U.S. Ambassador to Luxembourg and the U.S. Chief of Protocol during the Eisenhower administration, Wiley T. Buchanan Jr., whom Ortona visits every summer at Newport, found the ambassador disappearing every day.

"We had no piano," says Buchanan, "so he went around to homes of our friends who did. There he would be lost at the keyboard for two hours at a time."

The Buchanans ordered a piano so that the Italian diplomat could find all the musical comforts he missed right inside their front door.

(The Buchanans' grandchildren, somewhat confused by the ambassador's informal attire, once mistook him for a new chauffeur. Ortona, playing along, escorted the children to his Fiat, drove them all around Newport and made every stop demanded. "He thought this a huge joke," says Buchanan.)

As the father of two grown daughters and a son and the grandfather of three, Ortona dotes on children.

"When my first grandchild was born, I started the best career of my life," he says.

When his diplomatic career ends in three years (Italy's foreign service has mandatory retirement at age 65), Ambassador Ortona will have the satisfaction of knowing that he was the guiding light behind the proposed new Italian embassy-chancery complex, to be built on a five-acre, $1 million tract at the corner of Massachusetts Avenue and Whitehaven Street, NW.

American architects will supply the technical expertise but Italian architects will draw up plans that will include incorporation of all works of fine art now in the present embassy at 16th and Fuller Streets, NW.

Ortona is completing negotiations now and will go to Rome next week to confer with architects.

Egidio Ortona was born on Sept. 16, 1910, in the small Piedmont hill country town of Casale Monferrato in northern Italy.

His father was a cavalry officer in the Italian army and close friend of Caprilli, inventor of "the forward seat," a modern method of riding horseback. Predictably, young Egidio took to the saddle very young.

His musical education began at age 8 and despite the seemingly interminable drilling to learn his scales, he developed a crush on his music teacher.

At age 16, when he was a student at the local lyceum, he met tall, voluble Guilia Rossi. He was two years ahead of her in school and so far ahead of her in music that she finally gave up playing herself.

"He was just too good for me," says Guilia Rossi Ortona. "It's uncanny how he can read any piece of music at sight."

Music, tennis and dancing, which both enjoyed, created a strong community of interest and in 1935 they were married.

But before that, during the nine-year interval between their first meeting and their marriage, Egidio Ortona packed considerable education into his young life.

He spent a year at the University of Poitiers, another year at the London School of Economics and finally got his law degree at the University of Torino (Turin) in 1931. He never practiced law but, instead, entered the Italian foreign service. He was just 21.

At the bottom of the diplomatic career ladder, he started his climb by serving in posts at Cairo, Johannesburg, London and finally Washington.

The handsome Italian Embassy, built years before to resemble an elegant palazzo, was closed during war years. So he worked at the Shoreham Hotel.

"The American government had decided to have an Italian mission come to Washington to discuss postwar economics and rebuilding after the war's destruction," he says. "I and four other members of the mission were engaged in problems of economic assistance for Italy."

The longer Ortona stayed in Washington, the more reasons he found to remain. The work was fascinating and challenging—"It was a most interesting thing to try to enhance relations between the United States and Italy. The results of the Marshall Plan in Italy between 1948 and 1952 were so good."

Ortona became a secretary, then counselor, then minister counselor and finally minister of the reopened Italian embassy. His economic skills were so valued by his government that he often represented Italy at such conferences as the International Monetary Fund and the International Bank for Reconstruction and Development.

In 1958, he was assigned to the United Nations in New York as Italy's ambassador. He stayed in that post until 1961 when he was called home for a prime spot in the foreign ministry as director general of economic affairs.

He held that post until 1966 when he was made secretary general of the Foreign Ministry, the top career spot equal to U.S. Under Secretary of State.

In 1967 he was assigned to Washington, again, this time as ambassador plenipotentiary and extraordinary.

While he has logged up an impressive reputation as a skilled and serious diplomat, he and his wife have made an equally dramatic impact on the social front in Washington. In fact, their social calendar is so packed that Mrs. Ortona said rather helplessly the other day that "there is simply no time to sleep."

Ambassador Ortana does not think in terms of missed sleep. In addition to his diplomatic duties and his music, horseback riding and vigorous daily swim at the University Club he has plans for still another activity.

"If circumstances permit," he says, "I may try flying. I am always trying to do everything I can."

"Oh, no!" says his wife who had not heard of his interest in flying. "I hate flying. It makes me sick."

Chances are that Guilia Ortona, who has never been able to talk her husband out of anything he wants to do, will go right along with this latest idea, just as she has done for nearly four decades.

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# SENATE—*Thursday, January 11, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. William D. Hathaway, a Senator from the State of Maine.

## PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Creator, Preserver, Redeemer and Judge, cleanse us of all that obstructs knowing and doing Thy will. Give us clean hands and pure hearts which fit us for service to Thee and to all people. Equip all who serve here with a full measure of grace and strength and with a wisdom beyond our own. Make us ministers of a righteous government and servants of the common good. And when the day is done, give us the rest of those whose hearts are at peace with Thee and their fellow man.

We pray in the Redeemer's name. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
*Washington, D.C., January 11, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. William D. Hathaway, a Senator from the State of Maine, to perform the duties of the Chair during my absence.

James O. Eastland,
*President pro tempore.*

Mr. HATHAWAY thereupon took the chair as Acting President pro tempore.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

## PROPOSED EXTENSION OF ECONOMIC STABILIZATION ACT—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Hathaway) laid before the

Senate the following message from the President, which was referred to the Committee on Banking, Housing and Urban Affairs:

*To the Congress of the United States:*

During 1969, the annual rate of inflation in the United States was about six percent. During my first term in office, that rate has been cut nearly in half and today the United States has the lowest rate of inflation of any industrial country in the free world.

In the last year and a half, this decline in inflation has been accompanied by a rapid economic expansion. Civilian employment rose more rapidly during the past year than ever before in our history and unemployment substantially declined. We now have one of the highest economic growth rates in the developed world.

In short, 1972 was a very good year for the American economy. I expect 1973 and 1974 to be even better. They can, in fact, be the best years our economy has ever experienced—provided we have the will and wisdom, in both the public and private sectors, to follow appropriate economic policies.

For the past several weeks, members of my Administration have been reviewing our economic policies in an effort to keep them up to date. I deeply appreciate the generous advice and excellent suggestions we have received in our consultations with the Congress. We are also grateful for the enormous assistance we have received from hundreds of leaders representing business, labor, farm and consumer groups, and the general public. These discussions have been extremely helpful to us in reaching several central conclusions about our economic future.

One major point which emerges as we look both at the record of the past and the prospects for the future is the central role of our Federal monetary and fiscal policies. We cannot keep inflation in check unless we keep Government spending in check. This is why I have insisted that our spending for fiscal year 1973 not exceed $250 billion and that our proposed budget for fiscal year 1974 not exceed the revenues which the existing tax system would produce at full employment. I hope and expect that the Congress will receive this budget with a similar sense of fiscal discipline. The stability of our prices depends on the restraint of the Congress.

As we move into a new year, and into a new term for this Administration, we are also moving to a new phase of our economic stabilization program. I believe the system of controls which has been in effect since 1971 has helped considerably in improving the health of our economy. I am today submitting to the Congress legislation which would extend for another year—until April 30 of 1974—the basic legislation on which that system is based, the Economic Stabilization Act.

But even while we recognize the need for continued Government restraints on prices and wages, we also look to the day when we can enjoy the advantages of price stability without the disadvantages of such restraints. I believe we can prepare for that day, and hasten its coming, by modifying the present system so that it relies to a greater extent on the voluntary cooperation of the private sector in making reasonable price and wage decisions.

Under Phase III, prior approval by the Federal Government will not be required for changes in wages and prices, except in special problem areas. The Federal Government, with the advice of management and labor, will develop standards to guide private conduct which will be self-administering. This means that businesses and workers will be able to determine for themselves the conduct that conforms to the standards. Initially and generally we shall rely upon the voluntary cooperation of the private sector for reasonable observance of the standards. However, the Federal Government will retain the power—and the responsibility—to step in and stop action that would be inconsistent with our anti-inflation goals. I have established as the overall goal of this program a further reduction in the inflation rate to 2½ percent or less by the end of 1973.

Under this program, much of the Federal machinery which worked so well during Phase I and Phase II can be eliminated, including the Price Commission, the Pay Board, the Committee on the Health Services Industry, the Committee on State and Local Government Cooperation, and the Rent Advisory Board. Those who served so ably as members of these panels and their staffs—especially Judge George H. Boldt, Chairman of the Pay Board, and C. Jackson Grayson, Jr., Chairman of the Price Commission—have my deep appreciation and that of their countrymen for their devoted and effective contributions.

This new program will be administered by the Cost of Living Council. The Council's new Director will be John T. Dunlop. Dr. Dunlop succeeds Donald Rumsfeld who leaves this post with the Nation's deepest gratitude for a job well done.

Under our new program, special efforts will be made to combat inflation in areas where rising prices have been particularly troublesome, especially in fighting rising food prices. Our anti-inflation program will not be fully successful until its impact is felt at the local supermarket or corner grocery store.

I am therefore directing that our current mandatory wage and price control system be continued with special vigor for firms involved in food processing and food retailing. I am also establishing a new committee to review Government policies which affect food prices and a non-Government advisory group to examine other ways of achieving price stability in food markets. I will ask this advisory group to give special attention to new ways of cutting costs and improving productivity at all points along the food production, processing and distribution chain. In addition, the Department of Agriculture and the Cost of Living Council yesterday and today announced a number of important steps to hold down food prices in the best possible way—by increasing food supply. I believe all these efforts will enable us to check effectively the rising cost of food without damaging the growing prosperity of American farmers. Other special actions which will be taken to fight inflation include continuing the present mandatory controls over the health and construction industries and continuing the present successful program for interest and dividends.

The new policies I am announcing today can mean even greater price stability with less restrictive bureaucracy. Their success, however, will now depend on a firm spirit of self-restraint both within the Federal Government and among the general public. If the Congress will receive our new budget with a high sense of fiscal responsibility and if the public will continue to demonstrate the same spirit of voluntary cooperation which was so important during Phase I and Phase II, then we can bring the inflation rate below 2½ percent and usher in an unprecedented era of full and stable prosperity.

RICHARD NIXON.

THE WHITE HOUSE, *January 11, 1973.*

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HATHAWAY) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, January 9, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## VACATING OF ORDER FOR SENATOR ABOUREZK TO SPEAK TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of the distinguished Senator from South Dakota (Mr. ABOUREZK) to speak today be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT FROM TOMORROW TO TUESDAY, JANUARY 16, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock meridian on Tuesday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## OLAF PALME, SWEDEN'S PREMIER

Mr. SCOTT of Pennsylvania. Mr. President, I am getting a little fed up with the ineffable Premier of Sweden, Olaf Palme, who can find nothing wrong with the North Vietnamese murderers, assassins, and slaughterers, and who pretends, because his majority is so frail that it depends on it, to appease the extreme left by a continuance of flaring anti-Americanism.

I think his actions are an affront to the Swedish-Americans in this country. So far as I am concerned, I have said that I am fed up with him. I am personally glad at the moment that we have no ambassador from Sweden.

At the proper time, if the Prime Minister becomes rational, we would welcome an ambassador.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Utah (Mr. Moss) is now recognized for not to exceed 15 minutes.

## REVIEW DRAFT OF THE NATIONAL WATER COMMISSION REPORT

Mr. MOSS. Mr. President, the act of September 26, 1968, created the National Water Commission to carry out a comprehensive review of present and anticipated national water resource problems and to consider the economic and social consequences of water resource development. The Commission, which was established for a 5-year term, is composed of seven commissioners who were not permitted to be Federal officials. It is supported by a full-time executive secretary and a substantial staff.

The Commission's term will expire in September of 1973, and by that time it is directed to report to the President and the Congress concerning its findings and recommendations.

On November 1, 1972, after the adjournment of the 92d Congress, the Commission released a "Review Draft" of its proposed report. In January and February, public hearings will be held by the Commission in a number of locations and it is possible that significant revisions may be made before the report is completed.

The review draft, however, is over 1,000 pages in length and contains some 290 conclusions and recommendations. It is based upon a tremendous volume of contract and staff studies, and I am informed that it is also a product of considerable personal work by the commissioners. Considering this background and in the view of the short time remaining for the Commission to complete its work, I believe the review draft may be viewed as an accurate preview of the final report.

The report contains much which is commendable, and it is certainly comprehensive in scope. In my view, however, there are a number of critical deficiencies in the report. If they are not corrected by the Commission, they will not only limit its usefulness as a basis for sound policy action by the President and the Congress, but will present a critical threat to the continued viability of programs which are essential to the well-being of great numbers of American citizens. If, as I fear, the Commission's final report is not greatly different from the review draft, it will be the responsibility of the Congress to continue the dialog over the recommendations until the complete record is made. For that reason, I am taking this occasion to bring the current status of the Commission's work to the attention of my colleagues.

### STATE FEDERAL WATER RIGHTS

I was pleased to note that the report recognizes the importance of rationalizing the complex and conflicting legal provisions which govern water rights in the various States. It contains a number of important findings and recommendations concerning State water law, both for surface and ground water, which would do much to enhance water resource planning and conservation.

In this regard, I believe the Federal Government should set an example by resolving the difficult water rights conflicts which are created by the Federal reserved public lands and the doctrine of navigational servitude. I agree with the Commission that Congress should act promptly on legislation which would describe the Federal rights to water and make future Federal water uses subject to State rights and equitable compensation. I will be discussing this matter further when legislation I have introduced to accomplish this objective is considered.

### INTERBASIN WATER TRANSFERS

I am also generally in accord with the Commission's findings on interbasin transfers of water. The Commission was specifically directed by the Congress to examine the policy implications of major regional water transfers, and there have been a number of legislative prohibitions against other agencies making studies of such projects.

I was pleased that the Commission has recommended that existing laws prohibiting the study of interbasin transfers be repealed. I believe that all alternatives for meeting future water demands of major regions must be objectively considered. There are great diversities of climate within the United States. Water resources, just as mineral, agricultural and other natural resources, must be developed where nature has provided them, but they can and must be made available where society requires them.

I have been particularly intrigued by the vast water resources of Northern Canada and Alaska and the potential for developing them to the great benefit of both the sparsely populated regions of the North and the water deficient regions of the more developed South. I have always advocated that studies of such programs should provide every physical, economic, and financial guarantee against adverse impacts in the areas of origin of the water. I note that the Commission's report contains a number of recommendations to assure that objective.

### OVEREMPHASIS ON ECONOMIC EFFICIENCY

There are other aspects of the report which I can commend and endorse, but there is a major flaw in the philosophy which runs through the entire study and which gives me grave concern. It is the Commission's obsession with the national efficiency-economic aspects of Federal undertakings. A simplified, but I think fair, characterization of the report's attitude is that the primary, if not the only, criterion of the worth of any Federal water resource undertaking should be its monetary contribution to the net economic activity at the national level.

There are, of course, few Federal programs which are undertaken solely to increase the gross national product. The Federal water resource programs by improving communications and commerce on the inland and coastal waterways; by encouraging permanent and prosperous settlement of the arid West; by protecting for productive use the prime lands in the flood plains of our river systems; by eliminating disastrous erosion damages; and in many other ways have doubtlessly had a profound role in promoting national economic strength. The various projects or even the programs which have had this effect over the decades, however, were not undertaken primarily for economic reasons. They were and are primarily social programs concerned with improving the quality of life and providing diversity of opportunities for the people in the project areas.

The fallacy that water resources development should be judged entirely on the basis of the immediate net national economic gains which can be foreseen and measured, therefore, is particularly dangerous. It is an attitude which pervades the entire draft report, but it looms largest in the comments concerning the conventional water resource programs.

### WATER RESOURCES DEVELOPMENT

In general, the Commission is highly critical of the existing water resources development programs carried out by Federal agencies. I am neither surprised nor disturbed that deficiencies were found in the programs of the Soil Conservation Service, the Corps of Engineers, and the Bureau of Reclamation. I have been aware for some time that a general review of the policy governing these programs was needed. That, of course, was the major reason why the Congress established the National Water Commission.

Some of the manifestations of the shortcomings of existing policy are familiar to many of my colleagues.

The Water Resources Council's deliberations over the appropriate planning criteria for water projects is a subject that has been of concern to the Congress for some time. This has become the focal point for environmental opposition to further water development. This issue is not yet resolved, and the Senate Interior Committee and the Public Works Committees of both Houses have indicated their intention to hold hearings on the new criteria in the next Congress.

The President vetoed the biannual rivers, harbors, and flood control bill which was passed by the 92d Congress shortly before adjournment. Within the Senate, some of my colleagues have expressed doubts concerning the justification of continued Federal support for traditional water supply development. The findings of the National Water Commission are further confirmation that all is not well. I believe, however, that the report is excessively critical of the programs. Although it recognizes that Federal water resources programs have made significant contributions to national objectives in the past, it implies that they no longer have any such value. I reject that contention.

The Commission has minimized the role of water projects in regional economic development, and the further suggested that there should be no Federal interest in regional development except where it will promote net national growth. Unfortunately, it is seldom possible to analyze or even comprehend the total national impacts of specific Federal actions.

The direct impacts of nearly all Federal programs must be designed and evaluated on the basis of their impacts upon the immediate regions and people who are served.

### REGIONAL DEVELOPMENT

The simplistic notions that gains in economic activity in one region are necessarily offset by losses in another, that increased agricultural production in the Southwest directly results in surplus crops in the Southeast, or that Federal support for irrigation is an important contributing factor in the cost of crop supports are all too easy to claim and are difficult to refute. But ours is a big country and a complex economy. Considering the vast diversity among agricultural products, differentials in growing seasons, contraints on shipping and marketing, and the effects of international imports and exports, I am not prepared to believe that the market impacts of gradual irrigation development in the West are nearly as direct and conclusive as the report implies. Furthermore, there is a national interest in insuring each region the right to develop a vital economy which can support a quality life for its residents and provide a free choice of opportunities and life styles to a growing population. National well-being, after all, is nothing more than the cumulative result of regional well-being. It is clear that the ills of any major segment of our population will ultimately infect our whole society, and it is a valid purpose of the Federal Government to insure that no region is left behind the general national progress. When—as has happened in Appalachia for example—a major region stagnates economically, the whole country shares the burden. As we have learned in Appalachia, it is a difficult and costly task to create a new regional economic base.

In most western regions, a sound and expanding economy can only be founded upon the effective development of natural resources; above all, the renewable resources land and water. In other parts of the country, a multitude of Federal assistance programs may be effective, or even preferable, for sustaining a sound economy. In the arid West, however, no amount of community facilities, highways, small business assistance, or other such aid can sustain a viable economy without water.

Management of our precious western water resource requires sophisticated systems. Extensive regulating reservoirs and conveyance works are necessary to control widely fluctuating natural flows wherever they occur and deliver them to where they can be beneficially used. Systems such as the Colorado River storage project are regional in scope and are beyond the financial capabilities of the water users or even the States involved.

The reclamation program was founded upon a realization that the entire Nation has an interest in developing the potential of the arid West. The major projects which have been undertaken in recent years—in the Central Valley of California, and the Colorado, Columbia, and Missouri River Basins—are a reaffirmation of that national interest and a recognition of the program's past success.

These are comprehensive development programs based upon the region's most critical resource—and they are not yet completed. We cannot view the remaining work as a collection of independent units which will be built or rejected according to the accidents of construction cost fluctuations, economy drives, transitional crop surpluses, or political advantages.

The great reclamation developments now underway were conceived to provide water for the total social activity of vast regions. Viewed as such they are unquestionably excellent financial investments. The revenues from power and water sales will return nearly all of the investment costs to the Treasury; much of them with interest. Furthermore, the economic activity based upon the water and power is worth many times the investment at any reasonable discount rate.

But to consummate the agreements among the States and to fulfill the aspirations of all of the participating areas, these comprehensive developments must be completed. The water will primarily be used for agriculture because that is the predominant business of the West and will remain its predominant business in the foreseeable future. As time passes, more of this water will be converted to municipal and industrial uses. This has been the trend in my home State of Utah, in central Arizona, in California, and elsewhere. As the conversion takes place, the economic returns on water development will, of course, increase in monetary terms. But we need not apologize for using a large part of our water resource on the land.

Irrigated agriculture is not simply a matter of food and fiber production. It is and will remain an essential factor in maintaining a diversified economy in the arid West. This vast region has a role as an attractive home for a large and prosperous segment of our national population. Irrigated agriculture and the water resource development which make it possible are essential factors in the fulfillment of that role.

Although I am not as familiar with the specific examples, I am sure that Federal-assisted improvement projects in our coastal ports and inland waterways have been, and are today, important factors in the economic health and growth of the regions concerned.

### THE FUTURE OF FEDERAL WATER RESOURCE POLICY

The Commission's exhaustive recitation of the faults which it finds with existing water programs is a manifestation of the generally negative tone of the report. I am afraid that the impresssion which it will leave with the uninitiated reader is that there is little or no justification for a continuing Federal presence in water resource management.

I would welcome a more constructive dicussion in the final document which would describe the Commission's view of the remaining valid national needs and objectives which require Federal action and support. I would suggest that they include at least the following:

Administration of international water agreements including planning, construction, and operation of facilities where necessary.

Planning, development, and operation of facilities in major river systems which are international or multiregional in scope, such as the Missouri, Ohio, Mississippi, Colorado, and Columbia.

Technical assistance to States and regional entities in planning and development of water resource management programs to avoid the necessity of maintaining duplicate costly and sophisticated technical staffs. This function would include financial assistance and might include the design and contract administration of major structures where they are required.

Continued operation and maintenance of federally owned facilities including making improvements in efficiency and conversions to serve new public needs and objectives.

Participation in regional planning and development where Federal interests or the national public are concerned.

Integration and coordination of water resource programs with other Federal activities such as highways, housing, community development, and environmental protection programs.

Even this abbreviated list demonstrates that the Federal Government cannot abdicate its involvement in water resources development. If the existing programs are not entirely in accord with modern needs, they will not be corrected by merely enumerating their faults, real or imagined. They will be improved by redirecting them toward the accomplishment of modern valid objectives. Those objectives are not necessarily the ones which will result in the greatest net increase in the gross national product. They are not necessarily the ones which can most nearly repay their costs to the Treasury. They are the ones which will meet real needs of particular people in specific communities and counties and river basins.

I urge the Commission to consider these matters in their final draft and in their recommendations to the President and the Congress. Otherwise, the record must be made in the Congress after the report has been received.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, does the Senator from Utah have any time remaining?

The ACTING PRESIDENT pro tempore. The Senator from Utah has 4 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me 1 minute?

Mr. MOSS. I am glad to yield 1 minute to the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. I thank the Senator.

## HOLIDAY RECESS SCHEDULE FOR 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record the holiday recess schedule for the Senate during 1973.

There being no objection, the schedule was ordered to be printed in the Record, as follows:

### Holiday Recess Schedule, 1973

Lincoln's Birthday (Monday, February 12)—From conclusion of business Thursday, February 8, until Noon, Wednesday, February 14.

Easter (Sunday, April 22)—From conclusion of business Wednesday, April 18, until Noon, Wednesday, April 25.

Memorial Day (Monday, May 28)—From conclusion of business Thursday, May 24, until Noon, Tuesday, May 29.

July 4 (Wednesday)—From conclusion of business Tuesday, July 3, until Noon, Tuesday, July 10.

August recess—From conclusion of business Friday, August 3, until Noon, Wednesday, September 5.

Veterans Day (Monday, October 22)—From conclusion of business Thursday, October 18, until Noon, Tuesday, October 23.

Thanksgiving (Thursday, November 22)—From conclusion of business Wednesday, November 21, until Noon, Monday, November 26.

## ORDER FOR RECOGNITION OF SENATOR ABOUREZK ON TUESDAY, JANUARY 16, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, following the recognition of the two leaders, or their designees, under the standing order, the distinguished Senator from South Dakota (Mr. Abourezk) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THE DIMENSIONS OF AMERICAN TRADE POLICY

Mr. HUMPHREY. Mr. President, over the weekend I had the opportunity to participate in a conference on the future of international trade sponsored by Business International in San Juan, P.R. The conference was attended by businessmen, economists, and government officials from several nations. Such eminent men as Dr. Sicco Mansholt of the European Economic Community, Secretary of Commerce Peterson and Mr. Yusulse Kashiwagi of the Japanese Ministry of Finance participated in the meetings.

Mr. President, I believe that there is little public awareness concerning the great issues related to foreign trade. This is an alarming fact since trade legislation will soon be before the Congress, and it will have a direct impact on millions of American families.

I believe that we should begin a dialog concerning international trade issues. And it should be a dialog not only between Members of Congress, but between the economic super powers who are surely heading towards an economic confrontation in the near future.

In the next few months I plan to stimulate and participate in what I hope will be national and international discussions of the trade issue.

A reasoned and sound trade policy must be our objective this year. But in order to attain this goal, and in order to satisfy the legitimate needs of both business and labor, trade policies must be formulated with open discussions, with candor and without the narrow divisiveness between competing interests which could limit our ability to develop policies firmly in our national interest.

Mr. President, I ask unanimous consent that my remarks to the Business International Conference be printed at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

### Remarks by Senator Hubert H. Humphrey

As you may well imagine, I am not here today to speak to you about the economics of trade.

I have relied on the other distinguished speakers to do that—and they have done it extremely well.

What I do intend to address myself to is the political dimensions of the trade issue.

I cannot emphasize enough the importance of this subject.

Few would dispute the fact that trade and political diplomacy are meshed together than ever before since the end of World War II.

Yet, as clear as that fact may be, we still are not clear about what this interrelationship portends for the future.

On the positive side, the emergence of trade and commercial policy as a number one issue for international political dialogue has increasingly replaced potential military confrontation.

But there are dangerous developments, too, that must be provided if we are to reap the potential benefits of this new dialogue.

To put it bluntly, I am referring to the danger that old allies could become new economic enemies.

What do I mean?

I mean that we are entering an era of rapprochement with the communist bloc and that there are those who say this could weaken our relations with our allies to the extent that such relations are built solely on defense ties.

And I mean that while new trade opportunities are opening up, a new dimension of competition, and even hostility, may be arising among allies.

Am I suggesting the possibility of all-out economic warfare? Surely, this is not pre-World War I Europe, and empires are not at each other's throats in the search for new markets.

But let me share with you the thoughts of Professor Richard Gardner, former Deputy Assistant Secretary of State for International Organization Affairs.

As you probably know, Professor Gardner was a member of President Nixon's Commission on International Trade and Investment Policy, commonly referred to as the Williams Commission.

He made four key points in testimony before the House Foreign Affairs Committee:

First, the United States, Europe, and Japan are drifting into an economic war.

Second, such a war can be avoided only by a major negotiation launched at the highest level.

Third, this negotiation should cover trade, monetary and investment questions.

Fourth, and most critical, success in this extraordinarily difficult negotiation will require major concessions from all the parties—including the United States—and an unprecedented strengthening of international economic organizations.

Professor Gardner made this statement in 1971, but developments since then, while encouraging, certainly do not render his judgment obsolete.

Ponder what J. Robert Schaetzel, former Deputy Assistant Secretary of State of European Affairs, had to say just a few weeks ago in Fortune magazine.

"America and Europe are cursed by a preoccupation with their own affairs and an inclination to deal with domestic problems in ways that ignore their impact on the other side of the Atlantic.

"The drift toward mutual hostility threatens to retard the growth of world trade and to complicate reform of the international monetary system.

Ambassador Schaetzel was speaking about Europe, but I would suggest that his thesis could be expanded most certainly to include Japan.

Here the cloud of mutual misunderstanding is even thicker, and the cause for alarm even greater.

Neither the United States, Japan, nor the Common Market has demonstrated the political astuteness or sensitivity which is required to avoid the profoundly adverse outcomes which may result from present trends.

It is all very well to give grandiose addresses on free trade and the glories of American-European and Japanese friendship.

But without any substantive backing, these words have an increasingly hollow ring.

I fear that all of our governments have been guilty of this, particularly the one I know best.

Witness the President's failure to consult the European community before imposing the import surcharge of August 15, 1971.

Or his failure to consult or inform Japan before making his visit to Peking—which caused serious domestic and foreign political problems with a very important trading partner.

While we were treating our major trading partners in this way, we set out to the Soviet Union and Eastern Europe.

Rendezvousing with these previously forbidden partners has provided the American people with a new optimism about future trade.

The Nation has been impressed by the President's economic openings to the east—and the President deserves full credit.

But the clear danger is that the American people, led by the President, will fail to realize that the far less romantic business of trading with Canada, the nations of the Western Hemisphere, Japan, and Western Europe will constitute the bread and butter of our trade relationships for years to come.

Does the Average American realize that we do $11 billion of trade with those solid but unexotic Canadians?

By contrast, our trade in the near future with China and the Soviet Union will be a fraction of that amount. About as intense as the occasional shopping of a Long Island housewife at Bloomingdale's Chinese Boutique.

Our trade with Latin America, plus our investments, surely merit priority attention. The figures speak for themselves:

In 1969, we had $13.8 billion in investment in Latin America and in 1971 our exports were $6.44 billion and imports were $6.03 billion.

It will take a long time before we can develop such a volume of commerce with new trading partners in Eastern Europe.

Is anyone, including the President, aware of our special relationship with 22 Latin American nations established in 1970 in the form of a Special Committee for Consultation and Negotiation?

It is appropriate, as we sit here almost midway between North and South America, to remember that this special committee includes an ad hoc group on trade which requires advance consultation, if the U.S. contemplates restrictions on imports.

Again, our failure to consult this group and others before imposing the recent import surcharge is symptomatic.

Insensitivity to the feelings of old friends, as we romanticize our trade relationship with the Soviet Union and China, will clearly erode solid friendships.

Am I being a Doomsday prophet?

I don't need to tell you that I would never get past Hollywood's central casting if they were looking for a Jeremiah type.

No, I am convinced that the will and the opportunity exist to avoid an economic war with Europe and Japan.

But I am astounded at the lack of leadership demonstrated in this regard—not only in the United States, but in all nations involved, both government and business communities are part of this serious negligence of leadership.

We must remember that nations don't plan for war, they slide into war, whether an economic war or a military one. And they do this because of poor leadership.

Unless we have the will and the leadership to take day-by-day steps to prevent such economic conflict, we will slide into it.

For the lust for economic power is stronger now than ever. And the trade wars of the late 1920's were child's play compared to what could break out in the '70's.

We are in the atomic age of economics, dealing with a wholly different magnitude of economic power.

The potentially destructive weapons that could be fashioned make the Smoot Hawley tariff look like a child's toy pistol.

So we need safeguards that are of corresponding magnitude to the forces of our age.

We need an early warning system—and a fail-safe system.

The world cannot afford the ad hoc approach of an earlier era, which saw the London Conference of 1933 convened only *after* full-scale economic war had broken out—thus guaranteeing its failure.

This reinforced a world-wide depression and brought a new and more virulent nationalsim—which tragically culminated in a world war.

The world cannot afford to continue drifting through what Ambassador Schaetzel calls the "smog of ignorance, misinformation and maudlin propaganda" that surrounds relations between the U.S. and Europe"—and I would add, Japan.

I, therefore, urge our respective leaders to hold a summit meeting on economic issues in early 1973, after the last of EEC member elections is held.

I am not very enamored of summitry, but I make this suggestion at this time because of the sense of urgency I feel.

The issues of trade and investment have been hashed out in public, behind closed doors, by our government emissaries and by others long enough.

Some headway has been made, of course. I am encouraged by Secretary Schultz's remarks to the Board of Governors of the IMF at their September meeting in Washington. He—

Cautioned against a tide of protectionism.

Made some concrete suggestions to reform our international monetary adjustment process.

And called upon every member country to put his own house in order.

Yet, encouraged as I am by Secretary Schultz's proposals, and some of the statements and policies of Secretary Peterson, I am discouraged by other U.S. government spokesmen and by their counterparts.

In our own country it is almost like the left hand not knowing what the right hand is doing.

In Europe and Japan I do not find the situation much different.

While Europe as a Community of Nine will be the largest trading bloc in the world accounting for 28% of world exports and 24% of world imports, the Common Market's policies and orientation have not, in my opinion, taken sufficient account of this fact:

It continues to bend to a very active farm lobby which is largely responsible for the highly protectionist Common Agricultural Policy.

It has recently made noises about a Common Industrial Policy which may become a vehicle for restricting American investment in Europe.

In the case of Japan the same thing is true.

Japan has catapulted itself into a major economic power with a phenomenal annual average growth rate of 15.9% between 1960 and 1970.

She now accounts for just under five billion dollars of U.S. exports, making her the second largest importer of U.S. products.

And the reverse is also true, with the United States being the largest market for Japanese products.

Now, there are clearly matters that need to be addressed between the two countries:

The visibility of Japanese imported items and what is now estimated as an over-$4 billion trade imbalance, has fueled the protectionist spirit in the U.S.

Despite this growing sentiment, the Japanese government has been reluctant to reduce its own trade barriers and open up its markets to American investors.

The developments I am describing have a momentum of their own.

### SUMMIT

My sense of urgency about a Summit conference stems from my feeling that this protectionist momentum threatens to overwhelm the limited attempts now being made to forge new understandings.

For we have had conferences, and more conferences.

At each conference, new issues are raised, due to the complex relationship of economic, political and social forces in the trade-policy equation.

So each time we walk away with more issues raised and questions unanswered because the participants do not have the broad authority to give answers.

And now we have two more critical conferences on the horizon: both GATT and IMF meetings will take place next fall.

These are terribly important, but is the U.S. Congress or the American public aware of them?

Unless their importance to our economic and international future is dramatized and fortified by a summit meeting held in advance of them, I predict that such meetings will not succeed in reversing the protectionist drift we are witnessing.

The summit I am talking about would be one with an agreed-on agenda. It would not be an open-ended talkfest.

It would be designed to produce answers on basic issues, so that succeeding conferences of ministers will have authority to negotiate, based on policy positions at which their heads of state have arrived.

Most importantly, a summit meeting should be prepared to examine the kinds of economic weapons now in existence, and those being fashioned.

It should not avoid discussing the existence of aggressive measures such as dumping, which in economic terms are as destructive to human lives as military aggression is in physical terms.

A summit meeting would lay the groundwork for the development of international rules governing use of dumping as well as other measures such as tariffs, quotas, export subsidies, and other non-tariff barriers.

It would go beyond such controls to the creation of new, cooperative mechanisms to maximize the flow of trade—not mouthing academic free trade slogans while practicing the opposite, but living in a real world which recognizes that market-sharing is needed, that voluntary agreements are needed.

Such mechanisms should involve not only rules—they should also involve people.

New forums must be created, so that a real dialogue can be developed between the actors on the international trade scene.

We need such a dialogue between parliamentarians of our respective nations.

Between labor leaders.

Between business leaders.

These powerful internal forces are now turning inward.

They must begin turning outward, and talking to each other across the oceans. Why do we have communications satellites anyway?

This is critical. For it is the inability of ministers to represent these forces that guarantees the continued weakness of international conferences and agreements.

This means a continued skepticism by other nations in the U.S.'s ability to follow through on trade agreements, such as those recently made with the Soviet Union.

Unless a new third force, emanating from such a dialogue, develops, to bridge the gap between ministerial agreements and Parliamentary protectionism, we are in trouble.

I have been talking up to now mainly about what the major economic powers can do in concert in coming years. Let me now focus on the special situation of the United States, and on the immediate situation which the 93rd Congress faces.

Congressional sentiment for protectionism is clearly growing.

And this sentiment is being fueled by legitimate feelings of frustration and despair on the part of millions of American workers who feel that their jobs and families are threatened by the great influx of foreign made goods and the declining trade position of the United States.

The American worker is under great economic pressure. He is being assaulted by inflation, high interest rates, unfair wage and price controls and a sense of alienation which comes with blocked social and educational opportunities.

In addition, the average worker associates his own job security with the reduction of competition from abroad, either by foreign companies or American-owned subsidiaries. The translation of this sentiment means a growing protectionist constituency in the United States.

I don't believe that leaders of the government or leaders in the business community have been sensitive to the plight of the American worker or what the American worker believes to be threat to his job from Foreign competitions.

It isn't only what is true that moves or affects people—it is what they think or perceive to be true that is even more significant.

Because of this, there is great hostility among this group to a new era of international trade.

And the political sentiment in Congress arises from these feelings. It cannot be ignored or covered over by belated expressions of concern.

I can attest to the protectionist groundswell in the United States. During the past year as I travelled around the United States I realized how widespread the fear of foreign competition is among workers in union and non-union shops.

The Burke-Hartke bill with its new quotas on imports and repeal of tax advantages for U.S. corporations' investments overseas will get prime attention during the 93rd Congress.

The bill focuses on some very real issues—issues that are of great concern to American workers.

I am not going to engage in a detailed analysis of the bill—its pluses and its minuses—but I do not want to stress its importance in the upcoming debate on trade in the Congress.

*You can't tell the man who loses his job in a factory that his loss is the nation's gain.*

Unless we face this fact, we will be severely hampered in the attempt to forge a new trade policy.

As far as the U.S. is concerned, one purpose of the summit meeting I have proposed would be to make it perfectly clear that progress in dealing with the felt needs of our own workers must accompany any international monetary and trade reforms.

The reduction of trade barriers by Japan and the Common Market, with a short-range goal of wiping out an anticipated $7 billion trade deficit is as relevant as a sound incomes policy at home.

We must recognize that the strongly-held sentiments which lie behind the Burke-Hartke bill severely threaten the adoption of a liberal trade posture and the passage of other trade measures in the Congress.

Failure by other nations to remove their trade barriers will mean an even stronger push behind the Burke-Hartke bill.

Of course, we cannot completely shift the burden to Europe and Japan.

Clearly, the time has come for the U.S. to provide a comprehensive adjustment program for workers in domestic industries that are affected by import competition.

Everyone recognizes that the present adjustment assistance program does not work.

It was created in a different economic era a decade ago, and at a time when the U.S. was just beginning to create manpower policies.

We have come a long way since then in relating manpower policies to economic policies.

We have seen the Congress pass the first job-creation program since the depression to deal with high unemployment.

So it is incredible that, although the U.S. is now spending several billions on manpower programs, it is spending nickels and dimes on adjustment programs.

This is incredibly short-sighted, since an effective adjustment assistance program would actually create jobs, by alleviating some of labor's fears, and thus allowing expansion of trade.

We should scrap the present program and create a new one that is *not* just one of a dozen different programs that an old-line bureaucracy runs when it feels like it.

Beyond adjustment assistance, the U.S. must also deal with the twin problems of inflation and unemployment, before it can more effectively deal with the political and economic pressures which give rise to protectionism.

I have been talking about what the Government can do. But it is increasingly clear to me that business must do something, too—that, in fact, the growth of protectionist sentiment has resulted from business's failure to realize and understand the human consequences of their activities.

You gentlemen are sensitive to the problems I have been speaking about, but what are you doing about it?

Everybody talks about what the President should be doing, or what Congress can do to stave off the tide of protectionism.

But what are you doing in your own enterprises?

What are you doing to cope with job training, and placement for your workers?

What are you doing to convince the American public that your foreign investments and susbidiary plants really do mean new jobs for us in the United States?

That they do improve our balance of payments and trade position?

That they do improve our relations with other States? Many are not convinced that your foreign subsidiaries do all these things, and you'll have to work on me. You must build your own popular constituency and not expect that the Congress will do what you tell us.

I have more questions for you, so as long as we are together in the present delightful circumstances, here they are:

Why do you expect tax favors that consumers, workers, small domestic industries do not receive?

Why do you need organizations like the Domestic International Sales Corporation?

Why do you need or deserve special treatment at all?

In the upcoming debate in Congress you will have to answer these questions. You will have to face issues squarely and honestly so that the trade issues can be fully understood, and handled in an equitable way.

Gentlemen, the implications of these tough questions are not just voiced by me.

Secretary Schultz seems to be taking a similar position. Before a recent IMF luncheon, he said:

"The general feeling in this administration is that we haven't in recent years gotten the best of it in trade. So we have to take less ritualistic positions. We have to get out and make sure that there's a square shake for American Labor and American unions."

Our common goal must be equitable trade with a fair shake for both business and labor.

And unless such equity is achieved at home between business and labor, the chances of achieving it with our trading partners will be next to impossible.

As we look ahead to vigorous competition in world trade—and it will be just that—let me share a few thoughts with my fellow Americans who are here.

It is time for business, Government, labor and agriculture to arrive at a common trade policy.

In the real world of today, Government and business must be working partners in the field of foreign trade—surely we should have learned this by now from our experience with other countries.

These national partnerships must, however, abide by international standards such as GATT.

Let's be candid—American industry has traditionally been geared to its domestic markets and to assured foreign markets.

As a result, our trade, financial and economic policies are not designed to meet the competitive realities of the present.

In the years ahead, we must refashion policies.

We must be more competitive, more innovative.

We must be export and investment minded.

We must use the tools of market research to maximize our export potential.

We must start doing all these things, and start doing them now.

I will close by saying that those in control of economic and trade policy in our respective nations must come to a new recognition of the interdependence of politics and trade—both in their own countries and abroad.

They must realize that international trade and economics is too important to leave either to the economists, or the politicians alone.

It is time for you and I, the American public, the Japanese public, and the European public, as well as their respective leaders to begin to understand each other and work together.

In this way we can help provide the leadership which will prevent us from continuing on a collision course which only spells disaster. We can and must develop trade, investment and monetary policies which allow us to grow together rather than grow apart.

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## AMENDMENT OF THE STANDING RULES OF THE SENATE

Mr. HUGHES. Mr. President, I make the following unanimous-consent request:

First, that those items of paragraph 2 of rule XXV of the Standing Rules of the Senate, relating to the Committee on Agriculture and Forestry and the Committee on Commerce, as amended by Senate Resolution 10, 93d Congress, agreed to January 4, 1973, are further amended to read as follows:

Agriculture and Forestry, 13; and
Commerce 18; and

Second, that those paragraphs of Senate Resolution 12, 93d Congress, agreed to January 4, 1973, and modified January 9, 1973, relating to the majority party membership of the Committee on Agriculture and Forestry, the Committee on Commerce, and the Committee on Labor and Public Welfare read as follows:

Committee on Agriculture and Forestry: Mr. Talmadge (chairman), Mr. Eastland, Mr. McGovern, Mr. Allen, Mr. Humphrey, Mr. Huddleston, Mr. Clark.

Committee on Commerce: Mr. Magnuson (chairman), Mr. Pastore, Mr. Hartke, Mr. Hart, Mr. Cannon, Mr. Long, Mr. Moss, Mr. Hollings, Mr. Inouye, Mr. Tunney, Mr. Stevenson.

Committee on Labor and Public Welfare: Mr. Williams (chairman), Mr. Randolph, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Hathaway.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. STEVENSON. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Illinois has the right to object.

Mr. STEVENSON. Mr. President, I am grateful for the opportunity to serve on the Committee on Commerce. I have great respect for its distinguished chairman, and a deep interest in the broad range of the committee's concerns.

Membership on this committee will enable me to give close and continuing attention to matters that are of great importance to the State I represent. Illinois' economic vitality is based in large part on its commerce with other States and other nations. Energy, aviation, surface transportation and communications, all of which are within the jurisdiction of the Committee on Commerce, are lifelines which sustain the industrial and agricultural vigor of our heartland State. Additionally, I share with my constituents an active concern for two other important interests of this committee—consumer protection and the preservation of our environment.

When I learned that I might have an opportunity to serve on this committee, I gave careful consideration to a matter which I now bring to the attention of the Senate and the public. Ever since entering public life upon my election to the Illinois legislature in 1964, I have made it a practice to disclose, at regular intervals, my personal financial interests. Since coming to the Senate, I have published in the RECORD, at the beginning of each year, a detailed statement of my assets and liabilities.

My holdings include a long-standing family interest in a company presently known as Evergreen Communications, Inc. This firm's primary activity is the publication of the Bloomington Pantagraph, a daily newspaper which has been owned by successive generations of my family for 128 years. Evergreen Communications also owns minority interests in two cable TV companies and majority interests in two radio stations and a telephone answering service.

My present holdings consist of 12,640 shares—approximately 8 percent—of the stock of Evergreen Communications, Inc. I do not participate in the management of the company. I also own three of the 20 non-voting shares of Bloomington Broadcasting Corp., which is the broadcasting subsidiary of Evergreen.

I am aware, and I want my colleagues and my constituents to be aware, that if my appointment to the Committee on Commerce is approved by the Senate, there will be occasions when the committee is called upon to consider matters of interest to a regulated industry in which I have a financial interest. In such instances, I will be governed by my conscience. There has never been a time when I have permitted my personal interests to have any bearing on my actions in behalf of the public interest, and there will never be such a time.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Iowa? Without objection, it is so ordered.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized under the previous order.

## COMPULSORY SCHOOL BUSING

Mr. HARRY F. BYRD, JR. Mr. President, I have just left a meeting of the Committee on Finance. The witness was Mr. Casper Weinberger, who has been designated by the President to be the new Secretary of Health, Education, and Welfare. These are the confirmation hearings for Mr. Weinberger.

During the hearing I put this question to Mr. Weinberger: "Do you favor or oppose compulsory busing to achieve an artificial racial balance in the schools?"

Mr. Weinberger answered, "I oppose."

I than asked him this question: "Will this be the policy in your department?"

His answer, in substance, was that it would be the policy of his department.

Then, I asked him this question: "Will your subordinates be so instructed?"

He replied, in substance, that he would expect his subordinates to carry out the policy of the Department which he heads.

Mr. President, it seems to me this is something of an historic breakthrough. I have been in Washington under—I do not know how many—four, five, or six Secretaries of Health, Education, and Welfare, and never before have we been able to get a clearcut statement from a Secretary that his is opposed to compulsory busing for the purpose of achieving an artificial racial balance in schools.

I commend Mr. Weinberger on his forthrightness; I commend Mr. Weinberger on the view he has taken.

It has been the Department of Health, Education, and Welfare, going back many years, that has had a great deal to do with the very tragic situation in which many areas of this country find themselves being subjected to compulsory busing of their schoolchildren for an artificial reason.

I was much impressed the other day by what the distinguished Senator from Maryland (Mr. BEALL) said when he spoke on this floor in opposition to compulsory busing. He introduced legislation which would prevent compulsory busing in the middle of a school year. I support that legislation. Certainly that is the least we can do. I do not think there should be any compulsory busing for that artificial purpose. But most certainly it is ridiculous to disrupt the school system in the middle of the school year and haul students from one school near their homes to some far-away school.

This is a burning question in this country; not just in one region of the country, but all over the country. It has been an important issue in the State of Michigan, for example. If it is pressed elsewhere, it will be an important issue wherever it is pressed.

So I commend the new Secretary of Health, Education, and Welfare for his position on this matter. It is not a question of integration. All the schools I have any knowledge of are integrated.

In my own State of Virigina, so far as I know, every school is integrated. There may be some isolated ones of which I am not aware. I guess the only place where there are no integrated schools is in the county of Buchanan in southwest Virginia, in the coal mining area, and the reason why the schools are not integrated there is that there is not a single black in the county. But if some Federal judges had their way, or some former employees of HEW had their way, some means would be found to integrate those schools when there is no minority race living in the county.

So I say this is not a question of integration. Every school in Virginia, as far as I know, is integrated. I think that would apply to practically all the States of the Union. The opposition on the part of the parents, and on the part of the children, is not to integration; the opposition is to this very foolish policy of compulsory busing of children from one school to another for the single purpose of creating an artificial racial balance.

For the first time in years the country now will have a Secretary of Health, Education, and Welfare who says frankly, in a public hearing:

> I am opposed to compulsory busing. That will be the policy of my Department, and I expect the subordinates in my Department, the Department of HEW, to carry out that policy.

Mr. GRIFFIN. Mr. President, will the Senator yield for a comment at that point?

Mr. HARRY F. BYRD, JR. I am delighted to yield to the distinguished minority whip.

Mr. GRIFFIN. I wish to associate generally with the remarks of the distinguished Senator from Virginia and join him in welcoming the forthright statement made by the Secretary-designate of HEW regarding the policy that he intends to pursue.

I am pleased that those now being appointed to high positions in the administration are following through on policies and stands taken by the President during the recent campaign. In that regard I note that the Justice Department, within the last day or so, has indicated that it will intervene in a pending case involving Prince Georges County in Maryland. As I understand it, the Justice Department is joining with local authorities in asking the court at least to delay implementation of a busing order until the beginning of the next school year.

The Senator from Virginia may be interested to know that the junior Senator from Michigan has reintroduced the resolution proposing a constitutional amendment that he offered in the last Congress. In addition, this Senator has introduced a bill which would withdraw by statute the jurisdiction of Federal courts to issue busing orders based upon race. So, those measures are again before the Congress.

This Senator certainly hopes that the Senate, in this session of Congress, will do what we failed to do in the the last session, and that is to measure up to our responsibilities by getting to a vote on meaningful and effective legislation on busing.

I thank the Senator for yielding.

Mr. HARRY F. BYRD, JR. I commend the Senator from Michigan for the legislation which he has presented. I supported him in those many long and close and difficult votes which were had in the Senate during the last session, in the efforts led by the able Senator from Michigan. I support him now and commend him for the legislation he has introduced.

I recall a few months ago when the Senator from Michigan and I—and I see the Senator from Tennessee (Mr. BROCK) on the floor—and several others were invited to the White House to discuss this matter with the President—I asked him whether or not I would be free to repeat his statement publicly. Of course, I would not quote the President on any matter if I did not get from him permission to quote him directly. This is what he had to say about compulsory busing. He said, "I am against compulsory busing, period." The Senator from Texas was there at the same meeting——

Mr. TOWER. And I can confirm what the Senator said as being absolutely correct. The President was very emphatic in what he said. He left no room for mistake about it.

Mr. HARRY F. BYRD, JR. He left no room for mistake about it.

The Secretary-designate of the Department of Health, Education, and Welfare, who appeared before the Finance Committee this morning, left no doubt about it. He said that would be the policy of HEW under his administration; that he was opposed to it; that it would be the policy of his department; and that his subordinates would be expected to carry out those instructions.

That is very important, because the people of Virginia, and I am sure people all over this Nation, have been harassed in the last few years by subordinates in the Department of Health, Education, and Welfare coming into their communities and telling them how to run their school systems. So I was glad to get on the record this morning, in discussing the subject with the Secretary of Health, Education, and Welfare, that his policy will be in opposition to compulsory busing for the purpose of achieving an artificial racial balance.

Mr. SCOTT of Virginia. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield to my colleague.

Mr. SCOTT of Virginia. I, too, would like to associate myself with the Senator's remarks and say that at least in Virginia we have unanimity on this question, and I would go further and say that I believe that, as the distinguished Senator said, this is the feeling of the people of America; and if we are going to have representative government, I feel that we must do something to prevent the racial busing of children.

Mr. HARRY F. BYRD, JR. I thank my colleague from Virginia.

Mr. BROCK. Mr. President, I was interested in the previous colloquy, and I very much share the desires and opinions of the senior and junior Senators from Virginia and of the Senator from Texas and of the Senator from Michigan, and I congratulate the Senator from Michigan for his continued leadership in this effort.

Mr. President, it has been 18 months since I introduced the original constitutional amendment on this matter in June of 1971.

It has been pointed out so many times that the American people have endorsed this. The President of the United States has endorsed it. They have endorsed any action to stop this abuse of our children. The new Secretary of Health, Education, and Welfare is very much in favor of preserving neighborhood schools.

We come to one place, the Congress of the United States. It is the Congress of the United States that has delayed. It is the Congress of the United States that has doubted the wisdom of this. It has been the Congress of the United States that has obfuscated this matter. It is the Congress that has filibustered this matter. It is the Congress that has refused to respond to the American people.

We must wonder for how long the people's branch can refuse to respond to the people.

In the meantime, the problems created by the forced busing of schoolchildren to achieve racial balance have multiplied and grown more severe. More and more, the public outcry is heard. More and more, educators are voicing concern that we have, in an undoubtedly sincere desire to redress inequities, lost sight of the only reasonable goal of education—education.

More and more areas are affected. More and more parents are struck by the insanity of forcing a small child to board a bus, drive past the school within walking distance of his home, perhaps ride past other schools as well in order to deliver him, eventually, to yet another school which has been determined by some sociologist with a computer to be the school which, solely because of the color of his skin, he should attend.

Mr. President, that is racism. It runs counter to the whole thrust of the modern civil rights movement, which has at the very core of its intellectual being a belief that public policy should not be made on the basis of race, creed or color.

To that principle we should all adhere. For that goal we should all fight, and I stand ready to do so. And it is my belief that the greatest single threat to that principle today is the concept of forced busing.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. TOWER. Mr. President, I think that the Senator from Tennessee has brought out some very pertinent points in his remarks. He has pointed out that what has happened is contrary to the whole civil rights movement. Every case has been overturned. In Plessy against Ferguson, the court stated that children should not be assigned to schools on the basis of color. Therefore, this is contrary to the spirit of the holding of the Supreme Court.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I yield my 3 minutes to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for an additional 3 minutes.

Mr. BROCK. Mr. President, I thank the majority leader for his graciousness.

In 1954 the Supreme Court decided that the question of color should play no part in the assignment of children to schools and could not be used to discriminate and that no legal authority could discriminate against a child because of his race, creed, or color. All of a sudden they found another device, another excuse, another method of getting around the intent of the Constitution, which is crystal clear, that a man is a man, and it does not matter as to what his background or color or label is. He is a human being and should be treated as such.

I believe that busing children to achieve racial balance is no more legitimate than busing children to achieve racial segregation. It introduces the very sort of quota system which has been used since time immemorial for a prejudiced majority to discriminate against a minority. It does nothing to advance the cause of quality education. And it ignores the emotional well-being of our boys and girls.

We have tried a whole barrelful of strategies to end this tragic abuse of our children. We have bargained, cajoled, and pleaded for action. But the buses continue to roll.

The people have made their position clear. The President has made his position clear. But the Congress has obfuscated.

I had hoped that we could legislate an end to the problem quickly. But we have not been able to do so. And so I am now convinced that the constitutional amendment is the only sure guarantee.

It does not work as quickly as I would like. It will not solve the problem this school term, or next school term. But if we can do it, and I believe we can, it will solve the problem for good.

There are few gifts which the 93d Congress can give to the people of America more wanted, or more needed, than that. For this reason, I am reintroducing this joint resolution, and I urge its speedy approval. It does not matter whether the joint resolution is mine or the joint resolution of the Senator from Michigan. I have no pride of authorship. I urge the Senate to embark upon speedy action in this matter.

Mr. TOWER. Mr. President, I associate myself with the remarks of the distinguished Senator from Tennessee. I think he has made his position clear. There is not much further that can be said that has not already been said on the floor in the course of our deliberations last year. I think that the emphasis in this effort should be toward achieving quality education for our children, regardless of race, color, or ethnic background.

Mr. President, I think that this can best be done through neighborhood schools and not through wasting our resources and wasting the taxpayers' money on buses and drivers.

So, I am hopeful that we will direct our attention toward improving the quality of education everywhere rather than trying to engage in some social experiments. It is not the function of the schools to engage in social experiments. It is the function of the schools to develop the minds and the intellects of our young people and prepare them for life. And we should address ourselves to that responsibility.

Mr. BROCK. Mr. President, I thank the Senator for his kindness, and I express my gratitude for him for his continuing effort on behalf of the children of this Nation. He has been a leader in the fight and has contributed much to this effort. If this joint resolution should pass and become law, it will be in large measure due to the efforts of people such as the Senator from Tennessee and the Senator from Virginia who have been magnificient.

Mr. President, I ask unanimous consent that I may have printed in the RECORD the remarks of the distinguished Senator from Mississippi (Mr. STENNIS).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### STATEMENT BY SENATOR STENNIS

Mr. President, I am proud to join Senator Brock and my other distinguished colleagues as a cosponsor of this resolution. For too many years we have watched the gradual destruction of many of our public schools in this country through Federal interference in normal educational activities and disruption of our schools by means of unsound social experiments. It is my fervent hope, and it will be one of my primary commitments this year to help put an end once and for all to this incessant tampering with our public schools by Federal courts and agencies.

Personally, I still hope that we can solve our most pressing school problems by legislation during this Congress, and I shall sponsor various bills designed to do so which will be introduced shortly. As I have stated before, legislation is the quickest method of stopping the most obvious evils of forced busing and other obnoxious practices, and attempts to amend the Constitution necessarily require far longer because they must also be ratified by three-fourths vote of the state legislatures after being passed by two-thirds vote of both Houses of Congress. Nevertheless, in spite of those obstacles, I am now supporting a constitutional amendment, because it seems to me the only effectively final method of putting to rest at last all government tampering with our public schools.

The amendment which Senator Brock has offered and which I have gladly joined as a co-sponsor, is a clear and simple one to understand. Its purpose is to establish the neighborhood school as the basis of all pupil assignments in public schools throughout the Nation. It protects every student's right to attend the school nearest his home, and assures that schools will return to their real purpose: education.

Up to now we have had two different standards for treatment of our public schools in this country, one for the North and one for the South. In the South, massive transportation of public school students from one neighborhood to another, and sometimes from one school district to another, has been required by Federal court and agency orders solely for the purpose of establishing a racial balance among students. In many other regions of the country, where racial segregation in the schools is often far greater than in the South, no action has been taken in most cases. In the few cases outside the South where forced busing has been ordered, a great public outcry has arisen, and numerous public elections, both local and national, have been decided on the basis of the candidates' stands on the issues of busing and Federal disruption of neighborhood schools, sometimes in areas where no forced busing has even been ordered.

Mr. President, when forced busing had been imposed only on one region of the country, most citizens and their representatives in areas outside of the South were unaware of just how drastic and destructive federal disruption of schools could be. Now that busing has come home to the North, a solid majority of our colleagues in both Houses of Congress supports efforts to end forced busing and the turmoil in our schools.

Just last fall many of our colleagues from all regions of the Nation joined in supporting the Stennis amendment, which established a uniform national policy of equal treatment for all regions of the country in application of school desegregation guidelines. The Stennis amendment with strong, bi-partisan support, passed both Houses of Congress last year, was signed by the President, and is now the law of the land. It is my fervent hope that this year we can make even further progress by flatly forbidding by legislation all forced busing for racial purposes. It would be the crowning achievement of this Congress to pass a proposed constitutional amendment effectively forbidding forced busing by requiring assignment of all public school students to their neighborhood schools.

Mr. President, the people of America are behind us four-square. It is time for the United States Senate to act, to exercise leadership, and to establish our public schools once and for all as centers for learning rather than playgrounds for federal government social experiments. I urge all my fellow Senators to support public education in neighborhood schools by supporting our resolution.

Thank you very much for your attention.

Mr. TOWER. Mr. President, today, as in the last Congress, I join Senators Brock, Baker, Allen, Hansen, Eastland, Stennis, and Thurmond in sponsoring a joint resolution to amend the Constitution of the United States for the purpose of guaranteeing equal treatment to all our Nation's schoolchildren.

Our amendment states:

> No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.

Further, it delegates to Congress the authority to provide for the enforcement of this amendment through legislative action.

Each Member of this body is aware of the problems facing our Nation's public school systems. Judicial abuse of our constitutional guarantees have brought chaos to American education. My colleagues and I feel this social experimentation with our children is senseless—is inexcusable—is illegal.

In title IV, section 2000c(b) of the Civil Rights Act of 1964, Congress defined desegregation:

> "Desegregation" means the assignment of students to public schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment to public schools in order to overcome racial imbalance.

Clearly, the Federal courts have actively ignored this provision, and, in so doing, have blatantly disregarded the will of the Congress. I feel, therefore, that it will take nothing less than a constitutional amendment to withdraw this matter from the jurisdiction of the courts.

This issue has been termed "the most emotional issue" of 1972, and I suspect it will again be the most emotional issue of this Congress. Nevertheless, this concern over the assignment of school children, and, most importantly, the busing of school children is much more than that. What we are dealing with here is not simply some new program that may or may not work—some program which can be retooled or abandoned if it is unsuccessful. We are dealing with the lives and education of American school children. Children whose education is sacrificed today in the name of social experimentation may never recover the opportunities they have lost. Damage done to already beleaguered school districts may be irreparable. We cannot afford this sacrifice. We must concentrate our talents and our limited resources on providing a quality education for all of our children.

The point is not whether desegregation should continue. Certainly I would not advocate a return to the dual school system. The separation of children simply because of their race or national origin is not consonant with the American ideal of equality. However, social scientists must not be allowed to urge upon us a reverse bias in turning the emphasis of the schools from education to quota systems.

Mr. President, if there were any educationally sound reason to have massive, forced busing, then the people of this country might not mind this practice so much. No such reason exists. On February 18, 1972, Senator Mondale who was then chairman of the Select Committee on Equal Educational Opportunity and who had, at that time, spent nearly 2 years studying such tools of desegregation as busing, spoke to the Senate concerning his observations. In his report, after months of testimony had been taken, he could not produce one educationally sound reason why we must have massive, forced busing in urban areas. In urban areas where massive busing has been undertaken, there has been very little accomplished educationally while millions of dollars have been spent to buy buses and pay drivers. The select committee did turn up some very interesting facts, however, which will be studied closely this year. School districts which are in difficult financial straits are being forced to spend millions of hard-earned tax dollars for expenses which return no educational benefits. We simply must not allow this continued waste of resources when the only outcome in sight is further disruption of educational opportunities, the neighborhood school, and the parents' freedom of choice.

The time has come for definitive action in the U.S. Congress. I urge all Senators to join with us in this effort to return quality education through free access to our neighborhood schools.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

## THE RESIGNATION OF GEORGE HARTZOG AS DIRECTOR OF THE NATIONAL PARK SERVICE

Mr. BIBLE. Mr. President, the year 1972 marked the 100th anniversary of our great national park system—a system that has preserved some of our most magnificent scenic treasures for the enjoyment of countless generations of Americans. It is a system that serves as a worldwide model for conservation and recreation.

Unfortunately, 1972 also marked the end of another important chapter in the improvement and expansion of the park system. I am speaking of the departure of George Hartzog as Director of the National Park Service. It is my considered judgment—judgment based on more than a decade of direct involvement with the national park system—that the

Nixon administration made a serious mistake when it accepted George Hartzog's resignation last month. For his retirement was a major loss to outdoor recreation and the cause of conservation.

During Mr. Hartzog's stewardship the national park system enjoyed its greatest period of growth. Since he became Director in 1964 more than 70 new units were added to the park system. It is a record in which I take great pride as chairman of the Senate Parks and Recreation Subcommittee, and I know it would not have been possible without George Hartzog's dedicated and untiring leadership. No man worked harder and more effectively in the cause of conservation and recreation, and our splendid park system is itself a monument to those efforts.

George Hartzog took command of the Park Service at a time of tremendous and conflicting pressures. On the one hand there was—and still is—unprecedented public demands for more outdoor recreation opportunities. On the other, there was the new wave of environmental protection—equally insistent demands for stern measures to preserve the Nation's fast-disappearing natural heritage.

It was a critical stage in the 100-year-old history of our national park movement, and George Hartzog proved to be the right man for this difficult challenge. He had the right combination of foresight and know-how, and while he often ran the gauntlet of criticism from both groups—recreationists and preservationists—I am confident his record will prove he achieved the proper balance in serving both causes.

One most consistent criticism of George Hartzog, in fact, was that he performed too successfully. For during his term as Director of the national park system experienced unbelievable increases in visitation and use. But Mr. Hartzog did not create that public demand; he worked to serve it and to channel it in such a way as to protect the resources of the parks and recreation areas. New park opportunities were needed, and he worked effectively with Congress to create them. New approaches, new methods of operation were needed, and he pioneered them.

George Hartzog is far too active and capable to remain idle long, and I wish him continued success and achievement in whatever new endeavors he chooses to pursue. Meanwhile, the Nation and the national park cause are deeply indebted to him for the lasting benefits he helped secure.

An editorial in the Washington Star-News of December 15, 1972, recognized Mr. Hartzog's contributions as an "effective and innovative administrator," and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIBLE. Mr. President, to illustrate the scope of his park expansion efforts, I also ask unanimous consent that a list of the new park system units created by Congress during Mr. Hartzog's service as Director be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

### LIST OF NEW PARK SYSTEM UNITS

#### EIGHTY-EIGHTH CONGRESS

Ozark National Scenic Riverways.
Fort Bowie National Historic Site.
Fort Larned National Historic Site.
Saint-Gaudens National Historic Site.
Allegheny Portage Railroad National Historic Site.
Johnstown Flood National Historic Site.
John Muir National Historic Site.
Fire Island National Seashore.
Canyonlands National Park.
Ice Age National Scientific Reserve.
Roosevelt-Campobello International Park.
Lake Mead National Recreation Area.

#### EIGHTY-NINTH CONGRESS

Assateague Island National Seashore.
Delaware Water Gap National Recreation Area.
Nez Perce National Historical Park.
Whiskeytown-Shasta-Trinity National Recreation Area.
Cape Lookout National Seashore.
Chamazal Treaty National Monument.
Fort Union Trading Post National Historic Site.
George Rogers Clark National Historical Park.
San Juan Island National Historical Park.
Guadalupe Mountains National Park.
Pictured Rocks National Lakeshore.
Indiana Dunes National Lakeshore.
Bighorn Canyon National Recreation Area.
Golden Spike National Historical Site.
Hubbell Trading Post National Historical Site.
Agate Fossil Beds National Monument.
Herbert Hoover National Monument.
Pecos National Monument.
Alibates Flint Quarries and Texas Panhandle Pueblo Culture Natural Monument.
Ellis Island National Monument.
Roger Williams National Monument.

#### NINETIETH CONGRESS

John Fitzgerald Kennedy National Historic Site.
Saugus Iron Works National Historic Site.
North Cascades National Park.
Lake Chelan National Recreation Area.
Ross Lake National Recreation Area.
Redwood National Park.
Appalachian National Scenic Trail.
St. Croix National Scenic Riverway.
Wolf National Scenic Riverway.
Carl Sandburg Home National Historic Site.
Biscayne National Monument.

#### NINETY-FIRST CONGRESS

Florissant Fossil Beds National Monument.
William Howard Taft National Historic Site.
Andersonville National Historic Site.
Lyndon B. Johnson National Historic Site.
Apostle Islands National Lakeshore.
Chesapeake and Ohio Canal National Historical Park.
Voyageurs National Park.
Gulf Islands National Seashore.
Sleeping Bear Dunes National Lakeshore.
Freeman School—Homestead National Monument.
Wilson Creek National Battlefield Park.
Eisenhower National Historic Park.

#### NINETY-SECOND CONGRESS

Gateway National Recreation Area.
Golden Gate National Recreation Area.
Buffalo National River.
Sawtooth National Recreation Area.
Oregon Dunes National Recreation Area.
Cumberland Island National Seashore.
Fossile Butte National Monument.
Puukohola Heiau National Monument.
Lincoln Home National Historical Site.
Hohokam Pima National Monument.
Thaddeus Kosciuszko Home National Memorial.
Grant-Kohrs Ranch National Historic Site.
Longfellow National Historic Site.
John D. Rockefeller, Jr., Memorial Parkway.
Mar-A-Lago National Historic Site.

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### EXHIBIT 1

[From the Washington Star-News
Dec. 15, 1972]

### A LAMENTABLE DEPARTURE

Of all the sub-cabinet personnel changes announced in recent days, the removal of National Park Service Director George B. Hartzog Jr. is the most lamentable and surprising. No one can hang on to a position forever, of course, and Hartzog has held this one in three administrations. But he will be hard to match as an effective and innovative administrator. His successor, Ronald H. Walker, will have no picnic dealing with the controversies that swirl around the job.

Those stem from the prevailing environmental excitement, and Hartzog has, we believe, generally coped with them fair-handedly. Some environmentalists don't think so, however, and have wanted him removed. Perhaps their efforts have achieved that. Or perhaps his departure is owed to the fact that he's about the last Democratic appointee remaining in so high a position. Interior Secretary Morton says the aim is to bring "new life and new direction" to the agency, but it's difficult to think of anyone with livelier ideas about parks, and more skill in dealing with Congress, than the man who is leaving.

The record speaks impressively. Since Hartzog took charge in 1964, national parks acreage has swelled by more than 2½ million acres and 78 new parks have been created. The Washington area has benefitted from his enthusiasm for diversity. At Wolf Trap Farm, the cultural national park concept was initiated, with his strong support, and he promoted the National Visitors Center idea which will come to fruition soon at Union Station. St. Louis has its splendid urban national park beside the Mississippi, with the graceful Saarinen arch towering as the Gateway to the West. One of his main visions, which we hope will be perpetuated, is for "recycling" of blighted lands to provide parks in urban sectors. And his hopes of creating new national parks near Eastern seaboard cities certainly should be carried forward by the new director of the service.

Hartzog has faced a built-in dilemma, which his successor will inherit: The Park Service has a dual and conflicting responsibility—for preservation and public recreation. Environmentalists criticize the scale of development in parks, but we think Hartzog has struck a good balance. He has tried to accommodate the swelling horde of vacationers, while assigning first priority to protection of natural assets. Without a commitment by Congress and the administration to the heavier funding that's needed for parks expansion, no one is likely to do better.

Mr. HARRY F. BYRD, JR. Mr. President, will the distinguished Senator from Nevada yield?

Mr. BIBLE. I am very happy to yield to my very dear and close friend, the distinguished senior Senator from Virginia.

Mr. HARRY F. BYRD, JR. I join the able Senator from Nevada in commending the long service of George B. Hartzog. I have had a keen interest in the national park system. It is of great importance to the people of the United States.

It has been my observation, although I have not been so close to it as has the distinguished Senator from Nevada, that George Hartzog has rendered an outstanding service in his position. I personally shall be very sorry to see him leave.

Mr. BIBLE. I appreciate those comments, and I am certain that Mr. Hartzog will, likewise, feel very much gratified about the kind things the Senator from Virginia has said about him.

## MESSAGE FROM THE PRESIDENT TODAY ON EXTENSION OF WAGE AND PRICE CONTROLS

Mr. GRIFFIN. Mr. President, today President Nixon sent to Congress a message requesting an extension for another year of his wage and price control authority, and outlining to Congress and the Nation what will be known as phase III of the program.

The new phase of the program proposed by the President will be comprehensive in its concept. Some aspects will be put on a self-administering basis while tighter and more effective controls will be applied in other areas. For example, there will be a stepped-up effort to cope with rising food prices.

Under phase III, neither a wage board nor a price commission is contemplated but the Cost of Living Council will continue. The President has announced that he will appoint John T. Dunlop to succeed Donald Rumsfeld as Chairman of the Council.

I am pleased phase III will continue the Construction Industry Stabilization Committee which has been working well with labor organizations and management groups within the country. Certainly there will be need for even closer and better cooperation between these two segments of our economy in the future if phase III is to succeed.

I am pleased also to note in the message that the President intends to continue the Committee on Interest and Dividends which is chaired by Arthur Burns.

The President has set a new goal with regard to inflation. The objective is to bring the rate of inflation down to 2.5 percent or below by the end of 1973.

That is an ambitious goal but it is also a worthy goal deserving the best efforts of the administration and Congress.

The tone of the President's message is conciliatory. In a spirit of cooperation, the President has asked Congress for support in this drive to hold the line on prices and to avoid new taxes. I hope the message will be received and acted upon at an early date by Congress in that same spirit.

Mr. President, I ask unanimous consent that a summary giving the highlights of the President's program be included in the RECORD at this point.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

### SUMMARY OF PRESIDENT NIXON'S PROGRAM

### COMPREHENSIVE WAGE-PRICE RESTRAINT PROGRAM

Except in special problem areas, the present program will be replaced by one which is self-administering and based on voluntary compliance. Standards will be provided and restraint called for. If restraint is not exercised, the government will have the capacity to intervene as appropriate in the particular situation and ensure that restraint is exercised from that point on. Some firms will be required to keep records, and other larger firms will be asked to file quarterly reports. This will help the Cost of Living Council monitor price and wage developments. Prenotification and government approval for individual actions will be dropped. Firms will be expected to make their own decisions, in the spirit of restraint and voluntarism, within the guides.

#### *Price standards*

Firms will be allowed to increase prices to reflect increased costs subject to either one of two limits: (a) that their average price increases do not exceed 1.5 percent; or (b) that their base period profit margin is not exceeded. In judging whether price increases are merited by cost increases, firms can use the present rules as a guide. The base period for profit margin computation will be revised to allow more flexibility. There will be exceptions to permit necessary adjustments to avoid distortions.

#### *Wage standards*

A Labor-Management Advisory Committee will be convened to consider whether the wage standard is consistent with our new anti-inflation goal. Until that group convenes and returns with its recommendations, the present standards of 5.5 percent with additions for fringe benefits will be continued.

#### *Operation of the program*

The standards described above will be issued to guide individual performance. In examining the performance of firms and industries in their self-administration of these standards, the Council will be looking for behavior that was reasonably consistent with them. The standards will be mandatory in the sense that unreasonably inconsistent actions could result in the imposition of specific, legally binding price or wage levels, as well as other prospective restrictions.

#### SPECIAL EFFORT ON FOOD

Firms involved in food processing will be required to comply with present regulations applying to them, including prenotification of and approval of cost-justified price increases. Firms involved in food retaining will be held to present item margin markups.

A committee drawn from the Cost of Living Council will be established, chaired by the Chairman of the Cost of Living Council and composed of the Chairman of CEA, Secretary of Agriculture, Director of OMB, and Director of CLC. The committee's purpose will be to review government policies and recommend appropriate changes in those having an adverse effect on food prices.

An advisory group composed of non-government individuals knowledgeable about all aspects of the food industry will be established to advise the Cost of Living Council Committee on Food. This group will consider the operation of the controls program as it affects the industry and the people working in it, federal policies and actions affecting food prices, and ways of improving productivity at all points in the food processing and distribution chain.

#### SPECIAL EFFORT ON HEALTH

The present controls applicable to this sector will be continued until appropriate modifications are recommended by the committees described below.

A committee drawn from the Cost of Living Council will be established, chaired by the Director of the CLC and composed of the Chairman of CEA, the Director of OMB and the Secretaries of the Treasury and HEW. (The Secretary of HEW is being added to the CLC.) The committee's purpose will be to review and make appropriate recommendations concerning changes in government programs that could lessen the rise of health costs.

An Advisory Committee composed of knowledgeable individuals outside the Federal Government will be established to advise the Cost of Living Council on the operation of controls in the health industry and changes in government programs that could alleviate the rise of health costs. This committee would also work to mobilize insurance companies and other third-party payers to use their influence in reducing the rise in health costs.

## SELECT COMMITTEE ON STANDARDS AND CONDUCT—APPOINTMENT BY THE VICE PRESIDENT OF SENATORS CURTIS AND BROOKE

The PRESIDING OFFICER (Mr. HASKELL). The Chair, on behalf of the Vice President, pursuant to Senate Resolution 338 of the 88th Congress, appoints the Senator from Nebraska (Mr. CURTIS) and the Senator from Massachusetts (Mr. BROOKE) to the Select Committee on Standards and Conduct.

## SELECT COMMITTEE TO STUDY QUESTIONS RELATED TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS—APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HASKELL). The Chair, on behalf of the majority and minority leaders, in accordance with Senate Resolution 13, 93d Congress, appoints the following Senators to the Select Committee to Study Questions Related to Secret and Confidential Government Documents: the Senator from Montana (Mr. MANSFIELD), chairman; the Senator from Rhode Island (Mr. PASTORE); the Senator from Iowa (Mr. HUGHES); the Senator from California (Mr. CRANSTON); the Senator from Alaska (Mr. GRAVEL); the Senator from Pennsylvania (Mr. SCOTT), cochairman; the Senator from New York (Mr. JAVITS); the Senator from Oregon (Mr. HATFIELD); the Senator from Florida (Mr. GURNEY); and the Senator from Kentucky (Mr. COOK).

## JOINT ECONOMIC COMMITTEE—APPOINTMENT BY THE VICE PRESIDENT OF SENATOR SCHWEIKER

The PRESIDING OFFICER (Mr. HASKELL). The Chair, on behalf of the Vice President, pursuant to the provisions of section 1024 of title 15, United States Code, appoints the Senator from Pennsylvania (Mr. SCHWEIKER) to the Joint Economic Committee to fill a vacancy of the minority party membership.

## EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. HASKELL). The period for the transaction of morning business appears to have expired.

Mr. HUGHES. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for a period of 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GOLDWATER:

S. 285. A bill for the relief of Donald L. Quering, his wife, Viola M. Quering, and their child, Roxanne J. Quering. Referred to the Committee on the Judiciary.

By Mr. SCOTT of Virginia:

S. 286. A bill to exclude from gross income the first $250 of interest received on deposits in thrift institutions. Referred to the Committee on Finance.

S. 287. A bill to clarify the jurisdiction of certain Federal courts with respect to public schools and to confer such jurisdiction upon certain other courts. Referred to the Committee on the Judiciary.

S. 288. A bill to amend title 28 of the United States Code to provide that petit juries in U.S. district courts shall consist of six jurors, except in trials for capital offenses. Referred to the Committee on the Judiciary.

S. 289. A bill to amend title 38, United States Code, in order to permit certain veterans up to 9 months of educational assistance for the purpose of pursuing retraining or refresher courses. Referred to the Committee on Veterans' Affairs.

S. 290. A bill to amend title 5, United States Code, to authorize the immediate retirement without reduction in annuity of employees and Members of Congress upon completion of 30 years of service. Referred to the Committee on Post Office and Civil Service.

S. 291. A bill to amend title 13, United States Code, to provide certain limitations with respect to the types and number of questions which may be asked in connection with the decennial censuses of population, unemployment, and housing, and for other purposes. Referred to the Committee on Post Office and Civil Service.

S. 292. A bill to provide career status as rural carriers without examination to certain qualified substitute rural carriers of record in certain cases, and for other purposes. Referred to the Committee on Post Office and Civil Service.

S. 293. A bill to authorize the Secretary of the Interior to establish the George Washington Boyhood Home National Historic Site in the State of Virginia. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 294. A bill to make an assault on or murder of a State or local policeman, fireman, or prison guard a Federal offense. Referred to the Committee on the Judiciary.

S. 295. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 65 years of age or older. Referred to the Committee on Commerce.

S. 296. A bill for the relief of Mr. Patrick Henry Daly, Maria Cecilia Ada Clelia Cousino Noe de Daly, Patricio Luis Daly, Christian Andres Daly, Barbara de los Angeles Daly, Carolina Elizabeth Daly. Referred to the Committee on the Judiciary.

By Mr. BENNETT (by request):

S. 297. A bill to regulate State taxation of federally insured financial institutions. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENNETT:

S. 298. A bill for the relief of Sung Wan Kim. Referred to the Committee on the Judiciary.

S. 299. A bill to amend chapter 34 of title 38, United States Code, to consider as active duty service, for certain purposes and under certain circumstances, the initial period of active duty for training served by a veteran pursuant to section 511(d) of title 10, United States Code. Referred to the Committee on Veterans' Affairs.

By Mr. MANSFIELD (for himself and Mr. Mondale):

S. 300. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HART:

S. 301. A bill for the relief of Erlinda Zaragosa. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 302. A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture. Referred to the Committee on Interior and Insular Affairs.

S. 303. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the boundaries of the Cache National Forest in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

S. 304. A bill for the relief of Milagro de la Paz Posada. Referred to the Committee on the Judiciary.

By Mr. YOUNG:

S. 305. A bill for the relief of Li Su Chin Huang, Huei Chung Huang, Huei Rung Huang, Huei Luen Huang, and Yang Nene Huang.

S. 306. A bill for the relief of Sung Tung Wang and Wen Fen Wang.

S. 307. A bill for the relief of Rosario O. Caladiao.

S. 308. A bill for the relief of Exequiel B. Cruz; and

S. 309. A bill for the relief of Dr. Hermenegildo M. Kadile. Referred to the Committee on the Judiciary.

S. 310. A bill to authorize the Secretary of the Army to convey certain lands originally acquired for the Garrison Dam and Reservoir project in the State of North Dakota to the Mountrail County Park Commission, Mountrail County, N. Dak. Referred to the Committee on Public Works.

S. 311. A bill to extend the provisions of section 403(b) of the Internal Revenue Code of 1954 to employees of public hospitals. Referred to the Committee on Finance.

S. 312. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred in connection with the adoption of a child. Referred to the Committee on Finance.

By Mr. ROBERT C. BYRD (for Mr. Bentsen) (for himself and Mr. Tower):

S. 313. A bill to establish the Amistad National Recreation Area in the State of Texas; and

By Mr. ROBERT C. BYRD (for Mr. BENSTEN):

S. 314. A bill to establish the Big Thicket National Park in Texas. Referred to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

S. 315. A bill for the relief of Elsa Bibiana Paz Soldan. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself, Mr. Buckley, Mr. Church, Mr. Griffin, Mr. Hart, Mr. Chiles, Mr. Hartke, Mr. Case, Mr. McGee, Mr. Stevenson, Mr. Brooke, Mr. Nelson, Mr. Mondale, Mr. Javits, Mr. Proxmire, Mr. Randolph, Mr. Metcalf, Mr. Mansfield, and Mr. Scott of Pennsylvania):

S. 316. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ALLEN (for himself and Mr. Sparkman):

S. 317. A bill to provide for the settlement of claims resulting from participation in a Public Health Service study to determine the consequences of untreated syphilis. Referred to the Committee on the Judiciary.

By Mr. WEICKER (for himself and Mr. Bible, Mr. Brooke, Mr. Cannon, Mr. Cook, Mr. Fannin, Mr. Javits, Mr. Moss, Mr. Pell, Mr. Taft, and Mr Young):

S. 318. A bill to safeguard the professional news media's responsibility to gather information, and therefore to safeguard the public's right to receive such information, while preserving the integrity of judicial processes. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF (for himself, Mr. McIntyre, Mr. Stafford, Mr. Aiken, Mr. Brooke, Mr. Hathaway, Mr. Pastore, Mr. Weicker, Mr. Muskie, Mr. Cotton, Mr. Pell, and Mr. Kennedy):

S. 319. A bill relative to the oil import program. Referred to the Committee on Finance.

By Mr. JAVITS:

S. 320. A bill to amend title II of the Social Security Act, to provide that, for purposes of the provisions thereof relating to deductions from benefits on account of excess earnings, there be disregarded, in certain cases, income derived from the sale of certain copyrights, literary, musical, or artistic compositions, letters or memoranda, or similar property. Referred to the Committee on Finance.

By Mr. TAFT:

S. 321. A bill to exclude from gross income the first $500 of interest received from savings account deposits in lending institutions. Referred to the Committee on Finance.

By Mr. SCHWEIKER:

S. 322. A bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities. Referred to the Committee on Commerce.

S. 323. A bill to amend the tariff and trade laws of the United States, and for other purposes. Referred to the Committee on Finance.

S. 324. A bill to amend the Public Health Service Act to provide for nutrition education in schools of medicine and dentistry. Refererd to the Committee on Labor and Public Welfare.

By Mr. BIBLE (for himself and Mr. Cannon):

S. 325. A bill to expand the Boulder Canyon project to provide for the construction of a highway crossing the Colorado River immediately downstream from Hoover Dam. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENSON:

S. 326. A bill for the relief of Minnie E. Solger. Referred to the Committee on the Judiciary.

S. 327. A bill to incorporate Recovery, Inc. Referred to the Committee on the Judiciary.

By Mr. HARRY F. BYRD, JR.:

S. 328. A bill to amend section 2307 of title 10, United States Code, to limit to $20 million the total amount that may be paid in advance on any contract entered into by the Departments of the Army, Navy, and Air Force, the Coast Guard, and the National Aeronautics and Space Administration. Referred to the Committee on Armed Services.

By Mr. THURMOND:

S. 329. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents. Referred to the Committee on Finance.

S. 330. A bill to amend chapter 67 (relating to retired pay for nonregular service) of title 10, United States Code, to authorize payment of retired pay actuarially computed to persons, otherwise eligible, at age 50, and for other persons. Referred to the Committee on Armed Services.

By Mr. THURMOND (for Mr. GURNEY):

S. 331. A bill to establish the Chassahowitzka National Wilderness Area in the State of Florida;

S. 332. A bill to establish the Saint Marks National Wilderness Area in the State of Florida;

S. 333. A bill to establish the Spessard L. Holland National Seashore in the State of Florida, and for other purposes; and

S. 334. A bill to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CHURCH (for himself, Mr. WILLIAMS, Mr. HUMPHREY, and Mr. McCLURE):

S. 335. A bill to promote development and expansion of community schools throughout the United States. Referred to the Committee on Labor and Public Welfare.

By Mr. HART (for himself, Mr. METCALF, and Mr. CASE):

S. 336. A bill amending section 133(f) of the Legislative Reorganization Act of 1946 with respect to the availability of committee reports prior to Senate consideration of a measure of matter. Referred to the Committee on Government Operations.

By Mr. BROCK (for himself, Mr. ALLEN, Mr. BAKER, Mr. HARRY F. BYRD, JR., Mr. EASTLAND, Mr. GOLDWATER, Mr. HANSEN, Mr. STENNIS, Mr. THURMOND, Mr. TOWER, Mr. GRIFFIN, and Mr. BIBLE):

S.J. Res. 14. A joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools. Referred to the Committee on the Judiciary.

By Mr. SCOTT of Virginia:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States relating to the participation in nondenominational prayers in any building which is supported in whole or in part through the expenditure of public funds; and

S.J. Res. 16. A joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of the Supreme Court and of interior courts. Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT of Virginia:

S. 287. A bill to clarify the jurisdiction of certain Federal courts with respect to public schools and to confer such jurisdiction upon certain other courts. Referred to the Committee on the Judiciary.

Mr. SCOTT of Virginia. Mr. President, I have a number of bills that, after brief remarks, I would like to send to the desk and have printed and referred to the proper committees. These are measures that have previously been introduced in the House. I think that they are meritorious measures, and I feel that they should receive consideration in the 93d Congress.

## JURISDICTION OF FEDERAL COURTS OVER ISSUES AND CONTROVERSIES INVOLVING THE PUBLIC SCHOOLS

Mr. SCOTT of Virginia. Mr. President, the first of my bills relates to the jurisdiction of the Federal courts over the issues and controversies involving the public schools.

I think the State courts are the courts closest to the people, and I believe that we would not have the problems that have just been discussed on the floor of the Senate if the courts of original jurisdiction were State courts rather than Federal courts. Much of our problem has come from the Federal District courts and the actions that are taken by the judges in those courts.

### TENURE OF FEDERAL JUDGES

Mr. President, my second bill relates to the tenure of our Federal judges. It seems to me that 10-year terms are reasonable. Anyone holding a public position should from time to time have to account for his stewardship, and 10 years is a reasonable time for a Federal judge to serve without having to come back to the President and to the Senate for reappointment and reconfirmation.

I believe that a bill on this matter should receive the attention of the Senate.

By Mr. SCOTT of Virginia:

S. 293. A bill to authorize the Secretary of the Interior to establish the George Washington Boyhood Home National Historic Site in the State of Virginia. Referred to the Committee on Interior and Insular Affairs.

### ESTABLISHMENT OF BIRTHPLACE AND BOYHOOD HOME OF GEORGE WASHINGTON AS A NATIONAL SHRINE

Mr. SCOTT of Virginia. Mr. President, the third bill I send to the desk—and the only other one on which I will take the time of the Senate to discuss—is with regard to the establishing and preservation of Ferry Farms, the boyhood home of George Washington, as a national shrine.

We are getting almost to the time when we will commemorate the 200th birthday of this Nation. This is the place where legend tells us George Washington chopped down the cherry tree and threw a silver dollar across the Rappahannock River.

Mr. President, this area is now being threatened with commercial purposes. This place should be used in conjunction with Wakefield, the birthplace of George Washington. It is in the same area and should be preserved as a historic place for our Nation.

By Mr. HUMPHREY:

S. 294. A bill to make an assault on or murder of a State or local policeman, fireman, or prison guard a Federal offense. Referred to the Committee on the Judiciary.

### THE KILLING OF POLICEMEN AND FIREMEN SHOULD BE A FEDERAL OFFENSE

Mr. HUMPHREY. Mr. President, I am today reintroducing my bill to make the assault on or the murder of a State or local policeman or fireman or prison guard a Federal offense.

This legislation was first introduced on March 15, 1972, and it was later adopted as an amendment to the Hand-Gun Control Act in the closing days of the 92d Congress. The Hand-Gun Control Act, however, failed to become law.

Mr. President, policemen and firemen put their lives on the line for the rest of us every day of the year. I think it is up to Congress now to assure that their safety is protected. And, the recent killings of law enforcement and public safety personnel in New Orleans highlights the need to make an assault on or a murder of a policeman or a fireman a Federal offense.

I would hope that the Senate Judiciary Committee would consider this legislation as promptly as possible. We need to take action and take it now.

Mr. President, I ask unanimous consent that a copy of my remarks of March 15, 1972, and a copy of the bill be printed at this point in the RECORD.

There being no objection, the remarks and bill were ordered to be printed in the RECORD, as follows:

### STATEMENT OF SENATOR HUMPHREY, MARCH 15, 1972

Mr. HUMPHREY. Mr. President, I am introducing legislation today which would make the crime of murder, or attempted murder, of a policeman, fireman, or penal institution guard a Federal offense. This action is sorely needed and long overdue, for the problem of crime in America, which affects the lives of all of us, has created a crisis situation with respect to the security of public safety officials. We are a nation founded on law. We can never have a lawful and just society when men charged with safeguarding the public welfare live in constant danger of physical attack. These people put their lives on the line for all of us every day. It is up to this Congress to assure that all that can be done, is indeed done, to assure their safety.

The problem of public safety personnel being put in the position of targets of public and political violence is increasing so rapidly that we can no longer stand back and watch these brave men fall in ever increasing numbers to the agents of lawlessness in our society. In 1961, when John Kennedy was inaugurated President, 37 policemen were killed in the line of duty in the United States. One decade later this figure has tripled to 125, with the rate increasing each year. Specifically, there were 48 policemen killed in 1962, 55 in 1963, 57 in 1964, 53 in 1965, 57 in 1966, 76 in 1967, 64 in 1968, 86 in 1969, 100 in 1970, and 125 in 1971. And in the first month of 1972 alone, 12 police officers were killed in the line of duty. This is obviously an intolerable trend which must be reversed.

During the same period of time that over 700 police officers were slain in the line of duty, 44 firemen met the same fate. And now we find ourselves in the grips of a new problem—the alarming increase in killing of penal institution guards. The deaths of men in these three groups of public safety officials tarnishes our Nation.

The legislation which I am introducing today may be one method which can successfully decrease the number of attacks made on public safety officers in our Nation. Let us remember that before the crime of kidnaping was made a Federal offense, kidnaping had reached catastrophic proportions in the United States, with almost 300 kidnapings alone in 1931. After this heinous crime was made a Federal offense, kidnapings have averaged at 28 per year—a startling reversal. Hopefully, the same kind of reversal might be effected by the threat of FBI investigation of crimes involving attacks on policemen, firemen, and prison guards. The Constitution authorizes us to legislate the public welfare. Certainly the safety of these men whose duty is to safeguard the public welfare is a constitutionally valid concern. Making these crimes a Federal offense will direct national attention to each of these attacks, and thus may serve to remind criminals or potential criminals of the seriousness of their actions.

Thus, for the sake of our brave public safety official, as well as for the sake of law, order, and justice in our society, the legislation which I propose today must be acted upon quickly.

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### S. 294

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, or prison guards

"(a) Whoever commits murder or manslaughter, or attempts to commit murder or manslaughter, or aids or abets another in the commission of such murder or manslaughter, or attempts to commit such murder or manslaughter, of any State law enforcement officer, fireman, or prison guard while such officer, fireman, or guard is performing official duties, or because of the official position of such officer, fireman, or guard, shall be punished as provided under section 1111, section 1112, or section 1113 of this title.

"(b) As used in this section, the term—

"(1) 'law enforcement officer' means any officer or employee of any State who is charged with the enforcement of any criminal laws of such State.

"(2) 'fireman' means any person serving as a member of fire protective service organized and administered by a State or a volunteer fire protective service organized and administered by a State or a volunteer fire protective service organized and administered under the laws of a State;

"(3) 'prison guard' means any officer or employee of any State who is charged with the custody or control in a penal or correctional institution of persons convicted of criminal violations; and

"(4) 'State' means any State of the United States, the Commonwealth of Puerto Rico, any political subdivision of any such State or Commonwealth, the District of Columbia, and any territory or posession of the United States.".

(b) The chapter analysis of such chapter is amended by adding immediately after item 1115 the following new item:

"1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, or prison guards.".

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### By Mr. HUMPHREY:

S. 295. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 65 years of age or older. Referred to the Committee on Commerce.

#### REDUCED TRAVEL RATES FOR HANDICAPPED AND ELDERLY

Mr. HUMPHREY. Mr. President, the legislation I am introducing today is of great importance to millions of older Americans and handicapped persons who are, in effect, being denied the right to travel under present policies and by prohibitive costs. It is profoundly wrong that a disabled veteran confined to a wheelchair should be required to pay double fare to have an attendant on an airline flight. And it is wrong that an elderly couple should be isolated from their children or be denied the broad opportunities of retirement years because of the cost of air travel.

The bill which I am introducing, and which had been adopted, in part, by the Senate in the last Congress, would enable airlines to offer free or reduced rate transportation to handicapped persons and persons who are 65 years of age or older. It will extend the same permissive authorization to railroads and buslines to offer free or reduced fares to elderly persons that are available under existing law to the blind and to mentally or physically handicapped persons. Moreover, total or partial fare discounts on regular airline reservation tickets, also would be authorized for persons attending the physically or mentally handicapped on their flights.

I believe my bill offers the most comprehensive and equitable approach to guaranteeing the right to travel to handicapped persons and the elderly. In contrast to recent decisions of the Civil Aeronautics Board to terminate certain promotional fares offered by airlines, with the rationale that these fares had been discriminatory and had failed to increase passenger loads sufficiently to offset reduced revenues, I firmly believe that the fare reductions authorized in my bill would end an existing unjust discrimination and would result in substantially increased revenues. For the fourth year in a row, airlines are flying less than half full. Yet there have been impressive examples of senior citizen passenger load and revenue increases of up to 400 percent over the past few years where airlines have been authorized to offer fare reductions. Surely, there is clear evidence of an untapped market when senior citizens, comprising 10 percent of our population, account for only 5 percent of all airline passengers.

I also believe that a fundamental respect for human dignity and equal opportunity demands that all forms of de facto discrimination against mentally or physically handicapped persons be removed from American society. That is why, in addition to having previously introduced basic legislation to prohibit this denial of civil rights, I am particularly concerned in this specific instance that fare discounts be authorized on regular airline reservation tickets, to the blind, the physically and mentally handicapped, and persons traveling in their attendance, as further defined by regulations of the Civil Aeronautics Board—an authorization already applied to railroads and buslines under existing law.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

### S. 295

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 403(b) of the Federal Aviation Act of 1958 is amended (1) by inserting after "persons in connection with such accident;" the following: "persons who are sixty-five years of age or older, and handicapped persons and persons traveling with and attending such handicapped persons when the handicapped person requires such attendance;", and (2) by inserting at the end thereof the following: "As used in this section the term 'handicapped person' means the blind and other persons who are physically or mentally handicapped, as further defined by regulations of the Board.".

Sec. 2. Section 22 of the Interstate Commerce Act is amended by inserting after "or commutation passenger tickets;" the following: "nothing in this part shall be construed to prohibit the transportation of persons who are sixty-five years of age or older free or at reduced rates;".

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### By Mr. BENNETT (by request):

S. 297. A bill to regulate State taxation of federally insured financial institutions. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BENNETT. Mr. President, I introduce, by request, a bill to regulate State taxation of federally insured institutions. I introduced, by request, a similar bill in May of last year. The bill last year, however, had an elaborate provision intended to prevent discrimination between taxation of banks and other financial institutions and businesses. When our Banking, Housing and Urban Affairs Committee met in executive session on the proposal, it was tabled without full consideration of its merits. At that time, it was argued that there was a proposal pending before the House Banking and Currency Committee which would more nearly put into legislation recommendations of the Federal Reserve Board regarding the taxation of banks and that it would be appropriate to delay further Senate action until the House committee had acted on its bill. The House committee did not complete consideration of its bill during the last session.

As the result of this action, or inaction, on the legislation last year, a provision called a permanent amendment contained in legislation enacted in 1969, removing all restrictions on the taxation of banks by States, went into effect on January 1, 1973. Because Members of Congress were concerned that the effects of the removal of all restrictions on the authority of States to tax federally chartered banks could be adverse to the banking system and the overall economy, the same act, Public Law 91-156, required the Federal Reserve Board to make a study of the probable effects and to report its recommendations which would then be considered by the Congress before the permanent amendment was scheduled to go into effect. The Federal Reserve Board made such a report in May of 1971, with five recommendations. First, intangibles owned by all insured depositories should be exempt from taxation. Second, limitations should be placed on the imposition of "doing business" and similar taxes by foreign States on all depositories. Third, measures should be taken to prevent discrimination between one class of bank and another, between home State and foreign State banks, and between banks and other business firms. Fourth, States should be permitted to tax interest on Federal obligations in order to permit States flexibility in their taxing methods. Fifth, currency and coins should be considered intangible personal property for State and local tax purposes.

The Federal Reserve report stated that there may be a danger of disintermediation as a result from taxation of bank-owned intangible personal property. In addition, the Board's report points out the dangers which might result from State taxation which might discriminate between national and State banks, between home State banks and out-of-State banks, between banks and other businesses generally, or between banks and other competing financial institutions. The Board has made it clear that any State taxation which might result in such disintermediation or such discrimination might have seriously adverse effects on the Nation's financial mechanisms and the functions of the Nation's payments system and thereby on the Nation's commerce and on the maintenance of government itself.

The bill which I introduce today is intended to carry out the recommendations of the Federal Reserve Board and is the same as title II of H.R. 15656 which was approved by the Subcommittee on Bank Supervision and Insurance of the House Banking and Currency Committee last year, except for two changes. First, a provision exempting deposits in banks, which was not recommended by the Federal Reserve Board, is not included. I am informed that such a provision if retained would cause serious problems for existing tax laws of Ohio and Michigan. In addition, title II of H.R. 15656 was limited to the taxation of insured commercial banks, while the bill which I have been requested to introduce follows the Federal Reserve Board's recommendation to cover all federally insured institutions and thus applies to commercial banks and savings banks insured by the Federal Deposit Insurance Corporation, savings and loan associations insured by the Federal Savings and Loan Insurance Corporation, and members of the Federal Home Loan Bank System.

In introducing this proposal by request, I do not necessarily indicate support for all of its provisions. I do believe, however, that it deserves careful consideration by the Congress.

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By Mr. MOSS:

S. 302. A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture. Referred to the Committee on Interior and Insular Affairs.

### ADDITIONS TO WASATCH NATIONAL FOREST

Mr. MOSS. Mr. President, I introduce for appropriate reference, a bill to authorize the U.S. Forest Service to purchase up to 3,000 acres of private land to be added to the Wasatch National Forest in Utah. The bill authorizes a sum not to exceed $2 million for the purchase.

The land is located in Mill Creek Canyon above the diversion point for the proposed Little Dell Reservoir, and in Little Cottonwood and Big Cottonwood Canyons.

I first introduced this bill in January 1967, because of my growing concern that proposed private development in the areas in question would create serious sanitary and stream pollution problems and would prevent the use of the land for public recreation purposes. My concern was and is shared by the Salt Lake City Commission, which originally asked me to introduce this bill, and by Utah conservationists anxious to act before the land is damaged beyond repair.

Public testimony taken last summer at hearings on an identical bill, revealed the continuing interest and support this measure has with local and State agencies in Utah. The only negative testimony among Utah representatives came from private development interests who stand to gain economically from the retention of land in private ownership.

In hearings on August 4, 1972, in Washington, D.C., the Forest Service declined to support the bill on grounds that local government agencies should take the lead in solving private land-use matters through prudent land-use zoning restrictions and enforcement of applicable environmental quality standards. However, it appears obvious from testimony received that the pressures created by private development have far outpaced the effectiveness of regulation. Furthermore, Governor Rampton of Utah stated:

> It is the feeling of the state government that our mountain heritage should be regarded as a public trust. In this regard, an effective argument can be made that the greatest public benefit of such critical areas as our canyons can best be realized under the multiple use management principles of the U.S. Forest Service. I might say here that if there were in the State government the authority to acquire this land and administer it, I would oppose the bill. But there is not, and it would appear that the only way to get the proper regulation of these areas now is through the Forest Service.

The measure I introduced last Congress was passed by the Senate unanimously on September 19, 1972. However, due to the press of business the last days of the 92d Congress, the House failed to take action.

Plans for residential subdivisions or other developments on the lands have been expanded. All of the developments are close by the major sources of water for Salt Lake City and other populated areas. Both Little Cottonwood and Big Cottonwood Creeks presently are a major supply source of culinary water for Salt Lake City, and the waters of Mill Creek are under consideration for use as an additional source of water supply through construction of the Little Dell Reservoir.

The Forest Service cannot purchase these private lands through existing programs because the current administration's war-swollen budget has allocated insufficient funds to programs created to accomplish the purposes of his measure.

Nor can the Salt Lake City Corp. afford to make the necessary investment. Admittedly, it would be preferable if the city were able to assume some of the financial burden of purchase, particularly since failure to act will cause a pollution problem which will directly affect Salt Lake City and county. Nonetheless, since the city cannot handle the problem, it remains for the Federal Government to take the necessary steps to protect the watershed. The preservation of the vegetation on the Wasatch Front Range is essential for flood control, for the prevention of erosion and pollution, and is essential to the stability and continuity of water supplies. This can be accomplished only if the land is withheld from private developers.

This year, as never before, we are aware of the serious problems which have arisen and can still arise because we have not paid proper attention to our environment. There is much greater citizen demand for protection from pollution now than in 1967.

I recognize that the problem of watershed protection in the Wasatch Forest is only one small part of the national problem, but it is urgent that we begin, step by step, to act now before the damage is irreversible.

Mr. President, I ask unanimous consent that the bill which I introduce today, to acquire certain lands within the boundaries of the Wasatch National Forest, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 302

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That to promote in a timely and adequate manner control of floods, the reduction of soil erosion and stream pollution through the maintenance of adequate vegetative cover, and the conservation of their scenic beauty and the natural environment, and to provide for their management, protection, and public use as national forest lands under programs of multiple use the Secretary of Agriculture is authorized and directed to acquire, as not to exceed the fair market value as determined by him, such of the nonfederally owned land, not to exceed three thousand acres, in the area described in section 2 hereof as he finds suitable to accomplish the purposes of this Act.

SEC. 2. This Act shall be applicable to lands within the boundary of the Wasatch National Forest in the watersheds of Mill Creek, Big Cottonwood Creek, and Little Cottonwood Creek, being portions of townships 1, 2, and 3 south, ranges 1, 2, and 3 east Salt Lake base and meridian.

SEC. 3. There is hereby authorized to be appropriated for the purposes of this Act not to exceed $2,000,000, to remain available until expended.

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By Mr. MOSS:

S. 303. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the boundaries of the Cache National Forest in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

### ADDITIONS TO CACHE NATIONAL FOREST

Mr. MOSS. Mr. President, I am today introducing a bill to authorize the U.S. Forest Service to purchase approximately 23,000 acres of private land situated on the watershed of the Middle Fork of the Ogden River in Weber County, Utah, and to add these acres to the Cache National Forest. The bill authorizes the appropriation of a sum not to exceed $3,450,000 for the purchase.

This bill is identical to S. 2762 which I introduced during the 92d Congress and which was passed by the Senate unanimously on September 19, 1972. The press of last minute business precluded House action before adjournment.

There is even greater urgency now for passage of this bill than I indicated during the last Congress. At that time I pointed out that the most urgent reason for authorizing the purchase of the privately owned lands in the area is to head off the threat of pollution to the water supply of Utah's second largest city, Ogden, caused by subdivision development and extensive livestock grazing. The drainage of the Middle Fork is a principal charge source of artesian wells which serve the county. Any pollution at the drainage area would also endanger the quality of water flowing into Pine View Reservoir, which is the primary source of culinary water for a large number of Weber County residents.

A considerable expansion in subdivisions for summer homes and other developments in the Ogden River Valley is now underway. During the hearings I conducted last year, a representative of one development company which owns approximately one-third of the land in question, indicated the company's intent to continue to develop and subdivide all or part of its land. Although expressing regret in having to sell such beautiful land, the economic pressures created by people wanting to own mountain property were so overwhelming that the company could not afford to retain its lands. Testifying further, this representative indicated that any attempts by local agencies to prevent their logical development of the lands would be strenuously opposed. He also stated that the general public would not be permitted access to any of the company's lands.

In 1971 I discovered that several roads had already been built into the Middle Fork watershed, that 42 parcels of 40 acres each had been sold at $300 to $400 per acre and that plans for subdivision had been submitted to the Weber County Planning Commission. A second source of potential contamination to the water supply was the reported livestock grazing of approximately 2,000 head of sheep and 200 head of cattle on the lands of the B&B Land and Livestock Co.

Since 1971, I am advised that two development companies, Sun Ridge, Inc., and Patio Springs, Inc., have gained control of approximately two-thirds of the 23,000 acres in question and are moving rapidly to assure full development of their holdings. Approval for three subdivisions has been granted reluctantly by the Weber County Planning Commission. These subdivisions contain 90 units in cluster arrangements in approximately 1,000 acres. Whereas the selling price in 1971 was $300 to $400 per acre, current buyers seem willing now to pay $750 per acre for choice sites.

The county planning commission has been advised that the Patio Springs Co. is developing plans for a 1,000 unit recreational complex located at the mouth of the Middle Fork. The company has already filed an application with the State engineer for 5,000 acre feet of water from the Middle Fork to serve this development. The city of Ogden has protested the application.

Although the planning commission has observed increased activity, they have not observed the start of any construction. There may be mobile homes located on some sites but very little fixed improvement in the value of property held seems to have occurred. Livestock grazing is still the highest valued use for a substantial portion of the land.

The pattern emerging in the Middle Fork watershed is all too familiar. The opportunity for economic gain combined with the normal desire of an increasingly affluent fraction of society for summer homes in the mountains will most certainly cause deterioration to the water supply of the vast majority of citizenry in the Ogden River Valley.

Both random and uncontrolled subdivision development and extensive grazing are, of course, recognized threats to a water supply, as they can spoil and pollute surface and subsurface waters.

Although the county has moved quickly to enact comprehensive zoning regulations, in concert with a county master plan, it is convinced that adequate and permanent protection of this area can only be accomplished through both public acquisition and management utilizing accepted techniques.

It is obvious, however, that action must be taken soon. Otherwise the value of this land will increase substantially and place its purchase out of reach. It is with the idea of preventing pollution before it happens at a reasonable cost, rather than trying to rectify it after it happens, at a greatly inflated price, that I present this bill.

I do so at the request of the board of county commissioners of Weber County, the Ogden City Council, the Weber County Watershed Protection Corp., and the Greater Ogden Chamber of Commerce. I ask unanimous consent that position statements presented by each of these organizations at hearings held July 6, 1972, be printed in full in the Record. I ask unanimous consent also that the full text of the bill I am introducing be printed in full in the Record.

There being no objection, the statements and bill were ordered to be printed in the Record, as follows:

### Position Statement by Weber County Commission and Weber County Planning Commission, Ogden, Utah, on Senate Bill No. 2762

#### REPRESENTATION

This presentation is made on behalf of the Weber County Commission and the Weber County Planning Commission. Both of these bodies in their line of duty to promote the welfare of the citizens of Weber County as elected and appointed officials, have gone on official record as supporting the proposal that the Middle Fork drainage of the Ogden River in Weber County, consisting of approximately 20,000 acres be acquired by the Federal Government and administered by the Forest Service under the Multiple Use Concept as proposed by Senate Bill 2762.

#### PURPOSE

The purpose of the proposed acquisition is to preserve as far as possible this area in its natural state in order to protect one of the major drainages of the Ogden River, which is recognized as a major contributor to the artesian basin underlying Pine View Reservoir from which Ogden City, the center of this metropolitan area of 180,000 people, draws a major part of its water supply.

A secondary reason for this recommendation is to maintain the area as a wildlife habitat. This area has historically supported a large population of deer, elk, and other wildlife providing valuable winter range which is being rapidly depleted in surrounding areas due to human intrusions.

#### REASON FOR CONCERN

Reed W. Bailey in his book, *Utah's Watersheds* describes the Wasatch Mountain Range as "humid islands in the sky" which sustains life as we know it in this arid land. Without these mountains, civilization could not exist. The mountains receive between 30 to 50 inches of precipitation annually, which generates stream flows, the mountains' most valuable resource which provides the basis for living. In our area, the quantity and quality of water available from the mountains determines the degree of urbanization that will occur.

The keen interest of the municipalities along the urban corridor in the preservation of these mountain areas as prime watersheds to secure their lifeblood is thus readily apparent. Especially at this time is this so, since the long time use as summer livestock range land is now in jeopardy due to the economic crisis for the industry and the heightened activity of land dividers to subdivide the mountains for summer home activities.

#### FRAGILITY OF MOUNTAINS

Many studies have pointed out the fact that the mountain areas generally over 6,500 to 7,000 foot elevation are among the most fragile pieces of real estate that man deals with. The mantle of soil cover has developed a "balance of nature" over thousands of years which has resulted in a generally stable and permanent ecological condition. This condition is delicate and can be disrupted by relatively minor (less than ten percent area disruption) man-made changes.

Man, with the limited controls that local government can apply, possesses not only the ability, but the history of accomplishing this disruption.

#### RESULT OF OVER OCCUPATION

The unwise and overuse of mountain land by excessive grazing, timber cutting, clearing of natural vegetation and grasses, road cutting, summer home development, over intensive recreation use, and fire as a result of man's increasing presence will destroy the balance ecology and as a consequence will bring about:

a. A deterioration and reduction of the stabilizing land coverage, causing excessive erosion, increased siltation in the streams, increase in stream flows and changes in accelerated cutting of stream channels, the deposition of silt in the lower stream beds leading to a plugging of the recognized underground aquifers and excessive silt deposition in the water storage reservoir of the urban population.

b. The destruction of the natural wildlife habitat and consequent wildlife removal from the general area.

c. Human over-pollution of the soils and streams which together with siltation from eroded soils, fouls the mountain streams and endangers the urban water supply in terms of both quality and quantity.

d. A marked reduction of the steeper sloping soils' ability to withstand the high intensity summer rain storms leading to flash floods, mud flows, heavy erosion, etc.

e. A "ripple" effect, in that changes in the higher elevation and stream ecological balance will alter and sometimes with disastrous results, the lower or downstream soil and water balance thereby increasing the proportional damage inflicted.

f. Other indications of pollution due to man's presence, such as fertilizers, insecticides, oil, gasoline and garbage, become evident in the streams and in the ground water supply which all result in the lessening of the water quality.[1]

### BEGINNINGS OF MOUNTAIN OCCUPATION IN WEBER COUNTY

Weber County has commenced to experience significant pressure for large scale mountain summer home developing in these watershed mountains, and can foresee the far reaching and adverse effects on the purity and quality of the urban populations' water supplies, the silting up of the stream beds in their lower courses which give access to the artesian basin underlying Pine View Reservoir from which Ogden draws its water supply, and the pollution injected into the underground water flow from individual septic tanks in mountain subdivisions[2] as well as other human debris that has an accumulating pollution effect.

### INCREASE IN COUNTY REGULATIONS

In the exercise of the police power vested in County Government, through zoning and subdivision regulations, the County Commission has increased the minimum parcel size allowable from one acre to ten and forty acre parcels. In the case of the Middle Fork Area approximately 80 to 90 percent of the land is zoned Forest Zone F–40 requiring forty acre minimum parcels with the remainder requiring ten acre parcels. Future development is subject to the County Subdivision Regulations which establish standards and requirements for the provisions of adequate access, water and sewer.

### LIMITATIONS OF COUNTY TO CONTROL

However, even with these comprehensive requirements, which the County feels represents the limit of its power to require, considerable development, road construction, and summer home activity on these 20,000 acres, can take place.

The adopted County Master Plan establishes the mountain areas as "open green space" to maintain or enhance the conservation of this natural and scenic resource, and to protect the natural streams or water supply.[3] The plan does not prevent the use of these private lands, which consist of approximately 82 percent of the total area in Weber County; for limited development since the taking away of development rights can only be properly accomplished through acquisition. Therefore, the County is convinced that adequate and permanent protection of these vital reserves can only be accomplished through both public acquisition and management utilizing accepted techniques.

### MIDDLE FORK WATERSHED IMPORTANT

The County also recognizes that while all of the Ogden River watershed area consisting of some 200,000 acres deserves protection for these same reasons, it is not possible to place in public management this total area. The Commission does agree, however, that the Middle Fork drainage is one of the most important contributors to the surface and underground water reservoirs in the Ogden Valley. It is an area owned primarily by six private groups. It is still in its pristine state, is relatively inaccessible, and a major habitat for wildlife existing in the area. It is the considered opinion of these two public bodies, that it should remain such forever as a natural preservation to provide protection to our future generations' vital water supplies, and also to ensure for our future urban population a piece of permanent mountain open space, uncluttered by man-made developments, in a state which God made it.

### POSITION STATEMENT

Therefore, the Weber County Commission on June 17, 1971 in regular session, and the Weber County Planning Commission at its meeting of March 23, 1971 passed resolutions supporting the proposal that the Middle Fork drainage of the Ogden River be brought under the jurisdiction of the U.S. Forest Service for proper preservation and management of this vital natural resource in behalf of the public interest.

The official actions and recommendations of these public bodies are therefore submitted to your Subcommittee for consideration.

Respectfully,

WILLIAM S. MOYES,
*Acting Chairman, Weber County Commission.*

RONALD R. SMOUT,
*Chairman, Weber County Planning Commission.*

Date: July 6, 1972—Ogden, Utah.

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### STATEMENT OF R. L. LARSEN, CITY MANAGER, OGDEN CITY, UTAH

Ogden City is a municipal corporation with a population of approximately 70,000 people located in Weber County, Utah.

The principal source of Ogden City's culinary water supply is wells located on the edge of, or under Pine View Reservoir which is a reservoir created by a dam constructed by the Bureau of Reclamation in the Ogden River about eight miles east of the city. These wells vary in depth from 200 to 400 feet deep.

During 1971, the city used 17,517 acre feet of culinary water. Of this amount 10,601 acre feet or 60.6 percent came from these wells.

An additional source of city water is water rights in the Pine View Reservoir itself. That water is processed through the city's processing plant located below Pine View Dam and then taken into the culinary lines. The average annual use of water, for the past five years, from this source, is 1,700 acre feet or 10 percent of the city's total usage.

In addition to the water actually used from these sources, Ogden City has additional water rights which, as future needs and demands require, will be used. These total rights are 16,000 acre feet per year through the wells and 8,200 acre feet per year through the processing plant. These two water sources comprise about 67 percent of the city's water rights and, if preserved and maintained, will take care of the city's needs for the foreseeable future.

According to geology reports and engineering studies, the water which is taken through the city's wells percolates into the underground reservoir from the water which flows through the South Fork, Middle Fork and North Fork of the Ogden River, the three principal streams which feed Pine View Reservoir.

The recharging of that underground reservoir from which the city obtains most of its water is a year around occurrence, not just during the high spring runoff through the streams.

Each and all of these streams are critical not only to the water that is drawn through the city's wells but also to the water in Pine View Reservoir.

The city is very concerned about development in any of these three canyons. Certainly, that development at some time will reach the point that the city's water supply will be adversely affected by contamination or by interference with the natural growth which will seriously change the runoff patterns. The shorter the period of time for runoff of water from these streams, the less water percolates into the city's underground reservoir and the less there is available for the city's wells to produce for the city's needs. A long year-round runoff increases the underground supply. Interference with the foliage and vegetation can severely reduce the underground water supply.

The distance between the city's wells and the proposed development in Middle Fork is from a mile to ten miles.

The city has no evidence of contamination of its underground wells at this time. However, the potential problem can be approached in one of two ways: (1) Wait until there is contamination and then try to remove it or control it; or (2) Prevent the threat of contamination now.

The city and its health services feel that the only safe way to proceed is method two—Seek to prevent the threat of contamination now. The acquisition of the lands proposed to be acquired by the Federal Government by the Bill here under consideration is critical to prevent contamination of the city's water supplies and it will also prevent interference with the runoff patterns so that the percolation patterns into the underground reservoir will not be adversely affected. Such land acquisition will prevent the contamination now rather than allow the contamination and then seek to clean it up.

As to the water in Pine View Reservoir itself which is drawn by the city through its processing plant—This water, to some extent, is already prejudiced and exposed to contamination by the residential and other developments in the immediate vicinity of Pine View Reservoir. There are no sanitary sewer collection or treatment facilities in the entire valley where that reservoir is located. Either septic tanks or cesspools are used. This results in a present contamination, to some extent of the water in that reservoir. The present contamination does not prevent the processing of the water and its use through the city's processing plant, however, the contamination of that reservoir can and will, unless something is done, reach the point where the city's processing facilities will not handle the excess contamination.

Extensive and uncontrolled development in the Middle Fork area by residential building will certainly increase the contamination of the Pine View Dam water. The Bill under consideration will thus, not only help to protect the city's water supply through its wells, but will also help to protect the city's water supply taken through Pine View Reservoir itself.

It appears that there are three general ways activities in Middle Fork which will be detrimental to the city's present and future water supplies can be adequately controlled or prohibited:

The first way is as proposed in the Bill here under consideration, that is, the Federal Government purchase the land and turn it over to the Forest Service to administer. Another theoretical available method is for the State of Utah, Ogden City or some local agency to purchase and administer the land and the third is by the use of zoning ordinances.

Method two, that is, the purchase by Ogden City or some other local agency while theoretically possible as a practical matter is not possible because the city and no other local agency has the funds or the know how to properly handle this matter. The amount of money involved puts the project totally beyond the city or any other local agency's resources.

The use of zoning ordinances is totally inadequate. The owners of the property involved are entitled to either be paid the reasonable value of their land or they should have the right to put it to use. For zoning ordinances to adequately protect this watershed, they would have to prohibit practically, any development of, or use of the land and, thus would unreasonably interfere with the private ownership thereof.

Only the acquisition of the land by the

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[1] Probable Effects of Suburbanization of the Recharge Area of the Pine View Artesian Aquifer, by E. Fred Pashley Jr., Geology Department and Environmental Studies, Weber State College, 1972.

[2] The Bad Effects of Developing Weber County's Watersheds, by E. Fred Pashley Jr., Associate Professor of Geology, Weber State College, 1972 (See Appendix).

[3] Physical Development Plan, Weber County, Utah, July 1969, p. 86.

Federal Government will adequately solve this problem. Such acquisition would not only give the Federal Government ownership and control but, by turning it over to the Forest Service, it would be properly administered by an agency who has vast experience in this field and who is qualified to carry out this duty.

Ogden City respectfully urges the Congress to acquire the 23,000 acres of Middle Fork land here proposed and put it under the control of the Forest Service to protect Ogden City's principal water sources now, rather than to hazard the contamination of and interference with critical water supplies.

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## Statement of Charles Kelly, Representing, Greater Ogden Chamber of Commerce Presentation, Ogden, Utah

### INTRODUCTION

I appreciate this privilege of appearing before your honorable body to present the views of the Greater Ogden Chamber of Commerce concerning the Middle Fork Drainage Area. This organization is the representative of all the business community throughout this County of Weber.

It is our intention to keep this presentation factual and to submit all arguments with proper logic, in accordance with the policy of the local Chamber. Information given is on record in previous engineering and business reports of this area, and based on personal knowledge acquired through years of Engineering Practice; and as Public Works Director and City Manager of Ogden City and as an active member of the Greater Ogden Chamber of Commerce and the Weber County Industrial Development Commission.

There can be no argument about a large source of clean potable water being a necessity for the growth and development of a Community. Also, that such water must be made available at the lowest possible cost, not only for the benefit of the tax paying residents but to keep community competitive in retaining existing Commerce and Industries and in attracting new Commerce and Industries.

### ARTESIAN BASIN

This area is somewhat unique in that a major source of its potable water is derived from an Artesian Basin located in Ogden Valley which lies about 6 miles east of Ogden City behind the front range of the Wasatch Mountains at an elevation about 1,000 ft. higher than the main valley of the Great Salt Lake where Ogden City and the main portion of the populated area of Weber County is located.

The artesian Basin may be compared to a large underground reservoir with the impervious mountains as its sides, and a clay cap, which covers most of the Ogden Valley floor, as its top. Like any reservoir it must be continuously recharged with water to replace that which is drawn out of it. In this particular case there are three main sources of supply from the waters which flow from the drainage areas of major canyons. These are the South Fork, North Fork and Middle Fork.

Waters recharging the Artesian Basin enter it from percolation of surface waters into the ground before they reach the clay cap and from the normal movement of underground waters following the canyons, which has percolated below the surface further up the canyons. Such waters would have fairly rapid movement through the soil because of the steep grade of the canyons, in a similar manner to water flowing in a canal or pipe.

### DOMESTIC USE

Water from the Artesian Basin has been obtained for many years by Ogden City through a series of Wells under existing Water Rights and Decree for the use of waters in the Ogden River. There are also other individual wells in the Valley.

Additional water for Ogden City is obtained from water stored in the Pine View Reservoir and made potable by passing it through a water treatment plant. All surface waters flowing into the Ogden Valley, which do not percolate underground, flow into this reservoir.

### CONTAMINATED WATER

Any use of land in the drainage areas which would cause contamination of the waters in either the Artesian Basin or Pine View Dam would create serious problems in their use as potable waters in the following manner.

(1) Waters drawn from the artesian basin would all have to be treated, which would create a large immediate cost for the treatment plant plus the annual cost, forever, of the treatment process.

(2) Pine View waters would also require new and additional treatment costs to eliminate the bacteria that could attack the human body.

(3) Pine View waters would also become a health hazard to the thousands of people who use it for recreational purposes each year under Park Service supervision.

If any doubt this could happen, I point out the present example of the Ogden City well field becoming contaminated from algae. Although not dangerous to health it is requiring the expenditure of over 2.5 million dollars to correct the situation, with one million provided by the Dept. of HUD. Bacteria harmful to health in the water supply could cost a great deal more, would be a permanent hazard once it occurred, and it could easily happen.

### AREA CONCERN

As a Chamber of Commerce we are vitally concerned about any item which could create damage to the economy of this area. I would like to point out some specifics to show the critical situation business wise of this area and why we are so concerned.

### INDUSTRIAL DEVELOPMENT

Weber County has a population of 128,300 according to the latest census. The State Employment Security Office in Ogden reports that on June 1st there were a total of 47,530 persons in the Civilian Labor Force in Weber County and of this amount there were 3,010 unemployed, which is 6.3% of the total. These totals do not include the new graduates from College, those from High School who want to join the labor force or the many married women who desire employment.

Adding to the problem is a severe imbalance in total of persons working for the government as compared to private industry. In recognition of this situation the Chamber of Commerce and Industrial Bureau recently took decisive action to do something to correct this by sponsoring a campaign to raise over a million dollars by public donation to create an Industrial Park.

The public and business men responded by pledging 1.3 million dollars. The county has purchased 470 acres of land, and development has started. It is anticipated that matching funds from the Economic Development Authority will be provided in the next few months to complete its development. The Industries which locate in this Park will create 6,000–10,000 new jobs and bring greater economic stability to this area.

This entire effort by the citizens of this area to lift themselves up by their own bootstraps from the economic famine they are now in could be badly damaged, if not destroyed by the pollution of our domestic water supply.

### SUMMARY

(1) It is critically important that the domestic water supply be protected from contamination of bacteria injurious to health.

(2) Development of places of residence in the Middle Fork drainage area without complete sewage treatment to produce an effluent fit to drink, and proper reservoirs to hold sewage in the event of mechanical failure would create a contamination problem. Such sewage treatment is not feasible at this time for the planned development from both design and financial positions.

(3) Excessive use of the Middle Fork Area could result in soil erosion and contamination from animals which would effect the quality of the water flowing from this area.

(4) The greater good for the people of the area would be created by closing the drainage areas to residential developments; through the protection of the water supplies, the savings in water treatment costs of polluted water, and the development and expansion of Industrial Growth and Commerce made possible by maintaining an adequate supply of potable water at low cost.

(5) The local governments who are hard pressed for the finances to maintain present services, in spite of levying one of the highest taxes in the State, have no way to finance the purchase of this property in the Middle Fork Drainage Area.

The Greater Ogden Chamber of Commerce does hereby support the position that the Middle Fork Drainage Area be purchased by the Federal Government to protect this valuable watershed, and urges your consideration and early approval of this matter, as being in the best interests of the citizens of this area and the State of Utah and therefore the United States of America.

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## Statement of Fred L. Montmorency, President, Weber County Watershed Protection Corp.

The Weber County Watershed Protective Corporation is a voluntary, non-profit organization whose officers and directors serve without monetary compensation. It was incorporated 25 years ago for the principal purpose of assisting the U.S. Forest Service in acquiring private lands which had been badly overgrazed, with resulting erosion and flooding problems. It has assisted in the acquisition of approximately 16 sections of land in Weber County, principally in the North Fork area and has cooperated with the Wellsville Mountain Corporation which has similar objectives in Box Elder and Cache Counties.

Originally its funds came from public contributions and from Weber County. Land, which for some reason or other, the Forest Service was unable to purchase at a particular time, was acquired by the corporation and later sold to the Forest Service. The money received from the Forest Service was then used to purchase more land and the process repeated.

The corporation also was instrumental in obtaining the passage of public law, 84–781, in 1956, which appropriated $200,000 for use by the Cache National Forest for the purchase of overgrazed land within the forest boundaries, providing that equal matching funds were furnished by the public. The corporation and the Wellsville Mountain Corporation have furnished such matching funds for the purchase of large areas of overgrazed land.

In recent years the rapid increase in the asking price for mountain grazing lands, due in part to the potential for mountain home subdivision, has greatly reduced the ability of both corporations to assist the Cache National Forest in acquiring needed land. The magnitude of the area involved in the Middle Fork of the Ogden River put it far beyond the financial ability of the corporation to do anything substantial in assisting the Forest Service.

When the directors of the corporation became aware last year of the acquisition of a large area of the upper part of the Middle Fork drainage by a group who were planning to subdivide it for mountain homes we became very concerned about the potential for erosion and for possible pollution of sources of culinary water supply for Ogden

City in the Pine View Reservoir area in Ogden Valley. Ogden City's new wells are directly opposite the mouth of Middle Fork and the charge area would appear to be fed by it. The history of erosion and flooding in Utah has been that the problem has been allowed to develop before anything was done about it. Here we felt was an opportunity to prevent the problem from developing. Control by the Forest Service, who could permit reasonable grazing and recreational use of the land, seemed the logical solution.

The directors therefore sent a resolution to Senators Moss and Bennett and to Congressman McKay requesting a bill authorizing the Cache National Forest to purchase the land in the Middle Fork drainage which they did not already control. We appeared before the Weber County Commission and the Ogden City Council, explained the situation and urged that they send similar resolutions, which they did. We also arranged for a field trip with an eminent hydrologist and a well qualified geologist to get their opinions. Tentatively they confirmed our apprehensions.

It is scarcely necessary for us to point out to Congress how fast and how greatly land, water and air pollution is threatening our land. Here is one place where there is still time to prevent the damage but it will take federal authority and funds to do it. Our directors are all dedicated citizens who will work willingly to save our environment, but none of us are skilled professionals so we must leave the burden of providing detailed technical information to Ogden City and Weber County who can provide such skills.

FRED L. MONTMORENCY.

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S. 303

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, to promote in a timely and adequate manner the protection of the culinary and municipal water supply of Ogden city and other Weber County areas, the control of floods, the minimizing of soil erosion and stream pollution through the maintenance of adequate vegetative cover, and the conservation of the scenic beauty, wildlife habitat, and natural environment of certain non-federally-owned lands within the Cache National Forest in the State of Utah, and to provide for their management, protection, and public use and enjoyment as national forest lands under the provisions of the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215), the Secretary of Agriculture is authorized and directed to acquire, at not to exceed the fair market value, as of the time of such acquisition, as determined by him after appraisal, such of the non-federally-owned land not to exceed in the aggregate 23,000 acres, in the area described in section 2 of this Act as he finds suitable to accomplish the purposes of this Act.

SEC. 2. This Act shall be applicable to lands within the boundary of the Cache National Forest in the watershed of the Middle Fork of the Ogden River, being portions of townships 6, 7, and 8 north, ranges 2 and 3 east, Salt Lake base and meridian.

SEC. 3. There is hereby authorized to be appropriated for the purposes of this Act not to exceed $3,450,000, to remain available until expended.

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By Mr. ROBERT C. BYRD (for Mr. BENTSEN) (for himself and Mr. TOWER):

S. 313. A bill to establish the Amistad National Recreation Area in the State of Texas; and

S. 314. A bill to establish the Big Thicket National Park in Texas. Referred to the Committee on Interior and Insular Affairs.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Texas (Mr. BENTSEN), I ask unanimous consent to introduce two bills, one dealing with the establishment of the Big Thicket National Park in Texas, the other with the establishment of the Amistad National Recreation Area in the State of Texas.

I ask that the bills be appropriately referred, and I ask unanimous consent that they be printed in the RECORD and that statements in connection with each, by Mr. BENTSEN, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 313

A bill to establish the Amistad National Recreation Area in the State of Texas

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That, in order to provide for public outdoor recreation and use and enjoyment of that portion of the Amistad Reservoir in the United States on the Rio Grande, Devils, and Pecos Rivers and surrounding lands in the State of Texas, and for the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is established the Amisted National Recreation Area in the State of Texas. The boundary of the national recreation area shall be that generally depicted on drawing numbered RA–AMI–20013, dated April 1968, entitled "Proposed Amistad National Recreation Area, Texas", which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may by publication of notice in the Federal Register make minor adjustments in the boundary, except that the total acreage of the area may not be increased to more than a total of sixty-five thousand acres.

SEC. 2. (a) Within the boundary of the Amistad National Recreation Area the Secretary of the Interior may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange. Such acquisitions shall be in addition to lands and interests therein acquired for the purposes of the Amistad Dam and Reservoir as contemplated in the treaty between the United States and Mexico regarding the utilization of the Colorado, Tijuana, and Rio Grande Rivers, signed at Washington February 3, 1944 (59 Stat. 1219) described in minute numbered 207 adopted June 19, 1958, by the International Boundary and Water Commission, United States and Mexico, and authorized by the Act of July 7, 1960 (74 Stat. 360).

(b) In exercising his authority to acquire property by exchange, the Secretary of the Interior may accept title to any non-Federal property within the Amistad National Recreation Area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances requires.

(c) The Commissioner for the United States, International Boundary and Water Commission, United States and Mexico, may on request of the Secretary of the Interior, act as his agent with respect to the land acquisition program authorized by subsection (a) and the Secretary may transfer to the Commission from time to time the funds necessary for such purposes.

SEC. 3. (a) The Secretary of the Interior shall administer the Amistad National Recreation Area in a manner that is coordinated with the other purposes of the reservoir project, and in a manner that in his judgment will best provide for public outdoor recreation benefits and conservation of scenic, scientific, historic, and other values contributing to public enjoyment.

(b) In the administration of the national recreation area the Secretary may utilize the Act of August 25,1916 (39 Stat. 535), as amended and supplemented, and such other statutory authorities relating to areas of the national park system and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development not incompatible therewith.

(c) Employees of the Department of the Interior designated for the purpose may make arrests for violations of any Federal laws or regulations applicable to the area and they may bring the accused person before the nearest United States magistrate, judge, or court of the United States.

(d) Any United States magistrate appointed for the Amistad National Recreation Area may try and sentence persons committing minor offenses, as defined in title 18, section 3401(f), United States Code, except that the magistrate shall apprise the defendant of his right to elect to be tried in the district court of the United States, and the magistrate may try the case only after the defendant signs a written consent to be tried before the magistrate. The exercise of additional functions by the magistrate shall be consistent with and be carried out in accordance with the authority, laws, and regulations of general application to United States magistrates. The provisions of title 18, section 3402, United States Code, and the rules of procedure and practice prescribed by the Supreme Court pursuant thereto, shall apply to all cases handled by such magistrate. Chapter 231, title 18, United States Code, shall be applicable to persons tried by the magistrate and he shall have power to grant probation.

SEC. 4. The Secretary of the Interior shall permit hunting and fishing on the lands and waters under his jurisdiction within the national recreation area in accordance with the applicable laws of the State of Texas, except that the Secretary may establish periods when, and designate zones where, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary under this section shall be issued after consultation with the Park and Wildlife Commission of the State of Texas.

SEC. 5. Nothing in this Act shall be construed to be in conflict with the commitments or agreements of the United States with respect to the use, storage, or furnishing of water and the production of hydroelectric energy made by or in pursuance of the treaty between the United States of America and Mexico regarding the utilization of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington, February 3, 1944 (59 Stat. 1219), or the Act of July 7, 1960 (74 Stat. 260).

SEC. 6. There are hereby authorized to be appropriated not to exceed $1,020,000 for acquisition of land and $18,000,000 for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering and cost indexes applicable to the types of construction involved herein.

STATEMENT BY SENATOR BENTSEN

Mr. President, I introduce today a bill to create the Amistad National Recreation Area in the State of Texas along our border with the United States of Mexico.

The purpose of this Recerational area will be to provide for the fullest public recreational use and enjoyment of the area's land and water resources and to conserve its scenic, historical, and other values which contribute to this recreational experience.

The Amistad Recerational Area will preserve for our Nation the plants and animals of the historical Chaparral Country of Southwest Texas, as well as an intermingling of species from the great Chihuahuan desert of Mexico.

Our good friends and neighbors to the South are eager to cooperate in this new international effort. This can provide us with another chance to show the world what two Nations can accomplish by working together. This can be a first step of great importance to future planning of joint efforts to make life more enjoyable to millions of United States and Mexican citizens alike.

Mr. President, this is not a new issue, nor is this a new bill. I introduced this bill in the last Congress where it received careful consideration and was unanimously passed. Unfortunately, the House was not able to act on the bill prior to adjournment.

It is my sincere hope that this bill will once again receive quick approval by the Interior Committee and the Senate and that the House will follow suit so that the Amistad National Recreation Area may become a reality.

### S. 314

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to preserve in public ownership an area in the State of Texas possessing outstanding botanical, zoological, geological, archeological, and ecological values, together with recreational, historical, scenic and other natural values of great significance as free-flowing streams and wildlife habitat, and to provide for the use and enjoyment of the outdoor recreation resources thereof by the people of the United States, the Secretary of Interior (hereinafter referred to as the "Secretary") shall acquire, in accordance with the provisions of this Act, one hundred thousand acres of lands and interests in lands in Hardin, Jasper, Jefferson, Liberty, Orange, Polk, and Tyler Counties, Texas, including the most significant ecological units of the area and acreage along important rivers and streamways, and shall establish such one hundred thousand acres of lands and interests so acquired as the Big Thicket National Park.

Sec. 2(a) In order to establish the Big Thicket National Park, the Secretary may acquire land or interests therein by donation, purchase with donated or appropriated funds, exchange, or in such other manner as he deems to be in the public interest. Wherever feasible, land shall be acquired by transfer from other Federal agencies.

Any property, or interest therein, owned by the State of Texas or political subdivision thereof may be acquired only with the concurrence of such owner.

(b) In order to facilitate the acquisition of privately owned lands in the park by exchange and avoid the payment of severance costs, the Secretary may acquire land which lies adjacent to or in the vicinity of the park. Land so acquired outside the park boundary may be exchanged by the Secretary on an equal-value basis, subject to such terms, conditions, and reservations as he may deem necessary, for privately owned land located within the park. The Secretary may accept cash from or pay cash to the grantor in such exchange in order to equalize the values of the properties exchanged.

Sec. 3. When title to all privately owned land within the boundary of the park, other than such outstanding interests, rights, and easements as the Secretary determines are not objectionable, is vested in the United States, notice thereof and notice of the establishment of the Big Thicket National Park shall be published in the Federal Register. Thereafter, the Secretary may continue to acquire the remaining land and interests in land within the boundaries of the park.

Sec. 4. The Big Thicket National Park shall be administered by the Secretary in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

Sec. 5. There are hereby authorized to be appropriated such funds as are necessary to accomplish the purposes of this Act.

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### Statement by Senator Bentsen

Mr. President, I introduce for appropriate reference a bill to establish a Big Thicket National Park in Southeast Texas.

This is the same bill I introduced at the beginning of the 92d Congress and is a piece of legislation which has been with us through four Congresses. I am hopeful it will be during this session of the 93d Congress that this proposal ceases to be a bill and becomes instead the Big Thicket National Park. Indeed, Mr. President, if the Congress does not act soon we will find a situation in which there is not enough of the Thicket left to be worth saving.

The Big Thicket once was a vast wilderness in East Texas which covered an area of three million acres of greatly varying landscape. Now that area includes but 300,000 acres, and that size decreases daily due to the incursions of men upon this land.

Mr. President, there is much talk about the environment today. The Big Thicket is a living "environmental laboratory." It is a place where people can observe many of the plant and animal communities common to our continent within a limited area. Within its diminishing boundaries, the Thicket has elements common to all areas of the country, the Everglades, the Appalachian region and the piedmont forests. This is why the phrase "biological crossroads of North America" is so often used in reference to this area.

But the Big Thicket is not simply a preserve; it is also an area which has potential as a recreation site for tourists who visit Texas each year, as well as the residents of nearby metropolitan areas of Dallas and Houston.

Aside from the abundance of wild animals and vegetation within the confines of the present 300,000 acres, there are also numerous connecting waterways, which can serve as havens for canoe trips and primitive camping areas.

The Big Thicket Park would serve two important functions. It would preserve for our posterity important ecological features which are a treasured part of our heritage and would allow tourists to benefit from the recreational advantages of the area.

Mr. President, this issue is not new, but time has not diminished its critical importance. If we do not act quickly and decisively, there is a good chance that we will lose this great American treasure. Time is the crucial factor. Daily acres of the Big Thicket are destroyed. Now is the time to take the final steps to preserve this unique area for our children.

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By Mr. JACKSON (for himself, Mr. Buckley, Mr. Church, Mr. Griffin, Mr. Hart, Mr. Chiles, Mr. Hartke, Mr. Case, Mr. McGee, Mr. Stevenson, Mr. Brooke, Mr. Nelson, Mr. Mondale, Mr. Javits, Mr. Proxmire, Mr. Randolph, Mr. Metcalf, Mr. Mansfield, and Mr. Scott of Pennsylvania):

S. 316. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the national wilderness preservation system, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

### DESIGNATING CERTAIN LANDS FOR INCLUSION IN THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Mr. JACKSON. Mr. President, for myself and the junior Senator from New York (Mr. Buckley) and a number of our colleagues, I introduce an important bill to further the purposes of the Wilderness Act of 1964. This measure, which is very similar to the bill we introduced last year, S. 3792, has become widely known as the "Eastern Wilderness Areas Act." It is the purpose of this bill to take a bold and significant new step in the wilderness preservation program of the United States, first established by the Congress in the landmark Wilderness Act 8 years ago.

The purpose is, first, to designate 28 new wilderness areas. These areas, in 16 States, total some 471,186 acres, and will become units of the national wilderness preservation system, administered for the benefit of present and future generations as an enduring resource of wilderness.

There is also a further purpose behind this bill. As it will be considered by the Committee on Interior and Insular Affairs, we will focus on a most serious question of interpretation involving the integrity of the Wilderness Act and our wilderness preservation policy. A serious and fundamental misinterpretation of the Wilderness Act has recently gained some credence, thus creating a real danger to the objective of securing a truly national wilderness preservation system. It is my hope to correct this false so-called "purity theory" which threatens the strength and broad application of the Wilderness Act.

Those who make this misinterpretation argue that the Wilderness Act definition of what is wilderness sets some kind of narrow, 100 percent "pure" standard. The basic act is not that strict in its intent. Congress in its wisdom retains the authority to designate areas for inclusion in the system. During the course of hearings on this measure, the Senate Interior and Insular Affairs Committee will carefully examine the definition and interpretation of the criteria which determines what lands are suitable for inclusion in the national wilderness preservation system. I am confident that this will serve to clear the air of any misunderstanding.

The 28 areas making up this bill are of two kinds. The first 16 areas have been proposed by groups of citizens and conservationists. The remaining 12 areas derive from a listing which the U.S. Forest Service has made available to the Congress. I distinguish this second group of 12 Forest Service areas from the others for this reason: The Forest Service has asserted to the Congress that each of these areas is not qualified to be designated wilderness under the terms of the Wilderness Act. While the Forest Service has apparently studied these areas in a general way, they have not, for the most part, given the public the kind of detailed information and formal opportunities for participation as are involved in the procedures for studying potential wilderness areas.

In mid-1971, the heads of the two regions of the Forest Service which embrace the East, South, and Midwest submitted a joint report to the Chief of the Forest Service. The report stated:

> The criteria for adding wilderness to the National Wilderness Preservation System do not fit conditions in the South and East.

I remind my colleagues again that a central purpose of the Wilderness Act of 1964 was to reserve to the Congress the authority for determining what areas could be designated as wilderness. It is not up to an administrative agency to make this decision as seems to be the case here.

Mr. President, this bill will find a place on the priority list of environmental legislation in the 93d Congress. It has wide public support as does the wilderness program as a whole.

Our objective is to preserve a decent sampling of wilderness for ourselves and for those who come after us. The original Wilderness Act called for the creation of a national wilderness preservation system and passage of this bill will go far toward the realization of that goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 316

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### STATEMENT OF FINDINGS

SECTION 1. The Congress finds that—

(a) in the vicinity of major population centers and in the more populous eastern half of the United States there is an urgent need to identify, designate, and preserve areas of wilderness by including suitable lands within the national wilderness preservation system;

(b) in recognition of this urgent need, certain suitable lands in the national forest system in the eastern half of the United States were designated by the Congress as wilderness in the Wilderness Act of 1964 (78 Stat. 890); certain suitable lands in the national wildlife refuge system in the eastern half of the United States have been designated by the Congress as wilderness or recommended by the President for such designation; and certain suitable lands in the national park system in the eastern half of the United States have been recommended by the President for designation as wilderness;

(c) there exist in the national forest system in the vicinity of major population centers and in the eastern half of the United States additional areas of undeveloped land which meet the definition of wilderness in section 2(c) of the Wilderness Act but which are not required by that Act to be reviewed as to their suitability for preservation as wilderness and have not been so reviewed, systematically and with full public participation, by the Secretary of Agriculture acting on his own initiative;

(d) these and other lands in the United States which are suitable for designation as wilderness are increasingly threatened by the pressures of a growing and concentrated population, expanding settlement, spreading mechanization, and development and uses inconsistent with the protection, maintenance and enhancement of their wilderness character;

(e) the Wilderness Act established that an area is qualified and suitable for designation as wilderness which (1), though man's works may have been present in the past, has been or may be so restored by natural influences as to generally appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable (2) which may encompass within its boundaries greater or lesser areas of private or other non-federal lands and waters, or interests therein, and (3) which may, upon designation as wilderness, contain certain pre-existing nonconforming uses, improvements, structures or installations; and the Congress has reaffirmed these established policies in the subsequent designation of additional areas, exercising its sole authority to determine the suitability of such areas for designation as wilderness;

(f) in certain areas of the National Forest System in the eastern half of the United States which are suitable for designation as wilderness there is an urgent need to acquire non-Federal lands and waters, or interests therein, in order to assure the proper preservation and management of such areas as wilderness; and

(g) therefore, the Congress further finds and declares that it is in the national interest that these areas and similar suitable areas be promptly designated as wilderness within the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to promote, perpetuate, and, where necessary, restore the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation for the benefit of all of the American people of present and future generations.

### DESIGNATION OF WILDERNESS AREAS

SEC. 2. (a) In furtherance of the provisions of the Wilderness Act, the following lands are hereby designated as wilderness:

(1) certain lands in the Bankhead National Forest, Alabama, which comprise about twelve thousand acres and which are generally depicted on a map entitled "Sipsey Wilderness—Proposed" and dated April 1971, which shall be known as the "Sipsey Wilderness";

(2) certain lands in the Ouachita National Forest, Arkansas, which comprise about fourteen thousand four hundred and thirty-three acres and which are generally depicted on a map entitled "Caney Creek Wilderness—Proposed" and dated December 1972, which shall be known as the "Caney Creek Wilderness";

(3) certain lands in the Ozark National Forest, Arkansas, which comprise about ten thousand five hundred and ninety acres and which are genrally depicted on a map entitled "Upper Buffalo Wilderness—Proposed" and dated November 1972, which shall be known as the "Upper Buffalo Wilderness";

(4) certain lands in the Appalachicola National Forest, Florida, which comprise about twenty-four thousand five hundred and twelve acres and which are generally depicted on a map entitled "Bradwell Bay Wilderness—Proposed" and dated September 1972, which shall be known as the "Bradwell Bay Wilderness";

(5) certain lands in the Chattahooche and Cherokee National Forests, Georgia and Tennessee, which comprise about sixty-one thousand five hundred acres and which are generally depicted on a map entitled "Cohutta Wilderness—Proposed" and dated December 1972, which shall be known as the "Cohutta Wilderness";

(6) certain lands in the White Mountain National Forest, Maine, which comprise about twelve thousand acres and which are generally depicted on a map entitled "Caribou-Speckled Mountain Wilderness—Proposed" and dated January 1973, which shall be known as the "Caribou-Speckled Mountain Wilderness";

(7) certain lands in the Mark Twain National Forest, Missouri, which comprise about seventeen thousand eight hundred and eighty acres and which are generally depicted on a map entitled "Irish Wilderness—Proposed" and dated June 1972, which shall be known as the "Irish Wilderness";

(8) certain lands in the White Mountain National Forest, New Hampshire, which comprise about twenty thousand acres and which are generally depicted on a map entitled "Wild River Wilderness—Proposed" and dated January 1973, which shall be known as the "Wild River Wilderness";

(9) certain lands in the White Mountain National Forest, New Hampshire, which comprise about thirty-four thousand acres and which are generally depicted on a map entitled "Dry River-Rocky Branch Wilderness—Proposed" and dated January 1973, which shall be known as the "Dry River-Rocky Branch Wilderness";

(10) certain lands in the White Mountain National Forest, New Hampshire, which comprise about twenty-four thousand acres and which are generally depicted on a map entitled "Kilkenny Wilderness—Proposed" and dated January 1973, which shall be known as the "Kilkenny Wilderness";

(11) certain lands in the White Mountain National Forest, New Hampshire, which comprise about ten thousand acres and which are generally depicted on a map entitled "Carr Mountain Wilderness—Proposed" and dated January 1973, which shall be known as the "Carr Mountain Wilderness";

(12) certain lands in the Nantahala and Cherokee National Forests, North Carolina and Tennessee, which comprise about thirty two thousand five hundred acres and which are generally depicted on a map entitled "Joyce Kilmer Wilderness—Proposed" and dated June 1972, which shall be known as the "Joyce Kilmer-Slickrock Wilderness";

(13) certain lands in the Monongahela National Forest, West Virginia, which comprise about thirty-six thousand three hundred acres and which are generally depicted on a map entitled "Cranberry Wilderness—Proposed" and dated 1967, which shall be known as the "Cranberry Wilderness";

(14) certain lands in the Monongahela National Forest, West Virginia, which comprise about twenty thousand acres and which are generally depicted on a map entitled "Otter Creek Wilderness—Proposed" and dated 1967 and revised August 1971, which shall be known as the "Otter Creek Wilderness";

(15) certain lands in the Monongahela National Forest, West Virginia, which comprise about ten thousand two hundred and fifteen acres and which are generally depicted on a map entitled "Dolly Sods Wilderness—Proposed" and dated 1967, which shall be known as the "Dolly Sods Wilderness";

(16) certain lands in the George Washington National Forest, Virginia and West Virginia, and the Monongahela National Forest, West Virginia, which comprise about eleven thousand six hundred and fifty-six acres and which are generally depicted on a map entitled "Laurel Fork Wilderness—Proposed" and dated December 1972, which shall be known as the "Laurel Fork Wilderness";

(17) certain lands in the Jefferson National Forest, Virginia, which comprise about eight thousand eight hundred acres and which are generally depicted on a map entitled "James River Face" and dated January 1973, which shall be known as the "James River Face Wilderness";

(18) certain lands in the Cherokee National Forest, Tennessee, which comprise about one thousand one hundred acres and which are generally depicted on a man entitled "Gee Creek" and dated January 1973, which shall be known as the "Gee Creek Wilderness";

(19) certain lands in the George Washington National Forest, Virginia, which comprise about six thousand seven hundred acres and which are generally depicted on a map entitled "Ramsey's Draft" and dated January 1973, which shall be known as the "Ramsey's Draft Wilderness";

(20) certain lands in the Daniel Boone National Forest, Kentucky, which comprise about five thousand five hundred acres and which are generally depicted on a map entitled "Beaver Creek" and dated January 1973, which shall be known as the "Beaver Creek Wilderness";

(21) certain lands in the Sumter National Forest, South Carolina, which comprise about three thousand six hundred acres and which are generally depicted on a map entitled "Ellicott's Rock" and dated January 1973, which shall be known as the "Ellicott's Rock Wilderness";

(22) certain lands in the Green Mountain National Forest, Vermont, which comprise about nine thousand one hundred acres and which are generally depicted on a map entitled "Lye Brook" and dated January 1973, which shall be known as the "Lye Brook Wilderness";

(23) certain lands in the Green Mountain National Forest, Vermont, which comprise about four thousand nine hundred acres and which are generally depicted on a map entitled "Bristol Cliffs" and dated January 1973, which shall be known as the "Bristol Cliffs Wilderness";

(24) certain lands in the Chequamegon National Forest, Wisconsin, which comprise about six thousand six hundred acres and which are generally depicted on a map entitled "Rainbow Lake" and dated January 1973, which shall be known as the "Rainbow Lake Wilderness";

(25) certain lands in the White Mountain National Forest, New Hampshire, which comprise about 47,300 acres and which are generally depicted on a map entitled "Presidential Range" and dated January 1973, which shall be known as the "Presidential Range Wilderness";

(28) certain lands in the Clark National Forest, Missouri, which comprise about three thousand acres and which are generally depicted on a map entitled "Rockpile Mountain" and dated January 1973, which shall be known as the "Rockpile Mountain Wilderness";

(27) certain lands in the Hiawatha National Forest, Michigan, which comprise about six thousand six hundred acres and which are generally depicted on a map entitled "Big Island Lake" and dated January 1973, which shall be known as the "Big Island Lake Wilderness"; and

(28) certain lands in the Mark Twain National Forest, Missouri, which comprise about sixteen thousand four hundred acres and which are generally depicted on a map entitled "Hercules Area" and dated January 1973, which shall be known as the "Glades Wilderness."

(b) The maps referenced in this section shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

### FILING OF MAPS AND DESCRIPTIONS

Sec. 3. As soon as practicable after this Act takes effect, a map and a legal description of each wilderness area shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

### MANAGEMENT OF AREAS

Sec. 4. (a) Except as otherwise provided by this section, the wilderness areas designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(b) Notwithstanding the provisions of section 4(d)(2) of the Wilderness Act and subject to valid existing rights, federally owned lands within areas designated as wilderness by this Act or hereafter acquired within the boundaries of such areas are hereby withdrawn from all forms of appropriation under the mining laws, and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(c)(1) Notwithstanding the provisions of section 5 of the Wilderness Act, within areas designated as wilderness by this Act the Secretary of Agriculture may acquire by purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise, such lands, waters, or interests therein as he determines necessary or desirable for the purpose of this Act and the Wilderness Act.

(2) In exercising the exchange authority granted by paragraph (1) of this subsection, the Secretary may accept title to non-Federal property for federally owned property located in the same State, of substantially equal value, or if not of substantially equal value, the value shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require.

(d) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

### AUTHORIZATION OF APPROPRIATIONS

Sec. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

### THE EASTERN WILDERNESS AREAS ACT

Mr. BUCKLEY. I am again pleased to join my distinguished colleague, the chairman of the Committee on Interior and Insular Affairs, in sponsoring important legislation to further the purposes of the Wilderness Act of 1964. We are today reintroducing, in elaborated form, the bill we jointly sponsored last session as the Eastern Wilderness Areas Act.

As a Senator from a very large, populous eastern State, I am particularly aware of the importance our people attach to wilderness areas. As the pressures and pace of urban living intensify, and as more and more people discover the subtler, quieter, perhaps richer pleasures of solitude in wild country, the demand for this kind of primitive, unencumbered, nonautomated outdoor recreation is certainly increased. At the same time, the benefits of the American wilderness resource do not extend solely to those who have the firsthand experience of a trip through a wilderness area. Millions view these areas of undeveloped, preserved land from the edges, probing with their minds and senses the vastness of the wild landscape. Others cherish the wilderness we are preserving for the inner perspective they find in simply knowing it is there, as an anchor to windward. The novelist, Wallace Stegner, has expressed this notion eloquently:

> The reminder and the reassurance that it is still there is good for our spiritual health even if we never once in ten years set foot in it. It is good for us when we are young, because of the incomparable sanity it can bring briefly, as vacation and rest, into our lives. It is important to us when we are old simply because it is there—important, that is, simply as an idea.
>
> We simply need that wild country available to us, even if we never do more than drive to its edge and look in. For it can be a means of reassuring ourselves of our sanity as creatures, a part of the geography of hope.

In the same vein, John Stuart Mill caught the idea as well as anyone:

> A world from which solitude is extirpated is a very poor ideal . . . Nor is there much satisfaction in contemplating the world with nothing left of the spontaneous activity of nature.

No doubt because most of the areas originally set aside for protection under the 1964 Wilderness Act are located in the Western United States, and because most of the other areas now being formally studied under that act for wilderness suitability are also in the West, it may come as a surprise to some to discover that we have, in the eastern half of the country, an opportunity to identify and preserve a number of areas which are suitable for inclusion within the national wilderness preservation system. The point of introducing the Eastern Wilderness Areas Act today is to demonstrate that we can have a system of wilderness areas nationwide, not merely regional, in scope, representative of the diversity of our land, of its flora and fauna, and history.

The Wilderness Act gives us this opportunity in its practical program for identifying and preserving areas of all varieties. As Aldo Leopold, who pioneered the setting aside of wilderness areas, expressed it:

> In any practical program the unit areas to be preserved must vary greatly in size and degree of wildness.

This practical approach, as Senator Jackson has said, is exactly what the authors of the Wilderness Act intended. The distortion of this approach by efforts to straitjacket the Wilderness Act into some kind of "purer-than-driven-snow" standard has no merit at all.

In the late 1950's, during the time the Wilderness Act was under consideration in Congress, the congressionally established Outdoor Recreation Resources Review Commission thoroughly studied the demands we face for all varieties of recreational pursuits, and began the process of trying to meet those demands. As a part of the studies which went into the final report of that Commission, a special study was made of wilderness resources and wilderness recreation. That study was contracted to the Wildlands Research Center, and included a beginning inventory of potential wilderness areas. In deciding how to define wilderness for the purposes of that inventory, the investigators wrestled with a number of problems—among them what to do about roads, and what to do about once-disturbed lands among them.

On the subject of past human impact on candidate wilderness areas, the ORRRC investigators point out the practical situation in the eastern half of the country:

> The 98th meridian separates two very different climatic and geologic regimes, reflected in different biological conditions and, consequently, different technological development. All of these factors are pertinent to present land conditions. It must be recognized that there is no significant area of land

> within the continental United States which has not at some time been put to a utilitarian use by men of European stock. Except in a very few places in the northern Rockies, all western lands have been heavily grazed by sheep and cattle; mining and prospecting have been widespread. As these uses withdraw, some of the land is gradually reverting to a natural appearance. The definition accepts early logging in the East for the same reason that it accepts grazing in the West—because logging has occurred nearly everywhere in the region. But also, early forms of eastern logging took place in winter; the logs were skidded on ice and usually transported by rail or water, resulting in less damage to forest sites than occurs in western summer logging with heavy machinery. Thirdly, eastern forest species regenerate more rapidly and with greater stand density than western species. Fire from natural and aboriginal causes is widely recognized as an integral part of certain ecosystems, though its effects are often indirect and hard to identify. Suppression of fire has had an important on-site effect on natural conditions, but if its effects were not acceptable in the definition there would be no wilderness tracts to inventory.

Mr. President, I cite these conclusions of the ORRRC study on wilderness because they exemplify a thoughtful, deliberate and sensible standard for wilderness assessment. Of course, we begin from the ideal, just as the Wilderness Act does. But, if we are to have a national system of wilderness areas, as the drafters of the Wilderness Act obviously intended, less than pristine standards would be necessary for practical application. As a basis for public policy I believe it would be a mistake to assume that the Wilderness Act can have no application to once-disturbed areas.

In this regard, I trust we will continue to have an ally in the President of the United States, who argued for a practical and balanced approach to a national wilderness preservation policy in his 1972 environmental message. Upon transmitting to Congress 18 new wilderness proposals President Nixon stated:

> Unfortunately, few of these wilderness areas are within easy access of the most populous areas of the United States. The major purpose of my Legacy of Parks program is to bring recreation opportunities closer to the people, and while wilderness is only one such opportunity, it is a very important one. A few of the areas proposed today or previously are in the eastern sections of the country, but the great majority of wilderness areas are found in the West. This of course is where most of our pristine wild areas are. But a greater effort can still be made to see that wilderness recreation values are preserved to the maximum extent possible, in the regions where most of our people live.

The bill we are introducing today represents such a "greater effort," particularly on the part of citizen groups throughout the East, South, and Midwest.

The first 16 proposed areas in our bill reflect the work and dedication of local groups and teams of people in each area, the balance, taken from a Forest Service listing, requires further examination. This is one of the most wholesome elements of the wilderness program—its strong reliance on the involvement and recommendations of those who have the most intimate knowledge of the areas selected for protection.

Mr. President, unlike a number of cosponsors of the Eastern Wilderness Areas Act, I was not a Member of Congress when the Wilderness Act was passed in 1964, but I have observed with satisfaction the progress made under that act by the Forest Service and the Department of the Interior. I am privileged to sponsor the Eastern Wilderness Areas Act at this time, because I have also observed that further legislation is needed to realize the still great potential of the national wilderness preservation system. I would be loathe to see the strength and momentum of the development of this system drained by the creation at this time of a competing system. Yet just such a competing system was proposed by the U.S. Forest Service in response to the direction of the President to accelerate the identification of areas in the Eastern United States having wilderness potential. That is, instead of identifying potential eastern wilderness areas the Forest Service sought an alternative system. This was based on what I believe is a false premise; namely, that—

> There are simply no suitable remaining candidate areas for wilderness classification in this (east of the 100th meridian) part of the national forest system.

To my mind the Wilderness Act has been misinterpreted by those who insist that most natural eastern areas do not qualify, because at one time in the past they had been logged or cultivated or mined. The Wilderness Act defines a wilderness as an "area where the earth and its community of life are untrammeled by man." I take this to mean that the primitive area in question will remain untrammeled and undisturbed by man's activities in the future. If an area has recovered from man's past activities and nature's healing processes have restored its character, so that it is impossible to distinguish it from a pristine area. I believe it is fully consistent with the intent of the Wilderness Act to include the area in the national wilderness preservation system.

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By Mr. ALLEN (for himself and Mr. SPARKMAN):

S. 317. A bill tc provide for the settlement of claims resulting from participation in a Public Health Service study to determine the consequences of untreated syphilis. Referred to the Committee on the Judiciary.

Mr. ALLEN. Mr. President, I introduce on behalf of my distinguished senior colleague (Mr. SPARKMAN) and myself a bill to compensate certain individuals for physical and mental damages sustained as a result of their participation in a continuing experiment conducted by the Public Health Service in Macon County, Ala., which began in 1932. The purpose of the experiment was to determine the mental and physical consequences of untreated syphilis. The participants in the experiment were not informed of the nature of their affliction or of the potentially deadly consequences which would likely result from their participation.

Mr. President, this is the identical bill which Mr. SPARKMAN and I introduced on Wednesday, August 9, 1972. Some of the compelling reasons for introducing the bill are set out in the CONGRESSIONAL RECORD. My continuing feeling of concern is indicated by statements and colloquies which appeared in the CONGRESSIONAL RECORD on July 26, August 1, August 9, and August 17, 1972.

Mr. President, I am glad to say that shortly after knowledge of this experiment was made public, a citizens advisory panel, designated the Tuskegee Syphilis Study Ad Hoc Advisory Panel, was appointed by the Department of Health, Education, and Welfare to formulate recommendations concerning the experiment. On October 25, 1972, the panel recommended termination of the experiment in this language:

> The study of untreated syphilis in black males in Macon County, Alabama, now known as the "Tuskegee Syphilis Study," should be terminated immediately.

It was also recommended that the participants involved be given the medical care required to treat disabilities resulting from their participation. These two recommendations were implemented immediately.

Mr. President, all of the recommendations made by the panel demonstrate an ethical responsibility to provide compensation for physical disabilities attributable to participation in the experiment. I urge Members of the Senate to carefully evaluate these recommendations and I request unanimous consent that a copy of the "Initial Recommendation of the Tuskegee Syphilis Study Ad Hoc Advisory Panel" dated October 25, 1972, be printed in the CONGRESSIONAL RECORD.

There being no objection, the recommendation was ordered to be printed in the RECORD, as follows:

### INITIAL RECOMMENDATION OF THE TUSKEGEE SYPHILIS STUDY AD HOC ADVISORY PANEL

The Charter of the Tuskegee Syphilis Study Ad Hoc Advisory Panel, issued on August 28, 1972, mandates advice on three specific aspects of the study of untreated syphilis initiated by the Public Health Service in 1932. Item two of the three charges requires the Panel to:

"Recommend whether the study should be continued at this point in time, and if not, how it should be terminated in a way consistent with the rights and health needs of its remaining participants."

Initially, the Panel has limited its deliberations and recommendations exclusively to this charge, and the recommendations contained in this report are intended to respond solely to this specific issue.

In determining our initial recommendations, the Panel has made inquiries which have led us to accept certain evidence outlined here. Though our research on the background and conduct of the Tuskegee Syphilis Study has not been completed, the Panel is satisfied that in the light of its preliminary findings, which will be fully documented at a later date, the recommendations set forth below are fully justified.

#### BACKGROUND

Since 1932, under the leadership, direction, and guidance of the U.S. Public Health Service, there has been a continuing study, centered in Macon County, Ala., of the effect of untreated syphilitic infection in approximately 400 Black male human beings previously infected with syphilis as subjects. In the pursuit of this study approximately 200 Black male human beings without syphilis were followed as controls. No convincing evidence has been presented to this Panel that participants in this study were adequately informed about the nature of the experiment, either at its inception or subsequently.

The United States Public Health Service from the onset of the study has maintained a continuous policy of withholding treatment for syphilis from the infected subjects. There was common medical knowledge, before this study, that untreated syphilitic infection produces disability and premature mortality. To date, including its earliest reports, this study has confirmed that untreated syphilitic infection produces disability and premature mortality. Since the later 1940's numerous medical authorities have recommended treatment for syphilis with penicillin in all stages of the disease, including late latent syphilis and tertiary syphilis.

A technical and medical advisory panel convened in 1969 by the United States Public Health Service is reported to have recommended, with some ambiguity, that the participants surviving at that time should not be treated. It is estimated that approximately 125 of the participants, including 50 of the controls, are still alive; and the current health status of the participants in the Tuskegee study is not known.

RECOMMENDATIONS

*I. Termination*

The study of *untreated* syphilis in Black males in Macon County, Alabama, now known as the "Tuskegee Syphilis Study," should be terminated immediately. With this most basic recommendation, the participants involved in this study are to be given the care now required to treat any disabilities resulting from their participation. In furtherance of this goal we recommend:

A. That Select Specialists Group, composed of competent doctors and other appropriate persons, with experience in the problems arising from this study, be appointed by the Assistant Secretary for Health and Scientific Affairs, DHEW, no later than fifteen days after the adoption of these recommendations.

B. That the members of the Select Specialists Group have had no prior involvement in the Tuskegee Syphilis Study.

C. That the Select Specialists Group be composed of, but not necessarily be limited to, a dermatologist with experience in syphilology who will serve as Chairman, two internists (at least one of whom shall be a cardiologist), a radiologist, a neurologist, an ophthalmologist, a psychiatrist, a doctor of dental surgery, and a social worker.

D. That the Select Specialists Group be solely charged to apply its expert diagnostic and therapeutic skills in order to safeguard the best interests of the participants and of others who may have been infected as a result of the withholding of treatment from the participants.

E. That the Select Specialists Group be vested with the full legally permissible medical authority, medical supervision and medical judgment with regard to the treatment or referral of all of the surviving participants and others within and outside Macon County who may be identified, in cooperation with the appropriate medical societies and Health Departments.

F. That the Public Health Service immediately inform all surviving participants of the nature of their participation in the study and the desire of the Public Health Service to assess their current health status.

G. That the members of the "Subcommittee on Medical Care" of the Tuskegee Syphilis Study Ad Hoc Panel be ex-officio members of the Select Specialists Group to function primarily as liaison between the Select Specialists Group and the entire Panel.

H. That on completion of its charge, the Select Specialists Group submit a detailed report about its activities to the Tuskegee Syphilis Study Ad Hoc Advisory Panel through its Chairman. This report shall include, but by no means be limited to, the reasons for administering or withholding penicillin and other drug treatment for syphilis from untreated participants who are infected with syphilis.

I. That the highest priorities be given to this mission so that the charge to the Select Specialists Group shall be completed at the earliest possible date consistent with the best interests of the participants and the ethnical responsibilities of the Department of Health, Education, and Welfare.

*II. Assessment, treatment, and care*

A. That arrangements be made with *all speed* for the immediate health assessment, treatment and care of all persons included in the study in a suitably adequate facility easily accessible to the surviving participants. That whenever a participant expresses the wish to be cared for or treated by physicians of his own choice, such choices be respected and given all necessary support.

B. That every effort be made to preserve confidentiality with respect to the identification of any participant.

C. That the United States Public Health Service's epidemiologists be mobilized, on a highest priority basis, to assist in locating all surviving particpants as well as others who may have been infected as a result of the withholding of treatment from the participants.

*III. Encouragement of participation*

A. That adequate arrangements be provided for maintaining present standards of living during the evaluation and treatment periods in order to minimize any economic barriers to the cooperation of the participants.

B. That at a minimum, any benefits which have been promised to the participants in the past continue to remain in effect.

Respectfully submitted,

Broadus N. Butler, Ph. D., Fred Speaker, Ronald H. Brown, Barney H. Weeks, Jeanne C. Sinkford, D.D.S., Ph. D., Jean L. Harris, M.D., Vernal Cave, M.D., Jay Katz, M.D., Seward Hiltner, Ph. D. D.D.

Mr. ALLEN. Mr. President, the ad hoc advisory panel is headed by Dr. Broadus N. Butler, chairman. On November 30, 1972, the panel provided additional recommendations. This last report indicates that progress is being made toward acquiring additional information and in the preparation of documents. The tenure of the commission has been extended to March 31, 1973. Mr. President, I ask unanimous consent that a summary statement concerning the ad hoc advisory panel meeting of November 30, 1972, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TUSKEGEE SYPHILIS STUDY AD HOC ADVISORY PANEL

(Summary statement on meeting of November 30, 1972)

At the fourth Tuskegee Syphilis Study Ad Hoc Advisory Panel meeting on November 30, 1972, Departmental plans for implementation of the Panel's initial recommendations were reviewed. Subcommittee progress reports on Panel Charges One and Three were given with plans for undertaking further information gathering and preparing Subcommittee documents.

Extension of tenure was requested by the Panel to March 31, 1973, to provide time for it to assimilate the large amount of documentary material that is accumulating and for it to prepare background and position papers in support of recommendations it will make on the basis of the information available to the Panel. In acceding to this request the Assistant Secretary for Health pointed out the urgency for the Panel to forward those recommendations it feels it can make by December 31, 1972, to meet Federal scheduling of administrative initiatives for the new legislative year. He also indicated that the original provision for closed meetings would not extend beyond January 1, 1973, and that no additional extension beyond March 31, 1973, would be made.

R. C. BACKUS, Ph. D.,
*Executive Secretary, Tuskegee Syphilis Study, Ad Hoc Advisory Panel*
DECEMBER 4, 1972.

Mr. ALLEN. Mr. President, I know that Members of the Senate recognize that the "Tuskegee Syphilis Study" involves profound ethical questions relating to human experimentation. In my judgment there is a need for congressional investigation into the extent, scope, and ethical implications involved in this and other experiments of a related nature involving the health and safety of human lives. This need is forcefully demonstrated by an article which appeared in the December 5, 1972, issue of World magazine in an article entitled "The Human Guinea Pig: How We Test New Drugs," by Aileen Adams and Geoffrey Cowan. Mr. President, I request unanimous consent that this article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HUMAN GUINEA PIG: HOW WE TEST NEW DRUGS

(By Aileen Adams and Geoffrey Cowan)

A cheerful, cartoon-studded brochure entitled *Malaria Volunteer* invites inmates at the Jackson County, Missouri, jail to join a six-week program that provides "additional food, ice cream, fruit juice, improved quarters," and a $50 honorarium. On completing the program, participants are awarded a diploma-sized "Certificate of Merit," suitable for framing, commending them for their "display of social responsibility and unselfishness." In return they must submit to infection with a live malaria virus, as subjects to test new cures being developed by the United States Army.

The Jackson County inmates are typical of tens of thousands of people in the United States who each year "volunteer" to test the new drugs being developed by pharmaceutical companies and the United States government. Poor, often black, institutionalized in public facilities including prisons, hospitals, and homes for the mentally retarded, they are accessible and often can be persuaded to participate in virtually any experiment recommended by a physician.

Such tests frequently have been conducted with discomforting, and sometimes fatal, results. This past summer a test by the United States Public Health Service made national headlines when the Associated Press revealed that 431 black men from Tuskegee, Alabama, most of them poor and uneducated, were deliberately permitted to suffer the ravages of syphilis for forty years without benefit of such modern drugs as penicillin. According to doctors in charge of the study, at least 28, and perhaps close to 100, of the men died as a direct result of untreated syphilis—all in the interests of medical science. The news provoked a wave of indignation.

Unpublicized experiments on similar test populations are now occurring almost daily throughout the United States; for human experimentation is, and will continue to be, an important American growth industry—fueled, ironically, by the requirements of recent liberal legislation. The Harris-Kefauver drug law of 1962, enacted after the thalidomide disaster, requires pharmaceutical companies to conduct three stages of human trials before the Food and Drug Administration allows a drug to be marketed. According to FDA records, more than 3000 drugs currently are being tested, and more than 500 of them were first tested on humans in 1971. In addition, federal programs, on matters ranging from population control to cancer, finance researchers who utilize test subjects to develop new cures. Thus, with the lofty intention of discovering safe, effective medical cures, we have created a new form of public-service employee: the human guinea pig.

Though all of us who use drugs are in their debt, no one, including the FDA, has attempted to take a hard look at the test subjects themselves. Physicians have developed a vast literature on the ethics of human experimentation, but such reports never examine one ethical consideration that would seem paramount: the background or class composition of the people on whom the most dangerous tests are conducted. After visiting drug-testing facilities in eleven states, we concluded that the people who become "volunteers" for the early, riskiest stage of drug development tend to be "captive populations" institutionalized in prisons, public hospitals, and homes for the mentally retarded; they also tend to be poor and ill-educated.

Medical testing, of course, is not generally a simple matter of exploiters and exploited. For many sick volunteers, such as cancer patients, experimental cures offer the only hope. By law even healthy test subjects must be told what they are letting themselves in for. For one reason or another they do it anyway. At he Jackson County jail, for instance, the *Malaria Volunteer* brochure warns participants to exepect "fever, chills, nausea, vomiting, and headaches"; and it notes that there is a "real possibility" of subsequent relapse. After living through a week of violent, uncontrollable hot-and-cold shivers, many volunteers wish they'd never heard of malaria. Nevertheless, drug researchers at the jail had no trouble finding 107 malaria volunteers last year.

"Money, that's why they do it," says Steve Ward, a wiry black inmate who worked full time for the project. Inmates run up huge gambling debts in jail, he explains, and the malaria money offers the only escape from what amounts to a kind of slavery to their cellblock creditors. Others apparently enter the program simply to escape their tedious, cramped existence in the jail.

State prisons are probably the most widely used institutions for the first stage of medical experimentation, partly because they offer a ready supply of healthy volunteers. Though testing is generally not allowed by the Federal Bureau of Prisons, more than half the states and countless cities permit testing on their prison inmates. FDA officials estimate that more than 90 per cent of the first trials for drug safety in humans are conducted on prisoners.

Prison officials we talked with emphasized the variety of ways that prisoners benefit from testing programs. Louie Wainwright, the chief of the Florida Division of Corrections, points out that prison hospitals are generally under-financed and neglected in major respects. Drug companies which pay for the tests, says Wainwright, contribute significantly to the improvement of substandard medical facilities at prisons. Wainwright's former research assistant, Charles Eichman, says that he changed his negative opinion of drug testing when he learned that the intensive physical examinations given each participant were actually saving lives. "One inmate volunteered for an aspirin study," Eichman recalls, "and his doctor found he had cancer." "It's the only legitimate way prisoners here can earn money," says the young nurse who ran the Jackson County malaria testing program. "It also appeals to their sense of patriotism, because they know they're contributing to the guys in Vietnam."

But some prison testing programs have been riddled with abuses. They have been linked to prison drug traffic, forced homosexual encounters, injuries to inmates, and highly questionable test results. A 1968 government study of the Holmesburg Prison in Philadelphia found that inmate workers for the University of Pennsylvania Medical School testing project frequently stole and sold drugs used on various experiments. Moreover, since the testing program was the prisoners' principal source of income—distributing to inmates more than a quarter of a million dollars each year—it gave great patronage power to the inmate who controlled the selection of test participants. According to the study, at least one such inmate, a fraud artist, used his position to induce men to serve as his homosexual companions for fees of about $1600 a year.

No one can estimate how many casualties there may have been from prison testing. Since the FDA doesn't interview inmates directly and the "release forms" signed by test participants make it unlikely that many cases will reach court, one must rely on anecdotal impressions. According to the report on the Philadelphia prison system, some prisoners "ended up with bodies crazy-quilted with different-colored reactions and scars."

Some adverse side effects may not show up until after the inmate leaves prison. Three years ago thirty inmates in the Nevada state prison participated in a test to produce Rhogam, a widely used serum designed to help women with Rh-negative blood deliver healthy babies. The inmates, all of whom were Rh negative, were injected with Rh-positive blood to help them develop the antibodies that institute the Rhogam serum. An unfortunate side effort of the test is that the blood of the parlcipants, all of whom are Rh negative, permanetly looks as if it is Rh positive. If any of the test subjects subsequently need a transfusion, therefore, doctors might mistakenly give him a fatal transfusion of the wrong blood type. Such a mix-up almost occurred recently when one of the Nevada inmate-participants tried to commit suicide and a test by attendants at the prison hospital showed his blood to be Rh positive. Fortunately, the prison doctor was called at home and remembered that the inmate had been a test participant.

There are also reasons to doubt the results of tests conducted in prisons. "If the drug comes in tablet form, you can never be sure they take it," says the medical director of the Nevada state prison system. "That's why I prefer injections." "Inmates know how to tongue a pill, cheek it, or palm it, and you can't really tell whether they swallow it," said a prison guard.

Homes for mentally retarded children are favorite testing places for new drugs and vaccines. The live-virus rubella vaccine for German measles was first tested at the Arkansas Children's Colony, a school for the mentally retarded near Conway, Arkansas. Rather than contending that the vaccine would particularly benefit the children, researchers from the National Institute of Health explained that the test required "carefully controlled conditions" where "susceptible persons are shielded from those who have been vaccinated," and they chose the school because it was in a rural setting and the 700 students "reside in widely scattered cottages that are functionally independent."

The mentally retarded children who are used for hepatitis experiments at the Willowbrook State School in Staten Island, New York, are among the most famous test subjects in the country. In 1967 the late Senator Robert Kennedy uncovered one reason why children at Willowbrook were willing participants. Parents, he discovered, had been told that the school was too crowded and that their child couldn't get in—unless the parents would agree to let the youngster join the school's hepatitis testing program.

Nearly 1500 mentally retarded children over the past eighteen years have been injected with hepatitis virus by physicians at Willowbrook. The children then participate in tests designed to analyze the disease and to find an effective cure. Critics, like Harvard Medical School Professor Emeritus Henry K. Beecher, call it a moral outrage to infect mental retardates in order to search for a cure. The test's director, Dr. Saul Klugman, disagrees. He contends that unsanitary habits of mental retardates ensure that most of the children would get hepatitis anyway and that it is therefore in their interest to be treated by a highly experienced staff under controlled conditions.

During the past two years, the Florida Mental Retardation Division has become unusually hospitable to drug investigators. With the assistance of Dr. Charles Weiss—a former research official at Parke Davis & Co., who is now a drug investigator and the medical consultant to the chief of the division—products ranging from influenza vaccine to pinworm medication have been tested on many of the several thousand mentally retarded children interned at the division's eight Sunland training centers.

An important current experiment at the Sunland Center in Fort Myers involves a vaccine for Shigella, a severe form of dysentery that occurs primarily in custodial institutions. Under the auspices of the U.S. Center for Disease Control, the vaccine has already been tested on prisoners and mentally retarded children in Maryland. The vaccine was next scheduled for use at Willowbrook, according to physicians involved in the present study, but the CDC moved the test to Fort Myers when poor conditions at Willowbrook became a public *cause celebre* in New York City last spring. While the incidence of Shigella is lower in Sunland than in many other institutions, CDC officials explain that they chose the Fort Myers facility "because of the considerable cooperation from Dr. Weiss and his department."

Financial pressures have led some municipal hospitals to set up entire units devoted to evaluating new drugs. For example, under a contract originally negotiated with the city of Newark, New Jersey, in 1963, the huge Swiss drug company Hoffman-La Roche until recently maintained and staffed a complete ward on the fourteenth floor of Martland Medical Center. Martland happened to be the only hospital easily accessible for most of the city's poor residents. The drug company paid Newark $25,000 for the use of the city hospital, according to a 1966 renegotiated contract, in return for which the company, at its own expense, provided care for patients and conducted research on new drugs. Originally, patients apparently were assigned to the drug company's floor on a random basis, without being told that they were entering a company-financed testing unit. Better procedures were adopted in 1966 when operation of the hospital was taken over by the New Jersey College of Medicine, and the entire unit was moved to a private hospital in April 1971.

Until its operations came to public light in 1971, the Pentagon's Nuclear Defense Agency for eleven years had financed a University of Cincinnati study of the effects of atomic radiation on human beings. Under an $850,000 contract, the university's medical school treated 111 terminal cancer patients, who were told that there was a good chance the treatment would reduce the size of their tumors and relieve some of the pain. A number of radiologists disputed the therapeutic values of the treatment and charged that it was used as a device to obtain participants in the Defense Department study. All but three of the patients were charity cases from Cincinnati General Hospital. Most had I.Q.'s below 90 (100 is average), and their average length of schooling was six years.

Even some of the most important (and ultimately life-saving) tests conducted in public hospitals involve significant risks. Though never fully studied for use in infants, the antibiotic Chloramphenicol for several years was widely used as a prophylactic to counteract the high infection rate in premature newborns—until two studies by Dr. Joan Hodgman revealed that the drug appeared to be killing a significant number of infants to whom it was administered. Both studies were conducted in the Premature Center of Los Angeles County Hospital, where virtually all of the infant participants were from poor families, most of them black or Chicano.

The first study demonstrated that at some dosage levels Cloramphenicol is extremely toxic for premature infants. The study also found that antibiotics did not lower the mortality level when given as a prophylactic to certain healthy prematures. Consequently the Premature Center, concluding that the potential risk outweighed the possible benefits, discontinued the use of the drug for helping prematures.

Believing that "Chloramphenicol would still be useful for the treatment of infected prematures if a safe dosage schedule were established," Dr. Hodgman and her colleagues then conducted a second test. This time they gave varying dosages of Chloramphenicol to 126 prematures, most of whom were "in good condition," but who had been exposed to staphylococcal infection. Six of the infants developed symptoms associated with Chloramphenicol toxicity—such as refusing to nurse, regurgitating a formula, abdomens becoming distended, loose green stools, and, within twenty-four hours after the appearance of toxic symptoms, becoming ashen gray and lethargic. Three of the infants who developed these symptoms survived; three died. Although the deaths may have been due to other causes, the study concluded that "it is possible that these three infants represent a toxic reaction [to Chloramphenicol] at relatively low blood levels." Partly as a result of Dr. Hodgman's test, Chloramphenicol now is seldom given to premature infants, and then only in very small dosages.

Public hospital patients are rarely in a position to evaluate the merits of an experiment that they are asked to join. In her office at New Orleans's Charity Hospital, Dr. Margaret Smith, who is a member of the Public Health Service's Committee on Immunology Practices, described the parents from whom she had received "informed consent" for their children to participate in a meningitis study: "Most of the parents are uneducated blacks. Some of them can't read—they're not very sophisticated people."

In defense of public-hospital tests, Dr. Smith contends that according to nurses at the hospital, "public patients get much better care when they're part of a drug study." While undoubtedly true, this explanation raises as many questions as it answers. Because treatment at public hospitals and prisons is often substandard, physicians may justifiably believe that the medical benefits of testing outweigh the risks. But is it just to ask the poor to accept the risks of medical experimentation in order to obtain adequate health care?

A similar problem arises with the legal requirement to obtain a patient's "informed consent" before beginning the test. Technically, the researcher must clearly explain the drug's potential risks and the available alternative, non-experimental forms of medication. Researchers often find it easiest to obtain the consent of poor or institutionalized populations. More than one drug investigator told us that their poor patients would cut a finger or an arm off without asking questions if they recommended it. For people living under such circumstances, one wonders whether the phrase "informed consent" has meaning.

Yet even such heretofore acquiescent groups are beginning to resist medical experimentation. During the summer of 1969, 398 women in San Antonio, Texas, participated in a test designed to evaluate the side effects produced by various kinds of oral contraceptives. Most of the women were Mexican-Americans who had been referred to the test by Planned Parenthood. Activists in the Chicano community later became outraged when it was revealed that seventy-six of the participants had been given a placebo, or sugar pill, instead of an oral contraceptive, and that seven of those women had become pregnant. Although executives at Syntex Laboratories, sponsor of the test, admitted to us that they had anticipated that as many as nine of the women given the placebos would become pregnant, apparently none of the women were apprised of this possibility. As a result of an investigation by the Chicano-dominated local Community Action Board of the OEO, which provides the city's Planned Parenthood program with most of its funds, Planned Parenthood's executive director resigned, and new, tougher guidelines on human experimentation were adopted. Finally, this spring, after a prolonged investigation, the FDA officially found that in several crucial respects the test had been improperly conducted. Two years ago a proposed test of the amphetamine-like drug Nitalin on preschool children of Florida migrant workers was abandoned after an emotion-packed newspaper article on it generated a series of local protests. And in 1968, in response to parents' complaints, the D.C. Children's Clinic in Laurel, Maryland, stopped testing all drugs on mentally retarded children after participants in its test of TriA were hospitalized with serious liver dysfunctions.

These are not isolated examples. Several trends in American society are combining to complicate the task of finding suitable and willing test populations. Ethnic groups have become increasingly suspicious of those who wish to perform experiments—medical or social—on members of their communities. Increased interest in prison reform has begun to focus attention on medical problems in state and local prisons, and the current trend in mental retardation is to confine only hardcore cases, leaving institutions with fewer good subjects for tests that require a modicum of intelligence.

Nevertheless, there is still a clear need to test some new drugs and vaccines on human subjects. Few would contest the importance of the development in recent years of drugs and vaccines to treat matters ranging from birth control to polio. Before such products are put on the maket, they must be carefully tested to find effective dosages and to make certain that they don't produce intolerable side effects. Indeed, many leading physicians and government officials have said that drugs, particularly those used on children and the elderly, may require a great deal *more* testing than they presently receive. Dr. Harry Shirkey, chairman of the Department of Pediatrics at Tulane University, believes that prior to receiving FDA approval, all drugs that may be used by children should be specifically tested on children.

Dr. Shirkey notes that many if not most drugs on the market today have not been tested for use on children; such tests are expensive and present enormous ethical problems. Although these drugs must contain a warning that they are not approved for use on children, parents who have successfully used the medication sometimes give it to a sick child, and it is not uncommon for doctors who have heard that it works on children to prescribe it. Due to the impact of a few "pediatric catastrophes" like Chloramphenicol and the efforts of pediatricians like Dr. Shirkey, several high-ranking FDA officials advocated the adoption of a regulation stating that no new drug which may be given to children can be approved for marketing until adequate studies have been conducted in a series of tests in various age groups up to fourteen years. This proposal was rejected, however, after the pharmaceutical industry explained that it would be far less expensive to agree not to let the drug be used on children than to conduct the needed experiments. FDA officials say they are making every effort to persuade drug manufacturers to perform such tests voluntarily.

As with many areas in which scientific development has created significant ethical and political dilemmas, there is no single simple solution to the problem of testing new drugs. But here are some possible reforms:

Drug companies should use greater restraint before testing new drugs that duplicate, with minor variations, the functions of drugs now on the market.

Medical schools and the scientific community should encourage greater professional responsibility. Though strict codes of research ethics have been adopted by the American Medical Association, a recent study found that most physicians engaged in clinical research never studied the ethics of testing while in medical school, and that a "significant minority" place personal and scientific achievement ahead of their responsibility to the test population.

Institutions where new drugs are tested should establish effective, broadly based review committees in accordance with rules adopted by the Food and Drug Administration and the Public Health Service. Though such committees are now required by law, the Food and Drug Administration makes no systematic effort to ensure that they are established and function effectively. These committees would examine the scientific merits of proposed tests and protect the rights of test subjetcs. They should be composed of clergymen, lawyers, and community representatives as well as scientists. The Florida prison system's new citizens' committee plans to visit state institutions regularly and ask inmates for their comments on the tests.

Congress could adopt legislation proposed by Sen. Gaylord Nelson of Wisconsin that would increase the government's role in the selection of clinical investigators. Senator Nelson notes that at present, since drug firms select their own researchers and pay them to accumulate data demonstrating that a new drug is safe and effective enough to be allowed on the market, researchers have a vested interest in highlighting the drug's good points, not its potential dangers.

Another possible legislative reform would provide insurance for the subjects of medical experimentation. When the details of the Public Health Service's syphilis test were revealed last summer Alabama senators James B. Allen and John J. Sparkman introduced legislation to provide financial compensation for test participants who had needlessly suffered from syphilis.

None of these reforms, however, will remove the special risks of drug experimentation from the powerless segments of our society. That can only be done by having each citizen, rich or poor, undertake an ethical, and perhaps legal, responsibility to share the risks as well as the benefits of the experimentation. Even if Senator Nelson's bill is passed, questionable research is likely to be conducted on poor and institutionalized subjects. Some of the most troubling tests, including the Alabama syphilis experiment and the Cincinnati cancer test, are financed by the federal government. Despite the FDA's finding that the San Antonio test cited above was improper, the physician who diretced it is now conducting a disturbingly similar study under a $2 million contract from the Agency for International Development.

Furthermore, funds from the federal government, like funds from private companies, will continue to seduce the administrators of institutions such as hospitals, prisons, and homes for mentally retarded children. In the

> absence of decent public financing, they will be persuaded that it is humane to fund an institution by allowing inmates to serve as test subjects. And the poor and institutionalized, needing money themselves and having little power to resist, will often succumb.

Mr. ALLEN. Mr. President, I am glad to say that the competent Tuskegee Syphilis Study Advisory Ad Hoc Panel, under the direction of Dr. Broadus N. Butler, is moving forward with commendable zeal in its investigation of this problem. I am confident that the appropriate Senate committee will schedule hearings and move expeditiously toward reporting this bill for Senate action.

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By Mr. WEICKER (for himself, Mr. BIBLE, Mr. BROOKE, Mr. CANNON, Mr. COOK, Mr. FANNIN, Mr. JAVITS, Mr. MOSS, Mr. PELL, Mr. TAFT, and Mr. YOUNG):

S. 318. A bill to safeguard the professional news media's responsibility to gather information, and therefore to safeguard the public's right to receive such information, while preserving the integrity of judicial processes. Referred to the Committee on the Judiciary.

### NEWS MEDIA SOURCE PROTECTION

Mr. WEICKER. Mr. President, today I am introducing the "News Media Source Protection Act." I have taken this step in recognition that the time has come, in the constant evolution of this Nation's institutions, to insure that he flow of information—from individuals, through the media, to the public remains free from unreasonable Government intrusion.

It is assumed, of course, that we want a free press. Such is synonomous with democracy, and this democracy like any form of government will be known by the institutions it keeps. This Nation, however, is concerned with more than its press. The first amendment to our Constitution, as Justice Learned Hand expressed so well—

> Presupposes that right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection. To many this is, and always will be folly; but we have staked upon it our all.

For this reason, I do not propose a newsman's privilege law—though that is what it may be called by some. It is not for newsmen, it is for the American public.

A "privilege," in the legal sense, is a complex concept, developed in the "common law" over hundreds of years. Newsmen do not meet the common law standards for a "privilege" and to break down centuries of tradition and make an exception for newsmen would create a precedent that could lead to widespread disruption of the laws of evidence.

And it would be wrong, because we do not need to protect newsmen. Rather, we must protect a constitutional right we all have in the free flow of news. If newsmen are forced to reveal their sources there is every danger that some of those sources will dry up. That will infringe upon your right to hear the full story. That is what we are protecting.

The "News Media Source Protection Act" operates from the proper, and only responsible, legal foundation for legislation. It avoids extremes, by recognizing that in a democratic society all rights and freedoms are necessarily interdependent.

It is not simplistic or casually vague. This is a complex legal question, and it cannot be properly legislated unless we very carefully define "who" gets to invoke this protection of news sources, "what" news sources are protected, "when" they are protected, and "how" we invoke protection. We must have precise standards, to assure that these rights are not abused.

The "News Media Source Protection Act" does this. In good conscience, it must. Because we are, in fact, balancing two fundamental rights—your right to your neighbor's testimony when you're accused, versus your right to the news. We cannot, and we must not, override your right to witnesses unless we set out hard and fast guidelines to insure against casual or capricious determinations.

To illustrate how the bill accomplishes this result, the standards that spell out "who" can invoke protection of a news source, limit this protection to what I call "legitimate member of the professional news media." What this means is quite simple: nobody's going to interfere with your witnesses unless they are in the ongoing business of substantial, professional news reporting, of sufficient magnitude to warrant overriding other rights. Carefully drawn standards are the only way this can be assured.

As to "what" is protected, the bill is again unique. It protects only the "identity of sources" of information, or the content of information that would affect a source. It does not protect "information" in a vacuum.

As to "when" these protections are invoked, this legislation recognizes for the first time that we need a definite procedure or method to deal responsibly with such a complex issue. It therefore sets up two tiers of protection, on the ground, primarily, that disclosure is warranted only when a specific crime is being tried.

This is necessary to prevent the Government from calling in reporters and going on a "fishing" expedition. That is cheap prosecution—it is also using the media as an investigative arm of the Government, and it's wrong. For that reason, legitimate news professional have "absolute" protection, under my bill, from revealing sources before grand juries, congressional committees, commissions, agencies, and departments—in other words, everywhere but in open court.

This proposal recognizes that there is a difference between what happens in a full-fledged trial before a legitimate court and other types of Government proceedings. In all of these other proceedings the bill provides absolute protection.

Once we get to trial and a specific crime is being tried—in other words no more "fishing"—we have a different type of protection, a so-called "qualified protection." This means that under very strict circumstances we will "qualify" the protection we give to news sources. If those qualifications can be met, fine. If not, there is no protection, and the "right to every man's testimony," prevails.

These qualifications basically require first, that there is independent evidence that the material sought is substantial evidence, direct evidence, and essential evidence, as to a central issue being tried. Second, that with reasonable diligence there was not or is not any other way to get the evidence. Third, the trial must be for murder, rape, aggravated assault, kidnapping, hijacking—or, once a national security breach has been proved, there is a central issue as to breach of classified "national security" documents, or breach of a court order made pursuant to a "national security" statute.

If these criteria cannot be met, then legitimate newsmen are immune from testimony. The binding criteria is "bona fide" newsman, with suggestive language that he regularly earn his income, or be regularly engaged as a profession, in news activities.

"Source" would include the identity of a source, as well as "content" if first, it would directly or indirectly identify the source, or second, was not published by agreement or understanding with the source, or third, was not published in reasonable belief that it would affect the source. A judge would make this determination in chambers—away from the person seeking disclosure—with a legal presumption operating in favor of the newsman.

It is hoped that these criteria, limiting the protections being given out to legitimate news personnel, will prevent this law from becoming a "sham wall" which hoards of witnesses might scramble to hide behind.

That is the substance of what I am presenting to the Congress—a carefully delineated guide as to who, what, when, and how our news will be protected. Exhaustive research has been undertaken prior to introducing this proposal to produce the full range of standards that are necessary for this kind of legislation. It is also the first time that the full complement of appeal procedures, trial procedures, as well as a full statement of congressional findings and policies have been set forth. It is the kind of effort that has been long needed.

I might add that one of the provisions of this bill provides that news sources cannot be revealed in cases "involving abuse of power by public officials." Why? The answer is simple. With minor exceptions, research shows that every major scandal in public office over the past 20 years was uncovered by the press. Sometimes, it seems, we must look outside our Government for help in uncovering Government abuses. If we didn't protect this news we might never hear about these abuses again. This is so important that it must never be discouraged.

This, in fact brings me back to the thrust of my statement—we are not protecting newsmen, we are protecting the public.

It only seems appropriate, at this time, to remind ourselves of some considered thoughts by Justice Black on first amendment guarantees:

> Since the earliest days philosophers have dreamed of a country where the mind and spirit of men would be free; where there would be no limits to inquiry; where men would be free to explore the unknown, and to challenge the most deeply rooted beliefs

and principles. Our First Amendment was a bold effort to adopt this principle—to establish a country with no legal restrictions of any kind upon the subjects people could investigate, discuss and deny. The Framers knew, perhaps better than we today, the risks they were taking. . . . With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow and ceaselessly to adapt itself to new knowledge born of inquiry free from any kind of government control over the mind and spirit of man. Loyalty comes from love of good government, not fear of a bad one.

As legislators, we must not shrink from innovation to effectuate these guarantees in the constant evolution of our institutions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 318

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "News Media Source Protection Act."

#### STATEMENT OF POLICY AND FINDINGS

SEC. 2. (a) (1) It is the policy of the United States to permit the flow of information from individuals through the media to the public with reasonable freedom from governmental intrusion, so that constitutional protection of a free flow of news is divested only when a compelling and overriding interest in the source of such information can be demonstrated.

(2) It is further the policy of the United States that the news media not serve as an investigative arm of the government.

(3) It is at the same time the policy of the United States that its tradition of maintaining the "right to everyman's testimony" in courts of law shall not be casually disturbed. This tradition, which safeguards the integrity of our judicial processes, shall be outweighed by interests in a free flow of news only when legitimate, substantial, and ongoing professional news media operations are at stake. In addition, the balancing of such fundamental interests must be evaluated at a responsible level of judicial competence, guided by complete standards and procedures to insure uniformity of enforcement and permit substantial predictability for those who seek to operate within the law.

(b) (1) The Congress finds that to protect such constitutional and common law principles, as well as to prevent the use of news media for investigative purposes, two procedural safeguards are needed, as threshold determinations, prior to any consideration of compulsory disclosure of news media sources. First, it must be demonstrated that there is probable cause to believe a crime has been committed, and that the testimony sought is directly relevant to a central issue in that criminal allegation, thereby limiting so-called "fishing expeditions." Second, it must be demonstrated that no reasonable alternative for obtaining the testimony is available, assuring that constitutional protection of the free flow of news shall not be divested while reasonable alternatives exist. The nature and interests of Federal grand juries, Federal congressional committees, as well as agencies, departments, or commissions of the Federal Government do not, within the safeguards of strict judicial processes, make a threshold legal determination of probable cause that a crime has been committed or that testimony is of direct relevance to such a crime. In addition, such bodies can normally fulfill their functions by alternative means less destructive of first amendment protection than by compulsory testimony as to news media sources. The Congress therefore finds that absolute testimonial protection as to news sources shall be granted with respect to all Federal bodies, excepting only Federal district courts, Federal circuit courts, and the Supreme Court.

(2) The Congress finds that in keeping with stated policies there shall be qualified testimonial protection, based on the two procedural safeguards, as well as three substantive safeguards, before all such Federal courts. Such qualifications shall be interpreted according to specific standards as to the relevance and weight of the evidence sought, alternative available evidence, the person seeking to invoke protection, the sources or material to be protected, and the specific crime at issue. The Congress finds that any order thus compelling testimony, while an order other than a final judgment, is nevertheless an interlocutory decision having a final and irreparable effect on the rights of parties, thus necessitating that courts of appeals have jurisdiction over immediate appeals from such orders. The Congress further finds that due to the nature of certain defamation proceedings, testimonial protection shall be generally divested in such cases, and that to preserve the flow of information as to abuses of power by public officials testimonial protection shall not be divested in such cases.

#### LEGITIMATE MEMBER OF THE PROFESSIONAL NEWS MEDIA

SEC. 3. (a) As used in sections 5 and 6 of this Act, a legitimate member of the professional news media shall include any bona fide "newsman", such as an individual regularly engaged in earning his or her principal income, or regularly engaged as a principal vocation, in gathering, collecting, photographing, filming, writing, editing, interpreting, announcing, or broadcasting local, national, or worldwide events or other matters of public concern, or public interest, or affecting the public welfare, for publication or transmission through a news medium.

(b) Such news medium shall include any individual, partnership, corporation or other association engaged in the business of—

(1) publishing any newspaper that is printed and distributed ordinarily not less frequently than once a week, and has done so for at least one year, or has a paid general circulation and has been entered at a United States post office as second-class matter, and that contains news, or articles of opinion (as editorials), or features, or advertising, or other matter regarded as of current interest; or

(2) publishing any periodical containing news, or advertising, or other matter regarded as of current interest which is published and distributed at regular intervals, and has done so for at least one year, or has a paid general circulation and has been entered at a United States post office as second-class matter; or

(3) collecting and supplying news, as a "news agency," for subscribing newspapers, and/or periodicals, and/or newsbroadcasting facilities; or

(4) sending out syndicated news copy by wire, as a "wire service," to subscribing newspapers, and/or periodicals, and/or news broadcasting facilities; or

(5) gathering and distributing news as a "press association" to its members as an association of newspapers, and/or periodicals, and/or news broadcasting facilities; or

(6) broadcasting as a commercially licensed radio station; or

(7) broadcasting as a commercially licensed television station; or

(8) broadcasting as a community antenna television service; or

(9) regularly making newsreels or other motion picture news for paid general public showing.

(c) Any protections granted pursuant to sections 5 and 6 of this Act shall extend only to activities conducted by a legitimate member of the professional news media while specifically acting as a bona fide "newsman", such as while acting as a reporter, photographer, journalist, writer, correspondent, commentator, editor or owner.

#### NEWS MEDIA SOURCES

SEC. 4. (a) Any protections granted under sections 5 and 6 of this Act shall extend only to sources of written, oral, or pictorial information or communication, as well as such of its content that affects sources, whether published or not published, concerning local, national, or worldwide events, or other matters of public concern or public interest, or affecting the public interest, obtained by a person acting in the status of a legitimate member of the professional news media.

(b) Source of written, oral, or pictorial information or communication shall include the identity of the author, means, agency, or person from or through whom information or communication was procured, obtained, supplied, furnished, or delivered. Any protection of such sources shall also include written, oral, or pictorial information or communication that could directly or indirectly be used to identify its sources, or any information or communication withheld from publication pursuant to an agreement or understanding with the source or in reasonable belief that publication would adversely affect the source. Such information or communication shall specifically include written notes, tapes, "outtakes," and news film. Information or communication used for blackmail, or for illegal purposes not related to publication of such information or communication, is specifically not protected under the provisions of this Act.

#### ABSOLUTE TESTIMONIAL PROTECTION

SEC. 5. Notwithstanding the provisions of any law to the contrary, no legitimate member of the professional news media, as set forth in section 3 of this Act, shall be held in contempt, or adversely prejudiced, before any grand jury, agency, department, or commission of the United States or by either House of or any committee of Congress for refusing to disclose information or communication as to news media sources, as set forth in section 4 of this Act.

#### QUALIFIED TESTIMONIAL PROTECTION

SEC. 6. (a) Notwithstanding the provisions of any law to the contrary, where a person seeks disclosure of any news media information or communication from a person who may be or have been a legitimate member of the professional news media and who refuses to make such disclosure in a proceeding before any Federal court of the United States, such person seeking disclosure may apply to a United States District Court for an order providing such disclosure. Such application shall be made to the district court in the district wherein there is then pending the proceeding in which the information or communication is sought. The application shall be granted only if the court, after hearing the parties, determines that the person seeking the information or communication, by clear and convincing evidence, has satisfied the requirements set forth in section 7 of this Act.

(b) In any application for the compulsory disclosure of news media information or communication, the person or party, body or officer, seeking disclosure must state in writing—

(1) the name of any specific individual from whom such disclosure is sought, if such individual may have been acting as a legitimate member of the professional news media at the time the source disclosed its information or communication; and

(2) the name of any news medium with which such person may have been connected at the time the source disclosed its information or communication; and

(3) the specific nature of the source, or content of information or communication, that is sought to be disclosed; and

(4) the direct relevance and essential nature of such evidence as to a central issue of the action which is the subject of the court proceeding; and

(5) any information demonstrating that evidence to be gained by compulsory disclosure is not reasonably available by alternative means, and that reasonable diligence has been exercised in seeking such evidence otherwise.

(c) Any order entered pursuant to an application made according to the provisions of this Act shall be appealable as a matter of right under Rule 4 of the Federal Rules of Appellate Procedure (1968), and is subject to being stayed. In case of an appeal, the protections available according to the provisions of this Act, were such application denied, will remain in full force and effect during the pendency of such appeal. Section 1292 of Title 28, United States Code, is therefore amended by inserting after subsection (4), the following:

"(5) Interlocutory orders in civil or criminal actions granting, modifying, or refusing an application for compulsory disclosure or news media sources, or information or communication affecting news media sources."

### STANDARDS FOR QUALIFIED TESTIMONIAL PROTECTION

SEC. 7. (a) An application for disclosure, as provided for under section 6 of this Act, shall be granted, so long as it is in accordance with any other applicable general or specific law or rule, when the applicant has established that the person seeking protection of a source is not a legitimate member of the professional news media, as set forth in section 3 of this Act.

(b) Such application for disclosure shall be granted, so long as it is in accordance with any other applicable general or specific law or rule, when the applicant has established that the information or communication sought is not a news media information source, or information or communication affecting a news media source, as set forth in section 4 of this Act. Determination of whether the contents of information or communication could directly or indirectly be used to identify its source, or whether information or communication was withheld from publication pursuant to an agreement or understanding with the source or in reasonable belief that publication would adversely affect the source shall be made in camera, out of the presence of the applicant on the basis of the court being informed of some of the underlying circumstances supporting the person seeking protection from disclosure, with a presumption in favor of the person seeking protection from disclosure.

(c) Such application for disclosure shall be granted, should the applicant be unable to meet the requirements of subsections (a) or (b) of this section, only when—

(1) the applicant has established by means of independent evidence that the source to be disclosed is of substantial and direct relevance to a central issue of the action, and is essential to a fair determination of the action, which is the subject of the court proceeding; and

(2) the applicant is able to demonstrate that the source is not reasonably available by alternative means, or would not have been available if reasonable diligence had been exercised in seeking the source otherwise; and

(3) the action which is the subject of the court proceeding is murder, forcible rape, aggravated assault, kidnapping, airline hijacking, or when a breach of national security has been established, involving classified national security documents or details ordered to be kept secret, such classification or order having been made pursuant to a Federal statute protecting national security matters. In no case, however, shall the application be granted where the crime at issue is corruption or malfeasance in office, except according to the provisions of subsection (d) of this section.

(d) Notwithstanding the provisions of subsections (c)(1), (c)(2), and (c)(3) of this section, an application for disclosure shall be granted in any case where the defendant, in a civil action for defamation, asserts a defense based on the source of his or her information or communication.

(e) A complete and public disclosure, with knowledge of the available protections, of the specific identity of a source or content of information or communication protected by the provisions in sections 5 and 6 of this Act shall constitute a waiver of rights available as to such identity or such contents according to the provisions of this Act. A person likewise waives the protections of section 5 and 6 of this Act, if, without coersion and with knowledge of the available protections, such person consents to complete and public disclosure of the specific identity of a source or content of information or communication by another person. The failure of a witness to claim the protections of this Act with respect to one question shall not operate as a waiver with respect to any other question in a proceeding before a Federal court.

Mr. TAFT. Mr. President, in recent months the press has come under renewed attack. As a result of some decisions, newsmen are now being forced to turn over their notes to grand juries or be sentenced to jail. In my judgment the confidential relationship between a newsman and his sources is essential to the protection of first amendment guarantees. The freedom to publish is a hollow one if newsmen are unprotected in the gathering of news from news sources. This could happen if their confidential sources believe that the newspaper is an extension of the prosecutor's office.

In Ohio we have recognized for many years the basic value of protecting the confidential relationship between a newsman and his source. Section 2739.12 of the Ohio Revised Code goes much further than this proposal and provides:

> No person engaged in the work of, or connected with, or employed by any newspaper or any press association for the purpose of gathering, procuring, compiling, editing, disseminating, or publishing news shall be required to disclose the source of any information procured or obtained by such person in the course of his employment, in any legal proceeding, trial, or investigation before any court, grand jury, petit jury, or any officer thereof, before the presiding officer of any tribunal, or his agent, or before any commission, department, division, or bureau of this state, or before any county or municipal body, officer or committee thereof.

This statute reflects the judgment of the people of Ohio that a newsman's access to news is an essential part of his right to publish. Even this broad protection has not been abused in Ohio, and some lesser protection seems desirable at the Federal level as well.

Consequently, I am today pleased to join with the distinguished Senator from Connecticut (Mr. WEICKER) in cosponsoring the News Media Source Protection Act and I hope that it will be quickly enacted into law.

The framers of our Constitution understood the critical importance of protecting free speech and free press. They merely had to look at the English experience and our own colonial experience to satisfy themselves as to the central position which freedom of speech and freedom of press must play in safeguarding a free people.

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By Mr. RIBICOFF (for himself, Mr. MCINTYRE, Mr. STAFFORD, Mr. AIKEN, Mr. BROOKE, Mr. HATHAWAY, Mr. PASTORE, Mr. WEICKER, Mr. MUSKIE, Mr. COTTON, Mr. PELL, and Mr. KENNEDY):

S. 319. A bill relative to the oil import program. Referred to the Committee on Finance.

### NEW ENGLAND STATES FUEL OIL ACT

Mr. RIBICOFF. Mr. President, each winter, homeowners in New England face a critical shortage of home heating oil for their homes. The situation this year promises to be worse than ever and to cover more States than ever.

The Midwest and Rocky Mountain States already have suffered from a shortage of fuel resulting in school closings and shortened workdays. New Englanders, who rely almost completely on home heating oil as their source of heat, have lived with similar conditions for years. The seriousness of the crisis in the region has only depended on the severity of the winter.

Extremely cold weather has now hit Connecticut and its neighboring States. The present supply of home heating oil may be insufficient for the area's needs. In order to counter that possibility I am today introducing the New England States Fuel Oil Act. If enacted, this legislation would insure the homeowners of New England a reliable and less expensive supply of this vital fuel.

The present oil import quota program, which restricts the importation of crude oil and finished products, is the main reason for past, present, and future shortages. By all reasonable estimates, New England could use up to 90,000 barrels per day of No. 2 home heating oil.

Nevertheless, Oil Import District No. 1 which encompasses the entire east coast including New England is limited to only 45,000 barrels per day.

The situation is further aggravated by the fact that the independent dealer-distributors, which sell over 70 percent of the home heating oil in New England, cannot get enough fuel to meet their customer's demands. The quota system, which freezes imports at the 1957 level and allocates them according to import history, penalizes the independents and gives most of the imports to the major integrated oil companies. Thus the independents are forced to rely on their much larger competitors for an adequate supply. Moreover, since the major companies find gasoline and other refined products to be more profitable, they have no incentive for increasing sales of home heating oil to New England.

In addition to the supply shortage, New Englanders pay higher prices for their fuel oil than any other section of the Nation. In fact, the cost of home heating oil in Hartford, Conn., is often the highest in the Nation. It has been estimated that the oil import program costs a Connecticut family of four over $120 every year in unnecessary expenditures.

The obvious solution to the problem is the abolition of the present oil import program. For years the only advocates of such an approach were Senators and Congressmen from New England. But, in 1970 President Nixon's Task Force on Oil Import Control reached the same conclusion. Unfortunately, the task force's recommendations were buried by the White House.

After being petitioned constantly by myself and other Members of Congress from New England, President Nixon last year made a token gesture by suspending for 4 months ending April 30 the requirement that No. 2 fuel oil be purchased only in the Western Hemisphere. Unfortunately, that was too little and too late.

The homeowners of Connecticut and New England should not have to rely each winter on last minute emergency programs. Unless steps are taken to insure the independent dealer of a low cost, year-round supply of fuel oil the danger of serious shortages will continue to exist.

Recognizing that it is unlikely that the entire oil import program will be abolished any time in the near future, the bill I introduce today will make a small but important dent in it by withdrawing home heating oil from the program's controls.

Title I of the New England States Fuel Oil Act would allow the uncontrolled importation of No. 2 home heating oil into the six New England States. Just as the west coast States, with their special problems have a separate oil district so would the New England States. Under this provision the independent importers and retailers would be able to end their reliance on the major oil companies and finally be able to seek out overseas suppliers and guarantee themselves and their customers of a proper supply of fuel.

Title II of the bill removes the tariff on all oil imports into the United States from non-Communist nations. The removal of the tariff would relieve consumers of a $90 million burden they have suffered each year.

Finally, title III would direct the Secretary of State to enter into negotiations with Canada for the establishment of a "Northeast Regional Oil Area." This would allow free trade in petroleum between the New England States and the eastern provinces of our northern neighbor.

For too many winters homeowners in Connecticut and the other New England States have had to live with the fear that they might run out of fuel to heat their homes. This threat will continue until the present discriminatory import program is dismantled. The first positive step in this direction should be the expeditious enactment of the New England States Fuel Oil Act.

I ask unanimous consent that the text of the act be printed at this point in the RECORD, and that two recent articles in the Wall Street Journal be printed following the bill.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

### S. 319

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "New England States Fuel Oil Act of 1973".

### TITLE I

SEC. 101. The Congress finds that—

(1) the availability of fuel oil for residential heating at reasonable prices should be assured throughout the United States;

(2) adequate supplies of home heating oil at reasonable prices are essential to the health, safety, and economic development of the New England States;

(3) a major cause of the comparatively higher prices for home heating oil in the New England States is the limitation on imports of petroleum and petroleum products established by Presidential Proclamation 3279, as amended (the oil import program);

(4) while reasonable limitation of imports of petroleum and some petroleum products is necessary to the national security, measures must be taken to assure an adequate supply at reasonable prices of home heating oil within the New England States;

(5) the special supply and demand relationships for petroleum and petroleum products existing in States along the west coast have required creation of a separate import control system for that area (Petroleum Administration for Defense District V);

(6) the special supply and demand problems relating to home heating oil in the New England States requires creation of a separate import control system for that area.

SEC. 102. For the purpose of this Act—

(1) the term "home heating oil" means number 2 fuel oil;

(2) the term "New England States" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

SEC. 103. After the effective date of this Act, no quantitative limitations under the authority of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) or other import restrictions shall be imposed on the importation of home heating oil into the New England States.

### TITLE II

Effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1972, items 475.05, 475.10 475.25, 475.30, 475.35, 475.40, 475.45, 475.55, 475.60, and 475.65 of the Tariff Schedules of the United States are each amended by striking out the matter in rate column numbered 1 and inserting in lieu thereof "Free".

### TITLE III

SEC. 301. The Secretary of State is authorized and directed to enter into negotiations with the Government of Canada for establishment of a "northeast regional oil area" consisting of eastern Canada and the New England States. The purpose of such negotiations is the elimination (within such area) of all restrictions on trade in petroleum and petroleum products between the United States and Canada to effectively provide finished petroleum products at a reasonable cost, consistent with the national security.

SEC. 302. Within twelve months of the effective date of this Act, the Secretary of State shall report to the Congress on the results of such negotiations and each year thereafter until such negotiations shall have been successfully completed.

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[From the Wall Street Journal, Jan. 9, 1973]

### FUEL-OIL SHORTAGE NEARS THE CRITICAL STAGE IN PARTS OF NATION AS TEMPERATURES DROP

Low temperatures are depleting already-short fuel oil supplies to near-critical levels in parts of the nation.

In Denver, where temperatures have been hovering around zero at night, some schools are open only part-time and the Gardner-Denver Co. plant is closed because of a lack of fuel. On Midwest waterways, grain shipments are stalled because not enough fuel is available to move them. And in the Boston area, fuel-oil suppliers and terminal operators report they're in desperate straits.

"We're living from ship-to-ship delivery," Herbert Sostek, executive vice president of Gibbs Oil Co., Revere, Mass., said. "If this weather keeps up, there will be a real clamoring for oil in about seven days.

So far, at least, suppliers have been able to keep up with home-heating requirements for fuel oil. But much depends on the weather. And in Washington, government officials were pessimistic on the outlook for the next several days.

The Office of Emergency Preparedness, which is coordinating federal fuel-supply efforts, cautioned that weather predictions indicate temperatures for the next five days in the Midwest will average 10 degrees below normal. Nationwide the five-day forecast is for temperatures five to 10 degrees below normal. "That means a lot more fuel consumption; nothing could be plainer," a spokesman for the OEP, said.

#### ANOTHER DARK FACTOR

Government officials also see another dark factor in the fuel outlook. They fear a Penn Central Railroad strike may be inevitable and that it will compound the tightening fuel supply problem, particularly in the Midwest, where shortages and cutbacks have already developed.

The OEP spokesman said it has been advised by the Interstate Commerce Commission that a settlement of the conflict between the carrier and the United Transportation Union before the 12:01 a.m. Friday deadline is unlikely. (The UTU called for the strike after Penn Central announced plans for a unilateral cut in train crew size.) The OEP spokesman added that the railroad carries some fuels and large amounts of coal for utilities. If the utilities couldn't get coal, they'd have to run on fuel oil, the spokesman said.

The Nixon administration is proceeding with previously announced plans to expand the oil import program so that more fuel oil—specifically No. 2, the main home-heating oil—can be brought into the U.S. Federal agencies also are trying to round up emergency supplies of fuel for the hardest-hit areas.

Over the weekend, the OEP, the Interior Department and the Colorado Public Utilities Commission collected 258,000 gallons of fuel oil so Denver's public schools could open, if only part-time, this week.

Last night, the Interior Department ordered the release of imported jet fuel held in bond in New York to prevent a threatened close-down of some airline operations at Kennedy, LaGuardia and Newark airports.

#### OTHER CUTBACKS

Airlines as well as railroads and other transporters face cutbacks in parts of the Midwest. Standard Oil Co. (Indiana) announced yesterday that it is reducing fuel oil deliveries to commercial customers by 25% in the central Midwest states, excluding Wisconsin and Illinois.

An Indiana Standard spokesman said commercial customers including rail, airline, trucking and utility companies will receive deliveries cut to 75% of those of January 1972.

Several other oil companies also have recently rationed fuel oil to their customers, generally giving them as much, but not more, than they received a year ago. Shell Oil Co. has notified its regular customers they can count on supplies only equal to what they ordered last year. Shell also is declining to take on new fuel oil customers.

Exxon Corp., formerly Standard Oil Co. (New Jersey), said it has asked heating oil distributors in the Carolinas to temporarily reduce their inventories to alleviate what the company calls a "temporary supply problem" in that area.

Exxon and other major oil companies said they are producing more heating oil this winter than last. Latest refining statistics support their point. In the week ended Dec. 29, the nation's refiners processed nearly 21 million barrels of No. 2 fuel, up from 18.9 million barrels in the year-earlier period.

### HARDLY ENOUGH

This is hardly enough, however, to keep pace with the increasing demand for No. 2 fuel. Home-heating oils are being consumed at a rate nearly 7% higher than last winter, and No. 2 fuel is being burned at a weekly rate of 28 million barrels while the refiners are turning out 21 million barrels weekly.

As a result, stocks of No. 2 fuel have plummeted to less than 160 million barrels, over 34 million barrels below the level of a year ago when inventories were considered satisfactory for only a "normal" winter.

Petroleum refiners say they are operating at capacity. But government officials monitoring supplies aren't convinced the oil industry is doing all it should to prevent shortages. OEP Director George A. Lincoln has been urging refiners to increase their No. 2 output even more.

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[From the Wall Street Journal, Jan. 11, 1973]

## FUEL OIL PINCH TIGHTENS; TEXACO SETS RATIONING BELOW YEAR-AGO LEVELS

NEW YORK.—The nation's fuel oil supplies continued to shrink, and another major oil company began rationing deliveries.

Stocks of light fuels, or distillates used largely for home heating and industrial purposes, declined nearly 4.8 million barrels to 154.4 million barrels in the week ended last Friday, the American Petroleum Institute reported. That is less than six weeks' supply at present rates of consumption and 36 million barrels below year-earlier inventories.

Citing the general tightness in supply, Texaco Inc. said it had begun allocating supplies of distillate fuels to customers. Included in the allocations, the company said, are home heating oils, kerosene, diesel fuel and aviation jet fuel.

Texaco, which is the nation's biggest gasoline marketer, also ranks among the largest suppliers of distillates. It declined to say how much it was cutting back deliveries or what fuels might be reduced the most.

Most other major oil companies that have gone on an allocation basis in recent days are holding deliveries to established customers at year-ago levels. Texaco, indicated, however, that it was reducing deliveries on some fuels below your-earlier amounts.

### HARDSHIP CASES CITED

"Because of varied supply-and-demand patterns," the company said, "allocations will vary, depending upon the type of fuel used and the supply location involved." Texaco added, however, that it will attempt, "to the best of our ability," to maintain essential supplies to schools, hospitals and other places where lack of fuels would create unusually severe hardships.

"The allocation program results from a general shortage of middle distillate fuels and is in the face of dwindling domestic crude oil production, unreasonable import restrictions on major refiners and other factors beyond our control," Texaco said.

The company contended that a solution to "this current crisis in middle distillate supply" was being hampered by "inequitable oil import regulations, by unrealistic environmental restrictions and by restrictive price controls on heating oils, natural gas and crude oil."

### "OTHER FACTORS" BLAMED

Texaco said its refineries had been producing as much of distillates as possible since early fall. "But other factors," the company asserted, "have restricted production of middle distillates and prevented us from keeping pace with unusually strong increases in demand."

Other major oil companies that have gone to allocations of distillates include Shell Oil Co. and Mobil Oil Corp. This week, Standard Oil Co. (Indiana) announced it was reducing fuel oil deliveries to commercial customers 25% in some Midwest areas.

According to the American Petroleum Institute report, the nation's refineries, operating at 89.4% of capacity, produced 21.5 million barrels of light fuels in the Jan. 5 week, 507,000 barrels more than the preceding week and 3.1 million barrels more than a year earlier.

This has been hardly enough, however, to keep up with distillate demand, which has been increased sharply by cold weather over much of the country.

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By Mr. JAVITS:

S. 320. A bill to amend title II of the Social Security Act, to provide that, for purposes of the provisions thereof relating to deductions from benefits on account of excess earnings, there be disregarded, in certain cases, income derived from the sale of certain copyrights, literary, musical, or artistic compositions, letters or memorandums, or similar property. Referred to the Committee on Finance.

### EXEMPTION FROM SOCIAL SECURITY OF INCOME RECEIVED BY ARTISTS AND COMPOSERS

Mr. JAVITS. Mr. President, I rise to introduce a bill to amend the Social Security Act with respect to exclusion of certain income received by artists and composers from the sale after age 65 of works created prior to their reaching age 65.

This measure is similar to the bill, S. 961, which I introduced in the last Congress and which was included as section 143 of H.R. 1, the revisions to the Social Security Act, which passed the Senate on September 5 last year. Unfortunately, this provision was lost in conference and must now be considered anew.

The Social Security Act now provides that individuals 65 years and over who are receiving royalty income attributable to copyrights or patents obtained before age 65 may exclude such income from their gross income in determining their social security entitlement.

The bill I am introducing today extends the provision to artists and composers who sell uncopyrighted works; thereby placing them on an equal basis with artists and composers receiving royalty income from copyrighted or patented works. The burden of proof remains upon the individual artist or composer to establish to the satisfaction of the Secretary of Health, Education, and Welfare when the art work, or composition, was created and when sold.

Although no precise estimates are available as to the number of individuals who would become eligible under this amendment, it should be noted that, in order to be eligible, an individual author or artist must have created the work prior to age 65; and that he must remain inactive past age 65 so that his outside income does not exceed $2,100, the figure at which social security benefits are reduced. Estimates of the numbers of artists taking advantage of the present royalty-income exclusion range in the low hundreds.

Thus, we are talking about a relatively few individuals out of almost 28.1 million social security recipients.

This proposal should be relatively easy to administer. By placing the burden of proof upon the individual we have followed the pattern of the 1965 amendments to the Social Security Act. The individual is thus required to prove his claimed exclusion to the Secretary's satisfaction consistent with existing law. Finally, the Secretary already has general rulemaking powers under the law with which to establish an orderly procedure for individuals claiming the right to exclude income under this amendment.

I hope, Mr. President, that the Congress will favorably consider this proposal to correct an inequity in the law which penalizes older artists and composers at a time when they are living upon modest fixed incomes and dependent upon social security benefits.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 320

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 203(f)(5) of the Social Security Act is amended by inserting after subparagraph (D) the following new subparagraph:

"(E) For purposes of this section, there shall be excluded from the gross income of any individual for any taxable year the gain from the sale or other disposition, during such year, of any property of such individual which is not, by reason of the provisions of section 1221 (3) (A) or (B) of the Internal Revenue Code of 1954, a capital asset of such individual as a taxpayer if—

"(i) such individual attained age 65 on or before the last day of such taxable year; and

"(ii) such individual shows to the satisfaction of the Secretary that such property was created by him or (in the case such property consists of a letter, memorandum, or similar property) was prepared or produced for him prior to the date such individual attained age 65."

SEC. 2. The amendment made by this Act shall be effective in the case of taxable years beginning after December 31, 1972.

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By Mr. TAFT:

S. 321. A bill to exclude from gross income the first $500 of interest received from savings account deposits in lending institutions. Referred to the Committee on Finance.

### SAVINGS ACCOUNT DEPOSITS

Mr. TAFT. Mr. President, in order to meet the Nation's housing needs of the 1970's, it is essential that there be an adequate supply of mortgage money for home loans. We have been extremely fortunate in this regard over the past few years. As of late November, the 1972 mortgage lending volume of $60 billion was up 30 percent over the 1971 pace. This accomplishment in large part facilitated the second record-breaking year in a row for housing construction.

Despite the progress we have made, however, there is still a danger that housing will suffer if money becomes tight again. We know from past experience that when interest rates rise, a large volume of funds is diverted from home mortgages to other investments.

I believe that high mortgage interest rates can be averted. This can be done in large part by encouraging people to deposit more money in institutions which consistently specialize in home mortgages. Savings and loan institutions in particular have provided approximately 45 percent of all home loan money in the United States.

Today I am introducing for appropriate reference, a measure aimed at strengthening the mortgage market in this way. My legislation would exclude from gross income for tax purposes the first $500 of interest received from savings account deposits in lending institutions. In all fairness it should be pointed out that exempting the first $500 of earnings paid to savers would mean an initial loss to the U.S. Treasury of more than $1.5 billion annually. Tax losses, however, would be counter-balanced by increased tax receipts as a result of additional employment and income in the building-related trades, as well as a reduction in the need for costly Federal housing subsidies. The result of encouraging Americans to initiate, build up, and maintain savings accounts will be considerably reduced mortgage interest rates and a much less volatile supply of funds for housing.

This legislation is all the more timely in view of the recently announced cutbacks in housing programs. Because less of our taxpayers' money will be channeled into housing subsidies, private industry must assume greater responsibility for providing adequate and affordable housing for low- and moderate-income groups. I am confident that the housing industry can move in this direction, but only to the extent that interest rates for home loans are reasonable. A reduction of perhaps 2 to 3 percent in prevailing mortgage interest rates as a result of this bill would thus represent a major step forward as we strive to meet the housing challenge.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 321

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 123 as section 124 and by inserting after section 122 the following new section:

"SEC. 123. DIVIDENDS FROM SAVINGS ACCOUNT DEPOSITS IN LENDING INSTITUTIONS.

"(a) GENERAL RULE.—Gross income does not include amounts received by, or credited to the account of, a taxpayer as dividends or interest on savings deposits or withdrawable savings accounts in lending institutions as this term is defined by section 571 of part I of subchapter H of chapter 1 and by section 591 of part II of subchapter H of chapter 1.

"(b) LIMITATION.—The exclusion allowed to each taxpayer under this section shall in the aggregate not exceed $500 for any taxable year, and shall be allowed only once for taxpayers filing a joint return."

SEC. 2. The amendments made by this Act shall apply only with respect to taxable years ending after the date of enactment of this Act.

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By Mr. SCHWEIKER:

S. 322. A bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities. Referred to the Committee on Commerce.

### NUTRITIONAL LABELING ACT OF 1973

Mr. SCHWEIKER. Mr. President, I introduce for appropriate reference a bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities.

As a member of the Senate Select Committee on Nutrition and Human Needs, I have been concerned for some time about the problems confronting consumers in attempting to select foods which are healthful and nutritious. Most people generally understand that there are four basic food groups from which we make our selections, but we know very little about the specific nutritional values in a particular food.

I think, for example, that most consumers would be surprised to learn that a quarter pound of cooked ground round contains more protein, less fat, less calories, and is generally more nutritious than a quarter pound of sirloin steak. Similarly, how many consumers would know that one cup of spaghetti contains less calories than two cooked frankfurters? Without nutritional labeling, very few homemakers would know that one wedge of cheese pizza contains as much protein as an egg and far less calories than a quarter-pound of hamburger. Watermelon is another surprising example, supplying half the daily requirement of vitamins A and C.

The point I am making is that without some organized system of comparing various types of foods, consumers simply cannot tell either which foods are more nutritious than others or how much of a particular nutrient is provided in a normal serving of a specific food.

In September 1971, a Washington, D.C., supermarket chain, Giant Food, Inc., in cooperation with the Food and Drug Administration, initiated a testing program on nutritional labeling. The program was developed by a committee of consumer, industry, and governmment representatives and nutritional experts headed by Dr. Jean Mayer, professor of nutrition at Harvard University and Chairman of the White House Conference on Food, Nutrition and Health. Since then a number of other supermarket chains and individual food companies have voluntarily established their own nutritional labeling programs. The results of these programs have been very encouraging. Consumers have indicated that they do want and will use nutritional labeling.

I believe that this is something which has been needed for a long time. It is vital, too, that a single, consistent national program be adopted so that consumers can use a single system to compare many different types of foods. The system used in one testing program, for example, provides a rounded percentage of recommended daily allowance for each of 10 elements provided by a normal serving of food. A rating of "1," for example, indicates that there is at least 10 percent of the recommended dietary allowance of a certain element within that particular portion. Similarly, a rating of "5" means that 50 percent of the recommended daily allowance is provided. The result is that it is very easy for a consumer to add up the nutrients provided in the various servings of food during the day to determine whether the recommended dietary allowances are being met.

The bill I am introducing today, the Nutritional Labeling Act of 1973, is designed to assist consumers by requiring that information relating to the nutritional value of food commodities is included on the label of such commodities. Any person engaged in the packaging or labeling of any food commodity for distribution in commerce, and wholesale or resale food distributors who prescribe or specify the manner in which food is packaged or labeled, would be responsible for seeing that the label contains the information required.

The Secretary of Health, Education, and Welfare would promulgate regulations after consulting with the National Academy of Sciences as to the specific types of nutrients which should be listed on the label.

If there is a representation on the label as to the number of servings contained in the package, the label must provide a breakdown of the nutritional value of each serving. My bill would also permit the Secretary of Commerce to request various manufacturers, packers, and distributors to get together and develop a single voluntary standard label for this purpose.

As I have indicated, each label would specify the nutritional value of the food contained in the package. The nutritional value would be expressed in terms of the relationship of the amount of each nutrient contained in the food to the total recommended daily requirement of each such nutrient required to maintain a balanced diet.

The term, "nutrient" includes protein, vitamin A, the B vitamins—thiamin riboflavin, niacin—vitamin C, carbohydrates, fat, calories, vitamin D, calcium, iron, and such additional nutrients as may be prescribed by regulation.

I believe this legislation can provide an invaluable aid to consumers in trying to determine what and how much to eat. Testimony before the Select Committee on Nutrition and Human Needs has pointed out time and time again that we have serious problems of nutrition not only among our low-income citizens, but also in families which can afford to purchase almost any food commodity available. This is a nutritional education problem. Without having a simple system to guide us to what nutrients are contained in the foods we eat, it is virtually impossible for us to know whether we are getting enough of a particular nutrient, or too much. This applies not only to vitamins and minerals, but also to protein, fat, carbohydrates, and calories.

My legislation will provide for a simple, uniform system which all consumers can easily use. Testing programs are showing that this can be done. For the health and welfare of all of our citizens, it is time to expand this program nationwide.

I am pleased to see that the Food and Drug Administration is now in the final stages of preparing regulations to provide for nutritional labeling nationally. Since they have not yet been published, I am uncertain as to the final form these regulations will take, but I will be very interested in reviewing them. If a good national nutritional labeling program can be established by regulations, legislation may not be necessary. Any such regulations, however, must assure that the information provided by the labels is sufficient to meet the needs of consumers today.

Mr. President, I ask unanimous consent that the text of the Nutritional Labeling Act of 1973 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 322

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Nutritional Labeling Act of 1973".

SEC. 2. The Fair Packaging and Labeling Act (15 U.S.C. 1451–1461) is amended as follows—

(1) by inserting "TITLE I—FAIR PACKAGING AND LABELING" immediately above the heading of section 2;

(2) by redesignating sections 2 through 5 as sections 101 through 104, respectively;

(3) by striking out "section 3" in section 103(a), as redesignated by clause (2) of this section, and inserting in lieu thereof "section 102";

(4) by striking out "section 6" in section 103(b), as redesignated by clause (2) of this section, and inserting in lieu the thereof "section 301";

(5) by striking out "section 4" and "section 2" in section 104(b), as redesignated by clause (2) of this section, and inserting in lieu thereof "section 103" and "section 101", respectively;

(6) by striking out "section 4" in section 104(c), as redesignated by clause (2) of this section, and inserting in lieu thereof "section 103"; and

(7) by adding immediately after section 104, as redesignated by clause (2) of this section, the following new title:

"TITLE II—NUTRITIONAL LABELING

"STATEMENT OF FINDINGS AND PURPOSE

"SEC. 201. (a) The Congress finds that—

"(1) food consumption patterns in the United States are undergoing significant changes; and

"(2) the labeling on the packages of all food commodities should be required to clearly and accurately indicate the nutritional value of such commodities and thus facilitate maintenance of a nutritionally balanced diet.

"(b) It is, therefore, the purpose of this Act to assist consumers of food commodities by requiring that information relating to the nutritional value of food commodities be included on the label of such commodities.

"PROHIBITIONS

"SEC. 202. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food commodity for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food commodity, to distribute or to cause to be distributed in commerce any such commodity if it is contained in a package, or if there is affixed to that commodity a label, which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"LABELING REQUIREMENTS

"SEC. 203. (a) No person subject to the prohibition contained in section 202 shall distribute or cause to be distributed in commerce any packaged or labeled food commodity except in accordance with regulations which shall be prescribed by the Secretary of Health, Education, and Welfare pursuant to this title. Such regulations shall require that any food commodity distributed in interstate commerce bear a label containing a statement specifying the nutritional value of the food commodity contained therein, that the label on such commodity appear in a uniform location on the package, and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size;

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed; and

"(4) bear a statement of the nutritional value of each serving if the label appears on a packaged food commodity which bears a representation as to the number of servings of the food commodity contained in the package.

"(b) The Secretary may by regulations require additional or supplementary words or phrases to be used in conjunction with the statement of nutritional values appearing on the label whenever he determines that such regulations are necessary to prevent the deception of consumers or to facilitate value comparisons as to any food commodity. Nothing in this subsection shall prohibit supplemental statements, which are not misleading or deceptive, at other places on the package, describing the nutritional value of the food commodity contained in such package.

"(c) Whenever the Secretary of Commerce determines that there is undue proliferation of methods of indicating the nutritional value of food commodities or reasonably comparable food commodities which are being distributed in packages for sale at retail and such proliferation unreasonably impairs the ability of consumers to make comparisons with respect to the nutritional values of such food commodities, he shall request manufacturers, packers, and distributors of the commodities to participate in the development of a voluntary product standard (relating to nutritional values) for such commodities under the procedures for the development of voluntary product standards established by the Secretary of Commerce pursuant to section 2 of the Act of March 3, 1901 (31 Stat. 1449, as amended; 15 U.S.C. 272). Such procedures shall provide adequate manufacturer, packer, distributor, and consumer representation.

"(d) If (1) after one year after the date on which the Secretary of Commerce first makes the request of manufacturers, packers, and distributors to participate in the development of a voluntary product standard as provided in subsection (c) of this section, he determines that such a standard will not be published pursuant to the provisions of such subsection (c), or (2) such a standard is published and the Secretary of Commerce determines that it has not been observed, he shall promptly report such determination to the Congress with a statement of the efforts that have been made under the voluntary standards program and his recommendation as to whether Congress should enact legislation providing regulatory authority to deal with the situation in question.

"DEFINITIONS

"SEC. 204. For the purpose of this title—

"(1) The term 'food commodity' means articles used for food or drink for man or other animals, and articles used for components of any such article.

"(2) The term 'nutritional value' means the amount of nutrients contained in the food expressed in terms of the relationship of the amount of each nutrient contained in the food to the total recommended daily requirement of each such nutrient required to maintain a balanced diet as determined by the Secretary of Health, Education, and Welfare after consultation with the National Academy of Sciences.

"(3) The term 'nutrient' includes protein, vitamin A, B Vitamins (Thiamin, Riboflavin, Niacin), Vitamin C, Vitamin D, carbohydrates, Fat, Calories, Calcium, Iron, and such other nutrients as may be prescribed by regulation."

SEC. 3. (a) The Fair Packaging and Labeling Act is further amended by inserting "TITLE III—GENERAL PROVISIONS" above the heading for section 6, and by redesignating sections 6 through 13 as sections 301 through 308, respectively.

(b) Section 301 of such Act, as redesignated by subsection (a) of this section, is amended by striking out "section 4 or 5 of this Act" in subsections (a) and (b) and inserting in lieu thereof "section 103, 104, or 203 of this Act".

(c) Section 302 of such Act, as redesignated by subsection (a) of this section, is amended—

(1) by striking out "section 3" in subsection (a) and inserting in lieu thereof "sections 102 and 202"; and

(2) by striking out "sections 4 and 5" in subsection (c) and inserting in lieu thereof "sections 103, 104, and 203".

(d) Section 303 of such Act, as redesignated by subsection (a) of this section, is amended by striking out "section 5(d)" and inserting in lieu thereof "sections 104(d) and 203(c)".

(e) Section 307 of such Act, as redesignated by subsection (a) of this section, is amended—

(1) by inserting "and for the labeling of the nutritional value of contents of the package of any food commodity covered by this Act" immediately after "Act" where it first appears in that section; and

(2) by striking out "section 4" and inserting in lieu thereof "sections 103 or 202".

SEC. 4. The Secretary of Health, Education, and Welfare may by regulation postpone, for a period of twelve months after enactment, the effective date of this Act with respect to any class or type of food commodity on the basis of a finding that such a postponement would be in the public interest.

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By Mr. SCHWEIKER:

S. 323. A bill to amend the tariff and trade laws of the United States, and for other purposes. Referred to the Committee on Finance.

### THE FAIR INTERNATIONAL TRADE ACT OF 1973

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the tariff and trade laws of the United States, and for other purposes, and ask that it be appropriately referred.

This bill, with a few revisions, is identical to a bill I introduced on June 15, 1972, in the 92d Congress, S. 3708.

This legislation is designed to modernize existing law regarding the regulation of the dumping of foreign merchandise in the U.S. market, to make our countervailing duty law more effective, to provide for more liberal tariff adjustment and adjustment assistance relief for business and labor, and to provide for private treble damage actions based on international price discrimination.

Dumping is basically a form of international price discrimination, under which sellers subsidize low-price sales in foreign markets with high-price sales at home. In other words, dumping is the sale of a foreign product in the United States at a price lower than the price prevailing for the same product in the exporting country. Such sales, if they are injurious to U.S. products, become subject to a dumping duty equivalent to the difference between the market price domestically and the lower export price to the United States, after various adjustments are made. The reason this country has felt it appropriate to impose an additional duty on such imports is to neutralize the subsidization of low price export sales by high profits received from sales in what is often a protected domestic market of the exporting country.

Under existing law, there are two requirements essential for a dumping finding:

First, a determination of sales at "less than fair value" must be made by the Treasury Department; and

Second, a determination of injury must be made by the Tariff Commission.

The Bureau of Customs initially determines whether the necessary price difference exists. This finding is then confirmed by the Secretary of the Treasury. I should point out that the Treasury Department has made changes in procedures in order to improve the handling of antidumping cases. In addition, the Treasury Department has been more liberal in making dumping findings under the Nixon administration than had previously been the case.

After the Treasury finds dumping has occurred, the case is transferred to the Tariff Commission for an investigation to determine whether American industry is being injured. If such a finding is made, dumping duties are assessed against the product. Recent Tariff Commission decisions have established that anything more than de minimus or immaterial injury to the U.S. industry is sufficient.

The Antidumping Act was amended in 1954 to limit Tariff Commission consideration to 3 months. In 1958, it was further amended to provide that a tie vote by the Tariff Commission constituted an affirmative finding of injury.

Although antidumping procedures are being streamlined, I believe legislative changes are in order at this time.

Furthermore, I believe it is appropriate to revise existing provisions of the Tariff Act of 1930, the Trade Expansion Act of 1962 and the Revenue Act of 1916 to accomplish an overall modernization of our laws against unfair competition.

Let me make it clear that this bill does not represent protectionist legislation. It is not an attempt to hinder or prevent legitimate foreign competition. International trade is a good thing, and I want to encourage it. However, we are seeing increasing efforts on the part of foreign governments to subsidize their domestic industries through a variety of mechanisms. Foreign governments are teaming up with industry to compete in our markets. Our firms are faced with competition, then, not only from their counterparts overseas, but also from other governments. This is improper, and unfair. This is what our laws were designed to deal with. Unfortunately, since these laws were enacted, circumstances have changed, and we now need legislative changes to keep up with the times.

Title I of the Fair International Trade Act of 1972, which amends the Antidumping Act of 1921, contains the following major provisions:

First, the time limit for a tentative LTFV determination by Treasury is set at 6 months. Currently, there is no statutory timetable for reaching such a decision, although under new regulations such proceedings are required to be completed within 6 months, or in more complicated investigations, within 9 months. Additional time may be taken under the regulations if notice of that fact is published in the Federal Register. However, this timetable is not binding on Treasury, as the statutory limit would be.

Second, all proceedings and determinations are made subject to the Administrative Procedure Act, and judicial review is made available to all parties.

Third, since injurious price discrimination by U.S. companies selling in our domestic market is a violation of our antitrust laws, my bill would bring the basic injury standard of the Antidumping Act of 1921 more in harmony with the laws that govern domestic business conducts by specifically incorporating the Clayton act's line of commerce" and "section of the country" market concepts.

Fourth, the legislation would codify the present Tariff Commission standard with reference to the quantum of injury required. That is, Tariff Commission decisions have established that anything more than de minimus or immaterial injury to the U.S. industry is sufficient. The legislation would incorporate this standard into law.

Fifth, the bill would codify the present Tariff Commission causation standard that LTFV imports need only be more than a de minimus factor in bringing about injury to the U.S. industry.

Sixth, my legislation would adopt recent Tariff Commission decisions which suggest that injury can be found where there is a reasonable likelihood that LTFV sales will cause future injury.

Title II contains amendments to the Tariff Act of 1930 and includes the following major changes:

First, the present provisions of the Tariff Act of 1930, which provide for countervailing duties equal to the amount of any bounty or grant given in a foreign country to subsidize exports to the U.S. market, is not as effective as it ought to be because of often substantial delays in enforcement. My bill would amend the present law to require the Secretary of the Treasury to make a determination as to whether imported goods receive a bounty or grant within 12 months after the question is presented.

Second, while under present law countervailing duties can be imposed only with respect to dutiable imports, my bill would provide that countervailing duties would be applicable to subsidized duty-free imports if the Tariff Commission determined that such subsidized imports were injuring a domestic industry.

Third, the Secretary of the Treasury would have discretion to impose countervailing duties on articles subject to quotas or to voluntary agreements limiting exports to this country.

Fourth, as under title I, the Clayton Act's "any section of the country" and "any line of commerce" concepts would be applied in an effort to make foreign competitors subject to the same kind of laws domestic industries fall under in our marketplace.

Fifth, the size of the Tariff Commission would be increased from 6 to 7 and their terms increased from 6 to 7 years. The purpose of this provision is to decrease the likelihood of tie votes, and to enlarge and strengthen the Commission.

Title III of the Fair International Trade Act of 1972 contains amendments to the Trade Expansion Act of 1962:

First, these provisions would expand the President's authority to cope with foreign import restrictions and other discriminations against exports from the United States. The President's authority to impose duties or other restrictions would be extended to products of any country maintaining unjustifiable restrictions against any U.S. product, not merely U.S. agricultural products, as under present law.

My bill provides for a complaint procedure similar to that utilized in antidumping, countervailing duty, and "escape clause" cases. Any interested party could request the Tariff Commission to investigate restrictions against U.S. exports. The Tariff Commission would then have 3 months to investigate, and within 3 months following an affirmative Commission finding, the President would be required to inform Congress of his actions with regard to the situation.

Second, this bill would remove some of the barriers to relief currently faced by U.S. industries, individual firms and groups of workers that have been injured by imports. At the present time "escape clause"—tariff adjustment—relief is available only when the Tariff Commission determines that as a result in major part of concessions granted under trade agreements, an article is being imported in such increased quantities as to "cause or threaten to cause" serious injury to a domestic industry. My bill would liberalize the causal connection that must be shown between the increase in imports and injury to the domestic industry, and would broaden the definition of increased imports. Although the bill would maintain the present limitation of escape clause action to imports which have been the subject of prior U.S. trade concessions, the bill would eliminate the necessity of proving a causal connection between the tariff concession itself and the increase in imports. In essence, these provisions provide for relief where the imports contribute substantially toward causing and threatening to cause serious injury to the domestic industry, whether or not such increased imports are the major factor or the primary factor causing the injury.

Third, the Tariff Commission's authority to determine the nature and extent of relief granted in "escape clause" cases would be increased. While under present law, Tariff Commission findings with respect to relief amount to little more than recommendations to the President, my bill would require the President to implement the specific tariff adjustments determined by the Tariff Commission, unless he determined that such action would not be in the national interest.

Fourth, more liberalized standards for obtaining adjustment assistance would be available for workers and individual firms. In addition, the level of adjustment assistance for workers would be increased from the present 65 percent of average weekly wages to 75 percent of such wages. This would help U.S. workers, who generally have very little control over their own fate in such situations, by providing them with three-fourths of their weekly wages.

Title IV of this legislation amends the Revenue Act of 1916 by providing for a practically available procedure for maintaining private treble-damage actions against international price discrimination in the form of dumping. Again, the purpose is to subject offshore competitors to essentially the same rules of business conduct that are applied to domestic companies in the U.S. marketplace.

I feel confident that because this bill is directed against unfair trade practices it will receive broad support on a bipartisan basis in Congress, and the support of both business and labor. This legislation does not attempt to build a protective wall around the United States. Rather, it is designed to promote fair international trade practices.

Mr. President, I ask that a title-by-title analysis of the Fair International Trade Act be printed at this point in the RECORD.

There being no objection, the analysis ordered to be printed in the RECORD, as follows:

### TITLE-BY-TITLE ANALYSIS OF "THE FAIR INTERNATIONAL TRADE ACT OF 1973"

#### I. AMENDMENTS TO THE ANTIDUMPING ACT OF 1921

Title I of the "Fair International Trade Act of 1973" would amend the Antidumping Act of 1921 to provide faster and more practical relief against dumping. Dumping is essentially a form of international price discrimination, under which sellers subsidize low-price sales in foreign markets with higher-price sales at home. The Antidumping Act of 1921 is intended to protect U.S. industries from injury caused by foreign companies dumping in the U.S. market.

Injurious price discrimination by U.S. companies selling in the U.S. market is a violation of our antitrust laws. Title I of the "Fair International Trade Act of 1973" would bring the basic injury standard of the Antidumping Act of 1921 more in harmony with the laws that govern domestic business conduct by specifically incorporating the Clayton Act's "line of commerce" and "section of the country" market concepts.

A major problem that U.S. companies have encountered over the years in attempting to secure antidumping relief is inconsistency in Tariff Commission interpretations of the Antidumping Act's injury requirement. Title I would add new subsections (d) and (e) to section 201, to codify the Tariff Commission's more recent and realistic interpretations of the injury requirement. It would also add a new subsection (f), which would direct that related antidumping investigations be consolidated, so that, where appropriate, the Tariff Commission would have before it evidence of the cumulative effect of dumping from different foreign sources.

Title I also addresses itself to one of the most frustrating aspects of the Antidumping Act from the standpoint of injured U.S. companies—delayed enforcement. Thus, Title I would require the Secretary of the Treasury to determine within four months after initiating an antidumping investigation whether there was reason to suspect dumping and, if so, to issue a notice of withholding of appraisement. The Secretary would also be required to initiate a formal investigation within 60 days after receiving a complaint unless his summary investigation indicated the complaint was clearly not meritorious.

Title I also would make the Antidumping Act practically as well as theoretically applicable to dumping by sellers from controlled economy countries, as to whom normal cost-price comparisons cannot be made.

Finally, Title I would amend the Antidumping Act of 1921 to make available to all parties the procedural protections of the Administrative Procedure Act, and to make decisions by the Secretary of the Treasury and the Tariff Commission subject to judicial review on the petition of any interested party. Under present law, aggrieved importers and foreign sellers, but not U.S. industries, have standing to seek review.

#### II. AMENDMENTS TO THE TARIFF ACT OF 1930

*Countervailing Duties*. Chapter 1 of Title II of the "Fair International Trade Act of 1973" would amend section 303 of the Tariff Act of 1930, which provides for the imposition of countervailing duties equal to the amount of any bounty or grant given in a foreign country to subsidize exports to the U.S. market. As in the case of the present antidumping statute, the effectiveness of official action with respect to countervailing duties is often weakened as a result of substantial delays in enforcement. Chapter 1 of Title II would amend the present countervailing duty law to require the Secretary of the Treasury to make a determination as to whether imported foreign articles receive a "bounty or grant" within twelve months after the question is presented.

Chapter 1 of Title II would also make other changes. Under present law, countervailing duties can be imposed only with respect to "dutiable" imports. Chapter 1 would amend the law to provide that countervailing duties would be applicable to subsidized duty-free imports if the Tariff Commission determined that such subsidized imports were injuring a domestic industry. Chapter 1 would also clarify that subsidies by private companies or industries are encompassed by the statute.

Chapter 1 of Title II would also amend the countervailing duty provisions to grant the Secretary of the Treasury discretion with respect to the imposition of countervailing duties on articles subject to quotas or to an agreement limiting exports to the United States.

Finally, Chapter 1 of Title II would, like Title I, attempt to harmonize our foreign trade laws with domestic antitrust law by specically introducing in appropriate contexts the Clayton Act's "any section of the country" and "any line of commerce" concepts. It would also harmonize the corresponding injury standards of the Antidumping Act and the countervailing duty law, as amended, and would make available procedural protections and judicial review.

*Tariff Commission*. Chapter 2 of Title II would amend the Tariff Act of 1930 to increase the number of Commissioners from six to seven and to increase their terms from six to seven years. The principal purpose would be to decrease the likelihood of tie votes and, at the same time, to enlarge and strengthen the Commisison.

#### III. AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962 FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATION

Chapter 1 of Title III of the "Fair International Trade Act of 1973" would expand in several respects the President's power under the Trade Expansion Act of 1962 to cope with foreign import restrictions and other discriminatory actions against United States exports. It would strengthen the sanctions available to the President in dealing with particular foreign restrictions or discrimination currently recognized by the Trade Expansion Act of 1962. In addition, Chapter 1 would extend the President's authority to impose duties or other import restrictions on the products of any country maintaining unjustifiable import restrictions against U.S. products, not merely U.S. agricultural products, as under present law. It would also require the President to impose duties or other restrictions on the products of countries whose governments provide subsidies on thier exports to third counries which unfairly affect sales in those countries of competitive U.S. products.

Chapter 1 also provides a complaint procedure for affected persons to bring to the President's attention evidence of trade restrictions against U.S. exports. The procedure would be similar to that utilized in antidumping, countervailing duty and "escape clause" cases, and would allow any interested party to request the Tariff Commission to investigate whether particular activities of a foreign country or instrumentality constitute the kind of trade restrictions these provisions of the Act are directed against. The Commission would have three months to conduct its investigation, and within three months following an affirmative Commission finding, the President would be required to inform Congress of his actions with regard to these foreign restrictions.

*The "Escape Clause"*. Chapter 2 of Title III would amend the Tariff Adjustment and Adjustment Assistance sections of the Trade Expansion Act of 1962 to remove some of the barriers to relief currently faced by United States industries, individual companies and groups of workers that have been injured by imports.

Under present law, "escape clause" (tariff adjustment) relief—which consists of increased duties, quotas or such other import restrictions as are necessary to prevent or remedy serious injury from imports—is available only when the Tariff Commission determines that as a result in major part of concessions granted under trade agreements, an article is being imported in such increased quantities as to "cause or threaten to cause" serious injury to a domestic industry.

Chapter 2 of the "Fair International Trade Act" would amend these critieria by liberalizing the causal connection that must be shown between the increase in imports and injury to the domestic industry, and by broadening the definition of increased imports. In addition, while Chapter 2 would maintain the present limitation of escape clause action to imports which have been the subject of prior U.S. trade concessions, the bill would eliminate the necessity of proving a causal connection between the tariff concession and the increase in imports.

Chapter 2 would make parallel changes in the standards for obtaining adjustment assistance by workers or firms, would permit petition for adjustment assistance directly to the President, and would increase the adjustment assistance benefits available to workers who meet the amended injury standards.

In addition to liberalizing the standards for obtaining "escape clause" relief by injured U.S. industries, Chapter 2 would also signicantly increase the Tariff Commission's authority to determine the nature and extent of the relief granted. Under present law, Tariff Commission findings with respect to relief amount to little more than recommendations to the President. Chapter 2 would require the President to implement the specific tariff adjustments—or the specific increases or extensions of prior adjustments—determined by the Tariff Commission, unless he determined that such action would not be in the national interest. Chapter 2 would also limit the President's authority to reduce or terminate existing tariff adjustments under the statute.

Other provisions of Chapter 2 include a definition of "domestic industry" that provides for more equitable treatment of U.S. multi-product or multi-industry companies, application of the Administrative Procedure Act to Tariff Commission procedures under the statute, and the availability to all interested parties of judicial review from Commission determinations.

### IV. AMENDMENTS TO THE REVENUE ACT OF 1916

Title IV of the "Fair International Trade Act of 1973" amends the Revenue Act of 1916 to provide an additional deterrent to international price discrimination—a practically available procedure for maintaining private treble damage actions. This is accomplished by amending the 1916 Act to permit private recovery for injurious international price discrimination without requiring the plaintiff to prove specific unlawful intent. Here again the purpose is to subject off-shore competitors to essentially the same business rules that govern the conduct of domestic companies.

The Revenue Act of 1916, though providing for treble damage recovery in certain cases, has not provided an effective means of discouraging international price discrimination or compensating those injured by it. The reason has been the Act's onerous intent requirement. As amended by Title IV of the "Fair International Trade Act of 1973", the 1916 statute would become a more effective antitrust tool against international price discrimination. Under the amendments, the requirement of showing injury to competition would be harmonized both with the Antidumping Act of 1921 and the domestic anti-price discrimination law, the Robinson-Patman Act.

Title IV would also amend the Revenue Act of 1916 by providing that decisions of the Treasury Department and the Tariff Commission in proceedings under the Antidumping Act of 1921 would be given *prima facie* effect in private suits under the 1916 Act. This is a device borrowed from the Clayton Act and, once again, is for the purpose of harmonizing domestic and foreign antitrust trade policy.

The criminal provisions of the 1916 Act would be retained and the penalty for violation increased to $50,000, which is the level of fine that may be imposed for violation of domestic antitrust law. However, there would be no criminal liability in the absence of a willful violation of the statutory pricing and injury standards.

Mr. President, I ask that the complete text of the Fair International Trade Act of 1973 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 323

A bill to amend the tariff and trade laws of the United States, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Fair International Trade Act of 1973".

### TITLE I—AMENDMENTS TO THE ANTIDUMPING ACT OF 1921

SEC. 101. Section 201 of the Antidumping Act of 1921 (19 U.S.C. 160) is amended to read as follows:

"DUMPING INVESTIGATION

"SEC. 201. (a) Whenever the Secretary of the Treasury (hereinafter called the Secretary) determines that a class or kind of foreign merchandise is being or is likely to be sold in the United States or elsewhere at less than its fair value, he shall so advise the United States Tariff Commission (hereinafter called the Commission). The Commission shall determine within three months after notification from the Secretary whether an industry in the United States is being, or is likely to be, injured in any line of commerce in any section of the country, or is prevented from being established in any line of commerce in any section of the country by reason of the importation of such merchandise into the United States from one or more foreign sources or countries. The Commission, after such investigation as it deems necessary, shall notify the Secretary of its determination, and, if that determination is in the affirmative, the Secretary shall make public a notice (hereinafter in this Act called a finding) of his determination and the determination of the Commission. For the purposes of this subsection, the Commission shall be deemed to have made an affirmative determination if the Commissioners voting are evenly divided as to whether its determination should be in the affirmative or in the negative. The Secretary's findings shall include a description of the class or kind of merchandise to which it applies in such detail as he shall deem necessary for the guidance of customs officers.

"(b) In the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, he shall, within four months after the question of dumping was raised by or presented to him or any person to whom authority under this section has been delegated—

"(1) determine whether there is reason to believe or suspect, from the invoice or other papers or from information presented to him or to any other person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the constructed value); and

"(2) If his determination is affirmative, publish notice of that fact in the Federal Register, and require, under such regulations as he may prescribe, the withholding of appraisement as to such merchandise entered, or withdrawn from warehouse for consumption, on or after the date of publication of that notice in the Federal Register (unless the Secretary determines that the withholding should be made effective as of an earlier date in which case the effective date of the withholding shall be not more than one hundred and twenty days before the question of dumping was raised by or presented to him or any person to whom authority under this section has been delegated), until the further order of the Secretary, or until the Secretary has made public a finding as provided for in subsection (a) in regard to such merchandise; or

"(3) if his determination is negative, publish notice of that fact in the Federal Register, but the Secretary may within three months thereafter order the withholding of appraisement if he then has reason to believe or suspect, from the invoice or other papers or from information presented to him or to any other person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the constructed value) and such order of withholding of appraisement shall be subject to the provisions of paragraph (2).

For purposes of this subsection, the question of dumping shall be deemed to have been rasied or presented on the date on which a notice is published in the Federal Register that information relating to dumping has been received in accordance with regulations prescribed by the Secretary, or on the date sixty days after receipt of such information by the Secretary, whichever date occurs earlier."

SEC. 102. Section 201 of the Antidumping Act of 1921 (19 U.S.C. 160) is further amended by adding after subsection (c) of section 201 the following new subsections:

"(d) Injury to a domestic industry shall be established, and the Commission shall make an affirmative determination, when the Commission finds that the sale of foreign merchandise determined to have been sold at less than its fair value has caused more than de minimus or immaterial injury in any line of commerce in any section of the country.

"(e) The Commission shall render an affirmative determination of likelihood of injury when it finds a reasonable likelihood that injury cognizable under subsection (d) of this section will tend to occur by reason of sales of the class or kind of foreign merchandise involved at less than its fair value.

"(f) The Secretary shall consolidate in a single dumping investigation all complaints received as of the institution of such investigation and when instituted on his own initiative all information available to him at that time from the invoice or other papers regarding the same class or kind of merchandise regardless of the number of importers, exporters, foreign manufacturers, and countries involved."

SEC. 103. Section 205 of the Antidumping Act of 1921 (19 U.S.C. 164), is amended by inserting "(a)" immediately after "SEC. 205.", and adding at the end thereof the following new subsection:

"(b) If available information indicates to the Secretary that the economy of the country from which the merchandise is exported is state controlled to an extent that sales or offers of sales of such or similar merchandise in that country or to countries other than the United States do not permit a determination of foreign market value under subsection (a), the Secretary shall determine the foreign market value of the merchandise on the basis of the normal costs, expenses, and profits as reflected by either—

"(1) the prices at which such or similar merchandise of a non-state-controlled-economy country is sold either (A) for consumption in the home market of that country, or (B) to other countries, including the United States; or

"(2) the constructed value of such or similar merchandise in a non-state-controlled-economy country as determined under section 206 of this Act.".

SEC. 104. Section 210 of the Antidumping Act of 1921 (19 U.S.C. 169) is amended to read as follows:

"JUDICIAL REVIEW

"SEC. 210. (a) All Treasury and Commission proceedings under the Act shall be in accordance with subchapter II of chapter 5 of title 5 of the United States Code. All final determinations issued by the Secretary or the Commission shall be made on the records made in the Secretary's investigation and Commission investigation.

"(b) Any interested party shall be entitled to seek in the United States Court of Customs and Patent Appeals judicial review of questions of law relating to any final determinations of the Secretary or the Commission under this Act, within thirty days after its publication in the Federal Register."

(e) The amendments of the Antidumping Act of 1921, as amended, provided for herein shall apply to all investigations instigated by the Secretary on or after the expiration of one hundred and eighty days from the date of enactment of this Act and to all Commission investigations resulting therefrom.

## TITLE II—AMENDMENTS TO THE TARIFF ACT OF 1930

### CHAPTER 1—COUNTERVAILING DUTIES

SEC. 201. Section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) is amended to read as follows:

"SEC. 303. COUNTERVAILING DUTIES.

"(a) LEVY OF COUNTERVAILING DUTIES.—(1) Whenever any country, dependency, colony, province, or other political subdivision of government, or any private person, partnership, association, cartel, or corporation, shall pay or bestow, directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, then upon the importation of such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to any duties otherwise imposed, a duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The Secretary of the Treasury shall conduct an investigation and shall determine, within twelve months after the date on which the question is presented to him, whether any bounty or grant is being paid or bestowed.

"(2) In the case of any imported article or merchandise which is free of duty, duties may be imposed under this section only if there is an affirmative determination by the Tariff Commission under subsection (b)(1).

"(3) The Secretary of the Treasury shall from time to time ascertain and determine, or estimate, the net amount of each such bounty or grant, and shall declare the net amount so determined or estimated.

"(4) The Secretary of the Treasury shall make all regulations he may deem necessary for the identification of such articles and merchandise and for the assessment and collection of the duties under this section. All determinations by the Secretary under this subsection and all determinations by the Tariff Commission under subsection (b)(1), whether affirmative or negative, shall be published in the Federal Register.

"(b) INJURY DETERMINATIONS WITH RESPECT TO DUTY-FREE MERCHANDISE; SUSPENSION OF LIQUIDATION.—(1) Whenever the Secretary of the Treasury has determined under subsection (a) that a bounty or grant is being paid or bestowed with respect to any article or merchandise which is free of duty, he shall—

"(A) so advise the United States Tariff Commission, and the Commission shall determine within three months thereafter, and after such investigation as it deems necessary, whether an industry in the United States is being or is likely to be injured in any line of commerce in any section of the country, or is prevented from being established in any line of commerce in any section of the country, by reason of the importation of such article merchandise into the United States; and the Commission shall notify the Secretary of its determination; and

"(B) require, under such regulations as he may prescribe, the suspension of liquidation as to such article or merchandise entered, or withdrawn from warehouse, for consumption, on or after the thirtieth day after the date of the publication in the Federal Register of his determination under subsection (a)(1), and such suspension of liquidation shall continue until the further order of the Secretary or until he has made public an order as provided for in paragraph (2) of this subsection.

"(2) For the purposes of subparagraph (A) injury to a domestic industry shall be established, and the Commission shall make an affirmative determination, when it finds that the sale of foreign merchandise determined to have been sold at less than its fair value has caused more than de minimus or immaterial injury in any line of commerce in any section of the country.

"(3) For the purposes of subparagraph (A) the Commission shall render an affirmative determination of likelihood of injury when it finds a reasonable likelihood that injury cognizable under subsection (2) of this section will tend to occur by reason of sales of the class or kind of foreign merchandise involved at less than its fair value.

"(4) If the determination of the Tariff Commission under subparagraph (A) is in the affirmative, the Secretary shall make public an order directing the assessment and collection of duties in the amount of such bounty or grant as is from time to time ascertained and determined, or estimated, under subsection (a).

"(c) APPLICATION OF AFFIRMATIVE DETERMINATION.—An affirmative determination by the Secretary of the Treasury under subsection (a)(1) with respect to any imported article or merchandise which (1) is dutiable, or (2) is free of duty but with respect to which the Tariff Commission has made an affirmative determination under subsection (b)(1), shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the thirtieth day after the date of the publication in the Federal Register of such determination by the Secretary.

"(d) SPECIAL RULE FOR ANY ARTICLE SUBJECT TO A QUANTITATIVE LIMITATION.—No duty shall be imposed under this section with respect to any article which is subject to a quantitative limitation imposed by the United States on is importation, or subject to a quantitative limitation on its exportation to or importation into the United States imposed under an agreement to which the United States is a party unless the Secretary of the Treasury determines, after seeking information and advice from such agencies as he may deem appropriate, that such quantitative limitation is not an adequate substitute for the imposition of a duty under this section.

"(e) JUDICIAL REVIEW.—(1) All Treasury and Commission proceedings under this section shall be in accordance with subchapter II of chapter 5 of title 5 of the United States Code. All final determinations issued by the Secretary or the Commission shall be made on the records made in the Secretary's investigation and Commission investigation.

"(2) Any interested party shall be entitled to seek in the United States Court of Customs and Patent Appeals judicial review of questions of law relating to any final determination of the Secretary or the Commission under this Act, within thirty days after its publication in the Federal Register."

SEC. 202. (a) Except as provided in paragraph (b), the amendments made by section 201 shall take effect on the date of the enactment of this Act.

(b) The last sentence of section 306(a)(1) of the Tariff Act of 1930 (as added by section 201 of this Act) shall apply only with respect to questions presented on or after the date of the enactment of this Act.

### CHAPTER 2—TARIFF COMMISSION

SEC. 211. (a) The first sentence of section 330(a) of the Tariff Act of 1930 (19 U.S.C. 1330) is amended to read as follows: "The United States Tariff Commission (referred to in this Act as the 'Commission') shall be composed of seven Commissioners appointed by the President by and with the advice and consent of the Senate."

(b) The third sentence of such section is amended by striking out "three" and inserting in lieu thereof "four."

SEC. 212. Section 330(b) of the Tariff Act of 1930 (19 U.S.C. 1330) is amended to read as follows:

"(b) TERMS OF OFFICE.—Terms of office of the Commissioners which begin after the date of the enactment of the Fair International Trade Act of 1973 shall be for seven years; except that the first term of office for the seventh Commissioner shall expire on June 16, 1979. The term of office of a successor to any Commissioner appointed to a term of office beginning after the date of the enactment of such Act shall (except as provided in the preceding sentence) expire seven years from the date of the expiration of the term for which his predecessor was appointed. Any Commissioner appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.".

SEC. 213. Section 330(d) of such Act is repealed.

## TITLE III—AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962

### CHAPTER 1—FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATORY ACTS

SEC. 301. Section 252(a)(3) of the Trade Expansion Act of 1962 (19 U.S.C. 1882(a)(3)) is amended by striking out the word "agricultural" each place it appears.

SEC. 302. Section 252(b) of such Act is amended by striking out "or" at the end of paragraph (1), by adding "or" at the end of paragraph (2), and by adding after paragraph (2) the following new paragraph:

"(3) provides subsidies (or other incentives having the effect of subsidies) on its exports of one or more products to other foreign markets which unfairly affect sales of the competitive United States product or products to those other foreign markets,".

SEC. 303. Section 252(b) of such Act is further amended by striking out "or" at the end of clause (A), by striking out the period at the end of clause (B) and inserting in lieu thereof ", or", and by adding at the end thereof the following new clause:

"(C) notwithstanding any provision of any trade agreement under this Act and to the extent he deems necessary and appropriate, impose duties or other import restrictions on the products of any foreign country or instrumentality maintaining such nontariff trade restrictions, engaging in such acts or policies, or providing such incentives when he deems such duties and other import restrictions necessary and appropriate to prevent the establishment or obtain the removal of such restrictions, acts, policies, or incentives and to provide access for United States products to foreign markets on an equitable basis."

SEC. 304. Section 252(c) of such Act is amended by striking out "President may" and inserting in lieu thereof "President shall".

SEC. 305. Section 252(c)(1) of such Act is amended to read as follows:

"(1) impose duties or other import restrictions on, or suspend, withdraw, or prevent the application of trade agreement concessions to, products of such country or instrumentality, or".

SEC. 306. Section 252(d) of such Act is amended to read as follows:

"(d) (1) Upon request of any interested party, the Tariff Commission shall immediately make an investigation to determine whether any specified restriction established or maintained by, act engaged in, or subsidy provided by a foreign country or instrumentality constitutes—

"(A) a foreign import restriction referred to in subsection (a),

"(B) a nontariff trade restriction, discriminatory or other act, or subsidy or other incentive referred to in subsection (b), or

"(C) an unreasonable import restriction referred to in subsection (c).

"(2) Within three months after the submission of a request under paragraph (1), the Tariff Commission shall publish in the Federal Register the results of the investigation made pursuant to such request, together with its findings with respect thereto. In any case in which the Commission makes an affirmative determination of a restriction, act, or subsidy referred to in subsection (a), (b), or (c) such finding shall be immediately reported to the President. Within three months after receipt of such report, the President shall report to the Congress the action taken by him under subsection (a), (b), or (c) with respect to such restriction, act, or subsidy.".

SEC. 307. The heading of such section is amended to read as follows:

"SEC. 252. FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATORY ACTS.".

### CHAPTER 2—TARIFF ADJUSTMENT AND ADJUSTMENT ASSISTANCE

#### PETITIONS AND DETERMINATIONS

SEC. 311. (a) Section 301 of the Trade Expansion Act of 1962 (19 U.S.C. 1901) is amended to read as follows:

"(a) (1) A petition for tariff adjustment under section 351 may be filed with the Tariff Commission by a trade association, firm, certified or recognized union, or other representative of an industry.

(2) A petition for a determination of eligibility to apply for adjustment assistance under chapter 2 may be filed with the President by a firm or its representative, and a petition for a determination of eligibility to apply for adjustment assistance under chapter 3 may be filed with the President by a group of workers or by their certified or recognized union or other duly authorized representative.

"(b) (1) Upon the request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon the filing of a petition under subsection (a) (1), the Tariff Commission shall promptly make an investigation to determine whether an article that has been the subject of concessions under trade agreements is being imported into the United States in such increased quantities, either actual or relative as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause serious injury to the domestic industry producing articles like or directly competitive with the imported article.

"(2) For the purposes of this section, the duty-free 'binding' of any article shall be considered a trade concession under trade agreement.

"(3) In arriving at a determination under paragraph (1), the Tariff Commission, without excluding other factors, shall take into consideration a downward trend of production, prices, profits, or wages in the domestic industry concerned, a decline in sales, an increase in unemployment or underemployment, loss of fringe benefits, stagnant wages, an increase in imports, either actual or relative to domestic production, a higher or growing inventory, and a decline in the proportion of the domestic market supplied by domestic producers.

"(4) For purposes of paragraph (1), the term 'domestic industry producing articles like or directly competitive with the imported article' means that portion or subdivision of the producing organizations manufacturing, assembling, processing, extracting, growing, or otherwise producing like or directly competitive articles in commercial quantities. In applying the preceding sentence, the Tariff Commission shall (so far as practicable) distinguish or separate the operations of the producing organizations involving the like or directly competitive articles referred to in such sentence from the operations of such organizations involving other articles.

"(5) If a majority of the Commissioners present and voting make an affirmative injury determination and under paragraph (1) the Commissioners voting for such affirmative injury determination shall also determine the amount of the increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy such injury. No import restriction shall be determined which exceeds the limitations set forth in section 351(b) of the Act. For purposes of this title, a remedy determination by a majority of the Commissioners voting for the affirmative injury determination shall be treated as the remedy determination of the Tariff Commission.

"(6) In the course of any proceeding initiated under paragraph (1), the Tariff Commission shall investigate any factors which in its judgment may be contributing to increased imports of the article under investigation and, whenever in the course of its reason to believe that the increased imports are attributable in part to circumstances which come within the purview of the Antidumping Act, 1921, section 303 or 337 of the Tariff Act of 1930, section 801 of the Revenue Act, 1916, or other remedial provisions of law, the Tariff Commission shall promptly notify the appropriate agency and take such other action as it deems appropriate in connection therewith.

"(7) In the course of any proceeding initiated under paragraph (1), the Tariff Commission shall, after reasonable notice, hold public hearings and shall afford interested parties opportunity to be present, to present evidence, and to be heard at such hearings.

"(8) The Tariff Commission shall report to the President the determinations and other results of each investigation under this subsection, including any dissenting or separate views, and any action taken under paragraph (6).

"(9) The report of the Tariff Commission of its determination under this subsection shall be made at the earliest practicable time, but not later than six months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Tariff Commission shall promptly make public such report and shall cause a summary thereof to be published in the Federal Register.

"(10) No investigation for the purposes of this subsection shall be made, upon petition filed under subsection (a) (1), with respect to the same subject matter as a previous investigation under this subsection, unless one year has elapsed since the Tariff Commission made its report to the President of the results of such previous investigation.

"(c) (1) In the case of a petition by a firm for a determination of eligibility to apply for adjustment assistance under chapter 2, the President shall detemine whether an article that has been the subject of concessions under trade agreements like or directly competitive with an article produced by the firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities, either actual or relative, as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause serious injury to such firm or subdivision. In making such determination the President shall take into account all economic factors which he considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment, loss of fringe benefits, and decreased or stagnant wages.

"(2) In the case of a petition by a group of workers for a determination of eligibility to apply for adjustment assistance under chapter 3, the President shall determine whether an article that has been the subject of concessions under trade agreements, like or directly competitive with an article produced by such workers' firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities, either actual or relative, as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause unemployment or underemployment of a significant number or proportion of the workers of such firm or subdivision.

"(3) In order to assist him in making the determinations referred to in paragraphs (1) and (2) with respect to a firm or group of workers, the President shall promptly transmit to the Tariff Commission a copy of each petition filed under subsection (a) (2) and, not later than five days after the date on which the petition is filed, shall request the Tariff Commission to conduct an investigation relating to questions of fact relevant to such determinations and to make a report of the facts disclosed by such investigation. In his request, the President may specify the particular kinds of data which he deems appropriate. Upon receipt of the President's request, the Tariff Commission shall promptly institute the investigation and promptly publish notice thereof in the Federal Register.

"(4) In the course of any investigation under paragraph (3), the Tariff Commission shall, after reasonable notice, hold a public hearing, if such hearing is requested (not later than ten days after the date of the publication of its notice under pargraph (3)) by the petitioner or any other interested person, and shall afford interested persons an opportunity to be present, to produce evidence, and to be heard at such hearing.

"(5) The report of the Tariff Commission of the facts disclosed by its investigation under paragraph (3) with respect to a firm or group of workers shall be made at the earliest practicable time, but not later than sixty days after the date on which it receives the request of the President under paragraph (3).

"(d) (1) All Tariff Commission proceedings under this section and section 351 of the Act shall be in accordance with subchapter II of chapter 5 of title 5 of the United States Code. Any final determinations in such proceedings shall be on the records made in the Commission investigation.

"(2) Any interested party shall be entitled to seek in the United States Court of Customs and Patent Appeals judicial review of questions of law relating to any final determinations of the Commission under this section and section 351 of the Act, within thirty days after its publication in the Federal Register."

(b) (1) For purposes of section 301(b) (1) of the Trade Expansion Act of 1962, reports made by the Tariff Commission during the one-year period ending on the date of the enactment of this Act shall be treated as having been made before the beginning of such period.

(2) Any investigation by the Tariff Commission under subsection (b) or (c) of section 301 of the Trade Expansion Act of 1962 (as in effect before the date of the enactment of this Act) which is in progress immediately before such date of enactment shall be continued under such subsection (b) or (c) (as amended by subsection (a) of this section) in the same manner as if the investigation had been instituted originally under the provisions of such subsection (b) or (c) (as so amended). For purposes of section 301 (b)(9) or (c)(5) of the Trade Expansion Act of 1962 (as added by subsection (a) of this section) the petition for any investigation to which the preceding sentence applies shall be treated as having been filed, or the request or resolution as having been received or the motion having been adopted, as the case may be, on the date of the enactment of this Act.

(3) If, on the date of the enactment of this Act, the President has not taken any action with respect to any report of the Tariff Commission containing an affirmative determination resulting from an investigation undertaken by it pursuant to section 301(c) (1) or (2) of the Trade Expansion Act of 1962 (as in effect before the date of the enactment of this Act), such report shall be treated by the President as a report received by him under section 301(c)(5) of the Trade Expansion Act of 1962 (as added by subsection (a) of this section on the date of the enactment of this Act.

### PRESIDENTIAL ACTION WITH RESPECT TO ADJUSTMENT ASSISTANCE

SEC. 312. (a) Section 302(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1902(a)) is amended to read as follows:

"(a)(1) If after receiving a report from the Tariff Commission containing an affirmative injury determination under section 301(b) with respect to any industry, the President provides tariff adjustment for such industry pursuant to section 351 or 352, he may—

"(A) provide, with respect to such industry, that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance, under chapter 2,

"(B) provide, with respect to such industry, that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, or

"(C) provide that both firms and workers may request such certifications.

"(2) If after receiving a report from the Tariff Commission containing an affirmative injury determination under section 301(b) with respect to any industry the President does not provide tariff adjustments for such industry pursuant to section 351 or 352, he shall promptly provide that both firms and workers of such industry may request certifications of eligibility to apply for adjustment assistance under chapters 2 and 3.

"(3) Notice shall be published in the Federal Register of each action taken by the President under this subsection in providing that firms or workers may request certifications of eligibility to apply for adjustment assistance. Any request for such a certification must be made to the Secretary concerned within the one-year period (or such longer period as may be specified by the President) after the date on which such notice is published."

(b) Section 302(b) of such Act is amended—

(1) by striking out "subsection (a)(2)," in subparagraph (1) and inserting in lieu thereof "subsection (a),";

(2) by striking out "subsection (a)(3)," in paragraph (2) and inserting in lieu thereof "subsection (a),"; and

(3) by adding at the end of paragraph (2) thereof the following new sentence: "A certification under this paragraph shall apply only with respect to individuals who are, or who have been, employed regularly in the firm involved within one year before the date of the institution of the Tariff Commission investigation under section 307(b) relating to the industry with respect to which the President has acted under subsection (a)."

(c) Section 302(c) of such Act is amended to read as follows:

"(c)(1) After receiving a report of the Tariff Commission of the facts disclosed by its investigation under section 301(c)(3) with respect to any firm or group of workers, the President shall make his determination under section 301 (e)(1) or (c)(2) at the earliest practicable time, but not later than thirty days after the date on which he receives the Tariff Commission's report, unless, within such period, the President requests additional factual information from the Tariff Commission. In this event, the Tariff Commission shall, not later than twenty-five days after the date on which it receives the President's request, furnish such additional factual information in a supplement report, and the President shall make his determintaion not later than fifteen days after the date on when he receives such supplemental report.

"(2) The President shall promptly publish in the Federal Register a summary of each determination under section 301(c) with respect to any firm or group of workers.

"(3) If the President makes an affirmative determination under section 301(c) with respect to any firm or group of workers, he shall promptly certify that such firm or group of workers is eligible to apply for adjustment assistance.

"(4) The President is authorized to exercise any of his functions with respect to determinations and certifications of eligibility of firms or workers to apply for adjustment assistance under section 301 and this section through such agency or other instrumentality of the United States Government as he may direct."

(d) The heading of such section 302 is amended to read as follows:

"SEC. 302. PRESIDENTIAL ACTION WITH RESPECT TO ADJUSTMENT ASSISTANCE."

SEC. 313. (a) Paragraphs (1) and (2) of section 351(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(a)) are amended to read as follows:

"(1) After receiving an affirmative injury determination of the Tariff Commission under paragraph (1) of section 301(b), the President shall proclaim the increase in, or imposition of, any duty or other import restriction on the article concerned determined and reported by the Tariff Commission pursuant to paragraph (4) of section 301(b), unless he determines that such action would not be in the national interest.

"(2) If the President does not, within sixty days after the date on which he receives an affirmative injury determination, proclaim the increase in, or imposition of any, duty or other import restriction on such article determined and reported by the Tariff Commission pursuant to section 301(b), or if he proclaims a modified increase or imposition—

"(A) he shall immediately submit a report to the House of Representatives and to the Senate stating why he has not proclaimed, or why he has modified, such increase or imposition, and

"(B) such increase or imposition shall take effect (as provided in paragraph (3)) upon the adoption by both Houses of Congress (within the sixty-day period following the date on which the report referred to in subparagraph (A) is submitted to the House of Representatives and the Senate), by the yeas and nays by the affirmative vote of a majority of the authorized membership of each House, of a concurrent resolution stating in effect that the Senate and House of Representatives approve the increase in, or imposition of, any duty or other import restriction on the article determined and reported by the Tariff Commission pursuant to section 301(b).

Nothing in subparagraph (A) shall require the President to state considerations of national interest on which his decision was based. For purposes of subparagraph (B), in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of adjournment of the Congress sine die. The report referred to in subparagraph (A) shall be delivered to both Houses of the Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session."

(b) Paragraph (3) of such section 351(a) is amended by striking out "found and reported by the Tariff Commission pursuant to section 301(e)." and inserting in lieu thereof "determined and reported by the Tariff Commission pursuant to section 301(b).".

(c) Paragraph (4) of such section 351(a) is amended by striking out "affirmative finding" each place it appears and inserting in lieu thereof "affirmative injury determination".

(d) Section 351(c) of such Act is amended to read as follows:

"(C)(1) Any increase in, or imposition of, any duty or other import restriction proclaimed pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951—

"(A) may be reduced or terminated by the President only after a determination by the Tariff Commission under subsection (d)(2) of this section that the probable economic effect of such reduction or termination will be inconsequential, and his determination, after seeking advice of the Secretary of Commerce and the Secretary of Labor, that such reduction or termination is in the national interest, and

"(B) unless extended under paragraph (2), shall terminate not later than the close of the date which is four years (or, in the case of any such increase or imposition proclaimed pursuant to such section 7, five years) after the effective date of the initial proclamation or October 11, 1962, whichever date is the later.

"(2) Any increase in, or imposition of, any duty or other import restriction proclaimed pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951 shall be extended in whole or in part by the President for such periods (not in excess of four years at any one time) as shall be determined by the Tariff Commission under subsection (d)(3) of this section, unless, after seeking advice of the Secretary of Commerce and the Secretary of Labor, he determines that such extension is not in the national interest."

(e) Section 351(d) of such Act is amended to read as follows:

"(d)(1) So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, including the specific steps taken by the firms in the industry to enable them to compete more effectively with imports, and shall make annual reports to the President concerning such developments.

"(2) Upon request of the President or upon its own motion, the Tariff Commission shall determine, in the light of specific steps taken by the firms in such industry to enable them to compete more effectively with imports and all other relevant factors, as to the probable economic effect on the industry concerned, and (to the extent practicable) on the firms and workers therein of the reduction or termination of the increase in, or imposition of, any duty or other import restriction pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951, and shall so advise the President.

"(3) Upon petition on behalf of the industry concerned, filed with the Tariff Commission not earlier than the date which is one year, and not later than the date which is nine months, before the date any increase or imposition referred to in paragraph (1) or (2) of subsection (c) is to terminate by reason of the expiration of the applicable period prescribed in paragraph (1) or an extension thereof under paragraph (2), the Tariff Commission shall determine the probable economic effect on such industry of such termination and unless it determines that such probable economic effect will be inconsequential it shall prescribe a period during which the increase or imposition shall be extended and it shall report in its determination to the President. The report of the Tariff Commission on any investigation initiated under this paragraph shall be made not later than the ninetieth day before the expiration date referred to in the preceding sentence.

"(4) In advising the President under this subsection as to its determination of the probable economic effect on the industry concerned, the Tariff Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment.

"(5) Determinations of the Tariff Commission under this subsection shall be reached on the basis of an investigation during the course of which the Tariff Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard."

### ORDERLY MARKETING AGREEMENTS

SEC. 314. Section 352(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1982(a)) is amended to read as follows:

"(a) If the President has received an affirmative injury determination of the Tariff Commission under section 301(b) with respect to an industry, he may at any time negotiate international agreements with foreign countries limiting the export from such countries and the import into the United States of the article causing or threatening to cause serious injury to such industry whenever he determines that such action would be appropriate to prevent or remedy serious injury to such industry. Any agreement concluded under this subsection may replace in whole or in part any action taken pursuant to the authority contained in paragraph (1) of section 351(a); but any agreement concluded under this subsection before the close of the period during which a concurrent resolution may be adopted under paragraph (2) of section 351(a) shall terminate not later than the effective date of any proclamation issued by the President pursuant to paragraph (3) of section 351(a)."

### INCREASED ASSISTANCE FOR WORKERS

SEC. 315. (a) Section 323(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1942(a)) is amended by striking out "an amount equal to 65 percent of his average weekly wage or to 65 percent of the average weekly manufacturing wage," and inserting in lieu thereof "an amount equal to 75 percent of his average weekly wage or to 75 percent of the average weekly manufacturing wage,".

(b) The second sentence of section 326(a) of such Act is amended to read as follows: "To this end, and subject to this chapter, adversely affected workers shall be afforded, where appropriate, the testing, counseling, training, and placement services and supportive and other services provided for under any Federal law.".

(c) The amendment made by subsection (a) shall apply with respect to assistance under chapter 3 of the Trade Expansion Act of 1962 for weeks of unemployment beginning on or after the date of the enactment of this Act.

### CONFORMING AMENDMENTS

SEC. 316. (a) Section 242(b)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1872 (b)(2)) is amended by striking out "section 301(e)" and inserting in lieu thereof "section 301(b)".

(b) Section 302(b)(1) of such Act (19 U.S.C. 1962(b)) (as amended by section 112 (b) of this Act) is further amended by striking out "(which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused serious injury or threat thereof to such firm" and inserting in lieu thereof "have contributed substantially toward causing or threatening to cause serious injury to such firm".

(c) Section 302(b)(2) of such Act (as amended by section 112(b) of this Act) is further amended by striking out "(which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment" and inserting in lieu thereof "have contributed substantially toward causing or threatening to cause unemployment or underemployment".

(d) Section 311(b)(2) of such Act is amended by striking out "by actions taken in carrying out trade agreements, and" and by inserting in lieu thereof "by the increased imports identified by the Tariff Commission under section 301(b)(1) or by the President under section 301(c)(1), as the case may be, and".

(e) Section 317(a)(2) of such Act is amended by striking out "by the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements" and inserting in lieu thereof "by the increased imports identified by the Tariff Commission under section 301(b)(1) or by the President under section 301(c)(1), as the case may be".

## TITLE IV—AMENDMENTS TO THE REVENUE ACT OF 1916

SEC. 401. (a) Section 801 of the Act of September 8, 1916, entitled "An Act to raise revenue, and for other purposes," (15 U.S.C. 72) (hereinafter referred to as the "Revenue Act, 1916"), is amended to read as follows:

"(a) No person selling, exporting, or importing any articles from any foreign country into the United States shall knowingly sell, export, or import within the United States at a price less than the actual market value or wholesale price of such articles, at the time of their importation into the United States, in the principal markets of the country of their production, or of other foreign countries to which they are commonly exported, after adding to such market value or wholesale price, freight, duty, and other charges and expenses necessarily incident to the importation and sale thereof in the United States where the effect of the sale of such articles at such price is or is likely to cause injury to an industry in the United States in any line of commerce in any section of the country or to substantially lessen competition or tend to create monopoly in any line of commerce in any section of the country or to injure, destroy, or prevent competition with any person. For purposes of any civil action to enforce this provision any person in the United States who imports an article from a foreign country shall be conclusively presumed to know the actual market value or wholesale price of such article in the principal markets of the country of its production or other foreign countries to which it is commonly exported unless such person has no direct or indirect corporate affiliation with the foreign seller or producer of such article.

"(b) An affirmative determination by the Secretary of the Treasury under section 201 (b) of the Antidumping Act, 1921 (19 U.S.C. 160(b)), with regard to any article shall constitute prima facie evidence of the sale of such article at less than its actual market value or wholesale price for purposes of subsection (a) of this section.

"(c) A determination of injury to any industry in the United States by the Tariff Commission under section 201(a) of the Antidumping Act, 1921 (19 U.S.C. 160(a)), shall constitute prima facie evidence of injury to an industry in the United States for purposes of subsection (a) of this section."

(b) The second paragraph of such section is amended by inserting in the subsection designation "(d)" before such paragraph by inserting "willfully" before the word "violates", and by striking out "$5,000" in such paragraph and inserting in lieu thereof "$50,000".

(c) The third paragraph of such section is deleted and the section is further amended to read:

"(e) Whenever it shall appear to the court before which any proceeding under this Act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not, and subpenas to that end may be served in any district by the marshal thereof.

"(f) If a defendant, in any civil proceeding brought under this section in any court of the United States, fails to comply with any discovery order, or other order or decree, of such court, the court shall have power to enjoin the further importation into the United States, or distribution in interstate commerce within the United States, by such defendant of articles which are the same as, or similar to, those articles which are alleged in such proceeding to have been sold or imported in violation of the provisions of subsection (a) of this section, until such time as the defendant complies with such order or decree.

"(g) This section shall be held and considered to be an antitrust law of the United States, and any law of the United States which is applicable to the enforcement of the antitrust laws shall be applicable to the enforcement of this section, except to the extent that any provision of this section is inconsistent with such application."

(d) The last paragraph of such section is amended by inserting the subsection designation "(h)" before such paragraph.

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By Mr. SCHWEIKER:

S. 324. A bill to amend the Public Health Service Act to provide for nutrition education in schools of medicine and dentistry. Referred to the Committee on Labor and Public Welfare.

### THE NUTRITIONAL MEDICAL EDUCATION ACT OF 1973

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the Public Health Service Act to provide for nutrition education in schools of medicine and dentistry.

The Nutritional Medical Education Act of 1973 will provide Federal grants from the Department of Health, Education and Welfare to schools of medicine and dentistry to permit them to plan, develop and implement programs of nutrition education within their curriculum.

As a member of the Senate Select

Committee on Nutrition and Human Needs, I have become very much aware of the urgent need for more and better practical education in nutrition for our doctors. Although medical and dental schools do have courses in biochemistry, physiology and pharmacology which deal with various aspects of nutrition, most medical and dental schools do not have courses in nutrition which deal with the basic relationship between good nutrition and good health.

It is important to point out that problems of inadequate nutrition are not confined simply to poor people in our society. Testimony before the Select Committee on Nutrition and Human Needs on many occasions has indicated that people at the middle and upper income levels often also suffer from poor nutrition. The primary reasons appear to be lack of knowledge about proper nutrition, and lack of interest in it. The advice of family doctors and dentists carries a great deal of weight with most people, but unfortunately most doctors simply do not receive sufficient training in nutrition while they are at medical or dental school to enable them to give sound advice on nutrition.

It is entirely clear that many diseases are related either directly or indirectly to nutritional factors. In a follow-up report to the White House Conference on Food, Nutrition, and Health, the Panel on Advanced Academic Teaching of Nutrition pointed out that:

> Atherosclerosis (including coronary heart disease), obesity, diabetes mellitus, hypertension, and osteoporosis are representative of many disorders in which nutritional factors are either of principal or contributory importance. In addition, new trends in food processing and environmental concerns require a great expansion of research in the area of trace minerals, "secondary vitamins," pollutants, and involuntary and voluntary food additives. Much of the research directed toward these problems must be conducted by individuals who have received (or should receive) advanced academic training in nutrition.

I think it is also important to point out that sound nutritional practices are vital to the maintenance of health and prevention of medical disorders. In other words, it is vitally important that doctors and dentists have enough knowledge of the relationship between nutrition and health to prevent medical and dental problems from occurring. As ranking minority member of the Health Subcommittee of the Senate Labor and Public Welfare Committee, I am very conscious of the need for more emphasis on the maintenance of good health, as opposed to the curing of medical and dental problems after they have already become serious.

Beyond that, however, many doctors today have not been given sufficient knowledge of nutrition to deal with the nutritional aspects of diseases patients already have. In that regard, the White House Panel said:

> The effectiveness of physicians in providing optimal care for the many patients who have diseases with an important nutritional component is dependent in considerable part on the kind of nutrition teaching offered them at medical school and thereafter. At the present time, nutrition teaching in medical schools and in teaching hospitals is woefully inadequate.

The 1969 White House Conference on Food, Nutrition, and Health also recommended that dentists become more knowledgeable about nutrition and recommended that all dental schools and dental hygiene schools should offer an identifiable course in the science and practice of nutrition.

When should nutrition be taught? I believe the fundamentals of nutrition should be taught early in the medical and dental school educational program, with follow-up courses later which are more detailed and sophisticated.

Interestingly, a study by one medical school indicated that in general, the physicians questioned were more knowledgeable of the theoretical aspects of nutrition than of the applied aspects. The study indicated that younger doctors do not know as much about nutrition as they should and that they want to know more. In contract, the study indicated that many older doctors did not know much about nutrition, but did not particularly feel the need for more education in this area.

Food faddism and folk medicine are becoming more and more popular today. Many people are turning away from physicians and dentists to obtain the information about nutrition. I believe part of the problem is that many doctors simply are not in the position of being able to provide their patients with the kind of nutrition information patients need and desire for the maintenance of good health. We urgently need more scientific information about nutrition and health. We need more and better nutrition research. We will not get it unless our medical and dental schools are able to provide the kind of training needed.

Only a few medical and dental schools have separate divisions or departments of nutrition. Special courses in nutrition are rare, particularly in applied nutrition as opposed to the biochemical aspects of nutrition. There is a significant shortage of trained people in this field, and grants to stimulate the teaching of nutrition education in medical schools will help to develop an adequate supply of competent people.

The White House Conference Panel on Advanced Academic Teaching of Nurtition made the following recommendation:

> In each of the professional schools in a university such as medicine, dentistry and dental hygiene, nursing, public health, food science and technology, or applied health sciences, an individual or committee should be assigned responsibility for the surveillance of nutrition teaching in that school.
>
> "In some professional schools, it will be desirable to teach nutrition in a designated course dealing with basic scientific principles of nutrition and their application to human health. In many schools, nutrition teaching will be incorporated in courses such as biochemistry, physiology and certain clinical specialties. Regardless of the plan of instruction, basic nutrition should be part of the required or core curriculum.
>
> "In schools where trained nutrition personnel are not available because of financial restrictions, grants should be established to support nutrition for teaching in the categories listed above.

The legislation I am introducing today will make a significant start toward meeting that goal. I introduced similar legislation last year, S. 3696. This bill has been expanded to provide funds for both the approximately 100 medical schools and the approximately 60 dental schools to establish courses in nutrition education. The Nutritional Medical Education Act of 1973 will provide $10 million for each of the next 5 fiscal years for grants by the Secretary of Health, Education, and Welfare to public or nonprofit private schools of medicine or dentistry to plan, develop, and implement a program of nutrition education within the curriculum. These grants should be structured by HEW to assure that properly trained staff members are available. The purpose of this program is to provide a single focus on applied nutrition education in our medical and dental schools.

The Comprehensive Health Manpower Training Act of 1971 provides general authority for grants for training and research in nutrition. My bill, however, would set up a special grant program to fund the teaching of nutrition in medical and dental schools.

Mr. President, I believe this program will save the American public many times what it will cost. This is really a program of preventive medicine. Our people need to know more about nutrition, and they should be able to rely on their doctors and dentists to give them sound advice. Most doctors and dentists and medical and dental schools recognize the need for more training in applied nutrition. This legislation will help our doctors keep our people healthy, and I hope the Senate will act swiftly on it.

Mr. President, I ask unanimous consent that the text of the Nutritional Medical Educational Act of 1973 be reprinted in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

### S. 324

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the Nutritional Medical Education Act of 1973.

Sec. 2. Section 769B of the Public Health Service Act is amended by redesignating such section as "769C" and by inserting after section 769A the following new section:

"GRANTS FOR NUTRITION EDUCATION

"Sec. 769B. There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974, and each of the next succeeding 4 years, for grants by the Secretary to public or nonprofit private schools of medicine or dentistry to plan, develop, and implement a program of nutrition education within their curriculum.

Sec. 3. (a) Subsection (a) of section 769C, as amended by this Act, is further amended by striking "and" in the first sentence, and inserting after "769A" ", and 769B".

(b) Subsection (c) of such section is amended by striking "or" in the first sentence and inserting after "769A" ", or 769B".

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By Mr. BIBLE (for himself and Mr. Cannon):

S. 325. A bill to expand the Boulder Canyon project to provide for the construction of a highway crossing the Colorado River immediately downstream from Hoover Dam. Referred to the Committee on Interior and Insular Affairs.

### TO EXPAND THE BOULDER DAM PROJECT

Mr. BIBLE. Mr. President, on behalf of myself and my colleague, Senator CANNON, I introduce for proper reference a bill to expand the Boulder Canyon project to provide for the construction of a highway crossing of the Colorado River immediately downstream from Hoover Dam.

Since at least 1967, a serious traffic situation has existed at the crossing of the Colorado River in the vicinity of Hoover Dam on U.S. Highway 93–466, in both Nevada and Arizona. The excessive traffic over this narrow and dangerous facility resulted in a decision by Senator CANNON and myself to request an alternative traffic crossing to relieve the existing congestion and hazards present in the continuation of the highway across the crest of Hoover Dam.

In December of 1970, the Bureau of Reclamation awarded a contract to make a study of improvements in the accommodations for visitors at Hoover Dam. The report submitted in April 1971 included consideration of the impact that construction of the proposed bridge might have on visitor attendance, traffic congestion, parking, and existing facilities at the dam. The recommendations, relative to the bypass bridge crossing the Colorado River below Hoover Dam, are that plans for the planning, design, and execution of the highway bypass be started as soon as possible. It concludes by saying that by 1975, without a bypass, through traffic will have to be diverted or else traffic in, around, and through the project area will be unmanageable, with restrictions on visitation at the dam.

We anticipate that the new crossing will be designed so as not to impair tourist access to the dam itself, southern Nevada communities, and the Lake Mead National Recreation Area.

We urge the administration to report promptly on this bill and early action by the Congress.

Mr. President, I send the bill to the desk for appropriate reference.

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By Mr. HARRY F. BYRD, JR.:

S. 328. A bill to amend section 2307 of title 10, United States Code, to limit to $20,000,000 the total amount that may be paid in advance on any contract entered into by the Departments of the Army, Navy, and Air Force, the Coast Guard, and the National Aeronautics and Space Administration. Referred to the Committee on Armed Services.

Mr. HARRY F. BYRD, JR. Mr. President, I send to the desk a bill and ask that it be appropriately referred, and I ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred and, without objection, the bill will be printed in the RECORD.

The text of the bill is as follows:

S. 328

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* that Subsection (b) of Section 2307 of Title 10, United States Code, is amended to read as follows:

"(b) Payments made under Subsection (a) in the case of any contract may not exceed $20,000,000, except with the prior approval of the Congress, and in no case may the amount of any such payment exceed the unpaid contract price."

SEC. 3. The enactment of this Act does not reduce or increase the retired or retainer pay to which a member or former member of an armed force was entitled on the day before its effective date.

SEC. 4. This Act becomes effective on the first day of the first calendar month beginning after the date of enactment.

Mr. HARRY F. BYRD, JR. Mr. President, the purpose of this bill is to close what might be a loophole in the various laws pertaining to loans and advances to defense contractors.

In 1970, the Senate amended the Defense Production Act and put a ceiling of $20 million on any loans or advances that might be made by the Defense Department to defense contractors. That legislation was written into law by the Senate by unanimous vote, on a recorded vote.

We now learn that the Department of the Navy has $54 million in outstanding loans to the Grumman Corp.

I have been informed indirectly that there is another section in the law separate from the Defense Production Act under which the Navy has acted. The Subcommittee on General Legislation of the Committee on Armed Services, the subcommittee of which I am chiarman, will hold a hearing on Monday to go into this question.

I am introducing legislation today to place a $20 million ceiling on the other section of the code to which the Navy Department has informally indicated it is relying. It may develop in the hearings that a $20 million ceiling is too low; that it should be greater than $20 million. The committee may favor a higher ceiling; the Senate may favor a higher ceiling. But I am introducing this legislation so there can be a hearing on it, so we can hear witnesses, and so that the Senate and Congress might place some limit on the amount of tax funds that can be expended as loans or advances by the Defense Department.

We thought we had covered that in 1970 when my legislation directed itself to the Defense Production Act. But now we find there is another section in the code upon which the Navy says it can rely, and that section is open ended. There is no limit. Whether the limit should be $20 million or a different figure, I submit there should be a limit.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUGHES. Mr. President, I ask that I be recognized in my own right.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HUGHES. Mr. President, I yield my 3 minutes to the distinguished Senator from Virginia.

Mr. HARRY F. BYRD, JR. I thank the Senator from Iowa.

The PRESIDING OFFICER. The Senator may proceed.

Mr. HARRY F. BYRD, JR. Mr. President, there should be a limit. I am willing to listen to the views of the Department of Defense. As much as I can I want to be guided by those views. If they have good reasons why the $20 million ceiling is too low, I am willing to give consideration to changing the situation I have just presented, but I do believe that we must not have these open-ended pieces of legislation permitting the departments of Government to spend tax moneys as they wish without any limitation.

We talk a lot in the Senate and in the House of Representatives about the Chief Executive assuming prerogatives. The Chief Executive did not assume this prerogative. Congress itself passed legislation of an open-ended nature; so I have been blaming Congress just as much as I have been blaming the executive branch of Government for the fact that Congress finds itself having either given away or having had taken away some of its responsibilities and some of its powers.

So the purpose of this legislation I introduce today is to focus attention on this question of open-ended loans and advances to defense contractors and to let Congress decide whether there should be a limitation. I have suggested the figure of $20 million but if the Senate feels that that figure should be changed then, of course, the Senate has the right to increase the figure as it thinks best.

In any case, there will be a hearing on Monday. The Subcommittee on General Legislation of the Committee on Armed Services will go into this question of advances and loans by the various departments to Government contractors.

I thank the distinguished Senator from Iowa for yielding to me his time.

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By Mr. THURMOND:

S. 329. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents. Referred to the Committee on Finance.

### CREDIT AGAINST THE INDIVIDUAL INCOME TAX FOR TUITION PAID FOR ELEMENTARY AND SECONDARY EDUCATION OF DEPENDENTS

Mr. THURMOND. Mr. President, in this year when it appears evident that our Federal income tax will undergo extensive revisions, I want to propose that provisions be made to allow individuals whose dependents attend nonpublic elementary or secondary schools to utilize a tax credit to assist in offsetting the costs of tuitions.

This proposal has received wide attention in recent years. Since parents who send their children to nonpublic schools are supporting public education through the payment of taxes and are also relieving public schools of the expense of educating their children, a strong case can be made for Government assistance to these parents. The bill I am introducing was considered at length by the House Committee on Ways and Means. That committee and its staff conducted public hearings in August and September 1972, and considered the bill in executive session near the end of the 92d Congress. At the hearing spokesmen for the administration expressed their support of the intent of this bill. It appears evident that a bill similar to this proposal will be reported by that committee to the full House of Representatives for consideration early in this Congress.

The more important aspects of this bill provide for determining the amount of credit allowable, determining what type education qualifies, and finally a provision determining the constitutionality of the credit. In computing the amount of credit that can be claimed, a $200 maximum tax saving per child for any school year is imposed. Also to be considered in determining the amount of credit is the provision in subsection (b) (2) which provides for phasing out the credit as an individual's income exceeds $18,000 per year.

The second major aspect of the bill limits the credit to those individuals whose dependents attend "private nonprofit schools" enjoying tax exempt status with the Internal Revenue Service. Also the credit is limited to tuition paid for education not to include kindergarten, nursery, or other preschool education and below the level of the 12th grade. The final major aspect of the bill anticipates questions relating to the constitutionality of the credit and provides for expeditious handling in resolving this conflict.

I am also enclosing at the end of my remarks a table prepared by the staff of the Joint Committee on Internal Revenue Taxation on January 2, 1973. The important conclusions reached in this study reveal that approximately 1.727 million families will save a total of $362.4 million in taxes.

Mr. President, I ask unanimous consent that the table prepared by the staff of the Joint Committee on Internal Revenue Taxation on January 2, 1973, and this bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the table and bill were ordered to be printed in the RECORD, as follows:

ESTIMATED REDUCTION IN FEDERAL INDIVIDUAL INCOME TAX LIABILITY UNDER A PROPOSAL TO GRANT AGAINST INCOME TAX OTHERWISE PAYABLE A TAX CREDIT EQUAL TO 50 PERCENT OF TUITION PAID FOR DEPENDENTS ATTENDING PRIVATE NONPROFIT ELEMENTARY AND SECONDARY SCHOOLS UP TO AN OVERALL LIMIT OF $200 PER DEPENDENT WITH A REDUCTION IN THE TOTAL CREDIT EQUAL TO 5 PERCENT OF THE EXCESS OF THE TAX RETURN ADJUSTED GROSS INCOME OVER $18,000.

[1973 tax law and estimated enrollment and tuition levels for school year 1972–73]

| Adjusted gross income class (thousands) | Estimated number of families | | Estimated number of students | | Amount of tuition | | Reduction of tax credit from simple 50 percent under the proposal [3] (millions) | Net tax credit under the proposal (millions) |
|---|---|---|---|---|---|---|---|---|
| | Total (thousands) (1) | Benefiting [1] (thousands) (2) | Total (thousands) (3) | Benefiting [1] (thousands) (4) | Total (millions) (5) | 50 percent [2] (millions) (6) | (7) | (8) |
| 0 to $3 | 47.1 | 0 | 94.2 | 0 | $2.8 | $1.4 | $1.4 | 0 |
| $3 to $5 | 116.5 | 38.8 | 232.9 | 77.6 | 10.3 | 5.1 | 4.1 | $1.0 |
| $5 to $7.5 | 275.0 | 252.5 | 687.5 | 597.3 | 55.2 | 27.6 | 6.2 | 21.4 |
| $7.5 to $10 | 436.9 | 426.0 | 1,092.3 | 1,065.0 | 152.7 | 76.3 | 5.5 | 70.8 |
| $10 to $15 | 617.9 | 617.9 | 1,544.9 | 1,544.9 | 301.2 | 150.6 | 23.6 | 127.0 |
| $15 to $20 | 283.2 | 283.2 | 708.1 | 708.1 | 388.8 | 194.4 | 82.2 | 112.2 |
| $20 to $25 | 92.1 | 83.7 | 230.4 | 221.9 | 209.9 | 105.0 | 79.4 | 25.6 |
| $25 to $50 | 85.7 | 24.9 | 214.3 | 84.6 | 217.6 | 108.8 | 104.4 | 4.4 |
| $50 and over | 21.6 | 0 | 53.9 | 0 | 60.9 | 30.5 | 30.5 | 0 |
| Total | 1,976.0 | 1,727.0 | 4,858.5 | 4,299.4 | 1,399.4 | 699.7 | 337.3 | 362.4 |

[1] Reduced because of nontaxable returns and the phaseout.

[2] Cost of a proposal for a payment equal to 50 percent of tuition without any limitations.

[3] Reduction in credit because of nontaxable returns, because of inadequacy of tax in some cases to absorb the tax credit fully, because of the limitation of the credit to $200 per student, and because of operation of the phaseout.

Source: Staff of the Joint Committee on International Revenue Taxation, Jan. 2, 1973.

## S. 329

A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

SECTION 1. ALLOWANCE OF CREDIT.

(a) GENERAL RULE.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by redesignating section 42 as section 43, and by inserting after section 41 the following new section:

"SEC. 42. TUITION PAID FOR ELEMENTARY OR SECOND EDUCATION.

"(a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, the amount determined under this section for tuition paid by him during the taxable year to any private nonprofit elementary or secondary school for the elementary or secondary education as a full-time student of any dependent with respect to whom the taxpayer is allowed an exemption for the taxable year under section 151 (e).

"(b) DETERMINATION OF AMOUNT.—

"(1) AMOUNT PER DEPENDENT.—The amount allowable under subsection (a) for the taxable year with respect to any dependent shall not exceed the lesser of—

"(A) 50 percent of the tuition paid by the taxpayer during the taxable year to a private nonprofit elementary or secondary school for the elementary or secondary education as a full-time student of such dependent during a school year which begins or ends in such taxable year, or

"(B) $200.

For purposes of this paragraph, the amount of the tuition with respect to any student which may be taken into account for any school shall not exceed $100.

"(2) REDUCTION OF CREDIT.—The aggregate amount which would (but for this paragraph) be allowable under subsection (a) shall be reduced by an amount equal to $1 for each full $20 by which the adjusted gross income of the taxpayer (or, if the taxpayer is married, the adjusted gross income of the taxpayer and his spouse) for the taxable year exceeds $18,000. For purposes of this paragraph, marital status shall be determined under section 143.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) TUITION.—The term 'tuition' means any amount required for the enrollment or attendance of a student at a private nonprofit elementary or secondary school. Such term does not include any amount paid directly or indirectly for meals, lodging, transportation, supplies, equipment, clothing, or personal or family expenses. If the amount paid for tuition includes any amount (not separately stated) for an item described in the preceding sentence, the portion of the amount paid for tuition which is attributable to such item shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) PRIVATE NONPROFIT ELEMENTARY OR SECONDARY SCHOOL.—The term 'private nonprofit elementary or secondary school' means an educational organization described in section 17(b) (1) (A) (ii)—

"(A) which is described in section 501 (c) (3) and which is exempt from tax under section 501(a),

"(B) which regularly offers education at the elementary or secondary level, and

"(C) attendance at which by students who are subject to the compulsory education laws of the State satisfies the requirements of such laws.

"(3) ELEMENTARY OR SECONDARY EDUCATION.—The term 'elementary or secondary education' does not include (A) kindergarten, nursery, or other preschool education, and (B) education at a level beyond the 12th grade. In the case of individuals who are mentally or physically handicapped, such term includes education offered as a substitute for education at the elementary or secondary level.

"(4) SECOND YEAR.—The term 'school year' means a one-year period beginning July 1 and ending June 30.

"(5) FULL-TIME STUDENT.—An individual is a full-time student for a school year if he is a student at one or more private nonprofit elementary or secondary schools during each of 5 calendar months during the school year.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a, to the taxpayer shall not exceed the amount of tax imposed on the taxpayer for the taxable year by this chapter (computed without regard to the tax imposed by section 56), reduced by the sum of credits allowable under this subchapter (other than under this section and sections 31 and 39).

"(e) AMOUNTS NOT TO BE TAKEN AS DEDUCTIONS.—Any payment which the taxpayer elects (in such manner as the Secretary or his delegate shall by regulations prescribe) to take into account for purposes of determining the amount of the credit under this section shall not be treated as an amount paid by the taxpayer for purpose of determining whether the taxpayer is entitled to (or the amount of) any deduction (other than for purposes of determining support under section 152).

"(f) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) LIMITATIONS ON EXAMINATION OF BOOKS AND RECORDS.—Section 7605 of the Internal Revenue Code of 1954 (relating to time and place of examination) is amended by adding at the end thereof the following new subsection:

"(d) Examination of Books and Records of Church-Controlled Schools.—Nothing in section 42 (relating to tuition paid for elementary or secondary education) shall be construed to grant additional authority to examine the books of account, or the activities, of any school which is operated, supervised, or controlled by or in connection with a church or convention or association of churches (or the examination of the books of account or religious activities of such church or convention or association of churches) except to the extent necessary to determine whether the school is a 'private nonprofit elementary or secondary school' within the meaning of section 42(c)(2)."

(c) Clerical Amendment.—The table of sections for such subpart A is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"Sec. 42. Tuition paid for elementary or secondary education.

"Sec. 43. Overpayments of tax."

(d) Effective Date.—The amendments made by this section shall apply to amounts paid on or after August 1, 1973, for school periods beginning on or after such date.

Sec. 2. Judicial Determination of Constitutionality.

(a) Taxpayers Have Standing To Sue.—Notwithstanding any other law or rule of law, any taxpayer of the United States may commence a proceeding (including a proceeding for a declaratory judgment or injunctive relief) in the United States District Court for the District of Columbia within the 3-month period beginning on the date of the enactment of this Act to determine whether the provisions of section 42 of the Internal Revenue Code of 1954 (as added by section 1 of this Act) are valid legislation under the Constitution of the United States. Proceedings commenced under this subsection may, at the discretion of the court, be consolidated into one proceeding.

(b) Judicial Determination.—Notwithstanding any other law or rule of law, the United States District Court for the District of Columbia shall have jurisdiction of any proceeding commenced as provided in subsection (a) and shall exercise the same without regard to whether a person asserting rights under this section shall have exhausted any administrative or other remedies which may be provided by law. Such proceeding shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

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By Mr. THURMOND:

S. 330. A bill to amend chapter 67—relating to retired pay for nonregular service—of title 10, United States Code, to authorize payment of retired pay actuarily computed to persons, otherwise eligible, at age 50, and for other persons. Referred to the Committee on Armed Services.

### PAYMENT OF RETIREMENT TO RESERVISTS AND GUARDSMEN AT AGE 50

Mr. THURMOND. Mr. President, in the 92d session of Congress I introduced a bill which would provide retired pay for nonregular military service at age 50 on an elective basis, at a reduced rate.

This legislation provoked heavy and favorable correspondence to my office and a number of my colleagues joined as cosponsors. Because it is my belief this legislation is fiscally sound and fully justified I wish to reintroduce this bill today.

Chief among my reasons for reintroduction is the need to provide incentives to keep young reservists and guardsmen in uniform as we move from the draft to the all-volunteer armed forces concept.

Mr. President, experience has shown that title III retirement at age 60 for guardsmen and reservists has not proven to be an effective retention incentive. This is significantly true among enlisted personnel where retention is most critical.

If this trend is not reversed, it will never be possible to retain effective Reserve forces under a volunteer concept without a draft. I propose to help reverse this trend and create a greater incentive for enlisted personnel to remain active in the Reserve components by authorizing eligible personnel to elect retirement after age 50.

The great majority of personnel currently drawing retired pay under title III are officers, and it is probable that many of these officers would have served 20 or more years even without retirement benefits.

As currently structured, retirement represents a substantial added cost without meeting the full potential return in the way of increased retention. It does, however, provide retired pay starting at age 60 for those individuals who have served their country for 20 or more years, even though all requirements have been met at an earlier age.

In searching for ways to reduce the dependency of the Guard and Reserves on the draft, it is appropriate to first look at ways for enhancing current benefits and incentives to make them more effective in recruiting and retention. In this regard, the Department of Defense Five Percent Reserve Survey of 1969 indicated a surprising potential in earlier age retirement for increasing recruitment and retention in the National Guard and Reserves.

For example, only 5.2 percent of the Army Guardsmen in grade E–1 and E–2 who were surveyed said that they would reenlist in the Guard after completing their 6 years of obligated military service without additional incentives. However, 28.8 percent of this same group indicated that they would reenlist in the Guard if retirement were to be granted at age 50. While these individuals may change their mind by the time they have served a full 6 years, the fact remains that a surprisingly high percentage of these young men were interested in retirement benefits right from the start of their military careers. This interest could mean that earlier age retirement would provide an excellent "door opener" for Guard and Reserve recruiting campaigns.

This same survey showed that only 7.8 percent of the enlisted Guardsmen polled, who were in their last—6th—year of obligated service, planned on reenlisting. However, with an earlier age retirement plan, 22.9 percent of these same personnel indicated they would reenlist.

Obviously, if an earlier age retirement plan alone would increase retention by nearly 300 percent, it would provide a major incentive for attracting combat veterans separating from active service and for retaining Guardsmen who have already completed 6 years of service. Such retention would represent a major saving in tax dollars required to train new recruits, and would represent an invaluable increase of experienced personnel for the Guard and Reserves who would materially increase unit combat readiness.

Mr. President, most importantly, it is possible to evaluate the effectiveness of an earlier age retirement as a recruitment and retention incentive without significantly increasing the cost of this program. This is possible by basing earlier age retirement on an actuarial plan depending upon the individual's age at the time he elects to take his retirement. Under an actuarial plan these individuals electing to start their retirement earlier would draw proportionately less per month.

For most Guardsmen and Reservists, the option of taking their retirement at age 50 or after completion of 20 years of creditable service would be much more attractive than retirement at age 60. Age 60 does not represent a realistic incentive for today's youth. Moreover, it is not consistent with active service 20- and 30-year retirement programs.

Currently, most Guardsmen and Reservists who are required to retire, because of years of service must suffer a loss in income corresponding to their Guard or Reserve pay. There is no opportunity to recover any part of this lost income through severence pay or through retired pay until age 60. Many Guardsmen and Reservists would appreciate the opportunity to arrange their retired service pay so as to commence at the time of their retirement from their primary civilian employment. Such a combination of retirement pay would provide added income at just the time when it is needed most. All of these options could be made possible under a revised earlier age retirement program.

One question concerning earlier age retirement is that it might increase turnover in the Guard and Reserve by enticing personnel to retire early so as to qualify for retired pay. While little factual data has been gathered which either refutes or confirms this possibility, it is doubtful that there would be much of an increase in early retirements resulting from earlier age retirement. This judgment is based primarily on experience with senior personnel who are forced out of the Guard and Reserve by provisions of the Reserve Officers Personnel Act—ROPA. It should be noted, however, that any added early retirements resulting from earlier age retirement pay would have offsetting value in that they would tend to stimulate promotions in the higher grades thus alleviating a current series problem in selected Reserve units.

Mr. President, in addition to enhancing recruitment and retention, earlier age retirement would provide the individual with a means for closing the gap in protection for his survivors by reducing the period between 20 qualifying years for retirement and the time at which he receives his first retirement paycheck.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 330

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1331(a) of title 10, United States Code, is amended by adding the following flush sentence to the end:

"However, a person who is under the age prescribed in clause (1), but is at least 50 years of age, is entitled to retired pay computed under section 1401 of this title, based upon mortality rates, among those who are currently retired, actuarily computed and prescribed for his age in the following table:

| "For ages: | *Rate per $100 of retired pay* |
|---|---|
| 50 | $49.19 |
| 51 | 52.44 |
| 52 | 55.97 |
| 53 | 59.83 |
| 54 | 64.06 |
| 55 | 68.68 |
| 56 | 73.77 |
| 57 | 79.37 |
| 58 | 85.55 |
| 59 | 92.40." |

SEC. 2. Section 1335 (a) of title 10, United States Code, is amended by striking out "60" and inserting in place thereof "50".

SEC. 3. The enactment of this Act does not reduce or increase the retired or retainer pay to which a member or former member of an armed force was entitled on the day before its effective date.

SEC. 4. This Act becomes effective on the first day of the first calendar month beginning after the date of enactment.

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By Mr. THURMOND (for Mr. GURNEY):

S. 331. A bill to establish the Chassahowitzka National Wilderness Area in the State of Florida;

S. 332. A bill to establish the St. Marks National Wilderness Area in the State of Florida;

S. 333. A bill to establish the Spessard L. Holland National Seashore in the State of Florida, and for other purposes; and

S. 334. A bill to authorize the acquisition of the Big Cypress national fresh water reserve in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. THURMOND. Mr. President, on behalf of the distinguished Senator from Florida (Mr. GURNEY), I introduce four bills, and I ask unanimous consent that a statement prepared by him in connection with these bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

### STATEMENT BY SENATOR GURNEY

Today I am introducing four bills dealing with the preservation and the protection of our natural environment. These four pieces of legislation were introduced in the last Congress, but were never enacted into law. They represent unfinished business which I hope the 93d Congress will complete.

Mr. President, I represent citizens who have as one of their primary goals the preservation of the natural beauty and wonders of their state. While Florida has an abundance of such resources she also, like other states, faces the problem of trying to stop the depletion of and encroachments upon her natural environment.

I intend to devote a great deal of my personal time and effort to this general legislative area during the 93d Congress and I can think of no better way of beginning than to introduce the following legislation.

### SPESSARD L. HOLLAND NATIONAL SEASHORE PARK

Mr. President, for over fifty years Spessard Lindsey Holland of Bartow, Florida, served the citizens of his state, most notably as a prime mover behind legislation to preserve Florida's natural environment. He wrote legislation that created one of the county's largest National Parks—The Everglades National Park. I think it is fitting that a park section in Florida be named after this distinguished statesman and defender of the environment.

On April 19, 1971, I introduced a bill which would establish the Canaveral National Seashore Park in the State of Florida. It is this parcel of land which I propose as the Spessard L. Holland National Seashore Park.

The parcel of property involved is an idyllic one, teeming with indigenous wildlife. For instance, the adjacent Merritt Island Wildlife Refuge has had 265 bird species identified within its boundaries.

The area to be included within this proposal for the National Seashore is an eighteen-mile stretch of beachfront. There are appoximately 35,000 acres involved of which some 24,421 acres have recently been turned over to the Department of Interior for management. This transfer of land was necessary to secure the area for the establishment of the Park.

I ask that my colleagues join with me in honoring one of Florida's respected servants.

### BIG CYPRESS NATIONAL WATERSHED

Mr. President, Big Cypress Swamp and the Everglades have remained relatively untouched by the effects of man for many years. It was not until early in this century, with the rapid development of Florida, that these areas became threatened, particularly from the disturbance of water flows through the swamp lands. Recognizing the fantastic wild land resources which this entire region constitutes and the imminent threat to its preservation. Congress, in 1934, authorized establishment of the Everglades National Park.

However, when this was done, it was without the incorporation of portions of the Big Cypress watershed that were originally included in the proposed park boundary.

The Administration, realizing the need to secure this area, proposed legislation to acquire the Big Cypress watershed and insure the existence of the Everglades.

Therefore, I am re-introducing this legislation in the hopes that my colleagues will join with me in the protection of this area.

### CHASSAHOWITZKA NATIONAL WILDERNESS AREA AND THE ST. MARKS NATIONAL WILDERNESS AREA.

Mr. President, today I am introducing two bills providing for the preservation, as wilderness areas, appropriate sections of the St. Marks Wildlife Refuge and the Chassahowitzka Wildlife Refuge. It was the purpose of the 1964 Wilderness Act to secure for the American people of present and future generations, the benefits of an enduring source of wilderness.

Wilderness areas are fast disappearing in this Country. These proposals would set some 48,000 acres aside to remain in their natural state.

The hearings and extensive studies which have been held on these proposals have served only to underline the overwhelming desire of residents and organizations to insure the preservation of these areas. All that is needed now is for Congress to pass this enabling legislation.

By Mr. CHURCH (for himself, Mr. WILLIAMS, Mr. HUMPHREY, and Mr. MCCLURE):

S. 335. A bill to promote development and expansion of community schools throughout the United States. Referred to the Committee on Labor and Public Welfare.

### COMMUNITY SCHOOL CENTER DEVELOPMENT ACT

Mr. CHURCH. Mr. President, on behalf of myself and the Senators from New Jersey (Mr. WILLIAMS), from Minnesota (Mr. HUMPHREY), and from Idaho (Mr. MCCLURE), I introduce for appropriate reference the Community School Center Development Act.

Many schools in our land, unfortunately, have now become "sleeping giants." The lights go out and the school plant closes down in midafternoon. The schoolhouse doors are locked on weekends and throughout the summer months.

These schools are using only a small part of their capacity to meet the needs of the communities they serve. They are directed at only one segment of the community—the young who receive their education behind the walls of these single-purpose institutions of learning.

And yet, in almost every municipality in the United States, the largest investment of public funds in physical facilities is the public school plant. Furthermore, these buildings, usually within walking distance of the neighborhoods they serve, are also frequently among the best and newest facilities in the area.

The bill which we introduce today—the Community School Center Development Act—meets the problem of the wasteful underuse of our schools by promoting the development and expansion of community schools in all 50 States.

Through implementation of the community school concept, the neighborhood school becomes a total community center for people of all ages and backgrounds, operating extended hours throughout the year. The school works in partnership with other groups in the community to provide recreational, educational, and a variety of other community and social services. Every community school designs its program to meet the needs of the particular people it serves. Economy results from new uses of existing resources and the elimination of duplication of effort.

This act would aid in developing community school in three ways:

First, Federal grants would be made available to strengthen and sustain existing community education centers, located at colleges and universities throughout the Nation, which train community school leaders and, in general, promote and assist the community school movement. Federal grants would also be available to institutions of higher learning to develop and establish new community education centers.

Second, Federal grants in each of the 50 States would be available for the establishment of new community school programs and the expansion of existing ones. These grants would help pay for the training and salaries of community school directors as well as other program expenses.

Third, the Commissioner of Education, who would administer this act, would also be charged with the added responsibility of promoting community schools through specific national programs of advocacy and education.

Mr. President, community education is a demonstrated success in our Nation today. The concept was developed in Flint, Mich., in the 1930's, under the leadership of the Charles Stewart Mott Foundation. Now there are over 600 established community school programs in the United States, and the number is growing steadily.

It is time for the Federal Government to recognize the worth of community schools by contributing to their further growth. The Mott Foundation has supported the community school concept consistently and generously over the years. The programs fostered by the Community School Center Development Act would build on such experience and give impetus and financial support to continuing expansion.

The added expenses involved in operating a community school program are small indeed. The very successful program in Flint, Mich., has increased the school budget by only about 6 percent. The many benefits of the program are estimated to cost the average Flint homeowner just a few pennies a day.

A greater return for every dollar spent means that community schools provide improved educational programs in a more economical way.

All segments of our population would benefit from this act. As chairman of the Special Committee on Aging, I want to emphasize the advantages to our elderly through its enactment. Programs of education, health, recreation, nutrition, and transportation—possibly with schoolbuses—could be established through community schools. The variety of possible programs of assistance and interest to the senior citizen is almost unlimited. Older Americans would join with their neighbors in serving on the community school councils that help devise programs to serve the special needs of each community.

Community schools are also ideally suited to play a major role in the expanded vocational training effort that this Nation must undertake. More people than ever before are changing jobs and careers during their lifetimes. Those in a given job often need more training to remain proficient at what they are required to do. The unemployed must develop new skills or improve existing ones to join the labor force.

Community schools are conveniently located to those who seek vocational training. School personnel know the particular needs of the people they serve. The community school's extended hours and year-round operation provide desirable flexibility to the potential trainee. The teachers and facilities of the community school represent a vast resource uniquely fit for the vital task of vocational training.

Using the schools to train our fellow Americans for jobs is a prudent investment for this Nation. Many people can be helped to avoid the welfare rolls. Still others can be moved from the welfare rolls onto the employment rolls, becoming tax-paying citizens with a new dignity and respect.

Community schools may be called innovative and modern in concept by some. Yet they are truly based on the "little red schoolhouse" of our past. This traditional institution of an earlier America is being brought back to modern America through community schools and the idea of continuing community education. Today, through the community schools, the school can once again contribute in full measure to the people and community it serves.

I wish to acknowledge with much gratitude the assistance of the Charles Stewart Mott Foundation and the National Community School Education Association in providing information which proved useful in the preparation of this bill.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 335

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

SECTION 1. This Act may be cited as the "Community School Center Development Act".

#### STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to provide recreational, educational, and a variety of other community and social services through the establishment of the community school as a center for such activities in cooperation with other community groups.

#### DEFINITIONS

SEC. 3. As used in this Act the term—

(1) "Commissioner" means the Commissioner of Education;

(2) "State" includes, in addition to the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(3) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of State elementary and secondary education or if there is no such officer or agency, an officer or agency designated by the Governor or State law;

(4) "Council" means the Community Schools Advisory Council;

(5) "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (D) is a public or other nonprofit institution, and (E) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of clauses (A), (B), (D), and (E). For purpose of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(6) "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or any combination thereof as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and

(7) "community school program" means a program in which a public elementary or secondary school is utilized as a community center operated in cooperation with other groups in the community to provide recreational, educational, and a variety of other community and social services for the community that center serves.

### TITLE I—COMMUNITY EDUCATION CENTER GRANTS

SEC. 101. (a) The Commissioner shall make grants to institutions of higher education to develop and establish programs in community education which will train people as community school directors.

(b) Where an institution of higher learning has such a program presently in existence, such grant may be made to expand the program.

#### APPLICATIONS

SEC. 102. A grant under this title may be made to any institution of higher education upon application to the Commissioner at such time, in such manner, and containing and accompanied by such information as the Commissioner deems necessary. Each such application shall—

(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) describe with particularity the programs and activities for which such assistance is sought;

(3) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(4) provide for making such reasonable reports in such form and containing such information as the Commissioner may reasonably required.

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 103. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

### TITLE II—GRANTS FOR COMMUNITY SCHOOLS

SEC. 201. (a) The Commissioner may, upon proper application, make grants to local educational agencies for the establishment of new community school programs and the expansion of existing ones.

(b) Grants shall be available for the training and salaries of community school directors as well as actual and administrative and operating expenses connected with such programs.

### APPORTIONMENT

SEC. 202. The number of project grants available to each State, subject to uniform criteria established by the Commissioner, shall be as follows:

(1) States with a population of less than five million shall receive not more than four projects;

(2) States with a population of more than five million but less than ten million shall receive not more than six projects;

(3) States with a population of more than ten million but less than fifteen million shall receive not more than eight projects; and

(4) States with a population of more than fifteen million shall receive not more than ten projects.

### CONSULTATION WITH STATE EDUCATIONAL AGENCY

SEC. 203. In determining the recipients of project grants the Commissioner shall consult with each State educational agency to assure support of a program particularly suitable to that State and providing adequate experience in the operation of community schools.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 204. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

## TITLE III—COMMUNITY SCHOOL PROMOTION

### PROMOTION

SEC. 301. In order to promote the adoption of community school programs throughout the United States the Commissioner shall—

(1) accumulate and disseminate pertinent information to local communities;

(2) appoint twenty-five teams, consisting of not more than four individuals on each team, to assist communities contemplating the adoption of a community school program; and

(3) establish a program of permanent liaison between the community school district and the Commissioner.

### ADVISORY COUNCIL

SEC. 302. (a) There is hereby established in the office of the Commissioner a Community Schools Advisory Council to be composed of seven members appointed by the President for terms of two years without regard to the provisions of title 5, United States Code.

(b) The Council shall select its own Chairman and Vice Chairman and shall meet at the call of the Chairman, but not less than four times a year. Members shall be appointed for two-year terms, except that of the members first appointed four shall be appointed for a term of one year and three shall be appointed for a term of two years as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office. A vacancy in the Council shall not affect its activities and four members thereof shall constitute a quorum. The Commissioner shall be an ex officio member of the Council. A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation.

(c) The Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

### FUNCTIONS OF THE COUNCIL

SEC. 303. The Council shall advise the Commissioner on policy matters relating to the interests of community schools.

### COMPENSATION OF MEMBERS

SEC. 304. Each member of the Council appointed pursuant to section 302 shall receive $50 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of the Council. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 305. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

## TITLE IV—MISCELLANEOUS

### PROHIBITIONS AND LIMITATIONS

SEC. 401. (a) Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

(b) Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for the construction of facilities as a place of worship or religious instruction.

### JUDICIAL REVIEW

SEC. 402. (a) If any State or local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of applications submitted under title II, or with his final action under section 405, such State or local educational agency may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such agency is located a petition for review of that action. A copy of that petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner shall file promptly in the court the record of the proceedings on which he based his action, as provided for in section 2112 of title 28, United States Code.

(b) the findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

### ADMINISTRATION

SEC. 403. (a) The Commissioner may delegate any of his functions under this Act to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

### PAYMENTS

SEC. 404. Payments under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

### WITHHOLDING

SEC. 405. Whenever the Commissioner, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision; the Commissioner shall notify in writing such recipient of his findings and no further payments may be made to such recipient by the Commissioner until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Commissioner may authorize the continuance of payments with respect to any programs or activities pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

### AUDIT AND REVIEW

SEC. 406. The Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee, under this Act, that are pertinent to the grant received.

### REPORTS TO THE CONGRESS

SEC. 407. The Commissioner shall transmit to the President and to the Congress annually a report of activities under this Act, including the name of each applicant, a brief description of the facts in each case, and the number and amount of grants.

Mr. WILLIAMS. Mr. President, in the 19 years since I first came to Congress, I have witnessed some dramatic changes in the education system in the United States.

The launching of sputnik had a profound effect upon us.

Education shifted from a matter of local and State concern to a national priority.

As we moved into the decade of the 1960's our increasing awareness of the inequities of "the system" as a whole led us to begin to spend substantial amounts of our Federal dollars on college scholarships, library programs, and the compensatory education of disadvantaged children.

And these were landmark programs of which we can all be proud.

Unfortunately, this has not been enough. We are faced with a greater crisis in our schools than ever before. And this is particularly true in our cities and in low-income areas.

There have been numerous reasons given for this crisis—nonresponsive curricula; inadequate distribution of teachers; inadequate and unfair local taxing policies; lack of public support for education; insensitivity to individual student needs—the list seems endless.

What is really happening, however, is that in large part education is serving classes of people in different ways but there is no force binding these classes together. In short, school are not serving their communities as a community.

Why is it that so many parents ask their kids each night at the dinner table—"What did you do at your school today?" Why is it that there are only a few nights each year when a parent visits the local school and then only to find out how their child is progressing? Why has it become so difficult for localities to win approval of school bond issues?

There are no easy answers to these and countless other questions which are being asked with regard to our present system of education.

But one of the answers is that the increasing fragmentation in our society has blinded us to the fact that education can become a community affair, and as such can provide a priceless service to all the people of that community.

Over 30 years ago in Flint, Mich., under the direction and leadership of Charles Stewart Mott and the Mott Foundation, the concept of the community school center was first conceived. As this program developed the school became a complete neighborhood facility serving not only schoolchildren but adults, senior citizens, and community groups with a full complement of education, social, recreational, health, local government, public safety and vocational services.

In fact, the community school has become an institution which is tailor made for the job of expanding and extending opportunities within the framework of elementary and secondary education. The programs which it offers grow out of the needs of society and the personal and social requirements of the community. These centers have clearly demonstrated their potential to respond to society's changing needs in ways that bring about improvement to the localities they serve.

Today, there are over 300 established community school programs throughout the United States—and that number is growing steadily. A Senator from a large urban State such as my own does not have to go beyond the boundaries of his constituency to see how quickly community education is catching on. In New Jersey there are at least six districts which have active and successful community school center programs. And the list is growing. Other school districts are in the process of starting such programs or are actively considering their implementation. Montclair State College has a program funded by the State and the Mott Foundation for the training of community school directors. There is a center in southern New Jersey which serves eight counties in the area. Indeed, I was most gratified to note the commitment which was made by New Jersey's Commissioner of Education, Dr. Carl Marburger, at the Sixth Annual Adult and Continuing Education Resident Institute held in May of this year. He said:

> I believe that only now are we beginning to appreciate the real need for community involvement in education—although, of course, the idea is not new. At one time, the school *was* the community; but as our way of life became more complex and moved at a more rapid pace, the schools began to drift away from the idea, to become more isolated from the mainstream of community life. In our striving to keep up with technological progress *and* sheer bigness, we educators have built islands in our culture—honest, decent islands, to be sure, but often lacking relevance to the real world around them.

And there are many other examples of State and local commitment to the community school center. We saw dramatic evidence of the value of this concept here in Washington, D.C., where 13 community schools have grown up. The results have been that daily attendance increased; there was improved participation at PTA meetings, vandalism at these schools sharply declined, the libraries were used to a fuller extent, children's reading ability improved, and there was a remarkable rise of pride and involvement in the educational process on the part of parents, teachers, students, and the citizens in the surrounding neighborhoods. Similar reports have come in from across the Nation from Wisconsin, Ohio, Idaho, Kentucky, Arizona and Utah.

As my colleagues know, a few years ago I became interested in a movement which was gaining momentum in higher education—the comprehensive community colleges. In many respects community colleges fulfill the same role as community school centers. They are close to the people who they are designed to serve. They give young and old alike the opportunity to develop and express themselves in a wide variety of living and learning situations. They are flexible institutions and try to foster a sense of community spirit. And much like the community school movement they were making it on their own, expanding at a phenomenal rate, but with minimal support from the Federal Government.

In response to a clear national need I introduced legislation to provide substantial Federal financial assistance to both expand and also to establish comprehensive community colleges. I am happy to say that the major substance of this bill was included in the Higher Education Amendments of 1972 which were enacted in June of last year.

It was for virtually the same reasons that I joined with Senator CHURCH in the last Congress in introducing that Community School Center Development Act. And it is why we are reintroducing this bill today.

It is my feeling that this legislation will provide the boost which is needed to make community schools a reality throughout the United States. Only a coordinated national effort can bring this about.

The Community School Center Development Act will not, at the outset, be a comprehensive bill reaching every school district in the Nation. It is a pilot program designed to serve as the beginning of an all-out Federal effort. It will work in several ways.

First, it authorizes Federal grants to be made to colleges and universities interested in developing or expanding community education centers for the training of community school directors. This group of community education personnel serve as the key to successful community school programs and will provide the leadership necessary to follow through on our commitment.

Second, it will make Federal funds available to a specified number of school districts in each State which want to establish new community school programs or expand existing programs. These grants will be available to help cover the training and salary costs of community school directors as well as other program expenses.

Third, the Commissioner of Education will be charged with the responsibility of promoting the adoption of community school programs throughout the country. He will have at his disposal 25 teams whose job it will be to lend advice and assistance to communities wishing to adopt these programs.

In addition, the bill establishes a Community School Advisory Council to advise the Commissioner on policy matters relating to the interests of community schools.

Since Senator CHURCH and I first introduced this bill on October 12, 1971, we have received a remarkable and most welcome response in support of our efforts. While the press of other legislative business made further action impossible in the last Congress, I am most anxious to move ahead on the bill this year. The whole structure of American education must be infused with fresh and flexible approaches. The Community School Center Development Act will be an important part of that new look.

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By Mr. HART (for himself, Mr. METCALF, and Mr. CASE):

S. 336. A bill amending section 133(f) of the Legislative Reorganization Act of 1946 with respect to the availability of committee reports prior to Senate consideration of a measure of matter. Referred to the Committee on Government Operations.

### AMENDING THE LEGISLATIVE REORGANIZATION ACT OF 1946

Mr. HART. Mr. President, I am today introducing two measures which deal with the operation of the Senate. They are both geared to helping this body become more responsible, efficient, and better informed.

The first (S. 336), which is cosponsored by Senators METCALF and CASE, deals with adequacy of notice and information to Senators before Senate floor consideration.

As originally reported in 1967, the Legislative Reorganization amendments provided that a measure or matter reported by any standing committee of the Senate could not be considered in the Senate unless the report of the committee had been available for at least 3 calendar days—excluding Saturdays, Sundays, and legal holidays.

On the Senate floor, the bill was amended by voice vote to permit waiving of this provision by joint agreement of the majority leader and the minority leader.

Mr. President, I mean no disrespect whatsoever to the present majority and minority leaders when I say I believe the original language was preferable. In order for Senators to legislate intelligently, and on the basis of the facts, it seems to me essential that at a minimum they have available—reasonably in advance of floor debate—the report of the committee involved, together with such minority or supplemental views as committee members may wish to add.

The essential spirit of the Reorganization Act was to assure sufficient time for Senators to make informed decisions. Yet this provision makes it possible for legislation to be debated and voted upon—as has happened—through agreement of the leaders or their designees as the 1967 debate stipulated, without this most elementary information being in the hands of the Senators in time to be studied.

We would be better off, in my opinion, to strike this waiver. Then, if sudden action were essential, the unanimous-consent device could be utilized and all Senators would be on notice. In my view, we place an impossible burden on the leadership to do otherwise.

Accordingly, (S. 336) simply strikes subsection (1) of section 133(f) of the Legislative Reorganization Act of 1946, thus restoring the 3-day rule except for, first, declaration of war or national emergency; or, second, any executive decision which would become effective absent action by the Congress.

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By Mr. BROCK (for himself, Mr. ALLEN, Mr. BAKER, Mr. HARRY F. BYRD, JR., Mr. EASTLAND, Mr. GOLDWATER, Mr. HANSEN, Mr. STENNIS, Mr. THURMOND, Mr. TOWER, and Mr. GRIFFIN):

S.J. Res. 14. A joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools. Referred to the Committee on the Judiciary.

(The remarks of Mr. BROCK and other Senators upon the introduction of this joint resolution are printed earlier in the RECORD under "Compulsory School Busing.")

## ADDITIONAL COSPONSORS OF BILLS

### S. 49, S. 59 AND S. 284

Mr. WILLIAMS. Mr. President, after Congress had adjourned sine die last October, Mr. Nixon vetoed two pieces of legislation which were vital to the welfare of certain veterans and their families. With these vetoes, he effectively slammed the door in the face of those veterans who have anticipated a burial in a national cemetery or who have been massively disabled in military service to America.

The men whose hopes and welfare were dashed by this callous disregard to their sacrifice are the same men who followed their orders and either defended our country in perilous times or participated in the tragedy we have perpetrated in Vietnam. Now their service is over, their commitment has been met and in the course of fulfilling that service they have died or been disabled, but the benefits approved in Congress by a substantial margin will not be received.

I am most gratified that identical legislation has been reintroduced early in this session and today I am adding my name as a cosponsor of both the National Cemeteries Act of 1973, S. 49, and the Veterans Health Care Expansion Act of 1973, S. 59.

In the near future, we must terminate the shameful, destructive war in Vietnam which Mr. Nixon insists on sustaining and we must improve Government assistance to those Americans who have suffered dearly during military service. As a result, I am again supporting these two important bills and urge Congress to approve them rapidly.

The National Cemetery Act of 1973 establishes within the Veterans' Administration a national cemetery system and realistically increases the existing burial allowance. Congress has been studying and developing legislation to achieve these basic goals since 1966. And while this sort of revision has been pending in Congress, the national cemetery system has not been expanded. As a result, most of these cemeteries are full and veterans are either unable to be buried in a national cemetery or must be buried in such a cemetery several hundred miles from their homes.

For example, in New Jersey there are over 1,100,000 veterans, yet except for a very few Vietnam casualties the Beverly National Cemetery has been closed to new burials since the end of 1965.

Last year I emphasized the critical shortage of burial space in New Jersey by introducing legislation to expand the Beverly National Cemetery. Unfortunately, action was not taken on that bill and now New Jersey veterans must seek burial space as far away as Long Island or North Carolina.

Under S. 49, the Administrator of the Veterans' Administration would be in a position to resolve this situation by conducting a survey to determine the need for national cemeteries throughout the country and then requesting authorization from Congress for the acquisition and development of the most sorely needed cemeteries.

Mr. President, I am joining as a sponsor of Senator CRANSTON's bill, the Veterans Health Care Expansion Act. This legislation would open up our veterans' hospital system to the wives and children of veterans who were totally disabled in combat and to the wives and children of men who died in service to their country. It extends to those men who have 80-percent service-connected disabilities the full benefits of the VA medical system.

With regard to the facilities and services available, the bill requires that the separate medical departments of each VA hospital bring their staff to patient ratio up to the same level of hospitals in the community and provides for improved structural safety of all VA facilities. Finally, this bill establishes a sickle cell anemia program in the veterans' health care system.

This bill would have a substantial impact on New Jersey's large veteran population. For example, the families of nearly 8,000 New Jerseyites who died in service, the 2,000 veterans who are 80- or 90-percent disabled, and the families of veterans who are totally disabled would be brought into the VA hospital system for the first time.

Apparently, Mr. Nixon in vetoing this bill did not feel that these men and their wives and children who gave their all to America should be able to have the assurance that their health needs will be met by their Government.

Today I am also pleased to cosponsor Senator CRANSTON's bill, S. 284, which provides comprehensive treatment and rehabilitative services for veterans who suffer from alcoholism and drug abuse. The war in Vietnam has led to a new series of problems for the military services which we must confront. Just as we are experiencing the return of more totally disabled veterans who were whisked from the Vietnam battlefield in helicopter medivacs, so also great numbers of American veterans are returning from war addicted to drugs for the first time.

All of these men must be cared for and assisted in this time of need. Fortunately, Senator CRANSTON has reintroduced the Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1973 which passed the Senate last year but died in the House.

I am pleased to support these three pieces of legislation as Congress again is demanding that the sacrifices made by so many Americans in the service of our country must be recognized. Despite anticipated administration opposition, we shall strive to insure that veterans receive the benefits and care they rightfully expect and deserve from their Government.

I commend Senators HARTKE and CRANSTON for their important leadership in veterans matters. I trust that Congress will give speedy approval to these bills.

### S. 250

At the request of Mr. RIBICOFF, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 250, to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents.

### S. 260

At the request of Mr. CHILES, the Senator from Maryland (Mr. BEALL), the Senator from South Dakota (Mr. McGOVERN), the Senator from Florida (Mr. GURNEY), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 260, to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes.

## SENATE RESOLUTION 14—SUBMISSION OF A RESOLUTION TO AMEND RULE XXVII

(Referred to the Committee on Rules and Administration.)

Mr. SCHWEIKER. Mr. President, I submit a resolution to amend rule XXVII of the standing rules to provide for the appointment of Senate Conferees.

This proposal would add to the Senate rules a requirement that the majority of the members of a conference committee must be in favor of the legislation as passed by the Senate, as well as in favor of the prevailing opinion of the Senate on the major matters in disagreement with the House of Representatives. In addition, the rules change would formalize existing precedent that the conferees need not be members of the Senate committee which has reported the original measure to the Senate.

Similar provisions have already been adopted by the Democratic conference by a vote of 42 to 1 in 1972. I think this overwhelming vote reflects the logic and appropriateness of this approach to the selection of the members of a conference committee.

Mr. President, I am pleased that the following Senators are joining me as cosponsors of this resolution: CRANSTON, CHURCH, HART, HATFIELD, HUGHES, JAVITS, MATHIAS, MOSS, PROXMIRE, RIBICOFF, STAFFORD, STEVENSON, and TAFT.

This is a very simple resolution, which has already been agreed to by a substantial portion of the Senate. Therefore, I am hopeful it will receive speedy consideration by the Rules Committee so that it can be passed by the Senate and incorporated into the standing rules at an early date.

Mr. President, I ask that the text of the resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 14

*Resolved*, That Rule XXVII of the Standing Rules of the Senate is amended—

(1) by striking out of the heading "REPORTS OF"; and

(2) by adding at the end thereof the following new paragraph:

"3. The chairman of a committee reporting a measure to the Senate shall, in nominating Senate conferees to serve on a committee of conference considering such measure, make certain insofar as practicable that at least a majority of the conferees he nominates shall have indicated their support of such measure as passed by the Senate and their support for the prevailing opinion of the Senate on each of the principal matters of disagreement with the House of Representatives on such measure. A Senator need not be a member of the committee of the chairman nominating such conferees in order to serve as a conferee considering such measure."

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## SENATE RESOLUTION 15—SUBMISSION OF A RESOLUTION

### FOR STUDY OF SENATE HEARING OFFICER SYSTEM

(Referred to the Committee on Rules and Administration.)

Mr. HART. Mr. President, certainly few days pass in the Senate without several of its Members complaining about the impossible schedule they are attempting to follow.

Anyone who has had more than an hour's contact with the Senate, would—in fairness I think—agree that as the years have passed the schedule has become humanly impossible.

Much of this is due to the weight of subcommittee and committee meetings which—especially when they are constantly interrupted by other business as they inevitably are—seem unending.

Each of us frequently faces a schedule card in the morning that will list three, four, or as many as five hearings, conferences, executive sessions, or such committee business for the day. Most likely all are running concurrently.

Mr. President, the present committee hearing system I suspect made good sense when being a Member of Congress was a part-time job and when the world moved much more slowly.

Unfortunately, today's world cannot accommodate a Senate hearing system reflecting the world that was.

Therefore, I today submit a resolution which would establish a special committee to investigate the feasibility of improving the efficiency of the Senate's hearings. In particular, this committee—consisting of 19 members of the Senate—would be charged with examining the feasibility and desirability of adopting a Senate hearing officer system.

Let me explain a little as to how I conceive such a system might operate—and the advantages it would hold for making it possible for each of us to do a better job.

These are, of course, initial impressions—subject to rejection or more hopefully, improvement by the special committee.

Basically, the function of the hearing officers would be to preside over hearings and to present a condensed report to members of the subcommittee—or committee—sitting en banc.

The committee itself would have full discretion and responsibility for matters which would be assigned to the hearing officers—and at what point of the information gathering process those matters would return to the committee for further work or solution.

Hearings would be conducted, under hearing officers, much as they now are when a Senator is presiding. In other words, majority and minority staff would present both sides of the questions.

When the report of the hearing officer is presented to the committee or subcommittee, minority and majority counsel would be responsible for time-limited, oral arguments. Hearing officers would be empaneled before the committee to respond to specific questions and to receive instructions for additional hearings or remand of the subject for additional work.

Senate hearing officers would be restricted to those matters specifically referred by the committees and subcommittees and would not have original jurisdiction for either legislative or investigative proceedings.

Mr. President, the advantages of this system, I think, are evident.

First, of course, it would give each of us hundreds of hours every session to devote to matters now getting too little attention. This may be floor work, research, meetings with constituents or really delving into matters before the committees.

Second, and perhaps of first importance to the Nation—legislative and investigative hearings, which these days never are held simply because there is no Senator to chair, will be held. Further, the legislative process could be taken more easily to the people rather than reserved almost exclusively for Washington.

Not being able to hold hearings has been a real problem for all of us, I am sure. Perhaps the Senate Antitrust and Monopoly Subcommittee, which I chair, is as good an example this year as any.

Two months of hearings were wiped out because of the Kleindienst matter which was before the full committee. Two more weeks were lost for the Democratic convention and two more for the Republican convention. Additional weeks were lost because the majority leader found it necessary to restrict severely hearings preceding these recesses—and the adjournment we are now trying to achieve—in order to have Senators on the floor.

Once adjournment is reached, the subcommittee will not be able to hold hearings until after the election because of other commitments by its members. The same may hold true until after the first of February next year.

So, it is entirely possible that from February 1972 to February 1973, the subcommittee staff would have only 4 or 5 months in which to schedule hearings.

Which brings up the third advantage of adopting a new hearing system—the more efficient use of committee staff. I would hesitate to estimate how many hours under the present system are wasted because of rescheduling of hearings due to conflicts in the presiding Senator's schedule or waiting in hearing rooms while we respond to vote calls or other duties.

To understand just how long and drawn out the hearings process can be, perhaps we should once more look at the Senate Antitrust and Monopoly Subcommittee.

An important study done by this group was that of economic concentration. Hearings spread over 7 years, 1964–1970. Yet, they covered only 50 hearing days—something that could easily be handled by hearing officers in a few months if it were deemed desirable.

The fourth advantage of such a system would be that Senators would escape the tedium of sitting through the lengthy oral-information-gathering process—and still have the advantage of summaries of the significant detail necessary to making responsible decisions.

Further—since I would hope the hearing officers would be allowed to depose witnesses and accept return of subpenaed material—we would be relieved from such journeys as the famous Dita Beard Denver trip.

We would be served by a professional staff of hearing officers—split into several panels, each gaining expertise in the subject matter it handles. The hearing officers might be appointed by the Democratic and Republican caucus at the beginning of each Congress and the panels would be organized in proportion to the representative memberships of the parties.

Mr. President, I recognize the irony in suggesting establishing another committee when the thrust of these remarks is to outline the committee burden members now have.

However, I do not conceive that the work of this committee would be either heavy—or long lived. The resolution suggests a life of 8 months—reporting back in time to adopt the recommendations during the 93d Congress. Now, that may seem a short period of time, but in some initial shopping around we have discovered that several organizations are ready and willing to do the research necessary to give a full picture of the pros and cons of the system.

Further, we do not necessarily have to think of this as a system to be adopted immediately across the board by the entire Senate committee system. I—as one subcommittee chairman—would entertain happily the idea of participating in a demonstration project.

It seems entirely practical to me that three or four committees and subcommittees might test out the hearing officer system before deciding whether the full Senate wants to adopt it.

So the information needed to develop a sound idea of the merits and the mechanics is not so difficult. It is my hope that we will move quickly to get the research underway.

The resolution is as follows:

### S. Res. 15

*Resolved,* That (a) there is hereby established a special committee of the Senate which shall be known as the Special Committee To Investigate Improvement in the Senate Hearing Process (hereinafter referred to as the "committee") consisting of nineteen Members of the Senate to be designated by the President of the Senate, as follows:

(1) one Senator from the majority party who shall serve as chairman;

(2) two Senators who are members of the Committee on Rules and Administration;

(3) two Senators who are members of the Committee on Banking, Housing and Urban Affairs;

(4) two Senators who are members of the Committee on Agriculture and Forestry;

(5) two Senators who are members of the Committee on Commerce;

(6) two Senators who are members of the Committee on Finance;

(7) two Senators who are members of the Committee on Government Operations;

(8) two Senators who are members of the Committee on Interior and Insular Affairs;

(9) two Senators who are members of the Committee on the Judiciary; and

(10) two Senators who are members of the Committee on Labor and Public Welfare.

One Senator appointed from each such committee under clauses (3)-(10) of this subsection shall be a member of the majority party and one shall be a member of the minority party.

(b) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(c) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purpose of this resolution.

(d) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct. The committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(e) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate.

(f) The committee shall cease to exist on June 30, 1974.

Sec. 2. It shall be the duty of the committee—

(a) to make a full and complete study and investigation of the extent to which the Senate investigative and legislative hearings can be conducted by Senate hearing officers who shall be professional staff members appointed by the Senate in accordance with rules to be adopted by the full Senate based on the report and recommendation of this committee.

(b) to make recommendations with respect to the foregoing, including proposed Senate rules, improvements in the administration of existing rules, laws, regulations, and procedures, and the establishment of guidelines and standards for the conduct of Senate hearings.

(c) on or before January 31, 1974, the committee shall submit to the Senate for reference to the standing committees a final report of its study and investigation, together with its recommendations. The committee may make such interim reports to the standing committees of the Senate prior to such final report as it deems advisable.

Sec. 3. (a) For the purposes of this resolution, the committee is authorized to (1) make such expenditures, (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable, except that the compensation so fixed shall not exceed the compensation prescribed under chapter 51 and subchapter III of chapter 53 of title 5, United States Code, for comparable duties.

(b) The committee may (1) utilize the service, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

(c) Subpenas may be issued by the committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

Sec. 4. The expenses of the committee under this resolution, which shall not exceed $250,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

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## NOTICE OF HEARING ON A NOMINATION

Mr. JACKSON. Mr. President, I wish to announce for the information of the Members of the Senate and other interested persons that the Committee on Interior and Insular Affairs has scheduled open public hearings for Tuesday, January 16, 1973, on the nomination by President Nixon of Dr. John C. Whitaker to be Under Secretary of the Interior.

I ask unanimous consent that a brief biographical sketch of Dr. Whitaker be printed in the Record at this point in my remarks.

The hearing will begin at 10 a.m. in room 3110 of the Dirksen Senate Office Building. Any Members of the Senate wishing to testify or submit statements for the hearing record should so advise the staff of the Committee on Interior and Insular Affairs.

There being no objection, the sketch was ordered to be printed in the Record, as follows:

### Biographical Sketch of Dr. John C. Whitaker, Under Secretary of the Interior, Designate

Dr. John C. Whitaker brings to this challenging post a sound record of achievement in environmental and natural resource programs that spans almost two decades.

A graduate of Georgetown University, Dr. Whitaker received his PhD in geology from Johns Hopkins University in 1953, and has had extensive experience cataloguing and evaluating natural resources for the private sector, industry, and the United States and foreign governments.

Dr. Whitaker's intense concern for the relationship between man and his environment has had a profound influence on his career.

Prior to his appointment as Secretary to the Cabinet in 1969, Dr. Whitaker was the Vice President of the International Aero Service Corporation of Philadelphia and headed numerous studies of natural resources in the fields of land use, mineral, petroleum, timber and soil evaluaion.

While a member of the White House staff, Dr. Whitaker served as a Deputy Assistant to the President coordinating inter-departmental task forces to develop executive initiatives annunicated in the President's Messages on the Environment and the President's Clean Energy Message.

A member of the American Association of Petroleum Geologists, the Geological Society of America, the Society of Exploration Geophysicists, the American Congress on Surveying and Mapping and the American Institute of Mining and Metallurgical Engineers, Dr. Whitaker is married to the former Elizabeth Bradley and resides in Bethesda, Maryland with their five sons.

Born: December 29, 1926 at Victoria, British Columbia, Canada, of U.S. citizen parents.

Education: Graduated Loyola High School, Baltimore, Maryland—1944 Bachelor of Social Science, Georgetown University, Washington, D.C.—1949.

Ph. D., Geology, Johns Hopkins University, Baltimore, Maryland—1953.

Special Courses: United States Navy Aerographers School (weather data compilation and forecasting); Lakehurst, New Jersey—1945.

Massachusetts Institute of Technology, Cambridge, Massachusetts, summer course in photogrammetry and aerial photograph interpretation—1958.

#### FAMILY

Married to the former Elizabeth Bradley; five children: John Clifford—13 years; Robert Carroll—11 years; Stephen Bradley—9 years; William Burns—7 years; James Ford—4 years.

Residence: 8013 Greentree Road, Bethesda, Maryland 20034.

#### POSITIONS

1947: Summer employment while in college—with the United States Coast and Geodetic Survey performing topographic mapping in the City of Philadelphia.

1948–49: Summer employment while in college—with the United States Geological Survey field party in Alaska investigating potential mineral deposits.

1951–53: Instructor, college level geology at Johns Hopkins University, Baltimore, Maryland while attending graduate school.

1953–55: Geologist for Standard Oil of California—performing exploration field petroleum geology—Utah, Nevada, California, Washington States.

1955–57: Manager—Geophysical sales—Lundberg Exploration, Ltd. Toronto, Canada (airborne and ground geophysical contracting).

1957–59: Manager, Geophysical sales, Hycon Aerial Survey, Inc., Pasadena, California (aerial mapping, photo interpretation, air and ground geophysical contracting).

1959–66: Vice President, International Aero Service Corp., Philadelphia, Pa.—airborne and ground geophysics; aerial mapping; aerial photographic interpretation for soils and forestry inventories; land use mapping; reconnaissance preliminary design.

1966–68: Private consultant, Washington, D.C. Natural resource sales and development of loan programs representing the Aero Service Corporation of Philadelphia and T. Ingledow & Associates, Ltd. of Vancouver, Canada.

1968: January 20th until November—Cabinet Secretary. Preparation of agenda for Cabinet meetings; assisted in domestic policy coordination for the in-coming Nixon administration cabinet.

1969: November until present—Deputy Assistant to the President for Domestic Affairs. Assisted in interdepartmental coordination for the President in the areas of natural resources and the environment. Coordination of the preparation of the President's three environmental messages to Congress (February 1970, 1971 and 1972) and the President's energy message to Congress of June 1971.

PROFESSIONAL PUBLICATIONS

Geology of Catoctin Mountain—Maryland and Virginia (PhD Thesis) Bulletin of the Geological Society of America, 1955.

Cross-bedding in some lower Cambrian clastics in Maryland Bulletin of the Geological Society of America, 1955.

The Proton Nuclear Precession Magnetometer for Airborne Geophysical Exploration—Oil and Gas Journal, 1957.

(The below listed are private reports for commercial companies or clients.)

Geological and Petroleum Exploration Analysis of the Filmore Range, Utah.

Geological and Petroleum Exploration Analysis Clark County, Nevada.

Geological and Petroleum Exploration Analysis of Mohave Desert, California.

Geological and Petroleum Exploration Analysis of Olympic Range, Washington.

Airborne Geophysical Survey and Mineral Exploration Loan Application for the Government of Ghana to the Agency for International Development.

Aerial Photographic Airborne Geophysical Mapping Loan Application to the Agency for International Development for the Government of the United Arab Republic.

Airborne Magnetic Survey for Mineral Exploration Loan Application for the Government of Turkey to the Agency for International Development.

Air and Ground Mineral Exploration Program Loan Application for the Government of Surinam (Dutch Guiana) to the United Nations Special Fund.

Air and Ground Mineral Exploration Program Loan Application to the United Nations Special Fund for the Government of British Guiana.

Natural Resource Inventory and Preliminary Road Location and Engineering Resource Development Loan to the World Bank for the Government of Paraguay.

Natural Resources Inventory Loan Application to the Inter-American Development Bank for the Government of Chile.

Natural Resources Inventory Loan Application to the Organization of American States for the Government of Ecuador.

*Federal Working Committees:* White House staff inter-departmental coordination for the President's three environmental and one energy message to Congress.

*Other Professional Activity:* Member—American Association of Petroleum Geologists, American Congress on Surveying and Mapping, Geological Society of America, Society of Exploration Geophysicists and the American Institute of Mining and Metallurgical and Petroleum Engineers.

## ADDITIONAL STATEMENTS

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### OUSTER OF GEOFFREY MOORE FURTHER ENDANGERS OUR ECONOMIC STATISTICS

Mr. PROXMIRE. Mr. President, many fine public servants have received their walking papers from Mr. Nixon in the past few weeks; and many are apparently to be replaced by persons of lesser stature. One of the most inappropriate of these personnel changes is the removal of Dr. Geoffrey H. Moore as Commissioner of Labor Statistics.

The position of the Commissioner of Labor Statistics is not one which should be regarded as a political appointment, and traditionally it has not been. Normally, Commissioners have continued to serve even when new Presidents have taken office. Ewan Clague, for example, served four different administrations, holding office from 1946 to 1964.

This nonpolitical approach to the managmeent of an important statistical agency has paid great benefits. The Bureau of Labor Statistics has built a splendid reputation for competence and objectivity in the collection, publication, and interpretation of statistics. BLS is responsible for the publication not only of the monthly price and employment data, but also of many, many other valuable economic series. Even a partial list includes series on wages, fringe benefits, collective bargaining, productivity, work experience and labor force participation. Each month the BLS publishes the "Monthly Labor Review," containing analytic articles by its own staff and by outside contributors. Our knowledge and understanding of how the economy works has been greatly enhanced by the analytic work of the BLS as well as by the statistics they prepare.

During the Nixon administration the Bureau of Labor Statistics has been subjected to improper political pressures. Because of its fine and dedicated staff, headed by Commissioner Moore, who is both a highly qualified professional economist and a man of personal integrity, the BLS has maintained its record for the accuracy of its data and the objectivity of its interpretations. However, political pressures have had their effect in more subtle ways:

Monthly press briefings have been discontinued;

Outstanding civil servants have been forced into early retirement;

Publication of quarterly data on unemployment in poverty neighborhoods has been suspended;

Plans for valuable interpretative work with special 1970 census data on low income areas have been canceled.

These actions have been forced on the BLS even when it has been headed by a competent and dedicated professional. Commissioner Moore has testified before the Joint Economic Committee on at least 22 occasions. I have been consistently impressed by his objectivity and his determination to protect the integrity of the BLS. I ask consent to have printed in the RECORD at the end of my remarks articles by J. A. Livingston, Hobart Rowen, and George Bevel, summarizing Dr. Moore's professional qualifications and documenting the widely shared concern at his dismissal. I also ask to have printed in the RECORD the text of a resolution just adopted by the Industrial Relations Research Association, protesting the political pressures being exerted on the Bureau of Labor Statistics.

No new appointment to the position being vacated by Dr. Moore has been announced. It will not be easy to find an adequate replacement.

As J. A. Livingston says in his article:

> It will take a giant of a man in competence, impartiality, and integrity to overcome the political suspicion that will be attached to any Nixon appointee to the post.

I hope that this giant of a man can be found. I hereby serve notice that I will actively oppose any appointee whom I do not consider to be well qualified and dedicated to preserving the objectivity and integrity of the statistical programs.

I do not think the actual statistics prepared by BLS are themselves subject to political manipulation—the dedicated professional staff will be able to prevent that. But many other political manipulations are possible, such as slanted interpretation of the data or political timing of release dates. Equally serious would be the attrition of professional staff and the failure to attract capable new personnel which would take place in an agency where objective professional research was hampered.

The BLS statistical programs must not be allowed to become victims of misplaced political pressure. The nomination of a Commissioner of Labor Statistics is subject to confirmation by the Senate. I urge all Senators to join me in a careful examination of the qualifications of any new appointee.

I ask unanimous consent that several items appear in the RECORD at this time.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Philadelphia Inquirer, Dec. 20, 1972]

MOORE OUSTER IRKS ECONOMISTS

(By J. A. Livingston)

"But whom can they possibly get to replace him. Who, of comparable eminence in statistics, now would take the job?"

That was the instant reaction of economists and statisticians to the astonishing news that President Nixon had accepted the proforma, end-of-the-term resignation of Geoffrey H. Moore as Commissioner of Labor Statistics.

"I'm disappointed that the Administration did not see fit to retain a man of his caliber," said William H. Shaw, president of the American Statistical Association, "and I am hopeful that the Administration will find a person of his stature as a replacement." Shaw is assistant to the treasurer of Du Pont.

John R. Meyer, president of the National Bureau of Economic Research, with which Moore was associated before he went to Washington, declared:

"If ever a man was a perfect match for a job, Geoffrey Moore was for Commissioner of Labor Statistics. We'll welcome him back at the bureau if he decides to come."

A. Gilbert Heebner, senior vice president and economist of the Philadelphia National Bank, formerly on the staff of the Council of Economic Advisers as assistant first to Paul W. McCracken and then to Herbert Stein, said:

"Geoffrey Moore is a person of exceptional talent, integrity, and stature. His departure would be a loss to any statistical organization."

How surprisingly it came about! And how ironically. On Friday, Dec. 8, Moore testified before the Joint Economic Committee. Rep. Henry Reuss (D., Wis.), paid him this compliment: "I hope you're around as Commissioner of Labor Statistics for 20 years."

Six days later, Moore got his "Dear John" telephone call. Maybe approbation from a Democrat is the exit line for a Republican appointee.

I checked with Rep. Reuss to make sure his was not a Congressional courtesy. He responded: "Not at all. Moore is a competent professional. He's always dealt fairly and honestly with the committee."

When Chairman William Proxmire of the Joint Economic Committee, also a Democrat from Wisconsin, heard of Moore's firing, he said:

"The inclusion of Commissioner Moore in the current reshuffle of political appointees increases public anxiety about our basic statistics. Both the public and private sectors of our economy depend on accurate, unbiased and objective data, free of political management. Many millions of dollars in private contracts and public programs are determined by price, wage, and unemployment figures prepared at the Bureau of Labor Statistics."

It's an understatement to say that Moore was taken aback by his "disappointment." He had planned to stay on. And had reason to think he would. The BLS commissionership is a position considered above politics.

Moore's statistical competence, professional integrity, and immaculate objectivity have been recognized by his peers. He is a past president of the American Statistical Association. And for many years he was director of research of the National Bureau of Economic Research, renowned the world over for its saintly attitude toward data.

At the 50th anniversary celebration of the Bureau in 1970, Moore, Arthur F. Burns, chairman of the Federal Reserve Board, and Solomon Fabricant, now a professor of economics at New York University, were honored for their "high standards of objectivity, the quality of their own research and their overseeing the bureau's research programs over many years."

Economists and statisticians in government are shocked. None to whom I talked would be quoted in any fashion. One said, "Joe, mention me in your column about Moore, and you'll find my name in the Jobs-Wanted section of newspapers."

Under any circumstances, Moore would be a hard man to follow. But now it will take a giant of a man in competence, impartiality, and integrity to overcome the political suspicion that will attach to any Nixon appointee to the post.

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[From the Washington Post, Jan. 7, 1973]

### Ouster of Geoffrey Moore: Threat to BLS Integrity?

(By Hobart Rowen)

The Nixon Administration coldbloodedly dropped a raft of top aides and officials after the election. It had the right to clean house, to be sure. But the rationale behind some of the dismissals is mystifying and, behind others, disturbing.

Take the case of Geoffrey H. Moore, commissioner of labor statistics, whose "resignation" was accepted after four years' service. Moore, in fact, was called out of a staff meeting and fired ("rather brutally," says one who knows) by Under Secretary Laurence Silberman. Almost simultaneously, the announcement appeared on the news tickers.

No one at the White House bothered then or since to explain why Moore was dismissed. He had, by all accounts performed his job in the professional, non-political tradition of the BLS, which goes back to 1884.

But in the eyes of the White House crowd, Moore made one bad blunder which, a reliable source says, "became a source of embarrassment to the administration," and in general "was not a team player."

Moore's specific mistake relates to an incident early in 1971 revolving about Assistant BLS Commissioner Harold Goldstein, a career technician who regularly had briefed the press on the monthly labor force numbers. Analyzing the February 1971, report, which showed a preliminary reading that the jobless rate had dropped from 6.0 to 5.8 per cent, Goldstein cautioned against attaching too much importance to it. He said the February performance was "mixed." But at almost the same time, Labor Secretary James Hodgson, harassed by continued high jobless rates, was trying to squeeze political capital out of that downward jiggle.

Hodgson termed the decline "favorable," "hopeful" and "indeed heartening," failing to mention the drop in actual employment and the reduction in the work week that had led to Goldstein's more cautious use of the phrase "mixed."

Later, Goldstein's unvarnished, unembellished evaluation of the data was proved right, and Hodgson's dead wrong. When revised, the February rate was 5.9 per cent and it was back to 6.0 per cent in March. But in the meantime, Hodgson ended the system of press briefings that Goldstein and his career predecessors had conducted for years, and transferred Goldstein to other duties. This not so subtle effort to choke off the flow of information was widely criticized, in the press and in Congress.

"If Moore had been running a tight ship," one who knows the story says, "the whole thing wouldn't have happened. There are ways of getting facts across without embarrassing the administration. So Moore got low grades for bad management."

The White House apparently felt that Moore should have taken the initiative, since unemployment was a touchy political issue, to discuss with Goldstein in advance the wisdom of not shooting down a "cheerful" piece of news. The way the White House looks at it, that's what a "team player" would do.

But all this simply shows that the House doesn't understand the role of BLS, or Moore's determination to preserve its integrity and independence. "He's a good soldier," says an associate, "and he'd put the best possible face on things. But he's also a very dogged and stubborn man, and he didn't want anybody tampering with the numbers."

Most of Moore's friends in the government, though appalled at what has happened to him, are afraid to talk to reporters about it, even outside of government offices. But one says:

"The White House considered Moore loyal enough. It wasn't like the (Commerce Secretary) Pete Peterson thing, where Pete was getting some attention on his own, besides fraternizing with people they didn't like.

"It just was that Moore wasn't tough enough or smart enough to make them look as good as they wanted to look."

Ironically, Moore's last achievement as BLS commissioner was to get Secretary Hodgson to issue a policy statement on Nov. 10, 1972, which says that the commissioner's decisions in producing statistics must be "in concert with the professional and technical expertise of the Bureau. Under these conditions, scientific independence will continue to be the hallmark of the Bureau of Labor Statistics."

In a conversation with this correspondent, Hodgson said: "I'm high on Jeff Moore, and I've spent the last three years telling the media that he's a man of rock-ribbed integrity. There's been no attempt to single anybody out. Change for change's sake is the order of the day, part of the concept that you can recapture some of the freshness and initiative of the first term. After all, the people staying are the exception rather than the rule."

A mild-mannered man, Moore will say only that he "had a good position and enjoyed the work, and had expected to stay on. I only hope that whoever is now appointed commissioner will be a professional man."

Sen. William Proxmire, who tangled with Moore in his 21 appearances before the Joint Economic Committee says that Moore is "a man of integrity, who may have been too loyal to the President. He wouldn't state a situation with objectivity when objectivity would hurt the White House."

That means that Moore retained his objectivity even when Proxmire was trying to make a political point.

The only real criticism of Moore among his colleagues is that he's not the best administrator that ever came down the pike. But as a vice president of the National Bureau of Economic Research, Inc., and a former president of the American Statistical Association, no BLS commissioner ever had better credentials for the job. (He will be returning to the National Bureau.)

As can be imagined, the firing of Moore has dropped a curtain of gloom on the professional, civil service-oriented staff of the BLS. Accustomed only to dealing with numbers on a nonpolitical basis, they wonder if Moore will be replaced with a pliant figure who will bend whichever way the White House does.

If this fear is unwarranted, the White House does nothing to negate it by an acceptable explanation of the Moore affair. This reporter asked White House press aide Gerald Warren on Tuesday why Moore's "resignation" was accepted. He said he didn't know, but would call back. I'm still waiting for the call.

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[From the Commercial and Financial Chronicle, Jan. 4, 1973]

### G. Moore's Firing Shocks Economists

(By George C. Bevel)

The general impression that has been left by extensive changes in the government by the Administration has been that President Nixon wanted to get better control of the bureaucracy, replace incompetents, and cut down spending.

Therefore, one of the firings has been something of a shock to members of the Joint Economic Committee and to the world of economists and statisticians. It is the replacement of the highly regarded Geoffrey H. Moore as Commissioner of the Bureau of Labor Statistics.

Once each month Moore went up the Hill to be confronted by the Joint Economic Committee and almost always came away with praise from administration antagonists Senator William Proxmire (D.-Wis.), chairman and Rep. Henry Reuss (D.-Wis.). Both heaped Moore with praise that last time he appeared, Dec. 8, only to be shocked a few days later when Nixon fired him.

Moore came from the National Bureau of Economic Research, which is now upset with Nixon, as is the American Statistical Association.

Sen. Proxmire is just a bit more than upset.

"I thought Moore was extraordinarily good. He stayed out of controversy and was nonpolitical. Furthermore, he degended the administration. Certainly I was startled," Sen. Proxmire said.

"If they don't come up with a top man they are going to be in trouble with the Congress," he added.

Moore was equally surprised. "There had been no indication that I would not be reappointed, and I had no idea when they did it," he said. Moore expects to leave some time after January 15, but doesn't know yet what he will do.

A return to the National Bureau of Economic Research is a possibility, and they would like to have him.

In the meantime, there is some uncertainty among all of assistant secretaries in the Department of Labor.

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### RESOLUTION BY THE INDUSTRIAL RELATIONS RESEARCH ASSOCIATION EXECUTIVE BOARD, DECEMBER 29, 1972

The Executive Board of the Industrial Relations Research Association, having received and considered a report from its committee appointed to investigate recent events concerning the U.S. Bureau of Labor Statistics, resolves as follows:

1. that public confidence in the professional integrity and credibility of the Bureau of Labor Statistics is essential, because the Bureau publishes data and materials which are used regularly in labor-management relations, business contracts and economic forecasts;

2. that the credibility of the Bureau of Labor Statistics has been impaired by events of the last two years, including the termination of press conferences by Bureau of Labor Statistics personnel and the subsequent reassignment of key personnel in the Bureau;

3. that the Board views with particular concern the acceptance of the requested resignation of the Commissioner of Labor Statistics three months prior to the expiration of his statutory term of office, because this termination under these circumstances represents a sharp break with the long-established tradition that this position has not been regarded as a political appointment;

4. that it is most important, if further impairment of the credibility of the Bureau of Labor Statistics is to be avoided, that the new Commissioner be a person with the highest professional qualifications and objectivity;

5. that it is desirable that the decision to discontinue press briefings by the Bureau of Labor Statistics technical personnel should be carefully reconsidered;

6. that nothing in this resolution should be construed to indicate that this Association questions the integrity of the preparation of BLS figures.

To be signed by: Ben Aaron, President 1972, Douglas Soutar, President, 1973 David Johnson, Secretary-Treasurer.

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## LOS ANGELES TIMES AND WASHINGTON STAR EDITORIALS

Mr. SCOTT of Pennsylvania. Mr. President, I believe that editorials published in the Los Angeles Times of January 2 and the Washington Sunday Star of January 7 would be of interest to the Senate. I ask unanimous consent that the editorials be printed in the RECORD, and I call them to the attention of Senators on both sides of the aisle.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

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[From the Los Angeles Times, Jan. 2, 1973]

### THE NIXON-CONGRESS TUG-OF-WAR

The 93rd Congress will convene Wednesday in a mood to do battle with President Nixon over what it sees as his excessive use of presidential power. But there is also a growing realization among the lawmakers that they have a responsibility to put their own house in order, too.

Aside from Vietnam, which continues to be a source of bitterness and friction, the major point at issue is Mr. Nixon's refusal to spend all the money appropriated last year.

The President has impounded billions of dollars in appropriated funds—including $6 billion of the $11 billion authorized by Congress for control of water pollution in fiscal 1973 and 1974. Lesser amounts are being withheld from programs in health, education, housing, flood control and other fields.

Many House and Senate members in both parties are disturbed by what they see as a flagrant violation of Congress' constitutional power of the purse. Sen. Sam Ervin (D-N.C.) says the Constitution compels the President to abide by appropriations statutes. Senate Majority Mike Mansfield says the issue should be taken to the U.S. Supreme Court, if necessary.

Meanwhile, several lawsuits have been filed by cities and states challenging Mr. Nixon's right to cut their allotments of federal funds below the levels prescribed by Congress, and Councilman Tom Bradley is urging the city of Los Angeles to take similar action.

There are, however, two sides to the question. Administration aides point out that the President has constitutional responsibilities, too, and that he is bound by law to look after the economic well-being of the country.

When Congress failed to hold spending for the current fiscal year to $250 billion—a figure that still leaves a federal deficit approaching $30 billion—Mr. Nixon had no alternative but to impound billions of dollars in appropriations or sit by while a massive new round of inflation gathered steam.

Mansfield says that if any trimming is to done, it should be done by Congress, and that makes sense. But if this is to be anything more than an irrelevant platitude, Congress must reform its archaic, totally inadequate system of dealing with the budget.

As things are, spending and taxes are handled by different committees that rarely feel the urge to consult with one another. Appropriations bills are passed one at a time, with small concern for what the total will be at the end of the year.

When they vote spending programs with scant regard for the budget deficits that may thereby be created, the lawmakers are actually forcing the President to impose his own sense of priorities. If Congress expects to exercise its rightful voice, the system has to be reformed. Many congressmen now concede the point.

Congress is historically slow to reform itself. But thanks in part to pressure from citizens' groups, a special joint committee has been appointed to study the problem, and chances look better than ever before that something will be done.

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[From the Washington (D.C.) Sunday Star, Jan. 7, 1973]

### VIETNAM PEACE: IS IT NOW FINALLY AT HAND?

Henry Kissinger and North Vietnam's Le Duc Tho will meet secretly tomorrow in Paris, and all the world awaits the outcome of their discussions. It is no exaggeration to say that the fate of nations, of generations yet unborn, hangs in the balance. We—and the North Vietnamese—are at a turning point. There is, must be, a momentum for peace. And yet, as French President Georges Pompidou observed last week, there is no "U.S. desire to make a deal at any price."

Nor do we think the United States will or should make peace at any price. It is desperately important that the North Vietnamese understand this. For if they do not, the war will go on.

The carpet-bombing of Hanoi and Haiphong by B52s we believe to have been a tragic mistake. Should the talks fail—and we have to be prepared for the possibility that they may—then we would oppose the resumption of this sort of warfare. But Hanoi should realize that failure to reach an accord in Paris necessarily will mean the continuation of air and naval strikes south of the 20th parallel, in South Vietnam, Laos and Cambodia.

Nor should the North Vietnamese be misled by the mischievous intervention into the negotiating process of the Democratic caucuses in the House of Representatives and the Senate.

The House Democrats voted 154–75 on Tuesday to cut off all funds for U.S. combat operations in Indochina as soon as American prisoners are returned and arrangements are made for the safe withdrawal of U.S. forces. Senate Democrats voted 36–12 for a similar resolution Thursday. Senate Majority Leader Mike Mansfield has indicated his intention of introducing legislation in the upper house to cut off federal funds for the war if it is not ended by inauguration day, January 20.

In a truly incredible statement, Senate Foreign Relations Committee Chairman J. William Fulbright said the other day that his committee does "not wish to do anything to prejudice" the Kissinger-Tho negotiations but would act "to bring the war to a close" if a settlement is not reached by January 20.

If that statement and the action by the two Democratic caucuses do not "prejudice" the negotiations, it's difficult to see what would. Having read that statement, what would you do if you were a member of the Hanoi politburo perhaps not too familiar with the intricacies of American politics? You would simply spin out the Paris talks until the 20th and wait for Congress to impose an end to the war on your own terms.

So it is important for Hanoi to realize that the resolutions of the Democratic caucuses have no binding effect; that a combination of Republican and Southern Democratic congressmen could still defeat such a rider to any appropriation bill; that if it passed Mr. Nixon could veto it and, even if his veto were overridden, funds have already been appropriated for the fiscal year ending June 30. In short, the only way there can be a speedy and just end to American participation in the Southeast Asian conflict is for both sides to negotiate in good faith and in the spirit of compromise.

In a New Year's speech, South Vietnam's president, Nguyen Van Thieu, said:

"Like Germany and Korea, Vietnam is divided into two regions. The military demarcation line between the two states is also the border between two different social regimes, two ideologies and two different worlds."

Although this in our view is not an inaccurate statement, we wonder if it is one over which it is worth prolonging American participation in the war. For this notion, reflected in Kissinger's December 16 remark that the U.S. wants some "indirect reference" to a commitment by both Vietnams "to live in peace" is one major point which appears to be troubling Hanoi.

The 1954 Geneva accords (which neither the U.S. nor South Vietnam signed) regarded the regimes in both North and South as provisional, with unity to come after national elections. Those elections have never been held and, given the truth of Thieu's statement and the bitter history of the last 19 years, are likely never to be held. The sovereignty of the Saigon regime, like that of Hanoi, rests finally on its ability to maintain itself in power through a combination of political skill and military strength.

Kissinger has made it clear that Saigon has no veto over any settlement which may be reached between Hanoi and Washington, which is as it should be. But the North Vietnamese should understand that, while we are ready to end our own participation in the war, we are not ready to hand them on a diplomatic platter what they have been unable to achieve by force of arms: a Communist regime in South Vietnam.

Neither Hanoi nor Washington has been making euphoric noises recently about the chances of a quick and positive end to tomorrow's talks between Kissinger and Tho. Nobody is talking any more about peace being at hand. And given the skill and duplicity of the North Vietnamese negotiators, perhaps that is as well. Indeed, Pompidou, who has been in touch with both sides throughout the whole business, said the other day that "real, precise difficulties which will be hard to overcome" lie ahead in the talks.

We understand President Nixon's desire to attain a settlement which will bring real peace to the people of Indochina. We understand also the reluctance of the leaders of North Vietnam to sign any document which would sacrifice what they regard as the legitimate aspirations of the Vietnamese people a cause for which they have fought so hard for more than two decades. And we understand the determination of the people of South Vietnam to maintain their own sovereignty and independence.

Not every problem will yield to reason, and this may be one of those which will not. Successful negotiation of delicate political problems must presume a certain amount of common ground, of agreement on basic issues and fundamental tenets. When this is lacking, it may be the better part of wisdom to grasp the attainable and let tomorrow take care of what is unattainable.

For this reason, we would urge that, if an acceptable and honorable political settlement appears impossible, both parties abandon the search and secure what *is* in their power to achieve: the end, now and forever, of U.S. air and naval attacks against North Vietnam and the withdrawal of the remaining U.S. forces in South Vietnam in return for repatriation of the American prisoners of war.

A simple agreement such as this would not be open to misinterpretation by either side or by the world. It would meet the minimum needs and desires of both the North Vietnamese and the American people.

It would not establish the inviolability of the Demilitarized Zone. It would not compel the withdrawal of North Vietnamese troops from South Vietnamese soil or establish their legality there. It would not address itself to the legitimacy of the regimes in either Saigon or Hanoi. It would neither ensure the survival of the Thieu regime nor guarantee its overthrow. It would dishonor neither the United States nor North Vietnam.

It would say, simply, that the American role in the war was over. It would leave the determination of their own futures to the Vietnamese, Cambodian and Laotian peoples. Each side would be left to place that interpretation it wished on what has transpired these past ten years and more in Indochina. In the end, the historians will decide who was right and who was wrong. They always do.

## AN END TO SPIRALING FOOD COSTS

**Mr. RIBICOFF.** Mr. President, every consumer in America has known for weeks that food prices have been spiraling upward at an alarming rate. On January 9, the Department of Labor confirmed this fact. During the last month of 1972, wholesale prices of farm products, processed foods, and feed increased 5.2 percent.

As recently as November, the administration predicted that retail food prices would rise only 3 percent in 1973. Now, however, it is expected that when the recent wholesale increases reach the supermarket level it will cost close to 5 percent more to feed a family this year than it did in 1972.

Families always find it difficult to absorb increases of such magnitude. This year many may find it impossible because their incomes have been frozen or drastically restricted by the administration's economic stabilization program, while prices have risen.

If Congress hopes to curb food costs, two important steps must be taken: Price controls must be extended to agricultural products, and price support programs must be reduced or eliminated.

While there is considerable debate whether the present wage-price freeze has been effective, one fact is clear—the system is not fair. By freezing wages without also freezing prices on all essential consumer goods, the administration has placed the wage-earners of America in an intense financial bind.

Congress can correct this. The authorization for wage-price controls expires on April 30 and the administration must come to Congress for an extension. When we consider extending legislation, we should require that controls be placed on agricultural products. In that way, no single element of society would suffer inordinate financial damage during the remainder of the program's existence. Hopefully, wage and price controls will not become a permanent part of American economic life and will be phased out as soon as the present inflation is brought under control.

Congress second step should be the abolition of the farm subsidy and price support programs. Under the present law farmers—no matter how wealthy and successful—are paid subsidies of up to $55,000 annually not to grow certain crops. By restricting productive acreage, this program reduces farm output and thereby raises market prices to the consumer.

Another program—price support loans—also leads toward artificially higher prices. Loans are given to farmers and the Federal Government holds their crop as collateral. If the ultimate market price of the crop turns out to be lower than the loan value, the farmer defaults and the Government is left with a crop costing more than the market price while the farmer is left with more money than he would have received in a free market.

These subsidies cost the American taxpayers over $5.2 billion each year. In addition, consumers pay $4.5 billion annually in artificially inflated prices pushed up by the Government's programs. Thus the total yearly cost of farm subsidies approaches $10 billion.

Americans should not be forced to pay such sums particularly when they primarily benefit large successful farming enterprises.

One of the best ways the Government could save money would be to eliminate the credit subsidy and direct cash payment programs for farmers.

## SST ECONOMICS

**Mr. GOLDWATER.** Mr. President, ever since the Congress took its shortsighted action in cutting off funds for an American supersonic transport plane, the leaders of that folly have kept up a constant effort to try and justify what I am sure history will prove to be one of the greatest mistakes ever committed by a world power.

Every time the slightest thing occurs to detract from the SST products being turned out by our foreign competitors, these incidents have been gleefully reported in the Congressional Record with accompanying comments of the "I-told-you-so" variety. As might be expected, the British-French SST program, involving the Concorde, and the Russian SST program, involving the TU-144, have by their very size and nature encountered some difficulties and some cost problems which looked rather important to the layman but which can be reduced to their proper status when viewed in a professional perspective.

Of course, one of the things the SST critics never point out is the importance of this line of commercial aircraft endeavor to the entire future of civilian aviation. The SST, just like the 747 before it, is more than just an enormously fast product in a whole new family of commercial aircraft. It is the opening wedge to an enormous future market which will affect aeronautics industries throughout the world for many years to come. Some of us, during the ill-fated Senate debate on the SST, tried to impress upon the Senate and the taxpayers the amount of jobs and payrolls that would be involved in our forfeiting the SST market to our foreign competitors.

And now, Mr. President, we are beginning to find out that the foreign products which American SST critics jeered at and ridiculed and downgraded during the prolonged congressional debate on this subject are turning out to be something far more important than their downgraders claimed. Recent studies now show that the Concorde may ultimately be cheaper to operate than our 747's. In fact, the figures on supersonic economics are becoming so impressive that the Prime Minister of Great Britain recently commented that before long "no airline will be able to do without one."

I would ask the members of the Senate to consider carefully this remark by the British Prime Minister and to try and envision what this would mean to United States and to the American aviation industry if it turns out to be correct. It would put our domestic airlines in the position of having to go abroad to find the kind of equipment they would need to compete in the world travel market. And it would relegate our domestic aviation industry to the production of products which would rapidly be becoming outmoded.

Mr. President, because of the great importance of this whole question to the economic future of the United States, I call attention to a study published in Flight International magazine which shows that the Concorde will produce a substantial return on its investment. The article, entitled "Supersonic Economics—Concorde Returns," appeared in Flight International on October 12, 1972. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### SUPERSONIC ECONOMICS CONCORDE RETURNS

As supersonic man reaches 25, BOAC and Air France are preparing to introduce into service the Mach 2 Concorde. If this aircraft produces the returns the manufacturers claim, operators will find, as the Prime Minister said at the Iata annual general meeting, "No airline will be able to do without one."

British Aircraft Corporation and Aérospatiale have recently made available to the air transport industry a new study entitled Concorde General Economics. It brings together for the first time the manufacturers' estimates of the aircraft's economic performance, provides most of the data needed to make a financial assessment of this supersonic transport and indicates the sort of presentation the Anglo-French sales teams are giving to airlines before becoming involved with individual route networks. The economic performance of the Boeing 747 is used throughout the study as a basis for comparison.

The Concorde's speed, size and market appeal make the application of normal cost assessment methods invalid and, while the new examination of the aircraft's economics is based on the best information available, subjective judgments have had to be made in some areas. The manufacturers point out, however, that these assumptions have been kept to a minimum.

General Economics uses the payload-range of the production aircraft powered by four R-R Snecma Olympus 593 Mk612 engines of 38,400lb, 174kN reheated thrust. It shows 25,000lb, 11,400kg of payload carried over 4,000 st miles, 6,450km with the fuel volume kink point at around 11,500lb, 5,220kg and 4,500 st miles, 7,250km. These figures assume a Mach 2.05 cruise climb under ISA still-air conditions with a 230 st mile, 370km diversion. The flight plan in the assessment complies with the proposed FAR 121–648 reserves which include 7 per cent block fuel, an instrument approach, missed approach, diversion, 30min hold at 1,500ft and 250kt, 460km hr, followed by an instrument approach and landing at the alternate. A summary of Concorde weights is given below for the aircraft in the 108-seat superior-class or 36 72 mixed-class configurations. Seating in the 747 varies widely and a 344 layout (52 first plus 292 economy) is used in the study as an arrangement typical of current and probable future international operations.

The calculation of direct operating costs is straightforward with airframe and engine spares holdings, which strictly depend on fleet size, being taken as 15 per cent of airframe price plus 40 percent of powerplant price coupled with a depreciation period of 12 years. Total investment, including spares and customers' furnishings and equipment, is taken as $45,944,000 for the Concorde and $28,348,000 for the 747. The shorter flight times of supersonic aircraft, and therefore the greater number of transit and turnround operations in a year, is reflected in the annual utilisation of 3,600hr for the Concorde compared with 4,000hr assumed for the 747. An insurance rate of 2 per cent of the aircraft equipped price has been used as typical of mid-life. Based on airline experience, flight crew training is taken as 1.75 per cent of the sum of maintenance, flight crew, fuel landing and air navigation costs amortised over 12 years. The salaries of the three-man Concorde flight crew are assumed to be 5 per cent more than 747 levels although crew utilisation of 650 block hours per year remains the same. Total crew costs of $208/hr and $191/hr are used for Concorde and 747 respectively.

Maintenance costs are amongst the most important and the most difficult to calculate and are based on the latest assessment from the airframe and engine manufacturers. These estimates suggest costs of $422/hr plus $7299/flight for the Concorde and $428/hr plus $708/flight for the 747. An average price of 13.9c/US gal is used to calculate fuel costs. Average costs are also taken for landing fees and navigation charges, which vary from country to country and depend on take-off weight, and are calculated as plus $729/flight for the Concorde and $428/and 747.

### INDIRECT OPERATING COSTS

The sales departments concerned with the Concorde have devoted much effort to the calculation of realistic values for indirect operating costs to take into account the particular characteristics of the SST, and the method adopted is largely based on airline data obtained from annual operating statistics. Cabin service costs are a good example of the detail involved and take into account three cost elements—time dependent, distance dependent, and per flight.

The total cost of cabin staff assumes five crew on the Concorde and a crew of 14 plus one purser for the 747, their utilisation in both cases being 680 block hours per annum. Station costs, which vary with local conditions, have been derived from an average of actual airline costs on a suitable network of world routes.

Direct sales and advertising costs are assumed to be related to the basic subsonic fare on a given route and incorporate an allowance to cover any possible extra cost of selling a Concorde ticket. Commission costs are based on the actual fare charged. Corporation overhead is taken as 4 per cent of the total operating costs (including the overhead itself), a figure indicated by actual airline experience.

The all-important total operating costs, are, of course, the sum of directs and indirects and a comparative breakdown at 3,000 st miles, 4,830km with 50 per cent load factors illustrated. This stage length corresponds to block times of approximately 2•85 hr for Concorde and 5•66hr for the 747. The variation of total operating costs with range and load factor for the Concorde shows costs per seat and per aircraft statute mile.

In *Concorde General Economics* the manufacturers show the aircraft breaking even at 3,500 st miles, 5.620km (London-New York) with load factors below 45 per cent for revenue yields greater than 9c per passenger statute mile. On a 3,000 st mile, 4,830km stage, break-even load factors are 40 per cent, 35 per cent and 32 per cent for fare levels of first class minus 10 per cent, first class and first plus 10 per cent respectively. With a mixed-class layout break-even load factors are 51 per cent, 47 per cent and 43 per cent with fare levels of 10, 20 and 30 per cent above current levels. The 747 is shown breaking even with a 60•5 per cent load factor at average excursion yield and at 49•5 per cent load factor with an overall average yield.

### SPECIFIC ROUTES

The manufacturers conclude their study by analysing Concorde operations on specific routes. Operating costs are calculated as outlined above but incorporate fuel costs, landing fees, station costs, etc., related to each particular route. The operating costs used are incurred at break-even load factors. Revenue yields on all the routes considered have been derived using the latest available information on current fare structures. The assumed traffic splits are for 1975, and take account of the trend towards rationalising fares particularly at the promotional end of the scale. Concorde fare dilution is taken as 5 per cent with a 747 dilution of 10 per cent. One of the most interesting cases studied is the transatlantic Paris-New York route, illustrated below, which compares the results for the single superior-class Concorde operating alongside the mixed-class 747. The Paris-Tokyo route, with Concorde fare levels again at first class minus 10 per cent, is illustrated in *General Economics* and shows both aircraft breaking even at load factors of 22 per cent. Similar break-even load factors of 43 per cent and 44•5 per cent for Concorde and 747 are also claimed on London-Johannesburg. On the London-Sydney route, with first-class SST fares, the Concorde break-even load factor of 48 per cent compares with 54 per cent for the 747.

*Weights used in economic assessment*

| | |
|---|---|
| Max take-off weight | 389, 000lb |
| Max landing weight | 240, 000lb |
| Max zero-fuel weight | 200, 000lb |
| Typical operating weight empty | 172, 500lb |
| Typical payload | 25, 000lb |
| Typical tankage | 200, 000lb<br>(plus pre-take-off) |

HOURLY DIRECT OPERATING COSTS (AT 3,000 ST MILES 4,830KM)

| | Concorde | 747 |
|---|---|---|
| Depreciation | $1, 061 | $588 |
| Insurance | 209 | 119 |
| Flight crew | 208 | 191 |
| Amortisation of introductory crew training | 34 | 28 |
| Maintenance | 676 | 554 |
| Fuel | 822 | 498 |
| Landing fees and air navigation charges | 245 | 238 |
| Total direct operating cost | 3, 256 | 2, 214 |

HOURLY INDIRECT OPERATING COSTS (AT 3,000 ST MILES, 4,830KM WITH 50 PERCENT LOAD FACTOR)

| | Concorde | 747 |
|---|---|---|
| Cabin crew | $82 | $249 |
| Cabin services | 196 | 353 |
| Station costs | 314 | 603 |
| Sales, advertising and commission | 759 | 815 |
| Corporation overhead | 192 | 178 |
| Indirect operating cost | 1, 543 | 2, 198 |

### CONCORDE RETURNS

With the advantage of the latest cost estimates from the British Aircraft Corporation and Aérospatiale, it is possible to refine the economic arguments used by Sir Peter Masefield in "Can Concorde make a Profit" and to take the comparison with the 747 one stage further. The latest figures from the manufacturers are based on a total investment, including spares, of $45•944 million (£18•7 million) for the Concorde and $28•348 million (£11•55 million) for the 747. It has been suggested that the utilisation expected of the Concorde by Sir Peter was a little too high, and the figure of 3,600hr per year used by the manufacturers for a representative SST route structure rather than North Atlantic-only operation is more conservative, and takes into account the increased importance of turn-around times as flight times decrease. It seems reasonable to suppose that a flying time of approximately 10hr/day (that is in the order of three single Atlantic crossings per day) could be achieved. Turn-round times should certainly be no longer than those of the 747, which is assumed to achieve a utilisation of 4,000hr/year. The large investment required by the 747 has provided the incentive to establish turn-round times similar to those of the 707. The scheduling of Concorde maintenance and route flying will probably place the greatest demand on airline organisation and it is unlikely to be turn-round-limited at 3,600hr/year. The manufacturers estimate ground times of around 30min at both en-route and turnround stations.

The manufacturers' figures published last week in "Supersonic Economics" were based on well established direct operating cost methods, and indirect operating costs were derived from airline statistical returns. Aérospatiale and BAC stress that Concorde sales, advertising and commission costs are realistic. Maintenance costs and engine overhaul lives, which have given rise to some concern, are covered by manufacturers' guarantees. While Rolls-Royce and Snecma are likely to be cautious in their predictions for a new, unique, civil powerplant, the halving of subsonic block times makes comparisons of overhaul times with existing engines in terms of number of flight cycles more realistic than straight times between overhaul. If Olympus introductory overhaul lives were to be in the order of 1,500hr this would not necessarily compare unfavourably with 3,500hr for the JT3D.

If the data published last week in "Supersonic Economics" is accepted, the economics in terms of return on investment of Concorde and 747, can be compared for the simple, hypothetical route structure of exclusive North Atlantic operation following the elementary flow diagram illustrated on this page. The Paris-New York route has been chosen as this is Concorde's guaranteed range with 24,000lb, 10,900kg of payload against winter headwinds and with full fuel reserves, and because Concorde General Economics gives the expected revenue yield on this sector in 1975 with realistic fares and traffic splits. As in the manufacturers' all prices in this Flight study are quoted in terms of 1972 United States dollars.

Based on utilisations of 3,600hr and 4,000hr and average transatlantic eastbound and westbound flight times of 3.7hr and 7.5hr, the maximum annual number of single transatlantic trips which could be flown is 972 for Concorde and 332 for the 747. Taking data extrapolated from the illustrations published last week in Flight, page 466, total operating costs per aircraft statute mile of 3,710 st miles, 6,000km range (Concorde track plus 1 per cent) are $4.50 and $8 for Concorde and 747 respectively. Multiplying by the number of single flights and range, total annual costs are $16.25 million and $15.85 million. Indirects are calculated at 50 per cent load factor and show the contrast between the SST, with indirects approximately half directs, and the 747 where costs are approximately equal. This highlights the need for a rigorous approach to supersonic indirects as opposed to taking a "ballpark" number for total costs equal to twice directs. Average revenue is calculated at first-class rates minus 10 per cent for Concorde and with the fare and traffic splits on page 498 for the 747. A fare dilution of 5 per cent for the Concorde and 10 per cent for the 747 has been assumed. The annual operating surpluses of $3.85 million and $1.65 million result in returns on investment of 8.4 per cent and 5.8 per cent for Concorde and 747 respectively. With break-even load factors of 35.5 per cent and 44 per cent (see illustration last week), load factors of greater than 50 per cent would provide the Concorde with a greater return on investment advantage.

*Production aircraft weight breakdown*

| | *Pounds* |
|---|---|
| Aircraft weight less navigation and communication and furnishings | 150.846 |
| Navigation and communication | 1,647 |
| Furnishings: | |
| Technicial furnishings | 1,756 |
| Customer furnishings | 3,172 |
| Constructor's furnishings | 5,951 |
| Oxygen | 496 |
| Fire precautions | 361 |
| Manufacturers Weight Empty | 164,229 |
| Operator's equipment | 2,830 |
| Crew, crew baggage, etc | 1,527 |
| Undrainable fuel | 364 |
| Oil | 220 |
| Basic Operating Weight Empty | 169,170 |

Of course a comparison of a single Concorde with a single 747 is not philosophically correct. A more general study should take into account a typical spectrum of operations or a realistic demand for transatlantic passenger trips. For a second look at Concorde's profitability, therefore, a more detailed study of the London-New York route will be made to compare the economics of a fleet of 747s with a mixed fleet of 747s and Concordes. It is necessary to make some estimate of the likely traffic figures for later in the decade. Without becoming too involved with highly complex traffic prediction studies, it is possible to extrapolate the 1971 BOAC North Atlantic traffic of 687,998 passengers. Suppose it is assumed that on average 83 per cent fly on the London-New York sector and 10 per cent of these fly first-class. This gives a total of 570,000 passengers of whom 57,000 are first-class.

If these are escalated at a growth rate of 10 per cent per year for the five-year period ending 1976 this gives a total of 920,000 passengers of whom 92,000 are first-class. This is the traffic which might be expected without the introduction of an SST.

Estimates vary of the stimulus and effect of Concorde's introduction. It has been suggested that the doubling of speed will introduce an elasticity of 0.25; that is the doubled speed will increase traffic by 25 percent. This growth is the result of generating new traffic from passengers not prepared to travel at present speeds and new customers who would be willing to travel more often given decreased travelling times. If it is assumed that Concorde has this effect, and half of the additional first-class passengers come from existing non-first-class passengers previously unwilling to pay more to travel in the same aircraft at the same speed as others paying less, and half are captured from other airlines or are new travellers, traffic becomes 816,500 plus 115,000 first-class. Although these figures might be dismissed as pure speculation by *Flight*, they do allow the analysis to be carried one stage further.

Having established the traffic, the next step is to determine aircraft requirements. These depend on the load factor used for fleet planning, and for the *Flight* study this has been taken as 50 per cent for the Concorde, which operates an on-demand premium service, an overall 55 per cent for a mixed-class 747 and 65 per cent for all-economy-class 747 operated in a mixed-fleet alongside the all-first-class SST. The high load factor for the all-economy 747 is associated with a 447-seat, nine-abreast layout with 34in pitch. The low revenue yield and large proportion of excursion passengers who are more likely to book in advance influence the choice of this high load factor. Average flight times London-New York of 3.5hr for Concorde and 7.1hr for the 747 allow 1,025 and 562 single crossings per year. A fractional number in the fleet will be justified by assuming aircraft are used on other routes when not needed on London-New York.

PROJECTED 1975 PARIS-NEW YORK FARES AND TRAFFIC SPLITS FOR 747

| | Fare | Split percent |
|---|---|---|
| First class | $444 | 10 |
| Economy (high season) | 318 | 5 |
| Economy | 215 | 18 |
| Excursion | 207 | 25 |
| Excursion | 135 | 15 |
| Group etc | 130 | 27 |
| Average fare | 206.2 | |
| Average revenue yield/passenger-statute mile with 10 percent dilution | .0512 | |

COMPARATIVE ECONOMICS ON PARIS–NEW YORK

| | Concorde | 747 |
|---|---|---|
| Accommodation | 108 superior or 36+72 mixed class. | 52+292 mixed or 400 all economy. |
| Utilization | 3,600 hr | 4,000 hr. |
| Average flight time | 3.7 hr | 7.5 hr. |
| Number of single trips of 3,710 st miles/6,000 km. | 972 | 532. |
| Direct operating cost/aircraft st mile | $3.05 | $4.10. |
| Indirect operating cost/aircraft st mile. | $1.45 | $3.90. |
| Total operating cost/aircraft st mile | $4.50 | $8.00. |
| Annual cost | $16,250,000 | $15,850,000. |
| Average revenue/passenger st mile | c10.3 | c5.12. |
| No. of passengers (50 percent load factor). | 54 | 172. |
| Annual revenue | $20,100,000 | $17,500,000. |
| Annual operating surplus | $3,850,000 | $1,650,000. |
| Return on investment | 8.4 percent | 5.8 percent. |

DIRECT OPERATING COST ASSUMPTIONS

| | Concorde | 747 |
|---|---|---|
| Aircraft price | $37,500,000 | $23,002,000 |
| Customers furnishings and equipment | 160,000 | 850,000 |
| Aircraft equipped price | 37,660,000 | 23,852,000 |
| Spares | 8,285,000 | 4,496,000 |
| Total investment | 45,944,000 | 28,348,000 |

Given the total traffic of 920,000 passengers, a fleet of 8.6 mixed-class 747s with 344 seats would be required for exclusive London-New York operation. The mixed Concorde and 747 fleet would require five 747s with 447 single-class seating, and 2.07 Concordes with 108 first-class seats.

The comparative economics are shown below and were calculated using the fares and traffic splits for the mixed-class 747 detailed previously. A Concorde first-class revenue yield of 11.4 cents/passenger-st mile including 5 per cent dilution was assumed together with a yield of 4.6 cents/passenger-st mile for an all-economy 747, derived from the Paris-New York splits with first-class removed, and including 10 per cent dilution. As the manufacturers' figures for Paris-New York are on a per-statute-mile basis it seems a reasonable approximation to use these together with the London-New York mileage.

COMPARATIVE ECONOMICS WITH CONCORDE OPERATING AT 50 PERCENT LOAD FACTOR, THE MIXED CLASS 747 AT 55 PERCENT AND THE ALL-ECONOMY 747 AT 65 PERCENT LOAD FACTOR

| | Mixed fleet (millions) | 747 (millions) |
|---|---|---|
| Total investment | $236.7 | $244.0 |
| Annual cost | 114.7 | 138.5 |
| Annual revenue | 178.3 | 166.5 |
| Annual operating surplus | 63.6 | 28.0 |
| Return on investment (percent) | 26.7 | 11.5 |

This calculation shows the mixed fleet with a distinct advantage, providing a larger return from a smaller investment. To illustrate that this is not the result of choosing advantageous load factors, the exercise has been repeated with all aircraft at 50 per cent load factor. A mixed fleet of 2.07 Concordes and 6.5 747s retains an economic advantage over 9.5 mixed-class 747s.

COMPARATIVE ECONOMICS WITH ALL AIRCRAFT OPERATING AT 50 PER CENT LOAD FACTOR

| | Mixed fleet (millions) | 747 (millions) |
|---|---|---|
| Total investment | $279.0 | $270.0 |
| Annual cost | 138.7 | 153.0 |
| Annual revenue | 178.3 | 166.5 |
| Annual operating surplus | 39.6 | 13.5 |
| Return on investment (percent) | 14.2 | 5.0 |

The Aérospatiale and British Aircraft Corporation publication *Concorde General Economics* contains total operating costs, revenue yields, fares and traffic splits for Paris-New York, Paris-Tokyo, London-Johannesburg and London-Sydney. A glance at the globe will show that these are all routes suitable for Concorde. If the revenue per mile and traffic splits for operations from Paris are taken to be similar to those from London it is possible to use these figures to investigate the profitability of a simple route network from London to New York, Tokyo, Johannesburg and Sydney. The Concorde is assumed to operate on all first-class service.

The *ABC World Airways Guide* gives BOAC's present VC10, 707 and 747 flights on these routes. Using typical Corporation seating arrangements for the VC10 and 707 of 139, and 347 for the 747, the total available seats on each route can be calculated. The percentage of first-class traffic on each route given in *Concorde General Economics* allows the number of first-class seats which should be made available, given flexible seating arrangements, to be estimated. From these figures, the capacities of 108 for a single-class Concorde, 347 for a mixed-class 747 and 447 for an all-economy 747, it is possible to calculate the number of flights per week required to provide these available seats from either a mixed fleet of Concordes and single-class 747s, or a fleet of mixed-class 747s. The number of flights required is rounded to a whole number where necessary, taking care to balance load factors achieved by each fleet on a given route by rounding either both frequencies up or both frequencies down. In this example *Flight* is using 1972 summer frequencies with no increase in the traffic because of SST operations and no attempt has been made to predict the traffic likely when Concorde enters service.

AVAILABLE SEATS AND SUGGESTED FREQUENCIES

| Route | London-New York | London-Tokyo | London-Johannesburg | London-Sydney |
|---|---|---|---|---|
| No. of flights/week VC 10: | | | | |
| 707 | 14 | 9 | 1 | 9 |
| 747 | 14 | 0 | 7 | 7 |
| Total available seats/week | 6,800 | 1,250 | 2,569 | 3,680 |
| Percentage first class | 10 | 12 | 9 | 5 |
| Number of first class seats/week | 680 | 150 | 232 | 184 |
| Number of flights/week required from: | | | | |
| Mixed fleet Concorde+747 | 6+14 | 2+3 | 1+5 | 2+8 |
| 747 fleet | 20 | 4 | 7 | 11 |

Using the manufacturers' results for total operating costs on each of the four routes and taking realistic flight paths, including a 1 per cent track allowance, the operating cost of each aircraft and hence each fleet can be calculated. If the single-class Concorde takes all the first-class traffic and the all-economy 747 takes all other passengers, then the revenue obtained from the mixed aircraft fleet remains the same as for the mixed-class 747.

During 1971 the average BOAC passenger load factor was 51.4 per cent. Concorde's manufacturers suggest average revenue yields of 5·12, 10·15, 5·93 and 5·11 cents per passenger-statute mile for the New York, Tokyo, Johannesburg and Sydney routes. Using these figures, together with the total available seats, allows an estimate of the total revenue per week to be made.

COSTS, REVENUES AND SURPLUSES PER WEEK

[Amounts in dollars]

| Route | London-New York | London-Tokyo via Norilisk | London-Johannesburg via Lagos | London-Sydney via Tokyo and Port Moresby |
|---|---|---|---|---|
| Trip cost 747 | 28,600 | 48,000 | 62,200 | 110,000 |
| Trip cost Concorde | 16,050 | 26,100 | 37,800 | 66,000 |
| Total mixed fleet cost/week | 496,500 | 196,200 | 386,600 | 1,012,000 |
| Total 747 fleet cost/week | 572,000 | 192,000 | 435,000 | 1,210,000 |
| Total revenue/week | 635,000 | 415,000 | 529,000 | 1,110,000 |
| Mixed fleet surplus/week | 138,500 | 218,800 | 142,400 | 98,000 |
| 747 fleet surplus/week | 63,000 | 223,000 | 94,000 | −100,000 |

While the mixed fleet consistently returns a profit, the 747 fleet makes a loss on London-Sydney with the assumed traffic. This is partly the result of the low revenue yield. The mixed-class 747 would break even at around 54 per cent load factor, which could be obtained by reducing frequency. The fare structure on London-Tokyo does not depend on the route taken and provides the exceptional revenue yield when flying via Norilsk. As shown below the mixed fleet provides an outstanding margin on turnover. In this example total investment has not been calculated as this would require an assessment of scheduling arrangements.

COMPARATIVE MARGINS ON TURNOVER

| | Mixed fleet | 747 |
|---|---|---|
| Total revenue/week | $2,689,000 | $2,689,000 |
| Total cost/week | 2,091,300 | 2,409,000 |
| Total surplus/week | 597,700 | 280,000 |
| Margin on turnover (percent) | 22 | 10.4 |

There is no doubt that the *Flight* calculations show airline fleets including Concorde providing a substantial return on investment. It might be argued that the traffic, load factors and routes have been chosen to highlight the SST's economic performance, but this is not the case—the data given in *Concorde General Economics* published last week provides anyone sufficiently interested with enough information to attempt a similar calculation for himself.

A 12-year depreciation period has been assumed for both aircraft throughout this study. Only annual returns on investment have been considered, as discounting returns over equal periods would not have produced any different comparative results. The introduction of the 747 brought with it the requirement for airlines, airports and governments to make large investments in equipment, runways and facilities. It is often argued that the operating cost/seat advantage of the 747 over the 707 does not fully take this into account. A large investment in airfield equipment will not be required for the Concorde, which has a maximum weight similar to the 707 and exit heights close to those of the 747. The financial investment in aircraft, customer furnishing and equipment and spares used in this study therefore are likely, if anything, to have underestimated 747 requirements.

The productivity of the supersonic Concorde in terms of seat-miles/hr is similar to that of the DC–10 and TriStar. When operated as a single-class aircraft, or a mixed-class aircraft at premium fares, there could be a restricted market unless some credit is taken for elasticity in demand due to increased speed. Nevertheless the present BOAC subsonic fleet has an available capacity of approximately 2,230 million first-class seat statute miles. Ignoring any restrictions placed on supersonic overflights or Concorde night take-offs, this traffic would require six Concordes with 108 seats, utilisations of 3,600 hr/year operating at realistic SST block speeds. In 1971 a total of 7.53 million passengers flew across the North Atlantic. If 10 per cent of these are first-class there is a potential market here for around 15 Concordes at 50 per cent load factor. Although the examples in this article have used a single-class arrangement, "Can Concorde Make a Profit?" showed that Concorde is economically viable at premium mixed-class fares.

By spring 1975, when Concorde enters service, air traffic is likely to have increased by at least one quarter. Much of the growth will be on the prime supersonic routes across the Atlantic, Pacific, Indian Ocean and Siberia. Given the supersonic flights overland are likely to be banned, and night curfews at major airfields would place severe demands on scheduling, speed and frequency will undoubtedly stimulate traffic, particularly business traffic. Speed elasticities as high as 0.8 have been suggested. If only a proportion of this increase should occur, and the international air transport market continues to grow, as seems likely, Concorde will achieve substantial sales.

## WISCONSIN STUDENT LEADER COMMENTS ON THE DEMOCRATIC CONVENTION—1972

Mr. PROXMIRE. Mr. President, in the fall of 1972 the Campus Studies Institute Division of World Research, Inc. held seminars at both the Republican and Democratic conventions in Miami, Fla. The purpose of the seminars was to offer student leaders attending the conventions to express their perceptions of the democratic process and to allow the directors of the program to record their on-the-spot evaluations for distribution to other students.

One of my constituents, Thomas Bowen, student body treasurer at the University of Wisconsin-Whitewater, was a member of the seminar. I feel that the views of our younger citizens are of great importance to this country and to the Senate of the United States. I therefore ask unanimous consent that Mr. Bowen's record of the 1972 Democratic National Convention, which was published by World Research, Inc., in a special edition entitled "Perched Like a Weathervane," be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### PERCHED LIKE A WEATHER VANE

Perched Like a Weather Vane is quite simply the individual observations of six outstanding students on the American political process and those who participate in it . . . observations which are based on their first-hand experiences at both national conventions and their youthful but well qualified background in political and economic philosophy. It is not intended to be any great in-depth analysis of our political system, nor is it intended to be representative of any group of students.

As director of program development for the Campus Studies Institute Division of World Research, Inc., I was put in charge of this particular program. The first order of business was, of course, to choose the specific six students who would participate.

Hour by hour, day by day, I read over 2,000 student letters (letters written to CSI from students across the nation). I'm not at all sure I can say exactly what that certain something was that made six particular letters stand out from the multitude. There was a certain something . . . a certain ability to express (or at least detect) the basic philosophy inherent in individual liberty.

However, as the reality of the undertaking got closer, that "something" began to be more nebulous. At my desk I sat and stared at the six letters—so much ink on so much paper. Six names—four males and two females. It was true that, judging from their letters, the six under consideration just had to be rational, mature, "good" kids. But from a more realistic judgment, I really had no idea at all if they were "good." I didn't even know if they were Republicans or Democrats. Further, I didn't know (not that it really mattered) whether they were white, black, skybluepink, long-haired, bearded, hippie, square . . . all I actually knew was that they apparently shared a basic respect for individualism. After lengthy staff consultation the decisions were made.

The chosen six. Put them all together in a convention seminar and have a nervous breakdown wondering what the results would be after living together for seven days at each convention . . . wondering if they would be compatible, if they'd be drags or bores, if . . . if, if, if.

It was only ten days before the Democratic convention when the choice of these six students was completely finalized. I picked up the phone to make the all-important calls. Through a great deal of patience on the part of the long-distance operator and the co-operation from the registrar's offices at the six different schools (student's home phone numbers are not supposed to be given out—not even parent's first name and naturally I had chosen a Smith living in the Detroit area and a Brown living in Manhattan), the six home phone numbers were obtained. One by one I checked them off and a pattern—almost identical pattern—began to form.

"Are you serious?" "With *World Research*?" "Is this for real?"

And then:

"Wow" or "Gosh."

And then:

"Why me?" Followed by, "I can't understand—I was kinda rough on you all" or "I wrote that so fast—I never thought you'd even answer" or "I remember my typewriter was broken and I just had to say something so I scrawled it on note paper" or "I didn't ever try to write some great letter—I was just saying what I felt."

My reply to their question of "why me?" was simply to tell them no matter how long or short, spontaneous or unspontaneous their letter had been, there was something—a depth of understanding, a glimpse of insight into the philosophy of freedom, a spirit of individuality, the ability to think before blindly agreeing or disagreeing with any given group or philosophy, and obviously, from their student body office on campus, a quality of leadership . . . all of these were the "why," nothing more, except perhaps a bit of hopeful intuition on my part.

Not one conversation lasted more than five to ten minutes. Each of the six adjusted their summer plans and accepted our invitation with the eagerness and excitement that only warm, alert and eager young people with open minds and adventurous souls can possess. My confidence returned . . . that is, it returned until I began to think of other things. Specific things, like just exactly *how* this whole project was going to be directed once we all got to Miami.

There were two schools of thought about the direction—mine and everyone else's.

Most opinions were that definite assignments should be made, definite questions written down so each participant would be asking the same questions thus giving a statistical base for comparison, deep analyses should be made of the mechanics and structure of each delegation, $x$ number of hours should be assigned for watching TV and reading the papers, etc. etc. etc.

My opinion was that these six young people weren't the type who needed detailed instructions on how to be intelligent and creative. The purpose of the seminar was not so much to obtain an in-depth analysis of the political mechanics (that's been done by professionals since the inception of politics—i.e. man), but more—to come up with an in-depth story of what intelligent individuals left free—on their own—free from the overwhelming authority of organizational structure—could produce. I wanted to see what *they* could do. I wanted to learn what *they* saw, what things *they* though were important, what conclusions *they* would draw, and just exactly how *they* would go about choosing and carrying out their own assignments. These students were not children, nor were they stupid, dull, or unimaginative. I felt that their own wings were strong enough and their sense of responsibility adequate enough to gamble.

Believe me, I had my moments of doubt. Was I expecting too much? Would they end up having had a "great time" at the conventions and in essence nothing of significance beyond that? There is, after all, much to be said for the proven methods: You do it this way because that's the way it's done. But, since have always rebelled against control over the responsible adult's creativity and productivity, I decided on the nonbureaucratic approach and ended giving no instructions other than routine directions for frequent check-in calls, overall instructions as to the fact that they were representatives of CSI and to conduct themselves accordingly . . . and that we wanted notes and reactions and an in-depth report from each of them.

One result of this non-bureaucratic approach was that I spent most of my time alone in my hotel room, watching TV, relaying messages, and feeling very un-needed. I never even had a chance to tell them what time to be in. I ate cheese and salami and drank TAB. I hate TAB.

I have done nothing but the lightest of editing, most of which was for clarification or in the interest of limited space. I must also add, "the opinions expressed are those of the individual writer and not necessarily those of CSI."

PATTY NEWMAN.

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### TOM . . . WITH THE DEMOCRATS

(About Tom . . . Tom Bowen—Student Body Treasurer at the University of Wisconsin-Whitewater. A junior. Accounting major. Non-debonair in the straight manner of the Midwest, and so dependable and responsible that I found myself giving him a disproportionate share of the things-to-be-done. Straight? Not at all, if by "straight" you mean uninteresting, establishment protocol. Not Tom. Tom is astute, quick, and eager to be where the action is. True, of the group, he was the most reserved, but interest, friendliness, sociability all combined with a searching and intelligent mind to make Tom a real basic ingredient in the project. Writer? Not really. Sincere? The most.)

The gavel went down at 8 p.m. with the National Chairman O'Brien presiding. A long and boring prayer was given by a bleeding-heart pastor, whom Ed Muskie probably liked, as he, too, saw eight sides to a six-sided object.

In an effort to squelch the radical impression of George McGovern and the radical-liberal label Vice President Agnew and others tried to place on the Democrats in 1970, the Dems did their best to appear patriotic and All American. Vice Chairman Mary Lou Burg gave the pledge of allegiance, flags began parading down the floor and the audience sang the national anthem. This was obviously an attempt to show the party's sense of traditional Americanism—the party that "saved America from economic disaster—depression—and world dictatorship—Hitler." However, the response was mute. The delegates and others felt almost strange and out-of-place in the American Legion-like nationalism.

Senator Chiles of Florida welcomed delegates, alternates, TV viewers and guests. He said that the "open system" in the Democratic Party was shown by the fact that 86% of the delegates were new to national convention politics; 37% were women; 15% were black; 22% were young; 100 were Spanish-Americans; and 22 Indians (Native-Americans?) Proudly he pointed out that these people were on the outside in '68 but now are working for change *within* the system. Here was the first taste of Anti-Old-Establishmentism . . . an apparent distaste for the traditional practices of the 1968 Democratic Convention in Chicago.

Another bit of Anti-Old-Pols came from this Senator-from-the-South when he said this was an open convention where "people decide, not their bosses." (NOTE: At this time McGovern & Co. were lining up blocks of delegates for the forthcoming fight on the question of California's delegation being seated.) Senator Chiles apparently was saying that the "people" would decide via advisors, not troops—an analogy, I suppose, to President Kennedy's "advisors" not "troops" in South Vietnam.

While change was being stressed in theory, tradition was stressed in appearance. The singers—an almost all-white, clean-cut, short-haired, establishment group of young people—sang traditional songs, Broadway hits, and Bacharach tunes. And so the convention opened with traditionalism, which acted as a buffer before the spirit of revolution was allowed to let loose as the convention marched right up to the nomination of George McGovern.

I left the hall for a moment to look for food. The first thing I saw outside was several hundred police and troopers, which was most interesting because they had been totally unnoticeable when most people had entered the hall. The logistics of their appearance and actions had to be the most carefully planned operation of the entire convention—a marked contrast to '68 in Chicago. (This is all well and good, unless you were one of those unfortunate people to purchase a week-long "shuttle bus" pass for $8.00—a service which itself got shuttled while emphasis was put on police protection and resulted in a consumer service that would have made R. Nader shudder.)

Claude Pepper of Florida (a former U.S. Senator) gave the traditional convention speech which again provided an interesting contrast to the actual proceedings. Again and again he proudly said that the nominee and the nominee's leadership were in the hands of "the people" and not the politicians. (NOTE: At this time McGovern & Co. were trying to persuade the purist-leftists within the McGovern camp to "cool it" in regard to the South Carolina vote on credentials.)

The disinterested convention-goers (disinterested, at least, as far as what was going on at the podium) were offered the treasurer's report. Being a good capitalist at heart, but enough of a Democrat not to be concerned about over-spending a few million dollars, the treasurer said that the man who said "money is the root of all evil" and "the best things in life are free" . . . never had to run a political party. (With a $9.3 million debt and a tough national campaign ahead, the Keynesian Democrats might begin to wonder about deficit spending.)

Then Mr. O'Brien asked the delegates to "please take your seats." He wanted order, he called for LAW and order . . . "would the sergeant at arms please clear the aisle?"

The obvious fact was that over 85% of those on the floor were new to politics, especially politics of order, and so it was a major task for them to sit down.

Order or not, the lights dimmed and a film was shown of people, people, people—all commenting on the huge American political process and their heartfelt sense of "powerlessness", "anxiety," "hopelessness." They were saying government is too big to be responsive, and felt change was needed. (O'Brien failed to mention that Congress has been controlled by the Democratic Party for most of the last forty years, and that it was the promoter of big government for the "children" of America.)

The revolutionary reform rules called for "democratically elected" delegates and the establishment of a quota system for the first time in the history of either political party. In the opinions of many old political pros, this meant a loss of local control (paralleling the national trend, probably) . . . no better illustrated than with the Daley delegation.

However, these two reforms (the "quota" system and the "open" system) can conflict. For example, if the people voting in the Democratic primary elect an all-WASP delegation (this would be in accordance with the "open" process), the liberals who might dominate the Credentials Committee and the convention would claim the elected delegation was not representative under the "quota" system and would challenge (probably successfully) the seating of the democratically elected group.

An example of his conflict occurred with the challenge to the South Carolina delegation early in the convention proceedings.

The issue was there not being a representative percentage of women in the delegation, and the minority report challenged the seating (as approved by the Credentials Committee) unless the voting power of the twenty-three men and the nine women were made equal (i.e., reducing the men's vote to sixteen and raising the women's vote to sixteen).

Bella Abzug argued for the quota system by saying that South Carolina women make up 51% of its population, but were "allowed" only nine seats of thirty-two—28%.

The Credentials Committee maintained that the South Carolina Democratic Party had "the most democratically elected delegate convention of any in the nation." They claimed that the South Carolina Democratic Party had had workshops, had increased participation of ALL groups, had advertised the location of all polling places, and had the McGovern-Fraser guidelines.

The vote on this question would appear to be a test of whether the Democrats favor quotas over democratically-elected delegates. However, politics overshadowed in this case as McGovern people were asked (instructed?) to let South Carolina stand in favor of the more important California ruling later. Thus the decision on the interpretation of the reform rules was left to the subjective nature of the convention.

At this point it should be noted that another flaw in the quota system is that the decision of which groups will be chosen for percentage representation is arbitrary, and those left out (labor and certain ethnic groups) feel prejudiced against and resented.

Finally, the two big questions of California and Illinois came before the delegates, many of whom had grown impatient with compromise and were more than ready for a showdown. Although these questions were well explained in the media, the principles involved bear repeating because they are basic to decision-making and the theory of "fairness."

As to California, the essential question was whether the "law of the Democratic Party or the law of the land (California statute) should prevail. Senator Gaylord Nelson, in his support of the "winner-take-all" primary, said, "Shall we support the *law* or shall we support *political expediency?*" The other basic question involved the issue of changing the rules of the game "after the fact." The supporters of apportioning the votes of California to each candidate said that it was the most representative way; that the delegates "shouldn't kick out nearly two million votes from this year's process." And as another supporter said, to disenfranchise these people would make a "mockery of the mandate of the reforms." He argued for "equitable representation" and claimed it was a question of the philosophical basis of the Democratic Party.

The vote was obviously largely political; however, the party decided to: (1) follow the law of the land, (2) keep the rules of the game the same before and after the fact, (3) disenfranchise 1,900,000 California voters, and (4) reject the theory of a democratically representative philosophical basis for the party. To the public the Democratic Party was saying that it based its decision on fairness; but in reality it was a matter of which candidates benefited by the ruling.

My first view of the noted hip/zippies was Sunday night when HHH had a conference with the young delegates at the Carillon Hotel. There he was: Abbie Hoffman of the Chicago 7, making childish remarks, asking "all the young people for Humphrey . . . are they from Minnesota?" and getting absolutely NO response from any of the HHH supporters . . . they simply ignored his presence.

Since Tuesday night was to be the platform fight and issues from every corner of the radical bag would be pushed, the Movement decided to have a speaking rally outside the convention hall in an area approved by the police. A couple of hundred or so young people were there listening to the same old garbage from on stage.

When I arrived at this place of thought-provoking utterances, I was surprised to hear a middle-class man in his 30's come to the podium to speak vigorously about the love of Jesus Christ. He said he "came to ask the five top Democrats to make a stand with God, Jesus Christ." At this point there were some jeers from the audience, to the effect that "Christians are fascists . . . Evangelists are helping to justify imperialists," etc. But somehow, the jeers never caught on.

The Jesus supporter continued saying that "we must unite in one cause and pray for the ending of the war." He said that government was not the answer, politicians were not the answer . . . JESUS was the answer . . . for real peace ask for Christ to come into your heart. I agreed with his fundamentalist approach to religion and I liked what he said about government not being the answer.

The Jesus People were out in force at this convention and I think this is one group which did not get publicized properly—in no newspaper or on no TV program did I hear them mentioned once. Yet, they were very visible.

Paul Mier, a returnee from North Vietnam now on a "peace" mission, spoke. He is an active anti-war activist and a co-conspirator in the Harrisburg Case. He said the NVN separates American people into those who are representative of the American government which is the enemy, and that the Movement should also make this distinction. He urged the crowd to be "peaceful and orderly in the name of the NVN" . . . nothing would make Nixon happier, he continued, than to have violence at this convention. (Most of the leaders—many self-imposed—did make a sincere effort to keep peace mainly out of a sincere belief that violence would help the President and hurt their choice—George McGovern.)

One tough fighter against the establishment was a Progressive Labor Party student who said that "it doesn't matter who the nominee of the Democratic Party is" . . . socialism is the answer and voting for the socialist candidate is essential.

After a few more speeches, a march was in order. In rows of eight, about three hundred protestors quietly and peacefully marched from outside the hall back to Flamingo Park. There were actually few protestors—relative to the number of observers. The police were inside the fence which surrounded the convention hall. They all had helmets, and clubs which were absolutely the largest I had ever seen. The Viet Cong and NVN flags were proudly displayed while the marchers chanted "fight back, fight back, fight back." With the Vietnam war waning, they sometimes took their cause to "Fight Back, Rhodesia," or "Fight Back, South Africa."

An unusual alliance was made when about twenty Hare Krishna religious men took the lead of the group—chanting and going into their motions.

The only incident I observed during the march was when a young sophisticate was driving his car down the street that was being occupied by the demonstrators. He wanted to continue, so he honked his horn, at which point there was the first sign of open disturbance among the protestors. They acted as if they were going to lift the car up, but actually went no further than shouting at the guy in the car. (We have more of a right than YOU on this street—let no citizen ever question that right.)

Finally at the park, the Jesus People were again present. The New Pilgrim Baptist Church from Alabama brought in a bus load and one girl was in the process of reading the Bible, from front cover to the end—right in the middle of the park. The protest leaders shunned the Jesus People—possibly they were afraid of being contaminated with love, and having to practice what they preached.

The protestors, on the whole passive, peaceful, and emotionless. With Vietnam being played down and the war being ended, a search was on for new causes to excite the masses, but at this gathering, none came forth. Progress seemed to disturb the hard core leftists—the establishment was stealing their arguments.

Flamingo Park was . . . like an excuse to get away from home, to be free for a few days, to take a vacation. Most were more concerned with the rock band that played and the songs they sang than with the parlimentary proceedings at the convention. The one impression I got was the sense of purposelessness among them. They were there to protest the capitalist pigs, but were actually disillusioned that inside the convention hall an anti-establishment figure was in the process of wrapping up the nomination. How dare the system work—it diffuses the Movement.)

The first rate of awareness in being among the conventioneers had come to me Sunday evening at the Humphrey headquarters at the Carillon Hotel. The lobby looked not unlike most other busy vacationing nights on the beach; HHH supporters mingled, but their activities were dull. For a possible Democratic nominee who had served as Vice President of the United States, visible support was relatively meager.

The old pols were there, those who still clung to the idea that more federal money will clear their consciences and problems will then go away. But they were not as enthusiastic, optimistic, or as forthright with their convictions as in the past. Was it laziness, apathy, or did they feel their dream of government intervention and socialization had been fulfilled? Had a status quo been perfected to the point where further elections didn't really matter? Had they grown soft, comfortable, secure, and were now giving the hard, voluntary work to the "new breed" of idealists?

The HHH candidacy was one last swing of what had become the Geritol Crowd, the Union Middle-Class, and the Moderate Wing of the Party.

After McGovern received the nomination on Wednesday night, I went to the HHH youth beer party at the pool of the Carillon Hotel. They were down—left with only "voting for the lesser of two evils;" i.e., McGovern. The most dedicated were from home-state Minnesota. They clung not to the man or to one cause as did the McGovern supporters, but liked HHH because of his competency and hard work. "Look at his record," said one young college graduate from rural Minnesota, "it speaks for itself."

My impression of these youth-for-Humphrey (the "Swamp Foxes") was that they were predominantly clean cut traditionalist Democrats, hard-working, patriotic . . . the kids next door. Almost all of them were white, despite the fact many blacks supported HHH. Almost to a person these young people (numbering between fifty and a hundred) felt that McGovern would lose, but that they would reluctantly vote for him on the basis of party loyalty. There was a certain amount of pure resentment about the young voters for McGovern—"Why, they aren't even Democrats," said one young girl.

It was rather certain that the HHH supporters—young and old—would go home and work for the Democratic Party, but concentrate on local races. They felt despondent, but were also angry at themselves for being complacent enough to allow McGovern to do the impossible.

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## TOBACCO IN THE NATIONAL ECONOMY

Mr. HELMS. Mr. President, it is with regret that I note that the distinguished

Senator from Utah (Mr. Moss) has renewed his attack upon the very heart of the economy of my State.

The distinguished Senator from Utah again proposes to terminate the price support program with respect to tobacco. He states that:

> Our Government cannot long continue in the indefensible position of aiding and abetting production and export of this product.

With all respect to the Senator from Utah, this matter has been before the Senate on numerous occasions in the past. The facts have been made clear, time and time again, concerning the nature of the tobacco support program, its remarkably small cost to the Government far more than offset by the substantial contribution to the Treasury occasioned by the sale of the manufactured product, and the role played by tobacco in relation to our international balance-of-payments position.

Again with due respect to the Senator from Utah, it should be emphasized that many scientists and Senators have taken issue with the major premises of the Senator from Utah.

More than 182,000 families in my State earn their living from the production of tobacco. They are dedicated, hard-working citizens who, in my judgment, deserve to be encouraged, not hindered, in their constructive labors to support their families.

I would hope, of course, that my people could be spared the anxiety of wondering whether their vital tobacco program is to be placed in peril. Needless to say, I implore Senators to study carefully all of the facts related to this subject which is of such vital concern to the people and the economy of North Carolina and many other States.

Mr. President, I ask unanimous consent that a statement of the U.S. Department of Agriculture, Tobacco Division—ASC, entitled "Tobacco in the National Economy," dated October 1972, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### TOBACCO IN THE NATIONAL ECONOMY

Tobacco is a major agricultural commodity that several hundred thousand farm families depend on for most or a significant part of their livelihood. About 400,000 farms in the United States produce almost 2 billion pounds of tobacco on nearly one million acres each year. Although tobacco uses only 0.3 percent of the Nation's cropland, it is usually the fourth or fifth most valuable crop and accounts for about 6 percent of cash receipts from all U.S. crops. U.S. farmers receive annually about $1.3 billion from tobacco sales. On many farms more than one family depends on the income from the tobacco sales. So about 600,000 farm families share in the proceeds from the sale of tobacco. Tobacco is one of the few crops that can still utilize family labor and provide a reasonable income on a small farm. To produce and market an acre of tobacco requires about 400 man-hours.

The United States leads the world in both tobacco production and exports. Among our farm export commodities tobacco usually ranks fourth. During the 1972 fiscal year, U.S. exports of unmanufactured tobacco were valued at $531 million. In addition, exports of manufactured tobacco products were valued at $233 million. Our total tobacco exports in fiscal year 1972 were valued at $764 million. Since tobacco exports substantially exceed imports, they make a sizeable contribution to our balance-of-payments position.

A limited export payment program designed to regain and expand foreign markets for U.S. tobacco by making our tobacco more competitive pricewise was instituted in 1966. The expenditure for this program during the 1972 fiscal year was $26.7 million.

For a number of years, the Department has been working with U.S. agricultural and trade groups to help expand sales to foreign countries of such U.S. farm products as tobacco, wheat, feed grains, soybeans, cotton and fruits. For the 1972 fiscal year, the Department authorized expenditure of $160,000 (dollar equivalent in foreign currencies) for cooperative tobacco market development. This program operated in two countries; Thailand and Austria, which have government monopoly control of the manufacture and distribution of tobacco products. These projects have been undertaken at the request of, and in cooperation with, these foreign governments, and are designed to expand the use of U.S. grown tobacco in the products they manufacture.

The U.S. also imports large quantities of tobacco. During fiscal 1972 our imports of leaf and manufactured tobacco were valued at $167 million. These imports are used for blending with U.S. leaf in the manufacture of cigarettes and cigars. The supplying countries are principally Turkey, Greece and Yugoslavia for cigarette leaf, and the Philippine Republic, Dominican Republic, Colombia, Brazil and Paraguay for cigar leaf.

During the 1972 fiscal year, U.S. consumers spent about $12.8 billion on tobacco products, of which about $5.1 billion were received by Federal, State and local Governments as excise tax revenue. Thus, taxes represent about 40 percent of consumer expenditures for tobacco products, and are about four times the amount U.S. farmers receive from their tobacco sales.

The demand for tobacco by many millions of people will continue even though confronted with health issues and other repressive influences. Manufacturers will obviously strive to satisfy this demand and will obtain their tobacco requirements either from domestic producers or from suppliers of foreign grown leaf. U.S. producers naturally feel they have every right to continue to earn their livelihood by producing tobacco to supply this demand.

For many years, the Department of Agriculture has administered programs to stabilize U.S. tobacco production and assure fair prices to growers. Marketing quotas are in effect for most types of tobacco. In most referendums, more than 90 percent of the growers voting have favored marketing quotas. It is generally agreed that because of the production control program, less tobacco is produced in the United States than would likely be the case if there were no Government programs.

When growers approve marketing quotas, price supports are mandatory for that kind of tobacco under existing legislation. Under the price support program, Commodity Credit Corporation (CCC) loans are made available through producer associations with the tobacco as collateral. The associations handle and sell the tobacco, and repay the loans as the tobacco is sold. The realized cost of the tobacco price support program during the 1972 fiscal year was $200,000. The cost, that the Government has sustained in operating the price support program for tobacco from 1933 to date, has been about 0.15 percent of the cost for all farm commodity price support operations.

Under the cropland adjustment program, provided by the Food and Agriculture Act of 1965, farmers are paid to divert cropland acres to non-agricultural and conserving uses. During fiscal year 1972, approximately $1.4 million was paid to producers for diverting tobacco acreage.

The Department provides an inspection service to grade all tobacco before it is sold on the auction markets. Government grade standards affixed by USDA inspectors are the basis for CCC price support loans. Daily market news reports inform growers of prices and market conditions. The tobacco inspection and market news services cost $4.8 million during the 1972 fiscal year.

Expenditures for tobacco under Public Law 480 (Food for Peace Program) during the 1972 fiscal year totaled $24.3 million, of which $5.4 million represented the sale of leaf tobacco and tobacco products for U.S. dollars on credit terms. The remaining $18.9 million represented sales for local currencies, as no tobacco is donated under Public Law 480.

The Department conducts major research on tobacco in cooperation with the State Agricultural Experiment Stations and other agencies. In fiscal year 1972, $6.2 million were programmed for tobacco research. Following the issuance of the Surgeon General's Report on "Smoking and Health" in 1964, the Department expanded and redirected its research in an effort to ascertain what, if any, element in tobacco or its smoke, may be injurious to health.

The following table shows the cash receipts from tobacco, percentages of all crops and all farm commodities, and the number of farms and families producing tobacco in the 16 leading tobacco producing States in 1971.

| States | Cash receipts from tobacco, 1971 (millions) | Tobacco cash receipts as proportion of those from— All crops (percent) | Crops, livestock, and livestock products (percent) | Number of farms producing tobacco | Number of families associated with tobacco farms |
|---|---|---|---|---|---|
| North Carolina | $562 | 60.7 | 36.8 | 80,000 | 182,000 |
| Kentucky | 271 | 66.4 | 28.7 | 135,000 | 147,000 |
| South Carolina | 101 | 35.0 | 21.6 | 13,000 | 33,000 |
| Virginia | 90 | 33.9 | 14.6 | 28,000 | 48,000 |
| Tennessee | 76 | 23.3 | 10.2 | 74,000 | 94,000 |
| Georgia | 92 | 16.4 | 7.3 | 10,000 | 30,000 |
| Florida | 27 | 2.7 | 1.9 | 2,300 | 10,000 |
| Maryland | 23 | 17.8 | 5.8 | 3,000 | 6,000 |
| Connecticut | 26 | 38.9 | 15.7 | 100 | 4,600 |
| Pennsylvania | $10 | 3.6 | 0.9 | 3,000 | 3,070 |
| Ohio | 12 | 1.9 | .9 | 9,500 | 11,000 |
| Indiana | 10 | 1.2 | .6 | 8,300 | 9,400 |
| Massachusetts | 11 | 13.4 | 6.7 | 100 | 1,500 |
| Wisconsin | 9 | 3.9 | .6 | 2,900 | 5,200 |
| Missouri | 5 | .8 | .3 | 1,200 | 1,600 |
| West Virginia | 2 | 7.4 | 1.7 | 3,300 | 4,400 |
| United States | 1,328 | 5.9 | 2.5 | 373,700 | 591,400 |

## THE BEST ARGUMENT AGAINST AN AMERICAN SST

Mr. PROXMIRE. Mr. President, at the end of last month the Joint Economic Committee held 2 days of hearings on the supersonic transport. The purpose of the hearings was to assess the ongoing research programs that the Department of Transportation and NASA are conducting in this area, and to consider any future plans for resuming Federal funding of SST development.

Unfortunately, the witnesses we invited from the administration—witnesses that could have enlightened Congress on a possible SST resumption—all refused to testify. This was most regrettable, and we can only speculate about the administration's intentions with regard to resuming a full-scale SST program.

One of the most telling statements that was submitted at these hearings came from Milton Friedmen, the University of Chicago economist. Friedman points out that the real nub of the SST issue is often obscured—that the real question is: What business does the Government have involving itself in SST development? As Friedman says:

> The SST issue is often presented as if the question were: Should or should not an SST be built in the United States. That seems to me the wrong question. I favor the building of an SST in the United States, if private enterprise finds it profitable to do so, after paying all costs, including any environmental costs imposed on third parties.
>
> On the other hand, I oppose the building of an SST in the United States if that requires government subsidies.

Mr. President, I ask unanimous consent that an article by James J. Kilpatrick about our SST hearings published on January 9, 1973, and Mr. Friedman's testimony before our committee be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star and Daily News, Jan. 9, 1973]

### THE BEST ARGUMENT AGAINST AN AMERICAN SST

(By James J. Kilpatrick)

Milton Friedman, as he so often does, put his finger a few days ago squarely on the heart of a major public issue. The Chicago economist, a towering figure in the world of finance despite his diminutive size, was talking of the supersonic transport plane. He was against its revival by the incoming Congress.

The issue itself is something less than transcendent. For some months, rumors have been floating about Washington that an effort would be made—it was never clear by whom—to have Congress authorize a fresh start on the SST. The rumors reached a point that Wisconsin's maverick Sen. William Proxmire, leader of forces opposed to the SST, held two days of hearings before his Joint Economic Committee. Professor Friedman was his key witness.

If it were not for an important principle, the issue scarcely would justify reporting. An American SST, for at least the foreseeable future, is a dead duck. The Boeing Company has sold its costly mockup and disbanded its design and management team. The Senate, which voted 51–46 in March 1971 to halt further federal appropriations, is not likely to be talked into a resumption of the program. Those who dream of renewed federal financing are dreaming of pie in the sky.

Yet the principle merits a word. Friedman summed it up:

"The SST issue is often presented as if the question were: Should or should not an SST be built in the United States? That seems to me the wrong question. I favor the building of an SST in the United States, if private enterprise finds it profitable to do so, after paying all costs, including any environmental costs imposed on third parties.

"On the other hand, I oppose the building of an SST in the United States if that requires government subsidies. I oppose governmental subsidization of the SST for exactly the same reasons that I oppose governmental subsidization of food, or of automobiles, or of furniture, or of electric power. I believe in the free enterprise system. A governmental decision to produce an SST largely at its own expense is a step toward socialism and away from free enterprise."

This is the heart of the argument that many critics tried to make two years ago. Many other complaints, of course, were raised. There was the problem of the SST's sonic boom, a plaster-cracking roll of thunder on the earth beneath its path. There was the problem of the ariplane's nose at takeoff. Some critics professed to see a danger to the earth's environment in the effect of the SST's exhaust on the upper atmosphere.

Proponents of the SST were able to fend off most of this barrage. They never could answer the one unanswerable question: If this private, commercial airplane is as great a bargain as you say, why can't the private market finance it?

The realities, when you could persuade the proponents to look at realities, were simply damning. At a price of $40 million for each SST, the purchasing airlines would have been taking on a tremendous investment per passenger seat. Prospective operational costs for fuel alone were astronomical. The SST could be profitable only at much higher fares than now are charged for trans-oceanic flights, and only with load factors at wildly optimistic levels.

When it came to the final showdown in the Senate, the money at stake was peanuts: $134 million to continue prototype financing. It is a large sum to most of us. In the money market it is nothing. If the airline industry genuinely had believed in the SST as a profit-sharing venture, the $134 million could have been raised in a weekend. No one would touch it. In the dreadful, eloquent silence that followed the Senate vote, the business community pronounced its mute verdict: bad deal.

Nothing has transpired from that day to this, including dispirited news of the British-French Concorde, to alter that verdict.

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UNIVERSITY OF CHICAGO,
*Chicago, Ill., December 11, 1972.*

Hon. WILLIAM PROXMIRE,
*Joint Economic Committee,*
*U.S. Senate, Washington, D.C.*

DEAR SENATOR PROXMIRE: I understand you are holding hearings on the proposed revival of the SST project. I am very pleased indeed to submit herewith a statement for the RECORD.

The SST issue is often presented as if the question were: Should or should not an SST be built in the United States? That seems to me the wrong question. I favor the building of an SST in the United States, if private enterprise finds it profitable to do so, after paying all costs, including any environmental costs imposed on third parties. On the other hand, I oppose the building of an SST in the United States if that requires governmental subsidies. I oppose governmental subsidization of the SST for exactly the same reasons that I oppose governmental subsidization of the production of food, or of automobiles, or of furniture, or of electric power. I believe in a free enterprise system. A governmental decision to produce an SST largely at its own expense is a step toward socialism and away from free enterprise.

The basic justification for a free enterprise system is that the possibility of profit will lead private individuals seeking their own interests to promote the social interest by producing only those products for which people are willing to pay and producing them at lowest cost. But a profit system can work only if it is also a profit and loss system, only if projects that do not pay are not carried out, and when enterprises make a mistake about a project, they must bear the consequences. If government bails enterprises out, either in advance on the expectation of a loss, or after the event when a loss has been realized, the fundamental justification of a free enterprise system is destroyed.

There are occasions when governmental subsidization or taxation of private activities is justified. Such occasions arise when the activity imposes net benefits or net costs on third parties for which they do not pay or do not receive compensation for example, there is a strong case for affluent taxes, as a means of requiring the consumers of a product to pay the costs of pollution imposed on third parties in the course of manufacturing that product. There is a case for governmental subsidization of basic scientific research because the research confers benefits on the rest of us that the producers of the research cannot charge for—though I hasten to add that I conjecture that the present level of such subsidization is far greater than can be justified on these grounds.

Despite the enormous amount of propaganda for government subsidization of SST, no valid evidence has been presented that there are net benefits to third parties that they are not required to pay for. The assertions to this effect have in general been logically fallacious. This is true about the alleged benefit from additional employment. The only effect would be to employ people here instead of on more productive activities, since the addition to employment from the SST subsidy would be offset by the subtraction from employment as a result of the extra taxes that would have to be paid to finance the subsidy or the loan funds that would not be available for other uses if they were absorbed to pay the subsidy. Similarly, the alleged benefit to our balance of payments is logically fallacious. That is simply mercantilist confusion. Our benefits from international trade come from imports not exports and there is always a rate of exchange at which these will balance. If at that rate of exchange it is profitable to produce an SST for export, fine; if not, there is no case for subsidizing it.

In the one external effect that it has any even prima facie merit is the possibility that the development of the SST will have some benefits for national defense. But in that case the expenditure on the SST should be considered as part of the defense budget and compared with other means of adding to our military strength.

I therefore conclude that there was no case earlier for subsidizing the production of an SST and that there is none now.

Sincerely yours,

MILTON FRIEDMAN.

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## TAX CREDITS FOR PARENTS OF CHILDREN ATTENDING NONPUBLIC SCHOOLS

Mr. TAFT. Mr. President, on December 29, 1972, a three-judge Federal district court panel declared unconstitutional an Ohio statute granting cost-of-education tax credits to parents of children attending nonpublic elementary and secondary schools and enjoined the implementation of the statute. I am deeply concerned about the effect that this decision will have on our nonpublic schools as well as its overall impact upon the educational system of Ohio. An immediate stay of that order is vital.

It is my firm belief that the Ohio laws attacked not only the requirements of the first amendment, but that the effect of this adverse decision is to deny parents of nonpublic schoolchildren the equal protection of our laws. It interferes with the basic parental right of freedom of choice of a school for their children. Based upon this belief, in 1972 I introduced S. 3536, providing income tax credit relief for parents of nonpublic schoolchildren, which I considered necessary to the survival of the nonpublic schools of this country. I expect to offer similar legislation this year. But even its early passage will not prevent major damage in Ohio right now.

It has been reported that this decision will deprive the parents of 276,991 children of the relief which the Ohio Legislature prescribed for them. The amount of tax credits due under the act for the year 1972 would total $24,929,190. This credit money is budgeted and available. Without this immediate relief, it has been projected that 40 nonpublic schools will be forced to close in Cleveland alone. The already overcrowded public school systems will have to absorb the children from those schools. Without the prescribed tax relief, the nonpublic schools of Ohio are doomed to failure.

The prospect of public school systems which are unable to assimilate the influx of students that will be thrust upon them leaves little hope for the quality of education to be provided.

Furthermore, if nonpublic schools were to close, the taxpayers of Ohio would have to assume an increase in education costs amounting to between $175 and $200 million per year. The tax credit statute is clearly intended to provide partial tax relief to parents who, at their own expense, are providing a secular education and thus relieving the State of an obligation it would otherwise be required to perform.

Instead of penalizing parents for exercising their constitutional right to send their children to nonpublic schools, the Ohio Legislature sought to give these parents partial tax relief for the secular education they provide and thereby to encourage continued private investment in education. The vitality of both public and nonpublic education could then be sustained. Clearly, the benefits to be derived from this statute inure to not only the parents of nonpublic schoolchildren, but in a very meaningful way to the entire citizenry of Ohio by sustaining the integrity of the public school system and avoiding the increased tax burden which would be incurred if the nonpublic schools were to close.

The decision of the Federal district court in Ohio is presently on appeal to the Supreme Court because it conflicts with a Federal court decision in New York which found a similar tax credit statute to be constitutional. It should also be noted that in 1971 a Minnesota State court held that the Minnesota tax credit statute was constitutional. As a result of these conflicting decisions, the parents of children in nonpublic schools in New York and Minnesota are enjoying the tax credits which Ohio parents are presently enjoined from receiving. On January 10, 1973, the appellants in the Ohio case filed an application for a stay of the injunction pending the Supreme Court's disposition of the appeal. Since the issue before the Court involves a conflict between Federal courts over the application of the Constitution of the United States, I hope and suggest that the Solicitor General express the views of the United States in a brief to be considered before the Supreme Court rules on the stay.

I hope that the stay will be granted, for otherwise, the difference in treatment between citizens of these three States would be discriminatory and a denial of equal protection of our laws to the citizens of Ohio. The need for relief to parents of children attending nonpublic schools is immediate. Equality of treatment coupled with the urgency of the educational situation in Ohio are compelling reasons for granting a stay of the injunction and allowing the statutory relief to be implemented.

## GENOCIDE—A MATTER OF INTERNATIONAL CONCERN

Mr. PROXMIRE. Mr. President, it is now more than 23 years since the United Nations Convention on the Prevention and Punishment of the Crime of Genocide was first transmitted to the Senate for ratification. Since that time we have heard repeated in this body, and outside, a number of objections to such action. It is my contention that these are objections of little real substance and provide no obstacle to giving the Genocide Convention its well deserved approval.

The objections raised to the Genocide Convention are both general and specific in nature. Today I would like to address myself to the first general objection that has been raised—that genocide is a domestic matter that cannot appropriately be dealt with through the treatymaking power.

The international community has affirmed at the highest level that genocide is an international crime. This declaration was made by the unanimous action of the General Assembly of the United Nations. Furthermore, the United States is a party to the charter of the Nuremberg tribunal, which declares crimes against humanity to be of international concern. Indeed, during the operation of that tribunal, representatives of our Government helped to prosecute, convict, and punish individuals for committing these offenses. Surely then, as a matter of law, the status of genocide as an international crime is beyond dispute.

When we turn from the legal to the political aspects of genocide it again becomes clear that the question is one of legitimate international concern. The unhappy record of modern history provides numerous examples of severe ethnic or racial persecutions which have led to or accompanied international conflict. The Nazi plans for the conquest of Russia and Poland were made feasible by their readiness to exterminate the Jewish and Slavic inhabitants of those parts of Europe. This is only the most notorious example of the connection between genocide and aggression. More recently we have seen how violent ethnic, racial, and religious hatred between Greek and Turk, Ibo and Hausa, Arab and Jew, Moslem and Hindu, Protestant Irish and Catholic Irish, can lead to the outbreak or danger of international conflict.

Seen in this light, it becomes clear that genocide is a disease whose contagion can never be limited by national boundaries. Only the united resolve of the world community can hope to control. I urge that the Senate dispel any doubt as to America's commitment to this effort by giving its long-overdue approval to the Genocide Convention.

## GOVERNMENT IN THE SUNSHINE

Mr. STEVENSON. Mr. President, I am pleased to cosponsor the Government in the Sunshine Act introduced yesterday by the Senator from Florida (Mr. CHILES). Late last year Senator MATHIAS and I constituted ourselves into an ad hoc committee to consider ways and means of strengthening the Congress by making it more reflective of the popular will, more accountable to the people, and more efficient in the discharge of its traditional functions vis-a-vis the Executive.

During the 3 days of hearings which our committee held in December 1972, the most prominent and all-encompassing theme to emerge was the one with which this bill is concerned: access to information. A government whose legitimacy rests upon the consent of the governed must not, except in special circumstances such as those carefully spelled out in this bill, conduct its business in secret. By denying the voters the information they need to exercise an informed choice at the polls, excessive governmental secrecy reduces the principle of consent of the governed to an empty platitude. If we close the doors to the public, we will all be the losers—except for the special interests. At best, excessive secrecy breeds public suspicion and confusion; at worst, it fosters sloppiness, favoritism, influence peddling, and outright corruption.

This legislation promises to give the voters the information they want and need to do their job at the polls. Equally important, it gives us in the Congress—the institution most representative of and responsive to the people—the information we need to do our job. Every administrative agency to which this bill applies was created by an act of Congress. We therefore have a legal, moral, and constitutional duty to oversee the activities of the administrative agencies we have created—a duty which cannot be properly discharged if the regulators and the regulated conduct their business in private. It may not always be true that knowledge is power, but for us in the Congress the lack of knowledge leads inescapably to a lack of power. If we are serious about strengthening the Congress, the place to begin is by eliminating excessive executive branch secrecy root and branch, as this bill would do.

I commend Senator CHILES and Senator RIBICOFF for introducing this legislation.

## IGOR SIKORSKY

Mr. RIBICOFF. Mr. President, Igor Sikorsky, one of America's greatest aviation pioneers, died October 26, 1972, in his home in Easton, Conn. Mr. Sikorsky was 83.

Igor Sikorsky was a brilliant scientist and engineer, a patriotic and dedicated American and a warm and compassionate friend. All Americans mourn his passing. He was a personal friend of mine. I will miss him deeply.

Born in Kiev, Russia, May 25, 1889, Mr. Sikorsky invented and piloted the first practical helicopter. He also was known and honored in the aviation world for his development of multiengine planes and of amphibians. But the helicopter was his primary interest. As a youth in Russia, Mr. Sikrosky tried to build a rotary wing aircraft. That effort failed, mainly because engines of those days lacked sufficient power. But he did put a helicopter into the air in 1939. Today the Silkorsky helicopter is used extensively throughout the Nation, in both civilian and military pursuits.

Typical of Mr. Sikorsky's humanistic attitude toward his work and his inventions was a comment he made when the first helicopter was used to fly blood plasma for victims of a steamship explosion in 1944. Mr. Sikorsky said:

> It was a source of great gratification to all of the personnel of our organization, including myself, that the helicopter started its practical career by saving a number of lives and by helping man in need rather than by spreading death and destruction.

Mr. Sikorsky's organization was the Sikorsky Aero Engineering Corp., which he established on Long Island in 1922 and which became the Sikorsky Aircraft Division of Stratford, Conn., a branch of United Aircraft Corp.

Mr. Sikorsky, who came from a long line of priests, inherited an interest in science from his mother, a physician, and his father, a psychology professor.

In addition to his unprecedented breakthroughs in helicopter technology, Mr. Sikorsky produced successful twin-engine, all-metal transport. That innovation led to the amphibious aircraft used by Pan American World Airways in mapping out overseas airways.

Mr. Sikorsky retired in 1957, but he remained greatly active as a consultant to the organization.

Mr. Sikorsky is survived by his wife, Elizabeth, and four sons: Sergei, of Speyer, Germany; Nikolai, of West Hartford; Igor, Jr., of Simsbury, Conn.; and George, of Poughkeepsie, New York; and a daughter, Tania von York of Easton, Conn.

On September 11, 1963, the Christian Science Monitor published an article about Mr. Sikorsky's career. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### PIONEER OF FLIGHT FRONTIERS

(By Albert D. Hughes)

STRATFORD, CONN.—There have been probably fewer aviation pioneers with a more profound influence in the two main branches of aircraft design—fixed wing and rotary wing—than Igor I. Sikorsky, inventor of the first practical helicopter.

Mr. Sikorsky said he put aside his rotary-wing experiments back in 1910 for 30 years. He recognized that there was not enough information or experience available in the state of the art at that period to enable him to come up with a successful helicopter.

So he turned to fixed-wing aviation and at its climax in his career he evolved a flying boat design that made the first commercial nonstop flight across the North Atlantic.

Mr. Sikorsky's work in fixed-wing aviation has slipped into the background in the developments that have surged around him since he perfected the helicopter. For his rotary-wing developments, aviation history, certainly, will place him beside the Wright brothers.

#### EARLY PROTOTYPE WATCHED

It was in the context of this history that we sat down recently with Mr. Sikorsky just after the 40th anniversary of the aircraft company he founded in 1923. For 24 years, the company has been a subsidiary and is now the Sikorsky Aircraft Division of United Aircraft Corporation.

Once engineering manager and now engineering consultant for the division named for him, Mr. Sikorsky occupies an office set down in the engineering section of the modern plant beside the Housatonic River.

A gentleman with courtly Old World manners, Mr. Sikorsky brims with enthusiasm when discussing the future of his beloved helicopter. Despite the deferential manner, there gleams in his eyes the zeal of the inventor.

When we mentioned that we had had the privilege of seeing him flying the prototype of the first helicopter in 1939, Mr. Sikorsky's eyes lighted up. That original model, the VS-300, is now in the Ford Greenfield Village Museum, Dearborn, Mich.

"I dreamed about helicopters as a boy," Mr. Sikorsky related. "I had a definite reason, too. I saw it as an aircraft completely free from ground conditions. It could take off from any spot. It had total freedom from an airport. It could operate from a rooftop or platform, or on board ship.

"It could make 'partial landings' . . . contacting the ground or a roof without letting its weight repose," he further explained. He diverted from his reminiscences to explain how this partial-landing principle saved lives a few years ago in a bad terminal building roof fire at the Brussels airport. "The roof was too high for ladders and men were trapped on it because of the flames. A helicopter was sent to the scene and it hovered over the roof area, the trapped men stepped into it, and lives were saved," Mr. Sikorsky said.

#### TAUGHT HIMSELF TO FLY

He seemed pleased when we mentioned the flying boat since it is obviously one of his favorite developments. "In April, 1910, after I made my conclusions on helicopter development, I decided to go temporarily into fixed-wing aircraft. It was an easier problem, some useful information was available, and other men had succeeded in flying.

"My first result, the S–2, got into the air for the first time in June 3, 1910. It was my first time in the air and lasted only 20 seconds. I had no instructions. I taught myself to fly it."

Mr. Sikorsky, like many Europeans, was excited by the flights of Wilbur Wright in France in 1908. When he got reliable information and pictures of the Wright flights it fortified his resolution to make aviation his life occupation. He said many Europeans were not convinced about the success of the Wrights' flights because of the long period which elapsed betwen 1903 when they first flew until the 1908 flights in France. But Wilbur Wright's flights erased these doubts, he said.

In 1909, when he was 20, Mr. Sikorsky got enough money from his relatives to make a trip to Paris, then the European center of aviation, and bought an engine. "I produced my No. 1 and No. 2 helicopters in 1909 and 1910. They did not fly and made a lot of noise and dust. I learned a great deal about building aircraft and handling aviation engines from this experience.

#### SERIOUS BUSINESS

"I also found that about 10 percent of the literature on aviation was correct and 90 percent wrong. I had to use imagination and intuition and create quickly my own means and methods. But I realized the problems that existed at that period. That was when I gave it up temporarily."

His first fixed-wing airplane wouldn't fly and he quickly improved it for a second in which he made his first 12-second flight. It was pioneering all the way. He built an aircraft without knowing how to build one and taught himself to fly. "I learned how serious the whole business was, both designing and piloting. Both needed studying and I had no one to teach me."

Mr. Sikorsky's fifth fixed-wing design earned him national recognition as well as the Federation Internationale Aeronautique's (FAI) license No. 64. His S–6A also received the highest award at the 1912 Moscow Aviation Exhibition and in the fall won first prize in the military competition at Petrograd (St. Petersburg).

#### CATWALKS FOR STROLLING

This 1912 success led to his being named to head the aviation subsidiary of the Russian Baltic Railroad Car Works. It was here that he conceived the first multiengine design. He produced a four-engine plane that was called the "Grande" because of its size. It had many things which air passengers accept as commonplace in modern aircraft, lavatory, upholstered chairs, and exterior catwalks where passengers could "take a turn about the deck."

His second four-engine design, named "Ilia Mourometz" for a Russian hero, went into large production for those days. As a bomber design, 100 were ordered and 75 were delivered to the government, Mr. Sikorsky related. They saw action in World War I, he said, participating in air raids on the Eastern Front.

The Bolshevik Revolution in Russia, however, ended Mr. Sikorsky's career in that country. He gave up a considerable personal fortune and emigrated to France where he was commissioned to build a bomber for Allied service. The aircraft was on the drawing board when the Armistice was signed. Mr. Sikorsky vainly tried to find a position in French aviation and headed for the United States.

#### AMERICAN FIRM SET UP

He found postwar aviation here waning and after trying to find work in his field, Mr. Sikorsky took up teaching. He lectured in New York, mostly to fellow emigrees. Then, in 1923, a group of students and friends who knew of his reputation as a designer in Russia, pooled their funds and financed his first American aviation firm, Sikorsky Aero Engineering Corporation.

"Our first plant was on a friend's farm in Roosevelt, L.I.," he recalls. "We took over a shed and a chicken house and started building an airplane. Most of the work was done by hand.

"We had no machinery except a one-quarter horsepower drill press," Mr. Sikorsky said. "The main longeron of the fuselage was formed out of steel angles taken from discarded beds found in a junkyard. Turnbuckles were bought for 10 cents apiece at Woolworth's," he further recalls.

The first airplane built by the young insecure company was the S–29–A (for-America), a twin-engine transport which proved a forerunner of the modern airliner. The S–29–A eventually was sold to Howard Hughes who disguised it as a German bomber and crashed it in a film, "Hell's Angels," which he produced.

### PILOTED BY LINDBERGH

A number of aircraft followed, including the twin-engine S–38 with which Pan American World Airways opened services to Central and South America. The success of this aircraft was the step leading to an invitation for Mr. Sikorsky's company to become a subsidiary of United in 1929.

He further recalls that on the maiden flight to the Panama Canal Zone, which Col. Charles A. Lindbergh piloted, "Lindbergh and I would take the dining-room menu each evening, turn it over, and write down data and performance specifications for a transoceanic clipper."

The result was the S–42 Flying Clipper, delivered in 1934, and which began flying the Atlantic in 1937. The British withheld permission for the United States to fly to London until it readied the Short flying boat for Imperial Airways. With the development of the larger S–44 flying boat, the United States held the Blue Ribbon on the North Atlantic for its fastest passages. It was the first Sikorsky-built aircraft to cross the Atlantic nonstop with a payload.

### FLYING BOATS CONTEMPLATED

Mr. Sikorsky believes flying boats were abandoned too early for they have advantages in comfort growing out of their large size. He visualizes large flying boats with 40 to 50 staterooms, a dining room, and other comforts.

With transatlantic pioneering in back of him, Mr. Sikorsky returned to his first love—helicopters. In 1931, he had made application for a helicopter patent for a design similar to the prototype VS–300, except that it had a single rotor—a feature of Sikorsky aircraft ever since.

"Stability and control were unknown and had to be approached anew," Mr. Sikorsky says of his helicopter experiments which led to the successful design. "Control also had to be the same, that is, equal, whether the movement of the stick was forward, hovering, or backward."

### HELICOPTER GENEALOGY

Then on Sept. 14, 1939, Mr. Sikorsky lifted the VS–300 off the ground for a fraction of a minute. Within two years, Mr. Sikorsky had made a new set of world helicopter records.

Military contracts followed, and in 1943, large-scale manufacturing of the R–4 made it the world's first production helicopter. The sizes kept increasing until they reached the S–55, the first certificated transport helicopter; the twin-engine S–56, capable of carrying 50 troops; the 12-passenger S–58; the single-turbine S–62, first amphibious rotary-wing with flying-boat hull; the S–61, twin turbine aircraft, a Navy antisubmarine weapon, and 28-passenger commercial airliner.

His pet project now is the S–64 "Skycrane," a twin-turbine helicopter with a basic framework to which a number of cargoes up to 10 tons can be suspended. He visualizes designs with payloads up to 20 and 30 tons, and heavier.

**Mr. RIBICOFF.** Mr. President, in a column I write twice a month for Connecticut newspapers, I talked about Mr. Sikorsky's achievements. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### All to the Good

Connecticut, the nation and the world lost a brilliant engineer and scientist and a deeply compassionate human being when Igor Sikorsky died in his home in Easton, October 26, 1972 at the age of 83.

Congress had adjourned and I was occupied with the campaign at the time of his death. So, in this my first column of 1973, I want to briefly retrace Mr. Sikorsky's career. For in his life's work and achievements, this genius of aviation technology revolutionized air transport and, equally important, provided a vivid illustration of how a man with determination and skill and courage can succeed in America.

The name Sikorsky, of course, is synonymous with helicopters. After all, Igor practically invented them. But, to me, the name Igor Sikorsky also means something else. It is that individual men and women working in a free society are capable of incredible accomplishments. Few people achieved as much in a lifetime.

Igor Sikorsky was born in Kiev, Russia May 25, 1889. His father was a psychology professor, his mother a physician. There had been several priests among his forefathers as well.

The young Sikorsky was intrigued with the concept of an aircraft that could take off vertically. He once recalled:

"I dreamed about helicopters as a boy . . . I saw it as an aircraft completely free from ground conditions. It could take off from any spot. It had total freedom from an airport. It could operate from a rooftop or platform or on board ship."

In Russia, Igor Sikorsky tried to build a helicopter. He might have succeeded, too, had there been engines available in those days to provide sufficient power. But the young man's genius for aviation was not wasted as he produced conventional planes and eventually multi-engine bombers that were used by Russia in World War I.

With the Bolshevik Revolution in Russia, Mr. Sikorsky emigrated to France and in 1919 he came to the United States. Virtually penniless, Mr. Sikorsky taught for a while. Then, in 1923, with financial backing from fellow students and friends—one of them Serge Rachmaninoff, the pianist-composer—Mr. Sikorsky founded the Sikorsky Aero Engineering Corporation.

Located initially in an abandoned shed and chicken house on a farm in Roosevelt, Long Island, the Sikorsky Aero Engineering Corporation prospered. Mr. Sikorsky designed and built several multi-engine airplanes, one of which—the twin-engine S–38—enabled Pan American World Airways to open services to Central and South America.

In 1929, Mr. Sikorsky's firm merged with United Aircraft.

Many more successes in fixed wing aircraft followed. Mr. Sikorsky worked with Colonel Charles Lindbergh and others, for example, in developing the S–42 Flying Clipper which began flying the Atlantic in 1937.

But the helicopter remained Igor's first love. In 1931, he applied for a helicopter patent and in 1939—on September 14—he piloted his own chopper, the VS–300.

While the military application of helicopter technology has been significant, Mr. Sikorsky always believed that its greatest potential lay in civilian, peaceful pursuits. Typical of his humanistic attitude toward his work and his inventions was a comment he made when his first helicopter was used to fly blood plasma for victims of a steamship explosion in 1944. Mr. Sikorsky said:

"It was a source of great gratification to all of the personnel of our organization, including myself, that the helicopter started its practical career by saving a number of lives and by helping man in need rather than by spreading death and destruction."

Today, the monuments to Igor Sikorsky are many. They range from the main Sikorsky plant in Stratford to virtually every helicopter ever built. If Mr. Sikorsky didn't design it, the engineer who did learned how from Igor. For Igor Sikorsky, like the Wright Brothers, like Charles Lindbergh, John Glenn and Neil Armstrong, made history in flight—and all mankind is better for it.

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## EVELYN WADSWORTH SYMINGTON

**Mr. EAGLETON.** Mr. President, a warm and fond recollection of a very lovely lady, Mrs. Evelyn Wadsworth Symington, appeared Monday in the Washington Star-News. I ask unanimous consent that this beautiful tribute to the wife of our colleague be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Where the Thread Leads

(By Judy Flander)

Evelyn Wadsworth Symington:

"The thread of life is filling with the hours
Each one a slipping multicolored bead.
Who knows what lies beyond the clasping,
Or where the slender, shining thread will lead?
We only know we strive to make them perfect,
Each symmetric, full and gay,
Well knowing that beyond the radiant center
The other half will dwindle fast way."

On the day before Christmas, while she was attending the Redskins-Green Bay Packers playoff game with good friends, Evie Symington's shining thread of life received its last few gay beads. Minutes after she returned home to the Wadsworth house on N Street, she was stricken with an aneurysm of the aorta from which she died less than an hour later at Georgetown University Hospital. The life she looked ahead to, in a poem she wrote 51 years ago when she was 18, was over.

That was the way she had wanted it to end. Driving to RFK Stadium that day with her husband, Sen. Stuart Symington, D-Mo., and Sen. Howard Cannon, D-Nev., and his wife, Dorothy, she commented sympathetically on the plight of former President Harry Truman who, at that moment, was dying slowly in a Missouri hospital. "You know, Dorothy," she said. "When my time comes, I want to go fast. I have no desire to linger on."

Mrs. Cannon does not believe that Evie Symington had a premonition of imminent death. She and her husband later assured Sen. Symington they'd noticed no signs of illness or discomfort in his wife. "We were all feeling so fresh and nice and happy that day," said Mrs. Cannon, "It truly was one of the most delightful days I've ever spent."

Essentially, Evie Symington was classifiable as a "homemaker," or any of the other euphemisms used to describe the woman who stays home and tends her family. Hers was a family of notable men: she was the granddaughter of a Secretary of State, the daughter of a Senator and Representative, the wife of a Senator and the mother of a Congressman.

Many women, particularly of Evie's generation, assume their role as keeper of the hearth by default. They take for granted that they have no other destiny. Mrs. Symington had to make a choice.

A rising star as a supper club singer in New York's best hotels in the mid-1930s, she was earning $1,700 a week, was deluged with Hollywood offers, and had passed a Paramount screen test. She was planning to go to California to make a movie in 1938, when her husband, then a drivingly successful New York businessman, received an offer to become president of, and rejuvenate, the Emerson Electric Manufacturing Co. in St. Louis, Mo.

Soon after these developments, Stuart Symington received a call from Evie's agent, Sonny Werblin (later owner of the New York Jets) who wanted to know, "What's going on? She's cancelled everything."

That evening, Evie told her husband, "I'm either going to be a singer or I'm going to be a wife and mother. I've decided to be a wife and mother."

A young woman who later became known as "the incomparable Hildegarde" took over the singing contract. If Evie ever had any regrets about giving up fame and fortune, she never told anyone. Her husband, her sons, her friends never heard her mention her career again.

Younger son, Jimmy (Rep. James Wadsworth Symington, D-Mo.) says, "I don't know what women's lib would have to say about it, all I know is she did what her heart prompted her to do. Dad's needs for her had always been tremendous—as a listener, a helper, a counselor and a refuge."

Jimmy adds that Evie knew what kind of a man she had married. He had entered the Army in World War I as a private and come out as a second lieutenant—the year he was 17. He'd already made a considerable fortune when he took over the Emerson Co. In 1945, President Truman offered him the chairmanship of the Surplus Property Board. Over the years Stuart Symington rose from one prestigious position to another. He served successively as Assistant Secretary of War for Air, Secretary of the Air Force, chairman of the National Securities Board, and administrator of the Reconstruction Finance Company.

He was first elected to the Senate in 1952 and was a serious contender for the Presidency in 1956 and 1960.

"In a way, Washington was Evie's town," said Sen. Symington the other day, recalling how he had met her at a dance in 1920 at what is now the Sheraton-Park Hotel. In 1915, when she was 12, Evie's father, James W. Wadsworth, was elected Republican Senator from New York. The family moved to the Hay house, across Lafayette Park from the White House where the Hay-Adams Hotel now stands.

The house was built by Evie's grandfather, John Hay, who served in turn as special assistant to President Abraham Lincoln, Ambassador to England and Secretary of State under President William McKinley and Theodore Roosevelt.

President and Mrs. Calvin Coolidge were among the guests when Evie married Stuart Symington on March 1, 1924. This was at St. John's Church, across the street from the Hay house.

Symington's ushers had given him a silver bowl engraved with their names. On the morning of Evie's death, as she and her husband sat in the library of their home with the Cannons prior to leaving for the Redskins game, Sen. Cannon noticed the bowl and asked about its significance. This brought forth a flood of wedding reminiscence. Evie laughed about the problem "those great big ushers had going down those narrow church aisles." And the Senator observed with satisfaction, "In 14 months, we'll celebrate our 50th wedding anniversary."

Sen. Symington is a man of sentiment. In 1969, an illness necessitated two operations for Evie and the Senator asked her at that time to write out four lines of poetry she'd written for him before they were married. (She wrote poetry all her life, though many close friends never knew it.) Sen. Symington has the poem still, on a small piece of stationery with a cheerful red apple at the top. It has been folded and refolded so many times that it has come apart at the creases:

"Oh, will the heart be rover?
Life, sad surprise?
Turn your sweet head, discover
My steady eyes."

He had brought her to Rochester, N.Y. where he worked in his uncle's business as an iron moulder, and where their sons were born; Stuart Jr., who is now a St. Louis attorney, in 1925, and Jimmy, in 1927. The Senator remembers how in those days Evie used to sing at charity functions and with her family. Evie's father was a tenor; her mother, a soprano; her brother James J. Wadsworth (who in 1960 and 1961 was U.S. Representative to the United Nations), was a bass. Evie was a contralto.

One evening in 1934, a few years after the Symingtons had moved to New York City, the Senator recalls, "We were at a benefit at a ritzy place called the Place Pigalle where there were a lot of professional singers and somebody said, 'Let's have a song from Evie.' She sang 'The Very Thought of You'—which became her theme song—and brought down the house. She could sing. Golly, she could sing. She had a voice that could break your heart."

Two weeks later, the owner of the Place Pigalle called Evie and asked if she'd like to work there as a professional singer. It was fine with her husband, but he suggested she'd better ask her father.

"Is the place East or West of Broadway?", Wadsworth wanted to know. (West of Broadway was "what you'd call the wrong side of the tracks," Sen. Symington explained later.)

"Its two doors West," said Evie.

"Well, then I guess it's okay," said Wadsworth, who evidently didn't think a matter of 24 feet would tarnish the family reputation.

Sen. Symington remembers the night his wife, as Eve Symington, society singer, opened at the Place Pigalle: "A close relative turned to a friend and said, 'Let's clap like the dickens and then get out of here. The best amateur isn't as good as the worst professional.' Evie sang 'The Very Thought of You' and halfway through, the man burst into tears.'"

Another time, the Senator brought along his friend, boxer Gene Tunney. The two men sat at the bar. According to the Senator, "Gene suddenly noticed that the bartender was Jack Renault, the French fighter he'd beaten in 1923. They went over the fight blow by blow. Then Gene said, 'By the way, my friend's wife sings here and you just watch out for her.' "

"Are you Eve Symington's husband?", asked Renault. I said, yes, and he said, seriously, 'Anybody displeases that lady, we kill him.' "

During the next four years Eve Symington also sang at the St. Regis Hotel, the Sert Room of the Waldorf and the Persian Room of the Plaza, accompanied by such orchestras of the '30s as those of Leo Reisman and Emile Coleman.

Mrs. John Sherman Cooper, the wife of the former Republican Senator from Kentucky, remembers: "The room would be perfectly dark and then out Evie would come like a waft of fresh air, a spotlight on her, her blond hair glowing. She had a lovely laughing face. She had magic. It's the thing that held you. She had an intimate, caressing quality as if she was singing only to you."

Mrs. Cooper was an acquaintance and fan of Evie in those days. "When I began to know her as a friend," Mrs. Cooper says, "she became my heroine. As a Senate wife, she was the way we all wanted to be."

When the Symingtons first came to Washington in 1945, they had an apartment at the Shoreham Hotel. But in 1952, just before Symington was elected to the Senate, Evie's father died, and the couple moved in with her mother on N Street where they lived ever since. (Evie's mother, who remarried, died in 1960.)

It is a five-story house filled with antiques and paintings by Botticelli and Sir Joshua Reynolds and some of the things Evie collected such as figures of lions and Battersea boxes. Portraits of ancestors hang on all the walls, and John Hay presides over the formal dining room downstairs.

Carrie Williams, who has been doing housework for the Symingtons for five days a week for 16 years—"and I only missed two days in that time"—last saw Evie on Saturday. It was like every other morning. "I'd come in and she would have her bedroom door open and I would put her paper inside and ask her what she wanted for breakfast. After breakfast, we would have our little chat."

What about? "Oh, the weather mostly. And we laughed a lot. That last day I said to her in fun, 'Are you going to fire me?' And she said, 'No, I'm not going to fire you. I want you to work for me as long as I live.'

"She was the sweetest lady I ever met in the world."

Georgia Winters also did housework and some cooking for Evie for many years and she says, "She was so nice and so gentle. She liked to come into the kitchen and we'd do things together. She wanted to fix everything the way the Senator liked it."

On Thursday, Evie patted Mrs. Winters on the shoulder and said, "Just do your work little by little, don't get too tired." Then she added, "I'll count on you for next week."

Mrs. Winters heard about Evie's death on the 11 o'clock news Christmas Eve. "I couldn't sleep. It took so much out of me, the same as my mother's death."

Saturday night, the night before Evie died, Jimmy and Sylvia came to dinner. Jimmy says, "We'd only go over about once a month so it was great we got to see her the night before. In every gesture she seemed to be expressing the fulfillment of her life. She was about to go to St. Louis to see young Stuart and Janey and their children. Our son Jeremy was here and our daughter, Julie, was about to arrive from Paris and she knew she'd see them all.

"I remember when we arrived at the house. You know, she'd always give me a hug and this time she gave me a particularly warm hug. I noted it at the time."

Jimmy is silent for a few moments. Then he continues: "That night she wore a good dress when she went downstairs to cook our dinner. And I remember that Dad commented the day after she died how strange this was; normally she wore an old dress, then changed for dinner."

Evie was a good cook. That night she served "baked chicken in cream sauce with halves of black olives looking like little truffles and a marvelous sort of mixed salad," Sylvia recalls.

Next morning, it being Sunday, Evie got up early and fixed the Senator breakfast. Then she packed a football lunch of bouillon, ham and cheese and chicken sandwiches for the two of them and the Cannons. (The Symingtons had four seats in their box at RFK Stadium and always took friends to the Redskins games.)

The two couples had been planning the outing for a month, ever since they had been together for a trip to the Iron Curtain countries after the North Atlantic Assembly in Bonn. "We decided right then, if the Redskins got into a playoff, we'd all go to the game together," says Sen. Cannon.

Mrs. Cannon also remembers. "I've lived that last day we spent with her in retrospect dozens of times," she says. "Evie was in such a lovely mood."

Sitting next to Evie at the game was Mario F. Escudero. He and his wife had adjoining seats with the Symingtons for 10 years. Escudero, an attorney with Morgan, Lewis and Bockius of Washington, says Evie was "a very devout Redskins fan. She knew everything about football. That day, I lit two cigarettes for her which isn't much for a three-hour game. She cheered a lot.

"They left about 3:03, there were about three minutes to go and we were winning 16 to 3. The Senator said to me, 'Esky, we've got it won, we're leaving.' Twenty minutes later she had the attack."

Just before the game started, Dorothy Cannon remembers that Evie lost her gloves. It was a common occurrence for her and the Senator teased her about it. He gave her one of his gloves so they each wore one glove and kept the other hand in a pocket.

On the way home, Evie turned to her husband who was driving and said, "I did appreciate your lending me your glove." He said, "I hope you didn't lose it." "No, I didn't" she said, handing it back to him. "Thank you, darlin'," said Stuart Symington.

"I just happened to look at her when he said that," Mrs. Cannon says. "She had the special twinkle in her eyes. Later I told the Senator, 'If you could only have seen her face at just that moment.' She was happy all the way home."

When they arrived at the N St. house, Evie asked the Cannons in. "But we said no because we knew they were getting ready to leave on the 5:10 plane for St. Louis; their bags were packed and waiting in the hall," says Mrs. Cannon.

As Sen. Cannon started up his car across the street, Evie, at her open door, turned and waved goodbye.

Inside, Sen Symington had started upstairs to see about their plane tickets when he heard Evie cry out. Sylvia tells the story as she heard it from him. "She had a sudden sharp pain in her back, but she said she didn't think it was her heart. Almost immediately, she became unconscious and my father-in-law called the ambulance and then he called us."

The sirens brought the neighbors to their doors, Mrs. Herman Wouk, wife of the author on one side, and Mrs. McCook Knox, who had been living on the other side since the Wadsworths' time. Mrs. Knox saw the ambulance pull up and watched as Evie was carried "oh, so carefully on a cot down the little curve of her stairway. I saw her face. She was in no pain. She looked very beautiful.

"Even though she's been gone since Christmas Eve, I always think I'll see her walking down those steps again."

Most people learned of Evie's death when they glanced quickly at the paper, as most people do on Christmas day. The next few days, for most, were filled with holiday activity, but the letters, telegrams and personal messages poured in to the house on N Street in a flood that has not crested yet.

One Washingtonian said he rarely has written letters of condolence in the past, but on this occasion somehow found himself impelled to write both the Senator and Jimmy. He had never met Mrs. Symington. He told the Senator that as a boy in boarding school, he and his dormitory mates had been smitten to their adolescent souls by one of Evie's songs. It taught them, he said, what a real woman was supposed to sound like. "I can't remember the name of the song," he wrote "but if I heard it again today I would know in an instant."

There were several songs he might have had in mind: "My Romance", possibly, or "Hands Across The Table", or "Just One of Those Things". It could well have been "The Very Thoughts of You". But one of Evie Symington's numbers, pretty much forgotten since she popularized it in 1934, was called "Be Still My Heart". The last four lines went

> "Be still my heart,
> Even though our love has gone away
> He'll be coming back to us someday—
> Be still my heart.

The Senator has not expressed an opinion on this, but Jimmy Symington thinks it not unlikely that "Be Still My Heart" was the song in question.

## THE 150TH ANNIVERSARY OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND LATIN AMERICA

Mr. SCOTT of Pennsylvania. Mr. President, on November 14, 1972, the Permanent Council of the Organization of American States met in Philadelphia to observe the 150th anniversary of diplomatic relations between the United States and Latin America.

Leaders of the OAS were invited to this gathering by the Permanent Mission of the USA, headed by our own Ambassador Joseph John Jova, himself of distinguished Spanish and Latin American ancestry.

The meeting was held at historic Congress Hall, where our National Congress met in the first years of our independence, when Philadelphia was the Capital of the United States.

Formal diplomatic relations first established were in 1822 with the recognition of Don Manuel Torres as Charge d'Affaires of "Gran Columbia," a territory which at that time included Colombia, Ecuador, Panama, and Venezuela. Manuel Torres was designated Charge d'Affaires, with the rank of Minister, by the liberator, Simon Bolivar. Homage to Minister Torres was paid by Ambassador Jova, president of the Permanent Council and head of the U.S. delegation to the OAS. The Honorable Frank Rizzo, mayor of Philadelphia, welcomed the visiting dignitaries. He was followed by the Secretary General of the OAS, Mr. Galo Plaza, former President of the Republic of Ecuador and a onetime Ambassador of his country in Washington.

The principal speakers were Secretary of State William P. Rogers and Ambassador Gonzalo Garcia Bustillos, of Venezuela, who had been chosen by the Permanent Council to represent all the countries that once made up "Gran Columbia".

Father Joseph F. Thorning, often described as "The Padre of the Americas," noted that Don Manuel Torres was laid to rest in the "Campo Santo" of "Old Saint Mary's Church," Philadelphia, not far from Congress Hall.

I ask unanimous consent that several items be printed in the RECORD.

There being no objection, the items was ordered to be printed in the RECORD, as follows:

### THE OAS, MINISTER TORRES, AND PHILADELPHIA

(By Ambassador Joseph John Jova)

Diario Las Américas has asked me the reasons why I invited the Permanent Council of the OAS to hold a Protocolary Session in Philadelphia. First of all, it was simply to celebrate 150 years of diplomatic relations between the United States and Latin America. This in itself was more than sufficient reason for a commemorative session. The fact that the first diplomatic agent, Minister Manuel Torres of Colombia, spent long years of exile in Philadelphia and is buried there, opened the possibility of inviting the Council to meet in that city, precisely at the historic site of Congress Hall where our National Congress met in the first years of our independence when Philadelphia was the capital of the United States.

Moreover, at a time when there is so much emphasis on the points of difference and conflict between Latin America and ourselves, it seemed to me that it would be very useful to hold a session at which we could in good faith emphasize all that unites us. And the truth is that it is all to easy to forget all that we have in common—our revolutionary and anticolonial origins, our constitutions, our republican form of government, and all the ties of culture, policy, and trade—in fact, all the ties which have been created within the Inter-American System, and outside of it as well, during these 150 years of diplomatic relations. As Secretary of State Rogers remarked extemporaneously in his toast, the countries of this Hemisphere can be proud of the fact that we have had, as in no other part of the world, a Continent of Peace, Independence, and Freedom. This is in great measure due to the Inter-American System, which, with all its imperfections, has yet proved to be an effective instrument for harmonizing relations among the countries of the Hemisphere.

In my speech opening the Protocolary Session, I made reference to the belief which inspired the members of our first congresses that the sovereign interests of the states there represented could be mutually developed through a freely accepted association of equal states under law. This same belief has inspired the countries of the Americas to form the Inter-American System, in the conviction that the sum of our associated forces is greater than that of the independent parts, and that through our efforts it is possible to harmonize national interests, resolve conflicts, and combine resources for the greatest benefit of all.

I recognize that we all—including our own country, the richest and most powerful in the world—face the terrible challenge of underdevelopment and its problems, and I acknowledge the obligation we all have to find ways of providing a better life for our peoples. Nobody yet has found the solution to this challenge, but as my colleague the Ambassador of Venezuela, Don Gonzalo García Bustillo, put it so elegantly: "In our American region, we have both opulence and poverty, but we have conditions here unequaled anywhere else on earth to enable us with sincere programs to establish the systems of communication which international social justice demands."

When we were preparing to go to Philadelphia, the Library of Congress provided me with a photocopy of the Philadelphia newspaper the Aurora for July 22, 1822, which carried a report of the death of Minister Torres. As I read this old newspaper, I was impressed by the fact that, contrary to journalistic practices in our country today, a great number of dispatches (there were no cables) were published, reporting events in various parts of Latin America. This strengthened my resolve that, on this historic occasion, the OAS should meet not at its headquarters but in Philadelphia, thus helping to focus United States public opinion not only on the OAS, but also on the whole Latin American panorama.

Aside from the reasons I have already stated for justifying our coming to Philadelphia, I believe that one cannot forget the human aspects of this event. The trip provided the opportunity for getting together informally, without protocol, during the train ride, with the opportunity of socializing not only with the OAS Delegates but also with Secretary of State Rogers and his party, and one must not discount the importance of social intercourse and the personal factor in diplomacy. My 30 years as a diplomat have convinced me that if national policies are the big wheels in the international machinery, the personal effort of the good diplomat can be likened to the drops of oil that make those wheels turn.

### THE OAS PRESENTS THE DIARY OF A LATIN AMERICAN HERO TO PHILADELPHIA

PHILADELPHIA, November 15.—The Mayor of this city received a valuable historical gift as an expression of gratitude and a memento of the events celebrated here yesterday (Tuesday) in commemoration of the initiation—150 years ago—of diplomatic relations between the United States and the countries of Latin America.

On that occasion, Mr. Joseph John Jova, Chairman of the Permanent Council of the Organization of American States (OAS), presented to the city of Philadelphia a facsimile copy of the unpublished diary kept during the United States Civil War by Lt. Col. Adolfo Cavada of the 23d Volunteer Regiment of Philadelphia.

As Ambassador Jova explained, Col. Cavada and his brother Federico were United States Consuls in Cuba and resigned their posts to join the Cuban people's fight for independence in 1868.

Both brothers rose to the rank of General in the victorious Cuban army and died in battle.

Ambassador Jova, Chairman of the Permanent Council, upon presenting Col. Cavada's diary to the Mayor of Philadelphia, affirmed that "the Cavada brothers, born in Cuba to a woman who was a native of Philadelphia, and reared in Philadelphia, heroes of the United States Civil War and of the Cuban fight for independence, symbolize in a very special way the historical ties which have always existed between Philadelphia and Latin America."

The struggle for freedom of the peoples of this Hemisphere has always had the enthusiastic cooperation and assistance of the other countries of the Hemisphere that had already gained independence. This generous aid was given many times at the sacrifice of life itself.

In the case of Philadelphia, the cradle of United States independence, it is not strange that its sons should identify themselves with the cause of independence in other countries of America.

The Cavada brothers were an example of hemispheric solidarity in the fight for a common cause. Many others like them died defending ideals which are deeply rooted in the history and highest aspirations of our peoples.

In this way the history of America has been written, the result of a joint effort. The great American heroes are the culminating expression of a popular aspiration. And today as yesterday, our nations are united by common ideals of freedom and progress.

This unity was clearly demonstrated in the events celebrated yesterday in Philadelphia, which were attended by all the Ambassadors accredited to the OAS, and by Mr. William P. Rogers, Secretary of State of the United States.

Col. Cavada's diary will thus be a permanent memento of the ceremonies, which, while evoking the beginning of diplomatic relations between Latin America and the United States, symbolized by first Ambassador Manuel Torres, were also the expression of the fraternal spirit which characterizes Inter-American relations today.

## PRESIDENT NIXON'S VIEWS ON CONSULTATION WITH CONGRESS—1969 AND TODAY

Mr. CHURCH. Mr. President, on November 3, 1969, in a nationwide address to the American people on Vietnam policy, President Nixon said:

> The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

Ten days after the 1969 pledge of candor, the President, in an informal visit to the Senate, talked about his view of the proper relationship between the President and the Congress. He said:

> This administration wants to develop a relationship in which we will have consultation and in which we will have the advice, not just the consent.

He went on to say:

> Recognizing the role of the Senate, recognizing the importance of getting the best ideas and the best thinking of the members of this body on both sides of the aisle on these great matters, we are attempting to set up a process—a process in which we can consult, in which we can get your advice, and at the same time, not weaken the position of our negotiators as they attempt to meet the goals of this nation—the goal of limiting arms and the goal of a just and lasting peace.

I ask unanimous consent that the entire statement by the President in the Senate on November 13, 1969, be printed in the Record after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, neither the American people nor the Congress know the truth about why the preelection "peace is at hand" euphoria of October 26 turned, within 7 weeks, into savage saturation bombing of North Vietnam. The President has chosen not to discuss the matter with the leaders of Congress, to meet with the press, or to allow Dr. Kissinger or Secretary Rogers to appear before the Foreign Relations Committee.

As everyone in Boise, Idaho, who reads a newspaper or watches the television news knows, there has been no consultation with the Senate on major foreign policy issues, certainly not on the negotiations in Paris or on military actions in Indochina. Yet our Constitution does not provide for a king with unlimited powers to wage war or make foreign policy, but for a system of checks and balances where only Congress is empowered to declare war, and where it shares with the President a joint responsibility for the formation of foreign policy.

President Nixon, like previous Presidents, does not really want the Senate's advice, only its consent. The difference, however, is that the current President no longer goes through the charade of pretending to seek the advice of the Senate.

Mr. President, if the President is contemptuous of Congress, it is primarily because Congress—by action and inaction—has asked for such treatment. Until Congress demonstrates that it has the nerve to assert its rights and assume it responsibilities—in both foreign and domestic policy—it will remain contemptible in the President's eyes.

President Nixon's actions in Indochina demonstrate his faith in power as a means to an end. Congress has power also, the power of the purse. Whether it has the will to use that power to end our involvement in the war is the question. I hope that the long-suffering American people will be given an affirmative answer if peace is not in hand by Inauguration Day.

### Visit by the President of the United States to the Senate

The Presiding Officer. The Senate will come to order. Subject to the previous order, the Chair directs the Sergeant at Arms to clear the Chamber of all staff personnel not immediately concerned with the business of the Senate. The Sergeant at Arms is directed to carry out this order at this time.

Mr. Byrd of West Virginia. Mr. President, may we have order in the Senate?

The Presiding Officer. The Senate will please be in order.

Mr. Byrd of West Virginia. Mr. President, I ask unanimous consent that the Chair be authorized to appoint a committee to escort the President of the United States into the Senate Chamber.

The Presiding Officer. Without objection, it is so ordered. The Chair appoints the President pro tempore (Mr. Russell), the majority leader (Mr. Mansfield), the minority leader (Mr. Scott), a committee to escort the President of the United States into the Senate Chamber.

Mr. Byrd of West Virginia. Mr. President, I suggest the absence of a quorum.

The Presiding Officer. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. Byrd of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The Presiding Officer. Without objection, it is so ordered.

(The President of the United States, escorted by the Secretary of the Senate and the Sergeant at Arms, and accompanied by the committee appointed by the President pro tempore, entered the Chamber.)

The Presiding Officer (Mr. Saxbe in the chair). The Senate is pleased to welcome the President of the United States, who will now address the Senate.

[Applause, Senators rising.]

(At this point the President pro tempore of the Senate assumed the chair.)

The President of the United States, from the rostrum, addressed the Senate as follows:

The President. Mr. President, and my colleagues in the Senate, I can use that term because I shared the opportunity of serving in this body, and I always feel that I belong here whenever I have the chance to return.

I do want to say on this occasion that this is only the second opportunity I have had to speak in this Chamber since I presided over this body; and as you know, the Presiding Officer has very little chance to speak. He makes a few rulings, but not often does he speak.

In speaking to you, I shall do so only briefly, but I do feel that at this time, with the calendar year nearing an end, it would be well to refer to the relations between the executive and the legislative branches of our Government.

When this administration came into office on January 20, we had a problem with regard to those relationships, which had really existed for nearly a hundred years, after an election—the President a member of one party, and both Houses controlled by members of the other party.

Of course, the usual dire predictions were made that, under that situation, progress would grind to a halt, and that whether it was domestic or foreign policy, we would not be able to give the Nation the kind of government that the Nation should be entitled to under our system.

I think the predictions have proved to be wrong. I do not mean to suggest, as I indicated in, I thought, a temperate message to Congress a few weeks ago, that there are not some areas where the Executive would appreciate more action on the part of the legislative branch of the Government. But I do say this: I look back over these months with great appreciation for the fact that on some of the great national issues and on the great international issues involving the security of the Nation, we not only have had consultation, but we have had support.

I also want to recognize a fact of life—a fact of life that I learned when I was in the Senate and when I presided over it: Senators, more so than Members of the House of Representatives, are individuals. Senators have a great pride and rightly so, in their right to make up their own minds with regard to the propositions that are sent to them by the executive branch of the Government. This is true whether they are members of the President's party or not members of the President's party.

I find, looking back over this period of time, that this administration has been subjected to some sharp criticism by some Members of this body, both from the Democratic side and from the Republican side. I want the Members of this body to know that I understand it. I recognize this as being one of the strengths of our system, rather than one of its weaknesses, and I know that, in the end, out of this kind of criticism and debate will come better policies and stronger policies than would have been the case had we simply had an abject Senate—or House of Representatives, for that matter—simply approving whatever ideas came from the executive branch of the Government.

This does not mean that we do not feel very strongly about our proposals when we send them here. It does mean that I, as a former Member of this body, one who served in it and who presided over it for 8 years, recognize this great tradition of independence, and recognize it as one of the great strengths of our Republic.

I would address a very brief remark to a subject that I had an opportunity to discuss with the majority leader this morning at breakfast and then with Members of the leadership at lunch today.

In the next few months, a number of matters will be undertaken on the world scene, some of which will require not only Senate consultations, but also, if there is agreement among world powers, including ourselves, Senate advice and consent.

This administration wants to develop a relationship in which we will have that consultation, and in which we will have the advice, not just the consent. This is not always easy, because, when such negotiations take place—negotiations involving, as is the case in the strategic arms limitation talks which will begin next week, the very future, not only of this Nation but of all of the nations in the world who depend on America's power for their own security—we must recognize that it is vitally important that the position of our negotiators not be weakened or compromised by discussions that might publicly take place here—discussions that could weaken or compromise us with those representing the other side.

On the other hand, recognizing the role of the Senate, recognizing the importance of getting the best ideas and the best thinking of the Members of this body on both sides of the aisle on these great matters, we are attempting to set up a process—a process in which we can consult, in which we can get your advice, and, at the same time, not weaken the position of our negotiators as they attempt to meet the goals of this Nation—the goal of limiting arms and the goal of a just and lasting peace.

Finally, on one other point: I am very grateful for the fact that a number of Members of the Senate—more than 60—have indicated by a letter to Ambassador Lodge their support of a just peace in Vietnam and their support of some of the proposals I made in my speech of November 3 on that subject. I am grateful for that support; and, at the same time, while being grateful for the support of more than half the Members of this body, I also have respect for those who may have disagreed with the program for peace that I outlined.

I know that this war is the most difficult and most controversial of any war in the Nation's history. But I know that while we have our differences about what is the best way to peace, there are no differences with respect to our goal. I think Americans want a just peace; they want a lasting peace. It is to that goal that this administration is dedicated and that I am dedicated.

I may say this in conclusion: That in the next few months we hope that progress—we know that progress—will be made toward that goal. I am sure, as I stand here, that we are going to reach the goal of a just and lasting peace in Vietnam, one that will, I trust, promote rather than discourage the cause of peace not only in Vietnam but in the Pacific and in the whole world. As that happens, I want everyone in this great Chamber to know that when it happens it will not be simply because of what a President of the United States may have been able to do in terms of leadership; it will happen, and it will only have happened, because the Members of this body and the Members of the House of Representatives, in the great tradition of the Nation, when the security of America is involved, when the security of our young men is involved, and when peace is involved, have acted and have spoken not as Democrats or Republicans but as Americans.

It is in that spirit that I address you today. It is in that spirit that I ask, not for your 100-percent support, which would not be a healthy thing for me personally, for this country, and certainly not for this body; but I ask for your understanding and support when you think we are right and for your constructive criticism when you think we are wrong.

I thank you very much.

[Applause, Senators rising.]

(At 2 o'clock and 48 minutes p.m. the President, accompanied by the Committee of Escort, retired from the Chamber.)

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## INTERVIEW OF ROBERT MULLER, PARAPLEGIC VIETNAM VETERAN

Mr. STEVENSON. Mr. President, on December 14, Mr. Robert Muller was interviewed on the "Today Show" by Joe Garagiola and Frank McGee. On December 21 excerpts from this interview were printed in the Washington Post.

Mr. Muller is a disabled Vietnam veteran, a paraplegic. In this interview he tells of being upset, even angry, over Mr. Nixon's vetoes of the Veterans Medical Care Act and the Rehabilitation Act of 1972. What particularly bothers Mr. Muller is Mr. Nixon's claims that these programs would be "fiscally irresponsible." In Mr. Muller's own words:

> But what bothers me is to call it fiscally irresponsible to spend that money after I come from Vietnam, where in Vietnam as a platoon commander with the Marines, as an adviser with the ARVN, where it was primarily my function to call in supporting arms, to call in the air strikes, where on occasions I would call literally hundreds of thousands of dollars worth of supporting arms fire daily, to kill people, and getting shot doing it—to come back stateside and being told that: "I'm sorry, but it costs too much to give you adequate medical care in a VA hospital." That to me speaks loudly and clearly to the priorities in this country.

The supreme irony, of course, is that within a few days after Mr. Muller spoke these words President Nixon began the most remorseless bombing in history. In just a few days the costs in terms of planes and bombs was probably well over $100 million. The cost in lives and prisoners and national dishonor was far higher.

Now, to complete the circle, there is word of Mr. Nixon's slashes in the health budget he will present to Congress shortly, and simultaneous word that the Vietnam war in this fiscal year will cost $1 to $2 billion more than previously anticipated, or about $8 to $9 billion.

Mr. Muller would say that that speaks too well to the priorities in this country. But perhaps the phrase "distorted priorities" is an overworked misnomer. The Vietnam war should not be a priority—it should not be in the budget—at all. Then that $8 or $9 billion could cover the entire health budget of the Federal Government, including the Veterans Medical Care Act and the Rehabilitation Act.

I ask unanimous consent that the excerpts from Mr. Muller's interview, as they appeared in the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### DISABLED GI: "CIVIL RIGHTS FOR US ALL"

GARAGIOLA. Three years ago near the South Vietnamese city of Quang Tri, Robert Muller was healthy and he was functioning as a first lieutenant in the United States Marines. Suddenly an enemy soldier popped up some 20 feet away, put a rifle bullet through Muller's chest, severing his spinal cord. And he remained conscious for about 10 seconds, which was long enough for him to accept the fact that he was going to die; that he was sure of. But several days later he woke up alive on an American hospital ship. You see, an Australian soldier had taken pains to pick him up and put him aboard an evacuation helicopter. And now Robert Muller is home, and he's going to law school at Hofstra College in New York State. He's doing this although he can't walk and he's confined to his wheelchair.

Now, he's not bitter, not at all . . . but there are some things that make him, well, angry, a little bit upset. He told us about them, and we invited him here to tell you how he feels . . . And my first question is that the first thing you mentioned to me was your complete disappointment that President Nixon vetoed two bills to help disabled people.

MULLER. Right. That was the Veterans Medical Care Act and Rehabilitation Act of 1972. And what bothered me so much was, this was vetoed after Congress had adjourned, so there was no chance or opportunity for Congress to override the veto; and all the work and effort put in, into developing these acts, will have to be done again and they'll have to be reintroduced. And I don't want to see them vetoed again. And if it is vetoed, I want to see that veto overridden, the reason being this: It was vetoed on the grounds of fiscal irresponsibility, and what we're talking about are bills that would have increased the quality and the quantity of care in the VA hospitals throughout the country. We're talking about rehabilitation programs on a national basis. We're talking about funding in medical universities and schools, research funding for catastrophic illness and disability. This takes money. Money is needed. But what bothers me is to call it fiscally irresponsible to spend that money after I come from Vietnam, where in Vietnam as a platoon commander with the Marines, as an adviser with the ARVN, where it was primarily my function to call in supporting arms, to call in the air strikes, where on occasions I would call literally hundreds of thousands of dollars worth of supporting arms fire daily, to kill people, and getting shot doing it—to come back stateside and being told that: "I'm sorry, but it costs too much to give you adequate medical care in a VA hospital." That to me speaks loudly and clearly to the priorities in this country.

They talk about civil rights in this country. A lot of people think it just relates to one specific minority group. That's what we're talking about. We're talking about civil rights for all of us.

FRANK MCGEE. Is your complaint that you yourself have not been given adequate care or treatment, or is it others, civilians, soldiers? What precisely?

MULLER. Its a whole gamut. What affects me affects others, and what affects others affects me. When you have, for example, a school system which does not allow physically handicapped or disabled people to get into that system, that affects me. If you have mass transportation systems which are exclusive of people who have handicaps, that affects me. When you're talking about VA hospitals which are short on staff, doctors, nursing aides, that affects me. It affects me and it affects others. You have it as a class of people, the class of the handicapped, the class of the disabled; and you have it as the individual problems seeking medical care for whatever illness or disability you have.

Garagiola. You mentioned VA hospitals in passing there. Are you saying that they've gone down since World War II?

Muller. Right. Very, very much since World II. In the early '50s the VA hospitals were the best hospitals we had in this country; there was no set of hospitals to match them. We were the leaders in research, the best care you could receive, the whole gamut. And you can reason why perhaps over the euphoria of victory of World War II, the status that veterans had in that day where guys would come home and you'd have a much different reaction to that; regardless of, you know, what people thought of the war, the veterans stood tall. Today you don't have that identity with veterans of Vietnam, the ugliness of the whole thing, has cast its shadow on the veterans, regardless of whether they were forced there or they went there, they did their job. They come back: there's not that sensitivity, there's not that caring. How else could a President veto legislation such as that appropriating funds for the VA hospitals the week before the election? This is what I'm talking about.

The hospitals have gone down. The staff is at the lowest level it's ever been. The patient load is at the highest level it's ever been. You've got Vietnam era veterans coming in. You've got your geriatrics cases and your old-age cases from World War II coming in. You have guys left from World War I. You've got guys in the hospital who never left from World War II, from the Korean War. The load is growing and growing. But the sensitivities—it's not there anymore; that's changed.

McGee. What did the VA do for you personally?

Muller. I got to thank the VA, because they let me know, like that! when I came back that if I wanted anything in life, anything, it was up to me because they weren't going to help me. I say that because when I came back I asked to have braces, because I wanted to try and ambulate, to walk, and the doctor said, "No, forget it. You have too high a level of injury."

I said . . . don't cast me in a generalization, don't throw me in a group with other people. I am an individual. Because I have a disability which is shared with others does not mean I lose my individuality. I want to walk."

And it was another doctor, who was a paraplegic himself, that came into the hospital as a consulant—I met him, he found out the problem, and he said, "Get that man braces." I got my braces. And I spent a year and I am ambulated. And what it did for me, psychic, what-have-you, was fantastic. I could do it; in a desperate situation, I could do it.

The other thing they did to me was—aside from the physical aspect, was the mental aspect. I spent a year there with a psychologist, and I had a running battle for a year; and it's indicative of the overall thinking, you might say, which people have quite often with disabled. She spent a year trying to tell me what I should do is go in a corner and cry because—seriously—because I had suffered a tangible loss in having three quarters of my body paralyzed. And . . .

Garagiola. Upstairs—we talked before—you told me about the 10 seconds when you were shot, and you thought you were going to die, that was it; and then why you wouldn't cry at the end when you found out—you tell the story.

Muller. Right. That's it. She said, "You had lost," you know, and that I had to cry. But the thing was, I couldn't convince her that when I got hit—okay? and I was conscious—I realized that I was dying. And I came to within a minute of dying; the doctor said a minute later I never would have made it. And when my eyes shut, I said, "I'm dead." To wake up on that hospital ship—I had seven tubes in me, I was a paraplegic—to wake up was so beautiful and overwhelming that all that was secondary. And it's not what I lost that mattered to me; it's what I had. I had life. I had my head. You know? I had it together. That—that's it, man, you know? And that's why I learned from the VA, right away, if I want something I've got to prove it. You know? It's the thing that I've got to prove myself. You know. They think that because you are disabled, you fit the image of the Easter Seals kid: some pathetic object of pity that's used for fund-raising or charity. I don't want charity; I don't want pity. I want to learn what you might call the right to fail. I want the opportunity to be like everybody else, reintegrated into society in every way, shape, and form, one who can work, one who can find housing, one who can find education, the whole gamut. And when I say "me" that means me and all other disabled people.

McGee. Can you tell me in a word how many there are?

Muller. In a word, no—because I wouldn't know how to define "disabled."

McGee. They are in the millions, though?

Muller. Oh, definitely.

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## DEPARTURE OF GEORGE HARTZOG FROM FEDERAL SERVICE

Mr. MOSS. Mr. President, I join with the Senator from Nevada (Mr. Bible) in expressing outrage at the President's peremptory dismissal of George Hartzog as Director of the National Park Service.

It came like a clap of thunder to those of us who worked closely with George. Here was a man who is obviously gifted, obviously dedicated, and was obviously doing a superb job. It would seem that he has been preparing all of his life for exactly the position which he held. He brought years of expertise to it. He was at the zenith of his physical vigor and his powers of judgment.

Had it been possible to make the case that George Hartzog was not doing as fine a job in administering our national park system under the Nixon administration as he had done under previous administrations, it might have been easier to understand his sudden removal. But I have worked closely with George ever since his appointment as Director, and I say without hesitation that he was more effective, more knowledgeable, and more productive during the past 4 years than at any other time in his career. He was one of the best qualified and most admired men in Federal service, and national publications have so recognized him.

To fire George Hartzog as Director of the National Park Service, and replace him with a man of lesser capabilities and almost no experience in the field, is indefensible, and it is shocking. It cannot help sending chills of apprehension down the spines of many other fine men and women who have chosen to give the best of themselves and their knowledge in a Government career.

There will be other places where George Hartzog can use his talents, of course—many other places. We will hear from him again. But I regret that it will not be in the position for which he is so admirably qualified, and in which he has won such high respect from all of us.

## PRISON REFORM

Mr. STEVENSON. Mr. President, the November issue of the TWA Ambassador features an informative article by Winston Moore, the executive director of the Cook County Department of Corrections which oversees the Cook County Jail and House of Corrections. The article is entitled, "A Human Approach to Prison Reform."

Mr. Moore points out that there has been a notable absence of relevant dialogue within the profession regarding the possible enactment of long-term rehabilitative programs for correctional institutions. He believes that discussion has been limited to examining easy methods of dealing with troublesome inmates and to drawing up plans for mass construction of "Community-based" institutions. He does not fault this movement per se, but he notes that:

> The designers seem preoccupied with building new human storage warehouses without regard to programs and administration.

He concludes that this exemplifies a gross lack of concern for the human factor in corrections, which in turn is largely responsible for the sorry state in which corrections finds itself.

Mr. Moore then makes two suggestions as to what can constitute a human approach to prison reform. In the first place he notes that although prison sentences have in general been becoming shorter, prison rehabilitation programs are too often geared toward the long-termer, to the neglect of the short-termer. Mr. Moore contends that rehabilitative work must begin "the minute the inmate arrives." Mr. Moore then points to programs for short-termers in Cook County, particularly the Pace program. I myself have had a chance to see this program in operation and to note its effectiveness.

Mr. Moore's second point concerns the caliber of jail and prison staff. He notes approvingly the move to increase the salaries of corrections workers, but he contends that raising salaries by itself will not accomplish the upgrading of jail and prison staffs. Complementary actions would be needed, and Mr. Moore believes that:

> The key to meaningful reforms is the development of testing methods capable of weeding out those unfit for correctional staffs, while preventing the hiring of new misfits.

I trust that reading this article will provide enlightenment for us all in this most difficult area of prison reform. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### A Human Approach to Prison Reform

(By Winston E. Moore)

The rising crime rate in the United States will never be solved until we improve our penal systems, which presently are characterized by turmoil, brutality, neglect, racism and indifference to human suffering.

The reasoning is simple and often stated: The prisons and jails of the nation are but prep schools, basic training for a life of crime.

As bewildered correctional administrators desperately look for easy solutions to save their institutions from the nightmare of inmate riots, many turn to the kidglove approach of appeasement programs, destined to keep the lid on the correctional pressure cooker without any true rehabilitative value.

On the other extreme, punitive jailers believe that putting "the fear of God" into inmates is a sure way of keeping prison riots and disorders in check.

For instance, some prison officials, despite last year's Attica tragedy, have returned to hard line defense procedures by making it mandatory for all guards to carry three-foot riot batons, better known among guards as "nigger sticks." Of course, neither of the two extreme approaches to corrections is effective in dealing with the crisis in the nation's prisons.

The fate of corrections rests squarely on the shoulders of correctional administrators and on the municipal, state and federal courts that oversee correctional institutions, procedures. They must work in accord to bring about needed change.

There is a notable absence of relevant dialogue within the profession regarding the possible enactment of long-term rehabilitative programs for correctional institutions. Discussion has been limited largely to examining "easy methods" of dealing with the troublesome inmates, and to drawing up plans for mass construction of small "community-based" institutions—to be built in "inner-cities" (meaning black ghettos) for the purpose of ridding white administrators of allegedly incorrigible militant black and Spanish-speaking inmates. The thinking behind the construction of such "community-based" facilities is that black and Latin inmates are "different" from white inmates and thus require different, more specialized handling than is possible in large, integrated institutions.

A professional preoccupation with "community-based" facilities' physical plants has resulted in a neglect of procedures for selection of intelligent, experienced and concerned administrators. The designers seem preoccupied with building new human storage warehouses without regard to programs and administration.

This gross lack of concern for the human factor in corrections on the part of planners in largely responsible for the sorry state in which corrections finds itself.

The solution for corrections' dilemma certainly does not lie in "instant programs" or in costly and racially discriminatory redistribution of jail and prison populations. We need a new, tightly knit, professional organization made up solely of progressive *dedicated* and *committed* heads of jails and prisons. Such an organization should, as its major task, draft and implement long-range master plans for the uniform servicing of all inmates in the United States. Uniform standards of procedure are needed in education, vocational training, recreation, architectural designs of institutions and for medical, psychological and psychiatric care.

Prison sentences are becoming shorter and shorter. Judges are increasingly reluctant to hand down long-term sentences except in cases involving the most heinous of crimes. Even in such cases, parole boards have not hesitated to send the criminal back into society after only a minimum time is served. This means correctional institutions do not have a great deal of time in which to do their rehabilitative work.

I contend that rehabilitative work—i.e., an intensive effort to change the criminal behavior of the inmate—must begin the minute the inmate arrives.

Unfortunately, most correctional efforts currently are only directed toward the long-term prisoner who is vastly outnumbered by his short-term counterpart.

Consequently, the bulk of our jail and prison inmates are condemned to a period of idleness and boredom. They often become either the victims or perpetrators of inmate crimes and, as a result, become more alienated—not only from the law, but especially from the correctional system that keeps them confined. When their time has been served, they are turned loose on society as individuals whose attitudes in general are hostile and bitter. Such alienation invariably leads to new criminal involvement, frequently more intense and more vicious than the original crime.

Are rehabilitative efforts directed at short-term inmates a waste of time? We have dramatic evidence to the contrary.

The PACE (Programmed Activities for Correctional Education) Institute method presently constitutes my department's basic education and vocational training program. Through it, we demonstrate at Cook County that we can work effectively with inmates, whether they are sentenced to six days, six weeks, six months or six years. We don't need to have a man for 10 years to rehabilitate him.

PACE began as a pilot program in 1970 for a small number of our sentenced population. It now offers General Equivalency Diplomas (GED) for completion of elementary and secondary study, and certificates of hourly accomplishment in vocational training. Last June, we began to expand PACE for 100 per cent participation of all our sentenced inmates.

Prior to the program, the recidivist (returnee) rate of our sentenced inmates was nearly 70 per cent. Now the recidivist rate of those inmates enrolled in PACE courses is less than 15 per cent.

Yet, in the final analysis, even the finest program depends for its success on the caliber of the jail and prison staff.

The surest route to failure is the present haphazard recruitment of correctional personnel, characterized by a seemingly uncanny knack for selecting the inept, emotionally unstable, unintelligent, brutal and racist.

Too many persons are hired who have a conscious or unconscious need to control other people, or who have a personal ax to grind. These people are incapable of distinguishing between an individual's offense and the individual himself. In other words, they see only murders, rapists and armed robbers, not human beings needing alternate avenues away from crime.

The key to meaningful reforms is the development of testing methods capable of weeding out those unfit for correctional staffs, while preventing the hiring of new misfits.

I sharply disagree with those who contend that the upgrading of jail and prison staffs can be accomplished simply by increasing salaries. Although an uncompromising advocate of adequate pay for prison and jail staffs, I also am acutely aware of the massive failure of higher salaries in bringing about an improvement in our police forces. Most police salaries have nearly doubled since 1960, but the quality of our cities' "finest" has remained alarmingly low—and in some cases it has even decreased.

We end up paying "our men in blue" more for doing a worse job.

I take particular issue with those individuals who are encouraging the indiscriminate appropriations of federal grants in the name of correctional reforms. We have just witnessed the spectacular failure of Office of Economic Opportunity funds to come to grips with the problem of poverty, and I predict a similar failure of federal grants in corrections if we refuse to learn from experience.

Lest we create another vast and wasteful bureaucratic apparatus in corrections, we must devise stringent guidelines to assure that federal funds will be applied to the improvement of prison conditions and prison programs rather than being squandered on bureaucrats. If we fail, taxpayer money at best will wind up in the hands of well-meaning, inept do-gooders or, at worst, in the pockets of slick, high-salaried administrators whose only interest in corrections is their monthly paycheck.

Either way, we will have come no closer toward dealing with the crisis in corrections, but dangerously near the point when our jails and prisons will become the breeding places for anarchy—not only within the prison walls but in society at large.

## LEONOR SULLIVAN

Mr. EAGLETON. Mr. President, having served 20 years in the House of Representatives, Congresswoman Leonor Sullivan, of St. Louis, is now the most senior woman serving in Congress. The first woman ever elected to Congress by the voters of Missouri, she has given Missourians ample reason to be proud of their choice.

Mrs. Sullivan is perhaps most widely recognized for her work in the area of consumer protection, particularly through her position as chairwoman of the Consumer Subcommittee of the Committee on Banking and Currency. She has long championed stricter cosmetics regulation, a goal which I share, and made a significant mark in the fight for truth-in-lending laws.

Recently, the St. Louis Post-Dispatch carried a story about Mrs. Sullivan's work in Congress and her plans for the House Merchant Marine and Fisheries Committee, of which she is now chairwoman. I believe that the article will be of interest to Senators. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the St. Louis Post-Dispatch, Nov. 16, 1972]

### Leonor Sullivan: Top Woman in Congress

(By Patricia Rice)

Representative Leonor K. Sullivan (Dem.), St. Louis, will become Capitol Hill's senior stateswoman in January—succeeding Senator Margaret Chase Smith (Rep.), Maine, who was defeated for re-election this month.

But even before the election, Representative Sullivan was in line to be the first woman to chair a major congressional committee since 1954.

Last winter, the chairman of the House Merchant Marine and Fisheries Committee, Representative Edward A. Garmatz (Dem.), Maryland, announced he would not seek re-election this fall. Representative Sullivan ranks next in seniority among Democratic members of the committee. Her position is expected to be routinely approved by the House Ways and Means Committee and the House Democratic Party Caucus shortly after Congress convenes next January.

"When I was appointed to the committee I said, 'What am I, 2000 miles inland, doing on the Merchant Marine committee?' she said recently. "I said that I was going to make St. Louis a major port.

"But, whenever I talked about getting off of it (the committee) the former Speaker (of the House, John W. McCormack) told me to stay on. 'You'll be committee chairman one day Leonor,' he told me."

She is the third woman to serve as a congressional committee chairman. The other women who have been elected to Congress have not remained in office long enough to gain seniority in a committee. However, Mrs. Sullivan would not change the seniority system. She worries that if committee chairmen are elected by the other congressmen, they would barter their votes on bills to obtain votes for themselves for the powerful posts.

Mrs. Sullivan has been in Congress nearly 20 years. She is an energetic, handsome 70 years old. Her porcelain skin is so smooth that a clever cosmetic firm could use her face to launch a "70 is Beautiful" campaign—if she had not spent so much time getting Congress to question the makeup of cosmetics.

Instead she will be launching ships. The first policy she wants to review is that of the waning Merchant Marine.

"Only 5 per cent of our export shipments are sailing under U.S. flagships," she said. "The rest have foreign registry, although many are owned by United States citizens."

Taxes and labor costs are two of the reasons for this. All seamen on U.S. flagships must be American citizens.

"We are losing more and more ships. I hope I can bring in the Department of Commerce and operators of ships and representatives of seamen to discuss the future of the Merchant Marine."

She said they would discuss the needs of the country for emergency troop and freight transportation and the role airplanes play in this. The Federal Government subsidizes the building of ships that meet Department of Defense specifications for emergency use. More ships in the Merchant Marine will prevent the country from having to put in mothballs certain passenger liners that are potential transports.

"I recently fought to save the SS. United States from being sold abroad. It can carry 14,000 troops. We had it laid up in mothballs" Mrs. Sullivan said.

Nevertheless, a stronger Merchant Marine ready for military use would not reduce the need or expense of the Navy.

Aside from the Merchant Marine, the jurisdiction of Mrs. Sullivan's committee will cover the Coast Guard, Panama Canal operations and the Bureau of Sport Fisheries and Wildlife.

The first thing she intends to do in the post is to ask all the employes in the committee's 30-person office to turn in standing resignations.

"I'm going to do just what the President did," she said. "The committee (office) needs reorganization."

Mrs. Sullivan will retain her post as a chairman of the consumer affairs subcommittee under the House Banking and Currency Committee. She called for the formation of this subcommittee a decade ago, before the word "consumer" was commonly used.

"I'm going to fight to keep that position. I may be challenged. There are some committee members who would like to get the position so they could kill it."

It has been Mrs. Sullivan's work on this committee, rather than on the Merchant Marine and Fisheries Committee, that has won her national recognition. She has advocated consumer needs for everything from pantyhose to truth in lending. The Consumer Federation of America gave her its distinguished service award last summer, and Ralph Nader's report on congressmen called her an energetic and effective advocate of consumer rights.

Mrs. Sullivan said that her new role as the woman with the most seniority in Congress "doesn't mean a darn thing, except that if we (women in Congress) are going to do anything as a group, I'm going to have to start it."

She is planning a luncheon to honor the 14 new women elected to Congress this month. When Mrs. Sullivan first went to Congress, in 1953, there were 11 women in office—one Senator and 10 Representatives.

After her husband Representative John B. Sullivan, died in January of 1951, she sought his seat. But the Democratic party regulars selected Harry Schendel. Some friends urged her to run in the special election as an independent but she refused, and Claude L. Bakewell, the Republican candidate, won.

She did not give up, however. During her husband's second term, she had worked as administrative assistant and she said she offered more than the same familiar name on the ballot. In 1952, she ran in the Democratic primary, won and then beat Bakewell in the general election.

She is pessimistic about a woman's caucus in Congress.

"When I first went to Congress I was very naive," she said. "I thought there were many issues so special to women that they would cross party lines."

But it never worked, she said. The other women would not support her on issues such as the Food Stamp program, which she had believed women could easily support. Special women's or black caucuses tend to confuse things, she said, and now she believes in neither.

Women in Congress told her they were not interested in so-called women's issues, she said. They wanted to be known as congressmen first, not as women. Mrs. Sullivan emphasized her views by calling herself a congresswoman.

She was the first woman to do so.

"However, women in Congress (in the past few years) have gotten togther on fighting for equal work and for removing job discrimination," she said.

Mrs. Sullivan said that all the women in the House except her worked for the passage of the Equal Rights Amendment last winter. She explained that she was opposed to the amendment because she worried it would hurt family life in America.

"I do not think that wives and mothers should have equal responsibility with men to support their families," she said. "We in Missouri have good laws that protect women, and good inheritance laws.

"I don't object to the effect the amendment would have on divorce laws; wealthy women may have to pay alimony," she said.

Feminists have said that women have to pay too heavily with other rights to retain the privileges Mrs. Sullivan believes they should keep.

Mrs. Sullivan was surprised that she received only 20 letters last winter about the Equal Rights Amendment.

"I don't think women have taken any kind of a real interest in this. I tell them whether they are for or against the amendment, they should not let men decide their futures.'

She wishes more women would bring evidence of job discrimination to court.

"I know there are many women in St. Louis who are discriminated against and are not receiving equal pay, even business and professional women," she said.

After a post-election vacation, Mrs. Sullivan expects to detail her new plans.

And, that comment of hers about making St. Louis a major port—well, she is working on that too.

Her interest in the Merchant Marine and Fisheries Committee has led her to study the lash ships. These ocean-going vessels are hauling small river barges. A barge filled with freight in St. Louis can be towed to New Orleans, put on a lash ship and then delivered to the mouth of another river. There it can be towed up river to an inland port. The freight never would be handled from St. Louis to the foreign river port.

"St. Louis is the largest city on the Mississippi River. We should have a port authority and more warehouses and take advantage of this," she said forcefully.

"If we don't, Memphis or, watch, Illinois will. St. Louis was founded because of its location."

She is convinced that a port authority would attract exporters and other related businesses to St. Louis and has been working "quietly" with state legislators who would have the power to create the authority.

Leonor Sullivan may be the first stateswoman of the land. She may launch a thousand ships. But she's got her feet firmly planted in the Mississippi mud.

## BROADCASTERS AND FREEDOM OF THE PRESS

Mr. CHURCH. Mr. President, on Tuesday, January 9, the Washington Post carried a lengthy article about challenges that have been mounted against the broadcast licenses of two television stations in Florida controlled by the Post.

It is highly instructive that of the four applications to take over the licenses of WJXT–TV in Jacksonville and WPLG–TV in Miami, several of the principals involved in the challenges are connected with President Nixon and his recent reelection campaign.

The chilling aspect of this case is the thought—no matter how much denied—that certain of these challenges may amount to a continuation of the Nixon administration's vendetta against the Washington Post. The administration has already seen fit to bar the Post from coverage of White House social events.

Even more important are the long-range ramifications of these cases, should the challenges succeed, for they raise the specter of the executive branch challenging by proxy the licenses of any station that dares to offend it. If it happens to these stations, it can happen to any station.

I ask unanimous consent that the Post article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### CHALLENGES TO TWO POST TV STATIONS STIR REVERBERATIONS

(By Jules Witcover)

By closing time on Jan. 2 at the Federal Communications Commission, four challenges to two television channel license renewals had met the appointed deadline. Together, they soon provoked reverberations throughout the nation's political, TV and news communities.

Three of the applications sought to take over ownership of WJXT–TV, Channel 4 in Jacksonville, Fla., and the fourth challenged WPLG–TV, Channel 10 in Miami. Both stations are owned by the Post-Newsweek Stations, Florida, Inc., a subsidiary of The Washington Post Company.

The question raised in political and news media circles about the four challenges was simple enough:

Were they symptoms of a political vendetta against a newspaper corporation that was in disfavor with the Nixon administration?

The question was prompted by several considerations.

First, in the past four years only 11 other takeover challenges had been filed with the FCC against any of the 701 licensed commercial TV stations in the United States. (Many other protests against the relicensing of stations have been filed in that period.)

Second, the only TV channels in Florida subjected to challenges this year were the two owned by the Post-Newsweek Stations; the other 34 commercial channels in the state were unchallenged.

Third, the Florida challengers included several individuals who had achieved political prominence, mostly with some ties to the Nixon administration.

One of the principals in Jacksonville was George Champion, Jr., Florida finance chairman in the 1972 re-election campaign of President Nixon.

Heading another Jacksonville group was Fitzhugh K. Powell, northeastern Florida coordinator for the 1972 presidential campaign of Gov. George C. Wallace of Alabama.

In the Miami challenge, the principals included Cromwell A. Anderson and Michael Weitraub, law partners of former Sen. George Smathers (D-Fla.). Smathers, a friend of Presidents Kennedy and Johnson, was the man who introduced then Sen. Richard M. Nixon to C. G. (Bebe) Rebozo of Key Biscayne, who became Mr. Nixon's closest personal friend.

Another in the Miami challenge was Edward N. Claughton Jr., who had lent his Coral Gables home to Vice President Agnew during the 1972 Republican National Convention.

The challenges emerged against a background of conflict between The Post and the Nixon administration. The Post, for several years, had been a specific target of Vice President Agnew.

White House press secretary Ronald L. Ziegler on several occasions had denounced The Post for its reporting of the Watergate political espionage affair. And just a few days ago one of The Post's reporters, Dorothy McCardle, had been barred from covering several White House social events.

In early 1970, on the heels of an Agnew speech that took The Post to task for its ownership of radio and television stations, a challenge was filed to the Post-Newsweek station in Miami. The challenging group included Anderson and W. Sloan McCrea, an old business partner of Rebozo. The application later was withdrawn, with the Post-Newsweek Stations agreeing to pay the challengers $67,000 in legal fees.

The questions of possible administration involvement raised by the four Florida challenges brought quick denials from the challenging applicants. To inquiries from wire-service reporters and later in interviews with The Post, representatives of all four challenging groups stated categorically that there was no connection between their applications and the White House, and no direction of any kind from the Nixon administration. Ziegler, at the White House, made a similar denial.

Champion, the Nixon fund-raiser in Florida, said, "I would never tell him (the President) that we are making an application. My friendship would never enter into it."

Claughton, who lent his home to Agnew, told The Post he had met the Vice President only once before, when he served as volunteer crew on a yacht on which a surprise birthday party was held for Agnew in 1969.

His home was selected for Agnew from a pool of homes volunteered by Miami-area Republicans, he said. His only contact with Agnew during the convention was on the tennis court, at which time nothing about television was discussed, Claughton said, and he has not seen or talked to the Vice-President since.

The speculation of Nixon administration involvement was fanned, however, with disclosure in Miami last Friday that Glenn J. Sedam Jr., general counsel of the Committee for the Re-election of the President and currently deputy general counsel of the 1973 President Inaugural Committee, was in Jacksonville Dec. 26 instructing Powell, Champion and other local businessmen on how to go about challenging the WJXT-TV federal license renewal.

Sedam has told The Post he had been contacted by Powell at the suggestion of a mutual friend, to inquire whether he, as a private lawyer, would be interested in representing his group in applying for the FCC license.

Because he did not know what he would be doing after the inaugural, Sedam said, he referred Powell to his old law firm, Steptoe and Johnson in Washington. "It was a normal referral," Sedam said.

Subsequently, Sedam said, Herbert E. Forrest of his old firm asked him to go to Jacksonville "to meet the group" and he did, but there were no political implications in the trip.

"Anyone there could tell you the lawyers emphasized this kind of thing is done on pleadings with the FCC and tried that way," Sedam said. "There was nothing political about it and it was emphasized there could be no conversations with senators or congressmen or *ex parte* conversations with the FCC."

The meeting in question took place on the night after Christmas in the American Suite of the Robert Meyer Hotel. Out of the private meeting several days later came not one but two formal applications challenging WJXT-TV, one by Powell's group and another by Champion and two associates, Edward W. Ball, trustee of estate of Alfred I. DuPont, and Raymond K. Mason, president of the Charter Corporation.

According to a participant in the meeting who insisted on anonymity, Sedam and the other lawyers did indeed stress that there could be no political implications or the application "would be automatically ruled out."

"Sedam and the others kept saying it can't be anything political," this participant told The Post, "and yet you're sitting there and here was a guy with that kind of reputation, as an important administration man. It was a political deal to begin with. There was no question in my mind it was."

Sedam, advised by The Post of this comment, replied: "That's silly. If you talk to any number of the people who were there, I'm sure they would tell you quite the opposite impression was attempted to be given. I suppose anybody can read anything they want into anything. I wish my presence did have that impact, but it doesn't."

Though the Jacksonville case involves three separate challenge applications, there is evidence the original intent was to have only one, representing all elements of the essentially conservative community opposed to WJXT-TV, which has won a wide reputation as an aggressive, politically liberal news operation.

Powell, in an attempt to build a financially solid applicant group, contacted Champion, Ball and Mason before the Dec. 26 meeting, and also held a Dec. 22 meeting with other prospective partners to lay the groundwork for the application.

According to one of those present at the Dec. 26 meeting, an open split developed between Powell and the Champion-Ball-Mason group over how stock in the new enterprise would be divided, and over the legal fee to be paid to Steptoe and Johnson.

Ball, this source said, at one point charged that Powell had misled him about the stock division and Ball erupted when advised by Powell that the Washington law firm's fee for carrying the case to the Supreme Court if necessary would be $250,000.

Ball, along with Champion and Mason, finally walked out of the meeting and several days later they submitted their own application for the Channel 4 franchise under the name Florida Television Broadcasting Co. The Powell group is called Trans Florida Television Inc.

The third group, St. Johns Broadcasting Co., consists of Edward L. Baker, a Jacksonville banker and real estate man, Winthrop Bancroft, an investment banker, and George D. Auchter III, a contractor. Baker said his group is unrelated to the other two.

The law firm representing this group, Welch and Morgan of Washington, also is representing the Anderson group in Miami, Tropical Florida Broadcasting Co. Both Baker and Anderson said there is no relationship between the Jacksonville and Miami applications.

In the four applications to the FCC, the challengers make one common argument against the Post-Newsweek stations—that local ownership would better serve the community.

But there is evidence that the editorial policy of the two stations and their records as aggressive investigators of local governmental and business irregularities, in Jacksonville particularly, are at the core of the challenges.

Prior to submission of his group's application, Powell filed a petition with the FCC to deny WJXT's three-year relicensing, charging the station "consistently and flagrantly, for the past three or more years has editorialized and slanted its news coverage."

The station, it said, "has deliberately broadcast and editorialized upon sensitive social questions that are prone to cause strife and turmoil in the community . . . [and it] deliberately and with intended malice assaults the personal character and reputation of various persons in the community. . . ."

WJXT is the television station whose reporter in 1970 first uncovered the 1948 segregationist speech of G. Harrold Carswell that proved to be a major factor in his rejection by the Senate as a Nixon appointee to the Supreme Court.

In 1966, the station's investigation of local government corruption led to the indictment of 10 city and county officials on charges of grand larceny and bribery. More recently, its series on inadequate railroad crossing signals led to adoption of a state law requiring such signals at all crossings in Florida.

Ball, who controls the Florida East Coast Railway, the St. Joseph Paper Co. and other banking and land interests, has been a particular foe of the Jacksonville channel.

The station has carried special reports on a fence that has been built across the Wakulla River on Ball's estate near Tallahassee, which conservationists have argued bars public access to a navigable river in violation of the law.

Although the argument of out-of-state ownership is stressed by all the challengers, no challenge was raised against Channel 17 in Jacksonville, and ABC affiliate owned by the Rustcraft Broadcasting Co. of New York.

Nor was there a challenge against Channel 4 in Miami, a CBS affiliate owned by Wometco Enterprises Inc., with national headquarters in Miami but a group owner with other stations outside Florida.

The Post-Newsweek station in Miami also has a record of investigative reporting and recently waged an editorial battle with Sen. Edward J. Gurney (R-Fla.) over consumer protection legislation. It backed Gov. Reubin Askew's campaign for a corporate income tax, highly unpopular with Florida businessmen, and more recently has called on Miami area congressmen to vote to stop the bombing of North Vietnam.

Anderson, part of the group that withdrew its challenge in 1970, says that action was taken after an FCC policy statement saying that existing license-holders would be renewed if they would demonstrate they substantially met the needs of the community.

That statement since has been successfully challenged in the U.S. Court of Appeals and withdrawn, Anderson told The Post, and a comparative hearing on ability to serve the community now is required, giving his new group hope it can succeed in getting the license.

Thomas Fitzpatrick, head of the FCC hearing division, confirmed that such a hearing now is required. But he noted that the appellate court decision also said "superior performance" of a licensee should be considered "a plus of major significance" in considering a challenge to its relicensing.

In the only case since that 1971 court decision, concerning a challenge to a Moline, Ill., station, the FCC in August, 1971, awarded the station another three years and cited its entitlement to preference on basis of its past performance.

Robert W. Schellenberg, vice president and general manager of WJXT, and James T. Lynagh, manager of WPLG, both have expressed confidence that the performances of their stations would persuade the FCC to renew their licenses.

But Fitzpatrick and other FCC staff officials noted that the FCC has not yet completed formal rule-making on what constitutes "superior performance." Hence the outcome of these latest challenges must await the hearings at which the incumbents and the challengers make their cases.

Lynagh, in a statement to the Associated Press, expressed the concern that was being felt not only by the Post-Newsweek Stations, but by TV license-holders throughout the country.

"Based upon information as to the operations of many other stations available to us," he said, "it is difficult to conceive how our license could not be renewed without at the same time placing in serious jeopardy the license of virtually every other TV station in this country."

## THE BOMBING: VIEW OF THE STAR-NEWS

Mr. CHURCH. Mr. President, in a little-noted editorial of December 30, 1972, the Washington Star-News called for a final end to the American bombing of North Vietnam.

The case is persuasive, as set out by this newspaper. It is a message that deserves wider circulation, and I recommend it to the Senate.

The editorial asks.

> If we do not stop now, when will we stop?
>
> The official answer, of course, is that we will stop when the North Vietnamese accept what we regard as a proper settlement, and the optimists believe such an acceptance will come soon. Just a few more days of punishment and Hanoi's will must finally break. The North Vietnamese have been fighting for about 25 years now. Surely three or four more days will be all they can take.
>
> But what if they do not give in? What if once again, these stubborn people unaccountably hold out? A week passes—two weeks. Will it be easier for us to stop then than it is today? Three weeks—four weeks? May it not become ever harder to ground the planes with nothing to show for the destruction we have wrought?

The editorial speaks with the voice of good, old fashioned, commonsense—that same commonsense which has been so scarce in high places during all the years we have been mired down in a tiny country in the backwaters of Asia.

I hope—I pray—that this administration listens to the kind of reason so wisely outlined by the Star-News and that the bombing will be stopped permanently.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### The Last Chance

It is good that the American bombing of North Vietnam apparently will be halted in celebration of New Year's Day. It would be better if, in celebration of the whole new year and of mankind's future, the bombing were not resumed.

Enough is enough. For God's sake, let us have done with it.

The decision to resume these air attacks after the Kissinger talks broke down—attacks on an unprecedentedly massive scale and, despite the denials, against civilian targets—was dubious at best. Whatever the rationale, whatever the "message" we have been trying to convey, the mission must by now have been accomplished.

To stop the indiscriminate killing for a few hours now and then (in honor, say, of the birth of Christ or the completion of another swing by this planet around the sun) somehow doesn't quite do the trick. Indeed, such toying with the problem progressively afflicts the conscience. It makes it harder to forget what we are doing when there does not happen to be a holiday.

If we do not stop now, when will we stop? The official answer, of course, is that we will stop when the North Vietnamese accept what we regard as a proper settlement, and the optimists believe such an acceptance will come soon. Just a few more days of punishment and Hanoi's will must finally break. The North Vietnamese have been fighting for about 25 years now. Surely three or four more days will be all they can take.

But what if they do not give in? What if once again, these stubborn people unaccountably hold out? A week passes—two weeks. Will it be easier for us to stop then than it is today? Three weeks—four weeks. May it not become even harder to swallow our pride and call back the planes with nothing to show for the new destruction we have wrought?

If, in short, we cannot bring ourselves to extend this happy New Year pause, are we perhaps finally where we all said we would never be: Hooked irrevocably on a commitment to bomb North Vietnam to extinction? Is that an acceptable solution to our dilemma? Can we—can the world—live with it?

Let us stop the bombing this New Year's Day. Let us keep it stopped. It may be the last chance.

## ROBERTO CLEMENTE

Mr. STEVENSON. Mr. President, I wish to add my personal condolences to the family of Roberto Clemente and to express the sense of loss we all feel over the untimely death of this compassionate man who helped raise all of our spirits.

Roberto Clemente died while on a mission of mercy to the victims of the earthquake in Managua, Nicaragua. He was showing yet again that he was more than an exciting baseball player, although he certainly was that. He excelled in his specialty, baseball—he was one of the few men ever to have 3,000 hits in his major league career, and very few outfielders could throw baserunners out like Roberto. But he excelled in another specialty, compassion for his fellow man—he combined the rare qualities of warmth and understanding with a unique ability to lift our hearts and to help his fellow man. He had reason to be far less humble than he was.

We shall all miss Roberto Clemente, and we should all learn from his examples of excellence and compassion. So that those friends of Roberto Clemente who do not share this tongue can understand, I ask unanimous consent that a translation into Spanish be printed in the Record.

There being no objection, the translation was ordered to be printed in the Record, as follows:

### Translation

Senor Presidente. Quisiera anadir mi condolencia personal a la familia de Roberto Clemente y tambien expresar el sentido de perder que tenemeos todos a consecuencia del muerto prematuro de este hombre compasivo que siempre nos ayudo animarnos.

Roberto Clemente murio cuando estaba viajando en una "mision de merced" a favor de las victimas del terremoto de Managua, Nicaragua. Estaba manifestando otra vez que estuvo no solo jugador de beisbol excitante, aunque sin dudo fue excitante. Sobresalio en su especialidad, beisbol—fue uno de los pocos hombres que mas de tres mil tiempos durante su carrera tuvo exito golpeando el beisbol, y no hay muchos jugadores fuera del cuadro que puede excluir a los corredores como pudo Roberto. Pero sobresalio en una otra especialidad—compasion para sus semejantes. Se combino las calidades raras de viveza e entendimiento y de ayudar a sus semejantes. Tuvo razon tener muy menos humilidad que tuvo.

Echaremos de menos a Roberto Clemente, y debemos aprender todos de sus ejemplos de excelencia y compasion.

## WE HAVE NEVER HAD IT SO GOOD

Mr. CHILES. Mr. President, we hear much these days—too much, I am afraid—about what is wrong with our Nation and our society. The truth is, I think, we have never had it so good, and I hope we will concentrate more on the positive as we approach our Nation's 200th birthday in 1976. A comparison is offered by an interesting historical piece written by Mr. Albin Dearing of Fort Lauderdale, Fla., and published in Smithsonian magazine. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Return to the Bad Old Days of the 1870's? No Thanks

(By Albin Dearing)

In the planning stage now is the Bicentennial, the 200th anniversary of our independence. The President urges us to scrutinize ourselves at this time, to establish our land as a showplace for foreign visitors. Had such self-examination taken place a hundred years ago when we were preparing for our Centennial of 1876, we might well have questioned whether the country was worth the celebration.

We think of Victorian America as orderly, blissful, innocent and uncomplicated. Determined to recapture its antique charm, we uproot the television, disconnect the radio, tear out the telephones and stop the news magazines. Away with the present! It's back to bustles and bicycles, celluloid collars and Currier & Ives prints, a hand pump in the sink and a swing on the porch. Thus surrounded with elements of that better life of yesteryear, can we not again attain it?

Better to forget it.

Violence in the streets? But . . . the United States of the 1870s had a crime rate perhaps twice that of today. There was rioting among the Irish in New York, the blacks in Savannah, the Chinese in San Francisco, the political clubs in Pittsburgh and the coal miners in Scranton. Indians scalped the wagon-master of a government mule train in the Colorado Territory. Corruption in high places? Well . . . New Yorkers were discovering that Boss Tweed had mulcted them of millions. Legislators were being sought and sold by powerful capitalists. Graft reached into the White House itself.

About a sixth of the population was foreign born, largely unassimilated and incomprehensible. Thousands of children, aged eight, were recruited to the ten-hour work day of factories, mines and sweatshops.

Traffic hopelessly clogged city streets by day, toughs roamed them by night. Prostitution plagued urban centers and venereal disease raged.

Pneumonia and tuberculosis ravaged the population in winter, malaria and typhoid in summer, diphtheria, scarlet fever and sometimes cholera and smallpox in all seasons. Public health, like inside plumbing and sanitation, concerned only a few.

Gangs of Ku Klux Klansmen whipped, tortured or murdered hundreds of blacks. The U.S. Navy shelled the coast of Korea, with which were were at peace. And our most violent enemy, fire, all but obliterated Chicago in 1871, gutted Boston in 1872 and sent 1,100 barrels of whiskey up in smoke in Nashville.

This was a time when a million Americans were trekking westward—many to fall victim to Indians, desperadoes and the fraudulent schemes of their fellows. These scoundrels left the Ten Commandments on the east bank of the Missouri to rely on boozing magistrates for law west of the Pecos. It was a time when women could not practice law in most states or Mormons serve on federal grand juries in Utah. Spiritualism, with 95 congregations and thousands of adherents, was a thriving religion. Such towering tycoons as Commodore Vanderbilt and J. P. Morgan kept pet mediums to give them financial tips. The propriety of Bible reading in the public schools was questioned, folks complained at the high cost of funerals while staging great religious revivals that lasted all day and far into the night and left waves of arrests for drunkenness in the cities and a precipitous increase in illegitimacy at the crossroads.

As the nation approached its first hundredth birthday, some daring women were wearing men's clothing. Newspapers carried stories of women footracing through Central Park in practically no clothing at all, dancing the can-can in the New Jersey surf, getting married on velocipedes, playing football on stilts, capturing criminals, smoking cigarettes seated in their windows at swank Saratoga, hitting bears with axes or each other with bare fists in the prize ring, and riding behind their men on bicycles "though it creates invalids as well as fallen women." Two women in Philadelphia sold their hair for a rail ticket, and at least once two others auctioned off a man.

At the University of Michigan, women demanded and won admission to men's classes. In Brooklyn, they invaded railroad smoking compartments. In Virginia City, Nevada, the town belles organized an opium smoking club. Everywhere girls affected a hairdo that cascaded over their eyes. Inevitably, it was called "the lunatic fringe." And everywhere they wore shiny pie pans stuck in their wide belts. In jockey silks, Miss Julia Bishop won at Mannsville, New York, while in Manhattan Miss Mary Marshall and Miss Bertha von Hillern ran a six-day miniskirted marathon. At Omro, Wisconsin, a young lady with obvious talents for judo neatly tossed a male into a snowbank for molesting her while skating.

Young men went clean-shaven in contemptuous disdain for their elders' hilarious muttonchop whiskers, straggly handlebar moustaches, imperial goatees and shoulder-length hair.

Not that the clean-shaven young men of 1872 had no idiosyncrasies. When not racing about on bicycles to the dismay of horses, or sassing their reproving elders with "Aw, mind your bustle!" they were showing an early predilection for strong drink. Police in New York arrested a 13-year-old for heaving a brick through a saloon window because the bartender refused to serve him.

There is no reason to think that the young and their elders of that day were closer than those of today. In that aftermath of the Civil War, America's youth was asking questions and not getting satisfactory answers. The elders' concern for morality focused for awhile on youth's preference for the "story papers" and the half-dime novels then so prolific, filled with tales of crime, love, horror and adventure. Anthony Comstock, founder of the New York Society for the Suppression of Vice, shrieked that "These stories breed vulgarity, profanity, loose ideas of life, impurity of thought and deed. They render the imagination unclean, destroy domestic peace and make foul-mouthed bullies, cheats, vagabonds, thieves, desperadoes, libertines. They disparage honest toil and make real life a drudge and burden."

Comstock may have found vicarious enjoyment in accompanying police or brothel raids, but he plucked a true chord with that last phrase. Life was indeed a drudge and a burden and fast becoming intolerably so as craftsmanship gave way before demands for mass production—simple actions endlessly repeated. Given half a day free each week, what escape was there for automatons of the factory and seamstresses of the sweatshop on starvation wages? In the decade of the 1870s, alcohol probably made converts faster than at any other period in our history. As did opium.

### YESTERDAY'S DRUG CULTURE

Today's "drug culture" had its counterpart in the America of 1872, only then it was more widespread in respect to areas and age groups. In 1872, Florida, New Mexico, Texas, Vermont, New Hampshire all grew poppies for our thriving opium production, though we imported a sizable tonnage of it.

Laudanum, tincture of opium, was the fare of our "opium eaters" and was sold in drugstores and many grocery stores as well. Few Conestoga wagons had gone west without their casks of laudanum for use as a painkiller for sufferers from rheumatism, for insomnia and for anesthesia.

In England opium had provided dream worlds for Coleridge, De Quincey, Crabbe, Keats, Wilkie Collins and Francis Thompson. Alethea Hayter tells us that in the textile districts of Lancashire "the counters of the druggists were strewn with pills of one, two or three grains in preparation for the known demand of the evening. There was not a village in the region but could show at least one shop and its counter loaded with laudanum vials, even to the hundreds, for the accommodation of customers retiring from the workshops on Saturday nights."

In America, commerce in opium had formed the base of more than one great family fortune. It was given to babies when they cried in Mrs. Winslow's Soothing Syrup and to suffering adults in Dr. Olcott's Pain Annihilator or Radway's Ready Relief. Lydia Pinkham's famed Vegetable Compound relieved millions of "female ailments" partly because, as was found many years later, the good lady's herbs contained small amounts of then-unknown estrogens. But a good measure of relief came from the fact that the mixture was 21 percent alcohol.

Some of the most famous catarrh remedies depended on cocaine; stomach bitters favored rum or brandy. The widely sold tonic Peruna had about the same kick as a Manhattan cocktail, and a watchful Bureau of Indian Affairs learned to prohibit its sale on Indian reservations. During subsequent investigations, Mark Sullivan estimated that Americans had been drinking more alcohol in patent medicines than in all licensed beer, liquor and wine sold in the country.

The enormity of America's drug addiction, all so innocent, awakened no public outcry and but little medical interest. Not until 1881 was the import of opium *from China* prohibited, though the bulk of our manufactured products came not from China but from England and Germany. Few 19th-century Americans had not tasted opium in some form; some middle-class and many working-class children died from it.

To criticize the medical world for its ignorance would be unfair. Many a man during the Civil War and after had a gangrenous arm or leg chopped off with no more than a stiff dose of whiskey. In the surgeon's endless quest for anesthesia, morphine, codeine, heroin were blessings. If addiction flowed from the physician's kit it was because he believed that "opium diminished the determination of blood to the inflamed parts." Lingering in the pharmacopoeia were ancient alchemies. In the late 19th century, one druggist's compound began, "Take tenpenny weight of wax from the ear of a dog. . . ."

America's malaise of the 1870's disturbed its sociologists and men of medicine alike. Dr. George Beard's *American Nervousness, Its Causes and Consequences*, published in 1881, reflects the concern of thinking men that neuroses were the result of an industrial civilization, and were specifically induced by such factors as steam power, the periodical press, the telegraph, the sciences and "the mental activity of women."

For all their antics, ever-questing American youth showed disposition toward a societal isolation, intellectual in scope, tribal in appearance and rites. They rallied around Transcendentalism which New Englanders were refining from Kant, Fichte and Hegel, just as today's young people take on the beliefs and robes of the street Buddhists. Yet most had normal tendencies: One Octavius B. Frothingham saw dread consequences in the young peoples' method of dancing. "Over excitement is produced from the commingling of sexes in warm rooms where the mind is unbalanced by the wild delirium of the waltz."

In 1872 life was pretty much touch and go for the city dweller. That nation of 40 million had nothing approximating today's 50,000 annual highway fatalities, but its other disasters were proportionately greater. Fire was the great killer, since so many structures were of wood. Perils of the sea were real and familiar, for ships had no devices to warn of approaching storms. The land travelers' lot was no better. Almost every day brought word of trains stranded in snowbanks, head-on crashes, death at the crossing and derailments. No one hopped on a train for any distance without a bit of terror. High speed along badly ballasted rails killed many in the 1870s. A rear-end collision just outside Boston took 29 lives, including that of the minister of the Arlington Street Church. In 1872, a bridge collapsed near Prospect Station, Pennsylvania, and 25 died. A few years later, near Ashtabula, Ohio, another wobbly bridge—plus a snowstorm and high winds—sent a train plunging to glory with 80 killed, 60 injured.

As for traffic problems, the headache of our own age, let James Buel describe a New York visitor's emotions in the 1870s: "If he should desire to cross the street a thousand misgivings will assail him, for although he sees scores of men and women constantly passing through the moving lines of vehicles . . . a stranger will suffer the pressure of a hurrying and jostling crowd on the sidewalk for an hour before plucking up sufficient resolution to attempt a crossing."

Manners? But . . . that was the United States where Americans had just completed the organized slaughter of fellow Americans in our costliest war. Could the half-million immigrants dumped into America in 1872 be expected to improve the demeanor of that society?

There was another side of the coin. As we see today among our youth, the 1870s experienced a return to religion. No flashback would be complete without a look at Dwight Moody. America has seen many evangelists come and go. But in that turbulent America of a hundred years ago, huge crowds in New York, Boston, Philadelphia and Baltimore came to hear an unimpassioned, undramatic, unstylistic but never uninspired, lay preacher, a former Chicago shoe salesman, talk of Jesus Christ. What Dwight Moody said carried no threat of hellfire and damnation, no shrill condemnation of this corrupt and doomed civilization. "I don't want to scare men into the Kingdom of God," he said.

If among his hearers there were regular church-going Christians, Moody might politely invite them to stay away. If he should see that through the power of his biblical interpretation some among his hearers were being swayed, Moody might stop dead. That was Ira Sankey's cue to play the organ and give forth with song. Moody distrusted mass emotions. He was no spellbinder; at times he did not even speak clearly.

Newspapers could only express bewilderment over the popular excitement that Moody aroused. A man of little education, his sermons have been called "a collection of rather dull anecdotes and trite theological observations." Yet in a single Sunday, the *New York Herald* reported that 15,000 people jammed his opening meeting in Flatbush.

Such then was this America of a hundred years ago when Congress met to discuss financing the Centennial. Wounds of war, sutured, healing, at times were maliciously rubbed with salt. The "bloody shirt" was waved anew in the elections of 1872, the North reminding of the horror of Andersonville, Southerners chafing under Reconstruction. In that year Boston staged a monster peace jubilee, then saw its city fathers off on a train to Philadelphia to inspect plans for the celebration. Like New Jersey, Boston then threw her influence behind the idea. Pennsylvania and the City of Philadelphia put up a million and a half dollars. Now needed was another million and a half from Congress.

In that day the federal government stuck more closely to the business of governing, indeed the whole federal budget was but $278 million. Obviously a centennial celebration presented an opportunity to close ranks North and South in shoring up the people's pride in what the entire nation had accomplished since 1776. Nevertheless, members of the House of Representatives, while fully in accord with the sentiment, were not unanimous in agreement that a centennial exposition was the best means of serving it.

Congressman Benjamin Willis of New York protested the cost—"While we are celebrating the birth of the Republic let us take care lest we contribute to its burial"—and complained about the growing complexity of government in terms that seem familiar today: "Its functions have been indefinitely multiplied. It has built railroads; become parent, teacher, master, banker; and now it proposes to go into the show business. . . ." He preferred, he said, to "bequeath to our posterity the privilege of celebrating the continued existence of the Republic in 1776."

At length the argument was resolved by William Phillips of Kansas: "The nation that has spent four millions a day in war can afford a million and a half once every hundred years to render civil wars impossible." Among so many similarities between today's troubled times and those of a century ago, perhaps this ideal for a Centennial can also be repeated.

## THE BOMBING OF NORTH VIETNAM

Mr. HART. Mr. President, during December, when the White House ordered U.S. aircraft to drop hundreds of thousands of tons of bombs on the North Vietnamese cities of Hanoi and Haiphong, many of my constituents wrote to me not only to express their horror at the destruction of human life in what has been estimated as the heaviest bombing of this or any war, but also to protest the refusal of the administration to disclose information about its actions.

And on December 29, a delegation of clergy and lay people met in my office to urge congressional action to cut off funds for the war.

While members of the delegation represented various professions, religious faiths and points of view, they spoke with a single voice on two issues. They were united in their grief over the Vietnamese and American casualties which the bombing raids caused. And they were united in their urgent request that the representatives of the American people in Congress exercise their constitutional responsibility for committing—or not committing—this Nation to war.

Mr. President, I do not believe that my constituents' demands are invalidated by the hope—however welcome—that the peace for which the world so painfully waits is, again, at hand.

Nor should we be deterred in our efforts to control this country's warmaking power by those who would charge that to challenge the President is to undermine the American peace effort.

Even those who may want to continue the struggle which has exacted such bitter sacrifice of life and health from our American fighting men should question what result could possibly justify those 12 days of bombing which intensified and redoubled the tragedy.

Each of us must weigh any apparent advantage gained during that siege against the costs of human lives lost and of diminished respect for our system of government resulting from an apparent abuse of power.

Surely Congress must act to prevent a recurrence of the moral and legal crises which the President's action has precipitated.

## HOUSING PROGRAMS

Mr. STEVENSON. Mr. President, our Federal housing programs have had their problems, and I have not been hesitant to criticize them in the past. Many of these problems have been severe, and it is quite possible that substantial changes will have to be made in our present housing laws. In particular, housing programs must be made to benefit the consumer and the taxpaying public, as well as private interest groups with a financial stake in housing. But I cannot support the President's recent action. Unilateral cancellation by the Executive of programs designed to benefit citizens of low and moderate income, without any provision for their replacement, most hurts those who can least afford it. It also flouts the will of Congress which in 1949, and again in 1968, affirmed the right of every American to an adequate home in a suitable living environment.

Last week I joined Senator SPARKMAN, chairman of the Banking, Housing and Urban Affairs Committee, in urging President Nixon to defer any action on cancellation of these programs until Congress had an opportunity to reassess our entire national housing policy during hearings which will begin in March. Now those hearings, and the improved programs which could result from them, take on an even greater sense of urgency as Congress and country face the possibility of a year and a half without any commitment to important national housing needs.

A January 10 editorial in the Christian Science Monitor substantially reflects my views on this matter. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### HOUSING REFORM, NOT RELAPSE

The hedging, cutting back and stocktaking to which we refer above are already evident in several areas of federal social intervention, and most recently in housing. Secretary George Romney's announcement Monday that his Department of Housing and Urban Development has halted all new commitments to subsidize low and middle-income housing construction came as a shock to many in Congress, as well as to the residential construction and financing institutions.

Inevitably, there were instant protests—some of legitimate concern over cutbacks in an area of critical need, others of chiefly political origin. We fully share the concern voiced by conscientious congressmen that federal government efforts to stimulate housing construction, based on massive legislation passed in the '60's, not be arbitrarily undercut before the housing construction market is able to produce good housing at prices affordable to all income levels.

It is true that the massive federal subsidy programs have stimulated a housing boom. But that boom has mainly benefited the housing industry. The programs which bring housing to the poor and moderate income groups have been rife with corruption and scandal. The federal government has been bilked of hundreds of millions of dollars. In Detroit 20,000 houses have been abandoned as unlivable by the poor families who bought them, and handed back to the Federal Housing Administration in default.

Housing for minorities, which Mr. Romney tried to promote, has run into massive opposition in the suburbs and lack of support from the White House. Multiple housing built under Section 236 of the 1968 act has proved to be an enormous pork barrel, with building and financing interests earning usurious profits on minimum capital investments via government-paid interest rates and tax shelters.

These scandals prompted Secretary Romney earlier to advocate abandoning all federal housing support programs, turning them over to the states, stimulating more private involvement on a profit basis, and giving housing allowances directly to needy families. Now the administration has decided to halt new commitments for low- and middle-income housing construction, to put a hold on applications for other programs such as water and sewer grants, and by July 1 to embargo urban renewal and Model Cities programs.

Given the failure of existing programs to this date, just going along the same potholed road is not the answer. But neither is it an answer simply to jam on the brakes. What is needed is genuine reform. Both the opportunity and the desire for such reform exist in Congress, which killed an omnibus housing bill last fall that would have simply continued the old programs as they were. The Joint Economic Committee has held lengthy hearings, and committee chairman, Sen. William Proxmire, has taken up the cudgels on the part of housing reform.

Secretary Romney has stressed that there is enough money in the pipeline for HUD to continue subsidizing housing starts at an annual rate of 250,000 units for the next 18 months. Meanwhile, Congress is faced with the task of rewriting new housing legislation. Given honest cooperation on the part of both the administration and the Congress, there is no reason why new legislation cannot be written in such a way as to prevent the scandalous misuse of taxpayer funds that has occurred in the past three of four years.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. HUGHES. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow, immediately following the recognition of the two leaders under the standing order or following the recognition of Senators under any 15-minute orders that may be entered today, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE MANAGUA DISASTER: A REPORT

Mr. JAVITS. Mr. President, I have received an excellent, informative, first-hand report of the natural cataclysm that has so tragically and destructively struck Managua, Nicaragua, on the eve of the Christmas holiday, and I want to bring it to the attention of the Senate. The report, "The Managua Earthquake," is written by Dr. Kevin M. Cahill, director of the Tropical Disease Center of New York City and who is well known to Nicaragua and its President, General Anastasio Somoza, as well as to me personally.

In my judgment, Dr. Cahill has briefly but accurately described the horrendous dimensions of the Managua earthquake, which is without parallel in the Western Hemisphere. In addition, he has portrayed the commendable "power" and efficiency of the United States' relief effort there to help a stricken capital city. However, and perhaps most significant and useful are Dr. Cahill's proposals and guidelines for the handling of such natural calamities.

I commend Dr. Cahill's excellent report to all Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

### THE NICARAGUAN EARTHQUAKE

(By Kevin M. Cahill, M.D.)

In the middle of Managua several days after the major quake had struck on December 23rd, 1972, I stood with an old American Army sergeant who, looking at the total destruction of the city, the flames and smoke bellowing from still-collapsing structures, the rending noise of walls giving way and the constant sound of the sirens, with the acrid odor of dead and burning flesh hanging heavy—this old, tired, dirty, career soldier said two things—"God, but it feels good to be an American soldier" and "Even Dresden and Berlin in '45 weren't as bad as this". In a sense, those are two of the themes of this report.

Shortly after the earthquake struck Managua, Nicaragua, on December 23rd, 1972, with a maximal reading of 6.7 on the Richter Scale, I was called by the Ambassador of Nicaragua to the United Nations who requested that I assist in medical planning. Having worked in epidemic situations in Africa and Asia, having been associated with Nicaragua by caring for some of the leading citizens of that country, as well as having their highest governmental award, it was to some degree natural that the Ambassador might call. However, there were almost no facts available at that time regarding the extent of the damage or the needs, and useful planning in such a vacuum, was virtually impossible.

Although contact was established by ham radio shortly after the quake, conflicting and often contradictory reports came; the only unquestioned fact was that this was a disaster in a Capital City without parallel in the Western Hemisphere.

When I flew into Nicaragua two days later, initial cable and military communications had been established and preliminary plans for a fruitful evaluation trip had been made. Because of my identification with the concept that medicine provides one of the best vehicles for international diplomacy—and the subsequent translation of this idea into The International Health Agency Act in the U.S. Congress (HR 10023 and S3023)—I was also requested by various Senators and Congressmen to provide a report for them. Fortunately, my previous medical care for the family of General Anastasio Somoza, Chief of the Army and President of the National Board of Emergency of Nicaragua, permitted me to have immediate and direct access to all the major individuals, sectors and forces struggling in the chaos of Managua.

During my stay in Managua, I was able to use the home of General Somoza as my base during the day, and shared his family's sleeping tent at night. Since his compound was the command post for all aspects of the relief program I was able to meet at length with all the major Nicaraguan authorities involved, the American Ambassador, the American Military Commander, the United Nations Representative, and those from many other foreign countries and voluntary agencies that were responding to the earthquake. Available translators and transportation—two critical areas that, if not satisfied, had paralyzed innumerable others who had come to the chaos of Managua—were amply provided.

#### DESCRIPTION OF THE EARTHQUAKE

Throughout my time in Managua persistent small earth tremors were experienced, and I vividly recall one sharp quake that shook the building in which I was at the time, causing further cracking of the roadway in front and collapse of the wall.

A series of preliminary tremors shook Managua starting about 10 o'clock at night on December 22nd and culminating in several major tremors between 12:30 and 4:30 A.M. on the morning of December 23rd. Those who experienced the full intensity of the tremors in the center of Managua are not alive to describe that occurrence, for the majority of the buildings instantaneously collapsed. However, one did not have to search far anywhere in Managua to find those with tales of miraculous survival coupled with great tragedy. One American businessman kept repeating to me over and over "I do not have words to tell you how terrible and horrible was that period—everything was flying through the air, my children, my wife, my furniture, the very walls of my house". The buildings were literally lifted off the ground, shifted, and came back with a thud, collapsing the plaster, wood, cement and packed mud that made up the foundation of so many of the common houses. Fires, breaking out throughout town, provided the only light since all electricity was instantly knocked out. Water mains burst and flooding from the surrounding lakes occurred in low-lying areas. Managua is set in a frame of volcanic hills, and landslides buried many. The roads were crosshatched with the crevices of a fissured earth and were covered with the rubble of collapsing buildings, live electric wires, dead and injured people.

An American physician who arrived in Managua with the initial American Army relief team within twelve hours of the quake told me of the stunned population sitting by the roadside "as if they were waiting for a parade"; they stayed there surrounded by the paltry remanents of their material possessions—the broken table and the cracked crockery and the soiled bedding—till the government came with trucks to move them to the outskirts.

Even several days later the emotional paralysis of the stunned citizenry was striking; I recall a family sitting on the front lawn of their destroyed home in the midst of a block of burning buildings while they guarded their damaged furniture, including all the Christmas decorations that were about to be used when the quake struck. In fact, throughout Managua the eye was caught by the striking contrast of Christmas themes and devastation. In the back of General Somoza's home was a life-size Christmas Crib scene and the only figure missing was the Baby Jesus whose porcelain form had fallen from the shelf and cracked beyond repair. As one of the tallest buildings in Managua burn out of control one could see a line of multi-colored Christmas lights dangling from the upper floors, with the Star of Hope, framed in billowing smoke, as the main street burned to the ground.

The red glow of Managua dying is a scene I shall never forget. As one rested, dog-tired and dirty at the end of the day, on a hillside outside the city, one could look over and see the Capitol in flames with the tallest building, the fifteen-story Bank of America, ablaze on its top five floors at one extreme with a fiery haze spreading over the ten mile crescent of the city that had sprawled around the Lake of Managua. There were no electric lights glimmering on far off hills to distract attention from the scene of cataclysm that, despite the cliche, looked like the inferno in Dore's print. The scene was made even more memorable by the pungent stench of burning and decaying flesh of the dead buried in collapsed buildings.

There is no accurate estimate of the number that died in the quake, and since the city is now in rubble it will be impossible to ever determine the exact toll. The understandable confusion and chaos, following the earthquake, the need for mass burials of those bodies that could be found and the subsequent mass evacuation of the city make all mortality figures merely estimates. Between seven and fifteen thousand died, and the range given for the number of wounded was twenty to fifty thousand. Suffice it to note that a Capital City has died, and no death rate can be so coldly calculated by those that remain, obviously bearing the memory of relatives and friends pinned beneath collapsing walls, and even days later, continuing to smell the unseen remnants of their bodies.

Having attempted to give some description of the earthquake and its results I should like now to turn to the problems that such a disaster presented, and to particularly emphasize the response by America, stressing the medical aspects.

Immediately after the disaster it became clear that the first priority was to find the wounded and to care for them, and then to try to find the dead and bury them before they became a further threat, as a focus of disease, for the living. To complicate this enormous medical challenge, it should be noted that the two major hospitals in Managua, constituting 1700 hospital beds, were totally destroyed in the earthquake. There were, therefore, no medical facilities remaining in which earthquake victims could be cared for.

The initial response from the United States of America to the report by the American Ambassador in Nicaragua was rapid and massive. Within twelve hours after the first report a team of twenty-five physicians and medical corpsmen from the American Army base in the Panama Canal Zone were working on the front lawn of what was the General Hospital in Managua. Within twenty-four hours a twenty-five bed hospital was functioning, and within another twenty-four hours a further hundred bed American military hospital with four operating theatres was providing the only medical care available in the city.

Water purification equipment was flown in within the first two days and distribution of water and food supplies to the populace was begun. There have been news reports highly critical of the distribution of food, water and medical supplies in Managua, and yet, it seems to me, that one can indulge in such criticism only with great humility, for the chaos and confusion were great and incomprehensible. I think it might be more accurate to stress the remarkable resiliency of the Nicaraguan people, and the elan that gradually emerged as the leading figures in all aspects of Nicaraguan life came together to share in resolving their national disaster.

The decision to evacuate Managua was made by General Somoza; this single choice, more than any other, influenced the eventual course of the calamity. By moving the populace out of the city—and, in several instances, this had to be accomplished by the rather firm methods of denying water and food to them, as well as by sending in military forces to force some out—prevented, without question, innumerable further casualties from collapsing buildings, as well as the emergence of various epidemic, infectious diseases, and permitted the incorporation of the refugee population into the hospitals and homes of the Nicaraguan countryside.

The evacuation also freed the military from merely securing law and order in a destroyed city so that they could be employed distributing food and water and medical supplies to the surrounding countryside. Critics will find fault—and one can think of many instances that might have been handled differently—but my main impressions remain not of the faults but of how well the whole system worked.

The role of the United States was paramount during the first week following the earthquake. Although twenty four other countries responded—at both a Federal and a voluntary level—the United States' contribution accounted for more than 90% of the assistance provided, and its immediacy was the remarkable achievement. As the old soldier cited at the beginning of this report had noted, it felt awfully good to be an American there. All around the devastated city were the signs of that remarkable efficiency of the U.S. military that we have seen, too often only a conflict. In Managua they were serving the wounded, burying the dead, bringing water and food to the refugees, planning refugee camps, assessing damaged buildings and repairing roads, working shoulder to shoulder with their Nicaraguan colleagues.

Let the names be recorded of those remarkable men, that served our nation so well in the first week: Major Paul Manson, M.D., and his medical team from the Army Southern Command in Panama; Lt. Col. George Sutton and the First Tactical Hospital staff of the American Air Force; Col. Bravo with his hundred bed Twenty First Evacuation Hospital; Col. Kenneth Murphy, Commander of all American military forces in Nicaragua, who, without sleep for the first seventy two hours supervised the disaster and relief planning and implementation; Col. Frank D. Simon and the Disaster Area Survey Team; Ambassador Turner Shelton; and all the voluntary groups, including a team of five physicians from the University of Miami who arrived within forty eight hours of the initial quake to work along with their military colleagues, the representatives of the Catholic Relief Service, CARE, the Salvation Army, Caritas, and the private groups including the nurses, doctors and the pharmacist who brought several hundred pints of blood and medicines from the Lenox Hill Hospital in New York and worked in a Nicaraguan hospital, and the Rockland County Mercy Missions which established their own medical facility in Managua.

One of the most effective men in the medical sphere was Dr. Gerald Faich sent by the Communicable Disease Center, U.S. Public Health Service, to assist the government in logically responding to the fear of epidemic disease. Dr. Faich, a Spanish speaking epidemiologist, was able to work closely with Nicaraguan physicians under the leadership of Mrs. Somoza, who has long been active in the health field, to plan for the greatest usefulness of the regional hospitals. Through this committee a workable system of daily analysis was established so that the areas where refugee problems were mounting would promptly receive the greatest attention. I attended a number of these daily meetings, and admired the calm professionalism of my medical colleagues working under great personal and national stress.

Inevitably, following such a disaster, there is great confusion regarding possible disease consequences, and the fear of typhoid and cholera were paramount. It did not seem to matter that cholera had never been reported in the Western Hemisphere before—the threat of it was bandied about by the unknowing, and I heard from many, with authority, that it would inevitably come unless the dead were buried quickly, as if the disease spontaneously generated with the odor of decaying flesh. The fear of typhoid was more realistic, but to indulge in an innoculation campaign with a vaccine of only partial efficacy, where its usefulness would only be demonstrable if at least 80% of the population were innoculated, and where such an activity would not only cause further reactions in an already sick and bruised population but, more importantly, would totally dominate the medical services during the first critical few days was folly. Fortunately, the Government of Nicaragua withstood the pressure of the unknowing and did not undertake misguided medical ventures such as this.

The long term major problems are not likely to be those of health but rather of unemployment and a totally disrupted economy and of rebuilding not only a city but a society. The need for the entire international community to join in that long term effort with Nicaragua is almost too obvious to cite but, after the dramatic tale of the immediate disaster is forgotten, will the voluntary agencies be there, and will AID and the World Bank and the Inter-American Development Fund and all of the other agencies continue to respond?

### CONCLUSIONS

1. The response of the United States of America to the Nicaraguan earthquake may well have been "its finest hour". To see the enormous power, organization and efficiency of the United States employed with such immediacy for a devastated city and a damaged population was in keeping with what most Americans think is our heritage. Around the world, however, too many people see only another aspect of United States power. It was a beautiful experience to be an American in Managua in the last week of 1972, and to know that our only impact overseas is not being felt in Hanoi or Hai Phong. More than any other impression I brought back from Nicaragua was the conviction that this type of activity is a role through which our great country can contribute to the world.

2. It was obvious from the beginning that there was no disaster plan in Nicaragua, and had it not been for the survival of a strong leader, General Somoza, the chaos that was evident would have been supreme. Might it not be in order for the United States to assist, under bilateral contracts, all of the developing countries to prepare their own Disaster Plan? It would seem to me that such approach, possibly under an AID contract, might be activated almost immediately in many of the other "high risk" countries where previous disasters such as earthquakes and floods have occurred in the past century.

3. It was also apparent that there was very little coordination within our government of responsibilities during a disaster, and it would again seem appropriate that each of our Embassies overseas have a well worked out Disaster Plan for immediate deployment.

In Nicaragua, for example, the military responded almost immediately—and I do not believe there is any other organization in the United States Federal or private community that could have responded to the scope of this disaster as promptly and as effectively as the American military. Having said that, however, there is a private side to America and the voluntary agencies and people of good will have, in the tradition of our country, a great role to play. There was no apparent coordination of their activities in the disaster in Nicaragua. In fact, it often seemed their presence was either resented or ignored by the Embassy.

Although the American Ambassador told me that the voluntary groups came under his jurisdiction this was not apparently the view of many American organizations working there. In such disaster uncoordinated and inexperienced groups are more of a hindrance than a help, particularly in the critical early days. Nevertheless, I firmly believe that the initial response should not be totally by the Federal Government, for reasons that will become obvious later. Therefore, I suggest that each American Embassy overseas ought to have an organized disaster plan, and that our government ought to have a system whereby immediate involvement of medical, military, engineering and other disciplines from both the federal and private sectors can be realized. One of the key features in the International Health Agency Act (HR 10024 and 53023) was that all forty three voluntary agencies involved in overseas activities had agreed to coordinate their activities with those of the twelve separate Federal agencies including the military, having international medical programs.

4. Although I firmly believe that only the American military could have responded to the immediate need and to the scope of the Nicaraguan earthquake, I am equally convinced that prolonged American military medical presence there will be a mistake. After the first several weeks, or even a month, the casualties will have healed and gone their way, and the task of rebuilding a new Nicaragua, and I stress here only the medical sector, will be primarily a Nicaraguan chore. The remarkable thing about a military hospital is that it comes self-contained with trained, personnel who work among themselves with startling efficiency. As time goes on, however, that system just does work well in a foreign country.

For example, it is the custom in many tropical countries, including Nicaragua, for families to stay by the bedside of an injured person, to cook for and nurse the patient. This approach just doesn't function within the structure of a military hospital where the flow of civilian population is markedly restricted.

Another example—within a few days after the earthquake it became apparent that some of the Nicaraguan physicians wanted to utilize the American military hospital; certainly, it seems desirable to leave that portable facility there, eventually, but is it a good thing to have an organized, rigid, system working at one level of efficiency and competency in daily communication with another approach? I think not. In fact, I think it almost guarantees a rapid abrasion of feelings. As soon as the immediate crisis is over it is my belief that the military presence in medicine ought to terminate.

At that time, however, who will assume the role of assisting recovery in Nicaraguan medicine. Inevitably, it will have to be the civilian component—either federally sponsored AID, or the voluntary agencies. This raises once again the need for a clean U.S. plan to coordinate federal and private efforts to permit the essential continuity of American assistance in this great calamity that, nonetheless, offers the opportunity for a new direction in international cooperation.

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## ECONOMIC RELATIONS ACROSS THE ATLANTIC ON AGENDA OF COOPERATION

Mr. JAVITS. Mr. President, one of the hidden costs of our continuing, tragic involvement in the Vietnamese war, is the relative neglect of other foreign and domestic policy concerns which are of greater long-term importance to the national interest by the highest policy officials of our Government. One of these concerns is the future of U.S. relations with Western Europe.

The year 1973 has been characterized as the Year of Europe and it is my fervent hope that the termination of the Vietnamese conflict in the very near term, will allow our highest political leadership in both the Executive and Congress to turn their attention to the problems of defining a new, sustainable, and friendly relationship with our key allies in Western Europe. This task takes on special urgency and importance since 1973 will be the year in which the enlargement of the Common Market to include the United Kingdom becomes a reality.

From the congressional point of view, perhaps the key congressional action that will be required if the "Year of Europe" is to become a successful endeavor, is the prompt passage of reasonable, forward looking trade legislation to mesh with the multilateral trade negotiations which are scheduled to open this September. Only through reciprocal negotiations will the Common Market modify its present agricultural price support system and its policy of proliferating preferential trading relationships which are so inimical to the U.S. export interest and the open and liberal trading order of the free world. It is hard to foresee the passage of such trade legislation if the Congress and the executive branch continue at loggerheads over Vietnam.

Hopefully, too, with the resolution of the Vietnamese conflict, the Congress will hold off on any unilateral troop cutting action in Western Europe until the Mutual Balanced Force Reduction—MBFR—negotiations are given a fair chance. The MBFR talks are scheduled to open at approximately the same time as the trade talks. Also during this general period a most important annual meeting of the International Monetary Fund—IMF—will be taking place in Nairobi, Kenya, and it is the expectation of the world that this meeting will advance the long-term reform of the international monetary system.

One of the most constructive statements that has been made on the present complexities of United States-European relations and the opportunities inherent in the phrase "the Year of Europe" was made in New York on November 14, 1972, by a European statesman—Dr. Giovanni Agnelli, the head of FIAT.

I ask unanimous consent that this fine speech be printed in the RECORD at this point and that my colleagues will give it the close and careful attention it deserves.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

### ECONOMIC RELATIONS ACROSS THE ATLANTIC: AN AGENDA FOR COOPERATION

(Address by Dr. Giovanni Agnelli, chairman, FIAT S.p.A. ITALY)

This has been a year of historic accomplishment in international affairs. It has seen President Nixon's achievements in Peking and Moscow, the successful initiatives toward detente in Europe, and now the prospect of peace in Viet Nam. While there is no reason for complacency, there is reason for hope that the cold war era is over and that relations between the Western democracies and the Communist countries will be increasingly characterized by cooperation in both the political and economic fields.

In this same year, Western Europe has taken historic steps toward greater unity. The final arrangements have been completed for the entry of the United Kingdom into the European Community. That Community now comprises nine countries with a population of 250 million and a gross national product of nearly $700 billion dollars. At the recent summit meeting in Paris, its members took broad commitments toward monetary, economic and eventually political unification.

These achievements in East-West relations and in the unification of Europe should be a source of encouragement to all of us. But this last year has not witnessed a comparable breakthrough in relations between the main power centers of the non-Communist world. The state of European-American relations is particularly disquieting.

Some Europeans, understandably proud of economic progress on the Continent, seem to discount the importance of the United States—as if relations with America could be safely relegated to a poor third place behind the building of a new Europe and the pursuit of detente with the East.

Some Americans, on the other hand, seem to be persuaded that Europe has dealt unfairly with the United States and is the cause of most, if not all, of America's economic problems. As Raymond Aron recently put it: "American opinion tends to perceive simultaneously the spectacular reconciliation with China, the partial arrangements with the Soviet Union and the monetary and commercial quarrels with the Europeans; it appears as if the United States had only its allies as adversaries—if not as enemies."

We must not let the vital fabric of European-American relations be torn asunder by a combination of pride and prejudice. We must not permit growing unity within the European Community to be accompanied by growing disunity in the Atlantic Community. We must not allow the burial of the cold war with our former adversaries to be succeeded by an economic cold war between long-established friends.

The establishment of a new and improved relationship between the United States and the European Community should now take first place on the diplomatic agenda.

The United States and the Community have special political, cultural and ethnic ties. We are uniquely interdependent in our financial and commercial relations. Together we account for one-half of world GNP, one-half of world trade and three-quarters of aid to developing countries.

I attach the greatest importance to relations with Japan, with other developed countries, with the Third World and with the Communist nations. But today I wish to talk about the United States and the European Community. They represent the vital center of the world economy. If this vital center does not hold together, the world economy will break apart. On the other hand, a sound relationship between the partners at the vital center can be the basis for economic management on a global scale.

Moreover, as I am sure we all recognize, economic relations between the United States and the Community have profound significance beyond economies. Failure to resolve our economic differences could poison our political relationships and undermine mutual security arrangements. And that could only set back the new and hopeful prospects for peace and security in the wider world.

I speak today as one deeply committed to the cause of European unity, but equally committed to the necessity of European-American cooperation.

Transatlantic economic relations are currently troubled by monetary problems, trade problems, and investment problems. I cannot possibly do full justice to all these complex issues, and an expert audience like this one may hear much that is familiar. Nevertheless, I shall proceed on the theory, once felicitiously expressed by Adlai Stevenson, that "mankind needs repetition of the obvious more than elucidation of the obscure."

The first of the three economic problem areas is that of monetary relations. The world now lacks a satisfactory and agreed method for controlling the supply of international liquidity and for assuring timely adjustment in the balance of payments of surplus and deficit countries.

I need hardly remind this audience that unless these problems are resolved, we will face one currency crisis after another and a proliferation of controls on both capital and trade. The ability of our various countries to achieve non-inflationary growth and to take care of the economic and social needs of our citizens will be seriously compromised.

With respect to the liquidity problem, there seems to be a growing consensus, which was confirmed by your Secretary of the Treasury, Mr. George Shultz, at the recent IMF meetings, that the present dollar standard in which the growth of world reserves is primarily determined by U.S. payments deficits should be replaced by an SDR standard under collective international management. In approaching that objective, however, some fundamental differences remain to be bridged.

From a European point of view, one of the central purposes of a new monetary system is to put an end to the unique degree of independence from external discipline which the dollar standard has conferred on U.S. domestic and international policies. At the end of a transitional period, the United States should assume the same obligations as everyone else to support its currency in the exchange markets and to settle its international accounts on a current basis with gold, SDRs or IMF borrowings.

I believe this European attitude is a reasonable one. While the dollar standard may have served a mutually beneficial function in the postwar period, it is simply not tenable as a permanent arrangement between equals. European countries cannot live indefinitely under an arrangement by which they finance U.S. deficits without limit by accumulating dollars. It is encouraging that American opinion seems also to be coming to the view that the United States should divest itself of the special burdens of running a reserve currency and regain the same freedom that other countries have to adjust its exchange rate.

The problem, it seems to me, is to phase out the present dollar standard in an orderly way that does not place unacceptable burdens on either the United States or its trading partners. Some solution must obviously be found to prevent the huge accumulation of dollars now in the hands of foreign governments and central banks—estimated at between $60 and $70 billion—from being translated into immediate claims on American resources. To deal with this problem, European countries, as well as other countries holding dollars, could agree on some rules against shifting out of dollars into other reserve assets, on a funding of dollar holdings through the IMF, or on some combination of the two.

A funding operation would raise the difficult question of whether the United States should "pay off" its accumulated indebtedness and at what rate of interest. I believe that it would be in Europe's own interest to take a flexible and forthcoming approach to the funding of the accumulated dollar balances, since some European concessions here will obviously be needed to secure American agreement to dollar convertibility. Moreover, if the repayment obligations were too onerous, the United States would be forced into highly merchantilist trade policies. In this connection, I consider it appropriate to recall that some of these dollars are the legacy of a period of unprecedented American generosity. We should not forget that Europe received a total transfer of $33.5 billion from the United States in the first postwar decade, in the form of loans, grants and military assistance.

Finding an adequate substitute for the dollar standard requires not merely the collective management of the dollars already outstanding but new multilateral arrangements for the issuance of new liquidity.

Quite understandably, the United States will be reluctant to give up its freedom to finance its payment deficits with dollars until it is assured that adequate amounts of SDRs and other liquidity will be available. At the same time, Europeans would be reluctant to see too generous arrangements for SDR creation which would mean the indefinite financing of U.S. deficits and further worldwide inflation.

This will be a difficult problem to resolve. Moreover, it cannot be divorced from the needs of the third world countries for more adequate financing of their economic development. But I believe a solution can be assisted by a number of devices—the use of independent and highly qualified experts to assess and recommend on world liquidity needs, appropriate increases in the IMF quotas of European countries and Japan to reflect more accurately current economic and political realities, and perhaps new voting formulae to balance the interests and responsibilities of different groups of countries.

An improvement in the balance of payments adjustment process is another urgent necessity. Here European countries tend to emphasize the obligations of deficit countries, while the United States emphasizes the obligations of surplus countries. There is a certain irony here. In the Bretton Woods negotiations, it was the United States that emphasized deficit country responsibility and it was the United Kingdom and other European countries which stressed surplus country obligations. Perhaps this experience should teach us how dangerous it is to build enduring principles for monetary cooperation on the balance of payments positions of the moment.

From a mid-Atlantic perspective, it seems obvious that we need new rules of the game to assure timely adjustments in the policies of both surplus and deficit countries. We also need a multilateral process for applying these rules. The recommendations of expert groups working in the framework of the IMF could be backed by sanctions in extreme cases—denial of credit to deficit countries, surcharges on the exports of surplus countries. In this way we could facilitate more timely changes in exchange rates and also influence the other aspects of national economic policies needed to sustain them.

The working out of a more effective adjustment system will require a good deal of compromise. Some European countries may have to accept greater emphasis on changes in exchange rates than they might wish—although this would be without prejudice to greater exchange stability among the members of the Community. The United States may have to accept some new arrangements by which its fiscal and monetary policies can be more effectively coordinated with the policies of others. I recognize the formidable political obstacles on both sides to accepting greater international influence in what have hitherto been regarded as sovereign matters, but I see no alternative if we are to make real progress toward greater freedom and stability in trade and payments.

The second area of concern is that of our trade relations. Let me touch briefly on four of the issues in this area—the charge of alleged "discrimination" against American trade, agriculture, nontariff distortions, and the avoidance of market disruption.

The United States seems to be having second thoughts about the trade implications of the European Community. In some quarters the development and enlargement of our customs union are seen as a threat to American commercial interests.

This is not easy for Europeans to understand. It was the United States that originally pressed Europe to form an economic union and that later urged the inclusion of Britain in it. The United States also agreed over a generation ago to exempt both custom unions and free trade areas from the most-favored-nation principle laid down in GATT.

Moreover, quite apart from these historical and legal considerations, the evidence does not support the notion of serious damage to American interests. In 1958 the United States exported $2.8 billion of merchandise to the Community and imported $1.7 billion from it. By 1971 American exports had grown to $9 billion and imports to $7.7 billion. In 1971 the Community was the only major industrialized area with which the United States maintained a trade surplus when its trade balance was in overall deficit by $2 billion.

Let us also recall that between 1958 and 1970 American exports to the European Community rose by 180%. In that same period they rose by 140% to members of the European Free Trade Area and by only 120% to the rest of the world.

These figures demonstrate that the United States has continued to reach the European market on a vast scale—and not just through European-based production facilities.

Of course, I do realize that from the American point of view, the test is not just the bilateral balance between the United States and the Community, but whether the United States might be able to earn a sufficient merchandise surplus with the community to finance its trade deficit elsewhere or bridge the deficit in its balance of payments resulting from its special international commitments. On this score, however, the common external tariff does not appear to be a major impediment. After the Kennedy Round, only 13.1% of E.C. tariffs on industrial goods are over 10% and only 2.4% over 15%, compared to 38.3% of American tariffs over 10% and 23.3% over 15%. Moreover, as you are undoubtedly aware, the common external tariff is lower on the average than the British tariff structure, and Britain's entry will mean the lowering of British tariffs on American industrial exports.

Next year will witness not merely the enlargement of the Community from six to nine but the coming into force of a free trade arrangement between the enlarged Community and seven other countries in Western Europe. Here again, there is a case for understanding on the American side. Not only are free trade areas accepted under our mutually agreed trading rules, but the practical case for a free trade arrangement between these two groups of countries is overwhelming. The seven nonmembers of the Community conduct more than half their trade on the average with the Community of nine. A free trade arrangement between these two groups is essential for their mutual prosperity. It need not have a negative impact on U.S. trade if it is accompanied by another major round of trade barrier reductions—a point to which I shall shortly return.

There is the further problem of the preferential agreements which the Community has concluded with countries in the Mediterranean and Africa. Here Americans appear to be rather strongly concerned, and they wonder whether these arrangements comply with the multilateral trade rules of GATT. On the other hand, there are powerful reasons, rooted both in history and in contemporary political and economic realities, which underlie these special arrangements, which are important to the whole Western world. Moreover, the share of Community imports subject to these preferences is less than 4% and is declining.

In my opinion, the most reasonable way to deal with this cluster of discrimination problems is not through the confrontation of legal claims, but through cooperation in another great effort of tariff reduction. After all, if there are no tariffs, there can be no tariff discrimination.

President Nixon's Commission on International Trade and Investment Policy recommended "new negotiations for the elimination of all barriers to international trade and capital improvements within 25 years." I believe we should adopt this bold proposal as our objective and draw up a realistic timetable for its accomplishment.

Tariffs are increasingly recognized as an imprecise and unsatisfactory way of dealing with domestic adjustment problems. We should aim at eliminating all of them within a ten year period so far as the industrialized countries are concerned. As a part of this package, I believe the Community should consider the possibility of phasing out the reverse preference it now receives from African countries.

Agriculture is another area which requires greater understanding and a new approach. In response to American complaints about the Common Agricultural Policy, Europeans point out that American farm exports rose from $1.2 billion to $1.7 billion between 1964 and 1971 and that in 1971 Community agricultural exports to the U.S. were only $423 million. The U.S. answer, of course, is that American farm exports to the Community would have risen much more but for the CAP and that the United States should not have its comparative advantage in agriculture frustrated by European action.

It is a fact of life that both the United States and the European countries have special domestic programs to support farm income. These programs are dictated by domestic political and social considerations that cannot be quickly or easily eliminated. But some progress might be possible if we could negotiate internationally on domestic agricultural policies with a view to giving greater scope to the principle of comparative advantage. This would be desirable not only to increase real income and profitable trade in the industrialized world but also to open new opportunities for the agricultural exports of the developing countries.

To be specific, I believe we could agree to reduce gradually domestic price support levels and eventually to substitute income support entirely for price support. With market forces playing a greater role, the United States would gradually shift out of dairy products and some meat production into grains while Europe could gradually shift from grains into dairy and livestock production. If we could carry out such a program over the course of the next generation, during which the farm population in both Europe and the United States will be declining further in any event, the probable social and human costs would be minimal. At the same time, we could achieve a big increase in two-way agricultural trade with material benefits to consumers and farmers on both sides of the Atlantic. I would hope we could take such a strategy of regional specialization in agriculture as a working hypothesis in economic negotiations, even though it involves for Europe, important problems of employment and land settlement.

Let us now come to non-tariff distortions. They are generally regarded as a greater impediment to trade than tariffs themselves. Although both sides of the Atlantic regard themselves as more sinned against than sinning in this area, the fact is that there is much room for improvement on both sides. A negotiating package should include a long-range commitment to phase out quantitative restrictions, subsidies, protectionist measures in government procurement, and other non-tariff distortions. I would hope that the new European industrial policy could be developed without making use of measures of this kind, which could only complicate the resolution of transatlantic trade differences.

In any comprehensive trade negotiation, we shall have to find a solution for the problem of market disruption. In recent years we have seen a proliferation of quantitative restrictions and voluntary export restraints outside the realm of international trade law. Governments must be allowed to deal with problems of human hardship resulting from substantial shifts in trade patterns, but in their present uncoordinated approach to this problem the industrial nations are frustrating on another's domestic objectives.

Without minimizing the difficulties, I believe we need a new multilateral approach to this problem. National measures to avoid market disruption, it seems to me, should be subjected to strict international standards drafted and applied on a multilateral basis. Such measures should be limited in duration, tied to the granting of adjustment assistance by the affected country, and perhaps administered by a panel of impartial mediators.

The third area of fundamental concern is that of investment relations. The multinational company is receiving increasing attention from governments, trade unions, scholars and the public at large. I believe the evidence is overwhelming that multinational companies represent a potent instrument for economic growth and human welfare—particularly because of their role in the transfer of financial resources, technology and managerial skills. Yet they undoubtedly raise new problems in a world of separate national sovereignties.

American investment in Europe has stimulated European concern that a large and growing portion of European industry will be controlled from boardrooms across the Atlantic. In the United States, trade union leaders have complained about the export of jobs through U.S. investment overseas.

In my own view, neither of these anxieties is well founded. Europe has derived enormous advantages from American investment and examples of management decisions by American companies inconsistent with European interests are rare. I also believe that European firms, through mergers in the enlarged Community, will be increasingly successful in competing with their American rivals on the Continent. As for the fears of American labor, studies by authoritative groups, including your own, have demonstrated that the net impact of foreign investment on U.S. employment is a positive one.

Nevertheless, transatlantic foreign investment problems will require increasing attention in the years ahead. New approaches to these problems might be sought in three directions.

First, we should aim to make foreign investment more of a two-way street. With the devaluation of the dollar in terms of European currencies, and with the improved relative prospects for non-inflationary growth in the U.S. compared to Europe, there should be a growing potential for European investment in the U.S. Moreover, although some European countries like my own will need to concentrate their investment funds in the home economy, other European countries will generate a substantial surplus for foreign investment. Much of this, I am convinced, can profitably take the form of direct investment which will result in capital flows and import savings of immediate benefit to the American balance of payments while at the same time creating new jobs and income in the United States.

U.S. federal and state authorities have undertaken to improve the climate for foreign direct investment, in the U.S. and further efforts in this direction would be of mutual advantage to the U.S. and Europe. Moreover, American authorities could do more to dispel the concerns of foreign businessmen about the vastness and complexity of the U.S. market and about U.S. policies in such areas as antitrust and securities regulation. To this end, visits to the United States by senior officers of major European companies under U.S. government auspices would be most helpful. I would hope that American businessmen would not take a defensive view of foreign investment in the United States, but would rather regard it as a further contribution to a blending of our economic interests from which all will benefit.

A second avenue of approach might be through the progressive internationalization of the multinational company. American companies in Europe and European companies in America increasingly make use of host country personnel to manage their local operations. This is a desirable trend. Over the long term, it would also be desirable to encourage foreign representation in the boards of directors and top management of the parent companies themselves.

I recognize that there are many practical obstacles to the achievement of this objective. One is the shortage of top level managerial talent knowledgeable in the business problems and languages of the two sides of the Atlantic. More training of young Europeans in American business schools, and more training in European business schools of young Americans would be a constructive step. This could be supplemented by trainee programs of American and European firms for young managers from the other side of the Atlantic.

A third approach to the emerging problems of transatlantic investment is through a process of consultation and conciliation in international organizations. Several years ago, George Ball proposed a supra national authority that would preside over the enforcement of a set of rules regulating the conduct of multinational corporations in host states while, at the same time, prescribing the limits in which host governments might interfere in the operation of such corporations."

I doubt that we are ready for such a far-reaching step. We need more knowledge of the problems involved in the operation of multinational companies and we need a greater consensus among business leaders and governments on how to cope with them. Nevertheless, as a more modest first step, the Organization for Economic Cooperation and Development could develop procedures for consultation and information exchange on certain practical issues connected with multinational companies and with foreign investment generally. Among the issues appropriate for study and discussion would be divergent national policies on the export or import of capital that cause difficulty for other countries, and conflicting attempts of different governments to apply tax, securities, foreign exchange and antiturst laws to multinational companies.

If there is one central theme that runs through all these observations, it is the need for stronger international institutions to manage the new problems of interdependence. Some will object that the strengthening of international institutions will interfere with national independence. But this national independence is now largely an illusion—particularly in the Atlantic world.

The price of our interdependence is constant interference in each other's affairs. The real question is whether this interference will take place by means of uncoordinated and conflicting national actions or through mutually-agreed solutions in international organizations.

In all our countries there are serious political obstacles to the ambitious program I have outlined today. International accords reached through international institutions can help overcome these obstacles. What we cannot do unilaterally, we can often do multilaterally.

This leads me to one final suggestion. Present planning on both sides of the Atlantic calls for negotiations in specialized economic forums—the monetary issues in the IMF's Group of 20, the trade issues in the GATT, certain of the investment issues in the OECD. The questions is whether this approach will be sufficient.

In order to resolve such complex issues, we will have to break with established traditions and patterns of thinking. We will need not merely technical expertise but an unprecedented amount of political will. This political will is usually forthcoming only when the highest political personalities are themselves engaged. An Atlantic economic summit—bringing together the President of the United States, the Prime Minister of Canada and the nine political leaders of the European Community—could provide the necessary political impetus to the technical negotiations.

Of course, this meeting of the leading industrial powers would have to be carefully prepared with a previously agreed consensus on general objectives. It would not aim to conclude final agreements, but it could produce a statement of agreed objectives and, if possible, detailed mandates and timetables for the technical negotiations. Additional summit meetings could be held in the future to spur the negotiations or bring them to a successful conclusion.

I would add at this point that as all the financial, trade and investment problems are tightly interrelated on a world basis, it would be proper to ask Japan to join in and share the global responsibility whether in the initial meeting or subsequently. After all, our problems require solutions through a positive cooperation among the three leading industrial areas of the free world.

A summit meeting might make other contributions as well. It could provide for a new institution for communication and consultation between the United States and the European Community—for example, through regular meetings between representatives of the President of the United States and the European Commission.

I recognize, of course, that the members of the European Community may differ in their reactions to the idea of an Atlantic summit, and certainly the views of each member should be carefully considered before the proposal is agreed to on the European side. But I venture to make the suggestion at this stage in the hope that it may stimulate new thinking on ways to promote a more effective transatlantic dialogue.

Beyond these new arrangements for communication at the political level, there is an urgent need for a better communication between policymaking groups on both sides of the Atlantic—legislators, businessmen, trade union leaders and scholars. Such meetings could do much to correct misconceptions on both sides and rebuild a transatlantic consensus. I would hope that such a project would find financial support from foundations and other private sources in the countries concerned.

As the recent report of the OECD study group headed by Jean Rey observed, the increasing "interpenetration" of national economies necessitates "active coordination between the partners in the world economy." At the vital center of the world economy are the European Community and the United States. Let us delay no longer in shaping new arrangements to manage our mutual interdependence.

## QUORUM CALL

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, there will be a period for transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes. No rollcall votes are expected tomorrow, and when the Senate adjourns on tomorrow, it will go over until 12 o'clock meridian on Tuesday next.

## ADJOURNMENT

Mr. HUGHES. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until tomorrow.

The motion was agreed to; and, at 1:30 p.m., the Senate adjourned until Friday, January, 12, 1973, at 12 o'clock meridian.

## NOMINATIONS

Executive nominations received by the Senate January 11, 1973:

### FOREIGN CLAIMS SETTLEMENT COMMISSION

Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States for the term of 3 years from October 22, 1972, to which office he was appointed during the last recess of the Senate.

### NEW ENGLAND REGIONAL COMMISSION

Russell Field Merriman, of Vermont, to be Federal Cochairman of the New England Regional Commission, to which office he was appointed during the last recess of the Senate.

### DEPARTMENT OF STATE

Richard T. Davies, of Wyoming, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Poland, to which office he was appointed during the last recess of the Senate.

Cleo A. Noel, Jr., of Missouri, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Sudan, to which office he was appointed during the last recess of the Senate.

Melvin L. Manfull, of Utah, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of Amercia to Liberia, to which office he was appointed during the last recess of the Senate.

### CORPORATION FOR PUBLIC BROADCASTING

Irving Kristol, of New York, to be a member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring March 26, 1976, to which office he was appointed during the last recess of the Senate.

### NATIONAL LABOR RELATIONS BOARD

John Harold Fanning, of Rhode Island, to be a member of the National Labor Relations Board for the term of 5 years expiring December 16, 1977, to which office he was appointed during the last recess of the Senate.

### IN THE ARMY

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

*To be lieutenant general*

Maj. Gen. John Daniel McLaughlin, [redacted] [redacted] U.S. Army.

Maj. Gen. George Samuel Blanchard, [redacted] [redacted] (Army of the United States), brigadier general, U.S. Army.

# HOUSE OF REPRESENTATIVES—*Thursday, January 11, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*If it be possible, as much as lieth in you, live peacefully with all men.*—Romans 12: 18.

Our Father God, who art life and light and love, whose glory surrounds us all our days and whose goodness is ever seeking entrance into our human hearts, we come to Thee in prayer, opening our hearts to the inflow of Thy spirit. With Thee is grace sufficient for every need and in Thy will we can find our way to peace.

Grant that these representatives of our people may be filled with the spirit of wisdom to make wise choices, with the might of moral muscle to do justly, with the love of life to be merciful, and with the fidelity of faithfulness to walk humbly with Thee.

Open our eyes to see the needs of our world and to work to feed the hungry, to heal the brokenhearted, to set at liberty the captives, to bring good tiding to all who sit bowed in the circle of oppression, and to make peace a reality in our day.

In the spirit of the Prince of Peace we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

## SWEARING IN OF MEMBER-ELECT

The SPEAKER. Will the gentleman from New York (Mr. BADILLO) and any other Member-elect who has not been sworn come to the well of the House and take the oath of office.

Mr. BADILLO appeared at the bar of the House and took the oath of office.

## DEEP SEABED HARD MINERALS RESOURCES ACT

(Mr. DOWNING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DOWNING. Mr. Speaker, on the opening day of this Congress I introduced the Deep Seabed Hard Minerals Resources Act (H.R. 9) which will provide for the orderly development of deep sea ocean minerals. This bill is identical to the bill H.R. 13904 which was introduced in the 92d Congress.

The goal we seek to accomplish is to provide for the orderly development of the deep ocean minerals and to provide for security of tenure for ocean miners.

The prospect of realizing deep ocean mining in this decade is no longer illusory but is now almost a reality.

The validity of the above statements can be supported by the intensity and widespread nature of ocean mining development now being carried out by private U.S. companies and by foreign entities often strongly and directly supported by their governments. There has been a high level of activity by three American companies—Deepsea Ventures, Hughes Tool, Kennecott Copper—by a group of 24 companies from Japan, United States, West Germany, and Australia engaged in a test program of ocean mining and by six other major European and Japanese companies involved in the development of mining technology.

Ocean mining has the immediate goal of recovering manganese nodules. The nodules may be found on many areas of the ocean floor in varying percentages up to several pounds per square foot and in varying assays. The depth at which they can be commercially mined is approximately 15,000 to 18,000 feet and requires very sophisticated mining equipment. The minerals now recoverable in the nodules are manganese, cobalt, nickel, and copper. Of the four minerals to be recovered, three are imported in great quantity in comparison to domestic production.

The Congress is not the only forum concerned with the oceans. Within the United Nations the U.N. Seabed Committee has held meetings to provide for a Law of the Sea Conference called for by President Nixon on May 23, 1970. Unfortunately, the work of the member states has fallen short of the goal and as yet no Law of the Sea Conference has been held and no meaningful progress can be expected for years. Meanwhile, we have one company reportedly preparing to mine in the summer of 1974 and another company having completed all of the pilot stages.

President Nixon wisely recognized these factors in his May 23, 1970, statement. He foresaw the difficulty of agreement and the lengthy nature of the negotiations. He was clearly aware of the swift march of technology and the needs of the world for raw materials. He recognized that the uncertainty introduced by these negotiations put a new burden on those pioneering in the exploitation of the oceans. Therefore, he called for an interim policy.

The sponsors offer this legislation as the answer to the President's interim policy and requests early enactment of the legislation.

## WILDLY INACCURATE ACCOUNT NOT CORRECTED BY WALL STREET JOURNAL

(Mr. WRIGHT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, many of us through the years have been outspoken advocates and defenders of the freedom of the press.

It is agonizing and deeply embarrassing to us who earnestly believe in this freedom when we witness the deliberate and artful distortion of events to which we have been close observers by some elements in the press whose freedom we are at pains to defend.

It is particularly galling when a reputable and prestigious newspaper of wide circulation prints a wildly inaccurate account of events to which Congress has been a party and then cavalierly ignores all information offered in good faith to correct the misrepresentations.

Throughout my adult life, I have considered the Wall Street Journal to be a reputable and reliable newspaper. On October 10, however, it featured an article which so gravely distorted the actions, the intent, and the motivations of Congress that I felt honorbound to write to that newspaper on October 17 citing certain factual errors of which I had personal knowledge.

Almost 3 months have passed. Not only have the editors of that newspaper declined thus far to print one word of the corrections, thus covertly perpetuating the inaccuracies of which they had been advised. They have disdained even to give me the courtesy of so much as a perfunctory acknowledgment of the letter I wrote to them.

I am therefore including for printing in the Record a copy of my letter of October 17 to the editor of the Wall Street Journal. Unfortunately, since that newspaper receives much larger readership throughout the country than does the Congressional Record, many Americans who innocently read the thoroughly erroneous story, denied information to the contrary, will still have no recourse than to believe the misrepresentations. And this is very sad. It leaves the public misinformed, and those maligned with a frustrated and helpless feeling.

Freedom of the press is a precious thing, and many of us will continue to defend it against all invasions. But the press as an institution has some responsibilities. It has a clear responsibility to present a balanced and factual account and at the very least to correct errors when they are called to its attention. I am deeply saddened that a paper with the reputation of the Wall Street Journal is apparently so unmindful of this overriding responsibility and of the rules of common courtesy as well.

October 17, 1972.

The Editor,
*The Wall Street Journal,*
*New York, N.Y.*

Dear Sir: Your article of October 10 by Albert R. Karr (The Highway Boys Win Another One) was unworthy of the *Wall Street Journal*. It was so obviously biased, so inaccurate, devoid of authority and replete with unsupported aspersions that it makes some long-time readers here in Washington cringe in embarrassment for the *Journal*.

Your reporter apparently was so disappointed in the House action on the highway bill that he felt moved to explain it by attributing bad motives and devious connivery. The article presents the blunt impression that those in Congress who vote to protect the Highway Trust Fund are either (1) antagonistic to mass transit or (2) influenced and dominated by some sinister "highway lobby." This just isn't true.

One faulty representation: "The House members on the (Conference) Committee will be flatly opposed to aiding mass transit." Totally in error.

The truth: House conferees offered to give more money for mass transit than the Senate bill contained, including operating subsidies and flexibility for cities to substitute rails for highways, in advance obligational authority out of General Revenues but not out of the Highway Trust Fund. Five Senators agreed, seven refused. Their primary objective, the latter made clear, was not money for mass transit, but invasion of the Trust Fund.

Another misrepresentation: "On at least two occasions in recent days, the truckers were reported offering campaign contributions checks to members of House committees as key votes approached . . . some of the trucker offers amounted to a couple of thousand dollars at a crack." Not only incorrect but malicious.

The truth: I have taken the trouble to ask members of the Public Works Committee individually if any such offer was made to them. In no case did any such impropriety occur. These members tell me, further, that Mr. Karr did not even bother to check the accuracy of this allegation with them before printing it.

Another unwarranted supposition: ". . . the Rules Committee, prodded by highway lobbyists, . . . ruled that the mass transmit amendment wasn't germane . . . the administration got the House Parliamentarian to agree to overrule the committee . . . the highway men went to work again. The House Parliamentarian was instructed to uphold the point of order." Wrong. It was not that way at all.

The truth: It was not the "highway lobby" but the House rules which rendered the amendment ungermane. Similar amendments had been held out of order in previous years. Proponents of the amendment recognized this fact, tried to get a rule waiving the valid point of order. The House membership turned them down. The ruling against the amendment was made by Acting Speaker Morris Udall, a proponent of mass transit.

As for veteran House Parliamentarian Lew Deschler, he is above all an honorable man, not amenable to pressure from either "administration" or "highway lobbyists." He deserves better treatment than your writer accorded him. He deserves at least an assumption of honesty.

Perhaps there is a place for so-called advocacy journalism which editorializes in the news columns. But it should not extend to representing the reporter's own suspicions as supposedly factual accounts attributed to unnamed "sources" and "observers." Above all, it should not extend to the glib attribution of craven and selfish motives to those who simply disagree with the reporter. The assumption that all who express a differing viewpoint are bound to be charlatans and crooks is, after all, much too juvenile for a newspaper like the *Journal* on which people rely for accurate and balanced news coverage.

Whether rightly or wrongly, many of us very earnestly believe that there are perfectly valid reasons for preserving the Highway Trust Fund intact. Aside from a good faith obligation to the American motorists who pay those road-user taxes for better and safer highways, the economic and social well-being of the country as a whole depends upon our upgrading the nation's highway system. Last year, 55,000 Americans lost their lives in automobile accidents. Safer roads could have saved some of this needless carnage, as demonstrated by the Interstate System which—measured by each million passenger miles traveled—cuts highway fatalities approximately in half.

It is not that we oppose mass transit. Most of us on the Public Works Committee strongly favor it. We see no reason why safe highways and viable mass transit should be euchred into an artificial competition with one another. They should complement one another. The country needs both. We think it can afford both.

If your reporter disagrees with us, that is his privilege. But this really should not give him license to misrepresent our motives or portray us to the nation as a collection of unfeeling rubes and selfish sycophants who let some amorphous "lobby" do our thinking for us. The *Journal* is too good a newspaper for that type of childish reporting.

Sincerely,

Jim Wright.

## END THE WAR NOW

(Mr. BADILLO asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, it is now apparent to everyone that President Nixon deliberately misled the American people into believing that peace in Vietnam was at hand 3 months ago. It is apparent that despite Dr. Kissinger's optimism, the critical question of freeing American POW's was not the subject of any form of agreement. And it is apparent that President Nixon is carrying out a campaign of vengeance against North Vietnam because of the political embarrassment he has suffered.

All this simply demonstrates once again the urgent necessity for Congress to end this war. The President will not end it; his goal continues to be military victory. President Thieu apparently will not help to achieve a settlement; his goal is to consolidate his own political power.

In the name of all that is decent and moral, we in Congress must end this war by cutting off entirely and immediately the funds necessary for its prosecution. We must not let the devastation of Vietnam continue. We must not let the military delude us into believing that North Vietnam can be bombed into submission. We must not let one more American lose his life in the name of a senseless military adventure that does not involve our own national security or interest in the slightest.

No better example of the administration's perfidy regarding this war and the prospects for peace could be asked than the admission this week by Defense Secretary Laird that at the time of Dr. Kissinger's optimistic news conference, there was no agreement on POW's with the North Vietnamese. Dr. Kissenger led the American people to believe that an agreement on ending the war was 99 percent completed and that only a few technical details must be ironed out.

As my colleague from New York (Mr. Pike) put it in questioning Secretary Laird on Monday, if the POW issue was part of the 99 percent, and if the South Vietnamese are able to defend themselves, why is it necessary to bomb North Vietnam with B–52's, F–111's and other aircraft that would not be turned over to South Vietnam when U.S. forces leave?

The answer is that the only reason for the unprecedented and barbaric bombing is that it is the only course the President knows to achieve his goal. He may be attempting to convince North Vietnam that he has absolutely no reservations at all when it comes to the use of military force. But actually he is only convincing everyone that he is dangerous, reckless, and devoid of human concerns.

We can go on bombing and killing and wasting lives and dollars, but unless our goal is to annihilate Vietnam totally, we must understand that there are historical forces at work that will determine the political future of that country after we leave, and those forces have nothing to do with the United States.

It falls to us, the Congress, to choose the responsible course, to pursue those goals that are proper and achievable instead of unleashing our military might in frustration over our inability to achieve goals which could not be achieved and should not have been sought.

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## HOSPITAL ACCREDITATION AND HOSPITAL PROBLEMS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, after adjournment of the 92d Congress, the Washington Post carried a most interesting and informative series of articles on hospital costs and the operation of hospitals in the District of Columbia. The series, which was in six parts, first appeared on October 29; related articles and editorials were also printed during the same period.

Most of the attention of the series was directed at the Washington Hospital Center, a facility which is fully accredited by the Joint Commission on Accreditation. The Center seems to have completely ignored the alleged existing deficiencies described by the Post, and this hospital is the largest medical installation in the Nation's Capital.

The Members will recall that during the previous Congress—on August 17—I introduced three bills—H.R. 16434, H.R. 16435, and H.R. 16436—which incorporated proposed changes in the accreditation procedures of medical facilities. My remarks at the time appeared in the Congressional Record on pages H7934 through H7940.

The series of articles which appeared in the Washington Post after my statement in the 92d Congress, make the legislation more pertinent than ever. I am, therefore, reintroducing these measures in the 93d Congress with the confident expectation they will be acted upon by the appropriate committees of both Houses of the Congress.

The articles follow:

### Abuses Pad Cost of Hospital Center Care

(By Ronald Kessler)

Patient bills at Washington Hospital Center are inflated by a variety of abuses that include conflict-of-interest transactions by trustees and administrators, payments to doctors of profits of the hospital, favoritism, lack of competitive bidding, and free care to the rich, a Washington Post investigation has found.

Many of the conflict-of-interest transactions involve some of Washington's largest banks and businesses. The transactions include:

Establishment by the hospital's treasurer of an interest-free account with balances frequently hovering around $1 million and ranging up to $1.8 million at a bank where the treasurer was a vice president;

Funneling of stock brokerage business of the hospital's investment committee to the son-in-law of a trustee;

Funneling of other stock brokerage business to a stock broker who also heads the hospital's investment committee that decides when the stock should be bought or sold;

Formation by the hospital's administrators of a company whose first contract, amounting to $616,000 last year, was with the hospital and was awarded without competitive bidding or approval by the hospital's board of trustees.

The conflicts of interest at various times have involved 10 of the 38 current trustees of the hospital. The conflicts appear to be a direct violation of D.C. law, which prohibits trustees of charitable institutions that receive any federal money from doing business with the institutions. The penalty provided in the law is that trustees who are in conflict must resign.

The hospital is incorporated as a charitable institution under D.C. law. About a third of its operating income comes from the federal government through Medicare, Medicaid, and other health insurance programs. Its building was constructed in 1958 with a $24 million special congressional appropriation, and it since has received some $1 million in additional federal construction grants and loans.

Washington Hospital Center is the Washington area's largest private, nonprofit hospital. Its nearly 900 beds make it one of the largest hospitals in the country. Its 2,500 employes make it one of the area's largest businesses.

In the center's 15-year existence, it has built a reputation among doctors and independent health experts for giving above-average medical care for the Washington area.

Samuel Scrivener Jr., a Washington Hospital Center trustee who serves as its voluntary president, characterizes any current conflicts of interest at the center as "inconsequential when the hospital center is viewed as a whole." He says if more serious abuses are found. "I hope you will publish them, and we will take action to cure them."

The details of the conflicts of interest at Washington Hospital Center, how these and other abuses add to patient bills, and how the true cost of hospital care is hidden by bills that bear no relationship to actual costs, will be spelled out in a series of six articles beginning today.

Many of the abuses that add to hospital costs at the center are common at hospitals throughout the country. They help explain why hospital charges have skyrocketed by 110 per cent since 1965, while prices of other consumer goods and services increased in the the same period by 27 per cent. The hospital center provides a concrete example of how this has happened.

To a growing number of critics, the skyrocketing costs and evidence of abuses are merely a symptom of a larger malady: hospitals' lack of public accountability, either through government regulation or the forces of competition.

"Hospitals are built with public money and supported by public money and given tax subsidies and contributions, but they're run as private fiefdoms for the doctors, administrators, and trustees," says Marilyn G. Rose, the head of the Washington office of National and Environmental Law Program, a government program for the poor.

"If the public knew what was going on in hospitals and how much they are gouging, they'd be outraged," says Herbert S. Denenberg, the Pennsylvania insurance commissioner who has become a leading consumer spokesman.

Ralph Nader, the consumer advocate, calls hospitals a "sublegal system unto themselves." And Dr. Arthur A. Morris, treasurer and vice president of Doctors Hospital in Washington, says the lack of public accountability and public controls of hospitals is "unprecedented and unbelievable."

Hospitals were once generally strictly charitable institutions in the sense that they dispensed large amounts of free care to the poor and were run by religious groups or public-spirited citizens who contributed money to their operations and served as volunteers in the wards.

With wider private health insurance coverage and the advent of the federal health insurance programs for the poor and aged, Medicaid and Medicare, hospitals have become big business. Contributions and free care to the poor account for a minor part of their operations, and close to half their income from federal, state, and local governments, which also run some of them.

Despite the change in their nature, there has been no compensating change in the way hospitals are regulated or controlled. "When you have this much money passing through with no accountability and no competition, it's a wide open field (for trustees, administrators, and doctors)," says Anne R. Somers, a Rutgers Medical School associate professor.

Unlike publicly-traded companies regulated by the Securities and Exchange Commission or labor unions regulated by the Labor Department, hospitals aren't required by law to disclose dealings between themselves and their officers, directors, or trustees. Nor are they required to make detailed disclosure of their finances.

While foundations are prohibited entirely from engaging in transactions with their own officers, hospitals are free to do so—subject to state laws, such as the D.C. act mentioned previously, and the possibility of civil suits that may be filed against trustees for breaching the trust the public bestows on them.

More than 90 per cent of the hospital admissions in the country are to nonprofit, private hospitals. These hospitals comprise about half the 7,097 hospitals in the nation.

Nonprofit hospitals do make profits, but to qualify for an Internal Revenue Service exemption from paying taxes, they must turn their profits back into the hospital, rather than giving it to trustees or employees.

These hospitals are paradoxical in other ways. They are often built in whole or in part with government money, and they are as necessary to the public health and welfare as fire stations. Yet they are legally private institutions, run by trustees who generally elect themselves.

Washington Hospital Center's trustees are elected by 131 incorporators originally connected with the three hospitals that merged to form the center in 1958. Many of the trustees are also incorporators.

Despite the public nature of the hospital center's operations and financing, many of its trustees reacted with indignation when questioned about these areas.

"I believe how I vote is not explicable to you and not necessarily to the public," says Dr. Jack J. Rheingold, a hospital center trustee and a member of the center's 10-man executive committee and of its medical staff. Other trustees, taking the position that the affairs of the center are none of the public's business, simply hung up at the beginning of telephone conversations.

Several of the hospital's own trustees have complained that they have fallen victim to this penchant for secrecy and have been unable to get information they need to vote intelligently. A management consultant's report issued to the hospital last year similarly found that power at the hospital is too tightly concentrated in the hands of its administrator.

To the patient, the first and probably only brush with hospital costs and financing is the bill he receives at the end of his stay. The bill lists mysterious terms and charges that can quickly add up to thousands of dollars. But although patients may think the prices are outrageous, they usually do not complain, even if it would do some good.

This is because some 87 per cent of the $30 billion collected by all short-term and long-term hospitals in the country last year was paid for by so-called third parties: Blue Cross, Medicaid and Medicare, and commercial health insurance companies. Although some patients must pay their bills in cash and may go into debt to do it, most are only dimly aware that they eventually pay their bills through higher insurance premiums and taxes.

Hospital administrators like to say that their costs are closely regulated by the third parties and particularly by the government. But when pressed, they generally concede that the insurance plans, if anything, have an opposite effect.

"The incentive (from insurance plans) is to raise costs," says Dr. Morris of Doctors Hospital.

"When one steps back and takes a hard, detached view of the health care system," says Walter J. McNerney, president of the national Blue Cross Association Inc. in Chicago, "one sees a system relatively unchecked by the lash of competition on the one hand and financed largely on a cost-plus . . . uncritical way on the other."

Cost-plus is the method that Blue Cross, Medicare, and Medicaid generally use to reimburse hospitals. It means they are reimbursed for the costs they incur plus an extra payment for profit, something that other businesses cannot expect unless they keep their costs below their revenues.

"If there were insurance to cover the costs of newspapers, and for every dollar The Washington Post spent it knew it would get reimbursed, your costs would go up, too," says Dr. Martin S. Feldstein, a Harvard University economics professor and author of "The Rising Cost of Hospital Care."

The third party payers spend millions of dollars each year to audit the books of hospitals. But according to one Washington area hospital accountant, "The majority of hospital CPA (certified public accountant) firms don't understand the intricacies of cost reports and Blue Cross and Medicare regulations."

He says it is nearly impossible to keep track of the new regulations Medicare puts out almost weekly. The junior accountants sent into the hospital don't understand the regulations, and the partners at the office don't look at the books, he says.

A single hospital expense may be audited as many as six different times by as many levels of reviewers, from a hospital's own independent auditors to the Department of Health, Education, and Welfare and the General Accounting Office, the accountant says.

But he says they generally don't know what they are looking for, and when they do, the result is often given with a yawn. One of dozens of recent GAO reports on Medicare and Medicaid operations reported that 12 hospitals had overcharged the federal government by $560,000 under the heading, "Problems Associated with Reimbursements to Hospitals for Services Furnished under Medicare."

If the costs of all the auditing, billing, and paper shuffling were added up, "the picture of appalling waste would make you sick," says John R. Gadd, executive director of Lee Memorial Hospital in Fort Myers, Fla.

But if the accountants have difficulty understanding hospital finances, the patient is worse off.

A typical bill from Washington Hospital Center for a maternity stay includes charges like these:

"React RM over ½ hour—$40.00; Pitocin IML INJ—.70; maternity kit—5.00; hazel balm 2 oz.—3.35; anes mat over 1 hour—18.00; hemoglobin hemato—4.00; pelvimetry—27.50."

The total for a four-day stay in a semiprivate room was $575.70, or $144 a day.

Other hospital center bills list such charges as I V fluid start, intracath, choral HYD SY, and orunit (day) addit 30–MI.

Even if the abbreviations were spelled out and the terminology deciphered, the patient would not have any better understanding of the actual costs incurred by the hospital for his stay.

The reason is that any relationship between the charges on the bill and the actual costs of providing the services charged for is purely coincidental. As a result the charges that mystify and confound hospital patients often, in fact, mean nothing.

A hospital's actual costs for providing services are figured by departments within the hospital. At the hospital center last year, for example, the laboratory department, which performs tests, had total expenses of $2.3 million.

But the department's total income or revenue from charges to patients for tests performed was $4.8 million, a markup over expenses of $2.5 million, or 109 per cent.

Translated to the charges that appear on patient bills, the 109 per cent markup means a complete blood count priced at $7 actually costs $3.34. A routine urinalysis priced at $5 actually costs $2.39.

Charges for x-rays are similarly marked up by 57 per cent, for abortions by 125 per cent, and for drugs by 107 per cent.

Even these figures do not illustrate the full extent of the disparity between hospital charges—or prices charged to patients—and actual costs of providing the services.

The 107 per cent drug markup, for example, is based on total pharmacy department expenses that include depreciation on the part of the hospital's building that it occupies. Depreciation is money set aside in investments for future remodeling or replacement of buildings.

The following table shows the full markup on four pills commonly dispensed by the hospital center pharmacy:

| Drug | Price paid by hospital center | Price paid by patient | Mark up (percent) |
|---|---|---|---|
| Terramycin, 250 mg | $0.15 | $0.35 | 133 |
| Librium, 5 mg | .004 | .10 | 2,400 |
| Sudafed, 60 mg | .029 | .10 | 245 |
| Ornade Spansule | .086 | .20 | 133 |

What happens to the excess profits from the markups? It is used to subsidize other hospital departments that operate at a loss. Some of these departments are those that treat patients for kidney, dental, blood, and gynecological problems. Charges in these departments are underpriced by 58 per cent to 831 per cent.

Despite the strange disparities on charges for individual services, the total charges made by the hospital during a year do not exceed the total expenses incurred by the hospital during the year (except for a relatively small amount set aside for profit).

But a patient who has a stomach problem or wants an abortion is overcharged to subsidize a patient with a kidney ailment. And no patient has any way of judging whether the charges he is paying appear to be justified by the services received.

Like many hospital administrators, Richard M. Laughery, administrator of the hospital center, concedes that what he calls the "Robin Hood" effect is inequitable, and he says there is no insurmountable obstacle to pricing services in line with costs. But he says these changes take time.

Dr. Morris of Doctors Hospital suggests another reason for hospitals' reluctance to price services realistically. He says that if patients knew the true costs of the services they pay for, they would "apply more pressure on hospitals to reduce costs."

A nationally-known hospital consultant points out that generally it is the more esoteric services that are overpriced, while the services that patients might understand are generally underpriced.

"The more mysterious the service, the higher the hospital can charge and get away with it," he says.

"Hospitals try to keep room charges down because this is a charge the patient can understand; he's been in a hotel before, it has four walls and a bed. The x-ray, on the other hand, is a big mystery. The patient doesn't bat an eye at paying $30 for a $2.50 picture. And if he's given 20 other charges for mysterious services, he doesn't object because there seems to be so much of it," he says.

In some general way, a patient who gets a $25 bill for a doctor visit can measure the charge against the time the doctor spent with him and the hourly compensation for other professionals. But a patient given a $25 bill for an "SMA-12" laboratory test has no way to judge whether he is being overcharged.

Washington Hospital Center is particularly prone to what the consultant calls "nickel and diming."

Its $59 charge for a semiprivate room—the one item that can easily be compared with prices of other area hospitals—is about in the middle of the room charges made by other hospitals in this area.

But this comparison is misleading, because only 43 per cent of the center's income comes from the room charge. The rest comes from charges for lab tests, x-rays, anesthesia, drugs, supplies, use of operating rooms, and other services and procedures.

Hospitals have a method of totaling all the charges and costs for an average daily patient stay. This figure bears little relationship to the bills that patients receive, and many hospitals guard the figure jealously.

Yet it is the best and probably only way of determining true costs of hospitalization. And it is the only way to compare one hospital's costs with another.

When this comparison is used, the hospital center's costs are fourth highest among the 20 Washington area hospitals that report their data on a confidential basis to a research council supported primarily by the Hospital Council of the National Capital Area Inc., an association of local hospitals. The costs for all 20 hospitals are shown in the accompanying chart.

Hospital bills also don't disclose a number of other costs that have nothing to do with medical care. The average daily charge to patients at the hospital center last year was $170 (including a small amount of miscellaneous income).

Patients who paid this amount unknowingly spent $8 for educating nurses and doctors, $3 for employee and doctor cafeterias, $8 for other patients who didn't pay their bills, $5 for profit to be used for expanding or remodeling the hospital, and $20 for various discounts, charity care, and free care to the rich.

A major discount, typically ranging up to 8 per cent of costs, is given to Blue Cross by hospitals throughout the country. Commercial insurance carriers, on the other hand, get no discount.

The effect of the discount is that patients who pay cash or have commercial insurance have to pay more to subsidize Blue Cross patients.

Why Blue Cross gets a discount is not clear. Jose A. Blanco Jr., the hospital center's former controller, says the reason more than anything is tradition. Blue Cross says it gets a discount because its coverage of a large number of patients simplifies hospital billing and insures payment. Others say the reason is the historically close tie between Blue Cross and hospitals.

Whatever the reason, these and other discounts introduce another inequity into hospital charges and further obscure true costs.

Another expense that hospital center patients unknowingly pay for is free care to the rich. Last year, this expense—called "courtesy care"—amounted to $21,000, or an extra 62 cents on the total average patient bill.

The total average patient bill is based on an average stay by hospital center patients last year of 7.8 days. In an interview, Loughery denied such a thing as courtesy care exists. But Blanco, now a financial consultant to the center, said the $21,000 was for free service to trustees and other friends of the center who are not charged as a favor. Other former employees of the center said some trustees also ask that their friends be given free care.

One of those who received free care above the coverage provided by his insurance was Scrivener, the center's president. Scrivener, a lawyer who is vice chairman of Perpetual Building Association, the Washington area's largest savings and loan association, said he saw nothing wrong with getting the free care, since he contributes his time to the hospital.

Much of the free care is provided in a special suite of 12 rooms that other paying patients of the hospital subsidize by an additional $42,500, or $1.25 on the total average patient bill. The subsidy occurs because the rate of profit of the special suites is lower than that of the other wards in the hospital.

The special rooms are called the VIP suites. They were built in 1967 for $500,000 taken from the operating funds of the hospital.

Each room is about twice the size of the average hospital accommodation and has fold-out sofa beds for overnight guests, wall-to-wall carpeting, balconies, floor-length picture windows and drapes, color television sets, kitchenettes, and Grecian baths.

Food for VIP patients is prepared by a special gourmet chef in a separate kitchen. The menu features filet mignon and lobster tails, and patients can select from a wine list. Meals are served on chinaware with silverware and crystal glasses.

A patient who specially requests one of the rooms is charged $97 to $112 per day, compared with $72 for a standard private room. The patients also must pay an extra $80 a day for private nurses.

Loughey said the suites were built to attract wealthy patients who otherwise might go to Boston or New York for hospital care. These patients, he said, may leave money to the hospital in their will. He conceded only $50,000 in contributions could be traced to the suites since they were built.

Former D.C. City Council Chairman Gilbert Hahn, Jr., the former hospital center president responsible for building the suites, declined to comment.

The free, luxury care given the rich contrasts sharply with the treatment given hundreds of poor patients who do not have Blue Cross or other means of paying for their hospital stay and are turned away from the hospital center's emergency room for that reason.

These patients are not given free care. Instead, they are transferred to the emergency room of D.C. General Hospital, the city hospital, usually by ambulance.

Other hospitals in the city also transfer patients to D.C. General because they cannot pay and because a congressional appropriation for charity care in the District doesn't cover the costs of caring for the patients.

But although other hospitals transfer even more patients, more patients died within 24 hours of being transferred from the hospital center in the two years ended last July than from any other hospital, D.C. General statistics indicate.

The number who died was 14, according to statistics reported by Dr. Eliza J. Taylor, chief medical officer of D.C. General's emergency room.

The hospital center's transfers, unlike those of other hospitals, are made "absolutely without regard for condition," charges Dr. Martin C. Shargel, a former D.C. General house staff president who testified about the problem in a 1969 City Council hearing.

Dr. Shargel says the patients transferred were almost exclusively indigent and black. They were sometimes in the process of dying when they arrived at D.C. General, he says.

"Nobody in his right mind would transfer patients like that," he says.

The chief of the hospital center's emergency room, Dr. James D. Head, concedes most of the transfers are made because the patients can't pay. But he says every effort is made to transfer only those patients who can stand the trip and the delay in getting treatment.

When a patient dies several hours after reaching D.C. General, "We pull the charts out and see if anything could have been done," he says.

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### Conflict of Interest Marks Hospital Center Management—II

(By Ronald Kessler)

"You'll get a better deal with friends than with strangers."

This is the philosophy that has guided Thomas H. Reynolds while managing Washington Hospital Center's financial affairs for most of the center's 15-year existence.

One of the friends that Reynolds did business with was American Security & Trust Co., Washington's second-largest bank. But while the bank got a good deal by doing business with the hospital, it is clear the hospital, and its patients, got a bad deal by doing business with the bank.

Until two years ago, the hospital's balances in an American Security checking account typically hovered at around $1 million and ranged as high as $1.8 million. The account paid no interest—so the bank had the use of the money at no cost.

Using the most conservative assumptions, the hospital lost at least $50,000 a year in interest it otherwise would have received. Indeed, after the banking arrangement was changed and the balances were lowered, the hospital took in annual interets of $82,000 that it hadn't previously received. Jose A. Blanco Jr., former controller of the hospital, attributes that largely to the elimination of the interest-free policy at American Security.

An annual $50,000 loss of interest amounts to an extra $1.50 on the average patient bill at the center.

Reynolds concedes he was the one who placed the account at American Security and set the policy that sent the hospital's balances there soaring above $1 million. He says he feels the policy was "prudent."

Reynolds is hardly a disinterested party. Until he retired last year, he was a vice president and the second man in charge of the trust department at American Security.

The interest-free policy was changed when several non-banker trustees of the hospital warned of the possibility of civil suits against the trustees if the information ever got out. However, there is evidence that the new arrangement with American Security continues to favor the bank at the expense of the hospital.

Asked about relations between the bank and the hospital, Joseph W. Barr, president of American Security, referred all questions to the current treasurer of the hospital, John E. Sumter Jr.

"I don't want to comment," Sumter said. "All I know is the hospital is running well, and utilizing its money well, and it stands on its record." As for the interest-free money, Sumter said, "I don't know anything about a $50,000 loss."

Sumter is senior vice president for commercial loans at American Security.

To many critics inside and outside the hospital industry, such conflicts of interest—and the detrimental effect they can have on a hospital—illustrate the lack of public accountability of hospitals and explain in large part why hospital costs have skyrocketed.

"What the hospitals don't realize is that they're supposed to be run for the public," says Herbert S. Denenberg, the Pennsylvania insurance commissioner who has investigated hospital trustees' conflicts of interests in his state. "The bankers on the boards think they're run for themselves," he says.

At various times, 10 of the 38 trustees of the hospital center, and four former trustees, have been involved in conflicts of interest when they or their companies did business with the hospital, a Washington Post investigation has found. Often the business was given to the trustees at their own direction.

A conflict of interest, according to Nathan Hershey, coauthor of the Hospital Law Manual, a standard reference work used by the hospital center's own attorneys, is when a hospital trustee does business with the hospital, automatically giving him conflicting interest on both sides of the transaction.

The hospital center's conflict-of-interest dealings, The Post has found, have ranged from catering contracts to malpractice insurance to purchase of stock of local banks by a trustee committee composed primarily of officers and directors of those banks, who also generally have personal holdings in the banks.

D.C. law specifically prohibits any trustee of a charitable institution that receives any federal money from doing business with the institution. The hospital center is incorporated in D.C. as a charitable institution, and it gets about a third of its operating funds from the federal government through Medicare, Medicaid and other programs. The D.C. law requires that trustees in conflict resign.

Common law, based on court decisions, places a heavy responsibility on trustees to avoid impropriety or the appearance of impropriety. The reason is that trustees in charge of an organization's financial affairs or an individual's investments are not directly accountable to anyone—except themselves.

The relationship and underlying laws are explained this way in a legal memorandum to the hospital center from its counsel, Hogan & Hartson:

"The first obligation of the trustee is to the well-being and security of the corporation, and he is not entitled to benefit personally, directly or indirectly, to the detriment of the corporation. If he does, he is subject to suit by the corporation, an interested party or group who can show damage relating to his conduct, or the United States . . ."

Courts have ruled that fraud is so easily disguised that trustees' transactions with a hospital may be illegal even if they appear to benefit the hospital, says Hershey, the co-author of the Hospital Law Manual.

"A trustee doing business with a hospital is in a conflict of interest, and if he doesn't abstain from making the decision to give himself the business of the hospital, or if it is detrimental to the hospital, it is clearly illegal," says Hershey, who also is president of the American Society of Hospital Attorneys.

Hershey says that in addition to abstaining from voting on or influencing a decision to give himself business, a trustee in a conflict situation has a legal obligation to fully disclose the details of the transaction and his position on both sides of it to the public. He says the contract should also be let out for competitive bids.

At the hospital center, competitive bidding was sought for only one of the transactions involving conflicts of interest by trustees. In the one exception, the bidding was limited to those banks—American Security, Riggs National Bank, and Union Trust Co.—whose officers are trustees of the hospital.

There is no evidence that any of the trustees involved in the conflicts abstained from voting or participating in the decisions, and in several instances there is evidence that the trustees involved in the conflicts themselves made the decision to give themselves the hospital's business.

There is also no evidence of any public disclosure of the conflicts. Indeed, many of the conflicts have been carried on in such secrecy that other trustees say they were unaware of them, and some of the trustees involved in the conflicts refused to discuss them when asked to do so by this reporter.

One such trustee is George M. Ferris, Jr., president of Ferris & Co., a local stock brokerage firm. One of the firm's Virginia brokers, Michael G. Miller, Sr., is the broker who buys and sells the stock hold by the hospital's $4.5 million pension fund.

Why was Miller, a Virginia broker relatively new to the business, chosen by the center to receive commissions for buying and selling its stock? Sumter, of American Security, which administers the pension fund, concedes Miller was picked by Reynolds, who is Miller's father-in-law.

Miller declined to comment on the matter, and Ferris refused to say how much he or Miller received last year for buying and selling the stock. "I don't see any reason we should cooperate with such an article," he said.

Another hospital trustee, Robert W. Fleming, said it would be too difficult for him to compute how much money he received from the center last year.

As executive vice president and secretary of Folger, Nolan, Fleming, Douglas, Inc., another local stock brokerage house, Fleming is the broker who buys and sells most of the stock for the center's $4.4 million general investment and endowment fund.

As chairman of the center's six-man investment committee, Fleming is also one of the trustees who decides when to buy and sell the stock on which he receives commissions as broker.

Fleming says he sees no conflict of interest in his dual role. He says he doesn't see why he should't get the business if he can do the job as well as anyone, and if his rates are the same as any other broker's, as they are.

Hershey, the president of the American Society of Hospital Attorneys, says a trustee who benefits personally from his own decisions made as trustee cannot be as objective in making those decisions as the law requires him to be.

Such a trustee also may hesitate to question the business dealings of another trustee in a conflict of interest, or to be as firm with the administrator of the hospital as he should be if the administrator is cooperating in funneling him the hospital's business, Hershey says.

Finally, Hershey says, a trustee doing business with a hospital erodes public confidence in the hospital.

The evils of conflicts of interest by hospital trustees are so obvious, says Jay H. Hedgepeth, general counsel of the American Hospital Association, that the AHA has no principle banning such transactions "any more than one saying that hospitals must file tax returns or not murder." Hedgepeth adds that when trustees refuse to disclose details of their conflicts of interest, "that's usually a sign that they are afraid the truth will make them look bad."

When first asked about the interest-free account at American Security, Reynolds denied its existence, saying the only way to prove that the balances were high was to see bank statements.

He subsequently conceded the balances often exceeded $1 million, and he said this was because it was his policy to keep enough money in the account to cover the financial needs of the center for two weeks of operations. Reynolds said any other policy was not "sound," and Sumter, of American Security, defending the previous policy, said it was "what all businesses do. The ones that don't pretty soon go out of business."

Talks with other American Security vice presidents not connected with the hospital center revealed a different picture.

The American Security official in charge of checking accounts, O. W. Chapman, vice president for operations, said it has been "rare" since 1964 or 1965 for businesses to keep large sums in interest-free checking accounts.

As a standard practice, he said, they leave in the accounts only enough money to cover the checks presented for payment each day. This is in contrast to Reynolds' policy of keeping enough in the account to cover two weeks of payments.

To further take advantage of the money, Chapman said, the businesses work on the "float" in the account. This is the money that accumulates in the account between the time a check is written and the time it is presented for payment at the bank after being cashed and making its way through the nation's check-clearing system. Reynolds said he did not believe using the float was a "sound economic" policy.

Chapman said the standard practice of businesses is to call the bank each day or to get a daily written statement so that they know how much excess money they have and can invest it for the benefit of the business.

"We encourage businesses to invest this money (from checking accounts), because if we don't, sooner or later the treasurer will wake up and take the money out of our bank altogether," Chapman said.

But the hospital center's treasurer at the time was Reynolds, who said he was not about to place the center's account at another bank because American Security "was my bank . . . I don't take my personal account to some other bank."

After the interest-free account was stopped, the new method of handling the hospital's money was worked out by Reynolds' successor as treasurer, Samuel T. Castleman. Reynolds left the treasurer's post to become president of the hospital, and he was succeeded as president last year by Samuel Scrivener Jr., a lawyer.

Castleman, the new treasurer, was also an American Security senior vice president. He decided that the new method of handling the hospital's money would be to transfer any excess in the checking account to an interest-bearing saving account—at American Security.

Sumter succeeded Castleman as treasurer earlier this year after Castleman left the country to become executive vice president of a Nassau merchant banking firm.

Sumter claimed the new account at American Security is "favorable" to the center. When pressed on this point, he conceded the bank was not doing special favors for the hospital center.

Despite Sumter's claim that the savings account arrangement was a good deal, a different story again emerged from talks with other American Security officials not involved with the Hospital Center.

Chapman and other bank executives said they have not heard of any business that puts its excess checking account money in savings accounts.

Instead, Chapman and others said, the standard practice is to invest the excess money in short-term loans and other commercial ventures.

A business or nonprofit organization "unquestionably" would do better this way than by placing the excess money in an American Security savings account, said Michael F. Ryan, an American Security assistant vice president who performs this service for businesses.

American Security is one of four Washington banks that has been sued over allegedly interest-free accounts placed in the banks by Group Hospitalization, Inc., the local Blue Cross payment agency. The suit was filed by a group of government employees on behalf of all such employes whose health coverage is with GHI. All the defendants have denied the allegations.

Testimony before a House Government Operations Subcommittee indicated that all but one of the banks had officers or directors on the board of GHI.

Two of those named were also connected with the hospital center. The American Security officer, the late A. Murray Preston, was a trustee of the center and one of its former presidents. Another defendant, Justin D. Bowersock, chairman and chief executive of Union Trust Co., is a trustee of the center and member of its executive committee.

Union Trust also has one of the center's accounts. "It had to go somewhere. They asked if we wanted it. We made no effort to get it," Bowersock said.

Bowersock said he found nothing wrong with the previous checking-account policy at American Security. "You absolutely can't find a better bank," he said.

But some trustees felt otherwise. "It struck me as a strange way of doing it," said Dr. Charles W. Ordman, a member of the center's medical staff and trustees' executive committee. Dr. Louis Gillespie Jr., another trustee and medical staff man, called the accounts "atrocious."

According to the congressional testimony on GHI's accounts, the balances were kept high by keeping enough money in the accounts to cover two weeks of operations of GHI, a policy similar to that favored by Reynolds.

Reynolds was one of five members of the center's investment committee that decided in 1959 to give a contract to manage the investment accounts of the center, without competitive bidding to Riggs National Bank, Washington's largest bank.

All of the members who signed the contract had their own business dealings with the center. One of them, Frederick M. Bradley, a senior partner of Hogan & Hartson, one of Washington's most prestigious and powerful law firms, was also a director of Riggs. Another trustee who signed the contract with Riggs was Fleming, the stock broker, who was the son of the then chief executive of Riggs, the late Robert V. Fleming.

After the contract was signed, another Riggs official joined the investment committee—Frederick L. Church Jr., executive vice president of the bank and head of its trust department.

Church said in an interview that Riggs' rate for managing the center's investments is lower than the bank's rate for similar services to profit-making businesses and in line with its rate to other nonprofit organizations.

Church conceded, however, that the Riggs rate is higher than the rate charged by American Security for managing the center's pension fund investments. He also conceded that some banks manage investment funds free of charge if the banks also have some of the checking accounts of a business.

Referring to the fact that American Security has the center's checking accounts, Church noted pointedly that Riggs doesn't have any such additional business from the hospital center.

Could the hospital center save money by consolidating its business at one bank and getting more competitive prices? Church said he doesn't know.

The center's investment committee generally buys only those stocks listed on the New York Stock Exchange. But the records of the hospital show that after Church of Riggs joined the investment committee, the committee bought stock for the hospital in two companies listed neither on the New York nor the American Stock Exchanges.

The two companies, whose stock is traded in the local over-the-counter market, were Riggs and American Security.

At the time, all but one of the committee's six members were connected with Riggs or American Security.

The American Security stock did exceptionally well, rising in value 185 per cent from 1959, when some of it was purchased, to 1970, when some was sold.

The Riggs stock, on the other hand, did exceptionally poorly.

The hospital's records show that $9,957 in Riggs stock that was purchased by the investment committee, received as gifts, or transferred from the center's predecessor hospitals was retained by the investment committee until 1970, when it was sold for a profit of $2,435, a 25 per cent increase.

In contrast, the increase in value during the same period of the average New York Stock Exchange security was 74 per cent, a rise that would have netted the hospital $7,368 on the same investment. (Both comparisons are exclusive of dividends.) The same money placed in a savings account at 4 per cent simple annual interest would have produced $5,985.

Why didn't the committee sell the Riggs stock years ago? Church, whose wife owns stock in Riggs, declined to comment on the grounds he isn't the chairman of the investment committee.

He noted, however, that the savings account comparison didn't take into account the dividends the Riggs stock paid.

Asked for the total dividends paid on Riggs stock, L. A. Jennings, chairman of Riggs, said he had looked into the investments and found they were proper. As a result, he said, he was "not going to aid you" by providing the information.

"It will just stir up people who don't know anything about it," he said.

Subsequently, Church made available a breakdown of dividends paid on some of the Riggs stock. Although the figures do not cover the same time span as the comparisons used in this story, they indicate that the Riggs stock did better than a savings account would have done when the dividends paid by the stock are taken into account.

As head of Riggs' trust department, one of Church's most important functions is acting as trustee for bank customers, bringing him into daily contact with laws governing trustees' duties and responsibilities.

Would Church buy stock in Riggs for a Riggs' customer while acting as his trustee?

No, Church said. Such a "self-dealing" transaction is barred by regulations of the U.S. Comptroller of the Currency, which regulates national bank trust departments, Church said. In addition, he said, "A person should not engage in self-dealing under common law. You can't serve two masters at the same time."

Is acting as trustee for the hospital center and buying stock in his own bank serving two masters? Church said he didn't think the two positions were comparable.

Sumter, who says he also owns stock in American Security, also acknowledged that the bank would be prohibited from buying stock in itself unless directed to do so by a customer of the trust department. But he said the situation couldn't be compared with the hospital center because the trustees who bought the American Security were not acting as trustees but rather as "members of a committee."

Another trust law expert who signed the contract with Riggs and was a member of the investment committee when it bought stock in American Security & Riggs is Bradley of Hogan & Hartson. Last year, Hogan & Hartson received $107,000 from the Hospital Center for legal services rendered.

Bradley declined to discuss whether his position as trustee and counsel presented a conflict. "I do not give newspaper interviews. I have no intention of discussing it with you," he said.

(Bradley became a trustee emeritus earlier this year but continues to have voting power and to be an investment committee member.)

The Hogan & Hartson partner in charge of the Center's business, John P. Arness, said the charge to the Center is $50 an hour, lower than Arness' usual rate and a reasonable price compared with other law firms. He said he sees "nothing wrong" with the firm's relationship to the Center.

Hogan & Hartson is generally ranked among Washington's four top law firms, and as such a $50-an-hour rate is clearly reasonable, if not low. But Hershey of the American Society of Hospital Attorneys says the majority of the society members believe a trustee who is also legal counsel is harmful even if the rate charged is low.

He says legal advice given the hospital may be influenced by the position taken on the same issue by the trustee who is also connected with the law firm giving the advice. Other trustees, he says, may not question the legal opinion given as readily as when the counsel is strictly a hired company, and they also may be hesitant to suggest changes that might upset the law firm—such as hiring a full-time counsel for the hospital, cutting down on use of the firm, or otherwise altering the relationship to save money for the hospital.

Even if the lawyer-trustee abstains from voting on or influencing decisions affecting his law firm, his mere position as a fellow trustee may "subconsciously" influence other trustees. Hershey says.

Minutes of trustees' meetings show that when the executive committee of the center voted on the terms of Hogan & Hartson's customers agreement last year, Bradley showed up as a guest—although he was not a member of the executive committee.

Hershey says this is "the opposite" of what Bradley should have done under laws governing trustee conduct.

The courts generally hold hospital trustees to an even higher level of conduct than directors of companies, because company directors are watched by stockholders or owners, while hospital trustees are watched only by themselves.

Nevertheless, the director of one publicly traded company who was also legal counsel to the company resigned last July as a director because of what he said were questions raised in the legal profession about the desirability of such as dual role.

The director, Merle Thorpe Jr., who resigned from International Controls Corp., is a partner of Hogan & Hartson.

Arness said Thorpe's position could not be compared with Arness', because Thorpe was the lawyer who actually handled the company's work, while Bradley does not.

Arness said he doesn't believe Hogan & Hartson is in violation of the D.C. law on hospital trustee conflicts.

The law says, "No member or members of any board or boards of trustees or directors of any charitable institution, organization, or corporation in the District of Columbia, which is supported in whole or in part by appropriations made by Congress, shall engage in traffic with said institution, organization, or corporation for financial gain, and any member or members of such board of trustees or directors who shall so engage in such traffic shall be deemed legally disqualified for service on said board or boards."

Arness first claimed that the Washington Hospital Center is not a charitable institution. When it was pointed out to him that the center is incorporated as such under D.C. law, Arness contended the center doesn't receive "appropriations made by Congress"—the wording in the law.

When it was pointed out that in addition to Medicaid and Medicare money appropriated by Congress, the center is the recipient of a $24 million building appropriated by Congress—freeing the center of making mortgage payments it otherwise would have to make—Arness maintained that the center does make mortgage payments.

It was then pointed out to Arness that one of his own memos written to the hospital center says the mortgage in question—in favor of the U.S. government—does not have to be paid off unless the center is used for non-hospital purposes.

Arness then said he believes the law was meant only to prevent trustees from "stealing" from the hospital.

After a number of interviews with Arness, the lawyer billed the hospital center for time he spent being interviewed by The Post. During part of that time, Arness had defended himself against conflict-of-interest charges. The bill came to $150 for three hours of time.

The hospital center attempted to have The Post pay the Hogan & Hartson bill, but the newspaper refused.

Although the hospital center says the bill states otherwise, Arness claimed it was for time spent preparing to be interviewed by The Post and for answering questions raised by the center as a result of The Post's investigation of its finances. He later acknowledged he had charged the hospital for the interviews.

### Hospital Quietly Raised Rates Before Announcing Cost Cuts

It was a public relations man's dream. The Washington Post ran an editorial praising the hospital center for performing a "major medical miracle." The New York Times, in a feature article, suggested that other hospitals might well follow the center's example. And the American Hospital Association, with undisguised admiration, said it would like to have the hospital center's formula.

The plaudits were understandable. Washington Hospital Center had announced a reduction in room charges and other prices. The reduction, made in two successive stages last year, amounted to a total saving on a daily patient's bill of $11, or 10 per cent. The center cited a number of innovations—including taking patients' temperature fewer than the standard four times a day—as the primary reasons for the price cuts.

Indeed, the hospital center claimed it had found the answer to spiraling hospital costs.

Unfortunately for the center's patients and those who pay health insurance premiums, the center had not found the answer to anything—except perhaps how to reap national publicity by misleading the public.

Instead of cutting costs, the center actually had increased the cost of the average daily patient stay by 12 per cent, just under the 13 per cent national increase in hospital charges during 1971. And instead of cutting patient charges, the center actually had raised its total prices for an average daily patient stay by 15 per cent.

What happened was that prior to the rate decreases, the center quietly raised its room and laboratory charges. When the center during the year also began getting an unexpected surge of money from Medicaid, the government health insurance program for the poor, it found it had overpriced its services in relation to the costs of providing the services.

It then reduced its prices—but only to some patients.

If the center had not made these reductions, its average daily charges would have increased during the year by more than 20 per cent instead of by 15 per cent.

The center's reductions were analagous to a supermarket raising the price of steak from $1 to $1.20 a pound, then discounting the item to $1.15.

Was it all a hoax?

Jose A. Blanco Jr., then the center's assistant administrator and controller, concedes the public was "misled," but he says it must have been the fault of the press. He says he warned hospital officials at the time that their statements on the reduction must be "carefully" worded.

Richard M. Loughery, the center's administrator, denies the public was the victim of a hoax because, he says, the difference between the impression given and the facts was not that great. He blames the press for allegedly failing to check some of the hospital's claims so the public would be given the full picture.

Loughery received much of the credit for the rate decrease, and in an interview, he claimed he had recommended cutting the charges. However, minutes of the pertinent trustees' meetings show that Loughery argued against reducing the charges. He favored "sitting tight."

Loughery also contended that although costs and charges had risen during the year, the center's average daily charge to patients for such items as room and board, drugs, tests, x-rays, and use of operating rooms is still lower than the charges of half the hospitals in the Washington area.

Data compiled by a research council supported primarily by the Hospital Council of the National Capital Area Inc., a trade group of hospitals, from figures submitted by local hospitals to Blue Cross-Blue Shield, show that the center's average daily patient cost is fourth highest among 20 area hospitals.

"The rate decrease was bull. . . ., and everyone on the inside (administrators and trustees) knew it," says Dr. Louis Gillespie, Jr., a trustee of the center and member of its medical staff.

The story of how the hospital misled the press, the public, the AHA, and apparently even the White House provides fascinating insight into the financial workings of a hospital and how it attempts to influence public opinion.

It was the 10-member executive committee of the hospital's board of trustees that decided in October, 1970, that $1.8 million in additional revenue would be needed during 1971 to pay for expected cost increases.

To get the money, the committee authorized the hospital to raise room rates by $5 a day beginning January 1971. No publicity was given to the increase.

In addition, laboratory charges were raised substantially in February, 1971, increasing revenue for the year in the laboratory department by 33 per cent above the income that had been expected. These lab price changes produced additional profit to the hospital for the year of $873,206, the center's financial statements indicate.

These price increases were ordered, not by the hospital, but by the pathologist who heads the center's laboratory.

How pathologists set their own prices and receive the profits that result, and how similar lab price increases were triggered at about the same time at hospitals throughout the city by a change in Blue Shield reimbursement methods, will be explored in subsequent stories in this series.

Despite the increases in room rates and lab charges, the center probably would not have cut its prices if it had not been for the unexpected increase in money received from Medicaid.

The reason for the increase is simple the hospital previously either had not been applying for the money, or had been applying improperly.

Medicaid became available to Washington hospitals in July, 1969, but the center lagged in taking advantage of the program.

Until January, 1971, the hospital center had failed to bill Medicaid for the charges incurred by about 10 per cent of the patients eligible for Medicaid, says Lee R. Williams, a supervisor of Medicaid and Medicare billing at the center. Admissions personnel were not recording the fact that the patients were eligible when they entered the hospital, he says.

Of the bills that were sent to Medicaid, says Williams, 35 per cent to 40 per cent were rejected by the government because of errors in addresses, names, identifying numbers, and charges, as well as insufficient information.

The result, concedes Blanco, who was controller then, was that large amounts of money were being lost on patients who could not or would not pay their bills but whose expenses would have been paid by Medicaid if Medicaid had been billed correctly.

The center finally rectified the problem in January, 1971, by placing the billing system in a computer and tightening procedures, Williams says. The result was a sudden surge of payments to the center.

"I don't know why Mr. Blanco didn't do it before," Williams says. Blanco says it was a "matter of priorities."

Former employees say the problem was that Blanco, although a full-time controller paid $39,000 a year, spent most of his time operating his own computer company and acting as a consultant to other hospitals. Blanco says he spent as much time as was necessary at the hospital center job.

The extra Medicaid money and the room and lab test increases produced a surplus in the hospital center's accounts of $1.6 million by the first five months of 1971, and it was this money that prompted the trustees to cut charges.

There was never any question that the surplus would have to be given back to patients. This is because the so-called third party carriers—Blue Cross, Medicaid, and Medicare, which account for a majority of the center's payments—require that any surplus be given back to them at the end of the year.

The trustees decided to take another option by cutting the room rates paid by the remaining clientele of the hospital—the 35 per cent who either pay their own bills or are covered by commercial insurance companies, such as Aetna and Prudential.

The outcome was far from certain when the hospital's executive committee met on June 15, 1971.

A motion was made at that meeting by the then treasurer of the hospital, Samuel T. Castleman, that room rates be cut. Castleman, then a senior vice president of American Security & Trust Co., Washington's second-largest bank, recommended that the hospital publicize the action "in such a manner as to achieve the maximum favorable reaction from the public at large and from key officials of the city and federal government as well as members of Congress."

Castleman's motion was defeated, and instead the committee voted to follow Loughery's recommendation that the hospital sit tight. The committee also decided to submit the matter to the full board of trustees.

A week before the full trustees' meeting, The Washington Post learned that the center had realized a $1.6 million surplus and published a story about it. Doctors and trustees say Loughery was furious at the leak, taking the position that disclosure of the center's finances would make it look bad in the public's eyes.

Loughery now denies that this was his feeling.

Whatsoever its effect on Loughery, The Post story "boxed in" the trustees, making the decision to reduce rates almost inevitable, according to at least one hospital official.

The trustees voted to reduce rates June 28, and at a second meeting Sept. 8 decided to reduce room rates still further and to publicize other reductions that had been authorized at the first meeting. The total reduction came to $11 per patient day.

At the second trustee's meeting, Castleman complained that the center had failed to garner enough publicity from the first rate reduction. He said he had discussed the price cuts with White House aide John D. Ehrlichman, who was "most interested in our efforts . . . to reduce the costs of delivering medical care. . . ." Castleman recommended that this time steps be taken to obtain for the center "the widest possible publicity."

The center promptly called a press conference and sent out releases to the national and local press. In its employee publication, the center boasted that it had succeeded in "reversing the national trend of rising health care costs . . ."

What the press release failed to mention was that the hospital's costs had actually increased overall during the year by 12 per cent for the average daily patient stay, and that charges had increased by 15 per cent. No mention was made in the release about the room rate increase just six months prior to the first rate reduction, nor were the increased laboratory prices mentioned.

Loughery explains these and other omissions this way:

"We assume the people who wrote the stories knew what the poop was."

Jane P. Snyder, the center's public relations director, concedes that neither the original room rate increase nor the laboratory charge increase had been announced to the press.

Was the AHA fooled? No, claims Dr. David F. Drake, associate director of the AHA in Chicago. "When we said we wish we had the formula (for reducing costs), it was tongue-in-cheek. We knew there wasn't any magic formula."

—RONALD KESSLER.

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### TOO MANY EMPTY BEDS CAUSE CHILDREN'S HOSPITAL DEFICIT

Empty hospital beds substantially inflate hospital costs. An illustration of how this happens is the case of Children's Hospital of D.C., which has one of the lowest bed occupancy rates in the Washington metropolitan area and one of the highest costs for an average daily patient stay.

Regardless of how many patients a hospital has, its basic operating costs remain essentially the same. This is because a hospital must be fully or nearly fully staffed to handle peak patient loads, and its costs for heating and maintaining its buildings are unaffected by the number of patients in them.

If a hospital's occupancy rate is low, these expenses have to be distributed among fewer patients. The result is that each patient pays more for his or her hospital stay.

The average occupancy rate at Children's Hospital in its fiscal year ended last June 30 was 62 per cent, the hospital's financial statements indicate.

Although some hospitals operate at 100 per cent of capacity, the conventional wisdom in the hospital industry is that an 85 per cent rate is optimal to handle emergencies, seasonal variations and the unpredictable maternity patient deliveries.

Computations based on Children's Hospital's financial statistics indicate that its average daily patient costs are 37 per cent higher than they would be if the hospital were 85 per cent occupied.

This means that each patient pays an average of about $45 extra for each day of hospitalization to cover the costs of the empty beds. During a year, this extra payment comes to $2.3 million for all Children's Hospital patients.

The computations are based on the higher occupancy rate. Since the costs of some supplies would go up with assumption that the hospital's total costs would be the same if it had more patients, the actual extra payment for empty beds would be slightly lower than indicated.

Dr. Robert H. Parrott, the pediatrician who is director of the hospital, acknowledged during several interviews that the hospital's low occupancy rate adds to patient costs.

He said there simply are too many pediatric beds in Washington area hospitals.

Overbuilding of hospital facilities, says Barry P. Wilson, a Blue Cross-Blue Shield vice president, is probably the greatest single cause of high hospital costs throughout the country.

Director Parrott also acknowledged that "there may have been areas of waste in the past" at Children's Hospital, but he said the institution is trying to increase efficiency and cut costs.

In its last fiscal year, Children's Hospital had an operating deficit of $2.3 million and a net deficit—after other income was taken into account—of $708,420. Based on the hospital's operations last year, it would not have had a deficit if its occupancy had been 85 per cent, since the extra patients would have brought in enough revenue to cover the losses.

Despite the deficit, Children's Hospital is constructing a new, $50 million building with 15 per cent more beds.

Although the new building is a stone's throw from Washington Hospital Center, no sharing of major services is planned. The fact that Children's Hospital average daily patient cost for providing laundry service is 144 per cent higher than the hospital center's and that its dietary service cost is 99 per cent higher gives some idea of the savings that patients might realize if the hospitals combined services.

A Children's Hospital spokesman said laundry probably will be done by a commercial firm after the move to the new building.

Dr. Parrott said he believes the hospital's low occupancy rate is attributable in part to its location in a high crime area at 2125 13th St. NW. This may discourage suburban parents from bringing their children to the hospital, he said.

He said the additional beds in the new building are justified because more patients will be attracted to the new location, child population in the Washington area is going up, and the hospital increasingly is getting referrals of patients from other local hospitals.

Children's has been able to keep its head above water largely through appeals for contributions, which last year amounted to slightly more than $1 million for the hospital's operations.

The drives have stressed the hospital's reputation for giving good medical care and its slogan that it never turns away a child because of inability to pay.

Referring to this commitment, Mayor Walter E. Washington said at the groundbreaking for the new hospital building that "this noble concept has created a financial crisis."

Children's Hospital does treat many poor patients, but most are covered by Medicaid, the federal health insurance program for the poor. Medicaid coverage is far more extensive for children than for adults, hospital accountants and controllers say.

Children's Hospital's financial statements indicate that charity care given by the hospital last year amounted to $246,571. This is 2 per cent of the hospital's operating costs and compares with a 3 per cent charity proportion at Washington Hospital Center and what Georgetown University Hospital says is a 7 per cent rate at that hospital.

During the same period when the hospital gave $246,571 in charity care, it received slightly more than $1 million in unrestricted contributions to its operations.

Where does the extra money go? And why doesn't that hospital simply raise its charges to cover its high costs in order to operate in the black?

Dr. Parrott said that since charges already are high, raising them still further might drive patients away and lower the hospital's occupancy rate still further. He added that the hospital is first trying to cut its costs by becoming more efficient.

As for charity care, Dr. Parrott said he does not believe contributions received from the public are being used to subsidize patients who can pay. While he did not dispute the charity figure in the hospital's financial statements, he said the statements do not show the full extent of charity care.

After this reporter's inquiry, Dr. Parrott prepared statistics indicating that the hospital actually gave $1,038,517 in charity care last year, or 8.3 per cent of its operating costs. The charity figure is almost identical to the $1,018,150 in unrestricted contributions received during the year.

Dr. Parrott said the 8.3 per cent charity figure represents the amount of the hospital's deficit caused by its "self-pay" patients. These are all patients not covered by government or private health insurance.

Charity care is defined by the American Hospital Association, federal government and hospital accountants as free care given to patients unable to pay. This means a hospital must determine if a patient cannot pay by inquiring into his income.

Asked if the self-pay patients were unable to pay, Dr. Parrott said some can pay but "most cannot pay the full amount." A hospital spokesman later said that Dr. Parrott meant to say, "A small amount can make partial payment but most can pay nothing."

Asked why the additional charity care did not show up in the financial statements, Dr. Parrott said the hospital's accounting system is less than perfect. He said the method he used was as close as he could come to pinpointing charity care in the hospital.

When told of this method, a former financial man at Children's called it "absurd" and the conclusion that charity care is 8.3 per cent "ridiculous." He said that with the inception of Medicaid, charity care at the hospital dropped to almost nothing.

American Hospital Association principles say a hospital has an obligation to disclose to the public evidence that all its finances are being used effectively in accordance with its stated purpose of operation.

Despite repeated requests, Dr. Parrott would not allow this reporter to talk with the hospital's independent public accountants, Arthur Andersen & Co., or to see Andersen's latest report giving its opinion of the hospital's financial and accounting procedures. He also would not permit an interview with the hospital's controller, who prepares the figures on charity care and signs the financial statements.

Dr. Parrott said that as director of the hospital, he would answer all questions.

—RONALD KESSLER.

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### ACCIDENTS IN ANESTHESIA

Whether a patient lives or dies on the operating table often depends more on the competence of the anesthesiologist than the skill of the surgeon, many surgeons and other doctors agree.

At Washington Hospital Center, as at many hospitals throughout the country, doctors and surgeons say the competence of some of the anesthesiologists leaves much to be desired, and some say the problem may be caused in part by the way anesthesiologists are paid.

Like pathologists and radiologists, anesthesiologists are not salaried employes of the hospital. Rather, they are given a percentage of the profits of their department. Many hospital experts say such an arrangement gives them an incentive to cut costs to the point where medical quality suffers.

During an operation, the anesthesiologist generally regulates the flow of anesthetic liquid or gas entering the patient, increasing it when the surgeon wants the muscles relaxed and reducing it when the patient needs time to recover from a critical surgical maneuver.

In addition, the anesthesiologist regulates the supply of oxygen to the patient and watches his bodily signs for any danger signal.

A moment's delay in reacting to a problem, or a slip of the hand on the valves regulating the chemicals, can cause immediate death, brain damage, or paralysis.

Talks with a number of Washington Hospital Center doctors and surgeons reveal a widespread lack of faith in the skill of some—but not all—of the anesthesiologists who work at the center.

Some of these doctors say they would go to hospitals in such medical centers as Boston before they would allow themselves to be put to sleep by an anesthesiologist at the center, and others say they would enter the hospital center for an operation only if certain anesthesiologists were selected in advance.

"I was very scared when my daughter came up for routine surgery (at the hospital center) last spring," confides Dr. Richard C. Reba, chief of the center's nuclear medicine department, which diagnosis illnesses by tracing the path of radioactive substances introduced into the bloodstream.

The latest anesthesia accidents in the center's operating rooms are commonly a subject of discussion when doctors at the hospital gather for lunch, Dr. Reba says.

"Most of them (the anesthesiologists) don't know what they're doing," he says.

Dr. P. J. Lowenthal, chief of the center's anesthesiology department, said a reporter's query was the first he had heard of such criticisms. "I don't believe that came from a responsible member of the (medical) staff because they would bring it to our attention," he said.

Dr. Ernest A. Gould, a trustee of the hospital center, former chief of its medical staff, and chief of surgery until 1970, says he would only allow four of the more than 20 anesthesiologists at the center to give him anesthesia if he had to undergo an operation.

Even if it were an emergency, he says, he wouldn't allow two of the anesthesiologists (one of whom has recently left the hospital) to go near him, nor would he allow them in an operating room with him while he is performing surgery.

Anesthesiologists normally are assigned to operations through a random rotation process, but another former chief of surgery at the center, Dr. Nicholas P. D. Smyth, says he rejects the anesthesiologists normally assigned and selects his own when the operation to be performed is a major one or when the patient is old or sick.

Dr. Reba says he allowed his daughter to enter the center for surgery only when the surgeon assured him he only uses a certain two of the hospital's anesthesiologists.

Dr. Gould, who says he is similarly selective, acknowledges that many other surgeons at the center take only anesthesiologists assigned.

Dr. Gould says breathing or heart beat is stopped by anesthesia in about one in every 2,500 operations at the center, and about 30 per cent of these arrests result in death.

He estimates the center has about five anesthesia deaths a year.

Asked about these figures, Dr. Solomon N. Albert, another anesthesiologist at the center, said, "Let him document it." When asked what the death rate is, Dr. Albert said, "I don't know it off hand. It isn't so much."

One problem in anesthesiology, says Samuel Scrivener Jr., president of hospital center, is that many anesthesiologists trained in foreign countries can't speak English well. This is particularly true of Koreans, Dr. Gould says, while some anesthesiologists from Japan speak English well.

Instant communications between anesthesiologist and surgeon are essential throughout an operation, says Dr. Gould. Referring to the language problem, Dr. Gould says, "If the question requires a 'yes' or 'no' answer, they're OK, but if it involves an explanation, they need help."

Scrivener says he is concerned about what he calls the problem in anesthesiology, and says he wants to do something about it, but he declines to be more specific. Richard M. Loughery, administrator of the center, said he knew of no problem in anesthesiology.

One problem known to worry hospital center officials is a lawsuit brought against the center, its anesthesiologists, and a surgeon over what counsel for the center and for the plaintiff agree was permanent brain damage and partial paralysis of a 5-year-old boy who entered the center in 1968 to have his tonsils and adenoids removed.

The boy's heart stopped during the operation, and his father, George W. Rose, alleged in the suit that the cardiac arrest and subsequent complications immediately following the surgery were caused in part by the negligence and lack of care of the anesthesiologist.

The center's anesthesiologists paid Rose $175,000 in a settlement. A subsequent seven-week trial resulted in a judgment against the hospital center of $294,777, but the sum was later reduced to $25,000 during the course of an appeal. The surgeon, who also settled out of court, paid $95,000.

The suit was filed against Associated Anesthesiologists, the partnership that supplies the center with anesthesiologists. Like the center's pathologists and radiologists, these doctors agree to service the hospital in return for a portion of the profits of their department.

Last year, the 12 partners of the group received $1.3 million from the center, or an average of $105,000 per man, hospital records show.

The $1.3 million payment was made after the salaries of residents and other employees, as well as most of the expenses of running the anesthesiology department, were taken out of the total income the department received from billing patients during the year.

However, Dr. Lowenthal said the 12 partners in addition paid the salaries of five anesthesiologists and of several other employees, and also paid for some equipment, out of the $1.3 million they received.

Dr. Lowenthal declined to say how much that left each partner or how the money was split up. Dr. Albert, while also declining to give specifics, said some partners got more and others less. He said he personally received less than $100,000 last year.

Dr. Gould says such profit arrangements are a "vicious practice" because they give the doctors who are involved in the arrangements an incentive to reduce costs by hiring fewer doctors at lower salaries in order to increase the payments they receive.

Another problem, says Dr. Reba, is that hiring doctors as independent contractors reduces their commitment to the hospital, and this affects medical quality.

Dr. Reba himself receives a small percentage of the profits of his department at what he says was the insistence of the hospital's administrator, Loughery. Most of Dr. Reba's compensation is from salary.

Dr. Albert says the problem isn't the method of payment but the lack of supply of good anesthesiologists. Doctors say that M.D.'s find greater satisfaction in specialties that deal more directly with patients and their problems. Dr. Gould says that because of the shortage, many hospitals use nurse anesthetists to give anesthesia.

—RONALD KESSLER.

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### A CHECK-UP ON THE HOSPITAL BUSINESS

Since nearly everyone has had at least a passing encounter with a hospital at some point, it doesn't surprise us that the recent penetrating series by Washington Post staff writer Ronald Kessler on "The Hospital Business" has generated a heavy reader reaction. What is interesting is the pattern of the comments we've received so far: Including three letters appearing on the opposite page today, there have been 18 responses published and, without exception, those that take issue with Mr. Kessler's reports have come from members of the medical profession or people directly connected with the hospital industry here.

The series, based on four months of reporting and research, outlined the ways in which administrative abuses and conflicts of interest have been padding the cost of medical attention. Basically, the articles disclosed a string of highly questionable—if not illegal—financial dealings involving some of the area's largest banks and businesses; and the reports spelled out how some of these mutually beneficial transactions have been reflected in patient bills that bear no relationship to the actual cost of providing medical services. Furthermore, the series outlined instances of downright favoritism, including free care to the rich and an absence of competitive bidding. Above all, these abuses were found to be shielded to a disturbing extent by a lack of public accountability.

A majority of the ensuing letters to the editor has expressed strong concern over these revelations. Many have urged official investigations and legislative reforms to curb the administrative practices that have contributed to skyrocketing hospital costs. In addition, Sen. Edward M. Kennedy (D-Mass.) and Rep. Benjamin S. Rosenthal (D-N.Y.) each cited the series as evidence that consumers deserve stronger reassurances about the way health care is dispensed and priced.

For the most part, critics of the series have taken issue not with the thrust of Mr. Kessler's report, but with the manner in which facts were presented. For example Dr. Nicholas P. O. Smyth protested because one article, which quoted him, said, "Anesthesiologists normally are assigned to operations through a random rotation process, but another former chief of surgery at the (Washington Hospital) center, Dr. Nicholas P. D. Smyth, says he rejects the anesthesiologists normally assigned and selects his own when the operation to be performed is a major one or when the patient is old or sick." In his letter published Nov. 11, Dr. Smyth stated that he has indeed selected anesthesiologists "of my own choosing"—but did it in advance, "Well before the assignments are made." Thus, said the doctor, "No rejection of any anesthesiologist is therefore involved since no assignments have yet been made . . ."

Dr. Smyth then concluded that Mr. Kessler was guilty of a "deliberate distortion." Yet neither Dr. Smyth's statement nor the account of it said that he had rejected any particular anesthesiologist.

In another letter today, Frederick L. Church Jr. quarrels with the description of his connection with the Hospital Center and the hospital's dealings with his bank. Yet we fail to see any difference in his account of the facts and that in the series. Indeed, we have seen no convincing challenge of any of the facts documented by reporter Kessler.

But the most troubling aspect of the complaints about Mr. Kessler's series is the general lack of concern within a system that allows conflicts of interests, monopolistic practices, huge salaries and private policy decisions in institutions built with and supported by public money—for care of the public. People "on the outside" of the hospital business are no longer content to entrust health care to interlocking, private groups which feel no compulsion to change their practices to win public trust.

That is why we are heartened by today's statement from Samuel Scrivener Jr., president of the Washington Hospital Center, who says that, "if, after careful study, the published stories reveal anything requiring correction, correction will be made." As we noted previously, what we are talking about is a matter of enormous importance to this community—and for prospective hospital patients and just plain taxpayers, a matter of tremendous concern.

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WASHINGTON.

As President of the Washington Hospital Center, I believe that we have a responsibility to the people of this area, and that they are entitled to hear our response to the recent articles in the public press and to judge whether we have discharged our responsibilities honestly and well. We believe that we have done so.

No trustee or employee of the Washington Hospital Center derives any income except for services openly and honorably rendered, at the going rate or less, and without adding to the charges or prices paid by patients. In the past, policies were followed (such as the ratio of checking account balances to current liability balances) which were fully justified and proper at the time. But other policies have now been adopted without derogation of the earlier policies and long before publication of articles about this hospital. This is true of many aspects of our busy, ever-changing hospital, as it is of any dynamic business. If, after careful study, the published stories reveal anything requiring correction, correction will be made.

Our primary concern is to provide the best medical care at proper prices. As the stories pointed out, we are far from the most expensive hospital in this area. Our medical, surgical and ancillary departments have the full support and confidence of the trustees, administration and employees of the Center. Apparently, they also have the support of the physicians and public, as our bed occupancy is as high now as at any time in the past six months.

Some of the stories critical of certain of our medical services were based on statements purported to have been made by physicians on our staff, and each of these doctors has written a letter to the editor, denying or setting these published remarks in proper context. We are responsible people and we would not tolerate medical situations as alleged in the published stories.

Out of our operating budget we have provided medical services to the poor and needy. In the first nine months of this year we lost close to $1,800,000 by providing free services. This included close to $1,000,000 in services only partially supported by the federal and District of Columbia governments.

Our statistics for the first nine months of this year are:

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| Bed patients admitted | 24,260 |
| Outpatients treated | 102,287 |
| Births | 2,341 |
| Surgical operations | 15,053 |
| Interns in training | 46 |
| Residents in training | 147 |
| Student nurses | 240 |
| Employees | 2,800 |
| Physicians on active staff | 544 |
| Gross receipts | $31,078,898 |
| Adjustments of all kinds | $4,190,626 |
| Net loss 1st 9 months 1972 | $228,890 |

Population growth in the metropolitan area has increased referrals to the Hospital Center from smaller suburban hospitals, especially for serious cases. We believed, and still do, that our responsibilities are both those of a downtown neighborhood hospital and also those of an area medical center providing the complicated, sophisticated equipment and services not available at most other hospitals in the Washington area.

May we leave a few thoughts with you:

1. We do provide quality medical care.
2. Our prices are fair.
3. The public has confidence in us. Our bed census is as high since the articles were published as at any time in the past six months.
4. If we find or learn of anything that should be corrected, it will be corrected, as has been our practice since 1958.
5. No institution, public or private, achieves perfection. However, the Center will never cease trying, and in doing so the published articles will be carefully reviewed to determine what aspects of our hospital operations may be improved.

SAMUEL SCRIVENER, Jr.,
*President, Washington Hospital Center.*

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WASHINGTON.

In order to contribute to a better understanding of the health care industry, I was asked by the administration and board of trustees of the Washington Hospital Center to speak with a Post reporter. Some remarks attributed to me concerning the competence of the anesthesiologists of the Hospital Center were misinterpreted and taken from context and, therefore, were misleading. In any sizeable group there is bound to be a spectrum of quality of performance. Since I am a specialist in Internal and Nuclear Medicine I may not be able to completely evaluate those especially trained and certified in specialties other than my own. I asked my daughter's surgeon to personally select the anesthesiologist and wanted assurance that he would obtain someone that he could rely on for the specific task—in fact, to this day I do not know the name of the anesthesiologist who was in attendance.

As Mr. Kessler wrote in his first article (Oct. 29) "(the Center) has built a reputation among doctors and independent health experts for giving above-average medical care in the Washington area." The quality of medical care at the Hospital Center is outstanding and the non-question of physician competence should not diffuse nor direct our attention away from the important matters that were brought to our attention. I agree with Mr. Scrivener, president of the board of trustees, who is quoted as saying "if more serious abuses are found, I hope you will publish them and we will take action to cure them." I believe that a year or two from now this medical institution and the medical profession will look back on this period of self-assessment and reappraisal as another opportunity to further the continuous effort to maintain our high standard of service to the public.

RICHARD C. REBA, M.D.

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WASHINGTON

I have read carefully and with deep concern the series of articles by your staff writer, Ronald Kessler, and the editorial in The Post of Nov. 6 concerning the Washington Hospital Center. High hospital costs adversely affect many of us as individuals and we share the general view that every effort should be made to keep in bounds and lower them. It seems unfortunate that the contribution which The Post and your staff member have made to the review of hospital problems in our city has been in part invalidated by lack of moderation and perception.

Only two sentences in your editorial of Nov. 6 deal with the Riggs National Bank and your primary premises are not true. You comment to the effect that upon my addition to the Endowment and Investment Committee of the Hospital Center, the committee changed its policy in order to purchase the stock of our bank in the over-the-counter market. The fact is that I became a member of the committee in March, 1959. The Investment policy for the General Investment Funds account in question was fixed by the committee in its meeting of November 10, 1959, incident to the pending receipt of the initial securities and cash for the account which was opened on November 20, 1959. This being the initial policy determination and action in the account, obviously no prior policy therein was changed.

In this initial action the committee rounded out four preferred stock holdings and five common stock holdings received from one of the three hospitals which joined together to form the Hospital Center. These round-outs included the purchase of 25 shares of Riggs stock at a cost of $4,000 on which shares the Hospital Center received an aggregate of $2,006 in dividends during the period in which they were held as well as a $1,114 capital gain upon sale partly in 1970 and partly in 1971.

Your editorial states that the committee had signed a contract with Riggs to manage the Hospital's investment accounts. This is not true. The management rests within the Endowment and Investment Committee of the Hospital Center and the agreement with Riggs specifically provides that the bank shall not have investment supervision of the investments or cash held but shall only have custody of the investments and perform ministerial activities in connection therewith.

It is regrettable that your editorial suggests some cloud upon over-the-counter securities and fails to indicate that in 1959 the primary market for most bank and insurance stocks and, in fact, for various sound industrial stocks was over-the-counter. Your attention is invited to the substantial list of over-the-counter market quotations which today appear in the financial press.

Except as to one matter it would not serve a constructive purpose for me to elaborate on or take issue with the comments of Mr. Kessler. I do greatly regret that he chose to refer to a holding of Riggs stock by a member of my family and therefore point out that at the time of purchase of the 25 shares of Riggs stock in the General Investment Funds account in 1959, that this family member owned 7 shares of Riggs stock having a market value of $1,120. Such holding had no relationship to a $4,000 purchase in an institutional investment portfolio.

Both you and your readers should know that the financial advantage to our Trust Department from its relationship with the Hospital Center is slight, if any, and, of course, from a personal standpoint, I serve without compensation as a trustee and committee member. The Hospital Center pays a reduced charitable fee and receives ministerial services in excess of those called for by its agreement with the bank. Aside from the charitable interests of members of Riggs' staff and the fact that we live here, the bank's primary interest in serving the Hospital Center is that Washington is the physical situs of Riggs. The bank has the longer range purpose of endeavoring to improve the quality of life in the city for the sound business reason of maintaining and improving the base for its own operations.

FREDERICK L. CHURCH, Jr.,
*Executive Vice President-Trusts, The Riggs National Bank.*

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### HOSPITAL CENTER OFFICIALS USED CONNECTION TO REAP PROFITS—III

(By Ronald Kessler)

It was the old American success story. A Cuban immigrant, penniless after fleeing the Castro regime, turns an idea into a $2-million-a-year company that plans to sell stock to the public.

But in this story, the immigrant, Jose A. Blanco Jr., had more than an idea. He also had a large, first customer for the services his company would offer. The customer showed no signs of wanting to haggle over the price for the services. Indeed, the customer was convinced that only Blanco could do the job.

The reason is understandable. The customer was Blanco.

It was 1970, and Blanco was controller and an assistant administrator of Washington Hospital Center, the Washington area's largest private, nonprofit hospital.

Blanco, who was in charge of data processing, decided the existing facilities at the hospital for billing, keeping track of patient records, and accounting through the hospital's computer were less than adequate. He decided the best solution was to hire a private, outside company to provide these services. And he decided he would start the company he needed.

While making $39,000 a year as a full-time employee of the hospital center, Blanco formed Space Age Computer Systems, Inc., to provide data processing services to hospitals. The firm's first customer was the hospital center, and other customers quickly followed.

If there was ever any question that the center would go along with the idea, it was quickly dispelled when Blanco's boss, Richard M. Loughery, administrator of the hospital, accepted stock free of charge in the new company, and became one of its directors. Blanco concedes that five other administrative officials of the hospital, including the assistant controller and the internal auditor, bought stock in Space Age at $1 a share.

To further help the new company along, it was given $50,000 by the hospital. The payment was described as a "deposit."

Blanco and Loughery say they see no conflict of interest in their dual roles and say they did nothing wrong.

After The Washington Post began investigating Space Age and its relationship to the hospital center, the hospital's board of trustees ordered Loughery and the other assistant administrators to give up their stock in Space Age. Blanco was dismissed as controller of the hospital and was made a consultant to the center for a year. Samuel Scrivener Jr., the center's president, says competitive bidding will now be sought on the data processing contract.

How Blanco and Loughery were able to start a private company using hospital center funds, and the effect that this had on the center's operations, provide an example of the lack of public accountability of hospitals and give insight into why hospital costs have risen since 1965 at four times the rate of other consumer prices.

About a third of Washington Hospital Center's operating budget comes from the federal government through Medicaid, Medicare, and other federal health programs. Its $24 million building was constructed with a congressional appropriation, and the center has since received more than $1 million in federal funds for new buildings. It also receives additional public subsidies through federal and local tax exemptions and charitable contributions.

Despite the federal presence, the hospital center and other hospitals like it throughout the county are unregulated and report only to themselves.

"They're public institutions and they ought to be above suspicion, but you'd never know it from the way they operate," says Herbert S. Denenberg, the Pennsylvania insurance commissioner who has investigated hospital finances. Denenberg calls the lack of controls over hospitals "unbelievable."

"There's no such thing as a nonprofit hospital," says Marilyn G. Rose, head of the Washington office of National Health and Environmental Law Program, a federal legal aid program. "The money goes to the staff, trustees and administrators through high salaries and various arrangements," she says.

Officials of the Social Security Administration, which administers Medicare, the government health insurance program for the aged, say it is not uncommon for hospital administrators or trustees to own companies that supply goods or services to the hospital. Such transactions are known as self-dealing. The agency refuses to disclose the identities of the hospitals on the grounds that such disclosure is prohibited by law.

Medicare regulations allow self-dealing transactions under certain conditions. If the conditions aren't met, Medicare will reimburse the hospital only for the actual cost that the private company incurred in supplying the hospital. One Washington area hospital accountant says the self-dealing transactions often aren't found by Medicare auditors.

"Basically they just add up the numbers (in the hospital's reports on its costs)," the accountant says.

Blue Cross, the largest private hospital insurance plan, also allows self-dealing transactions between hospitals and their administrator or trustees in most of its contracts with hospitals. Blue Cross, through Group Hospitalization, Inc., the local agent for the plan, raised one objection to the Space Age arrangement: that the contract with Space Age hadn't been approved by the hospital center's trustees.

Before Blanco became controller of the hospital center, he had taught business courses and raised cattle in Cuba, and later participated as a part of the landing force in the abortive Bay of Pigs invasion in April, 1961. A certified public accountant with a quick mind and professorial approach, Blanco became controller of Methodist Evangelical Hospital in Louisville in 1961. He was a consultant to the hospital center before he became its controller in July, 1967.

In that same month, Blanco, his brother, and another Cuban expatriate started their first commercial venture—a business billing company. At the time, Blanco was a full-time employee of the hospital center.

Three years later, Blanco found the center's existing computer system lacking and decided he would supply the services he thought were needed.

Normally, hospital controllers are responsible for running a data processing department as part of their duties, but Blanco saw his duties as controller differently.

"What I know in my brains is mine. I am paid to be controller of Washington Hospital Center—that's it," he said, indicating the job doesn't entail supervising data processing.

There was little doubt the center's key officers would approve the plan. Loughery, the hospital administrator, accepted free stock in the new company and became one of its directors.

The president of the hospital at the time, Thomas H. Reynolds, said he felt the center could get a better deal on a contract if it was with an employee of the hospital.

"Their jobs are on the line," said Reynolds, who retired last year as an American Security & Trust Co. vice president and second man in charge of its trust department.

Finally, the man who was then treasurer of the hospital, and to whom Blanco reported on financial matters, also raised no objections. The former treasurer, Samuel T. Castleman, then also an American Security senior vice president, was made a director of Space Age and given an option to buy 10,000 shares of its stock at $1 a share.

Castleman, now an executive vice president of a merchant banking firm in the Bahamas, said he never exercised his right to buy Space Age stock, and he said he saw no conflict between his duties as treasurer of the hospital and as a director of Space Age.

Castleman and Reynolds were two of the four trustees who gave formal approval to the Space Age contract and agreed to give Space Age $50,000 as a "deposit." Reynolds described the four as the members of the center's executive committee minus its doctor members. He said doctors are "totally lost" in dealing with financial matters.

Other trustees who later found out about the approval said it was given by a "rump" session of the executive committee. All but one of the four were themselves doing business with the hospital center.

The $50,000 was to represent the payment for the last month of the Space Age contract, if the contract was ever terminated. Blanco last year returned the money to the center, without paying interest on it, because he said he had been advised he would have to pay taxes on it. He said he still wants the money, but in a nontaxable form.

If Blanco had paid 8 per cent interest on the money, it would have yielded the Hospital Center $4,000.

Blanco claimed such a deposit is common in the hospital data processing business. Other companies, asked about this, said they had never heard of a deposit.

One company, McDonnell-Douglas Automation Co. in St. Louis, said it makes an installation charge when new equipment is needed or employees must be trained.

Blanco did not have these problems. The employees in the hospital center's data processing department were simply switched to the Space Age payroll. The leased International Business Machines computer already at the center was taken over by Space Age, although the lease continued to be in the center's name.

This way, Space Age could take advantage of the average 20 per cent discount IBM gives the hospital center as a nonprofit institution. Space Age, which must pay for the computer rental, thus cut 20 per cent from its most important cost of doing business. Blanco says IBM is aware of this arrangement.

Before the four hospital trustees approved the Space Age contract, Loughery obtained a letter from Arthur Andersen & Co., the center's longtime independent public accountants, saying the new contract would save the center money when compared with the existing in-house data processing department.

Efforts to obtain a copy of the letter from the center were unavailing.

A number of hospital trustees say they feel Andersen is too close to the center's administration, which hires the accounting company each year. An Andersen analysis "would not necessarily satisfy me," said C. Thomas Clagett Jr., a center trustee who is a coal company executive.

Several former employees of the hospital's business office say Andersen typically sent junior accountants to audit the center's books, and they "just went through the motions" and readily accepted Blanco's explanations to their questions.

Scrivener, the center's president, said the hospital now is considering hiring another firm to go over the center's books.

Andersen declined to comment.

Blanco asserted that what he charges the hospital—$2.25 for each day each patient is hospitalized—is lower than what other companies charge. When extra charges Space Age makes are included, Blanco's rate is $2.43 per patient day.

McDonnell-Douglas in St. Louis charges $3.50 to $4.50 per patient day, or nearly twice the Space Age rate. But another company, ADP Hospital Services, Inc., in Baltimore, charges $1.45 per patient day, with no installation or deposit charge.

Fairfax Hospital, the area's second largest private hospital, says its own employees provide computer services at a cost of $1.50 per patient day.

Blanco's two hats, as controller of the hospital and president of Space Age, presented other difficulties. Blanco the controller had the responsibility of insuring that Blanco the Space Age president paid his rent for use of office space in the center's Physicians Office Building, did not overcharge the hospital, and got paid the correct amount.

Blanco, the Space Age president, and other Space Age employees under him, decided when the hospital's requests for special computer analyses went beyond what was provided in the Space Age contract and what the extra charge for these analyses would be. Sometimes the request for these special analyses was made by Blanco the controller.

"It used to crack me up that a controller could essentially write his own check (to himself)," said one former employee of Blanco the controller.

Other former employees say Blanco spent the majority of his time on Space Age business, ignoring hospital problems for weeks or altogether because he was too busy flying around the country looking for new Space Age customers.

"The hospital became a base of operations for Blanco. The guy was almost never there. Sometimes it was comical," a former employee said.

Blanco says he spent as much time as was necessary to carry out his hospital duties.

One of the most important duties of a hospital controller is to police accounts receivable. These are the bills owed by patients. By sending out frequent bills and following up with systematic telephone calls, a hospital can speed up payments, cut down on delinquent accounts and save its patients money.

A hospital's success in dealing with its accounts receivable is measured by the average number of days before a bill is paid. By this standard, the center's bills took an average of 86.6 days to be paid at the end of last year, compared with 74.1 days for all hospitals and 65.7 days for all Northeast teaching hospitals, American Hospital Association statistics show.

While all other hospitals were owed an average of $3.9 million at the end of the year, the center was owed $9.4 million, statistics show. And while all other hospitals had written off as bad debts $523,000 of these bills, the center wrote off as uncollectable $3.2 million.

A hospital loses money each day that a bill is not paid, either in interest it has to pay out on loans or interest it would have received from bank accounts or investments if the bill had been paid.

Comparing the center with other Northeast teaching hospitals, the category the center prefers to compare itself with, the loss of interest at 5 percent and extra cost to patients because of the center's slow payments came to 44 cents on the average daily patient bill, or $3.43 on the total average patient bill.

Blanco says he doesn't agree with the AHA's method of comparing accounts receivable, but he concedes he hasn't yet come to grips with the problem. "It's a matter of priorities," he says.

Another area that former employees say Blanco couldn't find the time for was collection of bad debts. When it appears patients won't pay, their accounts are typically handed over to collection agencies, which use more aggressive collection methods and charge 40 per cent to 50 per cent of what they collect as their fee. The renter paid $68,000 in these fees last year, or $2 on the average total patient bill.

Former employees say the choice of which accounts to hand over and which collection agencies got the business was left to chance more than anything else, and the result was that some of the business went to particular companies because of kickbacks they offered.

"I had 12 offers of this type (kickbacks) in one year," said Nicholas R. Beltrante, a former Credit Bureau, Inc., collection manager, who was the center's collection manager for about two years.

An example of an offer: an agency collects $10,000 a month and gives $100 to the employee who gives it the business, Beltrante says.

Another former hospital center credit official says, "I've seen guys (collection agency salesmen) give out $100 bills. One guy in patient accounts got a $100-a-month salary as a kickback."

The president of one local collection agency, Neal J. Frommer of Lincoln Adjustment Co., estimated about one-third of local collection agencies give kickbacks that range from a trip to the South Seas to payments on a Cadillac.

Former employees of Blanco also say he typically changed the figures on the center's books after they came out of his computer each month to make the accounts receivable and bad debts look more favorable to the center. Blanco said he only made standard accounting changes in allowances for these expenses to reflect changed conditions.

Loughery said he doesn't know anything about any kickbacks, and he said he favors Blanco's method of measuring accounts receivable. He said there was "nothing wrong" with accepting stock in Space Age because "it was worthless, it never paid anything."

Blanco said that although the stock hasn't paid dividends or been traded, he expects it will rise in value when the company goes public. He declined to say how much stock Loughery and other hospital officials got, or to show the Space Age stockholder list, saying it was his private business.

Despite Loughery's claim that the stock was worthless, he expressed considerable anger to this reporter at having to give it up, and a number of trustees said that whether the stock had paid dividends was beside the point. The conflict, they said, was that Loughery's ownership of the stock gave him an interest in furthering the business of the company at the expense of the hospital.

"It (the Space Age arrangement) really shakes me," said Frederick L. Church Jr., a Riggs National Bank executive vice president and hospital center trustee, who is himself involved in a conflict because his trust department does business with the hospital.

At one point, Scrivener, the hospital president, criticized Loughery for accepting stock in Space Age and allowing Blanco to start the company under the hospital's umbrella. Loughery's reply, according to Scrivener, was that the trustees are as involved in conflicts of interest as he was.

Indeed, Scrivener himself received $1,295 in legal fees from the hospital center in 1969 and 1970. He said there was nothing wrong with taking the fees.

At another point, Scrivener told Loughery by letter to stop opening mail addressed to Scrivener at the center. Loughery's comment, made to this reporter: "If anybody wants to write him personally, they know his downtown (law office) address."

The exchanges illustrate the sometimes less than cordial relations between the two men. For most of the hospital center's existence, Loughery has had a relatively free hand as administrator, but since becoming president in January, 1971, Scrivener has countermanded many of Loughery's decisions and tried to open up the decision-making processes of the hospital.

He has invited trustees to attend meetings of the executive committee, which previously acted with little consultation with other trustees. After The Washington Post began its investigation of the hospital's financial affairs, Scrivener asked all trustees, administrators, and medical officers to disclose on a form any conflicts of interest they may have.

While Scrivener has emerged as a strong man at the center, there has been growing disenchantment among other trustees with Loughery.

"He's a smarty, but his blindnesses are colossal," said one trustee who asked not to be named.

Loughery, 52, had been administrator of Garfield Memorial Hospital when it was one of the three institutions to merge to form the hospital center. Loughery has been administrator of the center since 1959.

A former Marine Corps captain, he is respected in the hospital industry and has testified in Congress on behalf of the American Hospital Association.

Talks with trustees, doctors, and employees of the hospital elicit entirely different portraits of Loughery. One is that of a driving, efficient, to-the-point administrator who watches the cash register, keeps the doctors in line, and is smart enough and sophisticated enough to be a corporate executive.

The other is that of a petty, arrogant, ruthless empire-builder who is careless with the truth and lacking in good judgment.

Loughery is paid $55,366 a year, more than the typical hospital administrator, and he receives several unusual fringe benefits: use of a Ford LTD Brougham purchased for him by the center and a total of $16,000 to be paid for the college education of his four children. He also got $12,382 last year in hospital contributions to his retirement and other benefits.

Loughery lives in McLean and has a summer house with a swimming pool in Kinsale, Va. He has spent a total of $13,000 for additions to his McLean house, construction permits indicate.

Loughery said one of the additions was financed with an American Security & Trust Co. loan at the "prime" interest rate. The prime rate is normally given only to the most credit worthy national corporations. Asked about this, he said he meant to say it was the "going" rate.

He said he has lost the loan agreement, and John E. Sumter Jr., the American Security senior vice president who is a trustee and treasurer of the hospital, said he didn't want to look up the record at the bank because it would be too difficult.

Loughery also said he owned stock until several years ago in Marriott Corp., which has managed the center's food service without competitive bidding on the contract since the hospital was opened.

Last year, Loughery asked the center's legal counsel, Hogan & Hartson, to explore the possibility of converting the center to a profit-making institution with stockholders. Hogan & Hartson, pointing out all the federal funds that have been poured into the center, said it would be "impracticable."

Loughery said he only wanted to avoid federal regulations, not make profits for himself.

When told of the idea, the person probably most responsible for founding the hospital center, Mrs. Lowell Russell Ditzen, said, "I'm amazed Loughery would even consider trying that."

Mrs. Ditzen persuaded her late husband, Sen. Millard E. Tydings of Maryland, to introduce the bill that gave the hospital center its building.

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### PATHOLOGISTS: MORE PROFITS, MORE PAY—MAKING $200,000 A YEAR—IV

(By Ronald Kessler)

In the basement of Washington Hospital Center is the relatively modest office of a man who makes approximately $200,000 a year.

The man, Vernon E. Martens, is not the head of Chrysler Corp., Time, Inc,. Safeway Stores, Inc., or Dow Chemical Co., whose chief executives make about what Martens is paid.

He is not the head of the hospital center, whose administrators get about a quarter of Martens' pay. He is not the head of one of the center's major medical departments, whose chiefs also get about a quarter of Martens' compensation.

Martens runs the hospital center's laboratory, which analyzes patient tissues. He is a medical doctor in the field of pathology, the study of human diseases and tissues.

As hospital pathologists go, Dr. Martens is not particularly well paid. Congressional testimony and interviews with hospital administrators and accountants indicate many make $300,000 a year and at least one in the Washington area makes $500,000 a year.

Nor are pathologists the only ones so favored. Hospital radiologists, who interpret x-ray photographs, and anesthesiologists, who administer anesthesia during surgery, are similarly well compensated.

The reason they are is one of many illustrations of why it costs $170 a day to be hospitalized at an institution like Washington Hospital Center and why hospital costs have risen at about four times the rate of other consumer prices since 1965.

Dr. Martens says what he makes is his own business, and he declined to confirm or deny the $200,000 figure (which is based on hospital records and talks with other pathologists who work for him) or to say whether he thinks he is worth $200,000.

Testimony before the Senate Antitrust and Monopoly Subcommittee, a 1967 Justice Department suit against the pathologists, and interviews with hospital administrators and accountants and pathologists indicate a simple explanation for the high compensation.

The pathologists and other hospital medical specialists have a monopoly on the services they offer, and they use it to force hospitals to give them an unusual form of compensation.

Instead of working on straight salary, they insist upon being paid a percentage of the profits of their departments, which are among the most profitable in a hospital.

For pathologists, the payment is either a percentage of the net profits or of the gross income of the hospital laboratory. This money otherwise would go into the general funds of the hospital and reduce charges to patients.

The compensation that results from these arrangements is "appalling," says Dr. John F. Gillespie, a heart surgeon and medical consultant who says he has studied the arrangements at a number of local and national hospitals.

Dr. Kenneth J. Williams, medical director of the Catholic Hospital Association, says the lack of any ceiling or control on pathologists' compensation "borders on the scandalous."

Dr. Ernest A. Gould, a Washington Hospital Center trustee and former chief of its medical staff, calls the percentage of profit compensation method a "vicious" practice that gives doctors an incentive to cut costs to the point where medical quality suffers.

Indeed, many doctors at the hospital Center say the departments with the most problems generally are the ones where the doctors are paid out of profits from the departments. These problems are particularly acute in the anesthesiology department.

This is how the practice works:

Pathologists are given what many experts call a monopoly on hospital laboratories under a principle laid down by the Joint Commission on Hospital Accrediation, which gives hospitals their coveted accreditation. The principle: hospital laboratories should be run by pathologists.

Whether this is justified is questioned by many experts who say a hospital laboratory is much like a manufacturing plant; most of its work is concerned with testing blood, urine, and other patient samples with automated machinery, and this process should be administered by a technician skilled in efficient management methods and quality control.

Doctors in private practice generally send patient samples to independent, commercial laboratories that often are run by technicians or biochemists. These labs hire pathologists on salary to perform the work that only they can do—analyze tissues and give interpretations of test results to doctors when requested.

A 1969 Northeastern University study supported by the U.S. Public Health Service concluded that costs to patients in hospitals are raised by "inefficient management" and "often backward methods" of laboratories run by pathologists who lack management skills and have no desire to learn them.

Pathologists counter that a laboratory not run by a pathologist does poor work. However, several pathologists, including Dr. Martens, conceded that they have no evidence to support this contention.

Whatever the justification, hospitals are bound by the accrediting group to put pathologists in charge of their laboratories. Pathologists, in turn, refuse to work in the laboratories unless they are given a percentage of the profits.

Until 1969, according to a Justice Department suit against the College of American Pathologists, the specialty's professional group, accepting a salaried position with a hospital was cause for possible expulsion from the group.

The college's canon of ethics included this rule: "I shall not accept a position with a fixed stipend in any hospital . . ."

An exception was made for those hospitals run by the local, state, or federal governments, presumably because laws would prohibit government institutions from giving profits to individuals.

In practice, there was, and is, another exception. Pathologists will work on salary for a university hospital. The result, says Dr. Gillespie, is that pathologists of equal qualifications work for $28,000 to $40,000 for university hospitals but receive $200,000 and more from general hospitals.

The College of Pathologists agreed in 1969 to omit the antisalary canon and other rules from its ethics as part of a settlement of the Justice Department suit.

The suit charged that pathologists had illegally forced patients to pay "excessively high prices" for lab tests by agreeing, often in writing, to a series of monopolistic practices.

Among them: boycotting hospitals that refuse to pay pathologists a percentage of profits, agreeing not to accept a hospital position unless the pathologist already occupying the slot is consulted, boycotting commercial laboratories not owned by pathologists, and agreeing not to compete by reducing prices.

The pathologists denied the charges, contending in part that they are not engaged in a business or commercial enterprise subject to the antitrust laws. Rather, the pathologists said, laboratories are "necessary instrumentalities utilized by physicians . . . in the course of their practice of medicine."

The pathologists agreed to stop many of the practices complained of without admitting the allegations. However, hospital administrators say little has changed since the consent decree was filed.

"Now they use the velvet glove approach," says Richard M. Loughery, administrator of the hospital center.

"We pay or we get no service," says Samuel Scrivener Jr., a lawyer who is president of the hospital center.

Would the hospitals agree to the excessive compensation if they were private businesses owned by stockholders? The situations cannot be compared, Scrivener says.

Dr. Martens' compensation last year cost each patient entering the hospital center an average of 79 cents a day, or $6 on the average total bill.

Last year, he was given $429,595. This represented 28 per cent of the net profit of the lab after salaries, supplies, bad debts, and discounts to third party insurers had been deducted from the lab's gross income from patients of $4.8 million.

Out of his payment, Dr. Martens says, he paid about $24,000 for additional salaries of residents or interns, and he paid the salaries of the five other pathologists working for him at the time.

Talks with these doctors indicate their salaries fit the pattern of hospital lab compensation throughout the country; a relatively high salary of $65,000 for the second man in charge and salaries of $25,000 to $35,000 for the less senior pathologists.

The sum left over for Dr. Martens: a minimum of $200,000.

Despite the $6 that the average hospital center patient pays for Dr. Martens' services, Dr. Martens concedes he has little to do with the bulk of the work of the lab. Most of this work consists of chemical testing, a task performed by technicians who stamp the name of Dr. Martens or another pathologist on the test report given to the physician requesting the test.

Nor is Dr. Martens always at the lab. Despite the $200,000 he earns there, he works at the hospital center job only part time; he has a similar position at Hadley Memorial Hospital, where he is paid a percentage of the gross income of that hospital's laboratory. (Hadley refused to say how much Dr. Martens is paid there.) He also operates farms in Virginia.

In contrast to the College of American Pathologists' claim that hospital laboratories are not a business. Dr. Martens maintains that he is a businessman who provides services to the hospital, much as a catering company may run a hospital cafeteria.

Other experts take issue with this position, saying that unlike a catering company that has a franchise at a hospital, a pathologist gets the right to operate a hospital's laboratory without competitive bidding, without rent for space the laboratory occupies, and without the normal risks and competitive forces of a business, since a hospitalized patient cannot take his business elsewhere.

The hospital lab is "strictly a monopolistic, money-making proposition," Dr. Edward R. Pinckney, a Beverly Hills, Calif., pathologist, has testified before the Senate Antitrust and Monopoly Subcommittee. He says prices to patients could be considerably reduced if hospitals hired independent laboratories to perform tests.

A comparison of prices charged for the same tests by Washington Hospital Center and two local, independent labs bears this out:

| Test | Hospital center | Lab A | Lab B | Average difference (percent) |
|---|---|---|---|---|
| Routine urinalysis | $5 | $2.50 | $1.00 | 186 |
| Complete blood count | 7 | 3.75 | 2.00 | 143 |
| Pregnancy test | 11 | 3.75 | 3.50 | 204 |
| Mono test | 6 | 3.50 | 5.50 | 33 |
| Routine tissue | 18 | 10.00 | 15.00 | 44 |
| 12 channel (SMA 12) | 25 | 5.00 | 5.00 | 400 |

Lab A is National Health Laboratories, Inc., Arlington, and lab B is Washington Medical Laboratory, Inc., Falls Church.

The average difference shows the additional price that hospital center patients pay when compared with the average price of the two independent labs for the same test.

The independent lab prices are those charged to doctors, who generally draw samples themselves. National Health Labs estimates it could perform all the functions of a hospital lab for no more than an additional 25 per cent on its regular prices.

Why don't hospitals use independent labs to cut charges to patients?

Dr. Jacques M. Kelly, head of National Health Laboratories, Inc., says that despite the 1969 Justice Department consent decree, pathologists continue to have a "lock" on hospital labs and an "ex officio" agreement that they won't do business with an independent lab, unless they own it.

Several years ago, Dr. Kelly says, his company offered to run tests for Washington Hospital Center at what he says would have been substantial savings to patients. For example, he says, he could bid a maximum price of $3.50 to perform the 12-channel blood test, compared with the current $25 price at the center.

"They had no interest," he says. "To try again would be an exercise in futility."

One reason independent labs are able to charge lower prices is that they are largely automated. The 12-channel test—which measures 12 ingredients ranging from glucose to protein in blood—is performed by a $75,000 machine that does at least 60 blood samples an hour.

Dr. Martens says he hasn't bought such a machine for his lab because there still are problems with "balancing" it.

The Northeastern study suggested another reason. It says that the machine saves so much labor that it would pay for itself in a week if run eight hours a day. But the study says hospital labs often don't buy the machine because the expenditure would come out of the pathologist's compensation. The salaries of technicians who perform the same test by hand, the study says, are paid for by Blue Cross and other third-party insurers.

"Thus there is little incentive for a hospital to invest in automation," the study says.

But if the hospital center's lab became more automated, there is little reason to believe prices to patients would go down. This is because under his agreement with the center, Dr. Martens sets his own prices. He, in turn, gets a percentage of the profit the prices produce.

In practice, these prices are based on fees allowed by Blue Shield, which reimburses patients for physicians' charges. The Blue Shield fees, however, are recommended by a committee of pathologists and ratified by other committees and groups composed wholly or primarily of doctors, concedes Barry P. Wilson, a Washington Blue Cross-Blue Shield spokesman.

The relationship is described this way in a report by hospital center trustees: "In the laboratory and x-ray departments, the fee schedules are set by the Medical Society (of D.C.) and then adopted by Blue Shield." The report adds, "We know some of these prices are almost as ridiculous as some of the drug prices."

Is it a violation of antitrust laws for pathologists to set their own fees?

Lewis Bernstein, chief of the Justice Department's special litigation section for antitrust, said, "Unquestionably, an agreement among physicians on fees is illegal provided it affects interstate commerce. We would take the position it does."

While Wilson acknowledges that physicians determine fees that Blue Shield will allow them, and that these fees are followed almost without exception by hospital pathologists, he says pathologists are free to charge what they want.

The effect of this fee-setting system was underscored early last year when Blue Shield changed its method of reimbursing pathologists, and pathologist charges went up throughout the city.

Blue Shield previously had set specific prices that could be charged for each hospital test. It changed, on the most prevalent Blue Shield plan, to allow pathologists to charge their "usual and cusomary" fee.

Within a month of the change, Dr. Martens' "usual and customary" charge had risen considerably. For the year, the income of the lab exceeded its expected revenues by 33 per cent, producing $873,206 more profit for the hospital than expected.

Wilson acknowledges similar increases took place throughout the city at about the same time. He says Blue Shield didn't start paying more, however, until a year later.

Dr. Martens says the timing of his increases and the Blue Shield change was a "coincidence."

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### Children's New Building "Most Costly"—V

The money-raising drives are highly effective. "No child is ever turned away" is the slogan. Even nickels and dimes will help.

Children's Hospital of D.C. has in this way collected $2 million in cash and $4 million in pledges toward construction of its new building going up behind Washington Hospital Center.

The solicitations do not say that the four-story, $50-million building in question costs about three times more per bed than the most expensive general hospital built anywhere in the nation with federal aid last year.

Government experts say a pediatric hospital such as Children's, also built with federal aid, at the most should cost 5 per cent more than a general hospital.

Children's Hospital officials point out that the cost of the new building is not out of line when compared with the number of square feet of space it will contain. They say it is expensive when compared with the 250 beds it will house, but that this is partially explained by the fact that it will contain space for teaching, research, and outpatient facilities. They note that a pediatric hospital going up in Philadelphia costs even more than the D.C. facility.

Grady R. Smith, director of architectural services of the Department of Health, Education, and Welfare's Hill-Burton Program, which has approved $27 million in federal grants and loans for the new building, says the space allocated in the building for teaching, research, and outpatient departments doesn't explain the hospital's cost of $200,000 per bed.

Smith points out other factors that he considers "questionable:" Extra floors in between each floor to house air conditioning and heating ducts, pipes, and electrical lines; unusually high ceilings; an empty space through the center of the hospital; and double outer walls.

"The cost is high almost any way you look at it," Smith says.

Dr. John F. Gillespie, a consultant who helped design Georgetown University's planned new $21.8 million intensive care facility and who works on hospital construction throughout the country, calls the Children's Hospital costs "shocking" and many of the new facility's features "ridiculous."

"The public is ignorant of what goes on, and the architects play on this, and everyone goes along with it because it is to help the children," says Dr. Gillespie, a heart surgeon. "Meanwhile, millions of dollars that could be used to save lives are going down the drain."

Why is Children's Hospital, which had a deficit in its last fiscal year of $708,420, asking the public to spend $50 million for a hospital with double floors and walls? The answer provides some insight into why hospital costs have soared at four times the rate of other consumer price increases since 1965.

Dr. Robert H. Parrott, director of Children's Hospital, while acknowledging that the facility is expensive, said the expenditure will be well worth it.

The extra nine- to 15-foot layer of space between each floor will save money in the long run, he said, because it will be easier to remodel the hospital if that ever becomes necessary. The extra space—called an interstitial space—will allow workmen to walk around the heating ducts and plumbing, he said. He added that at least three other hospitals—including the Army's new Walter Reed General Hospital—will have such spaces.

Dr. Gillespie calls the spaces a "gimmick" that might be justified over the operating rooms and laboratories of a hospital but never over the bulk of it. He says the Walter Reed facility, started last August, is "another Rayburn Building." The Rayburn Building, which houses congressmen's offices, was criticized during its construction for cost overruns and expensive design.

Dr. Parrott said the double outer walls—separated by 5 feet of air space—also will save money in the long run because the hospital will be better insulated, cutting heating and air-conditioning bills. Dr. Parrott said he knows of no other building constructed with double walls, but he said the concept is worth trying as an "experiment."

The idea for the double walls came from the hospital's architects, Leo A. Daly Co. When asked why the firm hadn't sold its other customers on the idea if it actually cuts heating and air-conditioning costs, C. Robert Graham, an architect on the project, said:

"It's a lot more than economics. The walls will cut down on pollution and give a buffer against sunny and cloudy weather."

Asked what this meant, he said the double walls filter light entering the hospital, thus reducing the contrasts in light levels between sunny and cloudy days. He asserted this is a good feature because "we find children don't relate that much to the outside."

Dr. Gillespie, the hospital consultant, suggests architects try to sell hospitals on more expensive features to increase their fees.

Asked if the Daly firm is paid more if the project is more expensive, Graham said no. But Dr. Parrott said the Daly firm is paid a percentage of the project cost.

Smith said the Daly firm submitted a letter to the Hill-Burton Program last May to show that the cost of constructing the double wall is about the same as for a single wall in part because the double wall requires less air-conditioning equipment. In addition, the letter says the double wall will save money on a yearly basis because it provides better insulation.

Smith said the letter didn't make sense to him, but he said the Hill-Burton Program doesn't have the resources to check such issues.

In a telephone interview, Joseph A. Bagala, the former Daly architect who signed the letter, said that the comparison was based on a hypothetical single wall that could have been cheaper and better insulated. He said the cost cited for the wall covering the interstitial spaces was based on a more expensive material in the hypothetical single wall than that in the double wall model.

Nevertheless, he said he still believes the double wall is more economical.

Bagala, now a Dayton, Ohio, architect, also said the hospital has 450,000 square feet, including all mechanical equipment. The same figure has been used officially by the hospital since construction of the new building was announced.

However, when The Post began inquiring into the building's costs, hospital officials said they had remeasured the floor space and found the facility would have 557,000 square feet, bringing its cost per square foot down considerably. Part of the additional square feet was described as space on the interstitial levels for mechanical equipment that otherwise would be placed on main hospital floors.

When told of this, Bagala said, "They're trying to make it look good, now." He then said perhaps some of the additional square footage could be justified.

The following chart shows how Children's Hospital costs compare with other hospitals started last year. The two figures for square foot costs for Children's are based on Children's two versions of its new building area:

| Total project cost | Highest Hill-Burton hospital | Average Hill-Burton metro area hospital | Children's hospital, District of Columbia |
|---|---|---|---|
| Per bed | $70,186 | $51,937 | $200,000 |
| Per square foot | 72 | 59 | 76/96 |
| Construction and fixed equipment per bed | 61,000 | 43,331 | 173,660 |
| Per square foot | 61 | 49 | 58/74 |
| Construction only, per square foot | [1] 34 | ------------ | 50/63 |

[1] Based on average hospital construction contracts let in 18 eastern cities last year as compiled by Dodge Reports, a McGraw-Hill publication for the construction industry.

Asked if two or more hospitals might better be built with the money being spent for Children's, Dr. Parrott said that wasn't the way the new facility was planned. He stressed that funds for the building so far have been collected only from businesses and foundations, and that public appeals for money have been for the hospital's daily operations.

However, Dan J. O'Brien, executive producer of the WDCA-TV telethon that annually collects money for the hospital, said he wouldn't be surprised if viewers thought they were contributing to the building, since no distinction was made and the building was frequently mentioned on the air.

The hospital president, George E. Hamilton III, a lawyer, noted that the Hill-Burton Program had approved every detail of the building. Hill-Burton's director, Dr. Harald Graning, said, "I have no reason to believe the costs are out of line in relation to what they're getting."

Dr. Gillespie, the hospital consultant, said Children's historically has spent money first and worried about where to get it later because "they assume the public and federal government will come to the rescue."

A former Children's Hospital financial man said, "The hospital trades on its image of helping children, and they feel they have a blank check."

He added, "The board (of trustees) comes around once a month, and they want to do good, and they hear stories about a case, and they endorse anything the director says."

Hospital administrators cite a wide range of reasons for skyrocketing hospital costs, from unionization of employees to demands by doctors for more equipment. "It's a matter of costs of labor and supplies going up," says William M. Bucher, executive vice president of the Hospital Council of the National Capital Area, Inc., an association of local hospitals.

But many experts inside and outside the hospital industry say such explanations miss the real point: that hospitals have no reason to reduce costs because they are reimbursed for whatever they spend, and operate without the controls of competition, regulation, or public scrutiny.

"The incentive, if anything, is to raise costs," says Dr. Arthur A. Morris, vice president and treasurer of Doctors Hospital of D.C.

"We have created a powerful financing machine without brakes or a steering wheel," says Ray E. Brown, executive vice president of Northwestern University's Medical Center in Chicago.

"There are so many savings to be had in hospitals it would make your head spin," says Herbert S. Denenberg, the Pennsylvania insurance commissioner.

The waste of money cited by many medical experts ranges from construction of more hospitals than are necessary to purchasing of a particular company's goods because of kickbacks given to hospital purchasing agents. It includes unnecessary surgery, unnecessary hospitalization, unnecessarily long hospitalization, unnecessary testing, lack of competitive bidding for goods and services, duplication of expensive equipment and facilities by many hospitals in a city, refusal of hospitals to share services or purchase goods jointly to lower hosiptal costs, and expensive operating rooms left largely idle on weekends.

Almost any one of these inefficiencies represents a major extra cost borne by consumers. For example, patients admitted to major teaching hospitals such as Georgetown University Hospital and George Washington University Medical Center stay 18 per cent longer than those with similar problems admitted to non-teaching hospitals, according to a 1969 study by the Commission on Professional and Hospital Activities, a group financed by the hospital industry.

The extra time—known in the business as the "teaching effect"—is caused by interns and residents who keep patients in hospitals longer so they can further their own education.

An 18 per cent increase in stay on the average Washington Hospital Center bill would mean an extra $240.

Costs of educating doctors should be borne by the government, not by patients, says Dr. S. Philip Caper, a health aide to Sen. Edward M. Kennedy (D.-Mass.). So long as they are, says Dr. Morris of Doctors Hospital, the amounts should be disclosed on patients' bills. This would bring more public pressure to bear on hospitals to get their costs down, he says.

Some health experts say hospitals can be compared with a department store that has no reason to keep its prices low because customers are referred by third parties (doctors), because customers have no way of knowing what the prices are for services offered or how to evaluate the services given, and because the customers don't particularly care what the prices are since the bill is footed by another third party (the insurance company).

Others compare hospitals with public utilities that are necessary to life but can do essentially whatever they please.

"Having a dozen hospitals in town, each with its own open-heart surgery and intensive-care unit, makes about as much sense as having three telephone companies in town, each with its own set of wires on every street. Costs to the consumer would triple," says Denenberg, the Pennsylvania insurance commissioner.

A recent issue of a Blue Cross-Blue Shield publication estimates that the cost to equip an open-heart surgery unit is $150,000. Washington has six such units, according to a recent American Hospital Association listing, and Dr. Gillespie, the medical consultant who is a heart surgeon, estimates the city needs only two.

Besides the added expense, he says, extra units with a shortage of patients may result in unnecessary deaths because the surgical team doesn't keep in practice.

"There is no such thing as metropolitan area health planning," says a high Blue Cross-Blue Shield official. New construction and facilities are motivated by "rivalries and prestige rather than how to keep costs down," he says.

Dr. Amos N. Johnson, a past president of the American Academy of General Practice, a general practitioner group, says that in large part, because doctors find it more convenient and financially rewarding to admit patients to hospitals than to treat them in their offices, about one-third of hospital admissions are unnecessary.

Some hospitals have found they can save substantial sums by sharing facilities: 13 Minneapolis hospitals purchase drugs at lower discounts than they could get if purchasing alone; 24 Boston hospitals pool laundry facilities; nine Norfolk, Va., hospitals estimate they save $1.5 million a year by sharing a computer.

In Washington, such sharing is minimal, and a recent dispute between Washington Hospital Center and Children's Hospital provides a case history of why.

The center offered to sell steam to the new hospital so it wouldn't have to build its own heating plant. Hamilton, the Children's Hospital president, says the center's price for the steam was higher than what it would cost the new hospital to produce its own heat.

Underlying the dispute were more basic problems that come into play whenever hospitals consider sharing services. Children's Hospital, accusing the center of "empire-building," feared that sharing heat might lead to eventual merger of the two hospitals.

The center, for its part, feared that Children's Hospital, with a $708,420 deficit in its last fiscal year, wouldn't pay its bill for the steam. Minutes of hospital center trustees' meetings show the center believed it would have to choose between giving away steam free or shutting off heat to sick children.

Hamilton concedes that Children's Hospital is often slow paying its bills, but he says eventually they are paid.

Just as there is no law or regulation that requires hospitals to share services to reduce their costs, there is no requirement that they seek competitive bids when buying goods or services, unless federal construction money is involved. Even this requirement can be circumvented.

Legal memos to the Washington Hospital Center from its counsel, Hogan & Hartson, show that the hospital earlier this year drew up a contract with George Hyman Construction Co. to build its planned $10.4 million extended care building without any competitive bidding. The building is for recuperating patients who don't need extensive hospital services.

The Hyman contract is called a management contract. This means Hyman is paid for managing the project and securing bids for the actual construction work. Hyman guarantees the total project will not exceed a given figure. If the actual cost is lower than the guaranteed price, Hyman shares in the savings.

Such a contract is not permitted under regulations of the Hill-Burton Program, which will fund part of the project, according to Smith, the director of architectural services. The reason, he says, is that it would be a simple matter for a construction manager to share in savings and inflate the cost of the project by intentionally setting a high guaranteed price for the building.

Despite the regulations, the hospital center's legal counsel, John P. Arness of Hogan & Hartson, says Hill-Burton officials haven't raised any objection to the lack of competitive bidding.

In his memos to the center, Arness castigated its administrators for drawing up a contract "in the approximate amount of $10 million without the protection of competitive bidding." However, he concluded that the project was too advanced to be stopped.

The Hyman company had previously built the center's recently completed intensive care unit—for critically ill patients—after submitting the lowest of four bids received. At the time, Mrs. George Hyman, widow of the founder of the company, was a trustee of the hospital. Mrs. Hyman says she sold her interest in the company in 1959, and she resigned from the center's board in August, 1971.

The chairman of the Hyman company, Benjamin T. Rome, said he knew nothing about the extended care project and referred all questions to the company president, A. James Clark, who did not return repeated telephone calls.

Richard M. Loughery, administrator of the hospital, claimed no contract had been drawn up with any company, although Arness had given a detailed analysis of the contract with Hyman last spring.

Competitive bidding was sought on another construction contract, but the lowest bid wasn't taken.

The hospital agrees the lowest bidder to build a new parking lot along Michigan Avenue was Corson and Gruman Co. But when the bids were opened, Robert E. von Otto, who is in charge of the center's building and maintenance departments, called the company to point out that its bid omitted a figure for parking gates. A company employee agreed on the spot to add a price for gates—and lost the contract.

A. C. Cox Sr., president of the firm, later protested that the action was "highly improper."

Von Otto says that when he saw the Corson price was low, "I wanted to make sure they knew what they were doing."

He adds, "There's no law that says you have to accept low bids. The difference was $2000. Well, big deal."

Von Otto himself is not employed by the center. His company, Robert E. von Otto & Associates, is retained by the center as a consulting engineer.

There was no competitive bidding on its contract.

Loughery says engineering firms don't bid because it would violate their professional ethics; neither do engineers like to be employees, he claims. Instead, he says, they like to be independent contractors.

Despite the examples of lack of competitive bidding, waste, and inefficiency, hospital center officials, like hospital administrators throughout the country, often cite increasing unionization of hospital employees as a key reason for high hospital costs.

But Dr. Martin S. Feldstein, a Harvard University economics professor, points to Bureau of Labor Statistics figures that show that hospital employees in many categories have been paid more than their counterparts in private industry for many years.

Dr. Feldstein, author of "The Rising Cost of Hospital Care," says hospitals accede to employee demands for more money because "they will get it from the insurance companies."

It is the "blank check" payments from the insurance companies that are at the root of high hospital costs, says Pennsylvania insurance commissioner Denenberg.

About 87 per cent of hospital costs are paid for by insurance plans—Blue Cross, Medicaid and Medicare, and commercial health insurance companies.

Most of the plans reimburse hospitals for their expenditures and give them an additional payment—called "cost-plus"—to cover profit. Businesses only get a profit if they keep expenses below revenues, but the insurance plans give hospitals this payment anyway.

"The government gave hospitals cost-plus contracts, and their costs rose. It paid doctors on the basis of their customary fees, and their fees rose," says Dr. Rashi Fein, a Harvard Medical school medical economics professor.

"Government agencies are all over the place, but they don't do anything," says Denenberg.

Blue Cross, the private insurance plan that pays for more hospital charges than any other program, is no better, says Theodore A. Cron, who headed the now-defunct American Patients Association.

Blue Cross historically has been dominated by hospitals, which started the organization in 1929 as a way of assuring that their bills would be paid. Until recently, the Blue Cross emblem and name were owned by the American Hospital Association, and because of an act of Congress, the local Blue Cross governing board is composed primarily of doctors and hospital officials.

Because of this domination, says Cron, "Blue Cross and Blue Shield have neglected to impose any kind of reasonable management control on hospitals. About all that's needed is that the bill come in on the right size paper."

Without naming any companies, President Nixon last year criticized health insurance plans that encourage patients to enter the hospital by paying for certain procedures only if they are performed in the hospital.

The president of the national Blue Cross Association Inc., Walter J. McNerney, says this problem in large part has been remedied.

However, one Kensington physician, Dr. Martin C. Shargel, says patients ask him at least once a week if they can be hospitalized so Blue Cross will pay the bill.

Although the patient thinks he is saving money, he is losing it in the long run. Treating a patient with pneumonia at home costs $125, says Dr. Jonathan Titus, an Alexandria physician, compared with about $800 if treated in the hospital.

The difference of about 600 per cent is passed on to consumers in the form of higher health insurance premiums.

### System Lacks Public Control—VI

Sibley Memorial Hospital purchases its heating oil from the family company of a hospital trustee. Cafritz Memorial Hospital buys tools and hardware supplies from a hardware store owned by a trustee. Washington Hospital Center employs a patient admissions director who is the son of a hospital trustee.

Such conflicts of interest and nepotism are commonplace in the hospital industry and are symptomatic of what many see as a lack of public control over hospitals and the entire health system.

The United States last year spent $75 billion for health care, or 7.4 per cent of the gross national product. This is a higher proportion than that of any other country. Yet the United States last year was behind 13 other nations in infant mortality rate, behind 21 other countries in male longevity, and behind six other countries in female longevity.

"There is no one in a position to say we spent $75 billion on health care last year, and we didn't get enough for the dollar, and changes have to be made," says Dr. Paul B. Cornely, a Howard University College of Medicine community health professor.

"The decisions are made by the medical-industrial complex without any accountability to the public," says Dr. Cornely, a past president of the American Public Health Association.

"What we have today," says Department of Health, Education, and Welfare Secretary Elliot L. Richardson, "is a health care 'non-system' bordering on chaos."

"There is no policing of hospitals or health care," says Pennsylvania Insurance Commissioner Herbert S. Denenberg. "It's really incredible."

Hospitals by their very nature are incredible places. The need for a new piece of equipment is argued in terms of how many lives may be lost next week if it is not purchased, and a lunch date is cancelled or kept depending on whether a surgeon found cancer that morning and will have to continue cutting into the afternoon.

In theory, trustees and administrators run hospitals, but in practice the real power lies in the hands of the doctors, whom the hospitals rely on to get patients.

The doctors use the hospitals as their workshops without paying for the millions of dollars worth of buildings and equipment invested in them and they strenuously resist outside efforts to check on the quality of their work.

The doctors set up internal audit committees, but committee members who become too critical of unnecessary or sloppy surgery may be ousted from their position by the other doctors.

Hospital accounting systems are chaotic, and the same financial question can be answered five different ways, making it easy for a hospital administrator to confuse a would-be inquirer.

Although hospitals are multimillion dollar businesses, many are still run by bookkeepers in green eye shades and administrators with no knowledge of finance or efficient management.

But the greatest paradox is that there are few, if any, institutions in society as vitally important to the public interest and welfare as hospitals. Yet there are few, if any, institutions so totally lacking in public control through either competition or regulation.

Anne R. Somers, a Rutgers Medical School associate professor, suggests the reason for this is that the public is mystified by medical matters and traditionally reluctant to interfere. In addition, she says, the nature of hospitals has changed from that of strictly charitable organizations to big businesses running on million of dollars of federal funds. Yet there have been no changes in the way hospitals are controlled.

More than 90 per cent of hospital admissions in the country are private, nonprofit hospitals run by self-perpetuating boards of trustees who generally represent neither the community where the hospitals are located nor the patients they treat.

These trustees account only to themselves and frequently take the attitude that how they run the hospital and spend its money is none of the public's business.

During preparation of this series, a number of local hospitals reacted with indignation when asked for lists of their trustees or reports on their financial condition.

One hospital, Sibley, said its trustees specifically had ordered that their identities were to be kept secret. After several months of prodding, the hospital relented and released the trustees' names—omitting their addresses or business affiliations.

Washington Hospital Center made available a large amount of financial information after details of many conflict-of-interest transactions at the hospital had been learned. It then billed The Washington Post for more than $1,000 for expenses incurred in gathering the material. When The Post refused to pay, the hospital said any Post photographer or reporter who steps foot in the hospital will be escorted off the premises by hospital guards.

Asked for copies of the center's press releases, Jane P. Snyder, public relations director, said the center does not put out press releases. When the center's press releases were later noticed coming into the Post's newsroom, Mrs. Snyder again was asked about the releases. She attributed her earlier denial to a misunderstanding.

This week, H. Joseph Curl, administrator of Georgetown University Hospital, said he would not give The Post a copy of the hospital's latest audited financial statement, despite American Hospital Association principles saying hospitals have an obligation to give such reports to the public.

Curl's reason: a chart that appeared in Sunday's editions of The Post allegedly did not "differentiate" between teaching and other hospitals when comparing cost of patient stays at Washington area hospitals.

A caption under the chart said, "George Washington and Georgetown, which are major teaching hospitals, have higher costs partly because of teaching costs."

Did this differentiate? Curl said it was only a "one-sentence statement."

"I can find out more about a company traded over-the counter than I can about the place I depend on for life or death," says Harry J. Becker, community medicine professor of Albert Einstein College of Medicine in New York City.

"Hospitals are the way industry was decades ago," says Dr. Charles B. Perrow, a sociology professor at State University of New York, Stony Brook, N.Y. "There's no accountability or disclosure, and this gives the trustees more power to throw around."

Although half the hospital expenditures in the country come from local, state, and federal governments, and although hospitals receive large subsidies in the form of exemptions from taxes, there is no federal law requiring disclosure of hospital financial data or prohibiting conflicts of interest by hospital governing boards.

The Social Security Administration, which administers Medicare, has voluminous data on hospital operations but refuses to make it public, says Mal Schechter, senior editor of Hospital Practice, a publication for doctors. Schechter recently won a legal battle to gain access to at least some of the information.

Several states, including the District of Columbia, have laws prohibiting conflicts of interest by hospital trustees, but the statutes are rarely, if ever, enforced.

Those involved in the conflicts at Sibley and Cafritz each said there was nothing wrong with the transactions. The Sibley trustee, Guy T. Steuart II, acknowledged he is the son of the chairman and a brother of the vice president of Steuart Petroleum Co., which last year supplied $51,000 in heating oil to the hospital. He said he also "may" own stock in trust in the oil company.

Steuart, the president of Guy Steuart Motors in Silver Spring, said the company began supplying oil to the hospital before he became a trustee, and he said he has had no connection with the oil contract.

Robert A. Statler, acting executive director of Sibley, said the hospital gets competitive bids on the contract each year, but he refused to make the bids available or name the companies asked to bid.

Asked earlier if Sibley has any trustee associated with or connected with a company that does business with the hospital, Statler said no. He subsequently insisted that Steuart's relationship to Steuart Oil Co. does not mean he is associated or connected with it.

Cafritz trustee Frank J. Komenda acknowledged that his store, Blaine Hardware Store, last year supplied $1,800 in hardware to Cafritz. He said the hospital probably saves money by dealing with his store and getting a 10 per cent discount off retail prices because a hardware wholesaler may charge more if asked to deliver small orders.

But one wholesaler, Fries, Beall & Sharp Co., said it gives discounts of up to 30 per cent on any size order delivered to hospitals.

If these hospitals were publicly traded companies they would be required by Securities and Exchange Commisison regulations to disclose such transactions—called "self-dealing"—to stockholders. The stockholders could examine the terms of the transactions and determine if they should be terminated.

If these hospitals were foundations or federal agencies, they would be barred by law from doing any business with their trustees, officers, or employees.

Hospitals are not public companies, foundations, or federal agencies. They are tax-exempt organizations, a status given them by the Internal Revenue Service, and critics say the IRS does little to regulate them.

To qualify for tax-exempt status a hospital may not give any of its profits to trustees, employees, or officers. The IRS interprets this literally.

Asked if a hospital would lose its tax exemption if employees took profits from the hospital by setting up a company to do business with the hospital, or if doctors insisted on being given a percentage of the profits of departments within the hospital, an IRS spokesman said no.

His reasoning: "We do something to the hospital if it is already being cheated? The hospital is the innocent party."

Asked if this means the IRS condones such transactions, the spokesman quickly added it does not, and if brought to the agency's attention "we would look into it."

In practice, says Marilyn G. Rose, head of the Washington office of National Health and Environmental Law Program, "I don't think there's anything a hospital could do to lose its tax exemption, unless it's a small hospital run by a few doctors who never intended that it be charitable."

Thomas F. Field, executive director of Taxation With Representation, a tax reform group, says, "The IRS doesn't do much in the way of supervising hospitals. On the other hand, the statute is vague and makes it an almost impossible task."

A change in the statute was recommended by a 1965 Treasury Department report that also proposed tighter controls over foundations. Foundations and hospitals are among the 567,000 tax-exempt groups in the country. The changes in foundation law were subsequently passed by Congress in 1969, but hospital regulations remained unchanged.

Federal laws prohibiting conflicts of interest by hospital trustees and requiring public disclosure of hospital financial data are two of the obvious remedies to some of the abuses described in this series of articles.

But solutions to some of the larger problems of hospitals' lack of public accountability and of waste and inefficiency in the health care system come much harder. In part, this is because few people outside the health care industry have a full understanding of the problems.

Rep. Ronald V. Dellums (D-Calif.) has proposed a takeover of the health care system by the federal government. Most proposed solutions run along more modest lines: centralized hospital financing and government regulations of hospital expansion plans, charges, and quality.

Many observers believe government regulation on the federal level would be too unwieldy. They favor state regulation by commissions analagous to the public utility commissions that regulate telephone and electric companies, but using federal guidelines.

Such a proposal is backed by the American Hospital Association, the trade association of hospitals.

According to HEW, about 20 states already regulate construction of new hospital facilities. Professor Somers says about a third of the states have this or some other limited form of utility regulation of hospitals, and other states have debated the issue in their legislatures.

Two years ago, Maryland prohibited new hospital construction without state approval, and a Health Service Cost Review Commission in Baltimore keeps financial records of hospitals on file. Starting in 1975, the commission will regulate hospital charges.

Sen. Edward M. Kennedy (D. Mass.) has taken the position that the health care problem cannot be solved until financing is centralized. Kennedy's national health insurance bill is one of more than a dozen legislative proposals introduced or backed by labor unions, insurance companes, the AHA, the American Medical Association, and the Nixon administration to change health financing practices in the country.

The Kennedy bill, probably the most comprehensive and widely-debated measure, would scrap private and current government health insurance programs and substitute direct federal financing of hospitals through tax revenues.

The program would be administered by a public board with regional centers that would review hospital budgets before money is expended, control new hospital construction and equipment purchases, and keep hospital financing data on file for public inspection.

Sen. Kennedy estimates the elimination of the scores of private and government health plans, each with their own bill requirements and auditing methods, alone would save hundreds of millions of dollars a year.

"The entire health system is drastically in need of overhaul," Sen. Kennedy says.

President Nixon also has cited a "deepening crisis" in medical costs.

"The toughest question we face," he said in a message to Congress last year, "is not how much we would spend but how we should spend it. It must be our goal not merely to finance a more expensive medical system but to organize a more efficient one."

## A BILL TO AMEND THE SOCAL SECURITY ACT TO REMOVE EARNINGS LIMITATION

(Mr. HUDNUT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUDNUT. Mr. Speaker, in my study of the Social Security Act I feel that one of the more dubious provisions is the so-called retirement-earnings test, which puts wage and salary limitations on social security beneficiaries. The idea behind the test is that, if a beneficiary continues to earn more than certain amounts, he will lose some or all benefits. Today, I am introducing a bill to amend the act so as to remove the limit on outside income which an individual may earn while receiving benefits.

It seems to me an inequity exists if taxpayers are required by law to pay part of their wages into the Federal old-age and survivors insurance trust fund, but then are not entitled to receive full benefits later in life between retirement and age 72 when full benefits become automatic simply because they continue to work and earn. Moreover, many people cannot understand why "earned" income should be subject to limitations, while a social security beneficiary can receive any amount of "unearned" income—dividends or pension payments, for example—without losing benefits.

A more basic objection to the retirement-earnings test is the simple fact that it penalizes someone who wants to work. A man or woman should have the right to work as long as he or she is capable and desirous of doing so. Moreover, with continuing inflation, there is an increasing desire among older Americans to obtain part- or full-time work at the normal wage scale without being penalized under the law. Why should anyone, including older Americans, be discouraged from continuing to be productive members of the community? It seems to me that the policy of the Congress and the Federal Government should be to encourage productivity and the work ethic rather than discourage it.

The Social Security Amendments of 1972 did liberalize the retirement-earnings test somewhat—increasing the basic limit from $1,680 to $2,100 in annual earnings. This was a start in the right direction, but only a start. Personally, I feel the limitation should be removed entirely and, from the numerous conversations I had with older Americans during the fall campaign, I know that they want and deserve this type of legislation. That is why I am introducing this bill today. It is my hope that the Committee on Ways and Means will give this measure early and favorable consideration.

## THE LATE HONORABLE CHESTER H. GROSS

(Mr. GOODLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GOODLING. Mr. Speaker, I am deeply saddened by a recent report that the Honorable Chester H. Gross, who was born October 13, 1888, has passed away.

Mr. Gross represented essentially the same congressional district it is my privilege to represent in the U.S. House of Representatives. He served in the 76th, 78th, 79th, and 80th Congresses.

He attended schools in York, Pa., and Penn State College at State College, Pa.

Mr. Gross, himself a farmer, was vitally interested in agricultural matters and was consistent in championing the cause of the farmer. He introduced and ardently supported legislation designed to improve the position of the American farmer.

During World War II, Chester Gross carried on a vigorous campaign to impress the American public with the importance of saving food. He strove to bring his message home by using the slogan "Lick Your Platter Clean." He received broad recognition for his efforts to preserve food during the emergency period of World War II.

Chester Gross also was very active in educational affairs. He served as a school board director from 1931 to 1940. He was also president of the State School Directors Association for the 1939–40 period.

Prior to serving in the Congress, Mr. Gross was engaged in other areas of public service. He served as a township supervisor from 1918 to 1922. In addition, he served as a member of the State of Pennsylvania House of Representatives from 1929 to 1930.

After Mr. Gross concluded his congressional career, he became actively engaged in real estate affairs.

I am indeed saddened by this loss; however, this sadness is softened by the realization that the life of the Honorable Chester H. Gross was meaningful and significant, bringing great benefit to his constituency, his State, and his Nation.

## THE 150TH ANNIVERSARY OF ESTABLISHMENT OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND LATIN AMERICA

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, on November 14, 1972, the Permanent Council of the Organization of American States held an extraordinary session in Congress Hall in the city of Philadelphia to commemorate the 150th anniversary of the establishment of diplomatic relations between the United States and Latin America. The meeting was held in response to a suggestion of our very able Ambassador to the OAS, Joseph John Jova.

This special anniversary meeting emphasized the friendly relations which have bound together the nations of this hemisphere for the past century and a half. The purpose and spirit of the session was underscored in the following article authored by Ambassador Jova which appeared in the December 3 edition of the Miami Spanish-language daily newspaper Diario las Americas:

### THE OAS, MINISTER TORRES, AND PHILADELPHIA

(By Ambassador Joseph John Jova)

*Diario Las Américas* has asked me the reasons why I invited the Permanent Council of the OAS to hold a Protocolary Session in Philadelphia. First of all, it was simply to celebrate 150 years of diplomatic relations between the United States and Latin America. This in itself was more than sufficient reason for a commemorative session. The fact that the first diplomatic agent, Minister Manuel Torres of Colombia, spent long years of exile in Philadelphia and is buried there, opened the possibility of inviting the Council to meet in that city, precisely at the historic site of Congress Hall where our National Congress met in the first years of our independence when Philadelphia was the capital of the United States.

Moreover, at a time when there is so much emphasis on the points of difference and conflict between Latin America and ourselves, it seemed to me that it would be very useful to hold a session at which we could in good faith emphasize all that unites us. And the truth is that it is all too easy to forget all that we have in common—our revolutionary and anticolonial origins, our constitutions, our republican form of government, and all the ties of culture, policy, and trade—in fact, all the ties which have been created within the Inter-American System, and outside of it as well, during these 150 years of diplomatic relations. As Secretary of State Rogers remarked extemporaneously in his toast, the countries of this Hemisphere can be proud of the fact that we have had, as in no other part of the world, a Continent of Peace, Independence, and Freedom. This is in great measure due to the Inter-American System, which, with all its imperfections, has yet proved to be an effective instrument for harmonizing relations among the countries of the Hemisphere.

In my speech opening the Protocolary Session, I made reference to the belief which inspired the members of our first congresses that the sovereign interests of the states there represented could be mutually developed through a freely accepted association of equal states under law. This same belief has inspired the countries of the Americas to form the Inter-American System, in the conviction that the sum of our associated forces is greater than that of the independent parts, and that through our efforts it is possible to harmonize national interests, resolve conflicts, and combine resources for the greatest benefit of all.

I recognize that we all—including our own country, the richest and most powerful in the world—face the terrible challenge of underdevelopment and its problems, and I acknowledge the obligation we all have to find ways of providing a better life for our peoples. Nobody yet has found the solution to this challenge, but as my colleague the Ambassador of Venezuela, Don Gonzalo García Bustillo, put it so elegantly: "In our American region, we have both opulence and poverty, but we have conditions here unequaled anywhere else on earth to enable us with sincere programs to establish the systems of communication which international social justice demands."

When we were preparing to go to Philadelphia, the Library of Congress provided me with a photocopy of the Philadelphia newspaper *The Aurora* for July 22, 1822, which carried a report of the death of Minister Torres. As I read this old newspaper, I was impressed by the fact that, contrary to journalistic practices in our country today, a great number of dispatches (there were no cables) were published, reporting events in various parts of Latin America. This strengthened my resolve that, on his historic occasion, the OAS should meet not at its headquarters but in Philadelphia, thus helping to focus United States public opinion not only on the OAS, but also on the whole Latin American panorama.

Aside from the reasons I have already stated for justifying our coming to Philadelphia, I believe that one cannot forget the human aspects of this event. The trip provided the opportunity for getting together informally, without protocol, during the train ride, with the opportunity of socializing not only with the OAS Delegates but also with Secretary of State Rogers and his party, and one must not discount the importance of social intercourse and the personal factor in diplomacy. My 30 years as a diplomat have convinced me that if national policies are the big wheels in the international machinery, the personal effort of the good diplomat can be likened to the drops of oil that make those wheels turn.

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## EARTHQUAKE IN NICARAGUA

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, when a great natural disaster strikes, such as the earthquake which ravaged the city of Managua, Nicaragua, on December 23, it is difficult to put into words the great sense of loss which each of us feels whether directly involved or not. Few of us will ever be able to fully comprehend the scope of such a tragedy but each of us wishes, in some small way, to be of assistance, to help those whose lives have been shattered, whose relatives have died, whose livelihood has vanished. As Americans, we can be proud of the prompt and meaningful response we have made to the urgent needs of the people of Nicaragua.

### EARTHQUAKE DAMAGE

At 12:35 a.m., CDT, on December 23, 1972, an earthquake measuring 6.25 on the Richter Scale struck Managua, the capital city of the Central American nation of Nicaragua. As a result of the earthquake and the fires it caused, at least 4,000 persons died, more than 10,000 were injured, and 75 percent of the city's estimated population of 400,000 were made homeless.

### U.S. RESPONSE

Within hours of the first report of the earthquake a 40-man U.S. military disaster assessment team, funded by the Agency for International Development, reached Managua from Panama. Based on reports from the team a massive airlift of medical supplies, food, water purification plants, and other equipment together with needed personnel was begun. In the days since the earthquake, the United States has already firmly committed $7 million from the AID contingency fund for relief supplies. In addition, $2.5 million of Public Law 480, title II foodstuffs has been authorized.

In the immediate aftermath of the earthquake highest priority was given to the treatment of the injured. Two Army hospitals and the Rockland County Mercy Mission Hospital were quickly flown in and treated thousands of injured in only a few days. The equipment from these hospitals is being turned over to Nicaragua to replace that destroyed along with Managua's hospitals. At the same time U.S. doctors have been successfully working with their Nicaraguan colleagues to prevent the outbreak of epidemic diseases.

To aid in repairs to the severely damaged water and sewer systems as well as to clear the tons of rubble hindering relief efforts, the United States airlifted from Panama the Army's 18th Engineering Company which has performed outstandingly under trying circumstances. To date more than 4 million pounds of goods and equipment, including 14 trucks, five generators, 1,300 tents, 15,000 blankets, 25 tons of rice, 48 cooking units, and numerous other items have been airlifted in.

Added to the impressive total of Government contributions is the more than $2 million in assistance which has already been made available from numerous private voluntary agencies such as Care, the U.S. Red Cross, and Catholic Relief.

### IMMEDIATE FUTURE: FOOD AND HOUSING

Relief efforts are now shifting from the frantic efforts of the first 10 days to save lives and prevent famine and disease to the less dramatic but immense task of feeding and housing the quarter of a million homeless of Managua until the future of the city is decided. As a portion of international efforts to assist Nicaragua, the United States has already taken steps to deliver approximately 10 million pounds of disaster relief food. An additional 10,000 metric tons of drought relief aid is already en route to offset the failure of a large portion of this year's crops because of an abnormal shortage of rainfall. The total of these food supplies should provide nourishment for 300,000 persons for 3 months. AID funds have also purchased a further 6.68 million pounds of food which should reach Nicaragua soon.

A second area of critical concern is housing. With 60 percent of the city destroyed, tens of thousands of people have no roofs over their heads and little prospect of a permanent new home for some time. The United States has supplied some tents but these will not be adequate for the length of time that may be involved. While further studies are being made on how best to provide housing, the United States within the last few days has made available $3 million for housing.

### RECONSTRUCTION

Clearly, the task ahead for Nicaragua is an immense one which will require help from many nations. Already an international coordinating group has been formed. The Central American nations, themselves, have met and pledged their mutual assistance. The United States has expressed its willingness to participate in reconstruction efforts. But in the last analysis the future of Managua rests with the people of Nicaragua. If their spirit and determination during the past few weeks are any indication, then we can expect to see a new and better Managua emerge, phoenix-like, from the ashes of the old city, within just a few years.

For our part, here in the Congress, I think we, and all Americans, can take pride in the record of achievement compiled by AID, the Defense Department, and other agencies in carrying out the relief responsibilities we have mandated to them by law. As for the future, I believe I speak for all of us when I say to the people of Nicaragua that they can count on our continuing help and assistance.

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## MAURICE H. THATCHER

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, last Saturday a most distinguished former Member of Congress, the Honorable Maurice H. Thatcher passed away at the age of 102.

Governor Thatcher served as a Representative from Kentucky in the U.S. House of Representatives from 1923 to 1933 after having served as Governor of the Canal Zone from 1910 to 1913 during the construction of the Panama Canal. Few men in our history could claim to have led such a long and varied career of public service. The Governor first took public office at the age of 22 and for 80 years served local, State, and Federal governments with notable distinction both as a public official and as a private citizen.

When most men his age would have long since retired to a well-deserved rest, Governor Thatcher remained an alert and active champion for the causes he believed in. It was in his capacity as counsel for the Gorgas Memorial Institute, one of the world's foremost institutions for research into tropical diseases, that I came to know, like and respect this singularly remarkable gentleman. All of us who knew him will miss his age advice, but above all we will miss him.

The following article by Mr. Martin Weil of the Washington Post accurately hails Congressman Thatcher as the "Grand Old Man of Panama Canal":

[From the Washington Post, Jan. 7, 1973]

### EX-REPRESENTATIVE MAURICE THATCHER, 102, DIES

(By Martin Weil)

Maurice H. Thatcher, who helped supervise construction of the Panama Canal, served five terms as a congressman from Kentucky and practiced law here until he was 100 years old, died here yesterday at 102.

Mr. Thatcher died in his home at 1801 16th St. NW, where he had been bedridden almost constantly since suffering a fractured thigh on July 15.

From 1910 to 1913, during the period of peak activity, Mr. Thatcher served as one of the seven members of the Isthmian Canal Commission appointed to superintend and carry out the construction of the Panama Canal.

In his four years on the commission, Mr. Thatcher headed the department of civil administration of the Canal Zone, and was known as the Zone's civil governor.

In recent years, he was reported to be the last surviving member of the canal commission, the chairman of which had been Lt. Col. George W. Goethals, the celebrated Army engineer who brought the project to completion in 1914.

When Mr. Thatcher returned to Panama in 1964 at the age of 95 to help mark the canal's 50th anniversary, he was hailed by a local newspaper as the "Grand Old Man of the Panama Canal."

While serving as a Republican congressman from Kentucky from 1923 to 1933, Mr. Thatcher continued to take an interest in the development of the canal and in the welfare of those who built and operated it.

As a member of the Appropriations Committee, he helped make available funds for improvements in the Canal Zone, and for annuities for construction workers and other canal employees.

A ferry across the Pacific entrance of the canal, for which he obtained federal funds, was named the Thatcher Ferry. The bridge, dedicated in 1962 on the site of the ferry, was named the Thatcher Ferry Bridge.

In addition, an important highway in the canal area was named for him.

Moreover, it was Mr. Thatcher who is credited with enactment of the measure creating in Panama the Gorgas Memorial Laboratory of the Gorgas Memorial Institute of Tropical and Preventive Medicine.

It is named for William Crawford Gorgas, the Army doctor who helped make possible the construction of the canal by destroying the mosquitoes that carried yellow fever and malaria. Mr. Thatcher and Dr. Gorgas served together on the canal commission.

After closing his congressional career by making an unsuccessful race for the Senate in 1932, Mr. Thatcher went into the private practice of law here in 1933.

On his 90th birthday, although his activity had declined, he was still in practice, with an office in the Investment Building at 15th and K Streets NW.

"I don't eat meat," he told an interviewer who was interested in his secrets of longevity. "I eat vegetables, eggs and milk. I don't drink, I don't smoke and I don't drink tea or coffee.

"Of course," he added, "You can't escape meat altogether, meat products creep into a lot of things."

Said Mr. Thatcher, who could still hear well, read without glasses, and make himself heard across a room:

"It's not a religious thing. I just wanted to live what I considered a sound, biological life."

A slender, white-haired man with bushy eyebrows, he said, "I just noticed that the smokers and chewers and drinkers had a hard time quitting when they wanted to.

"I just quit early. I'm a good sleeper, always was, and I still get about eight hours' sleep a night."

Mr. Thatcher was born in Chicago, and grew up in Butler County, in the western part of Kentucky. An official congressional biography said that he "attended public and private schools; engaged in agricultural pursuits; (and) was employed in a newspaper office and in various county offices."

His formal career in public life began at the age of 22 when he was elected clerk of the Butler County Circuit Court. He later studied law, was admitted to the bar in 1898, and became an assistant state attorney general.

After moving to Louisville in 1900, he become an assistant U.S. attorney, and later was named to what has been described as the state's chief appointive office: state inspector and examiner.

In that job, he was credited with saving thousands of dollars for the taxpayers and with bringing about numerous needed reforms. He left it in 1910 to join the Isthmian Canal Commission. After leaving Panaama, he held municipal posts in Louisville before being elected to Congress.

In addition to championing measures designed to improve the canal, during his House service Mr. Thatcher was responsible for much other legislation, including that establishing Mammoth Cave National Park in Kentucky.

In later years, when he interested himself increasingly in the writing of poetry, he memorialized the park in verse:

Caverns immense, wrought thru the endless ages:
  What lessons for the human soul and mind!
The great Lord God, in those arresting pages,
  Hath writ a matchless story for mankind . . .

While in Congress, Mr. Thatcher was also credited with writing legislation for federal appropriations for Braille books and equipment for the nation's blind students.

In later years, besides serving as vice president and general counsel of the Gorgas Institute, Mr. Thatcher maintained contact with his old colleagues by attending meetings here of the Panama Canal Society.

But, as he announced in 1958 at the group's 23d annual meeting, "the ranks are thinning . . ."

Looking back on the occasion of his 99th birthday, he told an interviewer: "I don't lay any claims to a great career. But I've done some useful things. I tried to be useful wherever I was, whatever I did. I've lived a busy and useful life."

His wife, the former Anne Bell Chinn, died in 1960.

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## FURTHER COMMENTS ON THE HOUSE ARMED SERVICES COMMITTEE DETAILED ANALYSIS OF THE RECOMPUTATION OF MILITARY RETIRED PAY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, as the chairman of the Special House Armed Services Subcommittee in the 92d Congress which made a detailed—and, I might add, a rather critical—analysis of the various proposals for the recomputation of military retired pay. I am glad to see that our subcommittee's recommendations are continuing to receive a very favorable response in the Nation's press.

In the belief that Members of Congress will be interested in these comments, especially since recomputation is a rather complex issue to understand, I am inserting the latest ones in the RECORD for all to read.

Under leave to extend my remarks I include a front-page article from the Washington Post of Sunday, January 7, 1973, written by Lawrence Stern; in addition I include an editorial from the Albany, N.Y., Knickerbocker News and Union Star dated January 5, 1973:

[From the Washington Post, Jan. 7, 1973]

### MILITARY PENSION FIGHT SET

(By Lawrence Stern)

The old soldiers are not fading away. They are girding for a renewed campaign to increase their military retirement benefits by as much as $138 billion—the approximate cost of the Vietnam war—over the next three decades.

The objective is Capitol Hill where in the closing days of December they suffered a major reverse at the hands of a House Armed Services subcommittee headed by New York Democrat Samuel S. Stratton.

The House panel, in remarkably unvarnished language, said the American military now enjoys one of the plushest retirement programs in or out of government. It also disclosed that with no changes at all, the cost of military retirements will balloon to $21 billion a year over the next three decades from a present level of $4.3 billion.

By the year 2000—because of the growth of the retiree population—the cumulative bill to American taxpayers would be $339 billion without any upward adjustment in retirement pay for servicemen, according to a comprehensive subcommittee study based on Defense Department figures.

Under the present system the base retirement pay for a man with 20 years' tenure is 50 per cent of his last, and usually highest, active duty pay. A 30-year veteran receives about 75 per cent. This does not include disability allowances.

Also, the average retirement age for officers is 46 and for enlisted men, 41—young enough to launch many of them into second careers. The average military retiree lives 1½ times as long in retirement as he does on active duty, according to Pentagon estimates.

This is what prompted the Stratton subcommittee to describe the U.S. military retirement program as "the most liberal general system in existence."

But the old soldier lobbies, which maintain several national headquarters in Washington and claim to speak for a current national population of 900,000 military retirees, are coming back to fight another engagement.

"There is no question that the vast majority of Congress will vote to support us if they get the opportunity," asserts Col. James W. Chapman, a retired Air Force officer who is senior lobbyist for the Retired Officers Association, the Retired Enlisted Association and National Association of Armed Forces Retirees.

Some congressional authorities on the retirement issue concur in this diagnosis. Despite the adverse findings of the Stratton report, they say, many members would be reluctant to tangle with their retiree constituencies out in the open. Last August when it came to a vote in the Senate the lineup was 82–4 for a $17 billion long-range pay increase for retired servicemen.

Sen. Vance Hartke (D-Ind.), sponsor of that measure, has announced his intention of reintroducing it this year and it could become the rallying point for the renewed drive this year.

The Retired Officers Association claims a membership of 157,000, the largest of the retiree organizations. Another group, the Reserve Officers Association, claims 60,000 active members throughout the country.

There is also the Fleet Reserve Association, for old sailors; the Air Force Sergeants Association, with 15,000 to 18,000 members; the National Association of Uniformed Servicemen; Military Wives Association, Inc.; United Military Wives, and a congery of yet other organizations whose members are vocal and enthusiastic advocates of higher pension benefits.

The catchword of the prospective battle of the military retirement budget is the word "recomputation." It means increasing the pay of retired servicemen whenever Congress gives a salary increase to the active duty forces.

The principle of recomputation had been embedded in the military retirement system since Civil War times primarily to get older officers off the active duty rolls. Military salaries were niggardly and recomputation was accepted as a means of keeping retirees abreast of living costs.

But Congress in the military pay acts of 1958 and 1963 increased retirement pay, abandoned recomputation and permanently tied the retirement system to the consumer price index.

The old soldiers fared well under the new system. Since 1958 retirement pay rose 58 per cent while the consumer price index rose 42 per cent. Under the cost of living formula Congress passed in 1963 retirees get a 4 per cent increase when the price index rises 3 per cent.

In the last session of Congress there were 95 bills introduced for recomputation schemes (the White House sponsored one of them) with long-term costs ranging from $17 billion to $138 billion. This is but one indication of the clout behind the military retiree pay issue on Capitol Hill.

Some four dozen senators and congressmen endorsed various recomputation plans either in person or on paper during public hearings of the Stratton subcommittee last October. That is another example of the persuasiveness of the retiree lobby.

Last September President Nixon tape-recorded a pledge to the national convention of the Retired Officers Association in Anaheim, Calif. "In 1968 we pledged to work for recomputation legislation," the President said, "We have submitted and actively sought passage of recomputation legislation in Congress. We will continue our effort on your behalf in support of that objective."

The 82-to-4 Senate vote for Hartke's "compromise" recomputation bill is cited by its advocates as an example of what Congress would do for former servicemen were the issue brought to an open vote in both houses. One of the four opponents was Senate Armed Services Committee chairman John Stennis (D-Miss.). On the House side, Armed Services Chairman F. Edward Hébert (D-La.) also opposes recomputation.

Although Hartke's plan would have raised benefits by $343 million in its first year and $19 billion over the long run, the service organizations are plumping for far more. The Pentagon calculated the price at $18 billion for their demand that all pre-1958 retirees (the year recomputation was dropped) have their retirement pay refigured on the basis of current active duty pay scales.

In the course of the Stratton hearings, advocates of the new recomputation suggested abandoning federal welfare programs, foreign aid, and revenue sharing to pay for it.

Recomputation and military retirement policy generally will be among the tenderest political concerns for the cost-conscious Nixon administration as well as Congress.

Despite Mr. Nixon's personal pledge to the Retired Officers Association, the Pentagon has little enthusiasm for any form of recomputation at a time when personnel costs already swallow up 60 per cent of its budget.

And word is out on Capitol Hill that the Defense Department is drafting legislation under which servicemen would, for the first time, contribute to their retirement programs—a feature of many civilian retirement systems. The draft proposals also call for reduced benefits during the early retirement years when an ex-serviceman is still able to pursue a second career.

The effect of these proposals, if they are formally submitted to Congress under the imprimatur of the administration, might well add to the heat and smoke of the recomputation debate this year.

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[From the Albany (N.Y.) Union-Star and Knickerbocker News, Jan. 5, 1973]

### SAYING "NO"—HALLELUJAH!

Exhibiting substantial courage, a House of Representatives armed services sub-committee, headed by Representative Samuel S. Stratton, has put at least temporary halt to an effort by the highly organized retired military personnel to raid the treasury on a multibillion dollar scale. The subcommittee did so by recommending that the full committee give no further consideration to proposed recomputation of military retirement pay.

The retirees—a million strong—had sought to have their retirement based on current active duty pay rates, which have been raised spectacularly in the Nixon administration's endeavor to bring about an all-volunteer military establishment.

But the subcommittee noted that military pensions have increased 58 per cent since 1958, when the present rating system was established. It noted also that military pensions are geared to the Consumer Price Index, but that pensions rise 4 per cent whenever the price index rises only 3 per cent. And the committee observed particularly that the proposed legislation was written to benefit most of all high-ranking retirees, already generously provided for.

In addition to all of this, the subcommittee called attention to abuses of the retirement system particularly among senior officers, who are retired on disability (and thus escape income taxes) although there often is serious question whether the disability is real. Thus, in the Air Force, officers are being retired on disability only a few months after they had passed medical examinations qualifying them for the bonus of flight pay.

No one wants military retirees to be in want. But there is no evidence of any substantial want. Rather, there is evidence that the proposed legislation was based on sheer greed.

Congratulations to Representative Stratton's subcommittee for putting an end to it.

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## WAR POWERS RESOLUTION OF 1973

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the urgency for legislation to reaffirm the congressional role in the warmaking process has never been greater than it is today. The 93d Congress faces a fundamental challenge: Whether it will meaningfully reassert its initiative in the policymaking process, reestablish its role as a viable force for leadership and change, and assume its constitutional responsibility and authority. Nowhere is it more important that this challenge be met effectively than in the powers of war.

I am pleased, therefore, to have joined with our colleague Congressman CLEM ZABLOCKI in sponsoring the War Powers Resolution of 1973. Congressman ZABLOCKI, as chairman of the Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, has led the efforts in the House to enact a positive statement reaffirming and reasserting the constitutional authority and responsibility of the Congress in committing U.S. forces to armed conflict. In the 91st and the 92d Congresses, the House passed a war powers resolution under his leadership. I am confident that, spurred by recent events in Southeast Asia, support will continue to grow for this legislation, and that final action will be taken during the 93d Congress.

In May of 1970, the world was shocked by the President's announcement that he had ordered U.S. troops into Cambodia, a move which greatly expanded U.S. involvement in Southeast Asia and committed U.S. forces in another country without prior congressional approval, authorization, or even consultation. The President's action clearly indicated the need for a comprehensive review of the war powers of Congress and the President, and for a basic reappraisal of the manner in which our country involves itself in war. This realization led me to draft and introduce H.R. 17598, a bill to define the authority of the President to intervene abroad or make war without the express consent of Congress. The bill was meant to serve as a catalyst for discussion of the vital constitutional issue. Extensive hearings were held by the Zablocki subcommittee and debate on this issue has continued.

The objective of our efforts has never been to reflect criticism on activities of the President or to take punitive action. Rather the focus of our efforts has been on determining the appropriate scope and substance of congressional and Presidential authority in the exercise of the power of war in order that the Congress might fulfill its responsibilities under the Constitution while permitting the President to exercise his.

Article I, section 8 of the Constitution clearly gives to the Congress power to declare war, to raise and support armies, to provide and maintain a navy, and to make rules for the Government and regulation of the land and naval forces. The President, in article II, section 2, is designated "Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States." Clearly, the framers of our Constitution wanted the responsibility of committing U.S. troops to armed conflict and U.S. involvement in such conflicts to be shared by the legislative and executive branches of Government, and attempted to strike a workable balance between the two. Our experience with the Vietnam war, however, shows that the balance of constitutional authority over warmaking has swung heavily to the President.

Our efforts in considering the war powers resolution, then, are aimed at restoring a proper balance by defining arrangements which would allow the President and Congress to work together toward the goal of maintaining the peace and security of the Nation.

The war powers resolution recognizes that the President, in certain circumstances, must exercise his authority as Commander in Chief to defend the country without specific prior authorization by the Congress. In such cases, however, the President should report immediately to the House and Senate the circumstances necessitating his action. Specific provision is made for such reporting.

The war powers resolution is vital legislation. We must insure that the United States will never again go to war bit by bit as we have in Vietnam.

For the immediate situation in Southeast Asia, however, the Congress should not hesitate to exercise its responsibilities. The time for an end to U.S. involvement in Vietnam has long since passed, and the Congress must take affirmative action. I supported the resolution adopted by the Democratic caucus on January 2, declaring it to be Democratic policy that no further public funds be authorized, appropriated or expended for U.S. military combat operations in or over Indochina, and that such operations be terminated immediately, subject to the release of the prisoners of war and an accounting of those missing in action. The Congress must enact legislation carrying out this policy statement.

Mr. Speaker, the country has learned a bitter lesson from our involvement in Vietnam. The Congress cannot allow a similar situation to occur, and I urge that early, favorable action be taken on House Joint Resolution 2, the War Powers Resolution of 1973.

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## CONGRESSMAN STRATTON REINTRODUCES A CONSTITUTIONAL AMENDMENT TO END THE ELECTORAL COLLEGE WITHOUT ENDING THE ELECTORAL VOTE; CALLS FOR REALISM IN THE ELECTORAL COLLEGE ISSUE

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, last Tuesday I reintroduced here in the House my constitutional amendment—House Joint Resolution 154—designed to eliminate the electoral college as individuals without changing the existing electoral vote system of electing the President.

I first introduced this amendment 4 years ago following the 1968 presidential election, where the narrow margin of victory had threatened for a time to throw the final selection of a President, under our Constitution as it now stands, into the House of Representatives under a voting-by-State rather than voting-by-population arrangement.

There has been a certain amount of talk in the past few days of reviving an earlier effort to end the electoral college and elect our Presidents by direct popular vote.

I certainly would have no objection to direct popular election of the President. In fact I voted for that amendment when it went through the House a couple of years ago. But I said back in 1969—and the event proved me right—that you would never get the Senate to go for direct popular election.

By contrast, my proposal recognizes the realities of the situation. Since we cannot get direct popular election, at least we ought to eliminate the two very serious booby traps which now exist in our present system of electing a President and which could well rise to haunt us in some future close election.

The first of these is the ability of presidential electors to cast their votes for anyone they please, regardless of whose candidacy they have been elected to support on election day. In 1968 we were afraid that a few so-called faithless electors, by switching their votes from one candidate to another, might have been able to prevent any candidate from getting a majority of the electoral vote and thus would have forced the final selection into the House.

Even though the 1972 election was not close in either the electoral vote or the popular vote, we saw here in this Chamber last Saturday that it is still possible for an elector to vote for anyone he pleases. Some Nixon elector in Virginia voted for an obscure person from California instead of for the regular designated Republican candidate.

And once you get the voting transferred into the House you get into a real can of worms, because under the Constitution, Alaska and Delaware would carry as much weight in selecting a new President as New York and California.

My amendment would eliminate the "faithless" elector problem by eliminating the electors as people. And, second, it would avoid the horror of having the House vote for President by States by providing for a national runoff election in case no candidate gets more than 40 percent of the total electoral vote.

Under leave to extend my remarks I include a copy of this amendment:

H.J. RES. 154

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President chosen for the same term, be elected as provided in this Constitution.

"The President and Vice President shall be elected by the people of each State in such manner as the legislature thereof may direct, and by the people of the District constituting the seat of the Government of the United States (hereafter in this article referred to as the 'District') in such manner as the Congress shall by law prescribe. The Congress may determine the time of the election of the President and Vice President, which day shall be the same throughout the United States. In such an election, a vote may be cast only as a joint vote for the election of two persons (referred to in this article as a 'presidential candidacy') one of whom has consented that his name appear as candidate for President on the ballot with the name of the other as candidate for Vice President, and the other of whom has consented that his name appear as candidate for Vice President on the ballot with the name of the said candidate for President. No person may consent to have his name appear on the ballot with more than one other person. No person constitutionally ineligible to the office of President shall be eligible to that of Vice President. In each State and in the District the official custodian of election returns shall make distinct lists of all presidential candidacies for which votes were cast, and of the number of votes in such State for each candidacy, which lists he shall sign and certify and transmit to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the electoral votes shall be computed in the manner provided in section 2.

"SEC. 2. Each State shall be entitled to a number of electoral votes for each of the offices of President and Vice President equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. The District shall be entitled to a number of electoral votes for each such office equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State. In the case of each State and the District, the presidential candidacy receiving the greatest number of votes shall be entitled to the whole number of the electoral votes of such State or District. If a presidential candidacy receives a plurality of at least 40 per centum of the electoral votes, the persons comprising such candidacy shall be the President-elect and the Vice-President-elect. If no presidential candidacy receives a plurality of at least 40 per centum of the electoral votes, a run-off election shall be conducted, in such manner as the Congress shall by law prescribe, between the two presidential candidacies which received the greatest number of electoral votes. The persons comprising the candidacy which receives the greatest number of electoral votes in such election shall become the President-elect and the Vice-President-elect.

"SEC. 3. The Congress shall by law provide procedures to be followed in consequence of the death or withdrawal of a candidate on or before the date of an election under this article, or in the case of a tie.

"SEC. 4. The twelfth article of amendment to the Constitution, the twenty-third article of amendment to the Constitution, the first four paragraphs of section 1, article II of the Constitution, and section 4 of the twentieth article of amendment to the Constitution are repealed.

"SEC. 5. This article shall not apply to any election of the President or Vice President for a term of office beginning earlier than one year after the date of ratification of this article."

## COMMENTS ON A LETTER FROM THE DEPARTMENT OF LABOR

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, normally when an incumbent administration gets itself reelected one would not expect too many problems, but obviously with all the games of musical chairs going on downtown there are a few loose ends.

Just before I left the office this morning to come to the floor of the House I received the following communication from the Acting Executive Officer of the Department of Labor. It reads as follows:

U.S. DEPARTMENT OF LABOR,
*Washington, January 8, 1973.*

Hon. ROBERT H. MICHEL,
*U.S. Congress,*
*Washington, D.C.*

DEAR CONGRESSMAN MICHEL: I am writing to acknowledge receipt of your résumé indicating your interest in a position at the Department of Labor.

We will be contacting you in the near future regarding any position that we may have available for you.

We appreciate your interest in our Department.

Sincerely,

ROBERT F. ARMAO,
*Acting Executive Officer.*

Mr. Speaker, I was not aware that I had applied for any position down in the Department of Labor or that my position was so insecure here in the House.

I can assure the Members that when the Department of Labor comes before our Appropriations Committee we will give all the new folks thoughtful consideration for all their requests, but if this confrontation between the executive and legislative branches proves to be the big issue it appears to be in this Congress, I intend to exercise my prerogatives as a Member of this House and cast my lot with the legislative branch.

## TRANSFER OF SPECIAL ORDER

Mr. MINSHALL of Ohio. Mr. Speaker, under a previous order I have been granted permission to address the House for 1 hour at the conclusion of the day's business on January 16. I ask unanimous consent to change the date from January 16 to January 23.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## EXTENSION OF ECONOMIC STABILIZATION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-42)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on on Banking and Currency and ordered to be printed:

*To the Congress of the United States:*

During 1969, the annual rate of inflation in the United States was about six percent. During my first term in office, that rate has been cut nearly in half and today the United States has the lowest rate of inflation of any industrial country in the free world.

In the last year and a half, this decline in inflation has been accompanied by a rapid economic expansion. Civilian employment rose more rapidly during the past year than ever before in our history and unemployment substantially declined. We now have one of the highest economic growth rates in the developed world.

In short, 1972 was a very good year for the American economy. I expect 1973 and 1974 to be even better. They can, in fact, be the best years our economy has ever experienced—provided we have the will and wisdom, in both the public and private sectors, to follow appropriate economic policies.

For the past several weeks, members of my Administration have been reviewing our economic policies in an effort to keep them up to date. I deeply appreciate the generous advice and excellent suggestions we have received in our consultations with the Congress. We are also grateful for the enormous assistance we have received from hundreds of leaders representing business, labor, farm and consumer groups, and the general public. These discussions have been extremely helpful to us in reaching several central conclusions about our economic future.

One major point which emerges as we look both at the record of the past and the prospects for the future is the central role of our Federal monetary and fiscal policies. We cannot keep inflation in check unless we keep Government spending in check. This is why I have insisted that our spending for fiscal year 1973 not exceed $250 billion and that our proposed budget for fiscal year 1974 not exceed the revenues which the existing tax system would produce at full employment. I hope and expect that the Congress will receive this budget with a similar sense of fiscal discipline. The stability of our prices depends on the restraint of the Congress.

As we move into a new year, and into a new term for this administration, we are also moving to a new phase of our economic stabilization program. I believe the system of controls which has been in effect since 1971 has helped considerably in improving the health of our economy. I am today submitting to the Congress legislation which would extend for another year—until April 30 of 1974—the basic legislation on which that system is based, the Economic Stabilization Act.

But even while we recognize the need for continued Government restraints on prices and wages, we also look to the day when we can enjoy the advantages of price stability without the disadvantages of such restraints. I believe we can prepare for that day, and hasten its coming, by modifying the present system so that it relies to a greater extent on the voluntary cooperation of the private sector in making reasonable price and wage decisions.

Under Phase III, prior approval by the Federal Government will not be required for changes in wages and prices, except in special problem areas. The Federal Government, with the advice of management and labor, will develop standards to guide private conduct which will be self-administering. This means that businesses and workers will be able to determine for themselves the conduct that conforms to the standards. Initially and generally we shall rely upon the voluntary cooperation of the private sector for reasonable observance of the standards. However, the Federal Government will retain the power—and the responsibility—to step in and stop action that would be inconsistent with our anti-inflation goals. I have established as the overall goal of this program a further reduction in the inflation rate to 2½ percent or less by the end of 1973.

Under this program, much of the Federal machinery which worked so well during Phase I and Phase II can be eliminated, including the Price Commission, the Pay Board, the Committee on the Health Services Industry, the Committee on State and Local Government Cooperation, and the Rent Advisory

Board. Those who served so ably as members of these panels and their staffs—especially Judge George H. Boldt, Chairman of the Pay Board, and C. Jackson Grayson, Jr., Chairman of the Price Commission—have my deep appreciation and that of their countrymen for their devoted and effective contributions.

This new program will be administered by the Cost of Living Council. The Council's new Director will be John T. Dunlop. Dr. Dunlop succeeds Donald Rumsfeld who leaves this post with the Nation's deepest gratitude for a job well done.

Under our new program, special efforts will be made to combat inflation in areas where rising prices have been particularly troublesome, especially in fighting rising food prices. Our anti-inflation program will not be fully successful until its impact is felt at the local supermarket or corner grocery store.

I am therefore directing that our current mandatory wage and price control system be continued with special vigor for firms involved in food processing and food retailing. I am also establishing a new committee to review Government policies which affect food prices and a non-Government advisory group to examine other ways of achieving price stability in food markets. I will ask this advisory group to give special attention to new ways of cutting costs and improving productivity at all points along the food production, processing and distribution chain. In addition, the Department of Agriculture and the Cost of Living Council yesterday and today announced a number of important steps to hold down food prices in the best possible way—by increasing food supply. I believe all these efforts will enable us to check effectively the rising cost of food without damaging the growing prosperity of American farmers. Other special actions which will be taken to fight inflation include continuing the present mandatory controls over the health and construction industries and continuing the present successful program for interest and dividends.

The new policies I am announcing today can mean even greater price stability with less restrictive bureaucracy. Their success, however, will now depend on a firm spirit of self-restraint both within the Federal Government and among the general public. If the Congress will receive our new budget with a high sense of fiscal responsibility and if the public will continue to demonstrate the same spirit of voluntary cooperation which was so important during Phase I and Phase II, then we can bring the inflation rate below 2½ percent and usher in an unprecedented era of full and stable prosperity.

RICHARD NIXON.

THE WHITE HOUSE, *January 11, 1973.*

## THE PRESIDENT'S MESSAGE ON PHASE III

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, I am pleased that the President acted to move the country beyond phase II of the price and wage control program to a new type of program which is self-administering and based on voluntary compliance. His timing is excellent, given the progress we have made thus far in achieving economic stability and proper economic growth.

I think the new program has a good chance of success, considering the willingness of both labor and management to participate fully in the implementation and operation of phase III. The support expressed by both labor and management indicates that both groups believe the plan to be equitable.

In my opinion, phase III substantially accommodates the views advanced by labor leaders during the consultation process. I understand they have expressed their willingness to comply voluntarily with an appropriate type of program.

I would emphasize that the new price and wage control system is directed at plugging up holes in the existing program, since it will include stepped-up efforts to control food prices and medical costs.

The special emphasis that phase III places on moderating food price behavior should be good news to the housewife. In addition to the maintenance of mandatory controls on food processors and retailers, a new Cost of Living Council Committee on Food has been created. The Committee on Food will work closely with the Department of Agriculture to insure that specific decisions as well as reforms in the farm programs fully accommodate the need to elicit increased supplies to meet consumer demand. This special emphasis on consumer food prices is vital in view of the recent upsurge in food prices at the wholesale level.

Finally, I endorse the President's goal of getting the rate of inflation down to 2.5 percent or less by the end of 1973. This is an ambitious goal but not an unreasonable one. I think we can make it.

## SAFETY AND HEALTH IN METAL AND NONMETALLIC MINES

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, I am today introducing legislation to repeal the Federal Metal and Nonmetallic Mine Safety Act because, paradoxical as it may sound, that is the best way to promote health and safety in these mines. The effect of the repeal is not to leave metal and nonmetallic miners without the protection of Federal safety law; rather it is to make them subject to the Occupational Safety and Health Act of 1970, a much stronger and more effective statute than the Metal and Nonmetallic Mine Safety Act.

The Metal and Nonmetallic Mine Safety Act was a forward-looking, progressive piece of legislation when it was enacted, and I am proud to have been a member of the subcommittee that developed it. But we have now had 6 years of experience under that act, and we have also—through the enactment of the Federal Coal Mine Health and Safety Act of 1969 and the Occupational Safety and Health Act of 1970—acquired a great deal more experience in writing safety and health legislation.

The Select Labor Subcommittee's hearings last year demonstrated at least two major weaknesses in the Metal and Nonmetallic Mine Safety Act—and my bill is designed to correct both of them. The first weakness is in the administering agency.

We placed enforcement of safety and health responsibility in the Bureau of Mines because we thought that its technical expertise in mining operations made it the logical agency to protect the worker's safety and health. But we were wrong. The Bureau of Mines' basic charter is to promote production and that, we have found, is inconsistent with rigorous enforcement of safety laws. Safety and maximizing production are not always consistent goals—and the Bureau of Mines has shown that workers will not be adequately protected while their lives are in the hands of an agency that is "production first" oriented.

The failure of the Bureau's enforcement program is evident from the figures. The injury frequency rates have not declined in the industries subject to this act, while experience under the Longshore Safety Act, administered by the Department of Labor, demonstrates conclusively that a well enforced safety law will bring injury rates down.

The most appalling evidence of the ineffectiveness of the Bureau of Mines program in the metal mining area is the disaster at the Sunshine Silver Mine in Kellogg, Idaho, in May 1972. The interim report of the independent hearing examiner on that disaster is a tragic indictment. Let me just quote a few sentences from his report:

> It is evident that a large number of deaths and the magnitude of the disaster are a direct result of inadequate safety standards, industry-wide poor safety practices, the lack of training of the miners in the event of a disaster, and the fact that no one expected a disaster of this magnitude to occur. Further, not only are some standards inadequate, but they have been diluted and rendered ineffective by interpretation.

We will not have a vigorous enforcement program in this industry until we transfer responsibility to the Department of Labor. That is what my bill does, and it insures that the Department of Labor will have sufficient experience in the mining field by transferring to that Department the personnel in the Interior Department who have been engaged in the administration of the law.

We have, as I said before, learned much about the relative efficacy of different enforcement procedures in occupational safety and health laws. The Occupational Safety and Health Act of 1970 is the distillation of that experience. It improves in many ways the procedures of the Metal and Nonmetallic Mine Safety Act, and I am attaching to my statement a memorandum outlining the weaknesses of that act which are improved in the Occupational Safety and Health Act.

Mr. Speaker, death and injuries in the mines are not inevitable. Effective safety and health laws effectively administered can make a difference. It is time that the metal and nonmetallic miners of this country received the protection that they deserve—and that my bill will provide.

I include the following:

### WEAKNESSES OF PUBLIC LAW 89-577—FEDERAL METAL AND NONMETALLIC MINE SAFETY ACT

#### STANDARDS

There are no mandatory interim standards.

There is no time limit within which permanent mandatory standards must be set.

The Secretary of Interior is bound by formal rule-making procedures which can often be lengthy.

Under a state plan, standards do not have to be at least as effective as the federal ones.

There is no provision for a variation in standards and for the employees to be informed of one.

There are no emergency temporary standards.

There is no general duty to cover unique circumstances where no standards have been promulgated.

There is no distinction in the standards between gassy and nongassy mines.

#### ENFORCEMENT

#### *Inspections*

The inspector is required to visit each mine only once per year.

There is no prohibition against advance notice of an inspection.

There is no provision for the employee representative to accompany the inspector.

There is no provision for the employees to get the results of an inspection.

There is no requirement for an inspector to *reinspect* to determine if an employer has corrected a violation of a standard.

#### *Penalties*

There are no mandatory penalties.

There are only *permissive civil* penalties:

(1) if the Secretary of Interior *chooses* to bring a civil action for failure to correct a violation of a standard;

(2) if the Secretary of Interior chooses to bring a civil action in the District Court for failure to abide by a reporting requirement;

(3) if the Secretary of Interior *chooses* to bring a civil action for an employer's refusal to permit an inspection or for interference with an inspector.

There are permissive criminal penalties if:

(1) the Secretary of Interior wishes to bring an action for refusal to comply with a withdrawal order in cases of imminent danger causing death or serious physical harm;

(2) or refusal to comply with an order of debarment.

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## THE FIRST 60 MINUTES

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, 60 years ago, before antibiotics even began to affect mortality rates due to infectious disease, heart attacks replaced tuberculosis as the Nation's leading killer. According to major cardiologists and public health officials, heart disease has grown in epidemic proportions with over 39 percent of all deaths occurring in the Nation directly related to cardiovascular disease.

I am today reintroducing legislation that could cut these tragic figures by as much as 60 percent, by making the most use of the victim's "first 60 minutes"—that time during which most deaths occur. This bill provides for the amendment of title XII of the Public Health Service Act to grant Federal assistance to local communities to institute programs in the area of emergency cardiovascular service. It is designed especially to expedite the application of care directly to the patient in an attempt to save a large portion of those lives lost during the "first 60 minutes." By dispatching to the patient a cardiologist, nurse, technician and, driver-attendant in an ambulance specially equipped with a portable electrocardiograph and defibrillator, the patient's condition may be assessed and treated in a fraction of the time it now takes. The damage to the heart can be determined immediately by the electrocardiograph and, if necessary, the heart reactivated with the defibrillator. Instead of transporting the patient to a medical facility for proper emergency treatment, these medical facilities in the form of the "heart-saver squad" are now taken to the patient.

In 1971 in my own district, 83 percent of all deaths were due to heart attacks and blood vessel disease. Death due to cardiovascular disease struck every 13 minutes and the American Heart Association has estimated that 40,200 will die of heart disease in New Jersey during 1973.

As long ago as June 1971, a national commission of heart disease specialists confirmed that the first step to be taken to lower the high death toll, should be the creation of mobile and stationary life support units where trained personnel could monitor and treat with drugs or electrical equipment, the potentially fatal heart rhythm abnormalities. Several communities and organizations in the country today have created "heart-saver squads" in the hopes of dramatically cutting these needless fatalities. Seattle, Wash., Charlottesville, Va., and Columbus, Ohio, now have in operation mobile coronary units and professionals trained in the use of defibrillators, drugs, and other treatments in the home.

Recently, former President Lyndon Johnson, suffered a heart attack and his life may have actually been saved by the mobile coronary care unit of the University of Virginia. It was indeed fortunate that he was within reach of one of the handful of "heart-saver squads" in the entire Nation. There should be no difficulty in seeing that the benefits of this lifesaving unit should be available to every single one of our Nation's cardiovascular victims.

This dreaded killer is unique in its swiftness and random nature. Most of those who die from coronary problems do so very quickly, therefore the irreplaceable benefits of capable and thorough emergency care are only too obvious. In recent years, scientists and physicians have made significant advancements in heart transplants and other surgical techniques, as well as the development of artificial devices to provide temporary or permanent circulatory assistance to damaged or failing hearts. There are many medical promises available to a heart attack victim if only he can survive the acute early stages of his attack.

The number of people that will die this year of heart attacks compare with all the death losses in all the wars of this Nation; 30 to 60 percent of these deaths can be eliminated by the speedy application of proper medical treatment during "the first 60 minutes."

## CONGRESSIONAL REFORM

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, on Wednesday, January 3, I introduced a measure which would make an important contribution to congressional reform by restoring direct authority over all facets of the legislative branch of our Government to the Congress.

Under our constitutional system, the smooth functioning of our Government depends upon the separation of Federal power between the executive, the judicial, and the legislative branches, and the maintenance of the proper balance of power between them. Thus, I find it unacceptable that a number of key officials in our legislative branch are appointed to office by the President rather than the Congress itself.

We find that the Public Printer, the Librarian of Congress, the Comptroller General and Deputy Comptroller General of the United States, as well as the Architect of the Capitol, are appointed by the President, although they serve as subordinate units within the general framework of the legislative branch of the Government.

H.R. 63 would provide for the appointment of these officials by the Congress rather than the President. It would direct the Speaker of the House of Representatives and the President pro tempore of the Senate to make each appointment alternately, with the first such appointment being made by the Speaker of the House.

I want to emphasize that my bill is not directed at the performance of any of the incumbents now in office. Instead, it reflects my deep concern with the basic operation of our present system. The Congress of the United States, acting through the principal leaders of each chamber, has equal capacity for the appointment of competent individuals to these posts. I urge my colleagues to give serious consideration to the provisions of H.R. 63 in order that we might more effectively meet our constitutional responsibilities. In my judgment, officials who serve in subordinate positions within the framework of Congress should logically be appointed by the Congress.

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## JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, the Joint Committee on Congressional Operations was created by the Legislative Reorganization Act of 1970. I have had the honor of serving as its first chairman. With this 93d Congress the chairmanship will shift to the Senate; therefore, I feel it proper that I report to the Congress on our first 2 years of activities.

The committee attempted to establish a reputation for responsible activity and meaningful accomplishment. What success we had is due entirely to the hard work and outstanding efforts of the committee members and staff. I personally am deeply grateful for the unflagging support of our vice chairman, Senator LEE METCALF, and the other eight members. They have been dedicated and determined advocates of improving congressional capabilities.

At a time when "congressional reform" is a catch phrase of many congressional observers and particularly our critics, we have attempted to do our job in a realistic, if unspectacular way. How well we succeeded is not for me to say, this is a determination that our colleagues will make for themselves. Therefore, for your information a brief summary of the joint committee's activities follows:

### REPORT ON ACTIVITIES OF THE JOINT COMMITTEE DURING THE 92D CONGRESS

#### SUMMARY

The Joint Committee on Congressional Operations, created in the 1970 Legislative Reorganization Act, maintained a full schedule of activities during the 92nd Congress.

With Rep. Jack Brooks of Texas as its first Chairman and Sen. Lee Metcalf of Montana as Vice Chairman, this new committee—

Conducted hearings and reported recommendations on proposals designed to improve the Congressional budget process;

Reviewed and reported on implementation of provisions of the 1970 Act intended to give Congress better access to more meaningful Federal fiscal and budgetary information.

Compiled and published in a single source rules adopted by the committees of Congress;

Prepared and issued a series of reports identifying court proceedings and actions of vital interest to the Congress; and

Established an Office of Placement and Office Management for Congress, and published Congressional Handbooks containing information on the allowances, emoluments, and privileges accorded Members of both Houses.

The committee also began or completed a number of staff studies pertaining to congressional operations, prepared for hearings—on the relationship between legislative immunity and Congress' ability to gather and disseminate information—to be conducted during the 93rd Congress, and held seminars for new congressional staff personnel.

All of the committee's activities over the past two years, described in greater detail below, have been carried out in accordance with its mandate as defined in the 1970 Act.

#### COMMITTEE ORGANIZATION

Representative Brooks and Senator Metcalf were elected to serve as chairman and vice chairman, respectively—the chairmanship alternates between the House and Senate every two years—at the committee's first organization meeting on March 18, 1971. Committee organization was completed on March 30, with adoption of rules and procedure.

Other Members of the committee were: Representatives Robert N. Giaimo of Connecticut, James G. O'Hara of Michigan, Durward G. Hall of Missouri, and James C. Cleveland of New Hampshire; and Senators Mike Gravel of Alaska, Lawton Chiles of Florida, Clifford P. Case of New Jersey, and Richard S. Schweiker of Pennsylvania.

Appointed as permanent committee staff employees were: Eugene F. Peters, Executive Director; Donald G. Tacheron, Director of Research; Nicholas A. Masters, Staff Director (resigned September 30, 1971); Raymond L. Gooch and George Meader, Staff Counsel; Ann Holoka, Research Assistant; and Cynthia Watkins, Office Manager.

The committee held six days of public hearings and met 12 times to consider staff appointments, proposals and approve reports, discuss hearings, and conduct other committee business.

#### COMMITTEE ACTIVITIES

Provisions of the 1970 Act give the committee a broad mandate. As defined in title IV, part 2, its duties and responsibilities are to:

1. Make a continuing study of congressional organization and operation; and to recommend improvements designed to strengthen Congress, simplify its operations, improve its relationships with other branches of the United States Government, and enable it better to meet its responsibilities under the Constitution.

2. Identify any court proceedings and actions of vital interest to the Congress or to either House of the Congress; to call these to the attention of the House of Congress specifically concerned, or to both Houses of Congress; and to make recommendations concerning them.

3. Control and supervise an Office of Placement and Office Management.

Activities undertaken by the committee to carry out these provisions included the following:

In its first hearings, the committee evaluated proposals to improve the scheduling of annual authorization-appropriations action so that enactments could be completed prior to the start of the new fiscal year. Four days of hearings were held, with emphasis on numerous proposals to change the Federal fiscal year. Invited to testify were Members of both Houses and representatives of congressional agencies, executive departments, and various private organizations. Additionally, all Governors, all chief State school officers, and the Mayors of 50 cities were asked to submit statements for the record.

The hearings were printed and, together with the committee's report and recommendations, entitled *Changing The Federal Fiscal Year: Testimony and Analysis,* issued November 5, 1971, were sent to all Members of both Houses.

In a related area, the committee conducted an extensive review of implementation of sections 201–203 of the 1970 Act, intended to give Congress—along with other users—ready access to meaningful fiscal, budgetary, and program related data in the executive departments and agencies. Hearings were held in March and April, 1972, with witnesses invited from the General Accounting Office, Department of the Treasury, and Office of Management and Budget. The printed hearings and subsequent committee report, entitled *Improving Fiscal and Budgetary Information for the Congress,* issued August 15, 1972, were sent to all Members of both Houses.

As a part of this review activity, the committee initiated a comprehensive study of congressional needs for information on Federal financial operations. The study, begun by the GAO in mid-1971, is expected to be completed in 18 to 24 months, and the committee will continue its review of implementation of sections 201–203 during that period.

In another project, the committee issued a report containing rules adopted by congressional committees at the beginning of the 92nd Congress. Compiled in cooperation with the chairmen of the various committees, who were asked to submit copies of their committee's rules for inclusion, the report contains rules adopted by 22 House committees, 20 Senate committees, and 3 joint committees. The committee plans to revise this report, *Rules Adopted by the Committees of Congress,* to reflect any committee rules changes made early in each Congress.

Other publications resulting from committee studies were:

*Modern Information Technology in the State Legislatures,* June 9, 1972, describes automatic data processing systems in use or being developed at the state level; and

*The Joint Committee on Congressional Operations,* January 1, 1972, describes the committee's purpose, jurisdiction and rules; and contains a brief description of changes in congressional organization and operation over the past decade as well as statistical information on congressional activity, names of House and Senate Leaders, committee chairmen, and congressional agency heads.

Committee publications have been distributed widely. For example, the committee responded to 5,120 requests for *Rules Adopted by the Committees of Congress,* 1,880 for *Improving Fiscal and Budgetary Information for the Congress,* 1,280 for *Changing the Federal Fiscal Year: Testimony and Analysis,* and 1,445 for *Modern Information Technology in the State Legislatures.*

#### *Identifying court proceedings*

In October, 1971, the committee issued the first in a series of reports identifying court proceedings and actions of vital interest to Congress. Four such reports have been issued since then, each of them listing additional cases and including any new action on cases described in the preceding reports.

The most recent of these cumulative reports, complete to September 25, 1972, contains a summary of the brief and the status of 38 actions in the following areas: Constitutional qualifications of Members of Congress, Constitutional immunities, powers of congressional committees, Constitutional powers of Congress, congressional access to executive branch information, Officers and agents of Congress, and other actions involving Members in their representative capacity. The 164-page report also contains the text of recent decisions on cases identified for inclusion.

In addition to the cumulative reports, the committee prepared and distributed two special reports in areas of general interest to many Members. The committee responded to 1,817 requests for copies of the first of these, *Decisions of the United States Supreme Court (United States* v. *Brewster,* and *Gravel* v. *United States),* issued on June 29, 1972; and to 2,430 requests for copies of the second, *The Franking Privilege of Members of Congress,* issued October 16, 1972.

The final cumulative report, for the 92nd Congress to be issued in early January, 1973, will include final action on all cases pending during the two-year period. The committee has arranged to distribute these reports regularly to all Members of both Houses as well as congressional committees, law schools, and other interested individuals and organizations.

#### *Office of Placement and Office Management*

The committee conducted a survey of congressional offices during May, June, and July, 1971, to determine what kinds of assistance Members, officers, and committees required in recruiting, and training qualified staff personnel and in applying modern office management techniques. Based on results of this survey—which included interviews with Members and staff in 49 congressional offices and committees—the committee began providing services through its Office of Placement and Office Management in January, 1972.

The committee assumed full responsibility for the Placement Office, previously operated by the U.S. Department of Labor, on January 3, 1972. The Placement Office is situated on the first floor of the House Annex (former Congressional Hotel) and in Room B–46 of the Russell Senate Office Building. Among placement services provided are:

Preliminary applicant interviews on a walk-in basis.

Maintenance of qualified applicants by job categories.

Submission of resumes in response to job orders for review by the congressional offices involved. (The Placement Office submits a number of resumes of qualified applicants for each job opening; it does not make final selection among candidates for employment.)

Use of Placement Office services is increasing steadily, with 1066 job orders received from congressional offices to date. Some 200 applicants are given preliminary interviews by the office each week.

In November, 1972, in accordance with objectives defined in sections 402(a) and 402(b) of the 1970 Act, the committee printed and distributed loose-leaf handbooks consolidating information on allowances and other support services available to Members of the House and Senate.

Prepared by the Office of Placement and Office Management, the 200-page *Congressional Handbook*—The House and Senate versions differ to reflect the different allowances and procedures for obtaining them in the two Houses—describes information sources, privileges of Members, and other information pertaining to establishment and maintenance of congressional offices.

Copies of the handbooks have been distributed to all re-elected, incumbent and newly elected Members of Congress, officers of the House and Senate, and congressional committees. Material in the handbooks will be revised periodically as needed and new pages containing updated allowances, procedures, etc., will be sent to those receiving these publications from the committee.

### STUDIES AND ACTIVITIES IN PREPARATION

In addition to work completed, as indicated above, the committee initiated a number of preliminary studies for hearings or reports and planned training programs for new House and Senate staff employees. Included, are background studies relating to questions to be considered in hearings on legislative immunity and its relationship to Congress' ability to gather and disseminate information. Topics on which such studies are under way are the origin and development of the doctrines of legislative, executive, and judicial immunities; the court's jurisdiction over issues involving operations of Congress; judicial and executive actions relating to the separation of powers doctrine and executive privilege; and proposals for establishing a counsel for Congress. The hearings have tentatively been scheduled to open in February, 1973. Other studies scheduled for completion during the 93rd Congress are:

A. Congressional capability for utilizing communications media more effectively in reporting to the American people. The study objectives are to:

1) describe the existing imbalance between executive and legislative branch communications capabilities;

2) analyze and assess the consequences of this imbalance; and

3) develop recommendations for a communications strategy providing Congress with the techniques and access to the media necessary to offset the massive and increasingly sophisticated use of mass communications by the President and executive agencies.

B. Decisions of the Federal courts in cases which have significantly affected the operations of Congress. This compilation will include cases of historic and legal importance in these major categories:

1) the separation of powers doctrine as it affects the legislative functions of Congress;

2) congressional investigations and the power to solicit information by contempt proceedings;

3) congressional power over elections and qualifications of members; and

4) legislative immunities.

Each chapter will contain selected material from law journals and other legal periodicals as well as the complete text of the official reports of the cases selected for inclusion, providing in a single source the major court interpretations of the constitutional functions and prerequisites of the Congress along with the implications of these interpretations as viewed by legal commentators.

C. Responsiveness of legislative agencies, including the Government Printing Office, General Accounting Office, Library of Congress, and Architect of the Capitol.

D. Detailed description of the plans of the General Accounting Office and the Congressional Research for upgrading their information capabilities to meet new requirements of the 1970 Legislative Reorganization Act. Also under way is a general survey of the operation of other provisions of the 1970 Act that are within the review and study jurisdiction of the committee.

E. Current and prospective applications of modern information technology in the Congress. The study will include summary descriptions of such systems in both Houses, the GAO, Library of Congress, and Government Printing Office.

Training for new staff employees was offered by the committee through its Office of Placement and Office Management during the second week in January, 1973. The purpose of the training sessions was to acquaint key staff appointees with various problems that can be anticipated in the day-to-day operation of a congressional office. The *Congressional Handbook* is used as the basic text for these sessions, with discussion leaders selected from among experienced House and Senate staff personnel. Subjects covered include office organization, constituent relations, casework, and sources of information. The sessions were attended by 125 individuals representing the staffs of 64 Representatives and 12 Senators.

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## EQUAL POWER TO THE CONGRESS

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, I make remarks today in conjunction with the introduction of a bill to put an end to setting national priorities with a bookkeeper's ledger.

Today, I am introducing, along with my colleagues a so-called impoundment bill. I call this bill an equal power to the Congress bill.

The bill I am introducing was presented last year by our outstanding colleague, former Congressman Bill Anderson of Tennessee. I cosponsored the Anderson bill last year, and I take this opportunity to salute his work in this area. I salute his initiative, also.

And even though Bill is not here to reintroduce his bill, those of us in Congress, who question the President's capricious impoundment of congressionally appropriated moneys, must continue efforts to get the Anderson bill passed, in some form at least.

Already several of my distinguished colleagues have introduced impoundment legislation, and I understood some Members will do so today.

Some of these bills will be the same, or similar, while others will be substantially different.

Mr. Speaker, whatever the final form is, we need an impoundment bill.

Mr. Speaker, I plan to listen to all ideas; I plan to work to get something that will pass both Houses of Congress above being bullheaded for my bill only.

I urge all Members to do likewise.

Basically, Mr. Speaker, the bill I introduce today is to require congressional approval of Federal moneys impounded by the executive department.

The bill would require the President to notify Congress within 10 days if appropriated funds are impounded. The notification must include the amount of funds, the specific projects or governmental functions affected, and the reasons for impounding the funds.

Unless, and I emphasize unless, Mr. Speaker, both the House and the Senate ratify the impoundment, the President could hold up Federal moneys approved by Congress no more than 60 days.

This legislation would require the House and the Senate to take up debate on the impoundment by resolution to approve or disapprove of the freezing of funds under a privileged rule that would not refer the impoundment notification to committee for study or hearings.

The bill provides that Congress must ratify the impoundment within 60 days or else the money must be released. Also, there are several safeguards to make sure Congress allots sufficient time to consider the impoundment resolution within the 60-day period.

Quite frankly, Mr. Speaker, the Office of Management and Budget has become the "invisible Government" of the United States.

This title used to be reserved for the CIA; but, Mr. Speaker, there is a committee of Congress to oversee the CIA.

The newspapers are the only source I have to learn where the Presidential ax will fall, and has fallen. The OMB is delivering the blows of that ax, Mr. Speaker.

It would be humorous, if it were not so serious, but I and my staff cannot keep up with what congressional programs are being abolished daily.

Now, Mr. Speaker, nearly 200 years ago, the Constitution established the basic framework of our Government.

The people were to elect, first House Members, and then later in our history, both House and Senate Members.

These Members of Congress were to come to Washington, examine how much money the Government had, and decide how to spend that money.

Although not as simple as I have described, generally the Congress is still supposed to function on these principles.

The executive branch was to take the moneys appropriated by Congress, and administer the money in the most efficient manner.

Mr. Speaker, it just does not work this way anymore.

Instead, through the OMB, the executive branch has begun to act as if it alone could handle the general welfare of this Nation.

Last July 26, I held a special order on the impoundment problem.

At that time, I warned the Congress that someday we would wake up and find that everything we legislated could be meaningless. I warned that we could complain when money for our district was withheld, but that someday everybody's district could suffer. I warned that many philosophies—liberal, conservative, rural, urban, and so on—

would be affected. I warned that someday constituents would request our help and we could do nothing.

Mr. Speaker, I do not intend to repeat what I said last year—this would only clutter up the RECORD.

I do say, with a large degree of alarm, that the someday that I spoke of last year is here. Someday is today.

Since Christmas we have seen rural programs abolished, health funds made meaningless, housing efforts crippled, the environmental commitment rendered puny, education grants slashed, and on and on.

I have sounded the alarm; I have not minced my words.

Before continuing, I must address myself to those who say "So what, when a Democratic President does it, the Republicans holler; and when a Republican President does it, the Democrats holler."

I think that we have passed the stage of partisan rhetoric.

My distinguished friend, former President Lyndon Johnson, said this about the impoundment of funds many years ago when he was in the U.S. Senate:

> Do we have a centralized control in this country? Do we no longer have a co-equal branch of government? I had the thought that we had a constitutional responsibility to raise an army; I had the thought that we had a responsibility to appropriate funds. I had the thought that once the Congress passed the appropriation bill and the President approved it and signed and said to the country that "this has my approval" that the money would be used instead of sacked up and put down in the basement somewhere.

That Mr. Johnson later impounded funds as a President does not detract from the validity of the questions he asked as a Senator.

To those who say, "Why, Thomas Jefferson impounded money for gunboats, and thus impoundment is as American as apple pie," I reply, "If impoundment is applie pie, it is a unhealthy pie—so full of cholesterol to clog the proper arteries of constitutional spending pipelines to give our form of government a massive heart attack."

Let us also examine past impoundments.

Thomas Jefferson did not spend the money for the gunboats because they were no longer needed.

Can we say the same for our water pollution program? I think not.

Abraham Lincoln impounded funds under his war powers as Commander in Chief during the War Between the States.

But the impounding of funds was not much of an issue in those days. Departments and agencies communicated their financial needs informally to the Congress with no coordination by the executive branch. As the country grew, however, the system displayed obvious difficulties, and in 1921 the Bureau of the Budget was founded. It was a part of the Tresury Department until 1939. Then, because of the vast financial problems of the depression and the organizational problems created by the New Deal agencies and law, the Executive Office of the President was created and the Bureau of the Budget became an official arm of the President.

This agency wielded increasing power over the various agencies and departments in determining their budget requests. Although this power was of concern to some, I do not think anyone ever basically questioned the right and duty of the President to formulate a budget and use an instrument such as the Bureau of the Budget to do it.

The first major conflicts between the President and the Congress occurred after World War II when President Harry Truman used impounding as a major method to convert from peacetime to wartime priorities. And up until very recently, almost all impoundment questions have centered around military appropriations. President Harry Truman froze the funds for the U.S.S. *United States* and for military aircraft. President Dwight Eisenhower impounded funds for the Nike-Zeus missile. President Kennedy impounded funds for the B–70 bomber.

Yet, perhaps because the major cases were isolated and sporadic, no great and united long-range concern was voiced.

It goes without saying that today impoundment is not an isolated occurrence.

I think that we are aware that some say that the President has statutory authority to impound funds.

I think that this is a false argument.

Basic statutory authority for impoundment derives from the Anti-Deficiency Acts of 1905 and 1906. These acts sought to prevent, and I quote, "undue expenditures in one portion of the year that may require deficiency or additional appropriations to complete the service of the fiscal year." These acts further provided that apportionments could be waived or modified in the event of "some extraordinary emergency or unusual circumstances which could not be anticipated at the time of making such apportionment."

The Anti-Deficiency Act was amended in 1950, giving the then Bureau of the Budget somewhat more discretion. But even these amendments do not give the Executive total authority over the direction of expenditures by the Federal Government.

The Office of Management and Budget was created by the President under Reorganization Plan No. 2 of 1970.

In essence, the functions vested by law in the Bureau of the Budget were transferred by the President to the Director of the OMB.

By Executive order the functions of OMB were defined, and I include this order to show that preparation of the budget as such was no longer to be the dominant overriding concern of the new agency.

I include this order also to show that in no part does it direct the OMB or give the OMB power to alter or override prerogatives and priorities set in congressional legislation:

> STATEMENT OF FUNCTIONS.—By Executive Order 11541 of July 1, 1970, all functions transferred to the President of the United States by part I of Reorganization Plan 2 of 1970 were delegated to the Director of the Office of Management and Budget. Such functions are to be carried out by the Director under the direction of the President. The Office's functions include the following:
>
> 1. To aid the President to bring about more efficient and economical conduct of Government and service.
> 2. To assist in developing efficient coordinating mechanisms to implement Government activities and to expand interagency cooperation.
> 3. To assist the President in the preparation of the budget and the formulation of the fiscal program of the Government.
> 4. To supervise and control the administration of the budget.
> 5. To conduct research and promote the development of improved plans of administrative management, and to advise the executive departments and agencies of the Government with respect to improved administrative organization and practice.
> 6. To assist the President by clearing and coordinating departmental advice on proposed legislation and by making recommendations enactments, in accordance with past practice.
> 7. To assist in the consideration and clearance and, where necessary, in the preparation of proposed Executive orders and proclamations.
> 8. To plan and promote the improvement, development, and coordination of Federal and other statistical services.
> 9. To plan and develop information systems to provide the President with program performance date.
> 10. To plan, conduct, and promote evaluation efforts to assist the President in the assessment of program objectives, performance, and efficiency.
> 11. To plan and develop programs to recruit, train, motivate, deploy, and evaluate career personnel.
> 12. To keep the President informed of the progress of activities by agencies of the Government with respect to work proposed, work actually initiated, and work completed, together with the relative timing of work between the several agencies of the Government all to the end that the work programs of the several agencies of the executive branch of the Government may be coordinated and that the moneys appropriated by the Congress may be expended in the most economical manner with the least possible overlapping and duplication of effort.

The following statement from the Congressional Research Service of the Library of Congress sums up the OMB's present statutory authority to impound funds:

> Even as amended as it is hard to see how the language of this section can be interpreted to give the Bureau of the Budget unlimited discretion to apportion reserves. The establishment of reserves is authorized "to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments *subsequent to the date on which such appropriation was made available.*" This seems to preclude the establishment of reserves simply because of a disagreement of policy between the Executive and Legislative Departments on the basis of the facts existing at the time the appropriation was made.

In other words, the Anti-Deficiency Acts provide for the sound fiscal management of the appropriations and policies set by the Congress. They do not give statutory authority for the OMB and the President to ignore congressional appropriations and policies.

Yet I think you are aware that is precisely what is happening today.

Finally we came to the constitutional

question. Some say that the President has the constitutional authority to impound money.

I will not pass myself off as a great legal mind. Instead, I ask you to weigh and value the opinion of two men—Senator SAM ERVIN of North Carolina and Supreme Court Justice William Rehnquist.

Senator ERVIN, recognized as the leading constitutional scholar in the U.S. Senate, has introduced a bill in the Senate similar to the one I and my colleagues are introducing today.

He has joined an amicus curiae brief in an impoundment case before the U.S. Court of Appeals for the Eighth Circuit. This is a case filed by the State of Missouri against the authority of OMB to withhold money for highway construction in Missouri.

Twenty-three Senators joined the brief, as did I and my colleague BENJAMIN ROSENTHAL of New York and MORRIS UDALL of Arizona.

This brief point blank states that the President does not have the authority to impound, under the Constitution, congressionally appropriated money.

So Senator ERVIN'S position is clear—the Constitution does not give the President authority to impound money.

There is another opinion on this question that carries weight—Supreme Court Justice William Rehnquist.

When Justice Rehnquist was Assistant Attorney General in the Office of Legal Counsel of the Department of Justice he authorized a memorandum which stated:

> With respect to the suggestion that the President has a Constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent.

Not being facetious, I note that Justice Rehnquist is a strong Republican, and a strict constructionist of the Constitution.

I feel his opinion is to be valued also.

Of course, I have introduced a bill to allow the President to impound money for 60 days without congressional authority. First, I note that this may contradict the position that I took on the amicus curiae brief. I maintain that if the judicial branch has to settle the question of impoundment, I will join the issue on that battlefield as well as in Congress.

I would, however, want to see Congress settle the question.

Furthermore, I think that we all realize that impoundment is sometimes good management—for example, if a ship can be built for less money than appropriated by Congress, then the executive should not spend all the money. Perhaps if money appropriated for a disaster was more than needed once the emergency was met, impoundment could be a useful tool.

I also do not think it is healthy to resolve the impoundment question in the atmosphere of judicial drama—such an approach would only be another abdication of responsibility by the Congress.

So let us pass the bill I and others propose today, or a similar piece of legislation.

Let us say to our countrymen, "The 93d Congress again made the United States a government of three equal branches." A greater gift we could not give to this country as we approach our 200th anniversary.

Mr. Speaker, I thank my colleagues for their time; I commend to them the legislation that has been introduced.

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## SOFT DRINK BOTTLERS' BILL

(Mr. PICKLE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PICKLE. Mr. Speaker, last year the Federal Trade Commission filed complaints against soft drink companies which market their product under a franchise system including exclusive rights to certain geographical territories. On the surface, the FTC move would appear to be a true move against monopoly and for open competition in the public interest.

Last year I pointed out how this surface appearance was deceptive.

At the risk of being accused of being redundant, I want to repeat the argument in favor of a soft drink bottlers' bill.

The fact is that the peculiar market conditions in this industry mean that these actions could result in precisely the opposite effect. Indeed, it threatens to turn a highly competitive industry of about 3,000 local manufacturing concerns into a oligopoly-controlled industry with little chance for the small manufacturer to compete, with little price competition, with reduced service or an end to service for smaller retail outlets, and with loss of easily identifiable manufacturer responsibility for producing a pure quality beverage.

Clearly this is not in the interest of free enterprise or in the interest of public well-being.

Clearly this is an unusual and exceptional case where the congressional intent of the Federal Trade Commission Act would be strongly violated by an enforcement of the tenets of that act.

Today I join 12 other Texas colleagues in introducing legislation to correct this exceptional circumstance and preserve an important element of small business enterprise across this land. Many other Members of Congress have introduced similar legislation.

The bill is intended to assure that where the licensee of a trademarked soft drink product is engaged in the manufacturing, distribution, and sale of that product, he and the trademark owner may include provisions in the licensing agreement which give him sole right to manufacture, distribute, and sell the trademarked product in a defined geographic area.

The manufacturer is subject to the conditions that, first, there be adequate competition in that area between the trademarked product and products of the same general class manufactured, distributed, and sold by others; that, second, he is in free and open competition with vendors of products of the same general class; and that third, he is in accordance with the Trademark Act of 1946.

The circumstances which necessitate this legislation are tied up in the route delivery marketing method which characterizes this industry. This method has produced intensive competition between the bottlers for the trade of virtually every large or small establishment which serves soft drinks.

It has also seen the growth of a large and healthy small business in local bottlers in countless towns across the country.

If the exclusive territorial system is abolished, however, then large volume buyers who deal with many final outlets in several areas will be able to purchase one small franchise nearest their key warehouses and distribute that product all over the country.

Those few bottlers nearest these warehouses—who can also come up with the capital necessary to switch to the production of canning or nonreturnable containers preferred by large volume buyers—will stay in the game.

The small bottler who is not near the warehouse will be doomed. Or he will be forced into a market consisting solely of small outlets, "mom and pop" stores and the like, and I wager we will soon see a necessary hike in prices there due to the costs of delivery.

This is not the intention of the Federal Trade Commission Act, and it is not in the public interest. I urge the House, therefore, speedily to take action to preserve the high competition which now exists in this industry.

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## NEGOTIATED SETTLEMENT OF VIETNAM WAR

(Mr. RUPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUPPE. Mr. Speaker, last Saturday morning, I voted with the majority of my colleagues in House Republican conference to support a resolution endorsing the efforts of the President to end the Vietnam war through a negotiated settlement. My support of this resolution reflects an obvious desire to see the conflict ended without further bloodshed and in such manner that our prisoners of war will be returned and those missing in action will be accounted for.

For the record, however, I want to clarify my position. Like every American, I share the fervent hope that the negotiations which began again this week in Paris will be concluded successfully. It was this hope that was expressed in my vote for the resolution passed in the Republican conference. However, that vote in no way reflects any support on my part for the unprecedented bombing of North Vietnam which took place between December 18 and December 30. These raids were in my view unwarranted and not consistent with what I view as the major goal of our policy in South Vietnam: the return of American POW's and accounting of those missing in action. Mr. Speaker, I am convinced that the December bombing raids were not in the best interest of this Nation, if we are to assert our moral leadership and national conscience.

## A NATION UNREADY FOR LE GRAND RICHARD

(Mr. McFALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McFALL. Mr. Speaker, the New York Times of Monday, January 8, 1973, contains a timely and perceptive essay by our colleague, Mr. BRADEMAS of Indiana, on the subject of the President's relations with the Congress.

Mr. BRADEMAS gives an admirable summary of the reasons this Congress promises to be an active one. Mr. Speaker, the thoughts of the gentleman from Indiana on this subject are of value to all of us, and for the convenience of Members I will insert his essay at this point in the RECORD.

### A NATION UNREADY FOR LE GRAND RICHARD

(By JOHN BRADEMAS)

WASHINGTON.—When President Nixon tries to pass himself off as an American Disraeli, do not be beguiled. It's Charles de Gaulle, with his supreme contempt for the legislative branch of government, whom Mr. Nixon really admires.

The President's vetoes of bills unanimously passed by bipartisan majorities, his impounding of appropriated funds, his attempts to create super-departments by Executive fiat rather than legislation—all these sections make obvious Mr. Nixon's intentions to spurn any Congressional olive branches that may be offered him.

But if the President is feeling feisty after his impressive victory, he should take care, for the 93d Congress promises to be one of the most active and assertive in years.

Here are some of the reasons for expecting a resurgent Congress in 1973 and '74.

Despite the Nixon landslide, Democrats kept solid control of both the House and Senate. If the American people had intended a mandate for the President's policies, they would have given him a Republican Congress to carry them out. If the President insists he won a mandate on Nov. 7, then we in Congress have a right to say we did too.

Another reason to expect more from the next Congress—and get it—is that Senate Democrats, bolstered by two additions, are already busily shaping their own legislative program for early action. Majority leader Mike Mansfield has warned that Democrats won't wait for Administration proposals but will use their 57-to-43 margin to send their own bills to the floor.

In the House, Speaker Carl Albert, with one term of experience in the high office, and the new majority leader, Thomas P. O'Neill Jr. of Massachusetts, will be in much stronger position to give leadership on Democratic initiatives. For example, the accession of Representative J. Ray Madden of Indiana to the chairmanship of the Rules Committee will mean more cooperation from that key unit than the House leadership has known in a generation.

In addition, the absence from the new House—because of death, defeat, resignation or retirement—of six committee chairmen and six of the top ranking Republicans on committees will, in several cases, produce more constructive, aggressive leadership than their predecessors gave.

There is a third reason to anticipate a renascent Congress in the next two years. Not only most Democrats but also a number of Republican Senators and Congressmen oppose the Administration's attempts to centralize executive powers in the White House staff, the impounding of funds, the attacks on press and threats to television, the still unexplained Watergate campaign tactics.

All these are reasons the voters did not give Mr. Nixon a compliant Congress; they are also among the reasons it won't be compliant.

Senator Sam Ervin of North Carolina and Representative Chet Holifield of California, Chairmen of the Government Operations Committee, will fight the effort to establish super-departments run by Presidential assistants who, when Congress tries to question them, plead executive privilege and immunity from public accountability.

The President's refusal to spend money Congress voted to meet urgent problems is already being challenged in the courts and will bring a constitutional confrontation with Congress as well.

And many Republicans in Congress, peeved that President Nixon failed either to speak for them or share his copious campaign funds, also feel their Democratic colleagues' resentment that he waited till Congress adjourned before vetoing bills, some passed unanimously, to help older Americans, the severely disabled and flood victims.

With no opportunity in late October to override the vetoes, Congress will act swiftly to approve these measures.

Nor will the Administration's threat to hold local television stations accountable for reporting to the Government on the content of network news contribute to improving relations with Congress.

Nor, it seems safe to add, will Mr. Nixon be helped on the Hill by his failure to bring peace in Vietnam and his renewal of the bombing.

The 93d Congress—as its Democratic leaders in both the House and Senate have made perfectly clear—will cooperate with President Nixon in the interest of the nation. But neither Congress nor the American people are ready for Le Grand Richard in the White House or to change the name of Camp David to Colombey-les-deux-Eglises.

## LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip the program for the rest of this week, if any, and the legislative schedule for next week, if any.

Mr. McFALL. Will the gentleman from Michigan yield to me for that purpose?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. McFALL. Mr. Speaker, there is no further business for today, and I will ask that the House go over until Monday. On Monday we plan to ask to go over until Thursday. There is no legislative business scheduled for next week, as far as I know, unless we possibly have elections to some committees. We hope to complete the organization of the committee so that they can begin meeting on legislation.

Mr. Speaker, I understand there are some resolutions out of the Committee on House Administration that we may be taking up on Monday.

## ADJOURNMENT OVER TO MONDAY, JANUARY 15

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

## HOUSE OF REPRESENTATIVES HOLIDAY RECESS SCHEDULE—1973

Mr. McFALL. Mr. Speaker, the following is the holiday recess schedule for 1973:

Lincoln's Birthday, Monday, February 12: From conclusion of business on Friday, February 9 until noon, Monday, February 19.

Washington's Birthday, Monday, February 19: Reading of the Farewell Address only.

Easter, Sunday, April 22: From conclusion of business on Thursday, April 19 until noon, Monday, April 30.

Memorial Day, Monday, May 28: From conclusion of business Thursday, May 24 until noon, Tuesday, May 29.

Fourth of July, Wednesday, July 4: From conclusion of business Friday, June 29 until noon, Thursday, July 5.

August recess, from conclusion of business Friday, August 3 until noon Wednesday, September 5.

The House will be in session the first and third Fridays of every month if legislation is available prior to the August recess. The House will be in session every Friday after Labor Day.

Further recesses will be announced after Labor Day.

## CONCERNING THE LEGISLATIVE PROGRAM

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I would like to ask the gentleman from California a question concerning the resolution or resolutions. Is it one resolution or more than one resolution that is to be considered on Monday, and will they be available to the Members of the House before Monday?

Mr. McFALL. I am advised that there may be several resolutions out of the Committee on House Administration for Monday. At this time I am not advised as to how many there will be or what the content of the resolutions will be.

Mr. GROSS. Does the gentleman know whether those resolutions will be available before Monday?

Mr. McFALL. I assume they will be. But if the gentleman will allow me some opportunity to find out the answers to his questions in the next few minutes, I will be glad to answer them for him, but I do not have that information at the present time.

Mr. GROSS. I thank the gentleman.

## PROVIDING FOR CONTINUED FUNDING OF INTERSTATE AND DEFENSE HIGHWAYS

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, I am introducing today legislation which provides for the continued funding of the National System of Interstate and Defense Highways. This bill authorizes the Secretary of Transportation to make apportionments of highway trust fund moneys for interstate highway construction for fiscal years 1974 and 1975.

Six States have already exhausted their supply of interstate funds, and are unable at the present time to let any contracts. By March that number will have grown to 19, and by June, 36 States report that they will have no interstate highway funds to spend.

The cost of delay could be staggering. Costs will rise by millions of dollars due to increases in costs of labor and materials and land acquisition. But the greatest cost of the delay is in the thousands of highway deaths that could be prevented by the completion of this lifesaving system. Each year 55,000 persons are killed on our Nation's highways, a number that could be significantly reduced due to the proven increased safety of the interstate highways.

For this reason, Mr. Speaker, I urge support of the present bill, which through simple and direct action can help bring an end to the costly delay in construction of our system of interstate highways.

## ELECTRONIC RECORDING OF MEMBERS' VOTES

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROGERS. Mr. Speaker, the first session of the 93d Congress will be marked by a great advance in House procedure; namely, the replacement of the rollcall by electronic recording of Members' votes. Required by the Legislative Reorganization Act of 1970, this new system has been estimated to cut in half the time required for recording votes. At that rate, it is estimated that the system will pay for itself in about one Congress, in terms of Members' time saved.

Mr. Speaker, I would like to call to the attention of the House the part played in the development of this voting system by two Ft. Lauderdale, Fla., firms, Communication Equipment & Engineering Co., and National Identification Corp. In a display of great ingenuity, these companies developed and manufactured the five main display boards mounted above the press gallery and the two summary display panels mounted in each end of the House. This type of hidden-front display, duplicating our existing decorum, has never been accomplished before.

Mr. Speaker, these firms are to be commended for turning a difficult assignment into a great achievement, one which should have a salutory effect on the deliberations of this Chamber in the years to come.

## AIR TRANSPORTATION SECURITY ACT OF 1973

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, 16 of my colleagues and I have introduced today the Air Transportation Security Act of 1973. The crux of the bill is the following provision:

> SEC. 3. (a) Consistent with the Federal Aviation Administration's general authority and duty to provide rules and regulations necessary to provide adequately for safety in air commerce, the Director of the Federal Bureau of Investigation shall have the responsibility to establish, maintain and direct a coordinated national police effort to curb acts of aircraft piracy and destruction of aircraft or aircraft facilities.

The bill then provides a $35-million appropriation for the program.

### THE PROBLEM PRESENTED

The problem was most dramatically and tragically presented by the incident which occurred at the Houston airport on October 29, 1972.

On that day Stanley Hubbard, an Eastern Airlines ticket agent, was confronted at nighttime by four men armed with pistols and a shotgun who stormed the gate, and the courageous ticket agent, in a heroic attempt to protect the passengers on the Eastern Airlines flight, lost his life in attempting to stop these desperadoes.

What was needed was a police presence acting pursuant to a delineation of responsibility which would marshal all the skills of crime detection, police intercommunication and ultimate frustration of the crime and arrest to the unique problem at hand. Such need was tragically lacking.

In the first place, though the FBI had special reason to believe that Charles Tuller and his associates might well be in the Houston area and they knew that they had robbed a bank in the District of Columbia area, the FBI apparently did not engage in any special surveillance of the Houston airport nor inform the airport or Federal or local police authorities of imminent danger. The Federal Aviation Administration had merely given the Houston airport routine information, commonly afforded to other airports, that the Tullers were aboard and were potential hijackers.

In the second place, there were only 17 armed Federal agents assigned at the Houston airport. Since there are two buildings with four terminal areas each of which would need to be guarded at a minimum, it would take no less than 24 such Federal agents to man these points on a three-shift, 24-hour basis.

In the third place, the means of detection of arms was so close to the entrance of the plane that the use of force to prevent boarding would be about as dangerous to passengers in the accordion walkway as would be the use of force aboard the plane.

In the fourth place, the police presence was under divided authority and direction, most of the Federal agents being under the Bureau of Customs, at times perhaps two under the FBI, and others under the authority of the city police force—all with no clear responsibility to any coordinating head.

The matter of coordination of activity and assignment of paramount responsibility and authority for police activity is, in my opinion, the major concern to which legislation should be addressed, and that is what my bill addresses.

### THE SOLUTION OFFERED

This bill would not change the delineation of the authority to the Federal Aviation Administration respecting screening of passengers in air transportation. The broad, general framework contained in 49 U.S.C.—1421(a)(6) is adequate and preferable to a more detailed statutory directive. That section states that—

> The Administrator is empowered and it shall be his duty to promote safety of flight of civil aircraft in air commerce by prescribing . . . Such reasonable rules and regulations, or minimum standards, governing other practices, methods, and procedure, as the Administrator may find necessary to provide adequately for national security and safety in air commerce.

The Administrator has put into effect rules requiring carriers, as a condition of carriage, to require that passengers and property intended to be carried in the aircraft cabin in air transportation be screened by weapon-detecting devices, just as is required in section 203 of S. 39. What is lacking is neither statutory authority nor administrative will to accomplish these objectives but rather a police presence with both the expertise and the manpower to aid in the detection of the hijacker, to frustrate his plans, and to arrest him.

### UNDERLYING POLICY MATTERS

We should be most reluctant to create a new Federal police authority within the Federal Aviation Administration. Such would necessitate authorization of police functions, newly established and specifically stated, such as detention, search, arrest, and inspection of property, and the question would be raised as to whether or not there is a congressional intent to extend search and seizure provisions further toward their constitutional limits than they are now extended in existing law.

Of course, it must be understood that our constitutional ban on unreasonable search and seizure does not arise from the English sporting spirit that gives the fox a chance but rather from a just reluctance to treat every poor dog as if he were a predator.

Fourth amendment concepts arise from deep feelings based upon very real American experiences, and they are not to be taken lightly. As was pointed out in *Stanford* v. *Texas,* 379 U.S. 476, the American experience with the "general warrant" during the colonial period made indiscriminate searches of persons and places abhorrent to the framers of the Constitution.

It is true that under Adams, *Warden* v. *Williams,* 407 U.S. 143, the police may find reasonable grounds to forcibly stop and engage in protective seizure of a weapon based upon information from the informant. Thus, if the FBI were given police authority and if information were obtained by the airline company that weapons or explosives were likely to be found on the person or in the luggage of a passenger, the FBI could act upon this information. This would obviate the necessity of granting some special authority to a governmental agency to search persons and luggage in connection with air travel.

Granting such special authority raises certain constitutional risks. As is pointed out in "Airport Security Searches and the Fourth Amendment," 71 Columbia Law Review 1039, 1041:

The fourth amendment does not address itself to searches by private parties.

Its impact is upon governmental agencies. *Burdeau* v. *McDowell*, 256 U.S. 465, 475. Thus, I believe it more prudent to follow the course of relying upon FBI general authority, under established constitutional limitations, to engage in police activities and merely to denominate the FBI as the Federal police presence at airports to prevent air hijacking.

The text of the bill follows:

### H.R. 1800

A bill to create an air transportation security program

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. This Act may be cited as the "Air Transportation Security Act of 1973."

SEC. 2. The Congress hereby finds and declares that—

(1) The United States air transportation system continues to be vulnerable to violence and air piracy because of inadequate security and a continuing failure to properly identify and arrest persons attempting to violate Federal law relating to crimes against air transportation; and

(2) The United States Government has the primary responsibility to guarantee and insure safety to the millions of passengers who use air transportation and intrastate air transportation and to enforce the laws of the United States relating to air transportation security.

SEC. 3. (a) Consistent with the Federal Aviation Administration's general authority and duty to provide rules and regulations necessary to provide adequately for safety in air commerce, the Director of the Federal Bureau of Investigation shall have the responsibility to establish, maintain and direct a coordinated national police effort to curb acts of aircraft piracy and destruction of aircraft or aircraft facilities.

(b) Programs necessary to carry out such police effort shall be promulgated after consultation with the Administrator, and the Administration and the Bureau shall cooperate in a fully coordinated effort to curb such acts of aircraft piracy and destruction of aircraft and aircraft facilities.

(c) The Director shall establish and maintain an air transportation security force, composed of agents of the Bureau, of sufficient size to provide a federal law enforcement presence and capability adequate to insure the safety from criminal violence and air piracy of persons traveling in air transportation or intrastate air transportation.

(d) The Administrator shall submit semiannual reports to Congress advising the Congress of any rules and regulations, or minimum standards, inaugurated under its authority to provide adequately for national security and safety in air commerce relating to aircraft piracy and destruction of aircraft or aircraft facilities and shall include in such report an analysis and appraisal of the effectiveness of the program instituted under such rules and regulations or minimum standards. The Director shall likewise report to the Congress semi-annually on the nature and effectiveness of the programs it may place into effect under the authority of Section 3(b) hereof. The Administrator and the Director shall jointly prepare and shall include with their reports a description and appraisal of the method used in coordinating their efforts to achieve the purposes of this Act. The Administrator and the Director shall coordinate their efforts in making such reports and shall include them under one cover, and all of the reports may be consolidated in a single instrument signed by the Administrator and the Director.

SEC. 4. (a) "Bureau" means Federal Bureau of Investigation.

(b) "Director" means Director of the Federal Bureau of Investigation.

(c) "Administration" means the Federal Aviation Administration.

(d) "Administrator" means the Administrator of the Federal Aviation Administration.

SEC. 5. To establish, administer, and maintain the air transportation security program provided in section 3 of this Act, there is hereby authorized to be appropriated for fiscal year 1974 the sum of $35,000,000, and for each succeeding fiscal year such amounts not to exceed $35,000,000, as are necessary to carry out the purpose of such section.

## RESOLUTIONS FROM COMMITTEE ON HOUSE ADMINISTRATION

(Mr. McFALL asked and was given permission to address the House for 1 minute.)

Mr. McFALL. Mr. Speaker, with further reference to the question asked me by the gentleman from Iowa (Mr. Gross) concerning the content of resolutions from the Committee on House Administration as to whether they will be ready on Monday. First, we are uncertain that they will be ready on Monday, because of certain members of the Committee on House Administration being out of town and, second, if they are ready they will be money resolutions to pay employees of committees who are working at the present time but who are not technically members of the committee staff because the committees have not yet been formed. The resolutions would be for that purpose only.

## PROPERTY TAX RELIEF FOR THE LOW-INCOME ELDERLY

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I introduce today for appropriate reference H.R. 1862, the Property Tax Relief Act of 1973.

Representatives John Brademas of Indiana, Donald M. Fraser of Minnesota, and Henry B. Gonzalez of Texas are cosponsors of the bill.

Low-income elderly are probably the hardest hit in the Nation by inflation and rising taxes. The homes they live in were purchased many years ago, when property taxes were low and job income was coming in regularly. But now they are retired on small, fixed incomes, supplemented inadequately if at all by social security payments, while property taxes and living expenses have risen drastically, especially in urban areas. The result is excessive taxes, often as much as one-third of total income.

Yet, moving away from a heavily taxed home is not always a feasible solution. There is often a sentimental attachment to the old familiar property. The task of moving is a burdensome one for the elderly. And at the present time decent yet inexpensive housing is often simply not available.

To meet this problem, H.R. 1862 provides property tax relief to those over 62 with a total yearly income of $5,000 or less. The relief extends to elderly renters as well as homeowners—it is assumed that 25 percent of rent payments are in effect for property taxes.

Normally, the relief comes as a credit against Federal income tax. But for those eligible persons whose income is so low that they owe less income tax than the amount of relief due to them, a direct cash refund is substituted for the credit.

The refund or credit is intended to offset only that portion of the property tax that is well in excess of what can be considered a fair burden. It works like this:

Property taxes are considered unusually high if they exceed a certain percentage of household income. This percentage increases as household income increases. After determining the amount of the tax which is excessive, 75 percent of this amount is credited or refunded.

To insure that only truly needy persons receive relief, applicants must list all forms of money income, including nontaxable income such as social security, veteran's disability benefits, public assistance payments, and railroad retirement benefits. In addition, the bill limits the amount of property taxes that can be used in computing relief to $500. Thus, if a householder has property tax payments of $600 he can only use $500 of that in computing his refund or credit.

As one might expect, the upshot of all this is a rather complicated formula. For those who are curious, the formula is in section 1603 of the bill. The following table lists the size of the credit or refund which is available in some representative cases:

| *Property tax* | *Total household income* | *Credit or refund* |
|---|---|---|
| $100 | $1,000 | $75.00 |
| $300 | 1,000 | 225.00 |
| $500 | 1,000 | 375.00 |
| $100 | 2,000 | 18.75 |
| $300 | 2,000 | 168.75 |
| $500 | 2,000 | 318.75 |
| $100 | 3,000 | 0.00 |
| $300 | 3,000 | 63.75 |
| $500 | 3,000 | 213.75 |
| $100 | 4,000 | 0.00 |
| $300 | 4,000 | 0.00 |
| $500 | 4,000 | 108.75 |

A maximum revenue cost to the Federal Government of $250 million a year is estimated.

Because the bill is closely modeled on Wisconsin's Homestead Relief Act, a brief look at Wisconsin's experience with the law may be helpful.

Enacted in 1964 and liberalized in 1966, 1968, and 1971, the Wisconsin law was the first State "circuit breaker" for property taxes. In fiscal 1972, Wisconsin provided tax relief of $10 million to 79,000 low-income elderly families—15 percent of them renters rather than homeowners—an average payment of about $127. The cost per capita to Wisconsin inhabitants was only $1.53.

Very few of those eligible had incomes high enough to make them subject to the State income tax, so that 98.8 percent of the relief was in the form of a direct cash refund.

In addition to relieving the elderly of the burden of excessive property taxes, the law has had important side effects. It has reduced the tendency of local property taxes to force those with less money to pay a higher proportion of their income for taxes. The law has also had a beneficial effect on income distribution, since it in effect transfers income from the general taxpaying population to those who are very poor.

The Wisconsin experiment has been so successful that the Advisory Commission on Intergovernmental Relations has recommended that all States follow Wisconsin's lead. Thirteen States have done so. But there is no need to wait for State legislatures to act. We can make this relief available now by using the Federal income tax system.

## VINCENT MICHAEL CARTER

The SPEAKER. Under a previous order of the House, the gentleman from Wyoming (Mr. RONCALIO) is recognized for 5 minutes.

Mr. RONCALIO of Wyoming. Mr. Speaker, I rise to pay tribute to a former Member of this body, the late Vincent Michael Carter, who represented the State of Wyoming in the 71st, 72d, and 73d Congresses.

Mr. Carter, whose funeral was conducted on January 2, 1973, in Albuquerque, N. Mex., had a distinguished career of public service to his State and Nation.

He was born on November 6, 1891, in St. Clair, Pa. He moved with his parents in 1893 to Pottsville, Pa. and attended public and high school there. He also attended the U.S. Naval Academy Preparatory School in Annapolis. He studied at Fordham University and in 1915 received a degree in law from Catholic University in Washington, D.C.

Four years later, in 1919, he was admitted to the practice of law in Wyoming, beginning in Casper. He moved in 1929 to Kemmerer, Wyo., continuing the practice of law.

During World War I, he served as a lieutenant in the Marine Corps in the Eighth Regiment, Third Brigade. He was a captain in the Wyoming State Militia from 1919 to 1921.

Mr. Carter served as deputy attorney general of the State of Wyoming from 1919 to 1923 and as State auditor from 1923 to 1929.

He was elected to the U.S. House of Representatives in 1928, serving in three consecutive Congresses. He was the unsuccessful Republican nominee for the U.S. Senate in 1934.

He then resumed his law practice in Cheyenne and retired in 1965.

Mr. Carter was a devoted member of the Republican Party who, in addition to his public office, also was a delegate to the national conventions of the Republican Party in 1936 and 1940. He spent the last 6 years of his life in retirement in Albuquerque.

## LEGISLATION TO SAVE EASTERN WILDERNESS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, over 16 years ago, on June 11, 1956, I introduced the first wilderness bill in the House of Representatives. The purpose of that bill was to assure the American people that we would protect, as one element of our land use system, "an enduring resource of wilderness."

Eight years later, it was my pleasure to stand beside the President when the Wilderness Act was signed into law on September 3, 1964. Our original purpose had been achieved: We had laid the foundations for a national wilderness preservation program.

Today, it is my pleasure to introduce another wilderness bill, in company with my distinguished colleague and friend from Florida, the Honorable JAMES A. HALEY. Ours is a bill to further the purposes of the Wilderness Act; it builds directly on the foundations Congress laid down long ago. By designating 28 new wilderness areas in the East, the South, and the Midwest, this proposal will bring the benefits of wilderness closer to home for the large part of our population concentrated in these regions.

### OUR WILDERNESS PRESERVATION POLICY

The purpose of the original Wilderness Act of 1964 was to establish a national policy and to lay the foundation for a practical program to preserve areas of wilderness. That act established the national wilderness preservation system, to be comprised of areas designated for preservation as wilderness by the Congress. That initial act began such a program by designating 9.1 million acres of wilderness in 54 units reaching from California and Colorado to New Hampshire and North Carolina. It also outlined a process for studying additional areas for later addition to the wilderness system, and specified the areas to be studied.

Since 1964, we have been engaged primarily in implementing this wilderness review program by carrying out these required studies. After some initial delays, that process has worked well and is on schedule. The agencies of the executive branch are continuing to submit their wilderness proposals to the Congress.

The Congress, too, began somewhat slowly in considering these new wilderness proposals with the first bills not being passed until 1968, just 4 years ago. There were obstacles along the way, but today we find that earlier policy problems are being resolved, and earlier hindrances are being cleared away. While I am not entirely happy with the progress to date, I am confidently looking forward to an acceleration of the wilderness review process in the Congress.

In order to stimulate an accelerated consideration of wilderness proposals, I will introduce a series of bills embodying all current wilderness proposals, both from the executive branch of the Government and from citizen groups.

Mr. Speaker, even as we accelerate and complete the study and designation of areas mandated for review by the Wilderness Act, we must not fail to recognize the urgent need to extend the wilderness program beyond those first foundations we established in the 1964 act.

### WILDERNESS IN THE EASTERN UNITED STATES

Increasingly in the past year, attention has focused on the importance of providing wilderness areas for the eastern half of the United States. Although the question has assumed a special urgency, it is not new. Early efforts by citizen groups in West Virginia, Alabama, and elsewhere have coalesced into a regionwide movement to preserve the wilderness in the East, the South, and the Midwest.

Nothing could be more encouraging to me than this growing interest in wilderness in the East. In taking up this question, we are broadening our efforts. We are not turning away from continuing wilderness action needs in the West and in Alaska. Additionaly, we are also redressing an imbalance.

When we passed the Wilderness Act, we gave statutory protection to lands in our national forests which had previously been classified as wilderness, protected by administrative regulations. Because most of those administratively established wilderness areas had been in the West, the original statutory units of the national wilderness preservation system were concentrated in the West. But there is wilderness in the eastern half of the United States, too. And make no mistake about it, this eastern wilderness has its proper place within the protective framework of our national wilderness preservation system.

Of course, the wilderness review program did not ignore the eastern half of the country. Of the 54 original national forest wilderness areas designated by the 1964 act, three were in the East, as well as the boundary waters canoe area in Minnesota.

Since 1964, as the review process has brought wilderness proposals to the Congress, and as these have been enacted, we have designated new eastern wilderness areas. The first was the Great Swamp Wilderness in New Jersey. We have since added the Wichita Mountains Wilderness in Oklahoma, the Moosehorn Wilderness in Maine, a number of important wilderness islands in Florida, and the Seney Wilderness in northern Michigan, among others.

These are diverse areas. Some of the areas had once felt the disturbances and impacts of man's works, including some logging, roads and human occupation. Nonetheless, those impacts had passed. Natural forces had restored the land and its community of life, so that each was an area which "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable," to quote from the practical definition of "wilderness" found in section 2(c) of the Wilderness Act.

These areas have been our start on wilderness in the East. There are other areas in our eastern national parks, our national wildlife refuges and our eastern national forests which are similarly suitable for designation as wilderness. We need to get on with the job of identifying these areas and moving them through the Congress for inclusion in the national wilderness preservation system.

### MISINTERPRETING THE WILDERNESS ACT

This is the course we should pursue in a practical program to extend wilderness protection to suitable lands in the eastern half of the country. But some people would have us believe this practical course cannot be followed. We must start from scratch, they suggest, considering whole new alternative policies and mechanisms. They say—we cannot apply the Wilderness Act, or they tell us, it will not work in the East.

This curious idea stems from the faulty premise that, for some reason, no lands in the eastern half of the country can qualify to be designated as wilderness. Because such lands have felt the impact of past human disturbance, this argument goes, they are not suitable to be wilderness, and they never can be.

Mr. Speaker, it is difficult to see how this peculiar misinterpretation of the Wilderness Act arose. It certainly has no basis in the Wilderness Act. I can say that with every assurance. Nor does it come from the Congress, which has been applying the Wilderness Act to eastern lands, including once-disturbed lands, since September 3, 1964. Nor does this "no wilderness in the east" idea come from the administration. The President is behind the Wilderness Act, and he has been all along as a matter of priority. Many fine eastern wilderness areas have been recommended to the Congress by the President, including lands within the Shenandoah National Park wilderness close by Washington and familiar to many of my colleagues. The President's proposal for that area acknowledges that the lands were once subject to disturbance, including settlement and logging, but finds that natural influences have led to a degree of restoration allowing it to qualify under the Wilderness Act.

Despite all this—the act itself, the precedents set by the kinds of areas Congress designated in the act, and the position of the administration—some people continue to suggest that the Wilderness Act will not work for the East. The act, they tell us, is too narrow, too rigid, and too pure in its qualifying standards.

Very frankly, those who take this position are wrong.

I fought too long and too hard, and too many good people in this House and across this land fought with me, to see the Wilderness Act denied application over an entire half of the country by this kind of obtuse or hostile misinterpretation or misconstruction of the public law and the intent of the Congress of the United States.

I will not go into this question much further here. Those who wish to pursue this misinterpretation of the Wilderness Act will find me a most interested listener and questioner at committee hearings on this and other wilderness bills. We shall get to the bottom of any remaining, unresolved problems or questions about the act's applicability in sessions before the Interior and Insular Affairs Committee.

Mr. Speaker, I am the author of the Wilderness Act in this House. I know very well what it says and what it intended, and I know how it was intended to be applied in a practical program. It comes as no surprise to me that some people oppose the wilderness program. I have spent more than 25 years of my life doing battle with those people, and I have been winning right along. If they want to come before me with a lot of hokum about "purity" and "diluting the high standards of the Wilderness Act" and so forth, they are welcome to do so, but I ask them to come with their eyes opened and prepared for battle.

### EASTERN NATIONAL FOREST WILDERNESS

Mr. Speaker, I have recently seen a very interesting official document of the U.S. Forest Service, signed by two regional foresters.

This document is a proposal that the Forest Service take the lead in promoting a new, alternative mechanism for preserving lands in the eastern national forests. The authors say that the Wilderness Act is no good. To quote:

> The criteria for adding wilderness to the National Wilderness Preservation System do not fit conditions in the South and East.

Through they have made no systematic study and held no public hearings about wilderness in the East, they have the audacity to report—

> We are persistently reminded that there are simply no suitable remaining candidate areas for Wilderness classification in this part of the National Forest System.

This is an intriguing document, for it makes a lot of strong assertions about what is or is not wilderness. The document is apparently designed to be a policy statement of the U.S. Forest Service. Just in recent days, I have learned of efforts by local Forest Service officials in several States, including Illinois and Missouri, to drum up public support for proposed alternative legislative based on the thinking in this particular document.

I sincerely hope that this line of thinking does not permeate the Forest Service. I continue to hope that these anti-Wilderness Act statements are not the current official position of the agency and its new chief. It is a matter I will be looking into very closely in this Congress.

Let me simply state—those of us who fought for the Wilderness Act, fought to obtain statutory protection for these important areas. We battled specifically to put Congress in the driver's seat in wilderness decisionmaking. Whether an area is suitable and qualified as wilderness or is not, is a matter to be decided by the Congress, and by the Committee on Interior and Insular Affairs and its counterpart in the Senate—and not by the Forest Service.

If the U.S. Forest Service or its officials attempt to subvert the Wilderness Act and the national wilderness preservation system, or usurp the powers of the U.S. Congress in this field, they had best be prepared for a monumental struggle with this House.

### EASTERN WILDERNESS AREAS ACT

The bill which Representative HALEY and I are introducing today is being introduced simultaneously, in substantially the same form, in the other body by Senator HENRY M. JACKSON of Washington and Senator JAMES L. BUCKLEY of New York. These bills enjoy great public support, not just in the Eastern States, but throughout the country. These proposals are the positive answer to those who would have us believe there is no wilderness in the East.

The bill we have introduced proposes the designation as wilderness, 28 new areas, each within a national forest in the East, the South, and the Midwest. Sixteen States are represented, and the areas total 471,186 acres. Most of the proposals—the first 16 listed in the bill—result from thorough field studies and careful planning by local citizen groups. These conservationists, having found the Forest Service unwilling to help obtain the protection of the Wilderness Act for their areas, have brought their proposals directly to the Congress. The other proposals—the last 12 listed in the bill—are derived from a listing by the Forest Service of areas they propose for alternative forms of protection. In doing so, they have asserted that none of these areas are qualified as wilderness under the provisions of the Wilderness Act.

Now this is an interesting assertion, because in most cases it cannot be backed up by fact. We have only one way of deciding what does or does not qualify as wilderness, and that is through the Congress of the United States and its Interior Committees. So we have included these proposals in our bill, and we look forward to learning just why the Forest Service has concluded, without real studies and without any public hearings, and without consulting the Congress, that these areas do not qualify as wilderness.

At the time hearings are held on this bill, we will go into each of these proposals in minute detail. We will hear from the Forest Service, but I think we should also hear from sources more willing to take a positive approach to the opportunities presented with the existence of the Wilderness Act. Therefore, I am issuing an invitation and an appeal to citizens and conservation groups across the Eastern States.

I urge them to study these and other eastern national forest areas, to go over maps and air photographs of the lands, to research their values and wilderness characteristics, to seek any studies, reports or other information from local Forest Service officials, and to prepare themselves to tell the House Interior and Insular Affairs Committee, their own opinions about the wilderness suitability of each of these areas. In particular, I urge them to look at the boundaries, and especially of the latter 12 areas, to see where expansion may be desirable. I say to them, bring in your own maps, proposing your own boundaries. We in the Congress want to make informed decisions on these areas, and we prefer our information not to be clouded by unwarranted presuppositions which have no basis in the fundamental law about how little the Wilderness Act can do.

### AN ENDURING RESOURCE OF WILDERNESS

Mr. Speaker, when I first introduced the original wilderness bill in 1956, I spoke of the importance of wilderness and the real needs we have as a people to save such areas.

We need wilderness, I said then, for the wholesome primitive recreational opportunities it affords so many of our people, that is, places where you can camp beyond the roar of traffic, hike without dodging automobiles, fish without hooking a buddy, or hunt without being afraid of being shot, are getting harder and harder to find. And as these privileges become less plentiful, we suddenly realize that we want them very much.

We need wilderness, I said then, for another reason: The stress and strain of our crowded, fast-moving, highly mechanized and raucously noisy civilization create another great need for wilderness—a deep need for areas of solitude and quiet, for areas of wilderness where life has not yet given way to machinery.

And, I said then, we need wilderness for a yet more fundamental, more profound purpose, for in the wilderness we can get our bearings. We can keep from getting blinded in our great human success to the fact that we are part of the life of this planet, and we would do well to keep our perspectives and keep in touch with some of the basic facts of life.

The Wilderness Act emerged from the deep feeling of millions of Americans who rallied to save America's wilderness. Today, in this bill, we take another step in fulfilling this need, and in securing an enduring resource of wilderness for those who will follow in our pathways, needing it all the more.

## "BREAD TAX" SHOULD BE TERMINATED

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, abolition of the 75-cent-per-bushel certificate tax on wheat used for food should be an objective of high priority for the new Congress. This "bread tax" should be terminated July 1. Under present law, it will continue until July 1, 1974.

This tax adds about 2 cents to the cost of a pound of flour. As a consequence, it increases the cost of a one-pound loaf of bread by almost 2 cents.

I am today introducing a bill to abolish this burdensome and unjust tax on July 1. I present this proposal to my colleagues as an opportunity to respond in a constructive way to the appeals we have all had from consumers concerned about food prices.

By abolishing this bread tax, we will substantially cut the cost of what is veritably the staff of life.

Ironically, the tax applies only on wheat for food uses—like bread and flour—and not on wheat for feed. Pigs and poultry get a better tax break on their food than poor people.

Enactment of my bill will not affect wheat payments to farmers in any way. It will only mean that all money for this purpose will come from general revenues of the Treasury. Under present law, 90 percent of the funds for farm payments come from general revenue, and 10 percent from the bread tax.

It is impossible to conceive a valid argument for financing even 10 percent by this regressive and unjust means.

Some may suggest that this action await congressional action on general legislation to follow the expiration of the Agriculture Act of 1970. My answer is that injustice should be eliminated as quickly as possible. A delay will mean a $400 million burden on those least able to pay for their daily bread.

By a country mile, the bread tax is the heaviest, most excessive and most regressive of all Federal excise taxes. It hits hardest the lowest income people who have the least ability to pay. It has frequently—and accurately—been described as a tax on poor people, and last year it amounted to over 50 percent of the market value of wheat.

Of all Federal excise taxes, I know of none that even approaches 50 percent of the commodity value.

The bread tax seems totally out of place in the President's anti-poverty program. Indeed, it has all the earmarks of an anti-anti-poverty program. The cost of this tax is, of course, passed on to consumers. Department of Agriculture statistics show clearly that wheat flour consumption goes up sharply as family income goes down, dramatically illustrating the regressive nature of this tax.

HOME USE OF WHEAT PRODUCTS PER PERSON PER WEEK

[In pounds]

| Annual income per family | Southern United States | U.S. average |
|---|---|---|
| Under $2,000 | 4.44 | 3.83 |
| $2,000 to $2,999 | 3.68 | 3.15 |
| $3,000 to $3,999 | 3.41 | 2.84 |
| $4,000 to $4,999 | 3.29 | 2.59 |
| $5,000 to $5,999 | 3.11 | 2.58 |
| $6,000 to $7,999 | 2.90 | 2.46 |
| $8,000 to $9,999 | 2.56 | 2.29 |

| Annual income per family: | *Spent for wheat products Percent* |
|---|---|
| Under $2,000 | 6.6 |
| $2,000 to $2,999 | 5.9 |
| $3,000 to $3,999 | 5.8 |
| $4,000 to $4,999 | 5.3 |
| $5,000 to $5,999 | 5.1 |
| $6,000 to $7,999 | 4.8 |
| $8,000 to $9,999 | 4.6 |

In addition, the wheatgrower is actually being hurt by the present added costs since wheat food consumption is losing to other products not subject to the certificate tax.

It is about time we took this step to help the consumer—and at the same time help the wheatgrower. I call upon all my colleagues with both urban and rural orientation to support this worthy legislation.

This action would remove an indefensible anomaly—the excise tax on automobiles, including the most expensive luxury limousines, was recently removed by Congress. But the bread tax remains.

I hope the President will support this proposal to abolish excise tax on wheat for food. Farmers, consumers, and taxpayers alike will welcome this action. It will be a special blessing to poor people.

## SCIENCE POLICY AND THE NATION'S FUTURE

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 5 minutes.

Mr. BELL. Mr. Speaker, I rise today in support of the National Science Policy and Priorities Act of 1973, which I introduced as H.R. 32 into the House of Representatives on January 3. This marks the third session of Congress in which legislation to covert our Nation's technology to address our domestic priorities has been introduced. The 92d Congress saw the Senate pass similar legislation—this must be the session in which it is at long last enacted.

For too long we have directed many of the best minds in the Nation to develop weapons of war, while neglecting the problems of peace.

For too long we have considered the massive unemployment of our scientists and engineers caused by fluctuating Federal budgets to be unchangeable and irremediable.

For too long we have been forced to fund huge projects of limited practical value merely for fear of the unemployment which would result from cancellation.

We as a nation cannot afford to let America's technical and scientific expertise lie fallow, to force our scientists and engineers to leave their professions, and to discourage today's students from entering scientific careers. The Government's thoughtless and callous lack of planning has created the crisis we have today. It is now the Federal Government's responsibility to direct our scientific expertise and manpower into useful, productive, and responsible channels.

American society has always been technologically oriented. Yet the technological advances which have done the most for the United States and in which Americans take the greatest pride are not the Gattling gun nor the "smart" bomb; they are innovations which have improved the quality of our lives, such as the telephone and the automobile. We need a strong defense, certainly, but we need more than security if America is to continue to offer a life worthy of her heritage.

The bill I have introduced is designed to encourage the innovation of technologies addressed to the quality of our everyday lives. Projects would be funded for research and development in such areas as health care, transportation, housing, nutrition, education, public safety, and communications. And because American society is so technological, we must continue development of new methods to control the disadvantages from the effects of existing technologies: the pollution of our air and water; the depletion of our energy resources; and the disintegration of our urban centers.

The need is seemingly infinite. If we can successfully accomplish this conversion of our technological resources, we will free ourselves of the patterns of thought which foster inaction in the change of the Nation's priorities, and we will free ourselves of the terrible waste of technological unemployment. There really can be no "if" about the enactment of this measure or its equivalent. The Congress must pass legislation, and pass it soon, if we are to build both a healthier society and a sound economy based on the productive utilization of our scientific and technological resources.

Briefly, the National Science Policy and Priorities Act of 1973 creates a new agency, the Civil Science Systems Administration, within the National Science Foundation. The CSSA will perform research, design, testing, evaluation, and demonstration of civil science systems capable of providing improved public services in areas of direct benefit to all our citizens here and now. The program will be carried out through contracts and grants to industry, universities, nonprofit organizations and other agencies, and it is identical to the program outlined in the bill passed by the Senate last year and very similar to the modifications to H.R. 34 I proposed in 1971. The current bill authorizes $870 million to fund these projects over the next 3 years.

H.R. 32 differs from S. 32 as passed by the Senate chiefly in its provisions to protect the basic research mission of the National Science Foundation. Testimony at hearings held last fall indicated serious concern that the new program would engulf the NSF as we know it today. Accordingly, H.R. 32 sets up two parallel administrations within the NSF—the CSSA to administer the applied science functions authorized by this bill, and the Science, Research and Education Administration to administer the NSF's pure science functions. Both the CSSA and the SREA are headed by Deputy Directors of the NSF, and the Director of the NSF continues to have overall administrative responsibility. A key provision of H.R. 32 prohibits the transfer of funds from SREA programs to CSSA programs, and guarantees that the SREA shall receive at least 40 percent of the NSF's total budget. I am certain that these provisions will maintain the essential basic research conducted and supported by the National Science Foundation, while enabling that agency's expertise to be used in the implementation of civilian science systems research.

Other titles in the bill provide for a definition of national science policy, and funds for retraining programs and much-needed local government hiring of unemployed technicians. Yet the CSSA is the heart of this legislation, and should become a dramatic focus for applied science in the 1970's.

Under the leadership of Senator KENNEDY, the National Science Policy and Priorities Act received an overwhelming bipartisan endorsement in the Senate. It deserves the support of every Member of this House.

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## BILLS INTRODUCED

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, as we begin the 93d Congress with many high hopes, I am reintroducing a number of bills which, I believe, will go a long way toward solving some of our major domestic concerns.

The five measures include:

A bill to provide mandatory life imprisonment sentences for persons convicted for the second time of illegally distributing narcotic and other "hard" drugs.

A bill to permit taxpayers to deduct costs of his or her families' education at institutions of higher learning, trade schools or vocational schools.

A bill to remove restrictions against the private carriage of first-class mail.

A bill to restore to American citizens the right to buy, sell, and hold gold.

The drug and firearm bills, which I first introduced last spring, both call for first offense sentences of from 2 to 25 years. Currently, the United States Code provides for a 1- to 10-year sentence for the first felony committed with a firearm and a 2- to 25-year sentence for the second offense. Illegal distribution of narcotic and other dangerous drugs currently calls for imprisonment of up to 15 years or a fine of up to $25,000 for the first offense and up to 30 years or $50,000 for the second offense.

President Nixon indicated last fall he supports stiffer punishments for drug pushers and at that time I promised the President I would reintroduce my bill which was not acted upon by the House Committee on Interstate and Foreign Commerce.

An overwhelming percentage of the constituents of the 12th Congressional District of Illinois supported stiffer penalties for drug pushers in my 1972 annual questionnaire. Ninety-seven percent of the over-21 respondents and 86 percent of those under 21 said penalties should be increased.

In addition, a National Enquirer survey said more than 90 percent of the Nation favored life imprisonment for second offenders.

The quickest solution to the growing drug problem is to eliminate the pushers, and the best way to achieve that is to lock them up and provide stiff enough penalties to discourage other offenders.

I believe a similar approach is needed to reduce crimes committed with firearms.

Gun control legislation is not the answer. A criminal can get a gun if he wants one. But if the criminal knows he faces a long prison term if he is convicted, he would be less likely to use a firearm illegally.

The tax credit bill is aimed at helping create a diversity in the kind of education available to taxpayers. Credits for education in trade and vocational schools will be particularly valuable in encouraging "non-college-bound" students to further their education in fields more compatible with their talents and interests.

The bill would provide credits of up to $1,000 annually.

I am convinced my post office bill will result in faster delivery of first class mail at lower cost.

Various independent postal services already have proved they can handle the mail faster than the U.S. Postal Service, and generally at much less cost. By allowing private industry to compete for this service, costs undoubtedly will go down and the annual cries of anguish heard at Christmas time from the Postal Service are likely to turn to shouts of joy from carriers who welcome the opportunity to increase their business.

My gold bill would repeal the 1934 prohibition against American citizens holding gold.

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## THE WAR IN VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HEINZ) is recognized for 5 minutes.

Mr. HEINZ. Mr. Speaker, I rise to voice my deep concern about the recent course of events in Vietnam. I refer to the bombing, advertent or inadvertent, of civilian areas, most recently dramatized by our B-52 attacks north of the 20th parallel that began December 18. And I also refer to the continuation of hostilities and the apparent deadlock in the peace negotiations themselves.

It was my intention to introduce these remarks on January 3, the day the 93d Congress convened, but procedures would not permit. But I am sure the mail of every Member of Congress reflects, even now as Mr. Kissinger resumes the Paris negotiations, the genuine despair and sense of moral outrage experienced by so many loyal and patriotic Americans. I believe the silence of the White House has served to deepen these already considerable frustrations.

I sincerely hope that the President of the United States concludes a peace in Vietnam quickly and successfully, but I fear deeply for the consequences of failure or continued delay. I fear that Americans have had their expectations raised to new heights by the now-famous October 20 Kissinger "Peace Is at Hand" communique, and by President Nixon's election eve statement that only "minor technical details" remain to be worked out, only to have their hopes dashed and their consciences burdened by what has been described as the heaviest bombing campaign ever. The unwarranted frustration of our country's legitimate aspirations can only broaden and deepen people's cynicism toward Government. This is a price that our Nation cannot afford to pay, and I believe that we in the Congress cannot permit it.

As a Republican, it is my personal and deeply sincere desire to see President Nixon achieve an outstanding record of accomplishment in his second term. Indeed, I hope that history can and will record him as one of the outstanding Presidents of all time. Today I am concerned that he may lose this opportunity if peace in Vietnam continues to elude us. If the war drags tragically on, I fear that the President will lose the trust and mandate of the American people, and that he will lose his credibility as President Johnson before him. And there is the important difference that Lyndon Johnson lost the people's confidence during the last years of his term; for President Nixon to lose the faith of our Nation at the outset of his 4 year term would be destructive beyond comprehension to our Nation's interests.

As a Member in the U.S. House of Representatives, I also believe it is the Congress' constitutional obligation to determine so fundamental a question as that of war or peace. I would remind my colleagues that neither this nor any Congress has declared that a state of war exists between ourselves and North Vietnam, and that the Gulf of Tonkin resolution was repealed nearly 3 years ago. But today the fact is that we are engaged in what nobody doubts is war without any congressional sanction whatsoever.

We are long overdue in taking a stand on our involvement in Vietnam. I believe we are at the time—more than ever—when the U.S. Congress should and must indicate to our people at home and abroad to our friends and enemies alike, the terms on which we wish to achieve peace in Vietnam.

Without the achievement of peace, I believe it is the duty of the Congress to insist on our Nation's return to the essential provisions of the nine point draft agreement on October 20 terminating our involvement in Vietnam, or cut off funds for all foreign aid to South Vietnam.

I have consistently voted for all responsible end-the-war measures, before the recent peace negotiations which so raised the hopes of all of us. I will in the future vote for such legislation to bring about an end to our involvement in Southeast Asia.

The present situation makes it even more urgent that I and my colleagues in the Congress consider and follow this course of action.

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## INTERNATIONAL TRADE BILL

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. CLARK) is recognized for 10 minutes.

Mr. CLARK. Mr. Speaker, I introduced an international trade bill in the last Congress. However, trade legislation was set aside by the Ways and Means Committee. The need for legislation of this nature has only become more acute. We cannot carry out our responsibility to the American economy by further postponement. The import situation is not improving. It is destined to get worse.

The fact is that this country has not been on a competitive footing with the other industrial countries since their adoption of our technology and mass production. The plain fact is that the low foreign wages hand in hand with the greatly increased productivity achieved through advancing technology has given them a competitive lead over our producers. This advantage is not really an earned one. If we should lower our wages to the foreign levels we would have no difficulty in competing. Our disadvantage does not arise from relative inefficiency.

The great and miraculous increase in Japanese industrial output about which we have heard so much is not difficult to explain. When these countries installed modern machinery they displaced backward equipment. Naturally, their productivity shot skyward. When we installed new machinery we replaced what was already modern machinery with a yet more modern variety; but our new machinery did not give us as much of a leap in output per man-hour as did the Japanese and the European because the machinery we discarded was itself well advanced over its Japanese or other foreign counterpart. The foreign manufacturers who installed modern machinery were playing catchup ball, so to speak. Once they catch up with us their rise in productivity will become more moderate.

Our trouble arises from the fact that foreign producers have kept wages from rising in keeping with their rising productivity. They have gained a widening competitive advantage over us. The lagging wage levels, or course, stimulated capital formation and business expansion. We have only to look at the trend of our imports and exports if we seek corroboration of this conclusion.

Such export surpluses as we still enjoy are confined to a narrow sector of our economy. In nearly all other manufactures we are in a deficit position. The outstanding exceptions are machinery, both electrical and nonelectrical, including household electronic equipment, computers and aircraft, and chemicals. In machinery our export margin has been narrowing during the past decade. As foreign manufacture of machinery advances, our sales will shrink. If we lose our lead in machinery exports we will be in a distressful condition indeed. Exports of wheat, soybeans, corn, et cetera, will not overcome the unemployment in industry attributable to imports of manufactured goods.

We have every reason to expect our surplus in machinery exports to shrink as our foreign production increases and as other foreign sources will be drawn upon more and more to equip the new factories we build abroad; and also as we replace obsolescent American equipment that we initially installed abroad as our foreign investments expanded. We cannot hope to continue our machinery exports at the same optimum level that we enjoyed when we had a virtual monopoly of high machine tool technology. This has now been diffused throughout the industrial world.

Moreover, foreign producers no longer suffer from their earlier lack of experience and competence in this field. Despite successive warnings over the past few years we seem to be psychologically incapable of grasping the realities of our relatively weak competitive position in the world. Yet it stands to reason that when other industrial countries approach our level of productivity and in some instances catch up with us while their wage levels remain at less than a half of ours and even much less including the so-called fringe benefits, it stands to reason that under such conditions we cannot compete successfully in foreign markets, nor at home with imports. It would be surprising indeed had we not been pushed into a deficit position in world trade.

Mr. Speaker, our actual deficit is really much larger than our official statistics have reflected. First, we tabulate as exports the goods we sell abroad under AID and other programs such as Food for Peace, and so forth. These exports do not move because we are competitive. They move because we pay for them in whole or in substantial part. Some $2½ to $3 billion of exports move under these conditions, consisting mostly of farm products. Then we tabulate our imports, not at the actual cost to us at our ports of entry, but at what we pay for them ready for shipment at the foreign port. This reduces our imports by some 10 percent, as estimated by the U.S. Tariff Commission. Of $50 billion of imports the undervaluation is therefore some $5 billion.

Added to the exports that are not real exports, our deficit reaches a magnitude of $14 billion in our merchandise account. I should add that nearly all the other trading nations total up their imports on a cost, insurance, and freight basis. For example, the cost of the goods plus ocean freight and marine insurance. I understand that we are about to do the same thing. If we do, we will learn that our trade deficit is much worse than has been reported these past few years. I do not believe that we should raise our tariff across the board or even on any large segment of our imports. I do say that we should bring our imports under control. Control of imports does not mean an embargo or even a severe cutback.

We need imports. We are not self-sufficient in all products. We have to import many products that we do not produce in adequate quantity, if at all. Imports are also desirable as a source of competition for our own industries. Beyond that, consumers are entitled to the greater choice of goods made possible by imports.

No one need quarrel with these claims. We may concede these arguments put forward by the liberal trade advocates. At the same time we are right in saying that imports should be controlled so that their low-wage advantage cannot be used to capture too high a share of our market and at the same time undermine our wage standard.

We legislated against child labor and in support of minimum wages over the past few decades precisely because it was regarded as desirable that wages, or rather, wage levels, should not be used as a weapon of competition. As far back as the NRA—National Recovery Administration—we sought to take wages out of the armory of intercompany, interregional and interindustry competition. We did this on the ground that unscrupulous, greedy, or unfair employers should not gain a march on their competitors by either employing child labor or cutting wages to lower levels. Therefore we put a floor under wages.

Now the free trade advocates wish to restore wage competition so long as it comes from abroad. I do not believe that wage competition is any better if it is of foreign origin than when it is practised in this country.

The simplest way to outlaw competition from unconscionably low foreign wages is to draw their teeth as a weapon of competition. While we cannot legislate minimum wages for other countries, we can quarantine ourselves against wage competition from abroad, just as we did it on the home front. The method must necessarily be different.

We can adopt import quotas on products that have already penetrated our market beyond a certain level. We can set reasonable limits on any further penetration and beyond that permit imports to grow in proportion to the increase in consumption in this country of the product in question. We are under no obligation to confer on imports the right of eminent domain in our market. We are under no obligation to permit them to bulldoze our industries out of the way simply because the producers of the goods in other countries enjoy a competitive advantage based on the payment of a level of wages that has long been outlawed in this country. We are not called by international amity or comity among nations to expose ourselves to the corrosive effects of a type of competition that has been put beyond the pale by law in this country.

Wage competition from abroad is no more conducive to a healthy market in this country than such competition was found to be in this country. We had good reason for outlawing wage-cutting as a competitive weapon here. While we cannot use the same weapon against competition from abroad we can nevertheless prevent the evil effects of such competition from being inflicted on us from abroad.

The legislation that I have introduced along with other Members of this body would accomplish this highly desirable goal in a wholly reasonable but effective manner.

Mr. MOSS. Mr. Speaker, I have introduced for myself and my friend and colleague from Michigan, JOHN DINGELL, H.R. 10, the National No-Fault Motor Vehicle Insurance Act.

For many years by letters and complaints from my constituents and other aggrieved auto owners, I was made aware that something needed to be done with regard to automobile insurance in the United States. It seemed everyone had a complaint, but there were few proposed solutions that seemed to be anything more than a patch on the existing system. Accordingly in 1967, in the 90th Congress, I cosponsored with Senator WARREN G. MAGNUSON, of Washington, legislation which was enacted into Public Law 90–313. This legislation provided for a 2-year, $2 million study of our American motor vehicle insurance system by the Secretary of Transportation.

That study produced 23 special reports and a final report "Motor Vehicle Crash Losses and Their Compensation in the United States, a Report to the Congress and the President, March 1971," which was transmitted to the Congress by the Secretary of Transportation on March 18, 1971. The final report set forth the following summary conclusions:

### SUMMARY CONCLUSIONS OF FINAL REPORT

#### 1. LIMITED SCOPE OF THE AUTO ACCIDENT LIABILITY REPARATIONS SYSTEM

One major shortcoming of the auto accident liability system stems not from the way it performs but rather from its intended scope of operation, i.e., since only those who can prove that others were at fault while they were without fault in an accident have a legal right to recover their losses. Today, our society need not settle for a reparations system that deliberately excludes large numbers of victims from its protection or that gives clearly inadequate levels of protection to those who need it most. With only 45 percent of those killed or seriously injured in auto accidents benefiting in any way from the tort liability insurance system and one out of every ten of such victims receiving nothing from any system of reparations, the coverage of the present compensation mechanism is seriously deficient.

#### 2. RATIONAL ALLOCATION OF COMPENSATION RESOURCES

The present tort liability reparations system allocates benefits very unevenly among the limited number of victims that it purports to serve. The victim with large economic losses, who generally also suffers more severe intangible losses, has a far poorer chance of being fully compensated under the tort system for his economic loss, much less any intangible loss, than does the victim with any minor injuries. As has been seen, only about half of the total compensable economic losses of seriously or fatally injured victims are compensated from any reparations system. For those whose economic losses were more than $25,000, only about a third was usually recovered. Those with relatively small economic losses, by contrast, fared much better; if they recovered from tort and had losses less than $500, their recovery averaged four and a half times actual economic loss. Despite the popular view that large settlements for automobile accident personal injuries are common, they are, in fact, still a statistical rarity when viewed in the context of the entire population and its losses.

#### 3. COST EFFICIENCY OF THE AUTO ACCIDENT LIABILITY REPARATIONS SYSTEM

The automobile accident tort liability insurance system would appear to possess the highly dubious distinction of having probably the highest cost/benefit ratio of any major compensation system currently in operation in this country. As has been shown, for every dollar of net benefits that it provides to victims, it consumes about a dollar. As it presently operates, the system absorbs vast amounts of resources, primarily in performing the functions of marketing insurance policies and settling claims. The measurable costs of these two functions alone approach in general magnitude all net benefits received by auto accident victims through the tort liability system.

Claims settlement, of course, is complicated by the adversary nature of the tort liability system. The possibility of greater efficiency in some areas, such as sales expense, has been thwarted by local laws and regulatory rules that arbitrarily curb the introduction of potentially more economical approaches, such as group auto insurance.

#### 4. TIMING OF COMPENSATION BENEFITS

The tort liability insurance systém tends to deliver benefits without regard to the victim's need, in some cases paying too late and in others too soon. Three different investigations by the Department have demonstrated that despite commendable efforts by the insurance industry to introduce "advance" or partial payment techniques, the system is still, in the main, quite slow in providing benefit payments. The system pays most slowly in cases where the need for timely payment would appear to be greatest, i.e., in cases of permanent impairment and disfigurement. Moreover, the system can operate to discourage early rehabilitative efforts and places a premium upon their deferment beyond the time when they could be most effective.

#### 5. REHABILITATION OF ACCIDENT VICTIMS

Closely related to the problem of delay in the payment of benefits is that of lost opportunities to minimize very large personal injury losses by the timely use of comprehensive rehabilitation programs for seriously injured accident victims. A disappointingly low utilization of rehabilitation by such victims was revealed in one survey, even when it was recommended to the victim.

Admittedly, rehabilitation under certain other loss-shifting regimes, notably workmen's compensation, has also been disappointing. However, this has been largely due to the overconcentration of these programs on reducing their own costs, i.e., on returning the injured person to work as soon as possible in order that the compensation system be able to reduce benefit payments. While vocational rehabilitation does benefit both the insurer and the victim, truly effective rehabilitation must deal with all of the victim's handicaps, including not only those affecting his work performance, but those affecting his non-work activities as well.

To achieve the maximum potential benefits from the rehabilitation process, the relationship between private insurance benefits and the various rehabilitation agencies, including local, state and national agencies, must be consciously and explicitly coordinated and made to be mutually supportive.

#### 6. PROPERTY DAMAGE

The Department's study of the auto accident compensation system focused principally on the bodily injured victim. This priority seemed appropriate for several reasons. First, people are more important than property. Second, the most serious accident losses are associated with people, not property. Third, the present compensation system is doing much better today with property losses than it is with people losses. Fourth, the problems of personal injury losses are far more complicated than those of property losses. Fifth, the principal problems afflicting the compensation of property damage losses are either also present in compensation personal injury losses, or are externalities such as vehicle design or repair costs.

Nevertheless, property damage losses are important; they are very large in dollar value and they affect far more people than injury losses. In recent years the cost of repairing vehicles has risen sharply with a consequent rise in the cost of insuring for that repair. Experts, many of them within the insurance industry, have rightly traced part of this rise to the designs of the vehicles themselves. Unfortunately, there is no way for liability insurance to distinguish between damage-resistant vehicles and fragile vehicles, or between very expensive vehicles and those of less value, because the liability insurer cannot know what kind of a vehicle its insured will negligently strike.

Rating systems for collision insurance have only very recently begun to take any consideration of the vehicle's damageability. Now that the vehicle's contribution to crash losses is widely recognized and being increasingly considered by the insurance community, some countervailing pressure on vehicle manufacturers to design more crashworthy and damage-resistant automobiles may be in the offing.

#### 7. STRAINS ON INSURANCE INSTITUTIONS

The accumulated problems of the tort liability auto insurance system are now making an undeniable impact on the insurance industry itself. Underwriting profits have turned to underwriting losses for many, if not most, companies. Several analyses have indicated that some capital has already been withdrawn from the business of insurance, with a consequent diminution of its ability to offer protection. If such a trend were to persist or accelerate, it would present a social problem of very serious proportions.

Auto insurance today is becoming more and more difficult for many drivers to buy in the voluntary insurance market. Between 1966 and 1969, the number of motorists having to obtain their insurance through assigned risk plans grew from 2.6 million to 3.2 million, or 23 percent. One of the Department's studies estimated that 8 to 10 percent of all drivers were in the "hard-to-place" insurance market in 1968; and recent months have witnessed a further tightening of the auto insurance market, with some major companies either refusing or severely limiting any new business. This development comes at a time when consumers' requirements for automobile insurance protection are increasing if only because of rising medical and auto repair costs.

#### 8. IMPACT ON OTHER PUBLIC INSTITUTIONS

Automobile accident disputes are a major contributory factor to the present problems of the nation's judiciary, even as a multitude of other demands threaten to overburden and, thereby, undermine its effectiveness. Automobile accidents contribute more than 200,000 cases a year to the nation's court load and absorb more than 17 percent of the country's total judicial resources.

The motor vehicle accident tort liability insurance system also has exerted great strains on the existing system of State insurance regulation. It is not coincidental that the burgeoning problem of insurer insolvencies has been concentrated among specialty auto insurers serving the high-risk market. The resulting difficulties created by these insolvencies for consumers, regulators and the insurance institution in general, have proved so resistant to solution that they have led to proposals for a greater centralization of regulatory control, thereby threatening local initiative and freedom in insurance regulation.

### 9. HIGHWAY SAFETY AND CRASH LOSS MINIMIZATION

Highway safety research and technology is demonstrably moving from an art to a science. However, the tort liability system has served, albeit not intentionally, to impede the development of this science in many ways. It discourages openness and frankness and encourages deceit on the part of participants about what happened before, during and after crashes. With the effectiveness of safety programs depending upon a scientifically sound understanding of the causes of highway crashes, insured drivers are now routinely instructed by their insurance companies to speak to no one other than the police, and even then to admit nothing, lest their cases be prejudiced. Injured victims are similarly cautioned by their attorneys to avoid disclosure.

With its single-minded preoccupation with driver error or negligence as the determinant of the compensation decision, the tort liability system ignores all other contributing factors to crash losses, such as the vehicle and the roadway. Cars that are poorly designed to resist damages and to protect occupants from injury can turn what should have been a minor crash into a large loss or even a serious tragedy. Yet the tort liability insurance premium does not and cannot reflect the value of the car's protective attributes in any way because the third-party's vehicle is unknown until after an accident has occurred.

In summary, the existing system ill serves the accident victim, the insuring public and society. It is inefficient, overly costly, incomplete and slow. It allocates benefits poorly, discourages rehabilitation and overburdens the courts and the legal system. Both on the record of its performance and on the logic of its operation, it does little if anything to minimize crash losses.

On Tuesday, April 20, 1971, I undertook 8 days of intensive hearings before my Subcommittee on Commerce and Finance on the Department of Transportation's report and the no-fault motor vehicle insurance bills then pending before the subcommittee. In those hearings the administration took the position that no-fault motor vehicle insurance legislation should be adopted, but on a State-by-State basis. It then went on to actively lobby for passage of no-fault motor vehicle legislation in several States. In June of last year the President in a telegram to the National Governors' Conference stated:

> No-fault insurance is an idea whose time has come. * * *
>
> The achievement of real automobile insurance reform through adoption of the no-fault principle would be a particularly effective way of demonstrating the responsiveness and farsightedness of state government. I commend those States which already have moved on this important question. I urge that the other States, building on the experience gained so far, make the enactment of no-fault automobile insurance a matter of top consumer priority.

In 1972, 43 State legislatures met and no-fault motor vehicle insurance bills were introduced in 37 of them. Of the other six, four were in restricted sessions that prohibited the consideration of no-fault legislation. The other two States, Massachusetts and Florida, had already adopted such legislation.

Notwithstanding the administration's lobbying efforts in the State legislatures and the proven performance of the limited no-fault system which is in effect in Massachusetts, only three States, Connecticut, New Jersey, and Michigan passed legislation deserving the name "no-fault" in 1972. It reminds one of the performance of the States in enacting workmen's compensation statutes. It took 37 years from the time the first State adopted a workmen's compensation statute until the last State had done so, 1911 to 1948. Surely this cannot be permitted in the case of no-fault motor vehicle legislation.

Taking into account the unyielding opposition of the trial bar and of various segments of the insurance industry, which has proven to be so effective at the State level and the fact that motor vehicle insurance is today a national problem which deserves an effective national solution, the only reasonable alternative is Federal legislation.

Mr. Speaker, I believe that H.R. 10, the National No-Fault Motor Vehicle Insurance Act, is the kind of legislation which should be enacted, and I intend to press toward that goal. This legislation would establish a uniform system of no-fault motor vehicle insurance for the 50 States and the District of Columbia, and would be administered by the Secretary of Transportation. It is patterned after the Uniform Motor Vehicle Accident Reparation Act, UMVARA, which was drafted by the National Conference of Commissioners on Uniform State Laws under a grant from the Secretary of Transportation.

For the information of Members of the House, Mr. Speaker, I would like to insert at this point in the Record a section-by-section summary of H.R. 10:

## Section-by-Section Summary of the National No-Fault Motor Vehicle Insurance Act—H.R. 10

### SECTION 1—SHORT TITLE, TABLE OF CONTENTS, DEFINITIONS

As indicated, section 1 gives the legislation its short title—National No-Fault Motor Vehicle Insurance Act—sets out the Act's table of contents, and defines 28 terms used throughout the legislation. No effort will be made here to define these terms. Some of their meanings are self-evident. Since all terms are used throughout this section-by-section in the sense defined, it may be helpful to the reader to give in a general way the meaning of the following important terms, the meaning of which may not be self-evident. It should be emphasized that these are not the precise definitions of the terms. To facilitate checking a definition the number appearing before the following terms is the number of the paragraph in section 1(c) where the term is defined.

(2) "allowable expenses" are reasonable charges for products, services, and accommodations reasonably needed by the injured person.

(3) "basic reparation benefits" means benefits provided under the legislation for net loss suffered through injury arising out of the maintenance or use of a motor vehicle.

(4) "basic reparation insurance" is the insurance required by the legislation to be carried with respect to a motor vehicle. The term includes self insurance.

(5) "basic reparation insured" is the person named in instrument of basic reparation insurance *and* persons not named in the instrument who are related to the person so named and live in his household.

(7) "injury" includes sickness and death.

(8) "loss" is economic detriment consisting of allowable expense, work loss, replacement service loss, and (if injury causes death) survivor's economic loss and survivor's replacement service loss.

(12) "noneconomic detriment" means nonpecuniary damage recoverable under the tort law of the State in which the accident occurs.

(17) "reparation obligor" is one who provides the insurance required by this legislation.

(18) "replacement services loss" is the expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those an injured person would have performed without remuneration for himself or his family.

(19) "Secretary" means the Secretary of Transportation.

(21) "security covering the vehicle" is the insurance covering the vehicle. The vehicle for which the security is provided is the "secured vehicle".

(28) "work loss" is loss of income from work the injured person would have performed if he had not been injured.

### SECTION 2—RIGHT TO BASIC REPARATION BENEFITS

This section provides that every person suffering loss from an injury arising out of the maintenance or use of a motor vehicle is entitled to basic reparation benefits if the accident causing the injury occurred in a State (including the District of Columbia). In addition basic reparation insureds and some drivers and occupants of secured vehicles are entitled to such benefits for such losses regardless of where the accident occurs.

### SECTION 3—OBLIGATION TO PAY BASIC REPARATION BENEFITS

Basic reparation obligors and assigned claims plans must pay basic reparation benefits in accord with the provisions of the legislation without regard to fault.

### SECTION 4—PRIORITY OF APPLICABILITY OF SECURITY FOR PAYMENT OF BASIC REPARATION BENEFITS

In view of the many fact situations which might arise, section 4 establishes priorities of obligation for the payment of benefits. In most instances benefits will be paid under the security in which the injured person is a basic reparation insured, or, if he is not a basic reparation insured, under the security covering the involved motor vehicle.

### SECTION 5—PARTIAL ABOLITION OF TORT LIABILITY

Tort liability with regard to motor vehicle accidents occurring in a State is abolished, except in certain specified instances. For example, liability is preserved (1) for damages for work loss, replacement services loss, survivor's economic loss, and survivor's replacement services loss in excess of $200 per week (which are not payable as basic reparations benefits) which occur after the person is disabled six months or dies, and (2) for damages in excess of $1,000 for non-economic detriment, i.e., pain and suffering, etc., if the injured person dies, suffers significant permanent injury, serious permanent disfigurement, or more than six months complete inability to work in his occupation.

### SECTION 6—REPARATION OBLIGORS RIGHTS OF REIMBURSEMENT, SUBROGATION, AND INDEMNITY

### SECTION 7—SECURITY COVERING MOTOR VEHICLES

This section specifies the manner in which the Federal Government, State and local governments may provide the security required by the legislation on their motor vehicles.

All other owners of motor vehicles registered or operated in a State with their permission are required to provide security on those vehicles for payment of basic reparations benefits and the tort liability coverage required by the legislation.

The manner in which self-insurance, meeting the requirements of the legislation, may be achieved is set out in subsection (d).

No motor vehicle may be registered in any State unless satisfactory evidence is furnished that the vehicle is covered by the security required by this legislation.

### SECTION 8—OBLIGATIONS UPON TEMINATION OF SECURITY

Section 8 details what is required of the owner and the insurer where security covering a motor vehicle terminates. It also details the Secretary's duties where he withdraws approval of security provided by a self-insurer or knows that self-insurance with regard to a motor vehicle ceases to exist.

### SECTION 9—INCLUDED COVERAGES

It is clearly spelled out that any insurance contract which purports to provide coverage for basic reparation benefits or is sold with such a representation has the legal effect of including all coverages required by this Act. Any contract of liability insurance for injury (unless it provides coverage only for liability in excess of that required by this legislation) includes the basic reparations benefit coverage and minimum tort liability coverage required by this legislation, notwithstanding any contrary provision in it.

### SECTION 10—REQUIRED MINIMUM TORT LIABILITY INSURANCE AND TERRITORIAL COVERAGE

Liability coverage of not less than $25,000 for all damages arising out of bodily injury sustained by any person as a result of one accident and of not less than $10,000 for damages arising out of injury to or destruction of property arising out of any one accident is required by this section.

### SECTION 11—CALCULATION OF NET LOSS

In determining an individual's net loss for the purpose of calculating entitlement to basic reparations benefits for an injury, there must be first subtracted from the loss certain benefits which he receives or is entitled to receive on account of the injury. Included among the benefits which must be so deducted are those from social security (other than those provided under the Medicaid program), workmen's compensation, and benefits (other than the proceeds of life insurance) received from the United States, a State, any political subdivision of a State, or an instrumentality of two or more States unless the legislation providing for the benefits makes them secondary to the benefits payable under this legislation.

A similar deduction would be made of not to exceed 15 percent of benefits received to compensate for loss of income, to reflect the value of any Federal income tax savings.

### SECTION 12—STANDARD REPLACEMENT SERVICES LOSS EXCLUSION

In calculating basic reparation benefits, all replacement services loss suffered on the date of injury and the first seven days thereafter are excluded.

### SECTION 13—STANDARD WEEKLY LIMIT ON BENEFITS FOR CERTAIN LOSSES

Basic reparation benefits payable for work loss, survivor's economic loss, replacement services loss, and survivor's replacement service loss arising from one injury to one person may not exceed $200 per week.

### SECTION 14—OPTIONAL DEDUCTIBLES AND EXCLUSIONS

Each basic reparation insurer would be required to offer specific deductibles and exclusions, at appropriately reduced premium rates. These would apply only to an individual who is a basic reparation insured under a policy and in the case of his death to his survivors.

The deductibles and exclusions would be as follows:

(1) Deductibles from all basic reparations benefits otherwise payable.

(2) An exclusion, in calculation of net loss, of a reasonable percentage of work loss and survivor's economic loss.

(3) An exclusion, in calculation of net loss, of all replacement services loss and survivor's replacement service loss or a portion thereof.

(4) A deductible of $100 per accident from all basic reparation benefits otherwise payable for injury to a person on a motorcycle.

(5) Exclusions in calculation of net loss, of any of those amounts, and kinds of loss compensated by benefits a person receives or is unconditionally entitled to receive from any other specified source, subject to specified conditions. This would apply to certain hospital, medical, and accident insurance/benefit coverages.

### SECTION 15—PROPERTY DAMAGE EXCLUSION

Basic reparation benefits do not include benefits for harm to property.

### SECTION 16—BENEFITS PROVIDED BY OPTIONAL ADDED REPARATION INSURANCE

Each basic reparation insurer is required to offer added reparation coverages for work loss, survivor's economic loss, replacement service loss, and survivor's replacement services loss (or portions thereof) in excess of $200 per week (the limit imposed by section 13 on the amount payable in any week for such losses arising from injury to one person).

Other optional added reparation coverages could be offered by basic reparation insurers. The Secretary could require basic reparation insurers to offer specified optional added reparation coverages.

Basic reparation insurers would also be required to offer specified coverages for physical damages to motor vehicles.

### SECTION 17—APPROVAL OF TERMS AND FORMS

Terms and conditions of coverages provided under the legislation are subject to approval by the Secretary after consultation with a body or bodies representative of State insurance commissioners.

### SECTION 18—ASSIGNED CLAIMS

This section lists the cases in which payment of basic reparation benefits will be made through an assigned claims plan. In those cases, this section also sets out the cases where subrogation occurs, the extent to which benefits from other sources are deducted, and the extent to which deductions and exclusions will apply where a person has failed to obtain required basic reparation insurance.

### SECTION 19—ASSIGNED CLAIMS PLAN

This section sets out the manner in which assigned claims plans in the States will be organized and maintained.

### SECTION 20—TIME FOR PRESENTING CLAIMS UNDER ASSIGNED CLAIMS PLAN

This section spells out the period within which a person authorized to obtain basic reparation benefits through an assigned claims plan must notify the plan of his claim.

### SECTION 21—CONVERTED MOTOR VEHICLES

A person who converts a motor vehicle is with respect to injuries arising from maintenance or use of that motor vehicle disqualified from receiving basic reparation benefits except from security under which he is a basic or added reparation insured.

### SECTION 22—INTENTIONAL INJURIES

A person intentionally causing or attempting to cause injury, and his survivors, are disqualified from basic or added reparation benefits for injury arising from his acts.

### SECTION 23—REPARATION OBLIGOR'S DUTY TO RESPOND TO CLAIMS

This section specifies the time within which basic and added reparation benefits are payable. Overdue payments bear interest at the rate of 18 percent per annum. In addition it has provisions relating to unpaid benefits from other sources, certain overpayments by obligors, and notice of rejection of claims.

### SECTION 24—FEES OF CLAIMANTS ATTORNEYS

The court may award a claimant making a claim for basic or added reparations benefits against a reparation obligor an award of a reasonable sum for attorney's fees and all reasonable costs of suit in any case in which the reparation obligor denies all or part of a claim for such benefits unless the claim was fraudulent, excessive or frivolous.

### SECTION 25—FEES OF REPARATIONS OBLIGORS ATTORNEY

A court may, where a claim for basic or added reparation benefits was fraudulent, excessive, or frivolous, award the reparations obligor a reasonable sum as attorney's fees and all reasonable costs of suit.

### SECTION 26—LUMP SUM AND INSTALLMENT SETTLEMENTS

If reasonably anticipated net loss subject to settlement in a claim for basic or added reparation does not exceed $2,500 it may be paid in a lump sum. Larger amounts require the approval of a State or Federal court of competent jurisdiction.

### SECTION 27—JUDGMENTS FOR FUTURE BENEFITS

This section describes the constraints within which courts must operate in awarding future basic or added reparation benefits.

### SECTION 28—LIMITATION OF ACTION

This section describes the period of time within which an action must be brought for basic and added reparations benefits.

### SECTION 29—ASSIGNMENT OF BENEFITS

Rights and benefits arising under the legislation may not be assigned, except as to (1) benefits for work loss to secure payment of alimony maintenance, or child support, or (2) allowable expenses to the extent they are for the cost of products, services, or accommodations provided by the assignee.

### SECTION 30—DEDUCTION OR SETOFF

Except in limited specified cases, basic reparation benefits are to be paid without deduction or setoff.

### SECTION 31—EXEMPTION OF BENEFITS

This action describes the extent to which basic and added reparation benefits are exempt from garnishment, attachment, execution and other processes and claims.

### SECTION 32—MENTAL OR PHYSICAL EXAMINATIONS

A State or Federal court of competent jurisdiction may order a person to submit to a mental or physical examination by a physician, if the person's mental or physical condition is material to a claim for basic or added reparation benefits. If the person refuses to comply, the court may enter any just order except finding the person in contempt.

### SECTION 33—DISCLOSURE OF FACTS ABOUT INJURED PERSON

This section details the type of information that may be obtained by a claimant for basic or added reparations benefits or a reparation obligor and the method for obtaining it. Generally speaking, the information dealt with is employee earnings and medical data.

### SECTION 34—REHABILITATION TREATMENT AND OCCUPATIONAL TRAINING

The basic reparation obligor is responsible for rehabilitation treatment and rehabilitative occupational training if it is reasonable and appropriate, its cost is reasonable in terms of probable effects and it is likely to contribute substantially to rehabilitation. If an injured person unreasonably refuses rehabilitation treatment or occupational training, it may diminish his right to future benefits to which he might otherwise be entitled.

### SECTION 35—AVAILABILITY OF INSURANCE

After consultation with the State insurance commissioner, the Secretary is directed to establish and implement, or approve and supervise, in each State a plan assuring that liability and basic and added reparation insurance required by the legislation will be conveniently and expeditiously afforded to persons who cannot obtain it from conventional insurers at rates not in excess of those under the plan.

### SECTION 36—TERMINATION OR MODIFICATION OF INSURANCE BY INSURER

This section applies only to motor vehicles which are not covered by a single security agreement covering four or more other motor vehicles. An insurer could not terminate or take other action adverse to the insured unless—

(1) the action is valid under the policy and State law,

(2) the action—

(A) is for nonpayment of premium when due, or

(B) takes effect

(i) within 75 days of initial inception of coverage or

(ii) on an anniversary of the initial inception of coverage,

(3) at least 15 days written notice of such action is given the insured, and

(4) the insurer informs the insured about the State plan and arranges for coverage under it if requested to do so.

### SECTION 37—PENALTIES

Civil and criminal penalties are fixed for violation of provisions of the legislation.

### SECTIONS 38 AND 39—ALLOCATION OF BURDENS AMONG INSURERS

These sections provide for loss shifting among reparation obligors and other insurers so as to equitably allocate burdens among them reflecting the greater propensity of certain motor vehicles, particularly trucks, to cause and increase the severity of injury to persons and physical damage to vehicles.

### SECTION 40—REGULATION OF RATES

Ratemaking and regulation of rates for basic and added reparation benefits under the legislation are governed by State law.

The Secretary is charged with continuously reviewing operations under the Act and must report to Congress when he determines that revision, modification, or other action with regard to it is necessary.

### SECTION 41—RULES

The Secretary is given the conventional authority to make rules to carry out the legislation.

### SECTION 42—EFFECTIVE DATE

The principal provisions of the legislation will take effect on the first day of the eighteenth month after the date of the legislation's enactment.

Mr. Speaker, in addition I would like to say that the $200 figure found in section 13, standard weekly limit on benefits for certain losses, is for the purpose of preliminary discussion only. Further study indicates that the $200 figure will have to be increased, probably to a sum closer to $400.

## THE ENERGY CRISIS AND THE PERSIAN GULF

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 15 minutes.

Mr. HAMILTON. Mr. Speaker, several congressional committees and subcommittees, most agencies of the executive branch and hundreds of public and private institutions have recently been focusing on aspects of the U.S. energy crisis. For Congress, the domestic and international implications of the energy crisis will command increasing attention during the remainder of this decade. It is my hope that from this attention will emerge an effective national energy policy.

The main emphasis of my observations involves several important foreign policy ramifications of the energy crisis, in particular, our relations with the Persian Gulf, an area of the world from which a vast majority of any future U.S. fuel imports will likely come.

The Persian Gulf is a shallow body of water, bordered by seven states which are, on the whole, militarily weak, politically unstable or vulnerable and autocratically ruled. But these states, with a total population under 50 million, contain within their borders or off their coasts close to one-half of the freeworld's proven oil reserves.

### CONCLUSIONS OF REPORT

The inquiry of the Subcommittee on the Near East of the House Foreign Affairs Committee included several hearings on the Persian Gulf and on our energy crisis. Our study culminated with a short report which might be of interest to Members of Congress. The two most significant conclusions of our examination were:

First. That for the near future—perhaps the next two decades—the United States will have to import significant quantities of fuel from the Persian Gulf, and thus our policies toward this area deserve careful attention. Some Government estimates suggest that by 1980, we may have to import as much as 50 percent of our fuel needs, with a vast majority of those imports coming from the Persian Gulf. This situation is not changed by the discoveries either in Alaska or the North Sea.

Second, That certain actions, if taken in the near future, could considerably decrease any U.S. dependency on Persian Gulf oil in the long-distance future—perhaps 15 years from now or toward the end of the 1980's.

Several potential ways to improve the U.S. future energy position include:

First. Exploitation of large quantities of oil that exist in the Outer Continental Shelf beyond the 200-meter isobar.

Second. Development of the large hydrocarbon reserves—shale and coal—in the United States.

Third. Strong Government action to curb the rate of growth of consumption.

Fourth. Accelerated research on tertiary recovery methods—atomic and other alternative sources.

Fifth. Development of new energy resources—including solar and geothermal energy.

Sixth. Raising production through development of new fields.

Many of these steps involve perhaps costly and unpopular decisions affecting environmental, consumer, and industrial issues of great concern to us all. But time is not on our side and we must prepare for our future now.

Because of the leadtime necessary to research and develop new energy sources or resources, today's decisions will have little impact on filling our fuel needs for the next decade or two. Each year we postpone these decisions means greater dependence on imports.

### CHARACTERISTICS OF THE ENERGY PICTURE

Related to these conclusions are several facts about the world energy situation and the Persian Gulf, some of which have ramifications for fuel needs, political policies, and security of the Western World, including the United States. They are:

First. The world is experiencing its last, short buyer's market for oil and is moving fast toward a seller's market. This shift comes at a time of the increasing need in the West, especially in the United States, for imported crude oil and a time of increasing demands of supplier countries for a greater voice over and ownership in national resources.

Second. Close to three-quarters of the free world's proven reserves are in the Middle East area, and well over one-half of the Middle East's reserves belong to Persian Gulf littorals. Saudi Arabia's proven reserves alone are almost four times those of the United States.

Third. Today, two-thirds of the oil consumption of Japan and Western Europe and one-third of the entire, non-Communist world production of oil comes from North Africa and the Middle East. By 1980, three-fourths of the requirements of Japan and Western Europe and roughly 60 percent of the non-Communist world's requirements will come from the Middle East and North Africa, assuming there are a few new discoveries, other than the North Sea and Alaska.

Fourth. By 1975, several states, including, among others, Kuwait, Saudi Arabia and perhaps Iraq, could be in the position of holding 3 to 4 years of revenue in their treasuries. This will give these producing countries the ability to create a supply crisis by cutting off oil for economic or political reasons. The present storage capacity of the United States is almost nil and Europe can store only a 90-day supply.

Fifth. It is equally significant that barring large, new discoveries, several of the major producers in the Middle East will see a leveling out of their production in roughly a decade, perhaps leading countries like Algeria, Libya, and Kuwait to limit production. It is highly likely that Venezuela, Indonesia, and Nigeria will be in the same situation. Without new discoveries, only Saudi Arabia and Iraq, and perhaps Iran, can, with a degree of certainty, look to future increases in production after the 1980's.

Sixth. For the United States, the annual costs of the fuel imports in 1980 will be of the order of $70 billion, some of which may flow back to the United States through the purchase of American goods and services. Nonetheless, at a time when the United States is experiencing increasingly unfavorable balance-of-payments deficits, the prospects of huge additional cash outlays of this order of magnitude raise other significant economic and political ramifications of our energy crisis.

### THE PERSIAN GULF

The net impression given by these facts and characteristics of the world energy situation only serves to underline the growing importance of the Persian Gulf as an area and the need for the United States to consider carefully its policies toward the Gulf States. This implies that we need to increase our knowledge about this region.

The most significant political fact of recent Persian Gulf history has been the relative tranquility with which certain transitions have taken place, transitions from nonoil to oil economies, from dependence on a formal British role to greater independence, and from long periods of conflict to a new period of cooperation. The ability of the Gulf States to maintain this present relative stability will depend on several factors. Some of the more important ones are: A continued realization by all states of the necessity for cooperation among riparians; the peaceful resolution of several outstanding disputes; the ability to cope with social, economic, and political development; and the prevention of the Gulf from becoming an area of great power competition or rivalry.

The degree of cooperation and the ability to cope with internal problems in the immediate future will depend, to a larger extent, on how outstanding conflicts are treated. Some of the problems in the Gulf involve deep-seated rivalries of traditional and communal nature while other problems are more recent in origin and concern economic issues like employment, the future of the oil industry and political issues like internal subversion and regional conflicts. I would like to mention briefly four problem areas:

### 1. RELATIONS BETWEEN OIL COMPANIES AND EXPORTING COUNTRIES

This current time period of increasing demand for the fuel resources of the Middle East coincides with a period in which basic changes are taking place in the relations between the oil exporting countries and the international oil companies which buy, transport, refine, and market most Persian Gulf oil.

Today, oil negotiations between international oil companies and oil exporting countries are entering a difficult period. In the main, these negotiations center on the issue of control: Indigenous governments are determined to expand their control over their own resources, and companies and consuming countries are equally determined to maintain enough control over enough of the oil well-to-consumption steps of the entire industry to assure access and stability of supply.

Recent discussion on the relations between oil companies and exporting countries has tended to focus on: First, the issue of participation; second, the June 1, 1972, nationalization of the Iraqi Petroleum Co.; and third, the possibility of special government-to-government relationships to assure access to oil.

Implied in all three issues is the fact that the oil exporting countries hold the trump cards. Although from 1951 to about 1966 there was surplus oil production, that situation is changing, and by 1975 there will be little, if any, surplus capacity. Oil companies do have some strengths in the areas of being able to supply technology and the capital necessary for future expansion, but these assets cannot compare with the overwhelming advantages of having the resources within your boundaries.

### A. PARTICIPATION

Participation means part ownership by oil exporting countries in the companies operating in their countries. Many nationalists believe that the concessionary system, which involves contracts between companies and exporting countries that enable the companies to exploit oil deposits for a fixed period of time, is degrading. They further believe that, as concessions approach their termination, it is natural for the countries to begin to "participate" in all operations rather than remain in the passive role of collecting revenues and royalties.

The attitudes of many companies is that participation is inevitable. The dilemma is to balance the cost of yielding too soon against the risk of holding out too long and, perhaps, precipitating nationalization. Behind this position, some companies want to hold out because they want to maintain the present concessionary arrangements and because they feel any change would be detrimental. Those who resist change must be paired, however, against those who want to anticipate the changing relationship and seek new avenues of cooperation with oil exporting countries.

The first phase of the participation issue negotiation has ended with a vague agreement of principles between a Saudi Arabian minister representing the Organization of Petroleum Exporting Countries and the major oil companies. Now each state must negotiate the specifics with companies operating within its borders.

While the need for the satisfactory completion of negotiations on participation is essential for a more stable future relationship, an agreement for prompt, effective and adequate compensation by the Iraqis for the nationalization of the Iraqi Petroleum Co. is imperative.

### B. OTHER RELATIONSHIPS

The choices for governments and companies are not limited to either participation or nationalization. There are a myriad of other possible relationships based on interdependence and mutually beneficial terms. Companies can, for instance, meet some of the wishes of exporting countries by joint ventures, a variety of service contracts and other types of relationships, including relinquishing parts of concession areas, particularly those which have not been exploited.

The Saudi Arabian Government recently proposed another type of relationship which deserves our attention. It offered its guarantee of both stability of supply and Saudi investments in the entire well-to-pump operations in return for our commitment to a special Saudi Arabian-American deal in which Saudi Arabia would be guaranteed a certain market here. Such a relationship or a similar one on a smaller scale like that proposed by the Shah of Iran several years ago should be examined carefully.

The most stable relationship between oil companies and exporting countries for the future will be based on three factors: the mutuality of interest of producers and consumers; the recognition of the relative strengths of each party in this relationship; and the degree of interdependence among all groups involved in well-to-pump operations.

### 2. THE ARAB-ISRAELI CONFLICT

Reverberations of the Arab-Israeli conflict can be felt throughout the Persian Gulf. The Arab people of the Gulf area are concerned about this issue and support the Arab viewpoint of U.N. Resolution 242, but their interest in the issue cannot be compared to that of other Arab States. Iran, which has commercial relations with Israel, strives for an independent approach to the Arab-Israeli conflict and largely succeeds. Most of the Arab States of the Gulf give large subsidies to some or all of the Arab States bordering Israel. Some governments and individuals in the Gulf give substantial support to Palestinian organizations, among which are commando groups.

However, the preoccupation of most people of the Persian Gulf with problems of development and more local issues diminish their interest or commitment to any regional or international role-playing. Nonetheless, the no-peace, no-war stalemate only increases the political pressures on many of the smaller, struggling entities of the Gulf.

The conflict remains destabilizing for Arab governments in general and could become more so for the smaller, and in many cases, weaker, states of the Persian Gulf.

In recent days, the increasing frustrations of many Arab States, like Egypt and Syria, with the present stalemate has led some leaders to ask the question: How can Arab oil be used to pressure Western countries into withdrawing their support from Israel?

It is certainly in U.S. interests to avoid such pressure and it is also in Israel's interests. This points all the more to the necessity for meaningful negotiations among the combatants in the Middle East in order to promote a just peace and thereby precludes any correlation between support of Israel and lack of right of access to oil—a correlation which will not benefit any state either in the West or in the Middle East.

### 3. INTERNAL PROBLEMS IN PERSIAN GULF

The areas of possible conflict in this potentially unstable region are many and varied. Three are worth mentioning:

### A. BORDER CONTROVERSIES

Throughout the region, there are ill-defined borders both in deserts and in the Gulf waters. Such issues could normally be resolved without too much difficulty but the presence of energy deposits below disputed lines has complicated these controversies. In other cases, the sovereignty of many of the islands in the Persian Gulf itself are in dispute. Stability in the Persian Gulf over the next decade will depend, in part, on the ability of all states of the area to seek equitable and just resolutions of outstanding border controversies.

### B. TRADITIONAL RIVALRIES

Racial, religious, tribal, and national rivalries continue to give the region the look of a mosaic rather than a categorized print. Rivalries exist between and inside most states and traditional friendships exist usually not with neighbors but neighbors of neighbors. The jealousies of the oil haves and have nots in the area only add a new dimension to serious problems which will continue to obstruct integrating inhabitants into cohesive national units.

### C. INTERNAL POLITICAL PROBLEMS

The oil wealth of most Persian Gulf States has not helped them escape the problems of rapid social change and the requirements of social and political development. There continues to be grave employment and manpower problems, subversion attempts from within and without national borders and serious deficiencies in leadership. For some states—Iran and Iraq in particular—the employment problem is one of finding jobs or using oil wealth to create jobs. For other states, it is a problem of not having the trained manpower internally and having to import skilled labor, thereby creating a vested interest, nonindiginous labor bloc. Better manpower utilization is essential if these states are to avoid a series of violent upheavals.

Most states also have serious leadership problems. All states of the Gulf have largely autocratic governments and there is often rubber stamp political participation by people outside the leadership circle, in many cases only one family. As more and more citizens of the Gulf countries are educated, social, economic, and political reforms will have to keep pace if revolutions of rising expectations are to be handled peacefully. All states of the region, including Iraq, Iran, and Saudi Arabia, the three largest states, need to devote more attention to coping with such social and political change.

The ability of several subversive movements to achieve their goals of revolution will depend on the rate of social and political change, the development of a diversified leadership and a solution to employment problems. At present, there is only one determined rebellion going on but its success or failure has implications for the entire Gulf. It would be too easy to conclude that strong armies alone will terminate such threats to the Gulf's traditional leadership: strong armies, in the absence of other changes and reforms, can only postpone revolutions.

### 4. REGIONAL PROBLEMS

Despite the fact that most leaders in the Gulf realize the need for greater cooperation among riparians, there have been only a few serious attempts to bridge differences and help each other. There is simply no real basis for unity: The states differ along many lines and oil deposits and geography may be the only factors that bring them together.

The hope of many seems to rest on the ability of Iran and Saudi Arabia to cooperate on the theory that if the bigger states can make arrangements for the defense of the area, or for resolution of differences, then the ministates will follow. Today, there exist some understandings between these two states but any solid basis for a future relationship will only develop over a period of time.

Because of its size, military and economic strengths and the smallness of other riparian states, Iran is likely to play a major role in the Gulf for the foreseeable future. Riparian cooperation could easily turn into Iranian attempts to dominate the Gulf region if differences in interests emerge. Such differences do exist but it is hoped that the politics of the Gulf do not turn into Iranian action and Arab reaction. The peaceful resolution of Iran's claim to the island of Bahrain must be contrasted with Iran's attempts to assert partial possession of three small islands at the southern end of the Gulf—Abu Musa and the two Tunbs.

Another element of regional politics in the Gulf involves big power relations. While our interests and relations are extensive, the Soviet Union has important relations in addition to its diplomatic presence in Iraq, Kuwait, and Iran. Its economic relations with Iran, which has recently focused on a natural gas deal cannot, however, compare with its extensive political, economic, and military relations with Iraq, including certain port rights at the head of the Persion Gulf. The Soviet Union does seek to expand its economic and political contacts throughout the area, but it has little technology to offer states which have the funds necessary to purchase more expensive, but preferred, Western technology.

### U.S. POLICY TOWARD THE PERSIAN GULF

At this time of change in the gulf, the United States has been able to maintain an effective and low key and cautious diplomatic and political relations with most Persion Gulf states. In several cases, our ties with particular ruling families and monarchs have been close.

The risk of such ties, however, is that monarchies and one-family rule in the Arab Middle East seems to be going out of fashion; revolutions, sometimes violent, are replacing monarchies with republics and are often ruled by army officers. This trend which started in Egypt back in 1952 has been visible most recently in Libya where a revolution occurred in September 1969, and in Morocco where there were unsuccessful attempts to overthrow the monarchy in the summers of 1971 and 1972. There is, moreover, little evidence that this process has run its course. If monarchies do not become centrally involved with issues of social, political, and economic change, their days may be numbered.

But with these risks, there are also opportunities—opportunities to build stronger, better, and more stable relations between the United States and the peoples of the Persian Gulf.

The success of a prudent, low-key policy and the ability of the United States to adjust to rapid changes in an unstable area will depend, in part, on an adequate consideration and assessment in the U.S. Government of the area, its problems, and our policies.

In focusing with more vigor on this region, the U.S. policymakers and planners must deal with a whole series of vitally important questions which will not be solved by wishing them away. These questions are related to the many problems of the Persian Gulf discussed here and must be answered in order for our military, economic, and political posture to be appropriate and effective and assure our access to the gulf oil.

### POLITICAL POSTURE

In our political posture, we should maintain small diplomatic missions wherever they are wanted. Good contacts with the leadership should be based not on large presences but on regular and occasional visits by high level U.S. officials. We should also avoid projecting a negative policy of telling leaders what they should and should not do or otherwise resort to persuasion for support of these States on international issues of no immediate interest to these States. These States should proceed at their own pace internationally.

More important, we should seek to keep the Persian Gulf outside of any sphere of great power competition. A large and heavyhanded U.S. diplomatic presence only encourages other powers to seek similar presences. A low-profile U.S. presence in Kuwait, for example, has not led to any attempt by either the Russians or Chinese to take advantage of our small but effective presence. It is hoped the rest of the gulf will remain, not untouched because that is not possible, but unattached, because total identification to one power attracts others. A low-profile policy should be designed to promote great power restraint and insulate the Persian Gulf from great power politics and competition.

And, finally, in our political policies, we should try not to become too closely identified with any one state or any particular rulers. The United States should not let its desire for good relations with any state suggest a preference for the dominaton of the gulf by that state. By seeking a low but essential level of cooperation among all gulf riparians on the basis of equality, we can try to avoid such an identification. We are currently seeking, but should not force, this type of cooperation among states which harbor some deep-seated animosities against each other. In each state we should depend on maintaining a close rapport with both leaders and technocrats and try to seek stronger identification with countries as a whole rather than particular individuals.

### MILITARY POSTURE

Our military posture in the gulf should complement our political posture: it should be low key, purposeful and effective. I personally have doubt about the effectiveness of the small, three-ship MIDEASTFOR unit stationed by our Navy on the island of Bahrayn and about the utility of the large-scale military assistance programs we have with Iran and Saudi Arabia. MIDEASTFOR is big enough to cause problems for small and potentially unstable states but too small to be of any military use.

In addition, it may have the onus of attracting, like a magnet, a similar Soviet presence. Soviet aid to Iraq and port calls there now constitute its overt military program in the gulf. I would like to avoid any pretext for an escalation of that presence. It might prove useful to take MIDEASTFOR out of the gulf and have an Indian Ocean unit make occasional visits. At any rate, our military policy toward the gulf and aid programs should constantly be reviewed at the highest levels of government. Iran and Saudi Arabia need effective defenses but I doubt whether they need navies to compete in size with some European states or as many tanks as the British army.

### ECONOMIC POSTURE

The Persian Gulf area is an important place in the world where imaginative economic policies will prove mutually beneficial to both the United States and the riparian states. They have the revenues and we have the technology. From 1967 to 1971, oil revenues of these states jumped from approximately $2.9 billion to over $7 billion, but at the same time, oil remittances and sales of goods and services to this area added an annual plus factor on our balance of payments of well over $1 billion at a time of increasing balance-of-payments difficulties. Wth these revenues, all the states need to purchase technology to develop non-oil industries, such as the potentially important shrimp industry, certain agricultural products and other industrial ventures. The little under one-half billion dollars annual sales of goods and services to these states made in the last couple of years is impressive but many observers feel it can be improved. Good and readily available information from the Department of Commerce, for example, and other agencies of the Government about areas of technology needed in the region might be a useful starting point in making information on investment possibilities available to U.S. private enterprise.

Technical assistance is also an area where these states, especially the smaller ones, need outside help because they simply do not have a big enough indigenous group with the training necessary to run bureaucracies, businesses, and other services needed.

### CONCLUSIONS

The stakes for the United States in the Persian Gulf are high. While the U.S. oil companies do need the support of the U.S. Government in their dealings with oil producing countries at this time of difficult negotiations and, especially, in the event of any nationalization, the greatest need in the next year or two is for the United States to develop some kind of coherent resource strategy for the decade, indicating what energy resources from what sources should be developed to meet our fuel needs. The United States should also examine ways of helping U.S. companies preserve their position in international production. Once these policy decisions are hammered out, the United States will need to undertake diplomatic approaches for companies in the gulf area and elsewhere and also to increase its own energy resource stability at home and its flexibility in dealing with oil exporting countries abroad. This may involve costly and unpopular domestic decisions and the possibility of curbing the rate of increase of domestic consumption here, but it will also help guarantee the U.S. future access to the energy resources of the Persian Gulf.

One important challenge to the United States in the coming decade will be to come to grips with the fact that never before in the history of mankind have so many wealthy, industrialized, militarily powerful and large states been at the potential mercy of small, independent, and potentially unstable states which will provide, for the foreseeable future, the fuel of advanced societies. There are few traditional policies which can accommodate this difficult situation in an area of intense nationalism. The need for imaginative new types of policies involving the interdependence of the rich and poor, small and large, weak and powerful states has never been so great. There is a need, at the same time, to take all possible steps to minimize our future dependence on the energy resources of this region.

## THE LATE ESAU JENKINS

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 10 mniutes.

Mr. DAVIS of South Carolina. Mr. Speaker, while this great, deliberative body was in recess, my First District in South Carolina lost one of its most distinguished citizens.

On October 30, 1972, death claimed Esau Jenkins. I said at that time that I would carry the story of this great man to the floor of this House when it reconvened. Today, I would like to pass along my thoughts.

His was an untimely death and a loss of unparalleled proportions. It is true that Esau Jenkins was an acknowledged leader in the community, but to call him a leader and stop is like calling Niagra Falls running water. Mere words cannot describe the sheer magnitude of this individual who helped black and white throughout the low country of South Carolina, the place of his birth.

Esau Jenkins was a father, a builder, an educator, and a fighter for human rights. He was a community developer whose motto was "Love is progress—hate is expensive." He helped to found the Rural Mission, the Progressive Club, and was a member of the board of the Southern Christian Leadership Conference. He served on the Governor's Conference on Human relations on the Charleston branch of the NAACP.

Although Esau Jenkins counted such notables as the late Martin Luther King, Jr., among his friends, it was not uncommon to see him striding across the plowed fields of his home county on his way to help someone with a problem. Black or white, rich or poor, Esau Jenkins always had time to help. He ran buses to get the people to work and he operated a grocery store on John's Island, often subsidizing his neighbors in time of need.

Esau Jenkins knew what hunger was, and lack of education, and stark poverty, but he climbed above all that. He knew what it was like to have the door of society slammed in his face because of his race. Esau Jenkins passed through his time to the beat of a different drummer, a beat that much of America is finally catching up with.

He moved through his 62 years with his cherished motto, "Love is progress—hate is expensive." Progress was his theme. 'Let's keep moving." That is what Esau would say to all he reached. "Let's keep moving, don't stop, let's keep making progress." Even in death the ideals of Esau Jenkins keep going. Love, brotherhood, and progress.

The funeral sermon for Esau Jenkins, I feel, best sums up the life of this man. The Rev. W. T. Goodwin said:

> I believe that Esau would not want this to be a funeral service, but a graduation day for him. Like Jesus, he had no time for funerals.

Esau Jenkins has graduated to a richly deserved reward. His work here on earth, in the low country of South Carolina, will live on as a testimony to his life and his ways. Perhaps someday soon we can all live by his words "Love is progress—hate is expensive."

## JUDICIARY COMMITTEE ANNOUNCES HEARINGS ON PROPOSED RULES OF EVIDENCE

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, on Tuesday, February 6, the Committee on the Judiciary will open hearings on the proposed rules of evidence for the U.S. courts and magistrates, prescribed by the Supreme Court of the United States and soon to be forwarded to the Congress by the Chief Justice.

Individuals and organizations wishing to be heard or to submit views for the hearing record are requested to communicate with Herbert E. Hoffman, committee counsel, Committee on the Judiciary, House of Representatives, Washington, D.C. 20515. Telephone No. (202) 225-3926.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SAYLOR, for 15 minutes, today, to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MYERS) to revise and extend their remarks and include extraneous material:)

Mr. FINDLEY, for 5 minutes, today.

Mr. BELL, for 5 minutes, today.

Mr. CRANE, for 5 minutes, today.

Mr. HEINZ, for 5 minutes, today.

(The following Members (at the request of Mr. GUNTER) to revise and extend their remarks and include extraneous material:)

Mr. Clark, for 10 minutes, today.

Mr. Moss, for 30 minutes, today.

Mr. Hamilton, for 15 minutes, today.

Mr. Minish, for 5 minutes, today.

Mr. Kastenmeier, for 10 minutes, today.

Ms. Abzug, for 5 minutes, today.

Mr. Davis of South Carolina, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Rodino, for 10 minutes, today.

Mr. O'Neill, for 5 minutes, January 15.

Mr. Flood, for 60 minutes, January 23.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Saylor and to include extraneous matter, notwithstanding the estimated cost of $2,805.

Mr. Lehman.

Mr. Gross in two instances and to include extraneous matter.

Mr. Evins of Tennessee and to include extraneous matter.

(The following Members (at the request of Mr. Myers) and to revise and extend their remarks:)

Mr. Snyder.

Mr. Findley in three instances.

Mr. Gude in five instances.

Mr. Whitehurst.

Mr. Quie.

Mr. Broomfield.

Mr. Keating in three instances.

Mr. Goodling.

Mr. Shoup.

Mr. McCollister in three instances.

Mr. Derwinski in three instances.

Mr. Conte in two instances.

Mr. Peyser in five instances.

Mr. Frelinghuysen.

Mr. Davis of Wisconsin in three instances.

Mr. McClory.

Mr. Brotzman.

(The following Members (at the request of Mr. Gunter) and to include extraneous material):

Mr. Waldie in eight instances.

Mr. Teague of Texas in six instances.

Mr. de la Garza in 10 instances.

Mr. Rarick in three instances.

Mr. Gonzalez in three instances.

Mr. Brademas in 10 instances.

Mr. Dingell in three instances.

Mr. Roy.

Mr. Fascell.

Mr. Thompson of New Jersey.

Mr. Long of Maryland in three instances.

Mr. Montgomery.

Mrs. Griffiths.

Mr. Clark.

Mr. Kastenmeier in two instances.

Mr. Rodino.

Mr. Matsunaga in six instances.

Mr. Vanik in two instances.

Mr. Patten.

Mr. Moakley.

Mr. Koch.

Mr. Johnson of California.

Mr. Pickle in 10 instances.

Mr. Dominick V. Daniels.

Mr. Rogers in five instances.

## ADJOURNMENT

Mr. GUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Monday, January 15, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[*Omitted from the Record of Jan. 3, 1973*]

211. A letter from the Secretary of State, transmitting the 20th Report on Contributions to International Organizations for the fiscal year 1971, pursuant to section 2 of Public Law 806, 81st Congress (H. Doc. No. 92–377); to the Committee on Foreign Affairs and ordered to be printed.

[*Submitted Jan. 11, 1973*]

212. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting the report of design and construction supervision, inspection, and overhead costs for military construction projects in fiscal year 1972, pursuant to section 704, Public Law 92–145; to the Committee on Armed Services.

213. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend section 2304(a)(3) of title 10, United States Code, to increase from $2,500 to $10,000 the aggregate amount of a purchase or contract authorized to be negotiated; to the Committee on Armed Services.

214. A letter from the Commissioner of the District of Columbia, transmitting a copy of the revised Organization Handbook of the District of Columbia Government; to the Committee on the District of Columbia.

215. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of November 30, 1972, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

216. A letter from the Chairman, Interstate Commerce Commission, transmitting copies of the final valuations of properties of common carriers, pursuant to section 19a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

217. A letter from the Chairman, Federal Trade Commission, transmitting a report on the implementation and administration of the Fair Packaging and Labeling Act during fiscal year 1972, pursuant to section 8 of Public Law 89–755; to the Committee on Interstate and Foreign Commerce.

218. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a report on changes in grade GS–17 positions, pursuant to section 5114(a) of title 5 of the United States Code; to the Committee on Post Office and Civil Service.

### Received From the Comptroller General

219. A letter from the Comptroller General of the United States, transmitting a report on opportunities to improve effectiveness and reduce costs of the rental assistance housing program of the Department of Housing and Urban Development; to the Committee on Government Operations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to H. Res. 819 of the 92d Congress the following report was filed on January 11, 1973*]

Mr. O'NEILL: Special Committee To Investigate Campaign Expenditures, 1972; with amendment (Rept. No. 93–1). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT (for himself, Mr. Sikes, Mr. Fuqua, Mr. Chappell, Mr. Frey, Mr. Gibbons, Mr. Haley, Mr. Young of Florida, Mr. Rogers, Mr. Burke of Florida, Mr. Pepper, Mr. Fascell, Mr. Bafalis, Mr. Gunter and Mr. Lehman):

H.R. 1719. A bill to authorize the establishment of the Florida Frontier Historic Riverway, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DOMINICK V. DANIELS:

H.R. 1720. A bill to provide for enforcement of safety and health standards for metal and nonmetallic mines under the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

H.R. 1721. A bill to provide Federal assistance for special projects to demonstrate the effectiveness of programs to provide emergency care for heart attack victims by trained persons in specially equipped ambulances; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN:

H.R. 1722. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER:

H.R. 1723. A bill to amend title X of the Public Health Service Act to extend for 3 years the program of assistance for population research and voluntary family planning programs; to the Committee on Interstate and Foreign Commerce.

H.R. 1724. A bill to direct the Secretary of Health, Education, and Welfare to make requests for appropriations for programs respecting a specific disease or category of diseases on the basis of the relative mortality and morbidity rates of the disease or category of diseases and its relative impact on the health of persons in the United States and on the economy; to the Committee on Interstate and Foreign Commerce.

H.R. 1725. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK:

H.R. 1726. A bill to amend the tariff and trade laws of the United States to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 1727. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for four additional years, and for other purposes; to the Committee on Public Works.

By Mr. DAVIS of Wisconsin:

H.R. 1728. A bill to provide that memorial markers and suitable plots in the national cemeteries be furnished to commemorate members and former members of the Armed Forces whose remains, for whatever reason, are not available for normal burial; to the Committee on Armed Services.

H.R. 1729. A bill to amend section 213(a) of the War Claims Act of 1948 to provide for the full payment of certain individual claims under that act; to the Committee on Interstate and Foreign Commerce.

H.R. 1730. A bill to amend title IV of the Social Security Act to increase the amount of Federal reimbursement to States under the aid to families with dependent children program for the cost of locating and securing support from parents who have deserted or abandoned their children receiving aid under such program, and to provide that the State welfare agencies may utilize the services of private collection agencies and similar organizations and entities in locating such parents and securing support for such children; to the Committee on Ways and Means.

By Mr. DENHOLM:

H.R. 1731. A bill to amend the Rural Electrification Act of 1936 and the Consolidated Farmers Home Administration Act of 1961; to the Committee on Agriculture.

By Mr. DOWNING:

H.R. 1732. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 1733. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

H.R. 1734. A bill to amend the depository library program (44 U.S.C. 1901–1914); to the Committee on House Administration.

By Ms. ABZUG:

H.R. 1735. A bill to protect confidential sources of the news media; to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 1736. A bill to amend the Public Health Services Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1737. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1738. A bill to grant to each coastal State mineral rights in the subsoil and seabed of the Outer Continental Shelf extending to a line which is 12 miles from the coast of such State, and for other purposes; to the Committee on the Judiciary.

H.R. 1739. A bill to have the President appoint the Director of the Federal Bureau of Investigation to a single term of 15 years; to the Committee on the Judiciary.

H.R. 1740. A bill to amend title 5, United States Code, to authorize election of health benefits coverage by employees and annuitants for themselves and their spouses at a special rate based on coverage of two persons, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1741. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

H.R. 1742. A bill to amend title II of the Social Security Act to provide that the surviving spouse of an insured worker may authorize direct payment of the worker's lump-sum death payment to the funeral home for his burial expenses; to the Committee on Ways and Means.

H.R. 1743. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 1744. A bill to amend section 401 (c) of the Internal Revenue Code of 1954 with respect to certain services performed by ministers; to the Committee on Ways and Means.

By Mr. DOWNING (for himself, Mr. Dingell, Mr. Anderson of California, and Mr. Goodling):

H.R. 1745. A bill to authorize a program of exploratory fishing for the purpose of assisting in the development and utilization of species of fish suitable for industrial uses, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DOWNING (for himself, Mr. Mosher, Mr. Murphy of New York, and Mr. Wolff):

H.R. 1746. A bill to amend the Merchant Marine Act, 1936, to expand the mission of the U.S. Merchant Marine Academy and to change the name of the Academy to reflect the expanded mission; to the Committee on Merchant Marine and Fisheries.

By Mr. FASCELL (for himself, Mr. Fraser, Mr. Jones of Oklahoma, Mr. Gunter, Mr. Coughlin, Mr. Bafalis, Mr. Lent, Mr. Roybal, Mr. Corman, Mr. Kastenmeier, Mr. Metcalfe, Mr. Lehman, Mr. Matsunaga, Mr. Edwards of California, Mr. Rooney of Pennsylvania, Mr. Cronin, Mr. Rodino, and Mrs. Chisholm):

H.R. 1747. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

By Mr. FAUNTROY:

H.R. 1748. A bill to designate the legal public holidays to be observed in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FINDLEY:

H.R. 1749. A bill to repeal the Bread Tax on 1973 wheat crop; to the Committee on Agriculture.

By Mr. GERALD R. FORD:

H.R. 1750. A bill to amend title IV of the Social Security Act to allow a State in its discretion, to such extent as it deems appropriate, to use the dual signature method of making payments of aid to families with dependent children under its approved State plan; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD (for himself, Mr. Fraser, Mr. Bell, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Hawkins, Mr. Meeds, Mr. Perkins, Mr. O'Hara, and Mr. Thompson of New Jersey):

H.R. 1751. A bill to amend the Juvenile Delinquency Prevention and Control Act of 1968 to meet the needs of runaway youths and facilitate their return to their families without resort to the law enforcement structure; to the Committee on Education and Labor.

By Mr. WILLIAM D. FORD (for himself, Mr. Nedzi, Mr. Esch, Mr. Ruppe, Mr. Broomfield, Mr. Dingell, Mr. O'Hara, Mrs. Griffiths, Mr. Huber, Mr. Brown of Michigan, Mr. Cederberg, Mr. Gerald R. Ford, Mr. Harvey, Mr. Hutchinson, Mr. Riegle, and Mr. Vander Jagt):

H.R. 1752. A bill to amend the Federal Meat Inspection Act in order to provide that States may not have less strict standards with respect to marketing, labeling, packaging, and ingredient requirements than those made under the Federal Meat Inspection Act; to the Committee on Agriculture.

By Mr. FRASER (for himself, Mr. Bell, Mr. Byron, Mr. Burke of Florida, Mr. Corman, Mr. Cronin, Mr. W. C. (Dan) Daniel, Mr. Dominick V. Daniels, Mr. De Lugo, Mr. Frey, Mrs. Hansen of Washington, Mr. Hastings, Mr. Howard, Mr. Lehman, Mrs. Mink, Mr. Minish, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Murphy of Illinois, Mr. Nelsen, Mr. Podell, Mr. Randall, Mr. Rhodes, Mr. Shipley, and Mr. Stokes):

H.R. 1753. A bill to amend title 38 of the United States Code to make certain that recipients of veterans pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. FRASER (for himself, Mr. Davis of Georgia, Mr. Fountain, Miss Jordan, Mr. Kemp, Mr. McCormack, Mr. McKinney, Mr. Mallary, Mr. Moakley, Mr. Nichols, Mr. Taylor of North Carolina, Mr. Thompson of New Jersey, Mr. Vanik, and Mr. Yates):

H.R. 1754. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. FREY:

H.R. 1755. A bill to impose a moratorium on new and additional student transportation; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 1756. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GUDE:

H.R. 1757. A bill to amend the District of Columbia Air Pollution Control Act to increase the penalties for violation of regulations to protect and improve air quality in the District of Columbia; to the Committee on District of Columbia.

By Mr. HALEY (for himself, Mr. Saylor, and Mr. Hillis):

H.R. 1758. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON:

H.R. 1759. A bill to provide for the establishment of projects for the dental health of children to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON (for himself, Mr. William D. Ford, Mr. Pickle, Mr. Sarbanes, Mr. Addabbo, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Corman, Mr. Drinan, Mr. Edwards of California, Mr. Fuqua, Mrs. Hansen of Washington, Mr. Helstoski, Mr. Hungate, Mr. Kyros, Mr. Koch, Mr. Leggett, Mr. Moakley, Mr. Studds, Mr. O'Neill, Mr. Perkins, Mr. Rostenkowski, Mr. Roybal, and Mr. Symington):

H.R. 1760. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. HECHLER of West Virginia:

H.R. 1761. A bill to amend the black lung benefit provisions of the Federal Coal Mine Health and Safety Act of 1969 to delete the provisions for offset of black lung benefits against State workmen's compensation, unemployment compensation, and disability insurance benefits; to the Committee on Education and Labor.

H.R. 1762. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1763. A bill making apropriations to carry out programs of the Veterans' Administration to expand Veterans' Administration hospital education and training capacity, and to provide grants to establish new State medical schools, to expand and improve medical schools affiliated with the Veterans' Administration, and to assist certain affiliated institutions in training health personnel, for fiscal year 1973; to the Committee on Veterans' Affairs.

By Mr. HELSTOSKI:

H.R. 1764. A bill to create an Office of Defense Review; to the Committee on Armed Services.

H.R. 1765. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the armed forces; to the Committee on Armed Services.

H.R. 1766. A bill to provide for the striking of medals in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus (Mikolaj Kopernik); to the Committee on Banking and Currency.

H.R. 1767. A bill to establish a national adoption information exchange system; to the Committee on Education and Labor.

H.R. 1768. A bill to amend the Elementary and Secondary Education Act; to the Committee on Education and Labor.

H.R. 1769. A bill to provide for special programs for children with specific learning disabilities; to the Committee on Education and Labor.

H.R. 1770. A bill to provide early educational opportunities for all preschool children, and to encourage and assist in the formation of local preschool districts by residents of urban and rural areas; to the Committee on Education and Labor.

H.R. 1771. A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards; to the Committee on Education and Labor.

H.R. 1772. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 1773. A bill to establish a Department of Education; to the Committee on Government Operations.

H.R. 1774. A bill to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department; to the Committee on Government Operations.

H.R. 1775. A bill to establish a Department of Peace, and for other purposes; to the Committee on Government Operations.

By Mr. KASTENMEIER:

H.R. 1776. A bill to provide for the immediate cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, Laos, and Thailand; to the Committee on Foreign Affairs.

By Mr. HELSTOSKI:

H.R. 1777. A bill to create a Department of Youth Affairs; to the Committee on Government Operations.

H.R. 1778. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

H.R. 1779. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

H.R. 1780. A bill to amend section 1905 of title 44 of the United States Code relating to depository libraries; to the Committee on House Administration.

H.R. 1781. A bill establishing a Council on Energy Policy; to the Committee on Interstate and Foreign Commerce.

H.R. 1782. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1783. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to require the establishment nationally of an emergency telephone call referral system using the telephone number 911 for such calls; to the Committee on Interstate and Foreign Commerce.

H.R. 1784. A bill to amend the Airport and Airway Development Act of 1970 to increase from 50 to 75 percent the U.S. share of allowable project costs payable under such act; to amend the Federal Aviation Act of 1958 to prohibit State taxation of the carriage of persons in air transportation; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1785. A bill to establish a grant-in-aid program to encourage the licensing by the States of motor vehicle mechanics; to the Committee on Interstate and Foreign Commerce.

H.R. 1786. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

H.R. 1787. A bill to provide that a citizen of the United States shall not lose his citizenship before obtaining citizenship or permanent residence in another country; to the Committee on the Judiciary.

H.R. 1788. A bill to limit the authority of States and their subdivisions to impose taxes with respect to income on residents of other States; to the Committee on the Judiciary.

H.R. 1789. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes; to the Committee on the Judiciary.

H.R. 1790. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

H.R. 1791. A bill to provide minimum standards in connection with certain Federal financial assistance with respect to correctional institutions and facilities; to the Committee on the Judiciary.

H.R. 1792. A bill to provide financial assistance for State and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curricula, the training of educational personnel and the funding of research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes; to the Committee on the Judiciary.

H.R. 1793. A bill to establish a Commission on Penal Reform; to the Committee on the Judiciary.

H.R. 1794. A bill Newsmen's Privilege Act of 1973; to the Committee on the Judiciary.

H.R. 1795. A bill to require the establishment of marine sanctuaries and to prohibit the depositing of any harmful materials therein; to the Committee on Merchant Marine and Fisheries.

H.R. 1796. A bill to amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to terminate certain licenses and permits relating to the disposition of waste materials in the waters of the New York Bight, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1797. A bill to provide for the issuance of a commemorative postage stamp in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus, the founder of modern astronomy; to the Committee on Post Office and Civil Service.

H.R. 1798. A bill to establish a national urban bond program to provide an effective means of financing the construction of needed urban housing; to the Committee on Ways and Means.

H.R. 1799. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. ECKHARDT (for himself, Mr. Brown of Michigan, Mr. Danielson, Mr. De Lugo, Mr. Fraser, Mr. Harrington, Mr. Helstoski, Mr. Hungate, Mr. Milford, Mr. Moorhead of Pennsylvania, Mr. Pepper, Mr. Podell, Mr. Preyer, Mr. Stokes, Mr. Ware, Mr. Roncalio of Wyoming, Mr. Vanik, and Mr. Charles Wilson of Texas):

H.R. 1800. A bill to create an air transportation security program; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 1801. A bill to exclude from gross income the first $750 of interest received on deposits in thrift institutions; to the Committee on Ways and Means.

H.R. 1802. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

H.R. 1803. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

H.R. 1804. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. HUDNUT:

H.R. 1805. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 1806. A bill to equalize the retired pay of certain former members of the armed services; to the Committee on Armed Services.

By Mr. KEATING (for himself, Mr. Danielson, Mr. Steele, Mr. Kemp, Mr. Kuykendall, Mr. Gerald R. Ford, Mr. Frenzel, Mr. Mazzoli, Mr. Hogan, and Mr. Sarbanes):

H.R. 1807. A bill to strengthen interstate reporting and interstate services for parents of runaway children, to provide for the development of a comprehensive program for the transient youth population for the establishment, maintenance, and operation of temporary housing and psychiatric, medical, and other counseling services for transient youth, and for other purposes; to the Committee on the Judiciary.

By. Mr. KOCH (for himself, Mr. Burton, Mr. Conyers, Mr. Fauntroy, Mr. Matsunaga, Mr. Moakley, Mr. Rangel, Mr. Symington, Mr. Tiernan, and Mr. Vanik):

H.R. 1808. A bill to prohibit the use of funds authorized or appropriated for military actions in Indochina except for purposes of withdrawing all United States forces from Indochina within a 30-day period if within that period all American prisoners of war are released and American servicemen missing in action are accounted for, and to halt immediately all, air bombing in Indochina; to the Committee on Foreign Affairs.

By Mr. KOCH (for himself, Ms. Abzug, Mr. Addabbo, Mr. Bingham, Mr. Burke of Massachusetts, Mr. Burton, Mr. Robert W. Daniel, Jr., Mr. Fish, Mr. Fountain, Mr. Gude, Mr. Harrington, Mr. Helstoski, Mr. Lent, Mrs. Mink, Mr. Moakley, Mr. Podell, Mr. Symington, Mr. Symms, and Mr. Tiernan):

H.R. 1809. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. LEHMAN:

H.R. 1810. A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials; to the Committee on Government Operations.

H.R. 1811. A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured or used by the Federal Government or the District of Columbia; to the Committee on Government Operations.

H.R. 1812. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record; to the Committee on House Administration.

By Mr. MARAZITI:

H.R. 1813. A bill to assure the free flow of news and other information to the public; to the Committee on the Judiciary.

By Mr. MATHIS of Georgia:

H.R. 1814. A bill to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

By Mr. MATHIS of Georgia (for himself and Mr. Waggonner):

H.R. 1815. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator with the consent of the farmer, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas:

H.R. 1816. A bill to protect suppliers of property in trade and commerce with respect to credit card promotions; to the Committee on Banking and Currency.

H.R. 1817. A bill to provide for the striking of national medals to honor the late J. Edgar Hoover; to the Committee on Banking and Currency.

H.R. 1818. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

H.R. 1819. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

H.R. 1820. A bill to direct the Administrator of General Services to release a condition with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes; to the Commtitee on Merchant Marine and Fisheries.

H.R. 1821. A bill to amend title 5, United States Code, to permit military service performed by an individual after 1956 to be credited under the civil service retirement program, even though such individual is eligible for social security benefits, if such individual has elected to have such service excluded in the computation of such benefits; to the Committee on Post Office and Civil Service.

By Mr. O'NEILL:

H.R. 1822. A bill to provide for the termination of all U.S. military involvement in Indochina; to the Committee on Foreign Affairs.

By Mr. PEYSER:

H.R. 1823. A bill to amend the Urban Mass Transportation Act of 1964 to provide emergency grants for operating subsidies to urban mass transportation systems on the basis of passengers serviced; to the Committee on Banking and Currency.

H.R. 1824. A bill to amend the Urban Mass Transportation Act of 1964 to make it clear that a mass transportation system must include provision for meeting the special needs of the elderly in order to qualify for financial assistance thereunder; to the Committee on Banking and Currency.

H.R. 1825. A bill to provide new and improved transportation programs for older persons; to the Committee on Banking and Currency.

H.R. 1826. A bill to require pension plans to provide optional annuities for surviving spouses and certain vesting rights to employees whose employment is involuntarily terminated without cause; to the Committee on Education and Labor.

H.R. 1827. A bill to amend the Elementary and Secondary Education Act to insure greater safety for students in getting to and from school; to the Committee on Education and Labor.

H.R. 1828. A bill to amend the Elementary and Secondary Education Act of 1965 to protect schoolchildren from certain persons convicted of criminal behavior; to the Committee on Education and Labor.

H.R. 1829. A bill to direct the Secretary of Labor to provide for volunteer employment programs for older persons and to develop a resource directory on the availability of the skills, talents, and experience of those persons; to the Committee on Education and Labor.

H.R. 1830. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1831. A bill to provide that foreign made products be labled to show the country of origin, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1832. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 1833. A bill to regulate the interstate trafficking and sale of hypodermic needles and syringes; to the Committee on Interstate and Foreign Commerce.

H.R. 1834. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

H.R. 1835. A bill to amend title 28 of the United States Code to exempt volunteer firemen from Federal jury duty; to the Committee on the Judiciary.

H.R. 1836. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1837. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of Dr. Enrico Fermi; to the Committee on Post Office and Civil Service.

H.R. 1838. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services, by providing for an action program within the departments and agencies of the Federal Government for employment of disabled veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1839. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

H.R. 1840. A bill to amend the Internal Revenue Code of 1954 to increase the amount of refund payable with respect to fuels used by local transit systems for commuter service; to the Committee on Ways and Means.

H.R. 1841. A bill to amend the Internal Revenue Code of 1954 to provide for a refund of the manufacturers excise tax on certain tires, tubes, and tread rubber used by local transit systems furnishing commuter service; to the Committee on Ways and Means.

By Mr. PICKLE (for himself, Mr. Roberts, Mr. Fisher, Mr. Collins, Mr. Burleson of Texas, Mr. Archer, Mr. White, Mr. Teague of Texas, Mr. Steelman, Mr. Milford, Mr. Poage, Mr. Wright, and Mr. Gonzalez):

H.R. 1842. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLE (for himself, Mr. Bowen, Mr. Obey, Mr. Wright, Mr. Fish, Mr. Evins of Tennessee, Mr. Rodino, Mr. Drinan, Mrs. Mink, Mr. Zablocki, Mr. McCloskey, Mr. Poage, Mr. Burlison of Missouri, Mr. Jones of North Carolina, Mr. McCormack, Mr. Gray, Mr. Sarbanes, Mr. William D. Ford, Mr. Harrington, and Mr. Fountain):

H.R. 1843. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. PICKLE (for himself and Mr. White, Mr. Gude, Mr. Sikes, Mr. Gibbons, Mr. Yates, Mr. Lehman, Mr. Seiberling, Mr. Randall, Mr. Roybal, Mr. Mollohan, Mr. Mitchell of Maryland, Mr. Gonzalez, Mr. Hungate, Mr. Denholm, Mr. Kastenmeier, Mr. Davis of Georgia, Mr. Sarbanes, Mr. William D. Ford and Mr. Harrington):

H.R. 1844. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. PICKLE (for himself, Mr. Tiernan, Mr. Rosenthal, Mr. Flowers, Mr. Clark, Mr. Morgan, Mr. Ruppe, Mr. Murphy of New York, Mr. Preyer, Mr. Sarbanes, Mr. William D. Ford, Mr. Harrington, Mr. Dingell, and Mr. Moorhead of Pennsylvania):

H.R. 1845. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. PRICE of Illinois:

H.R. 1846. A bill to provide additional dental care for dependents of members of the uniformed services; to the Committee on Armed Services.

H.R. 1847. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

H.R. 1848. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1849. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 1850. A bill to require that durable consumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

H.R. 1851. A bill to amend the Public Health Service Act to provide grants to develop training in family medicine; to the Committee on Interstate and Foreign Commerce.

H.R. 1852. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

H.R. 1853. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 1854. A bill to provide assistance to certain States bordering the Mississippi River in the construction of the Great River Road; to the Committee on Public Works.

H.R. 1855. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 1856. A bill to amend the Social Security Act to require that each State disclose to the public (by categories) the names of all individuals who are recipients of aid or assistance under its plans approved under titles I, IV, X, XIV, and XVI of such Act; to the Committee on Ways and Means.

H.R. 1857. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to provide that any individual who has attained age 65 may elect to treat services performed by him as noncovered (and exempt from tax) for social security purposes; to the Committee on Ways and Means.

By Mr. RARICK (for himself, Mr. Fish, Mr. Powell of Ohio, and Mr. Thone):

H R. 1858. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. Addabbo, Mr. Anderson of Illinois, Mr. Annunzio, Mr. Archer, Mr. Badillo, Mr. Bell, Mr. Bevill, Mr. Bingham, Mr. Boland, Mr. Brademas, Mr. Buchanan, Mr. Clark, Mr. Cleveland, Mr. Crane, Mr. Cronin, Mr. Danielson, Mr. Davis of South Carolina, Mr. Derwinski, Mr. Drinan, Mr. Edwards of California, Mr. Evins of Tennessee, Mr. Fish, Mr. Fountain, and Mr. Gude):

H.R. 1859. A bill the Antihijacking Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. REID (for himself, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hays, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Horton, Mr. Hungate, Mr. Jarman, Mr. Keating, Mr. Kyros, Mr. McDade, Mr. McKinney, Mr. Mailliard, Mr. Matsunaga, Mr. Mazzoli, Mr. Meeds, Mr. Mollohan, Mr. Murphy of Illinois, Mr. Nichols, Mr. Peyser, Mr. Podell, Mr. Rangel, Mr. Rees, and Mr. Riegle):

H.R. 1860. A bill the Antihijacking Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. REID (for himself, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Sikes, Mr. Symington, Mr. Thompson of New Jersey, Mr. Ware, Mr. Whitehurst, Mr. Wolff, and Mr. Yatron):

H.R. 1861. A bill the Antihijacking Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. REUSS (for himself, Mr. Brademas, Mr. Fraser, and Mr. Gonzalez):

H.R. 1862. A bill to amend the Internal Revenue Code of 1954 to provide relief to certain individuals 62 years of age and over who own or rent their homes, through a system of income tax credits and refunds; to the Committee on Ways and Means.

By Mr. ROBISON of New York:

H.R. 1863. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to extend for 3 years the provision for full Federal payment of relocation and related costs for victims of Hurricane Agnes and of certain other major disasters; to the Committee on Public Works.

By Mr. ROGERS:

H.R. 1864. A bill to amend the Communications Act of 1934 to establish certain standards for the consideration of applications for renewal of broadcasting licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1865. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

H.R. 1866. A bill to amend title 38 of the United States Code to provide that any social security benefit increases provided for by Public Law 92-336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

H.R. 1867. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 1868. A bill requiring personal financial disclosure, and promoting public confidence in the legislative, executive, and judicial branches of the Government of the United States; to the Committee on the Judiciary.

By Mr. ROGERS (for himself, Mr. Sikes, Mr. Bennett, Mr. Haley, Mr. Fascell, Mr. Fuqua, Mr. Pepper, Mr. Gibbons, Mr. Chappell, Mr. Gunter, Mr. Lehman, Mr. Burke of Florida, Mr. Frey, Mr. Young of Florida, Mr. Bafalis, Mr. Downing, and Mr. Perkins):

H.R. 1869. A bill to authorize the appointment of funds for the National System of Interstate and Defense Highways for fiscal years 1974 and 1975; to the Committee on Public Works.

By Mr. ROSENTHAL (for himself, Ms. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Brasco, Mr. Conyers, Mr. Eilberg, Mr. Helstoski, Mr. Nix, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Roybal, Mr. Stokes, Mr. Charles H. Wilson of California, and Mr. Wolff):

H.R. 1870. A bill to amend title 5, United States Code, to provide for the establishment of a special cost-of-living pay schedule containing increased pay rates for Federal employees in heavily populated cities and metropolitan areas to offset the increased cost of living, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROY:

H.R. 1871. A bill to appropriate funds for advanced relocation of a road and bridge in connection with the Onaga Reservoir project, Kansas; to the Committee on Appropriations.

H.R. 1872. A bill to require the Secretary of the Army to improve certain highways in connection with the Tuttle Creek Reservoir; to the Committee on Public Works.

By Mr. SARBANES (for himself, Mr. Pickle, Mr. William D. Ford, Mr. Harrington, Mr. Dulski, Mr. Madden, Mr. Rodino, Mr. Bergland, Mr. Danielson, Mr. Davis of South Carolina, Mr. Denholm, Mr. Evins of Tennessee, and Mr. Fulton):

H.R. 1873. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. SARBANES (for himself, Mr. Pickle, Mr. William D. Ford, Mr. Harrington, Mr. Jones of North Carolina, Mr. Murphy of Illinois, Mr. Pepper, Mr. Rooney of Pennsylvania, Mr. Stokes, Mr. Wright, Mr. Yatron, Mr. Hechler of West Virginia, Mr. Mann, and Mr. Nichols):

H.R. 1874. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. SAYLOR:

H.R. 1875. A bill to establish a uniform Federal policy for repayment of costs of Federal electric power projects, to provide the Secretary of the Interior with authority to carry out this policy, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1876. A bill to provide for the development of federally owned minerals; to the Committee on Interior and Insular Affairs.

H.R. 1877. A bill to preserve, stabilize, and reactivate the domestic gold mining industry on public, Indian, and other lands within the United States, and to increase the domestic production of gold to provide the requirements of industry, national defense, and other nonmonetary uses of gold; to the Committee on Interior and Insular Affairs.

H.R. 1878. A bill to provide for the extension of the reclamation acts, as amended, to all of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1879. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

H.R. 1880. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

H.R. 1881. A bill to designate certain lands as wilderness for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1882. A bill to enlarge the boundaries of Grand Canyon National Park in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1883. A bill to provide for the addition of certain lands to the Redwood National Park in the State of Califoriia, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1884. A bill to provide for the Potomac Basin National Riverways; to the Committee on Interior and Insular Affairs.

H.R. 1885. A bill to revise the boundaries of the North Cascades National Park in the State of Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1886. A bill to establish the Missouri Breaks Scenic River in the State of Montana; to the Committee on Interior and Insular Affairs.

H.R. 1887. A bill to establish the Gates of the Arctic National Park in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1888. A bill to provide for the addition of certain lands to the Mount McKinley National Park in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1889. A bill to revise the boundary of the city of Refuge National Historical Park, in the State of Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1890. A bill to establish the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1891. A bill to provide that the historic property known as the Congressional Cemetery may be acquired, protected, and administered by the Secretary of the Interior as part of the park system of the National Capital, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1892. A bill to provide for the establishment of the Clara Barton House National Historic Site in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1893. A bill relating to the construction of an oil pipeline system in the State of Alaska; to the Committee on Interior and Insular Affairs.

H.R. 1894. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

H.R. 1895. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1896. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 1897. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1898. A bill to authorize the Secretary of Health, Education, and Welfare to require hospitals as a condition to participation in Federal programs to meet accreditation standards established by him; to the Committee on Interstate and Foreign Commerce.

H.R. 1899. A bill to establish the Federal Commission on Accreditation of Hospitals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1900. A bill to clarify the intent of Congress with respect to State "Buy American" laws; to the Committee on the Judiciary.

H.R. 1901. A bill to amend certain provisions of Federal law relating to explosives; to the Committee on the Judiciary.

H.R. 1902. A bill to transfer the Coast Guard to the Department of Defense; to the Committee on Merchant Marine and Fisheries.

H.R. 1903. A bill to extend to hawks and owls the protection now accorded to bald and golden eagles; to the Committee on Merchant Marine and Fisheries.

H.R. 1904. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1905. A bill to amend title III of the act of March 3, 1933, commonly referred to as the "Buy American Act", with respect to determining when the cost of certain articles, materials, or supplies is unreasonable; to define when articles, materials, and supplies have been mined, produced or manufactured in the United States; to make clear the right of any State to give preference to domestically produced goods in purchasing for public use, and for other purposes; to the Committee on Public Works.

H.R. 1906. A bill to amend title 38, United States Code, to establish a Court of Veterans' Appeals and to prescribe its jurisdiction and functions; to the Committee on Veterans' Affairs.

H.R. 1907. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; to the Committee on Veterans' Affairs.

H.R. 1908. A bill to limit the authority of the Veterans' Administration and the Office of Management and Budget with respect to the construction, acquisition, alteration, or closing of veterans' hospitals, and to prohibit the transfer of Veterans' Administration real property unless such transfer is first approved by the House Committee on Veterans' Affairs; to the Committee on Veterans' Affairs.

H.R. 1909. A bill to amend title 38 of the United States Code to prohibit payment of hospital inspection fees by the Administrator of Veterans' Affairs to the Joint Commission on the Accreditation of Hospitals until certain information regarding such inspections is received by the Administrator; to the Committee Veterans' Affairs.

H.R. 1910. A bill to amend title 38, United States Code, to authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency; to the Committee on Veterans' Affairs.

H.R. 1911. A bill to amend chapter 31 of title 38, United States Code, to authorize additional training or education for certain veterans who are no longer eligible for training, in order to restore employability lost due to technological changes; to the Committee on Veterans' Affairs.

H.R. 1912. A bill to amend title 38 of the United States Code to make the children of certain veterans having a service-connected disability rated at not less than 50 percent eligible for benefits under the war orphans' educational assistance program; to the Committee Veterans' Affairs.

H.R. 1913. A bill to amend section 503 of title 38, United States Code, to provide that payments to an individual under a public or private retirement, annuity, endowment, or similar plans or programs shall not be counted as income for pension until the amount of payments received equals the contributions thereto; to the Committee on Veterans' Affairs.

H.R. 1914. A bill to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or grave national emergency declared by the Congress, and to provide for systematic reduction of the public debt; to the Committee on Ways and Means.

H.R. 1915. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

H.R. 1916. A bill to assure to all Americans adequate protection against the costs of health care, through Federal-State programs covering all costs incurred by those who are unable to provide such protection for themselves and a Federal program covering catastrophic costs incurred by those who are normally able to provide such protection; to the Committee on Ways and Means.

H.R. 1917. A bill to amend the Social Security Act by providing for the release of information concerning certain aspects of the medical programs authorized by the act, and for other purposes; to the Committee on Ways and Means.

H.R. 1918. A bill to amend section 6302 of the Internal Revenue Code of 1954 with respect to the deposit of certain employment taxes by small employers; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. Broyhill of Virginia, Mr. Downing, Mr. Satterfield, Mr. Wampler, Mr. W. C. (Dan) Daniel, Mr. Whitehurst, Mr. Robinson of Virginia, Mr. Butler, Mr. Robert W. Daniel, Jr., and Mr. Parris):

H.R. 1919. A bill to authorize the Secretary of the Interior to establish the George Washington Boyhood Home National Historic Site in the State of Virginia; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Morgan, Mr. Barrett, Mr. Flood, Mr. Clark, Mr. Dent, Mr. Nix, Mr. Moorhead of Pennsylvania, Mr. Schneebeli, Mr. Green of Pennsylvania, Mr. Johnson of Pennsylvania, Mr. McDade, Mr. Rooney of Pennsylvania, Mr. Goodling, Mr. Vigorito, Mr. Biester, Mr. Eilberg, Mr. Eshleman, Mr. Gaydos, Mr. Williams, Mr. Coughlin, Mr. Yatron, Mr. Ware, Mr. Heinz, and Mr. Shuster):

H.R. 1920. A bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project"; to the Committee on Public Works.

By Mr. SCHNEEBELI (for himself and Mr. Corman):

H.R. 1921. A bill to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber, and for other purposes; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H.R. 1922. A bill to authorize the Secretary of the Interior to acquire private lands in California for water quality control, recreation, and fish and wildlife enhancement, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1923. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. WAGGONNER:

H.R. 1924. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 1925. A bill to amend the Drug Abuse Office and Treatment Act of 1972 to permit the voluntary disclosure of certain patient records to employers; to the Committee on Interstate and Foreign Commerce.

H.R. 1926. A bill to exercise the authority of Congress to enforce the 14th amendment to the Constitution by defining for the purposes of the equal protection guarantee the term "unitary school system," and to declare the policy of the United States respecting certain voluntary transfers by students among certain schools of any school system; to the Committee on the Judiciary.

H.R. 1927. A bill relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act; to the Committee on the Judiciary.

H.R. 1928. A bill to amend title 23, United States Code, to authorize the Secretary of Transportation to reimburse States for the Federal share of the costs of future construction of toll roads, and for other purposes; to the Committee on Public Works.

H.R. 1929. A bill to amend title 23 of the United States Code to provide for the designation of certain priority primary routes; to the Committee on Public Works.

H.R. 1930. A bill to amend the Tariff Act of 1930 so as to apply countervailing duties to duty-free merchandise causing injury to domestic industry, to expedite findings and determinations under countervailing duty procedures, and for other purposes; to the Committee on Ways and Means.

H.R. 1931. A bill to promote the foreign policy and trade interests of the United States by providing authority to negotiate a commercial agreement with Rumania, and for other purposes; to the Committee on Ways and Means.

H.R. 1932. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 1933. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for social security taxes paid by employees and by the self-employed; to the Committee on Ways and Means.

H.R. 1934. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of social clubs and certain other membership organizations; to the Committee on Ways and Means.

H.R. 1935. A bill to amend section 501(c)(4) of the Internal Revenue Code of 1954 in order to extend its application to endowment care funds of cemeteries; to the Committee on Ways and Means.

H.R. 1936. A bill to amend the Internal Revenue Code of 1954 to provide for a distribution deduction in the case of certain cemetery perpetual care fund trusts; to the Committee on Ways and Means.

H.R. 1937. A bill to amend the Highway Revenue Act of 1956, and for other purposes; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 1938. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. YATES:

H.R. 1939. A bill to amend title 18 of the United States Code to protect more fully certain constitutional rights; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 1940. A bill to amend the Food Stamp Act of 1964, to exclude from coverage by the act every household which has a member who is on strike, and for other purposes; to the Committee on Agriculture.

H.R. 1941. A bill to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

H.R. 1942. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

H.R. 1943. A bill to authorize designated employees of the National Park Service and the U.S. Forest Service to make arrests for violation of Federal laws and regulations, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1944. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

H.R. 1945. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs; to the Committee on Merchant Marine and Fisheries.

H.R. 1946. A bill limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes; to the Committee on Public Works.

H.R. 1947. A bill to amend title II of the Social Security Act to provide for the payment of wife's or husband's insurance benefits (and widow's or widower's insurance benefits in cases of continuous entitlement) without regard to age where the insured individual (on the basis of whose wage record such benefits are payable) is or has been entitled to disability insurance benefits; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.J. Res. 156. Joint resolution to mandate consideration of comprehensive legislation reforming, recodifying, and simplifying the Federal income, estate, and gift tax laws; to the Committee on Rules.

By Mr. CARTER:

H.J. Res. 157. Joint resolution designating the American rose as the national floral emblem of the United States; to the Committee on House Administration.

H.J. Res. 158. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. DAVIS of Wisconsin:

H.J. Res. 159. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

By Mr. DOWNING:

H.J. Res. 160. Joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years; to the Committee on the Judiciary.

By Mr. FAUNTROY:

H.J. Res. 161. Joint resolution establishing the birthplace of the Rev. Dr. Martin Luther King, Jr., in Atlanta, Ga., as a national historic site; to the Committee on Interior and Insular Affairs.

H.J. Res. 162. Joint resolution designating January 15 of each year as "Martin Luther King Day"; to the Committee on the Judiciary.

By Mr. GERALD R. FORD:

H.J. Res. 163. Joint resolution designating the week commencing January 28, 1973, as International Clergy Week in the United States and for other purposes; to the Committee on the Judiciary.

By Mr. FREY:

H.J. Res. 164. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

H.J. Res. 165. Joint resolution proposing an amendment to the Constitution to provide the right of persons lawfully assembled to participate in nondenominational prayer; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.J. Res. 166. Joint resolution to designate February 11–17, 1973, as National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week; to the Committee on the Judiciary.

H.J. Res. 167. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.J. Res. 168. Joint resolution to protect U.S. domestic and foreign policy interests by making fair employment practices in the South African enterprises of U.S. firms a criteria for eligibility for Government contracts; to the Committee on the Judiciary.

H.J. Res. 169. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress; to the Committee on the Judiciary.

H.J. Res. 170. Joint resolution to authorize and request the President to issue annually a proclamation designating the second Sunday of October of each year as "National Grandparents Day"; to the Committee on the Judiciary.

H.J. Res. 171. Joint resolution to authorize the establishment of a Joint Committee on Peace; to the Committee on Rules.

By Mr. PEYSER:

H.J. Res. 172. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

H.J. Res. 173. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. PRICE of Illinois:

H.J. Res. 174. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

H.J. Res. 175. Joint resolution to direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of the display of violence in television programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.J. Res. 176. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 177. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

H.J. Res. 178. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. SAYLOR:

H.J. Res. 179. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

H.J. Res. 180. Joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits; to the Committee on the Judiciary.

By Mr. WAGGONNER:

H.J. Res. 181. Joint resolution proposing an amendment to the Constitution of the United States providing that no public school student shall, because of his race, creed or color, be assigned to or required to attend a particular school; to the Committee on the Judiciary.

H.J. Res. 182. Joint resolution proposing an amendment to the Constitution of the United States with respect to participation in voluntary prayer or meditation in public buildings; to the Committee on the Judiciary.

H.J. Res. 183. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.J. Res. 184. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

By Mr. MATHIS of Georgia:

H.J. Res. 185. Resolution establishing a National Commission to investigate the Olympic Games of 1972; to the Committee on the Judiciary.

By Mr. DOWNING:

H. Con. Res. 60. Concurrent resolution expressing the sense of Congress with respect to reducing the balance-of-payments deficit by encouraging American industry and the American public to ship and travel on American ships; to the Committee on Merchant Marine and Fisheries.

By Mr. HELSTOSKI:

H. Con. Res. 61. Concurrent resolution expressing the sense of Congress that the Holy Crown of Saint Stephen should remain in the safekeeping of the U.S. Government until Hungary once again functions as a constitutional government established by the Hungarian people through free choice; to the Committee on Foreign Affairs.

H. Con. Res. 62. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial and religious groups; to the Committee on Interstate and Foreign Commerce.

H. Con. Res. 63. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. PEYSER:

H. Con. Res. 64. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

H. Con. Res. 65. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

H. Con. Res. 66. Concurrent resolution expressing congressional recognition of a declaration of general and special rights of the mentally retarded; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Illinois:

H. Con. Res. 67. Concurrent resolution that the Congress hereby creates an Atlantic Union delegation; to the Committee on Foreign Affairs.

H. Con. Res. 68. Concurrent resolution calling for a free and united Ireland; to the Committee on Foreign Affairs.

H. Con. Res. 69. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry; to the Committee on Foreign Affairs.

H. Con. Res. 70. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

H. Con. Res. 71. Concurrent resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

H. Con. Res. 72. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

H. Con. Res. 73. Concurrent resolution expressing the sense of Congress in opposition to the closing of Public Health Service hospital and clinics; to the Committee on Interstate and Foreign Commerce.

H. Con. Res. 74. Concurrent resolution to establish a Joint Committee on Impoundment of Funds; to the Committee on Rules.

H. Con. Res. 75. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. SAYLOR:

H. Con. Res. 76. Concurrent resolution expressing the sense of Congress respecting Federal expenditures; to the Committee on Government Operations.

By Mr. SYMINGTON (for himself and Mr. Frey):

H. Con. Res. 77. Concurrent resolution expressing the sense of the Congress with respect to the cooperative agreements on science and technology, medical science and public health, the environment, and space which were recently entered into in Moscow by the United States and the Soviet Union; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Ms. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Boland, Mr. Burke of Massachusetts, Mr. Burton, Mr. Clay, Mr. Conte, Mr. Eilberg, Mr. Green of Pennsylvania, Mrs. Heckler of Massachusetts, and Mr. Koch):

H. Res. 114. Resolution; an inquiry into the extent of the bombing of North Vietnam, December 17, 1972, through January 10, 1973; to the Committee on Armed Services.

By Mr. HARRINGTON (for himself, Mr. Lehman, Mr. Long of Maryland, Mr. Matsunaga, Mr. Mazzoli, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Roybal, Mr. Seiberling, Mr. Stokes, Mr. Studds, Mr. Vanik, and Mr. Wolff):

H. Res. 115. Resolution; an inquiry into the extent of the bombing of North Vietnam, December 17, 1972, through January 10, 1973; to the Committee on Armed Services.

By Mr. HELSTOSKI:

H. Res. 116. Resolution expressing the sense of the House that the U.S. Government should seek the agreement of other governments to a proposed treaty prohibiting the use of any environmental or geophysical modification activity as a weapon of war, or the carrying out of any research or experimentation with respect thereto; to the Committee on Foreign Affairs.

H. Res. 117. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. WAGGONNER:

H. Res. 118. Resolution to continue U.S. control of the Panama Canal; to the Committee on Foreign Affairs.

By Mr. PEYSER:

H. Res. 119. Resolution relative to Irish national self-determination; to the Committee on Foreign Affairs.

H. Res. 120. Resolution calling for peace in Northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

H. Res. 121. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia; to the Committee on House Administration.

By Mr. PRICE of Illinois:

H. Res. 122. Resolution urging the President to release appropriated public works funds now frozen; to the Committee Appropriations.

H. Res. 123. Resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee Foreign Affairs.

H. Res. 124. Resolution expressing the sense of the House of Representatives with respect to an international compact regarding the safety of persons entitled to diplomatic immunity; to the Committee on Foreign Affairs.

H. Res. 125. Resolution calling for peace in Northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

H. Res. 126. Resolution urging the President to resubmit to the Senate for ratification the Geneva Protocol of 1925 banning the first use of gas and bacteriological warfare; to the Committee on Foreign Affairs.

H. Res. 127. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

H. Res. 128. Resolution expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes, and for other purposes; to the Committee on Standards of Official Conduct.

## MEMORIALS

Under clause 4 of rule XXII,

8. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the effect of air pollution on forest trees; to the Committee on Agriculture.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKBURN:

H.R. 1948. A bill for the relief of Edgar P. Faulkner; to the Committee on the Judiciary.

H.R. 1949. A bill for the relief of Hazel W. Lawson; to the Committee on the Judiciary.

H.R. 1950. A bill for the relief of George E. Ray; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.R. 1951. A bill for the relief of Robert J. Ebbert and Design Products Corp., Troy, Mich.; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H.R. 1952. A bill for the relief of James P. Doyle and Florene A. Doyle; to the Committee on Agriculture.

By Mr. CORMAN:

H.R. 1953. A bill for the relief of Mary P. Cain; to the Committee on the Judiviary.

By Mr. DAVIS of Wisconsin:

H.R. 1954. A bill for the relief of Frank Tsao; to the Committee in the Judiciary.

By Mr. GUDE:

H.R. 1955. A bill for the relief of Rosa Ines Toapanta; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 1956. A bill for the relief of American Edelstaal, Inc.; to the Committee on the Judiciary.

H.R. 1957. A bill for the relief of Juan Carlos Torres; to the Committee on the Judiciary.

H.R. 1958. A bill for the relief of Martin Tarnowsky and John Tarnowsky; to the Committee on the Judiciary.

H.R. 1959. A bill for the relief of Pio deFlaviis; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 1960. A bill for the relief of Antonio Passalaqua; to the Committee on the Judiciary.

By Mr. MEEDS:

H.R. 1961. A bill for the relief of Mildred Christine Ford; to the Committee on the Judiciary.

By Mr. MILLS of Arkansas:

H.R. 1962. A bill authorizing the payment of retired pay to Lawrence E. Ellis; to the Committee on the Judiciary.

H.R. 1963. A bill for the relief of Arnold D. Crain; to the Committee on the Judiciary.

H.R. 1964. A bill for the relief of Joseph P. Connolly, M. Sgt. U.S. Air Force Reserve (retired); to the Committee on the Judiciary.

By Mr. ROGERS (by request):

H.R. 1965. A bill for the relief of Theodore Barr; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 1966. A bill for the relief of the AIRCO Corp. (formerly AIRCO/BOC Cryogenic Plants Corp.), a subsidiary of AIRCO, Inc.; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## PRESIDENT SEES STRONG NATIONAL SPACE ROLE

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. TEAGUE of Texas. Mr. Speaker, immediately following the return of the Apollo 17 astronauts to earth, the President issued a significant statement. It was a statement which should encourage all Americans that have been concerned that our national space program would continue to decline. The President stated that the United States would continue to play a major role in space and supported the concept of Skylab and the importance of a low cost space transportation system—the space shuttle.

As the President so aptly points out, today we deal in facts; in terms of our industrial capacity, and technological expertise, and only adequate support of both the administration and Congress will return the promise so well described in his message. I urge the reading of these important comments of the President to my colleagues and the general public:

### Nixon Says Nation To Continue Major Space Role

The safe return of the command module America marks the end of one of the most significant chapters in the history of human endeavor. In October, 1958, this nation set about sending men into a hostile, unknown environment. We had little idea what lay before us, but there was new knowledge to be gained, and there was a heritage of meeting historical challenge—the challenge of greatness—to be sustained. Project Mercury, begun in 1958, taught us that man could survive and work in space. In 1961, President Kennedy voiced the determination of the United States to place a man on the moon. We gained the understanding and the technology to embark on this great mission through Project Gemini, and we accomplished it with the Apollo lunar exploration series. In 1969, for the first time, men from the planet earth set foot on the moon.

#### PROBING THE MEANING OF HUMAN EXISTENCE

Since the beginning of Apollo, nine manned flights have been made to the moon. Three circled that nearest neighbor in the universe, six landed and explored its surface. We have barely begun to evaluate the vast treasure store of extra terrestrial data and material from these voyages, but we have already learned much and we know that we are probing our very origins. We are taking another long step in man's ancient search for his own beginnings, pressing, beyond knowledge of the means of human existence to find, perhaps, the meaning of human existence.

Nor is this great work ending with the return of Gene Gernan, Jack Schmitt and Ron Evans from the moon today. Rather it has barely begun. As Sir Isaac Newton attributed his accomplishments to the fact that he stood "upon the shoulders of giants," so Newton himself is one of the giants upon whose shoulders we now stand as we reach for the stars. The great mathematician once wrote: "I do not know what I may appear to the world; but to myself I seem to have been only like a boy playing on the seashore, and diverting myself in now and then finding a smoother pebble or a prettier shell than ordinary, whilst the great ocean of truth lay all undiscovered before me." I believe we have finally moved into that gerat ocean, and we are trying now to understand what surrounds us.

#### SPACE HISTORY WILL CONTINUE

The making of space history will continue, and this nation means to play a major role in its making. Next spring, the Skylab will be put into orbit. It will be aimed not at advancing the exploration of deep space, but at gaining in space new knowledge for the improvement of life here on earth. It will help develop new methods of learning about the earth's resources, and new methods of evaluating programs aimed at preserving and enhancing the resources of all the world. It will seek new knowledge about our own star, the sun, and about its tremendous influence on our environment. Scientists aboard the Skylab will perform medical experiments aimed at a better knowledge of man's own physiology. Also they will perform experiments aimed at developing new industrial processes utilizing the unique capabilities found in space. Skylab will be our first manned space station. It will be in use for the better part of a year, permitting the economy of extended usage, and laying the groundwork for further space stations.

Economy in space will be further served by the space shuttle, which is presently under development. It will enable us to ferry space research hardware into orbit without requiring the full expenditure of a launch vehicle as is necessary today. It will permit us to place that hardware in space accurately, and to service or retrieve it when necessary instead of simply writing it off in the event it malfunctions or fails. In addition, the shuttle, will provide such routine access to space that for the first time personnel other than astronauts will be able to participate and contribute in space as will nations once excluded for economic reasons.

The near future will see joint space efforts by this nation and the Soviet Union in an affirmation of our common belief that the hopes and needs that unite our people and all people are of greater consequence than the differences in philosophy that divide us.

Finally, we will continue to draw knowledge from the universe through the use of unmanned satellites and probes.

We cannot help but pause today and remember and pay homage to those many men and women—including those who made the ultimate sacrifice—whose hopes, whose energies, skill and courage enabled the first man to reach the moon and who now have seen with us perhaps the last men in this century leave the moon. But the more we look back, the more we are reminded that our thrust has been forward and that our place is among the heavens where our dreams precede us, and where, in time, we shall surely follow.

Though our ancestors would have called the deeds of Apollo miraculous we do not see our age as an age of miracles. Rather, we deal in facts, we deal in scientific realities, we deal in industrial capacity, and technological expertise, and in the belief that men can do whatever they turn their hands to. For all this, however, can we look at the record of 24 men sent to circle the moon or to stand upon it, and 24 men returned to earth alive and well, and not see God's hand in it?

Perhaps, in spite of ourselves, we do still live in an age of miracles. So if there is self-congratulation, let it be tempered with awe, and our pride with prayer, and as we enter this special time of spiritual significance, let us reserve a moment to wonder at what human beings have done in space and to be grateful.

## NEW HIGHWAY SAFETY REGULATIONS

### HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Thursday, January 11, 1973*

Mr. HARRY F. BYRD, JR. Mr. President, the December 21 edition of the Richmond Times-Dispatch included an excellent editorial on the subject of new highway safety regulations soon to be adopted by the National Highway Traffic Safety Administration.

The purpose of these new rules is admirable. I firmly support improvements in the laws governing highway safety, and I feel there is a legitimate role for the Federal Government to play in this field.

However, I believe the Federal role should be one of encouragement and assistance and not one of compulsion. Unfortunately, the new rules would go far in the direction of compulsion—indeed, in many areas they represent a replacement of the authority of State governments by dictates from Washington.

I ask unanimous consent that the editorial, entitled "Uncle Knows Best," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### Uncle Knows Best

The process by which the federal government gradually but steadily erodes the power of the states is well illustrated in a field that may be surprising to many people—highway safety.

The National Highway Traffic Safety Administration is only a few years old, but it is now on the verge of replacing state legislatures in the writing of traffic safety laws.

It is doing this by holding a club over the heads of the states, the club being the power to withhold millions of dollars in federal highway construction and highway safety funds from states which fail to carry out the federal agency's orders.

A recent letter from Washington lists 13 specific laws or procedures the states must adopt, and it says of the three that are described as especially important that "the Secretary (of Transportation) would view failure in any of these three areas as cause for consideration of sanctions" against recalcitrant states.

Besides spelling out its own requirements, the federal agency is telling the states that they must bring their rules of the road into substantial conformity with the Uniform Vehicle Code. The Uniform Vehicle Code is an unofficial compilation of supposedly model laws drafted by a committee of more than 100 representatives of federal, state and local governmental units.

Now, the regulations from the National Highway Traffic Safety Administration and the suggested laws set forth in the Uniform Vehicle Code are generally good and in the interest of highway safety. But Virginia's legislators and other officials have not felt it necessary or desirable to enact laws or procedures to conform with everything they are now ordered to do.

For example, Virginia has not considered it necessary to test every applicant for driving license renewal. Tests are given on a selective basis to those who have been convicted of traffic offenses or who, for other reasons, are deemed to be potentially unsafe drivers. Virginia's theory is that if a person has been driving, say, for 20 years and has an excellent driving record, there is no logical reason for inconveniencing him or burdening the Division of Motor Vehicles with a requirement for retesting every time his license is up for renewal.

In addition to the federal requirements previously referred to, the Traffic Safety Administration has issued an extensive list of tentative new rules that may be made binding soon. Included are some proposals that Virginia has rejected as being not in the interest of highway safety. For example, Virginia believes that if a motorist is convicted of drunk driving or other serious offense, his license should be revoked for a stated period, with no exceptions. But the proposed federal rule would permit something that Virginia's legislature has rejected more than once—permission for such people to continue driving under certain restricted conditions.

Another proposed regulation would force states to enact laws making the wearing of seat belts mandatory, despite the fact that up to now, not a single state has put such a law on its statute books.

Reasonable nationwide uniformity as to the actual rules of the road is desirable, but the federal government is using its power to bring about uniformity in administrative procedures and other aspects of the overall safety program that do not relate to the actual operation of a motor vehicle on the highway. And even in the rules of the road, reasonable latitude to take care of specific state needs and desires is justified.

In short, the legislatures are simply being pushed out of the highway safety picture by Big Brother in Washington, who is saying to the 50 states, in effect: "We know better than you, so do what we order you to do, or else you will lose a big hunk of federal money." That federal money, of course, comes out of the pockets of the taxpayers in all 50 states.

There is a legitimate role for the federal government in the field of highway safety. The ecouragement of reasonable uniformity and financial aid for worthy safety projects are all to the good. But once Uncle Sam gets into a picture, he wants to take over. At least, that's what's happening in highway safety.

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## THIS CALIFORNIA

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. WALDIE. Mr. Speaker, the following is a much deserved tribute to one of California's most effective conservationists, Lupi Saldana. This brief outline of some of Mr. Saldana's achievements over the past two decades, comes on the occasion of his selection by the California Wildlife Federation as the "Conservation Communicator of the Year."

The article follows:

### THIS CALIFORNIA

(By Mike Abramson)

It isn't often these days when so many are pot-shotting the news media that a reporter draws special accolades from the readership he serves, so the recent honors bestowed on Lupi Saldana, veteran Southern California outdoor writer, are worthy of note by those concerned with the state's fish and wildlife resources.

Saldana, who has covered hunting and fishing for the Los Angeles Times for three decades, has been named by the California Wildlife Federation as this state's 1972 "Conservation Communicator of the year." The Council also nominated him for the same designation by the national Wildlife Federation.

The Los Angeles County Board of Supervisors joined the CWF with a special resolution praising not only Saldana's reporting but his personal contribution to leading conservation organizations and 15 years of service on the county's Fish and Game Commission.

Saldana's resourcefulness as a journalist has brought to his outdoor assignment a scope almost unprecedented in the field. The CWF nomination emphasized Saldana's carrying to the tremendous readership of his newspaper's sports section time and again hard-hitting messages hammering home the theme that without effective conservation practices the sports which most outdoorsmen pursue, but seldom consider from the total ecological viewpoint, can only diminish.

Two major examples of Saldana's investigative reporting in 1972 which resulted in important conservation gains were cited by the CWF.

First was his coverage of the Salton Sea problems, coverage he began in the late 1950s when the sea was developed into a first class fishery by the California Department of Fish and Game. The sea is a unique body of water, actually below sea level, maintained largely by runoff and drainage of waters used to irrigate one of the state's most productive agricultural areas.

But because of that runoff—carrying with it tremendous volumes of salt and other residues from a region originally reclaimed from alkaline desert through irrigation—Salton Sea has been virtually dying a slow death.

It was Saldana's on-the-spot reporting of scientific studies aimed at developing management programs for the Sea, and of legislative foot dragging at both the state and federal levels, which the CWF credits for gaining the necessary financial and professional resources which may yet save one of the country's most unusual fisheries.

Another important piece of investigative reporting by Saldana brought to public attention a threat to California golden trout production in the Cottonwood Lakes area of the High Sierra as a result of an unprecedented number of recreationists moving into a previously pristine area containing one of the principal sources of eggs for hatchery production of the state's official fish.

The result was a federal-state plan for controlled use of this portion of the famed Kern Plateau which will reduce pressures on fish and wildlife resources in the area.

"Lupi Saldana is a sportsman's sportsman and represents the highest example of what is meant by a sportsman-conservationist," the CWF citation stated.

Knowing Lupi as we do, we know he has accepted his 1972 award in behalf of the whole outdoor writing fraternity because his achievements—like those of so many of his conferees across the country—point up day after day that the contributions of hunters and fishermen to effective resource management need not take a back seat to anyone concerned with environmental progress in the state or nation.

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## TWENTY THOUSAND JOBS IN PITTSBURGH AREA CREATED BY EXPORTS

## HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

*Thursday, January 11, 1973*

Mr. SCHWEIKER. Mr. President, many industries in Pennsylvania, as well as in other States, face severe competition today from foreign competitors in our domestic markets.

Thus, I am pleased to note that exports of goods produced in the Pittsburgh, Pa., area have created an estimated 20,000 jobs in western Pennsylvania. Area companies exported $320 million in goods and services in 1969, and that amount has certainly increased since that time.

Mr. President, I ask unanimous consent that the text of an article from the Pittsburgh Press of Sunday, December 10, 1972, be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

### TWENTY THOUSAND JOBS IN DISTRICT CREATED BY EXPORTS

(By William H. Wylie)

Too often Pittsburghers accent the negative aspects of foreign trade.

Political and labor leaders frequently complain about jobs being wiped out by imports. And this is a problem of serious dimensions.

In Pittsburgh, the trouble centers around steel, which has poured into the United States from foreign mills. Undoubtedly the toll in steelworkers' jobs has been high.

Sometimes overlooked is the fact that the four-county Pittsburgh area is a big exporter of all kinds of products. An estimated 20,000 district jobs owe their existence to exporting.

This point was stressed by Lewis E. Conman, director of the Commerce Department's Pittsburgh office. He said area companies exported $320 million in goods and services in 1969. That figure has undoubtedly risen.

Since each $16,000 in exports creates one local job, the payoff is handsome for Pittsburghers, Conman said.

The 20 Western Pennsylvania counties do better than the nation in exporting, Conman said. Three years ago 830 of 5,600 manufacturers sold products abroad, he said.

Only 1 per cent of the nation's manufacturers are exporters, compared to nearly 15 per cent in Western Pennsylvania:

Conman said 100 additional district companies have become exporters this year.

None of this progress has been lost on W. Walter Phelps Jr., senior vice president-international at Mellon Bank.

He is also chairman of the Regional Export Expansion Council (REEC), an arm of the Commerce Department that encourages exporting. Conman is executive director and P. Raymond Orens, vice president-international of McGraw-Edison Power System, is vice chairman.

The REEC has more than two dozen members, ranging from big corporations and banks to utilities and law firms.

It serves as a beacon or guidepost for exporters.

"The REEC can provide information on taxes, business procedures, tariffs and financing," Phelps said. As well as advising exporters, the council tries to attract more companies to foreign trade.

"The first question anybody who has never exported asks is 'how will I get paid?'" Phelps continued. Experience shows payment is seldom a problem with foreign firms. An exporter usually can get a credit rating on a foreign customer from an American bank.

On May 18 Pittsburgh will host a meeting of REECs from throughout the Northeast, Phelps said. It will provide an opportunity for exporters to keep in touch with changes in exporting rules, Export-Import Bank programs and other matters pertaining to foreign commerce.

"Most of the products shipped overseas from the Pittsburgh area are 'big-ticket' items," Phelps said. He listed atomic power plants for Europe and components for a subway in Sao Paulo, Brazil, as typical examples.

Exports from Western Pennsylvania are mainly electrical machinery, transportation equipment, instruments and controls and nonelectrical machinery, Conman said.

Since the first Regional Export Expansion Council was created in 1960, the number of REECs has grown to 42. There's one for each of the major exporting markets.

The program is coordinated by the National Export Expansion Council. Its 70 members include the 42 REEC chairmen and the heads of national associations involved with export expansion.

Foreign countries, especially those in Europe, have traditionally outperformed the U.S. in foreign trade. But the importance of exporting has been played up by this country in recent years.

U.S. exports total $44 billion, about 4 per cent of the gross national product (GNP)—all the goods and services produced by the nation. The government is pulling out the stops to improve this performance.

Phelps believes the climate is favorable. He cited a slowdown in inflation and strengthening of the dollar as trading advantages for the U.S.

And then there are the REECs, a partnership of business and government that is seeking a bigger share of world markets for U.S. producers.

# KERMIT McFARLAND: AN APPRECIATION

## HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. GROSS. Mr. Speaker, on November 24, 1972, this Nation lost a great newspaperman—Kermit McFarland, the chief editorial writer of Scripps-Howard newspapers.

Since he was an editorial writer, his name was not known to the public as are the names of journalists whose work carries their by-lines. But the measure of the esteem in which his colleagues held him, of the genuine love and affection they had for him, was shown when they gathered at the National Press Club on December 7, 1972.

They did not call it a memorial service. Rather, it was "in appreciation" of Kermit McFarland.

The speakers were John V. Horner, former reporter for the Washington Star and now with the International Telephone & Telegraph Co. in Washington; Theodore F. Koop, retired vice president of CBS; John Troan, editor of the Pittsburgh Press; Earl H. Richert, editor in chief of Scripps-Howard; Warren Rogers, columnist and president of the National Press Club; Mrs. Mabel Cornett, a long-time employee of the Press Club; and Richard L. Wilson, former Washington bureau chief of Cowless Communications and now columnist of the Des Moines Register and Tribune Syndicate.

Their words stand as a glowing memorial to Kermit McFarland and it is, I think, fitting that they be made a part of this Record:

### In Appreciation: Kermit McFarland, 1905–1972

**Jack Horner.** Less than two weeks ago, on Friday, November 24, Kermit McFarland was on the job as usual, performing his duties as chief editorial writer of the Scripps-Howard newspapers. Also as usual, he came to the Press Club that day, to lunch with friends, to check on the needs of members who were ill or bereaved and to banter with folks like Mabel Cornett and Helen Brinegar and Captain Ellis and Jeter and Dan and all the rest of our loyal people.

The next day, Saturday, Kermit suffered some unaccustomed severe pains and his ever-faithful Marjorie persuaded him to enter George Washington Hospital for tests and treatment.

Before dawn on Sunday, the 26th, Mac departed from us as quietly, as unobtrusively as he had moved among us for so many years.

We've gathered today to salute our colleague, to pay tribute to him not in somber tones but rather in cheerful reminiscence of a man who combined to a remarkable quantity the qualities of character, industry, thoughtfulness, kindness and humor.

One of his closest and oldest pals in and out of college is Ted Koop.

**Mr. Koop.** I first met Kermit at nine a.m. on Tuesday, September 20, 1924. It was our second day as freshmen at the University of Iowa. We were sitting on the edge of the swimming pool in the men's gymnasium—stark naked. In his effusive manner, Kermit ventured, "Hi." I replied, "Hello". He asked, "What's your name?" I told him. "Where are you from?" "Monticello." "What are you taking?" "Journalism." "So am I." End of interview.

I asked, "Who are you?" "McFarland, from Gowrie." I allowed that I had never been to Gowrie. And he added, "I've never been to Monticello." We didn't pass the swimming test so we met at the pool twice a week all fall. In fact it was a couple of months before I ever saw Kermit with clothes on.

I'm not sure that he had a suit. He waited on tables at a sorority house and I suspected he had only a white coat and a pair of trousers. Of course, we both had yellow slickers. It was a happy day when rain came and we could don our slickers so that we looked exactly like everybody else on the campus.

Once we were in journalism school our paths somewhat diverged. I worked on the college paper but Kermit was lucky. He fell in with a select group of students who corresponded for several Iowa dailies. These men were reputed to make fabulous wages—perhaps as high as twenty five dollars a month. I didn't quite believe that, because Kermit kept on waiting on tables. Or maybe that was just a good chance for him to look over the coed crop.

He did find time for one extra-curricular activity. In our junior year he became editor of the college yearbook, the Hawkeye. I should say sports editor of the college yearbook. There he was free to demonstrate his finest journalistic techniques. Consider his lead on the big football game of the season:

"Iowa's largest homecoming crowd came out of the mud and wet of a week of bad weather into the bright sunshine of a balmy November Saturday and saw a massive, furniture-breaking machine from the University of Minnesota trample, squelch, shake and generally put to rout the old gold gridders, drubbing the Hawks 41–0 in one of the most brilliant line crashing attacks ever seen in the Western Conference."

End of lead.

After he left Iowa, Kermit learned how to write—brilliantly.

It was in our junior year, too, that we were initiated into Sigma Delta Chi. It was perhaps the first time we had worn tuxedoes. In later years we often remarked that the ceremony had moved us deeply. We were standing on the threshold of our careers and were dedicating ourselves to the profession of which we both had dreamed. The Sigma Delta Chi chapter met every Sunday for supper and we indulged in shop talk that outdid any conversations at the Press Club bar, for we were not tainted by experience.

After we graduated, I did not happen to see Kermit for twelve years until the Republican National Convention in Philadelphia in 1940. I happened to be standing at the Bellevue-Stratford bar, of all places, when someone elbowed his way beside me and quietly said, "Hi". I knew it was Kermit.

The last time I saw him, only recently, was when I returned from a stint of lecturing at our alma mater. He and Marjorie invited me to the Club for dinner so that I could make a report.

Kermit's questions were not about the new university buildings or its expanded enrollment, but about our old companions. Did I see so-and-so? Had this professor retired? What had become of the editor of the Press-Citizen? On the way home that night it occured to me that those typical questions—understanding of and concern for people—epitomized both Kermit's journalistic success and his rare personal quality, his unique capacity for friendship.

How do you be a friend? Kermit knew the answer.

**Mr. Horner.** Mac spent a number of years in Pennsylvania. Also he was dedicated to the development and encouragement of young people in newspapering. An outstanding example of his sponsorship is the current editor of the Pittsburgh Press, John Troan.

**Mr. Troan.** I happen to have a three year-old grandson and when I flew down here last week to pay my respects to Kermit, why he asked his mother where had grandpa gone, and she told him that grandpa had gone to say goodbye to an old friend who had died. And this shook up the little guy a bit because just a little time before that he himself had lost an old friend, a kindly gentleman who had been living across the street from him. But pretty soon his eyes sparkled and he said to his mother, "Gee, I'm glad I'm just a new friend of grandpa's".

Actually, I did not come here either last week or today to say goodbye to an old friend, for though Kermit McFarland has departed from among us here, his spirit—his spirit of friendship, of understanding, of compassion and of hopefulness and helpfulness—continues to dwell about us.

It's been said that a man's true worth should be judged by what he does when he need not do anything, and by that standard

Kermit McFarland ranked as one of the worthiest among us. It is, as Sarah Bernhardt once remarked, in spending oneself that one becomes rich, and in this respect Kermit was among the richest persons I've ever known, for he spent himself on behalf of others with more vigor than anybody of my acquaintance.

Any friend, I'm sure you know, any friend who had a burden to carry would inevitably find Kermit giving him a lift. He was forever cheering the sick, consoling the widowed, encouraging the depressed, aiding the stricken and stimulating the starry-eyed. He never seemed to forget anyone's birthday or anyone's anniversary or to overlook anyone's moment of distress. And as a one man hospitality committee he singlehandedly assured the economic viability of Hallmark cards.

But his thoughtfulness really went far beyond a greeting card. I can recall when a penniless member of the trade died, Kermit made sure that the man did not wind up in a potter's grave. Whenever a friend's daughter would come to town he made her as warmly welcome as he would his own mother. When a friend's widow would find herself in financial distress, Kermit would make sure that he found her the job or the help that she needed.

Indeed, as Jack Horner alluded to this a little while ago, Kermit ran the most successful one man employment agency in the United States. He got more people more jobs than I can recount and this is especially so when you think of young people.

When I joined the Pittsburgh Press thirty-three years ago, Kermit had already been newspapering for 19 years including ten on the Pittsburgh Press. I soon discovered that he was not only a top notch reporter, a man who firmly believed that digging for facts was a more suitable exercise than jumping to conclusions, but he was also the staff cheer leader. Though he himself was regarded even then as an old pro, he never hesitated to cheer on the raw rookies, of which I happened to be one.

He steered countless people into journalism, many, many of them just out of college. One young man whom he steered into the newspaper world is now city editor of the Pittsburgh Press. Another is now the chief of the state capital news bureau in Harrisburg for the Pittsburgh Press, and I might mention that my last conversation with Kermit, just three days before he passed away, was concerning a young man that he was touting and recommending for a job at the Press.

From his own experience as a political reporter in Harrisburg and in Pittsburgh he developed a sort of professional philosophy that he once said, "Well, maybe you call it realistic skepticism". He was fond of saying, "There's only one way to look at politicians—down", but actually he was fond of politicians themselves. He enjoyed their company and he even enjoyed their oratory. Their oratory he regarded as the art of making deep sounds from the chest resemble important thoughts from the brain.

But though he was a skeptic he never really became a cynic, for he realized that all of us had shortcomings, even editorial writers—of whom he was one of the best and one of the most facile.

He could weld words together faster than any writer I've ever known, and he could make them make sense. Moreover, he strove to keep them short. And when he couldn't, he was apologetic, for he felt that editorials, like trees, in order to bear fruit, should be pruned.

He felt the same way about speeches, too. And that reminds me that I should sign off here for, as a mutual friend from our Pennsylvania Dutch country once said, sometimes a speech is like a wheel—the longer the spoke the greater the tire. God bless.

Mr. Horner. No one had a better opportunity to observe Kermit's industry and also his Scot frugality, than the editor in chief of Scripps-Howard, Earl Richert.

Mr. Richert. Two weeks ago, almost this very moment, it was Thanksgiving Day. I went into the office to handle some odds and ends so I could be on the tennis court at two o'clock for a game before our own Thanksgiving dinner. As I walked into the office at an earlier than normal hour on that holiday, there was Kermit McFarland, sorting the mail for 35 people. This was before he tackled his job of writing editorials. He had told all other members of his crew to take the day off. This, in many ways, symbolizes the professional career of this beloved colleague who, after 43 years, was taken from us so unexpectedly.

Talk about the mail man, rain and shine. That was Kermit McFarland as a newspaperman in Washington. Always there, always on the job, almost never ill, totally committed to the best and most responsible product possible, totally responsible to the reader, and with no job too unimportant for him to handle personally even after he was named to the rather lofty position of chief editorial writer of Scripps-Howard Newspapers.

Behind his back, and often to his face, I called him our Rock of Gibraltar.

Now, editorial writing is a somewhat rarefied profession, but we alleged double domes are just like other people and get into all sorts of temper hangups and other foibles that sometimes makes it difficult to go to press with an editorial that makes some sense.

Not often, but often enough to be remembered, I've seen the top people in our concern dealing with policy at swords points and almost shouting at one another—sometimes shouting—over what Scripps-Howard should say on a particular matter. The clock was ticking, the wire was running and we had to say something fast if we were to hold our franchise as daily newspapers.

Almost always in such cases it was Kermit McFarland who'd get his pipe going, walk off with a sort of quiet grumble to some out of the way typewriter and start pecking away. Sometimes this was two or three a.m. in a hotel room in a political convention city.

Almost always Kermit came forth with a product the rest of us could buy as the Scripps-Howard viewpoint.

Almost always, in other words, when the going got really tough, it was Kermit who got us to press, creditably and without compromising his own honest views.

Then there was the personal side of his Washington newspaper career. Several years ago we had a young man on the night desk, later to win the Pulitzer and other prizes, who with his wife decided to build a house.

Now, the new recruit was not from Pittsburgh and Kermit didn't know him very well, but obviously Kermit liked him, for one day he sidled up to the young man, asked about the house and grumbled, "Need any money?" The young man didn't, but he knew Kermit well enough to know this wasn't just idle chatter or big talk. If Kermit McFarland offered to loan money to a colleague, he was prepared to do so. How many of us have made such an offer.

Kindness was an essential quality. There were the girls on the switchboard and the widows of old friends. I would wager that over the years Kermit and Marjorie McFarland have taken more people to dinner who could do nothing for his career, and were not tax deductible, than anyone you can think of.

To say that a colleague such as Mac will be missed is a vast understatement. But McFarland was a modest man and would have been embarrassed by the far greater praise we all know he deserves.

Mr. Horner. Mac's work in and for this Club is legendary. Representing the membership is the president of the National Press Club, Warren Rogers.

Mr. Rogers. Kermit McFarland was, for all the world to see, a gentle, good humored man, and those of us who knew him knew that he was that way through and through. There were no anomalies, no tricks, no guile. He was what he looked like, a thoroughly decent, kind, gentle man.

Kermit spoke softly and only when he thought he had to. But he had a wonderful way of communicating with you, with his eyes. When I remember him I remember those eyes, soft and wise and full of humor.

He laughed a lot, it seems to me, and I remember one story that I have told often that he loved. I think maybe he loved it because it really illustrated the kind of man he was, doing his job and working for the National Press Club, six times chairman of the board, active in all its affairs, worrying over the future of the building, and doing all this without fuss, without fanfare, often letting the credit go to others.

The story is about the most wonderful act in the history of show business. It was a dog and a horse. The horse ran around and around in a circle and the dog was on his back.

The dog, with the horse at full trot, would recite the Lord's Prayer in English and Latin, sing the Star Spangled Banner, America the Beautiful and give the batting averages of the top ten hitters in the American and National Leagues for the past three years.

It was the most wonderful act in show business, but it was never shown because it was all a fake. The horse was a ventriloquist.

I think Kermit loved that story because he was that way, too. So much of what we have here, at the National Press Club, so much of what we want to accomplish is the result of the quiet, self-effacing work that was done for all of us by Kermit McFarland.

That's the way I remembed him. That's the way we all gratefully remember him. A noble man who graced a noble profession.

Mr. Horner. There existed genuine mutual affection between Kermit and employees of the Club. Symbolic of that bond is this basket of beautiful roses, presented for this occasion by members of the Club staff. And now, an expression from Mabel Cornett.

Mrs. Cornett. Mr. McFarland was always interested in the employees. He kept up with everybody. If Helen wasn't at the cash register, he wanted to know where she was. Sometimes I had to say she was in the bathroom. He was always our friend and he will always be in our memory. We loved that man.

Mr. Horner. Another of Mac's devoted friends and colleagues from the days at the University of Iowa to Washington, particularly in the Press Club, and the Press Building Corporation, is Dick Wilson.

Mr. Wilson. It is very rare in a transient world and especially in this city and in this profession of transplanted people to enjoy a friendship for nearly a half century.

Kermit and I became friends in 1925 and our paths, since, ran parallel or converged. First at the University of Iowa, then when Kermit was a leading political editor in Pennsylvania, and as a travelling political reporter I sought his counsel. And finally, on an intimate basis in Washington for many years.

As one begins to see events in a longer time span he is less impressed by superficial change than by the persistence of tested values. It was, I think, Kermit's confidence in tested values, and his ability to expound them, which aroused in others much of the deep respect they had for him.

In my own case, and because it was convenient for both of us, he often came to my office in recent years to discuss matters of mutual interest and mutual responsibility. Invariably, his discussions centered on what was real, what was practical, what had been tested by experience, what was provable and what was just.

This quality, of course, made him a great journalist and induced in others the respect—the great respect—for what he said as well as what he wrote.

When so many voices are raised in doubt, challenge or frenzy, his voice would be rational, direct, considered and clear.

The inexplicable mystery of why *he* should go and lesser of us should stay would be answered by him, I think, in these words: Well, it was as good a time as any.

Those of us who are deprived of his friendship and his love could not agree. We could only agree that there was an inner wisdom and perception in the way he lived a full life.

As a journalist I think he would agree with a statement first published in 1861, and I quote, "It is a newspaper's duty to print news and raise hell".

As a man, a very private man, he would say with Reinhold Niebuhr, "Life has no meaning except in terms of responsibility." And as a friend, he would say with the poet, Edna St. Vincent Millay, who charmed our young lives in those campus days so long ago, "The world stands on either side, no wider than the heart is wide. About the world is stretched the sky, no higher than the soul is high".

Mr. HORNER. Thus we conclude this memorial to a truly gentle man, Kermit McFarland.

## "HERITAGE '76"

## HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. BROOMFIELD. Mr. Speaker, even though the American Revolution Bicentennial is still 4 years away, preparations for the celebration of America's birth are now well underway.

I am particularly pleased to note that the theme, "Heritage '76," has been selected for the bicentennial. Heritage '76 hopes to encourage each and every ethnic group in the United States to actively participate in the bicentennial so that this can truly be called a national celebration. All of the various nationalities that make up the American melting pot will be given an opportunity to recount their part in the founding and preservation of America.

The Jewish News of Detroit, Mich., recently published two articles on the progress that has already been made in the Jewish community toward contributing to the Heritage '76 theme. They were both written by Mr. Phil Slomovitz, editor and publisher of this fine Jewish weekly. I insert them in the RECORD and I commend them to all of my colleagues:

### AMERICAN JEWRY'S ROLE IN THE BICENTENNIAL

American Jewish historians have an important assignment as participants in the planned four-year celebration of the American Revolution Bicentennial.

While the major facts regarding the history of American Jewry have already been recorded, the dissemination of data, the educational processes of making the historic facts known, sharing them with the non-Jewish community while imparting them to Jews, all become duties to our fellow Americans of all faiths and all racial and national backgrounds.

It is heartening to know that the American Revolution Bicentennial Commission is determined to involve all elements in our population in the celebration of the historic event, that it is to be a non-discriminatory national festival, that not only with all faiths and all racial groups play vital roles in planning the many events, but there also will be an invitation to the international community, whence stem the many elements who now make up the American community, to play a friendly role in the Bicentennial.

Bicentennial programs are planned for people of all ages, with emphasis on educational programs on all levels in our school systems. It is in this sphere that Jewish schools must make special efforts to acquaint the Jewish youth with the background of early settlers in this country, the immense contributions that have been made to America's growth by their coreligionists, the influential role of American Jews in many fields of activities in this country.

Noted historians have already rendered great service in gathering data about American Jewry. Dr. Jacob R. Marcus has been among the most important leaders in the ranks of Jewish historians. His numerous books on American Jewry, the great personalities, the gifts they made to Jewry, America, the world, remain outstanding. They must be popularized during the Bicentennial celebration among non-Jews and especially in the Jewish communities. The American Jewish Archives which Prof. Marcus has directed for many years contain a vast amount of material on American Jewish history, and they must be utilized to the fullest. Other archival treasures are available for this purpose.

Great significance can be and should be attached to the Bicentennial. American Jewry's role in the national festival already is assuming proper proportions.

### OUR NATION'S BIRTHDAY PARTY EMPHASIZES "PLURALISTIC SOCIETY" — BICENTENNIAL COMMUNICATIONS DIVISION REJECTS WASP INFERENCE

(By Philip Slomovitz)

WASHINGTON, D.C.—America's immense birthday party, the 1976 Bicentennial, will not be a WASP affair. This became a certainty when the American Revolution Bicentennial Commission communications division mobilized its forces at its organizational session for involvement of all racial, ethnic and religious groups as participants in events to mark the 200th year of the American Revolution during the coming four years.

Emphasizing the "Heritage '76" role in the approaching celebration—planned as "a nationwide summons to recall our heritage and to place it in its historical perspective" —David Goodman, the staff director in charge of planning this element in the procedural program, rejected a claim that the celebration will be "little more than a WASP affair." His rejection of fears that the celebration will be dominated by the White Anglo-Saxon Protestant groups received substance from the participants in the inaugural planning session in which Jews, Poles, Ukrainians, Spaniards, Germans—blacks as well as whites—assumed active roles in the mobilization of American forces for the forthcoming events.

Dick Pourade and High A. Hall, on behalf of the communications committee directorial staff, indicated that the most effective responses to the call for participation in the Bicentennial came from Jewish groups.

Among the first to react with plans for emphasis on the Jewish role in the 200-year-old American historical functions to receive emphasis in the Bicentennial was the American Jewish Historical Society which reported advance plans for special research and publications and to devote its AJHS Quarterly issues during the coming three years toward this project.

Welcomed by the commission also was the announcement of special features in preparation by the Jewish Telegraphic Agency for syndication in the English-Jewish press throughout the world as well as the Hebrew and Yiddish periodicals and newspapers served by JTA.

Daniel S. Buser, director of communications for the Bicentennial, stated that much of the material in preparation as literary products to define the significance of the celebration will be made available in other languages, and it was stated that many of the features will be provided in Hebrew and Yiddish translations.

This aspect of the Bicentennial gained added importance in the proposed provisions that the celebration should serve as "an invitation to the world"—that: "The movement of people and the concomitant exposure to other people as well as the chance to explore and experience different customs, to discover the familiar far from home and to fully savor the richness of our land, the scenery and its citizens, are valuable assets of the Festival USA program." This declaration was framed to extend the Bicentennial into a world celebration, lending it a universalism that recognizes the roles of the many nationality and religious groups that helped build America.

Hope was expressed by Jewish representatives at the inaugural planning sessions that the Institute for Jewish Life of the Council of Jewish Federations and Welfare Funds will be an active participant in the celebrations, and it was announced that the Bnai Brith Women and the National Council of Jewish Women have already joined forces for Bicentennial projects. Perdita Husten, in charge of this program, reported on a large-scale women's organizations role. She joined with David Goodman, who had already obviated the fear of a WASP influence in rejecting the idea that the Bicentennial will be "little more than a male affair. We have already refuted such an idea with the many women's groups enrolled in our ranks," she stated.

Declaring the occasion to be one for "innovative thinking," Bicentennial planners reported that encouragement will be given for all communications media to be factors in the great event which has already been proclaimed by President Nixon as a major cultural function to be pursued during his second term in office.

Dr. Abraham Karp, president of the American Jewish Historical Society, Dr. Stanley Chyet, associate director of American Jewish Archives, and other leaders in cultural American Jewish movements have already reported on advance planning for the celebration.

The aim to assure a multi-cultural emphasis as a recognition of the American "pluralistic society" was emphasized in the statement by James Copley, chairman of the American Revolution Bicentennial Commission communications committee, that: "Festival USA is a nationwide joining of hands, which finds its impetus in the pattern of the present. Yet, it is also a thanksgiving for our cultural pluralism and an affirmation in a belief in a dynamic spirit that will continue to nurture our unfolding civilization. Festival USA then is a solemn celebration of people and the multiplicity of their ideas, their expressions, their interests which best convey the diversity of our culture, the warmth of our hospitality, the vitality of our society, the traditions we draw on and those we create."

Active roles are being played in the planned celebration by the black community, whose representatives are enrolled in directorial and volunteer staffs.

The Jewish Press Association has joined in evidencing a deep interest in the planned programs, and special editions of all English, Hebrew and Yiddish newspapers and periodicals will be encouraged.

There was an added indication that Israel's interest will be invited as part of the international participation. Planned American tours will be directed also toward Israelis and to Jewish communities everywhere as a method of enrolling worldwide interest

**and to indicate that America does not forget its millions of citizens who "have roots in other lands"—a phrase emphasized in the guidelines formulated for the Bicentennial.**

## CONGRESSMAN ANNUNZIO SUPPORTS BENEFITS TO SURVIVORS OF PUBLIC SAFETY OFFICERS WHO DIE IN THE LINE OF DUTY

### HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. ANNUNZIO. Mr. Speaker, last week I introduced a bill, H.R. 270, providing benefits to survivors of public safety officers who die in the line of duty. Although legislation similar to H.R. 270 passed both the Senate and House in the last Congress and was successfully reported from conference, it died because of a parliamentary maneuver in the fading hours of the 92d Congress.

This bill should receive the priority it deserves—it should be considered and enacted early, for it is compassionate and just legislation. True, a $50,000 payment provides only small comfort to those who must suffer the loss of a loved one, but this death gratuity has become an economic necessity as much as a humanitarian symbol.

Studies have shown that most officers who have been slain in the line of duty were the heads of young, struggling families. As staggering as such a loss of a loved one is for his survivors to accept emotionally, there are still the harsh economic realities of bills to be paid, and necessities of living to face.

Due to inaction, the widows of policemen and firemen are inheriting a truly bleak future. We must not wait for another couple of years to take positive action on providing them a means toward financial independence—the minimum debt of gratitude we owe for the service of their husbands.

I should point out that of the 96 police officers killed in the line of duty through November 1972, three men were from my own State of Illinois. One of those deaths was that of a young Chicago policeman, shot and killed on May 24, 1972, as he approached three subjects who were attempting to rob a jewelry store. For performing his routine duty, 28-year-old Officer Robert Gallowitch is now dead. In this particular case, the three suspects were subsequently arrested and charged. However, many of these police assassins have never been apprehended.

In recent years, policemen have faced the threat of ambush more frequently. Because they serve as symbols of our society, police have been assassinated by malcontents and violence-prone radicals as they respond to "planted" calls for assistance. In other cases, police face retribution from criminals they have arrested previously. An Illinois Bureau of Investigation agent, Pete E. Lackey, died in just such a retribution killing this year. He had successfully pursued a narcotics case involving the conviction of a man who, when released, sought revenge and turned to murder.

A question has been raised concerning whether it should be the Federal responsibility to provide such death benefits to survivors of State and local law enforcement personnel killed in the line of duty. I believe it is wise to establish a Federal standard for these benefits that survivors of public safety officers have a right to receive, since several States offer virtually no financial assistance and other States have only spotty programs in this regard.

Our obligation is just as great, whether a public safety officer serves at the Federal, State, or local level. Enforcing the laws of our country has become increasingly hazardous. To attract capable, responsible family men and women, we owe them the security and the peace of mind to know that if harm should befall them, their own families would not be forced to suffer for financial reasons. It is as simple as that.

I urge both the House and the Senate to approve this urgently needed legislation quickly.

## THE FINANCIAL PROBLEMS OF THE UNIVERSITY OF CALIFORNIA

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. WALDIE. Mr. Speaker, the merits and accomplishments of the University of California are recognized throughout the world. This university system is our country's finest example of educational excellence, and yet, the university is in a financial predicament which threatens to undermine it in the future. As an example, the instructional budget per full-time student has dropped 20 percent since fiscal year 1966–67 and in the past 6 years Berkeley and UCLA added 2,300 students while losing a net of 147 faculty positions—this is obviously not a way to insure a continuation of academic superiority of the university. The November issue of California Monthly contains an account of the University of California Regents' meeting, at which President Charles Hitch extolled the financial problems of the university and was met by silence on the part of the Governor and other board members. Silence is not a way to solve problems of the university. . . . If there is disagreement of disparity between figures, facts, and so forth, these should be discussed and resolved. It would be a loss for all of us if the University of California were forced to lower its academic standards simply because the financial problems were not adequately discussed and favorably resolved. The article follows:

LOOKING AHEAD A YEAR: "WHAT KIND OF UNIVERSITY DOES THE STATE WANT?"

For the past few years, University of California President Charles J. Hitch has presented his budget recommendations to the Board of Regents with warnings that the instittuion would deteriorate if it received less.

Each year, the state gave the institution less than Hitch asked for.

This September, President Hitch didn't give his usual warning that the nine-campus system's quality might decline. It already has, he said.

"Do we continue to spiral slowly downward, cutting standards here, tolerating lower quality there, or do we move to reclaim the leading position we once unquestionably had attained?" he asked the regents.

With Ronald Reagan sitting two chairs away, Hitch quoted the governor's 1971 budget statement: " 'There are some cuts we would rather not have made, but this is a temporary situation, it is a time of fiscal stringency. It is not a pattern set for the future.' "

Said Hitch: "These words were heartening at the time, but they are even more encouraging now, for a vigorous recovery of the California economy is now being reflected in State General Fund receipts. In 1971–72, they topped $5 billion for the first time, with a cash surplus of over $256 million at the end of the fiscal year. This year an even higher surplus is projected—more than $458 million."

Some of that money could correct a serious deficiency at UC, the president suggested. He described the University's last several budgets as "half-hearted affairs which tarnished our past even as they compromised our future."

"We need to reverse the trend of the past, we need to get this institution moving again, and we need to do this now," he said.

It was "no longer just a question of money" to Hitch. "The basic question comes to the fore, the question that was always there regardless of the fiscal situation: what kind of University does the State of California want?"

When Hitch finished, Board Chairman Dean Watkins asked the regents if they had any comments.

Silence.

Watkins looked around the room. Silence. The governor adjusted his glasses and examined some papers before him. Someone coughed. Silence.

Watkins surveyed the room again. "Well," he said, slightly quizzically, "if there are no comments we'll go on." They went on.

Whether or not they ever talked about it, the regents in October would have to approve a 1973–74 budget to forward to Sacramento.

In his soliloquy, the persident's main pitch was that in terms of constant dollars, the University's instructional budget per full-time student had dropped 20 percent since fiscal year 1966–67.

He used this to counter an apparent embarrassment: for the third year in a row, enrollment was falling below projections and the University's net increase would be only 1,500 students.

But in the past half-dozen years, said Hitch, Berkeley and UCLA added 2,300 students between them while losing a net of 147 faculty positions.

Although the Riverside and Santa Barbara campuses appeared to be losing enrollments, their six-year increase has been 4,000 students and just 69 faculty FTE. The remaining four general campuses would grow 8.3 percent at a rate of 30 students for every additional teacher.

"The net effect has been overcrowded classes, students turned away from classes, and the inability to break larger classes into smaller sections," said the budget proposal.

"A great university with a distinguished faculty . . . cannot be developed or even maintained with marginal resource increases which in the recent past have failed even to meet increases required for inflation."

Hitch's proposed $1.29 billion operating budget counts on $273.7 million in charges to students and other users, $196.3 million in federal contracts and grants, $10.7 million in other special federal funds, $279.5 million in federal money for running the atomic energy laboratories at Berkeley, Livermore, and Los Alamos, $53.6 million from investments and federal payments for overhead expenses, and $47.7 million from private gifts and "other sources."

(In gifts, UC statewide received $36.7 million for fiscal 1971–72, second only to the year before, when the $10 million Robbins bequest for a canon law library at Berkeley brought Cal's overall total to $45.5 million.)

The state's share would be $437.9 million, up $53.6 million from its 1972–73 contribution.

"Fully one-third of the increase, $18.2 million, is for fixed cost increases such as inflation and merit increases," Hitch said.

"Thirty million . . . will go to meet workload requirements such as new faculty, library support, and general campus programs, especially on the newer campuses." Of this, $8.6 million would underwrite a 10.4 percent jump in health sciences enrollment.

New programs would get $5.4 million. Some, like the Educational Opportunity Program ($2 million requested), already exist but would be new items on the budget, Hitch explained, since they had never before received state support.

One million would go for affirmative action programs, "a necessity if we are to be able to respond positively to federal and state legislation in this area," said Hitch.

Other "new" items included $107,000 for a graduate school of administration at Davis, $532,000 for a law school at Santa Barbara, $48,000 more to start a school of human biology at San Francisco, and $1.6 million for the Extended University, which expects the equivalent of 937 full-time students in 1973–74.

Hitch recommended that the regents ask $51 million in capital outlay money from the state, which has provided close to nothing in recent years. Projects on this last list obviously had a low priority, and among them fell Berkeley's proposed underground addition to Doe Library to shelve 800,000 more volumes.

Surer futures belonged to building projects financed by other sources: $91,000 from gifts, $13.6 million from student tuition, $6.8 million from loans using tuition as security, $2.9 million in student registration fee reserves, up to $20.3 million in federal grants.

Registration fees would provide planning money for a $10 million gymnasium at Berkeley adjacent to the old Anna Head school between Channing Way and Haste Street, east of Telegraph Avenue. Bank loans and bond revenue would finance most of the construction.

And there was the big "if" of the $156 million health sciences bond issue before state voters in November. Berkeley's share would pay for a new School of Public Health building and an addition to the optometry building.

Although regents would convey their reactions in late October and the voters theirs shortly thereafter, Governor Reagan's response was due definitively after the New Year.

It appears he'll have some hard, detailed questions to ask. His State Department of Finance auditors have been busy since their reports last spring which criticized U.C. faculty workloads and library acquisitions. In late September, four more volumes of state audits were uncovered by former *Daily Californian* editor Steve Duscha, now a reporter for the Berkeley *Independent Gazette*.

The audits, covering administration, management procedures, and physical plant, questioned University expenditures which amounted to about $40 million annually.

In 200 pages, the reports got down to such details as where gardeners should report to work.

According to the reports, the audit teams found $10 million in "hidden" state costs related to federal research projects, and $12–$14 million in hidden support for activities financed by other non-state sources. This concealed spending, for instance, included overhead that didn't show up on the budget as a state cost item.

"It is our intention here only to recommend that the budget and fiscal reports used by decision-makers contain the information, presented in such a manner, that fully informs them as to the cost of the University's activities and the source of funds financing them," a report said.

Whatever the reports' intent, their thrust was clear: the University could get by spending less money.

"Our investigation reveals that the potential for salary savings in the UC purchasing function alone is conservatively estimated to be between $472,916 and $945,833 while still providing the same level of service," the auditors said.

Auditors concluded that decentralization was inefficient for business operations, although successful academically. They recommended better cost-accounting systems and other modern management tools, such as systems analysis.

They called for more automation, ranging from more use of computers to electronically-timed watering systems.

The State College-University system has centralized its architects' and engineers' offices, said the auditors, and UC could save $2.7 million by doing the same.

They recommended ending a $2.1 million state subsidy to University Extension, disposing of $3 million in excess equipment, reducing the inventories of academic departments by $720,000, cutting or ending summer service at student health centers for a $1.5 million saving and revising the billing rates at UCLA's teaching hospital to charge patients another $500,000 annually.

"There are some helpful ideas," said UC Vice President Chester O. McCorkle. "Some of these things we will do and some we have already done."

It seemed certain that between the auditors' helpful ideas and Hitch's glum assessments of what lowered state support would do, an answer was forthcoming about what kind of University the State of California wants.

## PRESIDENT TRUMAN

### HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ADDABBO. Mr. Speaker, the passing of former President Harry Truman was a loss to all Americans. I join my colleagues in the House of Representatives in this eulogy to a man who was not only a great President, but a very real person. Perhaps his outstanding attribute as President was his ability to reach the people, to communicate his thoughts, and to make the average American understand his motives and believe in his sincerity.

President Truman led our Nation in a time when awesome decisions needed to be made and implemented. He rose to that task with conviction and determination. President Truman led our Nation in a period of war and he brought us to peace. He compiled a record which historians will undoubtedly judge to be most successful and admirable.

As we mourn the passing of this great leader, let us remember that ability to communicate and reach the people which was President Truman's special quality. It is imperative that we who are elected public officials understand the importance of that special quality for that is what seems to be missing in the political world of today. We have lost that ability to reach the people, to instill confidence, to make them believe us and trust in our motives.

As we mourn his passing, let the memory of this great American, President Harry S Truman help us to regain that faith in America's new generation of political leaders.

## WEINBERGER APPOINTMENT AS HEW SECRETARY BODES WELL FOR FUTURE

### HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. JOHNSON of California. Mr. Speaker, in recent weeks we have heard a great deal about changes in the present administration. I would like to comment on one change; namely, the nomination of Caspar W. Weinberger to be Secretary of the Department of Health, Education, and Welfare.

I have known "Cap" Weinberger for a good many years, which covers a broad range of governmental service including service in the California State Legislature as director of the State department of finance, as Chairman of the Federal Trade Commission, and as Director of the Office of Management and Budget.

One reaction to this appointment which I would like to share with my colleagues is that of the McClatchy newspapers which serve the great Sacramento and San Joaquin areas of California. I would echo the comments of the Sacramento, Modesto, and Fresno Bees as contained in the editorial published November 30 that Cap Weinberger's appointment, indeed, does bode well for the future. I would like to share with my colleagues this editorial:

#### WEINBERGER APPOINTMENT AS HEW SECRETARY BODES WELL FOR FUTURE

The appointment of Caspar W. Weinberger by President Richard Nixon to be secretary of the federal government's Department of Health, Education and Welfare can be termed splendid based upon Weinberger's record of long public service.

Those who remember the tasks Weinberger performed when he was active in California government will applaud Nixon's choice.

The record is impressive. He served in the State Assembly for six years, was state chairman of the Republican party for two years and was director of the State Finance Department two years when Nixon named him chairman of the Federal Trade Commission in 1970.

Seven months later he was moved to the budget division and last May promoted to the job of director of the Office of Management and Budget.

In recent years Weinberger has become noted as a budget slasher and some fear this spirit will be carried over to his new job as head of the biggest department in government.

However, Weinberger also has a record of humane approaches to governmental programs and this will be a most important factor in running the sensitive projects involving health, education and welfare.

As a state assemblyman Weinberger often was on the side of those who needed government help. He was strong supporter of establishment of California's first child care center and was influential in gaining a governor's veto of a bill which would have eliminated the certified milk program for school children.

He also successfully took on powerful interests when he championed the reform of liquor control administration.

Weinberger subscribes to the philosophy of being conservative on fiscal matters but not doctrinaire in others.

This is the thinking which should apply to HEW, which has a budget higher than that of the Defense Department but which also oversees the vital programs of preserving and enhancing human values.

## NIER SCHOOL LOAN PROGRAM IN DANGER

### HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. ANDERSON of Illinois. Mr. Speaker, a small but valuable Government program lies in limbo today because the Congress failed to appropriate funds for it in fiscal 1973; and it is not because it has fallen victim to Hill or OMB budget cutters. To the contrary, it is popular at both ends of Pennsylvania Avenue and it is one of the few programs which actually saves the Government money; and its demise would mean a significant increase in expenses to the Federal Government. I am talking about the school loan program of the National Industrial Equipment Reserve—NIER—which makes machine tools in our national stockpile available on free loan to schools for use in their vocational training courses. At present, over 8,000 pieces of machinery are on loan to nearly 400 schools in 44 States, benefiting some 35,000 youth and disadvantaged persons taking vocational training. And yet, because of the current financial crisis, there is a freeze on additional loans and the possibility looms that machinery now on loan will eventually have to be withdrawn.

The reason for this crisis is an attempt by the administration to shift NIER funding from the budget of the General Services Administration which has responsibility for the protection and maintenance of the tools in storage and for the school loan program, to the budget of the Department of Defense which has overall responsibility for NIER. When the 92d Congress refused to make this budgetary change, NIER fell between the slats, being funded under neither budget. Consequently, at midnight, on December 31, 1972, GSA terminated its NIER responsibilities due to a lack of funds, locked up their main storage facility in Terre Haute, Ind., and shelved the school loan program.

What this all means is that the machines in storage may soon fall into a state of disrepair without proper maintenance and protection, and the machines on loan to schools may have to be recalled because GSA can no longer make its periodic inspections which are necessary to insure that the machines are kept in proper condition. The withdrawal of this machinery to Government storage facilities will mean an added expense to the Government since we now enjoy free storage and maintenance from the schools; and the schools will be confronted with the difficult choice of either attempting to replace this costly machinery or cutting back on vocational training.

I have written to the Office of Management and the Budget, the President and the chairmen of the House and Senate Appropriations Committees urging three things: First, that emergency funds be made immediately available to continue NIER; second, that Congress take immediate action on a supplemental appropriation bill for GSA to continue NIER for the remainder of this fiscal year; and three, that NIER be permanently restored under GSA in the fiscal 1974 budget.

Tomorrow I will be circulating a "Dear Colleague" letter soliciting cosponsors for the supplemental appropriation bill which I intend to introduce on Tuesday, January 16. It is my hope that we will be able to collect a substantial number of cosponsors to impress upon the Appropriations Committee the urgency and importance of this problem, and that early action will be taken by the Congress on such a bill.

At this point in the Record I would like to include correspondences pertaining to this problem:

Washington, D. C.,
*December 15, 1972.*

Hon. George H. Mahon,
*Chairman, House Committee on Appropriations, Washington, D.C.*

Dear George: It has been called to my attention that as of December 31, 1972, funds will no longer be available for the National Industrial Equipment Reserve (NIER) since no appropriation was made for this purpose either under DOD or GSA.

It is my understanding that a request will be made by DOD to use some $225,000 in funds to bring NIER under the Department's General Industral Equipment Reserve in order to avoid this imminent financial and security crisis, and I would certainly support ths request as a temporary, stopgap solution to the problem.

At the same time, however, I would like to urge your committee, as I am OMB, to consider retaining NIER under the GSA appropriation—both in a fiscal 1973 supplemental appropriation and in the fiscal 1974 budget.

I am particularly concerned about the future of the NIER school loan program which makes NIER machine tools available to vocational training schools. Currently, some 400 vocational centers in 44 states are benefiting from this loan program, and the government in return realizes a considerable cost savings since the schools provide space and maintenance for the machines. Yet, the future of the NIER school loan program is in doubt due to the existing crisis. Not only has there been a freeze on new loans, but the status of machines already on loan to schools is in jeopardy since GSA can no longer make the periodic inspections. It therefore becomes necessary to withdraw these machines to reserve supply depots, not only will our vocational training efforts suffer immensely, but the maintenance and storage costs to the government will increase substantially. I therefore urge you and your committee to do whatever you can to bring about an early resolution to this problem.

With all best wishes, I am

Very truly yours,

John B. Anderson,
*Member of Congress.*

Washington, D.C.,
*December 29, 1972.*

Hon. John B. Anderson,
*U.S. House of Representatives, Longworth House Office Building, Washington, D.C.*

Dear John: This is in response to your letter of the 15th with reference to the National Industrial Equipment Reserve. I have considered the request of the Department of Defense to utilize funds to bring NIER under the Department's General Industrial Equipment Reserve. I could not concur in their proposal.

Congress clearly denied the request of the Department of Defense to use defense funds in this program. My response made it clear that the Committee has no objection to the funding of such programs in the appropriate departments or agencies, such as the General Services Administration, the Department of Labor and the Department of Health, Education, and Welfare. However, we do not feel that this is an appropriate charge to the Department of Defense.

I hope that the Executive Branch, which created this problem by arbitrarily changing the source of funds for the program, will move expeditiously to maintain whatever part of the program is required.

I am enclosing for your further information a copy of my response to Deputy Secretary Rush.

Sincerely,

George Mahon,
*Chairman.*

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The Secretary of Defense,
*Washington, D.C., December 13, 1972.*

Hon. George H. Mahon,
*Chairman, Department of Defense Subcommittee, Committee on Appropriations, House of Representatives.*

Dear Mr. Chairman: The purpose of this letter is to advise you of certain Department of Defense costs which would result from a proposed transfer of certain tools from the National Industrial Equipment Reserve (NIER) to the General Industrial Equipment Reserve of the Department of Defense.

The 80th Congress enacted Public Law 883, "The National Industrial Reserve Act of 1948" "to provide a comprehensive and continuous program for the future safety and defense of the United States by providing adequate measures whereby an essential nucleus of Government-owned industrial plants and a national reserve of machine tools and industrial manufacturing equipment may be assured for immediate use to supply the needs of the armed forces in time of national emergency or in anticipation thereof." Under the provisions of the Act, the Secretary of Defense manages the NIER and the General Services Administration is responsible for its custody, protection and actions directed by the Secretary of Defense including care, maintenance, utilization, security, leasing, loans, and disposition.

The NIER supplements the General Industrial Equipment Reserve of the DoD by providing a source of additional production equipment to defense supporting industries in time of national emergencies. Defense supporting industries are those which do not receive direct defense contracts, but upon which defense contractors are dependent for vitally needed components and equipment. Examples are producers of bearings, electric motors, electronic components and machine tools. Industrial preparedness planning for defense supporting producers is conducted by the U.S. Department of Commerce rather than the Department of Defense. In fact, emergency plans call for transfer of the functions which the Secretary of Defense exercises with respect to the NIER to the agency established for control of national production in time of emergency. The NIER presently consists of tools held in storage of emergency use and tools loaned to non-profit institutions for vocational training programs.

There are currently 399 such loans covering 8,149 tools in 44 states. Under this program the Government has obtained free storage and maintenance of NIER equipment under terms which provide for immediate return of the equipment upon Government request and at the same time some 35,000 youths and disadvantaged people are taught skills which are critical to defense emergency production.

As you will recall, the Congress did not include in the Department of Defense Appropriation Act, FY 1973 proposed language which would have authorized the Department of Defense to reimburse the General Services Administration for expenses of the NIER. Since this language was included in the Defense request, GSA did not request and did not receive funds for the NIER for FY 1973. We are now advised by GSA that they will have to discontinue NIER activities by December 31, 1972. As described below, one aspect of this action by GSA has an immediate detrimental effect on national security interests.

The activities of GSA in connection with NIER can be described as consisting of two basic parts, namely: (1) the maintenance, protection, receipt, issue and storage of tools assigned to the NIER by DoD and (2) the operation of a school loan program. This request does not relate to the school loan program. DoD has no authority to expend funds to operate or support the school loan program. Although GSA's lack of funds will prevent making any more loans, tools already on loan do not require the expenditure of federal funds for storage, maintenance, and the like and there is no pressing problem in this area. The future status of the school loan program will, however, require attention in the near future.

The current problem which generates this letter is the 4,100 tools in the NIER—not on loan—which are stored and maintained by GSA. These tools require protection, preservation and maintenance, functions which GSA no longer has the funds to perform. Based on a recent survey of defense requirements, we believe that it is necessary that all or substantially all of these tools be available for Defense production requirements when needed. With GSA being unable to continue protection and maintenance of those tools, we are concerned that a needed defense asset will be subject to loss and deterioration unless something is done. Some 2,500 of the 4,100 tools are stored by GSA in DoD facilities. The remainder are stored at a GSA facility in Terre Haute, Indiana.

Under existing authority, we propose to transfer the 4,100 tools from the NIER to the General Industrial Equipment Reserve of the DoD. The tools would then become the responsibility of DoD and DoD would assume the responsibility and the costs for storing and maintaining the tools. Those tools which are not already at DoD locations, will be shipped to DoD locations, or the GSA will be reimbursed for their storage at Terre Haute. It may be advantageous to ask the GSA to transfer custody of its Terre Haute facility to the DoD; however, this request does not assume such a transfer. The tools will be screened, to determine if there are any that are not needed for DoD requirements, and any so identified will be reported to GSA for disposal.

Reduction in force notices have been issued to some 93 persons on the GSA payroll who were involved with NIER operations. These will be effective on December 31, 1972. It may be possible that some portion of these personnel who perform functions relating to storage and maintenance could be retained. Some of these people have valuable skills that are in short supply and it would be in the best interests of the government to retain them.

We expect the additional cost of the DoD for FY 1973 to be consisting of:

1. Cost incurred in anticipation of reimbursement from GSA ($37,000).

2. Last half cost of storage at Burlington and at Terre Haute, where GSA will be requested to provide minimum essential services for the tools returned to DoD ($152,000).

3. Processing the backlog of tools requiring representation ($58,000).

The incurring of these unbudgeted costs by the Defense Supply Agency is essential to protect DoD tools, and will not continue any NIER activities.

Your approval of the proposed course of action is requested.

Sincerely,

KENNETH RUSH,
*Deputy.*

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WASHINGTON, D.C.,
*December 21, 1972.*

Hon. KENNETH RUSH,
*Deputy Secretary of Defense, Department of Defense, Washington, D.C.*

DEAR MR. SECRETARY: This is in response to your letter of December 13, 1972 with regard to the proposed transfer of certain tools from the National Industrial Equipment Reserve to the General Industrial Equipment Reserve of the Department of Defense.

It appears that your proposal may not be in consonance with the intent of Congress in this matter. Congress took specific action in not including language requested by the Department of Defense in the Defense Appropriation Bill. The language requested would have authorized expenditures in this area by the Department of Defense. It appears that your proposal would transfer expenses associated with this program to the Department of Defense after such expenses were specifically disallowed by Congressional action.

The Committee will look more closely into the various machine tool programs of the Department of Defense in the near future. I have asked my staff to ascertain the utilization of machine tools held in reserve in the war in Southeast Asia. The Committee also requires an accurate evaluation of the obsolescence of the tools in hand.

As was stated in the Committee Report, the Committee does not consider this program to be a necessary function of the Department of Defense. If such educational programs are considered to be desirable, consideration should be given to including them in the training programs of the Departments of Labor or Health, Education, and Welfare. The Congress, of course, did not object to the continuation of the program by the General Services Administration. The termination of the GSA program was a decision of the Executive Branch.

I cannot concur in expenditures in this area by the Defense Department.

Sincerely,

GEORGE MAHON,
*Chairman.*

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WASHINGTON, D.C.,
*December 29, 1972.*

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: I am writing to urge that funds be made immediately available, possibly through the Office of Emergency Preparedness, for the continued operation of the National Industrial Equipmest Reserve (NIER) which is our national reserve of machine tools and industrial manufacturing equipment for supplying the needs of our armed forces in time of national emergency. As you may know, these funds were not made available under the fiscal 1973 defense appropriation as requested by the Administration, and, as a consequence, NIER funding expires on December 31, 1972. It was the feeling of the House Appropriations Committee that NIER funding should be continued under the General Services Administration which is responsible for the custody and maintenance of the machinery and for the school loan program which makes the machinery available to some 400 vocational schools in 44 States.

On December 13, 1972, Deputy Secretary of Defense Kenneth Rush wrote to Chairman Mahon requesting permission and funds to transfer the 4,100 tools from the NIER to the General Industrial Equipment Reserve of DoD, but as of this date the Committee has not agreed to this request. What this means is that, unless emergency funds are made available, on December 31st GSA will no longer have the funds necessary to protect, preserve and maintain NIER machinery in storage and will be forced to lock-up their facilities. And, without this attention, the machinery will soon fall into a state of disrepair, thus jeopardizing our national security interests.

This situation also raises the question about the future status of the school loan program since GSA will no longer be able to make its periodic inspections of the machinery on loan to vocational schools. This program is of tremendous value to the government and the country in two respects: first, the government realizes substantial cost-savings from the free storage and maintenance of the 8,149 tools on loan; and secondly, the country benefits from the 35,000 youths and disadvantaged people who are taught skills which are critical to defense emergency production on this machinery. At present there is a freeze on the loan of additional equipment to vocational schools, and, unless provision is made for the continued inspection of the machinery on loan, it will have to be withdrawn. If this is allowed to happen, we will pay the twin costs of shortchanging our manpower needs and substantially increasing maintenance and storage expenses.

I would therefore not only request that emergency funds be made available through the OEP to permit the GSA to continue its operation of NIER, but that the Administration ask the Congress for an immediate, emergency supplemental appropriation for this purpose. In addition, I would ask that, given the disposition of the House Appropriations Committee on this matter, the Administration seek NIER funding under GSA in the 1974 budget. This course of action will help to insure the continuation of the very valuable and economic school loan program which GSA has managed so efficiently in the past.

With all best wishes, I am

Very truly yours,

JOHN B. ANDERSON,
*Member of Congress.*

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THE WHITE HOUSE,
*Washington, December 29, 1972.*

Hon. JOHN B. ANDERSON,
*House of Representatives,*
*Washington, D.C.*

DEAR JOHN: This is just a note to advise you that your December 29 letter to the President concerning expiration of funding authority on December 31 for the National Industrial Equipment Reserve. I will check into the status of this matter today. You will hear further as soon as possible.

With warm regards,

Sincerely,

RICHARD K. COOK,
*Special Assistant for Legislative Affairs.*

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DECEMBER 13, 1972.

Hon. CASPAR W. WEINBERGER,
*Director, Office of Management and Budget, Washington, D.C.*

DEAR CAP: First of all, let me congratulate you on your nomination as Secretary of Health, Education & Welfare. I think the President has made an excellent choice in choosing you and, knowing of your abilities, I have every confidence that you will be most successful in your new job.

I am writing to you, however, in your present capacity as director of OMB. It has been called to my attention by the director of a vocational center in my Congressional District that the National Industrial Equipment Reserve (NIER) loan program to these institutions has been discontinued because Congress has failed to appropriate funds for NIER.

As I'm sure you are aware, NIER has previously been funded under GSA, but the decision was made by OMB to place NIER funding in the defense appropriation. Chairman Mahon and his subcommittee rejected this idea, and as a result, NIER fell between the slats. Consequently, no money is available to even maintain the NIER supply depots, let lone the loan program.

I would like to recommend, given the disposition of the Defense Appropriations Subcommittee, that the Administration ask for restoration of NIER funds under GSA in a supplemental appropriation, and that you also think in terms of keeping NIER in the GSA budget for fiscal 1974.

Given the increasing importance of vocational education and the fact that the machines involved are maintained better in vocational centers than they would be in supply depots, I think this NIER loan program is most worthy of being continued.

With all best wishes, I am

Very truly yours,

JOHN B. ANDERSON,
*Member of Congress.*

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DECEMBER 18, 1972.

Hon. ELMER B. STAATS,
*Comptroller General of the U.S. General Accounting Office, Washington, D.C.*

DEAR MR. COMPTROLLER GENERAL: I am writing to request that the General Accounting Office provide me with two cost estimates relating to the potential impact of discontinuing the school loan program of the Natonal Industrial Equipment Reserve: (1) What would the additional cost to the Federal Government be if the machine tools now on loan to vocational schools were withdrawn and stored and maintained in Federal reserve supply depots? (2) What would it cost the vocational schools to replace this machinery themselves?

As you may know, the National Industrial Equipment Reserve (NIER) was established by the National Industrial Reserve Act of 1948 (PL 80–883) for the purpose of maintaining a national reserve of machine tools and industrial manufacturing equipment for immediate use to supply the needs of the armed forces in time of national emergency. While the program is managed by the Department of Defense, the General Services Administration is charged with the responsibilities of care, maintenance, utilization, leasing, loans and disposition. These responsibilities include the school loan program which makes NIER machines available on loan to vocational training centers. At present, some 6,149 tools are on loan to 399 institutions in 44 states.

Although NIER has previously been funded under the GSA appropriation, in fiscal 1973, the Administration attempted to transfer funding to DOD. Because the Congress did not include NIER funds in either the GSA or DOD appropriations, NIER officially expires on December 31, 1972. DOD is now requesting of the Appropriations Committees authority to transfer NIER machinery now in storage to DOD's General Industrial Equipment Reserve. But since there can be no transfer of the school loan authority, there is a freeze on any additional loans to vocational schools, and the future status of the school loan program is in jeopardy.

This is the reason for my request. I would appreciate an answer by January 12, 1973. Your cooperation and assistance is appreciated.

With all best wishes, I am

Very truly yours,

JOHN B. ANDERSON,
*Member of Congress.*

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U.S. GENERAL ACCOUNTING OFFICE,
*Washington, D.C., January 3, 1973.*

B–125187

Hon. JOHN B. ANDERSON,
*House of Representatives.*

DEAR MR. ANDERSON: This is to acknowledge receipt of your letter of December 18, 1972, concerning the National Industrial Equipment Reserve. Specifically you requested we estimate (1) the additional cost to the Government if machine tools in the reserve which are now on loan to vocational schools were withdrawn and stored and maintained in Federal reserve supply depots and (2) the cost to vocational schools to replace this machinery.

We are in the process of obtaining information from the Department of Defense and the General Services Administration so that we can provide you with the above estimates. We expect to furnish you a reply by January 12, 1973.

Sincerely yours,

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(For J. K. Fasick, Director.)

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## LAIRD'S LEGACY

## HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. DAVIS of Wisconsin. Mr. Speaker, 4 years ago a very competent Wisconsin Congressman accepted the most difficult and less than popular Cabinet position in the Government. With adroitness and savvy, Mel Laird transferred to the Department of Defense many of the qualities of leadership which previously enabled him to be a very successful legislator. The Milwaukee Sentinel concurs with this judgment. For the benefit of my colleagues and the public I have inserted this recently published editorial which comments on the performance of Mel Laird at the Pentagon:

### LAIRD'S LEGACY

Four years ago when Wisconsin's Melvin R. Laird was nominated to be secretary of defense, we expressed the view that his political skill was precisely what was needed to take over one of the toughest administrative jobs in world history.

Looking back on Laird's record as head of the Department of Defense, we see nothing to cause us to modify our original appraisal. Laird has performed brilliantly.

His service has been all the more impressive because it was given at great personal sacrifice. It is quite apparent that he didn't want the job. To take it he had to give up his 7th District seat in the House and the position of power he had reached in Congress.

Sen. Henry Jackson (D-Wash.) reportedly was Richard Nixon's first choice for defense secretary. He wouldn't take the job and so the president-elect turned to Laird and asked him, in effect, to interrupt his highly successful legislative career and take on an assignment that would by its nature mean a lot of abuse and little thanks.

It is all too easy to forget the situation that prevailed when Laird took office in early 1969. Dissent over the Vietnam War was raging. A half a million young Americans were bogged down in the South Vietnam quagmire and battle deaths were running between 200 and 300 a week.

Today, the number of American troops there is a mere 27,000. Last week, for the first time in seven years, there was not a single American death, from combat or otherwise, in South Vietnam.

This dramatic reduction of America's direct military involvement in the war is credited to President Nixon. But the fact remains that the implementation of Nixon's policy was carried out under Laird's direction.

It was Laird, with the help of another Wisconsinite, Curtis W. Tarr, who made Vietnamization work. Likewise, it was Laird, again with the aid of Tarr, who put into effect the move away from the draft and toward an all-volunteer armed force.

Running the defense establishment, of course, involves a lot more than dealing with the problems of the Vietnam War. Research, development and procurement of weapons is of tremendous importance. In this area, the Pentagon's relationship with Congress is crucial, and Laird's first-hand knowledge of the House and Senate was put to best possible use.

However, it was not with Congress alone that Laird's political skill paid off. The lessons he learned in dealing with the public as a legislator paid off handsomely in his dealing with the public as defense secretary. Few others, certainly no businessman without political experience, could have been as effective at picking his way through the political minefields as Laird has been.

Laird's decision to leave his post after four years is in itself a mark of political wisdom. It is time for a different leadership one which it will be up to Elliot Richardson to provide, building on the sound base left by Laird.

Laird now looks forward to a few months of well earned retirement from politics. It is hard to imagine him retiring from politics permanently. This favorite Wisconsin son still has a great future in public service.

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## MEDICAL CARE FOR SOVIET VISITORS

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. RARICK. Mr. Speaker, at a time when cutoff of funds and interruption of programs by the President is the talk of the hour, the announcement that U.S. taxpayers are now paying the premium on health care for Soviet scientific visitors to the United States is interesting.

According to Department of Health, Education, and Welfare, this United States-Soviet health care exchange program came about by executive hip pocket dealings resulting from President Nixon's visit to the Soviet Union in 1972.

Since the President, under his announced fiscal responsibility policy, feels that cuts in Federal funds are mandatory to run the country within the $465 billion national debt ceiling and to accomplish such a goal has assumed the power to override congressional appropriations, continuation of this program may be justified because there is no apparent congressional approval.

But where in the Constitution is power granted to the President to tax the American people to provide free medical services to foreign visitors?

I insert the following correspondence from the vice president of Blue Cross and Blue Shield:

GROUP HOSPITALIZATION, INC.,
MEDICAL SERVICE OF D.C.,
*Washington, D.C., January 5, 1973.*
Hon. JOHN RARICK,
*U.S. House of Representatives,*
*Longworth Building,*
*Washington, D.C.*

DEAR CONGRESSMAN RARICK: This letter is in response to Mr. Ashmore's request for information regarding the health care program we are providing for Soviet Union scientific visitors to the United States on behalf of the Office of International Health, Department of Health, Education, and Welfare.

The Blue Cross and Blue Shield program of coverage for the Soviet Union scientific personnel visitors offers complete coverage at no cost to them. The premiums of $18.98 per person is paid by the Office of International Health; Department of Health, Education, and Welfare.

The program resulted from President Nixon's visit to the Soviet Union early in 1972. The exchange of study groups of scientific personnel by the two countries was agreed upon and the Soviet Union said that when American scientists were in their country all services would be provided the Americans at no cost. It is our understanding that the Soviet Union also insisted that when their scientists visited our country the United States Government should reciprocate in kind and provide equal treatment to the Soviet visitor. The result was the development of the program referred to and because each visitor is in good health, we believe the underwriting risks are relatively low hence the lower premium.

We trust the above assists you.

Very truly yours,
JOHN H. CALLOW,
*Vice President, Marketing.*

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## REAR ADM. R. J. "JUD" PEARSON RETIRES AS ATTENDING PHYSICIAN TO THE CONGRESS

## HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. ROGERS. Mr. Speaker, on January 3, Rear Adm. R. J. "Jud" Pearson retired from the Navy after 26 years of active duty. During the last 6½ years of his distinguished Navy career, Admiral Pearson has served as Attending Physician to the Congress of the United States. He has served with dedication as Attending Physician and I would like to add my congratulations to those of my colleagues in recognition of the recent presentation of the Distinguished Service Medal to Admiral Pearson and a citation for exceptionally meritorious service from the Surgeon General of the Navy, Adm. George M. Davis. This is a well-deserved honor to a man whose entire career has been characterized by outstanding service and in particular his tenure as Attending Physician to the Congress.

I am pleased that Florida can claim Jud Pearson as a former resident as he spent years in the private practice of medicine in Jacksonville, Fla. before returning to active duty in the Navy. During his Navy career Admiral Pearson served as Chief of Medicine at the Naval Hospital in Charleston, S.C., and later in the same capacity at the Naval Hospital in Portsmouth, Va. He later became Chief of Cardiology at the Naval Hospital in Bethesda, Md., a position he held from 1955 to 1961. He later served Bethesda as Chief of Medicine and Director of Clinical Services before assuming the position as Attending Physician to the Congress.

We are losing an outstanding physician and I a close personal friend but our loss is certainly a gain for Jud and Emily Pearson's new neighbors in Whispering Pines, N.C., and I would like to extend to them all my best wishes for the future. At this point in the RECORD I would like to insert the citation accompanying the presentation of the Distinguished Service Medal to Admiral Pearson, and the Certificate of Merit from the Surgeon General of the Navy. I would also like to insert a summary of Admiral Pearson's remarks which he delivered at a most impressive retirement ceremony.

THE SECRETARY OF THE NAVY,
*Washington.*

The President of the United States takes pleasure in presenting the Distinguished Service Medal to Rear Adm. Rufus J. Pearson, Jr., Medical Corps, U.S. Navy for service as set forth in the following:

CITATION

For exceptionally meritorious service to the Government of the United States in a duty of great responsibility as the Attending Physician to the Congress during the period March 1966 to January 1973.

Rear Admiral Pearson brought to his unique position exceptional skill, innovation, farsighted leadership, and the highest sense of dedication. Through his superlative efforts, Members of Congress and their staffs received the best possible medical care.

Rear Admiral Pearson was instrumental in effecting numerous improvements to the health care delivery system in the Capitol complex. In addition to his role as a physician, he served as advisor, consultant, and confidant to the nation's legislators, earning the respect of all with whom he came in contact.

By his distinguished and inspiring devotion to duty, Rear Admiral Pearson reflected great credit upon himself and the Medical Corps, and upheld the highest traditions of the United States Naval Service.

For the President,
JOHN W. WARNER,
*Secretary of the Navy.*

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The Surgeon General of the Navy presents this Certificate of Merit to Rear Adm. Rufus Judson Pearson, Jr., Medical Corps, U.S. Navy, for over twenty-six years of distinguished, loyal and exceptionally meritorious service in the Medical Corps of the United States Navy.

Throughout his naval career, Admiral Pearson dedicated his professional energies, clinical skills, and administrative abilities to providing quality health care. During World War II, he served overseas with a Navy Construction Battalion. Subsequently, he was assigned on the Medical Service at Naval Hospitals, Jacksonville, Florida; Beaufort, South Carolina; Bethesda, Maryland; and was Chief of Medicine at Naval Hospitals, Charleston, South Carolina, and Portsmouth, Virginia. Immediately preceding his present assignment, Admiral Pearson served as Chief of Medicine and Director of Clinical Services at Naval Hospital National Naval Medical Center, Bethesda, Maryland. To each of these assignments, he brought a high level of professional competence coupled with dynamic leadership, drive, and imagination.

Such impressive credentials as his certification by the American Board of Internal Medicine in both Internal Medicine and Cardiovascular Diseases, his status as a Fellow in the American College of Physicians and the American College of Cardiology, and his vast professional experience made Admiral Pearson imminently qualified for assignment as Attending Physician to the Congress. During his tenure from July 1966 to January 1973, he continually demonstrated his intense devotion to duty and dedication to purpose by totally administering to the medical needs of the members of both Congressional Legislative bodies. In addition, Admiral Pearson served with distinction as Chairman of the Armed Forces Participation Committee for the Presidential Inauguration in January 1969.

On the occasion of his retirement, it is a privilege and a distinct pleasure to record here our appreciation and gratitude, and to confer upon Admiral Pearson this Certificate of Merit in recognition of a distinguished career in the service of his country.

G. M. DAVIS,
*Vice Admiral, Medical Corps, U.S.N.*

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House Chaplain Latch opened the ceremony with a prayer. Admiral Davis, the Surgeon General of the Navy, then made a few complimentary remarks about Admiral Pearson and his service in the Navy and at the Capitol. Admiral Davis then presented him with the Surgeon General's Award and following this the Distinguished Service Medal. At the end of this, Admiral Davis read Admiral Pearson's orders for retirement at midnight, January 3.

Admiral Pearson's remarks began with an expression of appreciation at the opportunity for working in the Capitol, with a reminder that all employees at the Capitol elected and appointed had a very special feeling. He quoted Congressman George H. Mahon, that said "even though he had been at the Capitol for over 30 years, he still got a thrill each day at the sight of the Capitol Dome". He expressed thanks to his patient's and friends, hoping that the former were also the latter and to his fellow Naval Officers for his exciting Naval career. He particularly thanked Vice Admiral George M. Davis, the present Surgeon General for his advice and counsel and aid with all things related to the Capitol Hill office. He mentioned Vice Admiral Robert B. Brown, the former Navy Surgeon General who had been responsible for his being "in the right place at the right time" and reminded the audience that Admiral Brown at times could be a pretty strict disciplinarian and at some times had "put him in his place".

The history of the office at the Capitol was reviewed briefly. There was no Attending Physician in the Capitol until 1928. On December 5, 1928, Congressman Fred Britton of Ohio, the Chairman of the Naval Affairs Committee introduced a resolution on the House floor requesting Secretary of the Navy Curtis Dwight Wilbur to detail a Naval Medical Officer to the House of Representatives as Attending Physcian. The resolution passed unanimously. Commander George W. Calver was assigned to the Capitol and at first put his hat in the Democratic Cloakroom, off the House Floor. Before long, he had acquired Room H-166, which was John Nance Garner's room and in 1929, he also acquired Room H-165 for the office. With inequity and with imagination, Dr. Calver increased the facilities at the Capitol. In 1929, Dr. Roy O. Copeland, a Senator from New York introduced a resolution on the Senate Floor requesting that a Naval Medical Officer be detailed to the Senate as Attending Physician and suggested that Dr. Calver be the physician. With the coming years, Dr. Calver acquired more space and increased the size of his staff and the services of the Capitol office.

The outstanding services of the staff were mentioned by Dr. Pearson and credit was also given to Captain Bill McGehee, MSC, who had had a great deal to do with the selection of Dr. Calver's staff and the present staff.

In closing, he recalled that 35 years ago it had been his intention to be a family doctor, but that along the line he had gotten side-tracked, by entering a Naval career, then becoming a specialist in Internal Medicine and then a specialist in cardiology. He then became a Medical Administrator, having been Chief of Medicine at two of the larger Naval Hospitals, but he stressed that he had been particularly gratified by spending the last six and a half years of his Naval career as a family practitioner on Capitol Hill and particularly, with the opportunity to associate with the Nation's leaders.

Chaplain Latch said the benediction closing the proceedings.

Mr. Speaker, I would also like to extend my congratulations to another Floridian, Dr. Freeman H. Cary, upon his promotion to rear admiral in ceremonies at the Capitol. Admiral Cary has relieved Dr. Pearson as Attending Physician to the Congress and I know we can expect him to continue in the fine Navy tradition of excellence which characterized his two predecessors. At this point in the RECORD, I would like to insert the text of Admiral Cary's remarks upon the occasion of Dr. Pearson's retirement:

DR. CARY'S REMARKS

Many of us who visited China this past year were strongly impressed by the dedication of the people to Chairman Mao's urging "serve the people". But this office of ours has an even higher purpose—to serve those who serve the people—our Congress. To walk these halls, breathe this air, view these sights and rub shoulders with history in the making makes us all the more aware of our charge.

Naval Medicine has gained new prestige by the standards of excellence established by Admiral Pearson. He has blended the family physician concept in with the highest quality of space age medicine and health service. He has stared down "future shock" in health delivery in an unparalleled manner.

With the loyal, outstanding staff he leaves and the fail-safe mechanisms built into his organization I will strike to perform in the standard of excellence that will continue to bring the highest regard for the U.S. Navy.

## COMMITTEE ON THE ENVIRONMENT

## HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. KEATING. Mr. Speaker, during this decade it is critical that we improve the quality of our land, water, and air, and establish effective and enforceable regulations for the quality of our environment in the years to come.

During this Congress, it is imperative that we establish a solid foundation on which essential changes in past policies may be built.

The time has come to create a standing Committee on the Environment—a committee to consolidate and concentrate on environmental issues alone. I am cosponsoring Congressman BROTZMAN's bill to establish such a committee in the House of Representatives.

This Congress can no longer afford to have the authority for environmental legislation divided among a myriad of committees and subcommittees. Environmental issues demand immediate and constant attention.

In the early sixties, President Kennedy inspired America by setting the goal of putting a man on the moon and returning him to earth within the decade of the sixties.

Through American technology, this goal was accomplished.

The goal for the decade of the seventies is before us. We must clean up our environment and protect it for the future. This country has the technological capacity to accomplish this goal. However, it lacks the legislation to put this knowhow to its fullest use.

The goal of the seventies may be equally as great as our accomplishment of the sixties. Yet it will not get off the ground unless Congress provides a substantive foundation for progress.

## MAKING THE ROADS MORE SAFE

## HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. PICKLE. Mr. Speaker, we have come a long way in highway safety and reports show an actual reduction in traffic fatalities in recent years.

But heart-tearing tragedies show us how very far we have to go still. The recent death of 19 young people from my district headed for a religious retreat in New Mexico mountains still echoes down our highways.

They were killed on a narrow New Mexico bridge declared unsafe several years ago. Apparently, from early reports, even the signs warning travelers of the narrow bridge were not well placed.

And there has been much discussion—but little action—over the safety of our schoolbuses in general.

To lose these young people is a deep personal tragedy for us all. To lose them unnecessarily is inexcusable.

Our roads and highways must be made more safe. To my thinking, it is one of the most important of the long list of priorities and responsibilities which face this Congress.

To revamp totally our roadways and vehicles to make them safe is a large task that will obviously take years and billions of dollars.

But adequate warning signs and smaller safety features in our vehicles can go a long way toward reducing injuries and deaths while we go. And this should be done now.

I hope that we will not need further tragedies to keep our resolve high to fight for road safety. I hope that dangerous intersections and dangerous bridges and dangerous curves will not need a high body count before we move to eliminate them or make them safe.

## THE VIETNAM ISSUE TODAY

## HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. DINGELL. Mr. Speaker, the failure of the President to consult with the Congress and the unavailability of key Cabinet and certain exclusive White House staff members compels this Member of Congress, from Michigan's 16th District, to reach certain unhappy conclusions with regard to the actions of the United States in Southeast Asia.

I am referring, once again, to the 12-day holocaust of the December 1972 bombing raids over North Vietnam.

In the past few days, Mr. Speaker, we have finally heard testimony in the House from Defense Secretary Melvin R. Laird before the Armed Services Committee, January 8, that, and I quote the Defense Secretary, "Vietnamization is virtually completed."

I further quote Secretary Laird:

> From a military standpoint, the Vietnamization program has been completed. Some American military personnel remain in Vietnam, in keeping with the Commander-in-Chief's pledge that all our forces will not be withdrawn until all prisoners have been released and our missing-in-action accounted for.

I ask the administration—why must the bombing be continued?

Mr. Laird further stated in his testimony before the House Armed Services Committee, and I quote him:

> But, Mr. Chairman, I want this Committee to understand that the continuing United States military presence in South Vietnam is not being maintained because of a lack of capability on the part of the South Vietnamese.

Mr. Speaker, I should hope not. We have witnessed vast sums of money being poured into South Vietnam's Army. But, if this be the case, as Mr. Laird so stated, then I ask again why must the 24,000 American troops remain in South Vietnam today?

The Members of Congress then learned, Mr. Speaker, following a similar war briefing by Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff on Tuesday, January 9, that the 12-day aerial bombing raids over Hanoi and Haiphong were, to quote the admiral from press reports, "very effective."

On Wednesday, January 10, we learned, from new press reports from Saigon, that another North Vietnamese offensive appears to be building up and that they are set to invade South Vietnam again. Reports indicated as many as 150 tanks and as many cannons were spotted by American and South Vietnamese military observers.

What then did the massive 12-day bombing raids by American bombers achieve?

What are the reasons which occasioned the massive bombing effort against targets far to the north of the war zone? If more effort was needed to protect South Vietnam itself from North Vietnamese war power buildup in and near South Vietnam, why was not the effort by U.S. forces made there?

I certainly would not want to put any hamper on prospective peace negotiations, but I do not see the necessity in the December bombing raids while we at least held some continued hope for good fortune at the peace talk tables.

We will recall that on October 26, 1972, Mr. Kissinger informed the hopeful Nation just before the November election day that peace was at hand.

In December, the Nixon administration announced that agreement with North Vietnam on peace terms was 99-percent complete.

Then, during the 12-day period preceding Christmas, this same administration engaged in the most massive bombing effort in military history.

Since there is no one to gainsay the bright and hopeful comments from the White House and its official spokesmen just immediately prior to the bombing, we must ask the question—why?

Why was the massive bombing offensive undertaken during negotiations? This must be viewed as most provocative and a deliberate attempt to break off negotiations.

I hasten to add at this point that I felt, as others did I am sure, that the issue of the return of our prisoners of war and missing in action must have been a key point yet unsettled. That is a point I do believe will have to be settled at the negotiating table and not by the amount of tonnage in bombs that this Nation can drop on another.

But, again, the almost byzantine secrecy of the White House at that time period and the refusal then by Mr. Nixon and his administration to consult with or advise the Congress, made difficult any firm or cohesive judgments by the elected representatives of the people. Today this leaves the whole issue in an unnecessary state of confusion regarding the United States-Vietnam war involvement.

One must also ask, Mr. Speaker, whether the accomplishments of the bombing were sufficient or are sufficient to justify the cost. Over a thousand, or perhaps thousands of civilians were killed and wounded. Homes, public institutions, and hospitals were hit, resulting in heavy losses of life, more prisoners taken and tremendous loss of equipment suffered by American forces.

At least 15 of our $10 million B-52's have been lost with many of our crews captured, missing, or dead. Losses of secret aviation equipment must make morale at another new low in our military ranks.

The cost of the bombing alone for the 12 days in December was estimated by the administration at $500 million and the total cost of the aerial offensive has been estimated at $2 billion.

These are some of the effects of Mr. Nixon's actions. There are others.

World opinion has been turned against the United States.

Americans are further outraged and divided.

The benefits toward world peace and to the United States are seriously in doubt.

Have the North Vietnamese been weakened in resolve or have they been induced to change their positions at the peace table? I think not.

Has the image of this Nation been enhanced in the world at large or has it been helped at home? I think not. Have the South Vietnamese been strengthened in military terms or in terms of their resolve to be free? I think not.

One must search hard for political, ethical, moral, or military benefits conferred by Mr. Nixon's Christmas bombing offensive. I have searched, Mr. Speaker, and I can find no benefit which has been conferred on this Nation, our people, or upon our peace seeking policies by these actions.

As long as our role in the war was limited to assisting the people of South Vietnam defend themselves from invasion from the North, I could and did support our policies there. When Mr. Nixon expanded the war into Cambodia, I could not; especially as there was no showing that the increased loss of life and treasure was accompanied by any significant military gains.

When the peace talks began, I supported efforts to negotiate an end to the conflict. A conflict, I will note, that the United States should never have committed our Military Establishment to.

I feel that the efforts of this Nation in South Vietnam are not being helped by the bombing and I do not believe that the negotiations have been helped by the 12-day pre-Christmas bombing offensive ordered by Mr. Nixon.

Mr. Nixon has not consulted with the American people on this issue. The American people, by giving Mr. Nixon their support at the polls, did not give him an open mandate to prolong the war and suffering. Mr. Nixon has in no way permitted any consultation between the Congress and the administration until just this week with rather private testimony from Secretary Laird and Admiral Moorer.

Open policy statements from Mr. Nixon on the bombing issue should have come earlier to Congress and the people and for that reason he has lost the faith and confidence of the people and their Congress.

I still believe that our national interests are best served by the earliest possible withdrawal from South Vietnam, subject to the release of our prisoners of war. I voted this as my conviction in a House Democratic caucus on January 2, 1973, to establish that as American policy. I shall so vote in the 93d Congress.

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## WONDERFUL AMERICA

## HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. LONG of Maryland. Mr. Speaker, Mr. William R. Allen of Baltimore, Md., has written a song entitled "Wonderful America." Following are the words of his song:

### WONDERFUL AMERICA

1

Three cheers for our dear U.S.A.
  Hurrah! Hurrah! Hurrah!
Where we can freely work and play
  By many held in awe;
From Maine to "California"
  And to Hawaii grand;
Alaska to warm "Floriday"
  We love our wond'rous land!

CHORUS

Three branches of our government
  In balance sublime.
The Stars and Stripes has freedom meant
  To ev'ry race and clime.

2

Our rambling rivers, lovely lakes,
  And mountain scen'ry too—
Our plains and seashores in me 'wakes
  Approval of the view;
Though far and wide our travels may
  Convey us vale to peak,
We understand what all may say
  For all one language speak.

3

One nation indivisible
  Composed of states we love,
And our appointments physical
  Are favored by Above!
We have of our abundance giv'n
  To many other lands—
Consistently we've ever striv'n
  To see that Freedom stands!

4

Despite indiff'rences of some
  We ever will persist
For others' sake that Freedoms come
  And despots we resist'
For U.S.A. is in this world
  With purpose sound and sure—
Our brilliant banner is unfurled
  For freedom evermore.

5

Regretfully we ponder here
  Events both then and now—
Whenever men were ruled by fear,
  We"l fight that trend, we vow!
And looking toward a brighter time
  That hopefully we may
Rejoice when every race and clime
  Has Liberty some day!

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## FARMERS' TURN AT BAT

## HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. FINDLEY. Mr. Speaker, one of the outstanding newspapers in the Midwest, the Quincy, Ill., Herald-Whig, published an editorial on December 15 which goes to the heart of the food price question. The text is as follows:

### FARMERS' TURN AT BAT

In the dizzying and somewhat mysterious price escalation of U.S. grains and livestock that is now in progress, it was noted that on Thursday, December 7, market hogs hit the highest price on record.

Since 1885, the highest price ever paid for hogs at a terminal market was $32.25 per hundredweight paid in August, 1948. The December 7 price at the Peoria Stockyards was $32.50 per hundred pounds.

Incidentally, for you record keepers, the lowest price was in December, 1932, when hogs brought only $2.75. Before that, it was September, 1896, at $2.97. Second highest was in December, 1965, when they sold for $31 per hundredweight.

Here in the central Corn Belt, the hog market is a pretty good barometer for farm prosperity or lack of it. As a general rule of thumb, when hog prices are high, farmers feel pretty good; if they are low, there is discontent.

Only flaw in the hog profit picture is the astronomical price of soybean meal, one of the principal ingredients of swine feeds. Advancing $20 per ton last week, bean meal is now nearing the $200-per-ton mark. A year ago farmers were paying only $88 per ton for the same stuff. Of course, they were getting only $21 for their hogs then.

The bean market has more than doubled, while the live hog market has increased only one-third. Big reasons for the leap in soybean prices are the loss of supply of the Peruvian fishmeal market (the little anchovies swam away from the shores of Peru and so far have shown no signs of returning) and the crop losses suffered from the worst harvest season on record.

Historically hogs have moved in fairly predictable cyclical patterns. When the supply is low the price is high; so the supply doubles and the price takes a corresponding drop. Economists have been predicting the end of high-priced hogs. But the more they predict, it seems, the higher goes the price. February hogs closed last Thursday on the Chicago Board of Trade at $30.25, which doesn't augur any cataclysmic decline.

We can't have high-priced livestock at the terminal markets and low-priced red meat in the supermarket for any sustained period. Everyone can't be satisfied at the same time. Consumers have had low-priced meat (in comparison to everything else we buy) for a long time. Farmers now feel it is their turn at bat.

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## FIREARM REGISTRATION IN WEST GERMANY

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. RARICK. Mr. Speaker, effective January 1, West Germans were put under a new firearm control law which virtually rules out the possession of firearms for anyone but police, the military, and members of gun clubs and hunters.

Reportedly, under the new gun law, the sale of any kind of firearm to persons not holding licenses issued by the police will be illegal and the possession of unlicensed arms will be an offense. The penalty precribes jail terms of 5 years and fines of up to $3,350.

Quite interestingly, the Reuter's news account prepared for U.S. consumption by the antigun lobby contains interesting comparisons of the firearms sales and private ownership of guns in the United States with West Germany.

Lacking in the statistical information is any reference to the number of firearm sales or guns in possession of private citizens in East Germany, Poland, Czecholovakia, Hungary, or the Soviet Union. Communist as well as Fascist police states operate more efficiently when firearms are restricted to party members, the army, and the police.

I include a newsclipping at this point:

### GERMANS RUSH TO BEAT NEW GUN LAW

BONN, December 24.—West Germany's citizens are stripping gun shops to beat tough new restrictions on the possession of firearms that come into force on Jan. 1.

Under present legislation, which dates back to 1938, every West German over 18 is entitled to buy as many long-barrelled firearms—from hunting rifles to small-bore automatic guns—and as much ammunition as he can afford. The sale of pistols and revolvers, however, is restricted to license holders.

The new law virtually rules out the possession of firearms for anyone but members of gun clubs and hunters—who must pass a stiff test before being granted a hunting and firearm license. There are now about 1 million members of such clubs.

However, every person buying a firearm before the Jan. 1 deadline will be automatically issued a license provided he registers his weapon before the end of next June.

Arms experts estimate there are as many as 20 million firearms held by private citizens—one in three of the West German population.

(About 2.5 million handguns are sold annually in the United States. The Standard Research Institute has estimated the number of guns in private hands in the United States at between 115 million and 200 million. The latter figure would mean nearly one gun for every American.)

[In 1968, Congress enacted legislation banning the mail-order purchase of rifles, shotguns, handguns and ammunition and curbing the out-of-state buying of such firearms. The measure also barred the sale of rifles to person under 18 and of handguns to persons under 21.]

Gun shops across West Germany report record sales as the end of the year approaches, with many having to turn away customers for lack of supplies.

Under the new laws, the sale of any kind of firearm to persons not holding a license issued by the police will be illegal. And the possession of unlicensed arms will be an offense.

Offenders face a maximum jail term of five years and fines of up to $3,350.

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## OMAHA-BASED FIRM FIRST THIS YEAR TO BE LISTED ON NEW YORK STOCK EXCHANGE

## HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. McCOLLISTER. Mr. Speaker, I rise today to express my pride in an Omaha-based firm which has the great distinction to be the first company to be listed on the New York Stock Exchange this year. While this distinction is certainly worthy of mention, my real pride lies in having watched a firm like Con-Agra grow over the years in the community and throughout the Nation.

While Con-Agra's listing is certainly significant in the business community, I feel it is symbolic of what small firms all over the country are able to do in a healthy business climate. And I feel it is symbolic of the optimism with which our Nation's business community can face the coming year.

Con-Agra is not a rapid growth glamorous stock. The 53-year-old firm has, instead, grown steadily on a base of agriculture and food products, such as flour milling, formula feed for livestock, and broiler chickens. And I think it is notable to mention that some of the firm's end products are selling at retail today for less than they did 20 years ago. I think this stands as a testimonial not only to Con-Agra, but to major gains in agricultural productivity, stimulated by a competitive free enterprise system.

My best wishes to continued success to Con-Agra. Their healthy growth can only stimulate and benefit the entire community.

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## STEPHEN J. PITONIAK

## HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. CONTE. Mr. Speaker, while we were away from this Chamber, the First Congressional District of Massachusetts lost an outstanding citizen, Stephen J. Pitoniak of Westfield, noted historian and columnist.

For many years, Mr. Pitoniak's column "Turning Back the Pages" appeared weekly in the Westfield, Mass., News. The humorous and unusual notes that he often included among the local historical briefs in his weekly report I am sure helped brighten many a day for his readers. The Westfield News has honored Mr. Pitoniak by posthumously awarding him the title "Historian Emeritus." His column will continue to appear under his name, written by his family.

In addition to the column, Mr. Pitoniak also is the author of a book entitled "Western Massachusetts History—Westfield Area" and he researched and wrote a chapter in the "History of Westfield" column published in conjunction with the tricentennial celebration of the city in 1969.

Mr. Speaker, to bring the many accomplishments of Stephen J. Pitoniak to the attention of my colleagues, I would like at this time to include in the RECORD the following articles which appeared in the Westfield News and the Springfield, Mass., Daily News:

[From the Westfield (Mass.) News, Oct. 23, 1972]

### COLUMNIST PITONIAK DIES AT 70

WESTFIELD.—Stephen Pitoniak, Sr., 70, local historian and historical columnist for The Westfield News for many years, died Sunday, Oct. 20, in a local nursing home after a long illness.

Born in Bitumen, Pa., son of Matthew and Susan (Gmitter) Pitoniak, he moved to Westfield at an early age and attended local schools. His interest in the history of this city began in his youth. He was brought up in the Stephen Sackett Tavern on Western Avenue that was recently restored by William Fuller. He became an avid researcher of early Westfield and contributed many articles to newspapers and spoke to many local organizations on the history of Westfield. His column in this paper, "Turning Back The Pages," was a favorite feature with many local readers.

He was formerly employed as a mechanic by the M & R Transport Company, West Springfield. He was a member of the St. Stephen's Society, the Holy Name Society of St. Peter's Church and of the Montgomery Historical Society. He recently had a book published entitled "Western Massachusetts History—Westfield Area" and also wrote a chapter in Westfield's tricentennial book.

He leaves his wife, Sophia; two sons, Stephen J. Pitoniak, Jr. of Huntington, and

Phillip of Westfield; six daughters, Mrs. Frederick A. Kochanek of Russell, Mrs. James E. Murphy of Peabody, Mrs. William Casey of West Springfield; Mrs. Thomas Perryman of Anchorage, Ky., Mrs. Paul J. Dinneen of Worcester, and Mrs. Leo Pirola of Westfield, two brothers, Frank and Joseph of Westfield, and a sister, Mrs. William Armstrong of Westfield, and 28 grandchildren.

Funeral services will be held Wednesday from the Robert E. Cusack funeral home at 9 a.m., followed by a liturgy of Christian burial in St. Peter's Church, State Street at 10. Burial will be in St. Mary's Cemetery.

Calling hours will be Tuesday from 2–4 and 7–9.

In lieu of flowers, friends may contribute to St. Peter's Church.

[From the Westfield (Mass.) News, Oct. 24, 1972]

### A Friend of History

It is with a great sense of loss and sadness that we note the passing of Stephen Pitoniak Sr., a long-time local historian and historical columnist for The Westfield News.

Our dealings with Mr. Pitoniak began 16 months ago when we came to Westfield to convert the then weekly Westfield News-Advertiser into the state's newest daily

Mr. Pitoniak's column—Turning Back the Pages—was a regular feature in The Westfield News when we arrived and we recognized the immense interest and historical value of his column in our pages. Mr. Pitoniak was a diligent and active historian who never let the history of today interrupt his weekly column that gave us a glimpse of the past and, because of his diligence and detail, he amassed a great following for his work.

From his earliest days, Mr. Pitoniak exhibited an interest in our local history and a good deal of his lifetime was spent in researching our life and times. Now he is gone but his published works remain a testimonial to his keen sense of history and offer a documented record of our historical past. He has gained a place as one of Westfield's greatest historians and it is as an historian that we will remember him best.

[From the Westfield (Mass.) News, Nov. 1, 1972]

### The Tradition Continues

The Stephen J. Pitoniak family has graciously consented to carry on the column "Turning Back the Pages" that was started by the late Mr. Pitoniak.

Mr. Pitoniak, one of Westfield's greatest historians, had a lifelong interest in history and in Westfield in particular, and his column, which has become a regular feature in our newspaper, was his idea and love. Mr. Pitoniak was such an avid historian and interesting man that his family naturally became infused with his enthusiasm, and now wishes to carry on in his memory.

We think that's as it should be, and welcome the Pitoniak family to our editorial page every Saturday to bring our readers the keen sense of and interest in history that Mr. Pitoniak displayed.

Because of our respect and admiration for Mr. Pitoniak's work, we are going to retain his name at the top of the column as historian emeritus, then the byline "By the Pitoniaks" will follow. We look forward to the first column Saturday.

[From the Springfield Daily News, Oct. 9, 1970]

### Historical Society Plans To Meet With State Unit

Wherever a worthy cause exists to help

Many months of careful research have resulted in the publication of an interesting Pitoniak Sr. of 6 Noble St.

Pitoniak, who may be found in almost any spare moment poring over newspapers and old records of Hampden County, either in the files of the Athenaeum or in the Registry of Deeds in Springfield, estimates that five years of work are represented in the illustrated 88-page volume.

Chapter headings indicate the scope of his work. Indians of the Westfield Valley, First Settling of Russell, The Copper King and Others, Richard Falley, Musket Maker, The Turnpike of 1829, Bates and His Road, Westfield Fine Marble, The Story of Woronoco Park, Counterfeiting in Westfield, The Lee-Huntington Trolley Line, Whip Making, Cigar Making, and Old Houses are some of the subjects dealt with.

#### MANY PICTURES

Many good quality old pictures have been included with the text. Shown are such historic items as homes of the 1800s, the Northwest District School, the Stephen Sackett Tavern, scenes of marble quarrying, the pavilion at Woronoco Park and a trotting race scene, and Park Square in 1912.

Pitoniak has included an extensive index of references to names, homes and episodes occurring in the history.

The author gives credit to Mrs. Mildred M. David, a teacher at Westfield Junior High School, for editorial work and also to Mrs. Margaret Olson, who edited two chapters.

The copyrighted book is printed by Valley Offset Printing Corp. It is on sale at Conner's Bookstore on Elm Street.

history of the Westfield area by Stephen J.

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## TONY BENNETT

## HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues an article titled "The Saloon Singer" with reference to Tony Bennett which appeared in the January 15 edition of Time magazine.

Tony Bennett is part of the American dream. He picked himself up with his own bootstraps to become one of the world's renowned pop singers. But little is said in the article about his appearances on behalf of charity throughout the world.

In my own city of Chicago, Tony Bennett has appeared on numerous occasions to aid the Italo-American community in establishing one of the most outstanding old people's homes in America—Villa Scalabrini in Melrose Park, Ill. This home was built with private funds—no government funds whatsoever have gone into its construction or operation—and it is presently being maintained with private funds. I have the honor to serve as chairman of the board of Villa Scalabrini's development fund.

Here in Washington, D.C., Tony Bennett has appeared in behalf of the Villa Rosa Nursing Home in order to help defray that home's mortgage. The home is located not far from Washington just off of Highway 95 in Mitchellville, Md., and is a subsidiary of Catholic Charities in Washington.

Tony has also made appearances on behalf of combating the diseases that plague mankind—cancer, heart disease, muscular dystrophy, multiple sclerosis. Wherever a worthy cause exists to help the young and old, Tony contributes generously of his money, his time, and his effort.

The heartwarming story of Tony Bennett could go on and on. He was raised from humble beginnings and he has now achieved international recognition. When I think about summarizing and defining Tony Bennett, all I can say is that he is a man with a big heart.

The article follows:

### The Saloon Singer

Part singer, part entertainer, part actor, the successful pop crooner spends the beginning of his career creating his own role and the remainder interpreting it. His songs are mini-dramas about love and sorrow, good times and bad, and if he is good enough, he can convince his audience that he has experienced them all. The great crooners—from Bing Crosby to Dick Haymes to Frank Sinatra—have usually required wide exposure in cinema or TV to get their total message across. Tony Bennett, today's outstanding exemplar of the line, has been very happy to remain, in his words, "just a saloon singer."

Bennett's notion of saloons must be pretty grandiose; in recent years he has sung at such places as Carnegie Hall and the Waldorf-Astoria in New York, the Empire Room in Chicago, the International Hilton in Las Vegas, the White House in Washington. From his club and concert engagements alone, he grosses $1,000,000 a year. In addition, he turns out a steady-selling LP approximately every six months. For that matter, he even makes occasional movie or TV appearances; last week he was taping a TV special in Hawaii.

Bennett has never lost his hold on the vast Middle American public that likes to hear standards done with melodic ease and a supple beat. Recently he left Columbia Records, the label for which he had sold millions of disks over 22 years, because "they wanted me to start singing Top Ten songs. I'm just not that kind of singer."

Bennett's new label, MGM Records, gave him 10% of its jazz subsidiary, Verve Records, and the right to produce his own recordings. His first LP for MGM, *The Good Things in Life* (adorned, as many of his albums are, with one of his own primitive-style paintings), confirms the wisdom of letting him follow his well-tried approach. Vocally, Bennett sounds like a rather reedy clarinet next to the French-horn sound of the older crooners, but he compensates for this with a cunning sense of phrasing that has made him a favorite of many musicians (among those who have happily accompanied him are Count Basie, Woody Herman and Duke Ellington). On a ballad like *It Was You,* he has a knack of letting the song rise lazily above him like cigar smoke. On standards like *Mimi* and *End of a Love Affair,* he is in the jazzy, hold-your-hat tradition. No less an authority than Frank Sinatra once called him the best singer in the business—and now that Sinatra has retired, he may well be. "He's the singer who gets across what the composer has in mind, and probably a little more," said the Voice.

Big Boost. Born Antonio Benedetto 46 years ago, the son of Italian immigrants, Bennett grew up in a slum in New York City. One of his first professional bookings was as a singing waiter in a tough Italian restaurant on the Queens waterfront. "When the customers asked for a song, you knew it or else," he recalls. After a stint (1944–47) with the infantry in Germany, Bennett studied drama and music at New York's American Theater Wing. In 1950 he got a one-week engagement warming up the crowd for Pearl Bailey in Greenwich Village. When the week was over, Bailey told the manager: "Keep that boy on. I like the way he sings."

Soon afterward, Bob Hope took Tony along on a tour. Bennett recorded his first single for Columbia—*Boulevard of Broken Dreams*, which sold 500,000 copies, phenomenal for a new artist. Next came a string of million-sellers like *Because of You* and *Cold. Cold Heart*, and then near oblivion as Elvis Presley and his fellow rock 'n' rollers swept everybody under. But Bennett had staying power. In 1962, he surfaced again with *I Left My Heart in San Francisco*. "That song is the greatest boost that city ever had," he says.

It hasn't been bad for Bennett either. Partly as a result of it, he now maintains lavish apartments in both New York and London, and has the dubious distinction of being able to pay his first wife more in alimony and child support than most men make: $92,500 per year. Now that rock has lost its hard core, Bennett can afford to crow a bit over having outlasted Simon and Garfunkel and the Beatles. As he puts it: "The pros always come back."

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## IS APOLLO OVER?

## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. TEAGUE of Texas. Mr. Speaker, in the December issue of Air Line Pilot Mr. Marty Martinez reviews the accomplishments of the Apollo lunar missions and discusses the Skylab program to take place in 1973. Mr. Martinez then points out the United States and Soviet rendezvous and docking mission planned for 1975 is a legacy of the Apollo program. It is the hardware which will provide a limited number of manned space flight missions during the early and mid 1970's. Mr. Martinez grasps the importance of the maintenance of this capability and skill so that later in the decade the United States will not have to start over again to build an adequate space capability. I commend the reading of this significant article to my colleagues and the general public:

### IS APOLLO OVER?

(By Marty Martinez)

When Apollo 17 burns its way into the night sky on America's last manned lunar exploration mission on Dec. 6, few, if any, of the thousands of people who watch the majestic sight will relate it to the Dec. 17, 1903, Wright Brothers' feat that opened the era of manned flight.

Perhaps that's the way it should be, for progress from great achievements doesn't occur on the hands of a still clock. Accordingly, Apollo, too, will in time be relegated to the shadows of history.

But for now, Apollo basks in public glory for its deed of ushering in the age of manned space travel.

Its final moon mission will add to the stockpile of information generated by previous flights. In all, the 12-year lunar exploration program will have contributed more to man's knowledge of the origins of the earth and the solar system than centuries of theorizing and earth observations.

Flight crew for what is scheduled to be the longest Apollo flight mission (304 hours 31 minutes) is Navy Captain Eugene Cernan, flight commander; Dr. Harrison Schmitt (civilian-scientist), lunar module pilot, and Navy Commander Ron Evans, command module pilot. Cernan and Schmitt will explore the lunar surface while Evans conducts extensive scientific experiments in lunar orbit.

Unlike Apollo 16 and the preceding four Apollo lift-offs, which took place during daylight hours, the Saturn V rocket will hurtle Apollo 17 into space at 9:53 p.m. NASA officials believe that the brilliant burning rocket trail may be visible over an area three times the size of Texas.

At lift-off from its Cape Kennedy launch pad, Apollo 17's light level will be equivalent to the brilliance of sunlight. As it gains altitude, the radius of visibility will gradually be widened to a maximum of 500 miles at about 2.5 minutes after launch. It will then be 42 miles high.

Under perfect viewing conditions, the area of visibility will extend to Charlotte, N.C., on the north; Pensacola, Fla., to the west and Cuba to the south.

Apollo 17's lunar landing site is a mountain highland and valley lowland region designated Taurus-Littrow for the Taurus Mountains and the crater Littrow which lie to the north of the landing point. When viewing the moon from earth, the site is about 20 degrees north and 30 degrees east of the moon's center.

Samples taken from the steepsided mountains are expected to provide material older in age and different in composition than that returned by Apollo flights 14 and 15 from the Mare Imbrium basin, which scientists determined was formed 3.9-billion years ago. From the valleys between the mountains, samples of what is believed to be explosively produced volcanic ash will help determine if the moon has been thermally inactive for the last 3.2-billion years.

Additionally, geologists believe the ash to be among the moon's youngest lunar volcanics and that the material may give the first good sample of the deep lunar interior.

Apollo 17 moonwalkers will also deploy an advanced Apollo Lunar Surface Experiments Package containing a heat-flow experiment as well as four new experiments. Among them is the tidal gravimeter to study both the response of the moon to the earth's tidal pull, and its response to gravity waves, should they exist. Two other experiments include a mass spectrometer to measure the constituents of the lunar atmosphere, a lunar ejecta and meteorites experiment to determine the frequency and energy of the small meteorites and their ejecta, which constantly impact and modify the moon.

A significant addition to the lunar roving vehicle (LRV) to be used on this flight is a traverse gravimeter that will measure variations in subsurface structure and furnish data on whether the Taurus Mountains have deep roots or are merely deposits on a uniform subsurface. The LRV will also carry a surface electrical-properties experiment to measure physical properties of the lunar interior down to about one kilometer in depth. Underground water, if it exists, will also be detectable.

Three new experiments have been added to Apollo 17's orbital science payload. The first is a pulsed radar sounder that can identify electrical properties and layering of the lunar crust overflown by the spacecraft. The second, an infrared scanning radiometer, will provide a high resolution thermal map of portions of the moon. The third, a far-ultraviolet spectrometer, will measure the compositional and density variation of the lunar atmosphere.

Apollo's return trip begins Dec. 14 with lunar lift-off scheduled for 5:56 p.m. During the return flight, Evans will maneuver outside the spacecraft to retrieve film at about 2:33 p.m., Dec. 17, just a few hours beyond the exact time 69 years ago that Orville Wright made the world's first free, controlled and sustained flight. Apollo will splashdown in the Pacific Ocean on Dec. 19.

While that will signal the end of its moon missions, Apollo follow-ons will continue to traverse space, only from a point much nearer earth. They will provide part of the technology leading to the coming near-earth orbiting Skylab and the "commuter" flights between the space platform and earth.

The first Skylab, scheduled for launch on April 30, 1973, is an expermiental space station to conduct scientific, technological and biomedical investigations. The orbital workshop will be adapted from the third stage of Apollo's Saturn rocket system. The S-IVB will be transformed from a fueled rocket system to the living and working quarters for the lab's crew. Likewise, the Apollo command and service module that now carries the astronauts to the moon will be used to ferry the crewmen to the space station and return them to earth.

Overall, the initial phases of the Skylab program calls for three manned missions to the lab over an eight-month period. The first will last up to 28 days, the second and third 56 days each. The crews will consist of three astronauts each. They will conduct over 50 experiments. Among the areas to be probed is man's adaptability to prolonged space flight.

The orbital workshop will be the largest and most comfortable spacecraft yet put into earth orbit by NASA—10,000 cubic feet of space divided into two levels. Its interior is as much like home—as habitable—as designers and engineers could make it for the strange environment of weightless space.

The crew's quartes are divided into a sleep compartment, a wardroom, a waste management compartment and a work-experiment area. Specially placed handrails on the walls and ceiling will aid movement as the astronauts float in the weighted environment. Temperature is expected to be kept at about 70° F. Overall the workshop is 21 feet in diameter and 7-feet high. Food, water and clothing supplies for all nine astronauts in the three Skylab missions will be stored in the workshops.

Evaluations of the size and arrangement of the crew quarters, the food and waste-management systems, sleep-station design and placement and personal-hygiene equipment will be made for the NASA Manned Spacecraft Center in Houston.

As a bicycle shop served as the creation bed for the flight that broke man's bond to earth, the SkyLab will lay the groundwork for more permanent space stations and for the years-long manned missions to other planets.

Beyond the 1973 SkyLab program will be the U.S. half of the joint U.S.-Soviet manned spacecraft link-up scheduled for 1975.

Plans for this unprecedented venture began in October 1970 and were consummated May 24 with a space agreement signed by President Nixon and Premier Kosygin. During the mission, an American Apollo spacecraft will rendezvous and dock with a Soviet Soyuz spacecraft. During the docked operations, Soviet cosmonauts and U.S. astronauts will visit the spacecraft of the other nation by transferring through a docking module joining the two craft. A major purpose of the mission is to demonstrate systems that will permit the docking of any future manned spacecraft of either nation in earth orbit.

The U.S. spacecraft to be used for the space link-up was manufactured and checked out for the Apollo program. It is presently labeled "left-over hardware." Modifications it will require include additional propellants for the reaction control systems, heaters for thermal control, and incorporation of a new system called the docking module.

The module is a cylindrical structure, about five feet in diameter and ten feet in length. It will serve as an airlock for the internal transfer of crewmen between the different atmospheres of the two spacecraft. On its forward end will be a new peripheral, universal docking device which is being designed by the two nations.

Present plans call for the Apollo launch to precede the Soyuz liftoff by some 7½ hours. Following the launching of the Apollo spacecraft on a Saturn B from Cape Kennedy, the vehicle will enter a low-earth orbit of about 110 nautical miles on a plane of 51.6 degrees. Once the separation from the second Saturn stage occurs, Apollo will turn, dock and extract the docking module, internally mounted in the adapter area, in much the same manner as the lunar module will be extracted on the Apollo 17 flight.

Once the Soyuz spacecraft is in its 145-nautical mile orbit, Apollo will begin its rendezvous sequence striving for link-up within one or two days.

After docking, one of the three American astronauts will visit the two-man Soyuz first, entering through the docking module and carrying voice communications and a television camera. Following the visit, an American astronaut will accompany a Soviet cosmonaut back to the Apollo. The return visit will require an intermediate stop of two hours in the docking module so both crewmen can perform necessary oxygen prebreathing to go safely to the lower-operating pressure of Apollo.

After separation, it is expected that Apollo will stay in space an additional 10 days performing experiments.

The benefits expected to accrue from this first U.S.-Soviet space venture include increased rescue capability of astronauts-cosmonauts in distress without increased costs of standby rescue capability for either nation; the potential for further joint space activity that would enhance the benefits of space exploration to a greater degree than would separate programs, and, for the U.S., the joint mission provides a way by which it can continue manned space flight.

A NASA spokesman has said that without the joint test, there would be no U.S. manned space flight between the last Skylab flight in 1973 and the first Space Shuttle mission in 1978.

So, while manned-lunar exploration may end with Apollo 17's splashdown, its technology and equipment will continue into the mid-70s.

Truly, Apollo may be over, but it's not out.

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## RUNAWAY YOUTH

## HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. KEATING. Mr. Speaker, today I am reintroducing a bill to provide assistance to local and State governments for the growing need of runaway youth. In the December 25, 1972, issue of Time, it was stated that there are more than 500,000 runaways each year. In all too many cases, the child has cause to run away. Their reasons for fleeing range from cruelty, neglect, and indifference to unwanted pregnancy and school failure. The vast majority of these young people are looking for a place where they can receive professional help and an alternative to a life on the streets of drugs, prostitution, and crime.

They run mainly to the big cities, though "back to nature" communes of runaways can be found in western Massachusetts, Hawaii, and Arizona. Most return home after a 3-day absence, but others are gone for weeks and even months.

In the larger cities, runaways often find that the escape from home is a road to drugs, prostitution, and tragedy.

Many of us have encountered young panhandlers, literally begging for food.

More hidden from our view are those runaways who turn to dope peddling, stealing, and prostitution as a means of subsistence.

New York City police report the case of five men and eight women accused of raping and torturing four runaway girls until the girls agreed to join their prostitution ring.

Miami authorities cite the average age of prostitutes in the area—18 years—as evidence of the growing number of young runaways using sex as their occupation.

Charles Manson offered shelter and food to runaways, bringing them into his family.

The drug addiction, crime, and death associated with today's runaway phenomenon is something that runaway youth seldom realize awaits them, but they find this life when on the run.

Government cannot legislate family life or make it decent and fulfilling for youth or parents.

It can and must insure, however, that, once a youth has run away, he has a place to turn for shelter, for care, for help.

If we do not provide such a place, runaway youth will continue to wind up in prostitution and dope-peddling rings, and filthy, disease-ridden, sometimes deadly environments.

We cannot leave runaway youth with only this latter choice.

The parents of a runaway can call the local police, request descriptions be sent to other police departments, hire private investigators, or search themselves.

Grants under title I would be made through the LEAA to States and localities which want to strengthen their reporting and locating services for the parents of runaway youth.

Funding improvements in this area is clearly a Federal responsibility, since the phenomenon of runaway youth is interstate in character, and certain areas of the country are disproportionately visited by runaways.

The runaway houses proposed to be funded in this bill will provide shelter, counseling, medical help if needed, and a means of working out the problems that lie behind the youth's felt need to leave home.

Such houses could follow the lead of such established places as Huckleberry House in San Francisco, the Bridge in Minneapolis, and Runaway House in Washington, D.C. Only the bare requirements of shelter and welcome would be provided.

The houses would be required to contact an entering youth's parents within 36 hours of entrance, and respect the rights of parents according to the law in the parents' jurisdiction. They would also provide medical aid on at least a referral basis and contact proper authorities to determine whether a youth is being held by law enforcement authorities within 48 hours of entrance.

Grants would be made to existing houses to strengthen their activities on such considerations as their success in attracting and aiding youth.

Proposed facilities could be funded if other sources of money were limited and the area needed such a facility. Small grants would be appropriate for these facilities.

Runaway houses would not be havens from family life, but bridges back to a decent, understanding homelife.

Our investment in such facilities can be investment toward a better family understanding and against drug addiction, crime, and broken homes.

The bill provides funds for family counseling services even after the child has left the facility, to help alleviate the home problems that may have been behind the child's running away.

The funds we spend here will be high velocity in character—providing bare essentials for what is essential—providing runaway youth with an alternative to life of drug peddling, prostitution, panhandling, filth, and disease.

Runaway houses can only deal with problems occurring after a youth has run away.

We must think of measures to deal with the causes of the runaway phenomenon.

Thus, the bill charges the Secretary of Health, Education, and Welfare to develop a program directed toward reducing the number of runaway children and solving problems associated with runaway youth. Ideas such as family counseling and temporary group foster homes should be explored and the proper Federal role should be outlined.

This bill is an approach to solving the problems associated with runaway youth.

Others may have different views on the precise approach to take in this regard, and I hope that promptly held hearings will reveal the best method of dealing with these problems.

This bill is a call to action and a blueprint for discussion.

Let us agree on one thing—the problems deserve quick attention and solution.

The coming months will see new waves of young persons running away from home. Should we stand back and watch? Or will we help?

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## HOUSE RULES CHAIRMAN FAVORS FLOOR AMENDMENTS TO TAX BILLS

## HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. VANIK. Mr. Speaker. One of the most important issues which will be debated in the 93d Congress is the question of tax reform. The Ways and Means Committee will soon begin what will undoubtedly be lengthy and thorough hearings into the entire range of tax preferences.

It is, therefore, with a great deal of pleasure that I read the following article which was printed in the New York Times of January 9, 1973. The article, entitled "House Rules Chairman Favors Floor Amendments to Tax Bills," describes an interview with the new chairman of the House Rules Committee, our distinguished colleague from Indiana, (Mr. MADDEN). Once again, Congressman MADDEN has demonstrated his longstanding and deep commitment to reform and democracy in the House. In the article, he stated that we would resist any attempt by the Ways and Means Committee to obtain a closed rule on tax bills. The chairman indicated his support of modified open rules or completely open rules as a means of giving the other 410 Members of the House a chance to participate in these Ways and Means bills—often the most important bills considered by the Congress in any given year.

Mr. Speaker, I would like to include at this point the article about the distinguished chairman. I hope that this will be one of the first steps toward the passage of major tax reform legislation by the 93d Congress:

HOUSE RULES CHAIRMAN FAVORS FLOOR AMENDMENTS TO TAX BILLS

(By James M. Naughton)

WASHINGTON, January 8.—The new chairman of the House Rules Committee declared today that he would try to assure that tax proposals be subject to amendment on the House floor.

Representative Ray J. Madden, Democrat of Indiana, said that he would resist any attempt by the House Ways and Means Committee, which initiates tax legislation, to obtain a "closed rule" on tax bills.

Under a closed rule, House members are limited to voting approval or disapproval of an entire bill, whether or not they agree with all its provisions. Under Representative Wilbur D. Mills, Democrat of Arkansas, the Ways and Means Committee has nearly always succeeded in arguing for a closed rule when tax bills are being scheduled for floor action by the Rules Committee.

"There are 435 members of the House of Representatives and 25 members of the Ways and Means Committee," Mr. Madden said in an interview. "What this means is that 410 members don't have a damned thing to say about taxes."

IMPACT WOULD BE WIDE

If Mr. Madden is successful in modifying the closed rule, it could be one of the most significant internal reforms to be undertaken in Congress this year.

Mr. Mills and his supporters have argued that tax matters are too complicated to be subject to amendment on the House floor. Mr. Madden and others have countered that it is undemocratic to deny most members any role in determining the shape of tax legislation.

Mr. Madden, who will be 81 years old next month, has seldom prevailed with his argument in the Rules Committee, which has been chaired by a succession of Southern conservatives. The Indiana Congressman, considered a liberal on most issues, succeeded Representative William M. Colmer of Mississippi, who did not seek re-election, as the Rules chairman.

The new chairman still must win approval of the full Rules Committee for a modification of the closed rule on tax issues, but his accession to the chairmanship after 22 years on the committee and 30 in the House could add to his persuasive powers.

"I don't want to be autocratic about anything and I don't want to reform anything," Mr. Madden said. "All I want to do is be sympathetic to these poor fellows when a bill comes on the floor and they can't do a damned thing about it."

Depending on the bill involved, Mr. Madden said, there could either be an open rule, permitting a variety of amendments, or a "modified open rule." One compromise that has been discussed is to at least permit the members to vote on the floor on each section of a tax bill, rather than limiting them to a single vote on the entire measure.

Mr. Madden also pledged to avoid the tendency among some of his predecessors to become a final arbiter of what legislation the House ought to adopt. The Rules Committee determines how, when and, in occasional cases, whether—a bill will be debated on the floor.

According to Mr. Madden, in a Democratic Congress such as the 93d, the party's proposals should be assured of access to the House floor. He said he regarded the Rules Committee as "really an arm of the party."

At the same time, he said, that he would not attempt to use what one chairman, half a century ago, called "absolute obstructive power" to keep bills he personally disliked from reaching the floor.

"Let the people vote," Mr. Madden said. "That's what they're sent in here for."

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## TRIBUTE TO HARRY S TRUMAN

# HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ANDERSON of California. Mr. Speaker, the Honorable Harry S Truman, the 33d President of the United States, will be remembered by all of us as a man of forthrightness and integrity—a man of vision and action.

When in April 1945, the death of President Franklin Roosevelt thrust him into the Presidency, he met the challenges of some of the most critical moments in our history with courageous and inspired leadership. He will be remembered for his historic role in the restoration and reconstruction of the war-shattered Europe, the development of the Marshall plan and NATO, the Truman Doctrine in Greece and Turkey, the Berlin airlift, and his support for the United Nations.

In addition, President Truman's great sense of justice led to his momentous decision at 6:11 p.m. on May 14, 1948, to declare:

> The White House announced de facto recognition of the provisional government of Israel.

Later, on January 31, 1949, after Israel repelled the attacks of the Arab states and had elected Dr. Chaim Weizmann President, President Truman recognized the Israel nation de jure.

Truly a "man of the people," President Truman was humble, yet proud, and he held a deep respect for the office he held and for the people he served.

I first got to know President Truman well during the 1948 campaign. Being Democratic chairman of Los Angeles County that year, I was automatically made chairman of the Truman campaign since there was not very much competition for the spot anyway.

I raised the finance for a million mailout, and was later told it was the largest single Truman-Barkley mailing piece west of the Mississippi.

Whenever President Truman would come to the west coast, he would try to see as many of the grassroots people as his schedule would allow.

I remember one time in San Francisco at the Fairmont Hotel, he had two of us brought into his room, and for 45 minutes, we talked. He asked questions—and seemed appreciative of our ideas—and I know that I for one went away with the feeling that here was a man who had the world's problems on his shoulders as a President, yet worked to maintain both of his feet on the ground.

Mr. Speaker, because of the leadership, vision, and courage of President Truman, the world today is a better and safer place—and future generations will be in his debt.

With great affection and respect, Mrs. Anderson joins me in paying homage to the memory of President Truman and in sending our sympathies to his beloved wife and daughter.

He was indeed a good man who became a great President.

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## HON. GERALD R. FORD SPEAKS BEFORE THE MARITIME TRADE DEPARTMENT, AFL-CIO

# HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. CLARK. Mr. Speaker, yesterday our distinguished Minority Leader Gerald R. Ford spoke before the Maritime Trades Department, AFL-CIO, concerning the problems facing the Nation's maritime industry and the merchant marine.

I am delighted and honored to commend the speech to the attention of my colleagues without further comment:

REMARKS BY REPRESENTATIVE GERALD R. FORD, REPUBLICAN OF MICHIGAN, REPUBLICAN LEADER, U.S. HOUSE OF REPRESENTATIVES BEFORE THE MARITIME TRADES DEPARTMENT, AFL-CIO

It has been just over a year since I last appeared before this audience to discuss some of the problems facing the nation's maritime industry and merchant marine.

Now it is time to take stock again—to render an accounting of how the Administration and the nation have moved against these problems.

It is an accounting of solid achievements—an accounting which shows that we, as a nation, have finally and truly faced up to the fact that the United States no longer is the world's Number One maritime power. And it is an accounting which shows us ready to "turnaround" and move forward to regain our former maritime stature.

First of all, we must remember the instrument which helped us get started on this turnaround—the Merchant Marine Act of 1970. As you well know, the Act has a double purpose: first, to bring back to our nation a strong and profitable maritime industry and, second, to develop a merchant fleet second to none in the world.

In fiscal year 1971, under terms of this law, subsidized shipbuilding and conversion contracts awarded exceeded $390 million—a record high but still short of the Act's stated goals. We wanted to start work on 19 new ships in fiscal '71. We settled, instead, for contract awards for nine new vessels.

The picture has changed now. In fiscal 1972, construction differential subsidy contracts under the Merchant Marine Act of 1970 call for building 21 new ships.

A year ago I told this audience that American shipyards are crossing the threshold to one of the largest commercial shipbuilding markets in the industry's peacetime history.

That prediction has held up. Today, thanks to the Merchant Marine Act of 1970, we have more tonnage on the ways or on order than at any time since World War II.

I think that is a proud accomplishment and a solid step toward rebuilding our merchant fleet and our maritime industry. The investment for both fiscal 1971 and 1972 amounts to well over one billion dollars—and that's a healthy boost—not just for the maritime industry but for the nation's total economy.

The construction of this new and technologically-advanced fleet is highly important if we are to return to a top ranking position as a maritime power. I might point out here that the Soviet Union—which has been building its fleet for many years—now ranks fifth in the world, finally overtaking the United States, which ranks seventh.

While I believe that it is something of a mistake to get into any kind of a numbers race with the Soviet Union or with any nation, for that matter, I do think that the numbers give us a firm indication of how badly we have slipped, of how our capabilities to conduct world trade have declined in the period since World War II.

Now, with the Merchant Marine Act of 1970 beginning to take hold, with sleek new ships on the ways and on the planning board, our capabilities must increase to enhance our world trade position.

I think we have taken solid steps toward the goals which the Administration has set. But the accomplishments do not end there. There are new prospects for us to consider—including the important principle of bilateralism embraced in the recent trade agreement with Russia.

This pact guarantees that one-third of all the cargoes between the United States and the U.S.S.R. will be reserved for American-flag ships.

It is, as Robert J. Blackwell, the assistant Secretary of Commerce for Maritime Affairs, put it—quote—an indispensable first step in the beginning of a new era of expanded commerce with the Soviet Union—unquote.

This principle of bilateralism may be relatively new to us as a nation, but it is a well-tested, well-defined principle among other nations who make bilateral demands in all of their trade agreements.

For instance, Peru and India have signed a trade pact whereby the parties encourage contracts under which 50 per cent of the cargo generated will be carried by national flag ships.

Argentina demands that all imports and exports of government agencies—as well as all products manufactured with the help of government financing—be carried by ships of the Argentine fleet.

France, too, demands that two-thirds of all oil imports be brought to their shores by tankers flying the French flag.

I could cite many other examples of this principle in action. It is, as I said, a well-used, well-defined principle.

Now, facing up to the realities of its maritime position and facing up to the realities of its position in the world of trade, the United States embraces the principle of bilateralism. And the significance of this action is clear. We have as a nation recognized the fact that we must change our maritime policies if the merchant fleet—an important arm of our overall trade program—is to survive.

So, in the year just passed, we have set a new trade policy for the nation—bilateralism—and the first U.S.-flag ships already have been unloaded in the Soviet port of Odessa. Others are on the way.

All of this adds up to another move in the effort to turn the maritime industry around. And it is another important accomplishment in the parade of progress of the past year.

There are other accomplishments I can point to. For example, the National Maritime Council, founded under the auspices of the Maritime Administration, celebrated its first anniversary a short while back.

In spite of the nay-sayers and the skeptics, this group of labor, business and government representatives continues busy at the job of promoting cargo for the U.S.-flag fleet.

The Council has succeeded admirably in another important mission—that of creating an awareness in the shipping community that the use of the U.S.-flag fleet fulfills many urgent needs—contributing to the national security and defense, helping the balance of payments picture, and bolstering the economy through the creation of more maritime jobs.

Another accomplishment over the past year is the new attention paid to the nation's fourth seacoast—our inland waterways.

For the first time a Domestic Shipping Conference was held to create closer ties between the industry and the government.

Delegates to this unprecedented meeting in St. Louis asked the Maritime Administration for important new studies in a number of key problem areas. Specifically, delegates asked for studies of shipbuilding subsidies, insurance coverage, streamlining of overlapping regulations, and port and harbor facilities—and the studies are underway.

In addition to these accomplishments, I think we should note the Administration's move to upgrade the role of trade and commerce in the workings and deliberations of the U.S. Department of State

A new office of Undersecretary of State for Economic Affairs has been established with the mission of examining the totality of our relations with other countries. This should include all aspects of economic trade and bilateralism as well as other diplomatic considerations.

Frankly, I think this sort of overview is exactly what we need at this point in time, for forecasts indicate that U.S. foreign trade tonnage will more than double over the next seven or eight years.

Upgrading the Economic Affairs Office in the Department of State is a step toward giving us the type of total picture we need in order to plan for this massive trade expansion.

These are some of the accomplishments of the past year—and they are accomplishments, not merely promises. But we cannot relax now. There is much more to be done.

The nation faces a massive energy crisis and the maritime industry is inextricably linked to the solving of that crisis.

By the mid-1980's, foreign imports will account for at least two-thirds of our petroleum supplies. This means that the world tanker fleet—the world fleet, mind you—must be doubled.

There are new tankers now on the ways; others are in the planning stages; but we still have a long way to go.

Today, some sections of the nation are facing natural gas shortages. Predictions indicate that the problem will spread. One solution is the importation of liquefied natural gas.

It is estimated that as many as 80 LNG tankers will be needed to fulfill our needs for natural gas. Contracts already have been awarded for six of these tankers to be constructed in U.S. shipyards and to fly the American flag. The potential here is nowhere close to being realized.

Another area of great potential for the maritime industry lies in the massive oil fields of Alaska. A decision on how to get that oil to the mainland is pending in the courts. A decision to link the North Slope fields with the port of Valdez would have two results—help to solve our energy crisis and open new markets for the maritime industry and our merchant fleet.

We have made considerable progress in the past year. We have a long way to go. There are still obstacles to overcome. But this Administration is providing the type of leadership—and the type of far-reaching programs—which will help us to rebuild our maritime industry, our merchant fleet and our position on the seas.

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## HARRY S TRUMAN

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, the December 27 edition of the Jersey Journal carried an exemplary editorial memorializing the great career of President Harry S Truman. The editorial, written by Jersey Journal executive editor Eugene Farrell eloquently eulogizes our late President.

Mr. Speaker, I am pleased to associate myself with the Jersey Journal's editorial and insert it into the CONGRESSIONAL RECORD. The editorial follows:

HARRY S TRUMAN

When Harry Truman moved into the presidency the whole country was sorry for him and worried about itself. We were at war. We had had a brilliant leader for 13 years in Franklin Roosevelt. He had fought a depression which crushed all the country. He had foreseen the evil represented by Adolf Hitler and Nazism. He had rallied the country from the terrible sneak blow at Pearl Harbor. He was our nearest thing to an indispensable man since Washington and Lincoln. In an instant his place was to be taken by a man projected into the vice presidency via the Senate by a boss-ridden Missouri political machine not unlike our own Frank Hague's. Neither Harry Truman's nor the country's prospects looked good on April 12, 1945.

But HST made good by growing quickly into the world's biggest job. He just applied some country-boy common sense and a Middle American rectitude.

He ended the Pacific war with the atom bomb, convinced that otherwise only an invasion of the main Japanese islands could end that war at a cost of thousands of American lives. The atom's scourge was visited upon Japan in accordance with the accepted military rule that to save one life on our side is worth sacrificing any number of lives on the other side. In spite of the moralizing that has gone on since, HST never backed down from that.

His other major decision was to fight a half-war in Korea, firing Gen. MacArthur to do so. Like the first, it was highly controversial. Truman, a mere artillery captain in World War I, overruled the greatest American military mind since Robert E. Lee. The controversy was heightened by an element of personal pique. MacArthur could not disguise his contempt for Harry Truman and so he decided to make national policy. But HST was the President of the United States, the commander-in-chief all generals must obey. MacArthur stayed fired and HST never backed down from that decision, either.

Whether Truman was right about fighting half-wars never will be known. It is hard to believe there would have been a Vietnam without his precedent in Korea. Yet, only history can decide whether all-out war, half-war or no war would have been best.

Unhesitatingly, Harry Truman stood up against Communist grabbing in every corner of the world. He helped the Greeks and Turks beat off communism and broke the Berlin blockade. He also presided at the foundation of the United Nations and he launched the Marshall foreign aid plan to lift up the countries broken by World War II.

All in all, it was quite a performance for a peppery little man catapulted into one of history's greatest crises in a job for which there can be no preparation.

A characteristic of Harry Truman's years in the White House was his reverence for the office of the presidency. He never confused the man Harry Truman with the President Harry Truman. In this respect he was quite unlike either his predecessor or his successor. Franklin Roosevelt accepted the presidency as a necessary tool to fashion the things FDR, the man, thought the country needed. Dwight D. Eisenhower accepted the presidency almost as a kind of semi-retirement job for one who had done greater things; there was not height in his administration to compare with D-Day.

But to Truman, the presidency was a great office to which the man, who happened to be in it, must subordinate himself. He exercised the powers of the presidency decisively, yet with humility—less interested in Harry Truman's place in history than in the 33d presidency's carrying forward the work started by the first.

When historians have finished arguing over the correctness of his vision as he looked into terribly complex and obscured problems, the lasting memory of HST will be that of a courageous man, ill-prepared for formidable difficulties, bravely tackling what had to be done and bringing off success by clinging to the homely virtues.

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## DICKINSON COLLEGE PROBES INTO THE NATURE OF OUR CIVILIZATION

### HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. GOODLING. Mr. Speaker, I have the privilege of representing one of the most progressive congressional districts in the United States. Some evidence of this is to be found in the realization that Dickinson College, located in Carlisle, Pa., and my congressional district, has resorted to a unique activity to probe into the nature of our civilization.

As reported in the January 13, 1973, issue of the National Observer, the Geology Department of Dickinson College is exploring the town dump, looking for evidence that will provide information on pollution, the recycling of solid wastes, and modern-day living. The geologists of this institution are finding that discards of the past provide valuable insights into our present and future.

Because of this interesting approach to gaining knowledge on our modern-day existence, I am inserting the article concerned into the CONGRESSIONAL RECORD, and commending it to the attention of my colleagues.

EDUCATIONAL GARBAGE: DUMPS YIELD SAD RECORD OF MODERN LIFE

(By Edwin A. Roberts, Jr.)

We raised our coat collars against the freezing rain and dug the heels or our shoes into the wet turf to keep from slipping and falling on the steep hillside. It was a long, difficult climb up and down one little mountain and halfway up another. But finally, after pushing through prickly bushes and after leaping across an icy stream, we reached our goal: the rarely visited upped end of the Carlisle town dump.

"Here we are," announced, Noel Potter, a geologist at Dickinson College, and he waved his hand as Balboa must have done when he first set eyes on the Pacific Ocean. "In the years to come," said Potter, "America will very likely be mining its town dumps to retrieve metals. Right now we here at Dickinson are also interested in what dumps can tell us about our civilization."

Potter and some of his colleagues are so interested in this pursuit that they take students to local dumping grounds to root about in mountains of garbage and trash. "Thus far we have only been using shovels and a prying bar," explains Potter, "so we haven't been able to get very deep. But we have hopes that this coming spring we can arrange to have a backhoe dig us a trench at a dump on college property not far from here. The area used to be a farm, and then years ago the college took it over and used part of it for the disposal of waste materials. We prefer to work in the college dump because we don't want to alarm Carlisle officials by digging here in the old borough dump."

The old borough dump was closed last spring when it was filled to capacity. Carlisle's refuse is now hauled to nearly Shippensburg, where it is incinerated. "Carlisle officials worry about liability and insurance when students are roaming about the borough dump," says Potter.

The geologist, together with physicist Priscilla Laws, a chemist, and a biologist, teaches a popular course in environmental sciences. The course includes field trips to a dump to examine the environmental effects of great piles of solid waste.

ROT RESISTERS

"The students can see for themselves what happens when rain water seeps through refuge and emerges as a brown liquid at the bottom of the heap," says Potter. "The liquid is brown because of the rusting iron, and this liquid, called leachate, runs into nearby brooks and streams and pollutes them."

Potter's students also discover that many materials thought to be highly degradable have shown an extraordinary resistance to rot. "Newspapers that are 10 years old have been found," observes the geologist, "and they are still in good-enough shape to be read. This is significant because paper makes up most of a communuity's solid waste."

Carlisle is situated in the Great Valley, a long topographical indentation that includes the Shenandoah Valley in Virginia and the Cumberland Valley here in the Harrisburg area. The valley is loaded with limestone, a rock notable for the ease with which water tunnels through it.

LONG-DISTANCE MOVERS

"The holes in the limestone are just like pipes," says Potter, "and because of this the leachate can travel long distances to pollute faraway water resources."

The geologist believes that a dumping ground is a versatile classroom. Along with demonstrating environmental hazards, a dump is a record of recent civilization, he says, and, it may one day be considered a valuable storehouse of minerals.

"Archeologists might not appreciate my saying so," comments Potter, "but their business is to dig through the trash of other civilizations. And we can employ similar techniques in studying our recent past. Just using a shovel and a pry bar we have gotten deep enough to find non-aluminum cans and old, returnable pop bottles. Some of the students have even returned these bottles for their deposits.

"We don't find many of the old glass milk bottles, of course, because such bottles were returned to the milkman. And there were plenty of old paint cans and stacks of mattresses."

Why so many mattresses?

CHARACTER READING

"Well," replies Potter, "there was a crazy fad at Dickinson when all the students decided to keep pets in their rooms. Dogs and cats and things. This caused a terrible flea problem—one half of one dorm was completely infested, and all the mattresses had to be replaced. Now the college permits no furry or feathery pets. If a student wants to keep a goldfish, that's all right."

One of Potter's teaching techniques is to ask students to deduce from the trash heap the character of contemporary civilization. The students are directed to try to forget what they know about modern American life and to draw inferences about that life from the rubbish.

"So many cans and bottles," explains Potter, "might suggest to an archeologist 2,000 years from now that America's water was undrinkable. The complex packaging of our times—a bottle placed in a box that is wrapped in cellophane, for instance—might suggest a national fetish for covering things up."

STATUS SYMBOLS

"Consider all our junked automobiles. It might be deduced that Americans of our time were incapable of transporting themselves except by vehicles with motors. From the same evidence it might also be deduced that the automobiles were poorly made, because they didn't seem to last very long. And beyond that there is the keep-up-with-the-Joneses mentality that is apparent at the dump. Conspicuous consumption is obvious. The status symbols are identifiable. Remember that anthropologists and archeologists study hierarchies as they uncover the artifacts of ancient civilizations."

But Potter seems to be most interested in the dump as a future mineral mine. He thinks that by the 980s and 1990s the nation will be forced to reclaim some of the metals in the trash pile.

"The United States is almost all out of manganese, chromium, nickel, and tin," says Potter. "We have a fair amount of copper, but there are larger high-grade deposits abroad. And this brings up a question: Is it wise to depend upon foreign stocks of these metals? We know that world events could make some of these resources inaccessible to us. But even aside from that, should it be American policy to deplete the reserves of developing countries?

"There is just a limited supply of these metals, and the U.S. is using them up faster than developing countries can use them. Many people think most countries will never attain the standard of living of America and that perhaps we will have to lower our standard of living to decrease our use of mineral resources.

"Of course, there are still problems in the details of recycling discarded metals, but we know the basic techniques."

THE TOUGH JOB

Potter says that the processes by which such metals can be retrieved include magnetic separation, putting them in a solution in which some float and some sink, and simply sorting the metallic castoffs according to size.

"After incineration, which reduces the trash bulk by 90 per cent, what you have left is about 30 per cent metallic. The tough job comes when you try to separate alloys and metals coated with other metals, like chromium-coated steel auto bumpers. And how about all that copper wiring in cars. Perhaps manufacturers could install the wiring so that when a car is junked, the valuable copper wiring could be removed more easily before the car is squashed and melted down. It would greatly simplify things if you could just yank out the whole pile of spaghetti."

On the walk back from the dump, Potter picked up an old soda-pop can that was of well-rusted steel except for the unmarked aluminum top. "You can see what we have been talking about right in this can. The iron rusts and winds up in that brown stream over there. The aluminum will be intact for decades. When we think of our solid wastes, we must think of pollution, eventual recycling, and what the trash tells us about the way we live."

## GRAND JURIES AND THE GREAT RACIAL GAP

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. WALDIE. Mr. Speaker, today, I would like to bring to your attention an article concerning racial balance and representation in the selection of members of grand juries. As the new year begins, it is my hope that more equity will be demonstrated in this process. This will not only help to create better community relations, but will also demonstrate to our minority populations that we are striving to uphold the constitutional position that defendants are entitled to be tried by members of their own peer group.

Mr. Speaker, I would like to bring to the attention of my colleagues an excellent article appearing in the Los Angeles Times of January 3, 1973, written by Alicia Sandoval, which deals with this matter.

The article follows:

### GRAND JURIES AND THE GREAT RACIAL GAP

(By Alicia Sandoval)

This is the day when a drawing is held to select the 23 members of the 1973 Los Angeles County Grand Jury—and its racial imbalance is already assured.

The 1972 jury was similarly unrepresentative—out of 23 jurors, only one was Mexican-American (Frank C. Morales of Long Beach, who had served on a previous grand jury). This is not even tokenism, considering that more than 18% of all county residents bear Spanish surnames.

The composition of previous grand juries has been challenged by attorneys Oscar Acosta and Herman Sillas, as well as by the Mexican-American Legal Defense Fund. Nevertheless, not one of the 40 panelists in today's drawing is Chicano or Spanish-surnamed.

Obviously, the present selection system results in racial exclusion. It begins with each Superior Court judge choosing two nominees with whom he is familiar; after that, the names of the actual jurors are drawn by lot.

Because of this nominating method, jurors seldom, if ever, have lower socioeconomic backgrounds. None of the 1972 grand jurors came from East or South-Central Los Angeles—yet it is precisely these areas that have extremely high crime rates and that usually are serviced less effectively by the kinds of public and private institutions examined by the grand jury.

The last grand jury, as the selection system makes inevitable, was top-heavy with the privileged and well-to-do. Wealthier communities of the county, such as Beverly Hills, Encino, Pasadena and Altadena, were over-represented.

How many Superior Court judges, after all, have friends living in the barrios or ghettos of Los Angeles County whom they might care to nominate? It only stands to reason that judges would—and, in fact, do—choose nominees from their own peer group who share a common value system and political viewpoint.

Everyone wants to improve police-community relations and restore respect for law and order in the Chicano and black areas—especially the people who live in them. One essential step in accomplishing this is to begin including Chicanos and blacks on such important bodies as the grand jury on more than just a token basis. (There was only one black among the 1972 jurors.)

Until this happens, the credibility gap will grow ever wider between basic establishment institutions (the penal and court system, for example, and the public schools) and the people they serve. Already, several counties in California are choosing grand jury nominees from voter registration rolls—not a perfect system but surely more equitable than the one currently used in Los Angeles County.

Now that we Chicanos have increased the number of our representatives in Sacramento, let us hope that they will deal with this blatant injustice when the 1973 Legislature convenes this month.

## SALUTE TO OUTSTANDING LAW ENFORCEMENT OFFICER

## Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. MONTGOMERY. Mr. Speaker, it is with a great deal of pleasure that I rise to pay tribute to a truly outstanding law enforcement officer upon his retirement. Deputy Chief Owen W. Davis has been a credit to his profession and the Washington Metropolitan Police Department for more than 33 years. A man who rose through the ranks, he has always shown the compassion that is necessary for a man to be a policeman, but when the need arose he also exhibited the firmness necessary to maintain law and order. I became acquainted with Chief Davis during the demonstrations in our Nation's Capital and I was serving on active duty with the D.C. National Guard and he headed-up the Civil Disturbance Unit. I would like to share with my colleagues at this time the article that appeared in the Washington Post outlining Owen W. Davis' career.

### "GENTLEMEN" QUITS: BLACK FROM THE RANKS ENDS 33 YEARS ON POLICE FORCE

(By Paul W. Valentine and Alfred E. Lewis)

The portrait of Deputy Chief Owen W. Davis, a policeman's policeman for more than 33 years, glowers from its place over the mantle in Davis' home.

The hard set of the mouth contrasts with the searching, eyes, reflecting the oddly dual image of this man: Among his fellow officers, he is the soft-voiced, even-handed leader known as "Gentleman Jim." Among the ragged ranks of political demonstrators whom he often has battled on the streets as commander of the city's riot forces, he is an authoritarian terror.

Now entering retirement at 57 and looking more grizzled than his portrait painted nine years ago by Black Muslim prison inmate G. E. (8–X) Stewart, Davis says he is weary and ready to wind down a crowded career and "do nothing."

A member of the Washington metropolitan police department since April 4, 1939, Davis has served longer than any other member currently on the force and has seen the dramatic changes of the force.

As a black man, he endured the rigors and exclusions of a segregated force and a segregated city until the winds began to change in the 1950s.

Does he hold any bitterness now in retrospect?

"Hell no, none whatsoever," he said during a two-hour interview this week. "I know that sign down at the (National) Archives that says 'The Past is Prologue.' . . . There is nothing you can do to correct the past, nothing to change it."

Davis' career saw him rise, slowly at first, from among the handful of black officers on the force in 1939 to become deputy chief 31 years later in charge of the city's patrol division, the highest position ever attained by a black policeman here.

Waiting patiently from 1939 to 1953, Davis was among the first black officers to be promoted from the bottom rank of private to what was then called corporal.

He became a captain in 1964 and a year later was made commander of the old central city second precinct, the first black to head any precinct.

After the April, 1968, riots, he became first deputy commander of the newly formed civil disturbance unit (CDU) and later commander of the special operations division (SOD), embracing the CDU and several other specialized units.

It was during this period that he was so often seen leading his helmeted riot troops against either rampaging blacks along 14th Street or howling antiwar dissidents near Dupont Circle in what seemed the countless demonstrations and disruptions then convulsing the city.

If he could have his way, Davis acknowledges, he would have taken a tougher stance against demonstrators than permitted by Police Chief Jerry V. Wilson, noted for his flexibility in handling volatile situations.

" I believe in locking people up for violations of the law," he said. ". . . and I believe the best way to stop an illegal demonstration is to lock up the demonstrators—very gently, though," he added with a thin, tight smile.

Increased mass arrests and more chemical spray and tear gas, he said, would increase police efficiency in controlling unlawful crowds.

"It would not involve shooting," he added. "I don't believe in killing people . . . but I certainly believe in arresting people and I also believe in the copious use of tear gas."

Davis presided at all the city's upheavals in recent years—the Mayday disruptions in 1971, the Poor Peoples Campaign in 1968, the Watergate march in early 1970, the march on the South Vietnamese Embassy in November, 1969, the Three Sisters Bridge construction brawl in October, 1969, and the many others.

Demonstrators came to know his hulking, 250-pound, 6-foot-2 frame—made even bigger by his helmet and other riot gear—and many would shout at him by name and call him Mad Dog Davis before fleeing.

Davis moved with easy speed along the outer edge of his skirmish lines, barking terse orders, dodging incoming bottles and rocks, hurling tear gas grenades. He liked his job.

Once at the Three Sisters Bridge confrontation, when three of his officers "were almost surrounded by the demonstrators," he said, "I waded in with my bullhorn. Fortunately I didn't hit anyone . . . I would have knocked somebody's head off, too. I'm not going to let four or five demonstrators knock hell out of one of my people."

Mass arrests are the short and simple answer to unruly crowds, even if it requires suspension of the cumbersome and time-consuming paperwork of booking arrested persons, he has suggested.

He recalled for example, that by the time Chief Wilson gave his controversial order officially suspending field arrest forms during the chaotic early hours of the Mayday disruptions on May 3, 1971, the men in Davis' unit at Dupont Circle had already abandoned the forms long before on their own initiative.

Charges against thousands of Mayday demonstrators subsequently were ordered dropped by the courts because of the lack of documented proof of the charges.

For all his hardlining against antiwar demonstrators ("Yippies, hippies and crazies," he calls them), "Davis says he has come to oppose the Indochina war . . . somebody erred," he said, "and I'll be just as happy if (Henry) Kissinger pulls this (peace agreement) thing off as anything."

The vast outpouring of antiwar feeling in the last few years impressed him, he said.

"You know, this country in theory is based on the will of the majority," he said. "I was fairly convinced that perhaps the majority were opposed to the war and that the government had better take heed."

Did he ever think the demonstrations and upheavals of the antiwar movement threatened the stability of the government?

"No," he said, "there weren't enough people involved and the disorder wasn't widespread."

But, he added, "If the so-called ghetto riots had continued and spread, this would have brought us closer to anarchy than anything else . . . but not the antiwar movement."

While a believer in stringent measures against unruly mobs, Davis says he approves of the police department's tightened regulations on police use of firearms.

Rewritten after the April, 1968, riots, the regulations generally forbid the "shoot-the-looter" practice and permit officers to fire only when their own lives or the lives of other persons are endangered.

"The question is, how much is a human life worth?" he said. ". . . If a burglar walked in here and stole my brand new color television . . . I don't think it's worth killing the monkey for."

In his 33 years on the force, Davis says he has shot only one person. "It was about 20 years ago . . . a man arguing with a woman over a dollar . . . he fired two shots and missed me. I fired four times and just grazed his belly with one. Then he threw out his gun and surrendered."

In the latter years of his career as he moved into top command positions, Davis was liked, respected and obeyed by his men.

Rank-and-file officers often have talked admiringly of his gutsy toughness on the street and his even-handedness in dealing with them in private or departmental matters.

On occasion, when Davis has been reassigned to a new position, some of the men have asked to be transferred along with him in gestures of loyalty.

In the early days of his career, it was different. The handful of blacks on the force expected to lead lives of obscurity and exclusion, he said.

Black officers generally were assigned to black sections of the city and walked their beats separately, eating in black cafes or the kitchens of white restaurants, he said.

Blacks were not expected to seek promotion beyond the rank of private in the uniform patrol, although a few black officers were made detectives, he said. "Promotions in uniform were nonexistent," he said.

It was not until the 1950s, he said, with pressure from the NAACP and the after effects of the 1954 school desegregation decision of the Supreme Court that promotions and better assignments started becoming available to blacks.

Born in Elkins, W. Va., Davis came to Washington when he was about 13 and graduated from what was then called Armstrong Technical High School.

He then worked for two years in Depression-era Civilian Conservation Corps (CCC) camps in Virginia and Maryland, becoming a "top kick," he said, because of his large size and authoritative voice.

He returned to Washington in 1936, attended Howard University for a year, worked at the U.S. Post Office Department as a mail bag maker and then joined the police force in early 1939.

Why the police? "The money," he said. "Those were the Depression days. The Post Office job paid $1,200 a year. The police department paid $1,900."

Davis now lives in a modest two-story house at 1137 42d St. NE with his wife, Rhuedine, a clerk at the Department of Housing and Urban Development. They have one son, Alan, 17.

There has been speculation that Davis might have become the city's first black police chief if he had decided not to retire. But at 57, he says, he is only seven years from mandatory retirement age, "and I am not so sure I would have wanted it at my age. . . . I believe that a chief should have a number of good years left in him."

Davis has spurned an offer to become chief of the 350-member police force in the tranquil Virgin Islands.

He just wants to slow down, he says—a little community activity, maybe some camping, but mostly "I want to do nothing."

## ADM. R. J. PEARSON, PHYSICIAN EXTRAORDINARY

### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. QUIE. Mr. Speaker, at this time I would like to honor and pay my respects to Adm. R. J. Pearson. Admiral Pearson was presented the Distinguished Service Medal on January 3, 1973, by the Surgeon General of the Navy, Vice Adm. George M. Davis, Marine Corp, U.S. Navy, on behalf of the President of the United States and is ending a most illustrious career which spans more than 26 years.

Admiral Pearson served overseas with a Navy Construction Battalion during World War II and has served in Naval Hospitals in Jacksonville, Fla., Beaufort, S.C., and Bethesda, Md. At Bethesda Naval Hospital, he was chief of cardiology from 1955 to 1961 and later director of clinical services and chief of medicine. In each position I know that he developed an outstanding record.

Admiral Pearson is unquestionably a very capable and competent physician, but he is also a great and experienced professional. He is a renowned cardiac specialist, while also being a good gastroenterologist. To cap his career, he was chosen to accompany the Majority and Minority Leader of the Senate on their historic trip to China in 1972.

I have had the pleasure of dealing with Admiral Pearson many times during the past 6½ years, while he served as the Attending Physician to Congress. Each time that I needed a physician, I confidently went to him. Always his warm personality and great dignity stood out. A man could find no better physician than Admiral Pearson.

Mr. Speaker, I wish to thank Admiral Pearson for his distinguished service and wish to both him and Mrs. Pearson a very long and fulfilling retirement life.

## LEGISLATION TO ENCOURAGE THE USE OF RECYCLED MATERIAL BY THE FEDERAL GOVERNMENT

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. LEHMAN. Mr. Speaker, today, I am introducing three bills to encourage the use of recycled material by the Federal Government. The first bill would direct the Secretary of Defense and the Administrator of the General Services Administration to conduct a study of the products and materials procured by the Federal Government which could be required to have, as part of their composition, recycled material, while at the same time meeting the use specifications of the agencies and departments.

The second bill would authorize the Administrator of the General Services Administration to prescribe regulations regarding the amount of recycled material contained in paper used or procured by the Federal Government.

Finally, the third bill would require that the Congressional Record be printed on paper containing not less than 50 percent recycled paper.

The Government Printing Office alone utilizes 74,500 tons of paper annually, while the Congressional Record consumes 5,000 tons of newsprint each year.

As the Federal Government is the single largest purchaser of paper, I believe it has the responsibility to take the lead in the effort to conserve our natural resources through the use of recycled material wherever possible.

The text of each bill follows:

H.R. 1811

A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured or used by the Federal Government or the District of Columbia

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 201 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(f) (1) Except as provided in subparagraph (2), the Administrator shall prescribe regulations establishing standards with respect to the contents of any paper procured or used by any Federal agency or the District of Columbia. Such regulations shall specify that the contents of such paper shall consist of as great an amount of recycled material as is possible consistent with the purpose for which such paper was procured.

"(2) In carrying out the provisions of this subsection, the Administrator shall coordinate his efforts with the requirements, policies and authortly of the Joint Committee on Printing as indicated under section 313 of chapter 3, and chapter 5 of title 44 of the United States Code (relating to standards of quality of paper).

"(3) Except for the provisions of subparagraphs (4) and (7) of section 602(d) of the

Federal Property and Administrative Services Act of 1949, the regulations prescribed by the Administrator under this subsection shall apply (in as uniform a manner as is practicable) to all paper procured or used in the United States by any Federal agency or the District of Columbia.

"(4) For the purposes of regulations prescribed by the Administrator under this subsection, the term 'recycled material' means any paper which:

"(1) has served the purpose for which it was originally manufactured;

"(2) has been scrapped or otherwise discarded as an element of solid waste; and

"(3) has been recovered in whole or in part and reprocessed into a new raw material used in the manufacturing process of new paper;

except that such term shall not mean those materials generated by the paper manufacturing process and reused within a plant as part of such process.

"(5) For the purposes of this subsection, the term 'United States' means the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico."

SEC. 2. Section 602(d) of the Federal Property and Administrative Services Act of 1949 is amended by striking out at the beginning of such section "Nothing" and inserting in lieu thereof "Except as provided in section 201(f), nothing".

### H.R. 1812

A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 9 of title 44, United States Code, is amended by adding at the end thereof the following new section:

"§ 911. Congressional Record: use of recycled paper

"Paper used in the printing of the Congressional Record shall contain not less than 50 per centum recycled paper. For the purpose of this section, the term 'recycled paper' means any paper which after sale to, and use by, a consumer of that paper, has been (1) discarded or collected as an element of solid waste; and (2) has been recovered in whole or in part and reprocessed into a new raw material for use in the manufacturing process of new paper; except that such term shall not include any waste materials generated by the paper manufacturing process and reused as part of such process."

(b) The analysis of that chapter is amended by adding below item 910 a new item as follows:

"911. Congressional Record: use of recycled paper."

SEC. 2. The amendments made by the first section of this Act shall become effective thirty days after the date of enactment of this Act.

### H.R. 1810

A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Congress hereby finds that—

(1) there are many products and materials which, after they have been used or damaged, or discarded or scrapped as waste matter;

(2) the accumulation of this waste matter presents a danger to the health and welfare of the citizens of the United States;

(3) many products and materials (otherwise discarded as waste matter) could be recovered and reused as the raw material for new products and materials;

(4) such recovery and reuse of such waste matter will abate the noxious and dangerous accumulation of such waste matter and will aid in the effort to conserve our scarce natural resources; and

(5) the Federal Government has the responsibility to lead in the effort to utilize recycled material by procuring and using, to the greatest extent possible, those products and materials which have, as part of their composition, recycled material.

(b) It is the purpose of this Act to authorize and direct the Secretary of Defense (hereinafter referred to as the "Secretary") and the Administrator of the General Services Administration (hereinafter referred to as the "Administrator") to take the necessary and proper actions to insure the procurement and use (to the greatest extent possible) by the Federal Government of products and materials which have, as part of their composition, recycled material, and to jointly conduct a full and complete study of the feasibility of the procurement and use by the Federal Government of such products and materials.

SEC. 2. (a) The Secretary and the Administrator are authorized and directed to take the necessary and proper actions, including the promulgation of standards and regulations to ensure the procurement and use (to the greatest extent possible) by the department, agencies, and instrumentalities of the Federal Government of products and materials which have, as part of their composition, recycled material. Such standards and regulations promulgated by the Secretary, or by the Administrator, shall be promulgated in the same manner as those standards and regulations promulgated under the provisions of the Federal Property and Administrative Services Act of 1949 relating to procurement and use by the Federal Government of personal property.

(b) The Secretary, through the Defense Supply Agency, and the Administrator are authorized and directed to jointly conduct a full and complete study of which products and materials procured or used by the departments, agencies, or instrumentalities of the Federal Government could be required to have, as part of their composition, recycled material while meeting the use specifications of such departments, agencies, or instrumentalities.

SEC. 3. (a) The Secretary and the Administrator, in carrying out the joint study under this Act, are authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality any information, suggestions, estimates, and statistics for the purposes of this Act, and each department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Secretary and the Administrator, upon their joint request.

(b) For the purposes of securing the necessary scientific data and information the Secretary and the Administrator may jointly make contracts with universities, research institutions, foundations, laboratories, and other competent public or private agencies to conduct research into the various aspects of the problem of using products and materials which have, as part of their composition, recycled material. For such purposes, the Secretary and the Administrator are authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code.

SEC. 4. The Secretary and the Administrator shall report to the Congress, from time to time, the findings and results of the study conducted under this Act and the final report shall be made no later than the one hundred and eightieth day after the date of enactment of this Act. Such final report shall include the findings and results of the study, and specifically—

(1) recommendation as to the necessary and proper legislative, administrative, or other actions that should be taken in order to ensure that the departments, agencies, and instrumentalities of the Federal Government procure and use (whenever possible) products and materials which have, as part of their composition, recycled material; and

(2) what actions the Secretary and Administrator have already taken, either jointly or separately, to promote and ensure the procurement and use by such departments, agencies, and instrumentalities of such products and materials.

SEC. 5. The Secretary and the Administrator shall make a joint annual report to the Congress with respect to the progress that they are making in providing for the procurement and use by the departments, agencies, and instrumentalities of the Federal Government of products and materials which have, as part of their composition, recycled materials. The report submitted under this section shall be submitted to the Congress within sixty days after the end of the calendar year for which such report is submitted. The first such report shall be due within sixty days after the end of the first calendar year ending after the date of enactment of this Act.

SEC. 6. For the purposes of this Act the term "recycled material" means any product or material completed for sale or use which has been—

(1) scrapped, used, damaged, or otherwise discarded; and

(2) recovered in whole or in part and reused as all or part of the contents of any new material or product; or

(3) the salvageable wastes or byproducts of which are recovered and reused as all or part of the contents of any new material or product.

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## ADDRESS OF EDGAR KAISER

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. WALDIE. Mr. Speaker, the following address, delivered by Edgar Kaiser, of Kaiser Industries, should be of considerable interest to the Members of the Congress, for I think it is representative of the way in which many of the leaders of some of our major industrial concerns are dealing with the numerous challenges confronting them.

Kaiser Industries is to be particularly congratulated on the positive measures and programs it has developed to contend with problems in the fields of labor-management relations and pollution control. It is the kind of creative action which Kaiser Industries has demonstrated in these areas that gives me confidence in the ability of American corporations to resolve the difficulties facing them and, in turn, many of those facing the Nation as a whole.

Mr. Kaiser's address follows:

### ADDRESS OF EDGAR KAISER

You may be concerned about the future, but I submit to the contrary.

Let's start with our domestic operations. We all know the current problems. But beyond that basic necessity of recognizing and understanding those problems, in every instance, there's positive action underway toward developing corrective actions.

The sales force is working at every opportunity to improve our product mix. In the area of cost improvements, one of the significant developments is the establishment of the Labor-Management Productivity Committee.

I say significant, because the committee symbolizes a mutual and public recognition of the room for productivity improvements, and a mutual willingness to discuss the problems frankly. From such continuing discussions, there develops a better understanding of one another's positions and approaches. And from such an understanding come agreements producing measurable achievement.

### OUR RESPONSIBILITY

It happens time and time again. The voluntary import limitations on steel shipped into the U.S. is an illustration. Those agreements haven't solved all the problems and inequities yet, that's true. We're farther along with our Japanese competition than we are with other overseas producers. We can't afford—in our own self-interest—to ease off our position just because the agreements exist. It's our responsibility to see that they are adhered to . . . to show evidence if they have not . . . and to continue working for improvements and clarification when we can demonstrate the need.

### WHY SELL TO JAPAN?

Speaking of our own self-interest, people sometimes ask me: Why are you selling coal and iron ore to feed the overseas furnaces of your own West Coast competitors?

There's a logical answer. The Japanese were scouting the world for dependable raw materials sources. Australia and Canada, respectively, were among their list of potential suppliers for iron ore and coking coal.

The abundant reserves were there. If we'd forsaken the opportunities—through Hamersley and Kaiser Resources—the Japanese mills would have simply turned elsewhere to fill their needs, and still have captured their present share of our Western steel market.

In our own total financial results, Hamersley has been a consistent contributor—as I am confident Kaiser Resources will be.

We know the major problems at Kaiser Resources. The progress toward solutions is encouraging. With the recent modifications, the plant is performing even better than our expectations. The September output of 457,000 tons of clean coal set an all-time monthly record. October looks like 480,000 tons.

A team of Japanese technicians, who recently camped at the mine for a thorough inspection, expressed satisfaction with the progress they saw, and with our team's review of the programs aimed at achieving cost improvements.

Kaiser Resources' operating team is concentrating on reducing costs and improving the availability of equipment, and they're making progress. And the Japanese—on their own initiative—are beginning to consider an equity participation, which evidences their confidence.

If you read the third-quarter earnings report, you undoubtedly noted that Kaiser Steel's shipping affiliate, United International Shipping Corporation, accounted for a $670,000 loss to this company's combined results. Yet there, too, is reason for viewing the future with optimism.

The ship charter business is beginning to stabilize. With 25 percent of the wheat in this country for the next five years now scheduled to go to Russia, the ship market is tightening up. Already we've had a material change in the chartering of our ships.

### ENVIRONMENTAL CONCERNS

These days, in addition to the challenges of competing on more and more of a global basis, we must also respond to the social pressures here at home. We have a responsibility to ourselves—and to our society—for implementing not only the law, but the spirit of affirmative action in employment and advancement of minorities, and for doing all that's feasible to assure that our own operations have a minimal effect on the environment around us.

As some of you 30-year veterans may recall, environmental concerns have been a priority here at Fontana from the day that site was selected. Through the years, we've exerted every reasonable effort to maintain our position of leadership in environmental controls and protection. Consistent with that policy, we will continue to do so in the years ahead.

At the same time, when the public's expectations exceed the bounds of technological or economic feasibility—or when proposed new laws, in our judgment, are beyond capabilities of compliance, or unjustifiably burdensome by economic measure—we reserve the right to speak against them.

### STRENGTH FROM ADVERSITY

These social challenges—added to the demands of today's business "opportunities"—require nothing less than the best that is in us.

I've tried to cite the reasons for viewing the future with optimism. In the final analysis, however, the major reason for my own optimistic view is evident when I look around me at the people of the Kaiser companies.

Your very history—your performance as a team—has demonstrated time and again that adversity brings out your real strengths. You've never failed to respond as a team.

Seventeen years ago, when I was privileged to speak at a similar meeting, I concluded by reviewing some basic policies and philosophies that guide our daily efforts. These policies are the key to the operations which comprise the Kaiser-affiliated companies. Each of you here this evening—every man in your respective operations—is a part of that organization. You subscribe to these principles, and to this code.

It is, first, a belief in men—and, through a belief in all men, a belief in one's self.

It is a belief in honesty. We cannot tolerate secrecy, or concealment in what we do. We must have open communication, open discussion of our problems and our goals. Our dealings must be based on honesty as a fundamental requirement, both among ourselves and in our relations with others.

It is a belief in full acceptance of responsibility as the only true measure of a man's ability. Each man's responsibilities must be clearly defined, fully understood. His performance under those specific responsibilities must be the measure of his success. Authority, you know, does not mean privilege. Position is responsibility, not good fortune.

### NO WONDER MEN

We do not—and cannot—believe in motivation by fear, or achievement by lone-wolf wonder men. We believe that men who understand their objectives, and who bring faith, teamwork and unending enthusiasm to their tasks, can accomplish anything to which they set their hearts, their minds and their physical strengths. We must work together to achieve our chosen objectives without jealously or suspicion.

We believe in the right of every man among us to understand our management objectives. Part of our responsibility is to communicate with others in our organizations—so that they, too, understand what we're doing and why we're doing it.

### TIMELESS BELIEFS

Finally, we believe firmly that our success will be in direct proportion to our ability to work together.

These beliefs are as valid today as they were seventeen years ago. I grew up with them all my life. The greatest assets my father gave me were these guiding principles.

One of the problems with bigness is an inability to communicate fully. I know it's hard for Smitty in a big organization . . . I know its hard for Jack (Carlson) . . . but this is the key. The door has to be open, so people can know what we're doing, and why we're doing it.

These principles not only endure in the face of seemingly overwhelming adversities—they grow stronger with every testing.

### "MY FAITH IN YOU . . ."

By rededicating ourselves to our basic beliefs—and by practicing them to the fullest measure in our daily efforts—we can share nothing but confidence in the future. Your own individual example in responding to the challenges confronting you will be a source of strength and inspiration for those around you.

In short, my optimism rests on my faith in you. On behalf of your management in Oakland, and personally, I pledge to you that we will endeavor to our utmost diligence to earn and preserve your faith in us.

A milestone of sorts was passed on November, when a car unit train pulled out of Kaiser Steel's Fontana yard and began its transcontinental journey over Southern Pacific tracks, headed for Hennepin, Illinois.

Similar trains—actually 40 of them—have been running over this route since last April 11. What made this one unique was that it carried the 200,000th ton of Kaiser steel coils from Southern California to General Motors production centers in the East.

"We're really quite proud of our record of reliability on these shipments," said Mark Anthony, vice president and general manager of the Steel Manufacturing Division. "Ever since they began, our people have gone all-out to assure that not one single shipment was late."

Says Anthony: "This is productivity at its finest. It shows what can be done when a well-planned operation is equally well-executed."

Gil Brown, who coordinates the shipments at Fontana, told The INGOT how they are executed. Every six days, a new unit train arrives at Fontana, consisting of 50 specially-built freight cars, each capable of handling coils 34 to 86 inches in diameter, and weighing from 6½ to 14 tons apiece. They are loaded by a 20-ton gantry crane which straddles two rail spurs, each of which accommodates 25 cars.

The order of loading has been programed in advance by Fontana's IBM computer, which locates each coil in Fontana's yard at the exact spot where it will be loaded. This efficient method allows the operator of the gantry crane to load a full train within 24 hours.

The highly successful operation is believed by Southern Pacific to feature the first steel products unit trains in all of American railroading.

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## MAN'S INHUMANITY TO MAN—HOW LONG?

## HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is my daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

## WCTC—ONE OF THE BEST

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### HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. PATTEN. Mr. Speaker, radio station WCTC, which celebrated its 25th anniversary during 1972, is one of the best stations in the East, because it has great interest in people. "Serving Central Jersey," is more than a slogan for WCTC. It is continuous policy that accounts for the deep respect and popularity the station enjoys in the 60 communities it serves with such dedication and distinction.

When the radio station went on the air 25 years ago, it had a staff of 10. Since then, the staff has increased to 40, including the largest radio news department in the State of New Jersey.

The format of WCTC has always stressed community involvement. Its remarkable growth and success shows that WCTC enjoys the support and appreciation of the thousands of people it serves so well.

Mr. Speaker, WCTC has received many commendations including an award from the New Jersey Professional Chapter of Sigma Delta Chi Journalism Society for excellence in news broadcasting. The station was also honored for its Town Meeting of the Air series and cited for outstanding performance in keeping the public informed when racial disturbances took place back in 1967. Programs of WCTC cover almost every area of interest, which helps account for its wide and growing popularity.

Besides local, State, and national news countless times every day, the station also provides traffic and stock reports; sports activities; calendar of events, which over 1,200 nonprofit organizations use; religious services on Sundays; the Home and Garden Report; ethnic programs; Lost and Found; audience participation programs; music for everyone; and many other programs of community interest.

The entire staff of WCTC has earned the respect of its growing radio audience. But one man deserves special recognition for making WCTC the outstanding station it is today—Anthony "Tony" Marano, vice president and general manager of "The Voice of Central Jersey" and president of the New Jersey Broadcasters Association. Tony Marano has provided the strong, effective, and inspirational leadership that has made WCTC preeminent.

Mr. Speaker, besides his professional competence and rare integrity, Tony—like WCTC—has a deep feeling for people. He is warm, is a man of reason, and has good will in his heart 365 days a year. Under his distinguished leadership, WCTC will continue to grow and prosper, and that will be good for the station's grateful listeners, for central New Jersey, and for the field of radio broadcasting, which still plays a vital role in communications. Radio is fortunate to include WCTC—and Tony Marano.

## CONSTRUCTIVE ACTION VIS-A-VIS CITY HALL

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### HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. ROY. Mr. Speaker, the United Press International recently sent a feature writer and photographer to Marysville, Kans., to prepare a story on a rather unique occurrence. The resulting story appeared in newspapers throughout the country.

I am proud that Mrs. Edith Ransch is one of my constituents, and am pleased to call her commendable action to the attention of my colleagues:

> MARYSVILLE, KANS.—An 86-year-old widow in Marysville, Kansas, Mrs. Edith Ransch, has decided to build city hall—not fight it.
>
> Marysville, with a population of 4,000, received a donation of more than $112,000 from Mrs. Ransch to build its first real city hall. The money comes from cashing in her shares of United Income Fund, which she acquired following the death of her husband in the mid-1950s.
>
> Mrs. Ransch earlier had willed her holdings in the fund to the city to help build such a structure in memory of her husband, who had been a member of the city council.
>
> Events made her hasten the donation. "I decided I wanted to live to see it built," she explains.
>
> For the past 10 years, Marysville has been collecting taxes for a building fund for a new city hall. The council recently decided to purchase and remodel an older building in a not-too-central location.
>
> Mrs. Ransch—and other residents—demurred. They wanted a completely new building erected on city-owned property a block from the main business area. So she decided to resolve the controversy.
>
> Marysville Mayor Mert Ott is delighted, pointing out that "Mrs. Ransch and the entire city will now have the opportunity of watching the construction. Due to her generosity, we will have a new well-located building, rather than city offices in second-rate quarters."
>
> Impressed with Mrs. Ransch's gesture, William A. Reasoner, Kansas City, president of the United Funds, Inc., drove to Marysville and personally handed Mrs. Ransch the check for liquidation of her fund shares.
>
> "This is the best reason we have heard for anyone redeeming shares in mutual funds," observes Reasoner, who is also chairman of the board of Waddell & Reed, Inc., Kansas City-based financial services complex which manages the United group of funds. "We are pleased our fund can be instrumental in accomplishing such a goal."
>
> The check was immediately endorsed by Mrs. Ransch and turned over to Ott. "I love this city," Mrs. Ransch said.
>
> She invested about $93,000 in United Income Fund shares in 1955 and the value of her investment at liquidation was slightly over $112,000. However, she received capital gains and dividends of almost $30,000 and—in later years, under a periodic withdrawal account—withdrew more than $58,000. If the amounts taken out had been left in the fund, her investment would have been worth more than $200,000 at liquidation, not counting potential growth from the additional dividends and capital gains.
>
> She points out that when construction of the city hall begins in early 1973, she will be able to watch it from her apartment window. "If I don't like it, I can pick up the phone and tell them," she adds.
>
> Her friends, however, believe their good Samaritan's time for superintending the building will be limited, unless she changes her habits.
>
> "She is an expert seamstress and an inveterate card player," one says. "She plays every day—bridge, pinochle, you name it. She will eat you alive at poker."

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## FEDERAL MEAT INSPECTION

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### HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. SHOUP. Mr. Speaker, as of July 1972, 1,059 plants in 38 countries were eligible to ship meat to the United States. In 1971, 1.7 billion pounds of foreign meat came into this country; 69 percent was fresh or fresh frozen, mostly beef, 15 percent was canned pork, 10 percent cooked and/or canned beef with 6 percent listed as "other."

In 1971, 30 percent of our meat imports came from Australia, 15 percent from New Zealand; 9 percent each from Canada and Denmark, 7 percent from Argentina, and the remaining 30 percent from the other 33 nations.

I cite these figures to emphasize the magnitude of the meat import business, and I want you to know that I am concerned about the quality of the products involved. I feel there are glaring deficiencies in our present regulations governing these imports. There is no way we can assure the consumer of a wholesome quality import product while we pay the inspection bills and foster competition for our own meat producers.

The USDA maintains 19 "Foreign Programs Officers" abroad who have the responsibility of maintaining inspection programs equal to our own. By my calculations, our "officers" would each have to average four annual inspections of 56 processing plants in two countries to accomplish their mission. I say this is impossible.

It is required that these foreign plants be given advance notice of the inspections. Anyone who has been in the Armed Forces knows what happens at inspections. You clean up what you can and you hide the rest. So it is with the plants; they have the opportunity to clean up their operation in anticipation of the visit by the inspector.

You will note that my bill is short and to the point. It provides for: First, the inspection of each plant four times a year on an unannounced basis; second, the inspection of at least 2 percent of each imported lot of meat, be in fresh, frozen, canned, smoked, or in any other form—less than 1 percent is now inspected on arrival in the United States; third, appropriate procedures will be instituted to detect pesticides or other chemicals introduced prior to or subsequent to slaughter; fourth, tariffs will be levied on these meat imports sufficient to defray costs of the inspections.

I ask your support of this measure. If we must import meat, then let it be clean and wholesome meat. Let us not ask our producers and processors to maintain standards higher than those of their foreign competitors and, above all, let us not ask our taxpayers, including our ranchers, to subsidize foreign competition by paying the bill for meat import inspections.

Mr. Speaker, I include the text of my bill in its entirety at this point in the RECORD:

The bill follows:

A bill to amend the Federal Meat Inspection Act to provide for more effective inspection of imported meat and meat products to prevent the importation of diseased, contaminated, or otherwise unwholesome meat and meat products

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. Section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) is amended by adding at the end thereof the following new subsections:

"(f) The Secretary shall provide for the inspection at least four times a year, on an unannounced basis, of each plant referred to in subsection (e) (2) of this section.

"(g) The Secretary shall provide for the inspection of at least 2 per centum of each imported lot of meat including fresh, frozen, canned or any other form of meat import. Core sampling techniques shall be used where appropriate in the inspection of such meats.

(h) The Secretary shall prescribe appropriate inspection procedures to detect contamination from pesticides or other chemicals regardless of whether ingested or absorbed by the animals prior to slaughter or introduced into the meat or meat products subsequent thereto.

"(i) The Commissioner of Customs shall levy on all products entering the United States which are subject to this section, in addition to any tariffs, a charge or charges set by the Secretary of Agriculture at levels which are in his judgment sufficient to defray the probable costs of all examinations and inspections carried out pursuant to this section."

## EXEMPTION OF A PORTION OF RETIREMENT INCOME FROM FEDERAL INCOME TAX

### HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. ANNUNZIO. Mr. Speaker, last week I introduced a bill which would provide equitable tax treatment for elderly Americans whose retirement income is derived from sources other than social security.

Under present law, benefits paid under the Social Security Act are fully exempt from Federal income tax. The retirement income of individuals retired under other pension plans, public or private, is fully taxed once the employees' contributions are recovered. My proposal will provide equal treatment for individuals retired under other publicly administered systems and those 65 years of age and over who are retired under private pension plans by excluding from gross income an amount not exceeding the maximum social security benefit payable in the taxable year involved.

The unjust discrimination against retired Federal employees in our tax laws should be corrected. Federal civil service employees are not eligible for benefits under the Social Security Act. Federal employees pay full income taxes on their salaries at the same time they are making larger contributions toward their retirement than their counterparts under social security. There is no sound reason why social security beneficiaries should be singled out to receive this special tax treatment.

Present tax law ostensibly provides relief for employees retired under plans not covered by social security. The retirement income credit, which was enacted in 1954, was designed to extend to all retired persons benefits somewhat comparable to the exemption enjoyed by persons receiving tax-free social security payments.

However, the maximum amount for completing the credit has not been updated since 1962. In addition, the retirement income credit requires an entirely separate income tax schedule with a labyrinth of complicated computations to be filed with the income tax return. This complexity has resulted in an estimated one-third of eligible elderly taxpayers foregoing the benefit since they find themselves incapable of computing the credit themselves and cannot afford to seek professional assistance.

Since the maximum income subject to the retirement income credit has not been revised for 11 years, obviously the credit no longer provides equivalent relief to those receiving social security benefits. My proposal, being based on maximum social security benefits, provides for an automatic adjustment in the amount of retirement income to be exempt from taxation whenever an increase of these benefits is enacted. This feature is absolutely essential if equity is to be maintained.

We have an obligation to help older people living on fixed incomes. Tax inequity should not be tolerated for any age group but is much worse for those who have worked for a lifetime only to find that the security they have sought through retirement savings is diminished by inequitable taxation. I urge my colleagues to enact this legislation.

## HOLY CROSS HOSPITAL

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. GUDE. Mr. Speaker, it is with great pleasure that I take this opportunity to inform my colleagues in the Congress that this week marks the 10th anniversary of the Holy Cross Hospital in Silver Spring, Md. Holy Cross came into national prominence during the tragic events surrounding the shooting of Gov. George Wallace. To those of us long familiar with the Washington area, Holy Cross has long been known as a quality institution of medical care.

Holy Cross Hospital stands today as a monument to the hard work and true dedication and interest of local citizens who were concerned over the need for such a facility in the area. The hospital site was aquired by the Silver Spring Hospital Association, a fully volunteer group of local citizens organized by the Allied Civic Group in 1944. Many years of hard work were involved before adequate funds were found to proceed with planning and construction. These resources were made available by the Sisters of the Holy Cross, who agreed to assume full responsibility for administering and developing a hospital on the site.

Under the watchful eye of their board of trustees, charged by Judge John P. Moore, and under the very capable hand of its administrator, Sister Helen Marie, C.S.C., Holy Cross has grown dramatically in terms of the number of patients treated. From January 10, 1963, when the first patient was admitted, to the end of that year, some 8,300 patients were admitted. By the End of 1972, that annual figure had grown to over 19,000, a healthy sign of growing community trust and confidence in the quality of care received.

Although the hospital does not have a school of nursing, it does contribute to the education of nurses through its affiliation with Montgomery College and Catholic University.

The directors, administrators, and staff of Holy Cross Hospital have much in which they can take a justifiable pride this week, a pride clearly evidenced by the annual report of the administrator, Sister Helen Marie. I would at this point like to include the text of that report in the RECORD.

ADMINISTRATOR'S REPORT

Since the hospital first opened in January, 1963, it has demonstrated a deep-seated concern for the spiritual as well as the physical well-being of all patients.

In the fiscal year just ended, increased emphasis on this aspect of patient care was achieved by the creation of a Department of Pastoral Services, headed by our fulltime Chaplain Rev. Roger Fortin, and the formation of a Spiritual and Apostolic Subcommittee.

Ministers, rabbis and priests throughout the community generously accepted invitations to serve on the subcommittee and to assist in developing plans and programs to broaden the spiritual services available to our patients.

The steps taken by the hospital administration coincide with a growing awareness throughout the medical and health care fields of the need to deal more effectively with the total human person, with the patient's psychological and spiritual needs as well as his medical and nursing needs.

Evidence of the strong support for these efforts is reflected in the fact that nearly 100 ministers, rabbis and priests attended a special luncheon at the hospital in March, 1972, to discuss means of expanding spiritual services for our patients, their families and visitors.

Two new important hospital services were added during the fiscal year with the opening of a Pulmonary Function Laboratory in September, 1971, and an eight-bed Psychiatric Intensive Care Unit in April, 1972.

The Pulmonary Function Laboratory greatly enhances the hospital's ability to assist physicians in the diagnosis and evaluation of chronic respiratory disorders, such as emphysema, lung cancer, bronchitis and asthma. The concept of pulmonary function testing is relatively new in medicine, corresponding to the increased public attention directed in the past decade toward the debilitating effects of respiratory disorders.

The Psychiatric Intensive Care Unit, fully self-contained, occupies the west wing of the Eighth Floor of the hospital which formerly provided 10-beds for medical patients. Opening of this special care unit filled a vital, long-existing need in our service area for short-term hospitalization of patients close to their families and personal physicians. The unit is our Short Stay Surgery Unit to increase available beds from four to six; extension of Electrocardiography services to weekends; development of a Diabetic Teaching Program for newly diagnosed diabetic patients; expansion of the Home Care Department by adding nursing personnel to replace these services formerly supplied under contract; and, expansion of Inhalation Therapy services to a 24-hour-a-day, seven-days-a-week schedule.

Continuing emphasis is placed on training and retraining opportunities for hospital personnel to assure the highest competency in all positions and departments. Orientation classes, special seminars and inservice educational opportunities are provided almost on a weekly basis. An indication of the broad range of such programs offered during the past fiscal year may be seen in this sampling:

A 100-hour course in care of the coronary patient, including 38 classroom and laboratory sessions with medical specialists, nurses and technicians serving as voluntary instructors.

A 34-hour course in intensive care nursing techniques, consisting of 17 two-hour classroom and laboratory sessions.

A special seminar prepared jointly by Nursing Inservice Education staff and Pastoral Services Department, designed to give nursing personnel new insights into the spiritual, psychological and personal needs of the sick and dying.

A management training program designed to provide all supervisory personnel with significant theoretical and practical experiences in problem-solving techniques and decision-making processes.

In spite of very serious space limitations which result in all hospital facilities being utilized well above their design capacities, the hospital continues to enjoy a reputation for excellence in fulfilling its responsibilities to patients and their families. This fact is a tribute to the skill, compassion and dedication of our nursing staff and technical personnel and the outstanding support and cooperation of the private physicians who comprise our Medical and Dental Staff.

The hospital and administration have been singularly blessed by the financial support and personal services donated by hundreds of volunteers. We are especially indebted to the members of the Auxiliary of Holy Cross Hospital and the Men's Guild of Holy Cross Hospital, two voluntary organizations which, with each succeeding year, demonstrate anew their commitment to the Hospital and its patients by setting new records for service and generosity.

Holy Cross has come a long way since 1963, and I am confident that they will maintain the kind of quality service to the community which has marked these past 10 years.

I know that each Member of this House will wish to join with me in offering sincere congratulations to Holy Cross Hospital on this occasion of its 10th anniversary, and in wishing it many more years of continued success.

## SPACE BUDGET CRITICS LIVING IN OWN VACUUM

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## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Ray Zauber, editor of the Oak Cliff Tribune, Oak Cliff, Tex., has been an outspoken and ardent supporter of this Nation's space program.

In his December 20, 1972, edition of the Oak Cliff Tribune, Mr. Zauber addresses himself to the critics of the space program and outlines the contributions it has made to our Nation. Under leave to extend my remarks in the RECORD, I include Mr. Zauber's article and compliment him on his far-sightedness:

### SPACE BUDGET CRITICS LIVING IN OWN VACUUM

(By Ray Zauber)

Many of the national television commentators talk of the final Apollo flights as if man was making his final assault on the moon.

Most of the liberal spokesmen of the nation's news media seem adamantly opposed to the United States space program. They speak of the funds invested in space as an almost total loss. They declare in candor that the money should be diverted to welfare causes.

Scratchpad believes with all his heart that these journalistic giants—who usually express their personal opinions disguised as news—are incredibly short sighted.

The overwhelming majority of national news magazine writers, newspaper columnists and television commentators are liberals. Many are ultra liberals.

Liberals are ostensibly progressive. Conservatives are described as stodgy people who believe in the status quo.

Yet, this conservative has perused his history books sufficiently to recall that almost every major scientific or technical breakthrough in history has been opposed by a great majority of people.

This fear of the unknown is called xenophobia and extends to foreign races as well as foreign ideas. Perhaps most of us are imbued with some fear of things we do not understand.

One of the leading scientists of the era recently described American's lunar missions as the greatest scientific achievement in 50,000 years of present man's existence.

Then, as an afterthought and a gesture to the fundamental religious denominations of Christianity, he added "with the possible exception of the immaculate birth and the ascension from the tomb."

U.S. News & World Report in a recent issue undertook a list of benefits from the space program which benefitted society directly. The list was compiled from experts in a number of different vocational and professional fields.

Included were the great breakthroughs in telemetry, radio, television, photography, radar, energy, medicine, food, clothing, fabrics, building materials, metallurgy, solid fuels, astronomy, general science, technical science, mathematics, computers, physical conditioning, ad infinitum.

The military implications of space were almost entirely ignored in citing the positive spinoffs of the amazing NASA program. But do not forget, my friends, that Russia was first into space with Sputnik.

President John Kennedy, thinking a little more positively than most of his doctrinaire liberal contemporaries, immediately launched a crash program to assure that America would catch up.

Russia already has a capability of putting nuclear warheads into space which could be triggered over almost any site or group of sites in the world. This military adaptation of space is called FOBS, or fractional orbital ballistics system.

If the Soviets had a monopoly in space what chance would freedom have to survive with nuclear missiles revolving over our heads in the skies above us? The answer was crystal clear to John Kennedy.

This writer, although an old fogey when it comes to government waste, even dares to believe that man will colonize the moon and perhaps Mars and Venus in the years to come.

Ultimately when hibernation or suspended animation of human beings becomes possible, our spaceships will roam among the very stars. Perhaps many other civilizations will be discovered and perhaps some forms of life inconceivable to us now.

We do pledge to our new Congressman Olin Teague our continued support of the space program as he becomes the new chairman of the House Committee on Science and Astronautics in January.

Excelsior Tiger. A few of us journalists are with you all the way.

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## ON BEING A MEMBER OF THE HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

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## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. WALDIE. Mr. Speaker, I have received a paper written by a Mr. Sherwin Memel, who is a member of the Health Insurance Benefits Advisory Council, entitled, "On Being a Member of the Health Insurance Benefits Advisory Council." The paper is quite impressive; being full of numerous insights and experiences that Mr. Memel acquired by being a member of this council. I include Mr. Memel's remarks as part of my own.

### ON BEING A MEMBER OF THE HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

(By Sherwin L. Memel)

A letter dated March 11, 1970 from Robert Finch, then the Secretary of Health, Education and Welfare, invited me to serve as a member of the Health Insurance Benefits Advisory Council (HIBAC). My appointment was for a term ending April, 1973. That invitation from Secretary Finch represented a victory for The Federation of American Hospitals, which had waged an all-out campaign for the past year to have a person knowledgeable in the investor-owned hospital field appointed to HIBAC. Such person was not to represent investor-owned hospitals, but to bring to his service as an independent member of HIBAC broad knowledge of an important segment of the health field not well known to other members of HIBAC. The campaign of the Federation to have such a person appointed was carried to both sides of the aisle in both Houses of Congress as well as to high-ranking members of the Administration and to influential members of both political parties. The out-pouring of support was a tribute to the regard in which the Federation, its member institutions and the individual representatives of those institutions were held.

At the time of my appointment, I was a Vice President of The Federation of American Hospitals, Chairman of the Health Insurance Benefits Liaison Committee to the Social Security Administration and I was acting from time to time as Legal Counsel for the Federation. The other members of HIBAC and their affiliations at the time of my appointment and the current list of members of HIBAC and their affiliation are listed as Appendices 1 and 2.

Having secured the appointment, it was now my obligation to fulfill independently and impartially the Congressional mandate to a member of HIBAC. I did not find, however, that it was necessary to lay aside all of my years of experience in the investor-owned hospital field in order to fulfill my responsibilities. Rather, I found I could bring a new dimension to the deliberations of the Council, adding information and knowledge where it was previously lacking, at all times maintaining as my goal the balancing of the equities of the providers, the beneficiaries under the program, the taxpayers and the federal government.

I soon found out that none of us are without our biases and that a great educational task was ahead of me. My major objective was to be an educator and not an advocate, so as not to undermine my usefulness as a fully contributing member of HIBAC on all matters. Fortunately my background in the field of health was far broader than just related to investor-owned hospitals and that, together with the inherent responsibility of the other members of HIBAC, made it possible for me to break down many of the barriers which otherwise might have existed and to become accepted as a member of HIBAC interested in all phases of the program, not solely those relating to a single segment of the health field.

The opportunity to serve on HIBAC enabled me to become a part of one of the most important and interesting advisory groups in the federal government. HIBAC was established under Title XVIII of Public Law 89–97 dated July 30, 1965. The law went into effect July 1, 1966. Section 1867 of Title XVIII created the Health Insurance Benefits Advisory Council consisting of 16 persons for the purpose of advising the Secretary on matters of general policy in the administration of this Title and in the formulation of regulations under this Title. According to the report of the Committee on Ways and Means on the Social Security Amendments of 1967, four months after the enactment of Title XVIII the Social Security Amendments of 1965 on July 30, 1965, the members of HIBAC were appointed. The membership consisted of leaders from the health field not otherwise employed by the federal government, and the general public, a majority of the members being physicians. According to the first annual report on Medicare issued by the Secretary of Health, Education and Welfare in 1968, from the establishment of HIBAC through June 30, 1967, the Council met 16 times, usually for periods of two or three days, to consider and offer recommendations on all major aspects of Medicare administration. The report states that the Council adopted resolution which constituted formal advice to the Secretary concerning more than 100 policy issues, including the conditions of participation for hospitals, extended care facilities, home health agencies, independent laboratories; the principles of reimbursement for provider costs and for physicians services and on the policies governing physician's certification and recertification of the need for medical services. The report went on to state that virtually all of the Council's recommendations were embodied in existing policy and regulations and with few exceptions, there was no significant difference between recommendations of the Council and the policies adopted. The report states there was no instance in which the policies adopted were unacceptable to the Council. In addition the report concluded the Council had made numerous decisions constituting informal advice to the Staff in developing policy and regulations and requests for staff development or research on alternative policies for consideration.

In carrying out its work, HIBAC had available to it nine technical work groups created by the government representing all phases of the medical and insurance field. The recommendations of these nine technical groups were considered in the formulation of the program policies and regulations submitted to HIBAC. Intermediary and carrier consultation groups were also established to allow a continuing flow of information concerning claims payment procedures and to facilitate the resolution of difficulties encountered by the intermediaries and carriers in the performance of their duties.

The Committee on Ways and Means Report on the 1967 Social Security Amendments refers to the fact that under the original Title XVIII Act provision was made for the Secretary to appoint a nine member National Medical Review Committee to study the utilization of hospital services and other health and medical services covered by the program with an eye toward recommending changes in the way in which health services are used and modifications in the administration of the program or in the provisions of law relevant to the utilization of services. This Committee was not established primarily because its effective operation required the availability of experience under the new program to serve as a basis for study. The program had been in operation for less than one year and significant data on experience under it had not yet emerged. Therefore, the Social Security Amendments of 1967, effective January 2, 1968, repealed Section 1868 of the original Act which had created the National Medical Review Committee and added its authority and responsibilities to Section 1867 which governed HIBAC. The membership of HIBAC was expanded from 16 to 19.

The Social Security Amendments of 1967 authorized the Secretary of the Department of Health, Education, and Welfare to experiment with various methods of reimbursement to institutions and payment to physicians providing services under Medicare and other federal programs with a view to creating additional incentives to efficiency and economy while supporting high quality services. The law provided that no experiment should be developed until the Secretary consulted with and took into consideration the recommendations of recognized specialists in the health care field who are qualified and competent to evaluate the feasibility of the experiment. To comply with the requirement of consultation, the Secretary established the Advisory Panel on Incentive Reimbursement Experimentation in May, 1968 for a two year term. Upon the expiration of the Panel, HIBAC was asked to assume responsibility for reviewing proposed incentive reimbursement experiments.

Under the 1967 Amendments, effective January 2, 1968, Section 1906 was added to Title XIX creating a Medical Assistance Advisory Council (MAAC) consisting of 21 persons to advise the Secretary on matters of general policy in the administration of the Medicaid program, including the relationship of Title XVIII to the Medicaid Title XIX program. Presently under consideration is a recommendation of the Senate Finance Committee that the functions of MAAC be transferred to HIBAC in the interests of better coordination of the two programs.

On July 7, 1972 HIBAC held its first meeting open to the public. Up until this date, all meetings and proceedings of HIBAC had been held in strictest confidence and all documents provided to members of HIBAC had been stamped confidential. Now, in accordance with the Directive of the President, all HIBAC meetings will be open and documents distributed and discussed there will be a matter of public record. Until the present time, HIBAC meetings were heavily attended by others than members of HIBAC, but except on specific invitation of HIBAC to health professionals for a limited presentation, the only other people attending HIBAC meetings were representatives of various government agencies under the Department of Health, Education, and Welfare.

The members of HIBAC would sit around a lengthy rectangular conference table and against the outer perimeter of all four walls of the conference room would sit numerous representatives of federal agencies observing the proceedings and taking notes. These government representatives were often there for different purposes and sometimes an individual would be there for more than one purpose. First of all, these representatives were there to hear and to report back to superiors in many instances the views of members of HIBAC and of the Council in general on various new proposals, on existing or proposed new planned legislation and the operation of the Medicare program. Very often these representatives would be there to make reports on specific matters which HIBAC was considering. In other instances, these government representatives would be there to answer questions that might come up during the course of the HIBAC meeting.

Normally, sitting at the HIBAC Conference Table would be Thomas Tierney, Director of the Bureau of Health Insurance, the agency responsible primarily for the Medicare program within the Social Security Administration of the Department of Health, Education, and Welfare, one or more other officials of the Bureau of Health Insurance, either Commissioner of Social Security, Ball, or Deputy Commissioner (?) Arthur Hess. Sometimes a member of the Attorney General's office would attend to give legal advice on a specific matter. Generally, a representative of the legal office of the Department of Health, Education, and Welfare would be there to advise. From time to time other high officials of the Department of Health, Education, and Welfare, including the Secretary himself, would come and participate in a portion of the HIBAC meeting.

Now that the meetings are open to the public, it will be most interesting to see how the complexion of the audience attending the HIBAC meetings may change. The attendance at the first public meeting was somewhat disappointing. Very few members of the public attended and even though they were afforded an opportunity to participate at the conclusion of the meeting, if they desired, no one took advantage of this opportunity. Perhaps, it was because controversial matters were not before the Council and as those matters become more controversial more members of the public may appear.

It would be most interesting to observe whether matters previously brought before the Council for its advice when these matters were in the very early conceptual stage by the Bureau of Health Insurance or other agencies of the Department of HEW will still be brought before the Council. One of the claimed benefits of confidentiality was the assurance that the health field in general and the public in general would not be alarmed or unduly concerned about very early conceptual thoughts that might never ever emerge as any part of policy. Others may question whether this was a benefit and it is too early to tell whether the public character of the meeting will change the picture so that HIBAC does not get as early a look at proposed matters of law and regulation as it has been getting.

In the early stages of HIBAC's existence, its primary function was confined to advising the Secretary and the Bureau of Health Insurance on regulations and conditions of participation because it was important to get the Medicare program off the ground and into operation. Once this intensive task was over there was a hiatus when it was not clear what function HIBAC could perform. It was too early to observe the effect of the implementation of the conditions and regulations, too early to recommend changes in the basic law itself and too early to observe areas where new actions had to be taken. Gradually, as data and information became available more and more HIBAC concerned itself with the questions of needed changes in the regulations, sometimes requiring changes in the law, matters of program administration and matters needing new thinking and new laws and regulation.

With the 1967 amendments giving HIBAC the tremendously increased scope of authority that they do, and the addition of the responsibility to make recommendations on incentive reimbursement experiments and the potential that the functions of MAAC be incorporated into the functions of HIBAC, the philosophical question of the true role of HIBAC stands out in bold relief. There has long been a difference of opinion among members of HIBAC, and within the government agencies with which it works itself, as to the exact role HIBAC should perform. Originally, HIBAC could do no more than it did do with respect to regulations and conditions of participation. After the 1967 amendments, there were some, and I consider myself among those, who believed that the significantly broader authority of HIBAC allowed it to go into many more areas of program change, recommendations of new or amended laws and even into the question of national health insurance itself, many of the proposals for which would significantly change or eliminate what we now know as the Medicare program.

HIBAC is an *advisory* group. It cannot actually enact regulations or make laws itself. It can only recommend to the Secretary and in its report which goes to Congress it can only recommend to Congress things that it believes should be done. We get into the whole question of how meaningful is an advisory group. There are those that say that HIBAC is the most important advisory group in government and that its recommendations have always been taken most seriously and in most instances have been adopted. Others, however, regard HIBAC as having become an ineffective debating society concerning itself with only those matters on which the Bureau of Health Insurance would like to have an expression of opinion on and that HIBAC has not taken the leadership position its statutory authority permits.

There are many agencies of HEW and the Executive Branch, as well as legislative committees, which deal with the same areas that HIBAC deals with. Broad and fundamental legislative positions are taken by some of those groups. Should HIBAC enter this broader arena of debate and public service?

Being a conscientious member of HIBAC is an extremely time consuming and difficult task. It involves keeping current with developments in the health field in general and in Medicare in particular. It involves keeping abreast of the political movements in the health field. It requires the assimilation of an enormous amount of written material that is sent to each member of HIBAC between meetings, it requires at least three days of travel and meetings per month, in addition to the days of preparation spent in the office. Generally there is quite lengthy agenda for each HIBAC meeting, and it is unfortunate that the efficiency of HIBAC is judged by the thickness of its annual reports.

Innumerable matters are discussed at great length, and often in heated debate, which matters are never referred to in the annual report nor come to the attention of the public. In the past this has been because of the confidentiality requirement imposed on HIBAC and its members. This debate has served a valuable function in helping formulate the thinking of members of the Department of HEW and of the Bureau of Health Insurance. It is often what has not emerged as a regulation or guideline for which HIBAC can claim its greatest credit. However, HIBAC can also claim credit for many constructive measures that have come to the attention of the public.

It has been a frustrating, rewarding, often difficult two years which have passed since my appointment to serve on HIBAC. The next year, my last in my term of office, will be rewarding or frustrating, depending on how all of the unresolved matters I have addressed myself to above are determined. If communication continues on an effective level between the Department of HEW, through the Bureau of Health Insurance, to HIBAC despite the public nature of the meetings; if new legislation affecting the Medicare program now pending before Congress is enacted and new regulations under it are required to be reviewed by HIBAC, and particularly, if HIBAC decides to take a new look at what its role should be and expands its horizons into the legislative arena and the debate on national health insurance, the next year should be an extremely challenging and rewarding year.

The investor-owned hospital field has had an opportunity to have information about it become known on a broader and more meaningful basis through having a member of HIBAC familiar with that field. With the expiration of my term in April of 1973, the question is raised as to whether the investor-owned field will have in a new member of HIBAC someone who can bring extensive knowledge in that field to the Council to aid it in its understanding and in its deliberations. I believe this is of utmost importance to the investor-owned field and a matter they should begin considering immediately. There are many members of HIBAC who bring to the Council backgrounds in specialized areas of the health field. HIBAC benefits from this diversity, but only in direct proportion to the amount of work that a member is willing to put in to prepare for meetings and in the amount of participation at the meeting by that member. In considering this question of someone with knowledge of the investor-owned field always being a member of HIBAC one must look to the necessary qualifications for such a person to be an effective member of HIBAC.

As in every meaningful public service experience in one's life, one gains from that experience much more than one contributes. I have had the pleasure of expanding my knowledge and of meeting new, and in many cases, highly competent and interesting people in the health field through my service on HIBAC. I am grateful to The Federation of American Hospitals for its dedicated campaign which enabled me to have the opportunity to serve as a member of HIBAC.

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## BIASES OF ALL IN THE FAMILY

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. DERWINSKI. Mr. Speaker, the Chicago Tribune's Perspective Page is one of the more interesting journalistic developments of recent years. One of its columnists is Mr. Mike LaVelle who is a homespun philosopher-journalist, but whose primary occupation is that of a hardworking craftsman. His column of Tuesday, January 2, discusses one of the more popular TV shows and is the kind of article that I feel should receive the attention of more Members.

The article follows:

### BIASES OF ALL IN THE FAMILY

(By Mike LaVelle)

Mr. LaVelle is a hot-pipe bender who lives in Cicero.

If one truly wishes to know just where the counterculture rhetoric of the liberals ends and its counterfeit type begins, just ask to see their bankbooks.

There is a slew of people in America who enjoy spouting Socialistic schemes and do-gooder homilies while continuing to turn capitalistic coins.

They are the members of a new leisure class—Babbitts of the Left. They are highly literate. And, like the fanatical monks of another age, they are eager to repeat both inquisitions and crusades—at a profit, of course.

Carroll O'Connor, the liberals' favorite blue-collar Step 'n Fetchit, recently did an interview in December's Playboy magazine, wherein I was informed that as a blue-collar worker my sex life is undertaken out of guilt—guilt for what O'Connor did not say.

Is he really qualified to comment on the sex life of the worker—or anyone else for that matter? More than likely, he's never been in a working man's barroom, let alone bedroom.

But then, playing the part of a blue-collar worker who digs Herbert Hoover and the good old days of the Depression can be confusing.

I do not for one minute believe that Carroll O'Connor is the liberal that he says he is in the Playboy interview. I didn't hear him making any speeches for George McGovern in the '72 campaign—perhaps because he saw his Archie fame in the balance. Even if he had come on strong for McGovern, it would not have made any difference to me—Shirley MacLaine did and I still dig her movies.

No, I just see Carroll O'Connor as an actor overcompensating for the conservative bad-guy Archie with liberal good-guy Carroll. He seems to have plenty of time to exploit his Archie bit, but no time to put the stated beliefs of O'Connor into action except in interviews, books, nightclubs, and records. Not a dime is lost, not a hair is ruffled.

One hears the plea: "Look fellows, I'm a liberal just like you." But then one almost has to be a liberal—that's where the establishment money is, at least in the entertainment world. It's not only show biz, it's good business sense.

The writers of All in the Family are profoundly ignorant of the working class, which their Archie is supposed to represent. In one episode, Archie, who is identified as both a good union man and a foreman—one cannot be both—has the choice of laying off a black, Mexican, or a white. He lays off the Mexican.

As one who was laid off from a steel mill, I could inform the All in the Family writers that seniority, not color, was the deciding factor. That was in our union contract, and I haven't heard of any other contracts that are different.

A phone call to any union hall could have confirmed that fact for Archie's creator, Norman Lear, but then cheap shots are usually lazy ones also.

I await an Archie episode wherein a Village Voice canard that steelworkers make $9 a hour will be repeated—at the time I read that in March, 1971, I was making $3.50 an hour.

In fact, so much of "social comment" television is pure garbage and written with such an obvious liberal bias that I wouldn't be surprised to view a show called "The Hard-Hat, White, Ethnic Plot to Turn the White House into a Bowling Alley" starring Carroll [Archie] O'Connor and Peter [Joe] Boyle.

I would probably just shrug it off and say, well, it looks like the rich guys are doing another number on us.

Perhaps one of the sharpest comments I've heard concerning All in the Family is that of a coworker, hot-pipe bender Ron Kucharz: "Archie's the only one in the house that works every day, and they eat off his table and insult him between mouthfuls. And he doesn't throw them out in the street. So it figures that he's got to be an idiot."

I asked a truck-driver friend, Tony Giannatta, why they don't have a program with a liberal villain who can be made to look as stupid and one-dimensional as Archie [you can forget about "Maude"—she always comes up smelling like gardenias].

Said Tony: "Com'n now. The liberals got all the money, and they're not about to support a show that makes them look as dumb as they are."

Why do TV writers isolate themselves from the American mainstream and seclude themselves in Madison Avenue-type commercial think tanks? Why don't they get out into Main Street, U. S. A., into steel mills, into the average person's life—white-collar and blue-collar alike?

It seems that we in America have fostered a new class whose members have, like those in Communist countries, taken power to their breasts and their banks and heaped scorn on those below them.

It is not merely coincidental that the Jack Londons, Ernest Hemingways, Walt Whitmans, Herman Melvilles, and John Dos Passos have gone undiscovered in this day and age. It's that our Norman Lears are just not interested anymore. They have soiled their own table—and in a democracy it's our table.

Incidentally, I do enjoy All in the Family. It's funny, but more importantly it tells me what they think about us. I sure would like to see a show which would tell what we think about them.

## BABY, IT'S COLD OUTSIDE

### HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. FINDLEY. Mr. Speaker, on the 1st day of the 93d Congress, I introduced legislation designed to assure adequate future supplies of natural gas for homeowners, commercial establishments, and industries of our Nation.

The shortage of energy is critical in the Midwest, where the temperature has been near or below zero for weeks. Many firms have had to close on cold days and dozens of other firms face the prospect of closing their doors and sending their employees home because they cannot heat their plants. Corn lies snow-covered and in danger of spoiling in the street because gas dryers have no fuel. Elevators are full and the Mississippi River has now frozen over and reduced the ability to export grain out of the area to make room for unharvested grain. With oil and gas reserves low, a colder than normal January or February could be disastrous. Some officials are also predicting gasoline rationing before the winter ends.

In order to alleviate the fuel oil shortage, 29 Members of the House of Representatives and I contacted Secretary of the Interior Rogers Morton on Friday, December 29, 1972, urging that immediate steps be taken by the Oil Policy Committee to make additional supplies of fuel oil available in the Midwest. We realize that while the Nation as a whole is facing a critical shortage of heating oil, the experience in the Midwest is the most severe.

Our communication to Secretary Morton said, in part:

> Mr. Secretary, additional heating products for all marketers facing a supply shortage must be made available promptly. It is our understanding that numerous applications for hardship allowance under the OIAB program will be filed in the immediate future. We trust they will have your full support and that of the entire Administration as well. Their prompt approval is imperative if this crisis is to be solved.
>
> As we see it, the facts indicate that both additional foreign and domestic products must be made available on a firm, continuing basis to all Midwest marketers, including independents without refineries. Most importantly, all possible steps must be taken at once to replenish heating oil and liquid gas supplies. We strongly urge that the Oil Policy Committee immediately take the steps necessary to solve this problem.

Yesterday, in testimony before the Senate Interior Committee, Secretary Morton acknowledged that the present quota system is not working and that a problem exists. He told the Committee:

> Now that we are producing domestic crude oil at capacity rates from virtually all available wells, the current system of allocations may not be doing the job to meet refinery needs.
>
> It is no longer feasible to set quota levels in a fixed relationship to domestic production or demand.
>
> It is my understanding that there will be an energy message early on in the month of February.

On Monday of this week the Office of Emergency Preparedness announced that imports of heating oil from the Virgin Islands will be increased during the January-through-April period in 1973 to help alleviate local heating oil shortages now being experienced in various parts of the country.

Gen. George A. Lincoln, the Director of the President's Office of Emergency Preparedness, announced that Monday's action might make available up to 250,000,000 gallons of additional No. 2 fuel oil for the current winter heating season. This will be done by issuing import licenses for No. 2 oil from the Virgin Islands to those persons who sell this heating fuel in Districts I–IV, which includes all areas east of the Rocky Mountains.

Although this action was designed to provide additional heating oil for the hard-pressed Midwest, it will have little impact, if any. All 250 million gallons authorized for entry from the Virgin Islands will come from the Hess Oil refining facility on the Island. It is the only oil refinery in the Virgin Islands.

After OEP made its announcement Monday, a midwest supplier-marketer who had import tickets spoke personally with Mr. Leon Hess and requested No. 2 fuel oil. Mr. Hess told him simply that he had no fuel oil to sell.

Some reports indicate the Hess Oil will take no new customers, but instead will sell only to its existing customers. Since more than 95 percent of Hess' existing customers are located on the East Coast, it seems likely that most of the oil coming in from the Virgin Islands will remain on the East Coast.

The action which has been taken to date by OEP and the Department of the Interior is wholly inadequate. It amounts to no more than a token gesture in the face of an emergency. Some experts believe that in the Midwest, the situation is irreversible in the short run. Already children cannot go to school, men are out of jobs, people are cold—all because there is no fuel oil to provide heat. This emergency is only going to get worse.

What is required is bold, decisive action to minimize the extreme hardships already being caused. The oil import program should be suspended for the balance of the current heating season, at least through March of this year.

The administration simply must face the fact that an emergency exists. In the face of the suffering and economic dislocation and losses which exist, arguments about the precedent which might be set by suspending quotas seem cold and impersonal. Something must be done, and it must be done now, not next week or next month.

To deal with an immediate shortage of natural gas, in mid-December, I sent the following wire to the Chairman and four other members of the Federal Power Commission:

> Cerro Copper Products, Laclede Steel and Granite City Steel already curtailing production due to severe gas shortage in the greater St. Louis area. Consolidated Aluminum, Olin Corporation and other major industries face significant layoffs.
>
> Crisis threatens employment of nearly 25,000 people in major industries served by the Mississippi River Transmission Corporation in my district and other areas around St. Louis.
>
> Urgently need relief afforded by the interim gas curtailment program in Docket RP 73–6. Your prompt, favorable action is absolutely vital. Please advise of prospective action by return wire or telephone call at earliest practicable moment.

Fortunately, this time action was immediately forthcoming. The following day I received a telephone call stating that the desired relief was being provided. Temporarily, at least, a severe crisis was averted. Other natural gas customers have not been so fortunate.

At the end of December, I sent a wire to the members of the Interstate Commerce Commission, asking them immediately to provide additional railroad tank cars to bring LP gas from the Gulf Coast, where it is plentiful, to the Midwest, where it is critically needed. LP gas can often be used as a substitute for natural gas.

In his response to my wire, which I received January 2, Commissioner Murphy stated:

> The Commission has been aware of the urgency of independent petroleum dealers to acquire tank cars for the transportation of propane gas and fuel oil, and our Section of Railroads has been actively participating in the program conducted by General Lincoln, Director, Office of Emergency Preparedness. We have been rendering assistance to

> that office for the acquirement of tank cars, as well as doing everything possible to expedite the movement of tank cars, both empty and loaded, used for the transportation of these fuels.
>
> The availability of tank cars of large capacity is quite limited, as most of them are either owned or leased by the large petroleum companies. When the supply of fuels from independent oil companies became exhausted, there was an immediate demand made on other independent companies having a supply of propane gas and which companies owned or leased only a small number of large tank cars. This created a shortage of this type of equipment overnight.
>
> The Commission did obtain information on several hundred tank cars of smaller capacity which were obtainable, but which type of equipment was undesirable because of the increased cost of transportation. However, several hundred of these smaller tank cars were leased to independent companies who were unable to obtain the larger type tank car and are now being utilized in the transportation of these commodities.
>
> Practically the entire fleet of pressurized tank cars for the transportation of propane gas, as well as fuel oil tank cars, is privately owned. Consequently, this Commission is without authority to either direct or allocate the use of such cars. As previously explained, however, persuasion is being used by OEP through the Department of Interior to acquire cars from the large refineries having an adequate supply, many of which might not be immediately needed.
>
> I assure you that we are exerting every effort to assist in procuring cars, and our field staff has been alerted to see that these cars are given prompt handling, both by shippers and carriers.

These are the most immediate steps that must be taken to meet the current emergency situation. Heating oil and liquid propane gas supplies must be replenished as quickly as possible.

While emergency measures can be taken to help alleviate an immediate shortage of fuel oil and liquid propane gas supplies, the critical shortage of natural gas does not lend itself to immediate solution.

In the past, our Nation was blessed with large quantities of gas easily extracted from the ground. Not too many years ago, everyone could have all the natural gas he wanted—and at very low cost. In fact, the cost of natural gas, regulated from the well to the burner, was so low that many industries found it much cheaper to burn natural gas than any other fuel. In addition, natural gas is clean burning and does not pollute the atmosphere. With the advent of air quality standards, the demand for natural gas soared. At the same time, development of the domestic gas and oil industry declined, so that the Nation ate into its reserve supplies faster than they were replenished.

Natural gas is the most inexpensive of our basic fuels and is, in fact, underpriced in comparison with others, none of which are regulated. The average price of gas at the well is 22 cents per thousand cubic feet—and that 22 cents buys one million B.t.u.'s of heat. By comparison, a million B.t.u.'s of coal at $6.00 per ton costs 25 cents—and a million B.t.u.'s of oil at $3.25 a barrel costs 59 cents. Not only is natural gas cheaper, but it is also the cleanest of our basic fuels.

Projects are underway for the importation of liquefied natural gas—LNG—from Algeria—and there is even speculation about obtaining such gas from Russia. The prices for this imported gas are well over $1 per thousand cubic feet, contrasted with the average domestic price of 22 cents. Gas from the north slope of Alaska will one day be brought to American consumers—but this will also be much more expensive than gas produced in the lower 48. Synthetic gas made from coal or oil will be far more expensive than natural gas.

From the standpoint of price, adequacy of supply and national security it is far better for the consuming public if we in the Congress take bold and decisive action to stimulate domestic development of new gas supplies.

There is natural gas in the ground. But much of the gas which geologists say exists is in remote locations—difficult and costly to bring to market.

Time is needed to find new gasfields, develop those fields, and construct the necessary pipelines to bring that gas to homeowners and industry. In the prolific fields of the Gulf of Mexico, the timelag is 5 years or more.

Incentive is also needed. At 22 cents, exploration for new gas has not been sufficient to keep pace with demand.

I have come to the conclusion that we must restore some balance to market conditions and create incentives to produce domestic supplies of natural gas. A single important step that can be taken to achieve these desirable and necessary objectives is the elimination of price regulation at the well to bring new supplies of natural gas into free market competition. The bill I introduced on the first day of Congress, H.R. 480, will do just that.

My bill would apply to new gas produced as a result of exploration and development after January 1, 1973.

The text of my bill is quite simple. It reads:

> *Be it enacted by the Senate and the House of Representatives in Congress assembled,* That all production of natural gas from wells which commenced production on or after January 1, 1973, and all new dedications to the interstate market shall be exempt from regulation by the Federal Power Commission.

The purpose of proposing this measure is to focus attention on the critical energy shortage and hopefully to persuade others to begin thinking about the problem. If the approach which I am suggesting is accepted, amendments to my bill can be proposed to take care of problems dealing with sanctity of contracts, reworking of existing wells, and a myriad of other technical matters. What is important today is bringing this issue into the one forum where the problem can be solved, the U.S. Congress.

In view of all the circumstances of the energy crisis, our present knowledge as to future requirements and the hardships now being experienced because of the energy shortage, I believe this is a logical and decisive first step to protect our citizens and the national interest.

## MIDDECADE CENSUS

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## HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. BROOMFIELD. Mr. Speaker, it is probably accurate to say that no factor is more important in computing the amount of Federal and State aid that a city or village is entitled to than its population. However, because the census is conducted only every 10 years, population figures are probably the most inaccurate statistics used by the Government in dispensing aid.

Therefore I have reintroduced my legislation of the last Congress which calls for a middecade census beginning in 1975. A middecade census is absolutely necessary for the many townships, villages, and cities within the United States which are undergoing rapid population growth.

Mr. Speaker, even the best statistical methods now available cannot insure anything more than a reasonable guess as to any community's population in the sixth, seventh, eighth, or ninth year after the census.

Even the slightest error in the census count is compounded and enlarged in geometric terms until in the eighth or ninth year the original errors have exploded into blatant discrepancies. It is these discrepancies that cost many communities tens and even hundreds of thousands of dollars in Federal and State aid.

Mr. Speaker, many communities are literally being cheated out of their rightful share of aid. They receive little solace in knowing that their population will be readjusted every 10th year. After all, there is no way that they can be compensated for the funds they have lost in the past and they can only expect that the inequities of the past will be duplicated in the future as long as the census is conducted on a 10-year basis.

The task of estimating accurate population counts for localities under 25,000 is so great that Dr. George Brown, Director of the Bureau of the Census admitted in 1971 that—

> Here the margins of possible error are so great that neither the Census Bureau, nor any other organization, has been able to make estimates with the accuracy that is needed to permit their use for administrative purposes.

My own congressional district has experienced unusually rapid growth during the recent past. It is clear that this growth will continue at the same or even greater pace for the foreseeable future. This increase in population has generated an unprecedented demand for new goods and services upon beleaguered local officials.

In the meantime while these local officials struggle to meet this increased demand, with less aid than they are entitled to, other communities that have experienced population decreases are actually being overcompensated.

Mr. Speaker, since 1960, Congress has enacted well over a score of new laws and programs that call for the appropriation of money on the basis of population. Only last year, we passed revenue sharing legislation that disburses over $5 billion to the States, counties, cities, and towns.

As we all know, population is one of the three major variables used to determine a government's fair share of that money. Yet, we know too, on the basis of the Census Bureau's own testimony that it is impossible to accurately compute population counts for most communities on the basis of a 10-year census.

During the last Congress, extensive hearings were held on the middecade proposal. Nevertheless, the bill died and was never brought to the floor for a vote. We were told then that it would take 30 months leadtime to prepare a census in time for 1975.

Nevertheless, in view of the important stake which rapidly growing communities have in a middecade census, and in view of the billions upon billions of dollars that are involved, I believe that every effort can and should be made to introduce a middecade census by 1975.

Mr. Speaker, I respectfully and urgently request that my legislation be given the utmost priority in the 93d Congress.

## IT IS THE ONLY EARTH WE HAVE

### HON. JOHN MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. MOAKLEY. Mr. Speaker, I would like to insert in the CONGRESSIONAL RECORD at this time the Christmas Day editorial of the Boston Globe, and share with my colleagues the moving sentiments expressed therein. The central concern of the article and my own feelings about the indiscriminate bombing and the war's continuation are sensitively reflected in these words:

> If the human spirit can conquer space, certainly we can find a way to live in harmony and compassion on our planet. But this will only come about when we realize that life is sacred. And it is every bit as sacred in Quang Tri as it is in Duluth, Minnesota.

The full text of this editorial follows:

A CHRISTMAS EDITORIAL: "IT'S THE ONLY EARTH WE HAVE"

It's a weird and wondrous and awesome sight.

Captured on film by an Apollo 17 astronaut, the planet Earth hangs suspended in space like a giant tinsel Christmas ball, looking majestic and serene, solemn and stately, and at the same time so frail, so complex, so lonely, so confused—like the human race that inhabits it.

The Earth, and the life it sustains, is frail indeed—a speck of dust floating in the universe, infinitely tiny, breathlessly vulnerable. And so is mankind, so are we all. All equally mortal. All as close to death as a car collision on the way to the supermarket.

Like the Earth, spinning alone in the black void of space, we are all individually lonely, too. More so, perhaps, in this technical computer-card age than ever before, our spirits crying out to each other for love and understanding and brotherhood and compassion. (Since everyone craves these things, secretly or openly, the question is why don't we give them to one another more freely and more sincerely, more of the time?)

The headlines on this Christmas morning, 1972, are full of havoc and heartbreak, some of man's own making and some beyond his control.

In Nicaragua, the death toll of the earthquake that ravaged that country's capital on Saturday continues to mount. Officials believe it may go as high as 12,000.

And on the other side of the world, in another little country, death and destruction of a different sort has escalated beyond redemption.

The world stands horrified, transfixed, by the savage, incredible renewal of bombing unleashed by President Nixon on North Vietnam. The "war" in Vietnam has been under way for so long it's as though everyone—including the participants—have forgotten what it's all about or why it began in the first place. Now, like a ghastly dream in a Kafka novel, it just goes on. And on. And on. And Americans can scarcely look the rest of the world in the eye, or themselves.

The President has declared a 24-hour bombing moratorium on Christmas day. Under the circumstances, however, the one-day truce is more revolting than reverent. The unprecedented mayhem being wreaked on that people in the name of Peace is appalling beyond words, and it would be no worse on Christmas than it will be 24 hours later.

But not all the news of late has been bad. There is the account of the 16 rugby players who survived for more than two months on candy bars, roots and melted snow after their plane crashed in the Andes, 16 men holding stubbornly on to life and praying to God—whose mysterious intercession may have played a part in their miraculous discovery just two days before Christmas.

It is a story of human courage and grit and faith.

And of course there was the voyage of Apollo 17 itself, which produced the picture above. Like all the other manned space shots, this was a tribute to Man's ingenuity, imagination, energy and, one would hope, his humility as well.

As for the Earth—looking so turbulent, shrouded in clouds—here is a prayer for a Peaceful New Year. If the human spirit can conquer space, certainly we can find a way to live in harmony and compassion on our planet.

But this will only come about when we realize that life is sacred. And it is every bit as sacred in Quang Tri as it is in Duluth, Minn.

We've got to treat our Earth with love and care. It's the only one we have.

## INCOME TAX DEDUCTION FOR THE EXPENSES OF HIGHER EDUCATION

### HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. ANNUNZIO. Mr. Speaker, last week I introduced a bill to amend the Internal Revenue Code of 1954 to allow a deduction, for income tax purposes, based on expenses incurred by the taxpayer for the higher education of his children. I sponsored an identical bill in the 92d Congress, and the need for its passage today is even more urgent than it was then because of the rapidly escalating costs of higher education. In fact, if this Congress does not act to relieve the intolerable burden that financing a college education is imposing on the American family, many of our children are going to be deprived of the advanced education that they need and deserve.

The costs of higher education have doubled over the last 10 years. According to estimates by the U.S. Office of Education the average charges for tuition, fees, and room and board for a full-time resident, undergraduate student in a public 4-year university for the 1970–71 school year totaled $1,313. For other public 4-year institutions the cost for the year was estimated to total $1,067. In private institutions the average charges for the year were estimated to total $2,857 for a university and $2,341 for other 4-year colleges. These figures do not include incidentals such as travel, recreation, laundry, and clothing.

Present programs of the Federal Government to provide financial assistance to students in the form of loans and grants are simply not doing the job, especially for the middle income family. The family in the $7,500 to $10,000 income group is not likely to get Federal assistance and is already caught in the bitter squeeze of inflation and taxes. The value of their savings has diminished, and their children have been unable to help themselves, in many cases, because of the tight summer job market.

The provisions of my bill would provide substantial assistance to families supporting college students. It would allow an income tax deduction of an amount equal to one-half of amounts paid by the taxpayer during the year for educational expenses incurred in connection with education at an institution of higher learning. These expenses include tuition, fees, books, room and board for students not living at home, transportation to and from college and other items which are required to pursue effectively an education at the institution involved.

Young people who come from middle class families are entitled to an education, just like those in the lower income groups. There should be no difference in America between middle income, lower income, or higher income. Every child is entitled to the best in education and I especially want to emphasize that the people in the middle income category, who are carrying the greatest tax burden, are entitled to a tax credit in order to educate their children. It is the middle class that gives real strength and stability to our American way of life and to our democracy.

Of course, enactment of this legislation would result in some revenue loss to the Federal Government. But in my view these losses will be more than repaid in increased tax payments by these college educated individuals in later life. The lifetime economic difference today between a college degree and a high school education is over $250,000.

So, on a purely economic basis then, it is just plain good sense to expand financial assistance to those families whose children want to go to college. In nonacademic terms, the rewards of higher education cannot be measured.

Enactment of this legislation will also prove beneficial to the Nation's private colleges and universities, many of which are in financial distress due to rising costs and the growth of state-supported universities and junior colleges with lower tuition. Private schools have always been an integral part of our Nation's educational system because they offer intellectual diversity and a sense of community not available on a huge university campus. Our country thrives on a diversity of tradition and interest.

My bill will provide financial incentive to those students interested in attending small colleges, as well as relieving, to some extent, the burden of increased enrollments and consequent increase in taxes in the various States. I urge the support of my colleagues in enacting this legislation.

## TRIALS OF A NEWS REPORTER

### HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mrs. GRIFFITHS. Mr. Speaker, eyebrows continue to be raised at White House exclusion of certain women reporters of the Washington press from social events at 1600 Pennsylvania Avenue. But, communication is not all lost when Jerry Ter Horst, Washington Bureau Chief for the Detroit News, is invited to cover as "society reporter." His observations of guests, fashion, and decor at the President's reception for new Members of Congress are delightfully fresh and amusing, and, if anything, should add a new approach to White House social reporting. The article follows from the Detroit News of January 6, 1973:

WHITE HOUSE WINGDING—NERVOUS GUESTS, WEAK DRINKS

(By J. F. Ter Horst)

WASHINGTON.—I was a "pool reporter" for the two Washington newspapers at a White House party last night. It was one of the most unusual and humbling experiences of my 25 years in the business.

Never before have I covered a social event at the Executive Mansion. It requires a certain expertise, I discovered, akin to reporting a moon shot or a sheep shearing.

It began innocently enough when I accepted the invitation of White House news secretary Ronald Ziegler to attend President and Mrs. Nixon's reception for new members of Congress.

When I got to the press room, I learned I was part of a group of reporters which would represent the national press at the affair—dutybound to report back to all the others who presumably were not permitted to attend because of space limitations.

It turned out that there were only a couple of reporters who wanted to cover the party but couldn't get in—Isabelle Shelton of the Star-News and Dorothy McCardle of the Washington Post.

You may have heard the White House reasoning for this. Seems it isn't because anybody is mad at the Washington papers but just a Nixon administration decision that a happy hour inside the White House is a national story, no longer a local one, and should not be the exclusive property of the wire services and the Washington papers.

Shortly after 6 p.m., we were ushered into the East Room. There were a lot of people milling about, most of whom I didn't recognize and whom I presumed to be the new senators and congressmen and their spouses.

I recalled the advice that a Kennedy social aide once gave a reporter whose stories had irritated the Kennedy family. Instead of picking guests' brains on touchy subjects, the reporter was told she should merely smile at them and say, "Isn't this a nice party?"

I spotted one round-faced man who seemed as ill at ease as I and walked up to him, assuming he was one of the freshmen lawmakers on his first visit to the White House.

"Isn't this a nice party?" I asked.

"I guess so," he replied smiling and extending his hand. "I'm Roy Ash."

"Oh yes," I said, producing my notebook, so he wouldn't mistake me for one of the new Republican or Democratic congressmen. I asked how he was bearing up under the criticism about the relationship of his firm, Litton Industries, with the government, especially now that Mr. Nixon had named Ash as head of the U.S. Office of Management and Budget (OMB).

"A friend told me to bring some extra pints of blood to Washington because I was going to need them," Ash said. "Guess he was right."

I tried to be helpful. "Better to shed your blood now, going in, than to shed it on the way out," I told him.

Ash started to reply when a booming voice drowned him out. Seems they have this bullhorn which announces the arrival of the President and the First Lady at these receptions. Sure enough, in they came and a smiling Julie Eisenhower with them. Everybody stopped talking, even Vice-President Agnew and Chief Justice Warren Burger.

The Nixons took up positions in the entrance to the room and the President explained what the party was all about. He seemed very relaxed and anxious to please his guests. That was appreciated all the more because I had not seen Mr. Nixon in the East Room since his last news conference some months ago in 1972.

Mr. Nixon told a couple of funny stories about his early years in Congress and how Mrs. Nixon had daringly purchased a long gown to wear to their first visit to the White House 26 years ago.

"This may be the only time we'll get into this house," he quoted her as saying.

Well, that made everybody feel quite at home and ready to go through the receiving line to shake hands with the President and the First Lady.

There are several features about these White House parties which you may like to know about. Handsome young military aides arrange everybody into a kind of line like you see at the check-out counter in a supermarket. There is also one aide at the head of the line to whom you give your name. He, in turn, passes it on to the President.

Likewise, you may be interested to know that ladies don't go first in the White House lineup. Senators and congressmen go through ahead of their spouses—unless the lady is the lawmaker, in which case hubby trails her.

That worked out pretty well last night. I didn't see a single mix-up, although there was some scrambling in the rear of the room while husbands and wives got themselves properly sorted out.

This may be one of the first things that new lawmakers learn when doing business at the White House.

Ash, no longer needing my comfort, had wandered across the room by this time. I took the cue and began mingling, too, singling out a familiar pair from Michigan—House Republican Leader Gerald R. Ford and his wife Betty.

"What are you doing here?" asked Mrs. Ford with a surprised look.

"I'm pooling for the Star-News and the Post," I said.

"You're what?"

"Honest," I insisted.

Ford, still unconvinced, asked, "You mean the Post and the Star aren't here?"

"That's right," I said. "I'm your society reporter tonight."

Mrs. Ford gamely volunteered to help. She gave me a splendid description of Mrs. Nixon's gown but I've forgotten what she said.

I can report, however, that the First Lady was wearing a sort of creamy-white dress with long sleeves and some kind of tucking around the waist. It was a short dress—I mean not really short but like you see wearing in the pictures when she wears a dress like that.

Mr. Nixon was wearing a sort of blue-gray suit. I think his shirt was white. I forgot to notice his necktie but I am quite sure he had one on. Altogether he looked very business-like.

I have some style notes about other people, too. Agnew was immaculate as usual. He may be the most fashionable vice-president in a long time. And I thought Mrs. Agnew, wearing a print dress (silk?), looks a lot slimmer in person than she does in her photographs. Both Agnews seemed very much at home in the White House, by the way.

Henry Kissinger has a good tan from his California vacation but he needs exercise. He is developing a round little tummy which, I fear, isn't going to shrink when he returns to Paris for the peace talks and begins eating that French food again.

The Nixons departed early by helicopter for Camp David and left their guests to wander all around the White House, even upstairs in the family quarters. The Nixons' Christmas tree was still up and very pretty. I noticed their tree isn't shedding needles like mine.

Downstairs in the State dining room, White House waiters were busily passing out drinks to all comers, including the pool reporters. I decided that the President really must be serious about cutting down on government expenses. I'd never get away with serving drinks that weak at a party at my house.

About that time, we were herded back to the press room where, in required fashion, we pool reporters read our notes to all the national correspondents clamoring for our party information—the two women reporters from the Washington papers.

We did our best, girls. Maybe if you switch to out-of-town papers, you'll get a chance to cover the next White House party.

## PRESSURE ON THE PRESS ALARMS NEWSMEN

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. WALDIE. Mr. Speaker, the following article which appeared in this past year's December 30 issue of the National Observer, contains an excellent discussion of the current assault on this Nation's news media. In discussing the numerous instances of governmental coercion and intimidation of America's press, the National Observer added to the growing body of evidence demonstrating the urgent need for congressional legislation designed to extend an absolute, unqualified privilege of confidentiality to members of America's news services—the men and women entrusted with the awesome task of keeping all of us informed.

The article follows:

### PRESSURE ON THE PRESS ALARMS NEWSMEN

(By Mark R. Arnold)

Press freedom is under attack—as usual. But this time the issue isn't bias but confidentiality.

Armed with recent Supreme Court decisions, some lower courts, grand juries, and state legislatures are demanding that reporters divulge confidential sources or go to jail.

The severity of the threat to press freedom is a matter of dispute. But the nation's leading news organizations, normally distrustful of Government, are calling for Federal legislation in the new Congress to protect "the public's right to know."

Some publications and some newsmen are disturbed by the thought of legislation that would spell out rights guaranteed by the Constitution. Columnist I. F. Stone, for example, wonders whether "in trying to reinforce our rights we might actually undermine them; the details are the important thing." There's controversy, too, over whether scholars and authors should be covered by any new protection offered newsmen.

But regardless of differences over the need for legislation, many newsmen, publishers, and broadcast executives contend that the press has lately become a scapegoat for vindictive judges and government authorities seeking to cover their own mistakes. Items:

Reporter Peter Bridge of the defunct Newark News spent 21 days in jail in October for refusing to tell a county grand jury whether he knew more than he printed about a local housing official's charge she was offered a bribe.

Newsman William Farr has been imprisoned since Nov. 27 for refusing to tell a Los Angeles Superior Court judge which of six attorneys in the Charles Manson murder trial gave him incriminating information he published in the Herald-Examiner in violation of the judge's publicity-gag order.

Reporter Joseph Weiler of the Memphis Commercial Appeal was threatened with a contempt hearing by a Tennessee state Senate committee after he refused to disclose his sources for a series of articles on inmate abuse at a state hospital for the retarded. A radio newsman, Joe Pennington, who did disclose his source for a similar report, was recommended for a grand jury investigation of perjury when the source denied giving him information.

David Lightman, a reporter for the Baltimore Evening Sun, has been cited for contempt of court in refusing to tell a county grand jury the identity of an Ocean City, Md., salesgirl who was described in an article he wrote on drug traffic as having offered him illicit drugs. His state appeals have been exhausted and he will go to jail, unless the Supreme Court takes the case and rules in his favor.

Brit Hume, an associate of columnist Jack Anderson, has been ordered in a libel case to divulge his source for an article charging that a United Mine Workers official had illegally removed union files. This ruling is also on appeal.

Jim Mitchell, a reporter for radio station KFWB in Los Angeles, was ordered by a county grand jury Dec. 20 to produce tapes and notes used for a report on bail-bond practices, which the grand jury is investigating. His station manager said the request for materials not broadcast raises serious Constitutional questions.

John F. Lawrence, Washington bureau chief of the Los Angeles Times, was jailed briefly Dec. 19 for refusing to honor a court order in the Watergate bugging case. He had been ordered to produce tapes of a five-hour interview by two Times reporters with Alfred C. Baldwin III, a key Government witness, but he contended it would violate Baldwin's confidence to do so. The interview had been granted on the understanding that Baldwin would decide which portions could be published. A major court test was averted two days later when Baldwin released the Times from its pledge of confidentiality. Lawrence thereupon supplied the tapes to the court.

Lawrence also got Government attention during the "steel crisis" of 1962; the Kennedy Administration sent the FBI to his home in the middle of the night to demand information about a story he wrote. Lawrence refused to give it.

The frequency of these challenges to news gathering efforts has prompted fears that a new judicial "reign of terror" may be descending on the mass media. Its object: to stifle dissent and journalistic initiative. For while it is true that newsmen have always risked jail sentences for refusing to name sources or the contents of unpublished interviews, it is only in the past four years that many courts have begun to demand that they make the choice.

More than 150 subpoenas were served on newspapers and radio-television stations in the first two years of the Nixon Administration by Federal prosecutors, state prosecutors, and defense attorneys. There is no count on the number since then but two trends are clear: Federal subpoenas are down sharply, as a result of new press-subpoena guidelines issued by the Justice Department in 1970. But state and local subpoenas are up sharply.

Those seeking to explain why point to two recent Supreme Court decisions that many newsmen feel are chipping away at the Constitutional underpinnings of press freedom.

In the Pentagon Papers case two years ago, the Court for the first time enjoined newspapers from publishing information the Government wanted suppressed, albeit only temporarily. And in the Caldwell case last June, in which a New York Times reporter was held in contempt for refusing to answer grand jury questions about the Black Panthers, the Court held 5 to 4 that reporters have no automatic right to refuse to divulge information learned in confidence. The Court also said, however, that the states and Congress may create a newsman's privilege by legislation, if they see fit.

The debate over confidentiality unites newsmen, divides law-enforcement authorities, and frequently mystifies the public. Its springboard is the First Amendment to the Constitution, which declares that Congress "shall make no law abridging freedom of the press." But the Constitution doesn't define freedom of the press, and though the amendment would seem to safeguard the right to publish the news, it doesn't extend the same blanket protection to the right to gather the news, unless by implication.

Many citizens do not understand why the press should refuse to co-operate with law-enforcement authorities who might, say, want to study unpublished news photographs of a ghetto riot to determine who the instigators are. Why, they ask, should reporters refuse to tell authorities whether any illegal acts might have been discussed at meetings of political radicals that they attended? Some even ask why the press should publish information from people who "won't own up" by letting their names be used in print?

#### A NEED FOR INSIDE SOURCES

The best defense of the prevailing press practices was the one given by Sen. Alan Cranston of California, before a House Judiciary subcommittee last October. Said he:

"When public or private power is abused, it is often abused secretly. And as a police department often must depend on a tip to solve a crime, so investigative reporters often must depend on a knowledgeable, inside informant to discover abuses of power." The more so, says Cranston, since reporters don't have access to subpoenas, arrest powers, and the other tools in a lawman's work kit.

If reporters can't guarantee protection, argues Cranston, sources of information will dry up, wrongdoing won't be exposed, the public will be denied essential information. Bill Small, CBS news director in Washington, tells this story about the effects of the Caldwell case on news-gathering practices:

CBS wanted to interview a "cheating" welfare mother in Atlanta for a network White Paper on public assistance. Producer Ike Kleinerman agreed to disguise her voice and appearance. But the woman, fearing prosecution, demanded a pledge that the network not divulge her name if subpoenaed to do so. Kleinerman called CBS' legal counsel in New York and was told the network couldn't guarantee to protect the woman's identity. The interview was canceled.

In Memphis, the Commercial Appeal received a tip that 11 hospital employes had been fired or suspended for abusing inmates at the state hospital for the retarded. Reporter Joe Weiler was assigned to the story. He investigated, confirmed the facts with hospital authorities, and wrote the story.

A state Senate committee undertook an immediate investigation of the incident and zeroed in—not on conditions at the hospital but on reporters Weiler and Joe Pennington of radio station WREC, who broadcast a similar account of conditions. Several senators tried to stop the investigation, but the chairman, according to state senator Curtis Person, Jr., "wanted to see the newspapers sweat."

#### THE EFFECTS LINEAR

Last week the contempt hearing against Weiler was canceled when the Tennessee attorney general ruled the lame-duck committee lacked authority to hold it. But the affair has cast a pall over news-gathering activities.

Says Angus McEachran, assistant managing editor of the Commercial Appeal: "If another case arose I'd find it very difficult to believe somebody would pick up the phone and call us about it."

Eighteen states (Tennessee isn't one of them) have laws protecting the confidentiality of newsmen's sources. But those laws are now being disparaged as inadequate. California, Maryland, and New Jersey all have strong shield laws, and reporters in all three states are serving or threatened with prison terms because of loopholes in the law or unusual court interpretations.

New Jersey courts ruled that Bridge wasn't entitled to protection as to the contents of his interview since he named his source in the story—the woman who said she was offered a bribe. He was charged with contempt. Farr was charged during a brief period when he left the newspaper business to take a job as executive assistant to the Los Angeles district attorney; Superior Court Judge Charles H. Older ruled that the law didn't cover "former" newsmen. Farr is now serving an indefinite sentence for civil contempt.

Lightman was not protected by the Maryland law—oldest in the nation—because he neglected to identify himself as a newsman to the salesgirl when asking about drugs. His newspaper, which is appealing the case to the Supreme Court, says he didn't purchase any drugs and was there in his capacity as a reporter, not a private citizen.

Accordingly, many media representatives are demanding Federal legislation to protect newsmen's sources. But the major news organizations are at odds over the 28 bills that were introduced in the last Congress, and some publications oppose any legislation. Lawmakers, too, are divided, though few congressional opponents of protection are willing to speak for publication.

Last July, following the Caldwell decision, five major news organizations calling themselves the Joint Media Committee drafted a bill providing a "qualified" newsman's source protection privilege. Titled a "Free Flow of Information Act" and introduced by

Rep. Charles Whalen, Ohio Republican, in the House and, in modified form, by Sen. Walter Mondale, Minnesota Democrat, in the Senate, it placed the burden of demonstrating the need for any subpoena upon the parties seeking it.

Anyone employed or "otherwise associated" with a publication, news service, or radio or television station could not be compelled to identify confidential sources or produce unpublished information unless a Federal court determined that three conditions had been met: There is evidence the protected person has information of a law violation, there is no alternate means of obtaining the information, and there is a "compelling and overriding national interest" in the information or source.

The Joint Media Committee is no longer joined on a common bill. In a statement Dec. 11, the committee said recent "events have added new emphasis to the need for legislative relief," and cited the Bridge and Farr cases as evidence of "continuing abuses of the First Amendment."

Now the American Society of Newspaper Editors, one of the committee members, has embraced a stronger "absolute" privilege against divulgence of sources; two others, the Associated Press Managing Editors and the National Press Photographers Association, support the original qualified privilege; and the remaining two organizations, Sigma Delta Chi, the national journalism society, and the Radio-Television News Directors Association, have embraced a middle position. Meeting in convention in November, these two groups endorsed an absolute privilege as an ultimate goal but urged their officers to work for "the best possible legislation" in the new Congress—i.e., a qualified privilege.

Absolute privilege bills, introduced in the last Congress by Senator Cranston and Rep. Jerome Waldie, also of California, provide that no news medium employe can be forced to divulge information that violates a professional confidence even in cases of national security. (He can, of course, supply it voluntarily.) Senator Cranston defends his bill by quoting Harvard Law Prof. Paul Freund, who said: "It is impossible to write a qualified newsman's privilege. Any qualification creates loopholes which will destroy the privilege."

The Senate Judiciary subcommittee on Constitutional rights will hold hearings early in the new session on proposals to protect newsmen's sources. Chairman Sam Ervin of North Carolina, the Senate's leading Constitutional lawyer, "is inclined to support some sort of qualified privilege," committee aides say.

But some lawmakers are skeptical of the wisdom of the legislation, though none has publicly voiced objections so far. "I frankly haven't made up my mind," says one Western House Democrat, "but I don't aim to say a word against it till I'm damn sure; you know, we fellas up here live or die by our press notices back home."

STATE OR FEDERAL ACTION?

The Nixon Administration is ambivalent toward granting protection to newsmen. Herb Klein, President Nixon's communications director, emphasized in an interview with The National Observer that he thinks newsmen "have a need for confidentality," but he argues that corrective action should be sought "where the problem arises—in the states," through new or tighter protective legislation.

On the other hand, the Administration "does not oppose" the idea of a Federal qualified-privilege law; "we just think it's a mistake to rush in with a Federal shield law" before all the ramifications have been carefully explored, Klein says. The White House, too, has to think of its press notices.

In a letter to the American Society of Newspaper Editors in November, President Nixon said that the press has managed to function for almost 200 years without resort to Federal legislation, and called for enactment of a newsmen's "shield" law in all states. He noted that the Federal Government has subpoenaed newsmen in only 13 cases since the Attorney General issued strict press-subpoena guidelines in August 1970.

Those guidelines, aimed at curbing the tendency of prosecutors to use the press as an investigative arm of the Government, now require that the Attorney General personally approve all Government requests for subpoenas of newsmen. The criteria to be used are identical to those in the qualified-privilege bills.

Guardians of press freedom, such as Jack Landau of the Reporters' Committee on Freedom of the Press, conceded the guidelines have worked well (as press spokesman for former Attorney General John Mitchell. Landau helped draft the guidelines). But, argues Landau: "What Justice unilaterally imposes, it can unilaterally withdraw." The only secure safeguard of the public's right of information is a Federal shield law, he argues.

A few news publications disagree. Among them: the conservative Manchester, N.H., Union-Leader, the liberal New Republic magazine, the Daily Times Leader in West Point, Miss., the Evening Sentinel in Ansonia, Conn., the Nowata, Okla., Daily Star. Critics of legislation argue that bills enacted to protect a right can be amended to restrict it, and that no rights should be enjoyed by the institutionalized media that are not extended to the smallest pamphleteer with a mimeograph machine.

"The threat to freedom of the press is not nearly so great as the power of the press," said the Raleigh, N.C., News and Observer in a recent editorial. "And the basis for the press' power could be compromised by giving reporters special legal rights and protection. [Such protection] could make its freedom and power seem special privilege."

Proponents of legislation, of course, insist that it's not the newsman's right to his source but the public's right to the news that they seek to protect. A recent Gallup Poll found that 57 percent of Americans believe that newsmen should not be compelled to reveal confidential sources. But the respondents were not asked whether they favored Federal legislation.

Peter Bridge is leading a personal crusade for legislation. "If we can't protect our sources, we'll have only Government press releases," he says. New York's Governor Nelson Rockefeller is one public official who agrees, though he, like President Nixon, prefers passage of tighter state shield laws.

Rockefeller told an Anti-Defamation League dinner in Syracuse last month that reading about one's failings in the daily papers "is one of the privileges of high office." He added:

"I would far prefer a society where a free press occasionally upsets a public official to a society where public officials could ever upset freedom of the press."

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## A RUSSIAN INTELLECTUAL'S CRY FOR FREEDOM

## HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. CRANE. Mr. Speaker, many intellectuals in the West, with total freedom to express their opinions, to criticize their governments, to travel, to read, and to worship as they see fit, seem unaware to the suffering of the brave men and women who are forced to live under the tyranny of communism.

How often have we heard intellectuals in our own country criticize their government as being "totalitarian," simply because the majority of citizens advocated a course of action with which they happened to disagree? How rarely have they seen fit to criticize such human degradations as the construction of the Berlin Wall, the slaughter of millions in the slave labor camps of Stalin, and the mass murders of Mao?

If too many in the West will not speak we are fortunate that other men, at the risk of their lives, have seen fit to express the truth. A giant of modern literature but, more than this, a man whose courage is rarely matched in today's world, recently told that world a good deal about what it means to live under tyranny, and to seek freedom.

Barred by the Soviet Government from receiving the 1970 Nobel Prize for literature, Alexaner Solzhenitsyn nevertheless wrote this acceptance speech which was recently published in the Nobel Foundation's yearbook.

In his speech, Solzhenitsyn, who risks his life every time he speaks out, denounced the "spirit of Munich" now rampant in the West and decried the United Nations' total abandonment of the millions of men and women who live under a system which, he points out, is in clear violation of the United Nations' own Declaration of Human Rights.

He writes:

> A quarter of a century ago in the great hopes of mankind, the United Nations Organization was born. Alas, in an immoral world, this too grew up to be immoral. It is not a United Nations Organization but a united governments organization where all governments stand equal. Those which are freely elected, those imposed forcibly, and those who have seized power with weapons.

He declared that—

> As a result of an obedient vote it declines to undertake the investigation of private appeals—the groans, screams, and beseechings of humble individual people—not large enough for such a great organization. The United Nations made no effort to make the Declaration of Human Rights, its best document in 25 years, into an obligatory condition of membership confronting the governments. Thus it betrayed those humble people into the will of the governments which they had not chosen.

Concerning the conciliatory attitude of the West toward the Communist world, Solzhenitsyn finds a clear comparison with the appeasement of Nazi Germany at Munich. He declares that—

> The spirit of Munich has by no means retreated into the past: It was not merely a brief episode. I even venture to say that the spirit of Munich prevails in the 20th century. The timid civilized world has found nothing with which to oppose the onslaught of a sudden revival of barefaced barbarity, other than concessions and smiles.

It is essential that Americans read and understand the wise words which Alexander Solzhenitsyn has spoken. I wish to share the text of his Nobel Prize acceptance speech and insert into the Record at this time the nearly completed version which is based on the Nobel Foundation's official translation:

### A Russian Intellectual's Cry for Freedom

One day Dostoyevsky threw out the enigmatic remark; Beauty will save the world. What sort of a statement is that? For a long time I considered it mere words. How could that be possible? When in bloodthirsty history did beauty ever save anyone from anything? Ennobled, uplifted, yes—but whom has it saved?

There is, however, a certain peculiarity in the essence of beauty, a peculiarity in the status of art: Namely, the convincingness of a true work of art is completely irrefutable and it forces even an opposing heart to surrender. It is possible to compose an outwardly smooth and elegant political speech, a headstrong article, a social program, or a philosophical system on the basis of both a mistake and a lie. What is hidden, what distorted, will not immediately become obvious.

Then a contradictory speech, article, program, a differently constructed philosophy rallies in opposition—and all just as elegant and smooth, and once again it works. Which is why such things are both trusted and mistrusted.

But a work of art bears within itself its own verification: Conceptions which are devised or stretched do not stand being portrayed in images; they all come crashing down, appear sickly and pale, convince no one. But those works of art which have scooped up the truth and presented it to us as a living force—they take hold of us, compel us, and nobody ever, not even in ages to come, will appear to refute them.

### TRINITY OF TRUTH

So perhaps the ancient trinity of truth, goodness and beauty is not simply an empty, faded formula as we thought in the days of our self-confident, materialistic youth? If the tops of these three trees converge, as the scholars maintained, but the too blatant, too direct stems of truth and goodness are crushed, cut down, not allowed through—then perhaps the fantastic, unpredictable, unexpected stems of beauty will push through and soar to that very same place, and in so doing will fulfill the work of all three?

In that case Dostoyevsky's remark, "Beauty will save the world," was not a careless phrase but a prophesy? After all, he was granted to see much, a man of fantastic illumination.

And in that case art, literature might really be able to help the world today?

It is the small insight which, over the years, I have succeeded in gaining into this matter that I shall attempt to lay before you here today.

In order to mount this platform from which the Nobel lecture is read, a platform offered too far from every writer and only once in a lifetime, I have climbed not three or four makeshift steps, but hundreds and even thousands of them, unyielding, precipitous, frozen steps, leading out of the darkness and cold where it was my fate to survive, while others—perhaps with a greater gift and stronger than I—have perished. Of them, I myself met but a few on the archipelago of Gulag (the central administration of corrective labor camps), shattered into its fractionary multitude of islands, and beneath the millstone of shadowing and mistrust I did not talk to them all; of some I only heard, of others still I only guessed. Those who fell into that abyss already bearing a literary name are at least known, but how many were never recognized, never once mentioned in public? And virtually no one managed to return.

A whole national literature remained there, cast into oblivion not only without a grave, but without even underclothes, naked, with a number tagged onto its toe. Russian literature did not cease for a moment, but from the outside it appeared a wasteland. Where a peaceful forest could have grown, there remained, after all the feeling, two or three trees overlooked by chance.

And as I stand here today, accompanied by the shadows of the fallen, with bowed head allowing others who were worthy before to pass ahead of me to this place—as I stand here, how am I to divine and to express what they would have wished to say?

This obligation has long weighed upon us, and we have understood it. In the words of Vladimir Solovev:

Even in chains we ourselves must compete.

That circle which the gods have mapped out for us.

Frequently, in painful camp seethings, in a column of prisoners, when chains of lanterns pierced the gloom of the evening frosts, there would well up inside us the words that we should like to cry out to the whole world, if the whole world could hear one of us. Then it seemed so clear: What our successful ambassador would say, and how the world would immediately respond with its comment.

Our horizon embraced quite distinctly both physical things and spiritual movements, and it saw no lopsidedness in the indivisible world. These ideas did not come from books, neither were they imported for the sake of coherence. They were formed in conversations with people now dead, in prison cells and by forest fires, they were tested against that life, they grew out of that existence.

### AN INSENSITIVE WORLD

When at last the outer pressure grew a little weaker, and our horizon broadened and gradually, albeit through a minute chink, we saw and knew "the whole world was not at all as we had expected, as we had hoped that is to say a world living "not by that," a world leading "not there," a world which could exclaim at the sight of a muddy swamp, "what a delightful little puddle," at concrete neck stocks, "What an exquisite necklace." But instead a world where some weep inconsolate tears and others dance to a light-hearted musical.

How could this happen? Why the yawning gap? Were we insensitive? Was the world insensitive? Or is it due to language differences? Why is it that people are not able to hear each other's every distinct utterance? Words cease to sound and run away like water—without taste, color, smell. Without trace.

As I have come to understand this, so through the years has changed and changed again the structure, content and tone of my potential speech, the speech I give today.

And it has little in common with its original plan, conceived on frosty camp evenings.

From time immemorial man has been made in such a way that his vision of the world, so long as it has not been instilled under hypnosis, his motivations and scale of values, his actions and intentions are determined by his personal and group experience of life.

As the Russian saying goes, "Do not believe your brother, believe your own crooked eye." And that is the most sound basis for an understanding of the world around us and of human conduct in it. And during the long epochs when our world lay spread out in mystery and wilderness, before it became encroached by common lines of communication, before it was transformed into a single, convulsively pulsating lump—men, relying on experience, ruled without mishap within their limited areas, within their communities, within their societies, and finally on their national territories.

At that time it was possible for individual human beings to perceive and accept a general scale of values, to distinguish between what is considered normal, what incredible, what is cruel and what lies beyond the boundaries of wickedness, what is honesty, what deceit. And although the scattered peoples led extremely different lives and their social values were often strikingly at odds, just as their systems of weights and measure did not agree, still these discrepancies surprised only occasional travelers, were reported in journals under the name of wonders, and bore no danger to mankind which was not yet one.

But now during the past few decades, imperceptibly, suddenly, mankind has become one—hopefully one and dangerously one—so that the concussions and inflammations of one of its parts are almost instantaneously passed on to others, sometimes lacking in any kind of necessary immunity.

Mankind has become one, but not steadfastly one as communities or even nations used to be, not united through years of mutual experience, neither through possession of single eye, affectionately called crooked, nor yet through a common native language, but, surpassing all barriers, through international broadcasting and printing.

An avalanche of events descends upon us—in one minute half the world hears of their splash. But the yardstick by which to measure those events and to evaluate them in accordance with their laws of unfamiliar parts of the world—this is not and cannot be conveyed via soundwaves and in newspaper columns. For these yardsticks were matured and assimilated over too many years of too specific conditions in individual countries and societies; they cannot be exchanged in mid-air. In the various parts of the world men apply their own hard-earned values to events, and they judge stubbornly, confidently, only according to their own scales of values and never according to any others.

And if there are not many such different scales of values in the world, there are at least several, one for evaluating events near at hand, another for events far away; aging societies possess one, young societies another. unsuccessful people another.

### DIVERGING VALUES

The divergent scales of values scream in discordance, they dazzle and daze us, and so that it might not be painful we steer clear of all other values, as though from insanity, as though from illusion, and we confidently judge the whole world according to our own home values. Which is why we take for the greater, more painful and less bearable, that which lies closest to us.

Everything which is further away, which does not threaten this very day to invade our threshold—with all its groans, its stifled cries, its destroyed lives, even if it involved millions of victims—this we consider on the whole to be perfectly bearable and of tolerable proportions.

In one part of the world, not so long ago, under persecutions not inferior to those of the ancient Romans, hundreds of thousands of silent Christians gave up their lives for their belief in God. In the other hemisphere a certain madman (and no doubt he is not alone) speeds across the ocean to deliver us from religion—with a thrust of steel into the high priest. He has calculated for each and every one of us according to his personal scale of values.

That which from a distance, according to one scale of values, appears as enviable and flourishing freedom, at close quarters and according to other values, is left to be infuriating constraint calling for buses to be overthrown. That which in one part of the world might represent a dream of incredible prosperity, in another has the exasperating effect of wild exploitation demanding immediate strike.

There are different scales of values for natural catastrophes: A flood craving 200,000 lives seems less significant than our local accident. There are different scales of values for personal insults: Sometimes even an ironic smile or a dismissive gesture is humiliating, while at others cruel beatings are forgiven as an unfortunate joke.

There are different scales of values for punishment and wickedness: According to one, a month's arrest, banishment to the country, or an isolation cell where one is fed on white rolls and milk, shatters the imagination and fills the newspaper columns with rage. While according to another, prison sentences of 25 years, isolation cells where the walls are covered in ice and the prisoners stripped to their underclothes, lunatic asylums for the sane, and countless unreasonable people who for some reason will keep running away, shot on the frontiers—all this is common and accepted.

Yet we cannot reproach human vision for this duality, for this dumfounded incomprehension of another man's distant grief; man is just made that way. But for the whole of mankind, compressed into a single lump, such mutual incomprehension presents the threat of imminent and violent destruction. One world, one mankind cannot exist in the face of six, four or even two scales of values: We shall be torn apart by this disparity of rhythm, this disparity of vibrations.

A man with two hearts is not for this world; neither shall we be able to live side by side on one earth.

But who will coordinate these value scales, and how? Who will create for mankind one system of interpretation, valid for good and evil deeds, for the unbearable and the bearable, as they are differentiated today? Who will make clear to mankind what is really heavy and intolerable and what only grazes the skin locally? Who will direct the anger to that which is most terrible and not to that which is nearer? Who might succeed in transferring such an understanding beyond the limits of his own human experience?

Who might succeed in impressing upon a bigoted, stubborn human creature the distant joy and grief of others, an understanding of dimensions and deceptions which he himself has never experienced? Propaganda, constraint, scientific proof—all are useless. But fortunately there does exist such a means in our world. That means is art. That means is literature.

They can perform a miracle: They can overcome man's detrimental peculiarity of learning only personal experience so that the experience of other people passes him by in vain. From man to man, as he completes his brief spell on earth, art transfers the whole weight of an unfamiliar, life-long experience with all its burdens, its colors, its sap of life; it recreates in the flesh an unknown experience and allows us to possess it as our own.

### MISTAKES REPEATED

And even more, much more than that: Both countries and whole continents repeat each other's mistakes with time lapses which can amount to centuries. Then, one would think, it would all be so obvious. But no: That which some nations have already experienced, considered and rejected is suddenly discovered by others, to be the latest word. And here again, the only substitute for experience we ourselves have never lived through is art, literature. They possess a wonderful ability: Beyond distinctions of language, custom, social structure, they can convey the life experience of one whole nation to another. To an inexperienced nation they can convey a harsh national trial lasting many decades, at best sparing an entire nation from a superfluous, or mistaken, or even disastrous course, thereby curtailing the meanderings of human history.

It is this great and noble property of art that I urgently recall to you today from the Nobel tribune.

And literature conveys irrefutable condensed experience in yet another invaluable direction: namely, from generation to generation. Thus it becomes the living memory of the nation. Thus it preserves and kindles within itself the flame of her spent history, in a form which is safe from deformation and slander. In this way literature, together with language, protects the soul of the nation.

(In recent times it has been fashionable to talk of the leveling out of nations, of the disappearance of different races in the melting-pot of contemporary civilization. I do not agree with this opinion. Nations are the wealth of mankind, its collective personalities: the very least of them wears its own special facet of divine intention.)

But woe to the nation whose literature is disturbed by the intervention of power. Because that is not just a violation against freedom of print, it is the closing down of the heart of the nation, a slashing to pieces of its memory.

The nation ceases to be mindful of itself, it is deprived of its spiritual unity and despite a supposedly common language, compatriots suddenly cease to understand one another. Silent generations grow old and die without ever having talked about themselves, either to each other or to their descendants.

When such as [poet Anna] Akhmatova and [satirist Yengeny] Zamyatin—interred alive throughout their lives—are condemned to create in silence until they die, never hearing the echo of their written words, then that is not only their personal tragedy, but a sorrow to the whole nation, a danger to the whole nation.

In some cases, moreover—when as a result of such a silence the whole of history ceases to be understood in its entirety—it is a danger to the whole of mankind.

At various times and in various countries there have arisen heated, angry and exquisite debates as to whether art and the artist should be free to live for themselves, or whether they should be forever mindful of their duty towards society and serve it albeit in an unprejudiced way. For me there is no dilemma, but I shall refrain from raising once again the train of arguments.

One of the most brilliant addresses on this subject was actually Albert Camus' Nobel speech, and I would happily subscribe to his conclusions. Indeed, Russian literature has for several decades manifested an inclination not to become too lost in contemplation of itself, not to flutter about too frivolously. I am not ashamed to continue this tradition to the best of my ability. Russian literature has long been familiar with the notion that a writer can do much within his society, and that it is his duty to do so.

### RIGHT OF THE ARTIST

Let us not violate the right of the artist to express exclusively his own experiences and introspections, disregarding everything that happens in the world beyond. Let us not demand of the artist but reproach, beg, urge and entice him—that we may be allowed to do. After all, only in part does he himself develop his talent: The greater part of it is blown into him at birth as a finished product, and the gift of talent imposes responsibility on his free will.

Let us assume that the artist does not owe anybody anything. Nevertheless, it is painful to see how, by retiring into his self-made worlds or the spaces of his subjective whims, he can surrender the real world into the hands of men who are mercenary, if not worthless, if not insane.

Our 20th Century has proved to be more cruel than preceding centuries, and the first 50 years have not erased all its horrors; our world is rent asunder by those same old caveage emotions of greed, envy, lack of control, mutual hostility which have picked up in passing respectable pseudonyms like class struggle, radical conflict, struggle of the masses, trade-union disputes.

The primeval refusal to accept a compromise has been turned into a theoretical principle and is considered the virtue of orthodoxy. It demands millions of sacrifices in ceaseless civil wars, it drums into our souls that there is no such thing as unchanging, universal concepts of goodness and justice, that they are all fluctuating and inconstant. Therefore the rule—always do what's most profitable to your party.

Any professional group no sooner sees a convenient opportunity to break off a piece, even if it be unearned, even if it be superfluous, than it breaks it off there and then and no matter if the whole society comes tumbling down. As seen from the outside, the amplitude of the tossing of Western society is approaching that point behind which the system becomes unstable and must fall.

Violence, less and less embarrassed by the limits imposed by centuries of lawfulness, is brazenly and victoriously striding across the whole world, unconcerned that its infertility has been demonstrated and proved many times in history. What is more, it is not simply crude power that triumphs abroad, but its exultant justification.

The world is being inundated by the brazen conviction that power can do anything, justice nothing. Dostoyevsky's devils—apparently a provincial nightmare fantasy of the last century—are crawling across the whole world in front of our very eyes, infesting countries where they could not have been dreamed of. And by means of hijacking, kidnapings, explosions and fires of recent years they are announcing their determination to shake and destroy civilization! And they may well succeed.

The young, at an age when they have not yet any experience other than sexual, when they do not yet have years of personal suffering and personal understanding behind them, are jubilantly repeating our depraved Russian blunders of the 19th Century, under the impression that they are discovering something new. They acclaim the latest wretched degradation on the part of the Chinese Red Guards, as a joyous example.

### "SPIRIT OF MUNICH"

In shallow lack of understanding of the age-old essence of mankind, in the native confidence of inexperienced hearts they cry: Let us drive away those cruel, greedy oppressors, governments, and the new ones (we), having laid aside grenades and rifles, will be just and understanding. Far from it . . . . But of those who have lived more and understand, those who could oppose these young—many do not dare oppose, they even suck up, anything not to appear conservative. Another Russian phenomenon of the 19th Century which Dostoyevsky called slavery to progressive quirks.

The spirit of Munich has by no means retreated into the past: It was not merely a brief episode. I even venture to say that the spirit of Munich prevails in the 20th Century. The timid civilized world has found nothing with which to oppose the onslaught of a sudden revival of barefaced barbarity, other than concessions and smiles.

The spirit of Munich is a sickness of the will of successful people; it is the daily condition of those who have given themselves up to the thirst after prosperity at any price, to material well-being as the chief goal of earthly existence. Such people—and there are many in today's world—elect passivity and retreat, just so as their accustomed life might drag on a bit longer, just so as not to step over the threshold of hardship today—and tomorrow, you'll see, it will all be all right. (But it will never be all right. The price of cowardice will only be evil: We shall reap courage and victory only when we dare to make sacrifices.)

And on top of this we are threatened by destruction in the fact that the physically compressed, strained world is not allowed to blend spiritually: The molecules of knowledge and sympathy are not allowed to jump over from one half to the other. This presents a rampant danger: the suppression of information between the parts of the planet.

Contemporary science knows that suppression of informaion leads to entropy and total destruction. Suppression of information renders international signatures and agreements illusory: Within a muffled zone it costs nothing to reinterpret any agreement, even simpler to forget it, as though it had never really existed. (Orwell understood this supremely.)

A muffled zone is, as it were, populated not by inhabitants of the earth, but by an expeditionary corps from Mars: The people know nothing intelligent about the rest of the earth and are prepared to go and trample it down in the holy conviction that they come as liberators.

A quarter of a century ago, in the great hopes of mankind, the United Nations organization was born. Alas, in an immoral world, this too grew up to be immoral. It is not a United Nations organization where all governments stand equal; those which are freely elected, those imposed forcibly, and those which have seized power with weapons.

Relying on the mercenary partiality of the majority, the U.N. jealously guards the freedom of some nations and neglects the freedom of others. As a result of an obedient vote it declined to undertake the investigation of private appeals—the groans, screams and beseechings of humble individual plain people—not large enough a catch for such a great organization.

The U.N. made no effort to make the Declaration of Human Rights, its best document in 25 years, into an obligatory condition of membership confronting the governments. Thus it betrayed those humble people into the will of the governments which they had not chosen.

It would seem that the appearance of the contemporary world rests solely in the hands of the scientist: All mankind's technical steps are determined by them. It would seem that it is precisely on the international goodwill of scientists and not politicians, that the direction of the world would depend. All the more so since the example of the few shows how much could be achieved were they all to pull together. But not Scientists have not manifested any clear attempt to become an important, independently active force of mankind. They spend entire congresses in renouncing the sufferings of others. Better to stay safely within the precinct of science. That same spirit of Munich has spread above them its enfeebling wings.

PLACE OF THE WRITER

What then is the place and role of the writer in this cruel, dynamic, split world on the brink of its 10 destructions? After all, we have nothing to do with letting off rockets. We do not even push the lowliest of handcarts. We are scorned by those who respect only material power. Is it not natural for us too, to step back, to lose faith in the steadfastness of goodness, in the indivisibility of truth, and to just impart to the world our bitter, detached observations: How mankind has become degenerated, and how difficult it is for the few beautiful and refined souls to live amongst them?

But we have not even recourse to this flight. Anyone who has once taken up the word can never again evade it: A writer is not the detached judged of his compatriots and contemporaries; he is an accomplice to all the evil committed in his native land or by his countrymen. And if the tanks of his fatherland have flooded the asphalt of a foreign capital with blood, then the brown spots have slapped against the face of the writer forever. And if one fatal night they suffocated his sleeping, trusting friend, then the palms of the writer bear the bruises from that rope. And if his young fellow-citizen breezily declare the superiority of depravity over honest work, if they give themselves over to drugs or seize the breath of the writer. Shall we have the temerity to declare that we are not responsible for the sores of the present-day world?

However, I am cheered by a vital awareness of world literature as of a single huge heart, beating out the cares and troubles of our world, albeit presented and perceived differently in each of its corners.

Apart from age-old national literatures there existed, even in past ages, the conception of world literature as an anthology skirting the heights of the national literatures, and as the sum total of mutual literary influences. But there occurred a lapse in time: Readers and writers became acquainted with writers of other tongues only after a time lapse, sometimes lasting centuries, so that mutual influences were also delayed and the anthology of national literary heights was revealed only in the eyes of descendants, not of contemporaries.

BROTHERHOOD OF WRITERS

But today, between the writers of one country and the writers and readers of another, there is a reciprocity, if not instantaneous, then almost so. I experience this with myself. Those of my books which, alas, have not been printed in my own country have soon found a responsive, world-wide audience, despite hurried and often bad translations.

Such distinguished Western writers as Heinrich Boell have undertaken critical analysis of them.

All these last years, when my work and freedom have not come crashing down, when contrary to the laws of gravity they have hung suspended as though on air, as though on nothing—on the invisible dumb tension of a sympathetic public membrane—then it was with grateful warmth, and quite unexpectedly for myself, that I learned of the further support of the international brotherhood of writers.

On my 50th birthday I was astonished to receive congratulations from well-known Western writers. No pressure on me came to pass by unnoticed. During my dangerous weeks of exclusion from the Writers' Union the wall of defense advanced by the world's prominent protected me from worse persecutions. And Norwegian writers and artists hospitably prepared a roof for me, in the event of my threatened exile being put into effect.

Finally, even the advancement of my name for the Nobel Prize was raised not in the country where I live and write, but by Francois Mauriac and his colleagues. And later still entire national writers' unions have expressed their support for me.

Thus I have understood and felt that world literature is no longer an abstract anthology, nor a generalization invented by literary historians; it is rather a certain common body and a common spirit, a living heart-felt unity reflecting the growing unity of mankind.

State frontiers will turn crimson, heated by electric wire and bursts of machine fire; and various ministries of internal affairs still think that literature too is an internal affair falling under their jurisdiction; newspaper headlines still display: "No Right to Interfere in Our Internal Affairs." Whereas there are no internal affairs left on our crowded earth. And mankind's sole salvation lies in everyone making everything his business; in the people of the East being vitally concerned with what is thought in the West, the people of the West vitally concerned with what goes on in the East.

And literature, as one of the most sensitive, responsive instruments possessed by the human creature, has been one of the first to adopt, assimilate, to catch hold of this feeling of a growing unity of mankind. And so I turn with confidence to the world literature of today—hundreds of friends whom I have never met in the flesh and whom I may never see.

Friends: Let us try to help if we are worth anything at all. Who from time immemorial has constituted the uniting, not the dividing, strength in your countries, lacerated by discordant parties, movements, casts and groups? There in its essence is the position of writers: expressers of their native language—the chief binding force of the nation, of the very earth its people occupy, and at best of its national spirit.

I believe that world literature has in its power to help mankind, in these its troubled hours, to see itself as it really is, notwithstanding the indoctrinations of prejudiced people and parties.

World literature has it in its power to convey condensed experience from one land to another so that we might cease to be split and dazzled, that the difference scales of values might be made to agree, and one nation learn correctly and concisely the true history of another which such strength of recognition and painful awareness as if it had itself experienced the same, and thus might it be spared from repeating the same, cruel mistakes. And perhaps under such conditions we artists will be able to cultivate within ourselves a field of vision to embrace the whole world: In the center observing like any other human being that which lies nearby, at the edges we shall begin to draw in that which is happening in the rest of the world. And we shall correlate, and we shall observe world proportions.

And who, if not writers, are to pass judgment—not only on their unsuccessful governments (in some states this is the easiest way to earn one's bread, the occupation of any man who is not lazy)—but also on the people themselves, in their cowardly humiliation or self-satisfied weakness? Who is to pass judgment on the lightweight sprints of youth, and on the young pirates brandishing their knives?

VIOLENCE AND FALSEHOOD

We shall be told: What can literature possibly do against the ruthless onslaught of open violence? But let us not forget that violence does not live alone and is not capable of living alone: It is necessarily interwoven with falsehood. Between them lies the most intimate, the deepest of natural bonds.

Any man who has once acclaimed violence as his method must inexorably choose falsehood as his principle. At its birth, violence acts openly and even with pride. But no sooner does it become strong, firmly established, than it senses the rarefaction of the air around it and it cannot continue to exist without descending into a fog of lies, clothing them in sweet talk. It does not always, not necessarily, openly throttle the throat: more often it demands from its subjects only an oath of allegiance to falsehood, only complicity in falsehood.

And the simple step of a simple, courageous man is not to partake in falsehood, not to support false actions. Let that enter the world, let it even reign in the world—but not with my help. But writers and artists can achieve more: They can conquer falsehood. In the struggle with falsehood art always did win and it always does win: openly, irrefutably, for everyone. Falsehood can hold out against much in this world, but not against art.

And no sooner will falsehood be dispersed than the nakedness of violence will be revealed in all its ugliness—and violence, decrepit, will fall.

That is why, my friends, I believe that we are able to help the world in its white-hot hour. Not by making the excuse of possessing no weapons, and not by giving ourselves over to a frivolous life—but by going to war.

Proverbs about truth are well-loved in Russian. They give steady and sometimes striking expression to the not inconsiderable harsh national experience.

One word of truth shall outweigh the whole world.

And it is here, on an imaginary fantasy, a breach of the principle of the conservation of mass and energy, that I base both my own activity and my appeal to the writers of the whole world.

## DR. DONALD GRUNEWALD INAUGURATED AS MERCY COLLEGE PRESIDENT

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## HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. PEYSER. Mr. Speaker, on November 19, 1972, Dr. Donald Grunewald was inaugurated as the new president of Mercy College in Dobbs Ferry, N.Y. On that occasion, Dr. Grunewald made a very interesting and important speech which I feel should be brought to the attention of the Congress. His speech follows:

### EDUCATION FOR A WORLD OF CHANGE

(Address given by Dr. Donald Grunewald)

The paramount factor affecting our lives today is that we live in a world of change. The pace of this change is increasing at an accelerated rate. Today's pace is in vivid contrast to the pace of change experienced by the original inhabitants of the site of Mercy College. Our resident historian, Sister Mary Agnes Parrell, informs me that this campus area was once known by the Indians as "the Place of the Bark Kettle." During their long tenure on this land the Indians had a plentiful supply of food to feed the inner man. The squaws raised vegetables and the braves fished and hunted with primitive equipment. Their methodology and technology varied slightly over the years, yet they were able to sustain their lives and their society.

The coming of colonial settlers had little initial impact on the lives and ways of the Indians. However, the American Revolutionary War caused the first beginnings of real change in the area. After the war the Indians gradually relocated to other areas and by the end of the 18th Century they had completely migrated out of Westchester County. They vanished as noiselessly as the morning mist evaporates under the advancing sunrise. As slow as the rate of change was in that era the Indians either refused or were unable to adapt to change. The settlers who replaced the Indians were able to cope with change in the 18th and 19th Centuries.

Change in technology was slow and assimilated fairly easily by the population. Today, we live in an age of rapid change spurred by more and more new technological developments which are coming at an ever increasing pace. This rapid pace of change today means that over their life span our students have a potential of being subjected to two to three changes in their career profession. These changes will not be by choice but due to necessity. This necessity will come about by change obsoleting original career choices. For example, during the nineteen fifties and the sixties there was a great cry for engineers and teachers. Today both careers seem to be in a market drought.

Education must be ready to educate for tomorrow and it must stand ready to re-educate those already educated. In higher education we can no longer consider our only pupils those who are in the eighteen to twenty-two year old bracket. More and more special categories of students have developed, and each category creates special needs. The colleges and universities must adapt their programs to meet the needs of the students. We must not fit the unique students into molds cast many years ago. These students create the need for newer and better courses incorporated into existing programs. And when necessary, totally new programs should be created. In the jargon of todays students: "Education should be relevant." But relevant for what?

Do we merely allow any student to take anything he wishes—a program of complete electives—or should there be some structure to education? What kind of education will be best for students today? What kind of education will they need for tomorrow and for the next century? These are hard questions, and there are no easy solutions. Of course, there is nothing new about this problem. Aristotle stated, "Even about those (subjects of education) that make for excellence there is no agreement, for men do not all honor the same excellence, and so naturally they differ about the training for it." But the solutions to these problems will come from the basic step of defining our goals: Understanding why we exist. We serve only one purpose, to educate.

I firmly believe that the basis for all education is a liberal education. Socrates stated once: "The unexamined life is not worth living." The Bible puts it another way: "Ye shall know the truth and the truth shall make ye free."

A truly liberal education will help students discuss and answer those problems posed by our great philosophers and religious leaders. First of all, I believe that an education should solve the problem of helping a student know himself. How is he made up? Physically, mentally, emotionally, what are his needs? These are the things that every student needs to discuss and think about.

Secondly, a student should know his society. What is the nature of our American society? What are its problems? What is its potential? What has been its past accomplishments and failures? What is its future?

A student also should know about other societies, both past and contemporary, and a student should be encouraged to study moral systems to help him develop his own moral beliefs and ideas for the furtherance of civilization.

Finally, a student must have some education for career use. He not only needs to know himself, know his society and know the world at large but he must also be able to do something when he graduates from college. Whether that doing something means going to graduate school, or medical school, or being prepared for a career as a teacher, or a businessman or a government worker or a housewife, a person must know and must learn some useful things in college to help with his or her career.

In short, I believe in a liberal education—an education that prepares a person to adapt to change and to master it. An education that prepares a student to teach himself in the future after he graduates from college rather than mere rote learning of facts and things. Alfred North Whitehead summed this concept up by stating, "The students are alive, and the purpose of education is to stimulate and guide their self-development."

We must prepare our students to handle rapid change and to cope with it. But the impact of such education causes problems for higher education today. It brings the crush of financial problems. Earlier this month, the regents of New York submitted to Governor Rockefeller and the legislature their final statewide ten year master plan for higher education in the State. There are three basic thrusts to the plan:

1. Development of a comprehensive system of post-secondary education which includes both collegiate and non-collegiate forms of education.

2. Implementation of open access, which would assure every high school graduate by 1980, with an opportunity for higher education, without regard to race, age, creed, sex, national origin, or economic status.

3. Provisions of life long opportunities for all interested persons in the state.

The master plan is contained in a 500-page document and was in preparation for more than a year. Yet despite its size and the amount of time for preparation the regents had to submit an incomplete plan. Because of the complexities surrounding the financing of higher education in the next decade, the section on the cost of financing the regents' objectives had to be deferred for further development. The problem is of such magnitude that by the time it is solved we could find that the cause of the problem, increased costs and resulting tuition increases, could double. I do not belittle the efforts of the regents; rather I sympathize with them as they wrestle for a solution. The task is not an easy one. We are all fighting against time and if the independent colleges do not find solutions to their immediate financial problems, they may not survive long enough to receive the medication of the regents' solution for the long range financial problems. More Bundy aid and incentive scholar aid is needed now. Some mergers and more cooperation among independent institutions must take place to help solve financial problems. Some institutions are too small to survive and yet others have not reached their full potential. Together they can survive or separately they will die and leave all higher education to the public institutions. This would have the unfortunate effects of both limiting diversity in higher education and reducing the likelihood of responsiveness to change.

The current effort by the New York State Department of Education (led in great measure by Bob McCambridge—Assistant Commissioner for Higher Education Planning—who is here today) to promote regional planning and cooperation among both public and independent colleges and universities should be supported by all who are interested in the future of higher education. More support for government aid to independent colleges is also needed to preserve our independent colleges and provide a viable choice to entering college students.

It is clear that the day of the multiversity is over. Multiversities have gotten too large and inflexible to provide a satisfactory education. The campus unrest and high dropout rates from such institutions are proof that they are becoming educational dinosaurs. Smaller schools, such as Mercy College and others, can provide friendliness and lack of alienation, while providing a sufficient diversity of courses, without the scourge of anonymity of the large multiversity. By working together, colleges can form the nucleus for the flexible institutions of the future. We can enter the age of the "miniversity" and leave behind the age of the multiversity.

What do I mean by "miniversity"? A miniversity is a college built on the liberal arts with one, two or three programs in professional or graduate areas, such as education, law, business or advanced science or some other professional area.

A college large enough to survive the financial problems, yet small enough to meet the individual needs of the individual students. Such a miniversity, working cooperatively with others in the same region, provides a hopeful future for education in our world of change.

I believe in a need for some structure of education in the miniversity that I have proposed. We cannot merely put all the students in a big room and say, "What subjects should be taught?" "What will be relevant for the year 2000?" It is very difficult to know what will be relevant for the year 2000. Will, for example, science be relevant? When I went to college, science was not terribly popular. This was before the age of the sputnik, heart transplants and some of the other great recent developments of science. Today, I think it is clear that every student must study some science. At the moment, however, such fields as humanities, languages, philosophy and history appear to be in a decline. Will the student of tomorrow need to know some of these subjects or will he only need to know the things that seem to be relevant today—such subjects as sociology, psychology, government and science? I believe the humane studies also are relevant to one's education and to the future. I believe knowledge in these fields will be needed in the future as in the present.

Therefore, I believe that it is necessary to have some structure to higher education. Every student should be exposed to humane studies. Every student should be exposed to science and mathematics. Every student should be exposed to the social sciences. Every student should be given a great deal of choice in what he takes in each of these great areas of knowledge but every student should be exposed to something in each of these areas.

To sum up my philosophy of education, I believe in emphasizing the intellectual—not the anti-intellectual. I believe in presenting to students alternative views of problems—not narrow-minded indoctrination. I believe in hiring a faculty based on their academic competence—not on any other basis. I believe in equality of educational opportunity. Every student must have the opportunity to advance in skill and knowledge to the best of his ability. However, there can be no equality in results.

I believe we need great teachers who will serve their students' needs. St. Paul, in his letter to the thessalonians, pointed out the heart of great teaching. He wrote, "While we were among you we were gentle. We worked day and night in order not to impose on you in any way. We shared with you not only God's tidings but our very lives." We have many dedicated teachers at Mercy College who are working to advance the goals I have outlined.

I look forward to the future of Mercy College and of higher education with some confidence. On behalf of the administration of Mercy College and myself, I pledge and commit the college to continue to carry on its traditions; to continue to provide a fine liberal education; to continue to expand its curricula and faculty to meet the complexities and demands of present day society.

I pledge and commit Mercy College to provide the community with graduates capable of achieving the goals of leadership in the home, in business, in education, in government, and in society.

I pledge and commit Mercy College to provide society with informed citizens aware of both their rights and their duties to society.

I pledge and commit Mercy College to support regionalism and cooperation with other institutions, both public and independent, in the academic community.

Finally, I pledge and commit Mercy College to the pursuit of truth and to follow its motto—"be thou consumed in serving."

Thank you.

## LIVE CARGO: CRUELTY ALOFT?

## HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. WHITEHURST. Mr. Speaker, the following article, entitled "Live Cargo: Cruelty Aloft? appeared in the January 1973, issue of Air Line Pilot. It points out the crying need for additional legislation to provide humane care for animals in airline terminals and in transit.

On January 3, I reintroduced a bill which I had first introduced last year, amending the Animal Welfare Act of 1970 to cover animals in transit and in terminals of all common carriers, not airlines alone. The bill is now H.R. 1264, and I earnestly hope that it will receive favorable action in the near future.

Let me also take this opportunity to commend the Women's SPCA of Pennsylvania for their efforts in caring for pets in transit at the Philadelphia International Airport. If we had such groups everywhere, my bill would not be necessary. Until such a time arrives, it is essential that legislation such as H.R. 1264 be passed.

I commend this article to my colleagues:

### Live Cargo: Cruelty Aloft?

(By C. V. Glines)

The DC-8 departed San Francisco on schedule and headed for New York. Among its passengers was a smartly dressed woman in her mid-60's who sat quietly crying into a handkerchief. A stewardess, sensing that the woman was genuinely grief-stricken about something, asked if there was anything she could do.

"Thank you, Miss," the lady said through her tears, "but I'm afraid it's too late. Penny, my dear pet, is in the cargo compartment and I'm afraid she's dead."

The stewardess assured her passenger that animals riding in the cargo hold are perfectly safe and comfortable. There was no reason to think otherwise.

"You're nice to tell me that but I know she's dead," the lady said. "I heard her barking when we took off but she's not barking now. I know she's gone."

The lady was right. Her pet of many years was dead when offloaded in New York. A veterinarian claimed death was due to suffocation.

Is this a common occurrence?

It is, according to representatives of various humane societies and they have hundreds of letters on file to prove it. It isn't, according to the airlines, FAA, CAB, freight forwarders and commercial shippers of live animals and birds. Complaints about animal mishandling are so rare, according to the CAB's Office of Consumer Affairs, that no statistics are available. Jack Yohe, chief of the office, estimates that only a fraction of 1% of the gripes he receives concern animals.

Anyone who wants to ship live creatures by air has a variety of choices available. They can be shipped as passenger baggage, air express, air freight, or perhaps as special air freight, which some carriers offer for certain size packages that can be claimed at destination within a few minutes after arrival. There is, however, no standardization. Airline policy on accepting live animals in air freight varies by carrier and species. This is so, according to the Air Transport Association, "because of differences in aircraft, the geographic regions various carriers serve, the climate normally encountered, schedule frequency and other factors." The association adds: "Generally those that fly the farthest are the most lenient about allowing small pets to fly right in the cabin with their owners."

Most live creatures being shipped, however, travel in the belly compartment along with other cargo. Exceptions are the FH-227 and YS-11 in which all manner of fauna ride in the rear or forward baggage compartments and share their peculiar smells and sounds with the human passengers.

In short, most living beings going by air are treated as cargo. To an airline cargo handler, a box full of mice or a cage of monkeys is just another item that must be lifted and placed somewhere else for movement out of his jurisdiction. His only interest is in moving it, not worrying about its contents. A freight forwarder or REA Air Express dock worker treats live creatures the same way. In these cases, however, it is they who most often meet the consignee in person and must answer for the condition of those creatures. They are the first to admit that it is extremely difficult to explain to the owner why a pet is dead on arrival or to a pet shop consignee why a crate of parakeets has arrived safely but minus the parakeets.

Death, injury or loss of live animals and birds has apparently reached a point where the nation's humane societies consider it a major issue in their crusade for better treatment of all living creatures.

As airlines and freight forwarders have discovered, the nation's organized animal lovers pack a powerful wallop when it comes to mistreatment of anything in the animal kingdom. They will not hesitate to have warrants issued and to take owners to court whenever they discover evidence of negligence and cruelty. Most airlines have had their share of suits by outraged pet owners to know that animals can be bad news if mishandled, lost or die while in their hands. Eastern Air Lines, for example, will never forget the ax-wielding dog owner who slashed the underbelly of a 727 and splashed black paint on the aircraft because his champion wolfhound had died of heatstroke en route from Dallas to Miami.

The exact number of live fauna going by air is not known. But on a recent visit to the REA Air Express facility at Washington National Airport, *Air Line Pilot* found more than 1,000 animals were processed within a four-hour period on one evening. Dozens of cartons of mice and rats were awaiting a truck for delivery to local universities and research facilities. There were 10 dogs, 20 cages of quiet white rabbits and six crates of chattering monkeys awaiting shipment by air.

Working among the REA cargo handlers were two attractive members of the Washington Animal League, Mrs. Susan Ostliff and Mrs. Meta Miller, both of the office staff of Representative Floyd Hicks (D-Wash.). They checked each crate or box containing animals as it arrived to determine the condition of the occupants. Their maternal concern centered around the dogs and monkeys since there wasn't much that could be done for the crawly creatures whose boxes were tightly sealed. Water and food were given to each dog and several were given exercise out of their crates. The monkeys were given peeled oranges, which they quickly devoured.

The concern expressed by the two women was genuine. They cited numerous cases of mistreatment and mostly blamed animal wholesalers who too frequently ship animals in boxes or crates so small that they cannot stand or turn around. The most used dog cage that is grossly inadequate and ought to be banned, according to humane officials, is the slatted orange crate. Drafty, flimsy and easily broken open, it has become a symbol of cruelty to animals as far as the members of the Washington Humane Society are concerned.

"The basic problem is that those in the airline business think of animals as common freight instead of living beings," complains Faye Brisk, a member of the group. "There must be a separate classification for live creatures somewhere between passengers and cargo. Their treatment must improve and we're going to see that something is done."

The "something" has included persuading federal legislators that laws are required since government agencies refuse to take the necessary unilateral action to insure safe transport for animals. At least nine separate bills were introduced in the 92nd Congress; all died when the second session adjourned in October. Typical was E. 209, introduced in January 1971 by Senator Lowell P. Weicker (R-Conn.), which would have required the secretary of transportation "to prescribe regulations governing the humane treatment of animals transported in air commerce."

Weicker will take a new thrust in this session by the introduction of a bill to amend the Animal Welfare Act of 1970 to provide that all animal shipment regulations in the act will be adhered to by the common carriers now exempt. "To some this may seem like a trivial matter in comparison to other pressing problems of the day," Weicker said, "but I feel that if we do not have concern and compassion for all of God's creatures we diminish our ability to care about our human neighbors.

"An investigation by my staff has revealed too many instances where pets shipped by airlines are subject to inhumane treatment either because of carelessness or lack of concern for the comfort and safety of the animal on the part of the air carrier," Senator Weicker says. He cites the case of a constituent whose pet German shepherd dog died after being stored in the overheated baggage hold in an airplane that was delayed. Looking into the case, he was "shocked" to learn that no agency of the federal government has set up regulations and standards for the handling and care of animals shipped by air. "Animals are probably the most perishable cargo that can be transported by air," he said. "We must assure they are treated with care and humane concern."

It is not generally the role of CAB to be concerned about humane treatment of animals, but it did investigate tariff rates for live animals and birds in 1971 and pet owners had their day in CAB's court. The CAB report issued later discussed tariff rates at length but also made some points in favor of humane treatment by getting into the rules of liability and excess valuation charges and included packing and marking requirements, furnishing of containers, handling and protective instructions, and restrictions regarding the number of animals per aircraft compartment.

The report concluded that "it is clear that live animal and bird traffic is important to the carriers" in an economic sense and that most carriers "show active solicitation of live animal and bird traffic." In discussing environmental factors, however, CAB took special notice of Class D belly compartments of the "early and middle generation" of jet aircraft, which have restricted ventilation. These compartments "were deliberately designed to be nearly air-tight and air-stagnant—designed so that the only air exchange would result from leakage of pressurized air out into the atmosphere and seepage of replacement air into the compartment from other parts of the aircraft . . . Thus, when the aircraft is on the ground, with the cargo doors closed, the cargo compartments are as air-tight as an automobile with the doors and windows closed. When the aircraft is in flight, however, with the compartments pressurized, there is some exchange of air in the compartments due to leakage and seepage."

CAB analyzed the need for extra space generated by the carriage of warm-blooded animals and birds and noted that restricted ventilation of Class D belly compartments "simply means that the carriers must give special consideration to the acceptance of warm-blooded live animal and bird shipments and must take special steps to assure their safe transportation." The report also recognized, however, "that the use of oxygen and production of carbon dioxide varies not only by kind of animal but by size, etc." and is a problem of "substantial complexity."

Although air carriers are able to provide safe transportation for shippers of live animals and birds, CAB said, it "does not mean that the air carriers have done so on all occasions. The sad fact is that valued animals have suffered destruction during air transportation" and "the unfortunate incidents which have happened have been caused mostly by carelessness and bad judgment."

CAB made no recommendations to solve the problem of mistreatment other than to note that legislation had already been enacted to respond to the concern of many people and organizations, such as the Laboratory Animal Welfare Act of 1966 and the Animal Welfare Act of 1970. Under these acts, the Department of Agriculture is directed to take action to promulgate standards governing the humane handling, care, treatment and transportation of certain animals intended for use as pets or for research or exhibition by dealers, research facilities and exhibitors.

Humane society personnel say that the regulations are a fine start but are not complete and are certainly not enforced at the country's airports. Besides, critics say, these standards do not apply to common carriers.

The case of Air Force Major Frederick D. Current of Newberry, S.C., is typical of the mishandling blamed on the airlines. He had searched long and hard for a pedigreed English bulldog and found one named Country Boy in Pampa, Tex. He had it shipped to New Orleans where it arrived safely but five hours after arrival, Country Boy died in the airline's cargo facility. According to a veterinarian, who arrived too late after cargo personnel noted the dog was sick, death was due "to excessive saliva in lungs or asphyxiation." He also noted that this condition might have been caused from being "nervous or overheated." He told the major that some effort to cool the animal down could have been helpful.

Current had paid $300 for his prize and considered it an exceptional find because it had 25 champions out of the 32 dogs on its pedigree.

When the major arrived at the cargo area to pick up his dog and found it dead, he made a thorough investigation on his own. The dog had been shipped from Amarillo at 6:25 p.m. the evening before and had arrived at New Orleans in apparent good health at 8:18 a.m. that day. At 9 a.m., a freight handler gave the animal some water and noticed that it drank about 1½ cups. At 12:15 p.m., however, the handler noted that the dog had difficulty standing on its hind legs. He didn't offer any more water because "I wouldn't stick my arm in there" and told Current that "I don't go near sick dogs." He said he called three vets before he could get one to agree to come to the terminal. By the time he came at 1:30 p.m., the animal had expired.

Current sought $400 compensation from the airline although he said "no amount of money can compensate me for the loss of *that* dog. My purchase of Country Boy came as a climax of an exhaustive nationwide search for a stud dog of his age, credentials and potential." He was turned down by the airline with the explanation that "there were no instructions on the waybill or cargo requesting the dog be exercised so this was not done due to the nature of some dogs' temperament when strangers are near them."

Current wrote to the CAB's Office of Consumer Affairs and asked some searching questions. "Does it take a great deal of common sense to ascertain that an animal needs exercise after some 14-16 hours in a confining container?" he queried. "If they could not get a vet to come out, why did they not take the dog to a veterinary office? If the carriers can't transport live dogs then they shouldn't contract to do so." The dog's death could have been averted, he contended, "by reasonable, proper action by (airline) employes."

Whether the airlines or freight forwarders want to admit it or not, the humane societies see mishandling of animals as a rapidly growing problem. They have taken some unilateral action on their own, much to the relief of the airlines. At J. F. Kennedy International Airport, the American Society for the Prevention of Cruelty to Animals established an Animalport in 1958 to "relieve owners, shippers and airlines of unusual and unexpected problems that can arise when animals are transported." Open 24 hours a day, animal travelers are fed, watered, housed and cared for while awaiting air shipment. Ambulance service is provided for sick or injured animals. A fully equipped veterinary clinic is available with a private vet on call. Meals are prepared in a "diet kitchen" for every type of live creature "from live meal worms for foxes to bamboo roots for pandas, raw meat for lions and alfalfa for elephants." Fees for the service vary from $2 per bag for nonpoisonous snakes to $25 for horses for the first 24 hours. All fees are charged to the airlines, which pass them on to the shipper or consignee.

The airlines welcome the availability of Animalport and call on its personnel frequently. Robert Rooney, Animalport's manager, tells hair-raising stories of tarantulas and scorpions loose in cargo holds and of trying to entice a planeload of starved monkeys back into cages. He and his staff of eight have handled every type of live animal that can go by air from earthworms to elephants and lizards to lions. "We are the airlines' right arm for animal matters," he says. "We handle about 120,000 animals per year. I don't know what they'd do without us."

According to Rooney, the biggest problem in the shipment of animals is the human element—the shipper's failure to do something. The biggest reason for delay in moving animals to destination, he says, is paperwork improperly made out. He advises putting name, address and telephone number of consignee on the crate in addition to the required paper tags.

As far as death or injury of animals is concerned, the major reason is poor crating, Rooney says. In both cases, it is the shipper's attitude that he believes is the basic problem. "It's usually a case of people trying to pass off their problems to others," he told *Air Line Pilot*. "Some commercial shippers of animals just want to get by with the minimum of expense." He cites cases of shippers placing snakes in dog crates and puppies in shoe boxes. Protruding wires and nails in homemade crates do extensive damage to an animal. The most frequent cause of death, according to the ex-Army officer, seems to be asphyxiation, heat prostration or stroke from either inadequate ventilation in a cargo hold or crates without a sufficient number of air vents.

There seems to be no doubt that the Animalport operation at Kennedy is an asset to the airlines and many animals have been saved through the care and concern of the ASPCA. Unfortunately, it is not typical. No other U.S. airport has a similar setup. Honolulu and San Francisco have shelters and Philadelphia has a program that is as effective as a single man can make it. Sponsored by the Women's SPCA of Pennsylvania, the latter facility is a house trailer with two wire cages inside and a pen outside. The operation is supervised by Robert A. Addlesberger, a retired policeman with an extraordinary knack for solving animal problems and gaining cooperation from airport and airline officials. As a humane agent, he is empowered "to make arrest upon his own view of any person found violating the provision of the acts relating to cruelty to animals." In his four years with the society, he has not had to make an arrest.

Although it is a one-man operation, Addlesberger is on call 24 hours a day and when he can't be reached, has assured that SPCA and vet phone numbers are posted in all air freight offices on the airport. When on duty, he continually walks from one end of the terminal to the other searching for animals and birds. When he finds them, he inspects every crate or box, makes a tally in a notebook if all is well and pastes on the container an SPCA sticker that says: "We have welcomed your pet to Philadelphia. A Humane Officer has supervised the handling and welfare of this animal while it was at the Philadelphia International Airport."

Animals or birds needing water or food are assisted immediately. If an animal appears sick, he calls one of the vets. Those that have waited too long for pickup or whose paperwork is lost are sent to the society's shelter. Photos are taken of bad examples of crating or inhumane treatment. Action is then taken to correct the situation or, if necessary, to bring an offender to trial. Bad crates are replaced and the consignee is billed for the cost.

Unlike the JFK operation, the service at Philadelphia is free. According to Robert G. Hudson, executive director of the Women's SPCA of Pennsylvania, the only sources of revenue are bequests, unrestricted legacies and donations. Recognizing that the JFK Animalport is the first in the Western Hemisphere, he says: "We are proud to be the second Animalport in operation. Although our trailer-shelter is modest in comparison to the building in New York, we expect to increase in size and service when the new Philadelphia cargo city terminal is completed."

The total number of animals inspected by Officer Addlesberger has increased since he began the Philadelphia operation in November 1969. During his first year, he inspected 38,516. A total of 49,998 were checked last year and this year's total will be well over the 50,000 mark. This census does not include many containers of small animals (hamsters, rats, mice, etc.) that are usually boxed in groups of 15 to 25 or more. As in the case of the JFK Animalport, Addlesberger's census covers the entire list of animals and birds that could possibly go by air. In both cases, dogs head the list in numbers carried. On the day that *Air Line Pilot* visited Philadelphia, the list included dogs, cats, mice, bloodworms, fish, hamsters and rabbits.

The voluntary efforts of the Washington Humane Society at Washington National Airport are less effective but no less compassionate. Only the REA Air Express dock is checked on the three evenings per week that animals are processed. Recently, a corner of the building was set aside for food, water containers and storage of crates to replace those deemed unfit. REA personnel tolerate the ladies from the Humane Society but privately admit "they're a pain in the neck sometimes because they get in the way when we're trying to move stuff around." The service rendered, however, outweighs any inconvenience to the cargo handlers.

While all the airlines and freight forwarders handle animals, REA estimates that it handles about 90% of all the animal traffic and took in $6 million last year for its trouble. Animal shipments have been increasing at a rate estimated up to 10% annually, mostly due to the large increase in dog-breeding farms that ship thousands of purebred puppies to pet stores all over the country. Washington and other cities with a number of university or government laboratories are the destination for all types of animals used for experimentation with rats, mice, monkeys and rabbits predominant. Dogs destined for pet shops or individual owners head the list of animals shipped in individual crates.

The continuing concern expressed by the humane societies has had its effect on airlines and freight forwarders at the larger airports by calling attention to inadequate cages, poor handling and improper loading of animals in trucks and cargo holds. As a result, treatment has improved slightly and the wrath of the societies is increasingly being shifted to commercial shippers, some of whom appear to be completely insensitive to the demands for better care of anything alive that goes by air. With the power and motivation to bring legal action against inhumane shipping practices, the societies promise to increase the pressure. Not only shippers but the airlines and freight forwarders can also expect to share their anger.

One of the foremost organizations fighting animal mistreatment is the Humane Society of the United States with offices in Washington. Frank J. McMahon, director of investigations, cites many cases that have come to his attention. He sees the "puppy mills" as leading culprits in shipping animals by air that are too young, too sick or are crated in smashable, leakable boxes. One of the most flagrant cases in his files is that of a midwest dog shipper who defied numerous efforts to halt his operation and that of the airline that allegedly cooperated by accepting the shipments and a vet who was said to have left stacks of signed health certificates with the airline. The shipper was put out of business only because he was charged with fraud based on false advertising.

McMahon is discouraged. "We've been knocking ourselves out for years without making any progress at all," he says. "The airlines have no obligation to give food, water or exercise. The commercial shippers don't care as long as they get their money from the consignee if the shipment arrives safely and from the insurance if it doesn't. The air freight forwarder working in the field on commission is apt to accept anything."

The one hope, as he sees it, is for the Weicker bill to be reintroduced and passed during this session of Congress. "If it does pass, it will enable us to sit down with the Air Transport Association and the government agencies involved and work out the kind of regulations we want."

One of the most incisive letters in McMahon's files came from a stewardess who wondered one day why her luggage carried in the cargo compartment was so cold to the touch and "remained frozen even by the time I reached home or my hotel room." Concerned about the animals carried in the same compartment, she placed a thermometer in her bag which recorded the maximum and minimum temperatures in her flight bag during international flights. The extremes she recorded were 104° F on the ground and 0° F in flight.

Besides temperature variation of this magnitude, she investigated further and found other evidence of lack of care on her airline. She wrote:

"I have seen animals with their paws and faces bleeding because they cut themselves trying to get out. Other cages are like coffins; they do not have enough air holes. I saw somebody in Paris put two beautiful Irish setters in two very expensive metal boxes with just a few tiny holes. On our arrival in New York I heard the Captain say the animals 'were not giving any sign of life . . .'"

Once her interest was aroused, the stewardess became particularly attentive to conversations among passengers, crew members and ground personnel who have told of "animals frozen to death, suffocated by luggage thrown over them, who died from heat, thirst, fear or other reasons." She pleaded for passage of a bill "that would set some rules for the transport of these animals" and added: "It is also important that the public be made aware of what their pets go through when they decide to ship one. The public must be informed by the airlines of the temperature of the compartment where the animal will be placed, and that the animal will not be assured food or water and for how many hours. This does not happen and will never happen until some specific legislation involving all IATA carriers will be passed. The airlines have nothing to lose by giving out the exact information, while right now the ones who lose are the animals and they can't talk."

There is much truth in what this one concerned citizen says. The airlines, shippers and air freight forwarders had better pay attention. Regulation seems inevitable. It would behoove all involved to "get with the program" and correct the deficiencies in the system that permits live creatures to be tortured, maimed and killed during air travel.

## MAJOR FLAW IN ELECTING THE PRESIDENT

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### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. CONTE. Mr. Speaker, I congratulate the gentleman from Michigan (Mr. O'HARA) on the fine statement he made last Saturday, January 6, 1973, on the dangers of the way we elect our President. I am happy to endorse the statement for I believe that our method of electing the President is a major flaw in our Constitution. It is a major flaw which could bring about a national crisis.

Under our present system, a candidate who wins the popular vote of the people could still lose the electoral vote and, therefore, the Presidency. This has happened three times in our history. We came close to the same thing again as recently as 1960 when a shift of only 11,424 votes spread throughout five States would have elevated the candidate with the fewest votes to the Presidency.

In fact, a candidate could win both the popular vote and carry enough States to give him an apparent majority of electoral votes, and still lose the Presidency. The reason for this, of course, is that electors are not constitutionally bound to vote for the candidate who wins the popular vote in their respective States. At least eight times in our history, an elector has chosen to defy his State's electorate. The most recent example of this is found among the electoral votes which we were asked to certify last Saturday. As my colleagues from Michigan indicated, the potential damage which could be caused by faithless electors is a threat which could, and should, be erased forever.

Another great threat to our elective system is the awkward, dangerous, and completely undemocratic procedure which must be followed in the event of a deadlock in the electoral college.

When a strong third party candidate is involved in the presidential election, the possibility of none of the candidates obtaining the required number of electoral votes is greatly increased. We came perilously close to that in 1968 when a shift of one-quarter of 1 percent of the vote in one State, and a shift of one-half of 1 percent in another, would have deadlocked the election.

In the event of such a deadlock in the electoral college, the House of Representatives must choose the President by majority vote with each State delegation only having one vote. If the House deadlocks, the Senate would choose an acting President from among the vice-presidential candidates. The acting President would serve from January 20 until the House of Representatives chose a President.

On January 3, I introduced joint resolutions (H.J. Res. 74 and 75) to provide for the abolition of the electoral college and for the direct election of the President. Forty of my colleagues have already joined with me in this effort, and I expect that their number will continue to increase.

The proposed amendment provides

that the candidate who receives the greatest number of votes will be the President, so long as he receives a plurality of at least 40 percent of the votes cast. If no candidate receives at least 40 percent of the popular vote, a runoff election would be held between the two candidates receiving the greatest number of votes.

I believe that this is the most democratic means of electing our President. The House of Representatives adopted a similar resolution in September 1969, but the other body did not follow the lead of the House.

The 93d Congress should move forward to adopt this proposed amendment with the utmost speed. The electoral college is a constitutional time bomb. We must move forward to defuse it before it explodes.

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## THE DOUBLE STANDARD IN EDUCATIONAL TAXATION

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. RARICK. Mr. Speaker, private school supporters who have learned that private education is ineligible for nonprofit status at the same time that private school tuition is denied tax deductibility will find little encouragement from the latest double standards employed by the Government.

Members of Congress were recently invited to attend an acrobatic performance by Red Chinese at the John F. Kennedy Center, called under the patronage of Mrs. Nixon. The admission tickets, ranging from $75 for a box seat to $7.50 for a side seat, carried the notation that portions of admissions cost were tax deductible. For example, $64 of the $75 box-seat ticket and $2 of the $7.50 seat ticket were tax deductible. Education of Americans in Communist acrobatics received a tax deductible status, but American education in private schools does not.

Then, we have the announcement of a health care program for Soviet scientific visitors through the Department of Health, Education, and Welfare. The Blue Cross-Blue Shield program gives all Soviet scientific visitors complete medical coverage at the low premium of $18.98 per person from HEW funds but paid for by U.S. taxpayers. The health service for Communist visitors from Russia in their educational program is borne by us without benefit of tax deduction.

And so the strange double standard of tax deductions in anti-American causes for wealthy foundations and for foreigners continues while private education remains a stepchild with its supporters and students denied any relief from dual tuition unless they surrender independence and bow to complete Federal control and domination.

I include the invitation and schedule of admission prices at this point:

Under the gracious patronage of Mrs. Nixon on the occasion of the first visit of a performing group from the People's Republic of China the Board of Trustees of the John F. Kennedy Center for the Performing Arts requests the pleasure of your company at a special benefit performance of The Shenyang Acrobatic Troupe of China on Tuesday evening the Ninth of January Nineteen hundred and seventy-three at eight o'clock, Opera House at the Kennedy Center.

R.S.V.P.

Card enclosed.

KENNEDY CENTER ACROBATS

TUESDAY EVENING, THE NINTH OF JANUARY

Enclosed please find my check for $______ for ______ tickets.

Box Seating—$75.00 per ticket ($64.00 tax deductible).

Orchestra—$50.00 per ticket ($41.00 tax deductible).

1st Tier Center Front—$35.00 per ticket ($26.50 tax deductible).

1st Tier Center Rear—$25.00 per ticket ($17.50 tax deductible).

1st Tier Side Front—$15.00 per ticket ($6.50 tax deductible).

1st Tier Side Rear—$15.00 per ticket ($7.50 tax deductible).

2nd Tier Center Front—$7.50 per ticket ($2.00 tax deductible).

2nd Tier Center Rear—$5.50 per ticket (No deduction).

2nd Tier Sides—$4.50 per ticket (No deduction).

No tickets mailed after January 3rd. Please pick up at box office.

Name ____________________ Address ________

______________________ Phone ____________

Please make checks payable to Kennedy Center Acrobats and mail to:

Kennedy Center Acrobats, Washington, D.C. 20566.

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## THE GALLANT AMERICANS

## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. TEAGUE of Texas. Mr. Speaker, during the 91st Congress, the Veterans' Affairs Committee was given legislative authority over the American Battle Monuments Commission. In order that I could see some of their problems firsthand, I made a short visit during the month of November last year to several of the cemeteries in Europe as well as a number of the battle monuments. Following my visit, I spoke briefly with some local newspapers in Texas, and shortly thereafter the Dallas Times Herald sent one of their people to cover this matter. Miss Margaret Mayer, Washington correspondent for the Dallas Times Herald, has done a splendid job of presenting the excellent job our American Battle Monuments Commission has done with respect to our military cemeteries and I am pleased to include her story which appeared in the December 10, 1972, edition of the Dallas Times Herald:

THE GALLANT AMERICANS—THEY REST IN FRANCE, BELGIUM, AND OAHU BUT NOT IN VIETNAM

(By Margaret Mayer)

There are no known Graves of American military dead in Vietnam. When American involvement in that war is brought officially to an end, there will be no U.S. military cemetery to show that more than 45,000 Americans died there.

This is one of the ironies of the Vietnam War.

While Indochina writhed in combat, the rest of the world was able to move from continent to continent more or less at peace. The American dead were brought home. Time and the still uncertain future of the little Southeast Asian country will determine if ever there is erected a monument to show that Americans fought there.

Almost 20 years passed before the American Battle Monuments Commission last year selected a site in Seoul, Korea, for the commemoration of "distinguished American military action" in that country. The memorial has not yet been built.

The names of 8,187 missing in action from the Korean War are listed along with 18,093 missing in Pacific actions in World War II in the National Memorial Cemetery of the Pacific in Honolulu.

The names of the Vietnam missing in action will join them there or have their place of honor in some other suitable memorial—when prisoners of war are finally accounted for and the names of the missing are known.

"Here are recorded the names of Americans who gave their lives in the service of their country and who sleep in unknown graves."

This is the inscription for the missing in action in 23 American military cemeteries in 10 foreign countries.

Like citations on the white marble crosses that mark the graves of American men and women buried overseas, the "missing" inscriptions give the combat casualty's name, rank, military unit and home state:

"Tec 5 I. V. Watts, 662 qm trk co, Texas."

"Capt Thurston C. Carlisle, 703 bomb sq, 445 bomb gp, Texas."

"Pvt. Jack Foster, 504 prcht inf, 82 abn div, Texas."

"Pvt Johnnie T. Harman, 33 regt, 3 armd div, Texas."

"1st Lt Raymond A. Boulter, 359 bomb sq, 303 bomb gp, Texas."

These are among 450 missing whose names are engraved on the faces of 24 limestone pylons that support an elegantly modern memorial to the American dead at Henri-Chapelle in Belgium.

Beyond the collonade of the "missing" are the graves of 7,989 casualties of the advance on Aachen, the German counteroffensive in the Ardennes and the bitter winter Battle of the Bulge in 1944–45.

The Henri-Chapelle American Cemetery and Memorial is typical of those built following World War II—one in England at Cambridge; five in France, overlooking Omaha Beach in Normandy, at St. James in Britany, at St. Avold and Epinal east of Paris and at Draguignan in southern France; the Netherlands Cemetery in the village of Margraten; Henri-Chapelle and the Ardennes Cemetery in Belgium; the Luxembourg Cemetery; two in Italy near Florence and Anzio; the North Africa Cemetery near Carthage and the Manila Cemetery in the Philippines.

World War II, in addition, left memorials to the missing at Honolulu, in Battery Park in New York City and in the Presidio in San Francisco.

They joined the eight cemeteries and 11 monuments that bear the names of battles of World War I—Flanders Field, Aisne-Marne, Chateau-Thierry, Meuse-Argonne, St. Mihiel and more.

Together with a little-known American cemetery in Mexico City, commemorating the dead of the War of 1847, the 23 cemeteries and 14 memorials in 10 foreign countries contain the graves of 125,697 Americans and citations to 91,591 missing.

Responsibility for their upkeep rests with the American Battle Monuments Commission (ABMC), an independent agency headed by retired Gen. Mark W. Clark and administered by Maj. Gen. A. J. Adams, on assignment by the Army.

Its budget totals less than $3 million. Its staff totals eight military, 43 U.S. civilians and 357 local civilians, the latter mostly in Europe. Its work is primarily the groundskeeping chores of the cemeteries and memorials, services for families of the dead and contact with local persons for whom a memorial may be as much or more of a shrine than it is for Americans.

At Henri-Chapelle on a recent fall day, caretakers clipped the grass at the base of each of the 7,989 crosses that are aligned in graceful curves over the 50-acre cemetery plot. Clipped hedges, vast beds of roses, weeping willows and copses of birch trees gave the cemetery the appearance of a formal garden.

Supt. Burt Dewey, who lives with his family in a cottage near the edge of the grounds, supplied a bouquet of dahlias, lupine and roses from the cutting garden he maintains.

Except in mid-winter, when few visitors make the trip up from the Berwinne valley to the cemetery, the cutting garden provides flowers for relatives who have been unable to travel carrying floral tributes.

On this particular fall day, the guest register in the memorial's museum room contained the names of visitors from Vermont, New Jersey, Wisconsin, Massachusetts, New York, Pennsylvania and North Dakota.

Supt. Dewey estimated that from 1,500 to 2,000 relatives and friends come to Henri-Chapelle each year to visit individual grave sites. This is in addition to thousands of European visitors, to whom the memorial signifies the Americans' first penetration into Belgium in World War II.

Some years ago Belgian citizens adopted individual graves, on which they place flowers on special anniversaries and American holidays.

Americans who cannot travel to military cemeteries abroad can order flowers through the ABMC offices in Paris, Rome, Manila or Washington. The ABMC is also prepared to supply families with photographs of headstones or of a section of a "tablet of the missing" on which a serviceman's name is engraved, together with large color lithographs of the cemetery or memorial.

The relative who can travel abroad and visit a gravesite or memorial will find the ABMC helpful in advising him the best route to take. The cemeteries and memorials are generally off well-traveled paths and sometimes difficult to reach.

An 87-year-old-man from Wisconsin, paying his second visit to his son's grave at Henri-Chapelle, took a train to nearby Welkenraedt and a bus from there to the little town from which the cemetery gets its name. He got a lift from a village boy for the final mile.

Supt. Dewey drove the elderly visitor back to the Welkenraedt railway station after seeing that he was supplied with a bouquet of flowers for the grave and a Polaroid photograph as a memento of his visit.

A 70-year-old woman who visited her son's grave went home with seven pictures recording her visit—one for herself and one for each of six brothers and sister of the World War II casualty.

The ABMC wishes more Americans could visit the cemeteries and believes more would if they knew how to reach them. Too often, the caretakers are told, American tourists in Europe are unable to get adequate directions from travel agencies they contact in major cities abroad.

Persons planning a trip to Europe and interested in seeing memorials would do well to contact the ABMC in Washington (zip 20315) in advance and ask for its pamphlet which includes a brief description, small map and suggested means of reaching each cemetery and monument.

If the visitor's goal is some special memorial to one of the divisions that fought in Europe, he may have more of a problem. There are 31 such monuments known to the ABMC but outside their current jurisdiction.

One of these is the monument to Col. Earl Rudder's 2nd Ranger Battalion at Pointe du Hoc in Normandy. The monument was erected by a grateful French people to the battalion that landed and secured a beachhead that General Bradley once said was the roughest of the D-Day invasion.

Unlike other memorials in placid settings, the Ranger monument is surrounded by shell-marked bunkers that serve as a reminder of the war that was fought for the cliffs between Utah and Omaha beaches.

The site is maintained by a committee of French citizens. Other monuments, erected by individual American military units or by states to commemorate achievements of their units, are maintained poorly or well according to the pride of their heirs. Some have fallen into disrepair.

Although the ABMC has no responsibility for these monuments, it has taken an interest in their maintenance because of their impact on the American image abroad. With the help of Rep. Olin E. Teague, chairman of the House Veterans Affairs Committee, the ABMC hopes to secure congressional authority to work with the French and Italians on future maintenance of private monuments to American military units in their countries.

Teague recently visited the Ranger Monument at Pointe du Hoc. His interest in it is not solely due to its tribute to a fellow Texas Aggie (Rudder was president of Texas A&M when he died last year). The congressman says it is the one monument that displays remnants of the war and should be maintained with those reminders intact.

Others of the non-federally erected monuments in Europe are already maintained by the ABMC with funds supplied by their sponsoring units. All, Teague feels, should either be brought up to the standards of the American military cemeteries and memorials, removed to more easily maintained locations or—in the case of those crumbling from neglect—destroyed.

He found the American cemeteries he visited in England and France to be "a real credit to our country."

The credit is substantial with local countrymen who know from personal memory or reminiscent accounts of Americans who fought and died on their cliffs and crossroads and hillsides.

Supt. Dewey remembers the boys of the 1st Division who died on the road to Henri-Chapelle in the fall of 1944. They were wrapped in blankets and buried in mattress covers on a hill overlooking the site that would later be the American cemetery.

Each grave was designated with a wooden marker.

Next-of-kin of each casualty was given a chance after the war of having the body returned to the United States for burial. Many families chose to let their relatives remain in cemeteries overseas, where commanding officers and Congressional Medal of Honor winners lie today with their troops and fellow GI's.

The bodies on the hillside at Henri-Chapelle were disinterred in 1947–48, placed in double-lined coffins and buried in permanent locations in the new American military cemetery grounds donated by the Belgian government.

The wooden markers at each grave were re-stenciled twice each year until, in 1951, they were replaced by Italian marble crosses.

The citizens of Henri-Chapelle and surrounding countryside pay solemn tribute to the American dead in a memorial service on each Armistice Day. The occasion is of such importance that Supt. Dewey rotates the honor of presiding at the ceremony between the burgermeisters of nearby towns.

The local citizenry does not, however, need a special occasion to remember Americans who died in their homeland.

On this fall day there lay in the cemetery chapel at Henri-Chapelle a floral tribute from "Les Pensionnes du Thier a Liege." Elderly people had come from their old-folks home in Liege to bring the flowers to the cemetery.

The carnations and roses that lay at the entrance to the chapel were plastic. The ABMC permits the decoration of memorials with natural cut flowers only.

Supt. Dewey could not bear to disappoint "les pensionnes." He let their plastic flowers remain.

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## HARLAN L. WOOLWINE RETIRES SOON

### HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. LONG of Maryland. Mr. Speaker, in 1959 Harlan L. Woolwine became Director of the Baltimore district office of the Immigration and Naturalization Service. In my 10 years in Congress, I have had numerous occasions to call on him and his staff for assistance with the immigration and citizenship problems of my constituents. In every instance, he has been most cooperative in exploring each aspect of our complex immigration laws to resolve the problems I bring to his attention.

Very shortly, Mr. Woolwine will retire after 36 years with the Immigration Service. At the same time, Mr. Leon W. Lehem, now an Immigration examiner, will retire after 42½ years of Federal service and Mrs. Ozelle Cannon will step down to private life with 30 years in the Federal Government to her credit. To lose the invaluable services of three people with the wealth of experience shared by these three will be a difficult burden for the Baltimore INS Office, but they have the example of dedication set by these people to encourage them.

Mr. Woolwine began his Federal career in the Department of the Treasury in 1936. He became a border patrol officer and spent a great deal of time taking special training offered him to better himself within the Service. His rise through the ranks to Immigration Inspector, Officer-in-Charge for the Virgin Islands, investigator, management analyst, and Director of the Baltimore District is a commendable record of continued achievement. Mr. Woolwine has served throughout the United States—from the Virgin Islands to California.

His career with the Immigration and Naturalization Service has touched many lives—those of his coworkers, those of citizens needing information and guidance, but above all those who have come to our country to reach a goal they highly prize—United States citizenship. His warmth, sympathy and understanding have meant much to these people. I join them in paying tribute to him.

I also pay tribute to the dedication and devotion shown by Mr. Lehem and Mrs. Cannon. Their long careers bespeak the ideal of the Federal civil service employee—concerned with his or her work, and willing to develop experience and expertise in his or her field the Government would be hard put to do without. I hope that for them and for Mr. Woolwine, retirement will be just one new chapter in their very fruitful lives.

## HARRY S TRUMAN

### HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. HELSTOSKI. Mr. Speaker, a truly fine and great statesman has been taken from us. A man who exemplified the better qualities of the American way of life as few others have is gone.

I speak of Harry S Truman, undoubtedly one of the most outstanding Presidents ever to serve this Nation. Just as surely, he was one of the most outstanding leaders the world has ever known.

He guided the United States with exceptional adroitness in the difficult transition from war to peace in the late 1940's. His accomplishments throughout his time in office are many and one could spend endless hours enumerating them and praising them and still not do this man justice.

Even as a Senator, he was invaluable to his country. The Senate committee which he chaired was instrumental in coordinating the war effort. His work on that committee convinced President Roosevelt that this was the man to be his running mate in 1944, a position coveted in the Democratic Party because Mr. Roosevelt was visibly aging and many feared he would not live out his fourth term.

Yet Harry Truman only reluctantly accepted the position, exemplifying the humility of this great man. He was even willing to nominate another man for the job.

And humility was not his only virtue. His integrity was impeccable and his courage extraordinary. Often he made unpopular decisions which he knew to be best for the country, thus putting the needs of the world and the Nation above his own political survival.

Once he made a decision, he backed it all the way. When he determined to keep the world "safe for democracy" through the Truman doctrine, he saved Greece, Turkey, and Korea from impending aggression. He gave life to the State of Israel.

Through the Marshall plan, he stymied Communist designs on Western Europe as well as standing that war-torn and poverty-stricken continent back up on its feet. Thus he established the basis which has kept the world as a whole relatively at peace and prevented nuclear holocaust.

Honest and straightforward, President Truman never deceived the American people. He told it like it was, even though it may have been politically hazardous. Pollsters predicted that this forthrightness would bring about his demise in 1948, implying that honesty in politics was archaic and foolhardy. But Mr. Truman had tremendous faith in the American people and he stumped the experts by winning reelection in a valiant campaign.

And though the polls still insisted he was unpopular when he left the White House in 1952, Presidents and other statesmen continued to turn to him for advice and assistance. The public, too, grew to reflect upon him fondly and with admiration. When the wailings of a hostile press were finally overshadowed by the more accurate judgments of history, Harry Truman began to assume his proper position in the annals of mankind.

We will sorely miss him.

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## FAITH IN FORESTRY

### HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. SIKES. Mr. Speaker, the November 1972 issue of American Forests magazine contained a fine article about my very good friend, Kenneth B. Pomeroy.

This distinguished American has made significant contributions to the Nation in his untiring efforts to preserve, protect, and improve our forest lands. His hard work has been invaluable during the preparation and passage of forestry legislation in recent years. He has been particularly helpful to me in my own efforts for better forestry legislative programs.

It has been my privilege and pleasure to work closely with Ken Pomeroy, and I wish to submit for reprinting in the RECORD the editorial from the November 1972 issue of American Forests:

FAITH IN FORESTRY

Kenneth B. Pomeroy, who joined the staff of The American Forestry Association in 1956 as Chief Forester, is a man for all seasons. To lay members he is a kind and considerate man who always has time for their questions. To legislators on Capitol Hill, he is a man with a strong research background who always does his homework and can be trusted completely. His fellow foresters regard him as a boon to their profession and a fount of knowledge in the nation's capital. For 16 years they kept his telephone busy and now that he is about to retire from AFA they are going to miss him. We all are.

Ken Pomeroy was born May 17, 1907, near Valley Center, Michigan. Michigan State University awarded him a bachelor of science degree in forestry in 1928 and he later earned his master's degree from Duke. Following private employment, he joined the Forest Service in 1933 as a district ranger on the Nicolet National Forest in Wisconsin; he advanced through a variety of staff positions, and gravitated toward research. He served as Chief of Naval Stores Research at Lake City, Florida, and as Chief of Timber Management Research at the Northeastern Forest Experiment Station in Upper Darby, Pennsylvania. His research achievements included stimulation of seed production and regeneration of loblolly pine.

As a research director, nothing pleased him more than research findings that could be translated into action of direct benefit to tree growers. Members of his research groups have said that he always encouraged them to publish as soon as they had solid findings and to report those findings in terms understandable to the public.

Pomeroy's national reputation caught the eye of The American Forestry Association and, in 1956, he was asked to join the staff. At AFA, Pomeroy handled a variety of assignments with skill and an almost uncanny diplomacy from the very first. As Chief Forester, he directed all forest programs, conducted the conservation department and the Trail Riders of the Wilderness program, and represented AFA on the Hill when it was invited to testify on forest conservation bills and studies. In addition to traveling extensively for the Association, he authored dozens of articles for AMERICAN FORESTS and other publications, co-authored the book, *North Carolina Lands*, and compiled a definitive study on the California redwoods with Dr. Samuel T. Dana.

When AFA moved into the world forestry arena, Ken Pomeroy once again broadened his horizons. He was an official delegate to two World Forestry Congresses and is on his way to another as this is written—this time in Buenos Aires. Traveling with Ken and his wife Martha are a group of AFA members and foresters who are visiting a number of South American countries enroute. Ken has also directed AFA tours to Britain, Ireland, and Scandinavia.

When AFA launched its "Trees for People" program in 1969 to encourage forest conservation activities on small private woodlands and in urban centers, Ken Pomeroy was selected to lead it. Recruiting a wide cross-section of support, he got the program off to a good start laying the groundwork for the National Tree Planting Conference held in New Orleans in October. Facing retirement, he redoubled his efforts. Five out of six forestry bills designed to aid Trees for People have gone into law in the last few months and Ken was on hand to provide requested information to key chairmen and legislators. A very good batting average.

"What's Ken Pomeroy really like?" new members of AFA sometimes ask. Mainly, he is a man who has faith in forestry and foresters. Ecology is not a new word to him and he was living comfortably in that house when a new generation suddenly discovered it. To Ken, trees and their wise care and use will be the foundation on which an even stronger house of ecology will be built. And forestry, he firmly believes, will show the way.

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## PRESIDENT HARRY TRUMAN

### HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. SLACK. Mr. Speaker, around our Capital City and our country the flags are flying at half-mast. Those of us who remember the years just after World War II are sadly reminded that former President Harry Truman has passed on.

Truman was an American of unique capability. He laid no claim to intellectual superiority. He had no special training for the Presidency. He was not even among the best informed about current events at home or abroad when he was called to assume the responsibility of the White House.

He asked for the people's prayers. He took the oath of office. He listened to the problems described by his subordinates. And, he made decisions. Truman will go down in history primarily because he made decisions, and he made them stick.

He shouldered the responsibility for the results of his decisions. History has already written that, on balance, the vast majority of his decisions were proper. They strengthened the United States and the cause of peace everywhere in the world.

They were the decisions of a human being devoted to the Christian ethic and the old-fashioned style American patriotism who had been entrusted to a job of maximum power. He knew his own shortcomings and never assumed he was infallible. But, he knew final decisions affecting the whole world must be made at his desk, and nowhere else. So he faced what must be done and proceeded to do it.

With his passing we have lost a brand of leadership of which there is no present equal on the horizon. But, he served us while he could, and future American Presidents in time of crisis will be measured against the memories of his courage and determination.

Truman pledged to the American people when he took the oath of office that he "would give it everything that's in me." And that he did. When we see those flags at half-mast today and remember his years in office, it is difficult to understand how many Americans can justify any lesser commitment to his heritage.

### LITHUANIAN INDEPENDENCE COMMEMORATED AT WAUKEGAN

## HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. McCLORY. Mr. Speaker, the Lithuanian Nation has suffered horrendous experiences throughout its long history. Its beginnings reach far back into the development and growth of the Baltic area and its hardy citizens have worked bravely and untiringly for economic and social improvement—as they struggled to establish a free and independent nation.

Overwhelmed by the Russian czars almost two centuries ago, Lithuania regained its freedom in 1918. Indeed, the reestablishment of Lithuanian independence dates from February 16, 1918. Without justification or warning, the Soviet forces invaded Lithuania in 1940 and occupied this sovereign nation. Thousands of Lithuanians were thereafter exiled to Siberia, while hundreds of others died in prison camps.

Since the Soviet seizure of this brave small country, some 12,000 casualties have occurred in attempted revolts while another 50,000 are reported to have been killed participating in protests against the Soviet seizure.

Mr. Speaker, in addition to the internal revolts and brave efforts of the Lithuanian people to be liberated from Soviet tyranny, our Nation has taken a consistent position in behalf of freedom for Lithuania and other Baltic States. For my own part, I have participated regularly in commemorating "Captive Nation's Week" and in keeping alive the move of liberation—a goal which the people of Lithuania will never abandon.

Mr. Speaker, some 3,000 Americans of Lithuanian descent will gather in my congressional district on Sunday, February 11, 1973, at the Lithuanian Auditorium in Waukegan to commemorate the 55th Annual Independence Day marking the reestablishment of Lithuanian Independence in 1918. My friend, Edward R. Skalisius, president of the Lake County chapter of the Lithuanian American Community of the U.S.A., Inc., will be directing this commemorative ceremony. I am confident that the Soviet dictators will be made aware of this event and will be taking careful note of the continuing determination of Lithuanians everywhere to regain for their small and precious country its full freedom and independence.

Mr. Speaker, there are some signs that Soviet arrogance and control are waning and that the forces of freedom are ascending both in the Baltic States and elsewhere. However, rather than to indulge in wishful thinking, it seems well to recognize that the benefits of human freedom are not won lightly. Let us hope and pray that through our persistence as well as through the support which we as a nation may provide, the torch of freedom may again be lighted in Lithuania for the more than 3 million Lithuanians who live and work there as well as for the descendants of Lithuanians who have found freedom among us and and elsewhere.

Mr. Speaker, I salute my Lithuanian American friends and I commend them particularly on the occasion of their observance of Lithuanian Independence Day to be commemorated on Sunday. February 11, 1973, at the Lithuanian Auditorium in Waukegan, Ill.

### OMBUDSMAN FOR BUSINESS ENDS 18TH MONTH OF OPERATION

## Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. FRELINGHUYSEN. Mr. Speaker, we in New Jersey are proud of the outstanding job Thomas E. Drumm, Jr., has done for the past 18 months as the first ombudsman for business. I ask that the following article be placed in the RECORD:

#### OMBUDSMAN FOR BUSINESS ENDS 18TH MONTH OF OPERATION

Completion of 18 months of operation of the Office of Ombudsman for Business has demonstrated how useful this new service has become to the business community, Secretary of Commerce Peter G. Peterson said today.

The office was created April 1, 1971, as one central place in the Federal Government where businessmen and others could address their requests for information and service, as well as voice their complaints, criticisms and suggestions. Secretary Peterson said establishment of the office was in keeping with the Administration's desire to make government more responsive to the people.

"What began as an experiment in government-business relations has proved so successful that the office has become a necessary institution of government," Peterson said. He added, "In its first 18 months, the Office of the Ombudsman for Business handled more than 5,600 cases—not including routine inquiries."

In a new service started by the office, the first of a planned series of Ombudsman Government/Business Forums was conducted on September 14 in Chicago under the co-sponsorship of the Illinois Manufacturers' Association. Purpose of these forums is to bring Ombudsman Thomas E. Drumm, Jr., and other government officials in direct local contact with businessmen to improve the dialogue between them, and resolve problems and differences that might arise. Additional forums are planned in other centers of industry and trade throughout the country.

Drumm, an attorney who has served in top-level government posts for 25 years, also holds the position of Special Assistant to the Secretary of Commerce.

Drumm said, "When businessmen attempt to deal with the Federal Government, they confront the biggest institution in the United States, with a bewildering number of entrances. I just happen to know which door they need to find."

He added, "For stubborn locks, there are a number of keys I can employ." Among them, he pointed out, are liaison officials in 15 other Federal agencies, each a high level officer who works directly with the Ombudsman in solving business problems. Commerce field offices and other governmental regional offices also work closely with him.

The Office of the Ombudsman for Business has provided services to large, small and medium-sized corporations, members of Congress, manufacturing and trade associations, Chambers of Commerce, professional societies, attorneys, accountants, colleges and universities, minority entrepreneurs, economic and industrial development commissions, and Federal, State and local governments.

Inquiries and requests for service have come from all 50 United States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, and 47 foreign countries.

Drumm said the largest number of inquiries deal with Federal procurement "since the Federal Government is the largest customer in the world." Other matters which the office has handled involve government loans, grants, guarantees and subsidies, international and domestic market data, imports, product safety, occupational safety and health, wages and hours, standards, technology transfer, trade with Russian and other Eastern bloc countries, trade with China, industrial pollution abatement, and licensing and joint venture.

The office has also assisted State and local governments and industry and trade associations in establishing ombudsmen offices.

Any businessman interested in obtaining the services of the Office of Ombudsman should contact Thomas E. Drumm, Jr., the Ombudsman, at the Department of Commerce, Office of the Secretary, Washington, D.C., 20230, or call (202) 967-3178.

### DAVID R. KURAOKA "THROWS" RAKU POTS TO REVIVE ANCIENT ART

## HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. MATSUNAGA. Mr. Speaker, throughout man's history, we have learned that the thing that survives above all else is the forms of art man creates. One of the lost arts is today being re-created—that known as raku, from Japan.

I am happy to report that young David R. Kuraoka from the island of Kauai in Hawaii is a master of the delicate art of raku, a Japanese ceramics process acclaimed for its delicacy, earthiness, and natural beauty.

David, 26, has won numerous prizes for his creative skills including grand prize awards at the College of San Mateo Annual Ceramic Show, an award in the Designer-Craftsmen Annual in Richmond and the Moses Award to the outstanding potter from the San Francisco Potters Association. He also earned his master's degree in art from San Jose State College last year and teaches at San Francisco State College.

Mr. Speaker, I take this opportunity to congratulate David on his awards and craftsmanship. He is the son of one of my closest boyhood friends, Matsuo "Sidelines" Kuraoka, who is now a columnist and photographer for the Garden Island, Kauai's newspaper.

How David came to "throw" raku pots is related in the following article from the Honolulu Star-Bulletin, November 24, 1972, and I am sure my colleagues will find it of interest:

### Artist Returns for High Energy Raku

(By Tomi Knaefler)

David R. Kuraoka, who was Lihue, Kauai's "Peck's Bad Boy" some 10 years past, is back in town—this time as a master potter.

His stunning collection of raku pieces—majestically plump pots, rare cylindrical sculpture and handsome platters are featured in an exhibition running through Dec. 16 at Daisy's in Kapahulu.

Kuraoka, 26, teaches classes in raku and lacquers at San Francisco State College. His list of credits—exhibitions, prizes and recognition by collectors—already runs an ample couple of pages.

His prizes include a couple of grand prize awards at the College of San Mateo Annual Ceramic Show, an award in the Designer-Craftsmen Annual held in Richmond this year, and the Moses Award (to the outstanding potter) from the San Francisco Potters Association a few years ago.

Kuraoka looks at where he is and where he's going with a mind-body smile that's charged with a special kind of electricity that comes when a person feels totally together.

That wasn't always the case. Kuraoka readily admits: "I was a warui (naughty) kid. My parents (his father is "Sidelines" Kuraoka, columnist and photographer with the Garden Island News) used to worry about me.

"I guess I never really fit in high school. The emphasis was on engineering, math and science, and creativity was suppressed. I wanted to take art, but I had to take physics. I hated that kind of rigid regimentation.

"When I went to college in San Jose, Calif., I went with the intention of taking engineering or architecture—you know, what was expected of me.

"It was in my sophomore year that I walked into the ceramics lab and watched the instructor working. He was Joe Hawley, the man who was to influence my life.

"I really took to ceramics. I wasn't registered for the class—so I used to hide from Hawley, and threw pots early in the morning and late each day and every other chance I had.

"I was spending all my time throwing pots. I let my other classes slip and almost flunked out of school. After several years, I moved strongly away from traditional ceramics and got into the extremely anti-ceramics school led by Peter Voulkos, using free-form slabs with Fiberglas and acrylic lacquer."

All the while, he said, "I was fighting for my CO (conscientious objector) status. This made me look into myself a lot.

"It was a hard time. It was a big thing, because it was fighting with the U.S. Government. I really did a lot of inward searching."

Kuraoka plunged deeply into the art of raku—a special process in ceramics—in 1969, and developed his own techniques, including an updraft underground kiln, to create very large raku pots.

This is tricky, since the raku process generally lends itself to small objects. Until he got to understand the various sensitivities involved, he said, it wasn't unusual for eight out of 10 of his pots to blow up.

His majestic pots earned him a master's degree from San Jose State College last year.

(His larger pots are not in the current exhibit.)

He finds raku the "most natural" of the various ceramic techniques. It is not as functional, because it is very delicate. Raku is highly favored for tea ceremony bowls because of its delicacy, earthiness and spontaneous beauty.

While unpredictability is very much the name of the game in raku, the sheer mastery in Kuraoka's style is his skillful accommodation for the unpredictable.

Hence accidents in the firing process come out looking as if they were perfectly planned in his pots. Truly gifts of the kiln.

While the understatedness that is his Japanese heritage is undeniable in Kuraoka's pots, he is not content to let it go at that. His individual identity is also very much there. This is strikingly clear in one of the pieces displayed, a large, low-keyed purple pot with a circle of controlled green and white dribbles.

Kuraoka said his parents are 100 per cent behind him, and happy that he's doing what he wants to do. But it took them a while to figure it all out, he said.

"Well, they worked very hard to send me to college. When I first came back during my vacation and brought back some paintings and pots, my father was dumbfounded that I was playing with mud and producing things 'any eight-year-old can do.' "

Actually, Kuraoka said, "that made me work all the harder. A friend of mine says the way I work is 'Asian madness.' "

Right now, Kuraoka is fired up about "high positive energy" events. These are events in which the energy put into the pots is given back to people. One such was a recent three-day happening at which some 250 students went out to Monterey, built kilns and fired their pots and had kite flying contests, cook-outs and much togetherness.

The potential he sees is for his art and the art of others to bring more people closer together.

## THE 93D CONGRESS FACES MULTIPLICITY OF COMPLEX PROBLEMS, INCLUDING ISSUE OF CONGRESSIONAL AND EXECUTIVE POWERS

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, I was pleased to note in your initial address to the House that you emphasized the importance of preserving the powers and prerogatives of the Congress and indeed restoring congressional powers that have been eroded over the years.

Certainly it is most important that all Members of the House and Senate of both parties respond to the need and necessity of resisting further encroachment by the executive branch on the legislative branch of our supposedly coequal branches of Government.

In this connection there have been many columns and articles written recently concerning the necessity and importance of Congress maintaining its constitutional powers and prerogatives.

Without objection I insert in the Record a sampling of these articles, along with my own recent newsletter, Capitol Comments, because of the interest of my colleagues and the American people in this most important matter.

The articles and newsletter follow:

[From the Wall Street Journal, Nov. 20, 1972]

### The Question of White House Power

(By James P. Gannon)

"The concentration of power can get to be a dangerous habit. Government officials who get power over others tend to want to keep it. And the more power they get, the more they want."

Those words are President Nixon's, delivered last month in a campaign radio address on his philosophy of government. They come to mind now as this reporter, leaving the White House beat, tries to sort out some parting thoughts on the presidency and its growing powers, and how Mr. Nixon, in the wake of his landslide reelection, may use them for four more years.

The increasing concentration of power in the White House is an evolutionary development dating from Franklin D. Roosevelt's New Deal. The trend continued during Mr. Nixon's first term and now seems likely to accelerate due to the election outcome.

Any President capturing 61% of the popular vote and carrying 49 of the 50 states is bound to feel that the people have resoundingly endorsed his use of the presidential powers.

President Nixon, striking while his mandate is hot, seems ready to swing his newfound political weight in a way that is likely to further extend White House influence over the entire government. Thus, in his first official act after the balloting, Mr. Nixon bluntly informed some 2,000 political appointees ranging from Cabinet secretaries down to middle-echelon supervisors that he wanted their resignations on his desk immediately as part of a sweeping plan to reshape the Executive Branch.

#### A "TOUGH" AND "BOLD" PRESIDENT?

White House insiders believe such a move may be characteristic of the second Nixon term. "I don't see a play-it-safe Nixon like I used to see," comments one presidential aide. "Bold" and "tough" are the words he uses to describe the likely style of the reelected President. No longer worried about any impact on his own political future, the President won't think twice about vetoing bills produced by the Democratic Congress that don't fit his plans for his final four years in the White House, this adviser believes.

There is much to be said in favor of strong, decisive leadership from the White House. Indeed, George McGovern's failure to convincingly project such an image was one of the fatal flaws of his candidacy. President Nixon's ratings as a national leader, after slumping during his play-it-safe period up to mid-1971, improved sharply thereafter as he struck boldly to clamp controls on the economy, court the Red Chinese, bargain an arms agreement with the Soviets and exercise brinkmanship in Vietnam by bombing and mining on the eve of his summit in Moscow.

Emboldened by these successes and the smashing election victory, the White House now may be tempted to overplay its hand. At the least, the result could be an extended and divisive clash with the new Congress. At the worst, the outcome could be a further erosion of the constitutional balances built into the American government, tipping the scales toward a largely unchecked Executive.

Frustrated by the refusal of the 92nd Congress to pass much of the President's legislative program, the White House seems intent on trying an end-run around the opposition-dominated 93rd Congress. The White House attitude seems to be that if the Legislative Branch won't cooperate by passing the laws Mr. Nixon wants, then the President will impose his will by Executive fiat.

In March 1971, the White House presented Congress an elaborate government-reorganization plan, which the lawmakers largely ignored. "Now what I have determined to do," the President said in his recent interview with The Washington Star-News, is "to accomplish as much as I can of that reorganization through Executive action . . . unless and until the Congress acts." Thus the reshaping of the Executive Branch passes from the elected representatives of the people to the anonymous efficiency experts in the White House.

Similarly, the President unsuccessfully sought congressional sanction to hold federal spending in the current fiscal year to $250 billion, which would mean withholding some $10 billion in funds for various purposes already approved by the Congress. Though the Senate balked at this spending lid, and White House officials concede that the withholding of appropriated funds is of dubious legality, Mr. Nixon's budget managers are working under White House orders to accomplish what the Congress refused to sanction.

Mr. Nixon's welfare overhaul also failed in the last Congress (partly due, many lawmakers say, to the President's own unwillingness to push hard for his controversial minimum-income scheme) and now there are hints the Nixon administration may revamp welfare by such administrative actions as tightening eligibility standards.

This isn't to argue the merits of reorganizing the government or holding down federal spending or revising welfare rules; a case can be made for each. The point is that Congress has a role in these matters of public policy that goes well beyond rubber-stamping presidential proposals. White House officials apparently fail to understand that what they see as congressional obstructionism just might represent the will of the people.

Congress is partly to blame for the erosion of its own powers toward the White House. The Legislative Branch of government permitted a Democratic President to immensely enlarge an undeclared war without timely protest and then couldn't formulate and pass its own domestic legislative program when it disagreed with the one a Republican President proposed.

Congress seems extremely sensitive to its own eroding position now, however, and henceforth is likely to be extremely wary of permitting the White House to usurp its role or avoid its oversight. Thus there's almost sure to be a clash between a White House intent on carrying out its own program and a Congress intent on protecting or even reestablishing its influence.

But if Congress lets him, President Nixon is likely to increase that dangerous "concentration of power" he warns against. The President clearly would like to decide, without congressional interference, which federal programs to fund fully and which to put on short rations; which federal agencies should be kept intact and which consolidated, cutback or otherwise "reorganized"; which federal officials will be subject to congressional inquiry and which protected by the shield of Executive privilege.

### BUREAUCRATIC INFLUENCE

The "central question" of the presidential campaign, Mr. Nixon said in his radio address on government, was: "Do we want to turn more power over to bureaucrats in Washington in the hope that they will do what is best for all the people?" Undoubtedly, the bureaucrats Mr. Nixon had in mind are those red-tape-wielding social engineers who dream up elaborate abstract government guidelines—the same ones derided earlier by George Wallace as pointy-headed briefcase toters who couldn't even park a bicycle straight.

But there are other bureaucrats who are just as faceless, much more powerful, less subject to public or congressional scrutiny and responsible to only one man. These superbureaucrats are the senior White House advisers whose influence during Mr. Nixon's first term grew to the point that it often overshadowed even Cabinet members. Their power is multiplied now as they shuffle papers that will determine whose resignations will be accepted, whose programs will be cut, whose agencies will be dismembered.

It is hard to reconcile Mr. Nixon's talk about the dangers of concentrated power with what is happening at the White House. It would be reassuring to know that his concern encompasses the potential perils inherent in the superpowers of the presidency.

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[From the New York Times, Jan. 3, 1973]

## NO EXIT FOR CONGRESS

Because they are different kinds of institutions, the Presidency and the Congress naturally tend to have different perspectives on the nation's needs. When executive and legislative powers are controlled by opposing parties, this tendency is usually magnified. But mutual respect and normal civility can bridge these institutional and political antagonisms and make constructive cooperation possible.

The 93d Congress that convenes today, however, faces an unusual situation. In the past, it has been understood that divided government imposed a limit on the initiatives which either side could pursue. For better or for worse, the President and Congress recognized that they were yoked together and could only move within an ill-defined but mutually discernible middle area of policy.

When President Franklin D. Roosevelt lost his large Congressional majorities, he conciliated Republicans and conservative Democrats by announcing that he had dismissed Dr. New Deal and replaced him with Dr. Win-the-War. He thereby acknowledged that the time for domestic reform had temporarily passed.

Similarly, President Eisenhower jogged along amicably enough with the Democratic-controlled Congresses of the mid-fifties in part because they were only marginally Democratic and moderately led and in part because he refrained from pushing for conservative change.

By contrast, the first Nixon Administration is ending on a note of open defiance of Congressional power, Congressional judgment, Congressional sensibilities. Nothing in the Constitution specifically required Mr. Nixon to consult with the leaders of Congress before he resumed the terror bombing of North Vietnam last month, but comity between different branches of government as well as the plain intent of the Constitution should have impelled him to do so.

In his management of the water pollution issue, President Nixon has not only disregarded the overwhelming judgment of Congress—other Presidents have done that—but has explicitly refused to conform to the terms of the law enacted over his veto.

By his reorganization of the Government, his impounding of Congressionally authorized funds and in other ways, Mr. Nixon has clearly signaled his intention to put his will against that of Congress. In the past, such head-to-head conflicts have led to the de-

To outside observers, the most striking fact
cisive repudiation at the polls of one or the other of the antagonists.
about the November 1972 election was that it failed to produce a coherent governing majority. But if Mr. Nixon chooses to interpret his "lonely landslide" as a mandate for an aggressively reactionary ideological grand design, only Congress can effectively dispute him.

A Chief Executive determined to conduct war and foreign affairs without constraint or even consultation, determined to shield the Administration's effective policymakers from Congressional cross-examination by the vastly enlarged use of the doctrine of executive privilege, and determined to arrogate to himself a total control over Federal spending decisions is a President seeking nothing less than the surrender of his adversaries. Congress cannot escape responding to these direct challenges to its authority.

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[From the Sumner County News, Jan. 1, 1973]

## CONGRESS GAVE UP PURSE WITHOUT A WHIMPER

(By David Murray)

WASHINGTON.—Should it choose to forsake its position of Court Eunuch, the Congress early in the new year will have a chance to slap down President Nixon on an issue of more than moderate import.

It can slow down or halt attempts by the White House to reorganize the Executive Branch without approval of the people's representatives on Capitol Hill.

In 1971, Mr. Nixon—in one of those grandiose schemes which always seem to have been traced on the ceiling of a semi-darkened room—announced his intention to create four "super-departments" of government out of seven existing ones.

The issue was met with a distinctively cool reaction from Congress. The voters, for their part, were thrown into instant torpor. In his wisdom, the President correctly reckoned that all the average citizen really cares about in government is lower taxes.

So the decision was made at the White House to proceed with the reorganization by presidential fiat. Skillfully bypassing Congress to bring all domestic matters under John D. Ehrlichman, the White House domestic policy guru and whoever may win out in the competition for "Domestic Kissinger."

Contestants for this prize are Treasury Secretary and Presidential Assistant George Shultz, Director of the Office of Budget and Management Roy Ash and John Connally, Shultz's predecessor as Treasury Secretary and campaign director of Democrats for Nixon.

In addition to these heavyweights, the new (or reshuffled) cabinet will contain, for domestic affairs, such men as Caspar Weinberger, the new Secretary of Health, Education and Welfare and fiscal and administrative ax-wielder, Earl Butz, Secretary of Agriculture and a long-time friend of agribusiness, and James Lynn, a new appointee for Secretary of Housing and Urban Development.

All four of these appointments—plus the economic one—will parallel what Mr. Nixon said he wanted in 1971 to administer economics, human resources, natural resources and community development.

Where Congress comes into this is obvious. The will of the Senate and the House, as much as they have chosen to express it, is to examine and peruse these departments, which must be funded with tax dollars, and then to approve or disapprove what the President wants.

It has been suggested, for example, that the Senate, which has demonstrated less willingness to truckle to the White House than "the other body," might use its confirmation hearings and debates on new cabinet appointees to bring reorganization into the open, before it advises on and consents to the nominations.

This is a possibility, but not a good one, only Weinberger and Lynn are subject to Senate confirmation, and they are minor principals in the drama. Besides, they can say just what the President has said, that while there is speculation that there is "a move to reach out and grasp a lot of power and draw it into the White House and the executive department—exactly the opposite is the case."

In that event, following the ritual of confirmation, Mr. Nixon can do with his cabinet officers whatever he pleases.

There is, however, another course open to the Congressional leadership. When it comes to hearings on appropriations for the various departments, both the House and Senate can ask some public questions and, perhaps, receive some public answers.

What, for example, does the White House seek to do with these new groupings for departments? What guarantee does the Congress have that funds appropriated and authorized for programs will be spent, rather than impounded, as has been done with past programs authorized by the Congress?

Mr. Nixon, of course, has the right to consider one cabinet department more important than another. He is patiently trying to reorganize the executive branch and perhaps this is a good idea. But he is not—in sociological jargon—planning to institutionalize the structural changes.

All, it seems, is to be accomplished behind a bureaucratic smokescreen so thick that the public consciousness is powerless to penetrate it, given the demonstrated short attention span of the voters in such matters.

So it is up to Congress to do the penetrating and to lay out the problem so the administration is put on record on its plans and policies.

A great deal has been said in the windy recesses of Capitol Hill about the arrogation of congressional power by the White House. In point of fact, the Congress has generally been a willing ally, delivering its purse before the White House has even drawn a gun.

If it has the guts to do so, the 93d Congress can halt or reverse the process, and the question of executive reorganization would be a fine place to start.

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[From the Washington Star, Jan. 8, 1973]

## HILL SEEMS READY TO TAKE ON NIXON

(By Paul Hope)

The political arena for 1973 is Capitol Hill and the way things have started, it looks as if a slam-bang fight is in the works.

To say that the legislators are restless is putting it mildly. They seem downright anxious for a fight with President Nixon over what they consider the executive branch's usurpation of congressional authority.

The groundwork for a confrontation over division of powers has been laid for several years. First, it was White House prosecution of an undeclared war in Vietnam with only minimal consultation with Congress that rankled the legislators.

Now another element has been added with Nixon's impounding of congressionally appropriated funds in the name of stopping inflation by holding down federal spending.

The situation, therefore, is ripe for a confrontation as the 93rd Congress gets under way.

With no congressional elections scheduled this year, except to fill vacancies, the Senate and the House are free to concentrate on Washington battles. And Nixon, having fought and won his last campaign, can stand his ground without having to face the electorate again.

Inauguration Day seems to be shaping up as D (for deadline) Day for Nixon to end the war.

The mood on Capitol Hill as the 93rd Congress convened last week appeared to be one of determination to get the war done with, one way or another.

The legislators have been disappointed so often by predictions of peace being just around the corner that they don't seem inclined to accept that any longer. If President Nixon hasn't ended U.S. involvement by Inauguration Day, Jan. 20, a move to cut off funds to continue the war is sure to be pressed with vigor.

Sen. George S. McGovern, defeated presidential candidate, probably put it about right on opening day after the Democrats in the Senate had caucused.

"I sensed in the caucus this morning that people who weren't for cutting off funds before are ready to go now," he said.

But more than ending the war in Vietnam is at issue. Congress wants a broader participation in the conduct of the whole range of foreign affairs. The congressmen, particularly senators, believe the executive branch has systematically and deliberately excluded them from their rightful role as a partner.

While the argument over foreign affairs has dominated the headlines, the battle over how federal money shall be spent may be hotter.

If there is any power Congress guards most jealously, it is the authority to allocate federal dollars. Nixon's impounding of funds authorized by Congress for various programs has raised doubts as to who has the last word in this matter.

Nixon stirred up a hornet's nest a couple of years ago when he refused to spend several billions of dollars authorized for highway and public works projects. Governors and congressmen fired letters back and forth, resolutions were passed by state officials, and speeches were made criticizing the action.

A suit was filed by the State of Missouri contesting the President's authority to withhold highway funds, and it still is pending in the courts. But the furor on Capitol Hill from that impounding eventually blew over because the fight to stem inflation seemed more important than when a new post office was going to be built in Podunk.

A few weeks ago, the White House announced the withholding of more than half of $11 billion approved by Congress as the first installment of an $18 billion program to help states and localities finance sewage treatment plants.

The anguished cries of Sen. Edmund S. Muskie, a leader of the antipollution effort, still can be heard ringing around Capitol Hill.

Then the other day, the administration announced that two conservation programs designed to put more than $200 million a year into rural areas would be ended.

There are reports that the administration plans a freeze on housing money, and perhaps cutbacks on other programs.

Since Nixon's first impounding, the issue has gone far beyond when Podunk might get a new post office. Presidential actions have raised the issue to the confrontation point on the division of constitutional powers.

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## CAPITOL COMMENTS

(By JOE L. EVINS)

### 93D CONGRESS FACES MULTIPLICITY OF COMPLEX PROBLEMS INCLUDING INCREASED EXECUTIVE ENCROACHMENT

The Ninety-Third Congress which convened this week faces a complexity of problems that include basic constitutional questions that go to the heart of the preservation of the Legislative Branch as a co-equal branch of the Government.

As the new Congress convened with 68 new Members, the Leadership served notice immediately that in many areas it will cooperate, but that this Congress intends to assert its independence and to say to the steadily encroaching Executive Branch: Stop—enough!!!

The new Congress faces the revived war issue with the renewed heavy bombing of Vietnam. The expectation is that the President will have some announcement to make concerning the current prospects for peace in his Inaugural Address.

On the domestic front, the Administration is expected to present further proposals for special revenue-sharing with states and local governments. The matter of additional legislation to assure protection of the environment is certain to be of primary concern to this Congress.

The other side of the revenue-sharing coin is now becoming increasingly apparent as the Administration makes announcements of eliminating or curtailing many basic programs passed by Congress. Although the Congress refused to surrender its power of the purse string to the Executive Branch in the form of providing the President with authority to enforce a budgetary ceiling, the Administration is proceeding to curtail and cutback programs at will.

Program areas in which these cutbacks have been announced and are developing include education; agriculture; rural electrification; housing and other programs for our cities, large and small; public works; economic development assistance; measures to combat water pollution; medical and health care research and training programs; and hospital construction and termination of public health hospitals, among others.

To put the whole picture of Federal assistance in perspective, many believe that with one hand the Administration is extending revenue-sharing while with the other it is terminating or curtailing programs which have provided much greater dollar assistance than may be available through grants to elected officials.

Many Congressmen, while supporting revenue-sharing, have had some reservations about this aspect of the program since its inception.

To provide an example of the impact of these cutbacks, Governor Winfield Dunn recently by telegram requested that your Representative support his request for assistance from the Department of Agriculture and Small Business Administration for counties in West Tennessee hard hit by floods—and this request for support by your Representative and others is being provided.

However, the Administration has just announced the discontinuance of emergency loans to farmers by the Department of Agriculture—and SBA advises that disaster programs generally are not of any appreciable assistance to farm areas. Therefore, it appears that farmers in the stricken areas will receive little Federal assistance although this emergency aid has been traditional, and provided in legislation by the Congress.

The expanded Office of Management and Budget—the old Bureau of the Budget—with its new burgeoning payrolls has developed into a super-bureaucracy which has assumed unprecedented and far-reaching powers, substituting its judgment for that of the Federal career management in Departments and agencies. It is these super-bureaucrats that are issuing the edicts eliminating and curtailing beneficial programs for people.

At the same time, journalists have pointed out that independent minded Cabinet members and top level management personnel in the Departments and agencies are being replaced with pliable, less experienced leaders who will accept without question the dictates of OMB—the Bureau of the Budget.

The effect of many of these decisions by the OMB to withhold funds or eliminate programs challenges the constitutional powers of the Congress to make laws, set priorities and appropriate funds to implement laws.

Senator Ervin of North Carolina and others have filed a suit in Federal Court challenging the right of the Executive to impound, freeze and withhold funds appropriated by Congress for highway construction.

Certainly your Representative will continue to fight for the independence of Congress as a "co-equal branch" of Government and strive to preserve the constitutional powers and prerogatives of the Congress.

## DESIGNATING FEBRUARY 11-17, 1973, AS NATIONAL VOCATIONAL EDUCATION AND NATIONAL VOCATIONAL INDUSTRIAL CLUBS OF AMERICA WEEK

### HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. GONZALEZ. Mr. Speaker, close to a million students in the United States—male and female—are enrolled in trade, industrial, and technical education courses at the secondary level and are being trained in vocational and occupational oriented skills.

The students represent the potential membership today of the Nation's youngest vocational youth organization—the Vocational Industrial Clubs of America—called VICA.

VICA is an organization for all students planning for careers in industry, with emphasis on trade and industrial education. VICA officially established in May of 1965, at the First Annual Trade and Industrial Youth Conference in Nashville, Tenn., is not a new idea.

Not when one realizes, that those educators who work with and train young people to take their place in the labor market, have been aware that youth need more than skills; they need motivation, respect for their capabilities, an understanding of their role in the industrial community, an awareness of their roles as citizens, and an opportunity to develop their leadership abilities.

VICA, moreover, is not new to Texas. Prior to the organization of VICA, at least 20 States—with Texas being the forerunner—were involved in vocational youth club activities on local and State levels.

Texas—always believing in doing thing in a big way—had already existing sophisticated programs with contests and awards for citizenship, leadership, and skill development, and had even conducted district and State level programs before the creation of VICA.

As far back as the 1947-48 school year, Texas educators had already created 48 Vocational Industrial Clubs of Texas—VIC—the forerunner of the present 1,058 VICA chapters in the State. The essence of VIC in Texas then, as it is in VICA in Texas today, was an awareness that the responsibility of the trade and industrial educator goes far beyond skill development. An educator's interest was, and still is, the whole student.

Texas educators have consistently believed that the building of skills in the classroom, laboratory or shop, and the youth development that VICA promotes both have as their goal the development of youth for the labor market.

What does membership in VICA mean to the individual vocational trade and industrial student enrolled in machine shop, drafting, cosmetology, or one of the many other vocational curriculums in our secondary schools?

It means, first of all, an opportunity for fellowship and identification with other students who share similar interests and goals in life. Because trade and industrial education involves more than 100 skills, this identification is often lacking. VICA, because of its inter-curricular nature, offers participation to students in all of the diverse occupational—training curriculums.

Although students throughout the State of Texas, may never meet in the classroom or shop, the student learning cosmetology will share interests and activities—believe it or not—with the student in printing or auto mechanics—through VICA.

The key to VICA in Texas, moreover, is the local VICA club where students are able to develop their leadership skills. Emphasis is placed on the importance of a thorough knowledge of the organization of VICA, its constitution and bylaws, and on the duties of office in the local club. Students are responsible for handling the business meetings, following parliamentary ritual ceremony involving the VICA emblem—the emblems being, perhaps, the most symbolistic identification of VICA.

The VICA emblem to all Texas students symbolizes the purposes of VICA: above the gear, the traditional symbol of industry, untrained hands of youth reach for the torch of knowledge and around the light of the torch are orbital circles representing new technology and research.

To pay tribute to these vocational clubs, the vocational education curriculums, and the students and interested persons involved in this area, I propose a resolution designating February 11 through 17 as National Vocational Education, and National Vocational Industrial Clubs of America Week. I urge your consideration and support for this resolution.

## JOINT RESOLUTION TO MANDATE TAX REFORM

### HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. BROTZMAN. Mr. Speaker, I am today reaffirming the commitment I made last June to give the American taxpayer the comprehensive tax reform he seeks and deserves. The joint resolution I am introducing today, if enacted, would require Congress to begin the task of thoroughly reforming, recodifying, and simplifying the Federal tax laws by February 15, 1973.

My reasons for introducing this legislation at this time are manifold. The distinguished chairman of the House Ways and Means Committee, the gentleman from Arkansas (Mr. MILLS), has already indicated that one of the first orders of business to be brought up before the committee this year will be tax reform. My joint resolution specifically outlines what I think to be the most responsible way to approach the problem of extensive review of the Internal Revenue Code.

Specifically, my joint resolution would direct the Ways and Means Committee and the Senate Finance Committee to hold hearings on each tax preference contained in the Internal Revenue Code with an eye to making the overall code more understandable and easier to file taxes under. By tax preference I am referring to the adjustments, credits, deductions, exclusions, and exemptions which are found throughout the code. The resolution directs the executive branch to fully cooperate with the hearings, and it further directs the Ways and Means Committee and the Senate Finance Committee to report to the floors of the House and Senate, respectively, comprehensive legislation to reform, recodify, and simplify the Federal income, estate, and gift tax laws. This approach to tax reform neither singles out a certain small percentage of tax preferences for review, nor does it cause provisions in the present tax laws to lapse prior to the completion of congressional action, and thereby create hopeless uncertainty for the Nation's taxpayers.

Mr. Speaker, it is often said that one man's tax loophole is another man's tax incentive. While everyone would wish tax loopholes to be closed, the problem is to determine what, in fact, is a loophole. Many of the so-called loopholes to which reformers point were consciously enacted by the Congress to create a greater incentive toward some socially desirable decision in the private sector. One example of this would be tax deductions for charitable contributions.

My resolution, I believe, establishes essential criteria for the consideration and successful reform of the tax laws if we are to view this matter in its proper context. First, we must ask ourselves if the particular tax preference seeks to implement a policy which continues to be desirable and in the public interest. Second, if the policy goal is a good one, we must ask if the present language in the Internal Revenue Code does the best possible job of implementing this goal. Third, tax preferences must be assessed as to their compatibility with the overriding social goal of equitably treating all taxpayers. Finally, it must be determined if the tax preference in question is one which is compatible with the revenue needs of the Federal Government.

The Nation needs a new tax law. The Internal Revenue Code has been amended and reamended so many times since the last major effort of this sort, in 1954, that additional random consideration of individual sections of the present Code will not resolve the confusion and discontent which abounds. The American people deserve the thorough and reasoned approach which many joint resolutions would provide. For these reasons, Mr. Speaker, I urge the quick approval of the joint resolution I have today introduced.

## NEWS FOR MR. NIXON

### HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. KASTENMEIER. Mr. Speaker, I wish to call to the attention of my colleagues an editorial appearing in the January 9, 1973, New York Times which takes issue with the President's determination to continue to conduct a war without constraint or even consultation with the Congress.

Although Mr. Klein, the White House Director of Communications, has lectured congressional critics of Mr. Nixon's war to remain silent, it is because of its silence that the Congress has been guilty in acquiescing to this most tragic episode in American history. Notwithstanding, then, Mr. Klein's threats, there are those of us in the Congress who, in our official capacity as elected representatives of the people, will continue to carry on our legitimate and responsible criticism of the President's evil war policy and the tyranny of silence which shields it from the American people.

Mr. Speaker, the editorial follows:

THREAT TO CONGRESS . . .

> The lecture read to the President's Congressional critics by Herbert G. Klein, the White House Director of Communications, spells out Mr. Nixon's determination not to brook interference with his conduct of either the war or the peace negotiations. In the process, political facts at home and military realities in Vietnam are to be bent to the President's will. If the truth stands in the way, the White House communicators blithely revise it.
>
> No other interpretation can explain Mr. Klein's complaint that "irresponsible" Congressional critics of the President's course have forgotten that the election gave Mr. Nixon "a very clear mandate to proceed the way he has on Vietnam."
>
> What precisely was the course that had been presented to the voters? On the battlefield, it was a course of steady disengagement. The bombing of the North had been halted. Peace was "at hand." The prisoners were thought to be within sight of returning home.
>
> That was the course on which the President had "a very clear mandate to proceed." It bears no resemblance to the course since taken—the apparent reopening of the question of Saigon's sovereignty with the implication of a permanently divided Vietnam; the terror bombing; the tragic rise of American casualties and prisoners.
>
> To the question whether the course for which he asked Congressional support might include renewed carpet bombing, Mr. Klein replied: "I would not rule out any tactic that is necessary to protect American lives or to carry out the military objectives which are essential."
>
> By no stretch of the imagination could the recent terror raids have been termed necessary to protect American lives. It was the bombing that wantonly destroyed lives—of American airmen and of Vietnamese civilians.
>
> The threat to use "any tactic" to carry out Mr. Nixon's undefined "military objectives" must seem to the American people and the world as an awesome and unacceptable extension of Presidential power. It is an extension that is not rendered palatable by Mr. Klein's vague assurance that Mr. Nixon considers himself fully accountable and will offer an explanation when he considers the time to be right in the best interest of peace.
>
> Such an open-ended extension of the President's powers should clearly be unacceptable to Congress. To block rather than merely to criticize such a usurpation of power is—so far from being irresponsible—a constitutional responsibility the Congress has evaded too long. The terror raids have stripped all credibility from the White House spokesmen's protestations that the President knows best and that not to let him have his way will jeopardize the negotiations.
>
> Last year, Mr. Nixon impugned the patriotism of the nation's opinion makers and business leaders for the failure to rally to such "difficult" Presidential decisions as mining the harbors and bombing the cities of North Vietnam. Now, Mr. Klein has applied the same faulty doctrine to the nation's elected representatives by calling for "less rhetoric and more support in the Congress." To heed such a false warning would be tantamount to surrendering the Government of the United States to one-man rule.

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## MEXICO BARS ANGELA DAVIS

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. RARICK. Mr. Speaker, many Americans have been lead to believe that our neighbor to the south, Mexico, has become anti-American under the leadership of its President, Luis Echeverria Alvarez.

Perhaps the test of what is regarded as criticism of the United States can be better understood with the Mexican Government refusing to allow the black Communist Angela Davis air travel to Mexico City.

While many Americans are overly critical of other nations and their nationals—for example, Allende in Chile and Castro in Cuba—we might do well to reflect on what other nationals must think of us with our Angela Davis', Jane Fonda's, Rap Brown's, Stokely Carmichael's, and a host of other international agitators.

In a foreigner's perspective one might wonder which is the sanctuary of the international Communist movement, that is, the Soviet Union, Red China, Cuba, or the United States.

A news clipping follows:

MEXICO BARS ANGELA DAVIS

> Black activist Angela Davis has been refused passage to Mexico City on Texas International Airlines in Houston at the request of the Mexican Immigration Office, an airline spokesman said.
>
> Miss Davis, acquitted earlier this year of murder in California, flew to Dallas after being refused passage Friday at Houston Intercontinental Airport when she presented her previously purchased ticket.
>
> Jim Cassady, the airline's senior vice president of public affairs, said a message received from Mexico City ordered Texas International employes to prevent Miss Davis from boarding the plane.
>
> Cassady said the Mexican government did not give any reason why Miss Davis was barred from the capital city. Cassady said the airlines often receive lists from the Mexican government of persons not to be allowed passage.—UPI

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## THE WAR CONTINUES

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. ROSENTHAL. Mr. Speaker, we had all hoped that by the time the 93d Congress convened the war in Indochina would be ended. Two weeks before the election we were informed that "peace" was "at hand." In the ensuing weeks, far from seeing the final achievement of peace, we witnessed anew the arrogance of power: American reescalation of the conflict and the most brutal bombing campaign in the history of war—all without the slightest explanation to the people or the Congress. Since the beginning of American combat involvement in Vietnam, we have frequently been told that peace was just around the corner. The events of the past 10 weeks should have made it finally clear that the only way we shall ever be sure that peace is at hand is for the Congress to act to end the war.

My feelings at this time are the same as those of one of my constituents who wrote:

> I have written to you over the years about our involvement in Vietnam. I have felt anger, frustration and despair. But now I feel rage, disgust and shame.

Mr. Speaker, I have opposed appropriations for this war since 1967 and have asked the courts to declare our involvement unconstitutional. In the 92d Congress I supported and voted for legislation designed to cut off funds for the war. When the President began the latest bombing campaign I sent the following telegram to him on behalf of myself and 16 other Members protesting his action:

> It is with a deep sense of despair that we must once again urge you to halt immediately the resumption of United States military activity in North Vietnam. The frustrations of the American people over this continuing war and their confidence in the integrity of government, are being strained to the breaking point by the renewed bombing and mining by U.S. forces. The American people and their representatives in Congress cannot be told that "peace is at hand" two weeks prior to the election and that full-scale miltiary action is necessary two months later. A singularly important lesson of this tragic war is that escalation only strengthens the resolve of the enemy to fight on and further entangles us in a fruitless, never-ending quagmire.
>
> Your election in 1968 and reelection last November were due in large part to your commitment to end the war. If our efforts toward a negotiated settlement were 99% successful, as Dr. Kissinger maintained, then surely the return of our POWs and the sacrifices of all Americans justify our adjusting that 1% differential.
>
> We urge you to stop the bombing and mining and to sign a settlement with the North Vietnamese now. If you cannot or will not get us out of Vietnam, then the Congress will have to exercise its obligation to do so.

In the Democratic Caucus on January 2, I worked and voted for the resolution calling for a cut off of all funds for U.S. combat operations in Indochina as soon as our prisoners are returned and arrangements are made for the safe withdrawal of our forces. In order to effectuate the will of the caucus I have sponsored a bill to accomplish this purpose. I am also preparing a separate bill which, I hope, will be referred to and immediately considered by the Committee on Foreign Affairs of which I am a member and chairman of its subcommittee on Europe.

The American people are frustrated and angered over our immoral participation in the conflict and they want to see it finished. It has poisoned our personal relations with one another and soured our political dealings with other nations. Let us finally draw together and put an end to this miserable chapter in our history. The time for peace is now.

## MAURICE THATCHER

### HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. SNYDER. Mr. Speaker, during the time I have served in Congress, I would—from time to time—receive a call from Maurice Thatcher—we always called him Congressman. These conversations were fun—and often very informative. We would chat about Kentucky and he would tell me about events that he was concerned with before I was born—let alone elected. I would ask advice—he would offer advice. Sometime he would consent to send me his latest poem. He remained vigorous, lively, and fascinating until his death recently at 102 years of age. He led a full life and I am grateful that its longevity enabled me to know him. I join my colleagues here and my fellow Kentuckians in mourning his death, and in fondly recalling his life.

The following is the article reporting his death from the January 7 issue of the Louisville Courier-Journal:

**Former U. S. Representative Thatcher, 102, Dies**

Maurice Hudson Thatcher, former congressman from Louisville and governor of the Canal Zone during construction of the Panama Canal, died at 10:15 a.m. yesterday in his Washington, D.C., home. He was 102.

He was the last surviving member of the Isthmian Canal Commission, on which he served from 1910 to 1913 while it directed the building of the canal. He also was the oldest living former member of Congress.

Thatcher was a Republican member of the House of Representatives for five terms, from 1923 to 1933, representing what was then the 5th District.

During that time he served on the Appropriations Committee and sponsored acts that established Mammoth Cave National Park, provided for permanent maintenance of the Lincoln Birthplace Farm, created the Zachary Taylor National Cemetery at Louisville, provided for construction of the present Post Office, Customs and Courthouse Building in Louisville, and established the Gorgas Memorial Institute in Panama City for the study of tropical diseases.

He served the institute as general counsel and was its vice president from 1939 until 1969.

His major interests in Congress, and later, included national parks, highways, public buildings, Pan-American and Canal Zone matters, and aviation. He was active in assuring construction of the Clark Memorial Bridge in Louisville and the Veterans Hospital in Lexington, and worked for establishment of Ft. Knox as a permanent military post.

Thatcher remained active—pursuing interests as varied as pending legislation and the writing of verse—until nearly the end of his life. Last October, he was presented the Silver Good Citizenship Medal of the Sons of the American Revolution.

Thatcher was born Aug. 15, 1870, in Chicago, Ill., and grew up in Butler County, Ky. His public career began 80 years ago, in 1893, when he became clerk of Butler Circuit Court. He was assistant attorney general of Kentucky from 1899 to 1900 and assistant U.S. attorney for the Western District of Kentucky from 1901 to 1906.

After practicing law in Louisville through the early years of the century—and marrying Anne Bell Chinn of Frankfort in 1910—he was appointed by President William Howard Taft as a member of the Isthmian Commission in 1913. A month later he became head of U.S. civil administration in the Canal Zone. With the canal nearly finished, he returned to his Louisville law practice in 1913 and held several posts in city government.

After his congressional service he remained in Washington, while maintaining many ties with Kentucky.

As a congressman, Thatcher had obtained a ferry to carry travelers across the Pacific end of the Panama Canal, and in 1962 he cut the ribbon to open the $20 million toll-free Thatcher Ferry Memorial Bridge there.

"For some strange reason," he said, "those who signed the canal treaty in 1903 never seemed to give any thought to crossing the canal after it was finished."

One of Thatcher's longtime interests was genealogy—he was a descendant of William Brewster, leader of the community of Mayflower pilgrims. He also was active in a number of social and civic organizations and was a 33rd degree Mason.

His wife died in 1960. Survivors include a cousin, Howard A. Thatcher of Baltimore, Md., and a niece and nephew by marriage, Mrs. Prue Mason Darnell, of Louisville, and Franklin C. Mason of Frankfort.

The funeral will be Tuesday at Lee Funeral Home, Washington, D.C., with burial at Frankfort (Ky.), Cemetery.

Thatcher once estimated that he had composed more than 1,000 verses, some published in newspapers, magazines and the Congressional Record. At Christmas each year, he composed a poem for friends. In 1967 he wrote:

*My last was not, in truth,*  
*my last, despite*  
*Expectancy and what*  
*computers say—*  
*For oftentimes skilled Nature*  
*takes delight*  
*In adding to long lease*  
*a lengthened day.*

## THE HOUSING MORATORIUM: THE PRESIDENT VERSUS THE CONGRESS

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. KOCH. Mr. Speaker, the fallout of President Nixon's Indochina bombing has reached the cities of America. The continuation of the Vietnam war weighs heavily on the Federal budget and it seems that President Nixon has decided to pay for the war with the future homes and communities of lower- and moderate-income families of the United States—many of whom have already sent their sons to Vietnam.

While imposing his moratorium, President Nixon has callously disregarded the consequences of his actions on the 4.7 million Americans that will have to continue to live in homes with no plumbing and the 2.7 million forced to live in overcrowded conditions. He also has chosen to overlook the fact that the rate of housing abandonments is accelerating each year.

Secretary Romney's claim that housing starts will continue at the current level of 250,000 units per year for the next 18 months is deceptive. These projects are already in the pipeline; what will be lost are new housing commitments. This means that there will be no new housing starts—and no new water and sewer, open space, and public facility projects—when the pipeline runs dry.

I estimate that in New York City alone, the Nixon moratorium will halt the planning and development of about 30,000 new units of housing in the next 18 months representing some $1 billion in construction activity. This will not only mean the loss of new homes to New Yorkers, but also unemployment for thousands in the housing and construction industry.

Another aspect of the President's moratorium is that it is being used not only to trim the Federal budget but also to "blackmail" the Congress into hurriedly passing the Nixon administration's community development revenue-sharing proposal.

In foreign affairs, President Nixon is trying to force the North Vietnamese to accept his peace terms by destroying their cities, and now it would appear that he is adopting this same philosophy with the Congress and is trying to force it to accept his housing and community revenue-sharing proposal by killing the existing housing program. Congress should not accede to such strong arm tactics. In the next several weeks, I will do what I can, both as a Member of the Congress and as a member of the Banking and Currency Committee, to achieve the restoration of the funding so desperately needed for our public assisted housing and community development programs.

There are many problems with the present housing program; but, this does not mean that the program should simply be destroyed. Rather we should make the modifications necessary so that it is more responsive to today's needs.

## OLDER AMERICANS ACT AMENDMENTS

### HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. KEATING. Mr. Speaker, I have become a cosponsor of the comprehensive older Americans services bill, legislation which would amend the Older Americans Act of 1965. Proposed services directed at special problems of the aged would be provided for through increased funding to the States. Among these varied services is a concentration on transportation, nutrition, recreation, housing, and employment.

These amendments are soundly based upon extensive hearings in the Committee on Education and Labor, and reflect strong bipartisan support. Recommendations from the 1971 White House Conference on Aging were taken into consideration, one outcome of which would be the improvement and expansion of the Administration on Aging in the Department of Health, Education, and Welfare.

At State and local levels services for the elderly would receive more intensified planning and better coordination, while at the Federal level greater emphasis would be placed on research and development in the problems of older Americans.

Highly successful projects such as Foster Grandparents and nutritional programs would be continued, assisting individual citizens as well as creating a sense of purpose and community among many of our older Americans.

It is my hope that this bill will again pass the Congress with the nearly unanimous support it enjoyed last year. The swift and considered enactment of this legislation would bring awaited relief to this Nation's 20 million Americans 60 years of age or older.

## A TRIBUTE TO JACK A. MEEK FOR SIGNIFICANT CONTRIBUTIONS TO HAWAIIAN LAND USE

### HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. MATSUNAGA. Mr. Speaker, land-use policy is extremely important to the citizens of Hawaii and our Nation. As Congressman from Hawaii, I am proud of the fact that Hawaii enacted the first land-use law in the United States in 1961, and has continued to lead the Nation in progressive land-use policies.

One of the principal contributors to Hawaii's model land-use law is Jack A. Meek, who recently retired from Hawaii's Department of Land and Natural Resources after 37½ years of exemplary service. I am sure that my colleagues will wish to join me in saluting Jack A. Meek, a great American, for his significant contributions to enlightened land-use planning.

I am submitting an article from a recent edition of the Honolulu Star-Bulletin which delineates Mr. Meek's career and his comments on the future of land-use planning in Hawaii and the other States:

**MEEK DID NOT INHERIT THE EARTH BUT HE HELPED MANAGE IT**

(By Helen Altonn)

Jack A. Meek, State land acquisitions administrator, plans to use his 37½ years' experience in the Department of Land and Natural Resources "to do a little lobbying at the Legislature as a citizen" after retiring Dec. 31.

He believes a number of areas can be improved in the land laws to facilitate acquisition, disposition and management of public lands.

He also hopes someday to be named to the Land Board where he feels his knowledge and experience with State land matters could best be utilized.

Meanwhile, his fishing pole is ready and he also intends "to take up golf again in a big way."

Meek will be 60 next Thursday.

A retirement party will be held for him that day at the Mid-Pacific Country club by his friends and colleagues. Reservations may be made by calling Catherine K. Maertens or Peggie Spencer at the land department.

Meek has held a variety of positions in the Land Department during his long career, working himself up from a proofreader in the Bureau of Conveyances in 1935 to Commissioner of Public Lands in 1956.

Although he is a Democrat, the late Republican Gov. Samuel Wilder King offered him the cabinet position for four years. But he took it for only three months because he wanted to remain a career government employee.

Meek recalled some of the highlights of his service and noted changes he would like to see in the land laws during an interview.

He emphasized the need for a detailed State land inventory and translation of Hawaiian land deeds and documents.

Only a few translators remain who are capable of working with the technical Hawaiian documents, he said pointing out: "The time will come when we won't be able to have any documents translated and it will be a sad case because they are frequently referred to by attorneys and abstractors."

He also feels strongly about a land inventory. He once began such a project with detailed information on the use, classification and valuations of the land. But it was dropped by a former land commissioner.

Concerning land law revisions, Meek said the Land Board and the chairman should have full responsibility for carrying out provisions of the land laws.

The Legislature now reserves the right to disapprove of sale of lands at public auction for business, industrial or commercial purposes, sale of easements to public utilities, public land exchanges and even certain executive order issued by the Governor.

"I think this hampers disposition of our lands and, to a degree, management of our lands," Meek said.

He also recommends:

Requiring developers by law to donate lands for schools and parks in return for a tax break at full market value of the land.

Establishing a special development fund so the Land Board can make public lands available without going to the Legislature in each case to ask for money.

Setting up a program similar to the "law for the landless" in the Philippines, allowing residents to obtain houselots by drawing so the low-income group would benefit.

The law now requires disposition of houselots by public auction which, Meek said, "is for the wealthy because the lots go to the highest bidders."

Reinstating a former Tax Department policy in which names of property owners were shown on tax maps as a service to other government agencies abstractors, attorneys, realtors and appraisers.

Of all the jobs he has held, Meek said he has most enjoyed his position as acquisitions officer. He has been responsible for negotiating and acquiring lands for all public needs except highways.

He cites as his two most significant accomplishments:

The acquisition of 30 acres for the Moanalua High and Elementary schools at Salt Lake for $1.05 a square foot. Land in the area is now selling for $5 to $8 a square foot.

The acquisition of additional lands for the Kahului Airport on Maui, including beach lots with huge mansions, which was achieved by negotiation without having to go to court.

He also is proud of his role in the development of the first increment of the State's Diamond Head view lots and the development and sale of the Ft. Ruger house lots.

## PROVIDING MANDATORY PRISON TERMS FOR THE USE OF A FIREARM WHILE COMMITTING A FEDERAL CRIME

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. ANDERSON of California. Mr. Speaker, on the first day of the 93d Congress, I reintroduced legislation, H.R. 102, which is designed to remove the gun from the inventory of one of the tools of the trade of the killers and hoodlums in our country.

According to FBI statistics recently released, crimes of violence—murder, forcible rape, robbery, and aggravated assault—have increased by nearly 20 percent from 1970 to 1971. Even more shocking, the citizen's chances of being a victim of one of these crimes has increased by 74 percent since 1966.

In 1971, there were 17,630 murders committed in the United States—an increase of 11 percent in 1971 over 1970. And firearms continued to be the predominant weapon used in murder. As in the previous 3 years, 65 percent of the homicide victims in 1971 were killed through the use of a firearm.

Aggravated assault, where a person attacks another for the purpose of inflicting severe bodily injury, has increased by 109 percent since 1966, and in 1971, 25 percent of these assaults were committed with the use of a firearm.

Since 1966, armed robbery has increased 175 percent, and special FBI surveys show that approximately 63 percent of all armed robbery is committed with a firearm.

Mr. Speaker, the police officer, who stands between the law-abiding citizen and the jungle, takes his life in his hands every time he puts on the badge and goes on duty. In 1971, 126 law enforcement officers were killed due to felonious criminal action. One hundred and twenty-one of the police murders in 1971 were perpetrated through the use of firearms.

There has been a lot of tough talk and a wide range of proposals—from shoot-to-kill to banning all firearms, from the death penalty to the seizure of any weapon.

But, despite all the talk, things are worse today, and violence is increasing virtually everywhere.

Mr. Speaker, crime and violence in the

country are a national scandal. Equally scandalous is the administration of justice to those brought to trial for dangerous weapons violations.

In New York, there were 2,946 arrests for dangerous weapons violations in 1970. Of those convicted, only 8 percent received a jail sentence, and then for only a few months. The remainder were let go with only a slap on the wrist.

In Washington, D.C., those who violate the dangerous weapon statute have a two-out-of-three chance of not receiving a single day in jail. And even when imprisonment does result in such cases, that imprisonment is normally far less than that which is authorized.

Mr. Speaker, we must create an atmosphere in which it is known by everyone, beyond any doubt, that using a gun illegally will be dealt with surely and effectively by the criminal justice system.

The thrust of the bill I am proposing is directed at the criminal who abuses the gun, the individual who, through his own actions, jeopardizes the rights and lives of honest, law-abiding citizens.

This bill, Mr. Speaker, would provide for a mandatory 5- to 10-year jail term for using a gun during the commission of a Federal crime on the first offense. This 5- to 10-year prison sentence would be in addition to the penalty for committing the crime.

Under present law, a person who robs a bank is subject to a jail sentence of 20 years.

If my bill were enacted, that person—if he used a gun during the commission of the crime—would be subject to an additional jail sentence of 5 to 10 years, for a total of 25 to 30 years in prison.

If a person has been convicted for illegally using a firearm on a previous occasion, on a second conviction that individual would be subject to a mandatory prison sentence of from 10 years to life—in addition to the normal sentence for committing the crime.

Mr. Speaker, I am very pleased with the response my proposal has received throughout the Nation. Of special interest, I believe, is the response of law enforcement officers—those who put their lives on the line every day to preserve our society.

The Los Angeles County Southeast Area Chiefs' Association, representing 13 cities and affiliated organizations in the Los Angeles County area, unanimously endorsed my proposed legislation. Speaking for the organization, Chief Robert Taylor of South Gate writes:

> It is our position that stiff mandatory additional sentences for crimes where firearms are used will serve as a deterrent in the use of firearms in criminal acts and reduce the use of possible deadly force on our citizenry.

Sheriff Floyd Barton of Inyo County, Calif., writes:

> I am deeply and sincerely in favor of this legislation and am very glad to add this personal endorsement to that of our National Sheriffs' Association. This proposed legislation, in my opinion, is deserving of every consideration and full support.

The sheriff of Los Angeles County, Peter Pitchess, states:

> I have reviewed this proposed legislation and am pleased to join you and the National Sheriffs' Association with an endorsement.

Mr. William A. Scott, a veteran of 25 years of law enforcement in California and the sheriff-coroner of Placer County, endorses my proposal with the comment that—

> Stringent measures should be taken to protect the innocent and to assure just and meaningful punishment to those who commit violent crimes.

The bill I am introducing has also received the support of the sheriff of Kern County, Charles Dodge, who writes:

> I am certainly in agreement that armed criminals should suffer much more severe punishment than is presently provided for by federal laws and I am in complete support of your bill.

Sheriff-coroner of Mendocino, Reno Bartolomie, who has served for 36 years enforcing the law, raises another important aspect of this proposal, stating that—

> There will no longer be an incentive for the burglar to steal weapons of any kind for sale to the criminal. It would certainly slow down the black market on stolen guns.

I have received a letter of support from Sheriff William Davenport, sheriff for the past 10 years of Monterey County, who writes:

> There has to be some greater deterrent to compel those people who would use weapons to accomplish their mission of creating fear and duress while committing a crime, be forewarned of the consequences of their acts.

A peace officer with 33 years experience, Sheriff John Balma of Shasta County, writes:

> This bill will do a great deal toward curbing the illegal use of guns.

My proposal to require a mandatory penalty for illegally using a gun has been endorsed by the sheriff-coroner of Madera County, Edward Bates, who states:

> This approach is much preferable to that of disarming the law-abiding citizen who has the right to bear arms. Your bill punishes those who use a firearm for unlawful purposes.

Donald Nash, chief of police of Torrance, Calif., writes:

> This type of legislation is needed because sentencing in many states, and California in particular, is far too lenient for crimes of the nature described.

Ventura County Sheriff William Hill, Sheriff Frank Bland of San Bernardino County, and Frank Madigan, sheriff of Alameda County, have endorsed this proposal. Sheriff Madigan writes:

> I am a firm believer that the penalty is a major deterrent in attempting to control major crimes.

In addition, the district attorney of Ventura County, Woodruff Deem is in support of my proposal to curb the illegal use of guns in the United States.

The sheriff-coroner of San Joaquin County, Michael Canlis, says that my bill would "go a long way toward protecting society from those persons who commit public offenses armed, and those who commit a felony."

Mr. Speaker, I deeply appreciate the strong support for this proposal that has come from those who are the experts in preserving and protecting our society—the police officers. And I appreciate the response that I have received from concerned citizens who feel that additional steps should be taken to curb violence in our country.

Mr. Speaker, I feel that this bill would effectively curb the illegal use of guns without penalizing the law-abiding citizens. This measure would remove one of the most important tools of the trade from the inventory of the punks and hoodlums who have terrorized our communities for far too long.

Finally, Mr. Speaker, I would like to share, with my colleagues, letters of support I have received from the National Sheriffs' Association and the International Conference of Police Associations. Their letters refer to the bill H.R. 15144, which I introduced in the 92d Congress, and is identical to the bill I am introducing today. The letters follow:

NATIONAL SHERIFFS' ASSOCIATION,
*Washington, D.C., July 28, 1972.*

Hon. GLENN M. ANDERSON,
*U.S. House of Representatives, U.S. House Office Building, Washington, D.C.*

DEAR MR. ANDERSON: Being aware of your introduction of H.R. 15144 on 24 May 1972 and of your eloquent defense of this bill as reported in the CONGRESSIONAL RECORD, volume 118, part 20, page 25861, I thought you should be made aware of the National Sheriff's Association support for this type of legislation.

At our 1971 Annual Informative Conference at Philadelphia, Pennsylvania, the National Sheriffs' Association unanimously passed a resolution which, in essence, parallels your proposed legislation.

Our members, without a dissenting vote, condemned arbitrarily depriving law-abiding citizens of their right to bear and/or own firearms and, at the same time, urged that legislation be enacted which would provide stiff, mandatory sentences, in addition to any other sentence imposed, for the use of firearms or other weapons in connection with the commission of a crime.

With more than 22,000 law enforcement administrators and pracitioners at virtually every level of law enforcement numbered among our members, I thought this information might prove of interest to you.

Cordially,

FERRIS E. LUCAS,
*Executive Director.*

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INTERNATIONAL CONFERENCE
OF POLICE ASSOCIATIONS,
*Washington, D.C., August 7, 1972.*

Hon. GLENN M. ANDERSON,
*Congressman of the United States, Seventeenth District, Torrance, Calif.*

DEAR CONGRESSMAN ANDERSON: The International Conference of Police Associations firmly support your Bill, H.R. 15144, and subscribe wholeheartedly to the provision that requires mandatory sentencing for individuals found in violation of the law.

If our organization can be of any aid in the passage of this legislation, we would be most grateful to contribute that aid to you.

Very truly yours,

JAMES F. VAN NORMAN

## A BILL TO STRENGTHEN THE ENDANGERED SPECIES ACTS

## HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. DINGELL. Mr. Speaker, I introduced a bill on January 3 in the 93d Congress to strengthen the Endangered Species Acts of 1966 and 1969.

Before discussing this legislation, I want to report that I am pleased the U.S. State Department has scheduled an international conference, as called for in the 1969 act, on fish and wildlife resources threatened with extinction. This coincides with the movement in the House of Representatives to enact the stronger Endangered Species Act of 1973.

Mr. Speaker, I have been pressing the State Department for this international conference upon many occasions and while it has been postponed by the State Department several previous times, I certainly hope this will be a successful gathering of nations this year.

I am also requesting that I be appointed as a delegate from the House to the conference to be held February 12 through March 2, 1973, in Washington, D.C. This conference will seek to establish a worldwide treaty regarding the cooperative protection of endangered species among countries.

Mr. Speaker, over 70 members of the House are cosponsoring H.R. 37, the Endangered Species Act of 1973, and related bills which have been referred to the Merchant Marine and Fisheries Committee. As chairman of the Subcommittee on Fisheries and Wildlife Conservation, I will urge early hearings to be held prior to full committee action.

This is one of the most important pieces of legislation in the new Congress and I am satisfied it will enable us to thoroughly strengthen the existing acts. Further action on the existing law is necessary if we are to conserve, protect, and propagate our threatened fish and wildlife resources which I feel are diminishing too rapidly.

Major provisions of the new bill provide for the administration of the endangered species program jointly by the Departments of Interior and Commerce, removes the distinction now existing between native and worldwide endangered species and extends present controls to reach species or subspecies not only threatened with extinction, but also those which are likely to be threatened within the near future.

The measure extends existing prohibitions to include export as well as import of listed endangered species and provides for civil and criminal penalties for violations of the act.

In some other specific points, the bill would provide additional protection to such species as the eastern timber wolf, found in Minnesota; and the Texas red wolf, found in Texas and Louisiana areas; along with the wolverine, found in Minnesota and Idaho.

It would enable better consideration to be given to the kangaroo, found in Australia, and to the Asiatic elephant. These two species, along with the wolverine, are being heavily exploited and are in trouble, but are not yet on the brink of extinction, according to the Department of the Interior.

Protective help also would be given to the eastern cougar which is found on the eastern seaboard and which ranges from Maryland to the Carolinas and Georgia.

The Department of the Interior would have the authority to control exports of native endangered species just as it now controls the imports of foreign endangered species. This allows us to do as much for our own animals as we are doing for foreign endangered species.

Other sections of the endangered species bill would require an annual review of the endangered species list, allow States to adopt their own programs, authorize a study of State and Federal roles, restrict importation for zoos and educational purposes, and establish a separate restriction section for other importers.

Mr. Speaker, a list of the cosponsors of the Endangered Species Conservation Act of 1973 follows:

LIST OF COSPONSORS

Frank M. Clark, William S. Mailliard, Charles A. Mosher, Thomas N. Downing, Philip E. Ruppe, George A. Goodling, William G. Bray, Frank A. Stubblefield, John M. Murphy, Walter B. Jones;

Mario Biaggi, Glenn M. Anderson, Peter N. Kyros, Paul N. McCloskey, Jr., Robert H. Steele, Pierre S. du Pont, Robert O. Tiernan, James V. Stanton, Ralph H. Metcalfe, Lucien N. Nedzi;

James G. O'Hara, William D. Ford, Martha W. Griffiths, John E. Moss, James R. Grover, Robert L. Leggett, Edwin B. Forsythe, Ben B. Blackburn, Joseph P. Vigorito, Charles E. Bennett;

Jerome R. Waldie, Morris K. Udall, John Ware, Louis C. Wyman, Ken Hechler, David Obey, Gus Yatron, Clarence D. Long, Frank Annunzio, Edward I. Koch, Don Edwards, Fred B. Rooney;

Donald M. Fraser, James C. Corman, Charles J. Carney, John J. Rhodes, Jerry L. Pettis, Peter W. Rodino, Jr., Hamilton Fish, Jr., Joseph P. Addabbo, Bill Alexander, Robert H. Mollohan;

Romano L. Mazzoli, Norman F. Lent, William L. Hungate, Thaddeus J. Dulski, Joseph E. Karth, Silvio O. Conte, Mark Andrews, Bertram L. Podell, Marvin L. Esch, Henry Helstoski;

Richardson Preyer, Thomas L. Ashley, Jonathan B. Bingham, James C. Cleveland, Edward R. Roybal, Bill Frenzel, Robert H. Michel, Bella S. Abzug, Edward G. Biester, Jr., John F. Seiberling.

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## PRESIDENT'S MESSAGE GOOD NEWS

## HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. ANDERSON of Illinois. Mr. Speaker, the President's message concerning the future of the wage and price control program is good news for business, labor, and consumers alike. It represents an awareness that the current rigid, highly structured control apparatus has performed reasonably well, but that in response to rapidly changing economic conditions a new, more flexible approach is in order. Specifically, over the past 6 months or so we have seen the basic nature of the inflationary threat gradually transformed from one of residual cost-push inflationary pressures to one that is appearing in many sectors of the economy to be largely of the demand-pull variety. This gradual transformation has two implications: First, that the freeze and the phase II system of controls which followed it did succeed to an important degree in puncturing and eliminating the inflationary psychology which had gripped the economy in the year and a half or so prior to August 15, 1971; and second, that the administration's program of economic stimulus and recovery has produced such salutory results that we are now confronted with the real danger that the full-employment target will be overshot, unleaching a new cycle of excess demand, rising prices, and economic instability.

Mr. Speaker, I think a quick review of the December wholesale price index released yesterday readily underscores the point that I am making. The index for industrial commodities had been rising at nearly a 5-percent annual rate in the year before the freeze was imposed. During the 3-month freeze last fall it was brought to a screeching halt, and after a bulge in the first part of 1973, the rate of increase has continued to abate; it has dropped from a 4.9-percent annual rate in the second quarter to 3.2 percent in the third quarter, and during the fourth quarter of 1972 it declined even further to the very acceptable rate of 2 percent.

Now the significance of this trend is twofold: First, it is important because the industrial commodities component represents almost three-fourths of the total weight in the wholesale price index. So in terms of the overall economy, the prices of a preponderant majority of commodities are performing very well indeed. Second, this trend is important because the industrial commodities component of the WPI is dominated by those highly concentrated industries like autos, steel, electrical machinery, chemicals and the like which are highly concentrated and, therefore, most prone to cost-push inflation. Because both labor and management in many of these sectors have substantial market power they have been in the best position to play catch up and thereby push wages, costs, and prices above levels that would otherwise obtain in more competitive markets. The fact that prices in these sectors are now only increasing at a 2-percent annual rate, and in many cases considerably lower even than that, indicates that the control program has succeeded in its major objective.

On the other hand, those sectors such as food and processed feeds, lumber, and hides and leather products, where prices have been increasing at unusually high rates, are highly unconcentrated and competitive. In these cases, the basic source of rising price levels is not a lingering inflationary psychology, unwarranted exercise of market power or cost-push factors, but simply the fact that demand is far outpacing supply. In such circumstances direct wage and price controls can be only of very limited effectiveness and can actually do considerable harm, as we are now seeing in the lumber industry. If such demand-pull pressures, now limited to a few though important isolated sectors, were to be generalized across the entire economy, direct controls would be of equally limited value and might well do considerable harm if left in place too long or if applied too rigidly.

Mr. Speaker, the administration's new economic stabilization program is very expertly tailored to meet these new circumstances. First, it eliminates current requirements for prior approval of individual wage and price increases in those broad sectors of the economy where prices are exhibiting reasonable stability, and where demand-pull pressures have not yet manifested themselves. At the same time, the wage and price guidelines will stay in force, and the Cost of Living Council will be empowered to take forceful action in any instance in which either labor or management is tempted to push wages and prices beyond their competitive level.

Second, in those bottleneck sectors such as food, lumber, and fuel in which demand is racing far ahead of supply, it provides for a continuation of the control program, but more importantly, places major new emphasis on increasing supply. And closing the gap between supply and demand is simply the only way in which we can ever hope to bring about price stability in these sectors. In recent days and weeks the administration has already taken action toward this end in the farm and fuel sectors, and I am confident that even more significant actions will be forthcoming shortly.

Finally, the administration's new economic stabilization plans place a renewed emphasis on fiscal and monetary policy, with a view toward preventing the spread of the kind of demand-pull pressures that we now see in the sectors I referred to a moment ago. Foremostly, this means tight control of the Federal budget during the remainder of this fiscal year and a commitment to hold Federal spending during fiscal year 1974 to no more than the full-employment revenue level. This will be no easy task, and it is one that will require the fullest cooperation and good faith between the executive and legislative branches. While there will undoubtedly be the temptation on the part of some to transform the coming struggle to control the budget into a confrontation between the two branches, I hope that both my colleagues on this end of Pennsylvania Avenue as well as those responsible for policy decisions on the other end, will recognize that failure to bring spending under control will mean a disastrous new round of demand-pull inflation—an outcome from which no one stands to gain.

Mr. Speaker, in conclusion let me just reiterate that the administration has presented to us a well designed program; one that can keep us on the road toward full-employment without a new surge in the price level. I would hope in the months and year ahead that we in the Congress will provide the cooperation and constructive criticisms and suggestions that will be necessary to carry out and implement this continuing effort to achieve a stable, expanding economy.

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## CONCILIATORY ATTITUDE

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. DERWINSKI. Mr. Speaker, there has been a great deal of discussion over the increased trade between the United States and the Soviet Union and, more specifically, over the substantial sale of grain to the Soviet Union.

A very timely and especially pertinent column written by the distinguished international correspondent of the Copley Press, Dumitru Danielopol, was carried in the Elgin, Ill., Courier-News of December 2, 1972, and I am pleased to insert it into the RECORDS

HUNGRY COMMUNISTS BECOME FRIENDLY

(By Dumitru Danielopol)

WASHINGTON.—Even a Communist gets hungry.

And that explains a lot of things.

The conciliatory attitude of the Kremlim towards President Nixon and its obvious support for his re-election has not failed to attract attention abroad.

It will be remembered that in 1960, Premier Nikita Khrushchev boasted that he had helped John F. Kennedy into the White House. In 1968, the Kremlin opposed Mr. Nixon. This time it changed sides.

Its influence on the U.S. electorate each time was minimal, but its motives were obvious.

"Nowhere in the world, one can safely assume, was the 1972 U.S. election followed more keenly than in the Kremlin," says London's Soviet Analyst, "and few other governments seem to have welcomed the re-election of President Nixon with greater relief than the Soviet leadership."

The explanation is simple. Philosophically the Kremlin has always preferred to deal with the right than with the non-Communist left—except in West Germany for peculiar European reasons. Social Democrats and Liberals are considered more dangerous to communism than right wing parties because they are considered capitalist agents within the working class.

But there is more to it than that.

The Russians are broke. They need capitalism.

"The Communist regime has achieved the unbelievable," says the Analyst. "It has transformed Russia into an industrialized country which can produce nothing that anybody wants to buy, and an agricultural country (once the world's greatest grain exporter) that cannot feed its own people."

In other words, communism has flopped.

This is the pattern in all countries that have come under communism in Eastern Europe, Asia and Latin America. The Communists had ambitions. One could trace them to the launching of the first Sputnik. Now after 15 years the USSR has lost the contest decisively.

The Soviet leaders have no way to go but ask for help from the West, especially the United States. The Presidency's initiatives for a Moscow summit and trade and economic agreements have been highly welcome in the Kremlin.

Only massive U.S. credits can bail out men like Brezhnev.

The Analyst makes the startling claims that "Russia is well on the way to becoming an economic dependency of the USA!"

The former second man in Communist Yugoslavia, Milovan Djilas, in a recent interview with the New York Times, said that capitalism has won over communism.

The United States has emerged stronger in the world scene, Djilas said, because the Communist world divided into factions and because the United States succeeded in enlarging basic democratic ideas—like individual human rights, thus eroding Communist ideology.

"Economically, Djilas said, "you succeeded into pressing the Marxist world collaboration with you. You proved the truth of the theory that no economic system can develop isolated from others."

The most important factor, however, is that the U.S. has remained strong, Djilas said.

It amounts to a great opportunity for the United States to obtain concessions, such as the release of Russian Jews to emigrate to Israel, more freedom for the satellite countries of Eastern Europe, more genuine freedom of thought and movement.

In all this, however, military strength remains the key factor. We had better keep our powder dry.

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## LAIRD DID A TOUGH JOB WELL

### HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. DAVIS of Wisconsin. Mr. Speaker, few men have walked away with their reputation intact after a tenure of 4 years as Secretary of Defense. Mel Laird's performance in the Cabinet position has been exemplary and deserving of acknowledgment. For this reason I insert the Milwaukee Journal's recent editorial:

[From the Milwaukee Journal, Nov. 30, 1972]

LAIRD DID A TOUGH JOB WELL

No one envies a secretary of defense. Enemies line up fast. Effectiveness ebbs as a result. The trick is to know when to get out. Melvin Laird wisely set his tenure at four years and held to it. He steps down now with a solid reputation intact and an impressive list of accomplishments behind him at the Pentagon.

The Marshfield (Wis.) native guided the defense establishment during a remarkable period of transition. It was one in which the US was pulling its land army out of the war in Vietnam and diminishing its expenditures there dramatically. It was one in which the military—especially the Army—having long been used to the crutch of the draft, was forced to come to grips with the administration's drive for an end to conscription and the birth of an all-volunteer military force.

The Laird era was one in which the Pentagon, accustomed to gold plate, also came under increasing congressional attack over the cost of weapons. The defense establishment had to make do with relatively static budgets, in which increasingly larger portions went for manpower costs rather than arms.

And the military had to accept the realities of a strategic arms limitation treaty, which left the US in an inferior position in numbers of launchers if not of nuclear warheads. Sufficiency rather than superiority became the theme.

Laird was able to orchestrate this transition, keep order and morale from crumbling and rivalries from breaking out of control—no mean task. In the process he had his crosses to bear. As defense secretary he became the lightning rod for much of the antiwar criticism—though he was said to be privately counseling restraint at the White House, and did not agree fully with the president on such issues as the intensified bombing of North Vietnam. He valiantly tried to rationalize the military procurement system while under attack for some inflated weapon costs that stemmed from decisions of the prior administration.

The Laird performance was not flawless, of course. He still tended to see salvation in more big strategic weapons. His definition of sufficiency was on the conservative side. He could never quite control his urge to get back in the political arena, and his partisan blasts at Democratic candidate McGovern's "white flag, surrender budget" plan were prime examples of his political pugnaciousness.

In that sense, it was surprising that the former Wisconsin congressman and Republican power in the House, a lover of politics and political intrigue, took the defense job at the expense of his immediate political career. He filled the post well.

## HARRY S TRUMAN—THE MAN FROM INDEPENDENCE

### HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. JOHNSON of California. Mr. Speaker, I joined with all Americans in grieving over the passing of President Harry S Truman, our 33d President, who fought the good fight until the very end. Today I join my colleagues in paying tribute to a great American, one who loved his country and served it so well.

As all of us know he became President while we were engaged in World War II. Many, including the President himself, felt that there were others who might be better qualified to be President. However, he took command of this high office, as he had taken command of other offices, and guided us to an end of World War II, the establishment of the United Nations, the reconversion from a wartime to a peacetime economy, and providing assistance to the war-torn lands.

President Truman served as a world leader, a great modern-day President, and continued until his death to serve as an inspiring genius for the American people whom he loved and who loved him.

In describing his activities I intentionally used the term "command" because that was what Harry S Truman did in his own words "the buck stops here" on the desk of the President. His forceful and inspired leadership was augmented by his great courage, his loyalty, and his integrity. At the same time he was a man with great affection for his family, for his Nation and the people who made this Nation great. He was a man of compassion. Along with the courageous actions which he undertook to bring to an end World War II and to stop the aggressive spread of communism, Harry S Truman never forgot the individual citizen—the working man, who found in Harry S Truman a President who was one of their own.

His dediction to the rights of the individual can best be demonstrated by the proposals which he first advocated as President. He called for a national health insurance plan for all citizens. He advocated the concept that the Federal Government has a responsibility to act to halt any subsequent rise in unemployment, and should come to the aid of the less fortunate. His administration led the effort to enact the National Housing Act of 1949, and President Truman became the first President since Abraham Lincoln to make civil rights a truly national issue.

To pay tribute to this great American is an honor. He established himself among the list of the truly great American Presidents, and a grieving nation extends deepest sympathy to his beloved wife Bess, his daughter Margaret and her family, and his sister.

## THE FEARLESS SPECTATOR

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. WALDIE. Mr. Speaker, the conflict between ecology/conservation groups committed to the environmental control of the traditional manifestations of economic growth—that is shopping centers, industrial parks, housing developments, and so forth—and those organizations representing the American working man, presents a problem which is going to become an increasingly important consideration in the policymaking decisions of American voters and the different Government officials who represent them.

In the following article, Charles McCabe, columnist for the San Francisco Chronicle, does an excellent job of outlining some of the fundamental issues involved in this conflict as well as demonstrating the necessity of our adopting a set of priorities which will enable us to accommodate the interests of both groups and, most importantly, provide for the well-being of the American people in general.

The article follows:

THE FEARLESS SPECTATOR

(By Charles McCabe)

THE HARDHAT REVOLT

The policy decision of the Association of Bay Area Governments to limit the growth of the Bay Area has already set off a war between the right-thinkers and the hardhats that is certain to get very bitter before very long.

Said ABAG in its startling move to limit population growth in the area: "Bay area residents are rapidly recognizing that continued . . . growth . . . places increasing demands on our criitcal resources. Unchecked population growth can only jeopardize the quality of life we now enjoy."

True, true, true, according to the current canons of concern. This sort of right thinking doesn't bother anybody, really, until a government agency with extraordinary veto power over building actually puts it into effect. The Sierra Club is just a lot of WASPS, mostly in Marin and San Mateo county, who are filled with a rather boozy affection for redwood trees which is actually a disguised resentment of the poor, the black and the ethnic, until . . .

Until the Sierra Club and like-minded conservationists begin to be heard, approved, and acted upon. Then, like in all highminded causes, the people who are actually most affected by them begin to realize what has happened. What has happened is usually their bread and butter.

* * * * *

The guy who wears a hard hat and builds buildings and tunnels and such is the economic target of the anti-growth movement. He knows it now and the knowledge is going to be more certain every day. The hardhat began to realize where he was at a while back when a group of the right-minded, myself included, led opposition to a misbegotten $200 million U.S. Steel waterfront complex that the realtor in City Hall thought was just dandy. A lot of guys lost jobs when that decision was made; but the city will be permanently just that much a better place to live.

It's truly a puzzlement. When a thinker like Barry Commoner, distinguished ecologist, makes the statement that if he had to choose between ruining the environment and ruining the economy, he would choose to ruin the economy, you can't blame the working man for thinking he is in the presence of madness which is deeply threatening to him.

* * * * *

"We are becoming more and more disturbed," is the mild way California's chief labor leader, John F. Henning, puts it. Henning is the executive secretary-treasurer of the 1.6 million member State Labor Federation, AFL–CIO. Henning speaks for a lot more than the hardhats, for labor in general is beginning to know that the no-growth concept, no matter how good it looks on paper, looks rotten on a paycheck.

The ABAG decision, combined with the earlier voter approval of the coastal initiative, meant as much in terms of loss for organized labor as it meant victory for the conservationist forces.

The Bay Area in coming years is going to have to live with both these vital and thrusting armies. The long term need of the area, and the state, and the nation, and the planet, lies in control of growth, and the abandonment of an economy which is based heavily on the satisfaction of needs which it creates itself for things nobody really wants.

* * * * *

But in the meantime there is the matter of people. The people who satisfy these needs and are indeed also victims of them, the workers of the world. These workers are now beginning to realize the political consequences to them of what the right-thinkers have been up to, so quietly and so effectively. Just as the blacks and the poor and the Third World people are beginning to understand the political consequences of the kind of birth control advocated by that character down at Stanford.

The answer, the terribly difficult answer, is that the hardhats and the right-thinkers are going to have to talk to each other. For that to work, they are going to have to respect each other. Tougher things have been arranged.

## BIG BROTHERISM GONE WILD

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## HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. GROSS. Mr. Speaker, we have reached the unbelievable point in this country where the Federal Government can officially presume a citizen guilty until that citizen proves himself innocent.

The proof is contained in the outrageous action by Department of Agriculture officials in hounding a group of homemakers club women in Maryland who were found guilty of discrimination because the club had no Negro members. There is no record that Negro women sought membership in the Oxon Hill club.

The incident is described in an article in the Washington Star-News of January 8.

Briefly, the women—whose club receives some support from the Agriculture Department—were ordered to become active crusaders for the quota system of integration by going out in the community in search of Negro members. Otherwise, they were presumed to be bigots and discriminatory.

Furthermore, any Negro women who declined to join the club were to be reported to the Agriculture Department.

Club members were outraged and bought an advertisement in a local newspaper which solicited Negro members, stating that at least one was needed "to comply with damn fool Federal regulations."

The Agriculture Department promptly ruled that the advertisement was "offensive to persons of the Negro race, would tend to discourage membership of such persons in the club, and is, therefore, discriminatory."

The newspaper article, which I will include for insertion at the end of my remarks, describes the harassment of the club members by the Agriculture Department, which sent out an official investigator to scour the area and ferret out the "malefactors."

This incident should serve as a grim warning to every citizen of this country that the legal principle of being innocent until proved guilty is being subverted by Big Brother, and that the burden of proving guilt is no longer on the State. The burden of proving his or her innocence has now been placed upon the citizen.

The newspaper article follows:

### HOMEMAKERS TAKE ON FEDS

(By David Braaten)

Revile the President, if you like. Rage at Congress, if that is your bag. Curse the Establishment, vote Democratic even, and all will be forgiven.

But never, never make fun of a federal bureaucrat and the regulations he reveres. That way lies big trouble.

Ask the women of an Oxon Hill Homemakers Club.

They got a little snippy about government directives that insisted they "aggressively" try to achieve racial integration in their weekly meeting social club by going out and ringing doorbells, then submitting case histories of every homemaker they approached who did not wish, for whatever reason, to join the club.

What the women did instead was take out a $3.10 ad in the fortnightly Oxon Hill Times, in which they referred to "Damnfool Federal Regulations."

That did it.

A federal gumshoe showed up in Oxon Hill, tracking down the culprits who had dared to make fun of government regulations. He rang doorbells as early as 8 a.m., demanding to know, "Who did it? Who did it?"

With a ferver that is normally reserved for Communist or Ku Klux Klan conspiracies, the federal agent pursued his investigation for several weeks, up one street and down another in the hitherto peaceful middle-class community.

Since the feds won't talk, the Oxon Hill Homemakers have been left to speculate on their own as to the reasoning, if any, behind the massive government investigation. They have come to the conclusion that "Damnfool Federal Regulations" was the offensive phrase that triggered Big Brother's protective reaction.

Meanwhile, the homemakers have been derided by Playboy magazine, which gave them its "Honkie of the Month Award." And they are now so skittish that when a reporter dropped around to one of their weekly meetings, they refused to give their names and had a tape recorder going throughout the session.

The Agriculture Department, which is the agency that supervises Homemakers Clubs even in areas like Oxon Hill which have no husbandry enterprises bigger than a backyard pea patch, says the case is not yet closed; it is trying to decide whether any violation of any law occurred, and until this decision is made, its lips are sealed.

The Oxon Hill homemakers are waiting, in that strange mixture of amusement and apprehension that perhaps epitomizes the modern taxpayer's relationship with his government.

The history of the Oxon Hill honkie hunt probably epitomizes something, too.

It started at a meeting last spring of all the Homemakers Club presidents in Prince Georges County. The presidents were informed that, because a certain amount of sponsorship and supplies goes to the clubs from the federal government, Uncle Sam must make sure that the clubs do not discriminate against minorities, either intentionally or unintentionally.

This meant, according to the county extension agent who addressed the group, that all-white and all-black Homemakers Clubs must go out seeking members from the racial minority appropriate to their situation—whites seek blacks, blacks seek whites. How? By ringing doorbells, if necessary, they were told.

"Does that mean we have to go out and ring white people's doorbells?" asked the incredulous president of a club in a black community, according to one woman who was present.

"That's right," replied the county official. "Fair is fair."

"What if they don't want to join our club?" asked the president of an all-white club.

"Then you get their name and address, write down their reason for not wanting to join, and get them to sign it," was the response, again according to a president who was there.

The oral directives were followed up by a letter from Linda L. Dunn, the county extension agent, to all 89 club presidents in Prince Georges.

"To insure that your club fulfills the Affirmative Action Plan concerned with Civil Rights," Miss Dunn wrote, the following "implementation" was suggested:

"An effort must be made by the club to publicize their existence in the community and the fact that any interested person is welcome. This can be done through local newspapers, church bulletins, PTA newsletters, personal invitations to neighbors (either written or oral) etc. . . . I need to know who was contacted, if she joined, and if no, why." It was suggested that the clubs save clippings of their newspaper ads and other published promotional efforts as evidence of good faith.

"We were just so mad at the idea of going out and ringing doorbells," said Mrs. W———, the anonymous president of the anonymous Homemakers Club in question. So they decided to pursue the regulations with a vengeance.

The ad they bought—the paragraph that brought the power of the federal government to bear on them—read:

"Wanted. Nice Negro lady or ladies to join presently all-white Homemakers Club. You will be genuinely welcome and we must have you to comply with Damn-fool Federal Regulations. Write to Homemakers Club c-o this newspaper."

The response to the ad—the only response they ever got—came in the form of Donald L. Roberts, a GS-11 investigator in the Agriculture Department's Inspector General's Office. After striking out at the Oxon Hill Times, whose editor, George Trees, refused to tell who placed the ad, Roberts legged it around Oxon Hill, ringing homemakers' doorbells.

"I'll be out here till I find out who wrote the ad, who put it in the paper and who paid for it," he said, according to one homemaker whose bell he rang at 8 a.m. When her husband protested that he should have made an appointment, Roberts reportedly replied: "Well, I don't need one, because I work for the government."

Though the homemakers tried to put him off with such ripostes as "I wouldn't tell you if I did know," their guile was ineffective, and Roberts apparently had little trouble identifying which of the nine Oxon Hill clubs was the guilty one.

"He kept trying to get us to sign his version of the facts, but he wouldn't leave the statement for us to study," recalled one homemaker. "And he got things so twisted, I wasn't going to sign. Like, he quoted me as saying I thought the ad was ridiculous, and what I had said was I thought the investigation was ridiculous."

Roberts refuses all comment. His boss, Sidney Aronson, deputy assistant inspector general, said the report is a restricted document, and "I'm not going to answer any questions." He said that only the agency the Inspector General's Office sent its report to, the Extension Service, could comment.

Edwin L. Kirby, administrator of the Extension Service, said he was not permitted to comment on a case that has not yet been closed, and suggested: "You go back and ask the Inspector General's Office."

A press officer for Agriculture, after some digging, was able to say only that the investigation was started after "an official from a public agency" saw the newspaper ad and complained. He refused to identify the agency or the official.

As for Agent Roberts, "If he was overindustrious in his investigation, we're sorry." The I. G. agents are customarily employed on matters of greater moment, he added, like the malefactions of Billie Sol Estes.

The Oxon Hill Homemakers, though chastened, are evidently unrepentant. They are ready to join a coalition of clubs that refuse to rewrite their bylaws to spell out the absence of racial discrimination, since, they say, they never have discriminated.

And they take what solace they can from the opening line of the Homemaker Clubwomen's Collect: "Keep us, God, from pettyness."

# SENATE—*Friday, January 12, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. James Abourezk, a Senator from the State of South Dakota.

## PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, as Thy Word teaches: "They that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run and not be weary; and they shall walk and not faint," so we open our hearts to Thy presence. Give us the quiet heart not of passiveness or indolence but of awareness and creativity which enables us to do our work according to Thy will.

In Thy holy name we pray. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

> U.S. Senate,
> President pro tempore,
> *Washington, D.C., January 12, 1973.*
>
> *To the Senate:*
>
> Being temporarily absent from the Senate on official duties, I appoint Hon. James Abourezk, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.
>
> James O. Eastland,
> *President pro tempore.*

Mr. ABOUREZK thereupon took the chair as Acting President pro tempore.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Marks, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Abourezk) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, January 11, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THE SHENYANG ACROBATIC TROUPE FROM THE PEOPLE'S REPUBLIC OF CHINA

Mr. SCOTT of Pennsylvania. Mr. President, we note with pleasure the presence within the Capitol today of a group of very able and attractive citizens of the People's Republic of China who are here with the Shenyang Acrobatic Troupe and who, with their directors and staff and personnel and interpreters, will be giving us the pleasure and the opportunity to visit with them, which many of us had at the Kennedy Center.

We have admired their skill, their expertise, their humor, and their ability to convey the cultural scene from the People's Republic for the edification, entertainment, and education of the American people.

We welcome the fact that they are here. I would go further except that the rules of the Senate bar my making reference to their particular presence in any given place; but they are on Capitol Hill, and we do enjoy seeing them. We enjoy renewing acquaintance with one of the members of their staff in particular.

Senator Mansfield and I look forward to the opportunity of seeing them further. We are delighted that they are in America. We hope that some of our cultural representatives will soon be sharing the pleasure which was that of Senator Mansfield and myself on our recent visit to the People's Republic of China.

Mr. MANSFIELD. Mr. President, will the distinguished Republican leader yield?

Mr. SCOTT of Pennsylvania. I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. I wish to join in the comments made by the distinguished Republican leader. The Senator from Pennsylvania and I are having a buffet for this outstanding troupe of Chinese citizens and acrobats, known as the Shenyang Acrobatic Troupe.

We would like at this time to extend a personal invitation to all Members of the Senate to join us on this occasion which will mark, I believe, the last day of the troupe's stay in the United States, after which, I believe, they are undertaking a tour of various countries in Latin America.

The distinguished Republican leader and I are delighted to have this honor and this responsibility. We hope in some small way to be able to repay the people of China for the outstanding courtesy, understanding, and kindness they showed to us during our all too brief stay in the People's Republic of China.

## SENATE RESOLUTION 16—MINORITY PARTY MEMBERSHIP ON STANDING COMMITTEES

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent, notwithstanding any previous order, that I may submit a resolution at this time regarding the committee membership of the minority.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Pennsylvania may proceed.

Mr. SCOTT of Pennsylvania. Mr. President, I submit to the Senate a resolution on behalf of the Republican Conference the Republican Party's membership on the standing committees of the Senate for the 93d Congress and ask for its consideration at the conclusion of these remarks.

Under a recently adopted rule, the following Senators, as will be stated by the clerk, were elected ranking Republican members by the respective members of their committee. The members indicated their selection in writing and the record is available for public inspection.

The Republican Conference also ratified by vote those selections which are as follows:

Senator Goldwater as ranking member of the Committee on Aeronautical and Space Sciences.

Senator Curtis as ranking member of the Committee on Agriculture and Forestry.

Senator Thurmond as ranking member of the Committee on Armed Services.

Senator Fannin as ranking member of the Committee on Interior and Insular Affairs.

Senator Baker as ranking member of the Committee on Public Works.

Senator Hansen as ranking member of the Committee on Veterans' Affairs.

Mr. President, I ask unanimous consent to attach to my report the recently adopted revision of rule IV at the Republican conference, noting particularly,

> In all elections pursuant to this rule, vote shall be by recorded written ballot and the result of any such ballot shall be announced to the Conference and shall be made available to the public.

There being no objection, the statement was ordered to be printed in the Record, as follows:

MOTION OF SENATOR BAKER ADOPTED BY THE REPUBLICAN CONFERENCE, JANUARY 10, 1973

Add the following to Rule IV:

"Subsequent to the selection of committee members, the Republican members of each standing committee at the beginning of each Congress shall select from their number a chairman or ranking minority member, who need not be the member with the longest consecutive service on such committee, subject to confirmation by the Conference. But in any event the selection shall be by a majority of the Republican members of such committee.

"If the Republican Conference shall fail to approve a recommendation of any such standing committee for the position of chairman or ranking minority member, the matter shall be recommitted to such committee with or without instructions.

"With the exception of chairman or ranking member, rank on each committee shall be determined by length of service on the committee.

"This rule shall not apply to any committee membership or chairman or ranking Minority position held prior to the 93d Congress.

"Except as otherwise provided by this rule, once selected and confirmed, no member of any committee shall be deprived of his assignment or his rank on a committee except by the Conference.

"In all elections pursuant to this rule, vote shall be by recorded written ballot and the result of any such ballot shall be announced to the Conference and shall be made openly available to the public."

Mr. SCOTT of Pennsylvania. Mr. President, I ask the clerk to report the resolution.

Mr. METCALF. Mr. President, I have some parliamentary inquiries.

The ACTING PRESIDENT pro tempore. The clerk will state the resolution first.

The assistant legislative clerk proceeded to read the resolution.

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the resolution will be printed in the RECORD.

The text of the resolution is as follows:

SENATE RESOLUTION 16

*Resolved,* That the following shall constitute the minority party's membership on the standing committees of the Senate for the Ninety-third Congress:

On Aeronautical and Space Sciences: Messrs. Goldwater, Curtis,* Weicker, Jr., Bartlett, Helms, Domenici.

On Agriculture and Forestry: Messrs. Curtis, Aiken, Young,* Dole,* Bellmon,* Helms.

On Appropriations: Messrs. Young,* Hruska,* Cotton,* Case,* Fong,* Brooke, Hatfield, Stevens, Mathias, Schweiker, Bellmon.

On Armed Services: Messrs. Thurmond,* Tower,* Dominick,* Goldwater,* Saxbe, Scott, Va.

On Banking, Housing and Urban Affairs: Messrs. Tower,* Bennett,* Brooke,* Packwood,* Brock, Taft, Weicker.

On Commerce: Messrs. Cotton,* Pearson,* Griffin,* Baker,* Cook,* Stevens, Beall, Jr.

On Finance: Messrs. Bennett,* Curtis,* Fannin,* Hansen,* Dole, Packwood, Roth.

On Foreign Relations: Messrs. Aiken,* Case,* Javits,* Scott, Pa. Pearson, Percy, Griffin.

On Government Operations: Messrs. Percy,* Javits,* Gurney,* Saxbe, Roth, Brock.

On Interior and Insular Affairs: Messrs. Fannin,* Hansen,* Hatfield,* Buckley, McClure, Bartlett.

On the Judiciary: Messrs. Hruska,* Fong,* Scott, Pa., Thurmond,* Cook,* Mathias,* Gurney.

On Labor and Public Welfare: Messrs. Javits,* Dominick,* Schweiker,* Taft, Beall, Jr., Stafford.

On Public Works: Messrs. Baker,* Buckley, Stafford, Scott, Va., McClure, Domenici.

On District of Columbia: Messrs. Mathias,* Bartlett, Domenici.

On Post Office and Civil Service: Messrs. Fong,* Stevens,* Bellmon,* Saxbe.

On Rules and Administration: Messrs. Cook, Scott, Pa.,* Griffin, Hatfield.

On Veterans' Affairs: Messrs. Hansen, Thurmond, Stafford, McClure.

Mr. METCALF. Mr. President, all of the members of committees in the resolution are named in a series. Would it be in order to demand that each of the committees be voted on individually and that there would be severance——

The ACTING PRESIDENT pro tempore. The Chair is advised by the Parliamentarian that it would be in order to ask for a division of the question.

Mr. METCALF. So, by agreeing to the whole resolution in its entirety, it is merely a waiver of the opportunity to ask for a severance of each individual committee?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. METCALF. Mr. President, is it in order to ask for an amendment so that we could offer from the Democratic side the name of a substitute for one of these members suggested by the Republican conference?

The ACTING PRESIDENT pro tempore. That is correct. Any amendment of that nature to the resolution will be in order.

Mr. METCALF. So that any Member of the Senate could be offered as an amendment for the resolution suggested by the Republican conference.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. JAVITS. Before the Chair rules, would that not be subject to the Legislative Reorganization Act and the rules of the Senate?

The ACTING PRESIDENT pro tempore. The Senator is absolutely right. The Chair was just getting ready to make the statement.

Mr. METCALF. I was just trying to lead up to that, I say to the Senator from New York.

I ask unanimous consent to have rule XXIV printed at this point in the RECORD.

Mr. SCOTT of Pennsylvania. I have no objection.

There being no objection, rule XXIV was ordered to be printed in the RECORD, as follows:

RULE XXIV

APPOINTMENT OF COMMITTEES

1. In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint. [Jefferson's Manual, Sec. XI.]

2. When a chairman of a committee shall resign or cease to serve on a committee, and the Presiding Officer be authorized by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, it shall be only to fill up the number of the committee.

Mr. METCALF. As I understand it, subject to rule XXV and the Legislative Reorganization Act and Senators who are on other committees, this resolution is open for amendment.

The ACTING PRESIDENT pro tempore. The ruling of the Chair is that they can be placed on any committee so long as they do not exceed the limitation of the number of committees a Senator can hold. That is under rule XXV.

Mr. METCALF. Which is in accord with the Legislative Reorganization Act.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. METCALF. One final question. Is it debatable to offer an amendment and suggest the name of another person to replace a person who is named in the conference committee report?

The ACTING PRESIDENT pro tempore. It is open to unlimited debate.

Mr. METCALF. And the report, as I understand it, is especially permitted to come to the floor. It is a privileged report.

The ACTING PRESIDENT pro tempore. It is a privileged resolution.

Mr. METCALF. I thank the Senator.

Mr. SCOTT of Pennsylvania. I thank the Senator.

I should like to make the further point, and I hope the press will take note of this, that this disposes of the argument that seniority necessarily prevails on the Democratic or Republican side under all circumstances. Since the resolution is privileged and is open to amendment and debate, the opportunity to disregard the question of seniority exists within the Senate itself, as I understand it.

I will not press for a ruling, because I think the questions have cleared that.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT of Pennsylvania. I yield.

Mr. MANSFIELD. Mr. President, I wish to commend my distinguished colleague, the Senator from Montana, for raising a series of questions not only today but also last week, when the Democratic Members were placed on the committees to which the Democratic conference had agreed.

I am delighted that the distinguished Republican leader has indicated that seniority is not the sole criterion either in the Democratic caucus or the Republican caucus. In the Democratic caucus, we vote by secret ballot in the steering committee, and they can vote for anyone they choose to be a member of a committee or a chairman. The same procedure is followed in the Republican caucus, and any objection raised there will be heard; and as my distinguished colleague has brought out, any objection raised here could be heard.

So I do not know what more democratic system we could conceive, and I would hope that what the distinguished Senator from Montana and the joint leadership have had to say today will be taken to heart by all those who are interested in this matter.

Mr. SCOTT of Pennsylvania. Mr. President, I have nothing further to say, except to ask that the RECORD note that "democratic" there is spelled with a small "d."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution. [Putting the question.]

The resolution was agreed to.

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*Grandfather rights January 3, 1971.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The Chair recognizes the Senator from New York.

## THE ATLANTIC PARTNERSHIP

Mr. JAVITS. Mr. President, I wish to report to the Senate on my visit as a member of the Foreign Relations Committee to the Federal Republic of Germany and England during the period of November to December 1972, and on the activities of the Committee of Nine of the North Atlantic Assembly of which I am chairman.

While the year 1972 may not be regarded by history in retrospect to be as momentous as 1973, there were a number of major developments in 1972 having great significance to Europe and its relationship with the United States. It is in the context of these events, and the portentousness of the 1973 agenda, that I report.

One of the greatest costs of the Vietnam war, in my judgment, has been the relative neglect for some years, at the highest U.S. policy levels, of the Atlantic partnership. Now, it is said finally that 1973 will be "the year of Europe." Whatever the distractions may be, United States-European relations will have to receive a major share of the attention of both the executive and legislative branches of our Government this year, since four major negotiations will be in progress during 1973. Collectively, these four negotiations will set the main course of history for the remainder of this century. The SALT II negotiations with the U.S.S.R., to control the nuclear arms race, have already commenced in Geneva. A preliminary meeting in Helsinki has prepared the way for the opening of the Conference on Security and Cooperation in Europe—CSCE. The related negotiations respecting mutual balanced force reductions—MBFR—are expected to commence as CSCE gets under way. Finally, it is expected that trade negotiations with the newly expanded European Economic Community—EEC—will start in the fall; and related preliminary negotiations respecting monetary reform are already in progress among the committee of experts established by the Group of Twenty under International Monetary Fund—IMP—auspices. The negotiating agenda for 1973 is more than full.

The principal purposes of my stay in Bonn from November 19–24 were: To participate as a member of the U.S. delegation in the annual meeting of the North Atlantic Assembly where I am Vice Chairman of the Political Committee; following my retirement after 5 years as Chairman; and to chair a meeting of the Committee of Nine, a committee of distinguished present or former members of parliament of the NATO countries, which has been established by recommendations on the future of the Atlantic Alliance.

As Chairman of the Committee of Nine, I presented the Committee's interim report to the plenary session of the North Atlantic Assembly. I ask unanimous consent that the interim report, together with my introductory statement, be printed in the RECORD at the conclusion of my remarks.

The Assembly was privileged to receive at its plenary session outstanding addresses by Chancellor Willy Brandt and NATO Secretary General Luns. I ask unanimous consent that the text of these addresses also be printed in the RECORD at the conclusion of my remarks.

On previous occasions I have reported to the Senate on earlier phases of the Committee of Nine's work, and a detailed summary is contained in the Committee's interim report, which I include in this RECORD. I wish to draw particular attention to part 3 of the interim report which records a "preliminary consensus" on four significant points as follows:

First. There is a need for an Atlantic security allowance and this need will continue throughout the decade of the seventies, which is the period under our consideration. It provides a firm basis for the lowering of tensions in the area and for examining all possibilities respecting detente. To weaken the Alliance would endanger security, disrupt the prospects for peace in Europe and jeopardize the political stability needed for a policy of detente between East and West.

The problems of more equitable burden sharing in the Alliance can be negotiated through existing institutions.

There should be an agreed and coordinated policy within the Alliance concerning negotiations on mutual and balanced force reductions in Europe—MBFR.

Second. Without urgent political attention at the highest political level in member nations, strains—caused by disagreement over trade, investment and monetary arrangements, as well as other political and military issues—may lead to a serious weakening of the Alliance itself and to the erosion of public support for it.

Third. NATO is essentially a security alliance, and its institutions are not suited for resolving these other kinds of problems.

Fourth. Economic institutions—such as the Organization for Economic Cooperation and Development—OECD—and the Group of Twenty—are essential for the purposes for which they were created—namely, economic analysis and consultation—and may prove useful for resolving some of the issues dividing members of the Alliance. New procedures and approaches may also be necessary—particularly for a permanent dialog between the two North American countries on the one hand and the enlarged European Community and other West European nonmember countries concerned on the other hand—and these should be organized to bridge now, and in the future, any differences based primarily on economic considerations.

The work of the Committee of Nine, and its Interim Report, were received with great satisfaction by the North Atlantic Assembly. After having considered the Interim Report, the Assembly adopted an order formally extending the mandate of the Committee of Nine for another year—until November 1973—to enable it to complete its work and submit its definitive recommendations. I ask unanimous consent that a copy of this order, entitled "On the Prolongation of the Mandate of the Committee of Nine," be printed in the RECORD at the conclusion of my remarks.

### DRAFT ORDER ON THE PROLONGATION OF THE MANDATE OF THE COMMITTEE OF NINE

(Presented by the Standing Committee)

The Assembly,

Recalling its Order I adopted in September 1971;

Noting that the Committee of Nine was requested to report to the 1972 Plenary Session of the Assembly;

Considering the progress already made by the Committee of Nine during the course of 1972;

Noting the Interim Report submitted to it by the Committee of Nine during the course of 1972;

Recognizing that many aspects of the work of the Committee of Nine require further consideration;

Instructs the Committee of Nine to continue its work during the coming year and to report back to the 1973 Plenary Session of the Assembly.

I think it is especially significant that Chancellor Willy Brandt, addressing the North Atlantic Assembly in his first major statement following his great electoral triumph, took special note of the Committee of Nine in the following words:

> The Governments of the NATO countries are grateful to the North Atlantic Assembly for taking a valuable initiative . . . With your Committee of Nine you have set up a body of competent and distinguished personalities to study the possible development of the Alliance under numerous aspects. I am looking forward to the group's final report with great interest.

The Committee of Nine met in Bonn on November 24 at the conclusion of the North Atlantic Assembly to consider the comments of the Assembly's members on its Interim Report and to commence the second phase of its work. In launching the second phase of its work, which will culminate in its definitive recommendations respecting the future of the Atlantic Alliance, the Committee examined the "Overview Paper" prepared by the Brookings Institution for the Committee's use. This study, entitled "The Atlantic Relationship: Problems and Prospects," was written by Ambassador Philip H. Trezise of the United States, in collaboration with Prince Guido Colonna of Italy. This study, together with some 25 shorter papers on a range of specific topics written by scholars and experts in Europe and North America, constitute the main body of research in connection with the deliberations of the Committee of Nine. It is expected that a substantial portion of this expert research and analysis will be published in connection with the committee's final report.

In making this report on the Committee of Nine it is my sad duty to take note of the death of one of its most illustrious members—Sir Lester Pearson of Canada. The death of "Mike" Pearson has been widely commented upon in the world press, which gave prominent attention to the milestones of one of the great careers of public service in this century. I wish I could add more—but it is impossible—honor and glory, beyond that already so fully bestowed, to the career of Lester Pearson, as Foreign Minister and Prime Minister of his nation, as winner of the Nobel Peace Prize, and as Chairman of the famous "Pearson Commission" on the problems of economic development.

However, I do wish to add a footnote to history respecting Lester Pearson's career, which is pertinent to the Committee of Nine. When the North Atlantic Assembly established the Committee of Nine at its meeting in Ottawa in September 1971, and asked me to be its chairman, the first person I approached to join the Committee was Lester Pearson. Having been in bad health and having partially retired from public life, Mr. Pearson was reluctant to take on new responsibilities. He informed me that he had resolved to make the Pearson Commission his last international responsibility, and to decline any future requests of a similar nature. But, he said that he decided to make an exception in the case of the Committee of Nine because he regarded its work as so important to the nations of the Atlantic Community. Of course, Lester Pearson made a unique contribution to the deliberations of the Committee of Nine and his great wisdom—and charm—will be sorely missed by the Committee as it undertakes the second phase of its work. The Committee will meet again next on February 8–9 in Paris.

Earlier in my remarks I noted that the meetings of the North Atlantic Assembly and the Committee of Nine in Bonn took place in the closely proximate context of the major electoral triumphs of President Nixon and Chancellor Brandt. In my judgment, both electoral results have major positive significance for the future of the Atlantic Alliance. The American and German elections demonstrated a confidence vote in the policy of peace initiatives, pursued from the base of a strong continuing Atlantic Alliance, which has been the characteristic of the diplomacy of succeeding American Presidents and of President Nixon, as marked particularly by the SALT I agreements and his visits to Moscow and Peking, and of Chancellor Brandt, whose Ostpolitik resulted in the treaties with the Soviet Union, Poland, and East Germany.

A third great event of the Atlantic Community in 1972 was the final agreement on the expansion of the European Economic Community from six to nine members. This historic watershed has now been accomplished with the formal accession on New Year's Day of Britain, Denmark, and Ireland.

As a consequence of these great events of 1972—the SALT I agreements and the Moscow visit of President Nixon; the completion of the Ostpolitik treaties with the U.S.S.R., Poland, and East Germany and the Four Power Agreement of Berlin; and the expansion of the EEC—the hopes for peace and stability were heightened. I am confident that the total effect of these events will be to strengthen the Atlantic Alliance, which is the essential bastion of freedom in the world.

However, 1973 will not be a year in which we can sit back and at leisure consolidate the achievements of 1972. Great strains are arising within the Atlantic Alliance, largely manifested in trade and monetary arrangements but having overriding political and security dimensions. These require urgent political attention at the highest levels of government. I do not believe that there is a single issue confronting the Atlantic Community which could not be satisfactorily resolved if the requisite political attention and political will is mobilized to do so. However, it is my profound anxiety that to pursue a course of drift and neglect would be to court disaster and threaten the disintegration of the Atlantic Alliance itself.

While I was in Bonn, I had an opportunity for a talk with Willy Brandt, who is a personal friend of many years standing. In addition, I had meetings with Egon Bahr, negotiator of the Ostpolitik treaties, with Foreign Minister Scheel, and with Ambassador Hillenbrand, as well as a number of other distinguished public and private persons knowledgeable about German and Atlantic affairs. These conversations reinforced my conviction that the Atlantic Alliance has truly reached a watershed period, in which we are faced with great opportunities, as well as challenged by grave potential dangers of disunity and disruption.

Following my visit to Bonn, on November 27, I addressed the European-Atlantic group in the Grand Committee Room of the House of Commons. I ask unanimous consent that the text of my address, entitled "New Links in the Atlantic Alliance," be printed in the RECORD at the conclusion of my remarks. While in London I had a number of private meetings with distinguished Britons. These discussions buttressed my conversations in Germany.

In closing, this report to the Senate on my trip to Bonn and London, and on my activities respecting the Committee of Nine, I wish to include a reference to an important conference held in Columbia, Md., on December 7–10, 1972, under the auspices of the Aspen Institute for Humanistic Studies and the International Association for Cultural Freedom. The theme of this major conference, in which I had the privilege of participating was "Europe and America." The discussion centered on a brilliant paper prepared for the conference by Prof. Karl Kaiser of Saarbruken University in the Federal Republic of Germany. The deliberations of this conference, including the paper of Professor Kaiser, will be published shortly and I commend it to all Members of the Senate and the public who are concerned over the preservation of freedom and cohesion among the democratic societies of the West.

One might wish that the agenda for 1973 were not so crowded, for the resources of government and diplomacy will be sorely strained. Whatever might otherwise be the political predilection on both sides of the Atlantic, the negotiating agenda for 1973 is staggering and guarantees that crucial decisions of the greatest political ramifications will have to be taken.

Mr. President, I ask unanimous consent to have printed in the RECORD the Interim Report of the Committee of Nine, relating to the future of NATO; "New Links in the Atlantic Alliance," an address delivered in the Great Hall of the House of Commons; an address by the Chancellor of Germany; and an address by the Secretary General of the North Atlantic Treaty Organization.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## NORTH ATLANTIC ASSEMBLY— THE COMMITTEE OF NINE

(Interim report adopted at the Third Meeting Held at Niagara-on-the-Lake, Ontario, Canada, Saturday and Sunday, 9 and 10 September 1972)

### PART ONE

Pursuant to Order I adopted at the Seventeenth Annual Session of the North Atlantic Assembly held in Ottawa during September 1972, the Committee of Nine has been established "to conduct a thorough study of the future of the Atlantic Alliance, and of the most appropriate and desirable role to be played by the Assembly." Senator Jacob K. Javits (United States) is the Committee's Chairman, and its members are Senator Manlio Brosio (Italy), M. Michel Habib-Deloncle (France), Professor Walter Hallstein (Germany), Lord Harlech (United Kingdom), Congressman Wayne Hays (United States), Mr. Halfdan Hegtun (Norway), Mr. Lester Pearson (Canada) and Mr. Max van der Stoel (Netherlands). Senator Ihsan Sabri Caglayangil (Turkey). Dr. Karl Mommer (Germany) and Ambassador Alberto Franco Hogueira (Portugal) are advisors to the Committee and have status equivalent to members. Mr. Darnell Whitt (United States) and Mr. Anthony Hartley (United Kingdom) are Executive Directors of the Committee's work.

The Committee of Nine has held three meetings: the first at Bellagio, Lake Como, Italy, on April 8th and 9th, 1972; the second at London, on July 1st and 2nd, 1972; and the third at Niagara-on-the-Lake, Ontario, Canada, on September 9th and 10th, 1972. The President of the Assembly, Mr. C. Terrence Murphy (Canada), and its Secretary General, M. Philippie Deshormes (Belgium). have attended each Committee meeting.

In order to assist its members in forming opinions and proposals, the Committee has commissioned a number of experts to prepare written studies, concerning the political security, social, economic and interparliamentary relations between Western Europe and North America during the next ten years. These studies are being financed from funds made available to the Committee of Nine by a number of private institutions and individuals in Western Europe and North America.

### PART TWO

The Committee has been asked in part to examine and make recommendations on "the most appropriate and desirable role to be played by the Assembly". To this end, it commissioned a study by Mr. Peter C. Dobell, Director of the Parliamentary Centre for Foreign Affairs and Foreign Trade, in Ottawa, Canada. This study entitled "Transatlantic Interparliamentary Links and the Future of the North Atlantic Assembly" is attached as an annex.

The Committee of Nine has reviewed this paper, which has been amended by its author in some particulars after hearing the opinions of members of the Committee.

The Committee gave special attention to the proposal that the Assembly should take a decision to direct its future efforts to provide an effective Atlantic parliamentary forum for the consideration of all problems—political, security, social and economic—having an Atlantic dimension. Accordingly, the Committee discussed in detail the suggestions made in Part II of the paper, that the Assembly cease its attempts to seek consultative status with NATO, and initiate a new effort to bring about statutory authority for the appointment of delegates to the Assembly on the part of each of the Alliance countries.

The Committee appreciates that such a decision might open up new and fruitful perspectives for the North Atlantic Assembly in a period in which the countries on both sides of the Atlantic are increasingly preoccupied with economic and political issues.

The Committee has not yet reached conclusions on some of the underlying assumptions on which this paper is based. We will do so in our final report. However, in view of the undoubted interest of the Assembly in having an opportunity to consider the comments and recommendations contained in the whole paper, we have decided to forward the Dobell research paper to the Assembly as part of our interim report. Moreover, we should like to take account of the Assembly's experience on this subject and of any reactions which it might develop during its Eighteenth Annual Session. Subject to these reservations, the Committee wishes to affirm that the findings and recommendations in the paper show the direction of the thinking of a substantial number of the members of the Committee.

### PART THREE

During the course of its deliberations, the Committee has reached a preliminary consensus on the following four significant points:

First. There is a need for an Atlantic security alliance and this need will continue throughout the decade of the nineteen seventies, which is the period under our consideration. It provides a firm basis for the lowering of tensions in the area and for examining all possibilities respecting detente. To weaken the Alliance would endanger security, disrupt the prospects for peace in Europe and jeopardize the political stability needed for a policy of detente between East and West.

The problems of more equitable burden sharing in the Alliance can be negotiated through existing institutions.

There should be an agreed and co-ordinated policy within the Alliance concerning negotiations on mutual and balanced force reductions in Europe (MBFR).

Second. Without urgent political attention at the highest political level in member nations, strains—caused by disagreement over trade, investment and monetary arrangements, as well as other political and military issues—may lead to a serious weakening of the Alliance itself and to the erosion of public support for it.

Third. NATO is essentially a security Alliance, and its institutions are not suited for resolving these other kinds of problems.

Fourth. Economic institutions—such as the Organization for Economic Co-operation and Development (OECD) and the Group of Twenty—are essential for the purposes for which they were created (namely, economic analysis and consultation) and may prove useful for resolving some of the issues dividing members of the Alliance. New procedures and approaches may also be necessary—particularly for a permanent dialogue between the two North American countries on the one hand and the enlarged European Community and other West European non-member countries concerned on the other hand—and these should be oragnized to bridge now, and in the future, any differences based primarily on economic considerations.

In its next phase of work, the Committee of Nine will address these significant points in order to offer recommendations concerning the challenges and opportunities of the next decade.

### PART FOUR

As part of a final report during 1973, the Committee will forward its findings and recommendations concerning the political security, social and economic relations between Western Europe and North America during the next ten years and "the future of the Atlantic Alliance.'

The Brooking Institution has been invited by the Committee to prepare a written study of the major issues in West European and North American relations. As part of this endeavour, Brookings has organized a research programme which draws upon a large number of experts in Western Europe and North America—in effect, an international consortium of scholars. The Committee has commissioned approximately twenty supporting papers of approximately four to six thousand words each by American and European experts, on various aspects of the subjects. A deliberate effort has been made to seek authors of widely differing points of view. On the basis of these materials, a basic overview paper of approximately ten to twelve thousand words will address the main questions that confront the Atlantic group of nations over the next ten years.

The Brookings basic paper will constitute a broad appraisal of the connection between North America and Western Europe in the 1970s. The paper will take as its point of departure the existing situation in which enlargement of the European Community is under way, economic interdependence between West Europe, Canada, the United States and Japan is growing, and negotiations between East and West of the central political and military issues continue and perhaps will be broadened. In light of political and economic trends in East and West, the study will suggest courses of action that appear to be pertinent and realistic for dealing with the principal issues facing the Atlantic Alliance.

The Brookings study will provide a basis for the Committee of Nine to consider in preparing its final report. Also, the Committee of Nine will feel free to commission other papers outside the Brookings study to ensure that the widest spectrum of views—including dissecting views—has been expressed through acknowledged experts in the field.

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## New Links in the Atlantic Alliance

(Remarks prepared for delivery by Jacob K. Javits, United States Senator and Chairman of the Committee of Nine before the European Atlantic Group at 7 p.m. on November 27, 1972, at the Grand Committee Room, Westminster, London)

It is essential that members of the Atlantic Alliance now turn the focus of their attention to problems within the Atlantic Community, for the seeds of grave discord on economic and political issues are there which, if left unattended, could put the Atlantic Alliance itself in jeopardy.

President Nixon's great electorial triumph, which was based so importantly on his foreign policy successes, has cleared the way in the United States for just such a priority of attention to Europe and President Nixon intends to give first priority to Europe in the foreign policy of his second administration. Dr. Kissinger has been quoted in the press as saying "1973 will be the year of Europe."

Also, I have just been to Germany where the great electoral triumph of Willy Brandt and Walter Scheel in the Federal Republic seems, to a foreign observer, to be as substantially based on their successes in foreign policy as the victory of President Nixon. These two major electoral results could presage in a positive answer to the key question before the nations of the Atlantic Alliance: "which way is the Atlantic Alliance headed—toward polarization on the two sides of the Atlantic, or toward Atlantic unity and integration?"

In my judgment, the chances are excellent that the Alliance will act to repair the damage caused by the economic, political and military tensions of recent years and resume its momentum to Atlantic unity and integration—a result exactly contrary to what the U.S.S.R. might hope to see out of the conference on Security and Cooperation in Europe (CSCE). Indeed, a major test awaits the Alliance countries in the CSCE. Will the occasion be used to dispel the suspicion—or fear—that the U.S. and the U.S.S.R. in the new spirit of "detente" will make deals over Europe's head and will this be abetted by a Europe with 13 Alliance countries and Canada negotiating each on its own with separate voices or will Alliance policy be harmonized and the real benefit or prior consultation be fully realized?

A revitalized Atlantic Alliance could have the potential, in the remaining decades of the twentieth century, of securing a new era of peace, security and well-being for itself and the developing nations and on a higher plateau than mankind has ever witnessed before. The aggregate resources—economic, political and cultural—potentially at the command of a revived Atlantic Alliance could give a new economic base to security to freedom. We are being beckoned in this direction by a destiny worth rising to meet.

The USSR has now, it is said, authoritatively accepted the fact of the U.S. presence in Europe, including U.S. troops in Europe. The evidence of this is allegedly found in the Four Power Agreement on Berlin, the General Treaty between the Federal Republic and the GDR, the inclusion of the United States in the Conference on Security and Cooperation in Europe, and the parallel negotiations on Mutual and Balanced Force Reductions (MBFR).

The opening of these negotiations, along with the SALT II negotiations, represents an historic watershed for the Alliance. For, the outcome of these negotiations will set the pattern for security arrangements in Europe for the remainder of this century. Therefore the nations of the Atlantic Alliance must enter these negotiations with a sense of their high importance which requires a harmonization of their policy commensurate with the importance of what is a stake—their future.

The decade since the Cuba missile crisis has been a decade of diversion and distraction on both sides of the Atlantic. The United States allowed itself to become entrapped in the quagmire of Vietnam, while the energies of Western Europe have been largely devoted to the encompassing task of inching toward economic, and perhaps eventual political, integration. In most recent years, the most innovative developments in western diplomacy have been President Nixon's initiatives respecting Peking and Moscow, and Chancellor Brandt's Ostopolitick. In addition, the European Economic Community has cleared the historic hurdle of expansion to include at least Great Britain, Denmark and Ireland.

Now is uniquely and historically the time for the Atlantic partners to look up from their preoccupations of the recent past, and to engage in a grand design partnership. For the time has come to redefine our partnership in conformity with the needs and realities of the present and of the rest of this century.

I believe that a major element of the needed redefinition of the grand design of Atlantic partnership—the movement of France toward reintegration in the NATO command situation—has begun. This is a trend of great significance and value, which will develop further in 1973 after France's elections and which has not been adequately understood and appreciated even yet by the peoples concerned, particularly in the United States.

The Atlantic Alliance nonetheless can no longer be taken for granted. For all its historic achievements, the Alliance is presently characterized by a number of tensions which, if exacerbated, could drive a wedge of formidable proportions between the Atlantic partners. These tensions derive primarily from economic questions—trade, monetary and investment arrangements—but the tensions also have significant political and security dimensions as well.

If there should be an unravelling of the Alliance in the years just ahead consequent on our failure to resolve the problems which have arisen, the decade of the 1970's could be the decade of Atlantic polarization. North America could find itself with diminished security and severely diminished economic prospects; and Western Europe could find itself isolated from its North American partners and with its very security and independence placed in jeopardy by the sheer weight of the USSR leaning on Western Europe in the Eurasian continent.

Ultimately, the task of repairing the Alliance is the responsibility of governments. But often governments need the council and aid of their citizens, and it is a unique strength of free nations that they are so organized to benefit materially in this regard. As Chairman of the Committee of Nine, commissioned by the North Atlantic Assembly to study and make recommendations concerning the future of the Atlantic Alliance (and the role in it of the North Atlantic Assembly), I have the honor and the responsibility to be importantly associated with just such an archetypal initiative in support of the Atlantic Alliance governments.

The other members of the Committee of Nine are: Senator Manlio Brosio (Italy), M. Michel Habib Deloncle (France), Professor Walter Hallstein (Germany), Lord Harlech (United Kingdom), Congressman Wayne Hays (United States), Halfdan Hegtun (Norway), Lester Peson (Canada) and Max van der Stoel (Netherlands). In addition, Senator Ihsan Sabri Caglayangil (former Foreign Minister of Turkey), Dr. Karl Mommer (former State Secretary of the Federal Republic of Germany) and Ambassador Alberto Franco Noguerra (former Foreign Minister of Portugal) are advisors to the Committee.

The Committee of Nine has held four meetings: the first at Bellagio, Lake Como, Italy, on April 8th and 9th, 1972; the second at London, on July 1st and 2nd, 1972; the third at Niagara-on-the-Lake, Ontario, Canada, on September 9th and 10th, 1972, and the fourth at Bonn on Thursday, November 23, 1972.

In order to assist its members in forming opinions and proposals, the Committee has commissioned a number of experts to prepare written studies concerning the political, security, social, economic, and interparliamentary relations between Western Europe and North America during the next ten years. These studies are being financed from funds made available to the Committee of Nine by a number of private foundations and individuals in Western Europe and North America.

During the course of its deliberations, the following four significant points have stood out in the work of the Committee of Nine:

First. There is a need for an Atlantic security alliance and this need will continue throughout the decade of the nineteen seventies, which is the period under our consideration. It provides a firm basis for the lowering of tensions in the area and for examining all possibilities respecting detente. To weaken the Alliance would endanger security, disrupt the prospects for peace in Europe and jeopardize the political stability needed for a policy of detente between East and West.

The problems of more equitable burden sharing in the Alliance can be negotiated through existing institutions.

There should be an agreed and co-ordinated policy within the Alliance concerning negotiations on mutual and balanced force reductions in Europe (MBFR).

Second. Without urgent political attention at the highest political level in member nations, strains—caused by disagreement over trade, investment and monetary arrangements, as well as other political and military issues—may lead to a serious weakening of the Alliance itself and to the erosion of public support for it.

Third. NATO is essentially a security Alliance, and its institutions are now suited for resolving economic and social problems notwithstanding Article II of the NATO Treaty, therefore leading to the next point.

Fourth. Economic institutions—such as the Organization for Economic Co-operation and Development (OECD) and the Group of Twenty—are essential for the purposes for which they were created (namely, economic analysis and consultation) and may prove useful for resolving some of the issues dividing members of the Alliance. But new procedures and approaches may also be necessary—particularly for a permanent dialogue between the two North American countries on the one hand and the enlarged European Community and other West European non-member countries concerned with the Alliance's economic and social problems on the other hand—and these should be organized to bridge now, and during the next decade, any differences based primarily on economic considerations.

The Committee of Nine is required to make its final report in November, 1973, to the 19th Plenary Session of the North Atlantic Assembly. In its next phase of work, the Committee of Nine will address the foregoing significant points in order to offer recommendations concerning the challenges and opportunities of the next decade to the Atlantic Alliance.

In my judgment, the time has certainly come for a summit meeting of the heads of governments of the NATO countries. I also wish to suggest the desirability of institutionalizing such meetings within the Alliance.

It is my own view that, looking at the Atlantic Alliance, we must look closely into these specific questions: a) Can Article II of the North Atlantic Treaty be made meaningful in terms relevant to current problems?; b) How can decisions be taken multilaterally within NATO to prevent trade and monetary policy decisions from gutting NATO and leaving a hollow shell; c) What consultations within NATO are necessary and possible respecting security considerations and the foreign policies of member nations dealing with matters outside the juridically defined geographical area of NATO; d) Can NATO be the forum for the establishment of an urgently needed common energy policy, and common policies regarding scientific and technical interchange as well as of environmental policy.

In concluding, I wish to reiterate the gravity of my concern respecting the tensions which have arisen within the Atlantic Alliance and the potential of those tensions, if left unresolved, to place our Alliance and thus our security in serious jeopardy. My concerns in this respect are fully shared in the Committee of Nine.

I also wish to reiterate my cautious sense of hopefulness and high expectancy regarding the destiny of the free peoples of our Alliance. The United States is now seasoned by twenty-five years of global responsibility and leadership. And fortunately, at this crucial juncture when the United States is catching its breath following its traumatic and harrowing experience in Vietnam, our European partners have rebuilt their economies and their democratic policy to such good effect that free Europe is ready to resume a global role, with global responsibilities. We can all take especial heart from the spectacle of the Federal Republic of Germany taking the lead in Europe at this crucial juncture in the reaffirmation of democratic viability, of innovative diplomacy for peace and an interim resolution of the "German question" through indissoluble integration of the Federal Republic into the EEC while providing more auspicious conditions for the future of people of satellite East Germany.

There is a special bond of language of traditions of individual freedom, of cultural, of credo, between the United States and Britain. It is therefore altogether fitting that I conclude my address here in a house of the 'Mother of Parliaments' with an affirmation of my own confidence that this special bond will survive and will find new expression in the benefit of all mankind in the transition and in the frank dialogue of partners which is ahead of us.

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## EIGHTEENTH ANNUAL MEETING OF THE NORTH ATLANTIC ASSEMBLY

Mr. President, Mr. Secretary-General, ladies and gentlemen, in this same building the ministerial meeting of NATO took place at the end of May. On that occasion I was privileged to extend a warm welcome to the fifteen Foreign Ministers of the Alliance, together with Mr. Luns, the Secretary-General, who is also with us here today.

Today I am equally delighted to extend a cordial welcome to you, the delegates to the Eighteenth Annual Meeting of the North Atlantic Assembly. You are the guests of a country whose Government has been given a new mandate and which, on the basis of that mandate, will steadily pursue its well-known policy. It is a policy of security and détente as jointly developed within the Alliance and shaped by us in availing ourselves of the opportunities open to us.

This meeting here today gives me a welcome opportunity to confirm the continuity of our foreign and security policy before such a representative body as this.

The NATO ministerial meeting in May here in Bonn set the course for new developments. Today the representatives of nearly all the European States, as well as the United States and Canada, are meeting in Helsinki to commence the multilateral preparations for a Conference on Security and Co-operation in Europe.

I very much hope that these talks will bring us a step further along the way towards a "just and lasting peaceful order in Europe accompanied by appropriate security guarantees", which as long as five years ago was described in the Harmel Report as the ultimate political purpose of the Alliance. With their constructive contribution to the problems pending in Helsinki, the members of the Alliance will demonstrate their genuine will to give peace in Europe a new quality.

It is now more than four years since we agreed at a NATO ministerial meeing on what became known as "the signal of Reykjavik". Insiders know, and the records prove that I, at that time as Foreign Minister, had some part in it. The first Soviet reaction showing a positive interest came in the autumn of 1970, shortly after the signing of our treaty with Moscow.

Now, together, we shall have to ensure that in terms of time the subject of balanced force reductions on both sides will be dealt with in step with the subject of European cooperation. As I see it, a central task in the years ahead, and a great opportunity for all of us, will be to create throughout the whole of Europe a situation in which peace will be secured for generations.

In pursuing this goal I do not expect our relationship with our American friends to be weakened but rather to be further and constructively developed. And I feel that the America we shall be dealing with will be paying more, not less, attention to European affairs.

In the past the Atlantic Alliance has proved that it is capable of developing abreast of the times and of coping with new tasks.

At the conference commemorating the twentieth anniversary of NATO held in Washington in 1969, President Nixon called upon the members of the Alliance to widen the scope of their activities to include regional and supraregional problems of the environment. Had we not known it before, we would have realized then that we are also partners in other spheres besides security policy. During the monetary crises of recent years, it was the general feeling that the Alliance could not perform its external tasks if it were seriously impeded internally, in this case in terms of monetary and hence economic policy. Today, more than ever before, it would be inadequate to regard the problems confronting NATO and the European Community in isolation from the development of economic relations among their members, and above all between the United States and Canada on the one hand and the European Community on the other.

The Governments of the NATO countries are grateful to the North Atlantic Assembly for taking a valuable initiative in this connexion. With your Committee of Nine you have set up a body of competent and distinguished personalities to study the possible development of the Alliance under numerous aspects.

I am looking forward to the group's final report with great interest, and I wish to make two comments on the present stage of their work.

When considering the sharing of burdens as between the North American and the West European members of the Alliance the efforts which the European partners are already making, both individually and in the EUROGROUP, should not be overlooked. In percentage terms, the European contribution to the conventional military defence effort is quite respectable. In the relevant sectors the Europeans already provide about 80 per cent of NATO's conventional forces in Europe.

We are bearing the load together—and yet at the same time I realize that the burden carried by the United States as a world power is not divisible, nor are its guarantees replaceable. We shall continue to make the contributions that are necessary in the interest of security, but if relief is possible as a result of the MBFR negotiations then this, too, will have to be shared within the Alliance.

As we know, the United States is in the process of altering the structure of its armed forces. This subject is also under consideration in the Federal Republic of Germany, as in other countries. In a few days' time, the Federal Government will be receiving the report of an independent commission appointed two years ago. The carefully computed models and proposals it will contain will not be binding on the Federal Government but will be a help to it in making its decisions. We shall take these decisions after thorough consultation within the Alliance. We can say even now—and our Defense Minister Georg Leber will in due course explain this in detail in the appropriate bodies—that the only kind of reorganization that can be considered is one that does not reduce the value of our military contribution to the Alliance.

The adaptation of North Atlantic partnership to the new relationships that are taking shape will involve the long-term solution of economic problems and an intensification of the tran-Atlantic dialogue. In this respect I see a gratifying task, but also one of great responsibility, falling to you, the members of the North Atlantic Assembly. I have in mind the task and the opportunity of a comprehensive Atlantic diologue.

President Nixon held out his hand for a more intensive diologue when, in his most recent foreign policy report, he placed side by side the role of his country in the Alliance, its relationships with the European institutions and the bilateral relations, with the several European countries, and when he announced the strengthening of trans-Atlantic bonds.

The Heads of State or Government of the enlarged European Community took up this subject at their Summit Conference in Paris on 20 October when they for their part underlined that they will remain "faithful to their traditional friendships and to the alliances of the member states." As will be recalled, they reaffirmed their determination to maintain a "constructive diologue" with the United States of America, Canada, and other partners, without prejudice to the ultimate political objectives of the construction of Europe. I very much hope that the dialogue at Government level will be favourably influenced by the results of your discussions as parliamentarians.

With this appeal I wish to couple a word of thanks to each one of you. Thanks for your constant efforts in Parliament to keep ever awake the consciousness of what we have in common, of the Alliance. And I would ask you to continue your efforts both in Parliament and in public to sharpen the awareness of what North Atlantic partnership means as the foundation of peace in Europe.

I wish your Annual Assembly every success.

### Speech Given by Joseph M. A. H. Luns, Secretary General of NATO to the North Atlantic Assembly, November 22, 1972

Mr. President, Your Excellencies, Honourable Members of the Atlantic Assembly, Ladies and Gentlemen:

It was with great pleasure that I received your invitation to follow in the footsteps of my distinguished predecessors and address the Annual Meeting of the North Atlantic Assembly. I regard this invitation as a unique opportunity to share my hopes and apprehensions with an enlightened audience, on whose understanding and support the Alliance continues to depend. No one is closer to the peoples served by the Alliance, than yourselves, the Honourable Members of this Assembly. You receive your mandate from the electorates; you embody their aspirations; and you transform their will into deeds. You control the policies of your governments; and you vote the budgets which enable Allied governments to fulfill their common task of ensuring detente and defence. Last but not least, your peoples look to you for guidance in the evaluation and interpretation of world events.

Today, preparatory talks for a Conference on Security and Co-operation in Europe have opened in Helsinki. Late in January exploratory talks will begin on MBFR, that is on the Allied proposal for Mutual and Balanced Force Reductions in Central Europe. We hope these initial talks will demonstrate sufficient progress so that the Conference itself, and the MBFR negotiations proper may start sometime soon. I think it most timely to dwell today on the significance for the Alliance of this programme of multilateral events.

Let me begin with three general observations: the first one is an obvious but cardinal point. It is the future of Europe with which a Security Conference and MBFR talks will be concerned; and therefore the trans-Atlantic members of the Alliance will fully and legitimately participate in these discussions. This appears self-evident for MBFR, which involves their forces. It has been less so for the Security Conference which, as originally envisaged by the Warsaw Pact was to deal with security for the Europeans and by the Europeans only. Not until the East had recognized the reality of our Atlantic partnership, and the right of the United States and Canada to speak in matters of European security, was the Alliance willing to consider preparation of a European Security Conference. We welcome any acceptance of realities by the East, but we take even greater satisfaction from the determination of the American and Canadian Governments to participate in a European Security Conference and from their will thus not merely to maintain but reinforce their engagement in Europe.

My second point is this: it is agreed that discussion of European security and co-operation as well as MBFR should not be conducted on a "bloc-to-bloc" basis; that is to say that the organizations of NATO and the Warsaw Pact as such would not confront each other at the Conference tables. So far, so good. But we should not try to suppress in our minds the undeniable fact that MBFR talks will exclusively involve members of the two military groupings in Europe, and that the participants in a Security Conference would include all fifteen members of the Atlantic Alliance and all seven Warsaw Pact countries. It may fall mainly on these governments to seek ways to overcome the division of Europe. I am not suggesting that the neutral and non-aligned states would be silent observers of an East-West dialogue. On the contrary: we expect them to play an active and original role at a conference. I do suggest, however, that we will be confronted at the multilateral preparatory talks in Helsinki and at a conference proper with collective proposals and co-ordinated tactics of the Warsaw Pact members. Allied governments therefore will want to enter these negotiations in full awareness of the high principles and deep convictions they hold in common and with a clear and coherent conception of their aims.

Thirdly, the multilateral events for which we are preparing ouselves cannot be seen in isolation. They form part of the intensified East-West dialogue and of the endeavors for a rapprochement pursued over the past few years. It is too early to know whether we have already entered a new era in East-West relations. But should future historians pass such a judgment, they might begin by noting the successes of bilateral diplomacy initiated by several Allies in the mid-sixties in establishing the basis for businesslike discussions with the countries of Eastern Europe and the Soviet Union. They would recall that in 1967 Allied governments, in adopting a Report on the Future Tasks of the Alliance, resolved jointly to search for progress towards a more stable relationship in Europe in which the underlying political issues could be resolved. And they would put into perspective—I would expect—important events such as the conclusion of the German/Soviet and the German/Polish Treaties; the Four-Power Agreement on Berlin; the negotiations between the United States and the Soviet Union on Strategic Arms Limitations and on many other issues of common interest; President Nixon's visits to Peking and Moscow; the Basic Treaty concluded between the two states in Germany; and the accession of these states to the United Nations.

In evaluating these events, it is reasonable to assume that the Soviet Union has an interest in pursuing a general relaxation of tension vis-a-vis the West, and particularly in Europe, in order to avoid military confrontation and to free energies and resources for other aims—domestic as well as international. At the same time, it is prudent to bear in mind that the Soviet Union admittedly wishes to create favourable conditions for the development of socialism within, as well as beyond, its sphere of influence. I believe that the Soviet policy of consolidating the status quo in Europe is dynamic rather than static in its nature, as indeed the policy of a great power usually is. This statement implies neither that we should not negotiate with the East nor that such negotiations could not be fruitful. It only suggests that a sober assessment of one's opponents' interests and motives is the key to the success of any negotiations. And we certainly do hope that the multilateral negotiations, prepared thoroughly with much hard work within the Alliance over several years, will succeed fully. Allied governments are second to none in their desire to seek greater security in Europe and a reduction of the barriers that divide the Continent.

At the multilateral preparatory talks which open today in Helsinki, our basic aim is to ensure that our proposals for the enhancement of security and co-operation will be fully considered at a conference; and to establish that enough common ground exists among the participants to warrant reasonable expectation that a conference would produce satisfactory results. It is only in the light of developments at the preparatory talks that Allied governments can decide to attend the conference proper.

I should like to share with you some considerations on the proposals Allied governments intend to make. I shall not go into details of the possible Agenda which, in any event, would have to be agreed upon by all participants in the Helsinki talks, but will touch only on three general areas of discussion to which Allied governments attach value. They are:

First, questions of security including principles governing relations between states and certain military aspects of security. In this context, I shall add some remarks on MBFR with the clear understanding that this subject will not be dealt with by a Security Conference but in a separate forum.

Second, freer movement of people, information and ideas, and cultural relations.

And third, co-operation in economics, science and technology.

As a further point, I will discuss the *Soviet* suggestion to establish some permanent machinery, an international organ, to outlive the conference.

Some people may be inclined to think that there has already been elsewhere enough talk about principles governing relations between states and enough drafting of declarations and resolutions without our having to go into all this again. It may be asked, does not the United Nations Charter already lay down, in binding form, all the principles we need to ensure a peaceful world, if only the statement of principles alone were sufficient. I have seen reported very recently that in the General Assembly of the United Nations which is now going on in New York, the Head of the Chinese Delegation saw fit to draw attention to the fact that only a year after the invasion of Czechoslovakia by Soviet troops, the Soviet Union came forward in the United Nations with yet another general proposal and principles purporting to aim at reinforcing peace and international security.

There is much force in all this. It is deeds not words that count. Statements of principle, important though they may be, are not enough. Nor is acceptance of principles sufficient. It is observance that we want to see.

And at this point, I do not think that I can be accused of unfairness and partiality if I make the remark that on the Western side we have a very fair record of observance of international standards of conduct and behavior. Nor do I think it unfair to remark, as a general proposition of some truth, that it is in countries where there is no free press and no free public opinion that principles can be and are most easily flouted.

How then are we going to handle this matter at the Security Conference and what will our aims be?

For its part the Warsaw Pact has indicated the principles it has in mind in the Prague Declaration of last January. These, though as enticingly worded as ever, contain many of the usual traps and pitfalls, into which we have no intention of tumbling. We expect to reply in the first place by tabling our own ideas which, I may say, we have worked out in some considerable detail in our consultations in Brussels. I will not, I think, be revealing any secrets if I say that one thing our ideas will make plain will be that we are not prepared to subscribe to any principles which consecrate the Brezhnev Doctrine, that is, the Soviet attempt to apply a different set of principles to relations between Communist countries.

We must then see in the subsequent discussions whether the other side really is interested in achieving something which will have a practical effect in the sense of actually raising the standard of behavior (if I may so put it) between all states in Europe. And to return to what I said before that means achieving something which we are all prepared not only to accept, but to abide by, and implement.

This leads me on to talk of the military aspects of this question. Since if we could do something about the problems created by the continuing existence of vast military forces in Europe, I believe this might somewhat ease the danger of a tense situation developing into military confrontation.

We realise that a forum of some thirty countries, including neutral and non-aligned states, is not one which could effectively negotiate in detail on the levels and activities of armed forces in Europe. It could and should, however, consider in general terms the problem of military security and the existing disparity between military forces and postures in the East and West, thereby pointing out that the military issues are still not yet solved. In addition, all members of the conference will have a genuine interest in discussing and agreeing upon certain measures designed to increase confidence and promote stability. Such measures—and we are thinking of prior notification of major military movements as well as exchange of observers at manoeuvres—may not be of great military significance. But they would act as tests of political will.

The basic and very complex military issues must be addressed somewhere, however, that is to say in a separate forum and in parallel with the discussion on major political issues, because a truly stable and secure order in Europe is hardly conceivable without reduction of the military confrontation. How can we be assured that crises, such as those caused by the Soviet ultimatum on Berlin or the invasion of Czechoslovakia belong to the past, when the Warsaw Pact continues to maintain military capabilities more impressive than those of 1961 or 1967? Whatever progress may have been made in Europe towards détente, it has certainly had no visible effect on Soviet military posture. On the contrary: over the years the general pattern of force levels and armaments in Central Europe, not to speak of the European flanks or of the North Atlantic and the Mediterranean, has shown a gradual but distinct shift in favour of the East. We will do well to probe the reasons behind this apparent contradiction—and serious discussion of our proposal for Mutual and Balanced Force Reductions in Central Europe will provide opportunity for such probing. In exploring possible avenues leading towards a military détente, we may learn whether political détente is to last. This is why Allied governments have insisted on parallelism between the discussion of the political and military aspects of security. Soviet acceptance of this parallelism has been a major success of Western diplomacy. Of course talks on Mutual and Balanced Force Reductions will be highly complex and will outlast, probably by years, any European Security Conference. I expect, however, that Allied governments will be able to gauge the intentions of the Warsaw Pact countries already in the exploratory phases of MBFR talks.

Last week, Belgium, Canada, the Federal Republic of Germany, Luxembourg, the Netherlands, the United Kingdom and the United States proposed to the GDR, Hungary, Poland, Czechoslovakia and the Soviet Union, to begin exploratory talks on MBFR on the 31st January, in a place still to be agreed through diplomatic channels. Denmark, Greece, Italy, Norway and Turkey have confirmed their intention to be represented in these talks.

Let me assure you that Allied governments proceed to MBFR explorations well prepared and with a clear understanding of the problems and the risks involved.

We realise that our defensive capabilities are today already near the minimum. We agree that MBFR must result in undiminished security and must maintain the credibility of NATO's strategic doctrine of forward defence and flexible response. We know that this aim cannot be attained by force reductions alone, but that these reductions must be accompanied by collateral measures designed to diminish the risk of misunderstanding and miscalculation; to enhance stability and mutual confidence; to increase warning time; to limit reinforcement capabilities; and to ensure compliance with the obligations of any MBFR agreement. We are equally aware that MBFR cannot be one big leap forward in arms control or disarmament in Central Europe; but rather that any withdrawal or reduction of forces should be approached step-by-step in a carefully controlled process maintaining undiminished security at each of these stages.

Since Allied governments are about to embark on the discussion of MBFR, common sense dictates that any unilateral withdrawal of forces or cuts in defence budgets should be avoided, since it would seriously weaken, if not completely destroy, their bargaining position.

I now return, from my excursion into MBFR, to the European Security Conference.

Important as questions of political and

military security are, Western governments—and I assume the governments of neutral and non-aligned countries also—would not want preoccupation with security to detract attention from another essential area of discussion, namely freer human contacts and the broader dissemination of information, which we have come to call "freer movement". The countries of the Alliance practice government by the people and for the people. We owe it to the common man in West and East that he should directly participate in, and benefit from, a process of rapprochement an co-operation in Europe. Unless the peoples of the states participating in a conference become fully and actively involved in this process, through an increase in human contacts across the frontiers and through new access to information and ideas, we would be holding a conference in an ivory tower. We look for constructive and non-polemical discussions of practical improvements in human co-existence which will benefit not only small minorities, such as bureaucrats, businessmen and scientists, but the ordinary man. Vague generalisations or declarations of principle having no direct effect for the people, would not be sufficient. Further, it would be wrong to single out educational, scientific and cultural purposes as a special field for relaxation of existing restrictions, because this would leave the wider problem unresolved. We also reject the imputation that Western proposals of freer movement are an attempt to interfere in the internal affairs of other countries. If Communist leaders in Eastern Europe do not consider the dissemination of their ideas in our countries as interference in our affairs, how can they oppose the free flow of ideas and information from West to East? We would wish to hear a convincing answer. And we would wish to see a peaceful competition of ideas to be carried out under agreed and common rules. I should think that these considerations will meet with particular understanding in this country. The Basic Treaty recently initialled by the Federal Government and the Government of the GDR is accompanied by certain obligations designed to ease human contacts within divided Germany. In living up to these obligations, the GDR could give an example of how East-West rapprochement may directly benefit the people.

Co-operation in the economic, scientific, technological and environmental fields will, of course, be a much less controversial item. In these areas, the countries of East and West already possess vast experience of dealing with each other and can be expected to take a positive attitude at a conference. For one thing, the East European states have a genuine and legitimate desire to gain increased access to Western science and technology, for fear of falling behind in this vital aspect of development. For another, both sides have a very strong interest in promoting trade in a wide variety of raw materials and products, for example, natural gas sales on the Soviet side as against wheat, feed grains or machinery on our side. The conference may help to promote advances in these areas, or at least to identify obstacles to increased exchanges, for example the differences in economic and social structures of East and West, so that they may be eventually overcome. So we shall be going into the conference ready to propose a sizable list of concrete measures in the economic, scientific, technological and environmental fields, which may lay the basis for conference resolutions to be implemented later by individual countries and the European Economic Community.

Turning now to a point raised by the Soviet Union and its Allies we are on notice that they may propose, at a Security Conference, the establishment of a permanent body of all states taking part. It is not yet exactly clear what the Warsaw Pact countries have in mind; nor can we yet know whether any of the results of a conference would justify the establishment of follow-up machinery. So we view the Soviet suggestion with skepticism and with a natural aversion to the creation of permanent international institutions whose purpose is only vaguely defined. And this attitude of reserve will be strengthened, should it turn out that the Soviet Union is trying to introduce thereby, through the back door, the concept of a pan-European collective security mechanism designed to undermine and eventually to destroy the Atlantic link.

In concluding, I would like to quote from a recent article in Pravda. "The NATO Bosses" Mr. Vladimir Yermakov wrote on 26th October, "have not ceased and apparently do not intend to cease the intrigues aimed at poisoning the international atmosphere. For how else can one evaluate, for example, the brazen and provocative list of concessions which NATO supposedly intends to secure from the socialist countries during the all-European talks. In point of fact it is a question of attempting to interfere in the internal affairs of the socialist countries and of presenting them with conditions for the talks which are more like their direct sabotage. Some people in NATO are reckoning in vain on the illusory possibility of talking with the Soviet Union and the other states of the socialist community from positions of strength." End of quotation.

I shall be straightforward in my comments. NATO, because it is defensive in military terms, can well afford to be on the political offensive.

We are not in the first place or fundamentally concerned with what is called international atmosphere. Nothing is more ephemeral than atmosphere and political climates change fast, when not brought about by concrete achievements. We are, however, deeply concerned with the solution of those political issues which are at the roots of tension and instability. If we can start to clear them up, we shall at the same time greatly improve the international atmosphere.

We go to a security conference and to MBFR talks seeking our goals, just as we expect other countries to seek theirs. Negotiations mean give and take. To ask for concessions is neither brazen nor provocative, but sensible and legitimate.

Of course, we intend to negotiate as far as possible from a position of strength which is the best bargaining position, as the Soviet Union knows so well, judging by its practices. Our strength is founded in Allied solidarity. It is in our interest to be united and to be seen to be united.

We firmly hope that a period of rapprochement and stability in Europe is ahead of us. But we may not know for many years whether our hopes are justified. In the meanwhile, we cannot base our security simply on expectations. To tamper with the proven balance of power between East and West would be reckless and irresponsible. It is this balance which has maintained, and continues to maintain, our security and provides the firm basis on which alone we can promote détente.

## COMPILATION OF NARCOTIC DRUG TREATMENT LAWS IN THE 50 STATES AND FIVE TERRITORIES

Mr. JAVITS. Mr. President, the National Commission on Marihuana and Drug Abuse has undertaken a broad study of the many problems relating to drug abuse in the United States. Earlier this week I inserted into the Record a compilation of dangerous drug laws of over 120 foreign nations prepared by the Commission.

The Commission has also prepared and distributed a compilation of current drug dependent treatment and rehabilitation legislation in the 50 States and five territories. To the best of my knowledge, such a compilation has never before been put together. The Commission intends to devote considerable attention to the merits of these laws and their implementation in its final report to the President and to Congress on March 22, 1973. The Commission will seek to encourage efforts such as that of the National Conference of Commissioners on Uniform State Laws to reassess the appropriate role of the legal system in the treatment of drug dependent persons, to frame necessary procedures and to seek uniform legislation among the States.

The compilation consists of 10 individual charts. They total over 125 pages. While the material found in these charts is too voluminous for inclusion in the Congressional Record, I feel that a summary of the laws and a brief description of the scope of the compilation would be useful to our colleagues and to the general public. The complete compilation will be published in the appendix to the Commission's second report.

Mr. President, I ask unanimous consent that the text of the introduction, summary, and description of the compilation be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

### Introduction

The Harrison Narcotics Act in 1914 established a national policy of restricting availability of dependence-producing substances. Succeeding generations of lawmakers, at both the federal and state levels, have reaffirmed this policy, most recently in the Drug Abuse Prevention and Control Act of 1970, (P.L. 91–513) and the Uniform Controlled Substances Act. The Harrison Act sought to curtail distribution of opium, morphine and cocaine. Rigid controls were later extended in other legislation to heroin, marihuana, and other psychoactive drugs. For six decades a consistent pattern has been followed with but a single, albeit significant exception: alcohol.

This firm decision to restrict availability of dependence-producing substances contrasts with a continuing ambivalence about the appropriate public policy toward individuals who, despite society's efforts, have become dependent on prohibited or restricted substances. A similar ambivalence has also characterized the legal status of alcoholism; yet, acquisition and consumption of alcohol by an alcohol-dependent person is not a criminal offense, while similar behavior of a persons dependent on prohibited substances inevitably offends the criminal law. Therein lies the source of a dilemma which has remained unresolved for half a century.

Since passage of the Harrison Act, proponents of so-called "law enforcement" and "medical" approaches to drug-dependence have waged a continuing debate. In popular rhetoric, the "law enforcement" view is generally identified with an insistence that a person be held morally and legally accountable for his behavior, including drug-consumption, within the criminal justice system. The "medical" approach, on the other hand, is popularly associated with a skepticism about the utility of criminal punishment and with the notion that drug dependence is an illness requiring treatment. Although the "law enforcement"-"medical" dichotomy has never been a satisfactory tool for understanding or dealing with the dependence problem, its persistence does reflect divergent perceptions about the moral and mental status of persons who consume prohibited substances and who become dependent on them. The polarity of these two approaches should not be allowed to obscure the fact that public policy has always reflected elements of both views, and the debate at any given time may not be over fundamental premises but over tactics.

By 1925, a combination of government pressure and professional default had minimized the formerly preeminent role of the private physician in the treatment of drug dependence; since that time, it has been assumed that the formulation of policy in this area is a matter for public, rather than private institutions. For four decades—between the decline of public clinics and ambulatory treatment in the 1920's, and their reemergence in the 1970's—public policy aimed entirely to assert formal control over drug-dependent persons through the legal process. If such control was through criminal prosecution, it was identified with the "law enforcement" approach; if it was through civil commitment, it was associated with the "medical" view.

Today, formal control remains the cornerstone of public policy regarding drug-dependent persons. The major purpose of this Interim Report is to compile and summarize the multitude of statutory mechanisms and procedures for securing and maintaining such control. At the same time the Commission has also noted a recent renaissance of interest in voluntary treatment. Although the number of drug dependent persons participating in voluntary programs remains relatively small, the Commission has observed a significant change in legislative attitude toward the necessity of formal legal control. Thus, another purpose of this document is to summarize these new statutory developments.

Although we intend to devote considerable attention to the merits of these laws and their implementation in our final Report in March 1973, the Commission takes this opportunity to encourage efforts such as that of the National Conference of Commissioners on Uniform State Laws to reassess the appropriate role of the legal system in the treatment of drug-dependent persons, to frame the necessary procedures and to seek uniform legislation among the states. In order to assist such efforts, the Commission is publishing this descriptive material in advance of our final Report and in time for consideration by new legislative sessions early next year.

### HISTORICAL SUMMARY

With the demise of treatment by private physicians and of ambulatory maintenance services during the 1920's, every opiate-dependent person was subject to prosecution and punishment for possession and acquisition—the acts incident to consumption. In fact, "addiction" itself was made a crime in many states. Legislators, however, were not unaware that drug-dependent persons might be in need of treatment. In 1929, Congress passed an Act establishing two "narcotics farms" in Lexington, Kentucky, and Fort Worth, Texas, for the treatment of drug-dependent persons, including Federal offenders.[1] During the ensuing three decades, 34 states, analogizing drug addiction to mental illness,[2] gradually authorized civil detention of drug-dependent persons* under pre-existing compulsory commitment laws for the mentally ill or for "inebriates."[3]

Half of these states also made involuntary treatment an adjunct to criminal laws against addiction.[4] In addition, some states updated laws authorizing the appointment of legal guardians for drug-dependent persons in order to permit their indeterminate confinement for medical care.[5]

Whatever the label of the legal process and the location of confinement, control for most drug-dependent persons during this period (1925–1960) meant isolation, not treatment. Civil procedures were rarely employed and when they were, treatment was a promise, not a reality.

In 1962, the Supreme Court, concluding that drug addiction was an illness, held that a State could not make the status of addiction a crime.[6] In dictum, however, the court suggested that the Constitution would not be offended by civil commitment procedures for purposes of treating this illness. The Court thereby invited a new layer of legislation to be superimposed upon the old.

The old "lunacy and inebriety" laws had sometimes classified drug "addicts" with the mentally ill; and the new laws redefined mental illness to include addiction or established separate provisions for these persons under existing mental health and sobriety laws. Characteristically, the laws applied only to "narcotic addicts," and like their predecessors, permitted compulsory treatment through either involuntary civil commitment or emergency detention proceedings. However, in an important departure from the old laws, which had generally required a finding of "dangerousness" to sustain a mental illness commitment, the newest civil commitment laws required only a finding of addiction.

The laws of California (1961) and New York (1962 & 1966), provided the models for most of the other states' laws during the 1960's. Their emphasis was on removal from the community and long-term residential treatment. Segregation and confinement was at once a treatment method and an objective, a point reflected in the preamble to the California legislation which emphasizes that persons who either are uncooperative or fail to respond to treatment may be detained anyway "for purpose of control."[7]

Another significant technique of control used by the 1960's legislation was diversion from the criminal process. Although some of the older addiction statutes permitted diversion, the courts rarely availed themselves of this procedure. Now, however, diversion has become a full-fledged movement, at least in the criminal codes if not in practice. This trend is part of a much broader uneasiness with the criminal sanction as a means of dealing with drug users. As applied to drug-dependent persons, its popularity reflects disenchantment with the high cost and low success rate of long-term residential confinement, and parallels the reappearance of ambulatory modalities and current emphasis on community-based treatment.

The underlying theory of the diversion approach is that the criminal justice system is an ideal mechanism for detection of drug-dependent persons and for "persuading" them to enter and participate satisfactorily in a treatment program. The technique borrows the persuasive and coercive powers of the penal laws to encourage persons charged with or convicted of drug or drug-related offenses to see assistance. The typical diversion statute allows the prosecutor or court to strike a bargain with the defendant. At one stage or another of his case, it provides him with the option to seek treatment or to continue with the criminal proceedings. In some instances the opportunity to exercise this option is given prior to trial; in others it is deferred until after conviction. The actual difference in outcome between a treatment disposition and an ordinary sentence depends on the nature and availability of treatment facilities in the jurisdiction.

Civil commitment and diversion are the alternative procedures for providing treatment within a framework of formal control. However, recent legislation in some states has revived the informal approach which had lain dormant since the 1920's—permitting drug-dependent persons to enter treatment on a voluntary basis. Typically, such statutes provide a mechanism for public funding of private treatment services and protect the confidentiality of the treatment process.

In a related development, some states have sought to deliver emergency treatment services to drug dependent persons without involving the formal legal process. Although police officers may have inherent authority to transport drug users *in extremis* to medical facilities in lieu of arrest or arraignment, some legislatures have formally recognized such discretion.[8]

The patterns of recent state legislation have been encouraged by recent Federal enactments. Public law 91-513, 84 U.S. Stat 1236 (1970) required community mental health centers receiving Federal funds to extend their services to "persons with drug abuse and drug dependence problems" In 1972, P.L. 92-255, 86 U.S. Stat 76, further conditioned Federal grants to state community mental health programs on the actual development of treatment facilities designed to provide voluntary and emergency care to drug abusers.

### SUMMARY OF CURRENT LAWS

This compilation of treatment legislation focuses on drug-dependent persons, mirroring the class of persons to whom application of the legislation is generally restricted. For example, although prison treatment programs may offer care to all users in need of medical assistance, the dependent user is generally given preference. Likewise, treatment in lieu of prosecution is normally restricted to drug-dependent persons. Even temporary emergency treatment may not necessarily be afforded to an incapacitated user who is not also drug dependent. It should be noted, however, that voluntary outpatient programs are generally available to all drug users and are limited only by the capacity of existing facilities and staff.

Depending on the statutory scheme in the various states, particularly the eligibility requirements, and upon the scope of the operating treatment program in a given jurisdiction, a drug-dependent person may enter treatment in any of the following ways:

*Civil routes*

Voluntary

(1) Voluntary informal treatment at a private, local, or state operated facility on a walk-in, walk-out basis.

(2) Voluntary formal commitment for treatment which may involve a hearing and consent to an enlistment period of at least one month and frequently much longer.

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Footnotes at end of article.

*Until the late 1960's, the customary statutory label for drug dependence was "addiction", and the class of persons covered by treatment provisions was the "Narcotics Addict". Recent legislation, reflecting a consensus within the scientific and medical communities, has abandoned the notion of addiction and its companion term "habituation" and substitutes the concepts of physical and psychological dependence. For purposes of clarity in this Interim Report, the Commission will employ the terms drug dependence and drug-dependent persons even if the statute under discussion used other terms. See, *e.g.*, Sec. 202.360 *Mo. Stat. Ann.* (1962, repealed 1971).

#### Involuntary

(1) Involuntary commitment for treatment, initiated by a third person and generally involving pre-hearing detention and resulting in protracted and sometimes indeterminate confinement.

(2) Treatment as an adjunct to incompetency, guardianship or conservatorship proceedings.

#### Emergency

Emergency apprehension not constituting an arrest and transportation to treatment by either a public official or a private individual.

### *Criminal routes*

#### Preconviction

(1) Pre-arrest informal police diversion for purposes of detoxification or withdrawal.

(2) Post-arrest diversion to detoxification.

(3) Treatment as a condition of pre-trial release.

(4) Emergency treatment while awaiting trial to remove incompetency to stand trial or as a humane measure.

(5) Treatment in lieu of prosecution.

#### Post Conviction

(1) Treatment as a condition of

(a) the deferred entrance of an adjudication of guilt or conditional discharge *

(b) a suspended sentence

(c) probation

(2) Commitment for treatment in lieu of other sentence.

(3) Treatment while serving a sentence within a correctional facility.

(4) Treatment as a sentence for persons driving under the influence, charged with narcotics vagrancy or other breaches of the peace.

(5) Treatment as a condition of parole.

(6) Treatment following administrative transfer from a penal institution for reasons of addiction.

Treatment for drug-dependent persons is authorized by the laws of 48 states. Only Kansas and Wyoming have no treatment legislation whatsoever. At this writing 12 states permit entry into treatment in all four basic ways: voluntary, involuntary, emergency and criminal.[9] However, nine [10] states provide only one method of entry: four have only voluntary provisions;[11] two have only involuntary commitment provisions;[12] and three offer treatment only to those persons detected through the criminal justice system.[13]

*Involuntary*. Thirty-four states permit the compulsory treatment of drug-dependent persons outside the criminal justice system,[14] and the procedures governing commitment and treatment vary significantly from state to state. This variation is not surprising in light of the ambiguity of constitutional doctrine regarding the non-criminal involuntary entry process. It should be noted, however, that an emerging constitutional jurisprudence regarding commitment of the mentally ill will have a direct bearing on judicial appraisal of commitment of drug-dependent persons.

*Criminal*. Within the criminal process of 38 states, treatment is expressly made available to some proportion of drug-dependent persons who are arrested for criminal offenses.[15] An additional nine states authorize conditional discharge of possession offenders upon terms and conditions which are not specified by statute but which may in fact include treatment.[16] Altogether 30 states have conditional discharge provisions; but in 11 of these states, release is specifically conditioned upon acceptance of treatment,[17] and in ten, additional paths to treatment are available.[18]

Aside from conditional discharges, which are generally limited to first offense possessors, the most common procedure is to offer treatment to convicted drug-dependent persons in lieu of a regular penal sentence. In a few states, persons charged with drug violations may be allowed to elect treatment instead of being prosecuted for the offense with which they had been charged.[19] These diversion procedures are generally available only to drug-dependent persons charged with or convicted of drug offenses however a few states extend them as well to persons who have committed "drug-related" offenses or other specified types of non-drug crimes.[20]

*Voluntary*. Forty-one states appear to offer drug-dependent persons some form of state-approved or state-operated voluntary treatment services.[21] All but six of these states have enacted specific statutory procedures regarding admission and treatment, although the specified admission and control procedures in nine of these states are the same as those for involuntary commitment except that the patient applies in his own behalf.[22] The six states without statutory procedures regulate the voluntary services by agency promulgation; in some of these states, the program is operated by the same state agency that issues the regulations, and in the others the state agency administers a program operated by licensed private entities.[23]

*Emergency*. Sixteen states permit apprehension of drug-dependent persons for purposes of emergency treatment by either private individuals or law enforcement personnel.[24]

## DESCRIPTION OF THE COMMISSION'S COMPILATION

### *General scope*

The attached compilation is composed of ten charts describing legislation in the 50 states and five territories pertaining to treatment and rehabilitation of drug-dependent persons. Although the Commission has drawn its information from a wide range of legislative provisions, it has not included the treatment components of competency, conservatorship and guardianship laws or of motor vehicle, disorderly conduct, public intoxication and branch-of-the-peace laws.

It should be emphasized that this compilation only describes a statutory framework; it reflects only what appears in legislature codes, not what may be occurring—or not occurring—in hospital wards or in the streets. For example, treatment may be available in those states without any specific legislation through private organizations operating on a voluntary admission basis.[25] States may have non-statutory programs which are operated with state approval at the local level; [26] and the statutory programs of many states with large urban populations are generally supplemented by private or community programs functioning under their own regulations.[27]

The Commission notes that the availability of legal mechanisms for compelling or persuading drug-dependent persons to receive treatment does not necessarily mean that such procedures are actually invoked. For example, the decision makers of the criminal justice system in some jurisdictions may choose systematically not to divert offenders outside that system even if diversion is authorized by statute and treatment services are available. Further, the involuntary civil commitment procedures are rarely used since formal detection of drug use and dependence almost always occurs within a criminal justice framework.

### *Content of individual charts*

#### Chart I—Criminal Entry: Overview

This chart details the various stages of the criminal justice system during which a drug-dependent defendant may enter and receive treatment. The first three columns refer to treatment offered as an alternative to completing the criminal process. The last five columns refer to treatment received in addition or or simultaneous with the ordinary processing of a criminal case.

"Treatment in lieu of prosecution" refers to the following: (1) situations in which the defendant elects to abandon the criminal proceedings and a civil commitment proceeding is substituted, and (2) situations where a defendant is referred to treatment and prosecution is only resumed if he fails to respond or he commits a second drug violation.

"Conditional discharge" refers to provisions which enable discharged drug offenders (DD) to avoid adjudications of guilt in return for satisfactory fulfillment of the conditions of their release. Such discharges are frequently explicitly conditioned on the acceptance of treatment; if the statute permits such discharges upon unspecified terms and conditions, an asterisk (*) follows the symbol in the appropriate column. Although conditional discharges are really the formalization of prosecutorial discretion at the plea bargaining stage, they may be granted after a judicial determination of guilt as well as after a plea of guilty.

"Treatment while awaiting trial" refers to the situation in which a defendant with drug problems is treated automatically prior to trial with no impact on the charges against him; it also covers situations in which the defendant is automatically remanded after such treatment to the court which then has discretion either to terminate or to resume the criminal proceedings.

#### Chart II—Civil Entry: Overview

This chart indicates which states have legislative provisions specifically concerning drug-dependent persons permitting or authorizing:

(1) Voluntary treatment (in which the person desiring treatment applies in his own behalf);

(2) Involuntary treatment (in which long-term treatment is secured by an interested third party); and

(3) Emergency treatment (in which treatment is secured by a third party and is immediate and summary).

Where no specific provision for drug dependent persons exists, the chart reflects whether the state has a mental illness statute enabling the confinement and treatment of the mentally ill.

An asterisk (*) indicates those state statutes which establish treatment programs but do not specify admissions or release procedures.

#### Chart III—Criminal Entry: Specific Provisions

This chart compares specific provisions regarding the treatment and rehabilitation of persons charged with or convicted of criminal offenses. The "eligibility" column indicates whether all drug-dependent defendants or only drug law offenders qualify for treatment. The "voluntariness" column indicates whether the court or the defendant is the final arbiter as to whether treatment will be received. The "Substituted Proceedings" column refers to whether a formal proceeding must be held after termination of the criminal process in order to divert the defendant to treatment. The "Does Diversion to Treatment Constitute Dismissal of Criminal Charges" column refers to whether the criminal charge is dismissed if the defendant successfully completes his treatment, continues treatment, or does not successfully complete treatment.

#### Chart IV—Involuntary Commitment Provisions

This chart compares specific procedures for compelling the treatment of drug-dependent persons in an involuntary, "civil" proceeding.

The following abbreviations have been used to indicate the legal grounds for involuntary commitment. (The same abbreviations are employed in Chart V to describe criteria for admission to voluntary treatment programs.)

*Medical–MI* refers to a purely medical finding of mental illness. Very few states use mental illness alone as a basis for involuntary commitment, without an additional finding of "dangerousness' or some other aggravating circumstance. Oklahoma is one exception.[28]

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*Conditional discharges may also be awarded after a plea of guilty.

Footnotes at end of article.

*Medical-MI (includes Ad or DDP)* refers to those provisions which classify drug dependence or addiction as a form of mental illness.[29] For example, Ohio defines a mentally ill person as "an individual having an illness which substantially impairs the capacity of the person to use self-control, judgment, and discretion in the conduct of his affairs and social relations, and includes . . . cases in which such lessening of capacity or control is caused by such addiction to alcohol or by such use of a drug of abuse that the individual is in danger of becoming a drug-dependent person so as to make it necessary for such person to be under treatment, care, supervising guidance or control."

*Medical-[Ad or DDP]* [30] refers to a purely medical finding or addiction or drug dependence.

*Medical-Ad & Public Safety and/or Loss of Control* refers to those provisions which go beyond a purely medical definition of "addiction" or "dependence" and describes the class of persons in terms of general public harm. For example, for purposes of compulsory treatment, a narcotic addict has been defined as: "any person who without *bona fide* medical need thereof habitually uses any habit-forming narcotic drug as defined in a given act so as to endanger the public morals, health, safety or welfare, or who is so far addicted as to have lost the power of self-control.[31]

*DDP* refers to "drug-dependent person." Criminal statutes which provide a treatment option often refer to "drug dependence" rather than "addiction" in conformity with recent federal law. For example, Pennsylvania describes a drug-dependent person as: "A person who is using a drug, controlled substance or alcohol and who is in a state of psychic or physical dependence, or both, arising from administration of that drug, controlled substance or alcohol on a continuing basis. Such dependency is characterized by behavioral and other responses which include a strong compulsion to take the drug, controlled substance or alcohol on a continuing basis in order to experience its psychic effects or to avoid the discomfort of its absence. This definition shall include those persons commonly known as 'drug addicts'." [32]

*Incapacity,* refers to the inability to make responsible decisions especially in regard to the need for treatment.[33]

*Dangerousness* refers to provisions tying control to the likelihood that a person will cause injury to himself or to others regardless of cause.[34]

Medical—[MI or Ad]+Dangerousness refers to those provisions which require a finding that a proposed patient, because of addiction or a mental health deficiency, is likely to injure himself or others if he is allowed to remain at liberty.[35]

Where none of these standards is in effect the chart spells out the standard actually used.

The "Nature of Commitment Proceeding" column in this chart contains five sections. The first indicates whether the proceeding is a judicial one. The remaining four sections describe the procedural safeguards provided: whether a proposed patient has a right to a jury; whether he has a right to counsel, including paid counsel if he is an indigent; whether he has a right to present and cross examine witnesses (and in some cases subpoena witnesses); and whether the patient himself and/or his representative (e.g., relative) have a right to notice of the pending commitment proceeding.

### Chart V—Voluntary Treatment: Entry provisions

This chart summarizes the voluntary treatment procedures found in the 50 states and five jurisdictions. It also indicates which states have delineated their voluntary procedures by statute and which states have delegated rulemaking authority to a designated state agency.

### Chart VI—Voluntary Treatment: Release Provisions

Chart VI compares the release provisions of statutes authorizing treatment facilities to accept voluntary patients.

### Chart VII—Emergency Care Provisions

Chart VII surveys the situations in which private individuals or law enforcement officials have the authority under civil law to apprehend and detain drug users without formal judicial process.

Similar emergency provisions are sometimes also found in the penal laws of the states. Criminal detoxification provisions may allow police officers to secure immediate care for drug offenders. Where police diversion constitutes either a "stop" or an "arrest" it has been included in the criminal charts (Charts I and III). Where police diversion has no criminal function it has been classed among the emergency care provisions.

### Chart VIII—Treatment Facilities Made Available by Statute

Chart VIII describes the types of treatment facilities available to drug-dependent persons who are either committed under civil law or diverted under criminal law. The chart also indicates the extent to which persons who have been referred to treatment may be detained in a correctional facility.

### Chart IX—Agencies Established by Statute to License, Regulate, Evaluate or Disseminate Information on Drug Treatment Programs And/Or Facilities

Chart IX lists the state agency which has the principal statutory responsibility for the state drug rehabilitation program. This chart does not include agencies set up by Executive Order, nor does it necessarily include the state drug abuse program coordinator, unless the coordinator operates his state's rehabilitation program.

### Chart X—Table of Citations

Chart X cites for each state the sections of the state law in which the voluntary, involuntary, emergency and criminal provisions are found. Citations to Acts or to State Session Laws in the individual charts have been converted to citations to the appropriate codes or state legislative reference wherever possible.

### FOOTNOTES

[1] 45 Stat. 1085, as amended 21 USC Secs. 221, 222, 223–237.

[2] Lindman, F. and McIntire, D. The Mentally Disabled and the Law (1961), note 23, 82–86. See *e.g.,* Washington quarantine law of 1959 based on 1935 law. Ch. 69 *Wash. Rev. Code* (1971).

[3] See *e.g.,* 18.1131 *Mich. Stat. Ann.* (1970) enacted 1954 based on 1930 law.

[4] See *e.g.,* 18–1131 *Mich. Stat. Ann.* (1971 Rev.); 475–655 *Ore. Rev. Stat.* (1969).

[5] For example Sec. 35–1 *N.C. Gen. Stat.* (1964) provided that: "Any person who habitually, whether continuously or periodically, indulges in the use of intoxicating liquors, narcotics, or drugs to such an extent as to stupify his mind and to render him incompetent to transact ordinary business with safety to his estate, or who renders himself by reason of the use of intoxicating liquors, narcotics, or drugs, dangerous to person or property, or who by frequent use of liquor, narcotics or drugs, renders himself cruel and intolerable to his family, or fails from such cause to provide his family with the reasonable necessities of life, shall be deemed an inebriate: Provided, the habit of so indulging in such use is at the time of inquisition of at least one year's standing." Following a jury trial the ward could be referred for an indeterminate period of treatment. See also, Sec. 435 *Miss. Code Ann.* (1956).

[6] *Robinson v. California,* 370 U.S. 660 (1962).

[7] Sec. 3100 *et seq.* Welfare and Institutions, *Deering's Ca. Code* (1969); see also Washington.

[8] 11 Sec. 615 *Del. Code Ann.* (1971 Supp.).

[9] Arkansas, California, Connecticut, Georgia, Hawaii, Minnesota, Missouri, North Dakota, Ohio, Oregon, Pennsylvania, and Vermont.

[10] Alabama, Alaska, Colorado, Idaho, Kentucky, Nevada, New Mexico, South Dakota, and Utah.

[11] Alabama, New Mexico, Idaho, and Utah.

[12] Nevada and South Dakota.

[13] Alaska, Colorado and Kentucky.

[14] Arkansas, California, Connecticut, Georgia, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

[15] Alaska, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia. Washington, and Wisconsin.

[16] Idaho, Louisiana, Nevada, New Mexico, North Dakota, South Dakota, Utah, West Virginia, and Wyoming.

[17] Arkansas, Colorado, Georgia, Illinois, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, Oklahoma, and South Carolina.

[18] Delaware, Hawaii, Iowa, Mississippi, Michigan, Minnesota, North Carolina, Pennsylvania, Virginia, and Wisconsin.

[19] Colorado, Connecticut, Illinois, Indiana, Iowa, Massachusetts, New Hampshire, New Jersey, New York, and Pennsylvania.

[20] California, Connecticut, Georgia, Illinois, Indiana, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Ohio, Pennsylvania, and Rhode Island.

[21] Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

[22] Arkansas, California, Georgia, Hawaii, Illinois, Maryland, New York, Rhode Island, and Tennessee.

[23] Alaska, Arizona, Colorado, Kentucky, New Hampshire, Oklahoma. Of these, Arizona has authorized the establishment of state programs for voluntary care of DDPs, administered at the local level, but has not as yet determined statutory admission procedures. New Mexico also has a voluntary program, but it operates pursuant to regulation rather than statute.

[24] Arkansas, California, Connecticut, Delaware, Georgia, Hawaii, Maine, Massachusetts, Minnesota, Missouri, North Dakota, Ohio, Oregon, Pennsylvania, Utah, and West Virginia.

[25] See *e.g.,* Arizona, CODAC (Community Organization for Drug Abuse Control), New Mexico.

[26] Kansas.

[27] See *e.g.,* California, Synanon, County Short-Doyle programs.

[28] 43A3 *Okla. Stat. Ann.* (1971 Supp.); see also, *e.g.,* Mentally ill individual. An individual having a psychiatrist or other dis-

ease which substantially impairs his mental health. T. XLVII, Ch. 3, Sec. 49200 *Guam Govt. Code.*

[29] Sec. 5122 *Ohio Rev. Code Ann.* (1971).

[30] See, *e.g.*, "A person who is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted thereto." Secs. 3100–3111, California Welfare and Institutions Code (1969).

[31] See *e.g.*, Ch. 4, Mental Health Recodification Act 433, Sec. 2, *Arkansas Laws* (1971).

Additional language adds little to the mere medical addiction standard. *Public Safety*, or words to the effect that certain acts must be harmful to the public health, welfare and morals of the community to be susceptible to state regulation is a basic police power provision. It does not set forth any issues in addition to addiction to be resolved at trial. In deciding to require treatment of addicts, the state has already decided that addiction is contrary to the public welfare. Likewise, *Loss of Control*, meaning loss of control in reference to addiction does little to contract the notion of addiction. Addiction by its terms is a loss of control. In most cases this standard therefore is offered only as a definition of addiction.

[32] Pennsylvania, HB #850 Sec. 3 (1972).

[33] See *e.g.*, Proposed patient who "lacks sufficient understanding or capacity to make responsible decisions with respect to his need for care and treatment" or "refuses to seek care or treatment." Sec. 59–2902, *Kan. Stat. Ann.* (1964).

[34] "Any person who, by reason of the commission of overt acts, is believed to be suddenly violent and dangerous to himself or others may be detained. . . ." Sec. 122–59 *N.C. Gen. Stat.* (1971 Supp.).

[35] 36–501 *Ariz. Rev. Stat.* (1956 & 1971 Supp.).

Glossary of Abbreviations

A—Administrative Procedure.
Ad—Addict.
A.G.—Attorney General.
Ch—Chapter.
D—Defendant.
DDD—Drug Dependent Defendant.
DDP—Drug Dependent Person.
Dept.—Department.
IP—Inpatient.
J—Judicial.
MI—Mental Illness.
N.A.—Not Applicable.
NLT—Not less than.
NMT—Not more than.
OP—Outpatient.
P—Patient.
PP—Proposed Patient.

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## RESOLUTION TO MAKE COMMITTEE ASSIGNMENTS TO THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. GRIFFIN. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 17

*Resolved*, that the following Senators have membership on the Select Committee on Small Business for the 93d Congress:

Senator Jacob Javits,
Senator Peter Dominick,
Senator Robert Dole.
Senator Edward J. Gurney,
Senator J. Glenn Beall, Jr.,
Senator James L. Buckely,
Senator William L. Scott.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRIFFIN. Mr. President, for the purpose of the RECORD, let me explain that when the distinguished Republican leader was here a few moments ago, I am sure he was under the impression that that resolution was adopted along with the other resolution appointing Republican members to standing committees, but it was not adopted. So this is merely carrying out what was his intention.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution. [Putting the question.]

The resolution was agreed to.

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## ORDER OF RECOGNITION OF SENATOR McCLELLAN TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of Senate business today, the distinguished Senator from Arkansas (Mr. McCLELLAN) be recognized for not to exceed 45 minutes, during which time he and Senator HRUSKA and Senator ERVIN will participate in a colloquy; and that at the conclusion of such period there be a resumption of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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## IMPOUNDMENT AND SPENDING

Mr. HUMPHREY. Mr. President, in a recent letter to me, Office of Management and Budget Director Caspar Weinberger has denied that by impounding funds the administration is planning to ignore the intent of Congress as expressed in appropriations acts.

Mr. Weinberger apparently believes that the Humphrey amendment on impoundment—passed in October of 1972—implicitly gives the executive branch authority to impound money. Nothing could be further from the truth. And, nothing is further from the legislative intent and history of the amendment.

The Humphrey amendment is an informational amendment. For example, when the amendment was first introduced on September 29, 1971. I stated:

> This legislation is not primarily directed to the issue of whether or not the President has the constitutional right to impound funds.

Instead, the impoundment amendment directed itself toward a secondary issue—"whether the President should be permitted not to spend funds appropriated by the Congress without the full and timely disclosure to the Congress and the public."

While my opposition to impoundment is clearly on record, neither of these statements makes a judgment on the propriety of impoundment. Certainly, neither gives any basis for the executive branch's assumption that the withholding of congressional appropriated funds is legitimate. The thrust is clearly informational—the public's right to know of a practice by the executive branch. No finding of fact or of law was made as the legality of impoundment in the legislative history of my amendment.

Again, on November 13, 1971, I stated my conviction that what Congress was asking in this amendment—without a finding of fact as to the legality of the practice—was merely the right to be informed of impoundment—to correct the serious imbalance of information between the executive and legislative branches.

Moreover, contrary to OMB's ridiculous assertions, I offered the opinion that "as to impounded funds, I think that from a budgetary point of view, the appropriated funds ought to be spent for the purposes for which they are appropriated. It was the direction of Congress that that be done." Furthermore, I stated that administration refusal to offer support for the information impoundment amendment seemed to be because "the President is able to impound billions of dollars in a semisecret fashion away from the eyes of Congress and the public."

On September 7, 1972, I noted further that "appropriated funds are now impounded in a semisecret fashion away from the eyes of the Congress and the American public. Few Members of Congress are aware that these impoundments are being carried out and the public has a right to know that its tax revenues are not being spent." On that date, I once more offered the impoundment amendment with the stated legislative history—again without finding of fact or law as to the constitutionality of the impoundment—that the amendment would "redress a serious imbalance between the two branches by making it more difficult for a President to impound funds or in fact to impose a type of line-item veto on congressional appropriations."

Finally, on October 13, during debate on the spending ceiling, and on the same day that my "impoundment amendment" was adopted by the Senate, I said that—

> Already Presidents—not only this President, but others—have exercised the power of impounded funds appropriated by Congress. I do not think it is Constitutional. I have protested it and will continue to protest the impoundment of duly appropriated funds by the Congress of the United States.

### THE "RESERVING" OF APPROPRIATED FUNDS

Mr. President, there is a second part of Mr. Weinberger's letter I consider both innacurate and of dubious merit—the notion that the administration is not violating the will and intent of Congress by selectively reserving funds. The fact is, Mr. President, that there is little basis in law or legislative history of law, for the present impoundment practice. Neither the Anti-Deficiency Acts of 1905 and 1906 or the 1950 Omnibus Appropriation Act—in either legislative language or history—provides the authority for the impoundment practices of the Nixon administration.

The Nixon administration has not impounded funds to effect savings, as those acts delineate savings. Impoundments are being made deliberately to thwart the authorization and appropriations priorities set by Congress in law.

I also do not find much accuracy in the often voiced administration claim that they have the right to impound because the effects savings clause of the 1950 appropriations act also contains language that might be broadly interpreted to include inflationary pressures as a reason for executive funding reservations. As I said at the time of the debate on the spending ceiling, there are many ways to reduce inflation, and Government spending is just one of these ways. The other methods are not the priorities of the present administration.

### INFLATION

Mr. Weinberger attempts to justify by restating the President's dubious commitment to "protect all the people from renewed inflation." I find this statement incredible. And, I find that Mr. Weinberger and the other administration economic experts simply do not know their statistics.

From 1964 to 1968, the wholesale price index rose 8.2 percent. In approximately 4 years of the Nixon administration, this index has risen about 17.3 percent, or more than double that of the Johnson administration. Wholesale industrial commodities prices rose 7.7 percent in the Democratic administration from 1964 to 1968. During the Nixon administration industrial commodity prices have risen 15.8 percent—again, more than double.

Under price controls, the figures are even more startling. In the period since phase II started in mid-November 1971, wholesale prices of all commodities have risen about 5.7 percent and industrial commodities have increased approximately 4 percent. In the last full year of the Democratic administration, all wholesale prices rose 3.2 percent with industrial commodities increasing 2.8 percent.

The fact is that the Nixon economic record has already cost this country about $175 billion in lost production, millions of man-years of forced unemployment, and some $50 billion of shrinkage in expected Federal, State, and local revenues.

### PUBLIC OPINION AND SPENDING

Finally, on the entire question of impoundments, spending, and Federal taxing policy, the perception and beliefs of the American people seem to reflect a mixed approach—neither giving the President the carte blanche backing he seeks to cut spending or mandating excessive increases. On the specific question of whether or not Americans want to increase spending in various Federal Government expenditure areas, the people expressed a preference for increased spending to curb air and water pollution, Federal aid to education, and help for the poor. These areas are essentially the areas in which the Nixon administration has impounded the greatest number of funds and promised the severest budget cuts.

Furthermore, the Harris poll—from which these figures are taken—indicates that the public opposes increased spending to help State and local governments, to improve highways, for research and development for defense, for subsidies for farmers, and for people on welfare.

On the other hand, when the broad evaluative question is asked about spending cuts versus increased social spending, according to a recent Gallup poll, the public supports spending cuts by a figure of 59 to 39 percent.

The only conclusion that can logically be drawn from these seemingly conflicting polls is that neither the President nor the Congress has the backing of the people for one unilateral course of action.

In my judgment, the public opinion polls indicate that the American public wants its elected officials to work out spending and taxing problems on a partnership, not a conflictual basis.

Mr. President, I request unanimous consent that a copy of my letter to the Director of the Office of Management and Budget, a letter from the Director of the Office of Management and Budget to me, the Harris survey of January 8, 1973, and the Gallup poll of January 7, 1973, be printed in the RECORD. These polls show that the efforts the President is making do not have complete public support, and I hope Members of Congress will take cognizance of these expressions of public opinion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 20, 1972.

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: I am concerned to learn through Secretary of Treasury George P. Shultz's report to the press of your plans to ignore the intent of Congress and selectively impound Congressionally appropriated funds.

By its votes of the past week on the spending ceiling, the Congress indicated its firm resolve to preserve its prerogatives and authority over Federal spending and deny the Executive Branch an unconstiutional item veto over appropriations. If you proceed as Secretary Shultz indicates, your actions will be a direct violation of the will of the Congress and Constitutional intent. Let me also suggest that major impoundments imperil chances for economic recovery and further risk increasing an already unacceptable level of unemployment in this nation.

Your advisors seem to believe that one of the effects of the Congressional impoundment amendment to the debt ceiling bill is to legitimize the unconstitutional practice of impoundment. Nothing could be further from the truth.

A careful examination of the amendment's legislative history and my remarks on the Senate floor, as well as those of the Senate's leading Constitutional expert, Senator Sam J. Ervin, leaves little doubt as to the amendment's intent. And its reporting provisions, which require the President to supply the Congress with the amount of impoundment, the date of impoundment, the expected length of impoundment, the reasons for the impoundment action, the affected government departments, as well as the economic impact of the impoundment, in no way imply a grant of authority or a delegation of power to impound. To the contrary, the Congress passed this amendment in order to discourage Presidential impoundment of funds and to require Executive accountability.

I recognize that past Presidents have impounded funds. This, however, does not add to the legality of such action. Presidential impoundments are but a continuing extension of Executive encroachment upon the Constitutional authority of the Congress in matters of appropriation. Your proposed expansion of impoundment threatens the Constitutionally mandated relationship between the Execuitve and Legislative branches of government.

Even though Congress has adjourned, I can assure you that Presidential impoundments in such vitally needed areas as health care, job training, public assistance and child feeding programs will not go unnoticed by the public, nor by a newly reconvened 93rd Congress.

I respectfully urge you to accept the will of Congress and to comply with both the spirit and letter of the Constitution.

Respectfully yours,
HUBERT H. HUMPHREY.

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OFFICE OF MANAGEMENT AND BUDGET,
*Washington, D.C., November 30, 1972.*

Hon. HUBERT HUMPHREY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HUMPHREY: This is in further response to your letter of October 20, 1972, to the President about the effect of recent legislative developments on the authority to apportion and reserve funds. You express concern that the President plans "to ignore the intent of Congress" by selectively impounding funds. Let me assure you that the President has no intention of ignoring the will of Congress. On the contrary, he has every intention of carrying out the intent of Congress as it appears from its enactments and the debates concerning them. In particular, he hopes to hold Government spending to the $250 billion range in FY 1973, in accordance with bills passed by both Houses and consistent with the enacted debt limit bill, and this Office will be reporting on all "impoundments," including those which have been made to achieve this goal, as required by the amendment to the bill which you sponsored.

As with all actions of the Congress, my staff and I have carefully studied the bills and decisions of the last months of the 92nd Congress. In doing so, I find a number of points that are at variance with the opinions expressed in your letter. For example, you state that the Congress passed the amendment requiring the reporting of impoundments "in order to discourage the Presidential impoundment of funds." Yet in introducing this requirement as an amendment to the General Revenue Sharing bill, you indicated that Congress simply needed a routine submission of information. You referred to it as "a little old report. That is all. Just a little report." Furthermore, you specifically stated that you were not challenging the President's authority as he chooses to exercise it:

"It does not try to compel the President and it does not try to take over his prerogative as he sees it."

We believed that the legislative requirement for such continuing reports was unnecessary and undesirable, particularly because we had developed and transmitted to the Congress detailed listings of budgetary reserves three times during the latter part of the fiscal year 1972. We provided more information on this subject more frequently than had ever been provided by any other Administration. Nonetheless, it is our intention, of course, to cooperate with the Congress as the new law requires, even as we did when there was no legal requirement.

Your letter also charges that the Administration is planning to ignore and violate the will and intent of Congress by selectively reserving funds. There were many individual opinions about reserving or "impounding" funds expressed by Members of Congress during the recent debates. They both supported and challenged the manner in which the various Chief Executives have executed their responsibilities. However, the Congress as a whole did not express its will clearly on either side of this argument.

On the other hand, in its consideration of the debt limit bill, the Congress did clearly express its will and intent when both Houses approved a spending limitation for fiscal 1973 of $250 billion. We recognize that the Houses differed on the mechanism for achieving the $250 billion spending level, but the need for holding spending to that amount was recognized by a majority of each House. You, yourself, seemed to recognize this point when you said on October 16, 1972:

"I feel that the amendment [the Jordan amendment] did two things the Congress would want to do; No. 1, establish a spending ceiling. People are worried about government spending."

As you noted in your remark, both the Congress and the people desire spending for fiscal year 1973 to be held below the total that would flow from all the individual acts making funds available for obligation and expenditure. In fact, the debt limit of $465 billion through June 30, 1973, was proposed and enacted because it was consistent with $250 billion of outlays in 1973. On the basis of present law, therefore, the Government is not authorized to borrow the funds needed this fiscal year to fulfill the spending requirements under all enacted appropriations.

The President intends to use the tools he has, consistent with his constitutional and legislated responsibilities, to keep within the legal limitation on the public debt. Your amendment anticipates that you will receive reports of his withholding actions in this connection, and you will.

Both in your letter and in your comments on the floor of the Senate, you expressed concern over the amounts to be spent in certain "vitally needed areas." Yet the amount spent is not a measure of the effectiveness of a program, or the achievement of a desired result. Further, no program can be justified on the basis of its benefit to a particular State, group, or individual if it must be paid for by inflation. When excessive Government spending causes inflation, no Government program, no matter how worthy, is spared from its effects. Grants, cash transfer payments, and payments for direct services will all buy less and provide less.

The President stated last January and again in July that a spending limitation was needed to control inflation. Both of these statements occurred well before the "political season" for which you charged on the floor of the Senate he had waited. The President's commitment to protect all the people from renewed inflation is firm and well known. In fulfilling this commitment he will be discharging the will of the majority of the Congress as well as the majority of the people.

Sincerely,

CASPAR W. WEINBERGER,
*Director.*

### THE HARRIS SURVEY: MORE DOMESTIC SPENDING IS BACKED

(By Louis Harris)

Despite President Nixon's pledge to put a lid on government spending during his second term, majorities of Americans believe federal outlays should be further increased for programs to curb air and water pollution, aid education and help the poor. Voters favor spending cutbacks, at the same time, on such things as highway construction, farm subsidies and welfare payments.

The public is becoming increasingly selective about its spending priorities in light of the conviction shared by 74 per cent in the nation that federal spending is the single greatest cause of continuing inflation. While the public might want federal spending held in check generally, however, broad, popular constituencies remain in support of specific programs slated to come before the 93d Congress.

Mr. Nixon himself has indicated that a major source of his problem in keeping spending in check has been a lack of cooperation from Congress, which, of course, will once again be under Democratic control for the next two years. For its part, the Congress has criticized the President and the Executive Branch for encroaching on its fiscal prerogatives. In the contest between the President and Congress over the former's veto and embargo of expenditures to control water pollution, the public backs Congress, 48 to 27 per cent.

A majority opposes any increase in federal spending for research and development of the nation's defense system by 55 to 34 per cent.

The public expressed the view that Congress was right last fall when it overrode a veto of the water pollution control bill by President Nixon and that Mr. Nixon was wrong in holding up part of those appropriations.

Emerging loud and clear from results of this survey is that while the public might want federal spending held in line generally, the heart of the problem is not so much spending as such but rather the priority of values governing where spending is to be trimmed or increased.

Between Dec. 17 and 21, a nationwide cross section of 1,501 households was asked:

If you had to choose, would you rather see increased spending (read list) or no further increase in this area by the federal government?

[In percent]

| | Increase spending | Oppose increase | Not sure |
|---|---|---|---|
| To curb air and water pollution | 66 | 27 | 7 |
| On Federal aid to education | 66 | 27 | 7 |
| On helping the poor | 62 | 31 | 7 |
| To help State and local governments | 41 | 51 | 7 |
| To improve highways | 37 | 50 | 8 |
| For research and development for defense | 34 | 55 | 11 |
| For subsidies for farmers | 22 | 69 | 9 |
| For people on welfare | 22 | 69 | 9 |

These results are highly revealing, for they indicate that the public draws a line between some of the sacred cows of congressional appropriations committees of the past—such as highways, defense and agriculture—and programs oriented toward the quality of the environment or social improvements.

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### THE GALLUP POLL: MAJORITY BACKS PRESIDENT ON SPENDING CUTS

(By George Gallup)

PRINCETON, N.J.—Except for the issue of Vietnam, President Nixon faces his biggest battle with the Democratically controlled 93d Congress over the issue of federal spending on the domestic front.

A majority of U.S. citizens, however, side with President Nixon, at least at this early stage of the debate on spending. They vote 54 to 39 per cent in favor of holding down spending and taxes rather than increasing funds for social programs for lower income groups, the elderly, schools and the like.

Last July President Nixon asked for authority to trim federal spending to meet a $250 billion ceiling on fiscal 1973 spending. Without such power, Mr. Nixon warned that Congress would be to blame for a 1973 tax increase.

President Nixon's request was defeated in 1972 on the grounds that it would give away Congress' constitutional power of the purse and permit an item veto.

One of the most significant findings from the current survey is that President Nixon receives substantial support on holding down federal spending and taxes from so-called "middle America," a major segment of society comprising persons in middle-income brackets who supported Mr. Nixon solidly in the election Nov. 7.

A total of 1,445 adults, 18 and older, were interviewed in person in the survey conducted in more than 300 scientifically selected localities across the nation during the period Dec. 8–11. The following question was asked of each person in the survey.

During the coming months, President Nixon says he will try to hold down government spending and taxes. Many congressmen, on the other hand, say Congress should pass social programs that would give more money to the poor, the aged and to schools and the like. Which position do you agree with more—holding down spending and taxes or spending more money for social programs?

[In percent]

| | Holding down spending and taxes | More money programs | Undecided |
|---|---|---|---|
| National | 54 | 39 | 7 |
| Income: | | | |
| $15,000 and over | 58 | 39 | 3 |
| $10,000 to $9,999 | 59 | 35 | 6 |
| $7,000 to $9,999 | 55 | 34 | 11 |
| $5,000 to $6,999 | 49 | 41 | 10 |
| $5,000 to $4,999 | 49 | 41 | 10 |
| Under $3,000 | 44 | 49 | 7 |
| Manual labor | 54 | 39 | 7 |
| Professions and business | 56 | 36 | 8 |
| Clerical and sales | 47 | 47 | 6 |
| Farmers | 68 | 24 | 8 |
| 19 to 29 years | 48 | 47 | 5 |
| 30 to 49 years | 58 | 36 | 6 |
| 50 and older | 55 | 35 | 10 |
| College background | 53 | 43 | 4 |
| High school | 56 | 36 | 8 |
| Grade school | 49 | 41 | 10 |

## ORDER FOR RECOGNITION OF SENATOR RANDOLPH ON TUESDAY, JANUARY 16, 1973, AND FOR RESUMPTION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next at the close of Senate business, and prior to adjournment of the Senate, the distinguished Senator from West Virginia (Mr. Randolph) be recognized for not to exceed 1 hour, at the conclusion of which there be a resumption of morning business for a period of not to exceed 15 minutes, with statements limited therein to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SENATE PROCEDURES

Mr. ROBERT C. BYRD. Mr. President, on Wednesday morning of this week—January 10, 1973—the majority and minority whips hosted a breakfast for new Senators, as they did for new Senators at the beginning of the 92d Congress in 1971.

At this week's breakfast, Senator Griffin and I attempted to familiarize our new Members with some of the procedures, practices, regulations, and rules governing the everyday business of the Senate.

The procedures to which we alluded are not new, but were followed throughout the 92d Congress, and all Senators were most cooperative in their implementation. A memorandum has been prepared with reference to the items discussed at the breakfast, and, in view of the fact that it serves as a restatement of the regulations and practices followed during the 92d Congress, the distinguished assistant Republican leader and I believe it may be well for the staffs of all Senators to have an opportunity to review it.

Frequently, I have found that a staff member who is responsible for keeping his Senator informed with respect to the date and time scheduled for a floor speech, and so forth, is not himself properly familiar with the procedures that are being followed. As a consequence, the date and time scheduled for a floor when time under the order, which has been entered on his behalf, begins running. There are other instances in which a Senator's staff member will call to ask that his Senator be scheduled for a speech, for example, at 1 o'clock or 2 o'clock in the afternoon—which is ordinarily not practicable, as a reading of the memorandum will show—or that his Senator wishes to make a 20- or 30-minute speech prior to morning business—the maximum limit being 15 minutes—also, requests have frequently been received from staff members following adjournment of the Senate at the close of the day, requesting that their Senators be scheduled for a 15-minute speech the next morning—such orders have to be entered while the Senate is in session and prior to the date of execution.

Therefore, with the concurrence of my distinguished colleague and friend, the assistant Republican leader (Mr. Griffin), I ask unanimous consent that the memorandum to which I have alluded be inserted in the Record at this point.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Items Discussed at Breakfast Hosted by Majority and Minority Whips for New Senators, January 10, 1973

### SENATE SPEECHES

1. During the first three hours after the unfinished business or pending business has first been laid before the Senate on any calendar day (except by unanimous consent to the contrary or on motion without debate) all debate shall be germane to the specific question then pending. Unless there is a unanimous consent agreement to the contrary, any Senator who obtains the Floor during such debate may speak at length and without limit as to time. After the aforementioned three hours have expired, any Senator may speak at length, without limit, and his speech need not be germane, although the leadership hopes the Senators will confine their remarks to the pending matter before the Senate until it is disposed of or until the close of business on that day.

2. Senators who wish to speak on any subject matter desired, and without respect to germaneness, have the following additional three options:

(a) At the very beginning of a day, and prior to morning business or other business, 15-minute speeches (also 5- and 10-minute speeches) are given if previously ordered. A Senator may secure such an order to speak on any matter for up to—but not to exceed—15 minutes, and it is recommended that such Senator or his staff contact his respective party Whip (or Whip's office) to arrange this. Such an order must be gotten on a day of Senate session prior to the date on which the order is to be executed. In other words, the order cannot be gotten on the day of intended use; it cannot be gotten on a day when the Senate is not in session; and it cannot be secured after the Senate has adjourned. The vacation of such orders once gotten, should be avoided if possible. It is also important that a Senator be on the Senate Floor promptly when the time for recognition under the order occurs; otherwise, the leadership will ask for a quorum, and the time consumed by the quorum will come out of the time ordered for the Senator. Moreover, a Senator must be on the Floor to personally control his time in the event he wishes to yield part of that time to another Senator who may wish to engage him in a colloquy. NOTE: At the expiration of the time under the order, Senators are urged not to ask for an extension of the time, as such a request will invariably be objected to.

(b) Colloquies. If two or more Senators wish to engage in a colloquy early in the day, which will require more than 15 minutes, both Senators (or three or four Senators—hopefully, no more than that) should submit a request for up to 15 minutes to be under the personal control of each, during which 15 minutes the individual Senator controlling such time may yield to another Senator. Such colloquy will occur—as do other special 15-minute orders—prior to morning business or other business.

(c) Three-minute speeches. Generally, there will be a period for the transaction of routine morning business daily. This period for the introduction of bills, resolutions, petitions, etc., will ensue immediately upon the conclusion of any 15-minute orders (as aforementioned). Usually, the period for routine morning business takes from 15 to 30 minutes, during which time any Senator can, without advance notice, take the Floor simply by getting recognition from the Chair (which is done by addressing the Chair: "Mr. President") and may proceed to speak for three minutes on any subject. Any unanimous consent to extend the time beyond three minutes will be objected to; however, upon the expiration of a Senator's three minutes, any other Senator, if recognized by the Chair, may yield his three minutes to the Senator speaking. (At the close of a Senator's three minutes, any remaining portion of his speech will be included in the Record as though it had been read.)

(d) Speeches and colloquies of unlimited duration may be conducted on any subject at the end of the day when the Senate has completed its business for the day and prior to adjournment. Senators who wish to make such speeches need not secure an order in advance, but it would be helpful to the leadership on both sides of the aisle to be informed during the day that such speeches or colloquies are going to occur. As indicated above, such a speech may be of any length, whether for five minutes, an hour, or more.

Note: The foregoing practices are not new, but were followed throughout the 92d Congress and contributed to orderly procedure. All Senators were most cooperative in their implementation.

3. Extraneous matter is inserted in the Record by unanimous consent.

4. The rules require that a Senator always address another Senator in the third person, to avoid ascerbity in debate—never addressing a colleague in the second person. Moreover, a Senator's question or remarks toward another Senator should be directed through the Chair; for example, "Mr. President, will the distinguished Senator from Nevada yield?" or "Mr. President, in response to the able Senator from Nevada, . . ."

5. A Senator, while occupying the Floor, should remain standing. Additionally, if a point of order is made, a Senator wishing to retain the Floor may yield to another Senator only for a question.

6. Senators are urged to use their microphones when speaking, so as to enable their colleagues, visitors in the galleries, and mem-

bers of the press to clearly hear and understand what is being said.

### PROGRAM

1. Whip Notices from the offices of the Majority Whips are issued to members of their respective parties as often as is necessary to keep members informed as much as possible with respect to what the program is for the next day or as far in advance as can be predicted; also, to inform members if and when rollcall votes are expected to occur and on what questions.

2. The offices of the Majority and Minority Whips may be called by members or their staffs for information regarding the program; however, the respective Whip Notices will always be as fully comprehensive, as can be stated with assurance, with respect to the schedule. The two party cloakrooms can also be contacted for information as to what is occurring in the Senate.

3. The Majority Whip, at the close of each day when the Senate is in session, states the program for the next day of session. Senators and their staffs will find the statement of such program in the CONGRESSIONAL RECORD, Senate section, just prior to the motion to adjourn. Additionally, an overnight recording can be heard, following adjournment at the end of the day, by dialing extension 58541 (Democrats) and extension 58601 (Republicans).

4. Information concerning Chamber action, committee meetings, and the program can also be gotten from the Daily Digest, which is to be found in Section "D," at the very end of the daily CONGRESSIONAL RECORD.

5. A "hot line" goes to each office, with a phone call notifying members of impending rollcall votes and other urgent matters demanding immediate attention of Senators. This is an automatic contact of all Senators' offices simultaneously by the cloakroom.

### QUORUMS

1. Two bells—and two signal lights on the clock—indicate the call for a quorum. A quorum call may be requested by any member securing recognition and at any time. Purposes for the calling of a quorum are sundry—to get other Senators to the Floor; to mark time while a matter is being privately discussed with another Senator or Senators; to alert other Senators who wish to speak that a speaking Senator has yielded the Floor, etc.

2. When the establishment of a quorum is desired, the Clerk will call the entire roll of Senators and the Chair will then announce, "A quorum is not present." At that point, the quorum becomes "live," three bells will ring (three signal lights on the clock), and no further business, except a motion to adjourn, is in order until a quorum of Senators has been established. Senators are urged to come to the Chamber quickly when a "live" quorum is in process.

### VOTING

1. Votes occur by voice, by division, and by a call of the roll.

2. The maximum time allotted on a rollcall vote is 15 minutes after the bell sounds (a long, single bell—one light on the clock). A warning bell will sound (five rings—five lights on the clock) mid-way—i.e., the seven-and-a-half minute mark. Senate Rule XII prohibits any Senator from voting after the Chair has announced the decision (a Senator may, for sufficient reason, with unanimous consent, change or withdraw his vote after the Chair has announced the vote). CAVEAT: The 15-minute limitation on rollcall votes is sometimes reduced to ten minutes by unanimous consent, in which case Senators' offices are immediately notified via the "hot line."

3. Any Senator may request a rollcall vote on any question, and if the request is seconded by one-fifth of the Senators present, a rollcall vote will occur. Senators are urged to avoid requesting rollcall votes on matters of little consequence, matters where there is unanimity, etc. Again, however, even on such matters, a Senator has the right to request a rollcall. (With 531 rollcall votes occurring during the last session, it is obvious that a great deal of time was consumed, to say nothing of the time that was consumed on quorum calls.)

### ORDER AND DECORUM

1. Senators, and especially the new ones, are asked to preside from time to time. Attention is called to paragraph 6 of Rule XIX, which states, in part, "it shall be the duty of the Chair to enforce order on his own intiative and without any point of order being made by a Senator."

2. Senators are asked to minimize the appearance of staff people on the Floor to the extent possible. A special gallery has been set aside for the use of staff people only, from which they can view the Senate and take notes. Senators are in full view of that gallery and can motion to a staff member to come to the Reception Room, the lobby, or the Floor.

3. Regulations provide for a Senator to have one staff member on the Floor to assist the Senator in handling an amendment or bill, delivering a speech, etc. A Senator may have an additional staff member at such times by asking unanimous consent for the staff member named. When a Senator is not engaged in delivering a speech, managing a bill or an amendment, one staff member is allowed under the regulation to come on the Floor for a brief time—say 15 minutes—to deliver messages, consult with his Senator or another Senator or committee staff person, etc.

A second member of a Senator's staff may visit the lobby (back of the Chair and just off the Senate Floor) for the purpose of taking dictation from the Senator or performing any other service desired by his Senator.

It is requested that a staff person not go on the Floor when his Senator is absent from the Floor except for only a few minutes—as indicated above—to deliver a message, etc. (Here again, the special gallery is available for monitoring procedures.)

4. Under the regulations, Floor privileges are allowed to four staff members of a committee having direct jurisdiction over the measure being debated at the time, these four members to be divided equally between the majority and the minority. While unanimous consent is not required for the presence of the four committee staff members, it is often desirable to secure such consent so as to designate by name the four committee people most wanted. Additional committee staff people can be accorded Floor privilege by unanimous consent, specifically named so as to assist the Sergeant at Arms.

5. Staff people accorded the privilege of the Floor under the foregoing regulations are urged to attend to their business with as little noise and disturbance as possible. Seats are provided in the rear corners of the Chamber for the comfort of such staff members whose attendance is required from time to time. Unnecessary conversation by staff people should be avoided; staff people should not walk in front of Senators who are speaking or go into the well or follow their Senators up and down the aisles; and the telephones in the lobby are for use of Senators only. Telephones for the use of staff are located just off the lobby and adjacent to the Senate Reception Room.

6. The leadership understands that any member is entitled to staff assistance on the Floor when such is needed. The foregoing is mentioned, knowing that all Senators and staffs will cooperate in the future as they did during the 92d Congress. Moreover, the leadership wants to be helpful to Senators and to staffs in any way possible in the fulfillment of their responsibilities and in accordance with the rules and regulations calculated to promote and preserve order and decorum.

7. Demonstrations of approval or disapproval are not permitted in the galleries, and, again, the Chair is urged to enforce order, whether in the galleries or in the Senate Floor, on his own initiative.

Note: The foregoing references to "order and decorum" constitute a restatement of the regulations and practices followed during the 92d Congress, and which contributed to improved order in the Senate.

Footnote: Telephone contacts for Majority and Minority Whip Offices are as follows:

Majority: Extension 52158; 52297 (after hours).

Minority: Extension 52708.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of Senate business today, and just prior to the time entered under the previous order for a colloquy to be under the control of the distinguished Senator from Arkansas (Mr. MCCLELLAN), the distinguished Senator from Minnesota (Mr. HUMPHREY) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ABOUREZK) laid before the Senate the following letters, which were referred as indicated:

### REPORT ON SURPLUS, SALVAGE, AND SCRAP SALES

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on surplus, salvage and scrap sales and from the sale of lumber and timber products, for the fiscal year 1972; to the Committee on Appropriations.

### REPORT ON CONSTRUCTION PROJECT PROPOSED FOR THE AIR FORCE RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on a construction project proposed to be undertaken for the Air Force Reserve; to the Committee on Armed Services.

### REPORT ON CONSTRUCTION PROJECTS FOR THE ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on thirteen additional construction projects proposed to be undertaken for the Army National Guard (with an accompanying paper); to the Committee on Armed Services.

### REPORT ON DESIGN AND CONSTRUCTION SUPERVISION, INSPECTION, AND OVERHEAD COSTS FOR MILITARY CONSTRUCTION PROJECTS

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on design and construction supervision, inspection, and overhead costs (SIOH) for military construction, fiscal year 1972 (with an accompanying paper); to the Committee on Armed Services.

### PROPOSED LEGISLATION

A letter from the Assistant Secretary of the Air Force, Manpower and Reserve Affairs, transmitting a draft of proposed legislation to amend title 10, United States Code, to improve the opportunity of nurses and medical specialists for appointment and promotion in the Regular Army or Regular Air Force, and authorize their retention beyond the mandatory retirement age (with an accompanying paper); to the Committee on Armed Services.

### REPORT OF EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report of that Bank, for the quarter ended September 30, 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

### REPORT ON FINAL VALUATIONS OF PROPERTIES OF CERTAIN CARRIERS

A letter from the Chairman, Interstate Commerce Commission, transmitting, pursuant to law, a report on final valuations of properties of certain carriers (with accompanying papers); to the Committee on Commerce.

### REPORT OF FEDERAL TRADE COMMISSION

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year 1972 (with an accompanying report); to the Committee on Commerce.

### REPORT OF THE RENEGOTIATION REPORT

A letter from the Chairman, The Renegotiation Board, transmitting, pursuant to law, a report of that Board, for the fiscal year ended June 30, 1972 (with an accompanying report); to the Committee on Finance.

### REPORT ON EXTENT AND DISPOSITION OF U.S. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

A letter from the Secretary of State, transmitting, pursuant to law, a report on the extent and disposition of United States contributions to international organizations, for the fiscal year 1971 (with an accompanying report); to the Committee on Foreign Relations.

### LIST OF REPORTS OF GENERAL ACCOUNTING OFFICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports transmitted to the Congress, for the month of December, 1972 (with an accompanying report); to the Committee on Government Operations.

### REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of the Rural Telephone Bank, Department of Agriculture, for the Initial Period October 1, 1971, to June 30, 1972", dated January 8, 1973 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Opportunities to Improve Effectiveness and Reduce Costs of Rental Assistance Housing Program", Department of Housing and Urban Development, dated January 10, 1973 (with an accompanying report); to the Committee on Government Operations.

### PROPOSED LEGISLATION BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

A letter from the Director, Administrative Office of the United States Courts, transmitting draft of two proposed bills (1) to authorize additional judgeships for the United States courts of appeals, and (2) to provide for the appointment of additional district judges, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to provide for the setting aside of convictions in certain cases and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend section 48 of the Bankruptcy Act (11 U.S.C. 76) to increase the maximum compensation allowable to receivers and trustees (with an accompanying paper); to the Committee on the Judiciary.

A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend section 40b of the Bankruptcy Act (11 U.S.C. 68 (b)) to remove the restriction on change of salary of full-time referees (with an accompanying paper); to the Committee on the Judiciary.

A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend the Bankruptcy Act to abolish the referees' salary and expense fund, to provide that fees and charges collected by the clerk of a court of bankruptcy in bankruptcy proceedings be paid in the general fund of the Treasury of the United States, to provide salaries and expenses of referees be paid from the general fund of the Treasury, and to eliminate the statutory criteria presently required to be considered by the Judicial Conference in fixing salaries of full-time referees (with an accompanying paper); to the Commttee on the Judiciary.

### REPORT ON IDENTICAL BIDDING IN ADVERTISED PUBLIC PROCUREMENT

A letter from the Attorney General, transmitting, pursuant to Executive Order 10936, a report on identical bidding in advertised public procurement, for the calendar year 1971 (with an accompanying report); to the Committee on the Judiciary.

### REPORT OF NATIONAL PARKS CENTENNIAL COMMISSION

A letter from the Chairman, National Parks Centennial Commission, transmitting, pursuant to law, a report of that Commission, for the year 1972 (with an accompanying report); to the Committee on the Judiciary.

### REPORT OF NATIONAL COMMISSION ON MARIHUANA AND DRUG ABUSE

A letter from the Chairman, National Commission on Marihuana and Drug Abuse, transmitting, pursuant to law, a report of that Commission (with an accompanying report); to the Committee on the Judiciary.

### REPORT OF THE FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

A letter from the Executive Secretary, Federal Metal and Nonmetallic Mine Safety Board of Review, transmitting, pursuant to law, a report of that Board, for the calendar year 1972 (with an accompanying report); to the Committee on Labor and Public Welfare.

### REPORT ON URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAM

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on the Urban Area Traffic Operations Improvement (TOPICS) Program, from September 30, 1971, to the closeout date of August 31, 1972 (with an accompanying report); to the Committee on Public Works.

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## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ABOUREZK):

A joint resolution of the Legislature of the State of California; to the Committee on Agriculture and Forestry:

"ASSEMBLY JOINT RESOLUTION 37

"Relative to air pollution

"*Resolved by the Assembly and the Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to make funds available for the continuation of research on the effects of air pollution on forest trees, which research is located on the campus of the University of California, Riverside, and conducted under the direction of the Pacific Southwest Forest and Range Experiment Station of the United States Forest Service; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Foreign Relations:

"ASSEMBLY JOINT RESOLUTION 32

"Relative to Genocide Convention of the United Nations

"Whereas, On December 9, 1948, the General Assembly of the United Nations unanimously approved the text of the Convention on the Prevention and Punishment of the Crime of Genocide; and

"Whereas, Seventy-five countries have now ratified the Genocide Convention; and

"Whereas, The United States is the most prominent member of the United Nations that has not ratified the convention; now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Senate of the United States to advise and consent to the ratification of the Genocide Convention; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION 38

"Relative to through traffic at Yosemite National Park

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to direct the National Park Service to develop a system whereby residents of the area adjacent to Yosemite National Park who, for business purposes, need to pass directly through Yosemite National Park over the extension of State Highway 120 to a destination outside of the park may be permitted to enter the park without payment of a fee; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Director of the National Park Service, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION 43

"Relative to Veterans Day

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation restoring November 11th as Veterans Day, rather than the fourth Monday in October; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"Assembly Joint Resolution 41

"Relative to the skill centers operated by the Los Angeles Unified School District

"Whereas, The national unemployment figure in October of 1972 was 5.6 percent of the population, and over one-half of these unemployed are from minority, racial, or ethnic groups; and

"Whereas, Throughout the country skill centers are established and funded pursuant to the Federal Manpower Development and Training Act, and such centers are located in densely populated urban areas, easily accessible to the disadvantaged and minority groups; and

"Whereas, Skill centers make employable, and thereby up lift, the life style of people in that portion of our population which is largely unaffected by traditional educational institutions; and

"Whereas, In addition, skill centers give substance to the concepts of equal educational opportunities and fair employment practices, by providing specific and constructive approaches to special problems of unemployment within our multiethnic society, thereby replacing divisiveness and antagonism with creative community action which brings America closer to its full potential as a nation; and

"Whereas, It therefore is in the best interest of the people of California and of the United States to heartily endorse and support the continued funding of Manpower Development and Training Act skill center programs throughout the nation at a level commensurate to the reduction of unemployment and underemployment at a rate which will close the income gap between the poor and the average income groups; and

"Whereas, The skill centers operated by the Los Angeles Unified School District, which are located in the heart of the heaviest concentration of unemployed adults in Los Angeles County, are a prime example of Manpower Development and Training Act skill centers which fulfill the critical needs of job training in an underdeveloped area, and promotion of better education for minorities; and

"Whereas, Due to recent Federal Manpower Development and Training Act budget cuts, the skill centers operated by the Los Angeles Unified School District are now faced with a substantial corresponding reduction in employment services and training slots; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take action to restore funding of the skill centers operated by the Los Angeles Unified School District at a minimum to their level prior to the latest reductions in federal funds; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Resolutions of the Massachusetts State Senate; to the Committee on Rules and Administration:

"Resolutions Memorializing Congress to Amend the Selection Process for Vice-President of the United States

"Whereas, At present the voters of the United States have no effective manner of choosing candidates for the office of Vice-President of the United States; and

"Whereas, Candidates for each major political party for the office of President of the United States, nominated at their respective national conventions, choose their running mate without regard to the preferences of those voters enrolled as members in that political party; and

"Whereas, The office of Vice-President of the United States is too important to leave the selection of the candidate to one man; now, therefore, be it

"Resolved, That the Massachusetts Senate hereby urges the Congress of the United States to take whatever steps are necessary to amend and reform the present selection process of political parties for candidates for the office of Vice-President of the United States; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the presiding officer of each branch of the Congress and to each member thereof from the Commonwealth of Massachusetts."

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on the Judiciary:

"Assembly Joint Resolution 2

"Enrolled joint resolution ratifying an amendment to the U.S. Constitution relating to equal rights for women

"Whereas, both houses of the ninety-second Congress of the United States of America, at the second session, by a constitutional majority of two-thirds, made the following proposition to amend the Constitution of the United States of America in the following words:

"'H.J. Res. 208

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"'"Article —

"'"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"'"Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"'"Sec. 3. This amendment shall take effect 2 years after the date of ratification."'; and

"Whereas, the people of the sovereign state of Wisconsin, represented in senate and assembly, have studied said proposed addition to the constitution of the United States and have reached a consensus that the federal government be permitted thus to alter the Constitution of the United States; now, therefore, be it

"*Resolved by the assembly, the senate concurring,* That said proposed amendment to the Constitution of the United States of America is hereby ratified by the legislature of the State of Wisconsin; and, be it further

"*Resolved,* That copies of this joint resolution, certified by the Secretary of State, be forwarded by the Governor to the General Services Administration of the government of the United States, in Washington, D.C., and to the presiding officer of each house of the Congress of the United States."

A resolution adopted by the Board of Supervisors, County of Sacramento, Calif., relating to the emergency provisions of the Federal Aviation Regulations; to the Committee on Commerce.

Two resolutions adopted by the new York State Council, Junior Order United American Mechanics, Floral Park, N.Y., relating to the Vietnam war, and the United States, China and Russia; to the Committee on Foreign Relations.

A resolution adopted by the Centre County Democratic Committee, Bellefonte, Pa., relating to the cut-off of funds to prosecute the war in Southeast Asia; to the Committee on Foreign Relations.

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. LONG, from the Committee on Finance:

William E. Simon, of New Jersey, to be Deputy Secretary of the Treasury; and

Edward L. Morgan, of Arizona, to be an Assistant Secretary of the Treasury.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GRIFFIN:

S. 337. A bill for the relief of Richard S. Traylor;

S. 338. A bill for the relief of John S. Traylor; and

S. 339. A bill for the relief of Stefanie Miglierini. Referred to the Committee on the Judiciary.

By Mr. TOWER (for himself and Mr. Pell):

S. 340. A bill to establish a commission to study the usage, customs, and laws relating to the flag of the United States. Referred to the Committee on the Judiciary.

By Mr. DOLE:

S. 341. A bill to provide for the establishment of the National Information and Resource Center for the Handicapped. Referred to the Committee on Labor and Public Welfare.

By Mr. HRUSKA:

S. 342. A bill for the relief of Antonino Costanzo. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD:

S. 343. A bill to designate the Tuesday next after the first Monday in October as the day for Federal elections. Referred to the Committee on Rules and Administration.

By Mr. FANNIN:

S. 344. A bill to require mandatory imposition of the death penalty for individuals convicted of certain crimes. Referred to the Committee on the Judiciary.

By Mr. McGEE:

S. 345. A bill for the relief of Nedja Budisavljvich;

S. 346. A bill for the relief of Miss Teruko Sasaki;

S. 347. A bill for the relief of Reva J. Cullen; and

S. 348. A bill for the relief of Lester L. Stiteler. Referred to the Committee on the Judiciary.

S. 349. A bill to amend chapter 89 of title 5, United States Code, to provide improved health benefits for Federal employees;

S. 350. A bill to amend title 5, United States Code, relating to the permissible activity of governmental employees in political elections, and for other purposes;

S. 351. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; and

S. 352. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service. Referred to the Committee on Post Office and Civil Service.

By Mr. ROBERT C. BYRD (for Mr. Hughes):

S. 353. A bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria. Referred to the Committee on Armed Services.

By Mr. MAGNUSON (for himself, Mr. Hart, Mr. Moss, Mr. Stevens, and Mr. Stevenson):

S. 354. A bill to establish a nationwide system of adequate and uniform motor vehicle accident reparation acts and to require no-fault motor vehicle insurance as a condition precedent to using a motor vehicle on public roadways in order to promote and regulate interstate commerce. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself, Mr. Mondale, and Mr. Nelson):

S. 355. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. Moss):

S. 356. A bill to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself, Mr. Baker, Mr. Hart, Mr. Hartke, Mr. Hollings, Mr. Jackson, Mr. Moss, and Mr. Tunney):

S. 357. A bill to promote commerce and amend the Federal Power Act to establish a Federal Power Research and Development program to increase efficiencies of electric energy production and utilization, reduce environmental impacts, develop new sources of clean energy and for other purposes. Referred to the Committee on Commerce.

By Mr. BIBLE:

S. 358. A bill for the relief of Jafar Shoja. Referred to the Committee on the Judiciary.

By Mr. McCLURE (for himself and Mr. Helms):

S. 359. A bill to permit American citizens to hold gold. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SCOTT of Virginia:

S. 360. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. McGOVERN (for himself, Mr. Abourezk, Mr. Clark, Mr. Gravel, Mr. Hathaway, Mr. Kennedy, Mr. Moss, and Mr. Randolph):

S. 361. A bill to provide housing and community development for persons in rural areas of the United States on an emergency basis. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HARTKE:

S. 362. A bill to provide for the compensation of persons injured by criminal acts. Referred to the Committee on the Judiciary.

By Mr. CANNON (for himself and Mr. Bible):

S. 363. A bill to provide for the construction of a Veterans' Administration Hospital in the State of Nevada. Referred to the Committee on Veterans' Affairs.

By Mr. CANNON (for himself and Mr. Bible):

S. 364. A bill to provide for the establishment of a national cemetery in the State of Nevada. Referred to the Committee on Veterans' Affairs.

By Mr. NELSON:

S. 365. A bill to provide for a study and investigation to assess the extent of the damage done to the environment of South Vietnam, Laos, and Cambodia as the result of the operations of the Armed Forces of the United States in such countries. Referred to the Committee on Foreign Relations.

By Mr. CANNON:

S. 366. A bill to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States. Referred to the Committee on Rules and Administration.

By Mr. TOWER:

S.J. Res. 17. A joint resolution to authorize and request the President of the United States to issue a proclamation designating October 14, 1973, as "German Day." Referred to the Committee on the Judiciary.

By Mr. JAVITS (for himself and Mr. Ribicoff):

S.J. Res. 18. A joint resolution to authorize and request the President to proclaim April 29, 1973 as a day of observance of the 30th anniversary of the Warsaw Ghetto Uprising. Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER (for himself and Mr. Pell):

S. 340. A bill to establish a commission to study the usage, customs, and laws relating to the flag of the United States. Referred to the Committee on the Judiciary.

Mr. TOWER. Mr. President, I am pleased to reintroduce a bill which my distinguished colleague from the State of Rhode Island (Mr. Pell) and I have consistently sponsored for a number of years. It is a measure which provides for the establishment of a commission to study the usage, customs, and laws relating to the flag of the United States.

As we approach our Nations' bicentennial celebration and make preparation for that great event, I feel this matter becomes increasingly important.

Over the years, confusion over the appropriate means of displaying our flag has reached a point of bewilderment. All branches of the armed services have developed their own codes which differ considerably from one another. Some codes prohibit display of the flag at night, while others allow this with special lighting arrangements. Some codes prohibit display of the Flag in inclement weather, while others provide for the use of special all-weather flags. There is even confusion over the appropriate place of honor for the flag when it is flown together with others.

The Senator from Rhode Island and I feel the time has come to establish a uniform code of flag conduct. Stated simply, our bill would provide for the establishment of a U.S. Flag Commission made up of representatives of the Congress, the executive branch, and certain lay members with particular expertise in this matter to be appointed by the President. This Commission would be authorized to review the entire matter of a U.S. flag code and to present to the Congress its report which would recommend more specific legislation designed to correct the confusion in this regard.

Mr. President, I urge my colleagues on the Judiciary Committee to act expeditiously on this measure so that we may proceed to develop a viable flag code for the United States.

Mr. President, I further request unanimous consent that the full text of this measure be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 340

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby established a commission to be known as the United States Flag Commission (hereafter referred to as the "Commission"). The Commission shall make a complete study of the usage, customs, and laws relating to the use and display of the Flag of the United States.

Sec. 2. (a) The Commission shall be composed of ten members, appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) two Members of the Senate from different political parties;

(2) two Members of the House of Representatives from different political parties;

(3) one member from the Department of Defense; and

(4) five members from private life who have a special interest in or knowledge of the flag of the United States.

(b) The President shall designate one of the members to serve as Chairman and one of the members to serve as Vice Chairman.

(c) Any vacancy in the Commission shall not affect its powers, and six members of the Commission shall constitute a quorum.

(d) Each member of the Commission who is appointed from private life shall receive $125 for each day (including traveltime) during which he is engaged in the actual performance of his duties as a member of the Commission. A member of the Commission who is otherwise serving as an officer or employee of the Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

Sec. 3. (a) The Commission is authorized to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act. Such appointment shall be without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such compensation shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Commission is authorized to obtain services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

Sec. 4. (a) In carrying out the provisions of this Act, the Commission is authorized and directed to consult and cooperate with, and seek advice and assistance from, appropriate departments and agencies of the United States Government, State and local public bodies, learned societies, and historical, patriotic, civic, philanthropic, and related organizations. Such departments and agencies are authorized and requested to cooperate with the Commission in providing facilities, services, supplies, advice, and information that the Commission determines to be necessary to carry out the provisions of this Act.

(b) The Commission is authorized to accept donations of money, property, or personal services.

SEC. 5. Within one year after the date of enactment of this Act the Commission shall submit a comprehensive report of its study and activities to the President and the Congress. The report shall include specific recommendations of the Commission regarding changes in existing usage, customs, and laws relating to the flag of the United States.

SEC. 6. The Commission shall cease to exist thirty days after submission of its report.

SEC. 7. There is hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

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By Mr. DOLE:

S. 341. A bill to provide for the establishment of the National Information and Resource Center for the Handicapped. Referred to the Committee on Labor and Public Welfare.

### THE NATIONAL INFORMATION AND RESOURCE CENTER FOR THE HANDICAPPED ACT

Mr. DOLE. Mr. President, for the past several years I have supported the establishment of a National Information and Resource Center for the Handicapped. I first proposed the establishment of such a Center in legislation introduced during the 91st Congress which passed the Senate but not the House. I introduced the same bill in the 92d Congress and the proposal was included in the Vocational Rehabilitation Act of 1972 which was ultimately vetoed. Yet, in spite of these past unsuccessful efforts, the need for a central office to coordinate all the efforts and accomplishments of the various agencies and organizations dealing with the handicapped is generally recognized. Strong support for a National Information and Resource Center has been expressed in testimony before the House and Senate committees by not only Members of Congress but also individuals and major organizations involved with the handicapped across the country. In view of this support, I am again today introducing the National Information and Resource Center for the Handicapped Act, and hope prompt action will be taken to authorize establishment of this Center which will provide numerous benefits to handicapped Americans.

On many occasions I have commented on the severe difficulties and unique problems confronted by this Nation's handicapped citizens. A significant and common problem of the handicapped is access to information on proven solutions to problems common to the disabled. There is an abundance of information which can help handicapped people; however, it is scattered among a vast number of groups and organizations who deal with these problems. If the information and knowledge of these various groups could be coordinated into a central source easily accessible to the handicapped, the knowledge and accomplishments of these various organizations could be applied across the country in dealing with the common problems of the disabled. The intent of the bill I am reintroducing is to insure the coordination of information needed to solve the problems of handicapped so that it is easily accessible to handicapped Americans across the country.

The handicapped comprise a large minority group in our Nation. Members of this group—men, women, and children who cannot achieve full physical, mental, and social potential because of disability, must face the daily challenge of accepting and working with his disability in order to become as useful, active, secure, independent, and as dignified as his ability allows. It is incumbent on us as Americans to assist them in meeting this challenge.

The handicapped need assistance to resolve their endless task of searching, calling, and waiting for information from vast numbers of sources. The information center I am proposing can help alleviate the frustrations and lack of progress previously recorded in this area. A central office which has a summation of all the innovations and developments which have proven effective in working with the disabled would be an invaluable tool for all handicapped and those working with them.

I would like to discuss in greater detail four specific problem areas of the handicapped and outline how the proposed information center could assist in these areas. These problem areas—employment, health care, rehabilitation, education, transportation, recreation, architecture, and housing are of fundamental importance because they are a concern of nearly every handicapped individual during every day of his life.

The inaccessability and high cost of transportation for the handicapped has disrupted what could have been a much more normal life for numerous handicapped individuals. To help solve this problem I have introduced legislation to provide cash reimbursements for disabled workers who incur extraordinary transportation cost in order to obtain employment. In addition, funds are currently available through various private and governmental channels to help cover inordinate transportation costs. The information center I propose would coordinate all of the successful experiments in providing transportation for the handicapped and allow all areas of the country to benefit from the successful experiments and programs currently existing in particular areas. The economic problems of being handicapped can often be prohibitive. The cost of prosthetic devices, medical care, and rehabilitation are often exorbitant. Every effort should be expended to insure that the additional cost of transportation does not force the individual into a life of dependency when a meaningful and productive existence through employment is within the realm of possibilities.

Medical research and technology have made great strides forward in the area of care and treatment for the handicapped. Certain institutes and facilities have established tremendous expertise in specialized areas. These institutions by coordinating and sharing their achievements could benefit greatly from each others accomplishments. In addition, a central source listing the areas of specialization of each institution would be extremely beneficial to those who are seeking treatment for special problems. Thus, the information center would provide a meaningful service by coordinating the various research efforts and informing those concerned of the institutions which are especially qualified to deal with their particular problem.

Due to advances in medical and rehabilitative treatment, fewer handicapped individuals are housebound. With this development has arisen an awareness of the numerous public and private architectural restrictions which confront the handicapped in the course of their daily lives. The lack of handrails, the absence of entrances to buildings which do not necessitate the negotiation of a flight of stairs, and the lack of or inappropriate size of elevators all present tremendous problems for the handicapped. The information center could help alleviate this problem by making available particular architectural designs or plans for buildings which have proven to be not only practical and efficient, but also accessable to the handicapped. In addition, the handicapped would be able to obtain a listing of schools and other institutions which have already designed their facilities and programs to meet the needs of the handicapped.

Employment of the handicapped would also be assisted by the establishment of an information center. Many private organizations have come to realize the tremendous resources available within the handicapped population. The handicapped have proven themselves to be industrious and dedicated to their work. Plans have been developed by private concerns where the skills and abilities of the handicapped can be effectively utilized in business. These plans and programs should be shared throughout industry so that the job market could be expanded. In addition, those handicapped who were capable of and interested in a particular type of employment could place their names in a pool available to potential employers of the handicapped. It is easy to see that the capabilities of the information center in dealing with the employment problems of the disabled are almost unlimited.

While our attention is focused on the establishment of programs for the handicapped we must insure that our efforts do not forego the established framework of available resources for our handicapped. It is the design of this bill to establish a framework under which all the knowledge and information regarding services for the handicapped can be readily available and easily dispensed. We know how to help restore the lives of many disabled. The challenge now is to make the best utilization of this knowledge.

The National Information and Resource Center for the Handicapped Act will provide a central point of contact not only for the handicapped themselves, but also for families of the handicapped, individual citizens, private and professional organizations, and city and State officials who desire information and direction.

The center will face a great void and will be an answer to a specific and well-defined need at a reasonable cost. A small staff, the first of its kind, will be available to direct inquiries to specialized contacts—individuals, organizations, universities, and agencies which have special knowledge concerning any problem.

The handicapped Americans will benefit immediately from the center's services. However, the nonhandicapped will be the ultimate beneficiaries through increased contribution, personal fulfillment, and the well-being of the handicapped.

I urge my colleagues to support the establishment of this center which can do so much to promote meaningful and productive lives for the handicapped.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 341

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) there is hereby established, within the Department of Health, Education, and Welfare, a National Information and Resource Center for the Handicapped (hereinafter referred to as the "Center").

(b) The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions under this act.

SEC. 2. (a) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops, or technical consultation) information and data related to the particular problems caused by handicapping conditions, including information describing measures which are or may be employed for meeting or overcoming such problems, with a view to assisting individuals who are handicapped, and organizations and persons interested in the welfare of the handicapped, in meeting problems which are peculiar to, or are made more difficult for, individuals who are handicapped.

(b) The information and data with respect to which the Center shall carry out its duties and functions under subsection (a) shall include (but not be limited to) information and data with respect to the following—

(1) medical and rehabilitation facilities and services;

(2) day care and other programs for young children;

(3) education;

(4) vocational training;

(5) employment;

(6) transportation;

(7) architecture and housing (including household appliances and equipment);

(8) recreation; and

(9) public or private programs established for, or which may be used in, solving problems of the handicapped.

SEC. 3. (a) The Secretary of Health, Education, and Welfare shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

(b) Each other department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

(c) The Secretary of Health, Education, and Welfare shall to the maximum extent feasible enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

SEC. 4. There are authorized to be appropriated $300,000 for this fiscal year ending June 30, 1973, and $300,000 for the fiscal year ending June 30, 1974.

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By Mr. ROBERT C. BYRD:

S. 343. A bill to designate the Tuesday next after the first Monday in October as the day for Federal elections. Referred to the Committee on Rules and Administration.

### ELECTIONS SHOULD BE MOVED FORWARD

Mr. ROBERT C. BYRD. Mr. President, I am today introducing a bill that would move the elections for Federal offices ahead by 1 month, to the first Tuesday after the first Monday in October.

I believe that the bill would reduce the lengthy campaign period, curtail the exorbitant costs of campaigning, provide a longer period after election day for resolving election disputes, and avoid, in some areas of the country, the severe winter weather that contributions to keeping citizens away from the polls.

The most recent election clearly showed that a bill of this nature is needed. Less than 55 percent of the eligible voters cast ballots, which represented the smallest turnout since the 1948 election.

I think the length of the campaign was largely responsible for this small turnout. By the time election day arrived, I believe that many citizens had already had their fill of politics, and their interest had waned to the point that millions of Americans simply stayed home.

And there is no doubt that longer campaigns demand more money. Some early estimates indicate that as much as $400 million was spent on the November elections; and authorities claim that it now takes $40 million to elect a President, more than $200,000 to elect a Senator, and about $100,000 to elect a Representative.

The 92d Congress took a giant step toward cutting campaign costs by passing the Federal Election Campaign Act of 1971, and I feel that my bill to move Federal elections ahead by 1 month would further help to roll back the tide of rising campaign costs.

The language of the United States Constitution—which is quoted below—clearly empowers Congress to prescribe the date for holding elections for President, Vice President, U.S. Senators, and Representatives and there are no restrictions set in the Constitution on the date which Congress, in its judgment, may set for national elections. There is therefore no constitutional reason why Congress may not legislate to change the date for holding national elections from November to October.

The language of the Constitution and Federal statutes with respect to the date on which elections for Federal offices are to be held is as follows:

### UNITED STATES CONSTITUTIONAL PROVISIONS

#### *President and Vice President*

Article II, Section 1, Clause 4:

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

#### *Senators and Representatives*

Article I, Section 4, Clause 1:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Place of chusing Senators.

### STATUTORY PROVISIONS

Pursuant to the constitutional authority quoted above, Congress has enacted legislation setting the day of election for Federal officials. The current provisions are as follows:

#### *President and Vice President*

3 United States Code, Section 1, Time of Appointing Electors

The Electors of the President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President.

#### *President and Vice President*

3 United States Code, Section 7. Meeting and Vote of Electors

The electors of President and Vice President of each State shall meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State as the legislature of such State shall direct.

#### *Senators*

2 United States Code, Section 1. Time for Election of Senators

At the regular election held in any State next preceeding the expiration of the term for which any Senator was elected to represent such State in Congress, at which election a Representative to Congress is regularly by law to be chosen, a United States Senator from said State shall be elected by the people thereof for the term commencing on the 3d day of January next thereafter.

#### *Representatives*

2 United States Code, Section 7. Time of Election

The Tuesday after the 1st Monday in November, in every even numbered year, is established as the day for the election, in each of the States, of representatives to the Congress commencing on the 3d day of January next thereafter. This section shall not apply to any State that has not yet changed its day of election, and whose constitution must be amended in order to effect a change on the day of election of State officers in said State.

The historical reasons for picking November as the month in which to hold national elections are as follows:

Congress, by Act of March 1, 1972, 1 Stat. 239, provided that "electors shall be appointed in each state for the election of a President and Vice President of the United States, within thirty-four days preceding the first Wednesday in December, . . . in every fourth year succeeding the last election. . . ."

In the early days the legislatures of most of the States chose presidential electors and the exact date on which the electors of the States were chosen was not important. After the election of 1824, nearly all the States that had not already done so gave up the old method of choosing Presidential electors by the legislature. With few exceptions, the Presidential electors have since been chosen by popular vote in all States.

As explained by George Stimpson in "A Book About American Politics":

Before 1845 there was no national election day and each State fixed its own date for "appointment" of Presidential electors within thirty-four days of the meeting of the electors. All the States chose their electors in November, but the States varied. New York held her election for electors on the first Tuesday after the first Monday; New Jersey, on the first Tuesday and the day following. In two States the second Monday was election day; in fourteen, the first Monday; in two, the second Tuesday, and in two, the Friday nearest the first of November.

This lack of uniformity led to abuses. The results in one State were used to influence those in other States. In contiguous States "repeating" was easy and common. By traveling from State to State one person could vote for Presidential electors several times. This practice led to what were known as the "pipe-laying scandles" of 1840 and 1844, when both the Democrats and Whigs were accused of sending gangs of voters across State lines. The frequency of such election frauds created a popular demand for a uniform national election day. (Pages 29–30). See also discussion, 28 Congress, 1st Session. 1844, Globe 350.

In 1845, Congress enacted the act of January 23, 1845, 5 Stat. 721 which established a uniform time for holding elections for electors by providing that such electors are to be appointed "in each State on the Tuesday next after the first Monday in the month of November of the year in which they are to be appointed."

The law, Act of June 25, 1948, 62 Stat. 673, 3 United States Code section 7, now requires the electors to meet on the first Monday after the second Wednesday in December. In fixing a uniform election day Congress has tried to make the election day approximately 30 days before the date the electors would meet to elect the President.

WHY WAS THE FIRST TUESDAY IN NOVEMBER CHOSEN AS ELECTION DAY?

Public sentiment was opposed to holding elections on a Sunday or traveling to the polls on that day. Therefore it was desirable to have at least 1 day intervening between Sunday and election day.

The first Tuesday was eliminated because it might fall on the first day of the month and inconvenience businessmen.

The second Tuesday of the month was eliminated because it might fall on the 14th which would leave only 22 days between election day and the meeting of the Presidential electors.

The first Tuesday after the first Monday in November would always place election day in November about 30 days before the meeting of electors—originally on the first Monday in December and now on the first Monday after the second Wednesday in December.

It is interesting to note in connection with the legislative history of the 1845 act, 5 Stat. 721, that the bill as first introduced by Mr. Duncan in 1844, 28th Congress, first session, contained a provision to set a uniform date not only for holding elections for presidential electors, but for Members of the House of Representatives as well—1844, Globe 167. However, the House Committee of Elections limited the bill to electors only—Globe 350. The bill passed the House May 18, 1844—Globe 602. In the second session of the 28th Congress, Mr. Duncan again introduced a bill which he said was identical to the one passed by the House in the first session, but others felt that the bill, although the same in substance, differed in details and should be referred to the Judiciary Committee, and there was debate whether the new bill should be referred to the Committee of the Whole or to the Judiciary Committee, 1845, Globe 9. A motion was carried to send it to the Committee of the Whole—15 Globe 10. There was debate on whether the uniform day should be the first Tuesday in November rather than the first Tuesday after the first Monday—15 Globe 14—and also on whether the uniform date should not be in October rather than in November—15 Globe 21. The latter proposal was objected to because it would necessitate an amendment to the existing law requiring the electoral colleges to meet within 34 days after the election since the practice in all the States was to have the electoral colleges meet within 34 days of early November—1945 Globe 21. A motion was also made to substitute the first Monday in December as the uniform date—Globe 28.

Among the objections to a December date was the fact that the weather was generally cold and inclement in December in most States and this would discourage voter participation—Globe 29; also, this places the time too close to the time the electors meet to vote—Globe 29. The bill was passed by the House on December 13, 1844—Globe 31. The bill then was referred to the Senate Judiciary Committee—Globe 38.

During the debate on the bill in the Senate a motion was made to set the uniform date as the first Tuesday in November as a convenience to the States which held their general assemblies in the latter part of October—Globe 143. The Senate committee had amended the bill to read the second Tuesday after the first Monday in November, but the Senate agreed on the "Tuesday next after the first Monday in November"—Globe 143. Since the Senate-passed bill slightly changed the language of the House-passed bill, to correct an error it went back to the House and was passed in the Senate-approved form on January 17, 1845—Globe 149.

Congress by act of February 2, 1872, 17 Stat. 28, Sec. 3 provided:

> That the Tuesday next after the first Monday in November, in the year eighteen hundred and seventy-six, is hereby fixed and established as the day, in each of the States and Territories of the United States, for the election of Representatives and Delegates of the forty-fifth Congress; and the Tuesday next after the first Monday in November, in every second year thereafter, is hereby fixed and established as the day for the election, in each of the said States and Territories, of Representatives and Delegates to the Congress commencing on the fourth day of March next thereafter.

By act of March 3, 1875, ch 130, § 6, 18 Stat. 400, this provision was slightly modified to provide that the "time for holding elections for Representatives to Congress is hereby modified so as not to apply to any State that has not yet changed its day of election, and whose constitution must be amended in order to effect a change in the day of election of State officers in said State." In 1934, the provision was again slightly modified to substitute "3d day of January" for "fourth day of March". 48 Stat. 879.

On March 20, 1871, Mr. Cook introduced H.R. 243 to apportion the House of Representatives—1871 Globe 177. As originally introduced, the bill confined itself to reapportioning the House of Representatives. An amendment offered from the floor of the House by Mr. Butler provided that Representatives to Congress be elected on the first Tuesday after the first Monday in November each alternate year after the election of the President—1871 Globe 115. This was objected to as requiring the amendment of some State constitutions—1871 Globe 116–117. The amendment was adopted by the House on December 14, 1871—Globe p. 137—and the bill passed the House December 15—Globe p. 146.

The bill was passed by the Senate—Globe, p. 712—and the House concurred to the Senate version—Globe, pp. 713 and 777.

Thus, it was for practical considerations that November was selected as the month in which national elections were to be held and not for other reasons. And it is for practical reasons that I am offering my bill to move the election date ahead by 1 month.

The life style of the American people has changed, and so has the method of campaigning. There was a time when a candidate needed several months to make contact with the voters, but that time has passed. It passed with the advent of television.

In this day of instant communications, it is no longer necessary to visit every courthouse in every county seat; and, in this day of rising costs, it is no longer possible to run a financially sound campaign for several months.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill is as follows:

S. 343

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 25 of the Revised Statutes, as amended (2 U.S.C. 7), is amended to read as follows:

"Sec. 25. The Tuesday next after the first Monday in October of every even numbered year is established as the day for the election of Representatives to the Congress commencing on the third day of January next thereafter. This section shall not apply to any State that has not changed its day of election of State officers, and whose constitution must be amended in order to effect a change in the day of the election of State officers in that State.".

(b) The text of section 1 of title 3, United States Code, is amended to read as follows:

"The electors of the President and Vice President shall be appointed, in each State on the Tuesday next after the first Monday in October in every fourth year succeeding every election of a President and Vice President.".

By Mr. FANNIN:

S. 344. A bill to require mandatory imposition of the death penalty for individuals convicted of certain crimes. Referred to the Committee on the Judiciary.

Mr. FANNIN. Mr. President, today I am introducing a bill which would require justifiably severe punishment for persons who commit certain brutal crimes.

My bill would impose the death penalty on anyone convicted of:

First. Assassination of a President, Vice President or State Governor.

Second. Murder of a judge, policeman or fireman.

Third. Murder committed by a person already serving a life prison term.

Fourth. Aircraft piracy if loss of life occurs as a consequence.

Furthermore, the bill would make life imprisonment the mandatory minimum sentence for aircraft piracy.

This is essentially the same bill I introduced last August. After reviewing the statistics for 1972, I am more convinced than ever that we need legislation to make it clear that when these crimes are committed the punishment will be certain and the penalty severe.

Despite the many precautions instituted by airlines and law enforcement officials, there were 35 air hijackings during the past year.

In many instances these hijackings put the lives of tens or even hundreds of innocent persons in jeopardy.

In the first 11 months of 1972, a total of 96 police officers were killed in the line of duty.

And we all are painfully aware of the assassination attempt on Governor Wallace.

Now, with 1973 barely underway, we have experienced the tragedy in New Orleans.

It is not my contention that reinstitution of the death penalty will be a panacea. It would not put a certain end to assassination attempts, air piracy or assaults on police, judges, firemen or prison guards. I do believe, however, that the death penalty is a real deterrent, that it would cut down on the number of these crimes. The death penalty can be a deterrent.

I was most pleased to learn last week that the administration expects to ask Congress to reinstate the death penalty for certain brutal and premeditated crimes, including assassination, hijacking an airplane or killing a prison guard.

Attorney General Kleindienst was reported as saying:

> I do think there are some areas of possible criminal activity where the death penalty can be a deterrent—that is usually the kind of criminal activity that is of such a cold-blooded, premeditated, thought-out type—a kidnapping, an assassination, a bombing of a public building, a skyjacking, the killing of a prison guard.

My bill does not include kidnapping or the bombing of public buildings, but these are heinous crimes which might well be considered for mandatory capital punishment.

The Supreme Court, in its decision virtually eliminating the death penalty in the United States, indicated that it was unconstitutional, because capital punishment has been unevenly administered. My bill should satisfy the Court, because it provides for even administration of justice.

Mr. President, I send this bill to the desk and ask that it be referred to the appropriate committee.

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By Mr. ROBERT C. BYRD (for Mr. HUGHES):

S. 353. A bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria. Referred to the Committee on Armed Services.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished senior Senator from Iowa (Mr. HUGHES), I introduce a bill, and I ask unanimous consent that a statement prepared by him in connection with the bill be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### STATEMENT BY SENATOR HUGHES

Today, I am introducing legislation which will end one of the inequities for American women who serve their country in the military services.

Specifically, the bill will allow women in military service to claim their husbands as dependents under the same conditions which now apply to our men in uniform.

Current law and Department of Defense regulations require women members of the military to prove greater actual dependency of their husbands before the maximum financial benefits are available—a requirement which is grossly discriminatory toward women.

This legislation would provide the husband of a woman in military service the same rights, benefits and privileges which are now available to the wife of any man in the service.

Equal pay for housing is included. This provision will make it easier for married women in service to live off base with their husbands.

Inequities in medical and dental benefits would be ended. These benefits are available today to the wives and children of servicemen but, under the existing law, most husbands of women military personnel do not qualify.

Present budget requirements of the Department of Defense would not be increased since, in numbers, women constitute a very small part of our total military personnel.

I do not see how we can hope to achieve equality of opportunity for women if official policy of the federal government continues to deny equal benefits to women in the military. Their dedication is equal and their benefits should be equal to those of our men in uniform. It is not acceptable that we welcome women into military service along with men, and then impose on the women different—and lesser—standards for payment of benefits.

Women are able, competent members of of the nation's armed forces. They come into military life with every kind of background in education and for many of them it is an opportunity for further education and a career.

I understand that among the married members, many of their husbands are servicemen, who will become veterans and attend college or a university. The benefits for dependents which are available to the wives of servicemen should be equally available to the husbands of servicewomen.

This legislation is identical to a bill which was approved by the Senate during the closing days of the 92nd Congress. I am hopeful it will receive the early attention of the Senate.

By Mr. MAGNUSON (for himself, Mr. HART, Mr. MOSS, Mr. STEVENS, and Mr. STEVENSON):

S. 354. A bill to establish a nationwide system of adequate and uniform motor vehicle accident reparation acts and to require no-fault motor vehicle insurance as a condition precedent to using a motor vehicle on public roadways in order to promote and regulate interstate commerce. Referred to the Committee on Commerce.

### NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE ACT

Mr. MAGNUSON. Mr. President, on behalf of myself and Mr. HART, Mr. MOSS, Mr. STEVENS, and Mr. STEVENSON, I introduce for appropriate reference the National No-Fault Motor Vehicle Insurance Act, a bill to establish a nationwide system of adequate and uniform motor vehicle accident reparation acts and to require no-fault motor vehicle insurance as a condition precedent to using a motor vehicle on public roadways in order to promote and regulate interstate commerce. I ask unanimous consent that the text of the bill be printed in the RECORD following the introductory remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

### DESCRIPTION OF BILL

Mr. MAGNUSON. Mr. President, the content of the new bill for the most part resembles the National No-Fault Motor Vehicle Insurance Act (S. 945) as reported by the Committee on Commerce in the 92d Congress. Several amendments which had been prepared for introduction and consideration by the full Senate have also been incorporated in the new bill. While the new bill resembles S. 945 in content, the language is substantially different. The new bill has incorporated the terminology and many of the provisions of the Uniform Motor Vehicle Accident Reparations Act—UMVARA—which was promulgated by the National Conference of Commissioners on Uniform State Laws in August 1972. This approach was adopted to effect technical improvements in the bill and to achieve uniformity in terminology between the Federal bill and yet-to-be-enacted State no-fault programs.

The bill would create an automobile insurance system which would pay the basic economic loss of persons injured in automobile accidents whether or not they were "at fault." While extending this right to recover to all persons, the bill would simultaneously restrict the right to sue in tort.

The bill would create this new system of automobile insurance by requiring each State to enact a no-fault motor vehicle insurance plan meeting certain specified national requirements; other details of the plan would be left for State determination. At a minimum, a State meeting national standards would have to enact a no-fault plan which required the payment of basic benefits up to at least the following levels:

First, all reasonable medical and rehabilitative expenses;

Second, reimbursement for work loss at an approximate monthly rate of $1,000 up to a total limit of $50,000—unless for cost reasons the State insurance commissioner adjusted that ceiling downward but not below $25,000; and

Third, all replacement services loss, survivor's loss, and survivor's replacement services loss subject to reasonable limits established by the State.

Lawsuits to recover economic loss would not be permitted unless the economic loss exceeded total basic benefit limits. Lawsuits for noneconomic detriment—pain and suffering—would not be permitted unless a person died or sustained serious permanent disfigurement, significant permanent injury, or more than 6 months of total disability—that is, inability to work.

In order for a State plan to meet national standards, it must incorporate provisions making the basic compulsory insurance available to all persons who own motor vehicles. Severe limitations on cancellation and notice protection for nonrenewal must be provided.

If a State does not enact a plan which meets or exceeds the requirements in the bill, an alternative no-fault plan takes effect in the State until it adopts a plan meeting those requirements. The alternative plan places no limitations on the total benefits receivable. Work loss benefits would be paid at a rate of approximately $1,000 per month until the injured person was able to return to work; benefits for replacement services, survivor's loss, and survivor's replacement services loss would be paid for as long as the loss occurs, subject only to a $200 per week ceiling. The right to sue in the hope of recovering damage for economic or noneconomic detriment in most situations would be eliminated. Compensation for economic detriment would be provided by the basic insurance. Compensation for noneconomic detriment could be realized through the purchase of insurance rather than through the lawsuit mechanism.

Who determines whether a State enacting a no-fault motor vehicle insurance plan "meets or exceeds" certain minimum requirements? If a State acted, the Secretary of Transportation would administratively determine whether or not its plan met or exceeded the minimum requirements.

The bill, while establishing a nationwide and basically uniform system of no-fault automobile insurance, does not place the State in a no-fault straitjacket. The bill specifically directs States to continue to regulate insurance and establish rates; and States are given latitude in determining benefit levels and other provisions affecting costs by establishing optional or mandatory deductibles, exclusions, or waiting periods.

### REASONS FOR THE BILL

The time has come to straighten out the mess that confronts the 100 million Americans who are consumers of automobile insurance. The time has come to replace the present inefficient, inadequate, and inhumane automobile insurance system. We need a system that is fair, humane, nondiscriminatory, life-preserving and life-restoring, moderately priced and efficient. We need a good no-fault plan.

Let us face it. The present system, which is based on proof of negligence and hopefully payment from liability insurance proceeds is an utter failure as an insurance system. It has failed to compensate victims of automobile accidents adequately. It has failed to compensate victims fast enough. It has often failed to compensate victims fairly. It has failed to expend enough of the dollars collected in premiums on compensation of victims—too many of them go into administrative costs like lawyers' fees. It has failed to give victims the economic incentive and means to rehabilitate themselves and continue to pursue new careers and opportunities. It has failed to make any contribution toward highway safety, vehicle safety, loss-avoidance or reduction.

I am not alone in condemning the present auto insurance system. After a 2-year study authorized by Congress, the Nixon administration concluded that—

> Existing system ill serves the accident victim, the insuring public and society. It is inefficient, overly costly, incomplete and slow. It allocates benefits poorly, discourages rehabilitation and overburdens the courts and the legal system.

An authority on law and economics puts it more simply. The present system, said Prof. Guido Calabresi, is "lousy." Each year we pay more than $16 billion in premiums and receive in benefits for injury and loss only $8 billion. The rest goes to the people who administer the "injury industry."

The nationwide no-fault motor vehicle system will pay the losses of all automobile accident victims whereas the present system only pays the losses of victims who prove that another fully insured driver was "negligent" and that they were not negligent. And these losses will be paid with the money saved from the excessive costs of the present system which does many unnecessary, impossible and expensive things like trying to decide "fault" and trying to put a dollar value on human "pain and suffering."

What about cost? The no-fault nationwide system should not cost the American people any more in automobile insurance premiums than they are now paying. In fact, it should cost them less. The president of Aetna Life & Casualty Co., notified me by letter last year that his company would not raise rates in any State if the Senate bill passed. That result is now guaranteed thanks to an amendment offered by the Senator from New Hampshire (Mr. COTTON), and incorporated in this bill, which allows a State to adjust the benefit levels to assure that average premiums do not rise.

The proposed system will not establish yet another Federal bureaucracy in Washington, D.C. On the contrary, the business of administering and regulating motor vehicles and motor vehicle insurance will remain where it is now—with the States. Although the bill is entitled the "National No-Fault Motor Vehicle Insurance Act," it might more precisely be called the "nationwide" or "minimum State standards" no-fault act. Each State is free to go beyond the minimum standards in terms of protecting its citizens from lawsuits and in compensating the seriously injured and the families of the fatally injured. But these are decisions for each State to make subject to its own procedures. If a State does not enact an acceptable no-fault auto insurance plan within a reasonable period of time, an alternative no-fault plan which is set forth in title III of the bill will automatically go into effect in that State. But even then, the government of that State, not the Federal Government, will operate the alternative plan—and only until the State enacts its own.

The proposed no-fault system will pay auto accident victims insurance benefits as they suffer loss. For example, if you are unable to work for the entire month of February you will receive a check for your wage loss at the end of the month or within 30 days. If you still cannot work during all of March, you will receive wage loss compensation for that month the following month. Under the present system, you may have to wait a year or more to get paid and by then you may have had to go into debt or sell prized possessions or settle with a grasping insurance adjustor for an amount less than what is due you. The present system pays benefits with the speed of a snail. Few claims are settled in less than a year and the person who is not willing to settle for less than his loss may have to wait years for a trial in court.

Under the bill, if the company will not pay your claim within 30 days of submission of proof of loss, that insurance company must pay 18 percent annual interest on top of the amount of the claim if it is valid and they must also pay the fees of the claimant's attorney.

The no-fault system will pay all of a victim's medical and hospital bills and all of his costs for rehabilitation programs. In addition, the minimum standard is such that the auto accident victim who is disabled from working would be compensated for his wage loss up to $1,000 a month up to a total wage loss of approximately $50,000—subject to formula variation. There would also be compensation for the cost of hiring someone else to do personal services that the victim would normally perform; that is, the housewife who must hire a cook and a maid. In the case of death, the survivors of the deceased auto accident victims would receive benefits equal to their economic loss.

The Department of Transportation, in its monumental study of the present system, found that the total economic losses suffered each year by seriously and fatally injured auto victims is $5.1 billion, but that as a group these people receive only $813 million—15.9 percent—of that loss from the present auto insurance setup. Today, the average settlement of an employed person who is seriously injured is $4,380—38 percent of loss—and the average settlement for the family of an employed person who is killed is $2,008—5 percent of loss.

This is outrageous.

The system of a compensation for victims of automobile accidents must in fact compensate the seriously injured.

The proposal introduced today would.

The national no-fault bill further guarantees that each and every person will be able to buy auto insurance and it prohibits cancellation of policies or nonrenewal without providing another insurance source. Under the present system, cancellation and nonrenewal of auto insurance in some States unfairly punishes the elderly, the young, and minority group members.

It has been heartening to me personally to discover how much support there is for no-fault auto insurance from wide and diverse segments of the community. The business community, in particular, has shown a great deal of interest in the idea. That this should be so is not surprising. There is something so appalling in the inefficiency of the present auto accident claims system, something so wasteful in a system that uses up 17 percent of the time of all the judges in our overburdened State courts, that you can easily imagine a business manager asking: "Isn't there a better way?"

No-fault is a better way, a much better way.

It is said that no-fault insurance will lead to more highway accidents, because bad drivers and careless drivers will no longer be deterred by the fear of having to pay a tort judgment to the innocent victim of their negligence. This is an argument based upon the myth that under today's system the careless driver, the bad driver, the drunken driver pay anybody anything. It is their liability insurance company that pays the damages—not the bad driver.

It will be up to the States to administer and regulate premium rates under national no-fault, but I predict that the bad driver is going to have to pay so much high insurance premiums under the new system that he will either stop driving, become more careful, or at least pay more of his own way.

To repeat, the sweetest part of this so-much-better-product is that it should not cost the consumer any more money than he is paying now. This is possible, because the present system wastes so much time deciding who is at fault and how much his pain is worth that it ends up giving more premium dollars to people who work for the "injury industry" than to victims. The biggest beneficiaries of the automobile liability insurance policies today are not Mr. and Mrs. American Consumer, who pay the premium bills, but the trial lawyers who represent plaintiffs and defendants in automobile negligence lawsuits. Each year more than $1.1 billion goes to the plaintiff's lawyers and $300 million to the defendants' lawyers. That will not happen under nationwide no-fault.

Why, I am asked, is not this system already law? Well, it is, to a limited extent in Massachusetts and Florida and starting this January 1 in Connecticut and New Jersey. A more complete law, similar in compensation benefits and adequacy to the Senate bill, goes into effect October 1, in Michigan. But no-fault has not made much headway in the overwhelming majority of the State legislatures and there is no uniformity of approach in these States which have taken action. And of the States which have acted, all but one have ignored the plight of the seriously injured and the deceased auto victims by placing pathetically inadequate ceilings on compensation benefits.

Much of the debate in the Senate last year over S. 945 centered not on the question of no-fault against the negligence liability system, but on the question of nationwide no-fault against State-by-State no-fault. There are two basic arguments for nationwide no-fault. To oversimplify both, the positions are:

First. All 50 State legislatures will not enact no-fault legislation or, to the extent they do, the plans will be inadequate, phony, too-long delayed, or incompatible. An example of a "phony" no-fault proposal is the so-called overlay plan in which first-party medical and wage-loss benefits are grafted onto the existing liability policy without any limitations at all on lawsuits for pain and suffering and general damages. The biggest failure in such a plan, as an editorial in the Journal of Commerce pointed out:

> Lies in the fact that it does not eliminate the fault concept. (Victims) could still file their so-called "pain and suffering" lawsuits, tie up the courts, and add to the legal expenses of the underwriters.

Second. The number of Americans who each year drive or ride in one or more States other than their own is enormous. Each such motorist should be entitled and able to receive fast, adequate compensation if he is injured in an auto accident anywhere in the United States, regardless of which State it is where he has the accident. If the 50 State legislatures are unable or unwilling to shift to no-fault motor vehicle insurance within a reasonable time, then it is the duty of the Congress to see that the shift is made. In my judgment a reasonable time has already elapsed and only 10 percent of the States have passed true no-fault laws and only 2 percent have passed laws that meet the guidelines of the Department of Transportation study. Two years have elapsed since the submission of the final report of the DOT to Congress and President; more than 3 years have elapsed since the first American jurisdiction, Puerto Rico, enacted a no-fault plan; more than 25 years have elapsed since a neighboring jurisdiction, Saskatchewan, Canada, enacted no-fault; and more than 50 years have elapsed since the idea was first seriously proposed in the legal literature. See Rollins, "A Proposal To Extend the Compensation Principle to Accidents in the Streets," 4 Mass. L.W. 392—1919; Carman, "Is a Motor Vehicle Accident Advisable?" 4 Minn. L. Rev. 1—1919.

Under the Constitution, Congress is responsible for the regulation of commerce among the States and the promotion of the general welfare. Where the prospects are that the no-fault laws of the States will differ significantly from one another and add up to a confusing hodgepodge of differing systems, benefit levels, and tort exemptions, it is the duty of the Congress to act to promote a uniform and compatible system in all the States.

On April 17, 1972, Secretary of Transportation John A. Volpe, in a letter addressed to me accompanying his Department's responses to a series of questions on State no-fault activity, declared:

> In all candor, those of us who would like to see the States do this job themselves can hardly be heartened by their actions to date this year.

Prospects in 1973 in the 45 States without any no-fault legislation are not good.

State development to date has not been uniform. Each of the five State no-fault statutes is different from all of the other four. Uniformity to promote businesses operating in interstate commerce or to facilitate commuting to and from work is needed. As the following table indicates, there are 31 metropolitan areas in the United States which include more than one State. In 1970, more than 41 million Americans lived in those areas. These 41 million people need uniformity of automobile compensation systems and laws between the several States in their own metropolitan area.

I ask unanimous consent that the table be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

*U.S. metropolitan areas* encompassing two or more States in 1972*

| | *Population* |
|---|---|
| New York City metropolitan | 11, 528, 649 |
| Chicago, Ill.—Gary, Hammond, East Chicago, Ind | 7, 612, 314 |
| Philadelphia, Pa.-Camden, N.J | 4, 817, 914 |
| St. Louis, Mo.-East St. Louis, Ill | 2, 363, 017 |
| Cincinnati, Ohio-Covington, Newport, Ky.-Ind | 1, 384, 911 |
| Kansas City, Mo.-Kansas City, Kans. | 1, 256, 649 |
| Portland, Ore.-Wash | 1, 009, 129 |
| Providence, Pawtucket, Warwick, R.I.-Mass. | 914, 110 |
| Louisville, Ky.-Ind | 826, 553 |
| Memphis, Tenn.-Ark | 770, 120 |
| Toledo, Ohio-Mich | 692, 571 |
| Allentown, Bethlehem, Easton, Pa.-N.J. | 543, 551 |
| Omaha, Nebr.-Council Bluffs, Iowa | 541, 453 |
| Wilmington, Del-N.J.-Md. | 499, 493 |
| Davenport, Iowa-Rockland, Molene, Ill | 362, 638 |
| Chattanooga, Tenn.-Ga | 304, 927 |
| Duluth, Minn.-Superior, Wis | 265, 350 |
| Huntington, W. Va.-Ashland, Ky.-Ohio | 253, 743 |
| Augusta, Ga.-S. Car | 253, 460 |
| Columbus, Ga.-Ala | 238, 584 |
| Evansville, Ind.-Ky | 232, 775 |
| Lawrence, Haverhill, Mass.-N.H | 232, 415 |
| Wheeling, W. Va.-Ohio | 182, 712 |
| Steubenville, Ohio-Weirton, W. Va | 165, 627 |
| Fort Smith, Ark.-Okla | 160, 421 |
| Fall River, Mass.-R.I | 149, 976 |
| Fargo, N.D.-Moorhead, Minn | 120, 238 |
| Sioux City, Iowa-Sioux City, S. Dak | 116, 189 |
| Texarkana, Tex.-Ark | 101, 198 |
| Dubuque, Iowa-Ill.-Wis | 90, 609 |
| Total | 40, 852, 419 |

*With 55,900 or more of population.

Source: U.S. Senate Antitrust and Monopoly Subcommittee.

Derived from: Bureau of Census, U.S. Dept. of Commerce, 243 Standard Metropolitan Statistical Areas, *U.S. Dept. of Commerce News*, March 23, CB 71–46.

Mr. MAGNUSON. Mr. President, the Federal Government has a special responsibility to see that an adequate compensation system is created because most of the people injured in automobile accidents and most of the people killed in motor vehicle accidents are injured and killed while traveling on highways built substantially—50 percent—or almost completely—90 percent—with Federal funds. In 1970, of 53,816 fatal motor vehicle accidents, 38,079—70.7 percent—occurred on Federal-aid highways. In the same year, 1,387,000 nonfatal injuries out of a total of 2,700,000 occurred in automobile accidents on Federal-aid highways—51.3 percent. Department of Transportation, Federal Highway Administration, Fatality and Injury Accident Rates on Federal Aid and Other Highways Systems—1970.

The Federal Government paid $60 billion of the $83.7 billion which it cost to construct these Federal-aid highways. Quarterly Report on the Federal-Aid Highway Program, June 30, 1972, reported in Department of Transportation, News, Federal Highway Administration, September 26, 1972.

Those Federal funds were raised by taxes paid by the citizens of all the States on gasoline, tires and tubes, parts and accessories, lubricating oil and trucks. Thus, the welfare of the users of federally financed highways is a legitimate and necessary concern of the Federal as well as the State governments. Partnership between State and Federal Governments built our great highway system; a similar partnership is now needed to take care of victims via an efficient, fair, and humane compensation system.

It has been argued that in changing from a liability insurance system to a no-fault insurance system, the State-by-State approach is preferable because it permits needed experimentation to discover the best features of the new no-fault system.

That argument makes some sense. But if it is scrutinized carefully, the experimentation argument does not hold. The argument is predicated on the assumption that no-fault insurance is a "new form" of insurance. That assumption is false. No-fault insurance is an established form, indeed the most prevalent form of insurance today. Its efficiencies are established fact. Life insurance, disability insurance, workmen's compensation insurance, health insurance, fire insurance, theft insurance, marine insurance, casualty-loss insurance are all no-fault forms of insurance. The insurer pays whether or not the insured's death was caused prematurely by his negligence in smoking cigarettes, whether or not the total loss by fire was caused by the insurer's negligence in failing to maintain a fire extinguisher, and so forth.

Where experimentation is needed is in those plans that attempt to combine automobile liability insurance and automobile no-fault—or first-party benefits—insurance. This combination is largely untested and creates novel problems. However, a complete and nationwide no-fault system would eliminate most if not all of these problems because the insurance principles themselves have been tried in other areas—for example, health insurance, disability income insurance, and workman's compensation insurance.

There are two additional problems with the experimentation argument.

First, a State experimenting with no-fault insurance may not set up its no-fault plan in such a way as to permit the retrieval of information concerning the performance of the no-fault experiment. On the other hand, the State may not have good information concerning the operation of its previous system from which it can make reasoned comparisons.

Second, the improvements in the automobile compensation system resulting from a no-fault experiment in one State may not be reproduced in another State. For example, the Massachusetts plan may have been beneficial for Massachusetts residents who had previously operated under a compulsory liability insurance plan which had supported a large amount of the property damage costs. But transfer of the Massachusetts plan to South Carolina might not produce the same results.

By establishing a nationwide no-fault plan which prescribes basic economic loss protection for all persons injured in automobile accidents while at the same time permitting the States to experiment with deductibles, exclusions, limitations on survivor's and work benefits' requirements for intangible loss protection and other variations, a situation can be established whereby all Americans obtain quickly the proven efficiencies and benefits of no-fault coverage while permitting State experimentation where it would be helpful in developing further refinements of the basic no-fault scheme.

As the following discussion and explanations of the content of the bill makes clear, its passage would mean little or no encroachment on any existing State no-fault plan which meets the basic guidelines set down in the final report in the Department of Transportation.

Mr. President, I ask unanimous consent that the discussion and explanation of the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### DETAILED EXPLANATION

#### (1) GLOSSARY OF TERMS

*Basic reparation insurance* is insurance by which the insurer, self-insurer, or governmental unit pays the insured, on a no-fault basis, basic reparation benefits for injury arising out of the maintenance or use of a motor vehicle.

*Security covering a motor vehicle* is basic reparation insurance and required tort liability insurance.

*Basic reparation benefits* are benefits required to be paid to an injured person for his net loss arising out of the maintenance or use of a motor vehicle.

*Loss* consists of five distinct elements:

(a) *Allowable expense* (medical and hospital expense, rehabilitation services expense, funeral expense);

(b) *Work loss* (wages and earnings from personal effort);

(c) *Replacement services loss* (cost of substitute services);

(d) *Survivors economic loss* (future earnings loss to survivors caused by death of a wage earner); and

(e) *Survivors replacement services loss* (cost of substitute services in case of death).

*Added reparation benefits* are the benefits and compensation paid to a person who purchases optional insurance coverages (including collision and comprehensive).

*Noneconomic detriment* is intangible damage including pain and suffering.

*Reparation obligor* is an insurance company or self-insurer, including a governmental unit, that provides basic or added reparation benefits.

#### (2) EXPLANATION

There are various stages at which the new automobile insurance system impacts the consumer of auto insurance.

*Stage 1—Acquisition:* The consumer is involved in the purchase of desired insurance coverage.

*Stage 2—Claim and Payment:* The consumer or other beneficiary sustain a loss covered by the insurance. The insurer is obligated to pay for the loss under the terms and conditions of the insurance contract.

*Stage 3—Conflict Resolution:* If the consumer and the insurer disagree as to the existence or amount of loss or the applicability of the insurance coverage, the consumer is thrown into another stage of the insurance process.

The following explanation describes how a person would proceed through the various stages of insurance purchase, claim and payment, and dispute resolution under the proposed National No-Fault Motor Vehicle Insurance Act.

#### (a) *Stage 1—Acquisition*

Every owner of a motor vehicle registered, required to be registered, or operating into State is required to purchase security covering the motor vehicle. Security covering the motor vehicle includes basic reparation insurance and minimum tort liability insurance. That security may be provided by contracting with an insurer or by qualifying as a self-insurer.

The availability of this compulsory insurance is assured. If an individual is unable to obtain the required insurance in the voluntary market, he may obtain the insurance from a plan which the Commissioner of Insurance establishes and implements or approves and supervises.

The purchaser of compulsory liability and basic reparation insurance makes certain decisions about the coverage he desires. Should he elect deductibles, exclusions, or waiting periods permitted by the State insurance commissioner? Should he select tort liability limits higher than the minimum $25,000 per person per accident?

The purchaser also has to decide which, if any, added reparation benefits he should purchase. His insurance company is required to offer him collision insurance (subject to a deductible of $100) or coverage (inverse liability coverage discussed below) which pays for all collision and upset damage to the extent that the insured has a valid claim in tort against another identified person or would have had such a valid claim but for the abolition of tort liability for damages for harm to motor vehicles in use. In addition to purchasing collision or inverse liability insurance, the owner of a motor vehicle may want to purchase added reparation benefits compensating for losses excluded by limits on work loss, replacement services loss, survivors economic loss, and survivors replacement services loss. He may wish to purchase insurance also to cover noneconomic detriment. The availability of these and other coverages is assured through the same plan that guarantees the availability of basic reparation insurance.

If a person is fortunate, his only involvement with the automobile insurance system will be at the acquisition stage. If, however, the owner of a motor vehicle or a member of his family is injured in an automobile accident, that person will enter into the claim and payment stage of the new automobile insurance system.

#### (b) *Stage 2—Claim and payment*

Person making claims for the payment of benefits to compensate for detriment sustained by them during the maintenance or use of a motor vehicle can be divided into three distinct categories: (1) basic reparation insureds; (2) persons not owning motor vehicles; and (3) uninsured motorists. Each category of persons is entitled to basic benefits but from different sources and to varying degrees.

### i. The Basic Reparation Insured

A basic reparation insured is the owner of a motor vehicle or any member of his household. When a basic reparation insured sustains injury arising out of the operation or use of a motor vehicle, he claims basic reparation benefits from his own insurer. Traditionally, automobile insurance coverage has followed the vehicle rather than the family; this was true in S. 945. Under the proposed bill, as in UMVARA, basic reparation coverage follows the family unit. The basic reparation insured is entitled to basic reparation benefits provided for in a contract of basic reparation insurance. (See below for a detailed discussion of benefits.)

### ii. A Person Not Owning a Car

A person not owning a motor vehicle and not a member of a household which owns a motor vehicle is entitled to basic reparation benefits if he sustains injury arising out of the maintenance or use of a motor vehicle. Such a person makes a claim against the reparation obligor providing security covering the motor vehicle in which he was riding when injured. If the person is a pedestrian, he may make a claim against any reparation obligor providing security covering any involved motor vehicle.

### iii. The Uninsured Person

An uninsured person is an owner of a motor vehicle who has failed to provide the required security covering his motor vehicle. This person is entitled to basic reparation benefits from the assigned claims plan in the State, but these benefits must be reduced in the amount of $500 for each year that the owner of a motor vehicle has failed to provide the required security. In addition, any mandatory exclusion, deductibles, or waiting periods are subtracted from the net loss sustained by the uninsured motorist.

The assigned claims plan is also available to: (1) the basic reparation insured whose own insurance company is financially unable to pay or (2) to a person who is not a basic reparation insured (and not required to be) if a reparation obligor is (a) not able to meet its financial obligations or (b) not identifiable (e.g., hit-and-run accident).

### iv. Submission and Payment of Claim

A person claiming basic reparation benefits must submit to the reparation obligor reasonable proof of the loss sustained on account of the injury arising out of the maintenance or use of a motor vehicle. Having received reasonable proof of the loss the reparation obligor is obligated to pay the loss within 15 days.

### v. Basic Reparation Benefits

Basic reparation benefits are benefits providing reimbursement for net loss suffered through injury arising out of the maintenance or use of a motor vehicle. Under the terms of the bill "loss" means accrued economic detriment from injury arising out of the maintenance or use of a motor vehicle consisting of, and limited to allowable expense, work loss, replacement services loss, and if injury causes death, survivor's economic loss, and survivor's replacement services loss. (See glossary of terms.)

In determining the basic reparation benefits to which a person is entitled, the basic elements of loss must be determined. These elements of loss must then be reduced by benefits from social security (except Medicaid benefits), workman's compensation, State-required income disability or other Federal benefits available to the basic reparation insured because of the injury arising out of the maintenance or use of a motor vehicle. This net loss is subject to further reduction depending upon the exclusions, deductibles, monthly limitations and total benefit ceilings provided for within the contract of basic reparation insurance. The monthly limitations and total benefit ceilings in the basic reparation insurance will be determined by the State, but the bill requires a State to meet certain basic minimums as follows.

Benefits for medical and rehabilitation expenses may not be limited by monthly limitations or total benefit ceilings. They are not without limitation, however. For example, only *reasonable* medical and rehabilitation expenses constitute loss compensable by basic benefits.

Monthly and total limitations on work loss are permitted. A State may provide that payment for monthly work loss not exceed the quantity $1,000 times a fraction whose numerator is the average per capita income in the State and whose denominator is the average per capita income in the United States, according to the latest available United States Department of Commerce figures. A total benefit ceiling of $50,000 is permitted without a showing of special circumstance. If the commissioner of insurance, in accordance with State law, determines by regulation on the basis of a preponderance of actuarial information that cost under no-fault will exceed the costs of full coverage under the present insurance system, then he is authorized to reduce the $50,000, but in no event below a $25,000 ceiling.

Other elements of loss, namely replacement services loss, survivor's economic loss, and survivor's replacement services loss, may be subject under a State plan to reasonable exclusions or monthly or total limitations. Thus, the extent of benefits a person is entitled to receive under a contract of basic reparation insurance depends upon the particular provisions imposed by the State. Of course, a person can add to, or subtract, from, those benefits by purchasing added reparation coverage or electing certain optional deductibles and exclusions.

If a person owns or operates a vehicle in a State that has not adopted a plan which meets or exceeds the national standards, then the benefit levels in the basic reparation insurance are not subject to as many exclusions or benefit ceiling limitations. Under the alternative no-fault plan, basic reparation insurance would reimburse a person for his allowable expense, for his work loss subject to a monthly limitation of $1,000 times a fraction referred to above, and all his replacement services loss, survivor's loss, and survivor's replacement services loss up to $200 per week together.

### vi. Tort claims

In addition to claims for basic and added reparation benefits, a person sustaining injury in a motor vehicle accident has a right to claim in tort against certain persons for the recovery of certain benefits. Although in general the tort claim is restricted, a person can claim recovery of benefits from the following negligent persons: (1) the owner of a motor vehicle not providing required security; (2) a person in the business of designing, manufacturing, repairing, servicing, or otherwise maintaining motor vehicles arising from a defect in a motor vehicle caused or not corrected by an act or omission in designing, manufacturing, repairing, servicing, or otherwise maintaining a motor vehicle in the course of business; (3) a person who intentionally causes injury to persons or harm to property; (4) a person who causes harm to property other than a motor vehicle in use and its contents; or (5) a person in the business of parking or storing motor vehicles if the liability arises in the course of that business for harm to a motor vehicle and its contents.

A person injured in an automobile accident has a claim in tort against any tort feasor for damages not covered by basic reparation insurance and not accruing as loss during the period for which basic reparation insurance is providing benefits for loss. In other words, if the State has established a benefit ceiling limitation on work loss of $50,000, detriment in excess of $50,000 can be sought in tort.

A certain category of injured persons may sue in tort for noneconomic detriment (in excess of $5,000) under the State plan but not the alternative plan. Those eligible are: (1) the survivors of persons who die after sustaining injury arising out of the maintenance or use of a motor vehicle; (2) injured persons sustaining significant permanent injury; (3) those persons sustaining serious permanent disfigurement; or (4) those persons completely unable to work for more than 6 months.

### vii. Property Damage Claims

Detriment caused by damage to property can be recovered in several ways. If the property is not a motor vehicle in use, a person may claim recovery of benefits from a negligent person who caused the harm to the property. A "motor vehicle in use" is a motor vehicle in operation on a public roadway, including a motor vehicle moving, being driven, or standing on a public roadway.

Alternatively, compensation for harm to property may be provided for by purchasing added reparation coverage for that property. In other words, a person may submit a claim to his own insurance company to compensate him for harm to property, be it the contents of a motor vehicle or the motor vehicle itself. If a person has purchased such collision and comprehensive coverage, benefits are payable on a no-fault basis.

A person also has the further option to elect an alternative added reparation coverage (inverse liability coverage) to provide protection for harm to property on a fault basis. He can receive compensation from his own insurance company for damage to his motor vehicle or its contents if he can demonstrate that the damage was caused as the result of the negligence of another person. This insurance protection allows the individual to protect himself against harm to property in the same way he would have been protecting himself had liability for damage to motor vehicles in use not been restricted. This coverage would be available at a cost comparable to the cost today of property damage liability insurance. This coverage will be particularly attractive to owners of older motor vehicles.

During the claim and payment stage of the insurance process, conflict may develop between the insured and the insurer or the claimant and the alleged tort feasor. In that situation, a person enters the conflict resolution stage of the insurance process.

### (c) *Stage 3—Conflict resolution*

### i. Resolution of Conflicts Involving Claims for Basic and Added Reparation Benefits

A person making a claim for basic or added reparation benefits will face a settlement environment much different than that which he often faces today in making a liability claim. Rather than dealing with someone else's insurance company, he will be dealing with his own insurance company. If his insurance company refuses to pay the claim, and later pays it, the overdue payment bears interest at the rate of 18 percent per annum.

By the terms of the bill, a person has the opportunity to retain an attorney to pursue his claim against any reparation obligor who has refused to pay basic or added reparation benefits. If those benefits are finally paid, either voluntarily or by order of the court, the individual has a right to recover the costs of litigation and reasonable attorneys fees occasioned by the need to pursue his claim. If a claim is finally litigated, the individual has a right to obtain from the insurance company the cost of his attorney's fees so long as the claim was not fraudulent or so excessive as to have no reasonable foundation.

ii. Disputes in Tort

Conflict resolution in those areas where claims in tort are still permitted are to be governed by the applicable law in the State in which a lawsuit is brought.

iii. Conflicts Between Insurance Companies

Conflicts between insurance companies are substantially reduced by the provision in the bill prohibiting insurance companies from seeking reimbursement from one another for no-fault benefits they pay their policyholders for harm caused by the negligence of the other company's policyholder. By eliminating conflicts between insurance companies, the bill assures the consumer of insurance that he will not be brought into the middle of such conflicts.

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### Exhibit 1

### S. 354

A bill to establish a nationwide system of adequate and uniform motor vehicle accident reparation acts and to require no-fault motor vehicle insurance as a condition precedent to using a motor vehicle on public roadways in order to promote and regulate interstate commerce

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "National No-Fault Motor Vehicle Insurance Act."

## TITLE I—GENERAL PROVISIONS

### DEFINITIONS

Sec. 101. As used in this Act—

(1) "Added reparation benefits" mean benefits provided by optional added reparation insurance in accordance with section 213 or 304 of this Act.

(2) "Allowable expense" means reasonable charges incurred for reasonably needed products, services, and recommendations, or the reasonable value of such products, services, and accommodations if no charges are incurred, including those for medical care, emergency medical transportation services, rehabilitation, rehabilitative occupational training, and other reasonable direct remedial treatment and care. The term includes a total charge not in excess of $500 for expenses in any way related to funeral, cremation, and burial. It does not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home, or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semi-private accommodations, unless intensive care is medically required. "Allowable expense" does not include any amount includable in work loss, replacement services loss, survivor's economic loss, or survivor's replacement services loss.

(3) "Basic reparation benefits" means benefits required by this Act providing reimbursement for net loss suffered through injury arising out of the maintenance or use of a motor vehicle, subject, where applicable, to the limits, deductibles, exclusions, disqualifications, and other conditions provided or authorized in this Act.

(4) "Basic reparation insurance" includes a contract, self-insurance, or other legal means under which the obligation to pay basic reparation benefits arises.

(5) "Basic reparation insured" means:

(i) a person identified by name as an insured in a contract of basic reparation insurance complying with this Act; and

(ii) a spouse or other relative of a named insured, a minor in the custody of a named insured, and a minor in the custody of a relative of a named insured if—

(A) not identified by name as an insured in any other contract of basic no-fault insurance complying with this Act; and

(B) in residence in the same household with a named insured. A person is in residence in the same household if he usually makes his home in the same family unit, even though he temporarily lives elsewhere.

(6) "Commissioner" means the commissioner of insurance or the head of the department, commission, board, or other agency of a State which is charged by the law of that State with the supervision and regulation of the business of insurance.

(7) "Department of motor vehicles" means the department of motor vehicles or the department, commission, board, or other agency of a State which is charged by the law of that State with the administration of laws and regulations regarding registration of motor vehicles.

(8) "Government" means the Government of the United States, or of any State or of any political subdivision of a State, or any agency, subdivision, or department of any government, including any corporation or other association organized by a government for the execution of a government program and subject to control by a government or any corporation or agency established under an interstate compact or international treaty.

(9) "Injury" and "injury to person" mean accidentally sustained bodily harm to a person and that person's sickness, disease, or death resulting therefrom.

(10) "Loss" means accrued economic detriment resulting from injury arising out of the maintenance or use of a motor vehicle consisting of, and limited to, allowable expense (subsection (2)), work loss (subsection (31)), replacement services loss (subsection (21)), and, if injury causes death, survivor's economic loss (subsection (28)) and survivor's replacement services loss (subsection (29)).

(11) "Loss of income" means income actually lost by a person or that would have been lost but for any income continuation plan providing income to him reduced by any income from substitute work actually performed, income which he would have earned in available substitute work he was capable of performing but unreasonably failed to undertake, or income which he would have earned by hiring an available substitute to perform self-employment services but unreasonably failed to do.

(12) "Maintenance or use of a motor vehicle" means maintenance or use of a motor vehicle as a vehicle, including, incident to its maintenance or use as a vehicle, occupying, entering into and alighting from it. Maintenance or use of a motor vehicle does not include (i) conduct within the course of a business of repairing, servicing, or otherwise maintaining motor vehicles unless the conduct occurs off the business premises, or (ii) conduct in the course of loading and unloading the vehicle unless the conduct occurs while occupying, entering into, or alighting from it.

(13) "Motor vehicle" means a vehicle required to be registered under the laws of the State relating to motor vehicles.

(14) "Motor vehicle in use," means a motor vehicle in operation on a public roadway, including a motor vehicle moving, being driven, or standing on a public roadway. Motor vehicle in use does not include a motor vehicle parked in an authorized area on a public roadway.

(15) "Net loss" means loss less benefits or advantages, from sources other than basic and added reparation insurance, required to be subtracted from loss in calculating net loss pursuant to section 209 of this Act.

(16) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment, and other nonpecuniary damage recoverable under the tort law applicable to injury arising out of the ownership, maintenance, or use of a motor vehicle. The term does not include punitive or exemplary damages.

(17) "Owner" means a person, a government, an organization, or any entity considered as such in law, including a corporation, company, association, firm, partnership, joint stock company, foundation, institution, society, union, club, church, or any other group of persons organized for any purpose, other than a lienholder or secured party, that owns or has title to a motor vehicle or is entitled to the use and possession of a motor vehicle subject to a security interest held by another person. The term includes a lessee of a motor vehicle having the right to possession under a lease with option to purchase.

(18) "Probable annual income" means in the absence of proof that it is or would be some other amount:

(1) the average annual income from work received by the injured person during the years, not to exceed three, preceding the year in which the accident causing the injury occurs; or

(2) if the person has not previously earned income, the average annual income, for the year preceding the accident, of a production or non-supervisory worker on a private non-agricultural payroll in the State.

(19) "Public roadway" means a way open to the use of the public for purposes of automobile travel.

(20) "Reparation obligor" means an insurer, self-insurer, obligated government, or assigned claims bureau providing basic or added reparation benefits in accordance with this Act.

(21) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income but for the benefit of himself or his family, if he had not been injured.

(22) "Secretary" means the Secretary of Transportation.

(23) "Secured vehicle" means the motor vehicle for which insurance or other security is provided in accordance with section 102 of this Act.

(24) "Security covering a motor vehicle" and "security covering the vehicle" is insurance or other security so provided pursuant to this Act.

(25) "Self-insurer" means an owner or any person providing security pursuant to subsections (b) and (c) of section 102 of this Act.

(26) "State" means a State and the District of Columbia.

(27) "Survivor" means a person identified in the statute of the State of domicile of the decedent concerning liability for wrongful death as one entitled to receive benefits by reason of the death of another person.

(28) "Survivor's economic loss" means: (i) loss of income of a decedent following death resulting from injury arising out of the maintenance or use of a motor vehicle which the decedent would have contributed to a survivor or survivors if he had not suffered the injury, (ii) less expenses of the survivor or survivors avoided by reason of decedent's death.

(29) "Survivor's replacement services loss" means expenses reasonably incurred by survivors after decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if he had not suffered the fatal injury, less expenses of the survivors avoided by reason of the decedent's death and not subtracted in calculating survivor's economic loss.

(30) "Without regard to fault" means irrespective of fault as a cause of injury or death, and without application of any principle of liability based on negligence.

(31) "Work loss" means: (i) loss of income resulting from the inability by reason of an injury arising out of the maintenance or use of a motor vehicle to perform work which an injured person would have performed if he had not been injured, and (ii) reasonable expenses for hiring a sub-

stitute to perform self-employment services, thereby mitigating loss of income.

### NECESSARY NO-FAULT INSURANCE

SEC. 102. (a) SECURITY COVERING A MOTOR VEHICLE.—Every owner of a motor vehicle in the State shall continuously provide in accordance with this Act with respect to that motor vehicle, while it is either present or registered in the State, security for the payment of basic reparation benefits and security for the payment of tort liabilities arising from maintenance or use of the motor vehicle. Security may be provided by a contract of insurance or by qualifying as a self-insurer. Any person other than the owner may provide such security with respect to any motor vehicle.

(b) SELF-INSURANCE.—Self-insurance, subject to approval of the commissioner, is effected by filing with the department of motor vehicles in satisfactory form—

(1) a continuing undertaking by the owner or other appropriate person to pay tort liabilities in amounts not less than those required in section 208 of this Act and basic reparation benefits, to perform all other obligations imposed in accordance with this Act, and to elect to pay such added reparation benefits as are specified in the undertaking.

(2) evidence that appropriate provision exists for prompt and efficient administration of all claims, benefits, and obligations provided in accordance with this Act; and

(3) evidence that reliable financial arrangements, deposits, resources, or commitments exist providing assurance substantially equivalent to that afforded by a policy of insurance complying with this Act for payment of tort liabilities, basic reparation benefits, and all other obligations imposed in accordance with this Act.

(c) OBLIGATED GOVERNMENT.—A government may provide security by lawfully obligating itself to pay basic reparation benefits in accordance with this Act.

(d) OBLIGATIONS UPON TERMINATION OF SECURITY.—An owner of a motor vehicle who ceases to maintain security shall immediately surrender the registration certificate and license plates for the vehicle to the department and may not operate or permit operation of the vehicle in any State until security has again been furnished as required in accordance with this Act. An insurer who has issued a contract of insurance and knows or has reason to believe the contract is for the purpose of providing security shall immediately give notice to the department of the termination of the insurance. If the commissioner withdraws approval of security provided by a self-insurer or knows that the conditions for self-insurance have ceased to exist, he shall immediately give notice thereof to the department. These requirements may be modified or waived by the department of motor vehicles.

(e) PENALTY.—Any owner who knowingly violates the provisions of subsection (a) may be punished by such fine or otherwise as a State determines to impose.

### AVAILABILITY OF INSURANCE

SEC. 103. (a) PLAN.—(1) The Commissioner shall establish and implement or approve and supervise a plan assuring that liability insurance and basic and added reparation insurance for motor vehicles will be conveniently and expeditiously available, subject only to payment or provision for payment of the premium, to each applicant for insurance who holds a valid driver's license and who is required pursuant to this Act to provide security for payment of tort liabilities and basic reparation benefits and who cannot conveniently obtain insurance through ordinary methods at rates not in excess of those applicable to applicants under the plan. The plan may be by assignment of applicants among insurers, pooling, other joint insuring or reinsuring arrangement, or any other method that will reasonably accomplish the purposes of this section, including any arrangement or undertaking by insurers that results in all applicants being conveniently afforded the insurance coverages on reasonable and not unfairly discriminatory terms through ordinary markets.

(2) The plan shall make available optional added reparation and tort liability coverages and other contract provisions the commissioner determines are reasonably needed by applicants and are commonly afforded in voluntary markets. The plan shall provide for the availability of financing or installment payment of premiums on reasonable and customary terms and conditions.

(3) All insurers authorized in a State to write motor vehicle liability, basic reparation, or optional added reparation coverages which the commissioner requires to be offered under paragraph (2) shall participate in the plan. The plan shall provide for equitable apportionment, among all participating insurers writing any insurance coverage required under the plan, of the financial burdens of insurance provided to applicants under the plan and costs of operation of the plan.

(4) Subject to the supervision and approval of the commissioner, insurers may consult and agree with each other and with other appropriate persons as to the organization, administration, and operation of the plan and as to rates and rate modifications for insurance coverages provided under the plan. Rates and rate modifications adopted or charged for insurance coverages provided under the plan shall be first adopted or approved by the commissioner, be reasonable and not unfairly discriminatory among applicants for insurance under regulations established by the commissioner, and not be so great as to deny economically disadvantaged persons, as a class, access to insurance, thereby effectively depriving them of the opportunity of legally operating motor vehicles.

(5) To carry out the objectives of this subsection, the commissioner may adopt rules, make orders, enter into agreements with other governmental and private entities and persons, and form and operate or authorize the formation and operation of bureaus and other legal entities.

(b) CANCELLATION, REFUSAL TO RENEW, OR OTHER TERMINATION OF INSURANCE.—(1) This subsection applies only to contracts of insurance providing security in accordance with this Act for a motor vehicle which is registered in a State and is not one of five or more motor vehicles under common ownership insured under a single insuring agreement.

(2) Any termination of insurance by an insurer, including any failure or refusal by the insurer to renew the insurance at the expiration of its term and any modification by the insurer of the terms and conditions of the insurance unfavorable to the insured, is ineffective, unless—

(A) written notice of intention to modify, not to renew, or otherwise to terminate the insurance has been mailed or delivered to the person identified by name as an insured in the contract of insurance providing security at least twenty days before the effective date of the modification, expiration, or other termination of the insurance;

(B) the insurer has expressly stipulated in the insuring agreement that the insurance is for a stated term of at least one year after the inception of coverage and may not be modified or terminated during the term; and

(C) in the case of termination by failure or refusal to renew, the insurer has offered to arrange for equivalent coverage with the plan, informs the insured about the price of such coverage, and arranges for the coverage if instructed to do so by the person identified by name as an insured in the contract of insurance providing security.

(3) A contract of insurance for basic or added reparation benefits may not be terminated by cancellation during the policy period unless:

(A) the requirements on termination in paragraph (2) of this subsection are complied with, and

(B) one of the following conditions pertains:

(i) the notice of cancellation is mailed or delivered at any time within seventy-five days after the original inception of coverage;

(ii) the premium or any installment thereof has not been paid when due after reasonable demand therefor; or

(iii) the driver's license of the person identified by none as an insured in the contract of insurance providing security is revoked.

(4) An insurer who has canceled, refused to renew, or otherwise terminated insurance shall mail or deliver to the insured, within ten days after receipt of a written request, a statement of the reasons for the cancellation, refusal to renew, or other termination of the insurance coverage.

(5) For purposes of this subsection a cancellation or refusal to renew by or at the direction of any person acting pursuant to any power or authority under any premium finance plan, agreement, or arrangement, whether or not with power of attorney or assignment from the insured, constitutes a cancellation or refusal to renew by the insurer.

(6) This subsection does not limit or apply to any termination, modification, or cancellation of the insurance, or to any suspension of insurance coverage, by or at the request of the insured.

(7) This subsection does not affect any right an insurer has under other law to rescind or otherwise terminate insurance because of fraud or other willful misconduct of the insured at the inception of the insuring transaction or the right of either party to reform the contract on the basis of mutual mistake of fact.

(8) An insurer, his authorized agents and employees, and any person furnishing information upon which he has relied, are not liable in any action or proceeding brought because of any statement made in good faith pursuant to paragraph (4).

### PAYMENT OF BENEFITS, CONDITIONS, AND LIMITATIONS

SEC. 104. (a) REPARATION OBLIGOR'S DUTY TO RESPOND TO CLAIMS.—(1) Basic and added reparation benefits are payable monthly as loss accrues. Loss accrues not when injury occurs, but as work loss, replacement services loss, survivor's economic loss, survivor's replacement services loss, or allowable expense is incurred. Benefits are overdue if not paid within thirty days after the reparation obligor receives reasonable proof of the fact and amount of loss realized, unless the reparation obligor elects to accumulate claims for periods not exceeding thirty-one days and pays them within fifteen days after the period of accumulation. If reasonable proof is supplied as to only part of a claim, and the part totals $100 or more, the part is overdue if not paid within the time provided by this section. Obligations to pay allowable expense benefits may be discharged by the reparation obligor by directly paying persons supplying products, services, or accommodations to the claimant.

(2) Overdue payments bear interest at the rate of 18 per centum per annum.

(3) A claim for basic or added reparation benefits shall be paid without deduction for the benefits which are to be subtracted pursuant to the provisions on calculation of net loss (section 209), if these benefits have not been paid to the claimant before the reparation benefits are overdue or the claim is paid. The reparation obligor is entitled to reimbursement from the person obligated to make

the payments or from the claimant who actually receives the payments.

(4) A reparation obligor may bring an action to recover benefits which are not payable, but are in fact paid, because of an intentional misrepresentation of a material fact, upon which the reparation obligor relies, by the insured or by a person providing an item of allowable expense. The action may be brought only against the person providing the item of allowable expense, unless the insured has intentionally misrepresented the facts or knew of the misrepresentation. An insurer may offset amounts he is entitled to recover from the insured under this paragraph against any basic or added reparation benefits otherwise due.

(5) A reparation obligor who rejects a claim for basic reparation benefits shall give to the claimant prompt written notice of the rejection, specifying the reason and informing the claimant of the terms and conditions of his right to obtain an attorney pursuant to this Act. If a claim is rejected for a reason other than that the person is not entitled to the basic reparation benefits claimed, the written notice shall inform the claimant that he may file his claim with the assigned claims bureau and shall give the name and address of the bureau.

(b) SETTLEMENT OF CLAIM FOR BENEFITS.—(1) A claim for basic or added reparation benefits may be discharged by a settlement agreement for an agreed amount payable in installments or in a lump sum, if the reasonably anticipated net loss does not exceed $2,500. If the reasonably anticipated net loss exceeds $2,500, such a claim may be discharged by a settlement where authorized by the law of the State and upon a finding by a court of competent jurisdiction that the settlement is in the best interest of the claimant and any beneficiaries of the settlement. Upon approval of the settlement, the court may make appropriate orders concerning the safeguarding and disposing of the proceeds of the settlement. A settlement agreement may also provide that the reparation obligor shall pay the reasonable cost of appropriate medical treatment or procedures, with reference to a specified condition, to be performed in the future.

(2) A settlement agreement for an amount payable in installments may be modified as to amounts to be paid in the future, if it is shown that a material and substantial change of circumstances has occurred or that there is newly-discovered evidence concerning the claimant's physical condition, loss, or rehabilitation, which could not have been known previously or discovered in the exercise of reasonable diligence.

(3) A settlement agreement may be set aside if it is procured by fraud or if its terms are unconscionable.

(c) LIMITATION OF ACTIONS.—(1) If no basic or added reparation benefits have been paid for loss arising otherwise than from death, an action therefor may be commenced not later than two years after the injured person suffers the loss and either knows, or in the exercise of reasonable diligence should know, that the loss was caused by the accident, or not later than four years after the accident, whichever is earlier. If basic or added reparation benefits have been paid for loss arising otherwise than from death, an action for further benefits, other than survivor's benefits, by either the same or another claimant, may be commenced not later than two years after the last payment of benefits.

(2) If no basic or added reparation benefits have been paid to the decedent or his survivors, an action for survivor's benefits may be commenced not later than one year after the death or four years after the accident from which death results, whichever is earlier. If survivor's benefits have been paid to any survivor, an action for further survivor's benefits by either the same or another claimant may be commenced not later than two years after the last payment of benefits. If basic or added reparation benefits have been paid for loss suffered by an injured person before his death resulting from the injury, an action for survivor's benefits may be commenced not later than one year after the death or four years after the last payment of benefits, whichever is earlier.

(3) If timely action for basic reparation benefits is commenced against a reparation obligor and benefits are denied because of a determination that the reparation obligor's coverage is not applicable to the claimant under the provisions on priority of applicability of basic reparation security, an action against the applicable reparation obligor to whom a claim is assigned under an assigned claims plan may be commenced not later than sixty days after the determination becomes final or the last date on which the action could otherwise have been commenced, whichever is later.

(4) Except as paragraph (1), (2), or (3) prescribe a longer period, an action by a claimant on an assigned claim which has been timely presented (section 106(c)) may be connected not later than sixty days after the claimant receives written notice of rejection of the claim by the reparation obligor to which it was assigned.

(5) A calendar month during which a person does not suffer loss for which he is entitled to basic or added reparation benefits is not a part of the time limited for commencing an action, except that the months excluded for this reason may not exceed one hundred and twenty.

(6) If a person entitled to basic or added reparation benefits is under a legal disability when the right to bring an action for the benefits first accrues, the period of his disability is not a part of the time limited for commencement of the action.

(d) ASSIGNMENT OF BENEFITS.—An assignment of or agreement to assign any right in accordance with this Act for loss accruing in the future is unenforceable except as to benefits for—

(1) work loss to secure payment of alimony, maintenance, or child support; or

(2) allowable expense to the extent the benefits are for the cost of products, services, or accommodations provided or to be provided by the assignee.

(e) DEDUCTION AND SETOFF.—Except as otherwise provided in this Act; basic reparation benefits shall be paid without deduction or setoff.

(f) EXEMPTION OF BENEFITS.—(1) Basic or added reparation benefits for allowable expense are exempt from garnishment, attachment, execution, and any other process or claim, except upon a claim of a creditor who has provided products, services, or accommodations to the extent benefits are for allowable expense for those products, services, or accommodations.

(2) Basic reparation benefits other than those for allowable expense are exempt from garnishment, attachment, execution, and any other process or claim to the extent that wages or earnings are exempt under any applicable law exempting wages or earnings from process or claims.

### ATTORNEYS' FEES AND COSTS

SEC. 105. (a) FEES OF CLAIMANT'S ATTORNEY.—(1) If overdue benefits are paid by the reparation obligor after receipt of notice of representation of a claimant by an attorney or if an action is maintained (unless the court determines that the claim or any significant part thereof is fraudulent or so excessive as to have no reasonable foundation), a reasonable attorney's fee (based upon actual time expended) shall be paid by the reparation obligor to the attorney. No part of basic or added reparation benefits paid by the reparation obligor shall be applied in any manner as attorney's fees for advising and representing a claimant on a claim or in an action for basic or added reparation benefits.

(2) In any action brought against the insured by the reparation obligor, the court may award the insured's attorney a reasonable attorney's fee for defending the action.

(b) FEES OF REPARATION OBLIGOR'S ATTORNEY.—A reparation obligor shall be allowed a reasonable attorney's fee for defending a claim for benefits that is fraudulent or so excessive as to have no reasonable foundation. The fee may be treated as an offset against any benefits due or to become due to the person making such claim.

### ASSIGNED CLAIMS

SEC. 106. (a) GENERAL.—(1) A person entitled to basic reparation benefits because of injury covered by this Act may obtain them through the assigned claims plan established in his State of domicile pursuant to subsection (b)(1), but if there is no such plan in the state of domicile he may obtain them through the assigned claims plan (if any) in the State where the injury occurred if—

(A) basic reparation insurance is not applicable to the injury for a reason other than those specified in the provisions on converted vehicles and intentional injuries (section 214);

(B) basic reparation insurance is not applicable to the injury because the injured person converted a motor vehicle while he was under fifteen years of age;

(C) basic reparation insurance applicable to the injury cannot be identified;

(D) basic reparation insurance applicable to the injury is inadequate to provide the contracted-for benefits because of financial inability of a reparation obligor to fulfill its obligation; or

(E) a claim for basic reparation benefits is rejected by a reparation obligor for a reason other than that the person is not entitled in accordance with this Act to the basic reparation benefits claimed.

(2) If a claim qualifies for assignment under paragraph (1)(C), (1)(D), or (1)(E), the assigned claims bureau or any reparation obligor to whom the claim is assigned is subrogated to all rights of the claimant against any reparation obligor, its successor in interest or substitute, legally obligated to provide basic reparation benefits to the claimant, for basic reparation benefits provided by the assignee.

(3) Except in case of a claim assigned under paragraph (1)(D), if a person receives basic reparation benefits through the assigned claims plan, all benefits or advantages he receives or is entitled to receive as a result of the injury, other than by way of succession at death, death benefits from life insurance, or in discharge of familial obligations of support, are subtracted in calculating net loss.

(4) An assigned claim of a person who does not comply with the requirement of providing security for the payment of basic reparation benefits, or of a person as to whom the security is invalidated because of his fraud or willful misconduct, is subject to (1) all the maximum optional deductibles and exclusions required to be offered, and (2) a deduction in the amount of $500 for each year or part thereof of the period of his continuous failure to provide security, applicable to any benefits otherwise payable.

(b) ASSIGNED CLAIMS PLAN.—(1) Reparation obligors providing basic reparation insurance in a State may organize and maintain, subject to approval and regulation by the commissioner an assigned claims bureau and an assigned claims plan and adopt rules for their operation and for assessment of costs on a fair and equitable basis consistent with this Act. If they do not organize and continuously maintain an assigned claims plan in a manner considered by the commissioner to be consistent with this Act, he shall organize and maintain an assigned claims bureau and an assigned claims plan. Each reparation obligor providing basic reparation insurance in a State shall participate in the assigned claims bureau and the assigned claims plan. Costs incurred shall be allocated fairly and equitably among the reparation obligors.

(2) The assigned claims bureau shall promptly assign each claim and notify the claimant of the identity and address of the assignee of the claim. Claims shall be assigned so as to minimize inconvenience to claimants. The assignee thereafter has rights and obligations as if he had issued a policy of basic reparation insurance complying with this Act applicable to the injury or, in case of financial inability of a reparation obligor to perform its obligations, as if the assignee had written the applicable basic reparation insurance, undertaken the self-insurance, or lawfully obligated itself to pay reparation benefits.

(c) TIME FOR PRESENTING CLAIMS UNDER ASSIGNED CLAIMS PLAN.—(1) Except as provided in paragraph (2), a person authorized to obtain basic reparation benefits through the assigned claims plan shall notify the bureau of his claim within the time that would have been allowed for commencing an action for those benefits if there had been identifiable coverage in effect and applicable to the claim.

(2) If timely action for basic reparation benefits is commenced against a reparation obligor who is unable to fulfill his obligations because of financial inability, a person authorized to obtain basic reparation benefits through the assigned claims plan shall notify the bureau of his claim within six months after his discovery of the financial inability.

### STATE REGULATION AND CONSUMER INFORMATION

SEC. 107. (a) STATE REGULATION.—The commissioner, in accordance with applicable State law, shall regulate reparation obligors. The rates charged for liability insurance and basic and added reparation coverages shall be established, determined, and modified in each State in accordance with the provisions of applicable State rating laws.

(b) CONSUMER INFORMATION.—The commissioner shall provide the means to inform consumers about rates being charged by reparation obligors for basic and aided reparation benefits in a manner adequate to permit consumers to compare prices.

### MOTOR VEHICLES IN INTERSTATE TRAVEL

SEC. 108. A contract of insurance providing security covering a motor vehicle for the payment of basic reparation benefits shall be deemed to contain inverse liability coverage not to exceed $50,000 to protect against any detriment that is not covered by a contract of insurance providing basic or added reparation benefits for which the basic reparation insured would have a right to bring suit to recover in the State of registration but for which he has no right to bring suit to recover in the State in which he is operating, or responsible for the operation of, a motor vehicle.

### REIMBURSEMENT, SUBROGATION, AND INDEMNITY

SEC. 109. (a) GENERAL.—A reparation obligor does not have and may not directly or indirectly contract for a right of reimbursement from or subrogation to the proceeds of a claim for relief or cause of action for noneconomic detriment of a recipient of basic or added reparation benefits. A reparation obligor may not directly or indirectly contract for, or be granted by a State, any right of reimbursement from any other reparation obligor not acting as a reinsurer for basic or added reparation benefits which it has paid or is obligated to pay.

(b) SUBROGATION.—Whenever a person who receives or is entitled to receive basic or added reparation benefits for an injury has a claim or cause of action against any other person for breach of an obligation or duty causing the injury or for breach of a contractual understating, the reparation obligor is subrogated to the rights of the claimant, and has a claim for relief or cause of action, separate from that of the claimant, to the extent that:

(1) elements of damage compensated for by basic or added reparation insurance are recoverable; and

(2) the reparation obligor has paid or become obligated to pay accrued or future basic or added reparation benefits.

(c) INDEMNITY.—A reparation obligor has a right of indemnity against a person who has converted a motor vehicle involved in an accident, or a person who has intentionally caused injury to person or harm to property, for basic and added reparation benefits paid to other persons for the injury or harm caused by the conduct of that person, for the cost processing claims for those benefits, and for reasonable attorney's fees and other expenses of enforcing the right of indemnity. For purposes of this subsection, a person is not a converter if he uses the motor vehicle in the good faith belief that he is legally entitled to do so.

(d) Nothing in the section shall preclude a health care provider from contracting or otherwise providing for a right of reimbursement to basic reparation benefits received by a person as compensation for the reasonable value of needed products, services, and accommodations for which no charges were incurred.

### JURISDICTION

SEC. 110. (a) FEDERAL.—No district court of the United States may entertain an action for breach of any contractual or other obligation of a reparation obligor for the payment of liability, basic or added reparation benefits unless the United States is a party to the action or the person bringing the action meets the jurisdictional requirements of section 1332 of title 28 of the United States Code. In any direct action against the reparation obligor, whether incorporated or unincorporated, such reparation obligor shall be deemed a citizen of the State of which the basic reparation insured is a citizen, as well as of any State by which the reparation obligor has been incorporated and of the State where it has its principal place of business.

(b) STATE.—Any person may bring suit for breach of any contractual or other obligation of a reparation obligor for the payment of liability, basic or added reparation benefits in a State court of competent jurisdiction.

### SEVERABILITY

SEC. 111. (a) Except as provided in subsection (b), if any provision of this Act or application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the involved provision or application, and to this end the provisions of this Act are severable.

(b) If any restriction on the retained tort liability in paragraph (7) of section 206(a) or 304, or application thereof to any person or circumstance, is held invalid, this Act shall be interpreted as if the paragraph containing the invalid restriction had not been enacted.

### FEDERAL MOTOR VEHICLE

SEC. 112. (a) Notwithstanding any other provision of law, a claim against the United States as a reparation obligor for injury arising out of the maintenance or use of a Federal motor vehicle shall be governed by this Act. The level of basic reparation benefits which the United States pays shall be controlled by the no-fault plan applicable in the State in which the injury arising out of the maintenance or use of a Federal motor vehicle occurs.

(b) A Federal agency is authorized to obligate the United States to provide added reparation benefits for injury or harm arising out of the maintenance or use of a motor vehicle in the custody or control of such agency, upon publication in the Federal Register of notice of obligation and a description of the benefits to be provided.

(c) A Federal motor vehicle is a secured vehicle when operated in a territorial area not less than the United States, its territories and possessions, Canada, and Mexico.

(d) The Secretary shall by regulation establish procedures for claims against the United States for basic or added reparation benefits arising out of the maintenance or use of a Federal motor vehicle.

(e) As used in this section—

(1) "Federal agency" includes the executive departments, independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States.

(2) "Federal motor vehicle" means a motor vehicle owned by a Federal agency and operated with its permission.

## TITLE II—NATIONAL STANDARDS FOR STATE NO-FAULT MOTOR VEHICLE INSURANCE

SEC. 201. (a) STATE ACTION.—By the completion of the first regular legislative session which commences after the enactment of this Act, a State may establish a plan for no-fault motor vehicle insurance designed to meet or exceed the requirements established by this title.

(b) Within ninety days after the enactment of any plan the Secretary shall determine, after affording the State and other interested parties a reasonable opportunity to present oral and written submission, whether that State has established a plan for no-fault motor vehicle insurance that meets or exceeds the requirements established by this title. Unless it is determined that a State plan does not meet the requirements of this title, the State plan shall go into effect on the date designated in the plan. The date in no event shall be less than nine months and no more than twelve months from the date of enactment of the plan.

(c) The Secretary shall periodically review the laws and regulations of each State pertaining to no-fault motor vehicle insurance to determine whether or not they meet or exceed the requirements established by this title, and shall report thereon annually to the Congress.

(d) If at any time the Secretary determines that a State, following the completion of the first general legislative session following enactment of this Act, has not established or does not have in effect a plan for no-fault motor vehicle insurance that meets the requirements of this title, title III of this Act shall become applicable in that State on a date designated by the Secretary. The date in no event shall be less than six months and no more than nine months from the date of the Secretary's determination. If the Secretary finds, after title III is in effect, that a State has established a plan for no-fault motor vehicle insurance that meets or exceeds the requirements established by this title, the State plan shall go into effect and title III shall cease to be applicable on a date designated by the Secretary. The date in no event shall be less than six months and no more than nine months from the date of the enactment of the plan.

(e) The Secretary shall notify in writing the Governor of the affected State of any determinations made under this section and shall publish these determinations in the Federal Register.

(f) Any determinations by the Secretary under this section shall be subject to judicial review in accordance with chapter V of title 5 of the United States Code exclusively in the United States court of appeals for the circuit in which the State whose plan is subject to the Secretarys determination is located or in the United States Court of Appeals for the District of Columbia Circuit, and any such review must be instituted within sixty days from the date that the Secretarys determination is published in the Federal Register.

### STATE IMPLEMENTATION OF FEDERAL LAW

Sec. 202. A law establishing a no-fault plan for motor vehicle insurance in accordance with this title, and approved by the Secretary pursuant to section 201, shall be deemed to implement and effectuate the laws and policies of the United States. Such a law, established by a State in accordance with this Act, shall have the full force and effect of the laws of the United States under article VI, clause 2 of the Constitution of the United States, in connection with any judicial challenge to such law under a State constitution or State law.

### COORDINATION OF NATIONAL REQUIREMENTS

Sec. 203. A State establishing a no-fault plan for motor vehicle insurance shall enact a law which incorporates, at a minimum, the provisions of title I, except sections 110, 111, and 112, and title II, except sections 201, 202, and 203.

### RIGHT TO BASIC REPARATION BENEFITS AND OBLIGATION TO PAY THEM

Sec. 204. (a)(1) If the accident causing injury occurs in the State, every person suffering loss from injury arising out of maintenance or use of a motor vehicle has a right to basic reparation benefits in accordance with this Act.

(2) If the accident causing injury occurs outside the State, but in a territorial area not less than the United States, its territories and possessions, Canada, and Mexico, the following persons and their survivors suffering loss from injury arising out of maintenance or use of a motor vehicle have a right to basic reparation benefits in accordance with this Act:

(A) basic reparation insureds; and

(B) the driver and other occupants of a secured vehicle, other than a vehicle which is regularly used in the course of the business of transporting persons or property and which is one of five or more vehicles under common ownership.

(b)(1) Basic reparation benefits shall be paid without regard to fault.

(2) Basic reparation obligors and the assigned claims plan shall pay basic reparation benefits, under the terms and conditions stated in this Act, for loss from injury arising out of maintenance or use of a motor vehicle. This obligation exists without regard to immunity from liability or suit which might otherwise be applicable.

### PRIORITY OF APPLICABILITY OF SECURITY FOR PAYMENT OF BASIC REPARATION BENEFITS

Sec. 205. (a) In case of injury to the driver or other occupant of a motor vehicle, if the accident causing the injury occurs while the vehicle is being used in the business of transporting persons or property, the security for payment of basic reparation benefits is the security covering the vehicle or, if none, the security under which the injured person is a basic reparation insured.

(b) In case of injury to an employee, or to his spouse or other relative residing in the same household, if the accident causing the injury occurs while the injured person is driving or occupying a motor vehicle furnished by the employer, the security for payment of basic reparation benefits is the security covering the vehicle or, if none, the security under which the injured person is a basic reparation insured.

(c) In all other cases, the following priorities apply—

(1) The security for payment of basic reparation benefits applicable to injury to a basic reparation insured is the security under which the injured person is a basic reparation insured.

(2) The security for payment of basic reparation benefits applicable to injury to the driver or other occupant of an involved motor vehicle who is not a basic reparation insured is the security covering that vehicle.

(3) The security for payment of basic reparation benefits applicable to injury to a person not otherwise covered who is not the driver or other occupant of an involved motor vehicle is the security covering any involved motor vehicle. An unoccupied parked vehicle is not an involved motor vehicle unless it was parked so as to cause unreasonable risk of injury.

(d) If two or more obligations to pay basic reparation benefits are applicable to an injury under the priorities set out in this section, benefits are payable only once and the reparation obligor against whom a claim is asserted shall process and pay the claim as if wholly responsible, but he is thereafter entitled to recover contribution pro rata for the basic reparation benefits paid and the costs of processing the claim. Where contribution is sought among reparation obligors responsible under paragraph (3) of subsection (c) proration shall be based on the number of involved motor vehicles.

### PARTIAL ABOLITION OF TORT LIABILITY

Sec. 206. (a) Tort liability with respect to accidents occurring in the State and arising from the ownership, maintenance, or use of a motor vehicle is abolished except as to—

(1) liability of the owner of a motor vehicle involved in an accident if security covering the vehicle was not provided at the time of the accident;

(2) liability of a person in the business of designing, manufacturing, repairing, servicing, or otherwise maintaining motor vehicles arising from a defect in a motor vehicle caused or not corrected by an act or omission in designing, manufacturing, repair, servicing, or other maintenance of a vehicle in the course of his business;

(3) liability of a person for intentionally caused injury to person or harm to property;

(4) liability of a person for harm to property other than a motor vehicle in use and its contents;

(5) liability of a person in the business of parking or storing motor vehicles arising in the course of that business for harm to a motor vehicle and its contents; and

(6) damages for economic detriment not covered by basic reparation insurance and not accruing as loss during the period that basic reparation insurance is providing benefits for loss pursuant to this Act;

(7) damages for noneconomic detriment in excess of $5,000, but only if the accident causes death, significant permanent injury, serious permanent disfigurement, or more than six months of complete inability of the injured person to work in an occupation. "Complete inability of an injured person to work in an occupation" means inability to perform, on even a part-time basis, even some of the duties required by his occupation or, if unemployed at the time of injury, by any occupation for which the injured person was qualified.

(b) For purposes of this section and the provisions on reparation obligor's rights of reimbursement, subrogation, and indemnity, a person does not intentionally cause harm merely because his act or failure to act is intentional or done with his realization that it creates a grave risk of harm.

(c) Nothing in this section shall be construed to immunize any person from liability to pay a civil penalty or fine on the basis of fault in a civil or criminal proceeding based upon any act or omission rising out of the maintenance or use of a motor vehicle: *Provided,* That such civil penalty or fine may not be paid or reimbursed by an insurer or reparation obligor.

### INCLUDED COVERAGES

Sec. 207. (a) An insurance contract which purports to provide coverage for basic reparation benefits or is sold with representation that it provides security covering a motor vehicle has the legal effect of including all coverages required by this Act.

(b) Every contract of insurance covering liability arising out of the ownership, maintenance, or use of a motor vehicle registered in the State includes basic reparation benefit coverages and required minimum security for tort liabilities required by this Act, and qualifies as security covering a motor vehicle. This subsection does not apply to a contract of insurance which provides coverage in excess of required minimum tort liability coverages or a contract which the commissioner determines by regulation provides motor vehicle liability coverages only as incidental to some other basic coverage.

### MINIMUM TORT LIABILITY INSURANCE AND TERRITORIAL COVERAGE

Sec. 208. (a) The requirement of security for payment of tort liabilities may be fulfilled by providing:

(1) liability coverage of not less than $25,000 for all damages arising out of injury sustained by any one person as a result of any one accident applicable to each person sustaining injury caused by accident arising out of ownership, maintenance, use, loading, or unloading, of the secured vehicle;

(2) liability coverage of not less than $10,000 for all damages arising out of injury to or destruction of property, including the loss of use thereof, as a result of any one accident arising out of ownership, maintenance, use, loading, or unloading, of the secured vehicle; and

(3) that the liability coverages apply to accidents during the contract period in a territorial area not less than the United States of America, its territories and possessions, and Canada.

(b) The requirement of security for payment of tort liabilities may be met by payment to a State unsatisfied judgment fund or to any other program established to provide security for the payment of tort liabilities by the State of domicile of the owner of a motor vehicle.

(c) Subject to the approval of terms and forms, the requirement of security for payment of tort liabilities may be met by a contract of insurance the coverage of which is secondary or excess to other applicable valid and collectable liability insurance coverage. To the extent the secondary or excess coverage applies to liability within the minimum security required by this Act, it must be subject to added conditions consistent with the system of compulsory liability insurance.

(d) Tort liability coverages required by this Act need not include the tort liability of a converter.

### CALCULATION OF LOSS

Sec. 209. Work Loss.—(a)(1) The work loss of a person whose income is realized in regular increments shall be calculated by:

(A) determining his per diem income by dividing his annual income by 260, and

(B) multiplying that quantity by the number of days the person sustains loss of income during the accrual period.

(2) The work loss of a person whose income is realized in irregular increments shall be calculated by:

(A) determining his probable per diem income by dividing his probable annual income by 260;

(B) multiplying that quantity by the number of days the person was unable to perform work during the accrual period; and

(C) subtracting from that product any amount by which the person's actual income prior to the injury for the calendar year in which the loss of income occurs exceeds the product resulting from multiplying the per diem income by the number of working days from the beginning of the calendar year to the date of injury.

(3) The work loss of an unemployed person is calculated by determining his probable per diem income by dividing his probable annual income by 260 and multiplying that quantity by the number of days (if any) the person would reasonably have been expected to realize income during the accrual period.

(4) Sums for work loss shall be periodically increased in a manner corresponding to annual compensation increases that would predictably have resulted but for the injury.

(5) Whenever a dollar figure limits work loss, that figure shall be multiplied beginning in 1978, and at five year intervals thereafter, by a number whose numerator is the Index of Real Wages for that year and whose denominator is the Index of Real Wages for the base year 1973, according to the latest available United States Department of Labor figures.

(b) NET LOSS.—(1) All benefits or advantages (less reasonably incurred collection costs) a person receives or is entitled to receive, because of the injury arising out of the maintenance or use of a motor vehicle, from social security (except those benefits provided under title XIX of the Social Security Act), workmen's compensation, any State-required temporary, nonoccupational disability insurance, and all other benefits (except the proceeds of life insurance) received because of the injury from the Government of the United States and its public agencies or a State or any of its political subdivisions or an instrumentality of two or more States, unless the law authorizing or providing for the benefits makes them excess or secondary to the benefits payable under this Act, are subtracted from loss in calculating net loss.

(2) If a benefit or advantage received to compensate for loss of income because of injury, whether from basic reparation benefits or from any source of benefits or advantages subtracted under subsection (a), is not taxable income, the income tax saving that is attributable to his loss of income because of injury is subtracted in calculating net loss. Subtraction may not exceed 15 per centum of the loss of income and shall be in such lesser amount as the insurer reasonably determines is appropriate based on a lower value of the income tax advantage.

### BASIC REPARATION BENEFIT LIMITATIONS AND EXCLUSIONS

SEC. 210. A State may—

(a) provide for a limitation on work loss in the calculation of basic reparation benefits for all work loss sustained in excess of:

(1) a monthly amount equal to $1,000 a fraction whose numerator is the average per capita income in the State and whose denominator is the average per capita income in the United States, according to the latest available United States Department of Commerce figures:

(2) a total amount of $50,000 unless the commissioner, in accordance with State law, determines by regulation on the basis of a preponderance of actuarial information a lesser sum, but in no event a sum less than $25,000, should be established in order that the average premium costs for the average person in the State for basic reparation benefits, minimum tort liability insurance, optional added reparation coverages for physical damage to motor vehicles, and comprehensive coverage are not greater than the average premium costs for the average person in the State prior to the establishment of the State no-fault plan for an automobile insurance policy which included coverage for bodily injury liability, uninsured motorist protection, property damage liability, medical pay, collision, and comprehensive coverage, subject to reasonable limitations; and

(b) provide for reasonable exclusions or monthly or total limitations on replacement services loss, survivor's economic loss, and survivor's replacement services loss in the calculation of basic reparation benefits.

### DEDUCTIBLES AND EXCLUSIONS

SEC. 211. A State establishing a no-fault plan may provide that any contract for basic or added reparation benefits may contain additional coverages and benefits with respect to any detriment resulting from a motor vehicle accident and such terms, conditions, deductible clauses, and waiting periods consistent with this Act as are approved by the commissioner, in accordance with State law. The commissioner shall only approve terms, conditions, deductible clauses, and waiting periods: (a) which are fair and equitable, and (b) which limit the variety of coverage available so as to give buyers of insurance reasonable opportunity to compare the cost of insuring with various reparation obligors.

### PROPERTY DAMAGE EXCLUSION

SEC. 212. Basic reparation benefits do not include benefits for harm to property.

### BENEFITS PROVIDED BY OPTIONAL ADDED REPARATION INSURANCE

SEC. 213. (a) Basic reparation insurers may offer optional added reparation coverages providing other benefits as compensation for injury or harm arising from ownership, maintenance, or use of a motor vehicle, including loss excluded by limits on hospital charges and funeral, cremation, and burial expenses, loss excluded by limits on work loss, replacement services loss, survivor's economic loss, and survivor's replacement services loss, benefits for harm to property, loss of use of motor vehicles, and noneconomic detriment. The commissioner may adopt rules requiring that specified optional added reparation coverages be offered by insurers writing basic reparation insurance.

(b) Basic reparation insurers shall offer the following optional added reparation coverages for physical damage to motor vehicles:

(1) a coverage for all collision and upset damage, subject to a deductible of $100; and

(2) a coverage for all collision and upset damage to the extent that the insured has a valid claim in tort against another identified person or would have had such a valid claim but for the abolition of tort liability for damages for harm to motor vehicles in use (section 206(a)(4)).

(c) Subject to the approval of terms and forms by the commissioner, basic reparation insurers may offer other optional added reparation coverages for harm to motor vehicles or their contents, or both, or other like coverages subject to different deductibles or without deductibles.

(d) An insurer of the insured's choice may write separately coverages for harm to motor vehicles.

(e) all added reparation coverages offered apply to injuries or harm arising out of accidents and occurrences during the contract period in a territorial area not less than the United States, its territories and possessions, and Canada.

### CONVERTED MOTOR VEHICLES AND INTENTIONAL INJURIES

SEC. 214. (a) Except as provided for assigned claims, a person who converts a motor vehicle is disqualified from basic or added reparation benefits, including benefits otherwise due him as a survivor, from any source other than an insurance contract under which, the converter is a basic or added reparation insured, for injuries arising from maintenance or use of the converted vehicle. If the converter dies from the injuries, his survivors are not entitled to basic or added reparation benefits from any source other than an insurance contract under which the converter is a basic reparation insured. For the purpose of this section, a person is not a converter if he uses the motor vehicle in the good faith belief that he is legally entitled to do so.

(b) A person intentionally causing or attempting to cause injury to himself or another person is disqualified from basic or added reparation benefits for injury arising from his acts, including benefits otherwise due him as a survivor. If a person dies as a result of intentionally causing or attempting to cause injury to himself or another person, his survivors are not entitled to basic or added reparation benefits for loss arising from his death. A person intentionally causes or attempts to cause injury if he acts or fails to act for the purpose of causing injury or with knowledge that injury is substantially certain to follow. A person does not intentionally cause or attempt to cause injury (1) merely because his act or failure to act is intentional or done with his realization that it creates a grave risk of causing injury or (2) if the act or omission causing the injury is for the purpose of averting bodily harm to himself or another person.

## TITLE III—ALTERNATIVE NO-FAULT MOTOR VEHICLE INSURANCE PLAN

### REQUIREMENTS

SEC. 301. (a) Title I, except sections 110, 111, and 112, and the following provisions of title II shall be incorporated in an alternative no-fault insurance plan applicable in those States not enacting a State plan of no-fault insurance pursuant to section 201—

(a) section 204 (right to basic reparation benefits and obligation to pay them);

(b) section 205 (priority of applicability of security for payment of basic reparation benefits);

(c) section 207 (included coverages);

(d) section 208 (required minimum tort liability insurance and territorial coverage);

(e) section 209 (calculation of net loss);

(f) section 211 (deductibles and exclusion); and

(g) section 212 (property damage exclusion); and

(h) section 214 (converted motor vehicles and intentional injuries).

(b) The provisions in subsection (a) of this section, together with sections 302 through 304 of this title shall constitute the alternative no-fault plan. A State may establish additional requirements that are not inconsistent with the alternative no-fault plan.

### STANDARD WEEKLY LIMIT ON BENEFITS FOR CERTAIN LOSSES

SEC. 302. Basic reparation benefits payable for work loss may not exceed $1,000 per month, and survivor's economic loss, replacement services loss, and survivor's replacement services loss arising from injury to one person and attributable to the calendar week during which the accident causing injury occurs and to each calendar week thereafter may not exceed $200.

### PARTIAL ABOLITION OF TORT LIABILITY

SEC. 303. (a) Tort liability with respect to accidents occurring in the State and arising from the ownership, maintenance, or use of a motor vehicle is abolished except as to—

(1) liability of the owner of a motor vehicle involved in an accident in a State if security covering the vehicle was not provided at the time of the accident;

(2) liability of a person in the business of designing, manufacturing, repairing, servicing, or otherwise maintaining motor vehicles arising from a defect in a motor vehicle caused or not corrected by an act or omission in designing, manufacturing, repairing, serv-

icing, or other maintenance of a vehicle in the course of his business;

(3) liability of a person for intentionally caused injury to person or harm to property;

(4) liability of a person for harm to property other than a motor vehicle and its contents;

(5) liability of a person in the business of parking or storing motor vehicles arising in the course of that business for harm to a motor vehicle and its contents.

(b) Nothing in this section shall be construed to immunize any person from liability to pay a civil penalty or fine on the basis of fault in a civil or ciriminal proceeding based upon any act or omission arising out of the maintenance or use of a motor vehicle: *Provided,* That such civil penalty or fine may not be paid or reimbursed by an insurer or reparation obligor.

### BENEFITS PROVIDED BY OPTIONAL ADDED REPARATION INSURANCE

SEC. 304. (a) Basic reparation insurers may offer optional added reparation coverages providing other benefits as compensation for injury or harm arising from ownership, maintenance, or use of a motor vehicle, including loss excluded by limits on hospital charges and funeral, cremation, and burial expenses, loss excluded by limits on work loss, replacement services loss, survivor's economic loss, and survivor's replacement services loss, benefits for harm to property, and loss of use of motor vehcles. The commissioner may adopt rules requiring specified optional added reparation coverages be offered by insurers writing basic reparation insurance.

(b) Basic reparation insurers shall offer optional added reparation coverages providing coverage, in such amounts and upon such conditions as offered by the insurer at the direction of the commissioner and as selected by the basic reparations insured, for noneconomic detriment caused by injury arising from the maintenance or use of a motor vehicle.

(c) Basic reparation insurers shall offer the following optional added reparation coverages for physical damage to motor vehicles—

(1) a coverage for all collision and upset damage, subject to a deductible of $100; and

(2) a coverage for all collision and upset damage to the extent that the insured has a valid claim in tort against another identified person or would have had such a valid claim but for the abolition of tort liability for damages for harm to motor vehicles; and

(d) Subject to the approval of terms and forms by the commissioner, basic reparation insurers may offer other optional added reparation coverages for harm to motor vehicles or their contents, or both, or other like coverages subject to different deductibles or without deductibles.

(e) An insurer of the insured's choice may write separately coverages for harm to motor vehicles.

### NO-FAULT AND THE AVERAGE AMERICAN FAMILY

Mr. HART. Mr. President, one argument most vigorously made against a national no-fault auto insurance program last year was that it would raise premiums for the average family. Tied in with that accusation was one that the working class family would be victimized with undercompensation.

The amazing thing about both arguments was that they had any credibility. For the present system is the one that is unfairly taxing the average American family—and the poor—to an even greater extent. And, as for compensating for loss, the groups in the middle and lower income levels would do far better under the proposed plan than under the present system.

There is a grain of truth to the "anti" argument which I want to deal with. Indeed today 20 percent of American drivers do not have auto insurance. Under the national no-fault plan they would be required to purchase insurance. But indications are that this situation will develop whether no-fault becomes law or not.

The majority of the States over the years have had "financial responsibility laws" which contained "clubs" that in effect did require most families—certainly the bulk of those we are discussing—to carry auto insurance. The laws supposedly became operational "after the fact"—that is, a driver involved in an accident who did not have insurance or could not make his victims financially whole—faced the censures of the law.

As a result, most families with low or few assets bought insurance to protect against such potential censures. However, in two opinions in 1971, the Supreme Court voided as unconstitutional key provisions of the financial responsibility laws. In effect, the Court disarmed these laws of their censures. In response, the National Committee on Uniform Traffic Laws and Ordinances, which prepared the "Uniform Vehicle Code and Model Traffic Ordinance" for the States, voted in November 1971, to amend the uniform code to require compulsory insurance. The number of States doing just that has increased markedly since.

Since all drivers likely soon will be required to carry insurance, let us see what they will be buying with their premium—and judge whether that premium will be fair.

On both counts, I feel, the bill being introduced today treats the average—or poor—American family far more fairly than the present system.

As a citizen of Louisiana put it very well in a letter to me:

> We who have to drive, who cannot do without care, are burdened with outrageous insurance bills, plus capricious cancellations of our insurance for no cause, plus the prospect of having to pay huge lawyer's fees if we are involved in any accident, either to recover our own damages or to attempt to get them from the others involved. This business of suing, of having to prove "blame", of crowding already over-crowded court calendars, digging up witnesses, losing time from work, paying out enormous lawyer's fees, has simply reached the point of intolerable burdensomeness. We are begging Congress for relief—we the common people of America.

Under the present system, the "common people" do pay more than their fair share for insurance, do recover less and do have more trouble getting insurance.

The Department of Transportation study showed that poor and moderate-income families, particularly those with teenage drivers in the family, and living in metropolitan areas, pay the most for auto liability insurance and receive the least.

Here's how they scored on recovery of losses: Families with incomes under $10,000 recovered from all sources only 45 percent of their medical, wage and property damage losses. But families with incomes over $10,000 recovered 61 percent.

Those in average or lower income brackets pay too much for insurance because under the present system, premiums are not allocated in proportion to the probable benefits to be received.

For example, assume the average claimant is a $10,000-a-year wage earner. If the insured is a $5,000-a-year wage earner, he will pay annual premiums reflecting that the company would have to compensate the $10,000-a-year man.

And if the insured is a $15,000-a-year man, he also pays a premium to provide compensation for the $10,000-a-year man.

Thus, the $5,000 wage earner is overpaying and the $15,000 man is underpaying.

And, when it comes to collecting, the man with no or little savings again gets the short end of the stick.

One of the most frequently observed phenomena about the present automobile tort system is its slow pace of operation. Just compare this system with workmen's compensation. The Division of Industrial Accidents for California reported that from July through December, 1970, 77.9 percent of workmen's compensation cases were paid their first benefits within 14 days of the disability. The rest received their first check within 29 days. The Department of Transportation, on the other hand, reported that within 30 days after auto accident injuries, only 21 percent of paid claims had been settled and these represented only 3.5 percent of the total payments made on all paid claims. And the more serious the injuries, the longer the victim must wait.

Now, who does that delay hurt the most, Mr. President? You and I—or the two-thirds of American families whose annual income is less than $15,000?

This group—the bulk of the population—cannot wait finally to get to court—nor can they afford to finance their own rehabilitation expenses. So—they settle for minimum compensation without a trial and too often forgo full rehabilitation treatment as either too expensive or too late.

The bill Senator MAGNUSON and I introduce today meets this problem by requiring virtually immediate payment to injured victims without regard to fault. If benefits are not paid within 30 days, the insurer is bound to pay interest at the annual rate of 18 percent. In addition, if a claimant retains an attorney to secure payment the insurer must pay reasonable fees unless the claim is fraudulent or so excessive as to have no reasonable foundation.

A major problem which has vitiated workmen's compensation is also avoided with this bill—the problem of inflation. Most State workmen's compensation laws specify the exact dollar amount of benefits to which each claimant is entitled. There is no recognition of the inflation factor. This bill prescribes an "inflation-adjustment formula" to keep benefit levels consistent in terms of real wages. As we have learned, inflation bites most heavily people whose financial resources are the most limited.

Mr. President, the bill being introduced today also substantially eliminates a "test" of insurability which has kept so many Americans from getting standard rate insurance. Under the present system, an applicant is judged indeed in part on his driving record, but as the Antitrust and Monopoly Subcommittee learned, a good part of the decision to write or not to write is based on what kind of an appearance the applicant would make in court.

This criteria seemed to show that the driver most likely to get the regular rate auto insurance—easily—was the better educated, the better dressed, and the better employed. Those with accents, poorer paying jobs, handicaps or who were even "average citizens" had more problems.

The bill being introduced today eliminates most of this. For generally the insurer will know that payments will be made directly to the insured—with little need to be concerned about the applicant's impact on a jury.

As far as ability to recover, this bill is a boon to the injured person who cannot prove that his injury was caused by another's negligence. This would indeed include the single car accident and the injured person who was himself negligent.

We have heard and received so many polemics about the "negligent driver" that it is easy to forget that negligence in civil law may be a very minor deviation from due care. And, Mr. President, each of us—if he is being honest with himself—must admit that we have many times been negligent in our driving. One study showed that the driver must make 200 observations and 20 decisions each mile he drives. The potential is so great that it would be natural for even the most careful of drivers to make errors in judgment. In fact, the same study estimated that the average driver does make errors—one per each 2 miles driven.

I have been asked—while explaining no-fault—why the "good guy" drivers should be forced to pay premiums so the "bad guy" can receive just as much in benefits. I ask in return, why is this "good guy-bad guy" analysis suddenly being applied to automobile personal injury insurance when we have had no-fault for years and years as to auto property damage collision insurance? Or why, for that matter, should the "good guy" homeowner who maintains several fire extinguishers in working order and keeps matches away from his children be forced to pay the same fire insurance premiums when the "bad guy" homeowner will receive just as much benefit in case of fire?

Mr. President, the traditional role of insurance is to protect the buyer from substantial loss. It should not be used—in lieu of criminal laws—to reward the innocent and punish the guilty. In no-fault—as in all insurances—I envision that the applicant who presents the greater risk, in this case with a poor driving record, will be assigned a higher premium.

Mr. President, there are several other advantages of this bill which I would like to point out as they are not often discussed:

One is the advantage it offers to alleviate the problem of cancellation, refusal to renew or other termination of auto insurance. This bill instructs the State insurance commissioner to assure that liability and basic and added reparation insurance will be available to all applicants. The bill also provides that rates "shall be reasonable and not unfairly discriminatory—and not be so great as to deny economically disadvantaged persons as a class access to insurance thereby effectively depriving them of the opportunity of legally operating motor vehicles."

Under the bill, there would be no "red-lining," no summary injustice to the less advantaged, the elderly, the young.

Another point of concern to everyone should be how the bill compensates an auto accident victim who happens to be unemployed or underemployed on the date of the accident. Section 209(a) sets forth a series of rules for the calculation of "work loss," which is defined in part as "loss of income resulting from the inability by reason of an injury arising out of the maintenance or use of a motor vehicle to perform work which an injured person would have performed if he had not been injured."

The rules make it clear that the important measure is the injured person's "probable" daily income and multiplying that figure by the number of days he "would reasonably have been expected to realize income" during the period of disability resulting from the accident.

It is my judgment that out of the establishment of nationwide meaningful no-fault auto insurance, we are going to see important and beneficial side effects that will benefit everyone. One of these relates to rehabilitation services. Under the present system the injured auto victim cannot just go to a rehabilitation center or clinic for help and then send the bills to his insurance company or the insurance company for the other driver. He must expend his own money, and if he ultimately and eventually recovers and collects on a tort judgment against the other driver the rehabilitation costs will be included. Obviously, it is more difficult for the average person to do this than for a wealthy person. Under this bill, the injured auto victim's own insurance company must pay all "reasonable charges incurred for reasonably needed products, services, and accommodations—including those for—rehabilitation, rehabilitative occupational training, and other remedial treatment and care." (Section 101 (2).) Middle Americans will now have just as good a chance to be successfully rehabilitated following an auto accident as the rich.

I hope that those whose fees and self-interest are jeopardized by this bill will not again attempt to enlist the support of the economically disadvantaged by telling them that no-fault is bad for them. The assertion is untrue.

I do not want to create the impression that all no-fault auto insurance laws and bills, or that all laws and bills which are called no-fault are fair and advantageous to the average driver. Quite the contrary. The so-called add-on bills which require the motorist to purchase first-party benefits coverages in addition to liability insurance put an extra-heavy premium burden on those least able to pay. The add-on bills do not relieve consumers of any of the costs of the inefficient tort liability insurance system. They simply add another layer to the cake and that layer costs money in the form of premiums. It is not the consumers of automobile insurance who eat most of the cake under the present system but the people who are employed directly or indirectly in the processing, litigating, and other activities which the tort system necessitates by its very essence. Only 44 cents out of every $1 paid as premiums under the tort system ends up as benefits in the hands of claimants.

It is in fact my reservations about the adequacy and fairness of so many of the no-fault plans that have been both proposed and adopted that lead me to sponsor this national bill with minimum standards. To date, 45 of the States have not acted at all to enact true no-fault, but of the five which have acted only one has passed a bill which meets the guidelines for good no-fault insurance legislation set down in the final report of the Department of Transportation's study.

Mr. President, I ask unanimous consent that there be included at the conclusion of my remarks an article from Business Insurance entitled "Lawmakers' Maneuvers Kill Pennsylvania No-Fault."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered

(See exhibit 1.)

Mr. HART. Mr. President, I am happy to be able to report that it is the State of Michigan which has enacted adequate no-fault insurance compensation under a recent law to become effective October 1. The Michigan law provides adequate benefits for the seriously injured and for the survivors of persons killed in auto accidents. The law provides unlimited compensation for medical expenses and rehabilitation expenses, reimbursement for loss of earned income up to $1,000 a month for up to 3 years, and compensation for the cost of services the victim would have performed for himself but for the injury up to $20 a day for up to 3 years. It is of particular importance to poor people and working people that accident compensation benefit levels be adequate. As I have said before, workingmen and women and families with incomes below the poverty line do not have a financial cushion to fall back upon when they are disabled. No-fault plane with inadequate benefit levels, phony no-fault plans without restrictions on tort lawsuits, or garden-variety tort liability insurance plans are all bad for the common people of America.

The bill we introduce today I think is good for the common people of America, the people for whom my Louisiana correspondent spoke.

EXHIBIT 1

[From Business Insurance, Jan. 1, 1973]

### LAWMAKERS' MANUEVERS KILL PENNSYLVANIA NO-FAULT

(By William Ecenbarger)

HARRISBURG, PA.—The 1972 Pennsylvania general assembly closed out its session on Nov. 30 without passing the measure Gov. Milton J. Shapp wanted most—a no-fault automobile insurance program.

The proposal, which was written in its original form by Hebert Denenberg, state insurance commissioner, died from multiple causes—partisan politics, the power of the legal profession within the legislature and the sheer weight of its own complexity.

A drastically compromised version of the Denenberg plan came close to winning approval, but the legislature left even that to die one hour before the session closed.

The most amazing thing about the no-fault battle in Pennsylvania was this: The senate passed a no-fault bill by the overwhelming vote of 45-4; the house passed a no-fault bill by the overwhelming vote of 192-1. But they were different bills, and that is the reason there is no law on the books today.

Many state legislatures considered no-fault this year, but only a handful adopted it. The long debate in Pennsylvania is fairly typical of the problems—past and future—faced by no-fault proponents in getting state laws enacted.

To understand what happened to no-fault here, you must begin by analyzing the legislature. There are 50 members of the state senate, and 18 of them are active attorneys. The house numbers 203, and 52 of them have law practices. Many of the legislative leaders are members of the Pennsylvania Trial Lawyers Assn., which mounted an intensive and successful drive to defeat the bill.

The original Shapp-Denenberg proposal was offered in May, 1971, but it languished in the senate insurance committee for more than a year. This studied neglect was chiefly the work of Sen. Freeman Hankins, a Philadelphia Democrat and committee chairman, who later accepted heavy campaign contributions from trial lawyers to help him win re-election.

The original proposal was considerably diluted by the Shapp administration in an effort to get it through the legislature. It called for first-party no-fault benefits of up to $70,000 and a $2,500 "threshold" on pain and suffering lawsuits. The final version of the bill provided first-party benefits of $100,000 and a $750 threshold.

Chiefly through the efforts of Mr. Denenberg, widespread popular support was generated for the no-fault concept in Pennsylvania. But this advantage was offset by no-fault's great weakness—its own complexity. In and out of the legislature, the people who best understood no-fault were its chief opponents, the lawyers.

The legislative foes of no-fault, sensing the appeal of the issue to their constituents, sought to avoid an unpopular vote on their records by sweetening the proposal until it was indigestible. They failed in the senate, but not by much. The lopsided vote in favor of no-fault on the final roll call merely reflects opponents jumping on the bandwagon after the race had been decided.

But the sweetening tactic succeeded in the house. The senate-passed measure was amended 11 times, and when the confectioners had completed their work all but one of the 193 legislators present could vote for it. (The proponents did so because it was still called no-fault, the opponents because they knew it was doomed.) Indeed, the next week the senate rejected the house version and threw it into a conference committee to iron out the differences between the two chambers.

The Shapp administration, which had staked a big chunk of its political future on the no-fault issue, entered the battle with sound strategy but indecisive tactics. The strategy was in the timing: Bring no-fault to a boil just as most legislators were launching their re-election campaigns.

But tactically the administration faltered. Characteristically, Mr. Denenberg wanted a direct frontal attack on any legislator who opposed no-fault. But Gov. Shapp's inner office favored the more traditional approach of guiding the measure through the legislative obstacle course by making deals whenever necessary.

The administration never quite decided on either path.

The offensive was launched in September with an attempt to attach the no-fault proposal to a house-passed bill that was then before the senate. The rider strategy, the administration reasoned, would avoid Sen. Hankins' insurance committee.

The move failed twice, chiefly because some Democrats were angry with Gov. Shapp for failing to advise them in advance of the maneuver. The third time it worked, with the help of some modifications of the program by the governor. After a long and bitter debate, the bill passed the senate and went to the house, where the administration quickly committed a serious blunder.

Gov. Shapp began telling house Democrats, who controlled the chamber, that passage of a no-fault bill would give them something to crow about in their re-election campaigns. This ended any hope of substantial help for no-fault from minority Republicans in the house.

House Speaker Herbert Fineman, a trial lawyer, controlled the rostrum in the house—and he was fighting no-fault every step of the way. There were enough Democrats who went along with Mr. Fineman to mean that Republican assistance was needed on no-fault.

But, politically, house Republicans faced two perils. To oppose no-fault risked retribution at the polls while unqualified support meant giving Gov. Shapp and the Democrats a hammer to use on Republican legislative candidates in the election campaign, which already had begun.

Minority Leader Kenneth B. Lee chose a middle course: Support a no-fault bill—but not the governor's proposal.

Before the debate even began, Mr. Fineman dealt no-fault a crippling blow with a simple ruling from the rostrum. Tradition dictated that when the house gets an amended version of its own bill from the senate, the only question is whether or not to agree to that amendment. No other amendments are permited to be offered from the floor.

In the case of the administration's bill, the senate "amendment" was in fact the no-fault program attached as a rider. But Mr. Fineman ruled that the house could further amend the measure, basing his decision on a 1971 rules precedent that he himself had written.

Had the election-conscious house members been forced to vote on the senate-passed bill as it came to them, there is little doubt that it would have passed and no-fault would be on the books in Pennsylvania today.

But Mr. Fineman's ruling opened the door to a flood of amendments, and about eight hours of debate began. By default the task of defending the administration bill fell to a legislator whose private vocation is teaching school. The administration's advocate is an able legislator—but he did not have the expertise in law and insurance to counterattack the slick forensics of the opposition, most of whom were experienced courtroom lawyers.

When the barrage had lifted, the administration proposal was riddled with 11 amendments. And when the revised measure came up for a final roll call, no-fault's most vociferous opponents, including Mr. Fineman, could vote in favor of it.

Some of the amendments were relatively harmless, but the opponents scored a direct hit when they amended the bill to provide that if the threshold section were declared unconstitutional, the rest of the proposal would remain on the lawbooks.

This amendment made the bill totally unacceptable to Gov. Shapp, who feared that if the program were allowed to stand without the threshold, auto insurance premiums in Pennsylvania would go up rather than down.

The dispute over the crucial amendment underscored a flaw in the governor's position. Gov. Shapp and Mr. Denenberg continually rejected the argument of no-fault opponents that the bill was an unconstitutional violation of the guarantee to sue for damages. The administration's insistence that the no-fault bill rise and fall as a unit showed it really wasn't so sure the program could pass constitutional muster.

The following day the house version was rejected by the senate, and no-fault limped into an inter-chamber conference committee for compromise.

The six-member committee met on Oct. 11. Nearby sat Mr. Denenberg and his top aides, pads and pencils poised, to offer assistance. By Oct. 12 the conferees had a tentative agreement, but Gov. Shapp wanted one provision removed that would allow suits for mechanical defects in automobiles. They were never able to work that out of the bill. Oct. 13 the committee submitted its final version to Mr. Denenberg, who promptly telephoned Gov. Shapp at a political rally. The commissioner told the governor the bill was unacceptable and he reckoned that it would increase premiums for bodily injury and personal liability by 20%.

Four of the six members of the conference committee agreed to the compromise, and they held a press conference Oct. 13 to announce it. Mr. Denenberg took over the press conference after about one hour and denounced the committee compromise as a "sell-out to the trial lawyers." He said Gov. Shapp would veto the proposal if it came to his desk.

Whether or not the aborted compromise would have resulted in a 20% rate increase will never be know. Mr. Denenberg has actuarial figures to back him up, the legislators have none to refute him. But, if his projections are accepted, the decision to veto the compromise comes into sharp focus.

The proposal provided that when no-fault took effect next July 1, rates would automatically drop by 15%. The insurance department was empowered to waive the rate cut for struggling insurance companies, but only after they had realized the underwriting losses to justify such action.

That meant that in 1974, Mr. Denenberg reasoned, he might have to raise premiums by as much as 35%—15% to bring them back to 1972 levels, 20% to pay for the no-fault compromise. That was too close to political suicide, in that Gov. Shapp is up for reelection in 1974.

The last point important to understanding the veto threat is that there hasn't been a major auto insurance rate increase approved in Pennsylvania for more than three years. Most insurers have requested rate hikes, and Mr. Denenberg concedes that "the lid is about to blow off."

Industry statistics place Pennsylvania nineteenth in the nation in average auto premiums, lower than any other industrial state.

There was one final act to the no-fault drama. It occurred at 8 p.m. on Nov. 30, just four hours before the 1972 legislative session expired. The conference committee, which had met the day before in one last effort to come up with an acceptable compromise, succeeded.

But a last-minute attempt to ram the proposal through the legislature failed when no-fault opponents succeeded in preventing it from ever coming to a final vote in the house.

The compromise, which was quickly endorsed by Gov. Shapp and Mr. Denenberg, diluted the provision permitting lawsuits for mechanical defects. It was signed and delivered to the house about 9 p.m. The opponents went to work.

One lawyer-legislator refused to allow the house to waive the rule requiring bills to be in print before they can be voted on (such a waiver is almost routine on other issues).

The printed version of the compromise mysteriously disappeared, and was later located in an obscure niche of the speaker's rostrum. After it was distributed to member's desks, house Republicans threatened to go to caucus if it were brought to a vote. At this point there were less than two hours left in the session—and such a caucus doubtless would have lasted until midnight.

Then there began extensive questions from the floor on a relatively minor bill requiring actuarial studies of municipal pension systems. All of the interrogators were trial lawyers. One legislator, who favored no-fault, interrupted long enough to denounce the spectacle as a "well-orchestrated filibuster."

Finally, Gov. Shapp threw in the towel at 11 p.m.—fearing that the delaying tactics would doom other important bills which had to be passed in the final hours of the session.

### THE CONSUMER AND AUTOMOBILE INSURANCE

Mr. MOSS. Mr. President, I am proud to join the distinguished Senator from Washington (Mr. MAGNUSON) as a sponsor of the National No-Fault Motor Vehicle Insurance Act.

This bill is needed in order to benefit the millions of American consumers who purchase automobile insurance and think they are protecting themselves when they have an auto accident.

The bill is needed for the very basic reason that the automobile insurance available today in most States does not in fact protect the purchaser for his loss in case of accident. The consumer buys liability insurance—insurance against the risk that a court will order him to pay the costs of someone else's auto accident injury—not sufficient personal and family protection insurance. And if the purchaser is himself injured in an accident, there is less than a 50/50 chance that he will be able to recover his losses from the liability insurance carried by someone else. In the first place, as many as 20 percent of drivers in some places carry no insurance whatever and have no attachable assets. Second, the present system prohibits a premium-paying consumer of auto insurance from receiving any benefits at all after an auto accident injury unless he can prove that the injury was caused by the negligence of another person and that he himself was free from negligence. Third, the person might be injured in a single car accident and it does no good to sue the tree.

The frustrating irony of it all is that the consumer is paying a heavy price for this abysmally inadequate product.

I should like to outline what the American consumer needs in a system of automobile injury compensation, and then summarize how this bill meets that need:

#### OUTLINE

First. Reduction of the economic waste in the present system.

According to the DOT study, the present insurance system "would appear to possess the highly dubious distinction of having probably the highest cost-benefit ratio of any major compensation system currently in operation in this country." Final Report, page 95. The present system returns only about 44 cents in benefits to auto accident victims for each dollar paid in premiums to insurance companies. For the most part, this inefficiency is not the fault of either trial lawyers or insurance companies—it is the "fault" of the system. Just as it costs more money to run a steam locomotive than to run a diesel locomotive, a fault insurance system that pays benefits on the basis of loss after a showing of fault is more expensive than that one which pays on the basis of loss only.

There is another kind of waste in the negligence—liability insurance system—it produces overpayment of claims. A study has disclosed that a person with $250 worth of loss, who claims benefits of $1,000 from the other driver and his insurer, may be paid $1,000 because the cost of a $250 claim plus the cost of defending the claim may exceed $1,000.

#### SUMMARY

The proposed National No-Fault Motor Vehicle Insurance Act makes unnecessary the extra layers of costs that are embedded in the present system which must allocate blame and shift losses from the insurer of the driver found at fault to the insured of another company who is found not at fault and injured. Since benefits are paid according to actual economic losses, there would be no extortion leverage available to the limited-injury claimant who threatens litigation.

Under the plans established by the States to meet the minimum standards for no-fault insurance, a far greater percentage of the dollars paid in premiums to insurance companies would be returned to victims. Under existing forms of no-fault insurance, percentages of benefit returns range from 70 percent of each premium dollar to more than 90 percent. Precious consumer dollars paid as premiums could be diverted under this bill from expenses for administering the automobile insurance system to benefits for the injured.

#### OUTLINE

Second. Improvement in the scope of coverage and adequacy of compensation of the automobile insurance system.

People who pay insurance premiums may receive no insurance benefits from the present system. As stated in the committee report which accompanied the Senate Commerce Committee's recommendation of enactment of the Magnuson-Hart bill—No. 92–891 at p. 16:

> The most obvious group are those innocent or faultless victims of automobile accidents where the potential defendant is also innocent or faultless. A second group not compensated are those who are found to be at fault or contributorily negligent.

Even in States such as Mississippi which operate under comparative negligence principles, an at-fault victim is not eligible for compensation for his full loss. Then, too, persons who sustain injury in an accident involving only one car will receive no benefits from liability insurance because there is no one to sue in order to collect. Statistically speaking, 45 percent of all those killed or seriously injured in auto accidents benefit in no way from the negligence liability insurance system. Final Report, p. 35.

An equally serious deficiency of the present system is its gross undercompensation of the seriously injured. According to the DOT, the most seriously injured auto accident victims and the families of the fatally injured are the ones who must cope with the greatest amount of uncompensated loss. Seriously injured victims with medical expenses of $5,000 or more recovered only 55 percent from tort insurance, but victims with medical expenses of less than $5,000 recovered 90 percent. Economic Consequences, vol. I, p. 281. The other grossly undercompensated - in - relation-to-loss group are people who work. The average loss, for exmple, for the working man or woman who dies in an auto accident was found to be $40,000, including lost future wages. The average settlement that his bereaved family received from all recovery resources, including liability insurance, was just $2,080 or 5 percent. The larger the loss, the less the contribution to compensation made by the tort insurance system and the greater the reliance on wage replacement programs such as sick leave, workmen's compensation where available, and social security: Final Report, p. 37.

Undercompensation of the innocent and seriously injured victim is a general phenomenon, a fact, which belies and cuts through the rhetoric about right to damages for pain and suffering. "[W]hile tort theory says that qualified—innocent—victims are entitled to compensation for all their losses, both tangible and intangible, even successful tort claimants with serious injuries, who presumably also suffered serious intangible losses, do not on the average recover even their economic loss." Economic Consequences study, vol. I, p. 149.

#### SUMMARY

The proposed National No-Fault Motor Vehicle Insurance Act substantially improves the coverage and adequacy of compensation under the automobile insurance system. Every person injured in a car accident—except those who fail to purchase the required insurance, converters, or those who injure themselves intentionally—receives compensation for his loss. Any person injured by an uninsured motorist is provided the same insurance protection as a person injured by an insured motorist, under the assigned claims plan which is a mandatory standard for State plans. Compare the benefits required as national standards—unlimited medical expenses, unlimited rehabilitation expenses, wage loss up to $50,000—with the findings of the Department of Transportation as to benefit recovery under the present system—55 percent of the deceased and seriously injured received nothing from the tort system; the remaining 45 percent recovered on the average only one-third of their economic loss.

#### OUTLINE

Third. Creation of incentives to reduce the terrible waste of human resources resulting from automobile accidents.

Under the present system there are few incentives to improve emergency health care and transportation systems and no incentives for victims to participate in rehabilitation programs. The result: People die who need not die; people remain crippled who need not remain crippled.

Today, 58 percent of all auto accident victims treated through emergency medical services never recover in a tort law suit because they are unable to prove fault or freedom from contributory negligence or because the defendant was insolvent or only one car was involved.

President Nixon put it this way in his 1972 State of the Union Address:

> [T]he loss to our economy from accidents last year is estimated at over $28 billion [and traffic accidents accounted for some 60 percent]. These are sad and staggering figures—especially since this toll could be greatly reduced by upgrading our emergency medical services.—CONGRESSIONAL RECORD, vol. 118, pt. 1, p. 503.

The providers of such emergency medical services may, under the present system, never get paid either because the victim treated is never able to prove that another person was at fault et cetera, or to the extent they do get paid they may have to wait months or years until the case is settled or litigated. Many experts believe that a good emergency health services system in America—one as good as the program that was developed in Vietnam—would significantly reduce the highway death rate. Such a system will cost a great deal of money. At the very minimum, such a system is impossible unless the class—highway accident victims—which uses more emergency medical and transportation services than any other pays the cost of the services received fully and promptly.

The present system also provides no incentives aimed at rehabilitating the traffic victim and restoring him to a useful and productive life:

> The traditional settlement environment for third party auto bodily injury claims offers nothing to encourage and much to preclude the early introduction of rehabilitation. . . . [C]onsiderable time, energy, and expense must be devoted to controversy just when rehabilitation measures might most benefit the victim.—DOT, Rehabilitation of Auto Accident Victims, p. 13.

Another Department of Transportation study found that no rehabilitation program at all was suggested to 88.6 percent of seriously injured victims.

A third way to reduce loss is to provide new incentives to automobile manufacturers to produce and consumers to buy vehicles in which occupants are packaged in such a way that less serious injuries will result in case of accident. The negligence liability insurance system provides no such incentives.

### SUMMARY

Under the bill filed today all victims of automobile accidents would have the financial resources to pay for emergency medical and transportation services. This means that private hospitals and ambulance services would be able to receive timely payment from all accident victims, not just those who are free from fault and able to recover under the tort liability system. A recent study estimated that 23 percent of all fatalities in this country result when people who sustain survivable injuries receive improper or insufficient emergency medical transportation or health care services. The bill also makes it possible for all victims of auto accidents to enter and remain in rehabilitation programs. Victims, rather than wallowing in the slough of despondency and idleness waiting for their case to come to trial, will be restored so far as possible to rewarding and productive lives.

Because the bill requires insurers to pay all losses resulting from automobile accidents, there would be more incentive than at present for insurers to encourage better highway design so as to prevent accidents or minimize losses resulting from such accidents.

The bill also provides important incentives toward the design and construction of safer vehicles. Under the bill the insurance policy which a person purchases covers a particular motor vehicle. The safety characteristics of that vehicle would be very relevant in determining premium costs. A person owning a safe vehicle would pay less for his insurance than a person owning a relatively unsafe vehicle. Under the present tort liability insurance system, on the other hand, there is no particular economic advantage for a person to purchase a safe vehicle. The cost of his insurance is based upon the safety characteristics not of his own vehicle but of the average vehicle with which he might collide. It is probable, then, that under national no-fault an individual purchasing a vehicle would become more safety conscious because he would have the potential of reducing his automobile insurance premiums. Such safety consciousness could stimulate more safety competition within the automobile manufacturing community and thereby considerably advance the state of the art. Advanced technology now being developed in experimental safety vehicles might be incorporated in production models prior to a time when the Federal Government might set such standards. Thus, the bill could provide incentives for auto makers to make the safest possible vehicles sooner than they would without the incentives built into the no-fault insurance system mandated in this bill.

### OUTLINE

Fourth. Reduction of the excessive workload which the present system imposes on judges and courts of each of the States and the Federal Government.

Although most claims under the negligence liability insurance system are settled rather than litigated, the absolute number of automobile tort cases filed and the number tried is staggering. At a time when both State and Federal courts have difficulty meeting the sixth amendment requirement of speedy trial for criminal cases, much less civil cases, the automobile insurance system uses an enormous percentage of the resources of the State and the Federal courts.

The Chief Justice of the United States, Warren E. Burger, spoke eloquently to these concerns at the 1971 National Conference on the Judiciary:

> We are rapidly approaching the point where this segment of Americans will totally lose patience with the cumbersome system that makes people wait two, three, four or more years to dispose of an ordinary civil claim. . . . Very, very good arguments can be and have been made for taking automobile and other personal injury cases out of the courts entirely, out of all courts, and disposing of them by other means. (New York Times, July 4, 1971, p. 24)

### SUMMARY

No-fault will drastically decrease the amount of court and judge time required by automobile accident litigation in both Federal and State courts. I am not so naive as to suggest that litigation will be eliminated. There will be many controversies regarding the fact and scope of injury and amount of losses but these basically contract actions will be far less time consuming for the courts.

### OUTLINE

Fifth. Improvement of the present automobile accident compensation system without increasing the cost of the product to the consumer.

Some if not all of these objectives could in fact be met by sticking with the negligence-liability insurance system but first making liability insurance compulsory; second, requiring each insured to carry $125,000/$250,000 in liability insurance coverage; third, requiring each motorist to purchase first-party medical payments, income replacement, and loss of services coverage for himself and his family, subject to deduction of such first-party benefits from allowable tort suit recoveries. The system with these modifications would continue to allocate benefits unfairly, but there would be adequate and timely benefits.

Unfortunately for those who would retain the present system, these modifications would prove too cumbersome and too expensive.

"[F]urther attempts to modernize the fault insurance system by tinkering with it, while leaving its essentials intact, are sure to be expensive and self-defeating. The operators of the present system would just be buying themselves time with other peoples' money." New York State Insurance Department, Automobile Insurance. For Whose Benefit? p. 55.

The present annual national expenditure for automobile insurance—1971—$16 billion—is great enough. A reformed compensation system should stabilize if not reduce present premium costs.

The conclusion of the Department of Transportation on this matter was that "adequacy and equity of a better compensation system should not yield to costs in our list of priorities." Final Report, p. 139. Nevertheless, we must hold the line on costs.

### SUMMARY

I am confident that the investigations and comparison studies between the average premium cost under the present system and under the National No-Fault Motor Vehicle Insurance Act will establish that at a minimum the price to the consuming public will not increase. The National Association of Insurance Commissioners is developing a costing model which should bring light to the cost controversy and eliminate the confusion which was created by certain opponents of the bill in the last Congress.

### CREATIVE FEDERALISM

**Mr. STEVENS.** Mr. President, I am pleased to join in sponsoring the National No-Fault Motor Vehicle Insurance Act.

This bill represents a careful and creative effort to meet the long overdue need for reform and total overhaul of the automobile accident compensation system. The proposed act sets forth a means to accomplish this reform and overhaul within the context of a federal system. Although the bill is entitled the "National act, it might be more precise to term it the "Nationwide No-Fault Vehicle Insurance System Act." Responsibility is consciously allocated between the National Government and the governments of the 50 States in such a way that the Federal Government limits exercise of its constitutional authority to the basics. The Federal involvement assures the American consumer that meaningful auto insurance will not remain a distant and probably illusory dream.

The bill recognizes that we have a national responsibility to see that all accident victims are adequately treated and compensated, and to that end sets national standards for State no-fault motor vehicle insurance—title II. But having set the standards as a basic floor, the Federal Government goes no further. The bill leaves each State free to develop its no-fault plan beyond the minimum standards and free to administer, operate, tax, and regulate no-fault and the automobile casualty insurance business within its borders without any interference from any Federal agency—with the exception of a determination under section 201 by the Secretary of Transportation that the State plan in fact meets the minimum standards. Even if the particular State does not enact a plan which meets the national standards, in which case the title III plan goes into effect, that State will itself operate and supervise the title III plan and will exclusively regulate the insurance companies and agencies that do business under it.

The minimum standards do not impose a straitjacket on the States—far from it. Each State will be making a very large number of decisions about extremely important aspects of its new auto accident victims' compensation act. The following list is illustrative of the options open to each State, but it is by no means exhaustive:

First. System for regulation of rates, rating practices, and operations of each insurance company selling no-fault—basic and added reparation benefits—policies—sec. 107(a);

Second. Amount of maximum monthly and total work loss benefits available under necessary no-fault insurance—basic reparation insurance—sec. 210(a);

Third. Determine the limitations on survivors loss and replacement services loss benefits;

Fourth. Whether to limit tort lawsuits for pain and suffering damages beyond the mandatory standard—sec. 2069 (a)(7);

Fifth. Whether to permit tort lawsuits for harm to property other than a motor vehicle in use and its contents—sec. 206 (a)(4);

Sixth. Exclusions, if any, and amount of maximum monthly and total benefits available under necessary no-fault insurance for substitute services—replacement services loss—and death benefits—survivor's economic loss, survivor's replacement services—sec. 210(b);

Seventh. Whether to authorize deductibles under basic reparation insurance and, if so, in what amounts—sec. 211;

Eighth. Whether to authorize or require waiting periods before benefit payments commence and, if so, what period or periods—sec. 211;

Ninth. Whether to require insurers to offer optional added reparation coverages for noneconomic detriment—pain and suffering—caused by a motor vehicle accident—sec. 213;

Tenth. Whether to require insurers to offer optional added reparation coverages for benefits in excess of those provided under basic reparation benefits insurance—that is loss excluded by limits on work loss, replacement services loss, survivor's losses—or those excluded from basic no-fault insurance; that is, property loss—sec. 213;

Eleventh. Whether to set higher interest penalties on overdue payments of compensation benefits—sec. 104(a)(2);

Twelfth. Whether to impose more onerous limitations on lump-sum settlements which undercut the principle of compensation as loss accrues—sec. 104 (c);

Thirteenth. Standards for qualifying as a self-insurer—sec. 102(b);

Fourteenth. Penalties—criminal, civil, or administrative; levels and duration of fines and imprisonment, if authorized—for failure to comply with the obligation to provide security covering each motor vehicle—sec. 102(d);

Fifteenth. Mechanisms for enforcement of the necessary no-fault insurance requirement—sec. 102;

Sixteenth. Details of the plan which makes no-fault insurance available to persons who cannot obtain it through ordinary methods at rates not in excess of those applicable to applicants under the plan—sec. 103(a);

Seventeeth. Decision whether to restrict an insurance company's right to cancel or fail to renew policies beyond the minimum standard—sec. 103(b);

Eighteenth. Mechanism for the assigned claims bureau and assigned claims plan—sec. 106(b);

Nineteenth. Determination of the means by which to provide automobile insurance consumers with meaningful price information so they can make rational decisions between competing insurers—sec. 107;

Twentieth. Whether to provide a system of noninsurable civil penalties or fines for negligent maintenance or use of a motor vehicle, and if so the mechanism—civil lawsuit, administrative proceeding, and so forth—sec. 206(c);

Twenty-first. Whether to provide higher limits for required tort liability insurance—sec. 208(a):

In addition to establishing a legislative working partnership between Congress and the State legislatures as to the ingredients of American no-fault auto insurance plans, the bill pays a degree of respect to the expertise of officials of State government which I for one find heartening. The bill calls upon the Congress and the President for the first time to accept the best thinking of the best qualified State government authorities rather than the best thinking of Washington officials. The proposed national standards for State no-fault motor vehicle insurance plans were not written by employees of one or another branch of the Federal Government. On the contrary, they were prepared under the direction of and promulgated by one of the most distinguished and underutilized instruments of State government in America—the National Conference of Commissioners of Uniform State Laws. In August of 1972 the commissioners voted final approval of what they call the Uniform Motor Vehicle Accident Reparations Act—UMVARA. It is UMVARA standards that are the backbone of this bill.

The National Conference of Commissioners on Uniform State Laws is little known to the general public but it has been for more than 80 years, since its founding in 1890, one of the most creative and useful organs of State government. The conference is composed today of 250 commissioners and associate members, each of whom has been appointed for a term of years by the Governor of his State pursuant to the laws of that State. Each of the 50 States has its own statutes governing the creation of a State Commission on Uniform State Laws and the selection of commissioners. The National Conference, which has its headquarters in Chicago, is the national organization of the State commissions. Over the years, it has promulgated more than 200 uniform acts, among the most widely accepted of which have been the uniform commercial code—49 States—the Reciprocal Enforcement of Support Act—50, the Anatomical Gift Act—50, and the Simultaneous Death Act—50.

In recent years, all of us have heard and probably used in our speeches the phrases "creative federalism" and "the new federalism." Too often, however, they are nothing more than phrases, rhetoric to express an ideal rather than a working goal. Aside from the general Revenue Sharing Act in the last Congress, there are few examples of new and creative inter-relationships between State and Federal authorities and governments.

This bill is a bold example of such a new and creative interrelationship.

I hope that the respect for the capability of organs of State government which is the hallmark of this bill is the first, but not the last, instance in which we in the House of Congress turn to State government for advice. A "creative" relationship between two levels of government, like a creative relationship between two people, is one that involves mutual respect, acceptance, and if you will, plagiarism.

Mr. STEVENSON. Mr. President, it is my great pleasure, as my first act as a new Member of the Senate Commerce Committee, to join with Chairman MAGNUSON and three other members of the committee in cosponsoring the new National No-Fault Motor Vehicle Insurance Act.

My interest in basic reform of the auto

accident reparations system is not new. I have been interested in and concerned about the problems of auto insurance since I have been in the Senate.

During the last session of Congress, the Commerce Committee worked diligently to develop the best and most workable solution to the intolerable inequities that presently exist under the fault system.

Although variations of this new no-fault proposal have worked successfully in the jurisdictions where they have been adopted, the overwhelming majority of States have failed to achieve meaningful reform.

It took 40 years to achieve nationwide workmen's compensation reform through a State-by-State approach. We will be lucky if we can reform the auto accident reparations system in 40 years on a State-by-State basis. While it is true that the present system is so bad that sooner or later, public pressure will force even the most recalcitrant legislature to enact some reforms, how long must we continue to victimize the American motorist and all who must appear in our overburdened courts? I submit that we have no excuse for perpetuating the excesses and rank injustices of the existing system. If we want full reform of the system in this century, we must enact a national standards bill now.

Fifteen months ago, I testified before the Senate Commerce Committee and suggested a strong national standards bill under which the States would be given a reasonable amount of time to enact a State no-fault system, allowing them flexibility in designing a plan tailored to individual State conditions but also conforming with overall national standards of performance.

I further suggested that if State legislatures failed to adopt such a system within the given period of time, that Federal law would prescribe that the national system would automatically go into effect and continue until such time that the State saw fit to accepts its responsibilities. I still favor this approach, because there are a number of important aspects of a no-fault system on which there is a legitimate difference of opinion about how best to proceed.

I am pleased that the no-fault bill reported by the committee last year took that approach. It is regrettable that the Senate was denied the opportunity for an up-or-down vote in the 92d Congress. But now we have a new Congress, and a new opportunity to accept our responsibility to the motoring public which has long been frustrated, confused, and victimized by the existing system.

Under the fault system, the motorist's premium dollars buy spotty and inadequate benefits. If a motorist is involved in a minor accident, he may be lucky, and with the help of an obliging attorney, he may collect up to four times his economic loss if, on the other hand, he is the unfortunate victim of a serious accident with economic loss exceeding $25,000, he can expect to receive only 30 cents on the dollar. Even more shocking, is the staggering number of victims of automobile accidents throughout the country who receive absolutely nothing under the fault system, and all too frequently suffer physical, emotional, and economic disaster of the most tragic sort.

The administration has continued to avoid coming to grips with the need for national reform. Its spokesmen say "Give the States time to act on their own." We have given them time, more than enough time, and they have either avoided the issue completely, fallen victims to lobbying pressures or passed grossly inadequate bills.

Passage of this new bill which I join in introducing today will still give the States time to act. But it will put them on notice that the time has come for reform. Only by acting quickly and responsibly can we let the public know that, indeed, they can look forward to an end to skyrocketing insurance rates, an end to interminable delays in receiving compensation for medical bills and other reasonable economic loss, an end to irrational cancellations, of insurance and guaranteed availability of adequate coverage for all.

We have before us now a well conceived bill. I look forward to cooperating fully with Chairman MAGNUSON and my colleagues on the committee to bring about prompt and favorable action on this bill.

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By Mr. MAGNUSON (for himself, Mr. MONDALE, and Mr. NELSON):

S. 355. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes. Referred to the Committee on Commerce.

### THE AUTO SAFETY REPAIR AT NO COST AMENDMENT

Mr. MAGNUSON. Mr. President, since the enactment of the National Traffic and Motor Vehicle Safety Act of 1966, over 36 million motor vehicles have been recalled due to the presence of a safety related defect—including failures to comply with auto safety standards. The Motor Vehicle Safety Act empowers the Secretary of Transportation to declare that a safety related defect exists and to require that a notification be sent to the owners of the defective vehicles. But it stops short from requiring the manufacturer to remedy that defect at no cost to the consumer.

The purpose of the legislation that I am introducing today, along with my distinguished colleagues, Senator NELSON and Senator MONDALE, is to make automakers responsible for their work. This legislation will complete the job that we set out to do in 1966: When a motor vehicle or item of motor vehicle equipment is determined to contain a safety related defect, the manufacturer would also be required to remedy that defect at no cost to the consumer.

As the auto safety program matures more and more vehicles are being recalled. Thus, in 1972, 11,750,735 cars were recalled—more than in any other single year. In fact, more vehicles were recalled last year than were built. Now that we have finally developed the capability of discovering defects in motor vehicles. we must do all in our power to insure that those defects are remedied; all of our efforts to locate safety related defects and warn consumers of their existence are wasted if the vehicle is not ultimately repaired. We must make it as attractive and convenient as possible for the consumer to invest the energy and the effort to get his vehicle fixed.

Our experience over the past 6 years has clearly demonstrated that owners of defective vehicles have a greater propensity to have that defect remedied if the manufacturer absorbs the repair cost. Statistics compiled by the National Highway Traffic Safety Administration indicate that in recall situations where the manufacturer has absorbed remedy costs, normally about 75 percent of those owners who received notification have had the vehicle inspected, and repaired where necessary. On the other hand, in the Corvair heater recall, where the manufacturer refused to repair the vehicle at his own cost, only 7.6 percent responded to the warning.

It is clear, therefore, that consumers are extremely sensitive to the matter of who bears the burden of paying for the repair of defective products. One consumer who recently wrote to an auto manufacturer when notified of a safety-related defect which he would have to repair at his own expense expressed his outrage this way:

> You have the audacity to suggest we pay for negligence during assembling and installation? I'm appalled at your incapability of taking responsibility for your workmanship, whether an automobile was built 23 years ago or 4 years ago.

Repair at no-cost legislation is not new to the Senate. In the 1969, the Senate adopted a proposal similar to that which I am introducing today. In conference committee with the House, however, that provision was deleted in exchange for an industry assurance that all defects would be remedied at the manufacturers' expense whether or not it was mandated by legislation.

Over the course of the last 14 months, that promise has been breached by two major automobile manufacturers. In November 1971, the NHTSA declared that the heater on all 1960–63 Chevrolet Corvairs contained a safety related defect in that it leaked poisonous fumes into the passenger compartment. The 680,000 owners of those cars were each asked to bear the cost of repair—$150–$200 per vehicle.

One year later, in November 1972 the second breach occurred, this time by a foreign manufacturer—Volkswagen of America. Approximately 3.7 million vehicles were involved. The windshield wiper system on all 1949–69 Volkswagens were found to be defective in that a set screw loosened without warning, causing failure of the wiper system. Though Volkswagen sent notification letters to all known owners—the company only had the names of 220,000 of the 3.7 million owners—the manufacturer refused to absorb the remedy cost.

There have been at least two other instances where manufacturers have not absorbed repair costs of safety related defects. Alfa Romeo marketed 4,720 vehicles with defective brake fluid reservoirs and offered to replace the part free of charge but placed the labor cost on the owner. Similarly, Kayot Forester offered free replacement wheels for its 91 defective vehicles for a period of only 30 days and also required the owner to pay labor costs.

This legislation is designed to insure that the consumer never again will be forced to pay for the repair of safety related defects. It provides that if any motor vehicle or item of motor vehicle equipment contains a safety related defect or fails to comply with a Federal motor vehicle safety standard, then the cost to remedy such defect or failure to comply shall be absorbed by the manufacturer. In the case of tires, the consumer has up to 60 days to have the tire replaced free of charge. This latter provision will end the practice adopted by tire manufacturers of prorating tire wear and will, at the same time, serve as an impetus to consumers to have the tire replaced quickly.

Under the legislation, a manufacturer is required to declare in his defect notification letter the date when replacement parts will first be available to effectuate the repair. This date must be within 60 days—which time may be extended by the Secretary for cause—of the date when the defect is declared to exist. The purpose of this provision is to insure the least degree of inconvenience to the consumer when he presents his vehicle for repair. Finally, the legislation provides that the civil penalty sanctions of section 109 are applicable for failure to comply with the repair at no cost provisions contained in this amendment.

Mr. President, the statistics speak for themselves. The trend is toward an even greater number of recalled motor vehicles in the future. Consumers, for the most part, refuse to expend their own money to repair defects which are the fault of the manufacturer. This legislation codifies the right of the American consumer to have an automobile, containing a safety related defect made a safe automobile by the manufacturer free of charge.

I ask unanimous consent that the text of the bill as introduced be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 355

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) paragraph (4) of subsection (a) of section 108 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1397) is amended to read as follows:

"(4) fail to comply with the provisions of section 113."

(b) section 113(c) of such Act is amended to read as follows:

"(c) The notification required by subsection (a) of this section with respect to any defect or the notification required by subsection (e) of this section with respect to failure to comply with any applicable Federal motor vehicle safety standard or defect which relates to motor vehicle safety shall contain, in addition to such other matters as the Secretary may prescribe, a clear description of such failure to comply with any applicable motor vehicle safety standard or such defect, an evaluation of the risk to traffic safety reasonably related to such defect, a statement of the measures to be taken to repair such defect or failure to comply, to be the commitment of such manufacturer to cause such defect or failure to comply to be remedied without charge, the date when such commitment to remedy such defect or failure to comply will initially be honored, and a description of the procedure that a consumer must follow to inform the Secretary of a manufacturer's failure to honor such commitment."

(d) Section 113 of such Act is further amended by redesignating subsection "(g)" and all references thereto as subsection "(h)" and inserting immediately after subsection (f) the following new subsection:

"(g) If—

"(1) any motor vehicle (including any item of original motor vehicle equipment) or tire is determined by its manufacturer under subsection (a) to contain a defect which relates to motor vehicle safety; or

"(2) any motor vehicle or item of motor vehicle equipment is determined by the Secretary under subsection (e) to contain a failure to comply with any applicable motor vehicle safety standard prescribed under this title or a defect which relates to motor vehicle safety; and the notification specified in subsection (c) is required to be furnished on account of such defect or failure to comply then—

"(A) the manufacturer of each such motor vehicle presented for remedy pursuant to such notice shall cause such defect or failure to comply in such motor vehicle (including any item of original motor vehicle equipment) to be remedied without charge; or

"(B) the manufacturer of each such item of motor vehicle equipment presented for remedy pursuant to such notice shall cause such defect or failure to comply in such item of motor vehicle equipment to be remedied without charge;

"(C) the manufacturer of each such tire presented for remedy pursuant to such notice shall replace such tire without charge for a period up to 60 days following the receipt of notification required by subsection (a) or (e) of this section or the availability of replacement tires, whichever is later.

If following a determination under paragraph (1) of subsection (g) of this section, a manufacturer can establish to the satisfaction of the Secretary at a hearing structured to proceed as expeditiously as practicable, that a failure to comply with an applicable motor vehicle safety standard is of such inconsequential nature that the purposes of this title and the public interest would not be served by requiring the applicable manufacturer to remedy such defect or failure to comply without charge, the Secretary may, upon publication of his reasons for such findings, exempt such manufacturer from the requirements of this subsection with respect to such failure."

(e) Section 113 of such Act is further amended by adding subsection "(i)" to read as follows:

"(i) In determining the date when such commitment to remedy a defect or failure to comply will initially be honored, as required by subsection (c) of this section, the Secretary shall establish after consultation with the manufacturer of such motor vehicle or motor vehicle equipment, the earliest practicable date when such remedy can be effectuated, except such period shall not exceed 60 days from the date a defect is declared unless the Secretary extends such period by a notice published in the Federal Register showing good cause for that extension."

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By Mr. MAGNUSON (for himself and Mr. Moss):

S. 356. A bill to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes. Referred to the Committee on Commerce.

### CONSUMER PRODUCT WARRANTIES AND FEDERAL TRADE COMMISSION IMPROVEMENTS ACT

Mr. MAGNUSON. Mr. President, on behalf of myself and Senator Moss I am hereby introducing a much needed bill which provides minimum disclosure standards for written consumer product warranties against defect or malfunction; defines minimum Federal content standards for such warranties; amends the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes.

This bill has two principle objectives: First, to bring fairness, rationality, and minimum standards to warranty practices; and second, to sharpen the tools of the Federal Trade Commission so that it can better referee warranty and other business practices which have profound affects upon consumers in the United States.

Title I of the bill sets forth badly needed minimum consumer product warranty disclosure standards, defines minimum content standards for warranties, and provides meaningful remedies for consumers in the event of a breach of a warranty or service contract obligation.

Title II of this bill is designed to improve the ability of the Federal Trade Commission to deal with unfair consumer acts and practices "affecting" interstate commerce by authorizing the Commission to seek preliminary injunctions, to order specific consumer redress, and to secure civil penalties for initial knowing violations of the Federal Trade Commission Act or violations of Commission orders.

Title III of this bill as passed by the Senate last year authorized a study by the National Institute of Consumer Justice to determine ways of improving consumer grievance solving mechanisms and legal remedies. I am advised that the staff reports of the Institute have already been completed and that the final report will be forthcoming in March of this year. Since the purposes for which title III was originally included in the bill will soon be realized, no similar provision appears in this bill.

Mr. President, this legislation is not new to the Senate. The Senate Commerce Committee, which I chair, has for a number of years now been exploring the consumer headaches associated with warranty practices. The committee continues to receive a seemingly never ending flood of complaints from consumers throughout the United States—complaints on automobiles, televisions, washers, dryers, and other basic consumer products warranties. In the 91st Congress the committee held extensive hearings and formulated a comprehensive Consumer Products Warranty Act designed to deal with the problems stemming from consumer product warranties. Although that badly needed bill passed the Senate almost 3 years ago, today we still have no comprehensive Federal warranty legislation. In the 92d Congress, substantially similar warranty provisions were incorporated into the Consumer Product Warranties and Federal Trade Commission Improvements Act of 1971. This bill passed the Senate in the 92d Congress by a vote of 72 to 2. The problems surrounding warranties that led to the passage of the warranty reform provisions of this bill in the Senate during the 91st and 92d Congress are still with us; the need for reform is now greater than ever.

Consumer understanding of what a warranty on a particular product means frequently does not coincide with the legal meaning of a warranty; as a result, warranties have for many years confused, mislead, and frequently angered American consumers. A warranty is a complicated legal document whose full essence lies buried in centuries of legal decisions and complicated State codes of commercial law. Consumer anger is expected when purchasers of consumer products discover that their warranty may cover a 25-cent part but not the $100 labor charge or that there is full coverage on a piano so long as it is shipped at the purchaser's expense to the factory.

There are four basic reasons for consumer unrest concerning warranties, and title I of this bill is designed to deal with all of them. In the first place, the bill is designed to promote consumer understanding. Far too frequently, there is a paucity of information supplied to the consumer about what in fact is offered him in that piece of paper proudly labeled "warranty." Many of the most important questions concerning the warranty are usually unanswered when there is some sort of product failure. Who should the consumer notify if his product stops working during the warranty period? What are his responsibilities after notification? How soon can he expect a fair replacement? Will repair or replacement cost him anything? There is a growing need to generate consumer understanding by clearly and conspicuously disclosing the terms and conditions of the warranty and by telling the consumer what to do if his guaranteed product becomes defective or malfunctions. Presently the consumer only learns of the extent of his warranty coverage when his guaranteed product becomes defective or malfunctions and he is told that the guarantee in question does not cover the part that has failed, or that the retailer does not handle the manufacturer's repair work, or that the guarantee does not cover labor costs, and so forth.

Second, there is a great need to insure certain basic protection for consumers purchasing consumer products which have written warranties. Normally when goods are sold, the law provides that certain warranties attach by implication. For example, the law implies a warranty of fitness for ordinary use or, where the seller knows that the goods are to be used by the buyer for a particular purpose, the law implies a warranty of fitness for a particular purpose. The law allows the seller to disclaim his implied warranties only by using such words as "without fault" or "as is" or by expressly disclaiming the implied warranties when issuing an express warranty. While these rules may do no injustice to commercial buyers who are sophisticated in the ways of the marketplace and can judge the import of the express warranty and the implication of the disclaimer of the implied warranty, the ordinary purchaser of consumer products has no such expertise.

When he receives an express warranty it is not likely that he will know the meaning of words which state, for example, "this warranty is in lieu of any other express warranties or the implied warranties of merchantibility or fitness." In fact such a warranty may be limiting the consumers' rights rather than expanding them; the issuance of an express warranty while simultaneously disclaiming the implied warranties is an increasingly common practice which results in many cases in a document which could be more accurately described as a limitation on liability rather than a warranty. Therefore there is a great need to prohibit the disclaimer of implied warranties when the supplier of consumer products guarantees his products in writing.

The third major problem concerning warranties confronting consumers today relates to warranty enforcement. Even when the consumer understands the warranty, and there have been no disclaimers of implied warranties, consumers frequently are in no better position because the warrantor does not live up to the promises he has made. Because enforcement of a warranty through the courts is prohibitively expensive, there exists no currently available remedy for consumers to enforce warranty performance. If warrantors who did not perform their promises suffered direct economic detriment, they would have strong incentives to perform. Therefore there is a need to insure warrantor performance by monetarily penalizing the warrantor for nonperformance—and awarding that penalty to the consumer as compensation for his loss. One way to effectively meet this need is by providing for reasonable attorneys' fees and court costs to successful consumer litigants, thus making consumer resort to the courts feasible.

In the final analysis many warranty problems could be cured if products were made well enough to last the length of the warranty period and hopefully even beyond. The need to stimulate the production of more reliable products goes even beyond the warranty area.

Title I of the bill introduced today contains specific provisions designed to meet each of the needs delineated above. Disclosure and labeling requirements are carefully spelled out. There is a prohibition against the disclaimer of implied warranties. There is a simplified system to enable the consumer to determine which products have full warranties and therefore, by economic necessity, have been reliably designed. And there are provisions providing realistic remedies for consumers when suppliers fail to live up to their warranty or service contract obligations.

Title II of this bill improves the Federal Trade Commission's ability to serve as a viable consumer protection agency. As early as 1938, a minority of the House committee reporting the Wheeler-Lea Act criticized the inadequacy of the limited enforcement powers of the Federal Trade Commission. The recent awakening of the agency to its consumer protection responsibilities has made this lack of adequate regulatory tools even more apparent. This bill would give the Commission the tools it needs.

First, the bill provides the Commission with the power to seek a preliminary injunction so that the whistle can be blown at the moment a violation of the Federal Trade Commission Act is detected. By allowing the FTC to immediately stop an alleged unfair act or practice, it can do a much better job of protecting consumers.

The bill also enables the Commission to levy realistic penalties against those suppliers of consumer goods who commit unfair or deceptive practices. The Commission's own attorneys could seek civil penalties against those who knowingly violated the Federal Trade Commission Act, and these penalties will provide a more realistic deterrent, with a $10,000 maximum per violation.

Title II of this bill also expressly confirms the existing authority of the Federal Trade Commission to promulgate trade regulation rules defining specific unfair deceptive practices, thus enabling the businessman to understand better what is expected of him.

Finally, the bill would grant the Commission authority to provide specific remedial relief to consumers injured by suppliers who committed unfair deceptive acts or practices. Thus, this bill would allow the Commission to order specific redress for injured consumers; no longer would it have to rely merely upon a slap of the violator's wrist to maintain fair play in the marketplace.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 356

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Magnuson-Moss Act".

## TITLE I—CONSUMER PRODUCT WARRANTIES

### DEFINITIONS

SEC. 101. For the purpose of this Act—

(1) "Commission" means the Federal Trade Commission.

(2) The term "consumer product" means any tangible personal property, normally used for personal, family, or household purposes, including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed. However, the provisions affecting consumer products in sections 102 and 103 of this title shall apply only to consumer products actually costing the purchaser more than $5 each.

(3) "Purchaser" or "consumer" means any person who is in possession of any consumer product which is subject to a warranty in writing, other express warranty, implied warranty, or service contract in writing, [which is offered or given to enforce against the supplier the obligations of the warranty or service contract.]

(4) "Reasonable and necessary maintenance" consists of those operations which the purchaser reasonably can be expected to perform or have performed to keep a consumer product operating in a predetermined manner and performing its intended function.

(5) The term "repair" may at the option of the warrantor include replacement with a new, identical or equivalent consumer product or component(s) thereof.

(6) The term "replacement" or "to replace" as used in section 104 of this title, in addition to furnishing of a new, identical or equivalent consumer product (or component(s) thereof), shall include the refunding of the actual purchase price of the consumer product (1) if repair is not commercially practicable or (2) if the purchaser is willing to accept such refund in lieu of repair or replacement. In the event there is replacement of a consumer product, the replaced consumer product (free and clear of liens and encumbrances) shall be made available to the supplier.

(7) "Supplier" means any person (including any partnership, corporation, or association) engaged in the business of making a consumer product or service contract available to consumers, either directly or indirectly. Occasional sales of consumer products by persons not regularly engaged in the business of making such products available shall not make such persons "suppliers" within the meaning of this title.

(8) "Warrantor" means any supplier or other party who gives a warranty in writing.

(9) The term "warranty" includes guaranty, and to warrant is to guarantee.

(10) "Warranty in writing" or "written warranty" means a warranty in writing against defect or malfunction of a consumer product.

(a) "Full warranty" means a warranty in writing against defect or malfunction of a consumer product which incorporates the uniform Federal standards for warranty set forth in section 104 of this title.

(b) "Limited warranty" means any warranty in writing against defect or malfunction of a consumer product subject to the provisions of this title which does not incorporate at a minimum the uniform Federal standards for warranty set forth in section 104 of this title.

(11) A "warranty in writing against defect or malfunction of a consumer product" means:

(i) any written affirmation of fact or written promise made at the time of sale by a supplier to a purchaser which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect-free or will meet a specified level of performance over a specified period of time, or

(ii) any undertaking in writing to refund, repair, replace, or take other remedial action with respect to the sale of a consumer product in the event that the product fails to meet the specifications set forth in the undertaking,

which written affirmation, promise, or undertaking becomes part of the basis of the bargain between the supplier and the purchaser.

(12) The term "without charge" means that the warrantor(s) cannot assess the purchaser for any costs the warrantor or his representatives incur in connection with the required repair or replacement of a consumer product warranted in writing. The term does not mean that the warrantor must necessarily compensate the purchaser for incidental expenses. However, if any incidental expenses are incurred because the repair or replacement is not made within a reasonable time or because the warrantor imposed an unreasonable duty upon the purchaser as a condition of securing repair or replacement, then the purchaser shall be entitled to recover such reasonable incidental expenses in any action against the warrantor for breach of warranty under section 110(b) of this title.

### DISCLOSURE REQUIREMENTS

SEC. 102. (a) In order to improve the adequacy of information available to consumers, prevent deception, and improve competition in the marketing of consumer products, the Commission is authorized to issue rules, in accordance with section 109 of this title which may (1) prescribe the manner and form in which information with respect to any written warranty shall be clearly and conspicuously presented or displayed when such information is contained in advertising, labeling, point-of-sale material, or other representations in writing; and

(2) require the incluson in any written warranty, in simple and readily understood language, fully and conspicuously disclosed, which items of information may include, among others:

(A) The clear identification of the name and address of the warrantor.

(B) Identity of the class or classes of persons to whom the warranty is extended.

(C) The products or parts covered.

(D) A statement of what the warrantor will do in the event of a defect or malfunction—at whose expense—and for what period of time.

(E) A statement of what the purchaser must do and expenses he must bear.

(F) Exceptions and exclusions from the terms of the warranty.

(G) The step-by-step procedure which the purchaser should take in order to obtain performance of any obligation under the warranty, including the identification of any class of persons authorized to perform the obligations set forth in the warranty.

(H) On what days and during what hours the warrantor will perform his obligations.

(I) The period of time within which, after notice of malfunction or defect, the warrantor will under normal circumstances repair, replace, or otherwise perform any obligations under the warranty.

(J) The availability of any informal dispute settlement procedure offered by the warrantor and a recital that the purchaser must resort to such procedure before pursuing any legal remedies in the courts.

(K) A recital that any purchaser who successfully pursues his legal remedies in court may recover the reasonable costs incurred, including reasonable attorneys' fees.

Nothing in this title shall be deemed to authorize the Commission to prescribe the duration of warranties given or to require that a product or any of its components be warranted, except that the Commission may prescribe rules pursuant to section 553 of title 5, United States Code, that the term of a warranty or service contract shall be extended to correspond with any period in excess of a reasonable period (not less than ten days) during which the purchaser is deprived of the use of a product by reason of a defect or malfunction. Further, except as provided in section 104, nothing in this title shall be deemed to authorize the Commission to prescribe the scope or substance of written warranties.

### DESIGNATION OF WARRANTIES

SEC. 103. (a) Any supplier warranting in writing a consumer product shall clearly and conspicuously designate such warranty as provided herein unless exempted from doing so by the Commission pursuant to section 109 of this title:

(1) If the written warranty incorporates the uniform Federal standards for warranty set forth in section 104 of this title and does not limit the liability of the warrantor, then it shall be conspicuously designated as "full (statement of duration)" warranty, guaranty, or word of similar meaning. If the written warranty incorporates the uniform Federal standards for warranty set forth in section 104 of this title and limits the liability of the warrantor as permitted by this Act and applicable State law, then it shall be conspicuously designated as "full (statement of duration)" warranty, guaranty or word of similar import "but with limitations on liability." "Statement of duration" means the disclosure of the warranty period measured either by time or by some relevant measure of usage, such as "mileage." A warrantor issuing a written warranty in compliance with Federal standards shall also attempt in good faith to cause the disclosure of the duration of the warranty period to the purchaser prior to the time of purchase through advertising, by providing point-of-sale materials, or by other reasonable means.

(2) If the written warranty does not incorporate the Federal standards for warranty set forth in section 104 of this title, then it shall be designated in such manner so as to indicate clearly and conspicuously the limited scope of the coverage afforded.

(b) Written statements or representations such as expressions of general policy concerning customer satisfaction which are not subject to any specific limitations shall not be deemed to be warranties in writing for purposes of sections 102, 103, and 104 of this title but shall remain subject to the provisions of the Federal Trade Commission Act and section 110 of this title.

### FEDERAL STANDARDS FOR WARRANTY

SEC. 104. (a) Any supplier warranting in writing a consumer product must undertake at a minimum the following duties in order to be deemed to have incorporated the uniform Federal standards for warranty:

(1) to repair or replace any malfunctioning or defective warranted consumer product;

(2) within a reasonable time; and

(3) without charge.

In fulfilling the above duties the warrantor shall not impose any duty other than notification upon any purchaser as a condition of securing repair or replacement of any malfunctioning or defective consumer product unless the warrantor can demonstrate that such a duty is reasonable. In a determination by a court or the Commission of whether or not any such additional duty or duties are reasonable, the magnitude of the economic burden necessarily imposed upon the warrantor (including costs passed on to the purchaser) shall be weighed against the magnitude of the burdens of inconvenience and expense necessarily imposed upon the purchaser.

(b) The above duties extend from the warrantor to the consumer.

(c) The performance of the duties enumerated in subsection (a) of this section shall not be required of the warrantor if he can show that damage while in the possession of the purchaser or unreasonable use (including failure to provide reasonable and necessary maintenance) caused any warranted consumer product to malfunction or become defective.

(d) If repair is necessitated an unreasonable number of times during the warranty period the purchaser shall be entitled to demand and receive replacement of the consumer product.

### FULL AND LIMITED WARRANTING OF A CONSUMER PRODUCT

SEC. 105. Nothing in this title shall prohibit the selling of a consumer product which has both full and limited warranties if such warranties are clearly and conspicuously differentiated.

### SERVICE CONTRACTS

SEC. 106. Nothing in this title shall be construed to prevent a supplier from selling a sevice contract to the purchaser in addition to or in lieu of a warranty in writing if such contract fully and conspicuously discloses in simple and readily understood language the terms and conditions. The Commission is authorized to determine in accordance with section 109 of this title the manner and form in which the terms and conditions of service contracts shall be clearly and conspicuously disclosed.

### DESIGNATION OF REPRESENTATIVES

Sec. 107. Nothing in this title shall be construed to prevent any warrantor from making any reasonable and equitable arrangements for representatives to perform duties under a written warranty: *Provided*, That no such arrangements shall relieve the warrantor of his direct responsibilities to the purchaser or necessarily make the representative a cowarrantor.

### LIMITATION ON DISCLAIMER OF IMPLIED WARRANTIES

Sec. 108. (a) There shall be no express disclaimer of implied warranties to a purchaser if any warranty in writing or service contract in writing of a consumer product is made by a supplier to a purchaser.

(b) For purposes of this title, implied warranties may not be limited as to duration expressly or impliedly through a designated warranty in writing or other express warranty.

### FEDERAL TRADE COMMISSION

Sec. 109. The Commission is authorized to establish rules pursuant to section 553, title 5, United States Code, upon a public record after an opportunity for an agency hearing structured so as to proceed as expeditiously as practicable, to prescribe the manner and form in which information with respect to any written warranty shall be disclosed and the items of information to be included in any written warranty as provided in section 102; to prescribe the manner and form in which terms and conditions of service contracts shall be disclosed as provided in section 106; to determine when a warranty in writing does not have to be designated in accordance with section 103 of this title; to define in detail the disclosure requirements in paragraph (2) of subsection (a) of section 103; and to define in detail the duties set forth in subsection (a) and (d) of section 104 of this title and their applicability to warrantors of different categories of consumer products with "full" warranties.

### PRIVATE REMEDIES

Sec. 110. (a) Congress hereby declares it to be its policy to encourage suppliers to establish procedures whereby consumer disputes are fairly and expeditiously settled through informal dispute settlement mechanisms. Such informal dispute settlement procedures should be created by suppliers in cooperation with independent and governmental entities pursuant to guidelines established by the Commission. If a supplier incorporates any such informal dispute settlement procedure in any written warranty or service contract, such dispute procedure shall initially be used by any consumer to resolve any complaint arising under such warranty or service contract. The bona fide operation of any such dispute procedure shall be subject to review by the Commission on its own initiative or upon written complaint filed by any injured party.

(b) Any purchaser damaged by the failure of a supplier to comply with any obligations assumed under a written warranty or service contract in writing subject to this title may bring suit for breach of such warranty or service contract in an appropriate district court of the United States subject to the jurisdictional requirements of section 1331, title 28, United States Code, and any purchaser damaged by the failure of a supplier to comply with any obligations assumed under an express or implied warranty or service contract subject to this title may bring suit in any State or District of Columbia court of competent jurisdiction: *Provided*, That prior to commencing any legal proceeding for breach of warranty or service contract, any purchaser must have afforded the supplier a reasonable opportunity to cure the breach including the utilization of any informal dispute settlement mechanisms established pursuant to subsection (a) of this section. Nothing in this subsection shall be construed to change in any way the jurisdictional prerequisites or venue requirements of any State.

(c) Any purchaser who shall finally prevail in any suit or proceeding for breach of an express or implied warranty or service contract obligation brought under section (b) of this section shall be allowed by the court of competent jurisdiction to recover as part of the judgment a sum equal to the aggregate amount of cost and expenses (including attorneys' fees based on actual time expended) determined by the court to have been reasonably incurred by such purchaser for or in connection with the institution and prosecution of such suit or proceeding unless the court in its discretion shall determine that such an award of attorneys' fees would be inappropriate.

(d) (1) For the purposes of this section, an "express warranty" is created as follows:

(A) Any affirmation of fact or promise made by a supplier to the purchaser which relates to a consumer product or service and becomes part of the basis of the bargain creates an express warranty that the consumer product or service shall conform to the affirmation or promise.

(B) Any description of a consumer product which is made part of the bargain creates an express warranty that the consumer product shall conform to the description.

(C) Any sample or model which is made part of the basis of the bargain creates an express warranty that the consumer product shall conform to the sample or model.

It is not necessary to the creation of an express warranty that the supplier use formal words such as "warranty" or "guaranty" or that he have a specific intention to make a warranty, but an affirmation merely of the value of the consumer product or service or a statement purporting to be merely the supplier's opinion or commendation of the consumer product or service does not create a warranty.

(2) Only the supplier actually making an affirmation of fact or promise, a description, or providing a sample or model shall be deemed to have created an express warranty under this section and any rights arising thereunder may only be enforced against such supplier and no other supplier.

### GOVERNMENT ENFORCEMENT

Sec. 111. (a) It shall be unlawful and a violation of section 5(a) (1) of the Federal Trade Commission Act (15 U.S.C. 56(a) (1)) for any person (including any partnership, corporation, or association) subject to the provisions of this title to fail to comply with any requirement imposed on such person by or pursuant to this title or to violate any prohibition contained in this title.

(b) (1) The district courts of the United States shall have jurisdiction to restrain violations of this title in an action by the Attorney General or by the Commission by any of its attorneys designated by it for such purpose. Upon a proper showing, and after notice to the defendant, a temporary restraining order or preliminary injunction may be granted without bond under the same conditions and principles as injunctive relief against conduct or threatened conduct that will cause loss or damage is granted by courts of equity: *Provided, however*, That if a complaint is not filed within such period as may be specified by the court after the issuance of the restraining order or preliminary injunction, the order or injunction may, upon motion, be dissolved. Whenever it appears to the court that the ends of justice require that other persons should be parties in the action, the court may cause them to be summoned whether or not they reside in the district in which the court is held, and to that end process may be served in any district.

(2) Civil Investigative Demands.

(i) Whenever the Attorney General has reason to believe that any person under investigation may be in possession, custody, or control of any documentary material, relevant to any violation of this title, he may, prior to the institution of a proceeding under this section cause to be served upon such person, a civil investigative demand requiring such person to produce the documentary material for examination.

(ii) Each such demand shall—

(1) state the nature of the conduct alleged to constitute the violation of this title which is under investigation;

(2) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

(3) prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(4) identify the custodian to whom such material shall be furnished.

(iii) No demand shall—

(1) contain any requirement which would be held unreasonable if contained in a subpena duces tecum issued by a court of the United States in a proceeding brought under this section; or

(2) requires the production of any documentary evidence, which would be privileged from disclosure if demanded by a subpena duce tecum issued by a court of the United States in any proceeding under this section.

(iv) Any such demand may be served at any place within the territorial jurisdiction of any court of the United States.

(v) Service of any such demand or of any petition filed under subparagraph (vii) of this section may be made upon a person, partnership, corporation, association, or other legal entity by—

(1) delivering a duly executed copy thereof to such person or to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such person, partnership, corporation, association, or entity;

(2) delivering a duly executed copy thereof to the principal office or place of business of the person, partnership, corporation, association or entity to be served; or

(3) depositing such copy in the United States mails, by registered or certified mail duly addressed to such person, partnership, corporation, association, or entity at its principal office or place of business.

(vi) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

(vii) The provisions of sections 4 and 5 of the Antitrust Civil Process Act (15 U.S.C. 1313, 1314) shall apply to custodians of material produced pursuant to any demand and to judicial proceedings for the enforcement of any such demand made pursuant to this section: *Provided, however*, That documents and other information obtained pursuant to any civil investigative demand issued hereunder and in the possession of the Department of Justice may be made available to duly authorized representatives of the Commission for the purpose of investigations and proceedings under this title and under the Federal

Trade Commission Act subject to the limitations upon use and disclosure contained in section 4 of the Antitrust Civil Process Act (15 U.S.C. 1313).

### SAVING PROVISION

SEC. 112. Nothing contained in this title shall be construed to repeal, invalidate, or supersede the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any statute defined therein as an Antitrust Act.

### SCOPE

SEC. 113. (a) The provisions of this title and the powers granted hereunder to the Commission and Attorney General shall extend to all sales of consumer products and service contracts affecting interstate commerce.

(b) Labeling, disclosure, or other requirements of a State with respect to written warranties and performance thereunder, inconsistent with those set forth in section 102, 103, or 104 of this title or with rules and regulations of the Commission issued in accordance with the procedures set forth in section 109 of this title, or with guidelines of the Commission shall not be applicable to warranties complying therewith. However, if, upon application of an appropriate State agency, the Commission determines (pursuant to rules issued in accordance with the Federal Trade Commission Act, as amended) that any requirement of such State (other than a labeling or disclosure requirement) covering any transaction to which this title applies (1) affords protection to consumers greater than the requirements of this title and (2) does not unduly burden interstate commerce, then transactions complying with any such State requirement shall be exempt from the provisions of this title to the extent specified in such determination for as long as the State continues to administer and enforce effectively any such greater requirement.

(c) Nothing in this title shall be construed to supersede any provision of State law regarding consequential damages for injury to the person or any State law restricting the ability of a warrantor to limit his liability.

### EFFECTIVE DATE

SEC. 114. (a) Except for the limitations in subsection (b) of this section, this title shall take effect six months after the date of its enactment but shall not apply to consumer products manufactured prior to such effective date.

(b) Those requirements in this title which cannot be reasonably met without the promulgation of rules by the Commission shall take effect six months after the final publication of such rules: *Provided*, That the Commission, for good cause shown, may provide designated classes of suppliers up to an additional six months to bring their written warranties into compliance with rules promulgated pursuant to this title.

(c) The Commission shall promulgate initial rules for initial implementation of this title including guidelines for establishment of informal dispute settlement procedures pursuant to section 110(a) as soon as possible after enactment but in no event later than one year after the date of enactment.

### TITLE II—FEDERAL TRADE COMMISSION IMPROVEMENTS

SEC. 201. Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by striking out the words "in commerce" wherever they appear and inserting in lieu thereof "affecting commerce".

SEC. 202. Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by inserting after paragraph (6) thereof the following new paragraph:

"(7) The Commission may initiate civil actions in the district courts of the United States against persons, partnerships, or corporations engaged in any act or practice which is unfair or deceptive to a consumer and is prohibited by subsection (a)(1) of this section with actual knowledge or knowledge fairly implied on the basis of objective circumstances that such act is unfair and deceptive and is prohibited by subsection (a)(1) of this section, to obtain a civil penalty of not more than $10,000 for each such violation. The Commission may compromise, mitigate, or settle any action for a civil penalty if such settlement is accompanied by a public statement of its reasons and approved by the court."

SEC. 203. Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by inserting after paragraph (7) as added by section 202 of this Act the following new paragraph:

"(8) After an order of the Commission to cease and desist from engaging in acts or practices which are unfair or deceptive to consumers and proscribed by section 5(a)(1) of this Act has become final as provided in subsection (g) of this section, the Commission, by any of its attorneys designated by it for such purpose, may institute civil actions in the district courts of the United States to obtain such relief as the court shall find necessary to redress injury to consumers caused by the acts or practices which were the subject of the cease and desist order, including but not limited to, recision or reformation of contracts, the refund of money or return of property, public notification of the violation, and the payment of damages; except that nothing in this section is intended to authorize the imposition of any exemplary or punitive damages. The court shall cause notice to be given reasonably calculated, under all the circumstances, to appraise all consumers allegedy injured by the defendant's acts of the pendency of the action. No action may be brought by the Commission under this subsection more than two years after an order of the Commission upon which such action is based has become final. Any action initiated by the Commission under this section may be consolidated as the court deems appropriate with any other action requesting the same or substantially the same relief upon motion of either party.

SEC. 204. Section 5(l) of the Federal Trade Commission Act (15 U.S.C. 4(l)) is amended by striking subsection (l) and inserting in lieu thereof the following new paragraph:

"(l) Any person, partnership, or corporation who violates an order of the Commission after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the United States or the Commission in its own name by any of its attorneys designated by it for such purpose. Each separate violation of such an order shall be a separate offense, except that in the case of a violation through continuing failure or neglect to obey a final order of the Commission each day of continuance of such failure or neglect shall be deemed a separate offense. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate in the enforcement of such final orders of the Commission."

SEC. 205. Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by striking out the words "in commerce" wherever they appear and inserting in lieu thereof "in or whose business affects commerce".

SEC. 206. Section 6(g) of the Federal Trade Commission Act (15 U.S.C. 46(g)) is amended by striking subsection (g) and inserting in lieu thereof the following:

"(g) From time to time to classify corporations and to make rules and regulations for the purposes of carrying out the provisions of this Act. Such rules and regulations as are specifically provided for hereinafter shall be promulgated in the following manner and shall have the stated substantive force and effect:

"(1) The Commission is authorized to issue procedural rules to carry out the provisions of this Act. Any such rule shall be promulgated in accordance with section 553 of title 5 of the United States Code and without regard to the exemption in subsection (b) thereof for rules of agency procedure or practice.

"(2) The Commission is hereby authorized to issue legislative rules defining with specificity acts or practices which are unfair or deceptive to consumers and which section 5(a)(1) of this Act proscribes.

"(i) When issuing legislative rules the Commission shall (a) issue an order of proposed rulemaking stating with particularity the reason for the rule; (b) allow interested persons at least thirty days to comment on the proposed rule in writing or at an agency hearing and make all such comments publicly available; (c) provide the Commission staff and other persons an opportunity to respond within a designated period of time to comments initially received and make such responses publicly available; (d) if on the facts upon which the proposed rule is based, provide for an agency hearing in accordance is a disparity of views concerning material facts upon which the proposed rule is based. provide for an agency hearing in accordance with sections 556 and 557 of title 5 of the United States Code at which the Commission may permit cross-examination (limited as to scope or subject matter) by on or more parties as representatives of all parties having similar interests; (e) promulgate a final rule based on the record compiled in accordance with subparagraphs (b), (c), and, if applicable, subparagraph (d) of this paragraph.

"(ii) Following the final promulgation by the Commission of any legislative rule that rule and a brief in its support based upon the Commission proceedings shall be referred to the House of Representatives and the Senate. If within sixty calendar days (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than thirty calendar days to a day certain) from the date of referral the Senate or the House of Representatives by resolution do not disapprove the rule, it shall become effective.

"(iii) Following the final promulgation by the Commission of any legislative rule, any interested person may, at any time prior to the tenth day after the expiration of the period for review as provided in subparagraph (ii) of this paragraph, file a petition for a judicial review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Chairman of the Commission or the officer designated by him for that purpose. The Commission shall file in the court the record of the proceedings on which the Commission based its rule, as provided in section 2112 of title 28 of the United States Code.

"(iv) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Commission in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper. The Commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file any such modified or new findings, and its recommendation, if any, for the modification or setting aside of its original determination, with the return of such additional evidence. Upon the filing of the petition, the court shall have jurisdiction to review the determination of the Commission in accordance with chapter 7 of title 5 of the United States Code, including that provision requiring the rule to be supported by substantial evidence on the basis of the entire record before the court (including any additional evidence adduced).

"(v) Any legislative rule which has become final shall have prospective application only.

"(vi) Nothing in this Act shall be deemed to foreclose judicial review of a legislative rule when the Commission issues a final order based upon such rule.

"(vii) Whenever the Commission determines in a rulemaking proceeding pursuant to paragraph (g)(2) that uniformity in the engagement of any act or practice in compliance with a rule issued pursuant to paragraph (g)(2) is in the public interest and necessary to carry out the intent of this Act, the Commission shall include in such rule a description of the extent to which such rule will preempt state and local requirements relating to the same acts or practices affected by the Commission's rule. The reasons for preemption, or lack thereof, including the extent of consideration given to the need for uniformity, shall be set forth in the rule with specificity.

Upon petition by any State, or political subdivision thereof, the Commission may, by rule, after notice and opportunity for presentation of views, exempt from the provisions of this subsection, under conditions as it may impose, any state or local requirement that (1) affords protection to consumers greater than that provided in the applicable Commission rule, (2) is required by compelling local conditions, and (3) does not unduly burden interstate commerce. The Commission shall maintain continuing jurisdiction over those states or localities specifically exempted under this subsection, and may withdraw the exemption granted whenever it is determined that the state or locality is not efficiently enforcing its requirements or that such exemption is no longer in the public interest.

"(3) Any person seeking judicial review of a rule may obtain such review in the United States Court of Appeals for the District of Columbia Circuit, or any circuit where such person resides or has his principal place of business."

SEC. 207. Section 9 of the Federal Trade Commission Act (15 U.S.C. 49) is amended by—

(a) deleting the word "corporation" in the first sentence of the first unnumbered paragraph and inserting in lieu thereof the word "party".

(b) inserting after the word "Commission" in the second sentence of the second unnumbered paragraph the phrase "acting through any of its attorneys designated by it for such purpose";

(c) deleting the fourth unnumbered paragraph and inserting in lieu thereof the following:

"Upon application of the Attorney General of the United States or the Commission, acting through any of its attorneys designated by it for such purpose, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of this Act or any order of the Commission made in pursuance thereof."

SEC. 208. Section 10 of the Federal Trade Commission Act (15 U.S.C. 50) is amended by deleting the third unnumbered paragraph and inserting in lieu thereof the following:

"If any corporation required by this Act to file any annual or special report shall fail to do so within the time fixed by the Commission for filing the same, and such failure shall continue for thirty days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit brought by the United States or by the Commission, acting through any of its attorneys designated by it for such purpose, in the district where the corporation has its principal office or in any district in which it shall do business."

SEC. 209. Section 12 of the Federal Trade Commission Act (15 U.S.C. 52) is amended by striking out the words "in commerce" wherever they appear and inserting in lieu thereof "in or having an effect upon commerce."

SEC. 210. Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by redesignating "(b)" as "(c)" and inserting the following new subsection:

"(b) Whenever the Commission has reason to believe—

"(1) that any person, partnership, or corporation is engaged in, or is about to engage in, any act or practice which is unfair or deceptive to a consumer, and is prohibited by section 5, and

"(2) that the enjoining thereof pending the issuance of a complaint by the Commission under section 5, and until such complaint is dismissed by the Commission or set aside by the court on review, or the order of the Commission made thereon has become final within the meaning of section 5, would be to the interest of the public—

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States to enjoin any such act or practice. Upon a proper showing, and after notice to the defendant, a temporary restraining order or a preliminary injunction may be granted without bond under the same conditions and principles as injunctive relief against conduct or threatened conduct that will cause loss or damage is granted by courts of equity: *Provided, however,* That if a complaint under section 5 is not filed within such period as may be specified by the court after the issuance of the temporary restraining order or preliminary injunction, the order or injunction shall be dissolved by the court and be of no further force and effect. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business."

SEC. 211. Nothing in this title shall be construed to give the Commission authority over the Federal National Mortgage Association, the National Corporation for Housing Partnerships or any financial institution which is subject to regulation by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the National Credit Union Administration, or the Federal Home Loan Bank Board against acts or practices unfair or deceptive to consumers.

Mr. MOSS. Mr. President, I wish to join the distinguished chairman of the Senate Commerce Committee in introducing the warranty-FTC bill. This bill will truly improve the position of the American consumer, both by removing the abuse and ignorance surrounding warranties, and by providing the Federal Trade Commission with the tools it badly needs to do an effective job.

Title I of this bill deals with warranties, and warranties are the source of many consumer complaints. The need for warranty reform has become apparent ever since the midsixties, when the Federal Trade Commission and the Senate Commerce Committee began investigating consumer product warranties. The basic warranty legislation contained in this bill has been passed by the Senate twice already, and the need has never been greater than it is now.

One of the most important effects of this bill will be its ability to relieve consumer frustration by promoting understanding and providing meaningful remedies. This bill should also foster intelligent consumer decisions by making warranties understandable. At the same time, warranty competition should be fostered since consumers would be able to judge accurately the content and differences between warranties and competing consumer products.

Title I of this bill also provides greater assurance of warranty performance, by doing two important things. First, the bill provides the consumer with an economically, feasible private right of action so that when a warrantor breaches his warranty or service contract obligations, the consumer can have effective redress. Reasonable attorneys fees and expenses are provided for the successful consumer litigant, and the bill is further refined so as to place a minimum extra burden on the courts by requiring as a prerequisite to suit that the purchaser give the supplier reasonable opportunity to settle the dispute out of court, including the use of a fair and formal dispute settlement mechanism which the bill encourages suppliers to set up under the general supervision of the Federal Trade Commission. A greater likelihood of warrantor performance is also assured through prohibition of express disclaimers of implied warranties.

Perhaps one of the potentially most important and long range effects of this bill resides in its attempt to assure better product reliability. The bill does not mandate any particular life span or reliability quotient for consumer products, but instead attempts to organize the rules of the warranty game in such a fashion as to stimulate manufacturers, for competitive reasons, to produce more reliable products. This is accomplished using the rules of the marketplace by giving the consumer enough information and understanding about warranties so as to enable him to look to the warranty duration of a guaranteed product as an indicator of product reliability.

Today when a consumer purchases a major product such as an automobile, he receives a warranty which he naturally assumes gives him the right to have the car repaired if it breaks down or proves defective during the warranty period. He is usually in for a rude shock when he discovers that in fact the warranty he has received could more accurately be described as a limitation on liability rather than a warranty; he discovers his rights have been diminished rather than increased by receipt of this document. The warranty may cover a defective transmission seal costing $1 but not a $150 installation charge, or he may discover that factory approval is required and he will have to wait for repair of his automobile for a lengthy period while that is accomplished. Another common occurrence is that the warranty will not cover many defects; it will be strictly limited in its coverage in such way as to exclude the most common items of breakage and shoddy manufacture. With the possible exception of American Motors' buyer protection plan, the usual American car warranty does not cover the majority of defects consumers typically discover in their new cars. Furthermore, the purchaser will soon discover that the implied warranties which would have come by operation of law with the purchase of this automobile may have been waived by acceptance of the express warranty. If the implied warranties were not so waived, all the "unmerchantable" aspects of the product, or those defects in it which make it unfit for its ordinary intended purposes, would be covered by the implied warranties.

This sad state of affairs I have just portrayed will be significantly changed by passage of this bill. The same purchaser I have been discussing, upon receipt of his warranty with the purchase of an automobile would be in a far different situation. First of all, the warranty would be designated on its face as being either a "full" warranty, covering all parts and labor for the designated period, or a "partial" warranty, which does not require repair or replacement without charge. All warranties which are not "full" would have to indicate their limitations at the top in bold print. For example, a warranty providing free parts for 1 year might be designated "1-year parts-only warranty."

Currently, the only warranty offering full protection during the warranty period for the consumer of American automobiles is American Motors Corp.'s buyer protection plan. This bill would encourage more manufacturers to issue "full" warranties and would also prohibit the disclaimer of implied warranties when a written warranty or service contract in writing is made. Thus, when a consumer buys a product with a "full" warranty, he can expect all defects coming to light within the warranty period to be fixed without charge. Furthermore, the bill will enable consumers to differentiate between products on the basis of reliability, using the warranty duration as an index of the durability. If a warrantor fails to live up to his obligations, fair settlement procedures and economically feasible private rights of action are provided for.

In the 1960's the Federal Trade Commission concluded that warranty reform was needed. In the 91st Congress, basic warranty reform passed the Senate. In the 92d Congress warranty reform again passed the Senate, by an overwhelming margin. This reform is needed more than ever now, and I, therefore, urge early passage of this bill which represents a further refinement of the legislation which passed the Senate last Congress.

Most changes reflect technical improvements or clarifications, but some substantive improvements have also been made. For example, the definition of "purchaser" has been changed to include the recipient of an implied warranty and is not limited in scope to that class of persons designated in the warranty. In addition, the warranty designation requirements have been adjusted to permit the consumer to differentiate between a "full" warranty with limitation of liability and a "full" warranty without limitation of liability; and there is an express statement in the bill that a State can restrict the ability of a warrantor to limit his liability—for example, by amending section 2–719 of the Uniform Commercial Code.

Section 203, dealing with the power of the Federal Trade Commission to institute civil actions to redress injury to consumers resulting from unfair or deceptive acts or practices, has been modified to clarify the procedures that the Federal Trade Commission and court would follow in granting consumers redress. Finally, section 206, which confirms the Federal Trade Commission's power to promulgate legislative rules, has been amended to correspond to its form when reported by the Senate Commerce Committee in the fall of 1971, thereby assuring fairness to all parties concerned without dragging out the proceedings so that the Commission is effectively strangled.

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By Mr. MAGNUSON (for himself, Mr. BAKER, Mr. HART, Mr. HARTKE, Mr. HOLLINGS, Mr. JACKSON, Mr. MOSS, and Mr. TUNNEY):

S. 357. A bill to promote commerce and amend the Federal Power Act to establish a Federal Power Research and Development program to increase efficiencies of electric energy production and utilization, reduce environmental impacts, develop new sources of clean energy, and for other purposes. Referred to the Committee on Commerce.

### FEDERAL POWER RESEARCH AND DEVELOPMENT ACT

Mr. MAGNUSON. Mr. President, I believe it essential that a comprehensive, balanced Federal energy research and development program be undertaken. There is little doubt that a significant number of promising technical options exist for alleviating the Nation's shortage of clean energy. Many of them would provide relief from the energy-environment crisis we face. New priorities should be established to balance our needs for energy, environmental quality, consumer protection and our capability to control developing technologies.

Uncertainties of fuel supply and unforeseen difficulties or social costs associated with new developments mandate that a U.S. energy research and development program be broad-based and flexible. No single technology should dominate our efforts lest we become irrevocably committed to technologies which may one day be judged sociably unacceptable.

A major R. & D. program is needed because power demands are rapidly increasing. Although electricity is the cleanest form of energy at the point of consumption, its generation and transmission raise serious environmental and resource problems. These problems will worsen as consumption grows unless new technologies and new sources of energy are developed.

Coal, our most abundant fossil fuel, is currently used to generate about half of our electric energy and even with the growth of nuclear power, coal continues to be a major source. Unfortunately, its production and use raise serious problems. Coal mining scours the landscape through heedless strip mining and subjects thousands of miners to both sudden and cumulative disaster through tragic accidents and the long-term ravages of black lung. Its use in generating electric power produces vast quantities of debilitating air pollutants—sulfur oxides, nitrogen oxides, particulates and other pollutants such as traces of mercury—as well as mountains of solid waste.

Oil used to generate electric power also generates air pollutants, although in lesser quantities. However, there is a tightness in its supply, particularly in low-sulfur sources. A key problem is that natural gas, our cleanest energy source, is inappropriate for use in electric power generation so long as other higher priority uses are not satisfied.

Nuclear power, the result of large R. & D. expenditures by the Federal Government over the past 25 years, eliminates many air pollution problems, but it raises serious difficulties of its own. There is always a risk, however small, that a serious accident will result in the exposure of a large segment of the public to significant amounts of radioactivity. In addition, the day-to-day releases of low-level radioactive wastes, as well as the transportation and perpetual management of high-level radioactive wastes, will pose increasing problems as more reactors are built and operated.

Waste heat is another unhappy byproduct of both fossil fuel and nuclear generating processes using the steam cycle. To protect our lakes, rivers, and estuaries, many new powerplants must employ cooling towers and ponds. These consume more water and cause environmental problems of their own.

In short, unless we develop new technology for energy generation we are faced with a variety of environmental problems regardless of whether we use nuclear power or fossil fuels.

In addition, our energy systems are extremely inefficient. By one widely accepted estimate, five-sixths of the energy used in transportation, two-thirds of the fuel consumed to generate electricity and nearly one-third of all the remaining energy—averaging to more than half of all the energy consumed in the United States—is discarded as waste heat. I believe significant improvements are feasible. We can wait no longer to develop them.

A number of new and existing technologies offer the promise of controlling harmful pollutants, increasing the efficiency of generation and consumption of electric power and tapping new clear sources of energy. The blueprint for survival is not obscure:

First, the application of more efficient technologies, ranging from better insulation in houses to more efficient furnaces in the industry, and policies that reduce rather than promote the demand for energy could play a key role in the last two decades of this century. The Nation should end wasteful uses of energy and develop a conservation ethic. Such programs would help improve the Nation's true quality of life.

Second, solar energy, which is the only real "income" energy available on the spaceship earth, could supply many important energy needs. This process appears especially attractive since it can be used directly for heating and cooling and in the production of electricity without consuming natural resources nor producing pollution.

Third, magnetohydrodynamics or MHD could be used as a "topping cycle" for present-day technologies and increase thermal efficiencies as much as 50 percent.

Fourth, fusion machines, using various processes, theoretically could provide an abundant supply of clean energy for hundreds of thousands of years. There are researchers who feel that we are very close today to a demonstration of feasibility.

Fifth, geothermal energy, which is being used economically in several areas of the world today, requires more R. & D. to facilitate better energy extraction techniques from the thermal sources in our planet. Some scientists have estimated that geothermal energy could potentially supply the Nation's demand for new electric energy through the year 2000.

Sixth, fuel cells which could cleanly burn natural gas and/or hydrogen to produce electricity, have the particular advantage of efficiency in small units. This process could facilitate the decentralization of American society and at the same time eliminate high environmental and economic transmission costs.

Seventh, extra high voltage transmission lines and underground cryogenic transmission systems all need serious effort to reduce the present 10 to 15 percent loss of energy in the transmission process.

Eighth, there exist many possibilities to make the use of coal environmentally acceptable and there are still other untapped potential sources of energy to meet at least part of our energy requirements. Among them: Tidal, wind, ocean current, and ocean thermal gradients. Each could be a potential source of a small but significant portion of a clean energy supply.

Yet these opportunities remain largely unexplored. The record of electric utility, industry in research and development is hardly impressive—at the present level it is about one quarter of 1 percent of utility gross revenues. Moreover, since 1945, 87 percent of our national investment in energy R. & D.—both government and private—has been narrowly focused on the development of a nuclear fission process.

The electric utility industry is to be commended for undertaking a program of joint R. & D. But these voluntary efforts are not enough. Expert witnesses at extensive Commerce Committee hearings on this subject last session argued that proposed research and development expenditures by the industry are inadequate: Less than one-tenth of the needs recognized by the industry itself will be met by even a fully successful voluntary program. But it will be difficult to meet goals because individual utilities will attempt to minimize their contributions because research results are to be available on reasonable terms to noncontributing members. Proposals to permit utilities to satisfy a substantial proportion of their contribution obligations by undertaking their own research program will further erode the financial base of the Electric Power Research Institute program.

Some contended that the industry program is not balanced. There is no provision for representation of consumer, environmental, and non-power-producing Government agencies. There is no mechanism to insure public access to all information nor is there any attempt to encourage public participation in the decisionmaking process. There is no provision for a public audit.

The proposed industry program would be controlled by investor-owned utilities. It would face a major difficulty associated with all joint industry research projects: there is a possibility that the introduction of new technology will be slowed to suit the pace of the most backward member, that collusion will prevent the vigorous pursuit of certain ideas and that the horizons of the program would be restricted to narrow limits. Testimony indicated that a private R. & D. program is likely to turn toward those projects that promise immediate profits—a climate that nurtures only the most minor innovations. Whenever it is necessary to stimulate innovation and develop entirely new technologies, a Government program is more suitable because it alone can marshall the talent and resources needed where there is no certainty of short-term economic return.

But most importantly it was pointed out that voluntary industry effort lacks public accountability. As to the rate payer the "voluntary" approach is in reality a tax, but without the safeguards associated with the expenditures of public funds. As far as the electric consumer is concerned, the expenditures are not voluntary and he has no input into the direction or scope of the program.

Finally, an energy R. & D. program has a profound effect on national policies and such important decisions can not be left solely to the boardrooms of private corporations. Therefore, while the voluntary industry effort should be encouraged, I believe it does not alleviate the need for a major Government research and development program. Mr. President, I urge prompt enactment of the Federal Power Research and Development Act so that the Nation can begin developing the hardware needed to produce clean energy without harming the environment.

Mr. President, I ask unanimous consent that a description and the text of the bill be printed in the RECORD at this point.

There being no objection, the description and bill were ordered to be printed in the RECORD, as follows:

### DESCRIPTION OF FEDERAL POWER RESEARCH AND DEVELOPMENT ACT

#### PURPOSE

The purpose of the Federal Power Research and Development Act is to authorize a program of research and development for the improved means of production, transmission, distribution, and utilization of electric energy with minimum impact on the environment.

#### CREATION OF A FEDERAL POWER RESEARCH AND DEVELOPMENT BOARD

The bill would establish a five member Federal Power Research and Development Board appointed by the President to staggered five year terms with the advice and consent of the Senate.

The research activities of the Board would be financed by a one percent surcharge on electricity consumption. This fee would be paid by electricity consumers. In addition any person generating more than one million kilowatt-hours per year of electric energy for his own consumption is required to pay a fee equal to one percent of the fair market value of the electric energy he generates. The funds collected by the surcharge would be deposited in a Federal power research and development trust fund. This procedure is designed to guarantee a reliable, consistent source of funds that will be equally and uniformly paid by all electricity users. Although in the short run the fee will increase electric rates, over the longer term the benefits of a coordinated, comprehensive research program are expected to increase efficiencies to more than offset the cost of the program.

The authority granted under this Act expires ten years after enactment. The ten year limit on the life of the Board will insure a thorough review of the program at the end of a decade, thus guarding against the creation of a self-perpetuating, and unresponsive bureaucracy.

#### RESEARCH PROGRAM AUTHORIZED

The bill would authorize a comprehensive program of research and development to improve efficiencies and reduce environmental impacts of electric energy generation, transmission and distribution systems. The Board would seek to achieve basic innovations and develop clean, reliable new sources of energy. In addition research is authorized to improve the energy utilization of appliances, equipment and processes. The Board is to encourage the implementation of energy conservation practices. Consequently, the Board has broad authority to conduct research toward solving America's energy problems by increasing the range of options available to meet energy needs, improving the energy supply picture and enhancing the utilization of available energy sources.

The bill provides that at least five percent of the funds expended by the Board shall be used to search for adverse social, environmental or economic effects of proposed or present technologies. This provision would establish a program of technology assessment to identify and avoid adverse and unwanted side effects of emerging technologies.

#### BROAD PUBLIC PARTICIPATION

The Board is to develop an overall program after annual hearings. It is anticipated that this process will enable the Board to benefit from the counsel and advice from environmentalists, consumers, public interest advocates, members of the scientific and technical community and the affected industries. Also required is a detailed annual report which is to include a description and appraisal of research and development activities funded during the preceding year, an evaluation of future funding needs and an assessment of the impact of emerging technologies on the demand for electricity, the economy and the environment.

A newsletter is to be published at least twice a month to provide basic and continuing information on the Board's activities to the scientific community, Congress, industry and the general public The funds collected, while limited to use by the Board, will be subject to the appropriation process so that the Congress will be able to assure that the funds allocated to the Board serve the objectives of the Act. All of these provisions are designed to make the Board highly visible and guarantee that its activities are in the public interest.

#### SUMMARY

The Federal Power Research and Development Act is designed to establish an innovative R&D program with adequate public accountability, with maximum public participation and coordination with other government programs. This program would place priority on developing more efficient, less polluting means of generating energy. Such a program would reduce adverse environmental impacts while helping to avoid chronic power shortages and the threat of blackouts.

There appears to be universal agreement on the need for a greatly expanded energy research and development program. This is one of the few issues on which the electric power industry, the government, environmentalists and concerned citizens all agree. The bill provides the structure to fill the gap between research needs and current efforts.

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### S. 357

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Federal Power Act is amended by adding at the end thereof the following new title:

### "TITLE IV—FEDERAL POWER RESEARCH AND DEVELOPMENT PROGRAM

#### "BOARD ESTABLISHED

"SEC. 401. (a) There is hereby established the Federal Power Research and Development Board (hereinafter referred to as the 'Board'). The Board shall consist of five members appointed by the President, by and with the advice and consent of the Senate, one of whom shall be so appointed as Chairman of the Board. The members first appointed under this section, as amended, shall continue in office for terms of one, two, three, four, and five years, respectively, from the date this section, as amended, takes effect, the term of each to be designated by the President at the time of nomination. Their successors shall be appointed each for a term of five years from the date of the expiration of the term for which his predecessor was appointed and until his successor is appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office, and except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term. Not more than three of the members shall be appointed from the same political party. No person in the employ of or holding any official relation to any licensee or to any person, firm, association, or corporation engaged in the generation, transmission, distribution, or sale of power, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold the office of member. Said member shall not engage in any other business, vocation, or employment. No vacancy in the Board shall impair the right of the remaining members to exercise all the powers of the Board. Three members of the Board shall constitute a quorum for the transaction of business, and the Board shall have an official seal of which judicial notice shall be taken. The Board shall annually elect a Vice Chairman to act in case of the absence or disability of the Chairman or in case of a vacancy in the office of Chairman. The members shall be appointed from among those persons with experience and competence in the following areas: the environment and its protection; electric power reliability; and scientific and technical research and development. The Chairman shall be compensated at the rate provided for by level III of the Executive Salary Schedule under section 5314 of title 5, United States Code. The remaining members shall be compensated at the rate provided for by level IV of the Executive Salary Schedule under section 5315 of such title.

"(b) The authority under this title shall terminate ten years from the date of enactment of this Act.

#### "FEE ASSESSED

"SEC. 402. Ninety days after enactment of this title, every person purchasing electric energy for consumption, and every person generating more than one million kilowatt hours per year of electric energy for his own consumption shall pay a fee equal to one percent of his total charge for electric energy for all such electric energy purchased and consumed, or one percent of the fair market value, as determined by the Federal Power Commission, of the electric energy produced where the electric energy is generated by any person for his own consumption.

"All persons (as defined in section 551 of title 5 of the United States Code) distributing electric energy affecting interstate commerce, including private companies, cooperatives, and agencies of local, State and the Federal government shall include as part of the normal bill or invoice issued to any person purchasing electric energy for consumption an additional amount equal to one percent of total charge for electric energy. Such persons distributing electric power affecting interstate commerce are required to collect the fee imposed by this section and to pay an amount equal to all such fees collected to the Federal Power Commission.

"Any person generating more than one million kilowatt hours per year of electric energy for his own consumption affecting interstate commerce is hereby required to pay a fee equal to one percent of the fair market value, as determined by the Federal Power Commission, of the electric energy he generates to the Federal Power Commission.

"The fees imposed by this section shall be paid by the person purchasing and consuming electric energy.

"The fees imposed by this section shall not apply to sales of electric energy for resale.

#### "TRUST FUND ESTABLISHED

"SEC. 403. Revenues collected by the Commission from such fees and interest on such revenues shall be deposited in a trust fund, to be known as the Federal Power Research and Development Trust Fund (hereinafter referred to as the 'fund') which is in the Treasury of the United States to be available through the appropriation process only to the Board for use in carrying out all the provisions including administrative expenses of section 404 and other provisions of this title. Separate appropriations requests shall be submitted by the Board to the President for transmittal to Congress.

#### "RESEARCH PROGRAM AUTHORIZED

"SEC. 404. (a) The Board is authorized to conduct directly and by way of contract, grant, or other arrangement, a program of research and development for the improved means of production, transmission, distribution, and utilization of electric energy with minimum impact on the environment. Payments under this section shall not exceed the amount of the fees collected pursuant to this Act. Such program shall be coordinated with and shall supplement research and development programs conducted or assisted by other Federal agencies, universities, electric power companies or other companies or individuals. Funds appropriated pursuant to this Act shall be allocated on the basis of their contribution to the attainment of the following goals—

"(1) increasing the efficiencies of energy generation, transmission, distribution, processes;

"(2) improving the energy utilization efficiency of appliances, equipment and processes, and encouraging the implementation of energy conservation practices;

"(3) decreasing the adverse environmental impact of present and future energy generation, transmission, and distribution processes;

"(4) achieving basic innovations for new means of reliably generating energy while protecting the environment;

"(5) making increased efficiencies and improved technology directly available to all interested persons on a nondiscriminatory basis;

"(6) other areas which the Board deems to be within the broad objectives of this title; and

"(7) in allocating the sums of the Fund under this title, the Board shall reserve not less than 5 per centum of such sums for projects which make a deliberate effort to search for adverse social, environmental, or economic effects of proposed or present technologies. Reports on such projects by the principal investigators shall be compiled and furnished to the Congress and the public annually.

#### "ADMINISTRATIVE PROVISIONS

"SEC. 405. (a) In carrying out its functions under this title, the Board is authorized to—

"(1) prescribe such regulations as it deems necessary governing the manner in which such functions shall be carried out;

"(2) appoint such officers and employees as may be necessary, and supervise and direct their activities;

"(3) utilize from time to time, as appropriate, experts and consultants, including panels of experts, who may be employed as authorized by section 3109 of title V of the United States Code;

"(4) accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by law for persons in the Government service employed without compensation.

"(5) rent office space; and

"(6) make other necessary expenditures.

"(b) If, in carrying out its functions under this section, the Board from time to time should require the services of personnel engaged in the generation, transmission, and distribution of electric energy, it should seek such personnel from all segments of the electric power industry including invester owned, State and local public agencies, cooperatives, and Federal agencies.

"(c) Each recipient of sums from the Fund under this title shall keep such records as the Board shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such sums, the total cost of the project or undertaking in connection with which such sums were given or used, the amount and nature of that portion of the cost of the project or undertaking supplied by other sources and such other records as will facilitate an effective audit.

"(d) The Board and the Comptroller General of the United States or any of their duly authorized representatives shall have access, for the purpose of audit or examination, to any records of the recipient that are pertinent to any sums from the Fund received under this title.

#### "REPORT

"SEC. 406. The Board shall prepare and submit to the President for transmittal to the Congress not more than six months after the passage of this Act and on the same day annually after that, a comprehensive report on the administration of this title for the preceding calendar year. Whenever possible, judgments contained in the report shall include a clear statement of the assumptions and data used. Such report shall include—

"(1) a thorough analysis and evaluation of research and development activities funded under this title;

"(2) a comprehensive evaluation of the areas most in need of research and development funding in the future;

"(3) an analysis of the possible and probable impact of emerging technologies on the present and future aspects of the following:

"(A) both the supply of and the demand for energy;

"(B) the economy; and

"(C) the environment; and

"(4) the extent of cooperation with other Federal agencies and public and private institutions, indicating the difficulties and the Board's plans for improvement;

"(5) Recommendations for legislation, if needed, to revise national energy policies, encourage conservation of energy, improve cooperation between interested agencies and persons, propose additional authority as needed to carry out this title or for other purposes within the broad objectives of this title.

### "NEWSLETTER

"SEC. 407. (a) Not less than twice each month, the Board shall publish a newsletter (hereinafter referred to as the 'Newsletter'), which shall be made available to all interested persons and include—

"(1) abstracts of all approved grants, including a statement on the general nature of the work;

"(2) announcements of hearings;

"(3) summaries of promising developments; and

"(4) the information required elsewhere in this title.

"(b) The Board shall give notice by publication in the Federal Register and in the Newsletter at least ninety days before approval of any grant of $5,000,000 or more and shall provide an opportunity for any interested party to comment on any such grant prior to approval. No grants may be approved until thirty days after completion of the time allowed for the comment of interested persons.

### "PROCEDURE

"SEC. 408. At least once each year the Board shall conduct a hearing on its proposed budget for the following fiscal year. Notice shall be given by publication in the Federal Register and in the Newsletter at least sixty days prior to its occurrence, the scheduled date, time, and place of said hearing. In addition, at least forty-five days before the hearing date, the Board shall publish in the Newsletter a complete statement of proposed programs in the next fiscal year. All interested parties should be granted an opportunity to testify or submit written statements. A record shall be made of all hearings, and said record shall be available for public inspection. All reasonable and germane inquiries made at the hearing of the Board, or of the principal investigators where possible, must be fairly responded to on the record. The Board shall wait at least thirty days after the completion of the hearings to allow for the comment of interested parties before submitting its budget to the President.

### "PATENTS

"SEC. 409. Each contract, grant, or other arrangement for any research or development activity supported by this title shall contain provisions effective to insure that all information, uses, processes, patents, and other developments resulting from that activity will be made freely and fully available to the general public. Nothing herein shall be construed to deprive the owner of any background patent of any right which he may have thereunder.

### "CIVIL PENALTY

"SEC. 410. Any person who violates any regulation established pursuant to this title shall be subject to a civil penalty of not more than $10,000 for each violation or for each day of a continuing violation. The penalty shall be recoverable in a civil suit brought by the Attorney General on behalf of the United States in the United States district court for the district in which the defendant is located or for the District of Columbia."

By Mr. McGOVERN (for himself, Mr. ABOUREZK, Mr. CLARK, Mr. GRAVEL, Mr. HATHAWAY, Mr. KENNEDY, Mr. MOSS, and Mr. RANDOLPH):

S. 361. A bill to provide housing and community development for persons in rural areas of the United States on an emergency basis. Referred to the Committee on Banking, Housing and Urban Affairs.

### EMERGENCY RURAL COMMUNITY DEVELOPMENT ACT OF 1973

Mr. McGOVERN. Mr. President, I am once again introducing a bill designed to establish an Emergency Rural Housing Administration to help low-income Americans in rural areas and small towns get decent and sanitary housing. I introduced the bill in 1971 as a consequence of hearings held by the Select Committee on Nutrition and Human Needs, of which I am the chairman.

In light of recent actions taken by the administration with regard to the Nation's subsidized housing programs, this bill is much more vital than it was when I first introduced it in the 92d Congress. As you are probably aware, Mr. Nixon has declared a moratorium on virtually all of the federally subsidized housing programs designed to serve families with modest incomes. In effect, the President has said "The present housing programs are a mess and so I will kill them even though I do not have an alternative. Besides, for cosmetic reasons, I need to give the appearance of balancing the budget."

But the President will not choose the most obvious way of cutting expenditures. He will not stop the costly war in Vietnam. Rather, with callous indifference, he is disregarding the deplorable housing conditions that countless Americans must now tolerate. Mr. Nixon does not flinch at the staggering cost of the B-52's we have lost over Vietnam in the bombings. But he turns his back on the legitimate expenditure for Federal assistance in housing.

I would like at this time to outline some of the thinking that went into drafting this bill. The Select Committee on Nutrition and Human Needs decided to hold hearings on rural housing because we began to question the possibility of instituting good nutrition programs for families who were forced to prepare food in rat-infested kitchens with dirt floors and contaminated drinking water.

The committee heard testimony indicating that as a family's income drops, so does the condition of its housing. As the housing conditions decline, incidences of stillbirths, infant mortality, juvenile delinquency, failure in school and mental and emotional disturbance increase.

Bad housing is an ideal breeding ground for infectious disease. Housing which invites the cold and damp also invites tuberculosis. This list goes on. The correlation is obvious. Everybody knows that bad housing means bad health.

This relationship between one's immediate environment and one's physical well-being was demonstrated by a program conducted on the Rosebud Indian Reservation in my home State. There, some 375 very modest houses were constructed, and we had studies and reports of all kinds on their worth to the Indian residents. But to me, the most important thing about the whole project was that after those few hundred families moved into dry, warm, sturdy, and safe housing, hospital admissions on the reservation soon fell by 30 percent and the daily patient census fell by 40 percent.

What is being done for the general rural population in this regard? After 30 years on the books, public housing has served less than 3 percent of the target population in rural areas and small towns.

HUD programs are virtually unworkable in rural areas and small towns. The overwhelming bulk of these programs go to big cities. The overworked, underfunded Farmers Home Administration serves the rural areas, but not the poor. And now even these inadequate programs do not exist.

Testimony taken by the select committee documents the whys and wherefores of the program failure in detail.

Suffice it to say that the rural poor get left out of the scheme of Federal things for basically two reasons. They are rural and they are poor.

An emergency truly does exist in rural areas and small communities. Over 60 percent of the Nation's substandard occupied units are there. Along with the bad housing are the attendant problems of polluted and unpiped water, lack of sanitary facilities, and overcrowding. There are fewer doctors and decent medical facilities than would be needed even to begin to treat the symptoms of the problem. Add to this the fact that over half the poor in the United States live in these areas where only one-third of the population is and one begins to see the enormity of the problem. Unemployment and underemployment are often the rule rather than the exception.

There seems to be evidence of a movement however small among some Members of Congress to do something about the miserable situation in rural areas. Yet most have so far neglected to come to grips with the problem of delivering adequate housing to an impoverished population. Whatever means are used to deliver adequate housing to the poor, we know it will take at least two things in enormous quantities—commitment and dollars.

People in the housing industry tell us year after year that the problem is one of commitment—that the commitment just is not there now. I believe that Congress was sincere when it made its promise to house the homeless in 1949 and sincere when it reaffirmed that pledge in 1968.

But likewise I believe that despite two decades of tinkering, the existing housing legislation has not done the job. It is time to take dramatic action and time to set a deadline on a promise that is almost a quarter-century old.

The bill I introduce today contemplates that the problem be attacked on an emergency basis—one which defines its goals and makes every effort to reach them in 5 years.

To do this, an independent executive agency at the Federal level is created called the Emergency Rural Housing Administration, ERHA.

It is headed by an administrator appointed by the President, with the advice and consent of the Senate. The Administrator will have powers concomitant with the emergency situation with which he is dealing. He will have the usual powers to sue and be sued, to make and repeal such rules and regulations as are necessary, to accept gifts or donations of services or property, to buy and sell or otherwise convey property, and to enter into contracts.

In addition he will have the following extraordinary powers: to acquire land by condemnation and to appoint officers and employees without regard to provisions governing appointments in the competitive service. The power to acquire land by condemnation is necessary in order to acquire adequate building sites in areas where the eligible persons to be served live, and to do so at a fair and reasonable cost.

It is desirable to exempt employees of the ERHA from the competitive civil service as this bill does for several reasons. First, the bulk of the work of the agency is to be completed within 5 years and second, it is expected that many of the persons who could be employed within the agency could come from the client population, many of which would not be able to qualify under the existing civil service system.

The Administrator will be authorized to serve all eligible people living in, or desiring to live in a rural area or small community who cannot with reasonable certainty obtain decent housing from other sources within 2 years. For this purpose, a rural area means any open country or any place in the United States which is not in a standard metropolitan statistical area and a small community means any political subdivision in the United States which has a population of less than 25,000. As fas as is practicable, the Administrator is obligated to serve eligible persons with the lowest adjusted incomes first. Also, he shall provide for home ownership rather than rental assistance to the greatest extent possible.

Homeownership assistance would be given in the form of loans to eligible persons or families. The Administrator will set the interest rate down to 1 percent on such loans, taking into account the adjusted income of the eligible person involved.

The Administrator is authorized to defer payment of up to 50 percent of the loan, which portion would become payable and interest bearing only when and to the extent the borrower's ability to repay exceeds that required to retire the undeferred portion at the maximum interest rate or upon the sale or other disposition of the property financed by the loan. In determining a borrower's ability to repay, his income will be adjusted by deducting 5 percent of the gross income plus $300 for that borrower and for each member of his family. An additional $1,000 will be deducted for each individual or family who is physically disabled or mentally retarded.

A borrower will not be required to pay more than 20 percent of his adjusted income to repay the loan; however, when that amount would be insufficient to retire a loan even with 50 percent of the principal deferred, the borrower may choose to pay a greater amount in order to be eligible for a loan.

For those eligible persons who desire to rent or do not have sufficient income to repay a loan for homeownership, the Administrator is authorized to finance all or part of the cost of acquisition, construction, rehabilitation, operation, and maintenance of rental facilities. Rent charged to eligible persons for such facilities will bear a reasonable relationship to the income, taking into account reasonable needs for food, clothing, medical care, education, and other necessities and in no case shall it be in excess of 25 percent of adjusted income.

Any construction or rehabilitation undertaken with funds from the ERHA must be designed to required minimum maintenance over a useful life of at least 50 years except when the Administrator finds that temporary facilities are necessary to accommodate less substantial renovation or to meet the need of temporary residents in an area.

All housing built, acquired, or rehabilitated by the ERHA will be minimal housing which means a safe, weatherproof dwelling with running potable water, modern sanitation facilities including a kitchen sink, toilet, and shower or tub and such other requirements as to square footage and other facilities as the Administrator shall set.

In addition, the construction should be in accordance with plans developed with the active participation of the eligible persons involved.

To carry out the housing program envisioned by this act, the administrator is authorized to enter into contracts with local agencies—any existing or new public or private agency, instrumentality, or organization which meets such criteria as the Administrator requires—to meet the total housing needs for all eligible persons within a designated area. The Administrator is authorized to furnish such financial, technical, and other assistance as these local agencies will require.

In addition, the administration is authorized to furnish supplemental assistance for any housing program authorized by any other Federal or State law if such assistance will meet the needs of eligible persons under this act.

It is anticipated that about 2,500,000 units should be assisted by the ERHA. Of the 5 million low-income families living in small towns and rural areas it is estimated that at least half of them will require assistance under this act.

The Secretary is authorized and directed to purchase any such notes and for that purpose to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act. The Secretary is also authorized to sell at any time any such notes or other obligations which shall also be treated as a public debt transaction.

In order to spread the cost of borrowing over a reasonable period of years and to eventually relieve the burden on the public debt, the act authorizes $500,000,000 to be appropriated each year, reduced by any amounts paid into the Treasury on the loans made by the Administrator, to be applied to the retirement of notes issued by the Administrator.

An emergency truly does exist in rural areas and small communities. Over 60 percent of the Nation's substandard occupied units are there. Along with the bad housing are the attendant problems of polluted and unpiped water, lack of sanitary facilities, and overcrowding. There are fewer doctors and decent medical facilities than would be needed even to begin to treat the symptoms of the problem. Add to this the fact that over half the poor in the United States live in these areas where only one-third of the population is and one begins to see the enormity of the problem. Underemployment and unemployment are often the rule rather than the exception.

I am trying to impress upon you now the crisis situation that exists in rural America. I have pledged to offer a comprehensive program for the revitalization of rural America. I see the creation of this emergency agency as the first vital step in accomplishing that revitalization. The time has surely come to make good our broken promises to rural Americans who have been severely neglected to this day.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill and the bill itself be printed at this point in the RECORD.

There being no objection, the analysis and bill were ordered to be printed in the RECORD, as follows:

### SECTION-BY-SECTION ANALYSIS OF THE EMERGENCY RURAL COMMUNITY DEVELOPMENT ACT

Section 1.—Short title.

Emergency Rural Community Development Act.

Section 2.—Findings.

Congress finds that an emergency situation exists in rural areas with regard to housing for low-income families and individuals.

Section 3.—Definitions.

Section 4.—Establishment and duties.

Provides for the establishment of an independent federal agency called the Emergency Rural Housing Administration. Defines the ERHA's duties as providing minimal housing facilities to eligible persons in rural areas and small communities and to do so within five years to the extent possible. An eligible person as defined in Section 3 is an individual or family which lives or desires to live in a rural area or community and cannot with reasonable certainty obtain minimum housing facilities by any means other than from assistance under this Act within two years of the date of application for assistance. Provides for an Administrator of the ERHA by adding a new clause (58) to 5 U.S.C. 5314 to be appointed by the President by and with the advice and consent of the Senate. Provides that the Administrator's duties may not be transferred to any other department, agency, or instrumentality of the United States.

Section 5.—Powers.

Provides for the powers of the Administrator of the ERHA.

Section 6.—Home ownership.

Authorizes the Administrator to make loans to eligible persons for the acquisition of land and the construction of minimal housing facilities or for the acquisition or rehabilitation of existing facilities. Provides that at least fifty percent of such loan shall be amortized over a period not exceeding forty years and at an interest rate of not less than one percent per year. The remaining balance of such a loan shall take the form of a note secured by a second mortgage which becomes payable and interest bearing when and to the extent that the borrowers ability to repay exceeds that required to retire the first note at the maximum rate of interest or upon the sale or other disposition of the property. Provides that the interest rate, the amount of deferred principal and the other terms and conditions of such loans will be set by the Administrator taking into account the adjusted income of the eligible person involved and that a borrower cannot be required to pay more than twenty percent of his adjusted annual income on principal, interest, taxes and insurance except when the borrower chooses to in order to qualify for the ownership program.

Section 8.—Rental facilities

Authorizes the administrator to finance all or part of the acquisition, construction, rehabilitation, operation and maintenance of minimal housing facilities to be rented by eligible persons, water and sewerage facilities for such housing, and related community facilities for such housing. Provides that the rental payments of the occupants and the amount of rent assistance provided shall bear a reasonable relationship to the income of the eligible persons taking into account other budget needs and in no case should any rent payment (including the reasonable cost of heat, water and light) exceed twenty-five percent of the person's adjusted income. Provides that, when feasible, lease agreements should include an option to purchase at terms consistent with Section 6.

Section 9.—Local agency agreements

Authorizes the Administrator to enter in agreements with local agencies to assume area responsibility for carrying out the purposes of the Act. Provides that the Administrator shall furnish such financial, technical and other assistance to these local agencies as may be necessary. Authorizes the Administrator to provide supplemental assistance for other federal and state housing programs if such assistance will further the purposes of this Act.

Section 10.—Limitations and conditions

Provides that the Administrator, shall not require the relocation of any eligible person in order to engage in or to facilitate the economic development of any area. Provides that construction or rehabilitation undertaken must be designed to require minimum maintenance for at least fifty years except when the Administrator finds that less permanent housing is in accordance with the Act; and be in accordance with plans developed with the active participation of the eligible persons involved.

Section 11.—Priorities

Establishes the priorities that, insofar as is practicable, persons with the lowest adjusted incomes shall be served first, and to the maximum extent feasible, ownership rather than rental occupancy will be provided.

Section 12.—Annual report

Provides that the Administrator shall prepare and transmit to the Congress and the President an annual report of the operation and activities of the Agency.

Section 13.—Borrowing authority.

Provides that for purposes of this Act the Administrator is authorized to issue notes or other obligations to the Secretary of the Treasury in such sums as may be necessary in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary and bear interest at a rate determined by the Secretary, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. Authorizes the Secretary and directs him to purchase such notes and for that purpose to use as a public debt transaction the proceeds for the sale of any securities issued under the Second Liberty Bond Act and extends the purposes for which securities may be issued under that Act to include any purchase of such notes and obligations under this Act. Authorizes the Secretary to sell at any time any of the notes or other obligations acquired by him under this subsection and provides that all redemptions, purchases and sales by of the Secretary of such notes or other obligations shall be treated as a public debt transaction of the United States. Authorizes to be appropriated $500 million per year, less any amount, paid into the Treasury each year on loans made by the Administrator under this Act. Such sum is to be applied to the retirement of notes or other obligations issued by the Administrator.

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## S. 361

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. This Act may be cited as the "Emergency Rural Housing Act of 1971".

### FINDINGS

SEC. 2. The Congress finds that—

(1) after more than three decades of Federal activity in the housing field and more than two decades after the enactment of the Housing Act of 1949 which pledged this Nation to a decent home and suitable living environment for every American family, there are millions of substandard, crowded, and otherwise deficient dwelling units which lack running water and sanitation facilities essential to health and decency;

(2) more than half of these units are in nonmetropolitan areas;

(3) none of the existing housing agencies, public or private, function adequately in meeting the housing needs of the poorest people in small towns and rural areas;

(4) the administrative funds and grant and lending authorities of Farmers Home Administration are inadequate to the task, and its authorized capacity to subsidize dwellings falls far short of that required to provide housing for the poor;

(5) public housing exists in little more than token quantities in small towns and rural areas, and public housing legislation presently does not permit a subsidy adequate to meet the needs of the poorest of the poor;

(6) despite the moving rhetoric of the last two decades, the authority and funds to satisfy the housing needs of low-income families are not available;

(7) existing agencies operating under existing authorities could not meet the needs of millions of the rural poor even if all restraints on administrative funds were lifted, nor would they meet those needs if there were no ceiling placed on grant and loan funds; and

(8) the ill health and human degradation that flow from this continuing neglect and denial of responsibility call for emergency action.

### DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) "Administration" means the Emergency Rural Housing Administration established under section 4 of this Act;

(2) "Administrator" means the Administrator of the Administration;

(3) "adjusted income" means the total income of an individual or family reduced by—

(A) 5 per centum of that income;

(B) $300 for that individual or for each member of that family; and

(C) $1,000 for that individual if he is physically disabled or mentally retarded or for each member of that family who is physically disabled or mentally retarded;

(4) "area responsibility agreement" means an agreement between the Administrator and a local agency to provide minimal housing facilities for all eligible persons in an area;

(5) "eligible person" means an individual or family which (A) lives or desires to live in a rural area or community, and (B) cannot with reasonable certainty obtain minimum housing facilities by any means other than assistance under this Act within two years after the date of application for assistance under this Act;

(6) "local agency" means any public or private agency, instrumentality, or organization which meets such criteria as the Administrator shall by regulation require, and includes any such agency which exists under any Federal, State, or local law for purposes not inconsistent with this Act, and any such agency established hereafter for any such purpose;

(7) the term "minimal housing facilities" means a safe, weatherproof dwelling with running potable water, modern sanitation facilities including a kitchen sink, toilet, and shower or tub, but such term does not include any dwelling which does not meet the requirements established by the Administrator with respect to square footage and other facilities or standards;

(8) "rural area" means any open country or any place in the United States which is not contained in a standard metropolitan statistical area; and

(9) "small community" means any political subdivision in the United States which has a population of less than twenty-five thousand people.

### ESTABLISHMENT AND DUTIES

SEC. 4. (a) There is established an Emergency Rural Housing Administration. The management of the Administration shall be vested in an Administrator who shall be appointed by the President by and with the advice and consent of the Senate.

(b) It shall be the duty of the Administration to provide minimal housing facilities for all eligible persons in rural areas and small communities and to do so to the extent possible within a five-year period. The duties and powers of the Administration shall not be transferred to any other department, agency, or instrumentality of the United States.

(c) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new clause:

"(58) Administrator, Emergency Rural Housing Administration."

### POWERS

SEC. 5. The Administrator shall have the power—

(1) to sue and be sued, and complain and defend, in its own name and through its own counsel;

(2) to adopt, amend, and repeal such rules and regulations as may be necessary;

(3) to lease, purchase, or acquire by condemnation or otherwise, and own, hold, improve, use, or otherwise deal in and with, any property, real, personal, or mixed, or any interest therein, wherever situated;

(4) to accept gifts or donations of services, or property, real, personal, mixed, tangible or intangible, in aid of any of the purposes of the Administration;

(5) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(6) to appoint such officers and employees as may be required without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(7) to enter into contracts, execute instruments, incur liabilities, and do all things which are necessary or incidental to the proper management of its affairs.

### HOMEOWNERSHIP

SEC. 6. (a) The Administrator is authorized to make loans to eligible persons to finance the acquisition of land and the construction thereon of minimal housing facilities, or to finance the acquisition or rehabilitation of existing facilities in accordance with minimum housing facilities standards.

(b) At least 50 per centum of the principal amount of any loan made under this subsection shall be amortized over a period of not more than forty years, shall bear interest at a rate of not less than 1 per centum per year, and shall be secured by a first mortgage. The remainder of such principal amount may be a note secured by a second mortgage which becomes payable and interest bearing only when and to the extent the borrower's ability to repay exceeds that required to retire the first note at the maximum interest rate or upon the sale or other disposition of the property financed by the loan. The Administrator shall determine the percentage rate, the amount of the principal deferment, and the other terms and conditions of any such loan, taking into account the adjusted income of the eligible person involved. All amounts received by the Administrator as principal or interest payments on such loans shall be paid into the Treasury in accordance with section 13 of this Act.

(c) The Administrator may not require an eligible borrower to pay more than 20 per centum of adjusted annual income on principal, interest, taxes, and insurance (PITI) but a borrower, in order to qualify for ownership may voluntarily agree to pay more.

### HOUSING DEVELOPMENTS

SEC. 7. The Administrator is authorized to acquire land and engage in the development of housing projects to be sold under section 6 or rented under section 8 of this Act.

### RENTAL FACILITIES

SEC. 8. (a) The Administrator is authorized to finance all or part of the acquisition, construction, rehabilitation, operation, and maintenance of (1) minimal housing facilities in rural areas and small communities to be rented by eligible persons, (2) water and sewer facilities for such housing facilities, and (3) related community facilities for such housing facilities.

(b) Rental payments and the amount of assistance shall bear a reasonable relationship to the income of the eligible person, taking into account reasonable needs for food, clothing, medical care, education, and other necessities as determined by the Administrator. In no case shall any such payment including the reasonable cost of heat, water, and light, exceed 25 per centum of the adjusted income of the eligible person.

(c) Any lease or other occupancy agreement for facilities under this section shall include whenever feasible an option to buy in accordance with the provisions of section 6 of this Act.

### LOCAL AGENCY AGREEMENTS

SEC. 9. (a) The Administrator may enter into area responsibility agreements with any local agency. The Administrator shall furnish such financial, technical, and other assistance as any such local agency may require in order to carry out programs authorized by this Act in accordance with the terms of any such agreement. The Administrator shall have access to the books, records, and any other papers of any local agency which enters into an area responsibility agreement in order to insure that such agency is at all times operating in compliance with the provisions of this Act.

(b) Notwithstanding any other provision of law, any agreement under this section may provide that the Administrator may furnish supplemental assistance for programs authorized or administered under any other provision of Federal or State laws, the Administrator is satisfied upon the basis of such assurances as he may require, that such agreement will carry out the purposes of this Act.

### LIMITATIONS AND CONDITIONS

SEC. 10. (a) The Administrator shall not require, as a condition of assistance under this Act, the relocation of any eligible person in order to engage in or to facilitate the economic development of any area.

(b) Any construction or rehabilitation undertaken with funds authorized under this Act shall—

(1) be designed to require minimum maintenance over a useful life of not less than fifty years: *Provided*, That this limitation shall not apply to new or rehabilitated housing if the Administrator finds that less permanent housing is in accordance with the basic purposes of this Act;

(2) be in accordance with plans developed with the active participation of the eligible persons involved.

### PRIORITIES

SEC. 11. (a) The Administrator shall insofar as is practicable furnish assistance under this Act to eligible persons with the lowest adjusted incomes first.

(b) To the maximum extent feasible, the Administration shall provide for homeownership rather than rental occupancy.

### ANNUAL REPORT

SEC. 12. The Administration shall, as soon as practicable after the end of each fiscal year, prepare and transmit to the Congress and the President an annual report of the operation and activities.

### BORROWING AUTHORITY

SEC. 13. (a) The Administrator is authorized to issue to the Secretary of the Treasury notes or other obligations in such sums as may be necessary to carry out the purposes of this Act, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(b) There is authorized to be appropriated $500,000,000 per year, reduced by any amounts paid into the Treasury each such year on the loans made by the Administrator under this Act, to be applied to the retirement of notes or other obligations issued by the Administrator under subsection (a) of this section.

Mr. ABOUREZK. Mr. President, I rise today along with my distinguished colleague from South Dakota, Senator McGOVERN, to propose legislation whose scope is no less than to provide decent housing and community environment to every rural American family.

We call the legislation the Emergency Rural Community Development Act of 1973.

It is, for now, identical to the Emergency Rural Housing Act which Senator McGOVERN and I introduced last session. We shall propose some changes to this act later on, perhaps to reintroduce it, to bring this bill in line with what we have learned in the last year, to remove from the bill sweeping powers granted to the executive branch in one or two respects, and to remodel its working functions to more closely resemble the program concept of REA co-ops, at least in terms of how the programs and entities we propose at the local level shall be structured.

Not too long ago, an Indian walked into my Rapid City office with a tough problem.

It seems that a few months earlier he had been kicked out of a housing project on one of the reservations.

Something was said about his being a single man, and there were families in need.

He moved to Rapid City, found himself an apartment such as there are for a man of his race and color, and a short while later the flood hit.

He lost his belongings when the apartment was destroyed. He had been living in his car with such possessions as he could scrape together.

Last Thursday, he told me, someone stole his car.

People hear that story, and they laugh, and then they ask what I did for the man.

The honest answer is: Nothing.

The honest answer is that in the aftermath of the flood, and despite the fact that Rapid City was to receive 800-odd units of subsidized Federal housing, there was nothing I could do for that man. He was the one at the bottom of the ladder.

There was no way he was going to get himself under a roof without going back to the reservation. The subsidized housing would not be ready for at least a year.

Back at the reservation, odds are good that any roof he would get would be a shack.

Odds are excellent that it would be crowded, packed full and tight with bodies, possibly including generations one through four and an in-law or two between the stove and the door.

Fix a picture of the typical shack in your mind and then add 3 feet of snow, and try to guess what the wind-chill factor would be in wide open South Dakota on the coldest night in February.

That was this man's best alternative.

He would not be an altogether rare case, but let us say that he would be the poorest one in the worst shack on the coldest night this winter.

Then picture his Congressman or Senator, the ultimate messenger of the Federal Government, face to face with the guy at the bottom of the ladder.

It would not quite be fitting to tell him that we have a program that is going to get him into decent housing in only 99 years.

You could not look him in the eye and tell him that in only 99 years a house was going to trickle down to him, even though he might believe you if you left it at that.

But if you added that he would have to wait until after we have taken care of all the people in the cities before he got his house, then he would call you a liar.

He would conclude that in truth you did not have any program for him. Events would likely prove him right. Under our present system, chances are he will never even see a housing application.

Even then, he knows the applications far outnumber the houses. Even if his social indexes finally manage to filter into a program, then there is always a chance that that program would not be functioning in town this week.

Now I wonder why it is that the Federal Government does not have a program for people at the bottom of the ladder. We have a juicy tax loophole housing program for the rich and middle class.

We had, until a few days ago, a lot of programs which threw a few crumbs to the near poor. But nothing for the one at the bottom.

You can tell me there is public housing and all about piggy-backing rent supplements into 236, and the Brooke rule, and you can cite social indexes that say we've got him covered.

But the fact is, he does not have a decent place to live right now, the chances are good that he will not get one at the present rate, and he can see with his own eyes on the reservation that there are many others like him in essentially the same straits.

Here we are, the richest country in the world.

And we have millions of people who would not get a leakproof roof over their heads until they are in their grave.

As bad as things are, they may get worse before they get better.

Quite a bit of housing money has found its way to the deep freeze at 1600 Pennsylvania Avenue.

I would hope that Congress will come up with some way to unplug that freezer permanently so the money can be thawed out, and I will have more to say on this later.

The next few years may well see a concerted effort to dismantle those programs that do manage to push a few crumbs off the table to the poor.

The next few years may well see obstructionism traveling in the disguise of reorganization. As far as rural needs are concerned, we can look for reorganization to be often synonymous with destruction.

The next few years may well see an effort to hire out nearly every social function of the Federal Government to private interests, increasing the costs to the taxpayers and decreasing the progress.

The distance between the richest and poorest is growing. It looks like it is going to continue to grow.

The distance between our problems and their solutions is growing.

The neglect of rural America is growing.

So today Senator McGovern and I introduce the Emergency Rural Community Development Act of 1973. It is not perfect, but it is a step in the right direction.

It is a break with tradition. It starts with the people at the bottom first. And instead of waiting for them to walk into a housing office at an opportune moment, it would hire people to get out and find the people for whom the 1949 promise of a decent home and suitable living environment remains only another broken promise.

As proposed here, we would have a structure, if you will, to find these families, to identify their needs, to match them to this program or another existing program and to help them wade through the paperwork.

This, basically, is the area coverage concept of the REA co-op system. Rather than our present passive system, this bill proposes that for every area of rural America, someone within that area would be charged, on an emergency basis, to bring poor and near poor families into decent housing.

We are working on legislative language to effect that, language which visualizes employing existing resources in the public and private sector where possible. The bill provides the resources to cover the gap between what those existing programs will cover and the total need.

A second REA concept we intend to borrow is that of "owned by those they serve." This, to my way of thinking, is the best way to insure that housing created under the program will be run in the best interests of those it serves. There are technical problems we have yet to solve in that regard before proposing the exact language, but that is the principle of the thing.

A third area in which I propose to modify this bill pertains to certain authorities granted to the Administrator, particularly with respect to administrative expenses. Recent experience suggest that Congress ought to retain fuller control of those functions, and we will be proposing modifications of language to reflect that.

I entertain few illusions about the political feasibility of this bill.

I propose it as a way of saying, "If you are serious about housing rural America decently, about building rural communities, about actually solving the problem instead of tinkering with it, then this, or something like it, is needed."

We have had too much bombing and not enough building.

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By Mr. HARTKE:

S. 362. A bill to provide for the compensation of persons injured by criminal acts. Referred to the Committee on the Judiciary.

### CRIMINAL LOSS RECOVERY ACT OF 1973

Mr. HARTKE. Mr. President, today we are as a people are reevaluating life in America. We have seen the rise of crime in the streets do much to undermine our quality of life. Legislation has been passed, and additional legislation has been proposed, to combat both the causes and effects of crime. Undoubtedly, the most serious effect of crime is the loss of life and personal injury incurred by the victim of criminal attacks. Most victims have limited means to compensate for economic losses due to criminal attack and this economic penalty contributes to the already dangerous and widespread belief that crime pays for the criminal while government remains insensitive to the needs of the victim. This feeling undermines the trust citizens place in our democratic form of government, the main objective of which is to respond to the just needs and desires of its people.

To help eradicate this major effect of crime and hopefully ease, to a major degree, the economic effects of criminal conduct in our society, I am today introducing legislation that I proposed in the first session of the 92d Congress to compensate the victims of crimes.

Late last session the Senate acted affirmatively on the issue of crime victim compensation. Unfortunately, the necessary action by the House was not taken, and the urgent legislation died.

A number of similar proposals were introduced in the 92d Congress, most notably a proposal by the distinguished majority leader (Mr. Mansfield) and the distinguished Senator from Arkansas (Mr. McClellan). The legislation that has been introduced is good legislation; but it is my feeling that certain additional provisions should be included in criminal victim compensation programs. Therefore, the proposal I offer differs in scope and comprehensiveness of coverage from previously introduced legislation. I have attempted to combine the best elements of existing State programs and those of other countries to enlarge and improve upon available coverage.

Under my bill, a person injured or killed by anyone in violation of any penal law of the United States or any State shall be covered by this act. This is probably the most important feature of the Hartke legislation. Most existing and proposed compensation boards have limited the recovery of compensation to violations of certain particularized acts. This broadening of coverage is imperative because criminal injury is no respecter of legislative designation and the purpose of compensation programs should be to award those injured rather than to attempt to differentiate between types of violent crime. Most importantly, since criminal injury is one of the hazards of life in our contemporary society, the Government must recognize its obligation to protect its citizens; and, if it fails to protect, to compensate.

A shortcoming of many compensation programs has been that the number of injured who are allowed to recover is extremely limited. Under my proposal, those parties that will be covered by this act will be, the victim, his immediate family and those in a family relationship with the victim. The reasons for compensating the victim are obvious. It should be recognized that relatives and those persons living with the dependent on the victim can be real victims of the crime. Therefore, the Criminal Loss Recovery Commission will have authority to consider the financial loss to a family member of the victim and to aware financial relief where appropriate.

Most legislation dealing with crime compensation has excluded victims that are related to perpetrators from receiving compensation because of the possibility of collusive action and unjust enrichment. Victims that are family members of the perpetrator should not be outrightly excluded as a class simply because it might require close scrutiny to ascertain improper action in attempts to receive compensation. I feel close examination of such claims could overcome the possibility of collusive suits and unjust enrichment. It is too severe a remedy to provide that a child cannot receive compensation because one parent has seriously injured another and the child then finds himself without any means of support.

Under my proposal, benefits will be awarded for medical, care, I have incorporated two additional features into this legislation. First, it should be noted that "those eligible for compensation" is a much broader class than provided for in most programs. New York law, for example, requires that the victim must show "serious financial hardship" before he will be awarded financial compensation. I feel that victims of violent crime should not be penalized simply because they have accumulated some savings. Those that lack insurance, and just personally pay for their injuries should also be compensated. Second, in addition to providing for medical expenses, it is necessary that benefits in an amount equal to the actual loss sustained by the victims should be awarded. This would include loss of earnings, both present and future, and other expenses incurred as a result of the injury. We should recognize that the obligation the country has to its citizens who have been the victims of a criminal attack cannot be specifically itemized. This obligation could in some cases go far beyond the $10,000 or $15,000 limitation normally provided in financial compensation proposals.

In closing, I would like to make a brief comment on the scope of the Criminal Loss Recovery Act of 1973. It is obviously a very comprehensive piece of legislation. The Hartke bill includes victims of both State and Federal crimes. A number of States have already recognized the need and have taken corrective action. But more still needs to be done. To do otherwise adds additional insult to the criminal injury that daily befalls too many Americans.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 362

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I—SHORT TITLE AND DEFINITIONS

SEC. 101. This Act may be cited as the "Criminal Loss Recovery Act of 1973".

### DEFINITIONS

SEC. 102. As used in this Act the term—

(1) "child" means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child, and a child conceived prior to but born after the death of the victim;

(2) "Commission" means the Criminal Loss Recovery Commisison established by this Act;

(3) "dependent" means those who were wholly or partially dependent upon the income of the victim at the time of the death of the victim or those for whom the victim was legally responsible;

(4) "personal injury" means actual bodily harm and includes pregnancy, mental distress, nervous shock, and loss of reputation;

(5) "relative" means the spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, spouse's parents;

(6) "victim" includes any person (A) killed or injured as a result of a crime of violence perpetrated or attempted against him, (B) killed or injured while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, or (C) killed or injured while assisting a law enforcement official to apprehend a person who has perpetrated a crime of violence or to prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official;

(7) "guardian" means one who is entitled by common law or legal appointment to care for and manage the person or property or both of a child or incompetent; and

(8) "incompetent" means a person who is incapable of managing his own affairs, whether adjudicated or not.

### TITLE II—ESTABLISHMENT OF CRIMINAL LOSS COMPENSATION COMMISSION

SEC. 201. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the Criminal Loss Recovery Commission. The Commission shall be composed of three members to be appointed by the President, by and with the advice and consent of the Senate. At least one member of the Commission must have served as a judge before a State court of general jurisdiction or on the bench of a Federal district court; and at least one member of the Commission must be licensed to practice medicine in the District of Columbia or a State of the United States. One member shall be designated Chairman.

(b) There shall be appointed by the President, by and with the advice and consent of the Senate, an Executive Secretary and a General Counsel to perform such duties as the Commission shall prescribe in accordance with the objectives of this Act.

(c) No member of the Commission shall engage in any other business, vocation, or employment.

(d) Except as provided in section 206(1) of this Act, the Chairman and one other member of the Commission shall constitute a quorum. Where opinion is divided and only one other member is present, the opinion of the Chairman shall prevail.

(e) The Commission shall have an official seal.

### FUNCTIONS OF THE COMMISSION

SEC. 202. In order to carry out the purposes of this Act, the Commission shall—

(1) receive and process applications under the provisions of this Act for compensation for personal injury;

(2) pay compensation to victims and other beneficiaries in accordance with the provisions of this Act;

(3) hold such hearings, sit and act at such times and places, and take such testimony as the Commission or any member thereof may deem advisable;

(4) make grants in accordance with the provisions of title V of this Act.

### ADMINISTRATIVE PROVISIONS

SEC. 203. (a) The Commission is authorized in carrying out its functions under this Act to—

(1) appoint and fix the compensation of such personnel as the Commission deems necessary in accordance with the provisions of title 5, United States Code;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals;

(3) promulgate such rules and regulations as may be required to carry out the provisions of this Act;

(4) appoint such advisory committees as the Director may determine to be desirable to carry out the provisions of this Act;

(5) designate representatives to serve or assist on such advisory committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the purposes of this Act;

(6) use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

(7) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(8) request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law; and

(9) arrange with the heads of other Federal agencies for the performance of any of his functions under this title with or without reimbursement and, with the approval of the President delegate and authorize the redelegation of any of his powers under this Act.

(b) Upon request made by the Administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the Administration in the performance of its functions.

(c) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section shall receive $ a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

### TERMS AND COMPENSATION OF COMMISSION MEMBERS

SEC. 204. (a) Section 5314, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(55) Chairman, Criminal Loss Recovery Commission".

(b) Section 5315, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Members, Criminal Loss Recovery Commission".

(c) Section 5316, title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(130) Executive Secretary, Criminal Loss Recovery Commission.

"(131) General Counsel, Criminal Loss Recovery Commission".

(d) The term of office of each member of the Commission taking office after December 31, 1971, shall be eight years, except that (1) the terms of office of the members first taking office after December 31, 1971, shall expire as designated by the President at the time of the appointment, one at the end of four years, one at the end of six years, one at the end of eight years, after December 31, 1971; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(e) Each member of the Commission shall be eligible for reappointment.

(f) A vacancy in the Commission shall not affect its powers.

(g) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(h) All expenses of the Commission, including all necessary traveling and subsistence expenses of the Commission outside the District of Columbia incurred by the members or employees of the Commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Executive Secretary, or his designee.

### PRINCIPAL OFFICE

SEC. 205. (a) The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place.

(b) The Commission shall maintain an office for the service of process and papers within the District of Columbia.

### PROCEDURES OF THE COMMISSION

SEC. 206. The Commission may—

(1) subpena and require production of documents in the manner of the Securities and Exchange Commission as required by subsection (c) of section 18 of the Act of August 26, 1935, and the provisions of subsection (d) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Commission, except that no subpena shall be issued except under the signature of the Chairman, and application to any court for aid in enforcing such subpena may be made only by the Chairman. Subpenas shall be served by any person designated by the Chairman;

(2) administer oaths, or affirmations to witnesses appearing before the Commission, receive in evidence any statement, document, information, or matter that may in the opinion of the Commission contribute to its functions under this Act, whether or not such statement, document, information, or matter would be admissible in a court of law, except that any evidence introduced by or on behalf of the person or persons charged with causing the injury or death of the victim, any request for a stay of the Commission's action, and the fact of any award granted by the Commission shall not be admissible against such person or persons in any prosecution for such injury or death.

## TITLE III—RECOVERY FOR CRIMINAL LOSS

SEC. 301. (a) In any case in which a person is injured or killed by any act or omission of any other person which is a violation of a panel offense under the laws of the United States or any State thereof, except that no award will be made for damage to property or for the violation of any motor vehicle law. The Commission may, in its discretion, upon an application, order the payment of, and pay compensation if such act or omission occurs—

(1) within the "special maritime and territorial jurisdiction of the United States" as defined in section 7 of title 18 of the United States Code;

(2) within the District of Columbia; or

(3) in any State of the United States.

(b) The Commission may order the payment of compensation—

(1) to or on behalf of the injured person; or

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person;

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents;

(4) in the case of a payment for the benefit of a child or incompetent the payee shall file an accounting with the Commission no later than January 31 of each year for the previous calendar year;

(5) in the case of the death of the victim, to any one or more persons who suffered pecuniary loss with relation to funeral expenses.

(c) For the purposes of this Act, a person shall be deemed to have intended an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the Commission may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the Commission, supported by substantial evidence, finds that—

(1) such an act or omission did occur; and

(2) the injury or death resulted from such act or omission.

(f) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act or omission, or if such act or omission is the subject of any other legal action. The Commission may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

### WHO MAY RECOVER LOSS

SEC. 302. A person is entitled to compensation under this Act if he is a victim as defined in section 102(6) of this Act; or is a person who was dependent on a deceased victim of a crime of violence for his support at the time of the death of that victim.

### APPLICATION FOR COMPENSATION

SEC. 303. (a) In any case in which the person entitled to make an application is a child, or incompetent, the application may be made on his behalf by any person acting as his parent or attorney.

(b) Where any application is made to the Commission under this Act, the applicant, or his attorney, and any attorney of the Commission, shall be entitled to appear and be heard.

(c) Any other person may appear and be heard who satisfies the Commission that he has a substantial interest in the proceedings.

(d) Every person appearing under the preceding subsections of this section shall have the right to produce evidence and to cross-examine witnesses.

(e) If any person has been convicted of any offense with respect to an act or omission on which a claim under this Act is based, proof of that conviction shall, unless an appeal against the conviction or a petition for a rehearing or certiorari in respect of the charge is pending or a new trial or rehearing has been ordered, be taken as conclusive evidence that the offense has been committed.

### ATTORNEY'S FEES

SEC. 304. (a) The Commission shall publish regulations providing that an attorney shall, at the conclusion of proceedings under this Act, file with the agency a statement of the amount of fee charged in connection with his services rendered in such proceedings.

(b) After the fee information is filed by an attorney under subsection (a) of this section, the Commission may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the Commission and the attorney fail to agree upon a fee, the Commission may, within ninety days after the receipt of the information required by subsection (a) of this section petition the United States district court in the district in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who willfully charges, demands, receives, or collects for services rendered in connection with any proceedings under this Act any amount in excess of that allowed under this section, if any compensation is paid, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

### NATURE OF THE COMPENSATION

SEC. 305. The Commission may order the payment of compensation under this Act for—

(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(2) loss of earning power as a result of total or partial incapacity of such victim;

(3) pecuniary loss to the dependents of the deceased victim;

(4) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable; and

(5) pecuniary loss to an applicant under this Act resulting from injury or death to a victim includes, in the case of injury, medical expenses (including psychiatric care), hospital expenses, loss of earnings, loss of future earnings because of a disability resulting from the injury, and other expenses actually and necessarily incurred as a result of the injury and, in addition in the case of death, funeral and burial expenses and loss of support to the dependents of the victim. Pecuniary loss does not include property damage.

### FINALITY OF DECISION

SEC. 306. The orders and decisions of the Commission shall be reviewable in the appropriate court of appeals, except that no trial de novo of the facts determined by the Commission shall be allowed.

### LIMITATIONS UPON AWARDING COMPENSATION

SEC. 307. (a) No order for the payment of compensation shall be made under section 501 of this Act unless the application has been made within two years after the date of the personal injury or death.

(b) There shall be no limitation on the amount that may be awarded to or on behalf of any victim.

(c) Compensation shall not be awarded if the Commission feels there is unjust enrichment to or on behalf of the offender would result. This is not to imply that a family member or relative or those victims living in wedlock with the offender may not recover.

### TERMS AND PAYMENTS OF THE ORDER

SEC. 308. (a) Except as otherwise provided in this section, any order for the payment of compensation under this Act may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 301 of this Act any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this Act), a State or any of its subdivisions; for personal injury or death compensable under this Act, but only to the extent that the sum of such payments and any award under this Act are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission shall pay to the person named in the order the amount named therein in accordance with the provisions of such order.

### EFFECT ON CIVIL ACTIONS

SEC. 309. An order for the payment of compensation under this Act shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

### TITLE IV—CRIMINAL LOSS RECOVERY COMPENSATION GRANTS

SEC. 401. Under the supervision and direction of the Commission, the Executive Secretary is authorized to make grants to the States to pay the Federal share of the costs of State programs to compensate victims of violent crimes.

### ELIGIBILITY FOR ASSISTANCE

SEC. 402. Any State desiring to receive a grant under this title shall submit to the Commission a plan and the Federal Government will underwrite 90 per centum of such plan provided that the States adopt a plan that is in substantial compliance with the scope and intended of this legislation.

### TITLE V—MISCELLANEOUS

### REPORTS TO THE CONGRESS

SEC. 501. The Commission shall transmit to the President and to the Congress annually a report of its activities under this Act, including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded, and the number and amount of grants to States under title IV.

### PENALTIES

SEC. 502. The provisions of section 1001 of title 18 of the United States Code shall apply to any application, statement, document, or information presented to the Commission under this Act.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 503. (a) There are authorized to be appropriated for the purpose of making grants under title IV of this Act $ for the fiscal year ending June 30, 1973; $ for the fiscal year ending June 30, 1974; and $ for the fiscal year ending June 30, 1975.

(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the other provisions of this Act.

### EFFECTIVE DATE

SEC. 504. This Act shall take effect on January 1, 1972.

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By Mr. CANNON (for himself and Mr. BIBLE):

S. 363. A bill to provide for the construction of a Veterans' Administration hospital in the State of Nevada. Referred to the Committee on Veterans' Affairs.

Mr. CANNON. Mr. President, I am introducing a bill today for myself and my Nevada colleague, Senator BIBLE, to provide for the construction of a Veterans' Administration hospital in the southern part of the State of Nevada.

At the present time, veterans in Nevada are served by only one VA hospital, located in Reno, in northwest Nevada.

Veterans in more populous southern Nevada, 500 miles to the southeast, have no VA facilities, except for limited services provided by an outpatient clinic in the Las Vegas area, and are, therefore, almost completely dependent on VA hospitals in crowded Los Angeles, 300 miles away.

I think it is a gross disservice to our veterans to force them to travel to Los Angeles to get treatment for service-related disabilities. In addition, it certainly is not fair to make the veterans of southern California wait for treatment because their facilities are overcrowded.

I urge serious consideration of this proposal at the earliest possible opportunity.

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By Mr. CANNON (for himself and Mr. BIBLE):

S. 364. A bill to provide for the establishment of a national cemetery in the State of Nevada. Referred to the Committee on Veterans' Affairs.

Mr. CANNON. Mr. President, on behalf of myself and Senator BIBLE, I introduce, for appropriate reference, a bill to establish a national cemetery in the State of Nevada. At present, there is no national cemetery in Nevada to provide for the burial of deceased veterans.

Although national cemeteries came into being during the Civil War to provide for the burial of soldiers who had died in service, most of them are situated where battles occurred and, therefore, are not evenly distributed in the 50 States. For this reason, the western part of the United States has few national cemeteries, and the many veterans who served during World War II have no place within reasonable proximity to their domicile for burial. During the last world war we had approximately 16 million men under arms, and when you consider their dependents, we have a total of about 50 million people who are eligible for burial.

Due to the inexorable march of time, the need for this legislation is increasing in urgency. Early in the second session of the 92d Congress the Senate Committee on Veterans' Affairs considered the proposal to establish a national cemetery in Nevada. Unfortunately, the bill was not adopted.

I urge the committee to reconsider this proposal at the earliest possible opportunity.

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By Mr. NELSON:

S. 365. A bill to provide for a study and investigation to assess the extent of the damage done to the environment of South Vietnam, Laos, and Cambodia as the result of the operations of the Armed Forces of the United States in such countries. Referred to the Committee on Foreign Relations.

### VIETNAM WAR ECOLOGICAL DAMAGE ASSESSMENT ACT OF 1973

Mr. NELSON. Mr. President, 1 year ago almost to the day, I introduced the Vietnam War Ecological Damage Assessment Act. I am reintroducing this legislation today and would like to repeat what I said last year. It is tragically ironic that the destruction which I described last year continues on an increased scale. The remarks made last year on this matter are as appropriate now as they were then.

Mr. President, suppose we took gigantic bulldozers and scraped the land bare of trees and bushes at the rate of 1,000 acres a day or 44 million square-feet a day until we had flattened an area the size of the State of Rhode Island, 750,000 acres.

Suppose we flew huge planes over the land and sprayed 100 million pounds of poisonous herbicides on the forests until we had destroyed an area of prime forests the size of the State of Massachusetts or 5½ million acres.

Suppose we flew B-52 bombers over the land dropping 500-pound bombs until we had dropped almost 3 pounds per person for every man, woman, and child on earth—8 billion pounds—and created 26 million craters on the land measuring 15 feet deep and 30 feet in diameter.

Suppose the major objective of the bombing is not enemy troops but rather a vague and unsuccessful policy of harassment and territorial denial called pattern or carpet bombing.

Suppose the land destruction involves 80 percent of the timber forests and 10 percent of all the cultivated land in the Nation.

We would consider such a result a monumental catastrophe. That is what we have done to our ally, South Vietnam.

While under heavy pressure the military finally stopped the chemical defoliation war and has substituted another massive war against the land itself by a program of pattern or carpet bombing and massive land clearing with a huge machine called a Rome Plow.

The huge areas destroyed pockmarked, scorched, and bulldozed resemble the moon and are no longer productive.

This is the documented story from on-the-spot studies and pictures done by two distinguished scientists, Prof. E. W. Pfeiffer and Prof. Arhur H. Westing. These are the same two distinguished scientists who made the defoliation studies that alerted Congress and the country to the grave implications of our chemical warfare program in Vietnam, which has now been terminated.

The story of devastation revealed by their movies, slides, and statistics is beyond the human mind to fully comprehend. We have senselessly blownup, bulldozed over, poisoned, and permanently damaged an area so vast that it literally boggles the mind.

Quite frankly, Mr. President, I am unable adequately to describe the horror of what we have done there.

There is nothing in the history of warfare to compare with it. A "scorched earth" policy has been a tactic of warfare throughout history, but never before has a land been so massively altered and mutilated that vast areas can never be used again or even inhabited by man or animal.

This is impersonal, automated, and mechanistic warfare brought to its logical conclusion—utter, permanent, total destruction.

The tragedy of it all is that no one knows or understands what is happening there, or why, or to what end. We have simply unleashed a gigantic machine which goes about its impersonal business destroying whatever is there without plan or purpose. The finger of responsibility points everywhere but nowhere in particular. Who designed this policy of war against the land, and why? Nobody seems to know and nobody rationally can defend it.

Those grand strategists who draw the lines on the maps and order the B-52 strikes never see the face of that innocent peasant whose land has been turned into a pockmarked moon surface in 30 seconds of violence without killing a single enemy soldier because none were there. If they could see and understand the result, they would not draw the lines or send the bombers.

If Congress knew and understood, we would not appropriate the money.

If the President of the United States knew and understood, he would stop it in 30 minutes.

If the people of America knew and understood, they would remove from office those responsible for it, if they could ever find out who is responsible. But they will never know because nobody knows.

By any conceivable standard of measurement, the cost-benefit ratio of our program of defoliation, carpet bombing with B-52's, and bulldozing is so negative that it simply spells bankruptcy. It did not protect our soldiers or defeat the enemy, and it has done far greater damage to our ally than to the enemy.

These programs should be halted immediately before further permanent damage is done to the landscape.

The cold, hard, and cruel irony of it all is that South Vietnam would have been better off losing to Hanoi than winning with us. Now she faces the worst of all possible worlds with much of her land destroyed and her chances of independent survival after we leave in grave doubt at best.

This has been a hard speech to give and harder to write because I did not know what to say or how to say it—and I still do not know. But I do know that when the Members of Congress finally understand what we are doing there, neither they nor the people of this Nation will sleep well that night.

For many reasons I did not want to make this speech but someone has to say it, somewhere, sometime.

Mr. President, I ask unanimous consent that certain statistics based on Pentagon munitions totals and impact projections of Doctors Arthur H. Westing and Egbert W. Pfeiffer be printed in the Record at this point.

There being no objection, the tables were ordered to be printed in the Record, as follows:

IMPACT OF U.S. MUNITIONS, SOUTH VIETNAM, 1965-71

[In pounds]

| Expenditure | Military region | | | | South Vietnam total |
|---|---|---|---|---|---|
| | I | II | III | IV | |
| Per acre | 972 | 224 | 1,234 | 112 | 497 |
| Per person | 2,214 | 1,390 | 1,907 | 160 | 1,215 |

IMPACT OF U.S. MUNITIONS, 1965-71

[In pounds]

| Expenditure | South Vietnam | North Vietnam | Laos | Cambodia | Total Indochina |
|---|---|---|---|---|---|
| Per acre | 497 | 26 | 59 | 7 | 142 |
| Per person | 1,215 | 38 | 1,312 | 46 | 584 |

ECOLOGICAL IMPACT 1965-1971

| Country | Number of craters (in millions) | Area with "shrapnel" (in million acres) | Area cratered (in thousand acres) | Earth displaced (in million cubic yards) |
|---|---|---|---|---|
| South Vietnam | 21.3 | 26.6 | 345.1 | 2,784 |
| Military Region I | 6.8 | 8.5 | 109.6 | 889 |
| Military Region II | 4.2 | 5.3 | 69.0 | 556 |
| Military Region III | 9.2 | 11.5 | 149.4 | 1,206 |
| Military Region IV | 1.1 | 1.3 | 17.1 | 138 |
| North Vietnam | 1.1 | 1.3 | 17.3 | 140 |
| Laos | 3.5 | 4.3 | 56.0 | 452 |
| Southern Laos | 2.6 | 3.2 | 41.4 | 334 |
| Northern Laos | 0.9 | 1.1 | 14.6 | 118 |
| Cambodia | 0.3 | 0.4 | 4.6 | 37 |
| Total Indochina | 26.1 | 32.6 | 432.1 | 3,413 |

ALL INDOCHINA

[In millions of pounds]

| Year | Air munitions | Surface munitions | Total munitions |
|---|---|---|---|
| 1965 | 630 | | 630 |
| 1966 | 1,024 | 1,164 | 2,188 |
| 1967 | 1,866 | 2,413 | 4,279 |
| 1968 | 2,863 | 3,003 | 5,866 |
| 1969 | 2,774 | 2,808 | 5,583 |
| 1970 | 1,955 | 2,389 | 4,344 |
| 1971 | 1,526 | 1,655 | 3,182 |
| 1972 | [1]2,200 | [2]1,700 | 3,900 |
| Total | 14,838 | 15,132 | 29,971 |

[1] Projected figure based on 11-month total for 1972.

[2] Projection based on 10-month total for 1972.

MUNITIONS EXPENDITURES

[In millions of pounds]

| Year | South Vietnam | North Vietnam | South Laos | North Laos | Cambodia | Total Indochina |
|---|---|---|---|---|---|---|
| 1965 | 594 | 65 | 60 | 10 | 0 | 630 |
| 1966 | 1,778 | 255 | 135 | 20 | 0 | 2,188 |
| 1967 | 3,634 | 415 | 200 | 30 | 0 | 4,278 |
| 1968 | 5,185 | 330 | 310 | 40 | 0 | 5,866 |
| 1969 | 4,674 | 0 | 490 | 420 | 0 | 5,583 |
| 1970 | 3,333 | 0 | 655 | 240 | 115 | 4,344 |
| 1971 | 2,170 | 1 | 700 | 140 | 170 | 3,182 |
| Total | 21,269 | 1,066 | 2,550 | 900 | 285 | 26,071 |

Mr. NELSON. Mr. President, this is the same bill I introduced in the previous Congress. Congressman Gude introduced the same bill in the House of Representatives last year. It was endorsed by the 7 million member American Association for the Advancement of Science at the annual meeting in Washington, D.C., in December.

In supporting this proposal to study the environmental consequences of the extensive destruction brought about by the war in Southeast Asia, AAAS, a federation of 300 scientific bodies, said in its resolution:

> United States science and technology have had profound and often destructive effects on human welfare in Indochina . . . scientists and the public at large should have a full scientific assessment of the constructive as well as destructive applications of American science in Indochina, proposed in a bill introduced by Sen. Gaylord Nelson and Rep. Gilbert Gude, (R-Md.) calling upon the National Academy of Sciences to report on the ecological effects of U.S. activities in Vietnam, Laos, and Cambodia.

AAAS President Dr. Leonard Rieser said that "unless Congress sets up such a study, we'll never know" the truth about many allegations—for example, the charge that U.S. chemicals have begun to cause genetic mutations and consequent malformations in Vietnamese children.

Mr. President, I ask unanimous consent that the text of the AAAS resolution be printed in the Record at this point.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

### RESOLUTION ON ASSESSMENT OF THE ECOLOGICAL CONSEQUENCES OF THE VIETNAM WAR

(Adopted by the Council of the American Association for the Advancement of Science December 30, 1972)

Whereas the Board of the AAAS in October 1969 issued a statement which reads in part as follows: ". . . for the coming decade the main thrust of AAAS attention and resources shall be dedicated to a major increase in the scale and effectiveness of its work on the chief contemporary problems concerning the mutual relations of science, technology, and social change, including the uses of science and technology in the promotion of human welfare," and

Whereas United States science and technology have had profound and often destructive effects on human welfare in Indochina, and

Whereas scientists and the public at large should have a full scientific assessment of the constructive as well as destructive applications of American science in Indochina as proposed in a bill (S-3084) introduced by Senator Gaylord Nelson and Representative G. Gude, calling upon the National Academy of Sciences to report on the ecological effects of U.S. activities in Vietnam, Laos, and Cambodia,

Therefore be it resolved that the AAAS endorses the purposes of Senate Bill S-3084 entitled the "Vietnam War Ecological Damage Assessment Act of 1972."

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By Mr. CANNON:

S. 366. A bill to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States. Referred to the Committee on Rules and Administration.

### FEDERAL FINANCIAL DISCLOSURE ACT OF 1973

Mr. CANNON. Mr. President, I introduce a bill entitled the "Federal Financial Disclosure Act of 1973." Its aim is to promote public confidence in the Federal Government. In order to cultivate confidence, it is necessary to let the citizens know what is going on in the Government that represents them. It is widely believed that Americans are being denied information which, if openly shared, would help to restore trust in elected officials and in the Government itself.

The public disclosure of income from sources other than one's Government salary, or of transactions in stocks, bonds, or other securities, is almost nonexistent. The executive branch has a Presidential Executive order which is more of an administrative directive than a disclosure measure. The Federal courts subscribe to canons of ethics but do not require any reporting of financial or business activities. In the Congress, each body has a "code of ethics" but those codes call for public reporting only with respect to contributions, gifts, or honorariums. Reports of outside income, activities, and holdings are filed on a confidential basis and are not open to the public.

If the principle of disclosure is to be honored it should be observed by all officers and employees in policymaking positions in every branch, department, or agency of the Government. And, the provisions of any disclosure bill should apply equally and uniformly to all—not to some officers and employees.

My bill would apply equally to everyone who is compensated by the U.S. Government at an annual rate in excess of $15,000, or who performs duties of a kind generally assigned to an individual holding grade GS-16 or higher in the General Schedule. In other words, the intent of this disclosure bill is to reach every officer or employee of the U.S. Government who holds a policymaking position of the executive, or legislative, or judicial branches, from the President and Vice President, and the Supreme Court and the Congress, down to the lowest civil servant falling within the compensation or grade levels provided in the bill.

This bill was considered in committee last year but was not reported. Questions have been raised concerning many of the provisions of the bill and my response to those questions is that answers can be found to these issues if there is an honest desire to enact a disclosure law as a first step toward restoring confidence in the Government.

Mr. President, I ask that this bill be referred to the Committee on Rules and Administration for consideration and hearings.

The PRESIDING OFFICER. Without objection it is so ordered.

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By Mr. TOWER:

S.J. Res. 17. A joint resolution to authorize and request the President of the United States to issue a proclamation designating October 14, 1973, as "German Day." Referred to the Committee on the Judiciary.

### GERMAN DAY

Mr. TOWER. Mr. President, I am introducing today a joint resolution requesting the President of the United States to issue a proclamation designating October 14, 1973, as "German Day," in honor of the many great traditions and accomplishments of the outstanding, talented, and patriotic German-American community.

There are many fine ethnic groups in America, each with a splendid history of its own and heroes of its own. None of these, however, can be said to excel the accomplishments over the years of Americans of German descent, whose deeds are, to say the least, inspiring to everyone familiar with the facts.

The most immediate and impressive fact is their contribution to the overall population of the United States. Of all American ethnic groups, the English alone exceed the Germans in total figures, and then only providing that you consider together the genuine English descendants with Scots, Irish, and Welsh descendants.

A distinct characteristic of the German immigrants throughout their history has been the very slight return migration to the old country as compared with recent immigrations. These German immigrants found America to their liking, and they and their descendants have made the most of it.

In the beginning, so far as the first English colonists were concerned, the *Mayflower* provided the key to a glorious land of promise. The Germans had their *Mayflower* too, under a different name. This was the good ship *Concord*, which arrived in Philadelphia in October 1683, bearing the first group of German immigrants to these shores. The leader of the group was Franz Daniel Pasturius, who had come in advance to purchase from William Penn a tract of land, on which to establish the first permanent German settlement in the American Colonies. This settlement, which was established only 2 years following the founding of Philadelphia, became known as Germantown, and for the next 100 years or so, it was to serve as a distribution center for all German colonists.

In a short time, hundreds of Germans were spread throughout the central and southern counties of Pennsylvania, and Lancaster County was developing into a kind of German stronghold. Some Germans went north, to New Jersey and New York, but the vast majority moved southward, colonizing western Maryland, Virginia's Shenandoah Valley, and many counties in Tennessee, Kentucky, and North Carolina.

The most northerly settlement of Germans in the 18th century was established at Waldoboro, Maine, in 1751, and the most southerly that of the Salzburgers, in 1734 at Ebenezer, Ga., which was at the time also the most southerly point of America settlement on the east coast. Many German tradesmen remained in the coast cities of Philadelphia, New York, Baltimore, and Charleston. Pennsylvania, however, remained the State most thickly settled by the German element.

The German Quakers of Germantown immortalized themselves by their formal protest against Negro slavery in 1788, the first time such action was taken in the history of the American people. The first Bible printed in the German language was published by Christopher Saur in the year 1743, and is another example of the religious quality of these early German settlers. This was not the first time that a German printer and publisher wrote himself into history, for Peter Zenger, the founder of the independent newspaper, the New York Weekly Journal, was tried for libel in 1735, and the case became the first great fight for freedom of the press in America.

During the 19th century, German immigration outdistanced all others and reached surprising heights. From 1846 to 1854, a period embracing the ill-favored German Revolution of 1848–49, almost 900,000 Germans came to America—an extremely large number for those days. Over half of them arrived in the years 1852 to 1854.

The arrival of this particular group of Germans had a profound effect on the long-established social customs of early America. For more than 200 years English puritanism had kept watch over the public morals of American society. But with the coming of the Germans, the puritan tradition received a severe jolt. Fresh from the battlefields of the German Revolution of 1848, where the great questions of economic and political liberty were being decided, the new arrivals held many opinions not in keeping with the puritan attitude. In the matter of things spiritual, the Germans held a liberal view of religion and the Sabbath. They also developed community singing, occasionally neglected business for the sake of intellectual pleasure, and took great delight in outdoor life.

Missouri, Wisconsin, and Texas were the pioneer sections toward which many directed their course, as immigration continued, interrupted only by the two World Wars.

In the industrial history of the 19th century in America, the Germans became preeminent in all branches requiring technical training. They had had the advantage of technical schools at home, before such schools were founded in the United States. Above all, the Germans led the way in the field of engineering. John A. Roebling built the first great suspension bridge over the Niagara River, and followed it with construction of the famous Brooklyn Bridge. Another bridge builder of note was Charles C. Schneider, who planned and directed construction of a bridge over the Niagara—this time a cantilever-type structure, superior for carrying heavy railway traffic. Gustan Linderthal was consulting engineer and the architect of the Hell's Gate steel-arch bridge across New York's East River.

The only equal or near equal of Thomas Edison in the field of electricity and electrical engineering was Charles P. Steinmetz, the wizard of Schenectady. Albert Fink, expert railway engineer, was the originator of through traffic in freight and passage service—while Count Zeppelin made his first experiments in military aviation in this country during the United States Civil War.

In the 19th century, however, the Germans led not only in the engineering branches of industry, but also in many other areas requiring technical training and the ingenuity of expertise. Thus, it comes as no surprise, that in the chemical industries and in the manufacture of drugs, German names were outstanding: Rosengarten, Pfizer, Dohm, Vogler, Meyer, Schieffelin, Lehn, and Fink, to list but a few. In the manufacture of pianos and other musical instruments, such great names as Steinway, Krabe, Weber, Sohmer, Wurlitzer, and Gemunder, stand out. In the development of optical instruments we recall Bausch & Lomb. The list of technical developments and accomplishments is almost endless.

Nor were the accomplishments of Germans in America limited to the contributions of these individuals of genius. On the contrary, Germans as a group performed remarkably in many areas. It has been estimated that the number of German volunteers during the American Revolution and the Civil War exceeded in proportion that of native Americans and all other foreign elements—certainly a wonderful tribute to their loyalty and courage.

In political affairs, Germans in America have long been active in reform movements, carrying on the principles of democracy enuniciated in the German revoluntary movement of the 1840's. Among those German-American politicians who found in our great land a flowering of the democracy they so cherished and loved was the outstanding historical figure of Carl Schurz, who helped to organize the Republican Party in Wisconsin, became a Union general in the Civil War, and later a U.S. Senator from Missouri and a cabinet member in the administration of President Rutherford B. Hayes.

Germans have also played a major part in American education. Indeed, both the highest and lowest level of the American system of education—the university and the kindergarten—were imported from Germany. Moreover, the secondary school felt the German influence when Horace Mann reported favorably on the Prussian school system in the 1840's, and established the normal, or training school for teachers.

In the area of the arts, the German influence again has served America well. Gottlieb Graupner won distinction as the father of orchestral music in America in the early 19th century, and the German participation played a major part in establishing American opera in the eyes of European critics. German ability was further demonstrated by the noted painter, Emanuel Leutze, best known for his large historical picture of "Washington Crossing the Delaware."

In the field of organized religion, German-Americans founded three major American churches early in the 18th century—the Lutheran, the German Reformed, and the United Brethren of Moravian.

One of the greatest military organizers in our Nation's history was Baron Frederick Von Steuben, who endorsed the American Revolution and made plans to engage in it, in the interest of democracy, the moment it began. Von Steuben served alongside George Washington at Valley Forge, during those bitter early months of 1778. He trained Washington's troops admirably, and throughout the war, the Continental Army proved itself fully the equal in discipline and skill of the best of the British Regulars. Of all the heros of the American Revolution, few exceeded Baron Von Steuben in the importance of their contributions.

Certainly, we can all take pride in the accomplishments and contributions of our German-American citizens, past and present. They have played a large role in America's climb to its present position of world leadership. The scope of German-American efforts has been nationwide, and every part of our great Republic has benefited from the influence of the German settlers.

Texas is particularly fortunate in having felt the influence of the German arrivals upon our land and its fortunes. Germans began settling in Texas even while it was still a Mexican province. The first German colony was organized by Baron Von Bastrop and located on the Colorado River. Bastrop, as the settlement was named, was the northernmost white settlement in the valley of the Colorado. Much exposed to Indian attack, the early settlement was abandoned several times, but the persistence of the German settlers was eventually responsible for making this area a center for the German newcomers.

A great many of the Germans came to Texas between 1836, when it won its independence from Mexico, and 1845, when it joined the Union. Because so much of the State was unexplored as well as unsettled, and was populated by large and hostile Indian tribes, conditions were conducive to organized colonies such as the Germans established. A lone settler had little chance of survival. For these reasons, in many parts of Texas, Germans outnumbered native Americans.

Political disturbances in the 1840's drove many Germans to seek new homes where, possibly, an ideal German state might be established. Persecuted by the Diet of the German Confederation, members of the "Burschenschaften," or students' organization, began to come to Texas, and were soon followed by the German masses.

In the German-American communities of south central and southwestern Texas, the customs and culture of the founders survive—their great contributions being in music, painting, literature, and quaint colonial architecture. They established schools, singing societies, social organizations, a literary society, and pioneered in agriculture and labor organizations. Many of their descendants still observe customs of German origin in Fredericksburg, New Braunfels, and other communities where their forefathers settled.

The German settlements on the Guadalupe and the Pedernales prospered despite unpredictable weather conditions, crop failures, and the Indian raiders. The Germans joined with Texans to wage punitive campaigns against the Indians, and in great numbers volunteered with the U.S. Army during the war against Mexico in 1846. That war had the effect of further integrating German-Americans, both in Texas and the rest of our growing, westward-expanding Nation.

The Germans were destined to play a large role in the eventual growth of this vast and powerful land. Although the Germans of Texas were never reconciled to slavery, and few names could be found on the roles of Hood's Texas Brigade when the Civil War broke out, nevertheless, in succeeding wars, German-Americans of Texas have always been found—like all Texans—more prominent than their numbers would warrant in the annals of our Nation's military forces. Two descendants of the Germans who came to Texas in its frontier days particularly distinguished themselves in World War II: General of the Army Dwight D. Eisenhower, and Fleet Admiral Chester W. Nimitz. Together they wore a total of 10 stars upon their shoulders.

German-Americans who came to America came for various reasons: for material enrichment; in search of the freedom offered by true representative democracy; and out of a sense of persecution at home in the old country. Whatever their reasons, however, once on our proud shores they brought to bear the full weight of their talents, ambitions, and patriotic fervor.

The people of Texas are fortunate, indeed, to have shared in the German contribution to the United States of America. The names of German-American communities across our landscape are tangible evidence of their presence, and we should commend them for strengthening the fabric of America, and defending the principles of democracy along the way.

Mr. President, at this time, I ask unanimous consent that the text of my joint resolution be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

### SENATE JOINT RESOLUTION 17

Joint resolution to authorize and request the President of the United States to issue a proclamation designating October 14, 1973, as "German Day"

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is authorized and requested to issue a proclamation designating October 14, 1973, as "German Day" and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

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By Mr. JAVITS (for himself and Mr. Ribicoff):

S.J. Res. 18. A joint resolution to authorize and request the President to proclaim April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw Ghetto Uprising. Referred to the Committee on the Judiciary.

### THE 30TH ANNIVERSARY OF WARSAW GHETTO UPRISING

Mr. JAVITS. Mr. President, I submit for appropriate reference, for myself and the senior Senator from Connecticut (Mr. Ribicoff), a joint resolution to mark April 29 in commemoration of the 30th anniversary of the uprising against the Nazi occupation forces by the beleaguered and outnumbered Jews of the Warsaw Ghetto who, by their heroic struggle, reaffirmed the ineradicable determination of mankind to fight for freedom from oppression and symbolized the indestructible spirit of liberty.

It was 30 years ago in April that the world was electrified by the news of the heroic resistance against the mighty Nazi war machine by the outnumbered and beleaguered Jews of the Warsaw Ghetto.

We who live in security and freedom must long remember and be inspired by those who, under such hopeless circumstances, died for freedom and dignity. Their resistance will remain forever a monument of light in a dark era of man's history.

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## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

### S. 7

At the request of Mr. Robert C. Byrd (for Mr. Randolph), the Senator from Rhode Island (Mr. Pastore), the Senator from Alaska (Mr. Gravel), the Senator from Illinois (Mr. PERCY), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 7, a bill to amend the vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes.

S. 48

At the request of Mr. BROOKE, the Senator from South Dakota (Mr. ABOUREZK), the Senator from Nevada (Mr. BIBLE), the Senator from Colorado (Mr. HASKELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Utah (Mr. MOSS), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 48, the Vietnam Disengagement Act of 1973.

S. 162

At the request of the Senator from Arkansas (Mr. McCLELLAN), the Senator from Arkansas (Mr. FULBRIGHT) was added as a cosponsor of S. 162, to authorize the modification of the White River Basin project in the State of Arkansas.

## ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 15

At the request of the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. FONG), and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Resolution 15, for a study of Senate Hearing Officer System.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not morning business is closed.

The Senator from Minnesota.

## SHORTAGE OF FUEL

Mr. HUMPHREY. Mr. President, a matter of grave and vital concern, particularly to the Midwest, is the current fuel oil shortage—not merely heating oil that we call fuel oil No. 2, but propane gas, diesel fuel for trucks and locomotives, and indeed gasoline itself are in short supply.

I have joined with a number of other Senators from the Midwest, including the distinguished present Presiding Officer, the junior Senator from South Dakota (Mr. ABOUREZK), in bringing this matter to the attention of the President of the United States.

Several of us in Midwest caucus have addressed a letter to the President, a copy of which I shall ask to have placed in the RECORD. We have met with officers of the Department of the Interior, the Office of Emergency Preparedness, individually and collectively, to try to get some relief from what is at present a serious situation of fuel oil shortage, and can be and will be a dangerous and critical situation.

Mr. President, just the other day, on the date of January 10, I received a statement from the civil defense office of the State of Minnesota, the Department of Public Safety, outlining 18 critical fuel situation problems in our State, ranging from the Eveleth School District, which had its fuel supply cut and will have to shut down its classes, to a notice that the Minnesota Transport Association reports that Standard Oil has effected a cutback on diesel fuel for truckers of some 25 percent for January; the State Education Commissioner has advised school officials to close Minnesota public schools if the fuel supply is inadequate to maintain a reasonable temperature in classrooms. According to the information I have received this morning, the Long Prairie schools are shut down.

I do not think I need document the fact that we have an energy crisis, but I think it needs to be underscored that there were no plans to meet this crisis. In fact, we have one crisis after another befalling us, with no plans. We have a housing shortage crisis. We have problems in our school systems that are mounting. But in particular this fuel oil crisis is unpardonable, and it is being aggravated by current action of the Government.

I, first of all, want to pay my thanks and respect to the Office of Emergency Preparedness for the efforts they are making to be of help. We have had good cooperation from that office both at the national level and at the regional level. The Governor of the State of Minnesota has set up an emergency office in our State capital to try to alleviate the current fuel oil shortage; but, Mr. President, it is nothing but an emergency effort—transporting small amounts of fuel oil from one place to another to keep a school open or hospital heated. In the meantime factories are closing their doors. Trucks and locomotives that are supposed to be bringing our needed food supplies and grains find their diesel fuel cut back. And we have seen many householders being denied adequate fuel oil.

The situation is the worse it has been since the end of World War II. But above all that, it comes at a time when I discovered a situation yesterday which really requires immediate action on the part of the Government. I was informed that the Department of Defense had stepped up their orders for jet fuel for military aircraft. I was so shocked by this information that I refused at first to even comment upon it, but then I had verification, which I now share with the Senate.

One of the trade publications in the oil industry is known as Platts Oilgram. It is like a bulletin that comes out daily, telling what happens within the refinery business, the oil business, the fuel business. On the date of January 8, in a dateline from New York, is the following communication or news story:

> Defense Fuel Supply Center has raised its sites on its call for supplies of JP-4 Jet Fuel by over 2,000,000 barrels.
>
> The air war in Viet Nam is said to be the reason.
>
> In mid-December, the agency was issuing a request for about 4.7 million barrels of JP-4.
>
> Now, according to trade sources who have been asked to bid on supplies of the material, the government wants 314 million gallons or 7.4 million barrels.
>
> One source says a high ranking Naval Official has been calling refineries to see what the supply situation might be.
>
> Reportedly, DFSC wants telegraphic bid response and it will close bidding on January 18. Product is sought from date of award through March 31.

Mr. President, January 18 to March 31 is the coldest part of the year. In my part of the country it is very cold as it is in the other parts of the Midwest, and it is also unreasonably cold in the Northeastern sections of this Nation. At the very time that our refineries are working at 98 percent of capacity when there is still a fuel oil and gasoline shortage which will get worse every day, the Department of Defense is stepping up its request for bids to these same refineries by 2.7 million barrels. In mid-December they wanted 4.7 million barrels. In the middle of January they want 7.4 million barrels.

Mr. President, what does that mean to the fuel oil situation? JP-4 jet fuel is used by our bombers and also by commercial aircraft. It is made like a straight run gasoline. It is a light vapor pressure material. About 60 percent of kerosene is used in making JP-4.

Mr. President, all kerosene is interchangeable with No. 2 heating oil and is a part of the general heating oil pool.

Mr. President, when we increase the demand for jet fuel for the bombers, as the Department of Defense has done just this past week, we are denying the schools and the hospitals and the industries and the homeowners of this country, as well as the trucks and the locomotives and the commercial aircraft of the kind of fuel they need for the purpose of heat and travel.

This one order of the Defense Department means that there will be approximately 1.7 fewer barrels of fuel oil available between mid-January and March 31.

Mr. President, I have to say to this distinguished body and for the record that unless some adjustment is made in the request of the Department of Defense upon an already overworked refinery industry, there are going to be catastropic conditions prevailing in the Midwest.

It is a pity that this Government did not have the foresight earlier to permit a larger importation of crude and fuel oil. Only within the last few weeks has that been possible.

Mr. President, I read about this relaxation of import quotas by the Hess Oil Co., the Amerada Oil Co., in the Virgin Islands. Supposedly 250 million gallons are going to come in. Mr. President, this will be unloaded on the eastern seaboard. It will never get to the Midwest.

I submit that the Hess Oil Co. cannot even verify that this is what is going to happen at all. In the meantime what do we have in the Government? We have a situation where the right hand does not know what the left hand is doing. We have the distinguished officer of the Office of Emergency Preparedness before the Committee on Interior and Insular Affairs chaired the Senator from Washington (Mr. JACKSON) and say in all good conscience that they are doing everything they can to alleviate the fuel oil shortage. On the other hand, within the same week, the Department of Defense is increasing its request to the refineries, that are already refining at maximum capacity, to the rate of 2.7 million barrels between January 18 and March 31; 1.7 million fewer barrels of fuel oil will be available for South Dakota, for Minnesota, for Wisconsin, for Michigan, for North Dakota, for Montana, for Iowa, for Illinois, and for the States that are in the cold belt. This is also true for many other States that I did not mention.

I have written as of yesterday to the Secretary of Defense, Mr. Laird, and to the Director of the Office of Emergency Preparedness, General Lincoln, asking that they get together and come to some resolution of this problem.

Mr. President, every Senator in this body who comes from a State where the climatic conditions are what we call winter and frigid is in trouble. His constituents are in trouble.

In this morning's "Today Show," they reported in a story out of New York that the airlines cannot fly their regular schedules. The large jets are taking off with just enough jet fuel to get from one place to another.

That is already a problem. However, if one has ever been to Minneapolis, Minn., when the furnace goes out in midwinter; if one has ever been in Brainerd, Minn., when they have to lay off all of the workers in the railroad yards; if one has ever been in the Dakotas or in Wisconsin when it is 20 below zero and there is no fuel oil, he will realize what a situation we face.

It is nice for the people in Washington who can sit around and have the assurance that their buildings are going to be warm.

We have schools in Minnesota and schools in Denver, Colo., that are closing down. We have factories in Minnesota that are closing down and trucks that are taken off the road. We have filling stations closed up. We have fuel oil distributors with no fuel oil. And without any consultation with anyone, the Secretary of Defense says that they will buy 7.4 million additional barrels of jet fuel. They may need it. However, I think they ought to give us some justification.

I do not think we ought to have one officer of the Government come up here on one day and say that they will take care of things, and then have another officer of the Government reach out and say to the refineries, "Get that jet fuel here for the Department of Defense."

I know that they have needs for this fuel. I am not unaware of that. However, I know that the Defense Department likes to have additional supplies.

Mr. President, I suggest that, when there is a shortage here, they ought to do a little less bombing abroad and maybe we can get some of the material needed by the people at home.

Mr. President, I ask unanimous consent that the letters and other material to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA,
DEPARTMENT OF PUBLIC SAFETY,
*Saint Paul, Minn., January 10, 1973.*
Hon. HUBERT H. HUMPHREY,
*Senator from Minnesota,*
*Washington, D.C.*

DEAR SENATOR HUMPHREY: Following are some of the incidents that have been reported to us concerning the critical fuel situation here in Minnesota.

The Eveleth School District has had their fuel supply cut and *will have to shut down in a week.*

The Twin City Bus Lines diesel fuel has been cut 20% causing them to curtail the service and eliminate night service.

The truck companies are on allocation of fuel, which makes *mandatory curtailment of that business.*

The Rooney Oil Company at Belgrade has been *shut down* and out of business as of this date. Also out of heating fuel oil are Tim's Implement, Bemidji; Otter Tail County Courthouse, Fergus Falls; Wally's Oil, Bemidji; Appleton Creamery, Appleton; Mora Municipal Power Plant; and Wright Brothers, Bemidji.

The Koch Refinery at Pine Bend has been *struck* by the oil, chemical and atomic workers. However, the plant is still being operated by supervisory personnel.

The State Education Commissioner advised school officials to close Minnesota public schools if the fuel supply is inadequate to maintain a reasonable temperature in classrooms. *The Long Prairie schools are shut down now.*

Clearbrook: Mobil dealer Al Wasson today reports he is *unable to get enough No. 2 fuel* oil and is doling out his supply in 30–50 gallon lots.

Bagley: Mobil dealer Alvin N. Bragget reports that he is *unable to purchase needed No. 2 fuel oil* to service his accounts.

Pipestone: Wicks Oil Company reports receiving only 166,000 gallons of 700,000 gallon commitment. Has had to cut off his commercial accounts. Has 99 homes, 2 schools.

Cloquet: Erickson Oil Company, has been cut off from his usual suppliers and needs 50,000 gallons of #2 oil per week.

Duluth: Office of Emergency Preparedness reported an inquiry from Congressman Blatnik concerning fuel oil for the Superwood Plant. We put them in touch with a supplier who is sending them 10,000 gallons daily.

Wabasha County: Brice Carlson Company voluntarily reduced LP quotes 10% (Skelly)

McIntosh: Coop Oil Station, Ray Bartz, unable to deliver fuel to the school. Arnold Carlson, Superintendent of Schools called the Governor's office. He was put in touch with a supplier.

Minneapolis: Firestone Oil Company, wrote Governor Anderson stating that they will be short 100,000 gallons soon and need 350,000 gallons of #2 for the season.

Metallurgical Heat Treatment: Richard Sandol reported shortage of propane gas. They are interruptible users of natural gas using propane gas as secondary fuel.

Grand Rapids: Bart Hoard Oil Company reports his usual supplier is unable to give him his needed supply. He is trying other suppliers with no positive results.

Midland Cooperative Oil: Werner Johnson reported that they are unable to meet their demands because they are unable to secure adequate amounts of crude oil to keep their refineries at top production. We have been trying to move their application for importation of crude oil with the Department of Interior.

Minnesota Motor Transport Association: Jim Denn, General Manager, reports that Standard Oil has effected a cutback on diesel fuel for truckers of some 25% for January.

Reports of incidences of fuel shortages, and curtailment of normal operations of all public and commercial activities are coming in continually.

Sincerely,

F. JAMES ERCHUL,
*Director.*

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U.S. SENATE,
*Washington, D.C., January 10, 1973.*
The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: Shortages of petroleum products, including fuel oil and gasoline, have reached crisis proportions in the Midwest. Shortages of fuel oil and propane have struck crippling blows at our schools, hospitals, and industries, including our grain drying facilities. Shortages of gasoline have forced small independent marketers from business and threaten the viability of many others. The prospect is for more of the same.

On September 21, 1972, the Oil Import Regulations was amended to grant independent deep water terminal operators on the East Coast increased allocations of No. 2 fuel oil.

While commendable, this action does not help the Midwest.

In the last few weeks, the Director of the Office of Emergency Preparedness, who had earlier disclaimed overall product shortages, has been exhorting consumers to conserve fuel and refineries to produce more fuel.

This action, while again commendable, has not provided heat for Midwest households nor gasoline for their cars. When refineries switch production from gasoline to fuel oil, gasoline shortages, of course, worsen.

This week a program has been announced which purports to lift quotas on No. 2 fuel oil imported from Amerada-Hess's Virgin Island refinery. Distributors in District I–IV who have the requisite "arrangements" with Hess are entitled under the program to No. 2 fuel oil allocations.

This action will do nothing to alleviate the severe product shortages in the Midwest.

Mr. President, we respectfully request that you immediately suspend all import quotas on oil until enough for all uses moves into these critically affected areas.

Immediate imports of crude oil and finished products, including heating oil, should be permitted from all origins. At least 100,000 barrels of oil per day will be immediately available from Canada alone if restrictions are lifted.

We recommend that, in response to the present emergency, imports of gasoline and fuel oil from abroad must be increased immediately.

Mr. President, we await your action and sincerely hope that a proclamation suspending the oil import allocation in the manner suggested is forthcoming.

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JANUARY 11, 1973.

Hon. MELVIN R. LAIRD,
*Secretary of Defense,*
*Department of Defense,*
*Washington, D.C.*

DEAR MR. SECRETARY: I have just learned that the Defense Fuel Supply Center has asked refineries to bid on additional supplies of JP–4 jet fuel at the very time that we are suffering one of the most critical fuel oil shortages in recent history.

I call to your attention the enclosed news item from Platts Oilgram, January 8, 1973.

It is my understanding that the DFSC is seeking an additional 2.7 million barrels of JP-4 over and beyond the original mid-December request of 4.7 million barrels of JP–4. I have been informed by technicians that JP–4 consists of about 60% kerosene and that kerosene is interchangeable with No. 2 heating oil and can go into a heating oil pool.

It may well be that the Department of

Defense needs additional JP-4, but surely any additional supply order should be tempered or moderated by the urgent requirements of our domestic economy.

All through the Midwest factories are closing, schools are closing, buses and trucks are having to curtail services, diesel fuel for railroads has been cut back, and the fuel oil supply for homes is at a dangerously low level. All of this is due to a critical shortage of fuel oil, propane, and diesel fuel.

I respectfully request that your office immediately coordinate its purchase orders with General Lincoln, Director of the Office of Emergency Preparedness. General Lincoln has been assuring the Congress that he is doing everything possible to alleviate the fuel oil shortage. At the very time that he is testifying before a committee of the Congress, the Department of Defense is asking the refiners to increase supplies of JP-4. Our refineries are working at 98% of capacity. If they are asked to produce more JP-4, they will be doing it at the expense of fuel oil or kerosene.

Surely there can be some arrangement agreed upon that will meet the basic needs of the Defense Department and the critical needs of our civilian economy. I urge your prompt attention.

Sincerely,

HUBERT H. HUMPHREY.

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JANUARY 11, 1973.

Gen. GEORGE A. LINCOLN,
*Director, Office of Emergency Preparedness, Executive Office Building Annex, Washington, D.C.*

DEAR GENERAL: I am deeply concerned over what I have just learned concerning a Department of Defense request for additional JP-4 jet fuel.

I have directed a letter to the Secretary of Defense (copy enclosed). I am also enclosing a copy of a news story from Platts Oilgram (January 8, 1973) which gives you additional information.

If the Department of Defense proceeds as it plans, the fuel oil shortage will be considerably worse and at dangerous proportions. It is imperative that you and the Secretary of Defense come to some understanding in order to meet the needs of our people and our civilian economy.

I respectfully urge your prompt attention to this matter.

Sincerely,

HUBERT H. HUMPHREY.

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[From the Platts Oilgram, January 8, 1972]

DFSC RAISES JET FUEL NEEDS FOR WAR

NEW YORK, NEW YORK, January 7, 1973.—Defense Fuel Supply Center has raised its sites on its call for supplies of JP-4 Jet Fuel by over 2 million barrels.

The air war in Viet Nam is said to be the reason.

In mid-December, the agency was issuing a request for about 4.7 million barrels of JP-4.

Now, according to trade sources who have been asked to bid on supplies of the material, the government wants 314 million gallons or 7.4 million barrels.

One source says a high ranking Naval Official has been calling refineries to see what the supply situation might be.

Reportedly, DFSC wants telegraphic bid response and it will close bidding on January 18. Product is sought from date of award through March 31.

Jet fuel is made like a straight run gasoline or BTX raffinate. Sometimes using a residue from benzene and toluene—its a light vapor pressure material, about 60% kerosene is used in making JB-4. The control factor is the end distillate point will not exceed 500°F and meet a −72°F freeze point, not over 2½ lbs. vapor pressure (commercial kerosene is 525°F)

All kerosene is interchangeable with No. 2 heating oil and can go into a heating oil pool.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas and the Senator from North Carolina are recognized for 45 minutes for the purpose of having a colloquy.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that Mr. Blakey, Mr. Hawk, and Mr. Thelen, members of the staff of the subcommittee, be permitted floor privileges during my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask unanimous consent that Mr. Bill Pursley of my staff be permitted to be present on the floor during the consideration of this matter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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## S.1—CRIMINAL JUSTICE CODIFICATION, REVISION, AND REFORM ACT OF 1973

Mr. McCLELLAN. Mr. President, last week I introduced for myself and the distinguished Senators from North Carolina (Mr. ERVIN) and Nebraska (Mr. HRUSKA) S. 1, the Criminal Justice Codification, Revision, and Reform Act of 1973.

The Senate legislative counsel has suggested that this bill may be one of the longest ever introduced in the U.S. Senate, longer even than the Internal Revenue Code of 1954.

But if the occasion of the introduction of this legislation is important or historic, it is for reasons more profound than the sheer bulk of the bill.

Unlike some of the States—14 at last count—and unlike most of the other countries of the world, the United States has never had a true "criminal code." Starting in 1790, the Congress has enacted criminal statutes, and these statutes have been cumulated and reordered and revised technically in 1877 (revised statutes), 1909 (35 Stat. 1088), and 1948 (62 Stat. 683). But the Federal criminal law has remained a consolidation rather than a code.

The difference between a code and a consolidation has been stated as:

> [The term "code"]—is usually reserved for a body of laws which are drafted at one time, by one person or a closely cooperating body of draftsmen, with the intention of stating clearly and systematically all the rules applicable in a given area of law—for example, penal law. This description . . . may be contrasted with the situation reflected in . . . [a] Consolidated Laws . . . The statutes in . . . [a] Consolidated Laws were drafted at many different times, by different bodies of draftsmen, to cover a very diverse body of subjects in an essentially random manner. That is, the legislator in these laws was dealing with small problems, as they arose, and was making no particular effort to achieve unity, consistency, or thorough coverage in a broad area of law. (Strauss, *On Interpreting The Ethiopian Penal Code,* V Journal of Ethiopian Law, 375, 389–390 (1968).)

Mr. President, S. 1 is far from a final penal code for the United States. In fact, while my cosponsors and I are satisfied that its structure, form, and general outlines are sound, we view it only as the preliminary and immediate work product of 2 years of efforts by the Subcommittee on Criminal Laws and Procedures, which I am privileged to chair. I note, too, that a number of the provisions in S. 1 will be controversial. Indeed, there is much room for debate on this bill. I myself have not reached firm judgments on a number of provisions as they are now drafted. There is much that I wish to study further. My mind is not made up definitely on everything the bill contains. Both the Senator from North Carolina (Mr. ERVIN) and the Senator from Nebraska (Mr. HRUSKA) also share with me differences of emphasis on sections of S. 1 as now drafted. I think this is only to be expected in a measure of its scope and magnitude.

But when all that is said, the fact is that the "Criminal Justice Codification, Revision and Reform Act of 1973" represents the first legislative proposal ever filed in the Congress in bill form to create a "Federal Criminal Code." It is an important and historic milestone.

But it is not a milestone without a background. In a very real sense, this bill is the product of many years of hard work and careful thought by a number of distinguished and concerned people. Indeed, it represents an example of the best kind of joint legislative development by private and public bodies and individuals.

The real starting point for this legislation came in 1952—20 years ago—when the American Law Institute began work on the planning and drafting of a "Model Penal Code," and its chief reporter published the substance of the plan in a law review article. Wechsler, "The Challenge of a Model Penal Code," 65 Harvard Law Review 1097 (1952).

The first concrete step leading to the introduction of the "Criminal Justice Codification, Revision and Reform Act of 1973" then came in March of 1953, when the Council of the American Law Institute met and considered "Tentative Draft No. 1" of a Model Penal Code.

In commenting on those early beginnings, the chief reporter for the Model Penal Code, now the director of the American Law Institute, told the Subcommittee on Criminal Laws and Procedures in 1971:

> Preliminary studies left no doubt to us that the central challenge of the penal law inhered in the state of our penal legislation. Viewing the country as a whole, criminal law consisted of an uneasy mixture of fragmentary and uneven and fortuitous statutory articulation, common law concepts of uncertain scope and a miscellany of modern enactments passed on an ad hoc basis and frequently producing gross disparities in liability or sentence. Hearings before the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary. *Reform of the Federal Criminal Law,* 92d Cong. (hereinafter cited as *Hearings,* Pt. II, p. 552.)

The institute labored for 10 years and in 1962 published the "Proposed Official Draft" of a Model Penal Code.

Without in any way overlooking the

groundbreaking significance of the enactment in 1942 by the Louisiana legislature—Act 43 of 1942—of the first modern American Criminal Code—itself the product of over 100 years of effort—see McClellan, "Codification, Reform, and Revision: The Challenge of a Modern Federal Criminal Code." 1971 Duke Law Journal 661, and without neglecting to mention the modern criminal codes passed simultaneously with the development of the Model Penal Code in Wisconsin, 1965; Illinois, 1962; Minnesota, 1963; and New Mexico, 1963; it may be said that the next major step in the lineal progression toward the introduction of S. 1 was the legislative creation in New York State in 1961 of a "Temporary Commission on Revision of the Penal Law and Criminal Code."

The New York Commission prepared a code which differs from and in some ways is better attuned to the needs of society than the Model Penal Code, but which clearly traces its lineage to the institute's brilliant work. In signing the New York Revised Penal Law, Gov. Nelson Rockefeller observed:

> [The Code] reorganizes and modernizes penal provisions proscribing conduct which has traditionally been considered criminal in Anglo-Saxon jurisprudence. Related crimes are grouped together in logically related titles, definitions are more carefully prescribed, and a new scheme of sentencing is provided affording ample scope for both the rehabilitation of offenders and the protection of society. In line with the Commission's objective, a system of penal sanction is achieved which protects society against transgressors, balanced with safeguards for persons charged with crime. (Governor's Memorandum of Approval, July 20, 1965)

A similar comment could be made of this bill.

The next key step was taken by the Congress itself in 1966. In that year Public Law 89-801 was enacted, creating a "National Commission on Reform of Federal Criminal Laws," called after its distinguished chairman, former Gov. Edmund G. "Pat" Brown of California, the "Brown Commission." The Commission was charged by the Congress to:

> Make a full and complete review and study of the statutory and case law of the United States which constitutes the Federal system of criminal justice for the purpose of formulating and recommending to the Congress legislation which would improve the Federal system of criminal justice. It shall be the further duty of the Commission to make recommendations for revision and recodification of the criminal laws of the United States, including the repeal of unnecessary of undesirable statutes and such changes in the penalty structure as the Commission may feel will better serve the ends of justice.

The Commission, on which my two cosponsors and I were privileged to serve, prepared its own draft recommendations, which also made important improvements, but followed lineally from the earlier works. The product of nearly 3 years of deliberation by the Commission, its advisory committee, consultants, and staff, the recommendations were submitted to the Congress and the President on January 7, 1971, in the form of a final report. A special comment here on the contribution by the Commission's Director, Prof. Louis Schwartz, is appropriate. History will one day record that it was in no small measure due to his intellectual insight and aid that the enactment of a Federal code was made possible. The final report itself, some 364 pages in length, was submitted as a "work basis" for congressional consideration. In fact, it has served as just that, for intensive and extensive hearings by the Subcommittee on Criminal Laws and Procedures. The bill that we have now introduced derives from the draft of the National Commission, in much the same way that the National Commission's draft derives from the New York Revised Penal Law and the Model Penal Code. As members of the Commission, the subcommittee, and sponsors of the bill, we hope that it, too, is an extension and improvement over earlier works.

A welcome next step came when the President of the United States, on January 16, 1971, issued a statement commending the Brown Commission for its labors and directing the U.S. Department of Justice in a simultaneous memorandum to establish a special team of attorneys within the Department to work fulltime on the study of the draft and codification and to "work closely with appropriate congressional committees and their staffs through the evaluation and recommendation process." President Nixon declared in his statement:

> Over the two centuries the Federal criminal law of the United States has evolved in a manner both sporadic and haphazard. Needs have been met as they have arisen. Ad hoc solutions have been utilized. Many areas of criminal law have been let to development by the courts on a case-by-case basis—a less than satisfactory means of developing broad governing legal principles.
>
> Not unexpectedly with such a process, gaps and loopholes in the structure of Federal law have appeared; worthwhile statutes have been found on the books side by side with the unusable and the obsolete. Complex, confusing and even conflicting, laws and procedures have all too often resulted in rendering justice neither to society nor to the accused.
>
> Laws that are not clear, procedures that are not understood, undermine the very system of justice of which they are the foundations. (*Hearings*, Pt. I, p. 5)

In addition, the President had this to say about a new code in his radio address to the Nation on crime on October 15, 1972:

> I will propose to the new Congress a thorough-going revision of the entire Federal criminal code, aimed at better protection of life and property, human rights and the domestic peace.

We will welcome his suggestions and support in this effort.

Finally, a summary of the efforts of the Subcommittee on Criminal Laws and Procedures in 1972 and 1972 may also serve as a useful background to the study of this bill.

In February of 1971, the subcommittee began its hearings and studies on the recommendations of the Commission. The hearings and studies continued over the course of the 92d Congress. When the final report of the Commission was released, the subcommittee sent out 6,000 letters to all State attorneys general, local and county district attorneys, professors of criminal law and related fields, criminal defense attorneys, and private groups, asking for comments on the recommendations of the Commission. A hearing record has now been compiled which, when all the material is printed, will run well over 4,000 pages of testimony, statements, and exhibits. There have been 13 days of public hearings on the work of the Commission. State experience with criminal law revision and on the various policy questions presented by the Draft Code prepared by the National Commission. In all, 64 witnesses gave testimony before the subcommittee during these hearings. Prepared statements have been received from approximately 50 additional persons or organizations.

Numbers alone do not do credit to the tremendous amount of study, discussion, and preparation that went into the presentations of a number of the organizations which appeared or submitted comments: The organizations include: the Association of the Bar of the City of New York, the American Civil Liberties Union, the National Legal Aid and Defender Association, the National Council on Crime and Delinquency, the New York County Lawyers Association, the National District Attorneys Association, the National Association for the Advancement of Colored People Legal Defense and Education Fund, the Federal Bar Association, the Committee for Economic Development and the American Bar Association's Sections on Taxation, Antitrust, Corporation, Banking, and Business Law, and a Special Committee of the Section of Criminal Law of the American Bar Association.

In addition, a number of staff studies and surveys were undertaken by the subcommittee which have involved the sending of questionnaires to various groups requesting specialized information and suggestions. A mailing was made to district attorneys and public defenders in States having a bifurcated trial system in capital cases; a questionnaire was sent to all State and local wardens and correctional administrators on the utility of "good time" credits against prison sentences; a questionnaire was sent to all 92 U.S. chief probation officers—which drew an 80 percent response rate—on aspects of probation; a letter was sent to the mental health departments of each of the 50 States setting forth all the proposed approaches to the problem of the criminal defendants who may be mentally ill; letters were sent to groups involved with Indian affairs and to the attorneys general of the States which now have criminal jurisdiction over Indians, requesting opinions on the scope of Federal criminal jurisdiction over Indians; a questionnaire was sent to each Federal executive department, agency, and commission with jurisdiction over one or more offenses in the United States Code requesting an analysis, comparison, and evaluation of the impact of the proposed code on their work; a letter-questionnaire was sent to each of the professors of comparative law in North America and to each of the foreign law divisions of the Library of Congress requesting detailed information on the form and content of foreign criminal codes.

An additional word on the foreign law study, unique in depth and scope, may be in order, for the staff of the Law Library of the Library of Congress deserves special commendation for, in a relatively short period of time, preparing detailed studies on the criminal law and criminal codes of 25 foreign countries; the comparative law study, published as part III–C—Comparative Law—of our hearings, has provided all of us with much food for thought.

Further, the Administrative Office of the U.S. Courts prepared several volumes on the criminal business of the Federal courts and the impact of the proposed code. In turn, this study has been the subject of extensive correspondence by the subcommittee with the Federal judiciary. An effort has also been made to enlist the aid and support of the relevant advisory committees of the judicial conference. In this connection, the assistance of Judges Albert B. Maris, of Philadelphia, and J. Edward Lumbard, of New York, deserves special mention. They have been most understanding and helpful. The National Institute of Law Enforcement and Criminal Justice also prepared several specific memoranda, and the Department of Justice has made a special effort to work closely with the subcommittee.

In light of all this effort, I am confident that when it is finally printed, the complete record of the subcommittee's hearings will provide the basic source material for the task of criminal law reform not only now, but for years to come. It should prove of particular aid to those States which will face the task of codification, revision, and reform after us.

Finally, the subcommittee prepared a 524-page committee print, which embodied tentative resolutions of a number of issues raised by the hearings and the subcommittee's studies. Over 1,800 copies of this print were circulated throughout the country to all of the witnesses who had appeared in the hearings, law professors, and other interested groups and individuals. Their many and detailed comments and criticisms have been reflected in the proposal we have now introduced.

And I underline the word "proposal," for just as the Brown Commission's efforts were a "work basis," so this legislation is only a "study bill." We have taken a major step forward, but we have a long way to go.

Mr. President, many people deserve credit for the effort that has been made by the subcommittee to implement the recommendations of the National Commission. Each member of the subcommittee has made a special effort to be at the hearings and to participate in every way possible in the processing of these most important recommendations. Senators ERVIN, KENNEDY, HART, and THURMOND deserve special mention. Each has given much of his time. But none deserves more credit than the distinguished Senator from Nebraska (Mr. HRUSKA). He has given unselfishly both of his time and his talent over the past 2 years. As we all know, a Senator is frequently called upon to attend to necessary business away from Washington. On each occasion that I have had to attend to other duties, my colleague from Nebraska has faithfully seen that the work of the subcommittee on the recommendations of the National Commission went forward. It is in no small measure due to his special efforts that the subcommittee has made its progress.

Mr. President, one last item should be made explicit about this bill at this point. The "Criminal Justice Codification, Revision and Reform Act of 1973" is not a partisan bill. The goals of codification and reform are shared by both major political parties. The need for coordination, systematization, and simplification of the Federal criminal laws is accepted by Members on both sides of the aisle in both Houses of Congress. Moreover, this bill should not be looked at "politically." As I explained upon the receipt of the final report of the National Commission:

> There is no surer lesson of history than that politics should not be mixed in the process of codification, reform, and revision, although it will inevitably, in some measure, taint the work of any such endeavors. . . . The issues of crime and criminal justice . . . are far too important to be made the subject of narrow political advantage. Too much is at stake and too great is the need for reform to run the risk of losing it all for the momentary gains of politics. Debate, on the other hand, is not only to be expected, but to be welcomed, for it is only through the examination of diverse views stated by able advocates that we may reach sound decisions. . . . Differences should be confined to particular issues and not generalized to the Code itself. Otherwise, the attempt will be in vain. (McClellan, *Codification, Reform, and Revision: The Challenge of a Modern Federal Criminal Code,* 1971 Duke L.J. 663)

It is appropriate now to turn to the bill itself.

### I. STRUCTURE

The bill is divided into four titles.

Title I, the heart of the bill, sets forth the provisions to be included in a new title 18 of the United States Code. The new title 18 will be entitled "Federal Criminal Code," in contrast with the present "Crimes and Criminal Procedure," since criminal procedural provisions are better dealt with through the Rules of Criminal Procedure, at least in most cases. The new title 18 is itself divided into three parts: Part I—The General Part; Part II—The Special Part; and Part III—Administration.

There are four chapters in Part I (The General Part): Chapter 1, General Provisions; Chapter 2, Principles of Criminal Liability; Chapter 3, Bar and Defenses to Criminal Liability; and Chapter 4, Sentencing. There are 44 sections in these four chapters, all of them applicable or potentially applicable to all of the specific crimes and offenses or punishment therefor in the Code and other Federal legislation.

There are five chapters in Part II (The Special Part); Chapter 5, Offenses Involving the Nation; Chapter 6, Offenses Involving Governmental Processes; Chapter 7, Offenses Against the Person; Chapter 8, Offenses Against Property; and Chapter 9, Offenses Against Public Order. There are 137 sections in these five chapters, all but a handful of which define the elements of specific offenses against the United States.

There are four chapters in Part III (Administration); Chapter 10, Law Enforcement; Chapter 11, Courts; Chapter 12, Corrections; and Chapter 13, Miscellaneous. There are 99 sections in these four chapters.

Where appropriate, the chapters are further divided into subchapters. A numbering system has been devised that leaves room for change and expansion but enables a reader to know instantly into which Part, Chapter, and Subchapter a particular statute belongs.

Title II of the bill transfers the remaining criminal procedure sections in present Title 18 of the United States Code into the Federal Rules of Criminal Procedure.

Title III sets forth the necessary conforming amendments. These amendments are of two types: (1) Those that transfer from present title 18 specific offense statutes that more properly belong with the other statutory law on the subject. For example, a number of criminal statutes relating to farm products are moved to title 7, Agriculture; a number of criminal statutes relating to Indians are moved to title 25, Indians; and a number of criminal statutes relating to the post office are moved to title 39, The Postal Service. (2) Those that conform the language or the criminal justice policy of the other 49 titles of the United States Code to that of the projected Federal Criminal Code.

Title IV includes a severability clause and provides for a delayed effective date to give Federal judges, prosecution personnel, probation officers, defense counsel, legal scholars, and the community at large ample time to prepare for an easy conversion to the new Code. Under this provision, an entire Congress is provided in which technical amendments may be made before the Code becomes effective. Thus, for example, if the Code were enacted by the 93d Congress in 1974, it would not become effective until the January following the final adjournment of the 94th Congress, or January 1977.

If it has taken twenty years to reach the date of filing a Code bill for the Federal Government, we can afford to take our time before putting such a Code into effect.

The lesson of history, as I pointed out in my Duke Law Journal article, is that—

> History . . . teaches the futility of haste. The codes of Justinian and Napoleon carried with them the imperfections of too little attention to detail. Each stands in sharp and unfavorable contrast with the remarkable effort of the German nation in the production, criticism, and recodification of its civil code. It is not, of course, necessary that an ideal or perfect product be produced; the study of history indicates in its careful students a measure of humility. The code that the Congress writes today will serve others tomorrow, but we must recognize that today's work will be tomorrow reexamined—if nothing else, history teaches that each new generation rightly desires to develop its own fundamental code of conduct. Enough time must be spent to produce a workable and just code for today, without laboring too long in an idle attempt to secure perpetual validity through perfection. (McClellan, *Codification,*

*Reform, and Revision: The Challenge of a Modern Federal Criminal Code,* 1971 Duke Law Journal 663).

### II. PREMISES

Title I of the "Criminal Justice Codification, Revision and Reform Act of 1973" rests on a number of premises.

(1) Federal Criminal Jurisdiction.—The criminal jurisdiction of the Federal Government is a limited jurisdiction. It is and must remain limited to the specific needs and areas delineated by the Constitution and our traditions of federalism. The Draft Federal Criminal Code, prepared by the National Commission, however, was greeted by substantial criticism with respect to some of its jurisdictional provisions. It was suggested in the Subcommittee's hearings that the Draft Code might lead to a national police force. This led to a great deal of concern. In response to that concern, the proposed bill carefully redrafts the National Commission's proposals so that there is little significant expansion over present law of the reach of the Federal power to investigate and prosecute crime and criminals, and where an expansion necessarily occurs, it is carefully circumscribed.

The key difference between present title 18 statutes and proposed title 18 statutes is that the basis for Federal prosecution is written into the definition of the crime in the present law but is stated in a separate subsection in the proposed code. Where Federal jurisdiction is complete and inherent, however, as in the crime of treason or other national security offenses, there is, of course, no such jurisdictional subsection.

This new treatment of jurisdiction is important. Rather than defining certain conduct which interferes with a jurisdictional factor as criminal, the code would define certain conduct as criminal and declare that the malefactor is subject to prosecution by the Federal Government where such conduct or misconduct takes place within the Federal jurisdiction States. For example, under the present mail fraud statute (18 U.S.C. § 1341 (1964), the offense is written, and its "gist" has been accurately perceived not as fraud punishable by the Federal Government because its mails are used, but as a sullying of the Federal sovereign by depositing fraud-related materials in its mails. (E.g., *Atkinson* v. *United States,* 344 F. 2d 97, 98 (8th Cir.), *cert.* denied, 382 U.S. 867 (1965).) Consequently, each mailing is a separate offense, although it was done in execution of a single fraud. (*Wood* v. *United States,* 279 F. 2d 359 (8th Cir. 1960).)

Yet the mailing of one letter in one fraudulent scheme and its consequent defrauding of ten victims remain only one offense punishable by a maximum of only five years, regardless of the enormity of the fraud perpetrated. Finally, under present law, the Government must prove that the defendant at least contemplated that his fraud would be committed by use of the mails. (*United States* v. *Kellerman,* 431 F. 2d 319 (2d Cir.), *cert. denied,* 400 U.S. 957 (1970).) Under the proposed Code, however, the offense is conceived and formulated as a scheme to defraud. (Proposed 18 U.S.C. § 2–8D5.) Use of the mails becomes a jurisdictional base under which the offense may be federally prosecuted, with the consequence that several aspects of present law just mentioned are reversed.

Although the change in the treatment of jurisdiction and criminal conduct is, in a real sense, more formal than substantial, several important consequences flow from the change, consequences which make it possible, in fact, to write a Federal penal code.

First, definitions of offenses can be consolidated and standardized without the need, for example, of an enormous number of separate statutes for different kinds of theft or robbery. Second, since the focus of the statutes is on the criminal misconduct rather than on the breach of a Federal jurisdictional factor, punishment can be proportionate to the conduct rather than scaled to the jurisdictional feature. Third, the Code would eliminate the multiplication of offenses that results from the existence of multiple jurisdictional bases.

Thus, theft of Government property from the mail on a military reservation would no longer be three offenses, but one, prosecutable by the Federal Government on any one of three grounds: Federal enclave, U.S. mails, or Federal property. Fourth, offenses are defined in a fashion consistent with the terms of international treaties for extradition of offenders. At present, problems have been encountered when the United States seeks to extradite a person from a foreign country for a Federal crime such as "use of the mails to defraud" and not for mailing a letter pursuant to a scheme to defraud.

(2) Technique of drafting.—Under title I, a conscious effort has been made to avoid verbose or technical language and endless examples, but rather the effort was made to speak in common English.

Present title 18, U.S.C. section 2311, for example, prohibits theft of a motor vehicle which is defined to mean "automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land but not on rails." Proposed § 2–8–D3 simply describes the term "property of another." Present title 18 also makes criminal "extortionate credit transactions" (18 U.S.C. §§ 891–896). The proposed code prohibits "loansharking" (§ 2–9C2)—and calls it that.

The manner in which offenses are drafted is designed to avoid the need for extensive cataloging of terms for definitional purposes and to make the code understandable to everyone.

The proposed code makes clear that its language is to be construed by the courts in light of purpose rather than with an eye toward technicalities. There is a section which sets forth the rule of construction:

> The code shall be construed in light of . . . [the] principle [of legality] as a whole according to the fair import of its terms to achieve its general purposes (§ 1–1A3).

And there is an entire section which sets forth the General Purposes of the Federal Criminal Code:

> The purpose of this code is to establish justice in the context of a Federal system so that the nation and its people may be secure in their persons, property, relationships, and other interests.
>
> This code aims at the articulation of the nation's fundamental system of public values and its vindication through the imposition of merited punishment.
>
> This code seeks to promote the general security through deterrence by giving due notice of the offenses and sanctions prescribed by law, and where this proves ineffective, by the rehabilitation of the corrigble offender or the appropriate incapacitation of the incorrigible offender. (§ 1–1A2.)

Repetitive definitions are specifically avoided by providing that the term "includes," as used in specific offenses, is to be read as if the phrase "but is not limited to" is also set forth.

Generally, where a technical word or phrase is used in more than one section in a chapter, it is defined in the introductory section in the chapter; where such a word or phrase is used in more than one chapter, it is defined in the general definitions section in The General Part, § 1–1A4.

To avoid the temptations to appellate litigation that can flow from different linguistic patterns, a standard and uniform format was developed for all of the specific offenses in the proposed title 18. The specific format is not important in terms of policy, but it is important that there be uniformity if this is to be a code rather than a mere consolidation masquerading as a code.

By the technique of drafting simply, uniformly, and precisely, it is hoped that a more rational Federal penal policy can be implemented with confidence, that it will not be frustrated in the courts because of the inherent ambiguity of human language or misunderstood by the juries who must apply it to concrete cases.

(3) The Sentencing Scheme.—In present title 18, the maximum sentence and, where indicated, the minimum sentence, is stated as part of the definition of the crime. Not surprisingly under such an approach, there are 18 different maximum prison terms and 14 different fine levels in present title 18. In lieu of this method, the proposed code classifies all offenses into one of seven categories: Class A felony, Class B felony, Class C felony, Class D felony, Class E felony, Misdemeanor, and Violation. (§ 1–1A5) This separation of the definition of an offense from the sentence to be imposed was one of the most significant contributions of the Model Penal Code. In Tentative Draft No. 2 (1954), the Chief Reporter noted:

> The number and variety of the distinctions of this order found in most existing systems is one of the main causes of the anarchy in sentencing that is so widely deplored. Any effort to rationalize the situation must result in the reduction of distinctions to a relatively few important categories. [Model Penal Code, A.L.I. Tent. Draft No. 2, p. 10.]

Other features of the sentencing scheme, which has been designed to give our courts a full range of options, may be quickly sketched. It is streamlined and integrated. It carries forward, as the Commission recommended (Final Report at 440–41), the concept of upper range sentences for dangerous special offenders. (On the need for and rationale of such sentences, see McClellan, The Organized Crime Control Act (S. 30) or Its Critics: Which Threatens Civil Liberties, 46 Notre Dame Law. 57, 146–88 (1970).)

In doing so, it achieves by a legislative determined proportionate maximum something that title X of Public Law 91–452 had left to judicial determination on a case by case basis, subject to a 25 year upper limit. As under present law, such sentences are made subject to appellate review. (See id. at 174–88.) Whether appellate review should be authorized on a broader scope, as the Senator from Nebraska (Mr. HRUSKA) has long advocated, is a question that will merit close scrutiny in the coming legislative hearings. Certainly, the evidence of sentence disparity presented to the subcommittee calls for some close attention. I, for one, am beginning to believe that some sort of review is needed in this area, and it is my intention to hold additional hearings on this vital issue soon.

The bill would grant greater flexibility to Federal trial judges to make the punishment fit the crime and the offender. It also explicitly recognizes that probation and parole can be made more effective substitutes for costly-to-taxpayers and often counter-productive incarceration. Finally, the bill rejects in large part the notion of indeterminate sentences on the ground that our Federal judges acting with United States Parole Board (renamed the Parole Commission, § 3–12F1) are and should both be the duly constituted authorities to determine length of imprisonment.

(4) Techniques of Grading.—The National Commission in its Draft proposed the use of "piggyback" jurisdiction as a means for achieving appropriate sentence grading where certain offenses were committed. In the Final Report, the Commission recommended, that, although the Study Draft had been somewhat more expansive, crimes against persons and property which take place in the course of commission of a Federal offense should themselves be separately prosecutable in the Federal courts as Federal offenses. (See generally comment 81 Yale L.J. 1209 (1972).) The Commission set forth in its § 201(b) as a jurisdictional base for Federal investigation and prosecution that—

> The offense is committed in the course of committing or in immediate flight from the commission of any other offense defined in this code over which federal jurisdiction exists.

This provision was extensively criticized in Hearings before the Subcommittee on Criminal Laws and Procedures, chiefly by representatives of the National Association of Attorneys General and the National Association of District Attorneys on the ground that it could lead to a vast expansion of Federal criminal jurisdiction.

Appropriate grading, not expansion of jurisdiction, was the purpose of § 201(b), as I can attest as a member of the Commission, and as Governor Brown and Congressman Poff, the Chairman and Vice Chairman, explained to the subcommittee in its initial hearings.

In line with this purpose, the proposed code has been recast, using a different means of drafting to achieve the same objective: appropriate sentence grading where compound criminal conduct is present. With the use of this technique, it will not be necessary to use "piggyback" jurisdiction.

The technique used in the bill is actually the same technique as now used in individual sections of the present title 18, although under the proposed bill it has been used systematically rather than idiosyncratically. For example, in the present bank robbery status (18 U.S.C. § 2113), the basic offense of bank robbery is punishable by a maximum of twenty years imprisonment (§ 2113(a)), but the maximum may be increased up to 25 years if "assault" occurs in the course of the bank robbery (§ 2113(b)), or up to death if there is a "murder" or "kidnapping" in the course of such robbery (§ 2113)(e)).

The key provision in the bill is a subsection of proposed section 1–1A5 (Classification of Offenses), which reads as follows:

> (d) Compound offense.—Offenses are graded by simple classification or by cross reference to the classification of designated compound offenses. If a designated offense is committed as an integral part of, including immediate flight from, the commission of another offense, the compound offense is an offense of the classification of the designated offense or, where appropriate, a lesser included offense of the designated offense.

This approach, best termed "compound grading," is distinguishable from and superior to "piggyback" jurisdiction in several ways. By its very nature, compound grading will permit only the assaultative or violent qualities of criminal conduct to be considered as aggravating factors for the purpose of sentencing. In contrast, "piggyback" jurisdiction, as a technique, can be confined in this fashion, but, as the Study Draft shows, its potential is much less restrictive. Any offense could be "piggybacked" onto any other offense. The danger of an ever expanding Federal jurisdiction would always be present.

In addition, compound grading is appropriate only when conduct of a potentially higher classification is considered in relation to other less serious conduct. It envisions, moreover, the prosecution of only one Federal offense, as the addition of "assault" to "theft" results in "robbery," not "assault" and "theft." "Piggyback" jurisdiction, on the other hand, is not similarly circumscribed. The prosecution is for two offenses—with all of the collateral consequences that duly follow. There would be, for example, an incentive to bring multiple count charges to enhance the possibility of conviction and to secure cumulative sentences. Offenses less serious, the same, and more serious could be "piggybacked," and inconsistent verdicts would always be a real possibility. In short, the potential for abuse of "piggyback" jurisdiction is disproportionate to its value to grading as long as there is a viable alternative.

To summarize, compound grading provides a rational and uniform means of grading Federal offenses, for scaling the relative seriousness of misconduct integral to the commission of a "basic" offense, and for achieving a clear proportionality where compound qualities are present in criminal conduct—all without the potential for abuse present in "piggyback" jurisdiction. Finally, unlike the Commission draft, the proposed legislation would leave State courts free to prosecute for State offenses independent of the Federal prosecution.

(5) Procedure.—Experience has shown that the U.S. Supreme Court and its Advisory Committee on the Rules of Criminal procedures are generally, although not always, in a better position to examine and promulgate detailed day to day changes in the rules of criminal procedure. Accordingly, the procedural statutes in present title 18 are directly placed in appropriate order within the present rules. Since the enabling statute on the rules is not changed, but included as proposed section 3–11A1, the Supreme Court, acting through the rulemaking process, would be free, subject to the present approach of congressional oversight, to modify these provisions in accordance with present law.

### III. HIGHLIGHTS

I should now like to highlight major policy questions of general concern, which must be resolved in the enactment of a new Federal Criminal Code. This discussion identifies the issue, summarizes present Federal law on the question, notes the proposal of the National Commission of Reform of Federal Criminal Laws, outlines alternatives and arguments, and finally identifies the resolution proposed in the "Criminal Justice Codification, Revision, and Reform Act of 1973."

Mr. President, an initial word of caution is in order. Each of these issues is important, but none of them should be made more important than the codification itself. (See Testimony of Hon. Edmond G. Brown, vol. I, Hearings at 97). If the Code is held hostage to adoption of a particular point of view on any particular issue, there will be no Code, and the Nation as a whole will suffer. I would hope, therefore, that it will be possible to meet, debate and decide these issues without fracturing the processing of the Code itself.

#### (1) ABORTION

(a) Present Federal law.—There is no general criminal abortion statute in present title 18. As discussed more fully below in Part (4) (Enclaves Jurisdiction), Federal courts apply local State law under the Assimilated Crimes Statute (18 U.S.C. § 13). In some enclaves, abortions are legal under certain circumstances, while in others they are criminal.

(b) Commission proposal.—There is no criminal abortion statute in the proposed Code. The homicide sections (sections 1601–1603) are phrased in terms of causing the death of another "human being," and human being is defined as "a person who has been born and is alive." (Section 109(p)) There is only a passing discussion of the problem of abortion in the comments to individual sections. See., e.g., Final Report, Comments to Section 209, p. 23. The issue is not as clearly resolved as it might be, but it probably cannot be inferred that the adoption of the Code in its present form would mean the decriminalization of all abortions in Federal enclaves or elsewhere. Consequently, under the assimilated crimes provisions of the Code, the Federal courts would continue to apply State law as to abortions performed in Federal enclaves, but they would apply a sharply lowered penalty scheme.

(c) Alternatives and arguments.—Several basic alternatives exist in drafting a new Code. Abortion under certain circumstances could be explicitly decriminalized. This is the position of a number of groups, particularly among those concerned with the women's rights movement and among people concerned with population control and poverty. They argue that a fetus, particularly in the first months of pregnancy, is not human life. Consequently, the decision to abort or to give birth should be that of the woman and her doctor it is not a community judgment to be governed by the penal law.

On the other hand, abortion could be explicity criminalized. This would follow the traditional approach in State law. It is also the position of a number of religiously oriented and civil rights groups concerned with human life. They argue that a fetus is a form of human life. Consequently, the decision to abort cannot be left to the woman and her doctor, since the right to life of the fetus must be considered; human life must be protected by the penal law.

Finally, the issue could be left for resolution in each enclave area by the incorporation of local law through the Assimilated Crimes Act approach. The argument that would support this position would be rooted in respect for federalism.

This abortion issue is part of a broader problem of conflict of laws and comity, which is discussed under Enclave Jurisdiction. It raises common issues with drugs, obscenity, and sodomy. Any resolution of the issue should take into consideration these other related questions.

(d) Bill.—There is no criminal abortion section in the proposed Federal Criminal Code. Rather section 1–1A8, Assimilated Offenses, provides for the enforcement and prosecution by the Federal Government of local law in all Federal enclaves and for the imposition of the penalty imposed under local law.

### (2) CAPITAL PUNISHMENT

(a) Present Federal law.—The death penalty is an authorized sentence upon conviction under at least ten sections of present law, including murder, treason, rape, air piracy and delivery of defense information to aid a foreign government. [18 U.S.C. §34 (destruction of motor vehicles or motor vehicle facilities where death results); 18 U.S.C. §351 (assassination or kidnaping of Member of Congress); 18 U.S.C. § 794 (gathering or delivering defense information to aid a foreign government); 18 U.S.C. §1111 (murder in the first degree within the special maritime and territorial jurisdiction of the U.S.); 18 U.S.C. §1114 (murder of certain officers and employees of the U.S.); 18 U.S.C. §1716 (causing death of another by mailing injurious articles); 18 U.S.C. §1751 (Presidential and Vice Presidential murder and kidnaping); 18 U.S.C. §2031 (rape within the special maritime or territorial jurisdiction of the U.S.); 18 U.S.C. §2381 (treason); and 49 U.S.C. §1472(i) (aircraft piracy).]

As drafted, they appear to be unconstitutional under the 1972 decision in *Furman* v. *Georgia*, 408 U.S. 238 (1972). In addition, there are several other statutes that authorize the death penalty, but each appears to be unconstitutional under *United States* v. *Jackson*, 390 U.S. 570 (1968), because by permitting the jury and not the court to impose the penalty, they inhibit the exercise of the right to demand a jury trial.

(b) Commission proposal.—Capital punishment would be abolished for all Federal criminal offenses under the proposed code. Section 3601 authorizes life imprisonment or the maximum sentence for a class A felony (30 years) upon conviction of treason or murder, where the court is satisfied that the defendant intended to cause the death of the victim.

A minority of the Commission, however, proposed an alternative approach—one which would retain the death penalty for at least intentional murder or treason. (Sections 3601, 3602, 3603 and 3604) The significant features of the alternate are the adoption of: (i) a bifurcated trial and (ii) standards for imposition. Before the court imposes a death penalty upon a convicted defendant, it would be required to hold separate hearings on the question of life or death and at that hearing evidence normally inadmissible at the criminal trial where the issue was guilt could be introduced by either party (section 3602). The death sentence, moreover, could not be imposed if the defendant was less than 18 years old at the time of the commission of the crime; if the defendant's physical or mental conditions calls for leniency; if in the judge's mind the evidence "does not foreclose all doubt" respecting the defendant's guilt, or if there are other substantial mitigating circumstances (section 3603). Finally, special criteria for mitigating and aggravating circumstances are listed (section 3604). A finding of their presence or absence would guide the imposition of the sentence.

(c) Alternative and arguments.—Testimony was taken by the Subcommittee on capital punishment. The arguments on capital punishment are set out fairly in the Final Report (pp. 463–64) and Volume II of the Working Papers (pp. 1347–76). I need not repeat them here. Assuming, however, the retention of the death penalty, other issues remain. Should it be limited to murder and treason? Or should it be applied to other crimes? How should it be imposed? Should it be discretionary or mandatory? Should standards be set for the exercise of discretion?

The arguments for and against the two-stage trial and standards are reviewed in *McGautha* v. *California*, 403 U.S. 83 (1971) and *Crampton* v. *Ohio*, 402 U.S. 183 (1971), which hold that neither is required by the Due Process Clause of the Constitution. In general, those in favor of these procedures argue that they are fairer, since they permit a wider range of materials to be reviewed under appropriate standards. Others suggest that they are an unduly protracted procedure that may, in fact, result in a greater imposition of death sentences.

(d) Bill.—The bill proposes that the death penalty be retained for the most heinous crimes, murder and treason, and sections 1–4E1 and 1–4E2 adopt the two-stage trial model.

It is not my intention now to enter into a full discussion of the implications of Furman for the purposes of the Code, but a number of points should be made. First, Furman is a per curiam opinion; it merely holds that the "imposition and carrying out of the death penalty in these cases constitutes cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments." (408 U.S. 239–40) No general opinion was written for the court. Consequently, it has little value as a precedent or as a guide to a legislature in drafting new legislation. Second, it is clear that the Supreme Court has not held that capital punishment may not be imposed in other cases under different circumstances. The two "swing" Justices—Stewart and White—explicitly stated in Furman that they had not held the death penalty per se unconstitutional. Rather, they concluded that the death penalty as presently applied and administered in the United States constitutes a violation of the Eighth Amendment. Mr. Justice Stewart objected to its imposition in "so wantonly and freakishly" a manner. He then hinted that a mandatory penalty might avoid this result. See 408 U.S. at 307–08. Mr. Justice White objected to it "as it is presently administered. . . ." (408 U.S. at 312–13.) He felt that—

> The recurring practice of delegating the sentencing authority to the jury and the fact that a jury in *its own discretion* and without violating its trust *or any statutory* policy may refuse to impose the death penalty no matter what the circumstances of the crime. (408 U.S., at 314) (Emphasis added.)

His hint was that standards to guide discretion might pass constitutional muster.

These aspects of the concurring opinions of Justices Stewart and White were emphasized by the dissent of the Chief Justice. His comments bear quoting at some length. He observed:

> Today the Court has not ruled that capital punishment is *per se* violative of the Eighth Amendment; nor has it ruled that the punishment is barred for any particular class or classes of crimes. The substantially similar concurring opinions of Mr. Justice Stewart and Mr. Justice White, which are necessary to support the judgment setting aside petitioners' sentences, stop short of reaching the ultimate question. The actual scope of the Court's ruling, which I take to be embodied in these concurring opinions, is not entirely clear. This much, however, seems apparent: if the legislatures are to continue to authorize capital punishment for some crimes, juries and judges can no longer be permitted to make the sentencing determination in the same manner they have in the past. . . .

> The critical factor in the concurring opinions of both Mr. Justice Stewart and Mr. Justice White is the infrequency with which the penalty is imposed. This factor is taken not as evidence of society's abhorrence of capital punishment—the inference that petitioners would have the Court draw—but as the earmark of a deteriorated system of sentencing. It is concluded that petitioners' sentences must be set aside, not because the punishment is impermissibly cruel, but because juries and judges have failed to exercise their sentencing discretion in acceptable fashion. . . .
>
> This novel formulation of Eighth Amendment principles—*albeit* necessary to satisfy the terms of our limited grant of certiorari—does not lie at the heart of these concurring opinions. The decisive grievance of the opinions—not translated into Eighth Amendment terms—is that the present system of discretionary sentencing in capital cases has failed to produce evenhanded justice; the problem is not that too few have been sentenced to die, but that the selection process has followed no rational pattern. . . It is essentially and exclusively a procedural due process argument. . . .
>
> Since the two pivotal concurring opinions turn on the assumption that the punishment of death is now meted out in a random and unpredictable manner, legislative bodies may seek to bring their laws into compliance with the Court's ruling *by providing standards for juries and judges to follow in determining the sentence in capital cases or by more narrowly defining the crimes for which the penalty is to be imposed*. If such standards can be devised or the crimes more meticulously defined, the result cannot be detrimental. (408 U.S. at 396–401) (Emphasis added.)

Mr. President, the "Criminal Justice Codification, Revision, and Reform Act of 1973" has been drafted to meet the legitimate evils identified by the Supreme Court. The arbitrariness and unfairness to the defendant of the traditional single-stage trial can be, in my judgment, avoided by the adoption of the two-stage trial and the articulation of statutory standards for the imposition of capital punishment. Since sections 1–4E1 and 1–4E2 are carefully and rigorously drafted, they will, I believe, withstand constitutional challenge. Nevertheless, it is my intention to examine the implications of Furman and the question of capital punishment in further hearings on the Code.

### (3) DRUGS

(a) Present Federal law.—In 1970, the Congress enacted the Comprehensive Drug Abuse Prevention and Control Act (Public Law 91–513). The 1970 Act sets up a complete regulatory scheme together with a series of criminal provisions. Its provisions need not be summarized here, other than to note that it did not decriminalize marijuana, although it did lower its penalty category.

(b) Commission proposal.—While the Congress was processing the 1970 Act, the Commission was simultaneously drafting a comprehensive subchapter on "dangerous, abusable and restricted drugs." (§ 1821, Classification of Drugs; § 1822, Trafficking in Restricted Drugs; § 1824, Possession Offenses; § 1825, Authorization a Defense under sections 1822 to 1824; § 1826, Federal Jurisdiction Over Drug Offenses; § 1827, Suspended Entry of Judgment; and § 1829, Definitions for sections 1821 to 1829.)

The criminal provisions of the new Drug Act and those of the Code proposed by the Brown commission are not substantially different, with the exception of the question of treatment of marijuana.

Proposed section 1824 (Possession Offenses) declares that: "If the drug is marijuana, the offense is an infraction." Under the Code, an infraction "means an offense for which a sentence of imprisonment is not authorized" (section 109[s]). Present Federal Law makes possession of marijuana a misdemeanor, that is, a criminal offense for which a sentence of imprisonment may be imposed). Alternatively, the Commission proposes that a person is guilty of a class A misdemeanor if, "except as authorized by the regulatory law," he knowingly possesses a usable quantity of a dangerous or abusable drug.

(c) Alternatives and arguments.—The Commission's arguments for treating possession of marijuana as an offense, but an offense that would not subject the defendant to imprisonment sanctions, are summarized in the Comment to proposed section 1824:

> Available evidence does not demonstrate significant deleterious effects of marijuana in quantities ordinarily consumed; . . . any risks appear to be significantly lower than those attributable to alcoholic beverages; . . . the social cost of criminalizing a substantial segment of otherwise law abiding citizenry is not justified by the, as yet, undemonstrated harm of marijuana use; and . . . jail penalties for use of marijuana jeopardize the credibility and therefore the deterrent value of our drug laws with respect to other, demonstrably harmful drugs. (Final Report at 255)

The alternative Commission draft, which would continue to make marijuana possession a misdemeanor, is supported by the arguments that: (1) there is significant evidence which suggests that at least long-term use of marijuana can have harmful physical consequences; (2) infraction penalties are so minimal, especially since many defendants will be "judgment proof" and unable to pay fines, that the Federal Government will in effect have no control over the possession and use of marijuana; (3) the fact that alcohol is uncontrolled and dangerous does not mean that a second such substance should be uncontrolled; (4) the "social costs of misdemeanor sanctions" can be moderated under proposed section 1827 on suspension of proceedings; (5) the credibility of community disapproval would be undermined by too precipitate a reduction of penalties.

(d) Bill.—The bill makes possession of marijuana a misdemeanor. Section 2X9E1(b)(6). It also follows present law in most other respects.

### (4) ENCLAVE JURISDICTION

(a) Present Federal law.—Article I § 8(Cl. 17) of the Constitution gives Congress jurisdiction over "all places purchased by the consent of the Legislature" of a state—the so-called Federal enclaves, including military reservations, parks, national forests and Federal building complexes. Under 18 U.S.C. § 7, the "special maritime and territorial jurisdiction of the United States" is defined to include ships, airplanes and land reserved or acquired for use of the United States, that is, Federal enclaves. Present 18 U.S.C. § 13, the Assimilated Crimes Statute, provides that whoever commits an act subject to federal jurisdiction under § 7 which has not been made a specific crime by Congress but which "would be punishable if committed or omitted within the jurisdiction of the State" where the enclave is located shall be guilty of a similar Federal offense and subjected to the same punishment as is provided by State law. The effect of this constitutional provision and these two Federal statutes is, in large measure, to incorporate by reference state-criminal law in Federal enclaves.

(b) Commission proposal.—The Commission carries over the definition of "special maritime and territorial jurisdiction" as § 210 of the proposed Code. The Commission proposes, however, to modify the Assimilated Crimes provisions to: (1) exempt conduct if "it may be inferred that Congress did not intend to extend penal sanctions to such conduct" and (2) limit the maximum punishment that may be imposed for conduct which Congress has not made criminal to that authorized for a Class A misdemeanor under the Code (1 year imprisonment).

(c) Alternatives and arguments.—The present "Assimilated Crimes" provision means that except for matters of "Federal question jurisdiction," the same criminal law applies in State and Federal courts within the same State whenever the Congress has failed to make the particular conduct criminal. The Commission would limit that similarity in cases where it may be "inferred" that Congress chose not to act rather than failed to act and in all cases it would limit the sanctions to a misdemeanor level.

What the first change means is that if Congress elects to decriminalize or treat differently from State law, abortion, drugs, obscenity, sodomy, or similar issues, Federal enclaves in States which do not follow a similar course of action will, to that degree, end up as "protected havens" or centers for abortion, drugs, obscenity or homosexuals in that State. The implication for abrasive Federal-State relations is obvious.

(d) Bill.—The bill continues the policy of the present law. (§ 1–1A8.) The Federal criminal law should reinforce, not compete, with local and State criminal law.

### (5) GUN CONTROL

(a) Present Federal law.—Under present Federal law, there is no general criminal prohibition against the production, possession of, or trafficking in, handguns or other firearms, and there is no general requirement of registration, but there are sections which:

Prohibit the mailing of handguns (18 U.S.C. § 1715);

Prohibit the receipt, possession, transportation in commerce or affecting commerce of firearms other than shotguns and rifles by felons, mental incompetents, veterans who are other than honorably discharged and former citizens who have renounced their citizenship (Public Law 90–351, 197 (1968));

Prohibit the shipping, transporting or receiving of any firearm or ammunition in interstate commerce except as to Federally licensed importers, manufacturers and dealers. (Public Law 90–618 (1968));

Make it a felony to use a firearm to commit any felony or to carry a firearm during the commission of a felony (18 U.S.C. § 924[c]);

Set tight standards for Federal firearm licenses;

Require that all firearms have serial numbers;

Ban sales of firearms to persons under 18 and persons who are non-residents of the state in which the sale is taking place;

Ban sales of handguns or ammunition to anyone under 21;

Ban importation of firearms except with the approval of the Secretary of the Treasury; and

Make it a crime to possess, receive or transfer a firearm with the intent to use it in crime.

In addition, there is some firearms' legislation outside present title 18: 22 U.S.C. § 1934 (Mutual Security Act); 26 U.S.C. § 5865 (bootlegging); 49 U.S.C., § 1472 (airplane transportation); 36 C.F.R. 31 (possession in National Parks).

(b) Commission proposal.—A majority of the Commission voted to recommend that Congress:

(1) Ban the production and possession of, and trafficking in, handguns, with exceptions only for military, police and similar official activities; and

(2) Require registration of all firearms.

These recommendations were not drafted in legislative form.

The full Commission approved and the Draft Code includes four sections which adapt to the Code the firearms provisions of present law. The sections are:

§ 1811. Supplying Firearms, Ammunition, Destructive Devices or Explosives for Criminal Activity;

§ 1812. Illegal Firearms, Ammunition or Explosive Materials Business;

§ 1813. Trafficking In and Receiving Limited-Use Firearms;

§ 1814. Possession of Explosives and Destructive Devices in Buildings.

(c) Alternatives and arguments.—The arguments pro-and-con for firearms registration or the banning of handguns may be outlined. On one hand arguments have been put forth that the number of violent crimes and accidental homicides would be markedly reduced by the national suppression of handguns, which are peculiarly susceptible to criminal activity or use under the heat of an emotional argument or situation; nationwide registration of all firearms would facilitate tracing a firearm that had been found at the scene of a crime.

On the other hand, it is argued that the suppression of handguns will not reduce the amount of violent crime, since criminals will continue to be able to obtain them just as heroin addicts now appear to be able to continue to obtain narcotics. But law-abiding citizens would be without necessary means of self-defense. Further, national suppression of handguns would be largely unenforceable, and to the extent that an attempt would be made to enforce it, would tend one step more toward the creation of a national police force. In addition, a national gun law would violate basic principles of federalism. States should be free to follow their own policy. New York City and Butte, Mont., need to be treated the same. Gun registration is also opposed on the ground that it is a step toward confiscation of firearms, an end which is undesirable for the reasons sketched above as to handguns.

(d) Bill.—The bill incorporates the four sections on firearms and explosives approved by all of the members of the National Commission, as Sections 2–9D2, 2–9D3, 2–9D4, and 2–9D5. It thus carries forward present law without substantial change. Specifically, it does not adopt the handgun recommendation of the Brown Commission.

### (6) MENTAL ILLNESS DEFENSE

(a) Present Federal law.—At present, there is no uniform federal law as to the defense of insanity. Neither Congress nor the Supreme Court has set forth a definitive standard or rule. In the 3d Circuit, for example, the defense is available if the defendant lacked capacity to conform his conduct to the requirements of the law violated, *United States* v. *Currens*, 290 F. 2d 751 (3rd Cir. 1961). In the 2d, 6th, 7th, 9th and 10th Circuits the so-called Model Penal Code formulation is followed: it requires "substantial capacity to appreciate and conform." See Model Penal Codes § 4.01(1) (1962).

(b) Commission proposal.—The Commission recommends the adoption of the insanity defense proposed by the American Law Institute in the Model Penal Code (1962). Proposed § 503 declares that the defendant is not responsible for criminal conduct if at the time "as a result of mental disease or defect he lacks substantial capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of law." It is also specifically provided that the sociopath (one with "an abnormality manifested only by repeated criminal or otherwise antisocial conduct") is not a person with a "mental disease or defect" within the meaning of this section.

(c) Alternatives and arguments.—The range of alternatives is wide—from the M'Naghten rule, to the irresistible impulse test, to the various rules in use today in the Federal courts. A number of members of the Commission, for example, preferred the following test:

> Mental disease or mental defect is a defense to a criminal charge only if it negates the culpability required as an element of the offense charged. In any prosecution for an offense, evidence of mental disease or mental defect of the defendant may be admitted whenever it is relevant to negate the culpability required as an element of the offense.

Another possibility is the alternative put forward in the draft of the Model Penal Code, under which the insanity defense is available if the defendant's capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of law "is so substantially impaired that he cannot justly be held responsible." Model Penal Code, Tentative Draft No. 4, comment at 27, 157. It is arguable that when a psychiatrist, court or jury makes a decision on whether a defendant is not guilty by reason of insanity what they are really doing is making a moral judgment: was the defendant so deranged that it seems unreasonable or unjust to hold him criminally responsible? If that is so, ask the question directly.

(d) Bill.—The bill adopts with minor language changes, the formulation of the American Law Institute and the National Commission as Section 1–3C2.

### (7) OBSCENITY

(a) Present Federal law.—There are five obscenity sections in present Title 18:

18 U.S.C. § 1461 (mailing obscene matter); § 1462 (importation or transportation of obscene matters); § 1463 (mailing indecent matter on wrappers or envelopes); § 1464 (broadcasting obscene language); § 1465 (transportation of obscene matters for sale or distribution).

(b) Commission proposal.—The proposed Code would consolidate the present offenses into one new section (§ 1851—Disseminating Obscene Material). The word "disseminate", defined to mean "sell, lease, advertise, broadcast, exhibit or distribute," makes the consolidation possible. The offense is also committed if the defendant "produces, transports, or sends obscene material with intent that it be disseminated."

The Final Report did not define the term "obscene" or "obscenity". The Commission expressed the view that there is too much constitutional-law confusion and difficulty.

Federal criminal jurisdiction would rest on three bases:

(1) Committed within the special maritime and territorial jurisdiction of the United States;

(2) Use of the mails or a facility in interstate or foreign commerce; and

(3) The property is moved across a State or the boundary of the United States (§§ 201[a], [e], [j].

The crime is a felony (Class C) only if the government can show that "dissemination is carried on in reckless disregard of risk of exposure to children under eighteen or to persons who had no opportunity to avoid exposure." Otherwise, it is a Class A misdemeanor.

(c) Alternatives and arguments. The Commission also offered alternatives:

(1) There should be a defense to prosecution which would effectively legalize the dissemination of obscene materials to adults; alternative § 1851(2)(c) would make it a defense that the dissemination was "carried on in such a manner as, in fact, to minimize risk of exposure to children under eighteen . . ."

(2) The offense should in all cases be a Class A misdemeanor.

At least one additional alternative was considered by the Commission. It would broaden the definition of obscenity to include violence as well as sex and isolate the evaluative aspects of the present constitutional definition and make them jury questions keyed to local community standards.

(d) Bill.—The bill proposes a strong, consolidated obscenity statute. Section 2–9F5. The section contains a new definition of obscenity which meets, in my judgment, the constitutional requirements laid down by the Supreme Court.

Obscenity would become a jury question keyed to local community standards.

### (8) PENTAGON PAPERS

(a) Present Federal law.—Present Federal law treats unlawful dissemination of confidential governmental documents in a number of separate places. In broad outline, present law:

Prohibits the "communication" of national defense information to a person not entitled to it (18 U.S.C. § 793);

Prohibits the "communication" or "publication" of the disposition of the armed forces in time of war (18 U.S.C. § 794(b);

Prohibits the transfer or "publication" of photos of defense installations (18 U.S.C. § 797); and

Prohibits the transfer or "publication" of cryptography or communication of intelligence information (18 U.S.C. § 798).

Other limited provisions are found in other titles of the United States Code. See, e.g., 50 U.S.C. § 783(b) (prohibits any officer or employee of the United States to communicate classified data to a representative of a foreign power or a member of any Communist organization).

See generally the concurring opinion of Mr. Justice White in *New York Times* v. *United States*, 403 U.S. 713, 736–39 (1970).

(b) Commission proposal.—The Commission would basically codify present law into three sections;

Mishandling National Security Information (§ 1113);

Misuse of Classified Communications Information (§ 1114); and

Communication of Classified Information by Public Servant or a Former Public Servant (§ 1115).

The proposed section 1113 would probably not extend to "publication." Proposed § 1115 would explicitly extend to "publication." Proposed § 1115 would probably not extend to "publication," unless it was shown to be a means of communication with a foreign power or a communist. The Commission, according to the comments to § 1115, considered and rejected broader prohibition of "communication" or "publication" of classified information.

(c) Alternative and arguments.—Testimony was taken before the Subcommittee which showed that there are honest and deeply held differences of opinion not only on what the law is, but what it ought to be. The basic alternative to present law or the Commission proposal is a broader prohibition. The argument for it is in essence the Government's underlying position in the New York Times case; the national security interest demands, if not prior restraint, at least subsequent prosecution. The contrary argument is essentially that of Mr. Justice Black. The First Amendment means "no law"—period. The contrary argument, by the same token, also calls into question the possible scope of present law.

However these provisions are drafted in this bill—it attempts no more than a restatement of present law—I know that my cosponsors and I will want to look into this question further as legislative hearings progress.

(d) Bill.—The bill attempts to maintain current law. (See Section 2–5B8 and the definitions "communications Information" and "national defense information" in section 2–5A1.) This is done only to serve as a starting point for further discussion.

### (9) SODOMY

(a) Present Federal law.—There are at present no Federal criminal statutes in the "sex crimes" area, except for rape and "statutory rape." Homosexual conduct in a Federal enclave is subject to the law of the State, under the Assimilated Crimes Act.

(b) Commission proposal.—The Commission drafted a complete set of sex-crimes provisions (§§ 1641–1650), but the list does not include a section on Sodomy, that is, deviated sexual intercourse between adults. High penalties are imposed for homosexual rape (§1643—Aggravated involuntary Sodomy) and "statutory" homosexual rape (§ 1644—Involuntary Sodomy), but consensual conduct between adults is not made criminal. According to II Working Papers 872: "Private acts of sexual deviation between consenting adults (except for defined situations where unfair advantage is taken) are not declared criminal under these proposed provisions."

(c) Alternatives and arguments.—The argument that the government should not concern itself with sexual activity by adults has been stated elsewhere. It need not be repeated here.

The Commission also argued the need for a general Federal rule in these terms: "Given the frequency and necessity of travel by Federal personnel and others from one Federal enclave to another, in a different part of the country, it might be well to formulate once more a complete set of statutes on sex crimes, rather than subject persons to very different criminal laws as they enter new Federal enclaves." III Working Papers, 868. As noted above, the problem with this approach to the formulation of the law consensual homosexual conduct and Assimilated Crimes is that Federal enclaves could become centers or havens for homosexuals seeking refuge from State laws.

(d) Bill.—The bill incorporates sodomy by force (which is homosexual rape) into section 2–7E1, Rape. Sodomy which involves taking advantage of another's incapacity or youthful age or which involves abuse of position or use of fraud is incorporated in section 2–7E2, Statutory Rape. Otherwise, the bill would incorporate State law and its penalty structure by reference.

### (10) STANDARDS VERSUS RULES: TREATMENT OF DEFENSE OF PERSON AND PROPERTY

(a) Present Federal law.—The present Federal law on self-defense, defense of others, defense of property and premises, use of force, use of deadly force, and crime prevention is case law.[(See e.g., *Brown* v. *United States*, 256 U.S. 335, 343 (1921) (Use of force to repel knife attack) ("Detached reflection cannot be expected in the presence of an uplifted knife").]

(b) Commission proposal.—The Commission proposed that the rules on justification and excuse be codified as detailed precepts "so that Congress may correct some unfortunate rules of the uncodified law, as well as settle some questions which are cloudy in existing law." I Working Papers 261. The Commission drafted detailed and specific rules: § 603 (Self-Defense); § 604 (Defense of Others); § 605 (Use of Force by Persons with Parental, Custodial or Similar Responsibilities); § 606 (Use of Force in Defense of Premises and Property); and § 607 (Limits on the Use of Force; Excessive Force; Deadly Force).

(c) Alternative and arguments.—As voiced in testimony before the Subcommittee, a principal concern about the "defense" sections in the Draft Code is that they are so specific and detailed as to be unworkable, and they would virtually foreclose further case-by-case development by the judiciary in areas that have traditionally been viewed as judicial. Moreover, it is arguable that nationwide rules may not be equally appropriate in all areas of the country. For example, it is necessary that the rules on retreating or not retreating before using deadly force be the same in New York City and rural Texas?

These arguments are well stated by a European authority in an essay comparing the Study Draft of the Proposed Federal Criminal Code with European Penal Codes:

> One cannot but be struck by the difference in drafting techniques between European Codes and the Study Draft on this subject. European Codes tend to deal with the subject in short provisions in general terms, whereas the Study Draft has very detailed provisions, dealing separately with . . . [these questions]. The provisions of the German Code . . . on self-defense (including defense of others and defense of property), consists of thirty words only. . . . I note these differences without drawing any conclusions. For the person engaged in defense of himself or others I do not think a detailed statutory regulation gives more guidance than a provision framed in general terms, leaving more to sound judgment and common sense. (III Working Papers 460 (Professor Andaneas).)

Similar observations were offered at the 1971 Hearings of the Subcommittee by the former director of the Connecticut criminal code revision project: "The new Federal Code attempts to cover the field. We . . . were somewhat more modest . . . for two reasons. First, we had the realization that if we tried to cover the field we may have left something out. The second was that we felt that we were not omnipotent in our wisdom. We felt that this body of law had always been developed by the case method, that there should be some room left for judicial flexibility and ingenuity." (Hearings, Pt. II, p. 577.) This argument for the use of standards rather than rules reflects the approach of Dean Pound (II Jurisprudence, pp. 124–28 (1959). ("Note the element of fairness or reasonableness in standards. This is a source of difficulty. As has been said, there is no precept defining what is reasonable and it would not be reasonable to attempt to formulate one.")

On the other hand, detailed rules such as the proposed Code of the Brown Commission recommends, might reduce the amount of appellate court litigation on jury instructions, or they might make it easier to reform what the Commission calls the "chaotic" state of Federal law on these subjects. The probability that detailed rules once enacted into law will become "frozen" could well be termed the lesser of two evils.

(d) *Bill.*—An effort has been made to draft the defenses in terms of general standards which can be applied, construed, and developed by the courts consistent with present case law rather than to lay down a detailed book of rules which would be difficult to amend. (See Section 1-3C4.)

### IV. SIGNIFICANT FEATURES

In addition to these major policy questions, I should like to highlight several other features of the bill, which are new to Federal criminal law.

West Germany and the Scandanavian countries have an ingenious system of criminal fines, generally known as the "day-fine" system. Under it, the sentencing judge fines the convicted defendant for a period of time consistent with the seriousness and nature of the offense committed. Once the duration of the fine is set (e.g., 120 days), a daily fine is fixed based upon the defendant's ability to pay. The total amount due in penalty is the number of days times the daily amount. This method, which is introduced in section 1-4C1, will give Federal judges greater flexibility in imposing fines that reflect both the nature and character of the offense and the capacity of the offender or his ability to pay.

I am looking forward to testing the viability of this concept in the coming legislative hearings.

The fine as a sanction for violation of Federal criminal law today may not be as effective as it could be as a sanction, except as to corporation defendants. The reason, of course, is that many fines are never collected. The bill contains a provision (section 3-10A4) which would turn over the responsibility for collecting and enforcing fines levied by Federal courts to the Internal Revenue Service. Fines would also be treated in the same way as tax liens.

I am also looking forward to testing this idea in the hearings we will hold on this measure.

The United States Board of Parole is at present deluged with 17,000 cases per year to be decided by a single board. Dissatisfaction with the parole system is widespread. Many have come to recognize that reform in this area is overdue. In this connection, the Subcommittee has attempted to work closely with the Board of Parole itself and the Subcommittee on National Penitentiaries, which is chaired by the distinguished Senator from North Dakota (Mr. BURDICK). The measure which we have introduced incorporates major features of Senator Burdick's bill, S. 3993 of the 92d Congress, which was designed to create a system of regional parole boards. (Section 3-12F1.)

I am looking forward to working out these ideas as we proceed.

The monumental task begun by the National Commission, and which now faces the Congress, is a task that requires constant and diligent study. There is a need, in my judgment, for a permanent body to oversee the operation of the Federal Criminal Code, once it goes into effect, and to make recommendations for improvement from time to time. The bill proposes the creation of a "Criminal Law Reform Commission" to do just that. Sections 3-13C1 through 3-13C6).

### V. CONCLUSIONS

Mr. President, all history teaches us that civilized society presupposes peace and good order, security of social institutions, security of general morals and the conservation and intelligent use of social resources. At the same time, it teaches us that, to maintain a civilized society, government must protect individual initiative, which is the basis of social and economic progress; government must protect and preserve freedom of criticism, which is necessary for political progress; and government must maintain unrestricted intellectual activity, which is a prerequisite to cultural development, diversity and individuality. Above all, history demands that government insure that each citizen be able to live a material, moral and social life as a respected human being.

Dean Roscoe Pound has reminded us that in many periods of history these various demands on the law have been seen as opposed to one another. (R. Pound, Criminal Justice in the American City, 18-19 (1922). He observed:

> For historical reasons this difficulty has taken the form of a condition of internal opposition in criminal law . . . As a result, there has been a continual movement back and forth between an extreme solicitude for general security, leading to a minimum of regard for the individual accused . . . and at the other extreme excessive solicitude for the . . . individual . . ., leading to a minimum of regard for the general security . . . (*Id.* at 19.)

Mr. President, in my judgment, we are today just beginning to move out of one such period of extreme solicitude for the accused individual. Our criminal law and procedures today tip the scale too far away from the best interests and the full protection of society. In making this turn, however, two difficulties confront us. On the one hand, there are those who will resist any change that would make the administration of justice more effective. To them I would cite the wisdom of Edmund Burke, who remarked to the House of Commons on the issue of electoral reform in 1780:

> Consider the wisdom of a timely reform. Early reformations are amicable arrangements with a friend in power; late reformations are terms imposed upon a conquered enemy; early reformations are made in cool blood; late reformations are made under a state of inflammation. In that state of things the people behold in government nothing that is respectable. They see the abuse, and they will see nothing else. They fall into the temper of a furious populace provoked at the disorder of a house of ill fame; they never attempt to correct or regulate; they go to work by the shortest way; they abate the nuisance, they pull down the house. (*Edmund Burke: Selected Writings and Speeches*, 278 (1963, P. Stanlis ed.)

Our people today are restless with the administration of Justice, Federal and State. Reform is now timely. If we delay reform too long, we run the real risk that the price of delayed reform may be that the framework of civil liberty and federalism embodied in our Constitution and Bill of Rights will be condemned and demolished by those seeking to achieve only efficiency in the operation of our system of criminal justice. We cannot permit that to happen.

Mr. President, we must recognize that there are those who would adopt any change that might promise relief from the ills that beset our system of criminal justice. Expediency, not sound judgment, is all that seems to occupy their minds. To them I would recall the words of Dean Pound:

> [I]n criminal law, as everywhere else in law, the problem is one of compromise; of balancing conflicting interests and of securing as much as may be with the least sacrifice to other interests. (R. Pound, *Criminal Justice in the American City*, 18 (1922.))

In my judgment, however, we can enact a new Code without sacrificing either our liberty or our security. The task will not be easy; the road will be hard. But with a spirit of good will, compromise, and cooperation on the part of all, it can be done.

I, for one, welcome the challenge.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the following exhibits:

(1) A section-by-section highlight of the proposed Code.

(2) A series of comparison tables between present title 18, the recommendations of the Brown Commission and the proposed Code.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## EXHIBIT I

## SECTION-BY-SECTION HIGHLIGHTS

### *Part I—General part*

#### § 1-A1. Title

The present Title 18 is entitled "Crimes and Criminal Procedure." In the years following enactment of the Act of June 29, 1940, c. 445, 54 Stat. 688, authorizing the Supreme Court of the United States to promulgate rules of criminal procedure, most of the procedural sections of Title 18 have become rules of court. The remaining procedural sections will now be transferred to the Rules and the new proposed title is "Federal Criminal Code." The word Code indicates that it is the intent that this be an integrated, systematic, and consistent body of law covering general principles (Part I), specific offenses (Part II), and administration (Part III). The word Criminal is used to mean all segments of the criminal justice system of the government of the United States: law enforcement, courts, and corrections.

#### § 1-A2. General Purposes

This section sets forth the basic focus and purposes of the Code, with the understanding that its provisions will be construed by the courts to achieve these objectives. These objectives recognize the multi-purpose and inclusive character of any modern code. See, e.g., J. Hall, *Science, Common Sense and Criminal Law Reform* pp. 21-22. 1963 (John F. Murray Endowment Lecture). They also make it explicit that its objectives must be sought "in the context of a federal system." Finally, the value system the code embodies is qualified as "public" to distinguish it clearly from "private" values not shared by all or felt not to be a matter for political action, i.e., religion under the first amendment.

#### § 1-AA. Principle of Legality; Rule of Construction

The basic principle of legality, that a person sought not to be found guilty unless his conduct and its accompanying culpability is contrary to law, is declared in a number of foreign criminal codes. The principle is included so that there may be no question but that it is part of the Code. See generally J. Hall, *General Principles of Criminal Law* pp. 27–69 (1960).

This section also makes it explicit that each provision shall be "construed . . . as a whole according to the fair import of its terms." It is impossible in drafting to cover literally all conceivable applications of the law, and efforts to do so in the past have created a maze of criminal statutes unintelligible and indecipherable. "Fair import" construction permits the Code to be intelligible, while protecting the public against those who would seek to exploit unintended gaps in the law.

### § 1–1A4. General Definitions

Words and phrases that are used in more than one chapter of the Code and for which a statutory definition is necessary or desirable are defined in this section. Generally, when a word or phrase is used in only one chapter, it is defined in the first section in that chapter; when a word or phrase that needs definition is used only in one or two sections, it is there defined.

Comments concerning the specific definitions in this section will be found in the comment and analysis of the section in which the term or phrase has its principal use, unless it is essentially self-explanatory.

### § 1–1A5. Classification of Offenses

This section established seven categories for all offenses in Federal penal law. It has been estimated that there are 65 to 75 categories in the present United States Code. [Comment to § 3002. Final Report, p. 227].

Under this classificatory system, there are five grades of felonies. The lowest, the Class E felony, subjects the convicted defendant to a potential imprisonment of up to one year. § 1–4B1(c). The Class D felony carries a maximum prison term of 3 years in the ordinary situation or 6 years if the defendant is a dangerous special offender. §§ 1–4B1(b), (a), 1–4B2. The Class C felony carries a maximum prison term of 5 years in the ordinary situation or 10 years if the defendant is a dangerous special offender. The Class B felony carries a maximum prison term of 10 years or 20 years if the defendant is a dangerous special offender. The Class A felony carries a maximum prison term of 20 years or 30 years if the defendant is a dangerous special offender; certain Class A felonies, however, may subject the convicted defendant to a sentence of death. The misdemeanor, which is not subdivided into classes, carries a maximum prison term of 6 months, a change from present law (18 U.S.C. § 1 (less than 1 year)); prosecutions for misdemeanor offenses may be brought before a magistrate and there is no constitutional requirement that there be a jury trial. *Duncan* v. *Louisiana*, 391 U.S. 145 (1968). The violation carries a maximum prison term of 30 days § 1–4B1(c).

In addition to the 7-grade, felony, misdemeanor, violation classification system, the Code employs a concept termed "compound offense," in conjunction with certain of the specific offenses in Part II, for example, under the armed robbery section, if one of the designated "compound offenses" is committed "as an integral part of, including immediate flight from, the commission" of a bank robbery, the defendant may be tried and convicted in Federal court of the compound offense. (§ 2–8D1). In that situation, if the defendant murders a guard, for example, he may be prosecuted for robbery-murder in the course of the same proceeding and convicted if all of the elements of the offense of murder (§ 2–7B1) or all of the elements of a lesser included offense to murder (§ 2–7B1(b)) are proved by the government. Upon conviction, according to the subsection on "compound grading" to the section on armed robbery (§ 2–8D1), the defendant may be convicted of a Class A felony. Absent this compound offense, armed robbery is punishable only as a Class B felony. Note, too, that in such an "armed robbery-murder" prosecution if murder were not shown, armed robbery would be lesser included offense to "armed robbery-murder," since it would be a "lesser grade" of the same offense. See § 1–1A4(38).

### § 1–1A6. Territorial Jurisdiction

Since the general provisions (Part I) are intended to apply in all Federal prosecutions, the exceptions, if any will be stated explicitly.

Subsection (d) contemplates a situation in which the offense charged has a jurisdictional base which an included offense does not have.

Subsection (e) establishes the rules for jurisdiction over the offenses of criminal attempt, criminal solicitation and criminal conspiracy.

Subsection (f) provides for jurisdiction over a compound offense.

Subsection (g) sets forth as a rule of general applicability that the existence of Federal criminal jurisdiction shall not, "prevent any state or local government from exercising jurisdiction to enforce its own laws applicable to the conduct in question." Where preemption is intended, it is stated explicitly.

### § 1–1A7. Extraterritorial Jurisdiction

Hitherto the United States has declined to assert the full international criminal jurisdiction permitted to it as a sovereign nation under international law.

This section is intended to remedy that omission and assert extraterritorial applicability of the Code to the full extent, consistently with the law and jurisprudence of other nations. [See Hearings, Part III–C.]

### § 1–1A8. Assimilated Offenses

This section substantially continues the policy expressed in present 18 U.S.C. § 13, the Assimilated Crimes Act.

The section does not accept the proposal of the National Commission [§ 209, Final Report p. 23] which would assimilate state offenses committed in Federal enclaves but would reduce the authorized sentence for such offenses if greater than 1 year imprisonment to no more than 1 year imprisonment regardless of the authorized sentence under state law and which would decriminalize or immunize conduct in Federal enclaves "if, having regard to federal legislation as to the conduct constituting the type of offense and the failure of Congress to penalize the specific conduct in question, it may be inferred that Congress did not intend to extend penal sanctions to such conduct."

The position adopted appears best suited to the encouragement of harmonious federal-state relations in the criminal justice field. [See generally Report of the Interdepartmental Committee for the Study of Jurisdiction over Federal Areas Within the State. Jurisdiction over Federal Areas Within the States, Part I (1956).]

### § 1–2A1. Culpability

This section defines the kinds of *mens rea* or culpability for Federal offense in the code and elsewhere and it sets forth general rules governing the requirement of culpability.

Subsection (a) defines 'culpably' in terms of the four possible culpable mental states recognized and sets forth the four states of mind. "Intentionally" imports purpose or objective. "Knowingly" means the person "is aware of the quality of his conduct" without such conduct necessarily being his "conscious objective," as is the case with intentionally. "Recklessly" requires awareness of and disregard of a risk: the "gross deviation" phrase makes clear that the meaning of recklessness in the Code is not the same as recklessness in the law of torts. "Criminal negligence", by contrast with recklessness, involves simply a failure to be aware of a risk, although that failure must likewise involve a "gross deviation" from the standard of care that a reasonable person would observe in his situation.

Subsection (b) requires proof of the relevant culpability requirement in each prosecution, subject to exceptions, as to each "element of the offense." The phrase "statute or section" is included to make clear the application of these provisions both inside and outside the Code. "Element of an offense" is defined in § 1–1A4(23) to mean "as specified in the definition of the offense or its grading, (i) the conduit, (ii) the attendant circumstances, (iii) the culpability, and (iv) the result." Grading factors and jurisdiction are not included in the definition and hence to do not require culpability. Culpability must be established as to each of the elements unless "the statute provides that a person may be guilty without culpability as to those elements", the section declares that the offense is "a violation", or "on intent to impose liability without culpability as to those elements is otherwise present.

Subsection (c) emphasizes that culpability is not required as to a fact which is a basis for Federal jurisdiction or grading, as to an element "as to which it is expressly stated that it must 'in fact' exist", or as, outside the Code, to the legal result that the conduct constitutes an offense or is prohibited by law. The latter obviates any contention that the defendant must know that his conduct is criminal. Subsection (d) provides that if the culpability required is intentionally or knowingly it is sufficient to prove that the defendant acted recklessly as to an attendant circumstance. Also, a lower kind of culpability includes all higher kinds.

The simplier scheme of culpability here proposed responds to hearing testimony that expressed dissatisfaction with the Brown Commission's recommendations.

### § 1–2A2. Causal Relationship Between Conduct and Result

This section, by only stating a "but for" requirement for causation, leaves the matter of causation largely to judicial development in terms of the culpability requirement. Once "but for" is established, liability follows *mens rea*.

In foreign countries, legislatures have normally refrained from attempting to define the causal relation. [Hearings, Part III–C.] "When questions of causation arise they will most often be questions of a factual nature, pertaining to the competence of the expert. But, although infrequent in practice, the legal questions may be very complex and not easily solved through one short formula." [Andenaes, "Comment Comparing Study Draft of Proposed New Federal Criminal Code to European Penal Code," III Working Papers 1456. (1971)] In testimony prepared for the Subcommittee on Criminal Laws and Procedures, the Association of the Bar of the City of New York advised against any attempt to codify the law of causation: "The problem of instructing a jury under this type of language [commission draft § 305] may be formidable for trial judges. We believe that this is matter best left to judicial development, and that codification should not be attempted."

### § 1–2A3. Criminal Solicitation

A number of statutes in present Title 18 provide criminal penalties for soliciting the commission of substantive offenses, there is no general prohibition against solicitation. This section, which applies to all the offenses in the Special Part of the Code except as otherwise provided, makes such specific references unnecessary.

The section makes it explicit that it is not possible to "attempt" a "solicitation". Completed solicitation is as far back into inchoate criminality as the Code reaches. If the person solocited agrees and conduct is committed, the person may be guilty under the section on criminal attempt (§ 1–2A4) or criminal conspiracy (§ 1–2A5).

This section penalizes the solicitation whether or not the person solicited agreed or acted where the conduct solicited in fact constitutes a crime. (Under § 1–1A4(16) "crime" means a misdemeanor or a felony; the broader term, "offense" includes a violation as well—§ 1–1A4(47)).

### § 1–2A4. Criminal Attempt

This section establishes a general provision on attempt which is applicable to every federal crime, except as specifically excluded in the section on a specific offense [e.g. § 2–8D5, Scheme to Defraud]. This section eliminates the need for special attempt statutes (sections) or subsections in the Special Part, the approach used in present Title 18 [e.g. 18 U.S.C. § 1113. Attempt to commit murder or manslaughter].

This section would deal uniformly with questions of renunciation, impossibility, corroboration, penalty, incapacity. It sets standards for intent and conduct, and follows the example of the Model Penal Code (M.P.C. § 5.01(2)) in giving illustrations of conduct which may be sufficiently corroborative of a person's intent to engage in prohibited conduct to constitute a "substantial step" for purposes of criminal attempt.

As in solicitation above, it makes it explicit that it is not possible to "solicit" an "attempt."

### § 1–2A5. Criminal Conspiracy

This section codifies, neither expanding nor contracting, the present Federal law on conspiracy in the form of a general statute applicable to all Special Part offenses, except where specifically excluded. This attempt to restrict the offense of conspiracy in the National Commission draft (§ 1004) could have, according to testimony before the subcommittee, a deleterious consequence on law enforcement in the organized crime, and antitrust fields and does not appear justified.

"Attempt to conspire" is expressly excluded. Solicitation to conspire would be permitted.

### § 1–2A6. Complicity

This section basically restates present 18 U.S.C. § 2, with changes to codify case law. Subsection (a)(3) codifies the doctrine of *Pinkerton v. United States,* 328 U.S. 640 (1946), making a co-conspirator guilty of each specific offense committed in furtherance of the criminal conspiracy and as a reasonably foreseeable consequence of the conspiracy.

The proposal of the Commission to create a separate offense of Criminal Facilitation (FR § 1002) has not been accepted. If a person engages in conduct which aids another person to commit an offense, with knowledge that conduct constituting, in fact, an offense was to be committed, the person is in complicity under this section and may be found guilty of the offense.

### § 1–2A7. Organization Criminal Liability

This section sets forth those circumstances under which an organization (defined in § 1–1A4(51)) may be criminally liable for offenses committed by its agents. It restates present law. The suggestions of the commission both to narrow the scope of present law and impose liability, under the alternative draft formulation, based on a standard of "reckless toleration" (§ 402), have been rejected. Both received sharp criticism in the Hearings. The Commission draft on this point, § 402, was also restricted to 'corporate" criminal liability. Organizations and organized in the corporate form, such as business trusts or labor unions, should be criminally liable to the same extent as the corporation.

The fact that the organization cannot, upon conviction, be sentenced to imprisonment because of its nature should not lead to an exemption of organizations from criminal liability since other sanctions may be quite as efficacious as a deterrent and to promote rehabilitation.

### § 1–2A8. Personal Criminal Liability for Conduct on Behalf of Organization

This section is the converse of § 1–2A7. It deals with the criminal liability of agents of an organization and makes explicit that the human perpetrator is not absolved from guilt by the fact that an organization is criminally liable for the offense.

### § 1–3A1. General Principles

Chapter 3 partially codifies the general bars to prosecution and defenses to criminal liability.

Subsection (a) indicates that where a particular defense is codified, that provision controls. For example, a court would not be free to use its own definition of the insanity defense as well as that set out in the code.

Subsection (b), which states that the defenses in this chapter "are not exclusive," is intended to make clear that it is not the intent of Congress to foreclose through the codification further judicial development of other defenses to criminal liability.

Subsection (c) declares that the defenses in this chapter are available to a Federal public servant [public servant is defined in § 1–104(58)] or a person acting at his direction based "on acts performed in the course of the public servant's official duties, under sections 1–3C3 (Execution of Public Duty) and 1–3C4 (Defense of Person, Property or Prevention of Criminal Conduct". It is intended that these defenses should be available to public servants in any criminal proceeding, not merely in a Federal prosecution. Other defenses, such as "insanity" would, of course, continue to be defined by local law.

### § 1–3B1. Time Limitations

Subsection (b) of this section derives from present 18 U.S.C. § 3281.

Subsection (c) of this section derives from present 18 U.S.C. §§ 3282, 3283, 3284, 3286, 3291.

Subsection (d) of this section derives from present 18 U.S.C. §§ 3288, 3289.

Subsection (e) of this section derives from present 18 U.S.C. § 3290.

Subsection (h) of this section derives from present 18 U.S.C. § 3287.

Subsection (i) of this section derives from present 18 U.S.C. §§ 3284, 3285.

Provisions of the Brown Commission draft calling for special limitations applicable after special hearings have been rejected because of sharing criticism in the hearings. It was felt that they would be too complex and time consuming to be workable.

### § 1–3B2. Entrapment

Entrapment as a bar to prosecution is here reduced to statutory form for the first time. As a bar to prosecution, entrapment must be determined by the court prior to trial. The need for the section is obvious: under no rationale of the criminal law is it proper for the police to encourage the commission of crimes that would not otherwise be committed in order thereby to make arrests and obtain convictions.

### § 1–3B3. Immaturity

This section codifies present Federal practice which escews prosecution as adults of persons less than 16 years of age at the time of commission of the prohibited conduct. For the Code provisions on juvenile delinquency see Subchapter B of Chapter 13, sections 3–13B1 through 3–13B7.

Since immaturity, is a bar to prosecution, the government need not introduce any evidence as to defendants age unless the issue has been raised.

### § 1–3C1. Intoxication

This section is not strictly necessary, since any factor, condition, or state which negates an element of an offense (as defined in § 1–1A4(23)) defeats the prosecution, which has the burden of proof. If the defendant is an alcoholic but his condition does not negate an element of the offense, the court upon sentencing may take his condition into account and sentence him to a treatment facility rather than a prison or order him placed on probation on condition that he undergo treatment for the disease. See §§ 1–4A1(c), 1–4D2(b)(3) and (13), 3–12C2(c).

### § 1–3C2. Mental Illness or Defect

At present there is no Federal statute on the defense of insanity. The defense has been defined by decisional law which varies from circuit to circuit.

This section establishes a uniform Federal position on the circumstances when mental illness or defect is a defense. The test employed is a variation of the Penal Code test [Model Penal Code § 4.01].

### § 1–3C3. Execution of Public Duty

Subsection (a) is a general provision which incorporates many Federal laws, which permit public servants to act in certain ways in the execution of their official duties. Under this provision, for example, it would be a defense to a charge of theft that the defendant was a marshall levying execution on a shipment of goods in interstate commerce. Wiretapping under court order would also be excluded from the prohibition against the interception of private communications. Other illustrations could be multiplied.

Subsection (b) protects the ordinary citizen who responds to a specific request for assistance from a public servant, except where the citizen "acts in reckless disregard of the risk that the conduct was not required or authorized by law."

### § 1–3C4. Defense of Person, Property or Prevention of Criminal Conduct

This section, in contrast with proposed sections 603, 604, 605, 606, and 607 of the draft prepared by the Brown Commission, sets standards but does not attempt to define detailed rules for the defenses of self-defense, defense of others, defense of property, crime prevention, use of force, and use of deadly force. "For the person engaged in defense of himself or others . . . a detailed statutory regulation [probably does not] give any more guidance than a provision framed in general terms, leaving more to sound judgment and common sense." [Andenaes, III Working Papers at 1460] In general, foreign criminal codes do not attempt to prescribe detailed rules of permitted behavior for emergency situations such as self-defense and defense of others. In testimony prepared for the Subcommittee on Criminal Laws and Procedures, the Special Committee on the Proposed New Federal Criminal Law of the Association of the Bar of the City of New York declared:

"Our analysis of these provisions leads us to the conclusion that these defenses are not a subject appropriate for codification . . . The defenses themselves, as they have developed through decisional law, have many nuances and are in a constant process of development. We believe that any effort to freeze them in statutory language will lead to ambiguity and confusion and impede the process of adaptation and change necessary in this field." (Report, p. 15)

The basic standard under the proposed code for conduct in defense of person, property or otherwise is that such conduct be believed in "good faith" to be "necessary" and to be "reasonable". The "good faith" element means it must be a real belief honestly held, although the belief need not be one that a reasonable man would have under the circumstances. The "reasonableness" element qualifies the conduct objectivity in light of the good faith subjective belief. In addition, the use of force must always be "proportionate." Deadly force should not, for example, be employed to prevent the theft of a chicken. Finally, provision is made to excuse "understandable" mistakes based on "fear" and a "reasonable man" test. See § 608(2) of the final report; *Brown* v. *United States*, 256 U.S. 335 (1921). Force may also be used where reasonable care is exercised in its use and the defendant stands in an enumerated special relation to the other person.

### § 1-3C5. Ignorance or Mistake of Fact

Strictly speaking, this section states only a truism. It is included for purposes of clarity. It permits a defense of mistake of fact in two situations: where a good faith mistake "negates the kind of culpability required for commission of the offense" or where the defendant believes that his conduct is "necessary" for any of the purposes which would establish any other defense to criminal liability specified in Chapter 3 of the Code.

As above the mistake must be in "good faith," i.e., honest; it need not be "reasonable."

### § 1-3C6 Ignorance or Mistake of Law

Subsection (a) provides a limited defense of mistake of law where a good faith mistake "negates the kind of culpability required for commission of the offense." Once again, this subsection is technically not necessary in view of the requirement that:

"No person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt." Federal Rules of Criminal Procedure. Rule 25.1(a).

If an element of the offense such as culpability is negated, the prosecution fails. This would be the case under present law, for example, in the tax field. See e.g., *United States* v. *Murdock*, 290 U.S. 389 (1933). The subsection is included, however, for purposes of clarity.

Subsection (b) provides a somewhat broader defense of mistake of law but only as an affirmative defense. Here the defense is available, even though knowledge of the legal norm is not required as an element of the definition of the offense. An affirmative defense is one which "must be proved by the defendant by a preponderance of evidence". Rules, Rules 25.1(g). It is a defense, if established affirmatively, that the defendant in essence acted in conformity with an "official statement of the law afterward determined to be invalid or erroneous." Reliance upon the opinion of an attorney is not sufficient to give rise to a defense of mistake of law.

### § 1-3C7. Duress

This section excuses from criminal liability conduct which is engaged in because of certain compelling circumstances which would have caused a person of reasonable firmness in the defendant's situation to succumb. The defense is, however, an affirmative defense, and under subsection (b) it is not a defense to intentional or knowing homicide, and it is not a defense if the person recklessly or criminally negligently placed himself in a situation in which it was reasonably probable that he would be subjected to duress.

### § 1-3C8. Consent

Subsection (a) provides that there is a defense if a person's consent to the defendant's conduct negates an element of the offense. Again, this provision only states a truism.

Subsection (b) specifies situations such as lawful sports events, where consent to bodily injury is a defense.

Subsection (c) provides four situations in which consent is not a defense, notwithstanding the general language of subsection (a). These are situations where the law declares the consent to be ineffective or void as a matter of policy.

### § 1-4A1. Authorized Sentences

This section provides a comprehensive list of the alternative dispositions which may be imposed by a sentencing judge upon the conviction of a defendant. Most of the options are the subject of one or more specific sections in the chapter, so this section is primarily a 'check list' or introductory guide. The thrust of the sentencing chapter is to maximize the discretion of Federal judges upon conviction, consistent with the general purposes of the Code enunciated in section 1-102.

Forfeitures (§§ 1-4A4, 3-13A2) and civil damages to person or property by reason of a criminal violation of the Code (§ 3-13A2) are not included in the list in subsection (c). Option (c)(6) continues the split-sentence or shock probation sentence now authorized in present 18 U.S.C. § 3651 and (c)(8) authorizes the sentencing judge to require the offender to give notice of his conviction.

Subsection (a) provides that "every person" (defined in § 1-1A4(52) to include a legal person as well as a human being) who is convicted of an offense against the United States, not just persons convicted of specific offenses in the Code, shall be sentenced in accordance with Chapter 4. In addition, the imposition of a sentence must be accompanied by "an appropriate" statement of facts and reasons. Simple cases need only have short findings and reasons appear in the record. More complex cases might require more detail.

### § 1-4A2. Resentence

This section follows *North Carolina v. Pearce*, 395 U.S. 711 (1969), which permits a sentencing court to impose a higher sentence on remand or reconviction. A requirement for a statement of reasons appears in § 1-4A1, supra.

### § 1-4A3. Disqualification

This section provides uniform treatment for cases in which a criminal conviction should carry the forfeiture of or disqualification from office or employment, or other disability under the code.

Use of the sanction of disqualification rests in the discretion of the court. Under subsection (a), the court "may" order the offender, if he is a Federal public servant, disqualified for a period not in excess of the authorized term. Whether the "authorized term" extends to the upper range would depend on a dangerous special offender finding. Under subsection (b), the court "may" order the offender, if he is an "executive officer or other agent of an organization or a member of a licensed profession", disqualified for a similar term from exercising similar functions in the same or other organizations, from practicing his profession, or from practicing his profession except under specified conditions.

Subsection (c) authorizes the court to terminate any disqualification or disability "for good cause" at any time after sentence.

Subsection (d) limits judicial discretion by mandating that any disability or other disqualification "be suitable and reasonably related to the nature of the offense of which the person is convicted." "Suitability" is a concept now employed by the Civil Service Commission.

Subsection (e) preserves the existing jurisdiction of some of the regulatory agencies to oversee, for example, bank employees. It is included out of caution, since this jurisdiction would probably continue without this subsection.

### § 1-4A4. Criminal Forfeiture

This section brings together all the necessary provisions—jurisdiction, and procedure—under which an offender may be ordered to forfeit property "tangible or intangible, real or personal, including money" to the United States. This is distinct from civil forfeiture under § 3-13A2, which requires a separate civil proceeding. It reflects current law, 18 U.S.C. § 1963 et seq.

### § 1-4A5. Joint Sentence

This section avoids the difficulties involved in deciding, in cases involving multiple offenses, whether to impose consecutive or concurrent terms of imprisonment, by introducing into American criminal jurisprudence the continental code concept of the joint sentence for multiple offenses. [See Hearings, Part III-C.] The joint sentence "may" no longer than the maximum term of imprisonment or fine authorized for any one of the offenses but shall not exceed 75 percent of the combined total for all the offenses.

### § 1-4B1. Sentence of Imprisonment

In place of the 16 different maximum terms of imprisonment found in present Title 18, this section authorizes seven. Each offense is allocated to one or another of the classes.

With respect to the four upper grades of felonies, the sentencing judge may impose sentences in the upper ranges of the authorized maximum only in accordance with section 1-4B2 and Rule 32.2 of the Rules of Criminal Procedure. This follows current law, 18 U.S.C. § 3575.

Subsection (d) provides that the Bureau of Corrections (at present, the Bureau of Prisons; name changed by § 3-12C1(a)) shall determine the place of confinement at which a sentence of imprisonment shall be served.

### § 1-4B2. Upper-range Imprisonment for Dangerous Special Offenders

This section, which is derived from section 3575 of present Title 18, and reflect the recommendations of the Commission that there be established the system under which extra-long prison terms may be imposed.

Such long sentences mainly perform an incapacitative function and should therefore be imposed only on offenders who are exceptionally dangerous. The terms "dangerous" and "special offender" are defined in subsection (b).

One the rationale and need for such sentences, see McClellan, "The Organized Crime Control Act (S. 30) or Its Critics: which Threatens Civil Liberties?," 46 *Notre Dame Law* 57, 146-88(1970)

### § 1-4B4. Duration of Imprisonment

Subsections (a) and (b)(1) continue present 18 U.S.C. § 3568. Subsection (b)(2) grants a similar credit for prison time served by a defendant who is first arrested on one charge and later prosecuted for another where such time has not been credited against another sentence.

Subsection (b)(3) replaces present 18 U.S.C. §§4161, 4162, 4165, and 4166 with an approach to "good time" credits which is more consistent with the rehabilitative purposes of such reductions in prison sentences. [See generally responses to Subcommittee questionnaire on good time, in Hearings, Part III-D.] Where good-time credits are awarded semi-mechanically, they serve no valid penal objective. The offender's general good behavior in the institution can adequately be taken into account by the Parole Commission is determining release on parole. But correctional experts and officials affirm that sentence reductions for special performance can be a powerful and helpful incentive for a prisoner. The details of this "excellent performance" system of good-time credits is to be developed by the Bureau of Corrections by regulations.

Subsection (b)(4) is a change from the Brown Commission's recommendations and present law. Present law gives a parolee or probationer no credit for "clean time." Section 3403(3)(a) would give full credit to a parolee. This provision follows a middle course of 50% credit.

### § 1-4C1. Fines

Present Title 18 sets 14 different maximum fine levels for offenses, and the amounts authorized do not appear to be correlated to the nature or seriousness of the criminal conduct involved. This section sets a much smaller number.

The section also adopts the "daily fine" system which is part of the criminal codes of a number of foreign countries. [See Hearings, Part III-C.] The daily-fine system permits the court to sentence the offender to a given number of days of fine, depending upon the seriousness of the offense and characteristics of the offender and without regard to his ability to pay. The "per diem" amount, however, shall be set by taking "into account the financial resources of the person and the nature of the burden that its payment will impose."

Subsection (c) authorizes the court to revoke, modify, or adjust any sentence to pay a fine upon petition of the offender.

### § 1-4C2. Response to Nonpayment of Fines

The system for collection of criminal fines is set forth in Part III, Administration, at section 3-10A3. Primary responsibility, under that section, is vested in the Internal Revenue Service.

This section provides for the issuance of an order to show cause where collection efforts fail. (Subsection (a)).

Subsection (c) authorizes the court, upon a finding that the default in payment of the fine is excusable, to extend the time for payment, reduce the amount, or revoke the sentence to pay a fine in whole or in part.

Subsection (b) authorizes imprisonment of the offender who defaults in payment of a fine unless the offender shows that (1) "his default was not attributable to an intentional failure to obey the sentence", and that (2) the default is not attributable "to a failure on his part to make a good faith effort to obtain the necessary funds for payment."

### § 1-4D1. Probation and Conditional Discharge

This section provides that a convicted defendant may be released from custody under supervision (probation) or without supervision (conditional discharge). The probation may be under "close" or "limited" supervision.

Subsection (a) provides that the authorized term of probation or conditional discharge is up to five years for a felony or misdemeanor (as under present 18 U.S.C. § 3651), or up to one year for a violation.

Subsection (b) contains no bias or presumption either in favor of or against probation as a proper disposition. One of the criteria to be considered, in determining whether to place an offender on probation or sentence him to imprisonment, is the available resources of the Federal probation service.

Subsection (c) lists a number of factors that may be considered by the sentencing judge in deciding whether to grant probation. The list is neither all-inclusive nor is it meant to be inclusive as to disposition.

### § 1-4D2. Conditions of Release

This section expands upon the short list of possible conditions of probation in present 18 U.S.C. § 3651 in order to promote a more considered and to make more probable an individualized approach to probation dispositions. The 16 named conditions are not all inclusive; in fact subsection (b)(16) requires the offender "to comply with any other condition or conditions deemed by the court to be reasonably related to the rehabilitation of the offender or public safety or security." At the same time, the list is not so general that all of the listed conditions can logically be imposed on all persons placed on probation. By contrast, the general conditions of release in subsection (a) do apply to all offenders released on probation or conditional discharge.

### § 1-4D3. Duration of Probation or Conditional Discharge

This section provides that the period of probation starts to run on the date the order is entered, and that the court may at any time alter the conditions of release or discharge the offender completely from the supervision or the conditions.

### § 1-4D4. Response to Noncompliance With Condition of Release

The duties of probation officers are set forth in section 3-12B1.

This section declares the powers of the court and the probation officer with respect to an offender who has failed to comply with a condition of release or as to whom there is probable cause to believe that he has so failed.

[On revocation of probation, modification of probation, and arrest of probationer see Rules 42.1 (f), (g) and (i) of the Rules of Criminal Procedure.]

### § 1-4E1. Sentence of Death

Subsection (a) authorizes imposition of capital punishment upon an offender who has been convicted of murder (§ 2-7B1) or treason (§ 2-5B1).

Subsection (b) sets forth 7 circumstances which mitigate against imposition of the sentence of death in the case of both murder and treason, 3 aggravating circumstances in the case of treason and 7 aggravating circumstances in the case of murder. These circumstances must be considered by the factfinder in a proceeding separate from trial on the question of guilt, in accordance with section 1-4E2.

### § 1-4E2. Separate Proceeding to Determine Sentence of Death

Subsection (a) directs a separate proceeding, before a jury (unless waived) to determine whether a person convicted of murder or treason shall be sentenced to death.

Subsection (b) sets forth that this proceeding shall not be limited by the usual rules of evidence and makes provision for arguments. Both of these rules would probably obtain without being explicitly stated.

Subsection (c) bars imposition of the death penalty unless the jury is specifically asked and unanimously concludes that the sentence should be death.

This procedure eliminates the arbitrary and capricious nature of the traditional capital case where the same jury in a single proceeding determined both liability and penalty. That procedure has been held to be "cruel and unusual" and therefore unconstitutional. *Forman* v *Georgia*, 4080 S. 238 (1972). This procedure, in contrast, should pass constitutional muster. See dissenting opinion of the chief justice, 408 U.S. at 396-401.

## *Part II—Special part*

### § 2-5A1. Definition of Terms

This section defines words and phrases used in more than one section of the chapter on Offenses Involving the Nation.

### § 2-5A2. Jurisdiction

The Federal government has inherent (and unlimited) jurisdiction over the offenses defined in this chapter, as this section indicates.

### § 2-5B1. Treason

This section copies, with only changes in punctuation, the definition of treason contained in the United States Constitution, Article III, Section 3. As to who may be tried and convicted or treason, as distinct from other national security offenses, the section uses the concept of a "national of the United States." "National of the United States" is defined in section 2-5A1(10) to mean a Uited States citizen or a person "who owes allegiance to the United States."

### § 2-5B2. Military Activity Against the United States

This section includes a non-national of the United States but sets forth an affirmative defense that the person acted as a member of the armed forces of the enemy in accordance with the laws of war.

### § 2-5B3. Armed Insurrection

This section penalizes heavily armed insurrection or the advocacy of armed insurrection "under circumstances in which there is substantial likelihood" such advocacy will produce an armed insurrection. The term is defined in subsection (d).

### § 2-5B4. Sabotage

This section combines peacetime and wartime sabotage crimes, and then makes the existence of a state of war a grading factor. There is no attempt made in this chapter to define "war."

### § 2-5B5. Avoiding Military Service Obligations

This section penalizes severely violation of selective service obligations.

### § 2-5B6. Obstructing Military Service

This section penalizes various forms of obstruction of the armed forces of the United States.

### § 2-5B7. Espionage

This section consolidates the present espionage statutes (§§ 18 U.S.C. §§ 793-798) into one provision with grading variations.

### 2-5B8. Misuse of National Defense Information

The key phrases in this section ("national defense information", "communications information") are defined in § 2-5A1(3), (10).

The section is an attempt to translate the language of present law into the format of the code. On the scope of present law, see *New York Times* v. *United States*, 4030. S. 713, 736 n. 7, and 737 n. 8 (1970) (White, J.), Difficult issues on the construction of present law in reference to "intent" and "publication" are acknowledged.

### § 2-5B9. Wartime Censorship of Communications

This section brings into the Federal Criminal Code the wartime censorship provisions of the Trading With the Enemy Act (50 U.S.C. App. § § 3(c), (d)).

### § 2-5B10. Aiding National Security Offenders or Deserters

This section derives from present 18 U.S.C. § § 792 and 1381. The law is extended to include murder of the President, Vice President, or other high public servant in addition to the basic national security crimes.

### § 2-5811. Aiding Escape of Prisoner of War or Enemy Alien

This section derives from present 18 U.S.C. § 757.

### § 2-5B12. Offenses Relating to Vital Materials

This section incorporates by reference into the Criminal Code provisions of the Atomic Energy Act relating to unlicensed trafficking in and use of nuclear materials, atomic weapons, utilization and production facilities, and destruction of restricted data, as well as the provision in Title 50 relating to unlicensed sale or transfers of helium under certain circumstances.

### § 2-5C1. Conduct Hostile to a Nation With Which the United States Is Not at War

This section derives from present 18 U.S.C. § § 960, 956, but drops the designation of a country with which the United States "is at peace" as a "friendly" nation, in favor of "a nation with which the United States is not at war."

Appropriately higher grading is provided at the suggestion of the Association of the Bar of New York City.

### § 2-5C2. Foreign Armed Forces

This section derives from present 18 U.S.C. § 959.

### § 2-5C3. International Transactions

This section incorporates into the Federal Criminal Code a series of statutes which use criminal sanctions to enforce prohibitions or complex regulatory schemes designed to conserve American assets or to implement American foreign policy objectives.

The intent requirement distinguishes them from the statutes themselves, which remain outside Title18.

### §2-5C4. Departure of Vessels and Vehicles

This section is based upon § 1205 of the Draft prepared by the Commission.

### § 2-5C5. Foreign Agents

This section brings into the Code the felony defined in 50 U.S.C. § 851, and also makes it a felony both to fail to register as a foreign agent (under 22 U.S.C. § § 611-21) and surreptitiously to engage in the activity as to which registration is required or to conceal being a foreign agent.

### § 2-5D1. Unlawful Entry Into the United States

This section makes it a felony to enter the United States illegally or intentionally to bring illegal aliens into the country.

### § 2-5D2. Hindering Discovery of Illegal Entrants

This section penalizes one who is an accessory after the fact as to illegal aliens. Under subsection (a) (1) it is an offense to employ an illegal alien if done "with intent to hinder, delay, or prevent [his] discovery or apprehension."

### § 2-5D3. Fraudulent Acquisition or Improper Use of Naturalization, Evidence of Citizenship, or United States Passport

This section consolidates present 18 U.S.C. §§ 1015(a), 1424, 1425(a), (b) and 1542 regarding citizenship documents and passports.

### § 2-6A1. Definition of Terms

This section defines terms used in more than one section of Chapter 6, Offenses Involving Governmental Processes.

### § 2-6B1. Physical Obstruction of Government Function

This is a board general statute making it a Class E felony intentionally to obstruct any government function by physical interference or obstacle. ["Government" is defined in § 1-1A4(33) and "official proceeding" is defined in § 1-1A4(50)]. If any additional offense (assault, aggravated assault, maiming, malicious mischief or aggravated malicious mischief, arson or kidnapping, criminally negligent homicide, manslaughter, reckless homicide, murder), the defendant will be treated more severely by the application of compound grading. [See § 1-2A5(d).]

### § 2-6B2. Preventing Arrest, Search, or Discharge of Other Duties

This section singles out and creates a specific offense of a particular kind of physical interference with government function, i.e., effecting an arrest, executing an order for a wire tap or other process by creating a substantial risk of bodily injury or employing means require the use of substantial force to overcome resistance. This section protects the government officer in the exercise of his duty, leaving questions as to the validity of such action to be resolved in the courts rather than in the streets. It would set aside the result of cases like *John Bad Elk* v. *United States*, 177 U.S. 529, 537 (1900).

### § 2-6B3. Hindering Law Enforcement

This section derives from present 18 U.S.C. §§ 3, 4, 1071, 1072.

### § 2-6B4. Bail Jumping

This section derives from present 18 U.S.C. § 3150, but the penalty levels are raised for serious crimes to be the same as the penalty for the highest offense with which the person was charged at the time he was released "upon condition or undertaking that he appear before a court or judicial officer as required."

### § 2-6B5. Escape

This section derives from present 18 U.S.C. § 751 but broadens the offense. For the definition of "official detention" see § 1-1A4(49). The same affirmative defense of unavoidable circumstances is provided for failure to return under this section (e.g. from work release) as is provided under § 2-6B4, Bail Jumping.

### § 2-6B6. Contraband

This section derives from present 18 U.S.C. §§ 1791, 1792. The statutory authority for the rules incorporated into this section is found in section 3-12C1(d) (1) (authorizing Bureau of Corrections to promulgate rules for the governance of Federal correctional facilities).

### § 2-6B7. Flight To Avoid Prosecution or Giving Testimony

This section derives from present 18 U.S.C. §§ 1073, 1074.

### § 2-6C1. Obstruction of Justice

This section replaces a number of specific sections with a broad and general provision penalizing the obstruction of the administration of justice.

### § 2-6C2. Impeding Justice

This section derives from §§ 1342, 1343, 1344, 1345 of the Draft prepared by the Commission.

### § 2-6C3. Harassment of Juror

This section derives from present 18 U.S.C. §§ 1503, 1504.

### § 2-6C4. Demonstrating To Influence Judicial Proceedings

This section derives from present 18 U.S.C. § 1507 but sets a limit of "200 feet" rather than use the term "near."

### § 2-6C5. Eavesdropping on Jury Deliberations

This section derives, in part, from present 18 U.S.C. § 1508.

### § 2-6C6. Criminal Contempt

This section derives from present 18 U.S.C. § 401.

### § 2-6D1. Perjury

This section derives from present 18 U.S.C. §§ 1621, 1623.

### § 2-6D2. False Statements

This section consolidates in one section on false statements a large number of false statements provisions in present Title 18: e.g. §§ 35, 152, 286, 287, 288, 289, 372, 505, 550, 911, 954, 965, 966, 1001, 1005, 1006, 1007, 1008, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1025, 1026, 1027, 1423, 1424, 1425, 1426, 1506, 1541, 1542, 1546, 1623, 1713, 1722, 1732, 1917, 1919, 1920, 1922, 2072, 2388, 2391.

### § 2-6D. Tampering With Public Records

This section derives from present 18 U.S.C. §§ 2071, 1506.

### § 2-6E1. Bribery

This section deals with the bribery of and bribe receiving by public servants. ("Public servant" is defined in section 1-1A4(58))). Commercial bribery is covered in section 2-8F3, bribery of witnesses and informants is covered in section 2-6C1(a) (1), (3), and bribery of voters is covered by section 2-6H1(a) (3), (4). "Benefit" and "pecuniary benefit" are defined in section 1-1A4(8).

### § 2-6E2. Graft

This section derives from a consolidation of §§ 1362, 1363, 1364, 1365 in the Draft prepared by the Commission.

### § 2-6E3. Threatening a Public Servant

This section penalizes threats to engage in criminal conduct with intent to influence a public servant.

### § 2-6E4. Retaliation

This section derives from § 1367 of the Draft prepared by the Commission.

### § 2-6E5. Misuse of Personnel Authority

This section derives from and broadens § 1533 of the Draft prepared by the Commission.

### § 2-6F1. Disclosure of Confidential Information

This section derives from present 18 U.S.C. § 1905, but states the information to be protected in generic rather than specific terms. It rejects a similar provision of the Brown commission (§ 1371) as too broad.

### § 2-6F2. Nondisclosure of Retainer

This section makes it an offense to fail to disclose a retainer, unless the public servant is aware of the person's employment or retainer.

### § 2-6F3. Conflict of Interest

This section is a limited but general conflict-of-interest provision.

### § 2-6F4. Impersonating an Official

This section derives from present 18 U.S.C. §§ 912, 913, 915.

### § 2-6G1. Tax Evasion

This section derives from § 1401 of the Draft prepared by the Commission, but adds a Class B felony grade for an evasion of taxes which exceeds $100,000 similar to the highest grade under § 2-8D3(a) (1) theft where the amount stolen exceeds $100,000. It has also been substantially modified in light of testimony before the subcommittee.

### § 2-6G2. Disregard of Tax Obligations

This section derives from § 1402 of the Draft prepared by the Commission.

### § 2-6G3. Trafficking in Taxable Object

This section derives from §§ 1403, 1404, 1405 of the Draft prepared by the Commission.

### § 2-6G4. Smuggling

This section derives from present 18 U.S.C. § 545.

### § 2-6H1. Election Fraud

This section derives from § 1431 of the Draft prepared by the Commission.

### § 2-6H2. Wrongful Political Contribution

This section derives from present 18 U.S.C. §§ 602, 603, 607.

### § 2-6H3. Foreign Political Influence

This section derives from present 18 U.S.C. § 613.

### § 2-7A1. Definition of Terms

This section defines terms used in more than one section in Chapter 7, Offenses Against the Person.

### § 2-7B1. Murder

This section provides for only a single class of murder, intentional killing. Under §§ 1-4E1, 1-4E2, the death penalty may be imposed. Jurisdiction is limited to federal enclaves, piracy, and the killing of a high public servant, but if a murder (or included homicide offense) is committed in "as an integral part of, including immediate flight from, the commission of "another offense under the Federal Criminal Code as to which compound grading is available, the killing may be prosecuted in federal court as part of the compound offense. See section 1-1A5(d) [For analogies in present Title 18 see, e.g., §§ 2113, 241.]

### § 2-7B2. Reckless Homicide

This section separates out the so-called felony-murder type of murder into a separate section, graded as a Class A felony. If the killing in the course of commission of a felony is, in fact, intentional, the defendant may of course be prosecuted for murder.

### § 2-7B3. Manslaughter

This section derives from § 1602 of the Draft prepared by the Commission.

### § 2-7B4. Criminally Negligent Homicide

This section creates a new Federal crime to cover the conduct proscribed in present 18 U.S.C. § 1112(a) under the phrase "without due caution and circumspection." The word criminal is used before negligence, in the culpability standard used here (for the definition of criminal negligence, see § 1.2A1 (a) (5)) which indicates clearly that the civil or tort law standard of negligence is not the applicable test.

### § 2–7B5. Aiding Suicide

This section derives from § 210.5 of the Model Penal Code.

### § 2–7C1. Maiming

This section derives from present 18 U.S.C. § 114.

### § 2–7C2. Aggravated Assault

This section derives from present 18 U.S.C. §§ 111, 112, 113.

### § 2–7C3. Assault

This section derives from § 1611 of the Draft prepared by the Commission.

### § 2–4C. Menacing

The term 'assault' is used in the Code and in present Title 18 to cover the common-law meaning of the word 'battery.' This section denominates a type of common-law asaults as an offense.

### § 2–7C5. Terrorizing

Both threats against the President (under (a) (1)) and threats that cause large-scale fear and evacuation of buildings and other places (under (a) (2)) are extremely serious, specialized assault crimes. The section derives from present 18 U.S.C. §§ 871, 876, 877, 35, 837(d). Subsection (a) (3) covers the conveying of false information that has the same effect as a threat.

### § 2–7D1. Aggravated Kidnapping

This section derives from present 18 U.S.C. § 1201.

### § 2–7D2. Kidnaping

This section provides a lower level of the offense of kidnapping.

### § 2–7D3. Unlawful Imprisonment

This section derives from present 18 U.S.C. § 1201.

### § 2–7D4. Skyjacking

This section makes air piracy a specialized kidnapping offense, graded at the highest level.

A skyjacking that involved an intentional homicide would be a murder order § 2–781, for which the death penalty would be authorized. Note that since compound grading is not involved, two separate offense would have been committed.

### § 2–7D5. Mutiny or Commandeering

This section derives from present 18 U.S.C. § 2193 and § 1805 of the Draft prepared by the Commission.

### § 2–7E1. Rape

This section consolidates homosexual rape by force with rape into a single offense. "Sexual act" and "spouse" are defined in section 2–7A1.

There seems to be no reason to distinguish rape of men from rape of women.

### § 2–7E2. Statutory Rape

This section covers nonforceful sexual imposition by drugs, misrepresentation, abuse of status (e.g. custodian in institution), or taking advantage of a person below the age of consent, a mentally-ill person or one who is unconscious.

### § 2–7E3. Sexual Assault

This section penalizes a variety of sexual assaults. For the definition of "sexual contact" see § 2–7A1.

### § 2–7F1. Deprivation of Civil Rights

This section derives from present 18 U.S.C. §§ 241, 242 with the addition of the culpability requirement (intentionally) enunciated in *Screws v. United States*, 325 U.S. 91 (1945). It and the following civil rights statutes follow present law.

### § 2–7F2. Interference With Government Benefits or Programs

This section derives from present 18 U.S.C. § 245.

### § 2–7F3. Discrimination

This section derives from present 18 U.S.C. § 245.

### § 2–F4. Interference With Civil Rights Activities

This section derives from present 18 U.S.C. § 245.

### § 2–7F5. Unlawful Acts Under Color of Law

This section makes a specific offense of the kind of misbehavior on the part of law enforcement or prison officials that has most often been dealt with under the general language of present 18 U.S.C. § 242.

It comes from a suggestion made in the hearings.

### § 2–7F6. Interference With Activities of Employees and Employers

This section derives from present 18 U.S.C. § 1231.

### § 2–7G1. Eavesdropping

This section derives from present 18 U.S.C. § 2511.

### § 2–7G2. Trafficking in Eavesdropping Device

This section derives from present 18 U.S.C. § 2512.

### § 2–7G3. Interception of Correspondence

This section derives from present 18 U.S.C. § 1702.

### § 2–8A1. Definition of Terms

This section defines the words and phrases used in more than one section of Chapter 8, Offenses Against Property.

### § 2–8A2. Valuation

The grade for sentencing purposes of a number of the offenses defined in Chapter 8 turns on the value of the property destroyed, stolen, forged etc. This section provides a series of valuation rules applicable to all sections in the chapter.

### § 2–8B1. Aggravated Arson

This section defines the highest and most severely punished grade of arson—where the arson is undertaken "in reckless disregard of the risk that at the time of such conduct a person may be in such structure."

### § 2–8B2. Arson

This section provides a lesser degree of the offense of arson.

### § 2–8B3. Release of Destructive Forces

This section derives from present 18 U.S.C. § 832.

### § 2–8B4. Failure to Control or Report Dangerous Fire

This section derives from present 18 U.S.C. § 1856.

### § 2–8B5. Aggravated Malicious Mischief

This section and § 2–8B6 consolidate a number of property destruction and tampering with property crimes in present law [e.g. 18 U.S.C. §§ 1361, 1362, 1363, 1364].

### § 2–8B6. Malicious Mischief

This section provides a lower grade of the offense defined in § 2–8B5.

### § 2–8C1. Armed Burglary

This section penalizes and grades at a higher level burglary in which the defendant or an accomplice is armed with a dangerous weapon. ["Dangerous weapon" is defined in § 1–1A4(19)].

### § 2–8C2. Burglary

This section introduces a general burglary offense statute in Title 18.

### § 2–8C3. Possession of Burglar's Tools

This section penalizes the possession of tools or other articles adapted for the commission of an offense involving forcible entry with intent to use the thing possessed in the commission of such an offense.

### § 2–8C4. Aggravated Criminal Trespass

This section penalizes the take-over and occupancy of the property of another, without authority, by force or threat of force.

### § 2–8C5. Criminal Trespass

This section penalizes knowing unlawful entry on property of another on entering or remaining unlawfully on such property after an order to leave or not to enter personally communicated. "Property of another" is defined in § 8A1(9) and "property" is defined in § 2–8A1(8). Since property is defined to mean "anything of value" the offense of criminal trepass includes "entering and stowing away" in an airplane or ship or "entering and concealing" oneself in a motor vehicle.

### § 2–8D1. Armed Robbery

This section penalizes and grades at a higher level robbery in which the defendant or an accomplice is armed with a dangerous weapon.

### § 2–8D2. Robbery

This section consolidates in one provision a number of specific object robbery statutes in present Title 18: 18 U.S.C. §§ 2113 (robbery of banks), 2114 (robbery of mails and other Federal property) 1951 (robbery "affecting commerce"), 2111 (robbery in federal enclaves).

### § 2–8D3. Theft

This single section consolidates a large number of theft offense statutes in present Title 18. There is no need to maintain the distinctions the common law drew between larceny, larceny by trick, false pretenses, embezzlement, fraudulent conversion and the like. The offense is graded depending upon the nature of the property stolen or its value. The offenses and provisions consolidated in this section include present 18 U.S.C. §§ 152, 153, 201, 285, 286, 287, 288, 289, 332, 371, 436, 549, 550, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 659, 660, 661, 663, 664, 914, 1003, 1005, 1006, 1007, 1008, 1010, 1011, 1013, 1014, 1020, 1023, 1024, 1025, 1027, 1163, 1421, 1422, 1506, 1656, 1658, 1702, 1704, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1719, 1720, 1721, 1722, 1723, 1725, 1726, 1728, 1733, 1851, 1852, 1853, 1854, 1861, 1901, 1911, 1912, 1919, 1920, 1921, 1923, 1951, 2071, 2073, 2113, 2197, 2199, 2233, 2271, 2272, 2312, 2313, 2314, 2315, 2316, 2317, 3487, 3497.

### § 2–8D4. Receiving Stolen Property

The offense has not been consolidated in the general theft section because of the basic distinction between one who steals and one who trades in the property stolen by another.

### § 2–8D5. Scheme to Defraud

This section combines the present mail and wire fraud sections (18 U.S.C. §§ 1341, 1342, 1343). It also reflects 18 U.S.C. § 371 (conspiracy to defraud). Because this section is actually a form of Attempted Theft and involves a combination, neither § 1–2A4 (criminal attempt) or § 1–2A5 (criminal conspiracy) apply under this provision.

The language is taken from present law to carry forward judicial construction.

### § 2–8D6. Misapplication of Entrusted Property

This is a specialized provision with a lower proof requirement than for theft.

### § 2–8D7. Interference with Security Interest

This section offers special protection to Federal government securities.

### § 2–8D8. Joyriding

This section penalizes the use of a motor vehicle under circumstances not amounting to theft.

### § 2–8E1. Counterfeiting

This section consolidates present 18 U.S.C. §§ 471, 472, 473, 478, 479, 480, 482, 483, 484, 485, 486, 489. "Falsely makes" is defined in § 2–8A1(4) and includes falsely making, falsely altering or falsely completing.

### § 2–8E2. Forgery

This section is the same as § 2–8E1, except that counterfeiting concerns false making of a security or other obligation of the United States government or a foreign government whereas forgery covers false making of any writing (defined in § 8A1(12)) and includes non-governmental paper.

### § 2-8E3. Counterfeiting Paraphernalia

This section consolidates present 18 U.S.C. § § 474, 475, 476, 477, 481, 504.

### § 2-8E4. Trafficking in Specious Securities

This section derives from present 18 U.S.C. § 2314.

### § 2-8E5. Making or Passing Slugs

This section derives from present 18 U.S.C. § 491.

### § 2-8E6. Issuance of Written Instrument Without Authority

This section covers the situation that is not counterfeiting or forgery because the security is in fact genuine, but is issued without authority.

### § 2-8F1. Bankruptcy Fraud

This section derives from § 1756 of the Draft prepared by the Commission.

### § 2-8F2. Commercial Bribery

This section covers bribing and bribe-receiving in certain non-governmental contexts.

### § 2-8F3. Environmental Spoilation

This section penalizes "gross" or "flagrant" pollution in violation of statute or regulation.

It is new to the bill.

### § 2-8F4. Unfair Commercial Practices

This section consolidates or incorporates a number of current provisions.

It is new to the bill.

### § 2-8F5. Securities Violations

This section incorporates by reference a number of offenses involving securities.

### § 2-8F6. Regulatory Offenses

There are a great many offenses in the United States Code which are designed to support or reinforce regulatory Acts of Congress through the imposition of criminal sanctions on those who fail to comply. This section is designed to achieve consistency in penal policy among these scattered regulatory offenses.

Sanctions for violation shall be governed by this section in the Federal Criminal Code even though the offense is defined in the Title (e.g. agriculture, postal service) to which it is substantively addressed.

It should be noted that this section does not apply, unless the specific offense statute declares on its fact that it is a "regulatory offense." There is no general incorporation by reference.

### § 2-9A1. Definition of Terms

This section defines the words and phrases used in more than one section in Chapter 9, Offenses Against Public Order.

### § 2-B1. Inciting Riot

This section derives from present 18 U.S.C. § 2101.

### § 2-9B2. Arming Rioters

This section derives from § 1802 of the Draft prepared by the Commission.

### § 2-9B3. Engaging in a Riot

This section makes it a crime to engage in a riot. "Riot" is defined in § 2-9A1(7).

### § 2-9B4. Disobedience of Public Safety Orders Under Riot Conditions

This section supports public safety officers engaged in riot control by making it a violation to disobey an order to move, disperse or refrain from specified activities. It reflects the tradition in Anglo-American law of "reading the riot act."

### § 2-9C1. Racketeering Activity

This section derives from present 18 U.S.C. §§ 1961, 1962.

### § 2-9C2. Loansharking

This section derives from present 18 U.S.C. §§ 891, 892, 893, 894.

### § 2-9C3. Extortion

This section derives from present 18 U.S.C. §§ 872, 873, 874, 875, 876, 877, 1951(a) and (b) (2). The language is taken from § 1951 to carry forward its judicial construction.

### § 2-9C4. Coercion

This section derives from § 1617 of the Draft prepared by the Commission.

### § 2-9D1. Para-Military Activities

This section derives from § 1104 of the Draft prepared by the Commission.

### § 2-9D2. Procuring or Supplying Dangerous Weapon for Criminal Activity

This section derives from § 1181 of the Draft prepared by the Commission.

### § 2-9D3. Illegal Firearms, Ammunition, or Explosive Materials Business

This section derives from § 1812 of the Draft prepared by the Commission.

### § 2-9D4. Trafficking in and Receiving Limited-Use Firearms

This section derives from § 1813 of the Draft prepared by the Commission.

### § 2-9D5. Possession of Explosives and Destructive Devises in Buildings

This section derives from § 1814 of the Draft prepared by the Commission.

### § 2-9D6. Armed Criminal Conduct

This section, new to the code, is based on 18 U.S.C. § 924(c). It applies across the full range of other Federal offenses, except those listed, which already are specialized weapon offenses.

### § 2-9E1. Drug Trafficking or Possession

This section derives from the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513).

It restates present law.

### § 2-9F1. Illegal Gambling Business

This section derives from present 18 U.S.C. § 1955.

### § 2-9F2. Protecting State Antigambling Policies

This section derives from § 1832 of the Draft prepared by the Commission.

It also reflects 18 U.S.C. § 1084(d).

### § 2-9F3. Illegal Prostitution Business

This section adopts, with appropriate differences, present 18 U.S.C. § 1955 to the business of prostitution.

### § 2-9F4. Protecting State Antiprostitution Policies

This section adopts to the protection of state policy as to prostitution § 1832 of the Draft prepared by the Commission.

### § 2-9F5. Disseminating Obscene Material

This section derives from § 1851 of the Draft prepared by the Commission. The provision, however, is broader and more precise in defining obscenity and the kind of conduct that may be found to fall within its scope.

It is to be noted, however, that it may not be as broad as present law. 18 U.S.C. § 1461 applies to "indecent" and "profane" radio broadcasting.

### § 2-9G1. Misuse of American Flag

This section derives from present 18 U.S.C. § 700.

## *Part III—Administration*

### § 3-10A1. Obligations of the Attorney General

This section authorizes and directs the Attorney General of the United States, as the nation's chief law enforcement officer, to "prepare, cause to be published, and periodically revise administrative regulations" on criminal investigative jurisdiction and prosecutive discretion.

States and local representatives must be consulted in developing the standards. This provision is designed to respond to the fears expressed in the hearing that abuses of prosecutive discretion might develop.

In a limited class of cases, it may be against the national interest if state or local as well as Federal officers are involved in a criminal case. If the victim of the offense is a high public servant, for example, the President, and if the crime is one named in this section, the Attorney General is authorized to assert exclusive Federal investigative or prosecutive jurisdiction which suspends state or local action until the Federal action has been terminated. Provision is made, however, for the Attorney General to seek from state and local authorities such help as he may need in a particular case. In an appropriate investigation, the aid of the military could also be sought, i.e., the killing of the President. Finally, the section excludes the independent agencies or commissions, i.e., S.E.C., F.T.C., etc., from its scope and make explicit what would be true anyway; Prosecutive discretion on investigative jurisdiction should not be matter of litigation. See e.g., *United States* v. *Hutcheson*, 345 F. 2d 964 (D.C. 1965)

### §3-10A2. Rewards and Appropriations for Rewards

This section derives from present 18 U.S.C. § 3059. The principal change is an increase in the amount of money authorized to be expended by the Attorney General in the form of rewards for the capture or for information leading to the arrest of offenders.

### § 3-10A3. Conviction Records

This section derives from present 18 U.S.C. § 3578.

### § 3-10A4. Collection of Fines

This section places primary responsibility for the collection of criminal fines on the Internal Revenue Service (Secretary of the Treasury or his delegate). The section also applies to the collection of fines as tools used successfully in Federal tax collection. Under present law, "one of the principal differences in the collection of fines and taxes is that fines are collected like private civil judgments." [Hearings, Part II-B, p. 1722.] This section upgrades the collection of fines by adapting and incorporating collection provisions of Federal tax law. [See generally Hearings. Part III-B, pp. 1709-1732.]

### § 3-10A5. Interned Belligerent Nationals

This section derives from present 18 U.S.C. § 3058.

### § 3-10A6. Protected Facilities

This section derives from Title V of the Organized Crime Control Act of 1970, Public Law 91-452, 84 Stat. 933-34.

### § 3-10B1. Federal Bureau of Investigation

This section derives from present 18 U.S.C. § 3052.

### § 3-10B2. United States Marshals

This section derives from present 18 U.S.C. §§ 3053, 4086, 4006.

### § 3-10B3. Secret Service

This section derives from present 18 U.S.C. § 3056.

### § 3-10B4. Postal Service

This section derives from present 18 U.S.C. § 3061.

### § 3-10B5. Federal Probation Service

This section derives from present 18 U.S.C. § 3653.

### § 3-10B6. Bureau of Corrections

This section derives from present 18 U.S.C. §§ 3050, 4004.

### § 3-10C1. Definition of Terms

This section derives from present 18 U.S.C. § 2510.

### § 3-10C2. Authorization for Interception of Private Communication

This section derives from present 18 U.S.C. §§ 2516, 2517.

### § 3-10C3. Procedure for Interception of Private Communication

This section derives from present 18 U.S.C. §§ 2517, 2518.

### § 3-10C3. Report Concerning Intercepted Communication

This section derives from present 18 U.S.C. § 2519.

### § 3-10C5. Intercepted Private Communications

This section derives from 18 U.S.C. §§ 2515, 2518(8), (9), (10), 3504.

### § 3-10D1. Definition of terms

This section derives from present 18 U.S.C. § 6001.

### § 3-10D2. Immunity Generally

This section derives from present 18 U.S.C. §§ 6002, 2514.

Language changes codify the Supreme Court's opinion in *Kasyisan* v. *United States*, 1406 U.S. 441 (1972); see *Wong Sun* v. *United States*, 371 U.S. 471, 488 (1963).

### § 3-10D3. Court or Grand Jury Proceeding

This section derives from present 18 U.S.C. § 6003.

### § 3-10D4. Administrative Proceeding

This section derives from present 18 U.S.C. § 6004.

### § 3-10D5. Congressional Proceeding

This section derives from present 18 U.S.C. § 6005.

### § 3-10E1. Definition of Terms

This section derives from Title 18.—Appendix, Interstate Agreement on Detainers, §§ 3, 4.

### § 3-10E2. General Provisions

This section derives from Title 18.—Appendix, Interstate Agreement on Detainers, §§ 5, 6, 7.

### § 3-10E3. Interstate Agreement on Detainers

This section derives from Title 18.—Appendix, Interstate Agreement on Detainers, § 2.

### § 3-10E4. Fugitive from State to State

This section derives from present 18 U.S.C. § 3182, 3194.

### § 3-10F1. General Provisions

Subsection (a) of this section derives from present 18 U.S.C. § 3181.

Subsection (b) of this section derives from present 18 U.S.C. § 3186.

Subsection (c) of this section derives from present 18 U.S.C. § 3195.

### § 3-10F2. Extradition of Fugitive

Subsection (a) of this section derives from present 18 U.S.C. § 3184.

Subsection (b) of this section derives from present 18 U.S.C. § 3183.

Subsection (c) of this section derives from present 18 U.S.C. § 3185.

### § 3-10F3. Procedure for Extradition

Subsection (a) of this section derives from present 18 U.S.C. § 3187.

Subsection (b) of this section derives from present 18 U.S.C. §3188.

Subsection (c) of this section derives from present 18 U.S.C. §§ 3189, 3190, 3191.

Subsection (d) of this section derive from present 18 U.S.C. § 3192.

Subsection (e) of this section derives from present 18 U.S.C. § 3193.

### § 3-11A1. Rules

Subsection (a) of this section derives from present 18 U.S.C. §§ 3771, 3402.

Subsection (b) of this section derives from present 18 U.S.C. § 3772.

### § 3-11A2. Appointment of Counsel

This section derives from present 18 U.S.C. § § 3006A (i), (j), (1).

### § 3-11A3. Foreign Documents

Subsection (a) of this section derives from present 18 U.S.C. § 3495(c).

Subsection (b) of this section derives from present 19 U.S.C. § 3496.

### § 3-11A4. Admissibility of Confessions

This section derives from present 18 U.S.C. § 3501.

### § 3-11A5. Admissibility of Eyewitness Testimony

This section derives from present 18 U.S.C. § 3502.

### § 3-11A6. Execution of Sentence of Death.

This section derives from present 18 U.S.C. § 3566.

### § 3-11B1. Power of Courts and Magistrates

This section derives from present 18 U.S.C. § 3041.

### § 3-11B2. Jurisdiction Outside the United States

This section derives from present 18 U.S.C. § 3042.

### § 3-11B3. District Courts

This section derives from present 18 U.S.C. §§ 3231, 3241.

### § 3-11B4. United States Magistrates

This section derives from present 18 U.S.C. § 3401(a).

### § 3-11B5. Offenses Involving Two Districts

This section derives from present 18 U.S.C. § 3237.

### § 3-11B6. Offenses Not Committed in Any District

This section derives from present 18 U.S.C. § 3258.

### § 3-11B7. New District or Division

This section derives from present 18 U.S.C. § 3240.

### § 3-11B8. Place of Commission of Specific Offenses

Subsection (a) of this section derives from present 18 U.S.C. § 3236.

Subsection (b) of this section derives from present 18 U.S.C. § 3239.

### Subchapter C. Mental Incapacity [§§ 3-11C1, -11C2, -11C3, -11C4, -11C5, -11C6, -11C7, -11C8]

This subchapter derives from a revision of present chapter 313 of Title 18 prepared by an Intradepartmental Committee of the Department of Justice and by the Committee on the Administration of the Criminal Law of the Judicial Conference of the United States. It has been modified to conform with the scope of the mental illness or defect defense in section 1-3C2.

### § 3-11D1. Sentencing Recommendation of the Attorney for the Government

This section is new. It recognized that the necessary role of the executive extends beyond obtaining evidence and presenting it in court. Justice must also take into consideration the disposition of the offender and the consequences in the community. Only the prosecutor can speak for the community at the time of sentence.

### § 3-11D2. Psychiatric Examination

This section permits the defendant, upon conviction, to raise the issue of mental illness prior to sentencing. The court may refer the offender to a panel of qualified psychiatrists for an examination and report. The report is not binding on the sentencing judge but may be considered by him.

### § 3-11D3. Effect of Presidential Remission

This section derives from present 18 U.S.C. § 3570.

### § 3-11E1. Appeal by United States

This section derives from present 18 U.S.C. § 3731.

Subsection (c) of this section derives from present 18 U.S.C. § 2518(10)(b).

### § 3-11E2. Appeal from Conditions of Release

This section derives from present 18 U.S.C. § 3149.

### § 3-11E3. Review of Sentence

This section derives from present 18 U.S.C. § 3576.

### § 3-12A1. Definition of Terms

This section defines terms used in more than one section in Chapter 12. It has no analogue in present Title 18.

### § 3-12B1. Duties of Probation Officers

This section derives from present 18 U.S.C. § 3655.

### § 3-12B2. Duties of Administrative Office of United States Courts

This section derives from present 18 U.S.C. § 3656.

### § 3-12B3. Transportation of Probationers

This section derives from present 18 U.S.C. § 4283.

### § 3-12C1. Organization, Director, and Responsibilities

Subsections (a) and (b) of this section derive from present 18 U.S.C. § 4041. The post of Director of the Bureau of Prisons is made subject to appointment by and with the advice and consent of the Senate, because of the importance of the position in the Federal criminal justice system.

Subsection (c) derives from present 18 U.S.C. § 4001.

Subsection (d) derives from present 18 U.S.C. §§ 4042, 4125.

### § 3-12V2. Character of Correctional Facilities

Subsection (a) of this section derives from present 18 U.S.C. § 4081.

Subsection (b) of this section derives from present 18 U.S.C. § 5011.

Subsection (c) of this section derives from present 18 U.S.C. § 4253.

Subsection (d) of this section derives from present 18 U.S.C. § 4005.

### § 3-12C3. Contracting

Subsection (a) of this section derives from present 18 U.S.C. § 4002.

Subsection (b) of this section derives from present 18 U.S.C. § 5003.

Subsection (c) of this section derives from present 18 U.S.C. §§ 5013, 4255.

### § 3-12C4. Federal Institutions in States Without Appropriate Facilities

This section derives from present 18 U.S.C. § 4003.

### § 3-12C5. Appropriations and Acquisitions

Subsection (a) of this section derives from present 18 U.S.C. § 4009.

Subsection (b) of this section derives from present 18 U.S.C. § 4010.

Subsection (c) of this section derives from present 18 U.S.C. § 4011.

### § 3-12D1. Official Detention

Subsections (a), (c), and (e) of this section derive from present 18 U.S.C. § 4082.

Subsection (b) of this section derives from present 18 U.S.C. § 4084.

Subsection (d) of this section derives from present 18 U.S.C. §4007.

### § 3-12D2. Transfer to State Facility

This section derives from present 18 U.S.C. § 4085.

### § 3-12D3. Transportation of Offenders

This section derives from present 18 U.S.C. § 4008.

### § 3-12D4. Discharge

Subsection (a) of this section derives from 18 U.S.C. § 4282.

Subsection (6) of this section derives from present 18 U.S.C. § 4163.

Subsection (c) of this section derives from present 18 U.S.C. §§ 4281, 4284.

### § 3-12E1. Organization

Subsections (a) and (b) of this section derives from present 18 U.S.C. § 4121.

Subsection (c) of this section derives from present 18 U.S.C. § 4127.

Subsection (d) of this section derives from present 18 U.S.C. § 4128.

### § 3-12E2. Administration

This section derives from present 18 U.S.C. §§ 4122, 5123.

### § 3-12E3. Purchase of Goods and Services of Correctional Industries

This section derives from present 18 U.S.C. § 4124.

### § 3-12E4. Correctional Industries Fund

This section derives from present 18 U.S.C. § 4126.

### § 3-12F1. Parole Commission

This section derives, in large part, from legislation introduced by Senator Burdick in the Senate in the 92d Congress (S. 3993) to create a system of regional parole boards and which received favorable testimony in Hearings before the Subcommittee on National Penitentiaries.

### § 3-12F2. Duties of Probation Officers as to Parole

This section derives from present 18 U.S.C. § 3655.

### § 3-12F3. Parole

This section derives from present 18 U.S.C. §§ 4202, 4203, 4254, 4164, 4208(c).

### § 3-12F4. Conditions of Parole

This section derives from present 18 U.S.C. §§ 4204, 4203.

### § 3-12F5. Duration of Parole

This section derives from present 18 U.S.C. § 4208(d).

It also reflects, in part, § 3403(3) of the Brown commission's recommendations. See supra § 1-4B4 (Duration of Imprisonment)

### § 3-12F6. Response to Noncompliance With Condition of Parole

This section derives from present 18 U.S.C. §§ 4205, 4206, 4207, 4210.

### § 3-12F7. Finality of Parole Determinations

This section derives, in part, from § 3406 of the Draft prepared by the Commission. Since an appellate process is provided within the Parole Commission and its rules are subject to periodic review by the Congress, the decisions of the commission are not made subject of other reexamination.

### § 3-13A1. Injunctions

This section derives from present 18 U.S.C. § 1964. Its policy is extended to other similar sections of the Code.

### § 3-13A2. Damages

This section derives from present 18 U.S.C. §§ 1964, 2520. Appropriate charges have been made to integrate it with § 3-13A1.

### § 3-13A3. Civil Forfeiture

This section consolidates a number of individual sections found in present Title 18. See, e.g., 18 U.S.C. § 2513.

### § 3-13A4. Procedure

This section derives from present 18 U.S.C. §§ 1965, 1966, 1967.

### § 3-13A5. Civil Investigation Demand

This section derives from present 18 U.S.C. § 1968.

### § 3-13B1. Definition of Terms

This section derives from present 18 U.S.C. § 5031.

### § 3-13B2. Surrender to State Authorities

This section derives from present 18 U.S.C. § 5001.

### §3-13B3. Alleged Juvenile Delinquent

This section derives from present 18 U.S.C. § 5035.

### § 3-13B4. Juvenile Delinquency Proceedings

This section derives from present 18 U.S.C. §§ 5032, 5033, 5034, 5036.

It also codifies, the result of *Kent* v. *United States*, 383 U.S. 541, 552–54 (1966).

### § 3-13B5. Parole of Juvenile Delinquent

This section derives from present 18 U.S.C. § 5037.

### Subchapter C. Criminal Law Reform Commission [§§ 3-13C1, 3-13C2, 3-13C3, 3-13C4, 3-13C5, 3-13C6]

This Subchapter is new to Title 18 and is introduced to fill the need for a continuing and independent entity to study the operation of the new Federal Criminal Code and to make recommendations for changes, as well as to conduct continuing and comprehensive studies of aspects of the criminal justice system.

It reflects recommendations made in the hearings.

## *Section-by-section Analysis of Title II Amendments to Federal Rules of Criminal Procedure*

### Rule 3.1. Commencement of Prosecution

This rule derives from § 701(6) of the Draft prepared by the Commission. A basic change is to stop the running of the statute of limitations at the time a complaint, as well as an indictment or information, is filed.

### Rule 4 (c), (d), Warrant or Summons Upon Complaint

Subdivision (c) of Rule 4 derives from present 18 U.S.C. § 3047.

Subdivision (d) of Rule 4 derives from present 18 U.S.C. § 3045.

### Rule 5.1. Preliminary Examination: Time

This rule derives from present 18 U.S.C. § 3060.

### Rule 6.1. Special Grand Jury

Subdivisions (a) and (b) of Rule 6.1 derive from present 18 U.S.C. § 3331.

Subdivision (c) of Rule 6.1 derives from present 18 U.S.C. § 3332.

Subdivisions (d), (e), (f), (g), (h) and (j) derive from present 18 U.S.C. § 3333.

Subdivision (i) of Rule 6.1 derives from present 18 U.S.C. § 3334.

### Rule 15. Depositions

This rule derives from present Rule 15 and present 18 U.S.C. § 3503. The text is that drafted by the Rules Committee on the Federal Rules of Criminal Procedure.

### Rule 16.1. Demands for Production of Statement and Reports of Witnesses

This rule derives from present 18 U.S.C. § 3500.

### Rule 16.2. Capital Offense

This rule derives from present 18 U.S.C. § 3432.

### Rule 23.1 Trial by Magistrate

This rule derives from present 18 U.S.C. § 3401.

### Rule 25.1. Principles of Proof

This rule derives from § 103 of the Draft, Federal Criminal Code prepared by the Commission.

### Rule 26.2. Foreign Documents

Subdivision (a) of Rule 26.2 derives from present 18 U.S.C. § 3491.

Subdivision (b) of Rule 26.2 derives from present 18 U.S.C. § 3492.

Subdivision (c) of Rule 26.2 derives from present 18 U.S.C. § 3493.

Subdivision (d) of Rule 26.2 derives from present 18 U.S.C. § 3494.

Subdivision (e) of Rule 26.2 derives from present 18 U.S.C. § 3495.

### Rule 28.1. Accused as Witness

This rule derives from present 18 U.S.C. § 3481.

### Rule 32. Presentencing Procedures

This rule derives from present 18 U.S.C. §§ 3577, 4208(b), and 4252.

### Rule 32.1(g), (h), (i). Sentence and Judgment

Subdivision (g) of Rule 32.1 derives from present 18 U.S.C. § 3651.

Subdivision (h) of Rule 32.1 derives from § 3102(3) of the Draft, Federal Criminal Code prepared by the Commission.

Subdivision (i) of Rule 32.1 derives from present 18 U.S.C. § 3653.

### Rule 32.2. Sentencing Dangerous Special Offenders

This rule derives from present 18 U.S.C. § 3575.

### Rule 32.3. Probation Officers

This rule derives from present 18 U.S.C. § 3654.

### Rule 40(c). Commitment to Another District: Removal

Subdivision (c) of Rule 40 derives from present 18 U.S.C. § 3049.

### Rule 41(i), (j), (k). Search and Seizure

Subdivision (i) of Rule 41 derives from present 18 U.S.C. § 3103a.

Subdivision (j) of Rule 41 derives from present 18 U.S.C. § 3105.

Subdivision (k) of Rule 41 derives from present 18 U.S.C. § 3109.

### Rule 42.1. Jury Trial for Contempt in Labor Cases

This rule derives from present 18 U.S.C. § 3692.

### Rule 42.2 Security of the Peace and Good Behavior

This rules derives from present 18 U.S.C. § 3043.

### Rule 44.1. Counsel

This rules derives from present 18 U.S.C. § 3006A.

### Rule 46.1. Release Pending Trial

This rule derives from present 18 U.S.C. § 3146.

Subdivision (a) of Rule 46.1 derives also from present 18 U.S.C. § 3141.

Subdivision (i) of Rule 46.1 derives from present 18 U.S.C. § 3152(1).

### Rule 46.2 Release in Other Cases

Subdivision (a) of Rule 46.2 derives from present 18 U.S.C. § 3149.

Subdivisions (b) and (d) of Rule 46.2 derive from present 18 U.S.C. § 3148.

Subdivision (c) of Rule 46.2 derives from present 18 U.S.C. § 3144.

### Rule 46.3. Enforcement

Subdivision (a) of Rule 46.3 derives from present 18 U.S.C. § 3150.

Subdivision (b) of Rule 46.3 derives from present 18 U.S.C. § 3142.

Subdivision (c) of Rule 46.3 derives from present 18 U.S.C. § 3143.

### Rule 46.4 Orders Respecting Persons In Custody

This rule derives from present 18 U.S.C. § 3012.

## *TITLE III—CONFORMING AMENDMENTS*

In general, the Sections in Title III adhere to the guidelines and recommendations set down in Volume III of the Working Papers of the Commission, with such changes in terminology as are required to conform to Titles I and II of the bill. No analysis of individual sections is presented here.

The amendments are made in order title by title and section by section. Each part contains the amendments for that title, i.e., Part A contains the amendments to Title 2. Conforming amendments are up to date through the 92nd Congress to provisions outside title 18. Certain recent (since Oct. 15, 1970) amendments to title 18 have not yet been integrated into the proposed title 18. See, e.g., P.L. 91–644 (18 U.S.C. § 1752); P.L. 92–539 (18 U.S.C. § 970).

The following types of conforming amendments have been made: (1) a uniform criminal intent terminology is introduced into criminal provisions outside title 18. Usually, "knowingly" (see § 1–2A1(3)) is substituted for "willfully" or whatever other intent term is used, where present law has no intent requirement, none has been introduced. See, e.g., *United States* v. *Dotterweich*, 320 U.S. 217 (1943) (misbranded or adulterated drugs). (2) The penalty structure of provisions outside title 18 is classified within the system of the proposed code. In addition, lower level crimes are transferred outside title 18 into their appropriate titles, and higher level crimes outside title 18 are brought within the proposed code. Generally, all offenses outside title 18 have been lowered to authorized terms not to exceed 1 year. This is the misdemeanor level of present law (18 U.S.C. § 1). It becomes the class E felony level of the proposed code (§ 1–4B1 (c)(1)), since this misdemeanor level has been reduced to six months (§ 1–4B1(c)(2)). (3) Where provisions outside title 18 are essentially duplicative of proposed new provisions, they are repealed. (4) It should be noted that the conforming amendment do contain a limited number of reforming amendments based on testimony received in the hearings or staff studies, see, e.g., vol. III, Subpart B, p. 1559; 18 U.S.C. § 712, amended by, Part B (Title 4 amendments) section 302(a). (5) No change has been made in the fine level of offenses defined outside of title 18.

### *TITLE IV—GENERAL PROVISIONS*

Section 401. Sections of the bill and of Title I (Federal Criminal Code) are severable, if any provision is declared unconstitutional.

Section 402. The members of the Parole Commission are given salary schedules commensurate with the reorganization of the commission mandated by the code.

Section 403. The Federal Criminal Code, the amendments to the Federal Rules of Criminal Procedure, and the conforming amendments will not become effective until the January following the adjournment of the Congress following the Congress which passes the legislation.

## EXHIBIT NO. 2

[Cautionary note: These tables should be used as only a rough guide, since they compare materials that are not always comparable]

### TABLE I—COMPARISON TABLES

Introductory note: This table traces the provisions of present title 18, United States Code, to the Federal Criminal Code proposed by the National Commission on Reform of Federal Criminal Laws and to S. 1, the "Criminal Justice Codification, Revision and Reform Act of 1973."

### PART I—CRIMES

| Present title 18 | Commission draft | S. 1 |
|---|---|---|
| Ch. 1.—General provisions: | | |
| 1 | 109 (j), (s), (z), (ab) | 1–1A5. |
| 2 | 401 | 1–2A6. |
| 3 | 1303–04 | 2–6B3. |
| 4 | 1303 | 2–6B3. |
| 5 | 109(am) | 1–1A4(68). |
| 6 | 109(n) | 1–1A4(34). |
| 7 | 210 | 1–1A4(64). |
| 8 | 1754(j) | 2–8E1(c). |
| 9 | 210 | Omitted. |
| 10 | 219(a), (b) | 1–1A4(31), (42). |
| 11 | 109(m), 1112(4)(c), 1201(2)(a). | 2–5A1(8). |
| 12 | Title 39 | Title 39. |
| 13 | 209 | 1–1A8. |
| 14 | 211 | 1–1A6(c). |
| 15 | 1754(b), (k) | Omitted. |
| Ch. 2.—Aircraft and motor vehicles: | | |
| 31 | Omitted | Omitted. |
| 32 | 1611–13, 1701–09 | 2–8B1, 2–8B2, 2–8B5, 2–8B6, 1–2A4. |
| 33 | 1611–13, 1701–09 | 2–8B1, 2–8B2, 2–8B5, 2–8B6, 1–2A4. |
| 34 | 1601–09 | 1–4E1. |
| 35 | 1354, 1614 | 2–7C3, 2–6D2. |
| Ch. 3.—Animals, birds, fish, and plants: | | |
| 41 | 1705, title 16 | 2–8B6, title 16. |
| 42 | 1411, title 16 | 2–6G4, title 16. |
| 43 | 1411, title 16 | 2–6G4, title 16. |
| 44 | Title 16 | Title 16. |
| 45 | 1705, title 16 | 2–8B6. |
| 46–47 | Title 16 | Title 16. |
| Ch. 5.—Arson: | | |
| 81 | 1701 | 2–8B1, 2–8B2. |
| Ch. 7—Assault: | | |
| 111 | 1301–02, 1367, 1611–14, 1616–18, 1631–33. | 2–7C2, 2–7C3, 2–7C4, 2–6B1, 2–6B2, 2–6B3. |
| 112 | 1611–14, 1616–18, 1631–33 | 2–7C2, 2–7C3. |
| 113 | 1001, 1611–14, 1616–18 | 2–7C2, 2–7C3, 1–2A4. |
| 114 | 1612 | 2–7C1. |
| Ch. 9.—Bankruptcy: | | |
| 151 | 1756(3) | 2–8F1(d). |
| 152 | 1321, 1351–52, 1356, 1361, 1732, 1756. | 2–8F1, 2–6D1, 2–6D2, 2–6D3, 2–6E1, 2–8D3. |
| 153 | 1732–1737 | 2–8D3, 2–8D6. |
| 154–55 | Title 11 | Title 11. |
| Ch. 11.—Bribery, Graft and Conflicts of Interest: | | |
| 201 | 1321, 1361–63, 1732, 1741(k), 3501. | 1–1A4(58), 2–6E1, 2–6E2, 2–8D3, 1–4A3. |
| 202 | Title 5 | Title 5. |
| 203 | 1362, 1365, Title 5 | 2–6E1, 2–6E2, Title 5. |
| 204 | Title | Title 5. |
| 205 | 1363, 1365, Title 5 | 2–6E2, Title 5. |
| 206 | Title 5 | Title 5. |
| 207–09 | 1327, Title 5 | 2–6F3, Title 5. |
| 210 | 1361, 1364 | 2–6E1, 2–6E2. |
| 211 | 1361, 1364–65, Title 5 | 2–6E1, 2–6E2, Title 5. |
| 212–16 | 1857, Title 12 | 2–8F2, Title 12. |
| 217 | 1361–63 | 2–6E1, 2–6E2. |
| 218 | 3301(2), Title 5 | 1–4C1(1), Title 5. |
| 219 | 1206, Title 5 | 2–5C5, Title 5. |
| 224 | 1757 | 2–8F2. |
| Ch. 12.—Civil Disorders: | | |
| 231 | 1801–04 | 2–9B1, 2–9B3, 2–9B4. |
| 232 | 1801–04 | 2–9A1. |
| 233 | 206 | 1–1A6(g). |
| Ch. 13.—Civil Rights: | | |
| 241 | 1501 | 2–7F1. |
| 242 | 1502–1521 | 2–7F1, 2–7F5. |
| 243 | Title 28 | 2–7F2, Title 28. |
| 244 | Title 10 | Title 10. |
| 245 | 1511–16 | 2–7F2, 2–7F3, 2–7F4. |
| Ch. 15.—Claims and Services in Matters Affecting Government: | | |
| 281 | Title 5 | Title 5. |
| 283 | Title 5 | Title 5. |
| 285 | 1356, 1732, 1735 (2) (e), 1753 | 2–6D3, 2–8D3. |
| 286 | 1352, 1732 | 2–6D2, 2–8D3, 1–2A5. |
| 287–89 | 1352, 1732 | 2–6D2, 2–8D3. |
| 290 | Title 38 | Title 38. |
| 291 | Title 28 | Title 28. |
| 292 | 1363, Title 5 | 2–6E2. |
| Ch. 17.—Coins and Currency: | | |
| 331 | 1751 | 2–8E1. |
| 332 | 1732, 1751 | 2–8D3, 2–8E1. |
| 333 | Title 12 | Title 12. |
| 334 | 1753 | 2–8E6. |
| 335 | 1753 | 2–8E2. |
| 336–37 | Title 31 | Title 31. |
| Ch. 18.—Congressional Assassination, Kidnapping and Assault: | | |
| 351 | [Omitted as separate section]. | 2–7B1, 2–7D1, 2–7C2, 1–2A5, 3–10A1(b). |
| Ch. 19.—Conspiracy: | | |
| 371 | 1004, 1732–34, 1751 | 1–2A5, 2–8D3, 2–8D5. |
| 372 | 1301, 1303, 1352, 1366–67, 1401, 1511 (c). | 1–2A5, 2–6B1, 2–6B3, 2–6E3, 2–6E4, 2–6D2, 2–7F1. |
| Ch. 21.—Contempts: | | |
| 401 | 1341–45, 1349 | 2–6C6. |
| 402 | 1341–45, 1349 | 2–6C1, 2–6C2. |
| Ch. 23.—Contracts: | | |
| 431–33 | 1372; Title 5 | 2–6F3; Title 5. |
| 435 | Title 15 | Title 15. |
| 436 | 1733, Title 18, Pt. E | 2–8D3. |
| 437 | 1372; Title 25 | 2–6F3; Title 25. |
| 438–39 | 1363; Title 25 | 2–6E2; Title 25. |
| 440 | Title 39 | Title 39. |
| 441 | Title 41 | Title 41. |
| 442 | Title 44 | Title 44. |
| 443 | 1356; Title 41 | 2–6D3; Title 41. |
| Ch. 25.—Counterfeiting and Forgery: | | |
| 471–73 | 1751 | 2–8E1. |
| 474 | 1751–52 | 2–8E3, 2–8E1. |
| 475 | Title 31 | Title 31. |
| 476–77 | 1752 | 2–8E3. |
| 478 | 1751 | 2–8E1. |
| 479–80 | 1751 | 2–8E1, 28E2. |
| 481 | 1751–52 | 2–8E1, 2–8E2, 2–8E3. |
| 482–83 | 1751 | 2–8E1, 28E2. |
| 484 | 1751 | 2–8E2. |
| 485–86 | 1751 | 2–8E1. |
| 487–88 | 1752 | 2–8E3. |
| 489 | 1411; Title 31 | 2–6G4, Title 31. |
| 490 | 1751 | 2–8E1. |
| 491 | 1755 | 2–8E5. |
| 492 | Title 31 | 1–4A4; Title 31. |
| 493–97 | 1751 | 2–8E2. |
| 498 | 1751 | 2–8E1, 2–8E2. |
| 499 | 1381, 1751, 1753 | 2–6F4, 2–8E1, 2–8E2. |
| 500 | 1751, 1753 | 2–8E1. |
| 501 | 1751–53 | 2–8E1, 2–8E3. |
| 502 | 1751 | 2–8E1. |
| 503 | 1751–52 | 2–8E2, 2–8E3. |
| 504 | Title 31 | Title 31. |
| 505 | 1351–52, 1751 | 2–6D1, 2–6D2, 2–8E1. |
| 506 | 1751–52 | 2–8E1. |
| 507 | 1751 | 2–8E2. |
| 508 | 1751 | 2–8E1. |
| 509 | 1752 | 2–8E3. |

| Present title 18 | Commission draft | S. 1 |
|---|---|---|
| Ch. 27.—Customs: | | |
| 541–42 | 1411 | 2–6G4. |
| 543–45 | 1411; Title 19 | 2–6G4; Title 19. |
| 546 | Title 22 | Title 22. |
| 547 | 1411 | 2–6G4. |
| 548 | 1411, Title 19 | 2–6G4; Title 19. |
| 549 | 1411, 1732 | 2–6G4, 2–8D3. |
| 550 | 1352, 1732 | 2–6D2, 2–8D3. |
| 551 | 1323, 1367, 1411 | 2–6B3, 2–6Cl, 2–6G4. |
| 552 | 401, 1002 | 1–2A6, 2–9F5. |
| Ch. 29.—Elections and Political Activities: | | |
| 591 | Omitted | 1–1A4. |
| 592 | 1535 | 2–6H1. |
| 593–94 | 1511, 1531 | 2–6H1, 2–7F3. |
| 595 | 1511, 1531–32 | 2–6H1, 2–7F2, 2–7F3. |
| 596 | Omitted | Omitted. |
| 597 | 1531 | 2–6H1. |
| 598 | 1532 | 2–7F2. |
| 599–600 | 1364–65, 1531 | 2–6E2. |
| 601 | 1511, 1532–33 | 2–6H1, 2–7F2. |
| 602–03 | 1534 | 2–6H2. |
| 604–05 | 1532 | 2–7F2. |
| 606 | 1533 | 2–6E5. |
| 607 | 1534 | 2–6H2. |
| 608–12 | Title 2 | Title 2. |
| 613 | 1541 | 2–6H3. |
| Ch. 31.—Embezzlement and Theft: | | |
| 641 | 1732 | 2–8D3. |
| 642 | 1732, 1752 | 2–8D3, 2–8E3. |
| 643 | 1732, 1737; Title 5 | 2–8D3, 2–8D6; Title 5. |
| 644 | 1732, 1737; Title 12 | 2–8D3, 2–8D6; Title 12. |
| 645–47 | 1732, 1737; Title 28 | 2–8D3, 2–8D6; Title 28. |
| 648–53 | 1732, 1737; Title 5 | 2–8D3, 2–8D6; Title 5. |
| 654 | 1732, 1737 | 2–8D3, 2–8D6. |
| 655 | 1732, 1737, 3501 | 1–4A3, 2–8D3. 2–8D6. |
| 656–57 | 1732, 1737 | 2–8D3, 2–8D6. |
| 658 | 1738 | 2–8D7. |
| 659 | 206, 707, 1732, 1737 | 2–8D3, 2–8D6, 3–11B5, 2–8D4. |
| 660 | 707, 1732, 1737 | 2–8D3, 2–8D6, 3–11B5. |
| 661 | 1732, 1737 | 2–8D2, 2–8D3, 2–8D6. |
| 662 | 1732, 1737 | 2–8D4. |
| 663–64 | 1732, 1737 | 2–8D3, 2–8D6. |
| Ch. 33.—Emblems, Insignia and Names: | | |
| 700 | Title 4 | 2–9G1. |
| 701 | Title 4 | Title 4. |
| 702 | Titles 10, 42 | Titles 10, 42. |
| 703 | Title 22 | Title 22. |
| 704 | Title 10 | Title 10. |
| 705–06 | Title 36 | Title 36. |
| 707 | Title 7 | Title 7. |
| 708 | Title 22 | Title 22. |
| 709 | Title 4 | 2–8F4; Title 4. |
| 710 | Title 10 | Title 10. |
| 711 | Title 7 | Title 7. |
| 712–13 | Title 4 | Title 4. |
| 714 | Title 43 | Title 43. |
| Ch. 35.—Escape and Rescue: | | |
| 751 | 1306 | 2–6B5, 1–2A4. |
| 752–53 | 1306 | 2–6B5, 1–2A6, 2–6B3, |
| 754 | 1301 | 2–6B1. |
| 755 | 1306–07 | Omitted. |
| 756–57 | 1120 | 2–5B11. |
| Ch. 37.—Espionage and Censorship: | | |
| 792 | 1118 | 2–5B10. |
| 793–94 | 1112–13 | 2–5B7, 2–5B8. |
| 795–97 | 1112–13, 1712; Title 50 | 2–5B7, 2–5B8, 2–8C5; Title 50. |
| 798 | 1114 | 2–5B8. |
| 799 | 1712; Title 42 | 2–8C5; Title 42. |
| Ch. 39.—Explosives and Other Dangerous Articles: | | |
| 831 | Title 49 | Title 49. |
| 832–34 | 1602, 1613, 1701, 1704; Title 49. | 2–7B3, 2–8B1, 2–8B3; Title 49. |
| 835 | Title 49 | Title 49. |
| 836 | Title 15 | Title 15. |
| Ch. 40.—Importing, Manufacturing, Distribution and Storage of Explosive Materials: | | |
| 841 | Title 26 | Title 26. |
| 842 | 1812; Title 26 | 2–9D3, Title 26. |
| 843 | Title 26 | Title 26. |
| 844 | 109(i), 1614, 1618, 1701, 1705, 1811, 1814, 3202(2)(e); Title 26. | 2–7c3, 2–8B1, 2–8B5, 2–9D2, 2–9D5; Title 26. |
| 845–48 | Title 26 | Title 26. |
| Ch. 41.—Extortion and Threats: | | |
| 871 | 1614–15 | 2–7C3. |
| 872 | 1381, 1617, 1732–33 | 2–6F4, 2–9C3, 2–9C4. |
| 873 | 1381, 1617, 1732–33 | 2–9C3, 2–9C4. |
| 874 | 1732 | 2–9C3. |
| 875–77 | 1614, 1617–18, 1732–33 | 2–7C3, 2–9C3, 2–9C4. |
| Ch. 42.—Extortionate Credit Transactions: | | |
| 891–96 | 1771 | 2–9C2. |
| Ch. 43.—False Personation: | | |
| 911 | 1352 | 2–6D2. |
| 912–13 | 1381 | 2–6F4. |
| 914 | 1732–33 | 2–8D3. |
| 915 | 1381 | 2–6F4. |
| 916 | Title 7 | Title 7. |
| 917 | Title 36 | Title 36. |
| Ch. 44.—Firearms: | | |
| 921 | Title 26 | Title 26. |
| 922 | 1812; Title 26 | 2–9D3; Title 26. |
| 923 | Title 26 | Title 26. |
| 924 | 1811, 3202(2)(e); Title 26 | 2–9D2, 1–4B2(b)(2)(v); Title 26. |
| 925–28 | Title 26 | Title 26. |
| Ch. 45.—Foreign Relations: | | |
| 951 | 1206; Title 22 | 2–5C5; Title 22. |
| 952 | 1112–14 | 2–5B7, 2–5B8 |
| 953 | Omitted | Omitted. |
| 954 | 1353 | 2–6D2(a)(7). |
| 955 | Title 22 | Title 22. |
| 956 | 1202 | 2–5C1, 1–2A5. |
| 957 | 1001–02 | Omitted. |
| 958 | 1203 | 2–5C2. |
| 959 | 1203; Title 22 | 2–5C2, Title 22. |
| 960 | 1201–02 | 2–5C1. |
| 961 | 1204–05; Title 22 | 2–5C3, 2–5C4; Title 22. |
| 962 | 1201, 1204–05; Title 22 | 2–5C1, 2–5C3, 2–5C4; Title 22. |
| 963–64 | 1204–05; Title 22 | 2–5C3, 2–5C4; Title 22. |
| 965 | 1204–05, 1352; Title 22 | 2–5C3, 2–5C4, 2–6D2; Title 22. |
| 966 | 1352; Title 22 | 2–6D2; Title 22. |
| 967 | 1204–05, Title 22 | 2–5C3, 2–5C4; Title 22. |
| 969 | Title 22 | Title 22. |
| 970 | (Not Considered) | (Not considered). |
| Ch. 47.—Fraud and False Statements: | | |
| 1001 | 1352 | 2–6D2. |
| 1002 | 1751 | 2–8E2. |
| 1003 | 1732, 1751 | 2–8D3, 2–8E2. |
| 1004 | 1753; Title 12 | Title 12. |
| 1005 | 1352, 1732, 1751, 1753; Title 12. | 2–6D2, 2–8D3, 2–E2, Tilte 12. |
| 1006 | 1352, 1372, 1732, 1751, 1753, 1758; Title 12. | 2–6D2, 2–6F3, 2–8D3, 2–8E2, 2–8F3; Title 12. |
| 1007 | 1352, 1732 | 2–6D2, 2–8D3. |
| 1008 | 1352, 1732, 1751 | 2–6D2, 2–8D3, 2–8E2. |
| 1009 | Title 12 | Title 12. |
| 1010 | 1352, 1732, 1751, 1753 | 2–6D2, 2–8D3, 2–8E2. |
| 1011 | 1352, 1732 | 2–6D2, 2–8D3. |
| 1012 | 1352, 1356, 1361; Title 42 | 2–6D2, 2–6D3, 2–6E1; Title 42. |
| 1013 | 1732 | 2–8D3. |
| 1014 | 1352, 1732 | 2–6D2, 2–8D3. |
| 1015 | 1108, 1221, 1224, 1351–52, 1753. | 2–6D2, 2–5D3, 2–5D1. |
| 1016 | 1352, 1753 | 2–6D2. |
| 1017–19 | 1753 | 2–6D2. |
| 1020 | 1352, 1732–33 | 2–6D2, 2–8D3. |
| 1021–22 | 1753 | 2–6D2. |
| 1023 | 1732–1737 | 2–8D3, 2–8D6. |
| 1024 | 1732; Title 10 | 2–8D3, Title 10. |
| 1025 | 1732, 1753 | 2–8D3, 2–6D2. |
| 1026 | 1352 | 2–6D2. |
| 1027 | 1352, 1732–33 | 2–6D2, 2–8D3. |
| Ch. 49.—Fugitives From Justice: | | |
| 1071–72 | 1303 | 2–6B3. |
| 1073–74 | 1310 | 2–6B7. |
| Ch. 50.—Gambling: | | |
| 1081 | Title 46 | Title 46. |
| 1082 | 1831; Title 46 | 2–9F1; Title 46. |
| 1083 | Title 46 | Title 46. |
| 1084 | 1831–32 | 2–9F1, 2–9F2. |
| Ch. 51.—Homicide: | | |
| 1111 | 1601–02 | 2–7B1, 2–7B2. |
| 1112 | 1601–03 | 2–7B3, 2–7B4. |
| 1113 | 1001 | 2–7B1, 2–7B3, 1–2A4. |
| 1114 | 1601–03 | 2–7B1, 2–7B3, 2–7B4. |
| 1115 | 1601–03 | 2–7B4. |
| 1116–17 | (Not considered) | [Omitted as separate section.] |
| Ch. 53.—Indians: | | |
| 1151–53 | 211 | 1–1A6(b). |
| 1154–56 | Title 25 | Title 25. |
| 1158–62 | Title 25 | Title 25. |
| 1163 | 1732 | 2–8D3. |
| 1164–65 | Title 25 | Title 25. |
| Ch. 55.—Kidnaping: | | |
| 1201 | 1631–33; 1635 | 2–7D1, 2–7D4. |
| 1202 | 1304 | 2–6B3(a)(3). |
| Ch. 57.—Labor: | | |
| 1231 | 1551 | 2–77F6. |
| Ch. 59.—Liquor Traffic: | | |
| 1261–65 | Title 27 | Title 27. |
| Ch. 61.—Lotteries: | | |
| 1301–03 | 1831–32 | 2–9Fl. 2–9F2. |
| 1304–05 | Omitted | Omitted. |
| 1306 | Title 12 | Title 12. |

EXHIBIT NO. 2—Continued

TABLE I—COMPARISON TABLES—Continued

PART I—CRIMES—Continued

| Present title 18 | Commission draft | S. 1 |
|---|---|---|
| Ch. 63.—Mail Fraud: | | |
| 1341–43 | 1001, 1732, 1751 | 2–8D5. |
| Ch. 65.—Malicious Mischief: | | |
| 1361 | 1705 | 2–8B5, 2–8B6. |
| 1362 | 1107, 1705 | 2–5B4, 2–8B5, 2–8B6. |
| 1363 | 1107, 1613, 1704–05 | 2–5B4, 2–8B5, 2–8B6. |
| 1364 | 1701, 1705 | 2–8B1, 2–8B2. |
| Ch. 67.—Military and Navy: | | |
| 1381 | 1119 | 2–5B10. |
| 1382 | 1712 | 2–8C5. |
| 1383 | 1712; Title 10 | 2–8C5, Title 10. |
| 1384 | 1841–43 | 2–9F3, 2–9F4. |
| 1385 | Title 10 | Title 10. |
| Ch. 69—Nationality and Citizenship: | | |
| 1421 | 1732, 1737; Title 28 | 2–8D3, 2–8D6, Title 28. |
| 1422 | 1362, 1732 | 2–6E2, 2–8D3. |
| 1423 | 1225, 1352, 1531, 1751, 1753 | 2–5D3, 2–6D2. |
| 1424 | 1221, 1224, 1351–52, 1753 | 2–5D1, 2–5D3, 2–6D1, 2–6D2. |
| 1425 | 1224, 1351–52, 1361, 1753 | 2–5D3, 2–6D1, 2–6D2, 2–8E6. |
| 1426 | 1351–52, 1751–52 | 2–6D1, 2–6D2, 2–8E2, 2–8E3. |
| 1427 | 401, 1002 | 1–206, 2–5D3. |
| 1428 | Title 8 | Title 8. |
| 1429 | 1342–43 | 2–6C2. |
| Ch. 71.—Obscenity: | | |
| 1461 | 1851 | 2–9F2. |
| 1462–6 | 1851 | 2–9F5. |
| Ch. 73.—Obstruction of Justice: | | |
| 1501 | 1301–02, 1611–12 | 2–6B1, 2–6B2, 2–7C1, 2–7C2. |
| 1502 | 1301–02 | 2–6B1, 2–6B2. |
| 1503 | 1301, 1321–24, 1327, 1346, 1366–67. | 2–6B1, 2–6C1, 2–6C3, 2–6F2, 2–6C4, 2–6E3, 2–6E4. |
| 1504 | 1324 | 2–6C3. |
| 1505 | 1301, 1321–23, 1327, 1346, 1366–67. | 2–6B1, 2–6C1, 2–6F2, 2–6C4, 2–6E3, 2–6E4. |
| 1506 | 1323, 1352, 1356, 1732 | 2–6C1, 2–6D2, 2–6D3, 2–8D3. |
| 1507 | 1325 | 2–6C4. |
| 1508 | 1326 | 2–6C5. |
| 1509 | 1301 | 2–6B1. |
| 1510 | 1322, 1367 | 2–6C1, 2–6E4. |
| 1511 | 1361, 1831–32 | 2–9F1, 2–6E1. |
| Ch. 75.—Passports and Visas: | | |
| 1541 | 1381, 1753 | 2–6F4, 2–6D2, 2–8E6. |
| 1542 | 1225, 1352, 1753 | 2–5D3, 2–6D2. |
| 1543 | 1751 | 2–8E2. |
| 1544 | 401, 1002, 1221–22, 1225; Title 22. | 1–2A6, 2–5D1, 2–5D3; Title 22. |
| 1545 | Title 22 | Title 22. |
| 1546 | 1221–22, 1351–52, 1751–53 | 2–5D1, 2–6D1, 2–6D2, 2–8E2, 2–8E3. |
| Ch. 77.—Peonage and Slavery: | | |
| 1581 | 1301, 1631–32 | 2–6B1, 2–7D1, 2–7D2. |
| 1582 | 401, 1002 | 1–2A6, 2–7D2. |
| 1583 | 1631 | 2–7D1. |
| 1584–85 | 1631–32 | 2–7D1, 2–7D2. |
| 1586 | 1002 | Omitted. |
| 1587–88 | 1631–32 | 2–7D1, 2–7D2. |
| Ch. 79.—Perjury: | | |
| 1621 | 1351 | 8–6D1. |
| 1622 | 401, 1003 | 2–6D1, 1–2A6, 1–2A3, 2–6C1. |
| 1623 | 1351 | 2–6D1, 2–6D2. |
| Ch. 81.—Piracy and Privateering: | | |
| 1651 | 201(l); Chs. 16–17 | E–1A4 (53) and (54); Chs. 7–8. |
| 1652 | 208(h) | 1–1A7, 2–7B1, 2–8B2. |
| 1653 | 208(g) | 1–1A7. |
| 1654 | 208(h), 401, 1002 | 1–1A7, 1–2A6. |
| 1655 | 1805 | 2–7D5. |
| 1656 | 1732 | 2–8D3. |
| 1657 | 401, 1002–04, 1805 | 2–7D5, 1–2A6, 1–2A4, 1–2A5. |
| 1658 | 1613, 1705, 1732 | 2–8B6, 2–8D3. |
| 1659 | 201(a)(1), 1721 | 1–1A4 (54) and (65), 2–8D2. |
| 1660 | 1304, 1732 | 2–8D4, 2–6B3. |
| 1661 | 201(l), 1721 | 1–1A4(54), 2–8D2. |
| Ch. 83.—Postal Service: | | |
| 1691–99 | Title 39 | Title 39. |
| 1700 | 1737; Title 39 | 2–8D6; Title 39. |
| 1701 | 1301 | 2–6B1. |
| 1702 | 1564, 1732 | 2–7G3, 2–8D3. |
| 1703 | 1564, 1705; Title 39 | 2–7G3, 2–8B6; Title 39. |
| 1704 | 1732; Title 39 | 2–8D3; Title 39. |
| 1705 | 1301, 1564, 1705 | 2–6B1, 2–7G3, 2–8B6. |
| 1706 | 1301, 1705, 1732 | 2–6B1, 2–8B6, 2–8D3. |
| 1707–10 | 1732 | 2–8D3. |
| 1711 | 1732, 1737 | 2–8D3, 2–8D6. |
| 1712 | 1352, 1732; Title 39 | 2–6D2, 2–8D3; Title 39. |
| 1713 | 1753; Title 39 | 2–6D2; Title 39. |
| 1714 | Omitted | Omitted. |
| 1715 | Title 39 | Title 39. |
| 1716 | 1001, 1601–03, 1612–13, 1701–02, 1704–05; Title 39. | Chs. 7–8; Title 39. |
| 1716A | Title 39 | Title 39. |
| 1717 | 1001, 1003; Title 39 | 1–2A3, 1–2A4; Title 39. |
| 1718 | Title 39 | Title 39. |
| 1719 | 1733 | 2–8D3. |
| 1720 | 1733, 1751 | 2–8D3. |
| 1721 | 1732, 1737; Title 39 | 2–8D3; 2–8D6; Title 39. |
| 1722 | 1352, 1733; Title 39 | 2–6D2, 2–8D3; Title 39. |
| 1723 | 1733; Title 39 | 2–8D3; Title 39. |
| 1724 | Title 39 | Title 39. |
| 1725 | 1733; Title 39 | 2–8D3; Title 39. |
| 1726–28 | 1732; Title 39 | 2–8D3; Title 39. |
| 1729–31 | 1381; Title 39 | 2–6F4; Title 39. |
| 1732 | 1753; Title 39 | 2–6D2; Title 39. |
| 1733 | 1733; Title 39 | 2–8D3; Title 39. |
| 1734 | Title 39 | Title 39. |
| 1735–37 (new) | Title 39 | Title 39. |
| Ch. 84.—Presidential Assassination, Kidnaping and Assault: | | |
| 1751 | 1001, 1004, 1601–03, 1611–12, 1631–32; Title 18, pt. D. | 2–7B1, 2–7D1, 1–2A4, 1–2A5, 3–10A1. |
| 1752 | [Not considered] | 2–6B1, 2–8B6. |
| Ch. 85.—Prison-Made Goods: | | |
| 1761–62 | Title 15 | Title 15. |
| Ch. 87.—Prisons: | | |
| 1791 | 1309; Title 18, pt. E | 2–6B6, 3–12C1. |
| 1792 | 1308–09 | 2–6B6, 2–9B1, 2–9B3, 1–2A4, 1–2A5. |
| Ch. 89.—Professions and Occupations: | | |
| 1821 | Title 15 | Title 15. |
| Ch. 91.—Public Lands: | | |
| 1851 | 1732 | 2–8D3. |
| 1852–54 | 1705, 1732 | 2–8B6, 2–8D3. |
| 1855 | 1702, 1704–05 | 2–8B2, 2–8B3, 2–8B6. |
| 1856 | 1703 | 2–8B4. |
| 1857–58 | 1705 | 2–8B6. |
| 1859 | 1301 | 2–6B1. |
| 1860 | 1617; Title 43 | 2–9C4; Title 43. |
| 1861 | 1732; Title 43 | 2–8D3; Title 43. |
| 1862–63 | 1712 | 2–8C5. |
| Ch. 93.—Public Officers and Employees: | | |
| 1901 | 1732, 1737, 3501; Title 5 | 2–8D3, 2–8D6, 1–4A3; Title 5. |
| 1902 | 1371–72 | 2–6F1, 2–6F3. |
| 1903 | 1372 | 2–6F3. |
| 1904 | 1371–72 | 2–6F1, 2–6F3. |
| 1905 | 1371, 3501 | 2–6F1, 1–4A3. |
| 1906 | 1371; Title 12 | 2–6F1; Title 12. |
| 1907–08 | 1371, 3501; Title 12 | 2–6F1, 1–4A3; Title 12. |
| 1909 | 1363; Title 12 | 2–6E2; Title 12. |
| 1910 | Title 28 | Title 28. |
| 1911 | 1732, 1737; Title 28 | 2–8D3, 2–8D6; Title 28. |
| 1912 | 1363, 1732, 3501 | 2–6E2, 2–8D3, 1–4A3. |
| 1913 | Title 5 | Title 5. |
| 1915 | Title 19 | Title 19. |
| 1916 | 1737; Title 5 | 2–8D6; Title 5. |
| 1917 | 1352, 1512; Title 5 | 2–6D2, 2–7F3; Title 5. |
| 1918 | Omitted | Omitted. |
| 1919 | 1352, 1732 | 2–6D2, 2–8D3. |
| 1920 | 1352, 1732 | 2–6D2, 2–8D3. |
| 1921 | 1732; Title 5 | 2–8D3, Title 5. |
| 1922 | 1352, 1511, 1617; Title 5 | 2–6D2, 2–7F2, 2–9C4, Title 5. |
| 1923 | 1732, 1734 | 2–8D3. |
| Ch. 95.—Racketeering: | | |
| 1951 | 1001, 1004, 1721, 1732 | 2–9C1, 2–9C3, 2–8D2, 2–8D3. |
| 1952 | 1361, 1403, 1701, 1732, 1822–24, 1831–32, 1841. | 2–9C1, 2–6E1, 2–6G3, 2–8B1, 2–9E1, 2–9E2, 2–9F4. |
| 1953 | 1831–32 | 2–9F2. |
| 1954 | 1758; Title 18, Pt. E | 2–8F2. |
| 1955 | 1831; Title 18, Pt. D | 2–9F1, 1–4A4. |
| Ch. 96.—Racketeer Influenced and Corrupt Organizations: | | |
| 1961 | [Not considered] | 2–9C1. |
| 1962 | [Not considerde] | 2–9C1. |
| 1963 | [Not considered] | 2–9C1, 1–4A4. |
| 1964 | [Not considered] | 3–13A1, 3–13A2, 3–13A3. |
| 1965 | [Not considered] | 3–13A4. |
| 1966 | [Not considered] | 3–13A4. |
| 1967 | [Not considered] | 3–13A4. |
| 1968 | [Not considered] | 3–13A5. |
| Ch. 97.—Railroads: | | |
| 1991 | 1001, 1711, 1713 | 2–7B1, 2–8D2, 1–2A4. |
| 1992 | 707, 1601–03, 1613, 1701–02, 1705. | 2–7B1, 2–7B2, 2–7B3, 2–7B4, 2–8B1, 2–8B2, 2–8B5, 2–8B6. |
| Ch. 99.—Rape: | | |
| 2031 | 1641–42 | 2–7E1. |
| 2032 | 1641, 1646 | 2–7E2. |
| Ch. 101.—Records and Reports: | | |
| 2071 | 1356, 1705, 1732 | 2–6D3, 2–8B6, 2–8D3. |
| 2072 | 1753; Title 7 | 2–6D2, Title 7. |
| 2073 | 1732–33, 1737, 1753 | 2–8D3, 2–8D6, 2–6D2. |
| 2074 | Title 15 | Title 15. |
| 2075 | Title 5 | Title 5. |
| 2076 | Title 28 | Title 28. |
| Ch. 102.—Riots: | | |
| 2101–02 | 206, 707, 1801–02 | 2–9B1, 2–9B2, 2–9A1. |
| Ch. 103.—Robbery and Burglary: | | |
| 2111–12 | 1721 | 2–8D2. |
| 2113 | 1601–03, 1611–13, 1711, 1721, 1721, 1732. | 2–7B1, 2–7B2, 2–7B3, 2–7B4, 2–7C1, 2–7C2, 2–8C1, 2–8C2, 2–8D1, 2–8D2, 2–8D3. |
| 2114 | 1611–13, 1721 | 2–7C1, 2–7C2, 2–8D1, 2–8D2. |
| 2115 | 1711 | 2–8C2. |
| 2116 | 1301, 1611–12, 1712–13 | 2–6B1, 2–7C1, 2–7C2, 2–8C5. |
| 2117 | 206, 707, 1001, 1712–13 | 1–2A4, 2–8C5, 2–8C2. |
| Ch. 105.—Sabotage: | | |
| 2151 | 1105 | 2–5B4. |
| 2152 | 1107, 1301, 1705, 1712 | 2–5B4, 2–6B1, 2–8B6, 2–8C5. |
| 2153–54 | 1004, 1105–07 | 2–5B4, 1–2A5. |
| 2155–56 | 1004, 1105, 1107 | 2–5B4, 1–2A5. |
| 2157 | Omitted | Omitted. |
| Ch. 107.—Seamen and Stowaways: | | |
| 2191 | 1612, 1633 | 2–7C1, 2–7C2, 2–7D3. |
| 2192 | 1001, 1003–04, 1110, 1633, 1801, 1803. | 2–5B6, 2–7D3, 2–9B1, 2–9B3, 1–2A3, 1–2A4, 1–2A5. |
| 2193 | 1805 | 2–7D5. |
| 2194 | 1631–33 | 2–7D1, 2–7D2, 2–7D3. |

| Present title 18 | Commission draft | S. 1 |
|---|---|---|
| Ch. 107.—Seamen and Stowaway—Continued | | |
| 2195 | Title 46 | Title 46. |
| 2196 | 1613 | 2-8B6. |
| 2197 | 1732, 1751, 1753 | 2-8D3, 2-8E2. |
| 2198 | 1642 | 2-7E2. |
| 2199 | 1714, 1733 | 2-8D3. |
| Ch. 109.—Searches and Seizures: | | |
| 2231 | 1301, 1366, 1611-13, 1616 | 2-6B2, 2-6E3, 2-7C2, 2-7C3, 2-7C4. |
| 2232 | 1301, 1323 | 2-6B1, 2-6B2, 2-6C1. |
| 2233 | 1301, 1323, 1401, 1732 | 2-6B1, 2-6C1, 2-6G1, 2-8D3. |
| 2234-36 | 1521 | 2-7F5. |
| Ch. 111.—Shipping: | | |
| 2271 | 1004, 1705, 1732 | 2-8B6, 2-8D3, 1-2A5. |
| 2272 | 1705, 1732 | 2-8B6, 2-8D3. |
| 2273 | 1705 | 2-8B6. |
| 2274 | 1001-04, 1705; Title 46 | 2-8B6, 1-2A3, 1-2A4, 1-2A5; Title 46. |
| 2275 | 1601, 1611-13, 1701-05 | 2-7B1, 2-7C1, 2-7C2, 2-8B1, 2-8B2, 2-8B3, 2-8B4, 2-8B5. |
| 2276 | 1001, 1705, 1711-13 | 2-8B6, 2-8C2, 2-8C5, 1-2A4. |
| 2277-78 | Title 46 | Title 46. |
| 2279 | 1712; Title 46 | 2-8C5; Title 46. |
| Ch. 113.—Stolen Property: | | |
| 2311 | 1735(7), 1736, 1741(f), 1754(k), (1). | 2-8A1(12), 2-8A2. |
| 2312 | 1732, 1736 | 2-8D3, 2-8D8. |
| 2313 | 1732 | 2-8D3. |
| 2314-15 | 1732, 1751, 1752 | 2-8D3, 2-8E2, 2-8E3. |
| 2316-17 | 1732 | 2-8D3. |
| 2318 | Title 15 | Title 15. |
| Ch. 115.—Treason, Sedition, and Subversive Activities: | | |
| 2381 | 1101-02 | 2-5B1, 2-5B2. |
| 2382 | 1118 | 2-5B10. |
| 2383-85 | 1103 | 2-5B3. |
| 2386 | 1104; Title 50 | 2-9D1; Title 50. |
| 2387 | 1110 | 2-5B6. |
| 2388 | 1004, 1109-11, 1303 | 2-5B6, 2-6D2(a)(6), 2-6B3, 1-205. |
| 2389-90 | 1101-03, 1203 | 2-5B1, 2-5B2, 2-5B3, 2-5C2. |
| 2391 | 1004, 1109-11, 1303 | 2-5B6, 2-6D2(a)(6), 2-6B3, 1-205. |
| Ch. 117.—White Slave Traffic: | | |
| 2421 | 1841 | 2-9F4. |
| 2422-23 | 1631-32, 1841-42 | 2-7D1, 2-7D2, 2-9F4. |
| 2424 | Omitted | Omitted. |
| Ch. 119.—Wire Interception and Interception of Oral Communications | | |
| 2510 | 1563; Title 18, pt. D | 3-10C1. |
| 2511 | 1561; Title 18, pt. D; title 47 | 2-7G1. |
| 2512 | 1562 | 2-7G2. |
| 2513 | 5802 | 1-4A4, 3-13A3. |
| 2514 | | 3-10D2. |
| 2515 | 5803 | 3-10C5. |
| 2516 | 5804 | 3-10C2. |
| 2517 | 5805 | 3-10C3, 3-10C2. |
| 2518 | 5806 | 3-10C3, 3-10C5, 3-11E1. |
| 2519 | 5807 | 3-10C4. |
| 2520 | 5808 | 3-13A2. |

## PART II.—CRIMINAL PROCEDURE

| Present title 18 | Commission draft | S. 1 |
|---|---|---|
| Ch. 201.—General Provisions: | | |
| 3001 | Omitted | Rule 1, 2, 54, 59, etc. |
| 3002 | Omitted | Rule 56. |
| 3003 | Omitted | Rule 50. |
| 3004 | Omitted | Rule 53. |
| 3005 | 6001 | Rule 16.2, 44, 44.1 |
| 3006 | Omitted | Rule 44. |
| 3006A | 4001 | Rule 44.1, § 3-11A2. |
| 3007 | Omitted | Rule 12, 47. |
| 3008 | Omitted | Rule 49. |
| 3009 | Omitted Rule 55 | Rule 55. |
| 3010 | Omitted | Rule 51. |
| 3011 | Omitted | Rule 45. |
| 3012 | 4002 | Rule 46.4. |
| Ch. 203.—Arrest and Commitment: | | |
| 3041 | 4101 | 3-11B1. |
| 3042 | 4102 | 3-11B2. |
| 3043 | 4103 | Rule 42.2. |
| 3044 | Omitted | Rule 3. |
| 3045 | 4104 | Rule 4(d). |
| 3046 | Omitted | Rule 4, 9. |
| 3047 | 4105 | Rule 4(c). |
| 3048 | Omitted | Rule 40. |
| 3049 | 4106 | Rule 40(c). |
| 3050 | 5905 | 3-10B6. |
| 3052 | 5901 | 3-10B1. |
| 3053 | 5902 | 3-10B2. |
| 3054 | Title 16 | Title 16. |
| 3055 | Title 25 | Title 25. |
| 3056 | 5903 | 3-10B3. |
| 3057 | 4107 | Omitted. |
| 3058 | 4108 | 3-10A5. |
| 3059 | 4109 | 3-10A2. |
| 3060 | 4110 | Rule 5.1. |
| 3061 | 5904 | 3-10B4. |
| Ch. 205.—Searches and Seizures: | | |
| 3101 | Omitted | Rule 54. |
| 3102 | Omitted | Rule 41(a). |
| 3103 | Omitted | Rule 41(b). |
| 3103a | 4201 | Rule 41(i). |
| 3104 | Omitted | Rule 41(c). |
| 3105 | 4202 | Rule 41(j). |
| 3106 | Omitted | Rule 41(c). |
| 3107 | 5901 | 3-10B1. |
| 3108 | Omitted | Rule 41 (c), (d). |
| 3109 | 4203 | Rule 41(k). |
| 3110 | Omitted | Rule 41(g). |
| 3111 | Omitted | Rule 41(b). |
| 3112 | Title 16 | Folio Title 16. |
| 3113 | Title 25 | Title 25. |
| 3114 | Omitted | Rule 41(e). |
| 3115 | Omitted | Rule 41(d). |
| 3116 | Omitted | Rule 41(f). |
| Ch. 207.—Release: | | |
| 3141 | 4301 | Rule 46.1(a). |
| 3142 | 4302 | Rule 46.3(b). |
| 3143 | 4303 | Rule 46.3(c). |
| 3144 | 4304 | Rule 46.2(c). |
| 3145 | Omitted | Rule 5(b), 46. |
| 3146 | 4305 | Rule 46.1. |
| 3147 | 4306 | 3-11E2. |
| 3148 | 4307 | Rule 46.2 (d), (b). |
| 3149 | 4308 | Rule 46.2(a). |
| 3150 | 4309 | Rule 46.3(a), § 2-6B4. |
| 3151 | 4310 | 2-6C6. |
| 3152 | 4311 | Rule 46.1(i), § 1-1A4(47). |
| Ch. 209.—Extradition: | | |
| 3181 | 4401 | 3-10F1(a). |
| 3182 | 4402 | 3-10E4. |
| 3183 | 4403 | 3-10F2(b). |
| 3184 | 4404 | 3-10F2(a). |
| 3185 | 4405 | 3-10F2(c). |
| 3186 | 4406 | 3-10F1(b). |
| 3187 | 4407 | 3-10F3(a). |
| 3188 | 4408 | 3-10F3(b). |
| 3189 | 4409 | 3-10F3(c). |
| 3190 | 4410 | 3-10F3(c). |
| 3191 | 4411 | 3-10F3(c). |
| 3192 | 4412 | 3-10F3(d). |
| 3193 | 4413 | 3-10F3(e). |
| 3194 | 4414 | 3-10E4. |
| 3195 | 4415 | 3-10F1C. |
| Ch. 211.—Jurisdiction and Venue: | | |
| 3231 | 4501 | 3-11B3. |
| 3232 | Omitted | Rule 18. |
| 3233 | Omitted | Rule 19. |
| 3234 | Omitted | Rule 20. |
| 3235 | 6003 | Rule 18. |
| 3236 | 4502 | 3-11B8(a). |
| 3237 | 4503 | 3-11B5. |
| 3238 | 4504 | 3-11B6. |
| 3239 | 4505 | 3-11B8(B). |
| 3240 | 4506 | 3-11B7. |
| 3241 | 4507 | 3-11B3(b). |
| 3242 | Title 25 | Title 25. |
| 3243 | Title 25 | Title 25. |
| Ch. 213.—Limitations: | | |
| 3281 | S. 701 | 1-3B1(b). |
| 3282 | S. 701 | 1-3B1(c). |
| 3283 | S. 701 | 1-3B1(c). |
| 3284 | S. 701 | 1-3B1(c), (i), (1). |
| 3285 | S. 701 | 1-3B1(i), (2). |
| 3286 | S. 701 | 1-3B1(c). |
| 3287 | S. 701 | 1-3B1(h). |
| 3288 | S. 701 | 1-3B1(d), (3). |
| 3289 | S. 701 | 1-3B1(d), (3). |
| 3290 | S. 701 | 1-3b1(e), (1). |
| 3291 | S. 701 | 1-3B1(c). |
| Ch. 215.—Grand Jury: | | |
| 3321 | 4601 | Rule C(a). |
| 3322 | Omitted | Rule C(a). |
| 3323 | Omitted | Rule C(b). |
| 3324 | Omitted | Rule C(c). |
| 3325 | Omitted | Rule C(d). |
| 3326 | Omitted | Rule C(e). |
| 3327 | Omitted | Rule C(f). |
| 3328 | Omitted | Rule C(g). |

EXHIBIT NO. 2—Continued

TABLE I—COMPARISON TABLES—Continued

PART I—CRIMES—Continued

| Present title 18 | Commission draft | S. 1 |
|---|---|---|
| Ch. 216.—Special Grand Jury: | | |
| 3331 | 4609 | Rule 6.1(a), (b). |
| 3332 | 4610 | Rule 6.1(c). |
| 3333 | 4611 | Rule 6.1. |
| 3334 | 4612 | Rule 6.1(i). |
| Ch. 217.—Indictment and Information: | | |
| 3361 | Rule 7 | Rule 7. |
| 3362 | Rule 7 | Rule 7(b). |
| 3363 | Rule 8 | Rule 8(a), 13. |
| 3364 | Rule 8 | Rule 8(b), 14. |
| 3365 | Rule 7 | Rule 7(e). |
| 3366 | Rule 7 | Rule 7(f). |
| 3367 | Rule 48 | Rule 48, 6(b), (2). |
| Ch. 219.—Trial By United States Magistrates: | | |
| 3401 | 4801 | Rule 23.1, S. 3-11B4. |
| 3402 | 4802 | 3-11A1(a). |
| Ch. 221.—Arraignment, Pleas and Trial: | | |
| 3431 | Rule 45 | Rule 45(c). |
| 3432 | 6004 | Rule 16.2. |
| 3433 | Rule 16 | Rule 10. |
| 3434 | Rule 43 | Rule 43. |
| 3435 | Repealed | Omitted. |
| 3436 | Rule 13 | Rule 13. |
| 3437 | Rule 14 | Rule 14. |
| 3438 | Rule 11 | Rule 11, 32.1(d). |
| 3439 | Rule 12 | Rule 12. |
| 3440 | Rule 12 | Rule 12(b). |
| 3441 | Rule 23 | Rule 23. |
| 3441 | Rule 23 | Rule 23. |
| 3442 | Rule 24 | Rule 24. |
| 3443 | Rule 30 | Rule 30. |
| 3444 | Rule 25 | Rule 25. |
| 3445 | Rule 29 | Rule 29. |
| 3446 | Rule 33 | Rule 33. |
| Ch. 223.—Witnesses and Evidence: | | |
| 3481 | 5001 | Rule 28.1. |
| 3482 | Omitted | Rule 26. |
| 3483 | Omitted | Rule 27(b). |
| 3484 | Omitted | Rule 17. |
| 3485 | Omitted | Rule 28. |
| 3487 | Repealed | 2-8D3(c)(2). |
| 3488 | Title 25 | Title 25. |
| 3489 | Omitted | Rule 16. |
| 3490 | Omitted | Rule 27. |
| 3491 | 5002 | Rule 26.2(a). |
| 3492 | 5003 | Rule 26.2(b). |
| 3493 | 5004 | Rule 26.2(c). |
| 3494 | 5005 | Rule 26.2(d). |
| 3495 | 5006 | Rule 26.2(e), S.3-11A3(a). |
| 3496 | 5007 | 3-11A3(b). |
| 3497 | Repealed | 2-8D3(c)(?). |
| 3498 | Omitted | Rule 15, 17(f). |
| 3499 | Omitted | Rule 17(g). |
| 3500 | 5008 | Rule 16.1. |
| 3501 | 5009 | 3-11A4. |
| 3502 | 5010 | 3-11A5. |
| 3503 | 5011 | Rule 15. |
| 3504 | 5012 | 3-10C5(f). |
| Ch. 225.—Verdict: | | |
| 3531 | Rule 31 | Rule 31. |
| 3532 | Rule 29 | Rule 29(b). |
| Ch. 227.—Sentence, Judgment, and Execution: | | |
| 3561 | Omitted | Rule 32.1(b). |
| 3562 | Omitted | Rule 32.1(a), (c). |
| 3563 | 3001 | 1-4A1. |
| 3564 | 3001 | 1-4A1. |
| 3565 | Repealed | 3-10A4. |
| 3566 | 6005 | 3-11A6. |
| 3567 | 6006 | Omitted. |
| 3568 | 3205 | 1-4B4. |
| 3569 | 3304 | 1-4C2. |
| 3570 | 5201 | 3-11D3. |
| 3571 | Omitted | Rule 36. |
| 3572 | Omitted | Rule 35. |
| 3573 | Omitted | Rule 34, 32, 1(d). |
| 3574 | Omitted | Rule 38A. |
| 3575 | 5202 | 1-4B2, Rule 32.2. |
| 3576 | 5202 | 3-11E3. |
| 3577 | 5203 | Rule 32. |
| 3578 | 5204 | 3-10A3. |
| Ch. 229.—Fines, Penalties and Forteitures: | | |
| 3611 | 5301 | 1-4A4. |
| 3612 | 5302 | 1-4A4. |
| 3613 | 5303 | 3-10A4. |
| 3614 | Repealed | 3-10A4. |
| 3615 | Title 27 | Title 27. |
| 3617 | Title 27 | Title 27. |
| 3618 | Title 27 | Title 27. |
| 3619 | Title 27 | Title 27. |
| 3620 | 5304 | Title 46. |
| Ch. 231.—Probation: | | |
| 3651 | 3101 et seq | 1-4D1, 1-4D2, 1-4D3, Rule 32.1(g). |
| 3652 | Omitted | Rule 32.1(e), (c). |
| 3653 | 5401 | 1-4D3, 1-4D4, 3-10B5, Rule 32.1 (i). |
| 3654 | 5402 | Rule 32.3. |
| 3655 | 5403 | 3-12B1, 3-12F2. |
| 3656 | 5404 | 3-12B2. |
| Ch. 233.—Contempts: | | |
| 3691 | | Rule 42(b). |
| 3692 | 5501 | Rule 42.1. |
| 3693 | Omitted | Rule 42. |
| Ch. 235.—Appeal: | | |
| 3731 | 5601 | 3-11E1. |
| 3732 | Omitted | Rule 37(a). |
| 3733 | Omitted | Rule 37(a)(1). |
| 3734 | Omitted | Rule 51; 37(a)(1). |
| 3735 | Omitted | Rule 38(a), 46.2(b). |
| 3736 | Omitted | Rule 37(b). |
| 3737 | Omitted | Rule 39(b), 51, 37(a)(1). |
| 3738 | Omitted | Rule 39(c). |
| 3739 | Omitted | Rule 39(a). |
| 3740 | Omitted | Rule 39(d). |
| 3741 | Omitted | Rule 52, 7, 12(b), (2), 30 |
| Ch. 237.—Rules of Criminal Procedure: | | |
| 3771 | 5701 | 3-11A1(a). |
| 3772 | 5702 | 3-11A1(b). |

## EXHIBIT 2

## COMPARISON TABLE—TABLE II

### INTRODUCTORY NOTE

This table identifies provisions of the United States Code outside of Title 18 which would necessarily be subject to conforming amendments as part of a Federal criminal codification effort. These amendments are contained within Title III of S. 1.

Set forth below, with respect to each Title of the United States Code, are: (1) those sections which will be modified to some extent, but retained within their present format; and (2) those sections currently embodied in Title 18 which will, by force of S. 1, be transferred to other titles in the United States Code.

### *Title 2. The Congress*

Sections Amended By S. 1:

167g
192
241
248
252
269
390

Sections Transferred Into Title 2:

591
608
609
610
611
612

### *Title 4. Flag and Seal, Seat of Government, and the States*

Section Amended By S. 1: 3.

Sections Transferred Into Title 4:

700
701
709
712
713

### *Title 5. Government Organization and Employees*

Sections Amended By S. 1:

304
551
552
555
1507
7313
8125
8312

Sections Transferred Into Title 5:

202
203
204
205
206
207
208
209
218
219
292
431
432
433
643
648
649
650
651
652
653
1901
1913
1916
1917
1921
1922
2075

### *Title 7. Agriculture*

Sections Amended by S. 1:

13
13-1
13a
13b
15
59
60
87b
87c
87f
96
135a
135b
135e
135f
150gg
163
166
167
195
203
207
215
218a
221
222
270
282
472
473
473c-1
473c-2
491
499c
499d
499m
499n
503
511i
511k
517
586
596
608a
608c
608d
608e-1
610
615
620
953
1011
1153
1156
1157
1373
13791
1380o
1433
1596
1622
1642
1887
1903
1986
2023
2044
2048
2105
2112
2115
2149
2150

Sections Transferred Into Title 7:

707
711
916
2072

### *Title 8. Aliens and nationality*

Sections Amended By S. 1:

333
334
338
339
1182
1185
1225
1227

Sections Amended By S. 1—Continued
1251
1252
1281
1282
1284
1286
1304
1306
1322
1323
1324
1325
1326
1327
1328
1330
1356
1357
1425
1446
1451
1481

Section transferred into title 8: 1428.

### Title 9. Arbitration

Sections amended by S. 1: 7.

### Title 10. Armed Forces

Sections amended by S. 1:
504
2276
2671
4501
7678
9501

Sections transferred into title 10:
244
702
704
710
1024
1383
1385

### Title 11. Bankruptcy

Sections amended by S. 1:
32
43
69
104
205

Sections transferred into title 11:
154
155

### Title 12. Banks and banking

Sections amended by S. 1:
92a
95
95a
209
211
374a
378
582
617
630
631
6401
1141j
1458
1464
1713
1715z–4
1725
1730
1730a
1738
1750b
1818
1820
1828
1829
1847
1909

Sections transferred into title 12:
212
213
214
333
644
1004
1005
1006
1009
1306
1906
1907
1908
1909

### Title 13. Census

Sections Amended By S. 1:
211
212
213
214
221
222
223
224
225

### Title 14. Coast Guard

Sections Amended By S. 1:
83
84
85
89
431
638
639
892

### Title 15. Commerce and Trade

Sections Amended By S. 1:
1
2
3
8
13a
20
24
49
50
54
68h
691
701
72
76
77
77v
77x
77yyy
78o
78o–3
78u
78ff
79r
79z–3
80a–9
80a–33
80a–36
80a–41
80a–44
80a–48
80b–3
80b–9
80b–17
155
158
159
235
241
293
298
377
645
687b
687f
714m
715e
715h
717m
717t
1004
1007
1024
1116
1172
1173
1175
1176
1193
1194
1196
1197
1200
1212
1233
1242
1243
1244
1264
1281
1282
1314
1335
1611
1674
1703
1714
1717

Sections transferred into title 15:
836
1761
1762
1821
2074
2318

### Title 16. Conservation

Sections amended by S. 1:
3
9a
25
45e
63
98
114
117c
123
127
146
152
170
198c
204c
256b
354
363
364
371
373
374
395c
403c–3
403h–3
404c–3
408k
413
414
422d
423f
425g
4261
4281
430g
430v
433
460k–3
460n–5
460n–8
462
471
551
552d
590n
606
666a
668
668cc–4
668dd
690g
693a
707
718e
718g
730
772e
776b
776c
783
811
825c
825f
825o
831t
852
853
916e
916f
954
957
984
989
990
1029
1030
1082
1167
1184
1246

Sections Transferred Into Title 16:
41
42
43
44
45
46
47
3054
3112

### Title 17. Copyrights

Sections Amended By S. 1:
14
18
104
105
115

### Title 19. Customs Duties

Sections Amended By S. 1:
60
64
70
81s
283
468
507
1304
1333
1341
1431
1436
1438
1445
1455
1460
1464
1465
1510
1581
1586
1599
1613
1618
1620
1708
1919
1975

Sections Transferred Into Title 19:
543
545
548
1915
2279

### Title 20. Education

Sections Amended By S. 1:
581
867

### Title 21. Food and Drugs

Sections Amended By S. 1:
17
63
104
117
122
127
134e
135a
143
145
158
198a
198c
212
331
333
372a
458
461
467
467d
611
622
671
675
676
677
841
842
843
844
845
846
847
848
849
850
851
876
885
952
953
954
955
956
957
958
959
960
961
962
963
964

### Title 22. Foreign relations and intercourse

Sections Amended By S. 1:
253
254
258a
277d–21
286f
287c
447
450
455
461
614
615
618
703
1179
1182
1198
1199
1200
1203
1623
1631n
1641k
1641p
1642h
1642m
1643k
1934
2518
2584

Sections Transferred Into Title 22:
546
703
708
951
955
959
961
962
963
964
965
966
967
969
1543
1544
1545

### Title 24. Hospitals, asylums, and cemeteries

Sections Amended By S. 1:
50
154
286

### Title 25. Indians

Sections Amended By S. 1:
70b
201
202
399
1323

Sections Transferred Into Title 25:
437
438
439
1154
1155
1156
1158
1159

1160
1161
1162
1164
1165
3055
3113
3242
3243
3488

### *Title 26. Internal Revenue Code*

Sections Amended By S. 1:
4817
4918
5203
5274
5551
5557
5601
5602
5603
5604
5605
5606
5607
5608
5661
5662
5671
5672
5674
5675
5676
5681
5682
5683
5685
5686
5687
5689
5691
5762
5861
5871
6065
6531
6680
6685
7201
7202
7203
7204
7205
7206
7207
7208
7209
7210
7211
7212
7213
7214
7215
7231
7232
7233
7234
7235
7236
7239
7240
7241
7262
7263
7264
7265
7266
7267
7268
7270
7271
7272
7273
7274
7302
7401
7604

Section Transferred Into Title 26:
841
842
843
844
845
846
847
848
921
922
923
924
925
926
927
928
3615
1201
1202
1203

### *Title 27. Intoxicating liquors*

Sections Amended By S. 1:
202
204
206
207
208

Sections Transferred Into Title 27:
1261
1262
1263
1264
1265

### *Title 28. Judiciary and judicial procedures*

Sections Amended By S. 1:
454
636
1291
1355
1784
1864
1865
1866
1867
1869
1918
2321
2678
2901
2902

Sections Transferred Into Title 28:
243
491
645
646
647
1421
1910
1911
2076

### *Title 29. Labor*

Sections Amended by S. 1:
161
162
186
215
216
259
308
308c
308e
439
461
463
501
502
503
504
522
524
530
629

### *Title 30. Mineral lands and mining*

Sections Amended By S. 1:
689
729
733
819

### *Title 31. Money and finance*

Sections Amended By S. 1:
155
163
243
395
665
1003
1018

Sections Transferred Into Title 31:
336
337
475
489
492
504

### *Title 33. Navigation and navigable waters*

Sections Amended By S. 1:
1
2
3
157a
158
244
354
368
391–396
395
406
410
411
412
419
421
441
442
443
444
445
447
448
449
452
474
495
499
502
507
519
533
554
555
601
682
915
927
928
931
937
938
941
990
1005
1008

### *Title 35. Patents*

Sections Amended By S. 1:
24
25
33
186
187
292

### *Title 36. Patriotic Societies and Observances*

Sections Amended By S. 1:
181
379
728

Sections Transferred Into Title 36:
705
706
917

### *Title 38. Veteran's Benefits*

Sections Amended By S. 1:
787
3313
3405
3501
3502
3505

Section Transferred Into Title 38:
290

### *Title 39. The Postal Service*

Sections Amended By S. 1:
410
602
1008
2201
3001
3003
3008
3011
5206
5403
5603
5604

Sections Transferred Into Title 39:
440
1692
1693
1694
1695
1696
1697
1698
1699
1700
1703
1704
1712
1713
1715
1716
1716A
1717
1718
1721
1722
1723
1724
1725
1726
1727
1728
1729
1730
1731
1732
1733
1734
1735
1736
1737
3061

### *Title 40. Public Building, Property, and Works*

Sections Amended By S. 1:
13m
53
56
101
193
193f
193h
193s
212b
318c
332

### *Title 41. Public Contracts.*

Sections Amended By S. 1:
39
51
54

Sections Transferred Into Title 41:
435
441
443

### *Title 42. The Public Health and Welfare*

Sections Amended By S. 1:
246
250
257
259
261
262
263
263i
263j
271
402
405
406
408
1306
1307
1400f
1400s
1422
1712
1874
1973g
1973i
1713
1857f–4
1857f–6
1857f–6c
1973j
1973l
1973aa–1
1973aa–3
1973bb–2
1974
1974a
1975a
1975d
1987
1990
1995
2000e–5
2000e–8
2000e–10
2000e–12
200g–2
2000h
2000h–1
2271
2272
2273
2274
2275
2276
2277
2278
2278a
2278b
2281
2462
2515
2703
3188
3220
3425
3426
3610
3611
3631

Sections Transferred Into Title 42:
799
1012

### *Title 43. Public Lands*

Sections Amended By S. 1:
104
105
183
254
255
315a
362
1064
1096
1191
1212
1333
1334

Sections Transferred Into Title 43:
714
1860
1861

### *Title 44. Public Printing and Documents*

Sections Amended By S. 1:
3508
3511

Section Transferred Into Title 44:
442

### *Title 45. Railroads*

Sections Amended By S. 1:
39
60
64a
65
66
81
83
152
228m
354
355
359
362

### *Title 46. Shipping*

**Sections Amended By S.1:**

7
8
22
45
58
59
62
77
831
85f
85g
88f
88g
91
101
142
143
151
152
154
156a
157
158
161
162
163
170
194
203
224a
229e
229f
232
235
239
239c
246
249c
251
251a
277
316
319
320
321
322
323
324
369
391a
398
403
407
408
410
413
452
471
381
497
498
526m
526p
563
564
599
643
652
658
660
672
676
684
701
707
709
711
712
728
738b
738c
808
812
815
817b
817c
820
831
835
836
837
838
839
941
119a
1132
1171
1223
1224
1225
1226
1228
1277
1333

**Sections Transferred Into Title 46:**

1081
1082
1083
2195
2274
2277
2278
2278
3620

### *Title 47. Telegraphs, telephones, and radiotelegraphs*

**Section Amended By S. 1:**

13
21
22
23
24
25
27
28
29
30
31
33
37
202
203
205
220
223
312
362
386
409
501
502
503
506
508
509
605
606

**Section Transferred Into Title 47:**

2511

### *Title 48. Territories and Insular Possessions*

**Sections Amended By S. 1:**

1417
1421i
1423f
1424
1461
1572
1704

### *Title 49. Transportation*

**Sections Amended By S. 1:**

1
5
6
10
15
16
19a
20
20a
41
46
47
121
305
314
319
322
906
917
1010
1013
1017
1021
1159
1378
1471
1472
1473
1523
1679
1681
1725

**Sections Transferred Into Title 49:**

831
832
833
834
835

### *Title 50. War and National Defense*

**Sections Amended By S. 1:**

23
167k
192
210
217
459
783
792
794
797
822
823
824
843
855
856
1436

**Sections Transferred Into Title 50:**

795–797
2386

### *Title 50. Appendix, War and National Defense*

**Sections Amended By S. 1:**

3
5
7
12
16
19
34
327
460
462
468
473
520
522
530
531
532
534
535
590
643a
643b
781
783
1152
1191
1193
1215
1884
1941d
1985
2009
2017g
2017m
2025
2073
2155
2160
2165
2213a
2255
2284
2405

## EXHIBIT NO. 2

### TABLE III

### INTRODUCTORY NOTE

This table identifies those provisions of S. 1 which are without antecedent in current Federal statutory law. They are identified as with an antecedent in the recommendations of the National Commission on Reform of Federal Criminal Laws or wholly new to S. 1.

The Table also identifies proposals advanced by the National Commission, but wholly omitted in S. 1.

| Section—S. 1: New Law | Commission antecedent |
|---|---|
| 1-1A1. Title | X. |
| 1-1A2. General Purposes | X. |
| 1-1A3. Principle of Legality; Rule of Construction | X. |
| 1-2A1. Culpability | X. |
| 1-2A2. Causal Relationship Between Conduct and Result | X. |
| 1-3B2. Entrapment | X. |
| 1-3C1. Intoxication | X. |
| 1-3C2. Mental Illness or Defect | X. |
| 1-3C3. Execution of Public Duty | X. |
| 1-3C4. Defense of Person or Property | X. |
| 1-3C5. Ignorance or Mistake of Fact | X. |
| 1-3C6. Ignorance or Mistake of Law | X. |
| 1-3C7. Duress | X. |
| 1-3C8. Consent | X. |
| 1-4A3. Disqualification | X. |
| 1-4A5. Joint Sentence | New to S. 1. |
| 1-4E2. Separate Proceeding to Determine Sentence of Death | X. |
| 2-7B5. Aiding Suicide | New to S. 1. |
| 2-8C3. Possession of Burglar's Tools | Do. |
| 2-8F3. Environmental Spoilation | Do. |
| 2-8F4. Unfair Commercial Practices | Do. |
| 2-8F6. Regulatory Offenses | X. |
| 3-11C2. Panel and Examination | New to S. 1. |
| 3-11C5. Determination of Defense of Mental Illness or Defect | X. |
| 3-11C7. Disposition of Criminal Charges | X. |
| 3-11C8. Civil Commitment | New to S.1. |
| 3-11D1. Sentencing Recommendation of the Attorney for the Government | Do. |
| 3-11D2. Psychiatric Examination | X. |
| 3-12F7. Finality of Parole Determinations | X. |
| 3-13C1. Establishment of Criminal Law Reform Commission | New to S.1. |
| 3-13C2. Duties | Do. |
| 3-13C3. Powers | Do. |
| 3-13C4. Compensation and Exemption of Members | Do. |
| 3-13C5. Staff | Do. |
| 3-13C6. Expenses | Do. |

### OMITTED

*Commission recommendations*

*Sec.**

703. Prosecution for Multiple Related Offenses
704. When Prosecution Barred by Former Prosecution for Same Offense
705. When Prosecution Barred by Former Prosecution for Different Offense
706. Prosecutions Under Other Federal Codes
707. Former Prosecution in Another Jurisdiction: When a Bar
708. Subsequent Prosecution by a Local Government: When Barred
709. When Former Prosecution is Invalid or Fraudulently Procured
1307. Public Servants Permitting Escape
1613. Reckless Endangerment
1648. General Provisions for Sections 1641 to 1647 (sex offenses)
1848. Testimony of Spouse in Prostitution Offenses
1852. Indecent Exposure
1861. Disorderly Conduct
3003. Persistent Misdemeanants
3601. Life Imprisonment Authorized for Certain Offenses

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*Section references are to the Final Report of the National Commission on Reform of Federal Criminal Laws.

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Mr. McCLELLAN. Mr. President, I would also advise those interested that copies of the bill, S. 1, the "Criminal Justice Codification, Revision, and Reform Act of 1973," is available and that it and the final report of the Commission may be obtained by writing the subcommittee at room 2204, Dirksen Senate Office Building, Washington, D.C. 20510.

Mr. President, I want to emphasize—as a Member of this body—as one who served on the Brown Commission—and as chairman of the Senate Judiciary Subcommittee on Criminal Laws and Procuredures—it is not going to be an easy task to process this bill, and we will never succeed in bringing to the floor a bill that will meet with the unanimous approval of the 100 Members of this body. There will have to be some give and take.

The bill that we will bring from the subcommittee will have provisions to which I may object or about which I may not be enthusiastic, and that may be true as to each member of the subcommittee and the full Judiciary Committee. But if we are to bring about this reform, again I say that there has to be some give and take. We will have to make up our minds that we are not going to vote against the whole program just because it contains one provision of law or one feature of the bill that we do not like.

I could pick out statutes on the books today that I would like to see reformed; but they are the law of the land, and we must obey them.

I know that I am going to have—and I thank them in advance—the full cooperation and the diligent assistance of all members of the Subcommittee on Criminal Laws and Procedures. We will undertake to expedite these hearings and to get this bill before the Senate at the earliest practical date.

I yield now to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I thank the Senator from Arkansas and I commend him on his excellent presentation, a basic presentation of a very monumental piece of legislation.

Mr. President, as the ranking minority member of the Subcommittee on Criminal Laws and Procedures, I want to take this opportunity to salute our distinguished chairman, the senior Senator from Arkansas (Mr. McCLELLAN), on the introduction of S. 1, the "Criminal Justice Codification, Revision and Reform Act of 1973." The effort necessary to produce this legislative proposal can only be fairly described as Herculean. The bill contains a little over 500 printed pages.

I am honored to join with our distinguished chairman on the bill, as well as the distinguished Senator from North Carolina (Mr. ERVIN), who is a cosponsor thereof, just as I am.

The recasting of our Federal criminal laws was early recognized as a long-term project that would require strong bipartisan support and a healthy spirit of reconciliation, good will, and accommodation. The introduction of S. 1 represents a major step toward our goal and reinforces my belief that we shall find ultimate success in the not too distant future. It is my hope that the entire rewriting of title 18 can be concluded and enacted into law as soon as possible.

The idea, indeed the inspiration and basis for S. 1, can be traced to the establishment of the National Commission on Reform of Federal Criminal Laws by the 89th Congress in Public Law 89–801.

The Commission was chaired by the Honorable Edmund G. Brown, former Governor of California. The vice-chairman was Congressman Richard H. Poff of Virginia, the author of the statute creating the Commission, and presently a Justice of the Supreme Court of Appeals of Virginia.

Other members were:

U.S. Circuit Judge George C. Edwards, Jr.

U.S. District Judge A. Leon Higginbotham, Jr.

Congressman ROBERT W. KASTENMEIER.

U.S. District Judge Thomas J. MacBride.

Congressman ABNER J. MIKVA.

Donald Scott Thomas, Esq.

Theodore Voorhees, Esq.

U.S. Senator JOHN McCLELLAN of Arkansas.

U. S. Senator SAM ERVIN of North Carolina.

U.S. Senator ROMAN HRUSKA of Nebraska.

In the final report of the National Commission, the 92d Congress was given what the 89th had requested—a broad, comprehensive framework in which to decide the issues involved in recodification and possible reform of the Federal criminal code.

This report was the result of nearly 3 years of deliberation by the Commission, its Advisory Committee, consultants and staff. The Advisory Committee, headed by retired Justice and former Attorney General, Tom C. Clark, consisted of 15 persons with a broad range of experience.

In addition to Justice Clark its members were:

Maj. Gen. Charles L. Decker.
Hon. Brian P. Gettings.
Hon. Patricia Roberts Harris.
Fred B. Helms, Esq.
Hon. Byron O. House.
Hon. Howard R. Leary.
Robert M. Morgenthau, Esq.
Dean Louis H. Pollak.
Cecil E. Poole, Esq.
Milton G. Rector.
Hon. Elliot L. Richardson.
Gus Tyler.
Prof. James Vorenberg.
William F. Walsh, Esq.
Prof. Marvin E. Wolfgang.

Working with a budget of $850,000 and a staff of some 50, headed by Prof. Louis B. Schwartz of the University of Pennsylvania Law School, the Commission worked through preliminary memoranda and drafts in periodic discussion meetings. Reports of other bodies were used extensively, such as the President's Commission on Law Enforcement and Administration of Justice, the National Commission on Causes and Prevention of Violence, the National Advisory Commission on Civil Disorders, the American Bar Association Project on Standards for Criminal Justice, the American Law Institute, the National Council on Crime and Delinquency and numerous State penal law revision commissions.

At the conclusion of this first phase of intensive study, the Commission published the study draft of June 1970 in order to secure the benefit of public criticism before the Commission made its decisions. The comments submitted in response to the circulation of 5,000 copies of the study draft greatly aided the members of the Commission as they met again and again to determine the final shape and scope of the Report.

The final report was submitted to the President and to Congress on January 7, 1971. It was made clear in the letter transmitting this report that no Commissioner is committed to every feature of the proposed code. However, each of us, I believe, is convinced that the great bulk of the proposal has great merit as a basis and vehicle for legislation. We desire enactment of a total revision of title 18 at the earliest possible opportunity.

Such an effort runs no risk of redundancy. Since the enactment of our first set of criminal laws in 1790 (1 Stat. 112, Crime Act of 1790) this Nation has never legislated a comprehensive reform of its criminal laws. There have been occasional revisionary—essentially editorial—efforts, the last one over two decades ago (Act of June 25, 1948, 62 Stat. 683). And since that modest undertaking, Congress has enacted in title 18 alone over 250 separate Federal offenses, seriatim. The consequence is that the Federal criminal laws are riddled with anomalies and their efficacy is frustrated.

In January of 1971, President Nixon publicly commended the Commission and requested that the Department of Justice create a special unit of experienced Department attorneys to undertake an evaluation of the Commission's many suggestions and further to make the results of their evaluation available to the appropriate committees of the Congress in a close and cooperative spirit.

The hearings and studies conducted by the Criminal Laws Subcommittee during the 92d Congress and the bill under discussion have added greatly to the knowledge and options available in the field of criminal law codification.

Under the direction of former Attorney General Mitchell and the present Attorney General Richard Kleindeinst, the Department of Justice has devoted enormous resources over the last 2 years to the task of reconstructing title 18 to meet the needs of our criminal justice system, in a modern setting. This was, of course, facilitated by the often expressed interest of the President in this venture.

The administration's bill will be forwarded to the Congress shortly. That proposal and S. 1 will provide the primary vehicle to which the Criminal Laws Subcommittee can turn in the coming months.

With this preliminary work completed it is essential that we not lose the opportunity to capitalize on and build upon the accomplishments up to this date. It is my hope that the Senate and the other body will seize this chance to make a significant contribution to Federal law by enacting during the 93d Congress an entirely new—both in form and substance—criminal code.

Much remains to be done if we are to fashion this new code and draw together the best of past experience and the best of innovation into a workable, comprehensive and scholarly code. This will be the task of the 93d Congress.

This Senator is not at this time willing to give a blanket endorsement to S. 1, nor the administration bill which will be forthcoming. In discussing its provisions with my colleagues over the past 2 years, different approaches to some fundamental problems have developed. This is as it should be when such a vast and complex subject is discussed. Of course, I am still open to suggestion on these problems just as I am sure other members of the committee are. Just as the subcommittee hearings during the 92d Congress have been very useful, I look forward to the upcoming ones. It will be our duty during the 93d Congress to diligently explore S. 1 and the administration's bill, as well as the suggestions presented by outside experts, and to come up with the best bill possible. I intend to do everything that I can to assist the chairman in this task.

It is essential that our future efforts not be politicized or polarized on single issues and that we proceed cautiously, but with deliberate speed. This revision is more important than any single issue and it should be approved even if all concerned cannot agree on each section and aspect of the new code. As the Senator from Michigan (Mr. Hart), a member of the committee stated on one occasion, "we ought not to keep the whole reform as ransom" to any single notion of what the law should be—see Hearings at 111 Vol. I. Governor Brown supported this view by saying that however the controversial questions are settled,

> the work, the real work, of the Commission, the work of codification should go forward. (Id. at 95.)

Mr. President, since my appointment to the National Commission, I have spent a great deal of time considering the proper form Federal criminal law should take in this Nation. This is a compelling issue that touches the lives of most citizens in one way or another, and the lives of some citizens to an overwhelming degree. During the deliberations of the Commission and later the subcommittee, we have been exposed to some remarkable new thinking in this field which has been incorporated into both the Final Report of the Commision and now S. 1. Many of these ideas have much merit. Their adoption will result in a more fair, a more compassionate, a more effective, a more balanced, and a more workable criminal justice system. This should be our ultimate goal.

Of course, in other instances I am content to walk some of the more traditional paths of current law.

The work of the subcommittee in this field is one of the most important tasks that confronts this Congress. I am anxious to get on with our work in concert with my able colleagues; we can look forward to its challenges and the consequences that will flow from it. The text of S. 1 will be of material benefit to our work, and once again I congratulate our chairman and the subcommittee staff on this excellent bill because it was they who principally worked this out to the form which it enjoys today.

In my commendations I wish to include, of course, the Senator from North Carolina because certainly without those two Senators we would not have had that continuing and diligent interest in this subject which was necessary in order to have made as much progress as we have made, but it will take a continuing, abiding, and a persistent interest in the months ahead to finish the job, but I am confident this Congress can and will reach the point of enactment in due time.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from North Carolina (Mr. Ervin).

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. ERVIN. Mr. President, on January 4, 1973, Senator John McClellan, Senator Roman Hruska, and I jointly introduced S. 1, a bill to codify, revise and reform the Federal criminal law and procedure.

I would like to take this occasion to commend the work of all members of the National Crime Commission, the work of all members of the staff of the Subcommittee on Criminal Laws and Procedures, and especially the chairman of the subcommittee, who is also a member of the Crime Commission, and the ranking minority member of the committee, Senator Hruska, who is also a member of the Crime Commission.

I would also like to express my personal appreciation to a distinguished North Carolina lawyer, Fred B. Helms, of Charlotte, N.C., who rendered great service as a member of the advisory committee to the Commission, and also to Robert B. Smith, now Chief Counsel of the Government Operations Committee, for the assistance he gave me as a member of the National Crime Commission in the study of these proposed reforms, and to Bill Pursley, who has since that time assisted me materially in the study of this bill.

I have joined in sponsoring S. 1 because I believe it represents a reasonable blueprint from which the Congress can begin a comprehensive consideration of reform of the Federal criminal law. I do not support every provision incorporated in the bill. Indeed, I have serious reservations with respect to several sections of the bill as presently drafted. Nevertheless, having served as a member of the National Commission on Reform of Federal Criminal Laws, with Senator McClellan and Senator Hruska, and having worked closely with these Senators in the preparation of S. 1, I am satisfied that it is a thoughtful beginning in what will certainly be a very important and demanding task—reform of the Federal criminal law.

S. 1 is based upon a comprehensive study of the Federal criminal law undertaken by the National Commission on Reform of Federal Criminal Laws. Established by Congress in 1966, the Commission was directed to make recommendations to Congress which would improve our system of criminal justice. On January 7, 1971, the Commission submitted to the President and Congress its final report. During 1971 and 1972, the Senate Subcommittee on Criminal Laws and Procedures conducted hearings to examine and consider the Commission's recommendations. Members of Congress, judges, Justice Department officials, professional associations, law school professors, citizens groups and others participated in these hearings and offered a wide variety of suggestions with respect to reform of the Federal criminal law. The time has now arrived for Congress to proceed with a serious and careful effort to translate these studies and recommendations into legislation.

Incorporated in S. 1 are new approaches to Federal criminal jurisdiction, to definitions of Federal crimes, to sentencing, and to the general organization of Federal criminal law. A major effort has been made in S. 1 to simplify the terminology of Federal criminal statutory provisions so that a more rational and unified body of law can be established. In addition there are important substantive alterations from present law as to what constitutes Federal criminal conduct. These and other aspects of S. 1 merit and require careful congressional consideration.

There are provisions in the present draft of S. 1 about which I have considerable concern. I intend to study carefully the proposed sections with respect to crimes pertaining to the national security, the disclosure of confidential information, and the dissemination of obscene material. Provisions relating to the interception of communications, provisions dealing with the death penalty, the proposal for appellate review of sentences, the system for classification of sentences, the section on organizational criminal liability, juvenile delinquency, election fraud, and immunity of witnesses also require special study in my opinion. Furthermore, I am concerned about the redesignation of certain provisions now in title 18, such as the Bail Reform Act of 1966, as Federal Rules of Criminal Procedure. Such a redesignation raises questions with respect to the authority of the Supreme Court to modify congressional action with respect to criminal procedure.

It is my understanding that there will be comprehensive committee hearings on S. 1 and any other such proposals which may be introduced in this session of Congress. I am confident that such hearings and continuing study of S. 1 by Members of Congress will result ultimately in wise legislation which will improve our system of criminal justice. Although I am not satisfied with a number of the provisions of S. 1 as presently drafted, I believe this bill does represent a reasonable starting point for the Congress as it proceeds to address the pressing problems associated with crime in our country.

I would like to express my complete agreement with the statements made by the distinguished Senator from North Carolina (Mr. McClellan) and the distinguished Senator from Nebraska (Mr. Hruska) with respect to the herculean nature of the task which confronts the subcommittee, the full Judiciary Committee, the Senate, and the Congress ultimately, in connection with this legislation. As they have stated, it will not be possible in a legislative proposal of this scope for the subcommittee or the full committee to bring out for the consideration of the Senate a bill which will meet with the approval in all respects, of all the members, of either the subcommittee or the full committee of the Senate, but it is essential that the criminal laws of this Nation be reformed and I think Congress must be prepared to pass a bill which will accomplish these reforms even though some of the provisions of the bill may not commend themselves to many members of Congress and many members of the subcommittee and many members of the full Judiciary Committee.

I would like to reiterate in closing that the Nation owes a great debt of gratitude to many men and women in connection with this legislative proposal and that it is especially indebted to the distinguished Senator from Arkansas (Mr. McClellan) and the distinguished Senator from Nebraska (Mr. Hruska).

Mr. McCLELLAN. Mr. President, I want to thank my distinguished colleagues for the remarks they have made this afternoon, and I certainly join with them in commendation of the staff that has worked so faithfully on the subcommittee for the help they have given us. We must rely upon them heavily, and they are meeting their responsibilities most effectively, most efficiently, and most courteously, and I appreciate it very much. I wanted the Record to so reflect.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

## JOINT STATEMENT OF SENATORS KENNEDY, TUNNEY, AND CRANSTON REGARDING PYRAMID LAKE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to insert in the Record a joint statement by Senators Kennedy, Tunney, and Cranston.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Joint Statement of Senators Kennedy, Tunney, and Cranston Regarding Pyramid Lake

In 1859 the United States created the Pyramid Lake Indian Reservation in Nevada for the Pyramid Lake Paiute Tribe of Indians. The heart of the Reservation—geographically, culturally, and economically—is Pyramid Lake. The lake is not only the single most important asset of the Tribe, which has lived on its shores and depended on its fishery but it is also a natural resource from time immemorial, of unique importance to the country generally. But presently Pyramid Lake, and the Tribe, are in trouble.

Pyramid Lake is the terminus of the Truckee River, which, except for a small amount of precipitation and drainage from surrounding mountains, is the sole source of water for the Lake. Yet, as a result primarily of man-made upstream diversions of Truckee River water, the level of the Lake has dropped more than 70 feet since 1906. This decline in the Lake has devastated its natural fishery, threatens recreation development which would benefit both the Tribe and all citizens of this nation.

Recognizing that the Lake's existence is in peril and with the full support of the Tribe, the Department of Justice filed suit in the Supreme Court on behalf of the Tribe in September of last year. The suit asked the Court to assume original jurisdiction of a suit against California and Nevada and to declare the Pyramid Lake Tribe's right to Truckee River water in a sufficient amount to stabilize the level of the Lake and to maintain a natural fishery in the Lower Truckee River.

This suit is long overdue. For years, according to testimony and evidence presented in hearings before the Senate Subcommittee on Administrative Practice and Procedure last year, the Justice Department and Interior Department have been passing the buck back and forth, giving lip service to the plight of the Tribe and the demise of the Lake, but refusing to take concrete action to preserve them. In the past the federal government has abdicated its trust responsibilities to the First Americans through incredible conflicts of interest. This suit should become a symbol of the Government's concern for and action in behalf of the best interests of Indian people. It is our hope that at last the Government will act meaningfully to fulfill its trust responsibility to this American Indian Tribe.

It seems that the Tribe cannot fully be protected until there is a judicial determination of the amount of Truckee River water subject to allocation between California and Nevada and the amount to which the Pyramid Lake Paiute Tribe is entitled. Administrative or Congressional action would otherwise be premature, in that it would only be based on a speculative determination of the Tribe's rights. We therefore support the efforts of the Tribe and Federal Government to obtain a judicial determination in the Supreme Court.

## ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY, JANUARY 16, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, immediately following recognition of the two leaders or their designees under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, and that the period for the transaction of routine morning business, of course, follow the recognition of any Senators under 15-minute orders which may have been previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business today, the distinguished senior Senator from Virginia (Mr. Harry F. Byrd, Jr.) be recognized for not to exceed 30 minutes, and that at the conclusion of his remarks there be a resumption of routine morning business for not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARRY F. BYRD, JR. Mr. President, is the Senate still in the period for the transaction of morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

Mr. HARRY F. BYRD, JR. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER (Mr. Nunn). Without objection, morning business is closed. Pursuant to the previous order, the Senator from Virginia (Mr. Harry F. Byrd, Jr.) is recognized for a period not to exceed 30 minutes.

## THE NOMINATION OF ELLIOT L. RICHARDSON TO BE SECRETARY OF DEFENSE

Mr. HARRY F. BYRD, JR. Mr. President, during the past few days—Tuesday, January 9, Wednesday, January 10, and Thursday, January 11—the Committee on Armed Services has been considering the nomination of the Honorable Elliot L. Richardson to be Secretary of Defense. The committee has held very full hearings. As a matter of fact, I believe that these hearings were more detailed than any confirmation hearings in recent years with the exception of those on the Attorney General and some Supreme Court appointees. Certainly they were the most detailed confirmation hearings before the Armed Services Committee in quite awhile.

As senior Senator from Virginia, I put a large number of questions to the appointee. It seems to me that in considering the nominations of persons to high positions in our Government—and the position of Secretary of Defense is one of the highest—we in the Senate have an obligation to hold more than perfunctory hearings. I feel that we have an obligation to go fully into the philosophy, the judgment, and the qualifications of the nominees.

So, as I say, in these hearings, which consumed the better part of 3 days, I put to Mr. Richardson many questions on many different subjects. Neither I nor anyone else on the committee expected the Secretary-designate to be able to answer all of the questions, but my reason for the detailed questioning of Mr. Richardson was to attempt to develop something of his philosophy and something of his judgment. I was attempting to make a judgment as to his judgment.

I have been alarmed that, in recent

years, the executive branch of the Government has, for one reason or another, increased its own powers while the legislative branch has relinquished many of its powers. I think the fault is twofold. First, the tendency of the executive branch is to assume as much power and as much authority as it possibly can. That is probably a very natural inclination. The other reason that Congress has lost many of its responsibilities and powers is that Congress itself has voluntarily given up those powers, or has refused to exercise them.

I want to see Congress reassert itself. I want to see the elected representatives of the people, the 435 Members of the House of Representatives and the 100 Members of the U.S. Senate, come to grips with the grave problems facing our Nation, and cease turning over to the executive branch, or permitting the executive branch to usurp authority and power rightly delegated by the Constitution to Congress.

The question of the confirmation of members of the President's Cabinet and others in high office who are subject to confirmation is one which I feel Congress should not take lightly. I have sat through too many hearings in recent years in which only perfunctory examination has been given to the prospective nominees. When we are confirming men who will inevitably have a major effect on the course of events, then we have a special obligation to try to understand something of their philosophy and of their thought processes. That is particularly true, I think, when the question of possible use of American manpower in war could be involved, or where the individuals, such as the Secretary of Defense, could be called upon to give a judgment to the Commander in Chief as to what course of action should be taken under difficult circumstances in which the country may in future years find itself.

Over the weekend, I read a most interesting book, written by David Halberstam, entitled "The Best and the Brightest." The book dealt with some of the decisionmaking processes within the White House and within the departments of Government during the administration of Presidents Kennedy and Johnson, dealing specifically with the way the war in Vietnam developed.

I am not touting the book by Mr. Halberstam. I can say that the book is very ably written. I do not know Mr. Halberstam personally, but he was a New York Times reporter and evidently has done a great deal of research in developing his book.

I can also say that in my capacity as a member of the Committee on Armed Services and as a Member of the Senate, I have had considerable contact with most of the individuals whom he mentions in his book. From my experience on the outside, what he wrote appears to me to be very accurate, indeed, with respect to the way the Vietnam war developed and progressed, and with respect to how it reached the point where we had at one time 550,000 Americans serving in uniform in Vietnam.

Some of the individuals mentioned in the book, who played such an important part in the events leading to the war in Vietnam and the acceleration of the war there, came before the Committee on Armed Services for confirmation. Going back 6 or 7 years, there was one question I put to every Defense Department appointee who came before the Armed Services Committee for confirmation. That question was this:

> In your judgment, is United States involvement in a long war in Vietnam advantageous to the Soviet Union?

The reason I asked that question was that it gave me some insight into the thinking of the appointee.

In virtually every case during the administration of President Johnson, every appointee to whom I directed that question took the view that U.S. involvement in a long war in Vietnam was not advantageous to the Soviet Union.

What that meant to me was that in 1966, 1967, 1968, and all through that period, there was no sense of urgency in trying to end this war.

I might say that with many appointees lengthy questioning was required to get an answer to that question, sometimes as long as an hour. The only one I can recall who answered it with one word was Eugene Rostow, who at that time was an Under Secretary of State for Political Affairs. He answered it categorically, and he answered it, as I have indicated a moment ago, by saying that, in his judgment, U.S. involvement in a long war was not advantageous to the Soviet Union.

Others who answered the question less concisely or less forthrightly—others who come to mind at the moment—were Mr. McNaughton, Assistant Secretary of Defense, and Mr. Townsend Hoopes, who had been nominated, as I recall, to be Under Secretary of the Air Force. I cite that merely to show that the appointees of that period did not, in my judgment, indicate any sense of urgency in ending the war.

Now we come to this year's hearings. I put that same question to Secretary Richardson. I will read from the transcript of the testimony. The testimony goes thus:

> Senator BYRD. The United States has been involved in combat operations in Indochina for nearly 10 years. We are still involved. In your judgment, has this long involvement in Vietnam, utilizing two and one half million American troops and hundreds of billions of dollars, been beneficial to the Soviet Union?
>
> Secretary RICHARDSON. In my judgment, no.
>
> Senator BYRD. Your judgment is that U.S. involvement in Vietnam over 10 years, the expenditure of hundreds of billions of dollars, the use of two and one half million U.S. troops, 50,000 deaths, and 300,000 wounded—that that has not been advantageous to the Soviet Union?
>
> Secretary RICHARDSON. That is correct.

I commend Secretary Richardson on his candor. He was the only one so candid, with the exception of Eugene Rostow, the Under Secretary of State in the Johnson administration. Mr. Richardson made a frank and candid and concise statement. I commend him on his candor; I do not commend him on his judgment.

How in the world can anyone say—after identifying the Soviet Union as being a potential threat to the United States, and after saying, as Mr. Richardson did, that it is largely because of this threat that we must spend $80 billion for defense—that U.S. involvement in Vietnam, costing hundreds of billions of dollars, 50,000 American lives, and 300,000 wounded, has not been advantageous to the Soviet Union? Nevertheless, that is his view. He is entitled to his view, just as much as I am entitled to mine. I disagree with him on that. Nevertheless, that is his view.

Another question I put to Mr. Richardson was this:

> It has been asserted by some that the use of ground troops in Vietnam was a grave error of judgment. Do you agree or disagree?

Mr. Richardson, in essence, did not have a view on this matter. That, of course, is his prerogative. I would have thought that certainly at this stage of the game, after 10 years, most of us—certainly those in positions of high responsibility—would have a view one way or the other.

I want to say that I would not be critical of whatever answer the prospective Secretary of Defense might make to that question. Many or most Members of the Senate had one view on that question in the earlier days and have a different view now. So I would have no criticism whatever of the prospective Secretary of Defense, however he might have answered the question. But it does seem to me that anyone who is going to be Secretary of Defense should have some judgment, should have some view, as to whether or not the use of ground troops in Vietnam was a grave error of judgment.

Rightly or wrongly, the Senator from Virginia has been consistent in his view on this matter. I do not ask that anyone else take my view. But hundreds of times in this Chamber I have expressed the view that the sending of ground troops to Southeast Asia, to Vietnam, was a grave error of judgment. Once the troops were sent, we had an obligation to support them, and I have done so, but that does not alter the error of the original judgment.

In asking that question of a man who will be the new Secretary of Defense, I have in mind that the President of the United States cannot carry alone the whole burden of decisions on defense matters. He must rely on his key officials; and in the defense field Mr. Elliot Richardson will be the key adviser, along with the Chairman of the Joint Chiefs of Staff, to the President. Of course, I leave it to each individual to determine for himself just how he might regard Mr. Richardson's comment on that particular question.

I went into some detail on Vietnam in the committee hearing because, for one thing, we are not yet out of Vietnam. In that connection I should say that I believe President Nixon has done well in withdrawing U.S. ground troops from Vietnam. I believe he is making a sincere effort to achieve a lasting peace.

Another reason why I wanted to know Mr. Richardson's views on some of these problems in regard to Vietnam is that similar problems might arise in the future elsewhere, even in Southeast Asia again.

In putting the questions to the distinguished Secretary designate, I was not doing it with the idea of expressing my own view, or seeking to find him in accord with what he might consider to be my view. What I wanted to do was to find out his views. I wanted to ascertain his thinking.

I have given some examples of why I have not been in agreement with the new Secretary. I am in disagreement in one case, and in another case I am concerned about his apparently not having a view. But I want to say that, overall, in his total testimony, I think, he certainly handled himself well. He is very smart; he is an able lawyer.

I have not counted the number of questions, but I estimate that I asked well over a hundred; and I want to say again, as I said earlier, that I certainly did not expect him to be able to answer them all. Some of them were a little technical. I tried to keep away from any very technical questions. But I was trying to develop, for my own information, something about his judgment, his thoughts on the great matters upon which he will be called to give advice in some cases and in other cases to act on his own.

Mr. Richardson is a man of ability, a man of integrity. If and when confirmed I certainly want to cooperate fully with him and I want to cooperate fully with the Department of Defense. I think it is vitally important that this country maintain a strong national defense in this uncertain age, in this nuclear age. I do not believe we can afford to let our guard down. I do not believe we can afford to be a second-rate military power.

Many of my questions to the Secretary were an effort to draw out his thinking on this subject and to see, as best I could, the direction he might take for the Department if and when he is confirmed to that very high and difficult position. I think that being Secretary of Defense is a very difficult position. My own feeling is that Secretary Laird made an excellent Secretary of Defense. In concluding my remarks I want to commend the work of Mr. Laird.

Mr. President, in asking unanimous consent for certain documents to be printed in the RECORD, I want to emphasize this is not the total transcript of the committee hearings. I am incorporating in the RECORD for the most part questions which I put to Secretary Richardson and his replies. Included in the transcripts that I will submit for the RECORD in a moment are a few questions by the chairman of the committee, several questions by the distinguished Senator from Georgia (Mr. NUNN), and I think we have several from the Senator from Arizona (Mr. GOLDWATER), and several other members of the committee. It is not a complete transcript. It is, however, a complete transcript of the questions which the senior Senator from Virginia put to Mr. Richardson, the Secretary-designate, and Mr. Richardson's replies.

Mr. President, I ask unanimous consent to have printed in the RECORD the transcript of portions of the hearings before the Commitee on Armed Services of Tuesday, January 9, 1973, concerning the confirmation of Elliot L. Richardson, as well as Wednesday, January 10, and Thursday, January 11, 1973.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RICHARDSON CONFIRMATION, TUESDAY, JANUARY 9, 1973

* * * * *

The CHAIRMAN. Senator Byrd.

Senator BYRD. Thank you, Mr. Chairman.

(At this point a woman in the audience arose and started to address the Committee.)

The CHAIRMAN. The idea is that you can't hear in the rear, is that it?

(The woman continued to address the Committee.)

The CHAIRMAN. You will help us out now by being quiet for the time being, and if you want a seat up nearer why the officer will provide you one, provided you are quiet but if you are not we will just be compelled to ask you to excuse yourself from the room. Now, we will have to proceed.

(At this point the woman was requested to leave by the officers in the Committee room.)

The CHAIRMAN. We will ask you back later, thank you for coming this morning.

All right. Sorry about the interruption, let's have quiet, please. That is enough entertainment for a while. All right, Senator.

Senator BYRD. Thank you, Mr. Chairman.

Mr. Secretary, you have had a very distinguished career and I would like this morning to try to develop a little bit of your general philosophy which I must say I am not too familiar with.

The CHAIRMAN. Senator, maybe we should put these a little closer to us.

Senator BYRD. Thank you.

In reading, first in reading, your biography, a very impressive one, I might say, I note that you were a director of the Salzburg Seminar on American Studies. Would you give the Committee a little information as to what the Salzburg Seminar on American Studies is, where it is located, and so forth.

Secretary RICHARDSON. I would be very glad to, Senator Byrd.

The Salzburg Seminar on American Studies was founded very shortly after World War II, by young men concerned that although the United States would foreseeably have a major role in Western Europe in the future, there was very little understanding of or knowledge about the United States in Western Europe. Very few courses were taught on American civilization or history or literature in European universities. So the seminar was conceived of as a means whereby American teachers, American labor leaders, American public servants could come to one place in Europe, where students, young civil servants, judges or others engaged in important activities in Western European countries could come and take courses from the American faculty. It was started as a summertime only project, and expanded over the years so that it would conduct sessions several times during the year. It is ordinarily a session on American law, sometimes on American business or American labor relations, the American novel, for instance.

I believe it has been over the years a very effective force for creating better understanding by Europeans of the United States. It has now had thousands of participants who have gone back to positions of comparative significance in their communities. A lot of people, distinguished Americans, have served as faculty members, Secretary Acheson after his State Department service, many others from business and from American university faculties.

Senator BYRD. How is it funded, Mr. Secretary?

Secretary RICHARDSON. It is funded partly by individual contributions, relatively small amounts, partly by corporate contributions, and to a large extent by foundation grants principally Rockefeller, Ford and the Commonwealth Fund. It has also received some money, I don't know whether it is getting any now, from the State Department funds for the support of U.S. educational and cultural activities abroad.

Senator BYRD. Could you supply for the record a little additional detail as to what governments of what other countries participated in those seminars?

Secretary RICHARDSON. No other government. It is strictly a private organization, a U.S. charitable corporation. It is—I didn't answer your question of where it is located. It is called the Salzburg Seminar because it occupies an old schloss in Salzburg, has from the beginning. It has a small European staff, but it has no participation by other governments.

Senator BYRD. I was interested because neither the Library of Congress nor the Austrian Embassy was able to identify it.

Now, to another question——

Secretary RICHARDSON. I am surprised the Austrian Embassy was not able to identify it. Their Chancellor of Austria participated in the 25th anniversary of the founding this year.

Senator BYRD. Mr. Secretary, we have been spending about $77 billion to defend this country militarily. The indications are that in the new budget the requests will be for $80-plus billion. In your judgment which country or countries represent the greatest potential threat to the United States requiring the expenditure of $80 billion for defense?

Secretary RICHARDSON. Clearly the Soviet Union in terms of its own military capabilities, its constantly buildup of its military strength. The situations in which tension continues are all elements that have influenced the need for adequate U.S. forces. The other countries are to a degree also increasing their military capability, notably the Peoples Republic of China. This is not, of course, to say that because the Soviet military strength is so great and is continuing to grow that there is a threat of imminent danger to the United States. It is to say that for the United States not to maintain military capability that is sufficient to deter aggression on the part of any other country would be imprudent on our part. It would be to accept a degree of risk to our national security that would seem to me unconscionable.

Senator BYRD. But you identify the Soviet Union as the potential threat?

Secretary RICHARDSON. Principally, yes.

Senator BYRD. You mentioned in your colloquy with, I believe, Senator Symington, that you had made a speech in 1970 of some significance. I wonder if your office could have a copy of that speech delivered to my office so that I might look it over but before tomorrow's meeting?

Secretary RICHARDSON. I would be very glad to do that, Senator.

Senator BYRD. Thank you.

Before I forget it, also in your discussion with Senator Symington you said the Defense Department had offered to give to the Committee a full accounting of the recent bombing. I am wondering why that cannot be given, not just to the Committee but to the public. The public is intensely interested in this matter.

Secretary RICHARDSON. That is a question I would have to discuss with those who are now in the Defense Department, Senator Byrd. Obviously, Secretary Laird in the first instance, and his associates would have to answer that question.

Senator BYRD. It has been asserted by some that the use of ground troops in Vietnam was a grave error of judgment. Do you agree or disagree with that assessment?

Secretary Richardson. I have never attempted, Senator Byrd, to review in sufficient detail the whole history of the gradually increasing involvement of the United States in South Vietnam to be able to make a competent judgment on that score. The problem, of course, is that we look back on those decisions with the benefit of hindsight.

In my view there was a genuine interest of the United States at stake in Southeast Asia, and the question then of what should have been the form of U.S. support for the government of South Vietnam, whether it should have included ground troops, and so on, is, I think, a highly difficult issue, and I would have had to do much more than I have ever had the opportunity to do to reach a clear judgment about it.

When I first became deeply involved in the problems of Vietnam we were already carrying out the declared objective of President Nixon to disengage from South Vietnam on the basis that would assure, so far as reasonably possible, the survival of South Vietnam as an independent country and, if possible, the negotiation of the peace on honorable terms. And so my own really thorough understanding of the situation there dates, for all practical purposes, only from the beginning of this Administration.

Senator Byrd. But it goes a little beyond, it seems to me, just a question of your detailed information. It goes to the question of whether, in your judgment, and after all, as Secretary of Defense the judgment of the Secretary of Defense is going to determine whether this country gets into difficulties or doesn't get into difficulties, and I think the whole country ought to know whether in your judgment the use of ground troops in Vietnam was an error in judgment or whether it was desirable and appropriate.

Secretary Richardson. If you are asking me, Senator Byrd, what I believe to be appropriate U.S. policy with respect to hostilities between Southeast Asian countries, one of which is a country with which we are allied or which we support, my answer would be an answer in terms of the Nixon Doctrine. The President has made very clear in his statement initially at Guam, and in subsequent statements, that he does not believe that we should use U.S. ground forces in that kind of situation. We should rather support the development of the indigenous capability of such countries to protect themselves against aggression by a neighbor; that the U.S. role should be restricted to military material, to economic assistance and, of course, to economic support. We should involve U.S. forces only in a situation where the aggression itself might have involved a major power.

Senator Byrd. The United States has been involved in combat operations in Indochina for nearly ten years. We are still involved. In your judgment, has this long U.S. involvement in Vietnam, utilizing two and one-half million American troops and hundreds of billions of dollars, been beneficial to the Soviet Union?

Secretary Richardson. In my judgment, no.

Senator Byrd. Your judgment is that U.S. involvement in Vietnam over ten years, the expenditure of hundreds of billions of dollars, the use of two and a half million American troops, 50,000 casualties, deaths, 300,000 wounded, that that has not been advantageous to the Soviet Union?

Secretary Richardson. That is correct.

Senator Byrd. Do you favor the U.S. sending troops, did you favor the U.S. sending troops, into Cambodia April 30, 1970?

Secretary Richardson. Yes, I did.

The Chairman. Senator, I hate to interrupt, Senator, but your time is up at this time.

Senator Byrd. Oh, yes, I appreciate the Chairman calling that to my attention.

The Chairman. All right. Senator Byrd, that brings us to you, sir.

Senator Byrd. Thank you, Mr. Chairman.

Mr. Secretary, my last question to you yesterday was, did you favor the United States sending troops into Cambodia April 30, 1970, and you answered that with one word, yes.

My next question is, do you approve or disapprove of President Nixon's mining of Haiphong?

Secretary Richardson. I do approve of it. I think it was, in the circumstances, a very difficult decision to make in my view a very courageous one. I believe that it made a significant contribution to containing the not immediately but in the course of time, the capacity of the North Vietnamese to sustain their massive offensives, and I think that, I further believe that it was a demonstration of determination on the part of the President which far from jeopardizing the opportunities for serious negotiation with the Soviet Union in Moscow, actually reinforced them.

Senator Byrd. Do you think the mining should be continued until a peace agreement is signed?

Secretary Richardson. Yes, I do.

Senator Byrd. For several years the Defense Department has been running protective reaction raids over North Vietnam. What is your view in regard to protective reaction raids?

Secretary Richardson. I understand that the term embraces raids that are conducted to knock out anti-aircraft installations that are firing on U.S. planes carrying out missions directed toward military targets. I understand that there has been some room for ambiguity as to the circumstances under which a raid was justified by this objective, but I would say that insofar as there is strict adherence to guidelines that govern when a raid is legitimately a protective reaction raid that it is justified, and I would not expect to advocate a change of that policy.

Senator Byrd. Do you favor or oppose the pre-Christmas bombing of North Vietnam described as perhaps the heaviest bombing ever?

Secretary Richardson. This, of course, is a question we have touched on before. I will try to answer that in a slightly different way than I did yesterday. The problem in asking me whether I favor it or oppose it is that it implies a knowledge of all the considerations that affected the decision. I know less about that than I know, for example, about Cambodia. I can certainly see in this situation, the negotiating situation, the military situation, those elements of it that affect the ability to maintain a stable cease fire, a set of factors which would, in my view, have justified the decision the President made. It must have been an agonizing decision for him. No one, in a position of responsibility, would want to be confronted with that kind of choice knowing as he must, that not only will military targets be hit but that there could well be and perhaps inevitably will be civilian casualties.

On the other hand, this has been a long and agonizing war in itself. The North Vietnamese offensive of last spring, within the last three days have been estimated to have brought about more than 20,000 civilian deaths. These bombing raids, according to figures released by Hanoi, caused some 1300 civilian deaths. The President's objective has been from the outset to bring about peace, to bring about peace on terms that could contribute to preventing another war. The problem has always been for him how to reduce the loss of life, and in this situation, as in all wars, the problem of a Commander-in-Chief is what must he do that will reduce the loss of life over time even though the immediate decision may cause loss of life, and I can well understand, or at least, I think I can have some glimpse of the kind of thought the President must have given to this and I can certainly see in the situation forever factors that might well had I been in the same situation brought me out where he came out.

Senator Byrd. While your reply was somewhat lengthy, would it be accurate to say that what you are saying, in effect, is that you favor what the President did in the December raids?

Secretary Richardson. I think it would be more accurate to say that I support it. Now, if that seems like a quibble it is only because to say that I favor it implies an actual process of participation in the decision and actual knowledge of all the factors which he actually took into account. In any event, because I have felt that his other very difficult decisions, taken in South Vietnam, decisions that in several instances have evoked massive public criticism were justified, and I think in retrospect many more people would agree to this than had agreed at the time, and I believe that knowing that the President would have approached this decision in the same kind of way I have a, what you might call a, respect for it that leads me to support it.

Senator Byrd. If the Vietnamese do not come to terms in the current Paris peace talks, would you favor or oppose resuming the bombing of Hanoi, Haiphong and other North Vietnamese targets?

Secretary Richardson. That, I think, is a question too speculative for me to comment on. In any event, of course, the Secretary of Defense is charged directly with primarily military concerns, and this is a question which obviously involves concerns that are within the province of the Secretary of State and others.

Senator Byrd. You mean to say the Secretary of Defense is not involved as to whether or not there shall be bombing of military targets in an enemy country?

Secretary Richardson. No, I did not say that, Senator.

Senator Byrd. Well, you implied that it was the responsibility of the Secretary of State.

Secretary Richardson. No, I said that the question of what to do, given a breakdown in negotiations, is a question that involves considerations transcending purely military considerations but I do not think that I should try to answer the question, therefore, both because it is hypothetical and because it would involve the roles and responsibilities of people other than the Secretary of Defense. I do not mean to imply that I would not be involved or that I would not have views or recommendations, but I do not believe that I should try to give you a yes or no answer to such question under these circumstances.

Senator Byrd. Vietnam has been described as a *limited war*. Would you give the Committee your thinking as to the theory of a limited war, whether a war can be limited or should be limited?

Secretary Richardson. I believe that there was justification in South Vietnam, so far as U.S. forces were engaged to prescribe rules of engagement that restricted their use. I think that the risks of a wider conflagration were sufficiently serious to justify this.

Now, one could well ask whether the, on balance, U.S. involvement under such restricted conditions really adequately served the purposes nor led to our intervention in the first place. This, I think, is a very difficult question, we touched on it yesterday, but I do believe that we should be prepared to engage in the use of U.S. forces under limited conditions, and indeed the United States has traditionally and in many situations done this. Not to be in that position would mean, in effect, that either we did nothing or we precipitated an all out war. It seems to me neither of those alternatives is admissible.

Senator Byrd. None of us favor war, of course, but if the U.S. should become involved in another war would you, as Secretary of Defense, favor fighting that war to win it?

Secretary Richardson. Not necessarily, Senator Byrd. I think that the question of the role and purpose of the engagement of U.S. forces could well in other situations be an objective short of total victory. I think that even notwithstanding that, that their use might nevertheless be justified.

Senator Byrd. During your term in the Cabinet Congress debated the establishment of an ABM system. Did you favor or oppose the Government setting up an ABM defense system?

Secretary Richardson. I favored it. I attended all the National Security Council meetings which discussed it. Indeed, I believe that a very narrow vote by which the ABM program was sustained contributed tremendously to the success of SALT I and I believe that one of the most significant outcomes of SALT I was made possible by the fact that the United States decided to go forward with an ABM program.

Senator Byrd. Yesterday you replied to Senator Symington stating, "Vietnamization, the Vietnamization program, has been remarkably successful." Now, if the United States completely withdraws, including air power, do you feel South Vietnam can effectively resist North Vietnamese aggression?

Secretary Richardson. So far as I have enough information to form a judgment, I think the answer is yes, subject, of course, to continuing U.S. economic support and materiel.

Senator Byrd. In regard to economic support, if and when the peace arrangements are completed, would you favor economic aid to North Vietnam?

Secretary Richardson. Yes, I would. I think that an international program of rebuilding to which the United States contributed, would be constructive.

Senator Byrd. Would you give the Committee your view on the Ellsberg matter and whether Mr. Ellsberg should be prosecuted for his handling of the Pentagon papers?

Secretary Richardson. It seems to me, Senator, that it would be inappropriate for me to comment on a matter which I understand to be pending in court now.

Senator Byrd. It would be improper for you to comment on papers which have been stolen from the Defense Department, improper for you to express a view as to that case?

Secretary Richardson. I am certainly against stealing.

Senator Byrd. I beg your pardon?

Secretary Richardson. I am against stealing papers from the Pentagon but——

Senator Byrd. Do you feel——

Secretary Richardson. But I don't believe that I should comment on a pending case as such.

Senator Byrd. Did not the Defense Department, did not the Justice Department on behalf of the Defense Department bring the case?

Secretary Richardson. Yes.

Senator Byrd. Well, could you not tell the Committee your view as to whether in your judgment the stealing of the Pentagon papers by Mr. Ellsberg, whether he should or should not be prosecuted?

Secretary Richardson. I can answer that. I believe that the prosecution is justified.

Senator Byrd. That was my original question.

Mr. Richardson, are you in favor of maintaining strategic and conventional U.S. military strength superior to that of the Soviet Union?

Secretary Richardson. I believe that the United States should maintain forces constituting a sufficient capability to deal with any contingency that arises. I believe that we must have the capacity to deter aggression. This involves elements of technological superiority, but I think that to go beyond that involves issues of what you might call numbers, and here we get into the overall balance issues that are of course fundamental to SALT, and I think the key to it all is that we should have the ability to deal with a wide range of possible situations, including conventional capability, and that we should in no case allow a situation of inferiority as between the United States and any other power to develop.

Senator Byrd. Mr. Richardson, do you believe that the United States can maintain military strength that is adequate to national security and, at the same time, reduce the defense budget?

Secretary Richardson. In dollar terms that seems to me unlikely that we can reduce the defense budget in the foreseeable future. I think we can continue the process of gradual reduction of the proportion of the defense budget to the total budget. That, of course, has been taking place throughout this Administration and as Secretary Laird has pointed out it is now I think the lowest proportion of the budget since 1951. I think it will be possible, and with continuing economic growth, and, therefore, continuing revenue increases to meet the constantly escalating expectations of people for greater action on domestic programs while also maintaining adequate military strength. But I don't think it is likely so far as I can see, that we are going to be able to do this and also bring about actual dollar reductions because of personnel costs, because of the inflation factor in the acquisition process, and because, of course, of the extent to which improvements in weaponry involve increasing costs.

Senator Byrd. If you hope, as we all do, that mutual disarming by the Soviets and ourselves may become possible, are you nevertheless prepared to provide superior U.S. military power?

The Chairman. Senator, you have fine questions there, I have been very much interested in them, but if you will excuse me your time has run over. We will come back to that.

Senator Byrd. Thank you.

The Chairman. Thank you.

Senator Goldwater.

Senator Goldwater. No questions. As to the Chair's understanding regarding this question of the relationship between the pilot and the crew, I visited every air field in the theater and the aircraft carriers many times, and the closeness of the pilots and the crew is as good today as it has been throughout my whole experience in flying. I think there might be isolated cases but I don't think anyone can find such a close rapport on the sea or on the land, Air Force or Army or Marines as exists between the pilot and the men who make it possible for him to fly. I have to take my hat off to these men because we are flying some old junk and if we didn't have these men they wouldn't be flying. I have no questions.

The Chairman. Thank you, Senator. Your statement is very reassuring and I am glad you found it that way. There are certainly some exceptions. Senator Hughes.

Senator Hughes. Thank you very much, Mr. Chairman.

Mr. Secretary, philosophically how do you view your position as Secretary of Defense in relationship to the control of the civilian over the military?

Secretary Richardson. I believe, Senator Hughes, that civilian control is a very fundamental part of the kind of * * *.

## NOMINATION OF ELLIOT L. RICHARDSON TO BE SECRETARY OF DEFENSE

(Afternoon session, January 10, 1973)

The Chairman. The Committee will come to order.

Mr. Secretary, are you ready?

Secretary Richardson. Yes.

The Chairman. Are you ready?

Senator Byrd. Yes, sir.

The Chairman. All right, we will resume our consideration and examination in these matters and I call on Senator Byrd.

Senator Byrd. Thank you, Mr. Chairman.

First, I would like to say I do not like to take so much time of the committee and of the nominee.

The Chairman. That is entirely all right. We appreciate your sentiments but that is what we are here for. You proceed as you see fit.

Senator Byrd. I have reached the conclusion that these confirmation hearings should be more than perfunctory, and we do need to know in a position of this great importance more detail than I think has been available on the particular nominee.

Now, Mr. Richardson, the Soviets are committing greater resources than the United States to strategic offensive and defensive weapons. Do you believe that the United States is committing sufficient resources to our strategic offensive and defensive weapons?

## STATEMENT OF ELLIOT L. RICHARDSON, NOMINEE TO BE SECRETARY OF DEFENSE—RESUMED

Secretary Richardson. I would want to take the new and more thorough look at this question should I be confirmed, Senator Byrd, but I believe that from what I know of the budget requests for Fiscal 1973, and the upcoming Fiscal Year 1974, that if these are approved by the Congress, if they are approved, and they are continued along the lines as have been planned in weapons development and replacement, that we should be in an adequately strong position.

Senator Byrd. Should Health, Education and Welfare enjoy a priority higher than national defense?

Secretary Richardson. No.

Senator Byrd. If both super powers have an adequate retaliatory capability, do you believe the Soviet Union will attempt to attain a first strike capability?

Secretary Richardson. On that score, Senator Byrd, I can only say that my impressions of the results of SALT I and negotiations would suggest that the Soviet Union realizes that to seek a preemptive first strike capability would be seriously destabilizing. The very possibility, in fact of a SALT agreement depends I believe to a large extent in part of the acceptance by each side of the understanding that the launching of the first strike would be followed by assured destruction from the other side as a second strike and so—I think I should stop there.

Senator Byrd. I take it that you do not feel that the Soviets are seeking a first strike capability.

Secretary Richardson. I should say I think that from what I know at this point the evidence seems to me to point to a conclusion that they are not doing so or have not done so to this point. But I think it is obviously a matter that should be watched very closely, indeed it is, I believe. And that the Soviet testing and construction programs, weapons development so far as this can be inferred, should be looked at constantly to try to make assessments of this kind. But I think we have to base our own decisions primarily upon what we know of their present and likely capabilities, and on that basis, I believe that from what I know of our present plans that these would keep us in a position of clear sufficiency.

Senator Byrd. Secretary Laird has testified before this Committee and before the House Armed Services Committee that he felt that the Soviets were seeking to attain a first strike capability. Your reply to my previous question seems to me, it puts your views different from his in that regard.

Secretary Richardson. I know that Secretary Laird has been concerned that the development by the Soviet Union of the SS–9 might mean that they were pursuing a first strike capability, and if the Soviet Union were in position to appear to be in the process of indefinitely expanding the number of its very heavy SS–9 missile launchers one would, I think, be justified in worrying seriously about the possibility that they were pursuing a first strike capability.

Senator BYRD. But you feel that at this point it is not—one does not need to, to use your words, to worry seriously about it.

Secretary RICHARDSON. I think the fact that they accepted a limitation on the number of SS–9 launchers in itself would suggest that they were not pursuing that objective, at least by that means.

Senator BYRD. Should the United States have a policy of military superiority over Russia?

Secretary RICHARDSON. This again, I think, gets us into questions of a comparison of weapons systems capabilities. There are, of course, substantially asymmetries in the weapons mix of each side and I think that the terms that we ought to use are those of sufficiency, technological superiority, continuing alertness to developments, and the willingness to commit resources to assure that we do not lose a position of sufficiency, and that we are not at any point placed in the position of inferiority.

Senator BYRD. You are familiar, of course, with the amendment offered by Senator Jackson to the SALT agreements cosponsored, incidentally, by Senator Stennis, myself and others. Do you favor the Jackson approach, the percentage approach, which it is now?

Secretary RICHARDSON. Yes, I do, although I think that I would want at another time in an executive session to discuss with the Committee the questions of its interpretation. These, I think, may well arise in the course of future SALT negotiations, depending upon how these progress.

Senator BYRD. Well, of course, the thrust of the Senate action was that our negotiators should be certain that any agreements which are made by or at SALT II, that we should be certain that the United States is on a parity with the Soviet Union. I assume that you—well, I better not assume, I will ask you is that your view that any agreements made at SALT II should provide for parity on the part of the United States, with the Soviet Union in conformity with S. Res. 241, the so-called Jackson Amendment.

Secretary RICHARDSON. Yes, I certainly agree with that. We should insist on no less than parity. The only question that could arise might involve the question of equality in intercontinental ballistic missiles.

Senator BYRD. That is right. That is what the Jackson Resolution addressed itself to, and which in the Jackson Resolution, under the Jackson Resolution, that would be required if the negotiators are to carry out the intent of the Senate in adopting the Jackson proposal.

Secretary RICHARDSON. What is not clear to me, Senator Byrd, is the precise understanding of the Senate with respect to the ability of the United States to be able to deliver strategic armaments on Soviet soil by means other than intercontinental ballistic missiles. And I am not sure just where the Senate or this Committee would feel that equality applied.

Senator BYRD. Well, the equality applies, I will read just a part of this Resolution, then I will ask the Chairman if we may put the text of the Resolution into the record.

The CHAIRMAN. Yes, without objection you can put it now in the record and read such part as you wish.

Senator BYRD. "Urges and requests the President to seek a future treaty that would not limit the United States levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union."

As we know in SALT I the United States is in an inferior position numerically and this proposal, which deeply concerned the Senate, would provide for parity in regard to intercontinental ballistic missiles.

Secretary RICHARDSON. Well, I think we probably pursued this as far as would be appropriate to do at the moment, Senator, but the problem is in the distinction between intercontinental ballistic missiles and intercontinental strategic forces. I do not believe, in other words, that the United States in intercontinental strategic forces did accept a position inferior in SALT I.

Senator BYRD. Well, without arguing that point, let's address ourselves to SALT II as to whether the United States, if I may use the words "urges and requests the President to seek a future treaty that would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union."

Secretary RICHARDSON. I agree with that proposition, as I said in the beginning. But I would add that I felt that at some point it might become important to work with the Committee on an understanding of what is meant by that phrase. But the objective, I think, clearly is one that we should pursue and that I would seek to uphold.

Senator BYRD. Should we install an antiballistic missile defense system around Washington?

Secretary RICHARDSON. That is a question on which I would have to reserve at this point, Senator Byrd. I know that we have retained under the ABM treaty, the right to do this, but whether we should do it or not is a matter on which I would need further information before being able to make a judgment.

Senator BYRD. Should we use existing technology to improve the accuracy of our ICBMs and our submarine-launched missiles?

Secretary RICHARDSON. I would have to give the same answer to that, Senator Byrd. I know that this is a difficult and delicate question, and I would need more information.

Senator BYRD. Are we spending enough money or too much for military research and development?

Secretary RICHARDSON. Again I have no sufficiently informed basis of judgment. The question of how much is enough, of course, underlies many of the most difficult problems confronting the military forces of the United States in the years ahead. To be prepared against every possible contingency would involve substantially more resources presumably than the Congress or the people are prepared to commit to military purposes, and to starve them, on the other hand, invites serious risks.

On the question of whether we are spending enough on R&D or whether we are spending it in the right ways, I would have to know more. I do know that this is an area in which the Congress has tended to cut appropriations requests and in general I believe that it is an area where we should make sure that we are spending enough because I believe that in terms of the stability of the balance between the United States and any potential adversary the advance in technology, weapons capability is probably the central, most important single element, assuming relative stability in force levels.

Senator BYRD. Using just round figures, we are spending about $8 billion on research and development, and without getting into the detail of where that $8 billion goes, is it your feeling that that is about the level of spending we should designate for that.

Secretary RICHARDSON. I really don't know enough to know at this point whether I think it ought to be more or less or how much more or how much less. It is certainly an area in which more could be spent. On the other hand, we are going to face very severe fiscal stringencies, and I think as a practical matter as against any abstract level of desirbility, that my real concerns will be with trying to assure we get the maximum output for the dollars we do spend within a range more or less like that. I do not believe it is going to be practical to be able to expect that we could get much more than that even if we wanted to.

Senator BYRD. Should DIA and CIA provide independent intelligence estimates on subjects involved in our national securtiy?

Secretary RICHARDSON. I think they should certainly operate on a basis in which they give their independent best judgment, and I think that if there is a split in the final assessment that it should so appear. In other words, I don't think that differences should be buried in a homogenized assessment, and I think it is desirable that there be independent sources of information and analysis as part of the whole intelligence system.

Senator BYRD. That, in essence, is my next question as to whether we should rely on a single intelligence source or whether we should have more than one source.

Secretary RICHARDSON. I think we should have more than one, Senator. I think there should be an overview that takes into account the allocation of resources and money in order to eliminate unnecessary duplication so that, in other words, where there is a need for independent sources that this is deliberate and not the result simply of a failure to get rid of unnecessary overlap.

Senator BYRD. We now have, of course, the CIA and DIA and each of the services, each has its own intelligence-gathering facilities. Do you feel perhaps we should tighten up on the intelligence gathering by having more than one source but not having as many sources as we have now?

Secretary RICHARDSON. I think, my impression is, that there may well be opportunities to tighten up and without reducing the intelligence community or the President and civilian leadership of the Pentagon to too narrow a source base, I think that, that working with Mr. Schlessinger, should he also be confirmed, that we can hopefully bring about efficiencies without reduction of capability.

Senator BYRD. Should we continue to install multiple independently targeted reentry vehicles in our ICBMs and submarine launched missiles?

Secretary RICHARDSON. I believe that until and unless there should be some international agreement to the contrary, that agreement would have to take into account all the things we have already discussed, that we should continue to do so.

Senator BYRD. We should continue the MIRV program?

Secretary RICHARDSON. Yes.

Senator BYRD. How can we insure that our armed forces get the quality and the quantity of manpower they need without the draft?

Secretary RICHARDSON. Here there will be needed, I think, the kinds of special incentives that the Administration has already requested and that will be coming before this Committee again soon.

Senator BYRD. You are speaking now about recruitment incentives.

Secretary RICHARDSON. Yes, we will have to continue to improve our recruitment processes. I think, first of all, we need to take measures to enhance respect for and prestige of the military services in order to make these careers effective.

Senator BYRD. Would you consider it appropriate for a foreign officer to be the supreme allied commander in Europe?

Secretary RICHARDSON. This is not a question I have ever had occasion to consider. I wouldn't want to rule it out of hand. I think, on the other hand, the factors that have up to now, so far as I know, led to the selection of Americans are very substantial.

Senator BYRD. You have had a keen interest in NATO, just as I have, and you have had a keen interest in NATO, and you mentioned a moment ago that you would not rule out a foreign officer serving as supreme allied commander. How then would you handle our tactical nuclear weapons?

Secretary Richardson. Well, I believe this gets into an area in which I would need to be briefed further than I am but I think in general the chain of command would—I think I had better stop here, Senator, I don't believe I ought to go further on this without further information and perhaps in an executive session.

Senator Byrd. Some people are saying that the attack carrier has become too expensive and we should stop building them. What are your thoughts in this regard?

Secretary Richardson. I don't really know enough to give you a good answer on that. I think in general that this is an example of the kind of problem that arises at many other points where we have to confront the problem of cost and problem of capability. I think we should not let ourselves get into a position where the costs of our weapons systems or carriers or planes are such that we are forced to shrink our forces in being to the point that radically reduces their flexibility. This leads me to believe that we have got to look for——

Senator Byrd. Excuse me, I didn't understand that, you would have to do what?

Secretary Richardson. This leads me to believe we have got to look very hard for ways of maintaining force levels and flexibility while seeking economies in materiel, equipment, ships. This may mean that we ought to pursue further the course that gives us a nucleus of highly sophisticated weapons and ships with a larger number of lighter and less expensive types of equipment.

Senator Byrd. Well, your reply impresses me, and maybe incorrectly, but impresses me, that you are not very keen on the carrier program.

Secretary Richardson. No, I wouldn't want my reply to be pressed quite that far. I really need more knowledge about that.

As you have been able to, I think, gather from my answers to questions, I feel that I have some competence derived from my service in the Department of State and with various National Security Council bodies in political-military issues such as SALT, but I am by no means well informed about weapons systems or ships or planes or force levels numbers. These are all things that I would need, will need to learn a lot more about.

Senator Byrd. I realize that in the detail of many of the more complicated systems, but I would have thought that in regard to the aircraft carrier that you would certainly have a view on that. You will be coming before the Committee pretty shortly proposing expenditures in regard to this matter. The carrier, the last carrier that was approved, will cost $992 million. The two previous ones cost $660 million—I am using round figures—and if there is any doubt in the mind of the Secretary, in the mind of the Secretary of Defense, that doubt should be expressed to the Committee at a very early date it would seem to me. It is a billion, in round figures, a billion dollar ship.

What I am really seeking is just a little information as a member of the Committee. What is your general view, not in detail but your general view, as to the importance or lack of importance of the aircraft carrier?

Secretary Richardson. Well, my responding in the terms of your question, and with the understanding that I am only giving you a general view, I believe that we do need substantial carrier capability. I believe that this contributes considerably to our ability to respond to a range of critical situations. But when it comes to the question of how much carrier capability, and whether we should build more of these very large carriers and if so, how many more, I get beyond the point of competence in my present judgment because I would need to be in a position to consider what we would do with the money if we used it for something else. We are going to have some very tough trade-offs, I think, between competing choices, and since that is the kind of thing that I will be confronting, I can't give you now an answer that would have to take into account these other probabilities.

Senator Byrd. Let me phrase it one other way and then I will go to another subject: The third of the Nimitz class has been approved. I would assume that any doubts you might have in going—in additional aircraft carriers would not apply to the third of the Nimitz class or the fourth nuclear carrier.

Secretary Richardson. Yes. Your assumption is correct, I am glad you asked that additional question. I would not, based on what I know, expect to ask the Committee to roll back or reverse its previous judgment based on the requests and the evidence previously presented to it.

Senator Byrd. Whatever doubts you have extend to construction of carriers over and above the three which are now under construction.

Secretary Richardson. Yes, that is correct.

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Senator Byrd. Mr. Richardson, do you believe that the Trident submarine program should be accelerated or should we delay this program until after the SALT negotiations are completed?

Secretary Richardson. That, I think, is a question that needs very careful study. I can only say at this point that I think that the development process should be pursued quite deliberately. I don't think it is a matter that needs to be undertaken with haste, and I think we seem to be, subject to possible eventual agreement in SALT, we seem to be moving forward purposefully on that program.

Senator Byrd. Do you believe that the departments will be capable of meeting manpower requirement, both numbers-wise and quality-wise, if we permit the induction authority to lapse after June 30, 1973?

Secretary Richardson. I think from all I have heard that we have a very good chance of doing this. I think we need to try, and I think we will need some help from this Committee with respect to the kind of supporting incentives that we have touched on before, but I would be the first to come back to the Committee if it should turn out that our hopes are not realized.

Senator Byrd. You have no plans to seek extension of the induction authority which ends on June 30?

Secretary Richardson. No, I don't, with the possible exception of the utilization of induction authority with respect to reserve forces, and that I would have to learn more about.

Senator Byrd. What is your timetable for the implementation of the Uniform Services Medical Academy, with particular reference to the utilization of the funds during the balance of Fiscal '73?

Secretary Richardson. The first step, I think, needs to be the utilization of the funds available for planning, and then how far, how fast we proceed is going to have to be a matter of overall budgetary consideration, and I really can't forecast that.

Senator Byrd. What action has been taken to implement the scholarship program provided from the Uniform Services University of the Health Sciences Law?

Secretary Richardson. I am not informed on that. I have heard a little bit from Dr. Wilbur but I don't have it well enough in mind to answer the question. I will be glad to supply this for the record.

Senator Byrd. You were nominated for this position several months ago, I believe.

Are you planning on making any changes in the systems analysis capability of the three services in the Department of Defense?

Secretary Richardson. I have no plans on this score at all one way or the other.

Senator Byrd. Do you believe that the Military departments have a disciplinary problem?

Secretary Richardson. I believe that it is a problem that should have very close scrutiny. I think that the only question I have really is as to the degree. I suppose the most direct answer is yes, but I am not sure how bad it is. In any event, I think it is a highly important problem that should have high priority attention, and I think that the result should be prompt action to correct whatever may be found to be deficient.

Senator Byrd. A House committee has been looking into the disciplinary problem particularly in connection with the Navy, and one of the members of that committee, the Congressman from Virginia, incidentally, made a statement the other day, that the greatest problem is that the Chief of Naval Operations refuses to recognize that there is a problem. I assume that you, as the Secretary-designate, even though you haven't taken office, that you do recognize that there is a problem.

Secretary Richardson. Yes, as I say, but what I don't feel clear about is the extent and degree of it. In any event, I do believe that, as I said earlier in response to questions by the Chairman, the ingredient of discipline is so integral to the very concept of a military force that any doubts about the maintenance of it should be followed up, and to the extent necessary, corrective action should be taken.

Senator Byrd. The Senate and House, the Senate has approved and a House Armed Services Committee has strongly recommended against recomputation of military retired pay. Would you give the Committee your views on this subject?

Secretary Richardson. This is a matter on which I have had some preliminary briefing, and I know that the problem essentially is one of a feeling on the part of many retired personnel that their retirement benefits should be calculated on the basis of current pay scales versus the very substantial costs that this would involve. I know that other thought has also been given to the retirement system generally, but I don't have a clear view on this.

The question of action in the next Congress and budget levels were, and have been among the questions that have had very considerable attention by Secretary Laird in the last few weeks, and I believe that the resolution of that deliberation will be reflected in the budget submitted by the President later this month.

Senator Byrd. Do you support a continuation of the B–1 bomber program particularly in view of the severe losses of our B–52s in Vietnam?

Secretary Richardson. Based on what I now know, and again subject to the kind of thing we were talking about earlier, in the context of competing claims and trade-offs, I would; yes.

The losses, if we are talking in the context of strategic nuclear capability, the losses that have been experienced in North Vietnam have been such as to indicate that a very significant proportion of the bombers would get through and, of course, if we are talking about the delivery of nuclear weapons, the proportion could be very much lower than in fact it was in North Vietnam and you could still have an effective intercontinental strategic weapon.

Senator Byrd. Do you support the concept that our major combat and naval vessels should have nuclear propulsion plants?

Secretary Richardson. This is a question, a point that was made a moment ago with respect to aircraft carriers by Senator Thurmond. I agree in general with the desirability of utilizing the most modern capabilities to propel ships as well as in other respects. I would want to, in terms of the broad extension of nuclear propulsion to the

Navy. I would have to look at considerations of cost, incremental contributions to speed, whether the factors are being freed from dependence on refueling, recognizing that the vessel or the fleet still requires resupply for some other purposes anyway, including ammunition and food, and so these are all things that again bring us back to the complicated problems of what we can afford and what are the trade-offs between a desired capability and cost.

Senator BYRD. What arrangements would you like to see worked out between the Executive and Legislative branches of Government to insure greater coordination and understanding in regard to the commitment of the United States troops to combat on foreign soil?

Secretary RICHARDSON. I am not prepared, Senator Byrd, to speak in terms of specific arrangements. In general, I think that there should be maximum consultation. I think that the history of the last several years have reinforced this feeling.

Senator BYRD. The Senate last year passed legislation, I assume it will be introduced again this year, specifying that if U.S. troops are used that they can only be used without the consent of Congress for 30 days. At the end of that time if Congress has not approved the use of the troops then they would be withdrawn. Would you favor legislation which would give the Congress the final say on any permanent, on any extended, disposition of troops; I am not speaking of an emergency matter, but I am speaking of any permanent use of troops or long term use of troops, I should say.

Secretary RICHARDSON. In principle I certainly would favor giving the Congress that kind of ultimate voice. I would want to look very closely at the language of any such legislation.

Senator BYRD. You would approve it in principle, however.

Secretary RICHARDSON. I approve in principle the point that where permanent commitments of U.S. forces is concerned, the Congress should be brought into the act and have an ultimate voice. But, it is—you get into rather vague terms, and so I would have to look at the language.

Senator BYRD. I think you are quite right insofar as the details are concerned. I was trying to establish your view, however, as to a matter of principle.

Secretary RICHARDSON. Yes.

Senator BYRD. Not the detail of it but as a matter of principle.

Secretary RICHARDSON. And I think I have already said that as a matter of principle I do believe that the Congress should have a voice in the long term or permanent commitment of U.S. forces overseas. I want to be left a little room for the question of whether I think any given formulation is not, legislative formulation may not be more trouble than it is worth is what I mean. It may be, in other words, that I would conclude that the general proposition is one that while it should be obeyed is not readily capable of being embodied in legislation. That I am not clear about at this point.

Senator BYRD. I don't know what you mean by more trouble than it is worth. When we are dealing with the use of American manpower, trouble, on the part of us in the Congress and those of you in the Executive Branch, should be the least consideration, it seems to me.

Secretary RICHARDSON. Well, I meant by that in terms of the kinds of controversies that might arise out of its interpretation because I would have to look at the language to see if I thought it was clear enough to be applied in practice. I have seen—I think I had better stop there.

Senator BYRD. We have military base agreements with Spain and Bahrein, with Portugal, among others, and in the past all of these commitments, agreements—strike the word commitment, all of these agreements, have been made unilaterally without reference to the Congress.

In your judgment, as the prospective Secretary of Defense, should agreements such as we have with Spain and Bahrein and Portugal be referred to the Congress, the Senate, as a treaty or to the Congress for its approval?

Secretary RICHARDSON. Briefly, I don't believe that those agreements should be referred to the Congress as a treaty for formal ratification. I believe that the Congress should be informed.

The only one of those agreements that I had anything directly to do with was the recent extention of the Spanish bases agreement, and I recall touching on this question at the time with the—in testimony before the Committee on Foreign Relations, and in general, as I recall, we undertook to give the Committee full information about this, and to take into consideration the views of the Committee, but that if there were no commitment in the agreement to the use of U.S. forces or if there were no undertaking on the part of the United States to assist the country where the bases were located, that it would be inappropriate in the circumstances to classify the agreement as a treaty and thus make it subject to ratification.

Senator BYRD. You feel then that the Executive Branch, whether it be through the Department of Defense or the Department of State, as the case might be, or both, you feel that the Executive Branch should continue as they have in the past, to make whatever agreements they wish in regard to military bases without reference to a vote of the Congress.

Secretary RICHARDSON. Well, of course, there are votes of the Congress involved. There was a great deal of discussion and negotiation with the Committee on Foreign Relations with respect to the Spanish bases.

Senator BYRD. Let me interrupt you there for just a moment, if you will. Was the Committee on Foreign Relations satisfied with just to be briefed as you briefed them?

Secretary RICHARDSON. I believe they were satisfied in the end. I think Senator Fulbright personally opposed the continuation of any bases agreement but I think in general he felt that the Committee had had full opportunity to consider the matter, and that they had been fully informed and, of course, they would be involved in any event in Congressional action in regard to the support of the bases through appropriation and so on.

Senator BYRD. Yes, and that brings up the very important point. You are aware, of course, that the Senate passed a resolution requesting that the agreement with Bahrein and Portugal be submitted to the Congress. That was not done. Now the Senate, the Congress does have recourse, as you mentioned. It can cut off the funds but that is a very drastic action, it is a very drastic action.

I supported the proposal by Senator Case requesting the Administration, the Executive Branch, to submit those agreements to the Congress for consideration and approval. I thought that should be done. When it wasn't done, Senator Case then presented legislation in the Senate to cut off the funds. Well, I did not support that because I felt that the agreement had already been made, and the Case proposal was too drastic a step in my judgment at that point, to vote to cut off the funds.

I was hopeful that as a result of what the Senate did in passing the resolution urging the Executive Branch to submit these agreements to the Congress, that in the future they would do so. So I was willing to vote against Senator Case's proposal on cutting off funds but, as you say the Congress does have that right but it is a drastic right, it is a drastic step to take. It is a step that many of us, at least I, do not like to take, but I feel very strongly that the Executive Branch has got to get out of the idea one of these days that it can do whatever it wishes in regard to establishing agreements and bases and making commitments to other countries in the name of the American people without submitting that to the Congress. I wanted to get your view because you will play a very vital role in this thing. You will be Secretary of Defense, you will—the negotiators for the Spanish bases, for example, will be under your command or at least there is a general, I believe, who negotiated it before. So I am tremendously interested in your position on it and, as I take your position, you feel that none of these should be submitted to the Congress.

Secretary RICHARDSON. Well, I don't know—these might include some possible agreements that I would agree——

Senator BYRD. I am speaking of, you know what I am speaking about, bases like Spain, Bahrein, the Azores, matters of that type.

Secretary RICHARDSON. Let me read to you, Senator Byrd, what I said to Senator Fulbright who asked "Can you give to this Committee a positive statement of your position with regard to submitting an agreement or extension involving over $100 million to the Senate as a treaty? I suspect from what you say you do not have any intention to do so. All I want to do is make it clear, I would like a positive statement so that there is not any uncertainty about the position of the Administration on this. Could you do that?'"

I said: "Mr. Chairman, subject to consultation with Secretary Rogers and his possible desire to discuss the matter with the President I can only say this: We do not now propose to submit the extension of the agreement to the Senate for its advice and consent. We do not propose to do so because we do not consider that any element of the agreement would constitute a commitment on the part of the United States for the use of its military forces such as to be an appropriate subject for the advice and consent of the Senate.

"My own view is that if we were to submit it to the Senate for its advice and consent we would be, in effect, opening up a whole range of contractual arrangements between this government and other governments for ratification which we do not think belong in that category.

"My assurance further to you is that we do not intend to enter into any agreement of the character that would be appropriate for ratification. We do not intend to enter into any mutual security arrangements with Spain or to be obligated in any way to use our forces on behalf of Spain simply because we have extended our rights to use the bases. In order to satisfy you on that point we will be glad to show you the language that we will have negotiated before it is finally signed and made binding upon the United States."

Senator BYRD. Well, all you are saying is that you will make a decision as to what is appropriate and not appropriate to submit to the Congress. I happen to be a strong supporter of the Spanish base agreement. I supported it in 1954, I think that was the date it was originally enacted. I think it is very important in our military, in our defense structure.

But for the prospective Secretary of Defense to say to the Congress that he will make a judgment as to what should or should not be submitted, agreements are being made with foreign countries, we have a great many American military personnel in those areas.

We could very easily be involved in military activity. If civil war would break out in those areas, many things could happen, and I would think that you should re-examine your position in regard to this.

We all know the State Department does not want to do it. We all know that anyone in the Executive Branch prefers to make their own decisions and not have to bother with anybody else. That is human nature, all of us want to do that.

But I don't see how we are going to have the proper relationship between the Executive Branch and the Congressional Branch, and each of us have the opportunity to adhere to our responsibilities, if in matters of this consequence, and I think they are matters of consequence, you, as the upcoming Secretary of Defense, state the position that you do on these treaties, on these agreements.

Secretary Richardson. I can only say, Senator, that in my view the healthiest relationship between the Executive and legislative branches is maintained when each preserves the prerogatives and the jurisdiction accorded to it by the Constitution.

Senator Byrd. Amen.

Secretary Richardson. The issue here is whether the agreement is an appropriate subject for advice and consent of the Senate. That, in turn, turns on whether or not it is or should be treated as a treaty, and I don't think that I would be serving my responsibilities in the Executive Branch, in effect, to sit here and say to you that I will give away centuries of, I mean decades of, negotiation between the Executive Branch and the Executive, and the Legislative Branch over issues of executive agreements and so on.

As the Senator knows better than I, this has been the subject of a great deal of discussion for as far back as the history of the Republic.

Senator Byrd. One reason that we have had such great difficulties in the last 10 years in Southeast Asia is that the Executive Branch has assumed too much authority or the Congress has on its own initiative given up too much of its own responsibilities.

What you are doing in your earlier statement that the Congress had recourse, what you are doing is inviting the members of the Congress or putting us into a position where the only thing we can do is to vote down the appropriations for these bases and I don't want to do that.

Secretary Richardson. No, I don't quite wish to leave it on that footing, Senator Byrd, but what I was saying with respect to the Spanish bases is, what I was trying to say in the testimony that I read to you just now, and not only that but discussions with Senator Fulbright was "Mr. Chairman, we, representing the Executive Branch, do not believe that we should allow to be established as a precedent a requirement that this kind of agreement must be submitted for the advice and consent of the Senate."

That does not mean that we want to go ahead unilaterally in defiance of the views of the Senate.

Senator Byrd. That is what you have done.

Secretary Richardson. I do not believe in the case of the Spanish bases agreement we did that. We consulted a great many people, and when the agreement was finally adopted, I am not sure whether there was some vote or other at that point, but at any rate when it was finally done it was on a footing which I think had satisfied Senator Fulbright, that was generally supported by the Congress.

And so what I am saying to you in effect is no, I don't think we ought to go barging in in disregard of congressional attitude in a matter of this kind. But, on the other hand, I don't think that we ought to lightly relax the lines that have been drawn historically as between what is and what is not classifiable as a treaty.

Senator Byrd. Well, you have been Under Secretary of State, and you are a very able lawyer, where do you draw a line between what should be a treaty and what should be an agreement. It is a matter of interpretation and judgment on the part of the Executive Branch, is it not?

Secretary Richardson. In the first instance, if the Executive Branch concludes that an agreement is not a treaty because it does not embody the elements that have traditionally been considered to be earmarks of a treaty, then presumably we have to proceed on that basis. One could imagine various possible ways of challenging this but I think it is intrinsically the situation where we will have to make a call in the first instance.

Senator Byrd. This is a very healthy discussion today, at least it is enlightening to me. It certainly indicates that the new Secretary of Defense is not going to voluntarily submit any of these agreements to the Congress, and I think it is going to force the Congress to go to lengths that I would be very reluctant to see it go to and that is to cut off funds.

Now, what steps do you propose taking in the Department of Defense to reduce the possibility of overruns in military procurement contracts?

Secretary Richardson. I would certainly, in the first instance, want to follow up the kinds of initiatives that were taken in the last two or three years by Secretary Laird and Secretary Packard. The most important of these, I think, was the decision to drop the package procurement approach, to insist upon adequate engineering tests, development of prototypes which could be tried out before a decision was made to proceed with large scale procurement.

This has, I think, proved to be a protection against overruns or excesses in cost beyond the terms of the contract in the case of recent major Air Force procurements particularly, and I believe from what I have learned so far that these are examples of where the reforms initiated by Secretary Laird and Secretary Packard have been most fully carried out.

I think we need also to take the approach of design-to-costs as a way of holding the line, and I think we need to follow such other measures or intensify them as were recommended by the Blue Ribbon Commission which included, for example, better trained, higher level project managers and, finally, I think we need as part of the means of reinforcing the integrity of the whole process, to stand firm on the enforcement of our contracts.

Senator Byrd. Mr. Chairman, I will be glad to yield some time to someone else. I have taken a lot of time.

The Chairman. I think I have some questions here, I don't know of any other questions, I think we will drive hard right on. Senator Hughes, do you have some more questions?

Senator Hughes. I think Senator Byrd is thoroughly covering the field and I will just let him have the ball game.

The Chairman. That is what I am doing, he is doing a good job too.

Senator Hughes. I was curious, Mr. Chairman, a newspaper reporter told me that a Grumman advance of $18 million by the Navy, they had asked for 10, and after they got the advance they paid a $8.5 million Christmas bonus to their employees. I haven't had a chance yet to check that out. I hope, sir, that you would check it out and see if somehow we are paying a Christmas bonus in advance on a contract or——

Secretary Richardson. We have checked it out. I only know that the advance in question was one that covered work done by Grumman under the terms of the existing legislation permitting the Navy to do this. But I will certainly look into it.

Senator Hughes. That is what I thought, too. I was surprised when I got that information. I don't know what the facts are.

Senator Byrd. I might say, if the Senator from Iowa would yield, I have a series of questions on that point that I eventually will get to.

* * * * * *

The Chairman. Senator Byrd.

Senator Byrd. Mr. Chairman, I think the distinguished Senator from Georgia has some questions.

The Chairman. All right.

Senator Nunn. Mr. Chairman, I just have one question.

Continuing the line of questioning that Senator Byrd was exploring a minute ago about the distinction between a treaty and an agreement, which is all important so far as the Congressional role and responsibility is concerned, you made reference, I believe, as I understood it, to at least a partial distinction being one of whether America was committed under the contract in question, whether it be a treaty or agreement, whether America is committed to support the particular party to the agreement with troops.

This may be a partial definition, but what I am asking is for you as a very distinguished attorney and graduate of Harvard law and also with considerable experience in the State Department to give us is your understanding of the legal distinction between a treaty and an agreement.

Secretary Richardson. I appreciate the flattering preamble to that question, Senator Nunn, but I am too good a lawyer to try to give you an off-the-cuff answer. Let's say I am a good enough lawyer to know that I am not that good an international lawyer, and I would have to beg the indulgence of the Committee and seek the opportunity to supply the answer for the record.

Senator Nunn. Well, is one of the distinctions whether or not American troops are obligated under the particular contract in question, is that one of the distinctions as you see it?

Secretary Richardson. Yes. And to put it the other way around, I think that a commitment by the United States to come to the assistance of another country under any other circumstances whatever is a commitment that ought to be subject to the advice and consent of the Senate under the treaty power.

Senator Nunn. If we have an obligation to come to the assistance of another country you would consider that to be a treaty. When you consider assistance, do you consider that economic assistance?

Secretary Richardson. If it were an obligation, yes. In other words, if we had bound ourselves to provide assistance in the event of an attack on another country then I would say that that ought to be subject to treaty, whether the assistance took the form of economic aid, materiel or troops.

Senator Nunn. Would you be able to supply for the record a definition?

Secretary Richardson. Yes, I would. If it doesn't turn into a text. I will try to get a reasonably succinct exposition on the point, for the record.

Senator Nunn. Mr. Chairman, I will yield to the Senator from Virginia.

The Chairman. All right, I recognize the Senator from Virginia. The Chair recognizes the Senator from Virginia.

Senator Byrd. I want to make just one comment and then I plan to yield to another distinguished Senator. I think the point raised by the, pursued by the, distinguished Senator from Georgia is a very important one, and I hope that and expect that the Secretary will submit to the Committee a definition giving a distinction between a treaty and an agreement so that the Committee will have some idea as to where we might stand on this very important matter. As I understand it, Mr. Richardson, you plan to do that.

Secretary Richardson. Yes.

Senator Byrd. Thank you, sir.

The Chairman. All right, we recognize Senator Byrd.

Senator Byrd. Mr. Secretary, in view of the forthcoming mutual force reduction talks in Europe, what do you see as the basic intentions of the Soviet Union toward Western Europe?

Secretary Richardson. I don't believe that I can adequately address the question of Soviet intentions at this stage, Senator Byrd. I think that from the perspective of the Department of Defense the crucial questions arising in the context of mutual and balanced force reductions would involve the actual capacity of Western forces in Central Europe, and I think our concern in the Defense Department must be with the assurance that if there are any negotiated withdrawals that these are truly reciprocal. We do not find ourselves at a disadvantage, and I can only infer that the Soviet Union at least sees the potential benefit to both sides of a reduction of our respective investments in maintaining present force levels.

Senator Byrd. You feel that our chief concern should be not with Soviet intentions but with Soviet capabilities?

Secretary Richardson. Yes. I don't mean we should not be interested in Soviet intentions but obviously they are far more difficult to be sure about than their capabilities.

Senator Byrd. What is your view on the granting of amnesty to draft dodgers and deserters?

Secretary Richardson. I would be opposed to it.

Senator Byrd. In light of the record of the Soviet Union for breaking international agreements and treaties how confident do you feel that the Soviet Union will abide by the terms of the SALT treaty and the related interim agreements.

Secretary Richardson. I don't believe that we should proceed on the basis of optimistic trust that the agreements will be observed. I think we should not enter into any agreement in the area of strategic arms limitations as to which we do not have substantial ability to satisfy ourselves that the agreement is to be carried out.

Senator Byrd. Would it be accurate to say then that you do not have too much confidence in the Soviet Union abiding by the agreements?

Secretary Richardson. I would rather not try to characterize my expectations toward Soviet actions. I think that the point is simply that I do not believe that we should prudently enter into an agreement whose execution depends wholly on optimism that the other side will choose to carry it out. I think we ought to be in a position, given the portentous risks involved in this context, of being confident that we have the means of informing ourselves as to the fulfillment of the agreement.

Senator Byrd. Yesterday, in reply to one of my questions, you identified the principal threat to U.S. security in the 1970's as being Communist Russia. Now, do you agree with the assertion that Russia is developing superiority in ICBM's?

Secretary Richardson. They have certainly developed ICBM's with heavier warheads than any we have, but the question of superiority of ICBM's involves, as you are aware, a number of other variables and I am not clear enough at the moment about just what is on the public record on this subject to feel confident of going any further at this point. I would just leave it, I think, as a proposition that putting aside numbers, is the fact that the Soviet has bigger ICBM's does not in itself establish superiority.

Senator Byrd. The Blue Ribbon Defense Panel, the minority on that panel, made this assertion, "That there is convincing evidence that the Soviet Union seeks a pre-emptive first strike capability."

Do you agree with that statement?

Secretary Richardson. I can't add to what we discussed on that point this morning when you referred, I think, to earlier statements by Secretary Laird. The minority views of the Blue Ribbon Panel were written before any SALT agreement, and they dealt, they state an ambiguity with respect to what the SS–9 development might portend.

Senator Byrd. You feel that the SALT agreement have changed the Soviet Union's capability for a first strike?

Secretary Richardson. I think they have changed the basis on which to make an estimate of whether or not the Soviet Union was pursuing that capability. I think to put it another way, the willingness of the Soviet Union to enter into an agreement limiting numbers, so far as it goes, points in the direction away from the effort to seek a first strike capability. There are other things they might do in association with their large weapons systems that could point the other way. I think it is a matter that consequently we have to be very continually alert to.

Senator Byrd. But your own thinking is that there is not now convincing evidence that the Soviet Union seeks a pre-emptive first strike capability.

Secretary Richardson. I think that puts it very well. I would say to that question the answer is yes.

Senator Byrd. It puts your views well.

Secretary Richardson. Yes.

Senator Byrd. "The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union."

Do you concur in that statement?

Secretary Richardson. Only if the statement is intended to refer to what would happen, the language I think you used was "indicates a shifting", there cetrainly has been a process of shifting. I don't think the process has gone as far as the question implies. It could happen, and this is one of the things that has to be looked at in SALT context and is obviously important in the context of the continuing investment of the United States in technological development, testing, and new weapons systems.

Senator Byrd. I would like to read that question again, which is this: "The convergence of a number of trends indicates a significant shifting," a significant shifting, "of the strategic military balance against the United States and in favor of the Soviet Union." And my question was, do you agree or disagree with that assertion?

Secretary Richardson. Well, perhaps I have read it or listened to it too cautiously. If the question simply means have the Soviets been gaining relatively in strategic capability vis-a-vis the United States, the answer is yes.

Senator Byrd. Do you agree with the assertion that the Soviet—there has been a rapid expansion of Soviet naval capability?

Secretary Richardson. Yes.

Senator Byrd. Could you give your own view of the—we hear a great deal these days about the, military-industrial complex, could give your own views as to your feeling in that regard?

Secretary Richardson. There is, of course, a necessarily and desirable continuing relationship between the Defense establishment of the United States and those various suppliers who have to be called upon to produce the things that we need for our defense. I think we need to be vigilant that this continuing relationship not become an incestuous one. We need to keep constantly in view the overall interests of the people of the United States and the security of the United States, recognizing that the strength of our economy is an integral part of our national security. We need to have in view the considerations touched on earlier today with respect to civilian control of the military establishment. This means I think, that there must be exercised a kind of partnership between the Congress and the Executive Branch and in the latter, people who like myself or Secretary Laird, serve what is in a sense a tour of duty as civilian officers in the military establishment, to guard against the distortion of judgment that may come from people who because of their deep commitment to the military system or to a military production entity have—without charging any ill will to them, may nevertheless lack some degree of objectivity, and I think that these—I think it is important to keep a sharp eye on the situation.

Senator Byrd. You do not agree, I take it then, with the criticisms, speaking generally, the criticisms that have been made of the military-industrial complex?

Secretary Richardson. I think they have been overstated. There is a conspiratorial implication in a lot of these criticisms. My view is that, in fact, both the military people involved and the industrial people involved are overwhelmingly people who are trying to do a job and who are patriotic citizens, and who are not trying to advance their own selfish interests at the expense of the public interest. If they do that at all, it is not willfully or through malice but because of the basic proposition that we refer to that in HEW as Mile's Law which goes, how you stand depends on where you sit.

Senator Byrd. The minority on the Blue Ribbon Panel said this:

"However one may view the balancing," or speaking now of the strategic forces, "no informed person now denies that the period of U.S. superiority has ended."

Do you agree or disagree with that?

Secretary Richardson. I agree with that.

Senator Byrd. Do you think it is better that the superiority has ended?

Secretary Richardson. I think that, I will put it this way, I think it is not all bad. So long as the United States had a decisive margin of superiority that could in itself contribute to international stability and I think it did. But I think it was intrinsically a situation that could not last forever. It seems to me that the Soviet Union, in the fact of that situation was bound in due course to seek to catch up, and if we had sought to maintain the margin of superiority had as of any given date, let us say, 1959 or '60 or '61, we wouldn't be, I think, having to spend vastly more on our weapons systems. We would be adding more and more ICBM launchers, and so on, without any proportional contribution to our national security.

I think what we are facing now is essentially a different era in which it has now become important to recognize that deterrent capability rests to a large degree upon the ability to deter a first strike and that it is in the interest of both sides to limit national investments in weaponry that simply adds an effect to a capacity for overkill.

Senator Byrd. Mr. Richardson, what is your philosophy toward loaning money to financially troubled defense contractors?

Secretary Richardson. I believe that there are provisions of law that deal with this, and one is in the Defense Production Act and, in effect, directly deals with loans as such in the formal sense. I don't believe that this has been invoked much, if at all.

Then there is provision, at least in the case of ship construction, for the kind of—no, I guess it goes beyond ship construction, for advances under a contract. I think what this covers is a situation where progress payments might in the ordinary course amount to 80 percent of the value of the work done, and the other 20 percent is withheld. Under this advance authority the balance may be also in effect lent to the contractor subject to interest payment requirements and so on, in order to enable the contractor to keep the work going. So when you ask me what is my philosophy toward it, I would say I think there might well be situations in which we should invoke the legal authority that does exist and I hope that this would be sparing, and in general, of course, I would far prefer to see us deal with suppliers who can finance construction or production through their own working capital.

Senator Byrd. Do you think there should be a limitation on the amount of loans that may be made to defense contractors?

Secretary Richardson. I think there is a $20 million limit in the first act I referred to and, in the second instance, the amount of an advance would be limited inherently to 20 percent of the work done to date. I don't have any sufficient information to answer the question where there ought to be any further limitations beyond these.

Senator Byrd. Do you favor or oppose the Lockheed loan?

Secretary Richardson. I don't know much about it. That was not, I believe, a loan in which the Defense Department was involved. The planes in question were civilian planes, and I don't really know.

Senator Byrd. What is your general philosophy on it, your general feeling about it?

Secretary Richardson. My general feeling is that from the standpoint of defense procurement we should insist upon fulfillment of contracts and oppose bailouts of suppliers or contractors. I think we have a lot more riding on this in terms of confidence of the public and Congress in the procurement process generally than we are likely to gain by a bailout in any given case. Put it the other way around, I think we need to operate on the basis that makes clear that the terms of our contracts are to be carried out as far as we can have any power to require them.

Senator Byrd. Well, your general view is, your view is, then that the Defense Department should hold the defense contractors to the contracts they agreed to, is that it?

Secretary Richardson. Yes. Definitely.

Senator Byrd. Do you plan to see that that is done when you become Secretary of Defense?

Secretary Richardson. Yes. This is also a matter which you may wish to discuss with Mr. Clements when he appears before you. I think we see eye to eye on it.

Senator Byrd. Well, ultimately, of course, it is the Secretary of Defense who will make the ultimate decision.

Secretary Richardson. Oh, yes——

Senator Byrd. I wanted to get the view of the Secretary of Defense.

Secretary Richardson. I appreciate that. I feel that I have given it to you. But I just wanted to add the point that this is also the view of the deputy secretary, assuming we are both confirmed who will, because of the business expertise, that Senator Bensen referred to, be relied upon very extensively on my part for his contribution in this area.

Senator Byrd. Mr. Richardson, if you are confirmed as Secretary of Defense will you provide to the appropriate committees all information and data that the committees deem necessary to adequately evaluate the requirements and utilization of funds?

Secretary Richardson. Yes.

Senator Byrd. That will be all information and data the committee deems necessary, not what the Defense Department might deem necessary.

Secretary Richardson. Well, I suppose I ought to in the interests of caution enter a note that there may be, I suppose I might leave the reservation, that there might be, some argument over the scope of a requirement by the committee, but, in general, in terms of the burden on clerical work and so on, we might want to try to convince the committee that with the data in the form we have it was adequate for the purpose rather than producing it in a different way. But in general I would certainly agree.

Senator Byrd. You certainly may try to convince the committee. Let's assume you don't convince the committee.

Secretary Richardson. Well, I think this is theoretical. My general approach is one in which I would want to be as cooperative as possible.

Senator Byrd. I don't think it is hypothetical at all. I am the only member of the Senate to serve on both the Armed Services Committee and the Finance Committee and I remember the Finance Committee had grave difficulty in getting some information from HEW when you were Secretary of HEW, so I do not think it is a hypothetical question.

I think the committee is entitled to know whether you will or will not submit to the committee information and data that the committee feels is necessary to do our duties.

Secretary Richardson. Well, yes, the answer is yes.

Senator Byrd. Fine. Let it stand if you wish.

Secretary Richardson. As to the Finance Committee and HEW, we never refused to provide any information, we were slow about it at times.

Senator Byrd. You just did not provide it.

Secretary Richardson. I don't believe there is any case where we did not furnish any information.

Senator Byrd. I am reminded very specifically that Senator Ribicoff, I think it was six months or four months before he got it, and he didn't get what he wanted when he got it.

Secretary Richardson. Well——

Senator Byrd. We will forget the Finance Committee and HEW.

Let me ask you this again: Mr. Richardson, will you, if confirmed as Secretary of Defense, provide to the appropriate committees all information and data that the committees deem necessary to adequately evaluate the requirements and utilization of funds?

Secretary Richardson. Yes.

Senator Byrd. Do you feel, Mr. Richardson, that you would favor eliminating some lower priority programs entirely from the budget or would you be trying to stretch out many programs to meet the defense program?

Secretary Richardson. I think we are going to have to make some eliminations and consolidations. As I said earlier, because of these hearings my general view is that we should try to maintain our existing military capability in general and we should try to keep it, taking into account technological change and so on, at least at its present level subject of course to any subsequent agreement, and to do that is going to take a lot of effort, I believe, to make more efficient use of our resources, including our manpower. And this I would expect will mean that we will get rid of some things in order to focus on higher priorities.

Senator Byrd. What is your personal opinion of an all-volunteer military force?

Secretary Richardson. I think it is a valid objective. I think in a country of this size it would be virtually impossible in peacetime to administer a draft requirement to fill places in the Armed Services requiring quite high levels of skill. It is one thing to operate on an universal service requirement where the principal elements of the Armed Forces are relatively untrained ground troops, but in this country, in the foreseeable future, as we had a draft and continued to rely on it it seems to me it would almost inevitably be inequitable in application because a relatively small proportion of young men would be inducted, and so I think it is very important to seek to make the all-volunteer force work if we possibly can.

Sentor Byrd. Manpower costs broadly defined presently comprise approximately two-thirds of the entire U.S. defense budget. On the other hand, the Soviets spend 25 to 30 percent of their budget on manpower. How are we going to provide for the necessary weapons systems, tanks and guns, and what have you with such a high percentage of the budget going to personnel costs?

Secretary Richardson. I can only say it is going to be very difficult, and this does mean that we, as I said earlier, have got to seek economies wherever possible in other directions including the use of manpower itself. It means that we may be able to, we should, seek some reductions in numbers of uniformed personnel where this can be done without reduction of combat effectiveness. I am sure a lot of effort has already gone into this and I don't want to seem to imply that we can squeeze out very large numbers of people in military superstructures or support units but I think we have got to look at that again and get out those we can, and I think we ought to continue the effort to identify functions that can be performed by civilians and I think we also need to make optimum use of technological means of labor saving, that kind of thing.

Senator Byrd. You have in mind, I take it, to perhaps reduce the number of military personnel which now stands, as I recall, at 2.4 million, and you are looking toward reducing that figure.

Secretary Richardson. Yes, but as I have indicated at each point where this has come up, I would hope that this could be accomplished through the kind of means I have referred to, and not at the expense of combat capability. I would struggle very hard to find ways of reducing costs and reducing numbers.

To put it another way, I would be very reluctant to reduce manpower by eliminating divisions or by eliminating air squadrons entirely. As I have said earlier, I think we might. One of the directions I think it would be worthwhile to look into would be the possibility that some units would be maintained at less than full strength with designated reserve personnel slotted for positions that would bring them up to strength quickly. If that could be done to the extent that that is feasible, it would be an application of the total force concept that might allow us to rely to a somewhat greater extent on reserve personnel and to a somewhat lesser extent on regular personnel.

I am simply saying these are the kind of places that I would look to first rather than just chopping off combat units.

Senator Byrd. Well, are you concerned about the manpower costs in relation to the higher percentage of the defense dollar that it consumes?

Secretary Richardson. Very much so.

Senator Byrd. You mentioned several times today that recommendations would be submitted to the Congress in regard to the all-volunteer force and at one point or several points I asked you if you mean in relation to money and, as I recall, you answered yes.

Now, if the defense dollar now takes two-thirds for manpower costs, and you have plans for additional expenditures along that line, won't that further shrink the amount of money which would be available for actual defense?

Secretary Richardson. Yes. Well, I would hope we could stabilize the ratio of the defense dollar that goes into manpower at roughly its present level.

Senator Byrd. What you say is very high at its present level?

Secretary Richardson. Well, I think we have got to fight hard to keep it from getting any higher. If we can reduce it so much the better, so then pursuing what I said this morning, if we are looking toward a period in which we have a relatively stable total dollar investment in military capability, then we can improve that capability or maintain it only through combining a whole series of measures that are designed to improve effectiveness and reduce costs simultaneously.

I don't believe that it is likely to be any one thing. I think it is likely to be the result of, if we achieve this, of a whole series of measures, some of which I have touched on.

Senator Byrd. But you are concerned, as I understand it, you are concerned that manpower related costs take two-thirds of the defense dollar?

Secretary Richardson. Yes.

Senator Byrd. General Bruce C. Clark made this statement, and it touches on the question by Senator Hughes earlier today, General Clark made this statement:

"To the best of my ability each member of my unit, regardless of race or other background, will receive promotions, assignments, awards and opportunities based solely on merit and ability."

Do you agree with that statement?

Secretary Richardson. Yes. I do.

Senator Byrd. So do I.

Now, he made another statement, the second sentence of the first statement:

"Nothing will be denied because of race nor will anything not deserved be accorded because of race."

Do you agree with that?

Secretary Richardson. Yes. I don't want to be understood as saying that I don't believe we should be doing some things that in a sense are deserved because of race; where, for example there has been discrimination, we should take steps to end it, where there is a need for assistance in developing better understanding between races, I think it is important to do that kind of thing, and I believe some very good things have been done along those lines.

Senator Byrd. I will read the statement again so we will understand it:

"Nothing will be denied because of race nor will anything not deserved be accorded because of race."

How do you answer that?

Secretary Richardson. As I did before, I agree with it.

Senator Byrd. You agree with it, fine.

Secretary Richardson. What I added is only by way of assuring that my answer would not be misunderstood.

Senator Byrd. I don't think your answer could be misunderstood if you answered it with the one word, yes, "nothing will be denied because of race nor will anything not deserved be accorded because of race."

Does that require qualification?

Secretary Richardson. I don't know that it requires it. I felt that it would be useful for the record to supply it.

Senator Byrd. Well, put your qualification on it. If you don't agree with this assertion, what is your qualification?

Secretary Richardson. It is not a qualification, Senator. I can't add to it—I think the record at this point is perfectly adequate on that.

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### Nomination of Elliot L. Richardson To Be Secretary of Defense, January 11, 1973

The Committee met, pursuant to recess, at 10:05 o'clock a.m., in Room 318, Russell Senate Office Building, Senator John C. Stennis (Chairman), presiding.

Present: Senators Byrd of Virginia (presiding), Nunn, Tower, and Goldwater.

Also present: T. Edward Braswell, Jr., Chief Counsel and Staff Director; Nancy J. Bearg, Research Assistant; Doris E. Connor, Clerical Assistant; George H. Foster, Jr., Professional Staff Member; LaBre R. Garcia, Professional Staff Member; John A. Goldsmith, Professional Staff Member; Don L. Lynch, Professional Staff Member; Dorothy Pastis, John T. Ticer, Chief Clerk; and R. James Woolsey, General Counsel.

Senator Byrd. The Committee will come to order. The hearings will resume on the confirmation of the Honorable Elliot L. Richardson to be Secretary of Defense.

I yield to the distinguished Senator from Arizona.

Senator Goldwater. I am just here to listen.

Senator Byrd. I want to say, first, since I have been the member of the Committee to ask the most questions at this hearing, I want to say that it seems to me that it is very important that confirmation proceedings for these very high Government positions be more than perfunctory. That is why I prepared a number of questions for Mr. Richardson.

I want to say, too, to the nominee that I want to cooperate fully with you, I want to work with you and be helpful in any way that I can to you and to the Defense Department.

I believe in a strong national defense. I think it is vitally important. I am interested in the philosophy and the thinking and the judgment of the nominee.

I want to review one question, Mr. Richardson, the last one, I think, that we discussed yesterday before adjournment. I want to read two statements, one statement is this:

"To the best of my ability each member of my unit," this is from General Bruce C. Clark "regardless of race or other background will receive promotions, assignments, awards and opportunities based solely on merit and ability."

I agree thoroughly with that statement and I am wondering what your response is.

Secretary Richardson. I also agree thoroughly with it, Senator Byrd.

Senator Byrd. Now, General Clark also said this, with which I agree thoroughly.

"Nothing will be denied because of race nor will anything not deserved be accorded because of race."

Would you comment on that?

Secretary Richardson. I agree with that statement also. The only thing that I think got us into a little bit of supplementary colloquy on that point yesterday was not an attempt on my part in any way to qualify my agreement with the statement. I simply pointed out that to agree with the statement is not at all inconsistent, in my view, with those affirmative things that are done to overcome the problems of discrimination.

Senator Byrd. I agree with that, but the point I am trying to get clear is that you do not qualify the statement, that you agree with it without qualification.

Secretary Richardson. That is correct, I agree with it without qualification.

Senator Byrd. I noted yesterday that the Navy, for the first time, assigned a woman to be trained as a pilot, and seven others have been selected for officer candidate school, and that brings to mind this question: What do you feel is a proper role of women in the armed forces?

Secretary Richardson. I believe that women should be asked to serve in all capacities that they can fulfill, and the only question that could then arise might be with respect to the physical requirements of their particular role.

In general, I think that the move toward the recognition of opportunities for women in the armed services is a move that can help to strengthen the all-volunteer force. We will be, in effect, seeking the enlistment of women for roles that they have not heretofore played and this, of course, opens up a whole large potential number of recruits.

Senator Byrd. Do you feel that women, either pilots or otherwise, should serve in combat?

Secretary Richardson. I would like to reserve on that. There are a good many problems involved in this. Women have, of course, served in combat effectively in the military forces of other countries, notably Israel, but there are a lot of problems associated with it and I would rather not try to reach a definitive judgment at this point.

Senator Goldwater. Would the Senator yield?

Senator Byrd. I yield to the Senator from Arizona.

Senator Goldwater. Just relative to the Navy selecting a woman cadet, in 1942 I had the first women serve in the Air Corps in my squadron and they did as good a job as the men, they were very fine pilots, their temperaments did not bother them, and strength is not a necessary factor in flying. I just wanted to mention that because I am not a women's lib but I would just as soon fly with them.

Senator Byrd. Thank you, Senator Goldwater.

Mr. Richardson, you mentioned Israel. It seems to me that is considerably different from the situation we face in our country. Israel is fighting for her life, and she requires all of the manpower and women power that can be made available. The United States has not been in that position.

Under the present law the Congress has the authority to recruit women for combat even when it becomes necessary. Under the constitutional amendment which the Senate approved, and which I voted for, it would appear to me to make it mandatory. I voted for amendments to make it clear that women would not necessarily be assigned to combat, 13 different amendments that Senator Ervin presented. I voted for every one of them and I think it would have been a much better piece of legislation had those amendments been adopted. But they were not adopted, and it occurs to me that the armed forces, if this constitutional amendment is subsequently approved by the States, and it may not be, will be presented with some very difficult situations.

Do you think there must be restrictions on their duty assignments?

Secretary Richardson. I am sure there will need to be some restrictions. I agree with you that the adoption of the amendment will present a series of problems for the armed forces, and I think we, in anticipation of the possibility, even the likelihood that it will be ratified, I think we ought to be pursuing the question of what its implications are very diligently.

I have no doubt a good deal of work on it has been done already and I want to be assured that it is carried forward so we will be in as good a position as possible to answer these questions.

Senator Byrd. Representing a State heavily involved with the Navy—Norfolk and Newport News area, Hampton Roads area—I found that many of the Navy wives are not very happy about women being assigned to shipboard duty. I wonder if the incoming Secretary has a view in that regard.

Secretary Richardson. My view is that I can certainly understand their feelings in the matter.

Senator Byrd. Well, I want to congratulate those eight young women who yesterday for the first time were selected for flight training.

Now, Mr. Secretary, to get back to another subject which we discussed yesterday somewhat briefly, which the Chairman later touched on and those are the questions relating to the war powers bill. As you are aware, the Senate passed the war powers bill during the last session which defines in general terms the duties and responsibilities of the Executive and Legislative Branches participating in the difficult job of deciding whether or not to commit U.S. forces to war.

My first question is whether you have any doubt that Congress has the power under the necessary and proper clause of the Constitution to pass legislation of this type.

Secretary Richardson. I am not sure that I ought to be making pronouncements on constitutional law on a point that I have not given real study to, but I will offer this, at least, as an impression.

It would be my impression that the Congress does have power to enact such legislation and that any constitutional issues that properly arise in the context of this legislation would arise in determining the line between the right of the President to make decisions as Commander-in-Chief and any restrictions in the bill. What I am saying in effect, is that there may be constitutional issues in application of the law but it would not seem to me, as a matter of first impression, that the law is unconstitutional on its face because the Congress does not have the power to enact it.

Senator BYRD. Generally, the theory of the bill is to recognize that the President has the authority to repel armed attacks upon the United States or U.S. forces and to protect U.S. citizens and nationals while evacuating them from dangerous situations abroad.

The bill would limit the President's authority under these emergency provisions to 30 days without Congressional authorization, but it provides for a prompt consideration by Congress. If the Executive Branch wishes to extend the period, for example, it is virtually impossible under the bill to delay consideration in committee or by debate on the floor for more than a few days.

Now, do you believe that the Executive Branch should be given the authority to commit United States forces to combat without Congressional authorization in circumstances other than those that I have just described?

Secretary RICHARDSON. As I said yesterday Senator Byrd, I agree in principle with the general purpose that the legislation seeks to accomplish, namely, to give the Congress an appropriate role in situations where the commitment of U.S. forces on a long-term basis is involved.

The problem I have with this at this stage is that what the bill undertakes to do in effect, is to codify a set of rules or conditions under which the President may do certain things for a certain period of time and then subject to various exceptions power to take further action expires. And the question really that I would need to have more opportuntiy to consider is whether it is wise, in effect, to try to codify by legislation in advance the rules governing this kind of situation. And as to that, as I said yesterday, I would need considerable opportunity to look at the language, and so on. I do not want to be understood as unsympathetic to the concern of Congress for the proper exercise of its role but what we have here is really the question of whether you can spell out in Black letter law the guidelines governing a constitutional relationship between co-equal branches of government.

Senator BYRD. In the light of what has happened in the last ten years, before that really but in the last ten years, do you think the Congress is justified in making an effort to, shall we say, recapture some of the responsibilities which have drifted for one reason or another to the Executive Branch?

Secretary RICHARDSON. If I were a member of Congress I would certainly be a participant in that effort.

Senator BYRD. As Secretary of Defense, how sympathetic would you be to that effort?

Secretary RICHARDSON. I really cannot add, I think, to the point I made earlier. I would be sympathetic as Secretary of Defense to an effort to observe due regard for the co-equal role of the Congress, particularly in matters involving the commitment of U.S. forces. I would, as a matter of conduct of relations between the Executive Branch and the Legislative Branch, try to behave in a way that exhibited full regard for the Congressional role.

The only reservation I have on this score is the one I mentioned a moment ago, namely, whether it is wise or desirable to try to spell out in specific legislative terms the rules governing the engagement of or disengagement of U.S. forces. The problem is the problem of imagining or trying to imagine in advance how things may happen and then spell out rules for them, and that is my only concern.

Senator BYRD. I will ask one more question and then I will yield to the distinguished Senator from Texas.

Mr. Richardson, do you believe that, in general, mutual security treaties with 44 nations of the world should be interpreted to permit the President to commit forces to combat under them without Congressional authorization?

Secretary RICHARDSON. Here, I think the problem is the one of the kind of line that is represented in the proposed legislation itself. I can conceive of some emergency situations where this might be a constitutional exercise of Presidential authority in his capacity as Commander-in-Chief. I, on the other hand, would certainly not propose that we could enter into a war in the sense of a declared war, without the involvement of the Congress, that is, a war on behalf of an ally pursuant to the terms of the treaty. In other words, I do not think the treaty would automatically commit the United States without the involvement of Congress to whatever we may define as a war.

Senator BYRD. Of course, that is exactly what the previous Administration did in regard to Vietnam, as I brought out yesterday. Secretary Rusk on dozens and dozens of occasions in his official testimony stated that it was the Southeast Asia Treaty that was primarily the cause or the instrument used for the United States to send ground troops to Asia.

Secretary RICHARDSON. Well, I would have to review that, Senator Byrd. I would suppose, though, that what he was saying was that the United States was justified in taking certain emergency actions in support of South Vietnam without formal action. The problem was that it started out in a very small way, and then there were gradual additions over time so that there was never a clear cut point at which the United States, in effect, entered a war. It became a war and so the reliance that Secretary Rusk may have placed on the SEATO Treaty in terms of what the United States initially undertook to do would not necessarily be a valid justification for a formal step of all-out engagement in war, I would have to look it up.

Senator BYRD. That emergency action has been going on for nine years.

Secretary RICHARDSON. No question that as of 1969, let us say, we were at war.

Senator BYRD. There was no question about 1965, was there?

Secretary RICHARDSON. Well, I am not so sure. I do not know when the point—where the threshold was crossed. In any event, the problem appears to have been a problem brought about by the fact that our involvement did come about so gradually.

Senator BYRD. In regard to the treaties, and we have 44, we have commitments with 44 different nations, we discussed this a little bit yesterday, and your position seems to me to be a little ambiguous and maybe we could attempt to clear it up, you say you feel there should be a continuing review, a continuing review of these commitments, but will you, as the new Secretary of Defense, initiate a review? Will you have procedures for a review?

Secretary RICHARDSON. I will have procedures for review. I do not expect it will be necessary for me to initiate them. I would be surprised to find if they were not already in 1 place.

Senator BYRD. But you will or you do feel it is wise to re-examine these many commitments, 44 different commitments, we do have? Do you feel it is wise to re-examine these commitments?

Secretary RICHARDSON. Yes, I think that the re-examination of these commitments should be part of a continuing process which includes overall strategic planning, planning for force levels, weapons systems, force structures. The commitments of the United States abroad obviously have a very critical part in the determination of what armed force capabilities we may need in a given contingency, and so——

Senator BYRD. Would it be——

Senator RICHARDSON. I am sorry.

Senator BYRD. Would it be reasonable to ask that at the end of, six months after you become Secretary of Defense, that you submit to the Committee the Department's reappraisal, review of these commitments and let the Committee know what the Department's judgment is as to the value of them and whether or not they should be continued?

Secretary RICHARDSON. I would be glad to do it on this understanding, Senator, that we would submit to the Committee any conclusion which suggests there should be some modification in an existing commitment.

Senator TOWER. Would the Senator yield?

Senator BYRD. I yield to the Senator.

Senator TOWER. This raises a jurisdictional question. It is not the jurisdiction of the Defense Department to make foreign policy except insofar as its advice and counsel is sought, it is the jurisdiction of the Department of Defense to implement foreign policy, if that foreign policy should be implemented by military men and, therefore, I would think you might be requesting the Secretary to do something that it is not within his jurisdiction or his line of authority to do.

Senator BYRD. The Secretary has already testified that he—it is his judgment that the Department was already reappraising, reexamining the policies and commitments. He testified to that yesterday and he testified to that again this morning.

Senator TOWER. I think that that should apply only to the extent to which the military is involved or the military can function under any given circumstance, to the extent that the military can respond to a policy decision.

Now, if it is to be suggested here today that foreign policy is going to be indeed formulated by the Department of Defense, I think we should call the Secretary of State to testify and see what his views on that are.

Senator BYRD. I would like to have the Secretary of State testify to that but, at the moment, we have the Secretary of Defense.

I do not claim that I know in detail all of the 44 commitments, but I have gone over most of them, and all of them have the potentiality of involving U.S. troops, every one of them has the potentiality of the United States becoming involved in a combat operation. So I think it is certainly logical that the Defense Department is involved in these treaties, and I accept the proposal made by the distinguished nominee that he feels that this should be constant review by the Defense Department.

He testified to that yesterday, and he testified to it today, and that at the end of six months after he assumes office if there are changes that he would recommend he will so inform the Committee, and in the absence of his recommendation I would assume that he feels that there should be no changes.

Secretary RICHARDSON. May I just say this: Senator Tower is clearly right in pointing out the role of the Department of State and the Secretary of State, the President in the area of foreign policy, and I think it is a helpful clarification that he intervened at that point.

I am glad to take advantage of the opportunity to say that the kind of re-examination the Department of Defense would, and I am sure does, continually perform involves the interrelationship between U.S. commitments, U.S. capabilities, and the armed services' role in the fulfillment of a commitment under various potential situations.

The Office of International Security Affairs of the Department of Defense works continually and closely with the Department of State and, indeed, its function is to a very large degree to assure the clearest possible understandings between the scope of U.S. foreign policy commitments, on the one side, and the implications of these for armed services capabilities on the other, and when I said that if we had a conclusion, or reached a conclusion suggest the possible desirability of any modification of an existing commitment that this would be a conclusion reflecting the judgment of the Administration and not of the Department of Defense or myself alone.

Senator Byrd. Well, maybe no one is concerned about our country having commitments or treaties with 44 countries, but the Senator from Virginia is concerned.

I yield to the Senator from Texas.

Senator Tower. Thank you, Mr. Chairman. I think we should note that a treaty is a conduit through which constitutional authority flows. Treaties are made in pursuance of the Constitution of the United States, they are ratified by the Senate, and to the extent that they are ratified by the Senate, the Congress of the United States acquiesces, at least, in the conclusion of the treaty obligation.

I think that the wisdom of a number of our interlocking treaty organizations should, of course, be constantly under review but I still think that is primarily the function of the President, and of his foreign policy arm, the Department of State. The military, I think, should be considered as a precision instrument of diplomacy. That is not, of course, a new idea, it was articulated, I suppose first by Clausewitz. The military simply implements foreign policy when the makers of foreign policy have determined that that policy should and must be implemented by military means. In this century the United States has not resorted to the initiation of war as an instrument of national policy. I doubt that we ever will.

Treaties are subject to interpretation, and it is the function of the President to make a judgment as to what the obligations of the United States are pursuant to a treaty agreement. The United States was not obligated by treaty to go into South Vietnam. South Vietnam is not a signatory of the SEATO pact. It was apparently the judgment of Presidents Kennedy and Johnson that to fulfill our obligation to Thailand, Australia, New Zealand, the Philippines, other nations that are signatories, that we should engage in combat operations in South Vietnam because the incursion into South Vietnam and Laos, Cambodia constituted a threat to the territorial integrity of SEATO's signatories. That is a judgment decision, and I think reasonable men may debate whether the decision was right or the judgment was right or was wrong or was good or bad and indeed, reasonable men are debating it at this moment. But it is certainly not a function of the Department of Defense. And I would want to make it clear that this Committee is not suggesting that the Department of Defense should arrogate unto itself powers and responsibilities it does not have, that the Constitution nor the national legislature ever intended that it should have.

I should like to further say that I have never seen a man come before a Senate Committee in confirmation hearings better prepared to testify about the nature and responsibilities of a job that he has never held than Secretary Richardson, and my esteem for him has certainly soared over the last two or three days, and I am hopeful that we will not expect that he should be able to answer every question pertinent to the responsibility he is about to undertake. I do not think any department head fully knows his job until after he has been in it a while.

I do not think that any of us who entered the Senate on the first day understood entirely what our responsibilities, our prerogatives and duties were, I certainly did not myself, and I spent all of my adult life in the field of political science.

I do want to hear and now commend Secretary Richardson and express the firm conviction that he is going to be one of the best, if not the best, Secretary of Defense we have ever had.

Secretary Richardson. Thank you very much, Senator Tower. I appreciate those very generous words.

Senator Byrd. Thank you, Senator Tower. Senator Nunn.

Senator Nunn. I have no further questions.

Senator Byrd. Senator Goldwater.

Senator Goldwater. My question does not require an answer today but in view of the fact that Mr. Richardson is such a well-known scholar of the law, I would like to ask, if you ever have any spare time, that you pursue this subject of war powers. It has been a very intriguing subject to me, a non-lawyer.

I feel, for example, that the President is the only authority in this country in our government that can commit troops. The Congress has only the power of raising the militia, making rules for them, paying them, they have the power to declare war but not the power to send troops.

Now, this came about, according to my studies, because the Continental Congress made the mistake of allowing the Congress to control war and it nearly caused disaster with Washington. After this in the formulation of our Congress they took away the war-making powers and gave the power to declare only.

It is interesting to know we have been in about 192 different occasions where we used troops in the 200 year history of our country, and in only five of these have we ever declared war, and two of these declarations were in one war.

I know it is generally believed, it is a general concept, around the country that the Congress does have the power of war. I have yet to find an eminent scholar in the field, including both, the members of both parties who served in the Department of State and other high offices, who feel that we do have any other power than those I have mentioned or the power of the purse which, of course, we can exercise at any time.

It would be interesting to me to add your opinions of this, not for publication, but just to my collection of papers on the subject.

There has been very little written on it. The University of Virginia has published two excellent books on the subject, one of which has just come to my desk in the last few days.

I think if the Congress wants to act in this field that it will be forced to act with a constitutional amendment because the constitution clearly, very clearly, gives to the Commander-in-Chief the power of calling out troops, and I don't think there is any limitation on when he can do this. I think it is up to him to make up his own mind, and if we want to change that power then we are going to have to ask the people of the country to change it through an amendment.

I am sure when we get into debate on this bill, even if it happens to be passed, that it will be fought through the courts and a court decision will be, I am sure, in favor of the Constitution as it is written.

It is an interesting subject because today the people are clamoring that the Congress do something, and many members of Congress honestly feel that we can do something about going to war. But, in my opinion, we can't.

I would like to know sometime from you at your leisure, after you have had time to study it, what you think about this whole subject. I thank my friend from Virginia.

Secretary Richardson. Thank you, Senator Goldwater. I will be—I certainly will want to study it and I look forward to a chance to discuss it with you further.

Senator Byrd. Thank you, Senator Goldwater.

Mr. Richardson, if confirmed, what would be some of your major goals as Secretary of Defense? Are there any priorities that you have set?

Secretary Richardson. I cannot at this stage go beyond some very general propositions but I think, first of all, we need to take measures that will assure that in the recruitment of the all-volunteer force we have made the opportunity for military service attractive, respected, recognized as contributing to vital national purposes.

We need, second, in my view, to take measures, building upon what Secretary Laird has already done, to strengthen public confidence in the acquisition procedures, procurement processes of the Department of Defense.

Third, I would seek to try to assure, as I said yesterday, the maintenance of adequate military capability on a more economical basis, foreseeing that costs in some areas are bound to rise, that the competition for tax dollars is bound to increase, and that our armed strength will suffer unless we are able to maintain it on a basis absorbing proportionately fewer dollars.

Senator Byrd. In recent years, the political debate over domestic matters has tended to center on the claim that defense spending, defense spending has caused a starving of social programs.

Has your experience as Secretary of Health, Education and Welfare persuaded you that such claims are accurate?

Secretary Richardson. On the contrary, as I am sure you know, Senator, the shift in the allocation of resources to the area of human needs and away from national security, including defense, has been a massive shift during the years of this Administration.

When President Nixon first took office the proportion of the national budget devoted broadly to defense or national security was about 44 percent, and the ratio devoted to human resources was about 32 percent. These proportions have been reversed, and the ratio of the budget now devoted to defense is at its lowest level since before the Korean war. So I think we can say with considerable force that there has been a continuing reallocation of priorities.

In fact, I do not oppose the shift, obviously having served at HEW and having been involved in initiatives that have to a degree brought it about. But, as I said on the opening day of these hearings, I have never believed that the shift should take place at a rate that might jeopardise the adequacy of our Armed Services. And while I would expect it to continue I would also, as Secretary of Defense, seek to assert the claims of adequate military capability so as to assure that it did not take place too rapidly, and that we continue to remain adequately strong.

Senator Byrd. In terms of total dollars HEW, I believe, will spend more money in this fiscal year than the Defense Department. Is that your recollection, is that your——

Secretary Richardson. That is correct, and in fiscal '74 the proportion will grow wider even though there may be some increase in defense expenditures, depending upon Congressional action on the budget. But the HEW jump largely because of Social Security amendments will be much greater and, as long as we have in effect benefit programs that grow as a function of the increase in the number of dependency sharing, old people, for example, grow also to match the pace of inflation, the Congress did provide for that last year, the total HEW outlays will presumably continue to go ahead.

Senator Byrd. Not in terms of percentage of the total budgetary expenditures but in actual dollars HEW is now spending more dollars in a given fiscal year than is the Defense Department.

Secretary Richardson. That is correct.

Senator Byrd. Mr. Richardson, if a satisfactory cease fire agreement is reached with Hanoi but within a reasonable time it becomes apparent, do you believe we should use Naval—apparent it has been violated, do you believe we should use our Naval and Air Force contingents in the area to assist our South Vietnamese allies if they need and ask for air power?

Secretary Richardson. The only thing I can properly say on that point at this stage, Senator Byrd, is there is an obvious need for very careful and comprehensive contingency planning to anticipate any of a broad spectrum of possible violations. We need to be ready to do whatever is appropriate for use. There may be situations, for example, involving some violation which can perfectly adequately be handled by the South Vietnamese or as the case may be Laotian or Cambodian forces without any participation by us. But I think we need to have thought about this since the time in which it would be necessary to react may be quite short.

Senator Byrd. What do you think should be done in connection with the security role that the United States has maintained in the far East, especially with reference to Taiwan and Japan?

Secretary Richardson. On this score, again, I think my comment should be quite limited. We are also touching here, too, on the area that Senator Tower pointed out earlier of foreign policy, but I would just say this: that I think that the United States does have real and important national security interests in the far Pacific. We, as far as Taiwan is concerned, have made clear that we intend to honor our commitments, and I believe that our relationship with Japan is of key importance to the United States. I believe it is important that it not only should be maintained but strengthened.

Senator Byrd. If U.S. supreme interests should be jeopardized by a failure to agree on a second round of force reductions at SALT, does the Secretary-designate believe we can live with the present SALT Treaty and interim agreement for as long as five years?

Senator Richardson. That is a question I would need to look at on a continuing basis in the light of whatever actions may be taken during that interval by the Soviet Union and in the light of the actions taken within the United States to support needed weapons system development and acquisition.

Senator Byrd. The Soviets refused to agree to any provision of the SALT Agreement which would ban deployment of mobile ICBM's. This being the case, should the United States take advantage of this loophole to lessen our vulnerability by placing some of our Minuteman missiles on mobile platforms?

Secretary Richardson. That is an important question. I would want to have the advice of the Joint Chiefs of Staff before trying to reach any judgment about it.

Senator Byrd. How important, Mr. Richardson, do you believe, on-site inspection to be in any future arms limitations agreement with the Soviets?

Secretary Richardson. This would depend on the terms of the agreement. There are some possible areas of agreement that could be monitored only by on-site inspection. There are, there remain, also significant areas of further agreeement that would not require on-site review.

Senator Byrd. When you were Secretary of HEW I heard considerable comment among the members of the Congress, many had considerable difficulty in getting replies from your office. My question to you today is, if you are confirmed as Secretary of Defense how responsive will you be to requests for information from members of the Congress and what machinery will you have in your office to accomplish this?

Secretary Richardson. I will do the best I can. As a matter or fact, at HEW it was a source of continuing irritation from my point of view. I used to have, I resorted to various devices to try to goad the system into producing responses more quickly, to try putting up charts at staff meetings, sent out a lot of memoranda.

The Defense Department has in place, I know, a considerable process for answering Congressional requests and inquiries I would be interested to find out whether it is regarded as adequate by you and your colleagues. If you think it is I will simply make sure that it is kept in place.

Senator Byrd. I found the Department of Defense very responsive, I found the Department of Treasury very responsive, I have found the Justice Department very responsive, I have found every agency of government, almost, very responsive, except the one you happened to head. That is the only reason I am bringing this up.

Secretary Richardson. I am certainly not going to do anything to weaken the effectness of the proceedings that are being carried out. On the contrary, if there can be any improvement I would like to make them. I really think that despite some bad experiences I know you have had with HEW, we have tried quite hard and, on the whole, I think we have made some improvements.

Senator Byrd. The New York Times of November 10 had this story.

"Admiral Elmo R. Zumwalt, Jr., the Chief of Naval Operations, using strong, brutally frank language, charged the Navy's senior commanders today with failures in leadership and with ignoring his directives on racial relations."

This was a public reprimand of the senior officers of the Navy.

In your judgment, is it wise for military personnel to be publicly reprimanded by their superiors?

Secretary Richardson. I wouldn't want to try to make any general pronouncement on that, Senator Byrd.

Senator Byrd. You would not want to say whether or not it is wise or unwise to publicly reprimand a subordinate?

Secretary Richardson. Not in the abstract, no, I would not.

Senator Byrd. You feel that discipline can be maintained under such conditions?

Secretary Richardson. Again, I don't think it is a matter on which I would want to try to generalize.

Senator Byrd. I think you said yesterday that you do recognize that there is a disciplinary problem in the Armed Services.

Secretary Richardson. Yes. I also said that I don't have enough information to know how serious it is in scope or degree, but that I would want to try to find that out, and that I would certainly want to take whatever corrective action seems indicated.

Senator Byrd. Senator Tower.

Senator Tower. Mr. Chairman, I have no questions at the moment.

Senator Byrd. Senator Goldwater.

Senator Goldwater. I have no questions.

Senator Byrd. Mr. Richardson, on behalf of the Committee, I thank you for your time you have given us at this confirmation hearing. In the event of your confirmation, which I anticipate, I wish you the very best of luck in a very difficult and a very important assignment, and I want to cooperate with you fully in your heavy responsibilities.

Secretary Richardson. Thank you very much, Senator.

May I just say that I appreciate the opportunity that has been afforded by this hearing to respond to questions touching on virtually all aspects of the operation of the Department of Defense and the needs and problems of our Armed Services.

I have welcomed the opportunity, and I have sought to respond as fully as I could to your questions, Senator Byrd, and the others that have been addressed to me. In some instances, I have said that I would need further information, in some cases I have undertaken to make additional responses to the Committee. In a good many cases, perhaps most, I have given immediate answers.

As to the first, I will, at whatever appropriate time, give the Committee my further views when I have had the opportunity to develop additional information.

As to the second, we will certainly furnish for you whatever I have undertaken to provide to the Committee.

In the third area, it may be that as I learn more I will change my views, and in that case, if the matter is a material one, I would also want to bring it to the attention of the Committee.

I take very seriously the importance of the collaborative role we play in national defense policy, and I would want to do whatever I can to assure that the Executive-Legislative relationship in this context is as strong as it can be made, and I feel from my point of view that this hearing has been a valuable and welcome opportunity to lay that kind of foundation.

Senator Byrd. I don't think anyone on the Committee would have expected you to answer all of the questions that have been put to you, certainly I would not have been that unreasonable. I think you have responded in an appropriate fashion. In some cases you have been quite frank.

I was astonished, I might say, that you would not express an opinion on one of the first questions which I put to you, and that is whether it was a grave error of judgment to send ground troops to Asia. But on another question you answered in one word, which is something that I have had great difficulty in seven years, that I have been asking the same question for six or seven years, and I have had difficulty in getting an answer in one word. Sometimes it has taken an hour to get an answer to it. Since I have asked it of every appointee who has come before this Committee for seven or more years, I will read it again: The United States has been involved in combat operations in Indochina for nearly ten years. In your judgment has this long U.S. involvement in Vietnam, utilizing two and one-half million American troops and hundreds of billions of dollars, been beneficial to the Soviet Union, and you answer that very forthrightly with one word, no.

That brings to mind that the only other individual who answered it that precisely and concisely was the assistant or Under Secretary of State, Mr. Eugene Restow in the Johnson Administration, he answered it the same way, as did virtually all of the appointees who came before this Committee in the middle and later 1960's.

What concerned me about that was that it led me to believe in 1966 and 1967 that if those in higher position, making policy, held such a view as that, that there was certainly no urgency in getting this war over with.

Mr. Richardson, if there are no further questions—Senator Tower, Senator Goldwater—if there is no further business, the Committee will stand in adjournment until 2:30—

## ADDITIONAL STATEMENTS

### TVA—THE BIG PAYOFF

Mr. SPARKMAN. Mr. President, the December 1972 edition of Farm Chemicals contains an editorial entitled "The Big Payoff." It refers to TVA and its accomplishments for the good of the whole area in which it operates and, indeed, for the whole country.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### THE BIG PAY-OFF

Back in 1953 TVA began to bring us out of the "dark ages" of fertilizer production by holding its first technology demonstration for industry. From that discussion of the pilot-plant continuous ammoniator-granulator a *new era* of fertilizer production began.

TVA had a way of winning over the skeptics without anyone even realizing that a "conflict of ideas" was taking place. Remember the diammonium phosphate doubters? "It just can't be done," they said. Well, TVA helped DAP go on to become one of the world's leading fertilizer materials in a few years!

Then came superphosphoric acid with its fantastic effect on an "industry within an industry"—liquids.

There were even more skeptics on the subject of bulk blending. In fact, the discussions were actually held back for awhile, because the subject was *taboo!*

But TVA experts patiently explained the *benefits* and waited for tempers to cool.

There have been many other "surprises" but we can't enumerate them here. Perhaps even more significant than the technology itself, in many instances, was the fact that TVA had scored a *breakthrough in communications!* Fertilizer technology, such as it was, had been company secrets prior to 1953.

During the past 20 years, TVA has literally brought fertilizer production out of a "dirty, dusty past" to an efficient, "sanitized" era that would make the most ardent environmentalist drool. Some of our units are as clean as a bakery shop.

We've often wondered: Why don't we have TVA demonstration for the environmentalists? Why not invite consumer panels to TVA demonstrations and other meetings? They could not help but be impressed with the technology—and its effect on food production!

Not only would environmentalists and consumer groups hear it from TVA experts, but from dozens of experts from around the world who depend on TVA to keep their fertilizer plants running efficiently.

Several years ago, a certain Southern city was criticized on this page for its lackadaisical way of hosting a large TVA fertilizer conference which had drawn hundreds, *including 107 interesting personalities from 20 foreign countries.*

Its Chamber of Commerce had been asleep at the switch. The city news media never really bothered to give the man on the street any idea of the *real impact* of what this meeting would have on the world. Hunger was a strange word to them and they never asked: "What brought these people to our city?"

We were also amazed that they seemed completely unconcerned about the value of present and future public relations with these countries.

Little did any of us realize at that time the importance of public relations for our *own agricultural system!* TVA was taken for granted by all of us. We had no idea that we would be reading books such as "Hard Tomatoes; Hard Times" and "The Great American Grain Robbery."

All agricultural institutions, including TVA, are now suspect.

No doubt about it. Events such as "The Edwardsville Incident" (see page 60, January 1972), where TVA experts literally gave the nation's "No. 1 Environmentalist" (Barry Commoner) a fertilizer lesson, will make it harder for TVA. This was one of TVA's prouder episodes. Their branding of Commoner's methods of nitrogen-15 research as "unworkable" left no doubt in any one's minds where TVA stood. With the fertilizer industry!

But we can't afford to dwell on the past. We must think of the future. TVA research and development *must* go on if this nation is to remain on top of the heap. No nation can really be regarded as a "super power" if it does not have the capability of feeding and clothing itself. We are literally proving that the Soviet Union is not in our class, because we must supply them with grain that they are not capable of producing themselves. The alternative was hunger and strife—perhaps even war!

The public must understand the importance of the continuous flow of technology . . . from the laboratory bench to the farmer. Dry up this flow and everything suffers—business, agriculture, the consumer—the entire nation.

We must not allow the environmentalists to threaten agricultural research anymore than it already has. Somehow, in a hundred ways and a thousand places, we must drive home the salient point that the real impact of TVA is at the dinner table.

Even environmentalists have to eat!

### WHEELCHAIR OPERATORS FACE CAMPUS BARRIERS

Mr. DOLE. Mr. President, I am concerned about the man-made barriers the handicapped face daily. The environment has natural barriers such as mountains, rivers, lakes, oceans, swamps, and jungles. The climate with extremes in temperatures and weather conditions impose certain barriers. Man created roads and tunnels to pass through mountains, bridges to cross rivers, ships to traverse lakes and oceans, and other modes to cope with swamps and jungles. We constructed buildings and homes for protection from adverse weather conditions.

If we have been so able to cope with these environmental barriers, we should now deal with the barriers that in turn were imposed on the handicapped. The handicapped are unable to use many facilities because they were constructed for the nonhandicapped. An article entitled "Wheelchair Operators Face Campus Barriers," written by Mike Lewis, was published in the University Daily Kansan December 8, 1972. It describes the barriers a person confined to a wheelchair faces. I ask unanimous consent the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### WHEELCHAIR OPERATORS FACE CAMPUS BARRIERS

(By Mike Lewis)

Whenever a bicycle rider or pedestrian uses one of the small ramps which have been built into curbs on campus, it supports the conviction of Robert Harris, Lawrence graduate student, who claims: "Environmental barriers are not just problems of people in wheelchairs, they're people problems."

Harris said that while the curb cuts, which were made last summer, were designed with wheelchairs in mind, the removal of the curb's architectural barrier was helping a much broad segment of the University community.

Harris said several myths surrounded persons confined to wheelchairs at KU.

"One is that people in wheelchairs are incompetent and have no effect on their environment," Harris said. "The other is that KU is architecturally free of barriers."

Harris, who spent four years in a wheelchair himself, surveyed 27 University buildings for the ability of a person in a wheelchair to approach the building, enter the building, enter rooms once inside the building, use the restroom facilities and reach other floors.

At the time of his survey during the last spring semester, he found 20 buildings were inaccessible because of the surrounding curbs, even with the construction of more than 35 curb cuts this summer, Harris' figures show that a person in a wheelchair still could not gain access to 11 buildings on campus because of impassable stairs or a door which he would not be able to open.

Those buildings mentioned in Harris' survey as having barriers in the approach to the outside doors were Carruth O'Leary Hall, the Museum of Natural History, Green Hall, Hoch Auditorium, Learned Hall, Lindley Hall, Mallot Hall, Marvin Hall, Murphy Hall, Spooner Art Museum and Watkins Hospital.

In some instances the barriers were one step.

Harris found a particular abundance of barriers in restrooms. Using a wheelchair 24 inches wide Harris found restrooms in only five of the 27 buildings surveyed had stalls wide enough to admit a wheelchair, and he expected the number to decrease.

"The only reason we could get into the stalls in Strong and Watson was that someone had jerked the doors off of them," Harris said.

Although total modification of the KU environment is unlikely in the near future, Allen Wiechert of the office of facilities, planning and operations said, the main interest of the University with regard to persons in wheelchairs is to determine the need for restroom facilities.

Wiechert said changes were still in the planning stages and actual work would not begin before July.

As is often the case, the problem of change is a problem of cost. As Keith Lawton, director of facilities, planning and operations said, "We have a lot of thoughts about the future but no money to perform them."

While Wescoe Hall and the new student health center are being built to accommodate wheelchairs as the result of a recently enacted state statute, Lawton said older buildings, which were without elevators and had prohibitive entries, could be dealt with only if and when finances permit.

Presently a study is underway by the University to pinpoint and analyze architectural barriers across the campus.

Harris said he undertook the investigation of building accessibility because those who were not confined to wheelchairs had a difficult time understanding wheelchair mobility.

"People who have not had previous experience with wheelchairs cannot learn what it's like to be confined to a wheelchair by riding around in it for one day," Harris said.

Harris said society's stereotype of the person in a wheelchair was that of one who was unable to help himself. He also protested use of the words invalid, disabled person and handicapped.

He said invalid in one sense implied a helpless person and in another sense meant void. There were shades of difference between disabled person and a person with a disability, he said, with the latter representing a person but the former connoting something less than normal.

A person in a wheelchair would react to being called handicapped much the way a black would react to being called an Uncle Tom, Harris said.

Harris said persons with disabilities had been depicted as having little impact on their environment because of being weak and sickly.

It is not the incompetency of the person, Harris said, but the restrictive nature of his environment which made it hard for a person in a wheelchair.

Harris used the analogy of a janitor who was unable to put trash in a container taller than he. Harris said one would not call the janitor incompetent but put the blame on his environment which made it impossible for him to empty trash. In this sense calling a person in a wheelchair incompetent was like blaming the janitor for being too short, he said.

## DEMOCRATIC CAUCUS VOTES COMMITTEE SESSIONS ANTI-SECRECY RESOLUTION

Mr. HUMPHREY. Mr. President, the action of the Democratic Conference yesterday in adopting its resolution on open hearing and committee sessions is encouraging indeed.

The majority leader, in particular, deserves the thanks of all those in the country who are seeking more open, accountable, and responsive government.

I ask unanimous consent that a news statement I issued today be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### HUMPHREY PRAISES SENATE DEMOCRATIC LEADERSHIP ON ANTI-SECRECY

WASHINGTON, D.C., January 12.—Senator Hubert H. Humphrey today praised the Senate Democratic Leadership and Caucus for "dramatic leadership on the question of removing secrecy in government."

Humphrey cited approval late yesterday by the Senate Democratic Caucus, of a resolution calling for open hearings and open mark-up sessions of Senate committees.

The resolution approved in the Caucus by the Democratic Majority reads:

1. "That the Senate Committees and the Senate should conduct their proceedings in open session in the absence of overriding reasons to the contrary;

2. "That whenever the doors of the Senate or of a Senate Committee are closed, a public explanation of the reasons therefor should be forthcoming, respectively, from the Joint Leadership or the Chairman of the Committee;"

A third paragraph in the original resolution had exempted mark-up sessions in committees from the anti-secrecy rule, but Senator Humphrey moved to strike this section and his motion was approved by the Caucus. The paragraph Humphrey moved to strike read:

3. "That this resolution is not to be construed as militating against conducting routine procedural business or the marking-up of legislation in Executive Session."

"This very firm action by the Caucus, especially the rejection of the specific exemption for mark-up sessions," Humphrey said, "greatly increased the chances that the Humphrey-Roth anti-secrecy rules change resolution can be passed early in the session." Humphrey said he would introduce the rules change resolution on Tuesday, January 16, if the Senate is in session and that he would seek immediate hearings by the Rules Committee.

Humphrey observed that "Senator Mansfield's initiative toward more open, accountable and responsive decisions within the Caucus are unparalleled in the last two decades of the Congress."

"In just a few short years, Senator Mansfield has guided the Democratic Caucus to support full information on Steering Committee decisions, full and free majority decision on committee assignments and committee chairmanships, guarantees that Senate Conferees will accurately reflect the will of the Senate, and elimination of unnecessary secrecy in committee hearings and mark-up sessions. I doubt that the country fully realizes the importance of these changes and I want to compliment all my Democratic colleagues on their actions."

Humphrey said the caucus action would give "strong impetus to enactment of an anti-secrecy rule in this session." He said enactment of the rule is still necessary to provide a uniform, Senate-wide anti-secrecy procedure and to specify clearly what exceptions are to be permitted to accommodate national security and personal rights exemptions.

## COAL COULD SOLVE ENERGY CRISIS

Mr. ROBERT C. BYRD. Mr. President, an article in today's edition of the Washington Star-News reports that President Nixon's forthcoming energy message is likely to include a plan for converting some of the Nation's electric power-producing plants from oil-fired to coal-fired generating units.

This would be a welcome step for those of us who have maintained for several years that coal is the key to solving the Nation's energy crisis. And, as such, a greater emphasis should be placed on coal research than has been placed on it in the past.

The development of nuclear energy is maddeningly slow. Thus, at least for the foreseeable future, our Nation—and all the nations of the world are committed to the use of fossil fuels. Of these fuels—oil, gas, and coal—only coal can be found in sufficient quantities to turn back the energy crisis we are now facing. Each year, for instance, we become less of a supplier and more of a customer as far as oil is concerned.

Experts predict that, between now and 1983, more oil will be consumed than was consumed heretofore in the entire history of the world. And to finance oil's role in the energy picture between now and 1985, will require a new investment of between $500 million and $1 trillion. Nobody has yet found where this vast sum of money will come from. One thing we do know, however, is that if the United States imports 10 million barrels of oil daily—a reasonable estimate, according to experts—our balance of deficits for oil alone could exceed $20 billion annually.

Converting a large segment of the country's electric - power - producing plants from oil-fired to coal-fired generating units could, as the story in today's Star-News points out, overcome the major risks posed by increased use of imported oil. One of those risks is the inflationary impact of increasing the Nation's balance of payments deficit, and a second is the obvious security risk that comes with relying too heavily on foreign powers for our domestic energy needs.

According to the reported plan that will be included in the President's energy message, such a conversion "could result in a savings of 2.2 million barrels of oil a day that would otherwise be imported by 1980." And avoiding the need to import that oil would result in an annual import savings of $2.7 billion to the United States.

Mr. President, too often in the past, energy messages have come from the White House to the Congress containing few prospects for increased coal research. I am encouraged by the article in today's Star-News that the forthcoming energy message will give coal the high priority it deserves, and the high priority it needs if we are to overcome the energy crisis.

The article, written by Star-News staff writer John Fialka, is headlined "Oil-to-Coal Shift Urged for Power." I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### OIL-TO-COAL SHIFT URGED FOR POWER

(By John Fialka)

A plan calling for the conversion of a large segment of the nation's electric power producing plants from oil-fired to coal-fired generating units is likely to be part of the President's forthcoming message on energy.

Proponents of the plan have reportedly convinced high Nixon administration officials that relying on the nation's massive coal reserves over the next 15 years to meet the growing shortage will best overcome two major risks posed by increased use of imported oil the inflationary impact of increasing the nation's balance of payments deficit; and the foreign powers for substantial energy needs.

The President, according to a variety of industry and government sources, is likely to call for incentives that would attract capital investment to revive two major ailing industries: coal mining and the railroads.

#### STOPGAP MEASURE

The energy message is to be delivered within the next few weeks, according to administration sources.

It is likely to meet with some opposition from environmentalists, however, because relaxation of air pollution controls will be required to permit coal burning on a larger scale. The plan will also spur the demand for more strip mining, a process which environmental groups are busy trying to outlaw.

Coal, according to the strategy, will fill the gap between now and 1985 when improved technology for atomic power plants, plants for converting coal to gas at the minesite and other processes now on the drawing boards will be ready for commercial use.

There are, reportedly, several coal-use plans under consideration. One of them was just finished by the President's Office of Emergency Preparedness and will soon be printed for official release.

The plan notes that "selective and temporary relaxation" of some state air pollution control standards to permit coal burning could result in a savings of 2.2 million barrels of oil a day that would otherwise be imported by 1980, an annual import savings of $2.7 billion.

#### FEASIBLE ALTERNATIVE

In a statement accompanying the report, the OEP insists that it represents no official position but is meant to be "thought provoking."

Relying on the nation's estimated 400 years of known coal reserves, it states, is the "only feasible" alternative to oil in the near future.

By using coal in all existing power plants equipped to burn it and requiring new non-atomic plants built after 1977 to have a coal burning capacity, the proportion of the nation's fossil-fueled (oil gas or coal-powered) stream generating units that use coal could be increased from a current 55 percent to 75 percent by 1985.

Reliance on coal might be necessary longer than that, the report adds, because "projections of the rate of nuclear power availability have already slipped compared to earlier estimates and might slip still further."

The study, directed by the OEP with assistance from the Departments of Commerce and Interior as well as the Environmental Protection Agency and the Federal Power Commission, notes that about half of the nation's power plants that have the ability to burn either coal or some other fuel are now burning oil or gas because air pollution controls "have now made oil and gas more attractive, even at higher costs."

It points out that some utility regulations that permit companies to pass on the higher fuel costs to consumers could be "modified" to permit the companies to pass on the cost of "scrubbers," or devices that remove sulfer oxides and ash from coal.

Secondary standards called for under state implementation plans now being prepared to meet the federal Clean Air Act of 1970 could be delayed, the study suggests, while the government offers "appropriate incentives" for utilities to install such control devices.

The 1970 law calls for states to establish two sets of standards. "Primary" standards are designed to protect public health. "Secondary" standards, generally tougher, are designed to prevent deterioration of masonry buildings, paint, automobile tires, clothing and farm crops.

The plan, it states, is "critically dependent upon success in reversing the current decline of the coal industry and related industries, particularly transportation."

"Coal mines have been closing at an alarming rate of one or two a week in recent months. High-sulfur coal regions are hard hit. Many new mines are not being opened as planned, largely because of investor uncertainly about government policy."

In order to move the coal, the government may have to find ways to attract as much as $36 billion in new investment money into the nation's sagging railroad system, the report says, adding:

"Many railroads are in serious financial trouble, eastern roads are rapidly deteriorating, skilled shop labor is not being replaced, and hopper car production lines are being closed or converted to other types of rolling stock."

Asked about the plan, one government source said "If we're going to attract all this money into coal and related things, we are going to have to act now, make a major commitment."

Another added, "As you might imagine, this plan is more politically saleable than importing more oil or buying, for instance, gas from Russia. In addition, developing a dual capability to burn either gas or oil to generate electricity gives us considerable leverage to use with oil-producing countries to encourage them to keep the price down."

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## HOSPITAL COSTS

Mr. RIBICOFF. Mr. President, at my request, the General Accounting Office has surveyed six representative areas of the Nation to examine the degree of coordination among Federal, State, and local agencies in reducing health care costs through planning and constructing acute-care hospitals and skilled-nursing-care facilities, as well as through the sharing of specialized medical services and equipment among hospitals.

The study reveals a disturbing pattern of over-construction and under-utilization which is out of step with actual community needs and out of line with what the average American can afford to pay.

In each of the six locations, the number of hospital and nursing-care beds that will be available by 1975 under ongoing construction programs was found to exceed the projected need for these beds as shown in State plans. Also, the sharing of such specialized services and equipment as cobalt therapy, open-heart surgery and obstetrical services was found to be so low that some individual units in all six locations were virtually unneeded in terms of actual community use.

The specific findings of poor planning and coordination will be of particular interest in those areas where the study was made: Baltimore, Cincinnati, Denver, Jacksonville, San Francisco, and Seattle. But the ramifications should be felt nationwide. The pattern is clear. The spiraling cost of hospital and convalescent care in large measure reflects the cost of unused beds and under-utilized special services that must be absorbed by the institutions and passed on to the consumer.

To the extent that these excessive costs result from poor coordination and planning, they represent a disgraceful failure of government at all levels to come to grips with the realities of the Nation's health care needs and of the average family budget.

The Federal Government must take the blame for the inadequate controls over the construction of medical facilities undertaken with financial assistance under the Hill-Burton and partnership for health programs. Excess construction in relation to demonstrated needs, as reflected in the State plans required by Hill-Burton, must be eliminated. I will offer legislation to meet that goal.

There is also a need for State and local health-planning agencies to establish effective controls over the construction of facilities that are privately funded and therefore not subject to controls under Federal programs.

Furthermore, State, and local agencies should establish controls over specialized services facilities to promote sharing and avoid wasteful and costly duplication. The GAO study found that in nearly all six locations studied, no authority existed for controlling the establishment of such services. Too often the decisions on whether services should be shared are based on questions of institutional autonomy and convenience of individual physicians rather than on total effectiveness for the whole community.

I support the report's conclusion that there is a need for better control over the planning for and construction of medical facilities and specialized medical services to provide greater assurance that the medical needs of communities are met in the most effective and economical manner. The report correctly declared:

> Overbuilding of medical facilities and excess capacity of specialized medical services contribute to increased health care costs.

These same factors were cited in a subsequent GAO report on the feasibility of reducing the cost of constructing health facilities. This nationwide survey, authorized by the Comprehensive Health Manpower Training Act of 1971, and issued last month, also recommended ways to reduce or eliminate the demand for hospital care. I delayed the release of the GAO report prepared for me in March so that it would be considered in the context of the later, more comprehensive report.

The multidimensional nature of the Nation's health care crisis was made clear in this report—findings of poor planning and coordination, overutilization of hospital care, underutilization of outpatient treatment and virtual neglect of preventive medicine. All of these factors were cited in the spiraling cost of the Nation's health care bill from $26 billion in 1960 to $75 billion last year and in the average cost of hospitalization from $32 a day in 1960 to $91 a day last year.

Several of the report's recommendations deserve close scrutiny by Congress as it begins serious consideration of a national health plan. Particularly noteworthy were recommendations for the pooling of hospital-planning information and the reuse of architectural designs; the wider use of prepaid group practice plans which were found to discourage inpatient hospital care; broadening the coverage of other health insurance plans to encourage outpatient care and shorter hospital stays; and, of course, imposing tighter construction controls and shared-services requirements.

Mr. President, I ask unanimous consent that the text of the GAO summary be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Comptroller General
of the United States,
*Washington, D.C.*

The Honorable Abraham A. Ribicoff, *Chairman, Subcommittee on Executive Reorganization and Government Research Committee on Government Operations, U.S. Senate*

Dear Mr. Chairman: In accordance with your request, the General Accounting Office examined into the coordination among Federal and State agencies and local health organizations in planning and constructing acute-care hospitals and skilled-nursing-care facilities in certain metropolitan areas. We also reviewed the extent to which certain medical facilities and services were shared among hospitals.

Our reviews were made at Baltimore, Maryland; Cincinnati, Ohio; Denver, Colorado; Jacksonville, Florida; San Francisco, California; and Seattle, Washington. These areas were selected on the basis of geographic distribution and of levels of Federal financial participation in the construction of the facilities. We did not review the quality of care being provided by the hospitals and skilled-nursing-care facilities. Individual reports on the results of our reviews in these locations have been submitted to you.

This letter summarizes our findings in the reports on the planning and construction of medical facilities and on the coordination among hospitals in planning and sharing specialized medical services. From our reviews we concluded that there was a need for better control over the planning for and construction of medical facilities and specialized medical services to provide greater assurance that the medical needs of communities are met in the most effective and economical manner.

### BACKGROUND

Many Federal, State, and local health organizations participate in programs for the construction or modernization of hospitals and skilled-nursing-care facilities. Some Federal agencies construct and operate their own medical facilities; others provide financial assistance and/or guidance to facilities operated by States, counties, cities, public institutions, or proprietary groups.

Agencies which construct and operate their own hospitals include the Department of Defense; the Veterans Administration; and the Public Health Service (PHS) of the Department of Health, Education, and Welfare. PHS helps finance the construction of health facilities by others through grants made under title VI of the Public Health Service Act (42 U.S.C. 291), commonly known as the Hill-Burton program. The Federal Housing Administration, Department of Housing and Urban Development, and the Small Business Administration also provide financial assistance for the construction of medical facilities.

### CONTROL OVER DEVELOPMENT OF MEDICAL FACILITIES

Until the advent of the Hill-Burton program, hospital and skilled-nursing-care facilities were developed without any restrictions being imposed on the basis of the needs of the community; that is, facilities could be constructed, even though they were not necessary to meet community needs. The Hill-Burton legislation developed a process for determining bed needs, to assist in the distribution of scarce Federal funds.

Hill-Burton grant funds would be provided for constructing medical facilities only when a demonstrated need for the facility was shown in a State plan. Recently the Federal Housing Administration and the Small Business Administration instituted procedures which stated that financial assistance would be provided for a proposed medical facility only when the State agency designated to administer the Hill-Burton program found a demonstrated need for the facility. In this way control to limit Federal financial assistance for excess medical facilities is maintained.

Also certain States recently have enacted or are planning to enact legislation which proposed privately financed medical facilities before licenses may be granted.

### EFFORTS TO PROVIDE CONTROLS OVER DEVELOPMENT OF FACILITIES FINANCED WITH PRIVATE FUNDS

Public Law 89–749, approved November 3, 1966, created the Partnership for Health Program which introduced the concept of comprehensive health planning. Under this type of planning, it is envisioned that both providers and consumers of health services will participate in determining health needs and resources, establishing priorities, and recommending courses of action. The objectives of the Partnership for Health Program are centered on voluntary planning and on the development of a comprehensive health plan to reflect the needs and priorities of each State.

We noted that California and Maryland had enacted legislation requiring the review and approval of the need for proposed medical facility projects before licenses could be granted by the States. We noted also that State and local health-planning agencies in Colorado, Florida, Ohio, and Washington had no such requirements when Federal financing was not involved.

The California comprehensive health-planning law took effect January 1, 1970. This law, commonly referred to as State assembly bill 1340, requires the review and approval of the need for proposed health facility projects by the regional comprehensive health-planning agency before licenses to operate may be granted by the State Department of Public Health.

In 1968 Maryland enacted legislation, commonly known as the Maryland Certification and Licensure Program, which required, effective July 1, 1970, that the need for all hospitals and related nonprofit health facilities (i.e., nonprofit skilled-nursing-care facilities) to be constructed, expanded, altered, or relocated be reviewed, in accordance with prescribed guidelines, and be approved by an areawide comprehensive health-planning agency before a license to operate may be granted by the State Department of Health and Mental Hygiene.

In addition to California and Maryland, 13 States had enacted legislation relating to the control of the development of medical facilities. Further, at the time of our review, several other States were considering the passage of similar legislation.

### CONSTRUCTION OF HOSPITALS

PHS, under the Hill-Burton program, requires that a single State agency be designated in each State to administer grants made under the program. The State agencies prepare annual State plans setting forth estimates of the number of acute-care hospital beds and skilled-nursing-care beds needed 5 years in the future. In our reviews we used the estimates of the future requirements for hospital and skilled-nursing-care beds as developed in the State plans as a basis for evaluating the need for existing and proposed bed facilities. Although we verified the mathematical accuracy of the computations of future bed needs, we did not evaluate the appropriateness of the methodology prescribed by PHS for use by the State planners in determining future bed needs. PHS guidelines do not require that Federal hospitals be considered in the planning process.

On the basis of bed needs shown in the State plans for the locations included in our reviews, we estimated that, in all six locations, the number of hospital beds that would be available would exceed the projected need for beds as shown in the State plans.

We estimated the number of hospital beds that would be available on the basis of (1) the number of beds in operation and under construction and (2) the planned changes in hospital capacity ascertained through discussions with hospital and local planning officials. The results of our review at each location are summarized in the schedule on page 5.

### CONSTRUCTION OF SKILLED-NURSING-CARE FACILITIES

On the basis of bed needs shown in the State plans, we estimated that, at all six locations, the number of skilled-nursing-care beds that would be available would exceed the need for beds as shown in the State plans. The results of our review at each location are summarized in the schedule on page 6.

NUMBER OF HOSPITAL BEDS

| Area | In operation or under construction as of Dec. 31, 1969 and Dec. 31, 1970 | Projected need by 1974 and 1975 | Estimated to be available by 1974 and 1975 | Excess to projected need | Report references |
|---|---|---|---|---|---|
| Baltimore, Md | [1] 7,318 | [2] 7,361 | [2] 7,497 | 136 | Baltimore report, pp. 9 to 14 |
| Cincinnati, Ohio | 3,894 | [2] 4,494 | [2] 4,794 | 300 | Cincinnati report, pp. 7 to 20. |
| Denver, Colo | [1] 5,851 | [2] 5,770 | [2] 6,642 | 872 | Denver report pp. 8 to 11. |
| Duval County, Fla | 1,873 | 2,510 | 2,510 | (3) | Jacksonville report, pp. 8 to 21. |
| San Francisco Bay, Calif. | [4] 17,423 | 16,588 | 17,895 | 1,307 | San Francisco report, pp. 10 to 14. |
| Seattle, Wash | 4,291 | [2] 3,951 | [2] 4,901 | 950 | Seattle report, pp. 13 to 25 |

NUMBER OF SKILLED-NURSING-CARE BEDS

| Area | In operation or under construction as of Dec. 31, 1969 and Dec. 31, 1970 | Projected need by 1974 and 1975 | Estimated to be available by 1974 and 1975 | Excess to projected need | Report references |
|---|---|---|---|---|---|
| Baltimore, Md | [1] 7,502 | [2] 6,628 | [2] 8,104 | 1,476 | Baltimore report, pp. 15 and 16. |
| Cincinnati, Ohio | [5] 6,839 | [2] 6,839 | [2] 6,839 | (5) | Cincinnati report, pp. 23 to 26. |
| Denver, Colo | [1] 6,698 | [2] 5,984 | [2] 9,254 | 3,270 | Denver report, pp. 12 and 13. |
| Duval County, Fla | 1,247 | 1,379 | 1,897 | 518 | Jacksonville report, pp. 24 to 29. |
| San Francisco Bay, Calif. | [4] 28,828 | 21,861 | 28,828 | 6,967 | San Francisco report, pp. 16 to 18. |
| Seattle, Wash | 6,785 | [2] 7,109 | [2] 9,409 | 2,300 | Seattle report, pp. 26 to 29. |

[1] As of Dec. 31, 1970.

[2] By 1975.

[3] Although the Florida State agency used the PHS formula in computing hospital bed needs, it made adjustments to its computations that were not in accordance with PHS regulations. Had the State computed its needs without these adjustments, the projected need by 1974 would have been 1,847 beds, which, compared with estimated number of beds available by 1974. would show that there would be 663 beds in excess of projected need.

[4] As of Jan. 31, 1971.

[5] We have some reservations as to the validity of the data in the State plan. In preparing the annual State plan, the State agency considered historical occupancy data of skilled-nursing-care facilities as a factor in estimating future demand for such care. We found that skilled-nursing-care facilities had not reported occupancy data in a consistent and reliable manner.

Because facilities that are excess to needs can lead to underutilization of such facilities which in turn, can result in higher patient-day costs, need for effective controls over the development of medical facilities appears to exist.

### CONTROL OVER DEVELOPMENT OF SPECIALIZED MEDICAL SERVICES

A report[1] by the Advisory Committee to the Secretary of Health, Education, and Welfare on Hospital Effectiveness stated that the most promising opportunities for advances in hospital effectiveness might be expected to result from the combined efforts of health-care institutions, areawide planning agencies, and State licensing authorities to encourage—and, when necessary, demand—the development of cooperative programs among institutions.

This report also noted that planning agencies and licensing authorities must make decisions for shared services on the basis of total effectiveness for the whole population rather than on the basis of institutional autonomy or of the convenience of individual physicians. The sharing of medical services and equipment helps to reduce the cost of hospital services.

Numerous specialized services for the treatment of specific illnesses were offered by hospitals in the six areas included in our reviews. We obtained information on the utilization of such selected specialized services as cobalt therapy, open-heart surgery, and obstetrical services and on the extent to which these services were shared among medical facilities.

Even though the results of our fieldwork varied among locations, we found generally that, although there was some sharing of services, there was potential for more sharing.

At some locations certain specialized services were significantly underutilized. For example:

At one location five cobalt therapy units in area hospitals were being utilized at 45 percent of capacity; another unit, which was put in service during the time of our fieldwork, probably will lower further the overall utilization of cobalt therapy units in the area. (See Cincinnati report, pp. 28 and 29.)

At another location 11 hospitals had open-heart-surgery facilities which were used at about 63 percent of capacity. Utilization of individual facilities ranged from 38 percent to 100 percent of capacity. (See San Francisco report, pp. 26 to 29.)

At a third location 21 hospitals which offered obstetrical services had average occupancy rates of 53.4 percent for delivery beds and 47.4 percent for bassinets during 1968. Through cooperation and planning local officials initiated plans to consolidate obstetrical services in selected hospitals. It is anticipated that the first consolidated maternity unit, which was under development at the time of our fieldwork, will replace obstetrical services at six area hospitals. (See Seattle report, pp. 42 and 43.)

Many of the physicians, hospital administrators, and health planners we contacted during our review said that the establishment of unneeded specialized services in hospitals neither served the best needs of the community nor resulted in the best approach to good medical care.

Section 113 of Public Law 91–296 provides that a State is entitled to receive Hill-Burton grant funds up to 90 percent of a project's cost if the project offers potential for reducing health-care costs "through shared services among health care facilities" or "through interfacility cooperation." This legislation, which increases Federal financial participation in those projects which involve sharing, should provide hospitals seeking Federal grant funds with an incentive to share services.

We noted that, in nearly all locations, no authority existed for controlling the establishment of specialized medical services; consequently, a hospital could establish such services regardless of the potential for sharing existing facilities. To provide greater assurance that the medical needs of a community are met in the most economical and effective manner, controls should be established by State and local health-planning agencies over the specialized services facilities being developed in a community.

### EFFORTS OF HEALTH-CARE FACILITIES TO REDUCE OPERATING COSTS THROUGH COOPERATIVE PROGRAMS

We noted that at some locations health-care facilities shared, or planned to share, certain medical and administrative services to reduce operating costs. At one location five hospitals and a rehabilitation facility formed an association to develop approaches to the problems of hospital cost containment while continuing to upgrade the quality of patient care. For example:

The association made the services of physical therapists and clinical personnel available to member hospitals.

Members shared an electronic data processing unit and a records-microfilming unit.

The association set up an office equipment repair team which served all member hospitals at a cost 25 percent less than that of commercial repair service. (See Denver report, pp. 23 and 24.)

At three locations we noted that groups of hospitals had joined together in an effort to reduce costs through group purchasing of goods and services. At the three locations hospital officials said that these cooperative efforts had produced substantial savings. (See Cincinnati report, pp. 29 and 30; Denver report, p. 25; and San Francisco report, pp. 35 and 36.)

### CONCLUSIONS

It is generally recognized that one of the major problems facing health planners is control of the rising costs of health care. Overbuilding of medical facilities and excess capacity of specialized medical services contribute to increased health-care costs. The Federal Government, through the Partnership for Health Program, and several States, through various forms of legislation, have sought to ensure that only needed medical facilities are built.

Several agencies of the Federal Government that provide financial assistance for the construction of medical facilities have taken action to limit Federal assistance to those medical facilities which are considered not to be excess to needs. Many States have not taken action, however, to control the construction of privately funded medical facilities. Consequently the potential for overconstruction of medical facilities exists. We believe, therefore, that there is a need for State and local health-planning agencies to establish effective controls over the construction of privately funded facilities.

We found that there had been some sharing of specialized medical services and that hospitals had made efforts to reduce operating costs through cooperative programs. These actions were taken, for the most part, through the initiative of the hospitals concerned. We found also that there was a potential for more sharing and for more cooperative programs among hospitals. Therefore we believe that there is a need for State and local health-planning agencies to take a more active part in controlling the establishment of specialized medical facilities and in encouraging greater efforts by hospitals to establish cooperative programs.

We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained.

Sincerely yours,

ELMER B. STAATS,
*Comptroller General of the United States.*

## WHAT MAKES JIM FARLEY TICK

Mr. HASKELL. Mr. President, Denver, Colo., is a favorite city for many of us. One of the many Denver fans is James A. Farley, chairman of the board of the Coca-Cola Export Corp.

Jim Farley's name is almost legendary in Democratic politics. A recent article in the Rocky Mountain News gave me some further insight into what makes Jim Farley tick. I salute Mr. Farley for his many contributions to the Democratic Party and ask unanimous consent that the newspaper article about him be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### JIM FARLEY—GOING STRONG AT 84

(By Pasquale Marranzino)

That great political oracle, James A. Farley, is keeping his lip buttoned about the outcome of the presidential election.

He has his opinions but they will be guarded until after the election, for Genial Jim is the last of the stalwart Democrats—at 84 a legend in his own time—and believes that his predictions of what might happen might be misunderstood and that wouldn't help the party.

You can draw some inferences from his stance because Farley—the "kingmaker" and considered one of the most astute of American politicians—openly supported Ed Muskie and Henry Jackson for the team ticket before the Democratic National Convention.

The oracle believed that team could beat President Nixon. In a telephone conversation with him at his New York offices where he is chairman of the board of Coca-Cola Export Corp., Farley was his usual jovial self, but totally unwilling to discuss the campaign. He has contributed to the party but nobody on high has asked him to take the active hand that lifted Franklin Delano Roosevelt to the governor's chair at Albany and from there to the White House.

Attempts to draw a parallel between the Nixon-McGovern race and the 1936 debacle between FDR and Alf Landon struck out. It was in that election that Farley, then postmaster general and Democratic national chairman, predicted that Landon would carry only two states. Which he did.

Farley ran the party along with the Postoffice Department for eight years under FDR. How many names can you recall in the FDR cabinet? Jim Farley's name is foremost.

We talked about his break with FDR. Jim was a stout believer in the Washingtonian premise that no man should be President more than two terms. So when FDR's second term was coming to a close he and Jim decided that Cordell Hull, that impressive secretary of state, should be the party's choice.

Then FDR pulled the rug from under Jim and Hull, he opted for an unprecedented third term and made it. That made the celebrated break between Farley and FDR.

The details of that break and the insides of the Horatio Alger story of Farley are being compiled by Jim for publication in a book to appear in 18 months.

"There are so many fascinating events in those fascinating times," he said, "that should be public property, a part of our history. I plan to tell it as it was. The only thing that makes politics noble and politicians credible is dependence on a man's word. I have strained always to level with people, to tell them the truth of what is going on. It is their right."

Somewhere in the back of the break with FDR is Jim's ambition that at one time he might have been President—the first Catholic President in history. But the third term option of FDR became a formidable obstacle and time did the rest.

Time seems more meaningless to Farley

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[1] Secretary's Advisory Commission on Hospital Effectiveness Report, U.S. Government Printing Office (Washington: 1968), pp. 15 and 16.

than most men. He still puts in a full day at his offices on Madison Ave. This, despite the fact that he was bedridden for a while last summer with a heart aliment. Now, fully recovered, he is down 15 pounds to 187 and bouncy as ever.

"It's the banquets I must attend," he lamented. "I figured out last year I attended 178 banquets. Now I have cut them down, but there are still a couple a week."

Farley says he is hankering to get to Denver soon—one of his favorite cities. He has an added inducement since one of his granddaughters, Joan Murphy, lives here. Her husband, David, is a law student at the University of Denver.

## MILTON LEWIS KAPLAN

Mr. HUMPHREY. Mr. President, a few days ago one of our Nation's most able and dedicated journalists prematurely died at the age of 52. I lost a good friend, and the country lost a responsible citizen.

Milton Kaplan began his career as a newspaperman with the Minneapolis Tribune in 1943, when I first ran for mayor of that city. His quiet and dedicated commitment to responsible journalism led to a speedy rise in his career. When he left Minneapolis to join the International News Service, he had become the assistant city editor of the Minneapolis Tribune with INS.

Later, as editor of Hearst Headline Service, as Washington bureau chief of the Hearst newspapers, as national editor of the Hearst newspapers, as executive assistant to William Randolph Hearst, Jr., and then as president of King Features, Mr. Kaplan's career was always characterized by his quiet leadership, an imaginative approach to problems, a thorough understanding of the democratic process, and an always awareness of the crucial role that the press played in making our system work. Freedom of the press was more than a freedom for the press to enjoy. It meant to Milton Kaplan a concomitant responsibility to the Nation which the press must exercise.

I know I speak for many Members of the Senate when I express my condolences to his lovely wife, Doris, who also served as a member of the press in Minneapolis, and to his children.

I ask unanimous consent to have printed in the RECORD an eloquent statement prepared by his colleague, Bob Considine.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### KAPLAN

(By Bob Considine)

NEW YORK,—Milton Lewis Kaplan, president and general manager of King features syndicate, was the professional's professional in the tense arena of American journalism.

Dead at an inopportune 52, he was at the crest of a wave that began in Minneapolis during World War II. It carried him literally around the world in search of that indispensible need of man—the need for news. At the crest, Milt was in command of the appropriately named King, the largest features syndicate of them all. With his great gifts and sure touch he was in the course of expanding KFS into documentary films and extending its horizons at home and abroad.

Had Milt Kaplan been an actor, it is not unlikely that (Caps C,C) Central Casting would have sent him when the producers of "the front page" called for someone to play the role of managing editor Walter Burns or Reporter Hildy Johnson.

Milt never shouted. I knew him 25 years and never saw him wave an arm or lose his cool. He was one of the rare newsmen whose quiet voice somehow pierced the clamor that is a part of our craft, noises that in his particular case ranged through the hustle and bustle of the Minneapolis Tribune's city room, the organized chaos and clatter of international news service in London and New York, all the way to the aggressive bidding for the syndication rights to the Beatles' Yellow Submarine, and Sesame Street.

Lincoln Steffens once wrote that the suspense of a good reporter was an ingredient he described as a "studied ignorance." By that he meant a journalist who could face each day's work, each assignment, with a fresh and eager mind—no matter how many times he had been called upon in the past to confront these endless chores. Milt was the epitome of what Steffens had in mind. He never knew a jaded hour from the moment he first sensed the heady scent of printers ink.

Ours is not a craft or vocation specially known for its absence of petty jealousies and arrogant ambition. It is not true that every reporter—in his heart—wants to save enough money to buy a weekly newspaper and settle down. Almost every reporter, I've ever known wanted to become managing editor of his big daily, or news service, or his syndicate and fire the incumbent managing editor.

Not Milt. He was simply incapable of avarice. He was in the great tradition of such remarkable Hearst people as J. D. Gortatowsky and Frank Conniff. Milt could write like a streak, but if there was ever a choice of taking the top story himself or dealing it out to someone else who could handle it, he was always cheerful about being the runner-up. Among many other traits, he was extraordinarily skillful at finding young and intrepid news people and, having found them, extraordinarily generous in giving them the breaks they needed. I think now of outstanding talents such as Marianne Means, John Wallach, Pat Sloyan, Harry Kelly, Grace Bassett, Dave Barnett, Peter Andrews, Cassie Mackin, Leslie Whitten. Neil Freeman . . . so many others.

Hemingway once defined "class" as "grace" or "poise" under pressure. Milt was the East Coast distributor of Class. I saw him demonstrate it when our helicopter broke down in the Sinai Desert just after the Six-Day War . . . when any of us who worked for him got in trouble and needed a boost or a buck . . . and the day INS was engulfed by the United Press. Milt was running our shop in New York when, at the doom of noon, teletypes in our office and theirs a couple of blocks downtown simultaneously announced a merger, so-called.

Two strangers entered our newsroom where Milt was presiding at the News desk. One of them coughed apologetically. He was from UP, and would be there the rest of the day, he said. Milt said, "Then you will need a desk and a telephone," and he arranged for this. Milt looked at the other fellow and asked, "Are you also from UP?"

"No," the guy said, showing his Pinkerton badge. "I'm here to see that none of you guys steal nothing." Milt Kaplan, whose innate patience resembled Christ's rather than Job's, endured even that.

The poet Robert Hillyer anticipated Milt Kaplan's life and death when he sang:

"We whom life changes with its every whim
Remember now his steadfastness.
In Him was a perfection, and unconscious grace,
Life could not mar, and death cannot efface."

## PHOSPHATE DETERGENTS IN INDIANA

Mr. HARTKE. Mr. President, the pollution of our Nation's waters is one of the foremost issues facing America today. If the degradation of our lakes and rivers continues at its current pace, we will not have enough drinkable water by the end of this century to meet the needs of the American people.

My own State of Indiana has been a leader in the battle to provide people with clean, safe drinking water. Recently, the State legislature adopted a "zero-phosphorous" law which requires that all detergents marketed after January 1, 1973, contain no phosphorous.

This is an outstanding example of progressive action on the State level to clean up our Nation's waters.

Mr. President, I ask unanimous consent that an article which appeared in the November 1972 issue of Outdoor America, a publication of the Izaak Walton League of America, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### PHOSPHATE ISSUE BLOOMS IN INDIANA

Indiana Waltonians have found themselves unexpectedly allied with one of the nation's major detergent producers, as the battle of the phosphates opens for the third time in the Hoosier state. The "alliance" patched Lever Bros., Inc., with the League in opposition to delays in enforcing that state's zero-phosphorous law which the General Assembly legislated into effect for January 1, 1973.

Hoosier lawmakers' first action in 1971 would have limited detergent "phosphate" to 12 percent beginning the first of this year; but the state's Stream Pollution Control Board a year ago adopted a regulation delaying enforcement at the wholesale level until March 31 of this year, and at the retail level until June 30.

Indiana Waltonians actually supported the delay on the basis "it was a new law, and there was no need to penalize legally accumulated high phosphorous stocks just to pick up another 90 or 180 days in enforcement," state executive secretary Tom Dustin said.

But the grace period, instead of being used to "clear the pipeline", as Dustin put it, was used for a massive lobbying effort by the industry and prominent phosphate detergent users to get the law repealed before the postponed enforcement dates were reached.

The League, which last year had been admitted to Federal Court on its appeal to become a party defendant, and which had seen all the industry's contentions thrown out save the still-pending issue of interstate commerce restriction, successfully staved off the lobbying drive.

In fact, while the original 1972 requirement for 12 percent "phosphate" (about equivalent to 5 percent elemental phosphorous) was liberalized to 8.7 percent phosphorous, the legislature went all the way to zero for January 1, 1973.

Division attorneys and officers received assurances early this year that the Stream Pollution Control Board fully intended to enforce the zero requirement for all but certain exempted uses on schedule as enacted. The industry itself had been clearly instructed that it would be required on January 1 to market zero phosphorous detergents; and at least some segments of the industry took the Stream Board's instructions at face value.

Complying detergent producers and League officials were electrified in November when word leaked that the Stream Board meeting the 21st would vote on a staff recommendation that 1973 zero levels be postponed well into next year—thus exposing the legislature to another all-out lobbying effort to repeal the requirement before enforcement. They were especially dismayed because the question of delay had not been on the Board's agenda for the regulatory hearing held a month earlier.

The Board was again advancing the argument that the industry "needed time" to clear stocks of 8.7 percent phosphorous detergents. But the argument was dealt a potentially lethal blow when attorneys for Lever Bros. stated that their company was already in full compliance with the zero requirement, more than a month before the advertised deadline; and further, that the company would take back any of its phosphorous detergents that might remain on the grocery shelves after the zero date—thus eliminating any economic penalty wholesalers or retailers might suffer from unsold products.

Speaking before the Board for Indiana Waltonians, Dustin fully supported Lever. "While we may have continuing difference with the industry, if the Board reverses its clearly expressed intent to enforce this law, it will be penalizing good faith performance and rewarding those who would be in violation with an unjust competitive edge."

The Waltonian spokesman added that "most of the detergent producers have acknowledged the statutory and judicial facts of life in Indiana, and are moving toward timely compliance with the law.

"The political pressure for delays," he said, "is coming from special interest users who are resisting requirements for phosphorous removal prior to discharge from their facilities."

A number of industrial and institutional users, Dustin explained, remain exempt through April 30, 1973; "and there is no cause for upending the body of this statute in order to strengthen the bulwarks around these remaining enclaves."

Under fire from both conservationists and a major detergent producer, the state's Stream Pollution Control Board unanimously shelved the proposed delays for consideration again December 19. Indiana Waltonians were taking nothing for granted, and have instructed their attorneys to prepare for a possible Christmas lawsuit if the delay is resurrected. Several industrial representatives, however, privately conceded after the shelving that the action probably kills the proposal for delays, and that Indiana may become the first state requiring zero phosphorous detergents in the public marketplace.

## DR. MARTIN LUTHER KING, JR.

Mr. HUMPHREY. Mr. President, I rise to remind the Nation of the great debt it owes the late Dr. Martin Luther King, Jr., who was born 44 years ago next Monday, January 15.

He was a great and noble teacher as well as a moving speaker.

Let the lessons that he taught us not soon be forgotten. For, over 4 years after his death, we are still engaged in the violent destruction of human life which he opposed. For, over 4 years after his death, we have yet to reach those goals of human dignity and equality for which he strove. And yet we are much richer for his leadership.

His leadership led to a dramatic and widespread, though long overdue, enjoyment of the bill of rights, for all Americans.

His wise leadership continues to exert an influence. It brings together blacks, Chicanos, Indians, and Puerto Ricans to struggle for equal opportunity.

Yet his leadership is and was of a type we all can follow. It shows the way to nonviolent social change. Through it the minority can become the majority necessary to overwhelm the forces of bigotry and oppression.

It is appropriate that we remember the birth of this Nobel Peace Prize winner today. But we must continue to remember it every day of our lives. It is only then that "we shall overcome."

Mr. President, I ask unanimous consent to have printed in the RECORD my letter to Mrs. King on the 44th anniversary of her husband's birth.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, D.C., January 9, 1973.*

Mrs. CORETTA SCOTT KING,
*The Martin Luther King, Jr., Center for Social Change, Atlanta, Ga.*

DEAR CORETTA: May I join your husband's many friends and admirers in celebrating the forty-fourth anniversary of his birth. The nation, as I myself, continue to feel his absence. Yet we are so much richer for the brief time he was here. Martin Luther King, Jr. was a leader among leaders.

Yet I am encouraged by the important work being done in Atlanta at The Martin Luther King, Jr. Center for Social Change. I am proud to be a trustee and will continue to support the Center's plans for expansion.

It seems most appropriate to me that Dr. King's birthday be celebrated first through a religious service at Ebenezer Baptist Church and then at a benefit for the Center. The combination of these events characterizes the moral-activist approach that Dr. King brought to the civil and human rights movement. He was a preacher who became a teacher for the whole nation.

Let us not soon forget the lessons that he taught. Let us use this event to celebrate his having been with us. However, more importantly, let us thank him for bringing us together as individuals that we might redouble our efforts to bring about human freedom and dignity.

With warm personal regards,
Sincerely,
HUBERT H. HUMPHREY.

## ANTIBUSING AMENDMENT

Mr. BAKER. Mr. President, I am pleased to join with the Senator from Tennessee (Mr. BROCK) and other Senators in proposing a constitutional amendment designed to bring about a lasting remedy to the problem of the judicially ordered busing of schoolchildren.

There is no issue of greater importance to the people of Tennessee—and ultimately to all the people of our Nation—than ending the hardships imposed by the massive crosstown busing of children to achieve some sort of arbitrary racial balance. I have always been opposed to busing, and I will continue to work for an effective solution to this judicially contrived situation.

Although there have been some attempts to dismiss busing as a racial or regional issue, black and white parents from throughout the country who have personally experienced the family disruption brought about by busing rightly dispute that claim. It should by now be abundantly clear that to be against busing is not to be against a quality education for every child, black and white. To be against busing is to place a concern for orderly education above the caprice of transportation orders.

Perhaps no other State has suffered more from the abuses of judicially ordered busing than my home State of Tennessee. The people of Nashville have already experienced more than a year of disruption and discord as a result of a massive busing plan put into effect there. This month the people of Memphis will face the hardship of complying with a busing order in the middle of the school year.

The enormous dislocations of crosstown busing are especially grave because the burden falls hardest on the children themselves. They are the ones who are uprooted from their neighborhoods, forced to get up before daylight, and wait on street corners for buses to carry them to unfamiliar destinations.

I am convinced that our national goals of obtaining a good education for every child and assuring equal educational opportunities for all are not furthered by the judicial mischief of busing.

I continue to believe that this matter can be resolved through responsible legislative action. In a number of instances during the last Congress, we were narrowly prevented from achieving a lasting solution to the problem of busing.

The people of our Nation have overwhelmingly registered their opposition in public opinion polls and, even more convincingly, at the polls in State and National elections. This demonstration of the will of our citizens cannot be ignored or frustrated any longer, and I am hopeful that decisive legislative action will be taken now.

If this constitutional amendment proves necessary, however, I want to make it clear that I will work for its rapid approval. I commend Senator BROCK for his active leadership in seeking a workable solution to the busing problem, and implore other Senators to join in meeting this challenge.

## THE NEED FOR A NATIONAL AVIATION PLAN

Mr. HARTKE. Mr. President, years ago the Congress wisely provided for a national highway system. Although we have lagged behind in building the roads promised by that program, the fact remains that thousands of miles of roadways have been constructed and highways have been made safer because of congressional foresight.

It is time that we applied the same principles to the Nation's civil aviation system. What we need is a major national effort to anticipate the needs of the future and to deal with them before they get out of hand.

Mr. President, the recently released report of the Aviation Advisory Commission deals with this need in a most admirable manner. I ask unanimous consent that the transmittal letter accompanying the report be printed in the RECORD at this point.

Mr. President, the Advisory Commission's recommendations provide a sound basis for congressional discussion. I intend to examine them in depth and to offer legislation which meets the objectives outlined in the report.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AVIATION ADVISORY COMMISSION,
*Washington, January 3, 1973.*

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: I am pleased to present to you as required by Public Law 91-258, the report of the Aviation Advisory Commission.

In our report you will find more than three score recommendations for meeting the long-range needs of aviation.

None of the recommendations are radical, nor do they require any basic change in the present way of regulating the aviation industry, or encouraging its growth.

Taken together, however, they constitute a major national effort to anticipate the problems of the future, and to deal with them now before they become so great as to impose their own solutions on the aviation industry.

The Commission, in its two years of study, reached the conclusion that the U.S. is facing the greatest combination of threats to its position of world preeminence in aviation since it established that position in the late forties.

In order to better mobilize our government resources to meet the challenges ahead, we have recommended that the federal role in aviation be consolidated and streamlined. This should be done by establishing, initially in the Department of Transportation, an Under Secretary for Civil Aviation (USCA).

One of his key responsibilities would be to prepare and keep current, a comprehensive ten-year National Aviation Plan for air service, airports, airways, air vehicles and ground access. We found to our dismay that no such plan now exists. In fact, there is not even an established requirement for one. This plan would be coordinated with other federal, state and local government agencies, and with industry and the public through an expanded National Aeronautics and Space Council.

Another responsibility of the Under Secretary would be to establish, when necessary, source selection procedures for civil transport aircraft, similar to those used in military aircraft procurement. Source selection would be used to reduce the enormous private risk which faces U.S. manufacturers, who must now compete with foreign government-supported enterprises in the development and production of new transport aircraft.

In order to be effective, the new Under Secretary must have not only the tools necessary for planning, but also those needed to see that the plans are carried out. We have, therefore, recommended that FAA, the civil aviation R&D functions of NASA, and certain other presently scattered federal activities in civil aviation, be placed under USCA.

In this connection we learned that as recently as three years ago the U.S. government contribution to civil aviation research and development was only 15.5 percent of the total, as compared with 73 percent by the Western European countries. The results—an attractive family of foreign civil aircraft, providing increasingly stiff competition in a market formerly dominated by American products.

You will recall that after responsibility for astronautics was assigned to the National Advisory Committee for Aeronautics, and it became NASA, both the quantity and quality of aeronautical research suffered.

In making our civil aviation R&D recommendation, we have been mindful of the fact that NASA's work on the Apollo program alone has set new standards in government for both technical and administrative competence.

Nevertheless, there is a fundamental difference between NASA's space and aeronautical activities in that NASA itself is the buyer of spacecraft and in consequence can be, and is, intimately involved in all important specifications and trade-off decisions. Except for a few research aircraft, the buyers of aircraft are airlines, private owners and the military services, so that NASA has little to say about requirements or trade-offs.

It has also been understandably difficult for NASA to give enough attention or priority to work in support of those other customers when so much was at stake in making its own projects successful. With the functions of aeronautics and astronautics separated, aeronautical research would, we believe, again receive the consideration it merits.

We also learned that there has been no overall planning for U.S. national and international air service which is the keystone of a civil aviation system. What has been done was on a purely case-by-case basis.

Our recommendation for such a planning responsibility in USCA does not in any way affect the present quasi-judicial functions of the independent Civil Aeronautics Board in route proceedings, the granting of certificates of convenience and necessity, or subsidy. We do suggest, however, that the CAB might more profitably utilize the economies and potential subsidy reductions demonstrated to be possible by the commuter airlines now serving many of our small communities.

We soon became aware of the adverse effect that jet noise and other environmental pollutants are having on the rational development of air transportation.

We have recommended a three-pronged attack on the noise problem where we think it will do the most good—at the source.

Altered flight procedures. These can be put into effect almost at once and can reduce the noise impacted ground area by nearly 20 percent.

Acoustical treatment of the JT3D and JT8D jet engines. Together with normal fleet attrition, this can by 1977, bring about a further reduction of over 30 percent in the area affected.

Development, by 1980, of the first of a family of quiet jet engines. When the entire fleet is powered by the new quiet jet engines, which could be by the late nineteen eighties, the noise impacted area will shrink to about three percent of what it is today.

To help rectify the other unwelcome side effects of airports, we have recommended mechanisms for early and better community and citizen involvement in the airport and ground access planning process. We also found that under today's rules important projects can be held up interminably, almost regardless of the merits of the objections. We have, therefore, recommended a companion mechanism for closing the loop—so that after all parties have been heard, there will be a prompt and final settlement of the issue.

At the beginning we set as our target the year 2000, and our goal was to describe the needs of aviation for the next twenty-seven years.

It soon became evident that there were many immediate problems, so pressing in nature that if they were not solved, there would be no long-range needs to worry about.

We also learned that nowhere in the government had even the full costs of the existing partial ten-year plan been added up, so we decided to limit our more precise projections and recommendations to a more manageable term than nearly three decades into the future.

Our report contains detailed, and I think reasonably complete, recommendations for the elements of an aviation system that should, to the year 1985, satisfy the reasonable demands of all users, be they travelers, shippers, airlines, or general aviation. We believe that the system will be technically, economically and politically sound, and that it can be operated in harmony with the environment.

We have computed the costs, in constant 1971 dollars, of the system we recommend. They will be high, but compared with the estimated cost of what we have come to call business-as-usual, i.e., the extension of present plans into the future, we estimate savings to the taxpayer of as much as $19 billion over the twelve-year period.

We have also suggested how these costs might be allocated among the federal government, the states and local communities, and the private sector.

As to the post-1985 period, the projections prepared for us indicate a very rapid increase in air passenger and air cargo demand. By the year 2000, for example, they predict a demand of 250 million air passengers in and out of the New York City area alone.

Will this be a reasonable need to provide for under the conditions that prevail at that time? Will national goals and priorities justify allocating the requisite portion of our limited resources of land and energy?

Regardless of how these questions are answered, our recommendations are all necessary concomitants of any future aviation system, no matter what its size, if it is to be fully responsive to the developing needs of the nation and its people. Furthermore, some of our recommendations—basic research, and land banking for possible post-1985 airport needs—are expressly aimed at keeping the nation's long-range options open.

Beyond this, we shall have to rely on the comprehensive and periodically updated National Aviation Plan which we have recommended for timely guidance to government and industry as we move into the long-range future.

Yours respectfully,

CROCKER SNOW,
*Chairman.*

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## A TENFOLD INCREASE IN MINORITY ENGINEERS—A CIVIL RIGHTS CHALLENGE FOR THE SEVENTIES

Mr. HUMPHREY. Mr. President, the Nation has made great progress in the area of civil rights in the last decade. And nowhere has that progress been more important or more dramatic than in the area of employment. Fighting economic discrimination is the sine qua non of progress in other areas of racial discrimination, for it is through decent jobs and incomes that individuals obtain the freedom to fully participate in other areas of society.

There is one area, however, in which progress in employment for minorities has been relatively slow. I refer to the professional and managerial area—the upper ranks of the employment ladder. This failure represents what we might call the prime second-generation civil rights problem of the 1970's. Unless it is addressed, inequality in our society will grow. For it is the professional, technical, and managerial jobs that are growing fastest—and these are the very jobs which minority group members are failing to get.

In an address to the Engineering Education Conference at Crotonville, N.Y., on July 25, 1972, one of the top executives in American industry forthrightly calls for American educators and businessmen to recognize the dimensions of the problem. J. Stanford Smith, senior vice president of the General Electric Co., calls for a tenfold increase in minority engineering graduates as the only solution to this problem. He notes that people in the top ranks of American industry got there, by and large, through technical education. Of the people in the top 20 percent of the exempt salaried ranks in his own firm, more than 60 percent have a 4-year technical degree.

His point is clear and undebatable: General Electric and other publicly owned corporations of the Nation do not develop a managerial corps on the basis of parentage, or stock ownership or school tie—but on the basis of performance, based on technical education in engineering and other fields.

The failure of minority group members to choose engineering as an educational major—probably the key educational avenue to professional and technical jobs—must be remedied. Out of 230,000 students enrolled in engineering in 1970, only one out of a hundred were black. Thus, even if the number of freshman blacks enrolling in engineering increased by 15 percent every year, 50 years would be required to achieve proportionate representation in the Nation's engineering force.

We do not have 50 years. Time is running out.

I, therefore, fully support Mr. Smith's call for a nationwide effort, led by the business and educational communities, to increase the number of minority engineering graduates by a factor of ten- to fifteen-fold by the end of the decade. And I agree with him that the tremendous expansion of professional and technical jobs in our economy in the 1970's—resulting in a possible shortage of engineers in the late 1970's—provides a fortunate contingency. In his words:

> It will be truly unforgivable if, with this timely gap in the supply of engineers, we failed to fill a large part of it with minorities and women.

Mr. President, I ask unanimous consent that the complete text of Mr. Smith's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

## NEEDED: A TEN-FOLD INCREASE IN MINORITY ENGINEERING GRADUATES

(By J. Stanford Smith, senior vice president, General Electric Co.)

"We hold these truths to be self-evident," said the Second Continental Congress, "that all men are created equal . . ."

What was self-evident to the Founding Fathers in Philadelphia did not apply to *all* men, let alone women. The first census of the United States, in 1790, revealed that 20% of the population of the new nation consisted of blacks, most of them slaves. They were not free and equal then, and on the bicentennial of the Declaration of Independence, just four years from now, they will still be struggling to achieve equality in national life.

As of today, about 11% of the U.S. population is Black American, 5% is Mexican-American or Puerto Rican, and less than 1% is American Indian and Oriental American. These 35 million people—seventeen percent of the present population—have every right to expect the same opportunity as their fellow-Americans. The degree to which that vision of equal opportunity is realized will be a measure of us all.

### THE LONG STRUGGLE

It has been a long, slow, painful struggle for most of the two centuries since that day in 1776. Many minority groups have arrived in this country and won their way to participation in political and economic life. But racial barriers have proved to be more difficult than others, and only in the past two decades has there begun to be significant progress.

The Supreme Court decision against segregrated schools in 1954 . . . the flood of civil rights legislation . . . the breakdown of segregation in restaurants and other public facilities . . . the rise of blacks and other minorities in political power . . . the rise of minority representation on the campuses and in factories and offices . . . there is no need to rehearse here the rising fortunes of the racial minorities in the past fifteen or twenty years. They are on the march, and their fellow-citizens largely accept their right to move into the mainstream of American life.

### BARRIERS DISAPPEARING

How are education and business responding to the challenge of equal opportunity? The barriers of prejudice which formerly stopped so many minority men and women at the point of entry have substantially disappeared. Educators and business managers have not merely opened the doors, but actually reached out to the ghettoes and brought people on board. Many people once considered uneducatable and unemployable are now getting the extra help they need to qualify for college life and industrial employment.

General Electric, for example, now has more than 26,000 minority employees. During 1971 we hired 40,000 employees—of which 19% were minority.

Figures like this are probably typical of most of industry. The percentage varies from location to location; as a goal, our managers make every effort to utilize minority people in their work forces in relation to their numbers in the respective communities.

### MAKING NONDISCRIMINATION A REALITY

It is widely assumed that this changing picture in industry results entirely from the militancy of minorities and the strong hand of government. These have undoubtedly forced the pace of progress, but the struggle against discrimination in industry has a long history that helped to set the stage for the remarkable change of attitudes in the past few years. Consider the General Electric experience, for example.

Almost forty years ago, General Electric's President, Gerard Swope, issued a policy directive in writing, forbidding discrimination against any employee because of race or creed. Mr. Swope early understood the problems of prejudice. His policy of non-discrimination has been reaffirmed in many Company documents and in union agreements over the years.

The Company's next President, Charles E. Wilson, rose from the Hell's Kitchen area of New York to become Chief Executive Officer, and he too knew the importance of equal opportunity from his own experience. In 1946, when President Truman formed the President's Committee on Civil Rights, he called on Mr. Wilson to be its Chairman. It was in Mr. Wilson's administration that General Electric became the first company to send its recruiters regularly to the Negro colleges.

In 1952, our next President, Ralph Cordiner, arranged for representatives of the Urban League to visit our plants in many parts of the country—22 visits in all—to observe the situation at first hand, and help with our minority recruiting acitivities.

In the early 60's, when Fred Borch became the Company's Chief Executive Officer, he set in motion an all-out effort to remove any last additional barriers to our long-standing policy of non-discrimination. As Mr. Borch emphasized in a motion picture for all employees: "For as long as I can remember, General Electric has had a policy of equal employment opportunity . . . Let me make this unmistakably plain. *All* employees should *understand* and *cooperate* with the Company's efforts in accepting this responsibility."

We have been striving, in General Electric and in other large companies, to make the policy of non-discrimination a reality.

### PROGRESS IN HOURLY RANKS

General Electric people are convinced not only that management meant what it says, but that this is the only right and fair thing to do. Our managers have specific targets and plans for affirmative action, and they are measured on their performance.

As a result, decided progress has been made. As I said, our Company has 26,000 minority employees, and 19% of our new hires in 1971 were minority. Other companies show similar results. In hourly paid assignments—which have relatively modest educational requirements—minority people are not only getting on the payroll, but they are qualifying for increasingly skilled and responsible assignments.

But progress is not coming nearly as fast in the exempt-salaried ranks. In the technical, professional, and managerial jobs, the minorities are sparsely represented. Furthermore, I am deeply concerned that our managers may not be able to reach their minority employment goals in these areas no matter how hard they try. Why is this?

### A PROBLEM OF SUPPLY

Much of the rhetoric of militancy and government compliance still speaks about knocking down barriers and opening up jobs for blacks and other minorities in the upper levels of industry. But that is truly no longer the problem. I think the record will show that managements of the large companies, the big employers in the industrial field, have very thoroughly removed the formal and informal barriers and have demanded results—visible, working minority people on the payroll in professional and managerial positions. In fact, there is a very lively competition for qualified minority people, with the demand *far* exceeding the supply.

The willingness is there; the jobs are there to be filled by anyone who can qualify regardless of race, color, creed, or sex. But how do we develop the qualified minority candidates?

In the eagerness to remove the barriers of prejudice, this problem has been ignored, or perhaps deliberately swept under the rug. I repeat the real problem today, in professional and managerial levels, is not one of demand, but of supply.

### NEED FOR PROFESSIONAL EDUCATION

Let's examine the problem.

It takes special education and special training to qualify for many positions in our highly complex industrial society. No matter how hard a man or woman may be willing to work, no matter what his native talents may be—he cannot do competent engineering work without a knowledge of engineering. He cannot do important financial work without the necessary education and financial training.

Persons with engineering or financial training provide the main volume streams of our professional employment. Until industry can get large numbers of qualified black engineers, blacks cannot become a significant element in top professional and managerial ranks. The same is true of women, and what I have to say also applies to the problem of upward mobility for women in industry.

Consider this: of the people in the top 20% of our exempt salaried ranks in General Electric, more than 60% have a four-year *technical* degree. These people with technical degrees work in virtually all the professional functions of the business—manufacturing, engineering, research and development, marketing, and relations work—and they provide a majority of our managerial leadership.

### PERFORMANCE, NOT PARENTAGE

It's surprising how many minority people are skeptical of the need for professional education in modern industry. Many of them are convinced that moving into a position of leadership is primarily a matter of the right family, the right school, the right connections.

I have been told for example, that all we need to do to get the right proportion of blacks in our top management ranks is to set the pattern by appointing a few Jackie Robinsons. But Branch Rickey could not put Jackie Robinson in the lineup until he was sure that Robinson was truly a big-league ball player.

Listed in our 1971 Annual Report are the 102 top executives of the General Electric Company. Of these 102, 75 came to GE directly out of college, 10 came with us within five years of graduation, and the other 17 spent anywhere from 5 to 23 years with other companies. They represent a wide range of social, geographic, and economic backgrounds, and family connections are rare. They're from a wide range of schools; in fact, there are schools represented here that some of us never heard of.

My point is that General Electric, like most other publicly-owned corporations, has a tradition of people succeeding because of their performance, not their parentage, or their stock ownership, or their school tie. But a prerequisite for professional or managerial success in modern, technically-oriented companies is education suited to the requirements of the business, and these requirements dictate that the volume streams of opportunity require engineering or financial competence.

### INDUSTRY WANTS GREATER MINORITY PARTICIPATION

Now, as a matter of fairness—social justice—public acceptance—a healthy society—we want to see minority faces emerging in the leadership of industry. We're not neutral about it; we're *eager* to get the job done.

In addition to the crucial reason of providing equal opportunity for all, there are added business reasons for wanting to recruit and develop black leadership. Many of our plants are located in major urban areas where a high percentage of the employees are black. Black participation in management in such locations will become increasingly important. Also, black consumers are an important market for GE consumer products. Black leadership in marketing as well as other functions is good customer relations. We are completely aware of the importance of accelerating progress in black leadership, and that's why we are emphasizing the need for a manyfold increase in minority engineering graduates.

### A FORMULA FOR TRAGEDY

Of 43,000 engineers graduated in 1971, only 407 were black and a handful were other minorities or women. One percent. It takes about fifteen to twenty-five years for people to rise to top leadership positions in industry. So if industry is getting one percent minority engineers in 1972, that means that in 1990, that's about the proportion that will emerge from the competition to the top leadership positions in industry. Not five percent, or ten percent, or seventeen perecnt, but *one* percent.

Gentlemen, this is a formula for tragedy. Long before the year 1990, a lot of minority people are going to feel that they have been had. Already there are angry charges of discrimination with regard to upward mobility in industry, whereas the real problem, clearly visible today, is that there just aren't enough minority men and women who have taken the college training to qualify for professional and engineering work.

According to a study of blacks in engineering by Lucius Walker of Howard University, only one-half of one percent of the engineers in the nation were black in 1960—and that proportion did not increase at all by 1970! Out of 230,000 students enrolled in engineering in 1970, approximately one out of a hundred were black, with 70% of these enrolled in the predominantly black schools. The numbers of freshman blacks enrolling in engineering increased 19% in 1971, which is a good sign. But Mr. Walker points out that if the present number of blacks graduating from engineering schools is increased by 15% a year, fifty years would be required to achieve proportionate representation in the nation's engineering force—that is, a black for every nine whites. On the present lazy trajectory, we are postponing the arrival of significant numbers of blacks in the top ranks of industry until well into the Twenty-first Century.

### NEEDED: TEN-FOLD INCREASE

To put the challenge bluntly, unless we can start producing not 400, but 4,000 to 6,000 minority engineers a year within the decade, industry will not be able to achieve its goals of equality, and the nation is going to face social problems of unmanageable dimensions.

What can be done?

There has been much talk of job restructuring. A certain amount of that can be done, and openings can be made for minority technicians without the full range of engineering education. But these jobs will not be a major source of professional and managerial leadership in the future, any more than they are today.

From time to time, one hears hints that we in industry might drop our standards, hire unqualified people, perhaps even call them "engineers". Then if they fail in the competition of leadership, that's their fault, not ours. What a sorry game!

First of all, it can't be done for competitive reasons. Our competitors here and abroad have first-rate engineers, and we can't compete with second-raters. The waste and inefficiency would knock us out of business. The United States is having trouble enough in international competition, without adding the problem of unqualified engineers.

### NO DOUBLE STANDARDS

And furthermore, the blacks and other minorities would quickly see through the sham and resent it. Listen to the words of Dr. Kenneth B. Clark, distinguished Professor of Psychology and a member of the New York Board of Regents. Highly regarded as a black spokesman, Dr. Clark had this to say about industry standards of performance:

"I cannot express vehemently enough my abhorrence of sentimentalistic, seemingly compassionate programs of employment of Negroes which employ them on Jim Crow double standards or special standards for the Negro which are lower than those for whites. I think this is a perpetuation of racism, is interpreted by the Negro as condescension, and, as I told a group of psychologists and industrial leaders yesterday, will be exploited but will not contribute to any substantive, serious, non-racial integration of minorities into the productive economy of business."

Industry must maintain high standards of performance for *all* persons.

Perhaps it has crept into your mind that we might be able to get away with excuses. We in industry could prove that we are hiring our fair share of the available population of minority engineers, and pass the buck along to the engineering schools. You in turn could point to your programs to attract black enrollments, and demonstrate that the problem lies with the blacks: they just don't sign up for engineering. And the blacks would place the blame on a white society that they would believe discriminates against blacks in professional work. Then the situation would stand exactly where it is today, except by that time the blacks might dominate the civil service ranks of local, state and federal government, while the whites would hold the centers of technology, and that form of segregation could have disastrous consequences for all concerned.

### ONLY ACCEPTABLE SOLUTION

The only acceptable solution is to take bold, innovative, all-out action to increase the supply of minority engineering graduates not by a few percentage points, but ten—or fifteen-fold, and to get it done within the decade. This is the only way we can expect to see acceptable proportions of minority men and women in the top ranks of industry by the end of the century.

### MANY DIFFICULTIES

This will not be an easy task. We are all familiar with the formidable barriers that stand in the way of minority people getting to college for any course of study. The Ford Foundation study by Fred Crossland describes them well: the barriers of poor preparation; of poor motivation; of money and distance and prejudice on both sides.

But even if they do get to college—too few seem to have an interest in engineering. Many blacks today are eager to return to the black community and use their education to help their fellows. This is commendable, but it means that blacks turn to teaching, law, medicine, government service, and social work rather than engineering.

And if a black is persuaded to try engineering, he may start with an extra handicap because so many black students for a variety of reasons seem to be poorly prepared in math and science. Hence the need for painful and expensive remedial courses, and the embarrassment of playing catch-up ball through the early years of college.

Motivating disadvantaged minority students for engineering, and giving them the special preparation to enable them to succeed will take enormous amounts of time, extra manpower, and millions of dollars. And we can expect a backlash from some who resent such special treatment for others, as they have found at several universities.

In reciting these difficulties, I am merely scratching the surface of a situation most of you have experienced in all-too-familiar depth. As we know, the prime source of black engineers to date has been six predominantly black schools, and they will continue to play a key role in the future.

We're fortunate to have with us for today's discussion Dr. Pierre, of Howard; Dr. Greaux of Prairie View A&M; Professor Thurman of Southern University; Dr. Carter of Tennessee State; and Dr. Amory of North Carolina A&T. Dr. Dybczak of Tuskegee Institute is in Europe and could not be with us. These spokesmen for the predominantly black schools can give us much insight into the realities of producing black engineers.

But as they would readily agree, the task of producing the large number of additional minority engineers we'll need in this decade will not be achieved without greatly expanded effort by *all* schools of engineering.

Carnegie-Mellon University, Jim Nixon tells me, has set itself some very ambitious goals in terms of producing black engineers, and I would hope that Dr. Toor could comment on this. Our General Electric people have been working with Drexel University on this problem, and perhaps Dr. Dieter could offer some thoughts. Dr. Stelson of the Georgia Institute of Technology may wish to comment on his ambitious program in cooperation with the Atlanta University Center to produce 60 black engineering graduates in 1976—up from three in 1972. And Dean Mark has had unusual experience with cooperative programs at Northeastern University. These are, I'm sure, just a few of the programs that are under way.

### A NATIONWIDE EFFORT

But all our efforts to date, in education and in business support, have left us with too little too late. If we are serious about increasing the number of minority engineering graduates by a factor of ten or fifteen in a decade, we will have to enlist all the major institutions in the nation for a mighty effort.

The whole business community must join in this struggle, as well as the educational establishment—including the primary and secondary schools, where a lot of the present problem lies. Some forms of government support will be necessary. The armed forces, which operate quite an educational establishment themselves, might welcome tie-in opportunities. The professional societies can be of inestimable help, as can the foundations, with their demonstrated interest in pioneering education. And the minority organizations will be essential, since they play such an important role in the motivation and channelizing of black energies. Jim Nixon may want to report on his discussions with the NAACP, Urban League, Department of Labor, EEOC and OFCC.

### SHORTAGE OF ENGINEERS ANTICIPATED

There is one fortunate circumstance that should play a large role in our thinking, strategically speaking. And that is the anticipated shortage of engineers in the late 1970's.

That may be hard to believe, after the painful adjustments of the past two years, particularly in the defensive-oriented industries. But on May 30, Andrew Brimmer of the Federal Reserve Board presented an authoritative study on "The Economic Outlook and the Demand for College Graduates" to the year 1980. One of his most important findings is that professional and technical occupations are expected to expand twice as fast as employment generally. There will be 50% more professional and technical jobs opening up, while total employment is expanding only 25%.

According to his data, the number of new engineers and scientists produced could fall as much as 36,000 short of need unless enrollments are increased. He also expects a shortage of business administration graduates—especially accounting majors. At the same time, there will be a big surplus of teachers, which should make it easier to steer women and blacks away from their traditional occupations into engineering, if we go after them.

It would be truly unforgivable if, with this timely gap in the supply of engineers, we failed to fill a large part of it with minorities and women.

### A TASK AND A VISION

To return to the original thesis, in this business generation we are going to be called upon to demonstrate, in total sincerity and by visible results, that minorities and women can rise to any level of the enterprise, based on merit alone. Business is eager to be put to the test. It makes good moral sense, good social sense, good political sense, and good economic sense to bring aboard the talents of our minority people and the women who want a career in business. The doors are open and the channels of upward mobility have been cleared. Now it is truly a problem of supply.

What we need most, in terms of numbers, is qualified engineering graduates. Today, only one out of a hundred engineering graduates is black. That number must be increased ten- or fifteen-fold within the decade.

The people assembled here today, leaders of the leading Schools of Engineering, will probably have more to say than anyone else, as to how these challenges will be met.

I'm sure you will agree that what we are talking about is not business as usual, or education as usual. We are talking about an undertaking of staggering proportions that requires revolutionary action.

Perhaps the vision was most simply expressed by Martin Luther King when he said, in that momentous speech:

"I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all mean are created equal.' "

## QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SPECIAL COMMITTEE ON AGING—APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. MCCLURE). The Chair, on behalf of the Vice President, pursuant to Senate Resolution 33, 87th Congress, as amended and supplemented, appoints the Senator from Maryland (Mr. BEALL) and the Senator from New Mexico (Mr. DOMENICI) to the Special Committee on Aging.

## APPOINTMENTS TO JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

The PRESIDING OFFICER (Mr. MCCLURE). The Chair, on behalf of the Vice President, pursuant to Public Law 91-510, appoints the Senator from Ohio (Mr. TAFT) and the Senator from Connecticut (Mr. WEICKER) to the Joint Committee on Congressional Operations, in lieu of the Senator from New Jersey (Mr. CASE) and the Senator from Pennsylvania (Mr. SCHWEIKER), resigned.

## PROGRAM FOR TUESDAY, JANUARY 16, 1973

Mr. ROBERT C. BYRD. Mr. President, the program for Tuesday next is as follows:

The Senate will convene at 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, the distinguished Senator from South Dakota (Mr. ABOUREZK) will be recognized for not to exceed 15 minutes, at the conclusion of which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes. No rollcall votes are anticipated on Tuesday next.

At the conclusion of Senate business on Tuesday and prior to adjournment, the distinguished senior Senator from West Virginia (Mr. RANDOLPH) will be recognized for not to exceed 1 hour, at the conclusion of which there will be a resumption of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes, following which the motion to adjourn will be entered.

## ADJOURNMENT UNTIL TUESDAY, JANUARY 16, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian on Tuesday next.

The motion was agreed to; and at 2:33 p.m. the Senate adjourned until Tuesday January 16, 1973, at 12 o'clock meridian.

## NOMINATIONS

Executive nominations received by the Senate, January 12, 1973:

### DEPARTMENT OF STATE

U. Alexis Johnson, of California, a Foreign Service Officer of the class of Career Ambassador, to be Ambassador at Large.

### DEPARTMENT OF AGRICULTURE

William W. Erwin, of Indiana, to be an Assistant Secretary of Agriculture; new position.

Clayton Yeutter, of Nebraska, to be an Assistant Secretary of Agriculture, vice Richard E. Lyng.

John A. Knebel, of Virginia, to be General Counsel of the Department of Agriculture, vice Edward M. Shulman.

### DEPARTMENT OF JUSTICE

Robert G. Dixon, Jr., of Maryland, to be an Assistant Attorney General, vice Roger C. Cramton.

James D. McKevitt, of Colorado, to be an Assistant Attorney General, vice Dallas S. Townsend.

### IN THE NAVY

Capt. Robin L. C. Quigley, U.S. Navy, for appointment to the grade of captain in the Navy while serving as commanding officer, Service School Command, San Diego, Calif., in accordance with article II, section 2, clause 2 of the Constitution.

### IN THE COAST GUARD

The following-named commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of captain:

Leon A. Murphy
John T. Williamson, Jr.
Clifford E. Donley
Carlton E. Russell
Siegurd E. Waldheim
Olin A. Lively
Edward G. Taylor
Bruce R. Condon
Thomas L. O'Hara, Jr.

### DEPARTMENT OF JUSTICE

J. Stanley Pottinger, of California, to be an Assistant Attorney General, vice David L. Norman.

# EXTENSIONS OF REMARKS

## UKRANIAN INDEPENDENCE ANNIVERSARY

### HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. BROOMFIELD. Mr. Speaker, on January 22 Ukrainians around the world will pause to commemorate the anniversary of Ukrainian independence after centuries of dictatorship and foreign rule. It was not until 1918, at the end of World War I, that the Ukraine first won independence. Unfortunately, as we all know, freedom was short lived. In 1920, the Bolsheviks invaded this fledgling republic and snuffed out the light of freedom.

Today, the U.S.S.R. maintains its iron rule over the 47 million people of the Ukraine. Yet, there can be little doubt that despite this cruel domination, these people will never be assimiliated into the Russian monolith. For in their hearts and in their minds, the people of the Ukraine still long for that day when their nation can be free once again.

It is tragically ironic, Mr. Speaker, that the celebration of the anniversary of the founding of Ukrainian independence must be held outside the borders of this country. Throughout the free world this month, Ukrainian nationals will mark this momentous occasion in their nation's history. I would like to take this opportunity to join these brave people in paying tribute to their country and to add my sincere hope that freedom will once again return to this country that has labored for so long under the shadow of totalitarianism.

Mr. Speaker, this year, it is especially important that we add our voices to those of all free men in demanding that the repression and injustices perpetrated by the Soviet Union against the Ukraine come to an end. During the past several years, scores of Ukrainian intellectuals have been imprisoned on trumped-up charges of subversion and treason.

These men, whose only crime was to express the same sentiments and beliefs that most Ukrainians carry silently within their hearts, have become a symbol around which the Ukrainian people have rallied their hope. Historians, artists, writers, and educators, in short, anyone who would dare dissent against the subjugation of their homeland, have all been arrested and sentenced to years of hard labor in Siberia.

Can there really be any doubt that the desire for freedom and liberty on the part of the Ukraine still exists? Judging by the example and sacrifice given by these brave men, the answer is clearly and most assuredly no. Next week, the Southeastern Michigan Branch of the Ukrainian Congress Committee of America will gather to commemorate the anniversary of Ukrainian independence.

Despite decades under the yoke of Soviet domination, these people have persevered in their resolve to see the day when freedom once again flourishes in their native land.

Mr. Speaker, I would like to associate myself with these people who, having achieved liberty for a few short years, understand better than most that the right of all men to determine their own destiny is a God-given and inalienable right. I sincerely hope that all of my colleagues in Congress will also raise their voices on behalf of the Ukraine during the month of January.

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## THE HOUSE INTERNAL SECURITY COMMITTEE

### HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. ANNUNZIO. Mr. Speaker, last week I introduced a resolution in the 93d Congress to abolish the House Internal Security Committee.

I protest most urgently against the large expenditures of the taxpayers' money by this committee. I protest against large exenditures of the taxpayers' money to fund a standing committee of the House which is without legislative purpose.

I ask Members only to consider how much money the House has given the Internal Security Committee. In the first session of the 92d Congress the House authorized for it $570,000. Out of the 21 standing committees, the Internal Security Committee received the seventh largest funding authorization.

In the second session of the 92d Congress the House gave this committee $525,000. There were only four other standing committees that received larger fund authorizations during the session—Banking and Currency, Education and Labor, Government Operations, Public Works.

I ask whether the amount which the House gave the committee in the first and second sessions, in comparison to what it gave to other committees, represents the judgment of the majority of Members regarding the value to Congress and to our Country of what the committee does. And I should like to point out that these sums authorized by special funding resolutions are in addition to the money which the committee receives automatically under the Legislative Reorganization Act.

All told the House gave the committee well over $1 million in the 92d Congress. Mr. Speaker, the district I represent is in Chicago, and I can say that we could have made far better use of this million dollars in Chicago for education, mass transportation, and for the campaigns against environmental pollution and crime than the Internal Security Committee made of it to abuse the powers of Congress.

Congress' power to investigate is inherent in its legislative authority, and Congress can legitimately investigate only in areas in which it can legislate and only for legislative purposes.

The legislative record of the House Internal Security Committee is such that Members must question whether the committee's investigations serve any legislative purposes whatever. From the 88th through the 92d Congresses, inclusive, only two of the committee's bills have become law—H.R. 950 in the 88th Congress—Public Law 88-290—regarding personnel security in the National Security Agency, and S. 2171 passed in lieu of H.R. 12601 in the 90th Congress—Public Law 90-237—to amend the functions of the Subversive Activities Control Board.

Additionally, I want to ask, do my colleagues support the maintenance of files by the committee containing information on numbers of people—information available to Members and thereby, possibly, to their constitutients, as well as to executive departments and agencies? Such files have always been an effective means of control over people by totalitarian governments, and maintenance of such files, I feel is no part of the legislative business of the U.S. Congress.

Subversive activities which violate the Federal criminal code—espionage and sabotage—are properly the concern of the Judiciary Committee. The mandate of the Judiciary Committee explicitly includes espionage. I urge, Mr. Speaker, that we grant the Judiciary Committee entire jurisdiction over criminal subversive activities and that we abolish the Internal Security Committee and thereby put a stop forever to abuse of congressional authority.

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## VOTING RECORD FOR 92D CONGRESS

### HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. TALCOTT. Mr. Speaker, I am pleased to have this opportunity to again insert in the CONGRESSIONAL RECORD an accounting of my voting record for the second session of the 92d Congress.

I realize how difficult it may sometimes be to properly interpret a Member's position when we are not always afforded an opportunity to make clear-cut votes on every issue. However, my affirmative votes reflect a judgment that a bill includes considerable more good than bad.

The format of the voting record includes a succinct bill title and an abridged description—which is not always precise or fully descriptive. Due to official business away from Washington, it was occasionally necessary to miss a recorded vote. On these measures, I have indicated my position.

My voting record follows:

## VOTING RECORD OF BURT L. TALCOTT OF THE 12TH CONGRESSIONAL DISTRICT OF CALIFORNIA

(Yea—for; Nay—against; NVA—not voting, against; NVF—not voting, for; NVPA—not voting, paired against; NVPF—not voting, paired for.)

| Roll-call No. | Date | Measure, question, and result | Vote |
|---|---|---|---|
| 2 | Jan. 18 | H.R. 8787: To approve the bill providing that Guam and the Virgin Islands should be represented by a Delegate in the House of Representatives (passed 232–104). | NVPA. |
| 3 | Jan. 19 | Quorum call | Present. |
| 4 | do | S. 382: To approve the conference report on the Federal Election Campaign Act (passed 334–20). | Yea. |
| 5 | Jan. 25 | H.R. 765: To adopt the "rule" under which to consider the conference report on S. 2819, the Foreign Assistance Act of 1971 (passed 246–123). | Nay. |
| 6 | do | S. 2819: To approve the conference report on the Foreign Assistance Act of 1971 (passed 203–179). | Nay. |
| 7 | Jan. 26 | Quorum call | Present. |
| 8 | do | H.R. 6957: To approve the bill to establish the Sawtooth National Recreational area in Idaho (passed 369–9). | Yea. |
| 9 | Jan. 27 | Quorum call | Present. |
| 10 | do | H.R. 8085: To adopt the bill giving the President authority to make certain exceptions to the ban against a maximum age limit for Federal employment (defeated 81–249). | Nay. |
| 11 | Jan. 31 | Quorum call | Present. |
| 12 | do | H.R. 10086 (S. 2601): To approve the bill providing increases in appropriations ceilings and boundary changes in certain national parks (passed 303–2). | Yea. |
| 13 | Feb. 1 | H. Res. 786: To adopt the "rule" under which to consider S. 2010, the bill amending the International Development Association Act (passed 335–30). | Yea. |
| 14 | do | S. 748: To approve the bill authorizing payment and appropriation of the U.S. contribution to the fund for special operations of the Inter-American Development Bank (passed 285–102). | Yea. |
| 15 | do | S. 749: To approve the bill authorizing U.S. contributions to the special funds of the Asian Development Bank (passed 255–132). | Yea. |
| 16 | do | S. 2010: On an amendment to International Development Association bill which would have reduced the U.S. annual contribution from $960,000,000 to $480,000,000 (defeated 165–191). | Nay. |
| 17 | do | S. 2010: To approve the bill providing for increased participation by the United States in the International Development Association (passed 208–165). | Yea. |
| 18 | Feb. 2 | H.R. 7987: To pass the bill providing for the striking of medals in commemoration of the bicentennial of the American Revolution (passed 387–1). | Yea. |
| 19 | do | Quorum call | Present. |
| 20 | do | H.R. 11394: To approve an amendment to the bill on U.S. district judgeships providing for an additional judge in the northern district of Indiana (passed 217–168). | Nay. |
| 21 | Feb. 3 | Quorum call | Present. |
| 22 | do | do | Do. |
| 23 | do | H.R. 12089: On an amendment to the bill establishing a Special Action Office for Drug Abuse Prevention which would have prevented the Director from any authority over the Veterans' Administration (defeated 174–196). | Nay. |
| 24 | do | H.R. 12089 (S. 2097): On final passage of the bill to establish a Special Action Office for Drug Abuse (passed 380–0). | Yea. |
| 25 | Feb. 7 | Quorum call | Present. |
| 26 | do | S. 1857: On a motion to suspend the rules and pass the bill enlarging the American Revolution Bicentennial Commission and to increase its authorized funds (passed 329–36). | Yea. |
| 27 | do | S. 1163: To suspend the rules and pass the amendment to the Older Americans Act of 1965 (passed 350–23). | Yea. |
| 28 | do | H.R. 7088: To suspend the rules and pass the bill providing for the establishment of the Tinicum Environmental Center in Pennsylvania (passed 361–8). | Yea. |
| 29 | do | H.R. 12186: To suspend the rules and pass the bill extending additional protection to bald and golden eagles (passed 352–7). | Yea. |
| 30 | do | H.R. 12741: To suspend the rules and pass the bill to extend the Federal Water Pollution Control Act through June 30, 1972 (passed 338–7). | Yea. |
| 31 | Feb. 8 | Quorum call | Present. |
| 32 | do | do | Do. |
| 33 | do | H. Res. 164: On adoption of the resolution to establish a House Select Committee on Privacy, Human Values, and Democratic Institutions (defeated 168–216). | Nay. |
| 34 | do | H.R. 10243: To approve the bill establishing an Office of Technology Assessment in the legislative branch (passed 256–118). | Yea. |
| 35 | Feb. 9 | Quorum call | Present. |
| 36 | do | do | Do. |
| 37 | do | H.R. 12910: To approve the bill raising the temporay debt limit to $450,000,000,000 through June 30, 1972 (passed 247–147). | Yea. |
| 38 | do | Quorum call | Present. |
| 39 | do | H. Res. 796: On adoption of the "rule" under which to consider H.J. Res. 1025, providing a procedure for settlement of the Longshoremen's strike on the west coast (passed 203–170). | Yea. |
| 40 | do | H.J. Res. 1025 (S.J. Res. 197): To approve the resolution providing a procedure for settlement of the Longshoremen's strike as amended by striking out all after the enacting clause and substituting the Senate-passed S.J. Res. 197 (passed 214–139). | Yea. |
| 41 | Feb. 16 | Quorum call | Absent. |
| 42 | do | do | Do. |
| 43 | Feb. 17 | do | Do. |
| 44 | do | do | Do. |
| 45 | do | H.R. 12350: On an amendment to the Economic Opportunity bill which would have provided a straight 2-year extension of present OEO programs (defeated 159–206). | NVA. |
| 46 | do | H.R. 12350: On final passage of the bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964 (passed 234–127). | NVPA. |
| 47 | Feb. 22 | Quorum call | Absent. |
| 48 | Feb. 23 | do | Do. |
| 49 | do | H.R. 12931: On an amendment to the Rural Development Act of 1972 which sought to prevent profitmaking polluters from receiving subsidies (defeated 151–224). | NVF |
| 50 | do | Quorum call | Present. |
| 51 | do | H.R. 12067: To adopt the conference report on the foreign assistance appropriations, 1972 (passed 213–167). | Nay. |
| 52 | do | H.R. 12067: On agreeing to the Senate amendment to the Foreign Assistance Appropriations Act providing that no aid shall go to Ecuador unless the President determines it is in the national interest of the United States (passed 230–138). | Yea. |
| 53 | Feb. 29 | Quorum call | Present. |
| 54 | do | do | Do. |
| 55 | do | H.R. 11021: On final passage of the bill to control the emission of noise detrimental to the human environment (passed 356–32). | Yea. |
| 56 | Mar. 1 | Quorum call | Present. |
| 57 | do | H. Res. 849: To adopt the resolution authorizing the sum of $525,000 for use by the Committee on Internal Security (passed 303–102). | Yea. |
| 58 | do | H. Res. 847: To adopt the resolution authorizing the sum of $1,128,000 for use by the Committee on Education and Labor (passed 318–77). | Yea. |
| 59 | Mar. 2 | Quorum call | Present. |
| 60 | do | H.R. 11384 (S. 979): To approve the bill extending and expanding the High-Speed Ground Transportation Act of 1965 and to authorize appropriations of $315,200,000 for a 3-year period (passed 360–14). | Yea. |
| 61 | Mar. 6 | Quorum call | Present. |
| 62 | do | H.R. 2589: To suspend the rules and pass the bill requiring prospective jurors in Federal courts to state their race and occupation on the qualification form (passed 316–27). | Yea. |
| 63 | do | H.R. 12828: To suspend the rules and pass the bill increasing benefits, etc., under the Veterans' Education and Training Act (passed 358–0). | Yea. |
| 64 | Mar. 8 | Quorum call | Present. |
| 65 | do | S. 659: On a motion to table the motion instructing House conferees to insist upon the provisions on busing in the bill as approved originally by the House (defeated 139–270). | Nay. |
| 66 | do | S. 659: On a motion to instruct the House conferees to insist upon the busing provisions in the bill as originally passed by the House (passed 272–139). | Yea. |
| 67 | do | H.R. 1746: To approve the conference report on the Equal Employment Opportunity Act of 1972 (passed 303–110). | Yea. |
| 68 | do | H.R. 11624 (S. 3244): To adopt the bill increasing from $3,000,000 to $5,000,000 the authorization of appropriations for the International Transportation Exposition (passed 278–109). | Yea. |
| 69 | Mar. 9 | Quorum call | Present. |
| 70 | do | H.R. 10420: On passage of the Marine Mammal Protection Act of 1971 (passed 362–10). | Yea. |
| 71 | Mar. 13 | Quorum call | Absent. |
| 72 | do | H.R. 12410: To approve the bill providing for the evidentiary use of prior inconsistent statements by witnesses in trials in the District of Columbia (passed 291–32). | NVE. |
| 73 | Mar. 14 | H.J. Res. 1097: To approve the Urgent Supplemental Appropriations bill for fiscal year 1972 (passed 364–16). | Yea. |
| 74 | Mar. 15 | Quorum call | Present. |
| 75 | do | do | Do. |
| 76 | do | H.R. 12910: To approve the conference report on legislation to increase temporarily the public debt limit (passed 237–150). | Yea. |
| 77 | do | H.R. 11417: On the adoption of an amendment to the National Railway Passenger Corporation bill which requires that all officers paid in excess of $60,000 be paid only from net profits of the Corporation (passed 235–136). | Yea. |
| 78 | do | H.R. 11417: On final passage of the amendments to the National Railway Passenger Act (passed 312–63). | Yea. |
| 79 | Mar. 16 | S. 2097: To approve the conference report on the drug Abuse Office and Treatment Act of 1972 (passed 336–0). | Yea. |
| 80 | Mar. 20 | H.R. 8395: To suspend the rules and pass the bill amending the Vocational Rehabilitation Act (passed 327–0). | Yea. |
| 81 | do | H.R. 11948: To suspend the rules and pass the bill authorizing not more than $50,000 annually for U.S. participation in the Hague Conference on Private International Law (passed 315–18). | Yea |
| 82 | do | H.R. 4174: To suspend the rules and approve a bill amending the Uniform Time Act to allow an option in certain cases (passed 332–7). | Yea. |
| 83 | Mar. 21 | Quorum call | Present. |
| 84 | do | H.R. 13120: To pass the bill modifying the par value of the dollar (passed 342–43). | Yea. |
| 85 | Mar. 22 | Quorum call | Present. |
| 86 | do | do | Do. |
| 87 | do | H.R. 13592 (S. 2676): To pass the National Sickle Cell Anemia Prevention Act (passed 391–0). | Yea. |
| 88 | Mar. 23 | Quorum call | Present. |
| 89 | do | H.R. 13995: To approve the 1973 Legislative Appropriations bill (passed 362–9). | Yea. |
| 90 | Mar. 27 | Quorum call | Present. |
| 91 | Mar. 28 | do | Do. |
| 92 | do | H.R. 11896: On an amendment to the Water Pollution Control Act which would have required industry to use by 1981 the best available waste treatment technology (defeated 140–249). | Nay. |
| 93 | do | H.R. 11896: On an amendment to the Water Pollution Control Act which sought to empower the Environmental Protection Agency to review and veto individual discharge permits issued by the States (defeated 125–267). | Nay. |
| 94 | do | H.R. 11896: On an amendment to the Water Pollution Control Act which sought to require private firms which discharge into municipal treatment systems to pay user charges from their share of the capital costs of any federally funded municipal treatment facility (defeated 66–337). | Yea. |
| 95 | do | H.R. 11896: On an amendment to the Water Pollution Control Act which sought to provide permits to control the discharge of wastes into the Nation's waterways (defeated 154–251. | Nay. |

VOTING RECORD OF BURT L. TALCOTT OF THE 12TH CONGRESSIONAL DISTRICT OF CALIFORNIA—Continued

| Roll-call No. | Date | Measure, question, and result | Vote |
|---|---|---|---|
| 96 | Mar. 29 | Quorum call | Present. |
| 97 | do | H.R. 11896: On an amendment to the Water Pollution Control Act which sought to strike the contract authority provision for $18,000,000,000 for waste treatment grants and to substitute authorization for "no-year" appropriations but on a 1-year advance basis (defeated 161–232). | Yea. |
| 98 | do | H.R. 11896: On an amendment to the Water Pollution Control Act that provides public hearings to be held for employees who lose their employment in the case of an industry moving to meet the alleged results from any effluent limitation or order issued under this act (passed 274–118) | Yea. |
| 99 | do | H.R. 11896: On an amendment to the Water Pollution Control Act that directs the Environmental Protection Agency to encourage regional resource management that utilizes spray irrigation and recycling of wastes (passed 250–130). | Yea. |
| 100 | do | H.R. 11896: On an amendment to the Water Pollution Control Act that would preserve the rights of States to control discharges from vessels (passed 210–173). | Nay. |
| 101 | do | H.R. 11896 (S. 2770): On final passage of the Federal Water Pollution Control Act (passed 380–14). | Yea. |
| 102 | Apr. 11 | Quorum call | Present. |
| 103 | do | H.R. 9552: To pass the bill amending the cruise legislation of the Merchant Marine Act of 1936 (passed 374–0). | Yea. |
| 104 | do | H.R. 13324: To pass the bill authorizing appropriations for 6 programs of the Maritime Administration of the Department of Commerce (passed 364–13). | Yea. |
| 105 | do | H.R. 13188: To adopt the bill authorizing appropriations for the U.S. Coast Guard (passed 373–1). | Yea. |
| 106 | Apr. 12 | H.R. 13336: To adopt the bill authorizing $22,000,000 to finance the operation of the Arms Control and Disarment Agency for a 2-year period (passed 349–20). | Yea. |
| 107 | Apr. 17 | Quorum call | Present. |
| 108 | do | H. Con. Res. 471: To suspend the rules and pass the resolution expressing the sense of Congress relative to the plight of the Soviet Jews (passed 360–2). | Yea. |
| 109 | do | H.R. 13752: To suspend the rules and pass the bill to provide for the interim licensing of certain thermoelectric generating plants (passed 284–78). | Yea. |
| 110 | do | Quorum call | Present. |
| 111 | Apr. 18 | do | Do. |
| 112 | do | H.R. 45: On a motion to recommit to the Committee on the Judiciary the bill establishing an Institute for Continuing Studies of Juvenile Justice (defeated 133–252). | Yea. |
| 113 | Apr. 19 | Quorum call | Present. |
| 114 | do | H.R. 30488: On an amendment to the Public Buildings Amendments of 1972 to require payment of "the fair market value" of Postal Service property turned over to the city of New York (passed 196–170). | Yea. |
| 115 | do | H.R. 10488 (S. 1736): On final passage of the Public Buildings Amendments of 1972 (passed 331–40). | Yea. |
| 116 | Apr. 20 | H.R. 14070: On a motion to resolve the House into the Committee of the Whole House to consider the NASA authorization bill (passed 349–2). | Yea. |
| 117 | do | Quorum call | Present. |
| 118 | do | do | Do. |
| 119 | do | H.R. 14070: To approve the bill authorizing appropriations for NASA in fiscal year 1973 (passed 277–60). | Yea. |
| 120 | Apr. 25 | Quorum call | Present. |
| 121 | do | H.R. 14108: To pass the bill authorizing appropriations for the National Science Foundation (passed 329–16). | Yea. |
| 122 | Apr. 26 | Quorum call | Present. |
| 123 | do | H. Res. 918: On a motion to lay on the table the resolution directing the President and Secretary of Defense to furnish the House of Representatives full information concerning certain specific military activities of the United States in Southeast Asia (passed 270–113). | Yea. |
| 124 | do | H.R. 14582: To pass the bill making supplemental appropriations for the fiscal year 1972 (passed 344–16). | Yea. |
| 125 | Apr. 27 | Quorum call | Present. |
| 126 | do | do | Do. |
| 127 | do | H.R. 12202: On an amendment to the Government Employees Health Benefits bill to include Postal Service employees in the bill (passed 197–148). | Nay. |
| 128 | do | H.R. 12202: On an amendment to the Government Employees Health Benefits bill which would have reduced the Federal Government's share to a straight 50 percent (defeated 124–219). | Yea. |
| 129 | do | H.R. 12202: On final passage of the Government Employees Health Benefits bill (passed 238–110). | Nay. |
| 130 | May 1 | S. 2713: To suspend the rules and pass the bill to authorize the Attorney General to provide care for narcotic addicts on probation or parole (passed 323–0). | Yea. |
| 131 | do | H.R. 12652: To suspend the rules and pass the bill extending the life of the Commission on Civil Rights and expanding its jurisdiction to include discrimination because of sex (passed 264–66). | Yea. |
| 132 | do | H.R. 9676: To suspend the rules and pass the bill authorizing the conveyance of certain lands to the State of Tennessee for use of the University of Tennessee (passed 318–9). | Yea. |
| 133 | do | H.R. 13334: To suspend the rules and pass the bill creating certain new positions in the Department of the Treasury (passed 271–56). | Yea. |
| 134 | May 3 | H.R. 13591: On a bill to designate the National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases, and other purposes (passed 357–10). | Yea. |
| 135 | do | H.R. 13089: To approve the bill providing for acceleration of programs for planting trees on national forest lands (passed 371–5). | Yea. |
| 136 | May 4 | H.J. Res. 1174: To approve a supplemental appropriation of not more than $1,600,000,000 to adjust U.S. contributions to international financial institutions because of the devaluation of the dollar (passed 291–62). | Yea. |
| 137 | May 8 | Quorum call | Present. |
| 138 | do | H.R. 14718: To authorize a subsidy up to $3,000,000 for the District of Columbia bus companies (defeated 50–270). | Nay. |
| 139 | May 9 | H.J. Res. 55: On adoption of a resolution authorizing the erection of a memorial in the District of Columbia in honor of the Seabees (passed 364–4). | Yea. |
| 140 | do | H.R. 4383: On adoption of the bill authorizing the Office of Management and Budget to establish a system governing the creation and operation of advisory committees throughout the Federal Government (passed 357–9). | Yea. |
| 141 | May 10 | H.R. 9212: To agree to the conference report on the Black Lung Benefits Act of 1972 (passed 275–122). | Nay. |
| 142 | do | H. Res. 963: To adopt the rule under which to consider H.R. 7130 concerning the minimum wage law (passed 338–57). | Yea. |
| 143 | May 11 | S. 659: On a motion to table a motion instructing House conferees to insist upon the House antibusing amendments to the Higher Education Bill (defeated 126–273). | NVA. |
| 144 | do | S. 659: On a motion to instruct House conferees to insist upon the House antibusing amendments to the Higher Education Bill (passed 275–124). | Yea. |
| 145 | do | H.R. 7130: On approval of an amendment to the Erlenborn substitute (H.R. 14104) for the minimum wage bill which altered the dollar amounts in the bill (passed 216–187). | Yea. |
| 146 | do | H.R. 7130: On approval of an amendment to the Erlenborn substitute (H.R. 14104) for the minimum wage bill which sought to provide overtime pay for transit employees who work over 44 hours a week and on Jan. 1, 1974, for all over 40 hours a week (defeated 184–208). | Nay. |
| 147 | do | H.R. 7130: On an amendment to the Erlenborn substitute (H.R. 14104) for the minimum wage bill that sought to strike language which establishes youth subminimum wage rates (defeated 170–227). | Nay. |
| 148 | do | H.R. 7130: To accept the Erlenborn substitute (H.R. 14104) as amended for the minimum wage bill reported by the committee (passed 217–191). | Yea. |
| 149 | do | H.R. 7130: On final passage of the minimum wage bill as amended by the substitution of Erlenborn proposal (H.R. 14104) as amended (passed 330–78). | Nay. |
| 150 | May 15 | Quorum call | Present. |
| 151 | do | H.R. 7378: To suspend the rules and pass the bill establishing a commission to study the geographical boundaries of the U.S. Court of Appeals (passed 317–25). | Yea. |
| 152 | do | H.J. Res. 812: To suspend the rules and pass the bill authorizing the Secretary of the Interior to participate in planning a national monument to President Franklin D. Roosevelt (passed 330–8). | Yea. |
| 153 | May 16 | Quorum call | Present. |
| 154 | do | do | Do. |
| 155 | May 17 | H.R. 14582: To agree to the conference report on the Supplemental Appropriation Bill for 1972 (passed 339–33). | Yea. |
| 156 | do | H.R. 14582: To agree to a Senate amendment to the supplemental appropriation bill reducing from $270,000,000 to $170,000,000 funds for grants to the National Railroad Passenger Corporation (passed 300–70). | Yea. |
| 157 | do | H.R. 14734: To approve the bill authorizing appropriations for the Department of State and the U.S. Information Agency (passed 305–65). | Yea. |
| 158 | May 18 | Quorum call | Present. |
| 159 | do | H.R. 14989: On an amendment to the Department of State and related agencies appropriation bill which would have increased the U.S. contribution to the United Nations from $151,087,250 to $176,190,750 (defeated 156–202). | Nay. |
| 160 | do | H.R 14989: On an amendment to the Department of Justice, appropriations bill to add $1,000,000 for salaries and expenses for the Bureau of Prisons (passed 178–165). | Nay. |
| 161 | do | H.R. 14989: On an amendment to the Department of Justice appropriation bill which would have added $9,500,000 for the U.S. Probation Office (defeated 142–198). | Nay |
| 162 | do | H.R. 14989: On an amendment to the appropriations bill for the Departments of State, Justice, Commerce, and the Judiciary which would have deleted $450,000 for the operation of the Subversive Activities Control Board (defeated 106–206). | Nay. |
| 163 | do | H.R. 14989: On an amendment to the appropriations bill for the Departments of State, Justice, Commerce, and the Judiciary which sought to prohibit payment of U.S. Government employees salaries appropriated by this act who refuse to testify before Congress (defeated 132–180). | Nay. |
| 164 | do | H.R. 14989: On an amendment to the appropriations bill for the Departments of State, Justice, Commerce, etc., which sought to prohibit use of funds for wiretaps on conversations of members of Congress or the Federal judiciary (defeated 17–231). | Nay. |
| 165 | May 22 | Quorum call | Present. |
| 166 | do | H.R. 6788: On passage of the bill to establish mining and mineral research centers (passed 272–33). | Yea. |
| 167 | do | H.R. 11627: On passage of the Motor Vehicle Information and Coast Savings Act (passed 254–38). | Yea. |
| 168 | May 23 | Quorum call | Present. |
| 169 | do | H.R. 15093: To approve the appropriation bill for the Department of Housing and Urban Development, and for space, science, and veterans agencies (passed 367–10). | Yea. |
| 170 | May 24 | H. Res. 991: To approve the "rule" under which to consider the appropriation bill for the Department of Transportation and related agencies (passed 358–6). | Yea. |
| 171 | do | H.R. 15097: To approve the appropriation bill for the Department of Transportation and related agencies (passed 367–1). | Yea. |
| 172 | May 30 | Quorum call | Present. |
| 173 | do | H.R. 9669: On adoption of the bill extending and expanding the powers of the Subversive Activities Control Board and changing its name to the Federal Internal Security Board (passed 226–105). | Do. |
| 174 | May 31 | Quorum call | Do. |
| 175 | do | do | Do. |
| 176 | June 1 | do | Do. |
| 177 | do | H.R. 13918: On an amendment to the Public Boradcasting Act of 1972 which sought to prohibit the Corporation from making grants to or contracts with any corporation or institution which pays its officers, employees, or performers over $42,500 per year (defeated 163–182). | Yea. |
| 178 | do | H.R. 13918: On an amendment to the Public Broadcasting Act of 1972 which sought to reduce the authorization to $40,000,000 for fiscal year 1973 and delete the authorization for 1974 (defeated 166–183). | Yea. |

| Roll-call No. | Date | Measure, question, and result | Vote |
|---|---|---|---|
| 179 | do | H.R. 13918: On an amendment to the Public Broadcasting Act of 1972 that prohibits the Corporation from conducting voter polls or public opinion surveys relative to any elections (passed 203–135). | Yea. |
| 180 | do | H.R. 13918: On an amendment to the Public Broadcasting Act of 1972 while in the Committee of the Whole to prohibit the authorization of any funds after fiscal year 1973 until GAO audits funds through fiscal year 1972 (passed 169–165). | Yea. |
| 181 | do | H.R. 13918: On an amendment to the Public Broadcasting Act of 1972 to prohibit the authorization of any funds after fiscal year 1973 until GAO audits funds through fiscal year 1972 similar to roll call 180 in Committee (defeated 166–170). | Yea. |
| 182 | do | H.R. 13918: On final passage of the Public Broadcasting Act of 1972 (passed 256–69). | Nay. |
| 183 | do | H. Res. 985: To agree to the resolution authorizing travel by certain members and staff assistants of the Committee on Public Works to the United Nations Conference on Human Environment to be held in Stockholm in June 1972 (passed 192–80). | Yea. |
| 184 | June 5 | Quorum call | Present. |
| 185 | do | S. 1736: To approve the conference report on the Public Buildings Amendments of 1972 (passed 277–40). | Yea. |
| 186 | do | H.R. 12674: To suspend the rules and pass the National Cemeteries Act of 1972 (passed 310–4). | Yea. |
| 187 | do | H.R. 10310: To suspend the rules and pass the bill to establish the Seal Beach National Wildlife Refuge (passed 314–0). | Yea. |
| 188 | do | H.R. 14731: To suspend the rules and pass the bill prohibiting the shooting of certain birds, fish, and other animals from aircraft (passed 310–5). | Yea. |
| 189 | do | H.R. 14106: To suspend the rules and pass the bill amending the Water Resources Planning Act to authorize increased appropriations (passed 317–0). | Yea. |
| 190 | June 6 | Quorum call | Absent. |
| 191 | June 7 | do | Present. |
| 192 | do | H.R. 15259: On approval of the District of Columbia appropriation bill for 1973 (passed 302–67). | Yea. |
| 193 | do | H.R. 14990: On approval of the bill to authorize appropriations for the Atomic Energy Commission (passed 367–2). | Yea. |
| 194 | June 8 | Quorum call | Present. |
| 195 | do | S. 659: On adoption of the conference report on the Higher Education Act (passed 218–180). | Yea. |
| 196 | June 12 | H. Res. 995: To adopt the "rule" under which to consider H.R. 12846 relative to the Armed Forces drug treatment program (passed 303–0). | Yea. |
| 197 | do | H.R. 10792 (S. 3166): To approve the bill increasing the Small Business Loan ceiling (passed 320–0). | Yea. |
| 198 | do | H.R. 12846: To approve the bill relating to the Armed Forces drug treatment program (passed 322–1). | Yea. |
| 199 | June 13 | Quorum call | Present. |
| 200 | do | H.R. 15418: To approve the 1973 appropriation bill for the Department of the Interior and related agencies (passed 367–3). | Yea. |
| 201 | June 14 | H.R. 15417: On a motion that the House resolve itself into the Committee of the Whole House to consider the appropriation bill for the Department of Health, Education, and Welfare and related agencies (passed 367–0). | NVF. |
| 202 | do | Quorum call | Absent. |
| 203 | June 15 | H.R. 15417: On an amendment to the HEW appropriation bill which sought to cut $20,000,000 for the expenses for the Occupational Safety and Health Administration (defeated 160–206). | NVA. |
| 04 | do | H.R. 15417: On an amendment to the HEW appropriation bill to exempt firms employing 25 persons or less from compliance with the Occupational Safety and Health Act of 1970 (passed 213–154). | NVF. |
| 205 | do | H.R. 15417: On an amendment to the HEW appropriation bill to add $364,000,000 for various education programs (passed 212–163). | NVA. |
| 206 | do | H.R. 15417: On an amendment to the HEW appropriation bill which sought to add $15,000,000 for bilingual educational programs (defeated 143–205). | NVF. |
| 207 | do | H.R. 15417: On a motion to recommit to committee the HEW appropriation bill (defeated 137–209). | NVA. |
| 208 | do | H.R. 15417: On final passage of the appropriation bill for the Department of Health, Education, and Welfare and related agencies (passed 277–60). | NVF. |
| 209 | June 19 | Quorum call | Absent. |
| 210 | do | H.R. 13694: To suspend the rules and pass the bill authorizing additional appropriations and expanding the authority of the American Revolution Bicentennial Commission (defeated 174–165; a 2/3 vote being necessary). | NVF. |
| 211 | do | S. 3343: To suspend the rules and pass the bill to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans (passed 341–0). | NVF. |
| 212 | June 20 | Quorum call | Present. |
| 213 | June 21 | do | Do. |
| 214 | do | H. Res. 996: On the motion to call for the previous question on the "rule" under which to consider H.R. 14370, the State and Local Fiscal Assistance Act of 1972 (passed 223–185). | Nay. |
| 215 | do | Quorum call | Present. |
| 216 | do | do | Do. |
| 217 | do | do | Do. |
| 218 | June 22 | do | Do. |
| 219 | do | H.R. 14370: On a motion to recommit the State and Local Fiscal Assistance Act to the Committee on Ways and Means (defeated 157–241). | Nay. |
| 220 | do | H.R. 14370: On final passage of the State and Local Fiscal Assistance Act of 1972 (passed 274–122). | Yea. |
| 221 | do | Quorum call | Present. |
| 222 | do | H.R. 15585: On an amendment to the Treasury, Postal Service, and general Government appropriations bill which sought to reduce $2,000,000 for salaries and expenses of the Office of Telecommunications Policy (defeated 148–188). | Nay. |
| 223 | do | H.R. 15585: On an amendment to the Treasury, Postal Service, and General Government appropriations bill which sought to delete $100,000 for the Commission on Executive, Legislative, and Judicial Salaries (defeated 135–196). | Yea. |
| 224 | do | H.R. 15585: On an amendment to the Treasury, Postal Service, and general Government appropriations bill which sought to cut the number of personnel paid between $21,000 and $42,500 in the Executive Office of the President from 908 to 549 (defeated 122–210). | Nay. |
| 225 | do | H.R. 15585: On an amendment to the Treasury, Postal Service, and general Government appropriations bill which sought to prohibit the use of funds for chauffeur-driven automobiles except for the President of the United States (defeated 121–205). | NVA. |
| 226 | do | H R 15585: On final passage of the appropriations bill for the Treasury Department, Postal Service, and general Government (passed 321–11) | NVF |
| 227 | June 26 | Quorum call | Present |
| 228 | do | H.R. 15507: To approve the National Capital Transportation Act of 1972 (passed 282–75). | Yea. |
| 229 | do | H.R. 11586: On final passage of the appropriations bill for Public Works, the Atomic Energy Commission, and related agencies (passed 345–17). | Yea. |
| 230 | June 27 | Quorum call | Present. |
| 231 | do | H.R. 15495: On an amendment to the military procurement authorization bill which sought to cut $350,000,000 for Safeguard procurement (defeated 116–258). | Nay. |
| 232 | do | H.R. 15495: On an amendment to the military procurement authorization bill which sought to delete $445,000,000 for the further development of the B–1 bomber (defeated 94–279). | Nay. |
| 233 | do | H.R. 15495: On an amendment to the military procurement authorization bill which sought to prohibit the building of an ABM site in Washington, D.C. (defeated 129–261). | Nay. |
| 234 | do | H.R. 15495: On an amendment to the Military Procurement Authorization bill which sought to terminate funds on Sept. 1, 1972, for deployment of U.S. military personnel or conduct of U.S. military operations in Southeast Asia (defeated 152–244). | Nay. |
| 235 | do | H.R. 15495: On final passage of the bill act authorize appropriations for military procurement (passed 334–59). | Yea. |
| 236 | do | H. Res. 1061: On the motion to call for the previous question on the "rule" under which to consider H.R. 15390, the Public Debt Limitation bill (passed 206–180). | Yea. |
| 237 | do | H.R. 15390: On final passage of the bill to provide for a 4-month extension of the present temporary level in the public debt limitation (passed 211–168). | Yea. |
| 238 | June 28 | Quorum call | Present. |
| 239 | do | H.R. 13955: On adoption of the conference report on the Legislative Branch appropriations bill (passed 380–8). | Yea. |
| 240 | do | H.R. 13955: On a motion to table a preferential motion which would provide funds for preparation of final plans for the extention of the west front of the Capitol (defeated 186–206). | Nay. |
| 241 | do | H.R. 13955: On a motion which would provide funds for preparation of final plans for the extension of the west front of the Capitol (defeated 181–197). | Yea. |
| 242 | do | H.R. 14734: On adoption of the conference report on the Foreign Relations Authorization Act (passed 314–77). | Yea. |
| 243 | do | H.R. 15587: On final passage of the bill to provide for a 6-month extension of the emergency unemployment compensation program (passed 273–110). | Yea. |
| 244 | June 29 | Quorum call | Present. |
| 245 | do | do | Do. |
| 246 | do | H.R. 15690: On an amendment to the Agriculture-Environmental and Consumer Protection appropriations bill which sought to provide a limitation of $20,000 in farm subsidies excluding sugar and wool (defeated 189–192). | Nay. |
| 247 | do | H.R. 15690: On an amendment to the Agriculture-Environmental and Consumer Protection appropriations bill which sought to prohibit the issuance of food stamps to households who need assistance because any member of such household is on strike (defeated 180–199). | Yea. |
| 248 | do | H.R. 15690: On final passage of the bill making appropriations for the Agriculture-Environmental and Consumer Protection programs (passed 345–33). | Yea. |
| 249 | do | H. Res. 1019: On adoption of the resolution providing for the consideration of H.R. 14163 to indemnify farmers and ranchers whose domestic animals are killed by predatory animals (defeated 102–260). | Yea. |
| 250 | do | Quorum call | Present. |
| 251 | do | H. Res. 1030: To adopt the "rule" under which to consider H.R. 15692 concerning the interest rate on Small Business Administration disaster loans (passed 348–6). | Yea. |
| 252 | do | H.R. 15692: On a motion that the House resolve itself into Committee of the Whole House on the State of the Union to consider the interest rate on Small Business Administration disaster loans (passed 341–1). | Yea. |
| 253 | do | H.R. 15692: On an amendment to the committee amendment on the bill to reduce the interest rate on Small Business Administration disaster loans which sought to move the retroactive date from July 1, 1971, to June 1, 1972 (defeated 161–163). | Yea. |
| 254 | do | H.R. 15692: On final passage of the bill to reduce the interest rate on Small Business Administration disaster loans (passed 325–9). | Yea. |
| 255 | June 30 | Quorum call | Present. |

VOTING RECORD OF BURT L. TALCOTT OF THE 12TH CONGRESSIONAL DISTRICT OF CALIFORNIA—Continued

(Yea—for; Nay—against; NVA—not voting, against; NVF—not voting, for; NVPA—not voting, paired against; NVPF—not voting, paired for.)

| Roll-call No. | Date | Measure, question, and result | Vote |
|---|---|---|---|
| 256 | June 30 | H.R. 15585: On adoption of the conference report on the Treasury, Postal Service, and General Government appropriations bill (passed 341–3). | Yea. |
| 257 | do | H.J. Res. 1238: To approve the resolution making supplemental appropriations for disaster relief (passed 355–1). | Yea. |
| 258 | do | Quorum call | Present. |
| 259 | do | H.R. 15390: On a motion to substitute for the Senate amendment to the Public Debt Limitation bill a 10-percent increase in social security benefits (defeated 83–253). | Yea. |
| 260 | do | H.R. 15390: On a motion to concur in the Senate amendment to the Public Debt Limitation bill providing a 20-percent increase in social security benefits and other changes in the social security law (passed 302–35). | Yea. |
| 261 | July 17 | Quorum call | Present. |
| 262 | do | H.R. 15635: To suspend the rules and pass the Juvenile Delinquency Prevention Act (passed 337–12). | Yea. |
| 263 | do | H.R. 15657: To suspend the rules and pass the Comprehensive Older Americans Services amendment (passed 351–3). | Yea. |
| 264 | do | H.R. 13152: To suspend the rules and pass the bill for the Control and Conservation of Predatory Animals (passed 277–74). | Yea. |
| 265 | July 18 | H. Res. 1027: On adoption of the "rule" under which to consider H.R. 15081, the National Heart, Blood Vessel, Lung, and Blood Act of 1972 (passed 373–4). | Yea. |
| 266 | do | H.R. 15081 (S. 3323): On approval of the National Heart, Blood Vessel, Lung, and Blood Act of 1972 as amended (passed 380–10). | Yea. |
| 267 | do | H.R. 14455: On adoption of the bill extending and revising the program for the control and prevention of communicable diseases (passed 386–2). | Yea. |
| 268 | do | H.R. 14424: On passage of the bill to establish a National Institute of Aging (passed 380–10). | Yea. |
| 269 | July 19 | H. Res. 1018: On adoption of the "rule" under which to consider H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972 (passed 259–122). | Yea. |
| 270 | do | Quorum call | Present. |
| 271 | do | H.R. 13853: On an amendment to the Emergency Community Facilities and Public Investment Act to forbid funding in any fiscal year where the projected deficit exceeds $20,000,000,000 (in Committee of the Whole) (passed 197–194). | NVF. |
| 272 | do | H.R. 13853: On an amendment to the Emergency Community Facilities and Public Investment Act to forbid funding in any year where the projected deficit exceeds $20,000,000,000 (in House as such) (passed 205–192). | Yea. |
| 273 | do | H.R. 13853: On final passage of the Emergency Community Facilities and Public Investment Act, as amended (defeated 189–206). | Nay. |
| 274 | July 20 | Quorum call | Present. |
| 275 | do | H.R. 15641: On final passage of the bill to authorize construction at military installations (passed 371–17). | Yea. |
| 276 | do | H.R. 15580: On a motion to recommit to committee the bill amending the District of Columbia Police and Firemen's Salary Act in order to make the pay increase retroactive to Mar. 1 (defeated 164–201). | NVA. |
| 277 | July 24 | Quorum call | Absent. |
| 278 | do | H. Res. 1024: On adoption of the "rule" under which to consider H.R. 13366 providing compensation for losses resulting from the ban on cyclamates (passed 270–77). | NVPF. |
| 279 | do | H.R. 13366: On approval of the bill providing compensation for losses resulting from the ban on cyclamates (passed 177–170). | NVF. |
| 280 | July 25 | Quorum call | Present. |
| 281 | do | H.R. 14542: To approve the bill relating to Air Force officers authorized strength (passed 268–128). | Yea. |
| 282 | July 26 | Quorum call | Present. |
| 283 | do | H.R. 12807: On an amendment to the architect and engineers selection bill which sought to require agency heads to solicit design proposals including life cycle costs and qualifications with 3 architect-engineer firms (defeated 114–276). | Nay. |
| 284 | July 27 | Quorum call | Present. |
| 285 | do | H. Res. 1057: On adoption of the "previous question" on the "rule" under which to consider the conference report on H.R. 12931, the Rural Development Act of 1972 (passed 214–162). | Nay. |
| 286 | do | H.R. 12931: To approve the conference report on the Rural Development Act of 1972 (passed 339–36). | Yea. |
| 287 | July 31 | H.R. 5741: To suspend the rules and pass the bill authorizing the transfer of surplus Liberty ships to States for use in marine life conservation programs (passed 325–2). | Yea. |
| 288 | do | H.R. 11300: To suspend the rules and pass the bill permitting certain hydrofoil vessels to receive additional mortgage benefits under the Merchant Marine Act of 1963 passed 332–1). | Yea |
| 289 | do | S. 2227: To suspend the rules and pass the bill to provide the Congressional Record to libraries of the highest appellate court of each State (passed 333–1). | Yea. |
| 290 | Aug. 1 | H.R. 7130: On a motion to disagree to the Senate amendments to the minimum wage bill and to ask for a conference with the Senate (defeated 190–198). | Nay. |
| 291 | do | H.R. 15474: To approve the National Cooley's Anemia Control Act (passed 377–11). | Yea. |
| 292 | Aug. 2 | H.R. 15418: To adopt the conference report on the 1973 appropriation bill for the Department of the Interior and related agencies (passed 378–9). | Yea. |
| 293 | do | H.R. 14146: To amend the Coastal Zone Management bill to authorize the Secretary of the Interior to administer the program in lieu of the Secretary of Commerce (passed 261–112). | Yea. |
| 294 | do | H.R. 14146: To amend the Coastal Zone Management bill to provide free and ready access to public beaches (defeated 190–191). | Nay. |
| 295 | do | H.R. 14546: (S. 3507): On final passage of the Coastal Zone Management bill (passed 376–6). | Yea. |
| 296 | Aug. 3 | H. Res. 1071: To adopt the "rule" under which to consider H.R. 15989, the International Economic Policy Act of 1972 (passed 372–3). | Yea. |
| 297 | do | H.R. 15989 (S. 3726): On an amendment to the International Economic Policy Council bill which limits the existence of the council to fiscal year 1973 (passed 192–174). | Nay. |
| 298 | do | H.R. 15989 (S. 3726): On an amendment to the International Economic Policy Council bill removing the President's authority to control the export of cattle hides passed 177–158). | Yea. |
| 299 | Aug. 7 | Quorum call | Absent. |
| 300 | do | H.R. 12101 (S. 2854): To suspend the rules and pass the bill relating to annuities of widows of Supreme Court Justices (passed 281–97). | NVF. |
| 301 | do | H.R. 15883: To suspend the rules and pass the bill to provide for expanded protection of foreign officials and other purposes (passed 380–2). | NVF. |
| 302 | do | S. 3645: To suspend the rules and pass the bill amending the United States Information and Exchange Act of 1948 relating to Radio Free Europe and Radio Liberty (passed 375–7). | NVF. |
| 303 | do | S. 1819: To suspend the rules and pass the bill relating to the Uniform Relocation Assistance Act of 1970 (passed 374–10). | NVF. |
| 304 | do | H.R. 11357: To suspend the rules and pass the bill to extend coverage and protection to employees of nonprofit hospitals under the National Labor Relations Act (passed 285–95). | NVF. |
| 305 | do | H.R. 15376: To suspend the rules and pass the bill revising the method of computing wage rates under the Service Contract Act of 1965 (passed 274–103). | NVF. |
| 306 | Aug. 8 | Quorum call | Absent. |
| 307 | do | do | Do. |
| 308 | Aug. 9 | H.R. 15690: On adoption of the conference report on Agriculture-Environmental and Consumer Protection appropriations for 1973 (passed 317–80). | Yea. |
| 309 | do | H.R. 15417: On adoption of the conference report on the Labor-HEW appropriations for 1973 (passed 240–167). | Nay. |
| 310 | do | H.R. 15417: On agreeing to the Senate amendment on payment to the Corporation for Public Broadcasting in the Labor-HEW appropriations bill (passed 373–27). | Yea. |
| 311 | do | H.R. 15927: On an amendment to the bill relating to the Railroad Retirement Act which sought to increase the amount paid by employees and the railroad from 9195 percent to 13.3 percent (defeated 104–289). | Yea. |
| 312 | do | H.R. 15927: On approval of the bill providing a 20-percent increase in annuities under the Railroad Retirement Act (passed 398–4). | Yea. |
| 313 | Aug. 10 | Quorum call | Present. |
| 314 | do | H.R. 16029: On an amendment to the Foreign Assistance bill which sought to eliminate aid for Brazil (defeated 65–325). | Nay |
| 315 | do | H.R. 16029: On an amendment to the Foreign Assistance bill that sought to change the effective date of U.S. pullout from Indochina from Oct. 1, 1972, to Dec. 31, 1972 (defeated 109–304). | Nay. |
| 316 | do | H.R. 16029: On an amendment to the Foreign Assistance bill to strike from the bill the section calling for the United States to pull out from Indochina by Oct. 1, 1972 (passed 228–178). | Yea. |
| 317 | do | H.R. 16029: On an amendment to the Foreign Assistance bill to strike out language that restores the President's authority to regulate Rhodesian chrome imports (passed 253–140). | Yea. |
| 318 | do | H.R. 16029: On final passage of the Foreign Assistance bill as amended (passed 221–172). | Yea. |
| 319 | Aug. 14 | S. 2966: To suspend the rules and pass the bill to make rules governing the use of the armed forces of the United States in the absence of a declaration of war (passed 344–13). | Yea. |
| 320 | do | H.R. 6957: To adopt the conference report on the bill to establish the Sawtooth National Recreation Area in the State of Idaho and other purposes (passed 361–0). | Yea. |
| 321 | do | H.R. 15692: To approve the conference report on the bill reducing the interest rate on SBA disaster loans (passed 359–1). | Yea. |
| 322 | Aug. 15 | Quorum call | Absent. |
| 323 | do | do | Present. |
| 324 | do | do | Do. |
| 325 | do | H.R. 16254: To approve the Disaster Relief supplemental appropriation bill (passed 392–0). | Yea. |
| 326 | do | H.J. Res. 1278: On approval of the bill making further continuing appropriations for fiscal year 1973 (passed 379–8). | Yea. |
| 327 | do | S. 3824: To pass the bill authorizing 1973 appropriations for the Corporation for Public Broadcasting (passed 377–8). | Yea. |
| 328 | Aug. 16 | Quorum call | Present. |
| 329 | do | H. Res. 1094: On a motion to adopt the resolution providing for the consideration of conference reports on the same day reported (defeated 159–223). | Nay. |
| 330 | do | H.R. 16071: On an amendment to the Public Works-Economic Development bill that sought to reduce the time any employee may receive unemployment benefits from 78 weeks to 52 weeks (defeated 161–209). | Yea. |
| 331 | do | H.R. 16071: On an amendment to the Public Works-Economic Development bill that would compensate individuals who lose their jobs as a result of Federal environmental orders, setting up a special category for "unemployment compensation" (defeated 161–201). | Yea. |
| 332 | do | H.R. 16071: On final passage of the Public Works-Economic Development bill (passed 285–92). | Yea. |

VOTING RECORD OF BURT L. TALCOTT OF THE 12TH CONGRESSIONAL DISTRICT OF CALIFORNIA—Continued

(Yea—for; Nay—against; NVA—not voting, against; NVF—not voting, for; NVPA—not voting, paired against; NVPF—not voting, paired for.)

| Roll-call No. | Date | Measure, question, and result | Vote |
|---|---|---|---|
| 333 | Aug. 16 | H.R. 15417: To override the President's veto of the 1973 appropriation bill for the Departments of Labor, HEW, and related agencies (defeated 203–171; a ⅔ vote being necessary). | Nay. |
| 334 | Aug. 17 | Quorum call | Absent. |
| 335 | do | do | Do. |
| 336 | do | H. Res. 1090: On adoption of the "rule" under which to consider the Equal Educational Opportunities Act of 1972 (passed 318–72). | NVF. |
| 337 | do | Quorum call | Absent. |
| 338 | do | H.R. 13915: On adoption of an amendment to the Equal Educational Opportunities Act which defines the neighborhood as the appropriate basis for determining public school assignments rather than an appropriate basis (passed 254–131). | NVF. |
| 339 | do | H.R. 13915: On adoption of an amendment to the Equal Educational Opportunities Act which sought to increase the authorization by $1,500,000,000 annually for title I (defeated 129–252). | NVA. |
| 340 | do | H.R. 13915: On an amendment to the Equal Educational Opportunities bill to strike out language that authorizes busing, other than busing to the school nearest to the student's residence (defeated 174–211). | NVA. |
| 341 | do | H.R. 13915: On an amendment to the Equal Educational Opportunities bill which would allow court orders and school desegregation plans already in effect to be reopened and modified to comply with the provisions of this bill (passed 245–141). | NVF. |
| 342 | do | H.R. 13915: On an amendment to the Equal Educational Opportunities bill that specified that provisions of the bill comply with the 14th amendment to the Constitution (defeated 154–223). | NVA. |
| 343 | do | H.R. 13915: On an amendment to the Equal Educational Opportunities bill which sought to provide for freedom of transfer regardless of race, creed, or color (defeated 123-255). | NVA. |
| 344 | do | H.R. 13915: On an amendment to the Equal Educational Opportunities bill which would have specified that nothing in the bill was intended to violate any provision of the Constitution (defeated 178–197). | NVA. |
| 345 | do | H.R. 13915: On final passage of the Equal Educational Opportunities bill as amended (passed 282–102). | NVF. |
| 346 | Aug. 18 | H.J. Res. 1227: On adoption of the resolution approving the acceptance by the President of the interim agreement between the United States and the Union of Soviet Socialist Republics relative to the limitation of strategic offensive arms (passed 329–7). | NVF. |
| 347 | do | H. Res. 1102: On approval of the "rule" under which to consider the conference report on the bill to extend and amend the Export Administration Act of 1969 and to establish the Council on International Economic Policy (passed 194–111). | NVF. |
| 348 | do | S. 3726: On adoption of the conference report on the bill to extend and amend the Export Administration Act of 1969 and to establish the Council on International Economic Policy (passed 183–124). | NVPF. |
| 349 | do | H. Res. 1095: On adoption of the "rule" under which to consider H.R. 14847, the bill relating to the levying and collection of charges on persons traveling by air (passed 213–23). | NVF. |
| 350 | Sept. 5 | H.R. 13089: To approve the conference report on the bill to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation (passed 303–1). | Yea. |
| 351 | do | H.R. 12350: To approve the conference report on the bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964 (passed 223–97). | Nay. |
| 352 | Sept. 6 | H. Res. 1106: On adoption of the resolution expressing the sense of the House on the tragic killings of the Israeli Olympic team members at the 20th Olympiad at Munich (passed 346–0). | Yea. |
| 353 | do | H.R. 13514: On passage of the Wheat Research and Promotion bill (defeated 122–235). | Nay. |
| 354 | Sept. 7 | Quorum call | Absent. |
| 355 | do | H.R. 2: To approve the conference report on the bill to establish a Uniformed Service University of the Health Sciences (passed 309–13). | NVF. |
| 356 | Sept. 11 | Quorum call | Absent. |
| 357 | do | H.R. 15550: On a motion to recommit to the Committee on the District of Columbia the bill conveying to the city of Alexandria, Va., certain lands of the United States (passed 213–38). | NVF. |
| 358 | Sept. 12 | Quorum call | Present. |
| 359 | do | H.R. 16188: On a motion to recommit to the Committee on the Judiciary the bill amending the Immigration and Nationality Act (defeated 53–297). | NVA. |
| 360 | Sept. 13 | H. Res. 1115: On adoption of the "rule" under which to consider H.R. 15495, military procurement authorization for fiscal year 1973 (passed 347–23). | Yea. |
| 361 | do | H.R. 15495: To approve the conference report on the bill for military procurement authorization for fiscal year 1972 (passed 336–43). | Yea. |
| 362 | do | H.R. 14896: To approve the conference report on the Child Nutrition Act (passed 379–0). | Yea. |
| 363 | do | H. Res. 1114: On adoption of the "rule" under which to consider H.R. 16593, making appropriations for the Department of Defense for fiscal year 1973 (passed 342–34). | Yea. |
| 364 | Sept. 14 | Quorum call | Absent. |
| 365 | do | H.R. 16593: On an amendment to the Defense Appropriations bill which added $100,000,000 of funds transfer authority for the further use of civilians in KP duties (passed 265–116). | NVF. |
| 366 | do | H.R. 16593: On an amendment to the Defense Appropriations bill which sought to terminate U.S. troop involvement in Indochina within 4 months conditioned upon the release of all American prisoners of war and a full accounting of the missing in action (defeated 160–208). | NVA. |
| 367 | do | H.R. 16593: On an amendment to the Defense appropriations bill that proposed a 5-percent reduction of funds in the bill actually spent in fiscal year 1973 (defeated 98–256). | NVA. |
| 368 | do | H.R. 16593: On final passage of the bill making appropriations for the Department of Defense for fiscal year 1973 (passed 322–40). | NVF. |
| 369 | Sept. 19 | Quorum call | Present. |
| 370 | do | H.R. 16654: On an amendment to the Labor-HEW appropriations bill to exempt firms employing 15 persons or less from compliance with the Occupational Safety and Health Act of 1970 (passed 191–182). | Yea. |
| 371 | do | H.R. 16654: On an amendment to the Labor-HEW Appropriations bill which sought to add $15,000,000 for bilingual educational programs (defeated 162–207). | Yea. |
| 372 | do | H.R. 16654: On final passage of the bill making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for fiscal year 1973 (passed 324–51). | Yea. |
| 373 | Sept. 20 | Quorum call | Present. |
| 374 | do | do | Do. |
| 375 | do | H.R. 15003 (S. 3419): On final passage of the Consumer Product Safety Act as amended (passed 319–50). | Yea. |
| 376 | do | H. Res. 1122: On adoption of the "rule" under which to consider H.R. 16705, making appropriations for Foreign Assistance and related programs for fiscal year 1973 (passed 239–98). | Yea.<br>Nay. |
| 377 | Sept. 21 | Quorum call | Present. |
| 378 | do | do | Do. |
| 379 | do | do | Do. |
| 380 | do | H.R. 16705: On an amendment to the bill making appropriations for foreign assistance and related programs which sought to prohibit the use of funds to guarantee or insure future foreign investments (defeated 141–167). | NVA. |
| 381 | do | H.R. 15705: On final passage of the bill making appropriations for foreign assistance and related programs for fiscal year 1973 (passed 169–131). | NVPA. |
| 382 | Sept. 25 | H. Res. 1132: On adoption of the "rule" under which to consider H.R. 16754, making appropriations for military construction for the Department of Defense for fiscal year 1973 (passed 276–15). | NVF. |
| 383 | do | H.R. 16754: On final passage of the bill making appropriations for military construction for the Department of Defense for fiscal year 1973 (passed 292–13). | NVF. |
| 384 | do | H. Res. 1133: On adoption of the resolution authorizing the President to approve an interim agreement between the United States and U.S.S.R. with respect to limitation of strategic offensive arms (passed 307–4). | NVF. |
| 385 | Sept. 26 | Quorum call | Present. |
| 386 | do | H.R. 1121: On final passage of the bill to establish the Gateway National Seashore in the States of New York and New Jersey (passed 350–4). | Yea. |
| 387 | Sept. 27 | H.J. Res. 1306: To approve the joint resolution making further continuing appropriations for fiscal year 1973 (passed 351–4). | Yea. |
| 388 | do | H.R. 16012: On passage of the bill to authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects (passed 293–64). | Yea. |
| 389 | Sept. 28 | Quorum call | Absent. |
| 390 | do | H.R. 13694: On an amendment to the joint resolution establishing the American Revolution Bicentennial Commission that would have specified that all decisions would be made by the full commission in lieu of an executive committee (defeated 145–182). | NVA. |
| 391 | do | H.R. 13694: On passage of the bill to amend the joint resolution establishing the American Revolution Bicentennial Commission (passed 300–19). | NVF. |
| 392 | Oct. 2 | Quorum call | Absent. |
| 393 | do | do | Do. |
| 394 | do | do | Do. |
| 395 | do | H.R. 16742: On a motion to suspend the rules and pass the bill to amend sec. 4 of the Internal Security Act of 1950 (defeated 230–140) a 2/3 vote being necessary. | NVF. |
| 396 | do | H.R. 15276: On a motion to suspend the rules and pass the bill to amend sec. 591(g) of title 18, U.S. Code, in order to exclude corporations and labor organizations for the scope of the prohibitions against Government contractors in sec. 611 of title 18 (passed 249–124). | NVF. |
| 397 | do | H.R. 16191: On a motion to suspend the rules and pass the Anti-Hijacking Act of 1972 (passed 354–2). | NVF. |
| 398 | do | H.R. 15859: To suspend the rules and pass the bill authorizing assistance for planning, development and initial operation, research, and training projects for systems for the effective provisions of health care services under emergency conditions (passed 244–122). | NVF. |
| 399 | Oct. 3 | Quorum call | Present. |
| 400 | do | do | Do. |
| 401 | do | H.R. 16645: On an amendment to the bill to provide for the construction of a civic center in the District of Columbia which sought to delete language providing for the Dwight D. Eisenhower Memorial Bicentennial Civic Center (defeated 183–199). | Yea. |
| 402 | do | H.R. 16645: On an amendment to the bill to provide for the construction of a civic center in the District of Columbia which prohibits construction of the civic center unless approved by the Senate and House Committees on the District of Columbia and Appropriations (passed 250–137). | Yea. |

VOTING RECORD OF BURT L. TALCOTT OF THE 12th CONGRESSIONAL DISTRICT OF CALIFORNIA—Continued

| Roll-call No. | Date | Measure, question, and result | Vote |
|---|---|---|---|
| 403 | Oct. 3 | H.R. 16645 (S. 3943): On passage of the bill to provide for the construction of a civic center in the District of Columbia (passed 210–169). | Nay. |
| 404 | do | H.R. 7130: On a motion to disagree to the amendments of the Senate to the Fair Labor Standards Act and ask for a conference with the Senate (defeated 188–196). | Nay. |
| 405 | Oct. 4 | Quorum call | Present. |
| 406 | do | H. Res. 1142: On ordering the previous question on the resolution conferring authority on the Speaker to entertain motions to suspend rules and waive the rule requiring a ⅔ vote for consideration of reports from the Committee on Rules on the same day reported during the period Oct. 10, 1972 (passed 214–171). | Nay. |
| 407 | do | H.R. 15927: To override the President's veto of the bill amending the Railroad Retirement Act of 1937 (passed 353–29). | Yea. |
| 408 | do | S. 2770: To approve the conference report on the bill to amend the Federal Water Pollution Control Act (passed 366–11). | Yea. |
| 409 | do | S. 1316: On an amendment to the Federal-State Meat and Poultry Inspection bill which provides for Federal Inspectors to report results of their inspections of State-regulated plants to the State administrative agency (passed 188–149). | Yea. |
| 410 | do | S. 1316: On a motion that the Committee of the Whole House "do now rise" and report the Federal-State Meat and Poultry Inspection bill back to the House with the recommendation that the enacting clause be stricken out (passed 172–170). | Nay. |
| 411 | do | S. 1316: On agreeing to the motion to strike the enacting clause from the Federal-State Meat and Poultry Inspection bill (passed 172–169). | Nay. |
| 412 | Oct. 5 | Quorum call | Absent. |
| 413 | do | do | Do. |
| 414 | do | H. Res. 1145: To order the previous question on the "rule" under which to consider H.R. 16656, the Federal Aid to Highways Act (passed 200–168). | NVF. |
| 415 | do | H.R. 16656: On an amendment to the Federal Aid to Highways Act that sought to strike language which would prohibit judicial review of administrative actions relating to the construction of the Three Sisters Bridge (defeated 125–173). | NVF. |
| 416 | do | H.R. 16656: On passage of the Federal Aid to Highways Act (passed 263–30). | NVF. |
| 417 | Oct. 10 | Quorum call | Present. |
| 418 | do | H. Res. 1149: On adoption of the "rule" under which to consider H.R. 16810, to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for fiscal year 1973 (passed 309–65). | Yea. |
| 419 | do | Quorum call | Present. |
| 420 | do | H.R. 16810: On an amendment to the Public Debt Limitation bill that sought to require the President to tell Congress by Jan. 2 what spending cuts he would make to bring down the 1973 budget expenditures to $250,000,000,000 and require Congress to consider legislation dealing with the proposed budget cuts (defeated 167–216). | Nay. |
| 421 | do | H.R. 16810: On passage of the bill to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for fiscal year 1973 (passed 221–163). | Yea. |
| 422 | Oct. 11 | H. Res. 1156: On adoption of the "rule" under which to consider H.R. 17034, making supplemental appropriations for fiscal year 1973 (passed 345–19). | Yea. |
| 423 | do | H.R. 16654: On a motion to lay on the table a motion instructing House conferees to insist on House language which forbids salaries for Federal employees who inspect firms employing 15 or less employees for compliance with the Occupational Safety and Health Act of 1970 (passed 197–167). | Nay. |
| 424 | do | H.R. 17034: On passage of the bill making supplemental appropriations for fiscal year 1973 (passed 362–11). | Yea. |
| 425 | do | H.R. 16924: On passage of the bill revising the special pay structure relating to members of the uniformed services (passed 337–35). | Yea. |
| 426 | do | Quorum call | Present |
| 427 | do | H.R. 16724: On a motion to suspend the rules and pass the bill providing for acquisition by the Washington Metropolitan Area Transit Authority of the mass transit bus systems engaged in scheduled regular route operations in the National Capital area (defeated 226–129) a ⅔ vote being necessary. | Yea. |
| 428 | do | H.R. 6482: On a motion to suspend the rules and pass the bill to provide for the regulation of strip coal mining, for the conservation, acquisition, and reclamation of strip coal mining areas (passed 265–75). | Yea. |
| 429 | do | S.J. Res. 247: On a motion to suspend the rules and pass the bill extending the duration of copyright protection in certain cases (passed 208–92). | Yea. |
| 430 | Oct. 12 | Quorum call | Present. |
|  |  | H.R. 16987: On a motion to suspend the rules and pass the bill authorizing appropriations for fiscal year 1973 for certain maritime programs of the Department of Commerce (passed 350–3). | Yea. |
| 432 | do | H.R. 14370: To approve the conference report on the State and Local Fiscal Assistance Act of 1972 (passed 265–110). | Yea. |
| 433 | do | H.R. 14370: On a motion to the State and Local Fiscal Assistance Act of 1972 to place a $2½ billion ceiling on social service grants (passed 281–86). | Yea. |
| 434 | do | H.R. 16593: To approve the conference report on the bill making appropriations for the Department of Defense for fiscal year 1973 (passed 316–42). | Yea. |
| 435 | do | H.R. 16754: To approve the conference report on the bill making appropriations for military construction for fiscal year 1973 (passed 333–10). | Yea. |
| 436 | do | H.R. 14989: To approve the conference report on the bill making appropriations for the Department of State, Justice, and Commerce, the Judiciary, and related agencies for fiscal year 1973 (passed 333–3). | Yea. |
| 437 | do | H.R. 10729: To approve the conference report on the bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act (passed 198–99). | Yea. |
| 438 | Oct. 13 | Quorum call | Absent. |
| 439 | do | H. Res. 1153: On adoption of the resolution amending the rules of the House of Representatives with respect to House consideration of certain Senate amendments, to provide for the delegates from Guam and the Virgin Islands (passed 281–57). | NVF |
| 440 | do | H.R. 16654: On a motion to agree to the amendment of the Senate making appropriations for the Departments of Labor, Health, Education, and Welfare for fiscal year 1973 (passed 289–41). | NVF. |
| 441 | do | Quorum call | Absent. |
| 442 | do | S. 1478: On a motion to suspend the rules and pass the Toxic Substances Control Act of 1972 as amended (passed 240–61). | NVF. |
| 443 | do | H.R. 7287: On a motion to suspend the rules and pass the bill to prohibit trading in Irish potato futures on commodity exchanges (defeated 116–150). | NVA. |
| 444 | Oct. 14 | On approval of the Journal of proceedings for Oct. 13, 1972 (passed 248–3). | NVF. |
| 445 | do | H.R. 17034: To approve the conference report on the bill making supplemental appropriations for fiscal year 1973 (passed 250–15). | NVF. |
| 446 | do | Quorum call | Absent. |
| 447 | do | H.R. 12006 (S. 2318): On a motion to suspend the rules and pass the Longshoremen's and Harbor Worker's Compensation Act as amended (passed 198–71). | NVF. |
| 448 | do | H. Res. 1147: On adoption of the resolution authorizing overseas travel by the Committee on Public Works (passed 202–46). | NVF. |
| 449 | do | S. 4062: On a motion to suspend the rules and pass the bill providing for acquisition by the Washington Metropolitan Area Transit Authority of the mass transit bus systems engaged in scheduled regular route operations in the National Capital area (passed 184–60). | NVPF |
| 450 | do | Quorum call | Absent. |
| 451 | do | H.J. Res. 1331: To approve the joint resolution making further continuing appropriations for fiscal year 1973 (passed 163–73). | NVF. |
| 452 | do | H. Res. 1166: On a motion to suspend the rules and pass the resolution agreeing to the amendment of the Senate to H.R. 16071, to amend the Public Works and Economic Development Act of 1965 with amendment (passed 155–64). | NVF. |
| 453 | do | Quorum call | Absent. |
| 454 | Oct. 17 | do | Do. |
| 455 | do | H.R. 1: To approve the conference report on the Social Security Amendments of 1972 (passed 305–1). | NVF. |
| 456 | do | H.R. 16810: To approve the conference report on the bill to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for fiscal year 1973 (passed 166–137). | NVF. |
| 457 | do | H.J. Res. 1331: To approve the conference report on the bill making further continuing appropriations for fiscal year 1973 (passed 188–80). | NVF. |
| 458 | Oct. 18 | Quorum call | Absent. |
| 459 | do | S. 2770: On reconsideration of the Federal Water Pollution Control Act Amendments of 1972 to pass the measure, the objections of the President to the contrary notwithstanding (passed 247–23). | NVF. |
| 460 | do | H. Con. Res. 726: On adoption of the resolution providing for a sine die adjournment of the 2 Houses of Congress on Wednesday, Oct. 18, 1972 (passed 239–21). | NVF. |
| 461 | do | Quorum call | Absent. |
| 462 | do | do | Do. |

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## THE PENDING CRISIS IN MEAT PRICES

### HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. VANIK. Mr. Speaker, in the 92d Congress, I sponsored legislation to repeal the Meat Import Quota Act of 1964. After the introduction of that legislation, the President temporarily suspended meat supply restrictions which were enacted in 1964. That suspension was recently extended for all of 1973.

Nevertheless, as can be seen from Labor Department wholesale price statistics released Tuesday, food prices, including feed grain prices, which have a major long-term impact on meat prices, are increasing to record levels.

We all appreciate the need for an adequate income to American farmers. But the simple fact is that the supply of meat is inadequate at prices which large families and low-income families can afford. This shortage, which is worldwide, will become more acute in the years ahead.

Foreign meat is tougher, leaner, lower grade than U.S. meat. It is almost exclusively of the processing meat variety—hamburger, hot dog, and sausage. It is the type of meat primarily used by large and low-income families. It is generally not competitive with domestic meat which specializes in choice, tender steaks and roasts.

Temporary suspension of meat supply restrictions does not appreciably increase the supply of this cheaper priced processing meat. Foreign producers will not substantially alter their production and shipping plans for what appears to be a temporary change in the American market—a market which may be suddenly restricted by the stroke of a pen. For example, Australia, one of our principal trading partners, requires its ranchers to sell 1 pound of meat in the world market for every 2.5 pounds sold in the American market—even though they would rather sell more in the American market. The temporary relaxation of import quotas will not substantially increase meat supplies since producers must plan years ahead to increase herds to meet American needs.

The low-grade meat supply situation is reaching crisis proportions. The attached table shows the picture. The prices quoted are from the American wholesale market. In almost every case they show record highs—prices higher than last year and prices which will soon be reflected in the retail grocery stores. Even worse, these figures show proportionately greater price increases in the lower grades of meat. Indeed, we can expect these prices to go higher as the full cost of more expensive feed grain affects the American market.

In reading the table, the following facts stand out. First, the prices of Australian processing meat, the type used in hamburger and other cheaper cuts, has risen between 8 and 13 percent in the 7 weeks between mid-November and January 5. Second, these traditional low-priced meats, both domestic and imported, are increasing in price much more rapidly than the choice domestic cuts—though even those cuts are moving to record highs.

To insure an increased supply of processing meat—so desperately needed by millions of American families—it is vital that the Meat Import Quota Act be permanently repealed.

It is my hope that the Ways and Means Committee will hold hearings on this bill and take action to prevent meat from being driven off the American dinner table. The referred to table follows:

BEEF PRICES, 1972[1]

| | August 1971 | January | February | March | April | May | June | July | August | September | October | November | December | Jan. 5 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Choice: | | | | | | | | | | | | | | |
| Steers, 6/700 | 53½ | 57½ | 55½ | 54½ | 53½ | 55½ | 58½ | 57½ | 54½ | 52½/53 | 51/51½ | 50 | 57/57½ | 60 |
| Trimmed loins, 40/50 | 98 | 80/81 | 88 | 89/90 | 87 | 97/98 | 1.02/1.03 | 97/98 | 92/93 | 80/81 | 81 | 78/79 | 86/87 | 88 |
| Ribs, 30/35 | 74 | 79 | 73/74 | 73 | 65 | 70 | 75/76 | 73 | 73/74 | 63/64 | 65 | 70 | 79/80 | 77/78 |
| Processing: | | | | | | | | | | | | | | |
| Full carcass, bull, fresh | 70 | 71 | 75 | 74 | 74½ | 75 | 75 | 75½ | 76/76½ | 76½ | 77 | 77 | 77½ | 79 |
| Full carcass cow, fresh | 67½ | 67 | 71/71½ | 73 | 72½ | 73/73½ | 74 | 74½ | 75 | 76 | 75 | 74½/75 | 75½ | 77½ |
| Boneless beef, fresh, 90 percent lean | 65 | 65½ | 69½/70 | 72 | 71/72 | 72½ | 73½ | 74 | 74½ | 74½/75 | 73½/74 | 72½/73 | 73/73½ | 75½/76 |
| Boneless chucks, fresh | 66 | 66 | 70/71 | 72 | 71/72 | 72½ | 73½/74 | 74 | 75 | 75/75½ | 75 | 74/74½ | 75 | 77 |
| Trimmings, 85/90 | 61 | 60½ | 67/68 | 68 | 67/68 | 68½/69 | 69 | 69 | 69 | 69/69½ | 68½ | 67/67½ | 67 | 70½/71 |
| Imported: | | | | | | | | | | | | | | |
| Cow, 90 percent | 61½ | 63/63½ | 63½ | 65½ | 67½ | 68/68½ | 70 | 68½ | 67½/67¾ | 66/67 | 67 | 67½/67¾ | 71 | 76¼ |
| Bull, 90 percent | 63½ | 65 | 66 | 67 | 69 | 69½/70 | 72¼ | 71½/72 | 71 | 71/71½ | 71½ | 71½/72 | 74½ | 78 |
| Shank meat | 64½ | 65½ | 66 | 67 | 69/69½ | 69½/70 | 72¼ | 71½/72 | 71 | 70/71 | 70/70½ | 71/71½ | 74/74½ | 77/77½ |

[1] Domestic Meats, f.o.b. Chicago. Imports ex dock, port-of-entry as listed, national provisioner yellow sheets about the middle of each month.

[2] Average prices during 30 days prior to Aug. 14, 1971.

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## REDUCTION OF THE U.S. CARRIER FORCE PROPOSED

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. WALDIE. Mr. Speaker, the following article written by William Bradshaw of Oakland, Calif., comes in response to my entry in the CONGRESSIONAL RECORD, volume 117, part 24, page 31868, entitled "Reduction of the U.S. Carrier Force Proposed."

Mr. Bradshaw takes issue with the contention that aircraft carriers are costly, ineffective components in our national defense system. He argues instead that the aircraft carrier, because of its great mobility and tremendous "firepower" capacity, is essential not only in providing for America's security but in maintaining the strength of our Merchant Marine as well.

The article follows:

DISCUSSION ON "REDUCTION OF U.S. CARRIER FORCE PROPOSED," CONGRESSIONAL RECORD ENTRY BY HON. JEROME R. WALDIE, SEPTEMBER 14, 1971

After reading the inane report by Mr. Gerald W. Thompson, my first inclination was to compile documentation supporting the critical need for our carrier forces. This would involve the employment during World War II and in subsequent crises where our projected strength was necessary. I have attached several pertinent articles at the end of this discussion which you may find of interest.

I was surprised that you omitted any reference to any credentials which Mr. Thompson may possess. His statements appear to be predicated on "scare" tactics as opposed to any semblance of reason. What expertise does this so-called "expert" have, if any?

His final conclusion that carriers could serve as "tripwires for nuclear warfare" is a ridiculous hypothesis. His arguments certainly aren't valid. I am well aware of the vulnerability of carriers. But, any weapons system, when speaking in relative terms, is vulnerable. However, vulnerability certainly doesn't constitute justification for not having them. When Mr. Thompson speaks of "zero capability," he seems to show a disregard for operational commitments. While an aircraft carrier can sustain a certain amount of damage as a result of a fire or explosion, this does not necessarily render her incapable of performing her mission. While immediate shipyard repair may be desirable, operational commitments may dictate otherwise. Feasibility plays an important role here. Even though carriers are somewhat vulnerable, this shouldn't be the only determining factor when speaking of maintaining a carrier force. There is not much point in belaboring the vulnerability issue—as it should only be a secondary consideration.

It is quite apparent that Mr. Johnson is lacking with respect to the necessity of keeping carriers in our Navy. He doesn't seem to be aware of the need as it relates to the increased seapower projection by the Soviet Navy.

The Secretary of the Navy, Mr. John W. Warner, recently announced that an aircraft carrier is being constructed in Russia. I wonder: If aircraft carriers are not essential, then why are they building one?

The obvious need for carriers has been recognized by many noted authorities. Among them is Vice Admiral Gerald E. Miller, who stated, "Because we haven't been challenged on the seas for so many years, people have forgotten why we built carriers in the first place. We built them to sink ships. Now there is another navy on the waters again. You can't handle them with land-based aircraft alone." The most cogent part of the Admiral's statement comes when he says, "The aircraft carrier is the one thing that gives us the edge. The carrier program that we have is the big equalizer—that still enables us to maintain a good control of the seas." That "margin of safety" gives us some superiority over the USSR, although that may be short-lived. Although Avis is Number 2, I don't particularly relish that position for the United States.

Another point in the carrier discussion relates to the fact that the United States is rapidly losing many of our air bases around the globe. The need for mobility is most apparent. With the loss of these bases goes the costs involved in operating them. This means that the funds can be redirected towards carrier construction and operational costs.

Unfortunately, and to the detriment of our national security, many people drop their jaws when they hear of the construction costs for carriers—yet do not look at the total picture. Mr. Thompson didn't concern himself too much on the cost considerations—although it may have been on his mind. This thought is generally the first area of concern to most critics. It is unfortunate that Mr. Thompson argued the issue solely on the vulnerability of the carrier. He completely "missed the boat" with respect to the definite need.

In the July 1971 issue of the U.S. Naval Institute Proceedings, Captain Wynn V. Whidden (USN) wrote of the capabilities and employment of the Soviet Navy. He says, "It has been transformed rapidly into an offensive force designed to counter the U.S. Navy on the high seas. For the first time, the Soviet Navy is being used to project the political power of the U.S.S.R." On the basis of this alone, we must accept the challenge.

To further put this into perspective, I would like to quote Mr. Siegfriend Breyer from the "Guide to the Soviet Navy." He says, "The fact that the Soviet Navy has no aircraft carriers limits the maritime capability of the Soviet Naval Forces." He further alludes to the Soviet pronouncements that large ships (by which they mean aircraft carriers) are outdated and worthless.

Obviously, such pronouncements take on a psychological consideration with respect to their shortcomings and attacking the enemy's feeling of superiority. Mr. Breyer also stated, "The Western World was taken by surprise when the MOSKVA (helicopter carrier) made her appearance in 1968." The Russians are just full of little surprises.

Mr. Waldie, there are many people who are more qualified than myself to discuss the merits of our carriers. In this area, you may be interested in an entry in the Congressional Record (p. 11297) made by your colleague, Mr. Charles E. Bennett, on March 30, 1972. On an issue such as this, we must address ourselves to the advantages—yet still being aware of the limitations, make the necessary modifications to ensure greater aircraft carrier safety.

In addition to direct combat operations, our carriers are also essential to our maritime industry. The carriers would be augmenting those forces which would protect our merchant vessels during conventional war operations.

Your entry in the Congressional Record, volume 117, part 34, page 44437, serves as an indication of your concern for a strong merchant marine force. In your entry "Dwindling Sea Power," you stated, "But, Mr. Speaker, our nuclear submarine fleet is not the only area being threatened by Soviet superiority," and then you delve into the dismal deterioration of our maritime forces.

When speaking of our dependence on our maritime forces, we must always remember the direct relationship to our defense capabilities. This DOES include carriers!

Mr. Johnson's conclusions would lead me to believe that he would dispose of its potential accident capabilities.

Earlier I indicated that I would be attaching copies of some items which you may find of interest. They are enumerated as follows:

1. The Case for the Carrier (Naval Institute Proceedings, July 1971).
2. Reappraisal of the Fleet: Carriers + Air Capable (Navy Magazine, June 1971).
3. The Case for Carriers (Naval Aviation News, March 1972).
4. Carrier Employment Since 1950 (Naval Institute Proceedings, 1964).
5. Midway to Tonkin: A Generation of Carriers (Sea Power, June 1972).

Although not enclosed, the transcript "CVAN-70 Aircraft Carrier" provides some very interesting information. This is a Joint Congressional Committee report.

It is hoped that this little discussion will provide you with a few points to ponder when considering Mr. Johnson's biased, inane report.

In conclusion, I would like to attempt to relay a quote I heard a few months back with respect to the need for a strong maritime force. "A merchant marine force is to a country what a parachute is to a pilot—if you need it once and don't have it—then you'll never need it again!"

I rest my case, Mr. Waldie.

## NUCLEAR WEAPONS IN ASIA?

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## HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Ms. ABZUG. Mr. Speaker, our uneasiness grows by the hour as it becomes apparent that resumption of negotiations on Vietnam is just another decoy. Obviously, the fire of our recent bombing of Hanoi has forged to solid steel the determination of North Vietnam to insist on the original agreement. Surely Mr. Nixon did not expect the bombing to do anything else—not after all these years in which it has been demonstrated that fierce attack breeds only fierce resistance.

Dr. Kissinger says that the President has told him to "make one more major effort" to negotiate a settlement. What does that mean? If he makes this effort—or goes through the motions—and the North Vietnamese do not change their position—then what?

Presumably Mr. Nixon will then order renewed bombing of Hanoi and other cities. There is chilling fear in many hearts, that he will also order the use of nuclear weapons. His staff has already said that the United States will do "whatever must be done"—what does that mean? William P. Clements, Jr., told a Senate hearing this morning that the possible use of nuclear warheads is no longer ruled out.

It is difficult to believe that an American President would actively conduct a scorched earth policy; yet that seems to be precisely this man's intent. If North Vietnam is reduced to a pile of radioactive rubble, its citizens decimated, the theory goes, then President Thieu can have his way throughout the country as he has thus far in South Vietnam.

But the American public, having slowly become aware of the truth about Dictator Thieu, has now firmly rejected him and has rejected continued U.S. support for him. President Nixon was reelected because—and only because—he led the public to believe that we would withdraw our troops and our support for this shameful war.

When instead we resumed bombing, a worldwide outcry arose. The President treats this protest with contemptuous silence—refusing even to explain to congressional leaders, whatever reason he may have for betraying our hopes.

The situation becomes more incredible each day. Not only is this Nation conducting a one-man war in the absence of any declaration or purpose—our leader refuses even to tell us what he hopes to gain from his barbarous tactics.

He turns a completely deaf ear to the protests of clergymen, businessmen, leaders of every segment of American life: Repeatedly, then, they come to us in Congress as their only hope. For example, this week we all received a resolution supported by the majority of members of the Wisconsin State Legislature, calling upon Congress to "reassert control over foreign policy vested in the Congress of the United States by the Constitution." We are deluged with such mail.

The pessimists hold that there is nothing the Congress can do. Even if we were to pass legislation to cut off funds for the war, as my bill, H.R. 233, would do, pessimists say we would not have the votes to override a Presidential veto.

On the contrary, I believe that the Members of this Congress, like all other citizens of this country, are outraged beyond description. I believe we are finally determined not to let one man go on destroying our country in the process of destroying another. I believe that if we unite behind a specific measure such as H.R. 233 and give it full priority, we will succeed in restraining the terrifying evil unleashed in our name.

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## LEE HAMILTON'S WASHINGTON REPORT ON INDIANA'S HARVESTING CRISIS

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## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 11, 1973*

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include my December 26, 1972, Washington Report entitled "Bad Weather and Fuel Shortage Brings a Harvesting Crisis":

### BAD WEATHER AND FUEL SHORTAGE BRINGS A HARVESTING CRISIS

An extremely wet fall throughout the Midwest has created a harvesting crisis for farmers, and probably higher food costs for consumers.

At last report, about 45 percent of Indiana's corn crop and 40 percent of the state's soybean crop were unharvested. Continued adverse weather conditions pose potential losses in spoiled grain of $200 million for Indiana farmers alone.

Many Ninth District farmers have reported to me substantial crop losses because of wet or snow-clogged fields and spoiled grain. Across the nation, prices are rising dramatically for wheat, corn and soybeans, partly because of the bad weather. High wheat prices will influence the price of bread and other wheat products, and higher corn prices will make it more expensive for farmers to feed their livestock. Subsequent increases in the price of eggs, poultry and meat can be expected.

Another serious impact of the cold, wet fall in the Midwest is the fuel shortage which has shut down grain elevators, caused farmers to dump millions of bushels of corn in the streets, and manufacturers in some areas to close operations or operate on a day-to-day basis. Available gas is allocated first to hospitals and homes, then to industry and finally to farmers. When farmers are able to get into their fields, they have been bringing out grain of high moisture content, and efforts to dry it to the proper moisture levels for storage or shipping add to the drain on gas supplies.

In Indiana, it is estimated that about half the drying operations are not operating. Many grain elevators are either shutting down their grain drying operations, or are drying grain on fewer days each week because of the gas shortage.

Some consequences of the wet fall may not be known until next spring. The wet season has curtailed the planting of winter wheat, and fall plowing is far behind schedule. There is growing concern, too, about the deterioration in the quality of seed, particularly soybean seed, for next spring's planting. All these factors complicate the tasks of Indiana farmers, who must begin now to plan for next year's operations.

The Office of Emergency Preparedness, which has set up a center in Washington, D.C., to monitor the shortage, reports the threat of fuel shortages in the Midwest is the gravest it has observed. Ironically, supplies of propane gas are available in the Western oil-producing states, but the means to distribute it—either by pipeline or tank car—are in short supply. After considerable Congressional pressure, efforts are underway to find ways of getting propane gas to the Midwestern states for crop-drying efforts.

In Indiana, an inventory is now being taken by the Farmers Home Administration to determine the extent of the harvesting losses, and whether an emergency should be declared in those counties suffering the most severe losses. Under present time schedules, this survey is to be continued through the months of December and January before a recommendation is to be made to the Secretary of Agriculture for an emergency declaration. I have contacted the Secretary of Agriculture to urge that the process be accelerated.

Such action would permit farmers in emergency counties to qualify for low-interest, stay-in-business loans. Eligible farmers in designated counties would be those who lost more than 20 percent of their major crop, or more than 10 percent of their entire crop production if they have no major crop.

The procedure to have an emergency declared in designated counties differs from a declaration of disaster, which is made by the governor. A disaster declaration normally follows an act of nature in which public services are knocked out, the public health is endangered, and homes and public facilities are damaged or destroyed.

## HARRY S TRUMAN—OF THE PEOPLE AND FOR THE PEOPLE

### HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. PATMAN. Mr. Speaker, over 27 years ago—April 12, 1945, to be exact—in a small private room in the Capitol, Speaker Sam Rayburn and Vice President Harry Truman were talking things over as was their custom when a telephone call came through for Mr. Truman summoning him to the White House. It was learned later on that historic day that President Roosevelt had passed away in Warm Springs, Ga., and that Harry S Truman, of Missouri, was now President of the United States. No other man in our history has been thrust into the position of ultimate national responsibility at so critical and difficult a period. President Truman himself realized this full well when, in all humility, he said to the press the following day:

> When they told me yesterday what had happened, I felt like the moon, the stars, and the planets had fallen on me.

The sterling quality of our 33d President was quickly revealed, however, as he promptly shouldered the heavy burden of war-time President displaying the strength, courage, and tenacity for which he later became world famous. Great office has a way of taking its toll, but Harry Truman, perhaps more than any of his predecessors, remained the same tough, independent, intensely human individual that his associates had known so well through all his years in public office. What is truly remarkable is the fact that Harry Truman's hard shell of political sagacity concealed a compassion that was worldwide and encompassed the entire human race.

The man that made the heartbreaking decision to bomb Hiroshima also conceived the Marshall plan that rebuilt the war-torn nations of Europe. His Americanism was intense; he made the decision to prevent Communist aggressors from overrunning South Korea, Greece, and Turkey—wherever the spark of democratic liberty offered hope for the future against totalitarian encroachment. In keeping with the sign on his desk, "The buck stops here," he made decisions and his Marshall plan did rebuild Europe; his policy of containment was successful in drawing a circle around communism and keeping it from achieving world supremacy; and his point 4 program strengthened underdeveloped nations and enabled them to resist the forces of aggression.

Throughout his career, Harry Truman served the people with courage and candor. He was frank and straightforward; his honesty had no taint of diplomatic guile; and Americans came to regard the man from Independence with deep and abiding respect, a wonderful tribute indeed. The statement he made some years after leaving office—"I never did give anybody hell. I just told the truth and they thought it was hell," in retrospect, says again, that Harry Truman was really above the arena of partisan politics. There was no credibility gap; people knew where he stood, and they knew he had their interests at heart.

Like our greatest Presidents, Harry Truman was a man of the people. He was not afraid of work and he knew from personal experience, what it was like to meet a payroll; he knew the day-to-day struggles of our farmers; he knew, from combat in World War I, the terrors and the tragedy of war; he knew, from his 12 years as a county court judge, the problems and difficulties that people must cope with to keep going. His career of public service at the highest levels of National Government, had a core of tough but malleable humanism forged in the actual give and take of American society. His close identification with the average man was typified in a statement he made as a Senator in 1944:

> Of course I believe in free enterprise but in my system of free enterprise, the democratic principle is that there never was, never has been, never will be room for the ruthless exploitation of the many for the benefit of the few.

It is impossible to overemphasize the enormous contribution which Harry Truman made to his Nation and the world. He himself, properly sized up the importance of strong leadership:

> Men make history and not the other way 'round. In periods where there is no leadership, society stands still. Progress occurs when courageous, skillful leaders seize the opportunity to change things for the better.

Harry Truman proved the truth of this statement—he got things done, and he brought in the Truman era of progressive Americanism.

The thoughts we express today, in all probability, do not properly evaluate the historic stature of Harry Truman for only in recent years have historians and political commentators recognized the debt we all owe to the strong-minded and dedicated man from Missouri, and I am confident that his bulldog determination, his total commitment to the public interest, and his selfless dedication to peace and prosperity for all the people will be even more greatly respected with the passing of time.

In 1945, Harry Truman presented a scroll rewarding a "good public servant" and said at that time:

> I hope that will be my epitaph.

It is indeed his epitaph for it is the sum of this philosophy in the context of an active working life, and the scholarship which gave depth to his extraordinarily perceptive comments. The Truman Library is a further dimension of this great President—it is a splendid and important historical center, but it is also a symbol of Harry S Truman's lifelong devotion the ideals of American democracy. Harry Truman was a great man because he was an indomitable human being with profound faith in humanity, which is to say he was of the people and for the people.

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# HOUSE OF REPRESENTATIVES—*Monday, January 15, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Look unto Me and be ye saved, all the ends of the earth; for I am God and there is no other.*—Isaiah 45: 22.

O Lord our God, grant that each one of us may be true to our own high calling and in so doing serve Thee more faithfully, love our fellow man more fully, and seek the good of our country with more fidelity.

Have mercy upon this land of ours and so guide the destiny of our Nation that the power of Thy presence may be revealed and people learn to live together in peace and with good will.

Give understanding hearts and discerning minds to these leaders of our Republic that the safety and security of our citizens may be advanced.

Grant that by looking to Thee our love may be rekindled, our faith renewed, our strength restored, and our hope for a better world be revived.

In the spirit of Him who walked in Thy way we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## TIME FOR SUBMISSION OF PRESIDENT'S BUDGET MESSAGE AND ECONOMIC REPORT TO THE CONGRESS

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 1) extending the time within which the President may transmit the budget message and the economic report to the Congress and extending the time within which the Joint Economic Committee shall file its report, with a Senate amendment thereto, and consider the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Page 2, after line 6, insert:

"SEC. 2. Not later than February 5, 1973, the President shall transmit to the Congress (1) the reports, with respect to all funds impounded on or after October 27, 1972, and before January 29, 1973, required by section 203 of the Budget and Accounting Procedures Act of 1950 (as added by section 402 of the Federal Impoundment and Information Act), and (2) a report, with respect to all funds impounded on or after July 1, 1972, and before October 27, 1972, containing the same information as is required by such section."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, may we have at least a brief explanation of what the resolution purports to do?

Mr. MAHON. Mr. Speaker, I wish to make an explanation of what the resolution is about. House Joint Resolution 1 gave the President until the 29th of January to submit the budget. Under the law the President must submit the budget within 15 days after the Congress convenes. The President requested the extension as it will not be possible to comply with the 15-day provision. If we do not provide the extension, of course, the President would be in violation of law. The resolution also extended the time for the submission of the Joint Economic Report to Congress and extended the time within which the Joint Economic Committee shall file its report.

We passed this resolution through the House and when the measure went to the other body it was amended. A proviso was added which stated that a list of impoundments is to be submitted to the Congress on February 5. The Office of Management and Budget advises me that there is so much stress and strain incident to the submission of the budget that it would be most desirable that the OMB have a little more time to submit this list of impoundments. We were asked that we postpone the date that the impoundment list be submitted from the 5th of February to the 10th of February. Here today I propose to submit an amendment to the Senate amendment to provide for this extension to February 10 for the submission of the list of impoundments.

This does not affect the date for submission of the budget which is the 29th day of January.

Mr. GROSS. So the limiting date for the submission of the budget is January 29 and the limiting date for the submission of the impoundments is Februry 10 under the amendment which would be offered by the gentleman from Texas. Is that correct?

Mr. MAHON. The gentleman from Iowa is correct.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

### MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves to concur in the Senate amendment with the following amendment: On the first line of the Senate amendment to H.J. Res. 1 strike out "February 5, 1973" and insert "February 10, 1973".

## CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 4]

Abzug
Addabbo
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashbrook
Badillo
Bafalis
Baker
Barrett
Bell
Biaggi
Bingham
Blatnik
Brademas
Brasco
Breaux
Brinkley
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Calif.
Burke, Fla.
Burton
Butler
Camp
Carey, N.Y.
Casey, Tex.
Chappell
Chisholm
Clancy
Clark
Clay
Cleveland
Cohen
Conable
Conyers
Corman
Cotter
Crane
Cronin
Daniel, W. C. (Dan)
Davis, Ga.
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Esch
Eshleman
Fascell
Fish
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Grasso
Gray
Griffiths
Grover
Harrington
Harvey
Hastings
Hawkins
Hébert
Heckler, Mass.
Helstoski
Henderson
Hogan
Holifield
Holtzman
Huber
Hudnut
Jarman
Jordan
Kemp
Kluczynski
Koch
Kyros
Landrum
Leggett
Lent
McCloskey
McCormack
McEwen
McKinney
Macdonald
Mallary
Maraziti
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Melcher
Michel
Mink
Minshall, Ohio
Mitchell, Md.
Montgomery
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Nix
O'Hara
Owens
Pettis
Peyser
Podell
Pritchard
Railsback
Randall
Rangel
Riegle
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Roncallo, N.Y.
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Runnels
Ryan
St Germain
Sandman
Sebelius
Shipley
Shriver
Smith, Iowa
Snyder
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Stokes
Stuckey
Talcott
Taylor, Mo.
Teague, Tex.
Thompson, N.J.
Tiernan
Treen
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Walsh
Ware
Whitehurst
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wolff
Wyatt
Wydler
Yatron
Young, Ga.
Young, S.C.

The SPEAKER. On this rollcall 251 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## TIME FOR SUBMISSION OF PRESIDENT'S BUDGET MESSAGE AND ECONOMIC REPORT TO THE CONGRESS

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. MAHON).

The motion was agreed to.

A motion to reconsider was laid on the table.

## ADMINISTRATION OF OATH OF OFFICE TO HON. EDITH GREEN OF OREGON

The SPEAKER laid before the House the following communication:

PORTLAND, OREG.,
*January 8, 1973.*

Hon. CARL ALBERT,
*Speaker, House of Representatives,*
*Washington, D.C.*

SIR: In accordance with your designation of me, pursuant to House Resolution 11, Ninety-third Congress, adopted by the House of Representatives, to administer the oath of office to Representative-elect Edith Green of the Third District of Oregon, I have the honor to report that on the 3rd day of January, 1973, at Multnomah County, State of Oregon, I administered the oath of office to Mrs. Edith Green, form prescribed by section 1757 of the Revised Statutes of the United States, being the form of oath administered to Members of the House of Representatives, to which Mrs. Green subscribed.

I have the honor to be,
Yours respectively,
JOHN C. BEATTY, JR.

Mr. ULLMAN. Mr. Speaker, I offer a privileged resolution (H. Res. 129) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 129

Whereas Edith Green, a Representative from the State of Oregon, from the Third District thereof, has been unable from sickness to appear in person to be sworn as a Member of this House, but has sworn to and subscribed to the oath of office before the Honorable John C. Beatty, Jr., Judge, Circuit Court of Oregon, Fourth Judicial District, authorized by resolution of this House to administer the oath, and the said oath of office has been presented in her behalf to the House, and there being no contest or question as to her election: Therefore be it

*Resolved,* That the said oath be accepted and received by the House as the oath of office of the said Edith Green as a Member of this House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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## ELECTRONIC VOTING

The SPEAKER. The Chair desires to make a statement and would like to have the attention of Members because it applies to the Members of the House.

On January 3 the Chair announced that under authority contained in clause 5, rule XV, rollcalls and quorum calls would continue to be conducted in the manner used in the previous Congress. The Chair also stated at that time that sufficient notification would be given before activation of the recently installed electronic voting system.

Members are hereby advised that effective on Tuesday, January 23, the new electronic voting system will become operative. If any Member has not yet obtained an identification-voting card the Chair urges action before January 23.

A detailed statement concerning the operation of the new voting system has been mailed by the clerk to each Member's office and a copy thereof will be inserted at this point in the Record. The Chair is also advised that each Member has been given a committee print entitled "The Electronic Voting System for the U.S. House of Representatives."

The statement and committee print follow:

### Statement on Electronic Voting

Members are familiar with the fact that an electronic voting system was designed, developed, and installed during the 92d Congress. The rules of the House, adopted on January 3, 1973, now provide for the use of this new voting system. The Chair will announce in a few days when this system will be utilized, but in advance of its implementation, it seems advisable to promulgate the procedures regarding its use.

The Chair has given careful consideration to the implementation of this new voting mechanism. Discussions have been held with the Committee on House Administration, which is responsible for the technical development of the system, with the Committee on Rules, and with the Leadership on both sides of the aisle to determine the most efficient and practical means of utilizing the electronic system.

This new voting system has been designed primarily with the aim of reducing the time required to conduct recorded votes and quorum calls while at the same time assuring the accuracy of the vote or call. Consequently, the Chair anticipates that the use of this new procedure will not supplant votes by voice, division, or tellers as provided in the Rules of the House.

The use of this system by the Members can best be described in terms of the essential physical components. A number of *vote stations* are attached to selected chairs in the Chamber. Each station is equipped with a vote card slot and four indicators, marked "yea," "nay," "present," and "open." The first three indicators are also push-buttons used to case votes, while the fourth is illuminated only when a vote period is in progress and the station is in operational readiness to accept votes. Each Member has been provided with a personalized Vote-ID Card. The vote cards are encoded with a pattern of holes so as to be uniquely identifiable by the system when inserted into any of the vote stations. The *main display,* located over the press gallery, lists the Members' names alphabetically and will indicate their vote preferences by the illumination of colored lights adjacent to each Member's name. The color code is: green for yea, red for nay, and amber for present. The duplicate *summary displays,* located on the east and west gallery ledges, will identify the issue under consideration, provide running tallies of the yea, nay, and present responses recorded by the system, and show the time remaining during a vote period.

As the Members are undoubtedly aware, a computer system coordinates the interaction of these components and maintains a permanent record of the Members' votes.

Where a vote is to be taken, electronically, the Chair will instruct Members to record their presence or votes by means of the electronic device. This will initiate a fifteen minute voting period during which a Member may cast his vote. The initiation of a vote period will be accompanied by the illumination of the blue "open" light at each of the vote stations and by activation of the main and summary displays. The time indicated on the summary displays will reduce from 15:00 minutes to 00:00 minutes during the vote period.

A Member casts his vote by inserting his Vote-ID card into any one of the vote stations and depressing the appropriate push-button indicator. The voting system indicates the recording of the Member's vote by illuminating the selected push-button indicator at the vote station and the vote preference light adjacent to the Member's name on the main display panel. At the same time, the appropriate running tally on the summary display will be incremented.

If a Member mis-casts his vote or desires to change his vote during the voting period, he may do so by simply repeating the method used for casting his original vote. The system will illuminate the push-button he last selected when he inserts his Vote-ID card into the station. At this point, he may change his vote by depressing another push-button. The running tallies on the summary displays will reflect the changed vote, and the vote preference light adjacent to the Member's name on the main display will change accordingly.

A Member may also verify his previously cast vote by simply inserting his Vote–ID card into a vote station and observing which push-button is illuminated.

In the event that a Member is in the Chamber without his Vote–ID card, he may still cast his vote in the following manner. Green "yea" ballot cards, red "nay" ballot cards, and amber "present" ballot cards will be available in the cloakrooms and in the Well. These cards have spaces for the Member to fill in his name, State, and district. Upon properly filling out an appropriate ballot card, the Member casts his vote by handing the ballot card to the Tally Clerk in the Well. The Tally Clerk will then record the vote electronically and the main and summary displays will reflect the Member's vote preference. At the same time, the system deactivates the use of the Member's Vote–ID card for the duration of the vote then in progress. A Member without a Vote–ID card who has been recorded in this fashion and who then wishes to change his vote must seek recognition by the Chair and announce his change. That Member does not submit a second ballot card.

If a Member present in the Chamber at the time of a recorded vote in the House desires to be paired with a Member not present, he should record himself as "present" in the manner prescribed above and, at the conclusion of the voting period seek recognition by the Speaker to announce his desire to create a pair with his absent colleague. As has been the practice under the precedents "pairs" will not be permitted in Committee of the Whole.

At the conclusion of the 15 minute voting period, the time indicated on the summary displays will show "0:00"; however, the vote stations will remain open, indicated by the blue illumination of the "open" indicator light, until the Chair declares the vote to be closed and announces the final result. At this point, the summary panel time display will indicate "FINAL" and the vote stations will be closed to the acceptance of further votes.

When the vote is finally declared, printed reports of the results, alphabetically listing Members who responded "aye", "nay" or "present" or who did not respond at all will be available to the Leadership.

A similar method governs the use of the electronic vote system for the recording of quorum calls, both for the House and for the Committee of the Whole. The Chair will instruct that a quorum call be taken by electronic device. This will initiate a 15 minute period during which the Member may indicate his presence by inserting his Vote–ID card into a vote station and depressing the "present" push-button. The main and summary displays will reflect the Members' responses as in the case described above for a recorded vote. The vote stations, however, will not accept a vote other than "present" during a quorum period. At the conclusion of the 15 minute period, the time indicated on the summary display will be "0:00". The vote stations will remain open until the Chair announces that the count is final, at which point the vote stations will be closed and the time indicator will show "FINAL". A printed report of those responding on the quorum call will then be distributed as previously described.

If a Member is in the Chamber without his Vote-ID card, he may indicate his presence by using the amber ballot card, as previously described.

One further aspect of the electronic voting system deserves mention at this time. Video consoles equipped with key boards are located at both the majority and minortiy tables. These devices may be used by the Leadership to review the progress of the vote. The same information is available on both devices, though, of course, they are operated independently of one another. The actual operation and use of the devices is the responsibility of the majority and minority leaders.

Under the provisions of Rules XV and XXIII, the Chair may in his discretion determine that recorded votes be taken by alternative procedures in lieu of the electronic device. In the House, the Constitutional yeas and nays or an "automatic roll call" (where a quorum is not present and objection to a vote is made for that reason) may be taken by a call of the roll under Clause 1 of Rules XV. In such event, the names of Members shall be called alphabetically and there shall be a second roll call of those Members who failed to respond to the first roll call. Members may respond "aye", "no", or "present" when their names are called.

In the House and in the Committee of the Whole a "recorded vote"—that is a vote demanded under the provisions of Clause 5, Rule I by one-fifth of a quorum—may, at the Chairman's discretion, be told by tellers in lieu of using the electronic system. In that event, Members will fill in a green "aye" ballot card to be deposited in the "aye" ballot box at the rear of the aisle to the Chair's left or a red "no" ballot card to be deposited in the "no" ballot box at the rear of the aisle to the Chair's right. Members wishing to be recorded as "present" in such case will announce this fact to the Chair prior to the announcement of the result.

Quorum calls in the House and in the Committee of the Whole may, at the discretion of the Chair, be recorded by clerks in lieu of electronic devices under clause 2(b) of Rule XV. In that event, Members will find quorum call cards here at the Clerk's desk which must be filled in by name, State and district. Tally clerks will be stationed at a box to be located at the rear of the center aisle. The Clerks will take the cards, deposit them in the box and count the number of Members who respond to the call. When the Chair declares that procedures under this clause have been completed the Tally Clerk will give the Chair a final count which the Chair will announce to the House.

The implementation of this new voting system will necessitate a change in the bell system.

The Chair has directed that the bell and light system be utilized in the following manner:

One bell indicates a teller vote, taken in accordance with clause 5, Rule I (Members indicate their preference by walking up the center aisle and counted by Members who are named as tellers by the Chair. This is not a recorded vote).

Two bells indicate an electronically recorded vote, either demanded under the Constitution by one-fifth of those present (in the House) or by one-fifth of a quorum under clause 5, Rule I (either in the House or in Committee of the Whole). Two bells may also indicate a recorded vote under clause 5 Rule I whenever Members are to record their votes by depositing ballot cards in the "aye" or "no" boxes. *The two bells will be repeated five minutes after the first ring* to give Members a second notice of the vote in progress.

Two bells, a brief pause, followed by two bells indicates a yea and nay vote taken under the provisions of Rule XV, clause I, by a call of the roll. *The bells will be sounded again when the Clerk reaches the "R's" in the first call of the roll.*

Three bells indicate a quorum call, either by means of the electronic system (Rule XV, clauses 2 and 5) or by means of tellers (Rule XV, clause 2(b)). *The bells will be repeated five minutes after the first ring* to give Members a second notice of the quorum call in progress.

Four bells indicate an adjournment of the House.

Five bells indicate a recess of the House.

Six bells indicate a civil defense warning.

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## The Electronic Voting System for the U.S. House of Representatives

### I. INTRODUCTION

The Legislative Reorganization Act of 1970 (P.L. 91–510) in Section 121 provides that "the names of Members voting or present may be recorded through the use of appropriate electronic equipment." This provision, introduced as an amendment to the Act, culminated a long history of legislative proposals to bring automated voting procedures to the United States House of Representatives. The concept of automated voting was first introduced to the House through a resolution in 1941 in an unsuccessful attempt to satisfy the need to diminish the time required by the House voting process. This need has increased markedly in recent years, as illustrated by the 1st Session of the 92nd Congress, in which recorded votes and quorum calls consumed more than a month of legislative time.

The Electronic Voting System has been developed through the efforts of the Committee on House Administration. In conjunction with the development of this system, the House in October 1972 passed H. Res. 1123 amending the Rules of the House to provide for use of the Electronic Voting System. The purpose of this report is to describe the features of the system and their use.

### II. DESIGN CONCEPT

The design of the Electronic Voting System is based primarily on the requirements that the time to record a vote or a quorum call be reduced significantly. The lengthy roll call of Members' names is replaced by a definite voting period, during which Members vote at their convenience.

Several additional enhancements to the voting process have been embraced in the design. For example, in-progress information related to a vote or quorum call can be displayed to the Chamber. Such information as the individual votes of the Members, the running totals of Yea, Nay, and Present responses, the time remaining during the voting period, and identification of the vote or quorum issue under consideration can thus be made available to the Members.

The decision to utilize modern computer technology in the voting system was influenced by a number of technical considerations as well as procedural ones. For example, the fact that the Members do not have assigned seats in the Chamber presented a technical problem in recording and tabulating Members' votes. The need for in-progress vote information retrieval also suggested the application of computer techniques. Perhaps the most significant consideration was the fact that the operational characteristics of a computer-oriented system could be altered with minimal effort and cost. For example, possible future changes in the Rules of the House affecting voting procedure can be incorporated simply by restructuring, where necessary, the programming of the system.

The use of a computer system to record votes will assist various clerical activities associated with the voting process. Thus, when a vote is declared final, printed copies of the complete vote results can be produced and distributed to the legislative leaders, the Government Printing Office (for inclusion in the Congressional Record), and the press. In addition, the system offers an efficient and automatic method for compiling data for the Members Vote History System, which heretofore required manual data entry prior to processing by the House computer facility.

### III. SYSTEM COMPONENTS AND THEIR OPERATION

Those components of the system that interact with the Members during the vote process are described in this section. Illustration 1 indicates the location of the Chamber components when the Electronic Voting System is activated, while Illustration 2 shows that the Chamber will appear unchanged when the system is not in use.

*Voting Stations.*—Forty-four voting stations are attached to the backs of chairs located throughout the House Chamber, as shown in Illustration 3. The stations are equipped with three pushbutton indicators to handle vote options: the YEA, NAY, and PRESENT pushbuttons show respectively green, red, and amber colors when used. A fourth indicator is illuminated by a blue light whenever the voting station is OPEN during a vote period. The voting station details are indicated in Illustration 4.

A Member may vote by inserting his voting card into the slot on any one of the stations. Each voting card, which also will serve as the Member's official identification, is encoded with a pattern of holes so that the system can reliably identify the Member. The system will extinguish the blue light for a fraction of a second after the voting card is inserted while the card is identified; the blue light then goes on to indicate that the voting station is ready to accept the Member's vote. While his card is still in the voting station the Member records his vote by depressing the appropriate pushbutton, which will then be illuminated to indicate that the vote has been recorded. A Member may verify his vote during the voting period by reinserting his card into any station: the pushbutton indicating his last vote will be illuminated. At this point, if the Member desires to change his vote, he simply depresses one of the other pushbuttons.

*Display Panels.*—The roster of Members' names appears on the *main display* that occupies the four central panels on the south wall of the Chamber, above the Speaker's desk. Adjacent to the left of each name are three lights—green, red, and amber—one of which will be illuminated when the system records the Member's vote. Illustration 5 shows the arrangement of Members' names on one of the four panels. The Members' names and vote preferences are illuminated from within the panels, which are faced with a silk screened plexiglass that matches the cloth tapestries covering the remaining panels about the Chamber. The names and vote preferences may be seen only when the main display is activated.

Duplicate *summary display* panels are mounted on the balcony ledges on the east and west sides of the Chamber, as indicated in Illustration 6. During a voting period each of these summary displays will identify the issue under consideration, show the running totals of the Yea, Nay, and Present votes, and give the time remaining in the voting period. This summary information will be illuminated through silk screened plexiglass panels that blend into the mahogany balcony surface when these displays are not in use.

*The Chamber Consoles.*—The system incorporates three video display consoles in the Chamber. These are located at the Majority table, the Minority table, and at a desk in the Well. Illustration 7 shows the placement of the console at the Majority table. The console keyboard is shown in Illustration 8, along with a typical console display of vote information.

The Majority and Minority consoles provide the same vote information as that shown on the main and summary displays at any time during the vote period. The main function of these consoles is to provide in-progress vote information, such as an alphabetical list of Members grouped by party and vote preference. A vote information request is handled through simple keyboard commands. The Majority and the Minority consoles have identical capabilities, but are operationally independent of one another. For example, Illustration 8 shows a video display of Members who have voted *YEA*, beginning alphabetically at GRay."

The console located in the Well, called the *Control Console*, will be used by a clerk for direct system control during a voting period. Primary functions of the control console include vote period opening and closing, identification to the system of the legislative issue under consideration, and the recording of votes by Members who fail to bring their voting cards with them to the Chamber. In addition, a number of secondary duties can be performed, such as system checkout, notification of the use of invalid voting cards, and the recording of Pairs data.

A printer and video console are located in the Tally Clerk's office near the Chamber. These devices are used for the production of a number of printed vote reports, which may be distributed to the Speaker and other Leadership, the Pairs Clerks, the Government Printing Office, and the press. These include: A report of the Members' votes in roster order, a report used by the Pairs Clerks to facilitate the pairing of absent Members, a report of the complete vote results in Congressional Record format, and a summary report of each day's voting activity.

*The Computer System.*—The nucleus of the Electronic Voting System consists of two Control Data Corporation 1700 computers located in the Rayburn House Office Building and connected via cables to the equipment in the House Chamber. Two computers are incorporated in the system to provide maximum reliability. One computer, called the Master, actually controls the system during a voting period. The other computer, called the Monitor, constantly checks the Master and assumes the Master role if a system malfunction is detected.

The Master computer accepts votes from the voting stations and commands from the consoles. Voting information is processed, stored, and retrieved according to programmed instructions. The computer then directs information to the proper output device: voting station, printer, consoles, or displays.

### IV. USE OF THE ELECTRONIC VOTING SYSTEM

The final form of the electronic voting procedure awaits definition by the adopted Rules of the House and regulations approved by the Speaker. Subject to final action by the

House on its rules and direction from the Speaker, it is presently anticipated that the Electronic Voting System will be used for quorum calls and all recorded votes. Other methods of voting—voice votes, division votes, and teller votes—will not be affected. The fundamental objective of the system, that the time required to conduct a recorded vote be reduced, was recognized by the House with the passage of H. Res. 1123 in October 1972. This Resolution amended the Rules of the House to provide for the use of electronic voting for all recorded votes and quorum calls, except when the Speaker (or the Chairman of the Whole, as the case may be) deems its use inadvisable. The minimum voting period was set at 15 minutes through this Resolution.

In order to explain the capabilities of the system, this section describes, subject to the ruling of the Speaker, how the various components and their features might be used to conduct a recorded vote in the House. A similar procedure would be used for quorum calls and for recorded votes in the Committee of the Whole.

To initiate a record vote, the Speaker directs a clerk at the control console to activate the system. Using the control console keyboard, the clerk informs the computer system of the type of vote, identifies the issue to be voted upon, and directs the system to open the voting stations and to activate the displays. This being done, the system will accept votes from the voting stations and will display these votes on the main display panels and, on request, at the Chamber consoles. In addition, as votes are cast, a tally of *Yea, Nay,* and *Present* votes will be shown on the summary display panels along with the minimum time remaining in the voting period.

When a Member enters the Chamber to cast his vote, he can view the identification number of the issue under consideration along with the current in-progress vote totals on the summary displays. The main display will provide information on the individual votes of the Members.

To cast his vote, the Member inserts his voting card in a convenient voting station and depresses the appropriate pushbutton. The pushbutton will then be illuminated to verify the vote, the proper light adjacent to the Member's name on the main display will be lit, and the tally shown on the summary displays will record current totals. If the Member desires to change his vote during the same voting period, he simply reinserts his voting card at any station and depresses another pushbutton. The system will respond to the Member's vote in less than a second.

In the event that the Member does not have his voting card, his vote may be recorded using the control console in the Well. The Member will be required to deposit a ballot indicating his vote preference with the Tally Clerk, who then records the Member's vote electronically.

During the voting period, the Floor Leaders may request the system to display selected vote information on their Chamber consoles. In addition to a display showing current vote totals by Party and vote preference, displays showing the Members' individual votes alphabetically by Party or vote preference, may be requested. For example, the names of the Democrats who have voted *YEA,* or the Republicans who have voted *NAY,* can be easily obtained using the console keyboard. The Majority and Minority consoles have identical capabilities, but each operates independently of the other. They do not have the capability of recording votes, but are used only for information retrieval purposes.

As soon as the time allotted for the voting period has expired, a signal appears at the control console. At this point the time on the summary display panel will show "0:00" with the voting station remaining open. The Speaker formally ends the voting period by instructing the clerk at the control console to terminate the vote, thus closing the voting stations and filing the vote results in the computer storage.

When the vote is declared final by the Speaker, the Word "FINAL" will appear on the summary displays together with the final results, and the complete vote report will be printed. Copies of this report will be delivered to the Speaker and other leadership and to the press.

If pairing is to be done, a list of those Members voting *PRESENT* and those not voting will be produced on the printer for use by a Pairs Clerk. Pairing information can be entered into the system at any time during the remainder of the legislative day.

At the end of a legislative day during which the Electronic Voting System has been used, the complete voting activity stored in the computer system will be transferred to permanent storage. This information will be available to the Members through the Vote History System.

### Appendix

#### A. DATA PROCESSING SUPPORT TO THE HOUSE

Responsibility for the design, development, and operation of the Electronic Voting System rests with the Committee on House Administration. As work progressed on this and other computer-oriented projects, it became evident to the Chairman and the Committee that it would be desirable to establish under its guidance a special staff on information and computer systems. This system is one of a number of computer-oriented projects that the Committee, acting through its House Information Systems staff, has in operation or under development. The special responsibilities of this staff were recognized by the House with the adoption of H. Res. 601 in November of 1971.

#### B. HISTORY OF THE PROJECT

During the 91st Congress the Committee on House Administration, in conjunction with the Clerk of the House, undertook a preliminary study of an automated voting system for the House. In December 1970, a short time after the Legislative Reorganization Act became law, the Clerk contracted with Informatics, Inc., for the design of a computer-assisted voting system and for technical coordination of the project to implement their design. On the recommendation of the House Information Systems staff, the work of Informatics was terminated in September 1971, leaving as a product a preliminary design concept. Following revision and finalization of the design concept by House Information Systems, a prime contract to "develop a fully operational electronic voting system" was let by the Committee on House Administration to Control Data Corporation. A total of 16 companies were considered for various aspects of this work, and five submitted proposals for the prime contract.

The terms of this contract call for Control Data Corporation to provide at a cost of $950,000 all hardware components, detailed system design, computer programming, technical coordination, and operational training. Several features were added to the system by the Committee during the course of the project, increasing the cost by $68,147. Control Data's work began in November 1971, and the system will be ready for use with the beginning of the 93d Congress. Operational support of the system will be provided by the House Information Systems staff, which has been responsible for monitoring all aspects of the project for the Committee on House Administration and for determining its technical acceptability.

Mr. GROSS. Mr. Speaker, I assume, then, the quorum call on January 23 would be in order as a test for the new machine.

The SPEAKER. If there is no quorum present, a quorum call is always in order under some procedure or other.

## PROVIDING FOR PAYMENT OF STANDING AND SELECT COMMITTEE EXPENSES

Mr. HAYS. Mr. Speaker, I offer a privileged resolution (H. Res. 130) from the Committee on House Administration, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 130

*Resolved,* That there shall be paid out of the contingent fund of the House of Representatives for the period beginning January 3, 1973, and ending at the close of March 31, 1973, such sums as may be necessary for the continuance of the same necessary projects, activities, operations, and services, by contract or otherwise (including payment of staff salaries for services performed), and for the accomplishment of the same necessary purposes, undertaken by each standing or select committee of the House in the calendar year 1972 on the same basis and at not to exceed the same rates utilized in 1972. Payments of salary for services performed in the period beginning January 3, 1973, and ending at the close of March 31, 1973, shall be made to each person—

(1) (A) who, on January 2, 1973, was employed by a standing or select committee in the Ninety-second Congress and whose salary was paid under authority of a House resolution adopted in that Congress or (B) who was appointed after January 2, 1973, to fill a vacancy, existing on or occurring after that date, in a position created under authority of such House resolution; and

(2) who is certified by the chairman of such committee as performing such services for such committee in such period.

Such salary shall be paid to such person at a rate not to exceed the rate he was receiving on January 2, 1973 (or, in the case of a person appointed after January 2, 1973, to fill any such vacancy, not to exceed the rate applicable on January 2, 1973, to the vacant position), plus any increase in his rate of salary which may have been granted for periods on and after January 3, 1973, pursuant to section 5 of the Federal Pay Comparability Act of 1970.

SEC. 2. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with law.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. GROSS. Mr. Speaker, reserving the right to object, I understand that this is an interim resolution which would expire effective as of March 31.

Mr. HAYS. This is a resolution, if not identical, certainly similar to other resolutions that we introduced at the beginning of Congress to allow committee staffs to be paid until such time as committee chairmen and the ranking members have had a chance to appear before the Accounts Subcommittee on House Administration and justify appropriation, which would then be brought to the floor of the House.

Mr. GROSS. Do I understand that while vacancies on committee staffs may be filled during the interim period, it is not the intention of the Committee on House Administration in bringing this resolution to the floor that committee staffs be augmented or increased pending the submission of justifications for committee staffs?

Mr. HAYS. The gentleman is exactly right. They can fill vacancies but not add to. I might go further and state that in the case of select committees these will not apply until they have been reconstituted by, first, the Committee on Rules and then brought before the House to be reconstituted.

It is my understanding some of them may be reconstituted very shortly. In that case this will cover them on the same prorated basis as they had in the previous Congress.

Mr. GROSS. Mr. Speaker, it would be my hope that the Committee on House Administration would carefully scrutinize the requests that come in by way of justifications later to see what transpired under this interim resolution.

I thank the gentleman for yielding.

Mr. HAYS. Mr. Speaker, I will say to the gentleman from Iowa that I do not propose, as chairman of the committee, in the interim to sign any committee monthly pay vouchers that are larger for that month than one-twelfth of the money they had last year.

Mr. GROSS. Mr. Speaker, again, I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Ohio for immediate consideration of the resolution?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 131) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 131

*Resolved,* That the Special Committee to Investigate Campaign Expenditures for the House of Representatives that was appointed pursuant to House Resolution 819, 92nd Congress, on February 28, 1972, is hereby continued under the same terms and conditions from January 3, 1973, through January 31, 1973, to investigate and to report to the House not later than February 9, 1973, with respect to this continuation.

*Resolved,* That during the period beginning January 3, 1973, and ending January 31, 1973, inclusive, there shall be paid out of the contingent fund of the House of Representatives, on vouchers signed by the chairman of the special committee and approved by the Committee on House Administration, such sums as may be necessary to carry out the purposes of this resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ADJOURNMENT OVER TO THURSDAY, JANUARY 18

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## REPORT OF THE NATIONAL COMMISSION ON CONSUMER FINANCE

(Mrs. SULLIVAN asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. SULLIVAN. Mr. Speaker, many of the Members who have read news articles about the final report of the National Commission on Consumer Finance have been inquiring about the availability of copies of this report. The report is now in the process of being printed in final form by the Government Printing Office and a copy will be sent automatically to each of the Members of Congress, but probably not until some time next month at the earliest.

Only a limited number of prepublication copies could be assembled in time for the press conference conducted by Chairman Ira M. Millstein last week which marked the termination of the Commission's official existence. Because of the extensive press coverage given to the report, numerous requests have been coming in to the Members' offices from constituents seeking copies. Such requests for single copies should be referred to the former administrative officer of the Commission, Mr. Donald Harper, at room 2007, General Services Administration. GSA will handle the actual distribution under arrangements made by the Commission prior to its required termination on December 31. The document will also be placed on sale by the Superintendent of Documents.

### SUMMARY OF COMMISSION RECOMMENDATIONS

In the meantime, in order to provide Members with an overview of the recommendations of the Commission, which will form the basis for consumer credit legislation which I intend to introduce shortly, and which other congressional members of the Commission may also introduce, I am placing in the Congressional Record a comprehensive press release prepared by the Commission information officer, Ruth K. Holstein, listing all 85 proposals contained in the final report.

As the release points out, six of the nine members of the Commission dissented from, or expressed reservations about, some of the 85 recommendations, so they do not, in all instances, represent the unanimous view of the Commission. Some are quite controversial. All of them are discussed in detail in the report itself. In order to place them in the context in which they were presented by the Commission, I am also including in the Record my separate views on the Commission report, indicating those recommendations or viewpoints which I personally, and several of my colleagues on the Commission, do not endorse.

The press release issued at the conclusion of the Commission's work is as follows:

### COMMISSION MAKES REPORT ON U.S. CONSUMER CREDIT

(By National Commission on Consumer Finance—Created by Public Law 90–321)

The National Commission on Consumer Finance today proposed a series of sweeping recommendations designed to make consumer credit more available to more people at competitive prices. At the same time, the Commission recommended a variety of consumer safeguards including the elimination of harassing collection practices by creditors.

In a report whose basic theme is the importance of competition in the consumer credit industry, the Commission told the President, the Congress, and state legislators that greater competition could be expected to bring the same benefits to consumers of credit as it does to consumers of goods and other services. The Commission stated that greater competition, particularly in the cash loan sector of the industry, could come about only by the repeal of a number of state laws that restrict access to the consumer credit field by potential lenders.

But the fact that consumers need better protection against the legal powers of the industry—according to the report entitled "Consumer Credit in the United States"—is reflected in 21 recommendations urging restriction or repeal of a number of legal devices now available to creditors. These proposals were derived from a survey of the industry and determination by the Commission as to the effects that such proposals would have on the availability and cost of credit.

Commission Chairman Ira M. Millstein's letter of transmittal stated that the report "recommends significant additions to the protection of consumers in the fields of creditors' remedies and collection practices. We have urged restrictions on remedies such as garnishment, repossession, and wage assignment. We have recommended abolition of the holder in due course doctrine, confessions of judgment, and harassing tactics in debt collections."

### REPORT MAKES 85 RECOMMENDATIONS

The 85 recommendations in the report based on close to 3 years of staff study range widely from proposals that Federal agencies which regulate financial institutions examine establishments under their jurisdiction for compliance with state consumer credit protection laws to how and when the subject of consumer credit should be taught in the schools.

One proposal, based on a widely publicized hearing on the availability of credit to women, advises "states (to) undertake an immediate and thorough review of the degree to which their laws inhibit the granting of credit to creditworthy women and (to) amend them, where necessary, to assure that credit is not restricted because of a person's sex."

The nine-member bipartisan Commission which was established by Title IV of the Consumer Credit Protection Act of 1968 notes in a foreword that it "has pioneered in collecting and presenting heretofore unobtainable data" and that "dissemination of these data, the studies, and the analyses will provide a fresh and empirical basis for legislators, the industry, and scholars to consider."

It adds, "As in any report of this nature, not all of the Commissioners agreed with all of the findings, conclusions, and recommendations, as evidenced by the separate views expressed by the individual members" at the end of the report. Comments or dissents on various findings and recommendations in the report were filed in separate views by six of the nine members.

### PROPOSALS ON SUPERVISION, RATES, CREDIT INSURANCES

In addition to the 21 recommendations to repeal or restrict certain creditors' remedies, a number of recommendations intended to increase competition in the industry, and the recommendation that discrimination because of sex be eliminated, the Commission made proposals dealing with the supervision of financial institutions, credit insurance, rates and availability of credit, other types of discrimination in granting credit, credit information to be disclosed to consumers, consumer credit education, and the responsibility of creditors in disputes with consumers.

In addition to Chairman Millstein, a New York attorney, members of the Commission include Senator John J. Sparkman, Senator William Proxmire, and Senator William E. Brock; Representative Leonor K. Sullivan, Representative Henry B. Gonzalez, and Representative Lawrence G. Williams; Dr. Robert W. Johnson of Purdue University; and Douglas M. Head, former attorney general of the state of Minnesota.

The Commission's recommendations are attached.

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## NATIONAL COMMISSION ON CONSUMER FINANCE

### CHAPTER 3—SUMMARY OF RECOMMENDATIONS

### *Contract provisions and creditors' remedies*

#### 1. Contract Provisions: Acceleration Clauses, Default, Cure of Default

Acceleration of the maturity of all or any part of the amount owing in a consumer credit transaction should not be permitted unless a default as specified in the contract or agreement has occurred.

A creditor should not be able to accelerate the maturity of a consumer credit obligation, commence any action, or demand or take possession of any collateral, unless the debtor is in default, and then only after he has given 14 days' prior written notice to the debtor of the alleged default of the amount of the delinquency (including late charges), of any performance in addition to payment required to cure the default, and of the debtor's right to cure the default.

Under such circumstances, for 14 days after notice has been mailed, a debtor should have the right to cure a default arising under a consumer credit obligation by:

1. tendering the amount of all unpaid instalments due at the time of tender, without acceleration, plus any unpaid delinquency charges; and by

2. tendering any performance necessary to cure a default other than nonpayment of accounts due.

However, a debtor should be able to cure no more than three defaults during the term of the contract. After curing default, the debtor should be restored to all his rights under the consumer credit obligation as though no default had occurred.

#### 2. Attorneys' Fees

Consumer credit contracts or agreements should be able to provide for payment of reasonable attorney's fees by the debtor in the event of default if such fees result from referral to an attorney who is not a salaried employee of the creditor; in no event should such fees exceed 15 percent of the outstanding balance. However, the agreement should further stipulate that in the event suit is initiated by the creditor and the court finds in favor of the consumer, the creditor should be liable for the payment of the debtor's attorneys' fees as determined by the court, measured by the amount of time reasonably expended by the consumer's attorney and not by the amount of the recovery.

#### 3. Confessions of Judgment, Cognovit Notes

No consumer credit transaction contract should be permitted to contain a provision whereby the debtor authorizes any person, by warrant of attorney or otherwise, to confess judgment on a claim arising out of the consumer credit transaction without adequate prior notice to the debtor and without an opportunity for the debtor to enter a defense.

#### 4. Cross-Collateral

In a consumer credit sale, the creditor should not be allowed to take a security interest in goods or property of the debtor other than the goods or property which are the subject of the sale. In the case of "add-on" sales, where the agreement provides for the amount financed and finance charges resulting from additional sales to be added to an existing outstanding balance, the creditor should be able to retain his security interest in goods previously sold to the debtor until he has received payments equal to the sales price of the goods (including finance charges). For items purchased on different dates, the first purchased should be deemed the first paid for; and for items purchased on the same date, the lowest priced items should be deemed the first paid for.

#### 5. Household Goods

A creditor should not be allowed to take other than a purchase money security interest in household goods.

#### 6. Security Interest, Repossession, Deficiency Judgments

A seller-creditor should have the right to repossess goods in which a security interest exists upon default of contract obligations by the purchaser-debtor. At the time the creditor sends notice of the cure period (14 days), and prior to actual repossession (whether by replevin with the aid of state officers or by self-help), the creditor may simultaneously send notice of the underlying claim against the debtor and the debtor should be afforded an opportunity to be heard in court on the merits of such claims. The time period for an opportunity to be heard may run concurrently with the cure period.

Where default occurs on a secured credit sale in which the original sales prices was $1,765 or less, or on a loan in which the original amount financed was $1,765 or less and the creditor took a security interest in goods purchased with the proceeds of such loan or in other collateral to secure the loan, the creditor should be required to elect remedies: either to repossess collateral in full satisfaction of the debt without the right to seek a deficiency judgment, or to sue for a personal judgment on the obligation without recourse to the collateral, but not both.

#### 7. Wage Assignments

In consumer credit transactions involving an amount financed exceeding $300, a creditor should not be permitted to take from the debtor any assignment, order for payment, or deduction of any salary, wages, commissions, or other compensation for services or any part thereof earned or to be earned. In consumer credit transactions involving an amount financed of $300 or less, where the creditor does not take a security interest in any property of the debtor, the creditor should be permitted to take a wage assignment but in an amount not to exceed the lesser of 25 percent of the debtor's disposable earnings for any workweek or the amount by which his dispensable earnings for the workweek exceeds 40 times the Federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 in effect at the time.

### *Creditors' Remedies*

#### 8. Body Attachment

No creditor should be permitted to cause or permit a warrant to issue against the person of the debtor with respect to a claim arising from a consumer credit transaction. In addition, no court should be able to hold a debtor in contempt for failure to pay a debt arising from a consumer credit transaction until the debtor has had an actual hearing to determine his ability to pay the debt.

#### 9. Garnishment

Prejudgment garnishment, even of nonresident debtors, should be abolished. After entry of judgment against the debtor on a claim arising out of a consumer credit transaction, the maximum disposable earnings of a debtor subject to garnishment should not exceed the lesser of:

1. 25 percent of his disposable earnings for the workweek, or

2. The amount by which his disposable earnings for the workweek exceed 40 times the Federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, in effect at the time the earnings are payable. (In the event of earnings payable for a period greater than a week, an appropriate multiple of the Federal minimum hourly wage would be applicable.)

A debtor should be afforded an opportunity to be heard and to introduce evidence that the amount of salary authorized to be garnished would cause undue hardship to him and/or his family. In the event undue hardship is proved to the satisfaction of the court, the amount of the garnishment should be reduced or the garnishment removed.

No employer should be permitted to discharge or suspend an employee solely because of any number of garnishments or attempted garnishments by the employee's creditors.

#### 10. Holder in Due Course Doctrine-Waiver of Defense Clauses-Connected Loans

Notes executed in connection with consumer credit transactions should not be "negotiable instruments;" that is, any holder of such a note should be subject to all the claims and defenses of the maker (the consumer-debtor). However, the holder's liability should not exceed the original amount financed. Each such note should be required to have the legend "Consumer Note—Not Negotiable" clearly and conspicuously printed on its face.

Holders of contracts and other evidences of debts which are executed in connection with consumer credit transactions other than notes should similarly be subject to all claims and defenses of the consumer-debtor arising out of the transaction, notwithstanding any agreement to the contrary. However, the holder's liability should not exceed the original amount financed.

A creditor in a consumer loan transaction should be subject to all of the claims and defenses of the borrower arising from the purchase of goods or services purchased with the proceeds of the loan, if the borrower was referred or otherwise directed to the lender by the vendor of those goods or services and the lender extended the credit pursuant to a continuing business relationship with the vendor. In such cases, the lender's liability should not exceed the lesser of the amount financed or the sales price of the goods or services purchased with the proceeds of the loan.

#### 11. Levy on Personal Property

Prior to entry of judgment against a debtor arising out of a consumer credit transaction, while a court may create a lien on the personal property of the debtor, that lien should not operate to take or divest the debtor or possession of the property until final judgment is entered. However, if the court should find that the creditor will probably recover in the action, and that the debtor is acting or is about to act in a manner which will impair the creditor's right to satisfy the judgment out of goods upon which a lien has been established, the court should have authority to issue an order restraining the debtor from so acting. The following property of a consumer debtor should be exempt from levy, execution, sale, and other similar process to satisfy judgment arising from a consumer credit transaction (except to satisfy a purchase money security interest created in connection with the acquisition of such property).

1. A homestead to the fair market value of $5,000 including a house, mobile home, or

like dwelling, and the land it occupies if regularly occupied by the debtor and/or his family as a dwelling place or residence and intended as such.

2. Clothing and other wearing apparel of the debtor, spouse, and dependents to the extent of $350 each.

3. Furniture, furnishings, and fixtures ordinarily and generally used for family purposes in the residence of the debtor to the extent of the fair market value of $2,500.

4. Books, pictures, toys for children and other such kinds of personal property to the extent of $500.

5. All medical health equipment being used for health purposes by the debtor, spouse, and dependents.

6. Tools of trade, including any income-producing property used in the principal occupation of the debtor, not to exceed the fair market value of $1,000.

7. Any policy of life or endowment insurance which is payable to the spouse or children of the insured, or to a trustee for the benefit of the spouse or children of the insured, except the cash value of any accrued dividends thereof.

8. Burial plots belonging to the debtor and/or spouse or purchased for the benefit of minor children to the total value of $1,000.

9. Other property which the court may deem necessary for the maintenance of a moderate standard of living for the debtor, spouse, and dependents.

### 12. Contacting Third Parties

No creditor or agent or attorney of a creditor before judgment should be permitted to communicate the existence of an alleged debt to a person other than the alleged debtor, the attorney of the debtor, or the spouse of the debtor without the debtor's written consent.

## *Miscellaneous Recommendations*

### 13. Balloon Payment

With respect to a consumer credit transaction, other than one primarily for an agricultural purpose or one pursuant to open end credit, if any scheduled payment is more than twice as large as the average of earlier scheduled payments, the consumer should have the right to refinance the amount of that payment at the time it is due without penalty. The terms of the refinancing should be no less favorable to the consumer than the terms of the original transaction. These provisions do not apply to a payment schedule which, by agreement, is adjusted to the seasonal or irregular income of the consumer.

### 14. Cosigner Agreements

No person other than the spouse of the principal obligor on a consumer credit obligation should be liable as surety, cosigner, comaker, endorser, guarantor, or otherwise assume personal liability for its payment unless that person, in addition to signing the note, contract, or other evidence of debt also signs and receives a copy of a separate cosigner agreement which explains the obligations of a cosigner.

### 15. Rebates for Prepayment

A consumer should always be allowed to prepay in full the unpaid balance of any consumer credit obligation at any time without penalty. In such instances, the consumer should receive a rebate of the unearned portion of the finance charge computed in accordance with the "balance of the digits" (otherwise known as "sum of the digits" or "rule of 78's" method) or the actuarial method. For purpose of determining the installment date nearest the date of prepayment, any prepayment of an obligation payable in monthly installments made on or before the 15th day following an installment due date should be deemed to have been made as of the installment due date, and if prepayment occurs on or after the 16th it should be deemed to have been made on the succeeding installment due date. If the total of all rebates due to the consumer is less than $1 no rebate should be required.

In the event of prepayment, the creditor should not be precluded from collecting or retaining delinquency charges on payments due prior to prepayment.

In the case of credit for defective goods, the consumer should be entitled to the same rebate as if payment in full had been made on the date the defect was reported to the creditor or merchant.

If the maturity of a consumer credit obligation is accelerated as a result of default, and judgment is obtained or a sale of secured property occurs, the consumer should be entitled to the same rebate that would have been payable if payment in full had been made on the date judgment was entered or the sale occurred.

Upon prepayment in full of a consumer credit obligation by the proceeds of credit insurance, the consumer or his estate should be entitled to receive the same rebate that would have been payable if the consumer had prepaid the obligation computed as of the date satisfactory proof of loss is furnished to the company.

## *Unfair Collection Practices*

### 16. Harassment

No creditor, agent or attorney of the creditor, or independent collector should be permitted to harass any person in connection with the collection or attempted collection of any debt alleged to be owing by that person or any other person.

### 17. Sewer Service

If a debtor has not received proper notice of the claim against him and does not appear to defend against the claim, any judgment entered shall be voided and the claim reopened upon the debtor's motion.

### 18. Inconvenient Venue

No creditor or holder of a consumer credit note or other evidence of debt should be permitted to commence any legal action in a location other than (1) where the contract or note is signed. (2) where the debtor resides at the commencement of the action (3) where the debtor resides at the time the note or contract was made, or (4) if there are fixtures, where the goods are affixed to real property.

## *Debtors in Distress—Consumer Credit and Consumer Insolvency*

19. Chapter XIII of the Bankruptcy Act should be expanded as endorsed by the House of Delegates of the American Bar Association in July 1971 to permit Chapter XIII courts, under certain circumstances, to alter or modify the rights of secured creditors when they find that the plan adequately protects the value of the collateral of the second creditor.

20. In petitions for relief in bankruptcy, the bankruptcy court should disallow claims of creditors stemming from "unconscionable" transactions.

21. Bankruptcy courts should provide additional staff to serve as counselors to debtors regarding their relations with creditors, and their personal, credit, and domestic problems.

### 22. Door-to-Door Sales

In any contract for the sale of goods entered into outside the creditor's place of business and payable in more than four installments, the debtor should be able to cancel the transaction at any time prior to midnight of the third business day following the sale.

### 23. Assessment of Damages

If a creditor in a consumer credit transaction obtains a judgment by default, before a specific sum is assessed the court should hold a hearing to establish the amount of the debt the creditor-plaintiff is lawfully entitled to recover.

## CHAPTER 4—SUPERVISORY MECHANISMS

The Commission recommends that:

1. Legislatures and administrators in states with less than 2½ man-days available per year per small loan office reassess their staffing capabilities with the goal of improving their ability to fulfill the examination responsibility prescribed by law.

2. All Federal regulatory agencies adopt and enforce uniform standards of Truth in Lending examination.

3. Congress create within the proposed Consumer Protection Agency a unit to be known as the Bureau of Consumer Credit (BCC) with full statutory authority to issue rules and regulations and supervise all examination and enforcement functions under the Consumer Credit Protection Act, including Truth in Lending; an independent Consumer Credit Agency be created in the event that the proposed Consumer Protection Agency is not established by Congress; the independent agency would have the same functions and authorities recommended for the Bureau of Consumer Credit.

4. Agencies supervising federally chartered institutions undertake systematic enforcement of Federal credit protection laws like Truth in Lending.

5. Federal law be expressly changed to authorize state officials to examine federally chartered institutions for the limited purpose of enforcing state consumer laws, but such authorization should in no way empower state officials to examine federally chartered institutions for soundness, fraudulent practices, or the like; the limited state examinations should be required by law to be performed in a manner that would not disrupt or harass the federally chartered institutions.

6. State consumer credit laws be amended to bring second mortgage lenders and any other consumer lenders under the same degree of administrative control imposed on licensed lenders.

7. Congress consider whether to empower state officials to enforce Truth in Lending and garnishment restrictions of the Consumer Credit Protection Act and any similar laws that may be enacted.

8. State laws covering retailers and their assignees be amended, where necessary, to give authority to a state administrative agency to enforce consumer credit laws against all sellers who extend consumer credit; but administrative regulation need not and should not entail either licensing or limitations on market access.

9. States which do not subject sales finance companies to enforcement of consumer credit laws amend their laws to bring such companies under enforcement; such authority need not and should not entail licensing or limitations on market access.

10. State laws be amended to give a state administrative agency authority to enforce consumer credit laws against all credit grantors—deposit holding institutions, non-deposit holding lenders, and retailers and their assignees. This authority should include the right to enter places of business, to examine books and records, to subpoena witnesses and records, to issue cease and desist orders to halt violations, and to enjoin unconscionable conduct in making or enforcing unconscionable contracts. The agency should be able to enforce the right of consumers, as individuals or groups, to refunds or credits owing to them under appropriate statutes.

11. Legal services programs—legal aid, neighborhood legal services, rural legal assistance, public defender—continue to receive Federal, state, and local government support.

12. Consumer protection laws be amended, where necessary, to assure payment of legal fees incurred by aggrieved private consumers and provide them with remedies they can enforce against creditors who violate these laws.

13. The proposed BCC be authorized to

establish a National Institute of Consumer Credit to function as the BCC's research arm.

14. The BCC, acting through the National Institute of Consumer Credit, be empowered to cooperate with and offer technical assistance to states in matters relating to consumer credit protection—examinations, enforcement, and supervision of consumer credit protection laws.

15. The BCC be authorized:

(1) to require state and Federal agencies engaged in supervising institutions which grant consumer credit to submit such written reports as the Bureau may prescribe;

(2) to administer oaths;

(3) to subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) to intervene in corporate mergers and acquisitions where the effect would be to lessen competition in consumer credit markets to include but not be limited to applications for new charters, offices, and branches;

(5) to invoke the aid of any district court of the United States in requiring compliance in the case of disobedience to a subpoena or order issued;

(6) to order testimony to be taken by deposition before any person designated by the Bureau with the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraphs (3) and (5) above.

CHAPTER 5—CREDIT INSURANCE

The Commission recommends that:

1. The finance charge earned by credit grantors should be sufficient to support the provision of the credit service. The finance charge should not subsidize the credit insurance service. Nor should the charge for credit insurance subsidize the credit operation.

2. The proposed Bureau of Consumer Credit in the Consumer Protection Agency make a study to determine acceptable forms of credit insurance and reasonable levels of charge and prepare recommendations.

3. The states should immediately review charges for credit insurance in their jurisdictions and lower rates where they are excessive.

4. Creditors offering credit life and accident and health insurance be required to disclose the charges for the insurance both in dollars and cents and as an annual percentage rate in the same manner as finance charges and annual percentage rates of finance charges are required to be disclosed under the Truth in Lending Act and regulation Z.

CHAPTER 7—RATES AND AVAILABILITY OF CREDIT

1. Although the Commission makes no generally applicable recommendation concerning branch banking because conditions can vary among the states, it does recommend that where statewide branching is allowed, specific steps be taken to assure easy new entry and low concentration. Such steps would:

(1) Give preferential treatment wherever possible to charter applications of newly forming banks as opposed to branch applications of dominant established banks.

(2) Favor branching, especially the *de novo* branching, whether directly or through the holding company device when such branching promotes competition. Banking regulators should exercise a high degree of caution in permitting statewide branching whether directly or through the holding company device when such branching decreases competition or increases economic concentration.

(3) Encourage established banks and regulatory agencies to see that correspondent bank services be made available (for a reasonable fee) to assist newly entering independent banks, including the provision of loan participation agreements when needed.

(4) Disallow regional expansion by means of merger and holding company acquisitions when such acquisitions impair competition, recognizing that statewide measures of competition are relevant.

2. The Commission recommends, as did the President's Commission on Financial Structure and Regulation, that under prescribed conditions savings and loan associations and mutual savings banks be allowed to make secured and unsecured consumer loans up to amounts not to aggregate in excess of 10 percent of total assets.

3. The Commission recommends that the only criterion for entry (license) in the finance company segment of the consumer credit market be good character, and that the right to market entry not be based on any minimum capital requirements or convenience and advantage regulations.

4. The Commission recommends that direct bank entry in the relatively high risk segment of the personal loan market be made feasible by:

(1) Permitting banks to make small loans under the rate structure permitted for finance companies;

(2) Encouraging banks to establish *de novo* small loan offices as subsidiary or affiliated separate corporate entities. Regardless of corporate structure these small loan offices, whether corporate or within other bank offices, should be subject to the same examination and supervisory procedures that are applied to other licensed finance companies;

(3) Exempting consumer loans from the current requirement that bank loan production offices obtain approval for each loan from the bank's main office; and

(4) Prohibiting the acquisition of finance companies by banks when banks are permitted to establish *de novo* small loan offices.

5. The Commission recommends that existing regulatory agencies disallow mergers or stock acquisitions among any financial institutions whenever the result is a substantial increase in concentration in state or local markets.

6. The Commission recommends that interinstitutional acquisitions be generally discouraged even though there is no effect on intra-institutional concentration.

7. The Commission recommends that state regulatory agencies and legislatures review the market organization of their respective financial industries after a 10-year trial period of earnest implementation of the recommendations on market entry and concentration. If, despite these procompetitive efforts, such a review discloses an inadequacy of competition—as indicated, say, by a continuing market dominance by a few commercial banks and finance companies or the absence of more frequent entry—then a restructuring of the industry by dissolution and divestiture would probably be appropriate and beneficial.

8. The Commission recommends that antitrust policy, both Federal and state, be alert to restrictive arrangements in the credit industry. Any hint of agreement among lenders as to rates, discounts, territorial allocations and the like must be vigorously pursued and eliminated.

9. The Commission recommends that each state evaluate the competitiveness of its markets before considering raising or lowering rate ceilings from present levels. Policies designed to promote competition should be given the first priority, with adjustment of rate ceilings used as a complement to expand the availability of credit. As the development of workably competitive markets decreases the need for rate ceilings to combat market power in concentrated markets, such ceilings may be raised or removed.

CHAPTER 8—DISCRIMINATION

The Commission recommends that:

1. States undertake an immediate and thorough review of the degree to which their laws inhibit the granting of credit to creditworthy women and amend them, where necessary, to assure that credit is not restricted because of a person's sex.

2. Congress establish a pilot consumer loan fund and an experimental loan agency to determine whether families whose incomes are at or below the Federal Guideline for Poverty Income Levels issued annually by OEO have the ability to repay small amounts of money which they may need to borrow.

3. $1.5 million be appropriated for an experimental low income loan program to be allocated among operating expenses, loss write-offs, and loan extensions according to guidelines developed by an advisory committee to the Bureau of Consumer Credit.

4. There be continued experimentation by private industry in cooperation with Federal, state, and local governments to provide credit to the poor.

5. Legislation permitting "small small" loans should be encouraged as a suitable means of providing loans to the poor from regulated, licensed lenders.

CHAPTER 9—FEDERAL CHARTERING

1. The Commission recommends that Federal chartering of finance companies be held in abeyance for 4 years while two complimentary courses of action are pursued: (1) efforts should be undertaken to persuade the states to remove from existing laws and regulations anticompetitive (and by extension, anticonsumer) restrictions on entry and innovation and, (2) Congress should sustain the research initiated by the Commission.

2. If the substantive portions of the Commission's recommendations regarding workably competitive markets are not enacted within 4 years and states have not eliminated barriers to entry, the Commission recommends that Congress permit Federal chartering of finance companies with powers to supersede state laws in three basic areas which sometimes severely limit competition in availability of credit: limitations on entry, unrealistic rate ceilings, and restraints on amounts and forms of financial services offered consumers.

Chapter 10—Disclosure

The Commission recommends that:

1. The Board of Governors of the Federal Reserve System regularly publish a statistical series showing an average (and possibly a distribution) of annual percentage rates for at least three major types of closed end consumer installment credit: new automobiles, mobile homes, and personal loans.

2. The Truth in Lending Act should be further amended to require creditors who do not separately identify the finance charge on credit transactions involving more than four installments to state clearly and conspicuously in any advertisement offering credit: "THE COST OF CREDIT IS INCLUDED IN THE PRICE QUOTED FOR THE GOODS AND SERVICES."

3. The Truth in Lending Act be amended to make clear the presumption that all discounts or points, even when paid by the seller, are passed on to the buyer and hence must be included in the finance charge.

4. Section 106(e) of the Truth in Lending Act be amended to delete as excludable from the finance charge the following items numbered in accordance with that paragraph:

(5) Appraisal fees

(6) Credit reports

5. A full statement of all closing costs to be incurred be presented to a consumer prior to his making any downpayment. In any case, a full statement of closing costs should be provided at the time the lender offers a commitment on a consumer credit real property transaction or not later than a reasonable time prior to final closing.

6. Section 104(4) of the Truth in Lending Act which exempts public utility transactions from disclosure requirements be repealed.

7. Creditors be required to disclose the charge for credit insurance both in dollars and as an annual percentage rate in the same manner as the finance charge is required to be disclosed. Additionally, where credit insurance is advertised, that the premium be required to be expressed as an annual percentage rate.

8. Exempted transactions (Section 104) of the Truth in Lending Act should include credit transactions primarily for agricultural purposes in which the total amount to be financed exceeds $25,000, irrespective of any security interest in real property.

9. Creditors offering open end credit be permitted to advertise only the periodic rate and the annual percentage rate.

10. Where terms other than rates are advertised, only the following terms be stated in the advertisement:

*Closed end credit*

The cash price or the amount of the loan as applicable.

The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.

The annual percentage rate, or the dollar finance charge when the APR is not required on small transactions.

*Open end credit*

The minimum periodic payment required and the method of determining any larger required periodic payment.

The method of determining the balance upon which a finance charge may be imposed.

The periodic rate(s).

The annual percentage rate(s).

11. Sections 143 and 144 of the Truth in Lending Act be amended to make clear that there may be no expression of a rate in an advertisement of closed end credit other than the annual percentage rate as defined in the Truth in Lending Act and regulation Z.

12. Legislation be adopted to permit private suits seeking injunctive relief to false or misleading advertising.

13. The Truth in Lending Act be amended to provide that the Act and regulation Z apply to oral disclosures.

14. State laws which are inconsistent with the Federal Truth in Lending Act or which require disclosures which might tend to confuse the consumer or contradict, obscure, or detract attention from the disclosures required by the Truth in Lending Act and regulation Z be preempted by the Federal law.

15. The Truth in Lending Act be amended as necessary to assure that subsequent assignees are held equally liable with the original creditor when violations of the Truth in Lending Act are evident on the face of the agreement or disclosure statement: and that there be equal enforcement by all appropriate agencies of this provision concerning assignees and all other Truth in Lending Act provisions in order to assure equal protection to all consumers.

16. Both suggestions of the Board of Governors of the Federal Reserve System pertaining to class action suits—one providing a "good faith" defense and the other spelling out more precisely the kind of "transactions" subject to civil damage claims—be adopted.

17. The Commission supports the recommendation of the Board of Governors of the Federal Reserve System that Congress amend the Truth in Lending Act specifically to include under Section 125 security interests that arise by operation of law.

18. The Commission supports the recommendation of the Board of Governors of the Federal Reserve System that Congress amend the Truth in Lending Act to limit the time the right of rescission may run where the creditor has failed to give proper disclosures.

### CHAPTER 11—EDUCATION

The Commission recommends that:

1. Congress support the development of improved curricula to prepare consumers for participation in the marketplace, with adequate attention to consumer credit as one aspect of family budgeting.

2. Appropriate Federal and state agencies should continue their emphasis on adult education for low income consumers, try to reach more of them, and develop useful programs for the elderly.

3. Federal resources be used to encourage expanded research and carefully monitored pilot projects to generate and test new ideas in adult consumer education.

4. Business organizations support and encourage nonprofit credit counseling, provided it is conducted for the benefit of the consumer and does not serve solely or primarily as a collection agency.

5. If private debt adjusting services are allowed to continue, their activities be strictly regulated and supervised, including their fees and advertising.

6. Counseling be made a mandatory requirement for obtaining a discharge in both Chapter XIII and straight bankruptcy, unless the counselor in a particular case should determine that counseling would be unnecessary or futile.

### CHAPTER 12—THE FUTURE OF CONSUMER CREDIT

1. The Commission recommends that legislation be enacted to achieve the following goals:

(1) Each consumer's complaint should be promptly acknowledged by the creditor.

(2) Within a reasonable period of time a creditor should either explain to the consumer why he believes the account was accurately shown in the billing statement or correct the account.

(3) During the interval between acknowledgment of the complaint and action to resolve the problem, the consumer should be free of harassment to pay the disputed amount.

(4) The penalties on creditors for failure to comply should be sufficiently severe to prompt compliance.

2. The Commission recommends additional Federal and state legislation specifically prohibiting any regulatory agencies from establishing minimum merchant discounts.

3. The Commission also recommends that studies be undertaken now to consider the eventual Federal chartering and regulation of credit reporting agencies, both to assure the accuracy and confidentiality of their credit information and to achieve open and economical access to their data.

### SEPARATE VIEWS OF CONGRESSWOMAN SULLIVAN

Next, Mr. Speaker, I submit the separate views I filed to be made part of the Commission report, discussing some of the 85 recommendations, or policy positions included in the report, with which I disagree in whole or in part:

### SEPARATE VIEWS OF CONGRESSWOMAN LEONOR K. SULLIVAN FOR FINAL REPORT OF NATIONAL COMMISSION ON CONSUMER FINANCE

As the principal sponsor of the legislation which created the National Commission on Consumer Finance, I have had no illusions that a bipartisan group of nine Members with divergent views on regulation of the credit industry—based on extensive participation individually in Federal or state legislative battles on this subject—would or could achieve unanimity on all of the controversial issues this Commission was assigned to investigate. Nevertheless, many far-reaching recommendations have been agreed upon, at least in principle, and the work of the Commission can provide many worthwhile benefits.

But the final Report is an attempt at accommodation of differing views which is only partially successful, and the Report will be useful only to the extent that those who read it and seek to imlpement it understand the circumstances under which the data was collected and the Report was written.

By the very nature of a national commission composed of six Members of Congress with extremely heavy legislative responsibilities and three private citizens able to devote only limited time to the assignment, the day-to-day workload rested on a small professional staff possessed of special expertise (and the inevitable biases acquired in their own wide experience in economics, law, and other fields). It was the responsibility of the Commission Members to hire the staff director, authorize the employment of specialists and the development of staff studies and outside contracts, review the results, and provide general policy direction. This Commission has suffered from the fact that there have been numerous changes in its membership, although, fortunately, a majority of five of its nine Members has served continuously, including Chairman Millstein, who had to take over the leadership midway through the Commission's work and has performed this assignment with ability, courtesy, tact, and conscientiousness.

Even under the best of circumstances, I am sure we would have had disagreement on some basic conclusions dealing with the question of maximum legal rates on credit charges. Unfortunately, unanticipated delays in the Census Bureau in carrying out the most extensive of the Commission's statistical studies resulted in the submission of great masses of material to the Commission Members, and a necessity for judgments to be made on staff analyses of the data, at a time when four of the six Congressional Members were in the midst of re-election campaigns and all six were deeply involved in major legislative battles in Committee and on the House and Senate Floor in the chaotic homestretch of a two-year Term of Congress.

### PROJECTIONS BASED ON DATA STILL TO BE PUBLISHED

Hence, although the Report language was continuously being rewritten down to the deadline to reflect additional data and the comments of individual Members, there was no occasion when all nine Commissioners—or even a majority of five—were able to sit down together and argue out the issues face-to-face once the staff had finally assembled the economic data on which some of the most controversial conclusions of the Report are based—those dealing with maximum rates. In view of the individual dissents from those conclusions, they emerge, therefore, largely as staff recommendations, based on staff studies and econometric projects only four of us serving on the Commission actually had explained to us in detail during nearly three full days of morning, afternoon and evening meetings. Had all nine been present for that extended discussion and debate, I think Chapters 6 and 7 dealing with rates would probably have been cast differently.

When the Report states, at it does in Chapter 7, that state legislators should study the advisability of adopting a rate ceiling structure suggested by the Commission staff as a basis for achieving optimum competition in the extension of loans to low income borrowers, it refers to projections based on data not available to us in final form, which will be published later. Once the data is subjected to the kind of intensive critical analysis it deserves, among a wide spectrum of economists and other consumer credit specialists, we will all have a better basis for judging the validity of these projections. Unfortunately, there was no opportunity to have that kind of public review of the survey information before the Report had to be completed in conformance with the deadline set by the stature under which the Commission operated.

### KEEPING THE REPORT IN PERSPECTIVE

The fear has been expressed that instead of being viewed as a package of approaches toward improving the overall operations of the consumer credit market in this country, the Report will be dissected into separate and unrelated segments which will be used to promote the special interest objectives of various pressure groups in the economy. Certainly this can happen if those who shared in the work of the Commission permit such efforts to go unchallenged. The Congressional Members, all serving on the respective House and Senate Committees having jurisdiction over consumer credit legislation and over the functioning of federally chartered or insured financial institutions, are in an excellent position to prevent misuse of Commission data or findings in the achievement of special interest legislative objectives at the Federal level. Furthermore, the state legislatures have demonstrated, under intense pressure of the credit industry in 1969 to pass quickly and without critical analysis the controversial provisions of the proposed Uniform Consumer Credit Code, that they are capable of examining with caution and care issues such as those discussed in this Report, particularly when they recognize that the Commission itself has not endorsed any proposed rate structure as "ideal."

There was basic agreement in the Commission on the value of the Truth in Lending Act in promoting a more informed use of credit by consumers, and there was a desire shared by all of the Members to make this landmark law more effective and more useful through changes in the law and education of consumers in using the law. There was general agreement on the need to stimulate more competition in the marketing of consumer credit. The staff studies and outside research financed by the Commission have provided us with a comprehensive catalogue of the statistics of credit granting in each of the 50 states, not only in terms of comparative amounts and rates but broken down into major categories of consumer credit. This was a monumental task, bringing together information not previously available. For the first time, also, we have a clear picture of how creditors' remedies are used in the various states by different types of creditors in enforcing the repayment of credit arrangements, to enable us the better to judge which techniques are fair and necessary and which are abusive and predatory. Chapter 3 will be particularly useful to the Congress and to the state legislatures in assessing the need for reform in this area.

### REPEALING STRONG STATE GARNISHMENT RESTRICTION LAWS

This is certainly not to say that all of the Recommendations of Chapter 3 have been enthusiastically agreed to by all of the Members of the Commission. That is certainly not the case. I personally oppose very strongly the proposal in Chapter 3 which calls upon the states which have much stronger laws than the Federal statute in protecting consumers against garnishment abuses to modify their laws in order to bring them into conformance with the relatively mild provisions of Title III of the Consumer Credit Protection Act. When the Federal Restriction on Garnishment Act was adopted in 1968, it undoubtedly was a strong step forward, in comparison with most of the state laws on this subject at that time; but it was admittedly a compromise intended to win the approval of the Senate Conferees for any Federal law on this subject. Since 1968, and particularly since the garnishment title went into effect on July 1, 1970, many of the states have improved their garnishment laws and brought them at least up to the standard of the Federal law. But I do not think the Federal law is strong enough; nor would it be even with the increase in exemptions proposed in Chapter 3 to 40 times the minimum wage. And I certainly don't think that states like Pennsylvania and Texas, North Carolina and Florida, and others which regulate and restrict garnishment more severely than the Federal law does, should be challenged to repeal—or have superseded by the Federal law—their tougher restrictions on garnishment.

### EMPHASIS ON EXPANDING CREDIT FOR HIGH RISK BORROWERS

Which brings me to my basic criticism of this Report, which is that so much of the emphasis is directed toward the expansion of the availability of credit to those who do not now qualify for it because of the fear or probability that they cannot or will not repay. Except for instances of outright discrimination, there was little evidence collected by this Commission to show that *creditworthy* Americans cannot obtain as much credit as they can afford to repay. In fact, the evidence is convincing that large numbers of Americans obtain far more credit than their economic situations would justify. True, they frequently pay a high—a very high—interest rate for this credit. This would seem to indicate that those who extend credit to high risk borrowers are making tremendous profits. But the Commission studies clearly show that the cost of extending credit make it impossible for creditors to extend small loans to high risk borrowers at rates that can possibly be considered "reasonable."

Is the answer, then, to raise all legal ceilings on interest rates to encourage and promote this kind of loan? I think not. As Chapter 8 points out, the ultimate solution for making very low income families eligible for more credit is to enable them to raise their incomes so that they can afford to repay the credit. But coupled with this sage, if not easy-to-implement, advice is extensive argument in the Report for making it economically feasible, and in fact, quite profitable, for private enterprise to extend cash loans to high risk borrowers through a rate ceiling structure sufficiently high to cover—in all loans—the extra costs of doing business with the high risk borrower. These extra costs result from smaller average loan sizes, increased losses from default, high delinquency experience, and high collection costs. and include, also, provision for a favorable return on investment and borrowed loan funds. To me, this is not a satisfactory solution.

### COMPETITION AND RATES

The Commission does urge the removal of existing barriers to competition so that more financial institutions can get into the field of lending money. Commission studies point to a high incidence of concentration in the banking and small loan industries—with comparatively few firms in many states dominating the field of cash consumer credit. Other studies made by the Commission staff, including an econometric model using techniques which those of us who are not economists pretty much have to take on faith, are said to demonstrate that if lenders can charge up to 42% on the first $300 of any loan, with substantially lower rate ceilings on other steps of a loan up to $3,000, this rate structure would be sufficiently high to stimulate competition among lenders for consumer loan business, and thus make more credit available—and hopefully encourage competition in rates, too.

I am not aware of any Member of the Commission who argues that we should call upon the states to set ceilings immediately at 42% on small loans. The wording of the Report is rather fuzzy on that, leading to diverse interpretations by individual Members of the Commission. Essentially, however, the rate structure described, or rather referred to in Chapter 7, is a staff projection. I am not opposed to the Commission releasing the results of staff studies which reflect extensive research authorized by the entire Commission, but on a matter of this kind the staff cannot speak for the Commission.

We have been assured that the raw material which was fed into the computers is the most comprehensive consumer credit information ever amassed for all of the 50 states for a variety of different forms of credit extension. But no computer, and no computerized data, can answer the kind of social and political questions which this Commission, as a Commission, should face, such as:

Do rate ceilings necessarily serve a *bad purpose* when they deny access to credit by those who cannot afford to repay the credit they seek? I don't think so.

Should rate ceilings be set high enough for all consumers so as to make it profitable for creditors to lend money to classes of risks likely to default? I don't think so. Why should good credit risks be subjected, during recurring periods of tight money, to the likelihood of having to pay interest rates geared to the level of return required to enable creditors to lend to bad credit risks?

Should consumers be encouraged to save in advance for major purchases and pay cash when possible I think so. One of our studies showed that 60% of consumers have that alternative, and many exercise it. Undoubtedly, more who can will do so when they learn through longer experience with Truth in Lending and through education how substantial the savings can be.

### THE NECESSITOUS BORROWER

The one new technique suggested in the Report for dealing with the admittedly serious problem of credit availability for the very high risk borrower is the proposal in Chapter 8 for an experimental program of direct loans by a Federal instrumentality, operating as a test in a single city and geared to the special needs of low income borrowers in meeting emergency situations—but under circumstances intended to assure repayment. Such a test program could provide valuable information on the practicability of serving the low income market, and at what rates.

The subsidized low income credit unions so far have had a disappointing experience, according to our information, because of a variety of adverse factors including insufficient training of personnel, but also because, too often, the loans are regarded by many borrowers as being repayable only if convenient. Of course, it is difficult for low income borrowers to repay loans, even when the rate is only 12%. Yet a solution for the availability of credit to people whose needs are suddenly urgent, and whose resources are small, must ultimately lie in a recognition by the necessitous low income borrower that the loan must be repaid if he is again to be able to obtain credit from legitimate sources.

In Title II of the Consumer Credit Protection Act, dealing with loan-sharking, we made it a Federal criminal offense for the illegal loan industry to compel repayment of extotionate loans through violence or threats of violence. Chapter 3 of this Report recommends elimination of many of the abusive legal techniques of collecting debts. Bankruptcy can eliminate the need to repay debts which are clearly excessive. But we are faced still with the problem of achieving voluntary repayments by those now considered high risks but whose needs for emergency loans may be urgent and unpostponable—such as meeting arrearages in rent or mortgage payments to avoid eviction, or to regain possession from a repair shop of an automobile needed on the job, or to buy work clothing, or achieve the discharge of a hospital patient. The family on welfare can often tap public resources for emergencies; private charitable organizations frequently help, too. But the working low income family often has no source except the loan shark. That is a truly serious problem which the experimental program outlined in Chapter 8 could help solve—or at least show us how, or whether, it *can* be solved.

### THE ARKANSAS USURY CEILING OF 10%

Chapters 6 and 7 devote much of their argument to the unavailability of credit in Arkansas where the usury ceiling is only 10%. There is some published evidence that people in Arkansas pay somewhat higher prices for consumer durable goods than those of neighboring or other states where usury ceilings are higher. The Commission itself did not investigate that. And, so far as I know, we have no documentation to show that the *combined* cost of the credit and the retail price on a purchase in Arkansas exceeds the combined price and credit charges for the same goods in states with higher usury ceilings.

The staff studies argue that the people who pay cash in Arkansas are helping to subsidize the cost of extending credit to those who buy on time. The same argument can be made for the department store shopper in any state who pays cash and thereby helps to subsidize the cost of the store's 30-day charge accounts or the discount paid by the store to credit card companies on credit card purchases. The cash buyer, of course, does have the right to ask for a *discount*, too, and can often obtain one; furthermore, under Regulation Z the store can give a cash discount up to 5% without being required to determine its APR as a finance charge. How widespread is this practice in Arkansas?

Before deciding whether to come to the aid of the consumers of Arkansas on the theory that they are being discriminated against by not being permitted to pay more than 10% interest for credit, I would want to know how the *people of Arkansas* felt about it.

### THE HEARING OF THE COMMISSION

In my opinion, the most useful work performed by the National Commission on Consumer Finance has been the series of hearings conducted by the Commission over a period of several years. The information brought out in the hearings on abusive collection methods and archaic legal remedies available to creditors in compelling the repayment of disputed debts not only contributed to the recommendations in Chapter 3 of the Report but have already stimulated reform in state legislatures of outmoded laws dealing with consumer credit, such as Maine's "debtor's prison" statute.

The hearings on enforcement by Federal and state agencies of the Truth in Lending Act and of state laws dealing with consumer protections in the use of credit formed the basis of the recommendations in Chapter 4 of this Report and also led to increased recognition of the importance of having Federal bank regulatory agencies, with exclusive jurisdiction over the institutions they supervise, examine those institutions for compliance not only with Federal laws but with state laws intended to protect consumers. The "no-man's land" of national bank compliance with state laws, and compliance by federally-chartered savings and loans and credit unions with state laws—institutions which apparently are not subject to inspection and examination by the state authorities—must be brought under effective regulation to show compliance with all laws. The Commission's work in this field has been invaluable.

Another set of hearings, held this year, spotlighted the obsolete practices of many lending institutions and credit grantors in refusing to make credit available to creditworthy women. Our exposure of the problem has helped immeasurably to expedite its correction. This situation is described in Chapter 8.

The survey of consumer credit volume conducted by the Commission through the Census Bureau will, when published, undoubtedly provide extremely valuable data to the credit industry for years to come. So too will the data on the costs of extending credit. To the extent that the Commission has amassed information not previously available in the field of consumer credit, it has performed a useful service and justified its existence. But some of the conclusions drawn from this data are questionable, and as the Member of Congress who initiated the legislation which created the Commission, I disagree with them in whole or in part. Taking up these issues by Chapters:

### CHAPTER 3—CREDITORS' REMEDIES AND CONTRACT PROVISIONS

This is an excellent chapter. My reservations deal primarily with *garnishment*. The recommendations on garnishment would effectively insulate workers earning no more than the Federal minimum wage from any garnishment of their wages. I support this. However, for those earning more than the minimum wage, I believe that at least 90% of their weekly wage should be exempt from garnishment—the figure agreed to by the House in 1968 in passing the Consumer Credit Protection Act. The 75% limitation written into the law by the House-Senate Conference Committee, and endorsed in Chapter 3, was a compromise agreed to by the House Conferees at the insistence of the Senate Conferees, who had opposed *any* Federal restriction on garnishment. Furthermore, the recommendations in Chapter 3 that states with more restrictive laws on garnishment than the Federal law should modify their laws and bring them into conformance with the Federal statute is contrary to the basic thrust of Title III of the Consumer Credit Protection Act, and I oppose that recommendation. Chapter 3 refers only obliquely to one of the main purposes of Title III of the Consumer Credit Protection Act, (Restriction On Garnishment) which was to discourage *excessive* extensions of credit to workers who are not able to repay the obligations without substantial harm to their family living standards, and who are forced into bankruptcy or made unemployable. The evidence was clear in the hearings which led up to the enactment of the Consumer Credit Protection Act that the existence of the opportunity to garnishee a worker's wages was often the *major factor* in a creditor's decision to extend excessive credit to many marginal risks. A garnishment law which permits no more than 10% of a worker's pay to be taken in satisfaction of debt (as is the case in New York) would still provide a device for collecting from those who refuse to pay just debts while at the same time discouraging the predatory extension of credit to those who cannot handle it without great family hardship.

According to Commission staff studies, as described in Chapter 3, "the availability of credit was substantially curtailed, and the charge for credit was significantly increased" in states where garnishment was either prohibited or restricted beyond the limitations imposed by Title III of the Consumer Credit Protection Act. This may be true in New York, Pennsylvania, Texas, South Carolina, North Carolina and other states which impose restrictions on garnishment tougher than those contained in the Federal law or which prohibit garnishment entirely. But what this data does not show is the *quality* of the credit extended in those states. I completely disagree, therefore, with the suggestion in Chapter 3 that "garnishment be allowed in all states subject to the restrictions" contained in the Consumer Credit Protection Act. I would be less opposed, however, if Title III of the Consumer Credit Protection Act were amended to impose a restriction on garnishment of *no more than 10%* of a worker's pay, rather than 25%, and it applied also to wage assignments.

Furthermore, the proposal in Chapter 3 that employers be prohibited from firing employees regardless of how many garnishments they may sustain requires further study to make sure that employers are not placed in the unhappy situation of being involuntary bill collectors for predators in the consumer credit field. This was one of the situations we were trying to prevent in 1967 in introducing the original version of Title III of the Consumer Credit Protection Act which would have outlawed garnishment entirely.

### CHAPTER 4—SUPERVISORY MECHANISMS

The recommendation that all of the *enforcement responsibilities for the Truth in Lending Act* be placed under one agency instead of, as at present, being under nine different Federal agencies having jurisdiction over different categories of credit grantors, would be workable, and would have my support, *only* if we had the assurance that the single agency assigned to this responsibility would have adequate funds to carry out its responsibilities. At the present time, there is no question about the availability of whatever funds are needed by the Federal Reserve Board to carry out its regulatory responsibilities under the Truth in Lending Act and to supervise the enforcement responsibilities of the other eight agencies which share with the Federal Reserve the administrative enforcement of the Act. Some of those eight agencies are not now performing their jobs effectively. But this is not because of lack of funds. The same staff people who enforce other laws for regulated lenders, such as banks, savings and loans, and credit unions, can, at little or no additional expense, examine also for violations by those institutions of the Truth in Lending Act.

The Wage and Hour Division of the Department of Labor which administers the garnishment title of the Consumer Credit Protection Act has had no financial problems in investigating such violations. If funds for an independent regulatory agency are not available, there is no reason why existing agencies cannot continue their present responsibilities as long as there is close surveillance of their performance, either by the Federal Reserve Board which now has that responsibility or by a proposed new Consumer Credit Agency. The Federal Trade Commission has been doing a good job of enforcing the Truth in Lending Act among the vast numbers of businesses over which it has jurisdiction and I would want to be certain that the proposed Consumer Credit Agency would be able to do the job as effectively if the Federal Trade Commission were to be relieved of it.

### CHAPTER 5—CREDIT INSURANCE

This Chapter states that the Commission has not had the time or the resources to study credit insurance comprehensively. That is regrettable. It is an important cost of credit. A proper and thorough study should be undertaken by the proposed Consumer Credit Agency recommended by the Commission. As this Chapter points out, the rates charged for credit life insurance are frequently excessive and should be brought under effective regulation.

### CHAPTER 6—RATE CEILINGS

I disagree with some of the conclusions of this Chapter. I certainly do not believe it is "this Commission's view"—certainly it is not my view—that cash borrowers in Pennsylvania and New York would be "significantly better off" if banks were able to charge the same rates for loans as small loan companies. Obviously, many banks in New York and Pennsylvania can make and are making loans at 11.6% APR, as is at least one bank in Washington, D.C., currently advertising a loan of $1,000 at a rate of 11.5% APR. Raising ceilings on rates for *good* risks in order to expand the market for bank loans to higher risk borrowers is not, in my opinion, the solution for the uneven availability for credit.

Furthermore, before I would be prepared to tell the residents of the State of Arkansas that their 10% usury ceiling is unworkable, I would want to know—and we do not have this information—whether credit is available in Arkansas in sufficient quantity for those who are clearly able to repay their loans.

The reference to the APR rates in Hawaii for new car loans as being substantially below the ceiling for such loans does not take into consideration, it seems to me, the fact that U.S.-made automobiles are already priced much higher in Hawaii than they are in the continental United States because of the transportation costs. The average rate for new car loans in Hawaii made by commercial banks during the second quarter of 1971 of 9% APR, compared with a legal rate ceiling of 24.85%, merely suggests, to me, that the ceiling on new car financing in Hawaii is incredibly high and that far fewer new cars would, or could, be sold in Hawaii if a 24.85% rate were charged for new automobile financing in a state where housing costs and other living expenses are extremely high.

The discussion of rates versus ceilings reminds me that after the courts in the District of Columbia ruled that the D.C. banks could not charge more than 8% APR for instalment loans (before that ceiling was raised by Congress to between 11 and 12 percent) some banks in the District of Columbia mounted very extensive advertising campaigns to *attract borrowers at 8%*. Their profit or loss on these loans should have been looked into. Obviously they must have extended loans only to good risks. But what was the actual experience? The Report suffers from the lack of this information.

A theme running through Chapter 6, and through many other sections of the Report, is that since higher rates tend to make more credit available for consumer credit purposes, higher ceilings are therefore a good idea. This is not necessarily so. It ignores the whole picture of credit availability for all purposes—including industrial plants and equipment, housing, consumer loans, automobile credit, small business expansion, government needs, etc. In a period of tight money, unrestricted rates for business credit siphon off vast amounts of money from housing and from other essential purposes. I do not subscribe to the philosophy that we should permit investment funds willy-nilly, to go to those credit purposes which bring the highest return. Congress in 1969 faced up to this problem by giving to the President and the Federal Reserve Board the power to regulate interest rates and credit terms in any and all types of credit when this is essential to prevent credit inflation and a distortion of the requirements of housing, small business, and other areas of the economy. Consumer credit *is* important to the economy, but it is not the sole concern of those who are responsible for setting credit policy. Even though it is the major responsibility of this Commission, all of us on this Commission are conscious of the fact that a policy for consumer credit cannot be created in a vacuum, insensitive to and insulated from the other credit needs of the economy.

Chapter 6 discusses critically the decisions of some states to impose ceilings on department store revolving credit at less than 18% APR stating that this is not in the best interest of consumers. We have no documentation of our own to support that. Some stores have been offering 3-month (and before Christmas 4-month) credit without service charges in order to promote the sale of goods. This is the basic purpose of retailer credit—just as the advertised specials, parking arrangements, and other services are intended to bring in business and increase sales, whether or not they fully pay for themselves. The retailers who had argued mightily against being required by the Truth in Lending Act to disclose an annual percentage rate for their revolving credit had insisted during Truth in Lending hearings that extending such credit costs them at least 18% of credit sales, citing the same Touche, Ross, Bailey and Smart study referred to in Chapters 6 and 7. I did not take that study seriously during hearings on Truth in Lending in 1967 and I do not do so now as proof that an 18% rate is *required*. It ignores the fact that the credit systems used by retailers are not separate operations intended to pay for themselves any more than do other supportive services of the stores which are adjuncts of selling merchandise. The fact that stores simultaneously offer other credit terms to good customers underscores the weakness of the argument that 18% is sacrosanct.

### CHAPTER 7—RATES AND AVAILABILITY OF CREDIT

I have already commented on this Chapter. Some of it is incomprehensible to me. I would feel embarrassed if I thought that all of the other Members of the Commission understood all of the diagrams and technical details better than I do. I consider most of this Chapter a scholarly economic report by highly qualified staff researchers and I accept it as part of the Report only in that context. I think the technical data it contains should have been attached as an appendix to the Report, and identified as a staff study, rather than being presented as part of the Commission's findings since I doubt that any of the Members of the Commission would endorse it completely as their own views.

Several of the Members of the Commission, in separate views, have expressed the fear that the rate structure referred to in this Chapter as a so-called ideal to achieve the "optimum availability of credit" will be seized upon by credit industry lobbyists to pressure such ceiling rates through the legislatures while the proconsumer features of the Report are ignored. Certainly, we all have an obligation to make sure this does not happen. The proposed rate structure does not represent a consensus of the views of the Commission Members.

The Commission generally agreed on the expansion of competition in consumer credit as a principal objective. Furthermore, once the research material on which this Chapter is based is made available to the economics profession, it can stimulate discussion and evaluation of the factors used by our staff econometricians in developing the kind of rate ceiling structure they feel would promote more competition among credit grantors. This material will also encourage further study of the advisability of making more credit available to low income, high risk borrowers. But in the meantime, I certainly have no intention of endorsing, or passively accepting, any rate ceiling structure recommended to the states which would set no interest rate ceiling on loans under $100 and let rates on $300 loans go up to as much as 42%. Although the 42% rate ceiling on $300 loans is not specifically cited in Chapter 7 it emerged from the econometric model on which much of Chapter 7 is based. I think most of us on the Commission are fearful that when this data is published, it will be taken as reflecting the *Commission's* views that a 42% ceiling is justified in order to make credit available to low income borrowers and promote competition. Hence, it should be stressed that the Commission itself has never voted for such a rate schedule and does not endorse it.

### CHAPTER 8—SPECIAL PROBLEMS OF UNAVAILABILITY

The "small-small" loans in Texas at rates in excess 100% are cited approvingly in Chapter 7 and also in this Chapter. The figures show that 10% of the loans are written off as bad debts. Yet, even so, the return on loan company investment after taxes is more than 10%, despite the high loss ratio. Obviously, extending such credit is costly and requires a high rate. The question is whether such credit serves a useful purpose or merely victimizes those who are encouraged to borrow at such fantastic rates of interest. The fact that people "come back for more" does not establish the validity of these loans as a matter of public policy. Do these people ever get out of debt or do they spend their lives borrowing to pay off maturing obligations?

### CHAPTER 9—FEDERAL CHARTERING

The legislation creating the Commission expressly called upon it to "include treatment" of "the desirability of Federal chartering of consumer finance companies. . . ." Chapter 9 presents a series of pro and con arguments which are useful for discussion purposes and may stimulate public interest in this idea. I have no strong feelings on this issue one way or the other. However, I do not believe the main thrust for such a program should be for the purpose of enabling the federally chartered institutions to ignore state usury laws.

### CHAPTER 10—DISCLOSURE

There was no evidence presented to the Commission, that I am aware of, to indicate that present requirements of the Truth in Lending Act on the advertising of credit terms are too stringent or are impractical. While it is true that credit advertising virtually stopped after the Act went into effect, it began to revive as creditors discovered the value of advertising their credit terms honestly and fully, and not deceptively. Many automobile dealers, second mortgage lenders, banks and other types of creditors are now advertising their installment terms, giving all of the essential facts, including the down payment required and total cost including finance charge. Chapter 10 proposes eliminating those two requirements. I think that would be a disservice to consumers shopping for the best credit terms. Similarly, the proposal for eliminating the necessity of including certain critical features of open end credit arrangements when advertising what purport to be the terms, while simplifying space problems for merchants and credit card companies in soliciting new accounts, could very well mislead consumers into signing up for open end accounts with advantageous terms. I disagree completely with these recommendations.

I have difficulty with another recommendation in this Chapter that sellers' "points" in real estate transactions should be counted in all instances into the annual percentage rate of the finance charge on the assumption that the seller's points are automatically incorporated into the selling price of the house. Both FHA and VA are committed by law and regulations against permitting seller's points to be added to the appraised value of the house and, although we know that this prohibition is often violated through lax appraisal practices or subterfuges of various kinds, I would be reluctant to legitimize the practice by amending the Truth in Lending Act on the assumption that it is *always* happening. Of course, when there is evidence that the seller's points are indeed included in the sales price, they should be figured into the APR.

Chapter 10 skims only in passing over one of the assignments given to this Commission in the Conference Report on the legislation which became the Consumer Credit Protection Act—that is, determining the consequences to effective disclosure under Truth in Lending of exemption from annual percentage rate disclosure of minimum monthly charges of 50 cents on open end credit and finance charges of $7.50 or less on closed end transactions of $75 or more. Chapter 10 assumes these were wise decisions by Congress in writing the law. The House Conferees had *opposed* exemption of minimum charges from annual rate disclosures, but reluctantly compromised with the Senate Conferees on the point, specifying that the issue should be studied by this Commission. The Commission, to my knowledge, has developed no information to justify such exemptions, merely citing the generalization that the exemptions simplify computations for small business firms. The exemptions definitely obscure the comparative costs of such credit as measured by the APR, particularly on installment contracts. We have not really studied this issue in any depth.

### CHAPTER 11—EDUCATION

This Chapter attacks the basic problem of consumer unawareness of interest rates, finance charges, and the costs of using credit in an uninformed manner. Truth in Lending disclosures are of little value to those who pay no attention to the information disclosed. Much more serious are the consequences to the unwary debtor of signing a credit contract he does not understand. While the recommendations in Chapter 3 dealing with creditors' remedies will go far towards eliminating abusive practices which frequently victimize consumers entering into consumer credit transactions, the ultimate consumers in contracting debts under terms and conditions they do not understand (and which they are often not in a position to discharge) is to make information about credit not only *available* to consumers but *understandable* and *important* to them. This Chapter sets out a variety of approaches to that objective. This Commission has financed extensive research into how much or how little the average consumer using credit knows or remembers about the terms he agreed to, and it is clear that, three-and-a-half years after the initiation of Truth in Lending, we still have an appalling amount of ignorance on this matter, particularly among young low income individuals with less than a high school education.

### CHAPTER 12—THE FUTURE OF CONSUMER CREDIT

The expected emergence of a "checkless-cashless" society through an electronic funds transfer system scares many consumers, and with good reason. The computer may be ready to take over a multitude of consumer transaction accounting chores, but the public is not yet ready for the computer! The cancelled check, and a copy of the voucher that the consumer signed in entering into a credit transaction, are still, in the customer's mind, his main and perhaps only effective defense against recurring computer errors and the resulting frustrations, annoyances and threats.

Taming the computer—or at least training adequately the human beings who operate computers and those who initiate the harassments which result from computer errors—is an absolute must or the credit industry will lose more in customer good will than it can ever gain in accounting efficiency. Of all of the letters received by Members of Congress from constituents on consumer credit issues, complaints about billing errors in computerized systems—and the inability to straighten them out—are by far the most voluminous.

The existence of the Fair Credit Reporting Act of 1970 has gone far toward alleviating the worst fear of consumers about billing errors—the concern that their credit rating will be damaged because of a creditor's error. But as present trends in consumer credit clearly forecast, and as Chapter 12 points out, credit decisions will become increasingly less personal and more automated, and it is essential that the Fair Credit Reporting Act be strengthened to meet these challenges. Experience under this Act since it took effect in April 1971, points up the necessity to provide—as the House Conferees on this bill had proposed—clear-cut authority to the Federal Trade Commission to issue compliance regulations which would have the force and effect of law, just as the Federal Reserve Board has authority to issue binding regulations under the Truth in Lending Act.

The Commission did not go into the deficiencies of the Fair Credit Reporting Act which limit its effectiveness as a "Good Name" Protection Act. The 93rd Congress should do so.

### A SUMMING UP—CHAPTER 1

In an attempt to summarize the work of the Commission, Chapter 1—the last Chapter to be written and one which has been subjected to numerous revisions down to the final deadline—implies that the consumer credit industry has done a remarkable job of serving the American people despite inordinate interference and "tinkering" by government. There is no question that the industry has grown tremendously since World War II and has made possible a great expansion in consumer purchases and improvements in living standards for most Americans.

But the role of Government—Federal, state and local—in regulating this industry is of vital importance in maintaining not only its integrity but its health and growth and stability. The so-called "tinkering" has by no means been all negative: the existence of consumer credit stems primarily from our monetary system which makes available, through governmental decisions, and often through government loan funds, the money which *finances* credit.

The differing state laws on the regulation of consumer credit provide us with a laboratory for testing out various approaches to effective regulation in the public interest. The work of this Commission has resulted in the testing of many of those approaches from the standpoint of credit availability, competition, and over-all effectiveness.

The staff of the Commission, under Executive Director Robert L. Meade, has developed voluminous research material which will be of great assistance to the states and to the Federal Government in determining future policy on credit regulation. Once this mountain of data is published in usable form, and is subjected to the kind of critical study on a wide scale which it deserves, those of us who dissent from the staff recommendations on rate structures may eventually feel that we were wrong or hasty in our judgments. Only time and thorough analysis of the data will determine that. But, on the basis of the limited time which we have had in which to try to understand the complex material obtained during the course of the staff's extensive investigations, surveys and econometric projections—information which has been developed in the final months of this Commission's existence and is still in the process of being organized—we have not been persuaded that the facts justify many of the conclusions expressed. That is certainly the situation as far as I personally am concerned.

Commissions have the power only to recommend laws, not to enact them. Therefore, there is time for Congress and the Executive Department, and for the state legislatures, to study this Commission's proposals in depth before attempting to write laws based on them.

Hence, consumerists who specialize in economic theory and consumer law must be just as active as the credit's industry's consultants and experts in studying the Commission's technical reports and making their voices heard on the facts as they see them. The legislatures will certainly need this kind of consumer assistance, and so will the Congress, in making the ultimate decisions on new consumer credit laws.

## IN SUPPORT OF THE NEDZI RESOLUTION TO END FUNDING FOR THE CONFLICT IN SOUTHEAST ASIA

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LONG of Maryland. Mr. Speaker, I rise in support of the Nedzi resolution to declare it to be the policy of the Democratic caucus that no further funds be authorized, appropriated, or expended for U.S. combat operations in or over Indochina, subject to release of American prisoners and an accounting of the missing, thereby leaving the war to the South Vietnamese, who, after all, vastly outnumber their Communist attackers.

There may have been a time when this war was justified. Certainly in the years when someone very close to me was fighting in Vietnam and was nearly killed there, I felt strongly that it was justified. But whatever its justification in the past, this war is no longer justified now. Every pronouncement our President has made indicates that we have no further objective in Vietnam that can be clearly defined and that is consistent with our national interest. It has become a no-win war. How then can we ask any boy—any son of ours or of any constituent—to die for what is left of American interest in Vietnam?

We are told it is a fight against Communist domination of Asia. Well, if the Communists are to dominate Asia, it will not be Vietnamese Communists, but the Chinese and Russian Communists. Yet in this past year the United States has moved to bolster Chinese Communists with U.S. trade and with advanced technology, and has sold, some think too cheaply, U.S. grain to have Russian Communists from the consequences of decades of robbing their agricultural economy in order to build up a war machine that is equal or superior to the United States both in Asia and worldwide. So with our right hand we act to save the big Communists while with our left we bomb the little Communists.

We are told that peace is just around the corner:

> "I fully expect [only] six more months of hard fighting."—General Navarre, French Commander-in-Chief, Jan. 2, 1954.
>
> "Every quantitative measurement shows we're winning the war. . . ."—Secretary of Defense Robert McNamara, 1962.
>
> "We have reached an important point when the end begins to come into view . . . the enemy's hopes are bankrupt."—General Westmoreland, Nov. 21, 1967.
>
> "I will say confidently that looking ahead just three years, this war will be over. . . ."—President Nixon, Oct. 12, 1969.
>
> "Peace at hand."—Dr. Henry Kissinger, Oct. 26, 1972.

I have sat on military committees in the House for 10 years and listened to generals and admirals and Secretaries of State tell us that all we had to do was give more money, more equipment, more training to the South Vietnamese and we could get an acceptable settlement. Yet the war goes on.

We are told that the President and his advisers know best. This has been shown over and over again to be less than the truth. Indeed, Presidential adviser after adviser after retirement from office has written books and articles indicating sharp disagreement or a change of mind about what the facts were in Vietnam and about the war's justification.

Nothing can be greater folly than to rely on the notion that the President and his advisers know best. At the time of the Thirty Years' War, Chancellor Oxenstierne of Sweden said:

> Do you know, my son, with how little understanding the world is governed?

When I think of the Vietnam war and what I have been told by Presidents and their advisers, those words seem to be as applicable today as 3½ centuries ago.

We are told that our honor is involved. Well, honor to some—dishonor to others.

We are told that this is a vote for surrender. A surrender of what and to whom? Certainly it would not be an American surrender. The South Vietnamese have 1 to 2 million men under arms. No one has ever claimed the Communists have over a quarter of a million. We have given our South Vietnamese allies the finest fighting equipment in the world. Secretary of Defense Melvin Laird told the House Armed Services Committee on January 8, 1973:

> From a military standpoint, the Vietnamization program has been completed . . . [making possible] the complete termination of American involvement in the war.

South Vietnam has the organized government. It has a large anti-Communist population. It has everything it needs to win this war—except possibly the will. And if we have not been able to instill in South Vietnam the will to win after 10 years, how can we do it in the future? Indeed, it is possible that the South Vietnamese will never have the will to fight their own war as long as we are fighting it for them.

We are told that this resolution is poor politics, that this Democratic Caucus will be "taking the President off the hook." Maybe so. But even if so, this reasoning is a betrayal of the American boys who will die every week this war is prolonged if we abdicate our control over the warmaking power merely to gain a few points in one-upmanship with the President. There are times when the best politics is no politics.

Let us do the job we should have done years ago—the job that would have saved tens of thousands of lives and hundreds of billions of dollars. Let us pass the Nedzi resolution and put the Democratic Party on the high road toward getting our country out of a conflict which, whatever its original justification, is no longer in our national interest—a conflict which, indeed, is no longer our war.

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## A TIMELY WARNING ABOUT FEDERAL "AID" TO EDUCATION

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in the event you missed reading, during the period between Congresses, the article from U.S. News & World Report entitled "On Campus—An Iceberg of Government Intervention?" I have appended it to my remarks for yours and that of other Members' perusal and reflection.

Over the years, the majority of Members of this body have believed that one form or another of Federal aid to education was a "critical," "overpowering," "legitimate," "necessary," "priority," concern of the Congress of the United States. A small but determined band of Members, including myself, have steadfastly warned that such "aid" would produce results contrary to the letter and spirit of the Constitution, the intent of Congress even after enactment, and the rights of the citizens.

Now comes George C. Roche III, president of Michigan's Hillsdale College, with a horror story which is becoming all too common in this age of galloping centralization of power in Washington. In a speech before the American Association of Independent College Presidents, Mr. Roche clearly vindicates the warnings that Federal "aid" is a euphemism for Federal "control" of the educational process. The fact that such control has become arbitrary, capricious, without legal foundation, and naturally, contrary to the spirit of the laws enacted by the Congress, should serve as another warning to all in this House that we must radically curb the discretionary power we have granted to the executive branch of the Government.

I sense, finally, a restiveness among Members of this new Congress which I believe will lead to a reassertion of the coequal stature of the Congress. Naturally, the abdication of our powers has not only been in the area of educational legislation, but in virtually every field of public business with which we deal.

It is my hope that Members of the 93d Congress will make up for lost time and address itself to the fundamental question of who controls the Government's power over the lives of our citizens.

The article—and the issue it represents—may serve as a beginning issue from which the "people's" House can regain its constitutional perogatives in directing the affairs of the citizens of the Nation as we were elected to do:

### ON CAMPUS: "AN ICEBERG OF GOVERNMENT INTERVENTION"?

(Following are excerpts from a report to the American Association of Presidents of Independent Colleges and Universities, meeting in Scottsdale, Ariz., on Dec. 4, 1972, by Dr. George C. Roche III of Hillsdale College.)

Colleges and universities across the nation today find it commonplace in their departmental files and on their bulletin boards to discover announcements of a peculiar sort, announcements which a few short years ago would have been described as racist and discriminatory:

"The department of philosophy at the University of Washington is seeking qualified women and minority candidates for faculty positions on all levels beginning fall quarter 1973."

"All of the California State colleges have been requested to implement a program of active recruitment of qualified faculty of minority background, especially Negro and Mexican American."

"Since I am unable to determine this type of information from the résumés you have sent me, I should very much appreciate if you could indicate which of your 1972 candidates are either Negro or Mexican American."

"We desire to appoint a black or a Chicano, preferably female. . . ."

"We are looking for a female economist and members of minority groups. As you know, Northwestern, along with a lot of other universities, is under some pressure from the Office of Economic Opportunity to hire women, Chicanos, etc. I would greatly appreciate it if you would let me know whether there are any fourth-year students at UCLA that we should look at."

These announcements are soon followed by actions even more discriminatory. Let me share with you the plight of Mr. W. Cooper Pittman, a doctoral candidate at George Washington University, as reported by the University Centers for Rational Alternatives. He received a letter Aug. 16, 1972, stating:

"The recommendation for your appointment to the department of psychology at Prince Georges Community College was disapproved by the board of trustees on Aug. 15, 1972. The basis for disapproval was primarily that the position presently vacant in that department requires certain qualifications regarding the over-all profile of the institution and department as well as educational qualifications of the individual involved.

"The disapproval in no way reflects upon your professional preparation or specific background in the area of clinical psychology. The decision was based primarily on the needs of the department in accord with its profile and qualifications."

This reversal came on the heels of a series of earlier promising developments. While specializing in clinical psychology, Mr. Pittman taught during the past academic year certain courses at the Prince Georges Community College. Planning to make college teaching his lifetime profession, he applied, at the same institution, for the academic year 1972-73. Last winter, the chairman of the department described his chances as "very good." In the spring he became "the leading contender." During the past summer he was introduced as the man who would be "with us this fall." This seemed natural, since he was selected by the departmental committee from among 30-plus applicants as the department's "No. 1 recommendation."

The rank of assistant professor and the corresponding salary were approved by the dean of social sciences and the vice president of academic affairs. The chairman of the department asked, in July, for preferences in the autumn teaching schedules. The agreed choice was a morning program. Mr. Pittman and his wife began a search for a house in the Maryland suburbs which would be able to accommodate their two children.

And so it went until August 3, when the department chairman broke the news orally that the president and the trustees of the college, at a meeting on July 31, disapproved the recommendation for appointment to the department of psychology. Furthermore, the president or trustees ordered that the two open positions be filled by women, and, especially, by blacks. A woman applicant was subsequently hired. The president and trustees then ordered the department of psychology to go out and find blacks qualified in clinical psychology for the remaining position and to invite them to apply. . . . In the opinion of the chairman, Mr. Pittman would have been hired without difficulty had he been a woman or a Negro.

[Editor's note: Checking with Mr. Pittman, "U. S. News & World Report" was told by him that, after intervention by members of Congress, the American Association of University Professors and other interested parties, the college reversed its position on November 14 and hired him. Mr. Pittman said he was given a contract as assistant professor of psychology, with pay retroactive to Aug. 21, 1972.]

Examples of such hiring policies could be multiplied almost indefinitely, reflecting a nationwide rush on the part of America's colleges and universities to conform to the new Affirmative Action guidelines of the Department of Health, Education and Welfare.

Similar patterns exist in regard to students. Today, admissions procedures in many schools are governed by a quota system which sets its own special double standards, unwritten but exercising great force in the lives of individual students. Such admissions policies also have their effect on campus standards, compelling steadily lower requirements as the original applicants, often unqualified for admission, are retained on campus despite their poor performance. Such preferential treatment in admissions to undergraduate, graduate and professional schools has become increasingly common, penalizing both these qualified students who are thereby denied admission and the standards of the schools themselves, which are eroded to maintain in residence those unqualified students who have been accepted.

Dormitory and social regulations on many campuses are similarly under assault. For example, the State of Pennsylvania, both through the Human Relations Commission and the Office of Education, has launched a drive against "sexism in education." These State bureaucracies have moved to enforce changes in faculty hiring and promotion, curricular offerings, housing, hours and other aspects of campus business in both the public and private higher educational institutions of the State.

The principal line of assault on higher education, however, has come through the HEW Affirmative Action programs governing faculty-hiring policies. Many schools have been subjected to great legal and financial pressure—pressure generated largely behind the scenes.

Typically, one school at a time has been selected for pressure. Indeed, there would be little public knowledge of such programs if it were not for the fact that some of the highhanded measures involved have provoked a reaction from some of those schools most hard pressed by the Affirmative Action programming.

For example, the American Association of Presidents of Independent Colleges and Universities began an inquiry into Affirmative Action only after an appeal for information and help on the part of a sister school.

At a board meeting of the Association of Presidents held in the last spring of 1972, it was decided that some further exploration of what was actually happening would be in the interest of the member schools. The resultant exploration of the subject has revealed an iceberg of Government intervention in higher education, raising problems of far greater magnitude than the public, or indeed most of us in higher education, have fully appreciated.

The result of this investigation is the preliminary report which I now present. Certainly this preliminary report is not the exhaustive treatment which the subject demands. We are discovering that the problem and its implications are far greater than anticipated. There are philosophic and practical considerations involved of the greatest import for higher education. What began as a preparation of a paper for this meeting now has grown into a projected book, to be completed in the months immediately ahead.

Most of my remarks today will be limited to the question of hiring, because it is here that the HEW directives are most actively being applied, and here that a college or university is currently most likely to run into legal difficulties. What ultimately is at stake is the institutional integrity of higher education. If America's institutions of higher learning lose control of admissions, hiring, curriculum and campus policy—in effect losing control of who attends the schools, who teaches in the schools and what standards are enforced in the schools—private, independent higher education will no longer exist.

Let me summarize the situation as it has developed, together with the questions raised by Affirmative Action. While hiring specifications for Government contracts have existed since the early '40s, the story properly begins with the passage of the Civil Rights Act of 1964. Title VII of the Act expressly forbids discrimination by employers on the grounds of race, color, sex, religion and national origin, either in the form of preferential hiring or in the form of differential compensation.

Until amended by the Equal Employment Opportunity Act of 1972 title VII did not apply to educational institutions. Between 1964 and 1972, however, Executive Orders 11246 and 11375 had already directed *all* Federal contractors and those receiving federal assistance from HEW to take "affirmative action to insure that employes are treated during employment without regard to their race, color, religion, sex or national origin." The Labor Department was charged with enforcement of these executive orders and designated HEW as the enforcer for educational institutions.

Thus began the rash of directives and orders which now engulf higher education. In Labor Department Revised Order No. 4, affirmative action was for the first time defined as "result-oriented procedures" measured by "good-faith efforts" emphasizing "goals and timetables" to be used in correcting "deficiencies in the utilization of minorities and women." Revised Order No. 4, the fulcrum for the Office of Civil Rights' present activities, must cause the original drafters of the 1964 Civil Rights Act and President Johnson, whose executive order gave passing mention to "affirmative action," to pause and wonder if this is indeed their stepchild.

Affirmative Action, under the auspices of HEW and OCR, has blossomed into a bureaucratic nightmare. Laudable goals have been badly distorted by overzealous HEW advocates. Backed by the full force of Revised Order No. 4, HEW and the Office of Civil Rights have, since 1971, developed enforcement procedures which reflect a political attempt to mold the hiring practices for America's colleges and universities. American higher education is particularly vulnerable to this attack, since the Federal Government now disperses contract funds among colleges and universities which run to virtually billions of dollars a year. The funding continues to grow. The Carnegie Commission on Higher Education has also recently suggested that federal funding to higher education be increased within the next six years to some 1 billion dollars per annum.

Some of America's most prestigious institutions are already deeply committed to the continued receipt of this federal funding. The University of California budget calls for federal-contract funds in the vicinity of 72 million dollars a year, the University of Michigan is involved in federal funding to the tune of 60 million dollars, and similar dependence is evidenced by other first-line schools of the rank of Princeton, Columbia and Harvard.

As J. Stanley Pottinger, director of the Office of Civil Rights in the Department of Health, Education, and Welfare, readied for battle in the first stages of Affirmative Action, some of America's largest and most prestigious educational institutions found themselves under heavy attack. In a legal procedure most unlike traditional American practice, the schools in question have been assumed guilty until proven innocent. In Mr. Pottinger's own words:

"The premise of the Affirmative Action concept of the executive order is that systematic discrimination in employment has existed, and unless positive action is taken, a benign neutrality today will only preserve yesterday's conditions and project them into the future."

Nothing about Mr. Pottinger's action since that time has suggested that he would be guilty of benign neutrality.

Mr. Pottinger's assumption that American higher education is guilty until proven innocent is a rather highhanded approach, but this presents no real difficulty, since, as Mr. Pottinger himself phrased it in a recent West Coast press conference: "We have a whale of a lot of power, and we're prepared to use it if necessary."

The college or university faced with proving its innocence by showing "good faith" has discovered that satisfaction of the bureaucratic task force is a supremely difficult undertaking. Those schools attempting to comply with Affirmative Action programing find themselves trapped in a mass of paper work, a labyrinth of bureaucratic guidelines, and an endlessly conflicting collection of definitions concerning "good faith," "equality," "minorities," "goals" and "quotas."

A central fact in the confusion has been the discussion of "goals" versus quotas. American academies are properly suspicious of the racist overtones involved in the quota system. We have tended to pride ourselves on the ability to judge people as individuals rather than as members of a group. The concern over quotas has been met by HEW with substitution of another word: "goal." Since then, endless amounts of ink have been expended on the semantic distinction. And the distinction remains exclusively semantic.

Professor Paul Seabury of the University of California has been highly outspoken concerning the artificial nature of the distinction. In the process, he has developed two hybrid labels which put the question in perspective: the *quoal*, a slow-moving quota-goal; and the *gota*, which is a supple, fast-moving quota-goal.

There is more validity in Professor Seabury's humor than HEW has been willing to admit. The "results-oriented goals and timetables" aspect of Affirmative Action simply results in a *de facto* quota system. As one highly placed OCR official recently commented: "The job won't get done unless the university is subjected to specific objectives that are results oriented."

HEW's insistence that it abhors quotas holds little weight when seen in the light of Mr. J. Stanley Pottinger's remark to the representatives of six Jewish groups. He said: "While HEW does not endorse quotas, I feel that HEW has no responsibility to object if quotas are used by universities on their own initiative." In practice, no matter what the semantic distinctions are, the central fact remains that both quotas and goals demand that our colleges and universities treat people as members of a group rather than as individuals.

"The New York Times" in an editorial earlier this year [1972] confronted the quota issue rather directly:

"The resort to quotas, which is the unmistakable suggestion in HEW's approach, will inevitably discriminate against qualified candidates. It can constitute a direct threat to institutional quality. . . . Preferential quotas are condescending, divisive and detrimental to the integrity of a university."

HEW demands colleges and universities demonstrate "good faith" in complying with their guidelines. What indeed is good faith? The HEW version of good faith is almost impossible to decipher. Compliance procedures are outlined in five pages of very fine print in "The Federal Register." The amount of paper work and continual analysis update that is demanded of the university and department chairman is almost inexhaustible. Have you then demonstrated "good faith?" No one can know. As one OCR official phrased it, "Judging good faith is a very elusive thing." Elusive indeed!

This raises a number of fundamental questions for higher education. For example, the equality issue itself raises many questions. What is equality? What is a minority?

### BUREAUCRACY'S "BIZARRE DEFINITIONS"

Such questions have led to bizarre definitions in the bureaucratic pursuit of Affirmative Action. Let two examples suffice:

1. A departmental chairman in a large Eastern State university circulated a letter to a number of other departmental chairmen across the country, asking that the *curricula vitae* of new Ph.D.'s contain identifications of race and sex, since HEW hiring orders were impossible to follow in the absence of

such information. To his credit, one of the departmental chairmen of a Western university replied:

"If there were objective or legally established definitions of race, together with a legal requirement of full disclosure of racial origins, we would be in the clear. I understand that a number of steps in this direction were achieved by the 'Nürnberg laws' of Nazi Germany. And in the Soviet Union, I am told, all individuals carry their racial identifications on their internal passports. Similarly for blacks in South Africa. So there are precedents.

"I would suggest that the American Economic Association call upon the Department of Health, Education and Welfare (HEW) and other bureaucratic agencies now engaged in promoting racial discrimination for assistance. We should ask them to establish legal 'guidelines' as to: (1) Which races are to be preferred, and which discriminated against; (2) What criteria (how many grandparents?) determine racial qualifications for employment; (3) What administrative procedures must be set up for appeals against arbitrary classification.

"With guidelines like these, you and other department chairmen would suffer neither embarrassment nor inconvenience in employing some individuals, and refusing to hire others, on the grounds of their race and sex. And you will have the peace of mind of knowing that the authenticity of racial labelings have in effect been guaranteed by an agency of the Federal Government."

2. Another professor, fed to the teeth with quotas, minority definitions and politically enforced "equality," proposed the creation of a Sociological Caucus, so constructed as to provide proper representation to various groups. Such a caucus would be composed of:

"Two blacks (one man, one woman); one Chicano (or Chicana on alternate elections); one person to be, in alphabetical rotation, Amerindian, Asian and Eskimo; and 16 white Anglos. Of the latter, eight will have to be men and eight women; 14 will have to be heterosexual and two homosexual (one of these to be a lesbian); one Jewish, 10 Protestant, four Roman Catholic; and one, in alphabetical rotation, Buddhist, Mormon and Muslim; 15 will have to be sighted and one blind; eight must be juvenile, four mature and four senile; and two must be intelligent, 10 mediocre and four stupid." . . .

### FOR MINORITIES, DEMAND EXCEEDS SUPPLY

The attempt to achieve a statistically adequate representation of women and ethnic groups on college faculties has tended to produce a rush to discover sufficient numbers of well-qualified professors with minority credentials. In actual practice, the numbers demanded of such minority types rather exceed the qualified people available. Thus a strange new word has entered the Affirmative Action dialogue. Today we talk about the appointment of persons who are not qualified, but who are "qualifiable." In point of fact, the guidelines state: "Neither minority nor female employes should be required to possess higher qualifications than those of the lowest qualified incumbent."

Has merit come to mean only equality on the lowest level of performance? Not only does this do an injustice to the institution and the students coming in contact with faculty members unqualified to hold their position, but also it excludes from consideration large numbers of an entire generation of young scholars, quite well-qualified to hold a position, yet often rendered ineligible by virtue of their nonmembership in an HEW-approved minority group. Unfair discrimination and the lowering of standards go far beyond reverse discrimination. Today many well-qualified blacks are passed over for consideration precisely because they are not from the ghetto. The search is not merely for blacks, but for "authentic ghetto types." . . .

Black professors and black students alike have been downgraded. The first-rank performers have suffered this downgrading because whatever accomplishment they attain is often assumed to be because of some special privilege. Meanwhile, unqualified professors and students from various ethnic groups have been cheated into assuming that they were taking their place in a true educational framework, when, in fact, all the standards which gave the framework any meaning had been undercut. As one Cornell professor bluntly put it: "I give them all A's and B's, and to hell with them." Surely this is not the "equality" which we desire for higher education. . . .

One of the most pressing threats arising from the Affirmation Action programing has been the assault upon the institutional self-determination and integrity of many schools. As one president phrased it:

"Many of us simply do not like the idea that the Feds can come in and demand the personnel files. Nor do we like the fact that the guidelines clearly place the burden of proof of nondiscrimination in our laps. The amount of time and money we have to spend to comply with the order is considerable. If they want to show we are guilty, let them dig up the proof."

### THE HIGH COST OF COMPLIANCE

The costs involved in compliance are large in material terms as well. Another college president, recently under the gun on this question, was quoted as saying: "To tell you the truth, my little college simply does not have the personnel to go through all our records and do the necessary homework." The Office of Civil Rights investigator replied: "Too bad. You'll just have to dig up somebody to do it."

The briefest examination of a completed Affirmative Action plan—only a handful have been accepted by HEW—should make it abundantly clear how high the costs are in preparation of the original material. It has been estimated by the Affirmative Action director of a large Midwestern university that 1 million dollars would be necessary to make the transition to the new set of records and procedures demanded by Affirmative Action on his campus. This figure does not include the continuing costs involved in the maintenance and monitoring of an Affirmative Action program.

One academic investigator deeply involved in studying the impact of Affirmative Action programs on a number of campuses conservatively estimates that on a number of campuses conservatively estimates that an ongoing Affirmative Action program, operated within HEW guidelines, would consume 50 per cent of the total administrative budget of a typical school. Not only is the Affirmative Action program a heavy financial and administrative burden for higher education, but the new drive for a spurious "equality" finally challenges the integrity of the institutions in question.

North Carolina's Davidson College, a school long committed to nondiscriminatory policies in all areas, received a letter from the chief of the education branch of the Atlanta office of Health, Education and Welfare, acknowledging that Davidson "generally eliminated barriers which would prohibit admission or participation of any person on the basis of race, color or national origin." However, the letter continued with several pages of "observations and suggestions," including pressures to (1) raise the number of blacks to 10 per cent of the student body; (2) allow for more flexibility in admission requirements (thus lowering standards), and (3) restructure the "curriculum to include additional emphasis on black contributions in all areas of academic instruction."

The tone in which such material is usually couched leaves little doubt that compliance is not only expected but demanded.

The bureaucratic arrogance involved becomes even clearer in the recent experience of one Western college president. After making every effort to comply with the HEW demands, the president of New Mexico State University still apparently was not moving fast enough for the Affirmative Action team. While he had exceeded his goal in the professional category of hiring by more than 400 percent, he did not yet satisfy the HEW regional office in Dallas.

Mr. Miles Schulze, branch chief of contract compliance, chided the college for not meeting its goals in the office-manager, technicians and sales-workers categories (10 projected—nine hired). "Why was there no native American on the faculty?" asked the HEW report. President Gerald W. Thomas went to great lengths to explain that "Assistant Professor Richard J. Lease of the Political Science Department is three-fourths Cherokee, considers himself native American. This fact is shown in all . . . reports since he joined the faculty in 1965. The new director of the Agriculture Extension Service is also part Cherokee Indian."

Despite his great efforts to comply with HEW, how was Dr. Thomas and New Mexico State University treated? He received a letter with the following closing paragraph:

"A detailed response to our findings and the revised Affirmative Action plan (inclusive of goals and timetables) must be submitted to our office within 30 days. The award of a substantial contract of over 2 million dollars is pending our approval. In view of this fact, we are sure you will want to act as expeditiously as possible by making adequate commitments."

The ultimatum in such a letter is unfortunately common. This is typical of the HEW bureaucratic assault upon the self-determination and integrity of an educational institution. Dr. Thomas replied:

"I am concerned when the Office of Contract Compliance of HEW feels that it is necessary to use threats and coercion to force quotas. . . . I am concerned about the lost time and effort and the tremendous expense associated with the investigation and review merely because we were not given advance information about the nature of the investigation or the time span of the study. We were told by the review team that the universities 'could not be trusted with advance notices' because they would 'change their records.' This statement is a reflection on all institutions of higher education in this nation and cannot foster the co-operation needed to correct our historic problems of discrimination."

The bureaucracy has appointed itself not only the judge, jury and executioner of higher education, but its conscience as well. The present situation can be summarized as an assault upon the standards and integrity of the institutions involved. A false view of equality is being pursued by dangerous political means, producing a variety of negative effects on higher education—negative effects pressing with special severity on the individual members of the minority groups in whose name the entire project is undertaken.

Virtually hundreds of examples have already accumulated in the first months of the Affirmative Action programing, which began with the formal issuance of the guidelines only as recently as this October. Already, numerous individual injustices, assaults upon the dignity and integrity of our educational institutions, and bureaucratic interferences with the educational process have accumulated so rapidly that it will take a book-length treatment to examine all the practical and philosophic issues raised by Affirmative Action.

One major question remains in this deliberately brief survey: What can higher education do in the face of this threat?

At present, there can be no doubt that most of our colleges and universities are severely handicapped in this contest with bureaucracy. Federal funding remains the key. Those schools most heavily involved in federal funding are natuarlly most exposed to bureaucratic assaults. Independence retains a high priority—independence which can be purchased only through total divorce from political funding.

Even that independence cannot long be guaranteed. The basis of the Pennsylvania assault upon private higher education, touching all dormitory and social regulations as well as curriculum, is undertaken not through Health, Education and Welfare but through State-level "public accommodation" laws. Similar legislation is already being considered in several other States and, given the present state of the body politics, seems likely to spread still further.

Finally, we are all exposed in an even more basic way. The matter of tax exemption forms an unavoidable portion of this discussion. A member school of AAPICU has already been faced with the experience of an IRS [Internal Revenue Service] inquiry concerning the number of blacks in the student body. When it was suggested to the IRS official that the number of blacks in the student body of a private institution was not a concern for the Federal Government, the response from the agent in question was a thinly veiled threat, warning that compliance with general federal guidelines *in all fields* was a necessary prerequisite for retention in good standing of a tax-exempt status.

It may well be that the IRS agent in question was running well ahead of his fellow bureaucrats. Yet the fact remains that tax exemption is a privilege which, given the present state of tax legislation, is an absolute prerequisite for our continued existence, a privilige which exists at the pleasure of the Internal Revenue Service.

Tax exemption, though a privilege, is nevertheless governed by separate statutory language which Congress has not tied to compliance with other federal laws, such as antitrust, labor relations or patents. Certainly noncompliance of a business enterprise with a federal antitrust statute should not result in an adverse tax ruling re that corporation. Neither should opposition to federal Affirmative Action requirements result in a university's tax exemption being threatened. Legal strategies do exist for contesting these Affirmative Action directives. Yet, new strategies need to be developed.

### COMBATING A "DIVIDE-AND-CONQUER STRATEGY"

The most pressing danger in the present higher educational situation is that colleges and universities will stand aside, being unwilling to be involved in a difficult fight. In the process, we will tend to be picked off one at a time. It is this divide-and-conquer strategy which has already been pursued in the early forms of Affirmative Action. Rest assured that the time is coming for all schools to face—the same problem. . . .

Those educational institutions who choose to resist will have the preliminary tools at hand to form an impressive legal case in their defense.

Consider the fact that middle-echelon bureaucrats have been responsible for the implementation of administrative law, far beyond the original confines of any action taken by an elected official, in either the legislative or executive branch of Government.

Consider also the vagaries and confusions involved, especially in the area of reverse discrimination. Many of the programs now pressed so ardently by the Office of Civil Rights are almost diametrically opposed in intent to the original idea of the 1964 Civil Rights Act. Are we indeed banning discrimination by race and sex, as the Civil Rights Act of 1964 suggests? Or are we encouraging a reverse discrimination, as the Affirmative Action programs seem to insist?

In the period immediately ahead it is up to the private, truly independent colleges and universities to speak out on this issue. A great deal is at stake.

## REGULATIONS GOVERNING USE OF METHADONE

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS. Mr. Speaker, on December 15, 1972, the Food and Drug Administration issued new regulations governing the use of methadone, including its use in clinical settings. While the regulations place some admirable restrictions on the availability of methadone, they contain an extremely fatal defect. Nowhere in the regulations is there a meaningful and positive requirement to the effect that methadone maintenance treatment programs must be geared to eventual discontinuance of methadone maintenance and entry into a drug-free posture. Without such a provision, I fear that this country's methadone maintenance clinics will only encourage wider use of methadone—and wider abuses of this addictive drug. For this reason, I have today written to Dr. Charles Edwards. Commissioner of the Food and Drug Administration, asking that a rulemaking proceeding immediately be initiated on an amendment which would add to the new regulations a requirement for discontinuance of methadone use after 2 years of treatment, unless, based on clinical judgment, the patient's status indicates that treatment with methadone should be continued for a longer period of time.

I include my letter to Dr. Edwards in the Record at this point:

House of Representatives,
*Washington, D.C., January 15, 1973.*

Dr. Charles C. Edwards,
*Commissioner of Food and Drugs, Food and Drug Administration, Rockville, Md.*

Dear Dr. Edwards: This is with regard to the recently published regulations entitled "Methadone Listing as Approved New Drug with Special Requirements and Opportunity for Hearing" which appear in Volume 37, Number 242 of the Federal Register.

Pursuant to Section 4(e) of the Administrative Procedure Act (5 U.S.C. § 553) it is requested that the regulations be amended to include a requirement for discontinuance of methadone use after two years of treatment, unless, based on clinical judgment, the patient's status indicates that treatment with methadone should be continued for a longer period of time.

I am gravely concerned that the regulations provide no meaningful incentive to either the patient or his physician for the patient's discontinuance of methadone treatment and entry into treatment which encourages a drug-free status. Indeed, except for paragraph 130.44(d)(8), which provides meaningless and unenforceable admonishments that patients will be "given careful consideration" for discontinuance and "should" (not "shall") "be encouraged to pursue the goal of eventual withdrawal from methadone" the regulation does not even afford consideration to the goal of treatment of drug addicts—and the goal of numerous Acts emanating from the Subcommittee on Public Health and Environment—that persons receiving treatment for drug abuse shall become drug free. Any lesser goal encourages failure.

During hearings before the Subcommittee on November 8, 1971 you stated that

"I also want to emphasize that methadone is an addictive narcotic drug. It is certainly not a cure-all or panacea for the treatment of heroin addiction." (Hearings on bills to Establish a Special Action Office on Drug Abuse Prevention, Vol. IV, p. 1496.)

My objection to the regulations is that they contain no positive criteria which will require that, prior to approval, a program must be geared to eventual cessation of addiction to methadone. In my view, it is necessary to instill in the mind of each patient at a methadone maintenance clinic that the treatment is not directed at his substituting addiction to methadone for addiction to heroin, but is directed toward total abstention from all drugs. And in my view, this will only be accomplished by advising the addict upon initial treatment that at some point in time his methadone privileges will terminate. This can only be insured through establishing, by regulation, a specific time period by which those privileges must terminate, unless, on a case by case basis, clinical judgment dictates otherwise.

The existing regulations already impose similar restrictions. An age limit is placed on individuals who are to be afforded admission into the program. The regulations also require that care must be taken in order to insure that patients not be placed on methadone maintenance treatment unless they are found to have been addicted to heroin or other morphine-like drugs for a period of two years. I find it ironic that such care be taken with respect to admission to the program—indicating a proper caution of the use of methadone maintenance treatment—but that no such care is taken to insure removal from the program.

I am also concerned that in its present form, the regulation runs the very real risk of doing little more than expanding the availability of methadone in this country. Increased federal financial assistance to methadone treatment programs makes the formation of "methadone bureaucracies" inevitable. Undoubtedly, methadone programs will be funded largely on the basis of the number of patients treated. This provides a subtle incentive against cessation of methadone use, making it critical that an amendment designed to counteract this incentive be adopted.

I will appreciate your publishing this proposal in the Federal Register at your earliest convenience so that a rule-making proceeding thereon may be initiated.

Sincerely yours,

Paul G. Rogers,
*Member of Congress.*

## SPACE BUDGET CUTS DECRIED

(Mr. DANIELSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, as we begin our debates as to just how, and where, the Federal budget should be cut—or should not be cut—both by the Congress and in the executive branch, I wish to bring to the attention of my colleagues an eloquent presentation of one point of view, and I insert at this point in the Record an editorial from the Pasadena, Calif., Star-News of Tuesday, January 9, 1973. The editorial follows:

### Editorial—More Money for Space

The time is long past due for Congress and President Nixon's staff to recognize the importance of space exploration—both because it is an extremely important scientific endeavor and because of its value in lifting the human spirit.

The announcement that the Nixon administration plans to make major cuts in the budget of the National Aeronautics and Space Administration is a calamity, if those plans are allowed to be pursued to their idiotic conclusion.

We in Star-News Country can be happy that the Jet Propulsion Laboratories apparently will not be too hard hit by these cutbacks, but in the larger sense we must be appalled that there is any sort of cutback when an expansion of space activities is called for.

Any slowdown in the space shuttle program is ridiculous. This is the next natural step in our manned space program. Slowing it down after the amazing and uplifting successes of the Apollo program is akin to saying in 1492 that Columbus did an interesting thing, but no one should rush to explore the new world he found.

The impact of the slowdown and other cutbacks will be heavily felt in the Southern California economy, which, it should be remembered in Washington, has usually given its votes to the politicians who have evidenced the greatest support for the aerospace industry. Instead of adhering to their promises and listening to the voters, those opting for space cutbacks seem to be giving in to their opponents who want to move these dollars into some other federal pocket.

The Southland areospace industry has only recently bottomed out of its tumble of the Sixties and begun to rise again as an asset to the economy. It doesn't need the sort of hurdle inherent in the proposed cutbacks.

None of the cutbacks, in fact, seem necessary or desirable—no matter which part of the nation they effect economically. We have already witnessed space expenditure cutbacks which were downright nonsense. The denial of JPL's Grand Tour of the planets is just one example of a great opportunity being lost. The planets in our solar system will be in line for such an unmanned mission late in this decade. Even though this will not occur again for 175 years, the project wasn't funded.

Washington apparently has surrendered to the foolish folk who say, "If we can put a man on the moon, why can't we . . .?" That question is usually ended with some other scientific or social goal. The answer is that we can do both, but curtailing our space program won't mean that some other need will be fulfilled. In fact, the evidence points in the other direction. The scientific byproducts of the space program have given us many health and technological answers and moved us closer to others. The morale uplift provided by the space program has spurred us toward the discovery of more equitable social answers.

To be sure, a balanced budget and a smaller federal budget are being demanded of Washington. The Star-News bows to no one in its continued insistence that these demands be met. But the money needed to fund our space program at a proper level is peanuts compared to the billions of dollars needlessly wasted every year in the bureaucratic maze of other federal programs. The space effort has been successful by any measure—including its worth as a public works program employing those who might not be employed otherwise.

Is it to be penalized for its very success? The typical Washington answer for the failure of a federal program is to pour more money into it. Are the few successful federal projects going to have their funds cut back because some sick logic is applied?

The space program has been successful in accomplishing its goals. The spinoffs of the program have enriched our daily lives and created better health care. The program has done more for the people than public works programs of the Depression or most of the welfare prgrams which have been promulgated since.

President Nixon must restore the needed space funds to his budget. If he does not, Congress must make sure that the space program is properly financed before passing the federal budget.

The U.S. space program needs more money, not less.

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## DR. MARTIN LUTHER KING, JR.

(Mr. RODINO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RODINO. Mr. Speaker, January 15 of this year is at once a joyous and a sorrowful occasion. It is a happy day because it marks the anniversary of the birth of that great and good man, Dr. Martin Luther King, Jr., who served the Nation and the cause of humanity so well. It is a day of sadness because of his untimely loss.

I am very pleased that in my home district, and throughout the State of New Jersey, tributes and special commemorative ceremonies are being undertaken in his memory, and include an article from the Star-Ledger of Newark, N.J., January 14, in the RECORD describing these events.

Dr. King was a man of noble vision and unique leadership, and the turmoils and dissensions the Nation has endured during the years since his death have proven again and again how much he meant to us and how much we have needed him.

We are still engaged in a cruel war and the destruction of human life against which he fought. We have still to reach his dream of equality and human dignity for all men.

But while he was with us, inspiring the Nation to vital humanitarian goals, he left us a heritage to live up to and to strive to emulate. I fear he would be gravely disappointed with our progress, so it is especially important, as the Newark-Essex Committee of Black Churchmen has suggested, to consider today as a day of remembrance of and rededication to the principles that gave fortitude to this effort and beauty to his life.

The article follows:

### MANY SCHOOLS CLOSED TOMORROW—JERSEYANS TO OBSERVE KING'S BIRTHDAY

(By Stanley Terrell)

A variety of commemorative ceremonies are scheduled throughout the state today and tomorrow in observance of the late Dr. Martin Luther King Jr.'s birthday.

Most schools in New Jersey will be closed tomorrow to honor the slain civil rights leader, and a number of schools, churches, civic and community organizations are planning special events honoring King.

Recognition of King's birthday began as early as Friday, when a number of Garden State schools—which will be closed tomorrow—held special assembly programs.

A number of municipalities are expected to proclaim tomorrow "Martin Luther King Day," and Gov. William T. Cahill is scheduled to sign a statewide proclamation tomorrow.

Dr. King, an Alabama Baptist minister who founded the Southern Christian Leadership Conference (SCLC) was the winner of the Nobel Peace Prize in 1964. The civil rights leader who popularized nonviolent direct action as a tool to gain black equality was killed by an assassin's bullet April 4, 1968, in Memphis, Tenn.

A memorial service will be held tomorrow at 8 p.m. at Zion Hill Baptist Church at Osborne Terrace and Hawthorne Ave., Newark, co-sponsored by the Baptist Minister's Conference of Newark and the North Jersey Leadership Conference.

The Newark-branch NAACP will exhibit local black art in conjunction with the Newark Museum Arts Discovery Workshop at its Cultural Center, 83 Elizabeth Ave., and will present the documentary film, "King: A Filmed Record . . . Montgomery to Memphis."

The film has been shown since Friday and will conclude its run tomorrow. It can be seen at noon, 3 p.m. and 7 p.m. and admission is 50 cents for children and $1 for adults. The art exhibit is on display from noon to 5 p.m. at no cost.

The South Ward Unit of Boys Clubs of Newark will hold a special program beginning with breakfast at 400 Hawthorne Ave., Newark. After a memorial service, members will be taken to New York's Radio City Music Hall for a memorial performance.

Newark Mayor Kenneth A. Gibson, in a proclamation, called King "one of America's most influential moral leaders during the century" who sought to find "that elusive bit of acreage called the common ground."

The mayor said the nonviolent leader "tried to gather the poor of all races and religions and demonstrate to them that they had common needs which could only be met through brotherhood."

Gibson called upon society to "recognize the dreams of Martin Luther King and work with honest energy to make these a reality."

Newark schools will be officially closed tomorrow, although Acting Superintendent Edward I. Pfeffer said some schools will hold special assembly programs for interested students and residents.

The Network Teachers Union (NTU) will hold a special breakfast meeting at 10 a.m. at the Holiday Inn, Broad Street, to present the NTU Martin L. King award to an unannounced union member who has "demonstrated a commitment to human rights and union principles."

The Newark-Essex Committee of Black Churchmen has called upon citizens to observe tomorrow "as a day of remembrance of and rededication to the principles that gave fortitude to his effort and beauty to his life."

In Union County, public school systems reportedly to close tomorrow are Elizabeth, Linden, Plainfield, Scotch Plains-Fanwood, Summitt, Union and Westfield.

In Essex, public schools will be closed in Newark, East Orange, Orange, Montclair and Livingston. Five Bergen school systems will be closed—Hackensack, Teaneck, Ridgewood, Englewood and Glen Rock.

New Brunswick, Carteret, Edison and Piscataway will close in Middlesex, and other schools closing tomorrow include Morristown, Trenton, Paterson, Passaic and Red Bank.

Princeton University, as well as a number of other colleges in New Jersey, will also hold special services and programs commemorating Dr. King.

Mayor F. Edward Biertuempfel of Union Township will read a proclamation passed by the Union Township Committee asking citizens "to mark the day with proper remembrances and honor King's esteemed memory."

A day-long celebration, including poetry readings by the Afro-American Poetry Theatre of New York, an exhibit of art works from the Mid-Block Art Service of East Orange and a movie on Dr. King's life, "The March and the Man," will take place at the township's Jefferson School in Union.

A guest speaker will be Dr. Mattie Cook, administrative director of the Malcolm-King College, a school for working adults in Harlem.

A memorial service will be held at the Calvary Church, 320 Monroe Ave., Plainfield, featuring Union County Freeholder Everett Lattimore as guest speaker. Refreshments will be served following the affair at the Mohawk Lodge, 1357 West 3d St.

In Monmouth County today, there will be a community sing-in at Brookdale Community College's new gymnasium on the Lyncroft campus, sponsored by the Dr. Martin Luther King Observance Committee. The affair begins at 3:30 p.m., with churches, schools and various community organizations participating.

There will be a community festival commemorating King tomorrow at the Red Bank Regional High School, and the county will mark King's birthday by displaying the film, "Nothing But a Man," at the eastern branch of Monmouth County Library at 7:30 p.m.

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## TOP MILITARY MEN SHIFT VIEWS ON WITHDRAWAL FROM VIETNAM

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, Secretary of Defense Laird stated last week—

> The complete termination of American involvement in the war is now possible, contingent only on the safe return of prisoners and an accounting for men missing in action.

His statement can only be interpreted as indicating a position substantially identical to the position stated in resolutions passed by the Democratic caucuses in the House and Senate last week. Thereafter, the incoming Secretary of Defense, Elliot Richardson, stated that he agreed with Secretary Laird's stated position, but indicated that there is still a broader objective; namely, to end the threat to Laos and Cambodia and to lay a foundation for peace and stability in Indochina.

If Mr. Richardson was stating the administration's current position, then truly no end is in sight, for the administration's objectives remain unchanged. Having failed, after 8 years of fighting, to achieve those objectives on the battlefield, how can the administration continue to pursue the illusion that they can be obtained by negotiating?

It appears to me that the President has only two important "cards" left to play in the negotiations. One is the threat of massive bombing of North Vietnam until its economy is totally shattered. The administration has already experienced a nationwide, indeed, a worldwide, revulsion against the immorality of such a tactic, with its implications of virtual genocide for an entire people.

So, unless, to use the words of Senator Saxbe, the President has "left his senses" the threat of renewed massive bombing must be viewed as an idle threat.

The other "card" is the offer of several billion dollars to help repair the terrible destruction which our own bombings of North Vietnam have brought about. We have a moral obligation to do this in any event. However, it is obvious we would not and should not make any contribution for reconstruction of North Vietnam unless the North Vietnamese repatriate all American prisoners in their hands. The prospect of receiving this desperately needed financial aid should be a sufficient "bargaining chip" to obtain return of the prisoners, if the administration does not attempt to use it to extract other unrelated political concessions.

It is interesting to note that Secretary Laird's expressed views seem to parallel the views of other leading military men. In the New York Times on Friday, December 29, 1972, Gen. Maxwell Taylor, former Chairman of the Joint Chiefs of Staff and Ambassador to South Vietnam, the man who has been characterized as the original architect of our Vietnam involvement, points out that we have no need of any formal agreement with Hanoi or the Vietcong in order to withdraw our remaining forces, without diminishing the fair chance of survival of the Saigon Government. I ask unanimous consent that his article be printed in the Record following my remarks.

Another distinguished military man, Gen. Matthew B. Ridgway, former Army Chief of Staff and commander in chief in Europe, Korea, and the Far East, in an article which appeared recently in the New York Times pointed out, with respect to Vietnam—

> There comes times when the cost of seeking to obtain an objective promises to exceed by far any value which could accrue from its attainment. At that point wisdom dictates abandonment of pursuit of that objective.

General Ridgway points out that the United States cannot reorder the world any more than we can withdraw from the world. He points out that, while we must maintain our military strength on a par with that of the other great powers, we cannot ignore our great domestic problems. Finally, and most important, he calls for a return to simple honesty and moral courage in our national leadership.

I include General Ridgway's article in the Record immediately following the article by General Taylor:

### Leadership

(By Matthew B. Ridgway)

Pittsburgh.—There come times when the cost of seeking to attain an objective promises to exceed by far any value which could accrue from its attainment. At that point wisdom dictates abandonment of pursuit of that objective, whether it be a government's political, or an individual's personal, objective.

Reversal of our former political objective of containment of China was implicit recognition of this truism. So, too, were recent changes in our objectives in Vietnam, but whether the action being taken to achieve these altered objectives will result in their attainment remains very much in doubt at this writing, both with respect to achievement and the price to be paid.

The United States cannot reorder the world. As that ancient philosopher and intellectual, Omar Khayyam, sagely said: "Ah love, could you and I with Him conspire to grasp this sorry scheme of things entire, would not we shatter it to bits—and then remold it nearer to the heart's desire."

There is a limit to our power, notwithstanding the arrogant cynicism of those in our society who still cling to the false premises with which they view our major overseas problems, that we are intellectually and morally superior to other peoples—in the view of a not inconsiderable number, superior to all other peoples.

We cannot assuage the hatreds between Catholic and Protestant in North Ireland; between Arab and Jew in the Middle East; between the Hutu and the Tutsi in Burundi; or the Moslem and Christian in Mindanao. Nor can we, however, altruistically or selfishly motivated, kill an idea with bomb and bullet.

Yet neither need we fall victim to Charybdis in seeking to avoid Scylla, to fall back on "fortress America" in our disillusionment with today's "new morality" as displayed in Burundi, Bangladesh, Uganda and Munich, by withdrawing from the great problems that affect the whole world.

In this savage, brutal, amoral world we must, if we value our independent national existence and our fundamental principles, insure that our armed forces are adequate for our security against the most dangerous challenge any foreign power is today capable of presenting.

We must clearly perceive that among great powers diplomacy is no stronger than the military forces in being capable of backing it up, if challenged. We must maintain our research and development on at least a par with that of the greatest of other powers. And we must decide now that we can afford to pay for whatever it takes to insure our survival as a free people.

Simply stated, we must correct the imbalance we have permitted to develop in the field of conventional weapons and forces and attain again quickly a capability to defeat any challenge the strongest foreign power can pose to our vital interest, by either the threat or the actual use of armed force with conventional weapons, a field which SALT has left untouched. Otherwise we shall be deflecting our aim and our resources from what should be our main effort.

Grave as are the domestic issues which confront us—inflation, the poverty level, drug abuse, crime, and the erosion of moral principles—they are of lesser importance than the potential menace of a foreign state which sees us as the only major barrier to the expansion of its power, and once this barrier is demolished or neutralized, a clear open path to the seizure of the riches of this, the most affluent people on earth.

We cannot ignore our great domestic problems save at our peril, nor can we spend without limit. But there can be a reordering of our spending practices, a more stringent and honest control of Government expenditures, and an abatement of seeking partisan political advantage in Congressional authorizations and appropriations.

Some years ago Archibald Rutledge wrote: "There is no true love without the willingness to sacrifice, if necessary." That is as true today as when man first formed family groups. To those who really love our country this needs no repetition, but there is an urgent need to broadcast it.

Recognition of the primal principles which have evolved in every societal fabric throughout the ages—refusal to deal in lies, to cheat, or to steal—must become essential elements in the mores of our people, if we expect to raise the tone of our national life and to contribute to a better world.

The name of this game is leadership, the elevation to the seats of power in our land of men with wisdom, integrity, and moral courage of the highest standards There are plenty such among us. They must be identified and utilized. Their role will be one of extreme difficulty. The masses will never perceive their worth nor willingly follow them initially. But a minority will, and with true leaders that minority will steadily grow, as will the strength of our nation, which in the final analysis rests on the character of its people.

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### Nonexpectations of a Negotiated Peace

(By Maxwell D. Taylor)

Washington.—If confusion has been the chronic state of the American public mind during most of the Vietnam conflict, there is little to suggest that its terminal phase will be a period of enlightened understanding. Since Oct. 26 when we first became aware of the sudden hope in the Paris negotiations, our understanding of the situation has become increasingly clouded by veiled or inadequate official statements supplemented by endless media speculations.

Presumably we know what our Government is trying to obtain—a supervised cease-fire throughout Indochina, the return of our prisoners of war concurrently with the withdrawal of our remaining forces, and a political settlement worked out by the contending Vietnamese parties during the cease-fire. In the course of this sequence we would insist that no preconditions be imposed which would prejudice a fair chance of survival for South Vietnam.

As for the position of North Vietnam, we have only its nine-point summary of Oct. 26, but this is sufficient to reveal a wide disparity with the American negotiating objectives. Although we are led to believe that the Hanoi terms have changed in the meantime, we do not know enough about the changes to form a judgment as to what to expect from further efforts to reach an agreement.

In the present uncertainty we can at least record certain things which we can not expect to take place. And I shall offer my list of principal nonexpectations.

To begin with, I would not expect Hanoi ever to abandon the myth that there are no North Vietnam forces in South Vietnam, a myth carefully fostered in the nine-point draft. Its acceptance would have the effect of excluding the most important body of enemy forces from the terms of a cease-fire and from the provisions of any agreement covering noninfiltration or troop withdrawal. Neither would I expect Hanoi to accept any form of effective international supervision of a cease-fire arrangement. From these nonexpectations I draw the conclusion that no genuine cease-fire worthy of the name can be expected under present circumstances in South Vietnam.

Next, I would never expect supervised general elections ever to take place. Communists have almost never been willing to stake their political future anywhere on the one-man-one-vote principle. The proposed National Council of Reconciliation and Concord is a troika monstrosity charged with organizing general elections which, by its tripartite composition of equal numbers of Communists, non-Communists and "neutrals," would guarantee that general elections would never take place.

I would never expect Saigon to recognize the status of political equality accorded the Vietcong in the Hanoi document any more than Hanoi would ever acknowledge formally the legitimacy of the Saigon Government. Nor will Saigon ever agree to a coalition government imposed by a political settlement.

Finally, I would never expect Hanoi to release our prisoners until every possible advantage had been extracted from this priceless asset. When it occurs it is likely to be one of the final acts of a deliberately protracted negotiation.

So much for nonexpectations.

If we cannot expect to achieve a supervised cease-fire, general elections, a negotiated coalition or a prompt return of our prisoners in a finite time, it is hard to see how we can expect to attain our present objective of a negotiated peace assuring a fair deal for South Vietnam. May it not be time to reconsider the possibility and even the desirability of terminating our American commitment without resort to a formal agreement involving Hanoi and the Vietcong?

We have no need of such an agreement to withdraw our remaining forces, to continue to exploit our air power as we see fit in either North or South Vietnam, and to transfer our share of responsibility to Saigon for the conduct of future political negotiations. And we can do these things without diminishing the fair chance for survival which we owe our ally.

It is true that such a course of action would not guarantee "peace in our time" for Indochina, but neither would a signed statement of honorable intentions from the warring parties if such a statement could be extracted from them by force, threats, or bribes. It would not establish a firm date for the return of our prisoners, but that date is far from firm if their release depends upon the successful conclusion of a negotiated settlement.

But it does leave us with leverage to apply to both sides to influence future events; our air power, the possibility of postwar economic aid for all Indochina, and the need of Saigon for our future support. It removes the fear on its part of the South Vietnamese of a settlement which would eventually assure a Communist take-over. It permits Hanoi to retain the hope of fighting again on a better day, even if obliged to draw back now. Obviously it is not a perfect solution but it offers us a better chance of an early and honorable disengagement than would further pursuit of the will-o'-the-wisp of a negotiated peace. We would come out, if not with colors flying, at least without leaving our colors in the hands of the enemy.

## HOW FOREIGN POLICY IS MADE—AND OUGHT TO BE MADE

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, as chairman of the Democratic study group's task force on foreign policy, I would like to report to the House that we are conducting a series of informal discussions on the subject, "How Foreign Policy Is Made—And Ought To Be Made." The purpose is to try to discern more clearly the appropriate role of Congress in this regard. As discussion leaders we have invited a number of distinguished persons who are or have been close to the process in some respect. The meetings are generally held in the Speaker's dining room at 4 p.m. Tuesdays through Thursdays. The exact schedule may be obtained by contacting Miss Bentley of my office on extension 52561. On behalf of my cochairman JOHN SEIBERLING and the task force members, I would like to extend a most cordial invitation to Members of the House to attend the discussions as and when their schedules permit.

## POAGE INTRODUCES BILL TO CONTINUE REAP

(Mr. POAGE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. POAGE. Mr. Speaker, on December 26 the Department of Agriculture arbitrarily announced that it was terminating the rural environmental assistance program, otherwise known as REAP. Henceforth, the Department announced, it would honor only those commitments made on or before December 22, and no further request for cost-sharing under REAP would be considered.

REAP and its precedessor, the agricultural conservation assistance program, is the principal channel through which the Federal Government, in the national interest and for the public good, shares with farmers and ranchers the costs of carrying out approved soil, water, woodland, and wildlife conservation and pollution abatement practices on farmland. The main objective of the program, as described by the Department last June, is the prevention and abatement of agriculture-related pollution of water, land, and air.

For those of us who farm and represent farmers and ranchers, REAP programs have been one of the best of our cost-sharing programs. Every dollar spent by the Government has been matched by farmer funds. In many cases there have been several of the farmers' dollars for each dollar the Government spent—Secretary Butz told members of our committee, that the Government contribution averaged only 30 percent. The benefits of the program have been far ranging and are a source of pride for all of rural America.

REAP cost-sharing programs have helped farmers establish conservation measures on about 1 million farms a year, Mr. Speaker. In a typical recent year, the programs helped build 45,000 water storage reservoirs, which helped control erosion, conserve water, and provide habitats for wildlife and pollution abatement.

During the same year, 300,000 acres of timber and shrubs were planted for pollution abatement and erosion control, 600,000 acres were served by terraces to further stabilize land and reduce stream pollution through silt runoff; another 300,000 acres of contour and field stripcropping reduced air and water pollution and there would have been much such work had there been adequate funds.

In my own 11th Congressional District, over 11,611 farms have participated at least once in the REAP program during the past 5 years. These are small farmers, Mr. Speaker, since no one anywhere can receive more than $2,500 a year under this program, and the average payment last year was, according to the Secretary of Agriculture, only $239 per participating farm.

In short, REAP is one of the best of our cost-sharing programs. It has done more to clean up our streams than all of our other more costly pollution programs. It has stopped the movement of silt at its source through the erection of terraces, the use of contour farming, and the establishment of cover crops and grasslands. It has slowed the spread of noxious brush and weeds and restored to millions of acres of land which was previously being eroded by both wind and water. It has practically eliminated the giant dust storms of the Southwest so prevalent when I first ran for Congress 30 years ago.

However, Mr. Speaker, I did not come down to the well today to deliver an obituary, for I do not intend to give up on REAP. I would like to talk of the war still being waged to control pollution of our rivers and streams and the fight against the uncontrolled sediment that still finds its way to our streams. Last year alone over 3 million acre-feet of silt poured into our streams—practically all of it from rural areas. Only a fool will declare that you can provide clear water in a lake or a stream that is filled with sediment; and there is nothing more ridiculous to me than, in the middle of this hard fight against pollution being waged on all fronts, to allow the administration to arbitrarily stop a program that is obviously providing such huge benefits to the American farmer and the American people—as has REAP.

But as large as are the problems that the administration has presented to the American public by its termination of REAP, there is an even larger one—the way the program was terminated.

Now, Mr. Speaker, I am not referring to the fact that the administration, prior to election day had proceeded with all the plans for continuation of the program through 1973, and that they had actually gone so far as stating that they intended to make $140 million available as an initial allocation out of the $225 million we here in the Congress had appropriated for REAP.

Instead, Mr. Speaker, I am referring to the feeling of the administration that it can destroy this—or any other program which has been approved by Congress and for which an appropriation has been made and signed into law by the President—simply because he has belatedly decided he wants to destroy it.

If my memory serves me correctly, there are still three branches of Government in this Nation, and it was my understanding that we here in Congress were given the responsibility by the Constitution to create, approve, disapprove, and if we choose, terminate any of a hundred programs that I understand they are getting ready to try to terminate downtown.

In the case of REAP, this is a highly popular and beneficial program whose mandate of existence has been approved by the Congress every year since it was first formulated in the thirties, and for which appropriations have been studied and approved every year by the Appropriations Committee. Yet suddenly, the administration has simply decided it does not want this program, or apparently any pollution and sediment control program, for rural America.

I don't believe that the administration has any sound legal basis for such action, Mr. Speaker, without first coming up here to the Hill and obtaining the approval of the Congress. However, I have read a legal argument from the Department saying that they do have the power because, in the language of the argument, the substantive legislation authorizing REAP—and I quote, "clearly vests broad discretion in the Secretary with regard to the carrying out of the program including discretion as to the extent to which the programs should be effectuated." I am not going to get into a legal argument with a battery of bureaucratic lawyers here today, Mr. Speaker, except to say that the administration is confusing the ability to administer the program with the ability to terminate it. We gave them the power for the former, but not the latter.

Mr. Speaker, we in the House Agriculture Committee have normally tried to give the Secretary of Agriculture a reasonable degree of discretion; no one can do their best job when their hands are completely tied, and they have no freedom of choice.

Unfortunately, in this case, Mr. Speaker, the discretion we have given has been abused, creating a situation where we have no logical choice but to withdraw those discretionary powers we have given. That is why I have here today introduced a bill to continue the REAP program by taking away all discretion of Secretary of Agriculture with respect to REAP and its continued existence—including the withholding of funds for the program which had been previously approved by Congress.

I would like to emphasize, Mr. Speaker, that I personally find no fault with the President's efforts to keep our expenditures within reasonable limits. Indeed, I think that the Congress has gone much too far at times and I have personally voted to reduce money in many appropriation bills. However, I do not believe we should stand by and give tacit approval while the administration tries to require our rural residents to carry all of the burdens of soil and water conservation, of stream protection, of reforestation, and a large part of our open air recreation.

There were 3 million acre-feet of silt poured into our streams last year—practically all of it from our rural areas. There were only 104,000 acre-feet of sewage—virtually all from metropolitan areas. I voted for the Federal Government to help care for these cases of urban pollution. I still favor help for our cities but I must insist that our rural areas need similar help. Now the President is taking away all help from rural areas, and it is not only illegal, it is patently unfair to rural Americans and all Americans to expect small farmers to bear the total cost of combating pollution in our countrysides.

If enacted, this bill will reinstate our farmers' right to be free of the Government's share of the burden. It will continue the highly successful programs of REAP, and preserve the thrust of our strongest soldier in the war against pollution in rural America. On another, equally important front, this signals to the administration and the American public that Congress, having been given the authority by the Constitution to mandate programs for a better America—intends to keep that authority, as it has for the past 190 years of the Republic.

I am, therefore, Mr. Speaker, giving notice here and now that the Committee on Agriculture will, subject to the process of the organization of the House, hold hearings on the bill I introduced, and on all similar bills, beginning on January 22 and if the organization be delayed just as soon as such hearings become in order, and to continue such hearings until disposition of the bill.

## HEARINGS ON BILL TO CONTINUE REAP

(Mr. POAGE asked and was given permission to address the House for 1 minute.)

Mr. POAGE. Mr. Speaker, I simply want to announce that I have today introduced legislation which I hope will result in requiring the Secretary of Agriculture to continue the REAP—rural environmental assistance program—as the Congress proposed that it should be done.

Mr. Speaker, subject to the organization of the House I want to announce that 1 week from today the Committee on Agriculture will hold hearings on this subject and will continue those hearings as long as it takes to have action on the bill. Should the House not be organized at that time, we will begin those hearings at the earliest date authorized by law.

## OPPOSITION TO BOARD OF CORPORATION FOR PUBLIC BROADCAST KILLING PBS NETWORK PUBLIC AFFAIRS PROGRAMS

(Mr. YATES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. YATES. Mr. Speaker, I want to record my very strong opposition to the action taken last week by the board of the Corporation for Public Broadcasting in killing PBS network public affairs programs. This is an action that destroys much of the vitality of public broadcasting.

The board's action is the latest step taken by the Nixon administration in trying to fashion news and broadcasting programs which are more favorable to its purposes. The pattern began some years ago with the blasts by Vice President AGNEW against the press, it continued with pressures for change by various members of the administration, and it culminated recently in the threat to private broadcasting networks which was implicit in the announcement by Clay Whitehead, the President's Assistant for Broadcasting.

Mr. Speaker, the board's action demonstrates a subservience to the White House that was never envisioned by the legislation which created the Corporation for Public Broadcasting. Certainly Congress never intended that the governing body of PBS should be a voice of the Government in power and it never intended that the board should act in the role of a hatchet man in censoring public affairs programs.

Mr. Speaker, a very fundamental issue is at stake here. I trust that the Congress will prevent to its ability the administration's assault upon freedom and independence of the press.

## VIETNAM DISENGAGEMENT ACT OF 1973

(Mr. WHALEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHALEN. Mr. Speaker, today I am introducing the "Vietnam Disengagement Act of 1973." I pray that present peace negotiations will consign this legislation to Chairman MORGAN's "business accomplished" file. Though my proposal, hopefully, will become a moot issue within a matter of days or hours, as a Member of Congress I, nevertheless, feel dutybound to address myself to the issue of our military involvement in Vietnam. It is by far the most important problem facing our country today. Indeed, it represents, in my opinion, the greatest foreign policy error in America's history.

My objections to the Vietnam war are the same as they were in 1967.

First, the outcome of the ideological conflict in Vietnam has no bearing on our own national interests, security or otherwise.

Second, we simply do not know why we are in Vietnam. Every stated objective ultimately has been repudiated by successive administrations. Thus, we cannot explain to relatives of U.S. servicemen killed in Indochina what national purpose their deaths served.

Third, the costs of our military effort far outweigh any benefits which might have accrued therefrom. Preserving Vietnam from a Communist government in favor of a military dictatorship has cost 55,000 American lives, over 300,000 wounded in action, over $150 billion in taxpayers' funds, serious economic dislocations—demand-pull inflation, cost-push inflation, recession—distraction from our domestic ills, divisions at home, and loss of prestige abroad.

Since I have been in Congress, I have refrained from basing my opposition to the war on moral grounds—although I have been repelled by atrocities allegedly committed by both sides. Rather, my criticism, as manifested by the foregoing reasons, reflects, perhaps, my background as an economist. I deplore the squandering of scarce resources.

Yet, as a Christian, I was appalled at the resumption of bombing of North Vietnam cities by American aircraft during the holy season, a time which calls for "Peace On Earth, Good Will Toward Men." If, as Dr. Kissinger noted, we were "99 percent in agreement" with the other side, the renewed attacks were more vindictive than an aid to negotiations. Further, they ignored history. Years of bombing have not brought North Vietnam to its knees. Finally, the decision to inflict terror upon a people with whom we have no real quarrel has produced a tragic erosion of our country's moral stature.

It is absolutely essential that the United States immediately extricate itself from Vietnam. The Nation—in fact, the world—will rejoice if the President is able to achieve this objective prior to his inauguration this Saturday. If the executive branch again fails in this quest for withdrawal, it is time for the Congress to act.

## TO REVITALIZE THE GOLD MINING INDUSTRY

(Mr. JOHNSON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOHNSON of California. Mr. Speaker, today I am introducing in the House of Representatives four bills designed to restore to American citizens their fundamental right to freely buy, sell, and own gold; to insure a secure source of gold for our space and defense needs; and to revitalize the gold mining industry.

My district includes many of the most historic gold mining areas of California. In this area, we have had a longstanding interest in gold mining—dating back to the California gold rush.

In direct contrast with the gold situation back in those times, our present outlook is not good. We produced an estimated 1,450,000 ounces of gold during 1972 in the United States, but we consumed an estimated 7,500,000 ounces of gold. This means we are dependent upon foreign countries for better than 4 of every 5 ounces of gold we use for our arts, science, industry, including our defense and space industries which are demanding constantly increasing supplies of gold. Domestic gold production has not even come close to meeting our defense and space needs.

About half of our gold imports come from Canada, but the rest come from countries far overseas, whose sources of supply could at any time be cut off. The two leading gold producing nations in the world are the Soviet Union and the Republic of South Africa, and no one can say how dependable these sources would be for supplying our own strategic needs for this mineral.

The fact that we are not meeting our needs for gold is not because there is no more gold to be mined in the United States. The Bureau of Mines has reported that there are some 400 million ounces of known gold ore reserves, but virtually none of it can be mined profitably at the present price of gold on the open market. Furthermore, tooling up a gold mining operation is an extremely costly operation, and cannot be undertaken overnight. If we are to avail ourselves of this source of desperately needed gold, we must begin to tool up now, not tomorrow.

My first bill would permit Americans to purchase, hold, sell, or otherwise deal with gold in the same manner as any other metal. It is sadly ironic that in the land of the free, citizens do not have this basic right. Over 40 countries from every continent in the world give their citizens this fundamental liberty, yet we do not have it here in the United States. I note that the Subcommittee on International Exchange and Payments of the Joint Economic Committee has recommended that all prohibitions on the purchase, sale, and holding of gold by American citizens should be abolished. Clearly, the time has come to restore this right to the people.

My second bill would require the Office of Emergency Preparedness to purchase during the next 2 years some 11,000,000 ounces of gold for the strategic stockpile. The gold would be purchased on the open market at the going rate.

My third bill would also establish a strategic stockpile, but in a different manner. Domestic gold producers would contract with the General Services Administration for the sale to the Federal Government at prices ranging from $45 to $75 per ounce. Smaller mines would receive the higher price.

The fourth bill is the Gold Mines Assistance Act, which would provide a basic incentive payment to offset the high cost of operations. Newly reopened mines would receive the greatest incentive. The payments would range from $4 to $7 per ounce for the larger producers and $8 to $15 per ounce for the smaller producers. This would be in addition to the market price of gold, which has been fluctuating around $60 per ounce during 1972.

In offering these bills, I am suggesting to the Congress a number of ways the gold mining industry in this country might be revitalized. I believe a viable and expanding domestic gold mining industry is decidedly in the national interest. But this industry is, for practical purposes, on the verge of disappearing in the United States. Certainly if our domestic mines cannot even meet our strategic needs and production has been decreasing as demand increases, we cannot say we have a healthy viable industry.

## SPEAKER ALBERT'S COMMENTS ON TERMINATION OF PHASE II ECONOMIC CONTROLS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, at this point I include the statement made by the Speaker.

> President Nixon in terminating mandatory price and wage controls has taken a serious economic gamble. Naturally, I share the hopes of the President and his economic counselors that this decision will contribute to our national economic well-being. In light of this administration's dismal record as to economic prophecy and economic performance alike, however, I am not optimistic.
>
> President Nixon's pre-August 1971 economic record was characterized by what economists had previously regarded as unattainable: runaway inflation coupled with sharply accelerating unemployment. That period likewise featured periodic Pollyanna pronouncements by administration spokesmen to the effect that unemployment and/or inflation had abated. When the Congress, over strong administration opposition, gave the President standby price and wage controls, he declared that he would never use them. For the better part of 2 years, he persisted in this unrealistic and dogmatic stance.
>
> Controls under phase II have certainly been far from perfect. As administered I do not believe that they were fully equitable to all elements of our society. Neither have they entirely eliminated inflation. But the record is clear. The reluctant imposition of these controls by the President has given this Nation by far the best record of any developed industrialized nation of holding in check the forces of inflation.
>
> If the year ahead witnesses a return to accelerated inflation, President Nixon and the Republican Party must be prepared to accept the responsibility for that result.

## CONGRESSMAN HANSEN OF IDAHO INTRODUCES LEGISLATION TO PROVIDE FOR MORE EFFECTIVE INSPECTION OF IMPORTED MEAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 15 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, today I am introducing H.R. 2012 to amend the Federal Meat Inspection Act to provide for more effective inspection standards for imported meat products. My bill is necessary if we are to prevent the importation into this country of contaminated or unwholesome meat.

It is true that inspection standards for meat produced in the United States assure the consumer the highest standards for wholesomeness. Over the past 60 years, very significant steps at the Federal and State levels of Government have been taken to develop and enforce high standards to insure that only the highest quality of meat will be produced and sold in the United States. Consequently, public confidence in the meat available in the market has increased to the extent that frequently little thought is given to the possibility that such meat might be impure.

However, that same confidence is not fully justified when it comes to meat imported from other countries. And, in light of the increasing flood of imports of meat and meat products which has resulted from the administration's relaxation of import quotas, there is increasing cause for concern. In hearings conducted during the 92d Congress by the Livestock and Grain Subcommittee of the House Agriculture Committee, it was revealed that of the percentage of meat samples inspected at U.S. docksides during the first half of 1970, no less than 15 percent of the produce was rejected. I believe that it is reasonable to conclude, Mr. Speaker, that of the amounts which were not inspected, a similar percentage would have also been rejected.

This figure is startling when we remember that only 1 percent of the meat imported into this country is actually subjected to dockside inspection. Other testimony produced at these hearings confirmed what the mounting evidence indicates—that inspection standards applicable to imported meat fall far short of those needed to assure compliance with the U.S. standards of wholesomeness. It is difficult for me to understand this in light of a 1972 report by the Comptroller General of the United States in which the GAO concluded that better inspection and improved methods of administration were needed for foreign meat imports. The GAO's report basically reaffirmed the deficiencies which I call to the attention of my colleagues when I introduced a similar bill in the 92d Congress. Though the Department of Agriculture has replied to this report and represented that the Department has corrected the deficiencies noted by the Comptroller General, after a careful study of the Department's actions, I am compelled to conclude that the Department's corrective actions are insufficient. As an example of this we could note that for the inspection of over 1,100 foreign plants which are certified to import meat into the United States, the U.S. Department of Agriculture has only 19 veterinarians who serve as foreign review officers. And though the Department has tacitly agreed that a quarterly inspection of plants is desirable, it is manifestly impossible for 19 individuals to make quarterly inspections of 1,100 plants which are located in over 40 countries.

So. Mr. Speaker, as a result of inadequate inspection of the foreign plants by U.S. inspectors, most of whom are based in this country, and as a result of inadequate dockside inspection of the meat when it arrives in the United States, I have been informed of several instances in which impure and unwholesome meat and meat products have been sold to the American consumer through retail outlets.

The purpose of my bill is to correct the glaring deficiencies in the present law. Its purpose is not that of protectionism for the American cattleman. But if foreign meat processing operations are unwholesome processing techniques, which can allow them to compete unfairly against the American cattle industry in the American market place, while at the same time subjecting the American consumer to health risks, then I believe that the situation should be rectified. Passage of my bill will provide this needed protection to the consumer, and will also help to assure more equitable treatment for domestic producers and processors.

Mr. Speaker, included as a part of my remarks is the text of H.R. 2012:

H.R. 2012

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. Section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) is amended by adding at the end thereof the following new subsections:

"(f) The Secretary shall provide for the inspection at least four times a year, on an unannounced basis, of each plant referred to in subsection (e)(2) of this section.

"(g) The Secretary shall provide for the inspection of at least 2 per centum of each imported lot of meat, including fresh, frozen, processed, canned or any other form of meat product. Core sampling techniques shall be used where appropriate in the inspection of such meats.

"(h) The Secretary shall prescribe appropriate inspection procedures to detect contamination from pesticides or other chemicals regardless of whether ingested or absorbed by the animals prior to slaughter or introduced into the meat or meat products subsequent thereto.

"(i) The Commissioner of Customs shall levy on all products entering the United States which are subject to this section, in addition to any tariffs, a charge or charges set by the Secretary of Agriculture at levels which are in his judgment sufficient to defray the probable costs of all examinations and inspections carried out pursuant to this section."

## INTRODUCING THE FREE FLOW OF INFORMATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL), is recognized for 10 minutes.

Mr. BELL. Mr. Speaker, I have today introduced the Free Flow of Information Act, a bill to provide an absolute privilege for newsmen to protect the confidentiality of their news sources. My proposal embodies the concept recommended by the American Newspaper Publishers Association that, to be effective, the privilege must apply to State as well as to Federal proceedings. Although approximately half of the States presently provide newsmen's privileges in varying degress, it is essential that this protection be established on a nationwide basis, consistent with the nationwide dissemination of news itself.

Until last June, it had been generally assumed that since a newsman's pledge of confidentiality to his sources was so essential to unfettered reporting, any governmental action which infringed upon it would also be an infringement on the freedom of the press guaranteed by the first amendment to the U.S. Constitution. Last June, however, the Supreme Court rejected this principle in the case of United States against Caldwell. The Court held that newsmen must reveal confidential news sources and information or be jailed for contempt.

Opponents of the newsmen's privilege have a valid point when they note the possible frustration of criminal justice in occasional cases wherein a newsman possesses valuable evidence concerning a crime about which he has learned, either consciously or inadvertently. It is useful to note in such cases, however, that the newsman would not have possessed the information at all were it not for his pledge of confidentiality.

It is my view, moreover, that the rare occurrence of this kind of situation is overwhelmingly offset by the continuing service rendered by energetic investigative reporting both to the public at large and to law enforcement agencies in particular. Whether exposing corruption in a union, bureaucracy, private industry, or politics, the newsman is in an unmatched position to focus the attention of both the public and prosecutors on crimes which are being or have been committed. Without protecting confidentiality, such investigative reporting will dry up entirely, resulting in a great decrease in the disclosure and prosecution of criminal conduct. Newsmen have already reported a decline in the willingness of their sources to reveal information which would not reach the public in any other way.

The provisions of my bill differ from those previously introduced in the House in that the newsmen's privilege would be absolute and would apply to any person receiving confidential information in his capacity as a newsman, whether or not that individual is still a newsman at the time a request for his information is made. The bill, would, of course, have no effect on a newsman's voluntary decision to release any information either publicly or to any agency of government.

The text of my bill follows:

H.R. 1895

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this act may be cited as the "Free Flow of Information Act."

SECTION 1. (a) The Congress finds that action by courts or other governmental agencies which compels persons who are engaged in gathering, writing, editing, or otherwise preparing information for public dissemination to disclose the sources of their information or information not made public is a severe impediment to the freedom of the press and to the dissemination of information to the public. The Congress finds that it is essential to the maintenance of our free society and the general welfare of the United States that the free flow of information be safeguarded from governmental interference.

(b) The Congress further finds that the impediment of the free flow of information through the press to the public affects interstate commerce.

SEC. 2. No person shall be required by any court, grand jury, agency, department, commission, legislature or any committee thereof of any of the States or of the United States to disclose any confidential information or the source of such information received, processed or obtained by him in his capacity as a reporter, editor, commentator, journalist, writer, correspondent, announcer or other person directly engaged in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service, radio or television station or any other news medium.

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## RICHARD LITTLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. McDADE) is recognized for 10 minutes.

Mr. McDADE. Mr. Speaker, the city of Scranton, the Commonwealth of Pennsylvania, and indeed this entire Nation have lost a great and distinguished citizen through the death of Mr. Richard Little.

I had known Dick Little through all my adult life. I never had a firmer friend. I never had a wiser counselor. I never knew a finer intellect.

He was the copublisher of the Scrantonian, which was founded by his father at the end of the 19th century, and its sister paper, the Scranton Tribune. He was as thorough a newspaperman as ever covered a story; he had worked in every job at the papers—in the composing room, as a photographer, a reporter, and as publisher—and was respected all across the Nation as one of the outstanding publishers in America.

And yet, it is not principally as a newspaper publisher that I will remember him.

I will remember Dick Little, above all, as a man of compassion. His was a door that was always open for those who wished to speak to him, and they found in him an understanding and compassionate man. There was no member of the working press whom he did not know as a friend. He knew and cared for every man and woman who worked with him, from the men in the pressroom to the paper boy on the street, to the fellow who might be down on his luck in trying to find a job.

He knew that friendship was the most precious thing we might find in life, and he gave his friendship everywhere, unstintingly and with kindness.

He engaged himself in the problems and challenges of his community and yet, in spite of all his commitments, he found time to give himself to the church, the Church of the Epiphany in Glenburn, where he served as a member of the church choir for 50 years, as vestryman for 33 years, and as senior warden for the past 26 years. He served also as the senior trustee of Keystone Junior College. and gave to that position the enthusiasm and intelligence he brought to all his work.

David Little was a friend to me and to countless other people who were fortunate enough to cross his path. He will be deeply missed. I offer my most sincere condolences to his widow and to his family.

And now Mr. Speaker, with your permission, I should like to include at this point in the RECORD three editorials about David Little, one from the Scrantonian, one from the Scranton Tribune and one from the Scranton Times:

[From the Scrantonian, January 14, 1973]

### RICHARD LITTLE

We at the Scrantonian and the Scranton Tribune are saddened today by the death of our co-publisher Richard Little whom we admired for his integrity, his friendly and honest characteristics, his devotion to the people of our community, and his firm understanding of the problems and objectives of journalism.

Mr. Little was the son of the founder of the Scrantonian, which this year is observing its 75th Anniversary. His was a well-founded knowledge of the newspaper business in that he was personally involved with practically every phase of a newspaper's operation. He served in his youth as a printer's apprentice, a reporter, and a photographer, and as advertising manager of the Scrantonian. At the time of his death he was co-publisher with Herman S. Goodman of both the Scrantonian and the Tribune and President of the Scrantonian Publishing Company.

Mr. Little was born in Scranton on July 17, 1898, the son of the late Richard Little and Jean Niven Little. He was a graduate of Keystone Academy, now Keystone Junior College, and later matriculated at Bucknell University. He was married to Lois M. Thomas, daughter of the late G. J. and Ida Thomas in 1924.

Along with the late M. L. Goodman, Mr. Little effected the purchase by the Scrantonian of the Scranton Tribune in 1938. Mr. Goodman died in 1954 and his son Herman became his successor as co-publisher with Mr. Little of both newspapers.

Under their management both the Scrantonian and the Tribune have been the recipients of many awards for excellence in journalism and for their adherance to a code of ethics which fully recognizes the public's right to know. The awards included citations for fine typography, for excellence of editorials, for outstanding news coverage which included the award of a Pultizer Prize to one of the paper's reporters, J. Harold Brislin.

The job of co-publishing two newspapers did not preclude Mr. Little's varied other activities. He was active in a variety of civic endeavors, welfare projects, the Chamber of Commerce, community benefit drives, and religious affairs. In years of service he was the oldest trustee of Keystone Junior College. He was particularly active as a member of the Church of the Epiphany, Glenburn, which just recently honored him with a plaque citing his many years of service. He was a member of the Church Choir for 50 years and he served as vestry man for 33 years, and for the past 26 years was a senior warden.

Over the years he evinced a profound interest in political affairs and served as Republican State Committeeman from Lackawanna County for 18 years up to the time of his resignation from the post in 1972. In the course of his tenure as a State Committeeman, he made a wide field of acquaintances and friends among the politically powerful including Presidents, Governors, Members of Congress, and State Legislators.

As a hobby Mr. Little pursued the collection of model railroad equipment and his collection includes pieces dated back well into the last century. This pursuit made him new friends not only throughout the United States but overseas.

In all of his activities, however, Mr. Little maintained a modesty which manifested itself by his shunning of the limelight. He sought no public plaudits or publicity, avoiding it whenever possible.

We on both newspapers will miss hm deeply for he was always ready to share our problems. His was the role of a friend.

We extend our heartfelt sympathy and consolences to his wife and to his son and two daughters to whom he was a good husband and father.

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[From the Scranton Times, Jan. 15, 1973]

### RICHARD LITTLE HAD LOW-KEYED STYLE

A major figure in Scranton journalism for more than half a century has died. He is Richard Little, 74, the co-publisher of The Scrantonian-Tribune.

Mr. Little, who made journalism his life's work, also distinguished himself in politics and in church affairs. Along the way, in his low-keyed sort of way, he won himself a legion of friends.

The son of the late Richard Little, who established the Scrantonian in 1897, Mr. Little began his work in 1916 as a printer's apprentice after graduating from Keystone Academy. He spent two years in this job before going on to college. Over the years, he also worked in the news and advertising departments before moving into a management position, but it was his initial connection with printing that continued to dominate his interest in the newspaper business over the years. To use an old cliche, he had printer's ink in his veins—and everyone in the news business knows that this is a condition without a cure.

Mr. Little was active in Republican politics for decades, serving 18 years as a state committeeman. While politics is an activity which frequently can become rough, it's hard to recall any incident where Mr. Little was personally embroiled in political controversy. That speaks well for his easy-going nature.

Over the years, Mr. Little also found time to serve the Episcopal Church in many capacities, including vestryman and senior warden.

One of the lesser known sides of Mr. Little was that he was an avid model railroad hobbyist with a national reputation among other collectors. The tinkering required in this hobby was a natural relative of the mechanics of the newspaper business that he loved so well.

Upon his death, we extend condolences to members of his family and to The Scrantonian Tribune.

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[From the Scranton Tribune, Jan. 15, 1973]

### RICHARD LITTLE

In the death Friday night of Richard Little, copublisher of this newspaper and The Scrantonian, we at The Tribune have experienced a saddening loss a regret made all the more poignant because Mr. Little always related to us as a true, concerned and caring friend, never as an executive or employer.

The sense of comradeship conveyed by Mr. Little as he stopped to visit and chat with an editor or reporter, conversed with a printer or moved among members of the advertising, circulation and other departments of the newspapers certainly derived in part from the fact that Mr. Little, in fashioning what was to become a distinguished career in journalism, chose to familiarize himself with all aspects of newspaper publishing.

As a young man, son of Richard Little, who established The Scrantonian, Mr. Little served as a printer's apprentice and learned the mechanics' of putting out a newspaper. He later served in the news gathering operation, working both as a reporter and photographer, then turned to the business-management responsibilities and advanced to the position of advertising manager of The Scrantonian.

With copublisher Herman S. Goodman, also the son of an honored and much loved publisher and civic leader, the late M. L. Goodman, Mr. Little was dedicated and steadfast in pursuing policies which have made The Tribune and The Scrantonian, powerful instruments for the public and community welfare and service and which have gained for the newspapers many awards for journalistic excellence.

Aside from his publishing duties, Mr. Little involved himself, quietly, unobtrusively but always effectively in church, political, humane and civic endeavors.

Only six days before his death the Church of the Epiphamy, Glenburn, honored Mr. Little for 50-year membership in the church choir, 33 years as a vestryman and 26 years as a senior warden. At his death he had the longest tenure as a trustee of Keystone Junior College. Until he stepped down this year, he was a member of the state Republican committee. He was a delegate to the 1952 Republican National Convention, a presidential elector for President Eisenhower, a friend of governors, cabinet officers, congressmen, legislators, county and city officials.

Above all, Mr. Little was a gentleman, in the highest meaning of the word, unfailingly loyal, modest, unselfish. We will miss him very much and we have deep sympathy for Mrs. Little, their son and two daughters.

## TAX CREDIT FOR NONPUBLIC EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 5 minutes.

Mr. MINISH. Mr. Speaker, I am today reintroducing legislation which I sponsored in the last Congress to provide tax credits for the costs of nonpublic education.

There are now more than 5.3 million students enrolled in nonpublic elementary and secondary schools in the United States. Approximately 4.4 million are in parochial institutions educated at a cost of about $2.5 billion annually or about $434 per year for each child.

It is clear that private education is facing a severe financial crisis in our country. The cost of this education is rising rapidly and many parents, particularly middle income parents, are finding it increasingly difficult to afford to send their children to the school of their choice.

Nonpublic schools are closing at a rate of 6 percent each year. If this trend continues, and it will in the absence of some type of relief, nearly 65 percent of our Nation's private elementary and secondary schools will be closed by 1980.

The legislation I am proposing would permit the parents of parochial and other private schoolchildren to subtract up to $200 each year directly from their final tax bill. The credit would be available for each child enrolled in a nonpublic school and would amount to 50 percent of tuition charges or $200 per year, whichever is greater. In order to insure that assistance is given to those most in need, the full credit would be available only to families with incomes of up to $18,000 per year. The amount of credit would gradually diminish for higher income families.

Mr. Speaker, the Ways and Means Committee acted favorably on this legislation late in the 92d Congress. I would urge that committee, under the able leadership of its distinguished chairman, to approve this measure for floor consideration as soon as feasible in the 93d Congress.

The Congress must act promptly to preserve our heritage of educational diversity and the freedom of parents to control their children's schooling.

## RENT FREEZE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, President Nixon's fiat to cease all housing starts under such programs as those provided for under sections 235 and 236 of the Housing Act is but the latest piece of outlawry emanating from the other end of Pennsylvania Avenue.

On top of his violation of the Constitution and laws—specifically, section 601 of Public Law 92–156—with regard to our military activity in and over Indochina, his extermination of various rural development programs, his impoundment of billions of dollars of funds appropriated by Congress and signed into law by him, his flagrant violation of the Water Pollution Control Act, Public Law 92–500, and his ill-concealed plans to dismantle the Office of Economic Opportunity, it may not seem like that much more. But to those of us who represent the urban areas of this Nation, it represents a possible death knell for our cities and our constituents.

According to the Department of Housing and Urban Development, 4.2 million occupied housing units in this country are substandard, and more than 12 million people live in them. In New York City, over 1 million human beings live in substandard housing, often without heat and hot water and almost always infested by roaches and rats. The problem in New York is especially serious in light of the city's vacancy rate of less than 1 percent. The combination of this new Federal housing freeze, vacancy decontrol—under which apartments becoming vacant are freed from all rent controls, the lifting of all Federal rent controls, and the "maximum base rent" program, under which landlords are permitted to increase rents of previously controlled units, is truly strangling my home city and others like it across the country.

I have been very critical in the past of the "MBR" program because of the undue financial burden it places on hundreds of thousands of low-, moderate-, and middle-income people. This has been especially true during the current inflationary period and the imposition of the Nixon phase II program which was grossly unfair to the wage earner. In addition, there is mounting evidence that many tenants are not receiving what they were promised in return for the "MBR" increases—upgrading of building repairs, maintenance and service.

The freeze on Federal funds is an additional compelling factor which militates against the continuance of increases under the MBR as well as the rent stabilization and vacancy decontrol programs. I will, of course, do all I can to reverse this and similar abuses of Presidential power, but how can we allow rents to continue to rise when we are faced with the real prospect that there will be available fewer low-, moderate-, and middle-income housing units than ever?

Accordingly, I am today introducing legislation to freeze all rents during the 18-month freeze on Federal housing funding imposed by Mr. Nixon. Rents would be set for this period at their levels during phase I, the 90-day period beginning on August 15, 1971. The legislation will permit increases in rent during this period only on a case-by-case basis in which it is determined that a landlord's costs have risen. Increases granted in such cases will be in such amounts, and last only long enough, to allow the landlord to recover his out-of-pocket expenses.

If we are going to shirk our duty to provide sufficient and adequate housing for our citizens, we should at least take steps to prevent profiteering on the limited housing we have.

The text of the bills follows:

### H.R. 1969

A bill to amend the Economic Stabilization Act of 1970, as amended, to direct the President to stabilize rentals and carrying charges

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 203 of the Economic Stabilization Act of 1970, as amended, is amended by adding thereto the following new subsection:

"(j) (1) Notwithstanding any other provision of this Act, the rentals and carrying charges charged for accommodations in any housing during the period beginning upon the date of enactment of this subsection and ending at midnight June 30, 1974, shall not exceed the levels at which such rentals and carrying charges were stabilized during the ninety-day period beginning August 15, 1971 (under the authority of section 1 of Executive Order 11615); and the President shall take such action as may be necessary to regulate or restrict such rentals and carrying charges in accordance with this subsection.

"(2) Any practice which constitutes a means to obtain a higher rental or carrying charge than is permitted under this subsection shall constitute a violation of this subsection. Such practices include, but are not limited to devices making use of inducements, commissions, kickbacks, retroactive increases, premiums, discounts, special privileges, tie-in agreements, falsification of records, or failure to provide the same services previously provided.

"(3) (A) Any aggrieved person or class of persons may commence a civil action against any person, or entity, including officers or agencies of the Federal, State, or local governments, who is alleged to have violated this subsection. The district courts of the United States shall have jurisdiction without regard to the amount in controversy or the citizenship of the parties to require compliance with this subsection or to order the performance of any nondiscretionary act or duty under this subsection.

"(B) No action may be commenced under this paragraph with regard to any housing accommodation if the President has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with this subsection with regard to such housing accommodation, but in any such action, any person aggrieved may intervene as a matter of right.

"(C) In any action under this paragraph. the President, if not a party, may intervene as a matter of right.

"(D) The court, in issuing any order in any action brought pursuant to this paragraph, shall award costs of litigation (including reasonable attorney and witness fees) to any successful plaintiff or plaintiff-intervenor.

"(E) Nothing in this subsection shall restrict any right other than that granted under this paragraph which any person or class of persons may have to seek any other relief.

"(4) Any owner or operator of housing accommodations for which the rental or carrying charges which may be charged are affected by this subsection may apply to the President for an exception on the basis of increased capital or operating costs. Any such exception shall remain effective only until such owner or operator has recovered an additional sum sufficient to cover his outlay for such increased capital or operating costs."

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### H.R. 1970

A bill to amend the National Housing Act to provide that the rentals and carrying charges charged for accommodations in federally assisted housing may not exceed certain previous levels

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title V of the National Housing Act is amended by adding at the end thereof the following new section:

"STABILIZATION ON RENTALS AND CARRYING CHARGES IN FEDERALLY ASSISTED HOUSING

"SEC. 525. (a) Notwithstanding any other provision of law, the rentals and carrying charges charged for accommodations in any housing covered by a mortgage insured under this Act (or for any other accommodations with respect to which interest reduction payments are made under section 236 of this Act or payments are made under section 235 of this Act or rent supplement payments are made under section 101 of the Housing and Urban Development Act of 1965) during the period beginning upon the date of enactment of this section and ending at midnight June 30, 1974, shall not exceed the levels at which such rentals and carrying charges were stabilized during the ninety day period beginning August 15, 1971 (under the authority of section 1 of Executive Order 11615); and the Secretary shall take such action as may be necessary to regulate or restrict such rentals and carrying charges in accordance with this section.

"(b) Any practice which constitutes a means to obtain a higher rental or carrying charge than is permitted under this section shall constitute a violation of this section. Such practices include, but are not limited to devices making use of inducements, commissions, kickbacks, retroactive increases, premiums, discounts, special privileges, tie-in agreements, falsification of records, or failure to provide the same services previously provided.

"(c)(1) Any aggrieved person or class of persons may commence a civil action against any person or entity, including officers or agencies of the Federal, State, or local governments, who is alleged to have violated this section. The district courts of the United States shall have jurisdiction without regard to the amount in controversy or the citizenship of the parties to require compliance with this section or to order the performance of any nondiscretionary act or duty under this section.

"(2) No action may be commenced under this subsection with regard to any housing accommodation if the Secretary has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with this section with regard to such housing accommodation, but in any such action, any person aggrieved may intervene as a matter of right.

"(3) In any action under this subsection, the Secretary, if not a party, may intervene as a matter of right.

"(4) The court, in issuing any order in any action brought pursuant to this subsection, shall award costs of litigation (including reasonable attorney and witness fees) to any successful plaintiff or plaintiff-intervenor.

"(5) Nothing in this section shall restrict any right other than that granted under this subsection which any person or class of persons may have to seek any other relief (including relief against the Secretary).

"(d) Any person who willfully violates the provisions of this section, or regulations or directives issued thereunder, shall be subject of a fine of not more than $5,000 for each violation.

"(e) Any owner or operator or housing accommodations for which the rental or carrying charges which may be charged are affected by this section may apply to the Secretary for an exception on the basis of increased capital or operating costs. Any such exception shall remain effective only until such owner or operator has recovered an additional sum sufficient to cover his outlay for such increased capital or operating costs."

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## FEDERAL GOVERNMENT IN THE SUNSHINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 15 minutes.

Mr. HAMILTON. Mr. Speaker, the public's business should be done in public. Most regrettably, it is not. Much of it is done in secret, and secrecy in government is patently undemocratic.

A government that prefers to do its business in secret neither has nor deserves the public's confidence and trust.

Surely, the world's greatest democracy ought not to be afraid of a little democracy itself.

To correct this pernicious habit of secrecy in government, I have joined with my colleague, Mr. FASCELL, and several other Members from both parties in the introduction of the "government in the sunshine" bill, H.R. 4.

This bill, modeled on a tough antisecrecy statute enacted a few years ago in Florida, would do the following:

First. Require all meetings of Federal Government agencies at which official action is taken, considered, or discussed to be open to the public, with certain exceptions. Exceptions would be in matters relating to national defense and security or required by statute to be kept confidential, meetings related to an agency internal management, and disciplinary proceedings which could adversely affect the reputation of an individual.

Second. Require that all meetings of congressional committees, including markup and conference committee sessions, be open to the public, with exceptions similar to those cited for meetings of Government agencies.

Third. Require that a transcript be made of each open agency or congressional committee meeting, and that it be made available to the public.

Fourth. Provide for court enforcement of the open-meeting requirement for Government agencies.

Hearings on an identical bill have already been promised in the Senate, and I hope the House will follow suit and take prompt action to enact this legislation.

The "government in the sunshine" bill builds on a provision of the Legislative Reorganization Act of 1970, which requires that committee meetings be open unless a majority of the committee members decide otherwise. This provision pertains only to standing committees, however, and exempts markup sessions of Senate committees. These weaknesses would be corrected by H.R. 4, which includes all standing, select, special and conference committees and most markup sessions, and which has no provision for a majority vote to close meetings not otherwise exempted from the bill.

Unfortunately, secrecy is still a fact of life in the Congress. The Legislative Reorganization Act has not had any real impact on the extent of committee secrecy: the percent of all congressional committee meetings that were closed to the public jumped from 36 percent in 1971 to 40 percent in 1972. Figures for the House alone are 41 and 44 percent, respectively. Almost 80 percent of the House committee markup and voting sessions were closed last year.

One of the distinctive marks of a democracy is its commitment to an open society. It is assumed in a democracy that policy can be improved by steady public examination and debate. If the people are no tin the know, they cannot choose the prudent path. Few topics should be immune from public scrutiny and criticism, because only by such examinaiton can mistakes be corrected.

Closed government meetings damage our political system. They imply hanky-panky and shady deals. They arouse suspicion and resentment. They make it more difficult to get the support and cooperation of persons affected by the secretly made decisions. Closed meetings destroy the credibility of public officials and make their tasks more difficult.

Surveys of public opinion reported in the recently published book entitled "State of the Nation" show that government as a whole, on balance, does not get favorable marks from Americans for honesty, fairness and justice. Another study by a political scientist from Ohio State University showed that the American people's trust in its government dropped nearly 20 percent from 1964 to 1970, an alarming rate of change.

Many steps are needed to restore public confidence and trust in government, but no one step is more important than letting in the sunshine. Fortunately, the crisis of confidence in government is widely recognized and sentiment to end secrecy in government is rapidly building. The goal of the sunshine bill has been endorsed by Common Cause, Fortune magazine, and the 1972 national platform of the Democratic Party. Colorado and Washington, following on the Florida example, have acted dramatically to open their State governments to public view. The Congress even passed legislation, now law, last year that requires that every meeting of the estimated 1,100 Federal Government advisory committees be open to the public.

What the Congress did for the Federal advisory committees it should do for its own committees and for the Federal Government agencies. We must renew our efforts, begun with the 1970 Reorganization Act, to open our governmental processes to the fullest extent possible. This will lead to better lawmaking and greater public confidence in our democratic system.

It is time to let the sunshine in.

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## EIGHTY-TWO MEMBERS INTRODUCE PUBLIC SERVICE EMPLOYMENT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I introduce for appropriate reference H.R. 1415, which would provide 500,000 federally financed public service jobs in each of fiscal years 1974 and 1975.

The bill is cosponsored by the following Members:

Bella S. Abzug of New York.
Brock Adams of Washington.
Joseph P. Addabbo of New York.
Les Aspin of Wisconsin.
Herman Badillo of New York.
Alphonzo Bell of California.
Bob Bergland of Minnesota.
Tom Bevill of Alabama.
Jonathan B. Bingham of New York.
Edward P. Boland of Massachusetts.
John Brademas of Indiana.
George E. Brown, Jr. of California.
Charles J. Carney of Ohio.
Shirley Chisholm of New York.
Frank M. Clark of Pennsylvania.
John Conyers, Jr. of Michigan.
James C. Corman of California.
William R. Cotter of Connecticut.
Paul W. Cronin of Massachusetts.
W. C. (Dan) Daniel of Virginia.
George E. Danielson of California.
Charles C. Diggs, Jr. of Michigan.
John D. Dingell of Michigan.
Robert F. Drinan of Massachusetts.
Thaddeus J. Dulski of New York.
Bob Eckhardt of Texas.
Don Edwards of California.
Joshua Eilberg of Pennsylvania.
Walter E. Fauntroy of District of Columbia.
Hamilton Fish, Jr. of New York.
Daniel J. Flood of Pennsylvania.
William D. Ford of Michigan.
Joseph M. Gaydos of Pennsylvania.
Sam Gibbons of Florida.
William J. Green of Pennsylvania.
Michael Harrington of Massachusetts.
Wayne L. Hays of Ohio.
Ken Hechler of West Virginia.
Henry Helstoski of New Jersey.
Floyd V. Hicks of Washington.
Barbara Jordan of Texas.
Robert W. Kastenmeier of Wisconsin.
Edward I. Koch of New York.
Peter N. Kyros of Maine.
Robert L. Leggett of California.
William Lehman of Florida.
Ray J. Madden of Indiana.
Lloyd Meeds of Washington.
Ralph H. Metcalfe of Illinois.
Patsy T. Mink of Hawaii.
Parren J. Mitchell of Maryland.
John Moakley of Massachusetts.
William S. Moorhead of Pennsylvania.
Thomas E. Morgan of Pennsylvania.
John E. Moss of California.
Morgan F. Murphy of Illinois.
Lucien N. Nedzi of Michigan.
Robert N. C. Nix of Pennsylvania.
David R. Obey of Wisconsin.
Claude Pepper of Florida.
Bertram L. Podell of New York.
Melvin Price of Illinois.
Thomas M. Rees of California.
Henry S. Reuss of Wisconsin.
Peter W. Rodino, Jr. of New Jersey.
Fred B. Rooney of Pennsylvania.
Benjamin S. Rosenthal of New York.
Edward R. Roybal of California.
Paul S. Sarbanes of Maryland.
John F. Seiberling of Ohio.
James V. Stanton of Ohio.
Fortney H. (Pete) Stark of California.
Robert H. Steele of Connecticut.
Louis Stokes of Ohio.
Gerry E. Studds of Massachusetts.
James W. Symington of Missouri.
Frank Thompson, Jr. of New Jersey.
Robert O. Tierney of Rhode Island.
Jerome R. Waldie of California.
Charles H. Wilson of California.
Lester L. Wolff of New York.
Gus Yatron of Pennsylvania.

Although the economic indicators show an encouraging recovery from the slough of 1971 in some respects—corporate after-tax profits, for instance, rose 15 percent in 1972 over 1971, and sales shot up close to 12 percent—unemployment has not declined satisfactorily. After remaining at 5.5 percent or worse for over 2 years, the unemployment rate fell in November 1972, to 5.2 percent where it stayed in December. This is still way above any definition of full employment; but even worse are the astronomical unemployment percentages among young people and minorities which this figure includes. The December jobless rate for nonwhites was 9.6 percent—virtually unchanged from a year ago—while 16 percent of the teenage labor force were out looking for jobs. Unacceptable levels of unemployment—especially among these groups—are going to plague us for some time yet.

President Nixon's attempts to deal with the problem of unemployment via tax breaks for business investment have given ample proof to those who needed it that "trickle down" economics just do not work. The asset depreciation range system and the 7-percent investment tax credit costs the Treasury $5–$6 billion a year between them, and unemployment is still high.

The fastest and cheapest way to make jobs is simply to make jobs. But Nixon, dismissing the valuable functions which public service employment can provide as "dead-end jobs," vetoed a comprehensive manpower bill with a public service jobs component in 1970, and only very reluctantly signed the Emergency Employment Act in 1971. A small fraction of the unemployed found jobs last year through the EEA; at its peak in July 1972, the EEA provided public service jobs for 185,000 people, or roughly 4 percent of the unemployed. But even this meager program is being phased out.

The Jobs Now bill expands and improves the EEA. By creating 500,000 public service posts, the Jobs Now program could reduce unemployment almost immediately by more than one-tenth. In addition, the multiplier effect of these jobs, by triggering an increase in spending and investment, could bring about another 1 to 2 million jobs.

Are these public service jobs in "dead-end" projects? Far from it. Public service work, as defined in the Jobs Now bill, includes work in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

The need for these social services is greater all the time. Teachers are beaten up in schoolyards for lack of police protection; the water and air we drink and breathe is dirtier every day; health care has become more expensive and time-consuming for want of paramedical personnel. With 4.5 million men and women unemployed, what on earth are we waiting for?

### EXPLANATION OF H.R. 1415

First. Funding—the bill authorizes the appropriation of a sum necessary to provide 500,000 jobs in each of fiscal years 1974 and 1975. With current EEA costs per job at approximately $7,000 per job, it is reasonable to assume $3.5 billion in annual appropriations.

Second. Allocation—the funds will be allocated by the Secretary among the States strictly on the basis of the proportion which the total number of unemployed persons in each States bears to the total number of unemployed persons in the United States. If any funds remain unused after a reasonable period, the Secretary will reallocate them, on the same basis, among the other States.

Funds will be distributed within States on a similar basis according to the proportion which the total number of unemployed persons in an eligible unit of government bears to the total number of unemployed persons in the State. If any funds remain unused, they are to be reallocated as above.

Third. Applications—eligible applicants are units of Federal, State, and general local government—basically, cities and counties—or combinations of general local governments, public agencies and institutions which are subdivisions of State or general local government—such as school boards and Community Action programs recognized by OEO—or Indian tribes on Federal or State reservations. Current Labor Department practice in administering the EEA has limited applicants who may apply directly to the Federal Government to units of government with jurisdiction over at least 75,000 people. Smaller areas must apply through the State of which they are a part. The bill does not alter that administrative regulation.

Applications must include assurances regarding maintenance of local effort, parity in salary and benefits between public service program employees and civil service employees, links with other manpower programs, hiring limited to unemployed or underemployed persons—as defined in the bill—number of professionals to be hired, et certera.

Fourth. Manpower and Training Services—the bill specifies that no less than 85 percent of the funds appropriated must be used for wages and employee benefits. The remaining 15 percent, in addition to funds available from other

Federal manpower and training programs, may be used for training purposes. It is understood that much training will consist of on-the-job development of skills.

Fifth. Report to Congress—the Secretary of Labor must submit to Congress at least annually a report on the program, including information on the person hired and the subsequent employment history of public service program employees who leave the program.

## COMPETITION IN THE ENERGY INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 10 minutes.

Mr. KASTENMEIER. Mr. Speaker, one can hardly pick up a newspaper or magazine these days without seeing a story about the "energy crisis." The problem of obtaining the increasing amounts of fuels to heat our homes, run our appliances and power the machines of commerce and industry is one of the more serious problems facing the Nation and the Congress. The reasons for the energy problem are numerous, and include such factors as the oil import quota system and State restrictions on oil production, both of which limit the available supply of the fuel and boost the price to the consumer. Another important factor, the one which is the subject of legislation I am introducing today, is the increasing concentration in the energy industry. Essential to an understanding of the energy problem is the realization that it is not the result of any lack of natural resources in this country. The resources are available, in some cases in abundance. The crux of the energy problem lies in obtaining fuels at a reasonable price to the consumer and in a manner that will have minimum impact on the environment. Accomplishment of those objectives can be stimulated by vigorous competition in the energy industry.

But such competition is lacking today as the multifuel "energy companies" continue to concentrate more and more of our energy resources in fewer and fewer hands. This concentration has become increasingly apparent in the past decade as major oil companies have acquired assets in the competing fuels such as coal and uranium. Therefore, I am introducing a bill to bring a halt to this concentration and to insure competition in the energy industry. This antitrust legislation would amend the Clayton Act by prohibiting oil companies from acquiring coal or uranium resources. It also would require oil companies who now hold coal and uranium assets to divest themselves of those resources.

Economic concentration in any industry can hurt the consumer by boosting the price he pays for a product and by giving him less choice in the marketplace. But concentration in the energy field is doubly harmful, because it directly affects every other industry, dependent on energy to produce a product or provide a service. Thus, the higher price of energy will be reflected in higher prices for almost all products. And the lack of competition between fuels increases the likelihood of price increases.

Ample evidence is available on concentration in the energy industry. A study done several years ago, for instance, showed that of the Nation's 25 largest oil companies, 11 had coal assets and 18 had uranium assets. Further, a House Subcommittee on Special Small Business Problems said in a 1971 report that major oil companies, which account for 84 percent of U.S. refining capacity and 72 percent of natural gas production and reserve ownership, also account for 30 percent of domestic coal reserves and more than 20 percent of domestic coal production. The majors also have more than 50 percent of uranium reserves and 25 percent of uranium milling capacity. The committee also noted that oil companies are acquiring oil shale and tar sands as well as water rights in many areas of the country.

Of the top 15 coal producers in 1970, four were oil companies. In each case, the oil company acquired its coal assets by buying a major coal company during the 1960's. The four were Continental Oil Co. which acquired Consolidation Coal Co. in 1966 when Consolidation was the Nation's leading coal producer; Occidental Petroleum Co. which acquired Island Creek Coal Co. in 1968; Standard Oil of Ohio which acquired Old Ben Coal Co. in 1968; and Gulf Oil Co. which acquired Pittsburg & Midway Coal Mining Co. in 1963. In addition, two other among the top 15 coal producers have assets in competing fuels even though coal is the principal product of each company. The Pittston Co. has major oil holdings as well as coal and Eastern Gas and Fuel Associates earns considerable income from gas sales as well as coal. The four oil companies produced 19 percent of the Nation's coal in 1970; the oil companies plus Pittston and Eastern produced 25 percent.

The major coal producers also include a number of steel and nonferrous metal companies. Significantly, only three of the top 15 producers—Westmoreland Coal Co., North American Coal Corp., and Southwestern Illinois Coal Corp.—are independent coal companies which do not depend on competing fuels for an important share of their income.

Figures on coal production show the current oil domination of the coal industry. The prospects for even more significant long-term domination are revealed in records showing the ownership of the country's vast coal reserves. In its issue of November 15, 1972, Forbes magazine listed 27 companies which each have estimated reserves of 100 million tons or more. Only seven of those 27 companies are engaged primarily in coal production and they own an estimated 7.4 billion tons, or less than 10 percent of the coal reserves owned by the entire group of 27 companies. The list also included six oil companies, five nonferrous metals firms, three railroads, three utilities, two steel companies, and an aerospace firm.

The six oil companies, which own a combined total of 23.3 billion tons of coal reserves, include Continental Oil—Consolidation Coal—8.1 billion tons; Exxon—Monterey Coal—7 billion tons; Occidental Petroleum—Island Creek Coal—3.3 billion tons; Gulf Oil—Pittsburg & Midway Coal—2.6 billion tons; Kerr-McGee 1.5 billion tons; and Standard Oil of Ohio—Old Ben Coal—0.8 billion tons.

Three railroads own a combined total of 22.4 billion tons of coal reserves, including the two top reserve holders, Burlington Northern, Inc., with 11 billion tons and Union Pacific with 10 billion tons. The five nonferrous metals companies own a combined total of 16.2 billion tons of coal; the two steel companies 4.8 billion tons, the three utilities 4.1 billion tons, and the aerospace firm 0.6 billion tons.

An additional indication that oil companies are moving into the competing coal market is shown in the leasing of public domain coal lands. As of April of 1971, the Federal Government had issued 520 leases on almost 768,000 acres of such lands, almost one-fourth of that to oil companies. But there has been little development on those coal lands. Only 73 of the 520 leases were producing coal and unproductive lands included 90 percent of all acres leased.

The movement of oil companies into the uranium industry is equally apparent. As previously noted, oil companies account for 50 percent of uranium reserves and 25 percent of uranium milling capacity. A single oil company, Kerr-McGee, accounts for 27 percent of uranium production in the United States making it the Nation's largest producer of that fuel. Other oil companies which have moved actively into the uranium industry include Exxon, Atlantic Richfield, Gulf Oil, Continental Oil, and Getty Oil. In fact, nearly all oil companies are actively engaged or planning to enter some stage of uranium production.

The significance of oil company activity in other fuels was underscored last year in an economic report prepared by the staff of the Federal Trade Commission. The staff examined the utility industry, which uses almost one-fourth of the fuel consumed in this country. The report concluded that the four primary fuels—oil, natural gas, coal, and uranium—are "sufficiently substitutable in their use by electric utilities to support the conclusion that they trade in the same economic market." It logically follows, them, that oil company acquisition of assets in other fuels tends to have an anticompetitive effect on the energy market.

Add that factor to the already existing anticompetitive aspects of the oil industry—joint ventures, joint ownership of pipelines, vertical integration from wellhead to gas pump—and the artificial restraints on supply—import quotas and State restrictions on oil productions—and the message is clear: The rich and powerful get richer and more powerful at the expense of the victimized consumer. Five of the 10 most profitable corporations in the country and 14 of the most 57 profitable are oil companies—and yet the big oil companies paid only 6.7 percent of their net income in Federal income taxes in 1970. Just one of the Government favors for the powerful oil industry, the quotas on foreign oil imports, adds an estimated $5 to $7 billion a year to consumers' fuel bills. Concentration threatens to compound the unfair balance favoring the giant energy companies.

Without competition in the energy industry, there is danger of collusion, price fixing, and market sharing. And there is little incentive for lower prices, greater efficiencies and more research into better technology.

An oil company has little incentive to develop economic conversion of coal into synthetic liquids and gases or to solve the environmental problems associated with coal if an artificial shortage of oil keeps company prices up and profits high. But an independent oil company, dependent on new technology, has every incentive to pursue development of synthetic fuels and solution of environmental problems. And the competition from that independent coal company should spur the oil company to greater efficiencies and lower prices and to further exploration for oil and natural gas.

On the latter point, it is significant to note that the National Petroleum Council, an industry group which advises the Secretary of the Interior, stated in a recent report:

> No major source of U.S. fuel supply is limited by the availability of resources to sustain higher production.

The council reported that reliable estimates suggest there are sufficient reserves to produce twice the oil and three times the gas produced in this country through 1970, although much of those resources remain to be discovered. Coal is abundant. Not surprisingly, the petroleum council predicts much higher fuel prices in the near future, a position which may be affected by the council's obvious self-interest in such a conclusion. One would search in vain to find a consumer representative among the several hundred industry people who participated in this study.

But the essential point is this: The so-called energy crisis is not due to a shortage of fuels, but to a failure to develop those resources. While the incentive of higher prices may serve the interests of the few giant energy companies, the incentive of vigorous competition among many companies in different fuel industries will best serve the interest of the consumer. Such competition can be assured if the oil companies are prohibited from acquiring interests in coal and uranium production.

In conclusion, Mr. Speaker, I would emphasize that assuring competition in the energy industry is only one step the Congress must take to solve the energy problem. Action is needed in other areas, such as ending the quotas on oil imports. It is time for the Federal Government to protect the public interest rather than the special interest.

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## TRIBUTE TO REAR ADM. RUFUS JUDSON PEARSON, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. FLYNT) is recognized for 10 minutes.

Mr. FLYNT. Mr. Speaker, Rear Adm. Rufus Judson Pearson, Jr., MC, USN, retired on January 3, 1973, as the Attending Physician to Congress, and from the Navy, after more than 26 years of active naval duty, of which the last 6½ years were as the physician of the Congress.

Judson Pearson carries with him the deep appreciation and best wishes of the Senators and Representatives to whom he has ministered from March 1966 to January 1973. While we hate to see him leave us we are very glad that he came our way. He demonstrated a very deep interest in the health of Members of Congress and constantly improved his staff and facilities to better minister to the medical requirements of the Members.

I have especially enjoyed the renewal of a personal friendship with Jud Pearson which began when he was a medical student and I was a law student more than a few years ago.

During the entire period of his service in the U.S. Navy and including the time served as Attending Physician to the Congress, Admiral Pearson reflected credit upon the highest tradition of the U.S. Navy and the medical profession.

During the time that Dr. Pearson served as Attending Physician, he effected many improvements in health care and the delivery of health care in the Capitol. As evidence of this, Members of Congress have repeatedy expressed appreciation of his interest in the health and welfare of Members, Members' families, congressional staffs and especially of the Pages. In addition to being an outstanding physician, he has a marvelous understanding which meant much to every person with whom he came in contact.

It is of interest to note that he was invited to accompany the majority leader and the minority leader of the Senate on their historical visit to China in 1972.

Dr. Pearson was in private practice in Jacksonville, Fla., for 5 years prior to returning to active duty in the Navy. He served as chief of medicine at the Naval Hospitals, Charleston, S.C. and Portsmouth, Va., and was chief of cardiology at the Naval Hospital, Bethesda, Md., from 1955 to 1961. Before his appointment as Attending Physician, he served as director of clinical services and chief of medicine at the Naval Hospital, Bethesda, Md. He trained at the Kings County Hospital, Brooklyn and at the Grady Hospital, Atlanta, and had additional training in cardiovascular diseases at the Massachusetts General Hospital, Boston, under Dr. Paul Dudley White. He is certified by the American Board of Internal Medicine and the Sub-specialty Board in Cardiovascular Diseases.

At the retirement ceremony, Rev. Edward G. Latch, D.D., Chaplain of the House opened the ceremony with a prayer and then Admiral Davis made a few complimentary remarks about Admiral Pearson and his service in the Navy and at the Capitol and then presented him with the Surgeon General's Award and following this the Distinguished Service Medal. At the end of this, Admiral Davis read Admiral Pearson's orders for retirement at midnight, January 3.

Admiral Pearson's remarks began with an expression of appreciation at the opportunity for working in the Capitol, with a reminder that all employees at the Capitol—elected and appointed—had a very special feeling. He quoted Congressman GEORGE H. MAHON, who said even though he had been at the Capitol for over 30 years, he still got a thrill each day at the sight of the Capitol Dome.

He expressed thanks to his patients and friends, hoping that the former were also the latter and to his fellow naval officers for his exciting naval career. He particularly thanked Vice Adm. George M. Davis, the present Surgeon General, for his advice and counsel and aid with all things related to the Capitol Hill office. He mentioned Vice Adm. Robert B. Brown, the former Navy Surgeon General, who had been responsible for his being "in the right place at the right time" and reminded the audience that Admiral Brown at times could be a pretty strict disciplinarian and at some times had "put him in his place."

The history of the office at the Capitol was reviewed briefly. There was no attending physician in the Capitol until 1928. On December 5, 1928, Congressman Fred Britton of Ohio, the chairman of the Naval Affairs Committee introduced a resolution on the House floor requesting Secretary of the Navy Curtis Dwight Wilbur to detail a naval medical officer to the House of Representatives as Attending Physician. The resolution passed unanimously. Comdr. George W. Calver was assigned to the Capitol and at first put his hat in the Democratic cloakroom, off the House floor. Before long, he had acquired room H–166, which was John Nance Garner's room, and in 1929, he also acquired room H–165 for the office. With ingenuity and with imagination, Dr. Calver increased the facilities at the Capitol. In 1929, Dr. Roy O. Copeland, a Senator from New York, introduced a resolution on the Senate floor requesting that a naval medical officer be detailed to the Senate as Attending Physician and suggested that Dr. Calver be the physician. With the coming years, Dr. Calver acquired more space and increased the size of his staff and the services of the Capitol office.

The outstanding services of the staff were mentioned by Dr. Pearson and credit was also given to Capt. Bill McGehee, MSC, who had had a great deal to do with the selection of Dr. Calver's staff and the present staff.

In closing, he recalled that 35 years ago it had been his intention to be a family doctor, but that along the line he had gotten sidetracked, by entering a naval career, then becoming a specialist in internal medicine and then a specialist in cardiology. He then became a medical administrator, having been chief of medicine at two of the larger naval hospitals, but he stressed that he had been particularly gratified by spending the last 6½ years of his naval career as a family practitioner on Capitol Hill and particularly, with the opportunity to associate with the Nation's leaders.

Chaplain Latch said the benediction closing the proceedings.

Admiral Pearson was awarded a Distinguished Service Medal by the Secretary of the Navy and a Certificate of Merit by the Surgeon General of the Navy.

The citation for the Distinguished Service Medal reads as follows:

> For exceptionally meritorious service to the Government of the United States in a duty of great responsibility as the Attending Physician to the Congress during the period March 1966 to January 1973.
>
> Rear Admiral Pearson brought to his unique position exceptional skill, innovation, farsighted leadership, and the highest sense of dedication. Through his superlative efforts, Members of Congress and their staffs received the best possible medical care.
>
> Rear Admiral Pearson was instrumental in effecting numerous improvements to the health care delivery system in the Capitol complex. In addition to his role as a physician, he served as advisor, consultant, and confident to the nations' legislators, earning the respect of all with whom he came in contact.
>
> By his distinguished and inspiring devotion to duty, Rear Admiral Pearson reflected great credit upon himself and the Medical Corps, and upheld the highest traditions of the United States Naval Service.
>
> For the President,
>
> SECRETARY OF THE NAVY.

The citation for the Certificate of Merit reads as follows:

> For over twenty-six years of distinguished, loyal and exceptionally meritorious service in the Medical Corps of the United States Navy.
>
> Throughout his naval career, Admiral Pearson dedicated his professional energies, clinical skills, and administrative abilities to providing quality health care. During World War II, he served overseas with a Navy Construction Battalion. Subsequently, he was assigned on the Medical Service at Naval Hospitals, Jacksonville, Florida; Beaufort, South Carolina; Bethesda, Maryland; and was Chief of Medicine at Naval Hospitals, Charleston, South Carolina, and Portsmouth, Virginia. Immediately preceding his present assignment, Admiral Pearson served as Chief of Medicine and Director of Clinical Services at Naval Hospital, National Naval Medical Center, Bethesda, Maryland. To each of these assignments, he brought a high level of professional competence coupled with dynamic leadership, drive and imagination.
>
> Such impressive credentials as his certification by the American Board of Internal Medicine in both Internal Medicine and Cardiovascular Diseases, his status as a Fellow in the American College of Physicians and the American College of Cardiology, and his vast professional experience made Admiral Pearson imminently qualified for assignment as Attending Physician to the Congress. During his tenure from July 1966 to January 1973, he continually demonstrated his intense devotion to duty and dedication to purpose by totally administering to the medical needs of the members of both Congressional Legislative bodies. In addition, Admiral Pearson served with distinction as Chairman of the Armed Forces Participation Committee for the Presidential Inauguration in January 1969.
>
> On the occasion of his retirement, it is a privilege and a distinct pleasure to record here our appreciation and gratitude, and to confer upon Admiral Pearson this Certificate of Merit in recognition of a distinguished career in the service of his country.
>
> G. M. DAVIS,
> *Vice Admiral,*
> *Medical Corps, USN.*

Rear Adm. Freeman Hamilton Cary, MC, USN, is the successor to Admiral Pearson and has already assumed his duties as Attending Physician. Dr. Cary, is eminently qualified by training and experience to serve as Attending Physician to the Congress and is already well and favorably known to most of the Members. I take pleasure in joining in welcome and congratulations to Dr. Carey as he assumes the duties of his new position.

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### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CHAPPELL (at the request of Mr. McFALL) for today through January 18 on account of official committee business.

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### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COCHRAN) to revise and extend their remarks and include extraneous matter:)

Mr. DERWINSKI, for 30 minutes, on January 18.

Mr. TEAGUE of California, for 30 minutes, on January 18.

Mr. HANSEN of Idaho, for 10 minutes, on January 15.

Mr. BELL, for 10 minutes, today.

Mr. McDADE, for 10 minutes, today.

Mr. DAVIS of Wisconsin, for 30 minutes, on January 18.

(The following Members (at the request of Mr. LEHMAN) and to revise and extend their remarks and include extraneous matter:)

Mr. MINISH, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. HAMILTON, for 15 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. KASTENMEIER, for 10 minutes, today.

Mr. FLYNT, for 10 minutes, today.

Mr. PATTEN, for 60 minutes, on January 18.

Mr. BADILLO, for 60 minutes, on January 25.

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### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN and to include extraneous matter.

Mrs. SULLIVAN and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,530.

Mr. SEIBERLING and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,020.

(The following Members (at the request of Mr. COCHRAN) and to include extraneous matter:)

Mr. GERALD R. FORD in two instances.
Mr. HANSEN of Idaho.
Mr. BROOMFIELD in five instances.
Mr. McKINNEY.
Mr. MARTIN of Nebraska.
Mr. TEAGUE of California.
Mr. FINDLEY in two instances.
Mr. DERWINSKI in three instances.
Mr. ZWACH in three instances.
Mr. CONTE.
Mr. ASHBROOK in three instances.
Mr. HOSMER in two instances.
Mr. GOODLING.
Mr. NELSEN.
Mr. WYMAN in two instances.
Mr. RAILSBACK in three instances.
Mr. SHRIVER in three instances.
Mr. DUNCAN.

(The following Members (at the request of Mr. LEHMAN) and to include extraneous matter:)

Mr. STARK in 10 instances.
Ms. ABZUG in five instances.
Mr. HARRINGTON in seven instances.
Mr. GONZALEZ in three instances.
Mr. BERGLAND.
Mr. RARICK in four instances.
Mr. SEIBERLING in 10 instances.
Mr. LEHMAN in two instances.
Mr. CHARLES H. WILSON of California in 10 instances.
Mr. CAREY of New York in two instances.
Mr. ROYBAL in two instances.
Mr. DELANEY.
Mr. MACDONALD.
Mr. STEPHENS.
Mr. ASHLEY.
Mr. ANNUNZIO in 10 instances.
Mr. WON PAT.
Mr. JONES of Tennessee in 10 instances.
Mr. KOCH in two instances.
Mr. SYMINGTON.
Mr. PICKLE in two instances.
Mr. RODINO in two instances.
Mr. BINGHAM in two instances.

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### ADJOURNMENT

Mr. LEHMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 56 minutes p.m.) under its previous order, the House adjourned until Thursday, January 18, 1973, at 12 o'clock noon.

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### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

220. A letter from the President and Chairman of the Export-Import Bank of the United States, transmitting a report of actions taken under the export expansion facility program, during the quarter ended September 30, 1972, pursuant to Public Law 90-390; to the Committee on Banking and Currency.

221. A letter from the Attorney General, transmitting his report with respect to proceedings instituted before the Subversive Activities Control Board during the period January 1 to December 31, 1972, pursuant to the Subversive Activities Control Act of 1950, as amended; to the Committee on Internal Security.

222. A letter from the Chairman, National Parks Centennial Commission, transmitting the Annual Report of the Commission for the year 1972, pursuant to section 5(c) of Public Law 91-332; to the Committee on the Judiciary.

223. A letter from the Deputy Assistant Secretary of the Interior (Management and

Budget), transmitting a report on the actions taken with respect to scientific and professional positions, pursuant to title 5, United States Code, section 3104; to the Committee on Post Office and Civil Service.

224. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of 70 years of age and completion of 5 years of service, and for other purposes; to the Committee on Post Office and Civil Service.

225. A letter from the Secretary of Transportation, transmitting the 1973 Annual Report on the urban area traffic operations improvement program (TOPICS), pursuant to 23 U.S.C. 135(d); to the Committee on Public Works.

226. A letter from the Director, National Legislative Commission, The American Legion, transmitting the proceedings of the 54th Annual National Convention of the Legion, together with a financial statement and audit, pursuant to Public Law 88–105 (H. Doc. No. 93–32); to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

227. A letter from the Chairman of the Renegotiation Board, transmitting the 17th Annual Report of the Board for the fiscal year ended June 30, 1972, pursuant to the Renegotiation Act of 1951, as amended; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

228. A letter from the Comptroller General of the United States, transmitting a report on the functioning of the Maryland system for reviewing the use of medical services financed under medicaid, Social and Rehabilitation Service, Department of Health, Education, and Welfare; to the Committee on Government Operations.

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## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 1967. A bill to prohibit any civil or military officer of the United States using the land or naval forces of the United States or the militia of any State to exercise surveillance of civilians except where such forces or militia are actually engaged in repelling invasion or suppressing rebellion, insurrection, or domestic violence pursuant to the Constitution or laws of the United States; to the Committee on Armed Services.

H.R. 1968. A bill to prohibit the United States from engaging in weather modification activities for military purposes; to the Committee on Armed Services.

H.R. 1969. A bill to amend the Economic Stabilization Act of 1970, as amended, to direct the President to stabilize rentals and carrying charges; to the Committee on Banking and Currency.

H.R. 1970. A bill to amend the National Housing Act to provide that the rentals and carrying charges charged for accommodations in federally assisted housing may not exceed certain previous levels; to the Committee on Banking and Currency.

H.R. 1971. A bill to insure international cooperation in the prosecution or extradition to the United States of persons alleged to have committed aircraft piracy against the laws of the United States or international law; to the Committee on Interstate and Foreign Commerce.

H.R. 1972. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

H.R. 1973. A bill to provide for a system of children's allowances, and for other purposes; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H.R. 1974. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

H.R. 1975. A bill to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes; to the Committee on Agriculture.

H.R. 1976. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

H.R. 1977. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 1978. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide benefits to survivors of police officers, firemen, and correction officers killed in the line of duty, and to police officers, firemen, and correction officers who are disabled in the line of duty; to the Committee on the Judiciary.

H.R. 1979. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 1980. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 1981. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 1982. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer, spouse, or dependent who is mentally retarded; to the Committee on Ways and Means.

By ASHLEY (for himself, Mr. Carey of New York, Mrs. Chisholm, Mr. Culver, Mr. Edwards of California, Mr. Esch, Mr. Fraser, Mr. Hanna, Mr. Harrington, Mr. Hicks, Mr. Matsunaga, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Podell, Mr. Railsback, Mr. Rees, Mr. Riegle, Mr. Rosenthal, and Mr. Stokes):

H.R. 1983. A bill to amend title 32 of the United States Code to establish a Commission to oversee and improve the capability of the National Guard to control civil disturbances, and for other purpose; to the Committee on Armed Services.

By Mr. BARRETT:

H.R. 1984. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 1985. A bill; Free Flow of Information; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 1986. A bill to amend title 10 of the United States Code to require that accurate medical records be kept with respect to each member of the armed forces; to the Committee on Armed Services.

H.R. 1987. A bill to amend the Lead-Based Paint Poisoning Prevention Act; to the Committee on Banking and Currency.

H.R. 1988. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

H.R. 1989. A bill to amend the Fair Packaging and Labeling Act to require certain labeling to assist the consumer in purchases of packaged perishable or semiperishable foods; to the Committee on Interstate and Foreign Commerce.

H.R. 1990. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

H.R. 1991. A bill to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes; to the Committee on the Judiciary.

H.R. 1992. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. BROOMFIELD (for himself, Mr. Cederberg, Mr. Chamberlain, Mr. Dingell, Mr. Gerald R. Ford, Mr. William D. Ford, Mrs. Griffiths, Mr. Huber, and Mr. Nedzi):

H.R. 1993. A bill to amend section 803 of the Education Amendments of 1972 to reemphasize the intent of Congress with respect to busing; to the Committee on Education and Labor.

By Mr. CARNEY of Ohio:

H.R. 1994. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1995. A bill to amend title II of the Social Security Act to provide that full old-age, survivors, and disability insurance benefits (when based upon the attainment of retirement age), and medicare benefits, will be payable at age 60 (with such insurance benefits being payable in reduced amounts at age 57), to provide a minimum primary benefit of $100 a month, and to liberalize the earnings test; and to amend title XVIII of such act to provide coverage for prescription drugs under the medicare program; to the Committee on Ways and Means.

H.R. 1996. A bill to amend title II of the Social Security Act, and the Internal Revenue Code of 1954, to provide that the Federal Government shall contribute one-third of the cost of financing the old-age, survivors, and disability insurance program and the hospital insurance program, with corresponding reductions in the contributions otherwise required of employees, employers, and self-employed individuals; to the Committee on Ways and Means.

By Mr. CASEY of Texas (for himself, Mr. Archer, Mr. Baker, Mr. Bevill, Mr. Blackburn, Mr. Brasco, Mr. Buchanan, Mr. Clark, Mr. Cleveland, Mr. Collins, Mr. Coughlin, Mr. Cronin, Mr. Danielson, Mr. Davis of Georgia, Mr. Davis of South Carolina, Mr. Dent, Mr. Derwinski, Mr. Drinan, Mr. Duncan, Mr. Eshleman, Mr. Evins of Tennessee, Mr. Fish, Mr. Fisher, Mr. Frey, and Mr. Gonzalez):

H.R. 1997. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. CASEY of Texas (for himself, Mrs. Hansen of Washington, Mr. Harvey, Mr. Hastings, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Hicks, Mr. Huber, Mr. Ichord, Mr. Johnson of California, Mr. Jones of North Carolina, Mr. King, Mr. Lehman, Mr. McKinney, Mr. Madden, Mr. Matsunaga, Mr. Melcher, Mr. Murphy of New York, Mr. Nix, Mr. O'Hara, Mr. Pepper, Mr. Perkins, Mr. Peyser, Mr. Pickle, and Mr. Poage):

H.R. 1998. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. CASEY of Texas (for himself, Mr. Podell, Mr. Randall, Mr. Rarick, Mr. Roberts, Mr. Roe, Mr. Roybal, Mr. Ryan, Mr. Sarbanes, Mr. Steed, Mr. Stephens, Mr. Symington, Mr. Teague of Texas, Mr. Wyatt, Mr. Yatron, and Mr. Mizell):

H.R. 1999. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 2000. A bill; the Eastern Wilderness Areas Act; to the Committee on Interior and Insular Affairs.

By Mr. COLLINS:

H.R. 2001. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DANIELSON:

H.R. 2002. A bill relating to the disclosure of information and news sources by the news media; to the Committee on the Judiciary.

By Mr. E de la GARZA:

H.R. 2003. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DENNIS (for himself, Mr. Mayne, Mr. Coughlin, Mr. Fish, Mr. Railsback, Mr. Smith of New York, Mr. Zion, Mr. Bray, Mr. Hillis, Mr. Landgrebe, Mr. Myers, Mr. Hudnut, and Mr. Biester):

H.R. 2004. A bill to provide for the appointment of two additional district judges in Indiana; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 2005. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON:

H.R. 2006. A bill authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency transportation services to civilians; to the Committee on Armed Services.

By Mr. ERLENBORN:

H.R. 2007. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. FRASER (for himself and Mr. Meeds):

H.R. 2008. A bill to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that act; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mrs. Chisholm, Mr. Breckinridge, Mr. Hawkins, Mr. Leggett, Miss Holtzman, Mr. Macdonald, Mr. Rangel, Mr. Seiberling, Mr. Slack, Mr. Widnall, Mr. Won Pat, and Mr. Zwach):

H.R. 2009. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pensions and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. FORSYTHE:

H.R. 2010. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMMERSCHMIDT (for himself, Mr. Buchanan, Mr. Scherle, Mr. Shoup, Mr. Hicks, Mr. Thone, Mr. Rose, Mr. Owens, Mr. Aspin, Mr. Evins of Tennessee, Mr. Martin of North Carolina, and Mr. Udall):

H.R. 2011. A bill concerning the allocation of water pollution funds among the States in fiscal 1973 and fiscal 1974; to the Committee on Public Works.

By Mr. HANSEN of Idaho (for himself and Mr. Shoup):

H.R. 2012. A bill to amend the Federal Meat Inspection Act to provide for more effective inspection of imported meat and meat products to prevent the importation of diseased, contaminated, or otherwise unwholesome meat and meat products; to the Committee on Agriculture.

By Mr. HANSEN of Idaho:

H.R. 2013. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. HARRINGTON:

H.R. 2014. A bill to provide for the establishment of projects for the dental health of children to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HILLIS:

H.R. 2015. A bill to protect confidential sources of the news media; to the Committee on the Judiciary.

H.R. 2016. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

H.R. 2017. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

H.R. 2018. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 2019. A bill to amend the act establishing the Gateway National Recreation Area to authorize the Secretary of the Interior to provide for water transportation facilities to the recreation area; to the Committee on Interior and Insular Affairs.

H.R. 2020. A bill to prohibit under certain conditions Federal activities in connection with the construction of offshore bulk cargo transshipment facilities; to the Committee on Public Works.

By Mr. ICHORD (for himself, Mr. Bevill, Mr. Waggonner, Mr. Powell of Ohio, Mr. Whitehurst, Mr. Fisher, Mr. Montgomery, Mr. Steiger of Arizona, Mr. Mollohan, Mr. Derwinski, Mr. W. C. (Dan) Daniel, Mr. Scherle, and Mr. Rhodes):

H.R. 2021. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. ICHORD (for himself, Mr. Nichols, Mr. Collins, Mr. Dulski, Mr. Vander Jagt, Mr. Lent, Mr. Roberts, Mr. Cleveland, Mr. Hillis, Mr. Collier, Mr. Frey, Mr. Goldwater, and Mr. Spence):

H.R. 2022. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 2023. A bill to preserve and stabilize the domestic gold mining industry and to increase the domestic production of gold to meet the needs of national defense; to the Committee on Armed Services.

H.R. 2024. A bill to permit American citizens to hold gold; to the Committee on Banking and Currency.

H.R. 2025. A bill to preserve the domestic gold mining industry and to increase the domestic production of gold; to the Committee on Interior and Insular Affairs.

H.R. 2026. A bill to preserve and stabilize the domestic gold mining industry on public, Indian, and other lands within the United States and to increase the domestic production of gold to meet the needs of industry and national defense; to the Committee on Interior and Insular Affairs.

By Mr. KASTENMEIER:

H.R. 2027. A bill to amend the Clayton Act to preserve competition among corporations engaged in the production of oil, coal, and uranium; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. Mazzoli, Mr. Mitchell of Maryland, and Ms. Abzug):

H.R. 2028. A bill to establish an independent and regionalized Federal Board of Parole, to provide for fair and equitable parole procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. KAZEN:

H.R. 2029. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 2030. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. KING:

H.R. 2031. A bill to provide that the Saratoga Battle Monument shall be made a national monument; to the Committee on Interior and Insular Affairs.

H.R. 2032. A bill to establish the Van Buren-Lindenwald Historic Site at Kinderhook, N.Y., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2033. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 2034. A bill to amend the Military Selective Service Act to clarify the definition of conscientious objector so as to specifically include conscientious opposition to military service in a particular war; and to provide to certain individuals the opportunity to claim exemption from military service as selective conscientious objectors irrespective of their existing selective service status; to the Committee on Armed Services.

H.R. 2035. A bill to amend the Military Selective Service Act of 1967 clarifying the definition of conscientious objector so as to specifically include conscientious opposition to military service in a particular war; to the Committee on Armed Services.

H.R. 2036. A bill to amend title 10 of the United States Code so as to permit members of the Reserves and the National Guard to receive retired pay at age 55 for nonregular service under chapter 67 of that title; to the Committee on Armed Services.

H.R. 2037. A bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes; to the Committee on Education and Labor.

H.R. 2038. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

H.R. 2039. A bill to establish a National Human Resources Conservation Corps to rehabilitate persons convicted of violating certain narcotic drug laws and persons who volunteer for membership in such Corps and to improve the quality of the environment; to the Committee on Education and Labor.

H.R. 2040. A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian reservations, and commonly owned and shared resources through a program of recreational development, reforestation and conservation management, and for other purposes; to the Committee on Education and Labor.

H.R. 2041. A bill to provide for the Secretary of the Department of Health, Education, and Welfare to assist in the improvement and operation of museums; to the Committee on Education and Labor.

H.R. 2042. A bill to provide for the abatement of air pollution by the control of emissions from motor vehicles; preconstruction certification of stationary sources; more stringent State standards covering vehicular emissions, fuel additives and aircraft fuels; emergency injunctive powers; and public disclosure of pollutants; to the Committee on Interstate and Foreign Commerce.

H.R. 2043. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resource, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

H.R. 2044. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to eliminate certain requirements respecting contributions of State and local governments; to the Committee on the Judiciary.

H.R. 2045. A bill to amend the National Environmental Policy Act of 1969; to the Committee on Merchant Marine and Fisheries.

By Mr. KOCH (for himself, Mr. Buchanan, Mr. O'Hara, Mr. Rangel, Mr. Sarasin, and Mr. Won Pat):

H.R. 2046. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Blatnik, Mr. Burton, Mr. Gubser, Mr. McKinney, Mr. Matsunaga, Mr. Minish, Mr. Murphy of New York, Mr. Symington, Mr. Tiernan, and Mr. Whalen):

H.R. 2047. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 2048. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. McCORMACK (for himself, Mr. Nichols, Mr. Bevill, Mr. Flower, Mr. Mathis of Georgia, Mr. Davis of Georgia, Mr. Stephens, Mrs. Mink, Mr. Culver, Mr. Sebelius, Mr. Waggonner, Mr. Rarick, Mr. Montgomery, Mr. Jones of North Carolina, Mr. Preyer, Mr. Taylor of North Carolina, Mr. Moorhead of Pennsylvania, Mr. Rooney of Pennsylvania, Mr. Morgan, Mr. Davis of South Carolina, Mr. Denholm, Mr. Mollohan, Mr. Slack, Mr. Kastenmeier, and Mr. Reuss):

H.R. 2049. A bill concerning the allocation of water pollution funds among the States in fiscal 1973 and fiscal 1974; to the Committee on Public Works.

By Mr. MACDONALD:

H.R. 2050. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. MAHON:

H.R. 2051. A bill to further amend the Mineral Leasing Act of February 25, 1920, to provide for the extension of certain leases; to the Committee on Interior and Insular Affairs.

By Mr. MARTIN of Nebraska:

H.R. 2062. A bill to amend title 5, United United States Code to provide for the designation of the 30th day of May of each year as Memorial Day, and the 11th day of November of each year as Veterans Day; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 2053. A bill concerning the war powers of the Congress and the President; to the Committee on Foreign Affairs.

H.R. 2054. A bill to amend the War Claims Act of 1948 to provide compensation for the injury, disability, or death of certain civilian American citizens during World War II and for which no compensation has been previously authorized by law; to the Committee on Interstate and Foreign Commerce.

H.R. 2055. A bill to amend title 5, United States Code, to authorize the payment of increased annuities to secretaries of justices and judges of the United States; to the Committee on Post Office and Civil Service.

H.R. 2056. A bill to permit immediate retirement of certain Federal employees; to the Committee on Post Office and Civil Service.

H.R. 2057. A bill to repeal section 5532 of title 5, United States Code, relating to reductions in the retired or retirement pay of retired officers of regular components of the uniformed services who are employed in civilian offices or positions in the Government of the United States; to the Committee on Post Office and Civil Service.

H.R. 2058. A bill to provide increases in annuities paid under the Civil Service Retirement Act, matching wage and salary increases paid to employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2059. A bill to amend section 8332, title 5, United States Code, to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2060. A bill to modify the decrease in Federal group life insurance at age 65 or after retirement; to the Committee on Post Office and Civil Service.

H.R. 2061. A bill to amend title 5, United States Code, to provide for the immediate retirement of Federal civilian personnel on oceangoing vessels upon separation from the service after attaining 50 years of age and completing 20 years of service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2062. A bill to amend title 5, United States Code, with respect to the concurrent payment of foreign post pay differentials and nonforeign post cost-of-living allowances, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2062. A bill to amend title 5, United States Code, with respect to the pay of prevailing rate employees assigned or detailed to perform duties of positions in grades or pay schedules higher than the grades or pay schedules of their existing positions; to the Committee on Post Office and Civil Service.

H.R. 2064. A bill to amend title 5, United States Code, to protect civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights to prevent unwarranted governmental invasions of their privacy, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2065. A bill to amend title 5, United States Code, to improve the administration of the leave system for Federal employees; to the Committee on Post Office and Civil Service.

H.R. 2066. A bill to amend title 5, United States Code, to improve the basic workweek of firefighting personnel of executive agencies, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2067. A bill to amend title 5 of the United States Code in order to provide that certain benefits to which employees of the United States stationed in Alaska, Hawaii, Puerto Rico, or the territories of the United States are entitled may be terminated under certain conditions, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2068. A bill to permit a noncontiguous State to elect to use and allocate funds from the highway trust fund to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such a noncontiguous State; to the Committee on Public Works.

H.R. 2069. A bill to amend title 38 of the United States Code to provide for cost-of-living adjustments to disability compensation rates payable to veterans residing outside the contiguous United States; to the Committee on Veterans' Affairs.

H.R. 2070. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

H.R. 2071. A bill to direct the Secretary of the Army to provide memorial plots in national cemeteries for certain former members of the armed forces and to permit the adjacent burial of certain family members of such former members; to the Committee on Veterans' Affairs.

H.R. 2072. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax from $60,000 to $120,000; to the Committee on Ways and Means.

H.R. 2073. A bill to amend the Internal Revenue Code of 1954 to provide that limited retail dealers may sell distilled spirits and to provide that their special tax shall be $4.50 a month for each calendar month in which they sell distilled spirits; to the Committee on Ways and Means.

H.R. 2074. A bill to amend the Internal Revenue Code of 1954 to authorize a tax credit for certain expenses of providing higher education; to the Committee on Ways and Means.

H.R. 2075. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

H.R. 2076. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemptions for the taxpayer or his spouse who has attained age 65 shall be $3,000 instead of $1,500; to the Committee on Ways and Means.

H.R. 2077. A bill to amend section 1034 of the Internal Revenue Code of 1954 to provide an additional 1-year period for first using a new residence which was purchased during the period provided in such section 1034; to the Committee on Ways and Means.

H.R. 2078. A bill to amend the Internal Revenue Code of 1954 to permit a parent who supports a handicapped child to take a personal exemption for that child, even though the child earns more than $750; to the Committee on Ways and Means.

H.R. 2079. A bill to repeal provisions of the Tax Reform Act of 1969 which place a limitation on the capital gains treatment in the case of total distributions from qualified pension, etc., plans; to the Committee on Ways and Means.

H.R. 2080. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 2081. A bill to amend the Social Security Act to exempt increases in social security benefits from consideration in determining a person's need for public assistance under the programs of aid to the aged, the blind, and the disabled or the program of aid to families with dependent children; to the Committee on Ways and Means.

H.R. 2082. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

H.R. 2083. A bill to prohibit the withdrawal of merchandise from a customs bonded warehouse for exportation pursuant to retail sales unless such warehouse is located in close proximity to a port, airport, or border crossing station; to the Committee on Ways and Means.

By Mr. MAYNE:

H.R. 2084. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes; to the Committee on Banking and Currency.

H.R. 2085. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

H.R. 2086. A bill to develop business and employment opportunities in smaller cities by providing certain preferences for prospective Government contractors in such cities and areas; to the Committee on the Judiciary.

H.R. 2087. A bill to require all Members of Congress to disclose all income; to the Committee on Standards of Official Conduct.

H.R. 2088. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 2089. A bill to amend the Internal Revenue Code of 1954 to limit losses allowable with respect to farming operations which are incurred by taxpayers whose principal business activity is not farming; to the Committee on Ways and Means.

H.R. 2090. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 2091. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

H.R. 2092. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

H.R. 2093. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 2094. A bill to amend part A of title IV of the Social Security Act to make the program of aid to families with dependent children a wholly Federal program, to be administered by local agencies under federally prescribed terms and conditions (embodying the eligibility formulas currently in effect in the several States but designed to encourage such States to apply nationally uniform standards), with the cost being fully borne by the Federal Government; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 2095. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS:

H.R. 2096. A bill to prohibit the imposition by the States of discriminatory burdens upon interstate commerce in wine, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.R. 2097. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. NELSEN (for himself, Mr. QUIE, and Mr. ZWACH):

H.R. 2098. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN (for himself and Mr. WIDNALL):

H.R. 2099. A bill to extend and amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 2100. A bill to amend the Communications Act of 1934 to provide that renewal licenses for the operation of a broadcasting station may be issued for a term of 5 years and to establish certain standards for the consideration of applications for renewal of broadcasting licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 2101. A bill, Newsmen's Privilege Act of 1973; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 2102. A bill to amend title II of the Social Security Act to eliminate the reduction in disability insurance benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

H.R. 2103. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 2104. A bill to amend title II of the Social Security Act to reduce from 60 to 50 the age at which a woman otherwise qualified may become entitled to widow's insurance benefits; to the Committee on Ways and Means.

By Mr. PEYSER:

H.R. 2105. A bill to provide that no State development agency shall be entitled to receive Federal financial assistance in any form unless it provides satisfactory assurances that it will take no action inconsistent with local zoning laws; to the Committee on Banking and Currency.

By Mr. PICKLE:

H.R. 2106. A bill to provide that the imposition of taxes the proceeds of which are appropriated to the highway trust fund shall be suspended during any period when the amounts in the fund are impounded or otherwise withheld from expenditure; to the Committee on Ways and Means.

By Mr. POAGE:

H.R. 2107. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. PRICE of Illinois:

H.R. 2108. A bill to amend chapter 67 (relating to retired pay for nonregular service) of title 10, United States Code, to authorize payment of retired pay at reduced percentage to persons, otherwise eligible, at age 50, and for other purposes; to the Committee on Armed Services.

H.R. 2109. A bill to amend title 10, United States Code, in order to improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander who convenes a court-martial and by creating an independent trial command for the purpose of preventing command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings; to the Committee on Armed Services.

H.R. 2110. A bill to amend section 264(b) of title 10, United States Code, to prohibit the transfer or expenditure of reserve component funds for purposes other than for which appropriated; to the Committee on Armed Services.

H.R. 2111. A bill to amend title 10, United States Code, to provide for the rank of major general for the Chief of the Dental Service of the Air Force; to the Committee on Armed Services.

H.R. 2112. A bill to amend titles 10 and 37, United States Code, to provide career incentives for certain professionally trained officers of the Armed Forces; to the Committee on Armed Services.

H.R. 2113. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve; to the Committee on Armed Services.

H.R. 2114. A bill to amend the National Flood Insurance Act of 1968 to provide protection thereunder against losses resulting from earthquakes and earthslides; to the Committee on Banking and Currency.

H.R. 2115. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 2116. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 2117. A bill to create a Department of Youth Affairs; to the Committee on Government Operations.

H.R. 2118. A bill to provide for the disclosure of certain information relating to certain public opinion polls; to the Committee on House Administration.

H.R. 2119. A bill to require an investigation and study, including research, into possible uses of solid wastes resulting from mining and processing coal; to the Committee on Interior and Insular Affairs.

H.R. 2120. A bill declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof; to the Committee on Interior and Insular Affairs.

H.R. 2121. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

H.R. 2122. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

H.R. 2123. A bill to require that certain short-shelf-life durable products be prominently labeled as to the date beyond which performance life becomes diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 2124. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

H.R. 2125. A bill to improve law enforcement in cities by making available funds to be used to increase police salaries and to add more police officers; to the Committee on the Judiciary.

H.R. 2126. A bill to provide educational assistance to children of civilian employees of the United States killed abroad as a result of war, insurgency, mob violence, or similar hostile action; to the Committee on Post Office and Civil Service.

H.R. 2127. A bill to provide for the issuance of a special postage stamp honoring the coal industry of America; to the Committee on Post Office and Civil Service.

H.R. 2128. A bill to amend the act of March 3, 1905, relating to the dumping of certain materials into the navigable waters of the United States; to the Committee on Public Works.

H.R. 2129. A bill to amend the Federal Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

H.R. 2130. A bill to authorize appropriations to be used for the elimination of certain rail-highway grade crossings in the State of Illinois; to the Committee on Public Works.

H.R. 2131. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, social oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

H.R. 2132. A bill to amend chapter 3 of title 38, United States Code, in order to provide for a veterans outreach services program in the Veterans' Administration to assist eligible veterans, especially those recently separated, in applying for and obtaining benefits and services to which they are entitled, and education, training, and employment, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2133. A bill to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons; to the Committee on Ways and Means.

H.R. 2134. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

H.R. 2135. A bill to amend title II of the Social Security Act to eliminate the reduction in disability benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

H.R. 2136. A bill to amend title II of the Social Security Act to permit States under Federal-State agreements, to provide for coverage for hospital insurance benefits for the aged for certain State and local employees whose services are not otherwise covered by the insurance system established by such title; to the Committee on Ways and Means.

H.R. 2137. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

H.R. 2138. A bill to amend title XVIII of the Social Security Act to provide medicare benefits (financed from general revenues) for disabled coal miners without regard to their age; to the Committee on Ways and Means.

H.R. 2139. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a Formulary Committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. RARICK (for himself and Mr. FISH):

H.R. 2140. A bill to provide for the garnishment of the wages of Federal employees; to the Committee on the Judiciary.

By Mr. REID:

H.R. 2141. A bill to further promote equal employment opportunities for American workers; to the Committee on Education and Labor.

H.R. 2142. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

H.R. 2143. A bill to provide for research for solutions to the problem of alienation among American workers in all occupations and industries and technical assistance to those companies, unions, State and local governments seeking to find ways to deal with the problem, and for other purposes; to the Committee on Education and Labor.

H.R. 2144. A bill to establish a Congressional Center for the Study of Domestic and International Policy; to the Committee on House Administration.

H.R. 2145. A bill to amend the National Historic Preservation Act of 1966, as amended, to provide grants and loans for persons who have buildings or structures registered in the National Register in order to preserve such historic properties, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2146. A bill to prohibit the exclusion of dog guides for the blind from certain public carriers, transport terminals, and other places of business which operate in interstate commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 2147. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

H.R. 2148. A bill; The Federal Gun Control Act of 1973; to the Committee on the Judiciary.

H.R. 2149. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States and for other purposes; to the Committee on the Judiciary.

H.R. 2150. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the armed forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

H.R. 2151. A bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code in the case of certain contributions of literary, musical, or artistic, composition, or similar property; to the Committee on Ways and Means.

H.R. 2152. A bill to amend the Internal Revenue Code of 1954 with respect to lobbying by certain types of exempt organizations; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. ASHLEY, Mr. BRASCO, Mr. EILBERG, Mr. KOCH, Mr. MCKAY, and Mr. SEIBERLING):

H.R. 2153. A bill; The Antihijacking Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES (for Mr. ABDNOR, Mr. HEINZ, Mr. BAFALIS, Mr. JOHNSON of Colorado, Mr. GUDE, Mr. MCCLORY, Mr. ROBISON of New York, Mr. DENNIS, Mr. REGULA, Mr. WHITEHURST, Mr. THONE, Mr. GUYER, Mr. FREY, and Mr. FRENZEL):

H.R. 2154. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROGERS (by request):

H.R. 2155. A bill to retain November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 2156. A bill to amend the Federal Meat Inspection Act to change the ingredient requirements for meat food products subject to this act, and for other purposes; to the Committee on Agriculture.

H.R. 2157. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

H.R. 2158. A bill to amend the National Defense Education Act of 1958 to provide that law schools approved by the State bar of any State be considered institutions of higher education; to the Committee on Education and Labor.

H.R. 2159. A bill to establish an executive department to be known as the department of education, and for other purposes; to the Committee on Government Operations.

H.R. 2160. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

H.R. 2161. A bill to put into effect, and advance the effective date of, certain proposed standards for the control of air pollution from aircraft and aircraft engines; to the Committee on Interstate and Foreign Commerce.

H.R. 2162. A bill to regulate interstate commerce by requiring certain insurance as a condition precedent to using the public streets, roads, and highways, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2163. A bill to assure the right to vote to citizens whose primary language is other than English; to the Committee on the Judiciary.

H.R. 2164. A bill to require special deportation proceedings in connection with the voluntary departure from the United States of any national of Mexico or Canada who is illegally in the United States; to the Committee on the Judiciary.

H.R. 2165. A bill to change a requirement for naturalization as a U.S. citizen from being an ability to read, write, and speak English to an ability to read, write, and speak any language; to the Committee on the Judiciary.

H.R. 2166. A bill to provide for the waiver of certain grounds for exclusion and deportation from the United States; to the Committee on the Judiciary.

H.R. 2167. A bill to offer amnesty under certain conditions to persons who have failed or refused to register for the draft or to be inducted into the Armed Forces of the United States and for other purposes; to the Committee on the Judiciary.

H.R. 2168. A bill to establish a commission to investigate the Watergate incident; to the Committee on the Judiciary.

H.R. 2169. A bill to implement the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 2170. A bill to establish a 20-year delimiting period for completing a program of education under chapter 34 of title 38, United States Code; to the Committee on Veterans' Affairs.

H.R. 2171. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

H.R. 2172. A bill to amend the Internal Revenue Code of 1954 to impose a retailers excise tax on certain nonreturnable bottles and cans, and to provide that the collections of such tax shall be paid over to the municipalities in which such bottles or cans were sold; to the Committee on Ways and Means.

H.R. 2173. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed to a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

H.R. 2174. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

H.R. 2175. A bill to provide relief to certain individuals 60 years of age and over who own or rent their homes, through income tax credits and refunds; to the Committee on Ways and Means.

H.R. 2176. A bill to amend title II of the Social Security Act and chapters 2 and 21 of the Internal Revenue Code of 1954 to remove the ceiling presently imposed upon the amount of earnings which may be counted annually for social security benefit and tax purposes (with the maximum benefits resulting therefrom being limited to twice the present maximum rate), and to fix social security taxes permanently (for cash benefit purposes) at a single reduced rate for both employees and employers; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 2177. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 2178. A bill to provide for certain insurance benefits for the beneficiaries of servicemen who died early in the Vietnam conflict; to the Committee on Veterans' Affairs.

H.R. 2179. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowances of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Commission on Ways and Means.

By Mr. SIKES (for himself, Mr. WYATT, and Mr. JOHNSON of California):

H.R. 2180. A bill to provide for the establishment and administration of a national wildfire disaster control fund; to the Committee on Agriculture.

By Mr. SLACK:

H.R. 2181. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 2182. A bill to amend section 734 of title 44, United States Code, to require the Public Printer to furnish recycled material for the official use of the Senate and the House of Representatives; to the Committee on House Administration.

H.R. 2183. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record; to the Committee on House Administration.

H.R. 2184. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 2185. A bill to provide for the conveyance of certain public lands in Klamath Falls, Oreg., to the occupants thereof, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WAGGONNER:

H.R. 2186. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 2187. A bill to insure the free flow of information and news to the public; to the Committee on the Judiciary.

By Mr. WHALEN:

H.R. 2188. A bill; Vietnam Disengagement Act of 1973; to the Committee on Foreign Affairs.

By Mr. WHITE:

H.R. 2189. A bill to amend title 10 of the United States Code to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 2190. A bill to authorize the coinage of 50-cent pieces and $1 pieces in commemoration of the Bicentennial of the American Revolution; to the Committee on Banking and Currency.

H.R. 2191. A bill to provide for the establishment of the U.S. Academy of Foreign Affairs; to the Committee on Foreign Affairs.

H.R. 2192. A bill to remove the appropriation limitation for development of Chamizal National Memorial, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2193. A bill to amend section 106 of title 4 of the United States Code relating to State taxation of the income of residents of another State; to the Committee on the Judiciary.

H.R. 2194. A bill to permit public school teachers (and other public school employees) who do not have coverage pursuant to State agreement under the Federal old-age survivors and disability insurance system to elect coverage under such system as self-employed individuals; to the Committee on Ways and Means.

By Mr. WHITE (for himself and Mr. WON PAT):

H.R. 2195. A bill to provide for the establishment of a national historic park on the island of Guam, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WHITEHURST:

H.R. 2196. A bill to amend title 10, United States Code, to provide that officers appointed in the Medical Service Corps of the Navy from other commissioned status shall not lose rank or pay or allowances; to the Committee on Armed Services.

H.R. 2197. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

By Mr. WHITEHURST (for himself, Mr. ROBERT W. DANIEL, JR., Mr. DOWNING, Mr. JONES of North Carolina, and Mr. WAMPLER):

H.R. 2198. A bill to provide for the establishment of the Great Dismal Swamp National Monument in the States of Virginia and North Carolina; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES H. WILSON of California:

H.R. 2199. A bill to permit suits to adjudicate disputed titles to lands in which the United States claims an interest; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON of California (by request):

H.R. 2200. A bill to insure a free flow of information; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 2201. A bill to create an air transportation security program; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.R. 2202. A bill to amend the Internal Revenue Code of 1954 to allow a refundable credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 2203. A bill to establish the Countryside Development Commission to study the economic problems of rural America; to the Committee on Agriculture.

By Ms. ABZUG:

H.J. Res. 186. Joint resolution establishing the birthplace of Rev. Dr. Martin Luther King, Jr., in Atlanta, Ga., as a national historic site; to the Committee on Interior and Insular Affairs.

H.J. Res. 187. Joint resolution designating January 15 of each year as Martin Luther King Day; to the Committee on the Judiciary.

By Mr. CEDERBERG:

H.J. Res. 188. Joint resolution designating the square dance as the national folk dance of the United States of America; to the Committee on the Judiciary.

By Mr. LENT (for himself, Mr. Grover, and Mr. Wydler):

H.J. Res. 189. Joint resolution to authorize the President of the United States to designate the first of January each year as Appreciate America Day"; to the Committee on the Judiciary.

By Mr. LENT (for himself, Mr. Mollohan, Mr. Archer, Mr. Ichord, Mr. Gross, Mr. Jarman, Mr. W. C. (Dan) Daniel, Mr. Flowers, Mr. Hammerschmidt, Mr. Johnson of Pennsylvania, Mr. Snyder, Mr. Fisher, Mr. Towell of Nevada, Mr. Steed, Mr. Rarick, Mr. Jones of North Carolina, Mr. Powell of Ohio, Mr. Parris, Mr. Walsh, Mr. Lott, Mr. Robert W. Daniel, Jr., Mr. Collins, Mr. Young of Florida, and Mr. Robinson of Virginia):

H.J. Res. 190. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

By Mr. LENT (for himself, Mr. Randall, Mr. Del Clawson, Mr. Roncallo of New York, Mr. Williams, Mr. Davis of Georgia, Mr. Rousselot, Mr. Kemp, Mr. Spence, Mr. Conlan, Mr. Stuckey, Mr. McCollister, and Mr. Huber):

H.J. Res. 191. Joint resolution proposing and amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 192. Joint resolution to establish a national policy relating to conversion to the metric system in the United States; to the Committee on Science and Astronautics.

By Mr. MAYNE:

H.J. Res. 193. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

H.J. Res. 194. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. MILLS of Maryland:

H.J. Res. 195. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. PERKINS:

H.J. Res. 196. Joint resolution to authorize the President to designate the period from March 4, 1973, through March 10, 1973, as National Nutrition Week; to the Committee on the Judiciary.

By Mr. REID:

H.J. Res. 197. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. DORN:

H. Con. Res. 78. Concurrent resolution to authorize the printing of a Veterans' Benefits Calculator; to the Committee on House Administration.

By Mr. LENT:

H. Con. Res. 79. Concurrent resolution to express the sense of the Congress recommending the imposition and enforcement of a moratorium upon foreign fisheries operations on U.S. coastal stocks of fish; to the Committee on Merchant Marine and Fisheries.

By Mr. PEPPER:

H. Con. Res. 80. Concurrent resolution expressing the sense of Congress that the first amendment to the Constitution applies to radio and television broadcasting; to the Committee on the Judiciary.

By Mr. BOLLING (for himself and Mr. Martin of Nebraska):

H. Res. 132. Resolution to create a select committee to study the operation and implementation of Rules X and XI of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. BROOMFIELD:

H. Res. 133. Resolution concerning the continued injustices suffered by the Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. DORN:

H. Res. 134. Resolution to authorize the Committee on Veterans' Affairs to conduct an investigation and study with respect to certain matters within its jurisdiction; to the Committee on Rules.

By Mr. KOCH:

H. Res. 135. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. REID:

H. Res. 136. Resolution calling for peace in Northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H. Res. 137. Resolution honoring the late Rossell G. O'Brien; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII, memorials, were presented and referred as follows:

9. By the SPEAKER: A memorial of the Senate of the Commonwealth of Massachusetts, relative to the escalation of the war by North Vietnam; to the Committee on Foreign Affairs.

10. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to complete U.S. withdrawal from Southeast Asia; to the Committee on Foreign Affairs.

11. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to amending the selection for Vice-President of the United States; to the Committee on House Administration.

12. Also, a memorial of the Legislature of the State of Wisconsin, ratifying an amendment to the Constitution of the United States relating to equal rights for women; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 2204. A bill for the relief of Franco and Ida Angelucci; to the Committee on the Judiciary.

H.R. 2205. A bill for the relief of Nello Giarelli, Rosa Cafagno Giarelli, Marcelo Giarelli, and Isabel Giarelli; to the Committee on the Judiciary.

H.R. 2206. A bill for the relief of Maria Nguyen-thi-Ly; to the Committee on the Judiciary.

By Mr. CARNEY of Ohio:

H.R. 2207. A bill for the relief of Joseph C. Leeba; to the Committee on the Judiciary.

By Mr. DAVIS of Wisconsin:

H.R. 2208. A bill for the relief of Raymond W. Suchy, 2d Lt., U.S. Army (retired); to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 2209. A bill for the relief of the Cuban Truck and Equipment Co., its heirs and assigns; to the Committee on the Judiciary.

H.R. 2210. A bill for the relief of the Cuban Truck and Equipment Co., its heirs and assigns; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 2211. A bill to provide for the payment of death benefits in lieu of Servicemen's Group Life Insurance benefits to the eligible survivors of certain individuals killed while participating in the Air Force Reserve Officers' Training Corps Flight Instruction program; to the Committee on the Judiciary.

By Mr. MATHIAS of California:

H.R. 2212. A bill for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland; to the Committee on the Judiciary.

By Mr. REID:

H.R. 2213. A bill for the relief of Cornelius S. Ball, Victor F. Mann, Jr., George J. Posner, Dominick A. Sgammato, and James R. Walsh; to the Committee on the Judiciary.

By Mr. ROGERS (by request):

H.R. 2214. A bill for the relief of Uhel D. Polly; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 2215. A bill for the relief of Mrs. Purita Paningbatan Bohannon; to the Committee on the Judiciary.

H.R. 2216. A bill for the relief of Anastacia Romero Cabansag; to the Committee on the Judiciary.

By Mr. STUBBLEFIELD:

H.R. 2217. A bill for the relief of Robert M. Owings; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON of California:

H.R. 2218. A bill to clear and settle title to certain real property located in the vicinity of the Colorado River in Imperial County, Calif.; to the Committee on Interior and Insular Affairs.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

20. The SPEAKER presented petition of the board of supervisors, county of Sacramento, Calif., relative to hijacking of aircraft and new Federal regulations related thereto; to the Committee on Interstate and Foreign Commerce.

# EXTENSIONS OF REMARKS

## THANKSGIVING SALUTE TO FARMERS

### HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. GOODLING. Mr. Speaker, a glaring headline recently appeared in one of the Washington, D.C., newspapers which proclaimed that farm prices had soared 5.7 percent.

This reminds me of an article that I saw in one of the west coast newspapers a few months ago. This article was entitled "Thanksgiving Salute to Farmers," and even though Thanksgiving Day is long gone, the substance of the article is nonetheless timely because it points out that the American consumer has a lot for which he has to be thankful wherein the farmer is concerned.

Because the article concerned contains some very important information on the fabulous productive power of the American farmer, I insert it into the CONGRESSIONAL RECORD and commend it to the attention of the consumer:

THANKSGIVING SALUTE TO FARMERS

As the nation pauses tomorrow to enable us to give thanks for the abundance with which we are blessed, the minds of most of us will look back to those long and difficult winters endured by the Pilgrims of Plymouth Colony and their special day of thanksgiving.

Recalling history lessons learned in youth, most Americans figure that Thanksgiving Day has been celebrated in much the same fashion each year since Gov. Bradford proclaimed the first holiday in 1621 in Plymouth Colony. But such is not the case.

Thanksgiving Day as a national holiday was indeed proclaimed more than 150 years later by America's first president, George Washington, but it never flourished to full extent. Again in 1863, President Lincoln reached out in a time of national adversity and revived the Thanksgiving Day custom. Since that time, Thanksgiving Day has indeed been observed regularly, with but a switch of Thursdays.

Yet scholarly studies of history show clearly that "days of thanks" date far back into ancient times. It seems clear that from the time when man first embarked on the tilling of the soil, he has celebrated a "thanksgiving" of sorts to express his gratitude for crops.

For example, it was that early New England statesman Daniel Webster who said, "When tillage begins, other arts follow. The farmers, therefore, are the founders of human civilization." Today's farmers still merit Webster's high praise.

Yet in this age when most Americans live in cities and suburban developments which have boomed where farmlands once prevailed, many people have virtually forgotten where their food supply originates. Too little thought is given to the farmers and the efforts that go into producing the vast supply of top quality foods that are set before us daily.

Foods come pre-cooked, packaged, freeze-dried, frozen, canned and in a multitude of other forms that require special handling after they leave the farm and before they reach the table. But despite all the costly "middleman" work involved in meeting the sophisticated (and often downright lazy) demands of today's consumers, the farmer still bears the main brunt of "high food price" complaints.

While many persons fondly look back to the "good old days" of lower food costs, too few of them recognize that average incomes have gone up at a faster rate than food costs.

For example, government statistics reveal that in 1940 the pay for an hour's factory work could purchase 1.8 pounds of round steak. Today, the pay for an hour of factory work will buy 2.6 pounds of round steak. In 1940, the pay for an hour of factory work would buy 5.1 quarts of milk. Today, an hour's pay will buy 10.6 quarts.

Despite such examples, many Americans continue to point a condemning finger at the farmer for higher food costs. But even when we grant that prices indeed have gone up, the fact still remains that farmers haven't benefited all that much.

U.S. Department of Agriculture figures show that the farmer has gained a mere 6 per cent increase over prices he received in 1947–49 for food supply farm crops. But in that same period, the retail cost of farm-grown food has soared by 39 per cent and processing and marketing costs have gone up by 71 per cent. Thus, the farmer is not the villain in the cost picture.

Even so, here in America food is still the consumer's biggest bargain. An American family of four persons spends an average 16.5 per cent of its income on food. In Western Europe, the people spend close to 35 per cent of their income on food. In the Soviet Union, food bills use up 55 per cent of the family's income.

The fact is that during the past 25 years, food costs here in America have gone up slower than the costs of almost all other necessities. Retail food costs have increased by 61 per cent in that quarter of a century. But medical costs have gone up a whopping 154 per cent and housing costs have gone up by 81 per cent, to cite just a couple of examples.

Every person engaged in farming in America—from the man who plants the grain to the man who harvests the crop; from the dairy cow owner to the fellow who operates the milking machine—each one produces food for 51 people. That record is worth thinking about.

As such, America's farmers deserve special applause for providing us with many of our reasons for celebrating tomorrow's Thanksgiving Day. The farmers play a major role in our abundance.

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## CHILDREN'S DENTAL HEALTH ACT

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. HARRINGTON. Mr. Speaker, last Thursday, January 11, I introduced the Children's Dental Health Act which I believe will be a major step toward solving this country's dental care problems. The act authorizes $50 million to treat low-income and rural children. Nine million dollars is provided to aid communities without sufficient funds in the fluoridation of their water. An additional $57 million is earmarked for grants to public and nonprofit institutions to train dental auxiliary personnel. Twenty-six million dollars is authorized for studies so that these personnel might be used in the most effective manner. Finally, the bill would provide for a seven-member Dental Advisory Committee to carefully examine the Nation's dental care programs, and advise the Secretary of Health, Education, and Welfare.

Half of America's children at age 2 suffer from tooth decay. Half of the Nation's children have never even seen a dentist. Among low-income children, 70 percent have never been in a dentist's office. The $4 billion spent annually by Americans for dental care is largely spent to deal with conditions that need not have occurred or might have been arrested much earlier with an effective Federal program of dental care. This bill would provide that sort of program, with preventive, early corrective, and followup care, with cavity reducing fluoridation, and with the expansion of treatment through auxiliary personnel. It is this sort of program that will reduce health care costs in the long run, and provide adequate care for countless Americans now without it.

The bill, originally authored by Senator MAGNUSON, passed the Senate in the last session by a vote of 88 to 1, and is endorsed by major dental organizations. Senator MAGNUSON, as well as Senator KENNEDY who chairs the Subcommittee on Health are to be commended for their fine work.

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## SISTER CITIES PROGRAM

### HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues an excellent article by Robert Hardy Andrews concerning the sister cities program, particularly as it relates to Los Angeles and Bombay.

[From the Christian Science Monitor, November 1, 1972]

SISTER CITIES—FOREIGN AFFAIRS ON A "RELATIVE" LEVEL

(By Robert Hardy Andrews)

LOS ANGELES.—This sprawling megalopolis, sometimes described as seven suburbs looking for a city, is also widely known as claimant to the most of almost everything, from number of new settlers to density of smog. Now a new "We're Number 1!" goes on the list.

Within the past few months Los Angeles has adopted four more sister cities. Added to seven already taken into the family, this makes the City of Los Angeles unchallenged *Numero Uno* in the little publicized, good-neighbor campaign that began when President Eisenhower inaugurated the People-to-People program in 1956.

Since then, a low-key effort by private citizens to break down spite fences and build friendships at the ends of the earth, where official ambassadors are not always notably successful, has partnered 390 United States communities with 449 cities and towns in 60 foreign countries.

California leads all states, with 85 sister city affiliations with 117 far-off siblings. Los Angeles alone is partnered with Elath, Israel;

Salvador de Bahia, Brazil; Bordeaux, France; Pusan, South Korea; Berlin, Germany; Nagoya, Japan; Bombay, India; Auckland, N.Z.; Tehran, Iran; Lusaka in Zambia; and Mexico City.

Why are Los Angeles and California so far out in front? Californian modesty restricts reply to pointing out that first overtures came from the other end of the two-way road. Mexico has 53 sister cities in California. Japan has 22. Bombay, 10,000 miles away, chose Los Angeles as most-wanted sister ahead of Leningrad, Stuttgart, and Honolulu.

Responding to this, 400 volunteers formed the Los Angeles-Bombay Sister City Committee, and set about raising $10,000 to help build a City of Los Angeles High School as a friendship landmark in Bombay. The Bombay side will provide land, labor, and materials to complete a high school for 400 pupils. Forty committee members will go to India this month to present the Los Angeles contribution to neighborliness during observance of the Bombay municipality's centenary.

Said a Bombay editorial: "This is not by any means the only way in which Los Angeles can help. Their city planners can tell us much on how to cope with urban congestion, industrial pollution, rapid-transit systems, and all the problems of a growing metropolis."

Politics brought murmurs that Los Angeles Mayor Samuel Yorty, who has been called "the only American mayor with a foreign policy," favors sister city proliferation because he likes to travel. However City Councilman John Ferraro compared Bombay's growth from two million population in 1947 to six million in 1972, and said "We can probably learn as much from Bombay as they can learn from us."

He explained the operating rules of sister city organizations. They draw no public funds, are incorporated as nonprofit and nonpolitical organizations, are independent of City Hall or Washington officialdom, and work on the simple principle that "with nowhere farther from anywhere any more than 24 hours by air, we're all next-door neighbors, and it's time we got acquainted for our mutual benefit."

A case in point is that of the Pusan Sister City Committee, formed in 1967. Philip Ahn, the veteran Oriental actor in Hollywood films, son of Gen. Chang Ho Ahn, who was called "Korea's George Washington," headed a 40-member Los Angeles delegation, paying its own expenses, that was given a civic reception in Pusan in 1968.

Since then, the Los Angeles-Pusan Committee has raised funds to send needy Korean children to school, collected and sent 5,000 textbooks, furnished musical instruments for Pusan's fledgling symphony orchestra, and brought Korean nurses for training in Los Angeles hospitals. In 1971, 25 percent of South Korea's $280 million trade with the United States came to Southern California, and largely to Los Angeles.

The Los Angeles-Auckland Committee sent two planeloads of members, including no public officials, to work out a two-way educational and cultural project. The Los Angeles-Nagoya Committee finances students coming from Japan. The El Elath Committee sends such artists as Zubin Mehta, conductor of the Los Angeles Symphony Orchestra, to give concerts in Israel, with receipts going to Israeli charities.

Charity is not the sister city objective but in emergencies, the good-neighbor policy applies. The Lusaka Committee finances African students coming to learn how to make artificial limbs, greatly needed in Zambia.

Members of the Bordeaux Committee visited France. In return, 200 visitors, many seeing the U.S. for the first time, were welcomed and entertained in homes in Los Angeles.

Encouragement of foreign travel in the U.S. is a facet of all programs. A 9-mile foot race in Sydney, Australia, was linked with sister San Francisco. Runners competed for a trip from Down Under, and entered the Bay City's traditional Bay-to-Breakers marathon.

Santa Monica bought a fire engine for Mazatlan in Mexico, sends its high school band to Mazatlan for an annual concert, stages an annual *Fiesta de Santa Monica y Mazatlan* to raise funds for further sisterly collaboration and exchanges teachers and students as guests in private homes.

At base, sister city selection rests on mutual interests, similarity in economic or other characteristics, and historical ties. Planners consult veterans who have served abroad, travelers, foreign consulates, and resident foreign-language groups, and firms with branches in chosen countries. When decision is reached, an invitation goes, proposing exchange of visitors and offering hospitality to those who come.

France has 23 American sister city affiliations. West Germany has 38, Italy 11, Australia 20, Japan 80, Thailand 1 (with Washington, D.C.). On the American side, California's nearest rivals are Michigan, where 27 communities have adopted 36 sister cities overseas, and Florida, where the ratio is 25 to 29. As for municipalities, number 2 is Phoenix, Ariz., sister-tied to Karlsruhe, Germany; Sassari, Italy; Orange, France; Vasteras, Sweden; and Guadalajara, Mexico.

Some choices pair world-apart neighbors that travel agents would be hard put to pinpoint on the map: Tucson, Ariz., with Trikkala, Greece; Miami, Fla., and Me-Ami, Israel; Woodbridge, Conn., with Linguere in Senegal; Independence, Mo., and Blantyre-Limbe, Malawi; Hammonton, N.J., with St. Helier on an English Channel island.

San Clemente, Calif., site of the Western White House, chose San Clemente del Tuyu in Argentina. Small Sante Fe Springs has heartroom for Mersin, Turkey; Navojoa, Mexico; Santa Fe, Argentina. Fresno is partnered with Lahore, Pakistan; Kochi, Japan; and Moulmein, Burma, on Kipling's road to Mandalay.

Name-alikes are popular. Lodi, Calif., chose Lodi, Italy; Cupertino, Calif., picked Italy's Cupertina; Merced, Calif., chose Mercedes in Uruguay.

Artesia, Calif., has the sister with the oddest name: Koudekerk-aan-den-Rijn in the Netherlands.

Whatever inspires selection, the overall record shows that the People-to-People concept is more than rhetoric. In Glendale, Calif., affiliated with Higashiosaka, Japan, special passports are issued, signed by mayors of both cities, given to travelers going or coming as "Your ticket to a friendly home." Monterey Park has put out a decal that blends the California community's Nachi Garden and Nachikatsuura's waterfall in Japan, under the legend *Tomodachi:* "Friend."

The various sister city committees are members of the Town Affiliation Planning Sister Cities Program, headquartered in Washington, D.C., but receive no government or other subsidies. Says Judge Rex Winter, former Santa Monica mayor and City Council member, a leader in the program: "It may not work any miracles, but it's a step in the right direction. There's no 'Ugly American' show-off behavior. In fact, our neighbors overseas seem surprised to find how civilized we are. And it certainly can't hurt for us to learn the same about them."

## CESSATION OF HOSTILITIES

## HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. McKINNEY. Mr. Speaker, the bombing of Hanoi and Haiphong is a strategy I find unfathomable. I cannot condone as an instrument of peace the bombing of civilian population centers. As one who has consistently voted for all responsible measures which would have hastened U.S. disengagement from the Vietnam war, and as one who felt that goal was imminent last November, I am at a loss to reconcile the Kissinger pronouncement, "Peace is at hand," with the resumption of intensive bombing.

Intelligence memoranda on the effects of intensive bombing have indicated that far from demoralizing the North Vietnamese, these bombings have steeled their will to continue fighting. To revert to the use of bombing which even the military questions as a method of inducing the North Vietnamese to negotiate, in my judgment demands from the White House a full accounting.

I have written to the White House, requesting that Dr. Kissinger and General Haig present to Congress a detailed explanation of the current state of the peace negotiations, most particularly, points of disagreement with the North Vietnamese that led to the breakdown of the talks. Our Constitution established the Congress as a coequal branch of government. As such, it cannot function without a clear understanding of the issues involved in the peace settlement. How ludicrous that Members of Congress, charged with the responsibility of either approving or disapproving funding and manpower levels for the war, must rely on newspaper accounts of events for information. Such a situation bankrupts the power of Congress to participate in the conduct of foreign policy.

In my judgment, the grievous human toll of our bombing, the American public's shock that this Nation could participate in such an action, and the declining position of the United States as a moral force in world affairs demand that Congress put an end to this war immediately. Therefore, as I have in the past, I will continue to support amendments to cut off military funding for the war and, to prevent another Vietnam from recurring in the future, I will support a strong War Powers Act which would require Congressional approval of any future commitment of U.S. troops.

## DOLPHINS END THEIR SUPER SEASON

## HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. BAFALIS. Mr. Speaker, I would like to take this opportunity to extend my heartiest congratulations to Don Shula and the Miami Dolphins for their superb performance in yesterday's Super Bowl.

This victory over the outstanding Washington Redskins is the crowning glory to the Dolphins' unblemished record this season of 17–0. No other team in the history of professional football has been able to match their phenomenal performance.

I personally wish to thank the Dolphins for the thrills and excitement which their brand of football has brought to my home State of Florida. In their 7 years in Miami, they have definitely captured the hearts and allegiance of the entire populace and brought great pride to the State of Florida.

Hail to the Dolphins.

## MARTIN LUTHER KING: BIRTHDAY ANNIVERSARY

## HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. MADDEN. Mr. Speaker, today millions throughout America, will in some manner—privately, publicly, or otherwise, observe and pay tribute to a great American, Dr. Martin Luther King, on the 44th anniversary of his birthday. Dr. Martin Luther King was not only a renowned clergyman but a national leader who fought for the principles of peace, justice, and equality for not only all American citizens but for all humanity.

When Dr. Martin Luther King was assassinated, the crime did not terminate the great causes for which he was devoting his life, it resulted in an expansive force that has increased immeasurably the success of all the humanitarian principles he espoused. Many Americans who had not been apprised of the humanitarian work which he was advocating became sympathetic and converted to aid in his great program of racial and civic equality for all citizens of our Nation.

By reason of his tragic death, the message he gave at the Lincoln Memorial in the summer of 1963, at which he elaborated on his slogan, "That Great Dream," instilled into the minds of millions the justice of his cause which they can never forget.

When word went out over the Nation of his tragic assassination, the bell tolled for all Americans and for all people everywhere who believed in human justice, dignity, and brotherhood. His great faith in mankind—in the people's capacity to do what was right—sustained this great leader in his crusade for the rights of all our citizens. He had a dream that all men could live as brothers and as he so eloquently expressed led many, including his detractors, to join the cause for equality and civil rights.

He had a deep faith in America, in freedom, and representative government and led millions of his fellow citizens to join in a crusade to follow the principles of the U.S. Constitution that all American citizens must enjoy the rights provided in that great document without discrimination, injustice, and persecution.

It is, indeed, unfortunate that men who fight for these great qualities of equality, liberation, and freedom should meet such a tragic termination of their consecrated work for the goodness of mankind. To mention but a few—Presidents Lincoln and John F. Kennedy, Robert Kennedy, Mahatma Gandhi—and many others over the centuries.

## THE DEBATE OVER THE RELATIVE POWERS AND PROGRAMS OF THE PRESIDENT AND THE CONGRESS

## HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. GERALD R. FORD. Mr. Speaker, in the current debate over the relative powers and prerogatives of the President and the Congress—a debate which I believe to be a healthy one if it does not take on a wholly partisan tone—two interesting columns appeared in the Washington Star and Daily News on January 7. Without necessarily subscribing to every punctuation mark and innuendo in either column, I insert in the Record the observations of Columnists Crosby S. Noyes and William F. Buckley, Jr., who provide perspectives that differ somewhat from those of the pack:

### Nixon Keeps Us Guessing—And Maybe He Should

(By Crosby S. Noyes)

My friends are all furious about the way that democracy is going to the dogs in this country. A good many of them are paid to know what's going on. And when they can't find out, it gets them very upset about the people who aren't telling them.

You really can't blame them. A good many things are obviously going on that people are interested in, and President Nixon hasn't been willing to give them the time of day. Apart from George Allen, the only person he seems to be talking to these days is Henry Kissinger. And Kissinger is a genius at talking to people at great length without telling them anything that they want to know.

Congress, apparently, feels the same way—sort of left out of things.

Naturally it makes people frustrated and annoyed, and there is a lot of talk going around about how the system is being perverted by one-man rule.

The only trouble is, of course, that the presidency has been the dominant force in the government for close to 200 years now and there isn't very much that Carl Albert or anybody else is likely to be able to do about it. Nixon may be somewhat more secretive than some of our presidents in the past and he doesn't seem to care very much about his relations with Capitol Hill, but he hardly can be accused of inventing the idea of an independent executive.

Come to think of it, quite a lot of things have happened that we weren't much consulted about beforehand. I don't recall being asked, for instance, what I thought about invading Normandy, or dropping an atomic bomb on Hiroshima, or sending troops to Korea, or invading the Bay of Pigs.

It could be that the notion that this country normally operates by a system of unrestricted information, consultation and consensus is something of a myth. Most of our recent presidents, at any rate, have had a way of acting first and consulting afterward in matters of primary importance to the country.

It may be that Nixon is more susceptible to this use—or abuse—of presidential authority, being at the beginning of his last term and therefore less "accountable" to the Congress and public opinion for what he does. One suspects, however, that this supposed nonaccountability is more impressive to the anxious critics of Nixon's policies than it is to the President himself.

Any president, including this one, is ultimately accountable for everything that he does. If his policies fail, no amount of prior consultation and public relations will redeem his reputation and historical standing. If they succeed, it will probably make very little difference that the country was largely in the dark about what he was up to at the time.

The people's much-asserted "right to know," furthermore, has never been fully subscribed to by any government that ever existed. What the people don't know much of the time is a lot. And quite often there are perfectly valid reasons, aside from the natural furtiveness of chief executives, that make it imperative to leave them in ignorance.

Something of the sort may be the case today. What everybody is so worked up about, of course, are the negotiations on Vietnam and the chances of reaching a settlement of the war in the near future. Among other things, they want to know whether and why it was necessary to bomb the hell out of Hanoi and Haiphong at such a high cost in lives and public anguish. They are asking what or who it was that blocked the settlement that Kissinger said was at hand and what the real prospects are today.

The questions are pertinent and so, perhaps, are the reasons for not answering them. The most detailed knowledge by the public and the Congress on the state of the negotiations probably would not bring a settlement nearer. And indeed, it might foreclose the possibility of arriving at any settlement at all.

It is hard to ask people to live with their frustrations and their ignorance, but for the time being it may be necessary. Because the simple fact is that Nixon and Kissinger are not negotiating with the White House press corps or the Senate Foreign Relations Committee but with the North Vietnamese.

Everything that has been said and left unsaid so far is a part of that negotiation. Until it is concluded, the President has the right—and perhaps the duty—to keep the country guessing.

### Why Should Not the President Remain Aloof?

(By William F. Buckley, Jr.)

On the whole, it is sensible to take the side of Congress against the Executive, up until you come close to spilling over into the kind of chaos mercifully ended by Charles de Gaulle when he filled up the great cavities of the Fourth Republic. We are not near to that kind of anarchy in the United States, and it is therefore the operative presumption that the White House has entirely too much power.

That said, one makes the distinction. The Congress of the United States has luxuriated in hypocrisy for a very long time.

On the one hand it resents characteristic executive usurpation, on the other hand it (a) does nothing about it; and (b) is always there strengthening the hand of the executive.

The typical bill passed nowadays by Congress gives the President the power to invoke or not to invoke this or that measure; gives him the responsibility for naming the members of this or the other board; passes sense-of-the-Congress resolutions while ignoring the simpler remedy of decreeing how things shall be.

And of course in matters economic, it is particularly fond of passing lazy inflationary bills and expecting the President to veto them; or, if he fails to do so, contriving somehow to blame the President for the inflation that ensues.

The focus of Congressional resentment, at this writing, is the recent bombing of North Vietnam, and the refusal of Mr. Rogers and Mr. Kissinger to appear before a Senate committee to "explain" the President's decision. All kinds of things are being deduced from the President's recent reclusiveness, but a few critical observations are usually left unmade, to wit:

(1) A president who plays with the press, as kittenishly as FDR or JFK, is potentially more dangerous than the President who is

aloof from the press. Better that the press should be presumptively skeptical of presidential operations—than that it should treat the President unctuously, in reaction to his charm or openhandedness.

(2) What is it expected that Mr. Nixon could have said to the press to explain his decision to proceed with the bombing?

"Mr. President, do you really believe that the carpet bombing of North Vietnam is going to bring Hanoi to the negotiating table with further concessions?"

How would Mr. Nixon have answered that question responsibly?

If he had said that he did believe the bombing would work, he'd have strengthened North Vietnamese resolution to resist the pressure of the bombing.

If he had said that he did not believe the bombing would work, he'd have raised the question why he had resorted to it.

If he had said that he did not know whether the bombing would work, he'd have said in effect that he was indulging a petulance.

(3) But if he had looked calmly at his tormentors and said: *"Nemo me impune lacessit,"* and walked back into the Oval Room, why he'd have been arrested moments later as the murderer in cold blood of Tom Wicker and Anthony Lewis. There are things you simply don't say: even though you give them expression.

"No man who trifles with me does so with impunity." That is the national motto of Scotland, and it is a maxim appropriate not to Dr. Strangelove, but to Aristides. It is a personalization of the rules of good international behavior which support the peace. But it is uncouth to invoke such truisms, in mid-discipline: and the wise ruler will avoid the temptation to sin, even rhetorically.

It is altogether obvious what Richard Nixon is up to. Those who disagree with his decision are perfectly free to do so. Why should he give them a more elaborate scaffold on which to hang him? He is right, at this moment, to be silent. Who wants a chatty executioner?

## MILITARY RETIREES DESERVE BETTER

## HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. YOUNG of Florida. Mr. Speaker, for the past 15 years, America's retired military men and women have suffered from an unjust system of computing their retirement pay that leaves them the victims of an ever-soaring cost of living.

Prior to 1958, their retirement pay was recomputed to keep pace with increases in the pay of military personnel on active duty. However, Congress abandoned this plan in favor of one that supposedly was tied to increases in the cost of living.

It simply has not worked out. The cost of living has soared, yet the retirement pay has not kept pace and the gap between active duty and retirement pay has grown wider and wider.

Like many others trying to live on a fixed income, our retired military personnel have been hard hit by inflation. Many live in my own Sixth Congressional District of Florida, and I can personally attest to the hardship they are forced to undergo. Our military retirees, who have devoted many, many years of service to their country, often at great personal sacrifice, are now being forced, along with their families, to live a very marginal existence.

For this reason, as one of my first acts with the opening of the new 93d Congress, I introduced H.R. 221, the Uniformed Services Retirement Pay Equalization Act, which calls for a return to the former program of equalizing retirement pay with the pay of members of the uniformed services of equal rank and years of service.

This policy had been followed for more than 90 years, and many people entered the service confident in the belief that the law would be followed and their pay upon retirement would be adjusted to keep pace with the pay of our active forces. I personally feel it was a breech of faith to change this system and tie retirement pay to the cost of living.

Two years ago, I introduced a bill to return to the former recomputation system; while approved as an amendment in the Senate, the measure, unfortunately, was not accepted by the conference committee.

I hope the Congress will promptly adopt my new bill, thus giving deserved recognition to the men and women who served their country so gallantly over the years. The Congress, and a grateful Nation, owe them no less.

## FROM BAD TO WORSE

## HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. DE LA GARZA. Mr. Speaker, mail service in the United States is the worst I have seen in my lifetime. I daresay it is the worst the Nation has known since the railroads knit our country together.

The mail is not going through—at least not on a timely basis. I am sure that every Member of this body has his own collection of horror stories about the slowness and unreliability of mail service. It is not unusual for regular first class mail from my district in south Texas to reach my office a week or 10 days after it was dispatched. Even the use of airmail does not guarantee fast delivery. The special delivery system is a farce.

Mr. Speaker, I do not believe for a moment that the House of Representatives. the Post Office and Civil Service Committee, and definitely this Member, ever intended that the Postal Reorganization Act, which created the U.S. Postal Service, should destroy mail service in the United States. But that is the direction in which we are going.

We were promised much, but the promises have not been fulfilled. I believe it is time to concede that a mistake was made in the creation of the U.S. Postal Service. And it is time, in my opinion, to rectify that mistake. What we have now is far inferior to what we used to have. And, no one is happy—none is getting what was promised—not the post office employees, not the patrons.

For these reasons, I am introducing today legislation to abolish the U.S. Postal Service by repealing the Postal Reorganization Act and to reestablish the U.S. Post Office Department as an executive department of the Federal Government. I offer this measure as a vehicle which will enable the Post Office and Civil Service Committee to start all over in establishing the kind of modern, efficient postal system that the American people want and which they are entitled to have.

The state of the present mail service is a matter of serious concern to almost every individual in the United States. This body has a responsibility to improve it. Abolition of the U.S. Postal Service is a necessary first step in that direction. I hope we will take it.

## HOUSE SADDENED BY LOSS OF DISTINGUISHED MEMBERS

## HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. RAILSBACK. Mr. Speaker, the 93d Congress has opened without several familiar persons. All of us are particularly saddened by the loss of three distinguished Members.

In October, Congressmen Nick Begich of Alaska and Hale Boggs of Louisiana disappeared during the course of an air flight over Alaska, while Mr. Boggs was campaigning for the reelection of Mr. Begich. To date, no trace of them, their pilot, or their aircraft has been found.

In December, Representative George Collins of Illinois was one of many people killed in the tragic crash of a commercial airliner in Chicago.

These three men, from different districts and States, held a common respect for the national legislature and for the good of the people of their home district.

George Collins traveled to his district on Chicago's West Side almost every weekend as his way of keeping in close touch with those he represented. He was a tireless champion of the rights of all Americans, and the Seventh District of Illinois has indeed lost a good friend and public servant.

When Hale Boggs came to the House of Representatives in 1941, he was just 26 years of age, the youngest man in Congress. In the long and eventful years since he first came to Washington, he has risen to positions of authority in the various committees and forums of the House. As majority leader, Hale Boggs provided the leadership for his party, and he served the people of Louisiana well.

Nick Begich came to the House 2 years ago as Alaska's Representative-at-Large. He quickly moved to take on many issues confronting the Congress, and served ably on the Interior and Insular Affairs Committee. His knowledge of Indian affairs, national parks, and public lands has been of great value to his colleagues.

These men are certainly going to be missed by the 93d Congress. I know I speak for all my colleagues in extending our deepest sympathies to their families.

## BETTER WAYS TO CUT USDA BUDGET

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## HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. FINDLEY. Mr. Speaker, upon announcement of the termination of the REAP and water bank programs, the suspension of direct 2-percent loans under the Rural Electrification Administration, and the termination of the emergency $5,000 forgiveness loans in case of disaster, I sent the following letter to Secretary Earl Butz:

The Honorable Earl L. Butz,
*Secretary of Agriculture,*
*Washington, D.C.*

Dear Mr. Secretary: In a letter today to Chairman W. R. Poage of the Committee on Agriculture I have requested early hearings to examine the scope and effect of recent decisions of the Administration which curtail rural emergency loans, terminate activities under REAP and Water Bank Programs, suspend direct 2 percent loans under the Rural Electrification Act, and extend guaranteed and insured loans to cooperative electric and telephone companies under the Rural Development Act of 1972. I enclose a copy of my letter.

I recognize the necessity for the Administration to find ways to reduce the expenditure level of the Federal government during the current fiscal year, and I applaud all reasonable steps to that end. I also believe that Congress, in its appalling lack of self-discipline in budget management, must bear a heavy burden of guilt for the imbalance in receipts and expenditures which impels the Administration to this search.

The problem confronting the Administration is, of course, complicated by the fact that most expenditures are mandated by Congress. Among those not mandated are those rural programs the Administration has just terminated or curtailed.

Hearings, I feel, will be helpful to all concerned, and I am confident you and your aides will welcome this means to add to public understanding.

Additionally, I would like to add a few comments and suggestions.

I respectfully urge that you carefully reexamine the steps taken to assure that they do not impair essential services in rural areas and programs vital to environmental protection.

In an understandable zeal to clean up the Federal budget problem, we must be careful not to throw out the baby with the bath water.

For example, will the actions taken sharply reduce funds available to employ Soil Conservation Service specialists? Will they lead to increased soil erosion with consequent damage to water supplies? Will they seriously cripple rural electric cooperatives in their vital program to meet the rising electric power requirements of modern agriculture? Will they harm the private financing initiative already undertaken by the cooperatives?

In addition, I strongly urge that you broaden your search for better ways to cut the USDA budget.

In that regard, I hope you will reduce the annual limitation on payments to individual farmers under the cotton and feed grains programs from the present $55,000 level to $20,000. It is too late for wheat, but not too late for cotton and feed grains. Present law clearly gives you this opportunity and authority. I estimate the savings, assuming tight administration, will exceed $200 million.

These payments are disbursed essentially in exchange for agreements not to produce crops. They are largely income support for farm families and yield nothing in the way of environmental protection or other public benefit. In fact, this year cotton growers need not even idle a square inch of land in order to be eligible for payments.

Cutting back on funds to hire Soil Conservation Service technicians, and to build grass waterways and water impoundments of course reduces programs which have direct and lasting public benefit because they serve to protect and improve our environment. Cutting out REA subsidies may handicap certain deserving electric cooperatives in establishing and improving modern service to remote farms.

Present law establishes the limitation at "shall not exceed $55,000" a year. This leaves the Administration with the option to reduce the limitation. If, as I recommend, it is dropped to $20,000 per farm and administered tightly so as to discourage evasion, this change alone would reduce budget costs $200 million.

You can also reduce outlay this year $10 million simply by exercising the option—an option clearly extended to you by a ruling of the Comptroller General—not to provide further funding under Section 610 of the Agricultural Act of 1970 to Cotton, Incorporated, a research and advertising firm whose effectiveness is questionable to say the least.

These two suggested actions present obvious advantages over actions you have just taken.

I hope these comments and suggestions will be helpful.

Sincerely,

Paul Findley,
*Representative in Congress.*

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## DISTINGUISHED BANK PRESIDENT RETIRES

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## HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. STEPHENS. Mr. Speaker, my friend Russell A. Blanchard, one of Georgia's most respected bankers and citizens, has recently retired as president of the Georgia Railroad Bank & Trust Co. of Augusta.

Mr. Blanchard began his long and distinguished career with the Georgia Railroad Bank & Trust Co. in 1927 as a clerk in the bookkeeping department and, after serving in every department of the bank, became President in 1969. Through the years, he has devoted equal energy and unselfish service to the numerous civic affairs and church activities in which he has been involved.

In recognition of Russell Blanchard's many contributions to Augusta and Georgia, I would like to share with my colleagues the following editorial tribute which was printed in the Augusta Chronicle on December 28, 1972:

### Distinguished Career

The retirement of Russell A. Blanchard as vice chairman of the board of the Georgia Railroad Bank and Trust Co. marks the completion of a distinguished career in the financial life of the community, the state and the Nation.

Mr. Blanchard has served in every department of the bank, and assumed its presidency in 1969. His entire business life was with this institution, his first job in 1927 being with the bank as a clerk in the bookkeeping department.

His stature in his business field has been recognized, however, far beyond the bounds of the city or the area. He was elected president of the Georgia Bankers Association in 1960. He was elected in 1967 as president of the State Bank Division of the American Bankers Association. In addition, he has served in numerous other responsible posts in both of those organizations, and on boards of directors of various banking and business firms. An outstanding aspect of his professional work is his service as the director of the annual Georgia Banking School at Athens, sponsored by the Georgia Bankers Association.

It is, of course, in non-business capacities that he has rendered much of his service. He has held positions of responsibility with the United Fund and as president of its predecessor, the Character Chest of Augusta; on the board of directors of the Tuttle-Newton Home; and as secretary of the board of trustees of the North Augusta schools. In recent years, one of the most effective means of civic service has been his dedicated work as chairman of the board of trustees of the Augusta College Foundation.

He has been no less devoted to his church. He has served on the board of deacons of the First Baptist Church, and as a trustee of the Georgia Baptist Foundation.

Mr. Blanchard's contributions to his fellow man in all fields of endeavor are marked by wholehearted commitment, sound judgment and outstanding ability. We trust that even though his business activities have reached this milepost, he will have many more years with us as a valued and appreciated community leader.

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## BILL TO REQUIRE CONGRESSIONAL APPROVAL WHEN FEDERAL FUNDS ARE IMPOUNDED BY EXECUTIVE DEPARTMENT

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## HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. LEHMAN. Mr. Speaker, last week I joined with several of my colleagues in introducing legislation to require congressional approval when Federal funds are impounded by the Executive department.

This measure is designed to return the power of the purse to the Congress, where it rightfully belongs.

Our national priorities are being dictated by the Executive branch through the assumption of negative funding powers. There can be doubt as to what comes first on the list of priorities. In fiscal year 1973, the budget for the Department of Defense was increased by $3.32 billion over fiscal year 1972, to an all new high of $74.37 billion, despite the SALT agreements and the so-called winding down of the war in Vietnam.

On the other side of the coin, there can be no doubt as to what comes last: $107 million was impounded from the Rural Electrification Administration, $58 million from the water and sewer grants program of the Department of Agriculture, $500 million from the water and sewer grants program of the Department of Housing and Urban Development, and half of the $25 billion appropriated by Congress to carry out the Water Pollution Control Act of 1972.

The Congress must deal with this issue at the outset, lest the legislative work that we accomplish and the national priorities which we set during these next 2 years are preempted by Executive fiat.

## TENNESSEE LEGISLATURE HONORS CUMMINGS

## HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. JONES of Tennessee. Mr. Speaker, last week in an unprecedented move, the Tennessee General Assembly convened outside of the State capitol to honor Mr. Jim Cummings, who was known as the dean of the legislature until his retirement last year. The purpose of the meeting was to name a dormitory at Middle Tennessee State University in honor of Mr. Cummings.

The occasion was announced in a story by Kirk Loggins in the Nashville Tennessean on January 7, 1973. As one who has known and respected Mr. Cummings for many years, having served with him in Gov. Gordon Browning's cabinet, I include the article from the Tennessean to be placed in the RECORD at this point:

### ASSEMBLY SETS HISTORIC MOVE FOR "MR. JIM"

(By Kirk Loggins)

MURFREESBORO.—The General Assembly will convene here Wednesday for the first time since 1825, when the state capital was moved to Nashville, to honor James H. (Mr. Jim) Cummings of Woodbury, longtime dean of the legislature.

The House and Senate will be called into session at 4:30 p.m. in the Dramatic Arts Auditorium at Middle Tennessee State University for the naming of a seven-story women's dormitory in honor of Cummings, 82, who retired last year after representing neighboring Cannon County for 36 years!

Gov. Winfield Dunn will participate in the ceremonies, unveiling a portrait of "Mr. Jim," which will be placed in the lobby of the building bearing his name, and Rep. John Bragg of Murfreesboro will give the dedicatory address.

The General Assembly will meet in another joint session at noon Thursday, at the Capitol, to hear Gov. Dunn deliver his annual budget message.

"The meeting of the legislature here Wednesday will be a historic occasion, and I don't think it could take place for a better reason than the honoring of Mr. Jim," Rep. Bragg, chairman of a special MTSU committee in charge of arrangements for the occasion, said yesterday.

"During the Depression, Mr. Jim led a drive to raise about $60,000 each for the state teachers colleges here and in Memphis, Cookeville, and Johnson City, and that's what saved these universities," Bragg said.

The resolution to be considered by the Assembly here Wednesday also honors Mrs. Cummings, who was her husband's secretary until recently.

"Without her looking after all of his law clients back in Woodbury, he couldn't have been gone from the office that long," Bragg said, adding that Cummings referred to "Miss Hesta" as the "speaker of my house."

Members of the legislature will board National Guard buses at the Motlow Tunnel, in front of the Capitol in Nashville, at 3:15 p.m. Wednesday for the ceremonies here, which are open to the public.

Dr. M. G. Scarlett, MTSU president, Dr. Howard Kirksey, vice president for academic affairs, and John Jackson, Associated Student Body president, will represent the university at the dedication, and Mr. Cummings' secretary, Mrs. Linda Brown, State Treasurer Tommy Wiseman and Bob Abernathy, former director of university relations at MTSU, will speak briefly on their memories of "Mr. Jim."

Following the afternoon ceremonies, members of the General Assembly and the honor guests will be guests of the university at a buffet dinner and a basketball game with MacMurray College of Illinois, in the new Charles Murphy Convocation Center.

Murfreesboro was capital of the state from 1819 to 1825, and the General Assembly voted in Nashville in 1839 to make it the center of state government again, but the move failed when the House refused to appropriate the necessary funds to transfer state records here from Nashville.

"I personally give James K. Polk (then governor and later President) a lot of the credit for keeping the capital in Nashville, since he said he wouldn't move to Murfreesboro," Bragg said.

Nashville became capital in 1826 and was made the permanent capital in 1843. The other locations were: Knoxville, 1796–1806; Kingston, for one day only, 1807; Knoxville, 1808–1811; Nashville, 1812–1815, and Knoxville, 1816–1817.

Following the destruction by fire of the old Rutherford County Courthouse, its meeting place, the General Assembly met in a Presbyterian church here, according to Bragg. One of the highlights of the legislature's stay in Murfreesboro was a ceremony honoring Gen. Andrew Jackson for his military victories.

In addition to his 14 terms in the House and two in the Senate, Cummings a Democrat, served as secretary of state from 1949 to 1953 and was elected speaker of the House in 1967. Born on Cannon County farm in 1890, he began his political career as Cannon County circuit Court clerk in 1912 and was first elected to the Tennessee House of Representatives in 1928.

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## REMARKS ON HOUSE JOINT RESOLUTION 163

## HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. GERALD R. FORD. Mr. Speaker, 30 years ago on February 3, the troop transport *Dorchester* was torpedoed and sunk in the icy North Atlantic waters off the coast of Greenland.

Aboard that ship were more than 600 servicemen and four chaplains—a rabbi, a priest and two Protestant ministers. Disregarding their own safety, the chaplains gave up their lifejackets to soldiers who had lost theirs and in so doing gave up their own lives so that others might live.

As they died, they stood hand in hand praying to God for the safety of those who were fleeing the sinking ship.

This selfless act is reflective of the dedication to God and humanity which clergymen of all faiths display every day throughout this Nation.

For more than 10 years, Mr. Speaker, Civitan International has sponsored programs in communities across the country in recognition of the dedication of members of the clergy through its International Clergy Week observance.

Again this year, activities are being planned throughout the Nation, highlighted by a week long series of programs in Albuquerque, N. Mex.

In appreciation of the services to mankind by the clergy, President Nixon in 1970 proclaimed the week including February 3 as International Clergy Week in the United States.

In support of continuing the recognition by the United States of this dedication, I have introduced House Joint Resolution 163 which would authorize and direct the President to proclaim the week beginning January 28 as International Clergy Week.

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## TOO LITTLE, TOO LATE, AGAIN?

## HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. ZWACH. Mr. Speaker, one problem facing our country for which we must find a solution is the building of manufacturing plants in foreign countries by American industry and the resulting exporting of jobs.

I would like, with your permission, to insert in the CONGRESSIONAL RECORD, an editorial written by Gordon Duenow in the St. Cloud Daily Times in our Minnesota Sixth Congressional District.

Editor Duenow very aptly points out the need to come to grips with this problem if we hope for a happy economic outlook for 1973:

### TOO LITTLE, TOO LATE AGAIN?

Elsewhere on this editorial page today, Hobart Rowen, columnist for the Washington Post, comments that the "U.S. economy is winding up the year with a great burst of strength." He points out, however, that "despite the happy outlook for 1973, mitigated by unemployment levels that are still too high for blacks and young persons, there are pressing questions of economic policy that the administration is now trying to answer."

Wage and price controls, inflation and assistance to industries and workers suffering hardship as a consequence of heavy imports were mentioned as examples.

While many of us have some realization of what is taking place involving imports and consequent loss of jobs for U.S. workers, the extent of what is taking place is only slowly being revealed.

For instance, in his weekly newsletter, Rep. John Zwach points out that in the past year 57 American manufacturers have opened new plants in Mexico where there are now 350 such new factories.

This may sound bad enough, but, according to Zwach's newsletter, while manufacturers bring their machinery and raw materials from the United States to Mexico, none of the products produced by them can be sold in Mexico where they might compete with local products. Wonder how many countries have plants in the United States where a similar situation exists?

Most of the products manufactured by U.S. plants in Mexico eventually wind up in the United States where many of them are imported duty-free. So far, Zwach writes, these companies provide employment for about 50,000 Mexican workers.

This hasn't only been taking place in Mexico, either. It's been happening all over the world where American industry is taking advantage of cheap labor.

The Nixon administration is aware of what is going on but, as Rowen writes in his column today, it is about to ditch its own plan to recommend an expenditure of $500 million for "adjustment assistance" to industries and workers suffering hardship as a consequence of heavy imports. Reason given is the effort to control federal spending to conform with limits set down by Nixon.

It is possible that we maybe are being "penny wise and pound foolish" in this instance. If the serious problem which already exists gets any worse it may take a huge appropriation and strong measures to curb a situation which may get entirely out of control. It has happened before in the history of the United States.

## TRIBUTE TO HARRY TRUMAN

### HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. ROYBAL. Mr. Speaker, the passing of former President Harry Truman was truly a great loss to all Americans, and I join my colleagues in the House of Representatives in paying tribute to his memory.

He was one of those public figures whose reputations flourish only after many years of retirement. All the things that, at first, made him seem too small for the office he held dwindled in importance with the passing of decades. What loomed larger than these relative trivialities was a sense of the man's courage—a realization that he faced and made more great decisions than most other American Presidents before and after him.

When catapulted into the White House by the death of Franklin Roosevelt in 1945, he was challenged by some of the most critical moments in our history. He responded to them with conviction and determination, often making awesome decisions that aroused the ire of the American press and public. But, driven by an inner sense of confidence that was neither proud or ashamed, he acted resolutely and irrevocably. When confronted by the great issues, Harry Truman never flinched. And right or wrong, he never made a decision that he did not feel was in the best interests of the country.

It was his wish that there would be no hymns or eulogies at his funeral, but I think that Truman himself made the best assessment of his life and career. When asked to select one statement to sum up his life in politics, he chose a speech he had made in North Carolina during the 1948 campaign. Its moral is typical of him.

In that speech he discussed three southerners who became Presidents of the United States—Andrew Jackson, James Polk, and Andrew Johnson. All of them, he said:

> Lived through days when reason was overcome by emotion and because of this their actions were misunderstood and misinterpreted. So it is not surprising that the estimates of these men made by their contemporaries have been almost completely discarded by later generations.

Of these estimations, he added:

> A President may dismiss the abuse of scoundrels, but to be denounced by honest men honestly outraged is a test of greatness that none but the strongest men can survive.

There was, he concluded, only one lesson to be drawn from the story of these three Presidents:

> Do your duty and history will do you justice.

His assertion is true.

## OCCUPATION OF SOUTH VIETNAM: A NON-NEGOTIABLE ISSUE AT THE PEACE TALKS

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. RARICK. Mr. Speaker, I recently pointed out that the primary objective of the U.S. involvement in Vietnam was to insure the territorial integrity of South Vietnam as a separate and distinct nation from North Vietnam. The territorial integrity of South Vietnam remains a nonnegotiable issue at the Paris peace talks.

If the North Vietnam Communists truly want peace, why do they insist on occupying or having free access to areas south of the demilitarized zone which they gained through armed aggression?

A well-documented paper by Dr. Nguyen Tien Hung, a native of Vietnam and associate professor of economics at Howard University, supports this position.

I ask that the paper prepared by Dr. Hung entitled "The Central Issue at the Peace Negotiations" be inserted in the RECORD at this point.

The paper follows:

THE CENTRAL ISSUE AT THE PEACE NEGOTIATIONS

(By Nguyen Tien Hung)

One of the thorniest issues which still remain to be settled before and after the declaration of a cease-fire is the question of withdrawal of North Vietnamese troops from the rest of Indochina.

In his December 16 news conference, Presidential Advisor, Henry Kissinger said, "In particular, the United States' position with respect to the cease-fire had been made clear in October 1970. It had been reiterated in the President's proposal of January 25, 1972. It was repeated again in the President's proposal of May 8, 1972. None of these proposals had asked for a withdrawal of North Vietnamese forces. Therefore, we could not agree with our allies in South Vietnam when they added conditions to the established positions after an agreement had been reached that reflected these established positions."

However, a thorough analysis of peace proposals over the past four years suggests that, contrary to Dr. Kissinger's statement, the United Staes' established position has consistently been that all outside forces, including the North Vietnamese, must depart from South Vietnam as part of a final settlement.

MAY 14, 1969, PROPOSAL

The allies' "essential principles" on negotiation, spelled out in detail by President Nixon in his May 14, 1969, proposal and which Dr. Kissinger failed to mention in his news conference, clearly stipulate the withdrawal of Hanoi's forces. Four months after taking office, President Nixon declared in his first proposal for peace: "We have ruled out attempting to impose a purely military solution on the battlefield.

"We have also ruled out either a one-sided withdrawal from Viet-Nam or the acceptance in Paris of terms that would amount to a disguised defeat."

In the same address, Mr. Nixon set forth a single and most essential objective of American involvement in the war; that is, "the opportunity for the South Vietnamese to determine their own political future without outside interference. He went on to state: "To implement these principles, I reaffirm now our willingness to withdraw our forces on a specified timetable. We ask only that North Vietnam withdraw its forces from South Vietnam, Cambodia, and Laos into North Vietnam, also in accordance with a timetable." The President summarized his proposal this way, "This, then, is the outline of the settlement that we seek to negotiate in Paris. Its basic terms are very simple: mutual withdrawal of non-South Vietnamese forces from South Vietnam and free choice for the people of South Vietnam. I believe that the long-term interests of peace require that we insist on no less and that the realities of the situation require that we seek no more." He indicated that the proposals were made on the basis of full consultation with President Thieu.

The allies' established position on withdrawal was reiterated at the Midway Island meeting on June 8, 1969, between President Nixon and South Vietnamese President Thieu. The joint statement reported "They [the two Presidents] reiterated in particular the allied position concerning mutual withdrawals of non-South Vietnamese forces, agreeing that withdrawals could commence simultaneously and proceed expeditiously on the basis of a mutually acceptable timetable; that all externally introduced forces would have to be withdrawn not only from South Vietnam but also from Laos and Cambodia; and that the further introduction of forces into these countries must be prohibited. They agreed that the essential element of any arrangement on withdrawal of non-South Vietnamese forces is that there be adequate assurances and guarantees of compliance with the terms of the arrangement."

President Nixon reaffirmed his stand again a few months later in a television address to the nation from San Clemente on April 20, 1970. He said, "I again reaffirm this Government's acceptance of eventual total withdrawal of American troops. In turn, we must see the permanent withdrawal of all North Vietnamese troops and be given reasonable assurances that they will not return."

It seems relevant here to see whether or not the United States' position on the cease-fire as disclosed October 7, 1970, actually deviated from its original position.

OCTOBER 7, 1970, PROPOSAL

After the Cambodian operation in April 1970, President Nixon presented "a major new initiative for peace" on October 7, 1970. Dr. Kissinger took this proposal as a starting point for the U.S. position on the cease-fire during his December 16, 1972, press conference. He said that this position was reiterated on January 25, 1972, and May 8, 1972. Because of the emphasis which is placed on the October 7, 1970, proposal, a close scrutiny of its most important features is warranted.

In this address, President Nixon said: First, I propose that all armed forces throughout Indochina cease firing their weapons and remain in the positions they now hold. This would be a 'cease-fire in place.' It would not in itself be an end to the conflict, but it would accomplish one goal all of us have been working toward: an end to the killing." Other components of the plan included a broadened Indochina peace conference, an agreed timetable for complete troop withdrawals, a political settlement that truly met the aspirations of all South

Vietnam, and the immediate and unconditional release of all prisoners of war. Regarding the cease-fire, the general principles to be applied were that the cease-fire must be effectively supervised by international observers, as well as by the parties themselves; it should not be the means by which either side builds up its strength; it should cause all kinds of warfare to stop; it should encompass all Indochina; and it should be part of a general move to end the war in Indochina.

Although there was no specific requirement for withdrawal of North Vietnamese forces in this proposal, it can be argued that the allies' original principle of "mutual" withdrawal as outlined in the May 14, 1969, proposal remained unchanged. The reason is that, in the October 1970 address, the President declared, "We are prepared to withdraw all our forces as part of a settlement based on the principles I spelled out previously and the proposals I am making tonight." That the previous principles the President referred to include the mutuality of withdrawal is beyond the shadow of a doubt. In fact, one day after his address to the nation on October 7, 1970, Mr. Nixon explained to the press at Skidaway Island (White House Press Release October 8, 1970) the U.S. position: "We made this proposal because we want to cover every base that we could. That is why we offered the cease-fire, a total cease-fire. That is why we offered a total withdrawal of all of our forces, something we have never offered before, if we had mutual withdrawal on the other side."

Thereafter, the President also reiterated the United States' position on several occasions. At a news conference on February 17, 1971, in replying to a question about whether he was willing to join with Congress in a resolution to state American intention to withdraw all troops from South Vietnam, the President said, "[the resolution is] Not needed, because you see, in my October speech, as you will recall, I called for a cease-fire, I called for a political settlement, and I also called for a total withdrawal of all forces if it was mutual. So the policy of this Government is for a total withdrawal, provided there is a withdrawal by the other side."

Less than three weeks later, in another news conference on March 4, 1971, he said, ". . . our goal is a complete American withdrawal from Cambodia, Laos, and South Viet-Nam. As you know, that is the proposal I made on October 7. I made it, however, on a mutual basis—that we would withdraw but that the North Vietnamese would withdraw at the same time."

In another major television address on April 7, 1971, six months after the October proposal, President Nixon again reaffirmed this position: "I am sure most of you will recall that on October 7 of last year in a national TV broadcast, I proposed an immediate cease-fire throughout Indochina, the immediate release of all prisoners of war in the Indochina area, an all-Indochina peace conference, the complete withdrawal of all outside forces, and a political settlement." It can be concluded firmly, therefore, that both the October 7 and April 7 speeches include the "mutuality" aspect of troop withdrawal. This point was again recalled by the President in his April 29, 1971, news conference: "We have set forth both in my speech of October 7 and then on April 7 a complete American proposal for negotiation . . . Those proposals include a cease-fire; they include an exchange of prisoners; they include, as you know, a mutual withdrawal of forces and an Indochina peace conference."

### JANUARY 25, 1972, PROPOSAL

The main elements which Mr. Nixon presented included: A complete withdrawal of all U.S. and allied forces from South Vietnam; an exchange of all prisoners throughout Indochina; a cease-fire throughout Indochina; and a new presidential election in South Vietnam. Although there was no specific reference to North Vietnamese withdrawal in the Presidential address itself, the full text of the proposal as contained in the White House Press Release dated January 25, 1972, clearly stipulated the withdrawal of outside forces: "There will be international supervision of the military aspects of this agreement including the ceasefire and its provisions, the release of prisoners of war and innocent civilians, the withdrawal of outside forces from Indochina, and the implementation of the principle that all armed forces of the countries of Indochina must remain within their national frontiers."

The January 1972 proposal also indicated that "South Vietnam, together with the other countries of Indochina, should adopt a foreign policy consistent with the military provisions of the 1954 Geneva Accord." The first article of the Geneva Accord, which governs the military provisions, calls for the establishment of a "provisional military demarcation line [fixed at the 17th parallel] on either side of which the forces of the two parties shall be regrouped after their withdrawal, the forces of the People's Army of Vietnam (Vietminh) to the north of the line and the forces of the French Union to the south."

Over the years there has been endless discussion regarding the status of the demarcation line. It is not my purpose here to go further on this issue. However, it seems significant to point out that, permanent or provisional, after 18 years of territorial division and warfare, the 17th parallel does realistically separate two groups of people with contrasting governments, which are both internationally recognized, two peoples with conflicting ideologies, different social institutions and organizations, and with two distinct and colliding armies. Pending peaceful unification, the North Vietnamese soldiers must not cross the dividing line into South Vietnam any more than the East German army may cross into West German territory or the North Korean soldiers may go to South Korea.

### MAY 8, 1972, PROPOSAL

In the face of North Vietnam's Easter invasion across the DMZ, President Nixon declared on April 26, 1972: "What we are witnessing here, what is being brutally inflicted upon the people of South Vietnam, is a clear case of naked and unprovoked aggression across an international border. There is only one word for it: invasion." By invading South Vietnam, the President said, North Vietnam was "in violation of the treaties they had signed in 1954 and in violation of the understanding they had reached with President Johnson in 1968 when he stopped the bombing of North Vietnam in return for arrangements which included their pledge not to violate the DMZ." When Hanoi refused to stop its offensive, the President on May 8 ordered the mining of North Vietnam's ports, the blockade of traffic in coastal and interzonal waters, the destruction of rail and communications lines, and the continuation of air and naval strikes against North Vietnam's military targets. He said: "The actions I have ordered will cease when the following conditions are met: First, all American prisoners of war must be returned. Second, there must be an internationally supervised cease-fire throughout Indochina. Once prisoners of war are released, once the internationally supervised cease-fire has begun, we will stop all acts of force throughout Indochina, and at that time we will proceed with a complete withdrawal of all American forces from Vietnam within four months."

Although he did not mention withdrawal of North Vietnamese troops, the mere fact that he took these strong punitive actions in response to the invasion implies that he is firm on the position that North Vietnamese troops must not intrude into the territory of South Vietnam.

The two conditions the President specifically required were those that the North Vietnamese must meet in order for him to stop the punitive actions, as he very clearly said, rather representing all the conditions to be met for a final and over-all settlement. Implicit in the May 8 proposal was another condition; that is, the right of the South Vietnamese to determine their own future. On November 2, Mr. Nixon reiterated this condition when speaking about the basic objectives of the May 8 address.

### CONCLUSION

One conclusion can be drawn from this brief review of the record of the United States' past proposals; that is, in pursuing the single goal of helping defend the right of self-determination in Vietnam, the U.S. has viewed the presence of North Vietnamese troops in the South with extreme seriousness. The Easter invasion of last year which brought into South Vietnam nearly the entire North Vietnamese army added a new dimension to the gravity of the problem.

More than anyone else, President Nixon foresaw the impossibility of South Vietnam's exercising its own free will in the presence of non-South Vietnamese forces. Thus in his first proposal on May 14, 1969, he was most specific about this question: "What kind of a settlement will permit the South Vietnamese people to determine freely their own political future? Such a settlement will require the withdrawal of all non-South Vietnamese forces from South Vietnam and procedures for political choice that give each significant group in South Vietnam a real opportunity to participate in the political life of the nation."

One of the most difficult problems in the recent peace negotiations has been the fact that, in spite of the invasion, Hanoi has not publicly admitted the presence of its troops in the South. Nevertheless, the answer to this question has already been provided by President Nixon four years ago, also in his first peace plan cited at the beginning of this article. He said, "If North Vietnam wants to insist that it has no forces in South Vietnam, we will no longer debate the point—provided that its forces cease to be there and that we have reliable assurances that they will not return."

Indeed, it may be in the context of this very statement that an answer may be found for the Paris deadlock, since obviously one of the assurances would be Hanoi's intention to respect the DMZ.

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## GUN CONTROL IS A MUST

## HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. HARRINGTON. Mr. Speaker, every day Americans die from gunshot wounds; not in Indochina but at home. Last week a city was terrorized for 2 days by a sniper. And heated arguments end in death. How long will it be before we legislate laws to correct this. Laws not meant to suppress freedom but reduce crime. WEEI, a radio station in Massachusetts is deeply involved in this fight to control handguns, and I would like, at this time, to insert their editorial of January 3, 1973, entitled "A Cheap Shot at Gun Control," into the Record:

### A Cheap Shot at Gun Control

The National Rifle Association has declared open season on gun control legislation even before the new Congress gets down to business. WEEI refers to an article in the current issue of the "American Rifleman," the NRA's monthly publication.

In our opinion, the article on Mexico's new gun control law uses scare tactics as a subtle argument against any new firearm laws in the United States. The article points out that under the new Mexican act all firearms must be registered and that in some cases "certain classes of citizens" will be limited to only one handgun in the home.

Without saying it outright, the NRA magazine article uses innuendo in forecasting a day when the Mexican gun law becomes a political tool to suppress people. Here's an example: The article begins by saying the law is viewed as a "two-edged sword" and adds that many gun owners "fear the blade may fall the wrong way in a time of severe internal stress." The story concludes by saying that many "Mexicans as well as Americans living in Mexico recall Mexico's history and wonder."

The real reason for the new Mexican gun control law is crime. Mexican officials believe that firearms control is a valuable tool with which to fight crime. WEEI agrees, and we hope those who read or hear about the article in the "American Rifleman" see through the NRA's latest cheap shot at gun control.

## PUBLIC HAS RIGHT TO KNOW HOW ITS MONEY IS SPENT

## HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. YOUNG of Florida. Mr. Speaker, a serious loophole in present Federal law permits the recipient of public funds through a grant to refuse to open his books to public inspection.

Americans clearly have a right to know how their money is spent; therefore, I have introduced H.R. 1291, the public disclosure of information bill.

The present Freedom of Information Act, section 552 of title 5, United States Code, requires public disclosure by Federal agencies, but fails to include recipients of Federal grants.

The taxpayers of America provide the funds to run our Government, and they are entitled to a full accounting of how the funds are spent.

Under my bill, any person or agency, public or private, would have to make such an accounting. The only exceptions would be in the areas of national defense, foreign affairs, or in cases involving a clearly unwarranted invasion of personal privacy.

The public disclosure of information bill requires that a willingness to provide full public disclosure be made a condition to receiving a Federal grant; that complete records must be kept on how the funds are spent, and that refusal to make these records public will result in the grant being withdrawn.

At present, a Federal grant recipient need not open his books to the public; he is only held accountable to the agency administering the grant, or through the General Accounting Office. This can be a long, cumbersome procedure when prompt information is required.

An informed citizenry is essential to the preservation of our democracy; our freedoms wither in the closed, dark atmosphere of secrecy. Only by keeping informed of its business can the public make the meaningful judgments required if our form of government is to work.

The Congress has a duty to act quickly to close the glaring loophole in present law so that the American taxpayer will be guaranteed the right to know how his money is being spent.

## BETHEL COLLEGE

## HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. JONES of Tennessee. Mr. Speaker, through the years the Cumberland Presbyterian Church has founded 37 4-year colleges. Today, only one survives. The sole survivor is Bethel College, which is located in Tennessee's Seventh Congressional District at McKenzie.

In recent years, the economic and educational situation in our country has not been conducive to the well-being of church-related institutions of higher learning. Yet Bethel's President, Dr. James E. McKee, and his fine faculty and staff have kept the college going and in many ways thriving.

Recently, the Sunday magazine section of the Nashville Tennessean published a feature story on Bethel College by Louise Davis. As a lifelong Cumberland Presbyterian and as a longtime member of the Bethel College Board of Trustees, I include Ms. Davis' story at this point in the RECORD:

### LONE SURVIVOR

(By Louise Davis)

Tiny Bethel College stands on its 100-acre campus at McKenzie, in West Tennessee, like an oasis of tranquility in a turbulent world.

For 100 years it has stood there, and for 30 years before that the college surmounted knotty obstacles at nearby McLemoresville—a serene little town of exceptional charm.

On the Bethel compus today only the songs of mockingbirds flitting through red-leafed dogwood trees disturb the autumn quiet. Cotton bolls blowing off gin-bound trucks along Carroll County highways map out another world, another peace.

There is not even a security officer on the campus. No need for one, Dr. James McKee, president of the college, said. Theirs is a trusting campus, a family-like student body.

"We know every student here, and they know each other," McKee said. "Every student is recognized as an individual, an individual with special potentials. No one is lost in the crowd."

The rugged individualism of both the college and the denomination that built it have come dearly. The fact that there is a college there at all is testimony to the tenacity and determination of hardy Cumberland Presbyterians for 130 years.

It is something of a miracle that the brave little college—reaching back into Tennessee's western frontier days—has survived war, withering Depression and devastating splits within the church.

The struggle to maintain the college is unending.

The question is: Can that four-year college, fully accredited and holding staunchly to high standards, survive today's rising costs?

The same crisis faces other private, church-owned colleges over the nation. But the problem at Bethel is heightened by the fact that one of the smallest denominations in the country, the Cumberland Presbyterian, owns and operates the college.

With fewer than 85,000 members in the United States, the church is pushing hard to keep the college alive and growing.

In many ways, Bethel shows dynamic growth.

New buildings are going up. Every building on the campus except the administration building has been built or completely renovated since 1965. Two dormitories, a health-education building, a fine arts center, a library and learning center, a science center and a college center are among the new buildings.

A multi-million-dollar program begun in 1965 is scheduled to bring more improvements to the campus by 1975.

New scholastic aims are being added to the old. Students from 24 states and 13 countries are enrolled.

Even so, Bethel, like other small private colleges, is feeling the decline in student population. The post-World War II population explosion has tapered off. Young men who were going to college rather than go to war a few years ago are not under that pressure today.

"There are fewer scholarships available to students today," McKee said. "Our enrollment today is 505—down considerably from our peak of 812 in 1966."

But Bethel is not discouraged. After all, it is the only one of the 37 colleges founded by the Cumberland Presbyterian Church that has survived.

Part of its strength comes from its flexibility. Though there is still emphasis on Greek and Hebrew, philosophy and Bible study, there is also a strong program in business administration and economics.

The importance of religion is stressed, but there is no denominational indoctrination. Students from many faiths attend the college.

Students have a part in all decisions on the campus. They have representatives on all administrative committees. They not only express their views at the meetings, but have full voting rights.

Luis Albarracin, freshman from Colombia, South America, and Susan Wu, senior from Java, were hurrying across the campus together as Tennessean staff photographer Gerald Holly stopped them. They chatted happily about Bethel's appeal to them.

"The foreign student in this country usually has a difficult time, attending classes in a foreign language," Susan said, with only a trace of Indonesian accent showing through her excellent English. "But teachers at Bethel are helpful. So are the students. Everybody is so friendly."

Luis nodded his agreement. He came to Bethel this fall, he said, because his older brother, now a senior, came first and fell in love with the West Tennessee college.

Kay Forester, a pretty red-haired music major from Campbellsville, Ky., was enthusiastic about the fine arts department.

"The academic life offers great opportunity," Kay said. "The faculty is strong. And Bethel is a place everybody loves."

There is no shunting of freshmen off to graduate students, acting as teachers—a chief complaint at larger colleges and universities. All of the faculty have graduate degrees, and most of them have Ph.D. degrees.

And there is a continuity on the faculty that is rare today. It binds students, faculty and alumni in bonds of sentiment and loyalty.

"You can't cut a tree on the Bethel campus without hearing from the alumni," McKee—himself a Bethel graduate—said. "Everything on this campus is loved."

About 50 per cent of the students come from Tennessee, and most of them are from

Carroll County or adjoining Henry and Weakley counties. It is estimated that practically every public school in those three counties has faculty members educated at Bethel.

And even though small state colleges, like the University of Tennessee at Martin, have cut into the enrollment of private colleges, Bethel can still compete, both in costs and curriculum. Bethel—once oriented to students of that area—is now supported by city churches and draws students from urban areas.

"I sense a return to the country," McKee said. "There are more students who want calmness and the contemplative atmosphere. Bethel has been calm when other campuses were plagued with demonstrations.

"The students here had peace rallies, but there were never any sit-ins. There was no taking over the buildings. Students are interested in national and international affairs. They are active in the presidential campaign. They are registered. They will vote."

Dr. Raymon Burroughs, executive vice-president and academic dean, said students are deeply involved in the civic and church life of McKenzie, a town whose population has stood at 5,000 for years.

"Student groups take on projects like painting the town park benches, or painting homes in the poorer parts of town," Burroughs said. "They take part in the Red Cross bloodmobile program. They teach Sunday school classes in various churches and denominations over town."

Rather than conduct services on the campus, the college encourages students to go to the church of their choice in the community.

"There is diversity on our faculty—some Baptists and Methodists as well as Presbyterians," Burroughs said. "Not all of our trustees are Cumberland Presbyterian."

The purpose of the college is, in fact, to "provide a program of liberal arts education designed to aid students in understanding and preparing for their vocation, as viewed from the Christian perspective."

McKee admitted that there have been a few students involved in use of drugs and alcohol. He is convinced that a small school is better prepared to prevent those problems, and more likely to deal successfully with them

"We talk problems out," McKee said. "There is sometimes conflict, but it can be resolved. We refer to the 'Bethel family.' We resolve problems that way."

About 60 per cent of the students are men, but Bethel has been co-educational almost from the beginning. Early college records show tuition and board paid for girls enrolled at Bethel as early as 1852.

That was when Bethel College stood on a gentle hill along a winding road entering McLemoresville, 12 miles from McKenzie. On that same spot today stands McLemoresville's public school, and they were both in sight of the little Bethel Church that gave the college its name.

Bethel College was founded in 1842, when McLemoresville was the leading town in Carroll County. Bethel Church was one of the strongest in West Tennessee, and the great Presbyterian preachers of the day preached there—weeks at a time.

The whole Cumberland Presbyterian denomination grew out of the "great revival" of 1800. Frontiersmen—long separated from their home churches in Virginia and the Carolinas—would bundle up their families in wagons to camp out for a week on camp grounds where famous preachers reminded them that there was something more important than fortunes to be found "out West."

Some of the camp meetings were Methodist, some Baptist, some Presbyterian. In parts of Middle and West Tennessee, the Presbyterians made a deep impression. They returned to their home communities to form new congregations, but there were not enough preachers to go around.

The Presbyterians, always severe in their educational requirements for ordained ministers, told the frontier Presbyterians, in effect, that they would have to wait their turn. There was no rushing the education of a minister.

The new Presbyterian formed a presbytery and designated that district as Cumberland—taking the name from the region. The Cumberland Presbytery had no thought of breaking away from the rest of the Presbyterian church.

But on February 10, 1810, three determined men met in a log house in Dickson County (a replica of the home now stands on the spot in Montgomery Bell State Park) to form their Cumberland Presbytery as a separate unit.

They would set up a "short course" for training their ministers. They would make it possible for ministers to be ordained after standing stiff examinations. "Probationary ministers" would have to stand tests in "English grammar, geography, astronomy, natural and moral philosophy, and church history."

There were other differences. The group in Samuel McAdow's log house that February disagreed with other Presbyterians on the matter of predestination.

For three years the Cumberland Presbytery negotiated with Presbyterian authorities—hoping still to function within the Presbyterian Church in the U.S.A. (which included all Presbyterians in this country.)

But their differences could not be resolved, and the Cumberland Presbytery made the final break. In 1913 they set themselves up as a separate denomination and called themselves Cumberland Presbyterians.

From there, they fanned out over the rapidly expanding frontier, reaching from Kentucky and Tennessee to Kansas, Missouri, Texas, California. They were winning new members by the thousands, establishing new churches and new synods (a church council).

They were stung by the parent church's lack of responsiveness to frontier needs. They soon determined to organize seminaries that would put the same emphasis on education that the mother church did.

In 1826 the Cumberland Presbyterians opened their first college, Cumberland College, in Princeton, Ky.

One financial crisis after another doomed that college, and by 1842 it was moved to Lebanon, Tenn., where Tennessee citizens promised to pay some of the bills. To distinguish it from Cumberland College in Princeton, the church called the Lebanon school Cumberland University.

As it turned out, the law school at the Lebanon institution was to spread its fame farther than its seminary ever did.

Meantime, the West Tennessee division of the church, centering its activities around Bethel Church at McLemoresville, made plans for its own seminary. In 1842, the same year that Cumberland University was founded in Lebanon, Bethel College was founded at McLemoresville.

The 20-acre campus was just down the road from Bethel Church, still active today. Planned first as a seminary, to train ministers, Bethel became a four year college in 1850. From the first, it included a preparatory department.

Even on the preparatory level, Bethel put the emphasis on scholarship. Students in the big brick classroom building on the hill struggled with Latin and Greek, science and mathematics, astronomy and philosophy. History, political science and economics were required, as were courses in Bible, rhetoric and composition.

Discipline at Bethel was severe. Students were admonished not to sleep on feather beds. They were too soft for developing strong character.

One story of early discipline involves the Rev. J. N. Roach, first principal at Bethel. Regarded as a "master disciplinarian," Roach "used to employ the switch as an instrument of discipline, not sparing even the young men."

He would take "the pupil into the woods," where he would "pray a while, and then whip a while."

"After whipping and praying had alternated in one case for some time, Roach asked the student, 'What more can I do for you?' "

"I think you had better pray again," the smarting boy replied.

Bethel College had already launched a $50,000 fund-raising campaign when Civil War brought everything to a halt. Ministers from Memphis to Mayfield, Ky., had scouted the wealthier members of their congregation to pledge $1,000 each for the college.

Abner Edwards Cooper, Cumberland Presbyterian minister in the McLemoresville area for 45 years, was president of Bethel College's board of trustees for its first 41 years. His carefully kept records—never before published—of the original donors to Bethel's endowment include the great Presbyterian names of the era.

Reuben Burrow, a leading theologian of the denomination and president of the Board of Visitors at the college, was first to pledge $1,000, on January 20, 1859.

Cooper, on March 4, 1859, was the second to pledge $1000, and on that same day Felix Johnson and N. W. Smith of McLemoresville promised $1,000 each.

There were smaller gifts—some of them $500 or $100, some of them $10 and $5. The donors were planning bigger endowments, and endowed chairs.

But they had hardly started paying off their pledges when Civil War came. McLemoresville was fought over in repeated campaigns. The college was closed for the duration of the war, and the buildings occupied by first one army and then the other.

One of the casualties of the war was Bethel College's prized telescope—a $3,000 instrument made in England and said to be the "best telescope west of the Appalachian mountains and the Ohio River."

The Rev. C. J. Bradley, later president of Bethel College, purchased the telescope in 1852. Astronomy, recognized then as the key to much scientific study, was a required course. The thick-walled classroom building completed in 1851 included a roof-top dome where the telescope was mounted.

Federal soldiers occupying the building in 1862 did not know what the telescope was. They thought it was the barrel of a brass cannon and confiscated it. But, realizing their error, they preserved it. And after the war they returned it to the college.

Generations of Bethel students used it, and today the telescope is cherished as the only physical link with the original Bethel College at McLemoresville.

Immediately after the Civil War, Bethel College reopened at McLemoresville, and might have been there to this day if it had not been for the advent of the railroad.

Tradition has it that Bethel College opposed having a railroad come to McLemoresville at first—for fear of bringing a worldly atmosphere.

But by 1872 the college and the town were suffering from lack of transportation. Little McLemoresville was shriveling up. McKenzie, which had not existed a few decades before, welcomed two railroads: the N.C. & St. L. and L. and N. By 1870, McKenzie's population had reached 1000.

Moreover, a leading citizen of the booming railroad town, J. M. McKenzie, donated some 85 acres to Bethel College if they would move the campus to his town. To make the college more accessible by train, Bethel moved to McKenzie in 1872.

By that move, apparently, the survival of Bethel College was made possible in a crisis 34 years later. For McKenzie, in his deed of the land to the college, stipulated that it would go back to his heirs if it were used for anything except the college.

The Presbyterian Church in the United States had been split into two divisions during the Civil War—those who sympathized with the Union forces and those who were loyal to the Confederacy. There are still the two separate groups, the "Northern Presbyterians" (United Presbyterian Church, U.S.A.) and the "Southern Presbyterians" (Presbyterian Church, U.S.)

The Cumberland Presbyterians were neither. They steered a neutral course throughout the Civil War, contending that the church must not get involved in politics. Members fought in both armies.

Founded in the cotton-and-tobacco-rich lands of West Tennessee, the Cumberland Presbyterians included many slaveholders. But the denomination had churches in anti-slavery Kansas, Indiana and Illinois.

After surviving the Civil War, the Cumberland Presbyterians were split apart some 40 years later. In 1906, a great portion of the denomination joined the "Northern Presbyterians." The split was disastrous.

"We would have been one of the largest denominations if it had not been for that group who joined the United Presbyterian, U.S.A.," McKee said.

The split did not come easily. The wounds were deep.

"Our church has never gotten over the 1906 episode," McKee said.

The "Northern Presbyterians" claimed many of the physical assets of the Cumberland Presbyterians, including brief use of the Bethel College campus as denominational headquarters. But the campus property would have gone back to the heirs of the donor if the land were used for anything except Bethel College.

So Bethel was returned to the control of the Cumberland Presbyterians.

From the earliest days, Bethel has struck out in new directions.

Even in the 1850s, when board in the dormitories was $7 a month and candles came extra, girls were admitted to the college. Old college records kept by Cooper, first president of the trustees, have just come to light, and they show board paid by girls from Paris and Trezevant and Huntington in 1852, 1853 and 1854.

For the girls, in the beginning, Bethel, was a finishing school. For young men, up to 1850, it was a seminary. From that date in, it was a four-year college with rigid scholastic standards.

Marshall Stewart, head of Nashville's public library system, said his career was shaped by Bethel College even before he became a student there. As a McKenzie youth, son of a Bethel graduate, he felt at home on the campus.

"Some of my happiest memories are of summer nights in the field, lying on my back, looking at the stars through that old Bethel telescope," Stewart said. "Dr. John W. Dishman, professor of Bible, was an amatuer astronomer.

"When I was a high school boy, we'd take the telescope to the field. I've spent many a night on my back, looking at Saturn and its rings."

Stewart is "all for small colleges, especially for the sensitive student."

"You get a feeling of belonging that you don't get elsewhere," Stewart said. "You get more individual attention. A person finds himself better. He feels his worth more."

There is an active social life, but little formal entertaining. Teachers spend a lifetime there, and their character becomes as much a part of the campus as the buildings and trees.

Claude Callicott, Nashville lawyer who was graduated from Bethel College, is convinced there is no higher quality training anywhere.

"I thought I got the finest training at Bethel I could have gotten in the United States," Callicott said.

"We had all the sports then, and I played football, basketball and baseball. The debating society was exciting then (class of 1926), and it was fine training for a law career."

Owen Howell, president of Genesco, Nashville's largest industry, was president of the board of trustees at Bethel until this year and still serves on the board. Not a graduate of Bethel himself, Howell is convinced of the need for such a college.

"There is a definite need for the small liberal arts college that is not state-oriented," Howell said. "We think Bethel offers an environment healthy for the youth today.

"Our graduates do well in other universities when they do graduate work. We rank quite well scholastically. Obviously the smaller classes are effective."

Even though Cumberland Presbyterians have more members in cities than in small towns today, Howell thinks of it as a "grass-roots sort of church, built around farm folks."

Howell is one of them. He says they are people who love the farm, who have a free and independent spirit that has helped them accept new ideas.

Bethel was among the first southern colleges to admit Negroes. The college has, since pre-Civil War days, admitted women on an equal footing with men. Bethel began placing students on administrative committees long before most colleges considered the idea.

The great weakness of the school is that it trains more teachers and preachers than any other profession (the seminary was moved to Memphis in 1962), and neither of those occupations reaps much financial reward. Alumni contributions are necessarily small.

The present enrollment of 505 is not enough to sustain it.

"We are actively looking for new students,' Howell said. "We need a total of 800 or 900 students."

Howell thinks the future of the small, independent college will be dependent in government subsidy "of some sort."

"There is a need for that sort of school," he said. "We are stronger financially than we have ever been. We are stronger scholastically than we've ever been.

"We are on firm ground."

## THIS DOESN'T MAKE SENSE

## HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. ZWACH. Mr. Speaker, the resumption of the bombing of North Vietnam by the U.S. forces has spread dismay throughout our land.

The peace that seemed so close, that seemed a certainty by Christmastime, suddenly evaporated.

Typical of the reaction of our people over the renewed bombing is the following editorial written by John Weber in the Murray County Herald at Slayton, in our Minnesota Sixth Congressional District, which, with your permission, I would like to insert in the CONGRESSIONAL RECORD where it can be shared with my colleagues and the many who read this publication:

> THIS DOESN'T MAKE SENSE—
>
> The Nixon administration has not yet indicated why increased bombing of North Vietnam was authorized, but taking the action at face value we find it difficult to understand. In fact, although this newspaper has usually sided with the "hawks" in this war, it just doesn't make sense.
>
> In the first place, the United States has discovered through unfortunate experience that heavy bombing will not end the war, it will merely complicate the military activities of the north. Secondly, we are in the midst of peace negotiations which have resulted in some encouragement at least. More so, in fact, than ever before in the long history of this unpopular and unwanted military involvement.
>
> Why, then, do we pick this particular time to escalate the bombing of North Vietnam? There has to be a reason, but it is difficult to imagine. Perhaps the Viet Cong are planning on mounting a new offensive and the bombing is designed to slow the flow of military supplies. But if this is the case, why wasn't a now truly disappointed American public informed of this possibility?
>
> Under the present circumstances and at the present time, we do not feel that the United States is acting wisely in either the war effort or the peace effort.

## HARRY S TRUMAN: OF THE PEOPLE

## HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. CHARLES H. WILSON of California. Mr. Speaker—

> Some are born great . . . some achieve greatness, and some have greatness thrust upon them.

William Shakespeare's insight had a perfect embodiment in Harry S Truman whose greatness was thrust upon him suddenly with the death of Franklin D. Roosevelt. Few at the time thought him equal to the task. Even Mr. Truman, ever a humble and forthright man, held no exaggerated opinion of himself.

But Harry Truman was the sort of man who, equipped with a sharp sense of history and a respect for decisive leadership, rose to the challenge of leading a troubled nation at a very critical time in American history. His philosophy was simple: That one has a moral duty not to shirk one's obligations, that government is an instrument of the people, not of special privilege, and that we must "repay our debts to God, to our dead, and to our children" by working at our fullest capacities.

Yet this man of high principle was also a direct and salty character who had an easy philosophical attitude toward the capriciousness of life. After the abortive assassination attempt at Blair House in 1950, he shrugged:

> A President has to expect these things. The only thing you have to worry about is bad luck. I never have bad luck.

The milestones of the Truman era are justly celebrated. The Marshall and point IV plans are surely two of America's greatest contributions to the peace of the world; for, by "building up rapidly the combined political, economic, and military strength of the free world," they formed the cornerstone of President Truman's enlightened foreign policy: That American generosity could enable Western Europe to repel the tyranny of communism.

The dropping of the bomb on Hiroshima to bring a swift end to World War II was, of course, a controversial decision then and now. But President Truman took sole responsibility for this momentous action—"The buck stops here" philosophy was never more apparent—which was made in calculation that a half million lives would be lost were the ground war to continue. His dismissal of General MacArthur was similarly controversial, characterizing Truman's decisiveness in implementing an unwavering belief in civilian control of the military.

The Truman wartime maneuvers are well known. Less acclaimed, but equally important, were his great efforts on the domestic front; he himself voiced an overriding concern with "balancing the human budget," and his "Fair Deal" program contained the seeds of today's civil rights, housing, and social welfare programs. Believing that "man has the moral and the intellectual capacity, as well as the inalienable right, to govern himself with reason and justice," President Truman's faith in the spirit of the American people was unceasing.

When we remember President Truman, we think primarily of his great individuality and tough decisionmaking. His lack of egotism and courage to do the unpopular thing are rare in history. Popularity and polls were discounted as he said that Presidents who allowed themselves to be led by the press and pollsters were "complete washouts." "The President hears a hundred voices telling him that he is the greatest man in the world. He must listen carefully indeed to hear the one voice that tells him he is not."

Harry Truman listened to one voice: his conscience. His actions were rooted in the solemn belief that no single problem was insurmountable "if approached in the spirit of the Sermon on the Mount." Indeed, he could have been speaking of himself when he said that what counts "is right and wrong, and leadership—man with fortitude, honesty, and a belief in the right that make epochs in the history of the world."

President Truman was an example of what a basically earthy and simple man with old-fashioned values can do if he sets his mind, heart, and energy to it. Perhaps that is his great legacy to us all.

My deepest condolescences go to Bess Truman, a gallant lady who, like her husband, was unimpressed by the trappings of power and served her country proudly as a First Lady of great dignity, and to Margaret Truman whose devotion to her father is evident in her recent memoir as she writes that—

> A strong man, whom I happen to love very much, did his duty. I am confident that history will do him justice.

Perhaps, if it were possible to sum up Harry Truman, one might say that he was, first and last, a family man—to his mother and sister, his wife and daughter, and to the people of his country.

## CANCEL HIGHWAY TRUST FUND IF FUNDS IMPOUNDED

## HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. PICKLE. Mr. Speaker, today I am introducing a bill to correct what I consider an unjust situation.

This situation exists because the OMB continues to impound moneys for construction of highways, while the taxpayer continues to pay taxes for the construction of highways.

Mr. Speaker, the taxpayer is being taken, or so it seems to me. To correct this, my bill will cancel the taxes on gasoline whenever part, or all, of the highway trust fund is being impounded.

My bill is as simple as that. I do not want to take up the Congress time with a long discussion of this bill except to say it is just, and maybe, just maybe, this could be a method for the Congress to assert its power in the question of impoundment.

Perhaps this bill, if enacted, would assert to the executive branch that the Congress still has some prerogatives over the budget—unless the executive decides to impose taxes on its own.

## HEADING INTO 1973

## HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. WON PAT. Mr. Speaker, as the territory of Guam's first nonvoting Delegate to the House of Representatives, I am honored to serve, as are the people of Guam proud to be represented, in this august body. As many of my colleagues may know, I previously served my people in a unique capacity: that of their elected Representative in Washington. In that position I spent the last 8 years working with Congress and the agencies of the executive branch to gain benefits for the American citizens of Guam.

Last year, Congress passed H.R. 8787, a bill which authorized the territories of Guam and the Virgin Islands to each elect a Delegate to the Congress. With the passage of this historic measure, all American citizens became assured of representation in the Congress, and, in particular, our fellow Americans on Guam are in a better position to express their hopes and needs to the Members of this Congress. Let me hasten to add that the Congress has been sympathetic and kind to our need for more local self-government in Guam as well.

With the assistance of the 93d Congress, Guam will continue to grow and prosper as it has during the past decade.

To those of you who have recently visited our beautiful island, you are aware of the tremendous changes that have been wrought there through the hard work of our people and the welcome infusion of Federal support to keep improving our economy. As a result of this happy melding of Federal aid and the dedicated effort at the local and national levels, Guam has grown from a sleepy tropical island to a thriving American community of more than 100,000. Today, Guam is proud to serve as a bastion of America's defense and a showcase of American democracy in the western Pacific. The people of the Far East, and in particular those living within the Pacific basin area, look to us as an example of American commitment to the uplifting of people to dignity and self-respect—in the democratic tradition.

Although it is my sincere wish that all of my colleagues could visit Guam in the near future to view firsthand our territory and the progress we have made, I appreciate the limitations that time and our great distance from the mainland place on us. Accordingly, I therefore insert a recent editorial written by Mr. Joseph Murphy, editor of the Pacific Daily News, to be placed in the RECORD at this point. I am certain that anyone reading this excellent commentary about what lies in store for Guam during the year ahead will better understand the needs and aspirations of their fellow Americans in the Western Pacific.

The article follows:

[From the Pacific Daily News, Jan. 1, 1973]

### HEADING INTO 1973

The people of Guam have every right to move into the new year, 1973, with rising expectations for a full, prosperous year, judging that by the soaring achievements of the year just past.

Figures are difficult to obtain, primarily because most of them are based on a fiscal year, which is July to June 30, rather than December to January, but if figures were available for 1972 it would certainly show that by every conceivable standard of economic measurement it was truly a fantastic year.

Tourism leaped higher than ever, as new hotels opened their doors, and new jet service came in, particularly from Japan. Along with the hotels came new restaurants, tours, night clubs. During the past year nearly 4,000 new jobs were created on the island, according to figures. New construction was going up at a record pace, as much as $78,000,000 worth, depending again, on how it is figured. This included some of the new hotels, the Daily News Building, Pedro's Plaza, the American Pacific Life Building, and dozens of commercial structures, hundreds of new apartment units, and hundreds of new homes.

Certainly no astute observer of the local scene can say that the rose is off the bloom, and construction will be slowed down in the coming year. The huge Cabras Island power plant alone, at a cost of $25,000,000, will pick up the slack for other building projects. Several large hotels are presently under construction, including the $10,000,000 18 story Towa Reef Hotel. Others are projected.

U.S. military and GovGuam building programs should be in the millions, including some long needed highway construction. The Navy will be building a new hangar at NAS, and additional housing units.

There is every indication, in fact, that during 1973 we will be seeing just as much construction as we did in 1972. The shift might be towards housing and government projects, and away from commercial buildings. Hyundai, for example, will start soon on several hundred new homes in the Barrigada Hill area. Kaiser is working on a large number of homes in the Windward Hills area, while workers are already beginning on a large urban renewal project in Yona.

We have no way of knowing what will happen to military spending here in 1973, because that depends, on a very large part, on the war situation, and the situation in Japan, Korea, Thailand, Taiwan, the Philippines, and South Vietnam. We have always assumed that Guam won't be hurt too much by any drastic cut-back in defense spending, because it is expected that some of that pullback may be to Guam, instead of away from. It's possible that we might see increased military activity in the Northern Marianas, for instance. This sort of activity will affect Guam greatly, because most of the transportation and communication will have to pass through here.

Land sales, we would judge, might slow down for the simple fact that land prices have soared so dramatically in recent years they seemingly can't get much higher. Even now real estate salesmen report running into some opposition in trying to get ever increasing prices for the land. Yet, when you compare land prices on land short Guam, to places like Tokyo, or Honolulu, we find we've still got a long ways to go.

We would expect that apartment construction might slow down, for the simple reason that they have been overbuilt in recent years, and for the first time in recent history, Guam apartment hunters have a choice of units to choose from. This isn't necessarily bad, however, because the old "boonie" type apartments, with the leaky roof, and holed out screen door might become a thing of the past. Perhaps, in the future, the new apartment units will have all the amenities, including pools, and carpets. Overconstruction on apartments could possibly bring the price down to an acceptable level as well.

We've watched Guam burst gloriously out of it's shell in ten short years, since the security restriction was at last lifted, and real civilian progress first came to the island. As recently as 10 years ago, in 1962, total construction on the island was only slightly over $2,000,000—a far cry from the nearly $80,000,000, a decade later. There were no tourists in 1962, either, while 150,000 are expected to arrive this year. In 1962, a decade ago, only 886 civilian aircraft landed on Guam, with that figure jumping to over 5,000 last year. Imports in 1962 totalled some $20,000,000, jumping to far over $125,000,000 during the past year.

No, Guam is no longer a sleepy, tropical island, lying listlessly 'neath fluttering palm trees. It is a viable, prosperous, vigorous American community. This is not to say that by dollars alone we can solve all the island's problems. These problems have been accelerated by the rapid growth of the community. We have to face up to making a renewed campaign to increase the capacity of our utilities, power, water, telephone, and refuse service. We have to attack vigorously our dismal highway problems. We have to contend with rising crimes of violence. We have to provide more and better parks and recreational areas for both our children, and our visitors. We would like to see a better agricultural program, a viable fishing industry, and a better Marina facility. We would like to see more low cost housing, and better utilization of the land, including green-belt areas. We would like to see a better beach maintenance program.

All this, however, is why we're stepping so high and jauntily into the year 1973. We know that we have problems, and we always will. It is a challenge to us all to face this challenge, to find solutions, to make Guam, and the world a better place to live. We're looking forward to 1973, just to see what is going to happen next. JCM.

## RAILROAD RETIREES ARE VICTIMS OF INFLATION

## HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. YOUNG of Florida. Mr. Speaker, America's railroad retirees, like most others living on fixed income, are seeing their Federal benefits erode away under the relentless attack of inflation. While the 92d Congress approved a 20-percent increase in benefits, the increases simply are not keeping pace with the rise in our cost of living.

Railroad retirees are not gaining in benefits—they are not even holding ground: They are falling behind in the value of their benefits. Many live in my Sixth Congressional District of Florida, and I know personally of their often marginal existence and the many hardships the retirees and their families must face.

To remedy this antiquated retirement program and provide needed relief, I have introduced H.R. 1296, a bill which would tie future benefits to the cost of living. As the cost of living rises, benefits would automatically increase.

This would eliminate the need for railroad retirees having to keep coming back to the Congress every 2 years pleading for deserved increases in their benefits. Unfortunately, in the past, they have sometimes been the victims of candidates who "play politics" at their expense by holding out the promise of support for badly needed hikes in railroad retirement benefits in exchange for political support on election day.

The time is long overdue to take politics out of America's railroad retirement program and provide the benefits our retirees have so justly earned. Congress should act promptly to approve H.R. 1296. Our railroad retirees are entitled to no less.

## PUBLIC SERVICE INDIANA PARTNER IN DEVELOPING NEW ENERGY SOURCE

## HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. BRAY. Mr. Speaker, this afternoon at the Department of the Interior an $8 million contract will be signed that is the first step in construction of a multimillion-dollar coal gasification plant near Terre Haute.

The Office of Coal Research of the Department of the Interior has authorized an industry team headed by Westinghouse Electric Corp. to proceed pending signing of the contract. Partners are public Service Indiana, AMAX Coal Co. and Bechtel Corp. Ultimate cost is around $80 million.

What this amounts to is construction of a system for generating electric power, without pollution from fly ash, sulfur dioxide and nitrogen oxide. It will utilize the large reserves of high-sulfur Indiana coal, as well as that from other parts of the country, and still meet stringent Federal and State air pollution standards. The process is not new but recent developments—more efficient and pollution-free—are new.

This comes at a most opportune time, when reports state that the President's pending message on energy will call for conversion of a large segment of the Nation's electric power producing plants from oil-fired to coal-fired generating units. Reportedly, the administration has been convinced that reliance on the Nation's still-massive coal reserves over the next 15 years to meet the undeniable growing energy shortage will be the best course to follow. Coal reserves are estimated to be good for 400 years.

We have, admittedly, an "environmental crisis" and an "energy crisis." To meet the first, last year, the requirements were—which have been carried out so far: No Alaskan pipeline; no oil refineries on the east coast; oppose oil imports, due to spillage danger; cut down on shale and strip mining due to damage to the countryside; cut back on nuclear powerplants because of radioactivity dangers: limit offshore drilling; discourage building port facilities for natural gas.

On the other hand, the energy crisis is no joke. By 1980 we will have to import almost half the 22.5 million barrels a day of petroleum we will consume by that time. We now import 25 percent of the daily 14.7 million barrels. Costs: by 1980, between $12 and $15 billion.

Go ahead to the year 2000: It would see a value of U.S. demand for primary minerals of $170 billion, compared with a 1970 figure of $43.1 billion.

The gasification process such as will be used in this plant is basically simple. Coal, air, and steam are fed to a gas producer. A reducing gas leaves the product at the top, and ash at the bottom. The gas is cooled and then scrubbed with chemicals, for further purification and is then burned and expanded in a gas turbine generator. The gas leaving the turbine goes to a boiler; the remaining heat generates steam. Removal of sulfur and ash is right at 100 percent.

Clean, synthetic, pipeline quality gas; utilization of our mammoth reserves of coal; pollution-free conversion process; more energy for the soaring needs—all four are combined into one very advantageous whole by this process. Public Service Indiana is to be congratulated on their efforts in this. It is just another example of how problems created by man, due to technology, can also be settled by man, using that same technology.

## ORRICK A. LOCHER ESTABLISHES MUSIC PUBLISHING FIRM

## HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. LONG of Maryland. Mr. Speaker, I want to pay tribute to one of my constituents, Mr. Orrick A. Locher of Essex, Md., who has become a music publisher.

Mr. Locher has been writing song lyrics and poems for 42 years, and has formed his own business, Lochraven Music. He plans to publish on sheet music only songs which have been previously recorded. Mr. Locher has said that only his own compositions will be published.

A book of 28 of Mr. Locher's poems, entitled "Poems of Inspiration," was published in New York in 1969.

Mr. Locher came to Essex with his wife, Mary Sue, in December 1951. He works as a machinist and as a part-time bank security guard on weekends.

The Baltimore area is very proud of Mr. Locher's accomplishments, and I am honored to represent him in the U.S. Congress.

## JAMES A. FARLEY

## HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. DELANEY. Mr. Speaker, the Honorable James A. Farley, past chairman of the Democratic National Committee, and former Postmaster General of the United States, has always held a special place in the minds and hearts of his countrymen.

Therefore, I would like to take this opportunity to share with my colleagues an interesting article concerning this great American, which was written by Mr. Thomas Parry, and appeared in the Raleigh, N.C., News Observer.

The article reads as follows:

[From the Raleigh (N.C.) News and Observer, Oct. 15, 1972]

### "GENTLEMAN JIM" STILL KEEPS FARLEY BRISK PACE

(By Thomas Parry)

Somewhere along the way James A. Farley became both man and legend at the same time. Nobody is quite sure when it happened, but everybody agrees it took place a long time ago.

Its roots probably stretch back to the 1932 Democratic Convention, for it was there that the fruits of Farley's labors materialized with the nomination (and subsequent election) of Franklin D. Roosevelt as President of the United States. Beginning on the very day of Roosevelt's re-election as Governor of New York in 1930, James A. Farley set into motion the poliitical machinery that would eventually carry FDR into the White House. Farley worked closely with governors, senators, congressmen, members of the Democratic National Committee, state chairmen, county chairmen, and campaign workers at large to effect the most successful presidential campaign organization seen in this century. President Roosevelt expressed his personal gratitude by appointing Farley postmaster general, and designating him chairman of the Democratic National Committee.

When 1936 rolled around, it was an instant-replay of the previous campaign with Farley once again guiding Roosevelt to a second term in the White House despite emerging policy differences between the two. Boldly, "Big Jim" predicted to newspaper reporters that FDR's opponent, Governor Alf Landon, would carry two states, Maine and Vermont. Sure enough, his prediction came true.

In the late thirties Farley, along with most other political observers, concluded that Roosevelt would seek the presidency only twice.

To do otherwise would break a tradition begun when President Washington refused a third term in 1797. When Roosevelt's ambition got the best of him, Farley broke with "the chief" and had his own name placed in nomination at the 1940 Convention.

Farley recalls: "Even then his health was not good. I begged him to return to Warm Springs—he had contributed enough to his country. I felt the Democrats would win again with any candidate of stature, because the country appreciated the New Deal reforms. The people were not about to return the country's destiny at that time to the Republicans.

"The third term, of course, brought on the fourth term, and by the fourth term, Mr. Roosevelt was a very sick man. A man in better mental health would have performed differently at Teheran and Yalta, would not have divided Germany so ineptly and left slave-states in Europe. A healthy president would have realized the horrible consequences.

"I have, of course, regretted the fact that my disagreement with him on the third term broke a friendship that had existed for all those years, and I saw him only three or four times after I retired, and I felt very badly about that."

In 1941, "Big Jim" was elected as chairman of the board of the Coca-Cola Export Comporation—a position he retains today at age 84.

Besides being politician supreme, Jim Farley is also America's all-time champion letter writer. After the 1936 election, Postmaster General Farley sat down and dictated over 36,000 personal letters to Democratic workers from all over the country—and in the process exhausted six secretaries! Even today he dictates and signs (in his famous green ink) an average of 120 letters a day. And each year, on his birthday, he receives approximately 6,000 cards from every corner of the world, all of which are personally acknowledged by "Gentleman Jim."

As Coca-Cola's number one salesman, Mr. Farley attended 131 luncheons and 105 banquets in 1971. Most of these were sponsored by groups interested in foreign trade, and many utilized his talent as an after-dinner speaker.

Earlier this year "Gentleman Jim" was hospitalized with what doctor's diagnosed as a minor heart attack. But it took more than a few chest pains to sideline this political giant. Even while he was recuperating, Jim Farley was working eight hours a day dictating letters and making telephone calls. Farley reports that he's now feeling fine and that "I'm back at the Coca-Cola office every morning at 9:15 and leave between 4:00 and 4:30 as the doctor feels that is sufficient time and wants me to get back to my apartment, which is only three blocks from the office, and rent until dinner-time."

"For the time being, I am going to eliminate going to banquets and go only to business luncheons where I do not have to make any speeches . . . although it doesn't follow that there might not be occasions in the fall that I might want to participate in."

James A. Farley has been called everything from an "affable Irish giant" to "kingmaker." He has known more popes, prime ministers, presidents, and potentates than perhaps any other man of his generation. He can tell you about his conversations with Pius XII. Churchill, Mussolini, and even present-day leaders like Madame Gandhi and Richard Nixon.

Jim Farley the man and Jim Farley the legend are inseparable. To be sure, he is both rolled up into one.

## LEGISLATION TO RESTORE MEMORIAL DAY AND VETERANS DAY TO THEIR TRADITIONAL DATES

## HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. MARTIN of Nebraska. Mr. Speaker, today I have again introduced legislation to restore both Memorial Day and Veterans Day to their traditional dates of May 30 and November 11. There is no significance whatsoever in having Memorial Day fall on the fourth Monday of May and Veterans Day on the fourth Monday of October. May 30 has been the traditional day in which we have honored those who fought for our country and died in so doing. November 11 was the date when World War I ended. It has great significance, not only to our veterans and their families, but also to all American citizens. I hope that prompt action will be taken by the Congress to restore these two traditional dates which mean so much to our veterans and citizens.

## DR. MARTIN LUTHER KING, JR.

## HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to join today in commemorating the 44th anniversary of the birth of slain civil rights leader, Dr. Martin Luther King, Jr., who probably best represents and was most vigorously involved in the black struggle for freedom and equality in this country.

Two weeks ago today we observed the 110th anniversary of the Emancipation Proclamation of 1863. In the conclusion of its report, "Freedom to the Free: Century of Emancipation," issued in 1963, the U.S. Civil Rights Commission made the following observation:

> We have come a far journey from a distant era in the 100 years since the Emancipation Proclamation. At the beginning of it, there was slavery. At the end, there is citizenship. Citizenship, however, is a fragile word with an ambivalent meaning. The condition of citizenship is not yet full-blown or fully realized for the American Negro. There is still more ground to cover. The final chapter in the struggle for equality has yet to be written.

Because of Dr. King's untiring efforts for the cause of civil rights, much ground was covered on the road from Montgomery in 1955 to Memphis in 1968 where Dr. King was cut down by an assasin's bullet. In Dr. King's words,

> It is a road over which millions of Negroes are traveling to find a new sense of dignity. It will, I am convinced, be widened into a superhighway of justice.

Dr. King was constantly aware that danger and violence lurked along that road, but he dedicated and finally gave his life to the journey. In his book, "Why We Can't Wait," written in 1964, Dr. King penned a prophetic passage which today stands as a tribute to his own efforts:

> The Negro was willing to risk martyrdom in order to move and stir the social conscience of his community and the nation . . . he would force his oppressor to commit his brutality openly, with the rest of the world looking on.

Dr. King was a student of Gandhi and Christ, and as such, was a true believer in the combined powers of love and nonviolent civil disobedience. His tactics succeeded in stirring the social conscience and producing the great civil rights legislation of the last two decades. In Dr. King's words:

> Nonviolent action, the Negro saw, was the way to supplement, not replace, the process of change. It was the way to divest himself of passivity without arraying himself in vindictive force.

Ironically, Dr. King's death gave way to a brief outbreak of violence and civil disorder in our country, a surface manifestation of a continuing malaise of racial frustration, bitterness, and despair. Following those disorders, the Kerner Commission was to warn that:

> Our Nation is moving toward two societies, one black, one white—separate and unequal.

It is clear, now nearly 5 years after Dr. King's death, that much ground remains to be covered on that long journey begun with the Emancipation Proclamation, and that the final chapter is far from being completed.

Mr. Speaker, on this, the anniversary of Dr. King's birth, let us rededicate ourselves to making that dream which he so eloquently enunciated a reality; let us recommit ourselves to completing that journey and struggle for equality and freedom for all our citizens. For as Dr. King said:

> Injustice anywhere is a threat to justice everywhere.

What we are really talking about is the realization of the American dream for all Americans. There could be no more fitting tribute to the life and works of Dr. King than to achieve that goal as this Nation prepares to celebrate its own 200th birthday.

## RESOLUTION OF INQUIRY

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. HARRINGTON. Mr. Speaker, on January 3, I introduced a resolution of inquiry directing the President and the Secretary of Defense to inform this body on the extent of the bombing of North Vietnam. On Thursday, January 11, I reintroduced that resolution. This step is necessary in order to make language changes in the text of the resolution as advised by the Parliamentarian, Mr. Deschler. The substance of the resolution is no different from that of the earlier version, but these changes have been made to assure that the resolution will not be subject to a point of order when it reaches the floor of the House. It is imperative that the House take the opportunity to debate this important subject and work its will on the substance of the resolution. We must not be thwarted by technical procedural points which are basically irrelevant to the importance of the information we seek from the administration.

There are four changes in the text of the resolution:

First. It will not be directed to the President, but is now limited in its application to the Secretary of Defense.

Second. The final paragraph of the earlier version has been omitted. That paragraph referred to estimate of the damage inflicted on North Vietnam, and particularly to "after action reports."

These two changes have been required to avoid the argument that requiring information from the President, and about the hurt to Hanoi, involves the conduct of foreign relations. Apparently, it has been the practice to make a resolution of inquiry discretionary when the resolution involves information on this subject to be supplied by the President. I do not subscribe to the position that American bombing of the north is such an essential part of our foreign policy that information on the damage we have caused cannot be told to the Congress. However, I wanted to be sure that the resolution did not depend on the discretion of the administration official to whom it was directed, and that information about the extent of our commitment to the bombing be disclosed. Obviously, the cost of this operation will have to be borne by all of us, and will be the subject of debate when the necessary funding resolutions are before us. We must have this information in order to participate in that debate in an informed way.

Third. The language of paragraph (5) has been changed to require the Secretary of Defense to produce documents giving estimates, as contrasted with simple estimates. This is a language change we have made to avoid the argument that the resolution is requiring research or conclusions based on research, and thus avoids a possible point of order on that ground. The change is not a change of substance.

Fourth. The date of the period for which the information is requested has been extended to January 10, 1973—one additional week—because there have been some reports that the bombing is still continuing.

I regret the necessity for these changes. The first three have been made purely for procedural reasons, and are good illustrations of the kind of technicalities we face when we propose to debate a subject of such paramount importance as the bombing of the north. Now, I have been assured by the Parliamentarian that the resolution is free of procedural defects, and that we will indeed have the opportunity to consider the resolution on the floor.

The resolution has been cosponsored by the following members:

Ms. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Boland, Mr. Burke of Massachusetts, and Mr. Burton.

Mr. Clay, Mr. Eilberg, Mr. Green of Pennsylvania, Mrs. Heckler of Massachusetts, Mr. Koch, and Mr. Lehman.

Mr. Long of Maryland, Mr. Matsunaga, Mr. Mazzoli, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Rees, and Mr. Riegle.

Mr. Rosenthal, Mr. Roybal, Mr. Seiberling, Mr. Stokes, Mr. Studds, Mr. Vanik, and Mr. Wolff.

The text of the revised resolution is printed below:

H. Res. 26

*Resolved*, That the Secretary of Defense be, and he is hereby, directed to furnish the House of Representatives within ten days after the adoption of this resolution the following data:

(1) The number of sorties flown by United States military airplanes, for bombing purposes, over North Vietnam during the period December 17, 1972, through January 10, 1973.

(2) The tonnage of bombs and shells fired or dropped on North Vietnam during the period December 17, 1972, through January 10, 1973.

(3) The number and nomenclature of airplanes lost by the United States over North Vietnam or its territorial waters during the period December 17, 1972, through January 10, 1973.

(4) The number of members of the Armed Forces of the United States killed, wounded, captured, or missing in action while participating in flights over North Vietnam during the period December 17, 1972, through January 10, 1973.

(5) Documents giving the best available estimate of casualties incurred by the North Vietnamese during the period December 17, 1972, through January 10, 1973.

(6) The cost incurred by the United States as a result of all bombing and shelling carried on by the United States in or over North Vietnam during the period December 17, 1972, through January 10, 1973, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes during such period, salaries of U.S. military personnel, during such period, involved in operating and maintaining such ships and airplanes, cost of equipment destroyed or damaged while participating in bombing missions over North Vietnam, and all other expenses attributable to such bombing and shelling, during the period December 17, 1972, through January 10, 1973.

## SOVIET POLITICAL REPRESSION THROUGH PSYCHIATRY

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. CRANE. Mr. Speaker, while the innocent, the naive, and well-meaning in the West continue to speak of détente and of an "era of negotiation" with the Soviet Union, untold numbers of brave men and women languish in Soviet prisons and psychiatric hospitals for no reason other than their expression of "unpopular" opinions.

In September 1972 one man who managed to leave the Soviet Union after several experiences in such psychiatric hospitals, the distinguished mathematician Alexander Yesenin-Volpin, testified about his experiences before the U.S. Senate Internal Security Subcommittee. An important document containing this testimony and other previously unpublished material has recently been issued by the committee, entitled "Abuse of Psychiatry for Political Repression in the Soviet Union."

Dr. Yesenin-Volpin pointed out that although his mathematical work was well recognized, in the West as well as in his own country, he could never rise above the rank of junior researcher at the All Russian Institute. His superiors told him that:

> While you continue your obscure social activity you will never be a senior researcher.

He asked:

> Is such discrimination in the Soviet Union possible?

He was told that not only is it possible, but someone conducting "anti-Soviet activity" could be put in jail.

What was Dr. Yesenin-Volpin's "anti-Soviet activity?" He objected to the arrest of distinguished academicians who had called for human rights. For this "crime" he was declared insane, and sent to a mental institution.

Any imprisoned person may be sentenced to a psychiatric hospital in absentia. No procedural rights are granted to a person who is declared insane and, therefore, not responsible for his actions. Dr. Yesenin-Volpin was one of the lucky ones. Ninety-five of his colleagues sent a letter protesting his incarceration. As a result of this pressure he was eventually released and, in effect, expelled from the country.

In an article published in the New York Times of December 9, 1972, Dr. Yesenin-Volpin tells part of his story. He notes that:

> I have met or known of hundreds of individuals who were sane in the opinion of relatives, friends, and colleagues, and yet these persons were confined against their will in Soviet mental institutions. Vladimir Bukovsky sent to the West documented case histories of Grigorenko, Yakhimovich, Gorbanevskaya, Fainberg, Borisov, and Kuznetsov.

He concludes his article by appealing:

> For adoption of an international code of ethics to prevent misuse of involuntary psychiatric confinement for political or other nonmedical purposes.

I wish to share this important article with my colleagues, and insert it into the RECORD at this time.

The article follows:

### THE MEDICAL POLICE

(By Alexander Volpin)

My personal experience enables me to understand a serious danger threatening many Soviet intellectuals. Five times I was confined against my will in psychiatric institutions in the U.S.S.R. In 1949 I was arrested for the first time; certain poems I had written and recited to friends were considered anti-Soviet. Arrested in Chernovits, interrogated in Moscow's Lubyanka Prison, sent to the Serbsky Institute for psychiatric examination, I was then held in Leningrad Prison Psychiatric Hospital for a year before being banished to Karaganda. Under Stalin, confinement in a mental hospital probably saved me, as well as others, from the worse fate of long terms in labor camps.

Leningrad Hospital had a prison regime with severe discipline and military guards; many doctors wore M.G.B. insignia. The patient was a creature without any rights whatsoever, even the right to possess matches or writing materials. Now such institutions are no longer designated prison hospitals but instead special hospitals, and some changes in regime have been introduced. In one respect the situation of inmates has become worse—in 1950 "political patients" were isolated; now they share common wards with murderers, thieves and seriously disturbed patients.

During the Khrushchev period I was confined three times in psychiatric hospitals: once for advising a Frenchwoman against accepting Soviet citizenship, once for failure to inform on an acquaintance who had allegedly engaged in treasonable activities, and once for my refusal to denounce American publication of my book, "A Leaf of Spring," and my assertion of the right of everyone to leave any country. In 1968 I was confined again after applying to the American Embassy for the necessary visa to accept an invitation to lecture in Buffalo.

During my confinements no serious attempt was made to treat me for mental illness. In 1960 I received small doses of reserpine (12 tablets in a four-month period). Another time a friendly psychiatrist helped me avoid treatment with halperidol, a drug reputed to cause extreme restlessness and temporary or possibly permanent disorientation.

Since the law sets no limit to a patient's confinement, the threat of days, years or even your whole life passing in emptiness is keenly felt. In practice, an inmate's discharge primarily depends on his willingness to admit his "errors," to acknowledge the "correctness" of his treatment and to promise "improvement" in his future behavior.

I write about my case only to rouse world public opinion to aid those still confined in special psychiatric hospitals for their political opinions or "reformist tendencies"—men like Peter Grigorenko, Victor Fainberg, Vladimir Borisov and Vladimir Gershuni. Perhaps public outcry can help these victims gain their freedom; perhaps it can dissuade the Soviet authorities from using psychiatric confinement as a weapon to suppress dissent when trials are inconvenient for the regime. Only a month ago, on Nov. 2, my wife, Irina Kristi, was put in Kaschenko mental hospital because of her efforts to attend the trial of her friend Kronid Lyubarsky; fortunately, Irina was released on Nov. 29 after the intervention of Academician Sakharov.

I have met or know of hundreds of individuals who were sane in the opinion of relatives, friends and colleagues, and yet these persons were confined against their will in Soviet mental institutions. Vladimir Bukovsky sent to the West documented case histories of Grigorenko, Yakhimovich, Gorbanevskaya, Fainberg, Borisov and Kuznetsov. After studying these reports, a group of British and European psychiatrists felt "impelled to express grave doubts about the legitimacy of the treatment for the six people concerned and indefinite detention in prison mental hospital conditions. It seems to us that the diagnoses on the six above-mentioned people were made purely in consequence of actions in which they were exercising fundamental freedoms—as set out in the Universal Declaration of Human Rights and guaranteed by the Soviet Constitution." (Bukovsky has since been sentenced to seven years' imprisonment and five years' exile for "anti-Soviet slanders.")

My personal experience permits me to speak of the situation only in the U.S.S.R., but I have read about violations of the civil rights of mental patients in other countries.

I appeal for adoption of an international code of ethics to prevent misuse of involuntary psychiatric confinement for political or other nonmedical purposes. I also appeal for creation of a permanent international commission composed of qualified psychiatrists and jurists and empowered to investigate alleged abuses of involuntary psychiatric confinement wherever they occur.

## PRAIRIE FARMER—OUTSTANDING JOURNALISTIC STATESMANSHIP

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## HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. FINDLEY. Mr. Speaker, an outstanding example of journalistic statesmanship appears in the January 20 issue of the Prairie Farmer magazine, the most widely circulated and respected farm journal published in Illinois.

Its editor, James C. Thomson, wrote clearly and with refreshing candor in general support of the economy measures just announced by the Department of Agriculture.

In an era in which most commentators to special interest groups seem invariably to reflect a bias, the following editorial deserves special attention and applause:

### LET THE ECONOMY AX FALL FAIRLY ON ALL PROGRAMS

Not unexpectedly, an economy wave has hit federal farm programs. Reaction has ranged from apathy to deep shock.

The soil conservation pollution control program ACP-REAP has been terminated. REA's subsidized 2% loans have been boosted to 5%. Farm disaster 40-year subsidized loans went from 1% to 5%. And $5000 disaster giveaways to individuals were ended. Subsidized grain storage loans also have been lopped off.

The Nixon-Butz administration saved $800 million in farm program costs as a result of massive grain exports. They hope to save another $800 million with cutbacks in crop control programs.

No one could make such wide-ranging changes without incurring the wrath of countless thousands who depend on these programs for their livelihood. Few are farmers.

Predictably, spokesmen for the Farm Coalition (Grange, NFU, NFO) denounced some or all of the economy moves. The president of the National Limestone Institute called the termination of REAP "the worst boner."

Surprisingly, the American Farm Bureau Federation backed away from full endorsement of REAP termination. The AFBF has been critical of REAP for years and joined every president since Harry Truman in trying to kill it, only to be thwarted by Congress. This could happen again.

Few will find fault with soil conservation, pollution control, tiling, and the use of limestone. And who will object to the principle of cost sharing for the control of erosion and pollution on the farm?

Obviously everyone benefits from measures necessary to protect the soil, our most precious resource. All should share in the cost.

When low-cost REA 2% loans were started during the depression average interest costs were 1.69%. They are now between 6% and 7%. Certainly the rural electric co-ops have done a heroic job of bringing electricity to farmers.

But we should not lose sight of the fact that only 20% of rural electric co-op customers are farmers. Nearly all of the new customers being hooked up are nonfarmers.

But the realm of welfare most difficult to understand is that of the declared disaster area. Washington actually gave away $80 million in $5000 handouts in 1972.

The program expanded so fast that if Secretary Butz hadn't killed it they would have been giving away $800 million this year. Even a millionaire, Butz said, could have qualified for a $5000 handout and a 1% loan for 40 years.

These are certainly not the most pressing priorities we face. The overriding issue is the containment of the cruel pressures of inflation that sent farm costs zooming 45% from 1965 to 1972.

Belatedly, President Nixon recognizes the need for action. He has called for a federal spending ceiling of $250 billion. Even with this ceiling we can expect to chalk up another $25-billion deficit.

Congress has failed miserably to meet courageously the challenge of fiscal responsibility. In fact, some congressmen already are planning, perhaps willfully, to breach the $250-billion spending ceiling even if they have to go to court to do it.

Many farmers, including NFO leaders, have told us over the years that the best farm program is simply higher income. "With better income," they have said, "you can scrap all farm programs."

That stage may be close. The year 1972 set an all-time record $19-billion farm income.

Only about 13% of the nation's farmers participate in REAP. With cost sharing, they carry about 70% of the cost. The federal government pays the other 30%.

Payments to the farmer averaged about $230. On that basis the program hardly seems worth fighting for, in view of the human suspicion that it is just another handout to farmers.

If farmers were the only group expected to suffer drastic cutbacks in federal programs, we would be tempted to say forget it. But Secretary Butz assures us cuts in agriculture will be matched with cuts in all lines of government spending.

We hesitate to argue over the priorities involved in these economy measures. Something nice can be said about all federal subsidy programs.

No one wants to be accused of shooting Santa Claus. But the fact remains that federal spending is now beyond a quarter of a trillion dollars.

Perhaps there are other areas where economies can be made. Few seem bothered by the fact that nearly every federal program must have an expensive bureaucracy to administer it.

Not all counties have offices for the Agricultural Stabilization and Conservation Service, Farmers Home Administration, Federal Crop Insurance Corporation, and Soil Conservation Service.

But enough consolidation could be engineered in these county offices to save the taxpayers tens of millions of dollars. More than 85% of the USDA personnel is not in Washington, but largely in offices that duplicate each other thruout the country.

Basically, the economy moves of the administration are commendable. They are overdue and should be expanded if possible.

Agriculture has much to gain from cost and price stability. This stability can be attained only thru less spending or higher taxes.

Our choice is less spending. So let the economy ax fall where it will provided it falls across the board, hacking away at all federal programs as well as agriculture. Those who say no should then in complete candor recommend substantially higher taxes.

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## A $25 TAX DEDUCTION FOR BLOOD DONATIONS

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of my colleagues a bill, H.R. 700, to give a $25 tax deduction for a pint of blood donated to a nonprofit collecting agency. This measure has 27 cosponsors, and is designed to provide the public with an added incentive to donate blood to these organizations.

Over the recent holiday period, according to the New York Times, areas from Los Angeles to New York City have been hit by a severe blood shortage. A great deal of elective surgery has been postponed. And, in case of catastrophes such as an airplane or a bus crash, local blood supplies could become exhausted. Over the New Year's weekend 2,100 people, myself included, gave blood in New York City because of the emergency. But, we must deal with the blood need not as an emergency, but as an everyday affairs. This problem exists because only a small fraction of American voluntarily donate blood regularly.

Blood has become a form of medicine, that is particularly important to most sick patients in our hospitals. But patients in need of blood transfusions now face two dangers: the unavailability of blood and the infusion into hospital blood banks of hepatitis-contaminated blood. Presently only 3 percent of the public donates blood through nonprofit organizations such as the Red Cross. If we can just increase this by 1 percent, the blood shortage problem will be eliminated. My bill would improve both the quantity and quality of blood available to patients. It would provide up to $125 in deductions for an individual per year, for a maximum of 5 pints of blood. This would provide the necessary incentive to add the needed number of donors to the rolls. This incentive is directed at the blue and white collar workers who can benefit from a tax deduction at the end of the year, and not to the derelict attracted to the commercial blood banks for a quick buck.

While most people view donating blood as a charitable contribution the Internal Revenue Service recognizes blood donations as a service, which is not deductible, rather than property which is. While someone can take a tax deduction for a $25 monetary contribution to the American Red Cross, he cannot take a deduction for the pint of blood he gives to the Red Cross. But, what greater personal property could a person give than this blood to save the life of another. For someone who is dying, a pint of blood is much more important than $25 in case donated to the American Red Cross.

Mr. Speaker, I commend this legislation to my colleagues, and I hope the Departments of HEW and Treasury will give this favorable consideration.

A list of cosponsors follows:

Edward Koch, Bella Abzug, Joseph Addabbo, Jonathan Bingham, John Buchanan, James Burke, Phillip Burton, Robert W. Daniel.

Hamilton Fish, L. H. Fountain, Gilbert Gude, Michael Harrington, Henry Helstoski, Norman Lent, Patsy Mink, John Moakley.

James O'Hara, Bertram Podell, Charles Rangel, Ronald Sarasin, James Symington, Steve Symms, Robert Tiernan, and Antonio Borja Won Pat.

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## NETTIE DROSEHN

### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. CONTE. Mr. Speaker, in this age of uniformity and sameness, Nettie Drosehn was a unique and lovely person. A resident of Hinsdale, Mass., in the beautiful Berkshire Hills, Nettie was a farmer first, then, in her later years, a commentator on the world at large.

She had a gift for making friends and her many acts of kindness, to her neighbors and strangers alike, is legendary. Nettie died in November and was mourned by a large circle of friends and admirers.

In order that my colleagues might share in the knowledge of who Mrs. Nettie Drosehn was and what she meant to the people who reside in the rolling hills of western Massachusetts, I include in the RECORD the following articles which appeared in the Berkshire Eagle.

The articles follow:

#### MRS. NETTIE DROSEHN, 87, DIES AT FARM IN HINSDALE

Mrs. Nettie Drosehn, one of Berkshire County's best known philosopher-farmers, died yesterday at her farmhouse on Smith Road, Hinsdale. She was 87.

Mrs. Drosehn—she was called Nettie by all hands—worked and talked on equal levels with the male animal long before the age of Women's Lib.

Although she had not actively worked the farm after a son, James, died in 1962, she still tended the flower gardens and always kept the door open for those who would stop to chat about the weather or politics.

Nettie befriended many a "foreigner" who had moved into the hilltown section from other ports. It was difficult, if not impossible to leave Nettie without the gift of a pound of homemade butter or a dozen eggs, sometimes both.

##### NEVER EMPTY-HANDED

As one of her sons Bill recalled today, "No one ever walked away empty-handed or with an empty belly. The coffee pot and soup kettle were on the stove 24 hours a day."

Mrs. Drosehn, the former Nettie Landau, came from German and Irish stock and was born in Bethlehem, N.Y. She and her husband, Frederick F., who died in 1958 at the age of 83, met in 1904 in Lenox where she was the cook at Mahanna's Brickyard and he was the foreman.

The brickyard closed that year and they went to Haynes Falls, N.Y., where Mr. Drosehn went into lumbering and Nettie became the cook for the crew. They were married there Dec. 21, 1904. They moved to Hinsdale in June 1905 and started their life of farming.

In their early life they had a working dairy, chicken and produce farm, but in the 1920s got rid of most of the dairy herd.

##### SHE DROVE A TEAM

Nettie could drive a team of horses as well as any man and better than most. In her early days in Hinsdale part of her daily work involved driving a team through the hills of Peru, Windsor and Hinsdale collecting cream from the farms and delivering it to the Hinsdale Creamery on Creamery Road off Maple Street in Hinsdale.

She never drove a car or a tractor, but could plow a straight furrow behind a pair of working horses. Her physical strength was legendary and she was proud to be known as the "Amazon of the Berkshires."

Around the farm she wore men's shoes, a simple farm dress and, if the weather demanded it, a man's sweater. On visits to town of Pittsfield, she would switch to a plain long coat, a dark dress and a black, wide-brimmed straw hat. The hat will be buried with her.

### A LETTER WRITER

Nettie was as proud of the Berkshire Hills as though they were her invention. But she allowed a few other people to take a bit of the credit. One of those was the late Kelton B. Miller, founder of The Eagle.

In past years she was a frequent writer of letters to the editor. More recently, she had to put the pen aside, but she replaced this with almost daily calls to radio talk shows and would offer comments on the weather and whatever else might be the subject of conversation for the day.

She is survived by five sons, Frank W. of Southwick, and William A., George F., Winthrop C. and Edivin C., all of Hinsdale; three daughters, Mrs. Jennie Steele of Dalton, Mrs. Alicia M. Pelkey of Hinsdale and Mrs. Annie E. Sanders of Westfield; a brother, James Landau of Albany, N.Y., 28 grandchildren, 43 great-grandchildren, and two great-great-grandchildren.

### SERVICES WEDNESDAY

She had lived alone at the farm since the death of her son James, but two grandsons stayed with her nights.

Mrs. Drosehn belonged to the Hinsdale Congregational Church.

Friends may call at the Bartlett-Wellington Funeral Home in Dalton tonight from 7 to 9 and tomorrow from 2 to 4 and 7 to 9.

Services will be Wednesday at 11 at the funeral home, followed by burial in South Cemetery, Peru.

### Our Berkshires

(By Theodore Giddings)

Nettie Drosehn, 87, whose funeral services were Wednesday, will be remembered not only for her rugged but kindly character but also for her love of nature and the outdoor life. The last time we saw her was several years ago when, in the company of "Pete" Miller, *Eagle* editor, we stopped to chat in her farmyard. She called our attention to an English sparrow perched atop the nearby barn.

"Want me to call him?" she asked.

When we both said "sure," she whistled, and the bird came flying over and lighted on her shoulder.

"He's my pal," she explained. "He fell out of the nest and broke his wing. I put him in a box near the stove, fed him and nursed him along until he was able to fly off. But he doesn't want to leave me. He keeps flying back."

And no wonder. Who could forget such a friendly soul.

## LIBERAL LEFT INCAPABLE OF ADMITTING MISTAKES

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. DERWINSKI. Mr. Speaker, now that the election is well behind us, objective commentaries on the American political scene are certainly in order. One column that qualifies for a description of objectivity was carried by the New World on December 1, 1972, and was written by Father Andrew M. Greeley:

### Liberal Left Incapable of Admitting Mistakes

(By Father Andrew M. Greeley)

The liberal-left is busy trying to fashion an explanation for the terrible drubbing it took in the presidential election. Characteristically, it is absolutely incapable of admitting it made any mistakes.

McGovern political advisor Frank Mankiewicz, for example, blames "Hubert Humphrey, Arthur Bremmer and Thomas Eagleton." Senator McGovern blames the "Wallace vote," and many of the "liberal" commentators and columnists echo this claim.

Anthony Lewis, whose column in the New York Times is usually an accurate reflection of what the lemming liberals (to use Richard Scammon's word) are saying at their cocktail parties, suggests grimly that the election was a victory for crypto-racism.

As usual, the ideological liberals show that they can't count. Undoubtedly, Mr. Nixon picked up many Wallace voters in the South, but in the North in 1963, Wallace got only about 6% of the vote. If Wallace had run it is doubtful that a single important state would have changed from the Nixon to the McGovern column.

The Wallace vote—even if it all went to Nixon—still was not needed in states like New York, Ohio, Pennsylvania, Michigan and California.

Furthermore, if all of the 1968 Wallace voters had cast their ballots for Nixon and were then disqualified on the grounds that Wallace voters have no right to vote for anyone else, Nixon's lead would have been 11 percentage points. However, not all the Wallace votes went for Nixon, though we will have to wait detailed survey analysis to know exactly what happened. But let us go through the exercise of subtracting the Wallace margin from Nixon's plurality.

If five-sixths of the Wallace votes went to Nixon and one-sixth to McGovern, Nixon's net advantage would have been 8 percentage points. Eight from 23 gives him a 15 percentage point non-Wallace margin.

If three-fourths of the Wallace vote went to the President, he would have picked up a net gain of 6 percentage points, leaving him a 17 point non-Wallace margin. If he received two-thirds of the Wallace vote, his net gain would have been 4 percentage points, and his non-Wallace advantage would have been 19 points.

This is a simple exercise in arithmetic.

If the liberals won't engage in it, the reason probably is that if you are superior to other human beings intellectually and morally, you don't have to be able to add and subtract.

And what about the charge of racism? Undoubtedly, some racists voted for Nixon. (Undoubtedly, some anti-ethnic racists with Ph.D.s voted for McGovern.) But that Nixon's 20 million vote margin was entirely racist is nothing more than an unproven act of faith.

One of my university colleagues assured that it was a "backlash" election and that Nixon, Hitler-like, had appealed to the hatreds of the American people. I told him he might be right, but there was nothing in the empirical data to indicate a strong backlash.

On the contrary, I suggested, all the evidence indicated that racist attitudes were rapidly waning in America. His reply was that all the data proved was that Americans were becoming clever at lying about their racism.

This man is a very distinguished social scientist. His whole career has been devoted to testing assumptions against empirical evidence. He was not making an assertion for which there was no empirical evidence and for which there never can be any. Such faith, one supposes, is touching, but it doesn't have much to do with science or politics.

Why are liberals like Mr. Lewis and my colleague so eager to fantasize about a racist population? (They usually drop the busing argument when you point out that almost half the blacks in the country are against it, too.)

It is not merely that most liberals are too intellectually arrogant to admit that they might have made mistakes and that they might have totally misunderstood what was going on in the country.

More important, perhaps, is the liberal's need to feel morally superior. Ignorant and uninformed people have beaten him in an election. He is angry, bitter, frustrated. Why have they not recognized his superior intelligence? Why have they not granted him the power of government to which his obvious excellence entitles him?

The poor, stupid fools have in effect denied his intellectual brilliance. What else does he have left besides his moral superiority? At least they cannot take that away from him.

So on to 1976 and another disaster.

## JUVENILE JUSTICE IN MISSOURI

### HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. SYMINGTON. Mr. Speaker, my Youth Advisory Council is now in its second year of study and action, and it continues to demonstrate the value of participation by young people in the governmental process. I wish to call to the attention of my colleagues one area in which the council has been especially active and influential.

In the fall of 1971, the council committee on justice began studying the system of juvenile justice in Missouri. The committee made numerous visits to juvenile facilities and institutions in the State, interviewed police and juvenile court personnel, and not with administrators, staff members, and inmates of juvenile institutions.

The committee in 1972 released a report calling for the creation of a "Missouri Department of Youth Services" to be responsible for seeing that young people in the State are provided with the services they need.

Just last month the chairman of the committee, Douglas Phillips, was invited to testify before the Missouri Senate-House Committee on Children and Youth. Today I wish to share with you excerpts from Doug's testimony:

Our study has . . . good place to begin.

I believe these recommendations ought to receive earnest and favorable consideration:

### Juvenile Justice System

Our study has led us to the same conclusions that have been reached separately by others: that, all too often, the so-called juvenile justice system is unhelpful to juveniles, unsystematic, and unjust.

We suggest three steps toward bringing about a condition of justice.

The first step should be to improve the juvenile justice system itself. Throughout the entire process, every young person should be treated individually and in his community, or as close to it as possible. Rather than funneling all offenders, each of whom has a separate set of problems, into a single form of treatment, numerous treatment options should be made available to every offender, and a personal plan of treatment should be determined for him and carried out.

The second step should be to place greater emphasis on the prevention of juvenile delinquency, and on the diversion of youth from the juvenile justice system. Services should be made available to the so-called pre-delinquents—children and youth who are on the verge of serious trouble but who have not yet passed the crucial turning point. It is evident that once a person enters the system, it is difficult for him to get out.

The need for these first two steps has been recognized by many people, including several witnesses at this hearing. But we have sensed a tendency, among some, to want to stop after these steps.

We fully support these two steps, but we also believe that a third step is needed: a Department of Youth Services should be created to guarantee services to all youth who need them.

Across the nation, there is talk of the so-called Youth Services Bureau, a community agency to divert youth from the juvenile justice system and deal with pre-delinquents. In Missouri, the Juvenile Delinquency Task Force has proposed a Division of Juvenile Delinquency and Youth Services, to be responsible for prevention and treatment of delinquency.

The term "youth services," as used in Youth Services Bureau and Division of Juvenile Delinquency and Youth Services, is a euphenism—or shall we say a "youth-emism." It does not mean "services for youth." It does not mean "services for youth who need them." It means "services for delinquent and pre-delinquent youth." Youth services might include delinquency services, but we emphasize: they are not the same thing.

Most young people are not delinquents. Most young people are not pre-delinquents. Most young people do have definite needs that could be satisfied with the right kind of services. For example, according to one study, 80% of the high school age youth in the inner city of St. Louis (the city, the area east of Grand) tried to get summer jobs last year and could not get them—80%. This shows a clear need for job training and job placement services.

The third step, the step we advocate, is to create a genuine youth services system. How can we not take that step? Is it right to ignore the needs of youth who do not happen to demonstrate their needs by going around and mugging people? Is youth development just a cheap way of preventing crime? Or is the sound development of young people an end in itself—and a means toward producing a better quality of life in our society?

A Department of Youth Services—not a bureaucratic substructure in another department, but a separate and distinct Department of Youth Services—would be responsible for seeing that the needs of all youth are met to the greatest extent possible. It would be a department for youth and of youth, in which youth would share in shaping policy and purpose.

The department would not, of course, deliver all the services itself. In some cases, all it would need to do is make people aware of services that are already available. A recent study showed that one third of all the youth in the St. Louis area were unaware of existing, available summer recreation programs in their communities last year. In other cases, the department would stimulate communities to fill gaps in services, and give them assistance in providing services.

The department would be responsible for all youth services, including delinquency services. It would de-segregate, de-stigmatize, and humanize delinquency treatment services.

One final word: our recommended department may extend beyond the existing conception of the juvenile justice system. But we ask: if there is to be a condition of justice, is it not necessary that there be equality of opportunity? And isn't opportunity for young people a good place to begin?

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## HON. WILLIAM M. McCULLOCH

## HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. GERALD R. FORD. Mr. Speaker, our recently retired colleague and dear friend, the Honorable William M. McCulloch of Ohio, has been honored by the College of Law of Ohio State University with a special citation as a distinguished alumnus. I know my colleagues will applaud this well-deserved tribute to Bill McCulloch and I insert the text of his citation:

### HON. WILLIAM M. McCULLOCH

Presented to William M. McCulloch in appreciation of the credit and esteem he has brought to The Ohio State University College of Law during his distinguished career of dedicated public service.

He will retire from the Congress of the United States after thirty-seven years of fruitful endeavors in high offices of the State of Ohio and the United States.

He graduated from the College in 1925, established himself in the private practice of law in Piqua, Ohio, and then was elected to six terms in the Ohio House of Representatives, serving as Speaker for three terms and Minority Leader for two terms.

He served in the United States Army as a Captain in Military Government during World War II, exercising command over that portion of the city of Paris, France, which included the Eiffel Tower and the Chamber of Deputies.

He was elected in 1947 to the first of thirteen consecutive terms in the United States House of Representatives and began a career of congressional leadership and legislative craftsmanship matched by few in our Nation's history.

He served as ranking Republican member of the House Judiciary Committee during one of its most productive periods. Working harmoniously with Chairman Emanuel Celler, his leadership helped to produce much major legislation affecting the federal courts, antitrust regulation, electoral reform and other areas of vital national concern. He personally made possible the passage of the Civil Rights Acts of 1964, 1965 and 1968 by conciliating various proposals for reform, drafting and redrafting the results and enlisting essential bipartisan support. Of his role in the civil rights legislative struggle, it has been justifiably written that "constitutional and human rights were more important than normal political advantage".

His constructive approach to national problems won him the trust and confidence of presidents of both major political parties. President Eisenhower appointed him to the Commission on Government Security and President Johnson named him to both the Advisory Commission on Civil Disorders and the National Advisory Commission on the Causes and Prevention of Violence.

Both the substance of the law and the administration of justice have been immeasurably advanced by his work and his career stands as a noble exemplar to all who would use the law as an instrument of human progress. For his service to his profession, his State and his Nation; for his rare combination of qualities of intellect, statesmanship and unselfish service; and for the honor and pride he has brought to The Ohio State University College of Law, he shall henceforth be known as one of its graduates who bears the title "Distinguished Alumnus."

Dated this twentieth day of October, A.D. 1972.

JAMES C. KIRBY, Jr.,
*Dean, the College of Law of the Ohio State University.*
DAVID R. FULLMER.
*Chairman, National Council of the College of Law of the Ohio State University.*

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## THE CHILD DEVELOPMENT ASSOCIATE

## HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. HANSEN of Idaho. Mr. Speaker, in the 92d Congress, the question of organizing programs and services for very young children received considerable attention. Although comprehensive child development programs were never finally enacted, it was impossible to ignore the ever-increasing percent of mothers of preschoolers who are entering or remaining in the workforce. With or without Federal legislation, their children will have to be cared for.

While we all hope that the personnel providing this care will be able to recognize and respond appropriately to the needs of each child, we also realize that to require child care programs to be staffed exclusively with degree holding professionals would be prohibitively expensive and wasteful of scarce professional resources. It is no surprise, therefore, that the initiation of a new mid-level child caretaker, the Child Development Associate, CDA, has been met with enthusiasm and hope.

I insert into the RECORD a speech made in December by Raymond Collins, of HEW's Office of Child Development. In it, he describes the rationale, development, and current status of the child development associate program. The speech follows:

### CHILD DEVELOPMENT ASSOCIATE

(By Raymond S. Collins)

Today, I want to talk with you about a new profession, the Child Development Associate. The Child Development Associate or CDA, as it is popularly called, reflects a new approach to the career preparation and credentialling of child care staff.

#### WHAT IS A CHILD DEVELOPMENT ASSOCIATE (CDA)?

The CDA is defined as a person with the basic competencies to assume primary responsibility for the education and development of preschool children. The CDA will be able to take full charge of the daily activities of a group of young children in a day care center, Head Start program, private nursery school or other preschool progam.

The CDA will be radically different from existing types of child care workers. At present, one of two exteremes tends to exist: either the person in charge of the children's activities has a college degree (not necessarily including training in early childhood development), or, more commonly, the person meets no specific standards related to the quality of developmental care they are able to provide.

This situation merits serious concern in light of a growing recognition that a college degree (by itself) is no guarantee that a person can provide quality care, coupled with heightened awareness of the importance of the first years of life.

The significance of early development is now well established. Critical changes in the child's cognitive growth, physical and mental health, and social-emotional development occur during infancy and the preschool period. Parents exert the major influence on the child during this period, and we are seeking ways to enhance the parental role through projects like Home Start.

If the child is in a Head Start, day care, or other preschool program, the "teacher", or whoever has charge of the daily activities, is the key determinant of program quality. This principal staff person—and the quality of her skills, experience, and training—tends to to have a greater impact on the child than the type of curriculum offered or any other program characteristic.

It is not the "teacher's" or care giver's level of general education that seems to make a difference, but rather the nature and quality of her career preparation.

Staff without degrees, who have had training in early childhood development, generally stimulate greater gains in young children than those who have the formal degrees but lack training in the specific competencies.

These research and evaluation findings, although still somewhat preliminary, reflect common sense. There is no reason to believe that courses in ancient history, calculus, or political science—however worthwhile in their own right—better equip someone to foster learning and social-emotional development in a four-year-old.

The CDA concept is built around the basic competencies that are believed to make a difference in a comprehensive development program for preschoolers. These competencies fall in six areas and require that the Child Development Associate have the knowledge and skills to:

1. Set up a safe and healthy learning environment;
2. Advance physical and intellectual compentence;
3. Build positive self-concept and individual strength;
4. Organize and sustain the positive functioning of children and adults in a group in a learning environment;
5. Bring about optimal coordination of home and center child-rearing practices and expectations; and
6. Carry out supplementary responsibilities related to the children's programs.

These competencies take into account the need for the CDA to be able to individualize the program for each child; to be sensitive to racial/ethnic and cultural uniqueness; and to recognize special needs in health or other areas that require professional attention.

Even a CDA with these competencies is not expected to "go it alone." A paraprofessional aide should be on hand to assist with the children. Volunteer help may further augment the adult-child ratio so essential to a quality program. A "Master Teacher," or other senior professional, who possesses both advanced degrees and extensive training in early childhood development, should be available as a resource person. The "Master Teacher" should assist in such areas as curriculum planning and the continuing professional development of the CDA. On a day-to-day basis, the CDA would have complete charge of the center classroom and the children's activities.

### KEY FEATURES OF THE CDA PROJECT

There are two key aspects of the CDA project in this first year of pilot operations. First, 10–15 pilot training projects will be funded in late December to provide competency-based CDA training. Second, the Child Development Associate Consortium, a newly created private non-profit corporation, will have the responsibility for the assessment and credentialling of CDAs. The Consortium will also refine and field test the basic competencies which were developed under the auspices of the Office of Child Development.

### CDA PILOT TRAINING

In an overwhelming expression of interest in the CDA program, over 250 institutions submitted synopses despite the limited funds available for pilot projects. Roughly one-third of the applicants had some community college, junior college or technical institute involvement, often in cooperation with a Head Start or day care center. Other applicants included universities, child care facilities, state departments of education, community-based private non-profit corporations, and a variety of other groups interested in training and child care. The diversity of training institutions can, in part, be attributed to a requirement in the pilot guidelines that 50 percent of the training must be field-based in an actual child care center.

Some of the training synopses submitted by community colleges included such features as:

Formation of laboratory-type child care centers within the school;

Coordination with Head Start, Model Cities and day care programs for field placement;

Community advisory boards with representation of parents and students;

Coordination with other resources agencies including State Departments of Education, public schools and Welfare Departments;

Incentives for adults, for example; mothers of growing children, to return to school;

Innovative plans to modify course offerings to provide training in specific competencies;

Efforts to provide field experiences and on going counseling and assessment to trainees;

Linkages with universities in such areas as assessment, materials development, continuing degree-oriented training, and evaluation; and

Granting an Associate Arts degree for successfully completing CDA training.

Seventy institutions, including a sizeable number of community colleges, were asked to develop full proposals based on the merits of their synopses. Roughl a dozen pilot projects will be funded to begin operations in January 1973.

It is expected that CDA training will take up to two years, depending on the individual's prior experience and skills. Pilot projects, accordingly, will generally operate at least two years.

### CDA CONSORTIUM

The CDA Consortium will mount a series of parallel pilot projects, closely coordinated with the training pilots, to develop the assessment and credentialling system. The Consortium expects to have at least a prototype credentialling system in operation by July 1973.

The CDA Consortium is composed of organizations and individuals concerned with quality care for preschool children and the career preparation of child development staff. The Consortium was formed in June 1972 and received a grant from the Office of Child Development to initiate its activities.

Over 25 organizations have been invited to join the Consortium, and most are now participating. These include such groups as the American Association of Elementary Kindergarten and Nursery Educators; the Association for Childhood Education International; the National Association for the Education of Young Children; the National Committee on the Education of Migrant Children; the National Indian Education Advisory Council; the American Association of Colleges of Teacher Education; the Association of Teacher Educators; National Parents Federation; National Association of State Directors of Teacher Education and Certification; Education Commission of the States, etc. Provision is made for future participation of CDA trainees.

AACJC was one of the organizations invited to join, but it declined citing technical complications in its by-laws. However, AACJC has been very supportive in offering continuing assistance and attending Consortium meetings in an observer status.

The effectiveness of the CDA Consortium will depend on its ability to establish a consensus among a broad spectrum of groups regarding acceptance of nontraditional approaches to the career preparation of early childhood staff. Prospects for success are enhanced by the growing awareness, evident even before the CDA project, of the limitations of teacher training and certification based solely on completion of a specified number of college hours or years. In addition, there is an emerging interest in competency-based training strategies.

### LONG-TERM IMPLICATIONS

The Office of Child Development mounted the CDA project with two principal long-term goals in mind:

1. To upgrade the quality of child development programs (Head Start, day care, etc.) through improving staff skills. In time, the CDA should have the effect of setting standards for staff qualified to have responsibility for young children; and
2. To increase the supply of trained child care staff to keep pace with the continued expansion of preschool programs.

Several long-term strategic issues arise in considering these goals. They include:

Supply and demand for child development staff;

Funding sources for CDA training;

Support from state governments;

Applicability of the CDA approach to other human resource areas; and

Implications for the community colleges.

### SUPPLY AND DEMAND

Some critics have charged that the CDA project is vulnerable to the same forces that have produced an oversupply of teachers in recent years. Perhaps so, and to be on safe ground, we are carrying out an in-depth analysis of supply and demand data. At present, however, the evidence points to a continued and growing need for child care staff despite a recent series of disappointing events affecting child development legislation and funding.

The "teacher surplus" in elementary and high school grades in recent years has been accompanied by a severe shortage of preschool personnel. In addition, over one-third of the staff of day care centers changes every year. Basic demographic and social trends, including increased participation rates of women in the labor force, have stimulated the dramatic growth in child care over the last decade and are still at work. The number of children, ages one through six, is expected to increase another three million by 1980, to about 28 million.

Approximately 45 percent of mothers with children now prefer to work, and the figures are higher among minority and low-income families. Parents are placing higher priority on providing their very young children with the advantages of a good preschool program.

Rather than an early childhood "CDA surplus", we will have to run hard just to stand still in terms of numbers alone. And we cannot afford to settle for numbers alone when the lives of our children are at stake!

### FUNDING SOURCES

We do not expect to accomplish any miracles with 10–15 CDA pilot training sites. If the CDA concept is to work, it will take more than that. Part of the answer lies, we believe, in the large number of training institutions that have told us they plan to deliver CDA training anyway—whether or not they receive a pilot grant. They want the list of competencies and a chance to share ideas, but basically, they are prepared to move in this direction using their own resources. We are now considering ways to stimulate this healthy grassroots activity and offer appropriate assistance.

In addition, the Office of Child Development is redirecting its own resources. The Head Start Supplementary Training Program, funded at over $3.5 million, provides degree-oriented career development training for thousands of Head Start staff annually. We plan to focus over 50% of such Head Start training on CDA competency-based training aimed at the CDA credential. We will be seeking the cooperation of supplementary training institutions in granting course credits and, where appropriate, degrees. While the credential itself will not be based on credits or degrees, we believe that they can contribute to future career development opportunities. It is expected that preschool "Master Teachers" of the future will be persons who have obtained the CDA credential but have gone on for additional training in child development.

In the final analysis, however, the Office of Child Development lacks the resources for funding CDA training on the scale required. The U.S. Office of Education, the Department of Labor and other Federal agencies are the primary sources of training funds. Home economics, vocational and adult education, and any community college programs, administered by the U.S. Office of Education, are possible sources of CDA training funds. Training for teachers of preschool handicapped children could be focused on the CDA competencies.

Congressional interest has focused on the need for additional legislation and funding for child development personnel training. Legislation that would have expanded such programs and provided specific funding authorization for CDA training was introduced this year but failed to pass.

### STATE GOVERNMENT SUPPORT

Over a period of time, states can be expected to play a key role in the CDA. State involvement in licensing and certification of preschool staff remains limited but is a growing trend. The Education Commission of the States had expressed strong interest in competency-based training for preschool staff.

Several states have approached the Office of Child Development offering to participate in various facets of the CDA project. Several key state groups are also involved in the CDA Consortium.

We will be working with selected states during the pilot phase of the CDA project. This experience should provide the basis for expanded state involvement.

### CDA APPROACH IN OTHER HUMAN SERVICES AREAS

Secretary Richardson has been highly supportive of the CDA project and has personally tracked its progress as an HEW priority project under our Operational Planning System.

In response to the Secretary's stimulus, we will be assessing the applicability of CDA-type competency based career preparation, training and credentialling strategies to other human service professions. Among those areas, we expect to include health, vocational rehabilitation, and related child development areas.

### IMPLICATIONS FOR COMMUNITY COLLEGES

The response on the part of community colleges to the CDA pilot training suggests the high interest in this area. There are several characteristics of community colleges that make the CDA a natural focus:

Pioneering innovative forms of training;

Outreach to other community institutions in providing field experiences;

Alternative learning strategies for adults, including persons with limited prior formal education; and

Flexible approaches to granting course credits and degrees.

I would encourage and expect community colleges to place greater emphasis in the future on training in early childhood education and on programs centered on the CDA competencies.

As the importance of education and development in the early years of the child's life gains greater recognition, we must pioneer new approaches to mounting sound programs to meet those needs. Competency-based training of child care staff is such an approach and it merits your careful consideration.

## REMARKS ON BEHALF OF MARTIN LUTHER KING'S BIRTHDAY

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. LEHMAN. Mr. Speaker, today is the birthday of Dr. Martin Luther King, Jr., a man whose struggle for justice for black people will long be remembered by all Americans. A self-described believer in nonviolence, Dr. King practiced what he called "a type of constructive, nonviolent tension." He acted upon his belief that—

> Injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.

These words are as applicable today as they were in 1963. Although buses and lunch counters are no longer segregated, and rest rooms are no longer marked "white" and "colored," the struggle of blacks for equality in America has not ended. All the problems of our minorities were not solved by the Civil Rights Act of 1964.

In fact, whatever commitment was made by the Federal Government seems to have trickled away. Programs established to assist minorities, such as the Office of Economic Opportunity and the Equal Employment Opportunity Commission, have faltered through underfunding. Manpower training programs have been given half-hearted support. And now the President has designated as Director of the Office of Economic Opportunity a man who publicly disclaims support for the programs of the agency he would head.

The argument that the economic problems of blacks is diminishing simply does not hold water. In April 1972, black unemployment was 10.5 percent, while the national average was 5.9 percent. Unemployment among black youth a year ago was 44 percent, compared to the national average of 18.8 percent at that time. Unemployment among black veterans is double that of white veterans.

It is not insignificant that Dr. King's purpose in being in Memphis the day he was assassinated was to force public attention on the inequity of pay scales for black and white sanitation workers. Dr. King realized that economic equality is as important as the right to sit anywhere on a bus or at a lunch counter. As Dr. King said—

> We cannot be satisfied as long as the Negro's basic mobility is from a small ghetto to a larger one.

## TO INSURE ADEQUATE TRAINING AND EQUIPMENT FOR NATIONAL GUARD

### HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. ASHLEY. Mr. Speaker, today I have been joined by 18 of my colleagues in introducing legislation designed to insure that the National Guard is adequately trained and equipped to handle civil disturbances.

As we know, the National Guard has two missions. It is a State militia organized, trained, and equipped to protect life and property and preserve order and public safety within the State it serves. Second, it has a national mission to provide organized units of trained personnel with sufficient and suitable equipment to augment the Active Army and Air Force in time of war or national emergency.

Between September 1967 and the present, the National Guard has played almost no role in the war in Southeast Asia. During the same period, however, it assisted civil authorities in dealing with urban and campus disorder 221 times. Despite this clear evidence to the contrary, the National Guard Bureau and the Department of Defense have stubbornly clung to the anachronistic view that the Guard's primary mission is its combat support role.

The consequences of this have been tragic. The Guard's record during the 1967 riots was so poor that the Kerner Commission report said that—

> The performance of Guard forces in certain disorders, particularly in Newark and Detroit, raised doubts regarding their capabilities for this type of mission (civil disturbances).

Stung by this accusation—and its truth—the Pentagon responded by formulating requirements for 33 hours of civil defense training for Guard units assigned civil disturbance duty—previously it had been strictly voluntary. Then, during the relative civil calm of 1968, the Pentagon reduced the annual requirement to 16 hours of refresher training, with 8 additional hours for new recruits. There was no issuance of riot control equipment and each State was left to formulate its own plans on how to proceed in civil disturbances, with no Federal requirements, even though the Congress pays 90 percent of the operating costs of the equipment and nearly half of the cost of the physical installations and facilities of the Guard.

In light of this inadequate, ostrichlike response, it is not surprising that the Guard failed in its next mission. At Kent State in May of 1970, the Guard responded to taunts with bullets that killed four students and wounded 10 others, several of whom were not even participating in the demonstration.

A month after Kent State, I introduced legislation along with 33 other Members of Congress to insure that the Guard would never again go into domestic battle so ill prepared to carry out such a delicate mission. That legislation, which I am reintroducing today, would recognize the importance of the Guard's role in civil disturbances.

It seeks to guarantee that the National Guard will be prepared to meet constantly changing domestic conditions by creating a Commission on the Capability of the National Guard to Control Civil Disturbances.

The Commission members would be the Secretary of Defense, the Secretary of the Treasury, the Attorney General, the Chief of the National Guard Bureau, and three persons from the private sector who would be appointed by the President with the advice and consent of the Senate. The legislation would also create the States Advisory Council on Civil Disturbances which would be composed of the National Guard adjutant generals and the chief law enforcement officials in each State, with the major objective of attaining coordinated State-National Guard plans in each State to more effectively cope with civil disorders.

The basic task of the Commission would be to establish minimum training, doctrine, and equipment standards for the National Guard with respect to its use in civil disorders. The bill, however, does prescribe three specific standards: First, National Guardsmen would be required to devote at least 1 week of their 6-month active duty training solely to civil disturbance training; second, each commissioned and noncommissioned officer would be required to participate in an officer training school patterned after the highly effective civil disturbance orientation course of the Army; and, third, no command to load and lock weapons may be issued before a National Guard units is deployed at a disturbance unless there is immediate peril of life.

In addition, the Commission would be required to perform annual inspection of all National Guard units to make sure that the standards are being implemented and adhered to; to perform comprehensive reviews and critiques of the operations of Guard units when used in civil disturbance control duty; and to report at least annually to Congress its findings on the capability of the Guard to perform its civil disturbance functions.

Any National Guard unit which was not found in conformity with the standards prescribed by the Commission would not be entitled to Federal funds.

While the Pentagon's response to the Kent State tragedy has been encouraging—requiring 16 hours of civil disturbance training during basic training and supplying the relevant National Guard units with riot batons, helmets, and armored vests—it is either sufficient nor, based on past experience, likely to last. It seems evident that as long as the National Guard Bureau and the Pentagon view the Guard's primary mission as support of the Active Army, the Guard's role in civil disturbances will remain a stepchild, to be indulged only so long as there is a clear and present danger of civil disturbances. Any lull in domestic disturbances, such as we are experiencing now, is likely to result in the downgrading of the Guard's preparation and ability to handle civil disorders.

Mr. Speaker, the bill I am introducing today would remedy this shortsighted, ad hoc approach by recognizing the real importance of the Guard's role in civil disturbances, for only then will we have fulfilled our constitutional responsibility to "guarantee every State in this union a republican form of government and protect each of them against domestic violence."

I urge the House Armed Services Committee to hold hearings as soon as possible on this matter of utmost national importance.

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## U.S. SUGAR PRICES UNAFFECTED BY SOVIET FOOD SHORTAGES

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. RARICK. Mr. Speaker, the Soviet crop failures have affected all areas of world agriculture. Sugar is the latest food shortage facing Russians and forcing the Soviet Union to buy from the world market, thus directly affecting all market prices.

The effect of the Russian sugar purchases have not been reflected in the prices facing the U.S. consumer, because of the insulating effect of the Sugar Act, an act of Congress under which foreign sugar producers are given a quota, at a premium price, for future years. The effect of the Sugar Act—which is evident from the fact that American sugar prices have not been forced up by the Soviet purchases on the world market—is to stabilize the price of sugar in the United States.

At the end of 1972, U.S. consumers enjoyed sugar prices over 1 cent per pound cheaper than that on the world market. This means that foreign sugar producers, in making good their quotas under the U.S. Sugar Act, are presently selling sugar to the United States at a loss compared to the price they could get on the world market.

The Department of Agriculture admits that sugar supplies are now as scarce as at any time since World War II. Estimates for the current 1972–73 crop year are that consumption will again exceed production by about 1 to 1.75 million tons. If current estimates of production and consumption are achieved, carryover stocks at the end of August 1973 may be less than a 60-day supply. What happens during 1973 may well depend on the present crop being harvested in Cuba and the spring crop to be planted in Russia. The desperate condition of the food producing segment of Cuba was best illustrated by Castro's refusing to allow time off for his people to celebrate Christmas, because the celebration might have interfered with the harvesting of the sugar crop. And the Russians need sugar to replace their own shortages, be they from natural causes or failures resulting from their own economic system.

The Sugar Act, which terminates next year, has long had many foes. It remains to be seen in 1973 whether, as claimed by some, the United States is subsidizing foreign sugar interests or acting in the best interests of the American consumers by stabilizing sugar prices at the cheapest "sweet" bargain in the world unaffected by the failures of the Cubans and the shortages of the Soviets.

I insert in the RECORD a related news clipping and correspondence from the Department of Agriculture:

[From the Foreign Agriculture, Sept. 25, 1972]

### U.S.S.R. SUGARBEET CROP AFFECTED BY HOT WEATHER

Unusual, extreme heat this summer has caused serious difficulties for some sugarbeet growers. According to a Soviet news article, several sugarbeet areas in the country will not be able to fulfill their quotas for marketing sugarbeets for factory use.

Prospects in the Ukraine, the major sugarbeet growing region, however, reportedly were hopeful, even though some eastern areas of the Republic were not expected to meet production plans. Sugarbeets in the more important western part of the Ukraine were said to be in good condition. Despite some losses, Ukrainian specialists had affirmed that the Republic's output this year would be no less than last year's 46 million tons, according to the article.

In 1971, total USSR sugarbeet output fell 8 percent below the 1970 level because of adverse growing and harvesting conditions. At this time, it appears that the 1972 output may not be much larger than the disappointing level of 1971.

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U.S. DEPARTMENT OF AGRICULTURE,
*Washington, D.C., January 11, 1973.*

Hon. JOHN R. RARICK,
*House of Representatives.*

DEAR MR. RARICK: This is in response to your telephone request on January 4 for information concerning the world sugar situation.

The United States sugar market is substantially, but not completely, insulated from the world situation at times when total world sugar supplies are scarce. When total world supplies are in balance with or in excess of world consumption, insulation of the U.S. market is virtually complete.

World sugar supplies are now as scarce as they have been at any time since World War II. On only one other occasion were supplies as tight—during 1963 and 1964—and recent developments suggest that the present situation may be worse. World consumption exceeded world production by almost 2.0 million metric tons during the crop year which began in September 1970 (crop year 70/71). During crop year 71/72 production fell short of consumption by about 3.3 million metric tons, and our best estimate for the current (72/73) crop year is that consumption will again exceed production by about 1.0 to 1.75 million tons.

Despite the fact that world sugar supplies are very tight, there is no danger of a shortage of sugar in the United States. Sugar quotas in the preferential U.S. market are eagerly sought and carefully guarded. U.S. market prices customarily bring a premium over the world market and those foreign suppliers who fail to fill their quota are penalized in their quotas for subsequent years. Consequently few risk such cuts for short-term profit in the world market.

The gap between world production and consumption has resulted in reduced carry-over stocks. Whenever initial stocks stand at about 25 percent of expected annual consumption, supply and demand are in a comfortable balance. Larger quantities are a burden on the market, and smaller quantities create a tight supply situation. If current estimates of 72/73 crop production (76.0 million tons) and consumption (77.8 million tons) are achieved, carryover stocks at the end of August 1973 will stand at only about 13.9 million tons, or less than a 60-day supply.

Prices in the world market for raw sugar strengthened sharply during the past year in response to the tight supply situation. During the first three months of 1972 the world price exceeded the U.S. price by about one-half cent per pound, and the same situation prevailed again during December 1973 when the world price was higher by just over one cent per pound. But for the year as a whole, the U.S. price was higher than the world market price by 0.56 cent per pound.

What happens during 1973 depends to a large extent on the size of the sugar crop now being harvested in Cuba, and the crop to be planted this spring in the U.S.S.R. Both have publicly announced increases in production goals, but a great deal of official secrecy surrounds operations in both countries. Nevertheless, we expect world sugar prices to remain high throughout calendar year 1973—near, or perhaps a little higher than the U.S. price on average.

We hope this answers your questions about the current world sugar situation.

Sincerely,

LEO L. SOMMERVILLE,
*Acting Director, Sugar Division.*

## FBI REPORT ON KENT STATE SHOOTINGS

## HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. SEIBERLING. Mr. Speaker, on May 4, 1970, the Nation and the world were shocked by the killing of four students and the wounding of nine others by shots fired by Ohio National Guardsmen during a demonstration at Kent State University in Kent, Ohio against the Nixon administration's invasion of Cambodia.

For me, as a resident of the area, and for millions of other Americans, the Kent State tragedy will always be remembered as one of the saddest days in our Nation's history. How terrible that the divisions created by the Vietnam war had brought us to the point where young Americans in their Nation's uniform were shooting other young Americans. For some of us it raised the awful specter of civil war. We can thank God and the innate decency of millions of Americans that the specter did not become reality.

Despite the investigations following the tragedy, the complete truth about what happened at Kent State has never clearly emerged. The FBI made an extensive investigation of the tragedy, but their reports have never been released to the public. However, a copy of the Justice Department's summary of the FBI reports is a matter of public record in the files of the U.S. District Court for the District of Columbia.

As a result of redistricting, Kent State University and the city of Kent are now in the congressional district that I represent. In view of the continuing widespread interest and concern, both nationally and locally, in the events that culminated in the Kent State shootings of May 4, 1970, I offer the complete text of the Justice Department's summary of FBI reports on Kent State and include it in the RECORD immediately following these remarks:

### THE JUSTICE DEPARTMENT'S SUMMARY OF FBI REPORTS

(NOTE.—This report is a summary, prepared sometime in July 1970 by the Justice Department's Civil Rights division, of the FBI reports on Kent State. The purpose of such summaries is to provide guidelines for possible prosecution under federal law. The summary was also made available to the Ohio authorities. Excerpts from this report appeared in The New York Times in November 1970 but this is the first publication of the full text.)

Kent State University is located in the small university town of Kent in the northeastern portion of Ohio, approximately ten miles northeast of Akron and thirty miles southeast of Cleveland. Approximately 20,000 students are enrolled at this institution; 85% of whom are graduates of Ohio high schools.

The only previous major turbulence at Kent State occurred in November, 1968 and April, 1969. In November, 1968, black and white students staged a sit-in to protest the efforts of the Oakland, California Police Department to enlist new recruits from the student body of Kent State. To our knowledge, no personal or property damage occurred at this time.

In April, 1969, the Kent State Chapter of SDS disrupted a meeting being held in the Music and Speech Building. Fifty-eight students were arrested—among them were four leaders of SDS. Subsequently, SDS was banned from the Kent State Campus. During the 1968-69 school year, national leaders of SDS, including Mark Rudd and Bernardine Dohrn, had visited the Campus, presumably because SDS was then a recognized campus activity. On Wednesday, April 29, 1970, the four SDS leaders imprisoned for their part in the April 29, 1969 melee were released from jail. Although there has been speculation in local law enforcement circles that they participated or even planned the confrontations occurring May 1-4, 1970, there is no evidence to substantiate this. Similarly, although Jerry Rubin made a speech at Kent State on April 10, 1970, no connection has been made between that speech and the May 1-4 weekend. To our knowledge, from April, 1969 until May 1, 1970, Kent State University experienced no problems with student unrest.

On April 30, 1970, President Richard Nixon made a televised address to the nation and at that time announced that he was committing United States troops from Viet Nam into specified areas of Cambodia. The reaction of some Kent State students and faculty members was immediate.

On Friday, May 1, at 12:00 noon a rally, sponsored by a group of Kent State University history graduate students, self styled *The World Historians Opposed to Racism and Exploitation* (WHORE), was held on the commons at the Victory Bell in response to the President's announcement of the previous evening. This rally drew approximately 500 faculty and students. The general theme of the speeches was that the President had disregarded the limits of his office imposed by the Constitution of the United States and that, as a consequence, the Constitution had become a lifeless document, murdered by the President. As a symbolic act, a copy of the Constitution was buried at the base of the Victory Bell. Anti-war sentiment was articulated by the speakers. One student, supposedly a Viet Nam veteran, burned what was purported to be his military discharge papers. The rally disbanded without exhortation to more violent means of protest and with an expressed desire that another rally be held at 12:00 noon on Monday, May 4, 1970, to further protest the war in Viet Nam and the invasion of Cambodia.

At 3:00 p.m. on the same day, May 1, a rally was held by the Black United Students (BUS), a small organization composed of some of the Negro students on the Kent State Campus. Speakers at this rally were Negro students from Ohio State University. In general, these speakers concerned themselves with issues primarily concerning the black community, and not with the issue of the war. This meeting was sparsely attended and also broke up peacefully.

No further rallies or assemblies occurred on the Kent State Campus on Friday.

On Friday night, May 1, 1970, the scene shifted to North Water Street, just off Main Street in the heart of downtown Kent—an area lined with bars and taverns frequented by students, but also by non-students. We are not sure how the incident on this night started. At about 11:00 p.m., a small crowd gathered on the street between two bars, one known as "J.B." and the other known as "The Kove." Anti-war slogans were chanted. A police car cruised through the area and was greeted with applause. As it left the area, the applause grew. The police car continued on a number of other occasions to pass by the students. On the fourth or fifth pass, at about 11:27 p.m. some people threw beer bottles and glasses at the car, which kept going and did not return. The street was then blocked off by the people and a bonfire was built in the street. It seems certain that not all of the persons in the street were students. There were members of a motorcycle gang present at some time during the night's activities but statements conflict on the question of whether they participated in the incident.

At 11:41 p.m., all twenty-one Kent Policemen were summoned to duty. The Stow Police Department was alerted as well as was the Portage County Sheriff's Department, which sent 80-90 regular and special deputies to Kent. Apparently after the law enforcement officers arrived on the scene, the crowd in the street, now numbering probably between 400 and 500, began to break windows in various business establishments in the area. One jewelry store was looted. At 12:30 a.m., May 2, 1970, Mayor Satrom proclaimed the City of Kent to be in a State of Civil Emergency. A 8:00 p.m. to 6:00 a.m. curfew was established in the town and all establishments selling alcoholic beverages were closed and the sale of alcohol, firearms, ammuntion and gasoline was prohibited. At 1:42 a.m. police used teargas to move the students from the downtown area toward the Campus. At 2:27 a.m., the students were reported as being on the Campus. At 3:00 a.m., two Ohio Highway Patrolmen had arrived in Kent to view the incident, but at this time, the disturbance was over.

The damage to the business in the City of Kent was first estimated at approximately $50,000 by the Mayor. We do not know exactly how many windows were broken nor how many establishments were damaged. The Mayor subsequently revised his earlier estimate of $50,000 in property damage to $15,000. Newspapers have reported that ten to fifteen buildings had windows broken. No fire, except for the street fire, was related to the disturbance. Four or five policemen or sheriff's deputies were injured by rocks thrown by students, but none required hospitalization. Fifteen persons were arrested, all of whom gave Ohio addresses.

On Saturday morning, May 2, a meeting was held among University officials, city officials and a representative of the National Guard. Although University officials regarded the action as unnecessary, in that they felt that local law enforcement personnel could cope with any situation that might arise, the Mayor, other city officials and the National Guard representative decided at that time to put a company of 110 National Guardsmen on standby. Two other such meetings were held during the day. We do not know what was discussed or decided at the subsequent meetings. Apparently, at 10:00 a.m. the Sheriff of Portage County orally requested the assistance of National Guard troops. We do not know whether the Sheriff's action was taken independently of the decision made at the Saturday morning meetings.

Mayor Satrom at 5:00 p.m., Saturday, May 2, 1970, telephoned "Columbus" (presumably Governor Rhodes), and advised that the local law enforcement agencies (apparently excluding the Highway Patrol) could not cope with the situation and requested National Guard troops to "assist in restoring law and order in the City of Kent . . . and Kent State University. . . ." This request was also made in writing to the Commander of Troops, Ohio National Guard. Governor Rhodes orally authorized the use of the National Guard in the City of Kent. No University official was consulted prior to Mayor Satrom's request. Companies A and C, 145th Infantry and Troop G, 107th Armored Cavalry, Ohio National Guard, mobilized on April 29, 1970, in connection with the Teamster strike and on active duty status since that date, were alerted and prepared to move to Kent. Upon receiving this order to move, Company A was immediately given a one or two hour lesson in riot control. Troops began arriving in Kent at 7:00 p.m.

Additionally, on May 2, an injunction affecting the University was entered in the Court of Common Pleas in the case of *State of Ohio, ex rel Board of Trustees of Kent State University* v. *Michael Weekly and "John Doe," Numbers 1–500.*[2] The order enjoined the defendants from breaking windows, defacing buildings with paint, starting any fires on campus and damaging or destroying any property owned by the University. It is not known who sought the injunction nor at what time it was entered, nor if the injunction was served upon any person or disseminated in any way.

Although things were quiet on the Kent State University Campus, during the day on May 2, word had passed among the students that a rally on the commons was planned that night for 8:00 p.m. At 7:30 p.m., the Ohio State Highway Patrol was notified that approximately 600 had gathered on the commons. At 8:00 p.m., the sheriff's department sent 60 men to Kent. The crowd left the commons and made the rounds of a number of dormitories in an effort to enlist additional members in their group. After their efforts to recruit more students, the crowd moved back to the commons.

The wooden ROTC building, a target for some students because of its symbolism of U.S. involvement in Southeast Asia, was located on the western portion of the commons. It became the focal point of the demonstration. Rocks were thrown by some persons at the ROTC building, beginning at 8:10 p.m. Subsequently, rocks and a wastebasket were thrown through windows. Flares were thrown in the windows and on top of the building with no fire resulting. One person attempted to set the curtains in the ROTC building on fire. This attempt was unsuccessful. An American flag was burned. One photographer was assaulted, his camera taken and the film exposed. Finally one person dipped a rag in gasoline obtained from a motorcycle parked nearby and threw the burning rag in the ROTC building. At 8:30 p.m., the building was on fire, however, the Kent Fire Department's records indicate that it was not notified until 8:49 p.m. The fire department sent trucks to the scene. Upon arrival, the firemen were harassed and had their fire hoses taken forcibly from them and cut. At approximately 9:00 p.m.,[3] the Kent University Police Department which had two 12 man squads in the area but had to this time taken no action, moved to the scene of the ROTC building in an attempt to protect the firemen[3a] and disperse the crowd. As they arrived, the firemen left the ROTC building which was not yet ablaze. The Kent University policemen were joined at 9:17 by ten men from the Portage County Sheriff's Office. (At 8:40, twenty state policemen had been sent to the Campus, but not the commons area. Apparently they were in the vicinity of the President's home.) Together they fired teargas at the crowd and at about 9:30 p.m., drove it in a northeasterly direction across the commons where a small athletic shed was set on fire. Four Kent State University policemen were injured by rocks, but none was hurt seriously. Much of the crowd continued toward the downtown area of Kent, but others attempted to put out the fire started in the athletic shed.

In the absence of the firemen, at about 9:45 p.m., the ROTC building flared up and began to burn furiously. The fire department returned to the Campus between 10:00 p.m. and 10:20 p.m., but the building was consumed. By 10:30 p.m. at least 400 members of Company A and Company C, 145th Infantry and Troop G, 107th Armored Cavalry, Ohio National Guard had arrived in Kent. Company A and Troop G were sent to the vicinity of the ROTC building. Troop G's convoy was stoned as it approached the Campus. Eight Guardsmen were injured by rocks and flying glass—at least one of whom required medical attention. Some members of the crowd, about 200, who were prevented by law enforcement agencies from going to the downtown area of Kent, returned to the ROTC building. At about 10:30 p.m., they were dispersed by teargas fired by members of the National Guard and Sheriff's Department. By 11:00 p.m., all members of the crowd had fully dispersed and the Campus was quiet. At some time between 9:30 and 11:30 p.m. about 100 Ohio state police had swept the Campus and found no demonstrators. By 3:00 a.m., May 3, 1970, 60–70 Ohio State policemen, all members of the Sheriff's Office, and all members of Troop G had been released from duty. Some members of Company A and 20 members of the Ohio State Highway Patrol established roving patrols and posted men at various points on the perimeter of the Campus. They remained on duty until 6:00 a.m., Sunday, May 3, 1970.

Thus far, there have been identified 13 persons involved in the burning of the ROTC building and the harassment of firemen; some of the identified persons are high school students from Ohio who were possibly on LSD at the time of the burning. One person is alleged to be the principal narcotics peddler in Kent. None of the victims of the shooting incident have been implicated in the unlawful burning of the ROTC building.[4] In addition, none has been identified as an out of state, non-students as having any part in the unlawful burning [*sic*].

At 10:30 a.m., Sunday morning, May 3, 1970, Governor Rhodes, Portage County Prosecutor Ronald Kane, representatives from the Highway Patrol and National Guard, City officials, University officials and others held a conference in Kent. A decision was reached to keep the University open for classes. Governor Rhodes advised Dr. White, President of Kent State, of this fact at approximately 12:00 noon, May 3, 1970. We are informed that subsequent to this meeting, Governor Rhodes held a press conference at which time he accused three or four agitators of plotting the disruptions and of attempting to close the University down. He was apparently referring to the "Kent Four" just released from jail. Rhodes pledged to use every force of law to restore the situation.

From 6:00 a.m. until 6:00 p.m., both Troop G, 107th Armored Cavalry and Company C, 145th Infantry patroled the Campus and the City of Kent. So far as we are aware, no incidents occurred during this time period. Company A, 145th Infantry was not on duty from 6:00 a.m. to 6:00 p.m.

At sometime during May 3rd, 1970, Robert Matson, Vice-President for Student Affairs and Frank Frisina, President of the Student Body issued a "special message to the University community." This "special message" informed the students and faculty that the Governor, through the National Guard, had assumed control of the Campus. They further reported that (a) all forms of rallies and outdoor demonstrations—whether peaceful or otherwise—were prohibited and that (b) although the curfew in the City was in effect from 8:00 p.m. to 6:00 a.m., the curfew in effect on the Campus was from 1:00 a.m. to 6:00 a.m. It is not known what person(s) decided that assemblies of all kinds would be prohibited nor do we know under what authority this decision was made, nor what distribution the "special message" received. There are indications that it was posted on University buildings. Some members of Company C and of Troop G were recalled to duty to supplement Company A which had come on duty at 6:00 p.m. Approximately 50 sheriff's deputies were sent to Kent at 8:30 p.m.

At about 8:30 p.m., Sunday, a group of persons began gathering on the commons. Some were going from dorm to dorm to gather more people.

At about 9:15 p.m., Kent State University Police Officers read to the gathered persons, approximately 1000–1500, the Riot Provisions of Ohio law and ordered them to disperse. The crowd then moved to the home of President White where they were dispersed by teargas by state police. From this location the group apparently splintered. Some attempted to go downtown and got to the corner of Lincoln and Main Streets, adjacent to the Campus, where they were halted by law enforcement officers. This was at approximately 11:00 p.m. It is possible that some students had been sitting down at this location from as early as 9:00 p.m. Law enforcement officers from the city and county faced the students while National Guardsmen took a position behind them. State police helicopters were overhead with searchlights being played on the crowd. Subsequently, one student obtained a bullhorn from the law enforcement officers and read to the students a list of demands; each such demand was greeted with applause. The demands read were that:

1. The ROTC program be removed from the campus;
2. Full amnesty be granted for all persons arrested Saturday night;
3. All demands, whatever they might be, of BUS (Black United Students), be met;
4. The National Guard be removed from the campus by Monday night;
5. The curfew be lifted;
6. Tuition for all students be decreased.

Subsequently, a student (possibly the same one) spoke with police officers and thereafter announced by bullhorn to the students that the National Guard would be immediately leaving the front Campus and that, in response to their demands that they speak with Mayor Satrom, President White and/or Governor Rhodes, Mayor Satrom was on his way to the gathering of students and that they were still looking for President White. It seems that many students then moved onto the Campus, thinking that an agreement had been reached. Shortly thereafter, a

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law enforcement officer or National Guardsman, probably the latter, announced over a loudspeaker that the curfew had been moved two hours, from 1:00 a.m. to 11:00 p.m., and that the students were to disperse immediately. This announcement was greeted with anger, obscenities and rocks, at which time the National Guard fired teargas into the crowd and advanced upon them with bayonets. About 200 students attempted to escape into the library located at the intersection of Lincoln and Main. Two students were probably bayoneted at this time. Most of the other students retreated slowly toward their dormitories; others, however, remained to be arrested. The students who went into the library were later removed by the Highway Patrol peacefully and without arrests.

At least one group of about 300 students was pursued with teargas by the National Guard through the Campus to the area of the Tri-Tower dormitories, where they were hesitantly allowed entrance to escape the teargas. Allison Krause was among these persons.

By 1:00 a.m., Monday, May 4, 1970, the Campus was quiet. Fifty-one persons were arrested for curfew violations. The members of Troop G and Company C who were recalled to duty about 8:30 p.m. were released. Company A continued its regular duty.

At 6:00 a.m., May 4, 1970, the Ohio State Highway Patrol had 20 men on the Campus. Company A was relieved of duty by Company C and Troop G, both of which had moved—at least in part—early that morning from their bivouac areas off campus to the football stadium on the Campus. Company A was to move from the gymnasium to the football stadium immediately after they came off duty at 6:00 a.m. It is believed that this move was partially accomplished by Company A. Morning gym classes were cancelled because of the presence of National Guard troops in the gym and at the time of the shooting some unknown number of National Guardsmen were located in the gymnasium. As of Monday morning, May 4, 1970, approximately 850 National Guardsmen were located on the Kent State Campus.

At 10:00 a.m. a meeting was held among representatives of Kent State University, Ohio National Guard, the Ohio State Highway Patrol and city officials. At this time, a uniform curfew of 8:00 p.m. to 6:00 a.m., applicable both to the city and the Campus, was agreed upon and the Mayor's Proclamation of Civil Emergency, dated May 2, 1970 was modified to reflect this change. Also at this meeting, an unknown representative of Kent State University requested that the rally rumored to be held at 12:00 noon not be allowed to be held.[5] However, subsequent information suggests that it was the O.H.N.G. who determined that the rally would not be held.

During the weekend, word had been orally passed that there was to be a rally on the commons at 12:00 noon, Monday, May 4, 1970, in protest of any or all of the following:

1. The invasion of Cambodia by the U.S.
2. The presence of the National Guard on Campus
3. The ROTC program on campus
4. Research at the Liquid Crystals Institute (which, rumor had it had to do with developing body heat detectors for use in jungle warfare).[6]

By 10:30 a.m., a few students had gathered on the commons and by 11:30 a.m., students began ringing the Victory Bell to attract other students to the commons area.

At about 11:30 a.m. some members of Company C and Troop G, on patrol since 6:00 a.m., were told to move to the ROTC building. Company A, relieved from duty at 6:00 a.m. had the opportunity to receive about three hours sleep when some of its members also were told to move to the ROTC building. The troops were moved into position around the ROTC building facing the students about 175 yards away at about 11:45 a.m. Ninety-nine men from the National Guard were present; 53 from Company A, 25 from Company C and 18 from Troop G, all led by General Canterbury, Lt. Col. Fassinger and Major Jones. Apparently no plan for dispersing the students was formulated.

Most persons estimate that about 200-300 students were gathered around the Victory Bell on the commons with another 1,000 or so students gathered on the hill directly behind them.[7] Apparently, the crowd was without a definite leader, although at least three persons carried flags. An unidentified person made a short speech urging that the university be struck. We are not aware of any other speeches being made. The crowd apparently was initially peaceful and relatively quiet.

At approximately 11:50 a.m., the National Guard requested a bullhorn from the Kent State University Police Department. An announcement was made that the students disperse but apparently it was faint and not heard since it evoked no response from the students.[8] Consequently, three National Guardsmen and a Kent State University Policemen got in a jeep and, again using the bullhorn to order the students to disperse, drove past the crowd. This announcement was greeted with cries of "——— you" and many students made obscene gestures. Victim Jeff Miller was one of this group. The jeep drove past the students, a second time. At this time, the students in unison sang/chanted "Power to the people. ——— the pigs." The announcement to disperse was made a 3rd time at which time the students chanted "One, two, three, four, we don't want your ———ing war," and after which they continuously chanted "Strike, strike . . ." The jeep then apparently came closer to the crowd saying clearly, "Attention. This is an order. Disperse immediately. This is an order. Leave this area immediately. This is an order. Disperse." This was greeted with cries of "——— you." The above announcements were again repeated at which time the students responded "Pigs off campus." The Kent State University Policemen then announced, "For your own safety, all you bystanders and innocent people, leave." The crowd replied with chants of "Sieg Heil."

At some point when the jeep drove by the crowd of students, a few rocks were thrown at it—one hitting the jeep and a second striking a Guardsman but doing no damage. Major Jones of the National Guard, after one last above announcement had been made and probably in response to the rock throwing, ran out to the jeep and ordered it to return to the line.

About five grenadiers were ordered to fire teargas from M–79 grenade launchers toward the crowd. The projectiles apparently fell short and caused the students to retreat only slightly up Blanket Hill in the direction of Taylor Hall. Some students ran to Verder Hall, ripped up sheets and moistened them for use as gas masks. Some students, a few with gas masks, and others with wet rags over their faces retrieved the teargas cannisters and threw them back in the direction of the National Guard. This action brought loud cheers from the students as they moved back to their original positions near the Victory Bell. They also chanted "Pigs off campus." Again an announcement was made over a loudspeaker ordering the students to disperse. The students responded by chanting "Sieg Heil" and "One, two, three, four, we don't want your ———ing war." They also sung/chanted "Power to the people. ——— the pigs."

Between 12:05 p.m. and 12:15 p.m., the 96 men of Companies A and C, 145th Infantry and of Troop G, 107th Armored Cavalry were ordered to advance. Bayonets were fixed and their weapons were "locked and loaded," with one round in the chamber, pursuant to rules laid down by the Ohio National Guard. All wore gas masks. Some carried .45 pistols, most carried M–1 rifles, and a few carried shotguns loaded with 7½ birdshot and double ought buckshot. One major also carried a .22 Beretta Pistol.

Prior to the advance of the National Guard, 30 Ohio State Highway Patrolmen were positioned behind them to make any necessary arrests. They did not advance with the Guard. Also prior to the advance, Company C was instructed that if any firing was to be done, it would be done by one man firing in the air (presumably on the order of the officer in charge). It is not known if any instructions concerning the firing of weapons was given to either Company A or Troop G [*sic*].

As the National Guard moved out from the ROTC building, Company A was on the right flank, Company C was on the left flank and Troop G was between the two. General Canterbury moved with the troops. As they approached the students, teargas was fired at the crowd. The combination of the advancing troops and the teargas forced the students to retreat. Some students retreated up Blanket Hill to the northeast of the advancing troops. The majority of students were forced up Blanket Hill to the south of Taylor Hall. Some rocks were thrown by the students at the National Guard at this time but were for the most part ineffective.[9]

As the Guard approached the bottom of Blanket Hill at the southwest corner of Taylor Hall, it split into two groups, each following the two main groups of students. Twenty-three members of Company C, under the command of Major Jones, moved around the northwest side of Taylor Hall and attempted to disperse the small crowd of students who had moved in this direction. They encountered little hostility although some rocks were thrown at them and some of their teargas cannisters were returned. They reached a position on Blanket Hill slightly to the north and west of Taylor Hall and remained there throughout the incident. None of these 23 Guardsmen fired their weapons.

Fifty-three members of Company A, 18 members of Troop G and two members of Company C, all commanded by General Canterbury and Lt. Col. Fassinger moved to the south and east of Taylor Hall, pursuing the main body of students who retreated between Taylor and Johnson Halls. The great mass of students, upon reaching the southeast corner of Taylor Hall, merely opened their ranks and allowed the National Guard to pass between them; others, for safety or because they had been teargassed took refuge in various buildings; a large number of students retreated down the hill in front of Taylor Hall. The main body of National Guardsmen continued past Taylor Hall driving this last group of students in two directions. One group of students retreated to a paved parking lot south of Prentice Hall and from there into a gravel or rock parking lot south of Dunbar Hall. The other group retreated to the area of a football practice field southeast and approximately 150 yards from Taylor Hall. The National Guardsmen apparently momentarily halted to allow the students on the practice field time to pass through the two gates in the fence surrounding the field. The Guard then moved down the steep incline from Taylor Hall and onto the field where it took up a position in the northeastern portion of the field close to the fence. This second group of Guardsmen was hit with some rocks on its way to the fence from its initial starting point; seven Guardsmen claim they were hit with rocks at this time. They were also cursed constantly.

Some of the students who had retreated beyond the fence obtained rocks and possibly other objects from the parking area south of Dunbar Hall and from a construction site about 75 yards southeast of the practice football field. They then returned to within range of the Guard and began to pelt them

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with objects. The number of rock throwers at this time is not known and the estimates range between 10 and 50. Victim Dean Kahler and Barry Levine, boyfriend of Victim Allison Krause, threw rocks at the Guard. Debris, similar in composition to rocks found on the Kent State Campus, was found in the pockets of the jacket that Allison Krause was wearing. The rock throwers received encouragement from many of the other students who had retreated, but who did not take part in the rock throwing. Victims Canfora, Stamps and Grace were probably among this group waving flags and shouting encouragement. We believe that the rock throwing reached its peak at this time. Four Guardsmen claim they were hit with rocks at this time. Fourteen others claim they were hit with rocks but do not state when they were hit. We believe that it is probable that most were hit while they were positioned on the football practice field.

Because of the number of rocks thrown, every other Guardsman was ordered to face in an opposite direction to watch for missiles. Some rocks were thrown back at the students by the Guard. The majority of students who had merely stood aside and allowed the Guard to pass through their ranks massed on the hill in front of Taylor Hall to observe the Guardsmen and other students. Thus, the Guard appeared to be flanked on three sides by students while the Guard was on the practice field.

The Guard shot teargas at the students in the parking lot and at those to the south of them during the approximately 10 minutes on the practice field. It was, as far as we can tell, ineffective. A small amount of teargas was also fired without result at the mass of onlookers gathered in front of Taylor Hall. On one such occasion, the cannister was thrown back by a student, picked up by a National Guardsman, and thrown again at the students, and again was thrown back at the Guard. This "tennis match" was accompanied by loud cheering and laughing from the students.

Just prior to the time the Guard left its position on the practice field, members of Troop G were ordered to kneel and aim their weapons at the students in the parking lot south of Prentice Hall. They did so, but did not fire. One person, however, probably an Officer, at this point did fire a pistol in the air. No Guardsman admits firing this shot. Major Jones admitted drawing his .22 at about this time, but stated that he did not fire it. Although Major Jones had been with Company C at the top of Taylor Hall hill, he walked through the crowd to find out if General Canterbury wanted assistance.

The Guard was then ordered to regroup and move back up the hill past Taylor Hall. Interviews indicate that they moved into a formation whereby every other person faced Taylor Hall while the others faced the area of the practice field. Photographs, however, show most Guardsmen facing Taylor Hall. The students at this time apparently took up the chant, "One, two, three, four, we don't want your * * * war." Many students believed that the Guard had run out of teargas and they began to follow the Guard up the hill.

Some Guardsmen, including General Canterbury and Major Jones, claim that the Guard did run out of teargas at this time. However, in fact, it had not. Both Captain Srp and Lieutenant Stevenson of Troop G were aware that a limited supply of teargas remained and Srp had ordered one cannister loaded for use at the crest of Blanket Hill. In addition, Sp/4 Russell Repp of Company A told a newsman that he alone had eight cannisters of teargas remaining. This has not been confirmed. Repp did not mention teargas when he was interviewed by the FBI.

Some rocks were thrown as they moved up the hill and seven Guardsmen claim that they were struck at this time. The crowd on top of the hill parted as the Guard advanced and allowed it to pass through, apparently without resistance. When the Guard reached the crest of Blanket Hill by the southeast corner of Taylor Hall at about 12:25 p.m., they faced the students following them and fired their weapons. Four students were killed and nine were wounded.

The few moments immediately prior to the firing by the National Guard are shrouded in confusion and highly conflicting statements. Many Guardsmen claim that they felt their lives were in danger from the students for a variety of reasons—some because they were "surrounded," some because a sniper fired at them, some because the following crowd was practically on top of them; some because the "sky was black with stones," some because the students "charged" them or "advanced upon them in a threatening manner," some because of a combination of the above. Some claim their lives were in danger, but do not state any reason why this was so.

Approximately 45 Guardsmen did not fire their weapons or take any other action to defend themselves.[10] Most of the National Guardsmen who did fire their weapons do not specifically claim that they fired because their lives were in danger. Rather, they generally simply state in their narrative that they fired after they heard others fire or because after the shooting began, they assumed an order to fire in the air had been given. As a general rule, most Guardsmen add the claim that their lives were or were not in danger to the end of their statements almost as an afterthought.

Six Guardsmen, including two sergeants and Captain Srp of Troop G stated pointedly that the lives of the members of the Guard were not in danger and that it was not a shooting situation. The FBI interviews of the Guardsmen are in many instances quite remarkable for what is not said, rather than what is said. Many Guardsmen do not mention the students or that the crowd or any part of it was "advancing" or "charging." Many do not mention where the crowd was or what it was doing.

We have some reason to believe that the claim by the National Guard that their lives were endangered by the students was fabricated subsequent to the event. The apparent volunteering by some Guardsmen of the fact that their lives were not in danger gives rise to some suspicions. One usually does not mention what did not occur. Additionally, an unknown Guardsman, age 23, married, and a machinist by trade was interviewed by members of the Knight newspaper chain. He admitted that his life was not in danger and that he fired indiscriminately into the crowd. He further stated that the Guardsmen had gotten together after the shooting and decided to fabricate the story that they were in danger of serious bodily harm or death from the students. The published newspaper article quoted the Guardsman as saying:

"The guys have been saying that we got to get together and stick to the same story, that it was our lives or them, a matter of survival. I told them I would tell the truth and couldn't get in trouble that way."

Also, a chaplain of Troop G spoke with many members of the National Guard and stated that they were unable to explain to him why they fired their weapons. We do not know the specific individuals with whom the chaplain spoke.

As with the Guardsmen, the students tell a conflicting story of what happened just prior to the shootings. A few students claim that a mass of students who had been following the Guard on its retreat to Taylor Hall from the practice football field suddenly "charged" the Guardsmen hurling rocks. These students allege in general that the Guard was justified in firing because otherwise they might have been overrun by the onrushing mob.

A few other students claim that the students were gathered in the parking lot south of Prentice Hall—a distance of 80 yards or better from the Guard—when some of the Guardsmen suddenly turned and fired their weapons at the gathered crowd. They generally either do not mention rock throwing or say that it was light and ineffective.

A plurality of students give the general impression that the majority of students following the Guard were located in and around the parking lot south of Prentice Hall. They also state that a small group of students—perhaps 20 or 25—ran in the direction of the Guard and threw rocks at them from a moderate to short distance. The distance varies from as close as 10 feet to 50 feet or more. However, as will be discussed later in detail, available photographs indicate that the nearest student was 60 feet away. At this time, they allege that the Guard began firing at the students.

There are certain facts that we can presently establish to a reasonable certainty. It is undisputed that the students who had been pursued by Troop G and Company A in turn followed the Guardsmen as they moved from the practice football field to Taylor Hall. Some rocks were thrown and curses were shouted. No verbal warning was giver to the students immediately prior to the time the Guardsmen fired. We do not know whether the bullhorn had been taken by the Guard from the ROTC building. No effort was made to obtain Company C's assistance.[11] There was no teargas fired at the students, although, as noted, at least some Guardsmen, including two officers in Company G, were aware that a limited number of cannisters remained. There was no request by any Guardsman that teargas be used.

There was no request from any Guardsman for permission to fire his weapon. Some Guardsmen, including some who claimed their lives were in danger and some who fired their weapons, had their backs to the students when the firing broke out. There was no initial order to fire.[12] One Guardsman, Sgt. McManus, stated that after the firing began, he gave an order to "fire over their heads."

The Guardsmen were not surrounded. Regardless of the location of the students following them, photographs and television film show that only a very few students were located between the Guard and the commons. They could easily have continued in the direction in which they had been going. No Guardsman claims he was hit with rocks immediately prior to the firing, although one Guardsman stated that he had to move out of the way of a three inch "log" just prior to the time that he heard shots. Two Guardsmen allege that they were hit with rocks after the firing began. One student alleges that immediately subsequent to the shooting he moved to the Guard's position and looked for rocks and other debris. He claims he saw only a few.

Although many claim they were hit with rocks at some time during the confrontation, only one Guardsman, Lawrence Shafer, was injured on May 4, 1970, seriously enough to require any kind of medical treatment. He admits his injury was received some 10 to 15 minutes before the fatal volley was fired. His arm, which was badly bruised, was put in a sling and he was given medication for pain. One Guardsman specifically states that the quantity of rock throwing was not as great just prior to the shooting as it had been before.

There was no sniper. Eleven of the 76 Guardsmen at Taylor Hall claim that they believed they were under sniper fire or that the first shots came from a sniper. Two lieu-

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tenants of Company A, Kline and Fallon, claim they heard shots from a small caliber weapon and saw the shots hitting the ground in front of them. Lt. Fallon specifically claims the shots came from the parking lot south of Prentice Hall. Sgt. Snure of Company A was facing away from the students when, he alleges, something grazed his right shoulder. He claims it was light and fast and traveled at a severe angle to the ground near his right foot. He stated at the time he thought it might have been a bullet. Captain Martin and Sp/4 Repp of Company A claim they heard what they thought were small caliber weapons from the Johnson-Lake Hall area. Others including General Canterbury merely state the first shot was fired by a small caliber weapon.[14]

A few Guardsmen do not state that they thought the first shot was from a sniper, but do state that the first shot, in their opinion, did not come from an M-1 rifle; in this connection, it is alleged that the sound was muffled or that it came from what they thought was an M-79 grenade launcher, converted for firing teargas. Some construction workers also reported hearing fire from a small caliber weapon prior to the firing by the National Guard. The great majority of Guards do not state that they were under sniper fire and many specifically state that the first shots came from the National Guardsmen.

The FBI has conducted an extensive search and has found nothing to indicate that any person other than a Guardsmen fired a weapon. As a part of their investigation, a metal detector was used in the general area where Lieutenants Kline and Fallon indicated they saw bullets hit the ground. A .45 bullet was recovered, but again nothing to indicate it had been fired by other than a Guardsman. Students and photographers on the roofs of Johnson and Taylor Halls state there was no sniper on the roofs.

At the time of the shooting, the National Guard clearly did not believe that they were being fired upon. No Guardsman claims he fell to the ground or took any other evasive action and all available photographs show the Guard at the critical moments in a standing position and not seeking cover. In addition, no Guardsman claims he fired at a sniper or even that he fired in the direction from which he believed the sniper shot. Finally, there is no evidence of the use of any weapons at any time in the weekend prior to the May 4 confrontation; no weapon was observed in the hands of any person other than a Guardsman, with the sole exception of Terry Norman, during the confrontation. Norman, a free lance photographer, was with the Guardsmen most of the time during the confrontation. A few students observed his weapon and claim that he fired it at students just prior to the time the Guardsmen fired. Norman claims that he did not pull his weapon until after the shooting was over and then only when he was attacked by four or five students. His gun was checked by a Kent State University Policeman and another law enforcement officer shortly after the shooting. They state that his weapon had not been recently fired.

While we do not presently know the exact nature or extent of the riot control training given to the Guardsmen on the line at Taylor Hall, most had received some training. Both Company A and Company C, 145th Infantry received at least 16 hours in riot control training in 1968 and 1969. We don't know how much training, if any, was received before that. Troop G, since September 1967 has received a total of 52 hours in riot control training—32 hours in 1967, 10 hours in 1969 and 10 hours in 1970. We do not know exactly of what lectures and demonstrations this training consisted, but we are fairly certain that the Guardsmen were instructed to some extent in (a) Riot Control measures and the Application of Minimum Force (b) Riot Control Agents and Munitions and (c) Riot Control under extreme conditions.

Although we believe that the use of minimum force was covered in lectures, we have in our possession a copy of a briefing required to be read verbatim to all troops immediately prior to their employment in a civil disturbance. The orders which they receive are conflicting with regard to the use of weapons. The briefing provides as follows:

"f. Weapons

"(2) Indiscriminate firing of weapons is forbidden. Only single aimed shot at confirmed targets will be employed. Potential targets are:

"(c) *Other*. In any instance where human life is endangered by the forcible, violent actions of a rioter, or when rioters to whom the Riot Act (of Ohio) has been read cannot be dispersed by any other reasonable means, then shooting is justified."

This latter statement is in accord with Section 2923.55, Ohio Revised Code, which provides that any law enforcement officer or member of the Militia is "guiltless for killing, maiming or injuring a rioter as a consequence of the use of such force as is necessary and proper to suppress the riot or disperse or apprehend rioters." We are relatively sure that all National Guardsmen received training in the legal consequences of their actions while in an active duty status, which training included permission to fire as described above. All National Guardsmen tell us that they have authorization to fire when their lives are in danger. In order to clarify and make sense of these conflicting instructions, all Guard instructors must be interviewed in detail concerning their lectures regarding the discharge of weapons into a crowd of persons.

Each person who admits firing into the crowd has some degree of experience in riot control. None are novices. Staff Sergeant Barry Morris has been in the Guard for 5 years, 3 months. He has received at least 60 hours in riot control training and has participated in three previous riots. James Pierce has spent 4 years, 9 months in the Guard. He has an unknown, but probably substantial, number of hours of riot control training and has participated in one previous riot. Lawrence Shafer has been in the Guard for 4½ years. He has received 60 hours of riot control training and has participated in three previous riots. Ralph Zoller has been in the Guard for 4 years. He has received 60 hours of riot training and has participated in three previous riot situations. James McGee has been in the Guard for 4 years, 7 months. He has received 60 hours of riot training and has participated in two previous riots. All are in G Troop. We do not know how much, if any, riot control training or experience William Herschler has.

In trying to solve the puzzle of the location of the students prior to the shooting, we observed many photographs and contact strips obtained during the investigation by the FBI. There is, however, a curious lack of photographs from the time the Guard left the practice football field until the time of the shooting. We do have at least 3 photographs of this period that are helpful. They are attached to this report. The first is a photograph of a portion of the parking lot south of Prentice Hall and of a portion of the hill in front of Taylor Hall taken within an estimated 15–30 seconds prior to the firing. The second photograph was taken from Taylor Hall immediately after the shooting started and while it was going on. It shows victim Joseph Lewis standing 20 yards away from the Guard just before he was shot. The third photograph was taken from Prentice Hall shortly after the shooting was over. No crowd or mass of people—close to the Guard or otherwise—is identifiable in this photograph. We do not know exactly how long after the shooting this picture was taken.

A minimum of 54 shots were fired by a minimum of 29 of the 78 members of the National Guard at Taylor Hall in the space of approximately 11 seconds. Fifteen members of Company A admit they fired but all claim that they fired either in the air or into the ground. However, William Herschler of Company A is alleged by Sergeant McManus of his Company to have emptied his entire clip of 8 rounds into the crowd—firing semi-automatically. The National Guard says his weapon was fired and Herschler, who was taken to the hospital after the shooting suffering from hypertension, kept repeating in the ambulance that he had "shot two teenagers." We do not yet know who checked Herschler's weapon to determine whether it was fired. The only two members of Company C who were on the southeast side of Taylor Hall admit they fired their weapons but claim they did not fire at the students.

Seven members of Troop G admit firing their weapons, but also claim they did not fire at the students. Five persons interviewed in Troop G, the group of Guardsmen closest to Taylor Hall, admit firing a total of eight shots into the crowd or at a specified student.

SP/4 James McGee claimed that it looked to him like the demonstrators were overrunning the 107th. He then saw one soldier from Company A fire four or five rounds from a .45 and saw a sergeant from Troop G also fire a .45 into the crowd. He claims he then fired his M-1 twice over the heads of the crowd and later fired once at the knee of a demonstrator when he realized the shots were having no effect.

SP/4 Ralph Zoller claims he heard a muffled shot which he alleges came from a sniper. Thereafter he heard the National Guard shoot and he fired one shot in the air. He then kneeled, aimed and fired at the knee of a student who he claims looked as if he was throwing an object at Zoller.

SP/4 James Pierce, a Kent State student, claims that the crowd was within ten feet of the National Guardsmen. He then heard a shot from the National Guard. He then fired four shots—one into the air; one at a male ten feet away with his arm drawn back and a rock in his hand (this male fell and appeared to get hit again); he then turned to his right and fired into the crowd; he turned back to his left and fired at a large Negro male about to throw a rock at him.

Staff Sergeant Barry Morris claims the crowd advanced to within 30 feet and was throwing rocks. He heard a shot which he believes came from a sniper. He then saw a 2nd Lieutenant step forward and fire his weapon a number of times. Morris then fired two shots from his .45 "into the crowd."

Sergeant Lawrence Shafter heard three or four shots come from his "right" side. He then saw a man on his right fire one shot. He then dropped to one knee and fired once in the air. His weapon failed to eject and he had to eject the casing manually. He then saw a male with bushy, sandy hair, in a blue shirt (Lewis) advancing on him and making an obscene gesture (giving the finger). This man had nothing in his hands. When this man was 25–35 feet away, Shafer shot him. He then fired three more times in the air.

In addition to Herschler, at least one person who has not admitted firing his weapon, did so. The FBI is currently in possession of four spent .45 cartridges which came from a weapon not belonging to any person who admitted he fired. The FBI has recently obtained all .45's of persons who claimed they did not fire, and is checking them against the spent cartridges.

In addition, the Guardsman previously mentioned who was interviewed by a reporter from the Knight newspaper chain told the

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Footnotes at end of article.

interviewer that he "closed his eyes" after other Guardsmen fired and that he, too, fired one shot "into the crowd." Of all Guardsmen who admit firing into the crowd, the physical description of this unknown Guardsman might match only that of William Zoller. However, it is likely that it is not Zoller. Zoller's story to the FBI does not match that of this unknown Guardsman.

The reaction by the leadership of the National Guard was immediate when the shooting began. Both Major Jones and General Canterbury immediately ordered a cease fire and kept repeating that order. Major Jones ran out in front of the Guardsmen and began hitting their weapons with his baton. Some Guardsmen (unknown as yet) had to be physically restrained from continuing to fire their weapons.

Sergeant Robert James of Company A, assumed he'd been given an order to fire, so he fired once in the air. As soon as he saw that some of the men of the 107th were firing into the crowd, he ejected his remaining seven shells so he would not fire any more. Sergeant Ruby Morris of Troop G prepared to fire his weapon but stopped when he realized that the "rounds were not being placed." Sergeant Richard Love of Company C fired once in the air, then saw others firing into the crowd; he asserted he "could not believe" that the others were shooting into the crowd, so he lowered his weapon.

When the firing began, many students began running; others hit the ground. Because they believed the National Guard was firing blanks, some remained standing until they heard bullets striking around them. The firing continued for about 11 seconds.

Four students were killed, nine others were wounded, three seriously. Of the students who were killed, Jeff Miller's body was found 85–90 yards from the Guard. Allison Krause fell about 100 yards away. William Schroeder and Sandy Scheuer were approximately 130 yards away from the Guard when they were shot.

Although both Miller and Krause had probably been in the front ranks of the demonstrators initially, neither was in a position to pose even a remote danger to the National Guard at the time of the firing. Sandy Scheuer, as best as we can determine, was on her way to a speech therapy class. We do not know whether Schroeder participated in any way in the confrontation that day.

Miller was shot while facing the Guard. The bullet entered his mouth and exited at the base of the posterior skull. Both Krause and Scheuer were shot from the side. The bullet that killed Allison Krause penetrated the upper left arm and then into the left lateral chest. The bullet which killed Sandy Scheuer entered the left front side of her neck and exited the right front side. William Schroeder was shot while apparently in a prone position, facing away from the Guard. The bullet entered his left back at the 7th rib and some fragments exited at the top of his left shoulder.

Of nine students who were wounded, Joseph Lewis was probably the closest to the Guard. He was shot while making an obscene gesture about 20 yards from the National Guard. Two bullets struck Lewis. One entered his right lower abdomen and exited from his left buttock. The second projectile caused a through and through wound in Lewis' lower left leg, about four inches above the ankle.

John Cleary was located by a metal sculpture in front of Taylor Hall approximately 37 yards from the National Guard when he was shot. He was apparently standing laterally to the Guard and facing Taylor Hall when he was shot. The bullet entered his left upper chest and the main fragments exited from the right upper chest.

Allen Canfora was positioned by the FBI about 75 yards away from the Guard when he received a through and through wound of the right wrist.[15] His injury was minor.

Dean Kahler was located about 95–100 yards from the Guard when he was shot. Kahler was struck in the left posterior side and the projectile, traveling slightly from back to front and from above to below, fractured three vertebrae. Kahler is currently paralyzed from the waist down. He will probably remain a paraplegic.

Douglas Wrentmore was located about 110 yards from the Guard when he was shot. The bullet entered the left side of Wrentmore's right knee, caused a compound fracture of the right tibia and exited on the right side of the knee.

Donald MacKenzie was shot while running in the opposite direction from the Guard. He was approximately 245–250 yards away from the Guard. The projectile which struck MacKenzie entered the left rear of his neck, struck his jawbone and exited through his cheek. Dr. Ewing, MacKenzie's attending physician, has expressed an opinion that MacKenzie was not shot by a projectile from a military weapon. This opinion has been challenged in an unsubstantiated newspaper article by other physicians on a purely theoretical basis. No bullet fragments were available for analysis.

James Russell was wounded near the Memorial Gymnasium, an area 90 degrees removed from the locations of other students who were shot. He was about 125–130 yards from the Guard when he was shot. He had two wounds—a small puncture wound in the right thigh which may have been caused by a projectile; however, no projectile was located; the other wound was located on the right forehead. A very small projectile is still located in Russell's head. We theorize that it may have been caused by 7½ birdshot. His injuries were minor.

Two other students, Thomas Grace and Robert Stamps, were wounded but as of yet, we have been unable to place either with any accuracy on the field. We are relatively sure that Stamps was shot while he was in the parking lot south of Prentice Hall. He was probably about 165 yards away when he was shot. The projectile struck Stamps from the rear in the right buttock and penetrated four inches. The attending physician expressed the opinion that Stamps was stuck by a projectile from a low velocity weapon but the FBI's lab analysis shows the bullet came from a military weapon.

Thomas Grace was shot in the back of the left ankle and fragments from the projectile exited from the top of his foot. The FBI has tentatively placed Grace directly in front of the Guard at a distance of 20 yards from them. However, it is noted that the Akron Beacon Journal placed Grace in the parking lot south of Prentice Hall—over 100 yards from the Guard. Since Grace has refused to place himself on the field, we have no way of knowing his position. In all, only Lewis and Miller were shot from the front. Seven students were shot from the side and four were shot from the rear.

There is no ballistics evidence to prove which Guardsmen shot which student. We can, however, show that Shafer shot Lewis, but only because their statements to the FBI coincide. We will not be able to determine who shot the other students.

Of the 13 Kent State students shot, none, so far as we know, were associated with either the disruption in Kent on Friday night, May 1, 1970, or the burning of the ROTC building on Saturday, May 2, 1970.

On the day of the shooting, Jeffrey Miller and Allison Krause can be placed at the front of the crowd taunting the National Guardsmen. Miller made some obscene gestures at the Guardsmen and Krause was heard to shout obscenities at them. Victims Grace, Canfora and Stamps were, we believe, active in taunting the Guard. Grace and Canfora probably had flags and were encouraging the students to throw rocks at the Guardsmen. Dean Kahler admitted to the FBI that he had thrown "two or three" rocks at the Guardsmen at some time prior to the shooting. Joseph Lewis at the time of the shooting was making an obscene gesture at the Guard.

As far as we have been able to determine, Schroeder, Scheuer, Cleary, MacKenzie, Russell and Wrentmore were merely spectators to the confrontation.

Aside entirely from any questions of specific intent on the part of the Guardsmen or a predisposition to use their weapons, we do not know what started the shooting. We can only speculate on the possibilities. For example, Sergeant Leon Smith of Company A stated that he saw a man about 20 feet from him running at him with a rock. Sergeant Smith then says he fired his shotgun once in the air. He alone of all the Guardsmen does not mention hearing shooting prior to the time he fired. He asserts that "at about the same time" he fired, others fired. Some Guardsmen claim that the first shot sounded to them as if it came from a M–79 grenade launcher—a sound probably similar to that made by a shotgun.

It is also possible that the members of Troop G observed their top non-commissioned officer, Sergeant Pryor, turn and point his weapon at the crowd and followed his example. Sergeant Pryor admits that he was pointing his weapon at the students prior to the shooting but claims he was loading it and denies he fired. The FBI does not believe he fired.

Another possibility is that one of the Guards either panicked and fire first, or intentionally shot a student, thereby triggering the other shots.

### FOOTNOTES

[1] [Location of footnote in text not indicated.] There is no information that there was any violence either in the City of Kent or on the Campus during daylight hours of Saturday, May 2, 1970. Mayor Satrom stated that his decision was based upon "reports reaching the Office of the Mayor. . . ."

[2] Michael Weekly broke a window in the ROTC building at 2:00 a.m., May 2, 1970, apparently as the students were being forced from North Water Street onto the campus. He was arrested, tried, convicted and sentenced to 30 days for this offense.

[3] Major Manley of the state police was notified in Columbus at 9:00 p.m., that the Campus situation was deteriorating. He left Columbus by helicopter.

[3a] Kent City Police were sent to the Campus at 9:30 p.m. to protect the firefighters.

[4] One Kent police officer has stated that he saw Allison Krause about to throw a rock at the ROTC building on May 2, 1970 but he stated that he looked away before she threw it. She was the only person he could identify from the entire crowd.

[5] We have in our possession a copy of Sections of 2923.51 and 2923.55, Ohio Revised Code which was issued by Portage County prosecutor Ronald Kane and which concerns the breaking up of assemblies. Section 2923.51 states that where five or more persons are engaged in violent or tumultuous conduct which creates a clear and present danger to the safety of persons or property, a law enforcement officer or National Guardsman shall order them to desist and disperse. Section 2923.55 provides that the law enforcement officers or National Guardsmen, when engaged in suppressing a riot or in dispersing rioters after an order to desist and disperse pursuant to Section 2923.51 has been given are guiltless for killing, maiming or injuring a rioter as a consequence of the use of proper and necessary force to suppress the riot or disperse and apprehend rioters.

It is not known when this document was issued nor to whom it was given. However, since this document concerns the ways and means preventing assemblies [*sic*] and is located adjacent to the modified Proclamation of Civil Emergency, dated May 4, 1970, it is possible that this document was issued to the National Guard representative at the 10:00 a.m. meeting, Monday May 4, 1970.

[6] Apparently, the rumor was incorrect. Officials of this Institute deny that any such research was going on there.

[7] A few high school students who attended the Kent State University High School located on the Campus were present at this rally. A few non-students were also present–some dropouts from Kent State. The overwhelming majority of persons were, however, students enrolled at Kent State.

[8] The announcement for the students to disperse was made under the authority of the Proclamation of Governor Rhodes, dated April 29, 1970. This proclamation gives authority to the Adjutant General to maintain peace and order in the State of Ohio after a recitation of problems in the transportation industry in Cuyahoga, Mahoning, Summit, Lorain, Richland, Butler and Hamilton counties. No mention of Kent State University nor of Portage County is made. However, on May 5, 1970, subsequent to the shooting, the Governor amended his April 29, 1970 Proclamation to recite that the forces committed to Kent State were included in the call to active service of the April 29, 1970 Proclamation.

[9] Some students probably came "equipped" with bags full of rocks in anticipation of a confrontation. There are references in various interviews to people carrying bags.

[10] Forty-seven Guardsmen claim they did not fire their weapons. There are substantial indications that at least two and possibly more Guardsmen are lying concerning this fact.

[11] Company C, though it could not see Company A and Troop G, could see some of the students. We do not know but we believe that Company C still had teargas remaining.

[12] One Guardsman heard someone yell and believed he'd been given an order to fire. Another "thought" he heard a command to fire. He, however, claims he did not fire. Another heard a warning to "get down" just before the firing. Another "thought" he heard "someone" say "warning shots." Another "thought" he heard "someone" say "If they continue toward you, fire." Most Guardsmen heard no order and no person acknowledges giving such an order. Students on the porch of Taylor Hall close to the Guard heard no order to fire. Col. Fassinger states that all orders are given verbally and that there are no hand signals used to communicate with troops.

[14] General Canterbury told the FBI that the first shot came from a small caliber weapon, such as a .22. In a statement written immediately after the shooting, however, he does not specifically mention caliber or the fact that he believed the first shot was fired by a sniper, although the latter can be read into his statement.

[15] Canfora, however, told the FBI that he was in the parking lot when he was shot—a distance of 100 yards or greater from the Guard.

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## TRIBUTE TO HARRY S TRUMAN

## HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 9, 1973*

Mr. HUNGATE. Mr. Speaker, the following is an account of President Truman's visits to Fulton, Mo., as recorded by the Honorable Hugh P. Williamson, judge of the probate and magistrate courts, Callaway County, Fulton, Mo., in "Memories of Friendships," from the Fulton Sun-Gazette, on December 26, 1972:

### MEMORIES OF FRIENDSHIPS, POLITICAL TIES IN CALLAWAY

(By Hugh P. Williamson)

Margaret Truman Daniel, in her book "Harry S Truman," is reported by the press to have stated that her father did not want to become President "by the back door." By this she meant that he did not want to move into the Presidency from the position of Vice-President by the death of the incumbent, which of course is exactly what he did. An experience that I had with Mr. Truman provides some interesting information on this matter. I was a delegate from Missouri to the 1944 Democratic National Convention in Chicago. There was before the convention only one question to be resolved and that was the candidate for Vice-President, since it was assumed that Mr. Roosevelt would be renominated. For a number of days following the convening of the convention very little was done. Tiring of this inactivity I went one morning to Mr. Truman's suite in the old Stephens Hotel. He was alone except for a political hanger-on of no importance. I motioned for Truman to come out into the hall, which he did. These halls were very wide and very high and on this morning were completely deserted. Mr. Truman leaned up against the wall, stuck out his right leg, and, with the foot resting on the heel, began to rotate the toe of the shoe from right to left and left to right at a fairly moderate rate, somewhat like the pendulum of a clock upside down. I stated the obvious, which was that there was a vast amount of inaction and asked him if it would be agreeable to him if a committee from the Missouri Delegation visited other state delegations in an attempt to get them to endorse him. At this suggestion the toe of the shoe rapidly increased in motion, he remained silent for as much as half a minute, and then said, in a very low voice, "I am not sure that I want it." My reply was, "You have no doubt seen Mr. Roosevelt recently and you must surely realize that whoever gets the nomination for Vice-President here will be President sometime within the next four years." At this point the toe of the shoe accelerated to very rapid motion indeed, and after perhaps a full minute had passed he straightened up, put his mouth practically inside my ear, and in a low whisper said, "Well, go ahead." While all of this was going on the hall continued to be completely deserted!

I did "go ahead," the result of my efforts were completely nil, I have no illusion that I was in any sense a President maker, but I believe that this incident throws an interesting light upon Mr. Truman's attitude toward going into the Presidency "by the back door."

I also have reason to believe that Mr. Truman never did like his role as Vice-President or consider that it was very important. My reason for so believing is a letter in my possession from Truman dated April 6, 1945. This letter reads:

"OFFICE OF THE VICE PRESIDENT,
*Washington, D.C., April 6, 1945.*

Mr. HUGH P. WILLIAMSON,
*Prosecuting Attorney, Callaway County, Fulton, Mo.*

DEAR HUGH: Thanks a lot for your good letter of the third.

I am certainly glad to have the reactions which you gave me on the various phases of the State administration.

Sincerely yours,

HARRY S TRUMAN.

Keep sending 'em. Tell Tom VanSant that just because I've become a political eunuch he needn't strike me from his list."

Six days after writing this letter, in which he refers to himself as "a political eunuch," as President of the United States he occupied the most powerful position of any man in the world! On August 6th following he ordered an atomic bomb to be dropped on Hiroshima and three days later another on Nagasaki. The combined mortality of these bombs was somewhere between four and five hundred thousand people. The "political eunuch" had indeed become a man of vast power.

Where and when I first met Harry Truman I do not remember, but it was doubtless at some of the many Democratic meetings which we both attended. By the time he made his first race for the United States Senate we were rather well acquainted. During the early summer of that year, which was 1934, I met Truman and his close friend, Major Harry Vaughn, on the steet in Fulton. This was about ten o'clock in the morning, and after discussing the local political situation, Truman said that he and Vaughn were about to leave for Excelsior Springs, where they had a political meeting scheduled for two o'clock that afternoon. Truman then said in a jocular but unfortunately truthful manner, "You do not have any law business, I imagine, so if you want to come with me and Harry we would be glad to have you, and after the meeting you can hitch-hike back to Fulton." We proceeded to the Elms Hotel in Excelsior, washed up, ate a light lunch, and about 1:30 went to the meeting place in a small park back of the hotel. There was nobody present, time went on, two o'clock came, 2:15, and still nobody! My embarassment for Mr. Truman increased in proportion to the passage of time, but it was not shared by him. Finally, at about a quarter of three, I expressed rather strongly my feeling about the Democrats in Clay County for not coming to the meeting. Mr. Truman blandly said that he guessed that they had something better to do! He and Vaughn drove me out to the highway, they wheeled off in the direction of Kansas City, and in the early hours of the next morning I reached Fulton. I was astonished at his apparent unconcern, his acceptance of what I considered to be a treasonable action on the part of the local Democrats, and his calm acceptance of human nature being what it was. I think that this attitude may have been one of the main-springs that propelled him prominence and that enabled him, in later years, to pursue a calm and steady course while the political and social seas raged furiously and unceasingly about him.

I may here note that while Truman did have the endorsement of Tom Pendergast, the political boss of Missouri, I did not believe that Pendergast furnished him with any financial assistance because surely no man ever made the race for the United States Senate in Missouri on a more scanty campaign budget. On several occasions of which I knew, his campaign was sharply curtailed by this lack. On one such occasion a large amount of mail which had been prepared could not be sent because there was no money to buy stamps! I heard of numerous other such situations. I may also add that for many years Truman walked somewhat under the shadow of his association with Pendergast. In 1943 the Republican National Committee sent an investigative team to Kansas City in an attempt to find evidences of corruption in the public career of Truman, which included being Road Overseer of Jackson County and judge of the Jackson County court. After about five months of intensive work they came up with absolutely nothing. And to me this has always been another amazing facet of this amazing man: that he could live with the Pendergast corruption and not be corrupted. But he very clearly did.

Sometime during Truman's tenure as Senator an important Democratic meeting was scheduled to be held at Convention Hall in Kansas City. I went up for the meeting and stayed at the Muehlbach Hotel. The morning of the meeting, dressed—immaculately, I left the hotel with Truman and some men whom I have forgotten, to go to the meeting.

As we started up the street I was a short distance ahead of the other two, and met, coming down the street, a little eight or nine year old boy, ragged, extremely dirty, forlorn looking indeed! His nose was very badly in need of being blown, the lace of one of his tattered shoes had come undone, and at every other step he tripped on it. I made a wide detour around him because I did not want my immense cleanliness and impeccable appearance to be contaminated by any near approach to him. When Truman came up he did not detour around this pitiful small object but went directly up to him, knelt on one knee on the dirty sidewalk, jerked a white handkerchief out of his pocket, blew the nose, tied the shoe lace, gave the little fellow a friendly pat on the behind, pressed a handful of change into his grimy hand, and smiling broadly came on up the street.

A few years later I had what has always seemed to me to be a very amusing incident with relation to Truman. In Kansas City, for many years, there lived a distant relative of mine named John T. Barker. Barker had been Attorney General of Missouri, Speaker of the Missouri House, and almost got the Democratic nomination for Governor. He had been a Chautauqua lecturer, and was one of the most prominent lawyers in Missouri. His life had been highly active and quite colorful. In his later years, he and I became quite intimate. In the later summer of 1943 he sent me, literally, nearly a bushel of notes, some typewritten, some written in longhand, regarding his life and many experiences. They were accompanied by a letter with the request to "make these into a book when you get time." The thought appeared to be that this could be done on some not very busy weekend. In fact I spent almost a year in my spare time, on this very interesting project. In September of 1948, preceding the Truman-Dewey election, I finished work on this manuscript after considerable revision and numerous conferences with Barker. One of the chapters was entitled, "A New Client Named Truman." I sent the book to an Eastern publisher and about a week before the election I received a letter from the publisher stating that they would accept the book, but adding that the chapter on Truman must come out because, "after the election nobody will be interested in Truman." Obviously they not only took the chapter out but threw it away because a few days after the election I received a wire from the publishers with the terse request, "Please send us the chapter on Truman." I sent the chapter which appears as Chapter Twenty-One in the book, "A Missouri Lawyer."

I wish to quote to some extent from a portion of this chapter for a number of reasons. One is that it gives Barker's evaluation of Truman. This evaluation I believe is one which would have been generally shared by people who knew Truman intimately, as Barker did. Another feature of Truman, which Barker speaks of, was his very great, almost childish it seemed to me, admiration of lawyers and his deep regret that he was not one of that controversial brotherhood. The other incident related by Barker is illustrative of the perfect and rock-like integrity of Truman. Barker writes:

"More than intellectual brilliance, more than cleverness, more than education, Americans appreciate basic honesty. Certainly this country and no country in all recorded time has ever had a chief executive who possesses this fine quality of greater degree than Harry S. Truman. This fact is illustrated by many incidents in his career, only two of which I will mention.

In the early '20's he was studying in the Kansas City Night School of Law. He carried on these studies for nearly three years. In those times examination for a license to practice law in Missouri was lax and nearly anyone could be admitted even without examination. He had a very great desire to become a lawyer and could very easily have received his license, as he well knew, but since he did not have all of the technical requirements provided by law, he did not apply for and receive something which he prized and coveted very much, although it could have been his for the asking.

Another instance which is even more illustrative of this point is furnished by the old family farm in Jackson County. Prior to the depression his mother owned a splendid farm of 360 acres about ten miles from Kansas City. His father was dead and his mother an aged woman. In the early '30's she mortgaged this farm for $30,000 at which time it was well worth the amount of the mortgage. As is too well known the depression ruined farm values, and the Truman mortgage, as a result of this depression, could not be paid. While a Senator of the United States, Truman saw his farm, the home of his aged mother, put up at auction and sold for the price of the mortgage. A hundred banks in Missouri would have renewed the loan for him if he had asked them to do so. Thousands of people would have carried such a mortgage for a United States Senator. He did not ask any of them to do this because he did not want to be under any obligation to anybody while he was occupying the responsible position of a Senator of the United States. I wonder how many men prominent in American public life today and in the years that are passed, would have been possessed of the integrity of Truman under these circumstances? I wonder how many of them would have seen the family farm sold at a public foreclosure sale, have seen his aged mother evicted, when by a mere gesture of his hand he could have prevented it? A happy conclusion of this matter is that since the time of the foreclosure sale, a portion of this farm has been repurchased by President Truman and his mother has returned to her old home."

During the many years that I knew Truman I received many letters from him, only three of which I have preserved. The one written on April 6, 1945, has been noted. One of the remaining two is dated August 29, 1958, and was written from Independence. The letter follows:

"Harry S. Truman,  
*Independence, Mo., August 29, 1958.*  
Hon. Hugh P. Williamson,  
*Office of the Attorney General,*  
*Jefferson City, Mo."*

Dear Hugh: Thank you very much for your letter of the 27th.

After I had read Jerome Walsh's article in the Journal of the Missouri Bar, I wrote him a letter on the subject. Most of us in Independence thought Dr. Hyde was guilty, but, of course. I cannot blame Jerome for protecting his father in the matter. His article is a good one.

I am glad that you told me about Mrs. VanSant, and I am sorry that she is not in good health.

That book of yours is sure to be a good one, and I would like very much to have a copy for the Library.

Sincerely yours,  
Harry S. Truman,

I wrote Mrs. VanSant.

The reference to Dr. Hyde was in regard to one of the most celebrated murder trials ever held in Missouri. Dr. Ben C. Hyde lived and practiced in Independence, and was married to one of the Swope girls, of the family that gave Swope Park to Kansas City. One fall Colonel Swope, an uncle, Chrisman Swope, a brother, and two sisters became ill with typhoid fever and died. Dr. Hyde was charged with innoculating these people with typhoid germs in order to inherit the Swope fortune. Jerome Walsh was the son of the man that prosecuted Hyde, without success, due to a sequence of bizarre circumstances. The Mrs. VanSant referred to was the widow of the Tom VanSant referred to in the letter of April 6, 1945.

Harry S. Truman,  
*Independence, Mo., July 16, 1959.*  
Hon. Hugh P. Williamson,  
*Assistant Attorney General,*  
*State of Missouri."*

Dear Hugh: I was happy to receive the brochure about your new book, The Overland Diary of James A. Pritchard from Kentucky to California in 1849, and I know that it will be a very interesting publication.

If you will let me know when it comes out, I'll invest in a copy.

Sincerely yours,  
Harry S Truman.

The book to which Truman refers was one which I had written and was soon to be published.

While I was writing the Barker story, in the comparative quiet of my study, and relieving with him the interesting events of his career, Truman was engaged in a life-or-death political struggle with Governor Thomas E. Dewey of New York, for the election to the Presidency. All opinion polls and large segments of the press predicted a Dewey victory. Truman, characteristically, and again putting principle above politics, had previously taken a very strong stand in favor of Civil Right Legislation, indifferent to political consequences, and against the urgings of his political advisors. The consequences were that this had lost him the support of a large group of Southern Democrats. Truman, almost alone, never seemed to doubt that he would win. He did, and carried with him a Democratic majority in both the House and Senate. The Literary Digest, whose poll showed a Dewey victory by a wide margin, was so discredited by the election of Truman that it ceased publication soon afterward.

That there have been many men in American public life who had more mental power, scope, and brilliance than Truman would not, I believe, be questioned. That there have been many who were far better educated is plain. That there were many who had a far greater knowledge and understanding of affairs, both domestic and foreign, but especially foreign, is true. But that there are any who possessed his perfect and rock-life integrity; his understanding of the heart and soul of his country and countrymen; his identification with the masses of our people; his total courage, both physical and moral; his knowledge of men; his vast and encompassing common sense, I very much doubt. And in a highly difficult and critical period in the history of our country, these qualities proved to be sufficient.

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## OUTRAGED OVER "EXIT FEES"

## HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. BROOMFIELD. Mr. Speaker, I have today introduced a resolution respectfully urging the President to convey to the Soviet Union our grave concern over the injustices which that country has perpetrated against her Jewish citizens and to urge the U.S.S.R. to immediately provide the fair and equitable treatment that the Soviet Jewry has for so long been denied.

Specifically, Mr. Speaker, I wish to express once again my concern and outrage over the "exit fees" which have been imposed on Jews wishing to emigrate to Israel. These exit fees which are assessed on a sliding scale ranging from $5,000 to $37,000 per person are nothing less than ransom fees which are in direct contradiction with established international law.

The right of any person to emigrate to the nation of his choice is fundamental and is secured by the U.N. Declaration of Human Rights. Yet, the U.S.S.R. ignores that doctrine even though it is a signatory of the U.N. agreement.

Mr. Speaker, it is incumbent upon us, as well as all free people, to express in no uncertain terms to the Soviet Government our determination to see these ransom fees eliminated once and for all.

It is time to mobilize the strength of world opinion on behalf of the oppressed Jewish minority. I believe that the House of Representatives and the United States should take the lead in this matter.

Soviet Jewry has been stripped of its property, denied even the most basic freedoms and exiled from the mainstream of Soviet life. It is incredible that, in order to escape from this enslaved and dehumanizing condition, they must shoulder the additional burden of exorbitant exit taxes. Obviously, only a handful of Jews can emigrate under these conditions.

Thus, while the U.S.S.R. boasts that exit visas are readily available for all, in fact, they are more difficult than ever before to obtain.

Mr. Speaker, judging by the events of the recent past, it appears that each time the spotlight of world attention is focused on the plight of the Soviet Jews, the U.S.S.R. takes appropriate but temporary steps to improve their status. Once that pressure is released, they return to the repressions and injustices of the past.

Therefore, it is absolutely necessary that the House of Representatives act immediately on my resolution. We must serve notice that we and the rest of the free world will not stand for temporary or false promises. The Soviet Union must let the Jewish people go and they must let them go now, without fear of their lives or the loss of their property.

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## HENRY McKNIGHT: MAN OF VISION

### HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. NELSEN. Mr. Speaker, all of us who knew him were saddened by the death on December 30 of Henry T. McKnight, of Wayzata, Minn., a former State Senator and developer of the new towns of Jonathan, in my congressional district, and of Cedar-Riverside in Minneapolis.

Henry was an extraordinary man whose driving, visionary leadership has left a lasting mark upon our State of Minnesota. Both the Minneapolis Tribune and Minneapolis Star commented recently on Henry's life and career, and I insert these well-deserved memorials in the RECORD at this point in my remarks:

[From the Minneapolis Tribune, Jan. 4, 1973]

HENRY T. MCKNIGHT

Henry T. McKnight was a man of vision, and that vision encompassed the importance of preserving both man's cultural heritage and his legacy of natural resources. It led him to work untiringly for environmental and conservation legislation during his career as a state senator—a career that was crowned by his sponsorship of the landmark Omnibus Natural Resources and Recreation Act of 1963. It led him, too, to the active support of the arts, and of organizations dedicated to them.

But the greatest evidence of his vision can be seen in the "new towns" he was developing at the time of his death last week: Jonathan, a pioneering effort to prove that thousands of people can live, work and take their recreation in a rolling, country setting without doing damage to that setting; and Cedar-Riverside, a "new town in town" that attempts to combine the best of the new with the best of the old, and to make room for the diversity of human activity that makes urban life urbane.

Mr. McKnight's vision as a developer perceived the need to consider the totality of an environment—not only the buildings he would put up, but also the land on which they stood and the activities of the people living and working within them. It was a concept he believed in enough to back it with his own money. Jonathan and Cedar-Riverside embody Mr. McKnight's vision—and they will be his best memorials.

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[From the Minneapolis Star, Jan. 3, 1973]

HENRY T. MCKNIGHT

Henry T. McKnight was aware that his twin careers as an environmentalist and real estate developer were seemingly at odds. And, in truth, his attempts to combine the two sometimes drew challenges to his motives.

But his record on behalf of conservation causes—in private life, as a member of the National Agricultural Advisory Commission under President Eisenhower and as a Minnesota state senator—offered ample evidence of his commitment. He was chief author of Minnesota's 1963 natural resources act and the 1969 bill for parks, open space and flood-plain management.

His most spectacular achievements, though—the ones for which he may be best remembered and which may best represent his resolution of the developer-environmentalist "conflict"—were the successful launchings of the new towns of Jonathan and Cedar-Riverside. He saw new towns as protectors of the environment because they enable growth to be channeled where it will fit, minimizing land waste while still providing the quality of life that people want.

In many ways McKnight was a visionary. But he also was a man who, until his death last week at age 59, had the personal resources and business and political acumen to convert his dreams into realities that others might share.

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## WHERE SHALL THE PEOPLE LIVE?

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. ZWACH. Mr. Speaker, my people in the Minnesota Sixth Congressional District are gravely concerned, as am I, over the recent orders terminating the emergency disaster loans, the REAP and Water Bank programs, the 2 percent REA loan program, and the increased imports of meats and non-fat dry milk.

These all are blows to our agricultural economy at a time when we are paying lip service to rural development.

This matter of rural development is of such widespread interest and importance that the Catholic bishops of the United States, at their recent national conference, passed a resolution on it.

Mr. Speaker, with your permission, and in the interest of giving this resolution the widespread readership which it deserves, I would like to insert this article from the St. Cloud Visitor, a Catholic weekly in our Minnesota Sixth Congressional District, in the CONGRESSIONAL RECORD:

WHERE SHALL THE PEOPLE LIVE?

The problems which today confront rural America are in many ways inseparably linked to those of urban America. Either the problems of America's rural areas and America's cities will be solved together or they will not be solved at all.

This statement is amply documented by the facts of contemporary rural and urban life. Rural poverty and urban poverty are closely related. Poverty experienced in farm communities drives many people into cities, where their presence notably contributes to urban ills. Today over 70 percent of the people in America live on less than two percent of the land. The results: air and water pollution, transportation congestion, increasing urban crime, housing shortages. Yet at the same time the movement of people from the countryside to cities is continuing often under the pressure of forces which make neither social nor economic sense.

Each census finds fewer farmers and weaker communities. Nearly two-thirds of all the ill-housed in our nation are in rural America. Education, health benefits, and other services in rural America lag behind those available in urban America. Many communities in the countryside are dying due to declining population; the people left behind find it increasingly difficult to sustain already inadequate standards of living. At the same time agricultural conglomerates are expanding, raising the possibility of their taking over virtually all farming in the United States. Few Americans seem unaware of this development, and fewer still are concerned with the fundamental question of its desirability.

In 1973 the National Catholic Rural Life Conference, which in 1968 became part of the United States Conference as its Division of Rural Life, marks its 50th anniversary. As a result of the vision of its founder, Archbishop Edwin O'Hara, and the hard work of leaders such as Monsignor Luigi Ligutti, it has played an important role in the history of the Catholic Church in the United States. However, many of the problems which brought this agency into existence not only continue to exist today but if anything are more acute than they were 50 years ago. The United States faces pressing challenges concerning population distribution, economic opportunity, and the conservation of natural resources. These are issues with significant moral and spiritual implications, which demand the serious attention of all Americans and, in particular, the nation's churches. In view of this we wish, on this 50th anniversary of the National Catholic Rural Life Conference, to address ourselves to some of the central questions which today confront rural America—and all America—in the belief that the future of our nation's cities and suburbs, as well as its rural communities, will be determined in large measure by the answers which Americans give to them.

THE PROBLEM

Rooted in the pioneering efforts of rural leaders of the Church, the work of the National Catholic Rural Life Conference throughout its 50-year history has been directed to the spiritual, social and economic betterment of rural people. This commitment has been founded not only on the belief that rural Americans are entitled to the same material and cultural advantages as other Americans, but also on the conviction that the best interests of the entire nation are served when the needs and aspirations of rural America are met.

Today, however, the issue is not simply the well-being of farm people but their very existence as a people. In recent years hundreds of thousands of farm families have been forced off the land by low prices, soaring costs and high taxes. There are fewer than three million farms in the United States today, a decrease of more than 25 percent in a decade. It has been predicted that, if present trends continue, within 15 years about half of America's farmers, efficient though small, will quit the land, leaving production largely in the hands of big farms and corporations.

Some claim that the alleged efficiency of the large farm conglomerates—an efficiency which has never been proven—permits them to drive farm people from the land to the cities. In honesty, those who advance such claims should include in their cost accounting the vastly increased expenditures needed to meet the needs of these new urban poor. They should include the social and human costs resulting from the needless shift of population from vacated farm homes to overcrowded cities and suburbs. They should include the ecological damage to soil, water and food produced by attitudes and practices that treat agriculture as an industrial venture rather than a biological enterprise.

Such trends in American agriculture, and the huge social costs that accompany them, should not be written off simply as inevitable consequences of technological progress. Technology is a factor in the situation but it need not have these results. At its heart this is a question of social policy to be weighed and decided by the American people. Agricultural technology could be used to produce more socially beneficial developments than those we have witnessed to date. It could, for example, be employed to strengthen the commercial family farm of moderate size which, up to now, has provided Americans with an abundance of food and fiber at very low cost without disruption of the God-given ecological balance in nature. It could provide farm families with a host of sorely needed social advantages without driving them off the land. It could foster the growth of rural industry and rural area development. It could bring increased cultural opportunities and expanded health facilities to the countryside.

The general failure of these benefits to materialize in rural America up to now is not the result of technological or social necessity, but of mistaken policy and practice. Laissez-faire and adaptive approaches to farm problems must now be repudiated and rejected. The laissez-faire approach allows harsh forces of uncontrolled competition to drive less prosperous farmers out of agriculture. The adaptive approach goes so far as to employ that powerful influence of government and educational institutions, including land grant universities, to accelerate the migration of families from the land. This should not be permitted to happen.

### THE SOLUTION

In face of such powerful influences and interests the individual farmer is helpless. His "solitary voice," as Pope John XXIII said, "speaks to the winds." (Mater et Magistra, 146) It is essential for farmers to unite and cooperate, as the Pope emphasized in his great encyclical. In light of this there is critical need for the great farm organizations—the Farm Bureau, the Farmers Union, the National Farmers Organization, the Grange—as well as commodity groups and farm workers, to set aside their differences and join in an effective united effort based on the positive contribution that each can make to rural America. Without such unity the efforts of farmers to secure fair prices and beneficial farm legislation are likely not to succeed in time to check the movement of people from the countryside to crowded cities. Unless they stand together, their voices will go unheard in the halls of government where decisions affecting their future are made.

Other forms of cooperation among farmers are also needed. "It is necessary that farmers form among themselves mutual aid societies; that they establish professional associations." (Mater et Magistra, 143) Many such organizations, of which cooperatives are a notable example now exist. But they should exhibit a stronger Christian commitment to support the smaller producer and businessman. This is the view of Pope John, and has been the view of the National Catholic Rural Life Conference for five decades.

There is need, too, for farmers to join hands with other members of the rural community to work for common goals. Farm workers, for so long the most forgotten laboring men in America, are now seeking allies in their efforts to achieve a decent standard of living for themselves and their families. Rural small businessmen are dependent on the maintenance of a rural population base for their livelihood. All these, the people of rural America, must acknowledge their interdependence and join in efforts on behalf of the common good.

In recent years government has shown increased sensitivity to the needs of rural people and greater willingness to address those needs. In particular, Congress deserves commendation for the recent steps it has taken in this regard. At the same time, however, legislators and government of officials must continue to examine the social and economic trends in rural America and evaluate their consequences for the nation. Our laws still embody many injustices which discriminate against family farmers, farm workers and the rural poor. For example, our tax laws still permit "write-off" advantages for those who invest in farming merely to offset profits from other sources and our labor relations and labor standards laws still exclude or extend only limited protections to farm workers. These, and all such injustices should be remedied as soon as possible.

Prompt legislative action is required to assist family farmers and inhibit the further expansion of giant farm corporations. This should include prohibiting laws, effective limits on federal payments for land retirement and crop reduction, and even graduated land taxes. Although such legislation may be regarded as controversial by some, it is surely preferable to inaction, whose consequence would be to create in the United States the situation which today exists in some other countries, where ownership of the land has fallen into the hands of a few, leading to discontent among the landless and to angry demands for land reform. The current trend in land ownership is a serious social issue that demands the urgent attention of all Americans.

Appropriate legislative action to keep the land in the hands of those who work it will, however, be only a first step, albeit an essential one. It must be accompanied by continuing efforts on the part of public and private agencies and rural people themselves to ensure an adequate economic base for rural communities. Lacking such a base, the socially important objectives of widely diffused ownership of the land will not be realized. We feel that the wide ownership of land is vital to the future of America. In the words of Pope John, "Today more than ever the wider distribution of private ownership ought to be forcefully championed." (Mater et Magistra, 115)

Equitable prices for agricultural products are of first importance in creating and maintaining the base. Also needed are efforts to foster rural industry and develop common services in rural communities for preserving farm products. (Cf. Mater et Magistra, 141). The rural economy could be further strengthened by other small industries, tourism, and the development of recreational facilities. Accomplishing these objectives will require the creation of closer, cooperative relationships among the rural communities.

Today, fortunately, more and more Americans are coming to realize that our nation, blessed with an abundance of land, must yet make better use of its green space so that migration from countryside to city will be greatly reduced, for the sake of both. The further congestion of urban areas can only complicate their problems while the problems of the countryside grow simultaneously more acute. The needs of rural Americans must be met—and met in rural America—by providing them with more opportunity for the management of their own economic affairs.

Such an opportunity can be guaranteed through increased ownership of property and through mutual self-help organizations such as cooperatives.

The Church can play a unique leadership role in promoting these changes in rural America. It spite of the decreasing population base, it must maintain and strengthen its ministry to farm and rural people and articulate the redeeming message of Christ in terms of the spiritual values inherent in their way of life. Through pastoral training in our seminaries and through programs of continuing education, it must educate priests to the socio-economic realities of rural America and prepare them to exercise a role of rural community leadership.

For half a century the National Catholic Rural Life Conference has sought to make its policies operative through diverse programs. It has long been an educator in rural values through workshops, lectures and literature. It has fostered the development of liturgy oriented to rural concerns. It has advocated government programs and policies which better meet the needs of rural people. Through diocesan rural life directors it has sponsored many local-level programs and observances. In the South and Southwest, in Appalachia and overseas, it has cooperated in countless projects to encourage self-help efforts among the poor.

As the National Catholic Rural Life Conference marks its 50th anniversary we extend our congratulations and thanks to its board, staff and members for their efforts over the years. Problems of urbanization, farm production, and rural poverty continue to oppress people in our nation and abroad; and we shall continue to look to the Rural Life Conference for leadership in carrying out the mission of the Church in these areas. The ministry of the Church is a shared one, and it is through agencies such as the National Catholic Rural Life Conference that the people of God can most effectively participate in this shared responsibility. As we unite our intention with those of the Rural Life Conference on this anniversary, we invite all people of good will to join with us in efforts to ensure that renewed commitment today will lead to a better, more just more Christian world tomorrow.

## INDONESIA'S STATE OIL ENTERPRISE DEMONSTRATES GOOD BUSINESS JUDGMENT AND MATURE ECONOMIC ATTITUDE

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## HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

**Mr. MATSUNAGA. Mr. Speaker, in view of the mounting interest in the critical area of natural resources, particularly that of fossil fuels, I would like to bring to your attention an address by Dr. Ibnu Sutowo, president-director of the Indonesian State Oil & Gas Mining Enterprise.**

**The unique Indonesian production sharing system, adapted to their national aspirations, differs from that of other oil producing countries, many of whose governments and oil companies are engaged in a series of confrontations regarding pricing and other problems.**

**Pertamina, with the aid of U.S. capital investment, has been an expanding and successful venture, and I include at this point the text of Dr. Sutowo's speech:**

### PERTAMINA AND INDONESIA'S INVESTMENT OPPORTUNITIES

(Speech by Lt. General Dr. Ibnu Sutowo)

Mr. Ambassador, Madame Thajeb and distinguished guests:

It is a privilege to be here tonight and to have the opportunity of joining Ambassador Thajeb in welcoming all of you to the celebration of such an important double anniversary.

Fifteen years ago when I was directed to form an Indonesian state oil company, we had only a goal and a vision. People scoffed at the idea that from a heap of scrap iron and a few old devastated fields left by the ravages of the second world war and our own struggle for independence, we could build the fully integrated national oil company to develop our country's resources which Pertamina is today.

In the beginning there were few people who were willing to assume the responsibility for the internal development and rehabilitation of the national oil industry. Such a huge undertaking in the face of apparently overwhelming odds was truly staggering for a country whose people had not enough trained engineers or technicians. I was one of a relative small group of fortunate men with a university degree. My own background was that of a medical doctor caring for the needs of thousands of my people who had migrated from Java to Sumatra. The memory of the suffering of these people because of inadequate nutrition and lack of other necessities made me aware of the need for a strong, self-sufficient, independent base for my country.

During the years that have followed since our creation of Pertamina and using Indonesian manpower, we have developed to where we now operate a national oil company employing 37,000 people and staffed with university trained and experienced Indonesian engineers, geologists, technicians, and professionals in all areas.

The story of the development of our national industry is contained in a book, "Pertamina—Indonesian National Oil", which has just been published and its five American authors are among the guests tonight.

As I look back on the development of our company, I am thankful that God created Indonesia with such rich resources. And I am thankful for the opportunity to be able to develop these resources wisely. I say wisely, because it takes wisdom to find the best ways to achieve the greatest results. This brings me to the other anniversary we are celebrating tonight—the fifth anniversary of the opening of Pertamina's representative office in the United States.

We established an American office in 1967 as the result of President Soeharto's new policies to reopen Indonesia's doors to foreign investment in order to help build our nation. We knew we had great oil potential, being one of the world's oldest oil producing countries in the world.

However, between World War II and 1965 we had dropped from fifth to twelfth place among oil producing nations. Former government policies had not created the kind of climate in which private investment flourishes—the climate of political stability with the assurance that the investor will make a worth-while profit. This was a situation we determined to rectify with rational strategies and positive policies. We knew that we did not have the capital resources or the technical know-how to develop our oil potential as quickly, and to the extent, which was so urgently needed. We actively sought out foreign oil companies to assist our state oil enterprise in exploring for oil and developing new commercial production under a mutually profitable arrangement—Production Sharing Contracts.

At the present moment, in many of the oil producing countries in the world, governments and foreign oil companies are still engaged in a series of confrontations over principles of pricing, participation and other problems. In Indonesia, since 1966 we have implemented the production sharing system which has uniquely adapted our national aspirations and specific needs to prevailing conditions. Production sharing provides a workable basis for cooperation which safeguards and promotes our interests and, at the same time, is attractive to foreign oil companies as it offers them a potential for profit-making on a sound business basis. After operating for six years, the results prove how well this formula has worked and it has developed a great spirit of cooperation.

Since 1966 more than 40 contracts have been signed, mostly with American companies, to undertake exploration and production activities in more than three million square miles, on and offshore. Under these contracts more than a billion dollars have already been spent. In this comparatively short period Indonesian oil production has more than doubled reaching a rate of over 1,100,000 barrels a day as of May of this year, with an expected increase of an additional 40% in 1973. We anticipate reaching two million barrels per day by 1975.

Oil is the single most important domestic source for funding the Government's Five Year Development Plan, and will continue to provide the basic support for all subsequent plans. Oil earnings will contribute an estimated 40% of this year's total government budget as compared to 30% last year and will continue to grow steadily. Also the value of oil exports, will reach approximately one billion dollars this year and for the first time will exceed the total value of all other exports, thus providing most of our needed foreign exchange.

The Indonesian oil industry under the management of Pertamina has now become the world's ninth largest oil producer and seventh largest oil exporter. Since 1968 forty-three new oil and gas fields, both onshore and offshore, have been discovered several of which resulted from Pertamina's own exploration. The variety of geographical and geological areas where these fields are located justify the future expectation of discovering many more giant oil fields in addition to smaller ones.

From the viewpoint of the United States, Indonesian oil and gas will be of increasing importance in connection with the demand for clean fuel and the energy crisis which is developing. Indonesia's crude oil has a low sulfur content which makes it extremely desirable for commercial use, especially in high pollution areas. Furthermore, several promising natural gas fields have been discovered in the last few years, opening up the prospect of exporting liquified natural gas to the West Coast of the United States. The development of the LNG market will provide further opportunity for the participation of foreign oil companies and contractors due to the large capital requirements of such projects.

Indonesian development of petroleum is not an isolated phenomenon. Our country has made progress in every sector of the economy. We have achieved an astounding decrease of our inflation rate from 650% in 1966 to 2½% in 1971. There has been an increase of two thousand three hundred percent in domestic savings from 1968 to 1971, an overwhelming sign of confidence in our national currency. During this same period, our government expenditures for development have been increased at an average rate of 15% per year.

These are only some of the many indicators that our economic trend is steadily on its way up. These achievements have been the result of the policies established by President Soeharto to be carried out in our first Five Year Development Plan, which is now in its fourth year. In addition to restoring political stability, our policy of economic realism and pragmatism has recognized the importance and vital role of both public and private investment.

International confidence in Indonesia has been demonstrated by both government and private investors. The Inter-Governmental Group for Indonesia, an international consortium of creditor and donor countries, has rendered invaluable assistance in solving our economic problems. The role of private foreign investment is also of dynamic importance. Since the promulgation of the Law on Foreign Investment in 1967, 481 projects, outside the oil sector, have been approved by the government. They represent a total investment commitment of 1.7 billion dollars of which 554 million dollars, or 33% is United States capital.

The role of foreign capital is an expanding one. There are many opportunities for profitable investments for those who join us in realizing our tremendous economic potential and the development of our great natural resources. An illustration of this is the phenomenal growth of timber exports developed by foreign capital. The value of timber exported in 1971 was seven times that of 1969.

The Indonesian government is already planning its second Five Year Development Plan. We will accelerate all the developments started during the first Plan, and a major target is to double our development funds. This will require a great increase in the utilization of private, foreign and domestic, resources. In this respect, Pertamina will play an even greater role in generating and encouraging the participation of foreign oil investment on a mutually profitable basis.

Pertamina is more than just an oil company. We are a development company for Indonesia. Since we are the nation's key industrial enterprise, and have had the most technological experience, we must take the lead in many activities. Our shareholders are all the Indonesian people. Therefore, we are engaged in a wide variety of community development activities. We have built roads, bridges, schools, hospitals, mosques, housing developments, office buildings and sport stadiums.

As a development company, Pertamina hopes that private foreign investment will not only expand in the oil sector, but be attracted to many other areas such as the development of tourist facilities. Americans are realizing what an extraordinarily beautiful and interesting country Indonesia is. Last year the number of tourists, most of them American increased by 100 percent. The government is actively promoting tourism. Pertamina is also participating. For example last year, in cooperation with fifty oil and oil-related companies, we opened the Ramayana Restaurant in New York and sponsor cultural dance performances there as a means of introducing Indonesia to the restaurant visitors.

As a development company, we also recognize that if we are to develop our nation, we must develop our people. In the long run, as in the history of your own nation, it will be the quality and ability of our people that determine our national progress, rather than the quantity and value of our national resources. In the ensuing decades in Indonesia, we must use the attractiveness of our *natural* resources in order to develop our most important *national* resources which is our people.

It is not mere numbers or mere economics which will determine the future of our nation, it is the quality and the rigorousness of the challenges presented to our nation's young men that will determine our future course.

We also invite your assistance in this investment in our people. If a decade from now you can have trained—on your own, in your own system, under your own company's philosophies, sufficient Indonesian of high enough quality to handle your Indonesian operations—indeed they will perhaps be good enough to move into your international operations—you will successfully have made a great investment in our nation.

Ladies and gentlemen, tonight I have outlined our country's progress in overall economic development and in its oil sector in particular. Our potential is enormous but so are our nation's needs.

Consequently, as President Director of Pertamina, and as an Indonesian concerned with the well-being of my country, I look forward to your continuing participation in our development. We are grateful for the confidence your have placed in us as manifested by your important investments. I would like to invite those of you who have not yet done so to join us in the successes which lie ahead.

Thank you for coming this evening and I hope to welcome you in Indonesia.

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## LEGISLATION PROVIDING CONGRESS WITH AN OPPORTUNITY TO REASSERT ITS CONTROL OVER THE EXPENDITURES OF FUNDS

## HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. MACDONALD. Mr. Speaker, I am introducing today what I believe to be one of the most important bills that this Congress will consider. It provides Congress with an opportunity to reassert its control over the expenditure of funds—control which is being lost gradually to the executive branch.

Over the past year especially, the executive branch has used the process of impounding funds increasingly to stymie the will of Congress. Programs which have been affected now include water quality, housing, urban renewal, education, transportation, and agriculture.

When concerned Members of Congress seek an explanation for the impoundment of these funds, we are told that the programs involved are in the process of "internal review" by the Office of Management and Budget. More often than not, it seems to me, the review is external as well as internal, because the funds are never expended.

I feel this process of arbitrary impoundment has contributed to the constitutional crisis with which this body as an institution is now faced. It goes to the very heart of our authority—control over the expenditure of funds. The simple fact is that funds which the Congress has authorized and appropriated are being prevented from helping the people for whom they are intended. And it is even more disturbing to me that the programs most affected are "people programs" or, in other words, programs aimed at improving our environment and the basic way of life for all Americans.

The real problem, however, is not, and should not be, related to the goals or purposes for which impoundment is utilized by a particular administration. The problem is that the process is inimical to this country's ability to function as a representative democracy. I see it as a problem that every Member of this Congress regardless of party should view as a threat to the viability of our system.

Consequently, the bill which I have introduced today offers a solution to this problem which should be both acceptable and effective. It requires the President to set forth in a special message to Congress his reasons for seeking to impound funds for a specific program. Congress would then have a 60-day period in which to approve the presidential message and ratify the impoundment. If no action by the Congress were to be taken, the President would be compelled to cease the impounding of the funds.

Within the next several days, I will be contacting each of my colleagues in the House of Representatives to ask that you join with me in this bipartisan effort to reassert the congressional prerogative.

### H.R. 2050

A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) whenever the President impounds any funds appropriated by law out of the Treasury for a specific purpose or project, or approves the impounding of such funds by an officer or employee of the United States, he shall, within ten days thereafter, transmit to the House of Representatives and the Senate a special message specifying—

(1) the amount of funds impounded,

(2) the specific projects or governmental functions affected thereby, and

(3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message shall be printed as a document for each House.

SEC. 2. The President shall cease the impounding of funds set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a resolution in accordance with the procedure set out in section 4 of this Act.

SEC. 3. For purposes of this Act, the impounding of funds includes—

(1) withholding or delaying the expenditure or obligation of funds (whether by establishing reserves or otherwise), appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(2) any type of executive action which effectively precludes the obligation or expenditures of the appropriated funds.

SEC. 4. (a) The following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional rights of either House to change the rules (so far relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b)(1) For purposes of this section and section 2 the term "resolution" means only a concurrent resolution of the House of Representatives or the Senate, as the case may be, which is introduced in and acted upon by both Houses before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by that House.

(2) The matter after the resolving clause of each resolution shall read as follows: "That the House of Representatives (Senate) approves the impounding of funds as set forth in the special message of the President dated , House (Senate) Document numbered ."

(3) For purposes of this subsection and section 2, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c)(1) A resolution introduced with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution shall not be in order. It shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to, and it shall not be in order to move to consider any other resolution introduced with respect to the same special message.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration

of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives or the Senate, as the case may be, to the procedure relating to a resolution shall be decided without debate.

## COMMUNISTS ARE CAUSE OF BLOODSHED

### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. LANDGREBE. Mr. Speaker, to evaluate the recent bombing of North Vietnam, one must keep the context of the present situation firmly in mind. North Vietnam is clearly the aggressor; South Vietnam is attempting to defend itself, not to take over North Vietnam and rule it by force. The actions of North Vietnam are, therefore, immoral and ought to be condemned by all those who value human life and recognize the right of human beings to exist free from tyranny. Any actions taken by either South Vietnam or the United States in defense of South Vietnam are morally justified. The Communists are the cause of all the bloodshed and have the power to end the war at any time by merely ceasing their aggression and agreeing to a peace settlement.

One might, of course, legitimately question our initial involvement in this horrible war. But the fact remains that at present we are there and three courses of action are open to us: First, we can pull out immediately without a peace agreement; second, we can continue our limited military defensive actions while continuing to negotiate for a just peace; or third, we can increase our pressure, military or otherwise, in order to force the North Vietnamese to quickly agree to a more just peace agreement.

The first course of action appears to be advocated by many, but is totally unjustifiable on moral, humanitarian grounds. If we immediately pull out, hundreds of thousands of Vietnamese would be slaughtered by the Communists. This has happened in every other area or country taken over by force by the Communists, and the Vietnamese Communists have made it clear they intend to do the same. But even worse, from the U.S. standpoint, is that we would be leaving our prisoners of war to an uncertain fate. Our Government is responsible for putting those men over there, and it is morally responsible for doing everything possible to secure their safe and prompt return.

The second possible course of action has, in essence, been our policy throughout the entire war—use enough force to defend the South, but not enough to make the North cease their aggression. This policy has resulted in the war lasting for over 10 years and is the cause of the high number of dead and wounded on both sides. Of the three possibilities, this is worst.

The third possible course of action is, given the context, the most rational and moral. When one is dealing with mindless brutes, who, having no grasp of the concept of human rights, attempt to rule others by force, one's only recourse is to self-defense.

This means that I support the President's current policy. Personally, however, I advocate increasing the pressure on North Vietnam. Whether this should be trade sanctions or blockades or bombing is difficult for me to say—I am not a military expert. I do know, however, that our casualities decreased in the past during periods when we were bombing the North and increased when we stopped the bombing.

I must add a word concerning those who are now crying that the bombing is immoral and that President Nixon should be compared with Adolph Hitler. These assertions are preposterous. To claim this is to deny the distinction between the aggressor and the victim, between attacking others and acting in self-defense. Such an attitude condemns those who attempt to defend their very life and their right to exist as free men and not as slaves, and therefore, sanctions the actions of the aggressor by giving him a moral status equal to that of his victims. Moral sanction is what bloody aggressors such as the North Vietnamese count on—it allows them to attack others without widespread public opposition and condemnation. People with attitudes such as this must bear a large part of the blame for the bloodshed that has resulted from the war in Vietnam.

For reasons that should now be clear, I do not and will not support any "end the war" legislation which will not allow the President the freedom to negotiate a just peace—one that will insure the return of our prisoners of war, account for our men missing in action, and achieve some protection of the people in Vietnam from Communist brutality.

## CITY OF STRUTHERS, OHIO, EXPRESSES APPRECIATION FOR REVENUE SHARING FUNDS

### HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. CARNEY of Ohio. Mr. Speaker, today I received a letter and copy of a resolution adopted by the council of the city of Struthers, Ohio, which I believe will be of interest to the President and my colleagues in the 93d Congress. I, therefore, insert these documents in the RECORD, at this time:

THE CITY OF STRUTHERS,  
*Struthers, Ohio, January 10, 1973.*

Hon. CHARLES J. CARNEY,  
*U.S. Representative,*  
*Washington, D.C.*

HONORABLE SIR: It is gratifying to know that you as Congressman of the 19th District and your colleagues in the U.S. House of Representatives and in the U.S. Senate, together with the President of this country recognized the financial plight of the U.S. cities throughout the nation.

It is important to express my personal gratitude and the appreciation of all the members of the Struthers, Ohio administration for the financial assistance given through the Federal General Revenue Sharing Act. As our Congressman, I hope that you will read the enclosed resolution into the Congressional Record.

Best wishes for a successful term, I remain,

Sincerely yours,

THEODORE T. MACEJKO, Sr.  
*City Solicitor.*

A RESOLUTION EXPRESSING COUNCIL'S APPRECIATION TO THE U.S. HOUSE OF REPRESENTATIVES AND TO THE U.S. SENATE AND TO THE PRESIDENT OF THE UNITED STATES FOR GRANTING MONETARY ASSISTANCE TO THE CITY OF STRUTHERS, OHIO, WHICH ASSISTANCE WILL ENABLE THE CITY TO RENDER CERTAIN ESSENTIAL SERVICES TO THE PEOPLE OF STRUTHERS, OHIO

Whereas, the Congress of the United States and the President, the Honorable Richard M. Nixon have made it possible for the City of Struthers, Ohio to obtain federal financial assistance through the enactment of the Federal General Revenue Sharing Act; and

Whereas, such assistance is greatly appreciated.

Now therefore, be it resolved by the Council of the City of Struthers, Ohio three-fourths (¾) of all members elected thereto concurring:

Section 1. That this Council express its appreciation to the members of the U.S. House of Representatives, members of the U.S. Senate and the Honorable Richard M. Nixon, President of the United States for their leadership and recognition granted to the City of Struthers, Ohio through the allocation of Federal funds under the act identified in the caption of this resolution.

Section 2. The Clerk of this Council is directed to foreward a copy of this Resolution of appreciation to the Clerk of the House of Representatives, the Clerk of the U.S. Senate and to the Honorable Richard M. Nixon, President of the United States.

Section 3. This resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 3d day of January 1973.

THOMAS D. VASVARI,  
*President of Council.*  
DIANE M. DONATELLI,  
*Clerk of Council.*

Mr. Speaker, I commend the mayor and City Council of Struthers for taking the time to express their gratitude for Federal efforts to assist America's cities.

## HON. OLIVER P. BOLTON

### HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. MAILLIARD. Mr. Speaker, I wish to express my deep regret upon hearing of the death of our former colleague, Oliver P. Bolton, of Ohio. I well remember his kindness and helpfulness when, together, we first entered Congress more than 20 years ago. His wife and family and particularly to his mother who was always so gracious during our years together on the Foreign Affairs Committee, my wife and I offer our sincere condolences.

## RESOLUTION OF THE COUSHATTA INDIAN TRIBE

### HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. BREAUX. Mr. Speaker, I would like to offer for your consideration the following resolution pertaining to recent problems at the Bureau of Indian Affairs. This resolution has been formally adopted by constitutents of mine, the Coushatta Indian Tribe of Louisiana. The Coushatta Tribe has been working through peaceful channels for many years in an effort to improve their relationship with the Federal Government, and they have asked that I share the following statement with you:

RESOLUTION OF THE COUSHATTA INDIAN TRIBE

Whereas, the Coushatta Indian Tribe of Louisiana have always been a friendly and peaceful people who love God and their neighbors; and

Whereas, the Coushatta Tribe has never been at war with the United States and has always respected the sovereign right of the United States to govern the Coushatta people and Coushatta territory; and

Whereas, the American Indian Movement and their confederates have perpetrated malicious mischief and defamation against the American People and the Government of the United States of America; and

Whereas, the action by the American Indian Movement in Washington, D.C., resulting in the militant and unlawful seizure of the Bureau of Indian Affairs, does not represent the will or approval of the Coushatta people; and

Whereas, the American Indian Movement does not now, nor, ever in the past, hold sympathy of the Coushatta people; and

Be it resolved, that the Coushatta Indian Tribe of Louisiana, acting through the Assembly of the Coushatta People at a General Tribal Meeting, by Acclamation, whereby formally denounces the American Indian Movement, berates the American Indian Movement for the damage to the Federal Government and for the grave error in their philosophy which would motivate them to such scandalous action, and declares that the actions and methods of the American Indian Movement are not in the best interests of the Coushatta people.

The Coushatta Nation calls upon the American Indian Movement to amend their ways, return the stolen property to the Bureau of Indian Affairs, and recant their treasonable action against the United States. The WILL of the Coushatta People is for all men to live as brothers in PEACE.

Thus adopted in Elton, Louisiana in the 16th day of November, 1972.

——— ———,

*Secretary.*

## INDIANA DELEGATION SALUTES CULVER MILITARY ACADEMY

### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. LANDGREBE. Mr. Speaker, I take this opportunity to call a unique anniversary to the attention of the Members of the House. The Black Horse Troop of Culver Military Academy in Culver, Ind., will ride in its seventh Presidential Inaugural Parade in 60 years. Not only will they appear in the parade, but they will carry the massed American flags in the protocol section leading the parade.

It is a tribute to the internationally famous college preparatory school in the district I have the honor of representing, that the Inaugural Committee selected its colorful troop to lead the parade. Ninety teenage riders from the largest equestrian unit in the United States will carry 60 American flags surrounded by a saber guard. To further emphasize Culver's tradition of inaugural appearance, The Clock, the 28-year-old lead horse of the Culver unit, has been taken out of retirement to lead the Black Horse Troop in his fifth consecutive parade.

Horsemanship is just one aspect in the varied program offered at one of the finest college preparatory schools in the country. Culver shows its confidence in tomorrow's leaders by offering its students every possible opportunity for development. These young men and women of Culver Military Academy and the Culver Academy for Girls are a vital part of America's future, and I am proud of the gesture of patriotism which they are making.

All of Indiana's Congressmen and Senators join me in saluting Culver Military Academy and the seventh inaugural appearance of its Black Horse Troop. A list of Indiana's Congressmen and Senators follows:

Ray J. Madden, John Brademas, Lee H. Hamilton, Roger H. Zion, Elwood Hillis, Vance Hartke.

William G. Bray, J. Edward Roush, John T. Myers, David W. Dennis, William Hudnut, Birch Bayh.

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# SENATE—*Tuesday, January 16, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. J. BENNETT JOHNSTON, JR., a Senator from the State of Louisiana.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of justice and judgment, before whom the nations rise and fall, lead us in paths of righteousness and truth. May the silenced guns of yesterday be harbingers of universal peace for all the tomorrows. Redeem the nations from the ways of war to the ways of mutual trust and good will which prevents differences from becoming overt violence and destruction. To this end, we beseech Thee, to be with Thy servants in this place in their quest for peace at home and abroad. And may our love of Thee surpass all earthly loves.

Through Him who is Lord of truth and light and love. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, D.C., January 16, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. J. BENNETT JOHNSTON, JR., a Senator from the State of Louisiana, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,  
*President pro tempore.*

Mr. JOHNSTON thereupon took the chair as Acting President pro tempore.

### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. JOHNSTON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 1) extending the time within which the President may transmit the Budget Message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report, with an amendment, in which it requested the concurrence of the Senate.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, January 12, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER FOR ADJOURNMENT TO THURSDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian on Thursday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## JOE ALSOP'S REMARKABLE ARTICLES ON CHINA

Mr. MANSFIELD. Mr. President, in recent weeks, a series of remarkable articles has been appearing in the Washington Post and in countless other newspapers throughout the Nation and the world. The articles are a narration of a voyage of rediscovery of China, so to speak, for the veteran newsman, Joe Alsop. His long journey, together with his wife, took him to well-known Chinese cities such as Peking and Canton and also to some of the remote parts of the vast Chinese People's Republic.

Mr. Alsop writes with a perspective deepened by a personal exposure to China many years ago and against the background of his unique kind of understanding of the Chinese people and, of course, his scholarly researches into the antiquities of Chinese dynastic culture.

As the Senate undoubtedly knows, Mr. Alsop first went to China as a young military officer under Gen. Claire Chennault during World War II. Incidentally, it was in that capacity, at Kunming, in Yunnan Province, that I first made Joe Alsop's acquaintance. It was a different China he saw then, a backward, suffering, starving, exhausted China, a militarized Nationalist China heavily dependent for survival on U.S. aid and a handful of Americans such as Joe Alsop, Frank Valeo, our present Secretary of the Senate, Senator FRANK CHURCH and others in this body, and many other Americans who had come to help in the war against Japan.

The Joe Alsop reports of his recent visit constitute a growing account of progress on all fronts under the present government in Peking. He has discovered a new China which he describes as operating with great determination and enthusiasm its own Chinese Communist system, free not only of dependency on the United States but on the Soviet Union.

In my judgment, this distinguished journalist measures the new China with his unique reporter's eye which in the course of his recent visit he has adjusted, with great objectivity, to the new realities of China.

It would be my hope that consideration would be given by Mr. Alsop's publishers to bring out this series of brilliant articles in book form. I ask unanimous consent, now, that the Alsop articles on China be included at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Dec. 16, 1972]

### IN CHINA, EVERYTHING IS CHANGING

(B Joseph Alsop)

NANKING, CHINA.—In the year after Pearl Harbor, I spent a good deal of time in a Japanese internment camp in Hong Kong. This was basically because Gen. Claire Chennault's Flying Tigers would have been crippled without a tiny animating part of our airplanes' .50 caliber machineguns called a 1–B Solenoid.

I had desperately tried to have the defective parts made in China, in Burma and in Singapore, always unsuccessfully. Finally, Claire Chennault sent me to Manila to seek 1–B solenoids there. It was a journey that bore fruit, but only at the final instant. So I caught the last plane out of Manila, and I was thus trapped in Hong Kong when the Japanese broke through at Magazine Gap.

The point of this ancient story is simple enough. I have now seen at least four factories, all in Chinese rural counties, that you could not have reached by road in the old days. All four could easily have produced unlimited quantities of 1–B solenoids, precision-made as was required, considerably more easily than they currently and most ingeniously produce their own machine tools.

Everything in China has changed, in truth, except the endlessly resilient, hard-working and clever Chinese people. The quantity of life has changed, vastly for the worse for the ancient ruling class but for the better for everyone else. This is true not only in the cities but also in the formerly remotest countryside.

The countryside itself has changed, because there are now trees and roads, and there are no more graves wasting land that can be usefully cropped. The agriculture has changed in many fascinating ways, and it will change further, too.

As for industry, there were under 40 factories, mostly handicraft in character, in this great city in 1948. And there are now above 600 factories, with at least two giants employing about 10,000 men.

If China has any luck, in fact, I suspect the change in China may prove more important for the world future than the change in Russia that took place with Lenin's October revolution. In just under 40 years as a reporter, I am confident that the month I have now spent in the New China constituted the most significant reportorial work I have ever done.

Naturally, therefore, I have thought a lot about how the story ought to be handled. Maybe I should now begin writing about all sorts of other things that are more in the headlined news. Nonetheless, it seems best I give priority to the biggest story I have ever covered.

As a preface, I must point out that I have largely worked out of the capital cities of the provinces the government opened for the first time to Susan Mary and me. This was no limitation (or so I thought) since trips of up to 70 miles into the country were easy, if you were prepared for a less than luxurious overnight stay.

What we saw, of course, we largely had to see through the eyes of Yao Wei, the manager-interpreter and general guide, philosopher and friend provided for us by the foreign office.

So much for explanation. Fourteen hours of daily legwork, plus communications problems, forbade regular reporting from the scene. Belatedly, however, I shall now transform my voluminous notes into reports from the many scenes in question. For I think those who wish to read have a right to know the raw facts on which I have based my tentative conclusions, which will follow, although at an alarmingly remote time in the future.

[From the Baltimore Sun, Dec. 18, 1972]

### SUCCESS IS A BICYCLE IN YU HSI

(By Joseph Alsop)

YU HSI, YUNNAN, CHINA.—This province's strange yet lovely landscape largely consists of high, almost unpopulated plateaus. Among the plateaus, however, rich valleys, mountain-girdled and singularly beautiful, appear at seemingly random intervals. Yu Hsi county mainly comprises one of these valleys.

I never saw Yu Hsi in World War II, since there was no access road. But it closely resembles several other Yunnan counties I knew well. I think my Yunnanese hosts chose to send me here for two reasons: because this county is now prosperous above the average and because Yu Hsi happens to have a particularly pleasant hostel for the local conferences about pigs, irrigation and suchlike that they endlessly hold in the new China.

For the general scene, think of my particularly attractive Chinese landscape painting, but one done in the richest and most various greens and earthy browns. For Yu Hsi town, think of any picture of the past; for the little place still has the old curving roofs of tile and the finely carved, red-painted wooden shop and house fronts.

My host here was Yang Feng-chum, a tough, intelligent North Chinese who is now vice chairman of Yu Hsi's revolutionary committee. (In the new China, they appear to follow the practice of old China when things were going well—which was to send in the higher county and provincial officials from other places.) Besides being pleasantly hospitable, he was a perfect font of vital statistics.

The county, then, has 220,000 people. All but 20,000 live in the rural communes, which have about 15,000 hectares of cultivated land. After people, the county's next most important inhabitants are pigs. In 10 years, the pig population has risen from 30,000 to 70,000—thereby more than doubling the main nonhuman fertilizer source.

"But next year, we are going to build our own artificial fertilizer plant!" Mr. Yang said.

Ten years ago, again, the county had relatively little irrigated land. Now, however, Yu Hsi has a main reservoir, built by unimaginable human toil, that impounds 60 million cubic meters of water, plus 20 smaller reservoirs in the hills that bring the total to 100 million cubic meters. This means 8,000 hectares of newly irrigated land, but this "is not enough."

"Today, we get two crops a year from 60 per cent of our cultivated land," Mr. Yang explained. "Within three years, with more reservoirs, we shall reach 80 per cent. Besides, we are going to add to our land 30,000 'mu' [meaning 2,000 hectares] by building terrace fields in the hills."

Improved seeds; plumper fowl; finer pigs such as the "Yok a sha" (which means Yorkshire!); the county hospital and commune clinics with their 20 graduate doctors; the millions of trees planted on the hills, both by air-seeding and by hand in the slack seasons of the farm year; the commune and county industries; the 31,000 children in school—these were some of Mr. Yang's other favorite topics.

He had one unfavorite topic. The birthrate in Yu Hsi is still 20 for each 1,000—"Much too high."

Despite a slowly growing population, however, the average per capita income in the county has risen to 600 pounds of grain and 110 Chinese dollars a year. It was hardly more than half that 10 years ago. And you can see what this means, from two simple facts. Chinese prices are primevally low, and "The big shortages in our shops are bicycles and sewing machines."

Life on such an income, with a bicycle or a sewing machine as the highest aspiration, may seem hideously bleak to Americans. But it is a far better life than all but a tiny minority of Yu Hsi people have ever known before. Of that much, I am certain.

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[From the Washington Post, Dec. 20, 1972]

### BACKBREAKING TOIL BUILT A RICH CHINESE COMMUNE

(By Joseph Alsop)

FEI CHENG COMMUNE, YUNNAN PROVINCE.—My trip to China has had two suggestive peculiarities. I was never deluged with ideological garble-by-rote. And I was allowed to range widely, in order to see how things really work.

Here, therefore, is the best I can do with the workings of the commune system, as it has now shaken down after the new China's successive convulsions. I began learning about the system in a beautiful old landlord house now inhabited by the entire revolutionary committee of Pei Cheng Commune. My teacher was mainly the impressive commune chairman, Yin Ta-wei.

Although this commune has just under 21,000 people, mainly dependent on about 1,200 hectares of cultivated land, it is one of the rich ones. There are two reasons for its comparative wealth. First, local industry is easier in Yunnan than in most places, so this province has many small local coal seams. Second, this commune has single-handedly built its own enormous reservoir. Hence, almost all its best land is irrigated, double-cropped and high-yielding.

You must imagine us, then, sitting in a sort of upstairs loggia, twined with bougainvillea in flower, talking about the commune's prosperous affairs with considerable pride on the part of Yin Ta-wei. In the new China's agriculture, communes are the managerial apparatus. The officials are therefore paid by the state, and they often come from elsewhere, too, like Yin Ta-wei himself.

In this commune, to begin with, the "problem of family planning has not been adequately solved." This is quite largely because commune members' children begin to earn "work points" as early as 12, and are often full-time earners at the first school-leaving age which is 16. As income depends on work points, many families therefore hope to gain financially by having children. Nonetheless, tripling the area of irrigated land, using better seeds, better animals and more fertilizer, plus the local industrial development, have combined to give the commune a relatively high per capita income for its members. In grain, the average commune member gets 616 pounds a year, plus 130 Chinese dollars in cash. (But prices are so astonishingly low in China, except for scarcity items like bicycles, that you should probably think of a real income of about $260 a head.) This would put Fei Chang in the top third of Chinese communes.

Besides its own industries, the commune has its own schools through 5th grade, and its own clinic, headed by Dr. Chiao Tse-man, a graduate of Kunming Medical College. I saw Dr. Chiao's clinic. Its simplicity would have given any American doctor the horrors. Yet it was clean and neat; sick people were obviously well cared for and it was a startling novelty by the standards of old China.

As the managerial apparatus in the countryside, the commune pays the taxes to its county—last year 762 tons of grain and 320,000 Chinese dollars. In addition, the commune sold the county government 420 tons of grain last year at the low state-fixed price; but this money became part of the cash earnings of the commune reserves.

Planning is from the bottom upward—in other words, from the production teams, meaning little individual villages, and the production brigades, which group several teams to the level of the commune itself. This year, for example, the commune officials "persuaded" the brigades they needed a few more hectares of cash crops like tobacco on the good land. This was to be "compensated" by the heavy additional toil of building more terraced fields on the knees of the tall, harsh hills that run along the commune's southern border.

Amid the bougainvillea vines in the lovely courtyard, it was all strangely similar to a businesslike discussion with the management of one of our own large American industrial farms. Yet there were hints of extreme strangeness, too, as when Yin Ta-wei matter-of-factly explained that the peasants spread *by hand* above 450 tons of fertilizer, almost all organic and locally produced, on each hectare of the commune's rice land every year.

But the climax was the later visit to the magnificent reservoir, impounding 2.9 million cubic meters of water in a cleft in the hills by means of a stone dam about 100 ft. high and 200 ft. wide at the top. Except for the sluice gates, that dam was also produced by the backbreaking toil of the commune members.

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[From the Lost Angeles Times, Dec. 27, 1972]

### MONKEY WRENCHES, CHILDREN AND THE CHINESE HUEI BRIGADE

(By Joseph Alsop)

YU HSI COUNTY, YUNNAN PROVINCE, CHINA.—One of the problems that has puzzled me most in this country is the appearance of vastly greater flexibility and efficiency than you find in the Western Communist countries.

A good symbol of this is the simple fact that the shops in this remote county, at the Chinese equivalent of the back-of-beyond, are nearly as well stocked as the shops in Peking. In Russia, in contrast, the availability of most goods decreases in direct proportion to the distance from Moscow or Leningrad.

I am now sure, however, that one reason is the Chinese encouragement of all kinds of local industry, even where Westerners might think that it did not make good economic sense.

In Yu Hsi town, for instance, you can buy an excellent monkey wrench for a few cents. And this is simply because large numbers of monkey wrenches, at least sufficient for the needs of this whole county and its neighbor counties, are produced by the Huei Brigade.

The Huei people are counted as a "national minority" because they are Moslems, although their blood and language are pure Chinese.

Being Moslems, they cannot eat pork or keep pigs—truly shocking disabilities in Chinese eyes. One consequence, as I was told by the brigade leader, Ma Yun-hai, is that this brigade of Pei Cheng Commune gets a substantial extra allowance of artificial fertilizer, to make up for the absence of precious pig manure.

Another consequence, common for semi-excluded groups in many Asian and African countries, is that the Huei people have always been blacksmiths. So they had their own specialty ready at hand, as it were, when the government long ago announced the "mass line" of local industrial production of all possible types.

For any Westerner, the results were pretty hard to credit. Here in the lovely but remote Yunnan countryside, to begin with, the Huei Brigade has its own factory, with 75 full-time employes, making reasonably complicated grain-milling machines.

I was bewildered by what brigade leader Ma Yun-hai, a young, pleasant and obviously intelligent man, called "our big factory"—with an apologetic laugh. The "big factory" has only one full-time employee, the accountant. For the rest, the labor force of about 350 only reports for duty "to earn extra work points," in the slack seasons of work on the land.

The main products are the monkey wrenches already mentioned, plus all sorts of fine pocket knives and a few other things of the same sort.

Essentially, the "big" factory is a handicraft plant, carried on family-style, with children playing among the sparks next to the forges.

It was an extraordinary sight to see the basic parts of the monkey wrenches being made. One man would pull a billet of red-hot iron from a forge with tongs. He would hold it extended on a kind of anvil. His partner would then chop the part into the desired shape with a large, ax-like tool. Every chop was applauded by the 4-year-old son of one of the partners, while the hot iron flashed and fell.

Yet I took half a dozen of one of the finished wrenches and lined them up, one on top of another. I could not find a pin's worth of difference between any of them. They all worked admirably. A machine tool had been used, to be sure, to make the needed screw that narrowed or widened the space between the claws. And the wrenches had also been neatly nickel-plated with quasimodern equipment.

The Huei Brigade, which has 4,600 people, is still primarily engaged in farming, but it started its factories in 1965. The first year's gross was 65,000 Chinese dollars. Last year's was 360,000 Chinese dollars, of which two-thirds was profit for the brigade. Like so much in China, it was all a bit surprising.

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[From the Washington (D.C.) Post, Dec. 27, 1972]

### KUNMING: ONCE FOR EXILES, NOW FOR INDUSTRY

(By Joseph Alsop)

KUNMING, YUNNAN PROVINCE.—Off and on for four years of the big war, I lived in this city. Barring the airfield, the exquisite lake and the temples on the lake ("valuable cultural relics"), I should not have known the city now, unless I had been told it was indeed Kunming.

Under the Manchu dynasty, particularly, Kunming was a place of exile for misbehaving princes and high officials. So it was full of the huge and lovely courtyard houses that the rich exiles built for themselves. These were its main ornaments. Otherwise, it was a picturesque, though squalid province capital, unusually inward-looking because so long and so largely cut off from the rest of China.

Here is where the difference between Kunming-past and Kunming-present really begins. The city was a chosen place of exile precisely because it was so cut off. In Manchu times, it lacked any real way of ingress or egress except imperial "highways," which frequently turned into rock-cut staircases climbing and descending the Yunnan Mountains.

By 1945, when I last saw Kunming, much effort had been expended, first on the old Burma Road, then on the Stilwell Highway, now no longer used, and above all on the other main highway linking Yunnan Province to the rest of Nationalist China. There was also a ramshackle railroad that ended in the neighbor province of Kweichow.

Today, the rail connections are ample. You can take a sleeper to Peking, if you want so long a trip. Where there used to be only about 3,000 kilometers of highway, moreover, almost all on the single north-south line, there are now 30,000 kilometers, including highways linking Kunming to 128 county towns. (This does not count the endless farm-to-market roads in the countryside, either.) Only internal air transport is still severely limited.

Ways in and ways out are obviously the first requirement for any serious industrial center; and this is just what Kunming has become. To give only two statistics, Yunnan Province before the Communists won the civil war had a total output of 356 tons of steel a year, whereas the output is 240,000 tons a year today. In the same interval, the total value of the province's industrial output has risen from 180 million Chinese dollars to 3.5 billion Chinese dollars.

Much of the new provincial industry is

outside Kunming, but except for the mines, the larger plants are mainly here. Hence bleak but efficient blocks of workers' flats, huge factory complexes sometimes employing above 10,000 men and all the other by-products of industrialization have now engulfed the picturesqueness of the past.

A good deal of the squalor has gone, too. The city is criss-crossed, for example, with wide, well-paved, tree-shaded streets and there is adequate electricity and a proper sewage system (which nonetheless conserves the night soil for the farmers' fields).

Besides being a major industrial city and a province capital, it should be further noted that Kunming is now a university city in the true sense. In World War II, several of China's national universities sought refuge here, to be sure.

The refugee universities have now been replaced, however, by no less than eight provincial universities—of which we should class several as technical schools—plus five more establishments overtly labeled technical schools. One of Kunming's new tasks, in fact, is to provide Yunnan with just about all the doctors, engineers and such like that the province needs.

Lest I seem to paint too bright a picture, I should add that Yunnan Province has always been *potentially* rich, with good land and great mineral wealth. It was only the province's remoteness that prevented the mineral wealth from being better exploited in the old days. Because of the mineral wealth, rapid industrial growth would have taken really bad planning to prevent, once Kunming and Yunnan ceased to be relatively inaccessible.

In this respect, indeed, I am a bit worried about these reports of mine. I asked to see the provinces I had known in the past because I could get a comparison with the past. But these were all rich provinces, in actuality or in potential. I have not seen, and I cannot judge, the new condition of the really poor provinces of China's northwest, for instance.

Yet the fact must be faced, Kunming today makes you think of the time when the U.S. industrial base was being most rapidly built. Specifically, you think of a newly burgeoning Midwest industrial city about 1900, except that for good or ill Kunming no longer has any rich citizens in exile or other.

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[From the Boston Globe, Dec. 27, 1972]

### A Modern Version of Making Do

(By Joseph Alsop)

YU HSI, YUNNAN PROVINCE, CHINA.—In this country, you are bound to be totally bewildered unless you know the exceptional Chinese knack for learning and making do. It has always been there. But in the new China, the knack is being married to modern industrial technology.

This is happening at all levels, beginning with the many small industrial enterprises in the countryside. The next level upward, the county, is strikingly represented by the Yu Hsi farm machinery factory, a rambling complex of big shops that now employs 1300 workers, including more than a score of graduate engineers.

In Yu Hsi in the old days, of coures, there was nothing more complicated than blacksmithing. This was in fact the way the factory began in 1956, with 50 employees making hoes and sickles for the local farmers You still see many traces of the old handicraft habits, too, for example in the absence of anything resembling a production line.

One of the oldest-seeming traces of the preindustrial past, at least in American eyes, is the way such local factories—and all over China, too—briskly make their own machine tools whenever they can manage it. I first learned of this when I was being shown over the busy factory by the quiet-spoken, shrewd vice chairman of the factory's revolutionary committee, Chien Ke-neng. My eye was caught by a giant casting, fresh from its bed of sand, that must have weighed more than a ton. I asked what it was.

"Oh, that's one of the parts for the double column, three-and-a-half-meter vertical plane lathes that we're now making," said Chien Keneng with a hint of quiet pride. "We have a smaller lathe of this type from the big state factory at Tsitsihar (in far north China). It's our most advanced machine tool. But now we need this bigger size for the larger turbines we want to produce, since the communes are beginning to need them."

Bemused, I asked why they had not simply ordered another, larger tool from Tsitsihar. My host replied, in effect, that the Tsitsihar factory was terribly overtaxed already. Hence, if they wanted the big lathe, they had to make it themselves, including making the needed design modifications.

For the same reasons, among the Yu Hsi factory's other impressive-looking machine tools, numbering more than 400 in all categories, exactly half have been made by the factory itself. It made you think of what a successful "go-ahead" local industrial enterprise must have been like in America about 1880. Except, of course, that the technology the Yu Hsi factory has to cope with is infinitely more elaborate in 1972.

To fill out the vital statistics, the factory now represents a joint investment by the country and the province of above 5 million Chinese dollars. Its profit, last year, was 410,000 Chinese dollars; but all the "profit" is customarily plowed back into new capital investments. The work force is paid from 34 to 80 Chinese dollars a month. And almost all raw materials come from Yunnan Province or from Yu Hsi County.

"Ours is a service factory for agriculture," Chien Ke-neng explained. "Whatever the countryside needs, we try to make. We began with sickles and hoes. Now our main products are generators and turbines because the countryside's needs have become more complex. And we also sell machine tools of the types the communes use in their own factories.

"Only about 30% of our output is used by this county. Neighbor counties are also our customers; and we make our plan each year on the basis of the needs we know about."

Again, one thought of a brisk local industry in a farm state at home a century ago, before American local markets began to be so exclusively served by small numbers of giant producers. I asked Chien Ke-neng whether larger scale, less local output, based on standard models and organized production lines, would not be much more economical.

"You must talk to the planners in Kunming (the province capital) about the answer to your question," he replied. "All we know is that the needs are here, and our task is to meet them."

There was another reminiscence of a different sort, too, when I asked an idle question about an obviously effective gear-cutting machine which I was watching at work. "That's one of our better models," said the vice chairman, with a certain complacency. "We make it for one-tenth the price the Japanese are getting for the equivalent model. Or so they tell me in Kunming!"

So what major episodes in modern economic history does that quiet reply bring to your mind?

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[From the Washington Post, Dec. 29, 1972]

### A Tool Plant, China's Needs, and the Lesson of Japan

(By Joseph Alsop)

KUNMING, YUNNAN PROVINCE, CHINA.—Although this is now a big industrial city, it is nowhere near the summit of the new China's remarkable industrial development. To see that, you would have to go to Shanghai, or the older industrial centers in North China and Manchuria. Yet even the mid-level gives ample food for sobering thought about the future.

Consider, for example, the Kunming Machine Tool Co. Here I spent an absorbing day talking and looking, with two members of the factory's revolutionary committee and its chief engineer as my hosts and guides. It is an old but much expanded plant, originally founded in 1939 after Chiang Kai-shek's government fled westward from the Japanese. It still uses some of the American machine tools inherited from that time—"although we have mostly modernized them," said Chen Shu-min, the chief engineer.

By the time the Communists won Yunnan, however, the plant had all but ground to a halt. Today, by contrast, its 4,500 workers are annually producing more than 40,000,000 Chinese dollars worth of machine tools. This may seem an immense number of workers to produce the official exchange-equivalent of 16,000,000 U.S. dollars worth of tools. But the average wage in the plant is 54 Chinese dollars a month—or the equivalent of about 650 Chinese dollars a year if you include the fringes. And each worker, on average, is responsible for 8,900 Chinese dollars worth of products.

Nor is the tool company what the economists would call a capital-intensive producer. Since the plant was taken over as a ramshackle ruin in 1949, the central government—the sole investor here—has put only 38,000,000 Chinese dollars into the company.

The rest of the story of development has been contrive-and-make-do, self-financing, yet making an ever-rising profit for over two decades. The central government is now getting a return of 6,000,000 Chinese dollars a year on its investment. And there is enough left over from the "profit" for the Kunming Company to pay for all its new investments for expansion, plus all its raw materials.

Nor is the sizeable return on its investment by any means all the central government is getting from the Kunming plant. The hundreds of machine tools produced every year go to all the provinces of China. They comprise above 30 types; and mostly they are special orders, "for we haven't got anywhere near the assembly line stage yet," said the chief engineer. But then he added, just a bit demurely, "all the same, we are now trying something quite advanced."

The "something quite advanced" turned out to be a double-column jig boring machine of the largest size, and of a type otherwise mainly produced in Switzerland. I had been told of the Chinese venture into jig boring machines by an American businessman in Hong Kong, who said: "Ours were never much good, although the Swiss ones are; but from what I saw at the Canton fair, the Chinese ones should be excellent."

I asked my hosts what the Swiss price for an equivalent machine now was, and what their price would be. "Oh," said one of them cheerily, "we can produce it for 300,000 Chinese dollars; and the Swiss charge three times that. But where we know the foreign prices, that is quite a common price differential, we find."

There were a good many other eyebrow-raising surprises during that day at the Kunming Machine Tool Co. One, which was also entertaining, was the remarkably patronizing way my hosts talked of the machine tools from the western Communist countries ("except for Czechoslovakia, and we have none from East Germany"). They even showed me a huge, grimly cumbersome Soviet tool and their own much more compact equivalent ("cheaper to make, and a lot more precise, too!").

But the one-to-three price differential was what mainly struck in my mind. I asked whether they had ever thought of financing much more rapid expansion by an export drive, in the manner of the Japanese in the 1950s. "China's own needs have to come first," they replied in chorus.

This puzzled me, until one of them let drop that the venturesome jig boring machine was for use "in the aeronautical and other precision industries." An absolute priority for national defense, in sum, is what apparently prevents the new China from taking the Japanese road.

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[From the Los Angeles Times, Jan. 4, 1973]

### THE PLANNING BEHIND GROWTH OF INDUSTRY IN THE NEW CHINA

(By Joseph Alsop)

KUNMING, YUNNAN PROVINCE, CHINA.—Industry-viewing in the new China raises a hundred questions. Not just whether you are seeing and understanding the real thing, but why near-handicraft production and advanced technology are so often mingled. And whether the really unheard-of pattern of industrial growth makes sense. And so on and on.

Toward the close of my long stay in this province that I used to know so well, I therefore asked whether I could talk with leaders of the provincial planning commission. The commissions vice chairman, Ho Po, a 20-year veteran of work in Yunnan, was duly produced with members of his staff.

(I say "produced' because in Peking and in the provinces I was never allowed to see officials on this kind of level in their own lairs. They always came to my hotel. And I still wonder whether this was because their working offices were considered to be overly dingy or were regarded as secret or what.)

As to the success of this province, the figures speak for themselves. From less than 200 million Chinese dollars at the time of Communist victory, industrial output has now risen to 3.5 billion Chinese dollars a year. Yunnan is therefore on the verge of becoming one of the "rich provinces"—which really means the capital-exporting provinces.

The distribution of the total industrial output is also remarkable: over 10% comes from little rural factories in the farming communes and brigades, 20% from mines and factories started by the provinces' many counties, around 60% from mines and factories started by the province itself, and about 10% from major industrial enterprises directly responsible to the central government.

These classifications, as given by Ho Po, reflect the original investments in the enterprises, and thus a kind of ownership. The point to notice here is the enormous percentage of Yunnan's growth attributable to Yunnanese initiative.

There are three reasons why this is a sound pattern, again according to Ho Po: (1) Yunnan is a remote province "with transport problems still to be solved"; (2) the rule is that, for "maximum results, there must be maximum use of local resources"; (3) "if the county can live of its own, the province's burden is reduced, and if the province can live of its own, the burden of the central authorities is reduced."

To illustrate, Ho Po said Yunnan now produced 90% of the steel tonnage that it consumed, but only about one-half of the high-grade special steels that its industry required.

"So in Peking," he said, "the central planners only need to worry about two or three tens of thousands of tons of steel for Yunnan almost all special steels. And this eases their larger task."

I asked whether this was an economical way to do business for the long run. Ho Po replied that it was "the only way at this stage." Partly, he explained, it was still far more economical, "because of China's manpower, for a country to smelt its own pig iron if it has small seams of iron ore and coal.

"But mainly," he added with firm conviction, "this is because it is the way we have grown, and the way we must grow. The first task is to meet the needs. The second task is to meet the needs more economically and with better quality as soon as that becomes possible. Thus we go from indigenous production to modern production-line output.

"Indigenous production" means nothing more or less than handicraft production. There is some of that in every industry I saw in Yunnan. In the little countryside factories, handicraft production naturally predominates. But curious hangovers from handicraft production can also be seen in a highly sophisticated plant like the Kunming Machine Tool Co. Each level differs.

There are two things to be said about this. Capital-intensive, highly automated production is not the best way, even at the highest level, when you have a skillful, intensely hard-working labor force content with extremely modest wages.

All the industries I saw, even in the countryside, were also far ahead of where they had started. The movement, in short, is remorselessly forward.

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[From the Los Angeles Times, Jan. 5, 1973]

### THE CHINESE GENIUS FOR CAPITAL-CREATION CREATION

(By Joseph Alsop)

CHUNGKING.—On the rattletrap airplane to this other place I knew best in former China, I found myself chasing clues in my head like a squirrel in a cage chasing its tail. I had just seen once-familiar Yunnan Province quite radically and mysteriously transformed. It was natural to search for clues to the transformation.

The best clues, I think, were provided by a remote memory and a recent experience. The memory was of a funny picnic by the old Burma Road in the time before Pearl Harbor. We were on the height. Far, far below, in its deep gorge, ran the great Salween River. And from the height to the river's brink, hundreds of tiny rice terraces ran down the steep slope.

I have always remembered the scene for a simple reason. I was so profoundly struck by the untiring work of capital-creation, carried on generation after generation, that those rice terraces obviously represented. From nothing, land had finally been built to sustain five tiny, isolated villages in the infertile hills.

As to the recent experience, it was the only time, I think, that my kind hosts in Yunnan tried to pull the wool over my eyes. I had asked to see one of the poorer farming communes in the mountains, to get a contrast with what I had seen before. Instead, on my last day in the province they took me to a commune brigade on the knees of the mountains, where the land was rich.

Even so, the visit had been a marvelous experience, for the people were proud of what they had done, and what they had done was fairly staggering. The brigade—with the usual 4,000 people or so—had built itself a small canal more than seven kilometers long to bring water to its fields in all seasons.

The commune had more than the usual number of mountain reservoirs to boast about, plus increased yields, better pigs, new small industries and so on and on. And all this, mind you, the people had done themselves, with nothing to spur them on except some guidance (and an occasional hint of menace, no doubt) from higher authority.

In the airplane to Chungking, finally, it suddenly occurred to me that this recent experience and the remote memory of the past were quite directly and intimately linked. The link was the singular Chinese genius for capital-creation, which I had noted in the Salween gorge more than 30 years ago. This genius had simply been harnessed and directed in the new China, or so it seems to me.

Consider, for example, the Kunming Machine Tool Co., with its state investment of 38 million Chinese dollars (or no more than 16 million U.S. dollars); hundreds of excellent machine tools, half of its own making, and its output of several hundred quite advanced new tools a year.

Or there was the textile mill, producing great quantities of the things people wear in the Yunnan climate, all of them practical and wearable, and many of them quite pleasant to look at. Its starting investment from the Yunnan provincial government had been tiny.

Who on earth elsewhere would think of starting a machine-tool company with the wreck of one of the Nationalist government's wretched wartime tool plants, plus the equivalent of a couple of hundred thousand of our dollars? (For the 38 million Chinese dollars were fed in gradually, over a decade or more.) Or who would start a textile mill from nothing, with much, much less investment, but with the aim of becoming one of the main suppliers of a province of 20 million people?

Or for that matter, who would think of digging a 7½-kilometer canal, partly stone-riveted, and all by hand, to ensure double cropping on a couple of hundred hectares of land?

The Chinese would naturally think of all these things as a simple answer to the foregoing questions.

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[From the Washington Post, Jan. 5, 1973]

### A NEW FACE FOR CHINA'S COUNTRYSIDE

(By Joseph Alsop)

CHUNGKING, CHINA.—As Chiang Kai-shek's wartime capital, this was a drab, hideously squalid pre-industrial city. I found the new Chungking still drab, but highly industrialized and squalid no longer. Indeed, I could find nothing of the past to recognize—except the Generalissimo's huge town house, now occupied by the whole of the local revolutionary committee that runs the place. (I feel downright guilty to give so short a report on a place that almost no Westerners have been allowed to see; but the foregoing sums up what I saw quite adequately.)

But the surrounding countryside provides an equally new picture.

This was the place, long months before Pearl Harbor, where the peculiarities of Chinese farming first began to fascinate me. It was during an interval in the all but incessant Japanese bombing that, to get a little air after being in the crowded bomb shelter, I was taking a walk in the farmlands that penetrated the city's fringe. I saw a farmer with a heavy bucket over his shoulder going down the rows of plants in a steep hillside field, giving each plant a half a ladle-full of the fluid in the bucket. I asked my Chinese companion what the farmer was up to. Fertilizing with liquid night-soil, he replied briefly, and then added that the farmer was giving only a half a ladle-full to each plant in order not to waste the precious fluid on unplanted soil.

In the Chinese countryside, in short, no effort has ever been spared to get a maximum crop with the resources available. Even so, I was hardly prepared for the "terrace fields" that they took me to see in the farming communes around Chungking.

The countryside hereabouts, you must understand, is both rocky and largely composed of such steep hills that even Chinese would not think of trying to grow rice on them. The old way, ruinously eroding, was to grow as much rice as possible in the valleys; and then plant the hillsides, too, where soil remained. The new way is to make "terrace fields." The rocks are dynamited to get the needed building materials. Heavy dry-stone walls are then built to heights of six or even seven feet, following the contours of the land. And earth is finally brought to fill in the stone walls, thereby producing a terrace field.

The greatest successes in this incredibly laborous line of endeavor have been achieved by the "Gold Steel" Brigade. The brigade chairman, Chung Ho-Pu, is a tough, intelligent 50-year-old, who must be a remarkable leader as well.

All the brigade's once-bare hill-tops are covered with trees. Barring only 20 hectares "and will finish those in another two years!") all the land that will stand it—and was not riceland in the first place—has been made into terrace fields. And with the trees and above 300 hectares of stone-built terrace fields, the whole landscape has been re-made.

So has the life of the "Gold Steel" Brigade. Its 4,000-plus people now have the rural equivalent of a shopping center, with a mini-department store; another store selling such things as candy and hardware; and a pleasant restaurant-teahouse. The brigade's chief village even has running water, and the 14 others have electricity.

Add a huge cow-house (for the Chinese, wonder of wonders, have begun to drink milk!) Add a cathedral of a collective pigstye and a slaughter house, both now going up. You can see, then, why the new farming of the "Gold Steel" Brigade bears only a limited resemblance to the farming of Old China, except in the skilled, untiring, limitless work that is still demanded.

Obviously, the "Gold Steel" Brigade was a pace-setter. Obviously, that was why my hosts chose it to be shown to a visitor. Yet the neighbors plainly knew that the methods of the "Gold Steel" Brigade were making its people enviably prosperous by Chinese farming standards. So you could see terrace fields going up in most places, wherever you drove through the hills around Chungking.

All this is worth reflection for one central reason. The pacesetters of Chinese farming, like this one, are today only a stage or two away from truly modern agriculture, and they will be in that stage before too long. The "Gold Steel" people, for instance, are already investing in machines to partly mechanize the spreading of the tons of manure the Chinese use on their fields.

And some day, China, with a modern agriculture and a modern industrial plant, will be a formidable entity.

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[From the Baltimore Sun, Jan. 8, 1973]

### CHINA HAS FASHIONED A "NEW MODEL ARMY"

(By Joseph Alsop)

NANKING, CHINA.—The reason I came to Nanking is probably worth recording. In Peking, when I had finished outlining my desired program in China—in itself already unprecedented—I was answered by a question: "But why have you not asked to see our Army?"

The honest answer, which I did not give, was that others had "seen our Army" by lunching with a tourist-frequented division near Peking, and hearing a great deal of ideological gabble. In the upshot, I spent a long, wholly un-ideological day with the 197th Infantry Division of the People's Liberation Army just outside this city. It made me think of the old phrase for Oliver Cromwell's men, "the New Model Army."

If space permitted, the temptation would be irresistible to describe the men and their setting in careful detail. But what is important is the newness of the military model.

Of the rest, of this absorbing experience, only two things need to be said. All the men appeared to be singularly tough, dedicated and able. And the setting was a sternly functional, splendidly clean but fairly grim divisional barracks area in wind-swept open country where the land was poor.

As to what matters more, let us begin at the beginning. The 197th Division was formed from three guerrilla bands in 1938, in the war against the Japanese. It has a considerable fighting history—including three years fighting the U.S. in Korea, which were tactfully unmentioned until I asked. It always has been kept together as a division; and for other reasons, too, its 10,000-plus men constitute a fighting "unit" in the most literal sense.

It also is a productive unit. The division has about 350 hectares of land which it has reclaimed from waste areas. It raises its own pigs; makes its own bean curd; does its own ordnance repairs; and has its own pharmaceutical factory, making things for sale like ampules of glucose for intravenous feeding. About 50 per cent of what the division consumes is produced by the division itself.

Since the leaders and men of the division do from 15 to 20 days of field training per month, in addition to "production work," you can see why they look pretty hard-bitten. In the countryside, however, it is a privilege to serve because of various fringe benefits. About 80 per cent of the men therefore are farm boys by origin. The rest are students, including a fair number, one suspects, who did not exactly volunteer.

The "leading cadres"—one must not call them "officers"—are mainly promoted from the ranks. As they wear no insignia, you cannot tell them from the men, except that their uniforms have two extra pockets. Up to the level of company commander, they also live with their men, all together in the bare but immaculate barracks with the same hard iron bunks for everyone.

As the 197th is a light infantry division, it has no divisional equipment heavier than 75-mm. recoilless rifles and 120-mm. mortars. Communications are by signal and walkie-talkie. Motorized equipment is insignificant. But the men are trained to carry 60 to 85 pounds of weapons, ammunition and rations on the march and in combat.

The divisional commander, Chien Yung-Ching (who looked like a smallish Chinese rock, weathered but durable) insisted that I see his men "in action." It was a freezing day. While my teeth chattered, target shooting, training exercises and maneuvering (always at the double) went on for two hours. As each new squad ran out to perform, the men chanted in unison, "Heighten Our Vigilance! Defend Our Motherland!" And I have to add that I have never seen more deadly accurate shooting at all ranges.

What struck me most, however, was the way the division was organized. There were almost no staffs—no more than 30 men at divisional level, and no more than eight at the regimental level. There was almost no school system, either, and there were virtually no cross-transfers from outside. Everyone, in fact, had grown up in the division; and since the re-enlistment rate (at the end of a three-year hitch) was 30 to 40 per cent, everyone knew everyone else. Hence the lack of need for insignia.

Command was frankly a partnership between the formal commanding officers and the political officers. But the political officers had also grown up in the division; and all higher officers had had both sorts of assignment. A new model army, indeed! And I should guess an extremely formidable one.

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[From the Baltimore Sun, Jan. 10, 1973]

### INCREDIBLE PROGRESS IS THE MOST EXCITING THING ABOUT THE NEW CHINA

(By Joseph Alsop)

HONG KONG.—In Canton, after a month's hard but endlessly fascinating work, the Chinese journey ended.

There was a final, magnificient feast, including "the delicious meat"—which means dogmeat. It is a great delicacy in Canton in winter weather. And honesty compels the report that although the meat is coarse, the dish, overall, is very good indeed.

On the train carrying us to Hong Kong, my wife and I argued the question that has puzzled us the most.

Both of us have spent a good deal of time in the Soviet Union and the other Western Communist societies. Both of us found these other journeys almost suffocatingly depressing.

In China, too, vast, terrifying upheavals, cruelly costly to millions of human beings, have occurred quite recently. The "great leap forward" brought the whole of China to the verge of famine, and "the three bad years" are an often-mentioned memory.

The Great Proletarian Cultural Revolution, only terminated two years ago, was another hideous episode by rational Western standards.

Much less was actually smashed up than we in the West have generally supposed. In Shantung province, for example, the ancient family temples of Confucius and Mencius were continuously protected by detachments of the Army.

All the same, the price in human suffering must have been ghastly, although many survivors of this suffering were outspokenly proud of being survivors.

Yet both my wife and I found this long, unprecedented Chinese journey neither suffocating nor depressing. Instead—the fact may as well be faced—we found the journey both fascinating and exhilarating.

Rather than thanking God to be crossing the border (which is the standard post-Russian response) we wished we could have had several months more. So why?

Part of the answer, beyond doubt, lies in the simple fact that travel in the new China is infinitely more agreeable than in the Soviet Union.

Our countless hosts were friendly, interesting and forthcoming. Our interpreter-manager, Yao Wei, was the most uniquely ideal traveling companion that either of us had ever encountered. On an infinitely lower level, the service and food everywhere were incomparably good.

Per contra, there was not the smallest hint of the other, more free life that goes on, under the surface, in the Soviet Union. A Chinese Solzhenitsyn is quite unimaginable. There is no underground art or literature. All march to the same drum, or they have their "thoughts reformed."

Furthermore, the official art, and as far as one can judge, the official literature, are awful beyond imaging.

You can get the idea from the cultivated old woman writer who told me, with a straight face, that with the cultural revolution completed, "literary production would soon be resumed on a big scale"—as though she had been speaking of steel production.

The Western Maoist intellectuals would die like flies if they were forcibly translated to Mao Tse-tung's China.

Neither my wife nor I, finally, have that unpleasantly masochistic liking for the brutality of "progressive societies" that marks so many Western left-wing liberals. So why then, I repeat, were we both fascinated and excited?

The Western Communist societies work horribly badly. You feel the malfunction everywhere, no matter where you go.

But if you knew the old China, you cannot have that awful suspicion that is always in your mind in Russia—that even tsarist society might have made much more progress, at a substantially lower cost in human life and human misery.

In the Chinese case, I freely confess, I cannot quite understand how so much progress has been made, despite the fearful recurrent upheavals.

But for anyone who knew old China, the progress is both undeniable and astonishing. The life of the people is hard, and above all, it is unremittingly hard-working. It is not free, in any sense.

The whole experiment can also go aground, in the end, either because of a Soviet preventive attack, or because the effort to solve the population problem meets with failure.

Yet everywhere you see the strong foundations for a better future being boldly, laboriously, intelligently laid. Whether in agriculture or industry, you find eye-popping achievements. So I suppose it is this sense of forward movement that answers the question we argued on the train to Hong Kong.

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[From the Washington Post, Jan. 15, 1973]

### DEFENSE: MAINSPRING OF CHINA'S ECONOMY

(By Joseph Alsop)

In Nanking, at the least impressive factory I saw in China, there was still something to see that was almost horribly impressive. The place was a railroad car plant. To get to it, we had to cross the vast new bridge over the Yangtze River.

Far, far below the bridge, some of the old ferries were still steaming back and forth over the wide, turbid waters, but they were almost entirely empty. An inquiry produced the fairly chilling response: "We keep them going because the bridge could be so easily broken by bombs in wartime."

The factory itself was built at the foot of a considerable hill. Here was the main exhibit. Steel doors opened inside of the hill, revealing a concrete tunnel, 14 feet wide and nearly 12 feet high. In the burrows of the hill, the tunnel and its satellite-tunnels extended for more than two miles—"enough to make an air-raid shelter for 20,000 people!"

It was hardly surprising, then, that the factory's output seemed remarkably low for the 4,000 workers it employed. This enormous fortification inside the hill had, in fact, been built with "volunteer" labor of those same workers. And the factory also sustained no less than 18 militia companies, well trained as they proved in the long display.

From such data, you can deduce the most immediately important lesson of my experience in China. Neither at that factory, nor crossing the bridge over the Yangtze, nor at any other stage on this journey, did anyone make any bones about the nature of the threat the Chinese now perceive. The threat is nothing more or less than a preventive war waged by the Soviet Union. To most Americans, this is a highly distasteful fact. Prof. John K. Fairbank, for instance, promulgated the pleasanter doctrine that the chief Chinese fear was nonexistent Japanese militarism—and this was gratefully believed until China clasped hands with Japan! It is no wonder, either, that the true fact should be distasteful, for you must take your choice: Either most American liberal intellectuals are now living in a totally unreal world—for the world, as they see it, certainly leaves no particle of room for anything like a Soviet preventive nuclear attack on China. Or else Mao Tse-tung, Prime Minister Chou En-lai and the entire Chinese government are mainly guided by considerations almost insanely unreal.

For it must be understood that the story only begins with the huge air-raid shelters all Chinese enterprises have been required to build; and the underground cities that extend beneath every major Chinese urban center, and the militia companies that have been formed by every kind of organization in China.

The real story is that the whole remarkable development of the Chinese economy is being deformed, for the present, by the absolute and urgent priority now accorded to national defense. The rule that "agriculture must come first" is not being broken, to be sure. Probably it cannot be safely broken because of China's population problem. But all that I saw—most of it previously unseen by any foreigner—suggested that Chinese industry would now be long past the takeoff stage, except for one thing. The first call on all industrial resources, from steel to machine tools, has been given to aircraft, production of missiles, ordnance and to everything else connected with China's armed strength.

The political evidence confirmed the industrial evidence. In a long series of frank and exhaustive talks in Peking—with officials of the foreign office, with leaders of the Chinese press and, finally with Prime Minister Chou En-lai himself—there was always the same central theme: The danger of a Soviet preventive attack on China, as betokened by the huge, unceasing Soviet military buildup on China's long northern frontier.

Prime minister Chou even spoke grimly of the Soviets as already "seeking to organize support" for such an attack among the other Western Communist countries. Here, in sum, is the hidden mainspring of China's policy.

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[From the Boston Globe, Jan. 15, 1973]

### CONCLUSIONS AFTER A VISIT TO CHINA

(By Joseph Alsop)

WASHINGTON.—It is time to try to sum up a long, almost, unparalled experience in the New China.

In the long perspective of world history, the Chinese revolution led by Mao Tse-tung can easily emerge as more significant than the October revolution in Russia in 1917. I believe this, although I gravely doubt whether the methods of Chinese communism will ever prove to be exportable to other countries. They are too Chinese.

The right way to see the New China, in truth, is to forget the Communist label, and to consider the revolution as a specifically Chinese event. China's majestic history even teaches that this was, in some sense, a characteristically Chinese event.

The fact is that over the millenia, China has previously experienced at least two—perhaps three—vast, painful, violent episodes of radical renovation.

Schematically, these episodes all had the same features. When they occurred, the long-established system of Chinese society had begun to work very badly indeed. A new, ruthlessly renovating government then acquired power. Mountains of the accumulated social debris of the past were cleared away, at heavy human cost. And a wholly novel structure of state-power was also erected.

In the crises of the past, Chinese self-confidence was never shaken by anything quite like the challenge of western industrial society, beginning in the 19th century. Add the new ingredient of having to meet that challenge, calling into question the very foundations of Chinese culture.

You can then see Chinese Communism as no more than an instrument—or maybe one should say a weapon—for putting China back where every Chinese firmly believes that China ought to be.

At present, I am also pretty sure, the New China is at the end of one phase and the beginning of another. In the great renovating episodes in China's past, the period of harshness, of dogmatism, of extreme heavy-handedness, was never long enduring.

Quite probably, that kind of mutation has already started. On the base of the successes already achieved, that kind of mutation is also likely to build even greater successes, economically, technologically and in many other ways.

This matter of China's success, may well be the key to the future. Prime Minister Chou En-lai insisted to me, not once but at least three times, "we do not want to be a superpower." But a truly successful China cannot help but be a super-power, even a super-giant power. The country is too large, the people are too numerous, to permit any other result.

It is this which makes me wonder whether the Chinese revolution may not end by seeming rather more significant than the Russian revolution. If China eventually attains the kind of economic and technological success that China seems to promise today, the Soviet Union will be far out-distanced.

## REMOVAL OF SENATOR FANNIN FROM MEMBERSHIP ON SPECIAL COMMITTEE ON AGING

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the Senator from Arizona, Mr. FANNIN, at his request, be removed from membership on the Special Committee on Aging.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MARTIN LUTHER KING, JR.

Mr. SCOTT of Pennsylvania. Mr. President, yesterday, January 15, marked the 44th anniversary of the birth of a great civil rights leader and proponent of peace, Dr. Martin Luther King, Jr. Dr. King was an individual of great vision. No single man's "dream" has had such a profound influence on modern times.

At the age of 39, Dr. King was struck down by an assassin's bullet and the standard bearer of the quest for civil rights for all minority groups was gone. Our country lost a great leader. One can only speculate, but I feel that if Martin Luther King, Jr., had lived, the blood and racial turmoil in our cities would have been averted and our Nation would have been that much farther along toward Dr. King's "dream."

I pray that the memory of Dr. Martin Luther King will serve as an impetus for the future advancement of peaceful change. The closing words of an editorial regarding the late Dr. King in yesterday's Baltimore Sun are particularly appropriate:

> As long as his spirit and his example live, seekers after the justice he sought can expect someday to see all their dreams come true.

## PRESIDENT NIXON'S DECISIONMAKING

Mr. SCOTT of Pennsylvania. Mr. President, in last night's Washington Star-News, two excellent articles written by Richard Wilson and David Lawrence appeared opposite the editorial page. They certainly are well worth reviewing to develop an insight on the style of President Nixon and the reasons for certain decisions he makes. The columns are entitled "Nixon Does What He Must Despite the Critics" and "Nosy Congress Handicap to Peace." I ask unanimous consent to have them printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star and Daily News, Jan. 15, 1973]

### NIXON DOES WHAT HE MUST DESPITE THE CRITICS

(By Richard Wilson)

The measured pace of the Nixon administration never ceases to surprise and startle. So many of President Nixon's decisions run contrary to accepted wisdom, such as lifting mandatory wage-price controls at a time when inflation tends to resume its upward course.

Or, the predictably unpopular resumption of bombing in the Hanoi-Haiphong area which might again be resumed if the peace talks in Paris fail again.

Nixon goes by a measured pace and this is what is least understood about him. In the fall of 1971 when Phase 2 of economic controls had barely replaced Phase 1, Nixon's economic planners began to chart Phase 3, the lifting of controls. The plan now has advanced by measured stages into Phase 3, voluntarism, which was intended in the first place, and is consistent with Nixon's long-term opposition to compulsory wage-price controls.

He will claim the same consistency in terminating the Vietnam war, which once again appears possible. Here again there is evidence of the measured pace.

Early in 1972 Nixon accepted with amazing equanimity the advance of Communist regular forces across the demilitarized zone to establish a foothold in the northern provinces of South Vietnam. To prevent that advance from going too far the President ordered the mining and bombing of Hanoi-Haiphong, and the South Vietnamese army was able to arrest the advance with the loss of only one major capital.

Still, the North Vietnamese regular forces did, in fact, establish themselves in the northern provinces of South Vietnam. This fact underlies the present shape of the peace negotiations.

Nixon's tacit acceptance of the presence of the North Vietnamese regular forces in South Vietnam was the irreducible price of peace for Hanoi—the recognition of two armies in South Vietnam as reflecting the realities of the battlefield.

From this single point flowed the events which made it conceivable for Hanoi to agree to a cease-fire in place. So there was a perceptible pattern, if not a preconceived design, all through 1972 based upon the creation of real military conditions which Hanoi could consider acceptable, at least for an interim period.

Phase 1 then moved on toward Phase 2, the heavy bombing to convince Hanoi that it must now move along toward the actual execution of a cease-fire which did not require an overt commitment to withdraw its regular troops.

Phase 3, the resumption of bombing when Communist delay and treachery sabotaged the peace negotiations, could not be considered a preconceived plan but Henry A. Kissinger evidently left the Communists in little doubt that further delay and captious changes would result in renewed bombing.

This resumption was a hitch in the proceedings and matters were not going at Nixon's measured pace. That pace has nevertheless resumed and, while at a slower rate than once appeared possible, still falls within a Nixonian game plan.

He may yet be able to say that a planned course of events, from the first withdrawal of troops onward, led, despite delays and mishaps, to conditions in which Hanoi would agree to a cease-fire while Saigon still controlled most of the country.

In other matters a measured pace can be perceived. Nixon must have known—certainly his associates did know—that there was virtually no prospect that Congress would embrace his massive governmental reorganization plan.

From the beginning, it was implicit that, at what was deemed the proper stage, the President would put this plan into effect by his own devices. He has done so, not perfectly, but he has, in effect, combined the functions of several departments under super-Cabinet members with White House status.

It is the same with his commitment to cut government spending. Congress will not help him in this, so he is doing it anyway by stages and phases, in effect impounding and refusing to spend money appropriated by Congress.

It is typical of the game plan approach that many of Nixon's actions are temporarily unpopular or misunderstood so he has to be endowed with foresight of a good outcome and immunity to criticism. He takes second place to no one in these endowments.

### NOSY CONGRESS HANDICAP TO PEACE

(By David Lawrence)

The rumblings in Congress from members of the opposition party are evidently indications that President Nixon's second term will be subject to many challenges.

A threat, for example, has been made to block the confirmation of some of the new cabinet appointees unless Mr. Nixon agrees to let them testify freely before congressional committees. Demands are constantly being heard for "more information" on international affairs. Sen. Barry Goldwater, Republican of Arizona, who supports the President, has pointed out that it is not practical to give congressional committees the details of diplomatic negotiations and that the conduct of foreign policy would be impaired if negotiations had to be reported to Congress.

The executive branch of the government has always taken the position in every administration that information about matters related to foreign policy will be conveyed to Congress, but only when a decisive point has been reached—not while an important negotiation is in progress and particularly when it is at a delicate stage. Senators seem to think that the President ought to keep committees continually advised about diplomatic transactions with other governments. This has never been the rule, and the reason is easy to understand—information could be "leaked" to the press which would cause nations endeavoring to help settle a controversy to refrain from participation at all.

Members of the Senate have been told in a broad sense what the difficulties are in getting peace with North Vietnam and the Viet Cong. The aid of neutral governments has been sought to persuade Hanoi to adopt a conciliatory attitude and make an agreement at Paris. But the insistence that the President's appointees must testify on whatever subject committees may seek information would be a considerable handicap in carrying on foreign relations by the executive branch of our government.

There also are controversies in Congress with the President about the expenditure of federal funds. The administration has been trying to limit spending. Judging by some of the comments on Capitol Hill, it might be thought that the biggest sums today are being spent on the Vietnam war. Actually, the cost of domestic programs has reached the highest point in our history, and the real problem of the federal government is how to stop deficits. The administration has not hesitated to give the committees any data sought on the subject of expenditures.

The President's determination to hold the budget to approximately $250 billion will be successful only if both houses are willing to reduce appropriations. Mr. Nixon has declared that he will try in every way to cut expenses on the executive side, but his influence on the national economy can help to increase tax revenues in a period of prosperity.

The chief executive, in lifting most of the restrictions in the economic stabilization program, hopes that wage and price factors will move naturally as business conditions permit and bring larger and larger receipts to the U.S. Treasury.

The United States during the year 1973 will be operating under less regulation of the economy than it has in the last two years. An opportunity is given management to raise prices but not to a point that cuts down sales. The advice to labor union leaders is to make their requests for wage increases conform to the profit trends but to omit excessive demands which would push up costs and bring more inflation.

The President knows that during Phase I and Phase II of wage and price controls management and unions have learned some lessons about the value of restraints. For certainly employment has steadily risen and inflation has been gradually cut down. The outlook for 1973 and 1974 is considered to be on the brighter side. What management and labor really need to accept is self-regulation as it relates to the whole economy and particularly to an increasing flow of revenues into the federal treasury.

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## PRESIDENT NIXON'S FEELINGS

Mr. SCOTT of Pennsylvania. Mr. President, an article written by the junior Senator from Arizona (Mr. GOLDWATER) was published in the January 9 New York Times. I believe that our distinguished colleague's comments are deserving of consideration by all Americans, and ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 9, 1973]

### MR. NIXON'S FEELINGS

(By Barry Goldwater)

WASHINGTON.—There is only one way the Congress of the United States can end the war in Vietnam—by forcing a surrender of almost all American objectives in Southeast Asia.

This is a fact of international life which is very often misunderstood by sincere people who honestly want to see the bloodshed and the hostilities in Indochina brought to an end.

Indeed, the only way that a reasonable cease-fire and the return of American prisoners of war can be arranged is through the process of negotiation. The Congress is not empowered to nor is it capable of conducting these negotiations. The only action possible would be to render American military forces completely impotent by cutting off their funds and thus paving the way for a Communist victory of Hanoi's own making.

At this time, the Senate and House Democrats who are threatening to tie President Nixon's hands are threatening to prolong the war. They might just as well send a message to the Communist bosses in Hanoi telling them to "hang in there" until Congressional patience is exhausted.

We already know how delicate are negotiations in Paris. The Administration's critics, however, have ignored this and are embarking on a negative, counter-productive course born of an almost psychopathic desire to embarrass President Nixon and deny him the credit for ending a war which began under one Democrat President and was escalated enormously under another Democrat President.

When Democrat caucuses in Congress threaten to cut off funds if a settlement is not reached by a certain date, they are deliberately encouraging Hanoi's representatives at the peace negotiations to hold off agreement on any kind of a settlement until after that date. I can understand the frustration which is so rampant in Congressional circles because of Hanoi's backing and filling on provisions for arranging a cease-fire. I can also understand the unhappiness caused by the renewed bombing of North Vietnam on orders of President Nixon.

But it stands to reason that the frustration and unhappiness on Capitol Hill cannot begin to equal the frustration and unhappiness in the White House. And it does Mr. Nixon's critics no credit to run around suggesting that President Nixon is gleefully bombing North Vietnam out of a spirit of hatred or revenge.

Anyone who makes this kind of suggestion has to be a Nixon-hater of so rabid a breed that he has lost all sense of proportion and decency.

Those of us who have watched and consulted with the President during the entire

Vietnam mess which Lyndon Johnson left on his doorstep can attest to the President's deeply-held wish for a speedy end to the hostilities, the bloodshed and the imprisonment of American fighting men. It is the intensity of his feeling which has given Mr. Nixon the courage to go ahead with the course of action he knew (perhaps better than any other living American) would bring down on him a new torrent of criticism and abuse from many directions, both at home and abroad. And it was the intensity of his desire for an end to the bloodshed that gave him the courage to act in a way he realized would enrage the liberals and the doves and the demagogues on Capitol Hill.

In this whole situation a few basic facts need to be outlined and underscored:

President Nixon and his advisers have more information than anyone else, in or out of Congress, about the true status of the peace talks and what factors are involved in motivating the Communists to drop their impossible dream of complete control of Indochina.

That President Nixon and his advisers know better than anyone else, in or out of Congress, how best to bring about a speedy agreement for a cease-fire and the return of American prisoners.

It stands to reason that the President felt renewed bombing of North Vietnam was not only the best but the only way to get the peace talks back on the road to ultimate agreement.

I believe the President and Henry Kissinger recognized in the changing demands of the Hanoi representatives a belief that they could go on arming for the destruction of South Vietnam as long as this task required and without interference from American bombers. I believe the President and Mr. Kissinger recognized in the attitude and the actions of the Hanoi negotiators a belief that they could act militarily without interference in the belief that American public opinion and Congressional sentiment would never sanction a resumption of the bombing of military targets in the Hanoi and Haiphong areas.

Had our negotiators permitted this Hanoi attitude to go unchallenged the peace negotiations would have dragged on until either we gave in on every Communist demand or until the doves in Congress forced an American surrender on Communist terms.

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## EXECUTIVE PRIVILEGE

Mr. SCOTT of Pennsylvania. Mr. President, today, as frequently in the press, a columnist has again referred to invocation by the President of executive privilege, as if this were a constant resort of the Executive and frequently used, the implication being that perhaps it has been abused.

I think we should hit this particular kind of flapdoodle wherever a flapdoodle has a head.

Executive privilege was not invoked at all by this President in 1969. It has been invoked only three times altogether—once in 1970, once in 1971, and once in 1972. That is all. It has to be invoked by the President's direction in writing, with the reasons given.

I have documentation for these statements.

I am a little bit tired of the nonsense I read in the press by ill-informed and inaccurate columnists or by others who seem to want to make a great deal of the alleged invocation of executive privilege.

Every President has used executive privilege. In my judgment, Presidents have not abused it. This President has used it three times—three times—three times; and I hope that will now stick in the minds if not in the craws of the President's critics.

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## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from South Dakota (Mr. ABOUREZK) is now recognized for not to exceed 15 minutes.

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## CONGRESSIONAL VERSUS PRESIDENTIAL POWER

Mr. ABOUREZK. Mr. President, I recognize that it is not common for a Member who has so recently joined this body to speak out at length on the floor.

But this Nation is facing a crisis of sufficient gravity that all of us—even the most junior of Senators—must make ourselves heard.

For it is by silence, by inaction, that we have allowed the present situation to come upon us. It is only by voicing our concern and our indignation, and by acting to reverse the disastrous course of recent years, that a very much worse fate can be avoided for our Nation.

Allow me to read a few lines which came in my mail after it was announced that the rural environmental assistance conservation program had been terminated by President Nixon.

A man in Philip, S. Dak., wrote:

> To eliminate cost-sharing REAP funds would seem to be in direct violation of the Rural Development Act of 1972. This makes a mockery of congressional action.

Another man in Hettinger, N. Dak. wrote:

> I can't help but feel our Congress has been derelict in their duties. It is simply not necessary for Congress to accept dictatorial rule in our Nation. If Congressmen have no authority over the actions of our President, why do we spend in the neighborhood of a half billion dollars each year in salaries and congressional expense?

A woman in Custer, S. Dak., wrote:

> I feel that we are still living in a democracy and one man cannot dictate to Congress or the people.

This country faces a constitutional crisis. Our tripartite form of government, established with great wisdom by our forebears as the surest means of preserving our liberties, and of avoiding the descent into tyranny, is under grave attack.

In the past quarter of a century, believing that we were confronted by a great threat to our national survival, we systematically transferred to the President a vast array of powers which formerly resided in this body, under its warmaking authority, and allowed the President to centralize decisionmaking more and more in his own office.

The Congress granted the President a wide range of "emergency" powers.

Having given these powers away in a period of dire threat, we now find the President using them in a very different way, and for very different purposes, than was originally envisioned.

He is using them to conduct foreign wars, both public and secret, of his own volition.

He is using them to instigate a growing system of surveillance of ourselves and our citizens. The Watergate bugging incident is only the most highly publicized of these activities, in which specialists trained in the CIA and FBI to spy upon foreign agents were turned to spy upon American citizens performing their highest and most sacred role, that of engaging in the established, legitimate process of supporting candidates in a presidential and congressional election.

Indeed, things have gotten so out of hand that a short while ago we learned that the U.S. Army was deeply involved in systematically spying on American citizens and was compiling secret dossiers on American citizens who were merely exercising their constitutional rights of free speech and free assembly.

Members of Congress, Justices of the Supreme Court, and Governors of States were spied upon in the name of national security.

In addition to this invasion of constitutional privacy, the President is using his newly seized powers to alter and to eliminate congressionally authorized and funded rural programs as he sees fit. He has far exceeded his legal authority in doing so.

But the most obvious place in which we see the President going beyond the legal authority we have given him is in Indochina—and I take note, Mr. President, of the recent rumors of peace, which I hope come true.

By repealing the Tonkin Gulf resolution, we left the President the authority to use American Armed Forces only to protect our remaining servicemen in that land, including our prisoners of war.

Instead we see the President, without any legal authority whatsoever, raising political demands in the negotiations which go far beyond these simple conditions and using all the might of our aerial armada to enforce those demands. He has gone to the point of imposing upon a foreign population the kind of indiscriminate bombing to which we reacted with horror when the same acts were performed against Guernica, Rotterdam, and London. He has, as one of my colleagues so eloquently stated, singlehandedly made this Nation into the bully of the world.

And, I repeat, I can find no legal authority for such actions by the President. This body has not declared war on North Vietnam, and we have given the President no authority to use military force other than his inherent right to protect American troops.

The President came into office declaring that he would establish a regime of law and order, that respect for our historic institutions was declining, and that an attitude of permissiveness was replacing our cherished values.

Now, 4 years later, we find the President and those around him acting in contempt of their own espoused principles. They are ignoring those acts of Congress which they dislike and they are deliberately circumventing the established laws of our land. They are doing so in a spirit of "selective permissiveness," wherein they grant themselves the right to ignore those customs and legal norms which they find inconvenient or burdensome at the moment, but demand strict adherence to the law from everyone else.

When President Truman seized the steel mills, invoking his emergency powers and his role as Commander in Chief of the Armed Forces, there was an immediate public outcry at this usurpation of authority by the President. The Supreme Court reversed his action.

Today the President's excesses no longer appear so dramatic, even though they are more widespread and pervasive. These excesses do not seem to generate the vocal public concern of an earlier age.

Have we become inured to living with what some have called an "elected dictatorship"? Are we willing to accept the arbitrary decisions of one man so long as they do not take away our own private property, so long as they do not diminish too dramatically and too suddenly the rights of this body and of ourselves as free men?

Now, what has the President done that shows his contempt for Congress and for the bonds of law which should restrain his conduct?

He has invaded two foreign countries—Cambodia and Laos—with no congressional authority whatsoever and on only the flimsiest of pretexts.

He has circumvented direct restrictions placed by this body on the use of American troops in Laos by clothing them in civilian garb.

He has provided military support to countries to which the Congress clearly indicated it did not want military support and commitments given.

He has declared he would ignore the Mansfield amendment, which expressed the desire of Congress that American troops be brought home, subject only to the condition that our prisoners be released.

Domestically, too, he has ignored the will of the Congress. He has at times exceeded the authority we have granted him, and he has directly assaulted the prerogatives of this body.

He has asked Congress voluntarily to give up its traditional power to control the allocation of Federal money.

When that failed, he went ahead on his own, preparing to cut money for programs which the Congress approved and funded, programs which the Members of this body have concluded are essential to the well-being of the people of this Nation.

In so doing he would viciously penalize the people of my State, a rural State. Those penalties strike at people who are involved in conservation, people who earn their living on the land, people in dire need of decent housing, people who are often voiceless because they are rural or poor or both, people who only a few weeks ago vested their trust in him.

It does not stop there.

He has transferred the real control of Government from the individual departments to the White House superbureaucracy that he alone has created, that he alone controls, and that he shields from congressional oversight with claims of "executive privilege."

He is cutting back domestic programs which traditionally have been subject to substantial control and influence by the Congress, leaving intact the military side which is more responsive to the President's direct wishes than any other portion of the Government.

He has refused to permit high officials of the executive branch to testify before constituted committees of this body, hiding them behind the shield of an overextended executive privilege.

He has refused to permit his appointees to testify on their personal positions on key issues falling within the domain of their prospective offices. He thus denies the Congress any effective means of judging the suitability of the appointee for service.

By increasingly taking into the White House the functions which were formerly performed by the executive departments, he has progressively removed from the reach of Congress, and from the eyes of the public, the decision-making process of the executive branch.

We are being reduced to the role of spectators who watch the results of the President's game plan but have no voice in the planning of strategy or the calling of the plays.

The President and his advisers have become an unanswering group of men.

They appear not to accept the constraints of our Nation's law, nor of international law, to care not at all for the good name of this land in the world community.

They have dropped the facade of courtesy, no longer even deigning to present their views openly to the committees of this body, nor to explain their behavior to the American public.

We, in turn, while remaining true to our obligations to the American public, and for the large part acting in the most open way possible, should no longer feel quite so concerned about maintaining polite courtesy, when the President and his staff show only contempt for our constitutional prerogatives.

Nor can the Congress rely on the courts to restore our lost authority. Surely we should press in the courts our position that the President must respect our lawful authority. But the legal process is slow, and the President has moved swiftly to consolidate his power.

Too often we have seen the courts take away the power of this body, especially in recent years.

Appointees of the President, favoring the authority of a strong state over the democratic processes we cherish, have gone against us.

Just this past year we have seen the courts take away authority we believe the Constitution gave us.

We have lost or are losing the right to discipline our own Members, the right of the Congress to acquire information so that we may legislate intelligently, the right to provide information to the American public without fear of prosecutors from the executive branch descending upon us to ferret out our sources.

It has been made altogether too convenient for us to avoid our responsibilities as a Congress.

It has been made too convenient for us to leave to the President all decisions about Vietnam, about the economy, about the need to raise taxes.

Meanwhile, the President has proved resourceful in picking up the authority we have dropped and in using it to his own ends.

We must reassert our willingness to take responsibility for the future of the Republic. We must present our case directly and forcefully before the people.

I am not saying that Congress is necessarily the source of all wisdom, nor that it necessarily can come to better decisions than the President. I am certainly not claiming that the Government will automatically function more efficiently if Congress does reassert its will. We all know that the Congress moves ponderously. But history has taught us that the preservation of a viable, active legislative branch is the most effective way to preserve the democratic rights we all cherish. Democracy is messy, and we often make mistakes, but liberties given away are not easily reclaimed.

The Congress should be prepared for a possible confrontation with the President.

We are a coequal branch of government, and we have a responsibility to the citizens of this land, and to future generations, to "preserve and protect" the liberties and rights guaranteed under the Constitution.

It is in this light that we must be ready to contend with the President for the right to perform our constitutional obligations.

It is often said that a very junior Senator such as myself should not speak out until I have, as the phrase goes, "Done my homework." All well and good.

But what is the point of "doing one's homework," of becoming an expert in the field of national policy, if the result can be discarded by any third-level bureaucrat, acting on his own to make some contrary regulation, or preparing some pronouncement to be issued by the White House, thus canceling my work and that of my colleagues in this body?

It is with this dilemma that we must wrestle. We must reassert our rights as representatives of the people and as the members of this Government closest to the people.

We should not be intimidated by the impressive array of computers, data banks, and titled experts of the executive branch. They operate within a bureaucratic system which imposes special blinders upon the whole information-gathering network. Time after time, from Vietnam to the C-5A, to housing subsidies, we have seen them make terrible blunders and wrong judgments.

We have sources of much wider scope and greater veracity than those available within the walls of the Federal bureaucracy.

We should be willing to use them, confident in our ability to confront the executive branch when we think they are wrong. Indeed, we have a responsibility to our constituents to do just that. Otherwise, we will be nothing but a rubber-stamp for the President.

To allow present trends to continue would justify, I believe, the people of each State in sending a written proxy to the President, thus saving the cost of our salaries. But, of course, in so doing the people would take enormous chances on how the President would vote that proxy.

We have given away vast amounts of discretionary authority over the budget and over Federal rulemaking, leaving it to the President and his minions to clarify the intent of the Congress.

In this process we are transferring to the President many of our legislative functions a little bit at a time.

While much of this is made necessary by the vast number and complexity of issues we must deal with every day, it seems time to reexamine the numerous blank checks we have given the President. We should ask, in every case, whether we are giving away too much of our authority. We should then ask whether the President is, indeed, carrying out the will of the Congress and is "faithfully executing" the laws.

Congress, of course, should make itself a more efficient body, to better meet the President on his own ground. I am suggesting today a Congressional Office of Management and Budget, which, like the GAO, could provide information to individual Members. But it should go beyond the mandate of the GAO and into each individual program and project which make up the Federal budget. It should provide information which this body needs so it can formulate its own alternatives to the President's budget.

The Constitution gives us two ultimate weapons, the power of the purse and the right to advise and consent on appointments.

We must now make full use of both.

We must refuse to appropriate money for activities and personnel which we believe the President is using for illegitimate purposes. This specifically includes his continued bombing on the mainland of Indochina in the face of the clear willingness of North Vietnam to return our prisoners, subject only to our withdrawing our troops from South Vietnam and halting the bombing.

If the President persists in carrying on this illegitimate war, or in defying the will of Congress by impounding billions of dollars in appropriated money, then this body should impound money for the White House staff, impound money for high executive branch officials, and refuse to approve any Presidential appointees.

Such actions would demonstrate sharply and directly how seriously we take the current crisis.

Some may call such action too drastic, too extreme. But I see no alternative other than standing by to watch the Constitution become nothing more than a relic of history.

The time is long since past when we could afford to be an ornament of Government, a passive observer of the decline of democracy.

We must instead become active participants in the reconstruction and rescue of democracy from the hands of a President who senses no limits.

Cutting off funds for the White House is not a matter to be taken lightly. It is an action that no one prefers to hear discussed, much less undertaken. But I believe that the recent actions of the President have made discussion of this and similar matters mandatory.

What I propose is not some radical change in our governing structure. Rather it is a return to the original principles upon which the Republic is based. I am presenting a profoundly conservative position, one which preserves the system of checks and balances wisely incorporated into our Constitution from the start.

It is the President who is moving us precipitously close to an authoritarian system of the very kind which the Founding Fathers knew first hand and sought to prevent.

The people of this Nation have been losing their belief in the efficacy of the democratic system.

What is the point of voting in a national election if the electorate is going to be defrauded by a President who promises them peace but then brings more war?

What is the point of their communicating their views to their Representatives in the Congress if those Representatives will be ignored by the President?

I urge this Congress to act in whatever manner necessary, no matter how unusual, to insure that its powers will be preserved, and to restore the confidence of our people in our democratic process.

Once that action is undertaken, but only if it is undertaken, can we then return to our proper job with some assurance that our job will have real effect on the problems facing the Nation.

I look forward to joining in the dramatic actions needed to reassert the authority of this body, and in the hard work needed to make responsible use of that authority once it is recaptured.

I look forward to re-creating a viable democracy so that we may proceed to create a better nation.

Mr. McGOVERN. Mr. President, I want to congratulate Senator ABOUREZK, first of all, for speaking out early in his career as a U.S. Senator. He established a brilliant and impressive record in the House of Representatives in the course of one term in that body because of the very thing he is doing here this afternoon, and that is to address himself to the major problems before the country and to do it early and to do it forcefully and to do it with wisdom. I congratulate him for not holding back but speaking out early on an important subject.

Second, I congratulate him for the subject he has chosen for his maiden speech. I think no problem confronts the Nation and Congress today that is of any more public concern or any more national importance than what the Senator has described as a constitutional crisis, and that is exactly what it is—the obvious imbalance in the relationship of power between the legislative branch of the Government and the executive branch.

As the junior Senator from South Dakota knows, some years ago a panel headed by the late Senator John Kennedy, former President Kennedy, selected the five greatest Senators of all time. They agreed unanimously on Webster, Calhoun, and Clay, and after some debate, LaFollette, and the late Robert Taft were included among the five; and the pictures of those Senators appear in the Senate reception room.

It is my view that if any one of those five Senators was to return to this body in 1973 and address himself to what he regarded as the most urgent challenge before Congress, it would be the very problem that Senator ABOUREZK is discussing this afternoon—the decline of congressional power, the failure of Congress to protect its own constitutional prerogatives, and the steady growth of arbitrary power on the part of the Executive.

This is not a partisan matter. This is a trend that has been underway in this country for at least 40 years, with a steady deterioration of the powers of Congress and more and more power, both on the domestic side and in the foreign policy field, concentrated at the White House level.

As the Senator from South Dakota has said, this is unnecessary. This is not something that Congress ought to take lightly. It is a situation about which we can do something by standing on the authority we have in the Constitution.

I think the one thing that the Founding Fathers feared more than anything else was the power of an unrestrained Chief Executive, and I think they thought they had written into the Constitution safeguards in the tripartite system of balance of powers that has served us so well through most of our history.

So I commend my colleague from South Dakota. I am very proud of the record he compiled as a Member of the House of Representatives. I am looking forward to an even more impressive and productive record on his part in the Senate. I have read the Senator's entire speech. It is a brilliant and thoughtful and provocative speech that everyone who treasures personal liberty and the Constitution ought to read, and I commend him for it.

Mr. ABOUREZK. I thank the senior Senator from South Dakota.

Mr. JACKSON. Mr. President, I was very pleased that the distinguished junior Senator from South Dakota made his maiden speech in the Senate today. I must say that Mr. ABOUREZK is already serving with distinction on the Committee on Interior and Insular Affairs, of which I have the privilege to be chairman. He will be the new chairman of the Subcommittee on Indian Affairs. This is a most difficult and urgent task, and I think the Senate is fortunate in having his kind of knowledge and experience that stems from his experience on the House Interior Committee and his long involvement with the Indians of his State.

I wish to take this opportunity to congratulate him on the occasion of his maiden speech in the Senate.

## SENATE OFFICE BUILDING COMMISSION—APPOINTMENTS ON BEHALF OF THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. JOHNSTON). The Chair on behalf of the Vice President, pursuant to Public Law 84–944, appoints the Senator from Tennessee (Mr. BAKER) and the Senator from New Mexico (Mr. DOMENICI) to the Senate Office Building Commission.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes with statements limited therein to 3 minutes.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Johnston) laid before the Senate the following letters, which were referred as indicated:

### Report of Subversive Activities Control Board

A letter from the Attorney General, transmitting, pursuant to law, a report of the Subversive Activities Control Board, for the period January 1, 1972, through December 31, 1972 (with an accompanying report); to the Committee on the Judiciary.

### Proposed Amendment of Chapter 83, Title 5, United States Code

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of seventy years of age and completion of five years of service, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

### Report on Scientific and Professional Positions

A letter from the Deputy Assistant Secretary-Management and Budget, Office of the Secretary, Department of the Interior, reporting, pursuant to law, on scientific and professional positions; to the Committee on Post Office and Civil Service.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Johnston):

A resolution adopted by the city of Struthers, Ohio, relating to the allocation of Federal funds; ordered to lie on the table.

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. COTTON, from the Committee on Commerce:

Frederick B. Dent, of South Carolina, to be Secretary of Commerce;

Claude S. Brinegar, of California, to be Secretary of Transportation; and

Egil Krogh, Jr., of Washington, to be Under Secretary of Transportation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GOLDWATER (for himself, Mr. Chiles, Mr. Dole, and Mr. Fannin):

S. 367. A bill to provide for the reimbursement to taxpayers of all costs, including legal and accounting fees, incurred by them in contesting unwarranted second audits of their income tax liability. Referred to the Committee on Finance.

By Mr. STAFFORD (for himself, Mr. Bentsen, Mr. Cranston, Mr. Schweiker, and Mr. Tower):

S. 368. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes. Referred to the Committee on Armed Services.

By Mr. TALMADGE:

S. 369. A bill for the relief of Miss Marilyn Ann Mucha. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 370. A bill authorizing the Secretary of Agriculture to carry out a program for flood prevention in the Lower Rio Grande Basin, Tex., to enhance and stabilize the agricultural economy of the area, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. TOWER (for himself, Mr. Bellmon, Mr. Fannin, Mr. Hansen, Mr. Stevens, Mr. Domenici, and Mr. Bartlett):

S. 371. A bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the production or gathering and sale but not in the transmission of natural gas. Referred to the Committee on Commerce.

By Mr. PASTORE:

S. 372. A bill to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to Presidential and Vice-Presidential candidates and to amend the Campaign Communications Reform Act to provide a further limitation on expenditures in election campaigns for Federal elective office. Referred to the Committee on Commerce.

By Mr. ERVIN (for himself, Mr. Mansfield, Mr. Robert C. Byrd, Mr. Eastland, Mr. Church, Mr. Jackson, Mr. Fulbright, Mr. Mondale, Mr. Randolph, Mr. McGovern, Mr. Bible, Mr. Williams, Mr. Sparkman, Mr. Eagleton, Mr. Talmadge, Mr. Magnuson, Mr. Hartke, Mr. Metcalf, Mr. Hughes, Mr. Humphrey, Mr. Cranston, Mr. Hollings, Mr. Pell, Mr. Cannon, Mr. Burdick, Mr. McIntyre, Mr. Inouye, Mr. Hathaway, Mr. Hart, Mr. McGee, Mr. Chiles, Mr. Haskell, Mr. Hatfield, Mr. Domenici, Mr. Muskie, Mr. Brooke, Mr. Mathias, Mr. Bayh, Mr. Symington, Mr. Javits, Mr. Ribicoff, Mr. Gravel, Mr. Moss, Mr. Weicker, Mr. Clark, and Mr. Nelson):

S. 373. A bill to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he impounds or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action. Referred to the Committee on the Judiciary; and, by unanimous consent, if and when reported by that committee, to the Committee on Government Operations.

By Mr. CURTIS (for himself, Mr. Bennett, Mr. Dominick, Mr. Fannin, and Mr. Hansen):

S. 374. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations. Referred to the Committee on Finance.

By Mr. SCOTT of Virginia:

S. 375. A bill to transfer to the Attorney General jurisdiction over the District of Columbia penal facilities at Lorton, and for other purposes. Referred to the Committee on the District of Columbia.

S. 376. A bill to provide for the establishment of a national cemetery adjacent to the Manassas Battlefield Park, Virginia; and

S. 377. A bill to provide for the establishment of a national cemetery within the Manassas National Battlefield Park, Va. Referred to the Committee on Veterans' Affairs.

By Mr. HARRY F. BYRD, JR. (for himself and Mr. Scott of Virginia):

S. 378. A bill to provide for the establishment and operation of a research center at Blacksburg, Va. Referred to the Committee on Interior and Insular Affairs.

By Mr. SYMINGTON:

S. 379. A bill for the relief of Manuel Yaroschevsky, Paulina Yaroschevsky (also known as Paulina Strolliar), Daniel Yaroschevsky, and Claudia Yaroschevsky. Referred to the Committee on the Judiciary.

By Mr. HATHAWAY:

S. 380. A bill to establish a contiguous fishery zone (to the outer limits of the Continental Shelf) beyond the territorial sea of the United States. Referred to the Committee on Commerce.

By Mr. ALLEN:

S. 381. A bill for the relief of Ingrid Fernandez O'Campo; and

S. 382. A bill for the relief of Giuseppe Vella. Referred to the Committee on the Judiciary.

S. 383. A bill to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve up to age 60. Referred to the Committee on Veterans' Affairs.

By Mr. COOK:

S. 384. A bill to assist the States in raising revenues by making more uniform the incidence and rate of taxes imposed by States on the severance of coal. Referred to the Committee on Finance.

By Mr. COOK (for himself and Mr. Huddleston):

S. 385. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time be used from Memorial Day to September 30. Referred to the Committee on Commerce.

By Mr. WILLIAMS (for himself, Mr. Randolph, Mr. Stevenson, Mr. Cranston, Mr. Case, Mr. Percy, and Mr. Javits):

S. 386. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. WILLIAMS:

S. 387. A bill to provide for the duty-free importation of bitters containing spirits but not fit for use as beverages. Referred to the Committee on Finance.

By Mr. COOK (for himself and Mr. Gurney):

S. 388. A bill to amend the Soil Conservation and Domestic Allotment Act in order to prohibit the impoundment of funds appropriated to carry out the Rural Environmental Assistance Program. Referred to the Committee on Agriculture and Forestry.

By Mr. RANDOLPH:

S. 389. A bill for the relief of the Southeastern University of the Young Men's Christian Association of the District of Columbia. Referred to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 390. A bill to amend the National Flood Insurance Act of 1968. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. PACKWOOD:

S. 391. A bill for the relief of Paul W. Williams. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 392. A bill for the relief of Josefina and Antonio Macias Garcia. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 393. A bill to provide for project grants for the development and demonstration of programs for rehabilitative and habilitative care of the aged, blind, and disabled patients of long-term health care facilities. Referred to the Committee on Labor and Public Welfare.

By Mr. HUMPHREY (for himself, Mr. Allen, Mr. Aiken, Mr. Abourezk, Mr. Nelson, Mr. Mondale, Mr. Burdick, Mr. Dole, Mr. Eagleton, Mr. McGovern, Mr. McGee, Mr. Bellmon, Mr. Clark, Mr. Huddleston, Mr. McIntyre, Mr. Chiles, Mr. Hughes, Mr. Sparkman, Mr. Young, Mr. Hathaway, Mr. Muskie, Mr. Gravel, Mr. Pearson, Mr. Fulbright, and Mr. Metcalf):

S. 394. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. DOMINICK (for himself, Mr. Curtis, Mr. Goldwater, Mr. Mansfield, and Mr. Stevens):

S. 395. A bill to permit citizens of the United States to buy, hold, and sell gold. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. DOMINICK (for himself, Mr. Hruska, and Mr. Abourezk):

S. 396. A bill for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Company. Referred to the Committee on the Judiciary.

By Mr. MATHIAS (for himself and Mr. Stevenson):

S. 397. A bill to require financial disclosure. Referred to the Committee on Government Operations.

By Mr. SPARKMAN (for himself and Mr. Tower):

S. 398. A bill to extend and amend the Economic Stabilization Act of 1970. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. WEICKER (for himself, Mr. Griffin, and Mr. Buckley):

S. 399. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit. Referred to the Committee on Commerce.

By Mr. HANSEN (for himself, Mr. Percy, and Mr. McGee):

S. 400. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums. Referred to the Committee on Government Operations.

By Mr. SPARKMAN:

S. 401. A bill to amend the Federal Credit Union Act in order that Federal credit unions may operate more efficiently and better serve the financial needs of their members and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 402. A bill for the relief of Miss Remedios Reyes Trinidad. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. Allen):

S. 403. A bill for the relief of John Bestor Robertson, Jr. Referred to the Committee on Post Office and Civil Service.

By Mr. BURDICK:

S. 404. A bill for the relief of Arthur Rike. Referred to the Committee on the Judiciary.

By Mr. CASE (for himself and Mr. Hart):

S. 405. A bill to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States. Referred to the Committee on Rules and Administration.

By Mr. NELSON:

S. 406. A bill to amend the Federal Food, Drug, and Cosmetic Act, relating to food additives. Referred to the Committee on Labor and Public Welfare.

By Mr. BENNETT:

S. 407. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of certain distributions and sales pursuant to the Bank Holding Company Act Amendments of 1970. Referred to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. Goldwater, Mr. Curtis, Mr. Ervin, Mr. Helms, Mr. McClure, and Mr. Scott of Virginia):

S. 408. A bill to amend the Food Stamp Act of 1964 in order to prohibit the distribution of food stamps to any household where the head of the household is engaged in a labor strike. Referred to the Committee on Agriculture and Forestry.

By Mr. THURMOND:

S. 409. A bill to amend the Internal Revenue Code of 1954 to encourage the use of recycled oils. Referred to the Committee on Finance.

By Mr. HUMPHREY:

S. 410. A bill for the relief of Mr. Deepak Nettar. Referred to the Committee on the Judiciary.

By Mr. McGEE:

S. 411. A bill to amend title 39, United States Code, relating to the Postal Service, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. SPARKMAN:

S. 412. A bill to create the National Credit Union Bank to encourage the flow of credit to urban and rural areas in order to provide greater access to consumer credit at reasonable interest rates, to amend the Federal Credit Union Act, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HATFIELD (for himself, Mr. Dominick, Mr. Mansfield, Mr. Moss, Mr. Bible, Mr. Curtis, and Mr. Cranston):

S. 413. A bill to permit American citizens to hold gold in the event of the removal of the requirement that gold reserves be held against currency in circulation. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. PERCY (for himself, Mr. Cook, Mr. Cranston, Mr. Dole, Mr. Hart, Mr. Kennedy, Mr. McGovern, and Mr. Schweiker):

S.J. Res. 19. A joint resolution to authorize the President to designate the period from March 4, 1973, through March 10, 1973, as "National Nutrition Week." Referred to the Committee on the Judiciary.

By Mr. BROOKE (for himself, Mr. Bennett, Mr. Case, Mr. Cranston, Mr. Gravel, Mr. Hansen, Mr. Hartke, Mr. Hatfield, Mr. Humphrey, Mr. Kennedy, Mr. Magnuson, Mr. Mondale, Mr. Montoya, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Pell, Mr. Ribicoff, Mr. Schweiker, Mr. Scott of Pennsylvania, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Tunney, and Mr. Williams):

S.J. Res. 20. A joint resolution designating January 15, of each year, as "Martin Luther King Day." Referred to the Committee on the Judiciary.

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## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GOLDWATER (for himself, Mr. Chiles, Mr. Dole, and Mr. Fannin):

S. 367. A bill to provide for the reimbursement to taxpayers of all costs, including legal and accounting fees, incurred by them in contesting unwarranted second audits of their income tax liability. Referred to the Committee on Finance.

### REIMBURSING TAXPAYERS FOR THE COSTS OF UNWARRANTED SECOND AUDITS

Mr. GOLDWATER. Mr. President, I am today introducing a bill on behalf of myself, the Senator from Kansas (Mr. Dole), the Senator from Florida (Mr. Chiles), and the senior Senator from Arizona (Mr. Fannin), which would provide for the reimbursement of professional fees incurred by a taxpayer in defending against a second audit of his income tax liability in situations where the Government's claim of a second tax deficiency is not sustained. To give a little background about the purposes of this measure, I might say that it is called for out of actual experience as described to me by some individual taxpayers. It is not in any way a kind of relief bill, however, because it is not retroactive. It does not apply to any audits which have already been started or completed. I am introducing it for myself and other Senators simply out of a sense of fairness toward taxpayers so that they will not be subject in the future to the injustice which the present law now imposes on them.

Mr. President, our proposal stems from the practice of the Internal Revenue Service to conduct a field audit at which a taxpayer's income tax liability is thoroughly examined and resolved, but after which the Internal Revenue Service follows up with a second audit even though the taxpayer has been told by the Internal Revenue Service in writing that no additional tax is due as a result of the first audit.

It is true most taxpayers understand or should know that the Government is entitled under the law to assert a further tax deficiency at a later time even though the first one is satisfactorily concluded. But what is so disturbing to a taxpayer and is so extremely unfair to him is the fact that when the second audit is again concluded without any change in the taxpayer's liability, he—the taxpayer—is nevertheless forced to bear 100 percent of all the costs of contesting the Government's claim of an additional liability.

We believe that once the Internal Revenue Service conducts a full field audit of a taxpayer's questioned tax liability, there should be a greater degree of finality in the law than now exists to the agreement which is then reached between the taxpayer and the Internal Revenue Service as a result of this original tax investigation. We believe that by enacting a law under which the Government must reimburse a taxpayer for all the costs of contesting a second tax audit in those cases when the Government's second audit is unsuccessful will deter the Internal Revenue Service from asserting insignificant second deficiencies.

In other words, our legislation, if passed, might help in preventing the unwarranted harassment of taxpayers by overeager tax agents in dubious situations where there is an obvious and serious question about the validity of the second deficiency which the agent might assert. At the same time, it should be clearly noted that the legislation does not in any way limit or prevent the Internal Revenue Service from actually asserting a second tax deficiency after the conclusion of the first field audit.

Rather, by letting the Internal Revenue Service know that if it is unsuccessful on a second audit, the taxpayer shall be reimbursed for all his costs in defending himself, including lawyers' fees and accounting fees, it is our expectation that the Internal Revenue Service will take greater care in asserting these deficiencies so that the end result will be both one of greater efficiency by the Government and one of greater fairness toward the taxpayer.

Mr. President, I should note that our proposal is almost identical, word for word, to an amendment which the Senator from Kansas (Mr. DOLE) succeeded in adopting to the tax reform bill approved by the Senate in December of 1969. It is my understanding that the amendment was subsequently dropped from the conference report on the tax law of that year, because the Department of the Treasury had not yet submitted a report discussing the amendment. To my knowledge, there was no objection on the merits that was raised in the conference other than this procedural point. Therefore, in reintroducing the proposal today, we ask that the Treasury Department shall furnish the Senate Committee on Finance promptly with a full report of its position on the amendment so that the lack of this technical formality can no longer be raised as a reason for deferring action on the measure.

We are hopeful that the officials at the Treasury Department will see the equity and fairness in this needed legislation and will endorse it in due course.

Mr. President, I ask unanimous consent that a copy of our proposal be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 367

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) subchapter A of chapter 65 of the Internal Revenue Code of 1954 (relating to procedure in case of abatements, credits, and refunds) is amended by adding at the end thereof the following new section:

"SEC. 6408. COSTS AND EXPENSES INCURRED BY TAXPAYERS.

"(a) GENERAL RULE.—Costs and expenses incurred by a taxpayer in connection with the determination, collection, or refund of any internal revenue tax shall be borne by such taxpayer, except that, if—

"(1) the Secretary or his delegate subjects the return of a taxpayer to a field audit and after such audit (A) proposes a deficiency or overpayment of income tax imposed by chapter 1, which the taxpayer accepts in writing, on a form specified by the Secretary or his delegate, or (B) notifies the taxpayer that there is no change in his tax liability;

"(2) subsequent to the taxpayer's written acceptance of such proposed deficiency or overpayment, or the taxpayer's receipt of a notification that there is no change in his tax liability, the Secretary or his delegate proposes another deficiency or reduction in the overpayment of such tax for the same year with respect to which such acceptance has been made, or such notification has been received; and

"(3) the deficiency in such tax for such year finally obtained, or the overpayment finally allowed, is not more favorable to the Secretary or his delegate than the deficiency or overpayment which the taxpayer had accepted, or the tax liability reflected on the return for which notification had been received by the taxpayer, then the Secretary or his delegate shall reimburse the taxpayer for all costs incurred by the taxpayer (including legal and accounting fees) in connection with the deficiency or reduction in overpayment proposed subsequent to such acceptance or notification.

"(b) REIMBURSEMENT OF COSTS AND EXPENSES.—Costs and expenses incurred by the taxpayer which shall be borne by the Secretary or his delegate pursuant to subsection (a) shall be deemed, for the purposes of section 6511 (a), a tax paid by the taxpayer on the date his tax liability for such year is finally determined (whether determined administratively or judicially). For purposes of this title and section 1346(a)(1) of title 28, United States Code, the amount of tax so deemed paid by the taxpayer shall constitute an overpayment."

(b) The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"Sec. 6408. Reimbursement of taxpayer's costs in certain cases."

(c) The amendments made by this section shall apply only with respect to proposals of deficiencies or reductions in overpayments described in section 6408(a)(2) of the Internal Revenue Code of 1954 (as added by subsection (a)) notification of which is made on or after the date of the enactment of this Act.

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By Mr. STAFFORD (for himself, Mr. BENTSEN, Mr. CRANSTON, Mr. SCHWEIKER, and Mr. TOWER):

S. 368. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes. Referred to the Committee on Armed Services.

UNIFORMED SERVICES SPECIAL PAY ACT OF 1973

Mr. STAFFORD. Mr. President, on behalf of Senators BENTSEN, CRANSTON, SCHWEIKER, and TOWER, I introduce for appropriate reference the Uniformed Services Special Pay Act of 1973.

Mr. President, the Senate has had an obligation to enact this legislation since March 23, 1972. That obligation—owed to the American people, to our men in uniform, to those in the Department of Defense charged with managing our military manpower and to ourselves—is long overdue.

Since the extension of the draft in 1971, the policy of the Congress and the administration has been to move toward a volunteer force as expeditiously as possible. Having recently studied the progress made toward achieving this goal, I am quite certain the Congress will see fit this June to retain the induction authority in its own hands. I intend to address the Senate at a later date for the purpose of demonstrating that there is, in my mind, no justifiable reason for extension of the draft beyond June 30, 1973.

Yet, there remains some difficult problem areas to which the Congress must address itself. While the essential numbers of men are being attracted to the services, there are certain specific categories where shortfalls are expected. It is to these men that the Uniformed Services Special Pay Act is addressed.

As the House committee report said last year in supporting similar legislation:

> The recent military pay raise made military pay reasonably competitive with pay in the civilian economy. This suggests that in normal times the Department of Defense should staisfy the majority of its manpower needs without additional monetary incentives. There are, however, at all times, certain skills and professions which may command a premium because they are in short supply both in the military and civilian sectors. This presents a dynamic problem because skills requiring a premium will change as will the level necessary for a specific skill . . .
>
> Therefore, this bill provides the authority to the Secretary of Defense to offer bonuses to specific volunteers in return for a service commitment for a stipulated number of years Bonuses offered can be readily started, stopped or modified to reflect quality, experience level of members in specific skills. Bonuses are a traditional military compensation tool . . . The recent experience of the Department of Defense with a variable bonus applied in the flexible manner envisioned for the future has proved most successful.

SUMMARY OF LEGISLATION

The legislation contains seven separate sections providing a special pay incentive for various categories of men: An enlistment incentive, a selective reenlistment program, an incentive for officers, an incentive for enlistment or reenlistment in the Selected Reserve of the Ready Reserve, a medical special pay, a lawyers special pay, and sea pay. I have summarized below each of these special pays based on information prepared by the Department of Defense or described in last year's House report.

1. ENLISTMENT INCENTIVE

The enlistment incentive involves amending the relevant provisions of the 1971 Draft Act to expand special pay to those additional volunteers who enlist for at least 3 years in skills other than infantry, artillery, and armor. The $3,000 limitation would remain.

Existing pay rates will attract most of the volunteers required to man most military skills. However, certain selected skills—such as an Air Force precision photo systems repairman—may require an additional incentive to attract the necessary volunteers. The skills requiring special pay, the amount of pay required, will vary over time. Since it is not possible to predict the attraction incentive required, a cost effective program will involve varying the amounts of special pay and the skill categories to which it attaches.

2. SELECTIVE REENLISTMENT PROGRAM

Certain trained military personnel can command a wage well above the average on the civilian market. One example is nuclear-trained personnel where the Government has spent well in excess of $20,000 in training costs; and upon completion of their enlistment, personnel trained in this area can command salaries with the civilian nuclear industry in ranges of $17,000 to $20,000 per year. This type of personnel is now leaving the services after receiving this expensive training.

The armed services are then confronted with the necessity of not only training additional personnel, but also with an increased shortage of experienced personnel to maintain our nuclear fleet. Currently, we have a variety of laws to cope with these problems: The regular reenlishment bonus, the variable reenlistment bonus, and shortage specialty pay—proficiency pay. However, even in combination, these incentives have not proved to be completely effective in solving our enlisted retention problems, because they do not result in spending money where the problem is. And in one major area, that of first-term reenlistments, they require payment in many instances where there is no manning problem.

This bill combines the most desirable features of the regular reenlistment and variable reenlistment bonuses into the selective reenlistment bonus. The cost-effectiveness of these incentive dollars is improved. Amounts would range from a low of approximately $1,000 to a high of $15,000 while the average bonus paid to an individual serving in a shortage skill would be about $6,000. The Department of Defense plans to phase out its payment of the shortage specialty pay—proficiency pay—as the selective reenlistment bonus proves its effectiveness. A member who reenlists in a skill where no shortage exists, except those in the forces now, would not receive a bonus. This actually should result, by fiscal year 1978, in a cost saving to the Government of approximately $83.4 million. It should be noted that for fiscal year 1974 the net additional cost will be approximately $2 million.

### 3. INCENTIVES FOR OFFICERS

The problem of retention of certain officers being critical specialities has presented difficulties in the past. Authority has been given to the Navy to give additional incentive pay for officers qualified in the nuclear submarine service, and the House of Representatives has repeatedly passed a bill to provide incentive pay to retain lawyers. This bill would authorize the Secretary of Defense to offer a variable bonus of up to $4,000 per year to officers who execute a written agreement to extend their tours beyond the first obligated tour. It would be offered only at times and at amounts needed to solve officer retention problems in a specific skill.

### 4. SELECTED RESERVE

When the draft was a major source of military manpower, many young men were motivated to join the Guard and Reserve as a means of avoiding the draft and active military service. Through October 1972, the combined National Guard and Reserve force drill strength was 51,400 below the congressional mandated minimum of 976,559. This does not include overages in some of the Reserves. It is estimated that the shortage will increase this spring unless early and positive action is taken to stimulate enlistments and reenlistments in the Guard and Reserve.

The bill would authorize an enlistment bonus of up to $1,100 for a 6-year enlistment of a nonprior service individual. It would also authorize a reenlistment bonus of up to $2,200 for a critical skill; or $1,100 for a noncritical skill for a 6-year reenlistment. For a lesser reenlistment, the amounts would be reduced. The House Armed Services Committee included language directing the Secretary to insure that there would be no discrimination in the payments based on geographic location. For example, if there is a shortage of airplane mechanics, each person enlisting, reenlisting, or extending his enlistment, who has that skill, will be paid the same amount regardless of whether he lives in Mississippi or Michigan. The bill limits the authority for payment of those whose period of military services does not exceed 12 years, and further puts a ceiling limitation that no one individual can collect this incentive pay in an amount greater than $3,300.

### 5. MEDICAL SPECIAL PAY

Traditionally, the most difficult officer groups to retain on active duty beyond their first obligated tour is that of the health care professionals. One of the most important disincentives for military service for these professionals is caused by the relatively high earnings available to young medical and dental specialists in the civilian sector. While it is almost impossible to measure the pay of physicians and dentists in the civilian sector, it is clearly established that civilian specialists in the medical profession can expect to achieve a pretax annual net earnings of approximately $40,000 shortly after they enter private practice. Civilian dentists can expect to earn approximately $30,000 annually at a similar career stage. Comparable salaries are already available for certain other health professionals such as optometrists.

The problem that the military now faces in obtaining and retaining sufficient doctors will, in all likelihood, be alleviated within the next 7 to 10 years. This is probable as the number of medical graduates increase from the expanding medical schools of this country, coupled with the scholarship provisions contained in Public Law 92–426 and the military medical university, which, in 10 years, will also begin producing doctors and dentists who will have an obligation to serve in the military. However, during this interim period, relief must be granted unless we go to a policy of utilizing civilian health facilities, particularly for military dependents and military retirees and their dependents.

The objective of this bill is to eliminate the gap between the incomes of the civilian and military health career professionals. It does this by improving the rates in the special pay for physicians and dentists and by substituting an improved variable retention bonus in place of the former continuation pay. The proposed special pay for physicians and dentists amends existing authority by increasing the rates of special pay for officers with at least 2 years of acitve duty from $150 to $350 per month until he has completed at least 10 years of active duty. In addition, it makes the special pay permanent. The law today links the duration of this special pay to the induction authority.

The bonus for officers of the Armed Forces in the health professions enables the Secretary of Defense to offer a variable bonus of up to $12,000 yearly, dependent on the severity of the manning problem to officers who execute a written agreement to remain on active duty for a specified number of years. The combined effect of the special pay and the bonus is expected to solve the health professions retention problem. This will permit a significant reduction in the number of professionals required—a corresponding reduction in training investment in improved care for the Armed Forces. The House Armed Services Committee included the health professionals of the Public Health Services based on testimony from the Department of Health, Education, and Welfare that the Office of Management and Budget desired that 5,800 commissioned officers of the Public Health Service should continue to be entitled to the same rate of pay including special pays that are available to members of the armed services.

### 6. LAWYER'S SPECIAL PAY

One of the most critical shortages in Defense is in the ranks of the military lawyer. Unacceptable losses continue to occur in the career force which is already 43 percent short.

The principle cause of this shortage is the pay disparity between civilian lawyers and military lawyers. I fully expect the JAG Corps of each of the services to undertake major reviews of their policies and programs in order to make itself so attractive that recent graduates will seek out the corps for the purpose of interning. There is no reason that I can see now, since the JAG Corps performs such a variety of legal duties, that its reputation cannot equal that of clerking for judges or serving in U.S. Attorney's offices. Increased use of scholarships similar to medical scholarships now in effect should also alleviate shortages.

Nevertheless, the program envisioned here is needed for the purposes of attracting in the short-run and in retaining over the years the requisite number of lawyers. The bill should enable the Department of Defense to build a stable military lawyer career force of high quality and substantially reduce the annual cost of procuring and training a large number of new officers.

### 7. SPECIAL PAY FOR SEA DUTY

Sea pay, historically, has been a means of recognizing and compensating those men who are willing to serve under the unique conditions of service associated with duty at sea. Although the method of determining the eligibility for sea pay has changed numerous times, the basic concept of special recognition for the men who serve under rigorous conditions aboard ship has persevered. Conditions calling for sea pay are, first, the myriad of personal and family deprivations concomitant with long and repetitive deployments at sea; second, cramped living and working conditions aboard ships; third, unpredictability of operating schedules; fourth, limited recreational facilities aboard ships; fifth, in-port duties to meet readiness requirements; sixth, long hours of work at sea; and seventh, living under hazardous conditions. These conditions combine to make long and repeated tours of duty at sea the most frequently cited reason for officer and enlisted personnel not choosing to pursue a naval career.

Current authority to pay members for sea duty is limited to enlisted personnel only. The rates range from $8 per month for pay grade E–1 to $22.50 per month for pay grades E–7 through E–9. No change has been made in these rates for 23 years.

The proposed legislation provides for increased rates of special pay for enlisted men performing sea duty on board ships, based on consecutive years of assignment to sea, and extends this special pay to officer in pay grades 0–3 and below. The proposed rates of special pay are at two levels: First, less than 2 years continuous sea duty—$25 per month; and second, 2 or more years continuous sea duty—$75 per month. Once continuous sea duty is broken payments would resume at the lower rate if the member is again reassigned or redeployed to sea duty.

The two-level approach, rather than a pay grade approach, is a vast improvement over existing law, because it is designed to provide greater recognition to those who are required to spend a greater proportion of their Navy careers at sea. Further, because the emphasis is on continuous sea duty, it should encourage more members to extend their periods of continuous sea duty.

Equity dictates that junior officers share in the receipt of sea pay in that they share equally in the rigors of sea duty. The equity issue is particularly strong in the case of warrant and limited duty officers. These officers experience the same sea tours as our deprived ratings and suffer the same deprivations from repeated sea duty assignments.

### ADVANTAGES

The broad range of advantages of this program are listed below:

First. The legislation meets the goal of providing a tool to the Department of Defense to attract individuals in certain highly skilled occupations where the supply is short both in the civilian and military sectors.

Second. The legislation is designed to focus on the decision process of the individual where it can have its greatest effect, or as the economists would call it, its highest elasticity. The special pay is offered and agreed upon at the time of the decision.

Third. The legislation meets the goal of being the most cost-effective tool because the lump sum or installment payments can be turned on and shut off so that it will apply only for that length of time or to those skills where it is needed. This is preferable to an across-the-board pay raise which is on the books forever.

Fourth. The legislation develops for the first time in a comprehensive way a recognition of a job differential compensation—that system which is most effective in competing with the civilian sector and which is most cost-effective in terms of the national budget.

Fifth. The legislation entails no runout costs, as do some current programs, and thus enhances its cost-effectiveness. Proficiency pay in today's service, for instance, provides for a reduction by 25 percent per year over the 4 years after a certain skill has been removed from the proficiency pay list. This is a costly system, but the only one which is fair to a serviceman who has been receiving propay for several years in order to prevent a sudden drop in his standard of living. This is not the case with the special pay system in this legislation. Upon making the decision, the recruit knows how long he will have to serve in exchange for his special pay.

Sixth. Most important, the legislation is probably the final new piece of compensation legislation that will be needed, other than regular cost-of-living increases. Combined with the major across-the-board pay raises of 1971, this legislation will provide the Department of Defense with every tool in order to attract and sustain a volunteer force.

### COSTS

Since last March, the cost estimates of the Uniformed Services Special Pay Act have varied. This is a result of the changing needs of the services since last year and represents the advantages of a flexible tool in applying funds. The Defense Department has provided me with the following cost estimates:

ADDITIONAL BUDGET COSTS

(In millions of dollars)

| Program | Fiscal year— | | | | |
|---|---|---|---|---|---|
| | 1974 | 1975 | 1976 | 1977 | 1978 |
| Enlistment bonus | 42.6 | 89.1 | 135.6 | 139.5 | 139.5 |
| Selective reenlistment bonus | 2.3 | 1.5 | −9.2 | −32.6 | −83.4 |
| Officer active duty agreements | 20.0 | 25.0 | 25.0 | 25.0 | 25.0 |
| Special pay, lawyers | 5.6 | 6.2 | 6.8 | 6.8 | 6.8 |
| Sea pay | 76.1 | 75.0 | 74.0 | 72.9 | 72.9 |
| Selected Reserve enlistment/reenlistment bonus | 85.4 | 107.1 | 139.7 | 97.3 | 108.9 |
| Health professions | 75.0 | 95.0 | 105.0 | 112.0 | 112.0 |
| Total, Department of Defense | 307.0 | 398.6 | 476.9 | 420.9 | 381.7 |

### SENATE ACTION

This bill, then, serves the purposes of our military manpower planning and fulfills our obligation to the Nation by meeting military manpower requirements by the most cost-effective means, while ending reliance on the draft.

At the outset of my remarks, I noted that in addition to our obligation to our national defense, the Senate had a particular obligation to itself. We must consider and pass this bill at an early date; action is already long overdue.

When a similar bill was filed last year on March 23, the Senate was well aware of the administration's attempts to move to an all-volunteer force. At that time, I indicated that in 15 months and 8 days the President's draft authority would expire and we will have an all-volunteer armed force. I am concerned that now, with only 165 days left until the draft expires, this body has not taken the final steps necessary to assure the Nation the best possible volunteer force.

This legislation is the result of intensive study of military compensation under the Quadrennial Review required by Congress in section 1008(b) of title 37 of the U.S. Code, enacted in 1965. It was not by any means a hastily prepared concept; it received intensive scrutiny at all levels of Defense and the Office of Management and Budget.

Last year, the bill contained all the sections of the current bill except for special pay for lawyers and sea pay. The lawyer's special pay had passed the House of Representatives on more than one occasion, but subsequently died in the Senate. In the case of sea pay, the Defense Department approved of this measure in response to House Armed Services Committee interest because of the pecular hardships of long tours at sea away from families and in recognition of the need to redirect military compensation toward paying for the job, not just for rank and tenure.

When last year's bill was filed, Secretary Laird in a letter to Senator Allott said:

> I consider the bill to be a sound approach for addressing the personnel supply needs of the Department of Defense as we move to an All-Volunteer Armed Force.

I have attached a copy of his letter to my remarks, along with a copy of a letter endorsing the bill from George Shultz, then Director of the Office of Management and Budget.

By August, neither the House nor the Senate had considered the legislation, and in his address to the Nation on August 28th discussing an end to the draft this coming June, the President said:

> Some problems, however, remain to be overcome and doing so will require the full support of the Department of Defense, the Congress and the public. The problems include . . .
>
> The Congress must assist through timely passage of pending legislation—particularly the Uniformed Services Special Pay Act of 1972, which will provide needed bonus authority . . .

In response to his requests, the House Armed Services Committee held 3 days of hearings and heard some 33 witnesses. The House passed the legislation by an overwhelming vote of 337 to 35.

In October, I wrote the chairman of the Senate Armed Services Committee the following:

> In my opinion this legislation is must legislation for this session of Congress. The Senate has clearly indicated its intention not to extend the draft next spring. In order to assure that our Armed Forces obtain professional and other high quality individuals, the Special Pay Act must be enacted at the earliest possible date.

In response, Chairman STENNIS wrote me thanking me for my letter concerning "the Uniformed Services Special Pay Act which will certainly have our attention when it comes over from the House."

When in the last week of session, the committee had not considered the legislation, I notified Members that I intended to offer the House-passed version of the legislation as an amendment to a bill containing similar special pay authority for nuclear officers and enlisted men. As the CONGRESSIONAL RECORD shows, on October 17, Senator STENNIS indicated his willingness to undertake hearings on this measure early in the coming session, now here. Upon that agreement, I withheld my amendment so that the nuclear authority would be enacted.

It is my clear understanding that early hearings and consideration of this important legislation will be made by the Armed Services Committee. There is no justifiable reason why this body must wait for the House of Representatives to act on this legislation first.

When Senator Allott addressed this body last March he said:

> I have said repeatedly that I do not know if we can achieve an all-volunteer armed force now. But I also have said repeatedly that we owe it to our young people—and to ourselves—to try.
>
> Too often we find ourselves responding to events. This is our chance to master events. If we pass this now, we shall all have a more pleasant time in the spring and summer of 1973.

Actually, at this point, more is at stake. In two specific areas, this legislation is necessary: to obtain the maximum quality mix of our forces and to sustain adequate levels of reserves. Both of these areas as discussed above promise to be the subject of intensive debate this spring.

The passage of this bill is most important to provide the commitment which the Senate owes to itself and the Nation. Unless this effort is made we will not have done all that can be done, short of extension, to assure adequate military manpower. We must take all the steps necessary to avoid the continuation of the draft and this is the most important.

Mr. President, I ask unanimous consent to have the attached letters and text of the proposed legislation printed at this point in the RECORD.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
*Washington, D.C., March 22, 1972.*
Hon. GORDON ALLOTT,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR ALLOTT: I have received your proposed bill, the "Uniformed Services Special Pay Act of 1972," which was drafted in close consultation with the Department of Defense.

I consider the bill to be a sound approach for addressing the personnel supply needs of the Department of Defense as we move to an all-volunteer Armed Force. It would provide the authority and flexibility needed to meet our principal manning problems, both in the active forces and in the Reserve components.

With the passage of P.L. 92-129 which amended the Military Selective Service Act of 1967, the Congress provided military pay rates reasonably competitive with pay in the civilian economy. By its action the Congress eliminated the serious inequities previously identified with Service Pay, particularly for the first-term personnel.

Your bill would enable us to deal more effectively with the critical personnel shortages in the National Guard and Reserve Forces, which are 50,000 below the strength levels mandated by the Congress. There is no indication that these shortages can be overcome, or further supply shortages in the Reserve Forces avoided, without the special pay authority provided in your bill.

In addition, your bill reflects recognition of the fact that certain skills and professions may command a premium at any time because they are in short supply. The skills requiring such a premium will change over time, as will the level of the premium necessary to attract a sufficient supply of qualified candidates.

The incentive most suitable for Department of Defense needs is a flexible special pay authority paid to specific volunteers in return for a service commitment for a stipulated number of years. In this light the special pay may be viewed as a prepaid wage differential based on the qualifications of the individual and the needs of the Armed Forces.

As you know, there is under consideration a bill to provide a significant sytem of Sea Pay. Such a program is needed to compensate enlisted and officer members for long deployments at sea. Legislation in support of this program will be considered separately.

We appreciate the opportunity to comment on your proposed bill, and we wholeheartedly endorse it.

Sincerely,

MELVIN R. LAIRD.

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EXECUTIVE OFFICE OF
THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
*Washington, D.C., March 23, 1972.*
Hon. GORDON ALLOTT,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR ALLOTT: The Office of Management and Budget has reviewed the proposed Uniformed Services Special Pay Act of 1972 which you have prepared with the assistance of the Department of Defense.

We consider it to be a desirable approach to providing the legislative authorities required to fill the gaps we anticipate will occur in the manning of the Armed Forces as we move away from the draft toward an All-Volunteer Armed Force.

We believe that in the consideration of this bill by the Congress, special attention should be given to the officer retention bonus for the health professions. Although the all volunteer principle requires that compensation recognize the higher income enjoyed by health professionals in the private sector, it is nonetheless important in determining the amount and incidence of the bonus to consider its impact on the supply of health professionals to the rest of the Federal Government and on the health services component of the President's economic stabilization program.

Enactment of your bill would be in accord with the program of the President. The costs of this measure are well within the amounts planned in the FY 1973 budget for volunteer force legislative proposals.

Sincerely yours,

GEORGE P. SHULTZ,
*Director.*

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S. 368

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this act may be cited as the "Uniformed Services Special Pay Act of 1973".

SEC. 2. Chapter 5 of title 37, United States Code, is amended as follows:

(1) Section 302 is amended to read as follows:

"§ 302. Special pay: physicians and dentists

"An officer of the Army or Navy in the Medical or Dental Corps, an officer of the Air Force who is designated as a medical officer or dental officer, or a medical or dental officer of the Public Health Service, who is on active duty for a period of more than 30 days is entitled, in addition to any other pay or allowances, to special pay at the following rates—

"(1) $100 a month for each month of active duty if he has not completed two years of active duty in a category named in this section; or

"(2) $350 a month for each month of active duty if he has completed at least two years of active duty in a category named in this section. The amounts set forth in this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay."

(2) (A) The introductory language of section 305(a) preceding the table is amended to read as follows:

"(a) Except as provided by subsection (b) of this section, under regulations prescribed by the President, an enlisted member of a uniformed service who is entitled to basic pay may be paid while on duty at a designated place outside the forty-eight contiguous States and the District of Columbia special pay at the following monthly rates:".

(B) The catchline of section 305 and the corresponding item in the chapter analysis for that section are each amended by striking out "sea duty or".

(3) The following new section is added after section 305 and a corresponding item is inserted in the chapter analysis:

"§ 305a. Special pay: while on sea duty

"Under regulations prescribed by the President, enlisted members, and officers in pay grades O-3 and below, of a uniformed service who are entitled to basic pay, are also entitled, while on sea duty, to special pay at the following rates—

"(1) for less than two years continuous sea duty—$25 a month; or

"(2) for two or more years continuous sea duty—$75 a month."

(4) Section 38 is amended to read as follows:

§ 308. Special pay: reenlistment bonus

"(a) A member of a uniformed service who—

"(1) has completed at least 21 months of continuous active duty (other than for training) but not more than 10 years of active duty;

"(2) is designated as having a critical military skill;

"(3) is not receiving special pay under section 312a of this title; and

"(4) reenlists or voluntarily extends his enlistment in a regular component of the service concerned for a period of at least three years;

may be paid a bonus, not to exceed six months of the basic pay to which he was entitled at the time of his discharge or release, multiplied by the number of years or the monthly fractions thereof, of additional obligated service, not to exceed six years, or $15,000, whichever is the lesser amount. Obligated service in excess of 12 years will not be used for bonus computation.

"(b) Bonus payments authorized under this section may be paid in either a lump sum or in installments.

"(c) For the purpose of computing the reenlistment bonus in the case of an officer with prior enlisted service who may be entitled to a bonus under subsection (a) of this section, the monthly basic pay of the grade in which he is enlisted, computed in accordance with his years of service computed under section 205 of this title, shall be used instead of the monthly basic pay to which he was entitled at the time of his release from active duty as an officer.

"(d) A member who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.

"(e) This section shall be administered under regulations prescribed by the Secre-
"§ 308a. Special pay: enlistment bonus
his jurisdiction, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy."

(5) Section 308a is amended to read as follows:

"§ 308a. Special pay: enlistment bonus

"(a) Notwithstanding section 514(a) of title 10 or any other law, under regulations prescribed by the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a person who enlists in an armed force for a period of at least three years in a skill designated as critical, or who extends his initial period of active duty in that armed force to a total of at least three years in a skill designated as critical, may be paid a bonus in an amount prescribed by the appropriate Secretary, but not more than $3,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the appropriate Secretary.

"(b) Under regulations prescribed by the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid."

(6) Section 311 is amended to read as follows and the item in the chapter analysis for that section is amended to correspond with the revised catchline:

"§311. Special pay: officers of uniformed services in health professions who execute active-duty agreements

"(a) Under regulations prescribed by the Secretary of Defense, or the Secretary of Health, Education, and Welfare with respect to the Public Health Service, as appropriate, an officer of a uniformed service who—

"(1) is qualified in a critical health profession;

(2) is determined by a board, composed of officers in his profession, under criteria prescribed by the Secretary of Defense or the Secretary of Health, Education, and Welfare, as appropriate, to be qualified to enter into an active-duty agreement for a specified number of years; and

"(3) executes a written active-duty agreement under which he will receive incentive pay in return for completing a specified number of years of continuous active duty subsequent to executing such an agreement;

may, upon acceptance of the written agreement by the Secretary concerned, or his designee, and in addition to any other pay or allowances to which he is entitled, be paid an amount not to exceed $15,000 for each year of the active duty agreement. Upon acceptance of the agreement by the Secretary concerned, or his designee, and subject to subsections (b) and (c) of this section, the total amount payable becomes fixed and may be paid in annual, semi-annual, or monthly installments, or in a lump sum after completion of the period of active duty specified in the agreement, as prescribed by the Secretary concerned.

"(b) Under regulations prescribed by the Secretary of Defense, or the Secretary of Health, Education, and Welfare with respect to the Public Health Service, as appropriate, the Secretary concerned, or his designee, may terminate, at any time, an officer's entitlement to the special pay authorized by this section. In that event, the officer is entitled to be paid only for the fractional part of the period of active duty that he served, and he may be required to refund any amount he received in excess of that entitlement.

"(c) Under regulations prescribed by the Secretary of Defense, or the Secretary of Health, Education, and Welfare with respect to the Public Health Service, as appropriate, an officer who has received payment under this section and who fails to complete the total number of years of active duty specified in the written agreement may be required to refund the amount received that exceeds his entitlement under those regulations. If an officer has received less incentive pay than he is entitled to under those regulations at the time of his separation from active duty, he shall be entitled to receive the additional amount due him.

"(d) This section does not alter or modify any other service obligation of an officer. Completion of the agreed period of active duty, or other termination of an agreement, under this section does not entitle an officer to be separated from the service, if he has any other service obligation.

"(e) The Secretary of Defense, and the Secretary of Health, Education, and Welfare with respect to the Public Health Service, shall submit a written report each year to the Committees on Armed Services of the Senate and House of Representatives regarding the operation of the special pay program authorized by this section. The reports shall be on a fiscal year basis and shall contain—

"(1) a review of the program for the fiscal year in which the report is submitted; and

"(2) the plan for the program for the succeeding fiscal year.

These reports shall be submitted not later than April 30 of each year, beginning in 1974."

(7) The following new sections are added after section 312 and corresponding items are inserted in the chapter analysis:

"§ 313. Special pay: officers of armed forces who execute active-duty agreements

"(a) Under regulations prescribed by the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, an officer of an armed force who—

"(1) is entitled to basic pay;

"(2) has completed at least two, but not more than 11, years of active duty;

"(3) is designated by the Secretary concerned as an officer possessing skills in a critical shortage specialty and whose retention on, or voluntary recall to, active duty would be of benefit to the United States;

"(4) is not receiving special pay under section 302, 302a, 303, 311, or 312 of this article; and

"(5) executes a written agreement to serve on continuous active duty as an officer in that specialty for a period of not less than one year, but not more than six years, in addition to any other period of active duty for which he is obligated;

may be paid, in addition to any other pay and allowances to which he is entitled, an amount not to exceed $4,000 for each year of the active-duty agreement. Obligated service in excess of 12 years will not be used to compute this special pay.

"(b) The total amount payable under subsection (a) of this section may be paid in either a lump sum or in installments over the life of the agreement. However, if an agreement is made before the expiration of the officer's initial period of obligated service, he may be paid at the beginning of—

"(1) the last year of that period; or

"(2) the fourth year of that period, if he has an obligated period of four or more years.

(c) An officer who voluntarily, or because of his misconduct, does not serve on active duty for the entire period for which he was paid under this section shall refund that percentage of the payment that the unserved part is of the total active-duty period for which the payment was made.

"(d) This section does not alter or modify any other service obligation of an officer. Completion of the agreed period of active duty, or other termination of an agreement, under this section does not entitle an officer to be separated from the service, if he has any other service obligation.

"§ 314. Special pay: judge advocates and law specialists

"(a) In addition to any other pay or allowances to which he is entitled, each—

"(1) judge advocate of the Army, Navy, Air Force, or Marine Corps;

"(2) law specialist of the Coast Guard, as defined in section 801 of title 10; and

"(3) officer who is detailed to the Judge Advocate General's Corps and who has the professional qualifications to act as detailed counsel for general courts-martial under section 827(b) of title 10;

other than one ordered to active duty for less than one year, is entitled to special pay at the rates set forth in subsection (b) of this section.

"(b) A member entitled to special pay under subsection (a) of this section is entitled to special pay at the rates set forth below while he is performing judge advocate duties—

"(1) $100 a month for each month of active duty, if he is in a pay grade above 0–5;

"(2) $150 a month for each month of active duty, if he is in pay grade 0–4 or 0–5; or

"(3) $200 a month for each month of active duty, if he is in a pay grade above 0–5.

"(c) The amounts set forth in subsection (b) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay.

"§ 315. Special pay: participation in the Selected Reserve of the Ready Reserve of an armed force

(a) "A person is entitled to special pay computed under subsection (b) of this section if—

"(1) he—

"(A) has not previously been a member of an armed force or a reserve component thereof; or

"(B) has served in the armed forces—

"(i) on active duty (other than for training) for at least two years unless sooner released because of a reduction in force; or

"(ii) on active duty (for training or for other than training) for a period which, when added to his period of satisfactory participation in the Selected Reserve of an armed force, would qualify him for discharge or transfer from the Selected Reserve of that armed force; and

"(2) he is accepted for enlistment, reenlistment, or extension of enlistment in a unit of the Selected Reserve of an armed force, and if a former member of an armed force or a reserve component thereof is in a pay grade above E–2; and

"(3) he agrees to remain a member of the Selected Reserve of an armed force for a period of not less than—

"(A) three years, if he has not previously been a member of an armed force or a reserve component thereof; or

"(B) one year, if he has previously served in the armed forces under any of the conditions specified in clause (1)(B) of this subsection.

"(b) The amount of special pay to which a person covered by subsection (a) is entitled is—

"(1) for those possessing critical military skills, as determined by the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy—

"(A) up to $2,200 for a six-year enlistment, reenlistment, or extension of enlistment period; or

"(B) for a lesser enlistment, reenlistment, or extension of enlistment period, 10 percent of the total for one year, 22 percent of the total for two years, 37 percent of the total for three years, 54 percent of the total for four years, or 75 percent of the total for five years; or

"(2) for those not covered by clause (1) of this subsection—

"(A) Up to $1,100 for a six-year enlistment, reenlistment, or extension of enlistment period; or

"(B) for a lesser enlistment, reenlistment, or extension of enlistment period, the same formula as that prescribed in clause (1) (B) of this subsection.

"(c) A person may not enlist or reenlist in the Selected Reserve of an armed force for the purpose of receiving special pay under this section for a period of more than six years at any one time.

"(d) Special pay authorized under this section—

"(1) may be paid in a lump sum or installments;

"(2) is in addition to any other pay or allowance to which the person is entitled.

"(3) is payable for any period of enlistment, reenlistment, or extension of enlistment in a unit of the Selected Reserve of an armed force which, when added to the person's initial period of military service as described in subsection (a) (1) (B) (i) and (ii) of this section, does not exceed a total period of 12 years of service computed under section 1332 of a title 10; and

"(4) may not exceed a total of $3,300.

"(e) Notwithstanding any other law, and regardless of the amount of any previous active duty served by him, a member who voluntarily, or because of his misconduct, does not complete the period of service for which he received special pay under subsection (b) of this section, or does not perform or progress satisfactorily during any part of that period, shall be required to refund that percentage of special pay that the unexpired part of his reserve enlistment or reenlistment is of the total period of service for which the special pay was paid.

"(f) This section shall be administered under regulations prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy. These regulations will insure that there will be no discrimination in the amount of payments authorized based on geographic location."

SEC. 3. In determining the rate of special pay for members entitled to receive special pay for sea duty under the amendments made by section 2(3) of this Act, the length of time the member has been on continuous sea duty on the effective date of this Act shall be counted in determining his rate of special pay.

SEC. 4. Notwithstanding any other provision of law, if a member is entitled to special pay for sea duty under section 305 (a) (1) of title 37, United States Code, on the day before the effective date of the amendments made by section 2(3) of this Act, but is not entitled to that pay under those amendments when they become effective, he shall continue to be entitled to the amount prescribed by that section for the remainder of the period of that assignment if otherwise entitled to such pay. In addition, if a member is entitled to special pay under section 305(a) (1) of title 37, United States Code, on the day before the effective date of the amendments made by section 2(3) of this Act, and is also entitled to special pay under those amendments when they become effective, he may at his option choose to receive payment under either section 305(a) (1) of title 37, United States Code, as it existed before the effective date of the amendments or under the provisions of this Act for the period of the assignment which authorized the entitlement. Once a choice is made it may not be revoked.

SEC. 5. Notwithstanding section 308 of title 37, United States Code, as amended by this Act, a member of a uniformed service on active duty on the effective date of this Act, who would have been eligible, at the end of his current or subsequent enlistment, for the reenlistment bonus prescribed in section 308 (a) or (d) of that title, as it existed on the day before the effective date of this Act, shall continue to be eligible for the reenlistment bonus under that section as it existed on the day before the effective date of this Act. If a member is also eligible for the reenlistment bonus prescribed in that section as amended by this Act, he may elect to receive either one of those reenlistment bonuses. However, a member's eligibility under section 308 (a) or (d) of that title, as it existed on the day before the effective date of this Act, terminates when he has received a total of $2,000 in reenlistment bonus payments.

SEC. 6. This Act becomes effective on July 1, 1973. Except for the provisions of section 302 of title 37, United States Code, as amended by section 2(1) of this Act, the authority for the special pays and bonuses provided by this Act shall, unless otherwise extended by Congress, expire on June 30, 1977.

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By Mr. TOWER:

S. 370. A bill authorizing the Secretary of Agriculture to carry out a program for flood prevention in the Lower Rio Grande Basin, Tex., to enhance and stabilize the agricultural economy of the area, and for other purposes. Referred to the Committee on Agriculture and Forestry.

Mr. TOWER. Mr. President, today I am introducing legislation which would authorize the Secretary of Agriculture to carry out a program of flood prevention in the Lower Rio Grande Basin of Texas.

The Comprehensive Study and Plan of Development, Lower Rio Grande Basin, Tex., proposes that the water and related land resource problems of this area be resolved in three phases:

Phase I would provide for the construction of 164 miles of new floodway channels to remove floodwaters from Willacy and Hidalgo Counties. The estimated cost of this phase is about $31.1 million, of which Federal costs would be $21.0 million and non-Federal costs would be $10.1 million.

Phase II would provide for the development of subwatershed work plans which would cover most of the basin. The estimated cost of phase II would be about $51 million, of which $20.7 million would be Federal and $30.3 million would be non-Federal.

Phase III would consist of an accelerated land treatment program for the basin. The estimated cost of this phase is $96.8 million, of which Federal costs would not exceed $47.3 million and non-Federal costs would be at least $49.5 million.

The legislation which I introduce today would modify the comprehensive study and plan of development to include authorization of phase I only and would result in the following:

The essential channel system for removing floodwater from Willacy and Hidalgo Counties would be provided. This system is necessary before the local people can take any action on their own to correct their water control and water management problems. These channels will provide the necessary outlets for runoff water, both urban and agricultural.

Since no natural drainage system exists, these channels will provide the necessary outlets for subsurface drainage systems. These channel will eliminate the need for future contruction of emergency drainage channels to remove impounded water from thousands of acres of the agricultural lands in the basin.

The systematic removal of floodwaters from this area will eliminate prolonged flooding, improve health conditions through vector control, reduce flooding around farmsteads, and remove floodwaters more rapidly from urban areas.

Economic benefits will accrue as a function of the entire system. Therefore, the benefits can be expected to accrue to phase I in proportion to the cost of phase I to the entire structural system. The benefits allotted to phase I would be approximately one-third of the total benefits, or $4.25 million.

The average annual cost of phase I is $21 million, using a 5½-percent discount rate and a 100-year amortization period. The benefit/cost ratio is 2 to 1.

Many millions of dollars have been spent in the lower portion of Texas in just the past 5 years on assistance for people who have suffered a loss from flooding conditions. This assistance is good and appreciated; however, I feel a major portion of this money could have been spent elsewhere if there had been an adequate flood control project to divert the water from the home areas into the streams and rivers. There is no way to precisely predict what would have happened if there had been floodways, but it is obvious that damage would have been much less extensive and Federal flood relief costs much less significant.

Disaster assistance can never replace all that is lost in a flood—particularly when loss of life is involved. Adequate flood protection may prevent this loss and will be useful for many years in the prevention of flood damage and its inherent costs.

I urge the Congress to take favorable action on this important measure which will provide an effective and positive remedy to the present situation at a minimal cost.

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By Mr. TOWER (for himself, Mr. BELLMON, Mr. FANNIN, Mr. HANSEN, Mr. STEVENS, Mr. DOMENICI, and Mr. BARTLETT):

**S. 371. A bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the production or gathering and sale but not in the transmission of natural gas. Referred to the Committee on Commerce.**

Mr. TOWER. Mr. President, consumers in diverse regions of the United States are experiencing natural gas shortages this winter. Even consumers in the gas producing States are being affected by these shortages. In Texas, for example, there are communities where supply has not been able to keep pace with demand. For instance, the University of Texas at Austin was recently forced to close for a number of days due to a lack of natural gas supply used for heating campus buildings and for power generation.

I have been trying to call the attention of this body and the attention of the Nation to the need for increased supplies of natural gas for some time; but the important thing now is not to lament our past inaction but to act now before things get worse.

Natural gas shortages are going to increase in both severity and breadth, even if we acted today. This is because we cannot expect to reverse overnight a trend which has been underway for many years. It takes several years to find, develop and market new gas supplies. But the sooner action is taken, the sooner the shortage will begin to lessen and the sooner the supply can be brought up to meet demand.

Natural gas shortage means that consumers are being denied the cleanest burning fuel at a time when we are realizing the major importance of improving and protecting our environment. Without natural gas, consumers, and these sometimes include electric powerplants, are forced to burn fuels which tend to pollute our air to a much greater extent than gas.

Natural gas shortage also means the denial of a convenient fuel for consumer use. Gas is one of the easiest fuels to transport and utilize since it literally goes from well to consumer in a series of pipelines.

Finally, these natural gas shortages could have been avoided. It has been reliably estimated that the United States possesses underground and offshore undiscovered reservoirs of natural gas large enough to supply our needs for many decades.

The basic problem has been that economic incentives have not been sufficient to attract the risk capital necessary for new gas exploration on the scale which would provide the increased supplies now being demanded.

The Federal Power Commission, since the Supreme Court's 1954 Phillips decision directed it to regulate the price of gas sold in interstate commerce, has held the price at an unrealistically low level. This may have seemed beneficial for consumers over the short run, but now we are paying the penalty and that penalty is a shortage of supply.

FPC regulation has resulted in 18 years of confusion, uncertainty, and unrealistically low gas prices. This has discouraged exploration while the demand for clean-burning natural gas has increased. As a result, over the past few years, we have consumed more gas than we have found.

Now, all of the demand cannot be met; and even though we are working to develop new energy sources, it is reliably estimated that unmet demand by 1985 could amount to 17 to 19 trillion cubic feet per year—a figure only slightly less than the amount of gas we now consume.

In recognition of this worsening situation, I introduced in the last Congress legislation to relieve the FPC from the job of regulating interstate gas prices and to return that function to a free market mechanism.

It has been argued that legislation to deregulate natural gas prices was not politically feasible, that such action was not in line with efforts toward consumer protection and that "windfall" profits would result for the gas industry.

Mr. President, a free market price for natural gas will not result in "windfall" profits for the gas industry but it might allow industry to obtain a price which will encourage, rather than discourage, exploratory activity. I am concerned about consumers just as the rest of my colleagues are. I am concerned that consumers be assured in the future of the supplies of gas they demand.

That, Mr. President, is in the consumer interest and as soon as that becomes clear, legislation to deregulate the price of gas will become not only politically feasible but the action that our constituents demand and deserve. Continuation of present policies will result in a situation in which many consumers will not have any gas to buy at any price. But free market pricing of natural gas is not going to result in drastic increase in the average consumer price. Gas is contracted for sale under long-term contracts—usually 20 years. Thus, for the most part, prices would rise only for newly discovered gas or in cases where old contracts are expiring. Furthermore, in the free market, gas prices would rise only to the point where they compete with other fuels.

The FPC has approved, as a just and reasonable rate, a price of around $1 per 1,000 cubic feet for imported liquid natural gas. The FPC price for domestic natural gas is about 26 cents per thousand cubic feet. If we do not move to obtain increased domestic supplies, our consumers will be buying the higher priced imported LNG and they will probably be glad to get it. So I think it is in the consumer interest to increase the supply of domestic natural gas, even if the price of that gas does rise somewhat.

It is also claimed that since no economist has yet produced a study which statistically proves with certainty that increased exploration will result from increased economic incentive for the gas producers, we should not deregulate FPC pricing. It is true that no such study has been made and in fact it probably cannot be made. But I think the history of industry in this country proves that capital is available even for high-risk ventures when a sufficient potential for economic reward is present. What we cannot afford, is another 18 years of FPC price regulations which stifle gas exploration.

There is in this country a presumption, and I think a valid one, in favor of the free market system. For the sake of all gas consumers and for the sake of better quality in the air we breathe, let us give the free market system an opportunity to provide for us the quantity of natural gas we need.

I am not pursuaded that the FPC possesses any new ability to correct a situation which has been brought on by 18 years of its own regulations.

Mr. President, I introduce into the new 93d Congress the legislation which is intended to remove the Federal Power Commission from the job of regulating, either directly or indirectly, the prices of natural gas sold in interstate commerce. I implore the Members of this body to give prompt and favorable consideration to this legislation so that the increasingly critical shortage of natural gas can be averted.

I ask that the complete text of this measure be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 371

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Section 1. The Congress hereby finds the following—

(1) Natural gas presently supplies approximately one-third of the Nation's energy requirements.

(2) Natural gas will continue to supply a significant portion of the Nation's energy requirement for the next several decades.

(3) Maintaining abundant supplies of this vital energy resource is in the national interest for national security and environmental reasons.

(4) Natural gas is the ideal energy resource because it pollutes the environment least.

(5) Declining domestic exploration activity for new reserves of natural gas has resulted in insufficient producing supplies to meet current and future demand for natural gas.

(6) This decline in domestic exploration activity for new reserves of natural gas can be directly attributed to insufficient incentive to invest capital in this high-risk business.

(7) Adequate price is the best incentive.

(8) The free market mechanism is the best method for setting the price of natural gas.

(9) The Federal Power Commission presently regulates the price of natural gas paid to producers who sell gas in interstate commerce.

(10) Because of the inherent slowness and uncertainty which are intentionally a part of normal regulatory procedures, the Federal Power Commission is unable to establish prices which simulate the free market.

(11) In the long run the consumer is not benefited by Federal Power Commission price regulation since this regulation has caused the consumer to be deprived of abundant supplies of this ideal fuel.

(12) It is in the best interest of the consumer and the Nation that the Federal Power Commission cease this regulation of the price of natural gas.

Sec. 2. (a) That section 2(6) of the Natural Gas Act is amended by inserting before the period at the end thereof a comma and the following: "execpt that such term does not include a person engaged in the production or gathering and sale of natural gas if such person is not engaged in (or affiliated with any person engaged in) the transmission of natural gas to consumer markets or the distribution of natural gas to the ultimate consumers".

(b) That sections 4(a) and 5(a) are amended by inserting before the period at the end thereof a comma and the following: "*Provided, however,* That the Commission shall have no power to deny, in whole or in part, that portion of the rates and charges made, demanded, or received by any natural gas company for or in connection with the purchase of natural gas from a person exempt under section 2(6)".

Mr. HANSEN. Mr. President, I am happy to again join my distinguished colleague, the senior Senator from Texas (Mr. TOWER) in the introduction of this urgently needed legislation.

The entire history of producer wellhead regulation of the price of gas proves beyond any doubt that the system has failed. As any economist knows, the surest way to create a shortage of any commodity is to put a price ceiling on it.

The able Senator from Texas and I have warned time and again during the past few years that the Nation is facing an energy crisis. We have repeatedly called attention to the warning of experts in the field of energy, both in and out of government, that this Nation's self-sufficiency in energy has disappeared.

Last winter there was a very real threat of actual fuel shortages in parts of the country. A concerted and coordinated effort by government and industry prevented any actual suffering.

But now the gas shortage is not simply threatening, it is here along with shortages of other fuels.

Headlines of school, factory and business closures, transportation disruptions, and home heating oil shortages became commonplace during the protracted cold weather of recent weeks. The wolf that many of us have warned of was not only at the door but had the whole pack with him.

Mr. President, the Senate Interior Committee is now completing its study of national fuels and energy policy as authorized by Senate Resolution 45 adopted in May 1971. The recommendations of that study will include, I hope, an endorsement of the legislation my Texas colleague has introduced today to decontrol the wellhead price of natural gas.

During hearings 11 months ago on natural gas policy issues as part of that study, I again recommended such a course. At that time I said that few hearings by this committee have been more timely, or have dealt with a more urgent matter. If this inquiry succeeds in focusing attention on the critical and worsening shortage of the premium fuel, natural gas, and serves to create an awareness of the consequences facing 50 million gas consumers, then an invaluable public service will indeed have been performed.

We are the greatest energy producing and consuming Nation on earth. It was here that the first large-scale practical use of natural gas was made. It was here that the technology for finding, transporting and use of this clean-burning fuel to meet a wide spectrum of consumer needs, was developed and nurtured. This American know-how has been exported worldwide.

Unfortunately, it was also here that a system of unneeded, unwarranted, and unworkable Federal price controls has been applied to the production of this fuel, with the result that artificially depressed prices have precipitated skyrocketing demand for gas, while seriously depressing the search for and development of gas. Many have predicted the resulting gas shortage we are now experiencing.

To those who have given thoughtful consideration to the problem, the misapplied priorities and economic distortions of this system of Federal price control for one fuel, and only one, have been all too clear.

In the Economic Report of the President, the annual report of the Council of Economic Advisers noted the belated but constructive actions of the Federal Power Commission in adjusting ceiling prices for natural gas at the wellhead, and added this observation:

> Despite these steps toward prices that more nearly reflect the market situation, important policy issues remain. The large interstate pipeline companies, being unable to meet their customers' demands with domestic natural gas and pipeline imports from Canada, are turning toward imports of natural gas in liquefied form from overseas and to synthetic gas produced from imported crude oil and naphtha. Although these imports would tend to increase the supply, they cost far more than supplies from conventional domestic sources. Prices at the refinery or vaporization plant would frequently be $1 or more per thousand cubic feet. Delivered to the same markets, domestic natural gas at new ceiling prices would cost about half that amount. *Thus, we could afford to pay significantly more for domestic gas, thereby appreciably increasing its supply, and still have lower prices than would have to be paid for gas from the alternative sources now being considered.*

Demand for clean-burning gas in these environment-conscious times continues to soar. The potential for meeting these demands from unexplored sedimentary basins of the United States is very large, estimated by the Potential Gas Supply Committee at 1,178 trillion cubic feet, more than four times our present proved reserves. Yet projections by the National Petroleum Council indicate that, unless economic conditions change, the United States will be importing some 16 percent of its gas requirements but will still be short by 45 percent of meeting its 1985 demand for natural gas.

It is inconceivable that Congress, Mr. President, would continue the existing repressive policies that would make certain that these disastrous shortages develop. Stated another way, I cannot conceive that Congress can fail in its responsibility to take corrective actions to provide an economic climate that will encourage and assure maximum exploration for and development of domestic natural gas supplies.

Endless examples have long been evidence that something is wrong with the system of Federal regulation of local gas production. The longer that we default in taking corrective actions, the more unbelievable the situation becomes. The economic distortion is now clear in a situation that finds our Government through the Federal Power Commission, on the one hand, holding an artificial lid on domestic natural gas prices, and on the other hand considering approval of imported gas substitutes—to fill the existing gap in supply—at prices two to three times the city-gate price of natural gas.

When the final chapter of this unbelievable experience is written by some historian, Mr. President, I am sure it will be put down as one of the most regrettable, counterproductive episodes in the whole history of industry-government relationships. It is a system that dries up supplies of a product by killing investment incentives of the industry producing that product, while encouraging development of foreign supplies that will cost up to three times as much and can be denied to us at any time.

One of the most graphic illustrations of the economic distortion built into our policies on gas, Mr. President, was revealed by then Secretary of Commerce Stans after his trip to the Soviet Union. He disclosed that the Soviets were interested in American capital developing gas resources in the U.S.S.R., constructing liquefaction plants, port facilities, and transporting that gas in liquid form to the United States. It subsequently has been made known that three American companies are actively pursuing this possibility, and, as Secretary Stans noted, should a commitment be made the investment of American dollars in the Soviet Union could run into the billions.

It is no less than incredible, in my opinion that we have so misalined our priorities that we pursue policies which make it economic for billions of American dollars to be spent to develop Soviet resources, for which we control neither the supply nor the price, and that these investments are attractive only because these same policies have made it uneconomic to search for and develop our own natural gas resources.

When the result obtained from our policies, Mr. President, are so contrary to our own national interest, I submit that we had better get our real priorities back into perspective and make some changes which will remove the economic penalties that one would suffer should he choose to drill for gas in Nebraska or Oklahoma, rather than Canada, North Africa, or even the Soviet Union.

One of the best assessments of the dilemma we face as to domestic gas supplies appeared in Petroleum Press Services, published in London. In this very interesting analogy, there appears the following observation:

> To an outside observer, it seems extraordinary that in 1969, just when the decline in oil and gas reserves was beginning to pinch and there was a serious need to increase the level of exploration, the Government should decide to add $700 million a year to the industry's tax bill by cutting from 27½ to 22 percent the very depletion allowance that had been designed to encourage such exploration.

I single out this very interesting observation, Mr. President, because I could not agree more with this English writer that our action in significantly changing the tax treatment of the petroleum industry was in direct collision with our need and our professed desire to stimulate our own domestic fuel resources. I think we should keep in mind that there are multiple ways of revitalizing domestic exploration for petroleum fuels. One way is to restore our faith in the free economic system by removing existing price controls. Another way would be to improve existing tax incentives for domestic oil and gas exploration and development.

Mr. President, decontrol of the wellhead price of natural gas will, in my opinion, do more than any one other measure the Congress could adopt to reverse the declining trend in domestic exploration for oil and gas and assure 50 million consumers of that precious fuel of a continued dependable supply at reasonable prices.

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By Mr. PASTORE:

S. 372. A bill to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to presidential and vice presidential candidates and to amend the Campaign Communications Reform Act to provide a further limitation on expenditures in election campaigns for Federal elective office. Referred to the Committee on Commerce.

### FEDERAL ELECTION CAMPAIGN ACT OF 1973

Mr. PASTORE. Mr. President, I send to the desk for appropriate reference a bill to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirements of section 315 with respect to presidential and vice presidential candidates and to amend the Campaign Communications Reform Act to provide a further limitation on expenditures in election campaigns for Federal elective office.

Mr. President, the Federal Election Campaign Act of 1971 was the first major revision of our laws on campaign financing in almost 50 years. It replaced a law limiting campaign contributions and requiring reporting and disclosure of contributions and expenditures—a law which was not only archaic but more honored in the breach than in the observance.

When the Campaign Act of 1971 was being considered, I said the cost of campaigning for public office had become a national scandal. How, I wondered, could anyone justify expenditures that could and have mounted to millions of dollars for an office which pays an annual salary of $42,500. If nothing more, such circumstances cast a suspicion on the integrity of the offices being sought, even though nothing in fact may be amiss. And this suspicion in and of itself undermines the democratic process because the voter becomes cynical.

Mr. President, we all realize that many factors have contributed to the spiraling cost of campaigning for elective office and that no one—least of all the candidate—really wishes campaigning to be so expensive.

However, as the cost of goods and services has steadily risen, so has the cost of campaigning. And since 1952 a new dimension—television—has been added to the campaign process. This is the most expensive media form of all and is the most significant contributor to escalating costs.

Added to these factors is, of course, the very human and understandable reaction—if my opponent puts up another billboard sign, makes an additional mailing, or buys more television time, I feel compelled to do likewise.

In an attempt to halt these spiraling costs, and correct other abuses that threatened the integrity of the electoral process, the 92d Congress enacted the Federal Election Campaign Act of 1971.

This legislation put a reasonable limitation on the amount of money candidates for Federal elective office and their supporters could spend on radio, television, certain forms of the printed media, and certain uses of telephones.

In recognition of the significant contribution the electronic media has made to these soaring costs and the public interest obligations of broadcast licensees, the legislation also required these licensees to afford candidates for all elective offices the same rates they afford their most favored commercial time buyers. This is for a period 45 days before a primary election and 60 days before a general election.

The Federal Election Campaign Act also repealed the Fedearl Corrupt Practices Act of 1925, and replaced it with comprehensive and stringent financial reporting and disclosure provisions applicable to candidates, political committees, and contributors.

These provisions were designed to overhaul and tighten the obvious inadequacies of the Corrupt Practices Act. Just as importantly, they were also intended to inform the electorate in full and timely fashion of the sources and amounts of campaign contributions and how these contributions were spent. This information, it was felt, would further help the voters choose their candidates.

Mr. President, when my committee, indeed when the entire Senate, considered the Campaign Act of 1971, lengthy deliberation was given to the various categories of campaign expenses that might effectively be placed under the spending limitation.

Radio, television, and CATV were, of course, readily included. Being regulated industries there were existing mechanisms for assuring compliance with any such limitation.

Newspapers and certain other forms of printed media were also included without too much hesitation regarding the effectiveness of a spending limitation on them. The use of telephones gave us more difficulty before they were included, however.

As Members of this body well know, we considered extending the limitation to other specific categories of campaign expenses. Such grave doubts as to the effectiveness of including other categories were raised that we abandoned the efforts.

We also felt that the limitations we did adopt covered the items which contributed most significantly to the high costs of campaigning.

Our formulation of provisions requiring full reporting and disclosure of campaign contributions and expenditures also required long and arduous deliberation. It was obvious to everyone that the Federal Corrupt Practices Act was inadequate on several accounts. How to draft legislation which would fully inform the electorate in timely fashion before an election and at the same time not put an unworkable burden on the candidates, their committees, and those charged wtih supervising and enforcing the legislation, was another matter, however.

The law Congress finally enacted was hailed by almost everyone as a sound approach and long overdue solution to the problems of excessive campaign costs and inadequate reporting and disclosure of campaign contributions and expenditures.

Mr. President, no one, I believe, was naive enough to think the Election Campaign Act of 1971 was the final solution to these problems.

The 1972 elections have given us our first experience under the new law. Much has already been written about the reporting and disclosure provisions. Undoubtedly many recommendations will be made in this Congress for amending them in order to better achieve their objective. In this connection, I would hope Congress will seriously consider putting a limitation on individual contributions. To me it is utterly scandalous when individual contributions approach or exceed the million-dollar mark.

What is already apparent, however, is the need for stricter spending limitations. Simply stated, even though congressional candidates stayed within their media and telephone spending limits, the total costs of their individual campaigns increased on the whole over the amounts spent in previous election years when there were no media limitations. And, I might add, the increase cannot be adequately explained by the perennial rise in the cost of goods and services.

Mr. President, the Federal Election Campaign Act does not require financial reports to be filed until the end of January. Nevertheless, some estimates and interim reports have been available since October of last year. I would like to quote from an article appearing in the November 18 edition of the New York Times entitled, "Campaign Spending in '72 Hits Record $400 Million":

> By all estimates, when the final official campaign contribution and expenditure figures are computed and published on Jan. 31, the 1972 elections at all levels will prove to have been roughly a $400-million enterprise, up $100-million from the record $300-million estimated to have been spent in 1968.

That article goes on to say that overall estimates place the cost of the 1972 presidential campaign at $100 million with another $100 million for the Senate and House races.

Specifically, according to that article, based on filings required by State law, a successful U.S. senatorial candidate spent $2.5 million. And existing data now on file with the Secretary of the Senate indicates that the $2.5 million spent by the winning candidate will be closely followed by the expenditures of the successful candidates in two other States.

Mr. President, when these expenditures are compared with the spending limitations we placed on the use of the media and telephones it is obvious we have not gone far enough in our efforts to halt the spiraling costs of campaigning for public office.

In view of our experience with the spending limitation in the 1972 elections, I submit we must seriously consider replacing the present selective limitations with an overall ceiling covering all campaign expenditures. Then there will be no question of effectively stopping these escalating costs.

Moreover, each candidate will be in a position to decide how best he may apportion his campaign expenditures. We know, for example, in some of the smaller States, and in certain congressional districts, the electronic media is not the major item of expense. Direct mailings, handbills, and so forth—none of which are covered by the present limitations—figure more prominently. Each candidate should be free to decide these matters and yet still be subject to an overall limitation.

Mr. President, today I am introducing legislation which builds on the experience of 1972. I believe it will offer greater assurance to the electorate and the candidates that the costs of campaigning will not continue to escalate as rapidly as they have in the past. My committee expects to hold early and extensive hearings on the bill so that Congress will have ample opportunity to consider it before the 1974 congressional elections.

I would hope that during these hearings the committee will receive a wide range of views and recommendations. Although I believe the legislation I am introducing today is fundamentally sound, I realize there are many authorities on this subject and no one has a monopoly on solutions to this problem.

Essentially this proposal would do two things, neither of which, I might add, is without precedent.

First, it would repeal the equal time requirement of section 315 of the Communications Act insofar as it applies to candidates for President and Vice President of the United States.

That provision was, of course, suspended for the 1960 presidential campaign, and the electorate was more widely informed as a consequence.

Repeal of this provision would also contribute significantly toward arresting the growing costs of presidential campaigns.

Television is relied on extensively by the candidates, and is also the most expensive media form. Undoubtedly it is the greatest single contributor to the high cost of campaigning.

The networks have expressly said if they are relieved of the equal time strictures they will give substantial amounts of free television time to significant candidates.

The second thing this legislation would do is extend the existing limitation on media and telephone spending to include any expenditures whatsoever by or on behalf of a candidate for Federal elective office; and to increase the amount a candidate would be entitled to spend from 10 cents to 25 cents times the voting age population of the geographic area in which the election is being held.

Unlike existing law which, as I have mentioned, only places a limitation on specified media and telephone expenditures, the limitation in this proposal would cover all expenditures made by or on behalf of a candidate in connection with his campaign. Any person making expenditure of $100 or more in connection with a candidate's campaign would have to receive a certificate from the candidate or his authorized representative stating that the expenditure did not put the candidate over his allowable limitation.

Mr. President, the limitation provisions of this legislation are not without precedent. On the contrary, the Presidential Election Campaign Fund Act which we passed in 1971 contains a similar though not identical limitation for those presidential and vice presidential candidates wishing to finance their campaigns in 1976 through the presidential election campaign fund. And, of course, we now have selective limitation and certification requirements in the Federal Election Campaign Act of 1971.

Mr. President, failure of Congress to recognize and remedy the many instances of exorbitant campaign spending in the 1972 general elections can only be interpreted by the electorate as acquiescence on our part. Should this come to pass it would be doubly unfortunate. In my judgment we will be reneging on the commitments we made to the American people when we enacted the Election Campaign Act of 1971; and we will once again be inviting cynicism to undermine the integrity of the democratic process.

Mr. President, the purpose of this bill is to place a ceiling on all campaign expenditures.

Mr. President, under the bill candidates can spend 25 cents times the estimated voting population for the office in question. That means for the President it would be 25 cents for the entire voting population; for a Senator, 25 cents for the estimated voting population in his State; and for every Congressman, 25 cents for every estimated voter in his district. I think this is an adequate amount.

Mr. President, I ask unanimous consent at this time that a list showing the estimated voting population in each of the States be printed in the RECORD, together with a table showing the amounts that can be spent in presidential and senatorial races.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the RECORD a section-by-section analysis of the measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PASTORE. Mr. President, the reason for doing this is that when we first passed the Campaign Communication Reform Act last year we had no way of knowing what the full consequences would be. We had to wait for the election in 1972. We found in some instances in some States more than $2 million was spent by a candidate to win election. In my State, between the two candidates the amount was $1 million. This is absolutely out of hand. The American people are going to lose confidence in our democratic process unless we have an overall ceiling. In my State of Rhode Island, with the formula I have suggested, each candidate will be at liberty to spend $168,000. From my experience that is more than enough. I hope our committee will agree with me that we should hold hearings on this matter as soon as possible, and I have every confidence that when it comes to the floor of the Senate it shall receive the support of my colleagues.

EXHIBIT 1

CAMPAIGN SPENDING FOR PRESIDENTIAL AND SENATORIAL ELECTIONS BASED ON FORMULAS OF 30, 25 AND 20 CENTS TIMES THE ESTIMATED VOTING POPULATION

| | Estimated voting population | Spending ceiling | | |
|---|---|---|---|---|
| | | 30 cents | 25 cents | 20 cents |
| President | 139,642,000 | $41,892,600 | $34,910,500 | $27,928,400 |
| Senate: | | | | |
| Alabama | 2,274,000 | | 568,500 | |
| Alaska | 200,000 | | 50,000 | |
| Arizona | 1,239,000 | | 309,750 | |
| Arkansas | 1,310,000 | | 327,500 | |
| California | 13,945,000 | | 3,486,250 | |
| Colorado | 1,558,000 | | 389,500 | |
| Connecticut | 2,106,000 | | 526,500 | |
| Delaware | 371,000 | | 92,750 | |
| District of Columbia | 518,000 | | 145,250 | |
| Florida | 5,105,000 | | 1,276,250 | |
| Georgia | 3,104,000 | | 776,000 | |
| Hawaii | 531,000 | | 132,750 | |
| Idaho | 479,000 | | 119,750 | |
| Illinois | 7,542,000 | | 1,885,500 | |
| Indiana | 3,509,000 | | 877,250 | |
| Iowa | 1,909,000 | | 477,250 | |
| Kansas | 1,541,000 | | 385,250 | |
| Kentucky | 2,206,000 | | 551,500 | |
| Louisiana | 2,339,000 | | 584,750 | |
| Maine | 666,000 | | 166,500 | |
| Maryland | 2,688,000 | | 672,000 | |
| Massachusetts | 3,955,000 | | 988,750 | |
| Michigan | 5,874,000 | | 1,468,500 | |
| Minnesota | 2,560,000 | | 640,000 | |
| Mississippi | 1,403,000 | | 350,750 | |
| Senate—Continued | | | | |
| Missouri | 3,266,000 | | $816,500 | |
| Montana | 460,000 | | 115,000 | |
| Nebraska | 1,022,000 | | 255,500 | |
| Nevada | 348,000 | | 87,000 | |
| New Hampshire | 521,000 | | 130,250 | |
| New Jersey | 5,025,000 | | 1,256,250 | |
| New Mexico | 636,000 | | 159,000 | |
| New York | 12,773,000 | | 3,193,250 | |
| North Carolina | 3,463,000 | | 865,750 | |
| North Dakota | 402,000 | | 100,500 | |
| Ohio | 7,185,000 | | 1,796,250 | |
| Oklahoma | 1,812,000 | | 453,000 | |
| Oregon | 1,500,000 | | 375,000 | |
| Pennsylvania | 8,161,000 | | 2,040,250 | |
| Rhode Island | 673,000 | | 168,250 | |
| South Carolina | 1,706,000 | | 426,500 | |
| South Dakota | 434,000 | | 108,500 | |
| Tennessee | 2,713,000 | | 678,250 | |
| Texas | 7,681,000 | | 1,920,250 | |
| Utah | 689,000 | | 172,250 | |
| Vermont | 309,000 | | 77,250 | |
| Virginia | 3,197,000 | | 799,250 | |
| Washington | 2,371,000 | | 592,750 | |
| West Virginia | 1,182,000 | | 295,500 | |
| Wisconsin | 2,955,000 | | 738,750 | |
| Wyoming | 225,000 | | 56,250 | |

### EXHIBIT 2

### SECTION-BY-SECTION ANALYSIS

Section 2 exempts the use of a broadcast station's facilities by a legally qualified candidate for President and Vice President in the general election from the equal opportunities requirement of Section 315(a) of the Communications Act.

Section 3(a) repeals the definition of "communications media" which appears in the Campaign Communications Reform Act, and adds a definition of campaign "expenditure" to that Act. The definition of "expenditure" is the same as that which appears in Titles II and III of the Federal Election Campaign Act with the added provision that "those who volunteer to work on behalf of a candidate" are not deemed to have made an "expenditure" on behalf of a candidate.

Section 3(b) makes a clarifying amendment to the section of the Campaign Communications Reform Act requiring the Secretary of Commerce to ascertain yearly an estimate of the voting age population of States and congressional districts.

Section 4(a) amends the limitation of expenditures for use of communications media contained in the Campaign Communications Reform Act. As amended, no candidate for Federal elective office could make expenditures (as defined in section 3(a) of the bill) in connection with his campaign for nomination for election, or election, in excess of 25 cents multiplied by the voting age population of the geographical area in which the election for such office is held. Separate limitations would apply to primary, primary runoff, general, and special election campaigns.

Expenditures made on behalf of any candidate shall be deemed to have been expended by the candidate. Expenditures made on behalf of any candidate for the office of Vice President shall be deemed to have been made by the presidential candidate with whom he is running.

No person shall make any charge for services or products furnished to, or for the benefit of, any candidate in connection with his campaign in an amount in excess of $100 unless the candidate or his authorized agent certifies in writing to the person making the charge that the payment of the charge will not exceed the candidate's expenditure limitation.

The provisions of the Campaign Communications Reform Act limiting the expenditures in each State of candidates for the presidential nomination to the amounts senatorial candidates in that State could spend remain intact.

Similarly, the tests set out in the Campaign Communications Reform Act for determining when a person is a candidate for presidential nomination for purposes of the spending limitation is retained.

The Comptroller General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such expenditure.

The requirements of the Campaign Communications Reform Act that the Secretary of Commerce ascertain yearly and certify to the Comptroller General the estimate of voting age population in each State and congressional district and that the spending limitation be adjusted upward to reflect rises in the Consumer Price Index remain.

Section 5 directs the Comptroller General to prescribe regulations to carry out the Act.

Section 6 provides penalties for violation of the Act.

Section 7 repeals certain amendments to the Communications Act made by the Campaign Communications Reform Act which enabled States to put a spending limitation on candidates for State offices regarding the use of the broadcast media if the limitation conformed to the one prescribed for candidates for Federal office. These provisions would not be relevant if the media limitation were replaced by an over-all limitation as this legislation would do.

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By Mr. ERVIN (for himself, Mr. ROBERT C. BYRD, Mr. EASTLAND, Mr. CHURCH, Mr. JACKSON, Mr. FULBRIGHT, Mr. MONDALE, Mr. RANDOLPH, Mr. MCGOVERN, Mr. BIBLE, Mr. WILLIAMS, Mr. SPARKMAN, Mr. EAGLETON, Mr. TALMADGE, Mr. MAGNUSON, Mr. HARTKE, Mr. METCALF, Mr. HUGHES, Mr. HUMPHREY, Mr. CRANSTON, Mr. HOLLINGS, Mr. PELL, Mr. CANNON, Mr. BURDICK, Mr. MCINTYRE, Mr. INOUYE, Mr. HATHAWAY, Mr. HART, Mr. MCGEE, Mr. CHILES, Mr. HASKELL, Mr. HATFIELD, Mr. DOMENICI, Mr. MUSKIE, Mr. BROOKE, Mr. MATHIAS, Mr. BAYH, Mr. SYMINGTON, Mr. JAVITS, Mr. RIBICOFF, Mr. GRAVEL, Mr. MOSS, Mr. WEICKER, Mr. CLARK, and Mr. NELSON):

S. 373. A bill to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action. Referred to the Committee on the Judiciary; and, by unanimous consent, if and when reported by that committee, to the Committee on Government Operations.

### IMPOUNDMENT CONTROL

Mr. ERVIN. Mr. President, on behalf of 45 other Senators and myself, I introduce for appropriate reference a bill to protect the legislative function by requiring the President to notify the Congress whenever he impounds or terminates or authorizes the impounding or termination, of a Federal program, and to provide that the President shall cease such impounding at the expiration of 60 calendar days unless the Congress shall approve his action by concurrent resolution.

The bill also establishes a procedure whereby the Senate and House of Representatives can approve each impoundment reported by the President—an action which would be required in order for the impoundment to continue beyond 60 calendar days after it is reported to the Congress.

Mr. President, this bill is very similar to a bill (S. 2581) I introduced during the 92d Congress, on September 27, 1971. I believe the new bill is an improvement over the earlier version.

Within a few weeks, the Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, will conduct hearings on this bill, in conjunction with an ad hoc subcommittee of the Committee on Government Operations. I sincerely hope that the bill can be ready for consideration by the Senate before the heat of summer has beset the Nation's Capital.

The impoundment control bill is the outgrowth of hearings conducted in March 1971, by the Subcommittee on Separation of Powers, on the constitutional issues raised by the practice of Executive impoundment of appropriated funds. The bill I introduce today will provide a practical and reasonable solution to the issues raised during those hearings and during the intervening time.

Testimony and materials adduced at the subcommittee's hearings revealed that over $12 billion in appropriated funds were being impounded by the President at that time. Since then, President Nixon has asserted that he will keep Federal spending within a $250 billion ceiling by impounding funds appropriated above that limit. Already we have seen the termination of several agricultural programs, including the rural environment assistance program and emergency disaster loans to farmers. More than likely the list of impounded and terminated programs will grow. These actions are being undertaken with no prior approval by the Congress, which, pursuant to its constitutional responsibility, created and funded the programs in the first place.

While I would be the last to advocate deficit financing by the Federal Government—in fact, I always have been in favor of a balanced Federal budget—this series of Executive actions demands the immediate attention of the Congress and swift remedial action. In my capacity as chairman of the Subcommittee on Separation of Powers, I have come to realize that the Congress cannot long survive as a viable institution if it does not develop the capacity to gather, retrieve, and analyze budgetary data and to exert control over the budgetary powers. The power of the purse is one of the most basic powers of the legislative branch, and if it is not exercised in a decisive and fiscally responsible manner, the Congress itself may rightfully be accused of abrogating its role under the separation of powers doctrine. While I feel that on occasion the Congress has indeed been a spendthrift and has appropriated money in an irresponsible manner, I do not believe that the President's impoundment of the amounts appropriated constitutes a cure for our Nation's fiscal and economic woes. Impoundment does not save anybody any money, nor does it lead to lower taxes. It is merely a means whereby the White House can give effect to the social goals of its own choosing by reallocating national resources in contravention of congressional dictates. In any event, the President's motive, however worthy, cannot legalize an inherently unconstitutional act.

Reserving of appropriated funds, that is, not spending an entire appropriation, is not a new concept, and when undertaken in a lawful manner it may be quite useful in effecting economy. Various procedures have been used over the years, the most common being the reserving of funds to prevent deficiencies in a Federal program, or to effect savings in accordance with provisions of the Antideficiency Act (31 U.S.C. 665). Freezing of funds has occurred when Congress, for some special reason such as war or economic uncertainty, passes appropriations as nothing more than ceilings for expenditures, leaving it to the executive branch to expend part or all of the funds at its discretion. Moreover, freezing may occur as the result of a specific congressional mandate. Under any of these forms of impoundment, the executive branch is permitted—or required—to withhold funds under certain specified conditions.

Unfortunately, impoundment often occurs under circumstances where the executive branch, for reasons of its own, desires to avoid expending funds which the Congress has explicitly directed to be spent for some particular purpose. It is this situation which poses a threat to our system of government and which so patently violates the separation-of-powers doctrine.

One example of an impoundment which flies directly in the face of expressed congressional intent is the withholding from obligation of more than $5 billion in the Highway Trust Fund. On January 2 of this year 17 other Senators joined me in filing an amicus curiae brief in the case of Missouri Highway Commission against Volpe. The U.S. District Court on June 19, 1972, held in that case (347 F. Supp. 951) that the Secretary of Transportation and the Director of the Office of Management and Budget do not have discretion, under the Federal-Aid Highway Act of 1956 as amended, to impound Highway Trust Fund moneys except for very specific reasons. The district court's decision was based on language in the Federal-Aid Highway Act, and it is a more narrow case than if it involved a general appropriations act. This case was argued on January 10, 1973, before the U.S. Court of Appeals for the Eighth Circuit in St. Louis, and is pending decision by that court. If the Missouri Highway Commission wins this case, it should establish the precedent that Congress can mandate the expenditure of funds by inserting language to that effect in the particular appropriations act. We eagerly await the decision of the court.

Neither I nor my many colleagues who are cosponsoring this bill desire that the executive branch expend the taxpayers' money foolishly. Nor is this a partisan problem, for impoundment had occurred under Democratic and Republican administrations; it is as objectionable under one as under the other. After all, we are concerned with maintaining the constitutional role of the Congress and not with the performance of either political party. The Congress must not become a stepchild of the Executive, and the Presidency must not be allowed to assume the powers of a divine monarchy.

Perhaps the most disturbing aspect of the impoundment practice is that it enables the President to effect an item or line veto. Such a power clearly is prohibited by the Constitution which empowers the President to veto entire bills only. By impounding appropriated funds, the President is able to modify, reshape, or nullify completely laws passed by the legislative branch, thereby making legislative policy—a power reserved exclusively to the Congress. Such an illegal exercise of the power of his office violates clear constitutional provisions. The bill I introduce today will give the Congress a chance to override this illegal and absolute veto and will give the Congress an opportunity to review its choice of priorities and rearrange them if changed conditions make such action desirable. However, that is not the task of the President under our Constitution.

In this era, the powers of the executive branch have become dominant in the operation of the governmental structure. The "power of the purse" is one of the few remaining tools which Congress can use to oversee and control the burgeoning Federal bureaucracy. Congress is constitutionally obligated to make legislative policy, and is accountable to the citizens for carrying out that obligation. The impoundment practice seriously interferes with the successful operation of that principle and places Congress in the paradoxical and belittling role of having to lobby the Executive to carry out the laws it has passed.

The impoundment control bill provides that the President must cease a specific impoundment unless he receives the approval of the Congress. It requires the President to notify each House of the Congress by special message of every instance in which he impounds or authorizes an impoundment by any officer of the United States. Each special message must specify, first, the amount of the funds impounded; second, the date on which funds were ordered to be impounded; third, the date the funds were impounded; fourth, any account, department, or establishment of the Government to which the impounded funds would have been available for obligation except for the impoundment; fifth, the period of time during which the funds are to be impounded; sixth, the reasons for the impoundment; and seventh, the estimated fiscal, economic, and budgetary effects of the impoundment.

The reporting provisions of the bill are identical to those of Senator Humphrey's amendment to the Debt Ceiling Act of 1972, and I believe that they strengthen the impoundment control bill.

The bill also provides that the special messages submitted by the President be published in the Federal Register, and it requires the President to publish in the Federal Register a list of funds impounded as of the first of each calendar month. These provisions are designed to keep the Congress and the American people informed about the status of impounded funds, for a lack of up-to-date information has been a major impediment to solving the impoundment problem.

The bill further provides that the President shall cease the impounding of funds specified in each special message within 60 calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by concurrent resolution in accordance with a procedure based on provisions of the Legislative Reorganization Act of 1970 and set forth in the bill. Such concurrent resolution will be privileged business, and it will be considered promptly and with a reasonable period for debate. Such concurrent resolutions would not be referred to committee, for the appropriate authorizing committee and the appropriations committee already would have considered thoroughly the considerations underlying the original authorization and appropriation of the funds.

The bill also contains a definition of "impounding of funds" which is intended to include every instance of impounding, withholding, delaying the expenditure or obligation of funds, or the termination of authorized projects or activities. The definition includes "any type of executive action which effectively precludes the obligation or expenditure of the appropriated funds." The intent is to preclude any form of executive action affecting appropriated funds from escaping the scope of the bill through semantic gyrations.

Hearings on the "impoundment control bill" will be held on January 30 and 31 and February 1 and 6.

Mr. President, I send the bill to the desk, and ask unanimous consent that its text appear in the Record following these introductory remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 373

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) whenever the President impounds any funds appropriated or otherwise obligated for a specific purpose or project, or approves the impounding of such funds by any officer or employee of the United States, he shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of the funds impounded;

(2) the date on which the funds were ordered to be impounded;

(3) the date the funds were impounded;

(4) any account, department, or establishment of the Government to which such impounded funds would have been available for obligation except for such impoundment;

(5) the period of time during which the funds are to be impounded;

(6) the reasons for the impoundment;

(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message shall be printed as a document for each House.

(c) A copy of each special message submitted pursuant to subsection (a) shall be transmitted to the Comptroller General of the United States on the same day as it is transmitted to the Senate and the House of Representatives.

(d) If any information contained in a special message submitted pursuant to subsection (a) is subsequently revised, the President shall transmit promptly to the Congress and the Comptroller General a supplementary message stating and explaining each such revision.

(e) Any special or supplementary message transmitted pursuant to this section shall be printed in the first issue of the *Federal*

*Register* published after that special or supplemental message is so transmitted.

(f) The President shall publish in the *Federal Register* each month a list of funds impounded as of the first calendar day of that month. Each list shall be published no later than the tenth calendar day of the month and shall contain the information required to be submitted by special message pursuant to subsection (a).

SEC. 2. The President shall cease the impounding of funds set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a resolution in accordance with the procedure set out in section 4 of this Act.

SEC. 3. For purposes of this Act, the impounding of funds includes—(a)(1) withholding or delaying the expenditure or obligation of funds (whether by establishing reserves or otherwise) appropriated or otherwise obligated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(2) Any type of executive action which effectively precludes the obligation or expenditure of the appropriated funds.

SEC. 4. The following subsections of this section are enacted by the Congress—

(a)(1) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b)(1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by that House.

(2) The matter after the resolving clause of each resolution shall read as follows: "That the Senate (House of Representatives) approves the impounding of funds as set forth in the special message of the President dated ———, Senate (House) Document No. ——".

(3) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress *sine die*, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c)(1) A resolution introduced with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution shall not be in order. It shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to, and it shall not be in order to move to consider any other resolution introduced with respect to the same special message.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

Mr. ERVIN. Mr. President, I also ask unanimous consent that a statement prepared by the Senator from Wisconsin (Mr. Nelson) concerning the bill also be printed at this point in the Record.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### Senator Nelson's Statement Upon Introduction of the Impoundment Procedures Bill

Over the years, a dangerous concentration of power has accumulated in the Presidency. This accumulation of executive control is most readily apparent in the practice of executive impoundment of Congressionally appropriated funds. This exercise of executive power over the public purse is a direct challenge to basic constitutional principles of the separation and balance of powers between the three coordinate branches of government. In particular, the exercise of impoundment gives the President an item veto prohibited by the Constitution as an infringement of legislative perogatives.

There is agreement that the practice of impounding funds has been exercised by both Democratic and Republican Presidents. However, as Professor Arthur S. Miller of The George Washington University Law School pointed out in a letter to the Washington Post last October 26th, this Administration has elevated this practice to a favored mechanism of fiscal policy. Thus, Professor Miller shows that 1971 hearings before the Separation of Powers Subcommittee revealed:

"(a) more than $12 billion in appropriated funds were blocked by the White House (a sum far exceeding what any previous President has done; (b) that the Executive's spokesmen, including the present Associate Justice William Rehnquist and Caspar Weinberger (now head of OMC), could cite no express constitutional or statutory basis for it; and (c) most withholding in the past—which took a big jump under F.D.R.—dealt mainly with national defense appropriations (e.g. President Truman and the proposed 70-wing Air Force)."

There is also agreement that the legislative branch of the federal government has already ceded a great deal of authority over the national pursestrings to the executive branch. In the Anti-Deficiency Acts of 1905 and 1906, the Congress gave the President authority to reserve appropriations in order to reflect savings in authorized programs and to prevent deficiencies from too rapid expenditure of funds. Then, under the pressures of national crisis—the Great Depression of the 1930's and later World War II—the pinciple of a difference between permissive and mandatory appropriations was asserted. In 1942, President Franklin D. Roosevelt claimed that just because Congress appropriated funds for certain governmental programs, this is only a ceiling on possible expenditures and "is not a mandate that such funds must be fully expended."

In addition to the impoundment of funds under so-called permissive appropriations, recent Presidents have been given express authority to withhold appropriated funds when certain conditions exist. Under Title VI of the Civil Rights Act of 1964, the President may refuse to expend funds in areas which practice discrimination.

The one area in which there appears to be a clear constitutional bar to unilateral Executive action and impoundment of appropriated funds without Congressional approval is where there is a clear Congressional "direction to spend". The distinction between "direction" to spend and "authorized" to spend was articulated in the 1962 controversy over the B–70 bomber between President Kennedy and Chairman Carl Vinson of the House Armed Services Committee. The President, opposing the program, requested the latter wording.

The lack of constitutional authority for the President to act contrary to the mandate of Congress and withhold legislatively appropriated funds whenever and wherever he pleases is equally clear. In a memorandum dated December 19, 1969, by then Assistant Attorney General William H. Rehnquist, the Deputy Counsel to President Nixon was advised that "With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent."

Without reason or precedent, the President tried to force Congress last October in the Debt Limit Ceiling legislation to turn over a legislative grant of fiscal powers when he requested authority to cut the budget wherever he wished without even a token notification much less consultation with Congress. What no President is authorized to do under the Constitution, he requested the Congress to trade for a promissory note of confidence. Fortunately, the Senate rose to the occasion and, in a hopeful expression of support which was non-partisan and spanned the ideological spectrum, said "No deal! The Constitutional power over the purse given to Congress has already wandered too far down Pennsylvania Avenue."

It is time for Congress not only to resist further erosions of Constitutional powers, but to reassert itself in the determination of national fiscal policy and priorities and forcefully exercise what are properly Congress rights, duties and prerogatives.

A particularly striking case is the President's recent action cutting $6 billion in Federal water cleanup funds authorized by Congress over the President's veto in the Water Quality Act Amendments of 1972. These actions are environmentally unwise and economically unsound; they also go far beyond any discretion intended by the Congress when it thoroughly considered this measure, and specifically ignores an express Congressional mandate to allocate these funds to the States. Not only is this action an affront to serious efforts throughout the nation to comply with the national clean water program, it undermines every effort of Congress to set priorities for this country.

In order to regain an important measure of initiative in the determination of legislative policy, and to provide a more representative accounting to the public of the decision-making process which enters into such policy, I am a co-sponsor of The Impoundment Procedures Bill developed by the distinguished Senator from North Carolina, Sam Ervin. Senator Ervin's leadership in asserting a revitalized role for the legislative branch under strict constitutional principles is acknowledged not only for its prescience, but for its persistence and its excellent advocacy.

The Impoundment Procedures Bill introduced today would require the President to transmit to the Senate and the House of Representatives a special message whenever the Executive branch has impounded funds appropriated by Congress or otherwise obligated for a specific purpose or project. Unless the specific impoundment is approved by Congress through the passage of a joint resolution to that effect within 60 days of continuous session after the special message is received, the President shall cease such impoundment under this bill.

This procedure will certainly permit the appropriate Executive actions to reserve funds where economies, and savings can be achieved and uncertainties avoided or deficiencies prevented. At the same time, the constitutional obligation for Congress to set legislative policy and be accountable to the citizens of this country for properly fulfilling that obligation will be restored.

This latter obligation was also succinctly stated by an early and distinguished Carolinian in Congress. In a speech before the House of Representatives on January 17, 1817, Congressman John C. Calhoun of South Carolina stated:

"But what mainly distinguishes the Legislative and Executive branches, as it regards their *actual* responsibility to the people, is the nature of their operation. It is the duty of the former to enact laws, of the latter to execute them. Every citizen of ordinary information is capable, in a greater or less degree, to form an opinion of the propriety of the law, and consequently whether Congress has or has not done its duty; but of the execution of the laws, they are far less competent to judge. How can the community judge whether the President, in appointing officers to execute the laws, has in all cases been governed by fair and honest motives, or by favor or corruption? How much less competent is it to judge whether the application of the public money has been made with economy and fidelity or with waste and corruption! These are facts that can be fully investigated and brought before the public by Congress, and Congress only. Hence it is that the Constitution has made the President responsible to Congress. This, then, is the essence of our liberty; Congress is responsible to the people immediately, and the other branches of Government are responsible to it. . . ."

Mr. ERVIN. Mr. President, I ask unanimous consent that an editorial from the New York Times dated October 27, 1972, and entitled "Power of the Purse" be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### Power of the Purse

Despite the refusal of Congress to grant the President power to make whatever cuts he wanted in spending programs to hold the Federal budget under a $250-billion ceiling, Mr. Nixon's aides say that he still intends to impound funds on his own to reach the same objective.

Congress has never conceded that Presidents have the power to ignore laws it has enacted or to reverse the priorities it has set. The Constitution gives Congress the responsibility of raising funds and determining how they shall be spent, and it charges the President with faithfully executing the laws. The President's veto powers are spelled out, and limited. When Presidents have withheld authorized expenditures, because economies could be effected or, because the outlays were no longer required (as when a war ended), usually Congress has insisted on giving its specific approval and legislative sanction to such Presidential actions.

However, it is certainly true that Presidents and Congresses have sometimes done battle over particular Administration refusals to spend funds. That issue has not been clearly resolved because successive Administrations kept it out of the courts until 1970. In several cases, the right of Presidents to impound funds has now been challenged; in the first important test—the Missouri State Highway Commission v. Volpe—a Federal judge in Missouri ruled this year that it was illegal for the Nixon Administration to impound highway funds. The Government has appealed this verdict.

Looking beyond the immediate controversy, we believe that it would be desirable for the President to have carefully limited authority to impound funds either to effect economies in specific programs or to achieve over-all fiscal objectives. Senator Ervin of North Carolina in the last session of Congress introduced a bill that could achieve this objective on the expenditure side in a way that would not encroach upon the constitutional powers of Congress, by giving the President authority to impound funds for a limited period pending Congressional review.

Both the need for greater economy in Government and better fiscal planning require a greater degree of budgetary flexibility; but it is equally important that the constitutional responsibilities and authority of Congress not be undermined by undue assertions of Presidential power.

Mr. ERVIN. Mr. President, I might state that in my judgment both the Judiciary Committee and the Government Operations Committee have jurisdiction of this proposed legislation. The Subcommittee on Separation of Powers of the Senate Committee on the Judiciary conducted extensive hearings on this matter during the last session.

Mr. President, I ask unanimous consent that the bill be referred in the first instance to the Judiciary Committee, with the understanding that when the Judiciary Committee completes its action on the bill, the bill then be referred to the Committee on Government Operations. I might state that the purpose of this unanimous-consent request is to enable the two committees to jointly hold hearings on the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I want to commend the distinguished Senator from North Carolina for his admirable and effective leadership on this whole issue of the impoundment of funds by the President and the executive branch.

No Member of this body is a more capable lawyer, a more capable student of the law, or more dedicated to the constitutional processes than is the distinguished Senator from North Carolina.

I am so grateful that he has taken the leadership here on this matter because we trust him and I think the country trusts him. He is a man of moderation and judicious temperament. I am so pleased that he is taking this bill before the two committees to get the matter completely aired and hear all of the testimony and take appropriate legislative action.

Mr. ERVIN. Mr. President, if the Senator would yield, I wish to thank him for the high compliment he has paid me. I point out that the distinguished Senator from Minnesota has been very much interested in this subject and has added amendments, which were agreed to by the Senate, to bills on this subject matter. Some of the ideas he has expressed in his amendments are incorporated in the bill.

Mr. HUMPHREY. Mr. President, I thank the Senator very much.

### IMPOUNDMENT OF FUNDS

Mr. MUSKIE. Mr. President, it is with pleasure that I join my distinguished colleague, the senior Senator from North Carolina, in sponsoring legislation to reconfirm the power of Congress to supervise the financial policies of government.

The arrogance with which the administration has ignored and twisted specific congressional directives on funding Federal programs has made firm action on our part a necessity. Ours is not a political vendetta but an urgent effort to safeguard the constitutional checks and balances that are now so grossly violated.

The appropriations process has been brought into disrepute by executive actions that openly defy the will of the Congress and the intent of our fundamental laws. Those laws require that an administration set forth its priorities and present specific requests for the financial means with which to carry them out. The Congress then has the duty both to consider and revise those budget priorities and to determine the funds required. Once Congress has made those decisions, it is, of course, proper for the President to dissent—by vetoing our acts and submitting his veto to the Congress for reconsideration.

But it is not just improper—it is devious in the extreme and brutally damaging to the constitutional scheme of government—to accede to a congressional order and then secretively undermine its implementation by impounding public funds the Congress has directed be spent. If the President chooses to dispute our directives—and he has every right to do so—the dispute must be in the open. Hole-and-corner tactics do grave injury to the political process and sap the strength of democracy.

The bill I am proud to support as a cosponsor will, first of all, put an end to dissembling. It will require the President to explain his actions to Congress and seek approval for them. It does not prohibit a President from exercising fiscal responsibility or taking emergency economic measures a particular situation may require. But it compels the Executive to inform the Congress and the people of all such actions and to acknowledge the shared responsibility of both branches of Government for the sound administration of our resources.

The exercise of greater candor and consultation by the administration in its relations with Congress would have precluded this legislation. But the reverse policy—one of deception and defiance—necessitates our unmistakable response. I urge speedy consideration and enactment of this important bill to restore to the representatives of the American people the authority that is now being drained from them.

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By Mr. CURTIS (for himself, Mr. Bennett, Mr. Dominick, Mr. Fannin, and Mr. Hansen):

S. 374. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations. Referred to the Committee on Finance.

"INDIVIDUAL BENEFITS RETIREMENT ACT OF 1973"

Mr. CURTIS. Mr. President, I rise to introduce, in behalf of myself and Senators BENNETT, DOMINICK, FANNIN, and HANSEN, a bill known as the Individual Retirement Benefits Act of 1973.

Mr. President, about half of the people of the country have the benefits of a company retirement plan. When a company sets up a retirement plan for its officers and employees, the payments going into that fund are tax free. The earnings of the fund are likewise tax free. It means that those funds grow very rapidly.

The other half of our population have no such opportunity. The citizen who does not enjoy a company pension plan must earn his money, pay taxes upon all of it, save after taxes, and then, if his savings draw interest or dividends, that is taxed—a very uneven situation.

The purpose of the Individual Retirement Benefit Act of 1973 which I am introducing—it is identical to S. 3102 of the last Congress—is to bring full justice to the other half of our population. It will provide that any citizen can, within certain limits, set aside his earnings before taxes, invest them in a plan for his old age, and the earnings on those investments will be tax free. Then, in his retirement years, he will pay taxes on it as he draws it out, just as they do in company plans. That is usually at a time when the tax rates are lower, and it is spread over a greater period of time.

This proposal is identical to S. 3012, a measure which I sponsored in the 92d Congress. No action was taken on this legislation during the last Congress; thus, I reintroduce this proposed legislation, urging its immediate consideration.

The well being of half the wage earners in the United States depends on the swift enactment of this legislation. This proposal, which has the backing of the administration, will bring about equality for the wage earners who are not covered by the benefits of a company retirement plan. Presently, the funds of these company retirement plans are paid in before taxes and the plan itself is free from tax insofar as the earnings, interest, and dividends are concerned.

The workers not covered by such plans, approximately half of our wage earners, are allowed none of these benefits. Such a worker must pay taxes on all of his income and if he has any money remaining after his day-to-day living expenses are paid for savings, the interest, dividends, or capital gains on this savings are subject to taxation. The bill which I introduce today would ameliorate the inadequacy of the existing law. It would allow individuals a deduction in determining adjusted gross income for amounts contributed to individual retirement plans which they have established or to private retirement plans established by their employers. Also, investment earnings on amounts contributed to individual retirement plans would be excluded from gross income. There would still be a tax to be paid at the time the moneys were withdrawn, but it would be at a lower rate and over a longer period so as not to be so burdensome.

This bill is most certainly in the public interest. Not only will it promote savings and self-reliance, but it will also lessen the pressures on the Federal Government for many programs. All this bill really does is to enable half of our wage earners to do what the other half is already doing.

Mr. President, I ask unanimous consent that an analysis of this proposal be printed in the RECORD at this point.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

INDIVIDUAL RETIREMENT BENEFITS ACT OF 1973

1. INTRODUCTION

Since 1942 the Internal Revenue Code has accorded special tax benefits to retirement plans established by employers for the benefit of their employees and the beneficiaries of their employees. To insure that benefits are provided under these plans for a broad range of the employees of the sponsoring employer and not merely for a small group of select employees, the availability of these special tax benefits is conditioned upon the plan's meeting certain statutory requirements.

Private retirement plans form an important part of the total framework of income maintenance for older Americans. As such, it is appropriate to provide tax incentives to encourage employers to establish these plans and thus provide for their employees' post-retirement needs. In so doing the employer performs a function and assumes a burden which otherwise might be thrust upon society at large. Private retirement plans are a significant supplement to the social security system as a source of income for retired and disabled Americans and their dependents. Because private retirement plans are established by individual employers, they can be shaped to respond to unique needs and situations in a manner that a public system covering tens of millions of individuals cannot.

The experience of the past 30 years has demonstrated that while the private retirement system has the capacity to deal with an important social problem through individual initiative, changes in existing law are needed. In the first place, recent surveys indicate that, in spite of the incentives provided by existing law, approximately one-half of the non-agricultural labor force does not now participate in private retirement plans and that coverage is not likely to expand significantly under existing conditions. Moreover, overly restrictive requirements for participation in, or acquisition of vested benefits under, private retirement plans have resulted in effectively denying to millions of employees the full benefits of the private retirement system. Special limitations upon contributions on behalf of self-employed individuals and requirements for the plans in which they participate are so restrictive that they have created an artificial preference for the corporate form over other business forms which might be more suitable or desirable for a particular enterprise.

2. ELIGIBILITY REQUIREMENTS

*A. Present law*

The Internal Revenue Code does not now contain any specific requirements concerning eligibility conditions based on age or service that may be included in a private retirement plan established by a corporate employer. Existing administrative practice does permit such a plan to provide that participation in the plan is limited to employees who have attained a specified age or have been employed for a specified number of years if the effect of such provisions is not discrimination in favor of officers, shareholders, supervisory employees, or highly compensated employees. Likewise, such a plan may exclude from participation employees who have attained a specified age close to retirement when they otherwise become eligible to participate in the plan. On the other hand, the Internal Revenue Code specifically requires that a plan established by an unincorporated business in which an owner-employee (*i.e.*, a sole proprietor or a partner with a greater than 10 percent interest in capital or income) participates must provide that no employee with 3 or more years of service may be excluded from the plan.

*B. Proposal*

Reasonable service or age requirements are an appropriate means of preventing the dissipation of plan assets. The benefits earned by employees with short periods of service are usually small, both in absolute terms and in relation to the administrative costs attributable to these benefits. Overly restrictive requirements may, however, result in the arbitrary exclusion of employees from participation in private retirement plans and thereby frustrate the effective functioning of the private retirement system.

The proposed bill would therefore provide that a private retirement plan not be permitted to require, as a condition of participation, that an employee have completed a period of service with the employer in excess of 3 years, that the employee have attained an age in excess of 30 years, or that he not have attained an age which is less than 5 years preceding normal retirement age under the plan. For this purpose, normal retirement age means the earliest age under the plan at which an employee may retire and receive benefits which are not actuarily reduced.

In the case of a plan in which self-employed individuals who are owner-employees may participate, the bill would provide that the plan not be permitted to require, as a condition of participation, that the employee have completed more than 1 year of service with the employer if his then age is 35 years or greater, more than 2 years of service if his then age is 30 years or greater but less than 35 years, or more than 3 years of service if his then age is less than 30 years. Thus, the bill will require such plans to permit earlier participation by employees whose age exceeds 30 years.

*C. Effective date*

These rules would apply to all private retirement plans established after June 30, 1973. In the case of plans in effect on June 30, 1973, these rules would apply, to plan years beginning after January 1, 1975, except that in the case of plans which are collectively bargained, these rules would not apply to plan years beginning before the expiration of the collective bargaining agreement in effect on June 30, 1973.

3. VESTING REQUIREMENTS

*A. Present law*

There is no generally applicable requirement under existing law that a participant in a private retirement plan have at any time before he attains normal retirement age a nonforfeitable right to receive his accrued benefit under the plan. However, the failure to provide pre-retirement vesting is taken into account by the Internal Revenue Service in determining whether a plan satisfies the statutory requirement that it not discriminate in favor of officers, shareholders, supervisory employees, or highly compensated employees, and in appropriate circumstances the Service will not issue such a determination if a plan does not provide pre-retirement vesting. Neither the circumstances in which pre-retirement vesting is required nor the degree of such vesting is well defined, and considerable variation has arisen. The Internal Revenue Code requires that a plan established by an unincorporated business in which an owner-employee participates must provide that each participant have an immediately nonforfeitable interest in the contributions made on his behalf under the plan.

### *B. Proposal*

Some measures of pre-retirement vesting is essential if the private retirement system is to exist as a functioning and effective supplement to the social security system. This is especially true in view of our highly mobile labor force. An individual whose participation in a private retirement plan terminates before his rights in his benefits accrued under the plan have become nonforfeitable has, for all practical purposes, not really participated in the plan. In addition, pre-retirement vesting is needed to reinforce the non-discrimination requirements of existing law in cases where most of the employer contributions under a plan are made on behalf of participants with a proprietary interest in the employer.

The proposed bill would therefore require a private retirement plan to provide that a participant's rights in at least 50 percent of his accrued benefits (or the employer contributions and other amounts credited to his account) be nonforfeitable when the sum of his age and his years of participation in the plan equal 50 years and that this percentage increase ratably to 100 percent over the succeeding 5 years. Under this rule, the rights of older employees would vest more rapidly than the rights of younger employees, reflecting the fact that an older employee has less of an opportunity to earn a reasonable pension with a new employer or to save for his retirement.

To remove any disincentive against hiring older workers, a plan could provide that an employee's rights remain forfeitable until his period of plan participation is 3 years reduced by any period of service with the employer during which he did not participate in the plan. The plan would have to provide that upon completing this period of participation his rights in at least 50 percent of his accrued benefits are nonforfeitable, and this percentage would be required to increase ratably to 100 percent over the succeeding 5 years. Thus, if a plan requires 1 year of service with the employer as a condition of participation, it could provide that an employee's rights are 50 percent vested when the sum of his age and his years of participation equal 50 years but not before he has participated in the plan for 2 years. An employee hired at age 50 would become eligible to participate in the plan at age 51 and would not become 50 percent vested until age 53. He would not become fully vested until attaining age 58.

To avoid additional costs for plans in difficult financial condition, pre-retirement vesting would not be required with respect to benefits accrued for any plan year for which benefit payments to retired participants exceed benefit accruals by active participants and the present value of accrued liabilities to retired and active participants exceeds the value of plan assets. If, however, the plan is amended to provide greater benefits during a plan year when this exception would otherwise be operable, or within 5 years thereafter, the exception would not apply. This exception is designed to provide relief for plans that have a large number of retired participants in relation to the number of active participants and are not fully funded. These plans are typically found in industries where employment is declining and where any increase in pension costs would be especially burdensome.

In the case of private retirement plans in which self-employed individuals who are owner-employees participate, an employee's interest in at least 50 percent of his rights under the plan would be required to be nonforfeitable when the sum of his age and his years of participation equal 35 years. The balance of his rights under the plan would be required to become nonforfeitable not less rapidly than ratably over the succeeding 5 years of participation.

### *C. Effective date*

These rules would apply to all private retirement plans established after June 30, 1973. In the case of plans in effect on June 30, 1973, these rules would apply only to benefits accrued or contributions made during plan years beginning after January 1975. In the case of collectively bargained plans, however, these rules would not apply to benefits accrued during plan years beginning before the expiration of the collective bargaining agreement in effect on June 30, 1973. In applying these rules, all participation in the plan (whether before or after January 1975) would be considered in determining whether the sum of the employee's age and his years of participation equal 50 years or 35 years, whichever is applicable.

## 4. SPECIAL ELIGIBILITY AND VESTING REQUIREMENTS TO INSURE NONDISCRIMINATION

### *A. Present Law*

While the Internal Revenue Code does not provide for specific and generally applicable requirements on the age and service and generally applicable requirements on the age and service conditions for participation in a qualified plan and does not contain any specific and generally applicable requirement that a participant in a qualified plan have at any time before retirement age a nonforfeitable right to receive his accrued benefits, the age and service conditions for participation in a plan and the extent of pre-retirement vesting under the plan are considered by the Internal Revenue Service in determining whether the plan satisfies the nondiscrimination requirements of the Code. However, neither the circumstances under which less restrictive age and service conditions for participation and pre-retirement vesting will be required to satisfy the non-discrimination test, nor the substances of satisfactory provisions in cases where they are required, are well defined. As a result, considerable variation and uncertainty has arisen.

### *B. Proposal*

The proposed bill would authorize the promulgation of regulations setting forth (1) the circumstances under which a plan will satisfy the nondiscrimination requirements only if the conditions of participation in the plan are less restrictive than those which would be generally applicable under the proposed bill and the conditions for vesting of benefits under the plan are less restrictive than those of general application under the proposed bill, and (2) the provisions which will be required in order to insure that a plan will satisfy the nondiscrimination requirements in light of the particular circumstances. Failure to include such conditions in a plan would result in the disqualification of the plan. Such provisions could not however, be required to be more restrictive than those which would be imposed by the bill on plans benefiting self-employed individuals who are owner-employees. The proposed bill in this respect would apply only to plans covering—

(1) a partner having (a) more than a 5 percent interest in capital or income, or (b) more than a 1 percent, but not more than a 5 percent, interest in capital or income if all such partners have more than 50 percent of the interests in capital or income; or

(2) an employee owning (or considered as owning within the meaning of section 318(a) (1) of the Code) (a) more than 5 percent in value of the outstanding stock of the corporation or (b) more than 1 percent, but not more than 5 percent, in value of the outstanding stock if all such employees together own more than 50 percent in value of the outstanding stock.

### *C. Effective date*

These rules would apply to plan years to which the proposals relating to eligibility and vesting would apply.

## 5. DEDUCTION FOR PERSONAL SAVINGS FOR RETIREMENT

### *A. Present law*

Under present law, employer contributions on behalf of an employee to a private retirement plan satisfying the qualification requirements of the Internal Revenue Code and investment earnings on these contributions are generally not subject to tax until paid to the employee or his beneficiaries, even though the employee's right to receive these amounts becomes nonforfeitable before payment is made. Employee contributions to such a plan are subject to tax currently (i.e., no deduction or exclusion is allowable), but investment earnings on these contributions are not subject to tax until paid. Amounts saved by an individual for his retirement outside the scope of a qualified plan are not deductible or excludible from gross income, and investment earnings on such amounts are subject to tax currently.

### *B. Proposal*

The effect of existing law relating to saving for retirement purposes is to discriminate substantially against individuals who do not participate in qualified private retirement plans or who participate in plans providing inadequate benefits. Frequently, this situation is the result of a unilateral decision of the employer not to establish a private retirement plan for its employees or not to improve benefits under an existing plan. Many other individuals, because of the nature of their occupations, never have a sufficient period of service with any one employer to accrue adequate retirement benefits.

To remedy this inadequacy in existing law, the proposed bill would allow individuals a deduction in computing adjusted gross income for amounts contributed to individual retirement plans which they have established or to private retirement plans established by their employers. In addition, investment earnings on amounts contributed to individual retirement plans would be excludable from gross income.

In the case of an individual who does not participate in an employer-financed private retirement plan, the amount deductible would be limited to 20 percent of the first $7,500 of earned income. In the case of a married couple, each spouse would be eligible to claim this deduction, and the limit would be applied separately to each spouse. Thus, if a husband had earned income of $12,000 and his wife had earned income of $7,000, the maximum deduction for him would be $1,500, and the maximum deduction for her would be $1,400, permitting a total deduction of $2,900.

If an individual participates in an employer-financed plan, the 20 percent limitation on the deduction would be reduced to reflect employer contributions to the plan on his behalf. For this purpose, an individual would be permitted to assume that employer contributions on his behalf are 7 percent of his earned income. He could show, however, that a lesser amount had been contributed on his behalf; such amount would be determined in accordance with Treasury Department regulations on the basis of the particular facts and circumstances of his situation. In the case of individuals who have earned income which is not covered by the social security ssystem or the railroad retirement system, the limitation on the deduction would be further reduced by the amount of tax that would be imposed under the Federal Insurance Contributions Act if that income were covered by the social security system. This reflects the fact that taxes imposed on employees under the Federal Insurance Contributions Act are not deductible.

Under the proposed bill, an individual would be allowed to invest these amounts in a broad range of assets, including stocks, bonds, mutual fund shares, annuity and other life insurance contracts, face-amount certificates, and savings accounts with financial institutions. While these assets could not be commingled with other property, they could be held in custodial accounts, and a taxpayer would not be required to establish a trust for this purpose.

To insure that amounts contributed to individual retirement programs and investment earnings on such amounts are used only for retirement purposes, withdrawals before the individual attains age 59½ would not qualify for the general income averaging provided under existing law and would also be subject to an additional penalty tax of 30 percent of the amount withdrawn. This penalty would not apply, however, if the taxpayer has died or has become disabled or if the amount withdrawn is deposited in another individual retirement plan within 60 days. This last exception is designed to permit transfer of individual retirement amounts from one type of investment to another, or from one trustee or custodian to another.

Moreover, withdrawals would be required to begin by the time the taxpayer reaches age 70½ and would have to be sufficiently large so that the entire accumulation will be distributed over his life expectancy or the combined life expectancy of the taxpayer and his spouse. If sufficient amounts are not withdrawn to meet these rules after age 70½, an annual penalty of 10 percent of the excess accumulation would be imposed.

To insure compliance with the foregoing requirements, trustees, custodians, and other persons having control of amounts deducted under the proposal would be required to submit annual reports to the Internal Revenue Service similar to those which are now required of trustees of plans benefitting self-employed individuals who are owner-employees.

### *C. Effective date*

This proposal would apply to taxable years ending after the date of enactment of the proposed bill.

### 6. CONTRIBUTIONS ON BEHALF OF SELF-EMPLOYED INDIVIDUALS AND SHAREHOLDER-EMPLOYEES OF ELECTING SMALL BUSINESS CORPORATIONS

### *A. Present law*

The Internal Revenue Code now limits the deductible contribution to a qualified private retirement plan on behalf of a self-employed individual to the lesser of 10 percent of earned income or $2,500. In certain circumstances, an additional $2,500 nondeductible contribution may be made. Penalties are imposed if excessive contributions are made and are not returned. With respect to a shareholder-employee of an electing small business corporation, no limit is imposed on the amount that may be contributed on his behalf, but if the contribution exceeds the lesser of 10 percent of compensation or $2,500, the excess is includable in his gross income.

The limitation on contributions on behalf of self-employed individuals has had a number of undesirable effects. In the first place, while the limitation applies by its terms only to contributions on behalf of self-employed individuals, as a matter of practice, it applies as well to their employees with the result that the contributions on their behalf may be a very small percentage of their compensation. Another undesirable effect of the limitation on contributions on behalf of self-employed persons is that it has provided an artificial incentive for the incorporation of businesses and professional practices.

### *B. Proposal*

The proposed bill would provide that the rate at which deductible contributions may be made on behalf of self-employed individuals should be the rate at which contributions are made on behalf of other participants (but not more than 15 percent), and that the maximum amount of earned income to which this rate may be applied should be $50,000. As a result, a self-employed individual would be permitted a deduction of as much as $7,500, but only if he contributed 15 percent of compensation for his employees. The maximum rate at which additional nondeductible contributions could be made would be limited to 10 percent of earned income (again considering not more than $50,000 of earned income); ten percent is the limit under existing administrative practice applicable to nondeductible voluntary contributions by any participant in a qualified plan.

The limitation of excludable contributions on behalf of shareholder-employees of electing small business corporations would likewise be the product of the rate at which contributions are made on behalf of other employees (but not more than 15 percent) and the lesser of his competition or $50,000.

### *C. Effective date*

These revised limitations would apply to taxable years beginning after December 31, 1974, unless the taxpayer elected to apply them to taxable years ending after December 31, 1973.

Mr. CURTIS. Mr. President, it is my hope that the Committee on Finance, on which I serve, will set this bill down for hearing soon. It has the support of the President of the United States. It has the support of the Treasury of our country. It is a much needed piece of legislation that will bring justice to one half of our population who are now discriminated against in a very severe way.

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By Mr. HARRY F. BYRD, JR. (for himself and Mr. Scott of Virginia):

S. 378. A bill to provide for the establishment and operation of a research center at Blacksburg, Va. Referred to the Committee on Interior and Insular Affairs.

### ESTABLISHMENT OF A RESEARCH CENTER FOR THE BUREAU OF MINES AT VIRGINIA POLYTECHNIC INSTITUTE

Mr. HARRY F. BYRD, JR. Mr. President, for myself and my colleague (Mr. Scott of Virginia) I send to the desk a bill and ask that it be printed and appropriately referred.

Mr. President, this bill is legislation to provide for the establishment of a research center for the Bureau of Mines, of the Department of the Interior, at Virginia Polytechnic Institute and State University at Blacksburg, Va.

A similar research center is now at the University of Maryland, but on October 1, 1965, the Congress authorized reconveyance to the State of Maryland that land on which the center is now situated, along with the buildings thereon. This was done because of the need of the space by the University of Maryland. The research center thereupon leased the premises until a suitable relocation site could be found.

That lease expires on June 10, 1978, and the University of Maryland has informed the Bureau of Mines that it will not renew the lease. Because of the dire need for additional space, the University of Maryland desires that the buildings housing the research center be vacated at the earliest possible moment.

Virginia Polytechnic Institute and State University has offered without cost, to the Bureau of Mines, a tract of approximately 20 acres on or adjacent to its campus upon which a research center can be built. The proposed legislation would authorize the expenditure of $6.1 million to erect and equip such a facility and would also provide for funds necessary for the annual maintenance and operation of such facility.

The location of this center at VPI and SU would be most beneficial to the Bureau of Mines. The university is a large and well respected institution of higher learning, which has especially fine schools in the area of technology and science.

It has a large library well oriented in technical and scientific fields. The university atmosphere and the locale are such that will be most attractive to prospective employees of the center.

Blacksburg, Va., is located adjacent to Virginia's vast coal mining regions. Therefore, the center would be located close to active workshops of all description.

As the research center must be relocated prior to June 1978, there is a one-time expense of relocation, which the Government must bear. Relocation to the southwest Virginia area would, in the estimation of the Bureau of Mines, result in substantial savings in annual maintenance and operation costs.

Thus, over the years the Federal Treasury will benefit.

My colleague from Virginia, Senator Scott, is cosponsoring this legislation with me. Also, there is companion legislation being introduced in the House which is cosponsored by the entire 10-man Virginia delegation.

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By Mr. COOK:

S. 384. A bill to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of coal. Referred to the Committee on Finance.

### FEDERAL COAL SEVERANCE TAX AND REVENUE SHARING ACT OF 1973

Mr. COOK. Mr. President, in March of last year I introduced S. 3444, a bill which would impose a Federal severance tax on the extraction of coal and would also allow the States to share in the revenue collected. At the time I introduced this bill, I encouraged the Senate Finance Committee to study my proposal. On June 19, in a letter to Senator Long, I again urged that hearings be conducted on this bill at the earliest practical date. Unfortunately, there were no hearings scheduled and no action was taken on this proposed legislation. Therefore, I am updating and again introducing the Federal Coal Severance Tax and Revenue Sharing Act of 1973.

The proposed tax would be imposed on coal on property located within the United States and would be of an amount equal to 4 percent of the gross income from the property derived by the holder of the working interest during the taxable period. Because of certain exclusions in the bill, it would, in effect, tax the gross value of the coal extracted from the mineral property. Furthermore, it places a minimum tax or floor on an amount equal to a rate of 30 cents per ton to the total number of tons produced and sold.

Mr. President, many coal mining companies have generally opposed State severance taxes on the grounds that if nonuniform taxes were enacted in the various States, those companies in the States which impose a severance tax higher than its neighbor would be at a competitive disadvantage. It has also been argued that independent action by a State to implement a tax would reduce sharply the demand for coal in that State and would adversely affect employment and make the industry less profitable. Because of this fear, the individual States were deprived of much needed revenues.

My State has now had some experience with a coal severance tax such as I now propose. During the first quarter after enactment, the tax yielded $8,703,822 which is 85 percent of the total revenue collected for the license and privilege category of tax in Kentucky. The category includes corporation, alcoholic beverage, motorboat, and similar licenses. It is also interesting to note that the coal severance tax produced more revenue than that received from the tax on the consumption of beer, distilled spirits, cigarettes, and insurance premiums combined. Beer $1.2, distilled spirits $2.1, cigarettes $4.2, Insurance $1.0—Kentucky has many uses for this revenue.

There are those who hold that the tax has been the sole cause of the failure of many coal producers in Kentucky. It is difficult to prove or disprove this claim. However, one must consider the many other factors affecting the coal industry. I include the coal mine health and safety legislation, the restrictions placed on the use of high sulfur coal, water quality controls, and increased restrictions on strip mining. I would be less than honest if I did not include the severance tax as a contributor to some mine closings.

However, we have within our power to eliminate this latter cause and still permit the States to receive the much needed additional revenue the severance tax produces. This can best be accomplished by putting all States on an equal footing and this is what I propose be done.

By adopting this bill we would impose a Federal tax of 4 percent on coal in a uniform manner and provide the individual States with revenue commensurate with the value of the coal produced in that State.

In 1970 the total production of coal amounted to approximately 603 million tons. The gross value for the 1970 production was placed somewhere in the neighborhood of $3.8 billion. In 1971 preliminary figures indicate a production of 560 million tons of coal valued at approximately $3.5 billion. A Federal severance tax imposed upon the 1971 figure would have yielded over $140 million in new revenue. While this figure might seem relatively small in relation to the proposed Federal budget for fiscal 1973 of $246.3 billion, it should be remembered that this tax is a new tax and would be a substantial amount to those States which receive a Federal tax credit for the imposition of a similar State imposed severance tax.

This brings us to the second most important feature of this bill, the Federal tax credit. Since the President has now signed into law a revenue sharing plan, that concept is now a term of everyday use. The bill provides that any State severance taxes on coal collected by the States will be deducted from the amount levied by the Federal Government. Thus, the bill creates an incentive for State governments to enact their own severance taxes which in turn will create new sources of income for many of our tax-starved States.

Mr. President, I think we are all only too familiar with the need of the States and localities for additional revenues to finance education and other very necessary expenditures. I believe that this legislation is urgently needed, and I strongly encourage the Senate Finance Committee to very carefully study my proposal.

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By Mr. COOK (for himself and Mr. Huddleston):

S. 385. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time be used from Memorial Day to September 30. Referred to the Committee on Commerce.

Mr. COOK. Mr. President, on April 23, 1970, I initially introduced a bill which sought to amend the Uniform Time Act of 1966. At that time, an identical bill was introduced in the House by Congressman Tim Lee Carter of Kentucky; however, neither bill was acted upon. In the 92d Congress, I reintroduced the bill, which was favorably reported out of committee, however, due to the persistent objections of my distinguished colleagues from New England, floor action was prevented. The reasons for the proposed amendment have not changed.

Schoolchildren, both suburban and rural, are forced to walk dark streets and highways in order to catch schoolbuses, thereby exposing themselves to potentially hazardous situations.

Farmers also are hindered in their work by being forced to work in darkness, since the functions of nature do not conform to the mechanics of a timepiece. The widespread support from residents of many areas throughout this region has indicated to me that such an amendment would be of great benefit to thousands of citizens, while creating inconvenience for very few.

Therefore, because of the great need and the widespread support for such a change, I am reintroducing the amendment to the Uniform Time Act of 1966 to reduce the period of daylight saving time from Memorial Day to September 30 and I urge the Senate to act on this extremely necessary proposal. I ask unanimous consent that my introductory remarks of April 23, 1970 be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

### S. 3760—Introduction of a Bill To Amend the Uniform Time Act of 1966

Mr. Cook. Mr. President, the 89th Congress enacted the Federal Uniform Time Act of 1966. The legislation divided the United States into eight standard time zones. It further provided that on the last Sunday in April the time is advanced 1 hour until the last Sunday in October. In effect, Congress has given us 6 months of daylight saving time.

The issue of uniform time and daylight saving time has been debated many times in the past. I have no quarrel with the general principle of a uniform time in this commercial and industrial era. However, there are equally important needs in this country which must also be considered.

For example, my own State of Kentucky is geographically located at the far western end of the eastern time zone. Further compounding this problem, a portion of Kentucky quite logically belongs in the central time zone. This situation causes peculiar hardships and difficulties, especially during the months of May and October.

In both suburban and rural sections of Kentucky, our young children have to walk on dangerous streets and highways to catch school buses in the early darkness of the fall months. There is no reason to expose them to this hazard the entire school year.

The forgotten man in our country, the farmer, also suffers under the hardships of these black mornings. Many a farmers has wryly stated that "chickens and cows don't observe daylight saving time." Unfortunately, the farmer has to start working when the needs of his livestock and crops require it—rather than by the artificial time on his clock.

Mr. President, I do not propose a repeal of the Federal Uniform Time Act because it does have some merit. What I propose is to amend the 1966 act so that daylight saving time prevails only in that period from Memorial Day to Labor Day. My bill would not repeal uniform time, but merely make it more sensible. It would reduce daylight saving time from the present 6 months to little more than 3 months. It would protect our school children who must now travel the highways during the dark, fall mornings. If passed, it would also provide the farmer an additional 3 months to farm according to nature.

Mr. President, on December 16, 1969, the distinguished Congressman from Kentucky's Fifth Congressional District, the Honorable Tim Lee Carter, introduced H.R. 15276 in the House. Because of both the need for such change in the law and the favorable reception it received, I am offering it for consideration in the Senate.

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By Mr. WILLIAMS (for himself, Mr. Randolph, Mr. Stevenson, Mr. Cranston, Mr. Case, Mr. Percy, and Mr. Javits):

S. 386. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

### THE EMERGENCY COMMUTER RELIEF ACT

Mr. WILLIAMS. Mr. President, today our Nation's urban mass transportation systems are in a state of crisis and things are going from bad to worse.

More and more commuter lines are on the verge of bankruptcy. Services are being curtailed and fares are continually raised in order to meet ever-increasing operating deficits which currently amount to over $360 million a year. And these deficits are not a big-city phenomenon. Systems in Biloxi, Miss.; Waterloo, Iowa; Altoona, Pa.; and Manchester, N.H., are now operating in the red and are being subsidized out of local funds.

In my home State of New Jersey ever-increasing operating deficits have recently caused the bankrupt Central Railroad to petition the court to terminate commuter services for over 15,000 of our citizens. These commuters may now be forced to find alternative ways of getting to and from work. And we all know what that alternative will be: the increased use of the automobile, resulting in additional air pollution, traffic congestion, and the perpetration of a mode of transportation which cannot, by itself, meet our urban and suburban commuter needs.

Today's situation is grave and is getting worse. Just last year Patrick Healy, the executive vice president of the National League of Cities-U.S. Conference of Mayors, testified on the future of urban mass transportation as follows:

> At present rates, all vestiges of private enterprise will disappear, thus greatly increasing the public cost due to takeovers and depleting the funds of the capital grants program. Costs, fares, and deficits will continue to rise, and as the pattern goes, ridership and services will continue to shrink.
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> The 108 systems which are at present subsidized—in 1965 the figure was 27—will almost certainly increase to the point where every large city transit system will be publicly owned and heavily subsidized.

Mayor Luken of Cincinnati, Ohio, has stated that:

> Ridership in Cincinnati has declined severely because of the fares, at least in large part because of the fares. Loss of ridership has meant loss of revenues and necessitated cutbacks in transit service.
>
> At one time Cincinnati Transit Co. had passengers of approximately 132 million, back in the late 1940's per year. This year it will be less than 20 million. It got down to about 21 million last year and the estimates are for a continuing decline of about 14 percent or so per year.
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> So the transit system which covers the Ohio part of the metropolitan area has in fact been dying a slow death and there seems to be precious little time left. One thing is certain, and that is that the transit system cannot continue to be operated from revenues derived from the farebox. This has meant one round after another of fare increases and service cutbacks.

Mr. President, the need for revitalization and expansion of our Nation's mass transit systems is persuasive and overwhelming. The Emergency Commuter Relief Act is designed to meet this need.

It is designed to aid our States and municipalities so that more and more mass transit systems will not be forced to raise fares, curtail services, and eventually grind to a halt.

It recognizes the fact that mass transportation is the lifeblood of an urbanized society. And that the capital assistance program created by the Urban Mass Transportation Assistance Act of 1970 must be complemented by a new program of operating assistance if we are to alleviate the plight of the transit industry, the increasing number of municipalities which own and operate transit systems and the many millions of our citizens who are dependent upon urban mass transit.

The legislation which I am introducing today does not embody new or revolutionary programs. Almost identical provisions which provided for operating assistance to mass transit systems were first passed by this body during the 91st Congress, but were not acted upon by the House.

During the 92d Congress the Senate again responded to the obvious need for Federal operating assistance and passed the Emergency Commuter Relief Act as part of S. 3248, the Housing and Urban Development Act of 1972. However, last September when it became apparent that the House of Representatives, due to time limitations, would not act on Housing legislation, the Senate once again passed the Emergency Commuter Relief Act as an amendment to the Federal-Aid Highway Act. This provision was then adopted by the House-Senate conference, but failed to become law when the House adjourned on October 18, due to the lack of a quorum.

Mr. President, on three occasions the Senate has acted favorably on this most important legislation. And now our Nation's transit situation is even more critical and there is a far greater need for definitive Federal action today than there was even 1 short year ago.

Let me now briefly outline how the Emergency Communter Relief Act would alleviate the transit crisis.

It would amend section 3 of the Urban Mass Transportation Act of 1964 to prevent reduction of essential transportation services by authorizing assistance to defray operating expenses.

Grants, on a two-third Federal, one-third local matching basis, would be provided to State or local public bodies in order to assist any mass transportation system maintaining service in an urban area and to pay operating expenses incurred as a result of providing this service.

Included within the terms of such assistence are grants for debt servicing for mass transit investments.

As a prerequisite for obtaining a grant for operating expenses, the States and localities would have to determine which systems in their jurisdiction were in need of such aid and then submit to the Secretary of Transportation a comprehensive mass transportation program to improve such service and to place mass transportation operations on a sound financial basis. The Secretary would also be required to make a determination that the mass transit services are being efficiently provided by the system applying for the grant in accordance with regulations promulgated by the Secretary.

The operating assistance provisions are geared to fulfilling three prime objectives: Maintenance of service to the public; stimulation of further ridership, especially in the commuter peak hour category; and assistance to communities in meeting their overall development aims.

If enacted, this program will be an immense and immediate benefit to local communities.

It will give them the option to plan and implement the mix of transportation services most responsive to their own needs and their own goals for orderly community growth and development.

It will provide local governments with the resources to determine their own transportation policy.

And, it will bring a new measure of flexibility and balance to the planning and implementation of urban transportation programs.

To fund this program, $800 million would be made available over the next 2 years. This is a realistic figure of actual needs and is fully supported by the Committee on Banking, Housing and Urban Affairs hearing record which was made during the 92d Congress.

The Emergency Commuter Relief Act would also amend the Urban Mass Transportation Act of 1964 to provide that Federal grants under the capital assistance program shall be in an amount to 90 percent of the net project cost. In addition, grants for technical assistance under section 9 of the act would also be authorized at the 90-percent level. In this manner, funding for mass transit facilities and equipment would be put on a ratio which is identical to that of the interstate highway program. This type of parody is essential if our Nation's transit investment is to become an attractive alternative to highway programs, which over the years have been funded on a 90-to-10 basis for interstate construction.

Finally, my bill would provide an additional $3 billion in contract authority to sustain the capital grant program through fiscal year 1977. Under the 1970 Urban Mass Transportation Assistance Act, the Secretary of Transportation was required to submit to the Congress by February 1, 1972, his estimate of the authorizations needed to carry out that program from July 1, 1975, to July 1, 1977.

Unfortunately, the administration failed to submit such information to the Congress within the legally prescribed time limitation and we were unable to act upon their recommendation when it was finally submitted on September 7 of last year. However, the $3 billion contained in this legislation is in accordance with the administration's recommendations. This level of funding should satisfy the act's objectives which were to assure the continued progress and continuity of the program.

Mr. President, today there is a great national stake in expanding and modernizing our public mass transportation systems. The Emergency Commuter Relief Act reflects this stake and authorizes a total commitment of $3.8 billion in additional Federal resources to meet the No. 1 transportation challenge of the 1970's.

If we are to reverse the decline and fall of transportation alternatives and not adversely effect the millions of people who use mass transportation, we must keep our present systems alive. We must turn them around and improve their services. If we do this, fares can be stabilized, services improved, equipment modernized and we can begin to construct a viable mass transportation network which will serve all of our Nation's citizens. The prompt enactment of the Emergency Commuter Relief Act will go a long way toward meeting these goals.

Mr. President, I now ask unanimous consent that the full text of the Emergency Commuter Relief Act be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 386

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. The Congress finds—

(1) that over 70 per centum of the Nation's population lives in urban areas;

(2) that transportation is the lifeblood of an urbanized society and the health and welfare of that society depends upon the provision of efficient economical and convenient transportation within and between its urban areas;

(3) that for many years the mass transportation industry satisfied the transportation needs of the urban areas of the country capably and profitably;

(4) that in recent years the maintenance of even minimal mass transportation service in urban areas has become so financially burdensome as to threaten the continuation of this essential public service;

(5) that the termination of such service or the continued increase in its cost to the user is undesirable, and may have a particularly serious adverse effect upon the welfare of a substantial number of lower income persons;

(6) that some urban areas are now engaged in developing preliminary plans for, or are actually carrying out, comprehensive projects to revitalize their mass transportation operations; and

(7) that immediate substantial Federal assistance is needed to enable many mass transportation systems to continue to provide vital service.

SEC. 2. (a) The fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Federal grant for any such project to be assisted under section 3 (other than a project for payment of operating expenses) shall be in an amount equal to 90 per centum of the net project cost."

(b) The amendment made by subsection (a) shall apply only with respect to projects which were not subject to administrative reservation on or before July 1, 1973.

SEC. 3. (a) Section 3 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "No" in the fifth sentence of subsection (a) and inserting in lieu thereof "Except as provided in subsection (f), no"; and

(2) by adding at the end thereof a new subsection as follows:

"(f) The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants or loans to any State or local public body to enable it to assist any mass transportation system which maintains mass transportation service in an urban area to pay operating expenses incurred as a result of providing such service. No financial assistance shall be provided under this subsection unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed to carry out a program referred to in section 4(a), and (2) the applicant State or public body has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis, and (3) the Secretary determines that the mass transportation services provided by each system involved is being provided by an efficient operation of such system in accordance with regulations promulgated by the Secretary.

The amount of any grant under this subsection to a State or local public body to enable it to assist any mass transportation system to pay operating expenses shall not exceed twice the amount of financial assistance provided from State or local sources for that purpose. The Secretary shall issue such regulations as he deems necessary to administer this subsection in an equitable manner. Such regulations shall include appropriate definitions of (A) operating expenses, and (B) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant."

(b) The fourth sentence of section 4(a) of such Act is amended by striking out "section 3" and inserting in lieu thereof "section 3 (other than subsection (f))".

(c) Section 4(c) of such Act is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking out "sections 3, 7(b), and 9" and inserting in lieu thereof "section 3 (except subsection (f)), and sections 7(b) and 9";

(3) by striking out "this subsection" wherever it appears and inserting in lieu thereof "this paragraph"; and

(4) by adding at the end thereof a new paragraph as follows:

"(2) To finance grants and loans under section 3(f) of this Act, the Secretary is authorized to incur obligations on behalf of of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $800,000,000. This amount shall become available for obligation upon the date of enactment of this paragraph and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed $400,000,000 prior to July 1, 1974, which amount may be increased to not to exceed an aggregate of $800,000,000 prior to July 1, 1975. Sums so appropriated shall remain available until expended."

(d) Section 4(c) of such Act is amended by striking out "$3,100,000,000" in the first and third sentences and inserting in lieu thereof "$6,100,000,000".

(e) (1) Section 12(c) of such Act is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and ";

(C) by adding after paragraph (5) a new paragraph as follows:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service."

(2) Section 12 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) The provision of assistance for the payment of operating expenses under section 3(f) shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable."

SEC. 4. Section 9 of the Urban Mass Transportation Act of 1964 is amended as follows:

(a) insert "(a)" before the first sentence;

(b) in the first sentence, delete the words "engineering, and designing" and insert in lieu thereof the words "engineering, designing, and evaluation":

(c) in the second sentence, delete the word "and" before "(3)", delete the period at the end of the sentence, and insert "; and (4) evaluation of such projects after their implementation." at the end of the sentence;

(d) in the third sentence, change the word "section" to "subsection" and insert the words "ninety per centum" in lieu of two-thirds"; and

(e) add the following new subsection:

"(b) The Secretary is authorized to utilize not to exceed one half of one percent of the authorization provided in Section 4(c) to carry out technical studies by contract without limitation on the Federal share of the cost."

### URBAN MASS TRANSIT

Mr. JAVITS. Mr. President. I am pleased to join with the distinguished Senator from New Jersey (Mr. WILLIAMS) as a cosponsor of the Emergency Commuter Act. I view this legislation as one of the most important and necessary programs that the 93d Congress will have before it. Our Nation's need for improved mass transportation services has reached the critical stage and the Congress must not continue the present system of providing unbalanced piecemeal authorizations for our multiple transportation modes.

The legislative history in the Senate on operating subsidies for urban mass transit and commuter lines should be well remembered by Senators. The legislation passed the Senate twice last Congress, first as chapter VI of S. 3248, the Housing and Urban Development Act of 1972, and later as title III of S. 3939, the Federal-Aid Highway Act of 1972. Title IV of S. 3248 Housing and Urban Development Act contained an amendment I offered which provided additional funds to cover the new mass transit operating authorization within the act. But the bill died in conference. This new authority combined with the necessary funds is incorporated in the legislation introduced today.

The need for developing and improving urban transportation systems is evident when one experiences a transportation snarl in an urban area. With over 70 percent of the American people living in metropolitan areas, together with the fact that more and more citizens are traveling greater distances to and from their employment each year, there is certainly a broad mandate for urban transportation reform.

In New York City, the Metropolitan Transit Authority moves more than 2½ billion riders a year. The Long Island Railroad carries 70 million; subways, 1¼ billion; buses, 800 million; bridges and tunnels, over 400 million; and other facilities, about 18 million. For cities to continue to maintain the operation of such transit systems, new solutions are needed.

The Senate Committee on Banking, Housing and Urban Affairs stated in its report on S. 3939, the 1972 Federal-aid highway bill, that, in the decade from 1961–71, the number of municipalities which were forced to initiate programs of operating assistance to transit systems increased by nearly 400 percent. It further reported that deficits are currently running at a rate of $360 million a year and are nationwide with 35 cities facing the issue of initiating local subsidies for transit operations.

Congress must take action to change the ever-present picture of our urban transit industry from one of rising fares, increasing operating expenses, and declining ridership to that of an improved and sound financial operation. It is my belief that the Emergency Commuter Act is vital in this effort. The bill, which amends the Urban Mass Transportation Act of 1964, provides the following:

A separate fund to allow the Secretary of Transportation to incur obligations by grant agreement, contracts, or otherwise up to $400 million for each of the next 2 fiscal years to cover the estimated operating deficits of the Nation's mass transit systems. This $800 million operating subsidy would be provided on a cost-sharing basis of two-thirds Federal to one-third State and local.

Increases by $3 billion existing contract authority to sustain the capital grant financing program of urban mass transportation through fiscal year 1977. The Federal-local cost sharing formula was modified from two-thirds, one-third to 90 to 10.

In contrast to a $400 million operating subsidy as authorized by this amendment to an already existing transportation system, it is estimated that the building of roads costs anywhere from $1 million to $5 million per mile. On a cost-benefit ratio, there is little question of the attractiveness of the operating subsidy. Certainly, the American taxpayer is entitled to greater returns on his tax dollars. In addition, further roads only contribute to the ever mounting problem of air pollution while mass transit can play a key role in reducing such pollution.

Mr. President, we are subsidizing airlines, ships, housing, and numerous other programs, but I know of no subsidy more indispensable to the life of the increasingly city-dwelling and commuting American people than that which is called for by this legislation.

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Mr. COOK (for himself and Mr. GURNEY):

S. 388. A bill to amend the Soil Conservation and Domestic Allotment Act in order to prohibit the impoundment of funds appropriated to carry out the Rural Environmental Assistance Program. Referred to the Committee on Agriculture and Forestry.

Mr. COOK. Mr. President, on December 26 the U.S. Department of Agriculture announced that the rural environmental assistance program was to be terminated. REAP, which was the successor to the agricultural conservation program, was the primary instrument by which the Federal Government shared with farmers the costs of carrying out approved soil, water, woodland, and wildlife conservation and pollution abatement practices on their land.

It has been the cost-sharing provisions of the REAP program which have made it possible for many of our Nation's farmers to engage in practices, such as the following:

First. Establishment of vegetative cover—utilized to establish cover in crop rotations to retard erosion plus the use of strip-cropping to protect soil from wind and water erosion.

Second. Tree planting and timber stand improvement—primarily for soil protection and the production of forest products or for windbreaks, shelterbelts, or to stabilize gullies or streambanks.

Third. Development of livestock water facilities—enabled farmers to build facilities for watering livestock in order to disperse stock and protect vegetative cover at the same time reducing the erosion and pollution.

Fourth. Establishment of conservation systems—provide for construction of terrace systems to control runoff including the construction of ditches or dikes and the laying of title to intercept runoff and divert excess water.

Fifth. Conservation and safe disposal of water—included the development and renovation of irrigation systems to conserve water, prevent erosion, and reduce pollution.

Sixth. Wildlife practices—provided for establishment of habitat, protective cover or food plots for wildlife. Other wildlife practices included the development or restoration of shallow water.

Seventh. Animal waste disposal—provided for construction of animal waste storage pits, ponds, lagoons, diversions, channels, waterways, and other structures needed to manage animal waste on farms.

Eighth. Sediment retention and chemical runoff control—the prevention or reduction of pollution by means of sediment retention and water control structure, vegetated filter strips, sod waterways, and similar practices.

Ninth. Disposal of farm residues and solid wastes—included the chopping or shredding of certain solid crop and woodland residues as well as the construction of pits to disperse of solid wastes.

Tenth. Emergency conservation practices—provided funds in certain instances to meet emergency conservation measures needed as the result of natural disasters.

The rationale given by the Department of Agriculture for the termination of the REAP program was that in order to restrict 1973 Federal budget outlays to $250 billion, many of the federal programs would have to be trimmed and those of lower priority eliminated entirely. Since December 26, 1972, it has been the position of the Department that the American farmer has reached an earnings level which will enable him to bear the full costs of these conservation practices on his farm, thereby making REAP a low priority program.

This is in direct contradiction to the basic premise of the Department of Agriculture publication entitled "The Rural Environmental Assistance Program in Action" and published in 1972, only 3 months prior to termination. At that time the position of the Department was:

> Cost sharing under REAP is available for conservation projects that the individual farmer or rancher would not otherwise undertake. Such projects frequently yield greater benefits to the community as a whole than they do to the producer directly involved.

I submit that it is this latter position which is the more credible of the two. Likewise, to label REAP a low-priority item as the Department does is to label conservation and pollution abatement and controls as low priorities.

In addition, this unwise and unwarranted decision by the executive branch to terminate the program by impounding the funds appropriated for it is diametrically opposed to the express will of Congress as enunciated in the Agricultural Act of 1970 which was approved by both Houses of Congress and signed by the President. Section 901(a) of the act states:

> The Congress commits itself to a sound balance between rural and urban American. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

Therefore, Mr. President, because of the reasons I have just listed, I am today introducing legislation for myself and the senior Senator from Florida (Mr. GURNEY) to prohibit any officer or employee of the United States from impounding funds appropriated by the Congress for the purpose of carrying into effect the rural environmental assistance program. It is my hope that Congress will expeditiously approve this proposal in order that funds will once again be available for this very worthwhile program in the next fiscal year.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 388

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 6 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590f) is amended by inserting between the first and second paragraphs a new paragraph as follows:

"Funds appropriated by Congress for the purpose of carrying into effect the programs authorized in sections 7 through 15, 16(a), and 17 of this Act shall not be impounded, or otherwise withheld from obligation or expenditure, by any officer or employee of the United States. Such funds shall be fully expended for the purposes for which they were appropriated in the fiscal year or years for which they are appropriated."

SEC. 2. The amendment made by the first section of this Act shall be effective with respect to funds appropriated for the fiscal year beginning July 1, 1972, to carry out sections 7 through 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act and to funds appropriated for each fiscal year thereafter to carry out such sections.

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By Mr. SCHWEIKER:

S. 390. A bill to amend the National Flood Insurance Act of 1968. Referred to the Committee on Banking, Housing and Urban Affairs.

### NATIONAL FLOOD INSURANCE ACT AMENDMENTS OF 1973

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the National Flood Insurance Act and ask that it be appropriately referred.

Last summer Hurricane Agnes caused over $3 billion in property damage, flooded 5,000 square miles of land area, and caused 118 deaths. It was the worst natural disaster in the entire history of the United States. In addition, there was severe flooding in other parts of the country, including the particularly disastrous flood in South Dakota shortly before the Agnes storm.

Of the six States involved in the Agnes disaster, Pennsylvania was hardest hit. According to Government estimates, about 70 percent of the total damage occurred in Pennsylvania. Of the damage inflicted on Pennsylvania, about 70 percent of the total occurred in the area of Wilkes-Barre. Many other communities, including the capital city, Harrisburg, were very hard hit.

The Office of Emergency Preparedness has said that hundreds of cities, towns, and rural communities along 4,500 miles of major rivers and 9,000 miles of streams and tributaries were flooded. Over 500,000 people suffered losses, 116,000 dwellings and mobile homes, and 2,400 farm buildings, were damaged or destroyed, and 5,800 businesses were destroyed.

This bill is similar to legislation I introduced shortly after the flooding last summer. On August 14, 1972, I introduced S. 3912. The Subcommittee on Housing and Urban Affairs held hearings on my bill, along with other similar bills relating to flood insurance, on August 15. Unfortunately, no further action was taken by the committee, but I am sincerely hopeful that we will have new legislation this year. Experience has shown us that the existing flood insurance program is simply not adequate to meet the problems resulting from a large natural disaster.

It is indeed regrettable that very few citizens were covered by flood insurance under the Federal program set up by the National Flood Insurance Act. Nobody in Harrisburg, for example, was covered. Only two people in Wilkes-Barre had flood insurance. Although 93 communities in Pennsylvania had qualified for flood insurance, very few individual citizens had obtained it.

One of the problems has been in distributing the insurance. Last year I received reports, for example, of individuals who tried to obtain flood insurance through insurance agents, but were unable to do so. This program was designed to be available to all qualified citizens, and the Department of Housing and Urban Development must take every action necessary to encourage the widespread availability of flood insurance as a practical matter. HUD did take one step in that direction by establishing a $10 minimum commission, regardless of the size of the premium. It was hoped this would encourage agents to sell the policies and broaden the protection currently available to the public.

The National Flood Insurance Act Amendments of 1973 would do the following:

First, it would double the statutory flood insurance coverage limits. That is, it would double both the subsidized limits on various types of structures and contents, as well as doubling the maximum limits of flood insurance coverage. The subsidized limits on single-family residential units would be raised from $17,500 to $35,000. The limits on other residential units and nonresidential structures would be increased from $30,000 to $60,000. The coverage for the contents of residential structures would be raised from $5,000 to $10,000, and the coverage for the contents of nonresidential structures would be substantially increased from $5,000 to $60,000. The latter provision regarding the contents of nonresidential structures is concerned primarily with businesses, and the $5,000 present limit is clearly very insufficient. Therefore, my legislation would increase that coverage to $60,000. In each case, nonsubsidized flood insurance at actuarial rates could be obtained in an amount equivalent to the amount of subsidized coverage. Therefore, maximum coverage is double the amount of the subsidized coverage.

Second, my legislation would increase the authorization for total coverage in force under the national flood insurance program from $2.5 billion to $10 billion. Although legislation is now pending in the 1972 Housing Act to increase the debt limit to $4 billion, even this is inadequate for any substantial expansion of the program. I feel that a $10 billion statutory limit is more realistic.

Third, the bill requires individuals to purchase flood insurance as a condition of the issuance of Federal mortgage insurance in identified flood-prone areas. That is, in order for an individual who lives in a flood-prone area to obtain FHA, VA or Farmers Home Administration mortgage insurance, he must purchase flood insurance. HUD defines a "special flood hazard area" as any area which has a 1-percent annual chance of flooding. I believe we should encourage the purchase of flood insurance in areas which are clearly subject to flooding by conditioning the issuance of Federal mortgage insurance on the purchase of flood insurance.

Fourth, the bill broadens the availability of the flood insurance program to any individual who wishes to obtain it. Flood insurance would be available whether or not the community in which the individual resides has been approved for flood insurance. However, in order to encourage local communities to sign up for the flood insurance program and meet Federal land-use requirements, the premium rates on policies issued in communities which have not been approved would be 25 percent above the subsidized rate offered to residents of approved communities. In other words, we would not foreclose anyone from getting flood insurance who wants it, but we would put additional pressure on local communities to sign up for the program by making the rate for those who had not, 25 percent above the federally subsidized rate.

Fifth, as an additional incentive to get communities to sign up, those communities which have been identified as being special flood hazard areas would be required to participate in the national flood insurance program. If they do not participate, future Federal financial assistance for construction programs such as urban renewal would be reduced. The penalty for inaction by a local community would increase as time goes on. Under my bill, beginning July 1, 1976, the availability of FHA, VA, and Farmer's Home Administration mortgage insurance and guarantees for new construction to local residents would be restricted. Federal financial assistance under all other construction programs would also be reduced over a 4-year period. In fiscal year 1977, the availability of these programs would be reduced by 10 percent. In 1978, an additional 20-percent reduction would occur. In 1979, 30 percent, and in 1980, 40 percent. Thus, the total reduction over a 4-year period would be 100 percent. After fiscal year 1980, communities would not be able to obtain this Federal assistance.

Let me make it clear that this last provision applies only where a community has been identified as being a special flood hazard area. In other words, we are only talking about communities where there is a substantial likelihood of flooding. In these cases, communities would be strongly encouraged to take actions necessary to minimize the impact of future flooding. The reason I have suggested tying this into Federal financial assistance for construction programs is that such construction projects in flood-prone areas are particularly subject to being damaged by floods. It simply makes good sense to require local communities to take measures to minimize the impact of flooding.

Mr. President, I ask unanimous consent that the text of the National Flood Insurance Act Amendments of 1973 be reprinted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 390

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

SECTION 1. This Act may be cited as the "National Flood Insurance Act Amendments of 1973".

### INSURANCE LIMITS

SEC. 2. (a) Section 1306(b)(1)(A) of the National Flood Insurance Act of 1968 is amended by striking out "$17,500", "$30,000", and "$5,000" and inserting in lieu thereof "$35,000", "$60,000", and "$10,000", respectively.

(b) Section 1306(b)(1)(B) of such Act is amended by striking out "$30,000" (each place it appears) and "$5,000" and inserting in lieu thereof "$60,000" and "$60,000", respectively.

(c) Section 1306(b)(1)(C) of such Act is amended by striking out "$30,000" and "$5,000" and inserting in lieu thereof "$60,000" and "$60,000", respectively.

### PROGRAM LIMITATION

SEC. 3. Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "$2,500,000,000" and inserting in lieu thereof "$10,000,000,000".

SEC. 4. (a) Chapter I of the National Flood Insurance Act of 1968 is amended by adding at the end thereof the following new section:

### "REQUIREMENT OF FLOOD INSURANCE COVERAGE FOR FEDERALLY INSURED OR FEDERALLY GUARANTEED MORTGAGES

"SEC. 1321. (a) No officer or agency of the United States shall insure or guarantee or enter into a contract or commitment for the insurance or guaranty of any mortgage or real estate loan if the property to which such mortgage or loan relates is situated in a flood-prone area as determined by the Secretary under section 1360, unless such property is covered by the flood insurance program under this title (to the extent that such program applies or has been extended to property of the type involved under section 1305 (a) and (b)).

"(b) For purposes of subsection (a), the terms 'insure or guarantee' and 'insurance or guaranty', with respect to mortgages or real estate loans, include or refer to the insurance of any mortgage (or financial institution) under the National Housing Act or title V of the Housing Act of 1949, the insurance or guaranty of any loan under chapter 37 of title 38, United States Code, and any other insurance or guaranty issued under Federal law with respect to a mortgage on real estate or with respect to a loan made to finance the purchase, acquisition, or rehabilitation of real property."

(b) The amendment made by subsection (a) of this section shall apply with respect to mortgages executed and loans made on or after the first day of the seventh month which begins after the date of enactment of this Act (except that such amendment shall not apply with respect to any such mortgage or loan which is executed pursuant to a contract or commitment entered into before such first day).

### PROVISION OF FLOOD INSURANCE IN CERTAIN AREAS NOT MEETING REQUIREMENTS OF PROGRAM

SEC. 5. The National Flood Insurance Act of 1968 is amended—

(1) by striking out "The" in section 1305 (c) and inserting in lieu thereof "Except as provided in section 1322, the";

(2) by striking out "After" in section 1315 and inserting in lieu thereof "Except as provided in section 1322, after"; and

(3) by inserting after section 1321 (added by section 4 of this Act, a new section as follows:

### "FLOOD INSURANCE COVERAGE IN NONQUALIFYING AREAS

"SEC. 1322. Notwithstanding any other provision of this Act, flood insurance coverage may be provided under this title in any State or area (or subdivision thereof) which has not complied with the requirements of section 1305(c) or 1315, if—

"(1) the property with respect to which the insurance is sought is eligible for coverage under section 1305 (a) or (b); and

"(2) the premium charged for the coverage provided is at a rate which exceeds by 25 per centum the rate which would otherwise be chargeable on similar property in a State or area (or subdivision thereof) meeting the requirements of section 1305(c) and 1315."

### REDUCTION OF CERTAIN FEDERAL BENEFITS IN THE CASE OF COMMUNITIES NOT PARTICIPATING IN THE FLOOD INSURANCE PROGRAM

SEC. 6. (a) Notwithstanding any other provision of law, in the case of any unit of local government which is determined by the Secretary of Housing and Urban Development under section 1360 of the National Flood Insurance Act of 1968 to be located in an area which has special flood hazards, and which is not participating in the flood insurance program established under such Act, the Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Administrator of Veterans' Affairs shall reduce the aggregate Federal benefits for such unit of local government by 10 per centum on July 1, 1977, by an additional 20 per centum on July 1, 1978, by an additional 30 per centum on July 1, 1979, and by an additional 40 per centum on July 1, 1980.

(b) For the purpose of subsection (a), a reduction of the aggregate Federal benefits of a unit of local government shall be carried out by applying the percentages referred to in such subsection to each of the following:

(1) The aggregate dollar amount obligated or expended in connection with any contract or other agreement entered into by such unit under title I of the Housing Act of 1949, title I of the Demonstration Cities and Metropolitan Development Act of 1966, title VII of the Housing and Urban Development Act of 1965, title VII of the Housing and Urban Development Act of 1970, and title VII of the Housing Act of 1961 during the fiscal year ending on June 30, 1977;

(2) The number of dwelling units covered by mortgages insured under section 203 of the National Housing Act in the jurisdiction of such unit which were purchased during the fiscal year ending June 30, 1977;

(3) The number of dwelling units with respect to which the Administrator of Veterans' Affairs furnished financial assistance under chapter 37 of title 38, United States Code, which were purchased during the fiscal year ending June 30, 1977; and

(4) The number of dwelling units with respect to which the Secretary of Agriculture furnished financial assistance under title V of the Housing Act of 1949 during the fiscal year ending June 30, 1977.

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By Mr. HUMPHREY:

S. 393. A bill to provide for project grants for the development and demonstration of programs for rehabilitative and habilitative care of the aged, blind, and disabled patients of long-term health care facilities. Referred to the Committee on Labor and Public Welfare.

### NATIONAL CHRONICARE DEMONSTRATION CENTER ACT OF 1973

Mr. HUMPHREY. Mr. President, the legislation I am introducing today would establish a demonstration program on the rehabilitation of chronically ill patients in long-term health care facilities. My bill would provide for project grants by which to test the diagnostic and medical treatment, day care, rehabilitation, supportive, and community outreach services to the aged, the blind, and the disabled.

The serious need to establish a comprehensive, efficient, and humane system to fulfill the health needs of the chronically ill and disabled, and to promote the maximum use of residential, outpatient, and nursing home care as an alternative to hospitalization, ought to be abundantly clear by now. It is also essential that this area of health care be fully integrated into a national health insurance program.

It has been estimated that over 700,000 Americans are long-term hospital patients, and over 1 million more persons are patients in nursing homes. But there are almost 20 million additional people in our Nation who are not in an institution but have disabilities severe enough to restrict or prohibit their major activities. Four out of five of these patients are over 65 years old, and the elderly constitute 90 percent of the patients in nursing home facilities.

The harsh reality posing a demand for reform of our health care delivery system is that over half of the skyrocketing costs of hospital care are accounted for in the treatment of chronic conditions. Mental, circulatory, sensory system, and bone diseases absorb well over half the current expenditures, amounting to some $28 billion, for the treatment of chronic conditions.

In December 1972, the General Accounting Office submitted to Congress a major study of health facilities construction costs, which concluded that the Nation's health care delivery system is in drastic need of a massive overhaul. The major criticism in this study was that the present orientation toward acute care, or hospitalization, has resulted in a system which has allowed costs to rise at a staggering rate. The cost of health care has jumped 500 percent during the past two decades with the result that America's health care bill now amounts to 7.4 percent of the gross national product.

The basic conclusion of the GAO study was that the demand for hospitals must be reduced. It recommended that greater emphasis be placed on preventive medicine practices and on increasing the use of alternative and efficient medical care delivery systems to reduce the current dependency upon hospitalization. To this end, the study urged that health insurance incentives that currently emphasize inpatient care should be changed, and that areawide planning and systems be developed to assure that health care delivery resources are used more efficiently and are in line with actual community needs.

A highly important argument in support of the National Chronicare Demonstration Center Act is the citation in the GAO report of a recent U.S. Public Health Service study which indicated that 17 out of every 100 patients in a hospital on any given day could be cared for in a convalescent facility for 25 percent of the cost. And the GAO study estimates that reducing the average length of hospital stay by only 1 day could cut as much as $2 billion a year from health care costs.

My bill envisions the development of community chronicare centers, operated much like prepaid group health plans or health maintenance organizations, which would make lower cost care for chronic ailments a reality. For too long, the chronically ill in this country have been almost totally neglected. They have a critical need for immediately accessible centers offering an entire range of services from simple outpatient care to intensive nursing. And these services must be made available to the total community.

The legislation I am introducing today, based upon a constructive proposal by the American Nursing Home Association, can lead to the development of these centers to enable the chronically ill to achieve optimum social and physical functioning within their communities. A key component of these centers would be a therapeutic team of professional personnel in the fields of medicine, psychiatry, social work, and physical therapy, which would establish and constantly monitor a total care plan for each patient.

Mr. President, I ask unanimous consent that the text of my bill, the National

Chronicare Demonstration Center Act, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 393

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the National Chronicare Demonstration Center Act of 1973".

### FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) long-term care has always been neglected in the development of the Nation's health care delivery system;

(2) present programs such as medicare and medicaid have neglected to provide adequate coverage for long-term care;

(3) any program of national health insurance must address the critical need for coverage of long-term care;

(4) most Americans lack direct access to non-hospital health care;

(5) society has been largely unwilling to deal with the problems of persons who are unproductive over extended periods because of poor health;

(6) outmoded laws or policies limit the realistic use of paramedical personnel, resulting in increased health care costs; and

(7) the nursing home industry has been the one health specialty which has accepted the responsibility for developing long-term care through the years.

(b) It is the purpose of this Act to establish demonstration programs to provide a basis for a commitment to a lasting national program for long-term health care for the chronically ill.

### PROGRAM ESTABLISHMENT

SEC. 3. (a) There are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for each of the next two succeeding fiscal years, to enable the Secretary to make grants to any public, nonprofit, or proprietary private agency, institution, or organization or provider of services to cover all or any part of the cost of projects for the development or demonstration of several programs in representative areas of the country designed to care for and rehabilitate chronically ill inpatients of long-term health care facilities by testing the economic feasibility, efficiency, and health care delivery system, utilizing community chronicare health centers.

(b) To be eligible for a grant under subsection (a) an applicant must give satisfactory assurances of the capability of providing the following:

(1) diagnostic service,
(2) inpatient care,
(3) day care,
(4) rehabilitation service (on both inpatient and outpatient basis), and
(5) outreach service.

The applicant must itself, provide directly (not by contract) at least one of the above-mentioned services.

(c) The diagnostic service shall be the point of entry into the system of health care provided by the community chronicare health center and must be available for initial entry or screening and for diagnostic workup on patients located within a facility, day care and outpatient service elements determined by the therapeutic service team.

SEC. 3. Each community chronicare health center shall maintain a therapeutic service team which shall be responsible—

(1) for establishing and maintaining a total patient care plan following initial screening;

(2) for assessment of patient health status on a continuing basis; and

(3) for the involvement of additional ancillary service professionals for provision of required services.

### DEFINITIONS

(1) "Community chronicare health center" means a skilled nursing home, intermediate care facility, or home health agency, which may provide—

(A) primary physician's services;
(B) primary dentist services;
(C) rehabilitation services;
(D) outpatient preventive service;
(E) optometric services;
(F) durable medical equipment;
(G) drugs prescribed on an outpatient basis;
(H) prosthetic and supportive devices; and
(I) home health services.

(2) "Therapeutic service team" means the combination of the following personnel working in a community chronicare health center—

(A) a medical director who is a licensed physician responsible for the medical services of the patients;

(B) a director of nursing who is a registered professional nurse responsible for nursing care of the patients;

(C) a social worker who is accountable for expediting programs to meet the social needs of the patients;

(D) a physical therapist who is accountable for meeting the physical rehabilitative, habilitative, and supportive needs of patients;

(E) a mental health specialist who is responsible for a plan of care for mental, psychoneurotic, and personality disorders of patients; and

(F) other paramedical personnel utilized in a manner prescribed by the Secretary in regulations.

(3) "Secretary" means the Secretary of Health, Education, and Welfare.

### REPORT

SEC. 5. The Secretary shall make a report to the President for transmission to the Congress within two years after the enactment of this Act stating the progress under this Act and making recommendations for further action if needed.

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Mr. HUMPHREY (for himself, Mr. ALLEN, Mr. AIKEN, Mr. ABOUREZK, Mr. NELSON, Mr. MONDALE, Mr. BURDICK, Mr. DOLE, Mr. EAGLETON, Mr. MCGOVERN, Mr. MCGEE, Mr. BELLMON, Mr. CLARK, Mr. HUDDLESTON, Mr. MCINTYRE, Mr. CHILES, Mr. HUGHES, Mr. SPARKMAN, Mr. YOUNG, Mr. HATHAWAY, Mr. MUSKIE, Mr. PEARSON, Mr. GRAVEL, Mr. FULBRIGHT, and Mr. METCALF):

S. 394. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes. Referred to the Committee on Agriculture and Forestry.

### CONGRESS MUST ACT NOW TO REVERSE NIXON REA DECISION

Mr. HUMPHREY. Mr. President, I am today introducing legislation that would reverse the Nixon administration's actions of December 29 terminating the direct loan programs of the Rural Electrification Administration for rural electric and telephone systems.

The bill I am introducing would direct the REA Administrator to "make loans each fiscal year in the full amount appropriated by Congress" in support of the rural electrification direct loan program. The administration has apparently interpreted present REA legislation as "permissive" legislation. I do not regard it as such. And, I am offering this legislation today so that there will be no mistake made by the administration about the intent of Congress.

This bill would make clear that the credit authority Congress provided under the Rural Development Act of 1972 was intended as a "supplement" and not a "replacement" to the credit mandated by Congress under the Rural Electrification Act, insofar as rural electric and telephone loans may be concerned.

The President's actions in summarily terminating the REA program and other governmental programs that have been established by law present the Congress with a grave constitutional challenge.

I do not believe that this President nor any President is above the Constitution. I do not believe that the American people gave Richard Nixon a mandate to usurp the prerogatives of Congress in deciding national priorities.

For reasons not explained, the administration chose the long New Year's weekend to announce that they were terminating the low-cost, long-term direct loan program of the Rural Electrification Administration, which has literally been the lifeline for a thousand rural electric systems in 46 States.

If the decision was timed to attract as little attention as possible, I can understand why. For there is, in fact, no sound legal, economic, and social basis on which they can rest this decision.

As virtually everyone now knows, there was no prior consultation with the leadership of Congress, though the program was established by Act of Congress. The administration did not consult with the leaders of the hundreds of rural electric systems that will be adversely affected by the decision. Millions of consumers received no warning at all that their Government, with whom they have had a solemn compact for over three decades, was about the jerk the rug from under them.

The news came by press release from the Department of Agriculture, announcing—as if it were an everyday, ho hum occurrence to effectively abolish a long-standing statute—that the old program would end January 1 and be replaced by a new program of insured and guaranteed loans under the Consolidated Farm and Rural Development Act of 1972.

In essence then, by executive fiat, the administration repealed the Rural Electrification Act of 1936, the Pace Act of 1944 and the 1949 amendment to the act, which created the rural telephone program.

The administration has thumbed its noses at the U.S. Congress and implied by their actions, that what they do with the laws of this land is really none of our business.

There is not a single shred of legislative history to support their actions. They have gone clear into left field to find words never intended for the purpose to which they are being put to use, to kill one of the most successful programs ever established.

If this administration or any administration, can terminate an ongoing, statutorily authorized program, then no program is safe from the executive whim.

What is clear is that the overreaching for power by the executive branch is pushing us into a constitutional crisis.

What is even more apparent is that the integrity of this body and its will to assert its rights under the Constitution is at stake.

So today, on behalf of myself and other Senators offer a bill to restore the REA direct loan program—one which also gives us the opportunity to reassert the right of the Senate and the Congress, to share in the decision of government.

This legislation does not seek to enunciate any new principle. Its sole purpose is to reiterate and reaffirm the original and continuing intent of Congress—that the rural electrification and rural telephone loan authority vested in the administration by the Rural Electrification Act of 1936, is mandatory in the amount appropriated each year, by language for the purpose of making such loans.

The bill would not prohibit the use of funds under the Consolidated Farm and Rural Development Act as a supplement to the amount of direct loan funds provided under the Rural Electrification Act. It does, however, prohibit them from being used in lieu of REA loan funds appropriated by Congress.

It has been apparent for some years now that appropriated funds have not been sufficient to meet the expanding capital needs of America's rural electric systems. The Consolidated Farm and Rural Development Act could be used as a source of supplemental fund to supply additional capital.

My service in the Senate goes back to 1948. It has always been my position that the President has the same constitutional obligation to execute the law contained in appropriation acts, as he has with respect to any other law. And, merely because the Congress over the years has chosen to avoid a confrontation with the executive branch on this issue, does not clothe the practice with legality, or propriety, in my judgment.

The Congress passes laws and the President may either sign them or veto them. But once a bill is approved by both the Congress and the President, the executive branch is duty bound to carry out and enforce its provisions. The President and his subordinates are then obligated to do what the law prescribes.

By no stretch of anyone's imagination can it be claimed that the executive branch has the right or power to unilaterally repeal a statute by refusing to carry out its terms. But, this is precisely what the President has done with respect to the Rural Electrification Act of 1936.

He has directed the Secretary of Agriculture to refuse without exception, all applications for loans already on hand and submitted pursuant to that act, without regard to how great the need of the loan applicant may be, and without regard to the fact that many such applications completely satisfy all eligibility requirements of the act.

In addition to the unlawful repeal of the Rural Electrification Act, the President has ordered the Secretary of Agriculture to insure and guarantee loans for rural electrification and rural telephone facilities under authority contained in the Rural Development Act of 1972. Yet, the legislative history of the latter act indicates very clearly that it was never intended by Congress to make it a substitute for the Rural Electrification Act.

I reiterate my strong feeling that the Congress cannot continue to accept this kind of arbitrary disregard by the Executive, of its plain and unambiguous constitutional duty to execute the law.

Unless the Congress accepts this overt challenge to its constitutional power and reasserts its status as a coequal branch of the Federal Government, it will soon degenerate into little more than a society for the debate of issues already decided by someone who has assumed higher authority.

The loanmaking authority of the Rural Electrification Act of 1936 was created to carry out a policy declared by Congress to be in the public interest. The act did not say to the executive branch "carry out this policy if you like it." It said:

> Carry out this policy to the full extent that funds under this act are appropriated.

The issue in a nutshell is whether or not we shall continue with our system of checks and balances which the Founding Fathers considered essential to preserving our system of government—or whether we shall drift into self-serving oligarchy.

I raise my voice in alarm at attempts to relegate Congress into a second-rate branch of government. And I object to the President's actions which are designed to cripple or end programs that help those who need it the most.

I invite every Member of the Senate to join with me and Senator Aiken in sponsoring this bill. And I say, let us pass it and promptly remind the executive branch that laws of this country enacted pursuant to its Constitution are not to be flaunted or considered optional—but are to be respected and enforced. If "law and order" in this Nation of ours is to have a meaning, then I believe we have every right to expect our President to set an appropriate example by "enforcing," not "ignoring" our laws.

This particular piece of legislation is looked upon by our rural groups and rural leaderships as a vital and important piece of legislation related to all agricultural programs.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record:

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 394

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the purpose of this Act is to reaffirm the original intent of Congress that funds made available under authority of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) are to be loaned for the purposes prescribed in such Act during the fiscal year and in the full amount for which such funds are made available.

Sec. 2. Section 2 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 902), is amended to read as follows:

"Sec. 2. The Administrator is authorized and directed to make loans each fiscal year in the full amount determined to be necessary by the Congress or appropriated by the Congress pursuant to section 3 of this Act in the several States and territories of the United States for rural electrification and the furnishing of electric energy to persons in rural areas who are not receiving central station service and for the purpose of furnishing and improving telephone service in rural areas, as hereinafter provided; to make, or cause to be made studies, investigations, and reports concerning the condition and progress of the electrification of and the furnishing of adequate telephone service in rural areas in the several States and territories; and to publish and disseminate information with respect thereto."

Sec. 3. The first sentence of section 4 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 904), is amended by striking out at the beginning thereof "The Administrator is authorized and empowered, from the sums hereinbefore authorized, to make loans" and inserting in lieu thereof the following: "The Administrator is authorized and directed to make loans each fiscal year in the full amount determined to be necessary by the Congress or appropriated by the Congress pursuant to section 3 of this Act".

Sec. 4. The first sentence of section 201 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 922) is amended to read as follows: "From such sums as are from time to time made available by the Congress to the Administrator for such purpose, pursuant to section 3 of this Act, the Administrator is authorized and directed to make loans each fiscal year in the full amount determined to be necessary by the Congress or appropriated by the Congress pursuant to section 3 of this Act to persons now providing or who may hereafter provide telephone service in rural areas, to public bodies now providing telephone service in rural areas and to cooperative, nonprofit, limited dividend, or mutual associations."

Sec. 5. Section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) is amended by inserting immediately after the first sentence thereof a new sentence as follows: "The authority contained herein to make and insure loans shall be in addition to and not in lieu of any authority contained in the Rural Electrification Act of 1936, as amended."

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By Mr. DOMINICK (for himself, Mr. Curtis, Mr. Goldwater, Mr. Mansfield, and Mr. Stevens):

S. 395. A bill to permit citizens of the United States to buy, hold, and sell gold. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. DOMINICK. Mr. President, I introduce in the 93d Congress, as I have in previous Congresses, a bill with Senators Goldwater, Mansfield, Curtis, and Stevens to restore to American citizens the unfettered right to buy, possess, and sell gold; 1933 circumstances which may have originally justified removing this right are simply no longer valid.

The President's action suspending convertibility of dollars to gold had the effect of demonetizing gold and relegating it to the role of a nonmonetary commodity. As a commodity, gold should be as freely available for purchase by Americans as pork bellies, scrap steel, and silver. Of the 116 member nations in the International Monetary Fund, 100 have more liberal gold ownership laws than the United States.

The present day realities are that the United States has less than $11 billion in gold reserves and roughly $50 billion in overseas dollar liabilities. As a matter of fact, the Eurodollar market has been estimated to equal about 30 years of South African gold production.

Last year the price of gold rose to over $70 an ounce, and the price presently is hovering around $65 an ounce. At this level, it is quite clear that any return to convertibility would trigger a run on our remaining reserves.

Preliminary estimates for 1972 indicate a domestic gold production at approximately 1.45 million ounces. This would represent a slight decrease from the 1971 figure of 1.49 million ounces. The estimated 1972 net gold importation level is 4 million ounces and domestic consumption for 1972 is estimated at a record 7.5 million ounces.

The cornerstone of our economic system is the interaction of supply and demand as the determinant of worth or value; and this can only be accomplished with gold by restoring to Americans the right to buy and sell this metal.

The U.S. Bureau of Mines estimates that at prices up to $140 per ounce, we could mine 237 million ounces of gold. Beyond giving a much needed injection to our mining industry, such an increase could alleviate our trade deficit.

The Joint Economic Committee's Subcommittee on International Exchange and Payments has been impelled, based on recent hearings, to a similar conclusion; and in a November 1972 report, recommends that Americans should be permitted to buy, sell, and hold gold after a new international monetary arrangement is negotiated.

A very interesting article by Mr. David Ganz, on this subject appeared recently in Numismatic News Weekly, and I ask unanimous consent that it be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMINICK. Mr. President, this bill also provides for a continuing source of supply of gold to the U.S. Treasury upon which it could draw to meet international financial institution gold contribution requirements. Domestic refiners of new gold would be required to offer 10 percent of their production at the official price for sale to the Treasury.

Any Treasury requirements above this amount would be satisfied through private market purchases at the prevailing market price. In order to avoid the possibility that large gold sales by the Treasury could depress the private market, the bill restricts Treasury gold sales to a price which is 15 percent above the current private market price.

Mr. President, I urge Congress to lay to rest this anachronism on its 40th anniversary and to restore to American citizens their right to own gold.

### EXHIBIT 1

### WATCH FOR CLEARANCE SALE AT UNCLE SAM'S GOLD SHOP

The United States of America, upon whose massive holdings of gold bullion the post-war world economy was shaped, is pulling out of the gold business. It isn't official yet, but the handwriting is already on the wall. Within a year or so—possibly less—an announcement will be made to the effect that a portion—perhaps as much as half—of Uncle Sam's bullion holdings will be placed on the auction block to be sold to the highest bidder.

Gold today has become an anachronism to high-volume international monetary finance. Fifty years ago, John Maynard Keynes foresaw this and termed gold a "barbarous relic," but the precious metal tenaciously persisted in maintaining its store of value. It still has, even today.

When World War II ended, the United States owned approximately three-fourths of all the gold bullion held by world governments. The Bretton Woods conference of 1944 made the decision that, because of this, the American dollar should become the international standard of value, to stand beside gold at the convertible rate of $35 per ounce. With such massive gold holdings, the U.S. could easily afford to convert any foreign held dollars for gold bullion stored in Fort Knox.

Though the 1950s, gold-dollar convertibility was accomplished without difficulty, American gold holdings continued to dwarf those of France and other major European competitors. But beginning in 1958, American balance of payments trends began a downward slide that has continued unabated to 1972. Where we once had a goods and services balance well in the black, the downward trend brought on the first negative trade deficit in this century last year. All of this had to be paid for in an outflow of dollars, which some governments requested be converted into gold bullion. Those governments which did not convert their dollars into gold continued to hold them, and by early 1971 the foreign-held dollar balance was over $50 billion, or roughly four-and-a-half to five times more than the gold held in Fort Knox.

In these over extended circumstances, a "run" began on the dollar. It was culminated in August, 1971, when President Nixon suspended the dollar's convertibility into gold. In April, 1972, acting on Nixon's recommendation, Congress formally devalued the dollar by raising the price of gold from $35 to $38 an ounce.

It is not hard to understand why governments like the United States view gold as an anachronism. Since special drawing rights (SDRs) were created in 1969, a more efficient "paper gold" began to be used. This paper gold was not subject to market demands, bullion price changes or whims of private citizens. Gold can be owned in various forms by most of the world's population. SDRs are the exclusive property of governments. to be manipulated and used as exigencies permit or require.

Because gold can be owned as bullion, as coinage, as jewelry or as art, and because as a precious metal it has a myriad of industrial uses, there is a natural market awaiting any gold production. In March, 1968, partially as a means of preventing a dollar devaluation and also as a way of keeping the price of gold at a reasonable level, a two-tiered price system was established. Under this arrangement, world governments continued to buy and sell gold to each other at the rate of $35 an ounce, while a "free market" rate prevailed for other gold purchases and sales. In the short term, the dollar's devaluation through the raising of the price of gold was prevented, and the price of gold declined from the speculative levels it has previously risen to.

In the longer run, however, the two-tiered system was indicative of the problems that the United States and the entire world financial community were headed for. Gold, ostensibly a cover for the world's currencies, was not sold at the official price because the demand far-exceeded the supply. As industrial demand rose, so did the price of "free market" gold. When inflation set in, gold, a traditional "hedge" against soft-money, continued to rise in price.

The bubble burst in August, 1971, when convertibility was suspended by the U.S., and the free market rate began a dramatic climb that briefly broke through the $70 an ounce mark in mid-1972. There was a good deal of talk that the price of gold would be revalued at the $70 an ounce level, but world governments (notably the U.S.) were not willing to make a concession of that magnitude.

It was clear that, in suspending the dollar's convertibility, the United States was taking the first step towards ultimately taking this nation out of the gold business. At least three U.S. Senators—Allott, Dominick and Hatfield—surmised as much as promptly introduced bills that would allow American citizens to own gold while simultaneously allowing the government to sell some of its still-massive bullion holdings.

The major thrust of the reasoning behind allowing American citizens to own gold is that under current law, dating to the 1934 devaluation of the dollar, citizens may own gold jewelry and gold coinage, but not gold bullion. Coinage is also subject to certain restrictions, as anyone who has ever tried to buy a piece dated after 1934 knows all too well.

In allowing American citizens to buy gold in any form—including all types of coinage—the same advantage afforded to many Europeans would be given to anyone wishing to purchase gold as a hedge against inflation, as a means of investment, or even as a way of speculating.

A dozen years ago a survey was made as to the private holdings in gold of the world citizenry. Astonishingly, some 11,000 tons of gold were in private hands. At the same time, about 35,000 tons of gold were in official reserves. Thus more than a quarter of the world's gold was in private hands. Today, the amount is even larger.

Despite this, the price of gold continues to go up. Why, one might ask, does gold go up in value when there is seemingly so much of it available? The answer is that there is not a great deal of it available for sale. The U.S. government, although it has an official price of $38 an ounce, will sell no gold at that level. On the free market, where physical transferral of gold takes place, the price is above $60 an ounce, and some have predicted it will rise still higher.

Alternatively, let us ask why people desire gold. In an interview in late 1972, James A. McClure, who will soon take a seat in the U.S. Senate from Idaho, stated that "gold has had a store of value and has served as a medium of exchange throughout history. Government planners may deny this, but gold has always been there." Then, too, gold has tended to "hedge" against inflation, generally rising in price during times of economic unrest.

Thus, although gold is an anathema to governmental monetary planners, it has retained to a remarkable extent a following among the world's peoples for centuries. Even as there is whispered talk about the government stepping out of the gold business, people continue to buy gold at higher and higher prices, and items with gold content—especially gold coinage—continue to advance in value.

How will the government get out of the gold business? In an interview in mid-1972, Sen. Mark O. Hatfield (R., Ore.) speculated that "like any other surplus commodity, it would have to be disposed of over a period of time. I have suggested five years, the same period of time as our grain sales. It seems like a reasonable figure."

The effect of the government dumping half of its $11 billion dollar stock of gold would have an immediate devastating effect on the market. Short run rules of supply and demand would probably cause a sharp price decline, but certainly not below the official level of $38 an ounce. Still, as Hatfield remarked, "Gold will not become a common, ordinary, 'unspecial' commodity. It will maintain real value beyond the monetary. The history of gold is such a powerful and compelling force that it draws the attention of people to its many uses. It is going to maintain its intrinsic value and romantic value as well as a monetary value. It may fluctuate (in price) but it will still be a highly valued substance."

One economist that I discussed this with said that, in the short run, the price of gold would decline. In the longer term of five to seven years, the price would return to current levels and probably go even higher. The reason is that once the government dumps its massive bullion stock on the market, it has used up its overhanging threat. Eleven billion dollars in gold can only be spent once.

Gold is high priced now, especially in common date pieces, and this economist recommended that selling at the top (now) and buying back at the bottom after the dumping of bullion, by the government be the course of action to follow to maximize profits.

One other source, a former high Treasury official, indicated that the government's announcement on the disposal of at least part of the bullion stock could come before the end of 1973. This source (who refused to be identified, for obvious reasons) stated that Treasury Undersecretary Paul A. Volker was the driving force behind this move, the ultimate aim of which would be to free the United States from the "curse of gold."

In the months ahead, we shall see whether all this is borne out. Congressional hearings on the measure to free gold and allow private ownership will come up shortly, and inasmuch as the G.O.P. plank indicated support for this, too, likely as not it will be reality before we can say "King Midas." The Age of Gold is coming to an end.

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By Mr. DOMINICK (for himself, Mr. HRUSKA, and Mr. ABOUREZK):

S. 396. A bill for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Co. Referred to the Committee on the Judiciary.

Mr. DOMINICK. Mr. President, for myself, the Senator from Nebraska (Mr. HRUSKA) and the Senator from South Dakota (Mr. ABOUREZK), I introduce a bill for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Co.

This matter first received congressional attention in 1960, when Senator HRUSKA introduced legislation to refer this case to the Court of Claims. For various reasons, as outlined in the synopsis below, this matter remained unresolved until April of 1970. In that year, Senator HRUSKA, with Senators ALLOTT and MUNDT, again introduced legislation designed to subject this case to scrutiny by the Court of Claims.

The Court of Claims, in a report filed with Congress in October 1972, concluded that the Adler Construction Co. has an equitable claim against the United States. For Mr. and Mrs. Adler, who have been waging this campaign since 1952, the wheels of government machinery have been painfully slow in reaching this conclusion.

Pursuant to the conclusions of the Court of Claims and in the interest of equity and fairness to the Adlers, we introduce this bill for their relief.

Mr. President, I ask unanimous consent that the text of the bill and a synopsis of Adler's claim for relief be printed in the RECORD.

There being no objection, the bill and synopsis were ordered to be printed in the RECORD, as follows:

S. 396

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) in accordance with the opinion, findings of fact, and conclusions of the trial commissioner in United States Court of Claims Congressional Reference Case No. 5–70, entitled Adler Construction Company v. The United States, filed October 24, 1972, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Adler Construction Company of Littleton, Colorado, the sum of $300,000, in full satisfaction of all claims by such company against the United States for compensation for losses sustained by such company in connection with a contract between such company and the Department of the Interior, Bureau of Reclamation, providing for certain work on the Pactola Dam project near Rapid City, South Dakota.

(b) No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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### SYNOPSIS: PROVIDING A BRIEF DESCRIPTION OF ADLER'S CLAIM FOR RELIEF

Adler bid $3,761,115 in September 1952, in response to the government's invitation for bids on Pactola Dam, a large earth-filled dam project in the Black Hills near Rapid City, South Dakota. His bid was obviously, very low, being 23% under the next low bid ($4,878,468), and 38% under the government's pre-bid estimate ($5,962,341). Suspecting a grave mistake in bid, Adler immediately reviewed his figures, but asked the government to delay award. Adler very promptly advised the government at its supervisory Denver office that he had made a mistake of $621,000, so advising the government before award. Adler stated his bid was not acceptable without a correction to his intended bid, or the erroneous bid must be rejected.

The government, nonetheless, precipitously awarded the contract on October 14, 1952, thereby putting Adler's bid bond of $376,111 in jeopardy. He was told by the government the next day to send proofs of his claimed bid errors of $621,000 to the Contracting Officer who would forward showings to the Comptroller General. The government told Adler that the Comptroller General was the only one who could grant the relief Adler requested. Adler presented his proof of error about October 20, 1952.

After the proofs were forwarded from the Contracting Officer about October 31, 1952 to the Comptroller General, that goverment officer held, in a written decision dated November 14, 1952 that the errors had been made as claimed and could be fully corrected.

The government representatives in Denver who received Adler's proofs of error in Denver on October 20, 1952, had (in an internal memorandum dated October 31, 1952 never disclosed to Adler) concluded on their own part that Adler had made the errors as claimed, stated that the award earlier made on October 14, 1952 was not intended to prejudice or foreclose Adler's right to have his bid errors corrected, and stated that if his errors were corrected such would be to the advantage of the government because the resulting contract amount would still be over $500,000 under the next low bid. The Chief of the Bureau of Reclamation and the Administrative Assistant of the Department of Interior agreed with all these conclusions and recommended full correction of bid errors. But this was not revealed to Adler.

On November 17, 1952, a Denver conference was convened by the government, with Adler. He was not given a copy of the Comptroller General's decision. Nor was he told of the internal memorandum of October 31, 1952 or the conclusions of the Chief Assistant of the Department of Interior.

At this November 17, 1952, conference, the government representatives made an about face from their earlier position, telling Adler that "all we can pay" for bid corrections is approximately $485,000, leaving Adler shorted by $136,240 from having his bid corrected to accord with his known intended bid. Government representatives further demanded he must sign an Amendatory Agreement (which the government had unilaterally conceived and drafted), in which he would agree to be paid less than his known intended bid, or else his bid bond would be taken. This put Adler under the pressure of financial ruin if he did not sign the Amendatory Agreement. There wasn't the slightest consideration for such Amendatory Agreement. The recited consideration that the government was waiving its right to waive the construction contract was in error. There was no construction contract in existence to waive, the award being illegal and the construction contract not signed. The refusal of the government representatives to abide by the decision of the Comptroller General was in violation of the Dockery Act.

Nonetheless, Adler was forced on November 17, 1952 to sign under the unconscionable pressure being applied, while at the same time the government was concealing from him the fact that several government officers, in control of the events, had professed internally that they had no desire to prejudice or foreclose his rights to have his bid fully corrected as beneficial to the government. In short, the negotiating steps taken by the government were carried on in a matrix of deception by the government's representatives and their failure to reveal the truth about existing circumstances and their own intentions earlier declared unilaterally one to another about October 31 1952. The above circumstances involving the government's unconscionable denial of $136,240 and the unjust taking thereof constitutes Adler's Claim (a).

His Claim (b) based on encountering radically changed conditions and his Claim (c) for breach of contract are next briefly described.

Once Adler started performance, matters became still worse for Adler by reason of other circumstances which were to develop. Beginning about March 1954 (after construction began in November 1952), Adler had completed all of the scheduled quantity of Item 2 work. Adler began to complain as early as February 1954 as to improper classification of material as Item 2, that should have been classed as Item 3. The on-site construction engineer ignored and "buried" this communication from Adler. There never was a definitive ruling on that.

Also the excavation situation in the main dam area (83% of the whole job) was increasingly appearing to be materially changed from what had been expected. Adler complained repeatedly. (The old version of Article 4 clause was included in this particular contract, requiring the government to discover the situation, as well as calling for notice to be given by the contractor.) Adler made an extended written complaint charging changed conditions and seeking modification of his contract and a large extension of time.

The government failed, and continued to fail, to make any decision or finding as to what was the cause of the increase in volume of excavation in the main dam area (up 261%, or excess and unexpected cubic yardage of excavation so vast that it would take a 50-mile-long-train of gondola cars to move it, and a 77-mile-long-train of excess refill to replace in the embankment. Still other unexpected difficulties began to unfold.

Moreover, these great excess yardages of excavation and refill had to be performed under very complex conditions not expected or represented. For example, the defendant encountered a very rough, step-like and chaotic rockscape over the lower area of the dam foundation. The drawings had not depicted this; instead they depicted this area as relatively smooth.

Even the cutoff trench, depicted in the drawings given to bidders as having a maximum width of 150 feet, had an actual width of 300 feet to 500 feet and with very irregular margins.

To worsen matters yet further, the depth of actual excavation below the depth of the natural ground surface, was 2 to 3 times that shown on the drawings and specifications. In places, the actual depth of excavation below ground surface was in several places as deep as 48 feet as compared to about 7.5 feet average depth estimated from the drawings originally given the bidders.

In fact, the drawings and specifications were misleading and defective.

All this caused grave difficulties, and grossly increased construction costs to Mr. Adler. Not only was the work made far more expensive, but these difficulties made it impossible to perform the work in the original performance period of about 2¾ years. An entire extra year was required.

Though Adler asked for a time extension, with a particular amount requested on June 15, 1955, the government refused to give him a timely time extension. Instead the government urged and required him to speed up the work, even to continue it into one of the most severe winters in many decades. Thus, the government unduly and wrongfully accelerated the work, at serious loss to Adler. The winter work forced upon Adler in the winter of 1955 to 1956 which was not anticipated in the original contract, was performed at only 55% efficiency, as the Contracting Officer admitted.

The government breached its contract in many ways, including, but not limited to, failure to make a decision (as the contract required) as to whether or not there was a changed condition, and as to whether Adler was entitled to a classification of a large quantity of excavated material as Item 3 (at $1.20 per cu. yd.) instead of Item 2 (at 53c per cu. yd.). It wrongfully and unduly accelerated the work; and the drawings and specifications were misleading and inconsistent. The government was negligent and not rational in the preparation of its estimates of quantities and of conditions yet to be encountered.

It concealed much vital information from Adler; yet at the same time demanding of him that he give a release to any claims he might have based on anything occurring before July 5, 1956, thereby denying him an opportunity for equal bargaining power.

When Adler sought Congressional relief in 1960, Congress adopted a resolution authorizing a Congressional reference to the Court of Claims. The Bureau of Reclamation, on a retrospective review recognized with honor, that it had unconscionably forced, or overreached, Adler as Adler had stated in his "Claim (a)," requesting full rectification of the bid error, the entire correction of which has been denied him by a sum of $136,240 wrongfully taken from him.

As to Adler's "Claims (b) and (c)," the Bureau of Reclamation stated that the Contracting Officer held the belief that these claims were not based on fact. Nonetheless, the Bureau of Reclamation suggested that those two claims should, if in Congress' judgment it thought such as warranted, be referred to the Court of Claims, thereby allowing an independent tribunal to judge whether the claims of changed conditions, and breach of contract for undue acceleration and other breaches, were based on fact.

Congress did make Congressional reference in 1960 of all Adler's Claims (a), (b) and (c).

The Court of Claims, though originally accepting jurisdiction of the Congressional reference aspect of the case in 1960 (along with accepting jurisdiction on the basis of its general jurisdiction), denied jurisdiction after the appearance of the Supreme Court's decision in *Glidden* v. *Zdanok*, 370 U.S. 530 (1962). That decision cast doubt on the right of the Court of Claims to consider such reference cases if the members of that court were to enjoy the status of a constitutional court, with life terms for its judges.

In a recommended decision of the Commissioner of the Court of Claims, affirmed by the Court on April 17, 1970, the Court concluded, nonetheless, that if the matter were, in fact, before that Court on a Congressional reference, it would hold and recommend that Adler's Claim (a) for the $136,532 not yet paid him to fully rectify his bid error made known before award, be paid by Congress as an equitable obligation of the Government in a non-juridical sense. This was the Court's recommendation irrespective of any releases which Adler might have given to the government, or whether they were valid.

The Commissioner and Court also have now found as a fact that Adler's Claims (b) and (c) based on changed conditions and on undue acceleration and other breaches of contract are based on fact. The Commissioner and the Court made extensive detailed findings clearly establishing that there were radically changed conditions, and very damaging undue acceleration. It found breaches of contract based on the fact that the plans and specifications were misleading and inconsistent. It found that the government did not make an adequate investigation of the subsurface conditions resulting in its scheduled quantities for excavation and refill that were in gross error. It found Adler's costs to perform the work were severely enlarged over that which he had a right to expect from the documents bid upon. By reason of these matters for which the government, not Adler was responsible, and coupled with the original wrong of the government's unconscionable deprivation of $136,532 of Adler's entitled bid correction, he was mired in a dire financial distress known to the government at the time it demanded from him both a general release on July 6, 1956, and a government form of release on November 20, 1956.

This matter has, after man years of investigation, trial, and review by several agencies and tribunals of the government, finally been concluded in a printed report to the United States Senate filed as of October 24, 1972, in Cong. Ref. Case No. 5–70 before the Chief Commissioner of the United States Court of Claims.

Such report states: ". . . the plaintiff (Adler) does have an equitable claim against defendant, and that there is equitably due plaintiff from defendant the sum of $300,000."

It is recommended that such report to the Senate that the said amount of $300,000 be paid to Adler.

This matter was referred in December 1970 to the Chief Commissioner of the United States Court of Claims by S. Res. 445, 91st Congress, 2nd Session, by the Senate in S. 4237. After exhaustive review by the government's representatives and upon extensive negotiations, the government and Adler agreed upon a stipulation of facts in which the government recognized and agreed that Adler had a valid equitable claim against the government and that Adler was entitled to receive the sum of $300,000 on such equitable claim. The Trial Commissioner of the Court of Claims, the Honorable Mastin G. White, reviewed the claim and found for Adler. The three member Review Panel of the United States Court of Claims, comprised of the Honorable Hogenson, Spector and Wood, Commissioners appointed by the Chief Commissioner, on its additional consideration of the matter, also found for Adler, doing so by the said printed report dated October 24, 1972, in Cong. Ref. Case No. 5–70.

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By Mr. MATHIAS (for himself and Mr. STEVENSON):

S. 397. A bill to require financial disclosure. Referred to the Committee on Government Operations.

Mr. MATHIAS. Mr. President, it is often said and with much truth, that sunshine is the best cure for most ills. This is equally true for political and social ills. Today Senator STEVENSON and myself are attempting through introduction of a bill, to let the sunshine into the Halls of the Congress. The bill which we are today introducing provides for "naked" financial disclosure of Members of Congress. This is an identical bill to S. 3741, a bill which I introduced last Congress and cosponsored by Senators BROOKE, CHILES, EAGLETON, NELSON, and PEARSON. S. 3741 was referred to the Committee on Government Operations.

The notion that financial disclosure can lessen public distrust and improve the credibility of the political process is at least as old as Jefferson. While President, he defended the invasion of privacy when he wrote "when a man assumes a public trust he should consider himself a public property." Support for the concept was voiced by Theodore Roosevelt and Woodrow Wilson and reaffirmed by Presidents Eisenhower and Johnson. A 1951 senatorial committee chaired by Senator Douglas regarded financial disclosure as the single most important piece of legislation that the Congress could enact to lessen the appearance of conflict of interest by public officials. Most recently under the distinguished chairmanship of Senator CANNON, the Subcommittee on Privileges and Elections of the Senate Rules Committee held hearings in November of 1971 on bills which would have provided financial disclosure for Members of Congress and selected officials of the executive and legislative branches.

The case for full disclosure was put clearly by Senator CASE while testifying on his bill, S. 343 before the Rules Committee. He said:

> The judgment of the people, I think, will be a real and effective sanction . . . disclosure will help people to elect whom they wish by giving them full knowledge of the personal financial interests of those who present themselves as candidates for election.

The 1972 elections are widely interpreted as protest against the old politics.

Additional evidence can be found by examining some recent polls. In 1967, one Gallup poll revealed that six out of 10 Americans believed shady conduct among Congressmen was fairly common. A Harris survey during the same period noted that over half of the Nation's population felt that at least some Congressmen were receiving money personally for voting a certain way. Another Harris poll published in February of last year revealed that during the period 1965 to 1971, the percentage of the public which gave Congress a positive rating, declined from 64 to 26 percent.

In November of 1971 another Harris poll indicated, by a margin of 65 to 25 percent, the public feels that only a few men in politics are dedicated public servants. It should be noted that in the fall of 1967 a similar view was expressed by a lesser margin—58 to 34 percent. In this same November poll, it was revealed, 63 to 28 percent that most Americans feel politicians are out to make money. This reflected a dramatic increase since 1967, when the same question was asked and only a close plurality registered the same viewpoint. This November survey also found that by a margin of 59 to 20 percent, a majority of Americans feel that "most politicians take graft."

These findings have been published in the CONGRESSIONAL RECORD from time to time, and have been confirmed by more recent polls. There is no way of denying the fact that the American people are fast losing confidence in the Government to govern, and in the elected leaders to lead. It is clear that this disillusionment is not limited to the young, but rather pervades the entire society. This steady and discernible loss of confidence in our elected officials is in my mind the most serious problem facing this Nation and this Congress.

I believe that for the most part this attitude of distrust is unfounded. The overwhelming number of those in Government are honorable, hardworking, and dedicated public servants and the public has unfortunately characterized us all, by the actions of a few. But whether or not the public's attitude is well founded, is really not the question here; it exists, and we must react. This representative system is based upon and gets its strength from the consent of the people, and without this trust, the system simply will not work.

A good deal of problem, I believe, is due to the public's attitude of not being adequately informed about its Government and its decisionmaking process. This was made clear, not only in the polls mentioned earlier in this statement, but also by a Harris poll taken during the Pentagon papers episode. Most Americans interviewed, sided with the newspapers' right to publish the Pentagon papers on the basis that Government usually hides the true facts and the motives for their decisions.

With this increased distrust and disillusionment in the Government, we are witnesssing a continuing dropout, isolation, and detachment of the electorate. This isolation more fundamentally has resulted in a loss of production that has weakened the entire framework of Government. The biggest and most difficult challenge of this Congress is to restore the confidence in our Government, and stop this trend of isolation. Resolving this problem should occupy every working day and every decision.

How do we restore this confidence? Of course, we can become more candid and open in our legislative activities. We can provide moral leadership for the Nation, and be conscientious in our responses to human needs. We can also do something very specific, something which I am sure will go a long way in restoring this confidence, and dispelling this attitude of mistrust.

Mr. President, I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 397

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 225. Disclosure of financial interests by Members of Congress and certain congressional employees

"(a) Each Member of Congress and each employee of the Congress shall file annually with the Comptroller General a report containing a full and complete statement of—

"(1) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from his spouse or any member of his immediate family) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount of value, including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, and other facilities received by him in kind.

"(2) the value of each asset held by him, or by him and his spouse jointly which has a value in excess of $5,000 and the amount of each liability owed by him, or by him and his spouse jointly, which is in excess of $5,000 as of the close of the preceding calendar year; and

"(3) any business transaction, including the sale, purchase, or transfer of securities of any business entity, commodity, real property, or any other asset or any interest therein, by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year if the aggregate amount involved in such transactions exceeds $5,000 during such year.

"(b) Reports required by this section shall be filed not later than May 15 of each year. In the case of any person who ceases, prior to such date in any year, to occupy the office or position the occupancy of which imposes upon him the reporting requirements contained in subsection (a) shall file such report on the last day he occupies such office or position, or on such later date, not more than three months after such last day, as the Comptroller General may prescribe.

"(c) Reports required by this section shall be in such form and detail as the Comptroller General may prescribe. The Comptroller General may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchase and sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

"(d) Whoever willfully fails to file a report required by this section, or knowingly and willfully files a false report under this section, shall be fined $2,000, or imprisoned for not more than five years, or both.

"(e) All reports filed under this section shall be maintained by the Comptroller General as public records which, under such reasonable regulations as he shall prescribe, shall be available for inspection by members of the public.

"(f) For the purposes of any report required by this section, an individual shall be considered to have been a Member of Congress or an employee of the Congress during any calendar year if he served in such position for more than six months during the calendar year.

"(g) As used in this section the term—

"(1) 'income' means income from whatever source delivered.

"(2) 'security' means security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b);

"(3) 'commodity' means commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2);

"(4) 'Member of Congress' means a Senator, a Representative, a Resident Commissioner, or a Delegate;

"(5) 'employee of the Congress' means a congressional employee, as defined in paragraph (1), (2), (3), or (5) of section 2107 of title 5, United States Code, who is compensated at a rate in excess of $22,000 per year; and

"(6) 'immediate family' means the child, parent, grandparent, brother, or sister of an individual, and the spouse of such persons."

(b) The table of sections for such chapter 11 is amended by adding at the end thereof the following item:

"225. Disclosure of financial interests by Members of Congress and certain congressional employees.".

(c) The chapter analysis for title 18, United States Code, is amended by striking out the item relating to chapter 11 and inserting in lieu thereof the following:

"11. Bribery, graft, and conflicts of interest".

As you can see this bill requires all Members, as well as Members' staff who earn over $22,000 a year, to report to the Comptroller General information regarding one's income, debts, assets, and business transactions in the preceding year. Specifically, it requires public disclosure of the amount and source of each item of income, regardless of its value, and all gifts which exceed $100 in value. It requires the disclosure of each asset, and the nature of each liability, which has a value in excess of $5,000. And finally it requires the disclosure of any transaction, whether it be in securities, real estate, or commodities, which has a value in excess of $5,000. These reports would be filed with the Comptroller General for review by the public not later than May 15 of each year. Violation of the law would bring a fine of $2,000 or imprisonment for not more than 5 years, or both.

Bills of this nature have been introduced in each Congress since 1958, when my distinguished colleague from New Jersey (Mr. CASE) introduced the first comprehensive disclosure bill. My colleague from New Jersey is the recognized advocate in the Senate for full disclosure, and he should be congratulated for his leadership. Twice in recent years, the Senate has come within four votes of adopting a full disclosure rule.

The bill which I am introducing is similar to Senate bills S. 343 and S. 344, introduced in this Congress by Senators CASE and SPONG, respectively. It differs from these measures in two main respects. First, unlike the Spong and Case bills, it covers only Members of the Congress and their employees. S. 343 and S. 344 cover specified employees of the executive and judicial branches as well as employees of the Armed Forces. They also cover candidates for political offices. Senator SPONG's bill goes even further and includes members of the national political committees of each major party.

Second, the bill which I am today introducing has a more liberal reporting requirement. In the case of reporting one's assets, debts, and transactions, S. 343 and S. 344 require the reporting of such items regardless of their values, while my bill would provide a $5,000 minimum in these categories.

I am a cosponsor of S. 343 along with 18 of our colleagues, including both the majority and minority leaders. We must however, now think about realistic and acceptable legislation with the objective of passing these measures in the very near future. There are some problems with S. 343 and S. 344 that were brought out by the 1971 hearings held on these two bills by the Subcommittee on Privileges and Elections. For instance, there is a problem of coverage. Should we include all presidential appointees? What about State officials who administer Federal grants? It was testified during these hearings that over 219,000 Federal employees would be required to file if either of these two bills would pass. With regard to the dollar amounts, the figures which I have chosen are, in my mind, realistic and workable compromises.

In addition, and more importantly, it is essential that we first put our own house in order, and let the standards created by this legislation be the norms and standards for the other branches of Government. This bill, if enacted, could be just the first step. But it would, in the interim, enact the needed uniformity among both Chambers of Congress, which is now lacking. Each Chamber would, of course, decide whether it wanted to retain its present reporting and disclosure procedure.

The introduction of this bill comes at a time when the Senate is considering the qualifications of nominated cabinet members. A part of each committee's inquiry will no doubt be an examination of the nominees financial holdings and interests in order to determine the possibility of a conflict of interest. We will no doubt in most cases each nominee to disclose openly to the public regarding each's financial relationships and related information.

What the Congress imposes upon others, it has been reluctant to demand of itself. We ask judges to create blind trusts before taking office, but when it comes to Members of the Congress, it is the public that is asked to put up the blind trust.

Financial disclosure by Members takes place for the most part behind sealed envelopes and sealed doors in an air of mystery and mystique. Disclosure is beyond the view of the public, and for the most part beyond the view of even our colleagues. Some committees such as the Committee on Commerce and the Armed Services, require their members to disclose their financial interests, but such disclosure is usually examined only by committee counsel. It is never disclosed to the public.

We are required only to publicly disclose the source and amount of each honorarium over $300 in value. The rest of our financial interests, our income and financial ties, are kept from public scrutiny.

At this time, Mr. President, I ask unanimous consent to insert into the RECORD the full text of the appropriate House and Senate rules on this subject.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

## RULES XLI, XLII, XLIII, AND XLIV OF THE STANDING RULES OF THE SENATE

### RULE XLI[1]

### OUTSIDE BUSINESS OR PROFESSIONAL ACTIVITY OR EMPLOYMENT BY OFFICERS OR EMPLOYEES

1. No officer or employee whose salary is paid by the Senate may engage in any business or professional activity or employment for compensation unless—

(a) the activity or employment is not inconsistent nor in conflict with the conscientious performance of his official duties; and

(b) he has reported in writing when this rule takes effect or when his office or employment starts and on the 15th day of May in each year thereafter the nature of any personal service activity or employment to his supervisor. The supervisor shall then, in the discharge of his duties, take such action as he considers necessary for the avoidance of conflict of interest or interference with duties to the Senate.

2. For the purpose of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of this office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, or other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Minority. The Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority. The Secretary for the Minority is the supervisor of the employees of his office.

3. This rule shall take effect ninety days after adoption.

### RULE XLII[1]

### CONTRIBUTIONS

1. A Senator or person who has declared or otherwise made known his intention to seek nomination or election or who has filed papers or petitions for nomination or election, or on whose behalf a declaration or nominating paper or petition has been made or filed, or who has otherwise, directly or indirectly manifested his intention to seek nomination or election, pursuant to State law, to the office of United States Senator, may accept a contribution from—

(a) a fundraising event organized and held primarily in his behalf, provided—

(1) he has expressly given his approval of the fundraising event to the sponsors before any funds were raised; and

(2) he receives a complete and accurate accounting of the source, amounts, and disposition of the funds raised; or

(b) an individual or an organization, provided the Senator makes a complete and accurate accounting of the source, amount, and disposition of the funds received; or

(c) his political party when such contributions were from a fundraising event sponsored by his party, without giving his express approval for such fundraising event when such fundraising event is for the purpose of providing contributions for candidates of his party and such contributions are reported by the Senator or candidate for Senator as provided in paragraph (b).

2. The Senator may use the contribution only to influence his nomination for election, or his election, and shall not use directly or indirectly, any part of any contribution for any other purpose, except as otherwise provided herein.

3. Nothing in this rule shall preclude the use of contributions to defray expenses for travel to and from each Senator's home State; for printing and other expenses in connection with the mailing of speeches, newsletters, and reports to a Senator's constituents; for expenses of radio, television; and news media methods of reporting to a Senator's constituents; for telephone, telegraph, postage, and stationery expenses in excess of allowance; and for newspaper subscriptions from his home State.

4. All gifts in the aggregate amount or value of $50 or more received by a Senator from any single source during a year, except a gift from his spouse, child, or parent, and except a contribution under sections 1 and 2, shall be reported under rule XLIV.

5. This rule shall take effect ninety days after adoption.

### RULE XLIII[2]

### POLITICAL FUND ACTIVITY BY OFFICERS AND EMPLOYEES

1. No officer or employee whose salary is paid by the Senate may receive, solicit, be the custodian of, or distribute any funds in connection with any campaign for the nomination for election, or the election of any individual to be a Member of the Senate or to any other Federal office. This prohibition does not apply to any assistant to a Senator who has been designated by that Senator to perform any of the functions described in the first sentence of this paragraph and who is compensated at a rate in excess of $10,000 per annum if such designation has been made in writing and filed with the Secretary of the Senate. The Secretary of the Senate shall make the designation available for public inspection.

2. This rule shall take effect sixty days after adoption.

### RULE XLIV[2]

### DISCLOSURE OF FINANCIAL INTERESTS

1. Each Senator or person who has declared or otherwise made known his intention to seek nomination or election, or who has filed papers or petitions for nomination or election, or on whose behalf a declaration or nominating paper or petition has been made or filed, or who has otherwise, directly or indirectly, manifested his intention to seek nomination or election, pursuant to State law, to the office of United States Senator, and each officer or employee of the Senate who is compensated at a rate in excess of $15,000 a year, shall file with the Comptroller General of the United States, in a sealed envelope marked "Confidential Personal Financial Disclosure of ______________________."
(Name)
before the 15th day of May in each year, the following reports of his personal financial interests:

(a) a copy of the returns of taxes, declarations, statements, or other documents which he, or he and his spouse jointly, made for the preceding year in compliance with the income tax provisions of the Internal Revenue Code;

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[1] S. Jour. 247, 90–2, Mar. 22, 1968.

[1] S. Jour. 247, 90–2, Mar. 22, 1968.

[2] S. Jour. 247, 90–2, Mar. 22, 1968.

(b) the amount or value and source of each fee or compensation of $1,000 or more received by him during the preceding year from a client;

(c) the name and address of each business or professional corporation, firm, or enterprise in which he was an officer, director, partner, proprietor, or employee who received compensation during the preceding year and the amount of such compensation;

(d) the identity of each interest in real or personal property having a value of $10,000 or more which he owned at any time during the preceding year;

(e) the identity of each trust or other fiduciary relation in which he held a beneficial interest having a value of $10,000 or more, and the identity if known of each interest of the trust or other fiduciary relation in real or personal property in which the Senator, officer, or employee held a beneficial interest having a value of $10,000 or more, at any time during the preceding year. If he cannot obtain the identity of the fiduciary interests, the Senator, officer, or employee shall request the fiduciary to report that information to the Comptroller General in the same manner that reports are filed under this rule;

(f) the identity of each liability of $5,000 or more owed by him, or by him and his spouse jointly, at any time during the preceding year; and

(g) the source and value of all gifts in the aggregate amount or value of $50 or more from any single source received by him during the preceding year.

2. Except as otherwise provided by this section, all papers filed under section 1 of this rule shall be kept by the Comptroller General for not less than seven years, and while so kept shall remain sealed. Upon receipt of a resolution of the Select Committee on Standards and Conduct, adopted by a recorded majority vote of the full committee, requesting the transmission to the committee of any of the reports filed by any individual under section 1 of this rule, the Comptroller General shall transmit to the committee the envelopes containing such reports. Within a reasonable time after such recorded vote has been taken, the individual concerned shall be informed of the vote to examine and audit, and shall be advised of the nature and scope of such examination. When any sealed envelope containing any such report is received by the committee, such envelope may be opened and the contents thereof may be examined only by members of the committee in executive session. If, upon such examination, the committee determines that further consideration by the committee is warranted and is within the jurisdiction of the committee, it may make the contents of any such envelope available for any use by any member of the committee, or any member of the staff of the committee, which is required for the discharge of his official duties. The committee may receive the papers as evidence, after giving to the individual concerned due notice and opportunity for hearing in a closed session. The Comptroller General shall report to the Select Committee on Standards and Conduct not later than the 1st day of June in each year the names of Senators, officers, and employees who have filed a report. Any paper which has been filed with the Comptroller General for longer than seven years, in accordance with the provisions of this section, shall be returned to the individual concerned or his legal representative. In the event of the death or termination of service of a Member of the Senate, an officer or employee, such papers shall be returned unopened to such individual, or to the surviving spouse or legal representative of such individual within one year of such death or termination of service.

3. Each Senator or person who has declared or otherwise made known his intention to seek nomination or election, or who has filed papers or petitions for nomination or election, or on whose behalf a declaration or nominating paper or petition has been made or filed, or has otherwise, directly or indirectly, manifested his intention to seek nomination or election, pursuant to State law to the office of United States Senator, and each officer or employee of the Senate who is compensated at a rate in excess of $15,000 a year, shall file with the Secretary of the Senate, before the 15th day of March in each year, the following reports of his personal financial interests;

(a) the accounting required by rule XLII for all contributions received by him during the preceding year, except that contributions in the aggregate amount or value of less than $50 received from any single source during the reporting period may be totaled without further itemization; and

(b) the amount or value and source of each honorarium of $300 or more received by him during the preceding year.

4. All papers filed under section 3 of this rule shall be kept by the Secretary of the Senate for not less than three years and shall be made available promptly for public inspection and copying.

5. This rule shall take effect on July 1, 1968. No reports shall be filed for any period before office or employment was held with the Senate, or during a period of office or employment with the Senate of less than ninety days in a year; except that the Senator, or officer or employee of the Senate, may file a copy of the return of taxes for the year 1968, or a report of substantially equivalent information for only the effective part of the year 1968.

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## RULES XLIII AND XLIV OF THE RULES OF THE HOUSE OF REPRESENTATIVES

### RULE XLIII

### CODE OF OFFICIAL CONDUCT

There is hereby established by and for the House of Representatives the following code of conduct, to be known as the "Code of Official Conduct":

1. A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

2. A Member, officer, or employee of the House of Representatives shall adhere to the spirit and the letter of the Rules of the House of Representatives and to the rules of duly constituted committees thereof.

3. A Member, officer, or employee of the House of Representatives shall receive no compensation nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress.

4. A Member, officer, or employee of the House of Representatives shall accept no gift of substantial value, directly or indirectly, from any person, organization, or corporation having a direct interest in legislation before the Congress.

5. A Member, officer, or employee of the House of Representatives shall accept no honorarium for a speech, writing for publication, or other similar activity, from any person, organization, or corporation in excess of the usual and customary value for such services.

6. A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. He shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures. He shall expend no funds from his campaign account not attributable to bona fide campaign purposes.

7. A Member of the House of Representatives shall treat as campaign contributions all proceeds from testimonial dinners or other fund raising events if the sponsors of such affairs do not give clear notice in advance to the donors or participants that the proceeds are intended for other purposes.

8. A Member of the House of Representatives shall retain no one from his clerk hire allowance who does not perform duties commensurate with the compensation he receives.

As used in this Code of Official Conduct of the House of Representatives—

(a) the terms "Member" and "Member of the House of Representatives" include the Resident Commissioner from Puerto Rico; and

(b) the term "officer or employee of the House of Representatives" means any individual whose compensation is disbursed by the Clerk of the House of Representatives.

### RULE XLIV

### FINANCIAL DISCLOSURE

Members, officers, principal assistants to Members and officers, and professional staff members of committees shall, not later than April 30, 1969, and by April 30 of each year thereafter, file with the Committee on Standards of Official Conduct a report disclosing certain financial interests as provided in this rule. The interest of a spouse or any other party, if constructively controlled by the person reporting, shall be considered to be the same as the interest of the person reporting. The report shall be in two parts as follows:

### PART A

1. List the name, instrument of ownership, and any position of management held in any business entity doing a substantial business with the Federal Government or subject to Federal regulatory agencies, in which the ownership is in excess of $5,000 fair market value as of the date of filing or from which income of $1,000 or more was derived during the preceding calendar year. Do not list any time or demand deposit in a financial institution, or any debt instrument having a fixed yield unless it is convertible to an equity instrument.

2. List the name, address, and type of practice of any professional organization in which the person reporting, or his spouse, is an officer, director, or partner, or serves in any advisory capacity, from which income of $1,000 or more was derived during the preceding calendar year.

3. List the source of each of the following items received during the preceding calendar year:

(a) Any income for services rendered (other than from the United States Government) exceeding $5,000.

(b) Any capital gain from a single source exceeding $5,000, other than from the sale of a residence occupied by the person reporting.

(c) Reimbursement for expenditures (other than from the United States Government) exceeding $1,000 in each instance.

Campaign receipts shall not be included in this report.

Information filed under part A shall be maintained by the Committee on Standards of Official Conduct and made available at reasonable hours to responsible public inquiry, subject to such regulations as the committee may prescribe including, but not limited to, regulations requiring identification by name, occupation, address, and telephone number of each person examining information filed under part A, and the reason for each such inquiry.

The committee shall promptly notify each person required to file a report under this rule of each instance of an examination of his report. The committee shall also promptly notify a Member of each examination of the reports filed by his principal assistants and of each examination of the reports of professional staff members of committees who are responsible to such Member.

PART B

1. List the fair market value (as of the date of filing) of each item listed under paragraph 1 of part A and the income derived therefrom during the preceding calendar year.

2. List the amount of income derived from each item listed under paragraphs 2 and 3 of part A.

The information filed under this part B shall be sealed by the person filing and shall remain sealed unless the Committee on Standards of Official Conduct, pursuant to its investigative authority, determines by a vote of not less than seven members of the committee that the examination of such information is essential in an official investigation by the commitee and promptly notifies the Member concerned of any such determination. The committee may, by a vote of not less than seven members of the committee, make public any portion of the information unsealed by the committee under the preceding sentence and which the committee deems to be in the public interest.

Any person required to file a report under this rule who has no interests covered by any of the provisions of this rule shall file a report so stating.

In any case in which a person required to file a sealed report under part B of this rule is no longer required to file such a report, the committee shall return to such person, or his legal representative, all sealed reports filed by such person under part B and remaining in the possession of the committee.

As used in this rule—

(1) the term "Members" includes the Resident Commissioner from Puerto Rico; and

(2) the term "committees" includes any committee or subcommittee of the House of Representatives and any joint committee of Congress, the expenses of which are paid from the contingent fund of the House of Representatives.

(b) Paragraph (a) of clause 16 of Rule XI of the Rules of the House of Representatives is amended by striking out "rules, joint rules" and inserting in lieu thereof "rules and joint rules (other than rules or joint rules relating to the Code of Official Conduct or relating to financial disclosure by a Member, officer, or employee of the House of Representatives)."

Mr. MATHIAS. Mr. President, we have created in the Senate, the Select Committee on Standards and Conduct, and in the House, the Committee on Standards of Official Conduct, to process and retain these reports. However, the machinery of these committees and the confidential disclosure of a Member's conflicts of interests to members of the committee, is only put in motion after the conflict is recognized. For the public's sake, it might then be too late.

Disclosure, I feel, is the best way to restore confidence in government. The use of disclosure to improve the legislative process and to give the public confidence in the integrity of government goes back to 1913, with the landmark legislation of the Underwood tariff. The highlight of the Senate debate came when Senator Robert LaFollette and others demanded that Senators publicly disclose their personal property holdings which might be affected by the tariff legislation. The demand was met and each Senator appeared before the Senate Judiciary Committee to disclose their financial interests. The bill passed, and the New York Times heralded the public confidence it evoked. An editorial stated—

> This is no tariff by log-rolling, by manipulation, by intrigue, by bribery. It was bought by no campaign contributions. It was dictated by no conspiracy between corrupt businesses and corrupt government.

Disclosure does not attempt to define the rights or wrongs in any situation. It makes no judgment, imposes no sanctions or penalties. It gives the public the basis upon which to make a reasoned and well-founded judgment. It is a modest attempt. By permitting the public to make the judgment, disclosure respects the intelligence of the public and the integrity of the democratic process.

Some will feel that disclosure is an intolerable invasion of one's privacy, and make public officers second-class citizens. I would disagree. I, along with a growing number of my colleagues, have voluntarily disclosed a complete list of my financial interests to the public annually in the CONGRESSIONAL RECORD. The public's confidence in the democratic process is a bigger issue, I believe, than an invasion into one's privacy. If we are to restore this needed confidence, we must permit the public to judge us on our complete record for clearly this is the public's domain.

Most of us in the Congress will find disclosure to our benefit, for it will protect us from an uninformed rumor or ill-founded suspicion. It will also help us more directly by permitting the public to judge us rather than we judging each other. We all know how unpleasant it is to sit in judgment of a fellow colleague's conflict of interest. It is indeed an ugly task. Disclosure will put the burden of policing where it belongs—in the hands of the public.

Disclosure is based upon the public's right to know, and its right to have information accessible to it. It is clearly aimed at increasing the sensitivity and involvement of the public in the governmental process. These were the same objectives in passing the recently enacted Campaign Reform Act of 1972. It is a logical and necessary second step to now require what we asked of candidates, to now ask of the elected officials. In this campaign reform legislation, we required both incumbents and challengers to disclose to the public, information regarding their political campaign. We must now afford the public the same protection once that person is elected.

The procedure used in the enforcement of this proposed bill is conveniently identical to that used in enforcing the campaign reform legislation. The reports would go to the Comptroller General, who would perform the ministerial act of receiving and storing the reports, while the enforcement of the disclosure requirements would be delegated to the Justice Department.

Mr. President, I publicly declare today my firm intention to whatever I possibly can to assure the enactment of this bill in the 93d Congress. If adequate and complete hearings are not held on this bill, I will have to consider the possibility of offering the bill as an amendment when there is an opportunity which will further its passage. I am most sincere when I say that the passage of this bill is essential to the workings of the Congress and to the public's involvement in the political process. I would hope that the Committee on Government Operations or the Committee on Rules and Administration will conduct thorough hearings on this measure in the very near future.

I would like to acknowledge the great and valuable contribution of the National Committee for an Effective Congress under the leadership of Russell Hemenway. NCEC has been an enormous encouragement and support for my contribution in this area and I am indeed grateful.

Mr. President, this bill is really a modest attempt to reform the Congress. We are not providing any prohibitions on the outside activities of Members. We are not saying that Members must divest themselves of outside income. We are therefore not saying what Members should or should not do. We are simply putting the facts before the public for their judgment. It is not asking too much; yet its benefits are profound. During the recent hearings conducted by Senator STEVENSON and myself by the Ad Hoc Committee on Congressional Reform witness after witness testified on the need for a bill of this type. The notion that this bill is needed is indeed widespread.

Mr. President, I urge that the Senate consider this bill and we welcome our colleagues to join us in this effort.

By Mr. WEICKER (for himself, Mr. GRIFFIN, and Mr. BUCKLEY):

S. 399. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit. Referred to the Committee on Commerce.

PROTECTION OF ANIMALS IN AIR TRANSPORT

Mr. WEICKER. Mr. President, the Animal Welfare Act of 1970, amending the 1966 act, added substance and scope to Federal standards and enforcement of humane treatment of animals.

And yet, on a recent tour of air freight facilities at Washington's National Airport, I observed a number of substandard shipments of animals stuffed in flimsy crates and afforded no better treatment than regular air freight.

I submit that Congress must exercise legislative leadership to assure humane treatment of animals transported in air commerce. The thrust of the bill reintroduced today by myself and Senator GRIFFIN is to amend the Animal Welfare Act of 1970 to provide that all animal shipment regulations in the act will be adhered to by the common carriers, now exempt in an unexplicable loophole. The bill, entitled the "Animal Air Transport Act" has also been introduced in the House by Congressman WHITEHURST, of Virginia.

Ever since the 91st Congress, I have investigated alternatives for humane action in air commerce, first as a Congressman, and now as a Senator from Connecticut. The problem and tragedies need not be elaborated on further; I would only refer my distinguished colleagues to an excellent article from the January issue of Air Line Pilot magazine, "Live Cargo: Cruelty Aloft?" inserted in the CONGRESSIONAL RECORD, January 11, page 907, by Congressman WHITEHURST.

In extending coverage of the Animal Welfare Act to common carriers, terminal facilities, and all pet shops, this bill closes major loopholes in existing law and affords an opportunity for shippers, carriers, humane societies and governmental agencies to cooperate in the formulation of new Federal standards for the protection of animals in air transit. I am hopeful that the 93d Congress will speedily enact this imperative amending legislation.

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By Mr. HANSEN (for himself, Mr. PERCY, and Mr. MCGEE):

S. 400. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums. Referred to the Committee on Government Operations.

### SURPLUS PROPERTY DONATIONS TO PUBLIC MUSEUMS

Mr. HANSEN. Mr. President, today, I am introducing legislation to permit the donation of surplus property to public museums.

Similar legislation was originally passed by the Senate during the 91st Congress.

During the 92d Congress, this legislation was given the consideration of the Senate Committee on Government Operations. As amended in committee, the legislation was reported with a favorable recommendation.

On September 22, 1972, the Senate passed this legislation; however, as during the 91st Congress, this legislation did not receive consideration by the House of Representatives.

In light of the history of this legislation and the continued need of many nonprofit museums which cannot qualify as educational institutions, I would respectfully request that this legislation, which was agreed to by the Senate only a few months ago, be given the early approval of this body so it might be given ample consideration by the House of Representatives.

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By Mr. SPARKMAN:

S. 401. A bill to amend the Federal Credit Union Act in order that Federal credit unions may operate more efficiently and better serve the financial needs of their members and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, today I introduce a bill to be entitled "The Modernization of the Federal Credit Union Act." This legislation is designed to keep credit union procedures abreast of the times.

The Credit Union National Association established a study commission in 1968 to examine the Federal Credit Union Act and seek recommendations from credit unions throughout the country to make it responsive to the needs of the thousands of its members.

The bill's provisions are housekeeping in nature and deal with day to day operations of the credit unions. The bill also provides a more complete range of services to members. It simply updates the Federal act which regulates credit unions.

I ask unanimous consent to have a copy of the bill and a section by section analysis printed in the record at this point.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 401

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Federal Credit Union Modernization Act of 1973".

SEC. 1. (a) Section 101(1) of the Federal Credit Union Act (12 U.S.C. 1751(1)) is amended—

(1) by striking out the word "organized" and inserting "incorporated" in lieu thereof; and

(2) by striking out the word "promoting" and inserting "encouraging" in lieu thereof; and

(3) by striking out "for provident or productive purposes" and inserting "at a fair and reasonable rate of interest and providing an opportunity for its members to use and control their own money in order to improve their economic and social condition;" in lieu thereof.

(b) Section 101(4) of the Federal Credit Union Act (12 U.S.C. 1751(4)) which begins with the words "the terms 'member account' etc." is redesignated paragraph "(5)" and the succeeding paragraphs numbered (5) (8) are redesignated as paragraphs (6) through (9) respectively; and

(c) Section 101(5) of the Federal Credit Union Act, as redesignated by paragraph (b) of this section is amended by inserting the word "deposits" between the words "shares", and "share certificate", each place these words appear therein.

SEC. 2. Section 103 of the Federal Credit Union Act (12 U.S.C. 1753) is amended—

(1) by striking out the words "some officer competent to administer oaths" and inserting "a witness either individually or collectively," in lieu thereof; and

(2) by striking out the words "$5 each" at the end of paragraph (2) thereof and inserting "in $5 multiples, not less than $5 and not more than $25 each;" in lieu thereof.

SEC. 3. Section 105 of the Federal Credit Union Act (12 U.S.C. 1756) is amended by inserting between the words "regulation" and "on" the words ", subject to the advice and consent of the National Credit Union Board,".

SEC. 4. Section 106 of the Federal Credit Union Act (12 U.S.C. 1756) is amended by inserting between the words "scale of examination fees" and "to be paid" the words "by regulation, subject to the advice and consent of the National Credit Union Board,".

SEC. 5. (a) Subsection (5) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757(5)) is amended—

(1) by striking out the words "unsecured" and "with maturities not exceeding five years, and secured loans with maturities not exceeding ten years,"; and

(2) by striking out the words "for provident or productive purposes" and inserting "at a fair and reasonable rate of interest" in lieu thereof; and

(3) by striking out the words "this chapter and the bylaws provide" and inserting "determined by the board of directors" in lieu thereof; and

(4) by inserting between the words "made" and "except" the words "nor may a director or member of the supervisory committee or credit committee endorse for borrowers"; and

(5) by striking out the words "No director or member of the supervisory or credit committee shall endorse for borrowers".

(b) Subsection (6) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757 (6)) is amended by striking all the words following "or credit committee" and inserting "provided that any such loan or aggregate of loans to one director or committee member which exceeds $2,500 plus pledged shares, must be approved by the board of directors and to permit directors and committee members to act as guarantor or endorser of loans to other members, except that when such a loan standing alone or when added to any outstanding loan or loans of the guarantor exceeds $2,500, approval of the board of directors is required and further provided that such loan complies with all lawful requirements under this chapter with respect to other borrowers and is not on terms more favorable than those extended to other borrowers.".

(c) Subsection (7) of the Federal Credit Union act (12 U.S.C. 1757(7)) is amended—

(1) by striking out the words "federally insured"; and

(2) by inserting the word "deposits" between the words "shares," and "share certificates," each place these words appear therein; and

(3) by striking the semicolon at the end thereof and inserting "subject to such terms and conditions as may be established by the board;"

(d) Paragraph (C) of subsection (8) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757 (8) (C)) is amended by striking out the words "in accordance with rules and regulations prescribed by the Administrator" and "in the total amount not exceeding 25 percentum of its paid-in and unimpaired capital and surplus".

(e) Paragraph (H) of subsection (8) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757 (8) (H)) is amended—

(1) by adding the word "deposits" between the words "shares," and "share certificates,"; and

(2) by striking out the words "federally insured".

(f) Subsection (8) of the Federal Credit Union Act (12 U.S.C. 1757 (8)) is amended by adding the following new paragraphs at the end thereof:

"(I) in participation loans with other credit unions, corporations, or financial organizations in making loans to credit union members;"

"(J) in the purchase of conditional sales contracts and similar instruments of its members;"

"(K) in the capital shares, obligations or preferred stock issues of any agency, association, cooperative, or membership corporation, provided the members, stockholders, patrons or owners are confined to credit unions or credit union organizations and provided such agency, association, cooperative or corporation is organized and designed to service or otherwise assist credit unions in accomplishing their purposes;"

"(L) in loans to any credit union association, national or state, of which such credit union is a member, except that such an investment shall be limited to 1 per centum of the unimpaired capital and surplus of the credit union;"

"(M) in stocks and bonds of United States corporations to a maximum of 5 per centum of the credit union's unimpaired capital and surplus, provided that such investment shall be limited to income stocks or bonds which appear on a list approved by the Administrator published quarterly such list to include not less than 30 corporations; and"

"(N) by making donations or contributions to any non-profit civic, charitable, or community organization as authorized by the board of directors;".

(g) Subsection (9) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757 (9)) is amended by striking out the semicolon at the end thereof and inserting "and for Federal credit unions operating suboffices on American military installations in foreign countries or trust territories of the United States to maintain demand deposit accounts in banks located in those countries or trust territories provided such banks are correspondents of banks described in this subsection;".

(h) Subsection (10) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757 (10)) is amended by striking out all the words beginning with "in an aggregate amount" and ending with "capital" and inserting "and to discount and sell all eligible obligations, including but not limited to obligations due to agricultural loans, student loans and all other loans to members subject to rules and regulations prescribed by the Administrator".

(i) Subsection (13) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757 (13)) is amended by striking all the words beginning with "to sell to members" and ending with "orders for members," and inserting "to collect, receive and disburse monies to members and persons eligible for membership in connection with the sale or presentation of negotiable checks (including travelers checks), money orders, or similar monetary devices,"

(j) Subsection (15) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757 (15)) is amended by striking out the period at the end thereof and inserting ", including such inherent powers as are implied for general corporations;"

(k) Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended by adding the following new subsections at the end thereof:

"(16) to enter into cooperative marketing agreements for its members covering such services as group life insurance, temporary disability coverage, health and accident plans and such programs which are demonstrated to be in the interest of improving the economic and social well being of Federal credit union members;"

"(17) to contribute to, support, and participate in any nonprofit service facility whose services will benefit the credit union or its membership; and"

"(18) to perform trust services for its members, including the administering of trust estates for deceased members under such rules and regulations as determined by the Administrator.".

SEC. 6. Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended to read as follows:

"(a) Membership—Federal credit union membership shall consist of the incorporators and such other persons and incorporated and unincorporated organizations as may be elected to membership and as such shall each subscribe to at least one share of its stock and pay the initial installment thereon and a uniform entrance fee and an annual membership fee if either is required by the board of directors and Federal credit union membership shall include groups having a common bond of similar occupation, association, or interest; to groups who reside or work within an identifiable neighborhood, community, or rural district or to employees of a common employer; to persons who are members of another credit union and who have been recommended for membership in writing by that credit union; to the surviving spouse of a deceased member and to members of the family of such persons described herein; and existing credit unions may include within their field of membership low-income persons, as defined by the Administrator, for whom credit union services are otherwise unavailable. In addition, membership in a Federal central type credit union shall also include persons within the field of membership of liquidated credit unions located in the state where the Federal central type credit union has its principal office."

"(b) Shares, deposits, share certificates and share deposits may be issued in joint tenancy with right of survivorship with any persons designated by the credit union member, but no joint tenant shall be permitted to vote, obtain loans, or hold office, unless he is within the field of membership and is a qualified member."

"(c) Shares, deposits, share certificates and share deposits may also be issued in multiple party accounts. As used in this subsection:

(1) "Account" means a contract of deposit of funds between depositors and credit unions, and includes shares, deposits, share certificates, share deposits, and other like arrangements whether or not they may be characterized as refundable capital investments."

(2) "Beneficiary" means any person named a beneficial owner when an account provides that it is payable to a trustee for the beneficial owner.

(3) "Demand" means a request for withdrawal or for payment according to an order therefor in compliance with all conditions of the account and bylaws of the credit union.

(4) "Multiple-party account" means an account in the names of two or more persons, one or more or all of whom may make withdrawals, or an account in the name of one or more parties as trustee for one or more beneficiaries even though no mention is made of a right of withdrawal by a beneficiary. Accounts established for deposit of funds of a partnership, joint venture or other association or accounts controlled by 2 or more persons as the duly authorized agents or trustees for a corporation, unincorporated association, charitable or civic organization or any trust, except trusts of deposits evidenced only by the form of the deposit, are excluded from the meaning of the term and from the provisions of this act. At least one party to a multiple-party account shall be a member of the credit union in which the account is established."

(5) "net contribution" of a party to a multiple-party account as of any given time is the sum of all deposits made by or for him, less all withdrawals made by or for him which have not been paid to or applied to the use of any other party, plus a pro rata share of any interest or dividends included in the current balance. It includes, in addition, any deposit life insurance proceeds added to the account by reason of the death of the party whose net contribution is in question.

(6) "Party" means a person who, alone, or in conjunction with another, by the terms of the account or as a surviving beneficiary of a trust account, has a present right of withdrawal in a multiple-party account. Unless the context indicates otherwise, it includes a guardian, conservator-trustee, personal representative, or assignee, including an attaching creditor, of a party. It also includes a person identified as a trustee of an account for another whether or not a beneficiary is named, but it does not include any named beneficiary, unless he has a present right of withdrawal.

(7) "Payment" of sums on deposit includes withdrawal and payment on directive of a party.

(8) "Person" includes any person or entity capable of contracting.

(9) "Proof of death" includes a death certificate or other statement issued by an appropriate official which indicates that a named person is dead.

(10) "Sums on deposit" means the balance payable on a multiple-party account including interest, dividends, and in addition any deposit life insurance proceeds added to the account by reason of the death of a party.

(11) "Withdrawal" includes payments to a third person pursuant to directive of a party.

(d) The presumptions created by subsections (e) through (l) concerning beneficial ownership as between parties, or as between parties and beneficiaries, of multiple-party accounts are relevant only to controversies between these persons or their creditors and other successors, and shall have no bearing on the rights of withdrawal of such persons as determined by the terms of account contracts. The provisions of subsections (m) to (p) govern the liability of credit unions who make payments pursuant thereto, and their set-off rights.

(e) During the lifetime of all parties, a multiple-party account which provides that sums on deposit or in shares may be paid cn the demand of either of 2 or more parties is presumed to belong to the parties in proportion to the net contributions by each to the sums on deposit.

(f) In the absence of satisfactory proof of the net contributions, those who are parties from time to time shall be presumed to own a multiple-party account in equal undivided interests.

(g) The death of any party to a multiple-party account shall have no effect on the beneficial ownership of the account, other than to transfer the decedent's right to his estate, unless the account is a survivorship account or trust account, as provided in subsections (h) and (i).

(h) A multiple-party account payable to 2 or more persons, jointly or severally, which does not expressly provide that there is no right of survivorship, through there is no mention of survivorship or joint tenance, is presumed to be a survivorship account. At the death of a party, sums on deposit in a survivorship account belong to the surviving party or parties as against the estate of the decedent. Where there are 2 or more survivors, their respective ownerships shall be in proportion to their previous net contributions augmented by an equal share for each survivor of any interest the decedent may have owned in the account immediately before his death, plus the proceeds of insurance on decedent's life paid to the account. The right of survivorship continues between survivors.

(i) An account which states that a party is a trustee for one or more other identified persons, including but not limited to minors, is a trust account. Except where there is evidence of a trust other than as provided by the form of the account, the account and any sums withdrawn therefrom are presumed to belong beneficially to the trustee until his death. At the death of the trustee or surviving trustee any sums remaining on deposit are presumed to belong to the person or persons named as beneficiaries, if living, or to the survivor of them if one or more have died before the trustee. The death thereafter of any beneficiary has no effect on the equal ownership of all who survived the trustee, as no right of survivorship is presumed to attend the relationship of several beneficiaries who survive a trustee. If no beneficiary survives the trustee, the sums are presumed to belong to the estate of the last trustee to die. If two or more parties are named as trustees on the account, and there is no evidence of trust except as provided by the form of the account, the account is presumed to be a survivorship account as between trustees. It is presumed to be owned between trustees as provided by this Act.

(j) The presumptions stated herein are based upon inferences of the intention of parties to multiple-party accounts arising from the form of the account and the usual expectations of people using these accounts. The presumptions are rebuttable by clear and convincing evidence of a different intention. The presumptions of survivorship are not subject to change by will but may be rebutted by a written order received by the credit union to change the form of account or directing that payment not be made in accordance with the account which is signed by a party and is received by the credit union during the party's lifetime.

(k) Where not rebutted by clear and convincing evidence the presumptions provided in this act are effective to establish beneficial ownership. Any transfers resulting from the application of these presumptions are effective by reason of the account contracts involved in this act and are not to be considered as testamentary or subject to the probate code.

(l) A credit union may enter into multiple-party accounts to the same extent that they may enter into single-party accounts. Any multiple-party account may be paid, on demand, to any one or more of the parties unless the terms of the account expressly stipulate that joint signatures are required. No credit union shall be required to inquire as to the source of funds received for deposit to a multiple-party account or to inquire as to the proposed application of any sum withdrawn from an account. Such an account may be created with any person designated by the credit union member, but no joint tenant shall be permitted to vote, obtain loans or hold office unless he is within the field of membership and is a qualified member.

(m) Any sum in a multiple-party account which does not include a stipulation requiring joint signatures for withdrawals may be paid, on demand, to any party without regard to whether any other party is incompetent or deceased at the time the payment is demanded, except, if the account is one presumed to be a survivorship account under subsection (h) or (i) payment may not be made to the personal representative or heirs of a deceased party unless proofs of death are presented to the credit union showing that the decedent was the last survivng party.

(n) Any account payable to a trustee for another person may be paid on demand to the trustee. Unless the credit union has received written notice of the terms of any trust other than the form of the account, payment may be made to the personal representative or heirs of a deceased trustee if proof of death is presented to the credit union showing that his descendant was the survivor of all other persons named on the account either as trustee or beneficiary; and payment may be made, on demand, to the beneficiary upon presentation to the credit union of proof of death showing that the beneficiary or beneficiaries survived all persons named as trustees.

(o) Payment made pursuant to subsections (l), (m), or (n) discharges the credit union from all claims for amounts so paid whether or not the payment is consistent with the beneficial ownership of the account as between parties, or beneficiaries, or their successors. The protection here given does not extend to payments made after a credit union has received written notice from any party who has a present right of withdrawal to the effect that withdrawals in accordance with the terms of the account should not be permitted. Unless the notice is withdrawn by the person giving it, the death of any party after notice has no effect or withdrawal rights, and the personal representative, or heirs, of the decedent must concur in any demand for withdrawal if the credit union is to be protected under this section. No other notice or any other information shown to have been available to a credit union shall affect its right to the protection provided here. The protection here provided shall have no bearing on the rights of parties in disputes between themselves or their successors concerning the beneficial ownership of funds in, or withdrawn from, multiple-party accounts.

(p) Without qualifying any other statutory right to set-off or lien and subject to any contractual provision, when a party to a multiple-party account is indebted to a credit union, the credit union has a right to set-off against the entire amount of the account.

Sec. 7. Section 111 of the Federal Credit Union Act (12 U.S.C. 1761) is amended to read as follows:

"Management—The business affairs of a Federal credit union shall be managed by a board of an odd number of directors, at least five in number, to be elected at the annual members' meeting by and from the members and a supervisory and credit committee to be appointed by the board. All members of the board shall hold office for such terms, respectively as the bylaws may provide. A record of the names and addresses of the executive officers and the chairmen of the credit and supervisory committees shall be filed with the Administration within ten days after their election or appointment. Any vacancy occuring in the board shall be filled until the next annual members' meeting by appointment by the remainder of the directors. No member of the board or of any committee shall, as such, be compensated, but providing reasonable life, health, accident and similar insurance protection for a director or committee member shall not be considered compensation within the meaning of this section. Any member, while on official business of the Federal credit union authorized by the board of directors may be reimbursed for necessary expenses incidental to the performance of the business."

Sec. 8. Section 112 of the Federal Credit Union Act (12 U.S.C. 1761a) is amended to read as follows:

"Officers—At their organization meeting and within 30 days following each annual meeting of the members thereafter, the directors shall elect from their own number an executive officer who may be designated as chairman of the board or president, a vice-chairman of the board or one or more vice presidents, a treasurer, and a secretary, of whom the last two may be the same individual, and the persons so elected shall be the executive officers of the corporation. No executive officer, except the treasurer shall be compensated as such. The board of directors may employ a person to be in charge of operations whose title shall be president or general manager; or, in lieu thereof, the board of directors may designate the treasurer to act as general manager or president and be in active charge of the affairs of the Federal credit union. The duties of the officers shall be as determined in the bylaws. Before the officer in charge of operations acting as general manager or presidents or the treasurer shall enter upon his duties he shall give bond with good and sufficient security, in an amount and character to be determined by the board of directors in compliance with regulations prescribed from time to time by the Administrator, conditioned upon the faithful performance of his trust."

Sec. 9. Section 113 of the Federal Credit Union Act (12 U.S.C. 1761(b)) is amended to read as follows:

"Directors—The board of directors shall meet at least once a month and shall have the general direction and control of the affairs of the corporation. Minutes of all such meetings shall be kept. Among other things they shall act upon application for membership; require any officer or employee handling funds to give bond with good and sufficient surety in an amount and character to be determined by the board of directors in compliance with regulations prescribed from time to time by the Administrator, and authorize the payment of the premium or premiums therefor from the funds of the Federal credit union; fill vacancies in the board until successors elected at the next annual meeting have qualified; have charge of investments other than loans to officers except that the board may designate a committee of their number to act as an investment committee or designate any qualified individual to act as an investment officer, said investment committee or officer to have charge of making investments under rules and procedures established by the board of directors; determine the interest rates on loans and the maximum amount which may be loaned with or without security to any member; authorize an interest refund to members from income earned and received in proportion to the interest paid by them on such classes of loans and under such conditions as may be prescribed by the board of directors; and provide for compensation of necessary clerical and auditing assistance requested by the supervisory committee and of loan officers appointed by the board. From the persons elected to the board of directors, the board may appoint an executive committee of not less than three directors to act for the board in all respects subject to such conditions and limitations as may be prescribed by the board. Such executive committee or one or more membership officers appointed by the board from among the members of the credit union, other than the treasurer, an assistant treasurer, or a loan officer, may be authorized by the board to approve applications for membership under such conditions as the board may prescribe; except that such committee or membership officer or officers so authorized shall submit to the board at each monthly meeting a list of approved or pending applications for membership received since the previous monthly meeting, together with such other related information as the bylaws or the board may require.".

Sec. 10. Section 114 of the Federal Credit Union Act is amended to read as follows:

"Credit Committee—The board of directors shall appoint a credit committee consisting of an odd number of members of the credit union. The credit committee shall hold such meetings as the business of the Federal credit union may require and not less frequently than once a month to consider applications for loans. No loan shall be made unless it is approved by a majority of the committee who are present at the meeting at which the application is considered. The board of directors may also appoint one or more loan officers, delegate to him, her, or them the power to approve loans under such rules and procedures to be determined by the board. Loans not approved by the loan officers will be reviewed by the credit committee and shall require the approval of all members who are present at the meeting when such action is reviewed. No individual shall have authority to disburse funds of the Federal credit union for any loan which has been approved by him in his capacity as a loan officer. Not more than one member of the credit committee may be appointed as a loan officer. Applications for loans shall be made on forms approved by the board of directors which must include the purpose for which the loan is desired, the security, if any, and such other data as the board may require. No loan may be made to any member if, upon the making of that loan, the member would be indebted to the Federal credit union upon loans made to him in an aggregate amount which would exceed $200 or 10 per centum of the credit union's unimpaired capital and surplus, whichever is greater.".

Sec. 11. Section 115 of the Federal Credit Union Act (12 U.S.C. 1761d) is amended by striking out the word "semiannual" and inserting "annual" in lieu thereof.

Sec. 12. Section 117 of the Federal Credit Union Act (12 U.S.C. 1763) is amended—

(1) by striking the words "annually, semiannually, or quarterly, as the bylaws provide," and inserting "At such intervals as the board of directors may authorize," in lieu thereof; and

(b) by striking the period after the words "net earnings" and inserting "at such rate and upon such classes of shares as determined by the board.".

Sec. 13. Section 121 of the Federal Credit Union Act (12 U.S.C. 1767) is amended by adding at the end thereof the following new sentence:

"In addition, each Federal credit union is authorized to act as fiscal agent for and to receive deposits from a state government or political subdivision thereof and public housing corporations and shall be eligible to hold tax payments and proceeds of obligations of the United States as well as appropriated and nonappropriated funds.".

Sec. 14. Section 126 of the Federal Credit Union Act (12 U.S.C. 1772) is amended by inserting after the words "the several Territories" the words ", including the Trust Territories,".

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### DIGEST OF "FEDERAL CREDIT UNION MODERNIZATION ACT OF 1973"

Sec. 1—*Purpose of Credit Union*—The purpose of this Act is to incorporate the definition of a credit union of CUNA Model Credit

Union Act (Sec. 1): "A credit union is a cooperative non-profit association incorporated in accordance with the provisions of this Act for the purpose of encouraging thrift among its members, creating a source of credit at a fair and reasonable rate of interest, and providing an opportunity for its members to use and control their own money in order to improve their economic and social condition."

Sec. 2—*Organization Certificates*—It will allow the Organization Certificate to be signed before a witness or the signatures to be acknowledged by some official competent to acknowledge.

*Shares, Par Value*—It gives the board of directors authority to establish the par value of shares in $5 multiples, not less than $5, and not more than $25.

Sec. 3 and 4—*Government Fees*—The fees will be determined by regulations established by the Administrator, with the consent of the National Credit Union Board.

Sec. 5(a)—*Loan Maturity*—This will remove all restrictions in Act on loan maturities.

Sec. 5(b)—*Officer Borrowing and Endorsing*—All restrictions will be lifted with respect to borrowing or endorsing of notes by officers, directors, and committeemen, except that any loans in excess of $2,500 plus pledged shares would require approval of the board of directors.

Sec. 5(c)—*Lines of Credit and Credit Cards*—This will allow federal credit unions to establish lines of credit for their members and enable them to use credit cards and other money-transfer type instruments or systems. It will encourage full reciprocity of credit cards in all credit unions.

*Deposit Accounts—Establishment of*—Credit unions will be permitted to operate deposit accounts, limited to members and treated as capital. These accounts will be subject to conditions established by the board of directors.

Sec. 5(d)—*Loans to Other Credit Unions*—This deletes from the Act the limitation that loans to other credit unions in the aggregate may not exceed 25% of the lending credit union's paid-in and unimpaired capital and surplus.

Sec. 5(e)—*Investment in Other Credit Unions*—This will authorize credit unions to deposit or purchase shares in other credit unions without limitations—further that anything in the Act in conflict with this proposal be eliminated.

Sec. 5(f)—*Investment in Service Corporations*—In addition to existing privileges, it will permit funds not used in loans to members to be invested in capital shares, obligations, or preferred stock issues of any agency or association organized either as a stock company, mutual association or membership corporation, provided the membership of stockholdings, as the case may be, of such agency or association are confined or restricted to credit unions or organizations of credit unions, and provided the purposes for which such agency or association is organized are designed to service or otherwise assist credit union operations.

*Purchase of Members' Contracts*—This will authorize a credit union to purchase conditional sales contracts and similar instruments executed by its members.

*Investment in Corporate Securities*—Credit unions will be authorized to invest up to 5% of their shares in any corporate stock or bond which appears on a list approved by the Administrator annually or quarterly. The Administrator should prepare and maintain a list of not less than 30 corporations.

*Donations by Credit Unions*—The board of directors will be permitted to authorize donations by the credit union to community, charitable and civic organizations.

Sec. 5(g)—*Overseas Checking Accounts*—This will authorize federal credit unions operating overseas branches to open checking accounts in foreign banks which are correspondents for U.S. banks.

Sec. 5(h)—*Borrowing Power of Credit Union*—All language will be removed from the Act (or regulations) that imposes borrowing limitations on the credit union.

*Discounting of Notes*—The provisions limiting discounting of paper to Federal Intermediate Credit Bank will be deleted from the law and an unrestricted discounting privilege be substituted.

Sec. 5(i)—*Secondary Services*—A credit union will be allowed to collect, receive and disburse monies in connection with the sale of travelers checks, money orders, or other money-type instruments, and for such other purposes as may provide benefit or conveniences for members or potential members.

Sec. 5(j)—*Incidental Powers*—A federal credit union will be authorized to exercise such incidental powers as shall be necessary or requisite to enable it to carry out efficiently the business for which it is organized, including such incidental powers as are generally granted to corporations.

Sec. 5(k)—*Insurance Programs*—The federal credit unions will be authorized to purchase or otherwise acquire on a group or individual basis insurance coverage and programs on behalf of its members.

*Financial Couriseling and Other Beneficial Services*—Credit unions will be authorized to contribute to, support and participate in any non-profit service facility whose services will benefit the credit union or its membership.

*Trust Fund Administration*—This grants credit unions trust powers with particular emphasis on administering estates.

Sec. 6(a)—*Common Bond*—Seeks legislation to assure the broadest possible interpretation of the common bond.

*Entrance*—The collection of an entrance fee will be permissive rather than mandatory.

*Members of Liquidated Credit Unions*—This will authorize federal central-type credit unions to extend membership to members of liquidated credit unions in their state.

Sec. 6(b, c)—*Multiple Party Accounts*—This will add a new multiple party account provision enabling credit unions to offer members (1) a multiple party share account with survivorship; (2) a share-deposit account of trustee for beneficiary; (3) a multiple party share-deposit account without survivorship; (4) a multiple party share-deposit account which includes one or more non-member parties.

Sec. 7—*Number of Directors*—The number of directors on the board will consist of an odd number, not less than five.

*Reports to Administrator*—The Administrator will be furnished only the names and addresses of the executive officers of the credit union, as well as the same information concerning the chairman of the supervisory and credit committees.

*Insurance for Officials*—This will exclude a credit union's purchase of life, accident, and health insurance for its officers, directors and committeemen from being deemed compensation within the meaning of the Act.

Sec. 8—*Title of Officers*—At the first meeting after the annual meeting of the members, the directors shall elect from their own number a chief executive officer who may be designated as chairman of the board or president, a vice-chairman or vice president(s) a treasurer, and a secretary, of whom the last two may be the same official. The board of directors may employ a chief operating officer in charge of operations whose title shall be either president or general manager; or, in lieu thereof, the board of directors may designate the chief operating officer to be in active charge of the affairs of the credit union.

Sec. 9—*Executive Committee*—The board of directors will be authorized to appoint an executive committee of not less than three directors, giving it full power to act for the board within any limitations set by the board.

*Investment Officer*—This authorizes an individual designated by the board of directors to make investments under policies established by the board.

*Interest Refunds—Frequency of, Rate of*—This will permit the interest refund period to be other than the dividend period and to provide for valuable interest refund rates.

*Membership Officers*—This will permit the appointment of more than one membership officer at the option of the board of directors.

Sec. 10—*Credit Committee—Appointment of*—The board of directors will be empowered to appoint the credit committee, with the option that the committee may be eliminated entirely and its responsibilities to approve or disapprove loans assigned to a loan officer(s).

*Approval of Loans by*—Approval of loans by the credit committee will be by a simple majority vote.

*Unsecured Loan Limit*—This will remove the unsecured loan limit from the Act, allowing the board of directors to set it. However, to retain the overall limit on loans to any individual.

*Loan Officers—Appointment of*—This will authorize the board of directors to appoint loan officer(s) and prescribe rules under which they perform.

*Reports by*—This reals the requirement that loan officers must report to the credit committee at least every seven days. Frequency of reports will be governed by rules of the directors.

Sec. 11—*Supervisory Committee Audit*—This requires the supervisory committee to perform one comprehensive annual audit per year and to make a report thereof to the board of directors and a summary of the report to the members at the next annual meeting.

Sec. 12—*Dividend Frequency*—The frequency for payment of dividends will be removed from the Act so as to be completely at the discretion of the board of directors.

*Variable Dividend Rates*—This authorizes variable dividend rates on shares.

Sec. 13—*Fiscal Agent*—This will allow federal credit unions to serve as fiscal agents for units of governments, political subdivisions thereof, and public housing corporations.

Sec. 14—*Trust Territories of Pacific Islands*—This includes any of the trust territories of the United States in the Federal Credit Union Act.

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By Mr. NELSON:

S. 406. A bill to amend the Federal Food, Drug, and Cosmetic Act, relating to food additives. Referred to the Committee on Labor and Public Welfare.

FOOD ADDITIVES

Mr. NELSON. Mr. President, since two food additives bills, S. 76 and S. 3163, were introduced in the last Congress, public concern and awareness in the food additives area has increased.

Hearings conducted before the Senate Special Committee on Nutrition and Human Needs, September 19, 20, and 21, 1972, brought out a wide range of concerns on the part of scientists, consumers, and industry over use and regulation of additives.

Meanwhile, public controversy continues over such additives as saccharin, red dye No. 2, nitrates, nitrites, monosodium glutamate, and particularly, the Delaney anticancer section of the Food, Drug, and Cosmetic Act.

These controversies are carried on in the scientific community, the legal community, and by consumer laymen. The arguments promise to increase before they abate.

The bill we introduce today, the Food Protection Act, was designated S. 3163 in the last session. It grew out of the 1970 White House Conference on Food, Nutrition, and Health. Its goal is to eliminate the use of unsafe, poorly tested, and unnecessary chemicals in the food supply.

It would require proof that additives have a demonstrable benefit and are necessary, prior to governmental approval.

It calls for third-party testing of additives, so that approval can be based on data other than that supplied solely by the manufacturer and promoter of an additive.

The bill also calls for factory inspection and registration of additive producers, and requires the Federal Government to set nutritional standards for food.

It is worth noting that, according to industry and FDA figures, some 3,000 chemicals are used in food processing in this country: roughly 1,000 are used directly in food as additives; another 2,000 infiltrate through packaging materials or other indirect contacts. The use of food chemicals has more than doubled from an estimated 419 million pounds in 1955 to more than one billion pounds today, according to industry figures. The industry says the average American eats 5 pounds of additives every year.

In 1970, the FDA received 476 new applications for food additives; 62 were approved. In 1971, the FDA received 110 new additive applications; 51 were approved. In 1972, the FDA received 109 new applications; 77 were approved.

These chemicals are used as stabilizers, preservatives, disinfectants, antioxidants, extenders, tenderizers, emulsifiers, growth promoters, bleaches, sweeteners, conditioners, colors and flavors.

According to two papers presented at the American Chemical Society annual meeting in 1971, the food additives business is expected to boom in the next 10 years. The papers, one by an industry representative and one by a consultant to the industry, project that food additive sales will rise from the present $500 million a year to $756 millon in 1980.[1]

Many of the additives now used have never been adequately tested for toxic or harmful effects. Thus, the American public is a testing ground for many chemical agents.

Some 600 chemicals were generally recognized as safe under the 1958 food additives amendment to the Food, Drug and Cosmetics Act, and were exempted from testing and new approval by the FDA. These "gras" list items include cyclamates, now banned from all foods; MSG, which has been voluntarily removed from baby foods; saccharin, now off the "gras" list and under review; nitrates and nitrites, now under study, the latter having been restricted to certain uses by the FDA.

The scientific community increasingly raises concerns over the long range, accumulative effects of all these chemicals on the human genetic structure, their effects on the unborn, and the synergistic effects of chemicals in combination.

The list grows daily of chemicals that are discovered to have harmful effects.

Many of the chemicals widely used in the United States of America are banned or restricted in other nations or condemned by the United Nations World Health Organization—WHO—and Food and Agriculture Organization—FAO. They include BHA and BHT, antioxidants that are restricted in Britain and banned from baby foods. BHA and BHT are commonly used in U.S. baking products. Red dye No. 2, used in foods and cosmetics, has been banned in the Soviet Union. Sodium benzoate and benzoic acid is banned from many foods by the State of Wisconsin. DES—diethylstylbestrol—a cancer-causing hormone added to animal feeds, is banned in 21 countries; the FDA has banned its use in liquid and dry feed form as of January 1, 1973.

The FDA is reviewing the "gras" list and testing some of the substances. Most of them remain in common use, however.

In 1970, for the first time, Americans spent more money for processed, convenience, snack, and franchised foods than for fresh foods.

This rapid increase and proliferation of processed and convenience foods has prompted the FDA to ask industry voluntarily to meet nutritional standards in the quality of products. However, the industry is not required to comply with minimum standards—only urged to do so. This bill would require minimum nutritional standard setting which products would have to meet.

Additives cut costs to the producer, but not necessarily to the consumer. A package of instant eggs, for example, advertised as containing the equivalent of two eggs, costs 30 cents, compared to an average of 5 cents for one real egg. That means the consumer is paying three times as much per package for powdered synthetic eggs as he would pay for two real eggs.

The food industry had $139.2 billion in sales in 1971, a 63 percent growth since 1960. It is the Nation's largest and fastest growing business. The managing editor of the trade magazine, Food Engineering, Leonard Trauberman, has written.

> Convenience foods have contributed more than anything else to the growth of the food industry.

The trade magazines emphasize convenience foods and new additives which make them possible. Some examples of recent advertisements read:

> Out of the laboratory comes (a synthetic) dehydrated cheese. (It) gives you real cheddar taste at a greatly reduced unit cost.
>
> Partial or complete replacement of corn grits in direct-expansion snacks is possible with the use of a coarse-form modified starch from (a chemical company).
>
> Any potato product processed with (a chemical company's sodium acid pyrophosphate [SAP]) preserves the natural color.
>
> A fabulous new food . . . TVP (textured vegetable protein) . . . could hardly look or taste better . . . or be more economical. It is available in granular, chunk, dice, strip and chip forms. It comes unseasoned, or with flavoring of almost any kind—meaty, nutty, tangy, salty, even fruit flavors. Easy to handle and to store and completely controlled in texture, flavor and color, TVP is exceptionally well suited for institutional feeding and restaurants. It's an excellent enrichment for casseroles, snacks, stews, gravies, ground meats and many convenience foods. Find out more about this fabulous new food . . . about the profit-making opportunities it affords.
>
> Our red coloring looks so natural you'd swear it grew on a vine.
>
> Time to increase profits! (A stabilizer) reduces cooling period required before cutting fruit pies.
>
> One trade magazine advertised a seminar thusly:
>
> Now ingredients and additives suppliers can reduce significantly the risk involved in selling in this vast 5 billion dollar market.

There is no question that food additives are big business. The chemical and drug industries have joined the food industry in a vast food-industrial complex that the FDA is supposed to regulate.

The result is a proliferation of food chemicals that are unnecessary, an unknown number that are unsafe, many untested, and poorly monitored.

These bills would provide for more careful regulation, monitoring, and testing of food additives.

Dr. Jean Mayer of Harvard University, President Nixon's Adviser on Nutrition, has said:

> We can live perfectly well without additives.

Ogden Johnson, head of the FDA's Division of Nutrition, has said:

> If the additive has no definite benefit, why use it at all?

FDA Commissioner Charles Edwards, has stated:

> If I am reading consumer complaint correctly, among other things, they are saying that at least for some foods, there must be a positive gain or benefit in the food, or, in the case of food additives, there must be a positive reason for its use."

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, along with a section-by-section analysis, following these remarks.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

### S. 406

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

SECTION 1. This Act shall be known as the "Food Protection Act of 1973."

### FOOD ADDITIVE TESTING

SEC. 2. Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding immediately after section 409 a new section as follows:

### "TESTING OF FOOD ADDITIVES

"SEC. 410. (a)(1) The Secretary shall be responsible for all tests or investigations conducted on all new food additives submitted to him for approval under this Act for the purpose of determining whether or not such additives may be used in food, and shall be responsible for having new tests or investigations conducted on additives which have been approved prior to the enactment of this section, in order to determine whether or not approval of such additives should be withdrawn.

"(2) The Secretary, in carrying out the provisions of paragraph (1), shall not conduct tests or investigations, but shall contract with qualified individuals, organizations, but shall contract with qualified individuals, organizations, or institutions to conduct such tests or investigations.

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[1] The Future of Chemical Additives in Foods—the 1970's—A period of challenge and change for Food Additives, by Richard L. Hughes, A. D. Little Co., presented at American Chemical Society, 1971, *Congressional Record*, vol. 118, pt. 3, p. 3723.

"(b) Whenever the Secretary receives an application from any person for approval of a new food additive pursuant to this section, he shall, as soon as practicable, provide for the necessary testing or investigation of such food additive.

"(c) It shall be the responsibility of the Secretary to insure that the testing or investigation of such food additive is conducted by experts (certified by the Secretary in accordance with rules and regulations promulgated by him) qualified to investigate and evaluate the safety and effectiveness of food additives. In the preparation of specifications for the conducting of tests or investigations of any food additive under this section, the Secretary shall consider the food in or on which the additive is proposed to be used and shall consider, among other relevant factors, those factors prescribed in section 409(c)(5).

"(d) In any case in which the Secretary determines that a period of more than one year is necessary to develop the necessary data to support or deny approval of any food additive for which approval has been requested, he shall notify the applicant to that effect and indicate the amount of additional time needed for such purpose.

"(e) The sponsor of any food additive submitted to the Secretary for testing and investigation shall, upon request, be provided with the pertinent facts relating to the testing or investigation of the food additive, including the procedures being used in such testing or investigating. If the sponsor objects to the manner, scope, or procedures used by the Secretary in testing, evaluating, or investigating the food additive, or a determination made under subsection (d), he may notify the Secretary of his objections and request a hearing on the record to adjudicate the matter.

"(f) Whenever a food additive has been submitted to the Secretary by a sponsor for approval, the sponsor, at his own expense, shall make available such amount of the food additive and the food in or on which such additive is proposed to be used as the Secretary determines is necessary for adequate testing and investigation.

"(g) The testing or evaluation of any food additive shall be terminated as promptly as practicable by the Secretary upon receipt by him of a written request from the sponsor of such food additive to discontinue such testing or investigation; and the sponsor shall be liable for the payment of all costs attributable to the termination of such testing or investigation.

"(h)(1) The sponsor of any new food additive submitted to the Secretary for testing or investigation under this section shall be liable for the direct costs incurred in carrying out such testing or investigation. The Secretary shall prescribe by regulation the manner in which charges shall be computed for the testing or investigation of any food additive.

"(2) If any amount of the charges for testing or investigating a food additive under this section is unpaid after the due date thereof, as prescribed by regulations, interest shall accrue thereon at the rate of 6 per centum per annum. Past due charges and interest thereon shall be recoverable by civil action brought in the name of the United States in the appropriate district court of the United States.

"(i) In administering the provisions of this section, the Secretary is authorized to utilize the services and facilities of any other agency of the Federal Government and of any institution, organization, or individual in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

"(j) A request by the sponsor of any food additive for termination of the testing or investigation of such food additive at any time prior to one year from the date such food additive was submitted to the Secretary for testing shall constitute sufficient basis for the denial of approval for such food additive.

"(k) Nothing in this section shall be construed as prohibiting the sponsor of any food additive from conducting tests or investigations wtih such food additive in accordance with other provisions of this Act.

"(l) The results of all tests and investigations conducted under this section with any new food additive shall be made public by the Secretary in accordance with section 552 of title 5, United States Code."

Sec. 3(a) Section 301 of such Act is amended by adding to the end thereof the following new subsections:

"(q) The introduction or delivery for introduction into interstate commerce of any food additive, color additive, or any food containing a food additive or color additive, which has not been proven to be safe, effective, and necessary in accordance with procedures established and results approved by the Secretary, in the production of food, or unavoidable by good manufacturing practices for use under the conditions prescribed."

(b) Section 409(a) of such Act is amended by renumbering clauses (1) and (2) as (2) and (3), respectively, and inserting a new clause (1) as follows:

"(1) it has been tested or investigated pursuant to section 410 and approved by the Secretary for its intended use;"

(c) Section 409(c)(2) is amended by inserting before the period at the end thereof the following: ", but in any case where testing or investigation is required under section 410 the provisions of that section shall apply".

(d) Section 510(b) of such Act is amended by inserting after the word "drugs" the following "or of a food additive or food additives".

(e) Section 704(a) of such Act is amended by—

(1) inserting in clause (1) after the word "food,", each time it appears therein, the words "food additives".

(2) inserting in the second sentence after the word "which" the first time it appears therein, the following: "food, food additives, or".

Sec. 4. (a) Section 401 of such Act is amended by inserting after the word "container" the first time it appears therein a comma and the following: "and reasonable standards of nutritional value".

(b) Section 402(c) of such Act is amended by inserting before the period at the end thereof the following: "or which is unnecessary for the maintenance of the nutritional value or preservation of such food".

(c) Section 403(e) of such Act is amended by striking out "and" at the end of clause (1) and striking out the colon preceding the proviso in clause (2) and inserting in lieu thereof the following: "; and (3) an accurate statement of the nutritional value of the contents:".

### SECTION-BY-SECTION ANALYSIS OF FOOD ADDITIVES BILL

Sec. 1. Title: The "Food Protection Act of 1973."

Sec. 2. Food additive testing.

Amends Chapter IV of the Food, Drug and Cosmetic Act, giving HEW authority and responsibility for all tests or invesigations conducted on all new food additives submitted for approval for use in food. The Secretary shall also be responisble for having new tests conducted on additives that were approved prior to enactment of this bill, to determine whether they should be withdrawn.

The Secretary shall contract with qualified third-party laboratories to conduct such tests.

Such tests shall be conducted by experts certified by the Secretary.

Sponsor of food additives for testing may receive pertinent facts relating to the testing procedure, and, if he objects to the procedures, may request a hearing on the matter.

Sponsor shall provide the necessary material for testing, and shall pay all costs of testing, with charges to be recoverable by civil action if unpaid after the due date.

Secretary may use services and facilities of any other agency in the federal government and of any institution, organization, or individual for testing.

Sponsor may request termination of testing prior to one year from date of application, which request shall constitute sufficient basis for denial of approval of such additive.

Nothing prohibits sponsor of any additive from conducting tests of his own.

The results of tests conducted under this section shall be made pubic.

Sec. 3. Prohibited acts, registration of producers, factory inspection.

A new section added to Sec. 301 of the Food, Drug and Cosmetic Act prohibits the introduction or delivery for introduction into interstate commerce of any food, food additive or color additive or food containing additives that have not been proven to be safe, effective and necessary in accordance with procedures established and results approved by the Secretary, in the production of food, or unavoidable by good manufacturing practices for use under the conditions prescribed.

Extends of Sec. 704(a) of the Food, Drug and Cosmetic Act to allow any factory, warehouse or establishment in which food additives are manufactured, processed, packed or held to be inspected by HEW employees.

Sec. 4. Nutrition standards.

Nutritional value is added to definitions and standards for food, under Sections 401, 402(c) and 403(e) of the Food, Drug and Cosmetic Act. The Secretary shall set reasonable standards of nutritional value for food.

By Mr. BENNETT:

S. 407. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of certain distributions and sales pursuant to the Bank Holding Company Act Amendments of 1970. Referred to the Committee on Finance.

Mr. BENNETT. Mr. President, today I am introducing legislation that would amend the Internal Revenue Code of 1954 with respect to tax treatment of certain distributions and sales pursuant to the Bank Holding Company Act Amendments of 1970. It was understood when the Senate passed the 1970 amendments that the hardship caused by divestiture would be ameliorated by appropriate tax relief legislation allowing for the tax-free distribution of divested assets. I would like to point out that similar tax legislation was enacted after the Bank Holding Company Act of 1956 and after its 1966 amendments.

In general the 1970 amendments required a one bank holding company to divest either its bank or nonbank assets. My legislation would provide some tax relief to the stockholders in those bank holding companies that will be forced to divest themselves of assets. Under this proposal, property which is required to be divested could be distributed to the stockholders without any recognition of gain to the stockholders. Without this legislation, the distribution would work an unfair economic hardship on the stockholders through no fault of their own.

I think it is important to note that this will apply only to the distribution of property under the Bank Holding Company Act which had been acquired prior to July 7, 1970—the date the Senate Banking and Currency Committee ordered the bill reported to the Senate. Prior to any distribution, the bank holding company would be required to obtain the certification of the Federal Reserve Board that the distribution is necessary or appropriate to effectuate the Bank Holding Company Act of 1970.

Mr. President, this is not unusual legislation. There are numerous precedents for it, and I would hope it can be speedily enacted to prevent any undue hardships on those stockholders who may have been forced into an economic position through no fault of their own.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 407

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) subchapter O of chapter 1 of the Internal Revenue Code thereof of 1954 is amended by adding at the end thereof the following new part:

"Part X—Distributions and Sales Pursuant to Bank Holding Company Act Amendments of 1970.

"Sec. 1121. Distributions Pursuant to Bank Holding Company Act Amendments of 1970.

"(a) Distributions of Certain Nonbanking Property.—

"(1) Distributions of prohibited property.—If—

"(A) a qualified bank holding corporation distributes prohibited property (other than stock received in an exchange to which subsection (c)(1) applies)—

"(i) to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

"(ii) to a shareholder, in exchange for its preferred stock; or

"(iii) to a security holder, in exchange for its securities; and

"(B) the Board has, before the distribution, certified that the distribution of such prohibited property is necessary or appropriate to effectuate section 4 of the Bank Holding Company Act of 1956, as amended by the Bank Holding Company Act Amendments of 1970,

then no gain to the shareholder or security holder from the receipt of such property shall be recognized.

"(2) Distributions of stock and securities received in an exchange to which subsection (c)(1) applies.—If—

"(A) a qualified bank holding corporation distributes—

"(i) common stock received in an exchange to which subsection (c)(1) applies to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

"(ii) common stock received in an exchange to which subsection (c)(1) applies to a shareholder, in exchange for its common stock; or

"(iii) preferred stock or common stock received in an exchange to which subsection (c)(1) applies to a shareholder, in exchange for its preferred stock; or

"(iv) securities or preferred or common stock received in an exchange to which subsection (c)(1) applies to a security holder in exchange for its securities; and

"(B) any preferred stock received has substantially the same terms as the preferred stock exchanged, and any securities received have substantially the same terms as the securities exchanged, then, except as provided in subsection (f), no gain to the shareholder or security holder from the receipt of such stock or such securities or such stock and securities shall be recognized.

"(3) Non pro rata distributions.—Paragraphs (1) and (2) shall apply to a distribution whether or not the distribution is pro rata with respect to all of the shareholders of the distributing qualified bank holding corporation.

"(4) Exception.—This subsection shall not apply to any distribution by a company which has made any distribution pursuant to subsection (b).

"(5) Distributions involving gift or compensation.—In the case of a distribution to which paragraph (1) or (2) applies, but which—

"(A) results in a gift, see section 2501, and following, or

"(B) has the effect of the payment of compensation, see section 61(a)(1).

"(b) Corporation Ceasing to be a Bank Holding Company.—

"(1) Distributions of bank property.—If—

"(A) a qualified bank holding corporation distributes bank property (other than stock received in an exchange to which subsection (c)(2) applies)—

"(i) to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

"(i) to a shareholder, in exchange for its preferred stock; or

"(iii) to a security holder, in exchange for its securities; and

"(B) the Board has, before the distribution, certified that—

"(i) such property is all or part of the property by reason of which such corporation owns or controls (within the meaning of section 2(a) of the Bank Holding Company Act of 1956, as amended) a bank or bank holding company, or did so own or control a bank or bank holding company prior to any distribution under section 1121; and

"(ii) the distribution is necessary or appropriate to effectuate the policies of such Act,

then no gain to the shareholder or security holder from the receipt of such property shall be recognized.

"(2) Distribution of stock and securities received in an exchange to which subsection (c)(2) applies.—If.—

"(A) a qualified bank holding corporation distributes—

"(i) common stock received in an exchange to which subsection (c)(2) applies to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

"(ii) common stock received in an exchange to which subsection (c)(2) applies to a shareholder, in exchange for its common stock; or

"(iii) preferred stock or common stock received in an exchange to which subsection (c) (2) applies to a shareholder, in exchange for its preferred stock; or

"(iv) securities or preferred or common stock received in an exchange to which subsection (c)(2) applies to a security holder, in exchange for its securities; and

"(B) any preferred stock received has substantially the same terms as the preferred stock exchanged, and any securities received have substantially the same terms as the securities exchanged,

then, except as provided in subsection (f), no gain to the shareholder or security holder from the receipt of such stock or such securities or such stock and securities shall be recognized.

"(3) Non pro rata distributions.—Paragraphs (1) and ((2) shall apply to a distribution whether or not the distribution is pro rata with respect to all of the shareholders of the distributing qualified bank holding corporation.

"(4) Exception.—This subsection shall not apply to any distribution by a corporation which has made any distribution pursuant to subsection (a).

"(5) Distributions involving gift or compensation.—In the case of a distribution to which paragraph (1) or (2) applies, but which—

"(A) results in a gift, see section 2501, and following, or

"(B) has the effect of the payment of compensation, see section 61(a)(1).

"(c) Exchanges Involving Creation of Subsidiary.—

"(1) Exchanges involving prohibited property.—If—

"(A) any qualified bank holding corporation exchanges (i) prohibited property, which, under subsection (a)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain to such shareholders or security holders, and other property (except bank property), for (ii) all of the stock of a second corporation created and availed of solely for the purpose of receiving such property;

"(B) immediately after the exchange, the qualified bank holding corporation distributes all of such stock in a manner prescribed in subsection (a)(2); and

"(C) before such distribution, the Board has certified (with respect to the property exchanged which consists of property which, under subsection (a)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain) that the exchange and distribution are necessary or appropriate to effectuate section 4 of the Bank Holding Company Act of 1956 as amended by the Bank Holding Company Act Amendments of 1970,

then subsection (a)(2) shall apply with respect to such distribution.

"(A) any qualified bank holding corporation exchanges (i) bank property which, under subsection (b)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain to such shareholders or security holders, and other property (except prohibited property), for (ii) all of the stock of a second corporation created and availed of solely for the purpose of receiving such property;

"(B) immediately after the exchange, the qualified bank holding corporation distributes all of such stock in a manner prescribed in subsection (b)(2); and

"(C) before such distribution, the Board has certified (with respect to the property exchanged which consists of property which, under subsection (b)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain) that—

"(i) such property is all or part of the property by reason of which such corporation owns or controls (within the meaning of section 2(a) of the Bank Holding Company Act of 1956, as amended) a bank or bank holding company or did so own or control a bank or bank holding company prior to any distribution under section 1121; and

"(ii) the exchange and distribution are necessary or appropriate to effectuate the policies of such Act,

then subsection (b)(2) shall apply with respect to such distribution.

"(d) Distributors To Avoid Federal Income Tax.—

"(1) Prohibited Property.—Subsection (a) shall not apply to a distribution if, in connection with such distribution, the distributing corporation retains, or transfers after July 7, 1970, to any corporation, property (other than prohibited property) as part of a plan one of the principal purposes of which is the distribution of the earnings and profits of any corporation.

"(2) Banking property.—Subsection (b) shall not apply to a distribution if, in connection with such distribution, the distributing corporation retains, or transfers after July 7, 1970, to any corporation, property (other than bank property) as part of a plan one of the principal purposes of which is the distribution of the earnings and profits of any corporation.

"(e) Time Limit.—Subsection (a) or (b) shall not apply unless the distribution described in such subsection of prohibited property or bank property is completed within three years after the first distribution of such property is made.

"(f) Certain Exchanges of Securities.—In the case of an exchange described in subsection (a) (2) (A) (iv) or subsection (b) (2) (A) (iv), subsection (a) or (b) (as the case may be) shall apply only to the extent that the principal amount of the securities received does not exceed the principal amount of the securities exchanged.

"(g) Basis of Property Acquired in Distributions.—If, by reason of section 1121, gain is not recognized with respect to the receipt of any property, then, under regulations prescribed by the Secretary or his delegate—

"(1) if the property is received by a shareholder with respect to stock, without the surrender by such shareholder of stock, the basis of the property received and of the stock with respect to which it is distributed shall, in the distributee's hands, be determined by allocating between such property and such stock the adjusted basis of such stock; or

"(2) if the property is received by a shareholder in exchange for stock or by a security holder in exchange for securities, the basis of the property received shall, in the distributee's hands, be the same as the adjusted basis of the stock or securities exchanged, increased by—

"(A) the amount of the property received which was treated as a dividend, and

"(B) the amount of gain to the taxpayer recognized on the property received (not including any portion of such gain which was treated as a dividend).

"(h) Allocation of Earnings and Profits.—

"(1) Distribution of stock in a controlled corporation.—In the case of a distribution by a qualified bank holding corporation under section 1121(a)(1) or (b)(1) of stock in a controlled corporation, proper allocation with respect to the earnings and profits of the distributing corporation and the controlled corporation shall be made under regulations prescribed by the Secretary or his delegate.

"(2) Exchanges described in section 1121 (c) (1) or (2).—In the case of any exchange described in section 1121 (c) (1) or (2), proper allocation with respect to the earnings and profits of the corporation transferring the property and the corporation receiving such property shall be made under regulations prescribed by the Secretary or his delegate.

"(3) Definition of controlled corporation.—For purposes of paragraph (1), the term 'controlled corporation' means a corporation with respect to which at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock is owned by the distributing qualified bank holding corporation.

"(i) Itemization of property.—In any certification under this part, the Board shall make such specification and itemization of property as may be necessary to carry out the provisions of this part.

"Sec. 1122. Sales Pursuant to Bank Holding Company Act Amendments of 1970.

"(a) Nonrecognition of Gain.—If a qualified bank holding corporation after December 31, 1970, sells prohibited property or bank property the divestiture of either of which the Federal Reserve Board certifies is necessary or appropriate under the Bank Holding Company Act Amendments of 1970, gain from such sale, at the election of the taxpayer, shall be recognized only to the extent that the amount realized upon such sale (regardless of whether such amount is received in one or more taxable years) exceeds the cost of qualifying replacement property purchased during the reinvestment period. An election under this subsection shall be made at such time in such manner as the Secretary or his delegate may by regulations prescribe. For purposes of this subsection the taxpayer shall be considered to have purchased property only if, but for the provisions of subsection (e), the unadjusted basis of such property would be its cost within the meaning of section 1012.

"(b) Certification.—Subsection (a) shall not apply unless the Federal Reserve Board certifies, prior to any sale, that the sale of prohibited property or bank property, as the case may be, is necessary or appropriate to effectuate the Bank Holding Company Act Amendments of 1970.

"(c) Reinvestment Period.—The reinvestment period referred to in subsection (a) shall be the period beginning three years before the date of disposition of the prohibited property or bank property, as the case may be (but not before January 1, 1971), and ending three years after the date of disposition of such property or ending at the close of such later date as the Secretary or his delegate may designate for reasonable cause shown. For purposes of this subsection, no property acquired before the disposition of the prohibited property or bank property shall be considered to have been acquired for the purpose of replacing such property unless held by the taxpayer on the date of such disposition.

"(d) Qualifying Replacement Property.—For purposes of subsection (a), qualifying replacement property means property which is permitted to be held without any requirement of divestiture under the Bank Holding Company Act of 1956, as amended by the Bank Holding Company Act Amendments of 1970, and which is—

"(1) stock of another corporation if, immediately after the purchase, the acquiring corporation has control of such other corporation (whether or not such acquiring corporation had control immediately before the purchase); or

"(2) substantially all the assets of another corporation used in the trade or business of such corporation.

For purposes of this paragraph, the term "control" means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation.

"(e) Basis of Qualifying Replacement Property.—

"(1) To the extent gain is not recognized because subsection (a) applies, such gain shall be applied to reduce the basis for determining gain or loss of—

"(A) any assets which are qualifying replacement property,

"(B) any stock which is qualifying replacement property,

"(C) any assets of a corporation the stock of which is qualifying replacement property, provided that the basis of such assets shall not be reduced below the greater of (i) the basis of the stock of such corporation as reduced pursuant to paragraph (1)(B) of this section, or (ii) the basis of the prohibited property or bank property which is sold by the qualified bank holding corporation determined as of the date of such sale.

If the qualifying replacement property consists of stock of more than one corporation or assets of one or more trades or businesses, the basis determined under the preceding sentence shall be allocated, under regulations prescribed by the Secretary or his delegate, to such replacement property in proportion to its respective cost.

"(f) Assessment of Deficiencies.—If the taxpayer has made an election under subsection (a) with respect to a sale, then notwithstanding any other provision of law or rule of law the statutory period for the assessement of any deficiency (including interest and additions to the tax) shall not expire until three years from the date the Secretary or his delegate is notified by the taxpayer (in such manner as the Secretary or his delegate may by regulations prescribe) of the purchase of qualified replacement property or the failure to timely purchase such property. Such deficiency may be assessed before the expiration of such three-year period notwithstanding the provisions of section 6212(c) or the provisions of any other law or rule of law which would otherwise prevent such assessment.

"Sec. 1123. Definitions.

"(a) Bank Holding Company.—For purposes of this part, the term 'bank holding company' has the meaning assigned to such term by section 2 of the Bank Holding Company Act of 1956, as amended by the Bank Holding Company Act Amendments of 1970.

"(b) Qualified Bank Holding Corporation.—For purposes of this part, the term 'qualified bank holding corporation' means any corporation (as defined in section 7701 (a)(3)) which the Federal Reserve Board certifies became, as a result of the enactment of the Bank Holding Company Act Amendments of 1970, a bank holding company on the date of such enactment.

"(c) Bank Property.—For purposes of this part, the term 'bank property' means property acquired on or before July 7, 1970, by reason of which a corporation owns or controls (within the meaning of section 2(a) of the Bank Holding Company Act of 1956, as amended) a bank or bank holding company, or did so own or control a bank or bank holding company prior to any distribution under section 1121 or 1122.

"(d) Prohibited Property.—For purposes of this part, the term 'prohibited property' means in the case of any qualified bank holding corporation, property (other than nonexempt property and other than bank property) acquired on or before July 7, 1970—

"(1) the disposition of which would be necessary or appropriate to effectuate section 4 of the Bank Holding Company Act of 1956, as amended by the Bank Holding Company Act Amendments of 1970; or

"(2) which would otherwise be prohibited property (within the meaning of paragraph (1) of this subsection) except for the application of section 4(c) (11) of the Bank Holding Company Act of 1956, as amended by the Bank Holding Company Act Amendments of 1970.

The term 'prohibited property' does not include ownership of (A) five percent or less of the outstanding voting shares of any company to which the prohibitions of section 4 of the Bank Holding Company Act of 1956, as amended, do not apply by reason of subsection (c) (6) of such section, or (B) ownership of shares of an investment company which is not a bank holding company and to which the prohibitions of section 4 of the Bank Holding Company Act of 1956, as amended, do not apply by reason of subsection (c) (7) of such section.

"(e) Nonexempt Property.—For purposes of this part, the term 'nonexempt property' means—

"(1) obligations (including notes, drafts, bills of exchange, and bankers' acceptances) having a maturity at the time of issuance of not exceeding 24 months, exclusive of days of grace;

"(2) securities issued by or guaranteed as to principal or interest by a government or subdivision thereof or by any instrumentality of a government or subdivision; or

"(3) money, and the right to receive money not evidenced by a security or obligation (other than a security or obligation described in paragraph (1) or (2)).

"(f) BOARD.—For purposes of this part, the term 'Board' means the Board of Governors of the Federal Reserve System."

(b) The table of parts for subchapter O of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"Part X. Distributions and Sales Pursuant to Bank Holding Company Act Amendments of 1970."

(c) Section 311(d) of the Internal Revenue Code of 1954 (relating to use of appreciated property to redeem stock) is amended by—

(1) adding at the end thereof the following new subparagraph:

"(H) a distribution by a corporation to which section 1121 (relating to bank holding companies) applies."; and

(2) deleting the word "and" at the end of subparagraph 311(d)(2)(F) and changing the period at the end of subparagraph 311(d)(2)(G) to a semicolon and adding the word "and".

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By Mr. THURMOND (for himself, Mr. GOLDWATER, Mr. CURTIS, Mr. ERVIN, Mr. HELMS, Mr. MCCLURE, and Mr. SCOTT of Virginia):

S. 408. A bill to amend the Food Stamp Act of 1964 in order to prohibit the distribution of food stamps to any household where the head of the household is engaged in a labor strike. Referred to the Committee on Agriculture and Forestry.

Mr. THURMOND. Mr. President, on November 17, 1970, and again on January 26, 1971, I introduced a bill to amend the Food Stamp Act of 1964 in order to prohibit food stamp distribution to a household where the head of the household is engaged in a labor strike.

The bill was referred to the Committee on Agriculture and Forestry, and the full Senate did not vote on this matter. I am again introducing this bill today.

Mr. President, I do not believe that the majority of the people know that striking workers can receive food stamps. When our taxpayers realize this fact, they are outraged because their tax dollars are being used to help one side in a labor dispute.

To provide strikers with food stamps is to allow the Government to take sides in the dispute. This is not the purpose of the food stamp program. The purpose of the food stamp program is to assist those who are unable to work or to find employment and, therefore, cannot support their families. It should not be the purpose of the program to subsidize those who have jobs and are able to support their families.

Mr. President, the taxpayers bear the ultimate burden of financing this program. Tax dollars should not be spent on food stamps for those who voluntarily refuse to work, but should be used to help those who are genuinely in need.

The time has come to reevaluate our priorities in regard to the food stamp program, and I hope this bill receives prompt and favorable consideration.

Mr. President, I am pleased that Senators GOLDWATER, CURTIS, ERVIN, HELMS, MCCLURE, and SCOTT of Virginia join as cosponsors.

Mr. President, I ask unanimous consent that this bill be appropriately referred and that it be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 408

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the last sentence of subsection (c) of section 5 of the Food Stamp Act of 1964, as amended (7 U.S.C. 2013), is amended to read as follows: "Refusal to work at a plant or site subject to a lockout for the duration of such lockout shall not be deemed to be a refusal to accept employment."

SEC. 2. Section 5 of the Food Stamp Act of 1964, as amended, is further amended by adding at the end thereof a new subsection as follows:

"(d) Notwithstanding any other provision of this Act, no household shall be eligible to participate in the food stamp program if the head of the household is on strike against his employer as the result of a labor dispute, except where such household was eligible for participation in such program prior to the time the head of the household went on strike against his employer. The provisions of this subsection shall not apply in any case in which the head of a household is not working because of an employer lockout. As used in this subsection the term 'head of the household' means the member of any household who provides over one-half of the support for the household."

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By Mr. THURMOND:

S. 409. A bill to amend the Internal Revenue Code of 1954 to encourage the use of recycled oils. Referred to the Committee on Finance.

### THE NEED IN THE UNITED STATES FOR OIL RECYCLING

Mr. THURMOND. Mr. President, in the 92d Congress I proposed that the Congress seriously consider legislation that would greatly promote the protection of our environment by providing a tax incentive for recycling lubricating oils.

Although this proposal received acclamation as a major step toward cleaning our environment from experts in the petroleum industry and environment specialists, public hearings were never conducted by the Senate Finance Committee. Today I am introducing legislation having the same basic purpose, but which is more comprehensive and I believe more likely to achieve the desired results. This issue involves not only the prevention of a major form of air and water pollution, but also the conservation of a critical natural resource. The problem involves the dumping of used lubricating oil into our water supply and indiscriminate burning of other used petroleum products.

The used oil problem is staggering. About three-quarters of one billion gallons of this precious commodity are wasted every year. However, wastage could be significantly reduced and the environment preserved by recycling.

For over 40 years, small businessmen have been dealing with recycling oil, and the Association of Petroleum Rerefiners has been trying since 1950 to draw attention to discriminatory Federal actions and rulings that threaten the very existence of the entire industry.

Mr. President, there are many individuals who are unaware of this situation and of the fact that lubricating oils can be cleaned up and literally refined over and over again to their original quality. I feel that the least we can do at this late date is to listen to the rerefiners' story with a sympathetic ear, and act to redress their very real grievances.

Let me explain the situation briefly. Only about half of the estimated 2½ billion gallons of lubricating oils sold for industrial and automotive use in the United States every year is actually used up. This means that the other half is drained at service stations, garages, airfields, railroad yards, bus and truck terminals, auto fleet headquarters, and industrial plants. More than 1 billion gallons of valuable oil could be recycled back into lubricating form and quality, yet 75 percent of it, according to recent studies, is wasted.

Mr. President, used oil is not just wasted, but it becomes a powerful pollutant of air and water. Whatever portion of those 750 million gallons that is dumped on purpose, or just allowed to drain down into the water supply, remains a health hazard almost indefinitely. Just as lube oil will not break down under the extreme temperatures and pressures of the automobile engine, so it will not break down for years when left in lakes and streams. On the other hand, whatever portion of those 750 million gallons that is burned, even when blended in small ratios with bunker fuel under carefully controlled burning conditions, may still contribute millions of pounds of metallic oxides that never break down.

Mr. President, even in view of this problem, very little of this valuable and potentially dangerous oil is rerefined and recycled. The reason is that the Federal Government has imposed obstacles and restrictions that actually prevent the petroleum rerefiners from marketing their products in competition with the major oil companies. GSA will not buy it for use in Government vehicles; IRS makes off-highway users pay extra for it; FTC insists that every can be labeled so that very few motorists will buy it; and no one will set oil quality standards and performance requirements that will give the rerefiners a chance to prove that their product can be just as good as the original. This is an incredible series of discriminatory practices which came into existence through a series of unfortunate circumstances.

Mr. President, in 1965 the Excise Tax Reduction Act leveled a double-barreled blast at the rerefiners. Before that time there had been a 6-cent-per-gallon tax levied on the manufacturer of lubricating oil which was paid by the first user of this oil. Since rerefiners were exempt from paying this tax—the tax on the original oil had already been paid—the net result was a 6-cent-per-gallon competitive edge. In 1965, the Internal Revenue Service ruled that because these tax funds were to go into the Highway Trust Fund, off-highway users, notably railroads, could be refunded their full tax payments at the end of the tax year when they purchased 100 percent new lubricating oil. IRS also refused to allow tax refunds on any new oils that were to be blended with rerefined oil, as is often the case when the rerefiner wants to meet the viscosity requirements of the ultimate user. Thus, the rerefiners lost their 6-cent-per-gallon margin among off-highway users, and are penalized for manufacturing blended oils for off-highway users.

As a result of these handicaps, more than half of the rerefiners have been forced out of business in the past 7 years. It seems that the U.S. Government has weighted the scales against the small businessman. Unless something is done soon, the rest of the rerefiners must also close down. If this happens, what do we do with these 750 million gallons of waste oils?

The January 1971, issue of Fortune magazine featured an article entitled "Metallic Menaces in the Environment." It quotes Dr. Henry A. Schroeder, of the Dartmouth Medical School, as saying:

> Pollution by toxic metals is a much more serious and much more insidious problem than is pollution by organic substances. Most organic substances are degradable by nature; no metal is degradable.

Walter C. McCrone Associates of Chicago was asked to analyze the combustion products present in waste oils before they are rerefined. This report pointed out the more than 1,000 pounds of metal oxides—mostly lead, but with lesser amounts of calcium, phosphorous, barium, and others—are released when 10,000 gallons of waste oils are burned. If we assume that only 260 million gallons were burned last year, generally regarded as a conservative figure, we come to the frightening conclusion that at least 26 million pounds of metallic oxides were released through burning last year.

Mr. President, this brings us to the realization that waste lubricating oil has to be treated somehow prior to disposal. Whether recycled back into lubricating form or blended with bunker oils as the American Petroleum Institute recommends, there must be some process to remove the metal additives. It has become almost a technological race—the demands of the auto engines for more powerful additives to improve performance versus the ability of the rerefiners to identify and remove these additives. It is time we threw our strength behind the continuing efforts of the rerefiners to win this race, not only to reclaim the oils, but also to find some economic use for the sludge that contains these unrerefinable additives.

Mr. President, I am introducing a bill which would amend the Internal Revenue Code of 1954 to encourage the use of recycled oil. It is my opinion that we must take steps to clean up our environment and also take steps to preserve our dwindling natural resources. This bill is just one step in this direction, but it is a necessary one. Not only will this bill help to control pollution and preserve a natural resource, but it would also help to revitalize a faltering industry.

The bill will amend existing tax laws covering lubricating oils. It will equalize and simplify the tax on lubricating oil by requiring all producers and manufacturers of new lubricating oils to include hydraulic and cutting oils, but excluding recycled oil, to pay a 6-cent-per-gallon excise tax. The bill also will repeal section 6424 of the IRC that allowed tax refunds to users of lubricating oils. It is hoped that these amendments to the Internal Revenue Code will stimulate the purchase of recycled oil.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 409

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) sections 4091, 4092, and 4093 of the Internal Revenue Code of 1954 (relating to lubricating oil) are amended to read as follows:

"SEC. 4091. IMPOSITION OF TAX.

"There is hereby imposed on lubricating, hydraulic, and cutting oils (other than recycled oils) which are sold in the United States by the manufacturer or producer a tax of 6 cents per gallon, to be paid by the manufacturer or producer.

"SEC. 4092. DEFINITIONS.

"(a) CERTAIN VENDEES CONSIDERED AS MANUFACTURERS.—For the purposes of this subpart, a vendee who has purchased lubricating, hydraulic, or cutting oils free of tax under section 4093 shall be considered the manufacturer or producer of such oils.

"(b) LUBRICATING OIL.—The term 'lubricating oil' means all oil regardless of origin, which—

"(1) is suitable for use as a lubricant, or

"(2) is sold for use as a lubricant.

"(c) HYDRAULIC OIL.—The term 'hydraulic oil' means all oil which is used primarily to transmit power or pressure, but which may also serve lubricating and other functions.

"(d) CUTTING OIL.—The term 'cutting oil' means all oil which is used primarily in cutting, milling, and machining operations (including forging, drawing, rolling, shearing, punching, and stamping), but which may also serve lubricating and other functions.

"(e) RECYCLED OIL.—The term 'recycled oil' means used oil which has been re-refined or otherwise processed to remove the physical and chemical contaminants acquired through use, which by itself or when blended with new oil or additives is substantially identical or superior to new oil intended for the same purposes.

"SEC. 4093. EXEMPTION OF SALES TO PRODUCERS.

"Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this subpart upon lubricating, hydraulic, or cutting oils sold to a manufacturer or producer of such oils for resale by him."

(b) Section 4094 of the Internal Revenue Code of 1954 (relating to cross reference) is hereby repealed.

(c) Section 6424 of the Internal Revenue Code of 1954 (providing off-highway users of lubricating oils with a tax refund of 6 cents per gallon) is hereby repealed.

SEC. 2. The amendments made by the first section of this Act shall apply with respect to sales occurring after the last day of the calendar quarter in which this Act is enacted.

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By Mr. McGEE:

S. 411. A bill to amend title 39, United States Code, relating to the Postal Service, and for other purposes. Referred to the Committee on Post Office and Civil Service.

Mr. McGEE. Mr. President, I introduce for appropriate reference a bill to amend title 39 of the United States Code as enacted in section 2 of the Postal Reorganization Act in 1970 to make certain changes in the postal laws as they now exist. Because this is a matter of substantial importance to the Nation I would like to explain briefly the provisions of the bill and to announce when we will proceed to consider these issues before the Post Office and Civil Service Committee.

The demise of Look and Life magazines in the recent past has focused considerable public attention upon the financial success of popular magazines in the United States today. A number of widely read and popular general interest publications have gone out of business in the last 15 or 20 years, and one of the reasons advanced by the magazine publishing industry has been the increasing cost of postal distribution. Despite these higher costs, the industry as a whole strongly supported the enactment of the Postal Reorganization Act in 1970 and wholeheartedly embraced the concept of a "break-even" rate policy for the post office. They recognized that they might have to pay more but they expected to receive substantially improved postal services.

The first round of postal rate increases has now been established. Over the next 5 years, second-class magazine rates will be increased by an average of 127 percent over 1971 rates, and that is just the first increase. Undoubtedly, increased costs of the post office will require further increases during the coming 4 years. We on the Post Office Committee recognized that when we recommended a phase-in period of 5 years for commercial mailers and 10 years for nonprofit mailers in the Postal Reorganization Act. The economic forecast of those in the business suggests that the cost of second-class magazine mailing, which is today $175 million can reasonably be expected to exceed $600 million by fiscal year 1977.

Inevitably, the magazine publishing industry looks upon this with a gloomy disposition. Some of us may be inclined to say "I told you so" but that is not a complete answer. Just saying "I told you so" will not prevent the decline and possibly the fall of a number of very fine publications whose financial stability is tenuous.

I believe that the American public generally has a vested interest in the survival of newspapers and magazines. Regardless of the economical, political, or social policies which they espouse, they contribute to the Nation's thought process. I am personally convinced that the Congress should not permit magazines to go under because the cost of distributing them through the postal system is higher than their readers are willing to pay.

I believe that the inevitable result of too-high postal rates will cause the elimination of general interest magazines in the country. Special interest publications will survive, but those are aimed at a select market, generally the affluent readers who are willing and able to spend a dollar or two for a nice publication devoted to the stock market, science, economics, or other subjects which do not have the widespread appeal and readership of general interest magazines. I want both kinds. I believe America benefits by them both.

The bill which I introduce today will permit commercial publishers to have 10 years rather than 5 years to adjust to the economic impact of postal rate increases. There have been other suggestions made and I am aware that many in the publishing field may feel that another 5 years is not enough, that Congress should pick up some of the tab by direct subsidy, paying half the cost, establishing an artifically low rate regardless of the rate determined by the Postal Rate Commission. I am open to suggestions based on economic justification, but I am inclined to think that the publishing industry must recognize that the taxpayer should not forever pay part of the publisher's way.

Providing a period of additional rate relief is not the only problem with which the bill I propose deals. There are other important features. "Important" is a key word in itself. In the Postal Reorganization Act, the Congress stipulated that the delivery of important letter mail was the primary objective of the Postal Service. That adjective has been misused to the disadvantage of ordinary first-class mail. The Postal Service has undertaken a nationwide advertising campaign to persuade the public to pay more and use airmail rather than pay less and use first-class mail. Street box pick-up schedules have been severly reduced so that in some cases letters mailed by the public early Saturday afternoon will not be picked up by a postal letter carrier for 48 hours. Weekend work in post offices is being substantially reduced. The policy of the Postal Service has been to downgrade first-class mail in order to stir the public to pay more for what should be ordinary first-class service—quick pick up, air transportation for any letter mail, and daily handling and distribution. In the bill which I introduce today that discrimination against first-class mail must be eliminated. I believe that the public is entitled to first-class service on first-class mail.

The bill also will permit the Postal Service to argue some of its own cases in court to avoid a recurring problem of attorneys in the Department of Justice representing the Postal Service in highly complex judicial proceedings about which the Justice Department does not and cannot be expected to provide expert legal counseling. In a recent suit in Denver, Colo., the National Association of Letter Carriers sued for an injunction against the Independent Postal Service of America to prohibit the delivery of Christmas cards, alleged by the letter carriers to be in violation of the private express statutes. The Justice Department, which is authorized by law to handle all judicial cases for the Postal Service, did not even know of the suit until shortly before the trial. There have been other unfortunate instances which can be readily resolved by permitting the Postal Service to make the decision of when it wishes to argue its own cases in court

My bill would also permit the Governors of the Postal Service to pay the Postmaster General and the Deputy Postmaster General a salary in excess of the maximum of level I of the Executive Schedule, the applicable rate for a member of the President's Cabinet. This is a touchy and highly charged issue and as a Senator who earns a good bit less than a number of Assistant Postmasters General, I can appreciate the views of those who think level I is enough. I can also appreciate the views of those who know that the salary of a Cabinet member or the salary of the Postmaster General is about as much money as a reasonably successful doctor, lawyer, or businessman earns in a small city. It cannot attract and retain top-flight management from the private sector for a reasonable period of service.

The bill would also clarify some of the jurisdiction arguments which arose in the recent postal rate proceeding to establish clearly by law the role and powers of the Postal Rate Commission in conducting its proceedings as well as to give the Commission complete independence from the Postal Service except as to the final decision of the presidentially appointed Governors in matters concerning rates, fees, and classifications.

Finally, my bill would revise that provision of the Postal Reorganization Act concerning congressional appropriations for revenue foregone on account of rate phasing. Under the current law, if the Congress fails to appropriate money for one of the subsidized groups, the Postal Service may raise the rate on that class of mail. The Office of Management and Budget in 1971 chose to use that language to deny any money to pay for the phasing of third-class regular rate mailings. I recommend that the language be revised so that only the Congress can make such a judgment, which was what we intended in the first place. If the money is not requested by the President in the budget to be appropriated—in other words if the Office of Management and Budget tries the same end run again—then the authority to increase the rate cannot be used.

I believe that legislation of this sort will be important to a great many businessmen, mailers, and Government officials. I ask unanimous consent that the bill, which is brief, be printed in the Record at this point.

I expect to schedule hearings before the Post Office Committee in about 6 weeks. During that period, I hope that those who are interested in this legislation will prepare themselves to present their case. In all fairness, I think we should examine very carefully the evidence before we recommend a further subsidy for any group of mailers. The only way to do that and be fair to the taxpayers is by careful examination of the best case they can present.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 411

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsections "(e)" and "(f)" of section 101 of title 39, United States Code (84 Stat. 720; Public Law 91–375), are amended by striking out the word "important" in each such subsection.

Sec. 2. Section 409(d) of such title is amended by striking out the words "with the prior consent of the Attorney General".

Sec. 3. Section 410(b)(1) of such title is amended by inserting the words "section 5503 (recess appointments)," immediately before the words "and section 5532 (dual pay)".

Sec. 4. The third sentence of section 1003 (a) of such title is amended by striking out the word "No" and inserting in lieu thereof the words "Except in the case of the Postmaster General and the Deputy Postmaster General, no".

Sec. 5. Section 3603 of such title is amended to read as follows:

"§ 3603. Duties and powers

(a) The Commission shall have the duty to make recommended decisions for changes in postal rates and fees and in mail classification matters to the Governors and to render advisory opinions on postal services and complaints in accordance with the policies and procedures of this title.

(b) The Commission is empowered to perform acts, conduct investigations, issue and amend orders, rules, and regulations, and establish procedures (subject to chapters 5 and 7 of title 5) and take any other action they deem necessary and proper to carry out their functions and powers and their obligations to the Government of the United States and the people as prescribed under this chapter. The actions of the Commission shall not be subject to any change or supervision by the Postal Service. The Commission may inquire into and examine any presentation made in any proceeding, and examine the types, quality, regularity, and reliability of any postal service, as well as the honesty, efficiency, and economy of postal management in order to carry out its duties and responsibilities and properly exercise its powers under this chapter.

(c) The Commission is empowered to issue subpenas to compel the attendance of witnesses or the production of evidence in any proceeding from the Postal Service or any party to such a proceeding. In case of disobedience to the subpena, the Commission may invoke the aid of any court of the United States to comply with the terms of a subpena.

Sec. 6. Section 3604(c) is amended to read as follows:

"(c) The Commission shall annually prepare and present to the Postal Service a statement of its expenses for facilities, supplies, compensation, and other costs incurred during the fiscal year. Such expenses incurred by the Commission shall be paid out of the Postal Service Fund established under section 2003 of this title upon presentation of vouchers signed by the Chairman of the Commission."

Sec. 7. (a) Section 3622 of such title is amended by sriking out the second sentence in subsection (a) and inserting in lieu thereof the following:

"The Postal Service shall submit to the Commission, at the time of a request for a change in a rate or fee, a schedule of rates and fees it believes to be in the public interest and in accordance with the policies of this title and its case supporting the burden of proof, together with a comprehensive statement of the kinds, quality, regularity, and reliability of service proposed to be maintained for each class of mail or each type of service for which a change in a rate or fee is requested.

(b) Section 3623(b) of such title is amended by adding at the end thereof the following new sentence;

"The Postal Service shall submit to the Commission, at the time of a request for a mail classification, a comprehensive statement of the kinds, quality, regularity, and reliability of service proposed to be maintained for each class of mail proposed in its request.

Sec. 8. (a) Section 3625(a) of such title is amended by striking out "approve, allow under protest, reject," and inserting in lieu thereof the word "approve".

(b) Subsection "(c)" of section 3625 of such title is repealed.

(c) Subsection "(d)" of section 3625 of such title is amended by—

(1) redesignating it as subsection "(c)";

(2) striking out the first and second sentence; and

(3) amending the third sentence to read as follows:

"With the unanimous written consent of all of the Governors then holding office, the Governors may modify a recommended decision of the Commission only if they find that the record proves that the recommended decision of the Commission (1) is not in accordance with the policies of this title, (2) will not produce sufficient revenues so that all postal income and appropriations will be sufficient to operate the Postal Service at levels of service proposed to be maintained by the Postal Service in its pending request for a rate or mail classification change, (3) that the modification made by the Governors is in accordance with the policies of this title, and (4) the modification will produce such sufficient revenues.

(d) Subsection "(e)" of section 3625 of such title is amended by—

(1) redesignating it as subsection "(d)"; and

(2) striking out the words "approve, allow under protest, reject," and inserting in lieu thereof the word "approve".

(e) Subsection "(f)" of section 3625 of such title is redesignated as subsection "(e)".

SEC. 9. (a) Section 3626 of such title is amended by inserting after the word "adopted" in the first sentence the words "by the Commission".

(b)(1) Section 3626 of such title is amended by striking out the figure "4359" in paragraph "(2)";

(2) by striking out the period at the end of paragraph "(2)" and inserting in lieu thereof a semicolon; and

(3) by adding the following new paragraph "(3)":

"(3) the rates for mail under section 4359 shall be equal, on and after the first day of the tenth year following the effective date of the first rate decision applicable to that class or kind, to the rates which would have been in effect for such mail if this subsection had not been enacted."

SEC. 10. Section 3627 of such title is amended to read as follows:

"If Congress fails to appropriate any of the amounts authorized to be appropriated under section 2401(c) of this title for a class of mail sent at a free or reduced rate under section 3217, 3403–3405, or 3626 of this title, or under the Federal Voting Assistance Act of 1955, and that amount was requested by the President in the Budget of the United States to be appropriated, the Postal Service may request the Postal Rate Commission to make a recommended decision for an adjustment in the rate for that class of mail in accordance with the provisions of this subchapter so that the increased revenues received from the users of that class will equal the amount requested by the President for the class which Congress failed to appropriate.

SEC. 11. (a) Section 3628 of such title is amended by striking out the words "approve, allow under protest," and insert in lieu thereof the word "approve".

(b) Section 3641(a) of such title is amended by striking out the words "submitted, or within 30 days after the Postal Service has resubmitted", and inserting in lieu thereof the word "submitted".

SEC. 12. The caption for section 3603 at the beginning of chapter 36 of such title is amended to read as follows:

"3603. DUTIES AND POWERS."

By Mr. SPARKMAN:

**S. 412. A bill to create the National Credit Union Bank to encourage the flow of credit to urban and rural areas in order to provide greater access to consumer credit at reasonable interest rates, to amend the Federal Credit Union Act, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.**

### NATIONAL CREDIT UNION BANK ACT OF 1973

Mr. SPARKMAN. Mr. President, I introduce for appropriate reference, a bill entitled the "National Credit Union Bank Act of 1973."

In this time of the credit crunch, credit unions have been forced to curtail making loans because demand has exceeded supply. However, with the establishment of a National Credit Union Bank, as provided in this bill, the credit unions would have access to the Nation's money markets to satisfy their loan demands over and above their supply.

This legislation would improve the credit unions' liquidity and provide a stability that would benefit the borrower. As we all know, credit unions serve medium- and low-income people. This new National Credit Union Bank would help funnel money to the consumer.

The credit union legislation does not cost the taxpayer to implement; the credit unions pay their own way. This service-oriented program is in the interest of the consumer.

I ask unanimous consent to have a copy of the bill and a section-by-section analysis printed in the RECORD at this point.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

### S. 412

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "National Credit Union Bank Act of 1973".

### FINDINGS AND PURPOSE

SEC. 2. The Congress finds that there is an urgent need for consumer credit at reasonable rates and to promote commerce and thrift at the consumer level. Credit unions have been organized by people to provide a facility to supply needed credit. The relief afforded credit union members has been substantial and the extent of such relief would be enlarged by the establishment of a National Credit Union Bank. It is therefore declared to be the policy of the Congress and the purpose of this Act to improve and stimulate the ability of credit unions to provide low-cost consumer loans by establishing a National Credit Union Bank empowered to make loans for liquidity purposes to its shareholders, discount notes of its shareholders, provide a national service of interlending for credit unions, sell debt securities in the open market, aid in the rehabilitation and stabilization of credit unions, aid in the orderly liquidation of credit unions when necessary, aid in strengthening and development of credit unions serving low-income persons, and to cooperate with and assist credit unions, credit union organizations, the National Credit Union Administration, and the various State regulatory bodies for the purpose of improving the general welfare of the people through credit unions.

### DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "bank" means the National Credit Union Bank established under section 4 or any branch thereof.

(2) The term "board" means the Board of Directors of the National Credit Union Bank.

(3) The term "shareholder" means any credit union shareholder of the National Credit Union Bank.

(4) The term "credit union" means a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes.

(5) The term "Federal credit union" means a Federal credit union organized in accordance with the provisions of the Federal Credit Union Act.

(6) The term "State credit union" includes any credit union organized under the laws of the States of the United States, the District of Columbia, the several territories including the trust territories and possessions of the United States, the Panama Canal Zone, and the Commonwealth of Puerto Rico and which is not prohibited by the laws under which it is organized to become a shareholder of the bank in accordance with the requirements of this Act.

(7) The term "insured credit union" means any credit union insured by the Administrator of the National Credit Union Administration.

### ESTABLISHMENT OF THE BANK

SEC. 4. There is hereby created a body corporate to be known as the National Credit Union Bank which shall be deemed to be an agency of the United States and which shall exist perpetually until dissolved by act of Congress. The principal office of the bank shall be located in the District of Columbia but the bank may establish such district and branch offices throughout the United States as it deems necessary and appropriate.

### INTERIM MANAGEMENT

SEC. 5. (a) Upon the enactment of this Act and pending the appointment and election of the members of the Board of Directors of the National Credit Union Bank pursuant to section 6, the organization and management of the bank shall vest in the Secretary of the Treasury, who shall serve as the acting President of the bank until the President of the United States appoints the President of the bank.

(b) Within three months of the effective date of this Act, the Secretary of the Treasury shall prescribe procedures for the receipt of nominations concerning the election of one member of the permanent Board from each of the Federal credit union regions, said election to be held no later than six months from the effective date of this Act. To the extent practicable, the National Credit Union Administration and its regional offices shall be utilized for the receipt of nominations and mail ballots for the elective Board positions.

### PERMANENT BOARD

SEC. 6. (a) The management of the bank shall vest in a Board of Directors consisting of a President of the bank, the Secretary of the Treasury, or his designee from that Department, the Administrator of the National Credit Union Administration, and one member to be elected from each of the Federal credit union regions, all of whom shall be citizens of the United States. Members of the Board shall be selected as follows:

(1) The President of the United States shall appoint the Secretary of the Treasury or his designee from that Department and the Administrator of the National Credit Union Administration who shall serve as ex officio members of the Board of Directors.

(2) The President, by and with the advice and consent of the Senate, shall appoint a President of the bank who shall serve at the pleasure of the President of the United States.

(3) One director of the Board shall be elected from each of the Federal credit union regions for a term of six years except

that the members of the National Credit Union Board, the employees of the National Credit Union Administration, and the employees of the National Credit Union Bank shall be ineligible as directors of the permanent board so long as they shall hold such positions or office except as provided in subsection (a)(1) of this section. Of the elected members first taking office, two shall serve until December 31, 1975, two shall serve until December 31, 1977, and two shall serve until December 31, 1979, as determined by the President of the United States.

The Secretary of the Treasury shall designate each elective directorship as representing the member credit unions located in a particular Federal credit union region. Each directorship shall be filled by a person of tested credit union experience who has been nominated by at least twenty-five member credit unions from his region and who receives a plurality of votes which such member credit unions in his region may cast for the purpose of filling such office. Each member credit union may cast for such office a number of votes in proportion to the number of shares of stock required by sections to be held by such member credit union at the end of the month preceding the election in accordance with the following schedule.

| Shares of Stock: | Votes |
|---|---|
| Up to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 125 | 5 |
| 126 to 150 | 6 |
| 151 to 175 | 7 |
| 176 to 200 | 8 |
| 201 to 250 | 9 |
| 251 to 300 | 10 |
| 301 to 350 | 11 |
| 351 to 400 | 12 |
| 401 to 450 | 13 |
| 451 to 500 | 14 |
| 501 to 750 | 15 |
| 751 to 1,000 | 16 |
| 1,001 to 1,500 | 17 |
| 1,501 to 2,000 | 18 |
| 2,001 to 2,500 | 19 |
| 2,501 to 5,000 | 20 |
| 5,001 to 7,500 | 21 |
| 7,501 to 10,000 | 22 |
| 10,001 to 15,000 | 23 |
| 15,001 to 20,000 | 24 |
| 20,001 to 25,000 | 25 |

As used in this subsection, the term "member credit union" means a shareholder of the National Credit Union Bank which was a member of such bank at the end of the month preceding such election.

(b) The President of the bank shall be an ex officio member of the Board of Directors and may participate in meetings of the Board, except that he shall not vote except in case of an equal division. The President of the bank shall be the chief administrative officer of the bank and shall perform all functions and duties of the bank, in accordance with the general policies established by, and subject to the general supervision of, the Board. The Board shall authorize the appointment of such other officers and employees as it deems necessary to carry out the functions of the bank. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and persons so appointed may be paid without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

### OPERATION OF THE BOARD

SEC. 7. (a) As soon as practicable after the first directors of the Board have been elected as provided in section 6, the director shall meet, subscribe to an oath of office, and organize by electing from among the membership a Chairman, a Vice Chairman, and a Secretary. The Chairman, Vice Chairman, and Secretary shall be elected annually for terms of one year, and shall serve until their respective successors are elected and take office. The Chairman shall preside at all meetings, and the Vice Chairman shall preside in the absence or disability of the Chairman. The Board may, in the absence or disability of both the Chairman and Vice Chairman, elect any of its members to act as Chairman pro tempore. A majority of elected members shall constitute a quorum of the Board for the transaction of business, and the Board may function, notwithstanding vacancies if a quorum is present. The Board shall meet at such times and places as it may fix and determine, but shall hold at least six regularly scheduled meetings a year. Special meetings may be held on call of the Chairman or any three elected members.

(b) Notwithstanding section 6, any member of the Board may at any time be removed from office for cause by the President of the United States, or if cause exists but the President does not act, by the Congress through impeachment proceedings.

(c) Each member of the Board shall receive the sum of $100 for each day or part thereof spent in the performance of his official duties; however, such compensation shall not be paid to the Secretary of the Treasury or his designee from that Department, the Administrator of the National Credit Union Administration, or the President of the bank. In addition to receiving such compensation, each member of the Board, including the Secretary of the Treasury or his designee from that Department, the Administrator of the National Credit Union Administration, and the President of the bank shall be reimbursed for necessary travel, subsistence, and other reasonable expenses actually incurred in the discharge of his duties as such member, without regard to any other laws relating to allowances for such expenses.

(d) The compensation of the President of the bank shall be established by the Board. In addition, the Board shall prescribe rules for the election of members to the Board from each of the Federal credit union regions subject to the provisions of section 6(a)(3).

(e) The Board shall prescribe and publish such regulations and take such other actions as may be necessary and appropriate in carrying out this Act and in effectively exercising the functions expressly and impliedly vested in it under this Act.

### INITIAL EXPENSES

SEC. 8. In order to facilitate the formation of the bank there is authorized to be appropriated, and the Secretary of the Treasury is authorized to advance, no more than $500,000 to be utilized for the initial organizational and operating expenses of the bank. This advance shall be at a rate of interest to be determined by the Secretary of the Treasury and shall be repaid within one year from the date of any such advance.

### CAPITALIZATION OF THE BANK

SEC. 9. (a) Upon the enactment of this Act, the Board of Directors of the bank shall open books for subscription to the capital stock of the bank. The capital stock shall be divided into shares of a par value of $100 each. The minimum capital stock shall be issued at par, and stock issued thereafter shall be issued at such price not less than par as may be fixed by the Board of Directors.

(b) The original stock subscription of each credit union eligible to become a shareholder under section 11(a) shall be in an amount equal to 1 per centum of the subscriber's total assets at the close of the month before the month in which it makes application for membership in the bank, but not less than $100 except that 50 per centum of the required stock subscription may be held by the credit union on call by the bank. The bank shall annually adjust, at the close of the calendar year, in such manner and upon such terms and conditions as the Board of Directors may prescribe, the amount of stock held by each member so that such member shall have invested in the stock of the bank at least an amount calculated in the manner provided in the preceding sentence (but not less than $100). If the bank finds that the investment of any member in stock is greater than that required under this subsection, it shall, upon application of such member, retire the stock of such member in excess of the amount so required. The bank may provide for adjustment in the amounts of stock to be issued or retired in order that stock may be issued or retired only in entire shares.

(c) Upon retirement of stock of any member, the bank shall pay such member for the stock retired an amount equal to the par value of such stock, or, at the election of the bank, the whole or any part of the payment which would otherwise be so made shall be credited against the indebtedness of the member to the bank. In either such event, stock equal in par value to the amount of the payment or credit, or both, as the case may be, shall be canceled.

(d) Stock subscriptions shall be paid for in cash, and shall be paid for at the time of application therefor, or, at the election of the subscriber, in installments, but not less than one-fourth of the total amount payable shall be paid at the time of filing the application, and a further sum of not less than one-fourth of such total shall have been paid at the end of each succeeding four months.

(e) Stock subscribed for shall not be transferred or hypothecated except as provided herein.

### NEWLY ORGANIZED CREDIT UNIONS

SEC. 10. (a) Each credit union which is chartered after enactment of this Act and which is accepted for membership in the bank within one year from the date it is chartered shall pay $25 in cash to be credited to its purchase of stock in the bank. At the expiration of one year from the date of its charter, the newly organized credit union shall subscribe for stock in the bank in an amount equal to 1 per centum of its total assets on this date, but in no event shall this amount be less than $100 except that 50 per centum of the required stock subscription may be held by the credit union on call by the bank.

(b) The stock subscriptions of the newly organized credit union required at the end of its first full year of operation in accordance with subsection (a) of this section shall be paid for in cash within thirty days of that date or, at the election of the subscriber, in quarterly installments beginning thirty days following its first full year of operations.

(c) For succeeding years, stock subscriptions shall be made in accordance with section 9(b) of this Act.

### MEMBERSHIP

SEC. 11. (a) Every credit union insured by the Administrator of the National Credit Union Administration and which is not prohibited by the laws under which it is organized to become a shareholder in the bank shall apply for membership in the bank within three months of the effective date of this Act. Any other State credit union not insured by the Administrator of the National Credit Union Administration may apply for membership in the bank. The bank shall act on membership applications and, upon approval, shall require such applicants to subscribe to capital stock of the bank in an amount equal to 1 per centum of the subscriber's total assets subject to the provisions of section 9.

(b) Any shareholders, other than an insured credit union, may withdraw from membership in the bank six months after filing with the bank written notice of its intention to do so. The President of the bank may, after a hearing to be held at a place convenient to the principal office of the shareholder, remove any shareholder from membership if the shareholder (1) has failed to comply with any provision of this Act, or regulation of the Board issued pursuant thereto, or (2) is insolvent. In the event of voluntary or involuntary termination of membership in the bank, the indebtedness of such shareholder to the bank shall be liquidated and the capital stock in the bank owned by such shareholder shall be surrendered and canceled. Upon the liquidation of such indebtedness, such shareholder shall be entitled to the return of its collateral, and, upon the surrender and cancellation of such capital stock, the shareholder shall receive a sum equal to its cash paid for subscriptions plus accrued dividends thereon for the capital stock surrendered. Such payment by the bank shall be made within ninety days from the date a shareholder ceases to be a member of the bank.

### OPERATIONS AND POWERS OF THE BANK

SEC. 12. (a) In order to carry out the purposes of this Act, the bank is authorized to—

(1) sue and be sued, and complain and defend in its corporate name and through its own counsel;

(2) adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) adopt, amend, and repeal by the Board such bylaws, rules, and regulations as may be necessary for the conduct of business;

(4) conduct its business, carry on its operations, have offices, and exercise the powers granted by this Act in any State;

(5) lease, purchase, or otherwise acquire, and own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in and for the purposes of the bank;

(7) make arrangements with public or private organizations at the local, regional, State, or National level including credit union organizations and other financing institutions, to act as agents for or otherwise assist the bank in the conduct of its business;

(8) conduct such examinations of shareholders at the bank's expense as the bank shall deem necessary in connection with carrying out the purposes of this Act;

(9) enter into contracts, and do all things which are necessary or incidental to the proper management of its affairs and the proper conduct of the business, including such incidental powers as are generally granted to corporations.

(b) There is authorized to be appropriated and the Secretary of the Treasury is authorized to advance such sums as may be necessary for the purposes of the bank, but in no event more than $500,000,000 for any fiscal year. This advance shall be at a rate of interest to be determined by the Secretary of the Treasury and shall be repaid within one year from the date of any such advance.

(c) To obtain indirect participation by private and other public financial sources, the bank is authorized to issue bonds, debentures, and such other certificates of indebtedness and having such maturities and bearing such interest as the Board may determine. In no event, however, shall the aggregate of such debentures and similar obligations outstanding at any one time exceed twenty times the surplus and paid-in capital of the bank. The obligations of the bank issued under this subsection shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof.

### LOANS

SEC. 13. (a) Any shareholder of the bank shall be entitled to apply in writing for loans subject to the borrowing limitations prescribed for Federal credit unions under section 107(10) of the Federal Credit Union Act. Such application shall be in a form prescribed by the bank. The bank may deny any application or may grant it, upon such conditions and terms as may be prescribed by the bank.

(b) The bank is authorized to make secured and unsecured loans to its shareholders. Security for such loans, if required, may include, but not be limited to, obligations of the U.S., obligations fully guaranteed by the U.S., obligations issued in trust by any agency of the U.S. on behalf of any agency of the U.S., or notes by the shareholder in the form of loans to its members.

(c) Loans shall be made upon the note or obligation of the shareholder, bearing such rate of interest as the Bank determine, and the Bank shall have a lien on and shall hold the stock of such shareholder as collateral security for all indebtedness of the shareholder to the Bank.

### MONETARY OPERATIONS OF BANK

SEC. 14. The bank shall be authorized to—

(1) purchase notes and other receivables from shareholders on such terms as may be determined by the bank;

(2) make loans to shareholders on such terms and such conditions and rate of interest as may be determined by the bank;

(3) accept deposits from credit unions on a demand or time basis, or both, and to pay interest thereon at such rates and at such times as may be determined by the bank;

(4) make deposits in the form of time accounts or demand accounts or both in shareholder credit unions, in such banks, trust companies, mutual savings banks, and savings and loan associations as are insured with respect to such accounts by the United States or any agency or instrumentality thereof;

(5) develop and enter into agreements with or among credit unions and other financial institutions for the purpose of aiding in the establishment of an efficient interlending system among credit unions and for the purpose of aiding credit unions in establishing concentrated lines of credit with other financial institutions, and to act as a depositor or transmitter of funds for the purpose of carrying out this power;

(6) invest in the shares of a shareholder credit union;

(7) pay dividends on the stock subscriptions of shareholders provided the bank is adequately reserved and to grant patronage refunds of interest paid on loans from the bank by shareholders as authorized by the Board of Directors;

(8) arrange for a commitment of insurance from the Administrator of the National Credit Union Administration of the bank's loans and its purchase of notes of liquidating shareholder credit unions to the extent that member accounts of the liquidating shareholders are insured by the National Credit Union Share Insurance Fund.

### MANAGEMENT AND OPERATION

SEC. 15. Special provisions governing National Credit Union Bank as an agency of the United States until conversion of management and operation—

(a) Until the management and operation of the National Credit Union Bank is converted as provided in subsection (b) of this section, the bank shall be an agency of the United States.

(b) At the expiration of ten years from the effective date of this Act or thereafter and provided there are no loans then outstanding to the Treasury made pursuant to section 12(b)—

(1) the management and operation of the bank shall vest in a Board of Directors elected pursuant to section 6(a)(3) and may be exercised and performed through the President of the bank, to be selected by the Board of Directors of the bank, and through such other employees as the Board of Directors may designate;

(2) the three members of the Board of Directors of the bank designated by the President of the United States pursuant to section 6(a) (1) and (2) shall cease to be members;

(3) the National Credit Union Bank shall cease to be an agency of the United States but shall continue in existence in perpetuity as an instrumentality of the United States and as a banking corporation with all of the powers and limitations conferred or imposed by this Act except as shall have lapsed pursuant to the provisions of this section; and

(4) the obligations of the bank issued under section 12(c) shall no longer be fully and unconditionally guaranteed both as to interest and principal by the United States, and the authority of the Secretary of the Treasury to advance sums of money to the bank pursuant to section 12(b) terminates.

### RESERVES

SEC. 16. The bank shall at all times have in reserve at least an amount equal to the demand deposits received from its shareholders invested in obligations of the United States, obligations fully guaranteed by the United States, or obligations or participations issued by an agency of the United States in trust for another agency or instrumentality of the United States.

### EFFICIENCY

SEC. 17. The bank and the National Credit Union Administration shall provide for such combined reports, examinations, billings, payments, and other such items as the bank and the Administration may prescribe for the purpose of eliminating duplication and to simplify the work of shareholders. In addition, the bank will maximize utilization of reports and examinations of State regulatory agencies and make arrangements with those State agencies to avoid unnecessary expenses and work for State credit unions approved for membership in the bank.

### AUDIT OF FINANCIAL TRANSACTIONS

SEC. 18. The financial transactions of the bank shall be audited by the General Accounting Office, which for this purpose shall have access to all of its books, records, and accounts.

### ANNUAL REPORT

SEC. 19. Not later than one hundred and twenty days after the close of each fiscal year the bank shall prepare and submit to the President and to the Congress a full report of its activities during each year.

### TAX EXEMPTION

SEC. 20. The bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority, except that (1) any real property and tangible personal property of the bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the bank shall be subjected both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

### AMENDMENTS TO THE FEDERAL CREDIT UNION ACT

SEC. 21 (a) Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended by adding at the end thereof the following new paragraph:

"(16) Notwithstanding any other provisions of law, a Federal credit union shall have the power to subscribe for stock in the National Credit Union Bank, if otherwise eligible to do so under the terms of this Act, and to exercise such other functions as may be necessary to fully participate as a member of the bank."

(b) Paragraph (6) of section 8 of the Federal Credit Union Act (12 U.S.C. 1757) is amended to read as follows:

"(6) to make loans to its own Directors and to members of its own supervisory or credit committee provided that any such loan or aggregate of loans to one Director or committee member which exceeds $2,500 plus pledged shares, must be approved by the Board of Directors and to permit Directors and members of its own supervisory or credit committee to act as guarantor or endorser of loans to other members, except when such a loan standing alone or when added to any outstanding loan or loans of the guarantor exceeds $2,500, approval of the Board of Directors is required;".

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### A BILL ENTITLED THE NATIONAL CREDIT UNION BANK ACT OF 1973

Sec. 2—Findings and Purpose—The purpose of this Act is to improve and stimulate the ability of credit unions to provide low cost consumer loans by establishing a National Credit Union Bank.

Sec. 3 defines the following terms: "bank", "board", "shareholder", "credit union", "Federal credit union", "State credit union", and "insured credit union".

Sec. 4—Establishment of the Bank—The principal office of the bank will be located in the District of Columbia but the bank may establish district and branch offices throughout the United States.

Sec. 5—Interim Management—(a) The organization and management of the bank shall vest in the Secretary of the Treasury until the President of the United States appoints the President of the bank.

(b) This concerns the election of one permanent member to the board from each of the Federal credit union regions.

Sec. 6—Permanent Board

(a) The selection of the members of the board will be by the President in his appointment of the Secretary of the Treasury and the Administrator of the National Credit Union Administration who will serve as ex officio members of the Board of Directors and the President of the bank who will serve at the pleasure of the President of the United States and one director from each of the Federal credit union regions who will serve for a term of six years. Each member credit union may vote for office holder according to the number of shares of stock as required by Sec. 9 of the Act, with a maximum of 25 votes.

(b) The President of the Bank will be the chief administrative officer.

Sec. 7—Operation of the Board

(a) Deals with the operation of the Board of Directors and the holding of regularly scheduled meetings during the years.

(b) Any member of the Board may be removed from office for cause by the President of the United States.

(c) Each member of the Board will receive the sum of $100 for each day of performance of his official business. However, compensation will not be paid to the Secretary of the Treasury or the Administrator of the National Credit Union Administration or the President of the bank. The President of the bank will be reimbursed for all necessary travel, subsistence, and other reasonable expenses incurred in the discharge of his duties.

(d) The compensation of the President of the bank will be established by the Board of Directors.

(e) The Board will prescribe regulations that will be necessary to carry out this Act.

Sec. 8—The initial expense of organizing and operating the bank will be obtained from the Secretary of the Treasury in an amount no more than $500,000, and it will be repaid within one year of the date of such advance.

Sec. 9—Capitalization of the Bank

(a) The capital stock will be divided into shares of a par value of $100 each, and stock issued after that will not be less than the par value.

(b) The original stock subscription of each credit union shall be in an amount equal to 1% of the subscriber's total assets before the month in which it makes application for membership in the bank.

(c) Retirement of stock of any member will be an amount equal to the par value of the stock.

(d) Stock subscriptions will be paid for in cash.

(e) Stock shall not be transferred or hypothecated except as provided in the Act.

Sec. 10—Newly Organized Credit Unions

(a) Credit unions shall pay $25 in cash for membership, and it will be credited to its purchase of stock. One year after the date of its charter, the newly organized credit union shall subscribe for stock in the bank in an amount equal to 1% of its total assets.

(b) Stock subscriptions of newly organized credit unions shall be paid for in cash within 30 days.

Sec. 11—Every credit union insured by the Administrator of the National Credit Union Administration shall apply for membership three months after the effective date of this Act, and any shareholder may withdraw from membership in the bank six months after filing with the bank written notice of its intention to do so.

Sec. 12—The operations and powers of the bank are outlined and the bank will be able to sue and be sued, adopt and alter, amend, conduct its business by this Act in any State, lease, accept gifts or donations of services, make arrangements with public or private organizations, conduct examinations of shareholders, and enter into contracts.

Sec. 13—Any shareholder shall be entitled to apply in writing for loans subject to the borrowing limitations prescribed for Federal credit unions of the Federal Credit Union Act. The bank is also authorized to make secured and unsecured loans to its shareholders at a rate of interest to be determined by the bank.

Sec. 14—The bank is authorized to purchase notes from shareholders, to make loans to shareholders, to accept deposits from credit unions on demand accounts, and to make deposits and to develop and enter into agreements with or among credit unions for the purpose of aiding the establishment of an efficient interlending system among credit unions, to invest in shares of stock, and to pay dividends.

Sec. 15—The management and operation of the bank shall vest in a Board of Directors.

Sec. 16—The bank shall at all times have in its reserve an amount equal to the demand deposits received from its shareholders invested in obligations of the United States or obligations guaranteed by the United States.

Sec. 17—The bank is required to make reports, to provide for examinations, and to utilize State regulatory agencies.

Sec. 18—The General Accounting Office will have access to the books, records, and accounts of the bank at all times.

Sec. 19—Not later than 120 days after the close of each fiscal year, the bank will prepare a report and submit it to the President and the Congress of its activities during the year.

Sec. 20—The bank's property, its franchise, its capital, its reserves, its surplus, its security holding shall be exempt from all taxation now or hereafter imposed by the United States, except that any real property and tangible personal property of the bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and obligations issued by the bank shall be subjected to the same extent as the obligations of private corporations.

Sec. 21—Amendments to the Federal Credit Union Act are outlined in Sec. 21.

By Mr. HATFIELD (for himself, Mr. BIBLE, Mr. CRANSTON, Mr. CURTIS, Mr. DOMINICK, Mr. MANSFIELD, and Mr. MOSS):

S. 413. A bill to permit American citizens to hold gold in the event of the removal of the requirement that gold reserves be held against currency in circulation. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HATFIELD. Mr. President, I send to the desk a bill I am introducing today which would allow U.S. citizens to own gold in any form so long as gold reserves are not required by law to be held against currency in circulation. When I first proposed this legislation during the 92d Congress, I noted that some 70 nations, including many of the world's major democracies and our most prolific trading partners already permit their peoples to own gold in coin or in other forms. I asserted then that it was unjust to prohibit Americans from freely participating in the gold market and gave testimony to that effect before the Committee on Banking, Housing and Urban Affairs. To the continuing detriment of our citizens, that injustice remains unrectified.

Furthermore, I would contend that the price of gold should be able to find its own free market value, and that this price should have neither a ceiling nor a floor guaranteed by the U.S. Government. So that the depletion of gold reserves which I propose will be both gradual and controlled, I am contemplating the introduction of additional legislation which would require the Secretary of the Treasury to make not less than $1 billion in gold available for sale at the free market price then extant, annually for the next several years.

Mr. President, the testimony which I gave last year details the historical rationale behind the prohibition against private ownership of gold and responds to arguments commonly made in opposition to a change in that policy. I ask unanimous consent that my testimony as well as pertinent writings by Ralph A. Young, former adviser to the Board of Governors of the Federal Reserve System and Prof. Fritz Machlup of Princeton University be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### STATEMENT OF MARK O. HATFIELD, U.S. SENATOR FROM THE STATE OF OREGON

Senator HATFIELD. Thank you very much, Mr. Chairman, for the privilege of appearing before your committee this morning to briefly discuss Senate bill 2709, cosponsored by Senator Mansfield, Senator Dominick, Senator Curtis, Senator Cranston, Senator Javits, Senator Buckley, and Senator Stevens.

The focus of these hearings is the administration's proposal to revalue the dollar in terms of gold. I would like to concentrate on the relationship of gold to our monetary system, specifically private ownership of gold by U.S. citizens.

Gold has been used as money for about 25 centuries. The first gold coins date from around the seventh century B.C. Until rather recently, gold was the primary standard of measuring economic value.

While the United States was officially on the gold standard for the 100 years between 1834 and 1934, excepting the period between

1862 and 1879, significant movement was made toward changing the relationship between gold reserves and the dollar prior to President Franklin Roosevelt's initiative in April 1933, and the Gold Reserve Act of 1934.

In 1914, the same year the Federal Reserve Bank was created, the currency in circulation was roughly twice the amount of the Governments gold stock. The rise in the price of gold in the 1930's tripled the U.S. gold stock. The intervention of World War II and its aftermath saw more significant changes.

In 1945, we had $20.1 billion in gold with no debts. Since that time, our gold reserves have decreased by $9.9 billion, and our liabilities increased by an estimated $68 billion. During that same time period, the purchasing power of a dollar has dropped approximately 56 percent.

The United States was the last major industrialized country to go off the gold standard. It was unique because it disallowed speculation in gold by its citizens. When the United States went off the gold standard, our citizens owning gold were paid $20.67 an ounce, when the market price was above that value the U.S. Government then set the price of gold at $35 an ounce, and took a significant paper profit.

Many have compared this action by the Federal Government in the 1930's to those of Premier Castro as well as President Allende in the past two decades. I think these comparisons are valid.

Be that as it may, for roughly four decades, U.S. citizens have not been allowed to own gold. The few exceptions to this rule includes jewelry, collectors' items, and industrial purposes, whereas the citizens of virtually every major trading partner of ours are allowed to privately own gold.

Mr. Chairman, the Library of Congress researched this further, and for the record, I would like to submit at this point a full list of the 1970 Pick's Currency Yearbook, containing a list of the countries which permit their citizens to own gold.

Senator STEVENSON. The document will be entered into the record.

(The information follows:)

[From the Library of Congress—Congressional Research Service]

### Countries Which Allow Free Ownership of Gold by Their Citizens

Pick's 1970 Currency Yearbook contains a list of countries which permit their citizens to own gold:

Afghanistan [1]
Algeria [1]
Argentina
Australia [1]
Austria
Belgium-Luembourg
Bolivia [1]
Brazil
Burma
Cambodia [1]
Canada
CFA
Chile [1]
Colombia [1]
Congo, Dem. Rep.[1]
Costa Rica [2]
Cyprus [2]
Czechoslovakia [2]
Denmark [1]
Dominican Republic [2]
Ecuador
Egypt [1]
El Salvador [2]
Ethiopia [2]
Finland
France
German Federal Republic
Ghana [2]
Greece
Guatemala
Guinea [2]
Haiti [2]
Honduras
Hong Kong
Iceland
Indonesia
Iran
Iraq
Ireland
Israel
Italy
Japan
Jordan
Kenya [2]
Korea
Kuwait
Laos
Lebanon
Liberia
Malawi [2]
Mexico
Morocco [1]
Nepal
Netherlands Antilles [1]
New Zealand
Nicaragua [2]
Nigeria [1]
Norway [2]
Pakistan
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Portuguese China (Macao)
Qatar/Dubai
Saudi Arabia
South Africa [1]
Spain [2]
Sudan [2,3]
Surinam [1]
Sweden
Switzerland
Syria
Taiwan
Tanzania [2]
Thailand
Tunisia [2]
Turkey
Uganda [2]
United Kingdom Non-Residents Sterling Area
United States [4]
Uruguay
Venezuela [1]
Vietnam
Yugoslavia [1]
Zambia [2]

Today there are at least 70 countries that allow their citizens to own gold in coin or other forms. Countries in which gold may be owned include Austria, Belgium, France, Italy, Japan, Luxembourg, Netherlands, Portugal, Sweden, Switzerland, and West Germany.

### Testimony Resumed

Senator HATFIELD. On October 19, 1971, I introduced legislation which would allow U.S. citizens to own gold in any form. The bill, S. 2709, also provides for the sale and purchase of gold by the Secretary of the Treasury at a price equal to that being paid to or charged by foreign governments, banks, firms, or individuals, provided gold reserves or gold certificates are not required by law to be held against currency in circulation. There have been objections raised to the proposition of allowing private ownership of gold. I would like to deal briefly with these.

It has been argued that making this move at this time might jeopardize our international negotiations in trade and the par value of the dollar. I cannot help but observe the little movement within countries mentioned earlier, such as Japan, France, and West Germany, to disallow private ownership and speculation in gold on the basis that it is threatening their negotiating position with the United States.

Second, while I have heard this objection raised in general terms. I have yet to hear any of the specific negative consequences anticipated on our negotiating position.

Finally, arguing that this move would somehow jeopardize negotiations is similar to arguing that private ownership of tin, feathers, or steel might also jeopardize our position. This is true since the United States particularly will no longer pay claims against the Government in gold, and there are no reserve requirements on our currency.

A second question is sometimes raised: Who would profit by allowing private ownership of gold? This is a difficult question to answer. At the time gold went off the private market in the United States, one source reports that the California Division of Mines estimated 20,000 gold mines were shut down in that State alone.

A former president of the Western Mining Council has further estimated that at least 50,000 individuals would need to be employed in mines if private ownership were allowed—and this is only in the State of California. But this is speculative.

One projection can be made with some degree of probability, however. Roughly $11.1 billion of gold would be available for purchase by U.S. citizens from the Secretary of the Treasury if revaluation becomes a reality, and S. 2709 were passed in its present form. The U.S. Government now holds over 27 percent of the gold currencies held by free world governments.

This raises another objection often voiced—the potential outflow of dollars from the United States. It is true, as many have pointed out, that gold has sold for as much as $49.27 an ounce on certain foreign markets. Assuming that all $11.1 billion were suddenly thrust on the market, the price of gold would be forced down. The depth to which it would be driven is highly speculative, but it would be significant, nevertheless.

Mr. Chairman, there is a great deal of speculation on this entire question, much of it contradictory. However, there is one central point on which I believe we should focus. That is the injustice to American citizens when they are not allowed to own gold. There is no reason why our citizens should be penalized twice for the fiscal problems and errors of their Government. The first penalty is the price they pay for inflation, the second is not being allowed to enter the gold market.

For 3 days in 1971, a free market in gold was open in California due to a technicality in the regulations. It was called the West Coast Commodity Exchange, Inc., and gold was selling for approximately $58.50 per ounce.

This means that our gold reserves have been depleting, and those outside our country could make a profit of $23.50 per ounce.

Taking this example, at worst, it should be our citizens who should stand to make a profit at their Government's mistakes, rather than foreign interests.

I would like to make one further comment, Mr. Chairman. I have been urged by many individuals, including some of the cosponsors of S. 2709, to amend it to S. 3160, the administration's revaluation bill. I would greatly prefer to see it handled as a separate bill, but I have yet made no final decision. Certainly, a great deal depends on your committee's reactions. Nor am I particularly wedded to the specific provisions of my proposal to the exclusion of measures such as those introduced by the distinguished Senator for Colorado, Mr. Allott.

It may well be that while agreeing on the premise that American citizens should be allowed to own gold, the economic, social, and political implications of directing the Secretary of the Treasury to purchase and sell gold to citizens of this county would be too speculative to occur in 1 year.

I would suggest that it might be accomplished on an incremental basis, perhaps over 5-year period, allowing Government-owned gold to be put on the market each year, while allowing private enterprise to develop our Nation's gold-mining capacities.

From either the perspective of those advocating a return to the gold standard, allowing the dollar's value to vary with the free market price of gold with the Government holding little, if any, gold reserves, to those who would have us leave gold completely, substituting special drawing rights and other credits, there is little room for disagreeing over the question whether American citizens should own gold. The essential question is one of timing, but the burden, in my opinion, is on the shoulders of those who would rather wait.

Mr. Chairman, I have one additional document that I would like to submit for the record, which I think is an excellent treatise on the question of the two-tier foreign concept advocated by some. This is written by Dr. Milton Friedman, of the University of Chicago, entitled "Real or Pseudo Gold Standards," written in 1961. With the exception of a few more percentages of reevaluation, I think the statistics are still valid at this point.

Senator STEVENSON. We will enter that into the record, too.

(The paper is reprinted as follows:)

[From the Journal of Law and Economics, October 1961]

### Real and Pseudo Gold Standards [1]

(By Milton Friedman, University of Chicago)

International monetary arrangements have held a consistently important place among the topics discussed at the meetings of our Society. This is eminently fitting, since there is probably no other major facet of economic policy with respect to which liberals (in the sense of our Society) reach such divergent conclusions from the same underlying principles.

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[1] Coins only.

[2] Coins for numismatic purposes.

[3] "Native" gold only.

[4] Coins, minted before 1934.

Footnotes at end of article.

One group, of which Philip Cortney is a distinguished member, favors a continuation of the formal linking of national currencies to gold, rigid exchange rates between different national currencies, a doubling or more than doubling of the official price of gold in terms of national currencies, and an abandonment of governmental measures designed to evade the discipline of gold. This group is apparently indifferent about whether gold circulates as coin; it is satisfied with a gold bullion standard.

A second group, represented by the Economists' National Committee on Monetary Policy, also favors a continuation of the formal linking of national currencies to gold together with rigid exchange rates between different national currencies. But it emphasizes the importance of gold coinage and of a widespread use of gold coin as money in national as well as international payments. Apparently, this group believes there is no need for a change in present official prices of gold, or, at least, in the United States price.

A third group, of which I count myself a member, favors a separation of gold policy from exchange-rate policy. It favors the abandonment of rigid exchange rates between national currencies and the substitution of a system of floating exchange rates determined from day to day by private transactions without government intervention. With respect to gold, there are some differences, but most of us would currently favor the *abandonment of any commitment by governments to buy and sell gold at fixed prices and of any fixed gold reserve requirements for the issue of national currency as well as the repeal of any restrictions on private dealings in gold.*

I have stated and defended my own policy views elsewhere at some length.[2] Hence, I would like to use this occasion instead to explore how it is that liberals can reach such radically different conclusions.

My thesis is that current proposals to link national currencies rigidly to gold whether at present or higher prices arise out of a confusion of two very different things: the use of gold as money, which I shall call a "real" gold standard; government fixing of the price of gold, whether national or international, which I shall call a "pseudo" gold standard. Though these have many surface features in common, they are at bottom fundamentally different—just as the near identity of prices charged by competitive sellers differs basically from the identity of prices charged by members of a price-ring or cartel. A real gold standard is thoroughly consistent with liberal principles, and I, for one, am entirely in favor of measures promoting its development, as, I believe, are most other liberal proponents of floating exchange rates. A pseudo gold standard is in direct conflict with liberal principles, as is suggested by the curious coalition of central bankers and central planners that has formed in support of it.

It is vitally important for the preservation and promotion of a free society that we recognize the difference between a real and pseudo gold standard. War aside, nothing that has occurred in the past half-century has, in my view, done more to weaken and undermine the public's faith in liberal principles than the pseudo gold standard that has intermittently prevailed and the actions that have been taken in its name. I believe that those of us who support it in the belief that it either is or will tend to be a real gold standard are mistakenly fostering trends the outcome of which they will be among the first to deplore.

This is a sweeping charge, so let me document it by a few examples which will incidentally illustrate the difference between a real and a pseudo gold standard before turning to an explicit discussion of the difference. My examples are mostly for the United States, the country whose monetary history I have studied in most detail.

### A. EXAMPLES OF EFFECTS OF A PSEUDO GOLD STANDARD

### *1. U.S. monetary policy after World War I*

Nearly half of the monetary expansion in the United States came after the end of the war, thanks to the acquiescence of the Federal Reserve System in the Treasury's desire to avoid a fall in the price of government securities. This expansion, with its accompanying price inflation led to an outflow of gold despite the great demand for United States goods from a war-ravaged world and despite the departure of most countries from any fixed parity between their currencies and either gold or the dollar. The outflow of gold finally overcame Treasury reluctance to see the price of government securities fall. Beginning in late 1919, then more sharply in January 1920 and May 1920, the Federal Reserve System took vigorous deflationary steps that produced first a slackening of the growth in the stock of money and then a sharp decline. These brought in their main a collapse in wholesale prices and a severe economic contraction. The near-halving of wholesale prices in a twelve-month period was by all odds the most rapid price decline ever experienced in the United States before or since. It was not of course confined to the United States but spread to all countries whose money was linked to the dollar either by having a fixed price in terms of gold or by central bank policies directed at maintaining rigid or nearly rigid exchange rates. Only those countries that were to experience hyperinflation escaped the price collapse.

Under a real gold standard, the large inflow of gold up to the entry of the United States into the war would have produced a price rise to the end of the war similar to that actually experienced. But neither the postwar rise nor the subsequent collapse would have occurred. Instead, there would have been an earlier and milder price decline as the belligerent nations returned to a peacetime economy. The postwar increase in the stock of money occurred only because the Reserve System had been given discretionary power to "manager" the stock of money, and the subsequent collapse occurred only because this power to manage the money had been accompanied by gold reserve requirements as one among several masters the System was instructed to serve.

Under a wholly fiduciary currency, with floating exchange rates, the initial postwar expansion might well have occurred much as it did, though the depreciating value of the dollar in terms of other currencies might have been a quicker and a more effective check than slowly declining gold reserves. But the subsequent collapse would almost surely not have occurred. And neither the initial price inflation nor the subsequent price collapse would have been communicated to the rest of the world.

The world-wide inflation and then collapse was at the time a severe blow to a belief in free trade at home and abroad, a blow whose severity we now underrate only because of the later catastrophe that overshadowed it. Either a real gold standard or a thoroughly fiduciary standard would have been preferable in its outcome to the pseudo gold standard.

### *2. U.S. monetary policy in the 1920's and Britain's return to gold*

There is a widespread myth among gold standard advocates that the United States monetary policy during the 1920's paved the way for the Great Depression by being unduly inflationary. For example, Cortney writes, "the Federal Reserve Board succeeded in the 1920's in holding up the price level for a surprising length of time by an abnormal expansion of inflationary credit, but in so doing it helped produce the speculative boom."[3] Nothing could be farther from the truth. The United States monetary policy in the 1920's and especially in the late 1920's, judged in terms of either a real gold standard in the abstract or prior United States experience, was if anything unduly deflationary.

The sharp 1920–21 price decline had brought prices to a level much closer to the prewar level than to the postwar peak though they were still appreciably above the prewar level. Prices rose only moderately in the subsequent cyclical expansion which reached its peak in 1923. From then until 1929, wholesale prices actually fell, at a rate of roughly 1 per cent a year.

As to gold, credit, and money, the Federal Reserve System sterilized much of the gold inflow, preventing the gold from raising the stock of money anything like as much as it would have done under a real gold standard. Far from the Reserve System engaging in an "abnormal expansion of inflationary credit," Federal Reserve credit outstanding in June 1929 was 33 per cent lower than it had been in June 1921 and only 16 per cent higher than in June 1923 although national income was nearly 25 per cent higher in 1929 than in 1923 (in both money and real terms). From 1923 to 1929, to compare only peak years of business cycles and so avoid distortion from cyclical influence, the stock of money, defined to include currency, demand deposits, and commercial bank time deposits, rose at the annual rate of 4 per cent per year, which is roughly the rate required to match expansion of output. On a narrower definition, excluding time deposits, the stock of money rose at the rate of only 2½ per cent per year.[4]

The deflationary pressure was particularly strong during the great bull market in stocks, which happened to coincide with the first few years after Britain returned to gold. During the business cycle expansion from 1927 to 1929, wholesale prices actually fell a trifle. one must go back to 1891–93 to find another expansion during which prices fell and there has been none since. The stock of money was lower at the cyclical peak in August 1929 than it had been 16 months earlier. There is no other occasion from the time our monthly data begin in 1907 to date when so long a period elapsed during a cyclical expansion without a rise in the stock of money. The only other periods of such length which show a decline have an end point in the course of severe contractions (1920–21, 1929–33, 1936–37).

So far as the United States alone was concerned, this monetary policy may have been admirable. I do not myself believe that the 1929–33 contraction was an inevitable result of the monetary policy of the 1920's or even owed much to it. What was wrong was the policy followed from 1929 to 1933, as I shall point out in a moment. But internationally, the policy was little short of catastrophic. Much has been made of Britain's mistake in returning to gold in 1925 at a parity that overvalued the pound. I do not doubt that this was a mistake—but only because the United States was maintaining a pseudo gold standard. Had the United States been maintaining a real gold standard, the stock of money would have risen more in the United States than it did, prices would have been stable or rising instead of declining, the United States would have gained less gold or lost some, and the pressure on the pound would have been enormously eased. As it was, by sterilizing gold, the United States forced the whole burden of adapting to gold movements on other countries. When, in addition, France adopted a pseudo gold standard at a parity that undervalued the franc and proceeded also to follow a gold sterilization policy, the combined effect was

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Footnotes at end of article.

to make Britain's position untenable. The adverse consequences for faith in liberal principles of the deflationary policies adopted in Britain from 1925 to 1931 in the vain effort to maintain the re-established parity are no less obvious than they were far-reaching.

### *3. U.S. policy, 1931 to 1933*

United States monetary behavior in 1931 to 1933 is in some ways a repetition of that from 1920 to 1921, but on a more catastrophic scale, in less fortunate circumstances, and with less justification. As we have seen, in 1919 the Reserve System deviated from the policy that would have been dictated by a real gold standard. In 1920, when it saw its gold reserves declining rapidly, it shifted rules, over-reacted to the outflow, and brought on a drastic deflation. Similarly, from 1922 to 1929, the Reserve System sterilized gold and prevented it from exercising the influence on the money stock that it would have had under a real gold standard. And again in 1931, when Britain went off gold and the United States experienced an outflow of gold, the Reserve System shifted rules, over-reacted to the outflow, and catastrophically intensified a deflation already two years old.

The circumstances were less fortunate in 1931 than in 1920 in two different respects, one domestic and the other foreign, and both in some measure the Reserve System's own creation.

The domestic difference was that the deflationary action of 1920 came at the end of a period of expansion which was widely regarded as temporary and exceptional, and served to intensify without necessarily prolonging a recession that would probably have occurred anyway. The deflationary action of 1931 came after two years of severe contraction which had been showing some signs of terminating; probably served to nip in the bud a revival; and both greatly intensified and substantially prolonged the contraction, turning it into the most severe for nearly a century.

This difference was largely the Reserve System's creation because of its inept handling of the banking difficulties that started in the fall of 1930. Until that date, the contraction, while rather severe, had shown no signs of a liquidity crisis. Widespread bank failures culminating in the failure of the Bank of the United States in late 1930 changed the aspect of the contraction. This episode turned out to be the first of a series of liquidity crises, each characterized by bank failures and runs on banks by depositors anxious to convert deposits into currency, and each producing strong downward pressure on the stock of money. The Reserve System had been set up with the primary aim of dealing with precisely such crises. It failed to do so effectively but not because it lacked the power or the knowledge. At all times, it had ample power to provide the liquidity that the public and the banks desperately sought and the provision of which would have cut short the vicious chain reaction of bank failures. The System failed because accidents of personality and shifts of power within the System left it with no dominant personality who could avoid the usual outcome of committee control: the evasion of responsibility by inaction, postponement, and drift. More fundamentally yet, the failure reflected the adoption of a monetary system that gave great power to a small number of men and therefore was vulnerable to such accidents of personality and shifts of power. Had the liquidity crisis been cut short at its onset in 1930 and the Bank of the United States kept from failing (as very likely would have occurred before the Federal Reserve System), the economy would probably have been vigorously expanding by September 1931 instead of being precariously balanced on the verge of another liquidity crisis.

The International difference in circumstances that was less fortunate in 1931 than in 1920 was the monetary situation in other countries. In many countries, monetary arrangements in 1920 were in a state of flux, so they could adapt with some rapidity. By 1931, a new pattern of international monetary arrangements had become established, in considerable measure under the patronage of the Federal Reserve Bank of New York, as well as the Banks of England and France. More serious and more directly to be laid at the Reserve System's door, its gold sterilization policy had, as we have seen, increased the problem of adjustment for many other countries and so left them more vulnerable to new difficulties. In the event the monetary world split in two, one part following Britain to form the sterling area; the other, following the United States, in the gold bloc. The sterling area countries all reached bottom and began to expand in late 1931 or early 1932; most gold bloc countries experienced further deflation and did not reach bottom until 1933 or 1934.

The deflationary monetary actions had less justification in the fall of 1931 than in 1920 for two different reasons. First, in 1920, the Federal Reserve System was still in its infancy, untried and inexperienced. Set up under one set of conditions, it was operating under a drastically different set. It had no background of operation in peace time, no experience on which to base judgments. By 1931, the System had more than a decade of experience and had developed a well-articulated body of doctrine, which underlay the gold sterilization policy and which called for its offsetting an outflow of gold rather than reinforcing its deflationary effect. Second, the gold situation was drastically different. By early 1920, the gold stock was declining rapidly and the Reserve System's gold reserve ratio was approaching its legal minimum. Prior to September 1931, the System had been gaining gold, the monetary gold stock was at an all-time high, and the System's gold reserve ratio was far above its legal minimum—a reflection of course of its not having operated in accordance with a real gold standard. The System had ample reserves to meet the gold outflow without difficulty and without resort to deflationary measures. And both its own earlier policy and the classical gold standard rules as enshrined by Bagehot called for its doing so: the gold outflow was strictly speculative and motivated by fear that the United States would go off gold; the outflow had no basis in any trade imbalance; it would have exhausted itself promptly if all demands had been met.

As it was, of course, the System behaved very differently. It reacted vigorously to the external drain as it had not to the internal drain by raising discount rates within a brief period more sharply than ever before or since. The result was a major intensification of the internal drain, and an unprecedented liquidation of the commercial banking system. Whereas the stock of money had fallen 10 per cent from August 1929 to August 1931, it fell a further 28 per cent from August 1931 to March 1933. Commercial bank deposits had fallen 12 per cent from August 1929 to August 1931; they fell a further 35 per cent from August 1931 to March 1933. Never was there a more unnecessary monetary collapse or one which did more to undermine public acceptance of liberal principles.

Once again, either a real gold standard throughout the 1920's and '30's or a consistent adherence to a fiduciary standard would have been vastly preferable to the actual pseudo gold standard under which gold inflows and minor gold outflows were offset and substantial actual or threatened gold outflows were overreacted to. And this pattern is no outmoded historical curiosity; witness the United States reaction to gold inflows in the early years after World War II and its recent reaction to gold outflows; witness the more recent German sterilization of gold inflows. The pseudo gold standard is very much a living menace.

### *4. U.S. nationalization of gold*

After going off the gold in March 1933, the United States re-established a fixed official price of gold in January 1934, raising the price to $35 an ounce. Many current proponents of a rise in the official price of gold approve this action, regarding it as required to bring the value of the gold stock into line with an allegedly increased fiduciary circulation. Perhaps a rise in the price of gold was desirable in 1934 but it cannot be defended along these lines, at least for the United States itself. In 1933, the ratio of the value of the gold stock to the total stock of money was higher than it had been in 1913 or at any date between. If there be any valid argument for a rise in the price of gold along these lines, it is for 1929, not 1934.

Whatever may be the merits of the rise in the price of gold, there can be little doubt that the associated measures, which were taken in order that the rise in the price of gold should have the effect desired by the Roosevelt administration, represented a fundamental departure from liberal principles and established precedents that have returned to plague the free world. I refer, of course, to the nationalization of the gold stock, the prohibition of private possession of gold for monetary purposes, and, the abrogation of gold clauses in public and private contracts.

In 1933 and early 1934, private holders of gold were required by law to turn over their gold to the federal government and were compensated at a price equal to the prior legal price, which was at the time very decidedly below the market price. To make this requirement effective, private ownership of gold within the United States was made illegal except for use in the arts. One can hardly imagine a measure more destructive of the principles of private property on which a free enterprise society rests. There is no difference in principle between this nationalization of gold at an artificially low price and Fidel Castro's nationalization of land and factories at an artificially low price. On what grounds of principle can the United States object to the one after having itself engaged in the other? Yet so great is the blindness of some supporters of free enterprise with respect to anything touching on gold that as recently as last year Henry Alexander, head of the Morgan Guaranty Trust Company, successor to J. P. Morgan and Co., proposed that the prohibition against the private ownership of gold by United States citizens be extended to cover gold abroad! And his proposal was adopted by President Eisenhower with hardly a protest from the banking community.

Though rationalized in terms of "conserving" gold for monetary use, prohibition of private ownership of gold was not enacted for any such monetary purpose, whether itself good or bad. The circulation of gold and gold certificates had raised no monetary problems either in the 1920's or during the monetary collapse from 1930 to 1933. Except for the final weeks just preceding the banking panic, the internal drain had not been for gold but for currency of any kind in preference to deposits. And the final gold drain was the consequence of the rumors, which proved correct, that Roosevelt planned to devalue. The nationalization of gold was enacted to enable the government to reap the whole of the "paper" profits from the rise in the price of gold—or perhaps, to prevent private individuals benefiting from the rise.

The abrogation of the gold clauses had a similar purpose. And this too was a measure destructive of the basic principles of free enterprise. Contracts entered into in good faith and with full knowledge on the part of both parties to them were declared invalid for the benefit of one of the parties.

This collection of measures constituted a further step away from a real gold standard to a pseudo gold standard. Gold became even more clearly a commodity whose price was fixed by governmental purchase and sale and rationing rather than money or even a form of money.

### *5. International monetary fund and postwar exchange policy*

I agree fully with Professor Rist's criticisms of the International Monetary Fund and the arrangements it embodied.[5] These arrangements are precisely those of a pseudo gold standard: each country is required to specify a formal price of gold in terms of its own currency and hence, by implication, to specify official exchange rates between its currency and other currencies. It is forbidden to change these prices outside narrow limits except with permission. It commits itself to maintaining these exchange rates. But there is no requirement that gold serve as money; on the contrary, many of the IMF provisions are designed to prevent it from doing so.

The results have been anything but happy from a liberal viewpoint: widespread controls over exchange transactions, restrictions on international trade in the forms of quotas and direct controls as well as tariffs; yet repeated exchange crises and numerous changes in official exchange rates. No doubt, conditions are now far better than shortly after the war, but clearly in spite of the IMF and not because of it. And the danger of foreign exchange crises and accompanying interferences and trade is hardly over. In the past year, the United States moved toward direct interferences with trade to cope with a balance of payments problem; Germany appreciated; and Britain is now in difficulties.

### B. THE DISTINCTION BETWEEN A REAL AND A PSEUDO GOLD STANDARD

Because of its succintness and explicitness, Cortney's numbered list of prerequisites for the restoration of "monetary order by returning to an international gold standard" forms an excellent point of departure for exploring the difference between a real and a pseudo gold standard. His point number (6) concludes "the price of gold will have to be raised to at least $70 an ounce." His point number (7) is "Free markets for gold should be established in all the important countries, and trading in gold, its export and import should be absolutely free." [6] Here is the issue in a nutshell. Can one conceive of saying in one breath that worldwide free markets should be established in, say, tin, and in the next, that the price of tin should "be raised" to some specified figure? The essence of a free market is precisely that no one can "raise" or "fix" price. Price is at whatever level will clear the market and it varies from day to day as market conditions change. If we take Cortney's point (7) seriously, we cannot simultaneously take his point (6) seriously and conversely.

Suppose we follow the logic of his point (7) and suppose a free market to prevail in gold. There might then develop, as there has in the past, a real gold standard. People might voluntarily choose to use gold as money, which is to say, to express prices in units of gold, and to hold gold as a temporary abode of purchasing power permitting them to separate an act of barter into a sale of goods or services for money and the purchase of goods or services with money. The gold used as money might be called different things in different languages: "*or*" in French, "gold" in English; it might be measured in different units: say, in grams in France and ounces in the United States; special terms such as "napoleon" or "eagle" might develop to designate convenient amounts of gold for use in transactions, and these might differ in different countries. We might even have governments certifying to weight and fineness, as they now inspect scales in meat markets, or even coining "eagles," "double-eagles," and the like. Changes in nomenclature or in units of measure, say, the shift from ounces to grams, might be made by legislation, but these would clearly have no monetary or income or redistributive effects; they would be like changing the standard units for measuring gasoline from gallons to liters; not comparable to changing the price of gold from $35 an ounce to $70 an ounce.

If such a real gold standard developed, the price of commodities in terms of gold would of course vary from place to place according to transportation costs of both the commodities and of gold. Insofar as different countries used gold, and used different units, or coins of different size, the price of one kind of gold in terms of another would be free to vary in accordance with preferences by each country's citizens for the one kind or the other. The range of variations would of course be limited by the cost of converting one kind of gold into another, just as the relative price of commodities is similarly limited.

Under such a real gold standard, private persons or government might go into the business of offering storage facilities, and warehouse receipts might be found more convenient than the gold itself for transactions. Finally, private persons or governments might issue promises to pay gold either on demand or after a specific interval which were not warehouse receipts but nonetheless were widely acceptable because of confidence that the promises would be redeemed. Such promises to pay would still not alter the basic character of the gold standard so long as the obligors were not retroactively relieved from fulfilling their promises, and this would be true even if such promises were not fulfilled from time to time, just as the default of dollar bond issues does not alter the monetary standard. But, of course, promises to pay that were in default or that were expected to be defaulted would not sell at face value, just as bonds in default trade at a discount. And of course this is what has happened when a system like that outlined has prevailed in practice (e.g., in much of the pre-Civil War period in the United States).

Such a system might and I believe would present grave social problems and foster pressure for governmental prohibition of, or control over, the issue of promises to pay gold on demand.[7]

But that is beside my present point, which is that it would be a real gold standard, that under it there might be different national names for the money but there would not be in any meaningful sense either national currencies or any possibility of a government legislating a change in the price of gold.

Side by side with such a standard, there could, of course, exist strictly national currencies. For example, in the United States from 1862–1879, greenbacks were such a national currency which circulated side by side with gold. Since there was a free market in gold, the price of gold in terms of greenbacks varied from day to day, i.e., in modern terminology, there was a floating rate of exchange between the two currencies. Since gold was in use as money in Britain and some other countries, its main use in the United States was for foreign transactions. Most prices in the United States were quoted in greenbacks but could be paid in gold valued at the market rate. However, the situation was reversed in California, where most prices were quoted in gold but could be paid in greenbacks at the market rate. No doubt, in this historical episode, the expectation that greenbacks would some day be made promises to pay gold had an effect on their value by expanding the demand for them. But this was not essential to the simultaneous coexistence of the two currencies, so long as their relative price was freely determined in the market, just as silver and gold, or copper and silver, have often simultaneously circulated at floating rates of exchange.

If a government abjured a national currency, it might still borrow from the community in the form of securities expressed in gold (or bearing gold clauses), some of which might be demand obligations and might be non-interest bearing. But it would thereby surrender everything that we now call monetary policy. The resources it could acquire by borrowing would depend on the interest it was willing to pay on interest-bearing securities and on the amount of non-interest bearing demand securities the public was willing to acquire. It could not arbitrarily issue any amount of non-interest bearing securities it wished without courting inability to meet its promises to pay gold and hence seeing its securities sing to a discount relative to gold. Of course, this limitation in governmental power is precisely what recommends a real gold standard to a liberal, but we must not make the mistake of supposing that we can get the substance by the mere adoption of the form of a nominal obeisance to gold.

The kind of gold standard we have just been describing is not the kind we have had since at least 1913 and certainly not since 1934. If the essence of a free market is that no one can "raise the price," the essence of a controlled market is that it involves restrictions of one kind or another on trade. When the government fixes the price of wheat at a level above the market price, it inevitably both accumulates stocks and is driven to control output—i.e., to ration output among producers eager to produce more than the public is willing to buy at the controlled price. When the government fixes the price of housing space at a level below the market price, it inevitably is driven to control occupancy—i.e., to ration space among purchasers eager to buy more than sellers are willing to make available at the controlled price. The controls on gold, like the related controls on foreign exchange, are a sure sign that the price is being pegged; that dollar, pound, etc., are not simply different names for different sized units of gold, but are national currencies. Insofar as the price of gold in these currencies and the price of one currency in terms of another are stable over considerable periods, it is not because of the ease of converting one quantity of gold into another and not because conditions of demand and supply make for stable prices, but because they are pegged prices in rigged markets.

The price of $35 an ounce at which gold was supported by the United States after January 1934 was initially well above the market price—like the price at which wheat is currently being supported. The evidence is in both cases the same: a rapid expansion of output and the accumulation of enormous stockpiles. From 1933 to 1940, production in the United States rose from less than 2.6 million ounces to 6 million ounces; in the world, from 25 million ounces to 41 million ounces; the gold stock in the Treasury rose from 200 million ounces to 630 million, or by 1¾ times as much as the total of world output during the intervening period. Had this pace of increase in output and stock continued, the gold purchase program might well have been limited in scope; perhaps, as the United States silver purchase program finally was, to domestic output alone.

But the war intervened, which stopped the inflow of gold and brought a major rise in the stock of money. The resultant rise in other prices with no change in the price of gold has altered the character of the fixed United States price. It is now probably below the market price (given the present monetary use of gold), like rents under rent control. The evidence is again in both cases the same; a reduction in production, a decline in stocks, and a problem of rationing demanders. The United States gold output is now less than in 1933 though world output still exceeds the

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Footnotes at end of article.

level of that year. The United States gold stock has declined to roughly 500 million ounces, well below its wartime peak but still 2½ times its level when the present price for gold was established. The restriction on the ownership of gold abroad by United States citizens is a first, and feeble, step toward still tighter rationing of demanders. The gentlemen's agreement among central banks not to press for conversion of dollar balances into gold is a more far-reaching if still rather weak additional step. The history of every attempt at government price fixing suggests that if the pegged price is far below the market price for long, such attempts are doomed to fail.

Doubling the price of gold would no doubt reverse the situation and raise the pegged price again above the market price. Gold production and United States gold stocks would no doubt rise. But to what avail? Gold would still be simply a commodity whose price is supported; countries would continue with their separate monetary policies; fixed exchange rates would freeze the only market mechanism available under such circumstances to adjust international payments; foreign exchange crises would continue to succeed one another; and direct controls of one kind or another would remain the last resort, and one often appealed to, for resolving them.

This kind of pseudo gold standard violates fundamental liberal principles in two major respects. First, it involves price fixing by government. It has always been a mystery to me how so many who oppose on principle government price fixing of all other commodities can yet approve it for this one. Second, and no less important, it involves granting discretionary authority to a small number of men over matters of the greatest importance; to the central bankers or Treasury officials who must manage the pseudo gold standard. This means the rule of men instead of law, violating one of our fundamental political tenets. Here again. I have been amazed how so many who oppose on principle the grant of wide discretionary authority to governmental officials are anxious to see such authority granted to central bankers. True, central bankers have on the whole been "sound money" men with great sympathy for private enterprise. But since when have we liberals tempered our fear of concentrated power by trust in the particular men who happen at a particular moment to exercise it? Surely our cry has been very different—that benevolent or not, tyranny is tyranny and the only sure defense of freedom is the dispersal of power.

### C. CONCLUSION

Let me close by offering a proposal, not for reconciling our views, but at least for possible agreement among us on one part of the gold problem. Can we not all agree with Mr. Cortney's point (7): the establishment of a thoroughly free market in gold, with no restrictions on the ownership, purchase, sale, import, or export of gold by private individuals? This means in particular, no restrictions on the price at which gold can be bought or sold in terms of any other commodity or financial instrument, including national currencies. It means, therefore, an end to governmental price fixing of gold in terms of national currencies.

The major problem in achieving such a reform is, as for the United States wheat program, the transitional one of what to do with accumulated government stocks. In both cases, my own view is that the government should immediately restore a free market, and should ultimately dispose of all of its stocks. However, it would probably be desirable for the government to dispose of its stocks only gradually. For wheat, five years has always seemed to me a long enough period so I have favored the government committing itself to dispose of 1/5 of its stock in each of five years. This period seems reasonably satisfactory for gold as well, and hence my own proposal for the United States, and also other countries, would be that the government should sell off its gold in the free market over the next five years. Perhaps the greater ratio of the accumulated stock to annual production for gold than for wheat makes a longer transitional period appropriate. This seems to me a matter of expediency not of principle.

A worldwide free market in gold might mean that the use of gold as money would become far more widespread than it is now. If so, governments might need to hold some gold as working cash balances. Beyond this, I see no reason why governments or international agencies should hold any gold. If individuals find warehouse certificates for gold more useful than literal gold, private enterprise can certainly provide the service of storing the gold. Why should gold storage and the issuance of warehouse certificates be a nationalized industry?

### FOOTNOTES

[1] Paper written for the Mont Pelerin Society meetings in September 1961.

[2] See, in particular, "The Case for Flexible Exchange Rates" and "Commodity Reserve Currency," in my Essays in Positive Economics, pp. 157–203, 204–50 (1953), and A Program for Monetary Policy, pp. 77–84 (1959).

[3] In Introduction to Charles Ries, The Triumph of Gold, p. 8 (1961).

[4] These statements are based on estimates of the stock of money from 1867 to date constructed by Anna J. Schwartz and me in connection with a study for the National Bureau of Economic Research. Hereafter, I will use the term "stock of money" as referring to the first of these two definitions.

[5] See Charles Rist, op. cit. supra note 3, pp. 188–93.

[6] Ibid, p. 37.

[7] See my A Program for Monetary Stability, pp. 4–9 (1959).

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### Testimony Resumed

Senator STEVENSON. Does your bill provide for the sale by the Treasury of gold on an incremental basis?

Senator HATFIELD. No, it does not. In fact, in section 2, subparagraph 2, page 2, "The Secretary of the Treasury may purchase from any citizen in the United States any gold tendered at a price equal to that then being paid to foreign governments, banks, firms, and individuals for gold being purchased by the U.S. Treasury."

We have not set forth in this a timing, but rather have implied in subsection 2, that the market price of the gold would be a floating price and would be decided by administrative discretion.

I would have no objection to setting a specific time. As Dr. Friedman has said, at other times when the Government has found itself holding commodities in surplus, such as wheat, a 5-year period for disposal purposes has been used for disposal of certain surpluses.

Senator STEVENSON. Are you familiar with the practices of other governments? Are the treasuries of other governments selling gold from their reserves to their citizens or in world commercial markets? If so, how do they do it?

Senator HATFIELD. Mr. Chairman, the United States is in a rather unique situation, in which our Government has deprived its citizens of gold ownership. It has, particularly up until 1946, accumulated gold as almost a monopoly. There are the few exceptions which I cited: Industrial purposes, jewelry, and other such matters.

Therefore, when you look at the Library of Congress list of other countries, we are most unique. I do not know of a country, frankly, which has gone through the same procedure that we have in this monopoly of gold. So I don't know that there is any precedent to which we can turn.

Senator STEVENSON. Have you considered at all the possibility of holding off on U.S. sales of gold until such time as we have worked out some agreements on major long-term monetary reform? I am thinking of such possibilities as International Monetary Fund purchases of gold against issuance of SDR's, and tying such a reform in with Treasury sales of gold.

Senator HATFIELD. Mr. Chairman, that is the basic thesis of the two-tier advocates. They want to, in effect, place an official price on gold in the United States. The United States would price gold at a certain level for official purposes and for international agreements. It would then have a floating price or, a general world market price, for citizens' ownership. I would prefer to see the total freedom of gold, for both governments and private citizens. I think gold will ultimately return and remain the solid basis behind credits or services on the free market. I don't see any problem here.

In the Civil War period the United States had a period where a dual situation existed with the greenbacks and the gold. The amount the greenbacks would buy in gold each day varied on the market. But we still had the national currency on one hand, and we had gold paralleling the greenbacks as well.

I would subscribe to the Friedman school of thought, turning loose gold completely in order to protect the people against inflation. I think it is artificial when the two-tier approach is used. The Government is still permitted to manipulate beyond and outside of a market value, and when this is done, problems develop, as we are in today.

I think this is an example of the kinds of deficits we face today, both in the balance of payments and trade, the manipulation, the artificial markets, the artificial prices created by government.

As I say, I think inflation, most of all, is the penalty we are paying for the kind of gold monopoly this Government is holding.

Senator STEVENSON, I want to thank you again, Senator Hatfield.

You mention in your testimony the possibility of offering your bill as an amendment to S. 3106. I am not sure, but wouldn't it encounter a little opposition in this committee to that proposition? We started the hearings yesterday, and there was a pretty strong feeling, both on the part of the witnesses we heard and the committee, to the effect that we ought to report out a clean or almost a clean bill. However, that wouldn't be necessarily inconsistent with your approach.

Senator HATFIELD. No. Mr. Chairman, my initial reaction, as I indicated in my testimony, is to maintain the independence, the separate status, of this. I would like to see the committee act upon the bill if it were not used as an amendment.

Some of the cosponsors of the bill have made this a suggestion only. But I still would like to see some committee response to the proposal. Whether it is Senator Allott's or my bill makes little difference, but I think the question is very important for a committee to at least give us a reading as to its attitude and reaction to gold ownership.

Senator STEVENSON. I am obviously not in a position to speak for the chairman of this committee. But I personally see no reason why the committee's action on S. 3160 would in any way interfere with its action in consideration of your bill; speaking as one member of this committee, I think we could go ahead and give it serious and careful consideration.

Senator HATFIELD. I am grateful to the committee for the hearing on this bill, and will be watching carefully the testimony that will be offered on this whole subject. There is a lot of public interest today on this.

I have found in my own mail and correspondence a tremendous outpouring of questions I haven't been able to answer regarding the Government maintenance of this particular policy. I think it would be well for the

Government, the executive agencies, to respond to some of these questions we raise in this bill, too. Thank you.

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### MAKING PEACE WITH GOLD

While gold has played a role in monetary organization throughout the entire history of civilization, it was not until after the discovery of the New World that gold coinage acquired a parity with silver among the economic elite, i.e., merchants, traders, goldsmiths, bankers, and rulers. Even more recent was the use of gold as the basis for a money system. Great Britain was the innovator when, in a series of actions between 1816 and 1821, it adopted a weight of gold as its primary monetary unit; gave existing Bank of England notes full and ready convertibility into gold coin; and undertook to limit the supply of nongold money in order to assure that its ready convertibility into gold would be indefinitely maintained.

For 50 years thereafter, Great Britain stood alone in adhering to a relatively "pure" gold money system. In the 1870's, however, a gold money system also was established by Germany and France. By 1900, the system had been adopted by most countries of importance in the trading world, including the United States. Thus, it was not until the turn of the 20th century that an international gold-standard monetary system was fully launched and set on course.

This point is made to emphasize that what is known as an international gold standard is not a mechanism long imbedded in world monetary organization, as is widely believed. The notion of the sanctity of gold as an impersonal and nonfiduciary monetary standard is largely a product of recent times.

Moreover, the era of the international gold standard proper was short—barely 50 years. The disruptions of World War I gave it a shattering blow from which it was never to recover. Probably its life would have ended in a few decades in any case, for nongold money in the form of paper currency and bank checks was gradually displacing gold in domestic monetary usage. Gold was coming to serve primarily as a reserve base—and an increasingly slender base at that.

Why did the international gold standard hold undisputed region for even as long as half a century? Why and how did the gold standard work? It worked because national governments accepted three necessary conditions. First, the unit of national money was defined as a weight of gold, i.e., gold was given a fixed price in national money. Second, ready convertibility of nongold national money into gold was provided. Third, the price of gold in national money was so related to domestic price and interest levels that there was no incentive to convert nongold money into gold and to export it for profit.

The first condition called for a higher price of gold on world markets that would be fixed by the free play of market forces without a monetary demand—a price that would serve as an incentive to gold production and assure a continually growing supply of gold for monetary usage. Through most of the 19th and early 20th centuries this condition was sufficiently satisfied to keep prospectors searching for new gold fields, and capital quickly flowed to develop new finds. As a result, gold output was maintained well enough to permit a growth in monetary gold stock averaging just under 3% a year from 1850 to 1914—about a fifth lower than the rate of growth in real gross national product.

Meeting the second condition of a gold-standard money system—namely, the requirement of convertibility for nongold money—furnished a basis for confidence in that money. Anyone who preferred the commodity to nongold money—mainly paper, check money, or silver coin—could, if he wished, convert; and gold could readily be obtained for payment in international transactions. Furthermore, the convertibility requirement had two further consequences. It acted to set a limit—to be sure, a very broad limit—on the creeping creation of nongold money for whatever purposes national governments deemed expedient or tolerated. Equally important, it effectively reduced the responsibility of the monetary authorities—in most cases, central banks—to a simple matter of providing a mechanism of convertibility. An aura of nonpolitical objectivity in governmental administration of the monetary system was thus created. In the then prevalent view that the sovereign should provide a good money but not meddle with its usage of value, this consequence was both congenial and acceptable.

De facto debasement of the international gold standard by the faster creation of nongold money was so gradual during that standard's heyday as to be ignored for all practical purposes by the vast majority of people and, accordingly by governments. In fact, this faster growth of money in relation to the growth of tangible wealth and services is what kept the variation of the price level under the gold-standard reign within tolerable limits. And so long as international convertibility of money could be counted on as a matter of high probability, confidence in the gold standard was maintained.

The third condition of a gold-standard monetary system—national gold prices equated internationally with what money could buy or earn domestically—had broad implications for world trade. It yielded a system of stable exchange rates for the continuing interconvertibility of national currencies and reduced money costs and risks in trade and investment among countries. It also furnished the world with an integrated price system as a guide to international output and commerce and fostered the development of specialization in accordance with the comparative advantages of regional resources.

During the ascendancy of the gold standard, world trade flourished; world markets for new national products emerged; industrial production was progressively concentrated in ever larger units at lowered cost; and the fruits of industrial revolution became widely distributed over the face of the globe, and most widely over its gold-standard area.

This is not to say that the international gold standard was never threatened, economically and politically. On three occasions in the mid-19th century the Bank of England temporarily suspended the Bank Act of 1844 (thereby producing de facto inconvertibility of its notes), and a fourth suspension was narrowly avoided at the time of the Baring crisis in 1890. Likewise, the dominance of gold in U.S. monetary affairs was threatened severely by the populist wave culminating in William Jennings Bryan's grave warning that the people were in danger of being crucified on "a cross of gold."

But the domestic convertibility of gold and nongold money into goods and services varied little enough in any relatively short period that public indignation never reached a boiling point which could bring the standard's downfall. And always where the threats were most grievous, the bounty of nature came to the rescue. As one gold field became exhausted, another took its place: California, Australia, the Yukon, Western Canada, the Transvaal Rand, and (most recently) the Orange Free State. Gold output was enough, after satisfying industrial and hoarding demands, to sustain an increment in monetary stocks sufficient to frustrate the severest critics of the international gold standard.

Disruptions and devastations of World War I, together with the creation of money by governmental fiat to finance that war and economic reconstruction after it, spelled the doom of the international gold standard in its pristine form. The financial world was in a state of confusion as to what next to do. Future uncertainties and the pressure of events made action both necessary and inevitable.

### MODIFYING THE GOLD STANDARD

Monetary beliefs, like other forms of social belief, tend to rest on a mixture of accepted tradition, experience, and myth. Hence it is not surprising that the responsible leaders in the monetary area finally reached a consensus after World War I favoring some kind of reconstructed gold standard. This consensus was not reached suddenly upon the termination of hostilities, but only in the face of widespread monetary disorder in Europe and dependent areas. It did not find formal expression until the International Economic Conference held at Genoa in 1922.

What governments were then advised to do was, first, to revalue their money realistically in terms of gold according to its current ability to purchase goods and services domestically. But in revaluing domestic money in terms of gold and in beginning once again to demand gold for monetary purposes, countries were further advised to reduce sharply the volume of gold coin in circulation and otherwise to economize on the use of gold by holding foreign exchange along with gold as monetary reserves to provide assured international convertibility. Thus, a subtle and critical change in the character of the traditional gold standard was to be introduced.

Lastly, governments were advised that their central banks—to whom responsibility for maintaining convertibility had previously been entrusted—might need henceforth to keep a closer eye on domestic money creation. The point also was made that central banks would find it desirable to cooperate actively with each other in keeping domestic monetary expansion in closer harmony among countries with a view to the over-all as well as the domestic stability of money purchasing power. This advice gave recognition to a likelihood that the link between domestic money and monetary gold stocks might become looser than it had been.

By about the mid-1920's, a fixed exchange rate system had been largely re-established among major trading countries, under the guise that it represented a legitimate and practicable return to an international gold standard. Countries did make every effort, and with success, to add to monetary reserves by reducing gold-coin circulation. And they did experiment fairly widely with the accumulation and use of foreign exchange—partly in sterling and partly in dollars—as a supplement to gold in maintaining external money convertibility, thus converting the gold standard into what came to be called a gold-exchange standard.

For a time, the reconstructed gold-exchange standard seemed to work commendably. World trade revived and grew; the output of goods expanded everywhere—with one ironic exception: gold itself. At the higher level of costs of exploration and costs of mining compared with prewar years, gold production languished.

That the world of that period should quite suddenly have become sucked into a maelstrom of industrial and commercial equity speculation, centering in New York, and that simultaneously a visible erosion of ethical standards and accounting practices in domestic banking and finance in major countries should have taken place, was more than a piece of very bad luck, for political and financial leadership should have been more alert and responsive. But it was not, and the world was plunged into a state of extreme distress by a catastrophic decline in equity prices, followed by an appalling collapse of urban and farm real estate value and a precipitous drop in prices of currently produced goods and services—in short, a near universal deflation without precedent in the history of capitalism.

The world was soon caught up in a vicious circle of money devaluations, including one for the U.S. dollar. This was followed by monetary reorganization in major countries that completed the banishment of gold coin from service as national money. The world's post-World War I gold standard—reconstructed as a gold-exchange standard—was in full collapse. In retrospect, that such disruption was permitted to happen seems incredible.

By the mid-1930's, world deflation bottomed out, but at very low levels. Thereafter national—and clearly nationalistic—recovery policies gradually began to take hold, accompanied by a slow commencement of world recovery. However, the shock of world recession, of widespread monetary devaluations, and of rampant nationalistic "begger-thy-neighbor" policies was too much politically and economically, and soon forces threatening an outbreak of international conflict were in full control. International disorganization had gone so far as to defy any efforts by the leadership of major powers to re-establish world economic order. With the Far East in turmoil and with growing threats of conflict within Europe, the United States became the world's haven for refugee money and for gold. By the close of 1939, U.S. official vaults held more than three-fifths of the then existing monetary gold stock of the whole world.

### BRETTON WOODS

This time wartime disruption and disorganization of production, trade, and finance, plus accompanying disintegration of the monetary mechanisms of many participants, was more than a repeat of World War I and its aftermath; it was much worse. But at least while the hostilities of World War II were going on, the best brains, monetary and financial, on the Allied side were concerning themselves profoundly and deeply with the problem of monetary reconstruction that seemed certain to present itself immediately after the war. Readers will recall the dramatic monetary conference held at Bretton Woods, New Hampshire, in July 1944, which negotiated a charter—known as the Articles of Agreement—for establishing the International Monetary Fund.

The concept underlying the Articles of Agreement of the International Monetary Fund represented radical innovation. For the first time in world history, all countries accepting and ratifying the Fund Agreement were called upon to surrender a measure of their independent monetary authority, in short, to share their monetary sovereignty. This they were to do by ceding to an international body the right to participate in determining the value of their respective national moneys in relation to the value of money in other countries and in relation to gold. Put more simply, all countries accepting the Fund Agreement consented to the fixing of a value for their money in consultation with the Fund, which, in turn, would have a responsibility for protecting the interests of other participating countries.

The Fund Articles of Agreement included critical supporting provisions, as well as a workable apparatus for cooperative monetary decision-making among members and for sustaining the viability of the new arrangement. Thus, each consenting country obligated itself: first, to maintain a monetary reserve position in gold or foreign exchange sufficient to support its spot exchange rate vis-a-vis the money of each other member within a range of 1% of parity; second, to advise the Fund should any change in parity become necessary for reasons of fundamental disequilibrium in payments; and, third, not to change its parity for corrective purposes by more than 10% without Fund concurrence.

To support the system of fixed exchange rates that was to be established upon the advent of peace, each Fund member was to contribute to a pool of resources, partly in gold (25%) and more largely in its own currency with gold-value guarantee (75%), in accordance with an assigned quota related to its production and trade importance in the world economy. With the Fund's consent, this pool could be drawn upon by individual members to cope with temporary imbalances in foreign payments. Ordinarily, such drawings were to be limited to 25% of quota in any year and a total of 200% of quota. But these limits might be waived by the Fund in the light of special circumstances and proper safeguards of the Fund's interest. Any drawing became subject to a charge graduated by the length of time outstanding. And each drawing was to be repayable in accordance with terms set by the Fund itself—presumably related to the payments problem occasioning the drawing.

The Fund Agreement contemplated that national policies regarding the expansion of domestic money supplies would be left to national determination. But they were to be subject to review and criticism by the Fund should they depart too far from requirements for sustained maintenance of external convertibility. Finally, to achieve good standing as full-fledged Fund members, nations electing to participate were to dismantle as rapidly as feasible all restrictions or controls or international payments that were a legacy of prewar nationalism or wartime needs.

Beyond these arrangements for the orderly administration of world monetary development, the Fund Agreement included one further radical innovation in international authority. It contemplated that Fund members as a group at different points in the future might want to make uniform changes in the par values of their currencies—in other words, to effect an increase or a decrease in the monetary price of gold by international fiat. With this provision, the framers of the Article of Agreement presented what proved to be an almost insuperable roadblock to U.S. acceptance of membership.

### A MANAGED FIDUCIARY STANDARD

At the time, the International Monetary Fund was thought of as a vehicle for re-establishing a form of international gold standard, or more accurately a form of gold-exchange standard. Such a conception, however, did less than justice to the revolutionary character of the accomplishment. For the new monetary arrangement was to be one in which:

1. The full faith and credit of member nations transcended gold in governing monetary relations between them;

2. National monetary management was "good" if it took reasonable account of the interests of other nations, and transgressions of "good behavior" might be subject to monetary sanctions.

3. National monetary authority was to be elevated from a bureaucratic role of maintaining convertibility to a policy-making role within government establishments;

4. The interconvertibility of currencies was to be both a national responsibility and an international task to be worked on in cooperation with the Fund's membership;

5. Conditionally available monetary reserves—drawing on the Fund—were to be as legitimately usable in maintaining external convertibility as owned reserves.

If we need to type this new international arrangement in some short-hand way we should probably call it a "managed fiduciary standard."

One year after the signing of the Bretton Woods Agreement and just a month and a half before the Japanese surrender, the United States Congress passed the Bretton Woods act authorizing the President to accept membership in the International Monetary Fund, but with two highly important reservations. First, the act made it mandatory for the U.S. to advise the Fund that it would continue the existing gold parity of the dollar. Second, it prohibited the President or any person or agency on behalf of the United States to "propose or agree to any change in the par value of the . . . dollar . . ." or to "approve any general change in par values" under the Fund Agreement "unless Congress by law" should authorize such action.

Thus, in asserting its authority over the dollar price of gold via a general change in par values of money internationally, the United States Congress in effect indefinitely froze the monetary price of gold. For what change could there be if the U.S. could not go along without Congressional initiative? And if Congress were to debate at length the world price of gold, the whole international monetary system could disintegrate from uncertainty while the debate was going on. The world's monetary authorities could only tremble at the thought.

These reservations, however, were not as unacceptable as one might have thought to U.S. administration officials. Apparently they had concluded from the evidence at hand as to known gold resources, advances in the technology of gold extraction, and trends in gold-mining costs that the existing dollar price of gold of $35 an ounce was high enough to permit postwar gold mining and output to prosper and for ample supplies of new gold to become available for the world's monetary uses. And in addition, U.S. administration officials had to take into account other considerations that underlay the reservations of Congress.

For one thing, the 1934 devaluation of the dollar in terms of gold had come to be looked upon by many as a breach of faith with the domestic and foreign public, and as a serious blow to U.S. international prestige—an action not to be repeated again solely on Executive initiative and responsibility.

And a special fact making the reservations desirable to Congress and acceptable to U.S. officials was that existing U.S. gold reserves were much more than ample by modern standards of a sufficiency of monetary reserves. In addition, under the new arrangement, it would be possible and profitable for other monetary authorities to rely on dollar balances as a supplement to gold in monetary reserve usage.

Finally, the view that the future evolution of the world monetary system should be managed by the community of nations was gaining acceptance. Hence, should gold and dollar supplies prove inadequate for world reserve needs, the new institution—the International Monetary Fund—would provide a mechanism through which cooperative international effort might find a practicable remedy.

Whatever the real truth may have been about the U.S. reservations to the Bretton Woods charter for an International Monetary Fund, they were not so vital as to prevent the Fund's establishment. By late 1945, in fact, enough nations had accepted the Agreement's main provisions to make possible the Fund's establishment. A decade later, it had achieved a membership of 67 nations, including the principal industrial nations of the free world. Switzerland declined membership, preferring the role of neutral in economic as well as political matters. By the late 1960's Fund membership totaled 107 nations in actual number. Of these, 31 were recognized as having attained full interconvertibility of their national money with other currencies at agreed parities.

### PROBLEMS FOR THE NEW STANDARD

What was to be the outcome of this new monetary arrangement? Could it and would it be sustainable and durable? Would it realize the vision of its conceivers? And what would be its effects on gold?

Actually, the new monetary arrangements met with remarkable success, and Fund members twice (in 1959 and 1966) joined in enlarging the Fund's resources appreciably. But its functioning was, for an extended period, greatly aided by the largesse of the

American people in allowing their government to extend huge amounts of postwar aid, economic and military, first to governments in areas devastated and disrupted by war and later to developing and less developed countries.

Within a decade following World War II the "miracle" of European and Far Eastern recovery was there for the world to see. Production and trade flourished as never before; economic growth generally achieved unprecedented rates; and a new era of human enlightenment and welfare seemed to have opened up. If the new monetary system was not the cause of this almost unbelievable development, it palpably served to facilitate it.

Why then, by the closing years of the 1960's, was the free world faced with a fresh breakdown of its monetary arrangements?

Obviously, the cause of the new threats were complex—political as well as economic and financial. A critical legacy of World War II was an unsteady balance of world political and military power, with a continuing chill of Cold War. And a succession of localized conflicts at the margin of the power balance gave danger of spreading into wider conflict. In such an atmosphere, a pervasive undercurrent of inquietude could hardly help finding expression in widespread public unease—even distrust of ultimate power balance.

Economically, the recovery in Europe and the Far East had considerably altered the free world's economic power base. In the case of Europe, however, further strides in economic power had come to hinge heavily on further strides towards economic integration, and these further strides seemed temporarily blocked by insurmountable political obstacles. As for the Far East, its economic base of power rested too heavily on U.S. power and, further, continued to show vibrant strength partly in consequence of U.S. procurement there on behalf of the Vietnamese War. Naturally, observers hoping for steady progress toward a better or firmer distribution of world economic power viewed the overall situation with misgivings which were contagious.

Financially, the free world's monetary-reserve growth had taken too largely the form of dollar and sterling balances and too little the form of gold, at least in the sight of private financial communities. Moreover, when reserve growth took the form of gold, it was too largely drawn from the monetary-reserve stocks of the two countries whose money had been earlier regarded as satisfactory foreign exchange for the monetary reserves of other countries. And when the growth of monetary reserves took the form of foreign-exchange balances in dollars or sterling, the dollars or sterling largely constituted payments deficits of the parent countries.

At long last, the monetary authorities of major European countries reached a consensus that the quantity of dollars and sterling in the world's monetary-reserve base had attained, if not exceeded, a desirable ceiling, and that the U.S. and the U.K. should take decisive steps to correct their excessive international-payments deficits. These views were formally communicated to the representatives of these two countries through the facilities of various agencies of international economic cooperation, including the International Monetary Fund. In due course, the substance of the confidential discussions among officials inevitably became known to the private financial communities and subsequently to the world public.

In this moment of embarrassment, Soviet Russia saw fit to discontinue sales of gold on world markets. Concurrently, growing public concern found expression in a spreading purchase of gold coin, fractional gold bars, gold wafers, and gold leaf. And those who could afford it began to acquire standard gold bars, while the more speculative saw in the gold market an opportunity seldom presented—a one-sided speculation, at some cost to be sure, but with no risk of substantial loss. Before long, private demands far exceeded new gold supplies available for purchase. A worldwide run on gold was in the making.

What was happening in the meantime to the world's output of and demand for gold? In the years just preceding World War II, gold output had spurted, reflecting in part the increase in its real value during world deflation and in part the stimulus of the 1934 increase in its dollar price from $20.67 to $35.00 an ounce. For a decade after World War II gold output was well below immediate prewar levels. By the late 1950's, however, it had regained these levels and then exceeded them. At about this stage, Soviet Russia began to release to the market part of its rising gold production.

All told, from 1950 through the early months of 1968, some $23.8 billion in additional gold became available from output and from Russian sales. Of this large sum, industrial uses, objects of adornment, and the arts took only an estimated $5 billion and net additions to official monetary gold stocks roughly an equal sum. Thus the amount going into private hoards and speculative holdings aggregated something like $13.8 billion, of which as much as $3 billion apparently vanished into private holdings during 1967 and the early months of 1968.

Clearly, if this amount of hoarded gold had been available for monetary-reserve uses, along with the amount actually added to monetary-gold stocks, the world's monetary system would have had quite enough, perhaps more than enough to "make peace with gold." The aggregate of new gold for monetary-reserve uses, however, was not that abundant, and there is little point now in deploring that fact.

### RESPONSE TO DISTURBANCES

But it would have been deplorable if the world's monetary authorities had not become sharply aware of developing threats to its monetary arrangements. Actually, every government received due warning at the turn of the 1960's by four events. One, occurring just before President Kennedy's election, was a sudden surge of demand for gold on the London gold market which raised its price there from $35.20 (its normal limit) to $40.00 an ounce. Only the joint efforts of U.S. and U.K. monetary authorities brought this splurge under control. But the traumatic impact on the newly elected President Kennedy was such that, shortly after his inauguration, he pledged the entire U.S. gold stock to defense of the dollar.

The second event was the 5% upward revaluation in terms of gold of the German mark and the Dutch guilder in the early spring of 1961 to correct their presumed undervaluation vis-a-vis sterling and the dollar.

The third event was a heavy run against sterling in the spring of 1961, which gave rise to a sizable package of emergency credits from European central banks and the U.S. authorities to help the Bank of England until it could arrange an International Monetary Fund drawing adequate to defend sterling.

The fourth was not strictly an event but the succession of three large and alarming deficits in U.S. international payments. Their occurrence prompted the International Monetary Fund, under U.S. urging, to negotiate an agreement with its ten leading members (the so-called Group-of-Ten countries) establishing special borrowing facilities that would complement the regular facilities that then existed. Under the agreement—formally known as the General Arrangements to Borrow—participants committed themselves to provide enough of their respective currencies, upon due consultation, to finance concurrently, if necessary, maximum permissible drawings from the Fund by the U S. and the U.K.

With these portentous warnings of rough international financial waters ahead, three further developments of major import took place. The monetary authorities of the U.S. and the U.K., together with those of six other major trading nations, organized a pool to support the London gold price within the market's parity with the U.S. Treasury's gold price.

Next, the U.S. Federal Reserve System launched a program of foreign-currency operations for the defense of the external convertibility of the dollar. And to facilitate the execution of any such operations, it established a network of stand-by credit (currency-swap) arrangements with the principal central banks abroad.

Lastly, the ministers of finance of the principal trading nations that were members of the International Monetary Fund plus Switzerland joined in authorizing their deputies to engage in a study of the world's future needs for monetary reserves and of ways to assure their steady growth. Significantly, the finance ministers instructed their deputies to proceed with the study on the premise that a world price of gold of $35 an ounce would be indefinitely adhered to.

Of these three developments, the first, the gold-pool arrangement, was brought to an end by the "gold rush" of 1967 and early 1968. The second, the central-bank reciprocal credit network, continues to prove useful and has indeed expanded from a modest beginning in 1962 of $700 million of potential temporary credits between participating central banks (including the Bank for International Settlements) and the Federal Reserve System to today's impressive today of more than $9 billion. This expanded sum bears testimony to the concern among monetary authorities that resources in ample supply be promptly available to cushion large temporary flows of funds internationally and thus to help assure the maintenance of orderly exchange-market conditions. The third development—the product of four years of arduous international study, debate. and negotiation—was a concrete proposal for the creation of a new international asset to supplement gold in meeting the world's future needs for growth in national monetary reserves.

### A NEW KIND OF RESERVE ASSET

Of these three revolutionary developments, the third is the most far-reaching in its implications for future world prosperity and deserves the thoughtful consideration of informed citizens. In Rio de Janeiro last September the plan was put before the Board of Governors of the International Monetary Fund. That body approved the plan and instructed the Fund's Executive Directors to incorporate it in a proposed formal amendment to the Fund's Articles of Agreement. That task has now been accomplished, and review of the proposed amendment by representatives of the Fund's leading members (the Group of Ten) has recently taken place at a meeting in Stockholm. The Fund Governors also have approved the proposed amendment. There now remains only legislative acceptance by member governments. What political obstacles may handicap or delay this process may only be guessed.

The new plan provides for a quantum of Special Drawing Rights in the International Monetary Fund to become available to participating member governments as decided by the Fund. But the units making up this quantum are to differ from units making up ordinary drawing rights; they will have a continuing international life of their own, unless and until extinguished by Fund decision. The decision-making process to create or extinguish units will be formal, with the safeguard against excessive action resting in the requirement of approval by 85% of the Fund's accredited voting power.

The creation and allocation of the new Special Drawing Rights, when agreed upon, is to be for a stipulated period, normally five years, with annual allocations on a quota basis among participating countries. Members will be free to use these Rights without condition as to their own monetary and fiscal policies, but the expected use will be to meet balance-of-payments problems. When transfers of ownership occur, they are to be effected through the Fund's facilities.

The value of the Special Drawing Rights will rest on the obligation of every participant to accept them when transferred through the Fund, subject only to the qualification that no member will be required to hold Rights in excess of 300% of its cumulative allocation. To provide continuity with present monetary arrangements, the Special Drawing Rights are to have a unit value expressed in terms of a weight of gold.

Each participant country will be obligated to maintain holdings of Special Drawing Rights equal on the average to at least 30% of its cumulative allocation. This will mean that if use of Special Drawing Rights causes a member's holding to fall below 30% it will be obligated to reconstitute its holding to equal a moving average of that percentage within a specified time span. Reliance on transfer of ownership through Fund facilities has the purpose of assuring other member countries that a member's average minimum holding will be met, and that member monetary systems as a group will be able to maintain a reasonable balance between holdings of Special Drawings Rights and other forms of monetary reserves.

These specifications all look reasonable enough. In fact, they represent a sensible compound of current financial wisdom. In press reports, the proposed new asset has often been called "paper gold". But clearly this description does less than justice to the innovation. For the asset is to be an international fiduciary money unit backed by the full faith and credit of all the national governments that voluntarily join together in its creation.

### TERMINATION OF THE GOLD POOL

Let us next shift our focus to the dissolution over a mid-March weekend if this year of the international gold pool and the decision made on that occasion to allow the market price of gold to fend for itself, while continuing to have gold transactions among central banks themselves at the official price of $35 an ounce.

This decision by the central bankers of the seven major trading nations then participating in the gold pool was in effect one made "looking down the barrel of a shotgun." It had to be taken for the all-important reason that the world public's gold buying fever had to be allayed. And as the principal monetary officials of leading governments—charged with carrying out a public trust to keep solid the interconvertibility of their respective money units—these central bankers simply had to buy time for deliberation and decision as to further steps.

Was it, however, just a case of buying time? The gold panic had been months in forming. The participating central bankers must surely have discussed among themselves the possibility of an ultimate contingency and considered strategy alternatives for dealing with it. But one can only speculate about what transpired before the action and about its implications for the future.

As for the two-tier scheme for the price of gold—a market price independent of an official price—one might surmise that the central bankers concerned went through a planning process somewhat as follows. With the help of their experts, they individually looked at the long-term record of new-gold availability, at the best private and governmental estimates of gold taking for industrial purposes, and at the record of annual increments in the world's monetary gold stock. Simple subtraction of the latter two sources of gold absorption from gold availability would have provided them a reasonable record of private gold taking for hoarding, temporary investment and speculation. If the central bankers had then weighed the private takings of gold in the past eighteen months, they could have arrived at the inference that world gold markets faced a large overhang of gold in private hands which might, in the face of gold-price uncertainty, become actual market supply. From this conclusion, it would follow that the risk was minimal that the "free market price" for gold would soar to the skies while the chance that the price would settle at a level close to or possibly somewhat below the official price was good.

But the action taken by these important central bankers on that fateful mid-March weekend seemed to go much further than mere technical consideration of what might happen to the market price of gold. In their published communique, they stated: "... The Governors believe that henceforth officially held gold should be used only to effect transfers among monetary authorities, and, therefore, they decided no longer to supply gold to the London gold market or any other gold market. Moreover, as the existing stock of monetary gold is sufficient in view of the prospective establishment of the facility for Special Drawing Rights, they no longer feel it necessary to buy gold from the market. Finally, they agreed that henceforth they will not sell gold to monetary authorities to replace gold sold in private markets ..."

Such a communique wording suggested decision of far-reaching portent. It implied that monetary demand for gold might be permanently withdrawn from the market. It further intimated a potential severance of national monetary systems from any further dependence on an ever expanding supply of new gold. And it also hinted that the central bankers present might be willing to accept the proposed new international money unit as a displacement of future available gold in monetary-reserve usage. These interpretations may be stretching the intent of the communique, but, if legitimate, dethronement of gold was possibly an accomplished fact.

### POLITICAL LEAVENING

Central bankers are experts in the techniques of money management but not necessarily in politics. When, a fortnight after their action, they accompanied their ministers of finance to the Group-of-Ten meeting in Stockholm to discuss the proposed amendment to the Fund's Articles of Agreement that would authorize the creation of Special Drawing Rights literally by the stroke of a pen, they found their superiors in a mood to compromise with political realities. While the ministers were prepared ". . . to cooperate in the maintenance of exchange arrangements of the world based on the present official price of gold . . ." , they considered only that the Special Drawing Rights would "... make a very substantial contribution to strengthening the monetary system . . .", but ". . . not provide a solution to all international monetary problems . . ."

Thus we are led to the judgment that "making peace with gold" remains an objective for the future. If so, the private financial community as well as the managers of national monetary systems must determine whether they are prepared to live indefinitely with a two-tier pricing of gold. And if they are not so prepared, they must decide upon an arrangement that will reconcile prevailing psychology about gold with practical necessities in a setting in which the community of nations may no longer be willing to leave the expansion of its combined monetary reserves to the vagaries either of gold production or of the public's caprice in hoarding gold. In addition to this adjustment, the two giants of international finance must prove that they can at least approach an equilibrium in their international payment flows, if not a firmly lasting balance. Perhaps, if each of these important steps can be accomplished, the way to "peace with gold" will simply be one of leaving gold alone—some of it to repose comfortably in private vaults and mattresses.

And, we may further infer that, as long as the community of nations has it within its power to supplement new-gold availability for monetary uses by creating, when needed, a supplementary reserve asset voluntarily acceptable in settlement of world commerce, the international monetary system can get along with present gold holdings and with whatever additional gold authorities choose to acquire. Perhaps a logical next step in extending the temporary truce with gold would be a pooling of the free world's monetary gold stock in an international agency. But probably for our time, it would be unduly opitimistic to expect the modern state's reliance on gold as a symbol of independent sovereignty entirely to "wither away."

In closing, one may conclude that the thinking of leading monetary authorities has now reached a stage where the trappings of the gold standard are largely irrelevant. From such a standpoint, the sooner the international monetary mechanism is rid of the remaining vestiges of the traditional ties with gold the better.

At the same time, the world's statesmen in the monetary area—that is, its finance ministers—know that the myths surrounding gold remain a political reality with which they must deal. Persistence of lip service to a gold standard and retention of its symbols has merit to them for it provides continuity with society's past. Indeed, with the world yet to establish firmly a monetary system rooted in the full faith and credit of the community of nations acting jointly, the ministers would appear to find unconvincing an argument that respectful deference to the symbolism of gold as a monetary heritage is harmful.

It can be agreed that democracies today are trying, perhaps in a cumbersome way, to recognize their ever closer monetary interdependence through a variety of procedures, intergovernmental arrangements, and ingenious institutional innovations such as the International Monetary Fund. The urgent incentive to these innovations has grown out of the long struggle to accommodate the use of a commodity—as unreliable in monetary supply as gold—as the base for an international monetary system in an ever-shrinking planet. As a matter of survival, world economic society is having to conclude: "It we can't make do with it, we'll have to learn to make do with as little reliance on it as we can."

As far as the general public is concerned, most of this struggle has had a very low visibility as compared with more obvious diplomatic and political activity; it is too complex, and too remote from everyday concerns. In this respect, it resembles international cooperation in scientific fields. Compared with these scientific fields, however, the area of money and finance is closed to politics and diplomacy, even if its visibility is low. Because of this, and because the social utility of money is so palpably relevant to human progress, cooperation in the monetary field is of immense and urgent importance.

The monetary authorities have been trying to "make their peace with gold" by persistently challenging its indispensability—and as time has passed, with mounting success. Eventually—perhaps none now living will see it—the world's statesmen will be found following in their wake.

## THE ROLE OF GOLD IN THE INTERNATIONAL MONETARY SYSTEM

(By Fritz Machlup)

Jacques Rueff and I share many views on a large variety of subjects: in the philosophy of science, in political philosophy, in economic theory, in economic policy, and on many monetary questions. It happens that we disagree on what in my opinion is a trivial matter, namely, the future role of gold in the monetary system. Yet, just this is the subject of this morning's discussion. So it happens that I speak now as an opponent of a man whom I admire, whom I respect as a gentleman and as a scholar, and whom I have considered a warm friend of mine for many years. He is most generous and I know he will forgive me even if I attack some of his statements.

Let me also note that Rueff and I have been united in our prognosis regarding the gold-exchange standard. His record and mine are quite clear on this issue; and this is not just a matter of the recent past—we published our views in the nineteen twenties. Thus it may seem surprising that we should disagree on public policy about gold. Three years ago it looked as if we could make peace even on that issue. According to Le Monde of the 29th of November 1969, Rueff made the pronouncement: "The question of raising the price of gold is obsolete, it has become uninteresting." Alas, Rueff has disinterred the bones of contention and he resounds the plea for raising the official valuation of monetary gold.

### THE GOLD MARKET 1969–1972

This change of heart can be understood. In November 1969 the price of gold in the free markets was down to the official valuation and threatened to fall below $35 an ounce. The International Monetary Fund came to its rescue by buying in the first three months of 1970 from South Africa as much as the three-month output of new gold. I had correctly predicted in December 1968 that the free-market price would drop below the official valuation "if the entire production of gold had to be sold in the free market," but that the price would "soar to higher levels" if the new output were withheld from the market and that "a good rise might be reinforced by a resumption of speculative purchases."

I think it is a realistic assumption that world consumption of gold will soon rise to the rate of world production of gold, but the price in the free markets will, as long as finance ministers and central bankers debate the "right" valuation for monetary gold, be determined by accumulations and decumulations of speculative gold holdings. I shall later return to the question of the economics and politics of the market price of gold. At this point I merely want to say that the rise in the last twelve months and the resulting wide gap between the market price of privately traded gold and the official valuation of monetary gold have caused the renewed fervor of the calls for a radical revaluation of monetary gold.

### GOLD REVALUATION AND INFLATION

The strongest argument against such a revaluation has been the probability of its inflationary consequences. If, by a decision to double the official exchange value of gold, governments can change 40 billion dollars over night into 80 billion dollars, the inflationary potential is great indeed. Rueff, however, proposes an antitoxin; the new 40 billions obtained through the write-up of the gold reserves should be offset by mopping up an equal amount of dollar reserves. The U.S. can use its own paper profit of 10 billion to buy back dollars from other countries, and the other gold-holding countries should give long-term loans to the U.S. in the amount of their paper profits of 30 billion dollars, so that the U.S. can buy another 30 billion of the dollar reserves held abroad. If these loans are made and used to retire so-called liquid dollar holdings, the gain of 40 billion dollars through the write-up of the gold reserves will be exactly offset by a reduction in dollar reserves. To be sure, the governments of other countries will have, in addition, long-term securities of the United States in the amount of 30 billion dollars, but if one does not call them reserve assets they may not be regarded as a basis for domestic money creation. Thus, total monetary reserves are not increased by the revaluation a la Rueff, and the "normal" inflationary consequences are prevented.

### GOLD MAGIC

Rueff's ingenuity as a financial magician is stupendous. Change the book values of unchanged quantities of gold, change the maturities of unchanged amounts of dollar securities, and by these applications of ink on paper the world will have returned to an orthodox gold standard, with governments feeling bound to obey the golden rules of the golden age of the gold standard, submitting to the discipline of gold outflows, and no longer trying to create employment and accelerate growth by means of expansionary credit policies. Does Rueff really believe that such magic can work?

I do not believe it. I do not even believe that one could persuade all governments that hold gold reserves to use all profits from an official write-up for making long-term loans to the United States; they might be more inclined to accept an alternative plan of using some modest part of their profits for aid to poor nations, to finance economic development. The main point, however, is that the purpose of the whole magic performance is illusory. The world will not return to any scheme that includes automatic or semi-automatic controls of the supply of domestic money and credit, and the hope that convertibility into gold would restore "discipline" in national monetary management is in vain, at least for large industrialized countries.

If governments were willing to submit to the discipline supposedly imposed by international settlements exclusively in gold, they could have the same mechanism and the same discipline by agreeing on any other reserve asset—SDRs, IMF deposits, any piece of paper, tin, or plastic. The difference between gold and any "artificial" reserve asset is, in the minds of chrysophiles, that the existing quantity of gold cannot be increased at will while all other assets can. Well, the proposals to increase the official value of monetary gold refute and destroy this nation, for it is not the physical quantity that matters, but only the price tag or book value that is placed on it. It is as easy to double the monetary gold reserves by arbitrary decision as it is to double any monetary paper reserves. Whenever the management so decides, the gold reserves can be written-up. And if the diviners of the Chamber of Mines are right about the growth rate of private demand of gold, the official valuation of gold would have to be adjusted upward every few years, each adjustment creating expectations for the next one and, by thus increasing the speculative demand for gold, bringing on the need for the next revaluation. It is difficult to imagine a worse system. And I cannot believe that many monetary experts would vote for such a system. I seriously doubt that more than one or two of the members of the Committee of Twenty would favor any large or frequent increases in the official price of monetary gold.

### THE "REALITIES," THE PEOPLE, AND GOVERNMENTS

Under these circumstances I am puzzled by the statement made not long ago by a very well-informed and intelligent central banker to the effect that we must go "Back to the Realities" and that this would mean a return to the gold standard with gold at a realistic price. Let me quote from his speech, delivered in October 1971:

"Though it is true that some hundreds of outstanding economists from various parts of the world share the view that gold should be demonetized, the three and a half billion inhabitants of the globe would rather hoard gold than dollar banknotes. To achieve the demonetization of gold, it would be necessary that the hundreds of economists whom I have just mentioned convince these hundreds of millions of the soundness of their theory."[1]

This quotation is from Janos Fekete, Deputy President of the Hungarian National Bank, a real master-mind in central banking. He has concluded that "It is unrealistic to assume . . . that gold could be demonetized." If he derives this conclusion from the gold-boarding habits of the masses, he evidently assumes that private gold hoards are money. They are not, if money is defined as "general medium of exchange" or "general means of payment." There may be millions or hundreds of millions of people who possess gold hoards, but they do not use them for payments or exchanges. Moreover, Fekete somehow must assume that the preference of millions of people regarding their private hoards have much to do with the wisdom or unwisdom of twenty or 125 ministers of finance or central bankers determining how the international monetary system ought to be reformed. I have not noticed that the National Bank of Hungary has made the Hungarian forint convertible into gold or that the preferences of the citizens of any countries, East or West, for hoarding gold rather than dollars or their own currencies have led to the restoration of a gold-coin standard anywhere.

### THE END OF MONETIZATION OF GOLD

I have quoted a statement about demonetization. This term stands in need of clarification, which is easiest if we think first of the meaning of monetization. Monetization of an asset means that any amount of it either can become a means of payment, circulating as currency from hand to hand, or is freely purchased by the issuer of currency at a fixed price in unlimited quantities so that any amount of the asset supplied to the money-creating agency will be brought by that agency with newly created money.

Silver was such an esset in most countries until the last decades of the 19th Century; in the United States it was "demonetized"—in the sense of its monetization being terminated—in 1873 by an Act of Congress. Gold was such an asset until 1968 (though that time only in the United States), when its monetization was stopped by an agreement among the governments of the most important countries not to purchase additional quantities of gold, from private sources.

Much of the debate these days about the monetary role of gold focuses on the desirability or undesirability of a remonetization of gold.

Whether gold will continue to be held among the official reserves of monetary authorities is not an unimportant but also not a terribly grave issue. The United States held silver stocks for 99 years after the legal demonetization of silver. The Treasury sold its stock only gradually; indeed, when political pressures (which silver producers applied through some influential members of Congress) became too hard to resist, the Treasury actually bought some additional quantities in order to support the market price of silver. Whether the monetary authorities will hold on to their gold reserves equally long, that is, until the year 2067, is impossible to predict. I cannot make myself believe that they will, but I must admit that, had I been around in 1873, I would hardly have had the foresight to prophesy that it would take 99 years to dispose of the silver. Nor would such foresight have helped anybody, not even the silver-mining companies.

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[1] Janos Fekete, Deputy President, National Bank of Hungary, "Back to the Realities," Vienna, October 11, 1971 (typescript).

Many of the misunderstandings and confusions in the debates these days are due to the ambiguous use of words. If some mean by demonetization the refusal to purchase all the gold that is offered to the monetary authorities, while others mean by demonetization the decision to sell the gold now held in monetry reserves, it is not possible for even perfectly true statements to appear consistent. Perhaps we ought to do without the ambiguous term. But we should not fail to distinguish several positions on what governments might do about gold. Before I attempt this, I should state the official position of the United States as formulated by the highest officials in charge of monetary affairs.

### THE POSITION OF THE UNITED STATES

Under Secretary Paul Volcker: "With respect to gold, the United States has repeatedly expressed the view that the role of that metal in the international monetary system *should and must continue to diminish*" (September 11, 1972)

Chairman Arthur F. Burns, Board of Governors, Federal Reserve System: ". . . about the future monetary role of gold . . . on which Under Secretary Volcker testified earlier this week. . . . In general, I agree with the views that he has expressed. More specifically, I believe that the monetary role of gold will continue to diminish in the years ahead . . ." (September 15, 1972)

Secretary George Shultz: "The suggested provisions for central values and convertibility do not imply restoration of a gold-based system. The rigidities of such a system, subject to the uncertainties of gold production, speculation, and demand for industrial uses, cannot meet the needs of today.

"I do not expect governmental holdings of gold to disappear overnight. I do believe orderly procedures are available to facilitate a diminishing role of gold in international monetary affairs in the future." (September 26, 1972)

### GOLD RESERVES: RELATIVE SHARE AND LIQUIDITY

To give an idea of the past rate of decline in the share of gold in the countries' official reserves, let me note that this share diminished from about 90 per cent in the 1930's to 72.7 per cent in December 1949 and to 26.2 per cent in July 1972.

I should add that the gold reserves have also lost the essential quality of liquidity: they are no longer used for international settlements, they have become frozen. An asset is liquid only if the owner need not fear that he will lose by using it; that is to say, he does not fear either that his attempt to use it for settling a debt will reduce its price or that his use may deprive him of a gain through an appreciation expected or probable in the future.

This freezing of the monetary holdings affects also SDRs and reserve positions with the Fund. Gresham's Law has shown it can still work with a vengeance. "Bad money drives out good money," or "cheaper substitutes win over dearer ones," or if different assets are linked in fixed price relations and their relative scarcities change, then the more abundant ones will be used and the scarcer ones are relegated to the deep-freeze compartment. I am sure that among the large variety of plans for reform of the system those will finally be chosen that end a scheme of price or value linkages that disregard the operation of Gresham's Law.

### THE OFFICIAL VALUATION OF GOLD

Regarding the official exchange value of gold, four different actions are conceivable: to raise it, to reduce it, to leave it unchanged, or to abolish it. We can forget about reduction and thus are left with three possible actions. But only if one states precisely to what transactions the official valuation is to apply does one make real sense. Thus, if the official value of gold is raised—be it to $50, 70, 100, and be it by the same or a different percentage in terms of other currencies—this may mean several different things: will the monetary authorities at the price (a) buy from and sell to private parties in unlimited quantities, (b) buy from private parties but not sell, (c) sell to private parties but not buy; (d) neither buy from nor sell to private parties, but receive and deliver gold in settlements with all other monetary authorities, or (e) receive and deliver gold in settlements with a specified group of countries (such as the European Community)? There are, moreover, several different possibilities regarding the use of the profits, realized or on paper, from the sale or revaluation of existing stocks. The profits may be sterilized or added to reserves or lent to the United States or given to poor countries, etc.

If the official value of gold reserves is left unchanged, monetary authorities may be allowed to buy and/or sell in the free gold market or from and to selected private parties either at the authorities' discretion, or only such quantities as are approved by the IMF and judged not to affect (boost or depress) the market price of gold too drastically.

The last of the three options is to abolish the official exchange value of monetary gold—as well as the link between gold and SDRs—and to leave each country free to buy and sell gold in the open market, either at its discretion or after consultation with the IMF. Again there would be several possibilities regarding the use of any profits and there could also be various arrangements concerning collective selling through the IMF, BIS or some other international agency. I should like to refer in this context to recent statements by Fred Hirsch, who has recently moved from the Fund to Nuffield College, and by Xenophon Zolotas, former Governor of the Bank of Greece. Both these experts favor abolition of the official price tag for monetary gold. I find their arguments convincing. In the words of Zolotas, "the only lasting solution is to isolate the international monetary system from developments in the gold market." Zolotas adds "Besides, this is also the surest way of restoring calm to the gold market itself." Of this addendum I am less certain, since we have observed rather extreme price fluctuations in other commodity markets, and especially metals. The price of copper, lead, zinc, and tin have repeatedly doubled and more than doubled, or been cut in half or to less than half, within a few months. Such is the habit of commodity markets in which stocks are alternately piled up and run down by producers, processors, traders, and other operators. To believe that a monetary system can be stabilized by linking it with a commodity traded and manipulated in a speculative market presupposes blind faith in an unretrievable past and gross credulity regarding an uncertain future.

### AN INTERIM MAKESHIFT

The definitive abolition of an official exchange value of monetary gold has to be negotiated along with many other provisions for a reformed international monetary system. This may take two, three or more years. Can nothing be done in the meantime to prevent perilous shocks to our shaky system? Again, I find Fred Hirsch's suggestion most sensible: he wants the IMF to reduce its gold holdings by about 1 billion dollars through direct or indirect sales in the free market. I take it that he means these sales to be spaced over a period of about a year. As a result, the present gap between the official value and the free-market price of gold would thereby be narrowed and might completely disappear.

Such a result might restore the liquidity of official gold reserves. Total official holdings—Countries' plus international organizations'—are now valued at about 45 billion dollars. If a sale of about 1 billion dollars from these reserves can unfreeze them and make them into usable assets in international settlements, some of the present problems during the period of negotiations would become easier.

### THE FUTURE OF THE MARKET PRICE OF GOLD

Now to the last point in my exposition: the economics and politics of the gold price in the free market. Is it possible to speak of a real, realistic, or genuine value of a commodity such as gold? Does the average cost or marginal cost of production have anything to do with the determination of a normal supply price? Does the rate of growth in the consumption of gold have anything to do with a normal demand price? The answers are "no." The official and private stocks of gold are now between $75 and $80 billion at the previous official valuation of $35 an ounce. Thus the accumulated stocks are more than 50 times present annual new production and something like 75 times present annual consumption. There is no marginal cost and no marginal utility where existing stocks can cover 50 or more years of consumption even if all new production ceased. The market price under such conditions depends on the quantities released from stocks and, since the bulk of the stocks is owned by governments and public institutions, the releases depend on political decisions. All talk about a real value of gold and a genuine price determined by anonymous market forces is mere humbug. The future role of gold in the monetary system will surely diminish, but the role of official gold holdings in the determination of its market price will remain paramount.

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By Mr. PERCY (for himself, Mr. Cook, Mr. Cranston, Mr. Dole, Mr. Hart, Mr. Kennedy, Mr. McGovern, and Mr. Schweiker):

S.J. Res. 19. A joint resolution to authorize the President to designate the period from March 4, 1973, through March 10, 1973, as "National Nutrition Week." Referred to the Committee on the Judiciary.

Mr. PERCY. Mr. President, I am pleased to introduce today a joint resolution authorizing President Nixon to designate March 4 through March 10, 1973, as National Nutrition Week.

During the months since I first introduced this measure before the 92d Congress, public interest in the subject and awareness of the importance of good nutrition have become more and more evident. Time magazine recently featured as its cover story an article on American eating habits and the current enthusiasm for so-called organic and natural foods. Del Monte Corp., one of the Nation's leading suppliers of canned foods, has undertaken an extensive program to label many of its products with their nutritional contents. Also, when the Select Committee on Nutrition and Human Needs, of which I am the ranking Republican member, held hearings last month on the subject of nutrition education, press coverage and public response reached impressive levels.

Not long ago, the subject of nutrition aroused negligible interest in all but a small group of professionals within this once esoteric field. Now, however, the public is voicing a demand to be given up-to-date information about the nutritional requirements of the human body and the nutritious elements of the food products available.

In an effort to keep the current public concern with good nutrition from becoming just another food fad that might quickly ebb, I feel that the Congress and the administration should take advantage of the growing awareness of the subject and focus the attention of all Americans on the importance of and means of achieving proper nutrition through the proclamation of National Nutrition Week.

Gains in public nutrition education have obviously been made, but much effort still needs to be devoted to providing our citizens with adequate information in the field of personal and family nutrition. Many people still do not realize how vitally necessary good nutrition is to basic good health, and only a minority among us fully understands that a balanced diet not only helps to prevent illness but is conducive to vitality of mind and spirit as well.

The dates of March 4 through March 10 have been selected in order to maximize the impact of Nutrition Weeks that have already been designated by a number of individual States for that period. The American Dietetic Association and a number of other concerned groups and organizations wish at that time to pursue activities especially intended to make known to all Americans the importance and the necessary components of good nutrition. Further, it is my hope that with this national observance individual Americans will take the opportunity to educate themselves and their families regarding good nutrition. I urge my colleagues to join me and my cosponsors in striving for rapid and positive action in favor of National Nutrition Week.

Mr. President, I ask unanimous consent that the text of our joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 19

Whereas good nutrition is of vital importance to the health and well-being of this Nation's citizens; and

Whereas many Americans are not yet aware of the importance of good nutrition; and

Whereas most Americans are not entirely familiar with the necessary composition of a nutritious diet: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is authorized and requested to issue a proclamation designating the period from March 4, 1973, through March 10, 1973, as "National Nutrition Week," and calling upon the people of the United States and interested groups and organizations to observe that week with appropriate ceremonies and activities.

Mr. COOK. Mr. President, I am delighted to join with the distinguished senior Senator from Illinois (Mr. Percy) in the introduction of this joint resolution, which would establish the week of March 4, as National Nutrition Week.

In the past, Congress has approved several national weeks honoring specific groups and causes, but I believe that the observance of nutrition is one of the worthiest and most important recognitions.

Unfortunately, many Americans today either lack knowledge or wish not to acknowledge the vital role which proper nutrition plays in the sound health of each human being. This was not the case, however, in the 1940's when good nutrition was a national concern. In one sense this country had regressed during the 1950's and the early 1960's in heeding the importance of proper nutrition.

Speaking before the Select Committee on Nutrition and Human Needs in 1968, Dr. Margaret Mead stated:

> Uneasy under the accusation that Americans were, in fact, overfed, when such a large part of the world's population was starving, American attention (in the 1950's) turned resolutely away from the question of malnutrition in the United States. Almost the entire elaborate apparatus of research, education and monitoring of health and home practices disappeared.

Since Dr. Mead's statement and during the late 1960's, both public and private interest in good nutrition experienced a rebirth and has gained a significant momentum. America realized at that time that being a wealthy country did not automatically mean that the citizenry was experiencing adequate nutrition.

This joint resolution represents an effort to recognize, to support, and to futher develop this growing national interest in a very vital issue. Therefore, Mr. President, I urge Congress to consider speedy passage of this resolution.

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By Mr. BROOKE (for himself, Mr. Bennett, Mr. Case, Mr. Cranston, Mr. Gravel, Mr. Hansen, Mr. Hartke, Mr. Hatfield, Mr. Humphrey, Mr. Kennedy, Mr. Magnuson, Mr. Mondale, Mr. Montoya, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Pell, Mr. Ribicoff, Mr. Schweiker, Mr. Scott of Pennsylvania, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Tunney, and Mr. Williams):

S.J. Res. 20. A joint resolution designating January 15, of each year, as "Martin Luther King Day." Referred to the Committee on the Judiciary.

Mr. BROOKE. Mr. President, in our Nation's history few men stand out so prominently as Dr. Martin Luther King, Jr. This week, as we observe the anniversary of his birthday, let us once again recognize what this man means to America and to the world.

Dr. King dedicated his life to achieving the dream he so often spoke of, the dream of universal brotherhood among men. Though struck down by an assassin's bullet while still a young man, Martin Luther King made tremendous gains in his herculean effort to make this dream a reality. Today he remains a symbol of our hopes and our ideals, the ideals of equality, freedom, and peace.

It is certainly important to recognize what Dr. King accomplished, but it is equally important to remember the manner in which he accomplished it. Martin Luther King was our country's foremost advocate of achieving social progress through a policy of nonviolence. He understood that lasting social change could only be realized through the cooperation of all races, not through the separatist policies advocated by racial extremists. Martin Luther King stressed racial reconciliation, not raical hatred and the violence which can accompany it.

Today, Mr. President, as one way of insuring renewed dedication to the goals of freedom and equality that he strove for, I would like to introduce, as I did in 1968, 1969, and 1971, a resolution making the birthday of Martin Luther King, Jr., January 15, a national day of commemoration. This day of commemoration will always remind us of how we must respect and understand one another if we are ever to realize the principles upon which this Nation was established. I ask unanimous consent that the text of this resolution be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 20

Whereas the United States of America was deeply grieved by the vicious and senseless act which ended the life of the Reverend Martin Luther King, Junior, this country's apostle of nonviolence;

Whereas the United States of America, and its Senators and Representatives in Congress, recognize and appreciate the immense contribution and sacrifice of this dedicated American;

Whereas the American people are determined that the life and works of this great man shall not be obscured by violence and anger, but rather that they shall remain a shining symbol of the Nation's nonviolent struggle for social progress;

Whereas it is incumbent upon us to recognize that violence, hatred, and national division do no honor to the man who has been taken from us;

Whereas mutual respect and a firm commitment to the ideals of nonviolence for which he labored will be the most lasting memorial to the life of the Reverend Doctor Martin Luther King, Junior;

Whereas it is fervently hoped that his death may serve to reconcile those among us who have harbored hatred and resentment for their fellow Americans, to the end that our country may at last realize the ideal of equality set forth in our Constitution: Therefore, it is hereby

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in honor of the Reverend Doctor Martin Luther King, Junior, who was born on January 15, 1929, January 15 of each year is hereby designated as "Martin Luther King Day". The President is authorized and requested to issue a proclamation each year calling upon the people of the United States to commemorate the life and the service to his country and its citizens of the Reverend Doctor Martin Luther King, Junior, and to observe that day with appropriate honors, ceremonies, and prayers.

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## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

At the request of Mr. Williams, the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 6, the Education for All Handicapped Children Act.

S. 7

At the request of Mr. Robert C. Byrd (for Mr. Randolph) the Senator from Maine (Mr. Muskie) and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of S. 7, a bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes.

### S. 12

At the request of Mr. WILLIAMS, the Senator from Maine (Mr. HATHAWAY) was added as a cosponsor of S. 12, the Urban Parkland Heritage Act.

### S. 20

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of the distinguished Senator from Wisconsin (Mr. PROXMIRE), that the names of the Senator from Missouri (Mr. SYMINGTON), the junior Senator from West Virginia (Mr. ROBERT C. BYRD), and the Senator from Minnesota (Mr. HUMPHREY) be added as cosponsors of S. 20, a bill to provide that the Director of the Office of Management and Budget be confirmed by the Senate.

The ACTING PRESIDENT pro tempore (Mr. JOHNSTON). Without objection, it is so ordered.

### S. 37

At the request of Mr. METCALF, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 37, which would require Senate confirmation of the Director and Deputy Director of the Office of Management and Budget.

### S. 48

At the request of Mr. BROOKE, the Senator from North Dakota (Mr. BURDICK) and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 48, the Vietnam Disengagement Act of 1973.

### S. 176

Mr. THURMOND. Mr. President, on January 4, 1973, I introduced S. 176, the World War I Pension Act of 1973. At that time, Senator HARTKE joined as a cosponsor.

Since that time, many Senators have expressed their interest to join as cosponsors.

Mr. President, I ask unanimous consent that at the next printing of S. 176, the following Senators be added as cosponsors: Mr. MCGEE, Mr. BURDICK, Mr. YOUNG, Mr. PASTORE, Mr. HOLLINGS, Mr. CHILES, Mr. RIBICOFF, Mr. RANDOLPH, Mr. ALLEN, Mr. HELMS, Mr. GRAVEL, Mr. HANSEN, Mr. CANNON, Mr. BROCK, Mr. HATFIELD, Mr. ABOUREZK, Mr. BIBLE, Mr. DOMENICI, and Mr. GOLDWATER.

The PRESIDING OFFICER. Without objection, it is so ordered.

### S. 260

At the request of Mr. CHILES, the Senator from Missouri (Mr. SYMINGTON) was added as a cosponsor of S. 260, a bill to provide that meetings of Government agencies and of congressional committees shall be open to the public.

### S. 262

Mr. ALLEN. Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from Colorado (Mr. DOMINICK) be added as a cosponsor of S. 262, a bill to provide for the establishment of the Tuskegee Institute National Historical Park.

The ACTING PRESIDENT pro tempore (Mr. JOHNSTON). Without objection, it is so ordered.

### S. 295

At the request of Mr. HUMPHREY, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 295, to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 65 years of age or older.

### S. 310

At the request of Mr. YOUNG, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 310, to authorize the Secretary of the Army to convey certain lands originally acquired for the Garrison Dam and Reservoir project in the State of North Dakota to the Montrail County Park Commission, Montrail County, N. Dak.

### S. 316

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that at the next printing of S. 316, a bill to further the purposes of the Wilderness Act of 1964, the names of the junior Senator from Oregon (Mr. PACKWOOD) and the Senator from Colorado (Mr. DOMINICK) be added as cosponsors.

### S.J. RES. 10

At the request of Mr. SCHWEIKER, the Senator from Mississippi (Mr. EASTLAND), the Senator from Alabama (Mr. ALLEN), the Senator from North Dakota (Mr. YOUNG), the Senator from Arizona (Mr. GOLDWATER), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of Senate Joint Resolution 10, the school prayer amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## SENATE CONCURRENT RESOLUTION 2—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ENTITLED "RUNAWAY YOUTH"

(Referred to the Committee on Rules and Administration.)

Mr. MANSFIELD (for Mr. BAYH) submitted the following concurrent resolution:

### S. CON. RES. 2

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed for the use of the Senate Committee on the Judiciary three thousand additional copies of the hearings of its Subcommittee to Investigate Juvenile Delinquency during the Ninety-Third Congress, first session, entitled "Runaway Youth".

## SENATE CONCURRENT RESOLUTION 3—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ENTITLED "SATURDAY NIGHT SPECIAL HANDGUNS, S. 2507"

(Referred to the Committee on Rules and Administration.)

Mr. MANSFIELD (for Mr. BAYH) submitted the following concurrent resolution:

### S. CON. RES. 3

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed for the use of the Senate Committee on the Judiciary three thousand additional copies of the hearings of its Subcommittee to Investigate Juvenile Delinquency during the Ninety-Third Congress, first session, entitled "Saturday Night Special Handguns, S. 2507".

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## SENATE CONCURRENT RESOLUTION 4—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ENTITLED "JUVENILE CONFINEMENT INSTITUTIONS AND CORRECTIONAL SYSTEMS"

(Referred to the Committee on Rules and Administration.)

Mr. MANSFIELD (for Mr. BAYH) submitted the following concurrent resolution:

### S. CON. RES. 4

*Resolved by the Senate ( the House of Representatives concurring)*, That there be printed for the use of the Senate Committee on the Judiciary two thousand additional copies of the hearings of its Subcommittee to Investigate Juvenile Delinquency during the Ninety-Third Congress, first session, entitled "Juvenile Confinement Institutions and Correctional Systems".

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## SENATE RESOLUTION 18—SUBMISSION OF A RESOLUTION TO AMEND RULE XXII

(Referred to the Committee on Rules and Administration.)

Mr. HART. Mr. President, with the senior Senator from New York (Mr. JAVITS), I submit a resolution which we believe represents a responsible effort, and we hope an effective device, to amend rule XXII, the filibuster rule, the cloture rule. We are joined by 16 of our colleagues in this resolution to change rule XXII. Several other reforms that have been proposed on Senate procedure, which will be before the Rules and Administration Committee of the Senate. We very much hope that this proposal or amendment of rule XXII will be considered together, in a sense, promptly, and that we will have the judgment of that committee, because there are many in this body who share our feeling that the time runs very fast, that the Founding Fathers knew what they were doing when they provided that the majority should decide questions except as the Constitution explicitly requires more than a majority decision.

This resolution expresses clearly the need for full and adequate development in debate and discussion of any issue that comes before us. The Senator from New York (Mr. JAVITS) and I continue to believe that a constitutional majority has the right to establish our rules and that that majority has the ultimate right and responsibility to enable us to act. We have incorporated in this resolution, drawing from earlier proposals, a several-step procedure, a procedure that reserves the right of the most determined minority among us effectively to present whatever view they have, but reserves to the majority of us the opportunity ultimately to act.

As we all know, the current rule requires two-thirds of those present and voting to shut off debate. In the past two Congresses, efforts were made to substitute a three-fifths requirement as the test from the outset of debate on a matter. Each time there was extensive floor debate and an inconclusive effort to obtain an up-and-down vote on the proposed new rule. The Senator from New York and I supported these efforts as the best vehicle for accomplishing some reform of the rule at that time. However, we also introduced a proposal which sought to insure the right of a constitutional majority of the Senate, at some point, to vote.

As I indicated on the opening day of this Congress, the Senator from New York and I still believe in the ultimate principle of Senate action by majority rule.

Our proposal is designed to meet the concern of those who believe the Senate should not be deadlocked on important legislation, but who are also concerned that there be assurance of adequate debate to prevent hasty action. Three separate alternatives are provided for obtaining cloture, depending upon the length of time that the matter has been before the Senate.

First. During the first 2 weeks after the matter is raised, cloture could be obtained by the two-thirds vote presently required in rule XXII, section 2.

Second. After the matter had been before the Senate for 2 weeks, cloture could be obtained by a three-fifths vote. The standard would thus be eased but would still require a substantial majority to end debate.

Third. Four working weeks after the matter had been raised, cloture could be obtained by a constitutional majority of the full Senate.

This approach for a phased reduction in the requirement for cloture is far from novel. It has been proposed in past Congresses by those who believe in majority cloture as a reasonable balance between the twin dangers of precipitous action and tyranny by the majority.

Specifically, our proposal would work as follows: The present rule would be retained as is. For 10 session days after the Senate first proceeded to consider either the matter or a motion to consider the matter, that rule would govern cloture.

A petition could also be filed at any time requesting a three-fifths cloture test after those 10 session days. In other words, the 10 days would run from the time the matter first came before the Senate, not from the date that the petition was filed. In this way, it would be possible to obtain a three-fifths test after the matter was 2 weeks old, without necessarily filing the petition on the very first day the matter was raised.

However, an intervening day's notice would be assured prior to any cloture vote, as it is under the present rule. Therefore, if the petition had not been filed until the ninth session day, then the cloture vote would not come until the 11th day. If the petition were not filed until the 10th day, then the cloture vote would be deferred until the 12th day.

If cloture were voted under this subsection by a three-fifths majority, the procedures currently applicable for the final hundred hours of debate under cloture now provided by rule XXII would apply.

A third subsection of the expanded rule would operate in the same manner as the second to permit cloture by a constitutional majority 20 days—the equivalent of 4 normal working weeks—after the Senate first proceeded either to the consideration of the matter or a motion for its consideration.

We feel that this proposal can balance the right of Senators to vote and the right of Senators to debate, and have the benefit of their colleague's debate, before they vote. Nevertheless, as we indicated at the opening of this session, we are aware that some of our colleagues who have previously supported a change in the rule now wish to reconsider their position. They have expressed equal concern about legislation being rammed through without even minimum consideration by the full Senate—a prospect they find particularly disturbing at a time of serious imbalance between the exercise of executive and legislative powers.

We think our proposal meets those concerns insofar as they are directed toward assuring substantial debate. But we have concluded that it would be useful to have thorough hearings on the filibuster problem at which these concerns and other viewpoints could be explored before a report is made for action by the Senate. Accordingly we do not seek immediate consideration of the resolution and intend that it be referred to the Rules Committee for prompt hearings.

Today, let me briefly review the perennial positions of proponents and opponents of changing rule XXII, and indicate why I still believe the majority principle is valid.

Debate in past Congresses has explored these positions in detail time and again. They need not be rehearsed here at length. Some concern the parliamentary thickets in which we find ourselves when the resolution is offered for immediate consideration during the organization of a new Senate. I continue to hold the view that the Constitution gives a majority of Senators, at the start of a new Congress, the power to adopt their own rules, which power cannot be blocked by filibuster under rules of a prior Congress. But that question is not before us now.

As for the desirability of changing the rule, our opponents place great reliance upon the desire of the Founding Fathers for a government of checks and balances. That, of course, is true. But those men implemented their plan of protecting minority interests and insuring deliberation by writing the Constitution of the United States. A bicameral Congress, an independent Supreme Court, Presidential veto, 6-year terms for Senators, and, above all, the Bill of Rights, all provide safeguards against hasty action and majority pressures.

True, the Senate was particularly envisaged as a body to provide careful scrutiny of legislation. But those who framed our Constitution made clear that when they thought this role required more than a majority to take action, they knew how to provide that requirement expressly. A two-thirds vote is specified for ratifying treaties, for overriding vetoes, and for proposing constitutional amendments.

Indeed, the Constitutional Convention considered and rejected proposals to require a two-thirds vote for Senate approval of general categories of legislation such as commerce on interstate waterways. And for the first several decades, Senate rules did permit cloture by a majority on the motion for the previous question; this was the period in which the Senate Members included men who were involved in framing our Constitution.

In short, the Senate may have been intended as a "saucer" in which to "cool" legislation passed in the heat of the moment. But it was not meant to be a deepfreeze where a determined minority could put a measure they opposed on ice.

Sure, careful deliberation is always preferable to undue haste, particularly in times of national stress or turmoil. But is not one reason for the strains we face today the procedural roadblocks of action on the Nation's problems which Congress has faced for decades? Will the disaffection be diminished and confidence in Government restored if the people continue to see us unable to act on major problems, because a small group of Members bar a vote on the merits even after the measure has been thoroughly explored?

The prerogative of debate is not taken lightly by any Member of this body. Cloture is not voted before substantial debate; there is a strong presumption that a Member genuinely interested in developing an issue, and not merely in protracted delay, will be accommodated. Our proposal would continue that tradition.

Our opponents argue that the filibuster has not really thwarted legislation, citing the civil rights laws finally passed during the 1960's. That is a rather casual dismissal of years of frustration and bloodshed for those who sought to exercise their rights and waited for us to do our duty. Those laws came after decades of delay, of measures diluted, key provisions eliminated, or not even offered, because the present rule exacted legislation by exhaustion. Perhaps some of the difficulties we face today would not be as acute if we had acted 5 or 10 years earlier. What seed of despair and conflict might we sow today by delaying for another 2 years, or 4, or 10, effective action on the Nation's agenda?

Sometimes proponents of changing rule XXII are accused of offering a "gag rule" for the Senate. It is not a "gag rule" if a majority of this body cannot cast their votes until the Senate has had an issue before it for 4 weeks. And even after cloture there could be further debate by the bill's opponents. In the case of a bare majority favoring a measure there could be up to 49 hours additional debate.

Even in the unusual situation we faced last fall of a major measure whose most controversial provisions had not been reviewed by a Senate committee, that period should suffice to explore the implications and take a case to the country. The issue is not one of "full debate"; the issue is one of minority veto.

What about the concern of some that Congress may be in danger of giving up ground, rather than advancing in the most critical struggles we face: that without more national leadership, the people's frustrations or fears will exert great pressure for legislation which infringes constitutional rights? Or the fear that the executive will push measures which threaten our fundamental values?

Mr. President, those of us who support this resolution believe we are not indifferent to the causes of racial justice or civil liberties. This system of government rests on a permanent tension between majority rule and minority rights. But, ultimately, the delineation of permissible interference with those rights is defined by the Constitution. After a thorough opportunity for our colleagues and the people to explore the implication of proposed action, we can vote against a measure we deem unconstitutional—or simply unwise—but we should not block the process of government. The majority is not omniscient or infallible, but certainly neither is a small mniority. If the present rule is needed to permit a small minority of Senators to stop at all costs measures they strongly oppose, then why not grant 10 Senators that power—or three—or one?

The Leadership Conference on Civil Rights has done just what its name suggests: it has led us in the fight for civil rights. That organization is strenuously opposed to the administration's so-called Equal Educational Opportunity Act. Yet it continues to seek abolition of the filibuster. The same is true of other groups who have fought repressive or retrogressive measures, such as the American Civil Liberties Union.

In the field of foreign affairs, the Nation and the world despair at our inability to end the carnage in Vietnam. Some see the filibuster as the best weapon for a weak Congress to check or amend the executive's military policies. But here, too, the filibuster is a two-edged sword. Surely, the tragic events of this holiday season taught us there will be times when Congress must act to check Presidential excesses abroad, rather than defeating an executive request for congressional enactment.

Mr. President, put simply, the fundamental question is whether one-third of the Senate was intended to, or should have an absolute veto over all legislation, even after more than a month to consider a measure. I remain convinced that the answer to both questions is "No."

Mr. President, I ask unanimous consent that the complete list of cosponsors of the resolution be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COSPONSORS OF SENATE RESOLUTION 18

Mr. HART and Mr. JAVITS, for themselves, Mr. ABOUREZK, Mr. BAYH, Mr. BIDEN, Mr. BROOKE, Mr. CASE, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. KENNEDY, Mr. MONTOYA, Mr. MOSS, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. STAFFORD, and Mr. WILLIAMS.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

Mr. JAVITS. Mr. President, I ask unanimous consent that the text of the resolution on the amendment of rule XXII may be made a part of these remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 18

*Resolved,* That section 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. Notwithstanding the provisions of rule III or Rule VI or any other rule of the Senate, cloture may be obtained pursuant to any of the alternative procedures provided in subsection (a), (b), or (c) of this section.

(a) If at any time, a motion, signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subsection, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by a two-thirds vote of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

(b) If at any time, a motion signed by sixteen Senators, to bring to a close debate upon any measure, motion or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subsection, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the tenth session day for which the matter, or a motion to consider the matter, has been the pending or unfinished business, but in no event sooner than the second calendar day following the reading of the petition, he shall lay the motion before the Senate and direct that the Secretary call the roll. Upon ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?' " And if the question shall be answered in the affirmative by a three-fifths vote of the Senators present and voting, then said measure, motion or other matter pending before the Senate or the unfinished business shall be the unfinished business to the exclusion of all other business until disposed of.

(c) If at any time a motion, signed by sixteen Senators, to bring to a close debate upon any measure, motion or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subsection, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the twentieth session day for which the matter, or a motion to consider the matter, has been the pending, or unfinished business, but in no event sooner than the second calendar day following the filing of the petition, he shall lay the motion before the Senate and direct that the Secretary call the roll. Upon ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?' " And if the question shall be answered in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

(d) Once cloture has been invoked pursuant to subsection (a), (b) or (c), then thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment, not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

Mr. JAVITS. Mr. President, the Senator from Michigan (Mr. HART) and I, who have been in this fight for a long time—a struggle in which I was associated, several years ago, with Senator Douglas of Illinois, a great Member of this body—had a tactical question to decide and that is, should we proceed to debate on the opening day on the constitutional ground, as he said, that both of us are convinced is sound, which is that the Senate has the constitutional authority to amend its rule through the act of a majority at the beginning of each new Congress, or should we simply accept what for a very long time—my recollection is 12 or 14 years—this effort had produced, which is that practically we just cannot do it? Either the Chair rules against us or the Senate does not support us, even though, without any question, there is a majority in this Chamber which supports a change of the rule. We came to the conclusion that we should try to bring about an amendment through the normal deliberative process of the committee and action on the floor, in the hope that this might cut off the likelihood, or reduce the likelihood, that any rules change actually recommended by the Committee on Rules and Administration would be filibustered.

Mr. President, a new element has been introduced into the situation. It was also thought that the filibuster was the special property of those who were against civil rights legislation, where it had been used in the main. We now find that in the 92d Congress, according to our count, about half the time in which there was extended debate, which is what a filibuster is euphemistically called, was taken by those of us who are in some measure generally identified with liberals, rather than those who were against civil rights legislation. Nevertheless, it is interesting that the main support for amendment of the rule comes from our liberal colleagues. I think that is an earnest sign of our good faith that we are anxious to have free and full debate, even though this tool may have some identification with those who, for one reason or another, may feel the need to oppose certain measures at a given time.

So, I hope in the same spirit in which we have acted, those who have heretofore blocked rules reform, though a minority, will now accord, with the basic fairness and decency, quite apart from the constitutional question, which I think falls otherwise, us the opportunity to have a different result, to have the rule considered quickly by the Rules Committee, have its recommendation made, and have this matter fought out on the floor of the Senate.

I would like to say at this time that, though he does not appear at this moment as a cosponsor of our resolution, I look forward to the great opportunity and cooperation which we can get from the deputy minority leader, who has previously expressed himself as being very profoundly interested in the disposition of this question.

Mr. President, during the same week in which I became a U.S. Senator—in January 1957—this body began its proceedings by debating changes in rule XXII. Thereafter, in every succeeding Congress since the 85th, we have debated this issue.

As most of us know, section 2 of rule XXII is the rule which provides that debate cannot be limited in the Senate except on the vote of two-thirds of those Members present and voting. Many of us believe that this is a blatantly unconstitutional restriction on the powers of this body, since the drafters of the Constitution were most specific about which votes would be decided by two-thirds, leaving us with the presumption that all others were to be decided by a majority.

In the past however, the problem faced by the Senate has not been whether or not rule XXII is per se unconstitutional, but whether we are bound, at the start of a new Congress to comply with that rule in attempting to change rule XXII. Proponents of change have been stymied for decades on just that point, and the parliamentary maneuvers, proposed rulings by the chair and the variety of advisory rulings which have been devised in an effort to cut this Gordian knot would stagger a logician.

This year, Senator HART and I and our cosponsors have decided to send our resolution to committee for legislative handling. Frankly, the State of the Nation and the world presents us with such an array of problems that I believe it would be a disservice to the Senate and to the Nation to tie up this body in new rules making debate for any period of time which would then prove fruitless. They may indeed be a majority of Senators who wish to change the rule, but we are fairly certain that we do not have 67 votes on this issue. We do not think we need 67 votes—and the then Vice President Nixon agreed with us in 1957 when he gave his advisory opinion that the constitutional right of a majority of the Senate to adopt new rules at the beginning of a new Congress could not be inhibited by the two-thirds requirement of rule XXII regarding cloture. But we do not intend to take weeks of the Senate's valuable time on this rather arcane question in the absence of some assurance from our opponents—and none is available—that we will be permitted to vote.

This year, we have devised a resolution which combines the approach of those who favor three-fifth, limitation of debate and those of us who want a constitutional majority of the Senate to be able to act. Under the provisions of our proposal, during the first 2 weeks of debate, cloture can be obtained by two-thirds of those present and voting; during the third and fourth week of debate, cloture can be invoked by a three-fifth vote and, thereafter, by a constitutional majority. We believe this proposal is reasonable and fair, and hope that it will receive serious consideration by the Rules Committee to which it will be referred. We hope that their deliberation, and hopefully hearings on reforms of this type will be persuasive with those of our colleagues who now oppose us, and we reserve our rights to vote on this rule change at any time during the year when the committee may report.

Finally, I wish to recall to my colleagues, what I said during debate on this issue at the beginning of the last Congress. After outlining the issues on which the liberals might want to filibuster during the 92d Congress I asked particularly my southern colleagues to consider whether they really wanted to leave this tool in the hands of the liberals. I warned that "some day soon—and I say this very seriously—we will begin to use them."

Perhaps our opponents should have heeded this warning, for during the 92d Congress more than half the cloture petitions were filed to stop "extended debate" by liberals—on the extension of the draft, the Lockheed loan guarantee bill, the Rehnquist nomination, and the antibusing bill. There is now not a single Member of this body—barring new Members—who has never voted for cloture.

Notwithstanding the possibility that liberals may be drawn increasingly to the tactic of preventing votes by talking, most of us would gladly sacrifice this practice to establish the right of majority rule. I sincerely hope that recent changes in cloture votes on specific issues can be translated into support for a realistic reform of the cloture rule in general.

## SENATE RESOLUTION 19—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF COMMITTEE PRINT ENTITLED "UNITED STATES GOVERNMENT POLICY AND SUPPORTING POSITIONS"

(Referred to the Committee on Rules and Administration.)

Mr. ROBERT C. BYRD for Mr. MCGEE submitted the following resolution.

S. RES. 19

*Resolved*, That there be printed for the use of the Committee on Post Office and Civil Service one thousand seven hundred additional copies of its committee print of the current Congress entitled "United States Government Policy and Supporting Positions."

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## NOTICE OF HEARINGS ON NEWSMEN'S PRIVILEGE

Mr. ERVIN. Mr. President, I announce today that the Subcommittee on Constitutional Rights has scheduled hearings for February 20, 21, 22, 27, and 28, and March 1 to consider those bills and resolutions introduced to establish a so-called newsmen's privilege. At present, three such bills and one resolution have been referred to the subcommittee. S. 36, introduced by Senator SCHWEIKER; S. 158, introduced on request by Senator CRANSTON; S. 318, introduced by Senator WEICKER; and Senate Joint Resolution 8, introduced by Senator HARTKE. Other bills dealing with this subject are to be introduced by Senators HATFIELD, MONDALE, and PEARSON. These and any other bills on this subject which are introduced prior to the initiation of hearings will be considered.

The Subcommittee on Constitutional Rights received considerable testimony on this subject in the course of its hearings on "Free Press" held in the fall of 1971 and winter of 1972. Since these deliberations, however, there have been important developments which necessitate prompt and diligent legislative reexaminations of the problem.

On June 29, 1972, the Supreme Court in a controversial 5–4 decision in the Caldwell and Branzburg cases ruled that the first amendment's guarantee of a free press did not entitle a newsman to refuse to reveal confidential information or the sources of that information to a grand jury.

I criticized that opinion on the grounds that it did not take into account the practical effect of its holding on newsmen and the public's right to be informed. The threat that an informant's statements may one day be elicited from a newsman under threat of jail sentence by a court may well make that informant reluctant to confide in a member of the press.

The ultimate loser, of course, is the public which is denied information which may be critical to improving its social and political processes. Whatever short-term benefits may flow from government's reliance upon newsmen for evidence in governmental proceedings, the long-term threat to the public's right to be informed about the controversial as well as the routine is too great a risk to take in a free society.

Since the Caldwell and Branzburg decisions, we have witnessed the spectacle of several members of the press and broadcast media being incarcerated because they refused to reveal to governmental bodies information obtained in confidence. It is rather ironic that the end result in these cases has not been the discovery of evidence, which has led to the jailing of a criminal, but rather the incarceration of newsmen whose reporting was responsible for bringing the misconduct to the attention of the public in the first place. The fact that numerous cases have arisen on both the State and Federal level since the Branzburg decision indicates that prosecutors and judges now assume great latitude in their capacity to subpena representatives of the media.

This situation thus requires a reexamination by the Congress as to the wisdom of a testimonial privilege for newsmen. The Supreme Court in its Branzburg opinion did, in fact, explicitly point out that Congress has the authority to legislate such a privilege if it decided that one was necessary and desirable.

Our inquiry must begin, then, with the matter of whether a statutory newsmen's privilege is a desirable innovation. Beyond that, and assuming the privilege is desirable, we must decide what sort of privilege should be granted by the statue. The hearings which I am announcing today will concern itself with these broad questions as they are addressed by the pending bills.

More specifically, they will concern, first, the desirability of such legislation; second, whether the privilege should be an absolute or qualified one; third, whether the privilege should apply to Federal proceedings only or whether State proceedings should be included; fourth, who should be entitled to claim such a privilege; fifth, if some qualified privilege is deemed desirable, what should be the qualifications; and sixth, what should be the procedural mechanism through which the privilege is claimed.

These are the essential questions posed by the so-called newsmen's privilege. The answers must be weighed not only in terms of the public's right to know, which would be protected by such a privilege, but also by society's interest in uncovering the truth in a courtroom, which any testimonial privilege must necessarily impede to a degree.

Hearings have been scheduled for February 20 in room 1202 of the Dirksen Senate Office Building; for February 21 and 22 in room 318 of the Russell Senate Office Building; for February 27 and 28 in room 1202, Dirksen Senate Office Building; and for March 1 in room 318, Russell Senate Office Building. All sessions are scheduled to begin at 10 a.m.

Further information may be obtained from the Subcommittee on Constitutional Rights, room 102-B, Russell Senate Office Building, telephone 225-8191.

Finally, Mr. President, I ask unanimous consent that the text of the bills and resolutions thus far introduced be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

### S. 36

A bill to provide certain protection against disclosure of information and the sources of information obtained by newsmen

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Protection of News Sources and News Information Act of 1973".

SEC. 2. No person shall be required by any grand jury, agency, department, or commission of the United States or by either House of or any committee of Congress to disclose any information or communication or the source of any information or communication received, obtained, or procured by that person in his or her capacity as a reporter, editor, commentator, journalist, writer, correspondent, announcer, or other person directly engaged in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service, radio or television station or network, or cable television system.

SEC. 3. Except as provided in section 4, no person shall be required by any court of the United States to disclose any information or communication or the source of any information or communication received, obtained, or procured by that person in his or her capacity as a reporter, editor, commentator, journalist, writer, correspondent, announcer, or other person directly engaged in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service, radio or television station or network, or cable television system.

SEC. 4. Any person seeking information or the source thereof protected under section 3 of this Act may apply to the United States district court for an order divesting such protection. Such application shall be made to the district court in the district wherein the hearing, action, or other proceeding in which the information is sought is pending. The application shall be granted only if the court after hearing the parties determines that the person seeking the information has shown by clear and convincing evidence that (1) there is probable cause to believe that the person from whom the information is sought has information which is clearly relevant to a specific probable violation of law; (2) has demonstrated that the information sought cannot be obtained by alternative means less injurious to the gathering and dissemination of information to the public; and (3) has demonstrated a compelling and overriding national interest in the information.

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### S.J. RES. 8

Joint resolution to protect nondisclosure of information and sources of information coming into the possession of the news media

Whereas it is vital to the health of a democratic society that the press remain free of governmental restraints; and

Whereas recent court decisions have jeopardized the ability of the press to collect information from confidential sources; and

Whereas the inability of the press to hold confidential information or sources of information is a single threat to the continued functioning of a free and great Republic: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person employed by or otherwise associated with any newspaper, periodical, press association, newspaper syndicate, wire service, or radio or television station, or who is independently engaged in gathering information intended for publication or broadcast cannot be required by a court, the legislature, or any administrative body, to disclose before the Congress or any other Federal court or agency, any information or the source of any information procured for publication or broadcast.

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### S. 158

A bill to insure the free flow of information to the public

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Free Flow of Information Act".

SEC. 2. The Congress finds and declares that—

(1) the purpose of this Act is to insure the free flow of news and other information to the public; those who gather, write, or edit information for the public or disseminate information to the public can perform these vital functions only in a free and unfettered atmosphere;

(2) such persons must not be inhibited, directly or indirectly, by governmental restraint or sanction imposed by governmental process; rather they must be encouraged to gather, write, edit, or disseminate news or other information vigorously so that the public can be fully informed;

(3) compelling such persons to disclose a source of information or disclose unpublished information is contrary to the public interest and inhibits the free flow of information to the public;

(4) there is an urgent need to provide effective measures to halt and prevent this inhibition;

(5) the obstruction of the free flow of information through any medium of communication to the public affects interstate commerce;

(6) this Act is necessary to insure the free flow of information and to implement the first and fourteenth amendments and article I, section 8 of the Constitution.

SEC. 3. No person shall be required to disclose in any Federal or State proceeding—

(1) the source of any published or unpublished information obtained in the gathering, receiving, or processing of information for any medium of communication to the public, or

(2) any unpublished information obtained or prepared in gathering, receiving, or processing of information for any medium of communication to the public.

SEC. 4. For the purpose of this Act, the term—

(1) "Federal or State proceeding" includes any proceeding or investigation before or by any Federal or State judicial, legislative, executive, or administrative body;

(2) "medium of communication" includes, but is not limited to, any newspaper, magazine, other periodical, book, pamphlet, news service, wire service, news or feature syndicate broadcast station or network, or cable television system;

(3) "information" includes any written, oral or pictorial news, or other material;

(4) "published information" means any information disseminated to the public by the person from whom disclosure is sought;

(5) "unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes, or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated;

(6) "processing" includes compiling, storing, and editing of information; and

(7) "person" means any individual, and any partnership, corporation, association, or other legal entity existing under or authorized by the law of the United States, any State or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country.

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## S. 318

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "News Media Source Protection Act."

### STATEMENT OF POLICY AND FINDINGS

SEC. 2. (a) (1) It is the policy of the United States to permit the flow of information from individuals through the media to the public with reasonable freedom from governmental intrusion, so that constitutional protection of a free flow of news is divested only when a compelling and overriding interest in the source of such information can be demonstrated.

(2) It is further the policy of the United States that the news media not serve as an investigative arm of the government.

(3) It is at the same time the policy of the United States that its tradition of maintaining the "right to everyman's testimony" in courts of law shall not be casually disturbed. This tradition, which safeguards the integrity of our judicial processes, shall be outweighed by interests in a free flow of news only when legitimate, substantial, and ongoing professional news media operations are at stake. In addition, the balancing of such fundamental interests must be evaluated at a responsible level of judicial competence, guided by complete standards and procedures to insure uniformity of enforcement and permit substantial predictability for those who seek to operate within the law.

(b) (1) The Congress finds that to protect such constitutional and common law principles, as well as to prevent the use of news media for investigative purposes, two procedural safeguards are needed, as threshold determinations, prior to any consideration of compulsory disclosure of news media sources. First, it must be demonstrated that there is probable cause to believe a crime has been committed, and that the testimony sought is directly relevant to a central issue in that criminal allegation, thereby limiting so-called "fishing expeditions." Second, it must be demonstrated that no reasonable alternative for obtaining the testimony is available, assuring that constitutional protection of the free flow of news shall not be divested while reasonable alternatives exist. The nature and interests of Federal grand juries, Federal congressional committees, as well as agencies, departments, or commissions of the Federal Government do not, within the safeguards of strict judicial processes, make a threshold legal determination of probable cause that a crime has been committed or that testimony is of direct relevance to such a crime. In addition, such bodies can normally fulfill their functions by alternative means less destructive of first amendment protection than by compulsory testimony as to news media sources. The Congress therefore finds that absolute testimonial protection as to news sources shall be granted with respect to all Federal bodies, excepting only Federal district courts, Federal circuit courts, and the Supreme Court.

(2) The Congress finds that in keeping with stated policies there shall be qualified testimonial protection, based on the two procedural safeguards, as well as three substantive safeguards, before all such Federal courts. Such qualifications shall be interpreted according to specific standards as to the relevance and weight of the evidence sought, alternative available evidence, the person seeking to invoke protection, the sources or material to be protected, and the specific crime at issue. The Congress finds that any order thus compelling testimony, while an order other than a final judgment, is nevertheless an interlocutory decision having a final and irreparable effect on the rights of parties, thus necessitating that courts of appeals have jurisdiction over immediate appeals from such orders. The Congress further finds that due to the nature of certain defamation proceedings, testimonial protection shall be generally divested in such cases, and that to preserve the flow of information as to abuses of power by public officials testimonial protection shall not be divested in such cases.

### LEGITIMATE MEMBER OF THE PROFESSIONAL NEWS MEDIA

SEC. 3. (a) As used in sections 5 and 6 of this Act, a legitimate member of the professional news media shall include any bona fide "newsman", such as an individual regularly engaged in earning his or her principal income, or regularly engaged as a principal vocation, in gathering, collecting, photographing, filming, writing, editing, interpreting, announcing, or broadcasting local, national, or worldwide events or other matters of public concern, or public interest, or affecting the public welfare, for publication or transmission through a news medium.

(b) Such news medium shall include any individual, partnership, corporation or other association engaged in the business of—

(1) publishing any newspaper that is printed and distributed ordinarily not less frequently than once a week, and has done so for at least one year, or has a paid general circulation and has been entered at a United States post office as second-class matter, and that contains news, or articles of opinion (as editorials), or features, or advertising, or other matter regarded as of current interest; or

(2) publishing any periodical containing news or advertising, or other matter regarded as of current interest which is published and distributed at regular intervals, and has done so for at least one year, or has a paid general circulation and has been entered at a United States post office as second-class matter; or

(3) collecting and supplying news, as a "news agency," for subscribing newspapers, and/or periodicals, and/or newsbroadcasting facilities; cr

(4) sending out syndicated news copy by wire, as a "wire service," to subscribing newspapers, and/or periodicals, and/or news broadcasting facilities; or

(5) gathering and distributing news as a "press association" to its members as an association of newspapers, and/or periodicals, and/or news broadcasting facilities; or

(6) broadcasting as a commercially licensed radio station; or

(7) broadcasting as a commercially licensed television station; or

(8) broadcasting as a community antenna television service; or

(9) regularly making newsreels or other motion picture news for paid general public showing.

(c) Any protections granted pursuant to sections 5 and 6 of this Act shall extend only to activities conducted by a legitimate member of the professional news media while specifically acting as a bona fide "newsman", such as while acting as a reporter, photographer, journalist, writer, correspondent, commentator, editor or owner.

### NEWS MEDIA SOURCES

SEC. 4. (a) Any protections granted under sections 5 and 6 of this Act shall extend only to sources of written, oral, or pictorial information or communication, as well as such of its content that affects sources, whether published or not published, concerning local, national, or worldwide events, or other matters of public concern or public interest, or affecting the public interest, obtained by a person acting in the status of a legitimate member of the professional news media.

(b) Source of written, oral, or pictorial information or communication shall include the identity of the author, means, agency, or person from or through whom information or communication was procured, obtained, supplied, furnished, or delivered. Any protection of such sources shall also include written, oral, or pictorial information or communication that could directly or indirectly be used to identify its sources, or any information or communication withheld from publication pursuant to an agreement or understanding with the source or in reasonable belief that publication would adversely affect the source. Such information or communication shall specifically include written notes, tapes, "outtakes," and news film. Information or communication used for blackmail, or for illegal purposes not related to publication of such information or communication, is specifically not protected under the provisions of this Act.

### ABSOLUTE TESTIMONIAL PROTECTION

SEC. 6. Notwithstanding the provisions of any law to the contrary, no legitimate member of the professional news media, as set forth in section 3 of this Act, shall be held in contempt or adversely prejudiced, before any grand jury, agency, department, or commission of the United States or by either House of or any committee of Congress for refusing to disclose information or communication as to news media sources, as set forth in section 4 of this Act.

### QUALIFIED TESTIMONIAL PROTECTION

SEC. 6. (a) Notwithstanding the provisions of any law to the contrary, where a person seeks disclosure of any news media information or communication from a person who may be or have been a legitimate member of the professional news media and who refuses to make such disclosure in a proceeding before any Federal court of the United States, such person seeking disclosure may apply to a United States District Court for an order providing such disclosure. Such application shall be made to the district court in the district wherein there is then pending the proceeding in which the information or communication is sought. The application shall be granted only if the court, after hearing the parties, determines that the person seeking the information or communication, by clear and convincing evidence, has satisfied the requirements set forth in section 7 of this Act.

(b) In any application for the compulsory disclosure of news media information or communication, the person or party, body or officer, seeking disclosure must state in writing—

(1) the name of any specific individual from whom such disclosure is sought, if such individual may have been acting as a legitimate member of the professional news media at the time the source disclosed its information or communication; and

(2) the name of any news medium with which such person may have been connected at the time the source disclosed its information or communication; and

(3) the specific nature of the source, or content of information or communication, that is sought to be disclosed; and

(4) the direct relevance and essential nature of such evidence as to a central issue of the action which is the subject of the court proceeding; and,

(5) any information demonstrating that evidence to be gained by compulsory disclosure is not reasonably available by alternative means, and that reasonable diligence has been exercised in seeking such evidence otherwise.

(c) Any order entered pursuant to an application made according to the provisions of this Act shall be appealable as a matter of right under Rule 4 of the Federal Rules of Appellate Procedure (1968), and is subject to being stayed. In case of an appeal, the protections available according to the provisions of this Act, were such application denied, will remain in full force and effect during the pendency of such appeal. Section 1292 of Title 28, United States Code, is therefore amended by inserting after subsection (4), the following:

"(5) Interlocutory orders in civil or criminal actions granting, modifying, or refusing an application for compulsory disclosure or news media sources, or information or communication affecting news media sources."

### STANDARDS FOR QUALIFIED TESTIMONIAL PROTECTION

SEC. 7. (a) An application for disclosure, as provided for under section 6 of this Act, shall be granted, so long as it is in accordance with any other applicable general or specific law or rule, when the applicant has established that the person seeking protection of a source is not a legitimate member of the professional news media, as set forth in section 3 of this Act.

(b) Such application for disclosure shall be granted, so long as it is in accordance with any other applicable general or specific law or rule, when the applicant has established that the information or communication sought is not a news media information source, or information or communication affecting a news media source, as set forth in section 4 of this Act. Determination of whether the contents of information or communication could directly or indirectly be used to identify its source, or whether information or communication was withheld from publication pursuant to an agreement or understanding with the source or in reasonable belief that publication would adversely affect the source shall be made in camera, out of the presence of the applicant on the basis of the court being informed of some of the underlying circumstances supporting the person seeking protection from disclosure, with a presumption in favor of the person seeking protection from disclosure.

(c) Such application for disclosure shall be granted, should the applicant be unable to meet the requirements of subsections (a) or (b) of this section, only when—

(1) the applicant has established by means of independent evidence that the source to be disclosed is of substantial and direct relevance to a central issue of the action, and is essential to a fair determination of the action, which is the subject of the court proceeding; and

(2) the applicant is able to demonstrate that the source is not reasonably available by alternative means, or would not have been available if reasonable diligence had been exercised in seeking the source otherwise; and

(3) the action which is the subject of the court proceeding is murder, forcible rape, aggravated assault, kidnapping, airline hijacking, or when a breach of national security has been established, involving classified national security documents or details ordered to be kept secret, such classification or order having been made pursuant to a Federal statute protecting national security matters. In no case, however, shall the application be granted where the crime at issue is corruption or malfeasance in office, except according to the provisions of subsection (d) of this section.

(d) Notwithstanding the provisions of subsections (c)(1), (c)(2), and (c)(3) of this section, an application for disclosure shall be granted in any case where the defendant, in a civil action for defamation, asserts a defense based on the source of his or her information or communication.

(e) A complete and public disclosure, with knowledge of the available protections, of the specific identity of a source or content of information or communication protected by the provisions in sections 5 and 6 of this Act shall constitute a waiver of rights available as to such identity or such contents according to the provisions of this Act. A person likewise waives the protections of section 5 and 6 of this Act, if, without coercion and with knowledge of the available protections, such person consents to complete and public disclosure of the specific identity of a source or content of information or communication by another person. The failure of a witness to claim the protections of this Act with respect to one question shall not operate as a waiver with respect to any other question in a proceeding before a Federal court.

## NOTICE OF HEARINGS RELATING TO PAPERWORK BURDEN

Mr. McINTYRE. Mr. President, I wish to announce that on February 6 and 7, 1973, at 10 a.m. in room 5302 of the Dirksen Senate Office Building, the Subcommittee on Government Regulation of the Senate Select Committee on Small Business, will continue its hearings begun last year into the Federal paperwork burden.

The purpose of these hearings is to examine into the adverse effects of Federal reporting requirements on the broadcasting industry, especially burdensome to the smaller stations. Witnesses from the broadcasting industry and the Federal Communications Commission have been invited to testify at these hearings.

Further information may be obtained from the Subcommittee on Government Regulation, room 424, telephone 225-5175.

## NOTICE OF HEARINGS ON FIRE SAFETY IN HIGH-RISE BUILDINGS FOR THE ELDERLY

Mr. WILLIAMS. Mr. President, as chairman of the Subcommittee on Housing for the Elderly of the Senate Special Committee on Aging, I announce that the subcommittee will hold hearings on the issue of fire safety in high-rise buildings for the elderly on January 25 and 26, 1973, in room 1224 of the New Senate Office Building, beginning at 10 a.m.

These hearings will explore the issues raised by the recent tragic fire in the Baptist Towers apartment building in Atlanta, Ga. If we are to continue urging special housing programs for senior citizens, we must not neglect the vital question: What is the best fire safety system for buildings that house only older people? It is my hope that these hearings will help to answer that question.

## NOTICE OF HEARINGS ON RECOMMENDED JUDGESHIPS

Mr. BURDICK. Mr. President, I wish to announce that public hearings have been scheduled before the Subcommittee on Improvements in Judicial Machinery relating to the recommendations recently made by the Judicial Conference of the United States that an additional 51 judgeships be created in selected judicial districts in the United States. These recommendations involve 33 of the 93 judicial districts in the United States and a minimum of 12 days of subcommittee hearings will be required. Hearings will be initiated on January 23, 1973, and will continue on January 24 and thereafter on dates ordered by the subcommittee. On January 23, 1973, the hearing will be held, commencing at 10 a.m., in room 2228, Dirksen Office Building. The witnesses scheduled for that date will be Rowland Kirks, Director of the Administrative Office of the U.S. Courts, and other representatives of his office and of the Judicial Conference. On January 24, the chief Judges from the Minnesota, Wisconsin (Western), and Missouri (Western) Districts will appear.

Communications relative to this series of hearings should be directed to the subcommittee staff, 6306 Dirksen Office Building, extension 5-3618.

## NOTICE OF HEARINGS ON ECONOMIC STABILIZATION

Mr. SPARKMAN. Mr. President, the Committee on Banking, Housing and Urban Affairs will commence hearings on legislation to extend and amend the Economic Stabilization Act of 1970 at 10 a.m. each morning commencing January 29 through February 7, 1973, in room 5302, New Senate Office Building.

Those wishing to appear before the committee in regard to this legislation should contact Mr. Reginald W. Barnes on extension 225-7391.

## NOTICE OF HEARING ON NOMINATION OF JAMES T. LYNN

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing and Urban Affairs will hold a hearing on Wednesday, January 16, 1973, on the nomination of James T. Lynn, of Ohio, to be Secretary of the Department of Housing and Urban Development.

The hearing will commence at 10 a.m. in room 5302, New Senate Office Building.

All persons wishing to testify should contact Miss Dorrie Thomas, room 5226, New Senate Office Building; telephone 225-6348.

## ENERGY CONSERVATION HEARINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to insert in the RECORD a statement for the Senator from Washington (Mr. JACKSON) entitled "Energy Conservation Hearings."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ENERGY CONSERVATION HEARINGS

I wish to announce for the benefit of interested Members that the Senate Interior and Insular Affairs Committee will conduct hearings on the subject of energy conservation next month. These hearings will be held as part of the Committee's study of National Fuels and Energy Policy, pursuant to S. Res. 45.

It is increasingly clear, Mr. President, that energy conservation must become an integral part of future energy policy. While the Committee has devoted many hours of hearings and study to the *supply* side of our energy problems, these hearings will provide us with an opportunity to look at the ways and means of reducing energy *demand*.

As background for these conservation hearings, the Committee has published a survey of energy conservation issues and opportunities prepared by Mr. Harry Perry while a senior specialist in the Environmental Policy Division of the Congressional Research Service. The introduction to this report follows:

### CONSERVATION OF ENERGY

(Prepared by Harry Perry, senior specialist, Environmental Policy Division, Congressional Research Service, Library of Congress)

### INTRODUCTION

This country's tremendous and growing appetite for fuels has in recent months stimulated a major dialog on the merits of energy conservation. Many questions have been raised about the adequacy of reserves of various fuels, the rate of depletion against the rate of discovery and recovery, and the general efficiency of both fuels development and energy conversion techniques. The dramatically increasing consumption of electricity,[1] which is straining the capability of our electric power industries to meet current needs on a fully reliable basis, also has called into question existing government and industry policies which tend to heighten demand.

The following questions are important aspects of this significant debate:

1. Are we becoming excessively dependent on foreign supplies of oil and gas, and if so, to what extent can energy conservation help to provide greater national security of supply through reduction of imports?

2. Is it both economically and technically feasible to stretch the use of available fuel reserves over a longer period of time through more efficient methods of production and end use controls?

3. What would be the practical consequences of a comprehensive Federal program for energy conservation, considering the fact that existing policy is primarily based on the premise that Federal and State regulations should encourage industry to meet whatever demand is created in the marketplace?

4. Will rapid advances in finding new energy sources (e.g., solar, breeder or controlled thermonuclear) serve to lessen the need for energy conservation?

Any broad new program of energy conservation would have to consider numerous approaches for altering consumption patterns, improving the recovery of fuels from mines and wells, eliminating energy waste, and developing improved methods of upgrading, transportation and conversion of energy resources. If it is eventually decided by the Congress that energy conservation requires a major revamping of existing policy, a variety of options for each of these approaches should be explored in order to chart a proper course. New or modified policies including taxation to restrain consumption, bans on certain uses, more rapid internalization of environmental costs associated with energy consumption, subsidies to encourage the use of certain plentiful fuels, increased funding of R. & D. efforts to develop more efficient energy systems, and support of educational and other hortatory programs could be authorized by law.

The broader concept of conservation, of course, has been a part of progressive American thought since the turn of the century. In the early period conservation was defined as the wise use of our natural resources, which, to the layman, generally meant that to waste is wrong and to produce and use resources in the most profitable manner is right. Actually, at the operational level physical conservation of fuels has frequently played a secondary role to financial considerations: When it was less costly to waste a fuel than to conserve it, the less costly way has been chosen. For example, electric generation plants with higher efficiency of conversion—more kilowatt hours per unit of fuel consumed—have proved to be more costly—higher investment costs and more difficulties with operation and maintenance—than less efficient plants. Consequently, the electric utility industry chose to minimize overall costs rather than to maximize the efficiency of energy conversion; a tradeoff has been made between high capital costs and less efficient use of fuels.

The maximum efficiency of coal and gas burning generating plants was reached in 1967 and for oil burning plants in 1968. Since that time the efficiencies have either stayed constant or have been reduced. As the price of fuel increases for generating plants renewed interest may be stimulated in greater efficiency for new plants, but this will depend on the relative cost changes of fuels, capital, labor, operations and maintenance.

The principal theme of this report is that energy conservation and increased energy efficiency are important issues in resolving present and future energy needs and worthy of special attention in the formulation of national energy policy. An effort has been made to develop statistical data on these subjects and to outline some of the relevant arguments which have appeared in recent literature, hearings, and contractual studies. The report is organized into five major sections, as follows:

Part I draws on recent writings which discuss energy as a scarce commodity and suggest policies that would influence future supply and demand of energy.

Part II focuses on the opportunities for increasing the efficiency of energy development on all production levels, ranging from extraction through utilization processes.

Part III outlines a number of innovative experiments designed to improve efficiency by broader application of known technologies and systems approaches.

Part IV briefly discusses some examples of the energy implications involved in meeting our national goals of environmental protection.

Part V outlines some of the technological prospects for achieving energy savings and developing different energy sources as a means of broadening our resource base.

A summary of an interagency staff study on the Potential for Energy Conservation, issued last October by the Office of Emergency Preparedness, is printed in the RECORD following my statement. This study suggested that various energy conservation measures could reduce energy demand by 1980 by as much as the equivalent of 7.3 million barrels of oil a day.

Mr. President, the consumption of energy in the United States doubled between 1940 and 1965. The 5.1 percent increase in consumption between 1968 and 1969 would, if it continued, cause additional doublings of U.S. energy consumption every fourteen years. And if the average rate of growth of consumption of electricity that prevailed between 1965 and 1969 persists, consumption will increase by 2.4 times between 1968 and 1980 and by 9.8 times between 1968 and 2000.

Frankly, Mr. President, I do not think we can afford to accept these extraordinary increases as inevitable. The impact on our environment and the depletion of resources resulting from such consumption could be intolerable. We can no longer accept our traditional waste of energy resources, nor can we ignore the potential conservation as a means of reducing total energy demand.

The 93rd Congress must do more than worry about electric swizzle sticks: we must develop a national strategy to achieve major savings on energy consumption within the next five to ten years. Obvious areas for conservation include gasoline consumption, the use of electricity for home cooling and heating, and better use of energy resources in electric power production. But we must also look at the possibilities for limiting demand itself through changes in tax and regulatory policies and the adoption of end use controls which reflect energy conservation and environmental concerns.

Aside from examining specific areas with high conservation potential, the Congress must seek ways to inject the concept of conservation into the decision-making process of both public and private sectors as a matter of national policy. As it is now, major regulatory decisions are made by government without considering the impact on energy use itself. Business and industry have been equally free to manufacture products without regard for the energy resources involved in their end use. This is a luxury we can no longer afford.

As a principal consumer of energy, the Federal government must take the lead in the application of conservation practices to the construction of public buildings and the financing of construction in other sectors of the economy; in the generation and marketing of electricity; in the management of its own transportation system; in the management of energy resources on the public lands; and in the regulation of energy activities both in the public and private sectors.

An integral part of any such conservation effort must be a major new national research and development program by both industry and government to create more efficient energy systems and to develop alternate energy sources.

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### THE POTENTIAL FOR ENERGY CONSERVATION: A STAFF STUDY, OCTOBER 1972

(By the Executive Office of the President, Office of Emergency Preparedness)

### ABSTRACT

This study suggests that energy conservation measures can reduce U.S. energy demand by 1980 by as much as the equivalent of 7.3 million b/d of oil (equal to about two-thirds projected oil imports for that year).

The most significant realizable measures to effect conservation are: a) improved insulation in homes, b) adoption of more efficient air conditioning systems, c) shift to intercity freight from highway to rail, intercity passengers from air to ground travel and urban passengers from automobiles to mass transit and freight consolidation in urban freight movement and, d) introduction of more efficient industrial processes and equipment.

### SUMMARY

This study on energy conservation deliberately reaches beyond the grasp of the analysis possible in the time available for the study effort. A deliberate decision was made to include a maximum of information concerning the study topic and of measures suitable for furthering energy conservation—leaving to possible further analyses such matters as the complete resolution of controversial data and the detailed exploration of suggested measures for conserving energy while attaining our desired quality of life.

The considerable number of projections, both private and governmental, are in substantial agreement as to energy demand for the next 15–20 years. There is a greater variation in projections as to how the demand can be met by supply—the principal differences having to do with timing of availability of nuclear power expansion, the extent to which coal will contribute and the extent to which domestic gas will contribute as well as associated environmental impacts. The latter source depends on the price of well head gas and the related uncertainty about the supply elasticity of gas.

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[1] During the period 1960–68, use of electrical energy grew at a rate of 7.2 percent per year. In the same period, overall national energy use grew at a rate of 4.5 percent per year; population increased in the United States by 1.3 percent per year and the gross national product (GNP) per capita by 3.2 percent per year.

There is substantial agreement that the shortfall in domestic fuel supply will be provided almost entirely by imported oil. While imported liquid natural gas (LNG) and synthetic natural gas (SNG) made from imported petroleum will contribute to the energy fuel supply, that contribution will be minor compared to total energy demand.

One current creditable estimate[1] of required foreign oil in million b/d is:

| | |
|---|---|
| 1971 | 3.7 |
| 1975 | 6.5–8.4 |
| 1980 | 9.2–11.6 |
| 1985 | 13.8–16.5 |

The estimates of energy consumption[2] in equivalent barrels of oil in million b/d are:

| | |
|---|---|
| 1971 | 32.6 |
| 1975 | 37.9 |
| 1980 | 45.4 |
| 1985 | 55.1 |

Studies are underway examining how this estimated demand for foreign oil can be reduced through increasing currently estimated U.S. supply of fuels. The same ultimate objective as sought by increasing supply can be achieved by measures to reduce demand—energy conservation. In addition, such a program should generally, although not always, contribute both to environmental objectives and to consumer objectives.

In summary, the additional energy conservation measures suggested in this study can reduce currently estimated energy demand in 1980 by as much as the equivalent of 7.3 million b/d of oil at an estimated annual value of $10.7 billion.[3] This estimate is to be compared with projected 1980 oil imports of 0.2–11.6 million b/d.)

The saving in energy consumption is based on the assumption that the conservation measures suggested in this study are implemented. No in-depth analysis of feasibility or consumer acceptance has been undertaken. Recognizing that the study analysis is not complete and that many of the conservation measures suggested may not be acceptable, it is pertinent to stress that a half or even a third of the 7.3 million b/d is a very significant input to programming a manageable solution to the energy crisis.

The most significant additional energy conservation measures are the installation of improved insulation in both new and old homes and the use of more efficient air conditioners; a shift of intercity freight from trucks to rail, intercity passengers from air to rail and bus, and urban passengers from automobiles to motorized mass transit; and the introduction of more efficient industrial processes and equipment. By 1980, all suggested measures could reduce demand by the equivalent of 2.4 million b/d in the residential/commercial sector, 2.3 million b/d in the transportation sector, and 2.6 million b/d in the industrial sector.

The following charts summarize those conservation measures which could have high payoffs over the short-term (1972–1975), mid-term (1976–1980), and long-term (beyond 1980) either in terms of large BTU savings or in terms of public awareness and support of energy conservation. The economic, environmental, and socio-political impact of these measures will vary, as will the likelihood of their being implemented. Designations High, Medium, Low to describe these impacts are of course subjective but hopefully reflect a general consensus of opinion. The title "High Payoff Conservation Measures" does not necessarily indicate high payoff in terms of BTU savings but also high payoff in the sense of feasibility, public awareness and the potential for implementation. Note should be taken that the column indicating "Annual Savings-Quadrillion BTU" will necessarily be smaller than the total BTU savings by sector indicated on pages 56–57, since not all measures considered on these latter pages are considered on pages viii-xiii.

As Figure S-1 illustrates, the suggested measures can have a significant effect on future energy consumption. While the conservation measures proposed in this report will not, taken alone, eliminate the need for increased oil imports, they can substantially reduce this need. For example, if the long-term measures were adopted the currently estimated required oil imports could be cut in half 1990.[4] Energy conservation can also delay the attainment of a given level of consumption and thus postpone requirements for increases in imports, thereby giving more time for desirable adjustments in energy supply which might contribute further to closing the currently estimated "energy gap." For example, projected 1980 petroleum consumption in the absence of conservation measures could be delayed until 1982 with the suggested short-term measures, until 1986 with the suggested mid-term measures, or until 1991 with the long-term measures.

HIGH PAYOFF CONSERVATION MEASURES

| | Direct payoff | | | Other effects | | | | |
|---|---|---|---|---|---|---|---|---|
| | Annual savings quadrillion B.t.u by 1975 | Public | | | | | | |
| Conservation measures | | Awareness | Acceptability | Economic impact | Benefit to enviroment | Social/political impact | Likelihood of implementation | Lead agencies |
| SHORT-TERM (1972–75) | | | | | | | | |
| Transportation:[1] | | | | | | | | |
| 1. Accelerate improvement of motorized mass transit including measures to improve traffic flow. | 0.4 | Low | Medium | Medium-high | High | High | Medium | DOT. |
| 2. Improve automobile energy efficiency through use of low-loss tires, improved engine tuning. | 0.9 | High | High | do | do | do | do | DOT. |
| 3. Inject energy issue into appropriate national programs (environmental, health, urban reform, etc.). Initiate special conservation programs. | | do | do | | Medium | Low | High | Executive Office. |
| 4. Promulgate energy efficiency standards for transportation | | do | do | | do | do | Medium | DOT. |
| Residential/commercial: | | | | | | | | |
| 1. Tax incentives for adding insulation and storm windows in existing homes. | 0.1 | do | do | Medium | High | High | do | IRS, HUD, Executive Office. |
| 2. Educational program to encourage good energy conservation practices in the home. | 0.05 | do | do | Low | do | do | High | OCA. |
| Industry: | | | | | | | | |
| 1. Raise energy prices by tax and/or regulation | 1.6 | Medium | Low | do | do | Medium | Medium | Treasury, FPC Executive Office. |
| 2. Increase recycling and reuse of materials and products | 0.2 | High | High | Medium | do | do | High | EPA, Bureau of Mines. |
| Electric utilities:[2] | | | | | | | | |
| 1. Alleviate construction delays[3] | 0.5 | Low | Medium | Low | Medium | Low | Medium | FPC, AEC, EPA, Department of Labor, Executive Office. |
| 2. Smooth out daily demand cycle by shifting some loads to off-peak hours | 0.5 | Medium | Low | do | do | Medium | Low | FPC. |
| Environment: | | | | | | | | |
| 1. Review regulations and programs with objective of meeting environmental standards while using least energy and avoiding scarce fuels. | | | | | | | | |

Footnotes at end of table.

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[1] Based on Bureau of Mines projections. There are other projections which are generally greater.

[2] Based on Bureau of Mines projections. There are other projections which are generally greater. These estimates are based on the assumed implementation of certain energy conservation measures (improved heat rate for fossil fuel plants, improved insulation in new homes, increased use of the basic oxygen furnace).

[3] 1972 dollars. Based on assumed value of $4 per barrel in 1980.

[4] Required oil imports could be decreased even further if some of the projected savings in natural gas and/or coal could be converted into oil savings. (Projected gas and coal savings are each approximately half of projected oil savings.)

| Conservation measures | Direct payoff | | | Other effects | | | | Lead agencies |
|---|---|---|---|---|---|---|---|---|
| | Annual savings quadrillion B.t.u. by 1975 | Public | | | | | | |
| | | Awareness | Acceptability | Economic impact | Benefit to enviroment | Social/political impact | Likelihood of implementation | |
| MIDTERM (1976–80) | | | | | | | | |
| Transportation: [1] | | | | | | | | |
| 1. Expand intercity surface transportation service | 0.9 | Low | Medium | Medium-high | High | High | Medium | DOT. |
| 2 Expand high speed and motorized mass transit service. Implement feeder service (e.g., "dial-a-bus"). | 0.3 | Low | do | do | do | do | do | DOT. |
| 3. Improve freight handling systems through freight consolidation and containerization. | 0.9 | Low | High | Low | Medium | Low | do | DOT. |
| 4. Emphasize transportation issue in urban development (pedestrian oriented clusters). | 0.2 | High | do | Medium-high | High | High | Low | DOT, HUD, Executive Office. |
| 5. Improve automobile energy efficiency through improved engines and drive trains, improved traffic flow, use of low loss tires and improved engine tuning. | 0.3 | High | Medium | High | do | Medium | Medium | DOT. |
| Residential/commercial: | | | | | | | | |
| 1. Further upgrade FHA minimum property standard for new single and multi-family dwellings to require more insulation. | 0.9 | Medium | do | Medium | do | do | do | FHA. |
| 2. Increase price of fuel by tax levied at the point of production. | Large | High | Low | High | do | | do | IRS. |
| 3. Utilize above revenues for R&D to increase efficiency of energy utilization in the residential/commercial sector. | Large | Medium | High | Low | do | High | do | HUD, GSA, DOC, EPA, Executive Officer. |
| 4. Establish minimum efficiency standards for furnaces, air conditioners, and appliances. | 0.6 | Low | do | Medium | Medium | do | High | GSA, DOC, HUD Executive Office. |
| 5. Require energy consumption of all appliances to be stated on nameplate, price tag, and in any advertisement that quotes a price. | 0.6 | High | do | Low | do | Medium | do | DOC. |
| Industry: | | | | | | | | |
| 1. Raise energy prices by tax and/or regulation | 3.8 | Medium | Low | do | High | do | Medium | FPC. |
| 2. Increase recycling and reuse of materials and products | 0.4 | High | High | Medium | do | do | High | EPA, Bureau of Mines, Executive Office. |
| Electric utilities: [2] | | | | | | | | |
| 1. Alleviate construction delays [3] | 0.5 | Low | Medium | Low | Medium | Low | Medium | FPC, AEC, EPA, Department of Labor, Executive Office, FPC. |
| 2. Smooth out daily demand cycle by shifting some loads to off-peak hours. | 0.5 | Medium | Low | do | do | Medium | Low | |
| 3. Increase research and development efforts | Large | do | High | do | High | High | High | FPC, AEC, NSF, OST, EPA, Electric Research Council (Industry Council), Executive Office. |
| Environment: | | | | | | | | |
| 1. Review regulations and programs with objective of meeting environmental standards while using least energy and avoiding scarce fuels. | | | | | | | | |
| LONG-TERM (BEYOND 1980) | | | | | | | | |
| Transportation: [1] | | | | | | | | |
| 1. New freight handling systems | 2.0 | Low | do | Medium | do | do | Medium | DOT. |
| 2. New mass transit systems | 2.0 | do | Medium | Medium-high | do | do | do | Do. |
| 3. Improved urban design | 2.0 | do | High | High | do | do | do | DOT, HUD, Executive Office. |
| 4. New engines (hybrid, non-petroleum) | 1.0 | do | High | Low-medium | do | do | High | DOT. |
| Residential/commercial: 1. Develop non-fuel energy sources (solar and wind energy). | Large | High | High | High | do | do | Medium | AEC, NASA, DOC, Executive Office. |
| Industry: | | | | | | | | |
| 1. Raise energy prices by tax and/or regulation | 5.5 | Medium | Low | Low | do | Medium | do | Treasury/FPC, Executive Office. |
| 2. Increase recycling and reuse of materials and products | 1.1 | High | High | Medium | do | do | High | EPA, Bureau of Mines, Executive Office. |
| Electric Utilities: [2] 1. Increase research and development efforts | Large | Medium | High | Low | do | High | do | FPC, AEC, NSF, OST, EPA. |
| Environment: 1. Review regulations and programs with objective of meeting environmental standards while using least energy and avoiding scarce fuels. | | | | | | | | Electric Research Council (Industry Council, Executive Office). |

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[1] Transportation savings based on projections developed by Hirst, "Energy Consumption of Transportation" in the U.S. Oak Ridge National Laboratory ORNL-NSF-EP Mar. 14, 1972. (Modified to reflect changes in energy efficiency.)

[2] The savings in the electric utility sector have already been assumed in the basic projections of energy consumption in this report. (See sec. II.)

[3] New plants can be brought on line faster to replace older, less efficient plants. (See appendix F for further explanation.)

## EXTENSION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. All time for the transaction of routine morning business has expired.

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that there be an extension of the time for the transaction of routine morning business of not to exceed 9 minutes, with statements of Senators therein limited to 3 minutes.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

## ARMS CONTROL MUST REMAIN A TOP PRIORITY

Mr. **HUMPHREY.** Mr. President, Mr. Chalmers Roberts recently wrote a column in the Washington Post which faulted the Nixon administration on the low priority it seems to have given the problem of controlling the arms race.

As he says, "The American arms control establishment is in disarray." This is a tragic state of affairs.

Arms control must be a Presidential priority—when it is not, valuable time is lost in efforts to reach further arms limitations.

Recent developments indicate that President Nixon seems all too willing to turn an issue which was a priority matter for his predecessors into a rather routine issue. He has yet to appoint a successor to Gerard Smith at the Arms Control and Disarmament Agency even though he has named U. Alexis Johnson to succeed Mr. Smith at the Salt III negotiations. And we are well aware of Mr. Kissinger's necessary preoccupation with Vietnam which prevents him from providing White House leadership on these upcoming negotiations.

The great challenge in the next stage

of strategic arms limitations talks will be to deal with the issue of MIRV. Roberts relates the Russian interest in this issue. And with the recent Pentagon recommendation that our force of MIRV'ed missiles be expanded, I believe that we must attempt to reach an accord which would contain an agreement on MIRV.

Mr. President, I ask unanimous consent that the Chalmers Roberts' article be inserted at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 13, 1973]

### Arms Control: A Bad Time for Disarray

(By Chalmers M. Roberts)

It now has been nearly 17 years since President Eisenhower appointed Harold Stassen to the post of Special Assistant to the President for Disarmament, with Cabinet status. In 1961 the job was institutionalized with congressional creation, at President Kennedy's request, of the Arms Control and Disarmament Agency. William C. Foster became head of ACDA and the chief negotiator, as well, on arms control measures. In 1969 President Nixon chose Gerard C. Smith to head ACDA and later to be the chief negotiator for the Strategic Arms Limitation Talks (SALT). Now, as the second Nixon term begins, Smith has departed by his own choice and the President has tapped U. Alexis Johnson to be the negotiator. No one has been announced as Smith's successor to head ACDA, a quasi-independent agency housed and supported by the State Department but with its own congressionally approved budget.

It is evident, in retrospect, that all the major decisions in the arms control field since the initial Baruch Plan in 1946 have been presidential decisions, but it also is evident that presidential choices have been circumscribed by the quality and extent of the bureaucratic machinery which has examined the problems and possibilities and thus, through various layers of the government, served up the options. Stassen, Foster and Smith all were effective, or ineffective, to the degree that they could establish an independent input from an office or an agency that was beholden neither to the diplomatic views of State, the military views of Defense, nor the views of the White House staff.

It is for such reasons as these that the appointment of Alex Johnson has done more than raise eyebrows among those in and out of government, who concern themselves with arms control, above all with the SALT II negotiations which resume in Geneva for a second session on Feb. 27. Johnson is widely viewed as a temporary appointment. He suffered a heart attack a while back and his doctors have warned him against excessive work. For that reason, it appears, he turned down a Nixon offer to succeed Ambassador Bunker in Saigon. The top career man at State, Johnson is now 64. He has had only minimal acquaintance with the complex arms control issues.

The issues at SALT II are going to be very tough to resolve. Henry Kissinger, the generalissimo of SALT I here in Washington, has had no time for the problem because of Indochina and now his own continuation in the White House is uncertain. By all accounts, then, the U.S. is in a holding pattern on arms control and this is likely to last for some time. President Nixon's separation of the two posts of ACDA head and top negotiator adds an additional uncertainty.

It was widely believed when SALT II began that there would be no pressure from either Washington or Moscow for speedy new agreements. The interim pact on offensive weapons runs for five years and most people felt that not until about the fourth year would negotiations become intensive. But from what is now learned about the first go-round of SALT II this may not be necessarily true; indeed, a major opportunity for a key new phase in arms control just might be present, if the U.S. is prepared to grasp it.

This is because at the recent Geneva talks, all behind closed doors, the Soviet delegation expressed an interest in the control of multiple warheads, MIRVs. This came as a surprise to Smith and his delegation but there is no doubt that Moscow did indicate such an interest. It is true, however, that the other anticipated problems, notably the Moscow demand for limits on the American forward based systems (FBS) in any new agreement, were put forward by the Soviet side. But the Soviet talk of MIRV control added a new dimension to the meetings. At this first session neither side laid down any formal proposals.

Quite obviously the Kremlin interest in MIRV control must spring from the enormous American lead in such warheads though the Soviets are ahead in numbers of missile launchers and in throw weight of warheads. It would take some very difficult trade-offs to reach any form of MIRV agreement, and monitoring of such an agreement, beyond monitoring a ban on further tests, would be equally hard to achieve. But if there is no agreement, multiple warheads will be a major element in both arsenals.

Thus it appears this is a very bad moment for the American arms control establishment to be in such a state of disarray as the Johnson appointment, and the Kissinger situation, indicate it to be. Only President Nixon can change this state of affairs, although the Senate disarmament subcommittee of Foreign Relations could do some prodding.

The opportunity to control MIRVs is judged, at best, to be a long shot. But so were many other opportunities in past years that finally reached fruition through the perseverance of such men as Stassen, Foster and Smith. The U.S. can do no less than try—and there is currently no sign it is ready to do that.

Mr. HUMPHREY. Mr. President, I wrote President Nixon last week voicing my concern that he plans to reduce the Arms Control and Disarmament budget for fiscal 1974 and urging him to appoint a successor to Gerard Smith at ACDA. I feel strongly that the failure to appoint a new chief of the Arms Control and Disarmament Agency, as well as the proposed budget reductions for arms control efforts indicate a slackening of presidential initiatives in this area. I hope this is not the case. We must not turn back in our work to halt the arms race.

Mr. President, I ask unanimous consent that the text of my letter to President Nixon be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dear Mr. President: I have read news reports, confirmed by some reliable sources, that it is your intention to reduce sharply the Arms Control and Disarmament budget request for fiscal year 1974.

At the same time, it has been confirmed that Ambassador U. Alexis Johnson will replace Ambassador Smith as head of the U.S. Delegation to the SALT Talks. Although Ambassador Smith has announced his resignation, there has not, to the best of my knowledge, been any formal announcement of a replacement for the directorship of the Agency.

I view these developments with special concern because of the importance of ACDA to prudent and successful negotiations. ACDA did a most commendable job in the SALT I agreements, and was, in my opinion, largely responsible for their successful conclusion. The Agency has kept its staffing to a minimum and maintained only the highest standard of professionalism.

As passed in 1961, the Arms Control and Disarmament Act set up the Agency with the following principal functions:

a. The conduct, support, and coordination of research for arms control and disarmament policy formulation;

b. The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;

c. The dissemination and coordination of public information concerning arms control and disarmament; and

d. The preparation for, operation of, or as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

This Act still stands, and with due justification. ACDA's performance has been commendable. If, in an effort to reform our government's bureaucracy and reduce expenditures, the Agency is hamstrung, I am certain that this matter would warrant Congress' immediate attention and corrective action.

I would appreciate receiving a clarification of your plans.

Sincerely,

Hubert H. Humphrey.

## LET FREEDOM RING

Mr. HARRY F. BYRD, JR. Mr. President, I invite the attention of the Senate to a proposal for an American Revolution Bicentennial theme, which has more merit than any I have heard to date. The theme, which has been suggested by the Cultural Laureate Foundation, Inc., is "Let Freedom Ring.'"

This phrase captures the essence of our Nation. It applies to all Americans—in all walks of life, in all stations, high and low. It touches the pulse of our society.

I commend the Cultural Laureate Foundation for its perception.

This nonprofit, charitable organization, recently formed in Arlington, Va., is dedicated to the encouragement and stimulation of cultural achievements of mankind by establishing cultural laureate awards. These awards, accompanied by honorariums, will be issued initially on July 4, 1976, and annually thereafter on the 4th of July.

The funding of the foundation will be accomplished through private grants and donations.

I commend the initiative and spirit of this organization and its principal officers, Allen E. Turner, Harold S. Harrison, and James D. Nida, and I am pleased that this organization, with its national patriotic and cultural scope, is located in Virginia.

As I have said, the theme "Let Freedom Ring" appeals to me. It may not be the theme the Commission finally adopts, but it sounds better than any I have heard to date. At this point, I ask unanimous consent to have printed in the Record a copy of the acknowledgment of the ARBC for this suggestion.

There being no objection, the letter was ordered to be printed in the Record, as follows:

AMERICAN REVOLUTION
BICENTENNIAL COMMISSION,
*Washington, D.C., January 10, 1972.*

Mr. HAROLD S. HARRISON,
*ICTC Foundation, Inc.,*
*Washington, D.C.*

DEAR MR. HARRISON: Thank you for your sugggestion that "Let Freedom Ring" be adopted as the official theme for the Bicentennial celebration. As you may know, the Commission has not selected an overall theme but has instead been developing the national program around three themes: Heritage '76, Horizons '76 and Open House USA.

We will give your suggestion serious consideration, along with others that have been submitted to the Commission, in the selection of an appropriate theme. Your interest in the Bicentennial is appreciated.

Sincerely,

WILLIAM P. BUTLER,
For R. Lynn Carroll.
*Deputy Executive Director for Program Development and Coordination.*

Mr. HARRY F. BYRD, JR. It seems to me that the theme "Let Freedom Ring" captures all of the advantages of the three bicentennial themes—"Heritage '76," "Horizons '76," and "Festival USA," formerly called "Open House USA." Reunited around the central theme "Let Freedom Ring" I would hope that the ARBC would be able to accomplish in the next 6 months far more than its spotty record has shown for the last 6 years. The Commission would do well to adopt not only the theme offered by Cultural Laureate Foundation, Inc., but also its ingenuity, clear thinking and single-mindedness of purpose.

The time is short. Let us delay no longer to move toward an inspired bicentennial celebration. Let Freedom Ring.

## FINANCIAL STATEMENT FOR 1972 OF SENATOR JAMES B. ALLEN

Mr. ALLEN. Mr. President, prior to coming to the U.S. Senate on January 3, 1969, I publicly stated that I would, each year during my service in the Senate, file a statement of my financial condition with the Secretary of the U.S. Senate, the Secretary of State of the State of Alabama, and the Probate Judge of Etowah County—my home county—Alabama.

I have pursued this policy and have filed statements of my financial condition at the end of 1968, 1969, 1970 and 1971. In addition to such filings, I have place in The CONGRESSIONAL RECORD copies of my 1968, 1969, 1970, and 1971 statements. I ask unanimous consent that my 1972 statement be printed at this point in the RECORD. The statement sets forth my reasons for making these statements public.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### FINANCIAL STATEMENT

I, James B. Allen, Gadsden, Alabama, do hereby certify that the following is a true and correct statement of my financial condition as of December 31, 1972.

| | |
|---|---|
| ASSETS | |
| Home at 1321 Bellevue Drive, Gadsden, Alabama | $32,500.00 |
| Furniture, furnishings, books | 5,000.00 |
| Automobile | 2,500.00 |
| State of Alabama; City of Huntsville, Ala. bonds at market | $27,000.00 |
| U.S. Savings bonds, at cost | 600.00 |
| Residence at 7405 Hallcrest Dr., McLean, Va.—Cost $47,700 less $2,633.33 depreciation | 45,066.67 |
| Bank accounts—exact | 5,099.41 |
| Payments into Civil Service Retirement account—exact | 13,219.04 |
| Life insurance surrender value (all but $1,000 is term) | 100.00 |
| Total | 131,075.12 |
| LIABILITIES | |
| Indebtedness on residence at 7405 Hallcrest Dr., McLean, Va. to First State Bank of Altoona, Alabama and Exchange Bank of Attalla, Alabama, monthly payment loan—exact | 38,609.42 |
| Note—First State Bank of Altoona, Alabama | 7,200.00 |
| Total | 45,809.42 |
| Net worth | 85,265.70 |

I am not an officer, director, stockholder, employee or attorney for any person, firm, company, or corporation, nor am I a member of any law firm, nor am I engaged in the practice of law in any form.

My income is limited to my Senate salary and interest on U.S., State of Alabama and municipal bonds listed above. During 1972, I received no honoraria or expense payments or reimbursements of any sort. I have never during my service in the Senate, or at any time prior thereto, accepted any such honoraria or expense payments or reimbursements of any sort, nor do I have a committee or person designated to receive contributions, political or otherwise.

This statement is made pursuant to a declared policy of filing annually with the Secretary of the U.S. Senate, the Secretary of State of the State of Alabama, the Probate Judge of Etowah County, Alabama (my home county), a statement of my assets and liabilities. A similar statement will be filed each year during my service in the Senate, this being the fifth such annual statement I have filed since coming to the Senate in January 1969.

The purpose of this statement is two-fold:

1. To show the absence of any conflict of interest between my ownership of assets and my service in the Senate in the public interest.

2. To keep the public advised as to my financial status, and to disclose the extent to which I have benefited financially during my public service.

I believe the public is entitled to this information from me as a United States Senator in the discharge of this public trust.

Recapitulation of past years' net worth:

| | |
|---|---|
| End of 1968 | $92,984.81 |
| End of 1969 | 87,750.00 |
| End of 1970 | 87,243.34 |
| End of 1971 | 85,939.09 |
| End of 1972 | 85,265.70 |

This 9th day of January, 1973.

JAMES B. ALLEN.

Sworn to and subscribed before me on this 15th day of January, 1973.

DAVID G. STEVENSON,
*Notary Public.*

My Commission expires May 14, 1973.

## ORDER FOR RECOGNITION OF SENATORS BELLMON AND ROBERT C. BYRD ON THURSDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the recognition of the two leaders or their designees under the standing order on Thursday next, the Senator from Oklahoma (Mr. BELLMON) be recognized for a period of not to exceed 15 minutes, that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for a period of not to exceed 15 minutes, and that, at the conclusion of such orders, there be a period for the transaction of routine morning business of not to exceed 1 hour, with statements therein limited to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR MUSKIE TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that today, following the period which has been allotted to my distinguished senior colleague (Mr. RANDOLPH) under an order previously entered, the distinguished senior Senator from Maine (Mr. MUSKIE) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

Mr. ROBERT C. BYRD. Mr. President, is there any legislative business at the desk?

The ACTING PRESIDENT pro tempore. Nothing is pending at the moment.

## ORDER FOR RECOGNITION OF SENATOR ALLEN ON THURSDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday next, following the remarks of the distinguished Senator from Oklahoma (Mr. BELLMON), the distinguished Senator from Alabama (Mr. ALLEN) be recognized for not to exceed 15 minutes, preceding recognition of the junior Senator from West Virginia (Mr. ROBERT C. BYRD).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## EXTENSION OF TIME FOR TRANSMITTAL OF BUDGET MESSAGE AND THE ECONOMIC REPORT TO CONGRESS

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1.

The ACTING PRESIDENT pro tempore (Mr. JOHNSTON) laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the joint resolution (H.J. Res. 1) extending the time within which the President may transmit the Budget Message and the Economic Report to the Congress, and extending the time within which the Joint Economic Committee shall file its report, which was on the first line of said amendment: strike out "February 5, 1973" and insert "February 10, 1973".

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment by the House. I have cleared this with the other side.

The motion was agreed to.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from West Virginia (Mr. RANDOLPH) is recognized for 1 hour.

## PRIVILEGE OF THE FLOOR

Mr. RANDOLPH. Mr. President, I ask unanimous consent that Mr. Richard Grundy, a professional staff member of the Committee on Public Works, be permitted the privilege of the floor at this time during my remarks.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

## NATIONAL ENERGY POLICY—THE KEY TO NATIONAL WELL-BEING ACTION

Mr. RANDOLPH. Mr. President, I come to counsel today with the Members of the Senate and the Congress itself as a legislative body and certainly with the involved and intensely interested constituency in my own State of West Virginia. I believe that the questions I shall raise will also be of concern to the citizenry, generally.

I am hopeful of that result as I talk today, as I have in the past, about national energy policy. I believe that such a policy must come, and come quickly, if we are to have a national well being, insofar as this matter is concerned.

Mr. President, I think it is correct to say that we are a crisis-prone country. At times, I think the people have been accused of creating crises which are not real and are not based upon hard facts we will say, but rather are a synthesis of soft information of a particular situation. In my remarks today, I shall be addressing myself to our corporate energy problem which is very, very, real and which, of course, has an impact on the people of the United States and on—yes—the peoples of many countries of the world.

I could bring to this Chamber the evidences of an awareness—a new awareness and a new awakening—on behalf of the people who, let us say, had no feeling about the subject of energy a few weeks or months ago.

I understand there are differing viewpoints and I do not wish to be harsh with newspaper reporters who earlier said there is no energy crisis. But I would hope that this afternoon we can attempt to come to grips, at least in part, with what is a very, very urgent matter.

The January 22 issue of Newsweek magazine, which I hold in my hand, has on its frontispiece, a blown-up picture of an electric light bulb across the face of which are the words, "The Energy Crisis."

Five pages of this issue of the magazine, which came to my office yesterday, very properly serve as testimony, once again, to the coverage which the energy crisis should be given, and frankly, a coverage which should have been given, in depth, months and years ago.

I read the concluding words of comment by the editors of Newsweek magazine:

> During the next critical 12 years, the worst thing that the Nixon administration and future administrations can do is to do nothing.
>
> The choices are hard but Peter Flanigan for one hopes the right solutions will evolve from compromise.

Now, Mr. President, I quote Mr. Flanigan's words:

> Everything must give a little—national security, environmental quality, and price.

The article continues:

> The compromise pleases no one completely, of course, but the alternative seems to be to throw the nation out into the cold.

And so it is that compromise—not a compromise of conscience—but a compromise of the programs that somehow or other must be brought together and merged into one program that will not please everyone.

Certainly we must have a quality environment in our country and among our people which represents the very highest that we can maintain. I have supported this concept and have committed myself, over and over again, within the Public Works Committee, as one of its members and later as its chairman, to bring to passage a large substantial number of substantive legislative acts that go far toward strengthening our national quest for environmental quality for the people of this country. This is a continuing commitment which I share with others of my colleagues.

But as we strive for environmental quality, we must also realize that the very productivity of the Nation—of those who work in our factories and in our mines, and in all the structure of business in this country—must be assured a continuance of job-producing substance, which is the very heart of our Nation and has made us a very strong Republic.

I invite attention to the January 15 issue of the New York Times. Increasingly, this newspaper and other newspapers, are beginning to inform and alert the American people to the serious energy problems to which I address myself today.

The headline reads, "Northeast Is Bracing Itself for Possible Energy Crisis." The comprehensive article by Gene Smith which begins on the front-page, reports on the energy situation, not only in the Northeast, but also throughout many sections of the United States.

Industry, business, and commerce as well as the environmentalist must have energy together with a quality environment. We must keep both of these as a part of our American tradition.

In the New York Times article to which I make reference, I invite attention also to the beginning of an understanding among citizens that jobs are involved with this energy crisis. The closing of an appliance plant is cited in the community of Effingham, Ill., some 200 miles south of Chicago, which the article says is typical—not unusual—of something that is spreading itself across the country. This plant was forced to shut down when its natural gas supply was cut in order to insure an adequate fuel supply for residences, for hospitals, for schools, and for other higher priority customers.

I believe this demonstrates, Mr. President, what I have been saying—and repeat today—that a national policy or policies are needed to cope with the energy problems which continue to deepen by the hour. Today we have no real policy or policies. We have nothing but a hodgepodge, hit-or-miss ad hoc approach to energy policy as I will discuss a little later.

This plant was able to reopen because an emergency supply of propane gas was brought in from Kansas. This, however, was only a stopgap measure. The article goes on to say:

> The hardest-hit area appears to be Mississippi, Louisiana and Arkansas.

Listen to these words, those who are present and our guests in the gallery:

> About 43 industries in the Jackson, Miss., area including two neighboring counties were closed, putting more than 40,000 workers out of jobs.

Mr. President, this is beginning to be a very real problem to people, generally. We have been reading about a crisis here and a crisis there, but when it comes to the point that actual jobs are being lost because of shortages of fuel and the lack of effective energy policy, then we begin to understand the seriousness of this matter.

I ask unanimous consent, that the Newsweek article of January 22, "The Energy Crisis," and the New York Times article of January 15, to which I refer appear in the RECORD at this point.

The PRESIDING OFFICER. Without objection it is so ordered.

### AMERICA'S ENERGY CRISIS

Suddenly, the harsh winter weather was biting more deeply all across America, and predictably fuel shortages began to plague the nation. In Des Moines, hundreds of homeowners were down to their last chill days of heating oil, with no guarantee when they would get their next deliveries. In Denver, high schools were on a three-day week to conserve dwindling fuel. In West Virginia, Illinois, Mississippi and elsewhere factories had to shut down at least briefly when fuel tanks ran dry.

As the nation's oil refineries ran flat out to meet skyrocketing demand, there were inevitable shortages of other fuels. Grain shipments were stranded on barges in the Mississippi and Ohio rivers. Jet fuel was so scarce at giant John F. Kennedy Airport in New York that many planes couldn't get enough for scheduled nonstop flights to the West Coast; they had to make intermediate stops to fill their tanks. The nation's railroads said continued shortages could disrupt their service, and there were even dire predictions of a gasoline shortage this summer.

In Washington, the Office of Emergency Preparedness responded to the spreading shortages by ordering increased import quotas for heating oil and said it would seek authority from Congress to ration oil and natural gas. At the same time, the Federal Power Commission advised natural-gas companies to give homeowners first call on supplies. As the bitter cold persisted, Americans who had discounted the mounting cries of "energy crisis" as so much self-serving hyperbole from politicians and energy-company executives were quickly becoming converts.

Memories of the current delivery shortages may fade with the cold weather, but a more fundamental and disturbing problem will remain: America has passed from a long period of dirt-cheap energy that made it the world's leading industrial power into an era in which its ability to meet its own growing demands for energy comes more into question with each succeeding year.

The U.S. still has ample resources—including a 500-year supply of coal (chart). But each ton of coal, each barrel of oil comes harder and at greater cost. "The joy ride is over," says David Freeman, the ex-White House science aide who heads up the Ford Foundation's study of the energy situation. "It was a happy era of low costs, low risks and high benefits," adds outgoing Commerce Secretary Peter Peterson. "But Popeye is running out of cheap spinach." And Democratic Sen. Henry Jackson of Washington calls the energy crunch "the most critical problem—domestic or international—facing the nation today."

### THE PRICE IS STEEP

The solutions to that problem may well strike at the very heart of the American life-style. Consumers inescapably will see their bills for electricity, heating and gasoline raised ever higher—and they could conceivably find these necessities being rationed. There will almost inevitably be more blackouts and brownouts. The environmental issue is certain to be exacerbated as the oil companies fight for more drilling rights and electric utilities for more generating sites. Internationally, the crisis could force a whole new order of priority in American diplomacy. The U.S. could ultimately find itself alienating its Israeli allies as it tries to improve relations with the Arab nations that control most of the world's oil reserves.

It might seem impossible that a country as technically advanced as the U.S. should face such a threat. Surely, the system that has created computers, transistors and satellites and has put men on the moon can successfully come to grips with its energy problems. But the economics and politics of energy are incredibly complex. To begin with, there is the vigorous competition among the producers of various fuels; and the energy equation also includes domestic political maneuvering over things like import quotas and depletion allowances, delicate international relations with oil-rich foreign countries and increasingly importunate environmental demands. The wonder is that anything gets done.

It does, of course. America has created the most prodigious energy machine in history. With but 6 per cent of the world's population, the U.S. guzzles 33 per cent of the globe's energy—an all but ungraspable 69 quadrillion British thermal units* in 1971. On any given day, the average American household uses up the energy equivalent of 46 pounds of coal, 9½ gallons of oil products, and a half-pint of nuclear energy, among other fuels (chart, page 54). Projections call for far higher consumption by 1985—70 pounds of coal, for instance, and 5½ gallons of nuclear energy.

The dozen years until then will be the crucial ones. During that period, the nation must continue to rely heavily on its overburdened supply of fossil fuels—coal, oil and natural gas—and on imports. After that, the picture should become less critical as nuclear energy assumes more of the burden. Indeed, the prospects are bright from the year 2000 onward, if some of the more exotic technological departures prove fruitful—such options as fast breeder-reactors, liquid hydrogen and coal gasification.

But it will take "nothing short of a superhuman effort" to negotiate the mid-passage to 1985, Interior Secretary Rogers C. B. Morton told NEWSWEEK's James Bishop Jr., and the effort will have to be a coordinated one. Until now, however, Washington simply hasn't had a comprehensive energy program. Fuel policy emanates for everywhere, from the Bureau of Mines, from the Atomic Energy Commission, from the Environmental Protection Agency—from 64 different agencies in all. President Nixon finally will try to cut through that bureaucratic maze within the next several weeks with a national energy message that, insiders think, may rival in importance—if not drama—Mr. Nixon's new economic policy and his initiatives to China and Russia. It is also becoming clear what the gist of that message will be: the consumer is going to have to pay dearly for his energy in the future.

Given the doomsday implications of the U.S. energy plight, it seems inconceivable that the nation could have raced so close to disaster so blindly. But with energy so readily available and so cheap, the country gave little thought to the huge amounts it was actually wasting. Automobiles, for example, shoot 87 per cent of their energy intake out the exhaust pipe, and the pilot light on a gas range consumes a hard-to-believe one-third of all the fuel the appliance burns. All in all, the U.S. wastes fully 50 per cent of all the energy it burns.

### SORRY ABOUT THAT

Ironically, the profligacy was promoted by the government, which clung to the low-cost, maximum-usage policy launched in the 1930s even as the days of plenty passed, and by the oil, gas and electric companies. They advertised relentlessly to sell more and more of their output—something they are in effect apologizing for today with their conservation ads.

The Federal Power Commission, in fact, did such a good job of keeping down natural gas prices that it is now given a large share of the blame for the gas shortages, which are the most critical part of today's energy problem. Gas companies charge that the FPC kept prices so artificially low that they had little incentive to search for the new reserves that could have helped head off today's shortage.

The burgeoning movement for a clean environment has also hampered the energy industry's efforts to keep up with demand. For example, the tough Clean Air Act of 1970 is forcing Midwest utilities to find a substitute for 200 to 300 million tons of dirty, high-sulfur coal a year. Clean-burning low-sulfur coal is plentiful in the West, but proposals to strip-mine the land to get at it have triggered another outburst over ecology. Experts believe that there are massive basins of oil off U.S. shores—the Interior Department says 5.5 billion barrels, nearly a year's supply for the whole country, lie off the Atlantic shelf alone—but protests that oil spills would ruin coastal playlands if the basins were tapped have held up development. Nuclear energy is a proven success, but fears of leakage and various environmental obstructions delay plant after plant.

Despite evidence that something might be amiss with our energy system—evidence that included the massive East Coast blackout in 1965—a private, high-level White House study in 1966 soothingly concluded that "the nation's total energy resources seem adequate to satisfy expected requirements through the remainder of the century at costs near present levels." And as recently as three years ago, the President's Task Force on Oil Imports predicted that the U.S. would have to import no more than 27 per cent of its oil by 1980; the total already has reached that level and is growing steadily.

Such complacency resulted in a low priority on using Federal dollars to develop new sources of energy. "Time and time again when I was Under Secretary of Interior, I tried to convince the Budget Bureau that research-and-development dollars were vital for coal gasification, liquefaction and so on," says Russell E. Train, chairman of the Council on Environmental Quality. "Time and time again they said, 'Forget it, the cost benefit isn't good.' Well, look where the ——— that shortsighted approach has landed us."

But closed schools and factories, which have become practically routine during the past few winters, are changing official attitudes. As he opened timely hearings into U.S. energy problems last week, chairman Jackson of the Senate Interior Committee said tartly: "We are not engaged in an academic exercise."

To try to remedy the problem, the country has several options—all logical enough, but all certain to set off political warfare. The government can push further development of the country's own fuel resources, and try in particular to increase the estimated lifetimes of oil and gas reserves, which have been contracting at alarming rates. But environmentalists oppose a massive new drilling program. The Clean Air Act could be eased—emission controls on 1973 model automobiles, for instance, already increase gasoline consumption at least 7 per cent and the penalty will be sharply higher when anti-pollution equipment required by 1976 is installed. But Sen. Edmund Muskie and his allies are hinting that, if anything, the act should be made still tougher. U.S. ports could be opened wide to oil imports. But the resulting balance-of-payments deficit could undermine the dollar and set off another whole round of international currency crises; and, in truth, there is very real doubt that the United States has the port capacity to handle such a great step-up in traffic.

The government also could try to reverse the wasteful trend and get Americans to use less energy—perhaps by allowing prices to soar to levels that will discourage use. But even without price changes, energy demand projected for 1980 could be trimmed by 15 per cent, the Office of Emergency Preparedness estimates, although some of its proposals would be a bit too much for affluent Americans to take. The government could, says OEP, force the airlines to fly more fully loaded planes, meaning fewer flights for those accustomed to frequent schedules. Subsidy and tax programs could force short-haul passengers out of airplanes and cars onto railroads, which can move them the same distances with far less fuel. The government could also attack escalating gasoline consumption by sharply increasing gasoline taxes or by restricting the engine size on future cars. The most effective conservation tool of all, OEP says, would be outright rationing, but that should be used only as a "highly unpalatable last resort."

OEP made it clear, however, that there can be meaningful conservation without such drastic measures as banning autos from the central cities and forcing all commuters onto trains and buses. There could be sizable savings, for instance, if buildings were insulated better and if fluorescent instead of incandescent lighting were required in kitchens and bathrooms of federally subsidizing housing. A kind of super-daylight-saving time—moving the clocks ahead one hour in the winter and two hours in the summer—would also help. The efficiency of air conditioners and refrigerators can easily be improved 20 per cent, OEP says, and the possibility for similar savings on household appliances is moving some congressmen toward proposing a Truth in Energy Bill. This would require that appliances be labeled with the amount of energy they consume, in the hope of encouraging manufacturers to make their products operate as efficiently as possible.

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* A BTU is the quantity of heat required to raise the temperature of 1 pound of water 1 degree Fahrenheit.

### CURBING INDUSTRY'S APPETITE

Substantial power savings can also be achieved in industry. In fact, only last week Aluminum Company of America announced that it has developed a new process for making aluminum that requires 30 per cent less electricity—a particularly welcome advance since aluminum requires more energy per unit of output than any other major U.S. industry. And Du Pont has implemented energy-saving procedures in several of its own plants and in some 100 plants of other companies during the past two years that it says save from 7 to 15 per cent of the facilities' annual energy bills. Seventy per cent of these savings can be achieved without any capital investment, with the measures often as simple as that of changing the horsepower rating of a motor.

Any crisis policy would eventually be doomed, of course, unless technology produces important new energy sources. And, happily, the outlook looks brighter after the '70s. By the mid-1980s, nuclear power, paced by the exotic fast-breeder reactor, will begin taking the load off fossil fuels. Nuclear energy may produce 13 per cent of all U.S. power in 1985 vs. less than 1 per cent today and then is expected to boost its share to 26 per cent by 2000.

The fast-breeder reactor will have a major impact because, in seeming defiance of the laws of physics, it produces more atomic fuel—plutonium—than it burns. The reactor of the future has yet to prove itself in operation—the experimental plant planned by Commonwealth Edison Co. and the Tennessee Valley Authority for Oak Ridge, Tenn., won't be on stream until about 1980—but the experts are confident.

The Atomic Energy Commission also is betting some research dollars on another form of atomic power, nuclear fusion. Fusion reactors would use lithium and deuterium, which so pervade the earth's crust and oceans that supplies would last for millions of years even if the rest of the world escalated its energy use to the U.S. level.

By 1985, rising prices of crude oil and natural gas may force two other promising developments onto the market—oil produced from the shale so abundant in the American West and gas produced from the plentiful U.S. coal fields. There are pilot plants using both processes, but so far their output is too costly to compete. Shale oil, for instance, would cost about $7.50 a barrel vs. the present price of $3.25 to $3.50 for a barrel of crude.

Beyond that, scientists dream of still more exotic sources of energy. Perhaps the most fascinating is hydrogen, which can be produced by the simple electrolysis of water. It is a potential replacement for natural gas, and in liquid form it could be an extremely clean-burning fuel for aircraft and motor vehicles. Because liquid hydrogen has a lower density than gasoline, however, an auto running on it would need a 60-gallon tank for the same mileage a car can get with a 17-gallon gasoline tank. Hydrogen production also requires huge amounts of electricity—so much, in fact, that the fantastically huge investments needed for generation plants might well be prohibitive.

### RETURN OF THE WINDMILL?

Geothermal energy, the power that makes Old Faithful spurt, is farther out on the practicality scale. Geothermal energy is generated in the earth when molten rock comes in contact with underground water. When the resultant steam is within a few miles of the earth's surface, it might be tapped to generate electricity. If energy prices boom ever upward, solar energy conceivably could be harnessed as cheap heat for homes, and the wind used to generate cheap electricity, bringing back the windmill.

Even after eliminating the far-out solutions, it is clear that there are numerous ways to tackle the energy problem. And for five months, a high-level White House team headed by Rogers Morton and top Nixon aide Peter Flanigan has been sorting out the options for President Nixon as he tries to bring logic to U.S. energy policy. While there is no official word on his energy message, it undoubtedly will include:

A request to Congress to decontrol at least some natural-gas prices, meaning they will rise sharply.

A Presidential blessing for still higher prices on crude oil and on oil products.

A stout defense of the politically sensitive 22 per cent tax depletion allowances for oil and gas companies and perhaps a request for further incentives for producers.

A major new offshore oil-gas leasing program that could lead to drilling off the Atlantic Coast for the first time.

A slight increase in the present annual level of $630 million in research into new energy sources.

An Executive order for a new chain of command on energy matters, with policy flowing from the White House, new natural-resources czar Earl Butz and Flanigan to the agencies.

The message undoubtedly will be attacked from all sides. To consumer-attuned congressmen, the President's outright endorsement of higher prices will seem like nothing less than a blatant hide-skinning of low-income groups. The White House can answer, and rightly so, that Americans have long enjoyed an energy bargain. The average price for a gallon of gasoline in the U.S. in 1972, for example, was just 37 cents vs. 99 cents in Italy, 81 cents in France and 77 cents in West Germany. But that won't make soaring prices any easier to take. Under the Administration program, electricity prices are also expected to rise 34 per cent in the next five years. Flanigan also says that natural gas prices may have to rise 2 per cent a year for several years, but the National Petroleum Council says that they might leap as much as 250 per cent by 1985, with oil prices jumping as much as 125 per cent.

### A CRAMPED LIFE-STYLE

The Administration's hope is that higher prices will discourage certain discretionary uses of power: the Sunday auto outing and the second car, the constant use of air conditioners whether someone is home or not, and furnaces operating full blast. And higher prices might just work. A study prepared last year for the House Committee on Science and Astronautics concluded that demand will drop 1.5 per cent for each 1 per cent increase in electricity prices.

The trouble is the U.S. has no experience with rising energy prices, and experts outside the Administration would like to see the White House aim at conserving huge amounts of energy as well as relying on higher prices. But Flanigan says: "It is not the philosophy of this Administration to control demand by government fiat. We believe the free market should operate . . . We are not going to ask everybody to heat their homes at 68 degrees."

Since the giant oil and gas companies will be the primary beneficiaries of the sharply higher prices the Administration wants to engineer, they will be operating in a political fishbowl as never before.

Congressmen and small-business men were already charging last week that the big oil companies had manufactured the fuel shortages in order to raise prices. And, indeed, the Federal Trade Commission for some time has been investigating the gas industry figures to determine if gas reserves really are as meager as the companies say. If the issue becomes heated enough, there could be demands to break up the major oil companies, which among them control about 84 per cent of U.S. refinery capacity, about 72 per cent of natural-gas production, more than 20 per cent of coal production and more than 50 per cent of uranium reserves.

Though the oil industry is indeed in a solid earnings position, Lawrence M. Woods, a Mobil Oil Corp. vice president in charge of corporate planning and economics, insists that "crisis has never been good for this industry. We'd be better off without the energy crisis." He claims, for example, that running refineries constantly at near capacity and trying to keep up with heating-oil demand is classically inefficient.

### ENVIRONMENTAL BACKLASH?

The environmentalists will also hit out at Mr. Nixon's energy proposals. Barry Commoner, author of the best-selling "The Closing Circle," insists that the nation can meet its demands simply by harnessing part of the energy it now wastes. A simple answer and not too practical, perhaps. In any case, there could be a backlash against environmentalists as fuel supplies get tighter. Henry Ford II, chairman of Ford Motor Co., notes that his company postponed plans to enlarge several of its Ohio plants because the state's utilities couldn't guarantee fuel supplies. "If the ecologists are going to block these kinds of programs," he says, "then they will have to take the responsibility."

No matter how the political wars over energy policy are finally decided, there will be one contingency that will please no one. No matter what course the nation takes, it can't help but be more and more dependent on foreign sources—meaning mainly the Mideast—for energy during the crunch period of the next dozen years. Interior Secretary Morton admitted last week that this dependency could soar to 65 per cent in 1985—or 38 per cent of all U.S. energy consumption. The resulting trade deficit for oil alone would be a whopping $20 billion vs. the present $4 billion.

There are constant worries about the security of Mideast oil; the same worries apply to the supplies of liquefied natural gas (LNG) the U.S. plans to import, since the biggest deals are likely to be with the Soviet Union and Algeria. The LNG also will be expensive. Russian LNG is likely to cost $1.25 per thousand cubic feet, not including transportation, vs. about 26 cents for U.S.-produced natural gas. At those prices, critics like Jackson already are questioning the deals. "This is equal to $7.50 a barrel of oil," he complains of the Russian price. "A major question is whether we need such a costly fuel at all."

Members of Congress and the State Department alike are growing concerned that increased U.S. dependence on Mideast oil could cause another problem. Western Europe and Japan also are utterly dependent on Mideast oil, so there could come a time when the three major industrial areas of the world will be competing, perhaps belligerently, for the same energy supply.

But some optimists view this mutual dependence on foreign oil as a force for good rather than a cause for war. M. A. Adelman, an economist at MIT, says the consuming nations may band closer together to deal collectively with the cartelized oil-producing states and thus get better terms. And Herman Kahn, of the Hudson Institute think tank, says the growing interdependence of all nations—both buyers and sellers of energy—is likely to put an end to all warfare.

It is abundantly clear that the energy crisis is gaining momentum, that the possible solutions are incredibly complex and interrelated—and that the importance of the whole situation extends far beyond the U.S. borders.

Yet there is still some concern that Americans aren't really ready to come to grips with the new energy realities. The country may still need, in the words of Rep. Chet Holifield of California, "a good 24-hour blackout" to galvanize it into effective action. There is also a danger that some policymakers may hope ostrichlike that the current doomsday projections of the supply and demand for energy are just as wrong as were earlier predictions that everything was all right.

During the next critical twelve years, the worst thing that the Nixon Administration and future Administrations can do is to do nothing. The choices are hard, but Peter Flanigan for one hopes the right solutions will evolve from compromise. "Everything must give a little—national security, environmental quality and price." Compromise pleases no one completely, of course, but the alternative seems to be to throw the nation out into the cold.

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[From the New York Times, Jan. 15, 1973]

### Northeast Is Bracing Itself for Possible Energy Crisis

(By Gene Smith)

The much-talked-about "energy crisis" became a reality last week in some other areas of the nation, and it could still happen in the Northeast if the weather turns sharply colder.

However, late Sunday the prediction for Tuesday through Thursday in the New York area was "mostly fair" and temperatures normal, which means about 33 degrees at this time of year.

Locally, utilities have had a chance to build up reserves of oil and gas as no real cold weather hit until last week. However, utilities in the Boston area have been granted approval to import liquefied natural gas from Algeria for their own use later this heating season. The Government recently ordered increased quotas for imported heating oil.

The Petroleum Industry Research Foundation said that to its knowledge no homeowner in the Northeast had yet been deprived of fuel oil. But, the foundation added, the situation could get serious should the cold weather persist. It noted that with temperatures in the first seven days of this year colder than normal, particularly in the Northeast and Midwest, stocks of light home heating oil had dropped to 147 million barrels from 178 million a year ago.

A spokesman for the foundation said an increase in the price of No. 2 oil was needed to bring about increased production.

Meanwhile thousands of workers in Mississippi, Louisiana, Arkansas, Georgia, Minnesota and Illinois already have learned how real the energy crisis is when they were thrown out of work as fuel supplies ran out.

In many other areas, even the oil and gas rich Southwest, natural gas supplies have been curtailed for large users, including electric utilities, and the situation could get much worse if the cold wave that gripped most of the nation last week continues for a second week.

What happened at the Norge appliance plant at Effingham, Ill., about 200 miles south of Chicago is typical. The plant was forced to shut down when its gas supply was cut off to insure adequate fuel supplies for residences, hospitals, schools and other high priority customers.

#### NORGE REOPENS PLANT

On Friday Norge re-opened the plant as an emergency supply of propane was brought in from Kansas. But this was only a stop-gap measure and continued cold weather would close the plant again unless additional fuel supplies can be found.

The hardest-hit area appeared to be Mississippi, Louisiana and Arkansas. About 43 industries in the Jackson, Miss., area including two neighboring counties, were closed putting more than 40,000 workers out of jobs. A dozen or more plants around the Hattiesburg and Gulf Coast regions were closed and nearly one-half of the chicken-broiler industry in East Central and South Mississippi were closed down.

"We are faced with a real energy shortage here for the first time," Keith Howle, head of the utilities division of the Public Service Commission said: "It's going to hit hard as the devil, because it's going to get into people's pocketbooks."

Gerald Bracken, president of M.P.I. Industries at Jackson, said that more than 1,500 workers had been laid off since Wednesday.

#### "SERIOUS IMPACT"

"When employes lose three days' pay it has a serious impact," Mr. Bracken said, adding: "And of course, we lose our shirts for three days."

M.P.I. operates one of the largest industrial plants in Mississippi and is a major supply of cabinets for television sets, record players and sewing machines. Mr. Bracken said he was considering some sort of back-up system to avoid a recurrence.

The troubles in Mississippi came from a complete curtailment of natural-gas supplies for industrial users by the United States Pipeline Company. This was the first time this has ever happened and it was blamed on a dangerous drop in pressure because of the weather and a frozen gas-supply field in Louisiana. The Public Utilities Commission noted it had advised customers to make plans for stand-by systems, "but we didn't expect to have a 100 per cent curtailment in service and few of them had gone to stand-by equipment."

#### EQUIPMENT DROVES SAVIOUR

Fred Gaddis of Forest, who is one of the major chicken broiler plant operators, said only the installation of such equipment using diesel and fuel oil had saved him.

"But the use of fuel oil increases our cost considerably, as a matter of fact, about $9.50 a ton for an hour output, so we are not too happy about using oil for very long" Mr. Gaddis added.

The shortage of natural gas, coupled with low wood supply inventories, forced Olin Kraft, Inc., the Forest product subsidiary of the Olin Corporation, to close down a paper mill at West Monroe, La., and sawmills and plywood plants at Winnfield, La., and Huttig, Ark. The plants employ about 3,400 people.

In the Memphis, Tenn., region, the Memphis Light, Gas and Water System routinely shut off natural gas to its largest users on Sunday, Jan. 7 when demand outstripped capacity. A fuel-oil crisis arose as major consumers turned to oil for their alternate fuel.

This is becoming a common occurrence as most utilities have contracts that call for them to interrupt gas for major users when a certain temperature or consumption level is reached. Particularly hard hit were the huge Memphis Naval Air Station and the City of Memphis Hospital. A Defense Department spokesman in Washington said:

"We have been checking with every refinery in the country and we plan to bring in Navy fuel from stocks in Alabama and Florida, but the problem is that we will have to line up barges to transport it to Memphis."

The hospital was planning to consolidate some patient wards if it was unsuccessful in locating fuel supplies over the weekend.

The Southeast was also hit a week ago Sunday by a severe ice storm, said to be the worst in more than 30 years, that knocked down power lines in Atlanta, north Georgia and northern Alabama. By Wednesday, some 75,000 customers, mostly residential, were still without power in the Atlanta area.

The Internal Revenue Service in Atlanta reported a sharp rise in the price of such weather-related items as candles, lanterns, kerosene and sleeping bags, while hotels and motels were said to be "packed and overcharging."

Steve McAteer, manager of the Atlanta Fuel Company, said there is a definite oil shortage. He added:

#### TRANSIT SERVICE IS CUT

"We just can't seem to get the product. The suppliers keep telling us to cut back. They're setting up quotas. This started two or three months ago and the biggest shortage is in heating oil for homes. The major suppliers, such as Citgo, Ashland Oil and others are bypassing the South because they can get a better price in the North."

Mr. McAteer said that where his company used to sell 40,000 to 50,000 gallons a day, they were now cut back to about 25,000.

Up in Minnesota where way-below-zero weather is taken for granted, the Metropolitan Transit Commission cut service on the Twin Cities' 450 buses on some days and after 6 P.M. daily to save fuel. The buses operate on the same grade oil as is used for heating.

The shortage began in the Minneapolis-St. Paul area in mid-December. At that time four Minneapolis schools came within one day of actually running out of heating oil but were kept open with a 20,000-gallon emergency supply.

Honeywell, Inc., was reduced last week to a two-to-five-day supply of fuel oil, as a spokesman said: "We're not quite at the mittens and overshoes stage."

Only a brief warming spell when the mercury rose above zero permitted schools in Long Prairie, Minn., to use gas just as their fuel oil supplies ran out. Frederick Christiansen, the state's director of school facilities, said: "They're giving just enough gas so the plumbing doesn't freeze."

The Standard Oil Company of Indiana, announcing a 25 per cent cutback in supplies to all major carriers in Minnesota, said its top priorities were homes, hospitals and emergency services.

"The others will have to wait. There simply isn't enough to go around," a spokesman said. The Burlington Northern Railroad, which said it had "substantial volumes" of stored fuel, nevertheless reduced power on some of its runs to save fuel.

Arnold Beckman of Coon Rapids, who services about 350 mobile homes in the Twin Cities area, reported he had had to start buying oil from other retailers at 5 cents a gallon higher than his wholesale cost.

On Jan. 8, Gov. Wendel Anderson asked the Legislature to hold hearings on the oil shortage which, he said, "appears to be worsening daily."

"I remain concerned over the inability of my office or any other state agency to obtain basic information from major oil suppliers concerning the reasons for the shortage, the possible length of time during which fuel supplies may be curtailed and the steps the state may take to mitigate the worst effects of such a shortage."

#### COMPLICATED SITUATION

The Minnesota situation is further complicated by a strike that began on Jan. 8 at the Koch refinery in Pine Bend, the state's largest oil refinery. Normally it refines about 100,000 barrels of oil a day.

In suburban Dakota County there were no legal bidders on a contract for 150,000 gallons of gasoline and 50,000 gallons of diesel fuel. Suppliers told county officials that they could not bid because they couldn't guarantee delivery.

In neighboring Wisconsin, Gov. Patrick J. Lucey urged residents of his state to "use an extra blanket and turn your thermostats down."

On Dec. 5 the Wisconsin Gas Company in Milwaukee advised 27 of its largest users including factories, breweries and the local electric utility that they could burn natural gas for boilers only on weekends, possibly through March.

The gas company reported that October had been 25 per cent colder than normal, while November was 6.6 per cent colder and the first half of December 34.4 per cent colder.

James Gruentzel, director of the State Office of Emergency Government, estimated the 27 plants would need over 30 million gallons of fuel oil that "just isn't there." He reported several fuel oil companies had stocks for only a week.

"We're holding at the status quo but if we have below normal temperatures for another week, it could really hurt us," he said.

Nebraska Gov. J. J. Exon has asked homeowners to turn their thermostats down 3 degrees to conserve fuel, while Eugene Leahy, Mayor of Omaha, ordered thermostats down 7 degrees in all city buildings.

Chicago, which is struggling with fuel supplies, reported that last year temperatures were below normal in every month except May and, as of last Tuesday, temperatures were 60 degrees below normal levels to date. The Northern Illinois Gas Company cut large users from 30,000 therms of natural gas a day to 800 in three steps and last week sought approval for going down to a 100-therm-a-day limit.

E. I. du Pont de Nemours has been able to cut its energy bills by changing horsepower rating on motors and other simple mechanical methods.

Meanwhile, many utilities and oil companies have been advising homeowners on ways to use less fuel and thus save money, such as turning down the thermostat at night, living with somewhat cooler temperatures, such as 70 degrees instead of 75, adding insulation to windows and doors, checking for leaky hot water faucets, closing fireplace dampers when the fireplace is not in use, leaving or entering a house quickly to cut down on the cold.

There is little doubt that householders should be interested in conserving heat because their fuel bills are headed for much higher.

Many experts believe that higher fuel bills will induce more exploration by natural gas and oil companies to increase their reserves.

Mr. RANDOLPH. Mr. President, there is one other article to which I invite attention. It appeared in the June 1972 issue Environment magazine entitled "Energy and Well-Being." This article provides a comprehensive discussion of energy conservation policies which should be considered as we formulate our national energy policies.

Mr. President, because I feel it would be helpful, I ask unanimous consent that selected quotes by A. B. Makhijani and A. J. Lichtenberg from the Environment magazine of June 1972 appear in the record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

It is said that standard of living in the U.S. is intimately correlated with per capita energy consumption. Since the utilization of energy and material resources has both provided us with diverse necessities and comforts and contributed to the deterioration of the environment, an evaluation of the degree of efficiency in the use of energy and materials is useful. Upon analysis, it is shown that the present efficiency in both energy and material-resources utilization is low and that considerable improvement is possible. This could result both in the maintenance of current material standards of living and in the enhancement of the environment, or at least a prevention of its deterioration at the current rapid rate.

### POLLUTION AND CONSERVATION

Pollution can be reduced by two methods: (a) control and reduction of the waste products of fuel and materials consumption; and (b) reduction in materials consumption (including fuels) and reuse of non-fuel resources where possible. These methods are complementary, though the emphasis here is on the latter method.

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### STANDARD OF LIVING AND ENERGY CONSUMPTION

In studies on energy consumption, the terms "standard of living" and "Gross National Product" (GNP) are often used interchangeably. Both of these terms are imprecise,[3] although for different reasons. The idea of a "standard of living" as related to consumption of goods is somewhat arbitrary, but it is possible, at least to some extent, to quantify this definition by examining the availability of food supplies, housing, clothing, medical, recreational, transportation and communication facilities, and the like. To the extent that the GNP measures these goods and services, it is an indicator of this quantified standard of living.

* * * * *

Five methods of reducing energy and/or raw-materials consumption are outlined below. They are:

The use of solar energy

The use of the "total energy" concept in industry, utilization of waste heat

Materials and product reuse and recycling

The improvement of fuel-usage efficiency in transportation

Improvement in the thermal efficiency of electric power plants.

The Use of Solar Energy. The ecological advantages of the use of solar energy are manifold. A number of devices for using solar energy have been developed, and it currently has practical applications in the space program and to a small extent in miscellaneous low-energy applications, such as highway telephones. It is believed that the economic application of solar energy for household heating could be developed within a few years, as well as the partial substitution of household and commercial electrical-energy requirements by the use of heat pumps. This would depend on the availability of funding for research and development. Many houses using solar energy for heating are currently in existence. These must be considered as pilot projects; development is certainly required for large-scale application.

The "Total Energy" Concept.[7] This concept is built around the utilization of waste heat from the generation of electricity. It is applicable primarily to industries (or a group of contiguously located industries) and other establishments with large demands of heat, electricity, and/or motive power. Electricity is generated locally. The waste heat (in the form of combustion-produced gases) is then utilized to run large turbines (generally larger than 1,000 horsepower, although smaller ones have been installed), or in such operations as preheating, drying, space-heating, aquaculture, agriculture, and desalination. The overall thermal efficiency of such establishments is claimed to be 75 to 85 percent (as compared with 40 percent or less for fossil-fuel or nuclear-power plants). So far, this concept has been applied to industry on a very limited scale. It can also be applied to hospitals and commercial establishments with nearly continuous power demands.

Materials Reuse and Recycling. The energy requirements for the recycling of metals are generally much smaller than those for their production from ore. Therefore, even if the energy for the fabrication of end-products were to remain constant, the total energy requirement for a given end-product generally would be lower.

As regards cans and containers it is found that the differences in the energy of manufacture of new containers does not vary much between steel and aluminum containers (steel being lower per can than aluminum). The weight of bottles is too variable for a direct comparison and the energy requirement for manufacture of a bottle may vary from half to double that for a comparable steel container. While recycling of metal containers affects economies in both energy and materials consumption, compared to the production of new ones, the most economical method from the viewpoint of both energy and materials is the reuse of bottles, since the energy requirements for cleaning are negligible compared to those for the manufacture of new containers.

Transportation Fuel Economy. On adding all the civilian usage of transportation energy in Table II, one finds that about one-fourth of the total energy consumption is directly attributable to this sector. (This does not include energy demands for gas stations, sales stores, petroleum processing, maintenance and repair shops, and spare-parts manufacture except at the factory of origin). This energy consumption can be reduced by increasing the fuel economy of automobiles, by partial replacement of commuter traffic by rapid transit, and partial replacement of truck freight. The example of the automobile is illustrated below.

The average weight of an American car (including imports) is about 3,000 pounds; the average gasoline consumption is 13.9 miles per gallon; and the average life is about five years. Changing these numbers to 2,000 pounds, 25 miles per gallon, and ten years, diverting 30 percent of the mileage to mass transit, maintaining production at the replacement rate (on the basis of 2 persons per car compared to 2.6 persons per car in 1968), and utilizing recycled materials, gives the following:

Energy for production—12,500 kwht/car.

No. of cars produced—$11.25 \times 10^6$/yr. (Population 225 million).

Energy for operation—0.6 kwht/hr. per capita.

Total per capita—0.67 kwht/hr. per capita (Compared with 1.75 kwht/hr. in 1968).

The Improvement of Thermal Efficiency of Electric Power Plants. This can be achieved by the use of topping cycles (a technique that utilizes waste heat) and/or an increase in maximum operating temperatures. Both of these approaches face serious materials problems.

We feel it is possible eventually to increase overall thermal efficiency to 50 percent. While the resulting savings in energy would not be large, the resulting reduction of thermal pollution of the environment is important.

Miscellaneous Methods. The development of superconductor applications for the transmission of electrical energy and for electric motors will probably effect large savings in materials usage in the electric industry. For example, it is estimated that a 3,000 horsepower superconductor motor would be about one-tenth the size of the present one.[8] The technical feasibility of these processes has not been established and they will not make any major impact on the energy picture in the near future.

Conclusion. By applying the above techniques item-by-item we have made a rough calculation of potential energy savings. The largest savings seem to be in the areas of improved transportation efficiency (about 1 kwht/hr. per capita in autos alone), in improved insulation and the use of solar heat pumps for space heating and cooling (roughly an equal saving), and in the recycling of steel and aluminum. Evidently, it would take some time to introduce such sweeping changes into the economy, but our rough estimate is that by the year 2000 per capita energy consumption could be reduced from 10.6 (in 1968) to 6.7 kwht/hr. per capita. The bulk of this saving is in the three items already mentioned, with small gains in almost every other category. This is certainly a rough estimate of what may be possible, but it is useful in showing that substantial energy savings can be made in principle with out sacrifice of material goods, and further, that possible savings are so large that total energy consumption might decrease despite an expanding population.

Mr. RANDOLPH. So, Mr. President, I come this afternoon, as I did 18 months ago, when I proposed what I felt was a much needed Joint Congressional-Executive Branch Commission on Fuels and Energy.

The problem becomes ever more complicated with each passing day. It becomes ever more real with each passing hour. It becomes, in a sense, ever more dangerous with the passing of each minute. So my approach is not that of an alarmist, but rather of one dealing with the facts in reference to a particular matter, the core of which has for too long gone unattended by the agencies of Government and by Congress itself.

### THE AMERICAN DREAM

In the United States we face today, and will face tomorrow—and many more tomorrows—an emerging shortfall in energy resources and their conversion products, such as electricity, gasoline, distillate fuel oils, and synthetic gas and oil, which are essential to the maintenance of the American way of life—as we know it.

Rightly, Americans should be concerned with the continued survival of the society of our forefathers.

Mr. President, I do not want to be misunderstood. What I am saying is that we must recognize that we have experienced a continuing development and now we come to a crossroad, a critical time of decision, which cannot be allowed to be lost in the immediate months ahead. I make this statement also because I feel very strongly that the time for action is now.

We have agonized over many national and international issues. Now, however, we have earmarked more than half of our Nation's wealth for a military system, supposedly geared to deal with aggressors; too much of it is being used in faraway Southeast Asia for debatable reasons and for questionable purposes.

At home, as we approach the 200th year since our founding, it would appear that the greatest threat to our way of life is not from external sources, but from the lack of an adequate national response to many of the domestic challenges within our own society.

"Doomsday advocates" are prone to portray an exaggerated picture of our society as approaching the point of breakdown, of disintegration, and even of finality.

Meanwhile, "supertechnologists" claim that we are on the verge of a giant technological leap forward into a new flourishing of man's spirit and the injection of new vigor into man's institutions.

All too often, the most serious weakness of both of these prophecies is that they oversimplify reality. In short, they are exaggerations. Their inherent weaknesses are that they ignore what might be accomplished.

Behind each prophecy is the startling fact that we are at a turning point, a fork in the long road of our destiny, where our future and that of the world at large are dependent, as never before, on human foresight and ingenuity, and a willingness to make the requisite decisions to assure the American dream.

We are at a point where corporate actions are needed in ways never before undertaken. Monumental tasks are faced by Government and industry alike to make the quality of air breathable, the quality of our rivers enhanced, and land livable, the Nation peaceful, and the future hopeful for all of mankind.

While today passes, some 150,000 babies will be born on this earth: about 10,000 of them in the United States. Many of these new lives are destined to experience poverty, hunger, and disease.

In America, the inheritance of the poorest child includes an education, medical care, and the unique distinction of being born into a society that has never experienced famine. These famines have occurred with continuing frequency for millions of people in other parts of the world.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to the Senator from Oklahoma.

Mr. BELLMON. I would like to compliment the chairman of the Public Works Committee, the author of Senate Resolution 45, for calling the attention of the country and the Senate to the crisis which we face in energy, which is just now being noticed by many because it is in the middle of the winter, and also for the comment that our society has never experienced a famine.

I am sure the senior Senator from West Virginia knows I am a farmer and come from a farm State. I have dealt with many people who are accustomed to going into the supermarket and finding the shelves burdened, literally, with such an array of food products that most people have a hard time making a choice. They do not realize the relationship between agricultural abundance and energy.

At the present time only about 4 percent of our people are involved in the production of food and agricultural fiber, and, even of that number, a large percentage are marginal farmers who produce very little for the market. Production for the market is probably carried on by less than 2 percent of the people of the United States. In order to do this job, agricultural producers must have tremendous quantities of energy. Not only must they have diesel fuel and gasoline, and butane and propane, for their tractors; they must also have the chemicals for industry produced from various petrochemicals, coal, and other fossil fuels.

I would just like to ask the Senator from West Virginia if, in his work, he has tried to anticipate and can tell us what would happen to this Nation's food supply in case we were limited in our supply of energy.

Mr. RANDOLPH. The Senator from Oklahoma speaks of the strength of our agricultural system and our productivity generally. He also relates it to the well-being of our people. Of course, when speaking of our agricultural strength, we also must move from there to the fertilizer industry, for example.

Mr. BELLMON. Very true.

Mr. RANDOLPH. They are all a part of the energy system, which is lying very heavily on the Senator's mind at this time. So there is this continuity, this link with energy, which is a part of our agricultural life and reflects on all those who use these products; who are employed in our industrial system, and in business and commerce. A breakdown at one point in our energy supply system means a possible breakdown at another point. So there is this threat of a chain reaction—a domino effect.

Does this respond, in part, to the question the Senator posed?

Mr. BELLMON. It certainly does. It is obvious that the distinguished Senator from West Virginia has thought this problem through.

Let me bring it down to an individual case. My farm is a typical family farm. One person operates it. This one man, using modern equipment and fuel energy, is able to product about 30,000 bushels of wheat and something like 200,000 pounds of beef per year. One workman produces it. That amount of food will obviously feed a very large number of people. But if he were limited to just the work he could do with his own muscles and the animal power that we used when I was first growing up on the farm, his production would probably be less than 1 percent of this amount.

I think the implication of this ought to be brought home as often and as emphatically as possible, because we are certainly going to have to have food and if we are going to have to limit the supply of energy to agriculture, then it means that we will have to bring workers from our hospitals and factories and schools to till the soil with their bare hands. Then the whole standard of living—not just food, but everything we produce in this country—is going to be greatly reduced.

So I thank the Senator for relating the supply of food and the abundance of energy.

I would like to raise another question with the Senator, if I may.

Mr. RANDOLPH. Yes.

Mr. BELLMON. We have talked, as we have this winter, about the rationing of energy. I am not sure we have thought this out as to its ultimate effect. If it becomes necessary, as it very well might in case of an international disturbance that would interrupt the flow of energy across the seas, and if we begin to ration gasoline or fuel for heating offices or factories, we will begin very promptly to slow down our entire Nation's economic output. For instance, if we limit the amount of gasoline for automobiles and require more people to use mass transit, then we reduce the need for tires, and fewer automobiles will be bought, and pretty soon factories will begin to lay off workers.

This certainly will have a ripple effect that may go all through our economy. Has the Senator studied this matter? Does he have any comments about how the energy supply is tied not only to agriculture and food but also to the manufacture of many other products that we use?

Mr. RANDOLPH. The Senator from Oklahoma has widened his subject matter from agriculture to industry. I would reemphasize my earlier citation to the New York Times of yesterday, that mentions 40,000 workers in one State alone, embracing 43 industries, who were laid off because these industries had to close due to a fuel shortage. This is a very real threat. It is not something that is of slight importance.

I would like to comment briefly on our forms of energy use. Many of our current uses of energy are inexcusably wasteful in the light of this country's, and the world's projected energy plight. The New York State Public Services Commission, for example, has calculated that if all new buildings were properly insulated as well as electrically heated, the superior insulation alone would save roughly 40 percent in the new energy demand resulting from this construction. By 1980, this savings alone could amount to 5 to 6 percent of our total national oil requirements.

The potential energy savings through improved insulation in homes is substantial, also. Reports indicate that if the June 191, FHA insulations standards were followed, energy savings could amount to 29 percent for a home heated with gas and 19 percent where heated by electricity—electrically heated homes already require more insulation. If, as has been recommended by environmentalists, the 1971 FHA standard were improved, or upgraded, the energy savings for a gas-heated home would approach 50 percent. For the homeowner this could amount to an annual savings of as much as $155 at today's natural gas prices and even larger savings at the anticipated future prices.

Even greater savings are possible in transportation uses of energy. In the last 30 years of our supposed technological development, the gas mileage of all motor vehicles has actually declined from 13.8 miles per gallon in 1940 to 12.2 miles per gallon in 1969. For passenger cars alone it has declined from 15.3 miles per gallon in 1940 to 13.8 miles per gallon in 1969 and even less today. Doubling in the gas mileage, though more efficient operation of passenger vehicles, by 1985, would produce a daily savings of 3.5 million barrels of oil. This action alone could produce a 30 percent decrease in anticipated gasoline requirements. This represents about one-sixth of projected national petroleum and refinery requirements. Within just 10 years this could result in a 15 to 25 percent savings in the national energy budget for this end-use without affecting service or transportation patterns.

This saving could be accomplished voluntarily by the auto industry through the development and introduction of more efficient and economical engine systems; however, as for air pollution control requirements, industry action may very well require the imposition of engine size, weight and efficiency limits before any action is undertaken. As dramatic as this proposal may seem, this transition to less energy, wasteful passenger vehicles would not, in any way, eliminate growth in the petroleum industry; it would, however, have the effect of slowing down the pace of growth.

The Senator is very familiar with this matter I am referring to: Does my response address itself to what the Senator from Oklahoma is saying?

Mr. BELLMON. It is very much on target. The conclusion it draws is the one that I would draw. And that is that we need to take steps in every way possible to conserve our energy supply and eliminate as much waste as possible. Even after having taken those steps, it will still present a tremendous stress on our energy industry to meet our requirements using our own sources in this country and those from abroad. It should be recognized that some of the latter sources are not too secure.

The point is that there is a relationship between food and the level of health and our economic well being. And they are all tied into the energy situation.

I think the Senator from West Virginia is rendering a tremendous service to the country and to the Senate in pointing out this relationship in his very fine speech. I wish to congratulate him.

Mr. RANDOLPH. Mr. President, I thank the Senator from Oklahoma, who is a member of the Interior and Insular Affairs Committee. He has been very much a part of the Senate's study of fuels and energy policies. I always have noted his attendance at the hearings and the penetrating questions that he puts to the witnesses. I compliment him and express the hope that he will be joined by many other Members of the Senate in taking a closer look at the problem.

Mr. FANNIN. Mr. President, would the distinguished Senator from West Virginia yield?

Mr. RANDOLPH. I yield to my very good friend, the Senator from Arizona.

Mr. FANNIN. Mr. President, I thank the distinguished Senator from West Virginia, and I join with the distinguished Senator from Oklahoma in complimenting the Senator from West Virginia for what he has said and for his leadership in this matter.

Let me begin by complimenting the Senator on a most comprehensive and incisive analysis of what the energy crisis is all about. I was struck particularly by the Senator's explanation of the causes of the energy crisis.

In a floor statement last week I suggested that we are faced with an energy crisis for at least six reasons. These are: first, escalating demands, particularly for oil and natural gas and electricity; second, the cost-price relationships of producing energy; third, environmental constraints—both those which are reasonable and those which are purely emotional; fourth, inefficient uses of our present fuel; fifth, national security implications; and sixth, largely unfounded objections to the development of nuclear energy. Does the Senator agree?

Mr. RANDOLPH. Mr. President, I certainly do agree. And I think that the Senator's very comprehensive address on the energy crisis, which he presented on January 9 in this body, was most enlightening. I hope that all Senators have read the Senator's cogent remarks, and I hope that a greater body of the Congress will address itself to this important subject on which the Senator from Arizona, has covered in his work on the Interior and Insular Affairs Committee.

Mr. FANNIN. Mr. President, I thank the distinguished Senator. I certainly appreciate the comments of the Senator from West Virginia.

I also noticed that in the Senator's speech, he mentioned that "unrealistic Federal price controls on natural gas have both served as a disincentive for exploration for new domestic gas supplies and encouraged excessive demands for natural gas." Then later in his speech, he advocates "limited Federal decontrol of producer prices for new gas supplies." Does the Senator feel that such action is required to stimulate domestic exploration and development of gas?

Mr. RANDOLPH. Mr. President, I certainly agree that we need the incentives in reference to the domestic energy supplies rather than have a reliance on sources from outside the United States. Hopefully at a later period in my remarks, I am going to discuss this matter. However, I agree with the Senator that this is absolutely necessary.

Mr. FANNIN. Mr. President, I again compliment the Senator from West Virginia. And I anxiously await the remarks of the Senator. I have read the statement and I know what is included in them. However, I note that the Senator has also expanded upon his written remarks.

Earlier in our discussion we mentioned the problems involved in developing nuclear energy. The Phoenix Gazette has carried some excellent editorials on this subject. And I ask unanimous consent, if the Senator from West Virginia would be willing, that they be printed in the Record. I think that they would be quite valuable.

Mr. RANDOLPH. Mr. President, I would hope that the Senator from Arizona would be granted the privilege of introducing the material for the Record in connection with his extemporaneous remarks.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Phoenix Gazette, Jan. 8, 1973]

### Nuclear Energy's Safety Record

When any protest becomes fashionable enough, Ralph Nader, the self-styled consumer advocate, is sure to join in. His latest foray is in the field of nuclear powerplant construction which he criticizes as a safety hazard. With the usual Nader hyperbole he said, "The danger of catastrophic nuclear powerplant accidents is a public safety problem of the utmost urgency in the country today."

Someone with no knowledge of the history of nuclear powerplants might infer that such power was the illegitimate brainchild of some hare-brained scientist. This is not the case, of course, as the Nation is 10 years into the commercial, nuclear powerplant stage.

The first nuclear-powered submarine was launched in January 1954, and men live safely on such vessels. The first nuclear power station—a 560,000 kilowatts facility in New Jersey—went into operation in 1963. At present there are 28 nuclear generating plants in operation, 52 under construction and 70 far enough along in planning that reactors are on order.

The safety records of these plants is outstanding. President W. Donham Crawford of Edison Electric Institute noted, "They represent the cleanest method available of meeting the Nation's power needs in years ahead. Never has there been a nuclear incident or malfunction affecting the public safety in a licensed powerplant."

The nation's energy supply is now 1 percent nuclear power; petroleum accounts for 44 percent; natural gas, 33 percent; coal, 18 percent, and water power, 4 percent. Petroleum, gas and coal are dwindling supplies, and the Atomic Energy Commission is planning to provide half the Nation's electric power by the year 2000. Needs, by then, will be twice as great as they are today.

This Nation's power future lies in fast breeder nuclear reactor technology, now being developed as an outgrowth of conventional nuclear power. This creates fuel while generating electricity. Nuclear energy is safe and clean and vital to the future.

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[From the Phoenix Gazette, Jan. 3, 1973]

### ENERGY EQUALS SURVIVAL

The term "energy crisis" has come into use not to describe some future problem but as a label for what's happening now. The nation is energy short, the problem worsens daily, and the scientists who know how to supply pollution-free energy are crying out in a wilderness of opposition to any new form of power supply.

A few years ago proposed hydro-electric dams on the Colorado River which would have been pollution free were killed by hysterical environmentalists who claimed the Grand Canyon would have been flooded. The trade-off was for coal-fired generating plants in the Four Corners area, and now these are under fire because they have smoke stacks and employ strip-mining to get coal to fire the boilers.

The alternative is nuclear generating plants, but the public is frightened of them although it knows nothing about them. Dr. Norman Hilberry, a pioneer nuclear physicist and professor of nuclear engineering at the University of Arizona, recently spoke to 500 top state high school students in Phoenix to explain the need to develop nuclear energy as a major source of power.

Dr. Hilberry is concerned because scientists can't convince people that "there is no way a nuclear reactor can act as a bomb." Of the other fear, radiation, he said, "The idea that the amount of radiation coming from an operating reactor can do any damage is ridiculous, really."

The scientist began his career with Dr. Enrica Fermi who activated the first atomic pile in December 1942. He helped establish Oak Ridge National Laboratory and was one of the founders, later the director, of the Argonne National Laboratory in Chicago. In short, his credentials are impeccable.

The supply of fissionable material, unlike other energy forms, is almost limitless. This nation's very survival depends on taking advice from men who can meet the ever-growing power demands.

Mr. FANNIN. Mr. President, I would like to let the Senate know that developments are going forward in our State of Arizona. I received word this morning from one of the executives of one of our major power industries in Arizona. Their headquarters are located in Phoenix, and they operate in many areas of the State. They produce gas and electric power.

The company will release information either today or tomorrow on the new drilling project they are conducting related to the development of geothermal steam. It is located not too far from Phoenix near a very well known Air Force base. They are going to be drilling to a depth of 3,500 feet using a special enclosure that is designed to prevent pollution.

I just want the Senate to know that this project is going forward without Federal funds. The executives with whom I spoke are very optimistic about the anticipated results of this project specifically designed to develop this important new energy source.

I think this is important information for us. Although I have called for additional Federal funds to develop new energy technology, I think it is encouraging to know what is being done in Arizona related to geothermal steam without Federal assistance.

Mr. RANDOLPH. Mr. President, as I have indicated, I agree with the Senator as to the responsibility of industry as well as Government to take an initiative, which in this instance is being taken by industry, without Federal funding. I only trust that the project will be successful. It seems to have promise of success from the information we have.

Mr. FANNIN. Mr. President, I also agree with the Senator concerning his remarks about the importance of our natural gas shortage. I noticed that in his speech he mentioned that "unrealistic Federal price controls on natural gas have both served as a disincentive for exploration for new domestic gas supplies and encouraged excessive demands for natural gas." Then in his speech he advocated "limited Federal decontrol of produced prices for new gas supplies". Does the Senator feel that such action is required to stimulate domestic exploration and development of gas?

Mr. RANDOLPH. Yes, I certainly do agree.

Mr. FANNIN. I agree with what the Senator has said. That is why I am introducing a bill in this Congress to provide for the deregulation of the wellhead price of gas.

I ask unanimous consent to have printed in the Record some further information on this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

### ENERGY CRISIS

A decade or so ago the Federal Power Commission chose to severely regulate the wellhead price of natural gas, hoping that by doing so the consumer would be protected. The results have been disastrous. We read in the newspapers nearly every day about the effects of the current gas curtailments. Schools closed. Factories shut down. Farmers losing their crops. Editorials from 2 Arizona newspapers emphasize how this problem strikes home.

Exploration and development efforts for new gas have fallen off considerably while demand for underpriced gas has skyrocketed. The current Federal Power Commission has predicted that the gap between demand for natural gas and its supply will reach 17.1 trillion cubic feet a year by 1990.

Because of continued regulation some U.S. companies have gone to Russia to buy Soviet gas at five to eight times the regulated wellhead price of domestic gas. Such gas would be shipped to the U.S. as LNG.

So long as industry lacks the necessary economic incentives to develop our own domestic gas it will naturally be forced to look elsewhere.

But the interest of the American consumer dictates the need for a Federal policy which will supply him with more reasonably priced gas than will come from the U.S.S.R.

The most reasonally priced gas is that gas which can be developed domestically under economic conditions conducive to finding gas.

Those conditions I believe would be a policy of deregulation of wellhead prices for gas. That is the reason why I plan to introduce legislation which would establish such a policy.

If such legislation were enacted I am confident that the declining trend in exploration for gas would very soon reverse itself and thereby gas would be provided to the American consumer who today is suffering from an insufficient supply.

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[From the Phoenix Gazette, Jan. 11, 1973]

### ENERGY CRISIS CLOSER

By moving to restrict the use of natural gas here, Arizona Public Service Co. has issued an ominous warning that the energy crisis is moving perilously close to home. If the eco-extremists trying to block the construction of new power plants in these parts succeed, Arizona could be in for some hard times indeed without adequate natural gas or electricity.

The utility company recently announced that because of a shortage of natural gas, it is not accepting any new requests for service involving the construction of new facilities. APS told the Corporation Commission that it needs a 90 day moratorium to develop guidelines under which it will provide new service. On the same day it rationed gas to local industries.

That means, of course, that natural gas probably won't be available, starting right now, to all potential customers who would like to have it—some industries, commercial establishments and residents of new subdivisions. If they can't get gas for heating or cooling, those customers must rely on electricity, the only practical alternative.

Ironically, the same shortage of natural gas which promises to increase demands for electricity also is making it more difficult to produce the needed power. Generating plants using natural gas already are limited in supply, and the shortage obviously precludes any new gas-fired generators. That leaves oil, also in short supply, and coal, relatively plentiful.

Fortunately, electricity is not yet in such short supply hereabout that it must be rationed, but it could come to that unless utilities are permitted to make maximum use of the vast coal supplies in the Four Corners area. Until more advanced nuclear power plants can be constructed and new technology provides other means of generating electricity, the cost-fired generators will have to carry the load, or Arizona will have to do without adequate supplies of gas or electricity. That isn't a pleasant prospect.

[From the Flagstaff (Ariz.) Daily Sun, Jan. 10, 1973]

### FROM THE DESK

(By Bill Misslin)

The energy crunch is moving closer to home.

Arizona Public Service has asked for a 90-day moratorium on accepting new requests for natural gas service involving construction of new gas facilities.

APS said it would evaluate the situation during the 90-day period and then come back to the Arizona Corporation Commission with a request for a more detailed permanent order specifying guidelines under which it would accept applications for new gas service.

The corporation commission has set a hearing for Jan. 22 and other natural gas distributors to show why the proposed moratorium should not apply to them in view of the supply problem cited by APS.

APS doesn't provide natural gas service in Northern Arizona. This area is served by Southern Union Gas Co.

J. O. Carnes, vice president of Southern Union, says that information available to his company at the present time is such that it would resist a state wide moratorium order.

Both Southern Union and APS get their natural gas from El Paso Natural Gas Co.

APS cites an interim order from El Paso from the Federal Power Commission as the reason for the moratorium request.

The APS news release states, "The El Paso company has in turn notified APS that no further increases of gas deliveries are possible under present conditions. El Paso faces an immediate gas shortage which will increase in severity for at least the next several years."

Southern Union officials don't read the FPC interim order in the same light.

Carnes said there is no indication in the FPC order suggesting curtailment of new deliveries in areas that presently have gas service.

Carnes said the basic objective of the interim order was to protect gas deliveries for residential and small commercial customers. There was nothing indicated in the order to restrict growth or to refuse to accept new residential and small commercial customers, he said.

The FPC did set up curtailment priority categories. Top priority goes to residential and small commercial use. On the other end of the scale are large industries that use natural gas for boiler fuel.

APS has curtailed such industrial uses, effective at 7 a.m. today. And so has Southern Union. Three large users in Northern Arizona—none in Flagstaff—were curtailed this morning and switched to alternate fuel supplies which they have.

Carnes notes that the FPC has ruled that residential use is a higher and better use than boiler use for natural gas.

The hearing before the corporation commission on Jan. 22 will resolve the immediate question of a moratorium or no moratorium.

But the long-range outlook still remains grim. Energy from all sources could be in short supply for many years to come unless there is an acceleration in the search for new reserves and in research for new techniques of utilizing present fuels.

Mr. FANNIN. I appreciate very much that the distinguished Senator from West Virginia has yielded to me. I would like to take another minute or two, if the Senator has the time. I appreciate that he has been yielded additional time.

I am hopeful that the Commerce Committee will respond positively to the gas crisis by reporting out legislation to decontrol the wellhead price of gas. Does the Senator share this hope?

Mr. RANDOLPH. I do share this feeling which has been expressed by my distinguished colleague.

Mr. FANNIN. I also strongly feel that we need to take positive action to reduce our dependence upon foreign oil because we cannot afford it. That problem has been covered very thoroughly, I think, by the Senator; he has brought out the magnitude of it. Some economists have predicted that if present trends continue we will be faced by 1980 with a balance-of-payments deficit for energy imports alone exceeding $25 billion annually.

I think the Senator shares this great concern; it that not true?

Mr. RANDOLPH. I also share this view and I just hope others will agree with what the Senator is saying.

Mr. FANNIN. I do not know what we can export. The Senator has a wonderfully productive State, and I realize that we are competitive in the world market in many products. But we are limited in the amount of products that we can export in order to mitigate our growing balance of payments deficit. Hence, I do not know whether we would have the opportunity to offset the tremendous amount of money our energy imports will cost—perhaps amounting to $25 billion—by increased exports of our own products.

In the intermediate term, however, I believe we will have to rapidly develop new energy sources such as geothermal steam, oil shale, coal gasification, to name a few. I also believe the Federal Government has a responsibility to stimulate the development of such technology by granting the proper incentives to private industry.

Would the Senator agree with that?

Mr. RANDOLPH. Yes; I agree with the Senator that there has to be this incentive. I think it absolutely necessary.

Mr. FANNIN. Again I commend the distinguished Senator from West Virginia for his leadership regarding the energy crisis at an early time. He has talked about this issue at length before, and he has very capably presented the energy problem, and I certainly will give him my wholehearted support in exploring for the proper means for its solution.

Mr. RANDOLPH. I appreciate the comments of the Senator from Arizona concerning the problem of balance of payments. I recall that on January 9 we were very emphatic about the subject of how we could alleviate this situation. I think certainly that coal gasification is one answer. Research and development are urgently needed, and I believe that it is important at this point to mention the contract which was signed yesterday for a coal gasification process to be developed in Indiana, looking, not to the gasification of low sulfur coal, but also of high sulfur coal. We have this type of coal in many States—Indiana, Ohio, West Virginia, and others.

I believe that we can, and I believe that we will find a feasible method of coal gasification.

Certainly the know-how in this country is very great, if it is actually put to the test. However, we do not yet have the support among the American people that we need to make such all-out effort.

Mr. FANNIN. The Senator has certainly brought out a very important factor, one we may sometimes overlook. And that is that we do have a large necessity for the generation of electric power near the different points in our country where it is needed. That is to say that the place of electric power generation should be located as near as possible to its point of consumption. I am referring particularly to the need for mine mouth powerplants which are not only near to the homes, but to the factories and industries they serve as well. I do not mean that they should be built in everyone's backyard but rather in the general vicinity of the communities they serve. I know that the Senator is as concerned about the proper development of energy sources in his State as I am about those existing in my State.

If we are going to be competitive with other countries of the world, we must have the low cost power he is talking about, in order to reduce our total costs and remain competitive as a developed and productive Nation. I know we are all working toward the same goal, and I am very happy to join my colleague in his effort.

Mr. RANDOLPH. I thank the Senator from Arizona, because if there is one subject which must be devoid of politics, it is this problem of dealing with the energy crisis facing this country and all of its citizens. I hope that never will there be a tinge of partisanship which enters into meeting and solving this serious and growing concern. I know that from my standpoint it will not occur. We must act for the future well-being of America—not only at home but in relationship to our leadership in the world. I am sure that the Senator from New Mexico would approach it in exactly the same attitude.

Mr. FANNIN. I certainly agree with the distinguished Senator from West Virginia. He has set the pace, certainly, on a nonpartisan basis. I commend him for that approach, and assure him that I will walk in that same path, as I feel that we will proceed down the road toward the adoption of viable solutions to our energy crisis much faster if we follow that course.

Mr. RANDOLPH. Again I thank my colleague very much.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. RANDOLPH. I am happy to yield to the knowledgeable Senator from Wyoming, who has very often stood in this Chamber and addressed himself to the problems of fuels and energy.

Mr. HANSEN. Mr. President, first of all I want to congratulate the distinguished Senator from West Virginia for making a very knowledgeable and timely report on a matter of crucial importance to every single American, and, indeed, to most of those nations throughout the world that we characterize as being in the free world. Because the energy problems we face here in America today, those problems that the Senator from West Virginia has addressed himself to so adroitly impact heavily upon our way of life. The energy crisis impacts upon our opportunity to live well, our opportunity to enhance prospects for increased employment, and to keep those employed who presently have jobs. It also impacts upon people in other nations around the world and such opportunities for their citizens, too. But unless we change the course of inadequate domestic supplies of energy that we have been embarked upon, it seems inevitable to me that we are going to be on a collision course with other nations in the free world.

I would ask my distinguished colleague if he does not agree with that statement.

Mr. RANDOLPH. Yes; I am in 100 percent agreement with my distinguished colleague. That course is in the making now, is it not?

Mr. HANSEN. I certainly think that it is. The Western European countries and Japan know perfectly that if we were to increase our dependency—as has been not the advice and not the recommendation of the distinguished Senator from West Virginia—on Middle Eastern sources for oil, we would, all of us—the Western European countries, Japan, and the United States—be looking toward a single source of supply, and competition for that oil would become that much more intense.

I know that the Senator has taken the time, not only in preparing his address today, but as well in the responses he has made on the floor this afternoon, to point out all the ramifications of the energy crisis. I could not agree with him more. We have got to examine them all. We need to get on with the establishment and adoption of an energy policy, as the Senator has been calling for repeatedly, time after time.

I think that we can look at short-term priorities and the steps we can take now which, hopefully, will quickly result in an amelioration of our problem and a mitigation of some of the shortages

Many sound thinkers have been exploring the possibility of de-regulation of the wellhead price of natural gas. The need for such a policy has long seemed obvious to me.

Further, in commenting on our present fuel shortage, we should permit determinations to be made by the various oil companies as to what sort of product they make. Such economic decisions should be made on the basis of the companies best business judgment, rather than as a necessary consequence of actions taken by the Price Commission.

It has been pointed out that the price of gasoline was fixed at its normal summer high and the price of fuel oil was fixed inordinately low at the time price controls were put into effect. We might have anticipated, as indeed the Senator from West Virginia has, that we would be short of fuel oil as a consequence of such a policy. So we do need to take a look, as he has recommended, at our short term priorities and the steps we can take now which can alleviate this unnecessary energy shortage. But, beyond the short term, I see no other course except that which he suggests, and that is to help bring commonsense and reason to bear in the formulation of a national energy policy, by taking stock of the abundant energy resources we have here in America, that we control, and that cannot be denied us by the whims of other nations. We have got to take advantage of our domestic opportunities in order to make certain that we shall never again be caught in this same energy crunch we now find ourselves facing.

Does my colleague from West Virginia not agree with that statement?

Mr. RANDOLPH. I certainly do. I would want to add that the Senator speaks about the oil imports from the Middle East and how, if we are to rely on them, there could be conditions that might interrupt or decrease that supply regardless of the balance of payments and economy. I would suggest, and I am sure the Senator's thinking also extends to natural gas from Russia and from Algeria. Here is another instance of dependence, if we go that direction, toward foreign energy sources. It could very well not only impair our security as a nation, but as a people. It also would be, I think, almost an admission on the part of a creative nation that we did not have the resources, the know-how, the technology, or the determination to do the job and use the resources we have here at home.

Mr. HANSEN. I must say I agree wholeheartedly with the distinguished Senator. In the first place, Americans are not ready to make the sort of admission that would be implicit in our actions here, as some people suggest. The Senator has been in the forefront of those who have been counseling for a long time that we needed to take action to solve the energy problems. Not today, not last week, but several years ago the Senator began to call public attention to this matter. He called attention to a national issue at a time when only a few enlightened persons were willing to try to detect trends related to our growing needs for energy and our lagging efforts at providing the necessary supplies. Had others then too recognized the course we were to pursue they too would have been able to predict the chaotic situation we find ourselves in today.

The Senator from West Virginia was in the forefront of those who said "There is an energy crisis emerging in this country." The Government has neglected to pay the attention that should have been paid to the need for coal gassification. It too has not given enough heed to all the other processes through which we could convert potential new sources of energy into the kind we could use now.

Returning to the more immediate problem, as a consequence to our failure to provide the encouragement to private industry by the action of the Government itself to regulate the wellhead price of natural gas, we are in big trouble. When the Federal Power Commission arbitrarily regulated the price of natural gas, it not only encouraged an overuse of natural gas, not only encouraged people to heat their patios with it, not only encouraged many other uses that look foolish to us today in retrospect, the FPC also concommitantly discouraged its production. As a result of this FPC action we are wondering how we can find enough energy to heat American homes, to get schools back into operation, and to help dry out crops in the Middle West which are unnecessarily wet. As we try so desperately to find answers to the desperate shortages of natural gas we face in 1973, we can not help but look back to the action of the Federal Power Commission several years ago which encouraged the waste of natural gas. I think that decision of a prior Federal Power Commission makes us look terribly ridiculous today insofar as our supplies of natural gas in 1973 are concerned.

Mr. President, I want to say that the distinguished Senator from West Virginia has been far more discerning than many of us in recognizing the good sense exhibited by a free enterprise economy. I know that he appreciates the fact that the policies pursued by the Federal Power Commission 10 or more years ago denied incentives to industry that should have been theirs. I know too that the Senator knows that had the FPC made a more sensible decision, coal gasification would have seemingly become a more possible economic reality than it now appears to be.

My feeling is that while there is little to be gained in criticizing those whose past actions resulted in our present dilemmas, I think it is useful at this time to recognize that we can and should take these short term priority steps that I spoke about earlier. If we do by deregulating the wellhead price of gas will we be encouraging the petroleum industry and those engaged in the search for and the production of oil and gas to promptly take actions necessary to explore and bring onstream our abundant untapped resources of natural gas.

We must at the same time encourage the great coal industry of this country to join hands with Government through an effort that I hope will be adequately funded by Congress, in order to assure that we get on posthaste with the job of making use—making better use—of the tremendous energy reserves we have in the solid fuels area. Coal is one, oil shale is another, and there are others that are even further down the road. We too must expedite the development of nuclear energy.

Earlier this morning when we were interrogating Mr. Whitaker, the nominee for the post of Under Secretary of the Interior, I asked whether he agreed with me that we ought to extend every encouragement we now could to those who would be interested in drilling and searching for oil on the Outer Continental Shelf. I asked that question because I think the OCS holds great promise of making available in the near future more natural gas, which is our cleanest and most premium fuel. By an expanded OCS leasing program we can lessen the crunch that otherwise will continue to be experienced by us. We must take the remedial action that my good friend from West Virginia has recommended for so long.

Mr. President, the Government of the United States, though oftentimes criticized, I believe can be said to operate from the best of intentions. I think this has been true no matter who has been the occupant of the White House. For example, consider the Vietnam war. It has been initiated and continued during the terms of four different occupants of the White House. While we may not agree one bit with the war in Vietnam I think all of us would have to give good marks to our Presidents in trying as best they could to do what they felt would promote the best interests of the United States.

It is in this connection that I say that I think it makes very good sense to remove, insofar as we possibly can, any dependency upon a foreign country for something as vital and as necessary to us as is energy. I say that because our policy in the Middle East, I should think, would have to be modified very drastically if our dependence upon the Arab countries for oil were to continue to grow. If such increasing dependence were to come to pass, our ability to maneuver internationally in a manner which, hopefully, best will serve America, and best will serve the free world will be limited. On the other hand, our international posture will be strengthened by an energy policy which places only minimal dependence upon foreign sources of energy.

Mr. RANDOLPH. Mr. President, the Senator from Wyoming speaks of the possible world situation, which is indeed turbulent. Perhaps that is an understatement. He speaks about our being as self-sufficient as we can to the challenges that may come tomorrow. This is true.

While my colleague was speaking so knowledgeably on this subject, I thought, with no tinge of partisanship whatever, of an earlier Senator from Wyoming who, with me, addressed himself to this subject. In the war years of World War II—the late Senator Joseph O'Mahoney and I coauthored the Synthetic Liquid Fuels Act. At that time, we were under the gun, as it were, under the threat of the submarine. We needed to find ways of producing aviation fuel from coal and from oil shale, both of which are in great supply in the State of Wyoming. Then we faced the crunch of a crisis, while attempting to find some answers during that period of time. How significantly we would have served the country's interest had we been able to continue that effort of coal gasification and the oil shale development.

This is now a matter of history and has nothing to do with politics. However, in the middle and late 1950's, the money dried up, I say to the Senator from Wyoming, and the job, which had begun in the 1940's, did not go forward. From the perspective of hindsight, what a disservice it was. It was a failure to meet the need for continuing research and development, about which the Senator speaks so eloquently as a necessary program that we need in this country—rather than the current trend toward reliance upon fuel sources from abroad.

Yet that happened. It was in the House that I cosponsored that measure with Senator O'Mahoney of Wyoming. When I came back to the Senate, I was sworn in here, in November of 1958, for an unexpired term. Very soon, thereafter, in 1959, I offered a legislative proposal to establish a Joint Committee on Energy to look into these matters.

Now, the Senator from Wyoming as a member of the Committee on Interior and Insular Affairs, with Senators JACKSON, FANNIN, and BELLMON, and other Senators from the Interior Commerce, Public Works, and Joint Atomic Energy Committees are conducting the Senate's study of national fuels and energy policies. I anticipate this effort will be of value even though it is late; however, it is not too late if we are to grasp the responsibility that is upon us.

The Senator from Utah (Mr. Moss) has just come into the Chamber and he knows that in his State, Utah, as in Wyoming, there are abundant energy resources. For example, huge, huge amounts of coal can be converted into clean fuels to serve our economy. So I commend all the Senators participating in this study effort, because it is not too late, even though we should have addressed ourselves to this problem years ago.

I have quoted in the past Dr. Rene Dubois, who would be called a creative environmentalist. He has said, as the Senator from Wyoming has said a few moments ago, that the Government can do this job through the people if we have the foresight to do it. And, if our goals are sufficiently defined within the framework of Government, the job can be done. Dr. Dubois, an environmentalist, believes it can be done. The environmental and energy problems, as we know them, not need be competitive. They both are a part of the general welfare of this Nation.

It is very important that we proceed with dispatch, because there is an urgency which I hope the people throughout this country will begin to understand. I reiterate the situation of the last few days wherein 40,000 workers are unemployed and 43 industries have been shut down in Mississippi alone. This serves as an indication of the depth of this problem and the awareness that comes home to people when their general employment and lives are interrupted.

I am certain the Senator and I can agree on these points. I do believe that at long last, perhaps, with no pun intended, the fires are burning from the standpoint of interested people. First, we have an awareness of the problem. It may be a very slight awareness, but we are a part of it and there is a feeling of hope.

Mr. HANSEN. Mr. President, I wish to conclude my remarks. I am pleased to pay the accolades to my colleague from West Virginia.

I make two points. First, I am glad the Senator mentioned the former distinguished Member of this body, the revered Senator Joseph C. O'Mahoney, of Wyoming. I am glad he pointed out it is not uncommon at all for Members of this body, although they stand on different sides of the aisle, to agree on matters that are of transcendent importance to our country. I am pleased to be referred to in context with men like Joseph C. O'Mahoney of Wyoming.

Yet at the same time it is true that the Senator from West Virginia and I may not agree in every last detail of what our energy policy should be. I think the record of the Committee on Public Works and the Committee on Interior and Insular Affairs can speak to that point, but significantly in my mind, the thing I would like to focus on here today is that in broad general terms there can be no question, but that we do face a very serious energy crisis. There can be no question, but that we need to take a new tack now, one that will be responsive to today's problems and one that seeks to take advantage of the continuing desire and always present response of industry, when a chance for a profit is present, to serve the people of America.

We need to turn industry loose with the incentive that should have existed all along. To the extent necessary we need to aid industry in a research and development program for new energy technology that will be in part federally financed. Also necessarily, as the Senator from West Virginia pointed out, we need to take the proper measures for improving the environment of America. We want clean air and we want pure water and we want a beautiful and unscarred landscape. There is no reason in my mind why we cannot have all these things while at the same time enjoying an ever better standard of living.

But if we are to realize these goals as quickly as I hope we might, there can be no question but what more power and more energy will be required tomorrow to speed up the attack on pollution, polluted air and polluted water, and a desecrated landscape than we had in the past. It will take not less, but more power to handle the effluent from the sewers of the big cities in America. It will not take less, but more energy to sort out the waste and materials we have to recycle. And it will take a great deal more energy to raise the standard of living of those people whose concerns weigh heavily on our minds and consciences. It will take more energy than less to create employment opportunities for them.

Some, however, say the easy, simple, and quick answer to problems of environmental degradation is simply to use less power. These no growth advocates say never mind the coal, let it lie untouched in the ground. They say forget about trying to keep the lights going. They say let us do without energy rather than pierce a hole in the earth to find it. I say that is no answer at all. It is no answer, because it is not acceptable to most clear-thinking Americans. As Secretary Morton said in Tulsa, Okla., when he addressed the International Petroleum Exposition:

> The environment is the most important thing in the world until the lights go out.

I suspect that, as quickly as the lights go out, there will be few, if any, Americans who do not become very greatly concerned. I do believe that satisfying our national appetite for energy and providing reasonable protection to the environment are in fact compatible goals.

In closing, I want to compliment the distinguished Senator from West Virginia for his astuteness, for his courageousness, for the leadership he has displayed, in calling to the attention of this body and to the attention of all Americans the dimensions and the urgency of the energy crisis.

I yield the floor.

Mr. RANDOLPH. I again thank my colleague from Wyoming.

At this point I should recall the words of Abraham Lincoln. He faced another type of crisis during his period of leadership of our Republic. What did he say about that crisis?

He said:

> The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with the occasion. As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country.

So here once again, paraphrasing, I think we must think anew; we must act anew. In a sense we must be more realistic than we have ever been before, if we are to save our country—at least from the standpoint of the standard of living. As has been referred to by several Senators this afternoon, this standard of living is not something to be bragged about particularly, but it is a very real symbol of our national and human well-being.

As expected, our standard of living also stands as a symbol of national and human well-being to virtually every other nation. However, the principal cost of this unparalleled prosperity is an unprecedented dependence on energy. Our affluence has been possible mainly because of our ability to extract energy and mineral resources from the land in historically unprecedented amounts. The United States, with less than 6 percent of the world's population, consumes about one-third of the world's production of energy resources.

Yes, our prosperity is a national goal now actively sought by other nations of the world without a full appreciation and understanding of the stewardship and challenge such as energy dependent economy entails.

### THE RESULTANT ENERGY CRISIS

Meanwhile, the United States continued on a course which has all the early signs of an energy crisis, affecting all forms of energy supply. Although environmental concerns have irritated the immediate problem, the course toward an energy crisis was charted by other factors, years ago. In reality, energy consumption has escalated faster than our discovery and development of replacement domestic supplies. In the last 10 years, the United States has passed from the status of a net exporter of energy resources to a position with all the earmarks of a long-term heavy dependence on foreign supplies of oil and gas. The Federal Government has been derelict in permitting this to happen.

A number of clearly identifiable factors have contributed to gaps between energy resource demands and available domestic supplies—

Unrealistic Federal price controls on natural gas have both served as a disincentive for exploration for new domestic gas supplies and encouraged excessive demands for natural gas;

The overall growth in energy demand has exceeded the growth in domestic discovery of replacement energy resources;

Replacement short-term supplies for domestic oil and gas are, principally, from the Mideast and Africa;

There continues to be delays in the access of Alaskan North Slope oil and gas to markets in the lower 48 States.

There is a coal shortage which is the product of decreased productivity, labor difficulties, unauthorized strikes, a critical shortage of coal-carrying railroad cars, new and more stringent mine safety regulations, and new environmental requirements which affect coal mine operations and create marketplace demands for cleaner fuels;

Research policies have neglected the long-term role of coal in our energy economy; and

The future is one of indecision and uncertainty which is the consequence of ad hoc, piecemeal Federal policies which are held together very fragilely.

With respect to electricity, the lack of foresight and concern only for short-term economic benefits, have accentuated the electric supply problem. The situation further deteriorated with the introduction of expanded environmental ethic into public policies and, in turn, into corporate planning. However, the principal factors contributing to the electric power problems include these—

Insufficient Government and corporate planning which was intensified by erroneous forecasts of the Federal Power Commission in 1964 when future growth in the demand for electricity was underestimated;

When many of the Nation's utilities were burdened with severe generating overcapacity they reduced prices to stimulate consumer demand;

The Atomic Energy Commission and the utilities were optimistic in their forecasts of the arrival of nuclear energy; for example, in 1965, Con Edison of New York estimated that by 1970 some 24 percent of its generating capacity would be nuclear; but the actual figure was 1 percent; and

There have been extended delays in nuclear power development due to equipment problems and labor problems as well as environmental concerns.

### INTERNATIONAL SCOPE

Significantly, national concern for available energy supplies is not confined to the United States. For example, England is urging the Common Market countries to shape a unified energy policy. Faced with a U.S.-style energy crisis, Europe's domestic production of oil is almost nonexistent: In 1971, about 90 percent of their oil supplies came from Africa and from Middle East sources—the rest came from Russia.

Meanwhile, Europe's energy needs, as ours, are burgeoning. Even when the dramatic oil finds in the North Sea, off Britain and Norway, are taken into consideration, in 1980, Europe may still be 88 percent dependent on oil from Africa and the Middle East. The United States will be dependent on the same sources as long as there is a continuation of current policies which emphasize low-cost oil imports to replace domestic shortfalls in supply. The further we go down this misdirected road the greater the likelihood that there will be cut-throat competition between the United States and Europe for these limited supplies.

The consequence will be severely strained relations with many of our former allies—and this is an added cost we cannot afford.

### THE POTENTIAL CONSEQUENCES

I have stated repeatedly that the cumulative effect of all these factors is a disturbing picture. It reveals our country, and numerous others, embarked on a gigantic gamble that reliable and abundant production of crude oil, natural gas, and coal from all sources—domestic and foreign—will ensue. Failing this, the assumption is that, hopefully, some immense substitute source or sources of energy will be found in time.

Meanwhile, nonrenewable fossil fuels are being depleted at ever increasing rates. The situation actually developing is such that should any energy supplies falter the people affected—Americans or Europeans—will experience economic and social depression verging on catastrophe.

The consequence of the threat of interruption of supplies of oil imports was cogently expressed recently by Joseph C. Swidler, chairman of the New York State Public Power Service Commission, as follows:

> Even if there is not actual interruption of United States supply, risks and threats of interruptions could profoundly affect American life, and perhaps even the independence of the American character which is our badge and our pride. As we look around the world and see the extent to which dependence on oil imports has influenced the foreign and domestic policies of many of the countries of the globe, it becomes apparent that this heightened dependence on foreign oil threatens the historic freedom of the United States in foreign affairs and our ability to continue to stand for the principles of liberty which have stamped upon the United States its special character as a Nation. Already we hear voices urging that the United States tailor its relations with other powers to the views and demands of the oil exporting countries. If we cannot provide a high degree of security in fuel resources, we may end up unable to resist a pervasive influence over foreign policy by the exporting countries of the Mid-East, which have little understanding of the well-springs of American behavior in international affairs, or sympathy for United States' foreign policies.

Action, not rhetoric, is needed now to insure the economic viability of domestic, not foreign, energy supplies. We must act to protect our national security. We must not rely excessively on foreign supplies of oil and gas. I would hope, after more than 2 years' work, that the President's Domestic Council is in a position positively to offer some realistic proposals as initial steps toward the formulation of coherent, rational, and comprehensive national fuels and energy policies. We remember that the President placed within the Domestic Council the mission I had intended in 1970 for a proposed Commission on Fuels and Energy in legislation I offered that year. Consequently, I look forward to the anticipated special message from the President to the Congress within a few weeks. I hope it will not be more "words without performance," which the country has been receiving from the Nixon administration all too long. Our performance in the Congress on this subject can stand vast improvement, too.

### WE ARE VERY LATE COMING TO THE POINT

This is an opportune time to point out that this Senator—then a Member of the House of Representatives—and Senator Joseph O'Mahoney, of Wyoming, successfully sponsored, during the wartime years of the 1940's, legislation authorizing programs of research and development on synthetic liquid fuels and the gasification of coal. Our country faced grave shortages of fuels and energy in those wartime years. We weathered that crisis more through luck than planned application or policy development.

The synthetic fuels and gas-from-coal research programs under the Randolph-O'Mahoney Act were still valid and meaningful efforts when the Truman administration ended and the Eisenhower administration came upon the scene. But they went into limbo in the first Eisenhower administration and died out completely under the pennywise pound-foolish domination of its Bureau of the Budget.

Then came the economic recession of the second Eisenhower administration. The coal industry was in a very sad plight—even though the usefulness of coal for direct heating and for conversion was not disputed. Although new energy demands were not great, because of the recession, competition between fuels was keen for the available markets—especially for the electric utility market.

In the late 1950's and the early 1960's, it was obvious that our Government needed to take cognizance of the fuels and energy situation, especially from the standpoint of cutrate competition from new South American refinery products, particularly heavy residual oil. Some of us felt strongly, as early as 1959, that we needed a national fuels policy. But the oil and natural gas industries opposed this concept and interjected a fictional contention that the proponents of development of a national policy on fuels were simply attempting to have Congress impose end use controls.

As a consequence the resolution I introduced to create a Joint Committee of Congress on Fuels was stopped in the Senate Committee of Interior and Insular Affairs. Instead, there was substituted a committee resolution to conduct a fuels "study." The result was a report in 1962 which did not contribute much to posterity nor did it provide anything solid that would serve as a foundation for a national fuels policy. So, we went into another period of drift.

As we entered the decade of the 1970's, it was thoroughly apparent that our country was, indeed, rushing—not just drifting—toward a national fuels and energy crisis. Ironically, the same opponents of the 1959 effort I spearheaded—to have the Congress go thoroughly into the problems of fuels and energy—began coming to me along with proponents of this earlier effort. They joined almost as one in urging that "now—1970—is the time to do what we long have needed to do in this country, namely, develop and enact into law a national fuels and energy policy."

There was a broad consensus that the most suitable instrumentality for getting the job done would be a Commission on Fuels and Energy, the membership of which would have been drawn from Members of the Congress, appropriate officers of the executive branch, and some members of the public at-large, appointed by the President. A bill was introduced by me, with over 60 Senate cosponsors. It was S. 4092 of the 91st Congress, introduced on July 16, 1970.

Although the Senate Interior and Insular Affairs Committee promptly called for comments by the appropriate offices, departments, and agencies of the executive branch, it was not until November 1970 that the Executive Office of the President informed the committee that the White House felt that the proposed commission would not mesh with President Nixon's newly formed Domestic Council.

Chairman JACKSON of our Interior Committee and I discussed this turn of events and concluded that it would be useless to move forward with the fuels and energy commission legislative proposal if one of the proposed partners—the executive branch—was reluctant to participate as a partner, in fact, in the development of a national fuels and energy policy. We deplored the White House stand on this proposed legislation, but we decided to give the Domestic Council a green flag to go ahead and hold the President responsible for its end results, if any of note.

But we also decided that the Congress could not wait for the Domestic Council alone to produce something which might be appropriate for consideration in the formulation and, hopefully, the enactment of national fuels and energy policies. We concluded that we have a responsibility in the Senate in these matters and should not lose time getting to work to meet these responsibilities. So, we drafted Senate Resolution 45 at the outset of the 92d Congress; Senator JACKSON and this Senator introduced it jointly and had it considered and passed by the Senate on May 3, 1971. This resolution is the basis for the study which has been going on in the Interior Committee, with ex-officio members from the Commerce, Public Works, and Atomic Energy Committees, for almost 2 years.

Real progress is being made by this Senate study group. I feel sure that it will have interim legislative recommendations to make to the Senate within a few weeks—and perhaps other interim and a final set of recommendations later this year.

Personally and officially, I believe that a comprehensive national fuels and energy policy must reflect—

An assessment of future energy needs and their relationship to the general economy;

The availability of domestic fuel supplies, including the time period required to make additional supplies available, the technological needs, their environmental characteristics, and the probable costs;

The availability of foreign energy resources, including the competitive demand for these fuels from other nations; and

The interrelationship between foreign sources and the attendant risks to national security, both military and economic.

### SUMMARY OF PROPOSALS FOR ACTION

After many years of deep concern for our Nation's energy economy, I believe I am now prepared to speak of the policy elements that I feel must be reflected in Federal energy programs and priorities.

I offer the following 26 legislative and executive branch actions as integral elements in rational, coherent, and complimentary national energy and fuels policies:

### TO COORDINATE AND ADMINISTER FEDERAL ENERGY PROGRAMS MORE EFFECTIVELY

We should:

Establish a policy formulating and coordinating body, such as a Council on Energy Policy, within the Executive Offices of the President.

Congressionally restructure the Department of the Interior, or approve a Department of Natural Resources—and Energy—or develop some other suitable department or agency, the principal functions of which would be administration of domestic energy and mineral resources developments in a manner consistent with overall economic, environmental, and societal policies.

Separate the traditional roles of the Office of Emergency Preparedness for energy resources contingency planning and the ongoing administration of a mandatory oil and gas import program and place the latter solely in the newly constituted department or agency resulting from the above action.

Initiate a joint congressional-executive branch review looking toward consolidation of Federal regulation of energy activities, such as the Federal Power Commission and the Atomic Energy Commission, within a single agency.

Establish a joint Government-industry corporation to spearhead the demonstration of new and advanced energy technologies.

### TO FOSTER ENERGY CONSERVATION PRACTICES NATIONALLY

We should:

Upgrade the 1971 FHA home insulation standard.

Establish Federal guidelines for the incorporation of energy conservation practices in new buildings—mandatory for new Federal and federally insured buildings and homes. The Senate Public Works Subcommittee on Buildings and Grounds will study this aspect in detail this year.

Establish a national program of consumer education to foster more efficient use of energy in our daily lives.

Develop and publish Federal guidelines for the labeling of electrical equipment to reflect efficiency of energy utilization.

Initiate comprehensive national review of the potential for energy conservation within the transportation sector of our economy, hopefully, to lead to the adoption of Federal policies for fostering energy conservation in this end use.

### TO ASSURE REALISTIC CONSIDERATION OF EXPANDED ENVIRONMENTAL AND SOCIAL CONCERNS IN NATIONAL COAL POLICIES

We should:

Insure that the prices previously allowed for energy supplies by the recently abolished Price Commission are increased, with the concurrence of the Cost of Living Council, to reflect decreased production, the increased costs incurred in meeting rising wages, in developing new coal sources, and in responding to new environmental and occupational policies governing both the production and end use of coal.

Implement the Clean Air Amendments of 1970 so as to reflect the statutory distinction between the 1975 primary—health—air quality standard and achievement of the secondary—welfare—standards at a reasonable time thereafter.

Implement State plans of implementation approved by the Environmental Protection Agency, so as to appropriately reflect the availability and nonavailability of sulfur oxides control technologies and low-sulfur fuel supplies. These two recommendations will be reviewed by the Senate Public Works Committee's Subcommittee on Air and Water Pollution, later this year.

Initiate the earlier congressionally mandated Federal expanded program for the demonstration of sulfur oxides control technologies—an element of the President's June 1971 energy program that did not materialize.

Undertake a significantly expanded Federal research program which reflects the fact that the vital role of coal in our energy economy rests in its conversion into environmentally clean gaseous and liquid fuels.

We must have:

Immediate enactment of surface mining legislation which—

Covers coal and other mineral resource developments on public lands;

Provides the States with Federal guidelines and minimum standards as the basis for strict State control of surface mining operations and reclamation;

Places in the States the primary responsibility for development and administration of programs for the control of surface mining;

Provides Federal fallback authority where Federal guidelines or minimum standards are not being met; and

Provides that each applicant for a surface mining permit should file a detailed plan for the mining operation and the reclamation that is to be performed during, and after, commencement of mining operations.

### TO PROMOTE THE DEVELOPMENT OF DOMESTIC ENERGY SUPPLIES

We should:

Initiate a comprehensive analysis of present trends on oil and gas imports with an assessment of the desirability of arresting current trends toward and increased dependence on Eastern Hemisphere sources of oil and gas.

Establish realistic pricing systems for domestic oil and gas supplies.

Use the Federal Power Commission's existing authority to channel natural gas supplies on Outer Continental Shelf into interstate markets.

Develop energy resources on Federal lands on reasonable terms and time schedules to mitigate dependence on foreign supplies.

Provide for limited Federal decontrol of producer prices for new natural gas supplies under two comprehensive and complementary Federal initiatives—

As the quid pro quo for eliminating wellhead price regulation as a determining factor in Federal Power Commission regulatory actions, extend all other jurisdictional indices, or criteria, other than price into intrastate natural gas producer sales; and

Promulgate national guidelines for the curtailment of natural gas customers during periods of shortage, with authority for the Federal Power Commission to impose the established enduse priorities with regard to both direct and indirect sales.

Initiate immediately a joint congressional executive branch review of the adequacy of domestic refinery capabilities. This review must consider anticipated short-term and long-term requirements and serve as the basis for legislation to stimulate the development of an expanded domestic refinery capacity consistent with economic, environmental, and societal needs.

Initiate a comprehensive analysis of the adequacy of uranium refinery capabilities to meet the fuel requirements of projected nuclear electric power plants over their operational life. Federal policies must assure that ad hoc fuels policies do not commit this country to nuclear power development at a level that cannot be maintained with anticipated uranium supplies.

We must also undertake—

A comprehensive and objective analysis, and action, on the National Petroleum Council's recommendations to improve the economic and political climate to encourage energy development and competition among domestic energy suppliers.

A review of the 15 major areas suggested by the National Petroleum Council for policy guidance initiatives by the Federal Government in order to foster the development of increased U.S. energy supplies.

The necessary steps to establish a national deep water port policy which requires that any deep water port development recognize the need for long term reliance on domestic energy supplies. The Senate Public Works Committee's Subcommittee on Flood Control, Rivers, and Harbors will review this matter in detail.

### EPILOG

Under the concept of the responsive man, security must be earned; it is not handed out in exchange for freedom.

America has yet to develop a perfect system, but we have come closer than most of the older nations on earth. As we near the third century of our Nation's success, it is time to turn to our full attention and resources to the proper evaluation of our creation.

The struggle to keep our forefathers' concept of a prosperous people living in freedom has not been easy and, in the years ahead, the challenge may be even more difficult. This was perceived by that statesman of the American Revolution John Adams, who, on signing the Declaration of Independence, wrote these prophetic words to his wife:

> I'm well aware of the toll and blood and treasure that it will cost us to maintain this declaration. Yet through all the gloom I can see the rays of ravishing life and glory. I can see that the end is more than worth all the means; and that posterity will triumph in that day's transactions, even though we should rue it, which I trust in God we shall not.

The challenge of the energy crisis is now—not later. It is real. The question is one of acceptance and solid commitment to meet our energy needs on schedule while, at the same time, meeting environmental responsibilities. We can do if the approachment to solutions is realistic.

Mr. President, I ask unanimous consent that the remainder of my remarks, which include the basis for my recommendations, be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

### ORGANIZATION OF FEDERAL PROGRAMS

For several years there has been a generally recognized need for reorganization of the Federal energy related programs. In recent years proposals have centered on either reorganization of the Department of the Interior or the President's proposal to create a new Department of Natural Resources. The January 19, 1973, issue of Science magazine reports that the Department of the Interior has set up an Energy Board whose function eventually will be to coordinate energy policies in all branches of the Federal government. The Board is to be chaired by Interior Secretary Morton and will consist of four or five assistant secretaries. Ultimately, the Board is to reside in the proposed Department of Natural Resources and is also to serve as the focal point for energy research development and research policies within the Department of Natural Resources.

As pointed out by the Ash Council (or the President's Advisory Council on Executive Reorganization) Federal energy organization reflect a comprehensive and coherent approach, not only to the formulation of energy policy, but also to the promotion and regulatin of energy resource development activities, including deep water ports, refineries, and power plants, to name a few activities.

Considering the critical nature of such a reorganization to national economic, environmental, and societal well-being, I believe such an undertaking is the joint responsibility of both the Congress and the Executive Branch. In undertaking Federal reorganization for energy careful consideration must be given to the benefits and disadvantages of the various proposals before the Congress.

After many years of concern for Federal energy programs, I believe we should take the following six actions to provide for the more effective administration of Federal energy programs:

*Establish a policy formulating and coordinating body, such as a Council on Energy Policy, within the Executive Offices of the President.*

*Congressionally restructure the Department of the Interior, or approve a Department of Natural Resources (and Energy), or develop some other suitable department* *or agency, the principal functions of which would be administration of domestic energy and mineral resources developments in a manner consistent with overall economic, environmental, and societal policies.*

*Separate the traditional roles of the Office of Emergency Preparedness for energy resources contingency planning and the ongoing administration of a mandatory oil and gas import program and place the latter solely in the newly constituted Department or agency resulting from the above action.*

*Initiate a joint Congressional-Executive Branch review looking toward consolidation of Federal regulation of energy activities, such as the Federal Power Commission and the Atomic Energy Commission, within a single agency.*

*Establish a joint Government-Industry corporation to spear-head the demonstration of new and advanced energy technologies.*

As I remarked during June, 1972, hearing before the Senate's Energy Study, an Energy Development Corporation could serve as a focal point for much needed joint government-industry research on such technologies as coal gasification and liquifaction, advanced power cycles, sulfur oxide control technology, solar energy, and, possibly, breeder and fusion reactors. Conceivably this effort could be financed by revenues from an energy surcharge or refundable tax.

### AVAILABLE ENERGY SUPPLIES

One prognosis on the availability of ample energy supplies of fuels to meet our domestic demands was, contained in the July, 1971, preliminary report of the National Petroleum Council entitled, "U.S. Energy Outlook—An Initial Appraisal (1971–1985)." Three major implications of current policies and practices were emphasized:

Continuation of present government policies and economic conditions will lead to significantly increased United States dependence on foreign energy resources, mostly in the form of oil from Eastern Hemisphere countries, and will lead to an acute shortage of natural gas;

Potential energy resources of the United States will support higher growth rates for domestic supplies, given adequate economic incentives and careful coördination of efforts between government and industry; and

Capital requirements to meet United States energy needs through 1985 are extremely large and will be difficut to obtain unless the general economic climate for the energy resource industries is improved.

Last month, upon completion of their three year study effort, the National Petroleum Council, enunciated the following objectives as fundamental to the development of a National Energy Policy:

assurance of adequate supplies of secure sources of energy;

preservation of the environment in the production and use of energy;

promotion of efficiency and conservation in all energy operations and uses; and

recognition that, in all three of the above objectives, appropriate consideration must be given to the impact of energy costs on economic welfare and progress.

Meanwhile, events are carrying us toward an ever increasing dependence upon foreign sources for oil and gas; due in large part to the necessity to make up short-falls in available supplies of domestic energy resources—particularly natural gas. Under current policies and practices, oil serves as, what is termed, the "swing fuel"; this is because oil is the only resource available in sufficient quantities to meet gaps between supply/demand deficits incurred for other fuels.

However, any analysis of the United States projected dependence on foreign supplies of oil and gas must begin with the recognition that three-fourths of the non-communist world's oil reserves are located in the Persian Gulf and north Africa. In the context of world affairs, the long-term political and economic consequences of this reality of nature are often overlooked or ignored as these countries strive to achieve positions of world power in the League of Nations.

The full impact of the envisioned dependence on oil imports and, to a limited extent, natural gas imports is conjectural, at this time. With the continuation of current trends, however, on the basis of quantity, it is estimated that, by 1985, oil imports will account for 57 percent of our national petroleum supplies, or about 25 percent of our total energy consumption. (By comparison, in 1970, only 23 percent of our petroleum supplies and ten percent of our total energy requirements were satisfied by oil imports.)

Although discussed in some detail later, in summary, from an economic perspective, in 1970, the United States economy experienced foreign oil purchases of $2.1 billion. Under current oil import policies this will increase to $13 billion in 1975 and $31 billion by 1985. The implications of a cash flow of this magnitude for balance of payments is highlighted by the fact that, today, our total annual export of goods and services is only about $65 billion.

However, according to the National Petroleum Council's December, 1972, report, however, under effective Federal energy policies, purchases of foreign might be reduced to $9 billion, by 1975, and $7 billion by 1985. And, by the end of this century, the United States could again become self-sufficient, as Russia is today.

Setting national security aside, the consensus among the experts is that actions to stimulate domestic energy resources provide the best and lowest cost long-term, as distinguished from short-term, solution for the energy needs of this Nation. Actions must be undertaken to assure this end-point for our national fuels and energy policies before vast sums of capital are prematurely or irrevocably committed to expensive foreign substitutes for potential domestic supplies.

The forecasts mentioned portray an ever increasing demand for domestic as well as foreign energy supplies. The cumulative effect of these events can be expected to place severe strains on our national institutions and will be a paramount importance to all Americans.

### ENERGY DEMAND

Historically, as a Nation, we have been accustomed to abundant, low-priced energy; today, however, for the first time in our history, we must recognize the full economic, environmental, and societal consequences of energy conversion and consumption. Until very recently, we have been content as a society to externalize the costs of energy resource development, conversion, and consumption as scarred hillsides, eroded topsoil, degraded air and water quality, and the human misery accompanying underground mining. Rightly, public policies now require that these social costs be internalized, and the damage and abuse resulting from outdated practices be corrected. As expected, "social accounting," when applied to energy related activities, will mean higher prices for the consumer.

In recent months there has been considerable discussion of the full societal consequences of our projected growth. Several aspects of these dialogues deserve mention here.

Growth is inherent in the American psyche and fundamental to the viability of our current economic system. Consequently, it is difficult for Americans to visualize proposals for stabilization of population, of energy use, or of total productivity. Yet, as thinking people we all are aware that current growth patterns cannot continue forever as observed in the current degradation of environmental quality. At some time, possibly in another generation or century, man's numbers and his exploitation of the Earth's nonrenewable resources must be accommodated to the limitations of nature.

The efforts of the Club of Rome, which are reported in *The Limits to Growth,* portray a vivid, doomsday picture of future events as basic resources become increasing limited. It is unclear when this time will come; indeed, it may already be on our doorstep, as we enter the 21st century.

We do know that, in less than a decade, the combination of increasing energy demands and declining known reserves of domestic energy resources has revolutionized this country's energy prospects for the future. In a short space of time events have transformed our nation's domestic fuel supplies into one large deficit with the only possible short-term supply being oil and gas imports. This transition—of enormous political and economic importance—occurred in an instant of history, to use Professor Forrester's phrase.

### ENERGY CONSERVATION

The time is long overdue to put into effect a comprehensive national program of energy conservation, designed to accommodate as much as possible of our future growth in energy consumption through the more efficient conversion and consumption of energy. The potential is reportedly there for a 30 to 40 percent increase in the amount of usable energy from the same quantity of basic energy resources we are using today. By 1980, this could amount to an annual savings of as much as 7.3 million barrels of oil a day or an annual reduction in foreign oil purchases of $10.7 billion.

Energy conservation practices designed to achieve this objective could, and should, serve to both mitigate our dependence on oil imports and help stabilize our total consumption of basic energy resources. These observations and others, are made in the October, 1972, and January, 1973, reports of the Office of Emergency Preparedness on Energy Conservation.

Many of our current uses of energy are inexcusably wasteful in the light of this Country's, and the world's, projected energy plight. The New York State Public Services Commission, for example, has calculated that if all new buildings were properly insulated as well as electrically heated, the superior insulation alone would save roughly 40 percent in the new energy demand resulting from this construction. By 1980, this savings alone could amount to 5 to 6 percent of our total national oil requirements.

The potential savings through improved insulation in homes is substantial, also, Reports indicate that if the June, 1971, FHA insulations standards were followed energy savings could amount to 29 percent for a home heated with gas and 19 percent where heated by electricity (electrically heated homes already require more insulation). If, as has been recommended by environmentalists, the 1971 FHA standard were improved, or upgraded, the energy savings for a gas heated home would approach 50 percent. For the home owner this could amount to an annual savings of as much as $155 at today's natural gas prices and even larger savings at anticipated future prices.

Even greater savings are possible in transportation uses of energy. In the last 30 years of our supposed technological development, the gas mileage of all motor vehicles has actually declined from 13.8 miles per gallon in 1940 to 12.2 miles per gallon in 1969. For passenger cars alone it has declined from 15.3 miles per gallon in 1940 to 13.8 miles per gallon in 1969. Doubling in the gas mileage, through more efficient operation of passenger vehicles, by 1985 would produce a daily savings of 3.5 million barrels of oil. This action alone could produce a 38 percent decrease in anticipated gasoline requirements. This represents about one sixth of projected national petroleum and refinery requirements. Within just 10 years this could result in a 15 to 25 percent savings in the national energy budget for this end-use without effective service or transportation patterns.

This saving could be accomplished voluntarily by the auto industry through the development and introduction of more efficient and economical engine systems; however, as for air pollution control requirements industry action may very well require congressional legislative action to provide authority to impose engine size and weight as well as efficiency limits before any action is undertaken. As dramatic as this proposal may seem, this transition to less energy, wasteful passenger vehicles would not, in any way, eliminate growth in the petroleum industry; it would, however, have the effect of slowing down the pace of growth.

Another possibility for energy economy is in the area of electrical equipment. For example, some air conditioners consume 50 percent more energy than others, but few buyers are made aware of the difference. The customers' choice usually depends upon appearance or convenience features. Here, too, there is a potential for significant saving in the Nation's fuel bills. where existing Federal procurement standards for window air conditioners extended nationwide, by 1980, the energy demand for air conditioning uses would be cut by 20 percent.

As the first steps towards fostering energy conservation practices nationally, we should.

*Upgrade the 1971 FHA home insulation standard—*

*Establish Federal guidelines for the incorporation of energy conservation practices in new buildings (mandatory for new Federal and Federally insured buildings and homes). (The Senate Public Works Subcommittee on Buildings and Grounds will study this aspect in detail this year.)*

*Establish a national program of consumer education to foster more efficient use of energy in our daily lives.*

*Develop and publish Federal guidelines for the labeling of electrical equipment to reflect efficiency of energy utilization.*

*Initiate comprehensive national review of the potential for energy conservation within the transportation sector of our economy, hopefully, to lead to the adoption of Federal policies for fostering energy conservation in this end use.*

### UNCERTAINTY IN NATIONAL COAL POLICY

As a Senator from West Virginia, one of our country's largest coal-producing states, I feel the appropriateness in beginning my discussion of national fuels policies with a review of the problems associated with coal production and utilization.

As mentioned, the supply of coal in the United States must grow if this resource is to meet anticipated increases in coal demands for this resource—any supply shortfalls in supply must, be satisfied, under current policies, by oil imports.

To date, however, the essential role of coal in our Nation's future energy economy has almost been ignored by Federal policies. Immediate reform in government policies must be instituted to remove the present market uncertainties regarding the future of this vital resource. For coal is the only domestic energy resource capable of relieving emerging fuel scarcities for other domestic energy supplies. Coal current climate of development leaves much to be desired, described by Carl E. Bagge, in *1972 Bituminous Coal Facts*, as:

"The American coal industry, has been forced to live all too long on a subsistence level to be expected to reach its full stature merely by the shrinkage of other fuels. It absolutely requires national policy encouragement and realistic help to increase its production to the level of our energy needs, to improve its product to the new norms of environmental acceptability, to reinvigorate its economic base by access to the sources of capital, and to be allowed to compete without artificial handicaps in a fuel market freed from outdated government policy controls.

"The Nation's new and hastily conceived environmental ethic is the broadest single barrier to the coal industry's achievement of its full potential in time to restore our energy balance. Both government and the public must reevaluate coal as a lasting energy asset instead of a passing environmental liability. Coal must be regarded less as part of the problem and more as most of the solution. The ecological problems of coal production and utilization can be solved in good time, but the nation is rapidly running out of time to solve its far more crucial energy shortages."

Today, the coal industry is highly competitive; this situation must be maintained. In the United States there are some 5,000 coal companies, with approximately 575 companies producing more than 90 percent of the available supplies. The top fifteen producers account for slightly more than 50 percent of this production. This inherent diversity results in aggressive competition. within the industry. Another factor contributing to market-place competition is the inherent geographical distribution of the many companies. The recent arrival of the oil or energy companies on the coal scene appears to have further intensified this competition.

Over the years, concern has been expressed regarding the acquisition of coal companies by the so called "energy" companies. Such action has often been viewed as contrary to our national interests; however, to date, such acquisitions appear to have been beneficial for the economic viability of the acquired coal companies.

I would like to briefly review the experience, to date, regarding four coal divisions of oil companies: Pittsburgh and Midway, a subsidiary of Gulf Oil Corporation; Old Ben, a subsidiary of Standard Oil Company of Ohio; Island Creek, a subsidiary of Occidental Petroleum Corporation; and Consolidation Coal Company, a division of Continental Oil Company. Since their acquisition by "energy" companies, the average rate of growth for these four coal companies has been 6.2 percent, annually, compared to 2.6 percent for the whole industry. With the firming of public policies affecting coal markets, comparable growth can be expected in the future, also. Unfortunately, however, the stability of the market in the immediate future is disconcerting as long as public policy requirements for environmental and occupational controls as well as surface mine reclamation are in a state of flux.

The one word that aptly summarizes national coal policies is "uncertainty." The present situation was cogently described in testimony before the House Public Works Committee, last August, by Robert Price, Executive Vice President of the National Coal Association, as one of—

"Uncertainty about the continued viability of the coal industry in the face of this Nation's increasing dependence on oil imports; uncertainty about coal's present and future markets due to the increasingly restrictive environmental regulations with no commensurate development of the technology necessary to meet those standards; uncertainty about the ability of coal companies faced with declining productivity and onerous price controls to attract the necessary capital to insure not only their growth, but their continued existence in a capital-intensive industry; uncertainty about mining methods and the ability of coal producers to tap the vast stores of coal found in this country; and uncertainty about the resolve of the Nation to swiftly develop a comprehensive national energy-environmental policy which will help solve these problems."

In short, time is of the essence. Unless we immediately come to grips and resolve these issues this situation can be expected to deteriorate further.

The current lack of definitive Federal policy guidelines has acted to create a constrained and semiretired coal industry which is unable to respond with the capital, production, and economic vigor necessary to support a new big synthetic gas and oil industry, as foreseen.

Even if it were possible, it would be unrealistic and foolhardy to consider placing our domestic coal industry in mothballs, awaiting the ultimate development of environmentally acceptable means for the extraction and use of coal. The industry is a high-cost, complex, skilled-labor industry, reactive to public policy and market demands. Provided the uncertainties are removed from public policies the coal industry is capable of assuming its vital role in our future energy economy.

Recently, at the 1972 West Virginia Industrial and Mining Show, Carl Bagge, President of the National Coal Association, portrayed the future of the domestic coal reserves as one of abundance and versatility—

"Coal is the one fuel that can, if it is allowed to, provide us with both short and long term solutions to the energy crisis. Vigorously supported research programs can enable us to redeem its vast potential, providing us with ample supplies of clean energy for centuries to come. Equally important, coal is capable of fulfilling our present energy needs. If, however, the coal industry continues to be subjected to excessive restrictions, our energy crisis will be further aggravated with little hope remaining for the creation of a (*National Energy*) Policy which will allow the Nation the independence, energy supplies and environmental protection which it deserves."

Added to these uncertainties affecting our domestic coal industry is the question of the availability of adequate capital to respond to expanded production requirements consistent with expanded public policies in the areas of occupational health and safety and the environment. A traditional means for assuring this capital has been contract escalation clauses.

Although the President's Phase III controls abolished the Price Commission last week, according to the January 1, 1973, issue of *Barron's* the former Price Commission did not allow coal producers to charge previously contracted prices because they allegedly violated the Commission's rulings, which are still in effect. To make matters worse, the Price Commission refused to permit the industry to raise prices to fully reflect 1971 and 1972 wage increases approved by the Pay Board. These apparent inequities must be eliminated, obviously, through higher prices. However, this must be accomplished to the satisfaction of the Cost of Living Council.

Until this is done both coal producers and consumers will be faced with uncertainty in negotiating new long-term contracts. This is particularly true where new mines are needed. Finding immediate solutions to this dilemma, without undermining the whole economic stabilization program, is essential.

Unfortunately the Price Commission, as the oil import program, was established by the President's Executive Order and are not directly affected by the Congress. In order to assure that national coal policies reflect realistic consideration of expanded environmental and social concerns, we should:

*Insure that the prices previously allowed for energy supplies by the recently abolished Price Commission are increased with the concurrence of the Cost of Living Council, to reflect decreased production, the increased costs incurred in meeting rising wages, in* *developing new coal sources, and in responding to new environmental and occupational policies governing both the production and end-use of coal.*

Last Friday's Washington Evening Star and Daily News, in an article by John Fialka, reports that the President's energy message, to be transmitted to the Congress in a few weeks, will emphasize a shift from imported oil to domestic coal. It will be interesting to note whether this is just more words without a follow-through of Federal funds.

### AIR QUALITY CONSIDERATIONS FOR COAL

Without question our Nation needs a capability for the environmentally acceptable generation of electricity from high sulfur coals. Otherwise, existing coal supplies from many regions of the Nation will be rendered unavailable to meet present and future energy demands without severe environmental implications. This was recognized by the Congress in air quality legislation in 1963, 1966, 1967, and 1970. The Air Quality Act of 1967 provided a major Federal program for joint government-industry demonstration of new technologies for the control of sulfur oxides. This authority was significantly expanded in the Clean Air Amendments of 1970 to provide the Environmental Protection Agency with authority to undertake advanced power cycle and coal-gasification research.

As I emphasized over the years and during the hearing of the Senate's Energy Study, on April 5, 1972, and the record will support, from its inception this Federal research and demonstration program—to develop environmentally acceptable means for the combustion and use of domestic coal—has been totally inadequate. This is further highlighted when the anticipated impact of State imposed air pollution standards on existing coal supplies is fully assessed.

According to the Environmental Protection Agency, under 1975 State air pollution control standards, which are more stringent than the 1975 health standards provided for in the Federal Clean Air Act, "the only satisfactory method for maintaining Eastern seam coal in the energy market is through conversion to synthetic gaseous or liquid fuels." Loss of this supply represents a loss of $1 billion annually in sales and a reduction of about 30 percent in the current work force employed in the bituminous coal industry. Some 44,500 mine workers would be affected including 15,000 in my state of West Virginia, alone. I find this proposition unacceptable.

This possibility was foreseen by the Congress more than 5 years ago when provision was made for the joint government-industry research program I mentioned; however, the response to this problem by the users of fossil fuels, the electric utility industry as a whole, has been short-sighted, and not sufficiently responsive to the problems and the public policies. Except for a new electric utilities research efforts have been confined to the last two years. Equally, the response of the suppliers of fossil fuels—the mining and mineral industry—needs improvement. (These observations are based, in part, upon an exhaustive briefing I received, last October, from representatives of the coal, railroad, and electric utility industries as well as the Environmental Protection Agency, in preparation for a Clean Air Colloquium later this year.

The problem we are now faced with is the combined product of both the Administration's and industry's ineffective response to implementation of the Clean Air Act. Reliable and economical processes for the desulfurization of coal or stack gases do not appear to have been perfected to a point where the 1975 health standards can be met and the coal industry may well suffer another serious blow to the future development of coal gasification and liquefaction and other environmentally acceptable coal technologies. And, there is no reason to suspect that the picture for 1980 will be substantially altered. However, in the decade beyond, I believe, an aggressive Federal research and development program can play an important role toward assuring an environmentally acceptable role for coal in future energy supplies.

In the Clean Air Amendments of 1970, the Congress mandated achievement, by 1975, of a primary air quality standard designed to protect public health—the consumer. Provision also was made for secondary standards designed to protect the public welfare at a "reasonable time" thereafter. The States, however, in establishing their plans of implementation, accelerated this time schedule. Exercising authority provided in the same 1970 Amendments, the State implementation plans, in many instances, call for achievement of the national secondary (welfare) standards by 1975, on the basis of air quality enhancement.

In reality, the sulfur oxide control standards adopted for heavily polluted regions, such as New York, also are being required for other air quality control regions in response to citizen pressures and encouragement by the Environmental Protection Agency.

Nevertheless, despite uncertainty over the availability of "clean" fuels and commercially available control technologies to meet the national primary (health) air quality standards for sulfur oxides the Environmental Protection Agency approved the State plans.

This conflict, in part the product of EPA action, was acknowledged by EPA Administrator Ruckelshaus, on May 31, 1972, in the *Federal Register:*

"Preliminary analysis by EPA indicates the real possibility that, under current conditions in the domestic and world fuel markets including the absence of the sulfur tax, all aspects of the State plans in the aggregate *cannot be achieved by 1975 despite the best efforts of both government and the private sector.* (Italic added). Pending further study, EPA is approving or promulgating regulations for meeting both the primary and secondary CO, standards. *The States should proceed to develop compliance schedules on the assumption that both standards can be met.* * * * Highest priority must be given to achieving the primary standards (health related) by the statutory deadline."

Regarding priorities for the State's development of "plans of implementation" EPA's own guidelines suggest that air quality control regions be divided into three categories:

Priority I—Where the national primary (health) air quality standard is in violation;

Priority II—Where the existing ambient air quality is somewhere between the primary (health) and secondary (welfare) air quality control standard; and

Priority III—Where the existing ambient air quality is less than the national secondary (welfare) air quality standard.

Reportedly, however, these priorities are generally not reflected in the State Implementation Plans. In fact, it appears the State's tended to establish uniform standards, state-wide, without reference to the air quality control regions.

Nevertheless, the Congress, and the Environmental Protection Agency, are now faced with the policy decision of whether to allow the market place to determine who receives the available sulfur oxide control technology and low sulfur fuels. Alternatively, Federal intervention could be exercised under existing authority to insure preferential treatment for Priority I areas, where the national primary (health) air quality standard is currently being violated.

In light of the above stated reasons, I was encouraged to note the recent action by EPA Administrator Ruckelshaus to require that implementation of the State-plans-of-implementation reflect the availability of low sulfur coal supplies and commercial sulfur oxide control technologies. The EPA Regional Administrators and the Governors, on November 3, 1972, were notified by Administrator Ruckelshaus to keep in mind the following six policy issues, considered of utmost importance, when evaluating State air pollution compliance schedules—

"Any plan revision should provide first for the attainment of the *primary* ambient air quality standard by the date approved in the implementation plan.

"Any plan revision should not allow degradation from a base year air quality level nor an increase in base year emissions.

"Many states, in their approved implementation plans, defined 'reasonable time' for attainment of secondary standard as being coincident with the date for attainment of the primary standard. EPA will entertain arguments for redefinition of 'reasonable time' for attainment of secondary air quality standards.

"Large scale fuel shifts from coal to other fuels should be discouraged; they could result in adverse economic and social impacts.

"Large fuel burning installations should be encouraged to opt for low sulfur coal or stack gas cleaning as the solution to their sulfur emissions problems in a time frame consistent with regional ambient air quality conditions. Large boilers with special technical problems or those which expect to be phased out within a few years, thus making capital intensive solutions prohibitively expensive, may reasonably opt for fuel switching to low sulfur oil or natural gas. By discouraging large scale fuel switching away from coal and delaying compliance when primary standards are not jeopardized, the additional supplies of low sulfur coal and scrubbers which will be available in 1975 can go to priority uses, reserving scarce supplies of low sulfur oil and natural gas for area sources and large fuel burning installations with special problems.

"Compliance schedules for large fuel combustion sources planning to use new sources of low sulfur coal or stack gas scrubbing to meet SIP's should spell out in detail the lead times involved in obtaining new supplies of low sulfur coal and in obtaining, installing and checking out new stack gas cleaning devices. Even where ambient air quality conditions would permit delays in compliance, such a timetable of action must be agreed upon to insure the achievement of secondary standards within a "reasonable period."

The Regional Administrators were further advised to do everything in their power to achieve these objectives.

My review of the historical and legislative development of this issue, as Chairman of the Committee on Public Works, leads me to offer the following recommended actions; we should—

*"Implement the Clean Air Amendments of 1970 so as to reflect the statutory distinction between the 1975 primary (health) air quality standard and achievement of the secondary (welfare) standards at a reasonable time thereafter*

*"Implement State plans of implementation approved by the Environmental Protection Agency, so as to appropriately reflect the availability and non-availability of sulfur oxides control technologies and low-sulfur fuel supplies.*

*"Initiate the earlier Congressionally mandated Federal expanded program for the demonstration of sulfur oxides control technologies—an element of the President's June, 1971, energy program that did not materialize."*

It is anticipated that these issues and others will be discussed in detail during subsequent oversight hearings by the Senate Public Works Committee's Subcommittee on Air and Water Pollution, later this year.

There is a need to examine the economic, environmental, and societal implication of distinguishing between new and existing sources versus the health and welfare standards. What is at issue is phased implementation, not the granting of variances.

### COAL GAS AND OIL

It is generally recognized that the long-term future of coal must rest on the development of synthetic fuel supplies which rely upon coal as their feed stock—just as we now refine crude oil to produce residual oil and other conversion products. For coal, the immediate potential lies in the development of high- and low-Btu synthetic gas and coal liquifaction.

The development of both high-Btu and low-Btu synthetic gas from coal offer significant potentials for supplementing domestic energy supplies and mitigating our pending energy crisis. At the same time, these potential supplies are inherently clean, serving to enhance environmental quality.

By 1980, synthetic high-Btu coal gas, a supplemental supply for natural gas, can be produced at $.60 to $1.00 per 1,000 cubic feet or one-million Btu's. This compares to imported liquified natural gas at about $1.25 to $1.60 per 1,000 cubic feet.

Recently, a detailed evaluation of coal gasification technology was performed by the National Academy of Engineering—National Research Council. Because of the vital role that coal gasification to our country's future energy economy, I place in the record at this point the resultant NAE-NRC summary, conclusions, and recommendations.

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## EVALUATION OF COAL-GASIFICATION TECHNOLOGY—PART I

(Prepared by Ad Hoc Panel on Evaluation of Coal-Gasification Technology Committee on Air Quality Management, Committees on Pollution Abatement and Control, Division of Engineering, National Research Council, National Academy of Engineering)

### I. SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

### *A. Summary*

The United States has been fortunate in the past in possessing large reserves of the three major fossil-fuel energy sources—gas, oil, and coal. In recent years, however, the nation's energy picture has changed drastically with respect to oil and gas. After World War II, the oil finding rate in the continental United States fell, and currently imports supply over 25 percent of the country's oil requirements. It is estimated that oil imports will supply 50 percent of U.S. requirements by 1980.

The natural-gas picture is not greatly different. *Additions to domestic natural-gas reserves have not equalled use since 1966, and the gap between yearly additions to reserves and consumption is growing rapidly.* Curtailment of gas for utility use has already begun and, without new sources of supply, such limitations will increase. Natural gas can be imported by pipeline from Canada, Mexico, and Alaska, but these amounts are limited. Gas can also be imported from overseas in liquefied form; however, such a solution is expensive and increases U.S. dependence on foreign sources of supply for gas as well as for oil.

Due to the shortages of both gas and oil, prices are expected to increase. At a time when the country has an urgent need for clean fuels to reduce pollution, it faces shortages and higher prices for those fuels best suited to the purpose. For the United States, coal and oil shale are the remaining fossil-fuel sources abundantly available.

#### 1. Natural-Gas shortage

From the environmental standpoint, gas is the most satisfactory fuel. But, assuming that all the present uses of natural gas are to continue, that fuel-price relationships remain constant, that present users are permitted to expand at the rate of the past few years, and that no substantial new uses arise or are permitted, the Institute of Gas Technology has estimated deficiencies in supply as follows (in trillions[1] of cubic feet):

| Year | Demand | Production | Deficiency |
|---|---|---|---|
| 1980 | 30.5 | 22.7 | 7.8 |
| 1985 | 34.6 | 21.4 | 13.2 |
| 1990 | 38.1 | 19.8 | 18.3 |

The above production estimates include gas imported from Canada and Mexico and assume a pipeline supplying gas from Alaska after 1980.

While it is unlikely that all the assumptions will remain valid, the Panel considers this a reasonable estimate of the magnitude of the prospective shortage of natural gas. It is possible, however, to produce pipeline-quality gas[2] from coal as one way to reduce the deficit. Process development in coal gasification has been in progress for many years and at least seven processes are being studied in some detail.

#### 2. Gas-gasification industry

The projected deficiencies of natural gas for the 1980 to 1990 period are enormous, and it would be unrealistic to think they could be made up entirely with synthetic gas from coal, if for no other reason than lack of capacity to produce the special equipment that would be required for the plants. In addition, very large investments would be necessary to produce synthetic gas to provide a major fraction of the projected deficiency. For example, it would take 12 plants, each making 250 million cf per day, to supply about 5 or 6 percent of the 18.3 trillion cf deficiency projected for 1990. A reasonable estimate of capital requirements for one plant and coal mine (in terms of 1971 costs and dollars) is about $280 million $250 million for plant and $30 million for a mine), making the total capital investment for 12 plants about $3.4 billion.

A savings of $0.01 per thousand cubic feet or per million Btu produced by these 12 plants would amount to $10 million per year. The experimental programs could yield savings in costs on the order of $0.10 to $0.20 per million Btu (using presently projected Lurgi cost as a basis), which would amount to about $100 million to $200 million per year of operation. This possible savings is clearly in the national interest and justifies strong government support of the full research program to develop the lowest-cost method of producing gas from coal.

Extensive coal resources are available in the United States and should provide many suitable locations for plants making gas from coal. It is likely that coal-gasification plants will be used to supplement natural-gas supplies and that the delivered gas will be a mix of natural gas and synthetic gas. Assuming that this is the case and that the synthetic supply is 10 to 20 percent of the total, the change in prices would occur more slowly than if complete replacement were practiced. According to the American Gas Association, the 1971 average well-head price of natural gas was $0.171 per thousand cf and the average residential delivered price was $1.06 per thousand cf. Thus, if distribution costs remain the same (excluding the increased cost of energy used for pumping), the incremental addition of 10 percent of gas from coal at $1.00 per thousand cf would result in an average residential delivered price of $1.14 per thousand cf, or an increase of 7.5 percent.[3]

### *B. Conclusions*

The natural-gas supply situation in the United States is critical enough to justify the greatest effort on the part of industry and government to develop as quickly as possible the best and the most economic methods for producing supplemental pipeline-quality gas from coal.

1. The gas industry is proceeding with the commercial production of gas from naphtha and with the importation of liquefied natural gas. It is also examining the possibilities of crude-oil gasification and of a pipeline from Alaska and Arctic areas, but gas from these sources will be relatively high in price and limited in amount. It is improbable that gas from all these sources, in addition to that obtained through the gasification of coal, will meet the deficiency projected for 1990.

2. Synthetic gas from coal can be produced only by methods that are complicated and costly, a situation that is inevitable when solids must be processed under pressure. Nevertheless, the country must develop the best of the processes or the best combination of processing steps from the various development programs.

3. At the present time the Lurgi gasifier is the only coal-gasification process ready for commercial application. Two plants of 250 million cf per day are being considered for construction in the Southwest with private funding. The Panel hopes these projects will go forward and urges that data on capital and operating costs and operating results be made available.

4. From the standpoint of national interest, it will be prudent to support research on several new processes until such time as experience with large pilot plants establishes clearly identifiable advantages of one sequence of process steps over the others. This approach will be expensive and will require substantial government support, but it will increase the chances of reaching an optimum solution as quickly as possible.

5. The estimated capital investment required for 12 coal-gasification plants that would produce 1 trillion cf of gas per year (about 5 percent of 1970 production and 5 percent of the estimated 1990 deficiency) is about $3.4 billion.

6. Development problems in coal gasification include the following:

a. Basic data and experience are needed on the gasification step. The conditions leading to the formation of methane directly from coal are generally known, but specific data on the effect of hydrogen pressure, temperature, time, and catalysts will be needed. Further data on such items as reaction rates of carbon and coal with $H_2$, CO, $CO_2$, and $H_2O$ will be very important for precise design work on large plants.

b. Conditions of temperature and pressure in some of the processes are very severe and further data are urgently needed on the effect of pressure in order to determine optimum operating conditions. The data presented to the Panel did not clearly demonstrate the need for pressures as high as 1,000 pounds per square inch (psi) in some of the processes.

c. The successful development of a simple, continuous method for feeding coal into a pressurized system is critical to all gasification processes. Further development work is needed.

d. The plants making pipeline gas from coal will be very large installations using approximately 20,000 tons of coal per day. They will create pollution problems in the localities in which they operate unless proper safeguards are applied at their inception.

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[1] See Appendix IV, "Terms, Units, and Conversion Factors."

[2] In this report, the term "pipeline-quality gas" is used to describe gas of about 1,000 Btu per cf and consisting of natural gas, its synthetic equivalent, or a mixture of the two.

[3] Unless otherwise stated all gas prices shown are for gas delivered to the pipeline at point of production.

### *C. Recommendations*

The gas industry's search for new sources of supply is an old one, but it has grown in intensity as use has increased faster than reserves. By the late 1940s and early 1950s, research was under way on a small scale to make a high-Btu gas from coal. The efforts during the past 20 years have advanced gasification technology and several new process concepts have emerged; however, synthetic gas can be produced only by complicated, inevitably costly methods. In spite of this, the Panel believes the need for gas is so great that the federal government should assume leadership in developing the best of the existing processes or a combination of processing steps from the various programs.

The processes reviewed by the Panel were: Hy-Gas (Institute of Gas Technology); Bi-Gas (Bituminous Coal Research, Inc.); $CO_2$-Acceptor (Consolidation Coal Company, Inc.); Molten Carbonate (M.W. Kellogg Company); Lurgi (Lurgi Gesellschaft fur Warme und Chemietechnik M. b. H., Germany); Synthane (Bureau of Mines); and Atgas (Applied Technology Corporation). The Office of Coal Research of the U.S. Department of the Interior has supported the first four of these processes as research contractor. Currently, one third of the costs of the pilot programs of the Hy-Gas, Bi-Gas, and $CO_2$-Acceptor processes is being furnished by the American Gas Association as co-contractor with the Office of Coal Research.

In addition to these processes, work by the Bureau of Mines on Hydrogasification, a process involving the use of high hydrogen pressures, was also reviewed.

This program is in a very early stage of development and more bench-scale and small-scale pilot-plant work is needed. The work is promising and the Bureau of Mines is proceeding with it.

The Panel has outlined (see Table 4 on page 42) what it regards as a reasonable schedule for the developmental programs for the Hy-Gas, Synthane, Acceptor, and Bi-Gas processes up to the point of making a decision on construction of demonstration plants.[4] Because of the need to reach commercial application of a modern process as quickly as possible, the Panel believes it is in the best national interest to go forward with the development of these four processes on the scale proposed. The cost of the proposed pilot-scale development program for these processes is estimated at $122 million for 1972 through 1975.

The justification for recommending support for development of four different gasifiers through the pilot stage is that each gasifier—the most critical component of each process—has unique features that could have significant economic importance. Although the processes are similar in flow patterns, their gasifiers dictate the size if not the components of the downstream portion of the process and are in no sense interchangeable.

Based on its review, the panel recommends that:

1. Modern technology should be developed and applied as rapidly as possible to coal-gasification plants to be built in the United States. Since the essential component being examined is the gasifier, it is not necessary in pilot-work to operate the full gasification train. Several processes should be tested in order to determine the one or two that offer the best technological and economic benefits. These should be carried through the commercial demonstration level.

2. Pilot-plant work should go forward on the Hy-Gas (Steam-Oxygen), Synthane, Bi-Gas, and Acceptor processes. The IGT Electrothermal and Steam-Iron options of the Hy-Gas process do not appear promising. Further work is recommended on the Hydrogasification process that is under test by the Bureau of Mines. This process gives promise of producing a high-methane gas directly from coal.

3. Prime responsibility for coal feeding, as well as for gas purification and methanation, should be given specific attention by groups other than those developing the gasification processes. This division of effort should result in much faster progress on the total program.

4. As yet, the methanation process has not been used for the complete conversion of a high concentration of carbon monoxide to methane where there is a large evolution of heat. There are additional questions concerning the effects of gas produced from coal on catalyst life and performance. It is recommended that enough work be carried out to ensure that the catalysts are satisfactory under these conditions and to secure necessary design data on rates of heat release and on methods for the efficient recovery and use of this heat.

5. Development and design work to find satisfactory solutions to pollution and ecological problems associated with coal gasification should proceed concurrently with the development of gasification processes. This work should be assigned to a special group for its full attention.

6. Basic research should be conducted on such factors as fluidization and reaction rates between carbon, oxygen, hydrogen, and steam at various temperatures and pressures in order to facilitate the design and construction of plants and reactors. Purification systems for high-Btu gas synthesis must be studied and analyzed to determine which are most suitable and economical. Catalyst research should be strongly supported on a continuing basis. Fluid-mechanics problems, including the effects of bed diameter on fluidization (scale-up factors are poorly known), the effects of changes in particle-size distribution, and the permissible concentration of sticky feed and ash, should be studied. Other process areas requiring research are those involving expansion and contraction with temperature in pressure joints and seals.

7. All estimates should be made on a consistent and realistic basis to facilitate cost comparisons between the various processes. A base plant size of 250 million cf per day has been agreed upon. It would be desirable to select one or two coals and lignites of approximately a typical composition and have the plant designs based on these raw materials. Also agreement on approximate prices per million Btu would be desirable for fuels at a few locations. Site development, unit costs for utilities, auxiliary facilities, and major items of capital cost and operating costs should also be put on a standardized basis.

The Panel strongly recommends that all estimates be reviewed and revised by an independent organization with experience in plant design fuel conversion, environmental acceptability, and economic evaluations to ensure that they are accurate and based on sound engineering judgment.

8. A management group should continuously review the entire government-sponsored program on coal gasification.

The work for the next several years will involve a considerable number of research and engineering groups. The Panel recommends that the gasification step in particular be simultaneously investigated by at least four groups. One or perhaps two of the gasification processes will probably show superiority over the others, and decisions will have to be made to drop the least promising lines of development.

A second and equally important part of the management problems will be the division and coordination of the work between the development groups and the assignment of work to allow concentrated effort on the most critical problems.

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NATIONAL ACADEMY OF ENGINEERING NATIONAL RESEARCH COUNCIL, DIVISION OF ENGINEERING—COMMITTEE ON AIR QUALITY MANAGEMENT

(Ad Hoc Panel on Evaluation of Coal-Gasification Technology)

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### RESUMPTION OF STATEMENT

Under the current Department of the Interior's coal gasification program, three different processes are being demonstrated for production of pipeline quality gas from coal in Illinois, South Dakota, and Pennsylvania. The Federal share in this joint government-industry energy development was $15.9 million in fiscal year 1972 and an estimated $29.2 million in fiscal 1973. As laudable as these programs are they are only partially responsive to the obvious national needs. They are both late and under-funded and, as a consequence, are unresponsive to the critical role that coal must play in our future energy economy.

Low-Btu coal gas, with about one-half the heat value of natural gas, also offers a new special purpose fuel for use in formulating air pollution control strategies. Synthetic low-Btu gas is suitable for the generation of electricity with high-sulfur Appalachian and Interior region coals, thus preserving these existing supplies in the market place. Preservation of the economic viability of these supplies is an essential ingredient for a viable national energy policy.

Federal low-Btu gas development efforts, to date, have emphasized advanced power cycles combining in one system coal gasification and conversion into electricity. This technology relies on low-Btu coal gasification without going to the lengths necessary to produce a high-Btu coal gas with an equivalent energy value to that of natural gas. The potential of this technology was discussed during hearings before the National Fuels and Energy Policy Study, in February 1972, which I chaired.

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[4] The Panel defines a demonstration plant as a single processing train of commercial size with the necessary purification, methanation, and other facilities to produce pipeline-quality synthetic gas. The plant should operate satisfactorily for one year.

*Deceased

The potential of this technology for air pollution control was recognized by the Environmental Protection Agency in 1969. Subsequently, the Clean Air Amendments of 1970 provided the Environmental Protection Agency with statutory authority to undertake a research and development program applicable to coal on "improving the efficiency of fuels combustion so as to decrease atmospheric emissions." As in the past, the most recent oversight hearings before the Senate Subcommittee on Air and Water Pollution demonstrated that this program is also underfunded.

Even more disturbing, however, is the loss of time that has occurred due to delays in the initiation of any major Federal efforts to demonstrate the advanced power cycle. This week the first significant agreement was signed by the Department of the Interior to demonstrate an advanced power cycle system designed by Westinghouse; however, almost two-years ago the Environmental Protection Agency had firm proposals in hand, which did not receive the attention mandated by the Congress in the Clean Air Amendments of 1970.

The United States cannot declare—as the President did in his Clean Energy Message to Congress in June, 1971—that coal gasification is one of our priority needs without providing significantly increased research funding and giving a corollary priority to the healthy development of this domestic energy resource. Actions that are needed to strengthen this industry which has a generally recognized vital role in our future energy economy; we must: Undertake a significantly expanded Federal research program which reflects the fact that the vital role of coal in our energy economy rests in its conversion into environmentally clean gaseous and liquid fuels.

## SURFACE MINING

In recent years, a larger fraction of the Nation's coal supply has been produced by surface mining rather than underground methods; during 1972, surface mining accounted for more than half of the coal mined in the United States.

Accompanying this increase in surface mining has been a heightened public awareness of the real and potential environmental and occupational implications arising from the production of coal. In many regions of the country, surface mining has become a highly emotional issue. Unfortunately, an extreme polarization of viewpoints has developed. One side advocates a total abolition of surface mining. The other extreme expresses the belief that surface mining has produced only good results.

Both viewpoints, while understandable, are so unrealistic as to impede the development of an effective policy which reflects equitable treatment of both public and private interests. As I have stated previously, I am *against* any *drastic* relaxation of coal mine health and safety regulations. We are upgrading some beneficial features now, and I know they are expensive—but they are necessary to humanity.

I also am for *tighter regulation* of surface mining of coal, but against abolition of such production methods, which supply just under one-half of all the coal mined domestically. The alternative supply is imported oil.

Nevertheless, surface mining continues to be one of the most intensely debated public issue nationally as well as in my State of West Virginia and other Appalachian states.

During the 92nd Congress there were several proposals before the Congress relating to surface mining of coal and other minerals. When examined carefully, there are numerous well-considered recommendations which deserve consideration. The Congress can no longer delay resolution of this issue. We must have:

*Immediate enactment of surface mining legislation which—*

*covers coal and other mineral resource developments on public lands;*

*provides the States with Federal guidelines and minimum standards as the basis for strict State control of surface mining operations and reclamation;*

*places in the States the primary responsibility for development and administration of programs for the control of surface mining;*

*provides Federal fall-back authority where Federal guidelines or minimum standards are not being met; and*

*provides that each applicant for a surface mining permit should file a detailed plan for the mining operation and the reclamation that is to be performed during, and after commencement of mining operations.*

In the interim, it is the paramount interest of the mining industry to assure that irresponsible surface mining is not condoned and, where possible, are self-policed. Otherwise, political pressures may very well become so severe that the only feasible response, considering all the factors, is a moratorium on further surface mining during which industry must demonstrate mining and reclamation techniques which protect environmental and social values.

In the long-term, I am convinced that a cleaner environment and adequate quantities of environmentally acceptable fuels can be provided simultaneously. What is needed is action and realism on the part of the industry as well as government.

## DOMESTIC PETROLEUM SUPPLIES

It is generally recognized that our long-term national energy policy must stress restoration and our previous reliance on domestic resources of oil and gas as well as coal, geothermal, and solar energy.

Production of oil and gas was one of the first important industries in West Virginia. The State has a long history of involvement in providing petroleum products to drive our economy. Oil or gas production is virtually a State-wide activity, carried out in 48 of our 55 counties. While West Virginia does not occupy as large a place in the oil and gas market as it once did, we still produce large quantities of these two fuels, and provide direct employment for more than 11,000 people. Therefore, any decisions that are made in Congress and elsewhere relative to National Energy Policy have a very real impact on West Virginia.

From a national perspective our domestic petroleum industry, has some 10,000 large and small companies engaged in exploration and production of crude oils and natural gas. The largest of these companies accounts for only seven percent of our total domestic production. Likewise, in the refining sector, there are some 130 companies, with the largest accounting for less than ten percent of U. S. refining capacity.

In petroleum marketing, American Petroleum Institute data indicates there are an additional 12,000 industrial wholesalers and jobbers with the largest firm marketing about ten percent of the available supplies. Consequently, market competition is a characteristic of the oil and gas industry.

This diverse industry is responsible for the development of our domestic oil and gas supplies on public as well as private lands. On August 9, 1972, the Energy Study held hearings on the implications of observed decreased rates of exploration for and development of domestic supplies of oil and gas by these industries. James Wilson, President of the American Association of Petroleum Geologists, presented estimates of future potentially recoverable domestic oil and gas resources—not the too often cited "pie in the sky" estimates, but probable and possible supplies—that can be found and produced with current and near term technology.

Mr. Wilson's estimates represent challenging domestic supply targets, which can be found and developed with exploration techniques in use today and anticipated from near term research efforts, some 141 billion barrels of domestic crude oil and 595 trillion cubic feet of natural gas. However, time is of the essence, even should lease sales be accelerated on the outer continental shelf and reasonable economic conditions and incentives be developed, a dramatic increase in dependence on oil imports is envisioned before these domestic resources can be developed to the status of available supplies. Incentives must be provided, to insure the economic viability of all domestic sources of energy: coal as well as oil and gas.

An obvious conclusion, from a perusal of available information, is the desirability of realistic increases in oil and gas prices for domestic supplies. This is essential if the funds are to be provided to promote the development of domestic energy supplies which are necessary to mitigate the projected heavy dependence on imported oil and gas. To this end I propose the following Federal actions:

*Initiate a comprehensive analysis of present trends on oil and gas imports with an assessment of the desirability of arresting current trends toward an increased dependence on Eastern Hemisphere sources of oil and gas.*

*Establish realistic pricing systems for domestic oil and gas supplies.*

*Develop energy resources on Federal lands on reasonable terms and time schedules to mitigate dependence on foreign supplies.*

In establishing realistic economic and pricing systems for oil and gas, serious attention appears to be warranted for the proposal by Dr. Richard J. Gonzales, and others, that investments in oil and gas operations be considered in their composite. This recommendation, which was presented in detail to the Senate's Energy Policy Study, is predicated upon the reality that oil and gas occur together in geological formations, although currently priced separately.

Under current price policies and practices a change only in gas prices, in Dr. Gonzalez's opinion, would have a small and slow effect on incentives to increase exploration and development; whereas a significant change in oil prices should have a large and immediate impact on the discovery of oil and gas.

## NATURAL GAS POLICY

For the last 5 years, the United States' domestic gas reserves have been declining at an alarming rate when compared to projected demand. The immediate consequence is the widespread shortage currently being experienced as natural gas pipelines curtail their distributors, and, in turn, their customers, principally industries. However, the current situation has all the signs of an unprecedented natural gas shortage which may well strike in full force before solutions are found. As of January, 1972, the proved natural gas reserves in the lower 48 States were at their lowest level since 1957. In turn, proved oil reserves were at their lowest in 20 years.

Simply stated, as a Nation we are consuming domestic energy resources faster than our capability to discover and prove replacement supplies. This situation is the product of many factors—

Artificially low prices for natural gas which have stimulated consumption but inhibited exploration and development for replacement supplies;

Intermittent, and delayed, Federal offshore lease sales; and

The fact that the Federal Power Commission's regulatory authority is limited to interstate gas.

As I mentioned earlier, my view is that if new gas supplies are to be developed, prices must increase; however, economists are unable to tell us the price elasticity, or how much gas would be produced at a given higher price. The producers also cannot, or will not, indicate how much gas might be forthcoming at different price levels.

An added factor contributing to natural gas shortages is that unregulated intrastate customers are able to outbid regulated interstate pipelines—thus diverting limited new supplies from existing interstate customers; thus contributing to shortages in many areas of the country such as those now occurring in my State of West Virginia and the Midwest.

To mitigate interstate natural gas shortages, the Federal Power Commission has proposed to price interstate sales to be more competitive with intrastate buyers. Nevertheless, I fail to see how any price increases by the Federal Power Commission will resolve the predicament of the interstate consumers. It seems to me that no matter what price the FPC establishes for sales to interstate pipelines, the intrastate buyers can still bid slightly more, or offer other contractual inducements, and thus continue to keep whatever gas is available within the producer State's borders.

Chairman Swidler of the New York State Public Service Commission recently commented at length on this dilemma and its national implications:

"A producer witness in the pending Permian Basin area rate proceeding at the FPC has presented some thought-provoking statistics in this regard. He testified that the initial annual volumes sold under new gas sales contracts by large producers to the interstate market in the Permian Basin area amounted to 149 billion cubic feet in 1966, but dropped to 10.3 billion in the first half of 1970. At the same time, the annual volumes committed by these producers to the intrastate market under new contracts rose from 29 billion cubic feet in all of 1966 to 103.1 billion cubic feet in the first half of 1970. The interstate market obtained 5 times as much gas as the intrastate market in 1966, and one-tenth as much in the 1970 period, or a relative deterioration in position of 50 times. During the 4½ year period interstate buyers were almost squeezed out of the market."

I understand the FPC has available to it clear authority to help redress this imbalance by assigning natural gas originating on the outer Continental Shelf, for example, offshore Louisiana, to pipelines serving interstate markets. Under current practice the developer of such natural gas fields, in the Federal domain, may market the gas within the adjacent states. In this manner, the FPC could channel natural gas from the offshore Gulf of Mexico into interstate pipelines to the mid-west and other areas currently experiences shortages. According the Chairman Swidler, the amount and location of discoveries, and other considerations, may make it infeasible for the FPC to completely cure current shortages by allocating offshore gas to the interstate market; and obviously, any improvement that might occur in interstate supplies would depend on the precise location of the fields in the public domain.

Chairman John N. Nassikas of the Federal Power Commission has expressed the opinion that another cause of the immediate "energy crunch", as relates to the natural gas shortages, is the misapplication of natural gas for burning under electric utility boilers. It is Chairman Nassikas' expressed view that society would derive more benefits if natural gas were diverted from utilities and industries to domestic uses. Meeting these energy demands, however, implies an even greater future reliance on residual oil and coal, in spite of their known and potential environmental impacts.

Restoration of the balance between interstate and intrastate markets will help to provide equitable treatment of both national and regional customers. To accomplish this, however, it may be necessary to extend, in part, the Federal Power Commission's jurisdiction to so-called new intrastate gas sales as well as interstate gas sales. This need not include price, but could be limited to all other authority with respect to allocation of natural gas supplies.

At issue are the long-run benefits to the consumer. The context is broader in scope than traditional criteria used in the regulation of gas utilities. For example, when the Federal Power Commission's authority was enacted concern was for unfair competition between producers at the wellhead. Today, the issue is competition between intrastate consumers and federally regulated interstate customers, which, in turn, is contributing to natural gas shortages in regions which do not have sufficient resources to satisfy even present demands, such as West Virginia.

What is not generally recognized, however, is that, despite the best efforts of government and industry, sufficient new supplies of natural or synthetic gas may not be developed in the future to do more than maintain existing levels of supply. Consequently, it may be necessary to establish Federal guidelines governing priorities or the end-uses of natural gas to be exercised during periods when supplies are being curtailed.

During hearings of the Senate's Energy Policy Study, last week, I engaged in a colloquy on this matter with Federal Power Commission Chairman John N. Nassikas. We discussed at length the authority of the FPC to impose priorities for natural gas deliveries during periods of curtailment. Proposed priorities and a policy statement for curtailment were issued by the FPC on January 8, 1972. Under the proposed guidelines the highest priorities in curtailment actions would be for residential and small-volume customers.

At issue, according to Chairman Nassikas, is whether the proposed priorities could be enforced in even direct interstate sales. It is unlikely the priorities could be imposed on sales for resale; and, definitely, could not be imposed on intrastate sales of natural gas for even boiler fuel.

For the reasons stated I believe the following actions should be undertaken to promote the development of domestic natural gas supplies to mitigate our dependence on oil and gas imports—

*Use the Federal Power Commission's existing authority to channel natural gas supplies on Outer Continental Shelf into interstate markets.*

*Provide for limited Federal decontrol of producer prices for new natural gas supplies under two comprehensive and complementary Federal initiatives—*

*As the quid pro quo for eliminating wellhead price regulation as a determining factor in Federal Power Commission regulatory actions, extend all other jurisdictional indices, or criteria, other than price into intrastate natural gas producer sales; and*

*Promulgate national guidelines for the curtailment of natural gas customers during periods of shortage, with authority for the Federal Power Commission to impose the established end-use priorities with regard to both direct and indirect sales.*

These recommendations are offered because I believe we are at a point where price should no longer be the dominant determinant factor in determining end-use and the FPC should have sufficient authority to prevent the diversion of gas from inferior uses to higher priority uses which are consistent with the total national as well as regional economic, environmental, and societal wellbeing.

### PETROLEUM CONVERSION PRODUCTS

Up to this point, I have concentrated in my remarks on the issues associated with assuring adequate supplies of basic energy resources to meet this country's energy demands. However, in recent months our emerging energy crisis also has extended to refinery products, as witnessed in the recently reported shortages in distillate fuel oil. As we are all aware, oil not only serves as resource supply that can be used directly as source of energy but it also serves as the feedstock for our refineries which produce a wide range of conversion products such as heating oil, low-sulfur residual oil, gasoline, and a wide range of transportation fuels.

In addition, petroleum energy resources serve as the feedstock for our Nation's petrochemical industry which uses oil and natural gas not only for their heat value but as an essential process raw material. At present, the petrochemical industry consumes about 10 percent of the U.S. supply of natural gas and gas liquids and about 5 percent of the total supply of petroleum products. Reportedly, the petrochemical industry cannot practically substitute other forms of hydrocarbons for its raw material requirements. Thus, the availability of oil and gas is of vital importance. The unique need for feedstocks and the significance of energy to the petrochemical industry must be an integral element in national energy and fuels policies.

In the immediate future, however, the greatest needs for petroleum conversion products appears to be for distillate fuel oil and transportation fuels. This winter the demand for distillate fuel oil has exceeded supply as a result of several factors, including increased demand resulting from decreased natural gas supplied and from restrictions on the use of other fuels due to environmental standards. This was foreseen last September when the President expanded crude oil imports to assure refinery supplies, however, as of November, 1972, according to the Office of Emergency Preparedness, refineries were still not operating at maximum feasible capacity and less on-hand stocks of distillates were below normal levels. One of the principal reasons was an unusually high level of gasoline production to meet increased summer demands in lieu of increased distillate production for subsequent winter use. The Office of Emergency Preparedness informed the industry that a greater fraction of refinery capacity should be devoted to distillate production; yet, the early signs of a shortage in this conversion product already are being observed, although production is up. This is because of depleted stocks when entering the winter season.

This shortage also has extended to transportation fuels such as diesel fuels for railroads, trucking companies, barges, and bus lines. Last week there were reports that jets from New York Kennedy airport were stopping in Washington, D.C., to pick up jet fuel. In addition there are reports that trucking companies are having difficulties renewing diesel fuel supply contracts expiring this month. This forces trucking companies who are now under contract into the category of a "new customer" in negotiation with other oil companies, which are reluctant to, and in many instances refuse to, accept new customers because of shortages in available fuel supplies. This situation has deteriorated to the point that for one trucking company alone, the United Parcel Service, some 20,000 employees in the Eastern States face layoff in mid-February if diesel fuel supply contracts are not renewed.

Reportedly, more than ten of the major oil companies have refused to bid on the UPS's diesel fuel contract for its Eastern United States operations, due to inadequate supplies.

A number of factors are contributing to this situation; the greatest factor contributing to the emerging shortages in petroleum conversion products is the fact that we are fast approaching the limit of the capacity of our domestic refinery industry. In the last five years, there has not been built in this country new refinery and there are none now planned. While environmental concerns are a cause of this situation, many other factors are also involved. Regardless of the causes, there is a need to examine our current policies regarding domestic refineries; we should—

*Initiate immediately a joint Congressional-Executive Branch review of the adequacy of domestic refinery capabilities. This review must consider anticipated short-term and and long-term requirements and serve as the basis for legislation to stimulate the development of an expanded domestic refinery capacity consistent with economic, environmental, and societal needs.*

### NUCLEAR POLICY ISSUES

This discussion would not be complete without at least mention of nuclear power for, again, as a Nation, we are being misled by its advocates. Portrayed as a low cost source of electric power, new plants are being constructed at an ever increasing rate without any assurance of adequate supplies of uranium to support their operation over their anticipated lifetimes. As of right now, nuclear power plants in operation, under construction, or on order will, during their 30 years of operation, consume more than twice the known reserves of low-cost uranium within the United States.

Although, today, our domestic uranium industry reportedly has substantial overcapacity compared to demand for electric utility uses this situation could change drastically during the next few years if sufficient capital is not invested. Reports indicate that by about 1976, demand is expected to exceed refining capacity from anticipated uranium mines and mills. To meet anticipated demands by the end of this decade, some 27 new uranium mills, or major expansions of existing plants, will be required. The investment required for exploration to discover reserves and construct these mills is approximately $2 billion.

A short-fall in this fuel supply is not analogous to a deficit for oil, gas, and coal; uranium is one respect *sui generis.* Once a utility decides to build a nuclear power plant no other fuel is in competition with uranium. There is no opportunity for fuel substitution should a deficit occur between supplies and demand. Each utility must compete in the market place with a growing number of other companies for limited uranium supplies.

In addition, a realistic lead time for bringing a new nuclear power plant into being is now almost eight years. Unless a plant has already been announced or begun construction, it is unlikely that it will be in operation by 1980, even though some plants may be built on a shorter time schedule.

Experience indicates however that when a utility company discovers that it cannot complete a nuclear plant on schedule it falls back on gas turbines or oil-fired units, for which there is a substantially shorter lead time.

Today's over-optimistic nuclear plans by electric utilities and the Atomic Energy Commission must be viewed with considerable skepticism. There is every reason to believe that not only will more fossil fuel fired power plants be built than currently planned, but also some of the announced nuclear power plants—on which construction has not yet begun—should be considered tentative, and subject to replacement with coal or oil fired installations.

In other words, the role of nuclear power has been exaggerated, again. Where possible the most likely means for meeting the inevitable shortfall will be with imported oil; however, the situation may arise where nuclear power plants are built but cannot be operated over their currently envisioned lives. Obviously, we must:

Initiate a comprehensive analysis of the adequacy of uranium refinery capability to meet the fuel requirements of projected nuclear electric power plants over their operational life. Federal policies must assure that ad hoc fuels policies do not commit this country to nuclear power development at a level that cannot be maintained with anticipated uranium supplies.

### DOMESTIC ALTERNATIVES TO OIL IMPORTS ARE NEEDED

During recent months I have become even more concerned for our Nation's policy of continually increasing dependence on foreign energy resources, particularly oil imports, than I was when I originally preposed the National Fuels and Energy Policy Study. Current policies rely on imported oil as the "swing fuel" to fill gaps between domestic supplies and demands for all energy fuels. It its generally agreed that a more realistic long-term policy should be to rely on domestic supplies, including coal gasification, coal liquification, and oil shale as well as geothermal and solar energy to fill these deficits.

Since 1948, our Nation has moved from the status of a net exporter of petroleum products to a position where our current dependence on foreign oil is over 22 percent of domestic consumption. Were present trends to continue in the early 1980's some 40 to 60 percent of our total domestic oil requirements will be supplies by oil imports primarily from the Middle East. This situation is reviewed in depth in a policy background paper prepared by Dr. Arlon Tussing of the Energy Study staff which is being released by Senator Jackson this week in connection with hearings on January 10 and 11.

In brief, until very recently, nearly all our oil imports came from Venezuela and the Caribbean. By comparison, the projected countries anticipated as the principal sources of oil imports in 1985, have a history of being volatile, politically unstable, and mostly marginal in their friendship with the United States. When the vagaries of the policies of these oil producer countries are examined the current trend is even more disturbing.

### OPEC NEGOTIATIONS

The first indications of a crisis in global oil supplies was observed in negotiations between the international oil corporations and the militant cartel known as the Organization of Petroleum Exporting Countries (OPEC). Articles, in the lay press, highlighted these and the efforts of the Organization of Petroleum Exporting Countries (OPEC) to obtain control over not only production facilities but also over the oil transportation systems. Several significant precedents were set in these negotiations which deserve mention:

First, in order to assure their position the oil companies had to negotiate as a block;

Second, in order to do this, the United States companies had to obtain an unprecedented waiver of antitrust laws, which applies to companies not only to U.S. soil but to actions taken overseas by U.S. companies.

Third, in sanctioning these actions the United States permitted an international industrial cartel to negotiate U.S. foreign policy.

Perhaps the most significant outcome, however, was reported by *Fortune Magazine* as a general loss by the oil companies of previous control over negotiations.

Let us not kid ourselves, the outcome of recent negotiations with OPEC representatives in Teheran emphasizes the urgency of developing domestic sources of synthetic oil and gas as one means of countering a price squeeze for Middle East oil and mitigating undue, and undesirable reliance on potentially interruptable sources of supply.

I would like to briefly review what this means for balance of payments. As is frequently mentioned, in 1970, the United States experienced a drain of dollars for foreign oil of $2.1 billion. Under current policies this is expected to increase to $13 billion in 1975 and $31 billion by 1985. The magnitude of this balance of payments deficit is highlighted by the fact that today's total annual export of goods and services is only about $65 billion.

According to the National Petroleum Council, effective national energy policies can reduce this dollar drain to $9 billion by 1975 and $7 billion by 1985. And, by the end of this century, the United States could again become self-sufficient, as Russia is today.

To accomplish this objective, the Federal government must immediately adopt aggressive policies which will permit us to take full advantage of our vast domestic reserves of oil and gas as well as coal—the energy resource that the United States has in greatest abundance. Current policies have created a climate of uncertainty and have failed to assure the economic viability of our domestic energy industries.

### NATIONAL PETROLEUM COUNCIL RECOMMENDATIONS

To this end, the National Petroleum Council has recommended two Federal initiatives to improve the economic and political climate to encourage energy devolpment and competition among domestic energy supplies, which are:

Any leasing system should provide sufficient total acreage for each fuel and should schedule sales at frequent and regular intervals, so that energy suppliers can efficiently deploy their skills towards developing needed energy supplies; and

"The system of leasing public lands should be reviewed in the context of urgency to develop additional reserves of oil, gas, coal, uranium, oil shale and geothermal steam. An equitable system should be designed to foster and encourage exploration for the discovery of additional energy resources."

In addition, 15 major areas were defined by the National Petroleum Council, in December, 1972, for Federal policy guidance to foster the development of increased United States energy supplies, which are:

"The United States must adopt a national sense of purpose to solve the energy problem;

"The security of the United States is dependent upon secure supplies of energy, and therefore healthy, viable and expanding domestic energy industries should be encouraged by government;

"The mandatory oil import control program should continue to be a fundamental part of the National Energy Policy of the United States;

"Import policies should be designed to encourage the growth of domestic refining capacity;

"Policies for imports, enrichment operations and government stockpile disposal should continue to encourage growth of the domestic uranium mining industry;

"The Federal government should establish an economic and political climate which encourages energy development and competition among domestic energy suppliers;

"The field prices of natural gas should be allowed to reach their competitive level;

"The rational balance must be achieved between environmental goals and energy requirements;

"Both the government and industry should continue to promote energy conservation and efficiency of energy use in order to eliminate waste of our resources;

"Access to the Nation's energy resource potential underlying public lands should be encouraged;

"The United States should maintain jurisdiction over exploration and development of the seabed energy resources underlying the continental margins off its coasts, and urge that other nations do the same;

"Energy research and technology must be permitted to make the advances necessary for the Nation's longer term development of energy resources;

"Fiscal policies should foster the finding and development of all domestic energy resources;

"The United States should support its nationals engaged in energy operations abroad; and

"The Federal government should coordinate in many competing and conflicting agencies dealing with energy."

The National Petroleum Council's recommendations represent three years of intensive effort to meet an assignment for the Department of the Interior. On December 12, 1972, I was pleased to meet in an Executive Session of the Senate's National Fuels and Energy Policy Study to review these findings with John G. McLean, Chairman of the NPC's Committee on U.S. Energy Outlook and Board Chairman of Continental Oil Company. The potential benefits from this study effort to our understanding of this problem are significant. I believe we, the Congress, must undertake—

*A comprehensive and objective analysis, and action, on the National Petroleum Council's recommendations to improve the economic and political climate to encourage energy development and competition among domestic energy suppliers.*

*A review of the 15 major areas suggested by the National Petroleum Council for policy guidance initiatives by the Federal government in order to foster the development of increased United States energy supplies.*

### ENVIRONMENTAL CONSTRAINTS ON OIL IMPORTS

A factor that is frequently omitted from discussions of oil imports is their environmental acceptability. As mentioned, under the Clean Air Amendments of 1970, the States established stringent emission controls designed to protect public health by 1975, and, in many instances, the States have established standards whose objective is to protect public welfare, in its broadest context, on the same time schedule. However, a question exists regarding the availability of adequate low-sulfur energy supplies and control technology to meet the additional requirements necessary to progress from achievement of the health standard to compliance with the more stringent welfare standard.

For new power plants these standards translate into a maximum sulfur content of seven-tenths. Typically, the sulfur content of Persian Gulf crude oil is about 3.5 to 4. percent. Low-sulfur crude oil supplies are available principally from Libya and our own Louisiana. Unfortunately, these sources are limited.

Reportedly it is possible to desulfurize the heavy fuel portion of most crude oil at a cost is about 50 cents to one dollar per barrel, depending upon the desired sulfur content of the product. Significantly, however, the total existing, and planned, desulfurizing capacity in the United States is 650,000 barrels per day out of a total demand of about 16 million barrels per day. This capability represents less than one-third of total residual fuel oil demand for the East Coast or about four percent of the total United States demand. Obviously any increased reliance on Persian Gulf crude oil, without desulfurization, represents increased sulfur oxide emissions and further degradation of air quality.

I mention this constraint to highlight another justification for developing domestic, low-sulfur supplies. This constraint further supports the need to

*Initiate a comprehensive analysis of present trends in oil and gas imports with an assessment of the desirability for arresting current trends toward and increased dependence on Eastern Hemisphere sources of oil and gas; and*

*Establish realistic prices for domestic oil and gas supplies.*

### RUSSIAN GAS IMPORTS

In November, 1972, the *Washington Post* reported negotiation between United States' industries and the Soviet Union to purchase $45.6 billion of natural gas at a reported price of about $1.25 per 1,000 cubic foot: or some four to six times the price the Federal Power Commission allows domestic producers. As originally reported these negotiations include participation in the construction of two pipelines, in Russia, costing $10 billion, plus a $750 million gas liquification plant in Russia, and 30 tankers to transport gas to the East and West coasts of the United States as well as Japan.

Additional details were presented, on January 9, 1973, in the *New York Times*, by Edward Cowan. Although these two deals, it now turns out, are not completed, they are still very much alive despite the reservations of the Nixon Administration, and others, such as this Senator.

A "North Star" project—being sponsored by Tenneco, Inc; Texas Eastern Transmission, and Brown & Root, Inc—is intended to bring into Eastern markets, by 1980, two billion cubic feet of natural gas (or more than 10 percent of projected 1980 gas supplies for the 13 Appalachian and Eastern States. The total investment in the project would be about $3.7 billion. This does not include the required fleet of 20 tankers involving an investment of $2.6 billion by the American companies, for a total project cost of $6.3 billion. Reportedly the strings to incentive for getting into the North Star project is the tanker profits.

A second project would involve American and Japanese business interests and is referred to as the Yakutsk proposal. The principal American companies involved are El Paso Natural Gas Company, the Occidental Petroleum Corporation, and Bechtel Corporation. In concept, this project would deliver daily from eastern Siberia both to Japan and to the United States some 1.5 billion cubic feet of natural gas.

As I stated in Elkins, West Virginia on November 4, 1972, before these agreements are irrevocably completed, I hope that each and every provision will be subjected to careful public and Congressional scrutiny. At my suggestion Senator Henry M. Jackson as Chairman of the Senate's National Fuels and Energy Policy Study, included in last week's hearings and the hearing tomorrow on the overall fuel imports issue an inquiry into this reported arrangement with the Soviet Union. At the time these negotiations were discussed briefly by Administration witnesses and additional information is being supplied for the hearing record.

### DEEP WATER PORTS

This discussion would not be complete without at least mention of the need for a Federal deep water port policy. I am in favor of a Federal policy which recognizes the long-term dependence of our Nation's economy on the development of a deep water port capability; however, I must, of necessity, question any *ad hoc* Federal policy which, by intent, provides a Federal subsidy for deep water port construction, so that foreign energy supplies can enter our markets and undercut the prices for domestic supplies of coal and oil, or which, by default, allows a national policy to be determined individual *ad hoc* State or local actions.

Any national deepwater port policy must reflect not only our Nation's short-term energy requirements, but also the long-term implications of oil and gas imports for our national security, the economy, balance of payments, and the environment, to name a few areas. Should such a policy further accelerate present trends toward an excessive dependence on foreign sources of oil, gas, and petroleum products, the long-term economic viability of domestic energy supplies may well be endangered.

The Corps of Engineers is currently conducting deep-water, super-tanker, port studies authorized by the Senate Committee on Public Works on the Gulf Coast between Brownsville, Texas, and Tampa, Florida; along the North Atlantic Coast between Eastport, Maine, and Hampton Roads, Virginia; and in the San Francisco Bay area and the Los Angeles-Long Beach area. As I understand it, the San Francisco Bay study was recently extended by the Administration to include the whole West Coast.

As I stated during hearings before the Senate's Energy Policy Study on October 30, 1972, before we, as a Nation, commit ourselves to the implementation of any recommendations from these studies, the Committee on Public Works as well as the National Fuels and Energy Policy Study and other appropriate legislative committees, not just the Executive Branch, must fully understand—

The short- and long-term economic implications for domestic energy supplies of a Federal policy which subsidizes the construction of deep water ports;

The anticipated roles for the Corps of Engineers in the dredging of harbors and the construction of pipeline and terminal facilities on the outer continental shelf as well as the potential long-term environmental consequences of these activities;

The projected attendant development of refineries, and other economic interests, which will affect the environmental quality and land-use concerns of the regions involved;

The potential for oil spills and the existence of adequate oil spill contingency planning by both government and industry; and

The adequacy of existing liability limits covering oil spill clean-up which are the same for all super-tankers greater than 100,000 dead-weight tons.

Joint congressional and Executive Branch action is needed to now assure that—

* * * *The necessary steps to establish a national deep-water port policy which requires that any deep-water port development recognize the need for long term reliance on domestic energy supplies.*

To this end, the Senate Public Works Committee's Subcommittee on Flood Control Rivers, and Harbors will review this matter in detail, later this year.

Many nations of the world have no choice but increased reliance on imported petroleum products. However, the United States, like Russia, does have the potential for developing domestic energy resources to a level which avoids excessive dependence on foreign sources. It would be pure folly, and potential catastrophe, should national policy be so short-sighted as to encourage oil imports without initiating the necessary Federal policies to capitalize on our long-term domestic fossil fuel potential.

### ALTERNATIVES FOR THE LONG-TERM

Energy is but a small part of the larger issue of people and their aspirations, with all its ramifications, such as land use, mass transit, security, economic growth and mobility. Perhaps the most significant demographic factor is the location and life-style of future population. Ever-expanding patterns of concentration of population in selected areas of our country could place unmanageable regional burdens on all resource supplies, including energy. The most significant constraint may be not the availability of energy resources but, rather our practical ability to extract and transport these resources in the quantities envisioned. There is a limited construction capability in this country which can be brought to bear in the construction of new power plants, refineries, pipelines, and other energy facilities as well as the retrofitting of existing facilities to meet expanded environmental requirements.

There is a long list of projects that could be pursued by industry to insure the viability of this country's domestic energy supplies. Many of these were discussed during hearings before the Senate's National Fuels and Energy Policy Study. Many of these could be developed if government policies and industry initiative faced up to the challenge that our corporate long-term economic, environmental and societal futures are at stake.

Most assuredly, our potential domestic energy and mineral resource base is sufficient to meet our projected energy needs until the time when the nuclear breeder reactor or the fusion nuclear reactor or solar energy or some other unconventional energy source, are sufficient contributors to domestic energy supplies to relieve our dependence on foreign sources for energy.

To date, however, Federal policies have been insufficient in pursing sufficient alternatives to permit us to take full advantage of our vast domestic reserves of oil and gas as well as coal—the energy resource that the United States has in greatest abundance. Current Federal energy policy emphasizes long-term nuclear solutions to electric supply problems and fail to assure the economic viability of non-nuclear and non-electric energy supplies.

For 20 years the American people have subsidized nuclear power as an energy source on the premise of abundant energy, but only electrical energy. Let us now apply this same concept to other energy supply forms and assure, for the immediate and long-term abundant domestic, not foreign, sources of fuels which are compatible with environmental requirements. It is unrealistic to rely almost exclusively on increased domestic oil and gas exploration to carry the burden of success in assuring adequate supplies. (We made such a single-minded mistake in formulating our nuclear energy policy.)

These are several technological areas where Federal support offers potential for early resolution of both our environmental and energy dilemmas. Many of these areas were reflected in the President's message on Clean Energy in July, 1971, however, there appears to have been little in the way of realistic commitment on the part of the Nixon Administration to other than the breeder reactor. For example, two new sulfur oxide control technologies were cited for demonstration in the President's June, 1971, message; yet, today, 20 months later, they have yet to be announced.

Let us now do what is obviously required: insure the economic and technical viability of all practical energy technologies including both high- and low-Btu synthetic gas from coal, oil shale, tar sands and solar energy as well as increased exploration for domestic oil and gas.

Significant long-term potential also exist for relieving the emerging energy crisis by improving the feasibility and capability for the more efficient conversion and utilization of energy resources. Such improvements in energy conversion would reduce our depletion of energy resources and mitigate the environmental impacts of energy production and use.

As I pointed out during hearings before the Energy Study on Federal Energy Research programs and priorities, our Nation's long-term energy posture depends on the successful development of solar energy, the nuclear breeder reactor, controlled fusion, and other unconventional energy resources. First, however, we must successfully meet the requirements of the 1970's and 1980's when there will be need for the development of sulfur oxide control technology, both high- and low-Btu coal gasification, and geothermal energy sources. In a subsequent statement, I intend to address in detail recommendations for Federal energy research priorities.

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## ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Maine is recognized for not to exceed 15 minutes.

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## THE ENVIRONMENTAL PROTECTION AGENCY'S PROPOSAL FOR IMPLEMENTATION OF AIR QUALITY STANDARDS IN THE LOS ANGELES BASIN

Mr. MUSKIE. Mr. President, the extent of the transportation and land use restrictions proposed for the Los Angeles air quality region by the Environmental Protection Agency should not come as a surprise to anyone who is familiar with the severity of southern California's air pollution problem, its causes, and the provisions of the 1970 Clean Air Act Amendments.

In fact, we should recall that the Senate Public Works Committee report on the act in 1970 forecast the kinds of changes the new law would require:

> As much as seventy-five percent of the traffic may have to be restricted in certain large metropolitan areas if health standards are to be achieved within the time required by this bill.

The report warned that—

> Construction of urban highways and freeways may be required to take second place to rapid and mass transit and other public transportation systems. Central city use of motor vehicles may have to be restricted.

Two years have passed since the committee issued those warnings. And what has transpired since then?

First, the automobile companies, who have been aware of the threat posed by motor vehicle emissions in the Los Angeles area for over 20 years, have continued to refuse to develop or even consider alternatives to the internal combustion engine.

Second, we have learned that even if all cars in the Los Angeles Basin met the 1975–76 emission standards, motor-vehicle-related pollution levels would still exceed the levels necessary to protect public health. Nevertheless, the automobile companies are leading an effort to undermine even those standards—a ploy which, if it succeeds, will only force upon more communities the kind of crisis faced by Los Angeles.

Third, the oil companies spearheaded defeat of an effort to allow the use of gas tax revenues for the broader transportation system Los Angeles so desperately needs.

Finally, some of us in Congress have tried twice to redirect our transportation policies by expanding the uses of money from the highway trust fund to include support for public transportation projects. And twice we have failed.

In 1970, only a few days following Senate passage of the Clean Air Act, I offered an amendment in committee which was rejected. Last year, the Cooper-Muskie amendment was passed by the Senate, but was rejected by House conferees. Tomorrow, I will propose legislation which addresses the issue of autos and air pollution in cities, and I hope that the Congress will recognize the absolute necessity of approving those proposals.

Unfortunately, the EPA proposal does not, in my view, place sufficient emphasis on the need for making available transportation and land use alternatives for the Los Angeles area. I hope that suggested alternatives will be forthcoming, and that EPA and the administration will support the necessary public transportation legislation this year.

I strenuously disagree with those who would suggest that we must choose between protecting public health and providing a viable transportation system. We can—we must—do both. With great ingenuity, productivity, and activity, we have created our current dilemma. I am convinced that by applying equal amounts of ingenuity, productivity, and activity, we can cope with it, but not by retreating from it.

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## ARMS CONTROL

Mr. MUSKIE. Mr. President, the entire world was greatly encouraged last year by the first success of the Strategic Arms Limitation Talks — SALT — the ABM Treaty and the Interim Agreement on Offensive Weapons. Most of us have always known that the United States and the Soviet Union have a common enemy—the costly and dangerous arms race. Accordingly, we have sought to preserve a situation of mutual deterrence which guarantees our security while checking an arms race. Such arms control efforts consistent with our national security merit bipartisan Congressional support as well as the solid backing of the American people.

When President Nixon returned from Moscow last May with a signed arms control agreement, therefore, I publicly saluted his efforts and subsequently voted for the SALT accords in the Senate. I believed that the agreements, by limiting each side to two ABM sites and placing numerical restrictions on offensive weapons, would result in considerable dollar savings for this country while stabilizing the strategic arms competition between the United States and U.S.S.R. In sum, the superpowers seems to have indicated their intent to reduce the risk of nuclear holocaust and, in the words of the May 29 joint American-Soviet communique, "to contribute to the relaxation of international tension and the strengthening of confidence between states."

Since last May's accord, I have begun to doubt the Nixon administration's continuing commitment to arms control. These doubts were first raised when, in the wake of the signing of the SALT I agreement, Secretary of Defense Laird told the Congress that as a result of SALT I, the United States had to increase defense spending on offensive weapons, not reduce it. At the time, Secretary Laird said that it was imperative that we step up our spending for weapons systems not covered by the agreement. The double-think logic of the bargaining chip theory had evidently produced an arms control agreement that would serve to accelerate the arms race—not limit it.

In recent weeks, serious new doubts have been raised in my mind concerning the Nixon administration's commitment to curtail the arms race during its second term of office. First, there is the reported budgetary request by the Pentagon for fiscal year 1974 to put MIRV warheads on all 1,000 of our land-based Minuteman missiles. I certainly hope the White House will reject this request if the reports are true.

In 1970 when the administration was arguing for the initial deployment of a MIRV system, it was asserted that Soviet deployment of MIRV's was "imminent." At the time, I said that this was nonsense, an assertion subsequently borne out by fact. The simple truth is that we do not yet have any evidence that the Soviets have even tested, let along developed, a true MIRV capability.

I feel today just as I did in 1970 about land-based MIRV's—further deployments are unnecessary and potentially destabilizing. Moreover, further large-scale deployments at this time might be harmful to prospects for further progress at SALT.

There is further reason to be concerned about the Nixon administration's continuing commitment to arms control. Last November, the United States participated in the first round of SALT II talks in an uninspired and undirected manner. The quality of our participation—or rather nonparticipation—is lamentable. To be sure, it will not be easy to achieve a quick agreement on the complex problems that remain unsolved following SALT I. However, this does not reduce the importance of devoting the strongest possible efforts to solving those problems. As a result of our foot-dragging, there was precious little serious interchange between the American and Soviet negotiators in Geneva concerning limitations on MIRV's or anything else. Regrettably, the only concrete achievement to come out of SALT II thus far has been the creation of a four-man consultative commission to supervise past and future strategic arms agreements, a development called for in the SALT I accords.

A third disturbing sign is the Nixon administration's alleged decision to reduce the budget of the Arms Control and Disarmament Agency—ACDA—by one-third during the next fiscal year. Such a budget reduction can only reduce the agency's effectiveness and importance. The United States can hardly afford such a development, particularly with SALT II, Mutual and Balanced Force Reductions — MBFR — the Comprehensive Test Ban Treaty, and other urgent arms control matters on the agenda.

A fourth and related reason for concern may be the recent resignation of Ambassador Gerard Smith as Director of the Arms Control and Disarmament Agency and as our chief negotiator at SALT. A capable and effective public servant, Ambassador Smith was firmly committed to the cause of arms control and was an articulate advocate of this cause at SALT and in Washington. Some observers have suggested that his resignation as our chief arms control spokesman could be the result of policy disagreements with the White House or a possible indication that the Military Establishment is ascendant within the executive. I certainly hope that these suggestions are not true.

Finally, I am troubled by the administration's plan to separate the SALT delegation from the Arms Control and Disarmament Agency. During Ambassador Smith's tenure as our chief SALT negotiator, he simultaneously served as Director of ACDA. Now, the administration plans to have one person lead the U.S. delegation at SALT and another head the Arms Control Agency. This is an unfortunate and undesirable downgrading of ACDA which is likely to hamper the effectiveness of our SALT effort and make it more difficult for our SALT negotiating team to buck Pentagon pressures.

All of these developments are troubling me. We need an energetic and continuing effort on the part of the administration to curtail the arms race. SALT I was a good beginning—but it was only a beginning. We need to cut back military spending, not increase it. We need to limit strategic arms deployment, not expand it. We need to build up ACDA, not emasculate its budget. We need to give our SALT negotiators more authority and support, not less. In short, we need to build on SALT I for long-range arms reduction—and not use it simply as a rationale for complacency.

Mr. President, I ask unanimous consent that certain recent newspaper articles relating to my remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 5, 1973]

### ALEXIS JOHNSON IS EXPECTED TO REPLACE SMITH AS NEGOTIATOR ON STRATEGIC ARMS

(By Bernard Gwertzman)

WASHINGTON, Jan. 4—U. Alexis Johnson, the State Department's senior career officer, is expected to replace Gerard C. Smith as the head of the United States delegation to the talks with the Soviet Union on limitation of strategic arms, well-placed Nixon Administration officials said today.

The sources said that Mr. Johnson, who has served as Under Secretary of State for Political Affairs, would reportedly be made a special ambassador by President Nixon, but would not assume Mr. Smith's other job as Director of the Arms Control and Disarmament Agency.

The White House formally announced Mr. Smith's resignation from both his assignments today, but did not name his replacements. Administration officials said that a new director of the arms control agency had not been chosen and that the Administration had decided to curtail the activities of the agency sharply in the coming year.

#### BUDGET SLASH REPORTED

Last Wednesday, for example, the White House Office of Management and Budget informed the arms control agency that it would have to absorb a one-third cut in its projected $9-million budget for the next fiscal year, which begins July 1, officials said.

The budget cut shocked some agency officials who were informed on the same day that Mr. Smith was leaving the Government.

The reasons behind Mr. Smith's departure have already become a source of considerable discussion in the Government. Officially, he announced today that he was returning to private life to practice law in Washington and to help set up a "trilateral commission" of private citizens to promote relations between Japan, North America and Western Europe.

#### "SHABBY TREATMENT" CITED

Close associates of Mr. Smith said today that they believed that he would probably have stayed on in his agency if it had not been for what one called "the shabby treatment" he received from Henry A. Kissinger and President Nixon in Moscow after the signing of the first agreements limiting strategic weapons. According to the informants, Mr. Smith was irritated by two developments.

The first was the White House decision to keep him and the rest of his delegation in Helsinki for most of the week that Mr. Nixon was in the Soviet Union, instead of inviting them to join the talks in Moscow that concluded the agreements that Mr. Smith had negotiated for two and a half years.

The second involved the press briefings on the night agreements were signed.

There were two briefings that night. Mr. Smith attended the first and shorter one with Mr. Kissinger. A second briefing was held in a nightclub in the hotel in which the American newsmen were staying, and Mr. Kissinger conducted that one alone. Mr. Smith told associates later that he had been "disinvited" by the White House.

Mr. Smith was given minor responsibility in the weeks following the signing, when the Administration sought to get Congressional approval for the two accords—a treaty limiting each side to 200 antiballistic missiles and a five-year interim accord placing certain limits on offensive weapons.

For example, at a key briefing at the White House for leading senators and members of the House of Representatives, Mr. Smith was not invited to participate in the discussion in which Mr. Nixon and Mr. Kissinger participated.

The White House attitude, Mr. Smith's associates said, persuaded him that his work was not fully appreciated and he began to look to his own future.

#### OFFERS TO RESIGN

He told Mr. Nixon last fall before the election, that he wanted to resign at the end of the year, and Mr. Nixon prevailed upon him to lead the American delegation once more when the arms limitation talks began their second phase at the end of November in Geneva.

When the first round concluded last month, an official said, Mr. Smith told his Soviet opposite number, Deputy Foreign Minister Vladimir S. Semyonov, that he would not be returning when the talks resumed on Feb. 27.

It is not known how many of the other members of the American delegation will be retained for the next round of talks, which deal with the reduction and limitation of offensive strategic weapons.

#### OFFICIAL PRAISE FROM NIXON

A White House spokesman, Gerald L. Warren, read a statement from Mr. Nixon today praising Mr. Smith for what Mr. Nixon termed his central role in bringing about the arms accords.

Mr. Johnson, who is 64 years old, has held a variety of ambassadorial posts and is the only active Foreign-Service officer with the title Career Ambassador.

On Nov. 30, the White House announced that he would be replaced by William J. Porter, the chief negotiator at the four-party Vietnam peace conference in Paris. The White House said at that time that Mr. Nixon had asked Mr. Johnson to accept "a major new assignment commensurate with his special talents."

Mr. Johnson is regarded as a tough negotiator, and his appointment should be welcomed by legislators who have criticized the way the arms talks have been handled.

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[From the Washington Post, Jan. 5, 1973]

### MORE MIRV MISSILES SOUGHT

(By Michael Getler)

The Pentagon has recommended expansion of the U.S. Minuteman intercontinental ballistic missile force so that all 1,000 of the strategic missiles eventually can carry the highly accurate type of triple warhead known as MIRV.

For the past several years, the Defense Department had planned to put the MIRV (multiple independently targetable re-entry vehicles) warheads on 550 of the 1,000-missile Minuteman force. But in the fiscal year 1974 military budget request, which goes to Capitol Hill later this month, the Pentagon is recommending a start on a project that would allow eventual expansion of the force.

Military sources say the decision on approving the Pentagon recommendations now rests with the White House.

A favorable decision by the White House could have an important impact on the current second round of Strategic Arms Limitation Talks (SALT).

The United States is expected to press at these talks for some overall reduction either of the number of missiles carrying multiple warheads or of the number of individual warheads carried on each missile.

The Soviet Union has not yet flight-tested or deployed a MIRV similar to those in service aboard several hundred landbased U.S. Minuteman missiles and submarine-based Poseidon missiles. But the Soviet Union does have about 290 large missiles and about 90 silos for additional large missiles that might eventually carry MIRVs that are as powerful and as accurate as the U.S. version.

Thus, the U.S. move to expand the Minuteman MIRV force could be seen as a bargaining chip for the new round of arms limitation talks intended to make it worthwhile for the Soviet Union to agree to some multiple warhead limitation. Since it would obviously take several more years to deploy more than 550 MIRVed Minuteman missiles, some success at SALT II could possibly be achieved before new deployments were actually made.

At the same time a favorable White House decision on the Pentagon request also would keep the missile production line open.

A decision has to be made soon, Air Force officials have said, with respect to the future of the Minuteman program. Otherwise, production lines for the missiles' rocket motors would have to shut down soon and the cost of reopening them would increase if it were decided later to expand the force.

Currently, the United States has about 250 Minuteman III missiles, the version that carries the three-part MIRV warhead, operationally deployed in underground concrete and steel silos. The other 750 missiles are older Minuteman I and II versions. The original plan called for conversion of the older Minuteman I missiles in order to reach the full 550-missile Minuteman III force during fiscal 1974 which will begin July 1.

To go beyond 550, the Air Force would also have to convert the remaining 450 Minuteman II missiles to the Minutemen III configuration. This would involve replacing all three rocket motors on each missile, plus adding the MIRV warheads.

Eventually, the expense of such a project could run into billions of dollars, but the expenditure to get started during fiscal 1974 would be small, say Pentagon sources. This could improve chances for a White House go-ahead in the new budget.

The Soviet Union continues to lag well behind the United States deploying an accurate multiple warhead system. However, intelligence sources say that within the past several weeks the Soviet Union has test-fired for the first time a large new missile that appears to be destined for deployment in the 90 large silos constructed during 1971 and 1972.

The missile, however, apparently did not carry any MIRV-type warheads in these early tests, and it is still uncertain whether the Soviet Union has mastered the technique for putting several individual warheads on the top of a single missile and guiding each one accurately to a different target.

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### ARMS CONTROL: A BAD TIME FOR DISARRAY

(By Chalmers M. Roberts)

It now has been nearly 17 years since President Eisenhower appointed Harold Stassen to the post of Special Assistant to the President for Disarmament, with Cabinet status. In 1961 the job was institutionalized with congressional creation, at President Kennedy's request, of the Arms Control and Disarmament Agency. William C. Foster became head of ACDA and the chief negotiator, as well, on arms control measures. In 1969 President Nixon chose Gerard C. Smith to head ACDA and later to be the chief negotiator for the Strategic Arms Limitation Talks (SALT). Now, as the second Nixon term begins, Smith has departed by his own choice and the President has tapped U. Alexis Johnson to be the negotiator. No one has been announced as Smith's successor to head ACDA, a quasi-independent agency housed and supported by the State Department but with its own congressionally approved budget.

It is evident, in retrospect, that all the major decisions in the arms control field since the initial Baruch Plan in 1946 have been presidential decisions, but it also is evident that presidential choices have been circumscribed by the quality and extent of the bureaucratic machinery which has examined the problems and possibilities and thus, through various layers of the government, served up the options. Stassen, Foster and Smith all were effective, or ineffective, to the degree that they could establish an independent input from an office or an agency that was beholden neither to the diplomatic views of State, the military views of Defense, or the views of the White House staff.

It is for such reasons as these that the appointment of Alex Johnson has done more than raise eyebrows among those in and out of government, who concern themselves with arms control, above all with the SALT II negotiations which resume in Geneva for a second session on Feb. 27. Johnson is widely viewed as a temporary appointment. He suffered a heart attack a while back and his doctors have warned him against excessive work. For that reason, it appears, he turned down a Nixon offer to succeed Ambassador Bunker in Saigon. The top career man at State, Johnson is now 64. He has had only minimal acquaintance with the complex arms control issues.

The issues at SALT II are going to be very tough to resolve. Henry Kissinger, the generalissimo of SALT I here in Washington, has had no time for the problem because of Indochina and now his own continuation in the White House is uncertain. By all accounts, then, the U.S. is in a holding pattern on arms control and this is likely to last for some time. President Nixon's separation of the two posts of ACDA head and top negotiator adds an additional uncertainty.

It was widely believed when SALT II began that there would be no pressure from either Washington or Moscow for speedy new agreements. The interim pact on offensive weapons runs for five years and most people felt that not until about the fourth year would negotiations become intensive. But from what is now learned about the first go-round of SALT II this may not be necessarily true; indeed, a major opportunity for a key new phase in arms control just might be present, if the U.S. is prepared to grasp it.

This is because at the recent Geneva talks, all behind closed doors, the Soviet delegation expressed an interest in the control of multiple warheads, MIRVs. This came as a surprise to Smith and his delegation but there is no doubt that Moscow did indicate such an interest. It is true, however, that the other anticipated problems, notably the Moscow demand for limits on the American forward based systems (FBS) in any new agreement, were put forward by the Soviet side. But the Soviet talk of MIRV control added a new dimension to the meetings. At this first session neither side laid down any formal proposals.

Quite obviously the Kremlin interest in MIRV control must spring from the enormous American lead in such warheads though the Soviets are ahead in numbers of missile launchers and in throw weight of warheads. It would take some very difficult trade-offs to reach any form of MIRV agreement, and monitoring of such an agreement, beyond monitoring a ban on further tests, would be equally hard to achieve. But if there is no agreement, multiple warheads will be a major element in both arsenals.

Thus it appears this is a very bad moment for the American arms control establishment to be in such a state of disarray as the Johnson appointment, and the Kissinger situation, indicate it to be. Only President Nixon can change this state of affairs, although the Senate disarmament subcommittee of Foreign Relations could do some prodding.

The opportunity to control MIRVs is judged, at best, to be a long shot. But so were many other opportunities in past years that finally reached fruition through the perseverance of such men as Stassen, Foster and Smith. The U.S. can do no less than try—and there is currently no sign it is ready to do that.

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[From the New York Times, Jan. 16, 1973]

### MR. RICHARDSON'S TURN

(By Herbert Scoville, Jr.)

McLEAN, VA.—Deterrence, our sole protection from a nuclear attack or blackmail, requires not only sufficient retaliatory weapons to make the initiation of war inconceivable, but also a national attitude that leaves no doubt in the minds of both our potential foes and our allies that we will not submit to intimidation.

Although no one will ever know whether or not we would actually launch a retaliatory attack in any specific situation, an aggressor would be deterred from action if he were certain that he risked the complete destruction of his society. The Moscow ABM Treaty was a public acknowledgement by President Nixon and Secretary General Brezhnev that the security of the two major nuclear powers depends for the foreseeable future on mutual vulnerability.

Secretary of Defense Laird, however, has acted to destroy the credibility of our deterrent; will his successor, Elliot Richardson, reverse this course?

The U.S. now has more than 6,000 strategic nuclear weapons in its arsenals; about 4,000 of these are in ballistic missiles aboard submarines that are invulnerable to attack for the foreseeable future. This submarine missile force is backed up by more than 1,000 landbased ICBM's and nearly 500 intercontinental bombers. As a result of the ABM Treaty virtually all the missile warheads have a free ride to targets in the

Soviet Union. Can anyone question that such a force is more than enough to wreak havoc on the Soviet Union under any conceivable circumstances? Certainly this is a credible deterrent today; Soviet developments could not destroy this retaliatory capability in the next ten to twenty years even if the U.S. stood still.

But for the last four years, and even after the Moscow pact, we have been witnesses to a strange performance by our defense leaders. Instead of making clear to the world that the United States could never be vulnerable to nuclear attack, they have been belittling U.S. strengths and inflating Soviet threats.

Each year the refrain of inferiority swells in intensity as the military budget comes under review. Secretary Laird has preached a national security strategy of "realistic" deterrence while he defended his programs before Congress on the basis of unrealistic threats. In 1969, he decried the vulnerability of our Minuteman ICBM deterrent to large Soviet SS–9 missiles with MIRV's and said that warheads with a "footprint" covering Minuteman silos had been under test for a year; but three years later he is forced to admit that the first Soviet MIRV test may still be six to eight months in the future. Now as he makes his departure from the Pentagon scene he again refers to the momentum of the Soviet weapons program. At last he can report the first un-MIRV'ed test of a new SS–9 type ICBM which may go in the very large silos he was so alarmed about two years ago. However, as a result of SALT I, the Russians are limited to less than 40 of these so regardless of the number of MIRV's they might eventually carry they pose no danger to the Minutemen force.

Misleading depreciation of U.S. strategic strength might be ignored as the distortions of an overenthusiastic advocate of military power if it was harmless. But, unfortunately, it serves to undermine the very credibility of our deterrent. Can we be sure that our allies will recognize such statements for what they are, i.e., attempts to extract more funds from the Congress, or will they perhaps take them at face value, cease to rely on the U.S. nuclear umbrella, and procure their own nuclear weapons?

Might even the Soviets believe that they had a freer hand to make political capital out of such advertised U.S. weaknesses? At the very least we are increasing the chances that we will be subjected to nuclear threats and be more pliable to pressures. If we talk often enough about the dangers of numerical inferiority, we may come to believe that numbers of weapons are a realistic measure of strength. Numerical advantage has no military significance when both countries can wipe out the other many times over; it can only have a political meaning if our leaders give it one. Expressions of alarm can become self-fulfilling prophecies.

## THREE RESOLUTIONS PASSED BY THE DEMOCRATIC CONFERENCE ON JANUARY 11, 1973

Mr. MANSFIELD. Mr. President, I wish to call the attention of the Senate to three resolutions passed by the Democratic conference on Thursday, January 11, 1973.

As majority leader, I have been directed by the majority conference to communicate the contents of these resolutions to the leadership of the minority, to the chairmen of the standing committees, and in the case of the resolution concerning refusal of Cabinet and other officials to testify before Senate committees, also to the President of the United States.

I ask unanimous consent that copies of these resolutions be printed at this point in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

### PRIORITIES IN CONSIDERING LEGISLATION

Whereas, several measures enacted by the 92nd Congress, 2nd Session, were vetoed by the President after adjournment, thus precluding an opportunity to override;

Whereas, other measures passed by one House were not considered by the other;

Whereas, the Senate has responsibility to assert its concept of priority in the conduct of the continuing legislative business of the government:

Therefore, the Democratic Majority in the Senate resolves:

(1) That Senate Committees should consider initial legislative business, wherever feasible in the following order of priority:

(a) legislation vetoed in last session, notably legislation vetoed after adjournment;

(b) legislation held in Conference or passed by the Senate but not disposed of by the House;

(c) legislation passed by the House but not disposed of by the Senate;

(2) That the Leadership, in scheduling measures for consideration by the Senate, should be guided by the same concept of priorities as is proposed by this resolution to the Committees.

Resolved, further, that the Majority Leader is requested to communicate the text of this resolution together with lists of specific bills intended to be considered on this basis to the Chairmen of the Committees and to the Leadership of the Minority.

### RESOLUTION ON OPEN HEARINGS

Whereas, the people of the nation have a right to be informed on the conduct of their government;

Whereas, the proceedings of the Senate and of Senate Committees are the business of the people of the nation; and

Whereas, the Legislative Reorganization Act of 1970 amended the Committee procedures to provide additional public disclosure of Committee hearings and Committee actions.

Resolved by the Democratic Majority in the Senate:

(1) That the Senate Committees and the Senate should conduct their proceedings in open session in the absence of overriding reasons to the contrary;

(2) That whenever the doors of the Senate or of a Senate Committee are closed, a public explanation of the reasons therefor should be forthcoming, respectively, from the Joint Leadership or the Chairmen of the Committee;

Resolved, further, that the Majority Leader is requested to communicate the text of this resolution to the Leadership of the Minority and to the Chairmen of all Committees.

### REFUSAL OF CABINET AND OTHER OFFICIALS TO TESTIFY BEFORE SENATE COMMITTEES

Whereas, the Constitution of the United States, Article II, Section 2, vests the President with the power of appointment "by and with the Advice and Consent" of the Senate;

Whereas, on behalf of the Senate, Committees of the Senate are authorized to summon witnesses to appear and testify on the business of the Senate;

Whereas, appointed officials, subsequent to Senate confirmation, have refused on occasion to appear and testify before duly constituted Committees of the Senate:

Resolved by the Democratic Majority of the Senate:

(1) That a prerequisite to confirmation is the commitment of Presidential appointees to appear and testify before duly constituted Committees of the Senate in response to committee requests.

(2) That all Senate Committees bear a responsibility to determine, prior to confirmation, the commitment of Presidential appointees to comply with committee requests to appear and testify before Committees of the Senate:

(3) That Committee reports to the Senate on all cabinet designees and such other appointees as deemed appropriate should contain an evaluation of their commitment to respond to committee requests to appear and testify before duly constituted Senate Committees.

Resolved, further, that the Majority Leader is requested to report the adoption of this resolution to the Majority Conference and to communicate its contents to the Leadership of the Minority, to the Chairmen of the standing Committees and to the President of the United States and otherwise to seek cooperation in its executive.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. GRIFFIN). The nominations on the Executive Calendar will be stated.

## DEPARTMENT OF THE TREASURY

The legislative clerk read the nomination of William E. Simon, of New Jersey, to be Deputy Secretary of the Treasury.

Mr. MANSFIELD. Mr. President, I am in receipt of a copy of a letter to the Honorable RUSSELL B. LONG, chairman of the Committee on Finance, from William E. Simon, which reads as follows:

JANUARY 16, 1973.

DEAR MR. CHAIRMAN: Pursuant to our conversation regarding my availability to testify, let me assure you that if I am confirmed by the Senate, I will be available to testify with respect to any matters under my jurisdiction pertinent to my responsibilities as Deputy Secretary of the Treasury.

Sincerely yours,

WILLIAM E. SIMON,
*Deputy Secretary Designate.*

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Edward L. Morgan, of Arizona, to be an Assistant Secretary of the Treasury.

Mr. MANSFIELD. Mr. President, I have received a similar communication from Mr. Edward L. Morgan, which reads as follows:

JANUARY 16, 1972.

RUSSELL B. LONG,
*Chairman, Senate Committee on Finance, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to your request regarding my availability to testify, let me assure you that if I am confirmed by the Senate, I will be available to testify with respect to any matters under my jurisdiction pertinent to my responsibilities as Assistant

Secretary for Enforcement, Tariff and Trade Affairs, and Operations.

Sincerely yours,

EDWARD L. MORGAN,
*Assistant Secretary-Designate for Enforcement, Tariff and Trade Affairs, and Operations.*

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, may I say that following the hearings at which these two nominees were heard, the distinguished nominee of the President to be Secretary of HEW, Mr. Caspar Weinberger, appeared before the Finance Committee. The question was put to him about his desire to appear before committees and he answered wholeheartedly in the affirmative. These letters are put in only because the hearings were held before any action was taken by the Democratic conference.

Now, Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these two nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT of Pennsylvania. Mr. President, before we go back into legislative session, I want to thank the distinguished majority leader for bringing these appointments up at this time for confirmation. I hope that other appointments of the President can be acted on promptly. I know that is the wish of the distinguished majority leader. He has made that very clear.

The President, who will be inaugurated next Saturday, will need to have the benefit of his appointees in order to carry on the work of the Government. I have talked with a number of these appointees who are coming up for full confirmation and they have given me similar assurances that they will be glad to testify before committee, upon reasonable and seasonable notice, in accordance with their duties.

It is not expected that executive privilege will be an issue in many cases or even, probably, in any cases, as it has been invoked only three times in the past 4 years. There has been no change in the executive privilege concept in the reorganization of the executive branch. There has been no enlargement of the President's power, and those who are either Cabinet officers or counselors will be free to appear and testify.

In the one instance cited in which a Cabinet officer was unable to appear, the fact is that this occurred the Friday or Saturday before New Year's Day, in the case of the Secretary of State, who was then in the Bahamas, in the belief that nothing would happen on New Year's Day. He was notified to appear on Tuesday before the former Committee on Foreign Relations, which had not yet been reconstituted as a new committee under the new Congress, and he was unable to appear at that time. It was for that reason and for other reasons he cited, which included the fact that at that time he was not prepared to discuss negotiations with the other side.

So I think that may clarify the one instance in which executive privilege was not invoked but a delay in testimony was requested. I do this only to clarify the record and to thank the distinguished majority leader for his, as always, thorough cooperation with the administration whenever it is proper and is a part of his duty as the majority leader. We much appreciate it.

Mr. MANSFIELD. Mr. President, in response, may I say that I, too, appreciate the remarks of the distinguished Republican leader. I am glad that he has stated for the RECORD the situation as it affected the number of executive privilege proposals over the past 4 years and the reason why the distinguished Secretary of State, Mr. Rogers, did not find it possible to appear before the Committee on Foreign Relations in response to a request from that committee to discuss a most important subject in evidence at that time.

May I say that it goes beyond the Committee on Foreign Relations, because it is my understanding that other committees, including the Joint Economic Committee, under the chairmanship of the distinguished Senator from Wisconsin (Mr. PROXMIRE), on more than one occasion requested individuals in the appointive branch of the Government—in these instances, I believe, in the Department of Defense primarily—to appear before the joint committee of which he is the chairman. Sometimes they refused, for no reasons at all. Other times they said they would send up subordinates, and other times they were outright discourteous—in fact, contemptuous—in paying no attention whatever to a chairman of a committee representing Members of both Houses of Congress.

After all, the Constitution does say that this is a coequal branch of the Government. We are not subordinate, and so far as the Senator from Montana, now speaking, is concerned, we will not be subordinate.

In the Democratic conference last week, we did consider the advise-and-consent clause of the Constitution, which gives us the right to pass on confirmations and gives us the right, may I say, to summon Cabinet officers and other appointees to appear before committees so that we can get the information we need to be able to legislate intelligently. This is purely a Senate function, under the Constitution; so there should be no argument about that.

But we would hope—and I anticipate, without question—that when requests are made, reasonable requests, to appropriate officials downtown, they will appear before the appropriate committees of the Senate.

So far as executive privilege is concerned, I am delighted that the distinguished Republican leader pointed out that it has been invoked only three times. However, in contrast to the advice-and-consent power on the confirmation of Presidential appointees, which is in a pure constitutional area—there is absolutely no question about it—the question of executive privilege is in another area, a gray area of the Constitution. It does have precedent, I think extending from the time of George Washington, perhaps not quite that far back but I am informed that it goes back very far, probably to Jefferson, if not to the first President of the United States. It has grown and grown, and sometimes precedent accrues to itself a certain type of legal strength.

But the purpose of the executive agreement proposal which is now being considered—not in the Senate but in the Democratic policy committee and in the Democratic conference—is not to impinge upon the President's prerogatives; we recognize that there must be a certain amount of confidentiality. I do not believe any committee is going to insist unreasonably on this point, because even we, as Senators, must have a certain amount of confidentiality, just as Governors of States must have it and as Presidents must have it on occasion. But we would not like to see it get out of hand, get out of control; because if we are going to legislate intelligently, I repeat, we must have the necessary information from the sources we think are best prepared to furnish it to the committees.

In this respect, may I say that a week ago last Friday, the distinguished Republican leader and I, the distinguished assistant Republican leader, and the distinguished assistant Democratic leader attended a breakfast at the White House, at which time the President discussed his appointment of three new counselors. If my memory serves me correctly, he stated at that time that they would be available to appear before congressional committees unless there were privileged communications between them and the President. That, of course, is understandable.

Mr. SCOTT of Pennsylvania. The Senator is correct. And upon reasonable notice.

Mr. MANSFIELD. And upon reasonable notice.

So I would hope that this matter would not be looked upon as a political issue. The Senate, as an institution, is the thing which is closest to our hearts, and it is an institution of great dignity and decorum; but it is an institution which has been losing too much of its powers ever since the days of Franklin D. Roosevelt, and we have no one to blame but ourselves.

We want the Senate to be treated as equals, and we intend to do all we can to see that this balance is restored between the executive and the legislative branches of government. I am sure that both Democrats and Republicans can unite as Senators in behalf of the institution of which they are Members and in behalf of the constitutional precept of equality and balance between the legislative and the executive branches of government.

Mr. SCOTT of Pennsylvania. I thank the Senator. He is, of course, quite right as to the equality of responsibility and of powers and as to the importance of securing the attendance of those persons who are subject to confirmation and advice and consent. I believe the President has made clear his entire willingness to cooperate.

I believe the Senator will recall the story of President George Washington, who appeared before the Senate, and he was not pleased with his reception. He went back to the White House and said,

> That's the last time I'll talk to those people.

Mr. MANSFIELD. He used stronger language.

Mr. SCOTT of Pennsylvania. He did. General Washington, like most of our recent Presidents, had the ability to express himself in quite colorful language. I do not think too much was lost by that, except to history.

But it is important that reasonable notice be given. The President has made the point that a rule of reason governs, and it is not seasonable for a committee chairman to notify a Cabinet officer that he is going to make him come up here seven times in 7 days, to state an extreme instance. It would not be seasonable for a chairman to notify the press on Monday evening that he is demanding the appearance of a Cabinet officer on Tuesday morning. That comes under the heading of showboating and I am sure none of our Senators would indulge in that kind of awkward performance.

So what is needed is reasonable and seasonable notice, and what is needed is some tolerance on both sides, some understanding that while the presence of a Cabinet officer may add to the headlines many times an Assistant Secretary or Under Secretary may furnish the information in more detail than the Cabinet officer. But some Cabinet officers spend one-half or two-thirds of their time in certain seasons of the year testifying before two appropriations committees and the common complaint is that they are given too little time to get their work done. We, too, have too little time to get our work done and I think we understand the difficulty.

I am sure the distinguished chairman of the Committee on Foreign Relations would be the last to complain about short notice because the notice unfortunately given the Secretary of State before New Years called for him to be here on Tuesday. We members of the Committee on Foreign Relations were notified there would be hearings this Tuesday. I believe we got the notice last Friday. The chairman is in Caneel Bay and canceled the hearings. I do not understand how he, of all people, would condemn a Cabinet officer when the same notice was not adequate for him, since both of them are out of the country.

It is important that we not give up our prerogatives. We are a proud and touchy body. We are 100 prima donnas. We value the opportunity to be here almost beyond anything except life itself, and our wives at times. I used that collectively but each of us has only one wife; that is enough but never too much.

So I hope we will apply this rule throughout. The distinguished majority leader always does. He is fair and just. But I hope the chairmen of the committees will give appointees an opportunity to do their work, and stay out of the Post and Star-News except occasionally, to get the work done. That is the point I make.

Mr. MANSFIELD. I will agree with the distinguished Republican leader that we are all prima donnas in one sense or another in this Chamber. But more important is that under the Constitution we have the responsibility to advise and consent on appointees of the President of the United States. We should never lose sight of the fact that although this is perhaps a body of prima donnas, it is also a body of equals and that this institution is far more important than any one of us. Our main problem is to maintain the balance and equality between the executive and legislative branches of Government. We have given up too much of our constitutional power already.

I repeat that we have no one to blame but ourselves. However, if this institution keeps on going down and down and down, this Republic will not last long thereafter.

Mr. SCOTT of Pennsylvania. I thank the distinguished majority leader. I had not meant to speak further but I add one mild disclaimer, because I have such pride in the institution. I do not believe the institution is going down and down and down, because if it were, why is it that we have generated most of the candidates for the Presidency of the United States and are already generating, as our speeches indicate, candidates for the Presidency in 1976, and perhaps we again will be the mother of presidential candidates. I again take this opportunity in the beginning of the session to urge presidential candidates, whether the number is 10, 30, or 50, to give some time to the Senate so that we may be busy about asserting our prerogatives.

Mr. MANSFIELD. With that I agree.

## LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The Senate will now continue with morning business, with speeches limited to 3 minutes.

## ADDITIONAL STATEMENTS

### PROLONGING THE WAR IN VIETNAM

Mr. BROCK. Mr. President, I believe the article by David Lawrence, published in the January 15 issue of U.S. News & World Report, will be of interest to Senators. I ask unanimous consent that the text be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### WILL CONGRESS BE PROLONGING THE VIETNAM WAR?

(By David Lawrence)

Is Congress getting ready to impair the power of the President of the United States to conduct foreign policy?

The resolution which the caucuses of the Democrats of both the House and Senate have adopted would cut off funds for combat operations in Indo-China subject only to the release of American prisoners and arrangements for the safe withdrawal of U.S. troops. Such a step by Congress would be in complete disregard of the fact that the Commander-in-Chief cannot function efficiently if money is intermittently withheld.

The United States would, in effect, be trapped in an involuntary surrender to the enemy.

Never before in American history has the Chief Executive, while negotiating at a crucial time with the nation's adversaries, been deliberately prevented from doing so from a position of strength. For the Congress would, by supporting the resolution, be announcing that the United States is indifferent to its alliance with South Vietnam and is abandoning the fight hitherto waged to sustain the objectives set forth in the Southeast Asia Treaty, which affirms South Vietnam's right to independence.

American forces totaling more than a half million men have been in Vietnam, and a large number of lives have been sacrificed for the basic principles that prompted the United States to help a little nation resist invasion. Now, after several years of warfare and the build-up of a "Vietnamization" program which affords an opportunity for the South Vietnamese people to defend themselves, peace negotiations are in a critical stage. But the Democrats in Congress indicate that the Washington Government will have to pull out and that it doesn't matter what the subsequent consequences will be to Indo-China and other parts of Southeast Asia.

The merit of America's military aid to the people of South Vietnam has been widely recognized. Small nations particularly feel that it is a deterrent against further acts of aggression anywhere.

But now, in the middle of negotiations for a settlement, the position of the United States is being weakened. For members of the legislative body in Washington are demanding that, as soon as American prisoners of war have been released and our troops brought home, the U.S. must withdraw entirely from the conflict.

As the North Vietnamese listen to the broadcasts of what is happening in Washington, they are not encouraged to make any concessions but merely to arrange a cease-fire and send back the prisoners. Hanoi presumably believes that whatever political settlement it wishes can be imposed thereafter.

The idea of applying a limitation on the powers of the President of the United States as Commander-in-Chief of the armed services is one which will be debated at length. For the Constitution doesn't give Congress authority to interfere with a right of a President to handle relations with foreign governments or to carry out a military mission for which, as Commander-in-Chief, he has full responsibility.

When legislation seeking to order a suspension of funds for the Vietnam operation comes up for action, will the two houses of Congress pass or defeat it?

Many members think that a vote ostensibly to end the Vietnam war is "popular." But they overlook the possible effects that might follow and the larger wars that may ensue as crises arise and the President's hands are tied at the very time negotiations with other governments are actually taking place.

In other parts of the world, what Congress is considering could cause much apprehension. Thus, there are more than 289,000 American troops in Western Europe. These have been provided under the North Atlantic Treaty, ratified by the U.S. Senate. If Congress cuts off funds in disregard of the advice of the Commander-in-Chief, who deems the presence of our forces a necessity in the Vietnam area, would this not also meet with dismay among our friends in Europe?

Up to now, the United States has kept its pledges and has been faithful to its allies. In every war this country has held on until a satisfactory peace agreement has been reached.

Is Congress about to undermine the President's authority in negotiating with foreign governments? For if the diplomats of other nations think that the President of the United States doesn't speak for his own government and that Congress has the decisive voice in international relations, there will be a great deal of confusion around the globe as to where America really stands in world affairs.

The latest attempt in Congress to cut off funds at a fateful stage of the war could thwart the Presidents' efforts to get an effective peace settlement. The result could be more conflicts in Asia.

## APPOINTMENT OF DR. CARY AS ATTENDING PHYSICIAN, U.S. CAPITOL

Mr. CHILES. Mr. President, Senators and their colleagues in the other body have a long history of constructive concern, sometimes vigorously expressed and debated, for the health of our Nation and its people. I am very glad to announce for the RECORD this morning that the Nation, speaking through the Surgeon General of the U.S. Navy, has once again shown that it reciprocates this concern and wishes its Members of Congress the best of health.

I refer to the recent appointment as Attending Physician, U.S. Capitol, of Rear Adm. Freeman Hamilton Cary, an extraordinarily able and distinguished physician and one of Florida's truly outstanding adopted sons.

Dr. Cary, who was born and educated in Georgia, has had his home and practice in Orlando, Fla., serving with distinction on medical faculties and medical association boards in both States. He has received numerous professional awards and honors for his work, which has been specialized in heart disease. He is a fellow of the American College of Physicians, of the American Heart Association's Council of Clinical Cardiology, and of the American Board of Internal Medicine and its subspecialty board in cardiovascular disease. Dr. Cary and his wife, Sara Ellen, have eight children.

I am sure that Senators share my satisfaction in Dr. Cary's appointment and join me in welcoming him to Capitol Hill.

## SENESCENCE—THE INSIDE STORY

Mr. PERCY. Mr. President, a most interesting article dealing with what is commonly referred to as "sensility" came to my attention recently.

The article was written by Dr. Francis J. Braceland, senior consultant and chairman of planning and development at the Institute of Living in Hartford, Conn., and it appeared in the December 24, 1972, issue of the Hartford Courant magazine.

Mr. President, I commend Dr. Braceland's commentary on aging to the Senate, and ask unanimous consent that it be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SENESCENCE—THE INSIDE STORY

(By Francis J. Braceland, M.D.)

Early in my life I thought that someday I would write a disquisition entitled "unpleasant people and their unfortunate tendency to longevity." Now I am glad I did not for it might have proven autobiographical. Having moved well past the time the psalmist promised man was his allotted span. however, I am stimulated to tell it like it is on this side of the barrier.

While recognizing that years alone do not make men sages, any more than laying eggs makes hens judges of omelets, nevertheless in this era of the consumer I consider myself a consumer of all plans for the aged. White House and otherwise, and find also an itch to write about it—the itch to be relieved only by the scratching of a pen. Confessedly, I will not be an authoritarian observer of broad personal feelings of the elderly for thus far I have missed the little tragedies which mar the lives of most of them. Presently I remain healthy, am employed and still have my family and friends. The lack of any one of these cherished possessions, as we shall see, distresses aged people more than anything else.

I must confess that my retirement was a failure. After retiring from my administrative post, I took on five other jobs.

The scriptures, the writings of the Bard and of ancient sages and dramatists are full of references to aging, many of them lugubrious. Cicero, Terence and Sanctorious regarded old age as a disease; Seneca, and Samuel Johnson after him, regarded it as an incurable disease. Cicero, in fact, thought old age was caused by the vices of youth. Socrates, condemned to death at 70, preferred execution to old age which he said was "the sink into which all miseries flowed." De Gaulle considered old age a shipwreck—he probably had in mind Petain, the distinguished marshal who ruined his career and died in jail. One statement much more earthy about old age was made by a lady patient of Dr. Heaton; she summed it all up by saying, "It stinks."

Fortunately things are not quite as bad as the ancients painted them. Contemporary psychiatric gerontologists such as Robert Butler, Alvin Goldfarb, Berezin, Greenblatt and Charles Aring paint old age with a lighter brush, though growing old is still nothing to make merry about. Aring recently noted that much attention has been paid in the past to immortality than to evaluating and restructuring life in order to improve it. He observed that "no word in English stands for mere increase of years (that is for aging) without deterioration and decay, unless it is senescence." Senescence thus is defined as the collective process of becoming old; currently it is considered normal. The term, unlike "senility," is not pejorative.

#### CONFESSIO ET APOLOGIA

The physiologic changes that even those of us assumed to be in good condition manifest, while slight, are yet noticeable. Fatigue occurs a bit earlier, one's legs do not function as tirelessly as in earlier days, there are definite visual changes and a realization that it is not wise to drive on the highways at night. (I disagreed with my ophthalmologist and asked him why he was so sure that the world was not fuzzy; he just changed my glasses and that ended that.) Insomnia plagues many of us and our memories play tricks on us. Names earnestly sought in memory pop up long after the need for them has passed. (I now have a whole crop of names in my mind, but I forget to whom they belong.) One other little distressing thing I have noticed about myself is found in *As You Like It*. Act 2, Scene 3: "His big manly voice, turning again to childish treble, pipes and whistles in his sound." Well, that's happening to me, and I don't like it. I am, however, thus far free of the other losses mentioned in the "Last Scene of All."

Retirement is a bit of a shock even when you choose it yourself. Others sit at your desk and undertake duties which were yours. Routines established over the years are now broken. Wards you were possessive about are manned by others. Nurses who no longer rise when addressing you whisper *sotto voce* "Who's he?" And on several occasions on my own old wards, mind you, I was asked if I were a doctor! Yet life goes on seemingly just as well as before—maybe even better—without you.

Jokingly, it is said retirement is when you settle back and see which is collected first—pension, annuities, social security or you; but the retirement in itself takes some getting used to.

If we are at all sensitive, we can detect in ourselves a mild tendency to garrulity, an inclination to move into the spotlight despite our best resolutions. People do not seem to be interested in the perfectly wonderful stories we have amassed and are ready to tell whether occasion arises or not. In general, people (especially young people) are polite, but they escape at the first opportunity. All of most of the things we learned and stood for now are regarded as being out of date; even the substantial culture and spiritual things upon which our characters were built are called into question. One has to be careful lest he becomes known as an old crab. It is axiomatic that if you want to be a dear old lady or a pleasant old man you have to begin to practice when you are 17 and keep at it.

#### STATISTICS: DULL BUT NECESSARY

One is brought up short when he views the 1970 U.S. census figures. Four thousand Americans reach the age of 65 every day, and every day 3,000 persons over the age of 65 die. The net gain is thus 1,000. There are now 20 million Americans over the age of 65; they constitute 10 per cent of the population. In 1903 they were only three per cent of it.

Old people are not living longer, however, in fact no longer than those in 1700. It is the young people who, escaping illnesses formerly fatal, are living longer. Wilder Penfield summed up the situation well when he wrote: "Science has not changed these things. The span of life for those who escape its early perils is about the same today as when David played on his harp before King Saul."

A few other statistics from the same census are of vital interest to us here for they enter into the fabric of the lives of people who have emotional problems. One fourth of the over-65 families have incomes of $3,000 per year or less; the median is $4,966 though financial reports of older persons are often inexact. Health care expenditures for this group are reported to be three-and-a-half times as large as for those under 65. Medicare pays 40 to 43 per cent of the bill. Although aging begins at birth, perhaps before, men apparently do pretty well until the age of 45 when the differences between the sexes begin to show up. Apparently one-third more of the "weaker sex" reach the older ages.

The stereotype of old age which is abroad in this youth-oriented culture is of old, decrepit, infirm, querulous, poor, useless people, but over 95 per cent of older people do not conform to it. Less than five per cent require custodial care, and there is little if any reason for the general gerontophobia which is abroad in the land. By and large, a major proportion of the population sails on as if aging had brought little or no change. Others note slight changes internally as the engine begins to sputter and fatigue and illness begin to appear. The main influences which distress the elderly are external, mostly social, financial and emotional, as we shall see.

One can see as he gets older how men's lives are sharply influenced by external events. Generally men seem to sail along blissfully as if oblivious to age until or unless they are brought low by accident, acute illness or family tragedy. Some of these tragedies are devastating and almost too difficult to bear.

Loss of security (emotional, economic or both) is the lot of many individuals even in their forties and fifties, resulting in loneliness, despair, neglect and feelings of uselessness. All too often there seems to be no desire to strive and nothing to strive for; the individual feels alone and misunderstood in a gray no man's land. The rigidity assumed to be a landmark of old age is in part expression of the need to retain a world that used to be in which one had some self-respect. The rigidity is adopted as a defense against existential anxiety. Companions of a lifetime disappear from the lives of the elderly, reminding them of their own imminent dissolution: fear, rebellion, illness and despair are incited.

INTERNAL AND EXTERNAL CHANGES

We make a mistake, however, when we think of the elderly as a homogenous group. Some are rich, some are poor, some are sick and some are well. Most of them fall somewhere in between. Psychological and social pressures weigh heavily on all of them as they struggle to retain roles beyond their competence or positions denied them for other reasons. Sources of satisfaction evaporate yet their needs are as strong as ever and flow through channels cut long before.

The old person yearns for, needs and desires the same satisfactions as the young, differing not in quality though somewhat in degree. Yet the culture has a bias against their expression. What is virility at 25 is lechery at 65. "Ergo many older people are overwhelmed with guilt and feel pathologically oversexed." Actually sex in later years correlates strongly with sex in earlier years. It is a timeless drive throughout life, even in the 80s and 90s, especially if one's partner is alive.

PATHOLOGIC AGING: MILD AND EXTREME

That aging is not a uniform process affecting all men equally is obvious. The number of elderly individuals who have accomplished great things in later life is great enough to boggle the mind: Tolstoy, Goethe, Berenson, Titian, Tintoretto, on down to Grandma Moses. George Bernard Shaw found joy in being used for a purpose recognized as mighty before being thoroughly worn out and cast on the scrap heap. Becoming old gracefully, therefore, is essentially having accumulated experience and judgment whether intellectual or technical.

Acquiring or keeping these abilities, however, does not guarantee a calm or happy old age. Simone de Beauvoir writes of the outrageous and turbulent last days of Tolstoy's life, the jealousies and conflicts, the difficulties of his distracted psychotic wife and the tragic ending of this famous man. The same nightmarish happenings are to be found in other titans of art and literature for though great creative artists seem to find a divine spark that keeps them productive in their later years, under the externals there is often bitterness, resentfulness and pessimism. Any idea that old age is inevitably a period of calmness, tranquility and peace, a sort of perpetual picture of Whistler's mother, is a myth. Actually, stresses are greater in this period. There is less understanding, less than can be done independently to help the victim, and less accessibility to treatment than for any other age group.

Thus, even for the great ones who reach old age, consolations are meager. Like others of their age group, they are aware of an irrevocable course, and it is downward. Time seems to run out at an accelerated pace. All of one's accomplishments, degrees, acquisitions, medals and prizes become "things." The world cares little for them; in fact, the modern world, especially the young, dismisses most of them as worthless baubles. Young people are busy rearranging a world which they believe will be fair, just and idealistic. However, I fear saying too much about them for I realize that finding fault with young people has always been a pastime of the aged, assisting greatly in the circulation of their blood. The past is gone, the future is problematical for the senescent.

Until several decades ago, anyone over the age of 60 or 65 who showed emotional or mental symptoms was ipso facto regarded as being senile or arteriosclerotic although we were wrong often enough for us to learn better. The knowledge is only recent, therefore, that there is little correlation between the severity of the organic brain changes and the degree of mental and emotional difficulty which the older person shows in other words, some people who have definite organic change carry on in difficult business and social situations, while others, whose postmortem examinations show little organic change, have marked social and intellectual distress.

Complexes which lead to forgetting are just as active in old age as they are in other periods of life. The forgetting of proper names, for instance, is often due not only to lack of interest, but also to the fact that the memory is repressed some unconscious reason. There is definite difficulty in recall among this age group, however. It sometimes happens that old people are hospitalized because of disorientation, confusion and an apparent loss of retentive memory, looking for all the world as though serious organic brain changes are operative; yet under a program of attentive care and adequate stimulation, the failing faculties are soon restored. Thus even in senile dementia, which is presumably due to actual organic changes in the brain, psychosocial factors are of great importance.

Observers today are more and more impressed with the amount of depression we see even in the normal aging populace. This has, of course, numerous and varied causes. There may be predisposing constitutional factors, situational stress or various other hidden vectors, and it is often possible to arrest these depressions by means of psychotherapy, associated with physical treatment. Unfortunately, in the absence of a previous attack of this kind which would have alterted both doctor and family, the patient rarely comes to medical attention until well after the depression is established. Perhaps one of the most dramatic advances in modern psychiatry is the rapid and successful treatment of depressive disorders, even those in older age groups which looked for all the world like irreversible organic changes.

Some older patients perforce are impelled to draw into themselves, and this turning, unfortunately, often tends to fix attention on one's physical health and to slip easily into psychosomatic disorders. In some there is unconscious hope that through symptoms and suffering they will receive the sympathy and attention which otherwise would not be accorded them. Even elementary attention and psychotherapy are of help here, providing they are accompanied by real human interest.

The fear of being unable to care for one's self and of becoming a burden to others is a phobia ever present in the minds of many people, no matter how wealthy or powerful, because as a consequence of it they hazard social rejection and consequent loss of their own self-respect. Some rejection of the elderly is due to an unconscious fear that this will be the eventual lot of the rejector, the same fear that lies behind so much of the rejection of the mentally ill. Some of the social rejection has an esthetic basis for age sometimes brings with it a loss of social graces and various types of carelessness. These developments only serve to drive the individual more and more into self-centered, irritable and resentful modes of behavior.

SUICIDE INCIDENCE HIGHEST IN AGED

Suicide is the eleventh leading cause of death in the United States, and its incidence is highest in the aged. Depressed patients are often potentially suicidal. These gestures have been characterized as a kind of Russian Roulette in which the patient is prepared to gamble the chance of losing his life against the possibility that things will improve if he survives. (They often do.) Thus the possibility of suicide must always be kept in mind, especially in the depressed patient who sees no reason for going on and who has convinced himself that his departure would make life easier for others.

Just as all is not asthma that wheezes, all is not hopeless because a psychiatric condition is taking place in a person over the age of 65. The doctor's job is to see that older people receive searching medical and psychiatric examinations before final diagnosis and disposition are made. The all-inclusive wastebasket diagnosis of senility should be used sparingly. Older people do best in their own homes even if they prove to be a bit difficult, and the help and encouragement of the doctor is needed not only for the patient but also for the family. If the patient can definitely not be kept at home, then the general hospital and the private mental hospitals should be tried next.

Old people need evidence of real family life. They need a modicum of attention and a reasonably generous dose of being listened to. Efforts to keep them in contact with contemporary affairs are helpful; efforts to keep their lines of communication open are essential. Evidence of affection toward them are better than drugs. They need to know that they are still regarded as being in the land of the living.

A visit to a nursing home should strengthen the family's resolve to keep the patient home. The interminable boredom, the sitting, waiting for visitors who rarely come, make many of the nursing homes simply way stations to the cemetery. One woman in a Long Island home got dressed up every Sunday for 25 years awaiting a visitor, and her wait proved in vain.

TO RETURN TO THE PERSONAL

That is how the situation sizes up from the wrong side of the barrier. There is a befitting somberness to the recital, a realization that my warranty is nearly up. It is not depressing, mind you. I have had a wonderful ride and am ready for whatever comes. I earnestly hope, like all old folks, that I won't be a burden on anyone. I'm not even going to get lugubrious about that—I have too much faith. I'm certainly not in danger of mainlining Geritol in the near future.

I see that knowing how to live in these years and how to grow old is a master work of wisdom. It is a difficult chapter, but it can be accomplished. Holmes said that after 50 you can tell a man he is wise but you can't fool him by saying he is pretty. I have come to terms with that also.

James Thurber once said that with 60 staring him in the face he had developed inflammation of the sentence structure and hardening of the paragraphs. I'm busily trying to avoid that. I shall try to keep editing for a few more years and will keep quiet while I'm about the task. The last time I mentioned it the girls tried to assuage my fears by saying. "Don't worry Doctor, everybody here is going to pitch in and do your work, just as soon as we can find out what it is you have been doing."

In closing I leave you with a code I hope to follow. It is called "A Mother Superior's Prayer." Where and how I got it I don't know, but I've appropriated it because I like it, and I pass it on to you for your "Inside Story":

Lord, Thou knowest better than I know myself that I am growing older and will someday be old.

Keep me from getting talkative and particularly from the fatal habit of thinking I must say something on every subject and on every occasion.

Release me from craving to straighten out everybody's affairs. Keep my mind from the recital of endless details; give me wings to come to the point.

I ask for grace enough to listen to the tales of other's pains. Help me endure them with patience.

But seal my lips with my own aches and pains. They are increasing and my love of rehearsing them becomes sweeter as the years go by.

Teach me the glorious lesson that occasionally it is possible that I may be mistaken. Keep me reasonably sweet—I do not want to be a saint, some of them are so hard to live with—but a sour old woman is one of the crowning works of the devil.

Make me thoughtful but not moody, helpful but not bossy. With my vast store of wisdom it seems a pity not to use it all, but Thou knowest I want a few friends at the end.

## THE POWER CRISIS AND ENVIRONMENTAL PROTECTION

Mr. McGOVERN. Mr. President, Dr. Shu-t'ien Li, professor emeritus, South Dakota School of Mines and Technology, at Rapid City, S. Dak., has authored a thoughtful article on the energy crisis and its relation to environmental concerns.

His article, which appeared as a letter-to-the-editor of the Rapid City Guide, is being widely read in my State, not only for its thoughtful message, but because it represents an objective view of the situation we face in this country today.

Mr. President, I ask unanimous consent that the article by Dr. Li be printed at this point in the RECORD.

There being no objection, the Article was ordered to be printed in the RECORD, as follows:

### PROFESSOR EMERITUS EXPLAINS DIFFICULTIES IN COPING WITH A DUAL POWER CRISIS AND ENVIRONMENTAL PROTECTION

(By Shu-T'ien Li)

Electric power and its growth have become an absolute necessity in these United States to enhance the present standards of living, to improve the quality of life, and to sustain the future vitality.

Power has been the foundation of this nation's economic growth. The ever expansion of population, ever expanding use of electrical appliances, ever widespread building of rapid transit systems, ever more commitment to waste treatment, etc., all add to the demands for electric power to the urgency for environmental protection, and to the need for cleaner, better, and more efficient ways for power production.

All concerned should not let EPA alone upkeep the environment, if aggregate savings are to be achieved for the entire nation, for the power companies, and for the consumer-taxpayers. The best approach would need citizens' full awareness, should recognize litigation's adversities, must emphasize engineers' technological obligations, ought to note the effects of environmental protection costs, and could be a shift of priorities to unconventional power resources.

#### CITIZENS' AWARENESS

Any move to alleviate existing pollution and to preserve the environmental quality will necessitate additional burdens on the consumer-taxpayers. Today, government environmental protection measures cost enormous sums of the taxpayers' income tax. Power industry's pollution control expenditures will also eventually reflect in consumer-rate increase to keep a fair return.

Environmental protection, like wage-price control, has been initiated too late and costs too much. Had the general awareness of environmental preservation been embarked immediately after World War II, public opinion alone could have served an effective way to keep today's air and water clean without spending huge sums of the taxpayers' money to enforce environmental protection.

It is, thus, the citizens' anti-pollution effort that will prove much more economical than the building up of a costly government environmental protection bureaucratic system. The stronger the citizens' antipollution effort, the less extensiveness will be needed in government effort. The more indifference on the part of the citizens about pollution control, the more will cost them in tax money as well as in the ultimate consumer prices.

#### LITIGATION'S ADVERSITIES

Environmental issues can be, and should be, settled with due reference to the National Environmental Policy Act of 1969 through meeting of the minds of the experts of EPA and the concerned power company without resorting to litigation. Any litigation in such issues will result in unnecessary burdens to the consumer-taxpayers.

As an outstanding example, reference may be made to the enforcement action of EPA against the Florida Power and Light Co. concerning its Turkey Point plant near Homestead. According to EPA Assistant Administrator for Enforcement and General Counsel, John R. Quarles, Jr., the Federal Government had spent between $1 and $2 million and, at one time, had as many as 60 persons working on that case, which was in litigation for a year and a half before being settled in September 1971. The company must have spent a more or less compatible sum. It still resulted in an abatement program approved by the Court, requiring company expenditures of about $35 million to mitigate the environmental damage, though not complete elimination.

Why can't engineers of both EPA and the company settle the problem to save government and company litigation expenses and their time? Why should technical issues be fostered into legal issues? The writer advocates "avoiding litigation" for the best interests of the government, the power companies, and the consumer-taxpayers.

#### ENGINEERS' TECHNOLOGICAL OBLIGATIONS

All power engineers should exercise their utmost effort and ingenuity in designing new plants or in backfitting existing plants to incorporate the most economical and efficient features for environmental protection. In new plants, in particular, the first vital issue is to formulate siting criteria and select the best site accordingly, to minimize future environmental problems. It must be recognized that the normal operation of a power plant can generate air, water, and thermal pollution—all should be reduced to the minimum possible under the light of present available technology, not merely meeting the stipulated requirements set by EPA.

In the area of air pollution, emission of particulate matter, sulfur dioxides, nitrogen oxides, and certain trace metals into the atmosphere must be reduced to a degree that will not do the least harm to human living in particular and ecology in general. Some of the polluting emissions can be reduced to levels permitted by Federal standards through conversion to better fuel sources. The rest may require installation of pollution control equipment such as electrostatic precipitators, wet scrubbers, and bag houses. The technology of wet scrubbers, especially in their effectiveness, their dependability, and their costs, lends opportunity for the power engineers to bring them to perfection.

As indicated in the New Source Performance Standards promulgated by EPA in 1972, the removal of sulfur dioxides constitutes a rather difficult problem. Estimates show that as much as 150 million metric tons of sulfur dioxides are emitted to the world atmosphere each year, of which 70 per cent is directly linked to the fossil-fuel combustion. There are two ways to achieve major reduction in sulfur-oxide emissions: (1) using the low-sulfur fuel wherever its limited supply is available, and (2) eliminating the sulfur through emission control technology before it leaves the stack. Although the latter does not represent an easy problem, it offers a good challenge to the ingenuity of power engineers.

The largest single source of sulfur oxide pollution is coal combustion. Some major representative U.S. coals can be treated with aqueous ferric solution to remove 40 to 75 per cent of the sulfur content through near quantitative oxidation of the pyritic sulfur contained in the coal matrix, and to recover elemental sulfur and iron sulfate as products of the reaction. Such a system of desulfurization of coal, when fully developed, will offer high potential for the economic abatement of sulfur oxide pollution.

In power generation, water pollution is in general associated with thermal pollution. The return of large amounts of cooling water to the natural streams, or lakes, or estuaries, can generate a thermal load high enough to be disruptive or destructive to a fragile aquatic environment. To protect the interests of power companies, it is good practice to establish an effective monitoring system to detect the degree of thermal pollution. As soon as the returned cooling water reaches the verge of causing damages to the water environment, plans for offstream cooling should be inaugurated.

#### ENVIRONMENTAL PROTECTION COSTS

Environmental protection, because of its late start, cannot be cheap. Besides the huge government budget for its jurisdiction, there are company costs and consumer costs.

According to John R. Quarles, Jr., the total investment by the electric power industry to meet environmental requirements will be $10.7 billion between 1972 and 1976. It could reach $17.8 billion by 1976 depending on requirements for back-fitting. Of course, the costs will vary widely from region to region. It is estimated that pollution control costs by 1976 will range from 2.8 to 10.65 per cent of 1970 revenues.

The additional cost for environmental protection will eventually be reflected in the bills to be paid by industrial and residential consumers. Because, traditionally, the cost of power occupies an insignificant part of the final products, except a few special industries, the impact on the price of manufactured goods will not be too pronounced. However, the average residential consumer would find his annual electricity bill in 1976 from $4.50 to $17.50 higher than it would be without any environmental protection, according to Quarles.

In a democratic republic, recognizing that the U.S. Congress had enacted the National Environmental Policy Act in 1969 and the

Clean Air Act in 1970, there leaves no doubt that they had reflected the citizens' desire to protect the environment. What remains is to carry it out in the best way possible and let the consumers pay the final bill in their living costs and sustain the government environmental protection cost through taxes.

### UNCONVENTIONAL POWER SOURCES

Practically all the present environment-versus-power issues are the result of predominant use of conventional fossil-fuel or diesel fired generating plants or of increasing use of nuclear power, though the latter is much cleaner. The development of hydroelectric power which is inherently clean, has not yet exhausted available water power potentials.

Aside from an initial attempt in coal gasification, there is not the least effort by the federal government and industry to develop clean, non-wasteful energy sources. Vast solar power remains untapped. Wind power remains unharnessed. Tidal power remains undeveloped. Fusion power remains unutilized. Despite that some research and development has been introduced in magnetohydrodynamic and fuel-cell energy sources in connection with the space program or otherwise, no substantial effort has yet been made toward their application for mass power production.

All these clean and nonwasteful energy sources, if economically harnessed and developed, will not only remove the scene of energy crisis but also provide almost unlimited energy resources. They are certainly the electric power sources for tomorrow if not today.

### CONCLUDING REMARKS

Realizing that electrical power has been the backbone of American industry, the basis for keeping up the standards of living for the citizens, and the foundation for continued economic growth, all concerned must be aware of the impossibility for decreasing the use of power, nor is it possible to stabilize the growth of power, nor is it tolerable to leave the environment unprotected, nor is it good practice for the environmentalists suing polluters or for EPA suing power companies. The dual issue cannot escape from supplying the expanding need for power and from an accelerated environmental protection.

Basically, there is a need to develop citizens' full awareness, to instill an environmental ethic among power companies, to foster power engineers' capability to overcome the technological problems associated with clean power, and to embark farsighted new policies for developing, harnessing, and utilizing the unlimited clean, non-wasteful solar, wind, tidal, and fusion power sources.

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## FREEZE ON HOUSING COMMITMENTS

Mr. JAVITS. Mr. President, during the last several weeks, the administration has announced that no further commitments will be made in a large number of housing and related programs affecting both rural and urban areas. These include all subsidy programs and most community development programs. I feel very strongly that this "hold" is most harmful to the efforts that have been made over the last few years adequately to house the people of the Nation and Congress must act to move ahead on effective action to solve this dilemma.

I ask unanimous consent that the statement I made on this problem on January 9, 1973, and an excellent editorial from the New York Times today, commenting on the subject, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

### Javits Statement on Housing "Holds" Announced by HUD Secretary Romney

Washington.—The announcement by HUD Secretary Romney of temporary holds on many areas of the federal housing programs is disturbing. In each case, it appears that the holds threaten housing for those most deprived economically and endanger programs which have been effective with no replacement programs in sight. I must ask: "How long is temporary? As of now, there is no answer."

It strains credulity under these circumstances to assert that there is enough money in the pipeline to maintain subsidized housing starts in FY '74 (which does not begin until July 1, 1973) at the same levels as those of FY '72 and FY '73.

The temporary holds on open space, water and sewer, public facilities loans, urban renewal and model cities are also deeply distressing. These are, after all, community development programs. I will, and I believe other members of Congress should, press the Administration to announce what programs will fill the vacuums which could follow Secretary Romney's announcement. It seems to herald the beginning of a community non-development program.

It is imperative that the Congress quickly review all these programs and determine whether they should be continued, modified, or halted or that Congress may insist that they not be dismantled by "holds" or any other device. Considering the crisis of the cities these programs demand a national priority without "holds."

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[From the New York Times, Jan. 16, 1973]

### Housing Freeze

The Administration's decision to freeze new Federal commitments to subsidize construction of low and middle-income housing has drawn strong protests from home builders, mortgage lenders, state and local officials, and Democratic Congressmen. But the real hardship resulting from the cutoff will be to families of low and moderate-income hoping to find decent places to live that they can afford.

This is the central point that George Romney, the retiring Secretary of Housing and Urban Development, ignored in declaring that the protest of builders "just goes to show you how quickly people can feel deprived if their pipelines to the public treasury are affected in any way." The Administration has apparently thought of the major programs of housing assistance—the home ownership and rental assistance programs—as essentially a device for turning on or turning off the fiscal pump to the building industry. To check inflation, it is now turning off the pump.

But these programs have done more to provide decent housing for low-income people than any legislation in the country's history. The Housing Act of 1968 set high goals for the nation—26 million homes to be constructed over the decade 1969–1978, with six million units to be built for low-income people through Federal assistance.

The performance has fallen short of that goal, but has still been excellent by all historical standards. Housing starts have averaged over two million per year since 1969, and of the eight million units built, one and a half million have been for low-income families. By the early part of the next year, when the housing funds still in the pipeline run out, another 250,000 assisted units will have been built. But thereafter, unless the Administration's actual is reversed, the effect on low-income housing in New York City and other major population centers will be severe. It should not be supposed, however, that the freeze on new funding for housing and other public facilities will only hurt center cities; suburbs and smaller towns will also be hurt, and so will rural areas.

The Administration's chief excuse for the freeze is that the program has been a mess of scandals and corruption. Admittedly, there have been serious instances of fraud and poor administration—which Secretary Romney appears to think as the fault of everybody except his own department in Washington—but the scope of those scandals, deplorable as they are, should not be exaggerated. Even less should it be used to impugn the value of the entire program.

There is every justification for experimenting with new approaches to improving the housing of the poor and near-poor. More should be done to test the value of housing allowances to individual families as an alternative or supplement to subsidized construction. Housing allowances may help to avoid some of the greatest problems that existing low-income housing has encountered—especially the problem of site selection, when established communities resist the incursion of black or other low-income groups. And much more attention needs to be paid not just to housing construction itself but to the larger problem of neighborhood decay. Decent housing will soon rot in a rotting slum, as recent experience in the South Bronx has again demonstrated.

With all the faults of existing housing and urban development programs, however, it makes no sense to throw out a program that has done so much to help low-income families when nothing at all is being provided to take its place.

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## PRESIDENTIAL MONARCHY?

Mr. CHURCH. Mr. President, the noted and erudite historian, Arthur Schlesinger, Jr., has written an essay on the shaky state of constitutional government in our land.

Schlesinger writes:

> Today President Nixon has equipped himself with so expansive a theory of defensive war, that he can freely, on his own initiative, without a national emergency, as a routine employment of Presidential power, go to war against any country containing any troops that might in any conceivable circumstance be used in an attack on American forces. Hence the new cogency of (President) Lincoln's old question: "Study to see if you can fix any limits to his power in this respect."

This is the basic theme, I submit, for the 93d Congress—retrieving lost powers long ago given up and asserting rightful constitutional powers long ago laid dormant.

I ask unanimous consent that Professor Schlesinger's article entitled "Presidential War: 'See If You Can Fix Any Limit to His Power,' " from the New York Times Sunday Magazine, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Presidential War

### "See if You Can Fix Any Limit to His Power"

(By Arthur Schlesinger, Jr.)

(Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect. . . . If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us" but he will say to you "be silent; I see it, if you don't."—ABRAHAM LINCOLN to W. H. HERNDON, Feb. 15, 1848)

"Study to see if you can fix *any limit* to his power"—when he thus advised his friend Herndon, Congressman Lincoln of course had President Polk in mind. Yet by contemporary standards Polk would be in the clear. He had meticulously observed the constitutional forms: he had asked Congress to declare war against Mexico, and Congress had done so. But the situation Lincoln imagined a century and a quarter ago has now come much closer to the fact. For war at Presidential pleasure, nourished by the crises of the 20th century, waged by a series of activist Presidents and removed from processes of Congressional consent, has by 1973 made the American President on issues of war and peace the most absolute monarch (with the possible exception of Mao Tse-tung of China) among the great powers of the world.

President Nixon did not invent Presidential war, nor did President Johnson. In their conceptions of Presidential authority, they drew on theories evolved long before they entered the White House and defended in general terms by many political scientists and historians, this writer among them. But they went further than any of their predecessors in claiming the unlimited right of the American chief executive to commit American forces to combat on his own unilateral will; and President Nixon has gone further in this respect than President Johnson.

In 1970, without the consent of Congress, without even consultation or notification, President Nixon ordered the American ground invasion of Cambodia. In 1971, again without consent or consultation, he ordered an American aerial invasion of Laos. In December, 1972, exhilarated by what he doubtless saw as an overwhelming vote of personal confidence in the 1972 election, he renewed and intensified the bombing of North Vietnam, carrying it now to such murderous extremes as to make his predecessor seem in retrospect a model of sobriety and restraint—all this again on his personal say-so. And so assured and confirmed does President Nixon now evidently feel in the unilateral exercise of such powers that he does not bother any longer (as he did for a moment in 1970) to argue the constitutional issue. If he should now choose to say he thinks it necessary to invade North Vietnam in order to prevent the North Vietnamese from attacking American troops, how can anyone stop him? Congress might see no threat in North Vietnam to the security of the United States, but: "Be silent; I see it, if you don't."

How have we reached this point? For throughout American history Presidents have acknowledged restraints, written and unwritten, on their unilateral power to bring the nation into war. The written restraints are to be found in the Constitution; the unwritten restraints in the nature of the democratic process. Why, after nearly two centuries of independence, should there now seem to be no visible checks on the personal power of an American President to send troops into combat?

This was plainly not the idea of the Constitution. The provision in Article I, Section 8, conferring on Congress the power to declare war was carefully and specifically designed to deny the American President what Blackstone had assigned the British King—"the sole prerogative of making war and peace." As Lincoln went on to say in his letter to Herndon, it was this power of kings to involve their people in wars that "our [Constitutional] Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that *no one man* should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where Kings have always stood."

How did we get from Lincoln's *no-one-man* doctrine to the position propounded by President Johnson in 1966: "There are many, many who can recommend, advise, and sometimes a few of them consent. But there is only one that has been chosen by the American people to decide"? The process of placing our Presidents where kings had always stood has been gradual. In the early 19th century most Presidents respected the role of Congress in decisions of war and peace against sovereign states. Even a President like Jackson, otherwise so dedicated to enlarging the executive power, referred the recognition of the Republic of Texas to Congress as a question "probably leading to war" and therefore a proper subject for "previous understanding with that body by whom war can alone be declared and by whom all the provisions for sustaining its perils must be furnished." Polk may have presented Congress with a *fait accompli* when he provoked a Mexican attack on American forces in disputed terrtiory, but he did not claim that his authority as Commander in Chief allowed him to wage war against Mexico without Congressional authorization (*cf.*, President Nixon explaining why such authorization was not required for his invasion of Cambodia; he was only meeting his "responsibility as Commander in Chief of our armed forces to take the action I consider necessary to defend the security of our American men").

In the course of the 19th century, however, the Congressional power to declare war began to ebb in two opposite directions—in cases where the threat seemed too trivial to require Congressional consent and in cases where the threat seemed too urgent to permit Congressional consent. Thus, many 19th-century Presidents found themselves confronted by minor situations that called for forcible response but appeared beneath the dignity of formal Congressional declaration or authorization—police actions in defense of American honor, lives, law or property against roving groups of Indians, slave traders, smugglers, pirates, frontier ruffians or foreign brigands. So the habit developed of the limited executive employment of military force without reference to Congress. Then in the early 20th century McKinley and Theodore Roosevelt began to commit military force without Congressional authorization not only against private groups but against sovereign states—McKinley in China, T.R. in the Caribbean. Since Congress agreed with most of these uses of force, it acquiesced in initiatives that soon began to accumulate as formidable precedents.

As far as cases where the threat seemed too urgent to permit the delay involved in summoning Congressmen and Senators from far corners of a sprawling nation, this was a possibility that the framers of the Constitution themselves had envisaged. Madison had thus persuaded the Constitutional Convention to give Congress the power not to "make" but to "declare" war in order to have the executive "the power to repel sudden attacks." Given the hazards and unpredictabilities of life, no sensible person wanted to put the American President into a constitutional straitjacket. No one wrote more eloquently about the virtues of strict construction than Jefferson. Yet Jefferson, who was at bottom a realist, also wrote: "To lose our country by a scrupulous adherence to written law, would be to lose the law itself, with life, liberty, property and all those who are enjoying them with us; thus absurdly sacrificing the ends to the means. . . . The line of discrimination between cases may be difficult; but the good officer is bound to draw it at his own peril, and throw himself on the justice of his country and the rectitude of his motives." In other words, when the life of the nation is at stake, Presidents might be compelled to take extraconstitutional or unconstitutional action. But, in doing so, they were placing themselves and their reputations under the judgment of history. They must not believe, or pretend to the nation, that they were simply executing the Constitution

So when Lincoln in the most dreadful crisis of American history took a series of actions of dubious legality in the 10 weeks after the attack on Fort Sumter, he fully recognized what he was doing and subsequently explained to Congress that these measures, "whether strictly legal or not, were ventured upon under what appeared to be a popular demand and a public necessity; trusting then as now that Congress would readily ratify them." Though he derived his authority to take such actions from his constitutional role as Commander in Chief, he was always conscious of the distinction between what was constitutionally normal and what might be justified only by a most extraordinary emergency. "I felt that measures, otherwise unconstitutional," he wrote in 1864, "might become lawful by becoming indispensable to the preservation of the Constitution, through the preservation of the nation."

So, too, when Franklin Roosevelt in our second most acute national crisis took a series of actions designed to enable England to survive against Hitler, he obtained in the case of the destroyer deal not only a favorable interpretation of a Congressional statute but the private approval of the Republican candidate for President, he went to Congress. In the case of his North Atlantic "shoot-at-sight" policy, though the threat to the United States from Nazi Germany could be persuasively deemed somewhat greater than that emanating 30 years later from Cambodia or Laos, and though his commitment of American forces was far more conditional, Roosevelt did not claim in the Nixon style that he was merely meeting his responsibility as Commander in Chief. Knowing that Congress, which would renew Selective Service by a single vote in the House, would hardly approve an undeclared naval war in the North Atlantic, Roosevelt in effect, like Jefferson and Lincoln, did what he thought was necessary to save the life of the nation and, proclaiming an "unlimited national emergency," threw himself upon the justice of his country and the rectitude of his motives. Since the Second World War there have been only two emergencies requiring immediate response. In the first, Harry Truman, confronted by the North Korean invasion of South Korea, secured a mandate from the United Nations; in the second, John Kennedy, confronted by Soviet nuclear missiles in Cuba, secured a mandate from the Organization of American States.

Only Presidents Johnson and Nixon have made the claim that inherent Presidential authority, unaccompanied by emergencies threatening the life of the nation, unaccompanied by the authorization of Congress or of an international organization, permits a President to order troops into combat at his unilateral pleasure. President Johnson, it is true, liked to tease Congress by flourishing the Tonkin Gulf Resolution. But he did not really believe, as he said in an unguarded moment, that "the resolution was necessary to do what we did and what we're doing." President Nixon has abandoned even that constitutional fig leaf. William Rehnquist, then in the Department of Justice and later elevated to the Supreme Court as what President Nixon hilariously called a strict-constructionist appointee, said on behalf of his benefactor that the invasion of Cambodia was no more than "a valid exercise of his constitutional authority as Commander in Chief to secure the safety of American forces." One somehow doubts that if Brezhnev used the identical proposition to justify the invasion of a neutral country by the Red Army, it would be received with entire satisfaction in Washington. Today President Nixon has equipped himself with so expansive a theory of the powers of the Commander in Chief, and so elastic a theory of defensive war, that he can freely, on his own initiative, without a national emergency, as a routine employment of Presidential power, go to war against any country containing any troops that might in any conceivable circumstance be used in an attack on American forces. Hence the new cogency of Lincoln's old question: "Study to see if you can fix *any limits* to his power in this respect."

In short, President Nixon has effectively liquidated the 11th paragraph of Article I, Section 8 of the Constitution. He has thereby removed the most solemn written check on Presidential war. He has sought to establish as a normal Presidential power what previous Presidents had regarded as power justified only by extreme emergencies and to be used only at their own peril. He does not, like Lincoln, confess to doubts about the legality of his course, or, like Franklin Roosevelt, seek to involve Congress when such involvement would not threaten the life of the nation. Nor has his accomplishment been limited to the exclusion of Congress from its constitutional role in the matter of war and peace. For he has also taken a series of unprecedented steps to liquidate the unwritten as well as the written checks on the Presidential war power.

What are these unwritten checks? The first is the role of the President himself. President Nixon has progressively withdrawn from public scrutiny. He was an invisible candidate in the 1972 campaign, and he promises to be an invisible President in his second term—invisible on all but carefully staged occasions. Franklin Roosevelt used to hold press conferences twice a week; President Nixon holds them hardly at all and has virtually succeeded in destroying them as a regular means of public information. As William V. Shannon of The Times has written, he "has come as close to abolishing direct contact with reporters as he can." Even on matters of the highest significance he declines to expose himself to questioning by the press. Consider, for example, the Indochina peace negotiation. Does anyone suppose that if this had taken place in the previous Administration President Johnson would have trotted out Walt Rostow to discuss it with the media? Can anyone imagine Presidents Kennedy or Eisenhower or Truman dodging their personal responsibility in such momentous matters? Does anyone recall Franklin Roosevelt returning from a wartime summit, asking Harry Hopkins or Admiral Leahy to explain it all to the press? Yet we have acquiesced so long in the Nixon withdrawal from Presidential responsibility that virtually no surprise is expressed when on such occasions he repeatedly retreats behind Dr. Kissinger (who, for his part, is permitted to undergo searching interrogation by Oriana Fallaci, but not by the Senate Foreign Relations Committee). Moreover, President Nixon, by flinching from press conferences, not only deprives the American people of opinions and information to which they are surely entitled from their President but deprives himself of an important means of learning the concerns and anxieties of the nation. Obviously, he simply does not recognize much in the way of Presidential accountability to the people. As he recently put it: "The average American is just like the child in the family." And, presumably, father knows best.

A second check on Presidential war-making has often come from the executive establishment. Genuinely strong Presidents are not afraid to surround themselves with genuinely strong men and on occasion cannot escape the chore of listening to them. Historically, the Cabinet, for example, has generally contained men with their own views and their own constituencies—men with whom the President must in some sense come to terms. Lincoln had to deal with Seward, Chase, Stanton and Welles; Wilson with Bryan, McAdoo, Baker, Daniels and Houston; Roosevelt with Stimson, Hull, Wallace, Ickes, Biddle and Morgenthau; Truman with Marshall, Acheson, Byrnes, Vinson, Harriman, Forrestal and Patterson. But who in President Nixon's Cabinet will talk back to him—assuming that is, they could get past the palace janissaries and into the Oval Office? The fate of those who have tried to talk back in the past is doubtless instructive: Where are Messrs. Hickel, Romney, Laird and Peterson now? In his first term, President Nixon kept his Cabinet at arm's length; and in his second term he has put together what, with one or two exceptions, is the most anonymous Cabinet within memory, a Cabinet of clerks, of compliant and faceless men who stand for nothing, have no independent national position and are guaranteed not to defy Presidential whim. Most alarming of all in connection with Presidential war has been the deletion, so far as high policy is concerned, of the Department of State. In short, President Nixon, instead of exposing himself to the tempering influence of a serious exchange of views within the Government, has organized his executive establishment in a way to eliminate as far as humanly possible internal question or challenge about his foreign policy. And to complete his insulation from debate, the President does not even tell most of his associates what he intends to do.

A third check in the past has come from the media of opinion—from the newspapers and, in more recent years, from television. With all its manifest imperfections, the American press has played an indispensable role through our history in keeping government honest. President Nixon, however, not only hides himself from the press and television, except on elaborately controlled occasions, but has launched a well-orchestrated campaign to weaken the mass media as sources of information and criticism.

He has tried a variety of methods—prior restraint on the publication of news; Vice-Presidential denunciations of erring newspapers and reporters; proposals to condition the renewal of television licenses on the elimination of anti-Administration material from network programs; subpoenas to compel reporters to surrender raw notes; even jailing newspapermen who decline to betray confidential sources to grand juries—this last a practice which would not be constitutional had it not been for the Nixon appointments to the Supreme Court.

The Nixon Administration has tried to justify such actions by complaining that it has been the target of exceptional persecution by the media. Why it should suppose this is hard to fathom. Not only has 80 per cent of the press backed Mr. Nixon in two elections, but the Presidency has supreme resources of its own in the field of communications, and no previous President has used them more systematically. In his relationship to he media, President Nixon can hardly be described as a pitiful, helpless giant. No President enjoys criticism, but mature Presidents recognize that, however distasteful a free press may on occasion be, it is, as Tocqueville said long ago, "the chief democratic instrument of freedom" and that in the long run government itself benefits from a healthy adversary relationship. But this is clearly not President Nixon's view. If his Administration has its way, the American press and television will become as compliant and as faceless as the President's own Cabinet.

Still another check on Presidential war has been a President's concern for public opinion. Here again, President Nixon differs sharply from his predecessors. He explained his peculiar idea of the role of public opinion in a democracy last Oct. 12 when he scolded what he termed 'the so-called opinion leaders of this country" for not responding to "the necessity to stand by the President of the United States when he makes a terribly difficult, potentially unpopular decision." It is hard to imagine an idea that would have more astounded the framers of the American Constitution. Indeed, who before President Nixon would have defined the obligation, "the necessity," of American citizens, in peacetime and outside the Government, as that of automatically approving whatever a President wants to do? In the past it was naively supposed that the American system would work best when American citizens spoke their minds and consciences.

If President Nixon dismisses public opinion in the United States as disobedient and refractory when it dares dissent from the President, he is even more scornful of what in the past has served as another check on Presidential war—that is, the opinion of foreign nations. The authors of "The Federalist" emphasized the indispensability of "an attention to the judgment of other nations. . . . In doubtful cases, particularly where the national councils may be warped by some strong passion or momentary interest, the presumed or known opinion of the impartial world may be the best guide that can be followed. What has not America lost by her want of character with foreign nations; and how many errors and follies would she not have avoided, if the justice and propriety of her measures had, in every instance, been previously tried by the light in which they would probably appear to the unbiased part of mankind?" President Nixon's attitude could not be more different. It is concisely revealed by the studied contempt with which he has treated the United Nations. Only recently he made it perfectly clear that he regards the post of United States Ambassador to the United Nations as less important than that of chairman of the Republican National Committee; at least one supposes that he thought he was promoting, not demoting, George Bush.

I began by suggesting that on issues of war and peace the American President is very likely the most absolute monarch in the world of great powers. The Soviet Union is in other respects a dictatorship, but, before Brezhnev makes a new move in foreign affairs, he must touch base with a diversity of forces in the Government and the party. It would be hard to name anyone with whom President Nixon touched base before he invaded Cambodia or resumed the obliteration of North Vietnam. Moreover, in other countries, dictatorships as well as democracies, failure in foreign policy can lead to political oblivion: Anthony Eden could not survive Suez, and in time the Cuban missile crisis did in Khrushchev. But Nixon, his tenure assured by the rigidity of the quadrennial election, will be running things in the United States until January, 1977.

With checks both written and unwritten inoperative, with Congress impotent, the executive establishment feeble and subservient, press and television intimidated, national opinion disdained, foreign opinion rejected, the fear of dismissal eliminated, our President is free to indulge his most private resentments and rages in the conduct of foreign affairs, and to do so without a word of accounting to Congress and the American people. Thus, on Dec. 18 he began the heaviest bombing of the whole ghastly war, but had not, by the time this article went to press, nearly a fortnight later, personally vouchsafed any form of explanation to the nation or to the world. Unidentified White House officials did say, however, to The New York Times, that the President intended the terror to convey to Hanoi "the extent of his anger over what the officials say he regards as an 11th-hour reneging on peace terms believed to be settled." Historians will have to settle the point as to which side started reneging first, though strong evidence suggests that it was the Americans. But we will all have to suffer the consequences of a President whose policy, in the curt summation of that sober Scotsman, Mr. Reston of The Times, has become that of "war by tantrum."

Four more years? Is the American democracy really unable to fix any limits to the President's power to make war? The first line of defense must be the United States Congress, whose abdication over the years has contributed so much to the trouble we are in. The Senate passed a so-called War Powers Bill in April, 1972, but Vietnam was specifically exempted from its operations. In any case, though its objective is admirable, the bill itself is both unduly rigid and unduly permissive. Had it been on the statute book in past years, it would have prevented Roosevelt from protecting the British lifeline in the North Atlantic in 1941, and it would not have prevented Johnson from escalating the war in Vietnam. Given the power of any President to dominate the scene with his own version of a *casus belli*, the War Powers Bill, if it is ever enacted, would be more likely to become a means of inducing formal Congressional approval of warlike Presidential acts than of preventing such acts.

Congress must find another route to end American involvement in Indochina. But does Congress really possess the courage to assert those rights the loss of which has been such a constant and tedious theme of Congressional lamentation and self-pity? Perhaps it will at long last make a determined effort to reclaim its constitutional authority. The issue here is not (as some opponents of the war mistakenly suppose) the question of formal declaration of war. Even in the 18th century, as Hamilton wrote in "The Federalist," the ceremony of formal declaration "has of late fallen into disuse." A decade after the adoption of the Constitution, Congress without a declaration but by legislative action brought the United States into naval war with France. As Chief Justice Marshall put it in deciding a case that arose out of the war: "The Congress may authorize general hostilities . . . or partial war." But, whether the hostilities be general or limited, war was considered to require Congressional authorization, and this is the issue today. It has been argued that Congress has implicitly authorized the Indochina war by voting appropriations in support of the war, and that argument is not without plausibility. But it is within the power of Congress to counter and cancel that argument by asserting a conflicting claim of authority.

Moreover, Congress can cut off funds for the continued prosecution of the war. But will even this restrain the President? Mr. Nixon has shown in other contexts his indifference to Congressional action. He has, for example, refused to expend funds appropriated by Congress for duly-enacted legislation. Senator Ervin recently estimated that Presidential impoundment has now reached the staggering sum of $12.7-billion. In his state of postelection euphoria, as well as in his righteous wrath over the refusal of the North Vietnamese to roll over and cry uncle, President Nixon might conceivably ignore end-the-war legislation. He might even, I suppose, try to use impounded funds to continue the war.

Should this happen, the constitutional remedy would be impeachment. Certainly such conduct would represent a considerably more serious transgression than poor Andrew Johnson's defiance of a law—the Tenure-of-Office Act—which the Supreme Court itself eventually found to be unconstitutional. The House would have to adopt an impeachment resolution; a two-thirds vote of the Senate is required for conviction, with the Chief Justice presiding over the trial. If it seems unlikely that a President elected with more than 60 per cent of the vote should find himself in such a plight, one has only to reflect on the fate of the three other Presidents this century who also took more than 60 per cent—Harding, Franklin Roosevelt and Johnson, all of whom were in serious political trouble a year or two after their triumphs. Still, at this point, impeachment hardly seems a usable remedy or a probable outcome.

The inability to control Presidential war is now revealed as the great failure of the Constitution. That failure has not brought disaster to the nation through most of our history because most of our Presidents have been reasonably sensitive, in Justice Robert H. Jackson's great phrase, "to the political judgments of their contemporaries and to the moral judgments of history." When they have not been particularly responsive to the Constitution, the unwritten checks—above all, the power of opinion—have made them so. If no structural solution is now visible, the best hope is to reinvigorate the unwritten checks. Not only must Congress assert itself, but newspapers and television, governors and mayors, Mr. Nixon's "so-called opinion leaders" and plain citizens must demand an end to Presidential war. Where, for example, are all those virtuous conservative pillars of business and the bar who have spent most of their adult lives wailing about the Constitution? Where are they when what is threatened is not their money but the peace of the world? Where are they when the Constitution really needs them? Perhaps President Nixon is right, and in the end Americans are just like children in the family. Or perhaps Lincoln was right when he said: "No man is good enough to govern another man without that other's consent."

## THE GENOCIDE CONVENTION AND EXTRADITION

**Mr. PROXMIRE.** Mr. President, opponents of the Genocide Convention have often expressed the fear that U.S. ratification of this document would result in the extradition of American citizens to foreign countries for trial if they are accused of genocide.

There is in fact no basis for the charge that the Genocide Convention would establish a situation which does not already exist. Even with no treaty in force an American citizen can be charged in a foreign country with any offense from loitering to murder and tried on that charge if he is physically present in the foreign nation. The Genocide Treaty does not alter this and does not extend the jurisdiction of foreign courts in any way. Furthermore, under the Genocide Convention, extradition would take place only in accordance with laws and treaties already in force. The United States does not make extradition treaties with countries whose legal systems do not afford basic procedural safeguards. Moreover, we do not grant extradition in any event unless a prima facie case is established against the person charged and unless the accused will be afforded by the requesting state the due process provided by our own law.

Article VII of the Genocide Convention states:

> The contracting parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

What this means is that the Genocide Convention itself does not alter extradition procedures; it says they will be conducted the way our existing treaties specify. At present, we have no extradition treaties dealing with genocide, and they would be made in the future with the advice and consent of the Senate on the condition that basic procedural protections would have to be built into the treaty at the beginning.

As a further safeguard, according to George Aldrich, Deputy Legal Adviser of the Department of State:

> Any extradition treaty will require the state requesting extradition to produce sufficient evidence that the person sought would be held for trial under U.S. law if the offense had been committed here.

The Genocide treaty is, then, not in itself an extradition treaty. Mr. President, we already have extradition arrangements with 97 nations. Since there is no reason to think that the extradition arrangements we would make concerning genocide would particularly differ from those existing treaties either in form or effect, criticism of the Genocide Convention on these grounds is unfounded.

I urge the Senate to ratify the Genocide Convention without further delay.

## BUDGET CONTROL AND CONGRESS

**Mr. HUMPHREY.** Mr. President, in 1966, the Research and Policy Committee of the Committee for Economic Development issued a report on executive and congressional roles in the budgeting process.

Many of the recommendations of the committee have a certain pertinence today—especially at a time when Congress is beginning to grapple with such crucial questions as budget control, expediture analysis, and the impoundment of congressionally appropriated funds by the executive branch.

The Committee for Economic Development noted in clear language some of the critical problems with the congressional budgetary procedures: failure to debate and decide national fiscal policy on broad overall terms, piecemeal approach to appropriations, short-term authorizations, and so forth.

Mr. President, I find many of these criticisms still valid in 1973. I also find many of the solutions offered by the committee as worthy of consideration by the newly created Joint Committee on the Operation of the Budget.

It is my firm judgment that Congress will never be able to consider the budget on an equal basis with the executive branch until it organizes itself to do so. This is a priority—and in the future I will address myself toward making specific proposals for budget control and analysis.

For now, I recommend this 1966 report to the Senate and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### BUDGETING FOR NATIONAL OBJECTIVES—EXECUTIVE AND CONGRESSIONAL ROLES IN PROGRAM PLANNING AND PERFORMANCE

(A statement on national policy by the Research and Policy Committee of the Committee for Economic Development)

#### CONGRESS AND THE BUDGET

Congress has a vital role in the federal budgetary process. That role should not be diminished; it should be strengthened. The primary function of Congress is to decide major issues of public policy, reconciling and compromising divergent interests in a forum of open debate to the end that the informed will of the people may prevail. A second major function is to provide continuous review of program execution and agency performance in order to check any tendency toward exercise of improper authority in the executive branch. Both functions bear on the budgetary process, and their effective performance is essential to the Republic.

On the other hand, there are vital functions of government that no legislative body can be expected to perform. Administration is one such function. Detailed operations are not likely to be well managed by a committee—one of the lessons learned under the Articles of Confederation. Good management requires administrative freedom and flexibility, with clear lines of authority and responsibility running from a single chief executive to his supporting executives and on to every element. Wihout this, no manager can be held accountable for effective execution of policy decisions. Congressional review of program execution to assure adherence to legislative intent is a proper function, but excessive interest in administrative minutiae disrupts effective management while it distracts congressional attention from major policy matters.

Policy issues are inherently political, and Congress—as a representative body—is expected to resolve them, either by ratification, modification, or rejection of executive proposals, or through its own initiative. Congress cannot perform this function properly, however, without adjustment to the heavier burdens imposed by changing conditions of the nation and the world. The burdens on Congress, each committee, and each member increase with the complexity of our society, the expansion of the economy, and the broadening scope of federal activities. The rate of change, moreover, is not slackening; it is rising. Adaptation to change is prerequisite to restoration of the key congressional role in issues of major policy.

Dissatisfaction with present congressional budgetary procedures is shared by most observers and by many members. Among the criticisms are these: (1) failure to debate and decide national fiscal policy on broad, over-all terms, (2) a piecemeal approach to appropriations, (3) undue attention to short-term authorizations rather than longer-range considerations, (4) emphasis on things and services to be purchased rather than on functions performed or purposes served, (5) excessive delegation of authority to subcommittees and to their chairmen, and (6) improper interference with administrative operations. We believe that grounds for such criticism can be overcome without fundamental changes in the functions or basic structures of Congress.

#### *Setting budget policy*

Congress needs to develop better means for broad discussion and consistent action on the comprehensive presidential programs submitted each January. The state of the Union message, the economic report, and the annual budget form a total plan for all programs—based on judgments concerning the nation's needs and the effects of the whole fiscal design on the national economy. Discussion of this comprehensive plan in its broad outlines is discouraged by division of its parts among the revenue committees, the appropriations subcommittees, and those legislative subcommittees concerned with authorizations.

A Joint Budget Committee—composed of key members of the revenue and appropriations committees and designed to conduct an overall review—was provided by law in 1946, but came to naught. The reasons for failure of this seemingly obvious solution must be recognized. The House of Representatives is reluctant to share its constitutional and traditional prerogatives in financial matters on a basis of equality with the Senate. Each of the committees and subcommittees concerned is zealous in preserving its jurisdiction, and dislikes subordination to any other body. All are hesitant to accept fixed ceilings or other limitations affecting autonomy.

A more workable means for achieving broad fiscal review would be for the House Appropriations Committee to invite the House Ways and Means Committee to sit with it in hearing broad initial testimony from the Budget Director and such other key officials as the Chairman of the Council of Economic Advisers. At the conclusion of these hearings—conducted immediately after receipt of the executive budget—the two Committees could adopt a joint resolution, or two separate resolutions, outlining revenue and expenditure *targets* for the coming year.

These targets would help to guide the Ways and Means Committee in revising the tax laws. They would assist the Appropriations Committee in setting total spending levels, and in establishing consistent patterns among its subcommittees. They would also be useful to the legislative committees in evaluating the nation's ability to afford new programs. The House would have a mechanism for establishing a rational relationship between revenues and expenditures, and an effective forum for reviewing the impact of the budget on national economy.

This proposal recognizes the House of Representatives' traditional initiative in financial measures. The Senate has equal responsibility, usually exercised in an appeal-and-review capacity. Formal liaison may be impossible because of the practical difficulties mentioned above, but invitations to key Senators to attend the House joint committee hearings would help to improve communications and mutual understanding on fundamental issues.

1. We recommend that the House Appropriations Committee and the Ways and Means Committee meet together each January to examine the over-all fiscal implications of the President's plans, and subsequently to adopt revenue and expenditure targets related to each other and to the needs of the economy.

#### *Authorizing program plans*

The legislative committees—and their subcommittees—provide an essential service in reviewing agency program plans. It is through these committees that Congress can participate most actively in goal-setting for the nation, and in defining governmental objectives. New program proposals and changes in old programs require informed and intensive examination. And, if the new planning-programing-budgeting system becomes fully effective, deletion of outmoded programs will receive more attention.

The legitimate functions of the committees have been distorted in several ways. The trend toward annual authorizations prevents intensive program review; the attempt to examine everything in detail forecloses meaningful analysis of main issues. Since appropriations cannot be passed by either House until authorizations are approved, the frequent delays postpone appropriations deep into the fiscal year, with crippling effects on government operations.

The Military Construction Authorization Act for fiscal 1964 was not signed until November 7, 1963, and the appropriation did not become effective until December 21, almost six months after the fiscal year had begun. This is one of the more extreme examples, but it has become customary to defer final enactment of most appropriations—in part because of authorization delays—until one, two, or three months after the start of the fiscal year (see Appendix). The departments, consequently, waste time and money as momentum is lost. Nothing could be much more disruptive of program improvement. In this way, the Congress has made conduct of its own operations a major obstacle to effective management.

More effective congressional control of fiscal matters would result if annual authorizations were limited to one-time or short-term projects. For all major programs, the legislative committees should initiate long-range program authorizations for not less than three to five years. These might be linked directly with the periodic review process suggested for the Bureau of the Budget. Ideally, they would be based on long-range agency program plans. Effective control over agency activities would be maintained on an annual basis through the appropriations process.

2. We recommend that the trend toward annual authorizations be checked, and that either permanent or three-to-five year program authorizations be employed wherever possible.

Funds are often authorized on a piecemeal basis for a construction project. Congressional support is easier to obtain if only 10 percent—rather than all—of the estimated cost is initially requested. This procedure commits Congress to a multitude of "pork barrel" projects with little recognition of what each is likely to cost in the end. Consequently not enough attention is given to evaluating alternatives to cost-benefit analyses or to long-range program planning.

3. We recommend that Congress authorize specific public works and other projects of similar nature on a "full-funding" basis, as estimated, so that each item may be carried to completion with the eventual appropriation and expenditure of funds initially authorized. When actual costs are found to exceed original estimates, the agency would have to request revision of the authorization.

President Johnson vetoed two major bills in 1965—one on public works projects and the other on military construction—because of attempted infringement on executive authority. Both sought to require congressional committee approval before specific administrative actions otherwise in accordance with law could be taken, such as the closure of obsolete military installations. The pork barrel aspects of these subject fields are obvious, with the individual committee member sometimes more concerned about federal actions in his home district than with the national interest.

Many attempts have been made to impose a precondition of committee approval before administrative action can be taken. These have been sometimes vetoed by the President, sometimes held to be unconstitutional in Opinions of the Attorney General, sometimes approved but with strong presidential dissent at time of bill signature. One early example is found in an Act of April 1944 (58 Stat.

189), approved by the President without objection but subsequently repealed (65 Stat. 366).

"Prior to the acquisition or disposal, by lease or otherwise, of any land acquired for naval use under the authority of this, or any other Act, the Secretary of the Navy shall come into agreement with the Naval Affairs Committees of the Senate and of the House of Representatives with respect to the terms of such prospective acquisitions or disposals."

4. We recommend that the Congress abandon efforts to control details of administration through "coming into agreement" clauses or any other requirement of committee approval for specific steps taken in execution of enacted programs.

### *The appropriation process*

After the House Appropriations Committee meets with the Ways and Means Committee to develop targets on revenues and expenditures, as we have recommended, the Appropriations Committee should hold hearings on the presidential allocations of resources between functions and agencies. The practice of inviting the Budget Director to appear before this Committee to give a broad overview was re-instituted in 1965, after a lapse of many years. Similar action had been taken in the Senate in 1963. Although such presentations have been considered helpful, the practice has been sporadic.

Heads of the executive departments rarely testify before the full Appropriations Committee either in the House or Senate. Their testimony, early in the year, would help committee members to evaluate subcommittee reports more objectively and would ensure better use of funds along program lines. Such occasions would provide an ideal opportunity for joint House-Senate committee hearings. Spending more time considering the functional and program aspects of the budget would require specially qualified professional staff to serve each of the two full Committees. Presently, most of the staff—particularly in the House Appropriations Committee—is assigned to work with specific subcommittees. Few devote all their efforts to the work of the full Committee.

5. We recommend that both the House and Senate Appropriations Committees schedule regular annual hearings on the functional and program aspects of the budget as a whole and for major agencies, either jointly or separately, and that strong professional staff be provided to assist the two full Committees in handling these responsibilities.

Appropriations are currently made on an agency-by-agency "object" or item-of-expense classification basis. Obviously, to secure accountability appropriations must be made to specific organizational units, but they do not have to be made on an object basis. Successful installation of the proposed program budget system will give Congress a logical opportunity to appropriate on a functional basis. The classification of federal expenditures according to functions and programs would be far more useful in making congressional policy choices than the present agency-by-agency approach. The role of the appropriations subcommittees could thus be elevated from that of detailed supervision to the level of broad policy decisions. The change would put further pressure on the executive branch for rational structural reorganization.

This approach calls for a corresponding realignment of appropriations subcommittees on a functional basis. The current functional groupings used in the administrative budget might serve as a basis for subcommittee reorganization. The realignment might be accomplished in stages with initial attention to the urgent needs in transportation, education, and natural resources.

6. We recommend that so far as feasible appropriations be based on functions and programs rather than on objects, and that appropriations subcommitttees in both Houses be organized on functional (not agency) lines to conform with the program budget approach.

Present practice of the House appropriations subcommittees is to hold hearings in "executive session." This is contrary to the Senate Appropriations Committee practice of conducting hearings *open to public attendance* on matters not involving national security. Defense of the House practice rests on the ground that these are working sessions where candid exchange of views, without publicity, has value. The hearings are attended only by agency and divisional personnel and subcommittee members and staff, with representatives of interest groups sometimes present. Subcommittee hearings are published subsequently, but usually too late to be of much help to other members of Congress or to the general public. Subcommittee decisions are seldom changed, either in the Appropriations Committee as a whole or on the floor of the House.

Decisions made in this way are not always in the public interest. Funds are often provided in excess of the presidential estimate of needs. Moreover, agency officials must repeat their testimony before subcommittees of the Senate Appropriations Committee when seeking revisions in expenditure levels approved by the House. Senators could be better informed on the issues (at considerable time savings to agency officials) if they—or their committee staff members—were permitted to monitor House Appropriation hearings.

7. We recommend that the House Appropriations Committee limit executive subcommittee sessions to detailed bill-drafting (described as "marking up" the original version) and to matters where national security is involved. Hearings should be open to public attendance when receiving testimony from the Budget Director. Cabinet members, and heads of other agencies, Senators, their staffs, and representatives of the Bureau of the Budget should be permitted to attend other hearings as observers.

Since they are fewer in number, Senators have assumed many more subcommittee assignments than their House counterparts. As a result, Senate appropriations subcommittee hearings are largely "courts of appeal," where the agencies (often with the aid of the Bureau of the Budget) seek restoration of House reductions in the executive budget. Commonly, the only witnesses are agency officials. Committee importance would be strengthened and better informed decisions would result if Senate appropriations subcommittees were reduced in number to enable better attendance.

8. We recommend that reduction in the number of the Senate appropriations subcommittees be seriously considered.

An appropriation act gives authority to spend, but it should not be regarded as a command to spend every dollar allowed. On the contrary, agencies should be encouraged to accomplish their objectives at lowest cost, and to allow unused appropriations to lapse. There is general agreement that the President may and should prevent expenditures wherever congressional intent may be achieved without the use of the full appropriation. But we should support further use of executive discretion. We do not believe that the President should be required to spend appropriated funds for projects found to be unnecessary, wasteful, or against the public interest.

9. We recommend that the President be given clear statutory authority to withhold from the agencies funds appropriated to them when these are found not to be essential.

### *Congressional review*

Effective review and appraisal of agency performance in executing congressional policy decisions is required for the successful operation of our system of government. We believe that present congressional organization and procedures in this field leave much to be desired. Most oversight operations should logically be handled by the legislative committees and subcommittees responsible for long-term program authorizations and not by the appropriations subcommittees. Attention should focus on program achievement—the effectiveness with which agencies manage their programs—and not on administrative minutiae.

The two Government Operations Committees could be most useful in reviewing interagency programs and functions since each legislative committee has limited jurisdiction. If they are to play a significant role, we believe these two committees will be required to agree on explicit directions to the Comptroller General to guide him in the use of his staff on matters of primary importance to Congress.

Both Government Operations Committees send reports to the legislative and appropriations committees of each House, but not much use is presently made of their findings and recommendations. These reports might be given more attention if the ranking majority member of each appropriations committee were to sit with the Government Operations Committee in order to report knowledgeably to the appropriations committees. When an operations committee is dealing with a matter of particular interest to several legislative committees, members of those committees might be invited to sit in.

10. We recommend that congressional oversight be largely entrusted to the cognizant legislative committees—and subcommittees—and that the Committees on Government Operations concern themselves chiefly with review of interagency matters.

If these proposals are carried into effect—along with the major changes now in progress within the executive branch—we believe that Congress can perform its major budgetary functions more effectively. It will be able to debate and to make informed decisions on major policy issues, reflecting and representing national rather than parochial interests. It will also be able to maintain close and effective oversight as budget decisions are executed. Yet, these improvements can be made without structural reorganization or any basic shift in power relationships between the two Houses or the committees with primary budgetary responsibilities.

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## AUSA RESOLUTIONS ADOPTED AT ANNUAL 1972 MEETING

Mr. THURMOND. Mr. President, the Association of the U.S. Army has issued the resolutions it adopted at the annual meeting of the association late last year.

As Members of the Congress know, AUSA is one of our most outstanding associations in its dedication to the preservation of a strong national defense.

The resolutions adopted at the last meeting touch on the key issues facing our national defense and as usual are well stated and concise.

Mr. President, I ask unanimous consent that a copy of these resolutions be included in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

### AUSA RESOLUTIONS—ADOPTED AT 1972 ANNUAL MEETING, 11 OCTOBER 1972

#### 1972 RESOLUTIONS COMMITTEE

*Chairman:* BG J. A. Seitz, USA Ret., Fort Riley Central Kansas—1st Infantry, Division Chapter.

*Chairman,* BG Edward I. Creed, USAR.

*Subcommittee A:* Central Ohio Chapter.

*Members:* SMA George W. Dunaway, USA Ret.; Mr. Harry M. Hunke, Jr., Tacoma-Fort Lewis-Olympia Chapter; Mr. Ira W. Nichol, Detroit Chapter; Mr. E. E. Towson, Jr., Frankfurt Chapter; and Col. Fred R. Ulrich, USA Ret. Dallas Chapter.

*Chairman,* BG Thomas K. Turnage, CaARNG.

*Subcommittee B:* Mother Lode Chapter.

*Members:* Mr. Joseph Barr, Braxton Bragg Chapter; Mr. William J. Ellis, Greater Augusta-Fort Gordon Chapter; SGM William R. Lowe, Jr., USA Ret., Virginia Peninsula Chapter; Col. Thomas J. Makal, Sr., WIARNG Ret., Milwaukee Chapter; and Mr. Earl W. Tews, Ark-O-Tex Chapter.

I certify that the Preamble and Resolution Numbers 1 through 14 were adopted at the Annual Business Meeting of the Association of the United States Army held this date.

Resolutions from previous years, specified in Resolution Number 15, follow that Resolution.

FRANCIS S. CONATY, Jr.,
*Colonel, USA, Retired,*
*Secretary.*

#### PREAMBLE

Four years ago, in the preamble to its 1968 resolutions, the Association warned "that the time following the end of the (Vietnam) war will be a period of great challenge and turmoil" and of the need to "be prepared to counteract an expected clamor for imprudent reductions in our armed forces." A year ago, recognizing the compelling necessity to alert the American people to the disturbing trend in this country's strategic posture, the Association stated, "The task at hand is to reduce the apathy and create an awareness of the essentiality for an adequate defense posture, if the freedoms and liberties we now enjoy are to be preserved."

This is a crucial period for national defense. The recent Strategic Arms Limitations agreements represent a major milestone in the significant shifts in the balance of world strategic power which have continued since World War II. The Association supports those agreements as being in the best interests of the United States, provided that the United States (1) continues to improve the technological superiority of its strategic weapons capability, and (2) improves its capability to deal with threats below the nuclear threshold.

The past two years have witnessed the most drastic and rapid reduction of our fighting forces since World War II in the face of growing capabilities of those whose goals are the antithesis of ours. For the first time in American history, real defense appropriations and manpower at the close of a war have been cut below prewar levels. Taking into account rising costs, the trend of defense spending continues downward. General purpose forces are at the lowest point since 1950. This could be interpreted by the rest of the world as a drastic decline in America's will and ability to protect her interests or to honor her international commitments.

Our preoccupation with internal problems, a "boredom" with the international scene, the complexity of the present world situation and the absence of a galvanizing confrontation have created a dangerous and illusory attitude of isolationism in our country. Neither hysteria, apathy nor boredom can be permitted to erode our ability to defend the United States and her national interests. The central objective of the United States military power is to deter war by having sufficient and credible power to keep the peace. The cost in personal service, as well as resources, is high but the Association believes an informed American people will pay the price. The United States cannot afford to be without this power. To this end the Association of the United States Army adopts the following resolutions.

#### 1. NATIONAL DEFENSE IN THE SALT ENVIRONMENT

The Strategic Arms Limitations Talks represent a major milestone in the significant shifts in the balance of world power that have taken place since World War II. The Association of the United States Army supports the agreements reached, noting that both the United States and the Soviet Union have now more than a sufficiency of strategic nuclear weapons for mutual destruction. While this country must maintain and consistently update its strategic weapons capability, we must also improve our capability to deal with threats below the strategic nuclear threshold. Since 1945, the birth of the nuclear era, this is the area where the most dangerous and destructive military adventurism has been practiced.

In this changing and complex world, the basic conflicting objectives of the two principal antagonists, the United States and the Soviet Union, remain constant. The Soviet Union clearly seeks a world of communist states economically and politically committed to the USSR. The prime international objective of the United States is global stability, characterized by peaceful cooperation and normal social evolution in which the people of the world can enhance their personal dignity and improve their economic condition. The primary purpose of the armed forces of the United States is to prevent this conflict of objectives from erupting into war.

The Army plays a key role in assuring ultimate success of war prevention by contributing to the building of a viable structure of peace based on the United States policy of adequate strength, true partnership and meaningful negotiations.

A strong United States Army, with its conventional combat capability, is an essential foundation of war deterrence under current world conditions. By forward deployments the Army provides visible evidence of United States intent and is a bulwark of free world military capability.

In the partnership role, the Army is an indispensable contributor to the global security arrangements which constitute the reality of a deterrent posture. Moreover, the Army's role is vital in assisting our defense partners in improving their contribution to both national and collective defense through the management of military assistance programs.

The SALT proposals have evolved because the Soviet Union respected United States strength. A strong Army, in cooperation with the armed forces of the free world, will continue to provide an essential precondition for future negotiations on mutual and balanced force reductions.

We therefore resolve to continue support of a strategy of realistic deterrence with stress on a strong Army in the attainment of United States national security and foreign policy objectives.

#### 2. OUR COMMITMENT TO NATO

Since 1949, the effective obstacle to Soviet expansion in Europe has been the United States and the North Atlantic Treaty Organization (NATO). Militarily, NATO acts as a barrier to Soviet advancement, and, politically, it provides cohesion and a degree of unity to all anti-Communist forces in Western Europe. Under its shield, a climate of stability has developed, permitting member countries to regain economic and military strength. A primary Soviet Union aim is the weakening of NATO by any means. Removal or reduction of U.S. forces within NATO would be welcomed by the USSR.

American forces are not in Europe merely to protect Europeans, but are there to assure our own security as well. We are committed to help defend Western Europe, not only because our cultural, economic and political interests are so closely allied, but, more importantly, because with a Soviet controlled Europe the political, economic and military power of the Soviet Union would surpass that of the United States.

A strong NATO offers a barrier to Soviet expansion either through political coercion backed by the threat of Soviet power or by the direct military application of such power.

Our ground forces in Europe must be strong enough to maintain in the minds of Soviet leaders the realization that aggressive action against Western Europe would not be free from severe costs and that the outcome could not be predicted with assurance. Any unilateral withdrawal of U.S. forces from NATO would be contrary to our national interests and to those of the free Western world. A weakened NATO would upset the present stability and tempt the Soviet Union to aggression.

We therefore resolve that the Association of the United States Army strongly supports retention of sufficient U.S. forces in Europe to enable NATO to remain a strong and viable deterrent to Communist aggression.

#### 3. ONE ARMY: ACTIVE, RESERVE, AND NATIONAL GUARD

The leadership of our nation has repeatedly affirmed the United States' resolve to honor its international commitments and obligations.

Stated national policy is to place principal reliance on the National Guard and Reserves, rather than continued reliance on draftees, if a major expansion of United States armed forces is required in the future. This policy recognizes that National Guard and Reserves must be upgraded in personnel, equipment, training and availability for immediate transition from reserve status to active service in an acceptable degree of readiness.

Greater responsibility for the National Guard and the Reserves is appropriate, provided the assigned missions and degree of readiness of these forces are realistic and attainable. The concept that the mission of active forces can be accomplished by reserve forces in the same time frame requires a more searching examination.

We therefore resolve that One Army, deriving its strength and flexibility from the size, quality, readiness and dedication of its component parts—the active Army, Army Reserve and Army National Guard—is essential to the effectiveness deterrence of any military threat against the United States.

We further resolve to support vigorously a program of recruiting incentives sufficient to maintain the Army National Guard and Army Reserve at their authorized strengths and provide the modern equipment and support required to accomplish their greatly expanded national defense role.

We further resolve to urge a realistic appraisal of Army National Guard and Army Reserve forces readiness to ensure that missions assigned are within capabilities.

#### 4. A VOLUNTEER ARMY

The Association of the United States Army fully supports all measures designed to improve the attractiveness of military careers and to encourage the maximum number of volunteers to serve in our armed forces.

The volunteer Army program seeks to enhance professionalism, improve service life and attractiveness, and increase public understanding and support.

Professionalism requires individuals of

sound qualifications and good potential for development.

The quality of Army life is related both to the Army's image and its purpose of protecting America. Society cannot disparage the value or need of armed forces to protect our national interest and, at the same time, expect its members to volunteer for service. The public must regard a military career as a worthwhile and honorable profession. Those who serve must know that in serving they have the public's respect and support.

In turn, the image of the Army is projected by the appearance of its members, their performance of duty and their way of life. For example, no one will find an organization attractive which cannot adequately care for its members and their families.

We therefore resolve that the Association of the United States Army shall devote its efforts to the continuing improvement of public understanding, appreciation and esteem for the individuals in the uniformed services so that the public will support actively a volunteer Army.

### 5. STRENGTH OF THE ARMY

The active Army is undergoing a reduction in size as a result of the withdrawal from Vietnam, budgetary limitations and changes in national security strategy, and now stands at its lowest strength in over twenty years. There is a real danger that these decreases may be so drastic as to endanger the security of this country.

The Army can anticipate continued operations under conditions of an international parity of nuclear force that intensifies the need for a flexible response to conventional threats. While intentions in the fall of 1972 tend toward a sense of euphoria, the potential and capability of hostile forces have not diminished in any way.

The Army must be prepared to meet force requirements created by existing treaty commitments and the unforeseen contingencies that will arise in a divided and troubled world, while at the same time assuring the continued security of the United States. Strong active Army, Army National Guard and Army Reserve forces are indispensable ingredients of our conventional defense posture and the strategy of realistic deterrence.

We therefore resolve to continue our vigorous support of an active Army strength level of not less than nine hundred thousand (900,000) men and women and an Army total force of 1.6 million and strongly urge restoration of these minimum strengths, fully supported by necessary budgetary action.

### 6. EXTENSION OF SELECTIVE SERVICE INDUCTION AUTHORITY

It is vital that the armed forces of the United States be maintained at an adequate strength to be an effective instrument of national policy.

Induction authority under the Selective Service Act—the primary instrument which has provided, directly or indirectly, the requisite manpower for the maintenance of this strength—expires on 30 June 1973.

There have been laudable increases in voluntary enlistments over the past year as the result of innovative recruiting programs, increased incentives and improvements in military life. However, it has not been conclusively demonstrated that the nation can maintain adequate strengths in the armed forces for extended periods of time without depending upon the draft.

Budgetary support for some of the incentives designed to attract more volunteers, including those affecting the Army Reserve and the Army National Guard, has not yet been provided by the Congress.

Official concern over the ramifications has been expressed by the Secretary of Defense who, in reporting to the President on progress toward an all-volunteer Army, warned that "some may be tempted to compromise the strength of our forces in the haste to eliminate the draft."

Failure to continue induction authority without first clearly establishing our ability to maintain adequate military forces without it, would be accepting risks to our national security that are both unwise and unnecessary.

We therefore resolve to support vigorously continuation of Selective Service induction authority as a necessary ingredient to the solution of the nation's military manpower requirements.

### 7. RESEARCH, DEVELOPMENT, AND MODERNIZATION

Emerging from a period of prolonged armed conflict, the Army is entering an era in which its combat capabilities must be reinforced with the most modern equipment our nation can provide.

The long-range research and development program must be revitalized and maintained, if the United States is to retain its position of leadership as a world power, to ensure that the active Army, Army National Guard and Army Reserve are properly prepared to meet the threat of any potential enemy.

Among the Army's most urgent needs are:

A modern tank;

An infantry armored combat vehicle;

A versatile attack helicopter;

An improved tactical utility helicopter; and

An adequate field army air-defense system.

We therefore resolve to urge that sufficient resources be provided to support a realistic research and development program and to equip and maintain a truly modern Army force.

### 8. LOSS OF TRAINING AREAS

The objectives of Executive Order 11508, providing for identification and prompt release of unneeded or under-utilized federal real property, has been consistently supported by the Army. Indeed, the Army recognizes and helps fulfill the need for qualitative ecological and environmental control and many installations have received national recognition for their efforts in these areas.

The rules for real property utilization as developed by the General Services Administration tend to ignore training needs and are resulting in loss of ranges and training areas essential to the readiness requirements of the active Army, the Army Reserve and the Army National Guard.

Although the status of equipment and materiel issued to the Army Reserve and Army National Guard is improving significantly, land available for training is being removed at a rapid rate, reducing the capabilities of these components to adequately train and thus maintain their unit readiness.

Army Reserve and Army National Guard units often, of necessity, are tied to areas near their armories or Reserve centers. Further withdrawal of federal land would greatly handicap these units in achieving prescribed readiness standards.

We therefore resolve to urge retention of the necessary ranges and training areas to enable the active Army, the Army Reserve and the Army National Guard to accomplish their training missions.

We further resolve that we encourage and endorse the forthright action of the Army in pursuing objectives and programs of conservation and environmental protection within its assigned and adjoining land areas.

### 9. EMPLOYER SUPPORT OF ARMY NATIONAL GUARD AND ARMY RESERVE

Current national security policy recognizes the increased vital role of the Army National Guard and Army Reserve ready forces in augmenting the nation's military strength for future emergencies.

One of the major problems in keeping the Army National Guard and Army Reserve fully manned and trained to meet such augmentation requirements in any future emergency is employer resistance to membership by their employees in the reserve components.

We therefore resolve that the Association of the United States Army urges all employers to recognize the increased and vital role of the Army National Guard and Army Reserve, and to support without discrimination all Guardsmen and Reservists who voluntarily devote their time to the national defense.

### 10. EQUITY IN SERVICE PAY

The Association of the United States Army recognizes and appreciates that the pay for active armed forces has been increased during the past few years. However, certain problems still exist in the discontinuance in 1958 of recomputing retired pay as active-duty pay increased. This diluted a level of retirement income for those with active-duty service prior to 1958 based on today's cost-of-living index.

The Dual Compensation Act discourages qualified Regular officers from seeking employment in the federal government since they lose a substantial part of previously gained retirement pay. Retired pay is earned income and should not be subjected to limitation as a result of employment in a second and differing field of endeavor. As citizens and taxpayers they should be entitled to compete for such jobs without being penalized.

We therefore resolve that the Association of the United States Army favors and will support appropriate actions to obtain reasonable revisions pertaining to the following:

(1) Computation of retired pay for personnel with pre-1958 active-duty service.

(2) Permission for enlisted personnel to receive credit for inactive Reserve duty prior to 1 June 1958 for retirement purposes.

(3) Repeal of that portion of the Dual Compensation Act which pertains to retired Regular officers employed by the federal government.

### 11. GOVERNMENT HOUSING

The successful achievement of a volunteer Army depends largely on measures and conditions which will attract and retain qualified men and women. A vital aspect of Army life which affects all uniformed men and women and their families is the adequacy of housing.

Family, troop and transient government housing, world-wide, is limited. Much of the desirable off-post housing cannot be rented by service personnel due to limited availability, excessive cost and landlord policies.

We threfore resolve to support strongly additional world-wide family, troop and transient housing programs, and urge that special efforts be made to undertake leasing or similar arrangements in areas where construction of government housing is neither feasible nor desirable.

### 12. BENEFITS FOR RETIRED RESERVISTS

Under existing laws retired reservists under age sixty (60) are not entitled to certain medical, commissary, exchange and other benefits associated with full retired status.

These benefits should be made available during the period between active reserve participation and attainment of age sixty (60). Further, it would be an incentive for current reservists to continue service until they reach retirement eligibility.

We therefore resolve that the Association of the United States Army supports the granting of medical, commissary, exchange and other benefits of retired military personnel to reserve personnel as soon as they have attained retired status in all respects except attainment of age sixty (60).

### 13. U.S. PRISONERS OF WAR AND MISSING IN ACTION

The United States Government has never ceased in its efforts to impress upon the Democratic Republic of Vietnam (DRV) and the National Liberation Front (Viet Cong) leadership their responsibility to abide by the Geneva Conventions, to which the DRV is a signatory, for the treatment of prisoners of war. Their categorical rejection of obligations to prisoners of war under the Conventions, as enunciated in 1965 to the International Red Cross, remains unchanged.

The shocking and cruel treatment of many prisoners held by the DRV and the Viet Cong has been well documented. The most basic consideration accorded prisoners of war by the civilized nations of the world is frequently and flagrantly denied. Even identification and the fate of prisoners known to be in enemy hands have been withheld. Families and other loved ones of these U.S. servicemen have been left to live in the agony of uncertainty, ignorant as to their whereabouts, health or very existence.

We therefore resolve that the Association of the United States Army supports the federal government in its continuing effort to:

(1) Obtain the most humanitarian treatment possible for all prisoners of war in the Vietnam conflict.

(2) Secure a reasonable and responsible accounting of all prisoners of war and missing in action servicemen.

(3) Hasten the honorable return of prisoners of war to their homes.

(4) Focus world opinion on the plight of prisoners of war held by the Democratic Republic of Vietnam, the National Liberation Front and the Pathet Lao.

### 14. AMNESTY

Although the war in Vietnam is not yet over and selective service continues, the prospect of amnesty for draft evaders and armed forces deserters is being advocated in some quarters. In view of the millions of young Americans who served honorably in the armed forces under extremely difficult conditions during the Vietnam conflict, the hundreds of thousands who shed their blood, the tens of thousands who paid the supreme sacrifice and the 1700 men in a prisoner or missing status, this advocacy is ill-considered. The duties that these individuals avoided—duties that they knew would have exposed them to some measure of hardship and danger—ultimately had to be performed by other young men with a higher sense of duty and responsibility to their country.

General amnesty by legislative action for draft evaders and resisters or for servicemen in a desertion or AWOL status is inappropriate. Each offender who has violated civil or military law and each should, with full rights protected, be adjudged within the applicable judicial system on a case-by-case basis. Any subsequent recommendation for amnesty should be considered on the same individual case basis.

We therefore resolve that the Association of the United States Army declares its firm opposition to any action which would grant general amnesty to those who have unlawfully avoided military service.

We further resolve that each case of unlawful avoidance of military service be adjudicated in accordance with applicable military or civilian law and regulation.

### 15. CONTINUING RESOLUTIONS

Seven resolutions adopted at preceding annual meetings are still valid and remain in force.

We therefore resolve that the following continuing resolutions receive the full support of every member of the Association of the United States Army:

Dependent dental care
Strategic airlift and sealift
Support of the ROTC
Commissaries and Post Exchanges
United States Military Academy
Army civilian employees
National and post cemeteries

### DEPENDENT DENTAL CARE

We therefore resolve to support necessary action to provide adequate dental care for all dependents of active duty personnel and eligible retired personnel, and that appropriate facilities be made available for this purpose. (Resolution No. 9, 1971.

### STRATEGIC AIRLIFT AND SEALIFT

We therefore resolve that action be taken to provide continued support for programs designed to expand and modernize the merchant marine and to support the improvement in, and obtainment of, sufficient amounts of strategic airlift, multipurpose ships and other sealift, together with their supporting facilities, required to meet the operational needs of our ground forces. (Resolution No. 7, 1970)

### SUPPORT OF THE ROTC

We therefore resolve to continue support of the ROTC program and to urge that institutions of higher learning be encouraged to cooperate with military services to upgrade their ROTC programs and encourage student participation in them by giving academic credit for course work completed.

We further resolve to urge that institutions continue to provide the military services with an acceptable climate of institutional support for the ROTC program on campus, and to accept the responsibility for education of our military leaders comparable to their responsibility of educating leaders of other segments of our society. (Resolution No. 8, 1970)

### COMMISSARIES AND POST EXCHANGES

We therefore resolve that the Association of the United States Army support expansion of the facilities of commissaries and post exchanges, and, further, that these services provide adequate personnel to properly maintain efficient operation. (Resolution No. 13, 1970)

### U.S. MILITARY ACADEMY

We therefore resolve to continue and emphasize a program to encourage outstanding youth to seek appointments to the United States Military Academy and to search for new ideas leading to its further development and effectiveness. (Resolution No. 8, 1968)

### ARMY CIVILIAN EMPLOYEES

Now, therefore, be it resolved, that this Association extends special commendation and gratitude to the civilian employees of the Army and recommends that dynamic career programs be maintained to recruit, retain and encourage the continued service of dedicated public servants in consonance with the command responsibilities and missions of the U.S. Army. (Resolution No. 11, 1967)

### NATIONAL AND POST CEMETERIES

Now, therefore, be it resolved, that it is the considered opinion of the Association of the United States Army that the best interests of the nation and the members of our armed forces and their dependents will be served by the expansion of national and post cemetery facilities immediately, to insure that the members of our armed forces who have served honorably will be provided a resting place in a military cemetery as a tribute to their service. (Resolution No. 14, 1967)

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## THE WILDERNESS ACT APPLIES TO THE EAST

Mr. CHURCH. Mr. President, it is a pleasure for me to join the Senator from Washington (Mr. JACKSON) and the Senator from New York (Mr. BUCKLEY) in sponsoring S. 316, the Eastern Wilderness Area Act, which was introduced on January 11.

As the Senator from Washington, who serves as the able chairman of the Committee on Interior and Insular Affairs, stated at the time of introduction, we must deal with a serious question of distortions of the Wilderness Act. I, too, know something about what we went through to get that act passed. If it is, as is so widely said, one of the half-dozen landmarks in the history of American conservation policy, it is also a landmark to the persistent, untiring, patient efforts of so many of our colleagues. The names of Senator Clinton Anderson, Senator Richard Neuberger, Senator James Murray, Senator HUBERT HUMPHREY, and Senator HENRY JACKSON stand high on the list of those who gave so much effort and expertise to the development and consideration of this act, together with many legislators of equal stature in the other body.

It is a matter of personal satisfaction to me that I was able to play a role in the enactment of this landmark conservation law. As floor leader for the wilderness bill, I was deeply involved in its construction and in the full debate it received before passing the Senate by an overwhelming margin. It is thus a cause of great personal concern to me that this important law is being misinterpreted by some officials in the very agencies which have the duty and responsibility to apply it.

We had a meaningful and productive session on this subject just last year, when the Subcommittee on Public Lands held discussions with Assistant Secretary of the Interior Nathaniel Reed concerning certain policy distortions which had crept into wilderness proposals from the National Park Service and Bureau of Sport Fisheries and Wildlife. With Secretary Reed's able assistance, we have been able to correct most of these problems.

Now, as the Senator from Washington has elaborated, we face a similar problem within the Forest Service, which would have us believe that no lands ever subject to past human impact can qualify as wilderness, now or ever. Nothing could be more contrary to the meaning and intent of the Wilderness Act. The effect of such an interpretation would be to automatically disqualify almost everything, for few if any lands on this continent—or any other—have escaped man's imprint to some degree. I shall join the Senator from Washington in probing this matter with a great deal of interest.

Mr. President, it was my pleasure to be a cosponsor of a bill similar to S. 316 in the last session of Congress. It was thus somewhat surprising to me to learn that the Forest Service found our bill "a serious handicap." Yet that is precisely what the eastern region of the Forest Service said about our bill, in an internal memorandum submitted on August 16, 1972 to the Chief of the Forest Service.

This memorandum purports to be a summary of the comments of the public at a series of what the Forest Service calls listening sessions which were held throughout the eastern region of the Forest Service. Nine such sessions were held, from Philadelphia to Marquette, Mich. The Forest Service mailed out "well over 3,000 invitations to individual and concerned organizations," and each invitation included a four-page outline of the problem under discussion. What the public was asked to comment about was not so much what wilderness areas they thought should be preserved in the east, but the altogether abstract question of what alternative mechanism should be developed in order to supplant the Wilderness Act. This was, of course, because the two eastern regional foresters had long since decided that:

> The criteria for adding wilderness to the National Wilderness Preservation System do not fit conditions in the South and East.

Well, the Forest Service got back a lot of the carbon copy they had spooned out in advance of their "invitations." A great many people, according to this summary, were all for something called a "wild areas system," as a sort of eastern counterpart to the national wilderness preservation system, which the Forest Service has apparently refashioned into a western wilderness preservation system. Yet, the agency's internal summary reveals that:

> About 50% of those who supported a Wild Area System did so only to the extent that it should be included under the 1964 Wilderness Act.

What concerns me particularly about this summary—which presumably is all the information the Chief of the Forest Service has to work from concerning the views of the millions of people who live in the east—is its blatant and obvious bias. At the time of the meetings reported on, there had been introduced in the House of Representatives a bill called the wild areas system bill. This, I might add, is a bill which was developed with Forest Service drafting, in part, as a result of the agency's secret report from the eastern and southeastern regional foresters, which has already been quoted by the Senator from Washington.

The summary of the listening sessions, after giving some of the statistics, goes on to make the following remark about last year's version of the bill Senator JACKSON, Senator BUCKLEY, and I have reintroduced:

> The introduction of the Jackson omnibus bill (S. 3792) was a serious handicap for the Forest personnel at a couple of meetings. This was particularly true with the West Virginia sessions in Elkins and Charleston. It was also brought up at a couple of the other meetings that were held in the latter part of the month of July.

This is the comment in its entirety, or almost. What disturbs me is the brash allegation that somehow the bill sponsored by the chairman of the Committee on Interior and Insular Affairs, which has jurisdiction over all wilderness policy, was a "serious handicap." But we hear nothing bad about the wild areas systems bill which had been introduced in the House of Representatives, partly at the instigation of the Forest Service.

A final selection from this document is instructive, because it refers to a number of interesting points, including the discussions I had earlier held with the National Park Service about that agency's misinterpretations of the Wilderness Act. Says the Forest Service summary:

> Many people expressed real concern that the Forest Service was too strict in their interpretation of the 1964 (Wilderness) Act. The introduction of Jackson bill, Senator Church's statements and the Park Service's introduction of Eastern Wildernesses were cited as examples of where the 1964 Act could apply to areas in the East.

Mr. President, it is not hard for me to appreciate the complaints we hear every day from ordinary citizens about the bigness, remoteness, and nonresponsiveness of the Federal Government. The arrogance of power has so many examples, large and small. But here is a case that simply defies understanding. There are internal documents, of course, and we are not supposed to know that this is what the Forest Service is thinking and doing behind the scenes. The Forest Service is the first to tell us, when the subject of wilderness comes up, that they invented the very idea and established the very first areas. That may be true. But those early sturdy individuals within the Forest Service who fought for wilderness would be surprised today to see this kind of antiwilderness maneuvering coming from the agency which simultaneously wants to be known as the conservationists par excellence.

In recent years, the Forest Service has suffered some serious setbacks in public confidence. The pressures upon this agency are, of course, strong and conflicting. But public confidence has to be built on a record of solid accomplishment, not the image. I know many people within the Forest Service, and I know them to be fine, hard-working, honest, and dedicated public servants. But the agency line, when it gets established, is hard to change, even if it makes no sense.

This is what is at the root of the new line we are asked to swallow about the "purity" of the Wilderness Act. The Forest Service has said there is no wilderness in the East, or precious little. They have said that the criteria of the Wilderness Act simply do not apply to conditions in the eastern half of the country.

Let me simply repeat what I have said before on this subject:

The Wilderness Act fully allows the designation for permanent protection of land which, though once abused by various disturbances decades ago, has now recovered, or will recover, under the restorative powers of natural forces, to the point where it "generally appears to have been affected primarily by forces of nature, with the imprint of man's work substantially unnoticeable."

This is one of the great promises of the Wilderness Act. We can dedicate formerly abused areas where the primeval scene can be restored by natural forces. In this way, we can have a truly national wilderness system.

Some who are simply ill-informed have said that no areas in the Eastern United States can meet the test of qualification under the definition of wilderness in the Wilderness Act. This is just not so. In enacting the Wilderness Act—and I know something about this—we placed three eastern areas into the national wilderness preservation system. These areas had a former history of some past land abuse. This was by no means a so-called grandfathering arrangement. It was, and is, a standing and intentional precedent to encourage such areas to be found and designated under the act in other eastern locations.

Since the 1964 act, following the procedure it established, the Congress has passed legislation designating a number of additional wilderness areas within national wildlife refuges in the east and south. Included were such areas as the 25,000 acres Seney Wildlife Refuge wilderness in northern Michigan—all once cut over and burned, but now well restored to a fine wilderness quality.

There are similar kinds of areas in the eastern national forests which will certainly be found to merit wilderness protection. Some of these are included in our bills today. The Forest Service will, I suppose, object to these bills and recommend against them. Still, I hope they will not. I hope they will stop staging prefed "listening sessions" and do some real listening instead, paying attention to what the public wants. We shall have a fine and valuable wilderness system, and it will have eastern national forest lands within it, one way or the other. But there will be a lot less scar tissue, and a great deal more public approval, if the Forest Service will approach this subject with less regard for shibboleths about "purity" and more respect for the commonsense of the public, not to mention the Members of Congress who wrote and enacted the Wilderness Act they presume to set aside.

Mr. President, I am delighted to be a sponsor of these bills, and I shall cooperate in every way to achieve their enactment.

I ask unanimous consent to have printed in the RECORD an article on this subject, published in the conservation journal Not Man Apart.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### ANTIWILDERNESS PLOT REVEALED

(By George Alderson, legislative director, Friends of the Earth)

> Forest Service documents that have been provided to Friends of the Earth show that the Aiken-Talmadge "Wild Areas" bill, which is opposed by Friends of the Earth, is the result of a scheme by the U.S. Forest Service, intended to thwart the growing demand for wilderness areas in the eastern states.
>
> During 1971, Alabamians were reaching a peak in their campaign, led by the Alabama Conservancy, to establish the Sipsey Wilderness in the Bankhead National Forest. The Senators and Congressmen from Alabama had gradually joined the effort, and they had introduced bills to add the area to the National Wilderness Preservation System. Victory was in sight for the citizens. This provoked a hasty counter-reaction in the Forest Service.
>
> On September 3, 1971, the two regional foresters for the East and Midwest, T. A. Schlapfer and Jay H. Cravens, sent a memo, marked "official use only," to the Chief of the Forest Service in Washington, D.C., citing increasing pressures for primitive recrea-

tion in the East. The memo said that as these pressures "are increasingly translated into proposals for new wilderness classifications, we are persistently reminded that there are simply no remaining candidate areas for wilderness classification in this part of the national forest system."

Schlapfer and Cravens suggested that the Forest Service propose a system of "Wildwood-Heritage areas" for the eastern states, and they listed alternative titles such as "Pioneer Area, Frontier Natural Area, Wild Areas, etc." The two officials wrote, "We feel a great sense of urgency to act on this proposal, and if, after your review, you feel it appropriate, we believe the upcoming Sierra Club session will provide a good opportunity for the proposal."

Indeed, later in September, Associate Chief John McGuire, speaking at the Sierra Club Wilderness Conference in Washington, D.C., argued that the Wilderness Act was inappropriate for eastern areas, and called for suggestions on a way to protect eastern wild lands under an alternative system. However, he refrained from making a specific proposal.

The fallacy in the Forest Service argument is a simple one. The Forest Service invokes a standard of "purity" that does not appear in the Wilderness Act of 1964. The Act, in Section 4, sets rigorous standards for protection of areas once admitted to the National Wilderness Preservation System. But the Act prescribes a completely different set of criteria, in Section 2(c), on the suitability of a candidate area for addition to the Wilderness System. For example, under Section 2(c), evidence of an old, abandoned woods road would not bar an area from being admitted to the Wilderness System, but under Section 4, no new roads or motor vehicle traffic would be permitted. This is a highly pragmatic distinction, because the Wilderness Act thereby makes restored areas eligible for the strict protection of wilderness status, thus insuring that natural restoration continue without the threat of new disturbance by man.

The Forest Service seems to see itself as a higher authority than Congress, as the former head of its recreation division, Richard J. Costley, made clear in his memo of August 27, 1971. Mr. Costley made no secret of his own viewpoint, stating that the Wilderness System, "by most conventional criteria, is a luxury." He said, "Much has happened since the Wilderness Act became law. Out of it has emerged a progressively firmer 'wilderness posture' on the part of the Forest Service." Mr. Costley went on, "Slowly, but surely, as the Forest Service wilderness management posture took shape, it began to emerge as increasingly 'pure.'" He concluded, "From the Forest Service point of view . . . classification criteria (standards) and management criteria (standards) must be the same."

In adopting this view, the Forest Service has interposed its own judgment, without any basis in the Wilderness Act. Senator Frank Church (D-Idaho), chairman of the Senate's Public Lands Subcommittee and the floor leader when the Wilderness Act first passed the Senate in 1961, also contests the Forest Service argument. Last May 5, at a subcommittee hearing, he said, "This is one of the great promises of the Wilderness Act, that we can dedicate formerly abused areas where the primeval scene can be restored by natural forces . . . Indeed, we placed three national forest wilderness units into the National Wilderness Preservation System in the 1964 Act, all of which lie in the East, all of which had a former history of some land abuse."

Despite these words of opposition, the Forest Service has continued to press its own twisted interpretation of the Wilderness Act. The Aiken-Talmadge "Wild Areas" bill (S. 3973 in the 92nd Congress), if enacted, would confirm this error, indeed writing into law the statement in the bill, "Few areas of the national forest system located in the eastern United States, which were acquired largely from private ownerships, meet the criteria set forth for wilderness by the Wilderness Act of 1964 because of the past works of man."

Although the Forest Service officially took no position on the Aiken-Talmadge bill, its employees have actively pushed it among representatives of environmental groups. I was present at one meeting early in 1972 at which Forest Service spokesmen sought the support of Friends of the Earth, The Wilderness Society, Sierra Club, and the Izaak Walton League, for an early version of the bill which was being drafted by the Forest Service. Leaders of groups throughout the eastern states have reported persistent efforts by Forest Service officials at the local level to seek support for "wild areas" instead of wilderness.

The most significant counter-move against the "wild areas" scheme was the introduction, in June, 1972, of the Jackson-Buckley bill (S. 3792), to establish eleven wilderness areas in the eastern national forests. The Forest Service reaction to this appeared in a memo of August 16, 1972, from its Midwest Region, reporting on a series of informal public meetings staged by the Service to sample public opinion about "wild areas." The memo said, "The introduction of the Jackson omnibus bill (S. 3792) was a serious handicap for the Forest personnel at a couple of meetings." Nothing was said about the Aiken-Talmadge bill.

The Forest Service will undoubtedly continue pushing its unfounded interpretation of the Wilderness Act during the coming year, and attempting to sow dissension among environmentalists. The efforts of the Forest Service have already set back the movement for eastern wilderness by a year, and kept the foresters' hands untrammeled by the strict management standards of the Wilderness Act.

This is not solely an eastern phenomenon, because the Forest Service has consistently opposed new wilderness areas in the West as well, except where they had previously been reserved by the Forest Service as "primitive areas." In 1972, Congress overrode the Forest Service in creating the Scapegoat Wilderness in Montana, which was not part of any primitive area, and in adding part of the Minam River valley to the Eagle Cap Wilderness in Oregon. When the public demands wilderness areas in the East, Congress will respond thereto, overruling the Forest Service's specious argument. Let's not let the bureaucrats dictate national policy—that should be left to the Congress and the public.

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## PROJECTED HEALTH CUTS

Mr. JAVITS. Mr. President, I am deeply concerned by reported health budget cuts. While I commend HEW initiatives to assure a Federal policy which would have federally initiated and supported demonstration health service programs seeking the most efficient way to obtain maximum reimbursement from third-party resources and, the most effective in their management policies. The implementation of such a policy must not, through precipitate budget cutbacks, deprive the people of vitally needed health care. The devastating effect of drastic slashes in Federal funding support has already been felt in New York where the Gouverneur Hospital Health Center budget was cut by $260,000 and the Lower East Side NENA Neighborhood Health Center budget has been cut by more than 13 percent. The tragic significance of such Federal action is in itself denial to people of health care services.

Until we have a national health insurance program which guarantees a minimum standard of health care benefits, we cannot deprive millions of Americans of their right to health care by pennywise, pound foolish budget cuts. Unfortunately, it is estimated that the promise of medicaid to all in need of health care does not reach more than 20 million of the poor and medically indigent. Therefore, in the interim, existing Federal project grant programs targeted to povide health care to those people cannot be permitted to vanish through budget-cutting magic.

Moreover, if this were to happen, the people served by these programs will have no place to go but to the already overburdened, outmoded, and obsolete public hospitals—hospitals whose lives are already in critical danger of extinction due to their fiscal crisis.

In addition, many of the vitally needed services provided by federally supported health programs include nutrition and health education, outreach, and manpower training, for which no third-party reimbursement mechanism presently exists.

I have, also, grave concerns about drastic reductions in funds for the programs of the National Institutes of Health. Inadequate support for biomedical research and health profession education would be false economy. All our efforts at the Federal level to reduce skyrocketing health care costs become inconsequential in the face of the cost benefits realized through lifesaving biomedical research. Jonas Salk's research virtually eliminated polio as a dread disease, and the importance of this discovery in human terms for all Americans can also be measured in economic dimensions by merely targeting in on the previously more than 50,000 annual polio victims, for whom there are now no medical or hospital bills or costly rehabilitative therapy for the treatment of polio and whose working life is saved for the Nation.

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## GENOCIDE CONVENTION

Mr. CHURCH. Mr. President, unfinished business of the Senate is to provide consent to ratification of the Genocide Convention. The Committee on Foreign Relations will soon reconsider this Convention, and most probably report favorably, as it did in the 92d Congress, to this body its belief, which President Nixon and his advisers share, that the United States be a contracting party to this international treaty concerning human rights.

I ask unanimous consent that an article, entitled "What Hope for the Genocide Convention," written by William Korey, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From VISTA, November–December 1972]

## WHAT HOPE FOR THE GENOCIDE CONVENTION?

(By William Korey) *

Opposition in the United States to ratification of the Genocide Convention has been featured by a remarkable irony, scarcely noticed by those who have focused upon the constitutional and legal issues of the debate. Critics of ratification have endowed the Convention with extraordinary powers which would somehow be wielded by an undefined international community at the expense of sovereign states, especially the United States. Hysteria has run especially rampant in ultra-right circles. The Liberty Lobby, for example, in its "Emergency Liberty Letter No. 28" (April 23, 1971) warned that if the Convention is ratified, American war veterans *"could be hauled overseas, tried and hanged by foreigners for alleged 'war crimes' of years ago!"* The *Bulletin* of the John Birch Society, on April 1, 1971, suggested that ratification would mean the "surrender of the Constitutional rights of American citizens," presumably to some international authority. The Manion Forum called the treaty "an internationalist booby-trap."

Experience with the Convention on the Prevention and Punishment of the Crime of Genocide since its unanimous adoption by the United Nations General Assembly in 1948—and its coming into force in 1951—in no ways conforms with these fears. Indeed, reality has been the very opposite of that which was imagined. What has been so striking about the experience with the treaty was not that the international community and contracting parties to the Convention made hasty or ill-advised demands for international action against alleged violators of the treaty provisions, but rather that there existed an extraordinary reluctance to use the UN machinery at all, even under the most pressing and tragic circumstances.

The Genocide Convention, whose purpose is to prevent and punish certain acts intended to destroy a national, ethnic, racial or religious group, requires the contracting parties to pass necessary laws to implement its purposes. But in 1965, in the light of increasing allegations of genocide in various parts of the world, the Commission on Human Rights was asked to consider further measures to strengthen and widen the effect of the Convention.

It is perhaps not surprising that the International Court of Justice has never been seized with the issue of genocide even though, under Article IX, "disputes" between the contracting parties "relating to the interpretation, application or fulfillment" of the treaty could be submitted to the Court by a party to the disputes. At least a dozen contracting parties, including all European Communist governments, have inserted reservations stating that they would not be bound by Article IX. Typical of such reservations was the one by Albania:

"The People's Republic of Albania does not consider as binding upon itself the provisions of article IX. . . . The People's Republic of Albania declares that, as regards the International Court's jurisdiction . . . Albania will, as hitherto, maintain the position that in each particular case the agreement of all parties to the dispute is essential for submission of any particular dispute to the International Court for decision."

The Court's non-involvement with the genocide treaty was by no means unique. With the exception of the International Labor Organization's Convention on the Abolition of Forced Labor, no international human rights treaty has been brought to its attention. For that matter, little else has been submitted to the Court's jurisdiction. Its docket is today almost empty, hardly an indication of a throbbing internationalist consciousness among the sovereign states of the world.

No United Nations organ has ever taken upon itself the task of investigating a possible case of genocide, despite the fact that Article VIII provides that "any Contracting Party may call upon the competent organs" of the UN "to take such action under the Charter . . . as they consider appropriate for the prevention and suppression of acts of genocide". Outer Mongolia, prompted by the USSR, did propose in late June 1963 that the General Assembly the following fall discuss "the policy of genocide carried out by the Government of the Republic of Iraq against the Kurdish people". At the time, the Soviet Union was angered by the indiscriminate killing of Communists by the new Left Baathist regime in Iraq. But within a few months the USSR developed second thoughts and Outer Mongolia withdrew its proposal before the opening of the General Assembly session.

The Economic and Social Council meeting in Geneva in July 1963 was also asked by the USSR to include on its agenda the "policy of genocide" against the Kurds in Iraq. But the Soviet proposal found little support. It was argued that specific instances of genocide did not fall within the competence of the Council. Its function, under Article 62, was declared to be "recommendations of a general character for the promotion of human rights" not "particular cases." There was a certain irony in this position since the Genocide Convention was actually drafted under the authority of the Economic and Social Council. The decision of the Council not to include the proposed item could be anticipated. And the USSR, as noted, was less than enthusiastic about pursuing the matter.

There were, of course, incidental references to genocide in the General Assembly during the 1950's. But the references were brief, not clearly documented, and carried a certain "cold war" overtone. Thus, following a discussion of the Soviet military intervention in Hungary in the fall of 1956, the Assembly adopted a resolution which recalled the "principles" of the Genocide Convention. Again, during a debate on the Tibetan question in the fall of 1959, the representatives of El Salvador and Venezuela referred briefly to genocide. A resolution proposed by Malaya and Ireland which concluded the debate (and was adopted) did not address itself to genocide at all; instead it called "for respect for the fundamental human rights of the Tibetan people and their distinctive cultural and religious life."

If, with the mid-1960's, genocide increasingly became an item on the agenda of the world conscience, concern about it found no reflection in the chambers of the United Nations. Egregious examples of wholesale butchery of peoples went unnoticed. When, in the fall of 1965, the nationalist Army leadership in Indonesia overthrew Sukarno and embarked upon mass killings of Communists (then under Maoist influence) as well as of Chinese in Indonesian cities, not a single power raised its voice in UN circles. The political interests of none of the UN powers, it appeared, would be served by such an airing, and a moral concern was not to be expected from those exclusively devoted to the furtherance of state interests. A similar silence blanketed the massacre of Ibos in Nigeria in 1968. If numerous international civic and religious groups were deeply concerned with the issue and newspapers throughout the West provided ghastly details of violence, the chambers of the UN carried not even a subdued echo of concern let alone remorse. Nor was anything said about the ruthless suppression of the Negro inhabitants of south Sudan by the Arab rulers in that country.

Perhaps the classic case of UN indifference was offered in the spring of 1971. Tens of thousands of civilian Bengalis living in East Pakistan, including the critical strata of educated elite, were summarily shot by troops of the Pakistan Government. The Parliament of India accurately defined the reign of terror as "a massacre of defenseless people which amounts to genocide." But even as the carnage was a subject of passionate discussion in the mass media and on various forums everywhere, not a word about the plight of the Bengalis was sounded in the United Nations Commission on Human Rights, then meeting in Geneva.

Further testimony was scarcely needed to demonstrate the transformation of the Commission on Human Rights from its early years when on it sat such distinguished and dedicated figures as Eleanor Roosevelt and René Cassin, the French Nobel Laureate who was one of the major architects of the Universal Declaration of Human Rights. Today, this 32-member body is composed mainly of political or bureaucratic appointees whose commitment to human rights is somewhat less than their commitment to the political interests of the governments they represent. Aside from repeated ringing denunciations of that abhorrent evil, apartheid, the throbbing human rights issues of the day are neglected. A series of studies prepared by its Sub-Commission on Prevention of Discrimination and Protection of Minorities, together with a host of other agenda items, are annually bypassed and then formally postponed to a subsequent session.

Politics remains the order of the day. The 1972 session of the Commission, for example, was devoted, to a significant degree, to discussion of the treatment of the Arabs in the territories occupied by Israel. The Arab powers, supported by Soviet bloc and Moslem countries, inevitably determined the character and quality of the debate. A resolution was ultimately adopted which charged Israel with committing "war crimes." International nongovernmental organizations, sensitive to the mental associations evoked by these words, could not but react with stunned dismay. If they feared challenging governments by a sharp attack upon the action taken, twenty voluntary groups at least felt obligated to question procedures of the UN body that had the consequences of avoiding vital human rights problems, including the problem of slavery.

On April 29, 1972, massive killings of Hutus in Burundi were launched by the dominant Tutsi in what a leading Belgian statesman called "veritable genocide." The massacres were sparked by an attempted *coup d'état* engineered by Hutu tribesmen. That the latter's intentions were hardly beyond reproach is suggested by statements in pamphlets found upon them: "Kill every man, woman and child. Do not take prisoners. Do not judge. Kill every Tutsi." But the retaliatory slaughter was even more grisly. With the death toll estimated at 120,000 and news stories in major organs suddenly targeted upon Burundi, its government felt compelled to issue through its UN delegation a "white paper" on June 7. If earlier the government spokesman at the UN denied the existence of tribal warfare, the official account now acknowledged the killings, throwing all blame upon the Hutus.

Governments, as usual, were reluctant to raise the question of the carnage in international forums. Senator Edward M. Kennedy, chairman of a Senate subcommittee on refugees, publicly charged that the Burundi massacres were "being swept under the rug," but UN Secretary-General Kurt Waldheim, a deeply compassionate man committed to humanitarian purposes, quietly dispatched a three-man mission to investigate the situation with the agreement of the Burundi government. Headed by an Undersecretary-General who is an adviser on African matters, the mission spent seven days in Burundi—June 22–28. A UN report based upon the mission, issued on July 28, called the dimensions of the tragedy "staggering." With the need to bring relief to the local inhabitants uppermost in the minds of UN officials, the watchword was caution. As one UN delegate observed, the UN was "walking a political tightrope." Noninterference in internal affairs remained a principal consideration.

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*William Korey is an official of B'nai B'rith and a former Chairman of the Conference of UN Representatives of UNA-USA.

That the holocaust of the Nazi era which had prompted the adoption of the Genocide Convention was no longer regarded as a vital moral concern, at least in some areas of the globe, was made manifest in the early fall of 1972. The President of Uganda, General Idi Amin, on September 12 sent the following identical telegrams to Dr. Waldheim, Premier Golda Meir of Israel, and Yasir Arafat, the head of the Palestine Liberation Organization:

"Germany is the right place where, when Hitler was the Prime Minister and supreme commander, he burnt over six million Jews.

"This is because Hitler and all German people knew that the Israelis are not people who are working in the interest of the people of the world and that is why they burnt the Israelis alive with gas in the soil of Germany."

If the Ugandan chief of state had already displayed a maliciously racist view by his announced plan to expel all Asians from his country, the apologia for genocide was nonetheless startling. Had the past been so quickly forgotten? Was genocide now considered in some quarters a morally justifiable convenience? Was it to be tolerated in other places? The current session of the General Assembly opened a week after the Amin assertion and observers could not but be struck with the absence of outrage about the Amin statement in the speeches of delegates. (Even the cruel expulsion of Asians received comment in but a few delegation statements.)

Since instances of genocide have been unable to obtain even a modest airing, let alone some form of deterrence, in the organs of the United Nations, some international legal specialists, who were intimately connected with the Nuremberg Tribunal, have begun drawing attention to a neglected provision of the Genocide Convention. Article VI of the treaty projected the idea of establishing an "international penal tribunal" to try "persons charged with genocide." Its jurisdiction would, of course, be limited to those contracting parties who formally agreed to accept its decisions.

In the early 1950's, there had taken place in the General Assembly some discussion about creating an international penal tribunal, but progress came to a halt when it was linked with the awkward and complex question of defining aggression. The Assembly, in 1950, established a 17-member committee which, the following year, formulated "proposals" regarding an international criminal court but concluded that they "did not wish to give their proposals any appearance of finality."

The Assembly proceeded in 1952 to appoint a second committee to examine the matter. After twenty-three meetings in 1953, it submitted the following stunning comment:

"Some members expressed the conviction that, in the present stage of international relations and international organizations, any attempt to establish an international criminal jurisdiction would meet with insurmountable obstacles. As an ultimate objective an international criminal court would be desirable, but its establishment at the present time *would do more harm than good. The rigid maintenance of criminal justice was likely to endanger the maintenance of peace.*" (Emphasis added.)

In December 1957 the Assembly finally decided to defer any further consideration of establishing an international criminal court until it took up the question of defining aggression as well as related question of drafting a Code of Offenses Against the Peace and Security of Mankind.

Few are sanguine about the UN adopting a definition of aggression, although the Assembly, during its 1951 session, considered that such a definition was possible by focusing upon "the elements which constitute" aggression. In numerous meetings of a 35-member committee appointed by the General Assembly, fundamental differences between the great powers about a definition have remained unresolved. An inevitable result is the veritable pigeonholing of the projected international criminal court to a distant and indefinite future.

Professor John Humphrey, the former director of the UN Division on Human Rights, suggested to the Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1967 (he sat on the body as a Canadian "expert") that the creation of an international criminal court be considered even in the absence of a definition of aggression. The Sub-Commission, in a resolution, queried higher UN bodies as to whether such a course could be pursued. The response of the General Assembly in 1968 was negative.

Another constructive proposal was advanced in the Sub-Commission in 1965 by the able Indian "expert," Arcot Krishnaswami. He suggested that it was less important to establish the controversial international criminal court than it was to form a presumably independent international body "which would endeavor to prevent the crime of genocide before it actually occurred on a massive scale. Such a body should be able to investigate and to assess allegations of genocide, and to take the steps necessary to halt at its outset the deliberate destruction of a national racial, religious or ethnic group. "Nothing definite with regard to this proposal has emerged.

Yet it is increasingly clear in UN circles that some international machinery is essential if the Genocide Convention, now ratified by 75 countries, is to take on life and meaning. Currently, the Sub-Commission on Prevention of Discrimination is sponsoring a study "of the question of the prevention and punishment of the crime of genocide," on the basis of an Economic and Social Council resolution adopted in June 1969. The Special Rapporteur conducting the study, Nicodeme Ruhashyankiko, has indicated in a "preliminary report" that he intends to explore the ideas proposed by both Humphrey and Krishnaswami as well as examine "the possibility of taking further international action, in particular by the adoption of new international instruments." It is encouraging to note that when he posed to the Sub-Commission this past August the query as to whether he should include in his study specified "allegations of acts of genocide committed in various parts of the world," no negative response was forthcoming.

The fact that at least a beginning has been made in the international community to consider some form of machinery to deter or halt acts of genocide makes it all the more essential that the United States Senate provide its consent to ratification of the treaty. For too long, and at the cost of considerable diplomatic embarrassment, the United States has not been a contracting party to the Genocide Convention. The rationale for this reluctance has been twofold—that genocide is largely a domestic matter and therefore not appropriate to the treaty-making power; and that ratification could alter the balance of authority between the States and the Federal Government. If, however, the United States is to play a constructive and effective role in the practical discussions that may emerge from the Sub-Commission study, ratification would seem to be a move whose time has finally come.

December 9, 1973, will mark the 25th anniversary of the Genocide Convention. The great moral legacy of Raphael Lemkin, the brilliant former public prosecutor of Warsaw who first defined the crime of genocide in the UN's early days, will have been seriously undermined if by then a total vacuum still remains in the international community with respect to the treaty's implementation. A leading British jurist who participated in the Nuremberg proceedings, Sir Elwyn Jones, recently emphasized that the lessons of Nuremberg have yet to be acted upon. "Humanity ignores them at its peril," he warned.

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## AWARD TO ALONZO G. DECKER, JR.

Mr. MATHIAS. Mr. President, I was pleased and proud to be present last night in Washington when one of Maryland's outstanding citizens, Alonzo G. Decker, Jr., was presented with the American Machinist Award for 1972. As chairman and chief executive officer of the Black & Decker Manufacturing Co. of Towson, Md., Alonzo Decker has lent his considerable skills and talents toward making the labors of millions of Americans more productive.

Our country has achieved its place in the world today through the creative efforts of those such as Alonzo Decker whose tireless pursuit of excellence has again and again produced laborsaving products which enhance the workmanship of individual workers and benefit the American economy as well.

The December 25, 1972, issue of American Machinist magazine contains an article outlining Alonzo Decker's distinguished career and paying tribute to him as an unequaled example of American intelligence and ingenuity. I ask unanimous consent that this article be printed in the RECORD.

There being no objecton, the article was ordered to be printed in the RECORD, as follows:

### THE AM AWARD

Alonzo G. Decker, Jr., for showing how the right combination of people, equipment, and leadership can repeatedly break through accepted "limits" to offset rising productivity.

The AM Award is presented annually by the editors of American Machinist for distinguished contributions to manufacturing:

1965—Charles H. Patterson.
1966—Donald C. Burnham.
1967—C. Warren Drake.
1968—Arthur B. Lundahl.
1969—William W. Gilbert.
1970—Robert L. Roderick.
1971—Fred E. Parker.
1972—Alonzo G. Decker, Jr.

Alonzo G. Decker, Jr. believes in managing *people*, not just a company. His vital management philosophy is one of human involvement and exciting challenge-sounds old-fashioned, pehaps, yet it's often the talk of progessive management seminars.

But this man is no graybeard in an ivory tower. Al Decker lives his philosophy every day of his life as the leader of a burgeoning, one-third-billon-dollar corporation that's earned itself a world-wide reputation—for both its quality, helpful products and its bullish performance in the stock market.

To maintain this reputation, the firm uses advanced technology and the active participation of its people—so successfully that its productivity gains more than offset rising costs.

Al Decker says this about the company he's been intimately connected with throughout his life: "We manufacture a needed product that saves millions of hours of physical labor every year. We've done well by our stockholders. And we gainfully employ a lot of people who are happy in their work and are well paid for it, too.

"We want to continue doing this for a long time, and there seems to be no limit to what we can achieve through improvements in productivity."

Al Decker is the chairman and chief executive officer of the Black & Decker Manufacturing Company, headquartered in Towson, Maryland. Founded in 1910 by Al Decker's father and a fellow engineer, S. Duncan Black, Black & Decker has become the world's leading maker of portable electric, air, and cordless tools.

### WHAT IT MEANS TO YOU

If you do work around your home—either in a basement workshop or out in the yard—chances are your work is easier because you use Black & Decker power tools. What you may not realize is that the ¼-in. drill you bought this year for $7.99 cost $16.95 when it was introduced to the home handyman more than 25 years ago. That would be about $35 in current dollars, but productivity (in marketing as well as in engineering and manufacturing) got the price down.

If you are a B&D stockholder, you received the 1972 annual report a couple of weeks ago, and you know that net sales ($346 million) and net earnings ($26.6 million) were both up 21% from 1971. What's remarkable about these figures is that this has not been a year of recovery as it's been for so many companies. Instead, 1972 was the *fourteenth* year of continuous growth for the power-tool manufacturer. That's another result of productivity.

If you're a safety-conscious do-it-yourselfer, you'll be glad to know that early next year Black & Decker is introducing an entirely redesigned line of eleven home tools—drills, jigsaws, and sanders—that provides an extra "double insulation" feature at no increase in price. And B&D's popular battery-powered grass shears will cost 25% less than they did when placed on the market last spring. These are results of *specific* productivity programs.

The photographs on these and the following pages illustrate some of the means—both machines and people—by which Black & Decker is increasing productivity at three of its plants so it can continue to lower prices, boost sales, and improve profits. (Photographs not reproduced in RECORD.)

Asked about the fiscal year ended Sept. 24, Al Decker replied with his usual modesty, "I'm proud of what our people have done, of course, but we have to have such years to offset years like 1971 when industrial and professional sales were on the down cycle."

Last year, sales increased by 12% but were below the company's past and projected average yearly growth rate of 15%. Nevertheless, net earnings came through as forecast, 13% above the year-earlier level and a healthy 7.7% of net sales.

It's also worth noting that Black & Decker's investment ratio—capital spending as a percentage of gross plant—was 17.6% in 1971, higher than its 15-year average of 14.6% and far above the average for other manufacturing companies (AM—Jun. 26, '72, p. 71).

Year-end financial results tell a lot about how well a man's—and a company's—philosophy is working. So do all those labor-saving power tools that are successfully resisting foreign competition because they've been consistently improved and reduced in price at the same time. But they don't tell us how the man or the company got where it is today.

Black & Decker has achieved its success as a company because Al Decker has been successful with people. And it was during his two dozen years of direct involvement in the manufacturing side of the business that he learned about people, about the potential of productivity programs, and about the importance of setting specific goals.

Al Decker still knows many people in the Towson R&D labs and in the Hampstead, Md., plant by their first names. He finds it's easy to talk to people: "I've been there myself, and I know what they think about their jobs."

Just as he tries to get managers involved in each other's problems, Decker also encourages communication between managers and their subordinates. Talk to any manager there, and you'll hear that Black & Decker is a "people-oriented" or a "people-to-people" company with an involved, "shirt-sleeves" management.

Black & Decker has always been in the forefront of manufacturing technology, yet the company tries never to lay off anyone because of automation. Al Decker knows what it's like to work in a factory—and to be laid off, too.

After spending most of his high school and college summers doing odd jobs on the shop floor, Decker (E.E., Cornell '29) was hired as an engineer and traveled overseas demonstrating B&D industrial power tools.

"Those trips really gave me a thrill," Decker says. "They opened up the world for me. I toured all through Europe and ended up in Russia for two months trying to set up a service center.

"We had barely scratched the U.S. market, yet we were already thinking and acting like an international operation with manufacturing in Canada, England, and Australia. We have always tried to make our tools where we sell them." Today, 12 of B&D's 18 plants—and about half its 13,000 employees—are outside the United States.

The company came very close to bankruptcy when the second wave of the depression hit in late 1930, and young Decker was laid off with a lot of other people. When he returned—this time to stay—in February of '33, there wasn't any money for engineers; so he worked as a laborer for 25¢ an hour.

### STARTING OVER AT THE BOTTOM

"At first we were working only four days every other week. I did whatever needed to be done, deburring castings, operating a milling machine. I worked on gear cutters and screw machines and punch presses. I literally went through all the manufacturing departments.

"Soon we needed more labor than the company could pay for, so they asked if we would work three nights a week for no pay if they put us on a full five-day week with pay.

"I'll tell you we all did it with alacrity! And I don't think we, as a group of working people, ever had more fun. We could see the company was coming to life again, and we all wanted to do our share to get it going. I guess you could call that an *early* productivity program.

"Having grown up with them, I already knew a lot of people—our whole U.S. operation was in Towson then—and I worked side by side with a lot more. It was a good experience to work with my hands and to be involved with the workers—as one of them.

"I learned manufacturing from the bottom up, and learned people, too—how they want to be treated and respected as individuals.

"But you've got to be fair and see that each man does what he's supposed to do, too. Most of all, you have to make it clear that you recognize each person's contribution.

"This was the spirit passed down by the founding families, the Blacks and the Deckers. They always made it their business to know everybody, their families, and their backgrounds.

"Of course, it's not easy to keep that atmosphere today. So we have to take a little extra time with those coming up through the organization to be sure they give attention to it."

Decker had moved up to production control when he was asked to take over the development of an electric hammer for "drilling" holes in stone and masonry. "Anytime anybody has ever come to me with a difficult job, I've always said *sure*. The design needed some touching up, and we ran extensive tests. Anyway, the design has lasted—they're still in the catalog today. The 'lunar drill' we designed for the Apollo project is essentially a cordless version of that electric hammer."

He was assistant chief engineer when, in 1938, Decker was made assistant general manager, reporting to his father who was vice president and general manager. Then in 1940, Black & Decker created two new positions. Al Decker was appointed vice president of manufacturing, and Robert D. Black, S. D. Black's younger brother, became vice president of sales, following the traditional division of labor of the two founders.

Al Decker headed up the company's manufacturing activities throughout World War II and for a decade after that. The war effort strained Black & Decker's plant capacity to its limit, as the aircraft manufacturers and other industries clamored for drills and screwdrivers by the thousands.

Nevertheless, the company was looking ahead to the end of the war and the possibility of a depression of the sort that followed WW I. In 1942, Decker and the other members of the "postwar planning committee" started meeting one day each month to discuss future projects.

One result, although the lull never came, was the "world's first line of popularly priced drills" right at the beginning of the do-it-yourself boom. During the next half-dozen years, portable circular saws, jigsaws, and sanders were added to the "Home-Utility" line.

The Black & Decker work force had been putting in six and seven days a week during the war, and, Al Decker says, "They were just plain tired. So I said, 'We all want to go back to the five-day week, but none of us wants to go back to five day's pay. I'll bet we can do as much in five days as we did in six.'

"I discussed it with all the supervisory people right down the line. We went to a five-day week with six day's pay and didn't lose one iota of production. That was a seat-of-the-pants productivity program, but it worked.

"Productivity goals became a regular thing after that. I said to the people in manufacturing, 'If we want to continue getting wage increases—and we sure as hell do—then we want to have a way of paying for it.'

"We announced a 4% general wage increase and then budgeted each manufacturing operation for a 4% reduction in costs. It was the foremen and the operators, however, who came up with the specific ways of increasing efficiency to meet that budget.

"All improvements were measured against the time and cost standards established at the beginning of the year. So each department was able to demonstrate its rising efficiency throughout the year. At year-end, all the standards were updated, and we returned to zero.

"From that philosophical beginning in 1946, we have continued stressing productivity. However, now we have to meet inflation costs of 8% or 10% a year, and the dollar savings are measured in millions rather than in hundreds of thousands."

Today, Al Decker's goal, stated simply but specifically, is "to keep increasing productivity so that sales and earnings continue growing at 15% a year." This goal is being achieved year after year largely because of Al Decker's influences on the company. A major influence is his relaxed style of participative management that "turns on" his people at all levels within the company.

As dedicated and determined as Al Decker is, he is also a considerate, gentle man, and he understands the strengths and limitations of human nature. He senses that, above all, people need to work and that they work best in an atmosphere of respect and honesty. He also believes that people want to fulfill their responsibilities.

Alonzo G. Decker, Al's father and mentor, was president from 1951 (when cofounder S. D. Black died) until his death in 1956. At that time Bob Black became president and chairman of the board, and Al Decker moved toward the top management spot in regular intervals: executive vice president (1956), president (1960), president and chief executive officer (1964), and president, chief executive, and chairman (1968) when Bob Black retired.

This October, as a first step toward retirement some years from now, Decker (65 next month) and the other directors passed the presidency on to Frank P. Lucier, 45, the first president not named Black or Decker.

Lucier, who had been vice president and general manager of U.S. Operations for the past five years, says, "Al has tremendous skill with people. He realizes that, as the company keeps growing, he has to keep his people playing together, and he manages his team of superstars very well.

"We are all very different types of people here, and Al appreciates the viewpoints of others. But he also has very high expectations of others—as he has of himself. And, although his wishes are very strongly felt, he holds the reins very loosely."

Regarding his working relationship with Al Decker, Lucier says, "We've based our personal group rules on always leveling with each other. We say it as tactfully as possible, but we say it. We don't hide things, we keep things open. And that's the way this company operates right down the line."

"High expectations" and "loose reins" are what participative management is all about—managing by objectives rather than by directives. To these add honesty and openness, and you start to get some idea of how it's practiced at Black & Decker.

Realizing that memos from his office are likely to be interpreted as law at lower levels of management, Decker prefers to develop his goals in conversation. He says, "I sit and listen, and then I ask a few questions and make a few suggestions. I believe in giving people responsibilities—and the authority to carry them out. I let a fellow run his own show. I've been there, and I want to give him the satisfaction I've had through the years with this company."

Because management by objectives, like growth through productivity, is "a way of life" at Black & Decker, it gets a little more structured as the top-level goals filter down through the company.

Robert L. Swam, vice president of manufacturing for the Power Tool Group, says, "Many people from other companies come to us and inquire about our productivity programs. We explain the details—standard costs, variable budgets, time-motion studies—but it usually ends up as a discussion of our philosophy of management and how it works.

"A very important element is our 'overall performance worksheet,' the communication tool that assures a continuing dialog between supervisors and their subordinates and between one department and another."

In use at Black & Decker since 1967, the worksheet is a four-page form with a detailed set of instructions. Its objectives are also spelled out: to help the individual improve his knowledge and skills, to promote communication between the individual and his supervisor, to convert company goals into job targets for the individual, and to help appraise the individual's performance.

Briefly, here's how the performance worksheet program works; Near the beginning of the fiscal year, each manager meets with his people to discuss group targets for the coming year and how they should be divided up. Each individual reviews the group's targets and jots down a few words about his personal goals and his job targets and responsibilities and about those of each person that reports to him.

Then each individual meets one-to-one with his supervisor and each of his subordinates to agree on the next year's projects, including specific improvements sought, priorities, completion dates, and how to *measure* improvements. Finally, duplicate working copies of the worksheet are filled in—the supervisor's copy becomes part of company files at the end of the year.

Progress is measured and reviewed, usually quarterly, and at the end of the fourth quarter, all managers evaluate each subordinate's job performance and make recommendations for his future.

It all sounds very complicated and time-consuming, and the B&D managers agree that it is. But the disinterested discipline imposed by this "cascade" of worksheets helps people come up with results, not just claims. And while Black & Decker is documenting the successes of its productivity and profit improvement programs, each manager is telling the company about his own aspirators, and his boss is giving him feedback about his performance.

Bob Swam, who's responsible for the overall operations of Black & Decker's plants in Hampstead, Md., Fayetteville, N.C., and Tarboro, N.C., stresses, "It's not just the mechanics of it. It's the total environment, the whole philosophy of what we're about. To be able to offer quality tools and sell them in volume, we always have to seek cost leadership. And to do that we have to have a climate where people can feel free to come up with better ideas, new ways to do things. Out of that we get projects that save a few cents here, a few minutes there."

James F. Barcus, Jr., plant manager at Hampstead, is an example—as are Swam and many others—of another facet of Al Decker's management philosophy. At Black & Decker, it's believed that managers can best broaden their skills by experiencing a variety of working situations, often across traditional lines.

Jim Barcus was a systems man just 2½ years ago. As division manager of B&D's Management Information Services, Barcus helped design for the Hampstead plant a computerized shopfloor reporting system called SCOPE (Scheduling and Control of Orders for Production Economy) (AM—Jun. 29 '70, p68). This is a data-collection and communication system designed to provide B&D's manufacturing management with the current information it needs for optimum scheduling, dispatching, coordination, and control of work as it flows through the plant.

Barcus then spent two years as general manager of the company's DeWalt Div. in Lancaster, Pa., where he used many of the systems he helped design. Now at Hampstead, he says, "SCOPE was a critical productivity program here because you have to have the day-to-day flow of material under control before any of the sophisticated process controls like NC can pay off."

Hampstead, which has been expanded from its original, 1951 size of 110,000 sq. ft. to one million sq. ft., is basically a huge job-lot shop where most of Black & Decker's extensive line of industrial and professional tools is made plus do-it-yourself circular saws.

### SCOPE SHARPENS OPERATIONS

Barcus says, "Here's what SCOPE—and the people using it—have accomplished since the system was fully implemented in Sep., 1970: The lateness of manufacturing orders has been reduced from 1.8 weeks to 0.64. Leadtimes are now 1.22 weeks shorter than they were. Plant output has increased by 19%, but the number of people supporting the shop-floor reporting system has decreased by 17%.

"Most important, the turnover of inventory has improved by 31%. Quicker inventory turns mean that a lot less money is tied up in raw materials."

The system is working so well, Swam and Barcus agree, because the manufacturing people involved in its planning also did a good job of preparing their workers for it. Besides a lot of advance communication about its benefits, the system was implemented one department at a time and turned on only when the shop people gave their OK.

In line with other people-oriented experiments at Hampstead (such as the abandonment of timeclocks 1½ years ago), the labor-efficiency-reporting capability of SCOPE has never been implemented. "Worker efficiency should remain the job of first-line supervision," Swam says. "The payback isn't whether an employee is working at 92% or 96% efficiency, but that he's working on the part most needed to get finished products out to meet the demand."

Many productivity programs at Hampstead are examples of "vertical integration," put into effect when quantities and expertise reach a level where it's cheaper to make a part than buy it.

Barcus says, "We have started making four or five high-quantity gears using our own powder-metallurgy process, which includes two PM compacting presses feeding a continuous, conveyorized sintering furnace."

Hampstead also makes three-fourths of its plastic moldings in a variety of resins—glass-reinforced thermosets as well as thermoplastic polycarbonate, nylon, polypropylene, and ABS.

The mold shop machines about 40% of the molds for the plastic parts, and the toolroom makes 60% of all dies, jigs, and fixtures used throughout the plant.

Most of Black & Decker's accessory products such as saw blades are manufactured at Hampstead, and they are processed on an automated salt-bath heat-treating line and a bank of automated saw-blade sharpeners. Other cost-saving processes include semiautomated assembly lines, automated packaging, and automated winding of motor fields and armatures.

The automated assembly of motors, however, reaches its most advanced state at the Fayetteville plant. George E. Maffey, manager of the five-year-old facility, says, "To a large extent, we are a motor-manufacturing outfit here. We make literally millions of motors, many of them for our low-cost drills and jig-saws made here and in Tarboro.

"Field and armature winding have gone through a step-by-step evolution until today they are the most automated of our processes. We have a person at one end checking supplies of laminations, shafts, insulating materials, magnet wire, and so on.

"At the other end another worker is stacking the completed armatures or fields, and, of course, we have a few people along the line keeping an eye on the conveyor-connected machines."

For the company's lower-quantity motors, there are still long lines of people winding coils on semiautomatic equipment, and the contrast in manpower requirements is very striking.

### NEW LINE, A CHALLENGE

The automatically produced fields and armatures are being installed in Black & Decker's new, redesigned Home Products tools being introduced early next year. George Maffey says, "This line has been a major part of our engineering effort for the last 2½ years, and it's a good example of how this company turns a problem into a successful productivity program.

"Our studies indicated that adding a double layer of insulation between all electrical components and the user would add 10% to our manufacturing costs. The goal that came down to us was to add this safety feature at no increase in cost to the consumer.

"So we took this opportunity to completely redesign the line for maximum part and process standardization. By increasing the quantities on families of parts—and by many other methods—we have been able, we think, to override the extra manufacturing and materials content so that we can keep prices at their old levels."

As part of the redesign, the engineers removed a taper from the motor shafts, which are being run through a new centerless grinder in one-fourth the former grinding time. Another new machine cuts gear teeth on one end of each shaft with carbide hobs at a much faster rate than the old machine could with high-speed-steel hobs.

The company is now manufacturing about 20% of the chucks used on its low-cost drills and expects to be making all of them within the next year.

Maffey adds, "We've also effectively increased our usable manufacturing space simply by rearranging our shop for a better flow of materials with the view toward automating our materials handling sometime in the future."

Automated materials handling is the most eye-catching feature at the Tarboro plant, which celebrates its second anniversary next month. Here the accent is heavily on assembly with six lines currently in operation—four for various jigsaw models and two for hedge trimmers.

Thomas T. Beeson, plant manager at Tarboro, says, "Speed and movement of materials is the name of our game. Parts that arrived at the back door yesterday are going out as finished products today. Sometimes, speeding up the turnover of inventory can save more money than reducing direct-labor content."

Tarboro, also deeply committed to the redesigned Home Products line, machines the diecast intermediate plates and bearings for the new jigsaws and assembles all cord sets used there and in Fayetteville. And a dozen-plus injection molding machines produce the high-precision polycarbonate motor housings and other plastic components.

"We push the threshold of technology here," Tom Beeson says. "We haven't done anything the same way twice. For example, we have the first nonsynchronous assembly conveyors in the company's history, designed and built by our own people to do our thing."

Many of the home products are assembled at Tarboro and other B&D plants on synchronous lines with engineered assembly jigs that move at a slow, steady pace. The advantage of Tarboro's newer, power-and-free lines is that the pallet moves to the worker and stops while he performs his operation. Then an automatic timer releases the fixture to the next station.

These power-and-free assembly conveyors are also readily adapted to automation equipment such as automatic screwdrivers and grease applicators. "It's those operations that are repetitive and monotonous, the most demeaning to people, that are the easiest to automate," Beeson says. "And our people are happy, active participants in these projects because they know their job won't be eliminated, it'll be upgraded."

Black & Decker's plants in North Carolina and Maryland illustrate the company's "rural" philosophy, which actually began in 1916 when the founders moved the firm from Baltimore to the farm community of Towson.

Al Decker says, "We try to locate all of our plants in the country because we've found that farmers and the children of farmers are responsive and responsible people. Most of them are mechanically inclined, but, more important, they have a lot of integrity and a lot of independence. You can't push them; you have to lead them."

Al Decker has his own bit of country, a 400-acre farm on Maryland's Eastern Shore where he raises and releases thousands of ducks each year, partly to restock the countryside for the avid duck hunters on the B&D staff.

He has been spending more weekends on the farm since he sold his 83-ft boat six years ago. "That was *my* do-it-yourself project for twenty years. My wife and I and friends from the company completely refitted the interior of a war-surplus patrol boat. And with a crew of one or two I explored much of the coastline of the Chesapeake Bay and its tributaries."

In a very real sense, however, Black & Decker has been and is Al Decker's life. "I was fortunate in that I never had to wonder what my life was going to be. I didn't think to myself, I'm going to be president of Black & Decker, but I never thought of being anything anywhere else. I've devoted many years to it and traveled all over the world for it, but I've never regretted anything I've done for this company."

## TRIBUTE TO HARRY S TRUMAN

Mr. WILLIAMS. Mr. President, when the Nation lost Harry S Truman, we lost a giant. The United States and the world will surely miss the Statesman from Missouri and will long remember his success and accomplishments.

I have had the honor of knowing and admiring Harry Truman throughout the years and will always treasure the personal moments of our acquaintance.

Harry Truman was not only a man capable of effectively dealing with the enormous responsibilities of the Presidency, he was a man of great strength and courage and mastered every task before him with undiminished understanding and knowledge. His zest for life and his compassion for people continually prevailed in his handling of many difficult national and world affairs.

His work as President was eloquently described by The Very Reverend Francis Sayre, Dean of Washington Cathedral, when he stated at the Memorial Services for President Truman on January 5:

> Sometimes it must seem to every President as if the path ahead is blocked by an impenetrable wall, a river impassable, the mendaciousness of man in all his affairs makes prisoner of that leader who must see beyond; who may not allow the world to quench the spark of truth God has given to his keeping.

Harry Truman faced his decisions with truth and courage. As Dean Sayre also reflected in his eulogy:

> Many of us remember still the dark days that Harry Truman faced, the loneliness of his responsibility and the generous impulse he ever brought to it.

We are reminded of this vast loneliness as we remember that during his Presidency, Harry Truman was faced with a decision unequaled to that of any other world leader. Choosing to prevent the loss of thousands of American soldiers who would have been killed in the attack on Japan in 1945, President Truman, alone, ordered the dropping of the bomb that has since shaped the world.

President Truman, however, should not only be remembered for this one grave but vital act. We should appropriately reflect on his concern for all citizens of this Nation and the world. The Marshall plan executed under his administration helped to provide for war-torn Europe the salvation of lives and homes. And lost amidst the historical notations on his decisions and judgments in foreign affairs, are the works and achievements of Harry Truman in domestic matters. His undaunted endeavors in major civil rights and social welfare reform were remarkably effective, and serve to further demonstrate his understanding of the misfortunate and his compassion for the poor.

Again, in the words of Dean Sayre:

> In the eyes of his countrymen, Harry Truman was found to be such a man. Earthy plain, there were no wrinkles in his honesty; when the time came, he stepped to the anvil humble but not afraid, relying always in his independent way upon the goodness of the Lord, in whose hand is the hammer of our fate.

In addition to the courage, vitality, and self-confidence commonly noted in the character of Mr. Truman, this man possessed immeasurable wit and charm. His warmth and humor is evident in a personal notation he made at the bottom of a cordial note to me following my election to the Senate in 1958. He reflected on a story he remembered from when he first entered the Senate, by writing:

> When I went to the Senate January 3, 1935, Ham Lewis was whip. He came and sat by me a day or two after I was sworn in and said to me, "Harry, don't you get an inferiority complex. You'll sit here about six months and wonder how you arrived and after that you'll wonder how the hell the rest of us got here."

Mr. President, to a great extent, Mr. Truman was what America is all about—a humble man rising to the highest office in this land. He was a man who at first glance appeared to be ordinary, but in the final analysis turned out to be a most extraordinary man and a great President. In remarks written to his daughter, Margaret, he partially summed up himself when he wrote:

> Your Dad will never be reckoned among the great but you can be sure he did his level best and gave all he had to his country.

However, Harry S Truman not only "did his level best and gave all he had to his country," but he achieved a greatness that will long be admired and respected by people throughout the world. He will be missed.

## STUDY BY HARVARD MEDICAL SCHOOL AND BOSTON CITY HOSPITAL

Mr. COOK. Mr. President, it appears that the 93d Congress will witness a resumption of attempts to employ the unfounded allegations of the dangers in cigarette smoking in a continuing attack on the tobacco industry. Although I have never hesitated to defend against this constant barrage of misstatements, and attempts to impose guilt by association, I am becoming weary of defending against contentions which have no statistical basis or factual foundation.

Others, however, are attempting to fill this void by subsidizing extensive research into all environmental influences on the pulmonary and cardiovascular systems. In doing so they are putting their very corporate lives on the line. I refer to the recent announcement by the Harvard Medical School that seven major tobacco companies and a large association of tobacco growers have made an original grant of $2,800,000 to finance a study to be conducted by the Harvard medical unit and the Channing Laboratory of Boston City Hospital. Dr. Franklin H. Epstein, a member of the team which will conduct the study, explained that:

> Although cigarette smoking may, and is thought by many to be, a major cause of lung cancer, emphysema, and chronic bronchitis, many other factors may be equally or more important in the pathogenesis of these diseases.

The supposition that there are many varying factors contributing to heart and lung disease is to be the basis for this major research effort. The research is properly aimed at identifying all causal factors rather than at proving that any one factor is the primary cause. Although this Senator does not proclaim to have any medical expertise, he is certainly aware of the great potential value in this undertaking. I would like to commend the tobacco industry for its contribution to the impending study and hope that its conclusions will be of major assistance in analyzing the causes of serious pulmonary and cardiovascular diseases.

I ask unanimous consent that the news release from Harvard University announcing this study be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

### NEWS RELEASE ISSUED BY HARVARD UNIVERSITY

A five year investigation into pulmonary and cardiovascular diseases has been launched by the Harvard Medical School with a grant from the following tobacco companies: American Brands, Inc., Brown and Williamson Tobacco Corp., Larus and Brothers, Inc., Liggett and Meyers, Inc., Lorillard Inc., a division of Loew's Theatres, Inc., Philip Morris, Inc., R. J. Reynolds Industries, Inc., the United States Tobacco Company, and the Tobacco Associates, an association of tobacco growers.

The study will be conducted in the Harvard Medical Unit and the Channing Laboratory of the Boston City Hospital with Gary L. Huber, M.D., Assistant Professor of Medicine, as the principal investigator. Franklin H. Epstein, M.D., Professor of Medicine, is head of the Medical Unit and Edward H. Kass, M.D., Professor of Medicine, is director of the Channing Laboratory. Drs. Epstein and Kass, with Ramzi S. Cotran, M.D., the Frank Burr Mallory Professor of Pathology and Head of the Department of Pathology at the Hospital, will serve as project consultants.

Some 23 other investigators are now working with Dr. Huber. "At this time, we already have an extensive research program concerned with the effects of environmental influences on the lung," Dr. Huber said. "Among a variety of other environmental influences to be studied, attention will now also be given to any specific effects cigarette smoke may have in the development of such pulmonary diseases as emphysema, chronic bronchitis, and lung cancer, and in the development of heart and vascular diseases. While it is common knowledge that cigarette smoking has been alleged to be a major cause of these diseases, many other factors, not so well publicized, may be important. These include exposure to air pollutants, the genetic differences in host susceptibility, and so on.

A direct casual relationship for any of these or other environmental factors has not been clearly demonstrated. Our proposal will provide a research program relative to tobacco and health, one of whose goals is to provide contributions of significant data to help resolve some of the questions that now exist concerning the effects of cigarette smoking. In addition, studies on differences in host susceptibility and the effect of other environmental influences on the lung will be undertaken.

Dr. Epstein noted that "though cigarette smoking may, and is thought by many to be, a major cause of lung cancer, emphysema, and chronic bronchitis, many other factors may be equally or more important in the pathogenesis of these diseases."

"There are nearly six hundred billion cigarettes sold in this country per year," said Dr. Huber. "That represents over four thousand cigarettes per year for every adult member of our population. No one knows how many people in this country smoke. Estimates on the percentage of adults who smoke run from forty to sixty per cent. With that many people smoking," he emphasized, "it is of the utmost importance that any question relative to tobacco and health be clarified beyond any question of doubt. This controversy must be resolved."

Speaking on behalf of the donors, Mr. Alexander H. Galloway, chairman of the Executive Committee for the tobacco companies, said that Harvard is the logical institution in which to continue what he called "the insistence of the tobacco industry to help find answers to many questions about smoking and health."

"The Channing Laboratory at the Boston City Hospital," said Dr. Kass, "has a long and outstanding history of interest in the influence of environmental factors and therapeutic agents on the defense mechanisms of the hosts. It is well equipped for a multi-disciplined and comprehensive approach to this complex problem."

The resources of the Harvard Medical Unit at the Boston City Hospital, the Mallory Institute of Pathology and the Thorndike Memorial Laboratory also will be available to the project investigators, as will the scientific knowhow of neighboring institutions. Since his medical school days, Dr. Huber has been interested in pulmonary diseases. After undergraduate training at Washington State University, Dr. Huber received his M.D. degree in 1966 and the M.S. degree in electron microscopy in 1970 from the University of Washington School of Medicine in Seattle. Presently, he is Chief of the Division of Respiratory Diseases, Thorndike Memorial Laboratory and Harvard Medical Unit, and Director of the Respiratory Diseases Clinic, Department of Health and Hospitals at the Boston City Hospital. Dr. Huber is a member of the Pulmonary Diseases Advisory Committee of the National Heart and Lung Institute and a member of the Cardiopulmonary Council of the American Heart Association. He is also a member of the Board of Trustees of the Tuberculosis and Respiratory Disease Association in Boston. Dr. Huber served his internship and residency in medicine on the Harvard Medical Services at the Boston City Hospital. In the two year period of 1968 to 1970, Dr. Huber was a research fellow in the Department of Physiology, Harvard School of Public Health, and a research associate in the Department of Health, Education and Welfare's National Air Pollution Control Administration in Cincinnati, Ohio and Durham, North Carolina. During these years he investigated the role of certain environmental pollutants on pulmonary structure and function and the capacity of the lung to clear a bacterial challenge.

Dr. Huber is a native of Spokane, Washington, where he was born on January 30, 1939. Among his professional memberships he lists the American Federation for Clinical Research, the American Society for Microbiology, the American Thoracic Society, the American Physiologic Society, the American College of Physicians, the American College of Chest Physicians and several other organizations.

The Huber home is now in Milton, Massachusetts.

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## RULES OF COMMITTEE ON COMMERCE

Mr. COTTON. Mr. President, the following committee rules were adopted by the Committee on Commerce at its executive organizational session on January 15, 1973. As required by Public Law 91-510—The Legislative Reorganization Act of 1970—these rules must be printed in the CONGRESSIONAL RECORD. I ask unanimous consent that they be so printed.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

### COMMITTEE RULES

#### I—MEETING OF THE COMMITTEE

Regular meeting days are the first and third Tuesdays of each month.

#### II—QUORUMS

1. Ten members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided, that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

#### III—PROXIES

When a record vote is taken in Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone or through personal instructions.

#### IV—BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any Subcommittee thereof, shall be televised or broadcast only when authorized by the chairman and the ranking minority member of the full committee.

#### V—SUBCOMMITTEES

Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

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## EXPANSION OF MAST PROGRAMS

Mr. TOWER. Mr. President, I am pleased to join with the Senator from South Carolina (Mr. HOLLINGS) in pursuit of a matter I initiated in the last Congress. I urge Senators to act expeditiously in authorizing the Department of Defense to continue present MAST programs as well as authorizing the Department of Defense to expand the MAST program consistent with military objectives and priorities.

One of the first MAST programs in the Nation was initiated at Fort Sam Houston, serving the area surrounding San Antonio. The program has significantly upgraded the emergency medical capability to serve the rural areas. The use of military personnel and resources, under the program, has dramatically reduced the length of time between injury and hospitalization by airlifting victims directly from accident scenes to large hospitals where specialized personnel and treatment facilities are readily available.

I feel that there are several points which need to be made. First, the MAST program would only be conducted or expanded to the extent that it did not impair the military mission of the medical or helicopter units. Studies have shown that MAST should be consistent with the availability of personnel and resources. Hence, MAST programs would only be available to communities where aeromedical evacuation or search and rescue units are deployed presently.

Rather than impair the military mission, the five MAST programs presently operating have complemented, supplemented and enhanced military objectives. The programs have provided excellent training opportunities—the life and death purpose of the missions has provided the incentive necessary to attain a high level of proficency and to maintain a continuous state of readiness for military requirements. Further, because the MAST program is operational, it is an excellent practical evaluation of our medical evacuation capabilities, as well as being a valuable method of refining even further our emergency medical techniques.

Second, this legislation does not preempt the responsibility of other agencies to provide programs for emergency medical services. This responsibility for civilian aeromedical evacuation should remain in the Department of Transportation and Department of Health, Education, and Welfare, to include programing and funding for the programs. Department of Defense participation is intended solely as an interim supplement to the services provided by the other agencies. This legislation simply represents an attempt to fully utilize our Nation's resources to meet the health needs of the people.

Third, this legislation is being requested by the Department of Defense. The findings of several indepth studies have demonstrated the value of the program to the armed services as well as the civilian communities. This legislation is essential, for without authorization, the Department of Defense will be unable to expand the MAST program. Presently, the National Highway Safety Administration of the Department of Transportation lists the following military installations which are capable of providing a MAST program and in which the civilian community has submitted an acceptable proposal: Fort Bragg, N.C.; Fort Jackson, S.C.; Fort Stewart, Ga.; Fort Riley, Kans.; Fort Sill, Okla.; Fort Bliss, Tex.; Fort Hood, Tex.; McDill Air Force Base, Fla.; and Nellis Air Force Base, Nev. This legislation is necessary to activate these acceptable programs.

A final comment is that this legislation does not provide for any authorization of funds, for the past programs have demonstrated that the cost is covered by normal expenditures for training. If additional expenditures are required, the legislation provides the Department of Defense with the authority to enter into agreements with other agencies, such as the civilian community or the Department of Health, Education, and Welfare for reimbursement. This legislation does not contemplate new personnel or equipment, but merely, the utilization of existing available resources.

I wholeheartedly endorse the MAST program and urge the passage of this measure to permit and encourage the growth of this successful defense-civilian cooperative effort to save lives.

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## GOVERNMENT IN THE SUNSHINE

Mr. MUSKIE. Mr. President, I am pleased that the able junior Senator from Florida has reintroduced his Government in the Sunshine bill. This bill reminds the Congress of its responsibility to open its committee procedures to public view and links that requirement of legislating in candor to the effort to abate improper and secretive influence on the regulatory process. I wholeheartedly endorse the principle that Congress cannot require full disclosure of executive activities without, simultaneously, inviting the broadest public examination of its own behavior.

At both ends of Pennsylvania Avenue, the premium Government puts on efficiency has been made an excuse for limiting access to and information about the process by which decisions are made. We have seen this penchant for secrecy operate tragically in decisions about the conduct of the war in Indochina, improperly in the ITT antitrust case, and, almost compulsively, in the automatic decision of most congressional committees to exclude the public from those crucial sessions where legislation is marked up. Neither the Congress nor the administration can go on automatically assuming that the people in whose name we govern should be deprived of the chance to judge our performance intelligently.

Only good and open administration and constant public scrutiny can make Government responsive to all its constituents, instead of just the privileged and expert few. As we are men ruled by human laws, we are certain to make errors in attempting to build a stronger and fairer society. What we may lose in efficiency, however, we will cretainly gain through a more responsive democratic process. Opening up our conduct of office means closing out a future of alienation and discord.

In this complicated area I am convinced of the need for the most precise legislative language in order to assure that maximum disclosure imposes minimum hardship on the efficient working of Government. For instance, we must take care that open Government legislation does not inadvertently promote the further abuse of a system of classified information contrived without congressional control. And we must be certain to have language that regulates but does not stifle private communications between Government and its constituents.

I applaud Senator CHILES' initiative in reintroducing his important bill, and I look forward to working with him to develop this legislation into final form.

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## THE SOVIET UNION'S EXIT FEE

Mr. PACKWOOD. Mr. President, recently Dave Brody, director of the Washington Office of the Anti-Defamation League of B'nai B'rith, wrote a letter to the editor of the Washington Evening Star which was published on December 26.

Mr. Brody comments on the unconscionable exit fee—allegedly levied to support education—which has been assessed on Jews seeking to leave the Soviet Union for Israel. His letter demonstrates beyond any doubt that the purpose of this tax is to prevent the emigration of Soviet Jews to Israel rather than to support Soviet education.

This is a dramatic human issue involving the fundamental human rights of thousands of Soviet Jews. Accordingly, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

### ALREADY PAID FOR EDUCATION

SIR: On a recent visit to Radio Liberty headquarters in Munich I picked up some information there which bears on a recent AP dispatch carried by The Star-News reporting that the Soviets have resumed general application of the education tax imposed on Jews leaving for Israel.

This unconscionable exit fee, which is nothing less than a form of ransom, is defended by the Soviets on the ground that a person who has received an education at the expense of the state should be required to pay back that cost before being allowed to emigrate. The many flaws in this explanation have already been exposed in the press and elsewhere; but one fact which has not been brought out is that education in the Soviet Union has not always been free.

From Sept. 1, 1940, to June 6, 1956, students attending the three upper grades of secondary schools and institutions of higher education were required to pay for their education. In Moscow and Leningrad, for example, the cost of a secondary education was 200 rubles per year and that of a college education 400, a substantial portion of a Soviet family's annual income. For those attending art, theatrical and musical institutions of higher education, the tuition was even higher—500 rubles per year.

Clearly, with respect to those who received their education during that period, the Soviet justification for the tax is without foundation. In addition, anyone who finished his education during these years, even if it had been free, would by this time have more than paid the cost of that education by his contributions to the Soviet economy and Soviet society.

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## PRESCOTT BUSH

Mr. WEICKER. Mr. President, at the request of the distinguished Senator from Arizona (Mr. GOLDWATER), I ask unanimous consent to have printed in the RECORD a statement by him relative to the death of former Senator Prescott Bush, of Connecticut.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT BY SENATOR GOLDWATER

Rarely in life does a man have the opportunity of meeting a man like Prescott Bush, and even more rare is the occasion to serve with him in any group. Senator Bush and

I were members of the same class and we worked together throughout the years he was in the Senate and worked together in the causes of America across this country. He was a gentleman in every sense of the word, a highly educated, articulate man with a warm compassion for his fellows. He is going to be missed not just by his family and by those close to him in his state of Connecticut, but missed by thousands of people across this country who might never have known him but who lived a better life because of what he has contributed to America.

## THE OIL CRISIS

Mr. MUSKIE. Mr. President, the fuel oil situation in New England is growing worse, and the administration still has made no response. If Maine and New England are to be spared the crisis which has affected the Midwest, the President must act immediately to increase needed supplies of home-heating oil.

Last week, the U.S. Office of Emergency Preparedness in Boston was told flatly by oil dealers that unless immediate action was taken there would be a full-blown crisis in February. The response from OEP spokesmen in Washington was, "We feel that up in the New England area they're getting along fairly well."

New Englanders are fed up with this kind of answer. There is no reason for further delay. There are no more excuses for inaction. As each day goes by, evidence mounts that the oil crisis we predicted has arrived.

The fact of the matter is that President Nixon has the power to end this crisis if he wants to. He need not wait for congressional authorization. He does not need to spend a single penny of the taxpayers' money. In a single stroke he can abolish the import restrictions which have created this crisis, and allow oil distributors to seek supplies from every available source. Are the pocketbooks of a few rich oilmen more important than the comfort, safety, and peace of mind of hundreds of thousands of American families?

The President can—indeed, he must—act at once. In the past few days, my office has received dozens of phone calls from Maine indicating that the major distributors are rationing oil to their wholesale customers, that supplies are limited, and that some dealers have been cut off completely until February 1.

Until now, retail customers have not been affected. But do we have to wait for the first home or the first hospital to run out of oil? For years, New Englanders have had to come to the President, hat in hand, to ask, "Please, Mr. Nixon, let us heat our homes, let us keep our children warm, let us keep our schools and factories open."

For years, we have sought a sensible oil policy, but the President has either ignored our pleas or responded with halfway measures.

The message does not seem to be getting through.

We are not asking any longer. We demand that the President end this system which is discriminatory and irresponsible.

## THE BOMBING HALT

Mr. JAVITS. Mr. President, the new halt of bombing and shelling of North Vietnam is a clear indication that we are now on what hopefully will be an irreversible road to a cease-fire and peace. As this is a development to be devoutly sought, all our efforts should be directed toward seeing that nothing is done to derail all humanity's desire for peace.

The confrontation between Congress and the President, which will surely ensue if a cease-fire and peace are not consummated very shortly, is something which the American people should certainly hope to avoid. If it is inevitable, then it must be faced. But, let us hope that the latest developments mean two things:

First. That the President is at long last determined to conclude a cease-fire agreement whether or not President Thieu chooses to sign; and

Second. That President Nixon's determinations are based solely upon American interests which dictate that now is the time to enter into a cease-fire in Indochina.

## RURAL SOUTH DAKOTA SPEAKS OUT

Mr. McGOVERN. Mr. President, more than 2,000 South Dakotans—farmers, farm wives, farm organization leaders, small businessmen, public officials, people from every walk of life—jammed into every available space in the Huron High auditorium in Huron, S. Dak., last Saturday to meet with their congressional delegation.

They came to voice their despair and dissatisfaction at what they clearly regarded as a breech of public trust by the Nixon administration.

This was not a partisan meeting. This was an assembly of Democrats and Republicans and the unaffiliated, united in their outrage over the actions of the Nixon administration during the past 30 days. They are hurting because of the cutbacks and terminations made by the President of rural assistance programs mandated by the Congress; and they are protesting the arbitrary, unilateral impoundments of funds appropriated by the Congress.

One by one, these people and their spokesmen cited the litany of time-honored Federal programs which have been cast aside, like so many crumpled sheets from a note pad, by the callous budgetcutters of the Nixon administration.

My fellow South Dakotans told their elected representatives what would happen if the administration is allowed to make its cutbacks stand, and they demanded that we take bold action to insure that the will of Congress is not thwarted.

They told us how rural electrification would suffer, in one of the most sparsely settled States in the Nation, if the administration carries through with its plan to raise the interest rate on REA loans from 2 percent to 5 percent. They told us of the impossibility of improving telephone service to rural subscribers if this 150-percent increase in capital costs is visited upon their telephone cooperatives.

The able and articulate young mayor of Rapid City, Donald Barnett, who led his city in rebuilding from the disaster of last June's flood, told how the Nixon administration has given Rapid City another disaster in the termination, effective today, of the Federal disaster assistance program.

The mood of my constituents toward these actions of the administration was amply demonstrated by its thunderous response to the proposal made by my colleague, the junior Senator from South Dakota (Mr. ABOUREZK) that Congress terminate funds for salaries for the White House and the Office of Management and Budget until the President restores those programs passed by Congress.

Their mood was further demonstrated by their positive response to the suggestion of our distinguished Member of Congress from South Dakota's First District, Mr. DENHOLM, that Congress enact legislation which would direct the President to carry out these various programs.

And their mood was expressed by their strong approval of our distinguished Second District Congressman, Mr. ABDNOR, when he alleged that the people in OMB could not tell the front end of a tractor from the back end.

Mr. President, the mood of the people in South Dakota is to no longer tolerate empty rhetoric from the Congress. The message sent from Huron, S. Dak., on Saturday last was unequivocal: The Congress must act decisively and immediately to restore these arbitrary cuts, and must not tolerate the arrogation of congressional power by the President.

Their own words are more eloquent than mine. I ask unanimous consent that their own statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

### STATEMENT OF SENATOR GEORGE MCGOVERN (DEMOCRAT, SOUTH DAKOTA) AT THE HURON, S. DAK., FARM RALLY

An old friend of mine who farms west of Mitchell characterized this meeting much better than I can. Someone asked him what he raised and he said, "I raise a little grain and a little corn and some livestock. But mostly I just raise hell."

That is what we are here for today—to raise hell about some of the astonishing decisions made by the federal government since November seventh; decisions that promise to destroy what many of you here have spent a lifetime building. We're here to launch a fight to reverse those decisions.

What has happened since November seventh?

We are told that disaster relief loans have been ended. That means an immediate loss of from $1 to $2 million in 17 South Dakota counties which were previously designated because bad weather had prevented harvest. It shuts off without a dime another ten counties which should have been designated and another 1,400 loans worth about $6.9 million more.

I say you cannot end economic damage and human suffering by arbitrarily saying it is over.

We are told that the Rural Environmental Assistance Program—the old ACP program now known as REAP—is terminated. That will cost South Dakota farmers more than $2.8 million, and it represents the loss of about $5 million a year in cost-sharing contracts going back as far as 1936. But there is a loss that is still more serious—the loss we can project right now of precious resources of land and water.

The order eliminating this program said it is "no longer necessary." Well, I'd like to know where this Administration gets its information that the environmental crisis is a myth.

We are told that the Water Bank Program will be ended. South Dakota contains the focus for at least three national geese and duck flight paths, and fourteen of the 62 counties participating in this program nationwide are in our state.

At a time when the country has truly begun to recognize our great stake in protecting wildlife and preserving endangered species, we can only be appalled at this decision.

We are told that the two percent rural electric loan program is ended. That program is the only reason why more than 90,000 rural consumers in South Dakota have electric service at all. And since rural South Dakota consumer density is among the lowest in the country, the loss of low-cost credit will hurt our rural electric cooperatives most of all. There will be a minimum increase of 150 percent in the cost of capital to rural electric systems.

This decision threatens the survival of many distribution cooperatives, and it poses a grave threat as well to the all important objective of permitting rural electric members to generate their own power.

What will happen now to the next Basin loan? How will your expanding power needs—doubling every seven years—be met? How can we attract new industry to South Dakota and to the rest of rural America without the assurance that adequate power supplies will be available? How can the average farmer stay on the land and modernize with an inevitable and dramatic increase in the costs of electricity?

And who really cares about those questions in this Administration?

The two percent loan program has been under constant attack since 1954. Those assaults have been fought off under both Republican and Democratic Administrations. Now they are ordered with a simple stroke of the pen. I say we will not tolerate it.

We are told more recently that other programs to improve living conditions in rural areas are being chopped off. Loans and grants for farm labor housing, loans for rental and cooperative housing, interest credits for low and moderate income housing—all of these have been ended, despite our knowledge that some two-thirds of all the nation's substandard housing is in rural areas. They have even terminated water waste disposal grants under the Aiken bill. I was a sponsor of that legislation, and I cannot remember any proposal since I have been in the Congress that had wider or stronger bipartisan support. Almost every member of the Senate was a cosponsor.

But trouble is coming on the income side as well.

The Commodity Credit Corporation has been calling up vast amounts of farm-stored grain to fill commercial terminals owned by the giant grain companies. The farmer loses the storage income, and as if that weren't enough he is also left holding the bag for the cost of the bins he purchased on the strength of a promise from his government.

The nonfat dry milk import quota has been increased by 14 times, once again opening the floodgates to imports from overseas to drive domestic dairy prices down.

And as recently as Thursday of this week, the Administration announced an adjustment of the wheat set-aside program that I fear will drive prices down by market time. The net effect is to add nearly 15 million acres to production this year.

Now every one of these actions has been taken since November seventh. Not a single one of them was even hinted at before then.

During the campaign, farmers were given the impression that they had a great friend and spokesman at the helm at the Department of Agriculture. You were told your needs would be protected and your interests would be advanced. But once the election was over the same Administration that carefully constructed that image has given the back of its hand to farmers and to rural America.

Secretary Butz pointed out last week that he's taking a lot of heat for these cuts from farmers and farm state Senators and Congressmen. Let me quote him: "I've been the only pigeon on the roof," he said, "taking all the shots. I've said to the high command, 'let's get some other pigeons up here.' "

Well, if that is Secretary Butz's view, I can only say that I'm far less concerned about the pigeon up on the roof than I am about the farmers who have to stand under the pigeon. We all know the habit of pigeons.

Let me interject here that I have no partisan intent in these remarks. Most of you recall that I was just as tough on a previous Democratic Administration when an attempt was made to put farmers into the grinder. In 1966 we sharply challenged the previous Administration's moves to depress farm income under the guise of inflation control. The McGovern parity resolution, declaring that parity is a government-wide goal and that no agency should take steps to reduce subparity farm prices, was adopted by the Senate without a dissenting vote.

But it is also true that we have never seen such a broad and determined assault on the interests and the hopes of rural people.

Once again the motive is inflation control, and once again the strategy is as foolish and as futile as it can be.

The dollars they are taking out of REA, REAP, housing, waste disposal, and the water bank program will not reduce inflation now. And if that is the goal, then there are certainly other programs far more deserving of cuts. What these steps will do is multiply future costs by many times what they think they are saving now. One day we will have to reclaim the resources these funds are designed to conserve. And when we refuse to solve problems in rural areas, they do not go away; instead they are exported to the cities where the solution is both more difficult and more expensive.

Precisely the same thing is true of attempts to take inflation-control out of the farmer's hide by depressing farm prices. We've been through this before, and we know that whenever there is a slight climb in the farmer's return the retail prices jump; yet when farm prices go down again the price in the grocery store inevitably stays just as high as it was before. The "boom and bust" cycle in farm prices is a procedure by which the food processors and marketers increase the spread between the farm value and the retail price of food. And the farmer always ends up short. These actions will not help consumers—all they will do is hurt the farmer and the rural economy.

We can meet the problems of wind, rain, and drought—as we have in South Dakota since our pioneer forefathers first settled in this land. But we cannot and we should not have to fight the decisions of a bureaucracy that is apparently dedicated to the eventual destruction of the family farm.

What can we do?

There's an old saying that the "squeaky wheel gets the grease." And one thing we will do is continue "squeaking" about these short-sighted and wasteful actions. Senator Talmadge and I recently met with Secretary Butz to let him know of our strong objection to these decisions. We will have thorough hearings in the Agriculture Committee to demand any shred of justification they can offer, and I will be doing the same thing in the Subcommittee on Agricultural Credit and Rural Electrification which has jursidiction over so many of these programs. Senator Jim Abourezk and I have joined with other farm state Senators in an informal strategy group to meet regularly and undertake collective efforts to defend rural programs and advance rural concerns.

But beyond that, we must place what the Administration has done here in the broader context of the battle to reclaim the Constitutional powers of the Congress. We must align ourselves with all efforts to end the Executive claim to unilateral power to eliminate programs, to initiate wars, to withhold funds, and to run the country without so much as a glance toward Capitol Hill.

Section 901(A) of the Agricultural Act of 1970 contains these words, written into law by the Congress and signed by the President.

That section reads, "The United States commits itself to a sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas."

With the decisions we protest here today, the Administration has not only dealt a crippling blow to rural America, it has defied that clear expression of Congressional intent. And they did that without coming to Congress, without making any formal statement that these were bad programs, without any public hearing, without prior notification, and certainly without the slightest consultation with the people who would be harmed.

If they can get away with that, then I fear for the survival of the Constitutional balance of power which has served our democracy since the beginning. For it is to the Congress, and not to some bureaucrat, that the Constitution grants power to create new programs when they are needed and to abolish those programs when the need is at an end.

These, then, are the issues we will address through every available channel in the months ahead.

So let us raise a little hell. Let us send these Administration bureaucrats a message that is loud and clear.

We want the laws of Congress carried out. We want the laws followed and implemented and funded. We want what is ours by every fair and decent standard that can be applied. And I assure you here in Huron today—you and every South Dakotan and all of those who share our love for the land and rural life—that message will be heard.

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### STATEMENT BY SENATOR JAMES ABOUREZK, HURON, S. DAK., SATURDAY, JANUARY 13, 1973

I would like to be as brief and as blunt as I can this afternoon.

President Richard M. Nixon has taken us for a ride. Last November he took our votes. Now that he has them, he is telling us where to go.

The time is past for nice little discussions of the good things REA or REAP have done for South Dakota. Everybody knows that we need our Rural Electric System, we need our Disaster Loan Program, *and* our Environmental Assistance Program, and all the other programs the President is hacking to pieces.

The White House knew we needed those programs when it abolished them.

The only thing worth talking about here this afternoon is the fight to get back what we never should have had taken away in the first place.

President Nixon apparently feels that he can't be touched now that he has his new four year term.

He sits in the White House and arbitrarily passes down the word on who is to survive and who is not.

There is not the slightest bow of apology to rural America for the destruction of programs we have worked decades to build. There is not the slightest hint of a rational argument to defend the emasculation of our programs. All there is is raw power.

I would like to suggest to you today that all the power in our government is not vested in the White House.

I would like to suggest to you, and to the President, that if he thinks we in South Dakota don't need REA or REAP then I, as a South Dakota Senator, don't think he needs the 500 staff bureaucrats he has running around the White House.

It's about time the United States Congress quit cringing every time the President cracks his whip. We are the body that the Constitution charges with the responsibility of appropriating money.

We are the body that the people look to for making law.

We made the laws that created REA and REAP.

We passed the law that said families who are wiped out by floods ought to receive the help of their government.

If we let the President take those things away then we have no right to cry over the results.

The United States Congress is furious over what President Nixon has done over the past two months. They don't like it one little bit. But they keep looking at the election returns and wondering whether the President may be reflecting the will of the people.

Now, I don't think it was the will of the people of South Dakota that our Rural Electric System should be threatened.

I don't think it was the will of the people of South Dakota that the Rural Environmental Assistance Program should be abolished.

I don't think it was our will that beef imports be opened *or* disaster loans scrapped *or* the Agriculture Department emasculated.

Our job is to tell the Congress that if Richard Nixon had dared do what he has now done before November 7th then a South Dakotan would be President today. Our job is to tell the Congress that we bitterly resent the way Richard Nixon pocketed our votes, then turned around and punched us in the gut. Our job is to tell the Congress that we will stand with them if they stand up to the President.

Next Tuesday I will be making my maiden speech before the Senate of the United States. I will be telling my colleagues just about what I have told you here today. I hope I will be able to add that it is the overwhelming sentiment of the people of South Dakota that Richard Nixon must be required to restore the programs he has stolen from us. With that help from you I think we can do the job.

Thank you.

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STATEMENT OF BEN RADCLIFFE, PRESIDENT, SOUTH DAKOTA FARMERS UNION, FARMER AND RANCHER MEETING, HURON, S. DAK., JANUARY 13, 1973

My name is Ben Radcliffe. I have been a farmer all of my life, and I am president of the South Dakota Farmers Union, our state's largest farm organization.

We in the Farmers Union commend Senator George McGovern for calling this meeting today to give farmers and ranchers an opportunity to speak out about the recent federal cutbacks that have affected all of us. We also commend Senator Jim Abourezk, U.S. Representative Frank Denholm and U.S. Representative James Abdnor for showing their concern by being here today.

The farmers and ranchers from across South Dakota who are here today have come because they are deeply concerned about the future of their way of life, of the American family farm system of agriculture.

These people are here because all or part of the Administration's cutbacks affect them directly. They are the victims of broken promises from President Nixon and from Agriculture Secretary Butz.

It is almost beyond comprehension that a President and his Secretary of Agriculture could campaign for months boasting about what they are going to do for family agriculture and then do an about-face and stab every farmer and rancher in the back with vicious program sabotage.

I can summarize my remarks today in four plain words: farmers have been double-crossed.

The Rural Environmental Assistance Program—REAP—has been eliminated. It was one of the most positive and important rural programs because it recognized the need to preserve our country's farm land and to end agricultural pollution. And the death of REAP has come long before its job has been completed. We should be expanding these vital environmental programs instead of wiping them out.

The Nixon Administration has thrust its bureaucratic tongue in the faces of American farmers by killing REAP. Last September, conveniently before the election, the President said the 1973 REAP program would "strengthen conservation and diminish air and water pollution." Well, it would have if the President had not killed the program after the election.

Mr. Nixon and his Secretary of Agriculture also changed their rhetoric about the REA program. Before the election they sounded like they were the founding fathers of rural electric cooperatives. Now that the votes are in they have eliminated the important two-per-cent REA loan program thereby signing the death certificates for many electric co-ops throughout the country.

This two-man Jekyll and Hyde team have helped eliminate another one thousand South Dakota farmers in 1972. Those farm house lights went off when the farmers moved off the land. Now, thousands more lights will go off as small REA cooperatives lock their doors and go out of business.

Farmers have been told the last few years how important on-the-farm grain storage is. And they have been encouraged to take out low-interest loans to build grain bins and grain drying equipment. Now South Dakota farmers are even further in debt because of those nice shiny bins and those sky-scraping silos they have been told they ought to build.

The bins and silos and drying equipment will stay, but the Administration has all but eliminated the on-farm storage program. Instead of storing several years' grain crop the Administration is calling it all in and storing only a year's crop at a time. That doesn't make much sense, but that's exactly what has happened.

Apparently, the Nixon Administration thinks it's all right to put farmers in debt for a good program and then eliminate the program, leaving farmers holding the bag.

That's one indication that if you live in Rural America today you best not believe what the Administration says, even if it puts the words in writing.

The Farmers Home Administration's emergency loan program is another example of that kind of broken promise or double-cross if you prefer.

Farmers in 17 South Dakota counties were made eligible for an emergency loan program when the Secretary declared the counties were disaster areas. Farmers could not get their crops in because of heavy spring rains that moved planting time from April to July. On top of that, unusual weather conditions made harvest-time equally as difficult. The result was an emergency economic situation for farmers.

The Administration told hundreds of farmers through the County FmHA offices that the loan program would continue through June 30, 1973. Farmers Home personnel, swamped with stacks of loan applications, began telling farmers to wait until after January 1st to submit their papers because, after all, there was plenty of time left to apply.

In the midst of the yule season, the President eliminated the emergency loan program. There was no warning for farmers or county and state FmHA officials. The Administration arbitrarily chose December 27th as the end of the program, completely ignoring what it had promised.

Many farmers have been helped by the FmHA's special program. But others will be forced to go without, even though they were told the program would continue another six months.

I sincerely believe that farmers and ranchers are rapidly losing faith in their government. That is a serious charge, but when it gets so that the American people cannot trust what their own government puts in writing, something is definitely wrong.

As if these cutbacks are not tragic enough, the Administration has now cut the heart out of the FmHA rural housing program.

About 30 per cent of the people in South Dakota live in what the federal government calls substandard housing—buildings that either have inadequate plumbing or are overcrowded or both. In 1973, there are still homes in our state with no plumbing at all.

According to U.S. census statistics from 1970, there are nearly 40,000 substandard occupied units in the state. And 83 per cent of these substandard homes or apartments are in the rural areas of South Dakota, outside of Pennington and Minnehaha Counties.

Up until the President decided to eliminate the Farmers Home loan program aimed at bringing decent housing to the state, we were making some headway, although slowly. In the fiscal year that ended June 30, 1972, the Farmers Home Administration made $9 million in "interest credit" loans to people with low incomes. That money built about 800 news homes.

The President killed the "interest credit" loan program.

Also during the fiscal year, FmHA loaned nearly $2 million to build 160 apartments in the state. That helped, but we are still many years from catching up.

The President also killed the rental housing program that built those 160 apartments.

The rural areas of the wealthiest nation the world has ever known have 60 per cent of all the substandard housing, yet only 25 per cent of federal housing money goes to rural people.

Now the White House tells us we won't even be getting those dollars.

I think it is interesting to note that while Mr. Nixon is filling the news media with comments about how he's trying to control federal spending, he managed to find $500 million to pay for 12 days of "carpet bombing" in Vietnam. Those bombs were dropped by planes that cost $8 million apiece. The REAP program in South Dakota cost only about $4 million in 1972.

We in Farmers Union believe it is false economy to cut back vital programs that benefit people, both urban and rural. At this time in history, it would seem that we should be building homes for Americans, keeping family farmers and ranchers on the land and preserving our precious environment.

We call on the South Dakota congressional delegation to do all it can to re-assert the power of the United States Congress. We believe it is very dangerous to allow the President to have life-or-death control of

**every vital program created by the Congress to serve the American people.**

**Our form of government is at the crossroads today facing one of the most difficult situations in its history. We must decide** whether we want to be ruled by an all-**powerful executive or a people-oriented Congress.**

**I think today all of us must resolve to do everything we can to put the power back in the hands of the people we have elected to serve us in Congress.**

**Not only are the rural programs we are discussing here at stake, but the future of our beloved democracy.**

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TESTIMONY AT AGRICULTURAL HEARINGS, HURON, S. DAK., JANUARY 13, 1973, BY JERRY BROWN

Senators McGovern and Abourezk, Congressmen Denholm and Abdnor, fellow farmers and ranchers and concerned South Dakotans.

It is an honor to appear before you to discuss the critical times facing us because of recent actions taken by the Nixon Administration. Action I consider to be very unfair to rural America. I feel somewhat uneasy right now, because it has been about three hours since I've heard a news report and I'm wondering what else President Nixon and his Wounded Steer have done to us.

One of the casualties of the recent so-called economy moves was the Rural Environmental Action Program or REAP as it is commonly called. This program has operated under various names since the 1930's. Basically its purpose was to promote conservation practices through federal cost-sharing. Some popular examples of these programs are: planting shelter belts, farm ponds and dug-outs, returning unfit cropland to pasture and hayland, contour farming, and more recently environment protection through feed lot run-off control, and the wetlands program designed to increase migratory waterfowl nesting areas. Approximately 150,000 pounds have been constructed under this program in the past 35–40 years.

Ladies and Gentlemen, these wise conservation practices have benefited all Americans, not just the farmers who used them. Compare the number of deer now living across the prairies of South Dakota with the number that lived here in the 1930's. When I was a boy we had very few ducks nesting in central South Dakota where I live. Now I have any number of young ducks that begin their lives near the ponds and dug-outs on my ranch. I haven't shot a duck in the last five years, but there are sure a lot of unfamilar cars that visit these ponds every fall and I might add free of charge. These ponds and dams also provide excellent fishing for town and country people alike. And what about the abundant supply of food we have been able to provide to America and the rest of the world, brought about in part because of the conservation practices which have kept our soil productive.

Other programs have also been eliminated or drastically reduced. For example, the grain facility loan program. Under the new rules a farmer who has bin room to store one year's grain supply is no longer eligible for a facility loan. In my opinion, this will eliminate 90% of South Dakota farmers from eligibility.

It becomes obvious to me that the people who are going to bear the brunt of these economy cuts are the unorganized segments of our society; the farmers and the urban low income families. Fellow food producers, this should tell us something. We had better unify to protect our very economic existence.

The administration is banking on the kamikaze tendencies of the American farmer, which has time after time in the past caused him to produce himself into financial ruin, to again produce an enormous surplus of grain thereby setting the stage for cheap farm prices and consequently cheaper food. And if we blindly proceed on this course, we probably deserve the economic disaster we will bring upon ourselves.

Finally, and I direct this statement to our good Senators and Congressmen, the whole matter of the Executive Branch impounding reducing, or delaying the spending of funds duly authorized by law must be met and dealt with by Congress. And the sooner the better. It seems to me that any law passed by Congress and then signed by the president should be carried out. If the Executive Branch can ignore or change these laws on their own then we are more a dictatorship than a democracy. It will do us little good to work to pass new laws until we are assured that they will be carried out when passed. At this time we have no such assurance.

In closing I want to say that in recent weeks rural America has been kicked in the teeth by the present administration, but all of America will most assuredly share in paying the dental bills.

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STATEMENT BY JOHN E. OLSON, EXECUTIVE MANAGER, SOUTH DAKOTA RURAL ELECTRIC ASSOCIATION, BEFORE THE SOUTH DAKOTA CONGRESSIONAL DELEGATION, HURON, S. DAK., JANUARY 13, 1973

My name is John E. Olson. I am the executive manager of the South Dakota Rural Electric Association, the service organization for South Dakota's rural electric cooperatives.

In 1944, the Federal government entered into a covenant with the Nation's rural electric cooperatives in which the cooperatives were asked to provide central station electric service to all those living in rural areas who did not have such service, no matter how remote the farm or ranch. In order that this monumental task might feasibly be carried out, the Government agreed to provide low-interest, long-term loans to the rural systems. This is what we have long known as the 2 per cent loan program.

On December 29, 1972, the Federal government, in effect, walked out on their end of this agreement and left hundreds of rural electric systems literally holding the low density, high-investment-per-consumer bag unassisted.

In the press release announcing this totally unexpected decision, the United States Department of Agriculture stated: "This action was made possible by the enactment of the Rural Development Act of 1972."

To this statement Sen. Herman Talmadge, one of the principal authors of the Rural Development Act, has replied:

"I can assure one and all that this is a clear subversion of the intent of Congress under this Act." Sen. Talmadge stated further, and again I quote: "If we had wanted to change the REA program, we would have done so."

The senator from Georgia further expresses our sentiments in saying that it is the duty and responsibility of Congress to create new programs or to abolish them if necessary. We are not at all certain that these programs should be cut up and terminated without benefit of the advice and consent of Congress.

Rep. Poage, chairman of the House Agriculture Committee, has pointed out that Congress passed the Rural Development Act for the purpose of supplementing, *not reducing*, the programs available to rural people. The same Congress which passed the Rural Development Act appropriated $740 million for the specific purpose of making 2 per cent loans to REA and President Nixon signed the bill.

Is not the very intent of the Rural Development Act being defeated by such executive decisions as elimination of the REA 2 per cent loan program? What rural development we have experienced over the years has been made possible, in large measure, by the availability of an abundant supply of low-cost electric power. More than doubling the rate of interest to rural electric cooperatives seriously jeopardizes the continued availability of an adequate supply of power and very clearly will greatly increase the cost of power.

Just what does a 5 per cent interest rate mean in terms of costs to South Dakota's rural electric cooperatives. In 1972 the South Dakota distribution cooperatives paid $1,382,000 in interest on their 2 per cent loans. Had the interest rate been 5 per cent they would have paid $3,455,000 in interest, a 150 per cent increase in the cost of money.

The increased cost of money to cooperatively-owned generation and transmission systems and distribution systems will result in South Dakota consumers paying substantially more for their electric power in the next 3 to 7 years. Such consequences clearly negate any argument that elimination of the REA's direct loan program is a logical move in the fight against inflation.

Earlier we mentioned the burden of high investment per consumer that the REC's in this state must shoulder. In South Dakota we have an investment in distribution and subtransmission facilities of $1,715 per consumer as compared with the national average of $1,098 per consumer. This means that to serve each consumer our cooperatives must invest $617, or 56 per cent, *more* per consumer than the national average. This factor, coupled with our low density (it is 1.5 consumers per mile of line) and the continual decline in our rural population, clearly indicates, yes, even *dictates*, the necessity for the reinstatement of the REA loan program if many of our systems are to continue to provide adequate service to their consumers at a price they can afford to pay.

We find it strange indeed that the REA loan program, a *lending* program, should now be viewed by this administration as a *spending* program. The National Rural Electric Cooperative Association, our national service organization, has long resoluted on the matter of a capital budget, declaring that "there is no justification in logic or economics for a Federal accounting system which fails to distinguish between wealth-creating, self-liquidating capital investments, such as REA loans and, on the other hand, current operating or expense budget." We heartily agree.

We believe that if the Rural Electrification Administration cannot or will not continue to supply the necessary capital, then the REA should release the rural electric cooperatives from the existing liens and loan contracts and permit the cooperatives to fully discharge their duties and responsibilities by providing an assured source of power and the best quality of all possible electric service to *all consumers* located within the feasible service areas of the rural electric cooperatives.

In the development stages of the cooperatives' supplemental financing institution, the National Rural Utilities Cooperative Finance Corporation (more familliarly known as CFC), our national association observed that by forming such an institution, the cooperatives would demonstrate their willingness to help themselves by using their own resources. NRECA observed further that it "also appears the Congress will be more willing to maintain the REA 2 per cent program at the required levels if the systems show themselves ready to take on *some* of the financing burden."

Congress has indeed recognized this effort of the cooperatives by continuing to provide substantial amounts of loan funds, only to find an unfriendly administration at first impounding portions of the duly appropriated funds and now, finally, completely eliminating same.

Finally, we are deeply disturbed by the memorandum to the REA field staff from

Administrator Hamil dated January 3 in which the Administrator said, and I quote: "It will take *several weeks* to prepare appropriate materials for use in the field and for providing detailed guidelines to borrowers."

What is meant by "several weeks?" One month? Two months? Three months?

A survey of the members of this Association reveals that 27 of the 33 distribution cooperatives will need $4,680,000 in loan funds in 1973; $5,100,000 in 1974, and $4,200,000 in 1975.

Where are they to get such sums and what are they to do in the meantime?

We respectfully turn to you, the Congress, for relief from such arbitrary and, quite possibly, illegal actions, of the executive branch of government that has summarily killed one of the finest programs ever implemented in which the government and its citizens joined in forming a partnership to accomplish a seemingly impossible task. We firmly believe the rural electric cooperatives have upheld their end of that partnership.

Thank you for this opportunity to express our views on this most vital matter.

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### STATEMENT BY ARTHUR JONES, PRESIDENT, BASIN ELECTRIC POWER COOPERATIVE, AT PUBLIC MEETING ON REA LOAN PROGRAM, CALLED BY SENATOR GEORGE MCGOVERN IN HURON, S. DAK., JANUARY 13, 1973

I am Arthur Jones, a family farmer near Britton, South Dakota. I am making this statement as President of Basin Electric Power Cooperative. I also am a consumer-member and a director and officer of the Lake Region Electric Association, our local rural electric distribution cooperative. In addition, I am President of East River Electric Power Cooperative, headquartered at Madison, South Dakota.

Speaking for Basin Electric, I wish to register the strongest possible protest against the President's unilateral action terminating the REA 2% loan program, which threatens to create a serious power shortage in the Missouri Basin in the summer of 1975.

This is a massive blow to Basin Electric. As you know, it is the regional wholesale power supplier for G&T associates, like East River, representing more than one hundred rural electric cooperatives in South and North Dakota, Minnesota, Iowa, Nebraska, Montana, Wyoming and Colorado. These cooperatives organized Basin Electric in 1961 because both Republican and Democratic Secretaries of the Interior had told us we had to provide ourselves with a source of power in addition to what we were buying from the Bureau of Reclamation.

East River Rushmore Electric, and other South Dakota co-ops were charter-members and organizers. With a loan from REA, we built the 216,000 kilowatt Basin Electric plant on the lignite fields near Stanton, North Dakota. This plant went on the line in 1966 and is one of the most efficient and lowest cost plants in the United States. It is supplying essential electric power to co-ops serving farmers and other rural people all over this huge Missouri River Basin.

All but one of the South Dakota co-ops depend upon Basin Electric for the power they need over their Bureau hydro power allotments. East River this year obtained more than 37% of its power from Basin Electric and Rushmore received more than 50%. By 1975, most of the member cooperatives will be depending upon Basin Electric for more than half of their power supply.

In 1965, seven years ago, we started studies of our further power needs and in 1968 obtained an REA loan to add a second unit to our Stanton plant. This will be twice the size of the first unit and will triple the capacity of the Basin Electric plant, making it the largest single power station in North and South Dakota. We are building two extra high voltage transmission lines tying the plant into the regional grid of the Bureau of Reclamation at Fort Thompson and at Watertown, South Dakota.

We devoted a lot of time and money to developing our plant as an integral part of a larger joint program with the Bureau of Reclamation, Nebraska Public Power District and Iowa Power and Light Company so as to make the most economical use of REA loan funds and to coordinate our new facilities closely with other utilities in the region.

In 1968, REA provided 98.8-million dollars in REA 2% loans funds to Basin Electric for this project. Our member co-ops pledged to loan Basin Electric another $18.4-million also at 2% out of our limited cash reserves because they felt it essential that our consumers be assured of enough power to meet their steadily growing needs.

This second unit of more than 400,000 kilowatts and the associated transmission facilities are under construction. They are scheduled to be completed on April 1, 1975.

Until the President ended the REA loan program on December 29, the Missouri Basin was perhaps the only major region in the country where the people at least those served by our cooperatives did not have to worry about a shortage of electricity. We had planned ahead well enough so that our consumers were assured of power—or so we thought.

*The sudden death of the REA loan program occurred on the very day that Basin Electric had been promised additional financing,* in order to complete on schedule our large power supply expansion program.

REA and we have known for some time that Basin Electric needed additional financing to cover the cost of a year's delay the effect of inflation since the loan in 1968. A $7-million addition to our present plant to meet requirements and some additional transmission and other items that became necessary, our total additional requirement approximates $51-million.

REA Administrator David Hamil promised us publicly and privately on numerous occasions to provide this additional financing out of REA's 2% loan funds if Congres appropriated the money because of REA's long standing policy to complete projects on the same financing basis with which they were begun in our case REA 2% loans.

At REA's request, we submitted revised cost estimates and a loan application in April, 1971. As cost inflation continued, we submitted revised estimates several times. In March, 1972, we submitted our final revised cost estimate.

The Administrator indicated he would make us a loan in June, but in June the date was postponed until October, 1972. Last fall Mr. Hamil said he would have to postpone the loan again but categorically promised us a loan of $25-million "on or about January 1, 1973" and the remainder on July 1, 1973. Both were to be REA 2% loans.

By delaying our loans, REA stretched out our present financing and our ability to sign contracts to the limit, but we did not object because of what we thought was a firm Administration commitment to make the additional REA loans in time to avoid our project delays.

As the result, we have let all of our major equipment contracts for the plant and lines and many of the major construction contracts and are about out of uncommitted loan funds.

*We were and still are completely convinced that the REA Administrator made these commitments in complete good faith.* It is shocking that the Administration apparently paid no attention to these commitments and just arbitrarily cancelled them.

*Basin Electric has to have additional financing within the next thirty days* or I fear that our construction program, the largest power facilities program in the two Dakotas, will not be completed on schedule.

At our board meeting on February 15, our board of directors will award contracts totaling about $15-million and that will almost use up our uncommitted financing. After February 15 we will have to delay awarding additional construction contracts unless we receive additional financing.

The Administrator has told us he now will keep his commitments by loans at 5% interest under the new program which is supposed to replace the REA loan program. However, we understand this program is not even in operation. We do not see how it can possibly get financing through it in time.

The only way to avoid delaying completion of Basin Electric construction program, in my opinion, is for the administration to reconsider its action and immediately release the available REA loan funds. Mr. Hamil could then make the loans he intended and we could complete the project on time.

*If Basin Electric project is delayed, the Missouri Basin could safely stay its power shortage in the summer of 1975.* Our plant and transmission facilities is scheduled to be ready for test operation on April 1, 1975, and for full commercial operation no later than September 15, 1975.

As recently as December 20, Bureau of Reclamation officials urged us to stay on schedule. They said it is extremely important that we be able to operate the plant as reliably as possible, even on a test basis during the summer of 1975. This is a "peak load" period in the region and power promises to be in short supply. At the Bureau, they said they had committed all of its power and has none to spare.

Our own assessment of the power situation confirms the Bureau's statements. We originally scheduled our second unit for completion in the fall of 1974. However, in November of 1969, the Bureau postponed our project for a year by certifying that they would have plenty of hydro power to meet the needs. We objected but were overruled. This delay, incidentally, increased our project costs substantially, probably by $7- or $8-million. Although we had to delay the project, we worked hard to keep it on the present schedule because they have felt sure it will be needed as soon as we can get it into full operation. We are on schedule but we have absolutely no spare time.

It is very difficult these days to keep any construction project on schedule, especially one as large and as complex as ours. It involves dozens of major contractors, more than one hundred contracts, and is spread over numerous locations in two states. If we are delayed in awarding even one major contract by even a month, it will delay our project completion by much more than that. These contracts are interrelated and most are timed and a delay in one causes multiplying delays in others. Cost increases also will begin to multiply.

We can only say that if this large and complex program is again delayed, this time by a holdup in financing, we cannot know when it might be completed or what the total cost might eventually become. We cannot control the project if it is to be withdrawn by people and offices 1500 miles away. Of course, our costs will be increased sharply in any case by a shift from the 2% financing which was promised, to the 5% loan program mentioned in the Department of Agriculture's press release. This change of loan will require a Basin Electric rate increase of about 10% by mid-1975. It will also increase the cost of the project by $1.5- to $2-million due to higher interest costs during construction.

Over the 35-year period of the loan, if that is the period of the 5% loans, our consumers will pay an *additional* $27-million in interest costs. This is money that will be extracted from the region and exported to banks in other parts of the country.

We fail to see how the administration's action "fights inflation" since it will increase electric rates or reduces federal outlays since it only hits the outlay from one federal lending program to another.

One of the most demoralizing effects of the administration's action is the indication that commitments by our own government apparently cannot be relied upon, even with respect to domestic programs as essential to life for production and other vital activities as electric power.

Basin Electric's present expansion program was initiated and has been continued on the basis of Basin's commitments made by our Federal government. We believe the government should complete our financing as promised and on time so as not to delay our program and increase our costs.

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### ADDITIONAL REMARKS BY ART JONES IN HIS TESTIMONY BEFORE THE MEETING CALLED BY SENATOR MCGOVERN AT HURON, JANUARY 13, 1973

In addition to my remarks about Basin Electric, I would like to insert some thoughts about the impact of the Administration's REA action as it would affect East River Electric Power Cooperative, Madison, S.D. East River is the state's largest transmission cooperative and supplies wholesale power from the Bureau of Reclamation and Basin Electric Cooperative to 23 member distribution systems which in turn serve approximately 48,000 rural member-consumers in eastern South Dakota and western Minnesota.

East River presently has more than $23-million invested in substations, high voltage transmission lines and related facilities to serve its member systems. Since its beginning in 1949, East River has paid more than $5-million in principle and $3.5-million in interest back to the Federal government.

In 1973 East River will pay more than $380,000 interest and more than $550,000 in principle back to the Federal government on its long term debt. In other words, more than $940,000 in debt service payments will be made out of an expected $6.5-million in revenues.

Up to this time East River has been able to secure all of its financing with 2% REA loan funds. You can readily see the drastic effect of 5% interest on money on East River's operation.

In the 1973 operating budget approved by the board, the interest expense figure is $369,883. Again this is at 2%. If the rate was 5%, our interest expense figure for 1973 would be $924,707, or an increase in the cost of service of $554,824. This same budget provides operating margins of only $207,548. So, the end result of the above would be that with increased costs of $554,824 and operating margins of only $207,548, we would be faced with an operating deficit of $347,276.

In preparing budgets and forecasts we are required by REA to provide margins of not less than approximately 1% of our investment in plant. Under this set of circumstances, we would have no alternative but to raise rates to our members in an amount sufficient to recover the entire amount of $554,824 in added costs. Since we expect to deliver just under 800-million kilowatt hours of energy to our members in 1973, this increase would amount to a minimum of 0.7 mills per KWH. Since our average per KWH rate to our members in 1973 amounts to 8.23, this increase would mean that our rate would have to be approximately 9 mills per KWH—an increase of nearly 10% to our members.

You can see the cascading, domino effect here between Basin Electric, East River, the distribution systems and the ultimate effect on the farmers and member-owners. Basin Electric is forced to pay higher costs so power rates are raised to East River; East River pays higher rates for Basin power and higher interest on borrowed money to build its facilities so rates are raised to distribution systems; the distribution systems are also paying higher interest for their capital and East River is forced to pass on wholesale power rate increases. The distribution co-ops get into quick financial trouble and retail rates to member consumers go up quickly. The member has to pay the tab for the increased costs all along the line—for cooperative power supply organizations all of which he is a part owner.

As you can see, the Administration action threatens the very future of rural electrification and the cooperatives that rural members worked so hard to form.

Over the years, the Federal government has *made* money, not *spent* money by loaning taxpayers dollars to cooperatives at 2 percent. Even under present day conditions where the government borrows up to 10 per cent of its money to operate, most of the money used for Federal programs is interest-free taxpayers money which still results in a money-making proposition to Uncle Sam.

Someone said recently that "farm programs don't cost—hell, they pay." And the benefits go to the people of the land.

Another avenue that might be pursued is the advantage of a capital budget for the Federal Government. The great former Senator from Illinois, Paul H. Douglas, in a speech before the annual meeting of the National Rural Electric Cooperative Association in Chicago on March 4, 1957, expressed it very well when he said: "Let us sweep aside some propaganda and take a look at the facts. But first let me reiterate one important fact. Money borrowed or saved and used for investment purposes by any sector of the economy except the Federal government, whether it be to build a new plant, buy a tractor or build a barn, shows up in the accounts as an expenditure, but it is balanced on the books by the net worth of the land, building or equipment. If this were not so every business in the country, your farm, cooperative, would always be shown to operate in the red, technically bankrupt at all times. But this is not the way we keep the accounts for the Federal government. For the Federal government, an expenditure is an expenditure whether it lends money for a public housing project, a hospital, or it gives money to the military to purchase oyster forks for the Navy."

Later in his remarks Senator Douglas said: "Let's switch our attention for a moment to look at the effect a federal capital budget might have directly on the rural electric cooperatives. Under the existing method of keeping the federal books, when REA, NRECA, and members of your rural electric cooperatives go to the Congress requesting loan funds, which are really investment funds repayable with interest, they encounter opposition not to "investment" but to expenditures. When the Bureau of the Budget considers the request of the REA Administrator for a new year's loan budget, the administrator, in the eyes of the public, is placed in the position of asking for "expenditure" funds, (like for our oyster forks) rather than investment funds. This situation is unrealistic, a misrepresentation of reality, and leads to endless misunderstandings and thoughtless opposition."

Under the Administration's new scheme of high interest—insured and guaranteed loans to rural electric co-ops, the bulk of the Federal interest subsidies will go to the Wall Street bankers and the rich people who hold the paper on the loans. So—the rich get richer, the poor get poorer.

East River and its member systems are in no position to absorb any higher costs. This action comes at the worst time—during a period when we have used every means to stave off the effects of inflation and high costs in an effort to keep electric rates low to our members.

The REA 2% loan program has been one of the most successful Federal programs ever devised to assist rural people. The electric and telephone cooperative repayment record is one to be envied by any banker—public or private.

To end it now is a severe blow to rural development and the hope of the people to rebuild rural America.

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CHARLES MIX ELECTRIC
ASSOCIATION, INC.,
*Lake Andes, S. D., January 12, 1973.*

The Board of Directors and the Management of Charles Mix Electric Association, Inc. are very disturbed with the termination of the 2% loan program for rural electric cooperatives.

This will work a real hardship on the rural electric cooperatives in South Dakota, because of the sparsley settled area we live in. The density for our cooperative is only 1.3 connected services per mile of line. The investment for each consumer is great, but up to now the rate has been a rate the farmers could afford to pay. It looks now like the rate will have to be increased due to the added interest rate. The wholesale power cost will have to go up again due to the interest rate going up. By the time all these increases get passed on to the consumer the cost of electricity will be raised to a point where the member will have to cut back on the use of electricity, the very thing that has made the farmer in the United States the most efficient farmer in the world and brought their standard of living to the point it should be.

The inflationary period we are living in makes it hard enough to keep the rates down, without also increasing the interest rate.

The last loan we received was 90% from R.E.A. and 10% from C.F.C. This blended interest rate is 2.55%. Taking this same loan today it would be considerably more with the new criteria for a loan, because it would be 70% from R.E.A. and 30% from C.F.C. with a blended interest rate of 5.74%.

We feel this would be a death blow to Charles Mix Electric Association, Inc. and are asking that you reconsider this decision.

EDWARD R. AYERS,
*Manager.*

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JANUARY 12, 1973.

Rosebud Electric is located in South Central South Dakota, west of Fort Randall reservoir serving 4410 rural and urban consumers with 2355 miles of distribution line. Density on this system is above average for western South Dakota due to the fact that we serve eight small towns or villages.

The announcement to terminate the REA 2% direct loan program will have adverse effects on this system. In October 1972, we revised the financial forecast for the period ending December 31, 1981. Our projections for this financial forecast were based on 80% REA 2% financing, and 20% supplemental financing through 1975. Beginning in 1976 projections were based on 70% REA 2% financing, and 30% supplemental financing through 1981. Utilizing 2% financing for 70% and 80% of capital needs, it was noted the TIER and DSC ratios fall below minimum levels after 1975. Increased rates have not been incorporated into the financial forecast, however the Board of Directors find that necessary steps will need to be taken to bring operating ratios to acceptable levels after 1975.

Our financial forecast indicates plant additions in excess of $4,000,000. ($4,262,850.) in the next ten years. A 3% increase in interest will require an adjustment in retail rates. We have not studied the effect this increase will have on retail rates.

The announcement of the guaranteed or insured loan program will affect Rosebud Electric immediately as a loan application was submitted to REA in November 1972, in the amount of $850,000 to meet 1973 and 1974 needs. We have projected the additional interest expense in the ten year financial forecast on future capital needs of $4,000,000. The difference between 5% and 2% financing will raise interest costs from $271,464.00 to $736,405.00 or a total increase in ten years of

$464,941.00. This will increase annual operating costs in 1973 by $12,024 to $84,550. in the tenth year. This indicates a minimum of 6% increase for interest alone in annual operating costs.

A 6% increase in interest alone is very alarming when annual increases of equal or larger amounts are expected for labor, material and power costs. The spiraling costs are especially alarming when investment per consumer is $1177. and projected to be $1775. in ten years.

Growth on the system is only 4% with no manufacturing or industrial loads. Declining population in the rural areas results in 650 idle services and 830 minimum users. Almost ⅕ of the consumers are minimum users.

We certainly hope that Congress and the Administration will take a closer look at the needs of the rural areas. Financial assistance is needed to serve the sparsely settled areas. The rural electric program is not a grant, but a loan program with an outstanding repayment schedule.

R. C. Lutz,
*Manager.*

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Clay-Union Electric Corp.,
*Vermillion, S. Dak., January 13, 1973.*

My name is Daryle W. Stahly, Manager of Clay Union Electric Corporation of Vermillion, South Dakota, a rural electric system serving all of Clay and part of Union and Yankton counties of South Dakota.

The Administrations termination of the 2% Rural Electrification loan program amounts to a breach of faith by our government and this action, if allowed to stand, amounts to a repeal of the 2% interest rate established by Congress in the Pace Act of 1944.

Under the Pace Act the rural electric systems agreed to serve everyone requesting electric service in our service area (area coverage) whether it was financially feasible or not, in exchange for loans at an interest rate of 2%.

The Administrations proposed 5% insured loan proposal increasing our interest rate 150% on future loan funds will force Clay Union to increase our electric service rates to our rural people in an amount that they will not be able to afford, resulting in just one more added hardship to our rural and rural urban people.

This proposal will surely not encourage the growth and development of our rural area and in my opinion will further result in the out migration of people from rural America.

I urge that everything possible be done to stop this Administrations unbelievable decision to terminate the 2% R.E.A. loan program.

I respectively request this statement to be entered into the record of this meeting.

D. W. Stahly,
*Manager.*

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Tri-County Electric
Association, Inc.,
*Plankinton, S. Dak.*

*To the Members of the South Dakota Congressional Delegation:*

Hon. George S. McGovern,
*U.S. Senate,*
*Senate Office Building,*
*Washington, D.C.*
Hon. Frank Denholm,
*Member of the U.S. Congress,*
*House Office Building,*
*Washington, D.C.*
Hon. James Abourzek,
*U.S. Senate,*
*Senate Office Building,*
*Washington, D.C.*
Hon. James Abdnor,
*Member of the U.S. Congress,*
*House Office Building,*
*Washington, D.C.*

Never, since its creation in 1944 has Tri-County Electric Association, Inc. (a R.E.C. Cooperative) of Plankinton, South Dakota, and all other similar R.E.C. Cooperatives, had to realize and recognize such an immediate crisis as now exists, created by the President's order terminating the 2% money and raising the interest rate by a 150% increase to 5%. Such action created an immediate deep alarming concern of the Board of Directors and Manager of Tri-County Electric Association, Inc., precipitating and presenting to such board and its manager the following questions and problems.

1. With a 150% increase of interest on new money to be needed to complete area coverage, with an existing density of only one member per mile of line, and other new construction needed, how can this cooperative continue to offer electric service without radically increasing our rate structure?

2. The western part of this cooperative's service area has large sections and areas where the population density is very low, and the prospect of large use of electric energy is minimal. Also, it is an established fact that power rates are ever on the increase, and that after considerable expense of building lines, etc. to various farm dwellers, many of such users have since vacated such farms and services at great loss of revenue to the cooperatives. It is also to be considered that due to the ever increasing inflation that the costs of operation and materials have also climbed steadily.

In spite of all of the above problems, (excluding the President's new order) this cooperative was and has been able to look forward to furnishing electric energy on a competitive basis and at the same time provide cooperative area coverage and service, and to keep solvent.

However, the President's new order raising the base interest rate to 5% now creates a situation where it would appear certain this cooperative's very existence is put in jeopardy. In view of all the factors set out and the President's order, How can the area coverage concept be carried out, or this cooperative keep its quality of electric service and rates competitive and *within the ability of its members to pay?*

We are concerned on how the President's Increases would affect the entire of the rural electric users family, in our four county area of Buffalo, Brule, Aurora and Jerauld Counties, along with other electric users in the State of South Dakota and the well being of the United States of America.

This cooperative humbly and desperately submits to the South Dakota congressional delegation, that every effort be made immediately to restore the 2% money to the *Rural Electric's* and the *People of Rural America.*

We ask for your wholehearted support to reverse the President's action. The Board of Directors of Tri-County Electric and I, the Manager, will be at your convenience, if you have any questions relative to the above important matter.

Sincerely,

Leroy K. Greenwold,
*General Manager.*

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Tabor, S. Dak.,
*January 13, 1973.*

The most detrimental decision affecting Rural America, other than the Vietnam War, is the decision to scuttle the Rural Electrification Act and the 2%, 35 year loan program.

It is hard to understand why it is better to scuttle a program that has been used for 38 years and proven to be successful and adopt a new one that will not save the government any money.

This is especially true when this administration is still giving away millions in other programs. Monies which are never repaid nor produce any interest income.

Much publicity is made about how much money Congress appropriates each year for the REA loan program. We seldom see the amounts of money that is paid back on the loans annually. The monies paid back each year could be in a revolving fund which would eliminate the need for such large appropriation.

The loss of the REA 2%, 35 year loan program will be most detrimental to Bon Homme Yankton Electric Association. Interest costs now are over 5% of our total cost of providing service to the rural areas of Bon Homme and Yankton counties. It is evident what will happen by increasing our interest costs by 150%.

During the past 23 years Bon Homme Yankton Electric has borrowed $2,810,000. The U.S. Treasury has received $1,163,297 of that amount in repayment plus $685,468 in interest payments or a total of $1,848,764. The U.S. Treasury has received over 65% of their money back. This has not been a program of grants, this money is being paid back. During 1970 REA advanced $393,501,993 and the borrowers paid back $154,230,310 plus interest in the amount of $85,707,141 or a total of $239,937,451. 61% of the monies paid out were paid back during the year of 1970. These figures may be verified from RET Bulletin 1–1.

I wish to thank you for this opportunity to put this information in the record.

Lloyd Aten,
*General Manager, Bon Homme Yankton Electric.*

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Spink Electric Cooperative Inc.,
*Redfield, S. Dak., January 10, 1973.*

Hon. George McGovern,
*Chairman,*
Hon. James Abourezk,
Hon. Frank Denholm,
Hon. James Abdnor.

Dear Sirs: My name is J. G. Newman. I am the Manager of Spink Electric Cooperative with headquarters in Redfield, South Dakota. Spink Electric serves 1,035 farms over 1,135 miles of line, and serves 1,254 members mostly in Spink County.

Spink Electric has borrowed from the Rural Electric Administration $2,297,762. It has paid $558,290 interest through 1972 on this money. Spink Electric is current on all payments to REA, and all obligations are being met as they come due. We serve 1.1 consumers per mile of line. With this density you can readily see it is all we can do to survive under the present inflationary conditions. We continue to lose many farms every year. This leaves it up to the remaining few to use more KWH in order for Spink Electric to break even.

This is what we estimate a 150 percent increase in interest would do to us: we estimate that over the next three years we will need to borrow $311,000. At 5 percent interest, this adds up to $15,550 per year interest, or an increase of $9,330 per year on this amount of money.

Spink Electric cannot survive very long with this additional increase along with the other inflationary costs without a substantial rate increase. This will add expenses to the remaining farmers and probably drive a few more away from the farms. This auto-migration of young farmers concerns Spink Electric because it is our life-blood. The declining opportunities in rural America present a bleak outlook for many rural raised young Americans who would like to remain on the land, but find it economically unfeasible. The age level of our farmers continues to raise as the young farmers are forced to leave our state convinced that agriculture has no future for them. What will become of our farming operation when the ones left become too old to farm and move off the farm?

With these facts in mind, I would sincerely hope that something could be done to rescind the President's action on this important issue.

I would like to thank our Congressional delegation for this opportunity to testify.

Sincerely,

J. G. Newman,
*Manager.*

### TESTIMONY OF REE ELECTRIC COOPERATIVE

My name is Dwight Dearborn, and I am President of Ree Electric Cooperative at Miller, South Dakota. Our service area covers 2500 square miles comprising Hand and Hyde counties. We serve nine-tenths of a consumer per mile of line.

We are one of the last strong holds of the family type farm. Our consumers are diligent managers who have managed to survive the agriculture revolution and managed to hold onto the ownership of their land. Inflation is now their greatest enemy—electricity their greatest helper—any increase in the cost of their electrical power will be a serious blow to their future.

Ree Electric will show a net margin on the sale of electrical energy in 1972 of under $2000. If our interest rate were now 5%, instead of 2%, this added cost would more than wipe out our entire margins. Our financial forecast shows that we will need approximately $80,000 a year to finance system improvements and extensions during the next ten years. The 5% interest rates would cost us an additional $16,856 per year or a total of $589,946 till the maturity of the loan. The consumers in our service area cannot afford this kind of an increase in their power bills.

We have always abided by the concept of "area coverage" of our R.E.A. contract. We have built miles of line to the middle of nowhere to help our consumers increase their production, with 5% money we would no longer be able to do this. We ask the Administration to rescind its action in curtailing the 2% R.E.A. Program.

DWIGHT DEARBORN,
*President of Ree Electric Co-op.*

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H–D ELECTRIC COOPERATIVE, INC.,
*Clear Lake, S. Dak., January 9, 1973.*

To: South Dakota Congressional Delegation.
For: Hearing at Huron High School Auditorium—Jan. 13, 1973.
From: H–D Electric Coop., Clear Lake, S. Dak.—Edward Bott, Mgr.
Subject: Loan fund needs for the next 10 years and effect of the no 2% loan funds.

According to the 10 year financial forecast that was just completed late in 1972 for this cooperative, South Dakota 17 Hamlin—H–D Electric Cooperative, Clear Lake, South Dakota, our loan fund needs for the next 10 years will be $1,737,000. Additional interest that we will have to pay under the new program outlined by the administrator will be $243,668 over that 10 year period. This is broken down that 30% of the funds will come from CFC at a cost of 7½% interest and 70% of the funds will come thru REA at 5% interest or a composite interest rate of 5.75%.

We are not taking into consideration any of the interest costs that this cooperative will be bearing because of East River Electric Power Cooperative's borrowings under the new loan criteria.

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### STATEMENT OF GRAND ELECTRIC COOPERATIVE, INC. TO THE SOUTH DAKOTA CONGRESSIONAL DELEGATION ON TERMINATION OF THE REA 2-PERCENT DIRECT LOAN PROGRAM

My name is Leroy D. Schecher. I am the Manager of Grand Electric Cooperative, Inc. in Bison, South Dakota.

Our electric cooperative serves an area of about 9,500 square miles in the northwest corner of South Dakota. On December 31, 1972, we had 1795 members taking service at 2954 locations (of the 2954 services, 761 are to range wells whose monthly consumption is a low 55 kilowatthours) on 3113 miles of line. This is a density of .95 of one consumer per mile of line. Total plant investment on December 31, 1972, was $6,758,512 or $2,288 per service location. By any comparison this represents a low density and high investment.

The Cooperative began operations on April 10, 1950. Prior to that time this entire area was without central station electric service. From then until now the Cooperative has borrowed $6,954,400 from REA. These were all 2%-35 year loans. Without this far sighted program this area would still be without electricity. The REA program has done more to improve the standard of living, the economy and the preservation of this area than any other single thing. With these things going for us we still had 421 idle services on December 31, 1972.

From 1950 through December 31, 1972, our Cooperative has repaid $2,232,300 on the principal and $1,519,777 in 2% interest.

The decision by the Administration to terminate the REA 2%-35 year direct loan program and replace it with a 5% insured or guaranteed loan program is bad news. Based on our long range engineering and financial plan, our Cooperative will have to borrow $1,605,000 in the next ten years. (This figure does not consider the cost of inflation.) At a 5% rate of interest rather than 2% it will cost the members an additional $205,993 in the next ten years and an additional $1,191,726 over the 35 year loan period. In 1982 our members will pay $43,566 more at the 5% interest rate than they would have at the 2% rate. This amount will continue to go up every year. We presently have 1795 members who are paying the electric bill and by 1982 we estimate a decline to 1750 members. The added interest will amount to a lot of money, especially when you consider the number of people that will be paying the bill.

In addition to this we will have increased costs from our power supplier, Basin Electric Power Cooperative. Basin Electric is certain that wholesale power costs will have to go up to cover their additional interest costs of $37,910,000 over a 35 year loan for the $51 million supplemental loan that will be necessary to complete construction of their second generating unit.

Chances are good that termination of the 2% program will cause a delay in construction of the second unit. If this happens the entire Missouri Basin will face a serious power shortage in the summer of 1975.

The newest technology in building electric lines is to place them underground. In many cases this is required by Federal environmental laws. In other cases systems have been forced to put lines underground to get them away from the elements of wind, frost, ice, etc. With the growing dependence of our users on a continuous supply of electricity to carry on their daily activities, we expect to make as much use of underground in the future as we can. We have had some bad ice storms in recent years—the worst in 1965—when some of our members were out of electricity for as long as six days.

Taking away the 2% loan program also takes away our ability to go underground. We simply could not afford it. Our system is one that according to the DSC criteria of REA still qualifies for 100% REA 2% loans. The reason for this is low density and high investment brought about by serving a sparsely settled rural area.

It seems to us that if the Federal government is going to require us by law to place lines underground to meet environmental requirements, they should be willing to assist us. This can be done by continuing the 2% loan program. The Administration's complete termination of the Rural Environmental Assistance Program (REAP) also has a direct effect on the operation of our Cooperative. We have been building new electric lines to an average of about 50 range wells each year. These wells are used by ranchers for livestock watering. We have always felt that it was better to construct these lines with our own crews than to hire a contractor. This has allowed us to keep two permanent crew members the year around and to hire two college students during the summer months to help with construction.

This has been a good thing for us because the extra crew and equipment for building line has been a lifesaver in some of the ice storms where we had a lot of line down and other emergency situations. It has also contributed substantially to the local economy and, of course, it has helped the college students.

Most of the range wells have been put in under the REAP Program. Abolishing this program means that we will not have the construction work to do (indications are that most of them will not be put in without the REAP Program) and will have to go on a full time operations and maintenance program. The effect of this will be that we will have to lay off some of our line personnel.

Growth in our electric cooperative has been limited. We have been faced with a declining farm population for the reason that the price of agricultural products, up until the last few months, has not been good. People are leaving the farms and ranches and their neighbors or some outside interest is absorbing their places into existing operations. In some cases these services are lost forever and in others they may be connected as a range well for watering livestock. Remember, the electrical consumption of the range well is low at 55 kilowatt-hours per month on the average.

An example of the decline in population in our service area is that according to the 1960 census the population of Perkins County, South Dakota was 6,114. In 1970 it was 5,418, a loss of 11.4%. An electric system that doesn't have load growth is in for trouble and it is difficult to do under these circumstances.

We see the elimination of the REA 2% program, the cost-share programs under REAP, FHA Emergency Loans, Facility Loans, the Water Bank Program and other rural programs as a serious threat to our efforts to keep people on the land. For our Cooperative it means higher rates; it means increased costs; it means poorer service because we will have to cut back on our crew; we will not be able to take advantage of placing lines underground; it means unemployment in our service area; and, it means a declining economic condition throughout the area; and, in the end it will drive more people from the area because they can't make a go of it. Those who remain automatically must assume the debt to REA for those who leave.

It is our understanding that the Administration has made these cutbacks to save the Federal government money. REA should not be considered an expense, it is a loan program and the record shows that these loans have been paid back on schedule and in many cases ahead of time and has the best repayment record of any program the Federal government has ever undertaken.

If this decision stands there is no question but what our electric rates will have to be increased. The electric cooperatives in South Dakota with an average of 1.5 consumers per mile of line and our system with its .95 consumers per mile of line are among those with the lowest density and the highest investment per consumer in the nation. This in turn means high rates. Electric rates in South Dakota are among the highest in the nation. More than doubling our interest costs and eliminatnig or cutting back other rural programs will push them even higher.

The rural electrics whose service areas cover 70% of the land mass of the United States can and are playing a major role in developing rural areas. To be successful services and prices in the rural areas must be competitive. To make this possible we need the REA 2%—35 year loan program. We believe it is reasonable for the Federal government to help vitalize rural areas if that means the government must subsidize some programs we think that is justified. The programs that have been taken away are programs that are important in the effort to make rural America a better place to live. They help people, it makes them more productive, they pay more taxes, it helps keep them on the land and out of the already over crowded cities and it helps preserve rural America for future generations. Without good conservation practices the future is not very bright. The people in the cities will starve to death if the people on the land do not produce and take care of the land for the future. In our judgment money spent for these things carry a higher priority than any other use it can be put to.

Under the Pace Act of 194, rural electric systems were required to give area coverage in return for 2% interest loans. We have met this commitment, many times building several miles of line to a single consumer. We believe in the area coverage concept, however carrying it out has not been what would be termed a good investment by anyone wanting to make money. Carrying out this obligation in the past will continue to be a financial burden that we must meet in the years ahead. This needs to be considered. It will be impossible for us to carry on area coverage at 5% interest rate.

We respectfully urge the South Dakota Congressional Delegation: Senator George McGovern, Senator James Abourezk, Congressman Frank Denholm and Congressman James Abdnor to reject the Administration's order to abolish the REA 2% direct loan program and take whatever action is necessary to have it reinstated.

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STATEMENT AT AGRICULTURAL CONGRESSIONAL HEARING JANUARY 13, 1973, JOHN B. GLAUS, PRESIDENT, SOUTH DAKOTA STOCKGROWERS

We in agriculture feel we are being persecuted and beaten and stepped on and spat on and in general we are feeling very sorry for ourselves because of recent actions taken by President Nixon and Secretary of Agriculture Butz. We have seen import quotas on beef lifted for 1973. We have seen grazing fees on BLM land and Forest Service Land raised by more than 15%. We are seeing set aside or diverted acres being opened for grazing. We have seen REAP scheduled for discontinuance. We have seen the low interest rates for REA discontinued forcing them to go through regular channels like the rest of us. It is apparent we have entered the age where the consumer and environmentalist is in the drivers seat.

At the same time the farmer and rancher has always been the one stabilizing force urging economy of government and more efficiency in government. We have urged reduction in the National debt. We have urged no more new taxes. Yet here we are, crying like babes in the woods thinking the end of the world is coming. While we urge economy and efficiency, it is a lot easier if it is the other guy, the other industry that gets the axe. But it has to start someplace. All we ask is that this spirit of economy affects other industries—not just agriculture.

Instead of asking for sympathy and tears, lets rejoice that maybe we finally are ending this period of idiotic give away and coming to our senses like men. Lets rejoice because now we can work for other economies in government. Lets end unnecessary subsidies to other industries and all get our feet on the ground and work together in the way we can that has made this country great. The opportunity is now here if we will just seize the initiative and make what appears to be an ill wind, instead, work to our advantage.

The opportunity is here again to make our own way without having to be tied to the apron strings of Mama Government. If you want to control and ham string any group, any race of people, any industry, just give them enough money so they become dependent and they will do any thing for you. They give up their initiative, their pride, their will—anything to get that hand out. I say let us as agriculturists tell our congressmen to forget politics and work for the good of our country by reversing the trend toward ease, complacency and the attitude of, "let the government take care of it."

We face the danger of making a free industry a servant of government. Our system of free, competitive agriculture has been putting the dinner on the table of America and the World. American agriculture is the envy of the world. No country can rival the efficiency and productivity of the U.S. farmer and rancher. Our American way is responsible. Other countries try—Russia and other iron curtain countries with State controlled farms and methods—and they are a failure. Let that be a lesson to us so that we do not sell our soul for so called security. We are now at the crossroads. The question is "Do we depend more or less on the government to run our business?" I think it would be catastrophic for us if we take the easy way.

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OAHE ELECTRIC CO-OPERATIVE, INC.,
*Blunt, S. Dak., January 13, 1973.*

THE SOUTH DAKOTA CONGRESSIONAL DELEGATION

GENTLEMEN: I am Glenn E. Olerud, Manager of the Oahe Electric Cooperative, Inc., Blunt, South Dakota which serves Hughes and Sully counties. I have been in the Rural Electric field for over thirty five years, serving in various capacities and serving this Cooperative as Manager for over eighteen years.

Our Cooperative has 1347 consumers, served by 975 miles of electric distribution line.

There have been many obstacles placed in the path of Rural Electricification during the years that Rural Electric Cooperatives have been erasing the darkness in Rural America.

Never in the history of this Nation, has there been a government program that has been so successful, that has paid interest on government loans, making payments on the principal as due and in many instances, making payments two and three and more years in advance. The program has been so successful that it has been a thorn in the side of the Investor Owned Utilities. The Rural Electric program has been a yard stick for the electric power industry.

If a small cooperative such as ours could meet its payments, interest and principal pay Capital Credits to its members and still serve at reasonable rates, think what the Rural Electric Cooperatives could have done with an average of thirty meters per mile of line, such as the Investor Owned Utilities. It might be noted that the IOU's do not repay principal, they float new loans.

The Pace Act, enacted in 1944 gave the program the impetus it needed. The Cooperatives agreed to serve all who wished service within their area and the Pace Act in turn gave the Cooperatives funds for expansion at two percent interest and with a thirty five year repayment schedule.

Now with a few sentences, this has been all erased. No action from Congress who enacted the law was required to erase it. No warning was given. In fact, assurances were made that funds would be available under the program as we knew it.

Why is Rural America receiving the brunt of the so called economy measures? Why has the American Farmer repaid his loan with interest, while the Urban Dweller receives grants covering sewage disposal, golf courses, and a host of other grants with no interest and no repayment. Why is there funds for a space program or an undeclared war that has lasted for years? There can be no other answer except that the Administration is considering the people of Rural America as second class citizens.

Oahe Electric Cooperative, Inc., has borrowed $1,932,000. To date we have repaid on the principal, $878,597.79 and we have paid $513,308.25 in interest.

It is safe to say that within the next 15 to 20 years, this Cooperative will have to invest about $2,000,000 in increased capacity and replacements. Five percent interest will mean an interest bill of $1,283,270 over the next twenty years on improvements, plus the interest on our debt to date.

Together with the increased costs to serve our consumers with our distribution system, our operating costs have increased and will continue to increase and together with the increased cost of money, Mr. Farmer USA is going to have a burdensome increase in his electric rates. The generation required and the transmission lines needed are going to have equally high interest rates, plus increased plant and operation costs, so the load is passed from generation to transmission to distribution to the ultimate consumer.

Great emphasis has been placed in recent months on holding down inflation. High interest rates will not curb inflation in the rural electric industry, it will increase the rate of inflation.

Gentlemen, we need your help as we have never needed it before. We know you will do all in your power to help us.

Respectfully submitted.

G. E. OLERUD, *Manager.*

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MCCOOK ELECTRIC COOPERATIVE, INC.,
*Salem, S. Dak.*

"LETS LOOK AT THE FACTS"

(Statement by Vaden Jackson, President)

Because of the decline in farm population there is a tendency to look upon agriculture as a declining industry, one that no longer merits the attention of the Federal Government. The contrary is closer to the truth. The problem which today confronts rural America and Agriculture are in many ways inseparably linked to those of urban America. Either the problem of America's rural areas and America's cities will be solved together or they will not be solved at all.

This is documented by the facts of contemporary rural and urban life. Rural poverty and urban poverty are closely related. Poverty experienced in farm communities drives many people into the cities where their presence notably contributes to urban ills, such as, air and water pollution, transportation congestion, increasing urban crime and housing shortages. Yet at the same time the movement of people from the countryside to cities is continuing often under the pressure of forces which make neither social or economic sense.

The importance of agriculture in South Dakota is based on the fact that Agriculture is in first place representing 26% of total civilian income, however the per capita income in South Dakota during 1971 was only $3,441.00 or lowest in the 8 state area of the Great Plains.

How does this information relate to the rural electric program. We are keenly aware that our area cannot grow or prosper without good basic low-cost electric service. Our rural electric system was organized to provide dependable electric service for the communities and rural areas we are a part of.

Raising retail rates continuously to offset higher interest costs experienced under the new program is not the solution. It will increase the cost of a basic social service to families least able to afford such inflation. It will also discourage rural area development by resulting in noncompetitive energy pricing. We feel the rural electric consumer can be proud of their accomplishments, by standards of any financial institutions, the rural electric systems have the finest repayment record of any such federal program in our nation's fiscal history.

McCook Electric is part of the Rural Electrification Administration past and proud to take its place in REA future. It was organized in 1944 and received its first REA loan in 1946. The system has invested $2,081,857 in REA Loan funds. Of this amount McCook Electric has repaid $986,422.11 in principal and interest payments of $508,617. McCook Electric has also repaid on principal ahead of schedule the total of $152,975 to help minimize net cash demands on the U.S. Treasury.

We can only say that the cancellation of the traditional REA loan program is regrettable. One of the outstanding facts about rural electrification is that its basic to a sound, solid economy of our country—Rural Electrification is good for all America. They provide the light and power that is helping farmers produce the food and fiber that feed and clothe our millions—whether they live in the country or in town. Only with low-cost economical and labor saving electricity can our farm people continue to produce abundantly and provide the people of this great nation with the high quality meat, milk, eggs, vegetables, fruit and other foods so necessary to a well fed healthy nation.

We certainly hope the Administration will reconsider reinstating not only the REA program, but all domestic programs of agriculture that have helped to further develop the health, education and welfare of the people of this great nation and the world.

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Black Hills Electric Cooperative, Inc.,
*Custer, S. Dak., January 10, 1973.*

Subject: Congressional Hearings, January 13, 1973, Huron, S. Dak.

Mr. John Olson,
*Manager, South Dakota Rural Electric Association, Pierre, S. Dak.*

Dear John: Enclosed is a paper that we feel represents some of the thoughts of this Cooperative on the increased interest rate.

Sincerely yours,

Elmer Flatt,
*Manager.*

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### Impact of the Administrations Termination of the 2 Percent Loan Program on the Black Hills Electric Cooperative, Custer, S. Dak.

By the year 1980 it is estimated that the Black Hills Electric Cooperative will need additional capital funds in the amount of $2,505,000.00. This is an increase of 56% of our investment at this time.

In 1980 it is anticipated that the consumer-members will increase from 2500 to 3170 or 670 consumer-member or an increase of about 27%.

The costs of the payment of interest by the members, at this time, amounts to $26 per year per consumer. If we take the anticipated projections of investment and consumers the costs rise to an average of over $60.00 per year per consumer-member.

Even when the next years capital improvements are calculated, and the interest cost of 5% is computed it raises the cost of service by $7.00 per consumer per year, to a new total interest cost of an average of $33.00 per consumer year. By the year 1980 if this is projected on an average payment rerceived, if we just compute the cost per member it will require an increase of 15% per member per year just to pay the increased cost of interest payments. This is based on the cost of interest payments for capital expenditures for this Cooperative only. The costs to the Generation and Transmission Cooperative will also be increased and these costs will be passed on to the consumer-members.

When additional requirements are made, by whatever agency or organization that affects the operation of this Cooperative, the consumer-member has to pay the costs associated with these requirements. The costs of operations are on the increase and continue to grow and multiply. With the increasing forces of inflation that we are striving to control, this type of action completely contradicts and nullifies the attempts to control inflationary trends. When we are forced to increase our costs through actions that we can not control, it seems senseless and meaningless to continue to fight inflation.

This decision will have a staggering effect on the viability of this Cooperative. Since this Cooperative has started it has been the goal to somewhat approach the cost of energy supplied by other utilities. With the enormity of this increase, it became virtually certain that our members will have higher costs. In the area of Southwestern South Dakota where we have high construction costs and low density of members this increase will hinder the development of this area of Rural America.

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Douglas Electric Cooperative, Inc.,
*Armour, S. Dak., January 9, 1973.*

Re Meeting with Congressional Delegation.

John Olson
*SDREA,*
*Pierre, S. Dak.*

Dear John: Fortunately Douglas was granted a loan which will cover our construction needs for the next two years.

We must of course look beyond those two years as a critical period for the needs of our rural electric members.

We therefore urge our congressional members to make every effort to reverse this decision by the Nixon Administration.

Thank you for your concern and efforts put forth on our behalf.

Very truly yours,

Edgar Lang,
*Manager.*

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### Lets Look at the Facts

(By Robert E. Marks, manager, McCook Electric Cooperative, Inc.)

Recently the Nixon Administration announced the cancellation of the traditional program of federal low-interest loans to Rural Electric Systems and that the program will be converted to a private financial venture. The news release states that the Rural Electrification Act was a "spending program" of the Federal Government, and that the new criteria will save the Federal Government millions of dollars.

We feel the rural electric consumers can be proud of their accomplishments, by standards of any financial institutions, the rural electric systems have the finest repayment record of any such federal program in our nations fiscal history.

McCook Electric is part of the Rural Electrification Administration past and proud to take its place in REA future. It was organized in 1944 and received its first REA loan in 1946. The system has invested $2,081,857 in REA Loan funds. Of this amount McCook Electric has repaid $986,422.11 in principal and interest payments of $508,617. McCook Electric has also repaid on principal ahead of schedule the total of $152,975 to help minimize net cash demands on the U.S. Treasury.

We can only say that the cancellation of the traditional REA loan program is debatable. One of the outstanding facts about rural electrification is that its basic to a sound, solid economy of our country—Rural Electrification is good for all America. They provide the light and power that is helping farmers produce the food and fiber that feed and clothe our millions.—whether they live in the country or in town. Only with low-cost economical and labor saving electricity can our farm people continue to produce abundantly and provide the people of this great nation with the high quality meat, milk, eggs, vegetables, fruit and other foods so necessary to a well fed healthy nation.

We certainly hope the Administration will reconsider reinstating not only the REA program, but all domestic programs of agriculture that have helped to further develop the health, education and welfare of the people of this great nation and the world.

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Sioux Valley Empire Electric, Association, Inc.,
*Colman, S. Dak., January 4, 1973.*

To: All present and former members of the Board of Directors and all present and former Minutemen.

From: Virgil H. Herriott, General Manager.

I assume that you have been following in the news media reports of the President's action to terminate the 2% REA Loan Program. Enclosed are the following:

1. Copy of a news release released by me today.

2. Copy of a memo from Bob Partridge, General Manager of our National Association.

3. Copy of the Department of Agriculture news release of December 29, 1972.

I have been trying to keep informed as to developments that are taking place and to gain information about what the future may hold.

We have a loan application pending with REA. In a telephone conversation with REA officials the week before Christmas, I was told that it was in the final stages of preparation and that all of the necessary approvals had been obtained, except that of the Administrator. I was told that we should expect approval of the loan shortly after the first of January. That is all changed now, since his authority to grant loans has been rescinded.

I am told that the President's action in stepping up the military attack in southeast Asia and the huge expenditures of money involved there, together with his curtailment of many domestic programs authorized and funded by Congress, make it likely that there will be a showdown between the Congress and the President over the issue of priorities on the use of available Federal funds. If such a showdown comes about, it may result in restoring the 2% REA lending program. What we do and what we are able to get others to do in the near future will be very important in getting the President to change his position. I would urge you to write to Senator McGovern, Senator Abourezk, and Congressman Denholm to let them know your views on this subject, with particular reference to the President's action to end the 2% loan program. A letter addressed to the President expressing your views would also be helpful.

Perhaps our most valuable contacts to the President, or to Secretary of Agriculture Butz, can be made by local Republican party officials. If you could ask those whom you know to urge the Administration to reverse this position, it should have an important effect.

The immediate impact on Sioux Valley Electric of the President's action will be to force us to secure high cost, short-term interim financing pending the development of the Administration's new high cost, long-term financing program, or a reversal of the President's action by the Congress. The long-term effect on Sioux Valley Electric, unless the President's action is reversed, will be to significantly increase the costs of funds necessary for new construction in the future and this will, in turn, force us to raise our rates to cover these increased costs. A greater impact will come, however, through increases in the cost of our wholesale power that will be necessary as a result of higher interest rates imposed upon our wholesale power supply, the East River Electric Power Cooperative and Basin Electric Power Cooperative. These, too, will force an increase in our retail rates in the future. A rate increase would not be immediate, perhaps coming in the next two or three years as the full effect of increased interest charges would become effective. Interest rates on loans already secured by the Cooperative would not be changed by these actions.

A construction program costing approximately $300,000 has been planned by us for 1973. We must proceed with those plans, if the quality of our electric service is to be preserved, and if the capacity of our system is to be expanded to meet the member's ever-growing needs. Also included in the loan application was an item of a little more than $400,000 for the reimbursement of our General Funds, which had been used to finance 1972 construction. We are also committed to advancing $214,000 to Basin Electric Power Cooperative as of October 1, 1973, in accordance with a pledge agreement which we executed a few years ago. I trust that you can see that not having a source of loan funds would require us to continue to have invested in these three items a little less than a million dollars at the end of 1973. This would severely, and perhaps dangerously, reduce the level of our working capital and reserve funds. This, in itself, could force an increase in rates, even without higher interest costs.

I hope you will watch the newsletter for information as it becomes available to us about this important subject.

VIRGIL H. HERRIOTT.

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### NEWS RELEASE

COLMAN.—The general manager of Sioux Valley Empire Electric Association here said that rural people will bear the brunt of the Nixon Administration's action to end the traditional REA lending program.

"It is the rural electric consumers who will ultimately pay the added costs resulting from this action if it is not rescinded," said Virgil Herriott, manager of the state's largest rural electric cooperative. Sioux Valley serves some 8,500 members in five counties.

Higher interest costs will mean higher wholesale power costs to local co-ops like Sioux Valley, said Herriott, in addition to increasing debt retirement costs of the co-op. "This, in turn, will dictate higher rates to the consumer," said Herriott, "there's no other alternative."

The Sioux Valley Electric manager also stated that the Administration's action, reported to be effective Jan. 1, will have an immediate impact on Sioux Valley.

"We have a loan application in the amount of $741,000 filed with the Rural Electrification Administration in Washington now to reimburse us for the cost of completed 1972 construction and to finance our 1973 construction. If the Administration's action is not rescinded, we have no idea as to when funds under the Administration's newly proposed financing program will be available or at what cost."

Herriott said the Nixon Administration "is ignoring the basic reasons why Congress initially authorized two percent interest loans to rural electric co-ops and why Democrats and Republican alike in Congress have continued year after year to support the two percent lending program. These justifications include the fact that the rural cooperatives serve only a few consumers per mile of line and that they are committed to 'area coverage' service meaning that they serve even the most remote rural locations."

"Our need for low cost financing continues today and will continue in the future," said Herriott, "because more and more system improvements are needed all the time so that we can dependably serve the ever increasing power demands of the member-consumers. Extending power lines and connecting consumers is only the beginning of our responsibility in serving the electric power needs of rural areas. We must continually heavy up our system, add new lines, install larger facilities, and of course, secure adequate amounts of wholesale power."

"It is particularly disturbing to us that this action is taken in the face of our voluntary efforts to establish our own supplemental source of financing—the Cooperative Finance Corporation. We have succeeded in this effort and loans have been made to many cooperatives, including Sioux Valley, by CFC to supplement the REA loans. Last year, Sioux Valley borrowed 10 percent of its construction funds from CFC and this year it was expected that 20 percent of the funds would come from CFC.

"We regard the Administration's action as a cruel blow to rural people at a time when there seemed to be new hopes for rural area development. We join many other groups in asking the President to reverse directions and to continue to provide rural people the helping hand which they so much deserve."

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NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION,
*Washington, D.C., December 30, 1972.*

To: All Rural Electric Systems.
From: Robert D. Partridge, General Manager.
Subject: Administration Abolishes REA Direct Loan Program.

Late yesterday afternoon, the Administration announced that the REA electric and telephone direct loan programs are being terminated January 1, 1973. All future rural electric and telephone loans will be made on an insured or guaranteed basis, with the insured loans carrying an interest rate of 5 percent.

NRECA was not consulted or informed in advance by the Administration that such a drastic change in the rural electric program was about to be made. The only official word we got was the USDA announcement yesterday, a copy of which is enclosed.

The Administration's action amounts to a repeal of the Rural Electrification Act by Executive Action. If permitted to stand, it will accomplish by fiat what our enemies have tried to do for years—namely, destroy the REA low interest loan program and, with it, many of our rural electric systems. Those which survive will be forced to increase retail rates to their member-consumers in order to handle this large and sudden dose of high cost capital.

We cannot—and will not—accept this Administration decision. As I pointed out in a statement to the news media (copy enclosed), we have no alternative but to fight to reverse this decision. I believe this is a fight we can win, but only if we all work together and use every resource at our command.

On the plus side, we have many Members of Congress who have shown their support for the REA program through their affirmative votes on annual appropriations for REA loans. In addition, the Congress has become increasingly concerned and resentful over the accelerating trend of the Executive Branch to usurp the powers of the Legislative Branch. The Administration's decision to terminate the REA direct loan program is a flagrant example of the Administration flouting the will of the Congress.

It also represents a breach of faith by the Federal government. As you know, the REA 2 percent interest rate, established by Congress in the Pace Act of 1944, made it possible for rural electrics to provide area coverage in their service territories. In effect, rural electrics promised to serve everybody in their territory, whether the service was financially feasible or not in exchange for loans at 2 percent interest.

On the minus side, time is against us. The longer this Administrative decision is allowed to stand, the more difficult it will be to reverse it.

NRECA has launched a crash program on the Washington scene to restore REA and the direct loans program. I have sent a strongly worded protest to President Nixon, asking him to rescind yesterday's action. We have already contacted many key Democratic and Republican Congressional leaders to enlist their support and map strategy to save the rural electric program, and additional Congressional contacts will be made as rapidly as possible. I have also strongly requested an early meeting with Secretary of Agriculture Earl Butz.

Your help is urgently needed on several fronts:

1. Please call, wire or write to your Senators and Representative as soon as possible to enlist their aid in the battle to save the REA direct loans program.

2. Contact your county and state Democratic and Republican political leaders about this threat to survival of the rural electric systems and the adverse effect this will have on rural people. Request their assistance in reversing the Administration's decision on REA.

3. Inform your membership as quickly as possible about this threat to their rural electric system and to the adequate and reasonably-priced electric service they now enjoy, and ask them to write to their Congressmen immediately in opposition to the abolishment of the REA 2 percent loan program.

Your help is greatly appreciated. I know you have many unanswered questions about the immediate effect of the Administration's decision, and so have we. For example, we understand that USDA is only now beginning to set up the administrative machinery for implementing the Rural Development Act, and it is unlikely that the restructured agency will be ready to carry out its new rural development function until mid-summer. Meanwhile, it will be expected to take on the rural electric lending program immediately.

We will keep you informed of developments in this area just as fast as we are able to get firm facts from USDA.

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### CHANGES IN RURAL ELECTRIC AND RURAL TELEPHONE LOAN PROGRAMS

The U.S. Department of Agriculture announced today that the REA electric and telephone 2 percent direct loan programs are being converted to insured and guaranteed loan programs at somewhat higher interest rates effective January 1, 1973. This action was made possible by the enactment of the Rural Development Act of 1972 in which the Congress provided very broad authorities to make guaranteed and insured loans to finance all types of community development programs.

This change is a part of the effort to hold 1973 federal budget outlays to $250 billion and keep the outstanding public debt within the statutory limit of $465 billion through June 30, 1973. It will eliminate direct federal loans and substitute credit from private sources at interest rates that are more in line with the cost of money on today's market. Insured and guaranteed loans will reduce the impact on the federal budget and the public debt and are designed to facilitate more rapid growth in the credit programs being provided by the National Rural Utilities Cooperative Finance Corporation, the Rural Telephone Bank, and other private lenders.

Beginning on January 1, 1973, all REA loans will be made as guaranteed and insured loans under the authority of Section 104 of the Rural Development Act of 1972 (Sec. 306 (a) (1) of the Consolidated Farm and Home Development Act). In order to meet more fully the needs of REA borrowers an additional $200 million in loan authorities will be made available over and above current allocations. This will provide a total loan authority of $618 million for rural electric loans and $145 million for rural telephone loans in fiscal year 1973. These funds are in addition to those loans available to REA borrowers from private sources including CFC.

Loans to electric and telephone cooperatives will be made on an insured basis at 5 percent interest (guaranteed loans will also be available to electric cooperatives where private capital is available on advantageous terms). Loans to commercial power companies and commercial telephone companies will be guaranteed at market rates of interest.

Many details of this transition from the authorities of the Rural Electrification Act of 1936, as amended, to the authorities of the Rural Development Act will require time to work out. Borrowers and other interested parties will be advised of the necessary changes in loan requirements and loan processing as rapidly as possible. Every effort will be made to expedite these new programs in order to meet the expanding needs of REA borrowers.

### Statement of Robert D. Partridge, Executive Vice President and General Manager of NRECA

The Administration's announcement that it is impounding all unobligated REA loan funds and discontinuing the REA loan program comes as a shock and keen disappointment to NRECA.

Moreover, we have no other alternative than to fight such a drastic decision with all the resources at our command.

Although we reach this conclusion with reluctance, we have no other reasonable choice. Left standing as announced, this new Administration policy will wipe out many of the more than 1,000 rural electric systems in America and threaten the welfare of the millions of consumers that depend on them for electric service.

The Rural Electrification Administration was created 36 years ago to fill the critical electric power void that existed throughout rural America.

Not only has the program enabled rural residents to become first class citizens and contributed mightily to our food production capabilities, but the REA program has become a showcase of success that is the envy of the world.

While rural electric cooperatives and power districts have been moving as rapidly as possible to develop supplemental private financing to meet part of their needs, few if any rural electric systems would exist today if it were not for the long-term, low-cost interest loan program provided by REA.

Moreover, it will bring utter chaos to the entire rural electric financing picture if the Administration is to pull the rug from under the REA loan program at this time—especially with capital needs doubling every seven years.

We submit that if America is going to rebuild and revitalize its rural areas—if it is going to eradicate the poverty and decay now impeding rural economic growth—it must have a healthy ongoing rural power supply system represented by the rural electric systems.

The decision to, in effect, abolish the REA loan program as we have known it is a severe blow to rural America.

We hope the Administration will reconsider this drastic and precipitous decision.

### Addressing Correspondents

How to address letters to congressional delegation and government officials:

The Honorable Richard M. Nixon
President of the United States
Office of the President
Washington, D.C.

The Honorable George S. McGovern
United States Senate
Senate Office Bldg.
Washington, D.C. 20510

The Honorable James Abourezk
United States Senate
Senate Office Bldg.
Washington, D.C. 20510

The Honorable Frank Denholm
Member of U.S. Congress
House Office Bldg.
Wasington, D.C. 20515

The Honorable Earl Butz
Secretary of Agriculture
U.S. Department of Agriculture
Washington, D.C. 20505

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Union County Electric
Cooperative, Inc.,
*Elk Point, S. Dak.*

### Testimony

My name is Vincent M. Gill, manager of the Union County Electric Cooperative, Inc. Our small cooperative is one of the smallest in the state. It consists of 345 miles and serves 950 consumers. Because of its limited territory it has no chance for further expansion; it is located in the southeastern part of the state. The cooperative has been in operation since March, 1938 and I have been its manager over this period of 35 years and have witnessed the many benefits of the 2% loan program since its inception. We are deeply concerned about its termination not only because we fear for the survival of small cooperatives such as ours but because it will affect many cooperatives in the state where the population is sparse as well.

The changing times have brought about the losing of the family sized farm. The bigger farm operation includes irrigating, corn drying, silo unloading, etc. All the new equipment for this operations requires 3 phase power lines, heavier poles, cross arm conductors, transformers and meter equipment.

People are moving from the urban areas into the rural areas. In five years our count had dropped to 830 consumers but now it has risen again because many urban people have moved into mobile homes, trailer courts and into recreation areas in various places along the Missouri River which we serve. These consumers are not big users ordinarily.

The lines of our Cooperative are thirty-five years old and we have been spending three times as much as formerly for replacement and to heavy up our lines. All hardware is costly, anchors were originally $1.30, they are now $3.30. The same is true of the cost of poles, cross arms, aluminum wire, transformers, meters, etc. It is hard to cope with the inflationary rising prices, cost of materials and labor. What will we do now with the termination of the 2% loan program? Hence, our deep concern.

Vincent M. Gill.

### Testimony of Clarence Welander, President, N. Dak., REC's, Jan. 13, 1973

I am Clarence Welander, a farmer and president of the North Dakota Association of Rural Electric Co-op's. We wish to thank Senator George McGovern for these field hearings, and an opportunity to file our statement at this hearing at Huron, S. Dak. Jan. 13, 1973.

President Nixon's recent decision to freeze the entire 1973 appropriations for the Rural Electrification Administration (REA) could cost rural North Dakota Consumers as much as 2 million dollars in additional interest charges during the coming year.

President Nixon's action to abolish the 40 year old (law) two percent REA loan program means our local rural electric distribution cooperatives will have to pay 5% or more for the money they borrow to construct, improve, and maintain their systems.

N. Dak. REC's anticipate borrowing $65.2 million during calendar year 1973. That amount, borrowed under the traditional REA lending program, would carry first year $1.3 million. At the minimum interest level of 5% as proposed by the Administration, first year interest costs would be $3.25 million, a difference of $1.96 million. "According to the terms of the Pace Act of 1944, under which the REC's operate," we (REC's) are obligated to provide complete area coverage and service regardless of economic or geographic consideration. That is why the special two percent interest rate was established."

"So with a density of less than 1.2 consumers per mile and annual revenues of less than $375.00 per mile of line." It is almost certain that most REC's in North Dakota may have to raise consumer rates in order to pay this higher rate of interest.

"The REA program was initiated by the congress and the Nixon Administration has abolished it without even consulting congress, is this legal? Is this Democracy? I am sure that our U.S. Senators and Representatives will challenge the propriety and the right of such executive action."

Many other farm programs have also been eliminated such as: the Reap Program, the Water Bank Program, Farm Storage and Equipment Loan Program, Commodity Credit Corporation, Grain Reseal Program, Disaster Loan Program. "If all these fine tested programs are eliminated what will happen to Rural America?"

Enclosed in my testimony I will file a summary report of the Probable Effects on North Dakota by Administration Action terminating Rural Development Programs, and 2 news stories opposite page.

Thank you again for letting me appear before your fine committee. The REC's of N. Dak. will help in any way possible to reinstate the 2 percent loan program. We must all work together to "Save Rural America".

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[From the Oakes (N. Dak.) Times, Jan. 11, 1973]

### Electrification Officials Foresee Considerable Rate Increase for Rural Electric Users

"A substantial increase in electric power bills is inevitable", Oliver Sund, President of James Valley Electric Cooperative reported, following a special board meeting last Friday.

"Unless there is a rescinding of President Nixon's action to raise interest rates on rural electric cooperative loans, our members could be faced with power cost increases of approximately 15–20 percent. The action taken by the President could force us to collect $100,000 per year more from our 2700 members just to pay the increased interest cost for wholesale power. Farmers should also be aware that a double shot is in store for them since many are being served by rural telephone co-ops who received the same interest increase.

"North Dakota REC's had been promised 2 percent loan funds for generation and transmission-facilities now underway. These commitments by administration officials have been cancelled and we've been told that new higher interest rates will apply," Sund said.

"The abolishing of the REA act along with REAP, disaster loans to farmers, the water bank program, and the reseal program has served no purpose but to initiate the thinking of the administration and Secretary Butz when they say that 1½ million of our nation's farmers should be forced from the farm because they don't fit the administration's outline of efficiency.

"Our North Dakota congressional delegation has strongly criticized the President's action against rural people. Rural people everywhere are dismayed and feel rejected. We can strengthen the voices of our congressional delegation with letters and telegrams of protest," Sund urged.

"It is not anti-inflationary to deliberately raise ones power bill through higher interest costs. Nor does it help any taxpayer to still collect the same amount of tax dollars and offer the taxpayer less.

"And our main streets will be affected too. The millions of dollars taken from North Dakota rural consumers for increased interest costs will not find their way into local cash registers because these millions will go to out of state money lenders.

"We will shortly call meetings of all of our members interested in being heard on these matters and to determine how we can effectively be heard in Washington. Time and place of the meeting will be announced", Sund concluded.

Price freeze on 1973 appropriations for REA could cost N.D. consumer as much as 2 million.

The president of the North Dakota Association of Rural Electric Cooperatives says President Nixon's recent decision to freeze the entire 1973 appropriation for the Rural Electrification Administration (REA), could cost rural North Dakota consumers as much as $2 million in additional interest charges during the coming year.

"President Nixon's action to abolish the 40-year old, two percent REA loan program," says Clarence Welander of Fullerton, "means our local rural electric distribution cooperatives will have to pay 5 percent or more for the money they borrow to construct, improve and maintain their systems."

Welander points out that the state's REC's anticipate borrowing $65.2 million during calendar year 1973. That amount, borrowed under the traditional REA lending program, would carry first year interest of $1.3 million. At the minimum interest level of 5 per cent, as proposed by the Administration, first year interest cost would be $3.26 million . . . a difference of $1.96 million.

"According to the terms of the Pace Act of 1944, under which the REC's operate," said Welander, "we are obligated to provide complete area coverage and service regardless of economic or geographic considerations. That is why the special two per cent interest rate was established."

"So with a density of less than 1.2 consumers per mile and annual revenues of less than $375 per mile of line," says Welander, "it is probable that many REC' in North Dakota may have to raise consumer rates in order to pay this higher rate of interest."

"The REA program was initiated by the Congress and the Nixon Administration has abolished it without even consulting the Congress," Welander says. "We expect the North Dakota Congressional delegation and Congressmen from other states to challenge the propriety and the right of such executive action."

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### Statement by B. Maynard Christenson, President of the South Dakota Telephone Cooperative Association

The United States Department of Agriculture announcement cancelling the REA 2% loans program came as a paralyzing shock to all who have had a part in bringing telephone service to Rural America. It has long been our contention that an important part of our efforts in developing rural telephone systems and making this important service available in areas of questionable economic feasibility, was the need for making rural areas more attractive as places to live and work. We have made phenomenal progress in this direction, and with the availability of not only electric power but more recently, means for providing adequate water and sewage systems, it appeared that in improving the quality of rural life, a good start had been made toward providing an acceptable alternative to the congested conditions and polluted environment of our overcrowded cities.

The USDA decision has dealt a staggering blow to South Dakota telephone cooperatives, some of which provide service in the most sparsely populated areas in our nation, including one which has fewer than one subscriber per mile of line. All of the planning that has been done for the past twenty years must be re-evaluated, and for some systems, their actual survival is in question unless this order is rescinded. Those with extensive upgrading programs in progress are in great jeopardy, with feasibility studies meaningless as they face a 150% increase in one of their major cost items. This increase does not simply reduce the dividend rate of some faceless corporation, but instead, due to our type of operation and the narrow margin between income and expense, the proposed increase in interest translates into a monthly rate requirement for each subscriber-owner that is in some cases prohibitive.

The Rural Telephone Bank which was established in 1971 is not an answer to the problem facing us. It was a great boon to the rural telephone program but it was created as a supplement to the 2% loans program and is structured as an adjunct to that program to the extent that some concurrent loans are made by the Bank and REA to provide a composite interest rate that is appropriate to the specific case. The minimum Bank rate is 4% but because of a mixture of market rate funding, this rate must be offset by substantial amounts of higher rate loans to maintain solvency for the Bank. The maximum Bank rate is 8½%. We have a real emergency on our hands for which an acceptable solution must be found soon.

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Telephone Division, Cheyenne
River Sioux Tribal Council,
*Eagle Butte, S. Dak., January 13, 1973.*

Re Telephone service: Cheyenne River Sioux Reservation, Eagle Butte, Dupree, Isabel, Ridgeview, White Horse, Thunder Butte, Green Grass, Lantry, and other points within the reservation boundaries.

(Transmitted to Congressional Delegation from South Dakota at Huron, S.D. session today, Members: Representative James Abdnor, Senator James Abourezk, Representative Frank Denholm, Senator George McGovern.)

We do wish to thank the congressional delegation for giving their attention at home to acquaint themselves with the problems of the people. You should all be commended for this service and we know you wish to do this to enable yourselves to better serve the people of South Dakota in your respective roles in Washington, D.C.

This transmittal will try to confine itself to the telephone matters and you should know that the Cheyenne River Sioux Tribe (CRST) owns and through its council at this time controls fully this operation. A corporate entity recently was presented to the Tribal Council and for adoption to implement the programming of expansion and financing the telephone operation, which at a meeting was approved with no dissenting votes. The formation of the board and organization is to that degree pending.

The History of this enterprise dates back to the year 1959, when a Mr. Harding of Faith, South Dakota sold the telephone business now serving these points to CRST. The growth, consistent with other developments on the reservation and service needs forced a rapid expansion. This has continued and at the present time the need to add, replace and update equipment is at a very critical state and need.

A consulting engineer was engaged to make a commercial survey, and provide a design to properly guide future expansions consistent with present needs. This study and survey is still in progress and about to be completed. When it is ready, total needs and estimated costs will be available, but, at this time we can only give close estimates. It is hoped that towards the end of this month disclosures can be made on the findings of the consultants who are proceeding under Rural Electrification Administration guidelines, and we have an application on file for a loan with REA we hoped to procure a commitment on short time after all the information was available and transmitted. The next page gives some information on close estimates and the needs, as well as some information on the reservation economy. The telephone service serves all residents with the area assigned to this operation by the Public Utilities Commission of the State of South Dakota, and the operations are carried out within the regulations of the State of South Dakota under the PUC.

On December 21, 1972 NW Bell Telephone Co. shows listings we have—1076.

BIA survey in 1972 reports enrollees presently without telephone service wishing it—329.

We estimate non-enrollees in the area now without service wishing service from CRST—595.

Total anticipated need (subscribers for CRST telephones)—2000.

The above are minimum needs and if the area is to serve the residents therein, future developments will give rise to additional needs, and design is to be made to cover this.

The funding needed to cover this low income area would presently be estimated $2,500,000.00 which at the rate we have been anticipating 2% call for an annual interest initially $50,000.00. If the 5% minimum rate applies hereafter, the initial interest rate will call for a figure of $125,000.00, an increase of $75,000.00. This could be economically overcome in a prosperous productive established community, but, on the Cheyenne River Sioux Reservation such basics are in the experimental stages, and to promote interest and enthusiasm to attract progressive people to come to this area or keep those there now, we have to provide the everyday needs as an enticement including first a telephone service. Branches of established enterprises that would be willing to undertake industrial developments need communications for themselves and their employees, and check all community facilities and needs. Many will pass us up if not all. $125,000.00 annual interest will force potential subscribers out of the service, leaving us with increased cost for the remaining users.

The economy here just does not appear to support the Indian, and he has no place to go as far as we can see, so we have to build up local developments with a relaxed demand from U.S. government, and not increased costs at this time, when we are apparently finally qualified to come thru the door with our acceptable proposals. The 5 percent rate is like shutting the door to our face.

Federal Agencies, EDA, REA, HUD, and others have a good knowledge of all values and potential here. They are supporting financially a number of programs to develop human resources, including HEW, but a like need exists in helping develop the everyday tools needed such as telephone, electricity, health, education, roads, housing and it will all be expensive. I personally would choose the route of longterm developments, one of which is the telephone.

The undersigned, W. D. Heupel, has resided in Mobridge, S.D., since February 1, 1942, and was engaged in the management of the First National Bank of Aberdeen branch here, and also was a member of the Board of Directors of this bank. I have been involved in many of the plannings on CRST including financial matters. Also, I have been the Chairman of Standing Rock Housing Authority until Sept. 25, 1972, for over 12 years, and on the board of Standing Rock Industries, Fort Yates, and helped plan the housing factory, and other matters. I have been Chairman of the local school board, and served two years as President of the Easter Seal Society of South Dakota, and a like term with the Presidency of the South Dakota Water Development Association. I have been over this area since 1942 continuously, and think I know its needs.

In April 1972 I was engaged thru my family corporation to manage this telephone operation, and I was familiar with the history of the enterprise and took the challenge, thinking I could be of service. There have been trying times, but, we appeared to have qualified the corporate entity that could implement all these things, and were hurrying the survey and design. We appeared ready to come to the REA money door like many others have in the past, properly dressed, and the rate increase does look like a slammed shut door we may not enter. There appear all sorts of reasons for relaxing the costs here including letting the American Indian join the REA program like a multitude has in the past. Even if it calls for specific exception, since this is probably the only telephone operation owned, and operated by an Indian Tribe in USA. Lets not price this late comer out of the market, as the need is as strong or stronger than any that have been admitted thru REA financing in the past.

Again, the Indian has no place to go generally for opportunity we wish them all to have, and locally there is this strong need to attract the able and capable to work with the population here to give the human resources needed for a balanced community.

Within the month of January 1973 we anticipate the consulting engineer to give us a detailed report on the survey and possibly design. Supplemental information can always be provided. Again thanks for your attention and consideration.

W. D. Heupel
(For the management).

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### Statement by West River Cooperative Telephone Co. to the South Dakota Congressional Delegation on Termination of the REA 2-Percent Direct Loan Program

My name is Leroy D. Schecher. I am the Manager of West River Cooperative Telephone Company at Bison, South Dakota.

Our Cooperative is presently serving 661 subscribers on 930 miles of line, a density of .71 subscribers per mile of line. The original system was built and put into service in 1961. This was an eight-party system with service provided by the use of subscriber carrier on open wire lines. The principle of this carrier equipment is to transform the voice to a radio frequency so that eight simultaneous conversations can be carried on over the same pair of wires at the same time. This method was used because it was the only way modern telephone service could be provided at a reasonable cost. We had a lot of problems with this system, especially during the winter months because of the effects of frost, wind and cold temperatures on the open wire.

In 1971, the system was upgraded to one-party and 600 of the 930 miles was placed underground. Rates for the new service are $9.75 for residences and $13.75 for farmers, ranchers and businesses. They pay 13% in addition to this for excise and sales tax. This has been accomplished by loans of $1,990,000 from REA. Through December 31, 1972, our Cooperative has repaid $163,600 on the principal of these loans and has paid $177,079 in interest at 2%. In 1972, it took 18.2 cents out of every expense dollar to pay the 2% interest. Modern telephone service would not have been possible in our area without the 2% loans from REA. The decision by the Administration to terminate the REA 2% loan program will have disastrous affects on our Cooperative.

It was mentioned about that 600 of the 930 miles of line is underground. The only reason the remaining 330 miles was not placed underground was because we could not prove feasibility to borrow the money at the 2% interest rate to do it. We had hoped and indications are that our financial situation would have improved to the point where we could go to REA and borrow the money it would take to place the rest of the overhead lines underground. We have estimated the cost of placing this additional line underground at $302,610. At a 2% rate of interest over 35 years interest costs would be $125,914 and at a 5% rate for the same period it would be $350,854 or $224,940 more. It will not be possible for us to place the remaining overhead line underground without a substantial increase in rates.

A problem has developed with some of the underground wire that was buried in 1971. The effect of this problem is that it disturbs the operation of the subscriber carrier. Chances are some of this wire will have to be replaced. It has not been determined if the defect in the wire was caused by inadequate specifications which are written by REA or if the problem is with the manufacturer. Hence, it has not been determined who will have to pay for the replacement. We do not believe it should be the Cooperative, but if it is, just the extra investment estimated at $320,400, would require an increase in rates and the burden of having to borrow the money at 5% rather than 2% would be disastrous. REA Administrator David Hamil is completely familiar with the problem and has promised to help us solve it in any way he can.

Another effect of eliminating the 2% program is that there are about 150 people along the very western side of Harding County, in the area of Camp Crook and west into Montana, that are still without modern telephone service. They are being served on a series of farmer-owned telephone lines that operate on an old magneto system. In many cases the line is attached to fence posts to keep it off the ground. By any test or comparison, service is poor. The adjacent area is served by Northwestern Bell; however, they have refused to serve this area because it is extremely sparsely settled.

These people have come to our Cooperative and asked us to provide them with modern telephone service. To make the project feasible we have been negotiating with Northwestern Bell to acquire the town of Buffalo and surrounding area. This would make the Camp Crook area contiguous with the area we presently serve. Indications are that we will be able to negotiate a satisfactory price with Northwestern Bell.

Our estimate of the total cost of this project is $1,168,416. Under the 2% interest program it would have cost $486,092 for interest over the 35 year loan period. Paying a 5% rate for the same period of time would cost $1,349,068 or $862,976 more. It would take an additional rate of over $4.00 a month to pay the added interest. The present residential multi-party rate in Buffalo is $4.40 a month. Their rate would go to at least $9.75 if we got a 2% loan and it would have to go to at least $14.00 for a 5% loan. This will make it impossible to sell to the people in Buffalo. The low income people and those on social security could not afford it under any circumstances. This in turn makes the project impossible and means that the people in the Camp Crook area will not get modern telephone service. As remote as they are and as important as a good telephone is, these people really need one.

This is a classic example of the purpose of the REA 2% 35 year loan program. It may be hard to believe that there are still people such as this group that do not have modern telephone service, but this is the case.

Because of our limited financial resources we are operating the present system of 930 miles of line spread over 3,300 square miles of area with two service personnel. This is difficult, but we just do not have the money to hire additional help. This would be possible if we were to serve the Buffalo-Camp Crook area. It would improve our overall service situation and, of course, bring another family into the community.

Technology in the communications business changes rapidly. The original system that we installed in 1961 was obsolete in 1971. It would be safe to predict that the system that was installed in 1971 will be obsolete in 1981. If it still gives satisfactory service no doubt we would continue to use it: however, if history is any indicator it is conceivable that it will have to be replaced. We could not have done it without the 2% program the first time and it is likely that the same would be true again.

If one were to assess the future of our Cooperative in the face of losing the REA 2% program, you would have to conclude that it is a gloomy one. It jeopardizes the future of our Cooperative and it appears doubtful that we will be able to continue to operate and provide good service at any reasonable rate.

We come to this conclusion by summarizing the meaning of the elimination of the REA 2% direct loan program as follows:

(1) It means higher rates.

(2) It means that we will not be able to place the remaining 330 miles underground without a substantial increase in rates.

(3) It means poorer service to the members.

(4) It means that the people in the Camp Crook area will not get modern telephone service. They will have to get along without a phone.

(5) It will make it difficult, if not impossible, for us to take advantage of new technology.

(6) All of these things in turn bring about a general deterioration of our organization and destroy our efforts to make the area we serve a better place to live.

(7) It means that our contributions to the community in terms of the economy and human resources will be at a standstill or on the decline.

Another fact of life in our area is that we have a declining farm population. In Perkins County for example, the 1960 census showed a population of 6,114. In 1970 it was 5,418, a loss of 11.4%. We have seen farmers and ranchers leave our area one after another because they could not make a go of it. There is no one coming back to take their place.

We believe the effort of our Federal Government should be to assist rural America in ways that will make rural areas a better place to live. The REA 2% loan program is the best example of how this can be done. The people in the Camp Crook area would never be convinced that the job REA was intended to carry out is complete.

We respectfully urge the South Dakota Congressional Delegation: Senator George McGovern, Senator James Abourezk, Congressman Frank Denholm and Congressman James Abdnor to reject the Administration's order to eliminate the REA 2% direct loan program and take action to have it reinstated.

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### Golden West Telephone Cooperative, Inc.

Wall, S. Dak.

(REA telephone project—S.D. 508)

#### NARRATIVE

The Golden West Telephone Cooperative, Inc. is a telephone communications cooperative organized under the laws of the State of South and financed under the telephone lending provisions of the Rural Electrification Act.

The Cooperative was organized in 1952 and now provides dial telephone service to twelve exchanges in Western South Dakota. The service area is principally rural and encompasses and area of 6,500 square miles.

Approximately 2,000 subscriber-members of the cooperative are connected to the twelve exchanges. The cooperative has 2,193 route miles of line to serve these 2,000 subscribers making a density factor of .91 or less than one user or customer per mile of line. It is an apparent fact that the cooperative serves a sparsely settled rural area.

Of the twelve exchanges—eight (8) have 4-party buried lines and four (4) have 8-party open wire lines.

The Cooperative's "L" section loan application was filed with the Rural Electrification Administration—Telephone Division—North Central Area on November 16, 1972 and was currently understudy at REA headquarters in Washington when the curtailment of the 2% direct loan program was made by the President's office.

The "L" loan application on file with REA for approval was submitted in the amount of $2,757,000. This loan would have completed the stormproofing of overhead aerial lines and eliminated 8-party service in the four exchange areas now having that grade of telephone service. Also the buried 4-party lines would have been upgraded to 1-party service. The Long Valley exchange lies entirely within the Pine Ridge Indian Reservation. This exchange is one of the open wire exchanges having only 8-party service. The building of Indian housing on the Reservation requires at the least dependable telephone service for the Public Health Service, Education, and Law and Order.

Since the announcement of the termination of the 2% direct loan program the cooperative has conferred many times with the Loans & Operations branch of REA Telephone Offices, Wash., D.C. to determine disposition of the "L" loan application. No information is available for REA personnel to process pending loan applications.

The Cooperative had previously made a broad gauge study to upgrade and stormproof the entire system giving the rural members hope for dependable telephone service. A rate schedule was developed and approved for use to establish feasibility. Then the cooperative submitted engineering plans & specifications for exchanges and began the task of improving the telephone service. Feasibility was established based on direct loans of 2%. Now this plan has been destroyed as a result of the termination of the loan program at 2%.

Work done under prior loans that dovetails into pending work on an investment and service basis now must set idle waiting for new feasibility studies. Indications are that rates will need to be raised $3.00 per month to prove feasibility under new increased interest rates. Since the plan already called for a $1.00 per month increase it would appear to be doubtful if subscribers would be willing to vote for a program again and pay the additional $3.00 per month plus taxes of 13%.

Now since the cooperative was involved in a continuous construction program approved by REA with feasibility established, etc., it would seem only prudent to allow the Cooperative approval of their pending loan application in Washington to complete this work. Otherwise to ask members to vote again on a program that they already approved and actual construction had been started on would seem a hazardous way to operate a utility. It could place existing mortgages held by the Government in jeopardy.

The investment of the cooperative for each telephone now is approximately $2,000.00. The investment of telephone companies in larger towns and cities is about $500.00 per phone. Therefore our interest expense per year per phone even at 2% money is as high as what the larger urban telephone company may pay.

We are not opposed to the gradual phase out of the 2% direct loan program. However we are opposed to the sudden and drastic termination of the program as implemented by the President. Such sudden and un-studied action could jeopardize existing loans now held by cooperatives such as ours who serve the very sparse regions of our country.

The projected feasibility of our "L" loan is summarized on a following page. It can readily be determined that even at a 2% rate of interest this loan does not leave the cooperative with any appreciable operating margin. This even after the cooperative reduces the loan amount down from $2,757,000 to $2,462,000 which for goes reimbursement funds intended for reimbursement of general and operating funds previously plowed into plant.

Using a "L" loan amount of $2,462,000 and a 2% interest factor on the study the estimated operating margin per year would be $3,203.00. Since each 1% increase in the interest rate would amount to $24,620, it is not difficult to see that we cannot bring improved telephone service into rural areas using increased interest costs.

We encourage Congress to take necessary action to reverse the action taken by the President in abruptly terminating the REA program for both electric and telephone cooperatives. Since these organizations serve the sparsely settled regions of our country we ask that continued support be given by allowing of 2% loans. A gradual phase out program should be implemented that would eventually eliminate the 2% direct loans, however, consideration should be given to those cooperatives who cannot qualify for the Telephone Bank Loan Program which carries a minimum rate of 4%. Pending loan applications filed with the Rural Electrification Administration prior to the President's order should be allowed for processing as direct 2% loans.

Golden West Tel Coop, Inc. "L" Loan Application, $2,462,000.

| | |
|---|---|
| Revenue: | |
| Local service | $272, 341 |
| Toll service | 395, 013 |
| Miscellaneous | 18, 538 |
| Uncollectibles | (1, 737) |
| Total | 684, 155 |
| Expenses: | |
| Maintenance | 95, 898 |
| Traffic expense | 2, 859 |
| Commercial and general office | 86, 773 |
| Taxes | 15, 943 |
| Depreciation | 355, 754 |
| Amortization | 2, 725 |
| Interest (all loans) 2 percent | 121, 000 |
| Total | (680, 952) |
| Net income | 3, 203 |

Raising the interest even 1% on the "L" section loan of $2,462,000 would mean an additional $24,620 per year interest expense. With a projected margin of only $3,203 this would destroy feasibility and an enormous rate increase would be necessary. The elimination of the 2% interest rate will not only curtail any future plant improvements but may place the entire project in jeopardy.

On an attached schedule it is shown that the cooperative owes principal on loans to the USA of $3,347,288.35 as of 1–1–73 plus deferred interest of another $19,519.42. The "L" loan would be in addition to this amount.

The Cooperative has four exchange areas which are now being served with overhead lines attached to electric poles. This service is on a 8-party basis. Most of these lines are provided using a multi-frequency telephone carrier system. These carrier systems fail to work when frost adheres to the physical wire. This problem is wide spread and disrupts telephone service to rural areas when they need it the most . . . during the Winter months.

Our telephone members have lived with this type of system for over 10 years and they are getting fed up with a part time telephone that works only in good weather. They deduct amounts from their monthly bills in desperation. We had implemented a general stormproofing and upgrading program to eliminate this poor service problem. We had completed about 60% of the work when the President terminated the program that would allowed completion of our work. All prior established plans, feasibility, and hopes were shot down with the elimination of the 2% program.

Most of our outlying service areas are without any type of medical service. This includes the small towns. In most cases the hospital is over 50 to 75 miles away. Schools are widely separated and our people need good telephone service here to guard their children against the sudden Winter blizzards that frequently sweep across the plains in our area.

Exchanges that yet need to be stormproofed and upgraded to provide some degree of dependability have less then one subscriber for every two miles of line. The investment per telephone is enormous. Residents in Indian communities on the Pine Ridge Indian Reservation have only a pay phone or one or two lines within the entire community in areas that we serve.

The elimination of the 2% direct loan program means the elimination of the chances of these people to receive good telephone service. On a program that is already marginable using 2% interest there is no way we can afford any increase in our interest expense. At a higher rate of interest we will be asked by the loaning agency to get approval of higher local service rates and this will be approximately $3.00 to $4.00 per month. People will not buy this . . . since they were advised of our previous plans . . . approved by REA. People on the Reservation and other rural areas cannot afford such an increase. We have eliminated their chance ever to have a telephone and this may border on discrimination.

DEBT SERVICE SCHEDULE

| Note No. | Net due: Principal, Jan. 1, 1973 | Net due: Def. int., Jan. 1, 1973 | Annual debt service: 1973 | Annual debt service: 1974 | Annual debt service: 1975 | Annual debt service: 1976 |
|---|---|---|---|---|---|---|
| 2010 A1 | $58, 376. 88 | $1, 813. 75 | $4, 351. 56 | | | |
| 2020 A2 | 257, 307. 90 | 10, 944. 93 | 18, 199. 68 | | | |
| 2021 A2(T7–1) | 60, 512. 78 | 1, 936. 64 | 3, 719. 76 | | | |
| 2030 A3 | 107, 412. 62 | 4, 824. 10 | 6, 414. 68 | | | |
| 2040 B | 123, 401. 66 | | 7, 080. 80 | | | |
| 2060 C2 | 77, 292. 00 | | 4, 240. 00 | | | |
| 2070 C3 | 458, 931. 23 | | 24, 337. 60 | | | |
| 2080 D | 87, 948. 53 | | 4, 664. 00 | | | |
| 2100 E | 59, 990. 05 | | 3, 010. 40 | | | |
| 2110 F | 26, 048. 85 | | 11, 905. 44 | $11, 905. 44 | 0 | 0 |
| 2111 F | $4, 715. 25 | | $1, 763. 62 | $1, 763. 62 | $1, 763. 62 | 0 |
| 2120 G | 449, 275. 10 | | 20, 183. 08 | | | |
| 7121 H | 91, 983. 50 | | 4, 187. 08 | | | |
| 7130 H | 834. 000, 00 | | 35, 361. 60 | | | |
| 7140 K | 650, 092. 00 | | 16, 980. 50 | 17, 840. 00 | 23, 370. 40 | $37, 820. 80 |
| 2990 Cushion Co | | | (183. 39) | | | |
| Total | 3, 347, 288. 35 | $19, 519. 42 | 166, 216. 41 | 167, 259. 30 | 160, 884. 26 | 173, 517. 04 |

### Sully Buttes Telephone Cooperative, Inc.
### Highmore, S. Dak.

1. Committments to our people in Wessington, Ree Heights, Langford and Rosholt for upgrading—two million dollars.

2. Interim approval letter from REA to proceed with four exchanges.

3. Balance of exchanges—Hoven—Tolstoy—Seneca—Onaka—Hitchcock — Tulare about one million dollars to complete upgrading program.

4. Difference in 2% and 5% interest is $90,000.00 per year initially. This will require a $25.00 per year minimum increase for all 3,700 subscribers.

5. This will probably remove phone service from the aged in all thirteen towns. People who need communications.

6. Sully Buttes generates only about $200,000.00 per year over and above operating expenses, vehicle and work equipment replacement and additions and principal repayments. At this rate, it would be fifteen years at present construction costs before enough cash could be generated to provide one party buried service to the balance of our area.

7. Sully Buttes has never been in arrears in its debt service. In fact, it has been making advance payments for two years.

8. Reduction in personnel to "bare bones" would result in loss of income to the area of $54,000.00 plus putting seven employees out of work.

9. Density in Sully Buttes area averages 1.47 subscribers per mile.

10. Investment per subscriber is presently $1,389.00.

We believe that the repayment record and the integrity of the program merits serious reconsideration.

In addition, severe hardships will be created for those of us who have received interim approvals and who have committed funds for engineering and equipment and no longer have those funds available.

At the very least, those Cooperatives and companies who have received interim construction approvals should be allowed to complete these loans with 2% money while the matter is being investigated further. Even if 5% money proves the only method available, it will be possibly six months to a year before further money might be made available. What would we do in the meantime?

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### Midstate Telephone Co., Kimball, S. Dak.

1. We are a cooperative, owned by our member subscribers, and have received our financing from REA.

2. In 1968 we decided that we should investigate the possibility of providing area wide one party service to our member-subscribers. An area coverage design was completed and submitted to REA so that they could determine the feasibility of the project and the monthly rates necessary to support it.

3. On June 22, 1970 we received from REA stating that preliminary studies of the project had been complete, suggesting the rates necessary to support the new system, and had several other conditions which we agreed to meet.

4. We then altered the rate structure slightly, then surveyed each of our member-subscribers to get their approval of the project and the rates necessary to support the project. We received their approval and in turn submitted this approval to the South Dakota Public Utilities Commission and received approval effective as of the date of cut-over to the new system. We feel that at this time we committed the company to provide the one party service at the rates used in the survey. A considerable increase in telephone rates was required to support the new system.

5. On April 1, 1971 we received notice that 2% loan funds in the amount of $1,254,000 had been released to be used to upgrade our Kimball, Pukwana, Gann Valley and Delmont Exchanges.

6. In September of 1972 we submitted a Supplimentary Loan Proposal to REA to secure funds to upgrade our Fort Thompson, New Holland, Stickney and White Lake Exchanges.

7. On December 8, 1972 we received a letter from REA stating that funds in the amount of $1,274,000 would be needed to complete the upgrading program. That feasibility of the project had been determined on existing Commission approved rates. That final studies of the loan application would proceed upon receiving notification of this companies concurrence with the provisions of the letter. This they received by telegram, confirming letter and by certified copy of a Board Resolution.

8. We have received letters from REA granting interim approval to proceed with some of the construction for our last four exchanges. This we did with the expectation that a 2% loan would be approved. We now have funds expended and committed for plant, engineering and equipment and it now is very doubtful that the funds necessary will be available when needed.

9. The difference between the 2% and 5% for the needed loan would be $38,220.00 initially and would mean a rate increase annually of about $18.00 for each of our subscribers. This would cause an additional hardship for our aged, poor, and for the minority group we serve with our Fort Thompson Exchange.

10. Our average investment per subscriber is now about $1,326.00 and our density is 1.69 subscribers per mile.

11. On December 21, 1972 negotiations and feasibility studies were begun with a small telephone company, object being for this company to provide their area with modern single party service. Estimated amount of investment to be $100,000.00 for 60 stations. The feasibility of this project is questionable with 2% funds, and I feel it would be impossible with 5% funds.

12. We generate very little cash per year after deduction of operating expenses, vehicle and work equipment replacements, plant additions and principal replacements and it would take many years for us to generate enough cash to complete our upgrading program.

It should be remembered that REA financed telephone companies make both principal and interest payments. This company has never been in arrears in debt service and we understand that all telephone cooperatives have established very good records in this area.

The loss of the 2% program is going to make a very serious problem in meeting the commitments made with interim approval. We have committed ourselves to providing one party service to our member-subscribers at the rates used at the time of the survey. If we must pay the higher interest rate it will be necessary for us to request a rate increase for the service even before the service is initiated. I feel that we will be in serious trouble with our subscribers and that an additional adjustment will not be accepted voluntarily.

We know that we are faced with serious problems, and any assistance that can be obtained to solve them will be greatly appreciated.

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### Statement of Nelson Hundstad for Association of Farmer Elected Committeemen Rural Environmental Assistance Program (REAP)

It has been said that farmers no longer need cost-share payments because of increased prices of farm commodities. When one stops to remember that the prices of most farm commodities were higher twenty years ago than they are today it is a little hard to think that any one can really believe that farm prices are even high enough to meet the high cost of production.

The Rural Environmental Assistance Program (REAP) successor to what was known as the Agricultural Conservation Program (ACP), was authorized by the Soil Conservation and Domestic Allotment Act of February 29th, 1936.

Funds for the ACP and now REAP have been authorized annually by Congress. The cost share authorization in recent years has been in the area of $200 million. By making this authorization through the years, it is plain to see Congress has recognized the benefits of the program not only for the farm and rancher, who have carried out the different practices, but to the American public and the National interest.

About one million farmers and ranchers throughout the nation have been using the REAP in recent years. Cost-share is generally on a 50–50 basis, however many farmers bear considerably more than half of the cost of the practices.

Up until now the Department has recognized it's responsibility in meeting the much needed cost-share for soil and water conservation practices and for environmental improvement practices.

Major categories of practices under REAP include:

A. Practices for planting or improving stands of grasses, legumes and trees.

B. Practices primarily for the conservation of water. (dams & dugouts).

C. Pollution practices for prevention of water, soil and air pollution.

D. Practices to benefit wildlife. (food plots, cover planting and ponds).

E. Practices to protect soil from eroding. (terraces, waterways, stripcropping).

If you stop and consider these practices you will readily agree that they all benefit the American public, not just the farmer, by helping to conserve our soil and water, improving our environment, reducing pollution, improving wildlife populations and providing recreational areas.

#### PROGRAM RESULTS

In recent years ASCS conservation cost-share programs have helped farmers and ranchers nationally establish conservation measures on about one million farms and ranches yearly.

According to a 1972 report by USDA, a typical recent year's accomplishments nationally included:

45,000 water storage reservoirs, directly serving 4 million acres, Distribute grazing, control erosion, conserve water, and provide wildlife habitat and recreational opportunities.

300,000 acres of trees and shrubs planted, or timber improved for forestry purposes, erosion control, wildlife habitat, and pollution abatement.

600,000 acres served by terraces to control erosion, stabilize land and reduce stream pollution.

300,000 acres of contour and field tripcropping, protecting soil from wind and water erosion, reducing air and water pollution.

1 million acres served by sod waterways, safely dispersing excess water, preventing erosion, reducing pollution of downstream land, waterways and reservoirs.

9 million acres of enduring cover, grasses and legumes, for soil or watershed protection or land-use adjustment, with extensive anti-pollution benefits.

According to our 1971 State ASC report, South Dakota accomplished the following under our 1971 REAP. I do not have the total report for 1972 so this is the reason for using 1971. 1972 will equal or exceed 1971.

In 1971 South Dakota operated with a

funding of slightly over 3 million dollars. As I mentioned before this is a 50–50 cost share program therefore it is safe to assume that farmers and ranchers invested a like amount or more, plus also taking land out of production for some of the practices.

In 1971, 15,402 farms participated in REAP in the state, earning $2,923,795.00 in cost share.

Some of the things accomplished through the REAP program in South Dakota in 1971 were as follows:

Seeding of 314,522 acres of grasses and legumes.

Planting of 5,211 acres of trees.

Building of 2,375 water reservoirs.

The establishing of terraces on 216 farms.

The building of sod waterways on 227 farms.

The building of erosion control dams on 8 farms.

The establishing of winter cover crops and stubble mulching on 126 farms.

The applying of special practices to meet new conservation problems on 1,040 farms.

514 farms used the wildlife practices in 1971 for wildlife food plots, and ponds.

77 farms used the pollution control practices to help control water, soil and air polluton.

20 farms used the sediment retention, water control and chemical runoff control practices.

That gives you an idea of the extent of the REAP program both Nationally and State wide.

I wish to point out that animal pollution control practices have been encouraged the past 2 years very strongly. I know of about 6 farmers in my home county who were planning on applying animal pollution control practices on their farm in 1973 to help stop the pollution of our lakes and streams in Brown County. I am sure they will know nothing about it without cost-share. I also believe our tree planting in South Dakota will be practically eliminated without Government cost-share. Many, many shelterbelts and just recently, field rows, have been planted through the years under this program, but there is room for many more acres of trees, especially in the western part of our state.

I understand the 1973 Rural Environmental Assistance Program was one of rural America programs eliminated from the President's budget in order to curb inflation and to reduce Government spending to comply with a $250 billion National budget.

I think this should be reconsidered and subsequently the REAP program restored.

Priorities are certainly turned around and should be corrected, when an environmental program such as our REAP is eliminated and we continue to spend millions and millions of dollars and hundreds of lives on a senseless war on the other side of the world, which according to a Nation television program cost half of a billion dollars in planes and bombs in about the last two weeks of 1972.

### South Dakota Land Improvement Contractors Association, Inc.

GENTLEMEN: My name is Keith Carr and my home is in Prairie City, S.D. I am representing the South Dakota Land Improvement Contractors today, as their president, and also the Land Improvement Contractors of America, as a member of their board of directors. I have been in the earthmoving business 17 years, and doing AEC–REAP work for 15 years.

Our Association is composed of the many smaller contractors that do the big share of the earthmoving under the Rural Environmental Assistance Program. Our membership varies from the contractor with an owner-operator type of operation, to the contractor with several employees. According to a nationwide survey conducted in 1971 we employ an average of 5.7 people, and do an average of 105 jobs per year. Some of our members depend on the REAP Program for 100% of their income, while others are partially dependent upon it. In my case, 44% of our earthmoving income in 1972 was from REAP affiliated projects.

I was greatly disturbed when I read the USDA–ASCS Administrators Memo #98, where it was stated that the Rural Environmental Assistance Program was being terminated because it was a *supplement* to the farmers income. This is not the case, as the farmer and rancher is subsidizing the people of the United States, every time they construct a dam, dugout, terrace, or grassed waterway on their land. All of these practices help control pollution, stop siltation, preserve water, provide wildlife habitat, and provide recreation for future generations. Were the farmer and rancher not bearing part of the cost, the government would have to pay him easements, plus have 100% of the cost, to get these practices on the land.

How can only $20 million be cut, from the over $200 million, for salaries and administration of the Soil Conservation Service, to do the paper work; while the whole REAP program, that provides the money for construction, be terminated? It doesn't make sense to me.

It will not be known for some time what the loss of REAP will mean to our members. Many will definitely have to go out of business, and others will be laying off employees, as we are not adequately equipped, or financed, to bid the big jobs and assume the added risk. Main street will feel the loss of fuel, repair and equipment sales. My own small business spent $8500. for gas, fuel and oil, and $15,000. for repairs last year. A loss will also be realized in the property taxes of each county.

The loss of many small contractors and their equipment will be felt in emergencies, such as blizzards, and disasters such as the 1972 Flood in Rapid City. Before the water had subsided many of our members were on their way to Rapid City with personnel and equipment. I personally saw several there working the day after the flood.

Gentlemen, I could mention many more side effects, but in behalf of myself and the Land Improvement Contractors of our State & Nation, I ask your support in the fight to reinstate the Rural Environmental Assistance Program, as administered by the ASCS offices, and that it be funded in at least the *amount approved* by Congress of $225.5 million. We would also ask that Congress direct that these funds be on a continuing basis, and thereby eliminate the yearly struggle for the release of the appropriated funds.

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### Statement of the Bison Commercial Club To Be Presented to the South Dakota Congressional Delegation in Huron, S. Dak., on January 13, 1973

Bison is a small rural community located about 100 air miles northwest of Rapid City on a line from Rapid City to Bismarck, North Dakota. The closest major highways are approximately 40 road miles North (US 12) and South (US 212). The only transportation facilities available are for freight and mail.

There are approximately 500 people living in the town limits of Bison. All of the businesses and most of the other people rely on the agricultural economy for their livelihood. All of these people activily participate in all of the activities of the community. Not only in time but with as much money as they can afford to help stimulate the economy and life in the area. As evidence of this, the people have invested money in two local home owned corporations to build a new motel and a bowling alley and supper club. The Bison Commercial Club which is composed of every local business and many individuals feel that it is extremely necessary that it be known what the effect of the Administration's executive orders to eliminate the REAP program, the 2% financing for RECs and RTCs, and the FmHA Emergency Loans, Interest Credit Loans, Rural Rental Housing Loans and Farm Labor Housing Loans will be on our small rural community.

If there had not been 2% loans from REA, we would not have the type of electric service and telephone service that we presently have. There was electric service for the community and an old magneto type telephone system, but most of the people outside of the community on the farms did not have electric service as such.

Seven years ago there was the possibility of the ASCS, FmHA and SCS moving their offices from Bison if there was not adequate building space for them to be housed. The member of the Commercial Club made every effort to see that this building was built, to the extent that 25 individuals signed notes of $1000 each as a part of the loan necessary to finance the construction. If the President continues to cut off programs administered by these agencies not only will it put approximately 12 people out of work, but it might make it necessary for the lending institution to ask those 25 people to cover the notes.

The cutback in these programs also has a direct effect on the grocery store, the service station, the implement dealers, the lumber yard and even the bank. Not to mention what it will do to our already high enough property and personal property taxes, because more people will move off the family farm and leave the area making the rest of the people pay more taxes to educate our children and pay for the cost of state and local government.

Increased interest rates for REA will mean that they are going to have to raise rates to have the money to meet their obligations. Even if all other cost remained the same, and it is very apparent they will not, the cooperative will have to be able to generate an additional amount of money and the only way that they can do that is to raise rates and probably reduce the amount of service that they are trying their best to provide to the members.

The FmHA has helped Bison and Perkins County in many ways and now they are faced with cutbacks that will almost bring remodeling and new construction to a stand still. Most of the new construction in Bison over the last twelve months has been under the interest credit program. We already have a housing shortage and there was the possibility that we could get FmHA assistance to build rental housing but that program has been eliminated so how are we going to get new people to come to the community when there are no places to live. Our schools have a hard time getting qualified teachers to move to Bison as it is and the cutbacks in the FmHA programs will make it even harder because of our housing shortage. The farmer hires families to come to work for them and many times they provide housing for these people to live in. There is no longer assistance for these houses that bring people back to the rural area.

You hear people say this is one of the best years that people in agriculture have ever had, wheat prices are up, cattle prices are up, and things could not be better; but we ask how long has it been since these people have been able to make ends meet and how long is it going to last?

We have blue skies and fresh air to breath in rural America and many of the programs that the President is cutting "for economy purposes" are geared to that of saving our environment. They talk about the overcrowded cities. They are trying to revitalize rural America and in the same breath they are doing everything in their power to snuffout every glimmer of life and breath that might get the people to come to rural America to live.

We respectfully request that each and everyone of our Congressional Delegation do all in their power to reverse these orders by President Nixon and help save rural America for Americans.

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### SUMMARY REPORT: PROBABLE EFFECTS ON NORTH DAKOTA BY ADMINISTRATION ACTION TERMINATING RURAL DEVELOPMENT PROGRAMS

The following information represents a summary report of the economic, social and environmental effects on the State of North Dakota which are expected as a consequence of recent action by the Nixon Administration in terminating, severely altering, or drastically reducing funding for various United States Department of Agriculture programs. Affected programs include the Water Bank Program, the Rural Environmental Assistance Program (REAP), the Wheat and Feed Grain Reseal Program, the Grain Storage and Drying Equipment Loan Program, the Farmers Home Administration Disaster Loan Program, and the Rural Electrification Administration 2% Loan Program for Rural Electric and Telephone Cooperative. The data used in completing this report were obtained from various United States and North Dakota government sources.

#### THE REAP PROGRAM

In 1971 under various elements of this program, North Dakota farmers and other rural residents received payments totaling $5,600,000. The REAP program is basically a cost-sharing program whereunder the farmer and the Department of Agriculture share costs for programs of soil conservation, water conservation, wildlife habitat improvement, and for programs generally geared toward enhancement of the environment.

In 1971 North Dakota farmers received $957,000 for tree planting cost-sharing, $887,000 for grassland improvement program cost-sharing and $42,000 for wildlife habitat improvement (feeding plots and nesting cover). The balance of $3,714,000 was paid to North Dakota farmers for various other agricultural conservation practices.

A very significant portion of the state's farmers have historically participated in these programs. In 1971, 21,551 farmers participated which represents 52% of all North Dakota farm units.

Also involved in the REAP program is the popular Livestock Pond Construction Program. In 1971 ponds were constructed on 1,286 farms. In addition, a new program initiated in 1971, the Animal Waste Control Program is geared to assist in water pollution abatement in rural areas and around 100 farm units have already participated. This program is of special importance to existing as well as planned livestock feeding operations.

In that same year windbreak, shelter-belt and other tree planting programs were made possible on 6,379 of the state's farms. This involved planting an estimated 2,000 acres of trees. Measured in terms of miles of field windbreaks planted, Soil Conservation officials estimate for the past five years an *annual average* of over 1,500 miles.

It can of course be concluded that the state will lose at least $4,600,000 in annual income as a result of terminating the REAP program. Other economic effects are that an estimated 1,000 North Dakota jobs in both the public and private sector will be adversely affected. A significant number of jobs will actually be terminated.

It is also reasonable to conclude that all the above described tree planting programs will be reduced by 80 to 85% in the future.

It is safe to assume too that much of the program activity under the animal waste control program will probably have to be terminated by individual farmers due to prohibitive costs.

The adverse environmental effect of termination of this program is impossible to predict. It is possible that various soil conservation projects conducted by farmers under cost-sharing elements of this program will become infeasible or prohibitive as individual farmers are expected to assume total cost of such activities in the future.

#### THE WATER BANK PROGRAM

This is a pilot program implemented in 1972. Purpose of the Water Bank is to preserve our wetlands. This has been a prime objective of conservation organizations and hunters. Its benefits to North Dakota are demonstrated by the fact that in the first year 15 counties participated and 334 ten-year contracts were signed.

This program made possible 20,454 acres of waterfowl habitat and nesting areas. Contracts executed in 1972 yielded $271,000 annually. Taken times ten years this represents an economic imput of $2,710,000 into the State of North Dakota. The potential economic impact would likely have grown had the program remained in effect and additional counties and farmers eventually participated. Farmers will find it difficult to retain wetlands while suffering losses in farm program payments.

#### FARM STORAGE AND DRYING EQUIPMENT LOAN PROGRAM

This program, administered by the Agriculture Stabilization and Conservation Service (ASCS), is extremely popular in North Dakota. Most important to the state are the farm storage facilities loans, or Storage Structure Program as referred to by ASCS. *Under this program from 1954 through 1971 a grand total of 41,884 storage structure loans were made in North Dakota.* This provided *on the farm* storage for 187,746,000 bushels of grain. The total loan funds involved for this period were *$46,919,000.* Listed in the table below is a summary of loan activity from 1967 through 1971. The table gives total numbers of loans made, bushels of storage provided and total loan funds involved for each year:

STORAGE STRUCTURES—TOTAL LOANS IN NORTH DAKOTA

| Dates | Loans | Bushels | Amount |
|---|---|---|---|
| 1954 to July 1, 1967 | 23,075 | 85,401,000 | $21,757,000 |
| July 1, 1967 to Dec. 31, 1967 | 1,083 | 4,612,000 | 1,133,000 |
| 1968 | 6,901 | 34,458,000 | 8,779,000 |
| 1969 | 4,304 | 25,764,000 | 6,292,000 |
| 1970 | 2,022 | 13,356,000 | 3,009,000 |
| 1971 | 4,499 | 24,152,000 | 5,949,000 |
| Total | 41,884 | 187,746,000 | 46,919,000 |

These loans were made at interest rates ranging from 3½ to 6%. The highest interest levels were attained in recent years, however, as interest rates went from 5½% to 6% within the last two years. We can conclude that the termination of this program will have *severe* adverse economic impact for thousands of farm units in the state. This will probably have the net result of forcing more grain storage off the nation's farms and into the warehouses owned by commercial grain corporations and other groups.

#### TERMINATION OF WHEAT AND FEED GRAIN RESEAL PROGRAM

This too has been an exteremly popular program in North Dakota as can be determined from the following tables:

COMMODITY CREDIT CORPORATION GRAIN RESEAL PROGRAM—NORTH DAKOTA DATA, STORAGE EARNED

[As of Nov. 30, 1972, bushels under reseal]

| | Annual payment per bushel | Total potential earning |
|---|---|---|
| 1971 bushels in storage: | | |
| Wheat | 56,060,000×0.1460= | $81,847.60 |
| Barley | 13,475,000× .1460= | 19,673.50 |
| Oats | 9,992,000× .113 = | 22,305.94 |
| Rye | 2,295,000× .1460= | 3,350.70 |
| Corn | 1,804,000× .1245= | 21,648.00 |
| 1970 bushels in storage: | | |
| Wheat | 11,336,000× .1245= | 1,411,332.00 |
| Barley | 2,734,000× .1245= | 340,383.00 |
| Oats | 15,939,000× .87 = | 1,386,693.00 |
| Corn | 301,000× .10 = | 30,100.00 |
| 1969 bushels in storage: | | |
| Wheat | 19,102,000× .1245= | 2,378,199.00 |
| Barley | 6,369,000× .1245= | 792,940.50 |
| Oats | 21,468,000× .87 = | 1,867,716.00 |
| Corn | 292,000× .10 = | 29,200.00 |
| 1968 bushels in storage: | | |
| Wheat | 8,951,000× .1245= | 1,114,399.50 |
| Barley | 9,552,000× .1245= | 1,189,224.00 |
| Oats | 7,355,000× .87 = | 639,885.00 |

Taken in terms of farm stored grain loans referred to by ASCS as "Original Loans Made" totals from 1969 through 1971 are as follows:

TOTAL ORIGINAL LOANS MADE IN NORTH DAKOTA

| | Wheat | Barley | Oats | Rye | Flax | Corn | Soybeans |
|---|---|---|---|---|---|---|---|
| 1969 | 21,258 | 9,347 | 12,099 | 825 | 2,870 | 269 | 365 |
| 1970 | 12,436 | 4,599 | 7,855 | 926 | 3,543 | 235 | 183 |
| 1971 | 30,878 | 8,478 | 4,806 | 2,161 | 1,645 | 537 | 133 |

#### DISASTER LOAN PROGRAM

During times of natural disaster, an emergency loan program, administered by the United States Department of Agriculture Farmers Home Administration, has been made available to applicants who have suffered financial hardship. Loans are made at reduced interest rates to assist the applicants in their economic recovery. To be declared eligible the Governor must request disaster designation from the Secretary of Agriculture or the President. Presidentially declared areas generally have suffered a far greater damage over a larger area than those which the Secretary of Agriculture has the discretion to designate.

Loss of the disaster loan program can mean tremendous economic hardship at a time when rural citizens are least able to absorb loss. It may result in the financial collapse and loss of economic farm units. For example the drought of 1961 in North Dakota was one of the worst natural disasters to strike the state. In that year over 5,300 applicants borrowed $11,500,000 at reduced interest rates. This is the largest amount of money that has been loaned by the Farmers Home Administration under this program in North Dakota in any one year.

Although essentially a very high risk loan program, over 99% of the principal borrowed has been repaid to the Farmers Home Administration. Since North Dakota is the most agricultural state in the nation, the disaster loan program has been used more in this state than any other and certainly is a necessity.

#### THE RURAL ELECTRIFICATION ADMINISTRATION 2 PERCENT 35-YEAR LOAN PROGRAM

Since some of the rural electric distribution cooperatives in North Dakota have less than one consumer per mile of line, the adverse effects of the Nixon Administration in terminating the 2% loan program could have drastic economic effects on such cooperatives. Similar conditions also exist in various other Missouri Basin and western states. Due to sparse population, many rural electric cooperatives throughout the state have extremely low ratios of consumers per mile of line.

This action was taken by the Administration without regard to possibilities that raising the interest rates to be paid by such cooperatives from 2 to 5% in the future may destroy economic feasibility for such consumer-owned systems.

The net effect of the Administration's action will cost rural people $1,369,137 more per year to pay for higher interest costs on $65,197,000 in loan funds required for the balance of the present fiscal year. Taken for the total 35 year term of such loans, this results in increased interest costs amounting to $47,919,795.

For telephone cooperatives, rural people will pay $252,300 more per year on loans of $12,014,294 for this fiscal year or a total of $8,830,506 for the 35 year period.

The following table summarize this data:

*Fiscal year 1973, REA loan requests from North Dakota rural electric cooperatives*

| | |
|---|---|
| Total requested | $65, 197, 000 |
| $65,197,000 at 5 percent IR for 35 years | $139, 195, 595 |
| $65,197,000 at 2 percent IR for 35 years | 91, 275, 000 |
| Total increased amortization cost over 35 years | 47, 919, 795 |
| Annual increased cost due to increased interest rate: | |
| $65,197,000 at 5 percent for 1 year | 3, 977, 017 |
| $65,197,000 at 2 percent for 1 year | 2, 607, 880 |
| Increased annual amortization cost for 1 year | $1, 369, 137 |

*Rural telephone cooperatives*

| | |
|---|---|
| Total requested | $12, 014, 294 |
| $12,014,294 at 5 percent IR for 35 years | 25, 650, 518 |
| $12,014,294 at 2 precent IR for 35 years | 16, 820, 012 |
| Total increased amortization cost over 35 years | 8, 830, 506 |
| $12,014,294 at 5 percent for 1 year | 732, 872 |
| $12,014,294 at 2 percent for 1 year | 480, 572 |
| Increased annual amortization cost for 1 year | 252, 300 |

The Administration's action simply was to terminate the 2% 35 year REA direct loans to eligible borrowers and substitute a loan program yet to be formulated under the Rural Development Act of 1972. Unofficial announcements are that the rate of interest under this new loan program will be 5% per annum. It is possible, of course, that the interest rate will be higher since additional service fees, insurance costs or whatever may be added to the cost of such loans.

Under the new program the Federal government will subsidize bankers paying them the current rate whatever the market may be in excess of the stated 5% at which money will be loaned to rural electric systems.

It is not clear why the Administration took this action. The record of repayment by rural electric cooperatives has been more than outstanding. A summary of the history of North Dakota rural electric and telephone cooperatives under this program is contained in the following table:

NORTH DAKOTA REA LOANS

| | Electric co-ops as of June 30, 1972, 25 borrowers | Telephone co-ops as of June 30, 1972, 11 borrowers | Totals, both electric and telephone co-ops as of June 30, 1972 |
|---|---|---|---|
| Total loans | $379, 778, 712 | $62, 071, 586. 70 | $441, 850, 298. 70 |
| Distribution | 119, 319, 594 | | |
| G&T co-ops | 258, 539, 095 | | |
| Funds advanced | 267, 525, 790 | 60, 568, 897. 70 | 328, 094, 687. 70 |
| Principal due and paid | 69, 922, 152 | 17, 908, 891. 22 | 87, 831, 043. 22 |
| Interest due and paid | 45, 275, 551 | 9, 106, 708. 88 | 54, 382, 259. 88 |
| Advance payments | 6, 740, 769 | 3, 181, 530. 85 | 9, 922, 299. 85 |
| Total paid in | 121, 938, 472 | 27, 015, 600. 10 | 148, 954, 072. 10 |

It is assumed that the Administration's sympathetic identity with financial interests and investor-owned utilities and energy conglomerates lead to this action.

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For: Senators McGovern and Abourezk; Representatives Denholm and Abdnor.

Kingsbury Conservation District in the monthly meeting of January 10, 1973 appointed me to make this statement to our Congressional delegation concerning the recent actions of the National Administration as concerns farm programs.

Cancellation of the R.E.A.P. cost share programs will cut the district tree planting program an estimated 60%.

Feed lot pollution control will stop entirely.

Terracing and waterway construction will cut back 80%–90%.

These are all environmental and pollution control measures which benefit all the people and all future generations. Farmers just do not feel they should bear the full load of installing these structures. Farm price squeeze being what it is they cannot afford this cost.

Roland Leonhardt.

Supervisors: Bernard Larson; De Smet—Chairman; William Logan, Carthage—Vice Chairman; Roland Leonhardt, Oldham—Treasurer; Howard Schultz, De Smet, Otto Scherl, De Smet—Ext. Agent, Secretary.

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The News lately paints a rosy picture of farm prices especially for grains up 6–8%. They do not mention the fact that it is impossible to sell grain now as there is no box cars available and an embargo on trucks unloading in Sioux City, nor does the news mention the fact that farm operating costs have risen 200% while grains have been making this 6–8% increase.

Oldham Farmers Elevator,
Roland Leonhardt,
*Secretary.*

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Soil and Water Conservation Dist.
*Kingsbury County, S. Dak.*

Supervisors: We feel that the elimination of Cost Sharing funds for the R.E.A.P. program will seriously cripple or eliminate progress being made in soil and water conservation. It is doubtful if individual operators as a whole, can afford to or will carry out a good conservation program without financial assistance.

The board feels that everyone should bear the cost of preserving our natural resources and environment for future generations. Soil Conservation Districts are financed from district activities. The elimination of Cost Sharing could well be the end of Soil Conservation Districts. If that happens, it would be destroying a national organization well qualified to administer conservation and environmental protection programs.

We feel that Cost Share on permanent type practices, such as, pollution control, terraces, grass waterways, and tree planting should be reinstated.

The point is simply this: Why stop environmental protection programs at a time when we should be doing much more than we have done in the past.

Respectfully submitted,
Bernard Larson,
*Chairman.*
William Logan,
*Vice Chairman.*
Roland Leonhardt,
*Treasurer.*
Howard Schultz,
*Urban member.*
Henry Kropuenske.

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Statement by Gary Enright, Administrative Director, South Dakota Farm Bureau Federation

January 13, 1973.

It is indeed a fortunate opportunity for all of us here today to speak plainly to members of our Congressional delegation about a matter which is of importance to all South Dakotans and all Americans.

Generally we are discussing the cuts in federal spending as announced by the Nixon Administration. Farm Bureau has made its position known to the Administration and we feel that you should also be made aware of that position.

Farm people recognize the need to reduce excessive government spending. We also believe that the cost-price squeeze results primarily from inflation-feeding deficit spending. Farmers are acutely aware of this because they are tax payers, not tax money receivers.

Members of Farm Bureau still insist on 'across the board' reductions in government spending. That clearly means *all* areas of spending must be reduced, including some cuts in agriculture. These cuts *must* involve all areas of spending so that agriculture does not have to carry an inequitable or disproportionate share of the burden of these reductions.

We applaud the Administration for the intentions of these efforts because Congress has certainly not made a concerted effort in the area of fiscal responsibility.

The public is well aware of the current high prices being paid for some farm produce. The price of hogs, fat cattle and some grains is bringing all federal expenditures in agriculture into the public spotlight.

There is considerable discussion at present, regarding price controls on raw agricultural products. Farm Bureau has led in this so-far successful effort to keep these controls off. However it will be next to impossible to keep these price controls off raw agricultural products unless strong action is taken to curb this rampaging fiscal irresponsibility throughout our governmental system. There is a definite inter-relationship between the cuts we are facing now and the possibility of continued efforts to put controls on food prices.

All of us representing agriculture must continue to tell the facts concerning the spiraling increases in costs and high taxes. We in agriculture must also face the fact that we are not separate from the economy of this nation, but we are an important part of it. We therefore must realize that we also will have to accept cuts in the federal spending program if there is to be any success in this overall effort to end inflation and hopefully stop increases in taxes.

It is the opinion of Farm Bureau that members of Congress must accept their responsibility to cut federal spending in order to curb inflation.

Farm Bureau believes those making the cuts in spending in the area of agriculture must realize that some programs are essential however.

Curtailment of the special emergency loan program of the Farmers Home Administration leaves some farmers and ranchers as well as other citizens, with urgent credit needs resulting from losses due to natural disasters. Such losses, at the same time, seriously jeopardize their ability to qualify for credit from customary commercial sources and the regular operating loans of the Farmers Home Administration.

Every effort should be made to provide credit to *deserving* farmers and ranchers and other citizens who have no other source of credit. We recommend that present programs be restructured to meet legitimate emergency needs in clearly identifiable hardship cases.

Under the R.E.A.P. program, annual payments have been offered land owners covering part of the cost of installing approved conservation and pollution control practices which benefit all people. The program is cost sharing and not an income supplement. People should understand that important point.

Such investments in the future of America are not subsidies solely for the benefit of the land owners and the program has been quite effective in its intended purpose. We believe that a federal program of cost-sharing should be continued for those soil and water conservation practices and structures which contribute to the attainment of pollution prevention, enduring conservation and environmental enhancement.

Farmers and ranchers are substantial taxpayers. In proportion to their incomes, they pay higher taxes—including income tax, sales tax and property taxes—than any other major segment of our economy. Farmers are interested in fiscal responsibility, in balanced budgets, in control of inflation, and reduced federal expenditures since the real cause of inflation is excessive government spending.

Nothing jeopardizes net farm income more than inflation which tightens the cost-price squeeze as farm costs rise faster than farm prices in an inflationary period.

Agriculture is ready and willing to bear its fair share of the *necessary* cuts in federal expenditures, but we have asked the Administration not to impose an inequitable burden upon agriculture.

Farmers are going to be watching Congress closely to determine if it will act in their behalf in making necessary cuts rather than prolong the problem by not supporting proper and necessary cuts.

I hope the result of this meeting today will be a benefit to agriculture by looking beyond the immediate situation, recognizing that we must make every attempt to retain funding for vital areas, but grasping the over-riding problem which is high taxes and excessive federal spending.

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HAYNES, N. DAK.,
PERKINS COUNTY, S. DAK.,
*January 13, 1973.*

To The South Dakota Congressional Delegation:

When I heard of the elimination of the R.E.A.P. or the old A.C.P. program I was at first shocked with disbelief then disgust that a President could have the power to eliminate programs that the Congress had already decided should be a law. How could such useful programs that help all our people be allowed to be scrapped? R.E.A.P. has been one of the *best Environmental programs* ever conceived! It does not use a lot of highly paid technicians. Also a farmer can sign up for one practice or several, depending on how many he can afford. One clerk in an A.S.C. Service Office does all the bookwork and writes all the checks for a whole county. For about $86,000 in federal money last year in Perkins County about 3 times that or about $260,000 in Conservation was performed.—Where else can the people get conservation done so cheaply?—certainly no other way! Very few farmers can afford to do the conservation work themselves and in many cases why should they? The urban people like to hunt and fish and enjoy the benefits provided by the R.E.A.P. program. Indeed, pollution seems to have a high priority these days as it should. It seems that every time I hear the news lately another blow has been aimed at the farmer, rancher or other low income people. . . . Other programs eliminated are the Waterbank Program, low interest F.H.A. loans, 2% R.E.A. loans and low interest housing loans. The President claims its to cut the budget, but I have just read that even though the Vietnam War ends, more money would be needed to protect Europe. Hence an increase in military spending of some 6 billion would be needed. Maybe we should examine our priorities. Our future generations will be living here.

The A.C.P. or R.E.A.P. was passed into law back in 1936 and was funded at 500 million dollars—a far cry from the 235 million appropriated by Congress for this year then cut to 140 million later on by the President before it was eliminated Farmer elected officials are in charge of this program. All of the people benefit through these practices in that practically all of them provide erosion control of one kind or another. For example; strip cropping, terracing, dams, dugouts, seeding down of sandy or light soils, tree planting—The program provides the incentive to get this work done. An incentive that encourages conservation and pollution abatement at the source where it is needed the most. After all these years R.E.A.P. must have *merit* or it wouldn't have continued in force this long.

Sincerely yours,

RAYMOND R. WILLIAMS.

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TESTIMONY FROM HARDING COUNTY, S. DAK.
JANUARY 12, 1973.

It is the consensus by the Harding County ASC Committee that of all the people interviewed, including farmers, ranchers and business people, ninety-nine percent agree that it is the responsibility of all the tax payers to help maintain the preservation of our natural resource's of soil and water. Therefore, the present, or any other steward of the land, should be expected to keep and bear the expense alone to preserve the land for scores of future generations.

If we all agree that food and fiber is the breath and pulse of this country, how then can our own department of agriculture intelligently put REAP in a category with such a low priority that it can be terminated now? This action goes against the wisdom of Congress and termination of the program by the stroke of the pen by one man would, without question in any one's mind who has ever had rural experience, destroy the backbone of this country.

It must be said if we agree that all American citizens have a responsibility to preserve our natural resource's, the top officials in the Department of agriculture must be wrong to declare the monies provided by Congress to preserve these resource's that only irresponsible individuals would consider REAP funds monetary supplements to farmers and ranchers.

If, however, you would take a very realistic inventory of the so called priorities by the department you will find another agency trying to do conservation through other methods, mostly in the way of technical assistance, instead of using as little as REAP's 140 million a year, their minimum appears to be about 200 million. We are not trying to be derogatory but merely realistic.

If the present top appointed officials are so far removed from the rural people to make decisions to put programs like REAP former (ACP) in a priority so it can be terminated and no doubt setting a precedence for other programs to follow as well, this of course then will terminate the grass root Committee system that has administered these programs so uniquely and efficiently for several decades, without a doubt improved and progressed steadily. But let us remember, conservation and control has to be continuous effort since there is a constant deterioration of soil and water, primarily from producing the food and fiber for the nation and part of the world.

Therefore, it is apparent from our standpoint, the people in charge of the department have incompetent decisions and that the United States Congress who is responsible for all the people and the country, must intervene and reinstate these programs immediately and preserve this country from complete chaos.

THE HARDING COUNTY COMMITTEE.

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STATEMENT OF ROBERT T. HIATT, HOUSING SPECIALIST, OFFICE OF THE GOVERNOR, STATE ECONOMIC OPPORTUNITY OFFICE, PIERRE, S. DAK.

The Nixon Administration's policy of benign neglect toward blacks has been extended to encompass the poor, the elderly, the wage earner, the struggling farmer and all others in South Dakota who are ill-housed. 27.8% of the state's population lives in substandard housing—and the administration declares an eighteen month moratorium on subsidized housing production. 19.8% of all housing units in South Dakota are substandard—and thousands of units which have been built are lost. 20,310 housing units lack some or all indoor plumbing—and the Administration says, "Too bad," and, for good measure, cuts off the water and sewer loan and grant programs of both HUD and the Farmers Home Administration.

The moratorium on subsidized housing production is an obvious social tragedy. Sixty-eight percent of South Dakota's families earn less than $10,000 per year and could not afford, at today's conventional mortgage terms—10–20% downpayment, 20 year mortgage and 8% interest—to buy a modest $20,000 house. Fifteen percent of South Dakota's families earn less than $3,000 per year.

The moratorium is also an economic disaster for the state. At least $36 million dollars will be lost to the state's economy from the abrupt cutoff of the construction of subsidized units. In fiscal Year 1972, the combined total of units built under the Farmers Home Administration, the Federal Housing Administration and public housing was 3,695. These units were constructed at a total cost of $52,070,000, which put money in the pockets of construction workers, real estate people, architects, builders, lawyers and others, and put thousands of people into decent housing. In Fiscal Year 1973, a total of 1,560 units, costing $17,000,000, had been approved before the freeze. And the Farmers Home Administration was heading for a banner year, with nearly as much production in ½ of fiscal year '73 as it achieved in all of of fiscal year '72. One large Sioux Falls builder estimated on television that he will lose

50% of his business because of the freeze, and one can assume that 50% of his work force will be out of jobs. There is every reason to assume that the same will happen to all builders—large and small—across the state.

The Administration will surely argue that the state should use some of its $27,000,000 revenue sharing funds to take up the slack. With local government in a continuing financial crisis in providing basic services to its citizens, who can reasonably expect this to happen? And even if the state put all of its $7 million share into housing, what small, measure of relief is this?

South Dakota has been struggling for years with a depressed economy and a population decline. The administration's actions could not have been better calculated to weaken the state's economic stance or to increase the rural-urban flow and the loss of its youngest, brightest and most aggressive citizens. The housing moratorium is part and parcel of what appears to be a direct and brutal assault on the quality of rural life.

HOUSING SUPPORT DATA

| | Number | Percent |
|---|---|---|
| I. Need: | | |
| Total occupied units | 200,463 | |
| Without some or all plumbing | 20,310 | 10.0 |
| Overcrowded | 12,973 | 6.5 |
| Severely overcrowded | 5,079 | 2.5 |
| Overcrowded with all plumbing | 19,514 | 5.4 |
| Substandard units | 39,284 | 19.8 |
| II. Subsidized housing production: | | |
| | Fiscal year 1972 | Fiscal year 1973 |
| A. Farmers Home Administration | 953 | 766 |
| 502 | 793 | 601 |
| 515 | 160 | 165 |
| B. HUD | 2,742 | 607 |
| 235, 236, 221(d)3 | 1,388 | 318 |
| Public housing to Indian authorities | 526 | 289 |
| Public housing | 828 | |
| C. Total construction cost | 52,070,000 | 16,969,000 |
| FmHa | 11,819,000 | 7,864,000 |
| HUD | 40,270,000 | 9,105,000 |

## COMMUNITY COOPERATION IN FROSTBURG, MD.

Mr. BEALL. Mr. President, on Saturday, January 13, 1973, a tragic fire raced through the business district of my hometown, Frostburg, Md. The blaze destroyed three buildings, damaged five others, and caused losses that will probably total in the hundreds of thousands of dollars.

But, in the face of this terrible tragedy, one could not help noticing the great outpouring of public cooperation by the people of Frostburg. Over 170 firefighters, led by the Frostburg Volunteer Fire Department, battled the fire, and were joined by members of Company C, 121st Engineering Battalion of the Maryland National Guard in remaining overnight to insure that the smoldering ruins did not erupt in flames again. The Allegany County Red Cross was on the scene, offering its assistance, as was the First Presbysterian Church of Frostburg and other church groups. McDonald's of LaVale, Md., brought 300 hamburgers to firemen fighting the blaze, and representatives from the Frostburg Merchants Association were on hand to help. Finally, several people whose apartments were destroyed or damaged found welcome lodging at friends or relatives homes.

In all, it was a time where the people of a community bonded together to meet the challenges of disaster. The actions taken by Frostburg citizens were not unique, but they do point up the nature, I think, of the American people. I offer my condolences to those who suffered losses, but I also extend my commendation to the people of Frostburg who were so unselfish in the face of adversity.

## CHINESE NEWSMEN REMAIN OUTSIDE U.N.

Mr. ROBERT C. BYRD. Mr. President, for well over a year, now, correspondents for the Central News Agency of Nationalist China have been unable to cover activities at the United Nations. They were denied that right on December 17, 1971, when, at the urging of the People's Republic of China, the official U.N. press credentials for Central News Agency correspondents T. C. Tang and C. C. Lin were withdrawn.

These correspondents have remained in a sort of journalistic limbo since that time, operating out of their New York bureau and relying on friendly colleagues to supply them with information for their secondhand reports on the United Nations.

This is an inexcusable situation, an undeniable encroachment on the freedom of the press. I spoke out against this unjustifiable action on February 23, 1972; and I am speaking out against it again today, because, after almost 13 months of promising to find what he called "a pragmatic solution" to the problem, U.N. Secretary General Kurt Waldheim has failed to act in a positive manner.

The closest he came to solving the problem was March of last year. At that time, he suggested the Central News Agency could reapply for accreditation—if the agency changed its name. Presumably, the name change would be necessary because Nationalist China is no longer a member of the United Nations. The Chinese correspondents called this proposed solution "ridiculous"—and rightly so.

For one thing, the fact that Nationalist China is no longer a member of the United Nations should play no part in the accreditation of newsmen from the Central News Agency. West Germany, East Germany, South Korea, South Vietnam and the Vatican are not members of the U.N.; yet, all have official news agencies accredited by the U.N. And the Central News Agency does not merely send its reports to newspapers on Taiwan; it also services both Chinese and English-language papers in Hong Kong, Manila, Bangkok, and Singapore. To deprive T. C. Tang and C. C. Lin of their official U.N. press credentials is to deprive citizens in those parts of the world of firsthand reports of U.N. activities.

Mr. President, I am extremely disappointed that Secretary General Waldheim has failed to solve this problem, and I am equally disappointed that the various news organizations and associations have failed to push for a solution.

I feel strongly that the U.S. delegation at the United Nations should continue to push for the restoration of press credentials to the Central News Agency correspondents. I have conveyed my feelings in a telegram I sent today to John Scali, President Nixon's nominee to the post of U.S. Ambassador to the United Nations.

I ask unanimous consent that the telegram be printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

> With your background in journalism, I hope that you will be sensitive to the plight of T. C. Tang and C. C. Lin, two correspondents for the Central News Agency of Nationalist China who were stripped of their official United Nations press credentials on December 17, 1971.
>
> I said then that I considered denying the Central News Agency the right to cover UN activities to be inexcusable. The fact that the situation still remains unsolved is, in my opinion, just as inexcusable.
>
> I urge that a renewal of efforts be made on behalf of the two correspondents, and that everything possible be done to gain reaccreditation for the Central News Agency.

## THE PRESIDENT'S CRITICS SHOULD TAKE NOTE: NIXON WON THE ELECTION

Mr. HELMS. Mr. President, amid the strident voices condemning President Nixon, it seems appropriate to consider a calm reminder voiced by a distinguished television editorialist that it was, after all, Richard M. Nixon, who overwhelmingly won the election on November 7—an election in which the President's handling of the Vietnam war was a major issue.

William P. Cheshire, editorial spokesman for Station WRAL–TV, Raleigh, N.C., said of the President's critics—

> They tell the President to end the war, but they fail to tell him precisely how to do it. The President's anti-war critics, more often than not, are content to leave those "little details" up to him.

Mr. President, lest Mr. Cheshire's comments be mistakenly dismissed as merely a partisan defense of Mr. Nixon, it should be noted that Mr. Cheshire is a Democrat in a predominantly Democratic State, as is the chairman of the board and chief executive officer of WRAL–TV, Mr. A. J. Fletcher.

Incidentally, Mr. Fletcher is 86 years of age. His guiding principle—and no one who knows him doubts that he actively and personally directs the policies of the broadcasting company he heads—is one of nonpartisan dedication to the fundamentals of America.

Mr. President, I ask unanimous consent that the WRAL–TV editorial of January 10, 1973, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### WRAL–TV Viewpoint

> Congressional democrats may not like the idea very much, but it was Richard Nixon—not George McGovern—who was elected President last November 7th. The American people gave Mr. Nixon an overwhelming vote

of confidence. And the vote came after a campaign in which the Vietnam war was a major issue.

On Capitol Hill, however, the President's adversaries are behaving as though they hadn't heard. You would think, to hear some of them talk, that George McGovern—the "peace" candidate—had been elected in a landslide.

Congressional Democrats—many of whom cheered lustily each time Lyndon Johnson throttled up the war another notch—now are demanding that Richard Nixon finish the war post-haste. Last week, House Democrats threatened a fund-cutoff for Vietnam unless the President got cracking. A day later, Senate Democrats threatened to do the same.

It was a disheartening spectacle. For one thing, these Democratic congressmen neglected to mention, in their resolutions of condemnation, that Richard Nixon is winding down a war that Lyndon Johnson wound up. The trick is to wind it down without botching affairs in Southeast Asia any worse than they have been botched already.

One thing more: these partisan resolutions are deficient in detail. They tell the President to end the war, but they fail to tell him precisely *how* to do it. The President's anti-war critics, more often than not, are content to leave those "little details" to him.

Little details like how to keep South Vietnam from folding up, with no one knows what tragic consequences to the trusting people of that pathetic nation who, it is worth remembering, count on us for protection. Little things like getting U.S. prisoners of war released. Little things like preventing a complete loss of faith in the integrity of the United States, which committed itself *voluntarily* to the defense of South Vietnam.

It is all very fine to say now—now when the war is out of favor—that the commitment should never have been made. Maybe it shouldn't have been. But it *was made*, and there is no easy, graceful exit from it.

So why do senators and representatives, who ought to know better, pretend otherwise? Why do they insist on total, unqualified withdrawal—with evidently no thought of the horror and suffering that such rashness would bring to an Asian people who count us as their friends?

Surely not to hasten the war's conclusion. The enemy in Hanoi, wetting a finger to the wind out of Washington, is scarcely encouraged to negotiate by talk of surrender. As long as congressmen ponder ways to cut off funds for the war, the enemy can be expected to balk at making in Paris those concessions necessary for peace.

The public is war weary, to be sure. No doubt the President is war weary, too. But let us have peace, not disaster. And if it is not asking too much, let us have a little patience—maybe even a little humility—from those gusty partisans, some of whom helped create the adventure in Southeast Asia that now keeps Richard Nixon awake nights.

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## GORDON RULE: CLASSIC CASE OF BUREAUCRACY DESTROYING A GREAT PUBLIC SERVANT

**Mr. PROXMIRE.** Mr. President, the punitive action taken by the Navy against Gordon W. Rule is in flagrant violation of the law, congressional prerogatives, and individual rights.

Mr. Rule testified before the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee on December 19, 1972. He appeared in response to the committee's invitation. His testimony concerned procurement policies and practices in the Navy.

In the course of his testimony he was asked for his opinion on the appointment of Roy L. Ash as Director of the Office of Management and Budget. This question was asked in the context of a discussion of the Navy's problems with Litton Industries, then headed by Ash.

Rule stated that in his opinion the appointment of Ash was a mistake.

The following day, Rule's superior, Adm. Isaac C. Kidd visited Rule at his home and talked with him for about an hour in an effort to persuade Rule to retire from the Navy. Rule was then suffering from a cold and was sick in bed. Mr. Rule refused to sign the letter of retirement which had been written out in hand by Admiral Kidd, or the retirement papers which the admiral had also brought along.

This unprecedented and absurd attempt to coerce a Government employee into retirement has been followed by a series of Navy actions calculated to humiliate and discipline Mr. Rule for his testimony before a committee of Congress.

I want to stress that I believe Admiral Kidd is an excellent officer who has served his country well. Moreover, I recognize that any executive, whether in the private or the public sector, needs to have maximum authority to manage and carry out his responsibilities.

An executive officer should have the right to discharge or remove inefficient or ineffective subordinates. He should have a certain amount of freedom and flexibility. Even a Senator requires a smooth working and efficient staff.

But there is no question of efficiency or effectiveness in Mr. Rule's case. He is known as perhaps the outstanding civilian procurement official in the Navy. His performance and accomplishments have been outstanding, as Admiral Kidd attested to the Subcommittee on Priorities and Economy in Government just a week ago.

The subcommittee heard testimony on the Rule affair on Wednesday, January 10, 1973. Both Mr. Rule and Admiral Kidd testified, along with Anthony L. Mondello, General Counsel for the Civil Service Commission.

Last week's hearing demonstrated beyond any doubt the outstanding record of accomplishment that Gordon Rule has earned in his 16 years of service to the Navy. Admiral Kidd himself concedes that Mr. Rule "was probably the most competent gentleman we had in matters of procurement."

In 1971 Mr. Rule received the Distinguished Civilian Service Award, the highest civilian award given by the Navy and the first ever given to a procurement official.

The issue in this case is plain. That issue is whether the Navy has launched a reprisal against a Government employee because of his testimony before a committee of Congress.

In my judgment the record of last week's testimony shows conclusively that Mr. Rule has been penalized by the Navy as a direct result of his congressional testimony.

The actions taken by the Navy against one of its most loyal, efficient, and courageous officials constitute a disservice to the public and Congress and a gross personal inequity.

The Navy's behavior up to now has been petty, demeaning, and a discredit to the many fine public servants who work hard to achieve the high standards that have been established by this excellent institution.

Title 18 of the United States Code, section 1505, deals directly with the situation that is before us. That law defines as a crime the intimidation of witnesses or the obstruction of the power of inquiry of committees of Congress.

The Navy has violated the spirit if not the letter of this law. I have already described the visit of Admiral Kidd to Mr. Rule's home. This visit took place approximately 24 hours after Mr. Rule's testimony. It was an obvious effort to both intimidate Mr. Rule and obstruct the power of inquiry of the Subcommittee on Priorities and Economy in Government and other committees of Congress.

In his testimony of January 10 Admiral Kidd admitted that Mr. Rule's testimony had something to do with the Navy's decision to seek his retirement. Admiral Kidd referred to Mr. Rule's testimony as "the straw that broke the camel's back."

In Admiral Kidd's words:

> I told him that it was going to be necessary to move him—not because of what was said but because he apparently found it impossible to stay within the outfield fence of the ball park that I laid out for him before he went up. And as I mentioned, that was the straw that broke the camel's back.

Mr. President, this testimony illustrates a deplorable lack of concern for the rights of individuals and of congressional committees. There is no suggestion in Admiral Kidd's testimony that Mr. Rule told Congress anything that was untruthful or that he endangered national security. The Navy's position seems to be that Mr. Rule strayed outside the bounds of propriety that were drawn for him prior to the hearing.

In coming to this position the Navy seems to believe that it has the right to tell a civilian employee what he can and cannot say before a committee of Congress, and if he testifies about a matter on which the Navy wishes to remain silent that it can then penalize or discipline the individual.

If that is the Navy's belief, it is completely contrary to the constitutional right of free speech and of the right of Congress to obtain information on the activities of the executive branch.

No agency of Government has the right to gag its employees, to tell them what they can and cannot talk about before a committee of Congress. If such a policy were allowed to stand it would emasculate the process of legislative inquiry. It would lower an iron curtain of secrecy and obfuscation between the executive branch and the elected representatives of the people.

The Navy apparently has to learn that nothing is out of bounds or off limits when it comes to testimony of an individual before a congressional committee. The Navy has no right to make a subject or program taboo and to prohibit an individual from talking about it.

The Navy's business is the people's business, and it is the duty of Congress to know as much as possible about it. The case of Gordon Rule involves serious constitutional, legal, and public policy questions.

I intend to pursue these matters fully and to keep the Senate informed of further developments.

I ask unanimous consent to have printed in the Record the transcript of testimony given before the Subcommittee on Priorities and Economy in Government on January 10, 1973.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

### DEMOTION OF GORDON W. RULE, JANUARY 10, 1973

The Subcommittee met, pursuant to recess, at 11:00 o'clock a.m., in Room 1202, Dirksen Senate Office Building, Senator William Proxmire (Chairman of the Subcommittee), presiding.

Present: Senator Proxmire (presiding) and Representative Griffiths.

Also present: John R. Stark, Executive Director; Loughlin F. McHugh, Senior Economist; Ross F. Hamachek, Richard F. Kaufman, Courtenay M. Slater, Economists; Lucy Falcone, Jerry J. Jasinowski, Research Economists; George D. Krumbhaar, Jr., Minority Counsel; Leslie J. Bander, Walter B. Laessig, Minority Economists; and Michael J. Runde.

Senator **Proxmire**. The Committee will come to order.

Our hearing this morning is concerned with the harassment of an able, dedicated and courageous public servant. I refer to the demotion by the Navy Department of Gordon Rule, formerly Director, Procurement Control and Clearance Division, Naval Material Command, as retribution for his candid testimony before this Subcommittee.

The significance of this episode goes far beyond the issue of shabby, unjust treatment of one outstanding employee. It goes to the very heart of the legislative process and the ability of the Congress to obtain information on the activities of the Executive Branch—activities which involve the expenditure of some $250 billion a year—and which, in addition, affects all aspects of our national welfare.

It is painfully obvious that actions by the Administration to intimidate, harass, downgrade and fire public servants as punishment for giving honest information to the Congress are prejudicial to effective government.

This Subcommittee invited Admiral Kidd to testify on December 19th. He sent Gordon Rule in his place. Mr. Rule answered our questions candidly and with obvious competence. Among other things, he responded to a specific question. I want to make it clear that he did not volunteer. I asked him whether or not he considered the appointment of Roy Ash as Director of the Office of Management and Budget a mistake. He replied that he did. I asked him to explain why and he did.

It should be stressed that this reply was in response to a direct question and in the context of a discussion of Navy negotiations with Litton Industries that of course was headed by Roy Ash, and he also indicated that the problem might be overcome if the OMB Director were subject to Senate confirmation.

Ostensibly it was this that led to his summary demotion and one of the crudest acts of retribution since the Ernest Fitzgerald affair. In Mr. Rule's case, the vengeance was even more peremptory. He was reassigned to the job of updating the curriculum of the Navy training school in Anacostia.

This proceeding bears a dismal parallel to the treatment of Ernest Fitzgerald and other able Defense Department public servants who felt the vengeance of the military hierarchy for their candid testimony on military procurement before this Subcommittee.

These episodes are tips of the iceberg that lurks ominously below the surface. High public officials of unquestioned ability, dedication, and experience are being fired or demoted in droves. Heads roll daily as the Administration continues to tighten the screws of control and exclude the Congress and the public from basic governmental decisionmaking.

It is no wonder that the Congress is in an anxious mood as our prerogatives are eroded and vital information is withheld. Operating personnel are becoming too frightened to speak up and tell us the facts we need to know—unless they have the high courage of people like Ernie Fitzgerald and Gordon Rule.

It is most ironic to note that President Nixon in 1951 introduced a bill—this was the Nixon bill—that made it a criminal offense for any government official to intimidate public employees from testifying before the Houses of Congress.

The bill was passed by the Senate but was not reported out in the House. However, there are other laws relating to this same kind of malfeasance. Title 18 of the U.S. Code provides for five years' imprisonment and/or up to $5,000 in fines for intimidation of witnesses and obstruction of the power of inquiry of a committee of Congress.

In view of his earlier interest, I ask Mr. Nixon now to personally look into the circumstances of Gordon Rule's demotion.

As Chairman of this Subcommittee, I intend to get to the bottom of this matter not only because of its own merits, but because it is a symptom of a serious distortion in the process of our democratic government.

Mr. Rule, will you come forward and will you begin by telling us exactly what happened with respect to your job after your testimony of December 19th?

### STATEMENT OF GORDON W. RULE, FORMERLY DIRECTOR, PROCUREMENT CONTROL AND CLEARANCE DIVISION, NAVAL MATERIAL COMMAND

Mr. **Rule**. Good morning, Senator. I want to first say that when I testified before you and the other members of the Subcommittee on the 19th of December, I made a statement that has been characterized as crude and very poor judgment with respect to a remark I made about General and former President Eisenhower. I want to publicly apologize for that remark. I meant no disrespect, but it has been so construed and the least I can do is apologize for it.

Chairman **Proxmire**. Well, I think we all appreciate that. I did not think it was in bad taste, but perhaps you do on reconsideration. I think this is a statement that we often make that a distinguished statesman would turn in his grave. You did not mean any disrespect but I think it has been very much an element in this matter and I appreciate your comment.

Mr. **Rule**. I think if I had said the General, the former President, would turn over in his grave, that would have been a statement people would have understood. But I was guilty of a verbal excess and I do apologize.

What was it you wanted me to do?

Chairman **Proxmire**. I wanted you to state exactly what happened with respect to your job after your testimony of December 19th. You testified here and the record was clear that you answered a number of questions, but the critical question seemed to me—maybe my judgment was wrong—the critical question seemed to be with respect to Mr. Ash and your position on it.

The following day, I understand that you were visited by Admiral Kidd. Would you describe the situation?

Mr. **Rule**. That is right, Senator. After the testimony on the 19th, I lost my voice. I got laryngitis and I was home in bed the next day with a cold and laryngitis and Mrs. Rule said that Admiral Kidd was at the door and wanted to see me, and came into my bedroom. I was in bed. I did not get up.

The Admiral, it being a Wednesday, was in uniform and he sat beside my bed. He had a piece of paper which was on his own letterhead. It was addressed to himself. It was dated the 20th of December, which was that day. He told me that he had to have the piece of paper signed by the close of business that day. The piece of paper, of which I kept the original, was addressed to the Chief of Naval Material: "I hereby request retirement from my Civil Service position. My performance and submissions for accrued leave and designation of the Old Age and Survivors benefits will be filled out and submitted promptly by me."

He wanted me to sign that. He also said that if I did not like that language, I could sign a blank piece of paper—he had a couple of those with him—and date it and he would fill in the rest.

Well, I have to say this, because I sort of think I have good health, but I was in lousy shape that day. I started to get emotional, as I think the Admiral will tell you. I started going back over my Naval career and finally, he sat there—and it was about an hour—he sat there and I finally sat up in bed and started to get a little sense and started to get irked. It was then that I told him that I had no intention of signing that piece of paper or resigning.

He asked me to reconsider several times and said that he would be glad to come back at 3:00 o'clock that day and pick up the paper and I said, "There is no need for that, I am not going to sign it."

When he left, Mrs. Rule took him to the door and he again urged on her the importance of getting me to sign that retirement paper.

That, Senator, is what happened. Now, why it happened, I can't tell you. It was within about 24 hours from the time I had testified.

Chairman **Proxmire**. Now, prior to the time that you testified, what was your status as you understood it with the Navy and with the Defense Department? I ask this in light of the fact that you have been decorated or recognized, commended in the past year. You had a rating that preceded your testimony by about one week. Would you describe that so we have a picture of the view which you, which anybody, any prudent person, would feel was your position prior to your testimony?

Mr. **Rule**. Well, I outlined that in a letter, Senator, to the Civil Service Commission, and at the expense of seeming to blow my own horn, I would like to tell you about it.

Chairman **Proxmire**. I wish you would.

Mr. **Rule**. I would first like to restate that when I was in uniform, I entered the Navy as Lt. (J.G.) and four and a half years later, I was a Captain on active duty. I am pretty proud of that military feat, because that is pretty fast promotion.

I retired. Now, I then went back to practicing law—

Chairman **Proxmire**. Would you give us the dates on that? When did you enter and when did you retire?

Mr. **Rule**. '42. I entered in early '42 and five years later, I went back to inactive duty. I was a reservist. But I had gone through the grades from JG to Captain.

Now, I have to say that in going through those steps, I believe that I acted exactly the same way about active duty as a civilian by calling the shots just exactly as I see them. It was respectful and as I say, I got the promotion in grade and on active duty.

Then I went to practice law and then I was asked to come back and take this job as head of the Director of the Procurement Control and Clearance Division in the Office of Naval Material. I took that job on 9 July 1963.

Four years later, in 1967, I received a Superior Civilian Service Award, which is the highest award that can be given by the head of an agency. The head of the agency in that case was Admiral Gallatin, one of Admiral Kidd's predecessors.

Four years after that, in 1971, I got the highest Navy award,the Distinguished Service Award, from the Secretary of the Navy. That was in February 1971.

That, in capsule, is my record. It was interesting to me that the same day that I had a conversation with Admiral Kidd and Secretary Warner, namely, on 12 December, I was also given a satisfactory efficiency rating through the end of 1972. I have a photostatic copy of that signed by my immediate bosses.

So I think that brings it up to date by way of background.

Chairman Proxmire. Could I ask you, when Admiral Kidd came to your home on 20 December, 24 hours after you testified, did he give you any reason for asking for your resignation?

Mr. Rule. The good of the service.

Chairman Proxmire. Did he expand on that at all?

Mr. Rule. No, not really. I asked him specifically if Mr. Warner, the Secretary, knew that he was there seeking my retirement. He would not answer that question directly. He said he had been in touch with Mr. Warner, had talked with him the previous evening, and that Mr. Warner was leaving town that day at 5:00 o'clock. I subsequently asked Admiral Kidd in his office that same question, if the Secretary knew that he, Admiral Kidd, was going to, trying to get me to sign a retirement paper. And again he was evasive. He would not answer that question, saying only that he had talked to the Secretary.

So I do not know to this day whether Mr. Warner knew it or not.

Chairman Proxmire. Am I right or wrong in assuming that there was a rating which you received as late as approximately December 12th or 13th, one week before the visit of Admiral Kidd asking for your resignation, in which you received a rating which was as high as you could get. Is that correct or not?

Mr. Rule. It is partially correct. Here is a photostatic copy of it signed by Mr. Cruden and Admiral Freeman for the rating period ending 29 November 1972. It is a satisfactory performance rating. The only three ratings that a civil servant can get are unsatisfactory, outstanding, or satisfactory. Normally, you get a satisfactory rating. I got that.

Chairman Proxmire. The only reason I ask about this particular rating is because of the time limit. It was one week before. Did you make any statement or take any action or have any incident at all that occurred between the time that rating was determined and the time Admiral Kidd visited, other than your appearance before this Subcommittee?

Mr. Rule. Not that I am aware of, sir.

Chairman Proxmire. Nothing?

Mr. Rule. Not that I am aware of.

Chairman Proxmire. Before I yield to Mrs. Griffiths, let me just put into the record, and I will read quickly one paragraph of it, the bill which applies, seems to apply in this case, part of the bill. This is on page 2, line 23, of the bill.

"No witness, who is a member of the Armed Forces of the United States or an officer or employee of the United States or of any department or agency thereof, shall be demoted, dismissed, retired, or otherwise disciplined on account of testimony given or official papers or records produced by such witness before either House, or before any committee of either House, or before any joint committee established by a joint or concurrent resolution of the two Houses of Congress, unless such testimony is given or such official papers or records are produced in violation of law, or unless such testimony or the production of such papers or records discloses misfeasance, malfeasance, dereliction of duty, or reprehensible conduct on the part of such witness."

There is a provision for a $5,000 fine or not more than five years' imprisonment, or both. Of course, one of the issues before the Subcommittee is whether or not that law has been violated.

I am going to ask Admiral Kidd to come forward in a minute, after I yield to Mrs. Griffiths. Before I do that, however, I would like to put into the record also, and for Mrs. Griffiths' information and the information of those who were not present at the last hearing, precisely the testimony which, in my view, had an effect on this. I am going to ask Admiral Kidd to indicate if there was anything else in the testimony that might have affected his position.

You testified as follows: "Senator Proxmire: . . . Now, as you know, Mr. Roy Ash, the former President of Litton, and he was the chief executive officer of this company at the time that this situation had developed, he is the man who has been designated by the President of the United States as the new head of the Office of Management and Budget. Do you have any views on that appointment?

"Mr. Rule. I sure do.

"Senator Proxmire. We would surely like to hear them.

"Mr. Rule. Well, I think, first, that old General Eisenhower must be twitching in his grave. He was the one who first called attention to the so-called military-industrial complex, and I frankly think we have added a new dimension to the military-industrial complex. I think it is a military—this may not be the proper order—but I think it is almost a military-industrial-executive department complex. I think it is a mistake for the President to nominate Mr. Ash, whom I have never met. I think it is a worse mistake for him to accept the job. I just—that is the way I feel about it.

"Senator Proxmire. Why is it a mistake? Why is it a mistake, first, for him to be nominated?

"Mr. Rule. I am saying this strictly from his background and his efforts on behalf of Litton during the negotiations that have been going on.

"Senator Proxmire. It is a mistake, on the basis of his record as a business manager, to bring a man with this kind of a record in as head of the Budget Bureau?

"Mr. Rule. Insofar as the LHA is concerned, yes; and of course, Senator, his job is probably——

"Senator Proxmire. Let me ask you what Ash did in the negotiations on the LHA contract.

"Mr. Rule. Well, let me just finish what I was going to say.

"Senator Proxmire. Yes, sir.

"Mr. Rule. And I forgot it; you interrupted me.

"Well, there was an article in the paper the other day by Orr Kelly which quoted, he was quoting from, some minutes of a meeting, and these minutes, according to the article, said that Mr. Ash had talked to Mr. Connally about a program of the magnitude of one to two billion dollars to help companies like his and other shipyards, and the statement was made by Mr. Connally apparently, 'Well, if you are going to present that to Congress, make it bigger than the Congress.' Now he has got that background.

"All I say is that from where I sit now I have got to think it is a mistake. But I think my thoughts on whether it is a mistake could easily be or could be overcome if he were subject to confirmation and going before a committee to be confirmed where he could be questioned about, I do not know, any number of things. But he has got probably the most important job in this Government, next to the President, but he is not subject to confirmation; he is not subject to questioning; and he enjoys the same executive privilege, I guess, that Mr. Kissinger does. He does not have to go up to any committees, and be questioned throughout the year, and I just think this is wrong.

"Senator Proxmire. Well, he does come before committees, certainly previous budget directors have, in their capacity, but I agree he certainly does not need any confirmation.

"Will you give me your interpretation, I read that column by Mr. Kelly too, and I was a little puzzled by that reference in the conversation with Mr. Ash and Mr. Connally, in which he said, 'Make it bigger than the Congress.' What was your interpretation of that? You would go to the President for——

"Mr. Rule. Well, that he wrote two columns. In one column, he said that Mr. Ash had told, in this meeting that he was quoting the minutes, that he was quoting form, he had told the people in that meeting that he was going next to see Mr. Warner, Mr. Sanders, and then to the White House with his problem. Now, that was in one column.

"Then in the second column, he talked about this program of a billion to two billion dollars to be presented to Congress and, so far as I am concerned, sitting here right now, I think you will see that program presented to Congress. I think you will see it presented to Congress with the aid of the Grummans and the Lockheeds and others, I think you will see it.

"Senator Proxmire. You mean a program simply to wipe out all of the claims by paying them in full?

"Mr. Rule. I do not know how ingenious the program will be. I do not know what it will try to do, but it will try to get a billion or two dollars to help out some companies in trouble.

"Senator Proxmire. Help out Litton, Lockheed, Grumman, and so forth. . . ."

That is the pertinent part, in my view, of the testimony. As I say, I will ask Mrs. Griffiths if she wishes to inquire.

Representative Griffiths. Thank you. I want to ask some questions which do not relate particularly to this testimony, but I would appreciate the answers.

You are head of the Procurement Division, is that right?

Mr. Rule. The exact title is Director of the Procurement Control and Clearance Division in Admiral Kidd's office.

Representative Griffiths. I see. When the Navy purchases, supposing you are purchasing a ship. Do you purchase, do you simply go down and buy a ship, make a contract with somebody to build it, or do you make contracts with the——

Mr. Rule. Both.

Representative Griffiths. Pardon?

Mr. Rule. Both.

Representative Griffiths. When you make those contracts, does the purchaser have before him the blueprints for whatever it is he is buying?

Mr. Rule. Again, he may have if the government furnishes the design and the blueprint to build that ship. But sometimes, we give a company a contract to design the ship itself. That was the case with the LHA and Litton.

Representative Griffiths. I see. When he makes the purchase and he does have the blueprint before him, does he have also the prices paid for every component item in previous purchases? That is, could he look at that design and say, well, so many nuts at so much, so many bolts at so much, so many screws, and here is the cheapest price available?

Mr. Rule. Yes, he is supposed to have what is called a bill of material for the material that he buys that goes in the ship.

Representative Griffiths. But does he have the price list on every item?

Mr. Rule. He certainly should, because when he make the contract with him, when we make our contract with the ship builder, we have to, in order to lock at a proposal and try to determine whether it is reasonable; the material is usually 50 percent of the cost of whatever, we buy, all our hardware.

Representative Griffiths. How long has the Navy had such information available, do you know?

Mr. Rule. In general?

Representative Griffiths. Yes, in general.

Mr. Rule. That has been available to us, a requirement, for as long as I have been here.

Representative Griffiths. And how long have you been here?

Mr. Rule. At least 15 years. I do not know we could price anything without that information.

Representative Griffiths. In that catalog at Battle Creek—have you ever used the catalog at Battle Creek?

Mr. Rule. No, ma'am, we have not. But they do have some catalog prices of standard components. Some of these things are priced in catalogs so you can just flip over it and see what this gadget, usually off the shelf, and its component's cost. Ordinarily, we are supposed to get quotations and estimates of prices from the contractors who supply these things and we are supposed to check them. First we check to see whether the prices are gained through competition. If they were, almost ipso facto, they are reasonable. If they were sole source sub-contractors, we may have to do some more checking.

Representative Griffiths. But if you have purchasing agents that are capable of doing this, then why do we ever buy an overpriced item?

Mr. Rule. I am sorry, why what?

Representative Griffiths. If you have purchasing agents that are capable of doing this, why do we ever buy an overpriced item?

Mr. Rule. Why do we ever buy an overpriced item?

Representative Griffiths. An overpriced item.

Mr. Rule. The term "overpriced" means different things. If it is a sole source component being bought from manufacturer "A", it may very well be overpriced. If, as I said a moment ago, we get competition, competitive bids——

Representative Griffiths. Well, if it is a sole source on a large complex item, does not that purchasing agent still look through there at every individual item and say, how much are you paying for that and what are you paying for that and why don't you buy it cheaper?

Mr. Rule. Yes, ma'am.

Representative Griffiths. Well, then, why do you let them run it up too high? How can they?

Mr. Rule. Well, there again, it depends on what type of contract he has. If he has a fixed price contract, we never know how much profit he really makes and whether he ran these prices up too high or not. That is why the emphasis is on the Congressional mandate that we get competition if possible.

Representative Griffiths. Oh, I understand. You are now suggesting that when they bid, if he has the lowest bid, you let him make the thing without any further negotiation. Is that it?

Mr. Rule. Mrs. Griffiths, unfortunately, that is the way it works a great many times, but the very fact that we have competition is sometimes hurting us and with the excess capacity in the aerospace industry and that sort of thing, when we compete for large contracts, the thing that we have to watch for today is too low a profit, that somebody isn't buying in, as indeed I testified that Grumman did to the tune of about $500 million. It is not whether we are going to get a fair price out of competitive procurement, it is that somebody may buy in and that is the root of bailouts later.

Representative Griffiths. I understand. I would like to say to you that I am the only person up here, as far as I know, that does not believe that competitive bidding necessarily means the lowest price. In my opinion, the lowest prices we are paying are obtained by trained negotiators with all the information at their hands as to exactly what each item costs.

Mr. Rule. I agree with you.

Representative Griffiths. I agree with you, too, that we ought to be able to stop this buying in by the government contractors, the idea that you ought to be able to kill off a competitor by buying in some place else.

Chairman Proxmire. Now I will ask Admiral Kidd to come up.

Mr. Rule. I want to add something, Senator Proxmire.

Chairman Proxmire. Go right ahead.

Mr. Rule. The Admiral's nose is quite out of joint with me because of my last testimony because I did not clearly and categorically say to you that I was testifying as an individual and not as a representative of the Navy. Now, I thought that I had covered that point when the very first thing I said at the hearing was "Thank you for letting me appear without a statement. The reason I do that is because, as you know, if I wrote one, I would have to get it cleared in the Navy and I do not think they would clear it."

Now, I thought that statement went to that point, but the Admiral does not think so. But I know that he thought I should have been more clear and I want to make it clear today.

Chairman Proxmire. Let me say that it was very clear in my mind. I felt very definitely that you were speaking for yourself and that there was no other reason in your explaining the fact that you did not have a written statement.

Mr. Rule. Precisely.

Chairman Proxmire. There is something to be said for those statements wherever it would be appropriate. This morning it would not be appropriate, because you have come, as I understand you and Admiral Kidd, to answer questions.

We appreciate your deciding to come, Admiral Kidd. I would appreciate it if you would proceed to answer questions to the extent that you can with respect to the situation.

Is there anything in Mr. Rule's summary statement that you believe is not factual or with which you disagree?

### STATEMENT OF ADM. I. C. KIDD, CHIEF, NAVAL MATERIEL COMMAND

Admiral Kidd. You would like me to start with Mr. Rule's rather than yours.

Chairman Proxmire. All right, start with mine. That is fine. Then get to Mr. Rule's.

Admiral Kidd. If I may?

Chairman Proxmire. Yes sir.

Admiral Kidd. Going through your opening remarks, Mr. Chairman, I respectfully would like to clarify some points here. In your topic, I would like to just clarify a few points going through here.

Hearing on the demotion of Mr. Rule—perhaps this is an exercise in semantics, but truthfully, I did not demote him. He has not been demoted. He is still a GS17.

The next point down in the third paragraph, where you observe that it is obvious that actions to intimidate, harass, downgrade and fire as punishment—he has not been fired, sir. And I would take issue with the intimidation, harassment, and downgrading, because I do not believe they are appropriate terms.

The next paragraph in the second line, where you state, contrary to your agreement with Mr. Rule just now, that I sent Mr. Rule in my place. That is quite wide of the remark, sir. I did not.

Chairman Proxmire. Will you restate that?

Admiral Kidd. The statement here, sir, in your opening remarks that I sent Mr. Rule in my place. That is not the way it was at all. As a matter of fact, I took it upon myself personally to go up to his office on the Wednesday preceding his appearance to go over with him the specific reasons why the other gentlemen whom you had invited, Secretary Warner, Admiral Sonenshein, Admiral Snead, and myself, would not be able to appear at that time because of the on-going negotiations with Litton and Grumman. It was judged an inappropriate time to air bidding, as it were, publicly on these negotiations where we had been trying almighty hard to get these contracts at the advertised price.

Now, on the occasion of that visit, Mr. Rule took the opportunity to applaud the Navy's hard-line position. That was the day after Grumman had come out with that full page ad of theirs, in effect protesting our hard-line position. And after running through the reasons why we did not feel it appropriate to come, I told him that in view of his unique status up here as a witness before your Committee, I was not going to tell him no, but at the same time, I did not think it would be too good an idea, but if he came, he was to avoid addressing those two on-going negotiations. And in Mr. Rule's letter to the Commission, he makes this point, that Mr. Warner called me, tracked me down in Mr. Rule's office on that occasion, and then asked to speak to Mr. Rule and told him that if I wanted to come up, that was fine with him.

So I would take vigorous exception to this implication that I sent Mr. Rule. I did no such thing.

To go a step further, if you please, sir, on Friday of that same week, after the first of Mr. Kelly's articles appeared in the Evening Star on the memorandum that he had gotten hold of, I asked Mr. Rule to come down on that occasion. Now, this was the Friday preceding the day he appeared. And I told him again that I did not want him addressing either the Grumman or the Litton negotiations because of the delicacy thereof and if he came up, he was to come up and make it abundantly clear that he was up here on his own.

He acknowledged those instructions but sort of waved his hand and said, oh, those instructions do not really mean anything. It was on that occasion that he undertook to hold school on me philosophically on leaks of documents—this particular one—and he acknowledged at that time that this is where he and I parted company on matters of moral principle, that he felt that the leaking of documents like that was good for the country and that really, I was too young and naive to understand the inner workings of Washington and that I should really take this as a matter of course. I could not debate that point. But I still think it is wrong and it certainly does not help our on-going negotiations.

It might be worthwhile here to introduce really one of the principal contributing factors to my great loss of confidence in Mr. Rule. It was sort of the straw that broke the camel's back, Mr. Proxmire that prompted me to take him up on his earlier offer to retire. That is a very important point. Because when he and I had first come into head-on collision back in February, why, I told him at that time that there was no question in my mind that he was probably the most competent gentleman we had in matters of procurement—and in that area, he is indeed superb—but once policy decisions had been made, they had to be abided by. At that time, he offered to retire. I said no, I did not want him to retire because we needed his competence in procurement too badly and that I did not want to lose him because I certainly have no corner on the market in brains.

Moving on down in your remarks, "It should be stressed that his reply was in response to a direct question and in the context of a discussion of Navy negotiations with Litton Industries that of course was headed by Roy Ash, he also indicated that the problem might be overcome if the OMB was subject to Senate confirmation."

I have no objection to a man stating his private views up here. That is what you gentlemen are here for. I am sure that you keep proper controls. But to have observations like that made, Mr. Chairman, and made in the frame of reference as reflecting the opinion of an official United States Navy representative, I just do not think it is fitting, and this was the atmosphere in which Mr. Rule allowed his appearance to be conducted.

On the second page, the top line, again, sir, is spoken to demotion and there has been none.

In the next to the last line of that paragraph, the Navy Training School is identified. Mr. Rule has made the point to me many times that his long suit is in procurement and indeed it is. He is among the very finest in government employ. We have a school in Anacostia to fill a very definite gap and need for the training of young officers and young civilians in procurement matters, in matters of logistics. It has been ongoing for sometime. We bring in gentlemen to lecture. It is in effect a seminar course and it is to capitalize on his avowed strength in procurement matters that I decided to detail him to that school to bring the curriculum up to date and to insure that the students over there have the benefit of tapping his great wisdom and experience in this area.

Going down toward the bottom of the second page of your observation, sir, "It is no wonder that the Congress is in an anxious mood as our prerogatives are eroded and vital information is withheld."

I could not agree more that you must have everything you ask for. I suppose there are certain areas of sensitive military information, but I fully applaud the intent there. However, sir, I would respectfully invite your attention to our, the Navy's testimony, my personal testimony before the House Armed Service Committee over three lengthy and difficult sessions several months ago in Executive Session on just this subject of our contractual difficulties with Litton, and I will stand on what I said before this Committee and I think that you will find my views and others in the Navy as strong, perhaps more so than Mr. Rule's.

On the last page, again, the word "demotion" is identified. There has been none.

You went into this bill, the 1951 bill which you identified as Mr. Nixon's bill. I think that is pretty fine reading. I think that it needs to be made clear that on the matter of my requesting Mr. Rule's retirement, it was indeed a request to take him up on his previous offer. I think that is a very important point, a request to take him up on his previous offer. We sort of went over very quickly that part in that same section of that bill which speaks to misfeasance, malfeasance, dereliction, and questionable conduct.

Now, to go into Mr. Rule's opening remarks—

Chairman PROXMIRE. Before you do that, Admiral, let me just respond to your criticism of my opening statement. I think you are right that it is clear that you did not send Mr. Rule up in your place. That was made clear by Mr. Rule.

He just said so and I think that is correct and that was an error in my opening statement. But I cannot accept any of the rest. We will get into that, I would prefer, if you would permit us to get into that when we discuss what is a demotion, what is a firing, what is an intimidation, what is downgrading. I think that I can explain my position, you can explain yours, but we will just have to leave the record for those who wish to do so to judge it.

I think also that your remarks that Mr. Rule seemed to give the impression that he was speaking as a Navy official once again is one that Mr. Rule, as he pointed out just before you came up, made pains to avoid. I understood it that way. You may wish that it had been made clearer, but I think he made an effort to make it clear that he was speaking as an individual.

Then you said that you believe very strongly that we should have everything that you can give us. It is very hard for me to accept that with a straight face when you refused to come up, Admiral Sonenshein refused to come up, Secretary Warner refused to come. You are all capable men, experienced men. You could have come up and responded and said that you simply did not want to discuss the Grumman case or the Litton case and yet give us a great deal of information that would be most valuable to this Committee and to the Congress. You simply refused to come at all.

And finally, when you indicate in your remarks that was the straw that broke the camel's back in reference to Rule's testimony—having said that, it seems to me that you are conceding that the reason Mr. Rule has been transferred is because of his testimony before a Congressional Committee. I do not see how you can say with a straight face that an assignment to Anacostia in the capacity to which you assigned him is not a demotion.

Now, you can respond to that if you wish or go on to Mr. Rule's and let me get into these interpretations with specific questions.

Admiral KIDD. You made several observations there wherein you used words "demotion, assignment, transfer." Mr. Rule, I am informed by the gentleman at the Civil Service Commission, has been detailed. Now, I do not profess to be an expert on Civil Service language or technical detail, but I think that as we proceed, there are probably going to be occasions when I may well misspeak and use the wrong words. He has been detailed on a temporary assignment. The letter back to him yesterday from the Civil Service Commission, the receipt of which letter made it possible for me to appear today—because that meant the Commission no longer had this before them—so I would just like to touch on that question of proper words, and in these other areas, sir, where you disagree, I think we will just have to agree to disagree.

Chairman PROXMIRE. All right. Now, would you just go ahead and comment briefly on Mr. Rule's response to my question?

Admiral KIDD. Yes sir. Mr. Rule opened by touching on my visit to him. I did indeed go to tell him that I wanted to take him up on his earlier offer to retire. I told him that it was going to be necessary to move him—not so much because of what was said but because he apparently found it impossible to stay within the outfield fence of the ball park that I laid out for him before he went up. And as I mentioned, that was the straw that broke the camel's back.

Chairman PROXMIRE. Would you be specific on that? Where did Mr. Rule go beyond the ball park?

Admiral KIDD. He felt constrained to get into Litton matters, into Grumman matters, lashed out quite vigorously on both companies, which contributed nothing to the atmosphere of on-going negotiations which have been and remain difficult at best. He did not, in my judgment, make it clear that he was up here on his own rather than the official——

Chairman PROXMIRE. That latter I think we have discussed.

Admiral KIDD. We have.

Chairman PROXMIRE. In what way, Admiral Kidd, did he make it difficult? Give me a specific basis for your charge that Gordon Rule's testimony here is in any way a handicap to your negotiations with Grumman or Litton?

Admiral KIDD. To go into the specifics, when he speaks to the buy-in at Grumman. There may have been; I do not know.

He speaks to Litton in general terms, with comment on their management, their administration, which have already been addressed in detail up here by more experienced and knowledgeable people. He was in an area in which he had no first-hand knowledge. He was in an area in which he was not current, and yet, he felt constrained to speak for the United States Navy in detail, depth, and with activities which have not helped our negotiation.

Chairman PROXMIRE. Admiral, that was not my question. My question was in what way has the government's position been injured or have negotiations been adversely affected by what Mr. Gordon Rule said on December 19th?

Admiral KIDD. I have answered the question to the best of my ability, Mr. Chairman.

Chairman PROXMIRE. What you told me was that he got into an area in which he was not directly informed.

Admiral KIDD. Yes sir.

Chairman PROXMIRE. But you have not showed me that that did any damage.

Admiral KIDD. That would be a bit difficult to measure and quantify.

Chairman PROXMIRE. I am sure it would.

Admiral KIDD. Very difficult. Here is a judgment problem and I have just lost confidence in him, sir, and that is what I told him when I went to see him the day after he testified.

Chairman PROXMIRE. In other words, the Navy considered any discussion of any kind about Litton or Grumman as taboo?

Admiral KIDD. That is what I told him, Mr. Proxmire, yes sir. On Wednesday——

Chairman PROXMIRE. Should we be kept in the dark on this, even in matters that would not affect and you cannot show that this in any way affected negotiations?

Admiral KIDD. I think the outcome of negotiations will be the first time we see this.

Chairman PROXMIRE. I could understand your position if you could explain how anything Mr. Rule said could affect negotiations in any way. Certainly we have a right to inquire and he has a right, it seems to me, to respond to the extent that he feels and we feel that his response will not prejudice in any way your negotiations. Otherwise, you are simply preventing the Congress from getting information we have a right to know. We have hundreds of millions of dollars at stakes with both companies, as you know.

Admiral KIDD. There is a time and a proper place for everything, sir, and to have a gentleman just like a jury, it seems to me, to have one juror who does not have to go to the hotel with the rest of them and he can run out and communicate with the press while the court action is still on-going, we do not need that kind of help. And I told him that.

Chairman PROXMIRE. Yes, but you see, the Navy is deciding what the Congress has a right to know about.

Admiral KIDD. Oh, no.

Chairman PROXMIRE. I do not think the Navy has any business doing that, especially when you cannot show that that has in any way injured, damaged or affected adversely the negotiation.

Admiral KIDD. I think it would be inappropriate for me to go into this further because negotiations are still on-going.

Chairman PROXMIRE. Now, Mr. Rule was not involved in the negotiations?

Admiral KIDD. Right.

Chairman PROXMIRE. We did not ask him about on-going negotiations. How could Rule have hurt the negotiations under those circumstances? He had nothing to do with it. This is one area in which he had been excluded, one of the very rare areas of important procurement, as you may know.

Admiral KIDD. We are dealing with human beings, Mr. Chairman, on both sides of the negotiating table. I think that should be kept in mind in all of our contractual negotiations, not to have a self-appointed Navy spokesman get up and lash out, this affects mental attitudes, judgments, reactions. I would say again that I do not need that kind of help.

Chairman PROXMIRE. Assistant Secretary Barry Shillito testified in the same hearings, I think the day after Mr. Rule was up here, two days after Mr. Rule was up, and talked specifically about the Grumman case. Was he out of bounds, too?

Admiral KIDD. No sir.

Chairman PROXMIRE. Why not? What is the difference?

Admiral KIDD. Because he is the gentleman who has kept current and speaks with authority, and was well aware of the bounds of propriety within which he was obliged to stay.

Chairman PROXMIRE. So you are telling me that Mr. Rule, whom you have just said is a superb expert in procurment, is not able to testify——

Admiral KIDD. On things he knows nothing about.

Chairman PROXMIRE. I did not ask him about the negotiations. He said he was not in on the negotiations, you and I agreed to that. But I asked him as one who is an expert in procurement, particularly an expert in the procurement of ships, to give us as good an understanding as he could have on the Litton situation.

Let me proceed. I understand that you did in fact visit Mr. Rule's home the day after, 24 hours after he appeared before this Committee, is that correct?

Admiral KIDD. Correct.

Chairman PROXMIRE. And you spent about an hour in his bedroom with his wife present—Mr. Rule was sick in bed at the time, is that right?

Admiral KIDD. He was. I talked to him on the phone before going over and asked him how he felt. He said he did not feel very well, that it sounded like laryngitis but it probably was nerves. He had had similar attacks after previous appearances.

I said it was very important that I see him that day, so I called from the hotel—he lives very close to the office—and asked if I might come up.

Mrs. Rule met me at the door, was most cordial, and when I came in, Mr. Rule smiled and said, "You are here to do a job, aren't you?"

I said, "Yes sir, I have come to accept your earlier offer to retire."

He smiled and he said, "I have seen it coming."

I said, "Well, I feel very badly about it, but apparently, you made your own decision that you weren't going to stay within the confines of the ball park", and I told him what I wanted.

He said, "Fine, I will sign whatever you want."

Then he started to talk and as he described it very well, the more he talked the more agitated he became, and this was certainly understandable. He asked me if the Secretary knew of my visit and I said I had talked to the Secretary the night before and that morning before coming over.

Mr. Rule smiled and said, "I understand."

Chairman PROXMIRE. So it was the appearance by Mr. Rule before this Subcommittee and your reaction and Secretary Warner's reaction that resulted in your going to Mr. Rule's house and asking that he submit his resignation. Is that right?

Admiral KIDD. Well, the way you put it, it is kind of hard to answer yes or no. You are damned if you do and damned if you do not.

Chairman PROXMIRE. Well, just tell what was the reason.

Admiral KIDD. In my heart, it was what he did not do and what he did do while here. I do not think it was the appearance, because you know, he and I were up here together before you——

Chairman PROXMIRE. Of course it was the appearance. It was what he said when he appeared before the Committee and what he did not say.

Admiral KIDD. It was but one more, and in this case, as far as I am concerned, since I am in charge of that ball club over there, the last log on the fire. He just can't—and as I said, he smiled and said, "Well, I just had to do it and I hope it was not in vain."

Chairman PROXMIRE. Now, you have told me that you talked this over with Secretary Warner the night before and the day you came over. Did you talk to any other official about this? Was this a decision entirely made by Secretary of the Navy Warner and yourself?

Admiral KIDD. I do not think I could give you a precise answer to that. There were many gentlemen with whom it was discussed. The decision was made among the many alternatives that he would be accorded the opportunity to retire as he previously had offered.

Chairman PROXMIRE. Who were the gentlemen? Who were the principal people with whom you discussed this? This was a decision of considerable importance. You have told us that he is a superb procurement expert and I think that was an honest response, and I think it is right, and to take what is perhaps your top expert, certainly one of your top experts, and transfer him under these circumstances is a very great decision. You have told us you discussed this with the Secretary of the Navy. Who else?

Admiral KIDD. I think he was the top man. It was indeed a grave decision, but I just never know what he is going to do next and I just finally made up my mind that I was not going to put up with it any longer. This had been going on for about 13 months now.

Chairman PROXMIRE. Have you ever discussed the resignation or the possible resignation of Mr. Rule prior to this? You have said that he offered his resignation.

Admiral KIDD. Retirement.

Chairman PROXMIRE. And you have testified this morning that on the night of the 19th and the morning of the 20th, you discussed the resignation with Mr. Warner and you say others subordinate to Mr. Warner, is that correct?

Admiral KIDD. Yes.

Chairman PROXMIRE. Did you at any other time discuss this?

Admiral KIDD. Yes sir. Correction, if you please, Mr. Chairman.

Chairman PROXMIRE. Yes sir.

Admiral KIDD. Retirement rather than resignation.

Chairman PROXMIRE. I beg your pardon.

Admiral KIDD. Apparently, there is a difference. I think there is.

Yesterday, I had—going back, when I first got to this job 13 months ago, I was told by advisers far and wide that I was going to have three problems—Litton, Grumman, and Mr. Rule. And I do.

Chairman PROXMIRE. I am sure you have other problems. What do you mean by that?

Admiral KIDD. Many other problems. These are probably as or more time consuming then most of the others put together.

Chairman PROXMIRE. I can see a distinction right here. Grumman and Litton have cost the taxpayers hundreds of millions of dollars. Mr. Rule has saved the taxpayers hundreds of millions of dollars. What other connection is there?

Admiral KIDD. I just made that comment that I was told I was going to have three problems.

But this is not a new thing. You must understand that. It is not a new thing. Mr. Rule is a loner, and a pretty good one on some occasions.

Chairman PROXMIRE. Boy, we need them, people who will stand up under these pressures.

Admiral KIDD. But when you make a decision, you have to expect and be able to depend upon performance. You cannot have the whole doggone team going to the right and one player out there to the left all by himself. You just can't do it and win very often.

Chairman PROXMIRE. Well, when that man out in the left is blowing the whistle and informing the Congress and simply responding to Congress, it seems to me he is serving a very vital central purpose in a democratic government.

Let me ask Mr. Rule to comment.

You have not had chance to comment for sometime, Mr. Rule, on the testimony of the Admiral.

Mr. RULE. Well, I would just like to say that if he has three problems, Litton, Grumman and Rule, I hope he is not as screwed up in the negotiations with Litton and Grumman as he is with me.

Chairman PROXMIRE. Admiral, have you ever discussed the decision to seek Mr. Rule's resignation or anything having to do with his testimony before this Committee with anybody in the White House?

Admiral KIDD. I missed about the first three words.

Chairman PROXMIRE. Have you ever discussed the decision to seek Mr. Rule's resignation or anything having to do with his testimony before this Committee with anyone employed in the White House?

Admiral KIDD. No to resignation and no to the question.

Chairman PROXMIRE. In the Office of the Secretary of Defense?

Admiral KIDD. Well, there have been many gentlemen interested down there. I would not attempt to begin to name them.

Chairman PROXMIRE. But you have discussed it with the Secretary, Mr. Laird?

Admiral KIDD. I have kept him informed, Mr. Chairman.

Chairman PROXMIRE. You have kept him informed? Did you discuss, let them know what you intended to do before you confronted Mr. Rule? Did you let Secretary Laird know?

Admiral KIDD. No sir.

Chairman PROXMIRE. Did you let any Under Secretary or anybody at the Assistant Secretary level know at the Department of Defense?

Admiral KIDD. No sir, I worked through Navy channels. You might be interested to know, just as an aside, after turning over in my mind Mr. Rule's visit with me the Friday afternoon preceding the Tuesday he was up here, when he told me how important it was to have leaks, I told him I just could not understand that philosophy and I thought about that real hard over the weekend and I recommended again on Monday morning to my advisers and other gentlemen that he be denied permission to appear before you that next day, because I did not know what he was going to say. And he did. He did it. He just blew it.

Chairman PROXMIRE. What did he blow? You have not been able to point to a single part of the negotiations that have been prejudiced. What he did was he responded to a question I asked him specifically about the appointment of Mr. Ash. Now, how did that blow anything?

Admiral KIDD. I think the answer to that lies in Mr. Rule's statement to me when I went to see him at home when he smiled and he said, "I had to do it." So he knew exactly wherein he found it impossible to conform.

Chairman PROXMIRE. Mr. Rule, what did you have in mind when you say you had to do it?

Mr. RULE. Senator, let's go back just a little. The Admiral talks about 13 months of not knowing what I am going to say or do, and I guess he is right. I happen to have a job description that is in the record describing my job; it is to challenge. That is the basic nature of my job, to challenge business aspects of contractual arrangements or negotiations that I do not think are in the best interest of the government. That is what I am getting paid for. That is what is in the record. A copy is attached to the letter I sent to the Commission, the Civil Service Commission, and I reserve the right to do that.

Now, I see this situation, the Litton and the Grumman situation, as a perpetuation of what I previously testified is dead wrong in the Navy. You know that Admiral Sonenshein took it upon himself as Chief of the Naval Ship Systems Command to negotiate the Avondale and Lockheed settlement and I have testified that I thought that was wrong.

Now, here is Admiral Kidd——

Chairman PROXMIRE. What that did was to cut you out, cut the challenge out?

Mr. RULE. It cut me out. I will get to that. It cut out the people on the operating level who know much more about negotiations—they are professionals—much more about how to handle the companies. But the contractors, you see, always want to come in and start at the top. They do not want to start at the bottom and have a proper decision staffed up if necessary.

Now, here is Admiral Kidd negotiating personally with Grumman and Litton. It is a repeat performance of what Admiral Sonenshein did and I think it is wrong.

Chairman PROXMIRE. What you are saying is that it cuts out the challenge, it cuts out the criticism, it cut out the opportunity for the government's case on a bid basis to be presented effectively. Is that right?

Mr. RULE. Well, yes. The working level people, the professionals down there ought to have a chance to sift these cases, make a tentative decision, and if necessary, check it out topside. But these contractors do not want that.

I can tell you that the people in the Naval Ships Systems Command, if left alone, they will handle the Litton situation a hell of a lot better than it will get handled in Admiral Kidd's office.

Chairman PROXMIRE. Why?

Mr. RULE. Because they are professionals and they know what they are doing. This man has been in procurement 12 months, 13 months. All of a sudden he is an instant expert.

Admiral KIDD. May I respond.

Chairman PROXMIRE. What is your answer to that, Admiral Kidd?

Admiral KIDD. He is right. He is right. I have no corner on the market in brains.

Chairman PROXMIRE. Wait a minute. Is he right in protesting the challenge having been eliminated?

Admiral KIDD. He has been, as he often describes it, a conscience, and in that, he has done a pretty fine job. He is right in the need for contractors dealing with professionals, no question about it. When I was designated as the negotiator, the first thing I did was surround myself with a team of these gentlemen, experts, whose names Mr. Rule recommended to me, and they are the ones making the decisions, whose advice I have taken completely. There has been no overriding. To reassure you, because I have heard often and read that you feel that the civilians must be the gentleman, because of their continuity, their age and experience, they are in the majority in each case.

Chairman PROXMIRE. Yes, but in this case, what effect did it have, psychological effect, direct? They are human beings, as you have indicated—when you knock out Mr. Rule, whose function it is to challenge this, who has the expertise and the professionalism to do it in a proper and effective way. To take him out of the picture, then you leave it up to the people in your office, what kind of a message do they get? Take it easy. Soften up.

Admiral KIDD. No, no.

Chairman PROXMIRE. Why do they not get that message? I would if I were in your office.

Admiral KIDD. No, there are many other very competent senior experienced civilian gentlemen like Mr. Rule who are, I am sure, as good as he, perhaps better, and there are others there to carry on.

Chairman PROXMIRE. Admiral, I am sure that there are senior, competent men perhaps as good as Mr. Rule technically, but I doubt very much if you have any other loners who will stand up against the position taken by the Administration—any administration. I am not talking in a partisan way—Johnson, Nixon, it does not matter; we have had problems in procurement with both of them—to stand up against this kind of touch pressure, or pressure I get from Congress as we have had so often in these settlements. Mr. Rule has shown he has the guts and the heart to stand up. It is that kind of rare capacity which we need and which is being destroyed when you make him a consultant or a teacher instead of giving him the business job he had.

Admiral KIDD. No, there you and I differ. There are just so many gentlemen who have this intestinal fortitude to stand up and be counted and they do a very fine job of it. I do not believe that it is necessary to have as an ancillary capability the determination to circumnavigate the system, go outside the system to present your views once decisions have been made contrary thereto. This we do not need, Mr. Chairman.

Chairman PROXMIRE. Admiral, if we can't get people who will go outside the system once in a while, there is no possibility of Congressional control or civilian control.

It seems to me the problem with Mr. Rule—as you have indicated, he is very capable, he is a man who deserved the award that he received—do you not really mean Mr. Rule is the problem because he had the habit of telling his superiors the truth?

Admiral KIDD. Absolutely not. No sir. He has come down and told me wherein I have been in error on many occasions and where I have been able to take his advice, I have. He has identified one area here just now that, instead of negotiating claims for agonizingly long periods, we do the best we can, we send them then to the courts, if the contractor declines to accept our offer.

Chairman PROXMIRE. Well, how has he been a problem?

Admiral KIDD. Sir?

Chairman PROXMIRE. How has he been a problem?

Admiral KIDD. Well, we have not touched on one area here, on the matter of my not being able to count on the preciseness of his responses. This sort of thing shakes an individual's confidence. This came about last summer. This is just one more piece of the puzzle, where he came down to my office and indicated that he had a document which was exceedingly sensitive and would be a bomb, as he described it. I asked if I might see it. He showed it to me. I said, where did you get it?

He told me. He said, this thing should not be on the loose, it ought to be classified.

The next morning I asked my Vice Commander, because I was going to be out of town the next day, to get him down and track down this document.

Chairman PROXMIRE. Why should it be classified? Was it giving aid and comfort to the enemy?

Admiral KIDD. It was the same document that Mr. Kelly got hold of that was reported on in two parts here, beginning Friday of the week before you had your hearing.

Chairman PROXMIRE. Why should that be classified?

Admiral KIDD. Sir?

Chairman PROXMIRE. Why should that be classified?

Admiral KIDD. Because it reflected confidences by a contractor which I do not believe the contractor wanted or felt should be put in the public domain at that time.

Mr. RULE. Which is just exactly where I think it should be. The contents of this document—it is unclassified and I took it as soon as I saw it to Admiral Kidd and asked him if he knew about it. They are minutes of a meeting with Mr. Ash. And he did say, how about classifying it, and he did have his deputy call me.

Chairman PROXMIRE. Who said that? Admiral Kidd said how about classifying it?

Mr. RULE. Admiral Kidd did not say it at that time. His deputy called the next day and said he wanted to classify it. I said I am not going to classify it, it is not my document.

Chairman PROXMIRE. If you will be just a little more clear in explaining what this is. It is now in the public domain, as you say; Orr Kelly has had a column on it.

Mr. RULE. It is a memorandum, minutes of a meeting on June 16, 1972, with Mr. Ash, president of Litton, Assistant Secretary of the Navy Gill, Admiral Kidd and Admiral Woodfin from Ships. And it is not classified. Any boy, I do not think there is a thing in there that the public should not know. This is a company——

Chairman PROXMIRE. What is the substance of the memorandum?

Mr. RULE. Do you want to put the memorandum in the record?

Admiral KIDD. Do you have it?

Chairman PROXMIRE. Will you put that in the record? Can we make that part of our record, Admiral Kidd?

Admiral KIDD. Since it has been written about, I suppose it would not do too much harm.

Chairman PROXMIRE. All right, then, it is part of the record.

Mr. RULE. Offered by Admiral Kidd.

Admiral KIDD. No, you are the one who had it.

We are getting wide of the mark here, Mr. Chairman.

Chairman PROXMIRE. What is that, sir?

Admiral KIDD. We are getting wide of the mark. The document itself becomes academic at this point in time.

Mr. Rule told me that might he had gotten it from Officer A. This disturbed me, because in the first place, he had no business having it. In the second place, it was a direct indictment of Officer A's ability to keep things properly secured.

The next morning, Mr. Rule changed his story with my Vice Commander and said he did not get it from Officer A. When the article appeared first in the Evening Star, indicating that this document was on the loose, I had Mr. Rule down again and this time, he told me he had gotten it from still a third place.

Now, this, to me, is tampering with the truth and I cannot have people in positions of great responsibility and authority on whom I cannot depend to give me a straight answer.

Chairman Proxmire. Mr. Rule?

Mr. Rule. Senator, I could not have said that I got it from Officer A, because Officer A did not give it to me and I never said it. I did say that it came from his office and it did come from his office. And one of the peculiar positions, an unfortunate position, that I find myself in, being completely cut out by Admiral Kidd and his subordinates from these negotiations, is that people that are in the negotiations who do not like what is going on in the negotiations for some reason or other come to me. They either cry on my shoulder personally or I find documents on my desk.

Now, this is the result of the way these things are being handled and this is what Admiral Kidd does not like and I guess I would not like it either if I were in his place. But I would be conducting the negotiations in a way that this would not have to happen.

Chairman Proxmire. Mr. Rule, would you read that document that has now been made a part of the record that Admiral Kidd agreed could go into the record in view of the fact that it has already been written about?

It is very short, as I understand it, one page, one and a half pages?

Admiral Kidd. May I withdraw my concurrence on that properly?

Chairman Proxmire. Why do you want to withdraw it? You said it is already in the record. We already have information on it.

Admiral Kidd. Well, I just do not think it is fitting.

Chairman Proxmire. Why isn't it fitting?

Admiral Kidd. I feel a burden to anybody that I do business with to conduct business properly. You have a law of the land here some place that I am looking for that makes it a Federal offense to have proprietary contractual information floating around loose. And while I might not agree with the contractor or I might get furious over his intransigence or what not, I still have a burden from laws of the land that gentlemen like you pass to protect it.

Chairman Proxmire. What laws?

Admiral Kidd. Well, I will find it here in a minute.

Why don't you just go ahead, sir, and I will come up with it.

Mr. Rule. Senator, while the Admiral is looking for something, just let me say on this point that he now raises lack of confidence, I would like to make the point on behalf of a lot of other civil servants that this lack of confidence bit works both ways. It does not work just from the top down. There are a lot of competent, long in grade or, rather, in their job, personnel who can just as easily lose confidence in some of their superiors, military and civilian—in other words, it is a two-way street. Again, this may sound egotistical, but it goes to the point and I have to do it.

Here is the Distinguished Civilian Service Award that I got from the Secretary of the Navy. And it says, "Mr. Rule has consistently demonstrated extraordinary acumen, judgment, initiative and integrity," et cetera. But it specifically mentions judgment that Admiral Kidd now says he hasn't got any of.

I know what is going on just as well as a lot of other people do. And I will just say this: ever since I rejected the Avondale claim in July 1971, there have been efforts made—they have changed my job sheet, they have taken duties away from me, and I know what is going on. And I know that Admiral Kidd probably thinks I am a burr up his ass and he wants me out.

But this letter, Senator, from Assistant Secretary of the Navy Warner to get me that award says "His is the responsibility to challenge, to question, and to disapprove when such action is necessary, regardless of other considerations or consequences."

Now, that is my job, and believe me, boy, I have been doing it, so well that it does become a burr.

Chairman Proxmire. Thank you very much, Mr. Rule.

What I am going to do in this case—I think Admiral Kidd's initial reaction was competent and correct and made sense. The memorandum has been disclosed to the press, it has been in the hands of the press, but I think in order to make this discussion comprehensible, it is necessary for me as Chairman to read two paragraphs from the letter which are the principal issues involved here. This was a meeting held on June 6, 1972, including Mr. Ash, Admiral Kidd, and others. At this meeting, paragraph 3, which is one of the two paragraphs I will read, "Mr. Ash also recommended that the Navy consider presenting this type contract problem along with other similar shipyard problems to Congress. This presentation would be in the form of a procurement policy change and would perhaps require $1 to $22 billion. Mr. Ash indicated that he discussed such an approach with Mr. Connally. Mr. Connally was quoted as saying such a program should be positively presented on a grand program scale—make it bigger than the Congress."

Then in item ten of the memorandum, Mr. Ash indicated that, "It appears that some in the Navy have a built-in sense of self-righteousness concerning Litton's performance and that the Navy would have to relax this view if Litton is expected to proceed with the contract. Mr. Ash indicated that he intended to meet with Secretaries Sanders and Warner and then on to the White House to explain the problem."

Now, Admiral Kidd, would you agree that under the circumstances, your behavior could reasonably be interpreted as an effort to badger a subordinate into leaving the government service and as a disciplinary measure for making improper and unwise statements in public?

Admiral Kidd. No, Mr. Chairman, I would not.

Chairman Proxmire. Why would that not be a reasonable interpretation in view of Mr. Rule's clear resistance to this, his desire to remain in the position, his feeling that this is a Siberia, in effect, and certainly the general feeling that this takes him out of the action. He no longer can protect the public interest.

Admiral Kidd. Mr. Chairman, on the surface of the thing and the voluminous material that has been written in the newspapers thus far, I can certainly understand that sort of a conclusion. But I will tell you from the bottom of my heart, when I went over there to see him, it was to earnestly take up on a previous offer to retire because I did not particularly want to see him get hurt.

Chairman Proxmire. Well, now, so that we clearly understand just what the situation is, you have referred to his new assignment. I would like you to state what action has been taken with regard to Mr. Rule since his testimony on December 19th. There is some confusion in press reports and in explanations offered by various members of the Administration. Tell us precisely what Mr. Rule's status is and how it has changed since December 19th?

Admiral Kidd. Aye, aye, sir.

He has been detailed, and here I must choose the words carefully because I understand there is a fine point here—he has been detailed temporarily to be the consultant at this school whose mission and purpose I earlier described. At the present time, sir, he is on leave at his request. He is still on the payroll, still drawing full pay and emolluments for his GS 17 rating. And that is where we stand.

Chairman Proxmire. Did you say—you have said that you did not consider the new assignment a demotion; you do not consider it a promotion. Do you consider it an increase or a reduction in his responsibilities?

Admiral Kidd. Well, sir, I would say a lateral move.

Chairman Proxmire. A lateral move. Right off the field.

Any comments, Mr. Rule?

Mr. Rule. Senator, I think this question can be answered very easily, because of the letter dated 9 January, just yesterday, from the Chairman of the Civil Service Commission, he laid this to bed. He said "Officially, you are still the incumbent of the position of Head, Procurement Control and Clearance Division, GS 17."

Now, that lays that one to bed, at least for the time being.

Chairman Proxmire. So you are officially head of the Procurement Control and Clearance Division, is that right?

Mr. Rule. That is what this letter from the Civil Service Commission, signed by the Chairman, says, and that must have come as some news to Admiral Kidd, because he had given me a memorandum about two hours before I got this, that talks about my old office and my new office, and two days ago, I was in the office, on leave, working and he sent his deputy, a Vice Admiral, up to tell me to get out of the building, that if I was going to work for the Navy, my office was in Anacostia.

Now, when the Civil Service tells me that I am officially still the incumbent of the position of Head, Procurement Control and Clearance Division, I submit that I still have an office there and I still have a secretary and I still have a right to use it.

Chairman Proxmire. How do you answer that, Admiral Kidd? It seems that Mr. Rule has been told by the Civil Service Commission that he is still head of the Procurement Control and Clearance Division. At the same time, Admiral Moore, your deputy, as I understand it, yesterday told Mr. Rule that you wanted Mr. Rule out of his office, and that seems to me to be a little more than a lateral move.

Admiral Kidd. No, Mr. Chairman, I think there is a very reasonable answer to that—at least in my mind, and I did it. I told the gentleman that he was going to be detailed to this job over there to do the curriculum update and review at the school in procurement matters, which he said is where he was strongest and for which he had been hired. He then came to see me and said he wanted to go on leave. This was, I think, the day after Christmas. And I said, fine. He said he had some thinking to do. I said that would be just fine, you let me know when you are going to come back.

I asked Admiral Moore a few days later how long Mr. Rule was going to be on leave and when he would take up his duties over at the school, because I had had the school prepare office space for him over there. And here the other day somebody—I have forgotten now who it was—came down and said that Mr. Rule was in his office. I said, well, by George, to myself, he is back from leave and he is over here and I told him to go over there to the school. And I just wanted to make sure that he understood that I wanted him where I want him.

Then I found that he was still on leave and was using his old office in the frame of reference that the Commission described it which he just read.

Chairman Proxmire. Well, Admiral Kidd, with all due respect, I think you are asking this Committee and the public to believe something that is impossible to believe. Mr. Rule has an excellent and outstanding record of service and accomplishment. Everybody agrees to that. He was given a satisfactory performance rating on December 12th. A week later he appears before a Congressional Committee after receiving permission from the Navy to appear. He testifies, and one day later, you are at his sick bed demanding his resignation before the end of the business day. Later you transfer him to a Navy school as consultant and he is stripped of his authority as head of the Procurement Control and Clearance Division. Yesterday your deputy tells him you want him out of his office and out of the building. Yet you maintain that he is not being punished because of his testimony before this Committee. Surely you must concede that his treatment has something to do with what has happened to him since he testified.

Admiral Kidd. I have spoken to all those points already, sir. You have summarized them, I believe, without taking into account the testimony that has been given completely.

Indeed, that which occurred up here, errors of omission and commission, inability to stay within the frames of reference that were laid out for him—that, as I said, sir, was the straw that broke the camel's back.

Chairman Proxmire. And you feel, then, that it is perfectly proper and within the law—I have read the law once; I do not think I have to read it again—within the law to kick a man out of his office, take away his authority and responsibility, to transfer him to a job that he does not want, that he has made very emphatically clear he does not want, and you do not call that harassment, you do not feel that anything but, as you say, a lateral movement.

Admiral Kidd. Correct, I am sorry.

Mr. Rule. May I make a statement, sir?

Chairman Proxmire. Yes sir.

Mr. Rule. I want to change it if I said I did not want that job. I will be glad to take that job. If they want a consultant on procurement matters and if they want the course updated, I will update it on Saturday. I can take that job on and do it in addition to the one I have already, the one the Commission says I have. I do not have any objection to helping the school, I will be glad to.

I asked Admiral Kidd if this could not be done from my office in his building. I had previously gone and talked to the expert in CNM on training, school training matters. I had asked them if it was necessary to be physically located at that school that has five personnel, and they said, hell, you could do it in your living room after breakfast.

So I then wrote a memorandum to Admiral Kidd and I asked him if I could do the job from my office in his office. And he wrote back and said, oh, no, it is too important. You have to be co-located in Anacostia.

Now, the fact is he wants me out of the building. He does not want my friends, who are in these negotiations, to be crying on my shoulder. Again, I just wish he would—well, it is perfectly obvious that—to me it is perfectly obvious, and I so told the Commission—that this reassignment or detail was an afterthought. It came after I refused in my bedroom that day to sign a retirement piece of paper. It obviously is a punitive action.

Now I understand that it is the result of several things I have done over a period of 13 months that has made him lose confidence. Well, in this letter from the Commission, it says categorically that if you want to discipline anybody, you have to give them, the Commission regulations require that the agency must give the employees 30 days' advance notice of proposed adverse action, stating specifically and in detail the reasons for the proposed action, offer him opportunity to reply, consider his reply, and give him a final decision.

Now, none of this has been done and I submit to you that the very fact that the Admiral sits here this morning and details in a public meeting these things which he should have done in detail and in writing by the Commission regulation is all the proof you need that he is not following the Commission regulations and he has violated that very regulation of notice and detailed information by coming in and making that statement.

Chairman Proxmire. As I understand, Admiral Kidd's position is that you have not been demoted, you have not been disciplined in any way, you are simply being transferred. You are not being harassed or punished in any way, shape, or form for your appearance here. He did not like your appearance, he said so, but you are being transferred to another job which he thinks has equal dignity, equal significance and importance, and you are being physically removed to another position.

Mr. Rule. Well, I think he has a great deal more to do to sell that point of view than he has done here this morning. And Senator, you read two paragraphs from that letter.

Chairman Proxmire. Yes.

Mr. Rule. You missed the most important paragraph. The most important paragraph starts off at the top. I am talking about the Ash and Litton——

Chairman Proxmire. Yes, we have it here.

The first paragraph: "At the request of Mr. R. Ash, subject meeting was held between 1030–1200 on 6 June to discuss Litton's analysis of alternative solutions to performance of the LHA contract."

Mr. Rule. Get this, their alternative solution. This is what Litton is telling the Navy in the form of Admiral Kidd, that after talking to their lawyers, here are the following alternatives. Now, read those.

Chairman Proxmire. "Mr. Ash indicated that based on consultation with his lawyers, the following alternatives appear to be available to the parties:

"A., Navy continue cost reimbursement payment basis beyond the 40-month current contract limit;

"B., Navy terminate the contract;

"C., Navy order work stopped;

"D., Litton stop work;

"E., Parties agree to reformation of contract;

"F., Parties agree to reduce contract quantity from 5 to 3 LHAs;

"G., Litton could sell the West Bank facility to the Navy; or

"H., Litton could sell or spin-off the West Bank facility to absolve Litton Industries of the guarantee responsibility."

Mr. Rule. Now, it is my contention that the public has the right to know that those are the alternatives that this company, with a billion dollars LHA contract, has come in and laid on the doorstep of the Navy. Individually or cumulatively, all those alternatives spell bailout.

Admiral Kidd. May I speak to that?

Chairman Proxmire. Yes, sir.

Admiral Kidd. The Congress needs to know that sort of thing. The Congress knows. This was made clear in testimony when I appeared some months back. There has never been, and I would underline this again, any question in my mind of the need, the correctness, and the propriety of the Congress being made knowledgeable of things like this at an appropriate time and place.

I would also for the record want to underline the fact that the Navy rejected those proposals as being quite unacceptable. So I think we are getting a little bit wide of the mark here if you push them.

On the matter of that law, Mr. Chairman, I have a copy of it here before me, Title 1, Crimes of Procedure, Article 1905, where it covers proprietary information with the contractor.

Mr. Rule. I do not know whether the inference is that there is something proprietary in that memorandum, but if there is, I fail to see it.

Chairman Proxmire. If there is, why was not it labeled proprietary, why was not it classified, why was it unclassified.

Admiral Kidd. Through oversight in my own offices. It was written by one of the gentlemen in attendance, put in his personal files, and how Mr. Rule came by it I do not know. The first time I saw it was when he brought it into my office some weeks after the meeting and that was when I asked him where he got it. I told him at the time that it was a sensitive piece of paper and should be classified.

Now, the man tells one thing one evening to his boss, he tells something else the next morning to the Vice Commander, he tells his boss a third story, on the Friday before he comes up here to see you. I would respectfully submit, Mr. Chairman, my confidence in this case reached its elastic limit.

Chairman Proxmire. Let me say, of course, that Mr. Rule has denied that, so this is in dispute. You assert that he told you that it came from Officer A, and Mr. Rule has denied that he said that.

Admiral Kidd, isn't it correct that you have negotiated personally with Roy Ash on several occasions on several contracts awarded to Litton including the LHA and several nuclear submarines?

Admiral Kidd. That is correct.

Chairman Proxmire. Isn't it also true that on at least one occasion, Mr. Ash brought up the name of the then Secretary of the Treasury, John Connally, and said in your presence that Connally was in favor of presenting a 1 billion dollar to two billion dollar program to the Congress to solve the problem of the shipyards facing the Navy?

Admiral Kidd. I do not think it is quite the way you put it, Mr. Chairman. As I recall that discussion, he indeed said he had been in discussion where Mr. Connally had been present and that this proposal had come up. But I do not recall it being precisely identified whose idea it was.

Chairman Proxmire. Well, the memorandum said, "Mr. Ash indicated that he had discussed such an approach with Mr. Connally. Mr. Connally was quoted as saying such a program should be positively presented on a grand scale—make it bigger than the Congress."

Admiral Kidd. I would not dispute the memorandum, Mr. Chairman. I just do not remember whose idea it was in that event.

Chairman Proxmire. Didn't Roy Ash tell you at this meeting that this refers to that he intended to go to the White House to explain the problem he was having with respect to the shipyard claims against the Navy?

Admiral Kidd. Yes sir, he did.

Chairman Proxmire. In light of Mr. Ash's closeness to the President and his appointment as head of OMB, I can see how the Navy might feel somewhat jeopardized when Mr. Rule expressed his opinion about Mr. Ash's appointment. After all, Mr. Ash is going to be one of the most powerful men in government, perhaps second only to the President. Is it possible that you have felt a failure on the Navy's part to take action against Mr. Rule after his testimony on the Ash appointment might be interpreted as a Navy endorsement of Rule's view and therefore it was incumbent upon you to do something?

Admiral Kidd. Oh, no. No, that thought never crossed my mind. I was embarrassed.

Chairman Proxmire. That was the first thought that crossed my mind.

Admiral Kidd. Well, I guess we think a little differently, sir.

No, that thought never crossed my mind. I was embarrassed when I read his testimony, not so much for what he said but the fact that, by George, he represented himself up here as a spokesman for the Navy. You yourself, in a letter to me, said, you sent Mr. Rule.

Hell, I did not send Mr. Rule.

Chairman Proxmire. You permitted Mr. Rule to appear, you and your superiors permitted Mr. Rule to appear.

Admiral Kidd. I suppose.

Chairman Proxmire. The Secretary did.

Admiral Kidd. The Secretary did. And at the same time, as a subordinate, an employee of the United States, I told him what to stay away from. He found it impossible to comply.

Chairman Proxmire. You have had personal dealings with Mr. Ash. What is your opinion as to his appointment and his apparent intentions not to refrain from involving himself in budgetary matters concerning Litton's claims against the Navy?

Admiral Kidd. I would not presume to comment on that.

Chairman Proxmire. Why not?

Admiral Kidd. Because I do not know. He is a pretty good businessman.

Chairman Proxmire. What do you think? After all, he is a pretty good businessman. He went to Harvard Business School, was number one in his class. He has made millions of dollars, is one of the most artful negotiators with the government. Now he wants to press his claim with the Navy. He says he won't let up on it and he is in this very, very powerful position. Do you think that makes sense, that that is ethical, that that does not represent a distinct, clear conflict of interest?

Admiral Kidd. No, I certainly do not. You take a look at the cross section of every civilian we have in a position of responsibility in the government; he came from business life. That does not make them all crooks.

Chairman Proxmire. Oh, I am not saying he is a crook. What I am saying is this man has hundreds of thousands of shares, millions of dollars, that have to be liquidated over a period of time, invested in Litton and he says he is going to press this claim and he is in a position to press it with enormous force.

Admiral Kidd. Well, I think that is overstating it.

Chairman Proxmire. How is it overstating it?

Admiral Kidd. Because I do not know that you are correct.

Chairman Proxmire. Well, we have a memorandum that you said——

Admiral Kidd. I think we are pretty doggone fortunate, pretty doggone fortunate in having the gentlemen of integrity and honor and competence, business competence, and acumen that we do in appointed positions in these United States; very, very fortunate.

Chairman Proxmire. Well, I think we have some fine people, splendid people. I have great respect for Mr. Packard, Mr. Laird, many others. They are able people. But here you have a case where there is an explicit, direct conflict of interest affecting your own branch, the Navy, and affecting the claims of the Navy. If these claims are all granted, the Navy's capability of providing adequate security is going to be jeopardized, in my view. One billion dollars, two billion—you can't spare that, you know it. You need every penny you can get from the Congress to provide the kind of defense that I am sure you would like us to have.

Admiral Kidd. You are expostulating now, I gather, sir, that Mr. Ash would put forward some such proposition and I do not think that is a proper assumption.

Chairman Proxmire. I do not know how else I can read this paragraph. What Mr. Ash indicated that he intended to meet with Secretaries Sanders and Warner and then on to the White House to deal with the problem. Now, of course, he is in the White House.

Let me ask you. As you know, we originally invited you to appear on 19 December on the costs and other economic implications of the Litton ship programs, especially the LHA and DD 963 and the F-14 aircraft. You declined to come, Admiral Kidd, on the grounds that you were involved in sensitive negotiations on the LHA and F-14 contracts. Mr. Rule was then asked to testify on general Navy procurement matters. Isn't it correct that you did not object to his appearance in any way, directly or indirectly, and that the Secretary of the Navy did not object to his appearance publicly?

Admiral Kidd. No sir, that is not so.

Chairman Proxmire. Did you make any kind of public statement that you did not object?

Admiral Kidd. Pardon?

Chairman Proxmire. You made a public statement?

Admiral Kidd. No, I do not quite follow. I mentioned earlier, you will recall, that when I found out earlier that Mr. Rule had been invited personally by you, I think on Wednesday the week preceding when he was to come, after the decision had been made that Mr. Warner, Mr. Sonenshein, and the rest of us would not appropriately appear at that time, that is when I went up to see Mr. Rule and spelled out for him in words of one syllable the things that it would be inappropriate to address up here. So I do not think it is proper to say that I had no reservations.

Chairman Proxmire. But you did not tell him not to come. You accepted the permission granted by the Secretary of the Navy. You did not—that was it?

Admiral Kidd. Yes, sir.

Chairman Proxmire. Then you told him that you wanted him not to comment on certain areas.

Admiral Kidd. Pardon?

Chairman Proxmire. Then you told him that you wanted him not to comment or respond in certain areas that you thought were sensitive.

Admiral Kidd. I told him that before he talked to Mr. Warner.

Chairman Proxmire. Admiral, I have attempted on several occasions to get the Navy to appear on the Litton and F-14 contracts. Each time the Navy says they will be glad to come but at a later time. I am afraid that your appearance will be so delayed that all important decisions will have been made and it will be too late for Congress to do anything but stand by and watch millions of dollars being wasted on mismanaged, inefficiently operated, gold-plated weapons programs. I would like you to agree to come back to this Committee on a date certain in the near future and testify on the programs I have mentioned.

Can you specify a date?

Admiral Kidd. No, and I take, respectfully, issue with the sweeping implications of your statement, that we keep Congress in the dark, because by jingo, we have been up here testifying before other Committees in the greatest of detail.

Chairman Proxmire. Well, you have testified before this Committee and you have been very helpful to us on occasion. On this particular area, these are programs that it seems to me do involve enormous sums.

Admiral Kidd. I am talking about these programs, Mr. Proxmire. These same programs, sir. We have been up here hours on end on both of these programs.

Chairman Proxmire. In public testimony?

Admiral Kidd. Yes, sir, before the House and Senate Armed Services and Appropriations Committees.

Chairman Proxmire. Well, you will not appear before our Committee. You will appear before those Committees, but not this Committee?

Admiral Kidd. That is my understanding, yes, sir.

Chairman Proxmire. Why is that? Are we too critical?

Admiral Kidd. No, sir.

Chairman Proxmire. You will appear before the hawks but not the doves?

Admiral Kidd. No, sir; I think Mr. Warner's situation, I happened to be in the office when he talked to Mr. Kaufman, is he agreed that we would be most willing to come up before your Committee at an appropriate time.

Chairman Proxmire. But you will not tell us when. You will appear before the other Committees, but not before this one.

Admiral Kidd. Those Committees hold closed hearings in order to protect the proprietary interests of the contractor in accordance with those laws that I mentioned. I certainly describe to the impropriety of airing bidding on contractual fiscal situations and like matters.

Chairman Proxmire. I understand that and of course, nobody can, nobody would force you to answer questions that you feel are proprietary. But you could still come before this Committee in open, public sessions. This Committee does not have any function privately. To meet privately would serve no function whatever. This Committee is a fact finding Committee, the Committee tries to get information to the Congress so they can act. Other Committees meet privately. I think in many cases they are wrong to do it, but in many cases they markup legislation and they proceed in that way. Our responsibility is broader. If you cannot come up publicly, it seems to me it does not serve any purpose.

I understand there are some cases where you could come up publicly—I think there should be—and then restrict your responses and not respond in areas that you think proprietary information is involved in.

Admiral Kidd. Could I ask your advice on a matter in this regard?

Chairman Proxmire. Yes sir.

Admiral Kidd. Let's take the Grumman situation, where we held the line to the everlasting discomfort of the contractor, made a public statement to that effect——

Chairman Proxmire. And I commended you when you made that statement.

Admiral Kidd. And that was very much appreciated, sir. Then these big ads in the newspaper and all. How much more public would you like us to get, sir?

Chairman Proxmire. Well, I would like you to get public to the extent of coming up and submitting to cross examination. These ads in the newspapers were by Grumman.

Admiral Kidd. That is correct.

Mr. Rule. Which was exactly, Senator, the point that I made and the reason I felt at liberty to jump off as I did and talk about their buy-in. I said in the record, "The reason I mention Grumman"—this is at page 180 of the transcript—"and I have not been a participant in any of the negotiations." I made that very clear. But I certainly felt that I had a right to respond and at least comment on and talk about that full-page ad that Grumman put in the paper, not knowing anything about the negotiations. That is what I thought the Admiral was talking about, that you can't talk about negotiations. I could not talk about them anyhow.

And the same thing with Litton. "I would like to make a couple of comments about Litton. I have had no part in the negotiations with Litton, either. But the fundamental point that again I think the public and the taxpayer should know about Litton," et cetera.

Now, I am sorry if those statements got the Admiral's nose out of joint and made him "lose confidence in my judgment."

Chairman Proxmire. Mr. Rule, I understood you to make statements emphatically backing the Navy's position in ringing terms. It seems to me you should be commended by the Navy for being loyal to their position.

Admiral Kidd. It did not stop soon enough, Mr. Chairman.

Chairman Proxmire. He did not stop soon enough? He can say so much and then stop.

Admiral Kidd, I have only a couple more questions. Then we have Mr. Mondello.

I want to apologize to Mr. Mondello, the

General Counsel of the Civil Service Commission.

Are you disciplining Mr. Rule by detailing him to Anacostia or not? If not, then why can't Mr. Rule do what he said he is capable of doing—that is, do both jobs, the one he has and the new detail?

Admiral Kidd. The answer to the first question is a flat out no, Mr. Chairman. The answer to the second question is because I do not think he can and as long as I am the boss, I am calling the shots.

Chairman Proxmire. Well, have you considered the evidence that Mr. Rule has given this Committee this morning, in which he says that he has talked to the people over there and they feel he could do it easily?

Admiral Kidd. Quite thoroughly.

Chairman Proxmire. You think it can't be done without his leaving his office, going over there physically, not coming back to any of his present functions, being taken out of the act entirely as far as action and procurement is concerned?

Admiral Kidd. That is correct, Mr. Chairman.

Chairman Proxmire. Well, how long will it take Mr. Rule to do this job?

Admiral Kidd. I do not know, Mr. Chairman.

Chairman Proxmire. Well, can you find out and let us know for the record?

Admiral Kidd. I would be happy to let you know when he starts.

Mr. Rule. I asked the Admiral that question. I asked him specifically how long this detail would last. He said he did not know, that it was open-ended and that after I finished that, he had other temporary assignments in mind.

Chairman Proxmire. How about that, Admiral?

Admiral Kidd. He is right.

Chairman Proxmire. So that if he finishes this job quickly, you will assign him to some other temporary job so that he will not come back to his responsibilities he has discharged so brilliantly that he has been cited for it?

Admiral Kidd. I am going to keep my options open on that, Mr. Chairman.

Chairman Proxmire. How can you say you are not disciplining him under these conditions?

Admiral Kidd. Well, because I did.

Chairman Proxmire. You did, but how do you justify that when you have a situation where you will not let this man even know how long this job will take? That would be very easy to determine, it would seem to me.

Then you furthermore say that when he finishes it, you have a few other things in mind, maybe a bowling alley to—

Admiral Kidd. I tell you what, Mr. Chairman, when I was sent back here from something that I really knew how to do, command of the Sixth Fleet, I sort of felt I was being disciplined. Mr. Rule has suffered no loss in pay, there has been no punitive action. I think really what we are talking about here maybe is a matter of personal pride. But there has been——

Chairman Proxmire. Admiral, reconsider your response there. You said when you were brought back here, you were considering that a demotion. You were given a promotion, in fact. You are the second highest ranking officer in the United States Navy, is that not so?

Admiral Kidd. No sir, not quite, number five.

Chairman Proxmire. That is pretty high. How could you consider that to be a demotion?

Admiral Kidd. I was speaking in jest, Mr. Chairman.

Chairman Proxmire. Well, I am sure, especially in contrast to what has happened to Mr. Rule.

Mr. Rule. If I may say something, also in jest, it would have made about as much sense for somebody to give me a set or orders to go out and relieve the Admiral and run the Sixth Fleet as it made to give him a set of orders to come back and run Procurement.

Chairman Proxmire. Aren't you in effect putting Mr. Rule in permanent exile, sending him to Siberia for good?

Admiral Kidd. No. sir.

Chairman Proxmire. In a subtle and—

Admiral Kidd. No.

Chairman Proxmire. Well, you have open-ended his present job. You have indicated that when he finishes it, no matter how well he does, you have other temporary assignments in mind.

Mr. Rule. And Senator, this is the last time I will interrupt. All I am asking is that Admiral Kidd abide by what the Civil Service Commission said yesterday: "Officially, you are still the incumbent of that job." Now, I am offering to do this other work and I can do it. If I could not as a GS 17, I ought to be fired, not retired if I could not do that job of upgrading the curriculum in the capacity of consultant. And the Admiral says that he is the boss and that is it. And that is where we stand. I will be happy to take on this other work, but I want that job just exactly the way the Commission says it is. That is my official job.

Chairman Proxmire. That is the job in which Admiral Kidd testified earlier you did superb work?

Mr. Rule. That is right and I want that job back just the same as the Commission says I have it today and I want to perform the job just as I always did.

Chairman Proxmire. Admiral, I want to say to you that I have great respect for you and you have performed with considerable distinction in a tough role this morning—It is not easy to do what you have to do—but with all due deference, I think you are insulting the intelligence of this Committee and the public to tell us with a straight face that this is not disciplining Gordon Rule when you take him out of his office, kick him out of his office in effect, refuse to let him stay in his office, transfer him to Anacostia to upgrade the curriculum, a job which he says he can do easily, and then say when he finishes that, you have something else in mind.

One other question. Admiral Kidd, Secretary Warner agreed to allow you to testify on this question of Grumman and Litton. All I am trying to do is get a date. Can't you tell me when you will come?

Admiral Kidd. No sir, not because I would not even hazard a guess as to when these negotiations are finished, Mr. Chairman.

Chairman Proxmire. You will not come before they are finished?

Admiral Kidd. That is my understanding.

Chairman Proxmire. You will appear before the other Committees but not before this one on these issues?

Admiral Kidd. That is my understanding, sir. Not on the contractual part, Mr. Chairman. Not on the contractual part.

Chairman Proxmire. As I say, we are asking you to appear on procurement matters in general. This morning, it was, as I think it should have been, directed at what I think was the disciplining of Mr. Rule.

Thank you, Admiral, thank you very much.

Mr. Rule, did you want to make a concluding statement?

Mr. Rule. If you wait for Admiral Kidd to settle all these contractual problems with Litton, he will be long gone, because we will not settle those problems with Litton for many years to come on the contracts they have, I am sorry to say.

Chairman Proxmire. I think you are right and I think I will be long gone, too.

Mr. Rule. I know damn well I will be.

Chairman Proxmire. Admiral, do you want to conclude with anything? I do not want to cut you off?

Admiral Kidd. Just thank you very much for your courtesy and the opportunity to come up.

Chairman Proxmire. Thank you sir.

Our final witness is Mr. Anthony L. Mondello, General Counsel, Civil Service Commission.

Mr. Mondello, did you want to make any kind of opening statement or just respond to questions?

### STATEMENT OF ANTHONY L. MONDELLO, GENERAL COUNSEL, CIVIL SERVICE COMMISSION

Mr. Mondello. I have no statement, Mr. Chairman.

Chairman Proxmire. All right, sir, will you first explain your position with the Civil Service Commission your responsibility and your qualifications to explain what recourse is open to civil servants?

Mr. Mondello. Yes, sir. I am the General Counsel of the Civil Service Commission and I have——

Chairman Proxmire. You are the General Counsel of the Civil Service Commission?

Mr. Mondello. Yes, sir, and I have a fair amount of familiarity with our regulations. As we change them, I have to comment on them and so forth.

Chairman Proxmire. How long have you been with the Civil Service Commission?

Mr. Mondello. I have been General Counsel of the Commission since March or April of 1968. I was formerly with the Department of Justice since '48. So I have that——

Chairman Proxmire. So for almost five years, you have been with the Civil Service Commission; before that, you were with the Department of Justice?

Mr. Mondello. Yes, sir.

Chairman Proxmire. And you have been the General Counsel, you say, for almost five years?

Mr. Mondello. About five years.

Chairman Proxmire. Will you explain the exact series of steps that must be taken in an appeal to the Civil Service Commission. What time period is involved, the length of time for each step and what governs the length of time for each step?

Mr. Mondello. There are a good many different appeals to the Civil Service Commission, depending on the matter you are involved with. Maybe it will help serve the purpose if I say this: The Congress has structured the areas in which we can entertain appeals. We can under the Classification Act, we can as a result of adverse actions which are taken initially under the Veterans Preference Act, but we have broadened out Veterans Preference right to the entire membership of the competitive service so that anybody who is a member of the competitive service against whom adverse action is taken has the right of appeal to the Commission.

The Congress has defined this action for us in Section 7511 of Title V of the U.S. Code. Reading from 7511, subsection 2, "Adverse action means a removal, suspension for more than 30 days, furlough without pay, or reduction in rank or pay." The only one that seems to require explanation is the reduction in rank, which really has to do——

Chairman Proxmire. Where you have a case where you have a man who is still the same rating—a GS–17, for example—so there is no reduction in pay and where his superiors say one thing—they say that it is not a demotion when they transfer him and he feels very strongly and very deeply aggrieved that he is being moved out of the function that he has the capability of performing, is there any grounds under any circumstances for the aggrieved party to appeal effectively?

Mr. Mondello. Yes, there are a number of things that such an aggrieved party can do and while I do not really feel free to disclose the content of the Commission's letter to Mr. Rule, which I have read, we have suggested to him what was wrong about some of the things the Navy apparently had done, because we have not conducted the proper investigation of the facts in order to make a decision in the case.

Chairman Proxmire. Well, we have that letter. We are disclosing it.

Mr. Mondello. Well, then, let me talk to it.

Chairman Proxmire. So you can comment on it. We will make it a part of the record. Explain what you mean by errors that the Navy may have made?

Mr. Mondello. I am speaking of the second paragraph of the letter to Mr. Rule.

Chairman Proxmire. "In your letter you stated that Admiral Kidd visited your home on December 20 for the express purposes of requesting you to retire. Under no circumstances can a manager coerce an employee's retirement and if this is what occurred, your refusal to agree to sign the request to retire was entirely within your rights, Federal Personnel Manual and so forth.

"You are calling this allegation to the attention of the appropriate Navy officials to assure that the appropriate action is taken?"

Mr. Mondello. That is right. What we say in the Personnel Manual and in our regulations with respect to involuntary retirement is the circumstances surrounding any separation from the force or any adverse action are designed to see that people get treated decently and in the event that they are treated in the kind of way that Congress has described as adverse, they have a right of appeal to the Commission where, in connection with that appeal, there will be a hearing, there will be an appeal examiner who will sit and objectively determine, in spite of conflict in the parts or conflict in the statements of the two parties, what indeed the facts were. This procedure has the virtue of being reviewed by the courts of this country and as you probably know—

Chairman Proxmire. It may be the fault of the Congress, may be a fault of the law, may be a fault of the Civil Service Commission or a combination of these things, but the difficulty is these appeals take forever and meanwhile the man is destroyed as an effective civil servant in his capacity. We have the case of Ernie Fitzgerald which has been going on now for three or four years.

Mr. Mondello. Yes, but there are things about the Fitzgerald case, of course. That case should have been over by now.

Chairman Proxmire. Maybe it should have, but let me ask you what is the excuse for such things taking three or four years. If there is no legal requirement for a two or three year review process, is it not simply a case of red tape and administrative paperwork?

Mr. Mondello. I offer you as a good critique of the Civil Service Commission system for handling appeals, particularly that part of it which is called the Agency Appeals System, a professor named Richard Merrill for the Administrative Conference of the United States who has just recently conducted a study. I happen to be a member of the Administrative Conference. The Congress has adopted already a proposal to see to the change in these procedures. Internally, I have been seeking the change in these procedures and the Commission has separately studied the matter.

But I think it is great that this independent entity, a separate agency of the United States set up by Congress just to do this kind of procedural study, has studied us to death and come up with some really procedural changes. There has been too much delay in the way things are handled, there has been too much duplication of hearings and other trappings that I do not think has gotten us any where.

Chairman Proxmire. So now you have a study that has been undertaken to see how things could be speeded up, right?

Mr. Mondello. I am certain that they will be speeded up.

Chairman Proxmire. When will that study be available?

Mr. Mondello. I think within a day or so.

Chairman Proxmire. Oh, really?

Mr. Mondello. I think the Conference is ready to send it to the Commission in report form. It is a recommendation by the Administrative Conference of the U.S. to the Civil Service saying to the Commission, we think you ought to change your present procedures in these and these and these ways. I happen personally to have voted for that in the Conference and I am eagerly pushing it in the Commission. But I think we are that close.

Chairman Proxmire. That is good to hear and I want very much to see that, because I think that is the problem, the first problem, at least, that a civil servant runs into. He may have an excellent case, he may win his case, hands down.

Mr. Mondello. But it takes too long.

Chairman Proxmire. But the first thing he has to do is present his case to the agency that has aggrieved him and that can always take a long time. Then he has to go to the Civil Service Commission and there the procedures can take a long, long time. You take Gordon Rule out of action for two or three years and he is destroyed.

Mr. Mondello. I do not see anything in the circumstances that I heard about this morning that would require any years period to——

Chairman Proxmire. First he has to go to the Navy.

Mr. Mondello. Yes, but I think that is a very quick procedure. It is a rather shortened and relatively informal grievance procedure. Since you were openly talking today about interbranch problems and whether Mr. Rule was indeed disciplined for what he said, I think you raised a very significant First Amendment question. Those questions, because they are constitutional and might affect his rights, are perhaps the only kind of question coming out of a grievance as distinguished from an appeal procedure that a court would be willing to accept jurisdiction on.

Chairman Proxmire. The Civil Service Commission, as I understand it, has three members, right?

Mr. Mondello. Yes, sir.

Chairman Proxmire. And one of those members is a director of the Litton Company?

Mr. Mondello. That is correct.

Chairman Proxmire. Receives pay from the Litton Company, $7500 a year, as a director?

Mr. Mondello. That is correct.

Chairman Proxmire. That member is a woman?

Mr. Mondello. Yes, it is Mrs. Jane Spayne.

Chairman Proxmire. Right, and she has not given any indication whether she will disqualify herself or not.

Mr. Mondello. I think she has.

Chairman Proxmire. The newspapers indicated that she had not so far. Perhaps she has.

Mr. Mondello. No, I read Orr Kelly's article of about a week or so ago when she was first contacted about it and she said obviously, she would disqualify herself if anything came before her that involved Litton.

Chairman Proxmire. I read that same article. I will put it in the record, but I didn't get that interpretation from it.

Go ahead.

Mr. Mondello. Well, as of this morning, I understand Congressman Aspin had written to Mrs. Spayne and she has prepared a response—I assisted her with the response, as a matter of fact, although she changed it and it is hers. I suspect that has been mailed and what she says is that she has no intention of sitting on a matter that will raise either the actuality of a conflict of interest or the appearance of one, and she has already told the Chairman—I think she did yesterday—that she would not have anything to do with the Rule case if it came before the Commission.

Obviously, we don't know that it ever will, but I think she has made her position clear.

Chairman Proxmire. Is there any kind of custom or rule on members of the Civil Service Commission receiving outside compensation?

Mr. Mondello. There is more than that. There is an entire program in the Executive Branch that begins with Executive Order 11222. There is a set of umbrella regulations in Part 735 of title V of the Code of Federal Regulations, because the Civil Service Commission has a large part of the responsibility for conduct, ethics, and conflict of interest in the Executive Branch. The program anticipates that people will have private financial arrangements and that they might indeed get in the way. So we have a program of disclosure and anyone who is responsible directly to the President, for example, under the Executive Order, has to file a financial statement with the Chairman of the Civil Service Commission.

Mrs. Spayne, merely because she is subordinate to the Chairman of the Commission, also must file with them and I happen to be the individual who reviews those in conjunction with the Chairman and checks out what the duties of an individual are as compared with what his financial interests are. And whenever I see any sign of danger, I consult with the Chairman and we try to see that people divest themselves of one thing or another. Sometimes this means that the people can't serve in this particular position.

Chairman Proxmire. Well, in this case, the opportunity would be available only for a 2-man review. If the Commission is split, then I take it he wouldn't have any recourse, he wouldn't have any basis for having his job restored.

Mr. Mondello. Not at all. It is all on how the facts ultimately come out. If adverse action is taken against Mr. Rule or if the matter gets to the Commission by virtue of the Classification Act—for example, I understood from your discussion with Admiral Kidd and Mr. Rule that there has been something going on with respect to his job duties. Well, we have rules about that on the books and a person's job description has to coincide with what his duties in fact are, because his pay depends on that and we do not let people lightly fool around with that. There is a separate classification appeal if somebody has misclassified his duties, so that if this danger approaches, we will know it in relatively short order.

I presume Mr. Rule will keep us informed, and if the matter gets out of whack, so to speak, there will be one or another avenue through which he can approach this. If he wants my counsel, he can have it. He obviously can have private counsel, too. But there are a number of ways in which he can come and get this business before the Commission.

Chairman Proxmire. Of course, the problem here and I think in most cases is not a clearcut situation where somebody appears before a congressional committee and the next day they are fired. It happened to Ernie Fitzgerald, it has not happened to Gordon Rule. There is a situation where Admiral Kidd is willing to come before a congressional committee with the public present and call it a lateral movement. I suppose a lateral movement is something that is very hard for the Civil Service Commission to appeal. He is just in a position where he has pretty much had it.

Mr. Mondello. No, I appreciate Mr. Rule's current difficulties as I heard him describe them this morning. The Admiral is correct when he described Mr. Rule's current assignment as a detail. We have regulations about details. The fact of the matter is that that detail can't run for as much as 30 days without the Navy cutting a document, a Form 52 or the equivalent, which must be placed in his official personnel folder, and he will inform us, I am sure, whether this has been done, whether he has received——

Chairman Proxmire. As I understand what will happen in this case is Mr. Rule has to move over physically to Anacostia for 30 days before any kind of action can begin, is that right?

Mr. Mondello. Well, let me back up just a little bit. Just as the Congress has given the Commission for which I work certain ways of getting into agencies to move toward correction of the grosser things that are done, and overall to see that personnel management is effective, decent, and what have you, so the Congress has also placed the power to appoint people and the heads of agencies the power to assign the duty and I would move slowly, if I were you—and the advice is free and you can reject it—but I would move slowly before I would circumscribe the ability of agency managers to do with people what the mission accomplishment seems to require.

Now, I appreciate the attitude I heard expressed from the Chair this morning and I am not unsympathetic with it at all. But managers—you place the responsibility on people. You tell them to get a job done, you give them the money to do it. Then I think it ill behooves you to take a commission like our own—obviously, we need far more resources to do it—to second-guess personnel actions before they have gotten to a stage that is so serious they can't be ignored.

Now, the measure of that gravity is already laid out for us by Congress. It might be that there is some closing of the gap you might want to do and if that is what you consider, why, we help you consider it.

Chairman Proxmire. That is it. You know, here we have a situation which seems just to be prima facie to me. I am a very prejudiced party in this case, I suppose, but it just seems so clear. Here is a man who was decorated, received the highest award anybody can get, only one civilian a year receives this decoration by the Navy, his rating is a satisfactory rating. The day after he appears before a congressional committee he is given this lateral transfer, they say. He is kicked out of his office, he is assigned to a job which I think he feels and I think many people feel is a pretty nothing job. He is told that job is open-ended, that when that job is ended, they can move him someplace else any time. This is a different situation from an employee who comes up and says, I think I am doing the best job I can do in this area, my boss does not agree.

You are dead right, a boss must be given a lot of discretion to move inefficient people out and put efficient people in who can do the job. That is absolutely essential. But where the facts are clear that you have an extremely efficient man, when his boss comes up and tells this Committee he is doing a superb job or has done a superb job, but that he is a loner, a whistle blower, it would seem there ought to be some way that you could act rather promptly—

Mr. Mondello. More quickly. Well, I think we are in about the same position that a federal district court is in when a federal employee goes to court and says, look what they are doing to me, enjoin them, make them stop it right now. The court ordinarily requires him to show that he has some prospect—

Chairman Proxmire. You can do that? Could you move in with an injunction and require the Navy to keep Mr. Rule in his office?

Mr. Mondello. I was hoping you would not ask me that. The Circuit Court of Appeals for the District of Columbia has said flatly in one case that the Commission lacks that power. I would prefer to think that whether we can do so on the basis of sheer power, having the authority given by the Congress to do it, or whether we do it by general persuasion—which is the way our presence in most cases causes informal resolution of these matters—the court has said that. So I think in all fairness, I should tell you that that is what the court has said.

Chairman Proxmire. I think more important than what the court has said is what you have actually done. Can you supply a list of specific cases where the Civil Service Commission has supported the claims of a government employee and has moved to assist him in his dispute with the government? Has this ever happened with the Defense Department, ever?

Mr. Mondello. I am sure it does.

Chairman Proxmire. Can you give me some specific cases, not some minor—

Mr. Mondello. They are not minor. To an employee caught up in something like this, it is not minor. This is his life.

Chairman Proxmire. I understand that. I did not mean it in that sense. I mean something that is in the public domain in such a big way that you have testimony before a congressional committee, that you have a man who can affect hundreds of millions of dollars in procurement. I am sure that at times, the Civil Service Commission has assisted somebody that in a way to them is the difference between life and death as far as their job is concerned, very important. But I am not talking about that entirely. I am talking about the big cases that affect the public treasury in the kind of way that the Rule case would.

Can you give us any instances?

Mr. Mondello. Well, in spite of what you may say, I am going to suggest to you that the Fitzgerald case is such a case I cannot really get to the merits of it, but the Commission can be deciding the merits of it—

Chairman Proxmire. Mr. Mondello, if you are citing the Fitzgerald case to me, I am really discouraged. Here is a case where this fellow was kicked out, fired from his job, everybody knows that. I asked the Justice Department to prosecute the Defense Department—I did not expect them to do it right away. But I asked them to do it. We have been waiting for years now, no action has been taken by the Justice Department. You have had hearings.

Mr. Mondello. We started them but they were aborted by Mr. Fitzgerald because there was an issue in the case which he felt—

Chairman Proxmire. That issue was he wanted them public.

Mr. Mondello. That is right and the issue has been litigated and we are back to hearings. Here is a case where the Defense Department, according to Mr. Fitzgerald's representations to us, used the regulations as a cloak for discharging him. There was this period when we litigated this other issue and I have nothing to say about that, it is done. But we are going to get to the mat on that issue and if the Commission finds his allegation is supported, there is no doubt in my mind that they will order the Air Force to restore him.

Chairman Proxmire. In this case, the court ruled that Mr. Fitzgerald was entitled to a public hearing.

Mr. Mondello. Yes. I think that issue was a matter of sufficient doubt and responsibility as an issue that it should have been litigated.

Chairman Proxmire. So the Commission caused the delay by not giving it to him in the first place.

Mr. Mondello. He caused the delay by asking—

Chairman Proxmire. Because of his asking for rights given him by the court.

Mr. Mondello. We have to find out what the facts are in the case yet. But we offered him the hearing and we determined to find out what the facts are.

Chairman Proxmire. Will you give me for the record the cases big and small, all the cases, in which the Civil Service Commission has supported the claims of a government employee and has moved to assist him in his dispute with the government? I particularly want those cases involving the Defense Department. All right?

Mr. Mondello. I hate to hesitate about this, but we have a complaint office in the Commission which handles I do not know how many thousand cases over a period of a year or 16 months. I do not want to list all those cases for you. I am sure a good many of them are from Army, Navy, and Air Force. Now, they are not all of the gravity you are suggesting. So let me offer this in return: I understand your question and I will go back and see what listing there is of cases that would be of the kind of importance you want.

Chairman Proxmire. I have great respect for you, you are obviously a man of competence, and for the commissioners, but I have a feeling—I would like to have it put to rest—that there are not many cases. There may be a few, but I would like to see a hundred at least. Don't give me the details, but just give me the names of people who have been assisted by the Civil Service Commission in getting their jobs. More than a hundred, or just go to a hundred. Can you do that over the last few years?

Mr. Mondello. Okay, but I like to think that one of the functions of the Commission is to assist not only employees but applicants in getting their jobs, getting assistance and—

Chairman Proxmire. I agree. How many cases do you process each year?

Mr. Mondello. I think there are something in the neighborhood of 2500 adverse action cases.

Chairman Proxmire. How many Civil Service personnel are involved in the review process?

Mr. Mondello. I guess on the Board of Appeals and Review, which is the highest level of appeals at the Commission, I think there are six or seven board members and probably the entire staff does not exceed 60 or 70.

Chairman Proxmire. Can you supply——

Mr. Mondello. The Appeals Examining Office below that level, there is one in every region, there is one locally here in Washington and they have some staff, some five to ten people.

Chairman Proxmire. Can you supply the Committee with a list of Civil Service Commissioners and a breakdown of their personal financial or advisory relationships with Defense contractors? We know about this one relationship Mrs. Spayne has. I would like to know about the other two Commissioners, whether or not they have any relationship whatsoever with Defense contractors?

Mr. Mondello. I will do that to the extent that I can do so under that Executive Order and without violating their privacy; yes, sir.

Chairman Proxmire. What does that mean? If it is of public record—you say they are required——

Mr. Mondello. It is not of public record, no, sir.

Chairman Proxmire. I thought you required disclosure and that was the protection.

Mr. Mondello. The disclosure is made to the Chairman of the Civil Service Commission. I told you I assisted in reviewing those things for the purpose of consulting with those people on what they want to get rid of.

Chairman Proxmire. So it is not available to the public and to members of Congress.

Mr. Mondello. It is not available to the public. I do not know that we have ever been asked for them by members of Congress.

Chairman Proxmire. So the only way we

can get the information is to get the Commissioners up here to testify.

Mr. MONDELLO. Much of the information comes out in confirmation hearings as a matter of course. I noticed the other day on Mrs. Spayne that the White House issued an announcement when they announced they were about to nominate her and that announcement said she was on the board of Litton Industries.

Chairman PROXMIRE. I am mystified. What do these Commissioners have to hide? After all, this is a very sensitive quasi-judicial function of greatest importance. Their integrity and their objectivity is immensely important. I know they want to be——

Mr. MONDELLO. Yes, sir, and I do not understand your questioning their integrity.

Chairman PROXMIRE. Why would this not be serving their interest as well as the public interest to let people know just what the situation is?

Mr. MONDELLO. It might be but I am not going to engage to give you those documents when I do not know what the Commissioners personally want.

Chairman PROXMIRE. I am asking you to request the Commissioners to give them to the Committee and if they will not give them to us, I would like to know about that.

Mr. MONDELLO. No problem.

Chairman PROXMIRE. Has there ever been a case before the Civil Service Commisison where you have supported the right of a government employee to answer questions before the Congress or to speak critically about any government practices?

Mr. MONDELLO. Yes, sir—well, before Congress, no. I do not know of any case that raises in First Amendment or other terms the prerogatives of an individual who comes up here as I am this morning and is asked questions that he either does not want to talk about or questions that he does want to talk about and somebody else thinks he should not. There are cases in the courts—First Amendment cases—including the Supreme Court, particularly a decision in the Supreme Court. The Meehan case, the case of a policeman and a union official in Panama who spoke out at a time when things were terribly restless down there and who was ultimately disciplined for it. That case got to the Court of Appeals three times.

Chairman PROXMIRE. This has a double effect. I am not only concerned about the right of government employees to speak out, speak their mind under the First Amendment. But there is another consideration which members of Congress might feel is important. That is the right of the Congress to know, our right to find out, our duty, in fact, to inquire of civil servants to understand what is going on to speak their mind.

Mr. MONDELLO. There is a provision in the Code——

Chairman PROXMIRE. A provision in the Code. I am asking you if you have ever done anything about it, if the Civil Service Commission has ever gone to bat for an employee testifying before it. All the years the Civil Service has been in operation and the Executive Branch has appeared and there are many instances where they have made statements that their bosses feel are indiscreet, if you can name any instances where the Civil Service has gone to bat for them.

Mr. MONDELLO. If you can cite cases that you know of where somebody has been discomfited by this or——

Chairman PROXMIRE. I understood you to previously answer that there were not any cases that you could cite.

Mr. MONDELLO. I am telling you about the cases I know that I have read in court decisions or that have come before the Commission where this issue is presented. I am hard pressed to discover them. I know a First Amendment case that took place at Warner Robbins Air Force base where an individual kept writing letters to editors and was chided by his superiors for doing so. I think he was critical of the war in Vietnam, but he insisted on signing his name and identifying who he was and where he was from. His supervisor cautioned him not to do that, telling him, I don't care what you say, but don't tie it to me, because I run a different kind of shop. I understand he was dismissed and if I recollect right, I think that case is somewhere in the District Court down in Georgia.

Chairman PROXMIRE. How long has that taken?

Mr. MONDELLO. I don't know.

Chairman PROXMIRE. He is dismissed and it has taken months or years? And it is still not resolved?

Mr. MONDELLO. This could be months, but I really do not know where the case is, at what stage, or whether there is a decision.

Chairman PROXMIRE. Your description is too brief to make any judgment on what you say. Any time you can't sign your name, that is pretty important.

Mr. MONDELLO. He could sign his name, but his supervisors objected to his indicating his connection with the Air Force, the Air Force taking part in this war.

You know, First Amendment problems are very serious problems. When you consider that you have this, the supervisory employees relationship, at issue before you now in this episode and then you have the overriding consideration of constitutional rights, you have some very serious business and I think it would be only appropriate to go look at what the courts are doing about these things. There are perhaps eight or ten cases I could get for you where federal or other public employees have had difficulty with being told they could not say something and the question arises as to whether they can be disciplined or removed or what have you. I think the cases are very instructive and I suppose if the Rule matter ever does get to the Commission in adverse action form, the Commission is going to have to get busy and look at those cases itself and decide what they mean.

Chairman PROXMIRE. I appreciate very much your testimony, Mr. Mondello. I hope you will submit, No. 1, the study you talk about which you say will be available in a day or so, which will tell us how this can be speeded up; No. 2, the cases that I have asked for which indicate what the Civil Service Commission has done in the past. It seems to me the Civil Service Commission has no more important task—it has many important tasks but no more important task—than protecting the right of people to speak their mind and the right in this free country of ours and the right of Congress to listen to testimony of people who have the courage to speak out critically about what is going on in the government. This is just absolutely essential and I will be very interested in seeing the extent to which the Civil Service Commission has acted.

But I very much appreciate your appearance here this morning. It has been most helpful to us. And the court case you just cited, we would like to have that.

Mr. MONDELLO. Yes, sir.

Chairman PROXMIRE. Thank you very much. The Committee will stand in recess subject to the call of the Chair.

(Whereupon, at 1:10 p.m., the Subcommittee was adjourned, subject to the call of the Chair.)

## ROBERT M. BALL, COMMISSIONER OF SOCIAL SECURITY

Mr. ROBERT C. BYRD. Mr. President, as we are witnessing a spate of resignations, voluntary and otherwise, in the administration, I should like at this time to draw attention to one involving an outstanding civil servant—Robert M. Ball, Commissioner of Social Security. I am confident that Commissioner Ball, both through the significant part he has played in the establishment of social security as we know it, and through his direction of a most competent staff, has rendered outstanding service to every Member of the Senate and to all of our constituencies. In recent months, his able handling of the black lung benefits program as an additional burden placed upon an already burdened staff, has tremendously benefited those of us who represent coal-producing States.

I ask unanimous consent to have printed in the RECORD a telegram which I directed to the President to express my admiration of the illustrious public service career of Commissioner Ball.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 6, 1973.

THE PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: The removal of Robert M. Ball as Commissioner of Social Security is difficult to comprehend. Unique in his expertise in a most complex field, he has also developed and supervised what might well be considered the most competent and accommodating corps of public servants to administer programs which vitally affect the majority of our citizens. His record is a lifelong public service career, outstanding in personal accomplishment, a model for career employees.

ROBERT C. BYRD, *U.S. Senator.*

## FLOOD OF DAIRY IMPORTS COULD MEAN DISASTER TO AMERICAN DAIRY INDUSTRY, CONSUMER

Mr. PROXMIRE. Mr. President, on December 30 the Department of Agriculture announced that the President had increased the import quota on nonfat dry milk by 25 million pounds. This is the added amount that can be brought into the country between December 30 and February 15.

Compare this flood of 25 million pounds over a mere 1½ months with the 1,807,000 pounds per year quota that had existed prior to December 30 and you can see that this decision will have a very substantial impact on the market for domestic dairy products.

Let us suppose the program is extended at this same level of 25 million pounds every month and a half. Then imports of nonfat dry milk would be cascading into the country at an annual rate of 200 million pounds—more than 100 times last year's quota. When we consider that it takes about 8 pounds of fluid milk to make 1 pound of nonfat dry milk we can see that such a program would displace 1.6 billion pounds of domestically produced milk and would have a significant impact on the domestic dairy market.

In essence the effect of this action will be to reduce milk prices to dairy farmers at the very time they are facing rising costs in the form of much higher prices for feed, increased wage rates, higher costs of equipment, a boost in taxes, and other items. As I will point out in a few minutes, the result could be an increase in Federal tax expenditures and, in the long run, higher consumer prices coupled with a reduced supply of milk—especially highly perishable fluid milk.

It is particularly significant, Mr. President, that this quota increase of 1,700 percent implemented without an investigation by the Tariff Commission, which is charged under section 22 of the Agricultural Adjustment Act of 1933 with reviewing dairy import matters. In fact in its haste to allow this huge increase in destructive imports the administration has tacitly admitted that its domestic dairy program has been mishandled. Let me explain why.

The Agricultural Act of 1949 authorizes a dairy price support program in these words:

> The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply. Such price support shall be provided through purchases of milk and the products of milk.

Each year since this legislation was enacted, the Secretary of Agriculture has set a price support level intended to result in adequate milk production to meet the needs of the market and provide dairy farmers with a proper return on their investment. Last year Secretary Butz ignored the advice of the National Milk Producers Federation, the spokesman for the Nations' dairy cooperatives, that the price support level be increased to 85 percent of parity. Instead the Secretary maintained the support price at $4.93 per hundredweight. This was 85 percent of parity on April 1, 1971 but is less than 75 percent of parity today. As a result the farmer has been receiving about 32 cents per hundredweight less for his milk.

By his failure to increase the support price Secretary Butz also failed to insure an adequate supply of milk for the American consumer. The domestic dairy farmer found that it simply was not profitable to produce milk in the quantities needed at home. Consequently the administration has taken the highly unusual action of increasing dry milk imports seventeenfold over a mere 1½-month period.

I do not deny that the prices of milk and many other dairy products, like all goods and services, have risen in recent months. I would ask those who protest such increases if it is reasonable or logical to expect that farm commodity prices should remain static while wage rates, interest rates, taxes, utility rates, equipment cost, and so forth, have risen for the farmer as they have for everyone. And I would also point out that dairy price increases over the past year have been substantially less than food price increases generally.

The point is that this import increase, ostensibly meant to hold down prices, comes at a time when domestic production has already begun its seasonal expansion. Consequently we can expect that it will result in both a further cutback in domestic milk production by farmers and, to the extent that it temporarily gluts market demand, an increase in distress purchases under the price support program. Of course this program can cost the American taxpayer hundreds of millions of dollars as domestic production, displaced by cheap foreign imports, has to be purchased with Federal dollars.

If this administration destroys the price support-market mechanism by flooding the domestic market with cheap imports whenever the supply-demand situation pushes prices up the result will be disaster for the American consumer. Dairy farmers will be forced out of business by artificially low import-compelled prices. The supply of milk produced in this country will dwindle. We will become more and more dependent on foreign sources of supply. Ultimately the consumer may have to pay a premium for milk, especially fluid milk, as our domestic supply evaporates. This will be particularly true if, through natural or political disasters, our foreign supply channels tighten up.

Since taking office 4 years ago, this administration has made much of the need for the market to play a greater role in determining farm prices. In recent months the dairy program has been operating in just such a manner. The administration's failure to increase the dairy support price last year has held down milk production to a sufficiently low level to wipe out Commodity Credit Corporation inventories of nonfat dry milk and cheese. CCC stocks of butter are at relatively low levels. The prices for these commodities has been determined by the market place rather than through an announcement by the Secretary of Agriculture. This is the often stated objective of the Nixon administration.

But now, having foresaken the price support program as a mechanism to provide adequate supplies of dairy products the administration seems to have scrapped its "marketplace" approach as well. The nonfat dry milk quota increase coupled with recent rumors of a secret trade study prepared under the direction of a top White House aide suggesting an expansion of dairy imports as a first step toward trade liberalism can only lead the American dairy farmer to wonder if there is any future in his livelihood.

Mr. President, this expansion of imports, both existing and prospective, in wholly unwarranted and ill advised. It will adversely affect farm income. It will adversely affect our balance of payments. It will increase Federal spending under the price support program. It will, ultimately, increase consumer prices.

I am currently working on legislation to counter the current import threat to the domestic dairy market. I hope to be able to introduce this proposal in the near future. I am sure that many Senators will want to join me in this move. In the meantime, I trust that the Tariff Commission will make the most thorough kind of investigation into the situation that resulted in increased nonfat dry milk imports, as required by law, and provide their report to the President. Perhaps in the light of such a study, the administration will alter what appears to be a very dangerous course.

## IMPACT OF FEDERAL PAPERWORK ON SMALL BUSINESS

Mr. BIBLE. Mr. President, during the last session, the distinguished Senator from New Hampshire (Mr. McINTYRE), conducted an extensive investigation into the impact of the Federal paperwork burden on small business.

His hearings exposed some frightening facts. First, it costs the businessmen of America an estimated $18 billion to complete paperwork required by the thousands of Federal, State, and local governments.

Additionally, it costs another $18 billion a year to print, peruse, and store the more than 4½ million cubic feet of paper forms involved. That is enough to provide Government forms for every man, woman, and child in this Nation 10 times over.

The cold, hard fact is that the Federal Government is burying the small businessman under an avalanche of paper. He is overwhelmed by a variety of forms and reports which the law requires him to fill out. And he must read hundreds and hundreds of pages of Federal manuals or guidelines in order to attempt to understand the forms themselves.

For example, in its stripped down form, the Internal Revenue Code is still 1⅜-inches thick. Together with voluminous regulations, bulletins, rulings, procedures, press releases, forms, and instructions, the total tax system that confronts the small businessman is literally a mountain of material which is nearly impenetrable to those lacking special tax training.

And the Tax Code is only one of hundreds of examples of Government programs which involve a maze of paperwork.

Against this background, and because the paperwork burden falls most onerously on the small businessman, I am pleased to have joined Senator McINTYRE in sponsoring S. 200, a bill requiring congressional committees which report out legislation to provide an assessment of any proposed paperwork or reporting system which would further contribute to this growing "Federal Form Pollution problem."

Senator McINTYRE has indicated to me that this measure is just the first of several bills aimed at reducing the Federal paperwork burden which will be offered during this session. Obviously, S. 200 alone will not solve the problem, but it is an important starting point.

Hopefully, it will create a new awareness on the part of the Members of Congress and our staffs of the present intolerable paperwork burden facing small businessmen and lead to a reduction in the wasteful, confusing and all-too-often, needless number of Federal forms and reports.

At the same time, I want to call attention to a most informative article in the January issue of "Hardware Retailing," the trade journal of the Nation's hardware retailers, which documents the extent of the paperwork problem facing this industry.

And this is just one of thousands of industries facing the same massive paperwork burden. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"I just can't stand it. I'm thinking of getting out and government controls and interference are some of the major reasons. Classic example . . . I've always hired kids. Minimum wage makes it impossible. So, kids walk the streets and I work harder. Who's the loser?"

"Too much . . . too much. If much more is required, I will liquidate and quit."

"Too much paperwork takes the time we should be using for merchandising displays, and keeping up inventory in each department. There is so much red tape in doing business today that it takes away all the pleasure you used to have in business."

The growing paperwork burden placed on all levels of the hardware industry has gone beyond the point of being a nuisance and an annoyance. The slowly building crescendo to the paperwork burden is expressed by the retailers above. Or, summed up, the question appears to be: "How much more will the retailer, manufacturer or wholesaler take before he throws up his hands in utter disgust?"

Hardware retailing editors conducted a one-page by-mail survey of the 3 levels of industry to gather the views, opinions and specific complaints of manufacturers, wholesalers and retailers about the growing paperwork burden. The survey brought some of the most impassioned responses to any HR survey.

### WHAT DOES IT COST

From a random sample of larger stores (above $250,000), the average store volume was $981,000. The "average" store employs 20 people, fills out 19 government-required state and federal forms per store on a quarterly basis and 71 reports or forms on an annual basis. These reports and forms require 245 man-hours to complete and cost $1,792 per store (this figure is based on retailers who filled in an actual dollar amount).

Wholesalers and manufacturers also agree that the paperwork currently required by the government is costing them time and money. Only one manufacturer said he had no trouble with the forms required by the government. (Their answers were in agreement with retailers, with cost and workloads, of course, being proportionately greater).

*Have you hired additional personnel to handle the paperwork and forms required by the government?* Of the retails answering this question, 29 said yes, 26 said no. Those answering "no" indicated that they couldn't afford to hire anyone on a full-time or part-time basis, and therefore the responsibility fell to a current employee or to the retailer himself.

Forty-six retailers say they found it necessary to hire outside firms to prepare tax reports, while 36 answered that they also hire a firm for other accounting purposes.

At an almost two-to-one rate, hardware dealers say they received outside advice or assistance in complying with government forms from their hardware association or wholesaler. Thirty-two have received assistance, 17 have not.

### WHAT KIND OF HELP?

Dealers say the associations and wholesalers have helped them understand or fill out the following reports: OSHA (Occupational Safety & Health Act), base price information, gun laws, federal and state income tax, wage and price controls, truth-in-lending, correct payments and benefits to part-time help and sales and withholding taxes.

William F. Ewert, managing director of the Illinois Retail Hardware Association, says he thinks his association has helped retailers most in the areas of accounting services. "We feel we have definitely had an increased use of the EDP accounting system due to the growing paperwork burden, because we relieve retailers of monthly sales tax reports, in addition to other state and federal accounting services such as the W2 forms," he commented.

Robert Gast of the Wisconsin Retail Hardware Association adds that one way hardwaremen are streamlining their business operations is to hire outside accountants to do the work because they're afraid of it.

"Some of the forms we help our dealers with include year-end reconciliation forms, both state and federal. There are also unemployment compensation, 941's, etc., etc. Of course, there are always rule changes, such as filing withholding tax on stores earning $2,000 or more per month within the given time limit. In this way, we try to help and keep our members as informed as we can," Gast says.

### RETAILERS' COMMENTS

Hardware and home center owners and managers answering the HR survey offered the following comments on the various forms the government requires.

"We have dropped guns and ammunition because of government forms. The safety act on electrical hook-ups, especially, is a mess. No one seems to know what they want," says a San Francisco dealer.

"There are too many factions to deal with—state, federal, city, county. They are all concerned with different figures—grosses, nets, before taxes, after taxes. Some are paid, quarterly, monthly, annually, bi-annually, semi-monthly. Some pay direct to a federal bank, some to the state or direct to city, or county," laments one New York retailer.

Several midwestern hardwaremen say forms are too late in arriving, too complex and too long. They feel one must nearly have a legal background to comply with the ever-increasing load of local, state and federal government rules and regulations, forms, surveys, etc.

*Do you keep records you would not normally keep as good business practice?* All 3 levels of the harware industry claim they do keep what they feel are unneeded records—retailers responded 5-to-one, while manufacturers and wholesalers agreed in virtually the same percentages.

Records mentioned most often include OSHA, wage and hour, unemployment (state and federal), sales, franchise, firearms, payroll, yearly injury list, ammunition mileage charts, health, tire, boat and motors, items that are sold but not subject to sales tax, price controls, travel, explosives and various city and state taxes.

### WHAT'S BEING DONE?

William G. Mashaw, managing director of NRHA, testified last May before the Senate Subcommittee on Government Regulations chaired by Sen. Thomas McIntyre (D., N.H.), and warned the subcommittee that government paperwork is forcing hundreds of small merchants out of business. (Information from the hearing is to be used to prepare legislation aimed at reducing the paperwork burden.)

Sheldon I. London, NRHA's director of government relations in Washington, D.C., adds that the possibility of new or different legislation is in the hands of the 93rd Congress convening this month.

"London, Gast and Ewert have formed a committee to gather information, forms and specific complaints that would lead to significant and positive legislative measures to help our 18,000 members reduce the paperwork load," says Mashaw.

Ernest P. Evans, chief investigator of the Select Committee on Small Business, says that the 3 bills will be introduced when Congress convenes. He labeled the bills as "the first corrective measures since 1942."

He reports that Sen. McIntyre recently finished the second set of hearings on the paperwork burden. "Sen. McIntyre did introduce the smaller 1040 form and simplified the 720 federal excise form for the small businessman," Evans says.

"We will re-examine the paperwork load and take effective steps to clear it up," the chief investigator adds.

Retailers, manufacturers and wholesalers, urging that " . . . something has to be done" . . . will acclaim his efforts—when successful.

### COMMENTS

Wholesalers and manufacturers listed 4 specific factors they found particularly annoying because of the paperwork currently required by the government:

Time-consuming.

No significant changes as a result of the information given.

Costly in terms of hiring someone else to fill out forms—especially for the smaller firms or companies.

Employee benefits cause duplicate cost when insurance company and wholesaler or manufacturer have to file individual reports.

Retailers voiced 4 general complaints about the paperwork:

Forms are too long.

Government regulations are not clear and understandable.

Too many forms to fill out, such as those on guns and ammunition.

Forms slow in arriving.

In addition to the 4 complaints listed above, 4 more aspects were frequently mentioned as trouble spots:

Employees should be responsible for paying taxes (i.e. Social Security and income tax withholding).

Too many forms and questions that appear to ask the same thing only on a different questionnaire.

The same form that has to be filled out separately because it is not in duplicate form (no carbon attached, etc.).

Dealers feel they should be compensated in some manner for all the time spent filling out reports.

### RETAILERS COMMENT

". . . Time has come to reduce paperwork on the small business and give one annual report to all agencies."

"Federal reports could be used as a basis for state reports by applying a percentage method . . ."

"It accomplishes nothing . . . has a smothering effect on efforts of the average small businessman in his attempts to operate efficiently. Trend must be reversed."

". . . As for time involved filling out forms, this is too difficult to compute. We have to have a customer to sign for every box of 22 shells, which is a considerable amount. We must complete a 4473 for the sale of a firearm and this takes about 5 minutes, times about 300 guns. We sell game licenses for a 5% fee which doesn't pay the pencil cost. Our bookkeeper spends at least a half-hour per day extra computing the sales tax because of exempt items. She spends about one hour, one day per week, computing overtime for payroll whereas we used to pay on a weekly basis."

". . . If this is a necessary method of doing business, then business should be paid a fee for this work."

"Forms were more than we could handle—all are now given to an accounting firm."

"We deplore the continual intervention of government agencies into private enterprise. Forms are just one of the headaches. As an atrocious example, we sell one agency that requires 4 copies of the original invoices. Not so bad you say. True . . . if it were not for the fact that *they return two* copies with their remittance!! What . . . did I make copies for? Me? The second area that involves forms as well as compliance to regulations is OSHA. The small businessman doesn't know where he stands. They tell you to fill out a form and then don't tell you what to do with it."

"In the last 10 years, our reports that we must prepare have doubled."

"It requires many hours—evening and Sundays—doing useless work for the government. This is the reason no young people are interested in business."

". . . We have curtailed any expansion plans due to government control."

"I'm beginning to lose track of what form is due when . . ."

"Ridiculous and getting worse daily. Unless something is done to alleviate all this paperwork, the business will soon own you, not you the business . . . I feel now if you can't be really big, then stay really small—a two or 3 man partnership—No employees."

## "TODAY SHOW" TRANSCRIPT

Mr. ROBERT C. BYRD. Mr. President, on January 8, I was interviewed on NBC's "Today Show." The interview was conducted in the network's Washington studios, located at WRC–TV, and the correspondents involved in the interview were: Bill Monroe, Washington editor of "Today," NBC news correspondent Paul Duke, and "Today Show" host Frank McGee.

A number of persons have asked me for transcripts of the show, or have otherwise expressed interest in the interview. Unfortunately, those transcripts are not available.

Therefore, I ask unanimous consent that the transcript be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

### AN INTERVIEW WITH SENATOR ROBERT C. BYRD

FRANK MCGEE. Last week the new Congress was in an opening phase, getting accustomed to new offices and committee assignments. This week the legislators are expected to get down to work. And we want to ask the Majority Whip in the Senate, Democratic Senator Robert Byrd of West Virginia, what's likely to come out of this first session of the 93rd Congress.

Senator Byrd is in our Washington studio with Today Washington editor Bill Monroe and NBC News correspondent Paul Duke.

Gentlemen?

BILL MONROE. Good morning, Frank.

Senator Byrd, the Democratic caucus in the House and the Democratic caucus in the Senate both voted overwhelmingly for the idea of legislation to end the war in Vietnam. What might come out of this?

Senator ROBERT BYRD. I think there will be a great deal of debate. I don't think that there will be a successful effort, however.

MONROE. You don't think there will be any legislation, or that the legislation itself will not bring about an end to the war?

Senator BYRD. I think the effort will be made. But I think that for the most part it will amount to an expression of the sense of the Congress, rather than being practicable with regard to bringing about the end of the war. Now, I say this because the legislation has to be passed by both houses; it would have difficulty, I would presume on the basis of the caucus votes in the House, in getting a majority vote in the House. If it were passed by both Houses, it would still be subject to a presidential veto. And I do not believe that two thirds of each house would override the presidential veto.

MONROE. How about a simple refusal to vote funds to extend the war?

Senator BYRD. I think this would have the same problem.

PAUL DUKE. Senator Byrd, you were the only member of the Democratic leadership team in either the House or the Senate who voted against the resolution in the caucus to cut off war funds. Don't you feel you're out of step with the rest of the Democratic leadership?

Senator BYRD. I don't think so. Senators are grown men. We all have our own constituencies in our own states and our own consciences to answer to. We don't fall out with one another about these things. I have supported two or three of the so-called "end-the-war amendments" in the past, and probably will do so again. We all, of course, agree that we want to see the war brought to an end, but we may disagree as to the means by which to attain the end.

DUKE. Why did you vote against the cutoff, then?

Senator BYRD. I felt that it was the wrong time and the wrong place and the wrong vehicle. The resolution would have absolutely no legal meaning; it would only serve, in my judgment, to weaken the position of our own negotiators. It would encourage the North Vietnamese to believe that the pressures in the United States and from the Congress might in the end cause them to give up less than they intended and get more than they expected. And I think it also created illusory hopes among the American people.

DUKE. Senator, if the negotiations bog down again in Paris, if there is no sign of a settlement, say, within a month or two months, what do you think Congress will do then?

Senator BYRD. I think there will be continued efforts to cut off funds.

DUKE. But you don't think they'll succeed?

Senator BYRD. I think it's difficult to anticipate their succeeding. Now, they may pass the Senate, as they have done before. I doubt that they would pass the House. If they do, they will probably have to go to conference, where the differences between the two houses would have to be resolved; and there would be problems there. If, in the final analysis, a bill should pass, then it would have to face presidential veto.

MONROE. Senator Byrd, are you among those senators who feel that the President should have arranged some kind of a consultation with Congress about the bombing that took place in December?

Senator BYRD. I am.

MONROE. How could he have done this? The White House says, among other things, that Congress was not in session.

Senator BYRD. It could have contacted the leadership of both houses without any difficulty.

MONROE. Would that consultation have changed anything?

Senator BYRD. I don't think so.

MONROE. But you think there should have been some effort, perhaps by telephone, to talk to people like Senator Mansfield?

Senator BYRD. Unquestionably.

MONROE. Scott?

Senator BYRD. Unquestionably.

DUKE. Senator, don't you think there's a more determined mood in Congress now to get the war over with?

Senator BYRD. I think there is. I think we have to remember, though, that Congress can legislate end-the-war amendments, it can legislate to cut off funds, but in the final analysis it cannot legislate to release the American prisoners of war. And I cannot envision any action on the part of the Congress to end the war without its also being conditioned on the release of American prisoners. And only the North Vietnamese can release American prisoners. And I feel that they want an agreement. I don't think that they will settle for the release of American prisoners as an even trade against our getting out of South Vietnam.

MONROE. Frank?

MCGEE. I'm a little confused. If Congress does not vote money for the war, there is, it would seem to me, nothing for the President to veto.

Senator BYRD. Congress has already appropriated funds which he can expend through January 30 . . .

DUKE. June 30.

Senator BYRD. June 30, 1973.

MONROE. Well, what about funds—going along into April, May, funds to extend the war beyond June? If they come up for a vote and Congress simply refuses to appropriate any more funds, no veto could affect that action, could it?

Senator BYRD. I don't foresee this happening. And as I say, the funds have already been appropriated which will carry us through June 30.

DUKE. Senator Byrd, suppose the bombing is resumed, the heavy bombing, which has provoked such cries of outrage from around the world and from some members of Congress. Suppose the President resorts to that tactic again in an effort to bring North Vietnamese to agree to peace terms. What do you think Congress might do in that case?

Senator BYRD. I think it would terribly upset the Congress. I hope the President will not resort to this tactic again; I don't think there's any military necessity for it.

MONROE. In order to repair the relations of the White House and Congress, which you and other senators have indicated are somewhat strained now because of lack of consultation, what kind of advice would you give to the White House about closer relationships with Congress? What should the White House do to bring the relationship closer?

Senator BYRD. It should have more meetings with the leadership and with the chairmen of committees on both sides of the aisle.

MONROE. Do you foresee any intent on the part of the White House at this point to do this?

Senator BYRD. I do.

MCGEE. Senator, have you ever met with the President?

Senator BYRD. I have . . .

MCGEE. How long . . .

Senator BYRD. On several occasions. But—

MCGEE. How long has it been, sir?

Senator BYRD. It was last year.

DUKE. Why do you suppose Mr. Nixon has been so reluctant to have meetings with members of Congress, to see people like you and Senator Mansfield, Senator Scott, when he served in Congress for such a long time himself?

Senator BYRD. I don't know why, unless it may be that he feels that everybody on the Hill is his adversary, which is not the case.

MONROE. There's also been some criticism about a lack of a speech on the part of the President to explain this bombing policy to the public. Are you among those who feel that should have been done?

Senator BYRD. I think that there should have been some explanation of this. I think that the American people should have been taken into the President's confidence. After all, he explained the Cambodian incursion. He also explained his actions on May 8th last year in—in bombing Hanoi and Haiphong and in—and in—in his actions with—with reference to the harbors.

MONROE. You do have a feeling, do you not, that the President does have some public support for the bombing policy?

Senator BYRD. I think so. I think that if he would explain his reasons to the public he would probably have more.

MONROE. Senator, we'd like to ask you

some questions about some domestic matters in just a moment. Right now back to Frank in New York.

McGee. And we will return to Washington shortly. We'll be back after this message.

* * * * *

McGee. Democratic Senator Robert Byrd of West Virginia, the Majority Whip in the Senate, is in our Washington studio with Today Washington editor Bill Monroe and our congressional correspondent Paul Duke.

And, Senator, before we turn to domestic affairs, as Bill said we would, I would like to ask one more question about Vietnam. What chance do you give the current phase of Kissinger-Le Duc Tho talks, which started in Paris today—do you think there's a chance for them?

Senator Byrd. I do. I think . . .

McGee. Could you tell—please go ahead.

Senator Byrd. I think there is a chance. I feel that if our own negotiators will demonstrate persistence and patience—I know that the meetings have been frustrating—and if the Soviet Union and the Red Chinese would apply some pressure on the North Vietnamese, I think we can get an agreement. We were led to believe that we were close to one, and I think that we can get one.

Monroe. Paul?

Duke. Senator Byrd, as you know, there is considerable sentiment in Congress now for challenging the President on a variety of matters, not just on the war, but on the fact that he is not spending all the money appropriated by Congress, on the fact that he doesn't let White House people come up and testify on the Hill. Do you think that Congress will do anything? Do you think that Congress will now try to regain some of the power which it has given up to the Executive Branch?

Senator Byrd. I think it will. But whether it can mount a sustained effort is the real question.

Duke. Well, now, as one example, the President recommended in 1970 a rather extensive reorganization program for Cabinet agencies. Congress sat on this and did nothing. Now Mr. Nixon has moved to implement this on his own by naming three members of the Cabinet to be super Cabinet officers. Does this offend you, that he has done this without getting Congress's approval?

Senator Byrd. I appreciate the President's desire to relieve the government of its muscle-bound condition, to use his phrase. I also share his desire to streamline the government and to get some better control over the sprawling bureaucracy. However I think that he's going about it in the wrong way. I think this is a terrible mistake, this appointing of three super Secretaries to form a—a super Cabinet. I think that it will create division and friction and ill will among the various departments. It is a downgrading of the departments of Commerce, Labor, Transportation, and Interior. I think that it will result in a fragmentation of responsibility, an overlapping of jurisdiction, a diffusal of authority that can only contribute to governmental schizophrenia and departmental chaos and confusion.

Duke. Isn't it also a downgrading of Congress? Because he is doing it—in effect, he is thumbing his nose at Congress and saying, "I'm going to do this regardless of what Congress thinks."

Senator Byrd. I don't think there's any question about it. The Congress will have difficulty in finding out where the power lies. One Secretary will make a statement, and another Secretary will refute that statement.

Duke. Well, what's Congress going to do about it?

Senator Byrd. I hope that Congress will go into it very thoroughly when it considers the nominations of Mr. Weinberger and Mr. Lynn. And I hope that it will possibly consider refusing the nominations if it is not satisfied with their testimony. There's a possibility down the road that it might cut off funds for some of the activities in those various departments. But I think the President's opening up a can of worms.

Monroe. Senator, would you foresee any possibility that somebody like the President's nominee for Secretary of Housing and Urban Development, Mr. James Lynn—that the Senate might hold up that appointment unless the administration gives assurance that certain housing monies that the Senate wants spent will be spent?

Senator Byrd. I think there's a possibility and I think it ought to. I think Congress has to utilize the instruments by which it can make its power felt.

Monroe. What do you think's going to happen in the argument between the Congress and the White House over spending of funds that the Congress has authorized spent and that the President doesn't want to spend, such as in the water cleanup bill? Mr. Ehrlichman, the President's assistant, said yesterday that some of these laws have mandatory language in them and indicate that the funds must be spent, but in other laws such language is not present and that in those cases the White House feels that the President can spend or not spend as he wishes.

Senator Byrd. Some of the impoundments are legal; some of them are mandated. But in most of these instances that we're talking about, they're not. And here's where the danger lies. I think that Congress ought to write into some of the bills a mandatory provision that the monies be spent for the purposes intended.

Monroe. How about the withholding of the water cleanup funds, where the President is spending about $5 billion out of $11 billion that the Congress wanted spent—is that a proper impoundment in your opinion?

Senator Byrd. I don't think so. Now, the funds haven't actually been appropriated. What he's doing, really, is impounding obligational authority, which is the same thing.

Duke. Senator Byrd, one of the reasons the administration is trying to hold down federal spending, of course, is to avoid a tax increase. Do you think it will succeed in this objective? Or do you foresee still the possibility of a tax increase in 1973?

Senator Byrd. I think there's the possibility of a tax increase. But I do feel that both the Congress and the Executive are going to exercise some degree of responsibility in holding down spending, so that perhaps a tax increase can be put off.

Monroe. Along the lines Paul is talking about, isn't there a valid argument that comes from White House people that the Congress has been irresponsible about spending and that one reason the President's got to hold these funds back is that the Congress doesn't count up how much it's spending in relation to keeping the budget down?

Senator Byrd. There is some validity to that. There are many times when Senators offer amendments to appropriation bills on the Senate floor on which there have been no hearings, and of course these increase the overall funds. There has been this irresponsibility, if we might term it that.

Duke. We're hearing new talk, too, about some kind of tax reform bill that would remove some of the inequities from the tax system. Is this a possibility this year?

Senator Byrd. It's a possibility. Mr. Mills has indicated that a tax reform bill might come along. I would rather think that it would be late in the year, if at all this year, and possibly next year.

Duke. What about welfare reform? Is that a possibility?

Senator Byrd. There is no question but there is need for welfare reform. But I don't foresee it coming along.

Monroe. Do you see any sweeping reforms of congressional procedures coming out of this session, Senator? There's been a lot of talk about reforms in relation to seniority, about reforms in relation to information gathering, bringing in computers and raising staffs and that sort of thing.

Senator Byrd. I don't see any fundamental changes coming along, no.

Monroe. Do you think they're needed?

Senator Byrd. I think that senators need to reform themselves. I don't think the fault is in our stars so much as it is in ourselves. I think that if senators would stay on the job, and stop running around the country and making speeches, and apply themselves to the work, and not be absent, I think that we could get a lot more done. A few computers perhaps, yes. But why have a $100,000 computer standing around for use three days out of 365? The Congress has the General Accounting Office, the Comptroller General's Office, with 5,000 employees; this is an arm of the Congress. Why doesn't the Congress utilize these 5,000 men more?

Monroe. Aren't you talking about a reform of human nature, Senator?

Senator Byrd. No, I'm just talking about a reform of our own working habits.

Duke. And when you suggest that senators shouldn't be running around the country, are you suggesting there should be no more senators running for President?

Senator Byrd. Well, I'm not suggesting there be no more, but perhaps there could be a fewer number.

Monroe. Senator, thank you very much for being with us this morning. Senator Robert Byrd of West Virginia, the Democratic Whip.

## ORDER FOR RECOGNITION OF SENATORS HATFIELD, BUCKLEY, JAVITS, CASE, AND HARRY F. BYRD, JR., ON THURSDAY, JANUARY 18, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Thursday, immediately following the remarks of the distinguished Senator from Alabama (Mr. Allen) and prior to the recognition of the junior Senator from West Virginia (Mr. Robert C. Byrd), the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. Hatfield, Mr. Buckley, Mr. Javits, Mr. Case, and Mr. Harry F. Byrd, Jr.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT FROM THURSDAY, JANUARY 18, 1973, TO 10:30 A.M. SATURDAY, JANUARY 20, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Thursday next it stand in adjournment until 10:30 a.m. on Saturday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORIZATION FOR COMMITTEE ON ARMED SERVICES TO REPORT NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services may be authorized to report the nominations of Messrs. Richardson, Clements, and Schlesinger during the adjournment of the Senate over until Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest what I hope will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). Without objection, it is so ordered.

## AUTHORITY FOR COMMITTEE ON FINANCE TO REPORT NOMINATIONS

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Utah (Mr. BENNETT), I ask unanimous consent that the Committee on Finance may report the nominations of Mr. Weinberger to be Secretary of HEW and Mr. Carlucci to be Under Secretary of HEW, notwithstanding the adjournment of the Senate over until Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

## PROGRAM FOR THURSDAY

Mr. ROBERT C. BYRD. Mr. President, the program for Thursday next is as follows:

The Senate will convene at 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized for not to exceed 15 minutes each and in the order stated: Mr. BELLMON, Mr. ALLEN, Mr. HATFIELD, Mr. BUCKLEY, Mr. JAVITS, Mr. CASE, Mr. HARRY F. BYRD, JR., and Mr. ROBERT C. BYRD.

At the conclusion of the special orders for the recognition of Senators, there will be a period for the transaction of routine morning business for not to exceed 1 hour, with statements limited therein to 5 minutes.

No rollcall votes are anticipated on Thursday.

When the Senate concludes its business on Thursday, it will stand in adjournment until 10:30 a.m. on Saturday next, at which time Senators will proceed in a body to the ceremony inaugurating the President and Vice President of the United States.

## ADJOURNMENT UNTIL THURSDAY, JANUARY 18, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian on Thursday next.

The motion was agreed to; and at 3:32 p.m. the Senate adjourned until Thursday, January 18, 1973, at 12 o'clock meridian.

## NOMINATIONS

Executive nominations received by the Senate January 16, 1973:

### GOVERNMENT PRINTING OFFICE

Thomas F. McCormick, of Connecticut, to be Public Printer, vice Adolphus Nichols Spence II, deceased.

### IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of captain:

William D. Harvey
Robert Russell
Claude W. Jenkins
Edmund Janczyk
Peter J. Delaat, Jr.
Robert C. Branham
Raymond H. Baetsen, Jr.
Robert S. Lucas
John F. Lobkovich
David J. Linde
Robert B. Sims
Gilbert P. Sherburne
Richard B. Brooks
James R. Kelly
William S. Black
Robert T. Platt, Jr.
John H. Byrd, Jr.
Kenneth G. Wiman
John D. Steinbacher
David F. McIntosh, Jr.
Robert V. Hackney
Robert G. Moore
Melvin W. Hallock
Edward J. Ard
Herbert G. Lyons
Patrick M. Jacobsen
Howard H. Istock
Robert J. Hanson
Edwin H. Daniels
Keith B. Schumacher
Ralph C. Hill
Charles E. Mathieu
Glenn F. Young
James E. Grabb
Edward C. Farmer, Jr.
Albert G. Stirling
Ernest E. Rowland, Jr.
David G. Howland
William D. Markle, Jr.
Donald C. Hintze
Bernard A. Hoyland
William E. Lehr, Jr.
Joseph M. Kelly
Hal F. Olson
Roger L. Madson
Walter W. Kohl, Jr.
James C. Irwin
William P. Kozlovsky
Edwin L. Parker
Milton Y. Suzich
Clyde T. Lusk, Jr.
Bobby F. Hollingsworth

The following-named officers of the Coast Guard Reserve for promotion to the grades indicated:

*Captain*

William P. Allen
Sandiford S. Bee, Jr.

*Commander*

Richard W. Doherty
Theodore L. Seaman
Lawrence C. Foley
Charles L. Hayes, Jr.

The following-named officers of the Coast Guard for promotion to the grade of lieutenant commander:

Richard E. MacDonald
Donald F. Potter
Earl J. Meiers, Jr.
Grant W. Risinger
Robert R. Dudley
James T. Fenner
David F. Orszak
Rene N. Roussel
James R. Norman
David W. Kennedy, Jr.
Roland W. Breault, Jr.
Robert R. Harber, Jr.
Valentine Gaida
Richard E. Simpson
Charles M. Burleson
Cordus C. Bough
Lennox A. Johnson
Louis Debernardi, Jr.
Owen M. Halstad
John E. Cutright
Herbert J. Nuse
Jack E. Arrington
John H. Freie
Daniel A. Sutyak
Doyle S. Porter
John H. Ingram
William B. Clark
Forrest W. Peil
Paul B. Robertson
Frank A. Christoph
Louis R. Stowe
Frank M. Alonzo
Charles H. Studstill
Richard L. Luna
Melvin F. Gouthro
Gilbert Aguilar
James A. Shepard
Johnnie L. Hair
Ammon C. McDole
Allen R. Gulau
Lenwood M. Quidley
John McCracken
William Aliff
Melvin Long
Joseph E. Tamalonis
William Race
Francis N. Harrell
Brent Malcolm
Stanley E. Bork
Willis E. Lawrence III
Robert C. White
James V. O'Neill
Robert F. Doughty
Paul G. Smith
Frank M. Chilszczyk, Jr.
Alvin K. Sumner
William N. Rohrer
John M. Lewis
Marvin E. Wilmoth
John F. Overath
Robert H. Stracener
George E. Ellis
Daniel R. Irving
Preston H. McMillan
Herbert L. Johnson
Thomas L. Young
William S. Ricks
William S. Vinson
Douglas R. Herlihy
Richard E. Bruce
Laurence J. Murphy, Jr.
James F. Van Vranken
Edward Stadnicar
Walter C. Parker
Donald C. Hibbard
William T. Foran
Ted G. Walters
Cassius L. Lisk
Theodore M. Nutting
James H. Ferguson
Jean Snyder
Edward A. Harmes III
Ross Bell
Francis W. Miller
Alton E. Turner
John P. Shioli
Leon K. Thomas
Clarence C. Martin, Jr.
Michael J. Dewitt
Dennis L. Morrissey
Charles S. Park, III
Roland H. Buster
Robert C. Hilker
Franklin L. Fountaine
Stanley W. Mead
Forrest W. Ringsage
Earl R. Schattenberg
Robert L. Perkins
Billy G. Bailey
Carlton P. Smith
Theodore J. Polgar
John K. Jenkins
Taft C. Pilcher
James W. Amos
Wayne W. Becker
William M. Simpson, Jr.
John D. Spade
Thomas E. Yentsch
Robert T. Luckritz
John A. Pierson
David K. Durry
Cecil W. Allison
Robert W. Mason
Kipling E. Grassit
Arcangelo V. Arecchi
William H. Blanchard
Michael E. Koloski
Edward A. Chazal, Jr.
William H. Norris
Frederick M. Hamilton
Samuel J. Dennis
Thomas R. Pennington
James A. White
Douglas H. Teeson
Robert M. Stephan, Jr.
Carl Josephson
Stephen L. Brundage
Kent H. Williams
Laurence H. Somers
Peter T. Poulos
Jerry M. Payne
John W. Carbin
Glenn E. Serotsky
Richard D. Manning
Paul M. Blayney
Donald S. Jensen
Carl H. Helman III
Joseph R. Offutt, Jr.
Howard Newhoff
James A. Sanial, Jr.
Ralph E. Anderson
Robert J. Gray
Randall D. Peterson
Paul N. Samek
Walter S. Viglienzone
Gerald J. Zanolli
Richard W. Walton
Thomas E. Omri
James D. Morgan
John E. Schwartz
Richard B. Chapman
Delgene O. Phillips
Joseph P. Coleman
Andrew T. Horsey
Gene E. Bowen
Joseph M. Rogers
Francis J. Wright, Jr.
Carl H. Pearce
Richard E. Ruhe, Jr.
Robert W. Christiansen
Robert L. Storch, Jr.
Larry R. Greif
Robert W. Scobie
Stephen H. Cox
James O. Alexander
Darwin D. Buettner
Donald J. Green
Robert E. Harrington, Jr.
Richard E. Casey
Richard A. Bundy
Harold V. Smith
Thomas H. Robinson
Peter L. Ehrman
Keith E. Nichols

The following named officer to be a permanent commissioned officer in the Coast Guard in the grade of lieutenant commander having been found fit for duty while on the temporary disability retired list:

Earl D. Johnson

The following named Coast Guard Reserve officers to be permanent commissioned officers in the Regular Coast Guard to the grade of lieutenant:

Edward H. Bonekemper III
Francis X. Owens
William E. Wade, Jr.
William M. Jacobs
Craig F. Eisenbeis
Richard G. Seagrave
John A. Doty
Gerald W. Abrams
Edward A. Altemos

The following named graduates of the Coast Guard Academy to be permanent commissioned officers in the Coast Guard to the grade of ensign:

Frederick A. Adams
Michael P. Adams
Carlos Alfonso
Thomas J. Allard
David A. Anderson
Gary M. Anderson
Kenneth F. Anderson
John J. Anthony
Michael M. Ashdown
Bruce P. Austin
Glenn M. Austin
Gregory M. Auth
Bradley N. Balch
William J. Barker
Charles A. Barrett
Jeffrey T. Barrie
David W. Beach
Steven J. Bellona
Robert G. Blythe
Timonthy C. Boardman
Dennis G. Bohlayer
Robert A. Bohlen
Michael R. Bowen
Rodney B. Bowles
Peter J. Boyd
Edward P. Boyle
Douglas I. Boyles
Kenneth D. Bradley
Deryck G. Bratton
Michael F. Breen
William B. Brooks
Clifford R. Brown
Michael W. Brown
Robert W. Bruce
Guy H. Buckelew
Robert B. Buford
John S. Burnett
Michael J. Calabro
Gregory S. Chapman
Steven E. Chapman
William D. Chappell
Brian J. Clark
Ray W. Clark
John S. Clay
Keith Coddington
Thomas J. Collins
Keith R. Colwell
James L. Converse
John D. Cook
Randal K. Corrigan
Michael J. Courtois
David B. Crawford
Stephen C. Patterson
Robin E. Crusse
James C. Devin
Robert E. Dodge
Thomas J. Donlon
Joseph F. Duncan
John T. Egbert
David E. Elliott
Daniel J. Farrell
Michael G. Fay
Robert H. Fitch
Thomas A. Fitzgerald
Harry K. Foote
Stephen H. Francis
Arthur J. French
Steven E. Froehlich
Stanley T. Fuger
Edward T. Gaines
Robert D. Gamble
David R. Gauthier
Bruce J. Good
Kenneth H. Good
Dante J. Grasso
Kevin J. Grote
George T. Gunther
Robein E. Gutridge
Thomas J. Haas
Thomas J. Hadley
Thomas W. Hathaway
William C. Helgeson
Larry L. Hereth
Douglass S. Hertz
Albert A. Hoffman
Patrick T. Hoopes
Timothy J. Howe
Tajr Hull
James W. John
Robert C. Johnson
Stephen L. Johnson
Mark D. Keyl
William D. Kline
Kenneth N. Knutson
Gary P. Kosciusko
Billy L. Laws
Grant E. Leber
Rodney M. Leis
Donald S. Lewis
Herbert A. Lewis
James R. Loew
Gary Mansi
Bruce D. Martin
Robert E. McDaniel
Samuel A. Melton
Thomas D. Meyer
Miles A. Millbach
Paul G. Miller
Peter T. Milner
Paul J. Moeller
Keith A. Moll
Freddy L. Montoya
David W. Moore
Carl V. Mosebach
Thomas J. Neill
Mark W. Newman
David R. Nicholson
Kenneth M. Morris
Robert F. O'Hara
Alan M. Orr
Louis J. Orsini
John V. Oshea
Alton J. Parks
Michael K. Parmelee
William G. Paulick
John D. Pendegraft
Allen W. Penn
Carl R. Perkins
Edward A. Perkins
Larry A. Peters
Robert F. Petko
Mark T. Piennett
Michael J. Pierce
William E. Plage
Peter A. Popko
Gregory L. Rahl
James A. Rauch
Richard J. Reardon
John C. Reed
Alan J. Rice
David M. Rice
Calvin M. Rich
Bernard J. Roan
Robert A. Robichaud
Michael A. Robinett
Michael M. Rosecrans
Robert C. Ross
Daniel J. Rothaupt
Robert F. Rzemieniewski
Michael R. Sadler
Dennis H. Schenck
Daniel J. Scherer
Warren G. Schneeweis
Robert A. Schwehr
Jimmie L. Sether
Mathew L. Sheep
Lawrence J. Shirley
Patrick L. Shuck
Freddy G. Simpson
Robert L. Skewes
David W. Smith
David W. Smith
Gary K. Sooy
William W. Spitler
John R. Sprouse
Gary S. Steinfort
Michael J. Stevens
Mason F. Stober
Frank L. Stoup
Harry P. Stratton
Daniel W. Stuhlmann
Steven B. Sullivan
Michael E. Swigert
Dale W. Thompson
James E. Tighe
Michael E. Toczek
Stephen E. Trechard
Robert O. Troxell
Noris M. Turner
George W. Uhly
John E. Veentjer
Kenneth T. Venuto
Byron D. Ward
John L. Ware
Michael R. Warren
Gary H. Watson
Michael J. Wensman
Philip P. Wieczynski
William J. Wilkinson
Robert F. Wilson
James R. Woeppel
George F. Wright
Anthony C. Yamada
David E. Young
Robert E. Young
Stanley H. Zukowski

### In the Navy

Vice Adm. James F. Calvert, U. S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

### U.S. Air Force

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, Title 10, United States Code, as amended. All officers are subject to physical examination required by law.

### *Second lieutenant to first lieutenant*

#### LINE OF THE AIR FORCE

Abbey, Thomas G., [redacted].
Abbott, Ira R., III, [redacted].
Abellera, James W., [redacted].
Aberle, John R., [redacted].
Accola, Thomas D., [redacted].
Acton, Thomas D., [redacted].
Acurso, Jeffrey L., [redacted].
Adams, Dennis W., [redacted].
Adams, James D., [redacted].
Adams, Louis S., [redacted].
Adkisson, Gary D., [redacted].
Ainslie, Robert S., [redacted].
Ainsworth, Loren C., [redacted].
Aja, Joseph G., [redacted].
Ake, Burton K., [redacted].
Albright, Kenneth R., Jr., [redacted].
Aldrich, Roger L., [redacted].
Alexander, William R., [redacted].
Allain, Richard S., Jr., [redacted].
Allen, Donald L., III, [redacted].
Allen, John B., [redacted].
Allen, Ronald R., [redacted].
Almeida, Roy J., [redacted].
Almquist, Kenneth C., [redacted].
Alston, James A., [redacted].
Altadonna, Lynn P., [redacted].
Alves, Jeffrey R., [redacted].
Amatulli, Ladis W., [redacted].
Ambos, Dale S., [redacted].
Ammon, Thomas L., [redacted].
Anawi, Gary R., [redacted].
Andersen, Theodore E., [redacted].
Anderson, Donald M., [redacted].
Anderson, William A., III, [redacted].
Andrews, Gary J., [redacted].
Andrews, James E., [redacted].
Andrews, Ralph E., [redacted].
Angelico, John D., [redacted].
Anthony, Thomas W., Jr., [redacted].
Antinone, Robert J., [redacted].
Antoon, David F., [redacted].
Aragon, Rudolph F., [redacted].
Arbaugh, Dana C., [redacted].
Arcuri, William Y., [redacted].
Arendt, Robert E., [redacted].
Arnold, Harry, [redacted].
Ashford, Gene M., Jr., [redacted].
Aucoin, James S., [redacted].
Aucoin, Peter A., [redacted].
Aufderhaar, Grant C., [redacted].
Austin, Gary M., [redacted].
Avery, Jimmie S., [redacted].
Babcock, Walter H., [redacted].
Bachmann, James L., [redacted].
Backstrom, Robert C., [redacted].
Bader, William G., [redacted].
Baehr, Kenneth M., [redacted].
Bagliebter, Gary M., [redacted].
Bahnson, Francis R., III, [redacted].
Bailey, John L., [redacted].
Bainter, Elaine A., [redacted].
Baker, Charles W., [redacted].
Baker, Donald L., [redacted].
Baker, Joseph E., [redacted].
Baker, Larry N., [redacted].
Baker, Larry M., [redacted].
Baker, Michael A., [redacted].
Baker, Raymond G., [redacted].
Baker, Richard A., [redacted].
Baker, Robert F., [redacted].
Baker, William L., [redacted].
Ballard, John A., [redacted].
Ballard, Robert H., [redacted].
Bang, Carl J., Jr., [redacted].
Bang, Stephen B., [redacted].
Baralt, Raymond A., [redacted].
Barker, Raymond H., Jr., [redacted].
Barker, Scott S., [redacted].
Barleben, Raymond J., [redacted].
Barnes, Bradley A., [redacted].
Barnes, Carroll T., [redacted].
Barnes, Stephen R., [redacted].
Barnette, William D., [redacted].
Baron, Douglas E., [redacted].
Barrall, James F., [redacted].
Barry, Marvin J., [redacted].
Barthel, Gerald R., [redacted].
Bartkowski, Michael A., [redacted].
Bartley, Harry M., [redacted].
Baskett, Robert E., [redacted].
Bates, Walter T., [redacted].
Battles, Dorsey B., [redacted].
Batuski, David J., [redacted].
Bauer, Paul A., [redacted].
Bauman, Donald W., [redacted].
Baxter, Gary L., [redacted].
Baxter, Harvey E., [redacted].
Bean, Allan K., [redacted].
Bean, Richard M., [redacted].
Beatty, Thomas R., [redacted].
Beaubien, James W., III, [redacted].
Beaulieu, Donald J., [redacted].
Bechtel, James B., [redacted].
Beck, Charles E., [redacted].
Beckley, Drew R., [redacted].
Beckman, Steven C., [redacted].
Bedard, Robert J. C., [redacted].
Beightol, Ward D., [redacted].
Bell, Brian S., [redacted].
Bell, Frank E., III, [redacted].
Bell, Lee P., Jr., [redacted].
Bence, Christopher F., Jr., [redacted].
Bench, Timothy P., [redacted].
Benedict, William N., II, [redacted].
Bennett, Harold J., Jr., [redacted].
Bennett, Keith E., [redacted].
Bennett, Ronald W., [redacted].
Benson, Dick G., [redacted].
Benson, William H., [redacted].
Bentley, Peter T., [redacted].
Bereit, Richard M., [redacted].
Berg, James A., [redacted].
Berkey, Robert P., [redacted].
Bernards, Herman W., [redacted].
Berry, Michael J., [redacted].
Berta, Steven J., [redacted].
Bertoldo, Donald R., [redacted].
Bettner, James M., [redacted].
Bewers, Geoffrey R., [redacted].
Beyer, Charles T., [redacted].
Bickle, Paul E., [redacted].
Bingham, Dennis A., [redacted].
Bird, Stephen E., [redacted].
Bisbee, Charles R., III, [redacted].
Bishop, John R., [redacted].
Bittenbender, Leona C., [redacted].
Bitzer, Richard L., [redacted].
Bjorklund, Richard D., [redacted].
Black, Charles, [redacted].
Black, Nathaniel L., Jr., [redacted].
Black, Robert J., [redacted].
Blatchley, Charles C., [redacted].
Blom, Raymond, [redacted].
Blomquist, Steven J., [redacted].
Bloor, Allan E., [redacted].
Blowers, Melvin L., [redacted].
Bobbish Charles E., [redacted].
Boe, Gary B., [redacted].
Boerum, Joseph E., Jr., [redacted].
Bohn, Charles J., III, [redacted].
Bohnenstiel, Robert L., Jr., [redacted].
Bolyard, William T., III, [redacted].
Bone, Terrence E., [redacted].
Bonesteele, Raymond G., [redacted].
Bonnell, Richard W., [redacted].
Bonner, Charles J., [redacted].
Bores, Joseph H., III, [redacted].
Borkowski, Gloria M., [redacted].

Bosco, Salvatore R., [redacted].
Bowers, Donald S., Jr., [redacted].
Bowie, Harold V., Jr., [redacted].
Box, Arthur C., [redacted].
Boyd, John E., Jr., [redacted].
Boyd, Robert W., [redacted].
Boyenga Kirk W., [redacted].
Boyles, David J., [redacted].
Bozeman, Charles L., [redacted].
Bradford, Victor P., [redacted].
Brady, James J., [redacted].
Braisted, Daniel M., [redacted].
Brandt, Thomas R., [redacted].
Brantley, Billy E., [redacted].
Braswell, Gary J., [redacted].
Braud, Stephen C., [redacted].
Brauner, Lonnie, Jr., [redacted].
Brechwald James E. [redacted].
Brentnall, Gerald J., Jr., [redacted].
Brewington, Daucey F., [redacted].
Brining, Donald R., [redacted].
Brink, Donald L., [redacted].
Brister, James L., [redacted].
Bristow, Ben M., [redacted].
Britton, Barry J., [redacted].
Broadwater, David D., [redacted].
Brock, James R., [redacted].
Brogdon, Bill D., [redacted].
Brogna Paul A., [redacted].
Brooks, Robert J., [redacted].
Brower, Arnold M., [redacted].
Brower, Charles L., [redacted].
Brown, Calvin W., [redacted].
Brown, Charles M., [redacted].
Brown, Keith S., [redacted].
Brown, Lawrence L., [redacted].
Brown, Paul T., [redacted].
Brown, Timothy A., [redacted].
Browning, Ronald G., [redacted].
Broyles, Stephen D., [redacted].
Bruck, Lawrence A., [redacted].
Brumbach, Jon R., [redacted].
Bruni, Jerome V., [redacted].
Bryant, Don R., [redacted].
Bryant, Robert S., [redacted].
Bshero, Raymond J., [redacted].
Buchanan, Francis, [redacted].
Buchanan, Donald G., [redacted].
Buckland, George H., [redacted].
Buell, Larry L., [redacted].
Buescher, Frank J., Jr., [redacted].
Bulmann, Rudolf A., [redacted].
Bunjer, Verl A., [redacted].
Buquor, Anthony F., [redacted].
Burgess, James L., [redacted].
Burke, Joseph G., [redacted].
Burke, Michael T., [redacted].
Burke, Thomas J., [redacted].
Burke, William E., [redacted].
Burke, William M., Jr., [redacted].
Burkett, Fred M., Jr., [redacted].
Burns, Hugh L., Jr., [redacted].
Burrow, Glenn A., [redacted].
Burtt, David A., II, [redacted].
Bush, Larry F., [redacted].
Bush, Patricia J., [redacted].
Butler, Richard E., [redacted].
Butt, Thomas, [redacted].
Butterfield, Alan V., [redacted].
Caldwell, Walter F., [redacted].
Calvert, Christopher N., [redacted].
Camacho, Joseph P., [redacted].
Campbell, Timothy R., [redacted].
Campbell, William H., [redacted].
Campbell, William L., [redacted].
Campione, Joseph A., [redacted].
Capellini, Aristide M., [redacted].
Caravello, Christopher, [redacted].
Cardinale, Richard O., [redacted].
Carey, Robert E., [redacted].
Carey, Timothy N., [redacted].
Carlsen, Gary A., [redacted].
Carlson, Douglas M., [redacted].
Carlton, Russell P., [redacted].
Carolus, Duane A., [redacted].
Carparelli, Russell, [redacted].
Carpenter, Gerald C., [redacted].
Carr, Larry A., [redacted].
Carson, Russell E., [redacted].
Cash, James G., Jr., [redacted].
Castor, Kenneth G., [redacted].
Cataldi, Christopher J., [redacted].
Cato, George D., [redacted].
Catoe, Mitchell, [redacted].
Cavin, Houston L., [redacted].
Cavin, William J., [redacted].
Chadbourne, Robert K., Jr., [redacted].
Chadwick, Robert T. [redacted].
Chambers, Robert J., Jr., [redacted].
Chambers, Robert W., [redacted].
Chapel, William E., [redacted].
Chapman, Terry C., [redacted].
Chatfield, James R., [redacted].
Chepolis, Paul T., [redacted].
Chereb, David M., [redacted].
Childs, Robert D., [redacted].
Chmelir, William E., [redacted].
Churchill, Carol L., [redacted].
Cieciwa, Greogory A., [redacted].
Clark, Christopher K., [redacted].
Clark, Darda B., III, [redacted].
Clark, John K., [redacted].
Clark, Lance R., [redacted].
Clarke, John P., [redacted].
Clay, Dennis R., [redacted].
Clingerman, Thomas B., [redacted].
Clohan, William C., Jr., [redacted].
Coatsworth, David R., [redacted].
Cobb, Marck R., [redacted].
Cochran, Mary A., [redacted].
Codlin, James R., [redacted].
Cohen, Lawrence A., [redacted].
Cohrs, Edwin W., [redacted].
Cole, Alden B., [redacted].
Cole, Edward S., [redacted].
Cole, James L., [redacted].
Coleman, Leland J., [redacted].
Coleman, Robert R., [redacted].
Colgate, James A., [redacted].
Colligan, Robert I., III, [redacted].
Collins, Patrick A., [redacted].
Collins, Peter, Jr., [redacted].
Colson, William B., Jr., [redacted].
Colyer, Calvin W., [redacted].
Compton, Richard N., [redacted].
Compton, Ronald J., [redacted].
Cone, Douglas B., [redacted].
Coniglio, Frank J., [redacted].
Conley, John C., [redacted].
Conley, William L., Jr., [redacted].
Connelly, Stephen R., [redacted].
Conti, Michael P., [redacted].
Cook, Joann P., [redacted].
Cook, William E., Jr., [redacted].
Cookerly, David H., [redacted].
Cooper, James R., [redacted].
Cooper, Robert N., [redacted].
Copeland, Melvin L., Jr., [redacted].
Corbett, Gary A., [redacted].
Corey, Larry E., [redacted].
Corey, Thomas D., [redacted].
Cornwell, Larry P., [redacted].
Corsetti, Charles D., [redacted].
Corsetti, Joseph A., [redacted].
Cotnoir, Marc E., [redacted].
Coulson, Edward R., [redacted].
Coulter, Byron L., [redacted].
Courtwright, Terry E., [redacted].
Covell, Philip A., [redacted].
Covington, Gary N., [redacted].
Cowan, Philip M., [redacted].
Coyne, James G., [redacted].
Craigie, Ronald P., [redacted].
Creech, John N., [redacted].
Crisafulli, Joseph A., [redacted].
Cross, Terrence L., [redacted].
Crouthamel, Phillip L., [redacted].
Crow, George D., III, [redacted].
Culbertson, Charles N., [redacted].
Culbertson, John D., [redacted].
Cumiskey, William T., Jr., [redacted].
Cummings, Howard W., Jr., [redacted].
Currie, Wayne D., [redacted].
Cusick, John J., [redacted].
Dahlen, Gary W., [redacted].
Daniels, Marc E., [redacted].
Daries, Henry J., [redacted].
Datema, Charles P., [redacted].
Daughety, James T., Jr., [redacted].
Davey, Mickey S. A., [redacted].
Davis, Frank, III, [redacted].
Davis, James N., [redacted].
Davis, Mark H., [redacted].
Davis, William F., [redacted].
Dawes, George A., [redacted].
Day, Kenneth P., [redacted].
Deemer, Thomas P., [redacted].
Defend, Alan E., [redacted].
Defilippo, John, [redacted].
Demand, Dana B., [redacted].
Denny, Frederic M., [redacted].
Deorio, James K., [redacted].
Desantis, Anthony, [redacted].
Dessert, Robert T., [redacted].
Deterich, Taylor L., [redacted].
DeWitt, Davis S., Jr., [redacted].
DeWolf, Howard G., [redacted].
Dickens, Dennis D., [redacted].
Dickey, Arthur C., III, [redacted].
Dietz, Robert A., [redacted].
Dilda, James H., [redacted].
Dill, Randall C., [redacted].
Dilley, Jack C., [redacted].
Dinardo, John N., [redacted].
Disosway, John F., [redacted].
Distelhorst, Thomas E., [redacted].
Dobbels, Mark A., [redacted].
Dockendorf, James E., [redacted].
Domingue, James M., [redacted].
Douglas, Frank E., III, [redacted].
Dove, Edgar L., [redacted].
Downing, Richard H., [redacted].
Drabant, Robert J., [redacted].
Drew, Terral W., [redacted].
Druzak, Stephen A., [redacted].
Duarte, Fernan, [redacted].
Dubois, Sidney P., [redacted].
Duerr, Eric R., [redacted].
Duesler, David M., [redacted].
Duffy, Kevin J., [redacted].
Duguid, Thomas E., [redacted].
Dunbar, Christopher H., [redacted].
Duncan, Douglas E., [redacted].
Dunn, James M., [redacted].
Dunn, Richard L., [redacted].
Durham, Christopher R., [redacted].
Dustin, Jacob D., [redacted].
Dybis, Ronald S., [redacted].
Eastman, William R., [redacted].
Edsell, Patrick L., [redacted].
Edwards, Clifford D., [redacted].
Egbert, Edwin C., [redacted].
Eldridge, Everett E., [redacted].
Elliott, Norman L., [redacted].
Ellis, Dwight F., [redacted].
Elliston, Davie M., [redacted].
Elmo, Augustine L., Jr., [redacted].
Emery, Curtis H., II, [redacted].
Emery, James D., Jr., [redacted].
Emmanuel, George N., Jr., [redacted].
Epping, Edward E., [redacted].
Erickson, Mark R., [redacted].
Erie, William A., [redacted].
Eslick, William G., [redacted].
Estavillo, Tomas, [redacted].
Etzel, James E., [redacted].
Evans, David E., [redacted].
Evans, Jerry P., [redacted].
Evans, Joseph W., Jr., [redacted].
Eversen, Barend, [redacted].
Ewig, Mark G., [redacted].
Fahy, Albert F., III, [redacted].
Fair, Michael K., [redacted].
Farmer, Francis A., III, [redacted].
Faulhaber, Kenneth B., [redacted].
Feaster, Stephen J., [redacted].
Ferencak, Andrew J., [redacted].
Ferguson, James G., [redacted].
Ferranto, Michael D., [redacted].
Ferraris, Albert M., Jr., [redacted].
Fessler, Clifford E., [redacted].
Fey, Walter B., [redacted].
Field, Jeffrey E., [redacted].
Fillmer, James L., [redacted].
Fine, Jeffrey N., [redacted].
Finkelstein, Leo, Jr., [redacted].
Finley, Gary L., [redacted].
Finnern, Roger F., [redacted].
Fischer, Bruce W., [redacted].
Fischer, Susan, [redacted].
Fischer, Thomas S., [redacted].
Fishburn, Thomas W., Jr., [redacted].
Fishman, Robert L., [redacted].
Flack, Eric G., [redacted].

Flaherty, Warren T., [redacted].
Flanagan, Gerald F., Jr., [redacted].
Fleishman, Mark A., [redacted].
Florey, Gregory D., [redacted].
Floyd, James S., [redacted].
Fokakis, Arthur N., [redacted].
Forbes, Donald E., [redacted].
Ford, Clyde W., Jr., [redacted].
Foster, Charles R., [redacted].
Fowler, James A., [redacted].
Fox, Peter H., [redacted].
Franchi, Joseph L., Jr., [redacted].
Franck, Derrick R., [redacted].
Freedman, James D., [redacted].
Freehan, Robert J., [redacted].
Freeman, Frank N., [redacted].
French, Bruce D., [redacted].
Friedenstein, Charles D., [redacted].
Friend, Arnold L., [redacted].
Friend, Ronald E., [redacted].
Frisbie, John D., [redacted].
Frost, Folteen F., [redacted].
Fry, James W., [redacted].
Fuhrmann, Heinz E., [redacted].
Funa, Francis M., [redacted].
Funnemark, Denis F., [redacted].
Furne, Larry L., [redacted].
Gabbert, John H., Jr., [redacted].
Gabreski, Donald F., [redacted].
Gaffey, John L., [redacted].
Galich, David J., [redacted].
Gallagher, John J., Jr., [redacted].
Gannon, John B., [redacted].
Garbe, Steven E., [redacted].
Garrison, David M., [redacted].
Garrison, James A., [redacted].
Garrison, John R., [redacted].
Garritson, Craig O., [redacted].
Garrity, John M., [redacted].
Gates, Larry L., [redacted].
Gavel, John, [redacted].
Gaw, David L., [redacted].
Geeding, James M., [redacted].
Gehman, John R., Jr., [redacted].
Geringer, Larry J., [redacted].
German, Elmer W., [redacted].
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Rankin, John J., [redacted].
Ransel, Alfred D., [redacted].
Rasmussen, Norman R., [redacted].
Rasor, Robert P., [redacted].
Rastetter, Arthur L., III, [redacted].
Rathbun, William L., [redacted].
Rauschkolb, Richard S., [redacted].
Rawls, James M., [redacted].
Raycraft, Gerald E., [redacted].
Rayl, George F., [redacted].
Rayl, Thomas J., [redacted].
Rayment, Larry L., [redacted].
Reale, John R., [redacted].
Redman, David J., [redacted].
Reed, Charles R., [redacted].
Reed, Gary K., [redacted].
Reed, Raymond L., II, [redacted].
Reeder, Glen L., [redacted].
Reel, Harry J., [redacted].
Reel, Thomas P., [redacted].
Reich, William J., [redacted].
Reid, Donald R., [redacted].
Reid, Paul A., [redacted].
Reiley, Michael T., [redacted].
Reiner, Troy D., [redacted].
Renaud, Joseph M., [redacted].
Retzer, Jere W., [redacted].
Reusser, David L., [redacted].
Reuter, Carl D., [redacted].
Riccardi, Frederick V., [redacted].
Richard, William H, [redacted].
Richman, Jerome B., [redacted].
Riddick, James T., III, [redacted].
Rietdorf, Robert, [redacted].
Riggs, Roger D., [redacted].
Riggs, Steven C., [redacted].
Ripley, James D., [redacted].
Ritchard, Larry H., [redacted].
Ritchey, Vernon S., [redacted].
Ritchie, Lynn V., [redacted].
Ritter, Richard D., [redacted].
Robbins, Cleudis, [redacted].
Robbins, Mark L., [redacted].
Roberts, Stephen M., [redacted].
Robinson, Jeffrey S., [redacted].
Robison, Rolland E., [redacted].
Robson, Howard E., [redacted].
Rodieck, Richard R., [redacted].
Rogers, James O., Jr., [redacted].
Rogers, Michael E., [redacted].
Rogers, Robert L., [redacted].
Rohm, David A., [redacted].
Rose, Michael L., [redacted].
Roselle, Roger W., [redacted].
Rosenblatt, Michael H., [redacted].
Rosenstock, Thomas L., [redacted].
Rossetti, Paul, [redacted].
Rouse, Ronald E., [redacted].
Rovito, Gilbert A., [redacted].
Rowell, William F., [redacted].
Roy, Bruce A., [redacted].
Royce, Clifford M., [redacted].
Rudy, Clifford M., [redacted].
Ruffin, Paul W., [redacted].
Runingen, Daniel C., [redacted].
Rusby, William C., [redacted].
Rushing, Don G., [redacted].
Russ, John A., III, [redacted].
Rust, Alan L., [redacted].
Ryan, Michael B., [redacted].
Rylander, Robert A., [redacted].
Salton, Ronald D., [redacted].
Sands, Harry J., III, [redacted].
Sargent, James F., [redacted].
Sarner, Steven R., [redacted].
Satrom, Steven B., [redacted].
Saunders, Ralph S., Jr., [redacted].
Saunders, Robert A., [redacted].
Schade, John W., [redacted].
Schaffenberger, Paul R., [redacted].
Schaffler, Mark C., [redacted].
Schelhaas, Douglas P., [redacted].
Schepens, William E., [redacted].
Schlaefer, Kurt T., [redacted].
Schmidt, Gary B., [redacted].
Schmidt, Richard L., [redacted].
Schmidt, Stephen R., [redacted].
Schmiesing, Roy L., [redacted].
Schmitt, Michael W., [redacted].
Schneider, Jack J., [redacted].
Schoen, Carl P., [redacted].
Schroeder, Marvin D., [redacted].
Schuler, Robert L., [redacted].
Schulke, Duane A., [redacted].
Schultz, Robert J., [redacted].
Schumacher, Jay K., [redacted].
Schumacher, Robert M., [redacted].
Schwartz, James G., [redacted].
Schweizer, Rudolph J., [redacted].
Sconyers, Ronald T., [redacted].
Scott, Donald C., [redacted].
Scullen, Robert W., [redacted].
Sears, Bernard E., [redacted].
Seeds, Walter A., [redacted].
Seese, Donald E., II, [redacted].
Seiler, Louis W., Jr., [redacted].
Self, Wayne L., [redacted].
Sellin, Paul J., [redacted].
Senft, Robert G., [redacted].
Sexton, David A., [redacted].
Seymour, Raymond P., [redacted].
Shaffer, Glen D., [redacted].
Shankel, Robert D., [redacted].
Sharkey, Steven J., [redacted].
Sharkey, Timothy J., [redacted].
Shaver, Jeffrey S., [redacted].
Shaw, Charles W., [redacted].
Shaw, Gerry W., [redacted].
Shaw, Jack W., [redacted].
Sheen, Michael C., [redacted].
Shelkowsky, Morris E., [redacted].
Sheperd, James G., [redacted].
Sherer, Jack H., [redacted].
Shevis, Gordon R., [redacted].
Shiely, Albert R., III, [redacted].
Shimomura, Richard K., [redacted].
Shira, Michael J., [redacted].
Shirley, James R., [redacted].
Shockey, Michael E., [redacted].
Shook, Billy H., [redacted].
Shore, Thaddeus W., [redacted].
Short, Michael N., [redacted].

Shultz, Delray F., [redacted].
Shumaker, Gerald C., [redacted].
Sikra, James C., [redacted].
Silvani, Richard L., [redacted].
Silvester, Terry R., [redacted].
Simmons, Larry C., [redacted].
Simoncic, Alan A., [redacted].
Simonson, Robert T., [redacted].
Simpson, Searcy L., Jr., [redacted].
Simpson, Stephen A., [redacted].
Sine, Frederick W., [redacted].
Sleeper, Leigh E., [redacted].
Sletten, Jeffrey O., [redacted].
Sloan, Charles J., [redacted].
Slozevich, Sam C., II, [redacted].
Smalley, Dennis E., [redacted].
Smiley, Floyd M., Jr., [redacted].
Smisson, Charlie T., Jr., [redacted].
Smith, Charles L., [redacted].
Smith, Charles G., [redacted].
Smith, Dale O., [redacted].
Smith, David L., [redacted].
Smith, Frank, Jr., [redacted].
Smith, Gregory L., [redacted].
Smith, Hewey E., Jr., [redacted].
Smith, James M., [redacted].
Smith, R. C., Jr., [redacted].
Smith, Richard B., [redacted].
Smith, Ronald C., [redacted].
Smith, Stanton T., III [redacted].
Smith, Thomas E., [redacted].
Smith, Timothy A., [redacted].
Smith, William B., [redacted].
Smith, William R., [redacted].
Smith, William B., [redacted].
Smithwick, Richard N., [redacted].
Snead, Robert C., [redacted].
Snyder, Cecil O., III, [redacted].
Sobol, Anthony J., III, [redacted].
Soltis, John J., [redacted].
Sonnenburg, Allen E., [redacted].
Sonobe, Blake I., [redacted].
Sorenson, Marius G., [redacted].
Sparks, George W., Jr., [redacted].
Spear, Thomas H., [redacted].
Spinner, Richard L., [redacted].
Spitzer, Brian J., [redacted].
Sprinkel, David M., [redacted].
Spunich, Gordon D., [redacted].
Spurgeon, James D., III, [redacted].
Stainback, David A., [redacted].
Staley, Charles W., [redacted].
Stamas, Louis N., Jr., [redacted].
Stamm, William F., [redacted].
Stanke, Edward C., II, [redacted].
Stanland, William E., [redacted].
Stann, John F., Jr., [redacted].
Staples, George M., [redacted].
Stead, Charles R., [redacted].
Stealey, John W., [redacted].
Stebner, Walter R., [redacted].
Steck, Harold D., Jr., [redacted].
Steiger, Nancy L., [redacted].
Stein, Thomas A., [redacted].
Stephens, Dwain E., [redacted].
Stepputat, Alfred B. W., [redacted].
Sterling, David E., [redacted].
Stern, Scott W. M., [redacted].
Stewart, Robert E. Jr., [redacted].
Stice, Eric R., [redacted].
Stickel, Jack R., [redacted].
Stocks, Maurice L., [redacted].
Stockwell, John K., [redacted].
Stoehr, Martin E., [redacted].
Stokka, Terrance L., [redacted].
Stoll, Carl P., [redacted].
Stolle, Erik M., [redacted].
Stone, Alan C., [redacted].
Stone, Bari, W., [redacted].
Stover, Robert S., [redacted].
Strickland, William J., [redacted].
Stringfellow, John H., [redacted].
Strittmatter, Harold T., [redacted].
Strobridge, Steven P., [redacted].
Stuart, Thomas R., III, [redacted].
Stumb, Charles E., [redacted].
Stump, Richard R., [redacted].
Sullivan, Daniel F., [redacted].
Sullivan, James M., [redacted].
Sullivan, Patrick C., [redacted].
Sullivan, Paul G., Jr., [redacted].
Sunderland, William A., [redacted].
Sutton, John E., [redacted].
Swailes, James E., [redacted].
Swaim, Allan L., Jr., [redacted].
Swanson, Dustin H., Jr., [redacted].
Swanson, Richard P., [redacted].
Swanson, Richard E., [redacted].
Sydla, Michael J., [redacted].
Symsack, Elmer F., [redacted].
Szczepanik, Russell L., [redacted].
Szczesniak, John G., [redacted].
Tabor, Terrence R., [redacted].
Tanabe, Dick Y., [redacted].
Tanaka, Patrick Y., [redacted].
Tate, Martin L., [redacted].
Taylor, John A., Jr., [redacted].
Taylor, John W., [redacted].
Taylor, Larry D., [redacted].
Taylor, Larry R., [redacted].
Taylor, Richmond L., [redacted].
Teeter, Herman M., Jr., [redacted].
Tench, William A., [redacted].
Terrill, Delbert R., [redacted].
Teschner, Charles F., [redacted].
Theobald, Alan C., [redacted].
Thomae, Steven A., [redacted].
Thomas, Dennis K., [redacted].
Thomas, John M., [redacted].
Thomas, Kenneth L., [redacted].
Thomas, Michael L., [redacted].
Thompson, Barry R., [redacted].
Thompson, Thomas W., [redacted].
Thomson, George T., [redacted].
Thrasher, Dennis L., [redacted].
Thykeson, Clinton A., [redacted].
Tieman, Larry R., [redacted].
Tinder, Alan J., [redacted].
Tipton, Robert L., Jr., [redacted].
Tkach, Vladimir, [redacted].
Tobin, Jay G., [redacted].
Todd, Richard A., II, [redacted].
Todd, Robert S., [redacted].
Torreano, Michael J., [redacted].
Tosti, John A., [redacted].
Townsend, Francis W., [redacted].
Townsend, John C., [redacted].
Townsend, Ray E., [redacted].
Trapnell, Robert N., Jr., [redacted].
Travis, William J., [redacted].
Traylor, Marvin L., Jr., [redacted].
Trilling, Ronald H., [redacted].
Trimble, Jack R., [redacted].
Triplett, Henry H., Jr., [redacted].
True, Ted W., [redacted].
Tupper, Norman C., [redacted].
Turman, Bobby N., [redacted].
Turner, Thomas L., [redacted].
Turquette, John N., [redacted].
Tuseth, Richard C., [redacted].
Twilley, John T., [redacted].
Tyne, John M., [redacted].
Ufier, Randall J., [redacted].
Ullman, Bruce L., [redacted].
Unzelman, Louis R., [redacted].
Upson, Carl M., [redacted].
Usry, Willis H., Jr., [redacted].
Utley, Tom W., Jr., [redacted].
Valenzi, Richard R., [redacted].
Valkenburg, James R., [redacted].
Valusek, John R., [redacted].
Vanaken, Harry W. III, [redacted].
Vanallen, Robert L., [redacted].
Vanalstine, Terry E., [redacted].
Vanderpoel, John E., [redacted].
Vanhorn, Kirby A., [redacted].
Vanliere, Dennis A., [redacted].
Vansickle, Judd R., [redacted].
Varnado, Lathan A., [redacted].
Vaughn, Robert L., [redacted].
Verardo, John E., [redacted].
Verrochi, Lawrence R., [redacted].
Vesel, Fred H., [redacted].
Viau, Richard P., [redacted].
Vickery, Glenn L., [redacted].
Vilbert, Michael J., [redacted].
Villarreal, Xavier G., [redacted].
Vogelgesang, David A., [redacted].
Vojtech, Larry J., [redacted].
Volkmar, Ronald L., [redacted].
Vonada, John A., [redacted].
Voss, Paul O., [redacted].
Wade, Joseph E., [redacted].
Wagner, James C., [redacted].
Wagner, Robert D., [redacted].
Walls, Charles G., [redacted].
Walsh, James J., [redacted].
Walsh, Kenneth V., [redacted].
Walsh, Margaret, [redacted].
Walters, Tome H., Jr., [redacted].
Walton, Richard E., [redacted].
Wang, David M., [redacted].
Ward, Charles A., [redacted].
Ward, Ralph R., Jr., [redacted].
Warner, Paul A., [redacted].
Warner, Randolph W., [redacted].
Washburn, Kenneth L., Jr., [redacted].
Waskow, Thomas C., [redacted].
Watkins, James C., [redacted].
Watkins, Thomas E., [redacted].
Watring, Harry G. II, [redacted].
Watson, Emory O., Jr., [redacted].
Watson, John D., [redacted].
Watson, Stephen G., [redacted].
Watters, Chalton J., Jr., [redacted].
Watts, Jerry L., [redacted].
Weathers, Edward B., [redacted].
Weaver, Russell L., Jr., [redacted].
Webb, Dayton B., [redacted].
Webb, Gregory R., [redacted].
Webber, Michael D., [redacted].
Weber, Frederick W., Jr., [redacted].
Weeks, Dale J., [redacted].
Wehrle, Joseph H., [redacted].
Weiland, Lewis S., [redacted].
Weir, William C., [redacted].
Welbaum, Robert G., [redacted].
Welch, David L., [redacted].
Welle, Allen H., Jr., [redacted].
Wenska, Stefan, G., [redacted].
Wertz, Faust, H., [redacted].
West, Charles T., [redacted].
Westbrook, Donald R., [redacted].
Westmoreland, Thomas M., [redacted].
Weyand, Gerald L., [redacted].
Whicker, Elmer, [redacted].
Whiddon, William I., [redacted].
White, Cullen L., [redacted].
White, Kenneth W., [redacted].
White, Michael G., [redacted].
White, Paul R., [redacted].
White, Robert E., [redacted].
Whitechurch, Charles J., [redacted].
Whitehead, Phillip M., [redacted].
Whitney, Frederick C., II, [redacted].
Whittaker, Russell L., [redacted].
Wiisanen, Russell L., [redacted].
Wiley, Richard C., [redacted].
Wilkinson, David M., [redacted].
Wilkinson, Edward C., [redacted].
Williams, Dan D., [redacted].
Williams, Dennis E., [redacted].
Williams, James R., [redacted].
Williams, Nathaniel, [redacted].
Williams, Richard B., [redacted].
Williams, Richard L., [redacted].
Williams, Ronald C., [redacted].
Williamson, Steven L., [redacted].
Willoughby, Steven B., [redacted].
Wilt, Donald C., [redacted].
Wimberly, Gary V., [redacted].
Witherell, Thomas J., [redacted].
Witiw, Michael, R., [redacted].
Witt, Thomas P., [redacted].
Witt, William P., [redacted].
Wittman, Thomas V., [redacted].
Wittnebert, David A., [redacted].
Witty, Robert M., [redacted].
Wolf, Michael L., [redacted].
Wolfard, Neal E., Jr., [redacted].
Wood, Russell O., [redacted].
Wood, Samuel H., IV, [redacted].
Woodard, Richard A., [redacted].
Woodhead, Gregory, [redacted].
Woody, Dwight R., [redacted].
Wozny, John E., [redacted].
Wurglitz, Alfred M., [redacted].
Wyatt, Phillip P., [redacted].
Yakabowskas, Carl J., [redacted].
Yamokoski, William, [redacted].
Yankee, Jerald R., [redacted].
Yasuhara, Philip K., [redacted].
Yerby, Jack D., [redacted].

York, Edward J., Jr., [redacted].
Young, Dennis R., [redacted].
Young, John R., [redacted].
Young, Robert F., [redacted].
Zappa, Patrick A., [redacted].
Zeigler, Michael C., [redacted].
Zimmerman, Alan L., [redacted].
Zorn, James F., [redacted].
Zuckerman, Meyer D., [redacted].
Zwick, Kent W., [redacted].

NURSE CORPS

Kuhlman, Marie A., [redacted].

MEDICAL SERVICE CORPS

Allen, Jeffrey S., [redacted].
Angstadt, Terry L., [redacted].
Ballinger, Michael B., [redacted].
Call, Scott J., [redacted].
Crow, Ronald M., [redacted].
Edwards, Robert P., [redacted].
Eickhoff, Darrell E., [redacted].
Farmer, Mavoric J., [redacted].
Fessler, David J., [redacted].
Fleming, Eugene C., [redacted].
Gillespie, Ritchie P., [redacted].
Gonzales, Eugene, [redacted].
Greene, Hedley W. D., [redacted].
Greer, Willis A., [redacted].
Hanko, James F., [redacted].
Head, William C., [redacted].
Herbert, Timothy G., [redacted].
Hettick, Larry K., [redacted].
Hooper, James J., III, [redacted].
Howard, Mark J., [redacted].
Jacobson, James M., [redacted].
Jernigan, John G., [redacted].
King, Clarence G., Jr., [redacted].
Kupko, John J., II, [redacted].
Lehman, Kent W., [redacted].
Lenihan, John P., Jr., [redacted].
Lockett, John S., [redacted].
Marsh, Byron P., [redacted].
McAlpin, Brian A., [redacted].
McLain, George E., Jr., [redacted].
Naversen, Douglas N., [redacted].
Poppell, Samuel E., [redacted].
Rapley, John W., [redacted].
Rashid, Edward R., [redacted].
Russell, John P., [redacted].
Seaman, Frank E., [redacted].
Shelton, David K., Jr., [redacted].
Smith, Ross C., Jr., [redacted].
Sorum, Larry N., [redacted].
Stadelnikas, Joseph R., [redacted].
Stratton, Robert F., Jr. [redacted].
Vandehey, James T., [redacted].
Waggoner, Jerry L., [redacted].
Weiland, Frederick L., [redacted].
Willauer, Glenn R., [redacted].
Wyrick, Michael K., [redacted].

BIOMEDICAL SCIENCES CORPS

Alworth, Gary M., [redacted].
Anderson, Michael P., [redacted].
Browne, Michael H., [redacted].
Coburn, Middleton J., [redacted].
George, Larry C., [redacted].
Kaneshiro, Duane K., [redacted].
Lamb, Neil J., [redacted].
Mudryk, Victor, [redacted].
Prather, Jefferson B., [redacted].
Rock, James C., [redacted].
Ross, Jerry W., [redacted].
Smith, Michael F., [redacted].
Stoflet, Yvonne C., [redacted].
Sweeney, Stephen J., [redacted].
Termaath, Stephen G., [redacted].
Wasem, Gary A., [redacted].
Warnken, Reimund G., [redacted].

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

*To be lieutenant colonel (Medical)*

Martinez, Vicente, [redacted].

*To be major (Dental)*

Hartman, Garrett E., [redacted].
Simpson, John M., [redacted].

*To be captain (Dental)*

Albright, Bruce W., [redacted].
Bowman, Dewayne C., [redacted].

*To be first lieutenant (Dental)*

Boggs, David E., [redacted].
Hanson, Robert W., [redacted].

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

*To be captain*

Leonor, Leonardo C., [redacted].
Shingaki, Tamotsu, [redacted].

*To be first lieutenant*

Cleary, Peter M., [redacted].
Graham, Allen U., [redacted].
Herold, Richard W., [redacted].
Latham, James D., [redacted].
Ratzlaff, Brian M., [redacted].

*To be second lieutenant*

Bates, Richard L., [redacted].
Brett, Robert A., Jr., [redacted].
Brunson, Cecil H., [redacted].
Cook, Dwight W., [redacted].
Latella, George F., [redacted].
Price, Larry D., [redacted].

The following Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, from sections 1210 and 1211, title 10, United States Code:

LINE OF THE AIR FORCE

*To be lieutenant colonel*

Escue, Walter H., [redacted].

*To be major*

Couch, Charles W., [redacted].

COMMUNICATIONS SATELLITE CORPORATION

Frank E. Fitzsimmons, of Maryland, to be a member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1975, vice George Meany, term expired.

## CONFIRMATIONS

Executive nominations confirmed by the Senate, January 16, 1973:

DEPARTMENT OF THE TREASURY

William E. Simon, of New Jersey, to be Deputy Secretary of the Treasury.

Edward L. Morgan, of Arizona, to be an Assistant Secretary of the Treasury.

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# EXTENSIONS OF REMARKS

## VIEWS OF JOHN P. ROCHE ON PUBLIC BROADCASTING SYSTEM

### HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

*Tuesday, January 16, 1973*

Mr. HELMS. Mr. President, I have been reading much in the press lately about the supposed interference of the administration with freedom of the press. I have not been reading very much in the same papers about the corresponding responsibilities which go along with that freedom, and the right of the public to have access to unbiased and objective accounts of current events. That is another question to go into at another time.

The truth is that I listen carefully whenever I hear accusations of Government interference with the press. It is my long-standing opinion that the Government ought not to have anything to do with disseminating the news. On the other hand, many of the complaints that are trumpeted the most loudly come from people who are really objecting to assuming the responsibility that goes along with the profession of journalism.

I have been especially interested, however, in the cries of anguish which went up recently when the Corporation for Public Broadcasting decided to go out of the news business in a big way by curtailing the tendency of the Public Broadcasting System to set up a fourth network. My basic principle still holds. There is no way in which the Government can go into the field of news and opinion without slipping into the slough of nonobjectivity. No matter how professional a Government program might be, there will always be the feeling on the part of some that the taxpayers' money is being used to promote a sectarian point of view. Given some of the activities of PBS, there was no escape from that feeling on the part of any fair-minded person.

I was pleased to see similar views expressed recently by Mr. John P. Roche. Mr. Roche, as he says himself, is "a certified liberal." Despite the liberal slant of PBS, Mr. Roche has the courage to get down to basic principles. As he says:

> I don't want the United States public affairs program on television whether its content be liberal, conservative, Maoist, or vegetarian.

To that I can say, Amen, Brother Roche. We may disagree on other things, but here we are of one mind.

Mr. Roche goes on to demolish the idea that there can be any guarantees at all of noninterference with government TV. He says:

> This is a charming notion, but inherently preposterous.

He points out that it is impossible of achievement, as well as irresponsible on the part of Congress in the expenditure of public funds. The basic reason however, goes back to the dangers inherent in unlimited government. He also says:

> As an Augustinian liberal with a profound distrust of human nature including my own, I don't want that kind of power rattling around inside the bureaucracy.

Mr. President, I ask unanimous consent that the column by John P. Roche, entitled, "TV: Keep the Government out of the News Business," published in the Washington Post of January 13, 1973, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### TV: "KEEP THE GOVERNMENT OUT OF THE NEWS BUSINESS"

(By John P. Roche)

As a certified liberal, I should at this point in time be in a terrible state, one verging on hysteria, over the sad fate of public affairs TV shows presented by the Public Broadcasting Service (PBS). According to the standard version, one Henry W. Loomis was appointed director of the Corporation for Public Broadcasting (CPB)—which serves as the conduit for federal funds to PBS—to break up a liberal faction that had seized control of the public affairs programming. The key figure in this alleged liberal cousinage was Sander Vanocur, who had become the Walter Cronkite of PBS with the incredible salary of $85,000. Others involved were Bill Moyers, and a group that puts on "Washington Week in Review." The "fairness doctrine" was represented by William F. Buckley, Jr.

Loomis has clearly moved to bust up this public affairs operation and it may be true that he is not ideologically enchanted by the views of Vanocur & Co. However, while I certainly don't want to see Vanocur, Moyers or even Bill Buckley on welfare, it seems to me that most of the discussion about this "purge" has missed the crucial point. I don't want the United States public affairs program on television, whether its content be liberal, conservative, Maoist or vegetarian.

In other words, I am delighted to have my contribution as a taxpayer go to improve public television, which is the mission of the CPB. But I don't want a nickel of it to go into endowing a government news service. I have spent too much time in nations where the state operates TV, and have seen, in France for instance news programs which—I was convinced—had been personally edited by the late President Charles de Gaulle.

Now there is a stock reply to this: The CPS should give the money to the PBS with an absolute guarantee of non-interference. Then public television could set up a "fourth network" which would be unbiased neutral objective, etc. This is a charming notion, but inherently preposterous.

It is preposterous, first of all, because it rests on the Platonic premise that out there somewhere in time and space there is such a thing as "objectivity." I reject this premise: Any operation, such as PBS, achieves an ideological life of its own, a dedicated sense of "objectivity" which it is prepared to defend. I like to think that I am objective; so, I'm sure, do Sandy Vanocur, Bill Moyers and Bill Buckley. We can have a grand time competing for the "objectivity" prize of the year, but not while we are running a government TV program.

It is preposterous in the second place because the Congress is charged with responsibility for the expenditure of public funds. If it gives money to CPB with a guarantee of non-interference, why couldn't it do the same thing for the Pentagon? (One can visualize a hearing before the Senate Armed Services Committee at which an admiral explains that, yes, it is true that the last three carriers sank on launching. But then Congress really shouldn't interfere in the internal operations of the Bureau of Ships.) Sorry in a responsible democratic government that dog won't hunt.

To say this is in no way to oppose federal funding of educational television. It is rather to suggest that the funds should be expended on programming that does not get the government into the news business. Not because the news business is "controversial"—hell, I love controversy—but because as an Augustinian liberal with a profound distrust of human nature including my own, I don't want that kind of power rattling around inside the bureaucracy.

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## LABEL, INC.

## HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. ROSENTHAL. Mr. Speaker, two groups that have been at the forefront in the battle to win more useful and informative food labeling have been the National Health Federation and Label, Inc. Now they have joined forces to seek their common goal.

I have worked closely with both groups over the past 2 years to remove the veils of secrecy, misinformation and half-information that cloaks our food labels.

My bill, the Truth in Food Labeling Act, which already has more than 45 sponsors, is an outgrowth of Label's efforts to petition the FDA to exercise its own authority to order full ingredient disclosure food labeling. I personally forwarded to the FDA letters from thousands of persons from all corners of the country who wrote to me in support of the Label petition, and, of course, many, many more wrote directly to the FDA themselves. In spite of the wide expression of public support, FDA turned down the petition.

Now NHF and Label have joined together and filed suit to force FDA "to do that which they should be advocating on their own," according to Arthur Koch.

Koch is the chairman of Label, which is an acronym for Law Students Association for Buyers Education in Labeling. Other members of the group are Gary Laden, Ellis Saull, Louis Kaufman and Joan Levy; the group was formed when the five were law students at George Washington University under Prof. John Banzhaf. Koch, now a member of the NHF legal department, has written an article for the foundation's bulletin about the court action against the FDA. I am inserting that article in the RECORD at this point:

[From National Health Federation Bulletin, January 1973]

### NHF AND LABEL, INC. INITIATE COURT ACTION TO FORCE COMPLETE INGREDIENT LABELING

(By Arthur Koch)

Unknown and conveniently hidden from the American consumer, a terrible and frightening situation exists in the area of food labeling. Because of misleading statements being made by the FDA,[1] most people believe that when they read the ingredient label of a food product they then know what they are consuming. Nothing could be further from the truth.

The Federal Food, Drug and Cosmetic Act[2] provides for the promulgation of a *Standards of Identity* for the major food items of the American diet. A "Standard of Identity" is the basic recipe of a product and assures the consumer that all mayonnaise products, for example, are essentially the same.[3]

Under the system of Standards of Identity, the Food and Drug Administration has developed four separate categories of ingredients with separate labeling requirements:

(1) *Mandatory Ingredients* are those ingredients that *must* be contained in the product. Mandatory ingredients need not be listed on the label.

(2) *Permissible Mandatory Ingredients* are ingredients which are listed by group in the mandatory category, at least one of which must be contained in the product. Such an ingredient is classified by the Food and Drug Administration as a mandatory ingredient and is not required to be listed on the label.

(3) *Unlabeled Optional Ingredients* are the group of optional ingredients listed in the standard of Identity which also do not have to be listed on the label.

(4) *Labeled Optional Ingredients* is the small group of ingredients listed in the Standard of Identity which are required to appear on the label.

To realize how ridiculous this system is, one need look only to the Standard of Identity for cola drinks.[4] Of the more than 80 possible ingredients, the only ingredient being used by the major cola manufacturers that *must* be labeled is caramel coloring. This, however, does not mean that such manufacturers cannot "voluntarily" list all or some of the other ingredients that they use. The situation we thus face in the market today is that many food manufacturers not required to list all of their ingredients (products classified under a Standard of Identity), are picking and choosing those ingredients that they want to reveal—making it *appear* that it is a complete ingredients listing—while it is, in fact, conveniently omitting to mention the potentially harmful ingredients such as caffeine or monosodium glutamate!

The average consumer who reads the label thus *thinks* he knows or is able to determine the contents of his foods, when in fact, this is cleverly being hidden from him. Such a situation is especially dangerous to those with allergies or who for other health reasons attempt to carefully screen out each and every ingredient that enters their body. At least one ten year old boy is reported to have died due to blottic edema and anaphylactic reaction due to ingested peanuts after reading an ice cream label which did not list peanuts as being contained in the product.[5]

On February 2, 1971 LABEL, Inc. (the Law Students Association for Buyers' Education and Labeling), a group of five George Washington University law students, petitioned the Food and Drug Administration requesting that a new regulation be issued stating that "for the purposes of promoting honesty and fair dealing in the interest of the consumer, all food manufacturers and distributors must list on the label, in the order of their predominance, all ingredients which are contained in their product."[6]

After considerable pressure, the Food and Drug Administration published, without their endorsement, the LABEL proposal in the May 12, 1971 issue of the Federal Register[7] and opened the matter for public comment. Consumers were amazed to learn that their foods were inadequately and often only partially labeled. More than 5,000 consumers voiced their opinion in favor of the LABEL proposal. Among these were numerous doctors, hospital administrators, dieticians, Senators, Congressmen, consumer groups, university professors, and most of all, the housewives who prepare the daily meals for their families. Even some industry groups have endorsed the idea. Giant Food started a complete ingredient labeling program and the National Canners Association and the Grocery Manufacturers of America have recommended to their members that they do likewise. In contrast to the five thousand letters and comments of support, only about two hundred letters were written by various industries who did not want to tell the public what chemicals or other potentially dangerous additives they were putting into the foods they sold.

Despite the great need for such a regulation and great majority of favorable comments, the Food and Drug Administration rejected the LABEL proposal on March 10, 1972, claiming a lack of legal authority to act.[5]

The National Health Federation has now joined the battle for complete ingredient labeling. A suit was instituted against the FDA in the United States Circuit Court of Appeals for the District of Columbia[9] and on September 26, 1972 the brief in the case of *LABEL, Inc. and the National Health Federation v. Charles C. Edwards and the Food and Drug Administration* was filed vigorously arguing that there is in fact legal basis for the FDA to act.

The Food and Drug Administration has deceived the public long enough. It is time they took a careful look at what they are doing and who they are representing. The National Health Federation believes that the Food and Drug Administration should be a voice of the people rather than an arm of the industry. In the light of the refusal of the FDA to require complete ingredient labeling on its own, the NHF has begun to take all possible action to try to force the FDA to do that which they should be advocating on their own.

### WHAT FOOD LABELS DO NOT TELL YOU

Even the FDA urges consumers to read the labels and check the ingredients in prepared food products. This is good advice but even if one conscientiously studies labels, he still will remain in the dark concerning all of the ingredients in many food products and will have no ideas as to the nutritional values provided. Here are some examples to illustrate the problem:

Margarine contains animal or vegetable oil in such amounts to assure that the finished product contains at least 80% fat. The oil is generally (or always) hydrogenated to varying degrees in order to solidify the oil. Even if the product is made largely of safflower or corn oil (naturally highly unsaturated), when hydrogenated, they become largely saturated and are then no better nutritionally or health-wise than a margarine made from oils or fats containing a high percentage of saturated fats in the first place. Even if the label states that a product contains liquid corn oil or safflower oil, implying that it has not been hydrogenated, the percentage used may be very low, perhaps only 2%.

Chili Con Carne must contain at least 40% meat but the label does not tell you that one-fourth of this may be head, cheek or heart meat. Furthermore, there is no limit on the fat content of the meat and consequently, the average chili con carne contains only about 8% protein and a significant part of this may be derived from the permitted 8% filler (soy protein, dried milk, etc.).

Ice Cream labels provide scanty information indeed. Standard grades of ice cream contain approximately 50% air so when you buy a quart of ice cream you actually are buying a pint of air. The label probably won't tell the names of the thickening and stabilizing agents used, of which there are many, to discourage the formation of ice crystals, retard melting, and to produce a smoothness suggestive of a richness which would be achieved naturally only by a high cream content. Smoothness and a feel of "richness" is also generally enhanced by the use of emulsifiers. In addition, there is a long list of other chemicals which may be used to maintain uniformity of the ice cream from batch to batch even if the milk or cream may be slightly soured.

### FOOTNOTES

[1] In FDA publication No. 43, October, 1968, "Additives In Our Food" the agency maintains that "food products are labeled with required information to guide and protect the consumer." In a September 1967 reprint from FDA Papers titled "Food Standards" by L. M. Beacham the agency maintains that "Food Standards are not a device to be used in the interest of industry to circumvent the consumer's right to choose." Even more deceivingly, the FDA distributes a large number of posters urging consumers to "READ LABELS CAREFULLY." (FDA Poster Number 8.) It seems ironic that the FDA has also issued rules under which a number of food product labels give the consumer no information at all, while others are clearly misleading.

[2] U.S.C. 341.

[3] Standards of Identity are printed in Title 21 of the Code of Federal Regulations.

[4] 21 CFR 31.1.

[5] The Washington Post, June 8, 1972 at p. K1.

[6] Petition of LABEL, Inc. to the Food and Drug Administration to issue New Regulations on Food Labeling for Foods Covered Under Standards Of Identity, filed February 25, 1971, printed as Exhibit 2 to Testimony of LABEL, Inc. before the Subcommittee on Administrative Practice and Procedures of the Committee on the Judiciary, U.S. Senate, Hearings on Bill to Establish the Public Counsel Corporation S. 1423, 1st Session 92nd Congress, at page 615 (March 30, 1971).

[7] 36 F.R. 8738.

[8] 37 F.R. 5131.

[9] Civil Action Number 72-1510.

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## WHY ARE RAILROADS IMPORTANT TO THE NATION?—ESSAY BY BOY SCOUT DOUGLAS R. PHILIPP

## HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE SENATE OF THE UNITED STATES

*Tuesday, January 16, 1973*

Mr. WEICKER. Mr. President, the Railway Progress Institute's 1972 Scout Scholarship Grant was awarded to Douglas R. Philipp of North Franklin, Conn., for his perceptive essay entitled "Why Are Railroads Important to the Nation?"

Douglas Philipp earned a $1,500 scholarship certificate for his winning essay; now his well founded and cogently expressed thoughts deserve the attention of Congress and the Nation.

Boy Scout Philipp emphasizes in his essay the historical contribution of the railroads to the building of America. He concludes that for a variety of reasons, economical as well as environmental, rail transportation of people and products continues a vital link in a national balanced transportation system.

Mr. President, I ask unanimous consent that the essay be printed in the Extensions of Remarks.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

### WHY ARE RAILROADS IMPORTANT TO THE NATION?

(By Douglas R. Philipp)

Maybe you've had the chance to ride a train; maybe you never will. Even so, railroads are important to you and to every other American citizen. Why? Well, consider the amount of railway transportation needed for ordinary items, such as a loaf of bread, or an ear of corn. Now look around yourself. Almost everything you see has at one time or another traveled the rails. But why railroads? Because they can supply fast, dependable, low cost, bulk transportation. Our standards of living are kept high by mass production. To transport all these items, our railroads have expanded to give the United States the biggest, most highly developed system in the world. They are the primary transport system for American industries.

The late President John F. Kennedy said: "We need not read deeply into the history of the United States to become aware of the great and vital role which railroads have played in the opening up and developing of this great nation."

Many people and events have contributed to our nation's growth and prosperity, but most historians agree railroads played a major role in the building of America.

In the early years of the nineteenth century, the Government, in its quest to have people settle the West, sold land for $1.00 an acre; but when railroads started expanding westward the price doubled. At that time the Government was greatly in debt, but by 1840 had gotten so much money from the railroads that it could have paid the debt a couple of thousand times.

During World War II all railroads were privately owned. When troops and materials were needed most, they were sent by rail. Ninety-seven percent of the troops and ninety percent of all supplies went by railroad. In addition, they contributed over 3 million dollars daily in Federal income tax, which helped finance the war.

When most people think of railroads they think of cars and engines. Railroads are not just machines, however, but people too. Over ½ million people work for the railroad industry with jobs ranging from ticket sellers to scientists. Over 100 different careers are available. This is the largest privately owned business in the United States.

To realize the jobs railroads do, we might compare them with their two closest competitors, trucks and planes. Per gallon of fuel, railroads can move three times more freight than do trucks, and 80 times more than cargo planes. For the same amount of freight, they need only 1/7 the man hours needed by trucks and 1/21 of that required by planes.

Ecology-minded Americans are becoming increasingly aware of the railroads as "pollution fighters." Because our Nation cannot withstand the devastating pollution produced on our overcrowded streets and highways, railroad transportation of people and products appears to be our Nation's answer to the mass transportation dilemma.

The Government, too, has recognized the importance of railroads. Many laws have been passed to help and protect the railroads and their customers. For example, the 87th Congress passed Bills No. 325 and No. 5772, which gave Governmental assistance in the development and improvement of passenger service. The 90th Congress, in the second session, passed Bills No. 3861 and No. 18212 for the study of essential rail passenger service. Numerous other bills exist, the majority of them beneficial not only to the railroads, but to you and me also.

The choice is up to you. Better railroads mean a better America. If you can, ride a subway or commuter train. Strongly support legislation helpful to the railroads. Remember, you are helping not only yourself, but the rest of this Nation as well.

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## VOTER PARTICIPATION STATISTICS, NOVEMBER 1972

## HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. BRADEMAS. Mr. Speaker, the Census Bureau recently issued a report on voter participation in the November 1972 election. The report is based on a broad national population survey conducted in late November.

One of the most interesting conclusions drawn from the study is that the rate of participation by the newly enfranchised 18- to 20-year-old voters was far below the preelection predictions of many experts. Further, this report found, generally, that the rate of participation by younger voters was lower than that of any other age group surveyed.

Mr. Speaker, this report provides valuable comparative data on voter participation by race and sex, as well as age. Because I think many of my colleagues would be interested in this information, I would like to include in the RECORD at this point the Census Bureau report, along with a New York Times article concerning the study:

### VOTER PARTICIPATION IN NOVEMBER 1972

Young adults who were eligible to vote for the first time in 1972 did not exercise their franchise as many had expected in the election of November 1972. Among the 11.0 million persons 18 to 20 years old who were old enough to vote for President for the first time, only some 48 percent reported that they voted. Among those 21 to 24 years old, 51 percent reported that they voted. In contrast, among those 25 years of age or over, 66 percent cast their ballots in the election. The highest voter participation rate was reported by persons 45 to 64 years old, as 71 percent of the persons in this age group reported that they voted. These estimates are advance figures for the civilian noninstitutional population from the November 1972 Current Population Survey conducted by the Bureau of the Census.[1]

Participation in the election varied not only by age, but also by sex and race. A smaller proportion of women than of men were reported as having voted—62 percent for women versus 64 percent for men. The proportion of voters was higher for the white population of voting age than for the Negro population of voting age. About 65 percent of the whites, and 52 percent of Negroes, reported that they voted in the November 1972 election. About 38 percent of persons of Spanish origin reported that they voted.[2] Overall voter participation rates in the election of November 1972 were about 5 percentage points lower than in the November 1968 Presidental election.

TABLE A.—REPORTED VOTER PARTICIPATION RATES, BY REGION AND RACE: NOVEMBER 1972, 1970, 1968, AND 1966

[Civilian noninstitutional population]

| Region, race, and origin | Percent of the population of voting age who reported that they voted 1972 | 1970 | 1968 | 1966 |
|---|---|---|---|---|
| UNITED STATES | | | | |
| All races | 63.0 | 54.6 | 67.8 | 55.4 |
| White | 64.5 | 56.0 | 69.1 | 57.1 |
| Negro | 52.1 | 43.5 | 57.6 | 41.8 |
| Spanish origin | 37.5 | (1) | (1) | (1) |
| NORTH AND WEST | | | | |
| All races | 66.4 | 59.0 | 71.0 | 60.9 |
| White | 67.5 | 59.8 | 71.8 | 61.8 |
| Negro | 56.6 | 51.4 | 64.8 | 52.1 |
| SOUTH | | | | |
| All races | 55.4 | 44.7 | 60.1 | 43.0 |
| White | 57.0 | 46.4 | 61.9 | 45.2 |
| Negro | 47.8 | 36.8 | 51.6 | 32.9 |

[1] Not available.

The survey results show that 98.5 million persons, or 72 percent of those eligible on the basis of age, were reported as registered to vote. Of those registered, 87 percent reported that they voted. The proportion of persons of voting age who were not registered was highest for persons in the youngest age groups, those 18 to 24 years old. Among persons of this age, 41 percent reported that they were not registered.

TABLE B.—REPORTED REGISTRATION RATES, BY REGION AND RACE: NOVEMBER 1972, 1970, 1968, AND 1966

(Civilian noninstitutional population)

| Region, race, and origin | Percent of the population of voting age who reported that they were registered 1972 | 1970 | 1968 | 1966 |
|---|---|---|---|---|
| UNITED STATES | | | | |
| All races | 72.3 | 68.1 | 74.3 | 70.3 |
| White | 73.4 | 69.1 | 75.4 | 71.7 |
| Negro | 65.5 | 60.8 | 66.2 | 60.2 |
| Spanish origin | 44.4 | (1) | (1) | (1) |
| NORTH AND WEST | | | | |
| All races | 73.9 | 70.0 | 76.5 | 73.8 |
| White | 74.9 | 70.8 | 77.2 | 74.6 |
| Negro | 67.0 | 64.5 | 71.8 | 68.8 |
| SOUTH | | | | |
| All races | 68.7 | 63.8 | 69.2 | 62.2 |
| White | 69.8 | 65.1 | 70.8 | 64.3 |
| Negro | 64.0 | 57.5 | 61.6 | 52.9 |

[1] Not available.

Approximately 73 percent of the white population of voting age reported that they registered, as compared with 66 percent of the Negro population and 44 percent of the persons of Spanish origin. Of these registered persons, about 88 percent of the whites and 80 percent of the Negroes reported that they voted. The percent of registered persons of Spanish origin who voted is estimated at around 84 percent. Because of small sample size, the estimates of voting rates among registered persons of Spanish origin may vary by plus or minus 5 percentage points and, therefore, may not differ from the rates for the other groups.

Among persons 18 to 24 years old in November 1972, 52 percent of whites and 35 percent of Negroes, reported that they voted; also 61 percent of whites and 48 percent of Negroes reported that they were registered.

TABLE C.—REPORTED REGISTRATION AND VOTER PARTICIPATION RATES, BY AGE AND RACE: NOVEMBER 1972

[Civilian noninstitutional population]

| Age and race | Percent reported registered | Percent reported voted |
|---|---|---|
| All races | 72.3 | 63.0 |
| 18 to 24 years old | 58.9 | 49.6 |
| 25 years old and over | 75.3 | 65.9 |
| White | 73.4 | 64.5 |
| 18 to 24 years old | 60.6 | 51.9 |
| 25 years old and over | 76.1 | 67.2 |
| Negro | 65.5 | 52.1 |
| 18 to 24 years old | 47.7 | 34.7 |
| 25 years old and over | 70.5 | 57.1 |

Statistics presented in this report are based on answers to a series of questions asked of a sample of persons of voting age 2 weeks after the elections of November 7. The questions were designed to provide information on voting behavior of the various segments of the population of voting age.

Official counts of the number of votes cast in the 1972 elections are not yet available for comparison with the figures from the Current Population Survey. However, previous Current Population Survey estimates of the number of persons voting have been somewhat higher than the official counts. This type of difference has also been noted in other surveys of voting behavior in which people are asked to report on whether they had voted. Despite this limitation, which may introduce some unknown biases in the results, the data presented in this report can be regarded as providing useful measures of differences in voting behavior among classes of the population. A detailed discussion of factors which may account for differences between figures from the CPS and official counts was published in the report "Voting and Registration in the Election of November 1970," Series P-20, No. 228.

Since the data are based on a sample of the population, they are, of course, also subject to sampling errors. Confidence limits of 95 percent probability were applied to all statements of this report. This means that the chances are at least 19 in 20 that a difference identified in the text indicates a true difference in the population rather than the chance variations arising from the use of samples. Estimates of the size of the sampling errors will be included in a forthcoming detailed report.

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[1] The civilian noninstitutional population in the United States as of November 1, 1972, was 136,203,000. The resident population including Armed Forces in each State and the District of Columbia and inmates of institutions was 139,642,000, as published in *Current Population Reports*, Series P-25, No. 479.

[2] Persons of Spanish origin may be of any race but most are classified as white.

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### YOUTH VOTE HELD OF LITTLE IMPACT—STUDY FINDS LESS THAN HALF OF YOUNG CAST BALLOTS

(By Jack Rosenthal)

WASHINGTON, January 3.—The new 18-to-20-year-old vote, which some strategists predicted would dramatically change American politics, turned out to make little if any difference, according to a Census Bureau report issued today.

The report, though subject to a "fib factor," gave a series of signs, including the following:

Fewer than half of the newly enfranchised young people voted.

They constituted only 6 per cent of the total vote.

Even with the new young voters included in the electorate, the median age of the American voter declined only from 46.7 to 44 years.

The new report also showed that the total youth vote—first-time voters aged 18 to 24—fell far below the predictions of some analysts.

Advisers to Senator George McGovern, the defeated Democratic candidate, last summer anticipated there would be 18 million such new voters. The census report showed that there were at most 12.2 million.

The "fib factor" involved in the report is the tendency of many people surveyed by the Census Bureau to recall that they voted in November when they did not.

Thus, the survey showed that 63 per cent of the population voted. In fact, according to final official figures, the voting turnout was only 55 per cent of the eligible population—the lowest since 1948.

Like similar surveys, this one showed wide variations among different age groups in voter participation rates.

Including overstatement, only 48 per cent of the eligible 18-to-20-year olds reported that they had voted. By contrast, 71 per cent of persons aged 45 to 54 said they had voted.

The 48 per cent figure for the youngest age group was far higher than in the past. In 1968, in the four states that then permitted persons under 21 to vote, the participation rate was 33 per cent.

But for every other age group, the participation rate was lower than in 1968. The largest decline was among voters aged 35 to 65. About 4 per cent fewer turned out in 1972 than in 1968.

Analysis found the voting rate decline among 21-to-24-year-olds to be the most surprising. Despite the attention paid to young voters by both parties, their voting rate was 1 per cent lower than in 1968, dropping from 52 to 51 per cent.

Among other findings of the survey were the following:

Compared with 1968, there was a one-third increase in the proportion of people who were registered but who did not vote

TABLE 1.—REPORTED VOTING AND REGISTRATION OF THE POPULATION OF VOTING AGE, BY AGE AND SEX: NOVEMBER 1972

[Numbers in thousands; civilian noninstitutional population]

| Age and sex | All persons | Reported that they were registered: Total | Reported that they were registered: Voted | Reported that they were registered: Did not vote [1] | Reported not registered [2] |
|---|---|---|---|---|---|
| Both sexes | 136,203 | 98,480 | 85,765 | 12,713 | 37,723 |
| 18 to 20 years | 11,022 | 6,404 | 5,318 | 1,086 | 4,618 |
| 21 to 24 years | 13,590 | 8,086 | 6,896 | 1,190 | 5,504 |
| 25 to 29 years | 14,750 | 9,752 | 8,530 | 1,222 | 4,999 |
| 30 to 34 years | 12,183 | 8,671 | 7,542 | 1,129 | 3,511 |
| 35 to 44 years | 22,240 | 16,638 | 14,747 | 1,891 | 5,602 |
| 45 to 54 years | 23,375 | 18,548 | 16,577 | 1,971 | 4,827 |
| 55 to 64 years | 18,969 | 15,209 | 13,414 | 1,794 | 3,760 |
| 65 to 74 years | 12,608 | 9,891 | 8,590 | 1,301 | 2,717 |
| 75 years and over | 7,466 | 5,281 | 4,151 | 1,129 | 2,185 |
| Male | 63,834 | 46,682 | 40,906 | 5,774 | 17,152 |
| 18 to 20 years | 5,291 | 3,066 | 2,524 | 541 | 2,226 |
| 21 to 24 years | 6,434 | 3,771 | 3,197 | 574 | 2,662 |
| 25 to 29 years | 7,118 | 4,698 | 4,103 | 594 | 2,420 |
| 30 to 34 years | 5,873 | 4,206 | 3,647 | 559 | 1,667 |
| 35 to 44 years | 10,679 | 7,950 | 7,038 | 912 | 2,729 |
| 45 to 54 years | 11,195 | 8,944 | 8,059 | 885 | 2,251 |
| 55 to 64 years | 8,896 | 7,212 | 6,440 | 772 | 1,684 |
| 65 to 74 years | 5,470 | 4,534 | 4,001 | 533 | 936 |
| 75 years and over | 2,878 | 2,301 | 1,897 | 404 | 577 |
| Female | 72,369 | 51,797 | 44,858 | 6,940 | 20,571 |
| 18 to 20 years | 5,731 | 3,338 | 2,794 | 545 | 2,392 |
| 21 to 24 years | 7,156 | 4,315 | 3,699 | 616 | 2,841 |
| 25 to 29 years | 7,633 | 5,054 | 4,427 | 627 | 2,579 |
| 30 to 34 years | 6,310 | 4,465 | 3,895 | 570 | 1,845 |
| 35 to 44 years | 11,560 | 8,687 | 7,708 | 979 | 2,873 |
| 45 to 54 years | 12,180 | 9,604 | 8,517 | 1,087 | 2,576 |
| 55 to 64 years | 10,073 | 7,997 | 6,974 | 1,023 | 2,076 |
| 65 to 74 years | 7,138 | 5,357 | 4,589 | 768 | 1,781 |
| 75 years and over | 4,588 | 2,980 | 2,255 | 725 | 1,608 |
| PERCENT DISTRIBUTION | | | | | |
| Both sexes | 100 | 72.3 | 63.0 | 9.3 | 27.7 |
| 18 to 20 years | 100 | 58.1 | 48.3 | 9.9 | 41.9 |
| 21 to 24 years | 100 | 59.5 | 50.7 | 8.8 | 40.5 |
| 25 to 29 years | 100 | 66.1 | 57.8 | 8.3 | 33.9 |
| 30 to 34 years | 100 | 71.2 | 61.9 | 9.3 | 28.8 |
| 35 to 44 years | 100 | 74.8 | 66.3 | 8.5 | 25.2 |
| 45 to 54 years | 100 | 79.3 | 70.9 | 8.4 | 20.7 |
| 55 to 64 years | 100 | 80.2 | 70.7 | 9.5 | 19.8 |
| 65 to 74 years | 100 | 78.5 | 68.1 | 10.3 | 21.5 |
| 75 years and over | 100 | 70.7 | 55.6 | 15.1 | 29.3 |
| Male | 100 | 73.1 | 64.1 | 9.0 | 26.9 |
| 18 to 20 years | 100 | 57.9 | 47.7 | 10.2 | 42.1 |
| 21 to 24 years | 100 | 58.6 | 49.7 | 8.9 | 41.4 |
| 25 to 29 years | 100 | 66.0 | 57.6 | 8.3 | 34.0 |
| 30 to 34 years | 100 | 71.6 | 62.1 | 9.5 | 28.4 |
| 35 to 44 years | 100 | 74.4 | 65.9 | 8.5 | 25.6 |
| 45 to 54 years | 100 | 79.9 | 72.0 | 7.9 | 20.1 |
| 55 to 64 years | 100 | 81.1 | 72.4 | 8.7 | 18.9 |
| 65 to 74 years | 100 | 82.9 | 73.2 | 9.7 | 17.1 |
| 75 years and over | 100 | 80.0 | 65.9 | 14.1 | 20.0 |
| Female | 100 | 71.6 | 62.0 | 9.6 | 28.4 |
| 18 to 20 years | 100 | 58.3 | 48.8 | 9.5 | 41.7 |
| 21 to 24 years | 100 | 60.3 | 51.7 | 8.6 | 39.7 |
| 25 to 29 years | 100 | 66.2 | 58.0 | 8.2 | 33.8 |
| 30 to 34 years | 100 | 70.8 | 61.7 | 9.0 | 29.2 |
| 35 to 44 years | 100 | 75.1 | 66.7 | 8.5 | 24.9 |
| 45 to 54 years | 100 | 78.9 | 69.9 | 8.9 | 21.1 |
| 55 to 64 years | 100 | 79.4 | 69.2 | 10.2 | 20.6 |
| 65 to 74 years | 100 | 75.1 | 64.3 | 10.8 | 24.9 |
| 75 years and over | 100 | 64.9 | 49.1 | 15.8 | 35.1 |

[1] Includes persons who were recorded as "do not know" and "not reported" on voting.

[2] Includes persons who were recorded as "do not know" and "not reported" on registration.

—from about 6 per cent of the voting-age population to about 9 per cent.

Whites voted at substantially higher rates than blacks—65 per cent against 52 per cent. The rates for both races declined about equally regardless of region of the country.

Among persons of Hispanic background, only 38 per cent reported that they had voted. But, as officials noted, about a third of such persons are not native-born and, therefore, are much less likely to be eligible to vote. Allowing for this, their rate would about parallel the black rate.

The voting rates by age groups, as reported—and overstated—by persons surveyed were as follows:

| Age groups | Percent voting: 1968 | Percent voting: 1972 |
|---|---|---|
| 18 to 21 | [1] 33.0 | 48.3 |
| 21 to 24 | 51.6 | 50.7 |
| 25 to 34 | 62.5 | 59.7 |
| 35 to 44 | 70.8 | 66.3 |
| 45 to 54 | 75.1 | 70.9 |
| 55 to 64 | 74.7 | 70.7 |
| 65 to 74 | 71.5 | 68.1 |
| Over 75 | 56.3 | 55.6 |
| Total reported | 67.8 | 63.0 |
| Actual | 62.6 | 55.4 |

[1] In 4 States.

The report, "Voter Participation in November, 1972" (P-20, No. 244, Advance Statistics) is based on a broad national population survey conducted in late November. It may be obtained from the Government Printing Office, Washington, D.C. 20402, for 15 cents.

## REVENUE SHARING: AN ECONOMIC OBSCENITY

### HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

*Tuesday, January 16, 1973*

Mr. CHURCH. Mr. President, last year when Congress authorized legislation authorizing the Federal Government to "share" revenue with States and local units of government, I opposed the bill. I said at the time:

> It is nothing less than fiscal folly to pass this huge revenue-sharing bill without raising a dime to pay for it. The Federal Government has no revenue to share, only mounting debts. It is foolhardy to go further into debt, borrowing the billions this bill will give away to State and local governments.

I am pleased now, several months later, to read several articles appearing in the press of the State of Idaho agreeing with this position.

An editorial published in the South Idaho Press in Burley, notes that the Federal Government must borrow the funds to share with local government, and concludes:

> Revenue sharing will certainly be a windfall for county and local government, but it is a cruel lie, an economic obscenity.

Notes Robert Hammes, in an editorial appearing in the St. Maries Gazette-Record:

> The crowning absurdity is this: that all of this revenue sharing money is money which Uncle Sam doesn't have. Every penny will have to be borrowed. . .

In an interview with United Press International correspondent George Frank, published in the Statesman, of Boise, Idaho, State Auditor Joe Williams states:

> What I am really concerned about with the program is the fact that if we can share revenue with the Federal government, eventually we might be sharing the $458 billion deficit.

I ask unanimous consent, Mr. President, that these three articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the St. Marie (Idaho) Gazette-Record, Dec. 14, 1972]

REVENUE SHARING IS NO GOOD

U.S. Government checks totaling $10,475,721 have been received by the State of Idaho, county and city governments this week. It's the first installment under the new revenue sharing plan of the U.S. government. Benewah county and its cities received a total of $51,335.

This all sounds very lovely—but it is the first step in a long road which will make local and state government completely dependent upon the federal government and the U.S. Congress.

That is the most serious consequence of the act.

Right now this money comes with "no strings attached" but you can be sure that with each passing payment and each passing year, the Congress will put strings on the money until they are literally dictating how the money will be spent on a local level. It is not reasonable to expect that the Congress will assume the responsibility for raising the money through taxation and not also take over the authority of telling where it may be spent.

You can write this on the wall—that federal control of revenue sharing will become tighter and tighter and tighter.

And, the crowning absurdity is this; that all this revenue sharing money is money which Uncle Sam doesn't have. Every penny will have to be borrowed by Uncle Sam from banks, insurance companies and individuals.

It may be Christmas time—but the bills are going to be bigger than anyone expects.—RMH

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[From the Boise (Idaho) Statesman, Dec. 6, 1972]

WILLIAMS OPPOSES SHARING

(By George Frank)

State Auditor Joe Williams said Tuesday he was opposed to the whole revenue sharing plan by the federal government and if it wanted to return something to Idaho it should be land, not money.

Williams was commenting on the anticipated $10 million that the federal government will return to the state by the end of this fiscal year plus about $13 million annually to cities and counties.

Williams said apparently the federal government with its $458 billion deficit cannot afford to join in a revenue sharing program with anyone.

He said if it wanted to put that money to an appropriate use the government should use it toward decreasing the federal deficit, "because the interest on the deficit is costing taxpayers a great deal of money."

If the federal government feels the need to do something for Idaho, said Williams, it could return some of the more than 60 per cent of the land under its control within the state boundaries.

"If they returned land to us, it would give us a broader tax base and would bring income to the state," Williams said.

"What I am really concerned about the program is the fact that if we can share revenue with the federal government eventually we might be sharing the $458 billion deficit," he said.

He said he thought the revenue sharing program was geared to the larger states and "hurts smaller states" like Idaho, which has a constitutional debt limit of $2 million dollars.

It costs money, according to Williams, for the federal government to take money from the state and then turn around and give it back.

"You never get back the same amount you turn in. It costs money to process money," he said.

"I am yet to be convinced that the revenue sharing program is a good thing," Williams said. "Most of the officials in the Statehouse are for the program."

He said government in general is going to have to learn to do "without things" until they can afford them.

He said he "would be more favorable" toward revenue sharing if he thought the money could be used in a way to reduce taxes for residents.

"But I don't think it will. There are going to be a lot of projects started that we don't need," Williams said of the funds coming through the federal government to the state, cities and counties.

[From the Burley (Idaho) South Idaho Press, Dec. 1, 1972]

### REVENUE SHARING IS A CRUEL LIE

Revenue sharing is a farce and a delusion which takes tax money from the low and middle income people and relieves the tax obligation of the large property owner and the big corporations.

That is the only reasonable conclusion which one can come to in examining the five year program to "return" $34 billion from the federal governments to the states and municipalities.

If the same formula is used over the next five years, Benewah county will receive over one half million dollars in revenue sharing. while the city of St. Maries will receive over $100,000.

According to the information presently available this revenue sharing money will be used in two ways. First, both county and city governments will use a portion of the money to improve services and facilities. A portion of the money, between 20 and 50 percent, will be used to lower city and county tax levies. On the surface of it, this sounds like a very fair exchange. The ordinary home owner, the elderly and retired who are attempting to own and maintain their own homes, certainly could use a tax break.

This all sounds very lovey, but the whole thing is a cruel delusion and a fraud upon most of the taxpayers.

But "revenue sharing" is not the way to equalize this situation. The plain fact of the matter is this: that revenue sharing will take federal tax revenues from the laboring man, the lower income people and will give the bulk of the benefits, out of proportion to contribution, to the larger corporations, the utilities and to the big property owners.

This alone would make revenue sharing a fraud. But there is an additional fraud involved. The "revenue sharing" is not really that—it is really "debt sharing". The federal government has been operating at a deficit—a tremendous $111 million deficit in the Nixon administration alone. In order to furnish the funds to the states and municipalities, the federal government must first borrow the money and then transmit it to the states. A hidden cost in the $84 billion five year program is the cost of borrowing the money in the first place.

Revenue sharing will certainly be a windfall for county and local government, but it is a cruel lie, an economic obscenity.

## HEMOPHILIA: MONEY IS PART OF THE TREATMENT

### HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. CARTER. Mr. Speaker, as a physician I have often been brought face to face with truly heartbreaking suffering resulting from a wide variety of diseases. Until about 10 years ago, one of the most tragic of such diseases was the "bleeders disease," hemophilia. Its victims invariably had short lifetimes filled with great suffering. Then, a scientific breakthrough resulted in the production of coagulant factors which are able to stop, and even to prevent, bleeding episodes.

Unfortunately, the cost of these treatments is so expensive—as much as $40,000 per year for preventive treatment—that only a few hemophilia victims can afford maximum care.

An excellent article on this subject by Mr. Harry Schwartz appeared in the New York Times on December 31, 1972. I include the article at this point in the RECORD:

### HEMOPHILIA: MONEY IS PART OF THE TREATMENT

Until a decade ago, death at an early age—after great suffering and disability—was the inevitable fate of most hemophiliacs. Then medication was developed capable of stopping, even preventing, the bleeding that is the central symptom of the inherited disease.

Yet according to a recent Government survey, only 4 per cent of the nation's 25,000 hemophiliacs are given regular preventive treatment with the medication. The rest use it only to stop a serious bleeding episode. The reason: Cost—up to $80 a treatment, up to $40,000 a year for preventive treatment of the most severely afflicted.

In recent months, pressure has grown to make public funds available to bridge this gulf between medical knowledge and its application.

At its last session, Congress enacted a measure that entitles victims of kidney disease to Medicare benefits. In November, the president of the American Medical Association called for extension of similar aid to victims of hemophilia and other catastrophic illness. And recently Senator Harrison A. Williams, Democrat of New Jersey, said he would introduce legislation in the next Congress to provide financial assistance to hemophiliacs.

Earlier this month, a law was enacted in Pennsylvania appropriating $250,000 to help hemophiliacs pay for their medication. A similar bill has been passed in New Jersey.

Two months ago, a class action suit was filed in the Federal District Court here against the Department of Health, Education and Welfare. The suit demanded that the Federal Government supply free medicine to prevent or stop bleeding for all hemophiliacs. The suit argues that since the Government provides free methadone for narcotics addicts, the equal protection clause of the Fourteenth Amendment requires that it also supply free medication for those afflicted by the blood disease.

Hemophilia is a disease of the body's blood clotting system. Those most severely affected lack one of two essential proteins found in the blood (Factors VIII and IX, in technical jargon) and needed for normal coagulation. This deficiency means that it is much more difficult for hemophiliacs to stop bleeding than it is for normal people.

In the most severe cases even a minor wound, such as a scraped knee, can be a threat to life. For most hemophiliacs, however, the most severe problems come from internal hemorrhages. These may be life-threatening—especially in the case of cerebral hemorrhage—or crippling if blood collects in body joints such as the knee, for example.

The progress made in treating the disease has resulted from the ability to isolate and supply on a commercial basis the missing blood factors needed by hemophiliacs. These factors can be infused into the vein to end a bleeding episode or even to prevent abnormal bleeding, much as insulin taken by a diabetic prevents diabetic coma.

The new medications are derived from blood plasma and are expensive because of the cumbersome work involved in the separation process. A recent Government survey found that a prophylactic supply of this blood fraction may cost a severely affected sufferer more than $40,000 a year. And even less severely affected patients may need to spend $20,000.

The progress made with this dread disease, however, has presented society with a dilemma. Hemophilia is genetically transmitted for the most part. If hemophiliacs survive, marry and have children in increasing numbers, the certain result is that there will be many more hemophiliacs in future generations.

Most hemophilia victims are males because inheritance of the disease is sex-linked. Women are carriers of the genetic defect—though they rarely suffer the disease which shows up in the carriers' male children. Women from families with histories of hemophilia have always had to think of avoiding pregnancy or resorting to abortion.

Now, as more and more male hemophiliacs grow up and marry, they and their wives will have to make similar choices about having children, unless, of course, society some day makes the choice for them. Some observers suggest that society may be more likely to insist on making the choice if it has to pick up the bill.

## REPORT TO PRESIDENT ON NICARAGUA

### HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. FASCELL. Mr. Speaker, because of the widespread interest and concern in the Congress over Nicaragua, I would like to bring to the attention of my colleagues a report on the situation there submitted to the President January 8 by Maurice J. Williams, the President's Special Coordinator for Emergency Relief to Nicaragua and Deputy Administrator of the Agency for International Development:

[Memorandum for the President]

### Special Report on Emergency Relief for the Managua Disaster

Department of State, Agency for International Development,
*Washington, D.C., January 8, 1973.*

Just after midnight on December 23 an earthquake registering 6.5 on the Richter scale struck the city of Managua, Nicaragua. In less than 30 seconds, some 36 blocks in the heart of the nation's capital—or half of the total city—were practically leveled. Except for a few damaged buildings still standing, what the initial and after shocks left were 1,200 square acres of rubble in the geometrically exact center of the capital.

We will never know how many died or even how many were injured in the earthquake; estimates of the number killed range between 4,000 and 12,000 and some 20,000 more injured. We do know, however, that the other losses were staggering. Not only was the basic infrastructure of a modern city—electricity, communications, water supply and transport—immediately knocked out, but 50,000 homes were totally destroyed and thousands more made uninhabitable, forcing the survivors into the streets to fend for themselves.

The gigantic dimensions of what was lost soon began to emerge. Gone was all of the physical plant of the national government; half the public schools in the city; all of its hospitals and practically all of the commercial services, markets and commodity stocks upon which an urban society depends. A preliminary estimate places the immediate losses at over $600 million. Additionally, almost half of the nation's GNP has been disrupted, more than half of the government's sources of revenue has been lost, and 25 percent of the population is now without the means to sustain even the minimum necessities of life.

The Government of Nicaragua is faced with these overwhelming needs of its people at a time when basic institutions and services are badly disrupted and when the budgetary resources at its disposal are greatly diminished.

At your direction, I conferred with government leaders in Nicaragua to determine what more could be done to help cope with immediate problems and to assure the adequacy and effectiveness of our help for a Sister American Republic in its time of tragic need. Nicaragua's leaders are responding to the emergency, with courage and a sense of national purpose. A National Committee for the Emergency, bringing together all groups, has been constituted under the able leadership of General Anastasio Somoza. Similar local committees are cooperating throughout the country and services gradually are being established in an orderly way to help the quarter of the population in dire need. It is an immense undertaking for a country the size of Nicaragua and it has just begun.

The immediate problems have been to reestablish medical services, to assure the distribution of water and food, and to provide at least temporary shelter for the hundreds of thousands of victims who fled the earthquake shattered city of Managua. Our help in each of these areas has provided the critical margin which made it possible to prevent even greater suffering, and probable disorder. Early, effective American relief played a critical role in making it possible for Nicaragua's people to meet their most urgent needs and to face the awesome tasks ahead with renewed hope for the future.

Action to meet the immediate problems is well underway. At your direction, I supervised the organization of a mass feeding program to assure food for the hungry throughout the country. An estimated 350,000 people fled the city after the quake to find food and shelter with friends and relatives in the outlying areas of Managua and in other towns and cities across the country. The problem is complicated by a severe drought during this past crop season which adversely affects the availability of food both for the earthquake victims and many other people as well. The distribution of water to the survivors in Managua was also immediately essential. The distribution system we devised with the full cooperation of the Government is working throughout the Republic. There were early problems, but I am satisfied that the distribution of both food and water is now adequate and that the distribution system will continue to function well until it is no longer needed.

Nicaragua will need food assistance for the next ten months until the harvest in September 1973. We have provided some 20 million pounds of food, both delivered and underway, valued at $3 million. More will be needed—both from U.S. and from others as well.

With respect to the shelter problem, we have sent to Nicaragua 4,000 tents; enough to shelter 25,000 people. But there is need for more and better temporary shelters. Working jointly with the Nicaraguan Government, we devised an emergency shelter program for immediate construction of 15,000 individual wood and metal structures to house an additional 75,000 refugees and to permit essential workers to return to Managua. We authorized $3 million in A.I.D. funds for this purpose. Our prompt action to launch this emergency construction, which should be completed in the next 30 days, was a source of great encouragement to the government and people.

In the field of emergency health measures, we have taken steps which have brought the situation under control, including the donation of two U.S. army field hospitals which were brought in the day after the tragedy; the two facilities, which total 124 beds plus all related equipment to operate a modern hospital, are now fully staffed by Nicaraguan doctors and nurses—and are providing basic medical services for the city of Managua.

These measures taken jointly with General Somoza and his emergency committee mean that they have turned the corner on the most critical needs of medical assistance, food and water, and, finally, in the coming weeks, shelter.

We have committed $10.6 million to date for emergency relief. It constitutes a critical contribution to people who have long been friendly and who found themselves in the most urgent need of their history. There will be additional emergency help needed from us over the next 10 months, but it will be insignificant compared with the efforts that will be required of the Nicaraguan nation.

In particular, emergency measures are needed to help replace at least part of the $50 million equivalent lost to the Government in tax revenues because of the disruption of the economy and commercial activity in Managua. General Somoza is most anxious to launch public works programs to begin rebuilding and provide jobs for the over 52,000 who lost their means of livelihood. We have agreed to help the Government design works projects to provide for emergency employment for displaced workers. A.I.D. is fielding a senior, experienced team to assist in this effort.

Reconstruction itself poses a number of difficult problems, since there are issues of whether the city should be rebuilt along different lines and with some relocation to lessen danger from the possibility of further earthquakes. A team of U.S. geologists and other experts is in Nicaragua working on studies which will provide the technical basis for this decision. Further, there is need to coordinate with other aid donors to redirect assistance projects underway to meet the most urgent current needs and to assess plans for reconstruction. Resolution of these problems will take time—but the situation in Nicaragua today is urgent and does not permit the luxury of the normal procedures of international consultation and attendant delays.

We are pressing for early action on assessments, both technical and economic, which will permit the Government of Nicaragua to plan its programs of reconstruction and provide the basis for assistance in this task from the U.S. and other aid donors. We anticipate that the Organization of American States, the Inter-American Development Bank and the IBRD will play important parts in the overall effort.

While issues of reconstruction are for future decision, you may be interested in my judgment as to the overall quality of American aid effort of the past two weeks. It is a pleasure to report that the performance of Ambassador Turner B. Shelton and his staff during the recovery was outstanding, if not heroic. Tumbled from their beds in the first shocks, lacking light and with only very rudimentary communication, they were able to respond to the welfare and evacuation of Americans and non-essential personnel, and, at the same time, to begin to help meet the emergency needs of the Nicaraguans.

While many other nations and groups responded swiftly with mercy flights and personnel to help out, the American contribution was critical in averting a compounding of the crisis. It was largely U.S. Army personnel who organized the first emergency help and set up the first medical facilities. U.S. Army sanitation experts brought in water purification equipment when no pure water was available over a period of days, and after arranging emergency distribution they saw to the repair of the municipal supply system and the partial restoration of service. Power and communications are being restored quickly both within the city and with the outside world in large part because American experts who knew how to do it were rushed in. It was largely the officers at our Mission, operating out of tents and the Ambassador's residence because the Embassy itself was destroyed, who helped to organize the first crude feeding programs and the provision of emergency shelter.

In particular, Ambassador Shelton is deserving of special commendation. Throughout the emergency he performed with exceptional skill and courage a task that would test great generals. Nicaragua and we are fortunate that he was there when the challenge came.

Maurice J. Williams,
*President's Special Coordinator for Emergency Relief to Nicaragua.*

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*Managua earthquake—Disaster relief assistance (preliminary data)*

I. U.S. Government commitments

| | |
|---|---|
| Military Supplies & Equipment | $2,137,355 |
| Military Airlift | 722,773 |
| AID Emergency Housing | 3,000,000 |
| AID Procured Supplies | 937,301 |
| Commercial Transport | 325,000 |
| U.S. Contributions to OAS | 25,000 |
| Ongoing Cost Not Yet Reported | 500,000 |
| Food for Peace | 2,994,000 |
| Total U.S. Government | 10,641,429 |

II. U.S. voluntary agencies contributions

| | |
|---|---|
| Catholic Relief Services | 346,000 |
| Church World Services | 19,500 |
| American Red Cross | 251,440 |
| Salvation Army | 20,000 |
| Seventh Day Adventists | 29,750 |
| Wisconsin Partners of the Americas | 90,000 |
| CARE | 20,000 |
| Total U.S. voluntary agencies | 776,690 |

III. International agencies and other nations

| | |
|---|---|
| 31 nations contributing through National Red Cross Societies | $1,715,840 |
| United Nations | 120,000 |
| Japan | 400,000 |
| Australia | 29,000 |
| France | 250,000 |
| Republic of China (Taiwan) | 256,000 |
| United Kingdom | 46,000 |
| OAS | 225,000 |
| Total international agencies and other nations | 3,041,840 |
| Grand total all contributions | 14,459,959 |

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## THE POSITION OF THE SOUTH VIETNAMESE GOVERNMENT IN THE PEACE NEGOTIATIONS

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. ASHBROOK. Mr. Speaker, on this past Sunday, due to the excitement of the Super Bowl playoff, an important interview concerning the Vietnam peace negotiations was aired on WMAL, channel 7, and was understandably missed by many TV viewers. Senator Nguyen Van Ngai, of the National Assembly of South Vietnam was the guest of the weekly program, "Issues and Answers," giving his views on the position of South Vietnam in the current peace negotiations in Paris. Senator Ngai, who was imprisoned by the French, the Communists, and the Diem regime of South Vietnam, pointed out that the Thieu government stress the principles of self-determination and sovereignty for South Vietnam as necessary ingredients in any forthcoming settlement. It was recalled that the Geneva agreements of 1954 provided for the partition of North and South Vietnam at the 17th parallel, pending reunification by peaceful and democratic means. The invasion by North Vietnamese troops of South Vietnam last year was the latest and most blatant violation of the 1954 agreements. It is understandable why the removal of the North Vietnamese troops from the south is therefore sought by the Thieu government. This requirement was supported by President Nixon on several occasions after he assumed office in 1969. In addition, the President is on record advocating the right of self-determination for South Vietnam and has stated that "that is a minimum which we must insist on."

Senator Ngai is one of seven senators and 10 representatives of the National Assembly who are currently here in Washington to meet their legislative counterparts in the U.S. Congress. Their mission is to emphasize the principles mentioned above as part of South Vietnam's position on the peace talks, a position, incidentally, which would be hard to fault by elected members of our representative form of government.

Following is the text of the interview with Senator Ngai on "Issues and Answers" this past Sunday, January 14:

ISSUES AND ANSWERS, JAN. 14, 1973

Guest, Senator Nguyen Van Ngai, leader of a South Vietnamese delegation to the United States.

Interviewed by Ted Koppel, ABC News diplomatic correspondent and Howard Tuckner, ABC news correspondent.

Mr. TUCKNER. Senator, at this moment Dr. Kissinger is talking with President Nixon about the Paris peace talks. Apparently a breakthrough might be imminent. General Haig later this afternoon will be going to Saigon to meet with President Thieu. What do you feel about this? Do you think Saigon can be expected to make further concessions? How do you read the situation at this time?

Senator NGAI. We expect that some working agreement will be reached, but, very frankly, so far we have not had any illusion about the sincerity from North Vietnam.

Mr. TUCKNER. Do you feel that General Haig going to see President Thieu means that an agreement might be near? The North Vietnamese in Paris have said that progress has been made this past week.

Senator NGAI. As I have just said to you, we expect, we hope that a working peace may be worked out, but very frankly we don't have any illusion about the sincerity from North Vietnam.

Mr. TUCKNER. Can Saigon be expected to make any further concessions?

Senator NGAI. We have some vital minimum that we have to cling to.

First, in the agreement there must be respect for the sovereignty of South Vietnam. According to the 1954 Geneva Agreement South and North have been two political entities and the DMZ has constituted a temporary boundary pending unification of the country through peaceful and democratic means.

In reality there are two states in Vietnam for the time being and I think that each state should respect the sovereignty of the other by maintaining its troops within its boundary and not interfering in the external affairs of the other.

As a reason for concluding the peace agreement, there should not be the presence of Communist troops in the South. If they were permitted to stay in the South, the United States and other allies of South Vietnam would appear as aggressors and South Vietnam is reduced to the role of a mercenary. And the second principle that you have to cling to, that is, the respect for the right to self-determination of South Vietnamese people.

According to us, the South Vietnamese people should be entitled to choose freely their own way of life as in their political regime through democratic process without any threat of repression. And we think that the Republic of Vietnam must be given a free choice and we are determined not to effect any prefabricated formula and imposing an arbitrary formula on the South Vietnamese people.

Mr. TUCKNER. Are you saying then that if General Haig asks President Thieu, and if this agreement includes North Vietnamese troops on South Vietnamese soil, that President Thieu will not sign the agreement, will not go along with an agreement?

Senator NGAI. I have just spoken to you truthfully the position of the people of the Republic of Vietnam and I think that President Thieu will have to stand by it.

Mr. TUCKNER. He will not sign?

Senator NGAI. Yes.

Mr. KOPPEL. I think the American people would like to know though whether there is anything that President Thieu can do at this point, Senator Ngai, other than signing an agreement? If the United States comes to President Thieu and says, "I am sorry, we have gone as far as we can go: there is nothing more that we can do to help you. Now, this is the best agreement we can get," will President Thieu still say, "I am sorry, we cannot sign?"

Senator NGAI. If a bad agreement is signed, I think that the Republic of Vietnam can reserve for itself the option of disassociating itself from it, or following it to a certain extent, not amassing its own chances of survival.

Mr. KOPPEL. Now, when you say reserving the right not to go along with the agreement completely, perhaps we could be more specific. If North Vietnamese troops remain in South Vietnam for the time being, but there is an understanding that they will leave over the next year or over the next two years, would that be acceptable?

Senator NGAI. I think that it is necessary to put it in the agreement.

Mr. KOPPEL. That they will leave within a year, within two years?

Senator NGAI. Yes.

Mr. KOPPEL. But they don't have to leave right away?

Senator NGAI. I think that it is necessary to put it in the agreement. I mean the complete withdrawal of Communist troops back to the North. Because as long as the Communists stay in the South, there will be no peace in the South.

Mr. KOPPEL. Now how about the National Council for Reconciliation and Concord, would that be made up of two parts or three parts? Would neutralists be able to play a role in the National Council?

Senator NGAI. We have proposed the two parties, the National Council for Conciliation and Concord, but I think that it isn't a problem which we can talk about through the National Liberation Front. Now we stand ready to discuss with the other side, I mean the National Liberation Front, about guarantees and modalities, in permitting the National Liberation Front to participate in the national political life without any threat of fear of repression.

Mr. KOPPEL. Do you know what is in this agreement now? Do you know what has happened in Paris in the past few days?

Senator NGAI. Very frankly we have been fully informed by our government about the recent developments of the Paris peace talks.

Mr. KOPPEL. Can you tell us anything about the recent developments?

Senator NGAI. According to our knowledge there has not been much progress because for the time being the other side has asked too much. They ask the United States to stop bombing and blockading the North. They asked the United States to draw only back in South Vietnam. They asked the United States to reconstruct the North and in addition they ask the South to destroy the present regime. They have asked the South to accept the partisan government and they asked the South to accept the continued presence of this 300,000 troops in the South.

Mr. KOPPEL. Now this is during the past few days?

Senator NGAI. I think so, and that is too much, and you cannot accept it. South Vietnam is determined to reject it.

Mr. TUCKNER. Do you think so, Senator, or are you sure? The last few days——

Senator NGAI. According to my knowledge.

Mr. KOPPEL. Senator Ngai, when the October agreement was made public, President Thieu was known to be very unhappy because he was only given the details of that agreement a few days before October 26, and it either was a feeling that the United States had not kept Saigon fully informed of the negotiations. Now, you tell us this time Saigon is being kept fully informed. I just want to be quite sure on that point.

Senator NGAI. No, I think that so far there has been close cooperation between the American government and our government in South Vietnam. What I have just told you is the information that I have gathered from our organization here.

Mr. Koppel. Well, in that case it would seem there is no breakthrough. You know once again there is great speculation in the American press that there has been a breakthrough in Paris, that we are moving closer to peace, that a settlement may be at hand. From what you say that would not appear to be true.

Senator Ngai. I hope that there will be some breakthrough but very frankly I don't believe that the other side has made any concessions.

Mr. Tuckner. Senator, if the United States feels that the other side—North Vietnam and the Viet Cong—have made enough concessions to please the U.S. government, what will happen when General Haig meets with President Thieu and indicates that the U. S. is happy with the agreement, and if the South Vietnamese are not?

Senator Ngai. I have explained to you the basic position of South Vietnam. As long as the agreement does not provide satisfactory solutions to our problems, we will refuse to sign it.

Mr. Tuckner. Can you now, if you choose not to go along, can South Vietnam protect itself now?

Senator Ngai. We believe that the Americans should provide us with the necessary assistance and very frankly the American assistance is necessary for our very survival.

Mr. Tuckner. For your survival?

Senator Ngai. Yes.

Mr. Tuckner. Now, in the last ten years, 50,000 American troops have died in South Vietnam, 300,000 have been wounded. Your country has been given much equipment: helicopters, fixed wing aircraft, C–130's, jet fighter bombers to support your troops. The North Vietnamese have none of this, and you still say you need American help to fight the war. When will South Vietnam be able to fight, itself?

Senator Ngai. As you know, for the time being we assume the full responsibility on the ground, the ground war, and now we only rely on the Americans in the air war. It is just because the fighters, so far, who have never been provided for offensive capabilities.

Mr. Tuckner. What do you mean the North Vietnamese have no helicopters, the North Vietnamese have no fixed-wing aircraft supporting their troops in the South? Your government does. Your government has tanks from the United States, artillery, helicopters, aircraft.

Senator Ngai. You see, North Vietnam so far has received tremendous assistance from the International Communist Movement, especially from the Soviet Union, and from Red China, and I think that North Vietnam has received many modern weapons from the Communist Movement so, in order to counter their attacks, it is necessary for us to have similar equipment.

Mr. Koppel. Senator Ngai, I am interested in something you just said in passing. You said, "We do not have the offensive capability."

Are you suggesting that South Vietnamese troops should launch an offensive operation into North Vietnam?

Senator Ngai. I think that if the circumstance demands it, it is a necessary move.

Mr. Koppel. Well, what kind of circumstances would demand it?

Senator Ngai. It depends.

Mr. Koppel. Well, I mean, does the current situation demand it?

Senator Ngai. I think that if North Vietnam continues to go ahead with its present course of action, I mean that North Vietnam continues to nurture a scheme to conquer South Vietnam by force, there is no other choice for us.

Mr. Tuckner. Well, Senator, if you feel that if this happens that North Vietnam must be invaded, a landing, as I believe President Thieu said might have to come about, you would need American forces to do that, would you not?

Senator Ngai. For the time being we only need the American assistance in terms of weapons, ammunition and economic assistance.

Mr. Tuckner. If you wanted to invade North Vietnam, you would need American troops or you would think South Vietnamese troops could do that?

Senator Ngai. I think the South Vietnamese troops can do the job, quite sure.

Mr. Tuckner. You just said a few moments ago that you don't have the offensive capability despite all the military support that the U.S. Government has given you for many years.

Sentaor Ngai. You see, for the time being we don't have any aircraft to match with MIGS from the other side, so we have asked for the supplies of fighter bombers, F–4, but so far the answer is still vague from the American side.

Mr. Tuckner. Senator, the North Vietnamese, as you know, have a few MIGS that do not support their troops in the South. The South Vietnamese troops are supported by hundreds of helicopters now turned over to the South Vietnamese, aircraft, jets, fighter aircraft.

The North Vietnamese have never had that. Their troops in the South have done fairly well without this support.

Now, when will South Vietnam, if need be, be able to fight its own battles?

Senator Ngai. As I have just said to you that we have been fully aware that it is our war, it is not an American war. So we are willing to accept the burden of the war. But as a matter of fact North Vietnam has received continued assistance from the Soviet Union and Red China, so we ask for similar assistance from our friends, from the Americans.

Mr. Koppel. Senator Ngai, if I could just deescalate the war for a moment and bring us back to what has happened in Paris in the last few days, we keep talking now as though the war was still at the same point that it was, let's say six months ago. Are we not closer to peace now?

Senator Ngai. It depends on the other side. We have made the maximum concessions from our part and now it is up to the other side.

Mr. Koppel. I mean is it your feeling that they have made some concessions? Not only Dr. Kissinger, but also Le Duc Tho in Paris, have said that progress has been made in the last few days. What are they talking about?

Senator Ngai. I think that North Vietnam still clings to its former position.

Mr. Koppel. Why would Dr. Kissinger then say that progress has been made?

Senator Ngai. I hope so. I hope that there has been some progress but in reality, according to my assessment, there is no assessment, no concession from the other side.

Mr. Koppel. No concessions at all?

Senator Ngai. Yes.

Mr. Koppel. This is the word that you have received from your delegation in Paris within the past—when did you get the last word from your delegation in Paris?

Senator Ngai. Two days ago.

Mr. Koppel. Well, but now the talks only stopped yesterday. Is it possible that something could have happened on Friday or Saturday that you don't know about?

Senator Ngai. It has been due to the fighting, so I have explained to you that I hope that there will be some breakthrough but from the very depth of my heart I don't think that the other side gave up its illusion to come to South Vietnam.

Mr. Tuckner. Senator, there are indications that your military, your generals, still are not as interested in fighting the war as perhaps they should be at this point.

I wonder, does the government of President Thieu at this point fear peace more than the war right now?

Senator Ngai. As you know, we have been at war for more than 20 years. We have longed for peace and we don't like to obstruct peace. But so far it has been due to the fact that the other side has lacked good faith, so peace has not come.

Mr. Tuckner. Senator, you were born in North Vietnam, is that right?

Senator Ngai. Yes, I was born in the North and I went South in 1955 to seek freedom.

Mr. Tuckner. You understand the North Vietnamese mind, their thinking process, fairly well, do you not?

Senator Ngai. I think so.

Mr. Tuckner. Well, if you were a North Vietnamese now, if you were living there, the North Vietnamese have made gains militarily in their last offensive. They hold Quang Tri Province. You are now saying that all Vietnamese troops should leave South Vietnam. Now, could you understand their position? Why should they give up in the peace talks what they have not lost on the battlefield?

Senator Ngai. I think that in the light of the present balance of forces on the battlefield, we do not—I mean the other side do not win the war, so it is impossible for us to make more concessions and I think that—and here is the problem of principle—if we accept the continued presence of North Vietnamese troops in the South, it would mean that we agree to reward the aggression.

Mr. Tucker. Well, why haven't you been able to rid the South of North Vietnamese troops? Why haven't you been able to take back Quang Tri Province?

Senator Ngai. You see, we have been fighting for the defensive—self-defense war—so we have many things to defend. In the meantime, the other side has nothing to defend in the South.

Mr. Koppel. Well, how about the bombing over North Vietnam, Senator Ngai? We had 12 days of intensive bombing, more intensive than any bombing that has ever existed before over Hanoi and Haiphong. Do you think that was effective in driving the North Vietnamese back to the bargaining table?

Senator Ngai. I think that it has been due to the fact that the other side has come back to the conference table and if the other side were not intransigent and stubborn and if the other side did not obstruct peace, there would be no bombing.

Mr. Koppel. But I mean, do you think that the bombing forced them back to the bargaining table and do you think further bombing could force them to make concessions?

Senator Ngai. I think that the recent bombing to a certain extent has been a contributing factor to forcing the other side to come back to the conference table.

Mr. Koppel. Well now, Senator Ngai, you are known to be a close friend of President Thieu. Does President Thieu wish for more bombing or a continuation of the bombing?

Senator Ngai. We think that it has been due to the demand of the situation. If the other side were not intransigent, there would be no bombing.

Mr. Koppel. But I mean if, for example, peace is not at hand now, would you recommend, would President Thieu recommend that the bombing of Hanoi and Haiphong be resumed?

Senator Ngai. We think that, as I have just said to you, that if the situation demands it and if the other side continued to be stubborn and intransigent there would be no choice.

Mr. Tuckner. Senator, in a published report today, President Thieu said that President Nixon and Dr. Kissinger have been too impatient, they have been pushing too fast trying to get peace too quickly. What does President Thieu really think of Dr. Kissinger?

Senator Ngai. I think that President Thieu does have confidence and admiration in Dr. Kissinger.

Mr. Koppel. Well, that is a very polite response, Senator Ngai, but there obviously has been some friction between President Thieu and Dr. Kissinger. In this same published interview he speaks about Dr. Kissinger's global strategy and then speaks, you know, about what can one small Vietnamese do? It sounds a little bitter. Do you think he is bitter about Dr. Kissinger?

Senator Ngai. I don't think so. Usually in any exchange of viewpoints, it is very possible that there may be some hard arguments, but in the same interview President Thieu has said that the atmosphere was cordial and frank.

Mr. Koppel. So you think he could meet with Dr. Kissinger again and reach agreement with Dr. Kissinger?

Senator Ngai. I think that there has been close cooperation between the two sides.

Mr. Koppel. Well, I think at this point we are going to regretfully have to end this interview because we have now run out of time. I thank you very much, Senator Ngai, for being with us today on Issues and Answers.

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## FREE CHINA IS ALIVE AND WELL

## HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. CRANE. Mr. Speaker, while many Americans are visiting Communist China and presenting glowing reports of life in that country, reports which ignore the fact that freedom of speech, freedom of religion, and freedom of movement have been totally eliminated, few have seen fit to contrast the lack of freedom and pervasive poverty of the mainland with the bustling prosperity of the free Chinese on Taiwan.

The Republic of China has had a difficult time during the past year. Although a founding member of the United Nations, it was expelled from that institution. As a result of President Nixon's trip to the mainland, many countries have recognized the Peking regime and have eliminated their diplomatic representation in Taipei. Japan was one of the first to do so. Now, with the election of left-wing governments it is expected that Australia and New Zealand will follow suit.

Writes Noel F. Busch in the December 1972 issue of the Reader's Digest:

> This trip-hammer series of shocks might have knocked Taiwan out completely, instead, it seemed the only discernible effect was to stimulate Taiwan's booming economy—second only to Japan's in the whole Far East—to accelerate even faster.

Mr. Busch points out that while it is scarcely larger than Maryland—

> Taiwan, in its 14,000 square miles, contains 15 million people, more than Australia. Taiwan's real economic growth rate, which had averaged 9 percent a year for two decades, jumped in 1971 to almost 11.5 percent. Gross national product is over $6 billion, and per capita income is now $470 a year, or four times that of Mainland China. . . . In the shock year of 1972, Taiwan's total foreign trade is actually expected to surpass that of the entire Mainland by as much as $500 million.

Beyond the economic miracle which has occurred in Taiwan is the fact that while the ancient Chinese culture and religion has been eliminated on the mainland, it now thrives in this island bastion. Taiwan continues to represent the hope of millions of overseas Chinese, throughout Asia, North and South America, Europe and Africa, that someday the mainland will once again be Chinese, that one day the alien philosophy of communism will have departed.

In his article, Mr. Busch notes that—

> Expulsion from the U.N., in October, 1971, brought a brief lull in the surge of foreign investments in Taiwan. But then, as investors concluded that lack of U.N. membership has proved no handicap to nations like Switzerland and West Germany, the tide resumed. By 1972, new plant applications were again pouring in—from all sources except Japan . . . Taiwan's long-range economic prospects continue to look remarkably bright.

I wish to share Noel Busch's article with my colleagues, and insert it into the Record at this time:

### The "Other" China Is Alive and Doing Well

(By Noel F. Busch)

As your jet comes in to land at Taipei, capital of the Republic of China on the island of Taiwan, the first thing you see is an immense edifice of bamboo scaffolding on a hillside to the north. The scaffolding disguises a 12-story, landmark addition to Taipei's famous Grand Hotel. It will help accommodate the million or so visitors Taiwan expects during the 1973–74 season. It typifies this nation's resilient response to the most serious crisis in its history since Chiang Kai-shek and some two million followers took refuge here in 1949.

Taiwan's recent crisis began in July 1971, when President Nixon announced plans to visit Chiang's mortal enemy, Chairman Mao Tse-tung of the "People's Republic" of China, at Peking. The announcement helped trigger the long-threatened expulsion of Taiwan from the United Nations and its replacement by the People's Republic. Then came the Peking visit itself, followed by a joint communiqué which, to Taiwan, sounded ominously like acceptance of the Mainland's plan for reunification of the two Chinas on Communist terms.

This trip-hammer series of shocks might have knocked Taiwan out completely. Instead, it seemed the only discernible effect was to stimulate Taiwan's booming economy—second only to Japan's in the whole Far East—to accelerate even faster. Moreover, by giving the world its first real glimpse of what has been happening on the Mainland during the past 23 years, the President's visit has also served to underline some of the differences between Mao tse-tung's vast but torpid People's Republic and busy little Taiwan.

Scarcely larger than Maryland, Taiwan, in its 14,000 square miles, contains 15 million people, more than Australia. (Mainland China has 750 million.) Taiwan's real economic-growth rate, which had averaged 9 percent a year for two decades, jumped in 1971 to almost 11.5 percent. Gross national product (GNP) is over $6 billion, and per-capita income is now $740 a year, or four times that of Mainland China. Of Taiwan's exports, to 101 countries, 80 percent are industrial products, from textiles and canned food to 150,000-ton tankers. Mainland China's exports are predominantly raw materials for Eastern Europe and Hong Kong. In the shock year of 1972, Taiwan's total foreign trade is actually expected to surpass that of the entire Mainland by as much as $500 million.

Tobacco Green. The visitors to Peking found it cleaner than in pre-Revolutionary days, and were impressed by the diligence with which the citizens swept snow off the streets. Over the same time span since 1949, the citizens of Taipei have not only cleaned up their once dingy little provincial town but turned it into a teeming world capital of 1.8 million population, whose glittering hotels, restaurants, night-clubs, office buildings, shops and traffic jams compare with the biggest and best in Europe or the United States. Other towns and cities are burgeoning all over the island, linked by the bright lacework of a brand-new highway system. Most notable is Kaohsiung, the thriving port which handles the bulk of the export trade and builds ships to carry the goods.

The islanders you see are lively and well-dressed. Their daily calorie intake averages 2680, compared to the Mainlanders' 1780. Visit a six-acre farm and the owner shows you his brick house, with TV set and upright piano in the living room, a light tractor (co-owned with two neighbors) and a Honda motorcycle—made in Taiwan, by a licensee of the parent company. Per thousand inhabitants, the Taiwanese own 9 cars, 49 motorcycles, 139 bicycles; for the Mainland, the figures are .8, .3 and 20.

Shaped like a tobacco leaf and almost as uniformly green, Taiwan got its European name of Formosa ("beautiful") from 16th-century Portuguese mariners who sailed past its mountainous east coast on the way to Japan. Behind the wide and rugged range of mountains, to the west, lies a narrow plain fronting the 90-mile-wide strait that separates the island from the Asian landmass. This plain has the world's highest agricultural productivity rate. Here are grown two or even three rice crops a year.

Direct U.S. economic aid to Taiwan totaled some $1.5 billion between 1950 and 1965, ceasing entirely in the latter year. Taiwan has since made such rapid headway that, with the help of U.S. counterpart funds, it has launched its own multimillion-dollar foreign-aid program, to some 20 developing nations in Africa. U.S. aid was assuredly an important factor in the island's present prosperity; but even more important was the way the Taiwan government handled the funds, starting with a uniquely effective agrarian-reform program.

#### POCKET REVOLUTION

On the Mainland, after the communist victory of 1949, the agrarian reform by Mao and his disciples consisted of chopping off the heads of several million landlords like so many cabbages, then redistributing their property to former tenants in the form of agricultural communes. Results: Mainland China still has periodic famines, its many farmers lead forlorn lives of unrewarding toil.

On Taiwan, too, the government appropriated the land. The island's 500,000 tenant farmers, who had tilled the soil for as little as 30 percent of the crop, were then allowed to buy their own plots on easy terms. But the landlords got reasonable compensation in the form of shares in those industries which the government had acquired from the Japanese entrepreneurs who developed them during Japan's 1895–1945 occupation of Taiwan.

In addition to enabling farmers to own their own farms (not to exceed 7.5 acres), the government helped provide new varieties of seed, improved fertilizers, low-interest loans for cooperatively owned farm machinery, and tutelage in raising new crops like mushrooms and pineapples. Results: high productivity. Taiwan now raises enough food to support its own population, with a substantial surplus for export.

Meanwhile, by transferring shares to ex-landlords, the government avoided the inefficiencies inherent in public ownership of industries. And it capitalized on the managerial expertise of the island's best-educated group. Result: by the time the agricultural revolution had run its course, the ex-landlords had helped lay a foundation for the pocket-size industrial revolution of the 1960s. Thus, amazingly, from the poorest, smallest and least populous province in

China, Taiwan in 20 years became one of the most prosperous small nations in the world.

### NARROW THE GAP

Economic Minister Y. S. Sun and his colleague, Finance Minister K. T. Li, told me a little about the thinking underlying this growth. Where developing countries most often go wrong is in starting out with prestige installations like steel mills or international airlines, which for them are unfunctional. Even in more appropriate light industries, they tend to use "capital-intensive" methods, involving expensive plant equipment and assembly-line techniques. "Labor-intensive" methods, at this stage, hold down production costs while helping to spread the wealth and minimize unemployment.

Taiwan used a series of four-year plans. The theme of the first three was land reform and the starting of light industries. Then in the '60s the theme became expansion into more sophisticated manufacture such as electronics, chemicals and plastics. To encourage foreign investment, missions were dispatched even to nations which had diplomatic relations with Peking. Inducements included wage rates of $1 per day (compared with $2 in Hong Kong and $4 in Japan), along with a five-year tax holiday on profits. Today, foreign-investment approvals in Taiwan industry total some $757 million. U.S. investors have a stake of $300 million, the Japanese $105 million. RCA, for example, has a plant near Taipei which makes components for TV sets and employs 5000 workers.

The urgent problem everywhere is how to narrow the gap between rich and poor. Communism accomplishes this, but only by removing the rich and reducing the poor to a low common denominator. In most developing countries the gap grows wider as population soars, so increase in unemployment outweighs the gain in GNP. Compare the median income of the top fifth of the population with the bottom fifth: In the Philippines in 1956 this ratio was 12–1; by 1965 it had widened to 16–1. In Mexico between 1950 and 1969, the gap widened from 10–1 to 16–1. But in Taiwan, between 1953 and 1969, it *narrowed* from 15–1 to 3.5–1.

President Nixon's announcement of his plans to visit Peking occurred just as Taipei was gearing up for the climactic step in its economic progress: transition from light to heavy industry. On the homefront, Taiwan's only public acknowledgement of the shock was to string up banners along main avenues saying in bright-red characters: "Don't be shaken. Maintain self-respect. Be self-reliant." After six years of research and consultation, an agreement was just being reached for installing, in partnership with the Voest Company of Austria, a $320-million steel mill—now needed for building super tankers. Instead of dropping negotiations, Taiwan proceeded as though nothing had happened. Six weeks after the bombshell announcement, a contract with Voest was signed, and construction is now under way at Kaohsiung.

Expulsion from the U.N., in October 1971, brought a brief lull in the surge of foreign investments in Taiwan. But then, as investors concluded that lack of U.N. membership has proved no handicap to nations like Switzerland and West Germany, the tide resumed. By 1972, new plant applications were again pouring in—from all sources except Japan. That country, having reestablished diplomatic relations with Mainland China, is now having problems in protecting its $1-billion-a-year two-way trade with Taiwan.

### IMPLACABLE HOSTILITY

When Chiang and his Mandarin-speaking followers arrived in 1949 to set up their government, they received a cool welcome from the Fukien-speaking Taiwanese. Relations remained somewhat strained, one reason being Chaing's claim that since his government was responsible for *all* China, Taiwanese representation therein should not exceed that proper for a single small province.

However, propinquity, interbreeding and passage of time have helped blur distinctions between the native Taiwanese and Mainland emigrés. Well aware that they owe their escape from China's regimented poverty to the Generalissimo, the islanders give his government full credit for this prosperity, even if they find its emphasis on a military posture disproportionate. Finally, although the 85-year-old Generalissimo still keeps a firm grip, this year's elections and the advance of his son, Chiang Ching-kuo, to premier gave promise of more lenient administration in the future.

The implacable hostility between the Generalissimo and Mao makes any rapprochment between the two Chinas unthinkable as long as either remains alive. But any chance that either will try to settle their differences by force remains almost equally remote, so long as the U.S. Seventh Fleet continues to control Formosa Strait. Some China-watchers expect that the successors to Chiang and Mao may work out a *modus vivendi*, with Taiwan retaining more or less her present independent status. Others believe that Mainland communism may evolve into something more workable, thus providing some basis for a merger between the two by the end of the century.

In view of Japan's substantial trade with, and large investments in, Taiwan, readjustment following Japanese recognition of Mainland China will no doubt be difficult. Nevertheless, Taiwan's long-range economic prospects continue to look remarkably bright.

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## STATEMENT OF JOSEPH H. HIRSHHORN, BOARD OF TRUSTEES MEETING, JOSEPH H. HIRSHHORN MUSEUM AND SCULPTURE GARDEN, NOVEMBER 16, 1972

## HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. BRADEMAS. Mr. Speaker, as with other Members, I have watched with attention the progress of the Joseph H. Hirshhorn Museum and Sculpture Garden at the Smithsonian Institution.

Construction of the Hirshhorn Museum and Sculpture Garden was authorized by Congress in 1966, and I am happy to say that, after considerable delay, the building in which the magnificent collection of art and sculpture which Mr. Hirshhorn bequeathed to the Nation will be housed, is now nearing completion. The museum staff will be able to move in this year.

Mr. Speaker, the direction of the museum is guided by the advice of a distinguished board of trustees, whose chairman has been Daniel Patrick Moynihan and whose membership includes eminent scholars of art and knowledgeable collectors. At a recent meeting of the trustees, Mr. Hirshhorn, who assembled a priceless collection of art over a period of 40 years, spoke briefly but movingly of what the collection means to him and of his vision of how the museum, which he made possible by his generous gift, could best serve the Nation.

Mr. Speaker, I was able to be present at this meeting and I was pleased that in his remarks, Mr. Hirshhorn placed such emphasis on public service, on educational programs for children and adults, and on changing series of exhibitions which will display the full spectrum of contemporary art to the millions of visitors who come to the Smithsonian each year.

Clearly, Mr. Hirshhorn does not envision a stale and lifeless "memorial" but an ever growing and changing museum of art that will add to the cultural riches which the Nation's Capital offers to the people of America.

Mr. Speaker, because I believe Mr. Hirshhorn's statement will be of interest to my colleagues, I insert it at this point in the RECORD:

### STATEMENT OF MR. JOSEPH H. HIRSHHORN

I have spent more than 40 years in the art world, as a collector of paintings and sculpture. Those years have been exciting and have given me pleasures and rewards beyond anything I had a right to expect when I first began to collect.

I must admit that it is difficult to set an objective 40 years ahead of the fact. I started to collect out of some personal need, and for my own pleasure. It wasn't until many years later that I began to realize that the collection had outgrown that personal need and belonged to the people. It was not an easy or a simple decision. I am now speaking of more than 40 years of expended energy and time, time taken from my business, my leisure and even from my family. Naturally, I am concerned about what happens now that these works of art, these adopted children of mine, have a new home of their own, and the Smithsonian Institution to pamper them, keep them in good health and introduce them to millions of new friends.

If I have learned one thing as a collector, it is that a contemporary collection must acquire constantly, and keep up with significant developments and new modes of expression in painting and sculpture. The artists are our guides, and we must be responsive to their creations or we will stop functioning as a living and vital contemporary Museum. Some of the items in the collection have already been judged by time and will take their place with the masterpieces of past ages. Others are still to be judged. I refer to the works which are relatively recent and still require history's verdict. We can afford to wait. But I am thinking of the present and the future, of the art of today and tomorrow, which may be as puzzling to future generations as Picasso and Mondrian were to mine. I believe our Museum must act as an intermediary between the artist and the public, and that by acquiring and showing what is new, significant, and vital, we will be instrumental in helping to narrow the aesthetic and cultural generation gap. It is also vital that we fill in our own gaps, so as to make our collections as comprehensive and distinguished as possible.

### NO TIGHT LINES

In a related context, I am convinced that our Museum must maintain an active exhibition program which will provide at least three exhibitions each year. These should concentrate on recent developments as well as on historical surveys and whatever else is relevant to the collections and functions of the Museum. My own feeling is that no tight lines should be drawn, that our Museum should be free to show art of all types and epochs, and from every culture. After all, contemporary art is a continuation of past cultures, and one of the positive aspects of our age is its interest *in* and a familiarity *with* the cultures of the past. In the arts, we are as intrigued by what was once called primitive or savage art as we are with what we refer to as the classical tradition of the West. As a society is always in the process of transforming itself, it is more necessary than ever to study the many facets of our cultures and traditions. For this purpose, a permanent collection is not enough. The director and his staff must mount informative and provocative exhibitions which will reinforce and illuminate the permanent collections and the art of our time.

I am also concerned that the greatest care be taken to protect and conserve the collections. The Museum is intended for posterity, and we are living through strange and violent times. It may well be that our most valuable contribution to the future will be in conserving and protecting the artifacts of our culture, keeping them safe from vandals of all persuasions. In any case, it is our obligation to conserve the collections for future generations.

### EDUCATION, PUBLICATION, RESEARCH, SCHOLARSHIP, PUBLIC SERVICE

I would like to see the Museum engage in an educational program which would reach children and adults from Washington, D.C. to every corner of our nation. I would welcome an active publications program, which would include monographs, guides, picture books, catalogues, reproductions, post cards; in short, every available modern technique that will help us reach a wide public. Naturally, we should also encourage research and scholarship to the greatest degree possible, and make all our facilities available for this purpose. In turn, scholars should be presented to the public by way of lectures and forums. I would like to see related activities such as concerts and screen filmings also become part of the Museum's public service program.

To detail these activities and make them workable will be the responsibility of the Smithsonian and the Museum's director and staff. And here I address myself to you Miss Houghton and gentlemen of the Board of Trustees. Without your active interest and support, the job will not be properly done. The Smithsonian and the Museum need your knowledge, your experience, and your involvement. In my opinion your help is absolutely essential in every respect, and we can only benefit to the degree you are willing to involve yourselves. You are the first Board of Trustees of this Museum, and I know it is an opportunity and a responsibility to which you will respond with skill and dedication. Please—please take good care of my children.

Thank you.

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## NEED FOR COOPERATION BETWEEN STATES AND FEDERAL GOVERNMENT ON SOCIAL SECURITY INCREASES

## HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. CARTER. Mr. Speaker, in the past several years social security has been increased many times. Inflationary increases in food, clothing, and housing and other living expenses have made it necessary.

I regret to say that each time as we in the Congress have seen fit to increase social security many of our States have negated the effect by decreasing the amount of old-age assistance and medical assistance to the aged. There must be better cooperation between the States and the Federal Government so that social security increases will be meaningful. The 20-percent increase in social security in the State of Kentucky has been negated by cutting off those who were receiving medical assistance or other benefits.

I include for the RECORD one of many letters I have received from my constituents complaining of this discrimination:

JANUARY 3, 1973.

Hon. TIM LEE CARTER,
*Congress of the United States, House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN CARTER: Hope your Holiday was the best you've ever had. Mr. Carter, I hate to bother you with things that may seem unimportant to you. But to us it is very important. And I'm sure it's not the way the President intended it to be when he gave social security recipients an increase in benefits.

I recently wrote you that the State of Kentucky had cut off medical assistance to social security recipients because of the raise. I sent you the letter I received from them. Well today, we received the card that you get monthly in order to get food stamps. We'd been paying $31.00 and receiving $64.00 in stamps. The card received today said we'd have to pay $42.00 for $64.00 worth of food stamps, which is $11.00 more since social security increase.

The food stamps will still help the food budget some. But since the social security increase everything except our rent has increased, taxes on coal is up 30¢ per ton, tax on gas up 2¢ per gallon, cold and flu shots that was $6 last year, are $8.00 this year. The doctor's office call was $3.50 and now it is $4.00. And food prices go higher and higher every week, and now stamps up too.

It was my understanding that the increase in social security wasn't to cause increase in prices and reductions in state assistance. But it has caused both, and hospital prices are outrageous. I know the medical and food stamp cards come out of Frankfort and the State tax increases too. But when they do those things against the President's wishes, isn't there some way to stop it? I know our President, Congressman and Senators in Washington don't know what goes on in the various states unless someone writes you. My husband gets $196.60 disability social security since the increase. But decreases in medical assistance and increases in state taxes and food assistance has eaten up the 20% social security increase. If there is any way you can help people like us who are just barely existing, we'd be eternally grateful for any help.

Yours truly,
Mr. and Mrs. ——— ———.

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## MAN'S INHUMANITY TO MAN—HOW LONG?

## HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

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## NONPROFIT HOSPITALS

## HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 15, 1973*

Mr. THOMPSON of New Jersey. Mr. Speaker, last year during the 92d Congress the House passed a bill which would have placed employees of nonprofit hospitals under the coverage of the National Labor Relations Act. The House's action, taken with the support of the Nixon administration, provided remedial legislation. When the National Labor Relations Act was passed in 1935 employees of nonprofit hospitals were covered, but the Taft-Hartley amendments of 1946 excluded them. The exclusion has created acrimonious labor situations, and has worked to the disadvantage of the hospitals, their employees—and it has certainly not helped their patients.

Unfortunately, the Senate was not able to act on H.R. 11357 in the 92d Congress. This year we will have this legislation before us again in the form of H.R. 1236, sponsored by the distinguished gentleman from Ohio (Mr. ASHBROOK) and myself. I urge our colleagues to review the hearings we held in 1972 and the floor debate to show the wide bipartisan support which exists for this legislation. And I urge the Members to support and vote for this legislation.

Perhaps a real situation tells the story in human terms better than we can in the abstract. In Pikeville, Ky., the Communications Workers of America have been on strike since June to obtain recognition for a group of hospital workers who came to them and asked for help in getting organized. As this editorial from the Lexington Herald states, the hospital management would not recognize the union, even though more than 90 percent of the eligible employees joined the union.

Mr. Speaker, if more than 90 percent of the workers in a hospital want a union to protect their bargaining rights, they ought to have a union, and the Congress ought to make it possible for them to organize collectively.

I am pleased to bring the Herald editorial to the attention of our colleagues:

### STRIKE THAT NEVER HAD TO HAPPEN

Since June, through the hot summer and cool fall, and now into winter, a strike has been going on in Pikeville that should never have happened.

The strike is by the employes of the Pikeville Methodist Hospital. They want to form a union, but the hospital legally does not have to recognize them as a union, or bargain in good faith with them.

So this is not a strike for wages, or for working conditions, but a strike just to get the hospital to accept the fact that more than 90 per cent of the workers voluntarily signed cards showing they wanted to form a union.

The reason that this kind of strike is going on lies in the National Labor Relations Act. That law tells how workers can legally form unions and bargain with their employers, and it says that when a majority of workers in a place are for a union, the employer must bargain in good faith with the union.

It doesn't say the employer has to give in on any demand that he feels is unwarranted, but only that the employer bargain in good faith. But the catch in the law is that employes in non-profit hospitals are not included in the law's coverage.

So the hospital management does not legally have to recognize the union, as another employer would.

That law was written a long time ago, and over the years more and more kinds of workers originally excluded have been brought under its coverage. Last fall, the House passed a bill which would include non-profit hospital workers, and it sailed through with the support of the Nixon Administration, as well as some of the most conservative people in the House.

It may sound a little strange for the Nixon Administration and the conservatives to support such a bill, but a little analysis shows why.

This bill only said that when a majority of workers want to form a union, they should have that right. It is the simple principle of majority rule. The conservatives, as well as those more inclined to support labor, don't think people should have to go on strike just to form a union.

Bargaining demands—that is different. But a majority of people who work in a place ought to have the right to join together, if they want to.

Well, that bill got bogged down in the Senate Labor Committee as the session wound up, but it will come back next January, and probably include a lot more people under NLRB than just hospital workers.

That is the way legislation tends to go, but so often, those who want it least bring it on themselves by prolonging the strike through their refusal to recognize these workers.

There is an extra irony in this Pikeville situation. The hospital workers came to the Communications Workers of America for help, and CWA is one of the most respected and most responsible unions in America. The Pikeville workers, and CWA are striking it out but it is a shame that they have to.